JOURNAL

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES

ONE HUNDRED EIGHTH CONGRESS
FIRST SESSION

BEGUN AND HELD AT THE CITY OF WASHINGTON : : : JANUARY 7, 2003

IN THE TWO HUNDRED AND TWENTY SEVENTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES

Published pursuant to the Constitution of the United States (Art. I, Sec. 5)

PART 1

Journal of the House of Representatives
Pages 1 to 1855

Prepared under the direction of Jeff Trandahl, Clerk of the House of Representatives

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 2005

19-005-HJ-108–1, Pt. 1–2

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

CONGRESS OF THE UNITED STATES

Begun and held at the Capitol, in the City of Washington, in the District of Columbia, on Tuesday, the Seventh day of January, in the year of our Lord two thousand and three, being the *first session* of the ONE HUNDRED EIGHTH CONGRESS, held under the Constitution of the United States, and in the two hundred and twenty seventh year of the independence of the United States.

TUESDAY, JANUARY 7, 2003 (1)

On which day, being the day fixed by the 20th amendment to the Constitution of the United States and Public Law (107-328), Mr. Jeffrey J. Trandahl, Clerk of the House of Representatives, pursuant to 2 United States Code 26, at noon, called the House to order.

¶1.1 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION—HAWAII

The Clerk laid before the House a communication, which was read as follows:

JANUARY 5, 2003.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives,
Washington, DC.

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special Election held on Saturday, January 4, 2003 for Representative in Congress from the Second Congressional District of Hawaii show that Ed Case (D) received 33,002 of votes of the total number cast for that office.

It would appear from the unofficial results that Ed Case (D) was elected Representative from the Second Congressional District of Hawaii. We are unaware of any election contest at this time.

As soon as the official results are certified, an official Certificate of Election will be transmitted as required by law.

Should you have any questions or need additional information, please contact Lori Tomczyk or myself at (808) 453–VOTE (8683).

Very truly yours,

DWAYNE D. YOSHINA,
Chief Election Officer.

By unanimous consent, the Representative-elect from the 2nd District of the State of Hawaii will be allowed to record his presence and also to vote on the election of the Speaker.

¶1.2 CALL OF THE ROLL

The Clerk, by unanimous consent, announced a call by the states of the roll, by electronic device, of the Members-elect whose credentials had been received and the foregoing named Member-elect of the State of Hawaii, when the following Members-elect responded:

¶1.3 [Roll No. 1]

ANSWERED ''PRESENT''—432

ALABAMA

Aderholt, Bachus, Bonner, Cramer, Davis, Everett, Rogers

ALASKA

Young (AK)

ARIZONA

Flake, Franks (AZ), Grijalva, Hayworth, Kolbe, Pastor, Renzi, Shadegg

ARKANSAS

Berry, Boozman, Ross, Snyder

CALIFORNIA

Baca, Becerra, Berman, Bono, Calvert, Capps, Cardoza, Cox, Cunningham, Davis (CA), Dooley (CA), Doolittle, Dreier, Eshoo, Farr, Filner, Gallegly, Harman, Herger, Honda, Hunter, Issa, Lantos, Lee, Lewis (CA), Lofgren, Matsui, McKeon, Millender-McDonald, Miller, Gary, Miller, George, Napolitano, Nunes, Ose, Pelosi, Pombo, Radanovich, Rohrabacher, Roybal-Allard, Royce, Sanchez, Linda T., Sanchez, Loretta, Schiff, Sherman, Solis, Stark, Tauscher, Thomas, Thompson (CA, Waters, Watson, Waxman, Woolsey

COLORADO

Beauprez, DeGette, Hefley, McInnis, Musgrave, Tancredo, Udall (CO)

CONNECTICUT

DeLauro, Johnson (CT), Larson (CT), Shays, Simmons

DELAWARE

Castle

FLORIDA

Bilirakis, Boyd, Brown, Corrine, Brown-Waite, Ginny, Crenshaw, Davis (FL), Deutsch, Diaz-Balart, Lincoln, Diaz-Balart, Mario, Feeney, Foley, Goss, Harris, Hastings (FL), Keller, Meek (FL), Mica, Miller (FL), Putnam, Ros-Lehtinen, Shaw, Stearns, Weldon (FL), Wexler, Young (FL)

GEORGIA

Bishop (GA), Burns, Collins, Deal (GA), Gingrey, Isakson, Kingston, Lewis (GA), Linder, Majette, Marshall, Norwood, Scott (GA)

HAWAII

Abercrombie, Case

IDAHO

Otter, Simpson

ILLINOIS

Biggert, Costello, Crane, Davis (IL), Emanuel, Evans, Gutierrez, Hastert, Hyde, Jackson (IL), Johnson (IL), Kirk, LaHood, Lipinski, Manzullo, Rush, Schakowsky, Shimkus, Weller

INDIANA

Burton, Buyer, Carson (IN), Chocola, Hill, Hostettler, Pence, Souder, Visclosky

IOWA

Boswell, King (IA), Latham, Leach, Nussle

KANSAS

Moore, Moran (KS), Ryun (KS), Tiahrt

KENTUCKY

Fletcher, Lewis (KY), Lucas (KY), Northup, Rogers (KY), Whitfield

LOUISIANA

Alexander, Baker, Jefferson, John, McCrery, Tauzin, Vitter

MAINE

Allen, Michaud

MARYLAND

Bartlett (MD), Cardin, Cummings, Gilchrest, Hoyer, Ruppersberger, Van Hollen, Wynn

MASSACHUSETTS

Capuano, Delahunt, Frank (MA), Lynch, Markey, McGovern, Meehan, Neal (MA), Olver, Tierney

MICHIGAN

Camp, Conyers, Dingell, Ehlers, Hoekstra, Kildee, Kilpatrick, Knollenberg, Levin, McCotter, Miller (MI), Rogers (MI), Smith (MI), Stupak, Upton

MINNESOTA

Gutknecht, Kennedy (MN), Kline, McCollum, Oberstar, Peterson (MN), Ramstad, Sabo

MISSISSIPPI

Pickering, Taylor (MS), Thompson (MS), Wicker

MISSOURI

Akin, Blunt, Clay, Emerson, Gephardt, Graves, Hulshof, McCarthy (MO), Skelton

MONTANA

Rehberg

NEBRASKA

Bereuter, Osborne, Terry

NEVADA

Berkley, Gibbons, Porter

NEW HAMPSHIRE

Bass, Bradley (NH)

NEW JERSEY

Andrews, Ferguson, Frelinghuysen, Garrett (NJ), Holt, LoBiondo, Menendez, Pallone, Pascrell, Payne, Rothman, Saxton, Smith (NJ)

NEW MEXICO

Pearce, Udall (NM), Wilson (NM)

NEW YORK

Ackerman, Bishop (NH), Boehlert, Crowley, Engel, Fossella, Hinchey, Houghton, Israel, Kelly, King (NY), Lowey, McCarthy (NH), McHugh, McNulty, Meeks (NY), Nadler, Owens, Quinn, Rangel, Reynolds, Serrano, Slaughter, Sweeney, Towns, Velazquez, Walsh, Weiner

NORTH CAROLINA

Ballance, Ballenger, Burr, Coble, Etheridge, Hayes, Jones (NC), McIntyre, Miller (NC), Myrick, Price (NC), Watt

NORTH DAKOTA

Pomeroy

OHIO

Boehner, Brown (OH), Chabot, Gillmor, Hobson, Jones (OH), Kaptur, Kucinich, LaTourette, Ney, Oxley, Portman, Pryce (OH), Regula, Ryan (OH), Strickland, Tiberi, Turner (OH)

OKLAHOMA

Carson (OK), Cole, Istook, Lucas (OK), Sullivan

OREGON

Blumenauer, DeFazio, Walden (OR), Wu

PENNSYLVANIA

Brady (PA), Doyle, English, Fattah, Gerlach, Greenwood, Hart, Hoeffel, Holden, Kanjorski, Murphy, Murtha, Peterson (PA), Pitts, Platts, Sherwood, Shuster, Toomey, Weldon (PA)

RHODE ISLAND

Kennedy (RI), Langevin

SOUTH CAROLINA

Barrett (SC), Brown (SC), Clyburn, DeMint, Spratt, Wilson (SC)

SOUTH DAKOTA

Janklow

TENNESSEE

Blackburn, Cooper, Davis (TN), Duncan, Ford, Gordon, Jenkins, Tanner, Wamp

TEXAS

Barton (TX), Bell, Bonilla, Brady (TX), Burgess, Carter, Combest, Culberson, DeLay, Doggett, Edwards, Frost, Gonzalez, Granger, Green (TX), Hall, Hensarling, Hinojosa, Jackson-Lee (TX), Johnson, E.B., Johnson, Sam, Lampson, Ortiz, Paul, Reyes, Rodriguez, Sandlin, Sessions, Smith (TX), Stenholm, Thornberry, Turner (TX)

UTAH

Bishop (UT), Cannon, Matheson

VERMONT

Sanders

VIRGINIA

Boucher, Cantor, Davis, Jo Ann, Davis, Tom, Forbes, Goode, Goodlatte, Moran (VA), Schrock, Scott (VA), Wolf

WASHINGTON

Baird, Dicks, Dunn, Hastings (WA), Inslee, Larsen (WA), McDermott, Nethercutt, Smith (WA)

WEST VIRGINIA

Capito, Mollohan, Rahall

WISCONSIN

Baldwin, Green (WI), Kind, Kleczka, Obey, Petri, Ryan (WI), Sensenbrenner

WYOMING

Cubin

The roll having been completed, the Clerk announced 432 Members had been recorded, a quorum.

¶1.4 CREDENTIALS OF DELEGATES-ELECT AND RESIDENT COMMISSIONER-ELECT

The Clerk made the following statement: ''The Chair will state that the credentials regular in form have been received showing the election of the Honorable Anibal Acevedo-Vila as Resident Commissioner of Puerto Rico for the term of 4 years beginning January 3, 2001; the election of the Honorable Eleanor Holmes Norton as Delegate from the District of Columbia; the election of the Honorable Donna M. Christensen as Delegate from the Virgin Islands; the election of the Honorable Eni F.H. Faleomavaega as Delegate from American Samoa; and the election of the Honorable Madeleine Z. Bordallo as Delegate from Guam''.

¶1.5 ELECTION OF THE SPEAKER

Ms. PRYCE of Ohio nominated Mr. J. Dennis Hastert, a Member-elect from the 14th District of the State of Illinois.

Mr. MENENDEZ nominated Ms. Nancy Pelosi, a Member-elect from the 8th District of the State of California.

There being no further nominations,

The Clerk then appointed Mr. NEY, Ms. WATERS, Mrs. JOHNSON of Connecticut, and Mr. RODRIGUEZ tellers to canvas the vote on the election of the Speaker.

Whereupon, the House proceeded to vote for a Speaker.

¶1.6 [Roll No. 2]

HASTERT—228

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

PELOSI—201

Abercrombie, Ackerman, Alexander, Allen, Andrews, Baca, Baird, Baldwin, Ballance, Becerra, Bell, Berkley, Berman, Berry, Bishop (GA), Bishop (NY), Blumenauer, Boswell, Boucher, Boyd, Brady (PA), Brown (OH), Brown, Corrine, Capps, Capuano, Cardin, Cardoza, Carson (IN), Carson (OK), Case

Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sánchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

MURTHA—1

Taylor (MS)

PRESENT—4

Hall
Hastert
Lucas (KY)
Stenholm

NOT VOTING—1

Hooley

¶1.7

The roll having been completed, the Clerk announced that the tellers had reached an agreement that the total number of votes cast were 434 of which number Mr. J. DENNIS HASTERT received 228; Ms. NANCY PELOSI received 201; Mr. JOHN P. MURTHA from the 12th District of the Commonwealth of Pennsylvania received 1; and 4 were recorded as voting present. Mr. J. DENNIS HASTERT, of Illinois, having received 228 votes, being the largest number cast for a Member-elect and a majority of the whole number of votes cast, was declared by the Clerk to have been duly elected Speaker of the House of Representatives for the 108th Congress.

The Clerk announced the appointment of Ms. PELOSI, Mr. DELAY, Mr. BLUNT, Mr. HOYER, Ms. PRYCE of Ohio, Mr. MENENDEZ, Mr. CRANE, Mr. HYDE, Mr. EVANS, Mr. LIPINSKI, Mr. COSTELLO, Mr. GUTIERREZ, Mr. MANZULLO, Mr. RUSH, Mr. LAHOOD, Mr. WELLER, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mrs. BIGGERT, Ms. SCHAKOWSKY, Mr. JOHNSON of Illinois, Mr. KIRK, AND Mr. EMANUEL, to escort the Speaker to the Chair.

The SPEAKER was escorted to the Chair by said committee and, following an introduction by Ms. PELOSI, addressed the House as follows:

''First, congratulations to each and every Member of this House on your swearing-in to the 108th Congress which is about to occur. A special congratulations and welcome to the freshmen to the Capitol and certainly to their families and friends. Let us all welcome our freshmen Members.

''Let me also thank my Democratic colleagues. I am humbled by the honor they have bestowed upon me to become the House Democratic leader. I know that I speak for all of us when I express profound gratitude to our esteemed colleague, the gentleman from Missouri (Mr. GEPHARDT). We thank the gentleman for his unwavering service to this institution and to our country. It is a great honor to follow in his footsteps.

''And to my family, my dear husband, Paul, our five children, and our five grandchildren, and to my D'Alesandro family, I thank them very much for the love, support, encouragement, and joy that they have given me.

''Because of you, and the people of San Francisco, whom I am honored to serve, I had the unprecedented privilege today to have my name placed in nomination as the first woman ever to do so in the history of the House of Representatives.

''I am grateful to my colleagues for the confidence and proud of my party for breaking down another barrier and leading America closer to the ideal of equality that is both our heritage and our hope.

''We serve in the people's House; and today, I want to pay tribute to the American people. It is their greatness, their fair-mindedness, their commitment to family, their willingness to hope and dream that sustain our country.

''I especially wish to acknowledge the men and women in uniform whose courage keeps our country free and safe and makes it possible for us to strive for peace on Earth and goodwill toward mankind.

''For more than 214 years, the American people have issued a most awesome challenge to those of us in Congress. Debate, the American people tell us when they send us here, debate the great issues of our Nation. Decide matters of war and peace. Fashion laws and policies that will make our economy sound, our institutions fair, our society just, our environment protected, our people educated and healthy, our religions and beliefs free from constraint, and our homeland secure from terror.

''Debate policies, the American people tell us, which will ensure peace and justice throughout the world, comfort the afflicted, give voice to the oppressed, and make the future brighter for our children.

''Today I speak as the leader of the minority in a closely divided House of Representatives. We are on different sides of the aisle, but we have shared oath and a greater obligation to serve our country together, both to find common ground wherever we can and to stand our ground wherever we must to be true to the people we represent.

''My colleagues, I commit to all of you and to the American people that our party will always stand for the principles in which we believe, for I believe those principles represent the mainstream beliefs of our Nation: fairness, opportunity, patriotism, community, equal rights and a strong America, safe and prosperous at home, and committed abroad to a more secure and just world, free from the fear of terrorism.

''So in that spirit, I ask the majority in this House and the administration to join us in a new spirit to get our economy moving again in a way that helps working families. I ask that you join us in creating jobs and providing access to quality health care for America's families, including a prescription drug coverage for our seniors.

''I ask that, after having passed the Leave No Child Behind Act, we act now to pledge to put our children first and fully fund their education.

''Finally and fundamentally, on the great and fateful issues we have all faced as Americans, especially since September 11, let me pledge for my party our absolute commitment to our national security, to winning the battle against terrorism and countering the threat of weapons of mass destruction.

''At times, we will have to debate on how best to provide for the common defense. That debate is not only right and necessary, it is at the heart of our democracy. But let there be no doubt, in our commitment to the strength and safety of America, there are no Democrats, there are no Republicans. Together, as Americans, we must and will prevail.

''We have great and grave issues to decide, as fateful as any faced by any of the 107 Congresses before us. So let us reach across party lines as we stand for principle, and let this be our own test, to advance and defend what is best for America.

''Now it is my privilege to present the Speaker of the House with my hardiest congratulations. Mr. Speaker, I hope in the next Congress our roles will be reversed, and you will have this wonderful privilege of presenting the gavel.

''In introducing our Speaker, let me first pay tribute to his skill, his decency and his integrity. We all hold the title of ''honorable'' by virtue of the office we hold; DENNIS HASTERT holds the title of ''honorable'' by virtue of his character. He is a man of honor.

''It is my privilege, colleagues, to present the Speaker of the House for

the 108th Congress, the gentleman from Illinois [Mr. HASTERT].''.

The Speaker-elect addressed the House, and said:

''I want to thank the gentlewoman from California [Ms. PELOSI] for her gracious remarks, and I want to congratulate her for her historic achievement. NANCY PELOSI is the first woman in our Nation's history to be nominated to be Speaker of the House of Representatives. Now that this glass ceiling has been broken, I trust she will not be the last.

''NANCY PELOSI is not the only woman to make history today. The gentlewoman from Ohio [Ms. PRYCE] today becomes the first woman to chair the House Republican Conference. I want to congratulate her as well.

''I think it is altogether appropriate to note the history these two outstanding representatives have made today. We are a better country because of the active political participation of millions of American women, in this House and in elected positions all across this Nation.

''We have 63 women Members in the House today. They represent millions of American. They fight hard for their constituents, and they serve with distinction.

''Let me say to my good friend, the gentlewoman from California [Ms. PELOSI], as I welcome her to her new post as minority leader, we are going to have our fair share of disagreements. That is the nature of our two-party system. But together we must always find ways to make America a better and a more secure place to live.

''My door will always be open as we work together in this 108th Congress. To all Members of this House, I say thank you for giving me the great honor to serve once again as your Speaker.

''As we stand here today, we leave behind the work of the historic 107th Congress. Some of the achievements of the 107th Congress were planned, others were thrust upon us by events. We enacted landmark education reform, far-reaching election reform, and we have completed work on the most significant tax relief in a generation.

''But we are also confronted by the most brutal, the senseless, and most tragic attack on our citizens in our Nation's history. The events of September 11, 2001, which we recalled in a historic commemorative session in New York City last fall, are still very much in our thoughts and in our prayers.

''We ache for those we lost at the World Trade Towers and the Pentagon, and we give quiet thanks to those brave passengers on United Flight 93 who stopped the terrorists from crashing another plane into Washington, D.C. We sit in this Chamber knowing that it may very well have been the target for that ill-fated flight.

''Just a few steps from here, on the central steps of this Capitol building, we stood together on September 11, Republicans and Democrats. We stood shoulder to shoulder representing one Nation, under God, indivisible, and pledged to fight those who would threaten our freedom.

''In this room, just a few days later, our President called us to action. And act we did to give the President the tools he needed to fight those who engage in terrorism and those who harbor them.

''Friends, our fellow Americans know that we are still engaged in that struggle today. Like generations before, they know that freedom comes with a price. As we begin this new Congress, I want to say to the American people, we will keep that commitment we made on the steps of this Capitol on September 11, 2001. This Congress will do everything in its power to provide for the security of the American people. We are determined that it shall never happen here again.

''The Members of this House who are returning can be proud of the legislation we passed to create a Department of Homeland Security, the most significant restructuring of the Federal Government in the last 50 years. It will help make this Nation more secure.

''But the 108th Congress must build on the work of the last Congress. Having given birth to this new department, we must now nurture it and, with the leadership of our President, guide it to successful maturity. And as we build on the achievements of the 107th Congress, we must not forget the legacy of three leaders, two who decided to make the 107th Congress their last, and another who chose to step down from his leadership post as he considers other opportunities for public service.

''Dick Armey and DICK GEPHARDT differed in many ways. The former majority leader and the former minority leader were often at odds on tax policy, debated vigorously on social policy, and presented competing visions for America. But they both loved this House, and they both loved the St. Louis Rams. Their leadership, along with that of J.C. Watts, will be missed in this House, and I wish them the best in their new endeavors.

''As we start the 108th Congress, we welcome 54 new Members of the House. I have had a chance to meet almost all of them, and I am impressed by their experience, by their expertise and by their energy. The other body also welcomes 10 new Senators, including several of our former colleagues.

''As I begin my third term as Speaker of the House, and ninth term as a Member of Congress representing the voters of the 14th District of Illinois, I want to thank my constituents for honoring me with their trust. My district stretches from the far suburbs of Chicago, through the Fox River Valley, to the great Mississippi River. It includes suburbs, small towns and flowing fields of corn and soybeans. It is the heartland of America. I am particularly proud that it includes Dixon, Illinois, the boyhood home of one of the giants of the 20th century, President Ronald Reagan.

''As you all know, I go home as often as possible, because it is there that I get a dose of reality. It is usually my wife Jean who provides that dose of reality. Thank you, Jean, for all of your love, your support and your patience.

''I believe that to be a good Speaker of the House, you also must be a good listener. I pledge to you that I will continue to open my door to listen to your concerns and to do my best to do the will of this House. And as we start the 108th Congress, we must all begin by listening to America, to the men and women who sent us here.

''What is it that concerns our citizens? First and foremost, they want us to make this Nation more secure. Terrorists threaten our American homeland. This Capitol building and the buildings where our fellow Americans work and live and worship are all on the front lines of this new war. Now that we have a Department of Homeland Security, we in the Congress have a duty to make sure it works as it was designed to work. It must protect our citizens without invading their privacy unnecessarily. It must make our government more effective in fighting terrorism without making our government too big. And it must do its work efficiently, without compromising workers' rights.

''Later on today, we will vote to create a Select Committee on Homeland Security. Members of this select committee will oversee the creation of the Department of Homeland Security to make certain that the executive branch is carrying out the will of the Congress. This select committee will be our eyes and our ears as this critical department is organized. The standing committees of the House will maintain their jurisdictions and will still have authorization and oversight responsibilities. This House needs to adapt to the largest reorganization of our executive branch in 50 years, and this select committee will help us make this transition.

''As we protect our citizens, we must also support our Armed Forces as they fight the terrorists and the terrorist states that protect them. Giving our Armed Forces and intelligence services the resources they need to get the job done will be a top priority of this House.

''As we work to make American families more secure, we also need to improve our Nation's economy. Without a sound economy that creates jobs, no family really feels secure. In too many pockets of our Nation, the economy stumbles along. This week, this House, as we did in the waning hours of the 107th Congress, will address an immediate need by passing an extension of unemployment benefits.

''But we all know that unemployment benefits are no substitute for a permanent job. We must ask ourselves, what can we do to improve our economic growth and create jobs? First, we can lower the tax burden on small businesses so that they can hire more workers. Eighty percent of all the jobs

in my district, and I suspect many of yours, are created by small and medium-sized businesses. Let us do something to help the job creators.

''Second, we can increase export opportunities with the rest of the world. Last year we passed trade promotion authority. This year we need to promote more trade and, yes, fair trade.

''Third, we can cut the cost of government, of regulations, and of litigation, which too often strangles business creation and puts an undue burden on our consumers.

''Fourth, we can make the President's tax cuts permanent. What sense does it make to phase out the unfair death tax over 8 years only to have it come back to life in year 9? And we have to look at longer term reform of our Tax Code. Our Tax Code should help us compete on the world stage. But does it help or actually hurt job creation? Would it not make sense to make our Tax Code simpler, smarter and less burdensome?

''As we work to make the economy stronger, we must also work to make our health care system better. We face a health care crisis in this country. Forty-four million Americans are uninsured. Prescription drug costs are too high. Health care costs continue to skyrocket. We need to address all of these issues, and we need to do it quickly. No senior citizen should be forced to choose between putting food on the table or purchasing lifesaving prescription drugs. No small business mom and pop operation should have to risk going without health insurance for their children because the cost is too high. No baby boomer should be forced to face bankruptcy just because she gets sick. Our health care system is the best in the world. But it could be even better and more accessible to everyone. We have the resources, we have the talent, and we have the know-how. Now let us have the right laws to allow for an even better system.

''Finally, last year we passed landmark education reform. The Leave No Child Behind Act was a good start to making our public schools the best in the world. But we still have much work to do. I taught at a public high school for 16 years. My wife taught public grade school for over 30 years. I know how tough, yet how rewarding teaching can be. There is no more noble profession than being a teacher. There is no better investment in the future of our Nation than education. Yet far too often our schools are not as good as they ought to be. Let us work together, as Republicans and Democrats, to improve our schools and support our teachers.

''On this historic day, my mind turns to our most sacred political document, our Constitution. It is here that we, the Congress of the United States, are charged with a simple task: establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. Never has that mission seemed so important and never has it seemed to be more threatened.

''My colleagues, we have a sacred duty to perform. As the elected representatives of the American people, we must, along with our President, shoulder a great burden of responsibility. Today, we are jubilant in our celebration, and rightfully so. Enjoy this day with your family and your friends. But come back tomorrow with your sleeves rolled up, because the task ahead is great and leadership is hard, steady work. You will be called upon to make many decisions over the next 2 years. Many will impact the economic well-being of your fellow Americans. Some may cause you to send our youth into harm's way. There is no textbook for how to do your job. Each of you must find your own way. Start by doing your job to the best of your ability. Represent your constituents with the noblest of motives. And always be true to the democratic values of this great institution. Let us be respectful of those with whom we disagree and make an effort to find the common ground. Let us keep before us our common goal, to make this Nation safer and more secure for all Americans and a better place to pass on to our children and our grandchildren when our work here is done.

''As we begin this new 108th Congress, let us be mindful of our Creator and of His plans for this great country. May God bless this House of Representatives.''.

¶1.8 OATH OF OFFICE—SPEAKER

At the request of the Speaker, the oath of office was then administered to him by Mr. DINGELL, dean of the House.

¶1.9 OATH OF OFFICE—MEMBERS-ELECT, DELEGATES-ELECT, RESIDENT COMMISSIONER-ELECT

The SPEAKER said: ''According to precedent, the Chair will swear in all Members of the House at this time. If the Members will rise, the Chair will now administer the oath of office.''

The Members-elect, Delegates-elect, and Resident Commissioner, then rose in their places and took the oath of office prescribed by law.

¶1.10 SELECTION OF MAJORITY AND MINORITY LEADERS

Ms. PRYCE of Ohio notified the House of the selection by the Republican Conference of Mr. DeLAY as Majority Leader.

Mr. MENENDEZ notified the House of the selection by the Democratic Caucus of Ms. PELOSI as Minority Leader.

¶1.11 SELECTION OF MAJORITY AND MINORITY WHIPS

Ms. PRYCE of Ohio notified the House of the selection of Mr. BLUNT as Majority Whip.

Mr. MENENDEZ notified the House of the selection of Mr. HOYER as Minority Whip.

¶1.12 ELECTION OF OFFICERS

Ms. PRYCE of Ohio submitted the following privileged resolution (H. Res. 1):

Resolved, That Jeffery J. Trandahl of the State of South Dakota, be, and is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livingood of the Commonwealth of Virginia, be, and is hereby, chosen Sergeant at Arms of the House of Representatives;

That James M. Eagen, III, of the Commonwealth of Pennsylvania, be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

When said resolution was considered.

Mr. MENENDEZ demanded that the resolution be divided for a separate vote on the nominee for Chaplain of the House.

The resolution was divided.

Father Daniel P. Coughlin of the State of Illinois was elected Chaplain of the House of Representatives.

Mr. MENENDEZ then submitted the following substitute for the remainder of the resolution:

That George Crawford of the state of California be, and is hereby, chosen Clerk of the House of Representatives;

That Lorraine Miller of the state of Texas be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives; and

That Cecile Richards of the state of Texas be, and is hereby, chosen Chief Administrative Officer of the House of Representatives.

The substitute was not agreed to.

The question being put, viva voce,

Will the House agree to the remainder of said resolution?

The SPEAKER announced that the yeas had it.

So the remainder of said resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Whereupon, Jeffrey J. Trandahl of the State of South Dakota, Clerk; Wilson S. Livingood of the Commonwealth of Virginia, Sergeant at Arms; James M. Eagen, III, of the Commonwealth of Pennsylvania, Chief Administrative Officer; and Father Daniel P. Coughlin of the State of Illinois, Chaplain; presented themselves at the bar of the House and took the oath of office prescribed by law.

¶1.13 NOTIFICATION OF THE SENATE OF ORGANIZATION OF THE HOUSE

Mr. DeLAY submitted the following privileged resolution, which was considered and agreed to (H. Res. 2):

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that J. Dennis Hastert, a Representative from the state of Illinois, has been elected Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, has been elected Clerk of the House of Representatives of the One Hundred Eighth Congress.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶1.14 COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. DeLAY submitted the following privileged resolution, which was considered and agreed to (H. Res. 3):

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

The SPEAKER, pursuant to the foregoing resolution, announced the appointment of Mr. DELAY and Ms. PELOSI as members of the committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and that the Congress is ready to receive any communication that he may be pleased to make.

¶1.15 NOTIFICATION TO THE PRESIDENT OF ELECTION OF CERTAIN OFFICERS

Mr. DeLAY submitted the following resolution, which was considered and agreed to (H. Res. 4):

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected J. Dennis Hastert, a Representative from the State of Illinois, Speaker: and Jeffrey J. Trandahl, a citizen of the State of South Dakota, Clerk of the House of Representatives of the One Hundred Eighth Congress.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶1.16 RULES OF THE HOUSE

Mr. DeLAY submitted the following privileged resolution (H. Res. 5):

Resolved, That the Rules of the House of Representatives of the One Hundred Seventh Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Seventh Congress, are adopted as the Rules of the House of Representatives of the One Hundred Eighth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3 and 4.

SEC. 2. CHANGES IN STANDING RULES.—

(a) MEMBERS TO ACT AS SPEAKER PRO TEMPORE.—In clause 8(b) of rule I, add at the end the following new subparagraph:

''(3)(A) In the case of a vacancy in the office of Speaker, the next Member on the list described in subdivision (B) shall act as Speaker pro tempore until the election of a Speaker or a Speaker pro tempore. Pending such election the Member acting as Speaker pro tempore may exercise such authorities of the Office of Speaker as may be necessary and appropriate to that end.

''(B) As soon as practicable after his election and whenever he deems appropriate thereafter, the Speaker shall deliver to the Clerk a list of Members in the order in which each shall act as Speaker pro tempore under subdivision (A).

''(C) For purposes of subdivision (A), a vacancy in the office of Speaker may exist by reason of the physical inability of the Speaker to discharge the duties of the office.''.

(b) TERM OF SPEAKER—In rule I—

(1) strike clause 9; and

(2) redesignate clause 13 as clause 9.

(c) RECESS AND CONVENING AUTHORITIES.—In clause 12 of rule I—

(1) amend the caption to read ''Recess and convening authorities''; and

(2) designate the existing text as paragraph (a) and add thereafter the following new paragraphs:

''(b) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.

''(c) During any recess or adjournment of not more than three days, if the Speaker is notified by the Sergeant-at-Arms of an imminent impairment of the place of reconvening at the time previously appointed, then he may, in consultation with the Minority Leader—

''(1) postpone the time for reconvening within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly; or

''(2) reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly.

''(d) The Speaker may convene the House in a place at the seat of government other than the Hall of the House whenever, in his opinion, the public interest shall warrant it.''.

(d) PRIVILEGES OF FLOOR.—In clause 2(a)(7) of rule IV, after ''consideration'' insert a comma followed by ''and staff of the respective party leaderships when so assigned with the approval of the Speaker''.

(e) MEMBERSHIP OF BUDGET COMMITTEE.—In clause 5(a)(2) of rule X, amend subdivision (A)(i) to read as follows:

''(i) Members, Delegates, or the Resident Commissioner who are members of other standing committees, including five from the Committee on Appropriations, five from the Committee on Ways and Means, and one from the Committee on Rules;''.

(e-1) TENURE OF CERTAIN CHAIRMEN AND RANKING MINORITY MEMBERS.—

(1) In clause 5(a)(2) of rule X, amended subdivision (C) to read as follows:

''(C) In the case of a Member, Delegate, or Resident Commissioner elected to serve as the chairman or the ranking minority member of the committee, tenure on the committee shall be limited only by paragraph (c)(2) of this clause.''.

(2) In clause 11(a)(4) of rule X, amend subdivision (B) to read as follows:

''(B) In the case of a Member, Delegate, or Resident Commissioner appointed to serve as the chairman or the ranking minority member of the select committee, tenure on the selected committee shall not be limited.''.

(f) ASSOCIATE STAFF.—In clause 9(b) of rule X—

(1) redesignate subparagraph (2) as subparagraph (2)(A);

(2) redesignate subparagraph (3) as subparagraph (2)(B);

(3) in subparagraph (2)(B), as redesignated, insert ''other than the committee on Appropriations'' after ''a committee''; and

(4) strike subparagraph (4).

(g) POSTPONING VOTES IN COMMITTEE.—At the end of clause 2(h) of rule XI, add the following new subparagraph:

''(4)(A) Each committee may adopt a rule authorizing the chairman of a committee or subcommittee—

''(i) to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

''(ii) to resume proceedings on a postponed question at any time after reasonable notice.

''(B) A rule adopted pursuant to this subparagraph shall provide that when proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.''.

(h) CODIFICATION OF FREESTANDING ETHICS RULES.—In clause 3 of rule XI, add at the end the following new paragraphs:

''COMMITTEE AGENDAS

''(f) The committee shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

''COMMITTEE STAFF

''(g)(1) The committee shall adopt rules providing that—

''(A) the staff be assembled and retained as a professional, nonpartisan staff;

''(B) each member of the staff shall be professional and demonstrably qualified for the position for which he is hired;

''(C) the staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner;

''(D) no member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election;

''(E) no member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member; and

''(F) no member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

''(2) Only subdivisions (C), (E), and (F) of subparagraph (1) shall apply to shared staff.

''(3)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

''(B) Subject to the approval of the Committee on House Administration, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

''(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

''(D) Outside counsel may be dismissed before the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

''(4) In addition to any other staff provided for by law, rule, or other authority, with respect to the committee, the chairman and ranking minority member each may appoint one individual as a shared staff member for his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

''MEETINGS AND HEARINGS

''(h)(1) The committee shall adopt rules providing that—

''(A) all meetings or hearings of the committee or any subcommittee thereof, other than any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee, shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

''(B) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

''PUBLIC DISCLOSURE

''(i) The committee shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

''REQUIREMENTS TO CONSTITUTE A COMPLAINT

''(j) The committee shall adopt rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or five legislative days, whichever is sooner, to determine whether the information meets the requirements of the rules of the committee for what constitutes a complaint.

''DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING PROPERLY FLIED COMPLAINTS

''(k)(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

''(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

''(B) establish an investigative subcommittee; or

''(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

''(2) The committee shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

''DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING INFORMATION NOT CONSTITUTING A COMPLAINT

''(l) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements of the rules of the committee for what constitutes a complaint, they may—

''(1) return the information to the complainant with a statement that it fails to meet the requirements of the rules of the committee for what constitutes a complaint; or

''(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

''INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEE

''(m) The committee shall adopt rules providing that—

''(1)(A) an investigative subcommittee shall be composed of four Members (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee;

''(B) an adjudicatory subcommittee shall be composed of the members of the committee who did not serve on the pertinent investigative subcommittee (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee; and

''(C) notwithstanding any other provision of this clause, the chairman and ranking minority member of the committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to information before a subcommittee with which they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee;

''(2) at the time of appointment, the chairman shall designate one member of a subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member; and

''(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

''STANDARD OF PROOF FOR ADOPTION OF STATEMENT OF ALLEGED VIOLATION

''(n) The committee shall adopt rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the subcommittee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives, has occurred.

''SUBCOMMITTEE POWERS

''(o)(1) The committee shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

''(2) The committee shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation approved by an affirmative vote of a majority of the members of the committee.

''(3) The committee shall adopt rules to provide that—

''(A) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

''(B) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

''DUE PROCESS RIGHTS OF RESPONDENTS

''(p) The committee shall adopt rules to provide that—

''(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

''(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

''(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

''(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

''(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

''(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

''(5) a respondent shall receive written notice whenever—

''(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

''(B) a complaint or allegation is transmitted to an investigative subcommittee;

''(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

''(D) an investigative subcommittee votes to expand the scope of its investigation;

''(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's

counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

''(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

''(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

''COMMITTEE REPORTING REQUIREMENTS

''(q) The committee shall adopt rules to provide that—

''(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

''(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

''(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

''(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

''(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall make the report together with respondent's views available to the public before the commencement of any sanction hearing; and

''(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

''(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.''

(i) JOINT REFERRAL.—In clause 2(c)(1) of rule XII, insert before the semicolon the following: ''(except where he determines that extraordinary circumstances justify review by more than one committee as though primary)''.

(j) MACROECONOMIC ANALYSIS OF TAX PROPOSALS.—In clause 3(h) of rule XIII, strike subparagraphs (2) and (3) and insert in lieu thereof the following:

''(2)(A) it shall not be in order to consider a bill or joint resolution reported by the Committee on Ways and Means that proposes the Internal Revenue Code of 1986 unless—

''(i) the report includes a macroeconomic impact analysis;

''(ii) the report includes a statement from the Joint Committee on Internal Revenue Taxation explaining why a macroeconomic impact analysis is not calculable; or

''(iii) the chairman of the Committee on Ways and Means causes a macroeconomic impact analysis to be printed in the Congressional Record before consideration of the bill or joint resolution.

''(B) In subdivision (A), the term ''macroeconomic impact analysis'' means—

''(i) an estimate prepared by the Joint Committee on Internal Revenue Taxation of the changes in economic output, employment, capital stock, and tax revenues expected to result from enactment of the proposal; and

''(ii) a statement from the Joint Committee on Internal Revenue Taxation identifying the critical assumptions and the source of data underlying that estimate.''.

(k) PERSONAL ELECTRONIC EQUIPMENT ON FLOOR.—In clause 5 of rule XVII, strike ''any personal'' and all that following in the penultimate sentence and insert in lieu thereof ''a wireless telephone or personal computer on the floor of the House.''.

(l) ACCOUNTING FOR VACANCIES.—In clause 5 of rule XX, add after paragraph (b) the following new paragraph:

''(c) Upon the death, resignation, expulsion, disqualification, or removal of a Member, the whole number of the House shall be adjusted accordingly. The Speaker shall announce the adjustment to the House. Such an announcement shall not be subject to appeal. In the case of a death, the Speaker may lay before the House such documentation from federal, state, or local officials as he deems pertinent.''.

(m) PROCEEDINGS DURING CALL OF HOUSE.—In clause 6(c) of rule XX, strike ''the Speaker may entertain a motion that the House adjourn'' and insert in lieu thereof'' a motion that the House adjourn shall be in order''.

(n) FIVE-MINUTE VOTING IN SERIES.—In rule XX, amend clause 9 to read as follows:

''9. The Speaker may reduce to five minutes the minimum time for electronic voting on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting for a given series of votes was issued before the proceeding electronic vote.''.

(o) CERTAIN TAX OR TARIFF PROVISIONS.—In clause 5(a) of XXI, designate the existing text as subparagraph (1) and add thereafter the following new subparagraph:

''(2) For purposes of paragraph (1), a tax or tariff measure includes an amendment proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff.''.

(p) MOTIONS TO INSTRUCT DURING CONFERENCE.—In clause 7(c)(1) of XXII, strike ''20 calendar days'' and insert in lieu thereof ''20 calendar days and 10 legislative days''.

(q) PRACTICE OF MEDICINE.—In clause 2 of rule XXV, insert ''except for the practice of medicine'' after ''fiduciary relationship'' in both places it appears.

(r) GIFTS OF PERISHABLE FOOD.—In clause 5(a)(1)(B) of XXV before the last sentence insert the following: ''The value of perishable food sent to an office shall be allocated among the individual recipients and not the Member, Delegate, or Resident Commissioner.''.

(s) CHARITY TRAVEL.—In clause 5(a)(4)(C) of XXV, insert before the period the following: ''unless—

''(i) all of the net proceeds of the event are for the benefit of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

''(ii) reimbursement for the transportation and lodging in connection with the event is paid by such organization; and

''(iii) the offer of free attendance at the event is made by such organization''.

(t) PUBLIC DEBT-LIMIT LEGISLATION.—Redesignation rule XXVII as rule XXVII and insert after rule XXVI the following new rule:

''RULE XXVII

''STATUTORY LIMIT ON PUBLIC DEBT

''1. Upon adoption by Congress of a concurrent resolution on the budget under section 301 or 304 of the Congressional Budget Act of 1974 that sets forth, as the appropriate level of the public debt for the period to which the concurrent resolution relates, an amount that is different from the amount of the statutory limit on the public debt that otherwise would be in effect for that period, the Clerk shall prepare an engrossment of a joint resolution increasing or decreasing, as the case may be, the statutory limit on the public debt in the form prescribed in clause 2. Upon engrossment of the joint resolution, the vote by which the concurrent resolution on the budget was finally agreed to in the House shall also be considered as a vote on passage of the joint resolution in the House, and the joint resolution shall be considered as passed by the House and duly certified and examined. The engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action.

''2. The matter after the resolving clause in a joint resolution described in clause 1 shall be as follows: 'That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof ''$____''.', with the blank being filled with a dollar limitation equal to the appropriate level of the public debt set forth pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 in the relevant concurrent resolution described in clause 1. If an adopted concurrent resolution under clause 1 sets forth different appropriate levels of the public debt for separate periods, only one engrossed joint resolution shall be prepared under clause 1; and the blank referred to in the preceding sentence shall be filled with the limitation that is to apply for each period.

''3. (a) The report of the Committee on the Budget on a concurrent resolution described in clause 1 and the joint explanatory statement of the managers on a conference report to accompany such a concurrent resolution each shall contain a clear statement of the effect the eventual enactment of a joint resolution engrossed under this rule would have on the statutory limit on the public debt.

''(b) It shall not be in order for the House to consider a concurrent resolution described in clause 1, or a conference report thereon, unless the report of the Committee on the Budget or the joint explanatory statement of the managers complies with paragraph (a).

''4. Nothing in this rule shall be construed as limiting or otherwise affecting—

''(a) the power of the House or the Senate to consider and pass bills or joint resolutions, without regard to the procedures under clause 1, that would change the statutory limit on the public debt; or

''(b) the rights of Members, Delegates, the Resident Commissioner, or committees with respect to the introduction, consideration, and reporting of such bills or joint resolutions.

''5. In this rule the term 'statutory limit on the public debt' means the maximum face amount of obligations issued under authority of chapter 31 of title 31, United States Code, and obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), as determined under section 3101(b) of such title after the application of section 3101(a) of such title, that may be outstanding at any one time.''.

(u) TECHNICAL AND CODIFYING CHANGES.—

(1) In clause 2(g) of rule II—

(a) strike ''do'' in each place it appears and insert in lieu thereof ''perform''; and

(b) strike ''done'' and insert in lieu thereof ''performed''.

(2) In clause 1(g)(6) of rule X, strike ''organization'' and insert in lieu thereof ''organizations''.

(3) In clause 3(a)(1)(B) of rule XIII, strike ''or (4)''.

(4) In clause 3 of rule XVIII, strike ''All bills'' and insert in lieu thereof ''All public bills''.

(5) In clause 2(a) of rule XX, strike ''9 or 10'' and insert in lieu thereof ''8 or 9''.

(6) In clause 8 of rule XX—

(a) amend paragraph (a)(1) to read as follows:

''(a)(1) When a recorded vote is ordered, or the yeas and nays are ordered, or a vote is objected to under clause 6—

''(A) on any of the questions specified in subparagraph (2), the Speaker may postpone further proceedings to a designated place in the legislative schedule within two additional legislative days; and

''(B) on the question of agreeing to the Speaker's approval of the Journal, the Speaker may postpone further proceedings to a designated place in the legislative schedule on that legislative day.''; and

(b) in paragraph (a)(2), strike ''the'' before ''subparagraph (1)''.

(7) In clause 8 of rule XX—

(a) in paragraph (b) strike ''in the order in which it was considered''; and

(b) in paragraph (d) strike ''in the order in which they were considered''.

(8) In clause 1 of rule XXII, strike ''bill or resolution'' in each place it appears and insert in lieu thereof ''proposition''.

(9) In clause 12(a)(2) of rule XXII, strike ''by a record vote'' and insert in lieu thereof ''by the yeas and nays''.

SEC. 3. SEPARATE ORDERS.—

(a) BUDGET MATTERS.—

(1) During the One Hundred Eighth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Eighth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Eighth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Eighth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2003, the provisions of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Eighth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record—

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget;

(ii) ''Accounts Identified for Advance Appropriations,'' which shall be considered to be the programs, projects, activities, or accounts referred to section 301(b) of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House; and

(iii) an estimated unified surplus, which shall be considered to be the estimated unified surplus set forth in the report of the Committee on the Budget accompanying House Concurrent Resolution 353 of the One Hundred Seventh Congress referred to in section 211 of such concurrent resolution.

(C) The allocation referred to in section 231(d) of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall be considered to be the corresponding allocation among those submitted by the chairman of the Committee on the Budget under subparagraph (B)(i).

(b) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Eighth Congress—

(1) the Committee on Armed Services may have not more than six subcommittees;

(2) the Committee on International Relations may have not more than six subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) NUMBERING OF BILLS.—In the One Hundred Eighth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced during the first session.

(d) MOTIONS TO SUSPEND THE RULES.—During the first session of the One Hundred Eighth Congress, the Speaker may entertain motions that the House suspend the rules on Wednesdays through the second Wednesday in April as though under clause 1 of rule XV.

SEC. 4. SELECT COMMITTEE ON HOMELAND SECURITY.

(a) ESTABLISHMENT; COMPOSITION; VACANCIES.—

(1) ESTABLISHMENT.—During the One Hundred Eighth Congress, there is established a Select Committee on Homeland Security.

(2) COMPOSITION.—The select committee shall be composed of Members appointed by the Speaker, including Members appointed on the recommendation of the Minority Leader. The Speaker shall designate one member as chairman. Service on the select committee shall not count against the limitations on committee service in clause 5(b)(2) of rule X.

(3) VACANCIES.—Any vacancies occurring in the membership of the select committee shall be filled in the same manner as the original appointment.

(b) JURISDICTION; FUNCTIONS.—

(1) LEGISLATIVE JURISDICTION.—The select committee may develop recommendations and report to the House by bill or otherwise on such matters that relate to the Homeland Security Act of 2002 (P.L. 107–296) as may be referred to it by the Speaker.

(2) OVERSIGHT FUNCTION.—The select committee shall review and study on the continuing basis laws, programs, and Government activities relating to homeland security.

(3) RULES STUDY.—The select committee is authorized and directed to conduct a thorough and complete study of the operation and implementation of the rules of the House, including rule X, with respect to the issue of homeland security. The select committee shall submit its recommendations regarding any changes in the rules of the House to the Committee on Rules not later than September 30, 2004.

(c) PROCEDURE.—The rules of the House applicable to the standing committees shall govern the select committee where not inconsistent with this section.

(d) FUNDING.—To enable the select committee to carry out the purposes of this resolution, the select committee may use the services of staff of the House.

(e) DISPOSITION OF RECORDS.—Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

When said resolution was considered.

After debate,

Mr. DREIER moved the previous question on the resolution to its adoption or rejection.

Ms. SLAUGHTER moved to commit the resolution to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendments:

Amend section 2 of the resolution (relating to changes in standing rules) by striking amendments to the Rules of the House of Representatives relating to—

(1) postponement of votes in committee;

(2) requirement of dynamic scoring in Ways and Means reports;

(3) motions to instruct during conference;

(4) perishable food as a gift; and

(5) gift ban exemption for charity travel; and

(6) fiduciary relationship for physicians.

Further amend section 2 of the resolution by adding at the end the following new subsection:

(v) COMMITTEE RATIOS.—Clause 5(a)(1) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentence: ''The membership of each committee (and each subcommittee or other subunit thereof) shall reflect the ratio of majority to minority party members of the House at the beginning of the Congress. This requirement shall not apply to the Committee on Rules and the Committee on Standards of Official Conduct.''.

Amend section 3 of the resolution by striking subsection (a)(4) and subsection (d).

Amend the resolution by adding at the end the following new section:

SEC. 5. SENSE OF THE HOUSE.

It is the sense of the House of Representatives that it considers protection of the rights of the minority party to be able to fully participate in the legislative process to be of paramount importance and to that end, the Republican leadership of the House should:

(1) Pursuant to clause 8(a)(1) of rule XXII of the Rules of the House of Representatives, ensure that conference reports be available to Members at least three calendar days prior to consideration, and that in no case shall they be brought up for consideration without 24 hours availability.

(2) Seek to reduce the number of waivers of the Rules of the House of Representatives contained in special order of business resolutions reported by the Committee on Rules.

(3) Seek to reduce the number of bills considered by suspension of the rules, especially those bills which are of major legislative importance as well as any bill that may make or authorize appropriations in excess of $100,000,000 for any fiscal year.

(4) Seek to ensure that more alternatives or substitutes to legislation be allowed in any special order of business resolution reported by the Committee on Rules in order to ensure that differing viewpoints may be debated on the House floor which will open the democratic process in the House of Representatives.

(5) Seek to ensure that the Committee on Rules reports more open rules so that Members of the Democratic Caucus may offer

amendments to committee bills, or in those cases where structured rules are reported, that more Democratic amendments presenting significant policy ideas and initiatives be included in those amendments made eligible for consideration by the rule.

By unanimous consent, the motion was considered as one to commit the resolution to a select committee composed of the Majority Leader and the Minority Leader.

By unanimous consent, the previous question was ordered on the motion to commit with instructions.

The question being put, viva voce,

Will the House commit said resolution with instructions?

The SPEAKER pro tempore, Mr. LAHOOD, announced the nays had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 200 / Nays 225

¶1.17 [Roll No. 3]

YEAS—200

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

NAYS—225

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

NOT VOTING—8

Carson (OK)
Clyburn
Janklow
Kennedy (RI)
Lynch
Meek (FL)
Pickering
Waters

So the motion to commit with instructions was not agreed to.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays 203

¶1.18 [Roll No. 4]

YEAS—221

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

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Conyers
Cooper
Costello

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

NOT VOTING—9

Aderholt
Bishop (NY)
Clyburn
Cox
Deal (GA)
Janklow
Jenkins
Johnson (CT)
King (IA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶1.19 COMMITTEE ELECTION—MAJORITY

Ms. PRYCE of Ohio, by direction of the Republican Conference, submitted the following privileged resolution, which was considered and agreed to (H. Res. 6):

Resolved, That the following Members be, and are hereby, elected to the Committee on Rules: Mr. DREIER of California, Chairman, Mr. GOSS of Florida, Mr. LINDER of Georgia, Ms. PRYCE of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Washington, Mrs. MYRICK of North Carolina, Mr. SESSIONS of Texas, and Mr. REYNOLDS of New York.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶1.20 COMMITTEE ELECTION—MINORITY

Mr. HOYER, by direction of the Democratic Caucus, submitted the following privileged resolution, which was considered and agreed to (H. Res. 7):

Resolved, That the following Members be, and are hereby, elected to the Committee on Rules of the House of Representatives: Mr. Frost of Texas, Ms. Slaughter of New York, Mr. McGovern of Massachusetts, and Mr. Hastings of Florida.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶1.21 MINORITY EMPLOYEES

Ms. PELOSI, by unanimous consent, submitted the following resolution, which was considered and agreed to (H. Res. 8):

Resolved, That, pursuant to the Legislative Pay Act of 1929, four of the six minority employees authorized therein shall be the following named persons, effective January 3, 2003, until otherwise ordered by the House, to-wit: George Crawford, Lorraine Miller, Cecile Richards, and George Kundanis, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95–94. In addition to the six minority employees authorized by the Legislative Pay Act, the Minority Leader may appoint and set the annual rate of pay for up to three additional minority employees.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶1.22 HOUR OF MEETING

Mr. DREIER, submitted the following privileged resolution, which was considered and agreed to (H. Res. 9):

Resolved, That unless otherwise ordered, before Monday, May 19, 2003, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 19, 2003, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all others days of the week.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶1.23 ASSEMBLY OUTSIDE THE DISTRICT OF COLUMBIA

Mr. DREIER, submitted the following privileged concurrent resolution, which was considered and agreed to (H. Con. Res. 1):

Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Eighth Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia whenever, in their opinion, the public interest shall warrant it.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶1.24 HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, and pursuant to 40 United States Code, 175 and 176, announced that the Speaker appointed Mr. DELAY and Ms. PELOSI, as members of the House Office Building Commission to serve with himself.

¶1.25 COMMUNICATION FROM THE CLERK—CLERK DESIGNATION

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the U.S. House of Representatives, I herewith designate Ms. Martha C. Morrison, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which she would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

If Ms. Morrison should not be able to act in my behalf for any reason, then Mr. Gerasimos C. Vans, Assistant to the Clerk or Mr. Daniel J. Strodel, Assistant to the Clerk should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 108th Congress or until modified by me.

With best wishes, I am.

Sincerely,

JEFF TRANDAHL.

¶1.26 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House the following communication from Craig Roberts, Chief of Staff, office of the Honorable John M. Shimkus:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that our office has been served with a subpoena *duces tecum* issued by the U.S. District Court for the Central District of Illinois.

After consultation with the Office of General Counsel, we have determined that compliance with the subpoenas is consistent with the precedents and privileges of the House.

Sincerely,

CRAIG ROBERTS,
Chief of Staff.

¶1.27 REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY was recognized and said:

''Mr. Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed its duty.''.

Ms. PELOSI was recognized and said:

''Mr. Speaker, I support the majority leader's comments.''.

¶1.28 ORDER OF BUSINESS—MORNING-HOUR DEBATE

On motion of Mr. DELAY, by unanimous consent,

Ordered, That it may be in order that during the first session of the 108th Congress: (1) on the legislative days of Monday (when the House convenes pursuant to House Resolution 9), the House shall convene 90 minutes earlier than the time otherwise established by that resolution solely for the purpose of conducting morning-hour debate; and (2) on legislative days of Tuesday (when the House convenes pursuant to House Resolution 9): (a) before May 19, 2003, the House shall convene for morning-hour debate 90 minutes earlier than the time otherwise established by that resolution; and (b) after May 19, 2003, the House shall convene for morning-hour debate one hour earlier than the time otherwise established by the resolution; and; (3) the time for morning -hour debate shall be limited to the 30 minutes allocated to each party (except that on Tuesdays after May 19, 2003, the time shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes beyond the hour appointed for the resumption of the session of the House); and (4) the form of proceeding to morning-hour debate shall be as follows: the prayer by the Chaplain, the approval of the Journal, and the Pledge of Allegiance to the flag shall be postponed until resumption of the session of the House; initial and subsequent recognitions for debate shall alternate between the parties; recognition shall be conferred by the Speaker only pursuant to lists submitted by the majority leader and by the minority leader; no member may address the House for longer than 5 minutes (except the Majority Leader, the Minority Leader, or the Minority Whip); and following morning-hour debate, the Chair shall declare a recess pursuant to clause 12 of rule I until the time appointed for the resumption of the session of the House.

¶1.29 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 23. An Act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communications he may be pleased to make.

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 5

Resolved, That the House of Representatives be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

S. RES. 9

Resolved, That the House of Representatives be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

¶1.30 RECESS—7:10 P.M.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 12 of rule I, declared the House in recess at 7 o'clock and 10 minutes p.m., subject to the call of the Chair.

¶1.31 AFTER RECESS—9:10 P.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶1.32 PROVIDING FOR THE CONSIDERATION OF S. 23

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–1) the resolution (H. Res. 14) providing for consideration of the bill (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

When said resolution and report were referred to the House Calendar and ordered printed.

¶1.33 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 1 AND H.J. RES. 2

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–2) the resolution (H. Res. 15) providing for consideration of the joint resolution (H.J. Res. 1) making further continuing appropriations for the fiscal year 2003, and for other purposes, and for consideration of the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶1.34 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Brucellosis: Testing of Rodeo Bulls [Docket No. 01-095-2] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2. A letter from the Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule — Exceptions of RUS Operational Controls Under Section 306E of the RE Act (RIN: 0572-AB68) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Enterprise Grants and Television Demonstration Grants; Definition of ''rural area'' and new types of ''eligible small and emerging private business enterprises'' (RIN: 0570-AA36) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Facilitate Urgent Timber Removal From Other Lands (RIN: 0596-AB48) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspect ion Service, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Addition of Regulated Area [Docket No. 02-121-1] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspect ion Service, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Great Britain With Regard to Foot-and-Mouth Disease [Docket No. 01-018-4] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Business and Industry Loans; Revision to Definition of Rural Area (RIN: 0570-AA38) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8. A letter from the Director, Regulatory Review & Foreign Investment Disclosure Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Skip Row and Strip Crops (RIN: 0560-AG55) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Decrease in Desirable Carryout Used to Compute Trade Demand [Docket No. FV02-989-6 FIR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Change in the Minimum Maturity Requirements for Fresh Grapefruit [Docket No. FVO2-905-2 FIR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Revision of Regulations for Determining Price Quotations for Spot Cotton [Doc. CN-01-004] (RIN: 0581-ACOO) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule —

Stall Reservations at Import Quarantine Facilities [Docket No. 02-024-1] received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

13. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Demand Side Management and Renewable Energy Systems (RIN: 0572-AB65) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

14. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins [Docket No. 02-088-1] (RIN: 0579-AB47) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

15. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Transportation, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Temporary Suspension of a Provision, and Extension of Certain Deadlines Under the Raisin Diversion Program [Docket No. FV03-989-2 IFR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

16. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Carboxin; Pesticide Tolerance [OPP-2002-0326; FRL-7282-1] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

17. A communication from the President of the United States, transmitting a request to make the subsidy budget authority necessary to support a $45 million Federal credit instrument for Aloha Airlines, Inc; (H. Doc. No. 108—10); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Transactions Between Member Banks and Their Affiliates [Miscellaneous Interpretations] — received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

19. A letter from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Regulatory Reporting Standards: Qualifications for Independent Public Accountants Performing Audit Services for Voluntary Audit Filers [No. 2002-54] (RIN: 1550-AB54) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

20. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of Treasury, transmitting the Department's final rule — Alternative Mortgage Transaction Parity Act; Preemption Delay of Effective Date [No. 2002-59] (RIN: 1550-AB51) received December 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

21. A letter from the Director, Financial Crimes Enforcement Network, Department of Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Anti-Money Laundering Requirements — Correspondent Accounts for Foreign Shell Banks; Recordkeeping and Termination of Correspondent Accounts for Foreign Banks (RIN: 1506-AA35) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

22. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Minimum Standards of Integrity and Fitness for an FDIC Contractor (RIN: 3064-AC29) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

23. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determination [Docket No. FEMA-P-7618] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

24. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

25. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

26. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Federal Credit Unions; Miscellaneous Technical Amendment — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

27. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Prompt Corrective Action — received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

28. A letter from the Deputy Assistant Secretary for Program Operations, PWBA, Department of Labor, transmitting the Department's final rule — Class Exemption to Permit Certain Transactions Identified in the Voluntary Fiducciary Correction Program [Prohibited Transaction Exemption 2002-51; Application No. D-10933] received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

29. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Furnishing Documents to the Secretary of Labor on Request Under ERISA Section 104(a)(6) and Assessment of Civil Penalties Under ERISA Section 502(c)(6) (RIN: 1210-AA67, 1210-AA68) received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

30. A letter from the Director OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting the Administration's final rule — Occupational Injury and Illness Recording and Reporting Requirements [Docket No. R-02B] (RIN: 1218-AC06) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

31. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

32. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Efficiency Program for Certain Commercial and Industrial Equipment: Extension of Time for Electric Motor Manufacturers to Certify Compliance With Energy Efficiency Standards [Docket No. EE-RM-96-400] (RIN: 1904-AB11) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

33. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; D-tagatose and Dental Caries [Docket No. 02P-0177] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

34. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices; Classification for Intraoral Devices for Snoring and/or Obstructive Sleep Apnea [Docket No. 02N-0010] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

35. A letter from the Director, Regulations Policy and Managment Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Aluminum in Large and Small Volume Parenterals Used in Total Parenteral Nutrition; Amendment; Delay of Effective Date [Docket No. 90N-0056] (RIN: 0910-AA74) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

36. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Presiding Officers at Regulatory Hearings; Confirmation of Effective Date [Docket No. 02N-0251] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

37. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities; Virgin Islands [Region II Docket No. VI3-1, FRL-7420-4] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

38. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Repeal of Emission Standards for Perchloroethylene Dry Cleaning Systems [VA125-5058a; FRL-7422-1] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

39. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Revisions to the Alabama Nitrogen Oxides Budget and Allowance Trading Program [AL-059-200306(a); FRL-7419-9] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

40. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills [OAR-2002-0047; FRL-7418-2] (RIN: 2060-AH13) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

41. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Jersey: Final Authorization of State Hazardous Waste Program Revision [FRL-7412-6] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

42. A letter from the Acting Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Perfluoroalkyl Sulfonates; Significant New Use Rule [OPPT-2002-0043; FRL-7279-1] (RIN: 2070-AD43) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

43. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution District, Ventura County Air Pollution Control District [CA144-0375a; FRL-7410-9] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

44. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Burma declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c)and 50 U.S.C. 1703(c); (H. Doc. No. 108—5); to the Committee on International Relations and ordered to be printed.

45. A communication from the President of the United States, transmitting a 6-month report on the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—7); to the Committee on International Relations and ordered to be printed.

46. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—9); to the Committee on International Relations and ordered to be printed.

47. A communication from the President of the United States, transmitting a combined 6-month report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) in Executive Order 12808 on May 30, 1992 and Kosovo in Executive Order 13088 on June 9, 1998, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—11); to the Committee on International Relations and ordered to be printed.

48. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—12); to the Committee on International Relations and ordered to be printed.

49. A communication from the President of the United States, transmitting notification that the Libya emergency is to continue in effect beyond January 7, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—13); to the Committee on International Relations and ordered to be printed.

50. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

51. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

52. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

53. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Bureau of Political-Military Affairs; Amendments to the International Traffic in Arms Regulation: Canadian Exemption [Billing Code 4710-25] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

54. A communication from the President of the United States, transmitting an alternative plan for locality pay increases payable to civilian Federal employees covered by the General Schedules pay system in January 2003, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 108—8); to the Committee on Government Reform and ordered to be printed.

55. A letter from the Director, Bureau of the Census, Department of Commerce, transmitting the Department's final rule — Bureau of the Census Geographically Updated Population Certification Program [Docket No. 020919216-2287-02] (RIN: 0607-AA37) received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

56. A letter from the NARA Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule — Expanding Transfer Options for Electronic Records (RIN: 3095-AB03) received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

57. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Offical Seals (RIN: 3095-AB12) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

58. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Excepted Service — Schedule A Authority for Chinese, Japanese, and Hindu Interpreters (RIN: 3206-AJ53) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

59. A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 108—14); to the Committee on House Administration and ordered to be printed.

60. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Iowa Abandoned Mine Land Reclamation Plan [IA-007-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

61. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-096-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

62. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Mississippi Regulatory Program [MS-017-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

63. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exlusive Economic Zone Off Alaska; Prohibition of Non-pelagic Trawl Gear in Cook Inlet in the Gulf of Alaska [Docket No. 0205222128-2267-02; I.D. 050602B] (RIN: 0648-AP79) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

64. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; annual Specifications and Management Measures; Trip Limit Adjustments; Correction [Docket No. 011231309-2090-03; I.D. 111302A) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

65. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 112602D] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

66. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and south Atlantic; Trip Limit Reduction [I.D. 112602E] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

67. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 110102E] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

68. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exemption Supplement to Framework Adjustment 35 [Docket No. 021101265-2265-01; I.D. 101602A] (RIN: 0648-AQ50) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

69. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 011218304-1304-01; I.D. 111802A] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

70. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commerical Quota Harvested for Quarter 4 Period [Docket No. 011109274-1301-02; I.D. 101602E] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

71. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 112801A] received December 4, 2002, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

72. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Waiver of Criminal Grounds of Inadmissibility for Immigrants [INS No. 2249-02; AG Order No. 2641-2002] (RIN: 1115-AG90) received December 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

73. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Adjustment of Status for Certain Aliens from Vietnam, Cambodia, and Laos in the United States [INS No. 2124-01; AG Order No. 2642-2002] (RIN: 1115-AG14) received December 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

74. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Retention and Reporting of Information for F, J, and M Nonimmigrants; Student and Exchange Visitor Information System (SEVIS) [INS No. 2185-02] (RIN: 1115-AF55) received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

75. A letter from the Director, Office Workers' Compensation Programs, Department of Labor, transmitting the Department's ''Major'' final rule — Performance of Functions Under This Chapter; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, as Amended, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

76. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Partial Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN: 1076-AE34) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

77. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; Drilling and Blasting Operations, Hubline Project, Captain of the Port Boston, Massachusetts [CGD01-02-131] (RIN: 2115-AA97) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

78. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; San Pedro Bay, CA [COTP Los Angeles-Long Beach 02-004] (RIN: 2115-AA97) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

79. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; New Rochelle Harbor, NY [CGD01-02-134] (RIN: 2115-AE47) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

80. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Clinton, IA [CGD08-02-027] (RIN: 2115-AE47) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

81. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston-02-146] (RIN: 2115-AA97) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

82. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Hutchinson River, Eastchester Creek, NY [CGD01-02-138] received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

83. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30339; Amdt. No. 3031] received December 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

84. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-48-AD; Amendment 39-12954; AD 2002-23-10] (RIN: 2120-AA64) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

85. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Design-Build Contracting [FHWA Docket No. FHWA-2000-7799] (RIN: 2125-AE79) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

86. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida [CGD07-02-122] (RIN: 2115-AE46) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

87. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Waters Adjacent to Diablo Canyon Nuclear Power Plant, Avila Beach, CA [COTP Los Angeles-Long Beach 02-006] (RIN: 2115-AA97) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

88. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30340; Amdt. No. 3032] received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

89. A communication from the President of the United States, transmitting his annual report on the state of small business, pursuant to 15 U.S.C. 639(a); to the Committee on Small Business.

90. A letter from the Executive Secretary, Disabled American Veterans, transmitting the 2002 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 108—4); to the Committee on Veterans' Affairs and ordered to be printed.

91. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule — Yadkin Valley Viticultural Area (2001R-88P) [T.D. No. ATF-485; Re: Notice No. 936] (RIN: 1512-AC82) received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

92. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Loans From a Qualified Employer Plan to Plan Participants or Beneficiaries [TD 9021] (RIN: 1545-AX68) received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

93. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and methods of accounting [Rev. Proc. 2002-74] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

94. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Licensing of Viatical Settlement Providers [Rev. Rul. 2002-82] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

95. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-80] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

96. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest Rates; Underpayments and Overpayments [Rev. Rul. 2002-70] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

97. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries ''Basis Shifting'' Tax Shelter [UIL NO: 9300.18-00] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

98. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Liability for Insurance Premium Excise Tax [TD 9024] (RIN: 1545-AY93) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

99. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxability of Beneficiary of Employees' Trust [Rev. Rul. 2002-84] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

100. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Exchange of Property Held for Productive Use or Investment [Rev. Rul. 2002-83] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

101. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Amounts received Under Accident and Health Plans [Rev. Rul. 2002-80] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

102. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Allocation of National Limitation for Qualified Zone Academy Bonds for Year 2003 [Rev. Proc. 2002-72] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

103. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out inventories [Rev. Rul. 2002-87] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

104. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxpayer Identification Number Rule Where Taxpayer Claims Treaty Rate and Is Entitled to an Unexpected Payment [TD 9023] (RIN: 1545-BA39) received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

105. A communication from the President of the United States, transmitting a reorganization plan for the Department of Homeland Security; (H. Doc. No. 108—16); to the Committee on Homeland Security and ordered to be printed.

106. A communication from the President of the United States, transmitting notification of the functions, personnel, assets, and liabilities of the life sciences activities related to microbial pathogens of the Biological and Environmental Research Program of the Department of Energy, including the fuctions of the Secretary of Energy relating thereto, shall be transferred to the Secretary of Homeland Security; (H. Doc. No. 108—17); to the Committee on Homeland Security and ordered to be printed.

107. A letter from the Executive Director, Office of Compliance, transmitting the fourth biennial report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations, pursuant to section 102(b) of the Congressional Accountability Act of 1995; (H. Doc. No. 108—15); jointly to the Committees on House Administration and Education and the Workforce, and ordered to be printed.

108. A communication from the President of the United States, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year 2002, pursuant to 45 U.S.C. 231f(b)(6); jointly to the Committees on Transportation and Infrastructure and Ways and Means.

109. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2003 and Inclusion of Registered Nurses in the Personnel Provision of the Critical Access Hospital Emergency Services Requirement for Frontier Areas and Remote Locations, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

110. A communication from the President of the United States, transmitting a report on the progress made in achieving the militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo, pursuant to Public Law 106—398; (H. Doc. No. 108—6); jointly to the Committees on International Relations, Armed Services, and Appropriations and ordered to be printed.

¶1.35 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. NETHERCUTT, for today after 4 p.m. and January 8.

And then,

¶1.36 ADJOURNMENT

On motion of Mr. SESSIONS, at 9 o'clock and 12 minutes p.m., the House adjourned until 10 a.m., Wednesday, January 8, 2003.

¶1.37 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 14. Resolution providing for consideration of the bill (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends (Rept. 108–1). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 15. Resolution providing for consideration of the joint resolution (H.J. Res. 1) making further continuing appropriations for the fiscal year 2003, and for other purposes, and for consideration of the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–2). Referred to the House Calendar.

¶1.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. OXLEY (for himself, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. KANJORSKI, Mr. BEREUTER, Mr. GUTIERREZ, Mr. BAKER, Mr. ACKERMAN, Mr. BACHUS, Mr. FORD, Mr. CASTLE, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. NEY, Mrs. KELLY, Mr. OSE, Mr. GONZALEZ, Mr. JONES of North Carolina, Mr. SHAYS, Mr. ISRAEL, Mr. GARY G. MILLER of California, Mr. ROSS, Mr. FERGUSON, Mr. MATSUI, Mr. SHAW, Ms. ESHOO, Mr. VITTER, Mr. BLUMENAUER, Mr. SIMMONS, Mr. DAVIS of Alabama, Ms. LEE, and Mr. HINOJOSA):

H.R. 11. A bill to extend the national flood insurance program; to the Committee on Financial Services.

By Mr. MCKEON (for himself, Mr. BOEHNER, Mr. ISAKSON, Mr. PETRI, Mrs. MCCARTHY of New York, Mr. BALLENGER, Mr. SOUDER, Mr. KIND, Mr. TIBERI, Mr. KELLER, Mr. WU, Mr. OSBORNE, Mr. WILSON of South Carolina, and Mr. BOYD):

H.R. 12. A bill to make changes to the Higher Education Act of 1965 incorporating the results of the FED UP Initiative, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. CASTLE, Mr. GREENWOOD, Mr. SOUDER, Mr. EHLERS, Mr. ISAKSON, Mrs. BIGGERT, Mr. OSBORNE, Mr. WILSON of South Carolina, and Mr. ENGLISH):

H.R. 13. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. DELAY, Mr. GEORGE MILLER of California, and Mr. GREENWOOD):

H.R. 14. A bill to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DINGELL:

H.R. 15. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. COBLE, and Mr. BERMAN):

H.R. 16. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. CARDIN, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. SPRATT, Mr. CLYBURN, Mr. STARK, Mr. MATSUI, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. KLECZKA, Mr. JEFFERSON, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. MCNULTY, Mr. POMEROY, Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DINGELL, Mr. DOOLEY of California, Mr. DOYLE, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HOEFFEL, Mr. HOLDEN, Mr. VAN HOLLEN, Mr. HOLT, Mr. INSLEE, Mr. ISRAEL, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. LOFGREN, Mrs. JONES of Ohio, Mrs. LOWEY, Mr. LYNCH, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mrs. MALONEY, Mr. MARKEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Ms. NORTON, Mr. OBEY, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. TIERNEY, Mr. THOMPSON of Mississippi, Mr. UDALL of Colorado, Mr. VISCLOSKY, Ms. WATSON, Mr. WEINER, and Mr. WYNN):

H.R. 17. A bill to provide economic security for America's workers; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 18. A bill to amend title XVIII of the Social Security Act to establish additional provisions to combat waste, fraud, and abuse within the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Mr. RANGEL, and Mr. LEVIN):

H.R. 19. A bill to provide for a program of temporary enhanced unemployment benefits; to the Committee on Ways and Means.

By Mrs. KELLY (for herself and Mrs. TAUSCHER):

H.R. 20. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEACH (for himself, Mr. OXLEY, Mr. ROGERS of Michigan, Mr. PICKERING, Mr. NORWOOD, Mr. GOODLATTE, Mr. BACHUS, Mrs. KELLY, Mr. WOLF, Mr. SPRATT, Mr. OSBORNE, Mr. PITTS, Mr. BERRY, and Mr. GILLMOR):

H.R. 21. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON:

H.R. 22. A bill to simplify certain provisions of the Internal Revenue Code of 1986 and to establish a uniform pass-thru regime; to the Committee on Ways and Means.

By Mr. BACHUS:

H.R. 23. A bill to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; to the Committee on Financial Services.

By Mr. BECERRA:

H.R. 24. A bill to require ballistics testing of firearms manufactured in or imported into the United States, and to provide for the compilation, use, and availability of ballistics information for the purpose of curbing the use of firearms in crime; to the Committee on the Judiciary.

By Mr. LINDER (for himself and Mr. PETERSON of Minnesota):

H.R. 25. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 26. A bill to amend title XVIII of the Social Security Act to revise and improve payments to providers of services under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 27. A bill to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Financial Services.

By Mr. BEREUTER:

H.R. 28. A bill to amend section 501 of the American Homeownership and Economic Opportunity Act of 2000 to provide for the establishment of the Lands Title Report Commission for Indian trust lands; to the Committee on Financial Services.

By Mr. BEREUTER (for himself, Mr. TERRY, and Mr. OSBORNE):

H.R. 29. A bill to convert a temporary judgeship for the district of Nebraska to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

By Mr. BEREUTER:

H.R. 30. A bill to amend the Water Resources Development Act of 1992 to authorize the Secretary of the Army to pay the non-Federal share for managing recreation facilities and natural resources to water resource development projects if the non-Federal interest has agreed to reimburse the Secretary, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MILLER of Florida (for himself, Mr. PAUL, Mr. GOODE, Mr. LARSEN of Washington, Mr. TANCREDO, Mr. OSE, Mr. HALL, and Mr. FORBES):

H.R. 31. A bill to nullify the recent pay increase and to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 32. A bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself, Mr. BERRY, Mr. FOLEY, Mr. MURTHA, Mr. KILDEE, Mr. COSTELLO, Mr. GREEN of Wisconsin, Mr. NETHERCUTT, Mr. MCINTYRE, Mr. TOWNS, Mr. LUCAS of Oklahoma, Mrs. WILSON of New Mexico, Mr. BOUCHER, Mr. TERRY, Mr. BAIRD, Mrs. CUBIN, Mr. BASS, Mr. FROST, and Mr. OSBORNE):

H.R. 33. A bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. EHLERS, Mrs. TAUSCHER, Mr. ANDREWS, Mr. BOSWELL, Mr. JOHNSON of Illinois, Mr. HOLT, Mr. TOM DAVIS of Virginia, Mr. HONDA, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. SHIMKUS, Mr. WAMP, Mr. HOUGHTON, Mr. HASTINGS of Washington, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NADLER, Mr. LEACH, Mr. BOYD, Mr. HINCHEY, Mr. BAIRD, Mr. ETHERIDGE, Mr. UDALL of New Mexico, Mr. FILNER, Ms. ROYBAL-ALLARD, Mrs. MCCARTHY of New York, Mr. CAPUANO, Ms. SLAUGHTER, Mr. MCDERMOTT, Mr. CALVERT, Mr. SCHIFF, Mr. DEUTSCH, Mr. WELLER, Mr. ABERCROMBIE, Mr. KENNEDY of Rhode Island, Mr. SIMPSON, Mr. HINOJOSA, Mr. RUSH, Mrs. DAVIS of California, and Mr. STUPAK):

H.R. 34. A bill to authorize appropriations for fiscal years 2004, 2005, 2006, and 2007 for the Department of Energy Office of Science, to ensure that the United States is the world leader in key scientific fields by restoring a healthy balance of science funding, to ensure maximum utilization of the national user facilities, and to secure the Nation's supply of scientists for the 21st century, and for other purposes; to the Committee on Science.

By Mrs. BIGGERT:

H.R. 35. A bill to amend the Family and Medical Leave Act of 1993 to clarify the Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. SMITH of New Jersey, and Mr. EVANS):

H.R. 36. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse; to the Committee on Veterans' Affairs.

By Mr. BOEHLERT:

H.R. 37. A bill to elevate the Environmental Protection Agency to Cabinet-level status and redesignate such agency as the Department of Environmental Protection; to the Committee on Government Reform.

By Mrs. CAPITO:

H.R. 38. A bill to amend title XVIII of the Social Security Act to provide for a voluntary outpatient prescription drug benefit program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 39. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. RANGEL, Mr. RUSH, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, and Mr. WYNN):

H.R. 40. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself, Mr. LARSEN of Washington, Mr. TAYLOR of Mississippi, Mrs. DAVIS of California, Ms. WOOLSEY, Ms. LOFGREN, Mr. ROSS, Mr. MARKEY, Mr. BOUCHER, Mr. GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. MCNULTY, Ms. CARSON of Indiana, Ms. SLAUGHTER, Mr. REYES, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. FROST, Mr. ISRAEL, Mr. DOGGETT, Mr. HINCHEY, Mr. DAVIS of Florida, Mr. RODRIGUEZ, Mr. NADLER, and Mr. WYNN):

H.R. 41. A bill to amend title XVIII of the Social Security Act to specify the update for payments under the Medicare physician fee schedule for 2003; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 42. A bill to amend the Internal Revenue Code of 1986 reduce individual capital

gains rates; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 43. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on corporations and individuals; to the Committee on Ways and Means.

By Mr. DREIER (for himself, Mr. HALL, Ms. DUNN, Ms. MCCARTHY of Missouri, Mr. ENGLISH, Mr. SESSIONS, Mr. TOOMEY, and Mr. MANZULLO):

H.R. 44. A bill to amend the Internal Revenue Code of 1986 to provide reduced capital gain rates for qualified economic stimulus gain and to index the basis of assets of individuals for purposes of determining gains and losses; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 45. A bill to amend the Internal Revenue Code of 1986 to repeal the double taxation of corporate profits; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 46. A bill to require the Secretary of the Treasury to submit a study of tax depreciation recovery periods; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. FATTAH, Mr. BERMAN, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. PAYNE, Mr. REYES, Ms. LEE, Mr. NADLER, Mr. SERRANO, Mr. KLECZKA, Ms. ROYBAL-ALLARD, Mr. FILNER, Ms. SCHAKOWSKY, Mr. HONDA, Mrs. JONES of Ohio, and Ms. WOOLSEY):

H.R. 47. A bill to amend the Immigration and Nationality Act to restore fairness to immigration law, and for other purposes; to the Committee on the Judiciary.

By Mr. COX (for himself, Mr. LANTOS, Mr. ACKERMAN, Mr. CUNNINGHAM, Mr. POMEROY, Mr. WELLER, Ms. ROS-LEHTINEN, and Mr. SCHIFF):

H.R. 48. A bill to develop and deploy technologies to defeat Internet jamming and censorship; to the Committee on International Relations.

By Mr. COX (for himself, Mr. CALVERT, Mr. CANNON, Mr. CHABOT, Mr. CUNNINGHAM, Mr. TOM DAVIS of Virginia, Mr. DREIER, Mr. FLAKE, Mr. GOODLATTE, Mr. HERGER, Mr. HYDE, Mr. ISSA, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. OSE, Mr. PENCE, Mr. PLATTS, Mr. POMBO, Mr. ROHRABACHER, Mr. WELDON of Florida, Mr. DOOLITTLE, Mrs. MUSGRAVE, Ms. GINNY BROWN-WAITE of Florida, Mr. SWEENEY, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. MCCOTTER, Mr. BLUMENAUER, Mr. ROYCE, Mr. TANCREDO, Mr. BLUNT, Mr. DICKS, Mr. LEWIS of California, and Mr. BEAUPREZ):

H.R. 49. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on the Judiciary.

By Mr. COX (for himself, Mrs. BIGGERT, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CANTOR, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. DUNCAN, Mr. ENGLISH, Mr. FLAKE, Mr. GALLEGLY, Mr. HERGER, Mr. HYDE, Mr. ISTOOK, Mr. KOLBE, Mr. LATHAM, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PETRI, Mr. PLATTS, Mr. SESSIONS, Mr. SHADEGG, Mr. SHUSTER, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SWEENEY, Mr. TIAHRT, Mr. WELDON of Florida, and Mr. WILSON of South Carolina):

H.R. 50. A bill to amend the Internal Revenue Code of 1986 to eliminate the double taxation of dividends; to the Committee on Ways and Means.

By Mr. COX:

H.R. 51. A bill to repeal the Federal death tax, including the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

By Mr. COX:

H.R. 52. A bill to amend the Internal Revenue Code of 1986 to repeal the ''luxury tax'' on beer, enacted in the Omnibus Budget Reconciliation Act of 1990, which doubled previous excise levels; to the Committee on Ways and Means.

By Mr. COX:

H.R. 53. A bill to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. CRENSHAW (for himself, Mr. MICA, Mr. PUTNAM, Mr. OXLEY, Mr. FORBES, and Mr. KENNEDY of Minnesota):

H.R. 54. A bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. DREIER (for himself and Mr. MENENDEZ):

H.R. 55. A bill to provide authority to control exports, and for other purposes; to the Committee on International Relations.

By Mr. DREIER:

H.R. 56. A bill to make the Federal employees health benefits program available to individuals age 55 to 65 who would not otherwise have health insurance, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. CRAMER, Mr. SHUSTER, Mr. DEMINT, Mr. NETHERCUTT, Mr. KOLBE, Mr. HERGER, Mr. HASTINGS of Washington, Mr. CAMP, Mr. FOLEY, Mr. WILSON of South Carolina, Mr. WELLER, Mr. PUTNAM, Mr. TOOMEY, Mr. MCKEON, Mr. MICA, Mr. WICKER, Mr. BOEHNER, Mr. PLATTS, Mr. GOODE, Mr. TOM DAVIS of Virginia, Mr. NORWOOD, Mr. WELDON of Florida, Mr. GIBBONS, Mr. BASS, Mr. CUNNINGHAM, Mr. SHIMKUS, Mr. WAMP, Mrs. MYRICK, Mr. PICKERING, Mr. RYAN of Wisconsin, Mr. ROGERS of Michigan, Mr. KIRK, Mr. JONES of North Carolina, Mr. WOLF, Mr. BOUCHER, Mr. REYNOLDS, Mr. ENGLISH, Mr. HALL, Mrs. NORTHUP, Mr. KNOLLENBERG, Mr. HAYWORTH, Mr. DREIER, Mr. MCINNIS, Mr. CRANE, Mr. SHAW, Mr. ABERCROMBIE, Mr. SOUDER, Mrs. WILSON of New Mexico, Mr. ROGERS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. REHBERG, and Mr. CALVERT):

H.R. 57. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. EDWARDS:

H.R. 58. A bill to restore health care coverage to retired members of the uniformed services; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 59. A bill to amend the Emergency Food Assistance Act of 1983 to permit States to use administrative funds to pay costs relating to the processing, transporting, and distributing to eligible recipient agencies of donated wild game; to the Committee on Agriculture.

By Mr. EHLERS:

H.R. 60. A bill to amend the Metric Conversion Act of 1975 to require Federal agencies to impose certain requirements on recipients of awards for scientific and engineering research; to the Committee on Science.

By Mr. EHLERS:

H.R. 61. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall be required to be used with respect to contracts for the manufacture of property if no payments are required to be made before the completion of the manufacture of such property; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 62. A bill to establish the Medicare Eligible Military Retiree Health Care Consensus Task Force; to the Committee on Armed Services.

By Mrs. EMERSON:

H.R. 63. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers affected by the changes in benefit computation rules enacted in the Social Security Amendments of 1977 who attain age 65 during the 10-year period after 1981 and before 1992 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 64. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free distributions from qualified retirement plans on account of the death or disability of the participant's spouse; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 65. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage under Medicare part B; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 66. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to certain senior citizens for premiums paid for coverage under Medicare Part B; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself and Mr. HAYWORTH):

H.R. 67. A bill to provide temporary legal exemptions for certain land management activities of the Federal land management agencies undertaken in federally declared disaster areas; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN:

H.R. 68. A bill to ensure the efficient allocation of telephone numbers; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 69. A bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and

for other purposes; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 70. A bill to regulate the use by interactive computer services of Social Security account numbers and related personally identifiable information; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 71. A bill to require customer consent to the provision of wireless call location information; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN (for himself, Mr. FERGUSON, Mr. HOLT, and Mr. PALLONE):

H.R. 72. A bill to prohibit a State from imposing a discriminatory commuter tax on nonresidents, and for other purposes; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 73. A bill to amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus; to the Committee on Veterans' Affairs.

By Mr. GIBBONS:

H.R. 74. A bill to direct the Secretary of Agriculture to convey certain land in the lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Resources.

By Mr. SHAW (for himself, Mr. FOLEY, Mr. LEWIS of Kentucky, Mr. NORWOOD, and Mr. SMITH of Michigan):

H.R. 75. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security program through the creation of personal Social Security guarantee accounts ensuring full benefits for all workers and their families, restoring long-term Social Security solvency, to make certain benefit improvements, and for other purposes; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas:

H.R. 76. A bill to prevent children's access to firearms; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 77. A bill to provide for the establishment of a task force within the Bureau of Justice Statistics to gather information about, study, and report to the Congress regarding, incidents of abandonment of infant children; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 78. A bill to amend title XVIII of the Social Security Act to require hospitals reimbursed under the Medicare system to establish and implement security procedures to reduce the likelihood of infant patient abduction and baby switching, including procedures for identifying all infant patients in the hospital in a manner that ensures that it will be evident if infants are missing from the hospital; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 79. A bill to require the Secretary of Education to conduct a study and submit to Congress a report on methods for identifying and treating children with dyslexia in kindergarten through third grade; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas:

H.R. 80. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 81. A bill to amend the Public Health Service Act with respect to mental health services for children, adolescents and their families; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 82. A bill to increase the numerical limitation on the number of asylees whose status may be adjusted to that of an alien lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 83. A bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 84. A bill to assist aliens who were transplanted to the United States as children in continuing their education and otherwise integrating into American society; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 85. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 86. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 87. A bill to modify the requirements applicable to the admission into the United States of H-1C nonimmigrant registered nurses, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 88. A bill to amend the Immigration and Nationality Act to modify the requirements for a child born abroad and out of wedlock to acquire citizenship based on the citizenship of the child's father, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 89. A bill to create a separate DNA database for violent predators against children, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 90. A bill to establish the Cultural Competence Commission; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 91. A bill to name the Department of Veterans Affairs in Houston, Texas, as the ''Michael E. DeBakey Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. GRAVES:

H.R. 92. A bill to provide emergency disaster assistance to agricultural producers to respond to severe crop losses incurred in 2001 and 2002; to the Committee on Agriculture.

By Mr. GREEN of Texas:

H.R. 93. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GREEN of Texas:

H.R. 94. A bill to amend the Communications Act of 1934 to provide for the use of unexpended universal service funds in low-income schools, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GREEN of Texas:

H.R. 95. A bill to make amounts provided under the Operation Safe Home and New Approach Anti-Drug programs available for use for providing law enforcement officers to patrol and provide security for housing assisted by the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. HALL:

H.R. 96. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. HALL (for himself and Mr. WEXLER):

H.R. 97. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN of Texas:

H.R. 98. A bill to amend the National Flood Insurance Act of 1968 to provide a 50 percent discount in flood insurance rates for the first 5 years that certain low-cost properties are included in flood hazard zones; to the Committee on Financial Services.

By Mr. GREEN of Texas:

H.R. 99. A bill to designate ''God Bless America'' as the national hymn of the United States; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 100. A bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

By Mr. GREEN of Texas:

H.R. 101. A bill to provide Capitol-flown flags to the families of deceased law enforcement officers; to the Committee on the Judiciary.

By Mr. GREEN of Texas:

H.R. 102. A bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.R. 103. A bill to provide that no more than 50 percent of funding made available under the Low-Income Home Energy Assistance Act of 1981 for any fiscal year be provided for home heating purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.R. 104. A bill to amend title II of the Social Security Act to eliminate the 24-month waiting period for disabled individuals to become eligible for Medicare benefits; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 105. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide Federal grants to first responders to enhance their ability to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 106. A bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors; to the Committee on Education and the Workforce.

By Mr. BOUCHER (for himself, Mr. DOOLITTLE, Mr. BACHUS, and Mr. KENNEDY of Rhode Island):

H.R. 107. A bill to amend the Federal Trade Commission Act to provide that the advertising or sale of a mislabeled copy-protected music disc is an unfair method of competition and an unfair and deceptive act or practice, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 108. A bill to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act; to the Committee on Resources.

By Mr. HAYWORTH:

H.R. 109. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 110. A bill to require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. KANJORSKI, Mr. LATOURETTE, Ms. WATERS, Mrs. NORTHUP, Mr. SHERMAN, Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. WAMP, Ms. WOOLSEY, Mrs. BONO, Mr. CUNNINGHAM, Mr. FOLEY, Mr. SANDERS, Mr. MURTHA, Mr. CONYERS, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. FARR, Mr. OWENS, Mr. SANDLIN, Ms. KAPTUR, Mr. BRADY of Texas, Ms. LEE, Mr. THOMPSON of California, Ms. NORTON, Mr. VITTER, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. ANDREWS, Mr. LANTOS, Mr. DOOLITTLE, Mr. SAXTON, Mr. NADLER, Mr. MATSUI, Mr. ISRAEL, Mrs. JO ANN DAVIS of Virginia, Mr. BLUMENAUER, Mr. GORDON, Mrs. CAPITO, Mr. HERGER, Mr. GOODLATTE, Mr. WEINER, Mr. MCHUGH, Mr. WILSON of South Carolina, Mr. HOLT, Mr. LARSEN of Washington, Mr. QUINN, Mr. SIMMONS, Mr. HOLDEN, Mr. ABERCROMBIE, Ms. SLAUGHTER, Mrs. JONES of Ohio, Mr. TANCREDO, Mr. SMITH of New Jersey, Mr. DUNCAN, Mr. SHUSTER, Mr. LOBIONDO, Mr. BARTON of Texas, Ms. GRANGER, Ms. ESHOO, Mr. LARSON of Connecticut, Ms. MILLENDER-MCDONALD, Mr. UDALL of Colorado, Ms. ROYBAL-ALLARD, Mr. ROTHMAN, Mr. LAMPSON, Mr. MILLER of Florida, Mr. BAIRD, Mr. WHITFIELD, Mr. SHAW, Ms. SOLIS, Mr. DEFAZIO, Mr. MCKEON, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Ms. CORRINE BROWN of Florida, Mr. LEVIN, Mr. PASCRELL, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. GREEN of Texas, Mr. MATHESON, Mr. CRAMER, Mr. STEARNS, Mr. ROGERS of Alabama, Mr. HINOJOSA, Ms. HARMAN, Mr. FORD, Mr. OTTER, Mr. KIRK, Mr. RODRIGUEZ, Mr. HOBSON, Mr. WEXLER, Mr. HEFLEY, Mr. BROWN of Ohio, Mr. MCINNIS, Ms. BALDWIN, Mr. ADERHOLT, Mr. ENGEL, Mr. MICA, Mr. HUNTER, Mr. EVERETT, Mr. BERMAN, Mr. TAUZIN, Mr. GIBBONS, Mr. DICKS, Mr. CARDOZA, Mr. BOEHLERT, and Mr. DINGELL):

H.R. 111. A bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Financial Services.

By Mr. HEFLEY:

H.R. 112. A bill to amend title 28, United States Code, to provide for an additional place of holding court in the District of Colorado; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. PALLONE, Mr. ANDREWS, Mr. LOBIONDO, Mr. SAXTON, Mr. FRELINGHUYSEN, Mr. HOLT, and Mr. ROTHMAN):

H.R. 113. A bill to establish the HARS-specific PCB effects level, expressed in a certain Memorandum of Agreement issued by the Environmental Protection Agency and the Corps of Engineers, as a final criterion; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY:

H.R. 114. A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes; to the Committee on Resources.

By Mr. HEFLEY:

H.R. 115. A bill to amend title 49, United States Code, to improve airport security by using biometric security badges, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY (for himself, Mr. UDALL of Colorado, Mr. MCINNIS, Mrs. MUSGRAVE, Mr. TANCREDO, Mr. BEAUPREZ, and Ms. DEGETTE):

H.R. 116. A bill to authorize the Secretary of Veterans Affairs to construct, lease, or modify major medical facilities at the site of the former Fitzsimons Army Medical Center, Aurora, Colorado; to the Committee on Veterans' Affairs.

By Mr. HEFLEY:

H.R. 117. A bill to amend the Internal Revenue Code of 1986 to extend to civilian employees of the Department of Defense serving in combat zones the tax treatment allowed to members of the Armed Forces serving in combat zones; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 118. A bill to overrule United States v. Fior D'Italia, Inc; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 119. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 120. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions for scholarships to attend elementary and secondary schools, for upgrading elementary and secondary school facilities, and for expenses related to technology for elementary and secondary schools; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 121. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture.

By Mr. HOLT:

H.R. 122. A bill to amend section 227 of the Communications Act of 1934 to prohibit the use of the text, graphic, or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages; to the Committee on Energy and Commerce.

By Mr. HOLT:

H.R. 123. A bill to repeal the provision of the September 11th Victim Compensation Fund of 2001 that requires the reduction of a claimant's compensation by the amount of any collateral source compensation payments the claimant is entitled to receive, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLT:

H.R. 124. A bill to provide for the mandatory licensing and registration of handguns; to the Committee on the Judiciary.

By Mr. HOLT (for himself, Mr. BOEHLERT, Mr. HOUGHTON, Mr. ETHERIDGE, Ms. DELAURO, Mr. HINCHEY, Mr. NADLER, Mr. MCDERMOTT, Mr. SNYDER, Mr. MARKEY, Mr. BRADY of Pennsylvania, Mr. KIND, Mr. SMITH of Washington, Mr. GREENWOOD, Mr. ENGEL, and Mr. BLUMENAUER):

H.R. 125. A bill to reestablish the Office of Technology Assessment; to the Committee on Science.

By Mr. HOLT (for himself, Mr. CUNNINGHAM, and Mrs. NORTHUP):

H.R. 126. A bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 127. A bill to amend the Congressional Budget Act of 1974 to preserve all budget surpluses until legislation is enacted significantly extending the solvency of the Social Security and Medicare trust funds; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 128. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of oral drugs to treat low blood calcium levels or elevated parathyroid hormone levels for patients with end stage renal disease; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 129. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a tax deduction for higher education expenses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself, Mr. BOSWELL, and Mr. HINCHEY):

H.R. 130. A bill to provide for a Biofuels Feedstocks Energy Reserve, and to authorize the Secretary of Agriculture to make and guarantee loans for the production, distribution, development, and storage of biofuels; to the Committee on Agriculture.

By Ms. KILPATRICK:

H.R. 131. A bill to prevent fraud and deception in network recreational games; to the Committee on Energy and Commerce.

By Ms. KILPATRICK:

H.R. 132. A bill to create Federal advertising procurement opportunities for minority business concerns, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 133. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in income taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself and Mrs. NORTHUP):

H.R. 134. A bill to amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Ways and Means.

By Mr. LINDER (for himself, Mr. CALVERT, Mr. DUNCAN, and Mr. SHUSTER):

H.R. 135. A bill to establish the ''Twenty-First Century Water Commission'' to study and develop recommendations for a comprehensive water strategy to address future water needs; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McHUGH:

H.R. 136. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for farmers' investments in value-added agriculture; to the Committee on Ways and Means.

By Mr. McHUGH:

H.R. 137. A bill to provide job creation and assistance, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McHUGH:

H.R. 138. A bill to bridge the digital divide in rural areas; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McINNIS:

H.R. 139. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. McINTYRE (for himself, Mr. BOYD, and Mr. TOM DAVIS of Virginia):

H.R. 140. A bill to eliminate the Federal quota and price support programs for tobacco, to compensate quota holders and active producers for the loss of tobacco quota asset value, to establish a permanent advisory board to determine and describe the physical characteristics of United States farm-produced tobacco and unmanufactured imported tobacco, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McINTYRE (for himself, Mr. HAYES, and Mr. MILLER of North Carolina):

H.R. 141. A bill to establish the SouthEast Crescent Authority, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California:

H.R. 142. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; to the Committee on Resources.

By Mr. NADLER:

H.R. 143. A bill to prohibit the importation of dangerous firearms that have been modified to avoid the ban on semiautomatic assault weapons; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 144. A bill to control the sale of gun kits; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 145. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ted Weiss Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. NADLER:

H.R. 146. A bill to eliminate a limitation with respect to the collection of tolls for use of the Verrazano Narrows Bridge, New York; to the Committee on Transportation and Infrastructure.

By Mr. NADLER:

H.R. 147. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross estate the value of certain works of artistic property created by the decedent; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 148. A bill to provide that Community Development Block Grant funds relating to the recovery of New York City from the September 11, 2001, terrorist attacks shall not be subject to Federal taxation; to the Committee on Ways and Means.

By Mr. NADLER (for himself and Mr. CROWLEY):

H.R. 149. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 150. A bill to amend the Internal Revenue Code of 1986 to provide for regional cost of living adjustments; to the Committee on Ways and Means.

By Mr. NETHERCUTT (for himself, Mr. HAYWORTH, Ms. DEGETTE, and Mr. KILDEE):

H.R. 151. A bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; referred to the Committees on Resources and Energy and Commerce for a period ending not later than June 1, 2003, and in addition to the Committees on Rules, Ways and Means and Government Reform for a period to be determined subsequently by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASTOR (for himself and Mr. GUTIERREZ):

H.R. 152. A bill to adjust the status of certain aliens with longstanding ties to the United States to that of an alien lawfully admitted to permanent residence, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 153. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary.

By Mr. PAUL (for himself and Mr. HALL):

H.R. 154. A bill to exclude certain properties from the John H. Chafee Coastal Barrier Resources System; to the Committee on Resources.

By Mr. PAUL (for himself and Mr. KINGSTON):

H.R. 155. A bill to support the domestic shrimping industry by eliminating taxpayer subsidies for certain competitors, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Resources, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mrs. MALONEY, Mr. SHIMKUS, Mr. McGOVERN, Mr. GREEN of Wisconsin, and Mr. SHAYS):

H.R. 156. A bill to amend the Federal Election Campaign Act of 1971 to require persons conducting Federal election polls by telephone to disclose certain information to respondents and the Federal Election Commission; to the Committee on House Administration.

By Mr. PETRI (for himself, Mr. KANJORSKI, Mr. FRANKS of Arizona, and Mr. ENGLISH):

H.R. 157. A bill to amend the Internal Revenue Code of 1986 to provide a credit and a deduction for small political contributions; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 158. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 159. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of certain farmland the use of which is restricted in perpetuity to use as farmland; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mrs. CUBIN, Mr. BOSWELL, and Mr. BALLANCE):

H.R. 160. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture.

By Mr. PORTMAN:

H.R. 161. A bill to designate the Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. QUINN (for himself, Mr. MCHUGH, Mr. LOBIONDO, Mr. KING of New York, and Mr. WALSH):

H.R. 162. A bill to amend the Temporary Extended Unemployment Act of 2002 to provide for additional weeks of benefits to exhaustees, and to provide for a temporary extension of the temporary extended unemployment program; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. STARK, and Mr. ABERCROMBIE):

H.R. 163. A bill to provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, and for other purposes; to the Committee on Armed Services.

By Mr. REGULA:

H.R. 164. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Resources.

By Mr. REYNOLDS (for himself, Mr. DOOLITTLE, and Mr. FLAKE):

H.R. 165. A bill to prohibit the Secretary of the Treasury from using surplus funds to make any investment in securities, other than government and municipal securities; to the Committee on Financial Services.

By Mr. REYNOLDS:

H.R. 166. A bill to repeal limitations under the Home Investment Partnerships Act on the percentage of the operating budget of an organization receiving assistance under such Act that may be funded under such Act; to the Committee on Financial Services.

By Mr. REYNOLDS (for himself, Mr. SESSIONS, Mr. CROWLEY, Mr. ISRAEL, Mr. HOLDEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCNULTY, Mr. WELLER, Mr. SWEENEY, Mr. SOUDER, Mr. OTTER, Mr. CANTOR, and Mr. WAMP):

H.R. 167. A bill to take certain steps toward recognition by the United States of Jerusalem as the capital of Israel; to the Committee on International Relations.

By Mr. REYNOLDS:

H.R. 168. A bill to permit States to place supplemental guide signs relating to veterans cemeteries on Federal-aid highways; to the Committee on Transportation and Infrastructure.

By Mr. REYNOLDS (for himself, Mr. MCGOVERN, and Mrs. MALONEY):

H.R. 169. A bill to amend title 38, United States Code, to allow the sworn affidavit of a veteran who served in combat during the Korean War or an earlier conflict to be accepted as proof of service-connection of a disease or injury alleged to have been incurred or aggravated by such service; to the Committee on Veterans' Affairs.

By Mr. REYNOLDS (for himself, Mr. DOOLITTLE, Mr. ENGLISH, and Mr. SOUDER):

H.R. 170. A bill to amend the Internal Revenue Code of 1986 to simplify and reduce the capital gain rates for all taxpayers and to exclude from gross income 55 percent of the dividends received by individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself and Mrs. MYRICK):

H.R. 171. A bill to amend the Internal Revenue Code of 1986 to repeal the provision that limited the interest deduction on refinanced home mortgage indebtedness to the amount of the indebtedness being refinanced; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. QUINN, Mr. BOEHLERT, Mr. SWEENEY, Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. GREENWOOD, Mr. SERRANO, Mrs. MCCARTHY of New York, Mr. TOWNS, Mrs. MALONEY, Mrs. LOWEY, Mr. ENGEL, Mr. NADLER, Mr. WEINER, and Mr. HINCHEY):

H.R. 172. A bill to amend title XVI of the Social Security Act to provide that annuities paid by States to blind veterans shall be disregarded in determining supplemental security income benefits; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 173. A bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H.R. 174. A bill to provide for the conveyance of certain real property by the Administrator of General Services; to the Committee on Government Reform.

By Mr. ROYCE:

H.R. 175. A bill to abolish the Advanced Technology Program; to the Committee on Science.

By Mr. ROYCE (for himself and Mr. KENNEDY of Minnesota):

H.R. 176. A bill to amend the Internal Revenue Code of 1986 to allow amounts elected for reimbursement of medical care expenses under a health flexible spending arrangement that are unused during a plan year to be carried over for such use for subsequent plan years; to the Committee on Ways and Means.

By Mr. ROYCE:

H.R. 177. A bill to strengthen and protect Social Security; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin:

H.R. 178. A bill to amend the Internal Revenue Code of 1986 to give a deduction to corporations for dividends paid and to exclude dividends from gross income; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. WELLER, Mrs. JOHNSON of Connecticut, Mr. CRANE, Mr. LEWIS of Kentucky, Mr. FOLEY, and Mr. MANZULLO):

H.R. 179. A bill to amend the Internal Revenue Code of 1986 to expand the depreciation benefits available to small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself, Mr. BRADY of Texas, Mr. AKIN, Mr. ROYCE, and Mr. SESSIONS):

H.R. 180. A bill to reform Federal budget procedures to restrain congressional spending, foster greater oversight of the budget, account for accurate Government agency costs, and for other purposes; referred to the Committee on the Budget for a period ending not later than June 1, 2003, and in addition to the Committees on Rules, Ways and Means and Government Reform for a period to be determined subsequently by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas:

H.R. 181. A bill to amend the Internal Revenue Code of 1986 to allow all taxpayers who maintain households with dependents a credit for dependents; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. SPRATT, Mrs. TAUSCHER, Mr. EDWARDS, Mr. CROWLEY, Mr. MCDERMOTT, Mr. BERMAN, Mr. FRANK of Massachusetts, Mr. SHAYS, Ms. HARMAN, and Mr. BROWN of Ohio):

H.R. 182. A bill to make permanent the authority to waive restrictions on use of funds for threat reduction in States of the former Soviet Union and for a chemical weapons destruction facility in Russia; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 183. A bill to permit members of the House of Representatives to donate used computer equipment to public elementary and secondary schools designated by the members; to the Committee on House Administration.

By Mr. SERRANO:

H.R. 184. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other purposes; to the Committee on the Judiciary.

By Mr. SERRANO:

H.R. 185. A bill to amend the Internal Revenue Code of 1986 to provide a business credit relating to the use of clean-fuel vehicles by businesses within areas designated as nonattainment areas under the Clean Air Act; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 186. A bill to amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 187. A bill to amend the Trade Sanctions Reform and Export Enhancement Act of 2000 to allow for the financing of agricultural sales to Cuba; to the Committee on Financial Services, and in addition to the Committees on International Relations, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 188. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 189. A bill to waive certain prohibitions with respect to nationals of Cuba coming to the United States to play organized professional baseball; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 190. A bill to amend the Internal Revenue Code of 1986 to provide for designation of overpayments and contributions to the United States Library Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, and Mr. SHAYS):

H.R. 191. A bill to direct the Secretary of Transportation to carry out a project to establish a greenway for purposes of environmental preservation along the portion of State Route 11 proposed for construction between Salem and Waterford, Connecticut; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. PAYNE, Mr. WOLF, Mr. OBERSTAR, Ms. ROS-LEHTINEN, Mr. KILDEE, Mr. ROHRABACHER, Mr. BERMAN, Mr. YOUNG of Alaska, Mr. HOUGHTON, Mr. TANCREDO, Mr. BLUMENAUER, Mr. TOM DAVIS of Virginia, Mr. BROWN of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Ms. CARSON of Indiana, Mr. ISSA, Mrs. DAVIS of California, Mr. ISAKSON, Mr. DICKS, Mr. BISHOP of Georgia, Mr. BEREUTER, Ms. ESHOO, Mr. SHAW, Mr. HOEFFEL, Mr. KIRK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHAYS, Mr. MICA, Mr. CASTLE, Mr. MCDERMOTT, Mr. GREENWOOD, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. RODRIGUEZ, Mr. SANDERS, and Ms. WOOLSEY):

H.R. 192. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on International Relations.

By Mr. HEFLEY:

H.R. 193. A bill to amend section 922 of chapter 44 of title 18, United States Code, to protect the rights of citizens under the Second Amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 194. A bill to amend title XVIII of the Social Security Act with respect to reform of payment for drugs and biologicals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. AKIN, Mr. BOOZMAN, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. FALEOMAVAEGA, Mr. FOLEY, Mr. HALL, Mr. JONES of North Carolina, Mr. LAHOOD, Mrs. MYRICK, Mr. PENCE, Mr. PITTS, Mr. ROSS, Mr. SHUSTER, Mr. SOUDER, Mr. TERRY, Mr. WILSON of South Carolina, Mr. CALVERT, Mr. ISSA, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. RYUN of Kansas, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. TAYLOR of Mississippi, Mr. TIAHRT, Mr. VITTER, Mr. WELDON of Florida, Mr. BAKER, Mr. BARTLETT of Maryland, and Mr. FORBES):

H.R. 195. A bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. CUMMINGS, Mr. QUINN, and Mr. MORAN of Virginia):

H.R. 196. A bill to authorize the Secretary of the Interior to establish a memorial to slavery, in the District of Columbia; to the Committee on Resources.

By Mr. STEARNS (for himself, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, and Mr. MICA):

H.R. 197. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Jacksonville, Florida, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. STEARNS (for himself, Mr. TERRY, and Mr. PAUL):

H.R. 198. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid for health insurance and prescription drug costs of individuals; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. CRANE, Mr. BOEHNER, Mr. BURR, Mr. FORBES, Mr. HEFLEY, Mr. ISAKSON, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. LAHOOD, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. OTTER, Mr. PAUL, Mr. PRICE of North Carolina, Mr. RAMSTAD, Mr. SCHROCK, Mr. SHIMKUS, Mr. SIMMONS, and Mr. WILSON of South Carolina):

H.R. 199. A bill to amend the Internal Revenue Code of 1986 to repeal the 2 percent excise tax on the net investment income of tax-exempt foundations; to the Committee on Ways and Means.

By Mr. GUTIERREZ:

H.R. 200. A bill to revise various provisions of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 201. A bill to extend the time period prior to the need for workers for the filing of applications for temporary labor certification in the processing of alien labor certification applications; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 202. A bill to amend the Internal Revenue Code of 1986 to provide for an inflation adjustment of the base amounts used in determining the amount of Social Security benefits included in gross income; to the Committee on Ways and Means.

By Mr. SWEENEY (for himself and Mr. MCHUGH):

H.R. 203. A bill to reduce acid deposition under the Clean Air Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWEENEY (for himself and Mr. PAUL):

H.R. 204. A bill to prohibit United States voluntary and assessed contributions to the United Nations if the United Nations imposes any tax or fee on United States persons or continues to develop or promote proposals for such taxes or fees; to the Committee on International Relations.

By Mr. SWEENEY:

H.R. 205. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. SWEENEY:

H.R. 206. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Mr. SWEENEY (for himself and Mr. OSBORNE):

H.R. 207. A bill to amend the Controlled Substances Act with respect to the placing of certain substances on the schedules of controlled substances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. RADANOVICH):

H.R. 208. A bill to amend the Social Security Act with respect to the employment of persons with criminal backgrounds by long-term care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 209. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Ways and Means.

By Mr. TIBERI:

H.R. 210. A bill to amend the Internal Revenue Code of 1986 to accelerate the individual income tax rate cuts made by the Economic Growth and Tax Relief Reconciliation Act of 2001 and to make permanent all tax cuts made by that Act; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 211. A bill to require the Consumer Product Safety Commission to ban toys which in size, shape, or overall appearance resemble real handguns; to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 212. A bill to amend the Internal Revenue Code of 1986 to deny the exemption from income tax for social clubs found to be practicing prohibited discrimination; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 213. A bill to amend the Internal Revenue Code of 1986 to designate educational empowerment zones in certain low-income areas and to give a tax incentive to attract teachers to work in such areas; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 214. A bill to amend the Civil Rights Act of 1964 and the Fair Housing Act to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H.R. 215. A bill to extend the national flood insurance program; to the Committee on Financial Services.

By Mr. WAMP (for himself and Mr. DUNCAN):

H.R. 216. A bill to establish as a unit of Chickamauga and Chattanooga National Military Park, the Moccasin Bend National Archeological District; to the Committee on Resources.

By Mr. WEXLER:

H.R. 217. A bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred; to the Committee on Government Reform.

By Mr. CUNNINGHAM (for himself, Mr. BARTLETT of Maryland, Mr. GIBBONS, Mr. JENKINS, Mr. SHUSTER, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. CALVERT, Mr. WAMP, Mr. WELDON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mrs. MALONEY, Mr. SHIMKUS, Mr. MICA, Mr. SHAYS, Mr. ISAKSON, Mr. MOORE, Mr. CRANE, Ms. BERKLEY, Mr. MCHUGH, Mr. CRAMER, Mr. KLECZKA, Mrs. CUBIN, Mr. MCGOVERN, Mr. LEWIS of California, Mr. HINCHEY, Mr. STUPAK, Mr. HALL, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. TERRY, Mr. RYAN of Ohio, Mr. ALEXANDER, Mr. DUNCAN, Mr. BILIRAKIS, Mr. BAIRD, Mr. BISHOP of Georgia, Mr. LEWIS of Kentucky, Mr. STRICKLAND, Mr. HOLDEN, Mr. POMEROY, Mr. SAXTON, Mr. LINDER, Mr. ROGERS of Alabama, Mr. COBLE, Mr. ETHERIDGE, Mr. SCHIFF, Mr. SIMMONS, Mr. FRANKS of Arizona, Mr. WALSH, Mr. KING of New York, Mrs. KELLY, Mr. HOEFFEL, Mr. BUYER, Mr. REHBERG, Mr. HAYWORTH, Mr. RAHALL, Mr. SOUDER, Mr. GREEN of Texas, Mr. RYUN of Kansas, Mr. KANJORSKI, Mr. FORBES, and Mr. BAKER):

H.R. 218. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. PAUL (for himself, Mr. SMITH of New Jersey, and Mr. TANCREDO):

H.R. 219. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, and Mr. HINCHEY):

H.R. 220. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, to prohibit the establishment in the Federal Government of any uniform national identifying number, and to prohibit Federal agencies from imposing standards for identification of individuals on other agencies or persons; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself, Mr. NADLER, and Mr. MORAN of Virginia):

H.R. 221. A bill to prevent handgun violence and illegal commerce in handguns; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico (for herself, Mr. PEARCE, and Mr. UDALL of New Mexico):

H.R. 222. A bill to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest, and for other purposes; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H.R. 223. A bill to amend the Internal Revenue Code of 1986 to increase the current 30 percent bonus depreciation to 50 percent for 5 years; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 224. A bill to amend the Internal Revenue Code of 1986 to increase the amount that small businesses may expense under section 179 to $75,000; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 225. A bill to amend the Internal Revenue Code of 1986 to allow individuals to exclude dividend income; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 226. A bill to amend the Internal Revenue Code of 1986 to allow individuals to exclude dividend income; to the Committee on Ways and Means.

By Mr. WU:

H.R. 227. A bill to eliminate the termination date on authority for schools with low default rates to make single disbursements of student loans; to the Committee on Education and the Workforce.

By Mr. WU:

H.R. 228. A bill to provide for additional benefits under the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.J. Res. 1. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 2. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. THOMAS (for himself, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Kentucky, Mr. MCINNIS, Mr. COLLINS, Ms. DUNN, Mr. MCCRERY, Mr. FOLEY, Mr. RYAN of Wisconsin, Mr. RAMSTAD, Mr. CAMP, Mr. CRANE, and Mr. KELLER):

H.J. Res. 3. A joint resolution to disapprove under the Congressional Review Act the rule submitted by the Centers for Medicare & Medicaid Services, relating to revisions to payment policies under the Medicare physician fee schedule for calendar year 2003 and other items, published in the Federal Register on December 31, 2002 (vol. 67, page 79966); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM (for himself, Mr. MURTHA, Mr. KENNEDY of Minnesota, Mr. MCINTYRE, Mr. WAMP, Mr. KING of New York, Mr. ROTHMAN, Mr. FOLEY, Mrs. JOHNSON of Connecticut, Mr. ISSA, Mr. SHIMKUS, Mr. STRICKLAND, Mr. KANJORSKI, Mrs. CUBIN, Mr. BRADY of Texas, Mr. PETERSON of Minnesota, Mr. GREEN of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. SWEENEY, Mr. CRAMER, Mr. TOOMEY, Mrs. WILSON of New Mexico, Mr. BILIRAKIS, Mr. SHERWOOD, Mr. BUYER, and Mr. NEY):

H.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. DINGELL:

H.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States to permit the Congress to limit expenditures in elections for Federal office; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 6. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 8. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. ROYCE:

H.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. SERRANO:

H.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second article of amendment, thereby removing the limitation on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Mr. DREIER:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government; considered and agreed to.

By Ms. JACKSON-LEE of Texas (for herself, Mr. KUCINICH, Ms. LEE, Mr. DAVIS of Illinois, and Ms. WATSON):

H. Con. Res. 2. Concurrent resolution expressing the sense of Congress that the Authorization for Use of Military Force Against Iraq Resolution of 2002 should be repealed; to the Committee on International Relations.

By Ms. JACKSON-LEE of Texas (for herself, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. MARKEY, Mr. HONDA, Mr. MOORE, Ms. KAPTUR, Mr. MEEKS of New York, Mrs. JONES of Ohio, Mr. LAMPSON, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. GREEN of Texas, Mr. WAXMAN, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNULTY, Mr. WYNN, Mr. TURNER of Texas, Mr. DELAHUNT, Mr. SANDLIN, Mr. TOWNS, Mr. CLYBURN, and Mr. JEFFERSON):

H. Con. Res. 3. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the late George Thomas "Mickey" Leland; to the Committee on Government Reform.

By Mr. PAUL (for himself, Mr. MILLER of Florida, and Mr. FLAKE):

H. Con. Res. 4. Concurrent resolution expressing the sense of the Congress that the United States should not rejoin the United Nations Educational, Scientific, and Cultural Organization (UNESCO); to the Committee on International Relations.

By Mr. SERRANO:

H. Con. Res. 5. Concurrent resolution entitled the "English Plus Resolution"; to the Committee on Education and the Workforce.

By Mr. STEARNS (for himself, Mr. LEWIS of Georgia, Mr. FORBES, Mr. TERRY, and Mr. HINCHEY):

H. Con. Res. 6. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Government Reform.

By Mr. TOWNS:

H. Con. Res. 7. Concurrent resolution expressing the sense of the Congress that Harriet Tubman should have been paid a pension for her service as a nurse and scout in the United States Army during the Civil War; to the Committee on Armed Services.

By Mr. DELAY:

H. Res. 1. A resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. DELAY:

H. Res. 2. A resolution to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. DELAY:

H. Res. 3. A resolution authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. DELAY:

H. Res. 4. A resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. DELAY:

H. Res. 5. A resolution adopting rules for the One Hundred Eighth Congress; considered and agreed to.

By Ms. PRYCE of Ohio:

H. Res. 6. A resolution designating majority membership on the Committee on Rules; considered and agreed to.

By Mr. HOYER:

H. Res. 7. A resolution designating minority membership on the Committee on Rules; considered and agreed to.

By Ms. PELOSI:

H. Res. 8. A resolution designating certain minority employees; considered and agreed to.

By Mr. DREIER:

H. Res. 9. A resolution fixing the daily hour of meeting of the First Session of the One Hundred Eighth Congress; considered and agreed to.

By Ms. PRYCE of Ohio (for herself, Mr. BOEHNER, Mr. CHABOT, Mr. GILLMOR, Mr. HOBSON, Mr. OXLEY, Mr. PORTMAN, Mr. REGULA, Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. TIBERI, Mr. TURNER of Ohio, Mr. NEY, Mr. LATOURETTE, Mr. KUCINICH, Mrs. JONES of Ohio, Ms. KAPTUR, and Mr. BROWN of Ohio):

H. Res. 10. A resolution congratulating the Ohio State University football team for winning the 2002 NCAA Division I-A collegiate football national championship; to the Committee on Education and the Workforce.

By Mr. LANTOS (for himself and Mr. HYDE):

H. Res. 11. A resolution expressing the sense of the House of Representatives that the United States should declare its support for the independence of Kosova after it develops and consolidates democratic self-government; to the Committee on International Relations.

By Mr. GREEN of Texas:

H. Res. 12. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a postage stamp commemorating Juan Nepomuceno Seguin; to the Committee on Government Reform.

By Mr. HOEKSTRA (for himself, Mr. EHLERS, Mr. KNOLLENBERG, Mr. UPTON, Mr. CAMP, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. DINGELL, Mr. STUPAK, and Ms. KILPATRICK):

H. Res. 13. A resolution congratulating the Grand Valley State University Lakers for winning the 2002 NCAA Division II Football National Championship; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida:

H. Res. 16. A resolution commending the people and government of Kenya for the recent free elections and the orderly and democratic transfer of power; to the Committee on International Relations.

By Mr. LEWIS of Kentucky:

H. Res. 17. A resolution honoring the Hilltoppers of Western Kentucky University from Bowling Green, Kentucky, for winning the 2002 National Collegiate Athletic Association Division I-AA football championship; to the Committee on Education and the Workforce.

By Mr. MATHESON (for himself, Mr. CANNON, Mr. BISHOP of Utah, Mr. BERMAN, Mr. LANTOS, Mr. WEXLER, Mr. PRICE of North Carolina, Mr. DAVIS of Florida, Mrs. CAPPS, Ms. KAPTUR, Mr. HINCHEY, Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Mr. ISSA, and Mr. HOUGHTON):

H. Res. 18. A resolution honoring the life and dedicated service of former Congressman Wayne Owens of Utah; to the Committee on House Administration.

By Mr. NUSSLE:

H. Res. 19. A resolution designating the room numbered H-236 in the House of Representatives wing of the Capitol as the "Richard K. Armey Room"; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE:

H. Res. 20. A resolution expressing the sense of the House of Representatives with respect to polio; to the Committee on Energy and Commerce, and in addition to the Committees on International Relations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Ms. SLAUGHTER, Mrs. MALONEY, Mrs. CAPPS, Mr. SANDERS, Mr. NADLER, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. HINCHEY, Mr. FARR, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. MORAN of Virginia, Ms. KAPTUR, Mr. MEEHAN, Mr. FILNER, Mr. DEUTSCH, Ms. HARMAN, Mr. STARK, Mrs. JONES of Ohio, Mr. MARKEY, Mr. CUMMINGS, Ms. DELAURO, Mr. HOEFFEL, Mr. DAVIS of Florida, Mr. DELAHUNT, Ms. SOLIS, Mr. LAMPSON, Ms. BALDWIN, Mr. WU, Ms. KILPATRICK, Mr. CROWLEY, Mr. PALLONE, Ms. ROYBAL-ALLARD, Ms. CORRINE BROWN of Florida, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. SMITH of Washington, Ms. WATERS, Mrs. JOHNSON of Connecticut, Ms. PELOSI, Ms. ESHOO, Ms. WATSON, Ms. VELAZQUEZ, Mr. PASCRELL, Ms. CARSON of Indiana, Mr. BACA, Mr. FROST, and Mrs. TAUSCHER):

H. Res. 21. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on International Relations.

¶1.39 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. CUBIN:

H.R. 229. A bill for the relief of Ashley Ross Fuller; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 230. A bill for the relief of Gao Zhan; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 231. A bill for the relief of Sharif Kesbeh, Asmaa Sharif Kesbeh, Batool Kesbeh, Noor Sharif Kesbeh, Alaa Kesbeh, Sondos Kesbeh, Hadeel Kesbeh, and Mohanned Kesbeh; to the Committee on the Judiciary.

By Mr. THOMPSON of California:

H.R. 232. A bill for the relief of Kuan-Fan Hsieh; to the Committee on the Judiciary.

By Mr. WEXLER:

H.R. 233. A bill for the relief of Akintomide Apara; to the Committee on the Judiciary.

WEDNESDAY, JANUARY 8, 2003 (2)

¶2.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SIMPSON, who laid before the House the following communication:

WASHINGTON, DC,
January 8, 2003.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

¶2.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMPSON, announced he had examined and approved the Journal of the proceedings of Tuesday, January 7, 2003.

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

¶2.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

111. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Bill Regulations — Marketing Assistance Loans and Loan Deficiency Payments for Peanuts, Pulse Crops, Wheat, Feed Grains, Soybeans and Other Oilseeds (RIN: 0560-AG72) received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

112. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions) [OPP-2002-0278; FRL-6824-2] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

113. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyriproxyfen; Pesticide Tolerance for Emergency Exemption [OPP-2002-0314; FRL-7281-2] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

114. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyrithiobac Sodium (sodium 2-chloro-6[(4,6-dimethoxypyrimidin-2-yl)thio]benzoate); Pesticide Tolerance [OPP-2002-0005; FRL-7279-5] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

115. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyromazine; Pesticide Tolerance [OPP-2002-0237; FRL-7274-8] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

116. A communication from the President of the United States, transmitting his requests for FY 2003 budget amendments for the Departments of Agriculture, Health and Human Services, the Interior, Labor, and the Treasury; the Corps of Engineers; as well as the Equal Employment Opportunity Commission and the Federal Trade Commission;

(H. Doc. No. 108—18); to the Committee on Appropriations and ordered to be printed.

117. A letter from the Under Secretary, Department of Defense, transmitting the Department's USTRANSCOM Personal Property Pilot Programs Evaluation Report; to the Committee on Armed Services.

118. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Transactions between Member Banks and their Affiliates [Regulation W; Docket No. R-1103] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

119. A letter from the Vice Chairman, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

120. A letter from the Senior Vice President, Congressional Affairs, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 2002, pursuant to 12 U.S.C. 635g(a); to the Committee on Financial Services.

121. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2002, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

122. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunications entities, pursuant to Public Law 100—626, section 9(a) (102 Stat. 3211); to the Committee on Energy and Commerce.

123. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''The State Children's Health Insurance Program: a Summary Evaluation of States' Early Experience with SCHIP''; to the Committee on Energy and Commerce.

124. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Minor Revisions to Public Notification Rule, Consumer Confidence Report Rule and Primacy Rule [FRL-7413-9] (RIN: 2040-AD06) received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

125. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution From New Motor Vehicles: Amendments to the Tier 2 Motor Vehicle Emission Regulations [AMS-FRL-7416-7] (RIN: 2060-AI23) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

126. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Texas: Transportation Control Measures Rule [TX-127-1-7555; FRL-7416-5] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

127. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; One-hour Ozone Attainment Demonstration for the New Hampshire Portion of the Boston-Lawrence-Worcester, MA-NH Ozone Nonattainment Area [NH-049-7174a; A-1-FRL-7418-5] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

128. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; One-hour Ozone Attainment Demonstration for the Massachusetts portion of the Boston-Lawrence-Worcester, MA-NH Ozone Nonattainment Area [MA069-7205a; A-1-FRL-7418-6] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

129. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to Operating Permits Program in Washington [FRL-7415-2] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

130. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 262-0371; FRL-7413-1] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

131. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [FRL-7416-9] (RIN: 2060-AJ57) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

132. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste [FRL-7424-2] (RIN: 2050-AE79) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

133. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Miscellaneous Regulations Within the North Carolina State Implementation Plan [NC 102-200304(a); FRL-7425-2] received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

134. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Mississippi: Infectious Waste Incinerator Requirements [MS 23-1-200242(a); FRL-7424-3] Received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

135. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Low Emission Vehicle Program [MA087-7215a; A-1-FRL-7418-7] received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

136. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Notice and Request for Comment Regarding Textile Corporate Leniency Policy [Billing Code 6750-01P] received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

137. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Rules and Regulations Under the Textile Fiber Products Identification Act [Billing Code: 6750-01P] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

138. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Material Control and Accounting Amendments (RIN: 3150-AG69) received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

139. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the FY 2001 Inventory of Programs, produced by the Interagency Working Group; to the Committee on International Relations.

140. A communication from the President of the United States, transmitting a report on the status of the world intellectual property organization copyright treaty and the world intellectual property organization performances and phonograms treaty; to the Committee on International Relations.

141. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Audit of Advisory Neighborhood Commission 5C for Fiscal Years 1999, 2000, 2001, and 2002, Through June 30, 2002,'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

142. A letter from the Assistant Secretary, Policy, Managment and Budget, Department of the Interior, transmitting the Department's inventory of commercial activities prepared in accordance with the Federal Activities Reform (FAIR) Act of 1998; to the Committee on Government Reform.

143. A letter from the Archivist, National Archives and Records Administration, transmitting the Administration's Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Government Reform.

144. A letter from the Administrator, Office of Management and Budget, transmitting a copy of the report, ''Stimulating Smarter Regulation: 2002 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities,'' pursuant to 2 U.S.C. 1538; to the Committee on Government Reform.

145. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Bipartisan Campaign Reform Act of 2002 Reporting [Notice 2002-26] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

146. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Carbonate Plants from the San Bernardino Mountains in Southern California (RIN: 1018-AI27) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

147. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Deinandra conjugens (Otay tarplant) (RIN: 1018-AH00) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

148. A letter from the Deputy Assistant Administrator for Regulatory Programs,

NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Extend the Interim Groundfish Observer Program Through December 31, 2007, and Amend Regulations for the North Pacific Groundfish Observer Program [Docket No. 020814193-2282-02; I.D. 070102C] (RIN: 0648-AQ05) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

149. A letter from the Secretary, Department of Transportation, transmitting the Department's proposed legislation entitled, ''Title 46 Codification Act of 2002''; to the Committee on the Judiciary.

150. A letter from the Acting Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting the Annual Report on Civil Works Activities for Fiscal Year 2001; to the Committee on Transportation and Infrastructure.

151. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Retention of Current Monetary Threshold for Reporting Rail Equipment Accidents/Incidents During Calendar Year 2003 and Until Further Amended [FRA-1998-4898, Notice No. 5] (RIN: 2130-AB57) received December 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

152. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — U.S. Locational Requirement for Dispatching of U.S. Rail Operations [FRA Docket No. FRA-2001-8728, Notice No. 3] (RIN: 2130-AB38) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

153. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Certain Federal Human Health and Aquatic Life Water Quality Criteria Applicable to Vermont, the District of Columbia, Kansas and New Jersey [FRL-7416-3] received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

154. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Disclaimers, Fraudulent Solicitation, Civil Penalties [Notice 2002-25] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

155. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Coordinated and Independent Expenditures [Notice 2002-17] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

¶2.4 PROVIDING FOR THE CONSIDERATION OF S. 23

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 14):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by Representative Thomas of California and Representative Rangel of New York; and (2) one motion to recommit.

SEC. 2. The allocations referred to in section 3(a)(4)(B)(i) of House Resolution 5 may be submitted by Representative Nussle of Iowa.

When said resolution was considered.

After debate,

Mr. SESSIONS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 224 / Nays ..... 196 }

¶2.5 [Roll No. 5]

YEAS—224

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

NAYS—196

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

NOT VOTING—13

Cardin
Conyers
Delahunt
Diaz-Balart, M.
Kilpatrick
Kind
Majette
Miller, George
Myrick
Nethercutt
Stenholm
Towns
Weller

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.6 CONGRESSIONAL BUDGET ACT COMMITTEES SPENDING ALLOCATIONS

Mr. NUSSLE, pursuant to section 3(a)(4)(B) of House Resolution 5 and section 2 of House Resolution 14, submitted for printing in the Congressional Record the spending allocations contemplated by section 302(a) of the Congressional Budget Act.

¶2.7 UNEMPLOYMENT INSURANCE BENEFITS EXTENSION

Mr. THOMAS, pursuant to House Resolution 14, called up the bill of the Senate (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

When said bill was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be read a third time, was read a third time by title.

Mr. McDERMOTT moved to commit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Unemployment Compensation Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Extension of the Temporary Extended Unemployment Compensation Act of 2002.
Sec. 3. Entitlement to additional weeks of temporary extended unemployment compensation.
Sec. 4. Application of revised rate of insured unemployment.
Sec. 5. Additional TEUC extended benefit period trigger.
Sec. 6. Additional weeks of benefits for workers in high unemployment States.
Sec. 7. Effective date.

SEC. 2. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) SIX-MONTH EXTENSION OF PROGRAM.—Section 208 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended to read as follows:

"SEC. 208. APPLICABILITY.

''(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

''(1) beginning after the date on which such agreement is entered into; and

''(2) ending before July 1, 2003.

''(b) TRANSITION.—In the case of an individual who is receiving temporary extended unemployment compensation for the week which immediately precedes July 1, 2003, temporary extended unemployment compensation shall continue to be payable to such individual for any week thereafter from the account from which such individual received compensation for the week immediately preceding that termination date. No compensation shall be payable by reason of the preceding sentence for any week beginning after December 31, 2003.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

SEC. 3. ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

Paragraph (1) of section 203(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended to read as follows:

''(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 26 times the individual's weekly benefit amount for the benefit year.''.

SEC. 4. APPLICATION OF REVISED RATE OF INSURED UNEMPLOYMENT.

Section 207 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended—

(1) by striking ''In'' and inserting ''(a) GENERAL DEFINITIONS.—In''; and

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

''(b) ADJUSTED INSURED UNEMPLOYMENT RATE.—For purposes of carrying out section 203(c) with respect to weeks of unemployment beginning on or after the date of enactment of the Emergency Unemployment Compensation Act of 2003, the term 'rate of insured unemployment', as used in section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), has the meaning given such term under section 203(e)(1) of such Act, except that individuals exhausting their right to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined.''.

SEC. 5. ADDITIONAL TEUC EXTENDED BENEFIT PERIOD TRIGGER.

(a) IN GENERAL.—Section 203(c) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL EXTENDED BENEFIT PERIOD TRIGGER.—

''(A) IN GENERAL.—Effective with respect to compensation for weeks of unemployment beginning on or after the date of enactment of the Emergency Unemployment Compensation Act of 2003, an agreement under this title shall provide that, in addition to any other extended benefit period trigger, for purposes of beginning or ending any extended benefit period under this section—

''(i) there is a State 'on' indicator for a week if—

''(I) the average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3 months for which data for all States are published before the close of such week equals or exceeds 6 percent; and

''(II) the average rate of total unemployment in such State (seasonally adjusted) for the 3-month period referred to in clause (i) equals or exceeds 110 percent of such average rate for either (or both) of the corresponding 3-month periods ending in the 2 preceding calendar years; and

''(ii) there is a State 'off' indicator for a week if either the requirements of subclause (I) or (II) of clause (i) are not satisfied.

''(B) NO EFFECT ON OTHER DETERMINATIONS.—Notwithstanding the provisions of any agreement described in subparagraph (A), any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.

''(C) DETERMINATIONS MADE BY THE SECRETARY.—For purposes of this subsection, determinations of the rate of total unemployment in any State for any period (and of any seasonal adjustment) shall be made by the Secretary.''.

(b) CONFORMING AMENDMENT.—Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended by inserting ''or (3)'' after ''paragraph (2)''.

SEC. 6. ADDITIONAL WEEKS OF BENEFITS FOR WORKERS IN HIGH UNEMPLOYMENT STATES.

Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended by striking ''an amount equal to the amount originally established in such account (as determined under subsection (b)(1))'' and inserting ''7 times the individual's weekly benefit amount for the benefit year''.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(b) RESUMPTION OF BENEFITS.—

(1) RULE APPLICABLE TO EXHAUSTEES.—In the case of any individual—

(A) to whom any temporary extended unemployment compensation was payable for any week beginning before January 1, 2003, and

(B) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account) before January 1, 2003,

such individual's eligibility for any additional weeks of temporary extended unemployment compensation by reason of the amendments made by this Act shall apply with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(2) RULE APPLICABLE TO NON-EXHAUSTEES.—In the case of any individual—

(A) to whom any temporary extended unemployment compensation was payable for any week beginning before January 1, 2003, and

(B) as to whom the condition described in paragraph (1)(B) does not apply,

such individual shall, upon appropriate application, be eligible for temporary extended unemployment compensation (in accordance with the provisions of the Temporary Extended Unemployment Compensation Act of 2002, as amended by this Act) with respect to any weeks of unemployment beginning on or after December 29, 2002.

(c) DATE FOR DETERMINING ELIGIBILITY OF EXHAUSTEES FOR AUGMENTED BENEFITS.—In the case of any individual described in subsection (b)(1), the determination under section 203(c) as to whether such individual's State is in an extended benefit period (for purposes of determining eligibility for augmented benefits under the Temporary Extended Unemployment Compensation Act of 2002, as amended by this Act) shall be made—

(1) as of the date of enactment of this Act, and

(2) without regard to whether or not such a determination was made under the Temporary Extended Unemployment Compensation Act of 2002, as in effect before the amendments made by this Act.

Pending consideration of said motion,

¶2.8 POINT OF ORDER

Mr. THOMAS made a point of order against the motion to commit, and said:

''I object and make the point of order because this motion, if passed, would cause the allocation to the Committee on Ways and Means to be further exceeded in the first year and over the 5-year period governed by the budget resolution currently deemed in force. The motion therefore violates section 302(f) of the Congressional Budget Act, and I make a point of order that it violates section 302(f) of the Budget Act.''

Mr. CARDIN was recognized to speak to the point of order and said:

''On the point of order, if I understand the objection, it is based upon the fact that, as I understand it, the bill before us has a waiver on the Budget Act from the Committee on Rules, but that because there is no waiver of the Budget Act provided in the rules, the minority will not have a chance to offer a similar type of a motion to recommit.

''I would ask the chairman, is that the basis that we were not protected in the rule, whereas the underlying bill did not get a waiver in the rule?''

Mr. THOMAS was recognized to speak further and said:

''Further on my point of order, Mr. Speaker, the reason I believe a 302(f) budget point of order lies against this measure is that it significantly exceeds in its amount the underlying bill.

''The legislation before us was not reported by any committee of the House; rather, it was passed by the Senate, and the Committee on Rules has presented it to us.

''So my point of order is not based on the fact that the underlying measure has a waiver from the Committee on Rules; it is that if the minority had offered an amendment equal to or less than the Senate position, it would have been in order and not subject to a point of order. Since it is significantly in excess of the Senate measure, it does in fact violate 302(f) of the Budget Act.''

The SPEAKER pro tempore, Mr. SIMPSON, sustained the point of order, and said:

''The gentleman from California makes a point of order that the amendment proposed by the instructions in the motion to commit offered by the gentleman from Washington [Mr. MCDERMOTT] violates section 302(f) of the Congressional Budget Act of 1974.

''Section 302(f) of the Budget Act precludes consideration of an amendment providing new budget authority if the adoption of the amendment and enactment of the bill, as amended, would cause the pertinent allocation of new budget authority under section 302(a) of the Act to be exceeded.

''The Chair is persuasively guided by an estimate of the gentleman from Iowa [Mr. NUSSLE], that an amendment providing any net increase in new budget authority for fiscal year 2003, or the period of fiscal years 2003 through 2007, over that provided by the bill would exacerbate the breach of the applicable section 302(a) allocations of the Committee on Ways and Means.

''As such, the motion to commit violates section 302(f) of the Budget Act. The point of order is sustained, and the motion is not in order.''.

Mr. MCDERMOTT moved to commit the bill to the Committee on Ways and Means with instructions to report the bill back to the House promptly with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Unemployment Compensation Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Extension of the Temporary Extended Unemployment Compensation Act of 2002.
Sec. 3. Entitlement to additional weeks of temporary extended unemployment compensation.
Sec. 4. Application of revised rate of insured unemployment.
Sec. 5. Additional TEUC extended benefit period trigger.
Sec. 6. Additional weeks of benefits for workers in high unemployment States.
Sec. 7. Effective date.

SEC. 2. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) SIX-MONTH EXTENSION OF PROGRAM.—Section 208 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 30) is amended to read as follows:

''SEC. 208. APPLICABILITY.

''(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

''(1) beginning after the date on which such agreement is entered into; and

''(2) ending before July 1, 2003.

''(b) TRANSITION.—In the case of an individual who is receiving temporary extended unemployment compensation for the week which immediately precedes July 1, 2003, temporary extended unemployment compensation shall continue to be payable to such individual for any week thereafter from the account from which such individual received compensation for the week immediately preceding that termination date. No compensation shall be payable by reason of the preceding sentence for any week beginning after December 31, 2003.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

SEC. 3. ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

Paragraph (1) of section 203(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended to read as follows:

''(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 26 times the individual's weekly benefit amount for the benefit year.''.

SEC. 4. APPLICATION OF REVISED RATE OF INSURED UNEMPLOYMENT.

Section 207 of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended—

(1) by striking ''In'' and inserting ''(a) GENERAL DEFINITIONS.—In''; and

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

''(b) ADJUSTED INSURED UNEMPLOYMENT RATE.—For purposes of carrying out section 203(c) with respect to weeks of unemployment beginning on or after the date of enactment of the Emergency Unemployment Compensation Act of 2003, the term 'rate of insured unemployment', as used in section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), has the meaning given such term under section 203(e)(1) of such Act, except that individuals exhausting their right to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined.''.

SEC. 5. ADDITIONAL TEUC EXTENDED BENEFIT PERIOD TRIGGER.

(a) IN GENERAL.—Section 203(c) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL EXTENDED BENEFIT PERIOD TRIGGER.—

''(A) IN GENERAL.—Effective with respect to compensation for weeks of unemployment beginning on or after the date of enactment of the Emergency Unemployment Compensation Act of 2003, an agreement under this title shall provide that, in addition to any other extended benefit period trigger, for purposes of beginning or ending any extended benefit period under this section—

''(i) there is a State 'on' indicator for a week if—

''(I) the average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3 months for which data for all States are published before the close of such week equals or exceeds 6 percent; and

''(II) the average rate of total unemployment in such State (seasonally adjusted) for the 3-month period referred to in clause (i) equals or exceeds 110 percent of such average rate for either (or both) of the corresponding 3-month periods ending in the 2 preceding calendar years; and

''(ii) there is a State 'off' indicator for a week if either the requirements of subclause (I) or (II) of clause (i) are not satisfied.

''(B) NO EFFECT ON OTHER DETERMINATIONS.—Notwithstanding the provisions of any agreement described in subparagraph (A), any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.

''(C) DETERMINATIONS MADE BY THE SECRETARY.—For purposes of this subsection, determinations of the rate of total unemployment in any State for any period (and of any seasonal adjustment) shall be made by the Secretary.''.

(b) CONFORMING AMENDMENT.—Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21) is amended by inserting ''or (3)'' after ''paragraph (2)''.

SEC. 6. ADDITIONAL WEEKS OF BENEFITS FOR WORKERS IN HIGH UNEMPLOYMENT STATES.

Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of

2002 (Public Law 107–147; 116 Stat. 30) is amended by striking ''an amount equal to the amount originally established in such account (as determined under subsection (b)(1))'' and inserting ''7 times the individual's weekly benefit amount for the benefit year''.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to weeks of unemployment beginning on or after the date of enactment this Act.

(b) RESUMPTION OF BENEFITS.—

(1) RULE APPLICABLE TO EXHAUSTEES.—In the case of any individual—

(A) to whom any temporary extended unemployment compensation was payable for any week beginning before January 1, 2003, and

(B) who exhausted such individual's rights to such compensation (by reason of the payment of all amounts in such individual's temporary extended unemployment compensation account) before January 1, 2003,

such individual's eligibility for any additional weeks of temporary extended unemployment compensation by reason of the amendments made by this Act shall apply with respect to weeks of unemployment beginning on or after the date of enactment of this Act.

(2) RULE APPLICABLE TO NON-EXHAUSTEES.—In the case of any individual—

(A) to whom any temporary extended unemployment compensation was payable for any week beginning before January 1, 2003, and

(B) as to whom the condition described in paragraph (1)(B) does not apply,

such individual shall, upon appropriate application, be eligible for temporary extended unemployment compensation (in accordance with the provisions of the Temporary Extended Unemployment Compensation Act of 2002, as amended by this Act) with respect to any weeks of unemployment beginning on or after December 29, 2002.

(c) DATE FOR DETERMINING ELIGIBILITY OF EXHAUSTEES FOR AUGMENTED BENEFITS.—In the case of any individual described in subsection (b)(1), the determination under section 203(c) as to whether such individual's State is in an extended benefit period (for purposes of determining eligibility for augmented benefits under the Temporary Extended Unemployment Compensation Act of 2002, as amended by this Act) shall be made—

(1) as of the date of enactment of this Act, and

(2) without regard to whether or not such a determination was made under the Temporary Extended Unemployment Compensation Act of 2002, as in effect before the amendments made by this Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to commit with instructions.

The question being put, viva voce,

Will the House commit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. MCDERMOTT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 202 / Nays 224

¶2.9 [Roll No. 6]

YEAS—202

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

NAYS—224

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

NOT VOTING—7

Burton (IN)
Kilpatrick
Kind
Nethercutt
Towns
Vitter
Wolf

So the motion to commit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The Speaker pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. THOMAS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 4

¶2.10 [Roll No. 7]

YEAS—416

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp

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

NAYS—4

Flake
Garrett (NJ)
Miller (FL)
Paul

NOT VOTING—13

Akin
Bachus
Bell
Delahunt
Gallegly
Kilpatrick
Kind
Larson (CT)
McDermott
Nethercutt
Tauzin
Towns
Wolf

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶2.11 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 1 AND H.J. RES. 2

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 15):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 1) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by Representative Young of Florida and Representative Obey of Wisconsin; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by Representative Young of Florida and Representative Obey of Wisconsin; and (2) one motion to recommit.

When said resolution was considered.

After debate,

Mr. LINDER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 225
Nays 198

¶2.12 [Roll No. 8]

YEAS—225

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

NAYS—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case

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

NOT VOTING—10

Delahunt
Greenwood
Houghton
Inslee
Kilpatrick
Kind
Nethercutt
Pickering
Towns
Whitfield

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.13 NATIONAL FLOOD INSURANCE PROGRAM

Mr. OXLEY moved to suspend the rules and pass the bill (H.R. 11) to extend the national flood insurance program.

The SPEAKER pro tempore, Mr. ISAKSON, recognized Mr. OXLEY and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISAKSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶2.14 OHIO STATE UNIVERSITY FOOTBALL TEAM

Mr. TIBERI moved to suspend the rules and agree to the following resolution (H. Res. 10):

Whereas in 2002, the Ohio State University Buckeyes football team captured its fifth undisputed collegiate national football championship;

Whereas The Ohio State University is a member of the Big Ten Conference of the National Collegiate Athletic Association Division I–A and in 2002 was the Conference's champion for the 29th time in school history;

Whereas The Ohio State University's 14–0 record in 2002 is the best for a season for a Division I–A football team in national college football history;

Whereas on the way to the national championship Ohio State defeated five nationally ranked opponents, which included a 14–9 triumph over the University of Michigan;

Whereas The Ohio State University entered the Fiesta Bowl as an 11-point underdog to a University of Miami team that was on a 34-game winning streak, yet emerged victorious;

Whereas Head Coach Jim Tressel has won five national college football championships, the 2002 championship being his first Division I–A title and his first with The Ohio State University;

Whereas Coach Tressel and his father Lee Tressel are the only father-son combination to each win National Coach of the Year honors and a national championship in football;

Whereas each player, coach, trainer, and manager dedicated their time and effort to ensuring that the Buckeyes reached the pinnacle of team achievement;

Whereas The Ohio State University Marching Band, and the cheerleaders, students, alumni, faculty, and supporters of The Ohio State University are to be congratulated for their commitment and pride in the Buckeyes' football program; and

Whereas its five Division I–A football national championships makes the Ohio State University football program among the most successful in college football history: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Ohio State University football team for winning the 2002 NCAA Division I–A collegiate football national championship;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping The Ohio State University win the 2002 NCAA Division I–A collegiate football national championship and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the accomplishments and achievements of the 2002 Ohio State University football team and invite them to Washington, D.C., for a White House ceremony for national championship teams; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to The Ohio State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2002 NCAA Division I–A collegiate football national championship team.

The SPEAKER pro tempore, Mr. ISAKSON, recognized Mr. TIBERI and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ISAKSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TIBERI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶2.15 GRAND VALLEY STATE UNIVERSITY

Mr. HOEKSTRA moved to suspend the rules and agree to the following resolution (H. Res. 13):

Whereas on December 14, 2002, the Grand Valley State University Lakers won the 2002 NCAA Division II Football National Championship by defeating Valdosta State University;

Whereas this national championship is the school's first in a varsity sport;

Whereas the Lakers won the 2002 Great Lakes Intercollegiate Athletic Conference (GLIAC) Football Championship with a perfect 9-0 record in league play;

Whereas the Lakers completed the 2002 season with a perfect 14-0 record, and won 33 of its last 34 games;

Whereas Head Coach Brian Kelly has been with the team since 1991, and has lead the team to a 104-34-2 overall record;

Whereas the Lakers returned 51 letter winners, including 16 starters from the 2001 team that fell only to North Dakota in the NCAA Division II National Championship game;

Whereas the Lakers placed 18 players on the 2002 All-GLIAC team;

Whereas quarterback Curt Anes was named the GLIAC Player of the Year for the second straight year and earned the 2002 Harlon Hill Trophy as NCAA Division II's most outstanding player;

Whereas the Lakers defense dominated opponents by ranking 34th in the Nation in rushing defense and recording 58 quarterback sacks;

Whereas the students, alumni, faculty, and fans of Grand Valley State University showed their support for by helping the Lakers set a GLIAC record for regular-season attendance; and

Whereas the Lakers have displayed great strength, ability, and perseverance this season and have made the State of Michigan proud: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Grand Valley State University Lakers for winning the 2002 NCAA Division II Football National Championship and recognizes all the players, coaches, and support staff who were instrumental in this achievement;

(2) requests that the President recognize the accomplishments of the 2002 Grand Valley State University football team and invite them to Washington, D.C., for a White House ceremony for national championship teams; and

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to Grand Valley State University for appropriate display.

The SPEAKER pro tempore, Mr. ISAKSON, recognized Mr. HOEKSTRA and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ISAKSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.16 HONORING THE WESTERN KENTUCKY UNIVERSITY HILLTOPPERS

Mr. HOEKSTRA moved to suspend the rules and agree to the following resolution (H. Res. 17):

Whereas the Western Kentucky University Hilltoppers from Bowling Green, Kentucky, won the 2002 NCAA Division I–AA collegiate football national championship;

Whereas the national championship is the first for the Western Kentucky University football program since its inception in 1913;

Whereas the Hilltoppers had an impressive overall record of 12 wins and 3 losses during the 2002 season, which included 10 consecutive wins;

Whereas the Hilltoppers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout their 2002 season;

Whereas Western Kentucky University was represented with integrity and principled leadership under the direction of Head Football Coach Jack Harbaugh, Athletic Director Dr. Wood Selig, and President Dr. Gary A. Ransdell; and

Whereas on December 20, 2002, the Western Kentucky University Hilltoppers, ranked 15th among Division I–AA teams, defeated the top-ranked McNeese State University Cowboys for the 2002 NCAA Division I-AA football championship in Chattanooga, Tennessee, by a score of 34–14: Now, therefore, be it

Resolved, That the House of Representatives honors the Western Kentucky University football team from Bowling Green, Kentucky, for winning the 2002 NCAA Division I–AA football championship.

The SPEAKER pro tempore, Mr. ISAKSON, recognized Mr. HOEKSTRA and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ISAKSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.17 SALARY ADJUSTMENTS FOR JUSTICES AND JUDGES

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 16) to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

The SPEAKER pro tempore, Mr. ISAKSON, recognized Mr. SENSENBRENNER and Ms. JACKSON-LEE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISAKSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶2.18 RECESS—4:10 P.M.

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 12 of rule I, declared the House in recess at 4 o'clock and 10 minutes p.m., subject to the call of the Chair.

¶2.19 AFTER RECESS—5:40 P.M.

The SPEAKER pro tempore, Mr. BEREUTER, called the House to order.

¶2.20 RECESS—5:40 P.M.

The SPEAKER pro tempore, Mr. BEREUTER, pursuant to clause 12 of rule I, declared the House in recess at 5 o'clock and 40 minutes p.m., subject to the call of the Chair.

¶2.21 AFTER RECESS—6:50 P.M.

The SPEAKER pro tempore, Mr. BEREUTER, called the House to order.

¶2.22 MOTION TO ADJOURN

Mr. FRANK of Massachusetts moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. BEREUTER, announced that the nays had it.

Mr. FRANK of Massachusetts objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 95 / Nays ..... 315 }

¶2.23 [Roll No. 9]

YEAS—95

Alexander
Allen
Andrews
Bell
Berman
Berry
Bishop (GA)
Boucher
Brown, Corrine
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Cooper
Crowley
Cummings
Davis (AL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Emanuel
Evans
Farr
Filner
Frank (MA)
Frost
Grijalva
Hastings (FL)
Hill
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lowey
Lynch
Maloney
Markey
Marshall
McGovern
Meehan
Menendez
Millender-McDonald
Miller, George
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (GA)
Skelton
Slaughter
Stark
Stenholm
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Van Hollen
Velazquez
Waters
Watson
Wexler
Woolsey
Wynn

NAYS—315

Abercrombie
Aderholt
Akin
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore

Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pascrell
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—23

Ackerman
Baird
Ballance
Ballenger
Cardin
Conyers
Gillmor
Gutierrez
Hayworth
Herger
Janklow
Kilpatrick
Kind
Lipinski
McCrery
McDermott
Miller (NC)
Nethercutt
Oxley
Payne
Rush
Towns
Weldon (PA)

So the motion to adjourn was not agreed to.

¶2.24 FURTHER CONTINUING APPROPRIATIONS FY 2003

Mr. YOUNG of Florida, pursuant to House Resolution 15, called up the joint resolution (H.J. Res. 1) making further continuing appropriations for fiscal year 2003, and for other purposes.

When said joint resolution was considered and read twice.

After debate,

Pursuant to House Resolution 15, the previous question was ordered on the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

Mr. OBEY moved to recommit the bill to a select Committee consisting of Mr. YOUNG of Florida and Mr. OBEY with instructions to report the joint resolution back to the House forthwith with the following amendments:

Page 1, line 5, after ''2003'', insert the following:

''*Provided,* That notwithstanding any other provision of this joint resolution, $776,000,000 is available for the Securities and Exchange Commission, Salaries and expenses.''

At the end of the joint resolution, add the following new section:

SEC. 7. Public Law 107–229 is further amended by adding at the end the following new section:

''SEC. 138. In addition to the amounts made available by section 101, and subject to sections 107(c) and 108, amounts made available in Public Law 107–206 only to the extent that an official budget request is transmitted by the President shall be considered available for obligation.''.

¶2.25 POINT OF ORDER

Mr. GUTKNECHT made a point of order against the motion to recommit, and said:

''Section 302(c) prohibits the consideration of any amendment that provides for new budget authority for a fiscal year until the Committee on Appropriations has made the suballocations required by section 302(b) of the Congressional Budget Act.

''This motion to recommit increases the amount of budget authority provided by the measure. The suballocations published by the Committee on Appropriations on October 10 of 2002 lapsed upon the adjournment of the 107th Congress, and no 302(b) suballocations have been made for the 108th Congress. Hence I make the point of order that this motion to recommit violates section 302(c) of the Congressional Budget Act.''

Mr. OBEY was recognized to speak to the point of order and said:

''What the gentleman from Minnesota is asserting is that the minority should not be allowed to offer a legitimate amendment because the majority did not fulfill its responsibilities to abide by certain provisions of the Budget Act and by the timetable of that act. I find that highly objectionable especially since the Committee on Rules has already waived the requirement as far as the majority party is concerned. It seems to me that the House rules certainly ought to allow the minority the same privilege that the majority has arranged by rule.''

Mr. FRANK of Massachusetts was recognized to speak to the point of order and said:

''When we have points of order, they are important because they establish precedents, and for that reason I intend, if the Chair rules in favor of this point of order, to join in trying to overturn it because I cannot think of a more damaging precedent.

''What this does is to take advantage of the fact that the House did not complete the fiscal 2003 appropriations when it should have in the last calendar year. Thus we are now dealing with fiscal 2003 appropriations in a Congress later than we should, not just a year later but in a Congress later than we should. Because it is a later Congress than it should be, the 302(b) allocations expired. Instead of routinely reenacting them, the majority waived the requirement for itself in a rule and did not waive it for any amendment; so the precedent being set will be as follows: Do not get the work done on time, let it go over until the next Congress months after it should have been done; then abstain from the routine act that the gentleman from Wisconsin mentioned, give yourself a waiver from your failure to act, and do not give it to anyone else. So the precedent is that if you delay the appropriations bills, you can bring them to the floor in an unamendable fashion, totally unamendable so that when we complain about the underfunding of the Securities Exchange Commission we are told do not despair, we have introduced a bill and one of these days we might even act on it. Nothing could be more damaging to the democratic fabric of this House.

''And I will say that I often, when an appeal to the Chair is made, will vote to uphold the Chair even when I disagree with the legislative consequence, but in this case we are not talking about a standing rule of the House. We are not talking about interfering with those rules that try to govern our deliberations. We are talking about objecting to a deliberate scheme to bring the appropriations for the entire government to the floor of the House in an absolutely unamendable fashion.

''The leadership on the other side used to boast, the chairman of the Committee on Rules, about we always get a motion to recommit. This is a motion to recommit, an entirely germane motion to recommit on the substance that is being ruled out of order on this ground, and for that reason I hope the Chair will not sustain this degradation of democracy.''

Mr. NUSSLE was recognized to speak to the point of order and said:

''Just to correct the record, the gentleman from Massachusetts is one of the experts when it comes to the rules of the House, and I commend him for that, but just to be technically correct with regard to his statement, it is not because we failed to do appropriation bills that the 302(b) allocations did not carry forward. It is because the Senate failed to produce a budget that the 302(b) allocation did not carry forward. Had a budget resolution been completed, the 302(b) allocations would have carried forward even though it was a new Congress.''

Mr. FRANK of Massachusetts was recognized to speak further and said:

''I thank the gentleman, and that is true. But it is also true that we could have in this House passed those appropriations bills without any action from any other body, and it is a fact in addition that we did not finish the work last year that put us in the situation which the majority takes advantage of by denying the House the chance to have even a germane recommit on the motion.''

Mr. NUSSLE was recognized to speak further and said:

''I support the point of order. The gentleman from Massachusetts is correct that certainly appropriation bills could have moved forward. We deemed the budget in order for that process to continue. There are many reasons why appropriation bills did not move forward, but the only fact I wanted to make clear for the RECORD and for the purpose of precedent setting, if there will be precedent setting this evening, is that in fact it was the failure of a budget to be produced by the Senate

and not failure of appropriation bills to be produced that causes this extraordinary procedure to occur this evening. I hope this is not precedent setting because it is very unfortunate that in fact for the first time since the 1974 Budget Act was passed that the other body failed to produce a budget.

''Mr. Speaker, I support the point of order''.

The SPEAKER pro tempore, Mr. OTTER, sustained the point of order, and said:

''The gentleman from Minnesota [Mr. GUTKNECHT], makes a point of order that the amendment proposed in the motion to recommit offered by the gentleman from Wisconsin [Mr. OBEY], violates section 302(c) of the Congressional Budget Act of 1974.

''Section 302(c) precludes consideration, after the Committee on Appropriations has received a section 302(a) allocation for a fiscal year, of a measure within that committee's jurisdiction that provides new budget authority until the committee makes the suballocations required under section 302(b).

''The amendment proposed in the motion offered by the gentleman from Wisconsin [Mr. OBEY], provides new budget authority, and the Committee on Appropriations has not made the requisite section 302(b) suballocation. As such, the motion to recommit violates section 302(c) of the Budget Act. The point of order is sustained, and the motion is not in order.''

Mr. FRANK of Massachusetts appealed the ruling of the Chair.

The question being put stated,

Shall the decision of the Chair stand as the judgment of the House?

Mr. GUTKNECHT moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. OTTER, announced that the yeas had it.

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 217 / Nays ..... 192 }

¶2.26 [Roll No. 10]

YEAS—217

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

NAYS—192

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

NOT VOTING—24

Baird
Ballance
Becerra
Cardin
Gephardt
Gillmor
Goss
Gutierrez
Hayworth
Janklow
Kilpatrick
Kind
Lipinski
McCrery
McInnis
Miller, Gary
Napolitano
Nethercutt
Oxley
Payne
Rush
Slaughter
Towns
Weldon (PA)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. OBEY moved to recommit the joint resolution to a select Committee consisting of Mr. YOUNG of Florida and Mr. OBEY with instructions to report the joint resolution back to the House forthwith with the following amendments:

(1) On page 3, line 8, of the joint resolution, strike everything after ''December 24, 2002,'' to the end of the section and insert the following ''shall require approval by the Committee on Environment and Public Works of the Senate and a select committee of the House consisting of Mr. Young of Alaska, Mr. LaTourette of Ohio and Mr. Oberstar of Minnesota.

(b) PROHIBITION ON DELEGATION.—The authority of the General Services Administration to lease space under this section may not be delegated to any other department or agency.''

(2) At the end of the joint resolution, insert the following section:

''SEC. 7.—Public Law 107–229 is further amended by adding at the end the following new sections:

''SEC. 138. None of the funds made available by this Act may be used to implement section 1717 of the Homeland Security Act of 2002 or the amendments to section 2133 of the Public Health Service Act made by sections 1714, 1715 and 1716 of the Homeland Security Act of 2002 (other than to process, adjudicate or pay claims for compensation under the program established by subtitle 2 of title XXI of the Public Health Service Act).

''SEC. 139. None of the fund made available by this Act may be obligated by the Secretary of Homeland Security in violation of section 835 of the Homeland Security Act of 2002, which for purposes of this section shall be applied (1) by inserting immediately before the period in subsection (a) 'or with any direct or indirect subsidiary of such an entity' and (2) by substituting the phrase 'before, on or after the date' for 'after the date' in subsection (b)(1) of such section 835.''.''

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. OTTER, announced that the nays had it.

Mr. OBEY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 192 / Nays 220

¶2.27 [Roll No. 11]

AYES—192

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

NOES—220

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

NOT VOTING—21

Baird
Ballance
Cardin
Gephardt
Gillmor
Goss
Gutierrez
Hayworth
Janklow
Jefferson
Kilpatrick
Kind
Lipinski
McCrery
McInnis
Miller, Gary
Nethercutt
Payne
Rush
Towns
Weldon (PA)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. OTTER, announced that the yeas had it.

So the joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶2.28 H. RES. 10—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OTTER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 10) congratulating the Ohio State University football team for winning the 2002 NCAA Division I-A collegiate football national championship.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays ..... 1 / Answered present 4

¶2.29 [Roll No. 12]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette

Maloney	Peterson (PA)	Slaughter
Manzullo	Petri	Smith (MI)
Markey	Pickering	Smith (NJ)
Marshall	Pitts	Smith (TX)
Matheson	Platts	Smith (WA)
Matsui	Pombo	Snyder
McCarthy (MO)	Pomeroy	Solis
McCarthy (NY)	Porter	Souder
McCollum	Portman	Spratt
McCotter	Price (NC)	Stark
McGovern	Pryce (OH)	Stearns
McHugh	Putnam	Stenholm
McIntyre	Quinn	Strickland
McKeon	Radanovich	Stupak
McNulty	Rahall	Sweeney
Meehan	Ramstad	Tancredo
Meek (FL)	Rangel	Tanner
Meeks (NY)	Regula	Tauscher
Menendez	Rehberg	Tauzin
Mica	Renzi	Taylor (MS)
Michaud	Reyes	Taylor (NC)
Millender-McDonald	Reynolds	Terry
	Rodriguez	Thomas
Miller (FL)	Rogers (AL)	Thompson (CA)
Miller (MI)	Rogers (KY)	Thompson (MS)
Miller (NC)	Rogers (MI)	Thornberry
Miller, George	Rohrabacher	Tiahrt
Mollohan	Ros-Lehtinen	Tiberi
Moore	Ross	Toomey
Moran (KS)	Rothman	Turner (OH)
Moran (VA)	Roybal-Allard	Turner (TX)
Murphy	Royce	Udall (CO)
Murtha	Ruppersberger	Udall (NM)
Musgrave	Ryan (OH)	Upton
Myrick	Ryan (WI)	Van Hollen
Nadler	Ryun (KS)	Velazquez
Napolitano	Sabo	Visclosky
Neal (MA)	Sanchez, Linda T.	Vitter
Ney		Walden (OR)
Northup	Sanchez, Loretta	Walsh
Norwood	Sandlin	Wamp
Nunes	Saxton	Waters
Nussle	Schakowsky	Watson
Oberstar	Schiff	Watt
Olver	Schrock	Waxman
Ortiz	Scott (GA)	Weiner
Osborne	Scott (VA)	Weldon (FL)
Ose	Serrano	Weller
Otter	Sessions	Wexler
Owens	Shadegg	Whitfield
Oxley	Shaw	Wicker
Pallone	Shays	Wilson (NM)
Pascrell	Sherman	Wilson (SC)
Pastor	Sherwood	Wolf
Paul	Shimkus	Woolsey
Pearce	Shuster	Wu
Pelosi	Simmons	Wynn
Pence	Simpson	Young (AK)
Peterson (MN)	Skelton	Young (FL)

NAYS—1

Sensenbrenner

ANSWERED ''PRESENT''—4

Hinchey	Sanders
Obey	Tierney

NOT VOTING—24

Baird	Hayworth	McInnis
Ballance	Janklow	Miller, Gary
Bilirakis	Kaptur	Nethercutt
Brady (TX)	Kilpatrick	Payne
Cardin	Kind	Rush
Gillmor	Lipinski	Sullivan
Goss	McCrery	Towns
Gutierrez	McDermott	Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.30 FURTHER CONTINUING APPROPRIATIONS FY 2003

Mr. YOUNG of Florida, pursuant to section 2 of House Resolution 15, called up the joint resolution (H.J. Res. 2) making further continuing appropriations for fiscal year 2003, and for other purposes.

When said joint resolution was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. OTTER, announced that the yeas had it.

So the joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶2.31 ORDER OF BUSINESS—EXTENSION OF REMARKS

On motion of Mr. WOLF, by unanimous consent,

Ordered, That, for the first session of the One Hundred and Eighth Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the Record entitled ''Extensions of Remarks''.

¶2.32 COMMITTEE ELECTION—MINORITY

Mr. CLYBURN, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 22):

Resolved, That the following named Members be, and are hereby, elected to the following committees:

Committee on Agriculture: Mr. Stenholm of Texas.

Committee on Appropriations: Mr. Obey of Wisconsin.

Committee on Armed Services: Mr. Skelton of Missouri.

Committee on the Budget: Mr. Spratt of South Carolina.

Committee on Education and the Workforce: Mr. George Miller of California.

Committee on Energy and Commerce: Mr. Dingell of Michigan.

Committee on Financial Services: Mr. Frank of Massachusetts.

Committee on Government Reform: Mr. Waxman of California.

Committee on International Relations: Mr. Lantos of California.

Committee on the Judiciary: Mr. Conyers of Michigan.

Committee on Resources: Mr. Rahall of West Virginia.

Committee on Science: Mr. Hall of Texas.

Committee on Small Business: Ms. Velazquez of New York.

Committee on Transportation and Infrastructure: Mr. Oberstar of Minnesota.

Committee on Veterans Affairs: Mr. Evans of Illinois.

Committee on Ways and Means: Mr. Rangel of New York.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.33 COMMITTEE ELECTION—MINORITY

Mr. CLYBURN, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 23):

Resolved, That the following Member be, and is hereby, elected to the Committee on Standards of Official Conduct: Mr. BERMAN of California.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.34 COMMITTEE ELECTION—MAJORITY

Ms. PRYCE of Ohio, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 24):

Resolved, That the following named Members be, and are hereby, elected chairmen of the following standing committees:

Committee on Agriculture: Mr. Goodlatte of Virginia.

Committee on Appropriations: Mr. Young of Florida.

Committee on Armed Services: Mr. Hunter of California.

Committee on the Budget: Mr. Nussle of Iowa.

Committee on Education and the Workforce: Mr. Boehner of Ohio.

Committee on Energy and Commerce: Mr. Tauzin of Louisiana.

Committee on Financial Services: Mr. Oxley of Ohio.

Committee on Government Reform: Mr. Tom Davis of Virginia.

Committee on House Administration: Mr. Ney of Ohio.

Committee on International Relations: Mr. Hyde of Illinois.

Committee on the Judiciary: Mr. Sensenbrenner of Wisconsin.

Committee on Resources: Mr. Pombo of California.

Committee on Science: Mr. Boehlert of New York.

Committee on Small Business: Mr. Manzullo of Illinois.

Committee on Standards of Official Conduct: Mr. Hefley of Colorado.

Committee on Transportation and Infrastructure: Mr. Young of Alaska.

Committee on Veterans' Affairs: Mr. Chris Smith of New Jersey.

Committee on Ways and Means: Mr. Thomas of California.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.35 ORDER OF BUSINESS—PERMANENT SELECT COMMITTEE ON INTELLIGENCE

On motion of Ms. PRYCE of Ohio, by unanimous consent,

Ordered, That, notwithstanding the requirement of clause 11(a)(1) of rule X, the Permanent Select Committee on Intelligence be composed of not more than 20 members, delegates, or the resident commissioner, of whom not more than 11 be from the same party.

¶2.36 PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore, Mr. REHBERG, by unanimous consent, announced that the Speaker, pursuant to clause 11 of rule X and clause 11 of rule I, appointed to the Permanent Select

Committee on Intelligence, the following Members: Messrs. GOSS, Chairman, BEREUTER, BOEHLERT, GIBBONS, LAHOOD, CUNNINGHAM, HOEKSTRA, BURR, EVERETT, Ms. HARMAN, Messrs. HASTINGS of Florida, REYES, BOSWELL, PETERSON of Minnesota, CRAMER, Ms. ESHOO, Messrs. HOLT and RUPPERSBERGER.

¶2.37 JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore, Mr. REHBERG, by unanimous consent, announced that the Speaker, pursuant to 15 United States Code 1024(a), appointed to the Joint Economic Committee, the following Member: Mr. SAXTON.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶2.38 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. REHBERG, laid before the House a communication, which was read as follows:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 8, 2003.

I hereby appoint the Honorable MAC THORNBERRY or, if not available to perform this duty, the Honorable ROY BLUNT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 27, 2003.

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

By unanimous consent, the appointment was approved.

¶2.39 PROVIDING FOR THE ADJOURNMENT OR RECESS OF THE TWO HOUSES

Ms. PRYCE of Ohio, submitted the following privileged concurrent resolution (H. Con. Res. 8):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, January 8, 2003, Thursday, January 9, 2003, or Friday, January 10, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, January 27, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, January 9, 2003, through Friday, January 24, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶2.40 ADJOURNMENT OVER

On motion of Ms. PRYCE of Ohio, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, January 10, 2003, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 8, in which case the House shall stand adjourned, pursuant to that concurrent resolution.

¶2.41 SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS, APPOINT COMMISSIONS

On motion of Ms. PRYCE of Ohio, by unanimous consent,

Ordered, That, during the First Session of the One Hundred Eighth Congress, the Speaker, Majority Leader, and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

¶2.42 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 23. An Act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such act ends.

¶2.43 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. KIND, for today; and

To Ms. KILPATRICK, for today and balance of the week.

And then,

¶2.44 ADJOURNMENT

On motion of Mr. PALLONE, pursuant to House Concurrent Resolution 8, at 10 o'clock and 55 minutes p.m., the House adjourned until 2 p.m. on Friday, January 10, 2003, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 8, in which case the House shall stand adjourned, pursuant to that concurrent resolution.

¶2.45 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELDON of Florida (for himself, Mr. STUPAK, Mr. SENSENBRENNER, Mr. KUCINICH, Mr. SMITH of Texas, Mr. DOYLE, Mr. CHABOT, Mr. SANDERS, Mr. CANNON, Mr. HALL, Mr. KELLER, Mr. FLAKE, Ms. HART, Mr. DELAY, Mrs. MYRICK, Mr. BACHUS, Mr. TAYLOR of Mississippi, Mr. LUCAS of Kentucky, Mr. MURTHA, Mr. BLUNT, Mr. MCINTYRE, Mr. ORTIZ, Mr. MOLLOHAN, Mr. FLETCHER, Mr. BILIRAKIS, Mr. NORWOOD, Mr. PITTS, Mr. SHIMKUS, Mr. STEARNS, Mr. SMITH of New Jersey, Mr. VITTER, Mr. GOODE, Mr. WOLF, Mr. STENHOLM, Mr. BRADY of Texas, Mr. JOHN, Mr. SOUDER, Mr. PETERSON of Minnesota, Mr. HOEKSTRA, Mr. KILDEE, Mr. ADERHOLT, Mr. SKELTON, Mr. WICKER, Mr. COSTELLO, Mr. LEWIS of Kentucky, Mr. TURNER of Texas, Mr. SAM JOHNSON of Texas, Mr. MCNULTY, Mr. EHLERS, Mr. RAHALL, Mr. LIPINSKI, Mr. SHUSTER, Mr. GOODLATTE, Mr. PICKERING, Mr. BURTON of Indiana, Mr. HUNTER, Mr. CANTOR, Mr. NETHERCUTT, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. MCCRERY, Mr. RYUN of Kansas, Mrs. JO ANN DAVIS of Virginia, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. LINDER, Mr. MICA, Mr. SHADEGG, Mr. TERRY, Mr. COLLINS, Mrs. MUSGRAVE, Mr. KENNEDY of Minnesota, Mr. PENCE, Mr. ROGERS of Michigan, Mr. TIBERI, Mr. RYAN of Wisconsin, Mr. FORBES, Mr. KING of Iowa, Mr. EVERETT, Mr. AKIN, Mr. OSBORNE, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. CAMP, Mr. DUNCAN, Mr. CRENSHAW, Mr. PETERSON of Pennsylvania, Mr. KING of New York, Mr. WAMP, Mr. FOSSELLA, Mr. COMBEST, Mr. HAYES, Mr. TIAHRT, Mr. BURNS, Mr. HOSTETTLER, Mrs. EMERSON, Mr. ISSA, Mr. MANZULLO, Mr. CRANE, Mr. FEENEY, Mr. BUYER, and Mr. FERGUSON):

H.R. 234. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina (for himself, Mr. DELAY, Mr. BLUNT, Mr. HAYES, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. HALL, Mr. DEMINT, Mr. GUTKNECHT, Mr. KENNEDY of Minnesota, Mr. PENCE, Ms. HART, Mr. PITTS, and Mr. WELDON of Florida):

H.R. 235. A bill to amend the Internal Revenue Code of 1986 to protect the religious free exercise and free speech rights of churches and other houses of worship; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. GEORGE MILLER of California, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Mr. RUSH, Mr. HOLDEN, Mr. SERRANO, Ms. WATSON, Mr. TOWNS, Mr. HOEFFEL, Mr. REYES, Mr. ISRAEL, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. CROWLEY, Mr. HINCHEY, Mr. SCOTT of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. DELAHUNT, Mr. FILNER, Mr. OWENS, Ms. WOOLSEY, Mr. ACEVEDO-VILA, Mr. RAHALL, Mr. BRADY of Pennsylvania, Mr. NEAL of Massachusetts, Mrs. MCCARTHY of New York, Mr. DOYLE, Mr. MCNULTY, Mr. LYNCH, Mr. MEEHAN, Mr. HONDA, Mrs. CHRISTENSEN, Ms. ROYBAL-ALLARD, Mr. DAVIS of Alabama, Mr. GUTIERREZ, Mr. FORD, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. CLAY, Mr. CLYBURN, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. JEFFERSON, Ms. NORTON, Mr. THOMPSON of Mississippi, Ms. LEE, and Mr. WATT):

H.R. 236. A bill to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BURTON of Indiana (for himself, Mr. KUCINICH, Mr. DUNCAN, Mr. PAUL, Mrs. MALONEY, Mr. KING of New York, and Mr. PLATTS):

H.R. 237. A bill to repeal certain amendments to the National Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mr. BOEHLERT (for himself and Mr. HALL):

H.R. 238. A bill to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mrs. MALONEY, Mr. OXLEY, Mr. KANJORSKI, Mr. LEACH, Mrs. KELLY, Mr. MCHUGH, Mr. TOOMEY, Mr. SOUDER, Ms. HART, and Mr. PLATTS):

H.R. 239. A bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Financial Services.

By Mr. MICA:

H.R. 240. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private health-care practitioners in the case of veterans who, after having made an appointment to see a Department of Veterans Affairs physician to obtain such a prescription, have been waiting for longer than 30 days, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 241. A bill to amend title 38, United States Code, to repeal the two-year limitation on the payment of accrued benefits that are due and unpaid by the Secretary of Veterans Affairs upon the death of a veteran or other beneficiary under laws administered by the Secretary; to the Committee on Veterans' Affairs.

By Mr. ISSA (for himself, Mr. FARR, Mr. NETHERCUTT, and Mr. MEEHAN):

H.R. 242. A bill to make technical corrections in patent law; to the Committee on the Judiciary.

By Mr. ISSA (for himself, Mr. BAIRD, Mr. LEWIS of California, Ms. LOFGREN, Mr. MCDERMOTT, Mr. ENGLISH, and Mr. INSLEE):

H.R. 243. A bill to amend title 23, United States Code, relating to the use of high occupancy vehicle lanes by hybrid vehicles; to the Committee on Transportation and Infrastructure.

By Mr. ISSA (for himself, Mr. THOMPSON of California, Mr. OSE, Mr. MATSUI, Mr. GEORGE MILLER of California, Ms. LEE, Ms. ESHOO, Mr. MCKEON, Mr. SCHIFF, Ms. ROYBAL-ALLARD, Ms. MILLENDER-MCDONALD, Mr. ROYCE, Mr. LEWIS of California, Mr. CALVERT, Mrs. DAVIS of California, Mr. HUNTER, Mrs. NAPOLITANO, Mr. HERGER, Mr. DOOLITTLE, Mr. POMBO, Mr. RADANOVICH, Mr. THOMAS, Mr. GALLEGLY, Mr. DREIER, Mr. GARY G. MILLER of California, Mrs. BONO, Mr. ROHRABACHER, Mr. COX, Mr. CUNNINGHAM, Mr. NUNES, Mrs. CAPPS, Mr. HONDA, Mrs. TAUSCHER, Mr. DOOLEY of California, Mr. BECERRA, Ms. LOFGREN, Mr. CARDOZA, Ms. WATSON, Mr. FARR, Mr. SHERMAN, Mr. BACA, Mr. BERMAN, and Mr. LANTOS):

H.R. 244. A bill to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gas in certain areas within the State; to the Committee on Energy and Commerce.

By Mr. FLETCHER (for himself, Mr. ETHERIDGE, Mr. TANNER, Mr. BISHOP of Georgia, Mr. BOUCHER, Mr. LEWIS of Kentucky, Ms. MCCARTHY of Missouri, Mr. LUCAS of Kentucky, Mr. WAMP, Mr. WHITFIELD, Mr. PRICE of North Carolina, and Mr. ROGERS of Kentucky):

H.R. 245. A bill to replace the existing Federal price support and quota programs for tobacco with price support and quota programs designed to assist the actual producers of tobacco, to compensate quota holders for the loss of tobacco quota asset value, to provide assistance for active tobacco producers, including those producers who forgo obtaining a tobacco production license, during the transition of the new programs, and for other purposes; to the Committee on Agriculture.

By Mr. REGULA:

H.R. 246. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes; to the Committee on Appropriations.

By Mr. WOLF:

H.R. 247. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2003, and for other purposes; to the Committee on Appropriations.

By Mr. ALLEN (for himself, Mr. STARK, Mr. PALLONE, Mr. BROWN of Ohio, Mr. MICHAUD, Mr. SANDERS, Mr. BERRY, Mr. DAVIS of Florida, Mr. KUCINICH, and Mrs. CAPPS):

H.R. 248. A bill to amend the Public Health Service Act and the Homeland Security Act of 2002 to strike unrelated provisions concerning changes to the National Vaccine Injury Compensation Program and liability for vaccine manufacturers; to the Committee on Energy and Commerce.

By Mr. ALLEN:

H.R. 249. A bill to amend title II of the Social Security Act to provide an exception to the nine-month duration of marriage requirement for widows and widowers in cases in which the marriage was postponed by legal impediments to the marriage caused by State restrictions on divorce from a prior spouse institutionalized due to mental incompetence or similar incapacity; to the Committee on Ways and Means.

By Mr. FARR (for himself, Mr. UDALL of Colorado, and Mr. HONDA):

H.R. 250. A bill to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government, and for other purposes; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 251. A bill to protect small businesses from increased tariffs and other retaliatory actions taken by the United States during a trade dispute; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 252. A bill to amend the Internal Revenue Code of 1986 to extend the period for filing for a credit or refund of individual income taxes to 7 years; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself and Mr. BLUMENAUER):

H.R. 253. A bill to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made; to the Committee on Financial Services.

By Mr. BEREUTER (for himself, Mr. BONILLA, Mr. GONZALEZ, Mr. HINOJOSA, Mr. OSE, Mr. ROYCE, Mr. REYES, Mr. RODRIGUEZ, Mr. GRIJALVA, and Mr. ORTIZ):

H.R. 254. A bill to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes; to the Committee on Financial Services.

By Mr. BEREUTER:

H.R. 255. A bill to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska; to the Committee on Resources.

By Mr. BOUCHER (for himself and Mr. GOODE):

H.R. 256. A bill to provide for premium assistance for COBRA continuation coverage for certain individuals and to permit States to provide temporary Medicaid coverage for certain uninsured employees; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURNS (for himself, Mr. HAYES, Mr. MCINTYRE, Mr. PICKERING, Mr. KINGSTON, Mr. ROGERS of Alabama, Mr. GOODE, Mr. CRAMER, and Mr. BISHOP of Georgia):

H.R. 257. A bill to provide emergency disaster assistance to agricultural producers that incurred 2002 crop losses due to damaging weather or related condition and to provide emergency disaster assistance to livestock producers in counties that received a primary disaster designation by the Secretary of Agriculture in calendar year 2001 or 2002, and for other purposes; to the Committee on Agriculture.

By Mr. CANTOR (for himself, Mr. GOODE, Mr. SCHROCK, Mr. TOM DAVIS of Virginia, Mr. GOODLATTE, Mr. SCOTT of Virginia, Mr. FORBES, Mr. MORAN of Virginia, Mr. BOUCHER, Mrs. JO ANN DAVIS of Virginia, and Mr. WOLF):

H.R. 258. A bill to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Mr. FROST, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. BROWN of Ohio, Mr. RUSH, Mr. OWENS, Ms. KILPATRICK, Mr. WYNN, Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, Mr. FATTAH, Ms. LEE, Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mr. FORD, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Ms. NORTON, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KUCINICH):

H.R. 259. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. NADLER, Mr. ACKERMAN, Ms. CORRINE BROWN of Florida, Mr. DELAHUNT, Ms. KILPATRICK, Ms. LEE, Mr. MARKEY, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. CUMMINGS, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. KENNEDY of Rhode Island, Ms. LOFGREN, Mr. MEEHAN, Mr. TOWNS, Mr. WEXLER, Mr. DEUTSCH, Mr. FRANK of Massachusetts, Ms. DEGETTE, Mr. PAYNE, Mr. STARK, Mr. BERMAN, Mr. DAVIS of Florida, Mr. CLAY, Ms. NORTON, Mr. HOLT, Mr. GUTIERREZ, and Mr. MCDERMOTT):

H.R. 260. A bill to extend Brady background checks to gun shows, and for other

purposes; to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. GORDON, Mr. TANNER, and Mr. DAVIS of Tennessee):

H.R. 261. A bill to amend the Internal Revenue Code of 1986 to allow residents of States with no income tax a deduction for State and local sales taxes; to the Committee on Ways and Means.

By Mr. COX (for himself, Mr. FOLEY, Ms. HART, Ms. LOFGREN, Mr. FILNER, Mr. DREIER, Mr. SHADEGG, Mr. TOWNS, Mr. MCKEON, Mr. SENSENBRENNER, Mr. OWENS, Mr. WILSON of South Carolina, Mr. CUNNINGHAM, Mr. OSE, Mr. SANDERS, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. CALVERT, Mr. ROTHMAN, Mr. ISSA, Mr. GARY G. MILLER of California, Mr. KUCINICH, Mr. PENCE, Mr. PITTS, Mr. PASCRELL, Mr. POMBO, Mr. ROHRABACHER, Mr. ROYCE, Mr. TANCREDO, Mr. TIBERI, Mr. WALDEN of Oregon, Mr. GILLMOR, Mr. DUNCAN, Mr. FOSSELLA, Ms. MILLENDER-MCDONALD, Mr. GILCHREST, Mr. WEXLER, Mr. VISCLOSKY, Mr. ENGEL, Mr. PAYNE, Mr. PLATTS, Mr. DOYLE, Mr. EVANS, Mr. KENNEDY of Minnesota, Mr. JONES of North Carolina, Mr. KNOLLENBERG, Mr. KING of New York, and Mr. QUINN):

H.R. 262. A bill to allow a custodial parent a bad debt deduction for unpaid child support payments, and to require a parent who is chronically delinquent in child support to include the amount of the unpaid obligation in gross income; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 263. A bill to amend title 38, United States Code, to improve access to medical services for veterans seeking treatment at Department of Veterans Affairs outpatient clinics with exceptionally long waiting periods; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H.R. 264. A bill to amend title II of the Social Security Act to provide for payment of lump-sum death payments upon the death of a spouse; to the Committee on Ways and Means.

By Ms. DUNN (for herself, Mr. DICKS, Mr. LARSEN of Washington, Mr. HASTINGS of Washington, Mr. SMITH of Washington, and Mr. BAIRD):

H.R. 265. A bill to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes; to the Committee on Resources.

By Mr. EHLERS (for himself and Mr. GILCHREST):

H.R. 266. A bill to establish the National Invasive Species Council, and for other purposes; to the Committee on Resources.

By Mr. ENGLISH:

H.R. 267. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability; to the Committee on Ways and Means.

By Mr. EHLERS:

H.R. 268. A bill to authorize appropriations for the United States Weather Research Program, and for other purposes; to the Committee on Science.

By Mr. ENGLISH:

H.R. 269. A bill to amend the Internal Revenue Code of 1986 to restructure and replace the income tax system of the United States to meet national priorities, and for other purposes; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN (for himself, Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. HINCHEY, Mr. MCNULTY, Mrs. KELLY, Mr. PAYNE, Mr. KING of New York, and Mr. SANDERS):

H.R. 270. A bill to require the Secretary of Veterans Affairs to replace with a more equitable formula the current formula, known as the Veterans Equitable Resource Allocation (VERA), for the allocation of funds appropriated to the Department of Veterans Affairs for medical care to different geographic regions of the Nation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRELINGHUYSEN (for himself, Mrs. KELLY, Mr. HINCHEY, and Mr. KING of New York):

H.R. 271. A bill to require the Secretary of Veterans Affairs to modify the formula, known as the Veterans Equitable Resource Allocation (VERA) system, for the allocation of funds appropriated to the Department of Veterans Affairs for medical care to different geographic regions of the Nation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GIBBONS:

H.R. 272. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Resources.

By Mr. GILCHREST (for himself and Mr. TAUZIN):

H.R. 273. A bill to provide for the eradication and control of nutria in Maryland and Louisiana; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 274. A bill to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge; to the Committee on Resources.

By Mr. GILLMOR (for himself and Mr. TIBERI):

H.R. 275. A bill to amend the Securities and Exchange Act of 1934 to require improved disclosure of corporate charitable contributions, and for other purposes; to the Committee on Financial Services.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, and Mr. PAUL):

H.R. 276. A bill to repeal section 658 of Public Law 104-208, commonly referred to as the Lautenberg amendment; to the Committee on the Judiciary.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, and Mr. TANCREDO):

H.R. 277. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security in the performance of border protection functions; to the Committee on Armed Services, and in addition to the Select Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES:

H.R. 278. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H.R. 279. A bill to amend the Small Business Act to include drought in the definition of disaster for purposes of the disaster loan program administered by the Small Business Administration; to the Committee on Small Business.

By Mr. HOBSON (for himself, Mr. PORTMAN, Mr. REGULA, Mr. LATOURETTE, Mr. BOEHNER, Mr. TURNER of Ohio, Mr. TIBERI, Mr. NEY, Mr. BROWN of Ohio, Mr. OXLEY, Mrs. JONES of Ohio, Ms. KAPTUR, and Mr. GILLMOR):

H.R. 280. A bill to establish the National Aviation Heritage Area, and for other purposes; to the Committee on Resources.

By Mr. HOBSON (for himself, Mr. BOEHNER, Mr. BROWN of Ohio, Mr. CHABOT, Mr. GILLMOR, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Mr. LATOURETTE, Mr. NEY, Mr. OXLEY, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. REGULA, Mr. STRICKLAND, Mr. TIBERI, Mr. RYAN of Ohio, and Mr. TURNER of Ohio):

H.R. 281. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. HOEKSTRA (for himself, Mr. TANCREDO, and Mr. SOUDER):

H.R. 282. A bill to amend the Internal Revenue Code of 1986 to allow a credit for contributions for the benefit of elementary and secondary schools; to the Committee on Ways and Means.

By Mr. HONDA (for himself, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOEFFEL, Ms. NORTON, Ms. LOFGREN, and Mr. ETHERIDGE):

H.R. 283. A bill to establish the Nanoscience and Nanotechnology Advisory Board; to the Committee on Science.

By Mr. HOUGHTON (for himself and Mr. NEAL of Massachusetts):

H.R. 284. A bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. SAM JOHNSON of Texas, Mr. PORTMAN, and Mr. RAMSTAD):

H.R. 285. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States businesses operating abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. BARTLETT of Maryland, Mr. COX, Mr. CRANE, Mr. TOM DAVIS of Virginia, Mr. DOOLEY of California, Ms. DUNN, Mr. ENGLISH, Mr. FILNER, Mr. FOLEY, Mr. GILLMOR, Mr. HAYWORTH, Mr. HERGER, Mr. HONDA, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Ms. LOFGREN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RAMSTAD, and Mr. SESSIONS):

H.R. 286. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchase plans; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 287. A bill to prohibit the exportation of natural gas from the United States to Mexico for use in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by requirements applicable in the United States; to the Committee on International Relations.

By Mr. INSLEE:

H.R. 288. A bill to amend title 23, United States Code, to establish programs to enhance roadway safety and improve transportation efficiency in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. KAPTUR (for herself and Mr. DINGELL):

H.R. 289. A bill to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge; to the Committee on Resources.

By Mrs. KELLY:

H.R. 290. A bill to expand research regarding inflammatory bowel disease, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KELLY:

H.R. 291. A bill to amend title 18, United States Code, to increase the mandatory minimum penalties provided for possessing, brandishing, or discharging a firearm during and in relation to a crime of violence or drug trafficking crime; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 292. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 293. A bill to amend title 18, United States Code, to prohibit taking a child hostage in order to evade arrest; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 294. A bill to amend title 38, United States Code, to improve the automobile assistance program for disabled veterans; to the Committee on Veterans' Affairs.

By Mrs. KELLY:

H.R. 295. A bill to amend the Internal Revenue Code of 1986 to require group health plans to provide coverage for reconstructive surgery following mastectomy, consistent with the Women's Health and Cancer Rights Act of 1998; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 296. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. KIRK):

H.R. 297. A bill to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration.

By Mr. KING of New York (for himself and Mr. ENGEL):

H.R. 298. A bill to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes; to the Committee on Financial Services.

By Mr. KING of New York:

H.R. 299. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''; to the Committee on Government Reform.

By Mr. KING of New York (for himself, Mr. ISTOOK, Mr. PAUL, Mr. NORWOOD, Mr. DOOLITTLE, Mr. DUNCAN, Mr. CRANE, Mr. FLAKE, Mr. DEAL of Georgia, Mr. HAYWORTH, Mr. WELDON of Florida, Mr. BARTLETT of Maryland, Mr. ROHRABACHER, Mr. TANCREDO, Mr. EVERETT, Mrs. CUBIN, Mr. HALL, Mr. COBLE, Mr. PLATTS, Mr. WICKER, Mr. RYUN of Kansas, Mr. BUYER, Mr. NEY, Mr. SAM JOHNSON of Texas, Mr. AKIN, Mr. GOODLATTE, Mr. GOODE, Mr. BURR, and Mr. FORBES):

H.R. 300. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes; to the Committee on Government Reform.

By Mr. KNOLLENBERG:

H.R. 301. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on the net capital gain of taxpayers other than corporations; to the Committee on Ways and Means.

By Mr. McINTYRE:

H.R. 302. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives and job training grants for communities affected by the migration of businesses and jobs to Canada or Mexico as a result of the North American Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. EVANS, Mr. WHITFIELD, Mr. FILNER, Mr. ROSS, Mr. HASTINGS of Washington, Mr. PAYNE, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, Mr. MILLER of Florida, Mr. RODRIGUEZ, Mr. NADLER, Mr. EDWARDS, Mr. BOOZMAN, Mr. KENNEDY of Minnesota, Mr. BONILLA, Mr. SHAW, Mrs. WILSON of New Mexico, Mr. LEVIN, Mr. GOODLATTE, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. OSBORNE):

H.R. 303. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McNULTY:

H.R. 304. A bill to authorize the President to award the Medal of Honor posthumously to Henry Johnson for acts of valor during World War I; to the Committee on Armed Services.

By Mr. McNULTY:

H.R. 305. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Resources.

By Mr. GARY G. MILLER of California (for himself, Mr. CALVERT, and Mr. DOOLEY of California):

H.R. 306. A bill to amend the Safe Drinking Water Act to provide procedures for claims relating to drinking water; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. OSBORNE, Mr. LUCAS of Oklahoma, Mr. JOHNSON of Illinois, Mr. McINTYRE, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. BOSWELL, Mr. BEREUTER, Mr. LAHOOD, Mr. SHIMKUS, Mr. GOODE, Mr. RYUN of Kansas, Mr. STUPAK, Mr. LATOURETTE, Mr. MOORE, Mr. WELLER, Mr. UDALL of New Mexico, Mrs. MUSGRAVE, Mrs. CUBIN, Mr. WALDEN of Oregon, Mr. REHBERG, and Mr. PETERSON of Pennsylvania):

H.R. 307. A bill to provide emergency disaster assistance to agricultural producers to respond to severe crop losses and livestock losses incurred in 2001 and 2002, and for other purposes; to the Committee on Agriculture.

By Mr. NADLER:

H.R. 308. A bill to provide for the resolution of certain labor issues relating to the merger of the Metro-North Railroad and the Long Island Rail Road; to the Committee on Transportation and Infrastructure.

By Mr. NUNES:

H.R. 309. A bill to direct the Secretary of the Interior to conduct a study to determine the feasibility of increasing the capacity of water storage, increasing power generation, improving water supply reliability and quality, improving water management efficiency, and improving ecosystem function and flood control on the San Joaquin River through the construction of a reservoir at Temperance Flat and other reasonable measures; to the Committee on Resources.

By Mr. OSBORNE (for himself, Mr. BEREUTER, Mr. POMEROY, Mr. PAUL, Mr. NETHERCUTT, Mr. FLAKE, Mr. WAMP, Mr. KENNEDY of Minnesota, Mr. WHITFIELD, Mr. GREEN of Wisconsin, Mr. WILSON of South Carolina, Mr. FROST, Mr. SMITH of Michigan, Mrs. EMERSON, Mr. REHBERG, Mr. LEWIS of Kentucky, and Mr. SOUDER):

H.R. 310. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. PENCE (for himself, Mr. TOOMEY, Mrs. MYRICK, Mrs. JO ANN DAVIS of Virginia, Mr. GOODE, Mr. PITTS, Mr. KING of Iowa, Mr. CHOCOLA, Mr. RYUN of Kansas, Mr. TANCREDO, Mr. AKIN, Mr. WILSON of South Carolina, Mr. PEARCE, Mr. HOSTETTLER, Mr. HOEKSTRA, Mr. FEENEY, Mr. SOUDER, Mr. FLAKE, Mr. BURTON of Indiana, Mr. TERRY, Mr. TIAHRT, Mr. SHADEGG, Mr. SESSIONS, Mr. OTTER, Mr. ADERHOLT, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Mr. BARRETT of South Carolina, Mr. DEMINT, Mr. CULBERSON, Mr. DOOLITTLE, Mr. GARRETT of New Jersey, and Mr. SULLIVAN):

H.R. 311. A bill to amend the Internal Revenue Code of 1986 to provide a 10 percent maximum capital gains tax for individuals; to the Committee on Ways and Means.

By Mr. PETRI (for himself, Mr. KIRK, and Mr. FRANKS of Arizona):

H.R. 312. A bill to amend the Internal Revenue Code of 1986 to allow a dividends paid deduction; to the Committee on Ways and Means.

By Mr. RAHALL (for himself and Mr. NEY):

H.R. 313. A bill to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund; to the Committee on Resources.

By Mr. ROYCE (for himself, Mr. KANJORSKI, Mr. JONES of North Carolina, Mr. PAUL, Mr. SHERMAN, Mr. MEEKS of New York, and Mrs. MALONEY):

H.R. 314. A bill to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for

other purposes; to the Committee on Financial Services.

By Mr. SAXTON:

H.R. 315. A bill to amend the Internal Revenue Code of 1986 to remove the requirement of a mandatory beginning date for distributions from individual retirement plans; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself, Ms. MCCARTHY of Missouri, Mr. JOHNSON of Illinois, Mr. LAHOOD, Mr. KIRK, and Mr. LIPINSKI):

H.R. 316. A bill to eliminate certain restrictions on the availability of credits under title III of the Energy Policy Act of 1992 for the use of biodiesel fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHIMKUS:

H.R. 317. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991, relating to a rural access project in Mt. Vernon, Illinois; to the Committee on Transportation and Infrastructure.

By Mr. SHIMKUS (for himself, Ms. MCCARTHY of Missouri, Mr. JOHNSON of Illinois, Mr. LAHOOD, Mr. KIRK, and Mr. MANZULLO):

H.R. 318. A bill to amend title 23, United States Code, to require consideration under the congestion mitigation and air quality improvement program of the extent to which a proposed project or program reduces sulfur or atmospheric carbon emissions, to make renewable fuel projects eligible under that program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H.R. 319. A bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 320. A bill to amend the Internal Revenue Code of 1986 to allow expanded penalty-free withdrawals from certain retirement plans during periods of unemployment for any employee of an air carrier or of a manufacturer of aircraft or parts or components of aircraft; to the Committee on Ways and Means.

By Mr. TOOMEY:

H.R. 321. A bill to establish limits on medical malpractice claims, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 322. A bill to amend title XIX of the Social Security Act to assure coverage for legal immigrant children and pregnant women under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Mr. VISCLOSKY (for himself, Mr. LYNCH, Mr. WYNN, Mr. OBERSTAR, and Mr. STUPAK):

H.R. 323. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 324. A bill to restore the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact, a Pacific Northwest Dairy Compact, and an Intermountain Dairy Compact; to the Committee on the Judiciary.

By Mr. VITTER:

H.R. 325. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms; to the Committee on Ways and Means.

By Mr. VITTER:

H.R. 326. A bill to amend the Internal Revenue Code of 1986 to eliminate the double taxation of dividends; to the Committee on Ways and Means.

By Mr. WHITFIELD:

H.R. 327. A bill to authorize the President to award the Medal of Honor posthumously to Garlin Murl Conner for acts of valor during World War II; to the Committee on Armed Services.

By Mr. WHITFIELD (for himself, Ms. DEGETTE, Mr. DREIER, Ms. PELOSI, Mr. RADANOVICH, Ms. ESHOO, Mr. SHIMKUS, and Mr. GUTIERREZ):

H.R. 328. A bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico:

H.R. 329. A bill to improve mathematics and science instruction in elementary and secondary schools by authorizing the Secretary of Education to make grants for regional workshops designed to permit educators to share successful strategies for such instruction; to the Committee on Education and the Workforce.

By Mrs. WILSON of New Mexico (for herself, Mr. BLUNT, Mr. BURR, Mr. FOSSELLA, Mr. NORWOOD, Mrs. TAUSCHER, Mr. WAMP, and Mr. WHITFIELD):

H.R. 330. A bill to extend indemnification authority under section 170 of the Atomic Energy Act of 1954, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina:

H.R. 331. A bill to amend title 10, United States Code, to provide that military retired pay for nonregular service shall be paid without regard to the age of a person otherwise eligible for such retired pay, rather than commencing when an otherwise eligible person attains age 60; to the Committee on Armed Services.

By Mr. WILSON of South Carolina:

H.R. 332. A bill to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era to assess the suitability and feasibility of designating the study area as a unit of the National Park System; to the Committee on Resources.

By Mr. WU (for himself, Mr. HONDA, Mr. MATSUI, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. HINCHEY, Mr. SCHIFF, Ms. WATSON, Mr. SERRANO, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLUMENAUER, Mr. WYNN, and Ms. MILLENDER-MCDONALD):

H.R. 333. A bill to amend the Higher Education Act of 1965 to authorize grants for institutions of higher education serving Asian Americans and Pacific Islanders; to the Committee on Education and the Workforce.

By Mr. SKELTON (for himself, Ms. PELOSI, Ms. HARMAN, Mr. MURTHA, Mr. SPRATT, Mr. DICKS, Mr. WAXMAN, Mr. EVANS, Mr. SNYDER, Mr. DELAHUNT, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. TURNER of Texas, Mr. BROWN of Ohio, Mr. ENGEL, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. BOYD, Mr. SERRANO, Mr. EDWARDS, Mr. HOLDEN, Mr. ROTHMAN, Mr. ROSS, Mr. THOMPSON of California, Mr. RAHALL, Mr. KILDEE, Mrs. DAVIS of California, Mr. CARSON of Oklahoma, Ms. LOFGREN, Ms. KILPATRICK, Mr. LAMPSON, Mr. JOHN, Mr. TANNER, Mr. HOLT, Mr. ETHERIDGE, and Mr. ORTIZ):

H.J. Res. 12. A joint resolution commending the members of the United States Armed Forces; to the Committee on Armed Services.

By Ms. PRYCE of Ohio:

H. Con. Res. 8. A concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. GOODE (for himself, Mr. BACHUS, Mrs. JO ANN DAVIS of Virginia, Mr. JONES of North Carolina, Mr. LEWIS of Kentucky, and Mrs. MYRICK):

H. Con. Res. 9. Concurrent resolution urging the President to negotiate a new base rights agreement with the Government of the Republic of Panama in order for United States Armed Forces to be stationed in Panama for the purposes of defending the Panama Canal; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H. Con. Res. 10. A concurrent resolution condemning the Democratic People's Republic of Korea for its failure to comply with the Treaty on the Non-Proliferation of Nuclear Weapons and the U.S.-North Korea Agreed Framework of 1994; to the Committee on International Relations.

By Mr. MCNULTY:

H. Con. Res. 11. A concurrent resolution expressing the sense of Congress regarding the primary author and the official home of "Yankee Doodle"; to the Committee on Government Reform.

By Mr. CLYBURN:

H. Res. 22. A resolution electing certain ranking minority members to standing committees; considered and agreed to.

By Mr. CLYBURN:

H. Res. 23. A resolution designating minority membership on certain standing committees of the house; considered and agreed to.

By Ms. PRYCE of Ohio:

H. Res. 24. A resolution electing chairmen of certain standing committees of the House.

By Mr. OSBORNE (for himself, Mr. KELLER, Ms. MCCOLLUM, Mrs. DAVIS of California, Mr. FORD, Mr. WAXMAN, Mr. BEREUTER, Mr. CARSON of Oklahoma, Mr. BAIRD, Mr. ETHERIDGE, and Mr. NEAL of Massachusetts):

H. Res. 25. A resolution supporting efforts to promote greater awareness of the need for youth mentors and increased involvement with youth through mentoring; to the Committee on Education and the Workforce.

By Mr. VITTER:

H. Res. 26. A resolution honoring the contributions of Catholic schools; to the Committee on Education and the Workforce.

By Mr. WYNN:

H. Res. 27. A resolution concerning the establishment of a permanent United Nations security force; to the Committee on International Relations.

¶2.46 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALLEN:
H.R. 334. A bill for the relief of Nancy B. Wilson; to the Committee on the Judiciary.
By Mr. WILSON of South Carolina:
H.R. 335. A bill for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani; to the Committee on the Judiciary.

¶2.47 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. EVANS, Mr. GORDON, and Mr. UDALL of New Mexico.
H.R. 20: Mr. SWEENEY.
H.R. 24: Mr. MEEHAN.
H.R. 33: Mr. HALL, Mr. PICKERING, Mr. STUPAK, Mr. CARSON of Oklahoma, and Mr. MCINNIS.
H.R. 34: Mr. DAVIS of Florida, Mr. ALLEN, Mr. ROGERS of Michigan, and Mr. SMITH of Washington.
H.R. 41: Mr. BLUMENAUER, Mr. MCGOVERN, Mr. BACA, Mr. HALL, Mr. Engle, Mr. ALLEN, Mr. STENHOLM, Mr. BAIRD, Mr. SCHIFF, and Mr. KILDEE.
H.R. 47: Mr. FALEOMAVAGEA.
H.R. 49: Mr. HEFLEY, Mr. FEENEY, Mr. BARTON of Texas, Mr. WILSON of South Carolina, Mr. CRANE, Mr. WELLER, Mr. AKIN, Mr. GRAVES, Mr. KIRK, and Mr. WALDEN of Oregon.
H.R. 57: Mrs. JO ANN DAVIS of Virginia, Mr. BACHUS, Mr. SIMPSON, Mr. BAKER, Mrs. EMERSON, and Mr. OXLEY.
H.R. 111: Mr. MCNULTY, Mr. WALDEN of Oregon, Mr. SMITH of Washington, Mr. ALLEN, Mr. SCHIFF, Mr. PLATTS, and Mrs. CUBIN.
H.R. 127: Mr. HONDA, Mr. TOWNS, Ms. LOFGREN, Mr. SERRANO, Mr. FROST, Mr. PASCRELL, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 156: Mr. ENGLISH.
H.R. 160: Mr. STUPAK.
H.R. 167: Mr. DEUTSCH and Mrs. KELLY.
H.R. 172: Mr. MCNULTY.
H.R. 179: Mr. SMITH of Michigan.
H.R. 182: Mr. HOEFFEL, Ms. NORTON, and Mr. BEREUTER.
H.R. 218: Mr. DINGELL, Mr. NEY, Mr. ANDREWS, Mr. COMBEST, Mrs. EMERSON, Mr. LOBIONDO, Mr. LUCAS of Oklahoma, Mr. CARSON of Oklahoma, Mr. SKELTON, Mr. PALLONE, Mr. PASCRELL, Mr. HOLT, and Mr. RYAN of Wisconsin.
H.J. Res. 3: Mrs. CAPPS, Mr. BOOZMAN, Mr. BASS, Mr. KIRK, Mr. HOUGHTON, Mr. TURNER of Ohio, Mr. BEREUTER, Mr. SCOTT of Georgia, Mr. KINGSTON, Mr. WILSON of South Carolina, Mr. SHERWOOD, Mr. ROGERS of Michigan, Mr. HAYWORTH, Mr. GORDON, Mr. ANDREWS, Mr. THORNBERRY, Mr. SIMMONS, Mr. HOBSON, Mr. ISTOOK, Mr. SHAW, Mr. BISHOP of Georgia, Mr. SAXTON, Mr. STENHOLM, Mr. SMITH of New Jersey, Mr. LOBIONDO, and Mr. SESSIONS.
H. Res. 17: Mr. HILL.
H. Res. 21: Mr. CONYERS and Mr. KUCINICH.

MONDAY, JANUARY 27, 2003 (3)

¶3.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 2 p.m. by the SPEAKER pro tempore, Mr. CULBERSON, who laid before the House the following communication:

WASHINGTON, DC,
January 27, 2003.

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

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

¶3.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Wednesday, January 8, 2003.

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

¶3.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

156. A communication from the President of the United States, transmitting a report pursuant to section 3204 (f) of Public Law 106-246; to the Committee on Armed Services.

157. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General and classified annex for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

158. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Foreign Military Sales Customer Involvement [DFARS Case 2002-D005] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

159. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — International Banking Operations; International Lending Supervision [Regulation K; Docket No. R-1114] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

160. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Home Mortgage Disclosure [Regulation C; Docket No. R-1140] received December 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

161. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Government Securities Act Regulations: Large Position Rules (RIN: 1505-AA88) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

162. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Recordkeeping and Confirmation Requirements for Securities Transactions; Fiduciary Powers of Savings Associations [No. 2002-57] (RIN: 1550-AB49) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

163. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Savings Associations — Transactions with Affiliates [No. 2002-64] (RIN: 1550-AB55) received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

164. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Exemption for Standardized Options from Provisions of the Securities Act of 1933 and from the Registration Requirements of the Securities Exchange Act of 1934 [Release Nos. 33-8171; 34-47082; File No. S7-29-02] (RIN: 3235-AI55) received December 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

165. A letter from the Secretary, Department of Education, transmitting Final Regulations —— Title I — Improving Achievement of the Disadvantaged, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

166. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Final Priority on Alternative Financing Program Technical Assistance (AFPTA) under Title III of the Assistive Technology Act of 1998 — received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

167. A letter from the Deputy Assistant Secretary for Program Operations, PWBA, Department of Labor, transmitting the Department's final rule — Amendment to Prohibited Transaction Exemption 97-11 (PTE 97-11) for the Receipt of Certain Investment Services by Individuals for Whose Benefit Individual Retirement Accounts or Retirement Plans for Self-Employed Individuals Have Been Established or Maintained [Application Number: D-10934] received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

168. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No. 00N-1596] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

169. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Classification for Medical Washer and Medical Washer-Disinfector [Docket No. 01N-0339] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

170. A letter from the Regulations Coordinator, CDC, Department of Health and Human Services, transmitting the Department's final rule — Possession, Use, and Transfer of Select Agents and Toxins (RIN: 0920-AA08) received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

171. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA 02-14165; Notice 1] (RIN: 2127-AI85) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

172. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule — Decommissioning Trust Provisions (RIN: 3150-AG52) received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

173. A communication from the President of the United States, transmitting a six month periodic report on the national emergency with respect to Sierra Leone and Liberia that was declared in Executive Order 13194, of January 18, 2001 and expanded in scope in Executive Order 13213, of May 22, 2001, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—21); to the Committee on International Relations and ordered to be printed.

174. A communication from the President of the United States, transmitting notification that the Sierra Leone and Liberia emergency is to continue in effect beyond January 18, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—22); to the Committee on International Relations and ordered to be printed.

175. A letter from the Lieutenant General, Director, Defense Security Cooperation

Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of September 30, 2002, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

176. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period October 1, 2002 through November 30, 2002, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

177. A letter from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule — Federal Republic of Yugoslavia (Serbia & Montenegro) and Bosnian Serb-controlled areas of the Republic of Bosnia and Herzegovina Sanctions Regulations; Federal Republic of Yugoslavia (Serbia & Montenegro) Kosovo Sanctions Regulations — received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

178. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a ''Report on Withdrawal of Russian Armed Forces and Military Equipment''; to the Committee on International Relations.

179. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003-11 pursuant to Section 1306 of the National Defense Authorization Act for FY 2003, pursuant to Public Law 107—314, section 1306; to the Committee on International Relations.

180. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

181. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report of the Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

182. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

183. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the semiannual report of the Office of the Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

184. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's final rule — Privacy Act Regulations — received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

185. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

186. A letter from the Chair, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

187. A letter from the Commissioner, Social Security Administration, transmitting the Fiscal Year 2002 Performance and Accountability Report; to the Committee on Government Reform.

188. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — FED Policy Statement: Interim Reporting Procedures [NOTICE 2002-24] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

189. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Approval of Tungsten-Iron-Nickel-Tin Shot as Nontoxic for Hunting Waterfowl and Coots, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

190. A letter from the Assistant Secretary of the Interior, Department of the Interior, transmitting the Department's final rule — Conveyances, Disclaimers and Correction Documents [WO-350-1864-24 1A] (RIN: 1004-AD50) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

191. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of Interior, transmitting the Department's final rule — Arrangement with States, Territories, or Other Agencies for Relief of Distress and Social Welfare of Indians (RIN: 1076-AD98) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

192. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Climate and Global Change Program, Program Announcement [Docket No. 000616180-2245-06] (RIN: 0648-ZA91) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

193. A letter from the Associate Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — General Grant Administration Terms and Conditions of the Coastal Ocean Program for FY2003 [Docket No. 000817236-2242-01, I.D. No. 082702F] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

194. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 021112272-2328-02; I.D. 110202D] (RIN: 0648-AP88) received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

195. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries [Docket No. 021017239-2322-02; I.D. 091902F] (RIN: 0648-AQ15) received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

196. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Directed Fishery for Loligo Squid [Docket No. 011005244-2011-02; I.D. 121902B] received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

197. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Commercial Shark Management Measures [Docket No. 021219321-2321-01; I.D. 120902A] (RIN: 0648-AQ39) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

198. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Bycatch Rate Standards for the First Half of 2003 [I.D. 112902A] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

199. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; 2003 Fishing Quotas for Atlantic Surfclams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs [Docket No. 021017238-2314-02; I.D. 092602I] (RIN: 0648-AQ31) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

200. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species (HMS) Fishing Vessels Permits; Charter Boat Operations [Docket No. 020325070-2296-03; I.D. 071299C] (RIN: 0648-AM91) received January 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

201. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 112202D] received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

202. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Quotas and Fishing Areas; Trade Monitoring [Docket No. 011029263-2255-02; I.D. 010201A] (RIN: 0648-AO93) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

203. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries [Docket No. 021021241-2294-02; I.D. 083002E] (RIN: 0648-AP86) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

204. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No. 011218304-1304-01; I.D. 112202B] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

205. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea

and Aleutian Islands Area; Interim 2003 Harvest Specifications for Groundfish [Docket No. 021212307-2307-01; I.D. 110602C] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

206. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2002, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

207. A letter from the Senior Attorney, Financial Management Service, Department of the Treasury, transmitting the Department's final rule — Centralized Offset of Federal Payments to Collect Nontax Debts Owed to the United States (RIN: 1510-AA65) received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

208. A letter from the Regulations Coordinator, OIA, Department of Health and Human Services, transmitting the Department's final rule — HHS Exchange Visitor Program; Request for Waiver of the Two-Year Foreign Residence Requirement (RIN: 0991-AB21) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

209. A letter from the Associate General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Inmate Discipline: Prohibited Acts: Change in Code Numbers for Agency Tracking Purposes Only [BOP-1083-I] (RIN: 1120-AA78) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

210. A letter from the Associate General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Incoming Publications: Softcover Materials [BOP-1009-F] (RIN: 1120-AA15) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

211. A letter from the Associate General Counsel, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Incoming Publications: Nudity and Sexually Explicit Material or Information [BOP-1064-F] (RIN: 1120-AA59) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

212. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Requirements for Biometric Border Crossing Identification Cards (BCCs) and Elimination of Non-Biometric BCCs on Mexican and Canadian Borders [INS No. 1931-98] (RIN: 1115-AF24) received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

213. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

214. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001; to the Committee on the Judiciary.

215. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Uncertified Foreign Health-Care Workers — received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

216. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Immigrants — Visa Registration — received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

217. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Extension of Compliance Times for Fuel Tank System Safety [Docket No. FAA-1999-6411; Amendment Nos. 21-82, 91-272, 121-285, 125-140, 129-35, Special Federal Aviation Regulation No. 88-1] (RIN: 2120-AG62) received January 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

218. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Security Considerations for the Flightdeck on Foreign Operated Transport Category Airplanes; Correction [Docket No. FAA -202-12504] received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

219. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes [Docket No. FAA-2000-7587 Amdt No. 21-81, 36-54 & 91-275] (RIN: 2120-AH03) received January 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

220. A letter from the Staff Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Incorporation by Reference [RSPA Docket No. 02-13658 (HM-215E)] (RIN: 2137 -AD41) received January 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

221. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — 1-g Stall Speed as the Basis for Compliance With Part 25 of the Federal Aviation Regulations [Docket No. 28404; Amendment Nos. 1-49, 25-108, 97-1333] (RIN: 2120-AD40) received January 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

222. A letter from the Under Secretary of Transportation for Security, TSA, Department of Transportation, transmitting a report containing a for complying with the requirements of section 44901(d) of title 49, U.S.C., as amended by section 425 of the Homeland Security Act of 2002, pursuant to Public Law 107—296, section 425; to the Committee on Transportation and Infrastructure.

223. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones: Drilling and Blasting Operations, HubLine Project, Captain of the Port Boston, Massachusetts [CGD01-02-131] (RIN: 2115-AA97) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

224. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Temporary Reduction of Registration Fees [Docket No. RSPA-00-8439 (HM-208D)] (RIN: 2137-AD53) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

225. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Port of San Diego, CA [COTP San Diego 02-026] (RIN: 2115-AA97) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

226. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Security Considerations for the Flightdeck on Foreign Operated Transport Category Airplanes [Docket No. FAA-2002-12504; Amendment No. 129-36] (RIN: 2120-AH70) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

227. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled ''The Superfund Innovative Technology Evaluation Program, Annual Report to Congress FY 2000''; to the Committee on Science.

228. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Implementation of Executive Order 13202, as amended by E.O. 13208, in the NASA Grant and Cooperative Agreement Handbook [Billing Code 7510-01] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

229. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Health Care for Certain Children of Vietnam Veterans--Covered Birth Defects and Spina Bifida (RIN: 2900-AK88) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

230. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Extension of the Presumptive Period for Compensation for Gulf War Veteran's Undiagnosed Illnesses (RIN: 2900-AK98) received January 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

231. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Training for Certain Children of Vietnam Veterans--Covered Birth Defects and Spina Bifida (RIN: 2900-AK90) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

232. A letter from the American Legion, transmitting the financial statement and independent audit of The American Legion proceedings of the 84th annual National Convention of the American Legion, held in Charlotte, North Carolina from August 27, 28, and 29, 2002 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 108—19); to the Committee on Veterans' Affairs and ordered to be printed.

233. A letter from the President Of The United States, transmitting notification of his intention to add Afghanistan to the list of least-developed beneficiary developing countries under the Generalized System of Preferences (GSP), pursuant to Public Law 104—188, section 1952(a)(110 Stat. 1917); (H. Doc. No. 108—20); to the Committee on Ways and Means and ordered to be printed.

234. A letter from the Chief, Regulations Division, ATF, Department of the Treasury,

transmitting the Department's final rule — Capay Valley Viticultural Area (99R-449P) [T.D. ATF-486; Re: Notice No. 948] (RIN: 1512-AC71) received December 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

235. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Trade or Business Expenses (Rev. Rul. 2002-90) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

236. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Trade or Business Expenses (Rev. Rul. 2002-89) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

237. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Treatment of Certain Amounts Paid to Section 170(c) Organizations Under Employer Leave-Based Donation Programs (Notice 2003-1) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

238. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — General Rule for Taxable Year of Inclusion (Rev. Rul. 2003-3) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

239. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax on Insurance Companies other than Life Insurance Companies (Rev. Rul. 2002-91) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

240. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2002-75) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

241. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definitions Relating to Corporate Reorganizations (Rev. Rul. 2002-85) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

242. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Announcement of Amendments to Regulations under Section 367 of the Internal Revenue Code (Notice 2002-77) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

243. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Robert L. Beck v. Commissioner [Docket No. 14577-98 and 14578-98] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

244. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Curell v. United States — received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

245. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Reduction in Certain Deductions of Mutual Life Insurance Companies (Rev. Rul. 2003-4) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

246. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Prohibited Allocations of Securities in an S Corporation (Rev. Rul. 2003-6) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

247. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Taxpayer Clinics--Definition of Income Tax Return Preparer [TD 9026] (RIN: 1545-BA95) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

248. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-5) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

249. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Intercompany Transactions: Conforming Amendments to Section 446 [TD 9025] (RIN: 1545-BA05) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

250. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines: Mining — Receding Face Deduction (UIL: 612.03-03) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

251. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Third Party Contacts [TD 9028] (RIN: 1545-AX04) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

252. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Levy Restrictions During Installment Agreements [TD 9027] (RIN: 1545-AX89) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

253. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — General Rule for Taxable Year of Inclusion (Rev. Rul. 2003-10) received January 08, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

254. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Fee Schedule for Payment of Ambulance Services-Update for CY 2003 [CMS-1220-N] (RIN: 0938-AL97) received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶3.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 121. An Act to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

S. 141. An Act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

The message also announced that pursuant to provisions of Public Law 107–306, the Chair, on behalf of the Democratic Leader, after consultation with the Vice Chairman of the Select Committee on Intelligence, announces the appointment of the following individuals to serve as members of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: The Senator from Florida [Mr. GRAHAM]. Dr. Paul G. Kaminski of Virginia.

The message also announced that pursuant to provisions of Public Law 107–306, the Chair, on behalf of the Majority Leader, after consultation with the Chairman of the Select Committee on Intelligence, announces the appointment of the Senator from Arizona [Mr. KYL] to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

¶3.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 9, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 9, 2003 at 3:15 p.m.

That the Senate passed without amendment H.J. Res. 1.

Appointments:

Benjamin Franklin Tercentenary Commission.

Antitrust Modernization Commission.

Ticket to Work and Work Incentives Advisory Panel.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶3.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 10, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 10, 2003 at 9:40 a.m.

That the Senate passed without amendment H.R. 11.

That the Senate passed without amendment H. Con. Res. 8.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶3.7 ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER pro tempore, Mr. CULBERSON, announced that pursuant to clause 4, rule I, the Speaker

signed the following enrolled joint resolution on Thursday, January 9, 2003:

H.J. Res. 1. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; and

That the SPEAKER pro tempore, Mr. THORNBERRY, signed the following enrolled bill on Friday, January 10, 2003:

H.R. 11. An Act to extend the national flood insurance program.

¶3.8 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 2003.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have had the great privilege and honor to have been selected as the representative of the people of the 19th District of Texas through ten elections. My service in the U.S. Congress has been the most rewarding professional experience of my life, and I thank every one of my constituents who were kind enough to put their trust and faith in my leadership.

However, there comes a time in everyone's life when the focus needs to be more on family than other things, and I am at that point in my life.

At close of business on May 31, 2003, I will resign my seat as the Representative of the 19th district of Texas in the U.S. House of Representatives. I have written to the Governor of Texas to advise him of my decision so that he can set a date to schedule an election so the people of the 19th District can choose my successor.

Sincerely,

LARRY COMBEST.

¶3.9 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House the following communication from Kerry W. Kircher, Deputy General Counsel, office of the General Counsel:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, January 13, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that we have been served with a civil subpoena for documents, issued by the Superior Court of San Francisco County, California, and directed to Custodian of Records for U.S. House of Representatives Office of General Counsel.

This office has no documents responsive to the subpoena and has so advised the party that caused the subpoena to be issued.

Sincerely,

KERRY W. KIRCHER,
Deputy General Counsel.

¶3.10 PROVIDING FOR A JOINT SESSION TO RECEIVE THE PRESIDENT

Mr. GIBBONS submitted the following privileged concurrent resolution (H. Con. Res. 12):

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 28, 2003, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶3.11 RECESS—2:12 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12 of rule I, declared the House in recess at 2 o'clock and 12 minutes p.m., until approximately 4 p.m.

¶3.12 AFTER RECESS—4:05 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶3.13 CATHOLIC SCHOOLS

Mr. CASTLE moved to suspend the rules and agree to the following resolution (H. Res. 26); as amended:

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2001–2002 academic year was 2,616,330, and the student-teacher ratio is 17 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 26 percent of school children enrolled in Catholic schools are minorities, and more than 13 percent are Non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. CASTLE and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CASTLE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶3.14 YOUTH MENTORS

Mr. OSBORNE moved to suspend the rules and agree to the following resolution (H. Res. 25):

Whereas mentors serve as role models, advocates, friends, and advisors to young people in need;

Whereas numerous studies document that mentors help young people augment social skills, enhance emotional well-being, improve cognitive skills, and plan for the future;

Whereas, for some children, having a caring adult mentor to turn to for guidance and encouragement can make the crucial difference between success and failure in life;

Whereas, 17.6 million young people, nearly half the youth population, want or need mentors to help them reach their full potential;

Whereas there exists a large ''mentoring gap'' of unmet needs, with only 2.5 million youth in formal mentoring relationships, leaving 15 million young people still in need of mentors;

Whereas the celebration of National Mentoring Month will institutionalize the Nation's commitment to mentoring and raise awareness of mentoring in its various forms;

Whereas a month-long focus on mentoring will tap into the vast pool of potential mentors and motivate adults to take action to help a young person;

Whereas National Mentoring Month will encourage organizations of all kinds, including businesses, faith communities, government agencies, schools, and more, to engage their constituents in mentoring;

Whereas the celebration of National Mentoring Month would above all encourage more people to volunteer as mentors, to the benefit of the Nation's children; and

Whereas on January 2, 2003, President George W. Bush signed a proclamation naming January 2003 as National Mentoring Month and called upon the people of the United States to recognize the importance of being role models for youth, to look for mentoring opportunities in their communities, and to celebrate this month with appropriate ceremonies, activities, and programs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends those who give their time and talents to support mentoring programs; and

(2) supports efforts to promote greater awareness of the need for youth mentors and

increased involvement with youth through mentoring.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. OSBORNE and Mrs. DAVIS of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OSBORNE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶3.15 RECESS—4:44 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12 of rule I, declared the House in recess at 4 o'clock and 44 minutes p.m., until approximately 6:30 p.m.

¶3.16 AFTER RECESS—6:32 P.M.

The SPEAKER called the House to order.

¶3.17 MEMBER-ELECT SWORN IN

Ms. Darlene Hooley of the 5th District of Oregon, presented herself at the bar of the House and took the oath of office prescribed by law.

¶3.18 H. RES. 26—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 26) honoring the contributions of Catholic schools, as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 392 / Nays 0

¶3.19 [Roll No. 13]

YEAS—392

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

NOT VOTING—42

Becerra
Blunt
Boswell
Brown, Corrine
Burton (IN)
Combest
Cubin
Davis (TN)
DeGette
Delahunt
Ehlers
Evans
Gallegly
Gephardt
Gilchrest
Graves
Gutierrez
Herger
Hulshof
Johnson, E. B.
Jones (NC)
Kennedy (RI)
Lewis (CA)
Lipinski
Meeks (NY)
Musgrave
Olver
Oxley
Pallone
Payne
Pombo
Ryun (KS)
Sensenbrenner
Shaw
Slaughter
Smith (WA)
Sweeney
Taylor (NC)
Velazquez
Waxman
Weldon (FL)
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶3.20 H. RES. 25—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 25) supporting efforts to promote greater awareness of the need for youth mentors and increased involvement with youth through mentoring.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 393 / Nays 0

¶3.21 [Roll No. 14]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge

Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—41

Becerra
Blunt
Boswell
Brown, Corrine
Burton (IN)
Carter
Combest
Cox
Cubin
DeGette
Delahunt
Dreier
Gallegly
Gephardt
Gilchrest
Graves
Gutierrez
Herger
Hulshof
Johnson, E. B.
Jones (NC)
Kennedy (RI)
Lewis (CA)
Lipinski
Meeks (NY)
Olver
Oxley
Pallone
Payne
Pombo
Ryun (KS)
Sensenbrenner
Shaw
Slaughter
Smith (WA)
Sweeney
Taylor (NC)
Velazquez
Waxman
Weldon (FL)
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶3.22 HOUR OF MEETING

On motion of Mr. FOLEY, by unanimous consent,

Ordered, That when the House adjourns on Tuesday, January 28, 2003, it adjourn to meet on Wednesday, January 29, 2003, at noon.

¶3.23 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 13

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–3) the resolution (H. Res. 29) providing for the consideration of the joint resolution (H.J. Res. 13) making further continuing appropriations for the fiscal year 2003, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶3.24 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 121. An Act to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 141. An Act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes; to the Committee on the Budget in addition to the Committee on Small Business for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶3.25 BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on January 9, 2003, he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 1. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on January 13, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 11. An Act to extend the national flood insurance program.

¶3.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today;

To Mr. BOSWELL, for today;

To Mrs. WILSON of New Mexico, for today and balance of the week; and

To Mr. SHAW, for today and balance of the week.

And then,

¶3.27 ADJOURNMENT

On motion of Mr. BLUMENAUER, at 8 o'clock and 50 minutes p.m., the House adjourned.

¶3.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER. Committee on Rules. House Resolution 29. Resolution providing for consideration of the joint resolution (H.J. Res. 13) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–3). Referred to the House Calendar.

¶3.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CAMP (for himself, Mr. DEMINT, Mr. KNOLLENBERG, and Mr. ROGERS of Michigan):

H.R. 336. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 337. A bill to extend certain hydroelectric licenses in the State of Alaska; to the Committee on Energy and Commerce.

By Mr. CHABOT:

H.R. 338. A bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes; to the Committee on the Judiciary.

By Mr. KELLER (for himself, Mr. NEY, Mr. GRAVES, Mr. TIBERI, Mrs. BIGGERT, Mr. CRENSHAW, and Mr. PETERSON of Minnesota):

H.R. 339. A bill to prevent frivolous lawsuits against the manufacturers, distributors, or sellers of food or non-alcoholic beverage products that comply with applicable statutory and regulatory requirements; to the Committee on the Judiciary.

By Mr. ISSA (for himself and Mr. TOM DAVIS of Virginia):

H.R. 340. A bill to require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JOHN (for himself and Mr. ALEXANDER):

H.R. 341. A bill to provide economic disaster assistance to producers of the 2002 crop

of rice in the State of Louisiana; to the Committee on Agriculture.

By Mr. JOHN (for himself, Mr. TAUZIN, Mr. DINGELL, Ms. MCCARTHY of Missouri, Mr. SHIMKUS, Ms. MCCOLLUM, Mr. PALLONE, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. WYNN, Mr. WEINER, Mr. KING of New York, Mr. STRICKLAND, Mr. ALEXANDER, Mr. PICKERING, Mr. DOYLE, Mr. FOSSELLA, Mr. BOOZMAN, Mr. RUSH, Mr. BAKER, Mr. KENNEDY of Minnesota, Mr. MCHUGH, Mr. TOWNS, Mr. STUPAK, and Mr. FOLEY):

H.R. 342. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BALDWIN:

H.R. 343. A bill to amend title 11 of the United States Code to protect family farmers and family fishermen; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland:

H.R. 344. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions; to the Committee on House Administration.

By Mr. BARTLETT of Maryland:

H.R. 345. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BASS:

H.R. 346. A bill to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. NORWOOD, Mr. SHIMKUS, Mr. MILLER of Florida, Mr. KANJORSKI, Mr. NADLER, and Ms. SOLIS):

H.R. 347. A bill to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 348. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS:

H.R. 349. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the value of the service not performed during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 350. A bill to amend the Internal Revenue Code of 1986 to provide to employers a tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 351. A bill to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders; to the Committee on the Judiciary.

By Mr. CUNNINGHAM (for himself, Mr. FOLEY, Mr. BAKER, Mr. DAVIS of Alabama, and Mr. JONES of North Carolina):

H.R. 352. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes of violence against children under age 13; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 353. A bill to direct the Secretary of the Interior to dispose of all public lands administered by the Bureau of Land Management that have been identified for disposal under the Federal land use planning process; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 354. A bill to amend the Internal Revenue Code of 1986 to allow drug manufacturers a credit against income tax if they certify that the price of a drug in the United States market is not greater than its price in the Canadian or Mexican market; to the Committee on Ways and Means.

By Mr. EVERETT (for himself, Mr. DAVIS of Alabama, and Mr. ROGERS of Alabama):

H.R. 355. A bill to provide wage parity for certain Department of Defense prevailing rate employees in Alabama; to the Committee on Government Reform.

By Mr. EVERETT:

H.R. 356. A bill to nullify the effect of certain provisions of various Executive orders; to the Committee on International Relations.

By Mr. EVERETT:

H.R. 357. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; to the Committee on the Judiciary.

By Mr. EVERETT:

H.R. 358. A bill to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FOLEY:

H.R. 359. A bill to amend title XVIII to revise the payment methodology under the Medicare Program for extra-depth shoes with inserts or custom molded shoes with inserts for individuals with diabetes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself and Mr. BOUCHER):

H.R. 360. A bill to amend title 40, United States Code, to designate certain counties and a city as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. GORDON (for himself, Mr. OSBORNE, Mr. DINGELL, Mr. BROWN of Ohio, Mr. LUCAS of Kentucky, Mr. SERRANO, Ms. NORTON, Mr. SIMMONS, Mr. DUNCAN, Mr. HAYES, Mr. WAMP, Mr. TOWNS, Mr. WILSON of South Carolina, Mr. MATHESON, Mr. ENGEL, Mr. RAMSTAD, Mr. RUSH, Ms. MCCARTHY of Missouri, Mr. LEACH, Mr. SHIMKUS, Mr. DEUTSCH, Mr. STEARNS, Mr. DOYLE, Mr. BURR, Mrs. CAPPS, Mr. PICKERING, and Mr. UPTON):

H.R. 361. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; to the Committee on Energy and Commerce.

By Mr. HEFLEY:

H.R. 362. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Ms. DUNN, and Ms. LOFGREN):

H.R. 363. A bill to require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon:

H.R. 364. A bill to amend title XIX of the Social Security Act to require criminal background checks on drivers providing Medicaid medical assistance transportation services; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon (for herself, Mr. BACA, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Mr. PALLONE, Mr. POMEROY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. FRANK of Massachusetts, Ms. MCCOLLUM, Mr. TOWNS, Mr. KILDEE, Mr. ABERCROMBIE, and Mr. BEREUTER):

H.R. 365. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY of Oregon:

H.R. 366. A bill to authorize former Federal employees who receive voluntary separation incentive payments under the Department of Agriculture program to accept subsequent employment with the Federal Government, without loss of their payments, when such employment is directly related to fighting forest fires; to the Committee on Government Reform, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself, Mr. LEACH, Mr. ACKERMAN, Mr. BERMAN, Mr. COX, Mr. FALEOMAVAEGA, Mr. ROYCE, Mr. SMITH of New Jersey, Mr. DELAHUNT, and Mr. KIRK):

H.R. 367. A bill to allow North Koreans to apply for refugee status or asylum; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself and Mr. ACKERMAN):

H.R. 368. A bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the Medicare Program to Medicare+Choice organizations; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN:

H.R. 369. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Gary Lee McKiddy, of Miamisburg, Ohio, for acts of valor while a helicopter crew chief and door gunner with the 1st Cavalry Division during the Vietnam War; to the Committee on Armed Services.

By Mr. LYNCH (for himself, Ms. LEE, Ms. NORTON, Mr. KILDEE, Mr. FROST,

Ms. MILLENDER-MCDONALD, Mr. SERRANO, and Mrs. CAPPS):

H.R. 370. A bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities with respect to research on autoimmune diseases in women; to the Committee on Energy and Commerce.

By Mr. LYNCH (for himself, Mr. QUINN, Mr. FROST, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, and Ms. KAPTUR):

H.R. 371. A bill to establish the National Center on Liver Disease Research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LYNCH:

H.R. 372. A bill to provide for a pilot program to be conducted by the Department of Veterans Affairs to assess the benefits of providing for pharmacies of the Department of Veterans Affairs to fill prescriptions for drugs and medicines written by private physicians; to the Committee on Veterans' Affairs.

By Mrs. MALONEY (for herself, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. KILDEE, Mr. LANTOS, Mr. HINCHEY, Mr. HOLDEN, Mr. MCNULTY, Ms. LEE, Mr. COOPER, and Mrs. CHRISTENSEN):

H.R. 373. A bill to amend the Public Health Service Act to establish a program of research regarding the risks posed by the presence of dioxin, synthetic fibers, and other additives in feminine hygiene products, and to establish a program for the collection and analysis of data on toxic shock syndrome; to the Committee on Energy and Commerce.

By Mrs. MALONEY:

H.R. 374. A bill to amend the Hate Crime Statistics Act to require the Attorney General to acquire data about crimes that manifest evidence of prejudice based on gender; to the Committee on the Judiciary.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. FORBES, Mr. MCINTYRE, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. ANDREWS, Mr. SCOTT of Virginia, Mr. CUNNINGHAM, Mr. SIMMONS, Mr. LARSEN of Washington, Mr. KENNEDY of Rhode Island, Mr. MILLER of Florida, Mr. PLATTS, Mr. SAXTON, Mr. WILSON of South Carolina, Mr. HASTINGS of Florida, Mr. GOODE, Mr. HOSTETTLER, Mr. LANGEVIN, and Mr. MCGOVERN):

H.R. 375. A bill to declare, under the authority of Congress under Article I, section 8 of the Constitution to ''provide and maintain a Navy'', a national policy for the naval force structure required in order to ''provide for the common defense'' of the United States throughout the 21st century; to the Committee on Armed Services.

By Mrs. MUSGRAVE:

H.R. 376. A bill to provide emergency livestock assistance and emergency crop loss assistance to agricultural producers who suffered 2001 or 2002 crop year losses; to the Committee on Agriculture.

By Mrs. MUSGRAVE:

H.R. 377. A bill to amend the Internal Revenue Code of 1986 to extend the replacement period from 2 to 5 years for livestock sold on account of drought, flood, or other weather-related conditions; to the Committee on Ways and Means.

By Mrs. MUSGRAVE:

H.R. 378. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. RADANOVICH (for himself, Mr. NUNES, and Mr. DOOLEY of California):

H.R. 379. A bill to facilitate a Forest Service land exchange that will eliminate a private in-holding in the Sierra National Forest in the State of California and provide for the permanent enjoyment by the Boy Scouts of America of a parcel of National Forest System land currently used under a special use permit, and for other purposes; to the Committee on Resources.

By Mr. RADANOVICH:

H.R. 380. A bill to provide full funding for the payment in lieu of taxes program for the next five fiscal years, to protect local jurisdictions against the loss of property tax revenues when private lands are acquired by a Federal land management agency, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. BEREUTER, Mr. DUNCAN, Mr. FOLEY, Mr. HOBSON, Mr. SAM JOHNSON of Texas, Mr. KOLBE, and Mr. ROHRABACHER):

H.R. 381. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mrs. MILLER of Michigan, Mr. KILDEE, Mr. CAMP, Mr. EHLERS, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. MCCOTTER, Mr. SMITH of Michigan, and Mr. UPTON):

H.R. 382. A bill to authorize States to prohibit or impose certain limitations on the receipt of foreign municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROYCE:

H.R. 383. A bill to amend the Federal Credit Union Act with respect to the limitations on member business loans; to the Committee on Financial Services.

By Mr. SHADEGG:

H.R. 384. A bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary.

By Mr. SHADEGG:

H.R. 385. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to charitable organizations which provide scholarships for children to attend elementary and secondary schools; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 386. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 387. A bill to authorize the Regional Foresters to exempt tree-thinning projects, which are necessary to prevent the occurrence of wildfire likely to cause extreme harm to the forest ecosystem, from laws that give rise to legal causes of action that delay or prevent such projects; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 388. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself, Mrs. CAPPS, Mr. DEUTSCH, Mr. KIRK, Mr. RUSH, and Mr. PICKERING):

H.R. 389. A bill to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. PAYNE, Mr. LANTOS, Ms. KAPTUR, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. CUMMINGS, and Ms. LEE):

H.R. 390. A bill to authorize emergency supplemental assistance to combat the growing humanitarian crisis in sub-Saharan Africa; to the Committee on International Relations.

By Mr. WILSON of South Carolina (for himself, Mr. GOODLATTE, Mr. PAUL, Mrs. MUSGRAVE, Mr. DOOLITTLE, Mr. CUNNINGHAM, Mr. RYUN of Kansas, Mr. ISTOOK, Mr. TANCREDO, Mr. TOOMEY, Mrs. BONO, Mr. GOODE, Mr. BALLENGER, Mr. NORWOOD, Mr. DUNCAN, Mr. LINDER, Mr. SESSIONS, Mr. DEMINT, Mr. HALL, Mr. KOLBE, Mr. KING of Iowa, Mr. BEAUPREZ, Mr. SHADEGG, Mr. TIAHRT, Mrs. MYRICK, Mr. SCHROCK, Mr. ISSA, Mr. FRANKS of Arizona, Mr. WAMP, Mr. BARTON of Texas, Mr. COX, Mr. WICKER, and Mr. PENCE):

H.R. 391. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and the Workforce.

By Mr. YOUNG of Florida:

H.J. Res. 13. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. HEFLEY:

H.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States to provide that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. GIBBONS:

H. Con. Res. 12. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the state the Union; considered and agreed to.

By Mr. FORD:

H. Con. Res. 13. Concurrent resolution recognizing the importance of blues music, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RUSH:

H. Con. Res. 14. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Harold Washington, the 42d mayor of Chicago; to the Committee on Government Reform.

By Mr. WILSON of South Carolina (for himself, Mr. CROWLEY, Mr. DAVIS of Florida, Mr. WEINER, Mr. SMITH of Washington, Mr. MCNULTY, Mrs. MYRICK, Mr. TOOMEY, Mr. SCHIFF, Mr. PALLONE, Mr. ABERCROMBIE, Mr. KIRK, Mr. INSLEE, Mr. HOEFFEL, Mr. FROST, Mr. MATHESON, Mr. ROYCE, Mr. MCDERMOTT, Mr. LEVIN, Mr. KNOLLENBERG, Ms. LORETTA SANCHEZ of California, Mr. BROWN of Ohio, Ms. BERKLEY, Mr. HOLT, Ms. NORTON, Mr. BERMAN, Mr. ROGERS of Michigan, Mr. RANGEL, Mr. LOBIONDO, Ms. LOFGREN, Mr. WEXLER, Mr. TOM DAVIS of Virginia, and Ms. SCHAKOWSKY):

H. Con. Res. 15. Concurrent resolution commending India on its celebration of Republic Day; to the Committee on International Relations.

By Mr. LANTOS (for himself and Mr. HYDE):

H. Res. 28. A resolution expressing the sense of the House of Representatives that the United States should declare its support for the independence of Kosova; to the Committee on International Relations.

By Mr. CUNNINGHAM:

H. Res. 30. A resolution concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico; to the Committee on Resources.

By Mr. DAVIS of Florida (for himself, Mr. YOUNG of Florida, Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Ms. HARRIS, and Mr. PUTNAM):

H. Res. 31. A resolution congratulating the Tampa Bay Buccaneers for winning Super Bowl XXXVII; to the Committee on Government Reform.

By Mr. DAVIS of Illinois (for himself, Mr. REYES, Mr. TOWNS, Mr. FILNER, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Ms. NORTON, Mr. HASTINGS of Florida, Mr. RODRIGUEZ, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Ms. LEE, Mr. GRIJALVA, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SERRANO, Mr. MCDERMOTT, Mr. WEXLER, Mr. PAYNE, Mr. BRADY of Pennsylvania, Ms. CARSON of Indiana, Mr. FATTAH, Ms. WATSON, Mr. PRICE of North Carolina, Ms. MILLENDER-MCDONALD, Mr. MEEK of Florida, Mr. WYNN, Mr. GEPHARDT, Ms. WOOLSEY, Mr. DAVIS of Alabama, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. BISHOP of New York, Mr. MCGOVERN, Mr. CAPUANO, Mr. LAMPSON, Mrs. LOWEY, Mr. THOMPSON of Mississippi, and Mr. OWENS):

H. Res. 32. A resolution expressing the sense of the House of Representatives regarding the ongoing need to provide every qualified American with equal access to opportunity in education, business, and employment and the indispensability of Affirmative action programs in securing such equal access; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶3.30 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BACHUS:

H.R. 392. A bill for the relief of Natasha Oligovna Russo and Anya Oligovna; to the Committee on the Judiciary.

By Mr. PASTOR:

H.R. 393. A bill for the relief of Alejandra Arias Garcia; to the Committee on the Judiciary.

¶3.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. BOUCHER.

H.R. 36: Mr. REYES and Mr. FILNER.

H.R. 44: Mr. LINCOLN DIAZ-BALART of Florida; Mr. PENCE, Mr. WELDON of Florida, Mr. EVERETT, Mr. KOLBE, Mr. AKIN, Mr. BARTLETT of Maryland, Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, Mr. CANNON, and Mr. MCCOTTER.

H.R. 47: Mr. STARK, Mr. ANDREWS, and Ms. WATERS.

H.R. 67: Mr. RENZI and Mr. PAUL.

H.R. 111: Mr. BROWN of South Carolina, Mr. TAYLOR of North Carolina, Mr. WALSH, Mr. RADANOVICH, Ms. HOOLEY of Oregon, Mr. MCINTYRE, Ms. DEGETTE, Mr. WAXMAN, Mr. SOUDER, Mr. CANNON, Mr. WOLF, Mr. REHBERG, Mrs. CHRISTENSEN, Ms. LOFGREN, Mr. TANNER, Mr. FRELINGHUYSEN, Mrs. LOWEY, Mr. CRANE, Mr. COSTELLO, Mrs. NAPOLITANO, Mr. PRICE of North Carolina, Mr. KLECZKA, Mrs. MCCARTHY of New York, Mr. CHABOT, Mr. BISHOP of New York, Mr. FILNER, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. STENHOLM, and Mr. HONDA.

H.R. 115: Mr. TANCREDO, Mr. MCINNIS, and Mr. WILSON of South Carolina.

H.R. 130: Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. KILDEE, Mr. LEACH, Mrs. NAPOLITANO, and Ms. NORTON.

H.R. 140: Mr. SPRATT.

H.R. 141: Mr. GOODE, Mr. ETHERIDGE, Mr. EVERETT, Mr. BOYD, and Mr. PRICE of North Carolina.

H.R. 152: Mr. SERRANO, Mr. RODRIGUEZ, and Mr. RANGEL.

H.R. 160: Mr. SKELTON, Mr. ETHERIDGE, Mrs. MUSGRAVE, and Mr. BISHOP of Georgia.

H.R. 167: Mr. COSTELLO.

H.R. 172: Mr. FOSSELLA, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. HOLDEN, Mr. MARKEY, Mr. MCHUGH, Mr. FRANK of Massachusetts, and Mr. OLVER.

H.R. 182: Ms. LEE, Mr. WAXMAN, Mr. CARDOZA, Mr. SMITH of Washington, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WOOLSEY.

H.R. 192: Mr. MCHUGH, Mr. ANDREWS, Mr. UDALL of New Mexico, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. FILNER, Mr. MOORE, and Mr. LEVIN.

H.R. 193: Mr. LINDER.

H.R. 195: Mr. RENZI.

H.R. 196: Mr. TOWNS, Mr. PITTS, Mr. HOUGHTON, and Mr. KILDEE.

H.R. 203: Mr. REYNOLDS, Mr. QUINN, Ms. SLAUGHTER, Mr. MCNULTY, Mr. NADLER, and Mr. KING of New York.

H.R. 207: Mr. JANKLOW, Mr. MCNULTY, Mr. GORDON, and Mrs. CHRISTENSEN.

H.R. 217: Mr. FILNER, Mr. ANDREWS, Ms. BALDWIN, Mr. BOYD, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CARSON of Oklahoma, Mr. COSTELLO, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mr. KILDEE, Mr. LOBIONDO, Ms. LOFGREN, Mrs. MALONEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. OBERSTAR, Mr. PALLONE, Mr. PASTOR, Mr. PAUL, Mr. PLATTS, Mr. PRICE of North Carolina, Mr. REYES, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. SANDERS, Mr. SOUDER, Mr. STENHOLM, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. WOLF, Mr. WYNN, Mr. MATHESON, Mr. TURNER of Texas, and Ms. WATSON.

H.R. 218: Mr. HOSTETTLER, Mr. MCINNIS, Mr. WALDEN of Oregon, Mr. OTTER, Mr. GREEN of Wisconsin, Mr. MILLER of Florida, Mr. FOSSELLA, Mr. KELLER, Mr. RENZI, Mr. COSTELLO, Mr. SESSIONS, Mr. SULLIVAN, Mr. UPTON, Mr. BARTON of Texas, Mr. LUCAS of Kentucky, Mr. MEEHAN, Mrs. JOHNSON of Connecticut, Mr. CANNON, Mr. BLUNT, Mr. WELDON of Florida, and Mr. STENHOLM.

H.R. 237: Mrs. JO ANN DAVIS of Virginia, Mr. JONES of North Carolina, and Mr. DAVIS of Illinois.

H.R. 240: Mrs. JONES of Ohio, Ms. GINNY BROWN-WAITE of Florida, Mr. SHAW, and Mr. CAPUANO.

H.R. 257: Mr. MARSHALL and Mr. NORWOOD.

H.R. 259: Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. SANDERS, Ms. MILLENDER-MCDONALD, Ms. VELAZQUEZ, Mr. MEEKS of New York, and Ms. WOOLSEY.

H.R. 260: Mr. ANDREWS, Ms. WATERS, Mr. SERRANO, Ms. DELAURO, Ms. CARSON of Indiana, Mr. MCGOVERN, Mr. OWENS, Mrs. JONES of Ohio, Mr. LANTOS, and Mrs. LOWEY.

H.R. 280: Mr. RYAN of Ohio.

H.R. 284: Mr. RAMSTAD, Mrs. JOHNSON of Connecticut, Mr. HOLDEN, Mr. SANDERS, Mr. NEY, Mr. MCINTYRE, Ms. WOOLSEY, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Mr. MCNULTY, Mr. WAXMAN, Mrs. BONO, Mr. ETHERIDGE, Mr. DOYLE, and Mr. HOEFFEL.

H.R. 286: Ms. ESHOO.

H.R. 300: Mr. SMITH of Texas, Mr. HOSTETTLER, Mr. BAKER, Mr. PITTS, Mr. BLUNT, and Mr. WILSON of South Carolina.

H.R. 302: Mr. REYES, Ms. CORRINE BROWN of Florida, Mr. PALLONE, Ms. MILLENDER-MCDONALD, Mr. KILDEE, Mr. FILNER, Mr. GOODE, Mr. CRAMER, Ms. SOLIS, Mrs. JONES of Ohio, Mr. EVANS, Mr. HOLDEN, Mr. GEORGE MILLER of California, and Mr. WHITFIELD.

H.R. 303: Mr. MCNULTY, Mr. DELAHUNT, Mr. CRAMER, Mr. HOLDEN, Mr. STUPAK, Mr. POMBO, Mr. DOYLE, Mr. SERRANO, Mr. TURNER of Texas, Mr. CARSON of Oklahoma, Mr. GORDON, Ms. HARRIS, Mr. TANCREDO, Mr. SMITH of Washington, Mr. WEXLER, Mr. FROST, Mr. PAUL, Mr. GREEN of Wisconsin, Mr. DEFAZIO, Mr. TAYLOR of Mississippi, Mr. RYAN of Wisconsin, Mr. STENHOLM, Mr. ANDREWS, Mr. MCGOVERN, Mr. SNYDER, Mr. ADERHOLT, Mr. UDALL of New Mexico, Mr. TANNER, Mr. ETHERIDGE, and Mr. BURR.

H.R. 310: Mr. HASTINGS of Washington, Mr. SKELTON, Mrs. MYRICK, and Mr. CHABOT.

H.R. 314: Mr. JONES of Ohio and Mr. NEY.

H.R. 318: Mr. LEACH and Mr. WHITFIELD.

H.R. 323: Mr. LIPINSKI, Mr. FROST, Mr. GRIJALVA, Mr. GREEN of Texas, Mr. RYAN of Ohio, Mr. LEVIN, Mr. CONYERS, Ms. LEE, Ms. KAPTUR, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. SANDERS, Mr. MATSUI, Mr. BROWN of Ohio, Ms. CORRINE BROWN of Florida, and Mr. GEORGE MILLER of California.

H.R. 330: Mr. SHIMKUS.

H.J. Res. 4: Mr. PLATTS, Mr. CROWLEY, Mr. HOLDEN, Mrs. CAPITO, Mr. SIMMONS, Mr. KNOLLENBERG, Mr. MCNULTY, Mr. MARSHALL, Mr. FRELINGHUYSEN, Mr. EDWARDS, and Mr. STENHOLM.

H. Con. Res. 4: Mr. TANCREDO.

H. Con. Res. 6: Mr. WAXMAN, Mr. PLATTS, Mr. KILDEE, and Mr. WAMP.

H. Res. 21: Ms. HOOLEY of Oregon, Mr. BERMAN, Mr. PRICE of North Carolina, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Mr. WAXMAN, Mr. GEORGE MILLER of California, and Mr. WEXLER.

H. Res. 25: Mr. UDALL of New Mexico, Mr. BOEHNER, Mr. MARKEY, Ms. BORDALLO, Mr. WILSON of South Carolina, Mr. HINOJOSA, Mr. RYAN of Ohio, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. LANTOS, Mr. LEVIN, Mr. STENHOLM, Mr. CRENSHAW, Mr. PLATTS, and Mrs. BIGGERT.

H. Res. 26: Mr. TAUZIN, Mr. POMEROY, Mr. FOLEY, Mr. HAYWORTH, Mr. BAKER, Mr. WILSON of South Carolina, Mr. ENGLISH, Mr. BACHUS, Mrs. CHRISTENSEN, Mr. KLECZKA, Mrs. NORTHUP, Mr. MURPHY, Mr. NUSSLE, Mr. SMITH of New Jersey, Mr. RENZI, Mr. KING of New York, Ms. GINNY BROWN-WAITE of Florida, Mr. COX, Ms. KAPTUR, Mr. OTTER, Mr. HOEKSTRA, Mr. MCCOTTER, Ms. ESHOO, Mr. MARKEY, Mr. BACA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PASCRELL, Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, Mr. KENNEDY of Minnesota, Mr. LANTOS, Mr. BARRETT of South Carolina, Mr. STUPAK, and Mr. GUTKNECHT.

TUESDAY, JANUARY 28, 2003 (4)

¶4.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. TERRY, who laid before the House the following communication:

WASHINGTON, DC,
January 28, 2003.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶4.2 RECESS—11:05 A.M.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 12 of rule I, declared the House in recess at 11 o'clock 5 minutes a.m. until noon.

¶4.3 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶4.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, January 27, 2003.

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

¶4.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

255. A letter from the Administrator, Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Reengineering and Reinvention of the Direct Section 502 and 504 Single Family Housing (SFH) Programs (RIN: 0575-AB99) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

256. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Pakistan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

257. A letter from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule — Exemption for Certain Investment Advisers Operating Through the Internet [Release No. IA-2091; File No. S7-10-02] (RIN: 3235-AI15) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

258. A letter from the Deputy Secretary, Security Exchange Commission, transmitting the Commission's final rule — Repeal of the Trade-Through Disclosure Rules for Options [Release No. 34-47013; File No. S7-18-02] (RIN: 3235-AI52) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

259. A letter from the Acting Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's final rule — Title I-Improving the Academic Achievement of the Disadvantaged (RIN: 1810-AA91) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

260. A communication from the President of the United States, transmitting a six month periodic report on the national emergency, declared in Executive Order 12947 of January 23, 1995, with respect to terrorists who threaten to disrupt the Middle East peace process, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—24); to the Committee on International Relations and ordered to be printed.

261. A communication from the President of the United States, transmitting notification stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—25); to the Committee on International Relations and ordered to be printed.

262. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective November 3, 2002 a 25% danger pay allowance has been designated for Indonesia, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

263. A communication from the President of the United States, transmitting a report on matters relevant to the Authorization for Use of Military Force Against Iraq Resolution of 2002, Public Law 107-243; (H. Doc. No. 108—23); to the Committee on International Relations and ordered to be printed.

264. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in the former Yugoslavia; (H. Doc. No. 108—26); to the Committee on International Relations and ordered to be printed.

265. A letter from the Chairman, J. William Fulbright Foreign Scholarship Board, transmitting the annual report of the Board; to the Committee on International Relations.

266. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

267. A letter from the Inspector General, Federal Maritime Commission, transmitting semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

268. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-10; Introduction — received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

269. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

270. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for April 1, 2002, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

271. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

272. A letter from the Special Counsel, Office of Special Counsel, transmitting the Office's final rule — Technical Amendment to 5 CFR Part 1800 — received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

273. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

274. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 2002 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

275. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Education Tax Credit [TD 9034] (RIN: 1545-AW65) received January 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

276. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-2) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

277. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries Intermediary Transaction Tax Shelters (UIL 9300.16-00) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

278. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Information Reporting for Qualified Tuition and Related Expenses; Magnetic Media Filing Requirements for Information Returns [TD 9029] (RIN: 1545-BA43) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

279. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Application of Inherent Reasonableness to all Medicare Part B Services (Other than Physician Services) (RIN: 0938-AJ97) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶4.6 COMMITTEE ELECTION—MAJORITY

Ms. PRYCE of Ohio, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 33):

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mr. Combest; Mr. Boehner; Mr. Pombo; Mr. Smith of Michigan; Mr. Everett; Mr. Lucas of Oklahoma; Mr. Moran of Kansas; Mr. Jenkins; Mr. Gutknecht; Mr. Ose; Mr. Hayes; Mr. Pickering; Mr. Johnson of Illinois; Mr. Osborne; Mr. Pence; Mr. Rehberg; Mr. Graves; Mr. Putnam; Mr. Janklow; Mr. Burns; Mr. Bonner; Mr. Rogers of Alabama; Mr. King of Iowa; Mr. Chocola; Mrs. Musgrave and Mr. Nunes.

Committee on Appropriations: Mr. Regula; Mr. Lewis of California; Mr. Rogers of Kentucky; Mr. Wolf; Mr. Kolbe; Mr. Walsh; Mr. Taylor of North Carolina; Mr. Hobson; Mr. Istook; Mr. Bonilla; Mr. Knollenberg; Mr. Kingston; Mr. Frelinghuysen; Mr. Wicker; Mr. Nethercutt; Mr. Cunningham; Mr. Tiahrt; Mr. Wamp; Mr. Latham; Mrs. Northup; Mr. Aderholt; Mrs. Emerson; Ms. Granger; Mr. Peterson of Pennsylvania; Mr. Goode; Mr. Doolittle; Mr. LaHood; Mr. Sweeney; Mr. Vitter; Mr. Sherwood; Mr. Weldon of Florida; Mr. Simpson; Mr. Culberson; Mr. Kirk and Mr. Crenshaw.

Committee on Armed Services: Mr. Weldon of Pennsylvania; Mr. Hefley; Mr. Saxton; Mr.

McHugh; Mr. Everett; Mr. Bartlett;' Mr. McKeon; Mr. Thornberry; Mr. Hostettler; Mr. Jones of North Carolina; Mr. Ryun of Kansas; Mr. Gibbons; Mr. Hayes; Mrs. Wilson of New Mexico; Mr. Calvert; Mr. Simmons; Mrs. Jo Ann Davis of Virginia; Mr. Schrock; Mr. Akin; Mr. Forbes; Mr. Miller of Florida; Mr. Wilson of South Carolina; Mr. LoBiondo; Mr. Cole; Mr. Bradley of New Hampshire; Mr. Bishop of Utah; Mr. Turner of Ohio; Mr. Kline; Mrs. Miller of Michigan; Mr. Gingrey; Mr. Rogers of Alabama and Mr. Franks of Arizona.

Committee on the Budget: Mr. Gutknecht; Mr. Thornberry; Mr. Ryun of Kansas; Mr. Toomey; Mr. Hastings of Washington; Mr. Schrock; Mr. Brown of South Carolina; Mr. Putnam; Mr. Tancredo; Mr. Bonner, Mr. Franks of Arizona; Mr. Garrett; Mr. Barrett of South Carolina; Mr. McCotter; Mr. Mario Diaz-Balart of Florida and Mr. Hensarling.

Committee on Education and the Workforce: Mr. Petri; Mr. Ballenger; Mr. Hoekstra; Mr. McKeon; Mr. Castle; Mr. Sam Johnson of Texas; Mr. Greenwood; Mr. Souder; Mr. Norwood; Mr. Upton; Mr. Ehlers; Mr. DeMint; Mr. Isakson; Mrs. Biggert; Mr. Platts; Mr. Tiberi; Mr. Keller; Mr. Osborne; Mr. Wilson of South Carolina; Mr. Cole; Mr. Porter; Mr. Kline; Mr. Carter; Mrs. Musgrave and Mrs. Blackburn.

Committee on Energy and Commerce: Mr. Bilirakis; Mr. Barton of Texas; Mr. Upton; Mr. Stearns; Mr. Gillmor; Mr. Greenwood; Mr. Cox; Mr. Deal of Georgia; Mr. Burr; Mr. Whitfield; Mr. Norwood; Mrs. Cubin; Mr. Shimkus; Mrs. Wilson of New Mexico; Mr. Shadegg; Mr. Pickering; Mr. Fossella; Mr. Blunt; Mr. Buyer; Mr. Radanovich; Mr. Bass; Mr. Pitts; Mrs. Bono; Mr. Walden of Oregon; Mr. Terry; Mr. Fletcher; Mr. Ferguson; Mr. Rogers of Michigan; Mr. Issa and Mr. Otter.

Committee on Financial Services: Mr. Leach; Mr. Bereuter; Mr. Baker; Mr. Bachus; Mr. Castle; Mr. King of New York; Mr. Royce; Mr. Lucas of Oklahoma; Mr. Ney, Mrs. Kelly; Mr. Paul; Mr. Gillmor; Mr. Ryun of Kansas; Mr. LaTourette; Mr. Manzullo; Mr. Jones of North Carolina; Mr. Ose; Mrs. Biggert; Mr. Green of Wisconsin; Mr. Toomey; Mr. Shays; Mr. Shadegg; Mr. Fossella; Mr. Gary Miller of California; Ms. Hart; Mrs. Capito; Mr. Tiberi; Mr. Kennedy of Minnesota; Mr. Feeney; Mr. Hensarling; Mr. Garrett; Mr. Murphy; Ms. Ginny Brown-Waite of Florida; Mr. Barrett of South Carolina; Ms. Harris and Mr. Renzi.

Committee on Government Reform: Mr. Burton of Indiana; Mr. Shays; Ms. Ros-Lehtinen; Mr. McHugh; Mr. Mica; Mr. Souder; Mr. LaTourette; Mr. Ose; Mr. Lewis of Kentucky; Mrs. Jo Ann Davis of Virginia; Mr. Platts; Mr. Cannon; Mr. Putnam; Mr. Schrock; Mr. Duncan; Mr. Sullivan; Mr. Deal of Georgia; Mrs. Miller of Michigan; Mr. Murphy; Mr. Turner of Ohio; Mr. Carter; Mr. Janklow; and Mrs. Blackburn.

Committee on International Relations: Mr. Leach; Mr. Bereuter; Mr. Smith of New Jersey; Mr. Burton of Indiana; Mr. Gallegly; Ms. Ros-Lehtinen; Mr. Ballenger; Mr. Rohrabacher; Mr. Royce; Mr. King of New York; Mr. Chabot; Mr. Houghton; Mr. McHugh; Mr. Tancredo; Mr. Paul; Mr. Smith of Michigan; Mr. Pitts; Mr. Flake; Mrs. Jo Ann Davis of Virginia; Mr. Green of Wisconsin; Mr. Weller; Mr. Pence; Mr. McCotter; Mr. Janklow and Ms. Harris.

Committee on the Judiciary: Mr. Hyde; Mr. Coble; Mr. Smith of Texas; Mr. Gallegly; Mr. Goodlatte; Mr. Chabot; Mr. Jenkins; Mr. Cannon; Mr. Bachus; Mr. Hostettler; Mr. Green of Wisconsin; Mr. Keller; Ms. Hart; Mr. Flake; Mr. Pence; Mr. Forbes; Mr. King of Iowa; Mr. Carter; Mr. Feeney and Mrs. Blackburn.

Committee on Resources: Mr. Young of Alaska; Mr. Tauzin; Mr. Saxton; Mr. Gallegly; Mr. Duncan; Mr. Hefley; Mr. Gilchrest; Mr. Calvert; Mr. McInnis; Mrs. Cubin; Mr. Radanovich; Mr. Jones of North Carolina; Mr. Cannon; Mr. Peterson of Pennsylvania; Mr. Gibbons; Mr. Souder; Mr. Walden of Oregon; Mr. Tancredo; Mr. Hayworth; Mr. Osborne; Mr. Flake; Mr. Rehberg; Mr. Renzi; Mr. Cole; Mr. Pearce; Mr. Bishop of Utah and Mr. Nunes.

Committee on Science: Mr. Smith of Texas; Mr. Shays; Mr. Weldon of Pennsylvania; Mr. Rohrabacher; Mr. Barton of Texas; Mr. Calvert; Mr. Smith of Michigan; Mr. Bartlett of Maryland; Mr. Ehlers; Mr. Gutknecht; Mr. Nethercutt; Mr. Lucas of Oklahoma; Mrs. Biggert; Mr. Akin; Mr. Johnson of Illinois; Ms. Hart; Mr. Sullivan; Mr. Forbes; Mr. Gingrey; Mr. Bishop of Utah; Mr. Burgess and Mr. Bonner.

Committee on Small Business: Mr. Combest; Mr. Bartlett of Maryland; Mrs. Kelly; Mr. Chabot; Mr. Toomey; Mr. DeMint; Mr. Graves; Mr. Schrock; Mr. Akin; Mrs. Capito; Mr. Shuster; Mrs. Musgrave; Mr. Franks of Arizona; Mr. Gerlach; Mr. Bradley of New Hampshire and Mr. Beauprez.

Committee on Transportation and Infrastructure: Mr. Petri; Mr. Boehlert; Mr. Coble; Mr. Duncan; Mr. Gilchrest; Mr. Mica; Mr. Hoekstra; Mr. Quinn; Mr. Ehlers; Mr. Bachus; Mr. LaTourette; Mrs. Kelly; Mr. Baker; Mr. Ney; Mr. LoBiondo; Mr. Moran of Kansas; Mr. Gary Miller of California; Mr. DeMint; Mr. Bereuter; Mr. Isakson; Mr. Hayes; Mr. Simmons; Mrs. Capito; Mr. Brown of South Carolina; Mr. Johnson of Illinois; Mr. Rehberg; Mr. Platts; Mr. Graves; Mr. Kennedy of Minnesota; Mr. Shuster; Mr. Boozman; Mr. Sullivan; Mr. Chocola; Mr. Beauprez; Mr. Burgess; Mr. Burns; Mr. Pearce; Mr. Gerlach; Mr. Mario Diaz-Balart of Florida and Mr. Porter.

Committee on Veterans' Affairs: Mr. Bilirakis; Mr. Everett; Mr. Buyer; Mr. Quinn; Mr. Stearns; Mr. Moran of Kansas; Mr. Gibbons; Mr. Baker; Mr. Simmons; Mr. Brown of South Carolina; Mr. Miller of Florida; Mr. Boozman; Mr. Bradley of New Hampshire; Mr. Beauprez; Ms. Ginny Brown-Waite of Florida and Mr. Renzi.

Committee on Ways and Means: Mr. Crane; Mr. Shaw; Mrs. Johnson of Connecticut; Mr. Houghton; Mr. Herger; Mr. McCrery; Mr. Camp; Mr. Ramstad; Mr. Nussle; Mr. Sam Johnson of Texas; Ms. Dunn; Mr. Collins; Mr. Portman; Mr. English; Mr. Hayworth; Mr. Weller; Mr. Hulshof; Mr. McInnis; Mr. Lewis of Kentucky; Mr. Foley; Mr. Brady of Texas; Mr. Ryan of Wisconsin and Mr. Cantor.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶4.7 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 13

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 29):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 13) making further continuing appropriations for the fiscal year 2003, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. Upon receipt of a message from the Senate transmitting House Joint Resolution 2 with a Senate amendment thereto, it shall be in order to consider in the House a motion offered by the chairman of the Committee on Appropriations or his designee that the House disagree to the Senate amendment and request or agree to a conference with the Senate thereon.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶4.8 FURTHER CONTINUING APPROPRIATIONS FY 2003

Mr. YOUNG of Florida, pursuant to House Resolution 29, called up the joint resolution (H.J. Res. 13) making further continuing appropriations for fiscal year 2003, and for other purposes.

When said joint resolution was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

Mr. OBEY moved to recommit the joint resolution to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

Section 101 of Public Law 107-229 in further amending by adding at the end:

''Provided further, $3,500,000,000 is available for Federal Emergency Management Agency, Emergency Management and Planning Assistance, for state and local first responders homeland security grants to equip first responders, and $90,000,00 is available for the Centers for Disease Control for baseline health screening and long-term medical monitoring of emergency response and recovery personnel exposed to toxic substances at the World Trade Center.''.

Pending consideration of said motion,

¶4.9 POINT OF ORDER

Mr. PUTNAM made a point of order against the motion to recommit, and said:

''Mr. Speaker, I make a point of order against the motion to recommit because it violates section 302(c) of the Congressional Budget Act. Section 302(c) prohibits the consideration of any amendment that provides new budget authority for a fiscal year until the Committee on Appropriations has made the suballocations required by section 302(b) of the Congressional Budget Act.

''This motion to recommit increases the amount of budget authorities provided by the measure. The suballocations published by the Committee on Appropriations on October 10, 2002, lapsed upon the adjournment of the 107th Congress and no new 302(b) suballocations have been made for the 108th Congress. Hence, I make a point of order that this motion to recommit

violates section 302(c) of the Congressional Budget Act.''

Mr. OBEY was recognized to speak to the point of order and said:

''I certainly do, Mr. Speaker.

''The gentleman contends the motion is not in order because the majority has failed to file its 302(b) allocations. If this amendment were to be ruled out of order, what that would mean is that the majority has put the fix in in the Committee on Rules so that they can bring what they want to bring to the floor but the minority cannot.

''In other words, the minority would be penalized procedurally for a failure to act on the part of the majority. I would find that to be a quaint interpretation indeed. It is patently unfair to allow the majority to bring up a bill without filing its suballocations and then punish the minority for something the majority has not done.''

The SPEAKER pro tempore, Mr. THORNBERRY, sustained the point of order, and said:

''As the Chair ruled on January 8, 2003, section 302(c) of the Congressional Budget Act of 1974 precludes consideration of an appropriations measure (including an amendment) providing new budget authority after the Committee on Appropriations has received a section 302(a) allocation for a fiscal year until the committee makes the suballocations required under section 302(b).

''The Committee on Appropriations has not made the required section 302(b) suballocations and the motion to recommit provides new budget authority in violation of section 302(c) of the Budget Act. The point of order is sustained.''

Mr. OBEY appealed the ruling of the Chair.

The question being stated,

Shall the decision of the Chair stand as the judgment of the House?

Mr. PUTNAM moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 222 / Nays ..... 196 }

¶4.10 [Roll No. 15]

YEAS—222

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

NAYS—196

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

NOT VOTING—16

Brown, Corrine
Burton (IN)
Combest
Cubin
DeLauro
Doggett
Gutierrez
Herger
Johnson, E. B.
Lewis (CA)
Olver
Shaw
Smith (WA)
Watson
Waxman
Wilson (NM)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. OBEY moved to recommit the joint resolution to the Committee on Appropriations with instructions to report the joint resolution back to the House promptly with the following amendment further amending Section 101 of Public Law 107-229:

''1. to provide $3,500,000,000 in homeland security grants to equip first responders, and

''2. to provide $90 million for the Centers for Disease Control for baseline health screening and long-term medical monitoring of emergency response and recovery personnel exposed to toxic substances at the World Trade Center site.''

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said joint resolution with instructions?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the nays had it.

Mr. OBEY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 201 / Nays ..... 222 }

¶4.11 [Roll No. 16

AYES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca

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

NOES—222

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

NOT VOTING—11

Brown, Corrine
Burton (IN)
Combest
Cubin
Herger
Johnson, E. B.
Lewis (CA)
Olver
Shaw
Waxman
Wilson (NM)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

So the joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶4.12 COMMITTEE ELECTION—MAJORITY

Mr. CALVERT, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 34):

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives: Committee on House Administration: Mr. EHLERS; Mr. MICA; Mr. LINDER; Mr. DOOLITTLE and Mr. REYNOLDS.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶4.13 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 35):

Resolved, That the following named Members, Delegates, and Resident Commissioners be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE: Mr. Peterson of Minnesota, Mr. Dooley of California, Mr. Holden, Mr. Thompson of Mississippi, Mr. McIntyre, Mr. Etheridge, Mr. Boswell, Mr. Lucas of Kentucky, Mr. Hill, Mr. Baca, Mr. Larsen of Washington, Mr. Ross, Mr. Acevedo-Vilá.

(2) COMMITTEE ON APPROPRIATIONS: Mr. Murtha, Mr. Dicks, Mr. Sabo, Mr. Hoyer, Mr. Mollohan, Ms. Kaptur, Mr. Visclosky, Mrs. Lowey, Mr. Serrano, Ms. DeLauro, Mr. Moran of Virginia, Mr. Olver, Mr. Pastor, Mr. Price of North Carolina, Mr. Edwards, Mr. Cramer, Mr. Kennedy of Rhode Island, Mr. Clyburn, Mr. Hinchey, Ms. Roybal-Allard, Mr. Farr, Mr. Jackson of Illinois, Ms. Kilpatrick, Mr. Boyd, Mr. Fattah, Mr. Rothman, Mr. Bishop of Georgia, Mr. Berry.

(3) COMMITTEE ON ARMED SERVICES: Mr. Spratt, Mr. Ortiz, Mr. Evans, Mr. Taylor of Mississippi, Mr. Abercrombie, Mr. Meehan, Mr. Reyes, Mr. Snyder, Mr. Turner of Texas, Mr. Smith of Washington, Ms. Loretta Sanchez, Mr. McIntyre, Mr. Rodriguez, Mrs. Tauscher, Mr. Brady of Pennsylvania, Mr. Andrews, Mr. Hill, Mr. Larson of Connecticut, Mrs. Davis of California, Mr. Langevin.

(4) COMMITTEE ON THE BUDGET: Mr. Moran of Virginia, Ms. Hooley of Oregon, Ms. Baldwin, Mr. Moore, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Ms. DeLauro, Mr. Edwards, Mr. Scott of Virginia, Mr. Ford, Mrs. Capps, Mr. Thompson of California, Mr. Baird, Mr. Cooper, Mr. Meek of Florida, Mr. Emanuel, Mr. Davis of Alabama.

(5) COMMITTEE ON EDUCATION AND THE WORKFORCE: Mr. Kildee, Mr. Owens, Mr. Payne, Mr. Andrews, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy of New York, Mr. Tierney, Mr. Kind, Ms. Loretta Sanchez, Mr. Kucinich, Mr. Wu, Mr. Holt, Mrs. Davis of California, Ms. McCollum.

(6) COMMITTEE ON ENERGY AND COMMERCE: Mr. Waxman, Mr. Markey, Mr. Hall, Mr. Boucher, Mr. Towns, Mr. Pallone, Mr. Brown of Ohio, Mr. Gordon, Mr. Deutsch, Mr. Rush, Ms. Eshoo, Mr. Stupak, Mr. Engel, Mr. Wynn, Mr. Green of Texas, Ms. McCarthy of Missouri, Mr. Strickland, Ms. DeGette, Mrs. Capps, Mr. Doyle, Mr. John, Mr. Allen, Mr. Davis of Florida, Ms. Schakowsky, Ms. Solis.

(7) COMMITTEE ON FINANCIAL SERVICES: Mr. Kanjorski, Ms. Waters, Mrs. Maloney, Mr. Gutierrez, Ms. Velázquez, Mr. Watt, Mr. Ackerman, Ms. Hooley of Oregon, Ms. Carson of Indiana, Mr. Sherman, Mr. Meeks of New York, Ms. Lee, Mr. Inslee, Mr. Moore, Mr. Gonzalez, Mr. Capuano, Mr. Ford, Mr. Hinojosa, Mr. Lucas of Kentucky, Mr. Crowley, Mr. Clay, Mr. Israel, Mr. Ross, Mrs. McCarthy of New York, Mr. Baca, Mr. Matheson, Mr. Lynch, Mr. Davis of Tennessee, Mr. Emanuel, Mr. Miller of North Carolina, Mr. Scott of Georgia.

(8) COMMITTEE ON GOVERNMENT REFORM: Mr. Lantos, Mr. Owens, Mr. Towns, Mr. Kanjorski, Mrs. Maloney, Ms. Norton, Mr. Cummings, Mr. Kucinich, Mr. Davis of Illinois, Mr. Tierney, Mr. Turner of Texas, Mr. Clay, Ms. Watson, Mr. Lynch.

(9) COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Berman, Mr. Ackerman, Mr. Faleomavaega, Mr. Payne, Mr. Menendez, Mr. Brown of Ohio, Mr. Sherman, Mr. Wexler, Mr. Engel, Mr. Delahunt, Mr. Meeks of New York, Ms. Lee, Mr. Crowley, Mr. Hoeffel, Mr. Blumenauer, Ms. Berkley, Mrs. Napolitano, Mr. Schiff, Ms. Watson.

(10) COMMITTEE ON THE JUDICIARY: Mr. Berman, Mr. Boucher, Mr. Nadler, Mr. Scott of Virginia, Mr. Watt, Ms. Lofgren, Ms. Jackson-Lee of Texas, Ms. Waters, Mr. Meehan,

Mr. Delahunt, Mr. Wexler, Ms. Baldwin, Mr. Weiner, Mr. Schiff, Ms. Linda T. Sánchez.

(11) COMMITTEE ON RESOURCES: Mr. George Miller of California, Mr. Markey, Mr. Kildee, Mr. DeFazio, Mr. Faleomavaega, Mr. Abercrombie, Mr. Ortiz, Mr. Pallone, Mr. Dooley of California, Mr. Smith of Washington, Mrs. Christensen, Mr. Kind, Mr. Inslee, Mrs. Napolitano, Mr. Udall of New Mexico, Mr. Udall of Colorado, Mr. Acevedo-Vilá, Mr. Carson of Oklahoma.

(12) COMMITTEE ON SCIENCE: Mr. Gordon, Mr. Costello, Ms. Eddie Bernice Johnson of Texas, Ms. Woolsey, Ms. Lofgren, Ms. Jackson-Lee of Texas, Mr. Etheridge, Mr. Lampson, Mr. Larson of Connecticut, Mr. Udall of Colorado, Mr. Wu, Mr. Baird, Mr. Israel, Mr. Honda.

(13) COMMITTEE ON SMALL BUSINESS: Ms. Millender-McDonald, Mr. Davis of Illinois, Mr. Pascrell, Mrs. Christensen, Mr. Brady of Pennsylvania, Mr. Udall of New Mexico, Mr. Gonzalez, Mr. Langevin.

(14) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE: Mr. Rahall, Mr. Lipinski, Mr. DeFazio, Mr. Costello, Ms. Norton, Mr. Nadler, Mr. Menendez, Ms. Corrine Brown of Florida, Mr. Filner, Ms. Eddie Bernice Johnson of Texas, Mr. Taylor of Mississippi, Ms. Millender-McDonald, Mr. Cummings, Mr. Blumenauer, Mrs. Tauscher, Mr. Pascrell, Mr. Boswell, Mr. Holden, Mr. Lampson, Mr. Baird, Ms. Berkley, Mr. Carson of Oklahoma, Mr. Matheson, Mr. Honda, Mr. Larsen of Washington, Mr. Capuano, Mr. Weiner, Ms. Carson of Indiana, Mr. Hoeffel, Mr. Thompson of California, Mr. Bishop of New York, Mr. Michaud, Mr. Davis of Tennessee.

(15) COMMITTEE ON VETERANS' AFFAIRS: Mr. Filner, Mr. Gutierrez, Ms. Corrine Brown of Florida, Mr. Snyder, Mr. Rodriguez.

(16) COMMITTEE ON WAYS AND MEANS: Mr. Stark, Mr. Matsui, Mr. Levin, Mr. Cardin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Jefferson, Mr. Tanner, Mr. Becerra, Mr. Doggett, Mr. Pomeroy, Mr. Sandlin, Mrs. Jones of Ohio.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶4.14 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 36):

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON FINANCIAL SERVICES: Mr. Sanders.

(2) COMMITTEE ON GOVERNMENT REFORM: Mr. Sanders.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶4.15 RECESS—4:21 P.M.

The SPEAKER pro tempore, Mr. PLATTS, pursuant to clause 12 of rule I, declared the House in recess at 4 o'clock and 21 minutes p.m., until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

¶4.16 AFTER RECESS—8:44 P.M.

The SPEAKER called the House to order.

¶4.17 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 28, 2003 at 5:49 p.m.

That the Senate passed with an amendment H.J. Res. 2, requests a conference.

That the Senate passed without amendment H. Con. Res. 12.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶4.18 JOINT SESSION TO RECEIVE A MESSAGE FROM THE PRESIDENT

The Assistant Sergeant-at-Arms announced the Vice President and Members of the Senate, who entered the Hall of the House and took seats assigned to them, the Vice President taking the Chair to the right of the Speaker.

Whereupon, pursuant to House Concurrent Resolution 12, the SPEAKER called the joint session of the two Houses to order.

The SPEAKER announced the appointment of Mr. DELAY, Ms. PRYCE of Ohio, Messrs. COX and KINGSTON, Ms. PELOSI, Messrs. HOYER, MENENDEZ, and CLYBURN as members of the Committee on the part of the House to escort the President into the Hall of the House.

The Vice President announced the appointment of Messrs. FRIST, MCCONNELL, SANTORUM, KYL, ALLEN, WARNER, DASCHLE, REID, Ms. MIKULSKI and Mr. BREAUX as members of the committee on the part of the Senate to escort the President into the Hall of the House.

The Assistant Sergeant-at-Arms announced the Acting Dean of the Diplomatic Corps, who entered the Hall of the House and took the seat assigned to him.

The Assistant Sergeant-at-Arms announced the Associate Justice of the Supreme Court, who entered the Hall of the House and took a seat assigned to him.

The Assistant Sergeant-at-Arms announced the Members of the President's Cabinet, who entered the Hall of the House and took seats assigned to them.

The Sergeant-at-Arms announced the President of the United States at 9 o'clock and 3 minutes p.m., escorted by the committees of the two Houses, entered the Hall of the House and, at the Clerk's desk, delivered the following message:

Mr. Speaker, Vice-President CHENEY, Members of Congress, distinguished guests and fellow citizens:

Every year, by law and by custom, we meet here to consider the state of the Union. This year, we gather in this Chamber deeply aware of decisive days that lie ahead.

You and I serve our country in a time of great consequence. During this session of Congress, we have the duty to reform domestic programs vital to our country, we have the opportunity to save millions of lives abroad from a terrible disease, we will work for a prosperity that is broadly shared, and we will answer every danger and every enemy that threatens the American people.

In all these days of promise and days of reckoning, we can be confident. In a whirlwind of change, and hope, and peril, our faith is sure, our resolve is firm, and our Union is strong.

This country has many challenges. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other Presidents and other generations. We will confront them with focus, and clarity, and courage.

During the last 2 years, we have seen what can be accomplished when we work together. To lift the standards of our public schools, we achieved historic education reform, which must now be carried out in every school, and in every classroom, so that every child in America can read and learn and succeed in life.

To protect our country, we reorganized our government and created the Department of Homeland Security, which is mobilizing against the threats of a new era. To bring our economy out of recession, we delivered the largest tax relief in a generation. To insist on integrity in American business, we passed tough reforms, and we are holding corporate criminals to account.

Some might call this a good record. I call it a good start. Tonight I ask the House and the Senate to join me in the next bold steps to serve our fellow citizens.

Our first goal is clear: We must have an economy that grows fast enough to employ every man and woman who seeks a job.

After recession, terrorist attacks, corporate scandals and stock market declines, our economy is recovering; yet it is not growing fast enough or strongly enough. With unemployment rising, our Nation needs more small businesses to open, more companies to invest and expand, more employers to put up the sign that says, ''Help wanted.''

Jobs are created when the economy grows; the economy grows when Americans have more money to spend and invest; and the best and fairest way to make sure Americans have that money is not to tax it away in the first place.

I am proposing that all the income tax reductions set for 2004 and 2006 be made permanent and effective this year. And under my plan, as soon as I

sign the bill, this extra money will start showing up in workers' paychecks. Instead of gradually reducing the marriage penalty, we should do it now. Instead of slowly raising the child credit to $1,000, we should send the checks to American families now.

This tax relief is for everyone who pays income taxes, and it will help our economy immediately. Ninety-two million Americans will keep, this year, an average of almost $1,100 more of their own money. A family of four with an income of $40,000 would see their Federal income taxes fall from $1,178 to $45 per year. Our plan will improve the bottom line for more than 23 million small businesses.

You, the Congress, have already passed all these reductions, and promised them for future years. If this tax relief is good for Americans 3 or 5 or 7 years from now, it is even better for Americans today.

We should also strengthen the economy by treating investors equally in our tax laws. It is fair to tax a company's profits. It is not fair to again tax the shareholder on the same profits. To boost investor confidence, and to help the nearly 10 million seniors who receive a dividend income, I ask you to end the unfair double taxation of dividends.

Lower taxes and greater investment will help this economy expand. More jobs mean more taxpayers, and higher revenues to our government. The best way to address the deficit and move toward a balanced budget is to encourage economic growth, and to show some spending discipline in Washington, DC. We must work together to fund only our most important priorities. I will send you a budget that increases discretionary spending by 4 percent next year, about as much as the average family's income is expected to grow, and that is a good benchmark for us. Federal spending should not rise any faster than the paychecks of American families.

A growing economy and a focus on essential priorities will be crucial to the future of Social Security. As we continue to work together to keep Social Security sound and reliable, we must offer younger workers a chance to invest in retirement accounts that they will control and they will own.

Our second goal is high-quality, affordable health care for all Americans.

The American system of medicine is a model of skill and innovation, with a pace of discovery that is adding good years to our lives. Yet for many people, medical care costs too much, and many have no health coverage at all. These problems will not be solved with a nationalized health care system that dictates coverage and rations care. Instead, we must work toward a system in which all Americans have a good insurance policy, choose their own doctors, and seniors and low-income Americans receive the help they need. Instead of bureaucrats and trial lawyers and HMOs, we must put doctors and nurses and patients back in charge of American medicine.

Health care reform must begin with Medicare, because Medicare is the binding commitment of a caring society. We must renew that commitment by giving seniors access to preventive medicine and new drugs that are transforming health care in America.

Seniors happy with the current Medicare system should be able to keep their coverage just the way it is. And just like you, the Members of Congress, members of your staffs, and other Federal employees, all seniors should have the choice of a health care plan that provides prescription drugs. My budget will commit an additional $400 billion over the next decade to reform and strengthen Medicare. Leaders of both political parties have talked for years about strengthening Medicare. I urge the Members of this new Congress to act this year.

To improve our health care system, we must address one of the prime causes of higher costs: the constant threat that physicians and hospitals will be unfairly sued. Because of excessive litigation, everybody pays more for health care, and many parts of America are losing fine doctors. No one has ever been healed by a frivolous lawsuit, and I urge the Congress to pass medical liability reform.

Our third goal is to promote energy independence for our country, while dramatically improving the environment.

I have sent you a comprehensive energy plan to promote energy efficiency and conservation, to develop cleaner technology, and to produce more energy at home. I have sent you Clear Skies legislation that mandates a 70 percent cut in air pollution from power plants over the next 15 years. I have sent you a Healthy Forests initiative, to help prevent the catastrophic fires that devastate communities, kill wildlife, and burn away millions of acres of treasured forests.

I urge you to pass these measures for the good of both our environment and our economy. Even more, I ask you to take a crucial step and protect our environment in ways that generations before us could not have imagined. In this century, the greatest environmental progress will come about not through endless lawsuits or command and control regulations, but through technology and innovation. Tonight I am proposing $1.2 billion in research funding so that America can lead the world in developing clean hydrogen-powered automobiles.

A simple chemical reaction between hydrogen and oxygen generates energy, which can be used to power a car, producing only water, not exhaust fumes. With a new national commitment, our scientists and engineers will overcome obstacles to take these cars from the laboratory into the showroom so that the first car driven by a child born today could be powered by hydrogen, and pollution-free. Join me in this important innovation, to make our air significantly cleaner and our country much less dependent on foreign sources of energy.

Our fourth goal is to apply the compassion of America to the deepest problems of America. For so many in our country, the homeless and the fatherless, the addicted, the need is great. Yet, there is power, wonder-working power, in the goodness and idealism and faith of the American people.

Americans are doing the work of compassion every day, visiting prisoners, providing shelter to battered women, bringing companionship to lonely seniors. These good works deserve our praise, they deserve our personal support, and when appropriate, they deserve the assistance of the Federal Government. I urge you to pass both my faith-based initiative and the Citizen Service Act, to encourage acts of compassion that can transform America, one heart and one soul at a time.

Last year, I called on my fellow citizens to participate in the USA Freedom Corps, which is enlisting tens of thousands of new volunteers across America. Tonight I ask Congress and the American people to focus the spirit of service and the resources of government on the needs of some of our most vulnerable citizens, boys and girls trying to grow up without guidance and attention, and children who have to go through a prison gate to be hugged by their mom or dad. I propose a $450 million initiative to bring mentors to more than 1 million disadvantaged junior high students and children of prisoners. Government will support the training and recruiting of mentors; yet it is the men and women of America who will fill the need. One mentor, one person, can change a life forever, and I urge you to be that one person.

Another cause of hopelessness is addiction to drugs. Addiction crowds out friendship, ambition, moral conviction, and reduces all the richness of life to a single destructive desire. As a government, we are fighting illegal drugs by cutting off supplies and reducing demand through antidrug education programs. Yet for those already addicted, the fight against drugs is a fight for their own lives.

Too many Americans in search of treatment cannot get it. So tonight I propose a new $600 million program to help an additional 300,000 Americans receive treatment over the next 3 years.

Our Nation is blessed with recovery programs that do amazing work. One of them is found at the Healing Place Church in Baton Rouge, Louisiana. A man in the program said, "God does miracles in people's lives, and you never think it could be you." Tonight, let us bring to all Americans who struggle with drug addiction this message of hope: the miracle of recovery is possible, and it could be you.

By caring for children who need mentors, and for addicted men and women who need treatment, we are building a more welcoming society, a culture that values every life. And in this work we must not overlook the weakest among us. I ask you to protect infants at the

very hour of their birth, and end the practice of partial-birth abortion. And because no human life should be started or ended as the object of an experiment, I ask you to set a high standard for humanity and pass a law against all human cloning.

The qualities of courage and compassion that we strive for in America also determine our conduct abroad. The American flag stands for more than our power and our interests. Our Founders dedicated this country to the cause of human dignity, the rights of every person and the possibilities of every life. This conviction leads us into the world to help the afflicted, and defend the peace, and confound the designs of evil men. In Afghanistan, we helped to liberate an oppressed people, and we will continue helping them secure their country, rebuild their society, and educate all their children, boys and girls. In the Middle East, we will continue to seek peace between a secure Israel and a democratic Palestine. Across the Earth, America is feeding the hungry; more than 60 percent of international food aid comes as a gift from the people of the United States.

As our Nation moves troops and builds alliances to make our world safer, we must also remember our calling, as a blessed country, to make this world better. Today, on the continent of Africa, nearly 30 million people have the AIDS virus, including 3 million children under the age of 15. There are whole countries in Africa where more than one-third of the adult population carries the infection. More than 4 million require immediate drug treatment. Yet across that continent, only 50,000 AIDS victims, only 50,000, are receiving the medicine they need.

Because the AIDS diagnosis is considered a death sentence, many do not seek treatment. Almost all who do are turned away. A doctor in rural South Africa describes his frustration. He says, we have no medicines. Many hospitals tell people, you've got AIDS. We can't help you. Go home and die.

In an age of miraculous medicines, no person should have to hear those words. AIDS can be prevented. Antiretroviral drugs can extend life for many years. And the cost of those drugs has dropped from $12,000 a year to under $300 a year, which places a tremendous possibility within our grasp.

Ladies and gentlemen, seldom has history offered a greater opportunity to do so much for so many. We have confronted, and will continue to confront, HIV/AIDS in our own country. And to meet a severe and urgent crisis abroad, tonight I propose the Emergency Plan for AIDS Relief, a work of mercy beyond all current international efforts to help the people of Africa. This comprehensive plan will prevent 7 million new AIDS infections, treat at least 2 million people with life-extending drugs, and provide humane care for millions of people suffering from AIDS and for children orphaned by AIDS. I ask the Congress to commit $15 billion over the next 5 years, including nearly $10 billion in new money, to turn the tide against AIDS in the most afflicted nations of Africa and the Caribbean.

This Nation can lead the world in sparing innocent people from a plague of nature. And this Nation is leading the world in confronting and defeating the man-made evil of international terrorism.

There are days when our fellow citizens do not hear news about the war on terror. There is never a day when I do not learn of another threat, or receive reports of operations in progress, or give an order in this global war against a scattered network of killers. The war goes on, and we are winning.

To date we have arrested or otherwise dealt with many key commanders of al Qaeda. They include a man who directed logistics and funding for the September 11 attacks, the chief of al Qaeda operations in the Persian Gulf who planned the bombings of our embassies in East Africa and the USS *Cole*, an al Qaeda operations chief from Southeast Asia, a former director of al Qaeda's training camps in Afghanistan, a key al Qaeda operative in Europe, and a major al Qaeda leader in Yemen. All told, more than 3,000 suspected terrorists have been arrested in many countries, and many others have met a different fate. Let's put it this way: They are no longer a problem to the United States and our friends and allies.

We are working closely with other nations to prevent further attacks. America and coalition countries have uncovered and stopped terrorist conspiracies targeting the American Embassy in Yemen, the American Embassy in Singapore, a Saudi military base, ships in the Straits of Hormuz and the Straits of Gibraltar. We have broken al Qaeda cells in Hamburg, Milan, Madrid, London, and Paris, as well as Buffalo, New York. We have the terrorists on the run, and we are keeping them on the run. One by one, the terrorists are learning the meaning of American justice.

As we fight this war, we will remember where it began, here, in our own country. This government is taking unprecedented measures to protect our people and defend our homeland. We have intensified security at the borders and ports of entry, posted more than 50,000 newly trained Federal screeners in airports, begun inoculating troops and first responders against smallpox, and are deploying the Nation's first early warning network of sensors to detect biological attack. And this year, for the first time, we are beginning to field a defense to protect this very Nation against ballistic missiles.

I thank the Congress for supporting these measures. I ask you tonight to add to our future security with a major research and production effort to guard our people against bioterrorism called Project Bioshield. The budget I send you will propose almost $6 billion to quickly make available effective vaccines and treatments against agents like anthrax, botulinum toxin, Ebola, and plague. We must assume that our enemies would use these diseases as weapons, and we must act before the dangers are upon us.

Since September 11th, our intelligence and law enforcement agencies have worked more closely than ever to track and dislodge the terrorists. The FBI is improving its ability to analyze intelligence, and is transforming itself to meet new threats. And tonight I am instructing the leaders of the FBI, the CIA, Homeland Security, and the Department of Defense to develop a Terrorist Threat Integration Center to merge and analyze all threat information in a single location. Our government must have the very best information possible, and we will use it to make sure the right people are in the right places to protect all our citizens.

Our war against terror is a contest of will in which perseverance is power. In the ruins of two towers, at the western wall of the Pentagon, on a field in Pennsylvania, this Nation made a pledge, and we renew that pledge tonight: Whatever the duration of this struggle, and whatever the difficulties, we will not permit the triumph of violence in the affairs of men. Free people will set the course of history.

Today, the gravest danger in the war on terror, the gravest danger facing America and the world, is outlaw regimes that seek and possess nuclear, chemical, and biological weapons. These regimes could use such weapons for blackmail, terror, and mass murder. They could also give or sell those weapons to their terrorist allies, who would use them without the least hesitation.

This threat is new; America's duty is familiar. Throughout the 20th century, small groups of men seized control of great nations, built armies and arsenals, and set out to dominate the weak and intimidate the world. In each case, their ambitions of cruelty and murder had no limit. In each case, the ambitions of Hitlerism, militarism, and communism were defeated by the will of free peoples, by the strength of great alliances, and by the might of the United States of America. Now, in this century, the ideology of power and domination has appeared again and seeks to gain the ultimate weapons of terror. Once again, this Nation and all our friends are all that stand between a world at peace and a world of chaos and constant alarm. Once again, we are called to defend the safety of our people and the hopes of all mankind. And we accept this responsibility.

America is making a broad and determined effort to confront these dangers. We have called on the United Nations to fulfill its charter and stand by its demand that Iraq disarm. We are strongly supporting the International Atomic Energy Agency in its mission to track and control nuclear materials around the world. We are working with other governments to secure nuclear materials in the former Soviet Union and to strengthen global treaties banning the production and shipment of

missile technologies and weapons of mass destruction.

In all of these efforts, however, America's purpose is more than to follow a process, it is to achieve a result: the end of terrible threats to the civilized world. All free nations have a stake in preventing sudden and catastrophic attacks. We are asking them to join us, and many are doing so. Yet the course of this Nation does not depend on the decisions of others. Whatever action is required, whenever action is necessary, I will defend the freedom and security of the American people.

Different threats require different strategies. In Iran, we continue to see a government that represses its people, pursues weapons of mass destruction, and supports terror. We also see Iranian citizens risking intimidation and death as they speak out for liberty, human rights and democracy. Iranians, like all people, have a right to choose their own government and determine their own destiny; and the United States supports their aspirations to live in freedom.

On the Korean peninsula, an oppressive regime rules a people living in fear and starvation. Throughout the 1990s, the United States relied on a negotiated framework to keep North Korea from gaining nuclear weapons. We now know that the regime was deceiving the world and developing those weapons all along. And today the North Korean regime is using its nuclear program to incite fear and seek concessions. America and the world will not be blackmailed. America is working with the countries of the region, South Korea, Japan, China and Russia, to find a peaceful solution and to show the North Korean Government that nuclear weapons will only bring isolation, economic stagnation, and continued hardship. The North Korean regime will find respect in the world and revival for its people only when it turns away from its nuclear ambitions.

Our Nation and the world must learn the lessons of the Korean peninsula and not allow an even greater threat to rise up in Iraq. A brutal dictator, with a history of reckless aggression, with ties to terrorism, with great potential wealth will not be permitted to dominate a vital region and threaten the United States.

Twelve years ago Saddam Hussein faced the prospect of being the last casualty in a war he had started and lost. To spare himself, he agreed to disarm of all weapons of mass destruction. For the next 12 years, he systematically violated that agreement. He pursued chemical, biological, and nuclear weapons even while inspectors were in his country. Nothing to date has restrained him from his pursuit of these weapons, not economic sanctions, not isolation from the civilized world, not even cruise missile strikes on his military facilities.

Almost 3 months ago, the United Nations's Security Council gave Saddam Hussein his final chance to disarm. He has shown instead his utter contempt for the United Nations and for the opinion of the world.

The 108 U.N. weapons inspectors were not sent to conduct a scavenger hunt for hidden materials across a country the size of California. The job of the inspectors is to verify that Iraq's regime is disarming. It is up to Iraq to show exactly where it is hiding its banned weapons, lay those weapons out for the world to see, and destroy them as directed. Nothing like this has happened.

The United Nations concluded in 1999 that Saddam Hussein had biological weapons materials sufficient to produce over 25,000 liters of anthrax, enough doses to kill several million people. He has not accounted for that material. He has given no evidence that he has destroyed it. The United Nations concluded that Saddam Hussein had material sufficient to produce more than 38,000 liters of botulinum toxin, enough to subject millions of people to death by respiratory failure. He has not accounted for that material. He has given no evidence that he has destroyed it. Our intelligence officials estimate that Saddam Hussein has the materials to produce as much as 500 tons of sarin, mustard, and VX nerve agent. In such quantities, these chemical agents could also kill untold thousands. He has not accounted for these materials. He has given no evidence that he has destroyed them.

U.S. intelligence indicates that Saddam Hussein had upwards of 30,000 munitions capable of delivering chemical agents. Inspectors recently turned up 16 of them, despite Iraq's recent declaration denying their existence. Saddam Hussein has not accounted for the remaining 29,984 of these prohibited munitions. He has given no evidence that he has destroyed them.

From three Iraqi defectors we know that Iraq in the late 1990s had several mobile biological weapons labs. These are designed to produce germ warfare agents and can be moved from place to place to evade inspectors. Saddam Hussein has not disclosed these facilities. He has given no evidence that he has destroyed them.

The International Atomic Energy Agency confirmed in the 1990s that Saddam Hussein had an advanced nuclear weapons development program, had a design for a nuclear weapon, and was working on five different methods of enriching uranium for a bomb. The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production. Saddam Hussein has not credibly explained these activities. He clearly has much to hide.

The dictator of Iraq is not disarming. To the contrary, he is deceiving. From intelligence sources, we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the U.N. inspectors, sanitizing inspection sites, and monitoring the inspectors themselves. Iraqi officials accompany the inspectors in order to intimidate witnesses. Iraq is blocking U–2 surveillance flights requested by the United Nations. Iraqi intelligence officers are posing as the scientists inspectors are supposed to interview. Real scientists have been coached by Iraqi officials on what to say. Intelligence sources indicate that Saddam Hussein has ordered that scientists who cooperate with U.N. inspectors in disarming Iraq will be killed, along with their families.

Year after year, Saddam Hussein has gone to elaborate lengths, spent enormous sums, taken great risks to build and keep weapons of mass destruction. But why? The only possibly explanation, the only possible use he could have for those weapons is to dominate, intimidate or attack. With nuclear arms or full arsenal of chemical and biological weapons, Saddam Hussein could resume his ambitions of conquest in the Middle East and create deadly havoc in that region. And this Congress and the American people must recognize another threat. Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda. Secretly and without fingerprints he could provide one of his hidden weapons to terrorists or help them develop their own.

Before September 11, 2001, many in the world believed that Saddam Hussein could be contained. But chemical agents, lethal viruses, and shadowy terrorist networks are not easily contained. Imagine those 19 hijackers with other weapons and other plans, this time armed by Saddam Hussein. It would take just one vile, one canister, one crate slipped into this country to bring a day of horror like none we have ever known. We will do everything in our power to make sure that that day never comes.

Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option.

This dictator who is assembling the world's most dangerous weapons has already used them on whole villages, leaving thousands of his own citizens dead, blind, or disfigured. Iraqi refugees tell us how forced confessions are obtained, by torturing children while their parents are made to watch. International human rights groups have catalogued other methods used in the torture chambers of Iraq: electric shock, burning with hot irons, dripping acid on the skin, mutilation with electric drills, cutting out tongues and rape.

If this is not evil, then evil has no meaning. And tonight I have a message

for the brave and oppressed people of Iraq: your enemy is not surrounding your country. Your enemy is ruling your country. And the day he and his regime are removed from power will be the day of your liberation.

The world has waited 12 years for Iraq to disarm. America will not accept a serious and mounting threat to our country, our friends, and our allies. The United States will ask the U.N. Security Council to convene on February 5 to consider the facts of Iraq's ongoing defiance to the world. Secretary of State Powell will present information and intelligence about Iraq's illegal weapons programs, its attempts to hide those weapons from the inspectors and its links to terrorist groups. We will consult, but let there be no misunderstanding. If Saddam Hussein does not fully disarm for the safety of our people and for the peace of the world, we will lead a coalition to disarm him.

Tonight I have a message for the men and women who will keep the peace, members of the American Armed Forces. Many of you are assembling in or near the Middle East, and some crucial hours may lie ahead. In those hours, the success of our cause will depend on you. Your training has prepared you. Your honor will guide you. You believe in America, and America believes in you.

Sending Americans into battle is the most profound decision a President can make. The technologies of war have changed. The risks and suffering of war have not. For brave Americans who bear the risk, no victory is free from sorrow. This Nation fights reluctantly, because we know the cost, and we dread the days of mourning that always come.

We seek peace. We strive for peace, and sometimes peace must be defended. A future lived at the mercy of terrible threats is no peace at all. If war is forced upon us, we will fight in a just cause and by just means, sparing in every way we can the innocent, and if war is forced upon us, we will fight with the full force and might of the United States military, and we will prevail. And as we and our coalition partners are doing in Afghanistan, we will bring to the Iraqi people food and medicines and supplies and freedom.

Many challenges abroad and at home have arrived in a single season. In 2 years America has gone from a sense of invulnerability to an awareness of peril, from bitter division in small matters to calm unity in great causes. And we go forward with confidence, because this call of history has come to the right country.

Americans are a resolute people, who have risen to every test of our time. Adversity has revealed the character of our country to the world and to ourselves.

America is a strong Nation and honorable in the use of our strength. We exercise power without conquest, and we sacrifice for the liberty of strangers.

Americans are a free people who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America's gift to the world. It is God's gift to humanity.

We Americans have faith in ourselves, but not in ourselves alone. We do not claim to know all the ways of Providence, yet we can trust in them, placing our confidence in the loving God behind all of life and all of history.

May He guide us now, and may God continue to bless the United States of America.

Thank you.

At 10 o'clock and 7 minutes p.m., the President of the United States retired from the Hall of the House, followed by his Cabinet.

The Associate Justice of the Supreme Court retired from the Hall of the House.

The SPEAKER, at 10 o'clock and 9 minutes p.m., then declared the joint session of the two Houses dissolved.

The Vice President and Members of the Senate retired from the Hall of the House.

¶4.19 REFERENCE OF THE PRESIDENT'S MESSAGE

On motion of Mr. MILLER of Florida, the message of the President, as delivered, together with the accompanying documents, was referred to the Committee of the Whole House on the state of the Union and ordered to be printed (H. Doc. 108–1).

And then,

¶4.20 ADJOURNMENT

On motion of Mr. MILLER of Florida, pursuant to the special order of the House of Monday, January 27, 2003, at 10 o'clock and 11 minutes p.m., the House adjourned until noon on Wednesday, January 29, 2003.

¶4.21 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mrs. MALONEY, Ms. BALDWIN, Mr. BERMAN, Mr. BOUCHER, Mr. NADLER, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. DICKS, Mr. DOOLEY of California, Mr. ENGEL, Mr. ETHERIDGE, Mr. FARR, Mr. FILNER, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KILDEE, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mrs. LOWEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. OWENS, Mr. PALLONE, Mr. RANGEL, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. UDALL of New Mexico):

H.R. 394. A bill to restore the Federal civil remedy for crimes of violence motivated by gender; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself and Mr. DINGELL):

H.R. 395. A bill to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO:

H.R. 396. A bill to provide assistance to the unemployed, tax relief for average Americans, fiscal assistance to state and local governments, and jobs and security through infrastructure investment, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Education and the Workforce, Energy and Commerce, Agriculture, Financial Services, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS:

H.R. 397. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois; to the Committee on Energy and Commerce.

By Mr. FERGUSON (for himself, Mr. DINGELL, Mr. BROWN of Ohio, and Mr. STUPAK):

H.R. 398. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. BROWN of Ohio, Mr. TAUZIN, Mr. DINGELL, Mr. UPTON, Mr. WAXMAN, Mr. BURR, Mr. DEUTSCH, Mr. WYNN, and Mr. PALLONE):

H.R. 399. A bill to amend the Public Health Service Act to promote organ donation; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 400. A bill to amend title 49, United States Code, to direct the Secretary of Transportation to require automobile manufacturers to provide automatic door locks and interior-opening trunk locks on new passenger cars manufactured after 2005; to the Committee on Energy and Commerce.

By Mr. ANDREWS (for himself, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. SOUDER, Mr. SCHROCK, Mr. SAXTON, and Mr. WILSON of South Carolina):

H.R. 401. A bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 402. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the environmental cleanup of certain contaminated industrial sites designated as brownfields; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 403. A bill to amend the Social Security Act to require that anticipated child

support be held in trust on the sale or refinancing of certain real property of an obligated parent; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 404. A bill to amend the Controlled Substances Act to provide penalties for open air drug markets, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 405. A bill to provide that a person who brings a product liability action in a Federal or State court for injuries sustained from a product that is not in compliance with a voluntary or mandatory standard issued by the Consumer Product Safety Commission may recover treble damages, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLANCE (for himself, Mr. JONES of North Carolina, Mr. MCINTYRE, and Mr. ETHERIDGE):

H.R. 406. A bill to authorize the Secretary of Agriculture to use unobligated funds from a housing demonstration program in the State of North Carolina to make grants under section 504 of the Housing Act of 1949 in such State; to the Committee on Financial Services.

By Mr. BONNER:

H.R. 407. A bill to repeal the sunset of the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Ways and Means.

By Mr. CAMP (for himself and Mr. STUPAK):

H.R. 408. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Resources.

By Mr. CARSON of Oklahoma:

H.R. 409. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Ways and Means.

By Mr. CARSON of Oklahoma:

H.R. 410. A bill to provide for the issuance of bonds to construct and modernize Indian schools and to provide a credit against Federal income tax for holders of such bonds; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. LEVIN, Mr. STUPAK, Mr. KILDEE, and Mr. ROGERS of Michigan):

H.R. 411. A bill to direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with Canada respecting the importation of municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FROST (for himself, Ms. DUNN, Mr. LAMPSON, Mr. POMBO, Mr. CONYERS, Ms. GRANGER, Mr. SCHIFF, Mr. HOLT, Mr. BELL, Mr. MEEHAN, Mr. MATHESON, Mr. HASTINGS of Florida, Mr. KILDEE, Mr. SERRANO, Mr. MENENDEZ, Mr. WEXLER, Mr. EDWARDS, Mrs. BONO, Mr. MCINTYRE, Mr. GUTIERREZ, Mr. BISHOP of New York, Mr. PALLONE, Mr. MOORE, Ms. MCCARTHY of Missouri, Mrs. TAUSCHER, Mr. HOLDEN, Ms. KAPTUR, Mrs. MALONEY, Mr. BROWN of Ohio, Mr. LUCAS of Kentucky, Mr. ROYCE, Ms. WOOLSEY, Mr. HONDA, Ms. NORTON, Ms. BALDWIN, Mr. HILL, Mrs. JOHNSON of Connecticut, Mr. REYES, Mr. ROSS, Mr. RODRIGUEZ, Ms. LOFGREN, Ms. HOOLEY of Oregon, Mr. BRADY of Texas, Mr. UDALL of New Mexico, Mr. LARSON of Connecticut, Mr. POMEROY, Mr. CANNON, Mr. STRICKLAND, Mr. GREEN of Texas, Mr. PASCRELL, Mr. FARR, Mr. LANGEVIN, Mr. FRELINGHUYSEN, Mr. KLECZKA, Mr. BAKER, Mr. WILSON of South Carolina, Mr. WU, Mr. RENZI, Mr. CARDOZA, Mr. LARSEN of Washington, Mr. NETHERCUTT, Mr. LEWIS of California, Mr. TERRY, Mr. ACEVEDO-VILA, Mr. RAMSTAD, Mr. DAVIS of Alabama, Mr. ENGEL, Mr. SPRATT, Mr. BARTON of Texas, Mr. STENHOLM, Mr. MARKEY, Mr. TANNER, Mr. WYNN, Mrs. DAVIS of California, Mr. CALVERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BACHUS, Mr. SMITH of New Jersey, Ms. BERKLEY, Mr. INSLEE, Mr. EMANUEL, Ms. DELAURO, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. SCOTT of Virginia, Mr. BACA, Ms. CORRINE BROWN of Florida, Mr. STUPAK, Mr. BURGESS, Mrs. BIGGERT, Mr. HENSARLING, Mr. MICHAUD, Mr. HEFLEY, Mr. TIERNEY, Mr. COOPER, Mr. KIND, Mr. WOLF, and Mr. MCHUGH):

H.R. 412. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.R. 413. A bill to require the Surface Transportation Board to consider certain issues when deciding whether to authorize the construction of a railroad line; to the Committee on Transportation and Infrastructure.

By Mr. GREEN of Texas:

H.R. 414. A bill to deem the nondisclosure of employer-owned life insurance coverage of employees an unfair trade practice under the Federal Trade Commission Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 415. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Members are elected; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 416. A bill to require the Secretary of Education to provide assistance to the immediate family of a teacher or other school employee killed in an act of violence while performing school duties; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H.R. 417. A bill to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; to the Committee on Resources.

By Mr. KANJORSKI:

H.R. 418. A bill to authorize certain States to prohibit the importation of solid waste from other States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KANJORSKI (for himself, Mr. NEY, Mrs. CUBIN, Mr. HOLDEN, Mr. SHERWOOD, Mr. MURTHA, Mr. GREENWOOD, Mrs. CAPITO, Ms. KAPTUR, and Mr. UDALL of Colorado):

H.R. 419. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to holders of bonds issued to finance land and water reclamation of abandoned mine land areas; to the Committee on Ways and Means.

By Mr. KOLBE:

H.R. 420. A bill to establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE (for himself, Mr. PASTOR, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. GEORGE MILLER of California, and Mr. GRIJALVA):

H.R. 421. A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE:

H.R. 422. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; to the Committee on Resources.

By Mr. PAUL (for himself, Mr. DUNCAN, and Mrs. MUSGRAVE):

H.R. 423. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. DUNCAN, and Mrs. MUSGRAVE):

H.R. 424. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H.R. 425. A bill to enable the residents of the Bayshore Manor assisted living facility in Key West, Florida, to continue to receive supplemental security income benefits under title XVI of the Social Security Act; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. MILLER of Florida, Mr. PAUL, Mr. COX, and Mr. FRANK of Massachusetts):

H.R. 426. A bill to prohibit the Federal Communications Commission from requiring digital television tuners in television receivers; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 427. A bill to amend the Clean Air Act to permit the sale in certain States of gasoline from other regions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 428. A bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 429. A bill to amend the Internal Revenue Code of 1986 to provide that the graduated income tax rates that apply to principal campaign committees of candidates for Congress shall apply to all comparable committees of candidates for State and local offices; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 430. A bill to amend the Internal Revenue Code of 1986 to increase the amount of capital losses that may offset ordinary income; to the Committee on Ways and Means.

By Mr. SULLIVAN (for himself, Mr. COLE, Mr. LUCAS of Oklahoma, and Mr. STUPAK):

H.R. 431. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself, Mr. SERRANO, Mr. OWENS, and Ms. BERKLEY):

H.R. 432. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide for the indexation of deferred annuities; to provide that a survivor annuity be provided to the widow or widower of a former employee who dies after separating from Government service with title to a deferred annuity under the Civil Service Retirement System but before establishing a valid claim therefor, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. MATSUI, Mr. CRANE, Mr. MCINNIS, and Mr. TOM DAVIS of Virginia):

H.R. 433. A bill to amend the Internal Revenue Code of 1986 to allow a minimum credit against the alternative minimum tax where stock acquired pursuant to an incentive stock option is sold or exchanged at a loss; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. AKIN, Mr. BURR, Mr. DEMINT, Mr. KNOLLENBERG, Mr. MICA, Mr. NEY, Mr. SMITH of New Jersey, Mr. TOOMEY, and Mr. WILSON of South Carolina):

H.R. 434. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL:

H.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mr. ANDREWS:

H. Con. Res. 16. Concurrent resolution calling for the immediate release of all political prisoners in Cuba, including Dr. Oscar Elias Biscet, and for other purposes; to the Committee on International Relations.

By Mr. EVERETT (for himself, Mr. ROGERS of Alabama, Mr. DAVIS of Alabama, Mr. CRAMER, Mr. BACHUS, Mr. BONNER, and Mr. ADERHOLT):

H. Con. Res. 17. Concurrent resolution expressing the sense of Congress regarding the establishment by the Hyundai Motor Company of its first automotive manufacturing facility in the United States; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida:

H. Con. Res. 18. Concurrent resolution calling on the Democratic People's Republic of Korea and the United States to return to an interim level of compliance with the Agreed Framework of 1994 while a more comprehensive and mutually acceptable agreement can be negotiated by those two nations; to the Committee on International Relations.

By Mr. HOYER (for himself, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. WYNN, Ms. NORTON, Mr. WOLF, Mr. VAN HOLLEN, Mr. ABERCROMBIE, Mr. SANDLIN, Mr. LEVIN, and Mr. ALLEN):

H. Con. Res. 19. Concurrent resolution expressing the sense of the Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services; to the Committee on Government Reform.

By Mr. PASCRELL:

H. Con. Res. 20. Concurrent resolution expressing the sense of the Congress that the earned income tax credit is a program of critical importance designed to assist the working poor; to the Committee on Ways and Means.

By Mr. VITTER (for himself, Mr. ALEXANDER, Mr. BAKER, Mr. JEFFERSON, Mr. JOHN, Mr. MCCRERY, and Mr. TAUZIN):

H. Con. Res. 21. Concurrent resolution commemorating the Bicentennial of the Louisiana Purchase; to the Committee on Resources.

By Ms. PRYCE of Ohio:

H. Res. 33. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. CALVERT:

H. Res. 34. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. MENENDEZ:

H. Res. 35. A resolution electing Members, Delegates, and Resident Commissioners to standing committees of the House of Representatives; considered and agreed to.

By Mr. MENENDEZ:

H. Res. 36. A resolution electing a named Member to standing committees of the House of Representatives; considered and agreed to.

By Mr. ANDREWS:

H. Res. 37. A resolution congratulating the Republic of Cyprus on its recent completion of the accession process into the European Union; to the Committee on International Relations.

By Mr. ANDREWS:

H. Res. 38. A resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the Equal Rights Amendment as part of the Constitution when the legislatures of an additional three States ratify the Equal Rights Amendment; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself and Mr. PALLONE):

H. Res. 39. A resolution congratulating Armenia on its recent accession to the World Trade Organization; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H. Res. 40. A resolution condemning the current political unrest and political leadership in Venezuela, calling for new elections in accordance with the constitution of that country, and for other purposes; to the Committee on International Relations.

¶4.22 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. STUPAK introduced a bill (H.R. 435) for the relief of Robert and Verda Shatusky; which was referred to the Committee on the Judiciary.

¶4.23 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. PLATTS, Mr. ANDREWS, Mr. ROSS, Mr. GORDON, and Mr. SAM JOHNSON of Texas.

H.R. 20: Mr. MCINTYRE, Mrs. CHRISTENSEN, Mr. RAHALL, Mr. SHIMKUS, Mr. SHAYS, and Mr. BOEHLERT.

H.R. 21: Mr. GREEN of Wisconsin and Mr. LIPINSKI.

H.R. 31: Mr. GREEN of Wisconsin, Mr. FLAKE, Mr. RYAN of Wisconsin, Mr. MATHESON, Mr. SHIMKUS, Ms. CARSON of Indiana, Mr. KIND, Mr. COBLE, Ms. GINNY BROWN-WAITE of Florida, Mr. SIMMONS, and Mr. BARRETT of South Carolina.

H.R. 33: Mr. MORAN of Kansas, Mrs. JO ANN DAVIS of Virginia, Mr. JENKINS, Mr. PAUL, Mr. NORWOOD, and Mrs. CHRISTENSEN.

H.R. 49: Mr. NORWOOD, Mr. KOLBE, Mr. SCHROCK, Mr. BURTON of Indiana, Mr. BARTLETT of Maryland, Mr. CRAMER, Mr. BISHOP of Georgia, Mr. KELLER, Mr. HASTINGS of Washington, Mr. SMITH of Texas, Ms. KILPATRICK, Mr. THOMPSON of California, Mr. CRENSHAW, Mr. GREENWOOD, Ms. HARRIS, Mr. HOSTETTLER, Mr. WOLF, Mrs. MILLER of Michigan, Mr. GOSS, Mr. SHIMKUS, Mr. PITTS, Mr. KLINE, and Mr. SOUDER.

H.R. 50: Mr. MANZULLO, Mr. KIRK, Mr. FRANKS of Arizona, Mr. SHIMKUS, Mr. KING of Iowa, Mr. TANCREDO, Mr. AKIN, Mr. BEAUPREZ, Mr. BARTLETT of Maryland, Mr. VITTER, and Mr. PITTS.

H.R. 57: Mr. SIMMONS, Mr. GRAVES, Mr. PENCE, Mr. JOHNSON of Illinois, Mr. SESSIONS, Mr. GOSS, Mr. MCHUGH, Mr. TANCREDO, Mr. CANNON, Mr. COBLE, Mr. BONILLA, Mr. WHITFIELD, Mr. SAXTON, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. SCHROCK, Mr. OTTER, Mr. DOOLITTLE, Mr. PAUL, Mr. ROHRABACHER, Mr. JENKINS, Mr. LUCAS of Kentucky, Ms. GRANGER, Mr. HAYES, Mr. EVERETT, Mr. FERGUSON, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. SWEENEY, Mr. KELLER, Mr. SHADEGG, Mr. BARRETT of South Carolina, Mr. WALDEN of Oregon, Mr. WALSH, Mr. MARIO DIAZ-BALART of Florida, Ms. PRYCE of Ohio, Mr. ISTOOK, Mr. ISSA, Ms. BERKLEY, Ms. ROS-LEHTINEN, Mr. SENSENBRENNER, Mrs. CUBIN, Mr. MILLER of Florida, Mr. LATHAM, Mrs. CAPITO, Mr. RADANOVICH, and Mr. GARY G. MILLER of California.

H.R. 100: Mr. REYES and Mr. FILNER.

H.R. 115: Mr. MCHUGH.

H.R. 138: Mr. MCINTYRE.

H.R. 163: Ms. VELAZQUEZ, Mr. CUMMMINGS, Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Mr. CLAY, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, and Ms. NORTON.

H.R. 196: Mr. CARSON of Oklahoma.

H.R. 200: Ms. WOOLSEY, Mr. OWENS, Ms. LEE, Mr. MCGOVERN, and Mr. PASTOR.

H.R. 218: Mr. JOHNSON of Illinois.

H.R. 219: Mr. NEY and Mr. WAMP.

H.R. 220: Mr. SENSENBRENNER.

H.R. 235: Mr. MILLER of Florida, Mr. BURR, Mr. HEFLEY, Mr. KING of Iowa, Mr. PICKERING, Mr. WOLF, Mr. WHITFIELD, Mr. NORWOOD, Mr. SULLIVAN, Mr. LEWIS of Kentucky, Mr. GOODE, and Mr. HOSTETTLER.

H.R. 241: Mr. REYES and Mr. FILNER.

H.R. 242: Mr. GOODE.

H.R. 243: Mr. CUNNINGHAM and Mr. EHLERS.
H.R. 250: Mr. MCNULTY, Mr. BLUEMENAUER Mr. LEACH, Ms. MILLENDER-MCDONALD, Ms. NORTON, Ms. ESHOO, Ms. LEE, Ms. BORDALLO, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. CARSON of Indiana.
H.R. 265: Mr. MCDERMOTT.
H.R. 270: Mr. FERGUSON, Mrs. LOWEY, Mr. WEINER, Mr. FOSSELLA, and Mr. BASS.
H.R. 290: Mr. JACKSON of Illinois.
H.R. 302: Mr. NEY.
H.R. 303: Mr. SENSENBRENNER.
H.R. 308: Mr. ENGLISH, Mr. LATOURETTE, Mr. OWENS, and Mr. TOWNS.
H.R. 309: Mr. RADANOVICH.
H.R. 311: Mr. CANNON, Mr. MILLER of Florida, and Mr. HAYWORTH.
H.R. 315: Mr. BURR.
H.R. 318: Mr. MICHAUD and Mr. WELLER.
H.R. 323: Mr. HINCHEY, Mr. PASCRELL, Mr. JACKSON of Illinois, and Mr. BOYD.
H.R. 339: Mr. MICA, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, Mr. PENCE, Mr. CHOCOLA, Mr. MILLER of Florida, and Mr. ISSA.
H.R. 352: Mr. SMITH of New Jersey and Mr. MILLER of Florida.
H.R. 389: Ms. SCHAKOWSKY and Mr. FROST.
H.J. Res. 3: Mr. NETHERCUTT, Mr. JENKINS, Mr. LATOURETTE, Mr. CUNNINGHAM, Mr. FORBES, Mr. NEY, Mr. WOLF, Mr. HALL, Mr. HAYES, Mr. MILLER of Florida, Mr. PETRI, Mr. SCHROCK, Mr. MENENDEZ, Mr. WALSH, Mr. OTTER, Mr. BRADLEY of New Hampshire, Mr. PUTNAM, Mr. FROST, Mr. LARSEN of Washington, Mr. BURNS, Ms. ESHOO, Mrs. CHRISTENSEN, Mr. GOODE, Mr. HYDE, Mr. GOODLATTE, Mr. EDWARDS, Mr. MATHESON, Mr. WAMP, Mr. HULSHOF, Mr. BONILLA, Mr. KILDEE, Mrs. BIGGERT, Mrs. BLACKBURN, Mr. MORAN of Virginia, Ms. GINNY BROWN-WAITE of Florida, Mr. GINGREY, Mr. UDALL of Colorado, and Mr. BACHUS.
H. Res. 31: Mr. FOLEY.

¶4.24 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 107: Mr. KENNEDY of Rhode Island.
H.R. 111: Mrs. MCCARTHY of New York.

WEDNESDAY, JANUARY 29, 2003 (5)

¶5.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. ISAKSON, who laid before the House the following communication:

WASHINGTON, DC,
January 29, 2003.

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

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

¶5.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ISAKSON, announced he had examined and approved the Journal of the proceedings of Tuesday, January 28, 2003.

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

¶5.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

280. A letter from the Administrator, Poultry Programs, Department of Agriculture, transmitting the Department's final rule — Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading [Docket No. PY-02-002] (RIN: 0581-AC10) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

281. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Martin J. Mayer, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

282. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Joseph W. Ralston, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

283. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Public Housing Total Development Cost [Docket No . FR-4489-F-02] (RIN: 2577-AC05) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

284. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

285. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Suspension of Community Eligibility [Docket No. FEMA-7797] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

286. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Disclosure Required by Sections 404, 406 and 407 of the Sarbanes-Oxley Act of 2002 [Release Nos. 33-8138; 34-46701; IC-25775; File No. S7-40-02] (RIN: 3235-AI66) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

287. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Strengthening the Commission's Requirements Regarding Auditor Independence [Release No. 33-8154; 34-46934; 35-27610; IC-25838; IA-2088, FR-64, File No. S7-49-02](RIN: 3235-AI73) received January 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

288. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; External Quality Review of Medicaid Managed Care Organizations [CMS-2015-F] (RIN: 0938-AJ06) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

289. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999 [AD-FRL-6995-3] (RIN: 2060-AJ46) received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

290. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects [AD-FRL-7414-5] (RIN: 2060-AE11) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

291. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects [AD-FRL-7414-5] (RIN: 2060-AE11) received December 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

292. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies [MM Docket No. 98-204] received January 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

293. A letter from the Acting Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Jt. Board on Universal Service [Doc No. 96-45]; 1998 Biennial Regulatory Review-Streamlined Contributor Reporting Requirements Associated with Admin. of Telecom. Relay Service, N. Amer. Numbering Plan, Local No. Portability, & Universal Service Support Mechanisms [Doc No. 98-171]; Telecom Services for Individuals with Hearing & Speech Disabilities, & the A.D.A. Act of 1990 [Doc No. 90-571]; Admin. of the N. Amer. Numbering Plan & N. Amer. Numbering Plan Cost Recovery Contribution Factor & Fund Size [Doc No. 92-237, NSD File No. L-00-72]; Number Resource Optimization [Doc No. 99-200]; Telephone No. Portability to the Committee on Energy and Commerce.

294. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-128] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

295. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized Advanced NUHOMS-24PT1 Addition (RIN: 3150-AG74) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

296. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

297. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

298. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

299. A letter from the Secretary, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2002 through September 30, 2002, pursuant to 5

U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

300. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

301. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

302. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

303. A letter from the Chair, Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

304. A letter from the Secretary, Department of Education, transmitting the twenty-seventh Semiannual Report to Congress on Audit Follow-Up covering the period from April 1, 2002 to September 30, 2002, pursuant to 5 app.; to the Committee on Government Reform.

305. A letter from the Inspector General, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

306. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

308. A letter from the General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

309. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Corporation's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

310. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

311. A letter from the Inspector General Liaison, Selective Service System, transmitting a report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

312. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

313. A letter from the Chairman, U.S. International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

314. A letter from the President, United States Institute of Peace, transmitting a report in compliance with the Inspector General Act of 1978 as amended and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

315. A letter from the Chair, Federal Election Commission, transmitting the Commission's final rule — Increased Contribution and Coordinated Party Expenditure Limits for Candidates Opposing Self-financed Candidates [Notice 2003-3] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

316. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Revision of the Charter Vessel and Headboat Permit Moratorium in the Gulf of Mexico [Docket No. 021209298-2298-01; I.D. 120402C] (RIN: 0648-AQ59) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

317. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations (CAFO's) [FRL-6921-4] (RIN: 2040-AD19) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

318. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-7] received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

319. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-5) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

320. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-6) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

321. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Services's final rule — Rulings and determination letters [Rev. Proc. 2003-4] received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

322. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Exclusion of Gain from Sale or Exchange of a Principal Residence [TD 9030] (RIN: 1545-AX28) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

323. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Reduced Maximum Exclusion of Gain from Sale or Exchange of Principal Residence [TD 9031] (RIN: 1545-BB02) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

324. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-13) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

325. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Gross Income defined (Rev. Rul. 2003-12) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

326. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Election to Treat Trust as Part of an Estate [TD 9032] (RIN: 1545-AW24) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

327. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Duration of COBRA continuation coverage (Rev. Rul. 2002-88) received January 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

328. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — LIFO Recapture [Notice 2003-4] received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

329. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Application of separate limitations to dividends from noncontrolled section 902 corporations [Notice 2003-5] received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

330. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Income, war profits or excess profits tax paid or accrued (Rev. Rul. 2003-8) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶5.4 SUPER BOWL CHAMPION TAMPA BAY BUCCANEERS

Mr. PUTNAM moved to suspend the rules and agree to the following resolution (H. Res. 31):

Whereas, on Sunday, January 26, 2003, the Tampa Bay Buccaneers dominated Super Bowl XXXVII, defeating the Oakland Raiders by a score of 48–21;

Whereas the 27-year-old Buccaneers franchise won the National Football League's World Championship in their first-ever Super Bowl appearance;

Whereas coach Jon Gruden, in his first year as head coach of the Buccaneers, led the team to the pinnacle of success;

Whereas the Buccaneers overcame adversity and defeated the Oakland Raiders, a team credited with possessing the number-one ranked offense in the National Football League;

Whereas throughout the season the Buccaneers were led by a number of players, most notably veterans Warren Sapp, Derrick Brooks and John Lynch, who banded together to form the number-one ranked defense in the National Football League;

Whereas owner Malcolm Glazer's unwavering dedication to bringing together the most talented coaches and players has resulted in the achievement of the most sought-after honor in professional football: the Vince Lombardi trophy;

Whereas the Buccaneers are an integral part of the Tampa Bay community;

Whereas the entire Tampa Bay community is proud of the Buccaneers and their extraordinary season and tremendous accomplishment;

Whereas this championship is especially satisfying to the dedicated Buccaneers fans who have loyally supported the team since their inception in 1976; a very long journey that has culminated in a Super Bowl victory and the recognition that the Buccaneers are the best football team in the world: Now, therefore, be it

Resolved, That the House of Representatives congratulates the World Champion Tampa Bay Buccaneers for their victory in Super Bowl XXXVII.

The SPEAKER pro tempore, Mr. ISAKSON, recognized Mr. PUTNAM and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ISAKSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶5.5 FURTHER CONTINUING APPROPRIATIONS FY 2003

On motion of Mr. YOUNG of Florida, by unanimous consent, the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. YOUNG of Florida, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶5.6 MOTION TO INSTRUCT CONFEREES—H.J. RES. 2

Mr. OBEY moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 2), be instructed to agree to the highest level of funding within the scope of conference (1) for the programs within the jurisdiction of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, including advance appropriations in the Senate amendment, and (2) for veterans' medical care and to insist that, within the scope of conference, no item requested by the President for homeland security (as identified in the OMB submission titled ''Homeland Security Funding'') be funded below the level of the President's request.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion to instruct?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the yeas had it.

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 200 / Nays ..... 209 }

¶5.7 [Roll No. 17]

YEAS—200

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

NAYS—209

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

NOT VOTING—25

Becerra
Burton (IN)
Camp
Combest
Conyers
Cubin
Ehlers
Gallegly
Gephardt
Hastings (FL)
Herger
Hoekstra
Johnson, E.B.
Kaptur
Lewis (CA)
Olver
Ros-Lehtinen
Shaw
Smith (MI)
Smith (TX)
Tiahrt
Towns
Weldon (PA)
Wilson (NM)
Wilson (SC)

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶5.8 APPOINTMENT OF CONFEREES—H.J. RES. 2

Thereupon, the SPEAKER pro tempore, Mr. ISAKSON, by unanimous consent, appointed Messrs. YOUNG of Florida, REGULA, ROGERS of Kentucky,

WOLF, KOLBE, WALSH, TAYLOR of North Carolina, HOBSON, ISTOOK, BONILLA, KNOLLENBERG, KINGSTON, OBEY, MURTHA, DICKS, SABO, MOLLOHAN, Ms. KAPTUR, Mr. VISCLOSKY, Mrs. LOWEY, Messrs. SERRANO, and MORAN of Virginia, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶5.9 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, January 31, 2003; and further, that when the House adjourns on Friday, January 31, 2003, it adjourn to meet at 4 p.m. on Tuesday, February 4, 2003.

¶5.10 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY

The SPEAKER pro tempore, Mr. PUTNAM, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 29, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Speaker's Room, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 50 U.S.C. 401, section 1002(b) of the Intelligence Authorization Act, I hereby appoint to the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: Representatives Zoe Lofgren (D–CA) and Maurice Sonnenberg.

Best,

NANCY PELOSI,
Democratic Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶5.11 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. EHLERS, for today.

And then,

¶5.12 ADJOURNMENT

On motion of Mr. BROWN of Ohio, pursuant to the previous order of the House, at 3 o'clock and 1 minute p.m., the House adjourned until 10 a.m. on Friday, January 31, 2003.

¶5.13 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RANGEL:

H.R. 436. A bill to suspend the phase in of additional tax reductions under the Economic Growth and Tax Relief Reconciliation Act of 2001 while the United States is in a state of war or on high military alert; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Ms. DELAURO, and Mr. SHAYS):

H.R. 437. A bill to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; to the Committee on Resources.

By Mr. WILSON of South Carolina (for himself, Mr. COLE, Mr. BOEHNER, Mr. MCKEON, Mr. ISAKSON, Mr. GREENWOOD, Mr. SOUDER, Mr. PLATTS, Mr. TIBERI, Mr. BAKER, Mrs. WILSON of New Mexico, and Mr. GRAVES):

H.R. 438. A bill to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 439. A bill to create a system of background checks for certain workers who enter people's homes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GUTIERREZ (for himself, Mrs. NAPOLITANO, Mr. PASTOR, Mr. SERRANO, Ms. SOLIS, Mr. GRIJALVA, and Mr. ACEVEDO-VILA):

H.R. 440. A bill to amend the Immigration and Nationality Act to adjust the status of certain aliens with longstanding ties to the United States to that of an alien lawfully admitted to permanent residence, to promote family unity, to improve national security, to modify provisions of such Act affecting removal of aliens from the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of Ohio (for himself, Mr. CHABOT, Mr. COX, Mr. DAVIS of Florida, Mr. HOEFFEL, Mr. ROHRABACHER, Mr. SHERMAN, and Mr. WEXLER):

H.R. 441. A bill to amend Public Law 107-10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2003 in Geneva, Switzerland, and for other purposes; to the Committee on International Relations.

By Mr. CAMP (for himself, Mr. MCGOVERN, Mr. FOLEY, Mr. MATSUI, Mr. RAMSTAD, Mr. NEAL of Massachusetts, Mr. ENGLISH, Mrs. JONES of Ohio, Mr. HOUGHTON, Mr. HINCHEY, Mr. ROGERS of Michigan, Mr. EVANS, Mr. PETRI, Mr. TIERNEY, Mr. HOEKSTRA, Mr. STUPAK, Mrs. MILLER of Michigan, Mr. FRANK of Massachusetts, Mr. MCINNIS, Mr. WAXMAN, and Mr. WELLER):

H.R. 442. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to cover fees, books, supplies, and equipment and to exempt Federal Pell Grants and Federal supplemental educational opportunity grants from reducing expenses taken into account for the Hope Scholarship Credit; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 443. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. BOEHNER, Mr. MCKEON, Ms. PRYCE of Ohio, Mr. BALLENGER, Mr. GREENWOOD, Mr. SOUDER, Mr. NORWOOD, Mr. DEMINT, Mr. ISAKSON, Mr. PLATTS, Mr. TIBERI, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, Mr. BEAUPREZ, Mr. CUNNINGHAM, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. MCHUGH, Mr. NETHERCUTT, Mr. OXLEY, Mr. SIMMONS, Mr. SMITH of New Jersey, Mr. TIAHRT, and Mr. WOLF):

H.R. 444. A bill to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work; to the Committee on Education and the Workforce.

By Mr. NADLER (for himself, Mr. BERMAN, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. DAVIS of Florida, Ms. DELAURO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. HONDA, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. LANTOS, Ms. LOFGREN, Mr. LYNCH, Ms. MCCOLLUM, Mr. MCDERMOTT, Mrs. MALONEY, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. RANGEL, Mr. RODRIGUEZ, Mr. SABO, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. STARK, Mr. TIERNEY, Mr. WEINER, and Ms. WOOLSEY):

H.R. 445. A bill to authorize the Secretary of Housing and Urban Development to make grants to States to supplement State assistance for the preservation of affordable housing for low-income families; to the Committee on Financial Services.

By Mr. DEFAZIO:

H.R. 446. A bill to establish an Emergency Malpractice Liability Insurance Commission; to the Committee on Energy and Commerce.

By Mr. DEFAZIO:

H.R. 447. A bill to establish an Office of Health Care Competition within the Department of Health and Human Services to administer the National Practitioner Data Base and to collect and make available to the public more information on medical malpractice insurance under that Data Base; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself and Ms. NORTON):

H.R. 448. A bill to modify the antitrust exemption applicable to the business of insurance; to the Committee on the Judiciary.

By Ms. DUNN (for herself, Mrs. WILSON of New Mexico, Mr. NETHERCUTT, Mr. DICKS, Mr. HASTINGS of Washington, Mr. BAIRD, Mr. MCDERMOTT, and Mr. INSLEE):

H.R. 449. A bill to amend title XXI of the Social Security Act to permit the use of unexpended allotments under the State children's health care program for an additional fiscal year, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DUNN (for herself and Mr. NEAL of Massachusetts):

H.R. 450. A bill to amend the Internal Revenue Code of 1986 to provide incentives to small businesses to provide health insurance to their employees; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 451. A bill to amend the Internal Revenue Code of 1986 to modify the at-risk rules for publicly traded nonrecourse debt; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN (for himself, Mr. HOLT, Mr. SAXTON, Mr. FERGUSON, Mr. SMITH of New Jersey, Mr. PASCRELL, Mr. LOBIONDO, Mr. PALLONE, Mr. ANDREWS, Mr. PAYNE, Mr. MENENDEZ, Mr. ROTHMAN, and Mr. GARRETT of New Jersey):

H.R. 452. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue System; to the Committee on Transportation and Infrastructure.

By Mr. GILLMOR (for himself, Mr. NEY, Mr. BEREUTER, and Mrs. JONES of Ohio):

H.R. 453. A bill to amend the Federal Deposit Insurance Act with respect to municipal deposits; to the Committee on Financial Services.

By Mr. GRAVES:

H.R. 454. A bill to amend the Internal Revenue Code of 1986 to provide to employers a

tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for himself and Mr. RYAN of Wisconsin):

H.R. 455. A bill to require the Secretary of Agriculture to use the Department of Agriculture's preferred Option 1B as the price structure for Class I fluid milk under Federal milk marketing orders, to provide emergency market loss payments to dairy producers for any calendar year quarter in which the national average price for Class III milk under Federal milk marketing orders is less than a target price of $11.50 per hundredweight, and for other purposes; to the Committee on Agriculture.

By Mr. GREEN of Wisconsin:

H.R. 456. A bill to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin (for himself, Mr. KENNEDY of Minnesota, Mr. NETHERCUTT, Mr. BAKER, Mr. MCHUGH, and Mr. POMEROY):

H.R. 457. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale of a family farming business to a family member; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself and Mr. GRIJALVA):

H.R. 458. A bill to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. CRANE, Mr. CANNON, Mr. CARTER, Mr. ISSA, Mr. WAMP, Mr. WILSON of South Carolina, Mr. PITTS, Mr. SENSENBRENNER, Mr. SOUDER, Mr. GOODE, Mr. MILLER of Florida, and Mr. SHAYS):

H.R. 459. A bill to amend the Internal Revenue Code of 1986 to provide economic stimulus; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. UDALL of Colorado, Mr. MCINNIS, Mr. RENZI, Mr. UDALL of New Mexico, Mrs. WILSON of New Mexico, Mr. KOLBE, and Mr. TANCREDO):

H.R. 460. A bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL (for himself, Mrs. NORTHUP, and Mr. SOUDER):

H.R. 461. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail; to the Committee on Resources.

By Mr. ISAKSON:

H.R. 462. A bill to amend the Internal Revenue Code of 1986 to temporarily exclude long-term capital gain from the gross income of individuals; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MATSUI, Mr. CAMP, and Mr. CARDIN):

H.R. 463. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. BOEHNER, and Mr. CASTLE):

H.R. 464. A bill to provide relief to teachers, administrators, and related services providers from an excessive paperwork burden, and to reduce time spent by teachers on noninstructional activities, as required under the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

By Mr. KING of Iowa (for himself, Mr. POMEROY, Mr. SHIMKUS, Mr. SIMPSON, Mr. REHBERG, Mr. WELLER, Mr. LAHOOD, Mr. KENNEDY of Minnesota, Mr. LATHAM, Mr. MORAN of Kansas, Mr. BEREUTER, Mr. GRAVES, Mrs. EMERSON, Mr. BLUNT, and Mr. JOHNSON of Illinois):

H.R. 465. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. QUINN, Mr. WALSH, Mrs. KELLY, Mr. CUNNINGHAM, Mr. ALLEN, Mr. KENNEDY of Rhode Island, Mr. PASTOR, Mr. LATOURETTE, Mr. MEEHAN, Mr. MCHUGH, Mr. PALLONE, Ms. ROS-LEHTINEN, Mr. SAXTON, Mr. WEINER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ACKERMAN, Mr. WOLF, Mr. ISRAEL, Mr. CLAY, Mrs. MALONEY, Mr. LYNCH, Mr. SANDLIN, Mr. ENGEL, Mrs. BIGGERT, Mr. ANDREWS, Mr. DEAL of Georgia, Mrs. CAPITO, Mr. INSLEE, Mr. PAYNE, and Mr. HOLT):

H.R. 466. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Ms. LEE, and Ms. DELAURO):

H.R. 467. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that foods containing spices, flavoring, or coloring derived from meat, poultry, other animal products (including insects), or known allergens bear labeling stating that fact and their names; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mr. BROWN of Ohio, Mr. CROWLEY, Ms. DELAURO, Mr. KILDEE, and Mr. MCDERMOTT):

H.R. 468. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mr. ENGEL, and Mrs. KELLY):

H.R. 469. A bill to provide an enhanced penalty for threatening to kill, injure, or intimidate an individual, or to cause property damage, by means of fire or an explosive on school property; to the Committee on the Judiciary.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. CROWLEY, Mr. FROST, Ms. LEE, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Ms. WOOLSEY, Mr. WYNN, and Mr. FARR):

H.R. 470. A bill to amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. CROWLEY, Mr. FROST, Ms. LEE, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Ms. WOOLSEY, Mr. WYNN, and Mr. FARR):

H.R. 471. A bill to amend title II of the Social Security Act to eliminate the two-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. CROWLEY, Mr. FROST, Ms. LEE, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Ms. WOOLSEY, Mr. WYNN, and Mr. FARR):

H.R. 472. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. CONYERS, Mr. CROWLEY, Ms. DELAURO, Mr. FILNER, Mr. FROST, Mr. HASTINGS of Florida, Mr. KUCINICH, Mr. MCDERMOTT, Ms. NORTON, Mr. OBERSTAR, Mr. PAYNE, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Ms. WOOLSEY, Ms. BERKLEY, Ms. MILLENDER-MCDONALD, and Mr. FARR):

H.R. 473. A bill to amend title II of the Social Security Act to credit prospectively individuals serving as caregivers of dependent relatives with deemed wages for up to five years of such service; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. CONYERS, Mr. CROWLEY, Mr. FROST, Ms. LEE, Mr. PALLONE, Mr. PAYNE, Ms. WATSON, Ms. WOOLSEY, Mr. WYNN, and Mr. FARR):

H.R. 474. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. ABERCROMBIE, Mr. CROWLEY, Mr. FERGUSON, Mr. FRELINGHUYSEN, Mr. FROST, Mr. HINCHEY, Mr. HOLT, Ms. KAPTUR, Mr. LANTOS, Mr. NADLER, Mr. PALLONE, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SMITH of Washington, Mr. ROTHMAN, Mr. STARK, and Mr. WEINER):

H.R. 475. A bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. ANDREWS, Mr. BROWN of Ohio, Mrs. CAPITO, Mr. CAPUANO, Mr. ENGEL, Mr. FILNER, Mr. FOLEY, Mr. FOSSELLA, Mr. GILLMOR, Mr. HINCHEY, Mr. HOLDEN, Ms. KAPTUR, Mr. KILDEE, Ms. LOFGREN, Mr. MARKEY, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. PAUL, Mr. ROTHMAN, Mr. RUSH, and Mr. STRICKLAND):

H.R. 476. A bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 477. A bill to extend Federal recognition to the Duwamish Tribe, and for other purposes; to the Committee on Resources.

By Mr. MCINNIS (for himself, Mr. POMEROY, Mr. HAYWORTH, Mr. HULSHOF, Mr. HERGER, Mrs. CUBIN, Mr. HEFLEY, Mr. BEAUPREZ, Mrs. MUSGRAVE, Ms. DEGETTE, Mr. TANCREDO, and Mr. PETERSON of Pennsylvania):

H.R. 478. A bill to amend the Internal Revenue Code of 1986 to expand the rules for involuntary conversions of livestock sold on

account of weather-related conditions; to the Committee on Ways and Means.

By Mr. MCNULTY:

H.R. 479. A bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances; to the Committee on Armed Services.

By Mr. MCNULTY:

H.R. 480. A bill to redesignate the facility of the United States Postal Service located at 747 Broadway in Albany, New York, as the ''United States Postal Service Henry Johnson Annex''; to the Committee on Government Reform.

By Mr. MCNULTY:

H.R. 481. A bill to amend title 49, United States Code, to grant the State of New York authority to allow tandem trailers to use Interstate Route 787 between the New York State Thruway and Church Street in Albany, New York; to the Committee on Transportation and Infrastructure.

By Mr. MILLER of Florida:

H.R. 482. A bill to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Agriculture.

By Mr. MORAN of Kansas (for himself, Mrs. CUBIN, Mr. OSBORNE, Mr. REHBERG, and Mrs. MUSGRAVE):

H.R. 483. A bill to amend the Internal Revenue Code of 1986 to provide involuntary conversion tax relief for producers forced to sell livestock due to weather-related conditions or Federal land management agency policy or action, and for other purposes; to the Committee on Ways and Means.

By Mr. OSE (for himself, Mr. HOUGHTON, Mr. CASTLE, and Mr. LEACH):

H.R. 484. A bill to make certain amendments to the Homeland Security Act of 2002; to the Committee on Homeland Security (Select), and in addition to the Committees on Energy and Commerce, Science, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 485. A bill to provide for a Federal program to stabilize medical malpractice insurance premiums; to the Committee on Energy and Commerce.

By Mr. VITTER:

H.R. 486. A bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU-486; to the Committee on Energy and Commerce.

By Mr. PAUL (for himself, Mr. DEFAZIO, and Mr. FRANK of Massachusetts):

H.R. 487. A bill to repeal the Military Selective Service Act; to the Committee on Armed Services.

By Mr. PAUL (for himself, Mr. GOODE, Mrs. MUSGRAVE, and Mr. DUNCAN):

H.R. 488. A bill to limit the issuance of student and diversity immigrant visas to aliens who are nationals of Saudi Arabia, countries that support terrorism, or countries not cooperating fully with United States antiterrorism efforts; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 489. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively that wages earned, and self-employment income derived, by individuals who are not citizens or nationals of the United States shall not be credited for coverage under the old-age, survivors, and disability insurance program under such title, and to provide the President with authority to enter into agreements with other nations taking into account such limitation on crediting of wages and self-employment income; to the Committee on Ways and Means.

By Mr. PETRI (for himself, Mr. GEORGE MILLER of California, Mr. OTTER, Mr. DOYLE, Mr. DICKS, Mr. ANDREWS, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mr. SMITH of Washington, Mr. WILSON of South Carolina, Mrs. MALONEY, Mr. GREENWOOD, Mr. WALSH, Mr. LATOURETTE, Mr. BOSWELL, Mr. HONDA, Mr. GREEN of Texas, Mr. TIERNEY, Mr. BACA, Mr. INSLEE, Mrs. DAVIS of California, Mr. PALLONE, Ms. BORDALLO, Mr. WAXMAN, and Ms. NORTON):

H.R. 490. A bill to improve access to printed instructional materials used by blind or other persons with print disabilities in elementary and secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself, Mr. ROSS, Mr. GOODE, Mr. EVERETT, Mr. TURNER of Texas, Mr. WICKER, Mr. CRAMER, and Mr. ALEXANDER):

H.R. 491. A bill to amend the Tariff Act of 1930 to clarify the adjustments to be made in determining export price and constructed export price; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 492. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate for charitable purposes to the standard mileage rate established by the Secretary of the Treasury for business purposes; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 493. A bill to repeal the sunset on the increased assistance pursuant to the dependent care tax credit provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 and to make the credit refundable; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 494. A bill to amend the Internal Revenue Code of 1986 to allow a full deduction for meals and lodging in connection with medical care; to the Committee on Ways and Means.

By Mr. RENZI (for himself, Mr. HAYWORTH, Mr. PASTOR, Mr. GRIJALVA, and Mr. KOLBE):

H.R. 495. A bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; to the Committee on Resources.

By Mr. SAXTON (for himself, Mr. ABERCROMBIE, Mr. AKIN, Mr. ANDREWS, Mrs. CUBIN, Ms. DUNN, Mr. ENGLISH, Mr. FERGUSON, Mr. FOSSELLA, Mrs. JOHNSON of Connecticut, Mr. KOLBE, Mr. LUCAS of Kentucky, Mr. PAUL, Mr. ROHRABACHER, Mr. SHAYS, and Mr. WILSON of South Carolina):

H.R. 496. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. SMITH of Michigan):

H.R. 497. A bill to amend the Internal Revenue Code of 1986 to suspend all motor fuel taxes for six months, and to permanently repeal the 4.3-cent per gallon increases in motor fuel taxes enacted in 1993; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 498. A bill to amend the Internal Revenue Code of 1986 to allow employees of county and local governments and of schools to maintain medical savings accounts; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 499. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for tuition expenses incurred for each qualifying child of the taxpayer in attending public or private elementary or secondary school; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 500. A bill to amend title XVIII of the Social Security Act to provide for a permanent increase in payment amounts under the Medicare Program for home health services furnished in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself and Ms. LORETTA SANCHEZ of California):

H.R. 501. A bill to establish a student loan forgiveness program for nurses; to the Committee on Education and the Workforce.

By Mr. TANCREDO (for himself, Mr. DEAL of Georgia, Mr. DUNCAN, Mr. NORWOOD, Mr. SCHROCK, Mr. BARTLETT of Maryland, Mr. SMITH of Texas, Mr. WELDON of Florida, Mr. ROHRABACHER, Mr. AKIN, Mr. GOODE, Mr. KING of Iowa, and Mr. MILLER of Florida):

H.R. 502. A bill to require identification that may be used in obtaining Federal public benefits to meet restrictions ensuring that it is secure and verifiable; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY (for himself, Mr. STENHOLM, Mr. BONILLA, Mr. TURNER of Texas, Mr. COMBEST, Mr. SULLIVAN, Mr. SMITH of Texas, and Mrs. CUBIN):

H.R. 503. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the production of oil and gas from domestic marginal wells and to extend the credit for alternative fuels; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 504. A bill to provide for the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 505. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 506. A bill to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 507. A bill to declare that the United States holds certain public domain lands in trust for the Pueblos of San Ildefonso and Santa Clara; to the Committee on Resources.

By Mr. WICKER:

H.R. 508. A bill to provide that, in establishing wage schedules for certain prevailing rate employees with respect to whom the Government is currently experiencing recruitment and retention problems, rates of pay for comparable positions in the nearest, most similar wage area shall be taken into account; to the Committee on Government Reform.

By Mr. PLATTS:

H.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of consecutive terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mr. BEREUTER, Mr. BERMAN, and Mr. LANTOS):

H. Con. Res. 22. Concurrent resolution honoring Czech Republic President Vaclav Havel; to the Committee on International Relations.

By Mr. KNOLLENBERG (for himself, Mr. MANZULLO, Mr. DOOLEY of California, Mr. JEFFERSON, Mr. BLUNT, Mrs. BIGGERT, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BURR, Mr. BURTON of Indiana, Mr. CAMP, Mr. CRANE, Mr. DAVIS of Florida, Mr. DEMINT, Mr. DREIER, Ms. DUNN, Mr. EHLERS, Mr. FLAKE, Mr. FRELINGHUYSEN, Mr. GILLMOR, Mr. HERGER, Mr. HOEKSTRA, Mr. ISAKSON, Mr. ISSA, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Minnesota, Mr. KIND, Mr. KIRK, Mr. KOLBE, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LUCAS of Kentucky, Mr. MCCOTTER, Mr. PAUL, Mr. PENCE, Mr. PLATTS, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. ROGERS of Michigan, Mr. WICKER, Mr. SHAYS, Mr. SMITH of Michigan, Mr. TIBERI, Mr. TOWNS, Mr. UPTON, Mr. HOBSON, Mr. HOUGHTON, Mr. BOSWELL, Mr. PETRI, Mr. BASS, and Mr. GARY G. MILLER of California):

H. Con. Res. 23. Concurrent resolution urging the President to request the United States International Trade Commission to take certain actions with respect to the temporary safeguards on imports of certain steel products, and for other purposes; to the Committee on Ways and Means.

By Mr. BURR:

H. Con. Res. 24. Concurrent resolution expressing the sense of the Congress with respect to the election of Libya to the chairmanship of 59th session of the United Nations Commission on Human Rights in Geneva, Switzerland; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress that Social Security reform measures should not force State and local government employees into Social Security coverage; to the Committee on Ways and Means.

By Ms. MCCOLLUM (for herself, Mr. ABERCROMBIE, Mr. ALLEN, Ms. BERKLEY, Mr. BROWN of Ohio, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. CROWLEY, Mr. DEFAZIO, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. ETHERIDGE, Mr. EVANS, Mr. GILCHREST, Ms. NORTON, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KING of New York, Mr. LANTOS, Ms. LEE, Mr. MARKEY, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MEEHAN, Mr. MORAN of Virginia, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. RAHALL, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. SMITH of New Jersey, Mr. TIERNEY, Mrs. JONES of Ohio, Ms. WATSON, Mr. WAXMAN, and Mr. WEINER):

H. Con. Res. 26. Concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes; to the Committee on International Relations.

By Mr. BLUMENAUER (for himself, Mr. WU, Mr. WALDEN of Oregon, Mr. DEFAZIO, and Ms. HOOLEY of Oregon):

H. Res. 41. A resolution congratulating the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship; to the Committee on Education and the Workforce.

By Mr. GREEN of Wisconsin (for himself, Ms. HOOLEY of Oregon, and Mr. KLECZKA):

H. Res. 42. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued honoring American farm women; to the Committee on Government Reform.

By Mr. GREEN of Wisconsin (for himself, Mr. MEEHAN, Mr. SHAYS, Mr. DOGGETT, Mr. CAPUANO, Mr. PETRI, Mr. FRANK of Massachusetts, and Mr. BERMAN):

H. Res. 43. A resolution directing the Clerk of the House of Representatives to post on the official public Internet site of the House of Representatives all lobbying registrations and reports filed with the Clerk under the Lobbying Disclosure Act of 1995; to the Committee on the Judiciary.

By Mr. HAYES:

H. Res. 44. A resolution honoring the service and sacrifice of the United States Armed Forces military working dog teams for the part they have played in the Nation's military history; to the Committee on Armed Services.

By Mr. JONES of North Carolina (for himself, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BURR, Ms. WATSON, Mr. EVANS, Mrs. JONES of Ohio, Mr. TAYLOR of Mississippi, Ms. CORRINE BROWN of Florida, Mr. KLINE, Mr. MURTHA, Mr. SIMMONS, Mr. ISRAEL, Mr. ANDREWS, Mr. TURNER of Texas, Mr. WHITFIELD, Mr. DEUTSCH, Mrs. MILLER of Michigan, Mr. PETERSON of Pennsylvania, Mr. MENENDEZ, Mr. BEAUPREZ, Mr. WEXLER, Mr. ISSA, Mr. OWENS, Mr. WOLF, Mr. ENGEL, and Mr. MCNULTY):

H. Res. 45. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in remembrance of the victims of the peacekeeping mission in Beirut, Lebanon, from 1982 to 1984; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mr. WEINER, Mrs. MALONEY, Mr. SERRANO, Mr. FILNER, Ms. LOFGREN, Ms. NORTON, Ms. SLAUGHTER, Mr. TOWNS, Mr. LEACH, Mr. LANTOS, Mr. OBERSTAR, Mr. CROWLEY, Mr. OWENS, and Mr. HINCHEY):

H. Res. 46. A resolution honoring the life of Al Hirschfeld and his legacy; to the Committee on Government Reform.

¶5.14 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COLE:

H.R. 509. A bill for the relief of Lindita Idrizi Heath; to the Committee on the Judiciary.

By Mr. PLATTS:

H.R. 510. A bill for the relief of certain aliens who were aboard the Golden Venture; to the Committee on the Judiciary.

¶5.15 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. PLATTS, Mr. DEMINT, Mr. HOLT, Mr. MCHUGH, Mr. LANGEVIN, Mr. MATSUI, Mrs. MALONEY, Mr. FRANK of Massachusetts, Mr. SNYDER, Mr. SERRANO, Mr. CLYBURN, Mr. UPTON, Mr. BECERRA, Mr. OWENS, Mr. PETRI, Mr. BEREUTER, Mr. DOYLE, Mr. GORDON, Mr. QUINN, Mr. ENGEL, Ms. SLAUGHTER, Mr. LATOURETTE, Mr. ACKERMAN, Mr. GRIJALVA, Mr. UDALL of Colorado, Mr. BERMAN, Mr. MCINTYRE, and Mr. BELL.

H.R. 14: Mr. UPTON, Mr. MCINTYRE, Mrs. MILLER of Michigan, Mr. PLATTS, and Mr. SENSENBRENNER.

H.R. 24: Ms. CARSON of Indiana, Mr. CONYERS, Mr. GRIJALVA, and Ms. CORRINE BROWN of Florida.

H.R. 107: Mr. BARTON of Texas and Mr. ANDREWS.

H.R. 108: Mr. RADANOVICH and Mrs. CUBIN.

H.R. 110: Mr. RYAN of Wisconsin.

H.R. 111: Mr. LAHOOD, Mr. BISHOP of Utah, Mr. WELDON of Pennsylvania, Mr. BERRY, Mr. MICHAUD, Mr. BURR and Ms. MCCARTHY of Missouri.

H.R. 115: Mr. BAKER.

H.R. 120: Mr. TANCREDO, Mr. PAUL, Mr. KING of Iowa, Mrs. MYRICK, Mr. SENSENBRENNER, and Ms. HART.

H.R. 133: Mrs. KELLY.

H.R. 156: Mr. HOLDEN, Mr. TAYLOR of Mississippi, Mr. BROWN of South Carolina, Mr. PLATTS, and Mr. WALSH.

H.R. 157: Mr. LIPINSKI.

H.R. 161: Mr. RYAN of Ohio, Mr. LATOURETTE, Mrs. JONES of Ohio, Mr. NEY, Mr. BROWN of Ohio, Mr. TIBERI, Mr. KUCINICH, Mr. HOBSON, Mr. TURNER of Ohio, Ms. KAPTUR, Mr. CHABOT, Mr. OXLEY, Mr. REGULA, Mr. STRICKLAND, Mr. BOEHNER, Ms. PRYCE of Ohio, and Mr. GILLMOR.

H.R. 167: Mr. TERRY.

H.R. 172: Mr. PAYNE, Mr. MURPHY, Mr. RANGEL, Mr. DELAHUNT, Mr. PLATTS, and Mr. ACKERMAN.

H.R. 193: Mr. GOODE and Mr. WELDON of Florida.

H.R. 203: Mr. WALSH.

H.R. 207: Ms. NORTON.

H.R. 208: Mr. TOWNS, Mr. ACKERMAN, Mr. GRIJALVA, Mr. BAIRD, Ms. GINNY BROWN-WAITE of Florida, and Mr. LANTOS.

H.R. 235: Mr. DOOLITTLE, Mr. WICKER, Mrs. MYRICK, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. ISTOOK, Mr. TIBERI, and Mr. DUNCAN.

H.R. 254: Mr. KOLBE.

H.R. 282: Mr. DEMINT, Mr. UPTON, Mr. PITTS, Mrs. MYRICK, Mr. SENSENBRENNER, Mr. NORWOOD, Mr. PAUL, Mr. KING of Iowa, Ms. HART, Mr. WHITFIELD, Mr. SMITH of Michigan, and Mr. BEAUPREZ.

H.R. 284: Mr. KANJORSKI, Mr. DUNCAN, Mr. MURTHA, Mr. PITTS, and Mr. SIMPSON.

H.R. 290: Mr. ANDREWS.

H.R. 295: Mr. HOLDEN.

H.R. 296: Mr. HOLDEN.

H.R. 302: Mr. LIPINSKI.

H.R. 307: Mr. COSTELLO, Mr. NETHERCUTT, Mr. ETHERIDGE, and Mr. BISHOP of Georgia.

H.R. 312: Mr. JANKLOW.

H.R. 342: Mr. GREEN of Texas, Mr. SOUDER, Mrs. MALONEY, Mr. LIPINSKI, and Mr. BEREUTER.

H.R. 361: Mr. TERRY, Mr. BEREUTER, Mr. WOLF, Mr. BOUCHER, Mr. DEMINT, Mr. BOSWELL, Ms. CARSON of Indiana, Mr. ETHERIDGE, Mr. HEFLEY, Mr. MILLER of Florida, Mr. BAIRD, and Mr. SOUDER.

H.R. 368: Mrs. MCCARTHY of New York and Mr. BISHOP of New York.

H.R. 373: Mr. FROST and Ms. CARSON of Indiana.

H.R. 383: Mr. KANJORSKI, Mr. LEWIS of California, Mr. DOOLITTLE, Mr. LATOURETTE, Mr. ENGLISH, Mr. SHAYS, Mr. BARTLETT of Maryland, Mr. HOLDEN, Ms. BALDWIN, Mr. SHERMAN, Mrs. JONES of Ohio, Mr. DREIER, and Mr. ISSA.

H.R. 412: Mr. OSE, Mr. GREEN of Wisconsin, Mr. MCNULTY, and Mr. WAXMAN.

FRIDAY, JANUARY 31, 2003 (6)

¶6.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PETRI,

who laid before the House the following communication:

WASHINGTON, DC,
January 31, 2003.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

¶6.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Wednesday, January 29, 2003.

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

¶6.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

331. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Termination of Designation of the State of Missouri With Respect to the Inspection of Meat and Meat Food Products and Poultry and Poultry Food Products [Docket No. 00-052F] received January 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

332. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Establishment of Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States and Termination of the Peanut Marketing Agreement and Associated Rules and Regulations [Docket No. FV02-996-1 FIR] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

333. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate [Docket No. FV02-906-1 FIR] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

334. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order; Termination [FV-02-710] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

335. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Increased Assessment Rate [Docket No. FV02-989-7 FR] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

336. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Mandatory Inspection of Ratites and Squabs [Docket No. 01-045F] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

337. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Movement and Importation of Fruits and Vegetables [Docket No. 00-059-1] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

338. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Cold Treatment for Fresh Fruits; Port of Corpus Christi, TX [Docket No. 00-068-3] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

339. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Regulated Areas [Docket No. 02-129-1] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

340. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Increases in Fees for Meat, Poultry, and Egg Products Inspection Services — Fiscal Year (FY) 2002 [Docket No. 01-019F] (RIN: 0583-AC89) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

341. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Use of Transglutaminase Enzyme and Pork Collagen as Binders in Certain Meat and Poultry Products [Docket No. 01-016DF] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

342. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule — Risk-Based Capital (RIN: 2550-AA26) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

343. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Suspension of Community Eligibility [Docket No. FEMA-7799] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

344. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

345. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

346. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7533] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

347. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

348. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

349. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's Final rule — Charges for Certain Disclosures — received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

350. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Disability and Rehabilitation Research Projects (DRRP) Program; Notice of Final Priority — received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

351. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Rehabilitation Training: Rehabilitation Long-Term Training Program--Vocational Rehabilitation Counseling (RIN: 1820-ZA16) received January 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

352. A letter from the Director, Corporate Policy and Research Dept, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans — received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

353. A letter from the Director, Corporate Policy and Research Dept, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

354. A letter from the Director, Corporate Policy and Research Dept, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age — received January 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

355. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Security Amendments To Implement Executive Order 12829, National Industrial Security Program (RIN: 1991-AB42) received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

356. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Labeling of Diphenhydramine- Containing Drug Products for Over-the-Counter Human Use [Docket No. 97N-0128] (RIN: 0910-AA01) received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

357. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Final Monograph for Combination Drug Products [Docket No. 76N-052G] (RIN: 0910-AA01) received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

358. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Revision of the Definition of the Term ''No Residue'' in the New Animal Drug Regulations [Docket No. 01N-0401] (RIN: 0910-AC45) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

359. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification of the Cutaneous Carbon Dioxide and the Cutaneous

Oxygen Monitor [Docket No. 01N-0576] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

360. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification and Codification of the Absorbable Polydioxanone Surgical Suture [Docket No. 99P-5589] received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

361. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Fort Myers, Florida) [MM Docket No. 00-180, RM-9956] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

362. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Clarksdale and Friars Point, Mississippi) [MB Docket No. 02-119, RM-10435] received January 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

363. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Encinal, Texas) [MB Docket No. 02-188, RM-10462] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

364. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Boonville, California) [MB Docket No. 02-105, RM-10396] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

365. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (De Funiak Springs and Valparaiso, Florida) [MM Docket No. 02-62, RM-10397] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

366. A letter from the Senior Legal Advisor to the Chief, Media Chief, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Darien, Rincon and Statesboro, Georgia) [MM Docket No. 01-123, RM-10139, RM-10387]; Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations (Screven, Rincon, and Statesboro, Georgia; Palatka and Middleburg, Florida) [MM Docket No. 01-177, RM-10196, RM-10388, RM-10389] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

367. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chillicothe and Ashville, Ohio) [MM Docket No. 99-322, RM-9762] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

368. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010 [WT Docket No. 96-86] received January 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

369. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotment, FM Broadcast Stations (Ardmore, Brilliant, Brookwood, Gadsden, Hoover, Moundville, New Hope, Pleasant Grove, Russellville, Scottsboro, Troy, Tuscaloosa and Winfield, Alabama, Okolona and Vardaman, Mississippi, Linden, McMinnville, Pulaski and Walden, Tennessee [MM Docket No. 01-62, RM-10053 , RM-10109, RM-10110, RM-10111, RM-10112, RM-10113, RM-10114, RM-10116] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

370. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule — Federal Advisory Committee Act Regulations (RIN: 3150-AH02) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

371. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revision of Export Controls for General Purpose Microprocessors [Docket No. 021216312-2312-01] (RIN: 0694-AC66) received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

372. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-530, ''Operation Enduring Freedom Active Duty Pay Differtial Extension Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

373. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-482, ''Inheritance and Estate Tax Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

374. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-474, ''Automated Traffic Enforcement Fund Temporary Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

375. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-531, ''Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

376. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-473, ''Capitol Hill Business Improvement District Temporary Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

377. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-472, ''Council Review of Existing Convention Center Site Redevelopment Temporary Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

378. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-471, ''Transfer of Jurisdiction of Reservation 19 and 124 Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

379. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-470, ''Freedom Forum Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

380. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-469, ''Motor Vehicle Registration and Operator's Permit Issuance Enhancement Temporary Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

381. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-468, ''Washington Metropolitan Area Transit Authority Property Dedication Transfer Tax Exemption Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

382. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-467, ''Other-Type Funds Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

383. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-466, ''Ward Redistricting Residential Permit Parking Extension Temporary Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

384. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-520, ''Housing Finance Agency Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

385. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-517, ''Medical Support Establishment and Enforcement Temporary Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

386. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-516, ''District of Columbia Flag Adoption and Design Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

387. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-515, ''Department of Insurance and Securities Regulation Procurement Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

388. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-497, ''Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

389. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-492, ''Square 456 Payment in Lieu of Taxes Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

390. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-483, ''Tax Clarity and Related Amendments Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

391. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-486, ''Solid Waste Transfer Station Service and Settlement Agreements Temporary Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

392. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-487, ''Solid Waste Facility Permit Phase-Out Extension Temporary Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

393. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-488, ''Government Sport Utility Vehicle Purchasing Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

394. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-489, ''Mandarin Oriental Hotel Project Tax Deferral Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

395. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-491, ''Prostate Cancer Screening Insurance Coverage Requirement Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

396. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-523, ''Cooperative Purchasing Agreement Temporary Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

397. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-522, ''Citizens with Mental Retardation Substituted Consent for Health Care Decisions Temporary Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

398. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-521, ''Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002''received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

399. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-464, ''Religious Organization Exemption Amendment Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

400. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-463, ''Mobile Telecommunications Sourcing Conformity Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

401. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-543, ''Fiscal Year 2003 Budget Support Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

402. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-462, ''General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002-2007 Authorization Act of 2002'' received January 31, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

403. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-532, ''Board of Education Campaign Contribution Clarification Temporary Amendment Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

404. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-526, ''Parking Meter Fee Moratorium Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

405. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-525, ''Cady's Alley Designation Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

406. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-545, ''Treatment Instead of Jail for Certain Non-Violent Drug Offenders Initiative of 2002'' received January 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

407. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT14-529, ''CareFirst Economic Assistance Temporary Act of 2002'' received January 31, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

408. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Definition of Santa Clara, CA, Nonappropriated Fund Wage Area (RIN: 3206-AJ61) received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

409. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Scranton-Wilkes-Barre, PA, Appropriated Fund Wage Area (RIN: 3206-AJ64) received January 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

410. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Change in Federal Wage System Survey Job (RIN: 3206-AJ63) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

411. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Address Change for Submission of Reports — received January 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter II Period [Docket No. 011109274-1301-02; I.D. 101602D] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

413. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Reopening of Directed Fishery for Loligo Squid [Docket No. 011005244-2011-02; I.D. 120902F] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

414. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 011005245-2012-02; I.D. 112202A] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

415. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 121202A] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

416. A letter from the Associate General Counsel, USPTO, Department of Commerce, transmitting the Department's final rule — Correspondence with the United States Patent and Trademark Office [Docket No. 2003-T-005] (RIN: 0651-AB58) received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

417. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Adjustment of Immigration Benefit Application Fees [INS No. 2257-03] (RIN: 1115-AG96) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

418. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Final Rule Relating to Adjustment of Civil Monetary Penalties (RIN: 1210-AA95) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

419. A letter from the Program Analyst, Army Corps of Engineers, Department of Defense, transmitting the Department's final rule — United States Navy Restricted Area, Narragansett Bay, East Passage, Coddington Cove, Rhode Island — received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

420. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CG D09-02-526] (RIN: 2115-AA97) received January 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

421. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; San Francisco Bay, California [COTP San Francisco Bay 02-019] (RIN: 2115-AA97) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

422. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Cape Cod Canal, MA [CGD01-02-144] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

423. A letter from the Attorney, Bureau of Transportation Statistics, Department of Transportation, transmitting the Department's final rule — Reports of Motor Carriers--Correction of Obsolete References and Minor Editorial Corrections [Docket No. BTS-2003-14317] (RIN: 2139-AA10) received

January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

424. A letter from the Regulations, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule — Statewide Transportation Planning; Metropolitan Transportation Planning [FHWA Docket No. FHWA-99-5933] (FHWA RIN: 2125-AE95; FTA RIN: 2132-AA75) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

425. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Metropolitan Transportation Planning and Programming [FHWA Docket No. FHWA-2002-10886] (RIN: 2125-AE92) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

426. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-02-132] (RIN: 2115-AA97) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

427. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 88.1 to 90.4, New Orleans, LA [COTP New Orleans-02-022] (RIN: 2115-AA97) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

428. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Dubuque, IA [CGD08-02-042] (RIN: 2115-AE47) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

429. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Burlington, IA [CGD08-02-043] (RIN: 2115-AE47) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

430. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD 08-02-044] (RIN: 2115-AE47) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

431. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Enrollment--Provision of Hospital and Outpatient Care to Veterans Subpriorities of Priority Categories 7 and 8 and Annual Enrollment Level Decision (RIN: 2900-AL51) received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

432. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Offering of United States Savings Bonds, Series HH — received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

433. A letter from the Acting Deputy Administrator, Office of Community Development, Department of Agriculture, transmitting the Department's final rule — Rural Empowerment Zones and Enterprise Communities (RIN: 0503-AA20) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

434. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-8) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

435. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Limitation on annual compensation (Rev. Rul. 2 003-11) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

436. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Extension of Relief Relating to Application of Nondiscrimination Rules for Certain Governmental Plans [Notice 2003-6] received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

437. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-10) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

438. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Reporting Required Minimum Distributions From IRAs [Notice 2003-3] received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

439. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Doyle, Dane, Bernbach, Inc. v. Commissioner [T.C. Dkt. No. 14077-78] received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

440. A letter from the Chief, Regulations Unit, Internal Revenue Services, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-7) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶6.4 MESSAGE FROM THE SENATE

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

H.R. 16. An Act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

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

S. 101. An Act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

The message also announced that pursuant to Public Law 106–286, the Chair, on behalf of the President of the Senate, and after consultation with the Democratic Leader, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: the Senator from Montana [Mr. BAUCUS], the Senator from Michigan [Mr. LEVIN], the Senator from California [Mrs. FEINSTEIN], and the Senator from North Dakota [Mr. DORGAN].

The message also announced that pursuant to provisions of Public Law 107–202, the Chair, on behalf of the Vice President, announces the appointment of the following individuals as members of the Benjamin Franklin Tercentenary Commission: the Senator from Pennsylvania [Mr. SPECTER], and Dr. Dennis Wint of Pennsylvania.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints the Senator from Colorado [Mr. CAMPBELL] as Co-Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the One Hundred Eighth Congress.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints the following Senators to the Commission on Security and Cooperation in Europe during the One Hundred Eighth Congress: the Senator from Connecticut [Mr. DODD], the Senator from Florida [Mr. GRAHAM], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from New York [Mrs. CLINTON].

¶6.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 30, 2003 at 12:39 p.m.

That the Senate passed without amendment H.J. Res. 13.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶6.6 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
THE SPEAKER'S ROOMS,
Washington, DC, January 31, 2003.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

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

By unanimous consent, the appointment was approved.

¶6.7 COMMITTEE ELECTION—MAJORITY

Mr. ADERHOLT, by unanimous consent, submitted the following resolution (H. Res. 47):

Resolved, That the following named Members be, and are hereby, elected to the following standing committee of the House of Representatives:

Committee on the Budget: Mr. Portman to rank after Mr. Hastings of Washington; Mr. Crenshaw to rank after Mr. Brown of South Carolina; Mr. Wicker and Mr. Hulshof to rank after Mr. Putnam; and Mr. Vitter to rank after Mr. Tancredo.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶6.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 29, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 29, 2003 at 4:20 p.m. and said to contain a message from the President whereby he transmits a 6-month periodic report concerning the Western Balkans.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶6.9 NATIONAL EMERGENCY WITH RESPECT TO WESTERN BALKANS

The Clerk then read the message from the President, as follows:

To the Congress of the United States

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month report prepared by my Administration on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 29, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–27).

¶6.10 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 2003.

Hon. J. DENNIS HASTERT,
Speaker,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 29, 2003 at 4:20 p.m., and said to contain a message from the President whereby he transmits a semiannual report concerning emigration policies of the Newly Independent States of the former Soviet Union.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶6.11 EMIGRATION POLICIES OF THE FORMER SOVIET UNION

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

On September 21, 1994, then-President Clinton determined and reported to the Congress that the Russian Federation was not in violation of paragraphs (1), (2), or (3), of subsection 402(a) of the Trade Act of 1974, or paragraphs (1), (2), or (3), of subsection 409(a) of that Act. On June 3, 1997, he also determined and reported to the Congress that Armenia, Azerbaijan, Georgia, Moldova, and Ukraine were not in violation of the same provisions, and made an identical determination on December 5, 1997, with respect to Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. These actions allowed for the continuation of normal trade relations for these countries and certain other activities without the requirement of an annual waiver.

On June 29, 2000, pursuant to section 302(b) of Public Law 106–200, then-President Clinton determined that title IV of the Trade Act of 1974 should no longer apply to Kyrgyzstan, and on December 29, 2000, pursuant to section 3002 of Public Law 106–476, he determined that title IV of the Trade Act of 1974 should no longer apply to Georgia.

As required by law, I am submitting an updated report to the Congress that was prepared by my Administration concerning the emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. The report indicates continued compliance of these countries with international standards concerning freedom of emigration.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 29, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–28).

¶6.12 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 2003.

Hon. J. DENNIS HASTERT,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 30, 2003 at 11:35 a.m. and said to contain a message from the President in accordance with the Trade Act of 2002 whereby he notifies the Congress of his intent to enter into a Free Trade Agreement with the Government of Singapore.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶6.13 SINGAPORE FREE TRADE AGREEMENT

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

In accordance with sections 2103(a)(1) and 2105(a)(1) of the Trade Act of 2002 (the ''Trade Act''), I am pleased to notify the Congress of my intent to enter into a Free Trade Agreement (FTA) with the Government of Singapore.

The Agreement we have negotiated promotes our commitment to secure a level playing field and open new opportunities for America's workers, farmers, businesses, and consumers in global trade. The United States is a party to only three out of more than 200 existing FTAs, leaving Americans at a competitive disadvantage in many markets. With the enactment of Trade Promotion Authority; the completion of this Agreement; ongoing global, regional, and bilateral trade negotiations; and the continued support of the Congress, the United States is reasserting leadership in world trade.

United States leadership in promoting trade liberalization advances our national interests. Free trade promotes our values by encouraging openness, the rule of law, and respect for private property. It builds global prosperity and strengthens security. Free trade employs the power of markets to meet the needs of the poor and has helped lift millions of people out of poverty by putting them on the path to prosperity. In the extended campaign against terrorism, free trade can be an economic ally. By helping to create opportunity and hope in poorer societies, open trade counters those who would destroy rather than create.

Securing open access to markets abroad is vital to the strength and continued growth to the U.S. economy. In the previous decade, exports accounted for 25 percent of our economic growth. They currently support the jobs of more than 12 million Americans.

Singapore is our 11th largest trading partner with total two-way trade in goods and services valued at $38.8 billion in 2001. This FTA will improve opportunities for U.S. exports, growth, and investment, while also providing increased opportunities for the people of Singapore. This Agreement provides for substantial market access across the entire services sector and locks in Singapore's zero tariff rates on goods, including agriculture.

Fair treatment of U.S. goods and services is important to increasing market access. This Agreement has, among other provisions, specific and groundbreaking customs procedures and transparency requirements that will promote efficiency and fairness. It

also establishes a secure and predictable legal framework for U.S. investors operating in Singapore.

This is an agreement for the economy of the 21st century. Inventors, performers, authors, and creative enterprises in the United States and Singapore will benefit from enhanced copyright, patent, trademark, trade secret, and other intellectual property rights protection. The Agreement also contains state-of-the-art protections for digital products and electronic commerce.

My Administration is committed to moving forward on multiple fronts to advance environmental protection and worker rights in a credible and responsible manner. This Agreement meets the labor and environmental objectives provided by the Congress in the Trade Act.

In sum, free trade is a fundamental source of America's economic vitality. This Agreement will benefit the U.S. economy through both higher-paying jobs created by exports and lower prices paid by consumers. It will strengthen U.S. ties with a valued economic partner and promote America's political and security interests in an important region.

As called for by the Trade Act, I am sending this notification at least 90 days in advance of signing the U.S.-Singapore FTA. My Administration looks forward to working with the Congress to develop appropriate legislation to approve and implement this Free Trade Agreement.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 29, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–29).

¶6.14 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 30, 2003 at 11:35 a.m. and said to contain a message from the President in accordance with the Trade Act of 2002 whereby he notifies the Congress of his intent to enter into a Free Trade Agreement with the Government of Chile.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶6.15 CHILE FREE TRADE AGREEMENT

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

In accordance with sections 2103(a)(1) and 2105(a)(1) of the Trade Act of 2002 (the ''Trade Act''), I am pleased to notify the Congress of my intent to enter into a Free Trade Agreement (FTA) with the Government of Chile.

The Agreement we have negotiated promotes our commitment to secure a level playing field and to open new opportunities for America's workers, farmers, businesses, and consumers in global trade. The United States is a part to only three out of more than 200 existing FTAs, leaving Americans at a competitive disadvantage in many markets. With the enactment of Trade Promotion Authority; the completion of this Agreement; ongoing global, regional, and bilateral trade negotiations; and the continued support of the Congress, the United States is reasserting leadership in world trade.

United States leadership in promoting trade liberalization advances our national interests. Free trade promotes our values by encouraging openness, the rule of law, and respect for private property. It builds global prosperity and strengthens security. Free trade employs the power of markets to meet the needs of the poor and has helped lift millions of people out of poverty by putting them on the path to prosperity. In the extended campaign against terrorism, free trade can be an economic ally. By helping to create opportunity and hope in poorer societies, open trade counters those who would destroy rather than create.

Securing open access to markets abroad is vital to the strength and continued growth of the U.S. economy. In the previous decade, exports accounted for 25 percent of our growth and currently support the jobs of more than 12 million Americans. In 2001, two-way trade of all goods and services between the United States and Chile totaled $8.5 billion. This Agreement will approve opportunities for U.S. exports, growth, and investment, while also providing increased opportunities for the people of Chile.

In this Agreement, the vast majority of U.S. and Chilean goods will become duty-free immediately. Most remaining tariffs will be eliminated within 4 years and all tariffs and quotes will be eliminated over a 12-year period. Over three-quarters of U.S. farm goods will enter Chile duty-free within 4 years.

The United States is a global leader in services. This Agreement locks in substantial market access across the entire services sector.

Fair treatment of U.S. goods and services is important to increasing market access. This Agreement has, among other provisions, specific and groundbreaking customs procedures and transparency requirements that will promote efficiency and fairness. It also establishes a secure and predictable legal framework for U.S. investors operating in Chile.

This is an agreement for the economy of the 21st century. Inventors, performers, authors, and creative enterprises in the United States and Chile will benefit from enhanced copyright, patent trademarks, trade secret, and other intellectual property rights protection. The Agreement also contains state-of-the-art protections for digital products and electronic commerce.

My Administration is committed to moving forward on multiple fronts to advance environmental protection and worker rights in a credible and responsible manner. This Agreement meets the labor and environmental objectives provided by the Congress in the Trade Act.

In sum, free trade is a fundamental source of America's economic vitality. This Agreement will benefit the U.S. economy through both higher-paying jobs created by exporters and lower prices paid by consumers. It will strengthen U.S. ties with a valued economic partner and promote America's political and security interests in an important region.

As called for by the Trade Act, I am sending this notification at least 90 days in advance of signing the U.S.-Chile FTA. My Administration looks forward to working with the Congress to develop appropriate legislation to approve and implement this Free Trade Agreement.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 29, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–30).

¶6.16 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 2003.

The Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 30, 2003 at 11:35 a.m. and said to contain a message from the President in accordance with the Trade Act of 2002 whereby he submits a 6-month periodic report on the national emergency with respect to Iraq declared in Executive Order 12722 of August 2, 1990.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶6.17 NATIONAL EMERGENCY WITH RESPECT TO IRAQ

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I am providing a 6-month periodic report prepared by

my Administration on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 29, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–31).

¶6.18 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 31, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 30, 2003 at 6:10 p.m. and said to contain a message from the President whereby he notifies the Congress that he has granted certain exemptions under 42 USC 6961(a).

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶6.19 RESOURCE CONSERVATION AND RECOVERY EXEMPTIONS

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the ''Act''), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 13, 2002, I issued Presidential Determination 2002–30 (copy enclosed) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination 2002–30 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The determination was not intended to imply that, in the absence of a Presidential exemption, RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons. The determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that might require the disclosure of classified information.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 29, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Energy and Commerce.

¶6.20 ENROLLED JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 13. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

And then,

¶6.21 ADJOURNMENT

On motion of Mr. ADERHOLT, pursuant to the special order of the House of January 30, 2003, at 10 o'clock and 15 minutes a.m., the House adjourned until 4 p.m. on Tuesday, February 4, 2003.

¶6.22 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BISHOP of Utah:

H.R. 511. A bill to make certain adjustments to be boundaries of the Mount Naomi Wilderness Area, and for other purposes; to the Committee on Resources.

By Mr. BISHOP of Utah:

H.R. 512. A bill to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah; to the Committee on Resources.

By Mr. FOLEY:

H.R. 513. A bill to amend title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to endorse prescription drug discount cards for use by Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. WU, Mr. WALDEN of Oregon, and Mr. BLUMENAUER):

H.R. 514. A bill to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Texas (for himself, Mr. REYES, Mr. HINOJOSA, Mr. GONZALEZ, Mr. SANDLIN, Mr. HALL, Mrs. CAPITO, Ms. NORTON, Mr. FROST, Mr. FARR, Mrs. CHRISTENSEN, Mr. RODRIGUEZ, Mr. DEUTSCH, Mr. STENHOLM, Mr. LAMPSON, Mr. KILDEE, Mr. LATOURETTE, Mr. BARTON of Texas, Mr. PAUL, Mr. KLECZKA, Mr. SANDERS, Mr. PRICE of North Carolina, Mr. EMANUEL, Mr. FORD, and Mr. BOUCHER):

H.R. 515. A bill to amend title XXI of the Social Security Act to permit the use of unexpended allotments under the State children's health care program through fiscal year 2006; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Minnesota (for himself, Mr. DELAY, Mr. BOEHNER, Mr. RAMSTAD, Mr. GUTKNECHT, Mr. SHIMKUS, Mr. GREEN of Wisconsin, Mr. HOEKSTRA, Mr. BURR, Mr. SOUDER, Mr. TANCREDO, Mr. PICKERING, Mr. HOSTETTLER, and Mr. ADERHOLT):

H.R. 516. A bill to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights; to the Committee on Education and the Workforce.

By Mrs. MILLER of Michigan:

H.R. 517. A bill to direct the Commandant of the Coast Guard to convey the Coast Guard Cutter BRAMBLE, upon its scheduled decommissioning, to the Port Huron Museum of Arts and History located in Port Huron, Michigan, for use for education and historical display; to the Committee on Transportation and Infrastructure.

By Mr. POMEROY:

H.R. 518. A bill to amend the Internal Revenue Code of 1986 to increase portability among retirement plans; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Ms. LEE, Mrs. NAPOLITANO, Mr. UDALL of Colorado, Mr. WAXMAN, Mr. BECERRA, Mr. SCHIFF, Mr. THOMPSON of California, Mr. OLVER, Mr. MATSUI, Mr. SHERMAN, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Mrs. DAVIS of California, Mr. BERMAN, Mr. FARR, Mr. CONYERS, Ms. MILLENDER-MCDONALD, and Ms. LINDA T. SANCHEZ of California):

H.R. 519. A bill to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes; to the Committee on Resources.

By Mr. ADERHOLT:

H. Res. 47. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

¶6.23 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PETRI introduced a bill (H.R. 520) for the relief of Mohamed Abshir Musse, Mariam Musse Gul, Abdullahi Mohamed Abshir, and Madina Mohamed Abshir; which was referred to the Committee on the Judiciary.

¶6.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. SCHIFF, Mr. BISHOP of New York, Mr. LIPINSKI, and Mr. WAXMAN.

H.R. 24: Mr. STARK, and Ms. WOOLSEY.

H.R. 34: Mr. LIPINSKI, Mr. PRICE of North Carolina, Mr. QUINN, Mr. NEAL of Massachusetts, Ms. LEE, Mr. KILDEE, Mr. MCGOVERN, Mr. MCHUGH, Mr. CUNNINGHAM, Mr. PALLONE, Mrs. CAPPS, Ms. ESHOO, Mrs. LOWEY, Mr. BERMAN, Mr. BISHOP of New York, Mr. OTTER, Mr. PETERSON of Minnesota, Mr. MCNULTY, Mr. FRANK of Massachusetts, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, and Mr. UDALL of Colorado.

H.R. 49: Mr. FORBES, Mr. TIAHRT, and Ms. HART.

H.R. 153: Mr. OTTER.

H.R. 179: Mr. WILSON of South Carolina.

H.R. 193: Mr. PAUL.

H.R. 219: Mr. GOODE.

H.R. 432: Mr. RANGEL and Ms. CARSON of Indiana.
H.R. 446: Ms. HOOLEY of Oregon.
H.J. Res. 4: Mr. TIAHRT and Mr. CHOCOLA.

TUESDAY, FEBRUARY 4, 2003 (7)

¶7.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
February 4, 2003.

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

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

¶7.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BOOZMAN, announced he had examined and approved the Journal of the proceedings of Friday, January 31, 2003.

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

¶7.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

441. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Termination of Designation of the State of Maine with Respect to the Inspection of Meat and Meat Food Products and Poultry and Poultry Food Products [Docket No. 02–028F] received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

442. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Urea; Exemption from the Requirement of a Tolerance [OPP-2002-0277; FRL-7284-2] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

443. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Urea: Revocation of Tolerance Exemptions [OPP-2 002-0276; FRL-7284-3] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

444. A letter from the Assistant Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

445. A letter from the Assistant Secretary, Department of Defense, transmitting a report on TRICARE reimbursement of Professional Providers, pursuant to 10 U.S.C. 1097 Public Law 106—65, section 716; to the Committee on Armed Services.

446. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final ''Major'' rule — Disclosure of Proxy Voting Policies and Proxy Voting Records by Registered Management Investment Companies [Release Nos. 33-8188, 34-47304, IC-25922; File No. S7-36-02] (RIN: 3235-AI64) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

447. A letter from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule — Certification of Management Investment Company Shareholder Reports and Designation of Certified Shareholder Reports as Exchange Act Periodic Reporting Forms; Disclosure Required by Sections 406 and 407 of the Sarbanes-Oxley Act of 2002 [Release Nos. 34-47262; IC-25914; File Nos. S7-33-02; S7-40-02] (RIN: 3235-AI63) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

448. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final ''Major'' rule — Disclosure in Management's Discussion and Analysis About Off-Balance Sheet Arrangements and Aggregate Contractual Obligations [Release Nos. 33-8182;FR-67 ; International Series Release No. 1266, File No. S7-42-02] (RIN: 3235-AI70) received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

449. A letter from the Secretary, Department of Energy, transmitting a report on the comprehensive status of Exxon and Stripper Well Oil Overcharge Funds, Forty-Sixth Report Covering January 1, 2001 Through March 31, 2002; to the Committee on Energy and Commerce.

450. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Bioavailability and Bioequivalence Requirements; Abbreviated Applications; Final Rule [Docket No. 98N-0778] (RIN: 0910-AC47) received January 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

451. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Additional Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions [FRL-7428-2] (RIN: 2060-AK44) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

452. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Reorganization of and Revisions to Administrative and General Conformity Provisions; Documents Incorporated by Reference; Recodification of Existing SIP Provisions [VA085/086/089/102/103-5046a; FRL-7427-9] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

453. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans, State of Utah; Utah County PM10, State Implementation Plan Revisions [UT-001-0047; FRL-7422-9] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

454. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Ambient Air Quality Standard: Particulate Matter [AD-FRL-7388-4] (RIN: 2060-AK05) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

455. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to North Carolina State Implementation Plan: Transportation Conformity Rule and Interagency Conformity Rule and Interagency Memorandum of Agreements [NC-93; NC-101-200122a; FRL-7402-6] received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

456. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule — received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

457. A communication from the President of the United States, transmitting a six month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—31); to the Committee on International Relations and ordered to be printed.

458. A letter from the Administrator, Independent Counsel, transmitting the annual report on Audit and Investigative Activities, pursuant to 28 U.S.C. 595(a)(2); to the Committee on Government Reform.

459. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-465, ''Department of Insurance and Securities Regulation Merger Review Temporary Amendment Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

460. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-548, ''Homeowner's Insurance Availability Amendment Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

461. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-549, ''Health Maintenance Organization Amendment Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

462. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-550, ''DC Teachers Federal Credit Union Real Property Tax Exemption Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

463. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-551, ''Insurance Fraud Prevention and Detection Amendment Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

464. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-552, ''Annual Audited Financial Reports Amendment Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

465. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-89, ''Independence of the Chief Financial Officer Establishment Act of 2001,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

466. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-553, ''Public Insurance Adjuster Licensure Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

467. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-554, ''Public Health Laboratory Fee Amendment Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

468. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-555, ''Broadcast Industry

Contracting Freedom Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

469. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-557, ''Southeast Neighborhood House Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

470. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-558, ''Noise Control Clarification Temporary Amendment Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

471. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-559, ''Special Education Task Force Expansion Temporary Amendment Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

472. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-561, ''Producer Licensing Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

473. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-562, ''Make a Difference Temporary Amendment Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

474. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-560, ''Closing of a Public Alley in Square 2857, S.O. 02-1463, Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

475. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-556, ''Uniform Controlled Substances Temporary Amendment Act of 2002,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

476. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

477. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

478. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

479. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

480. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

481. A letter from the Deputy White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

482. A letter from the Deputy White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

483. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

484. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

485. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

486. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

487. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

488. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

489. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

490. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

491. A letter from the United States Trade Representative, Executive Office of the President, transmitting 2002 Annual Inventory of Commercial Activities Under the Federal Activities Inventory Reform Act P.L. 105-270; to the Committee on Government Reform.

492. A letter from the President, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

493. A letter from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Subsistance Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2003 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1018-AI09) received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

494. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Revised Jurisdictional Thresholds for Section 8 of the Clayton Act [Billing Code 6750-01] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

495. A letter from the Corporate Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2002, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

496. A letter from the Staff Director, United States Commission On Civil Rights, transmitting the list of state advisory committees recently rechartered by the Commission; to the Committee on the Judiciary.

497. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30347; Amdt. No. 3038] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

498. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30343; Amdt. No. 3035] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

499. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30344; Amdt. No. 3036] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30346; Amdt. No. 3037] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30342; Amdt. No. 3034] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

502. A letter from the Senior Rulemaking Analyst, TSA, Department of Transportation, transmitting the Department's final rule — Threat Assessments Regarding Alien Holders of, and Applicants for, FAA Certificates [Docket No. TSA-2002-13733; Amendment No. 1540-4] (RIN: 2110-AA17) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

503. A letter from the Senior Rulemaking Analyst, TSA, Department of Transportation, transmitting the Department's final rule — Threat Assessments Regarding Citizens of the United States Who Hold or Apply for FAA Certificates [Docket No. TSA-200 2-13732; Amendment No. 1540-3] (RIN: 2110-AA14) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

504. A letter from the Assistant Chief Counsel, Department Of Transportation, transmitting the Department's final rule — Requirements to Document U.S. Flag Fishing Industry Vessels of 100 Feet or Greater in Registered Length and to Hold a Preferred Mortgage on Such Vessels [Docket No. MARAD-2002-11984] (RIN: 2133-AB46) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

505. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Required Minimum Distributions for Defined Benefit Plans and Annuity Contracts [Notice 2003-2] received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

506. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit [Rev. Rul. 2003-20] received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

507. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-12) received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

508. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule — Active conduct of a trade or business (Rev. Rul. 2003-18) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

509. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Purpose and scope of exception of reorganization exchanges (Rev. Rul. 2003-19) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

510. A communication from the President of the United States, transmitting a reorganization plan modification for the Department of Homeland Security, pursuant to Public Law 107—296, section 1502; (H. Doc. No. 108—32); to the Committee on Homeland Security (Select) and ordered to be printed.

¶7.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 31, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on January 31, 2003 at 2:58 p.m. and said to contain a message from the President whereby he submits a report to the Congress on the progress made in achieving militarily significant benchmarks toward a sustainable peace in Kosovo.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶7.5 PEACE PROGRESS IN KOSOVO

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Pursuant to section 1212 of the National Defense Authorization Act for Fiscal Year 2001, Public Law 106–398, I hereby submit a report, prepared by my Administration, on the progress made in achieving the militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo.

The term ''militarily significant'' relates to tasks and objectives significant from a military standpoint that once accomplished, would allow for withdrawal of military forces from Kosovo. In the establishment of the Kosovo benchmarks, four critical tasks for NATO forces were identified: military stability; public security; border/boundary issues; and war crimes/support to the International Criminal Tribunal for the Former Yugoslavia. Objectives for these tasks were drawn from United Nations Security Council Resolution 1244, the NATO Operations Plan, the Military Technical Agreement, and the Kosovo Liberation Army Undertaking.

I anticipate that Kosovo Force—and U.S. participation in it—will gradually reduce in size as public security conditions improve and Kosovars assume increasing responsibility for their own self-government.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 31, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations, the Committee on Armed Services, and the Committee on Appropriations and ordered to be printed (H. Doc. 108–33).

¶7.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 3, 2003 at 5:04 p.m. and said to contain a message from the President whereby he submits his Budget of the United States Government for Fiscal Year 2004.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶7.7 BUDGET FY 2004

The Clerk then read the message from the President, as follows:

THE BUDGET MESSAGE OF THE PRESIDENT

The budget for 2004 meets the challenges posed by three national priorities: winning the war against terrorism, securing the homeland, and generating long-term economic growth. It restrains the growth in federal spending and addresses the long-term fiscal challenge presented by Medicare and Social Security's unfunded promises. This year's budget also helps America meet its goals both at home and overseas.

We remain at war with an enemy that seeks to use murder, stealth, and fear against all free nations. Yet our response has been resolute. The people of Afghanistan have been freed from the oppressive regime that sponsors the terrorists who planned and carried out the attacks of September 11, 2001. We are hunting down the terrorist leaders and their collaborators, one by one. And we continue to disrupt their plots, shut down their financing, and deny them safe haven.

We have moved to secure the nation's safety. Just 10 days ago, the new Department of Homeland Security began operations in the biggest reorganization of the Federal Government in a half-century. The cabinet-level department unifies the work of 22 programs and agencies and will move quickly to better protect Americans from threats here at home. We also have moved to defend America's interests abroad, and to confront danger wherever it emerges. Working with our allies and partners, we will face down regimes that govern by fear and deception, and we will devote the necessary resources to protect ourselves and our friends against the use of weapons of mass destruction.

We are strengthening our economy by allowing American families to keep more of their own money and encouraging businesses to save, spend, and grow. While the economy is growing, it is not growing fast enough. Too many Americans who want to work can't find a job, and too many American families are falling behind.

The growth and jobs plan I outlined earlier this year will provide critical momentum to our economic recovery. For every American paying income taxes, I propose speeding up the tax cuts already approved by the Congress, because Americans need that relief today. And for America's 84 million investors, and those who will become investors, I propose eliminating the double taxation of stock dividends. Double taxation is unfair and bad for our economy.

Government cannot manage or control the economy. But government can remove the barriers blocking stronger economic growth. My plan will give Americans more tools to achieve that growth.

A recession and a war we did not choose have led to the return of deficits. My Administration firmly believes in controlling the deficit and reducing it as the economy strengthens and our national security interests are met. Compared to the overall federal budget and the $10.5 trillion national economy, our budget gap is small by historical standards. By protecting our vital national security interests and promoting economic growth, we will meet the challenges and concerns of the American people. We will not let them down.

I will also insist on spending discipline in Washington D.C., so we can meet our priorities. We must prepare for the future costs of Social Security and Medicare. My budget takes the first steps toward modernizing Medicare and includes prescription drug coverage.

We will continue to focus on getting results from federal spending. A federal program's measure of success is not its size, but the value it delivers. And my budget will focus on this goal in a new and important way. If federal programs cannot show results, they should be overhauled, or retired.

And while human compassion cannot be summarized in dollars and cents, this budget addresses the many challenges our society faces: bridging the gap for low-income families, so they can buy affordable homes; helping communities of faith pull the addicted from the grip of drugs; lifting children out of poverty and hopelessness by creating good schools and offering them caring adult mentors; and easing the pain and hardship of the global epidemic of AIDS.

Some of the challenges we face will endure for many years and require great resources. As we look down that path, we will not always get to choose which battles we fight. It is, however, our duty to fight them. History may not remember every single way we contributed to this nation's betterment, but it will remember if we failed to try. The courage to take on challenges, and the enterprise with which we have succeeded in meeting them, have always

distinguished America. This same courage and enterprise will help America meet these challenges, and prevail once again.

GEORGE W. BUSH.
February 3, 2003.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (H. Doc. 108–3).

¶7.8 APPOINTMENT OF CONFEREES—H.J. RES. 2

The SPEAKER pro tempore, Mr. BOOZMAN, by unanimous consent and pursuant to clause 11 of rule I, announced the appointment of Messrs. LEWIS of California, and HOYER, as conferees on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶7.9 HOUR OF MEETING

On motion of Mr. PUTNAM, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 3 p.m. on Wednesday, February 5, 2003.

¶7.10 ORDER OF BUSINESS—ADJOURNMENT IN MEMORY OF CREW MEMBERS OF SPACE SHUTTLE COLUMBIA

On motion of Mr. PUTNAM, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn in memory of the valiant Crew Members of the Space Shuttle Columbia.

¶7.11 RECESS—4:15 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12 of rule I, declared the House in recess at 4 o'clock and 15 minutes p.m., subject to the call of the Chair.

¶7.12 AFTER RECESS—6:55 P.M.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, called the House to order.

¶7.13 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 18

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–7) the resolution (H. Res. 48) providing for consideration of the joint resolution (H.J. Res. 18) making further continuing appropriations for the fiscal year 2003, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶7.14 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. HASTINGS of Washington, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 4, 2003 at 4:15 p.m. and said to contain a message from the President whereby he submits a Bosnia benchmarks report in accordance with section 7(b) of PL 105-174 and section 1203 (a) of PL 105-261.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶7.15 PEACE PROGRESS IN BOSNIA AND HERZEGOVINA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

As required by the Levin Amendment to the 1998 Supplemental Appropriations and Rescissions Act (section 7(b) of Public Law 105–174) and section 1203(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I am providing a report prepared by my Administration on progress made toward achieving benchmarks for a sustainable peace process in Bosnia and Herzegovina.

This seventh report, which also includes supplemental reporting as required by section 1203(a) of Public law 105–261, provides an updated assessment of progress on the benchmarks covering the period January 1 to December 31, 2002.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 4, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations, the Committee on Armed Services, and the Committee on Appropriations and ordered to be printed (H. Doc. 108–34).

¶7.16 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. HASTINGS of Washington, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 4, 2003 at 4:15 p.m. and said to contain a message from the President whereby he submits a Plan Colombia obligations report for last 2 quarters of FY 2003.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶7.17 PLAN COLOMBIA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Pursuant to Public Law 106–246, section 3204(e), I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the last two quarters of Fiscal Year 2002 in support of Plan Colombia.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 4, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and the Committee on Appropriations and ordered to be printed (H. Doc. 108–35).

¶7.18 JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on January 31, 2003 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 3. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

And then,

¶7.19 ADJOURNMENT

On motion of Mrs. MYRICK, pursuant to the previous order of the House, at 6 o'clock and 57 minutes p.m., the House adjourned in memory of the valiant Crew Members of the Space Shuttle Columbia until 3 p.m., Wednesday, February 5, 2003.

¶7.20 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 337. A bill to extend certain hydro-electric licenses in the State of Alaska (Rept. 108–4). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 346. A bill to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President; and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act (Rept. 108–5). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 397. A bill to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois (Rept. 108–6). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 48. Resolution providing for consideration of the joint resolution (H.J. Res. 18) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–7). Referred to the House Calendar.

¶7.21 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. PRYCE of Ohio (for herself, Mr. THOMAS, Mr. BOEHNER, Mr. TAUZIN, Mr. OXLEY, Mr. YOUNG of Florida, Mr. HERGER, Mr. MCKEON, Mr. UPTON, Mr. BILIRAKIS, Mr. GOODLATTE, Mr. NEY, and Mr. SHAW):

H.R. 4. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

By Mr. DOYLE (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. ENGLISH, Ms. HART, Mr. PETERSON of Pennsylvania, Mr. GERLACH, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. SHERWOOD, Mr. MURTHA, Mr. HOEFFEL, Mr. PITTS, Mr. HOLDEN, Mr. MURPHY, Mr. PLATTS, Mr. RYAN of Ohio, Mr. STUPAK, Mr. LATOURETTE, Mr. FROST, Mr. LAHOOD, Ms. KAPTUR, and Mr. KUCINICH):

H.R. 521. A bill to establish the Steel Industry National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Resources.

By Mr. BACHUS (for himself, Mr. OXLEY, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. KANJORSKI, Mr. BEREUTER, Ms. WATERS, Mr. ROYCE, Mrs. MALONEY, Mr. NEY, Mr. FORD, Mr. GILLMOR, Mr. GONZALEZ, Mr. LATOURETTE, Mr. HINOJOSA, Mr. JONES of North Carolina, Mrs. MCCARTHY of New York, Mrs. BIGGERT, Mr. DAVIS of Alabama, Mr. GREEN of Wisconsin, Mr. GRIJALVA, Mr. GARY G. MILLER of California, Ms. HART, Mr. TIBERI, Mr. RENZI, Mr. SIMMONS, Mr. UPTON, and Mr. BEAUPREZ):

H.R. 522. A bill to reform the Federal deposit insurance system, and for other purposes; to the Committee on Financial Services.

By Mr. UDALL of New Mexico (for himself, Mr. MORAN of Kansas, Mr. LUCAS of Oklahoma, Mr. THORNBERRY, Mr. PEARCE, and Mr. REYES):

H.R. 523. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the State of Texas, New Mexico, Oklahoma, and Kansas, as a high priority corridor on the National Highway System; to the Committee on Transportation and Infrastructure.

By Mr. FRELINGHUYSEN (for himself, Mr. LOBIONDO, Mr. PALLONE, Mr. SAXTON, Mr. FERGUSON, Mr. SMITH of New Jersey, Mr. PASCRELL, Mr. HOLT, Mr. PAYNE, Mr. ROTHMAN, Mr. ANDREWS, Mr. MENENDEZ, and Mr. GARRETT of New Jersey):

H.R. 524. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Resources.

By Ms. JACKSON-LEE of Texas (for herself and Mr. LAMPSON):

H.R. 525. A bill to authorize the President to posthumously award a gold medal on behalf of the Congress to the seven members of the crew of the space shuttle Columbia in recognition of their outstanding and enduring contributions to the Nation; to the Committee on Financial Services.

By Mrs. JOHNSON of Connecticut (for herself and Mr. SIMMONS):

H.R. 526. A bill to direct certain Federal agencies to issue rules that coordinate with the establishment by the Federal Trade Commission of a list of telephone numbers of consumers who do not want to receive telephone calls for telemarketing purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 527. A bill to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty; to the Committee on House Administration.

By Mr. KNOLLENBERG (for himself and Mr. PALLONE):

H.R. 528. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia; to the Committee on Ways and Means.

By Mr. SWEENEY:

H.R. 529. A bill to reinstate and transfer a hydroelectric license under the Federal Power Act to permit the immediate redevelopment of a hydroelectric project located in the State of New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Florida:

H.J. Res. 17. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 18. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. COX (for himself and Mr. GIBBONS):

H.J. Res. 19. A joint resolution recognizing the 92d birthday of Ronald Reagan; to the Committee on Government Reform.

By Mr. HYDE (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. CHABOT, Mr. CROWLEY, Mr. FALEOMAVAEGA, Mr. ROYCE, Mr. ROHRABACHER, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. MCCOTTER, Mr. GALLEGLY, Mr. WELLER, Mr. KENNEDY of Minnesota, Ms. HARRIS, Mr. PITTS, Mr. ACKERMAN, Mr. WOLF, Mr. JANKLOW, Mr. ENGEL, Mr. BALLENGER, Mr. KING of New York, Mr. FLAKE, Mr. BERMAN, Mr. GREEN of Wisconsin, Mr. SCHIFF, and Mr. OSE):

H. Con. Res. 27. Concurrent resolution condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes; to the Committee on International Relations.

By Mrs. JONES of Ohio (for herself, Mr. LANGEVIN, Ms. CARSON of Indiana, Mr. FATTAH, Mr. RYAN of Ohio, and Mr. FROST):

H. Con. Res. 28. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue a commemorative stamp on the subject of school safety awareness; to the Committee on Government Reform.

By Mr. VITTER (for himself, Mr. MILLER of Florida, Mr. SWEENEY, Mr. SMITH of New Jersey, Mr. BURR, Mr. FORBES, Mr. ADERHOLT, Mr. KING of New York, Mr. HERGER, Mr. FLAKE, Mr. FOSSELLA, Mr. CANNON, Mr. BRADY of Texas, Mr. STENHOLM, Mr. CRANE, Mr. KING of Iowa, Mr. SESSIONS, and Mr. FRANK of Massachusetts):

H. Con. Res. 29. Concurrent resolution condemning the designation of Iraq as chair of the United Nations Conference on Disarmament; to the Committee on International Relations.

By Mr. HASTINGS of Washington:

H. Res. 48. A resolution providing for consideration of the joint resolution (H.J. Res. 18) making further continuing appropriations for the fiscal year 2003, and for other purposes.

By Mr. GREEN of Texas:

H. Res. 49. A resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom posthumously to Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon, all of whom died in the destruction of the space shuttle Columbia; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself and Mr. BELL):

H. Res. 50. A resolution honoring the seven members of the crew of the space shuttle Columbia for their heroism and spirit, and paying tribute to the sacrifices made by these men and women on behalf of the Nation; to the Committee on Science.

¶7.22 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BAKER introduced A bill (H.R. 530) for the relief of Tanya Andrea Goudeau; which was referred to the Committee on the Judiciary.

¶7.23 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. LATOURETTE, Mr. JOHNSON of Illinois, Mr. BOUCHER, Mr. FATTAH, and Ms. NORTON.

H.R. 24: Mrs. JONES of Ohio.

H.R. 41: Ms. ESHOO, Mr. HOLDEN, Mr. BERMAN, Ms. MCCOLLUM, Mr. UDALL of New Mexico, Mr. PALLONE, Mr. OLVER, Mr. VAN HOLLEN, Mr. FARR, Mr. BERRY, Ms. KAPTUR, Mr. DAVIS of Alabama, Mr. JANKLOW, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Mr. LANTOS, Mr. CROWLEY, Mr. MATHESON, Mr. LATOURETTE, Mr. HINOJOSA, Mr. RAHALL, Mr. TOWNS, Ms. NORTON, Mr. FILNER, Mr. OWENS, Mr. MICHAUD, Mrs. CHRISTENSEN, Mr. RANGEL, Mr. MCDERMOTT, Mr. DINGELL, Mr. STUPAK, Mr. SANDERS, Mr. MEEHAN, Mr. STRICKLAND, Mr. FORD, and Mr. COSTELLO.

H.R. 105: Ms. NORTON and Mr. WYNN.

H.R. 135: Mr. STENHOLM, Mr. ISSA, and Mr. MCGOVERN.

H.R. 138: Mr. LATOURETTE and Mr. CASE.

H.R. 148: Mr. ACKERMAN.

H.R. 172: Mr. LOBIONDO and Ms. HART.

H.R. 250: Mr. BELL, Mr. FROST, Mr. FILNER, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. CASE, and Mr. GRIJALVA.

H.R. 299: Mr. NADLER.

H.R. 301: Mr. BEAUPREZ.

H.R. 323: Mrs. NAPOLITANO, Mr. THOMPSON of Mississippi, and Mr. OWENS.

H.R. 338: Mr. NADLER.

H.R. 339: Mr. SCHROCK, Mr. PUTNAM, Mr. FORBES, Mr. KIRK, Mr. BAKER, Ms. HART, Mr. COLE, and Mr. PITTS.

H.R. 368: Mr. RUSH and Mr. KING of New York.

H.R. 389: Mr. COSTELLO and Mr. LAHOOD.

H.R. 395: Mr. BURR, Mr. UPTON, Mr. STEARNS, Mr. GILLMOR, Mr. SHIMKUS, Mr. BUYER, Mr. BASS, Mr. MARKEY, Ms. ESHOO, Mr. STUPAK, Ms. SOLIS, Mr. WYNN, Mr. FLETCHER, Mr. JOHNSON of Illinois, Mr. ISSA, Mr. ROGERS of Michigan, Mr. OTTER, Mr. FERGUSON, Ms. SCHAKOWSKY, and Mr. KIND.

H.R. 414: Ms. NORTON, Mr. KANJORSKI, Mr. BACA, Ms. SLAUGHTER, Mr. FROST, Mr. LIPINSKI, Mr. GRIJALVA, and Mr. HOLDEN.

H.R. 432: Mr. WAXMAN and Mrs. JONES of Ohio.

H.R. 437: Mrs. JOHNSON of Connecticut and Mr. SIMMONS.

H.R. 496: Mr. MCHUGH, Mr. FROST, Mr. ISAKSON, Mr. BROWN of South Carolina, and Mr. PUTNAM.

H.R. 507: Mrs. WILSON of New Mexico.

H.J. Res. 3: Mrs. MUSGRAVE, Mr. ISAKSON, Mr. GILLMOR, Mr. JONES of North Carolina, Ms. GRANGER, Mr. EVERETT, Mr. HOLDEN, Ms. MCCOLLUM, Mr. PLATTS, Mr. SMITH of Washington, Mr. SHAYS, Mr. FARR, Mr. TIAHRT, Mr. JANKLOW, Mr. GILCHREST, Mr. HOEKSTRA, Ms. LOFGREN, and Mr. STRICKLAND.

H.J. Res. 4: Mr. HOBSON, Mr. TIBERI, Mr. MILLER of Florida, and Mr. BERRY.

H. Con. Res. 2: Mr. KLECZKA, Mr. OBERSTAR, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. WATERS, Ms. SCHAKOWSKY, and Mr. FILNER.

H. Con. Res. 18: Ms. NORTON and Mr. FALEOMAVAEGA.

H. Con. Res. 23: Mr. MCCRERY, Mrs. DAVIS of California, Mr. TURNER of Ohio, and Mr. WHITFIELD.

H. Res. 46: Mr. ISRAEL, Mr. MEEKS of New York, Mr. ENGEL, Mr. RANGEL, Mr. MCNULTY, Mr. UDALL of Colorado, Mr. GRIJALVA, and Mr. KING of New York.

WEDNESDAY, FEBRUARY 5, 2003 (8)

The House was called to order by the SPEAKER.

¶8.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, February 4, 2003.

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

¶8.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

511. A letter from the Deputy Secretary, Department of Defense, transmitting notification of the transport of a chemical warfare agent, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

512. A letter from the Secretary of the Navy, Department of Defense, transmitting the Secretary's determination and findings that it is in the public interest to use other than competitive procedures for a specific procurement, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

513. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of DoD Pilot Mentor-Protege Program [DFARS Case 2002-D029] received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

514. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements Act — Exception for U.S.-Made End Products [DFARS Case 2002-D008] received January 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

515. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children: Exclusion of Military Housing Payments (RIN: 0584-AD34) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

516. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Platform Lift Systems for Accessible Motor Vehicles Platform Lift Installations on Motor Vehicles [Docket No. NHTSA-02-13917; Notice 1] (RIN: 2127-AD50) received December 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

517. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Emmetsburg, Sanborn and Sibly, Iowa and Brandon, South Dakota) [MM Docket No.01-65, RM-10078, RM-10188, RM-10189] received January 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

518. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's three report on nuclear nonproliferation in South Asia for the period of April 1 to September 30, 2001, October 1, 2001 to March 31, 2002 and April 1 to September 30, 2002, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

519. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Government of Jordan (Transmittal No. 01-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

520. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 34-02 which informs you of our intent to sign a Memorandum of Understanding (MOU) between the United States, France the United Kingdom, and the NATO AEW&C Programme Management Organisation concerning Projects for the E-3 AEW&C Fleets, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

521. A letter from the Secretary, Department of Homeland Security, Department of Homeland Security, transmitting the Department's final rule — Production or Disclosure of Official Information in Connection with Legal Preceedings (RIN: 1601-AA01) received January 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

522. A letter from the Secretary, Department of Homeland Security, Department of Homeland Security, transmitting the Department's final rule — Freedom of Information Act and Privacy Act Procedures — received January 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

523. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 to September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

524. A letter from the Director, Information Security Oversight Office, transmitting a copy of the Information Security Oversight Office's (ISOO) ''Report to the President'' for 2001; to the Committee on Government Reform.

525. A letter from the General Counsel, National Labor Relations Board, transmitting the Board's inventory of inherently governmental and commercial activities; to the Committee on Government Reform.

526. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Retirement Coverage and Service Credit Elections Available to Current and Former Nonappropriated Fund Employees (RIN: 3206-AJ72) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

527. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2002, through December 31, 2002 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108 — 36); to the Committee on House Administration and ordered to be printed.

528. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Oklahoma Regulatory Program [OK-028-FOR] received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

529. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-234-FOR] received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

530. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-240-FOR] received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

531. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the annual report for the Office of Independent Counsel-Barrett, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

532. A letter from the Deputy Assistant Attorney General, Department of Justice, transmitting the Department's final rule — Establishment of Minimum Safety and Security Standards for Private Companies That Transport Violent Prisoners [OAG 100F; AG Order No. 2640-2002] (RIN: 1105-AA77) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

533. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Premerger Notification; Reporting and Waiting Period Requirements — received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

534. A letter from the Assistant Chief Counsel, TSA, Department of Transportation, transmitting the Department's finl rule — Aviation Security: Private Charter Security Rules [Docket No. TSA-2002-12394; Amendment No. 1544-3] (RIN: 2110-AA05) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

535. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Ineligibility for an Airman Certificate Based on Security Grounds [Docket No.: FAA-2003-14293; Amendment Nos. 61-108, 63-32, 65-44] (RIN: 2120-AH84) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

536. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30348; Amdt. No. 3039] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico

[CGD08-01-043] (RIN: 2115-AG31) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Houma, LA [CGD08-02-022] (RIN: 2115-AE47) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

539. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Commercial Driver's License Standards, Requirements, and Penalities; Commercial Driver's License Program Improvements and Noncommercial Motor Vehicle Violations [Docket Nos. FMCSA-2001-9709 and FMCSA-00-7382] (RIN: 2126-AA60 and RIN: 2126-AA55) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

540. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Waters adjacent to Embarcadero Park and Campbell Shipyard, San Diego, CA [[COTP San Diego 03-002] (RIN: 2115-AA97) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

541. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — VA Acquisition Regulation: Simplified Acquisition Procedures for Health-Care Resources (RIN: 2900-AI71) received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

542. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 6038 — Returns required with respect to controlled foreign partnerships [TD 9033] (RIN: 1545-BB36) received January 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

543. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-18) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

544. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-17) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

545. A letter from the Secretary, Department of Defense, transmitting notification approving a payment to the Government of Tajikistan, pursuant to Public Law 107-206; jointly to the Committees on Armed Services and Appropriations.

546. A communication from the President of the United States, transmitting a report detailing the progress of spending by the executive branch during the last two quarters of Fiscal Year 2002 in support of Plan Colombia, pursuant to Public Law 106 — 246, section 3204(e) (114 Stat. 576); (H. Doc. No. 108 — 35); jointly to the Committees on International Relations and Appropriations, and ordered to be printed.

547. A letter from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting notification of prospective funding obligations requiring special notification under Section 520 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002; jointly to the Committees on International Relations and Appropriations.

548. A letter from the General Counsel, Office of Compliance, transmitting a copy of the Occupational Safety and Health Report for the 107th Congress, pursuant to Public Law 104 — 1, section 215(e) (109 Stat. 18); jointly to the Committees on House Administration and Education and the Workforce.

549. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's appeal letter to OMB regarding the initial determination of the FY 2004 budget request, pursuant to 49 U.S.C. 1113; jointly to the Committees on Transportation and Infrastructure and Appropriations.

550. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

¶8.3 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HEFLEY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, February 5, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶8.4 MESSAGES FROM THE PRESIDENT

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

¶8.5 ORDER OF BUSINESS— CONSIDERATION OF H. RES. 51

On motion of Mr. DELAY, by unanimous consent,

Ordered, That it may be in order at any time to consider in the House the resolution (H. Res. 51) expressing the condolences of the House of Representatives to the families of the crew of the space shuttle Columbia, and for other purposes; that debate on the resolution shall be limited to two hours equally divided and controlled by the Majority Leader and the Minority Leader, or their designees; and that the previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

¶8.6 EXPRESSING CONDOLENCES TO THE FAMILIES OF THE CREW MEMBERS OF THE COLUMBIA SHUTTLE MISSION

Mr. DELAY, pursuant to the foregoing order of the House, called up the resolution (H. Res. 51):

Whereas the House of Representatives has learned with profound sorrow of the tragedy during re-entry of the space shuttle program of the National Aeronautics and Space Administration, involving the Columbia Shuttle Mission STS–107 and its crew consisting of Rick D. Husband (commander), William C. McCool (pilot), Michael P. Anderson (payload commander), David M. Brown (mission specialist), Kalpana Chawla (mission specialist), Laurel Blair Salton Clark (mission specialist), and Ilan Ramon (payload specialist): Now, therefore, be it

Resolved, That the House of Representatives expresses its condolences to the families of the crew members of the Columbia shuttle mission; and be it further

Resolved, That the Clerk communicate these resolutions to the families of the Columbia crew; and be it further

Resolved, That when the House of Representatives adjourns today, it adjourns as a further mark of respect to the memory of the valiant crew members of the Columbia shuttle mission.

When said resolution was considered and read twice.

After debate,

Pursuant to the previous order of the House, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

Mr. ROHRABACHER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced that further proceedings on the resolution were postponed.

¶8.7 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. SHIMKUS, laid before the House the following communication from Mr. GUTIERREZ :

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Circuit Court for Cook County, Illinois.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

LUIS V. GUTIERREZ,
Member of Congress.

¶8.8 MESSAGE FROM THE PRESIDENT— MILLENIUM CHALLENGE ACCOUNT INITIATIVE

The SPEAKER pro tempore, Mr. SHIMKUS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit a legislative proposal to establish the Millennium Challenge Account and the Millennium Challenge Corporation. Also transmitted is a section-by-section analysis.

The Millennium Challenge Account (MCA) represents a new approach to providing and delivering development assistance. This new compact for development breaks with the past by tying increased assistance to performance and creating new accountability for all nations. This proposal implements my commitment to increase current levels

of core development assistance by 50 percent over the next 3 years, thus providing an annual increase of $5 billion by fiscal year 2006. To be eligible for this new assistance, countries must demonstrate commitment to three standards—ruling justly, investing in their people, and encouraging economic freedom. Given this commitment, and the link between financial accountability and development success, special attention will be given to fighting corruption.

The goal of the Millennium Challenge Account initiative is to reduce poverty by significantly increasing economic growth in recipient countries through a variety of targeted investments. The MCA will be administered by a new, small Government corporation, called the Millennium Challenge Corporation, designed to support innovative strategies and to ensure accountability for measurable results. The Corporation will be supervised by a Board of Directors chaired by the Secretary of State and composed of other Cabinet-level officials. The Corporation will be led by a Chief Executive Officer appointed by the President, by and with the advice and consent of the Senate. This proposal provides the Corporation with flexible authorities to optimize program implementation, contracting, and personnel selection while pursuing innovative strategies.

The Millennium Challenge Account initiative recognizes the need for country ownership, financial oversight, and accountability for results to ensure effective assistance. We cannot accept permanent poverty in a world of progress. The MCA will provide people in developing nations the tools they need to seize the opportunities of the global economy. I urge the prompt and favorable consideration of this legislation.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 5, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations, the Committee on Ways and Means, the Committee on the Judiciary, the Committee on Resources, and the Committee on Government Reform and ordered to be printed (H. Doc. 108–37).

¶8.9 MESSAGE FROM THE PRESIDENT—SOCIAL SECURITY AGREEMENT WITH NORWAY

The SPEAKER pro tempore, Mr. SHIMKUS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and the Kingdom of Norway on Social Security, with a related administrative agreement, both signed at Oslo on November 30, 2001. This revised Agreement is intended to modify certain provisions of the original United States and Norwegian Agreement, which was signed in Washington on January 13, 1983, and, upon its entry into force, will replace the 1983 Agreement.

The revised United States-Norwegian Agreement is similar in objective to the other social security agreements already in force with Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, The Netherlands, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The revised United States-Norwegian Agreement contains all provisions mandated by section 233 and other provisions, which I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the administrative agreement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the United States Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend the United States-Norwegian Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 5, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–38).

¶8.10 RECESS—5:35 P.M.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 12 of rule I, declared the House in recess at 5 o'clock and 35 minutes p.m., subject to the call of the Chair.

¶8.11 AFTER RECESS—6:03 P.M.

The SPEAKER pro tempore, Mr. LATOURETTE, called the House to order.

¶8.12 ORDER OF BUSINESS—CONSIDERATION OF H.J. RES. 18

On motion of Mr. YOUNG of Florida, by unanimous consent,

Ordered, That it may be in order at any time, without intervention of any point of order, to consider in the House the joint resolution (H.J. Res. 18) making further continuing appropriations for the fiscal year 2003, and for other purposes; the joint resolution shall be considered as read for amendment; the joint resolution shall be debatable for one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

¶8.13 FURTHER CONTINUING APPROPRIATIONS FY 2003

Mr. YOUNG of Florida, pursuant to the foregoing order of the House, called up the joint resolution (H.J. Res. 18) making further continuing appropriations for the fiscal year 2003, and for other purposes.

When said joint resolution was considered and read twice.

After debate,

Pursuant to the previous order of the House, the previous question was ordered on the joint resolution to its adoption or rejection.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

Mr. OBEY moved to recommit the joint resolution to the Committee on Appropriations with instructions to report the bill back to the House promptly with an amendment further amending Section 101 of Public Law 107-229 to:

1. Maintain Medicare payment rates for physician services at FY 2002 levels; and

2. Set the base amount for computing Medicare payments to hospitals in small urban areas and rural areas equal to the higher base amount applicable to hospitals in large urban areas.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said joint resolution with instructions?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the nays had it.

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 195 / Nays ..... 215 }

¶8.14 [Roll No. 18]

YEAS—195

Abercrombie	Berry	Carson (IN)
Ackerman	Bishop (GA)	Carson (OK)
Alexander	Bishop (NY)	Case
Allen	Blumenauer	Clay
Andrews	Boswell	Clyburn
Baca	Boucher	Conyers
Baird	Boyd	Cooper
Baldwin	Brady (PA)	Cramer
Ballance	Brown (OH)	Crowley
Becerra	Capps	Cummings
Bell	Capuano	Davis (AL)
Berkley	Cardin	Davis (CA)
Berman	Cardoza	Davis (FL)

Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—215

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

NOT VOTING—24

Bono
Brady (TX)
Brown, Corrine
Burton (IN)
Costello
Cubin
DeGette
Doyle
Filner
Gallegly
Gephardt
Gilchrest
Gonzalez
Jefferson
Lipinski
McKeon
Miller, Gary
Ose
Rush
Ryan (WI)
Schiff
Scott (GA)
Sullivan
Tanner

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

So the joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶8.15 H. RES. 51—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 51) expressing the condolences of the House of Representatives to the families of the crew of the space shuttle Columbia, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 0

¶8.16 [Roll No. 19]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood

Shimkus	Tauzin	Walsh
Shuster	Taylor (MS)	Wamp
Simmons	Terry	Waters
Simpson	Thomas	Watson
Skelton	Thompson (CA)	Watt
Slaughter	Thompson (MS)	Waxman
Smith (MI)	Thornberry	Weiner
Smith (NJ)	Tiahrt	Weldon (FL)
Smith (TX)	Tiberi	Weldon (PA)
Smith (WA)	Tierney	Weller
Snyder	Toomey	Wexler
Solis	Towns	Whitfield
Souder	Turner (OH)	Wicker
Spratt	Turner (TX)	Wilson (NM)
Stark	Udall (CO)	Wilson (SC)
Stearns	Udall (NM)	Wolf
Stenholm	Upton	Woolsey
Strickland	Van Hollen	Wu
Stupak	Velazquez	Wynn
Sweeney	Visclosky	Young (AK)
Tancredo	Vitter	Young (FL)
Tauscher	Walden (OR)	

NOT VOTING—30

Ballenger	Gallegly	Miller, Gary
Beauprez	Gephardt	Nadler
Bono	Gilchrest	Ose
Brady (TX)	Gonzalez	Rush
Brown, Corrine	Gordon	Ryan (WI)
Burton (IN)	Hefley	Schiff
Costello	Jefferson	Sullivan
Cubin	Lipinski	Tanner
DeGette	McKeon	Taylor (NC)
Doyle	Millender-McDonald	
Filner		

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶8.17 CONGRESSIONAL BUDGET OFFICE DIRECTOR

The SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, announced that the Speaker and the President pro tempore of the Senate jointly appointed Mr. Douglas Holtz-Eakin as Director of the Congressional Budget Office for the term of office expiring on January 3, 2007.

¶8.18 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
January 30, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives
Washington, DC.

DEAR SPEAKER HASTERT: Effective today, I resign from the House Committee on Resources. Thank you for your attention to this matter.

Sincerely,

JOEL HEFLEY,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶8.19 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT, Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER. Effective February 5, 2003, I hereby resign from the Committee on Resources.

Sincerely,

GEORGE MILLER,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶8.20 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: In order to comply with the rules of the Democratic Caucus so that I may serve on the Committee on the Budget, I hereby take a leave of absence from the Committee on Science. Pursuant to the rules of the Democratic Caucus, I understand that my rights for seniority on the Science Committee will be preserved and that my seniority will continue to accrue.

Sincerely,

BRIAN BAIRD,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶8.21 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Agriculture Committee.

Sincerely,

LEONARD BOSWELL,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶8.22 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003 I hereby resign my position on the House Agriculture Committee, due to my permanent appointment to the House Armed Services Committee.

Thank you for your consideration of this matter.

Sincerely,

RICK LARSEN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶8.23 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Resources Committee due to my permanent appointment to the International Relations Committee.

Sincerely,

ADAM SMITH,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶8.24 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Financial Services Committee due to an error in H. Res. 35 and my permanent appointment to the Transportation and Infrastructure Committee.

Sincerely,

LINCOLN DAVIS,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶8.25 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Second District, New York, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the U.S. House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003, I hereby resign my position on the Science Committee due to my permanent appointment to the Armed Services Committee.

Sincerely,

STEVE ISRAEL,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶8.26 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: Effective February 5, 2003, I will be taking a leave of absence from the Government Reform Committee due to my appointment as the Ranking Member of

the Select Committee on Homeland Security.

Sincerely,

JIM TURNER,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶8.27 COMMITTEE ELECTION—MINORITY

Mr. CLYBURN, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 52):

Resolved, That the following named Members and Delegates be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE: Mr. Alexander, Mr. Ballance, Mr. Cardoza, Mr. Scott of Georgia, Mr. Marshall, Mr. Case.

(2) COMMITTEE ON ARMED SERVICES: Mr. Israel, Mr. Larsen of Washington, Mr. Cooper, Mr. Marshall, Mr. Meek of Florida, Ms. Bordallo, Mr. Alexander.

(3) COMMITTEE ON THE BUDGET: Ms. Majette.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE: Mr. Case, Mr. Grijalva, Ms. Majette, Mr. Ryan of Ohio, Mr. Van Hollen.

(5) COMMITTEE ON FINANCIAL SERVICES: Mr. Emanuel (to rank immediately after Mr. Miller of North Carolina), Mr. Davis of Alabama.

(6) COMMITTEE ON GOVERNMENT REFORM: Mr. Van Hollen, Ms. Linda T. Sánchez, Mr. Ruppersberger.

(7) COMMITTEE ON HOUSE ADMINISTRATION: Mr. Larson of Connecticut, Ms. Millender-McDonald, Mr. Brady of Pennsylvania.

(8) COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Smith of Washington, Ms. McCollum, Mr. Bell.

(9) COMMITTEE ON RESOURCES: Mr. Grijalva, Mr. Cardoza, Ms. Bordallo.

(10) COMMITTEE ON SCIENCE: Mr. Bell, Mr. Bishop of New York, Mr. Miller of North Carolina, Mr. Davis of Tennessee.

(11) COMMITTEE ON SMALL BUSINESS: Mr. Ballance, Mr. Ryan of Ohio.

(12) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Mr. Mollohan.

(13) COMMITTEE ON VETERANS' AFFAIRS: Mr. Michaud.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶8.28 HOUR OF MEETING

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, February 7, 2003; and further, that when the House adjourns on Friday, February 7, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, February 11, 2003, for morning-hour debate.

¶8.29 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, February 12, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶8.30 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 16. An Act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

¶8.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DOYLE, for today; and

To Mr. RYAN of Wisconsin, for today.

And then,

¶8.32 ADJOURNMENT

On motion of Mr. DREIER, pursuant to House Resolution 51, at 7 o'clock and 16 minutes p.m., the House adjourned out of further respect for the Crew Members of the Space Shuttle Columbia until 10 a.m., Friday, February 7, 2003.

¶8.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GREENWOOD (for himself, Mr. MURTHA, Mr. COX, Mr. SENSENBRENNER, Mr. TAUZIN, Mr. THOMAS, Mr. GOODE, Mr. FERGUSON, Mr. GERLACH, Mrs. CAPITO, Mr. FEENEY, Mr. KIRK, Mrs. BIGGERT, Mr. PLATTS, Mr. SHAYS, Mr. FRELINGHUYSEN, Mr. MURPHY, Mr. PETERSON of Minnesota, Mr. LUCAS of Kentucky, Mr. STENHOLM, Mr. TAYLOR of Mississippi, Mr. HOBSON, Ms. GRANGER, Mrs. JOHNSON of Connecticut, Ms. DUNN, Mr. ROGERS of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. HAYES, Mr. LEACH, Mr. OTTER, Mr. GRAVES, Mr. LATOURETTE, Mr. FLETCHER, Mr. WELDON of Florida, Mr. TIBERI, Mr. HAYWORTH, Mr. CRANE, Mr. PORTMAN, Mr. SULLIVAN, Mr. SOUDER, Mr. CANNON, Mr. SHAW, Mr. MCHUGH, Mr. MCKEON, Mr. LEWIS of Kentucky, Mrs. NORTHUP, Mr. SESSIONS, Mr. HULSHOF, Mr. PUTNAM, Mr. GILCHREST, Mr. KNOLLENBERG, Mr. HOUGHTON, Mr. REGULA, Mr. TOM DAVIS of Virginia, Mr. FORBES, Mr. PETERSON of Pennsylvania, Mr. LOBIONDO, Mr. BOEHLERT, Mr. NUSSLE, Mr. SHUSTER, Mr. TIAHRT, Mr. STEARNS, Mr. GILLMOR, Ms. HART, Mr. WALSH, Mr. CRENSHAW, Mr. BARTON of Texas, Mr. KELLER, and Mr. COLLINS):

H.R. 5. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary and in addition to the Committee on Energy and Commerce.

By Mr. TAUZIN (for himself, Mr. DINGELL, Mr. BILIRAKIS, Mr. BROWN of Ohio, and Mr. HILL):

H.R. 531. A bill to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program (SCHIP); to the Committee on Energy and Commerce.

By Mr. LANTOS (for himself, Ms. PELOSI, Mr. GEORGE MILLER of California, Ms. ESHOO, Ms. LEE, Mrs. TAUSCHER, Mr. HONDA, Mr. THOMPSON of California, Mr. STARK, and Ms. LOFGREN):

H.R. 532. A bill to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Resources.

By Mr. EVANS (for himself, Mr. RODRIGUEZ, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. SNYDER, Mr. MCINTYRE, Mr. SANDERS, Mr. SERRANO, and Mr. WAXMAN):

H.R. 533. A bill to amend title 38, United States Code, to provide for health benefits and certain other benefits to be furnished by the Department of Veterans Affairs to any individual who has spina bifida and is the natural child of a veteran who, while in military service, was exposed to a herbicide agent; to the Committee on Veterans' Affairs.

By Mr. WELDON of Florida (for himself, Mr. STUPAK, Mr. SENSENBRENNER, Mr. SMITH of Texas, Mr. CHABOT, Mr. LUCAS of Kentucky, Mr. CANNON, Mr. HALL, Mr. KELLER, Ms. HART, Mr. TAYLOR of Mississippi, Mr. DELAY, Mrs. MYRICK, Mr. BACHUS, Mr. BLUNT, Mr. FLETCHER, Mr. NORWOOD, Mr. PITTS, Mr. SHIMKUS, Mr. STEARNS, Mr. SMITH of New Jersey, Mr. VITTER, Mr. GOODE, Mr. WOLF, Mr. BRADY of Texas, Mr. HOEKSTRA, Mr. KILDEE, Mr. ADERHOLT, Mr. WICKER, Mr. COSTELLO, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Kentucky, Mr. SHUSTER, Mr. GOODLATTE, Mr. PICKERING, Mr. BURTON of Indiana, Mr. HUNTER, Mr. CANTOR, Mr. GUTKNECHT, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. MCCRERY, Mr. RYUN of Kansas, Mrs. JO ANN DAVIS of Virginia, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. LINDER, Mr. MICA, Mr. SHADEGG, Mr. TERRY, Mr. COLLINS, Mrs. MUSGRAVE, Mr. KENNEDY of Minnesota, Mr. PENCE, Mr. ROGERS of Michigan, Mr. TIBERI, Mr. RYAN of Wisconsin, Mr. FORBES, Mr. KING of Iowa, Mr. EVERETT, Mr. AKIN, Mr. OSBORNE, Mr. TANCREDO, Mr. CAMP, Mr. DUNCAN, Mr. CRENSHAW, Mr. KING of New York, Mr. WAMP, Mr. FOSSELLA, Mr. COMBEST, Mr. HAYES, Mr. TIAHRT, Mr. BURNS, Mr. HOSTETTLER, Mrs. EMERSON, Mr. ISSA, Mr. CRANE, Mr. FEENEY, Mr. BUYER, Mr. FERGUSON, Mr. GRAVES, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. GREEN of Wisconsin, Mr. SULLIVAN, Mr. ROGERS of Alabama, Mr. BROWN of South Carolina, Mr. KINGSTON, Ms. ROS-LEHTINEN, Mr. POMBO, Mr. RENZI, Mr. HYDE, Mr. WHITFIELD, Mr. WELLER, Mr. PETRI, Mr. TOOMEY, Mr. BURGESS, Mr. DEMINT, Mr. HERGER, Mr. ORTIZ, Mr. REYES, Mr. MOLLOHAN, Mr. MANZULLO, Mr. NEY, and Mr. LAHOOD):

H.R. 534. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mr. ACEVEDO-VILA (for himself, Mrs. CHRISTENSEN, Mr. RANGEL, Mr. TOWNS, Ms. VELAZQUEZ, Mr. BACA, Mr. SERRANO, Mr. GUTIERREZ, Ms. BORDALLO, Ms. SOLIS, Mrs. NAPOLITANO, Mr. BECERRA, and Mr. PASTOR):

H.R. 535. A bill to provide access to welfare tools to help Americans get back to work; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 536. A bill to amend the Occupational Safety and Health Act of 1970 to provide for coverage under that Act of employees of States and political subdivisions of States, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 537. A bill to authorize the grant program for elimination of the nationwide backlog in analyses of DNA samples at the level necessary to completely eliminate the backlog and obtain a DNA sample from every person convicted of a qualifying offense; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 538. A bill to amend the Federal Rules of Evidence to establish a parent-child privilege; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 539. A bill to amend the Immigration and Nationality Act to provide for the admission to the United States for permanent residence without numerical limitation of spouses of permanent resident aliens; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 540. A bill to amend title 9, United States Code, to allow employees the right to accept or reject the use of arbitration to resolve an employment controversy; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 541. A bill to amend the Internal Revenue Code of 1986 to provide for employee benefits for work site employees of certain corporations operating on a cooperative basis; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 542. A bill to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102-562; to the Committee on Resources.

By Mr. BAKER:

H.R. 543. A bill to amend the Internal Revenue Code of 1986 to provide special rules for the determining the amount allowed as a deduction for a charitable contribution of apparently wholesome food which is inventory; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 544. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. DEUTSCH, Mr. ISRAEL, Mr. ETHERIDGE, and Mr. WELDON of Pennsylvania):

H.R. 545. A bill to provide for the establishment of a scientific basis for new firefighting technology standards, improve coordination among Federal, State, and local fire officials in training for and responding to terrorist attacks and other national emergencies, and for other purposes; to the Committee on Science.

By Mr. CASE (for himself and Mr. ABERCROMBIE):

H.R. 546. A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Resources.

By Mr. CASTLE:

H.R. 547. A bill to expand the Federal tax refund intercept program to cover children who are not minors; to the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself, Mr. SCHROCK, Mr. MORAN of Virginia, Mr. DUNCAN, Mr. SAXTON, Mr. EDWARDS, Mr. ISRAEL, Mr. HOLDEN, Mr. LUCAS of Kentucky, Mr. GIBBONS, Mr. WILSON of South Carolina, Mr. PAUL, Mr. VITTER, Mr. FOLEY, Mr. RODRIGUEZ, Mr. WHITFIELD, Mr. MICA, Mrs. CHRISTENSEN, Mr. ADERHOLT, Mr. MANZULLO, Mr. LANTOS, Mr. TIBERI, Mr. FILNER, Mr. BROWN of South Carolina, Mr. JEFFERSON, Mr. MCGOVERN, Mr. WU, Mr. SMITH of New Jersey, Mr. MCINNIS, Ms. WOOLSEY, Mr. BROWN of Ohio, Mr. LAMPSON, Mr. UDALL of New Mexico, Mr. TURNER of Texas, Ms. ROS-LEHTINEN, Ms. HART, Mr. PETRI, Mr. SANDLIN, Mr. CARSON of Oklahoma, Mr. KINGSTON, Mr. LYNCH, Mr. ISTOOK, Mr. QUINN, Mr. BAKER, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, Mr. WALDEN of Oregon, Mr. SIMMONS, Mr. DAVIS of Florida, Mr. BOOZMAN, Mr. BEAUPREZ, Mr. BACA, Mr. SMITH of Washington, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PICKERING, Ms. CARSON of Indiana, Mr. GOODE, Mr. MCINTYRE, Mr. SOUDER, Mr. CRENSHAW, Mr. RAHALL, Mr. FROST, Ms. GINNY BROWN-WAITE of Florida, Mr. TERRY, Mr. FRANK of Massachusetts, Mr. JENKINS, Mr. OLVER, Mr. GREEN of Texas, Mr. PUTNAM, Mr. GREEN of Wisconsin, Mr. GRIJALVA, Mr. BOYD, Mr. KENNEDY of Rhode Island, Mr. PALLONE, Mr. WYNN, Mr. LATOURETTE, Mrs. WILSON of New Mexico, Mr. BELL, Mr. JONES of North Carolina, Mr. TANCREDO, Mr. TOM DAVIS of Virginia, Mr. CRAMER, Mrs. MCCARTHY of New York, Mr. BURR, Mr. EVANS, Mr. BILIRAKIS, Mr. CUNNINGHAM, Ms. NORTON, Mr. GOSS, Mr. HONDA, Ms. HOOLEY of Oregon, Ms. BERKLEY, Mr. LAHOOD, Mrs. MUSGRAVE, Mr. HINCHEY, Mr. ROSS, Mrs. EMERSON, Mr. OTTER, Mr. PASTOR, Ms. SOLIS, Mr. COMBEST, Mr. KLINE, Mr. MCCRERY, Mr. OBERSTAR, Ms. KILPATRICK, Mr. DEUTSCH, Mr. ROTHMAN, Mr. PEARCE, Mr. SANDERS, Mr. WOLF, Mr. HAYWORTH, Mr. PETERSON of Pennsylvania, Mr. COSTELLO, Ms. KAPTUR, Ms. HARRIS, Mr. ROYCE, Mr. KING of New York, Ms. LINDA T. SANCHEZ of California, and Mr. MATHESON):

H.R. 548. A bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes; to the Committee on Armed Services.

By Mr. DEMINT:

H.R. 549. A bill to suspend temporarily the duty on certain power weaving textile machinery; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 550. A bill to suspend temporarily the duty on certain ink-jet textile printing machinery; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 551. A bill to suspend temporarily the duty on certain other textile printing machinery; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 552. A bill to suspend temporarily the duty on certain textile machinery; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 553. A bill to suspend temporarily the duty on Chemical RH water-based (iron toluene sulfanate); to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 554. A bill to suspend temporarily the duty on Chemical NR Ethanol-based (iron toluene sulfanate); to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 555. A bill to suspend temporarily the duty on tantalum capacitor ink; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 556. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 557. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 558. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 559. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 560. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 561. A bill to suspend temporarily the duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 562. A bill to suspend temporarily the duty on thermal release plastic film; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 563. A bill to suspend temporarily the duty on certain formulated silver paints and pastes to coat tantalum anodes colloidal precious metals; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 564. A bill to suspend temporarily the duty on polymer masking material for aluminum capacitors (UPICOAT); to the Committee on Ways and Means.

By Mr. DEMINT (for himself and Mr. SPRATT):

H.R. 565. A bill to provide emergency assistance to certain small business concerns that have suffered substantial economic injury from drought; to the Committee on Small Business.

By Mr. CUNNINGHAM (for himself and Mrs. DAVIS of California):

H.R. 566. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to clarify the formula used to compute payments to local educational agencies with respect to eligible federally connected children; to the Committee on Education and the Workforce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 567. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northern Neck National Heritage Area in Virginia, and for other purposes; to the Committee on Resources.

By Mr. TOM DAVIS of Virginia (for himself, Mr. HOYER, Mr. GILCHREST, Mr. GREENWOOD, Mr. FORBES, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. WYNN, Mr. HOLDEN, Mr. HOEFFEL, Mr. HINCHEY, Mr. WOLF, Mr. GOODLATTE, Ms. NORTON, Mr. BARTLETT of Maryland, Mr. CARDIN, Mr. CUMMINGS, Mrs. JO ANN DAVIS of Virginia, Mr. HOUGHTON, Mr. PETERSON of Pennsylvania, Mr. RUPPERSBERGER, and Mr. VAN HOLLEN):

H.R. 568. A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed; to the Committee on Transportation and Infrastructure.

By Ms. DUNN (for herself, Mr. MCDERMOTT, Mr. RAMSTAD, Mr. DEUTSCH, and Mr. FERGUSON):

H.R. 569. A bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on

Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. WELLER, Mr. MATSUI, Mrs. JOHNSON of Connecticut, Mr. POMEROY, Mr. MCCRERY, Mr. HAYWORTH, Mr. RAMSTAD, Mr. MCINNIS, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. BECERRA, Mrs. JONES of Ohio, Ms. BERKLEY, Mr. STENHOLM, Mr. LEACH, Mrs. DAVIS of California, Mr. PAUL, Mr. WU, Mr. STUPAK, Mr. UDALL of New Mexico, Mr. LANGEVIN, Mr. WALDEN of Oregon, Mrs. TAUSCHER, Mr. HINCHEY, Mr. SANDERS, Mr. SHAYS, Mr. INSLEE, Mr. SNYDER, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. SIMPSON, Mr. OTTER, Mrs. CAPPS, Mr. ABERCROMBIE, Mr. KENNEDY of Minnesota, Mr. EHLERS, Mr. GREEN of Wisconsin, Mr. SMITH of Washington, Mr. HOEFFEL, Mr. SHERMAN, Mr. DEUTSCH, Mr. DELAHUNT, Mr. GREENWOOD, Mr. LUCAS of Oklahoma, Mr. WELDON of Florida, Mr. GUTKNECHT, Mr. SIMMONS, Ms. WOOLSEY, Mr. BEREUTER, Mr. LATHAM, Mr. REHBERG, Mr. BOUCHER, Mr. FROST, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MORAN of Kansas):

H.R. 570. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. MCINNIS, Mr. HERGER, Mr. GIBBONS, Mr. MCHUGH, Mr. TIBERI, Mr. MILLER of Florida, Mr. ROGERS of Kentucky, Mr. CRENSHAW, Mr. GREEN of Wisconsin, Mr. SMITH of Michigan, and Mr. WELDON of Florida):

H.R. 571. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Ways and Means.

By Mr. FOSSELLA:

H.R. 572. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses applicable to individuals; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 573. A bill to amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from taxes on air transportation; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself and Mr. GIBBONS):

H.R. 574. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, and platinum, in either coin or bar form, in the same manner as stocks and bonds for purposes of the maximum capital gains rate for individuals; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 575. A bill to expedite the process by which the Secretary of the Interior and the Secretary of Agriculture may utilize military aircraft to fight wildfires, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. QUINN, and Mr. REYNOLDS):

H.R. 576. A bill to provide for the transfer to the Secretary of Energy of title to, and full responsibility for the possession, transportation, and disposal of, radioactive waste associated with the West Valley Demonstration Project, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. MCHUGH, Mr. WOLF, Mr. HOEFFEL, Mr. WAXMAN, Mr. HOLT, Mr. COSTELLO, Mr. LANTOS, Mr. RAHALL, Mr. VAN HOLLEN, Mr. FILNER, Mr. OLVER, Mr. HINCHEY, Mr. ISRAEL, Mr. HOLDEN, Mr. CONYERS, Mr. DEUTSCH, Mr. HYDE, Mr. PRICE of North Carolina, Mr. WYNN, Mr. FROST, Mr. MORAN of Virginia, Mr. KANJORSKI, Mr. BRADY of Pennsylvania, and Mr. KILDEE):

H.R. 577. A bill to amend chapter 89 of title 5, United States Code, to increase the Government contribution for Federal employee health insurance; to the Committee on Government Reform.

By Mr. HULSHOF (for himself, Mr. JEFFERSON, Mr. MCCRERY, and Mr. COLLINS):

H.R. 578. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. PITTS, Mr. STEARNS, Mr. BOOZMAN, Mr. CRANE, Mr. RYUN of Kansas, Mr. DOOLITTLE, Mr. RENZI, Mr. HOSTETTLER, and Mr. FORBES):

H.R. 579. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person from the moment of fertilization; to the Committee on the Judiciary.

By Mr. ISRAEL:

H.R. 580. A bill to direct the Secretary of Transportation to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. MALONEY, Mr. SMITH of New Jersey, Mr. ROGERS of Michigan, Mr. SIMMONS, Mr. KILDEE, and Mr. POMEROY):

H.R. 581. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself and Mr. PRICE of North Carolina):

H.R. 582. A bill to amend the Packers and Stockyards Act, 1921, to provide the Secretary of Agriculture with administrative authority to investigate live poultry dealers, and for other purposes; to the Committee on Agriculture.

By Mr. KENNEDY of Minnesota (for himself, Mr. LIPINSKI, Mr. HAYES, Mr. GOODE, Mr. HASTINGS of Washington, Mr. FOSSELLA, Mr. LATOURETTE, Mr. SENSENBRENNER, Mr. ENGLISH, Mr. SIMMONS, Mr. MCHUGH, Mr. FORD, Mr. MARIO DIAZ-BALART of Florida, Mr. PETERSON of Minnesota, Mr. WELDON of Florida, Mr. CHOCOLA, and Mr. TOWNS):

H.R. 583. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. OBERSTAR, Mr. WICKER, Mr. MCDERMOTT, Mr. OTTER, Mrs. MCCARTHY of New York, Mr. WILSON of South Carolina, Ms. CORRINE BROWN of Florida, Mr. BEREUTER, Mr. BROWN of Ohio, Mr. QUINN, Mr. STRICKLAND, Mr. WOLF, Mr. MCHUGH, Mr. TIBERI, Mr. LYNCH, Mr. HUNTER, Mr. REYNOLDS, Mr. SOUDER, Mr. COSTELLO, Mr. PAUL, Mr. GREEN of Wisconsin, Mr. TIAHRT, Mr. SMITH of New Jersey, Mr. WALDEN of Oregon, Mr. BARTLETT of Maryland, Mr. SIMMONS, Mr. WAMP, Mr. GORDON, Ms. NORTON, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. FLETCHER):

H.R. 584. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from individual retirement plans for adoption expenses; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 585. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on crude oil and products thereof; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. FORBES, Mr. WELDON of Pennsylvania, Ms. ESHOO, Mr. SCHROCK, Mr. HONDA, Mrs. JO ANN DAVIS of Virginia, Mr. MCDERMOTT, Mr. SIMMONS, and Ms. WOOLSEY):

H.R. 586. A bill to enable the United States to maintain its leadership in aeronautics and aviation by instituting an initiative to develop technologies that will enable future aircraft with significantly lower noise, emissions, and fuel consumption; to reinvigorate basic and applied research in aeronautics and aviation, and for other purposes; to the Committee on Science.

By Mr. LATOURETTE:

H.R. 587. A bill to amend title 40, United States Code, to add Ashtabula, Mahoning, and Trumbull Counties, Ohio, to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE:

H.R. 588. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of immunosuppressive drugs for Medicare beneficiaries who receive an organ transplant without regard to when the transplant was received; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BACA, Mr. BALLANCE, Ms. BALDWIN, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mr. BURNS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. CASE, Mr. CLAY, Mr. CONYERS, Mr. COOPER, Mr. COSTELLO, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mrs. JO ANN DAVIS of Virginia, Ms. DELAURO, Mr. DEUTSCH, Mr. DINGELL, Mr. DUNCAN, Mr. ENGLISH, Mr. ETHERIDGE, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FILNER, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Wisconsin, Mr.

GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLDEN, Mr. HONDA, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KING of Iowa, Mr. LANGEVIN, Mr. LANTOS, Mr. LATOURETTE, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Mr. LYNCH, Ms. MAJETTE, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Mrs. NORTHUP, Ms. NORTON, Mr. OBERSTAR, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PETRI, Mr. PLATTS, Mr. PORTMAN, Mr. RANGEL, Mr. REGULA, Mr. REYES, Mr. RODRIGUEZ, Mr. ROGERS of Alabama, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABO, Mr. SANDERS, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SIMMONS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SOUDER, Mr. SPRATT, Mr. STRICKLAND, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. UPTON, Mr. VAN HOLLEN, Mr. WAMP, Ms. WATSON, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H.R. 589. A bill to require the Secretary of the Treasury to mint coins in commemoration of Dr. Martin Luther King, Jr; to the Committee on Financial Services.

By Mr. LEACH (for himself and Mr. BOSWELL):

H.R. 590. A bill to direct the Secretary of the Army to convey the remaining water supply storage allocation in Rathbun Lake, Iowa, to the Rathbun Regional Water Association; to the Committee on Transportation and Infrastructure.

By Mr. LEVIN (for himself, Mr. HOEFFEL, Mr. OLVER, Mr. WEINER, Mr. MCNULTY, Ms. SLAUGHTER, Ms. KAPTUR, Mr. WELDON of Pennsylvania, Mr. GUTIERREZ, Mr. QUINN, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. KILDEE, Mr. HINCHEY, Ms. BERKLEY, Mr. WOLF, Ms. WATSON, Mr. ENGEL, Ms. KILPATRICK, Mr. BERMAN, Mr. JEFFERSON, Mr. PAYNE, Mr. DOGGETT, Mr. LIPINSKI, Mr. HOLT, Mr. LANGEVIN, Mrs. LOWEY, Mr. KUCINICH, Mr. DAVIS of Illinois, and Mrs. MALONEY):

H.R. 591. A bill to authorize the Ukrainian Congress Committee of America to establish a memorial on Federal land in the District of Columbia to honor the victims of the Ukrainian famine-genocide of 1932-1933; to the Committee on Resources.

By Mr. LIPINSKI (for himself, Mr. DAVIS of Illinois, Mr. KIRK, Mr. COSTELLO, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. MANZULLO, Mr. SHIMKUS, Mr. JOHNSON of Illinois, Mr. EVANS, and Mr. BOSWELL):

H.R. 592. A bill to expand aviation capacity; to the Committee on Transportation and Infrastructure.

By Mr. LOBIONDO (for himself, Mr. CAPUANO, Mr. WILSON of South Carolina, Mrs. BONO, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. DOOLEY of California, and Mrs. CAPITO):

H.R. 593. A bill to correct certain inequities in the second round of designation of empowerment zones and enterprise communities; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON (for himself, Mr. LYNCH, Mr. FILNER, Mr. BOEHLERT, Mr. BERMAN, Mr. RODRIGUEZ, Mr. SIMMONS, Mr. BAIRD, Mr. MCGOVERN, Mr. HOLDEN, Mr. STRICKLAND, Ms. WOOLSEY, Mr. FROST, Mr. HALL, Mr. SOUDER, Mr. LOBIONDO, Mr. STARK, Mr. GREEN of Texas, Mr. STUPAK, Mr. GEORGE MILLER of California, Mr. LIPINSKI, Mr. TURNER of Texas, Mr. COSTELLO, Mr. HINCHEY, Ms. SOLIS, Mr. GILLMOR, Ms. JACKSON-LEE of Texas, Mr. WELDON of Pennsylvania, Mr. WAXMAN, Mr. CUNNINGHAM, Mr. JENKINS, Mr. MCHUGH, Mrs. CAPPS, Mr. MARKEY, Mr. LANTOS, Mr. HINOJOSA, Mr. SCHIFF, Mr. WHITFIELD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHERMAN, Mr. BAKER, Mr. ISAKSON, Mr. LAHOOD, Mr. WELLER, Mr. SHIMKUS, Mr. PAUL, Mr. DOOLITTLE, Mr. CALVERT, Mr. WILSON of South Carolina, Mr. LATOURETTE, Mr. ABERCROMBIE, Ms. BALDWIN, Ms. MCCOLLUM, Mr. GIBBONS, Mr. PLATTS, Mr. ISRAEL, Mr. MICHAUD, Mr. COMBEST, Mr. BEREUTER, Mr. DOYLE, Mr. FRANK of Massachusetts, Ms. MCCARTHY of Missouri, Ms. WATSON, Mr. OLVER, Mr. CARSON of Oklahoma, Ms. SCHAKOWSKY, Mr. NEAL of Massachusetts, Mr. LAMPSON, Ms. HOOLEY of Oregon, Mr. STENHOLM, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Ms. HARMAN, Mr. KENNEDY of Rhode Island, Ms. ROYBAL-ALLARD, Mr. WU, Mr. GORDON, Mr. EDWARDS, Mr. BROWN of Ohio, Mr. HONDA, Ms. LEE, Mr. SANDLIN, Mr. LEWIS of California, Mr. ALLEN, Mr. LUCAS of Kentucky, Mrs. NAPOLITANO, Mr. BONILLA, Mr. BLUMENAUER, Ms. LINDA T. SANCHEZ of California, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, and Mrs. DAVIS of California):

H.R. 594. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 595. A bill to provide compensation for certain World War II veterans who survived the Bataan Death March and were held as prisoners of war by the Japanese; to the Committee on Armed Services.

By Mr. NORWOOD:

H.R. 596. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to exclude from preemption State causes of action to enforce determinations under group health plans based on medical necessity; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 597. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 598. A bill to establish a commission to study the establishment of a national education museum and archive for the United States; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 599. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 600. A bill to require disclosure of the sale of securities by insiders of issuers of the securities to be made available to the Commission and to the public in electronic form before the transaction is conducted, and for other purposes; to the Committee on Financial Services.

By Mr. OWENS:

H.R. 601. A bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth; to the Committee on House Administration.

By Mr. OWENS:

H.R. 602. A bill to provide compensation for the families of noncombatants killed in United States military actions in Afghanistan after September 11, 2001; to the Committee on International Relations.

By Mr. OWENS:

H.R. 603. A bill to provide for adjustment of immigration status for certain aliens granted temporary protected status in the United States because of conditions in Montserrat; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 604. A bill to amend the Immigration and Nationality Act to provide for legal permanent resident status for certain undocumented or nonimmigrant aliens; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 605. A bill to provide for permanent resident status for any alien orphan physically present in the United States who is less than 12 years of age and to provide for deferred enforced departure status for any alien physically present in the United States who is the natural and legal parent of a child born in the United States who is less than 18 years of age; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 606. A bill to amend title 49, United States Code, to provide that individuals who are eligible to join the Armed Forces of the United States are also eligible to be security screening personnel; to the Committee on Transportation and Infrastructure.

By Mr. OWENS:

H.R. 607. A bill to amend the Internal Revenue Code of 1986 to provide more revenue for the Social Security system by imposing a tax on certain unearned income and to provide tax relief for more than 80,000,000 individuals and families who pay more in Social Security taxes than income taxes by reducing the rate of the old age, survivors, and disability insurance Social Security payroll tax; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 608. A bill to provide for prices of pharmaceutical products that are fair to the producer and the consumer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 609. A bill to accord honorary citizenship to the alien victims of the September 11, 2001, terrorist attacks against the United States and to provide for the granting of permanent resident status to the alien spouses and children of certain victims of such attacks; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 610. A bill to amend the Internal Revenue Code of 1986 to reinstate the taxes funding the Hazardous Substance Superfund and

the Oil Spill Liability Trust Fund and to extend the taxes funding the Leaking Underground Storage Tank Trust Fund; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, Mrs. MUSGRAVE, and Mr. NORWOOD):

H.R. 611. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts contributed to charitable organizations which provide elementary or secondary school scholarships and for contributions of, and for, instructional materials and materials for extracurricular activities; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, Mrs. MUSGRAVE, Mr. NORWOOD, Mr. RYUN of Kansas, and Mr. TANCREDO):

H.R. 612. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for tuition and related expenses for public and nonpublic elementary and secondary education; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BACHUS, and Mr. RYUN of Kansas):

H.R. 613. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. BACHUS):

H.R. 614. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to professional school personnel in grades K-12; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, Mrs. MUSGRAVE, Mr. NORWOOD, and Mr. TANCREDO):

H.R. 615. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to be used for elementary and secondary expenses; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 616. A bill to amend the Internal Revenue Code of 1986 with respect to the purchase of prescription drugs by individuals who have attained retirement age, and to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs and the sale of such drugs through Internet sites; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 617. A bill to amend title XVIII of the Social Security Act to remove the sunset and numerical limitation on Medicare participation in Medicare+Choice medical savings account (MSA) plans; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI:

H.R. 618. A bill to establish a commission to study and make recommendations on marginal tax rates for the working poor; to the Committee on Ways and Means.

By Mr. POMBO:

H.R. 619. A bill to direct the Secretary of Transportation to conduct a study to determine the feasibility of constructing a highway in California connecting State Route 130 in Santa Clara County with Interstate Route 5 in San Joaquin County, and to determine the feasibility of constructing a fixed guideway system along the right-of-way of the highway; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH:

H.R. 620. A bill to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park; to the Committee on Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 621. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to prohibit discrimination in the rental of housing to members of the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. RENZI (for himself and Mr. HAYWORTH):

H.R. 622. A bill to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes; to the Committee on Resources.

By Mr. SHIMKUS (for himself, Mr. JACKSON of Illinois, and Mr. BILIRAKIS):

H.R. 623. A bill to amend the Public Health Service Act with respect to the shortage of medical laboratory personnel; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Mr. RANGEL, Mr. MCDERMOTT, Mr. BACA, Mr. BECERRA, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Mr. HONDA, Ms. LEE, Mr. MARKEY, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. NADLER, Ms. NORTON, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. WATSON, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 624. A bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. RANGEL, Mr. CARDIN, Mr. LEVIN, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DELAURO, Ms. ESHOO, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KILDEE, Mr. KUCINICH, Ms. LEE, Ms. MCCARTHY of Missouri, Mr. BECERRA, Mr. MCNULTY, Mr. MARKEY, Mr. MATSUI, Mr. NADLER, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RODRIGUEZ, Mr. RUSH, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. TOWNS, Ms. VELAZQUEZ, Ms. WATSON, and Mr. WAXMAN):

H.R. 625. A bill to expand the purposes of the program of block grants to States for temporary assistance for needy families to include poverty reduction, and to make grants available under the program for that purpose; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. POMEROY, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. OLVER, Ms. SCHAKOWSKY, Mr. LIPINSKI, and Mr. GRIJALVA):

H.R. 626. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits from stock option compensation expenses are allowed only to the extent such expenses are included in a corporation's financial statements; to the Committee on Ways and Means.

By Mr. STRICKLAND (for himself, Mr. BERRY, Mr. BACA, Mr. BROWN of Ohio, Mr. CARSON of Oklahoma, Mr. HINCHEY, Mr. INSLEE, Mrs. JONES of Ohio, Mr. LATOURETTE, Mrs. LOWEY, Mr. MCGOVERN, Ms. NORTON, Mr. PAUL, Mr. SANDERS, Mr. SANDLIN, Ms. WOOLSEY, Ms. SOLIS, Mr. SERRANO, Mr. WHITFIELD, Mr. PALLONE, Mr. NEY, Mr. ACKERMAN, Ms. BALDWIN, Mr. MCDERMOTT, Mr. MICA, Mr. GRIJALVA, Mr. FROST, Mr. CROWLEY, Ms. MCCOLLUM, Mr. KENNEDY of Rhode Island, Mr. CAPUANO, and Mr. COSTELLO):

H.R. 627. A bill to amend title 38, United States Code, to suspend for five years the authority of the Secretary of Veterans Affairs to increase the copayment amount in effect for medication furnished by the Secretary on an outpatient basis for the treatment of nonservice-connected disabilities and to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. LATOURETTE):

H.R. 628. A bill to prohibit the Secretary of Defense from purchasing certain steel or equipment, products, or systems made with steel that is not melted and poured in the United States; to the Committee on Armed Services.

By Mr. STUPAK (for himself and Mr. LATOURETTE):

H.R. 629. A bill to amend the Emergency Steel Loan Guarantee Act of 1999 to prohibit steel companies receiving loan guarantees from investing the loan proceeds in foreign steel companies and using the loan proceeds to import steel products from foreign countries that are subject to certain trade remedies; to the Committee on Financial Services.

By Mr. STUPAK:

H.R. 630. A bill to amend title 49, United States Code, to provide an apportionment to a primary airport that falls below 10,000 passenger boardings in a calendar year as a result of the discontinuance of air carrier service at the airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H.R. 631. A bill to amend title 38, United States Code, to provide a presumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure to cold weather; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 632. A bill to amend title 38, United States Code, to provide that the rate of reimbursement for motor vehicle travel under the beneficiary travel program of the Department of Veterans Affairs shall be the same as the rate for private vehicle reimbursement for Federal employees; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 633. A bill to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility''; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 634. A bill to provide Medicare beneficiaries with access to prescription drugs at Federal Supply Schedule prices; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means,

for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 635. A bill to assure that enrollment in any Medicare prescription drug program is voluntary; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 636. A bill to repeal the provisions of the Private Securities Litigation Reform Act and the Securities Litigation Uniform Standards Act that limit private securities actions, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 637. A bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. HEFLEY):

H.R. 638. A bill to clarify the authority of the Secretary of Defense to respond to environmental emergencies; to the Committee on Armed Services.

By Mr. UDALL of Colorado:

H.R. 639. A bill to amend the Act of March 3, 1875, to permit the State of Colorado to use land held in trust by the State as open space, and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 640. A bill to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself and Mr. BEAUPREZ):

H.R. 641. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Federal laboratories to aid surrounding communities in improving their efforts in science education; to the Committee on Science.

By Mr. VITTER:

H.R. 642. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus owner-operators shall be allowable in computing adjusted gross income; to the Committee on Ways and Means.

By Ms. WATERS (for herself, Mr. LEACH, Mr. FRANK of Massachusetts, and Ms. LEE):

H.R. 643. A bill to urge reforms of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative, and for other purposes; to the Committee on Financial Services.

By Mr. WELDON of Florida:

H.R. 644. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself and Mr. SAXTON):

H.R. 645. A bill to amend title 36, United States Code, to designate the square dance as the national folk dance; to the Committee on the Judiciary.

By Mr. WHITFIELD (for himself and Mr. TANNER):

H.R. 646. A bill to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H.R. 647. A bill to increase the amount of student loan forgiveness and loan cancellation available to qualified teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WILSON of South Carolina:

H.R. 648. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. PAUL, Ms. WOOLSEY, Mr. KUCINICH, Mr. MCDERMOTT, Mr. SANDERS, Ms. BALDWIN, Ms. LEE, Mr. GRIJALVA, Mr. OWENS, Mrs. JONES of Ohio, Mr. OBERSTAR, Ms. WATERS, Ms. SCHAKOWSKY, Ms. CARSON of Indiana, Mr. CONYERS, Mr. TOWNS, Mr. FARR, Mr. OLVER, Ms. NORTON, Mr. SERRANO, Ms. WATSON, Mr. KLECZKA, Mr. DAVIS of Illinois, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. RUSH, Mr. JACKSON of Illinois, Mr. STARK, and Mr. CAPUANO):

H.J. Res. 20. A joint resolution to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002; to the Committee on International Relations.

By Mr. LEACH:

H.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States regarding regulations on the amounts of expenditures of personal funds made by candidates for election for public office; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Mr. RADANOVICH, Mr. TOWNS, Ms. NORTON, Mr. KILDEE, Mr. SMITH of New Jersey, Mr. WYNN, Mr. SNYDER, Mr. LYNCH, Mr. HASTINGS of Florida, Mr. WAXMAN, Mr. PAYNE, Ms. LEE, Mr. PALLONE, Mr. HINCHEY, Mr. BOEHLERT, Mr. OWENS, Ms. SCHAKOWSKY, Mr. LEVIN, Mr. LATOURETTE, Mrs. CHRISTENSEN, Mr. RUSH, Mr. MCHUGH, Ms. CORRINE BROWN of Florida, Mr. REYES, Mr. SKELTON, Ms. ROS-LEHTINEN, Mr. LIPINSKI, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. COSTELLO, and Mr. PRICE of North Carolina):

H. Con. Res. 30. Concurrent resolution expressing the sense of the Congress regarding scleroderma; to the Committee on Energy and Commerce.

By Mr. WILSON of South Carolina (for himself and Mrs. TAUSCHER):

H. Con. Res. 31. Concurrent resolution welcoming His Majesty Shaikh Hamad bin Isa Al-Kalifa, King of the Kingdom of Bahrain, on his visit to the United States in February 2003; to the Committee on International Relations.

By Mr. DELAY (for himself and Ms. PELOSI):

H. Res. 51. A resolution expressing the condolences of the House of Representatives to the families of the crew of the space shuttle Columbia, and for other purposes; considered and agreed to.

By Mr. CLYBURN:

H. Res. 52. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. DELAURO (for herself, Mr. MCDERMOTT, Mr. CARSON of Oklahoma, Ms. WOOLSEY, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. WAMP, Mr. HOLT, Mr. PALLONE, and Mrs. CAPPS):

H. Res. 53. A resolution recognizing the importance of sports in fostering the leadership ability and success of women; to the Committee on Government Reform.

By Mr. HASTINGS of Florida:

H. Res. 54. A resolution expressing the sense of the House of Representatives in support of Federal and State funded in-home care for the elderly; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida:

H. Res. 55. A resolution expressing the sense of the House of Representatives that United Nations weapons inspectors should be given sufficient time for a thorough assessment of the level of compliance by the Government of Iraq with United Nations Security Council Resolution 1441 (2002) and that the United States should seek a Security Council resolution specifically authorizing the use of force before initiating any offensive military operations against Iraq; to the Committee on International Relations.

By Mr. HONDA (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ANDREWS, Mr. ABERCROMBIE, Mr. CROWLEY, Ms. LOFGREN, Mr. WU, Mr. MATSUI, Mr. INSLEE, Mr. KILDEE, Ms. NORTON, Mr. FALEOMAVAEGA, Ms. CARSON of Indiana, Ms. DELAURO, Mr. FOLEY, Mr. MCDERMOTT, Mr. WEXLER, Mr. BACA, Ms. BERKLEY, and Ms. LEE):

H. Res. 56. A resolution supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself and Mrs. BIGGERT):

H. Res. 57. A resolution recognizing and supporting the goals and ideals of ''National Runaway Prevention Month''; to the Committee on Government Reform.

By Ms. KAPTUR (for herself, Mr. MCDERMOTT, Mr. SMITH of New Jersey, Mr. LANTOS, and Mr. BROWN of Ohio):

H. Res. 58. A resolution recognizing the accomplishments of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist and recognizing the 11th Anniversary of the return of his remains to Poland; to the Committee on International Relations.

By Mr. NEY (for himself, Mr. GUTKNECHT, Mr. SNYDER, Mr. CUNNINGHAM, and Mr. GIBBONS):

H. Res. 59. A resolution expressing the sense of the House of Representatives in support of the people of Iran and their legitimate quest for freedom and friendship with the people of the United States, and for other purposes; to the Committee on International Relations.

¶8.34 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WYNN introduced a bill (H.R. 649) for the relief of Web's Construction Company, Incorporated; which was referred to the Committee on the Judiciary.

¶8.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. FROST, Ms. HART, Mrs. BONO, Mrs. DAVIS of California, Ms. ESHOO, Mr. LOBIONDO, Mr. DUNCAN, Mr. CUNNINGHAM, Mr. SKELTON, Mr. ETHERIDGE, Mr. BLUMENAUER, Mr. BOSWELL, Mr. GREEN of Wisconsin, Mrs. NAPOLITANO, Ms. WATSON, Mr. LANTOS, Mr.

JOHNSON of Illinois, Mr. FILNER, Mr. HONDA, Mr. BACA, Mr. BALLENGER, Mr. CARDOZA, Ms. LOFGREN, Mr. ANDREWS, and Mr. SHIMKUS.

H.R. 14: Mr. LOBIONDO and Ms. HART.

H.R. 20: Mr. LOBIONDO, Mr. MCDERMOTT, Ms. ROS-LEHTINEN, Mr. DELAHUNT, Mr. MCHUGH, Ms. MILLENDER-MCDONALD, Mr. BRADY of Pennsylvania, Ms. HART, Mr. JANKLOW, and Mr. PASTOR.

H.R. 31: Mr. ISAKSON.

H.R. 44: Mr. BROWN of South Carolina.

H.R. 47: Ms. SOLIS.

H.R. 57: Mr. LOBIONDO, Mr. JANKLOW, Mr. HEFLEY, Mr. ISAKSON, Mr. LARSEN of Washington, Mr. BOEHLERT, Mr. TIAHRT, Mr. CRENSHAW, Mr. LATOURETTE, Mr. FEENEY, Mr. PETERSON of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. POMBO, Mr. OSBORNE, Mr. PEARCE, Mr. KLINE, and Mr. BEAUPREZ.

H.R. 80: Ms. BERKLEY.

H.R. 97: Mr. GORDON, Mr. SMITH of Washington, Mr. FILNER, Mr. GREEN of Wisconsin, Mr. MCINTYRE, and Mr. SCHIFF.

H.R. 105: Mr. DEUTSCH, Mr. FROST, and Mr. MCINTYRE.

H.R. 107: Mr. JANKLOW.

H.R. 108: Mr. OTTER and Mr. RENZI.

H.R. 109: Mr. CASE, Mr. GOODE, Mr. SOUDER, Mrs. JONES of Ohio, Mr. INSLEE, Mr. FALEOMAVAEGA, and Mr. GRIJALVA.

H.R. 111: Mr. JANKLOW, Mr. LANGEVIN, Mr. WYNN, Mr. BELL, Ms. LORETTA SANCHEZ of California, Mr. VAN HOLLEN, Mr. COOPER, Mr. HYDE, Mr. BALLANCE, and Mr. ISAKSON.

H.R. 115: Mr. UDALL of Colorado.

H.R. 119: Mr. GIBBONS and Mr. UDALL of Colorado.

H.R. 125: Mr. HONDA, Mr. TOWNS, Ms. LOFGREN, Mr. SERRANO, Mr. FROST, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HARMAN, Mr. CAPUANO, Mr. DOYLE, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Mr. MORAN of Virginia, Mr. PAYNE, Mr. BAIRD, Mrs. DAVIS of California, Mr. FILNER, Mr. NEAL of Massachusetts, Mr. HOEFFEL, Mr. BOUCHER, Ms MCCARTHY of Missouri, Mr. SCHIFF, Ms. ROYBAL-ALLARD, Mr. PRICE of North Carolina, Mr. UDALL of Colorado, and Mr. SPRATT.

H.R. 126: Mr. PLATTS, Mr. GEORGE MILLER of California, Mr. ANDREWS, Ms. WOOLSEY, Mr. MARKEY, Ms. NORTON, Mr. EVANS, Ms. CARSON of Indiana, and Mr. RUSH.

H.R. 167: Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. FROST, Mr. JANKLOW, Mr. PALLONE, Mr. SHAYS, Mr. STEARNS, Mr. MICHAUD, Mr. FOSSELLA, Mr. KENNEDY of Minnesota, and Mr. LINDER.

H.R. 173: Mr. KILDEE, Mr. DAVIS of Illinois, Ms. GRANGER, Ms. CORRINE BROWN of Florida, Mr. HOLDEN, Mr. DOOLITTLE, Mr. DICKS, Mr. FOLEY, Mr. ACEVEDO-VILA, Mr. MARKEY, Mr. WILSON of South Carolina, Mr. WYNN, Mr. STRICKLAND, Mr. TAUZIN, Mr. WAXMAN, Mr. MCINTYRE, Mr. SESSIONS, Mr. MCKEON, Mr. PAUL, Mr. QUINN, Mr. WOLF, Mr. TIBERI, Mr. ENGEL, Mr. ROGERS of Michigan, Mr. HINCHEY, Mr. RUSH, Mr. NUSSLE, Mr. BACA, Mr. MORAN of Virginia, Mr. UPTON, Mr. LANTOS, Mrs. MALONEY, Mr. OBERSTAR, Mr. LEWIS of California, Mrs. DAVIS of California, Mrs. BIGGERT, Mr. BLUNT, Mr. ABERCROMBIE, Mr. ALLEN, Mr. LATHAM, Mr. BAKER, Mr. MCHUGH, Mr. FRANK of Massachusetts, Mr. PASTOR, and Mr. SENSENBRENNER.

H.R. 176: Mr. TERRY.

H.R. 179: Mrs. MUSGRAVE and Mr. GRAVES.

H.R. 182: Mr. LARSEN of Washington and Mr. SNYDER.

H.R. 192: Mrs. WILSON of New Mexico and Ms. LEE.

H.R. 193: Mr. PETERSON of Pennsylvania, Mr. NEY, and Mr. BOUCHER.

H.R. 196: Mr. WATT.

H.R. 217: Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. TOWNS, Mr. FROST, Mr. DAVIS of Illinois, Mr. GREEN of Texas, Ms. HOOLEY of Oregon, Mr. SCHROCK.

H.R. 218: Mr. BARRETT of South Carolina, Mr. HULSHOF, Mr. NORWOOD, Mr. TIAHRT, Mr. THOMAS, Ms. HART, Mr. JONES of North Carolina, and Mr. LAHOOD.

H.R. 223: Mr. SHIMKUS, Mr. GILLMOR, Mr. KING of Iowa, Mr. MILLER of Florida, Mr. SOUDER, Mr. BARRETT of South Carolina, and Mrs. MUSGRAVE.

H.R. 224: Mr. FRANKS of Arizona, Mr. LATOURETTE, Ms. CARSON of Indiana, Mr. AKIN, Mr. PLATTS, Mr. KLINE, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. FORBES, Mr. SENSENBRENNER, Mr. REHBERG, and Mr. BARRETT of South Carolina.

H.R. 225: Mr. SHIMKUS.

H.R. 236: Ms. DELAURO, Mr. PAYNE, Mr. WYNN, Mr. PASCRELL, Mr. FROST, Mr. TIERNEY, Mr. HOYER, Ms. CARSON of Indiana, Mr. HASTINGS of Florida, Mr. BERMAN, Mr. WAXMAN, Mr. MATSUI, Mr. VISCLOSKY, Mr. NADLER, Mr. BACA, Mr. PRICE of North Carolina, Mr. MEEKS of New York, Mr. BECERRA, Mr. PALLONE, Mr. HINOJOSA, Mr. LANTOS, Mr. ROTHMAN, Mr. WEXLER, Ms. SOLIS, Mr. STARK, Mr. CAPUANO, Ms. MCCOLLUM, Mr. PASTOR, Ms. KILPATRICK, Mr. ACKERMAN, Mr. MURTHA, Mr. GRIJALVA, Ms. LORETTA SANCHEZ of California, Mr. LEWIS of Georgia, and Mr. ANDREWS.

H.R. 240: Mr. MILLER of Florida, and Ms. ROS-LEHTINEN.

H.R. 259: Mr. DAVIS of Alabama.

H.R. 260: Mr. RANGEL, Ms. SOLIS, and Ms. LORETTA SANCHEZ of California.

H.R. 283: Mr. FROST.

H.R. 300: Mrs. MUSGRAVE, Mr. CALVERT Mr. TIAHRT, Mrs. MYRICK, Mr. LAHOOD, Mr. TAYLOR of Mississippi, and Mr. BOOZMAN.

H.R. 303: Ms. LORETTA SANCHEZ of California, Mr. JENKINS, Mr. GILLMOR, Mr. NEY, Ms. MCCOLLUM, Mr. BROWN of Ohio, Mr. BOYD, Mr. OTTER, Mr. HYDE, Mr. LEACH, Mr. COMBEST, Mr. WAMP, Mr. GREEN of Texas, Mr. BROWN of South Carolina, and Mr. BACHUS.

H.R. 308: Mr. GUTIERREZ, Mr. MCNULTY, Mr. CLAY, Mr. ROTHMAN, Mr. PALLONE, Mr. MATHESON, Mr. BROWN of Ohio, Mr. RANGEL, and Mr. LIPINSKI.

H.R. 315: Mr. FOSSELLA.

H.R. 316: Mr. COSTELLO.

H.R. 318: Mr. KENNEDY of Minnesota and Mr. COSTELLO.

H.R. 319: Mr. HOLDEN.

H.R. 328: Mr. WAXMAN, Mr. LAHOOD, Mr. BECERRA, Mr. LEWIS of Kentucky, Mr. BROWN of Ohio, Mr. MCKEON, Mr. HONDA, Mrs. BONO, Mr. STRICKLAND, Mr. NORWOOD, Mr. STARK, Mr. HUNTER, Mr. EDWARDS, Mr. HALL, Mr. RANGEL, Mr. CUNNINGHAM, Mr. BACA, Mr. NEY, Mr. PALLONE, Mr. BOUCHER, Mr. TIBERI, Mr. KILDEE, Mr. LYNCH, Ms. WOOLSEY, Ms. MILLENDER-MCDONALD, Mr. FARR, Mr. MCINTYRE, Mr. GRIJALVA, Mr. RODRIGUEZ, Mr. CROWLEY, Mr. JOHN, Mr. COSTELLO, Mr. LUCAS of Oklahoma, Mr. CARSON of Oklahoma, Mr. DEUTSCH, Mr. GREEN of Texas, and Mr. FROST.

H.R. 332: Mr. DEMINT, Mr. BARRETT of South Carolina, Mr. CLYBURN, and Mr. SPRATT.

H.R. 333: Mr. MCDERMOTT, Mr. SCOTT of Virginia, Mr. FILNER, Mr. CASE, Ms. MCCOLLUM, and Ms. SOLIS.

H.R. 338: Mr. BOUCHER.

H.R. 339: Mr. FRANKS of Arizona, Mr. WILSON of South Carolina, and Mr. OSBORNE.

H.R. 342: Mr. MATHESON, Mr. GORDON, Mr. VITTER, Mr. SMITH of New Jersey, Mr. DAVIS of Illinois, Mr. MCCOTTER, Mr. FROST, Mr. ACKERMAN, Mr. SANDLIN, Mr. TAYLOR of Mississippi, Mr. CASE, Mr. HALL, Mr. FORD, Mr. TANNER, Mr. BOYD, Mr. KENNEDY of Rhode Island, and Mr. TURNER of Texas.

H.R. 347: Ms. DEGETTE.

H.R. 348: Mr. WEXLER.

H.R. 361: Mr. UDALL of Colorado, Ms. SOLIS, Mr. GRIJALVA, Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. JOHN, Mr. FORD, Mr. ROYCE, Mr. TANNER, Mr. DAVIS of Florida, Mr. KIND, Mr. HAYWORTH, Mr. BACHUS, Mr. KELLER, Mr. PLATTS, and Mrs. BIGGERT.

H.R. 362: Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, and Mr. CRANE.

H.R. 377: Mr. HEFLEY, Mr. MCINNIS, Mr. UDALL of Colorado, Mr. BEAUPREZ, Mr. FROST, and Mr. JANKLOW.

H.R. 383: Mr. SMITH of Washington, Mr. GILLMOR, Mr. CUNNINGHAM, and Mr. MCHUGH.

H.R. 391: Mr. SOUDER, Mr. FEENEY, Mr. FORBES, Mr. BARRETT of South Carolina, and Mr. RADANOVICH.

H.R. 394: Mr. POMEROY, Mr. LYNCH, Ms. DEGETTE, and Mr. KUCINICH.

H.R. 401: Mr. TOOMEY.

H.R. 412: Ms. ESHOO, Mrs. WILSON of New Mexico, Mr. LYNCH, Mr. VISCLOSKY, Mr. FORD, Mr. FALEOMAVAEGA, Mr. HAYWORTH,, Mr. BOOZMAN, and Mr. THOMPSON of California.

H.R. 431: Mr. YOUNG of Alaska and Mr. HAYWORTH.

H.R. 434: Mr. FORBES, Mr. HOEKSTRA, Mrs. JOHNSON of Connecticut, Mr. GILCHREST, Mr. ISAKSON, Mr. CRANE, Mr. GREEN of Wisconsin, Mr. BARTLETT of Maryland, Mrs. JO ANN DAVIS of Virginia, Mr. OTTER, Mr. EVERETT, Mr. SENSENBRENNER, and Mrs. CAPITO.

H.R. 436: Mr. STARK.

H.R. 438: Mr. SHIMKUS.

H.R. 441: Mr. ANDREWS, Mr. BERMAN, Mr. BILIRAKIS, Mr. GOODE, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. STEARNS, and Mr. WU.

H.R. 444: Mr. GILLMOR, Mr. ROGERS of Alabama, Mr. JANKLOW, Mr. BAKER, and Mrs. MYRICK.

H.R. 445: Mr. UDALL of Colorado and Mr. GUTIERREZ.

H.R. 449: Mr. SMITH of Washington.

H.R. 457: Mr. RYUN of Kansas.

H.R. 459: Mrs. MUSGRAVE, Mr. TIAHRT, Mr. FRANKS of Arizona, Mr. PETERSON of Pennsylvania, and Mr. BARTLETT of Maryland.

H.R. 460: Mrs. MUSGRAVE and Mr. PEARCE.

H.R. 463: Ms. HARMAN.

H.R. 466: Mr. SMITH of Washington, Mr. BRADY of Pennsylvania, Mr. DELAHUNT Mr. DICKS, Mr. FERGUSON, Mr. COSTELLO, Mr. RAMSTAD, Mr. ROTHMAN, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. MENENDEZ, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. GREEN of Wisconsin, and Mr. LARSEN of Washington.

H.R. 490: Mr. SHAYS, Mr. PLATTS, Mr. ABERCROMBIE, Mr. KILDEE, Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. LYNCH, Mr. TIBERI, Mr. CASE, Ms. KAPTUR, Mr. HOLDEN, Mr. NUSSLE, Mr. DAVIS of Alabama, Mr. MARKEY, Ms. DELAURO, Mr. LATHAM, and Mr. CANNON.

H.R. 496: Mr. BACHUS and Mr. WELDON of Florida.

H.R. 501: Mr. RYAN of Ohio, Mr. WILSON of South Carolina, Mrs. CHRISTENSEN, Mr. MARKEY, Ms. BORDALLO, Mr. SMITH of Washington, Mr. TIAHRT, Mr. SOUDER, Mrs. NAPOLITANO, Mr. TIBERI, Mr. KILDEE, Mr. FROST, Mr. WAXMAN, Mr. MCNULTY, Ms. NORTON, Mr. SERRANO, Mr. HOLDEN, Ms. WATSON, and Mr. GILLMOR.

H.R. 502: Mr. SAM JOHNSON of Texas, Mr. BURGESS, Mr. HUNTER, and Mr. HAYWORTH.

H.R. 503: Mr. CARSON of Oklahoma, Mr. HALL, and Mr. SESSIONS.

H.R. 504: Ms. DEGETTE.

H.R. 519: Mr. DREIER and Mr. HONDA.

H.J. Res. 3: Mr. CARSON of Oklahoma and Mr. BEAUPREZ.

H.J. Res. 4: Mr. LYNCH, Mr. BRADLEY of New Hampshire, Mr. MCHUGH, and Mr. WOLF.

H. Con. Res. 15: Mrs. KELLY, Mrs. BIGGERT, and Mr. FILNER.

H. Con. Res. 23: Mr. HILL.

H. Con. Res. 25: Mr. HEFLEY.

H. Con. Res. 29: Mr. BEREUTER, Mrs. BLACKBURN, Mr. RENZI, Mr. WEINER, and Mr. KENNEDY of Minnesota.

H. Res. 21: Mr. UDALL of Colorado, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. TIERNEY, Mr. MCDERMOTT, and Mr. BROWN of Ohio.

H. Res. 43: Mr. WAXMAN.

H. Res. 49: Mr. HINOJOSA, Mr. RODRIGUEZ, Mr. LAMPSON, Mr. BELL, Ms. JACKSON-LEE of Texas, Mr. TURNER of Texas, Mr. SMITH of Texas, Mr. FROST, Mr. STENHOLM, Mr. GONZALEZ, Mr. BONILLA, Mr. COMBEST, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. REYES.

¶8.36 DELETIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 497: Mr. SMITH of Michigan.

FRIDAY, FEBRUARY 7, 2003 (9)

¶9.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PETRI, who laid before the House the following communication:

WASHINGTON, DC,
February 7, 2003.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

¶9.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Wednesday, February 5, 2003.

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

¶9.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

551. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Reporting and Disclosure Requirements for State Member Banks with Securities Registered Under the Securities Exchange Act of 1934 [Regulation H; Docket No. R-1129] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

552. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-582, ''Closing of a Drainage Alley and Portions of Burns Place, S.E., and C Street, S.E., and the Dedication of Burns Court, S.E., and Cape Drive, S.E., (S.O. 01-2143), Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

553. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-583, ''Closing of Portions of Virginia Avenue, S.E., K Street, S.E., L Street, S.E., and 7th Street, S.E., and Transfer of Jurisdiction of Reservations 19 and 124, S.O. 02-2677, Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

554. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-584, ''Cady,s Alley Designation Act of 2002''received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

555. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-585, ''Closing of a Public Alley in Square 484, S.O. 02-601, Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

556. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-586, ''Closing of a Portion of a Public Alley in Square 209, S.O. 02-1019 Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

557. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-587, ''Real Property Classification Clarification Temporary Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

558. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-588, ''Eastern Avenue Tour Bus Parking Temporary Amendment Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

559. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-589, ''Towing Vehicles Rulemaking Authority Continuation Temporary Act of 2002'' received February 6, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

560. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-590, ''Standard Valuation and Nonforfeiture Temporary Amendment Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

561. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-591, ''Unemployment Compensation Services Temporary Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

562. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-577, ''Hotel Development Projects Labor Peace Agreement Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

563. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-579, ''Vacant and Abandoned Properties Community Development and Disapproval of Disposition of Certain Scattered Vacant and Abandoned Properties Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

564. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-580, ''Establishment of the Capitol Hill Business Improvement District Amendment Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

565. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-581, ''Closing of a 18.08 Foot Wide Public Alley in Square 4543, S.O. 01-3587 Act of 2002'' received February 6, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

566. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — U.S. source income effectively connected with U.S. business (Rev. Rul. 2003-17) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

567. A letter from the Chief, Regulation Unit, Internal Revenue Service, transmitting the Service's final rule — Forms and instructions (Rev. Proc. 2003-21, 2003-6 I.R.B.) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶9.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2003.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 6, 2003 at 9:10 a.m.

That the Senate passed without amendment H.J. Res. 18.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
(For Jeff Trandahl, Clerk of the House).

¶9.5 ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER pro tempore, Mr. PETRI, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled joint resolution on Thursday, February 6, 2003:

H.J. Res. 18. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

¶9.6 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PETRI, laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator, office of Human Resources, office of the Chief Administrative Officer:

OFFICE OF THE ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2003.

Hon. DENNIS J. HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that the House Payroll Office has been served with a civil subpoena for documents issued by the Circuit Court for Cook County, Illinois.

After consulting with the Office of General Counsel, I have determined to comply with the subpoena.

Sincerely,

KATHY A. WYSZYNSKI,
Associate Administrator, Office of Human Resources.

¶9.7 BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on February 6, 2003, he presented to the President of the United States, for his approval, the following bills:

H.J. Res 18. A joint resolution making further continuing appropriations for the new fiscal year 2003, and for other purposes.

H.R. 16. An Act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003.

And then,

¶9.8 ADJOURNMENT

The SPEAKER pro tempore, Mr. PETRI, by unanimous consent and pursuant to the special order of the House of February 5, 2003, at 10 o'clock and 5 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, February 11, 2003.

¶9.9 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 650. A bill to amend the Real Estate Settlement Procedures Act of 1974 to provide for homeowners to recover treble damages from mortgage escrow servicers for failures by such servicers to make timely payments from escrow accounts for homeowners insurance, taxes, or other charges, and for other purposes; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 651. A bill to amend the Internal Revenue Code of 1986 to allow married individuals who are legally separated and living apart to exclude from gross income the income from United States savings bonds used to pay higher education tuition and fees; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 652. A bill to assure that the American people have large areas of land in healthy natural condition throughout the country to maximize wildland recreational opportunities for people, maximize habitat protection for native wildlife and natural plant communities, and to contribute to a preservation of water for use by downstream metropolitan communities and other users, through the establishment of a National Forest Ecosystem Protection Program composed of lands within existing wilderness areas and adjacent primitive areas, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 653. A bill to establish a Fund for Environmental Priorities to be funded by a portion of the consumer savings resulting from retail electricity choice, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 654. A bill to require the head of each Federal agency in the Department of the Interior to consider whether actions of the agency have any disparate impact on any member of a racial, ethnic, or religious minority; to the Committee on the Judiciary, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. GREEN of Wisconsin, Mr. CASTLE, Mr. KENNEDY of Minnesota, Mr. MILLER of Florida, Mr. PITTS, Mr. JONES of North Carolina, Ms. HART, Mr. SAM JOHNSON of Texas, Mr. BEREUTER, Mr. TERRY, Mr. BACHUS, and Mr. BURTON of Indiana):

H.R. 655. A bill to bar Federal agencies from accepting for any identification-related purpose a State-issued driver's license, or other comparable identification document, unless the State requires a license or comparable document issued to a nonimmigrant alien to expire upon the expiration of the alien's authorized period of stay in the United States, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER:

H.R. 656. A bill to establish the National Commission on Youth Crime and School Violence; to the Committee on Education and the Workforce.

By Mr. BAKER (for himself, Mr. FRANK of Massachusetts, Mr. GREEN of Wisconsin, Ms. NORTON, Mr. FOLEY, Mrs. MALONEY, Mr. WELDON of Florida, Mr. HOEFFEL, Mr. FROST, Mr. KILDEE, Mr. MCGOVERN, Mr. LATOURETTE, Mr. RAHALL, Mr. HINCHEY, Mr. BOEHLERT, Mr. HAYES, Mr. SMITH of New Jersey, Mr. DOYLE, and Mr. GOODE):

H. Res. 60. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued on the subject of autism awareness; to the Committee on Government Reform.

¶9.10 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. WAXMAN, Mr. GILLMOR, Mr. SIMMONS, Ms. MCCOLLUM, Mr. SCHROCK, Mr. HINCHEY, and Ms. ROYBAL-ALLARD.
H.R. 63: Mr. FILNER.
H.R. 66: Mr. FILNER.
H.R. 120: Mr. TIAHRT, Mrs. MUSGRAVE, and Mr. GILLMOR.
H.R. 155: Mr. BAKER.
H.R. 193: Mr. BURTON of Indiana.
H.R. 195: Ms. BERKLEY.
H.R. 219: Mr. LAHOOD.
H.R. 220: Mr. BEAUPREZ and Mr. KILDEE.
H.R. 282: Mr. GILLMOR, Mrs. MUSGRAVE, Mr. TIAHRT, Mr. LIPINSKI, and Mr. BURTON of Indiana.
H.R. 307: Mr. TIAHRT.
H.R. 383: Mr. SOUDER.
H.R. 414: Mr. EMANUEL.
H.R. 483: Mr. JANKLOW.
H.R. 487: Mr. NADLER.
H.R. 488: Mr. PETERSON of Pennsylvania
H.R. 521: Mr. DAVIS of Illinois.
H.R. 594: Mr. THOMPSON of California, Mr. KING of New York, Ms. ESHOO, Mr. DOOLEY of California, and Mr. CLAY.
H.R. 643: Mr. BACHUS, Mr. LANTOS, and Mrs. MALONEY.
H.J. Res. 6: Mr. TIBERI.
H. Res. 32: Mr. CASE, Mr. KLECZKA, Mr. CLAY, Mr. STARK, Mr. FRANK OF MASSACHUSETTS, MS. WATERS, Mrs. MALONEY, Ms. SCHAKOWSKY, Mr. FORD, Mr. GUTIERREZ, Mr. KUCINICH, Ms. ROYBAL-ALLARD, Mr. CROWLEY, and Mr. WATT.

TUESDAY, FEBRUARY 11, 2003 (10)

¶10.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BALLENGER, who laid before the House the following communication:

WASHINGTON, DC,
February 11, 2003.

I hereby appoint the Honorable CASS BALLENGER to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶10.2 RECESS—12:52 P.M.

The SPEAKER pro tempore, Mr. BALLENGER, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock 52 minutes p.m. until 2 p.m.

¶10.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. OTTER, called the House to order.

¶10.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. OTTER, announced he had examined and approved the Journal of the proceedings of Friday, February 7, 2003.

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

¶10.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

568. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of Title 31, Section 1341(a)(1)(A), by the Department of the Navy, case number 99-09B; to the Committee on Appropriations.

569. A letter from the Assistant Secretary, Department of Defense, transmitting a report on cervical cancer screening; to the Committee on Armed Services.

570. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Retention of Records Relevant to Audits and Reviews [Release Nos. 33-8180; 34-47241; IC-25911; FR-66; File No. S7-46-02] (RIN: 3235-AI74) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

571. A letter from the Assistant Administrator for Fisheries, NMFS, Securities and Exchange Commission, transmitting the Commission's final rule — Insider Trades During Pension Fund Blackout Periods [Release No. 34-47225; IC-25909; File No. S7-44-02] (RIN: 3235-AI71) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

572. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Disability and Rehabilitation Research Projects, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

573. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Rehabilitation Training: Rehabilitation Long-Term Training Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

574. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's Alternative Fuel Vehicles reports for FY 1999-2001, pursuant to Public Law 105—388 section 310 112 stat. 3481; to the Committee on Energy and Commerce.

575. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Policies and Rules for the Direct Broadcast Satellite Service [IB Docket No. 98-21] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

576. A letter from the Chair, National Committee on Vital and Health Statistics, transmitting the Fifth Annual Report to Congress

on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act, pursuant to Public Law 104—191, section 263 (110 Stat. 2033); to the Committee on Energy and Commerce.

577. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 02-03 which informs of an intent to sign Amendment Number Three to the Cooperative Ballistic Missile Defense Research Memorandum of Understanding between the United States and Japan, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

578. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 01-03 which informs of an intent to sign a Memorandum of Agreement between the United States and Singapore for Research, Development, Testing and Evaluation Projects, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

579. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fiftieth report on the extent and disposition of United States contributions to international organizations for fiscal year 2001, pursuant to 22 U.S.C. 262a; to the Committee on International Relations.

580. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 2001, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

581. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for the government of Afghanistan; to the Committee on International Relations.

582. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting a report on steps the Corporation has taken over the past year to expend its activities in sub-Saharan Africa, including the invigoration of the Corporation's Africa Investment Council, pursuant to (114 Stat. 270); to the Committee on International Relations.

583. A letter from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 2002, pursuant to 3 U.S.C. 113; to the Committee on Government Reform.

584. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-627, ''Local, Small and Disadvantaged Business Enterprises Program Temporary Amendment Act of 2003'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

585. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-626, ''Prevention of Premature Release of Mentally Incompetent Defendants Temporary Amendment Act of 2003'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

586. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-625, ''Rehabilitation Services Program Establishment Temporary Act of 2003'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

587. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-624, ''Bowling Alley and Billiard Parlor Temporary Act of 2003'' received February 10, 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

588. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-623, ''Tax Increment Financing Reauthorization Temporary Act of 2003'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

589. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-622, ''Criminal Code and Miscellaneous Technical Amendments Act of 2002'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

590. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-621, ''Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Act of 2002'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

591. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-620, ''Council Review of the Exclusive Right Agreement for the Redevelopment of the Existing Convention Center Site Amendment Act of 2002'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

592. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-619, ''District Anti-Deficiency Act of 2002''received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

593. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-618, ''Energy and Operational Efficiency Performance-Based Contracting Amendment Act of 2002'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

594. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-617, ''Mental Health Civil Commitment Act of 2002'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

595. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-616, ''Tax Clarity and Recorder of Deeds Act of 2002'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

596. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-615, ''Procurement Practices Vendor Payment Authorization Amendment Act of 2002'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

597. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-614, ''Urban Forest Preservation Act of 2002'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

598. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-613, ''Electronic Recording Procedures Act of 2002'' received February 10, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

599. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

600. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

601. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

602. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

603. A letter from the Deputy White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

604. A letter from the Secretary, Department of Education, transmitting the Department's Fiscal Year 2002 Performance and Accountability Report; to the Committee on Government Reform.

605. A letter from the Acting Director of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

606. A letter from the Secretary, Department of Energy, transmitting the Department's Performance and Accountability Report for FY 2002; to the Committee on Government Reform.

607. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

608. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2002 Annual Report on Performance and Accountability; to the Committee on Government Reform.

609. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

610. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

611. A letter from the Secretary, Department of Veterans' Affairs, transmitting the Department's Annual Performance and Accountability Report for FY 2002; to the Committee on Government Reform.

612. A letter from the Secretary, Department of Veterans' Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2002, through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

613. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-11; Introduction — received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

614. A letter from the Inspector General, General Services Administration, transmitting the Office's Audit Report Register for the period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

615. A letter from the Acting General Counsel, National Endowment for the Arts, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

616. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2002 Performance and Accountability Report; to the Committee on Government Reform.

617. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation or Non Designation of Critical Habitat for 95 Plant Species From the Islands of Kauai and Niihau, Hawaii, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

618. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plan for the Shrimp Fishery off the Southern Atlantic States; Amendment 5 [Docket No. 020816198-2315-02; I.D. 071202A] (RIN: 0648-AP41) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

619. A letter from the Staff Director, United States Commission On Civil Rights, transmitting the list of state advisory committees recently rechartered by the Commission; to the Committee on the Judiciary.

620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Picture Identification Requirements [Docket No. FAA-2002-11666; Amendment No. 61-107] (RIN: 2120-AH76) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Aging Airplane Safety [Docket No. FAA-1999- 5401; Amdt. Nos. 119-6, 121-284, 129-34, 135-81, and 183-11] (RIN: 2120-AE42) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

622. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Noise Certification Standards for Subsonic Jet Airplanes and Subsonic Transport Category Large Airplanes [Docket No. FAA-2000-7587 Amdt No. 21-81, 36-24 & 91-275] (RIN: 2120-AH03) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

623. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airspeed Indicating System Requirements for Transport Category Airplanes [Docket No. FAA-2001-9636; Amendment No. 25-109] (RIN: 2120-AH26) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

624. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation by Reference [Docket No. 29334; Amendment No. 71-34] received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

625. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Robinson R-22/R-44 Special Training and Experience Requirements [Docket No. FAA-2002-13744; SFAR No. 73-1] (RIN: 2120-AH94) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

626. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Service Difficulty Reports [Docket No. FAA-2000-7952] (RIN: 2120-AH91) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

627. A communication from the President of the United States, transmitting an Agreement between the United States of America and the Kingdom of Norway on Social Security, with a related administrative agreement, both signed at Oslo on November 30, 2001, pursuant to 42 U.S.C. 433(e)(1); (H. Doc. No. 108—38); to the Committee on Ways and Means and ordered to be printed.

628. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination and recognition of gain or loss (Rev. Rul. 2003-7) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

629. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-16) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

630. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Cost Sharing Payments (Rev. Rul. 2003 -15) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

631. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2003-20) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

632. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Nonaccrual Experience Method of Accounting [Notice 2003-12] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

633. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain cost sharing payments (Rev. Rul. 2003 -14) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

634. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Returns and Return Information by Other Agencies [TD 9036] (RIN: 1545-AY77) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

635. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2003-1) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

636. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability [Notice 2003-8] received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

637. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Constructive Sales Treatment for Appreciated Financial Positions (Rev. Rul. 2003-1) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

638. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-15) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

639. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Private Foundation Transfers of Assets (Rev. Rul. 2003-13, 2003-4 I.R.B.) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

640. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-7) received January 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

641. A letter from the Chief, Regulations, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003 -9) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

642. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations (Rev. Proc. 2003-14) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

643. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification of the Department of State's intent to initiate the FY 2003 International Military Education and Training program for Algeria; jointly to the Committees on International Relations and Appropriations.

644. A communication from the President of the United States, transmitting a legislative proposal to establish the Millennium Challenge Account and the Millennium Challenge Corporation; (H. Doc. No. 108—37); jointly to the Committees on International Relations, Ways and Means, the Judiciary, Resources, and Government Reform and ordered to be printed.

¶10.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. OTTER, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 7, 2003 at 1:43 p.m. and said to contain a message from the President whereby he submits the Economic Report of the President and the 2003 Annual Report of the Council of Economic Advisers.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶10.7 JOINT ECONOMIC REPORT OF THE PRESIDENT

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

The economy is recovering from the effects of the slowdown that began in the middle of 2000 and led to the subsequent recession. The American economy has been hit hard by the events of

the past three years, most tragically by the effects of the terrorist attacks of September 11, 2001. Our economy and investor confidence were hurt when we learned that some corporate leaders were not playing by the rules. The combined impact of these events, along with the three-year decline in stock values that impacted business investment, slowed growth in 2002. Despite these challenges, the economy's underlying fundamentals remain solid—including low inflation, low interest rates, and strong productivity gains. Yet the pace of the expansion has not been satisfactory; there are still too many Americans looking for jobs. We will not be satisfied until every part of our economy is vigorous and every person who wants a job can find one.

We are taking action to restore the robust growth that creates jobs. In January, I proposed a growth and jobs plan to add needed momentum to our economic recovery. We will accelerate the tax relief already approved by Congress and give it to Americans now, when it is most needed. Lowering tax rates and moving more Americans into the lowest tax bracket will help our economy grow and create jobs. Faster marriage tax relief and a faster increase in the child tax credit will especially help middle-class families, and should take effect now. We will take steps to encourage small business investment, helping them to expand and create jobs. We will end the unfair double taxation of corporate income received by individuals. By putting more money back in the hands of shareholders, strengthening investor confidence in the market, and encouraging more investment, we will have more growth and job creation. These steps will allow Americans to keep more of their own money to spend, save, or invest. They will boost the economy, ensure that the recovery continues, and provide long-term economic benefits through higher productivity and higher incomes.

As our economy recovers, we also have an obligation to help Americans who have lost their jobs. That is why we extended unemployment payments for workers who lost their jobs and improved incentives for investment to create new jobs. I also proposed a bold new program of reemployment accounts to help workers searching for jobs.

Our commitment to a strong economy does not stop with these important steps. We will continue to strengthen investor confidence in the integrity of our markets. We will develop better ways to train workers for new jobs. We will make the Nation's regulations and tax code less onerous and more reflective of the demands of a dynamic economy, and expand opportunities for open trade and stronger growth in all nations, especially for emerging and developing economies.

Our Nation's economic progress comes from the innovation and hard work of Americans in a free market that creates opportunities no other system can offer. Government does not create wealth, but instead creates the economic environment in which risk takers and entrepreneurs create jobs. With the right policies focused on growth and jobs, strong economic fundamentals—and hard work—I am confident we will extend economic opportunity and prosperity to every corner of America.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 2003*.

The message, together with the accompanying papers, was referred to the Joint Economic Committee and ordered to be printed (H. Doc. 108–2).

¶10.8 CONDEMNING LIBYAN HUMAN RIGHTS

Mr. HYDE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 27):

Whereas on January 20, 2003, Libya, a gross violator of human rights and state sponsor of terrorism, was elected to chair the United Nations Commission on Human Rights (''Commission''), a body charged with the responsibility of promoting universal respect for human rights and fundamental freedoms for all;

Whereas according to the rotation system which governs the selection of the Executive Board of the Commission, 2003 was designated as the year for the Africa Group to chair the Commission, and the Africa Group selected Libya as its candidate;

Whereas South Africa's Democratic Alliance spokeswoman, Dene Smuts, was quoted by the British Broadcasting Corporation as saying that the South African Government's decision to support Libya's election was an insult to human rights and that African countries ''should have supported a candidate of whom all Africans could be proud'';

Whereas Amnesty International has repeatedly documented that Libya's human rights situation continues to seriously deteriorate with gross violations taking place systematically, extra-judicial execution used against government opponents, and political detainees routinely tortured physically and psychologically during interrogation, with some detainees dying in custody as a result;

Whereas Human Rights Watch recently underscored that ''[o]ver the past three decades, Libya's human rights record has been appalling'' and ''Libya has been a closed country for United Nations and nongovernmental human rights investigators'';

Whereas Human Rights Watch further stated that ''Libya's election poses a real test for the Commission . . . [r]epressive governments must not be allowed to hijack the U.N. human rights system'';

Whereas the Lawyers Committee for Human Rights stated that ''the Government of Libya should not be entrusted by the United Nations to lead its international effort to promote human rights around the world'';

Whereas Freedom House declared that ''[a] country [such as Libya] with such a gross record of human rights abuses should not direct the proceedings of the UN's main human rights monitoring body . . . [t]his will undermine the UN's moral authority and send a strong and clear message to fellow rights violators that they are in the clear'';

Whereas on November 13, 2001, a German court convicted a Libyan national for the bombing in 1986 of the La Belle disco in Berlin, in which two United States servicemen were killed, and the court further declared that there was clear evidence of responsibility of the Libyan Government for the bombing;

Whereas Libya was responsible for the December 21, 1988, explosion of Pan American Airline Flight 103 en route from London to New York that crashed in Lockerbie, Scotland, killing 259 passengers and crew, and 11 others on the ground;

Whereas a French court convicted six Libyan Government officials in absentia for the bombing of UTA Flight 772 over Niger in 1989;

Whereas United Nations Resolution 748 of March 31, 1992, imposed an arms and air embargo on Libya and established a United Nations Security Council sanctions committee to address measures against Libya;

Whereas United Nations Resolution 883 of November 11, 1993, tightened sanctions on Libya, including the freezing of Libyan funds and financial resources in third countries, and banned the provision to Libya of equipment for oil refining and transportation;

Whereas United Nations Resolution 1192 of August 27, 1998, reaffirmed that the measures set forth in previous resolutions remain in effect and binding on all member states, and further expressed the intention of the United Nations to consider additional measures if the accused individuals for Pan Am Flight 103 and UTA Flight 772 bombings had not arrived or appeared for trial promptly in accordance with paragraph 8 of the Resolution;

Whereas in January 2001 a three-judge Scottish court sitting in the Netherlands found Libyan Abdel Basset al-Megrahi guilty of the bombing of Pan Am Flight 103, sentenced him to life imprisonment, and said it accepted evidence that he was a member of Libya's Jamahariya Security Organization, and in March 2002 Scottish appeal judges in the Netherlands upheld his conviction;

Whereas as recently as January 12, 2003, Libyan leader, Moammar Gaddafi, in an interview with Newsweek- Washington Post reporter, Lally Weymouth, failed to accept responsibility for the attack and had the audacity of calling for the United States to share the burden of compensation;

Whereas Libya remains on the Department of State's list of state-sponsors of terrorism;

Whereas the United States found the selection of Libya to chair the Commission to be an affront to international human rights efforts and, in particular, to victims of Libya's repression and Libyan-sponsored terrorism, and therefore broke with precedent and called for a recorded vote on Libya's chairmanship;

Whereas Canada and one other country joined the United States in voting against Libya and 17 other countries abstained;

Whereas the European Union's common position was to abstain from the vote objecting to Libya's selection as chair of the Commission;

Whereas 33 countries ignored Libya's record on human rights and status as a country subject to United Nations sanctions for the terrorist bombing of Pan Am Flight 103 and voted for Libya to lead the Commission;

Whereas the majority of these countries are United States foreign aid recipients;

Whereas the selection of Libya to chair the Commission is but the most recent example of a malaise plaguing the Commission, whereby its credibility has been called into question in recent years as its membership ranks have swelled with other egregious human rights violators;

Whereas the United States' challenge is part of a broader effort to reform the Commission, reclaim it from the oppressors, and ensure that it fulfills its mandate;

Whereas on January 20, 2003, Ambassador Kevin Moley, United States Permanent Representative to the United Nations and Other International Organizations in Geneva, emphasized that ''[w]e seek to actively engage and strengthen the moral authority of the Commission on Human Rights, so that it

once again proves itself a forceful advocate for those in need of having their human rights protected . . . [w]e are convinced that the best way for the Commission to ensure the ideals of the Universal Declaration of Human Rights over the long-term is to have a membership comprised of countries with strong human rights records at home''';

Whereas a majority of the 53 member states of the Commission are participants in the Community of Democracies and signed the Seoul Declaration of November 12, 2002, calling upon democratic nations to work together to uphold the principles of democracy, freedom, good governance, and accountability in international organizations;

Whereas the participants in the Seoul Ministerial meeting of the Community of Democracies issued a Statement on Terrorism in which they ''strongly denounced terrorism as a grave threat to democratic societies and the values they embrace . . . [they] reaffirmed that terrorism constitutes a threat to international peace and security as well as to humanity in general and indeed to the very foundation on which democracies are built . . . [and] [t]he most recent terrorist attacks confirm that international cooperation against terrorism will remain a long-term effort and requires a sustained universal commitment''; and

Whereas although United Nations sanctions against Libya have been suspended, the sanctions remain in effect, and Libya's continued status as an international outlaw nation and its continued unwillingness to accept responsibility for its terrorist actions should bar it from consideration as a candidate for membership in the United Nations Security Council or any other United Nations entity or affiliated agency: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly condemns the selection of Libya to chair the United Nations Commission on Human Rights (''Commission'') ;

(2) commends the President and the Administration for the principled position of the United States in objecting to and calling for a vote on Libya's chairmanship of the Commission;

(3) commends countries which joined the United States in objecting to Libya's selection as chair of the Commission;

(4) expresses its dismay at the European Union common position of abstention on the critical vote over Libya's chairmanship;

(5) is appalled at the support provided to Libya in its efforts to lead the Commission;

(6) will hold accountable countries who voted in favor of Libya's chairmanship;

(7) highlights its grave concern over the continuing efforts of human rights violators and terrorist countries to use international for a to legitimize their regimes and continue to act with impunity, and calls on the President to raise United States objections to such efforts during bilateral and multilateral discussions and to direct pertinent Cabinet secretaries to do the same;

(8) calls on countries at various stages of democratization to demonstrate their commitment to human rights, democracy, peace and security, and support efforts to reform the Commission;

(9) calls on the President to instruct the Secretary of State to consult with the appropriate congressional committees, within 30 calendar days of adoption of this resolution, regarding the United States priorities and strategy for the 59th session of the Commission on Human Rights and strategy and proposals for reform of the Commission;

(10) calls on the President to issue an objection to the continued suspension of sanctions against Libya and to call for their full reinstatement until Libya publicly accepts responsibility for the Pan Am Flight 103 bombing, provides appropriate compensation to the victims, and is in full compliance with all of the other requirements of the United Nations sanctions imposed as a result of Libya's orchestration of the Pan Am 103 terrorist attack; and

(11) calls on the Secretary of State to engage member countries to support United States efforts to ensure that states that are gross violators of human rights, sponsors of terrorist activities, or subject to United Nations sanctions will not be elected to leadership positions in the United Nations General Assembly nor will they be elected to membership or leadership positions on the United Nations Commission on Human Rights, the United Nations Security Council, or any other United Nations entity or affiliated agency.

The SPEAKER pro tempore, Mr. OTTER, recognized Mr. HYDE and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. OTTER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OTTER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶10.9 CZECH REPUBLIC PRESIDENT

Mr. BEREUTER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 22):

Whereas Vaclav Havel, President of the Czech Republic, is widely respected throughout the world as a proponent of democratic principles;

Whereas Vaclav Havel's superb skills as a playwright and essayist helped promote democracy in Eastern Europe during the Cold War;

Whereas the plays of Vaclav Havel were instrumental in bringing international attention to the struggle for democracy in Czechoslovakia;

Whereas Vaclav Havel was imprisoned three times for his efforts to promote democratic thought and reforms in communist Czechoslovakia, yet maintained his convictions throughout;

Whereas Vaclav Havel was a cofounder of the human rights organization Charter 77 and the Committee for the Defense of the Unjustly Prosecuted;

Whereas Vaclav Havel, as leader of the Civic Forum movement, was a key figure in the 1989 bloodless overthrow of the Czechoslovakian communist government known as the Velvet Revolution;

Whereas following the Velvet Revolution, Vaclav Havel was elected by the people as President of the Czech and Slovak Federal Republic in 1990, and following a peaceful split forming two separate states, elected President of the Czech Republic in 1993;

Whereas under the leadership of Vaclav Havel, the Czech Republic has been an important and valued member of the world community;

Whereas under the leadership of Vaclav Havel, the Czech Republic became a member of the North Atlantic Treaty Organization (NATO) on March 12, 1999;

Whereas during Vaclav Havel's time in office, the economy of the Czech Republic has become one of the most developed in Eastern Europe;

Whereas today, the Czech Republic is a valuable ally of the United States in the war against terrorism;

Whereas Vaclav Havel has been praised as one of the world's great democratic leaders and has been awarded many international prizes recognizing his commitment to peace and democratic principles; and

Whereas Vaclav Havel will step down as President of the Czech Republic on February 2, 2003: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the life-long commitment of Czech Republic President Vaclav Havel to human rights and democracy;

(2) recognizes the exceptional achievements of Vaclav Havel as playwright and president; and

(3) congratulates Vaclav Havel for his outstanding service to the people of the Czech Republic.

The SPEAKER pro tempore, Mr. OTTER, recognized Mr. BEREUTER and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. OTTER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OTTER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶10.10 ISRAELI ELECTIONS

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 61):

Whereas the United States and Israel are close allies whose people share a deep and abiding friendship based on a shared commitment to democratic values;

Whereas since its establishment in 1948, Israel has fulfilled the dreams of its founders who envisioned a vigorous, open, and stable democracy;

Whereas an essential feature of Israeli democracy is its system of competitive, free, and open elections;

Whereas on January 28, 2003, the people of Israel elected Israel's 16th Knesset, or Parliament, which in turn will choose the Prime Minister of Israel; and

Whereas the election on January 28, 2003, is the most recent example of the commitment of Israel to the democratic ideals of freedom and pluralism, ideals that Israel shares with the United States

Resolved, That the House of Representatives—

(1) commends the people of Israel for reaffirming their dedication to democratic ideals as expressed in the election on January 28, 2003;

(2) expresses both its respect for the freely expressed will of the people of Israel, and its intention to engage in constructive relations with the new Government of Israel, and urges the international community to do so as well;

(3) reaffirms the close bonds of friendship that have bound the people of the United States and the people of Israel together through turbulent times for more than half a century;

(4) urges the Palestinian leadership to abide by its commitments made to the United States and to Israel and urges the Palestinian people to act on President Bush's call of June 24, 2002, to dismantle the terrorist infrastructure, end incitement to violence in official media, elect new leaders not compromised by terror, and embrace democracy; and

(5) restates the commitment of the United States to a secure peace for Israel.

The SPEAKER pro tempore, Mr. OTTER, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. OTTER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OTTER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶10.11 HYDRO-ELECTRIC LICENSES IN ALASKA

Mr. SHIMKUS moved to suspend the rules and pass the bill (H.R. 337) to extend certain hydro-electric licenses in the State of Alaska.

The SPEAKER pro tempore, Mr. OTTER, recognized Mr. SHIMKUS and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. OTTER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶10.12 HYDROELECTRIC PROJECT IN ILLINOIS

Mr. SHIMKUS moved to suspend the rules and pass the bill (H.R. 397) to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

The SPEAKER pro tempore, Mr. OTTER, recognized Mr. SHIMKUS and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. OTTER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶10.13 92ND BIRTHDAY OF RONALD REAGAN

Mrs. BLACKBURN moved to suspend the rules and pass the joint resolution (H.J. Res. 19) recognizing the 92nd birthday of Ronald Reagan.

The SPEAKER pro tempore, Mr. OTTER, recognized Mrs. BLACKBURN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. BLACKBURN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WHITFIELD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶10.14 ORDER OF BUSINESS—CONSIDERATION OF H.R. 395

On motion of Mr. Lincoln DIAZ-BALART of Florida, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 395) to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, and for other purposes; that the bill be considered as read for amendment; that the bill be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and that the previous question be considered as ordered on the bill to final passage without intervening motion.

¶10.15 UNIVERSITY OF PORTLAND WOMEN'S SOCCER TEAM

Mr. ISAKSON moved to suspend the rules and agree to the following resolution (H. Res. 41):

Whereas, on December 8, 2002, the University of Portland women's soccer team captured its first ever undisputed collegiate national soccer championship;

Whereas the 2002 National Collegiate Athletic Association Division I title is the first championship in any sport for the University of Portland;

Whereas the University of Portland Pilots' 20–4–1 record in 2002 tied the record for wins in a season in University of Portland women's soccer history;

Whereas head coach Clive Charles, the University of Portland director of women's and men's soccer, has successfully built a nationally recognized collegiate soccer program, leading the University of Portland women's and men's teams to a collective 12 conference championships and 16 NCAA playoff berths, and producing players for the United States National and Olympic teams;

Whereas, on the way to the national championship, the Pilots defeated 7 nationally ranked opponents, which included a 2–1 title game triumph over the reigning champion, Santa Clara University;

Whereas the Pilots, the tournament's number 8 seed, now hold the record as the lowest seeded-team to win the national title in the women's national championship 21-year history;

Whereas sophomore Christine Sinclair set an NCAA tournament record with 21 points on 10 goals and 1 assist;

Whereas each player, coach, trainer, and manager dedicated time and effort to ensuring that the Pilots reached the pinnacle of team achievement; and

Whereas the students, alumni, faculty, and supporters of the University of Portland are to be congratulated for their commitment and pride in the Pilots' women's soccer program: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship and recognizes the achievements of all the players, coaches, and support staff who were instrumental in this accomplishment;

(2) requests that the President recognize the accomplishments and achievements of the 2002 University of Portland women's soccer team and invite them to Washington, D.C., for a White House ceremony for national championship teams; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Portland for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2002 University of Portland women's soccer team.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. ISAKSON and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶10.16 CALCULATION OF THE FEDERAL SUBSIDY RATE

Mr. NUSSLE moved to suspend the rules and pass the bill of the Senate (S. 141) to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. NUSSLE and Mr. SPRATT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶10.17 RECESS—5:12 P.M.

The SPEAKER pro tempore, Mr. WHITFIELD, pursuant to clause 12 of rule I, declared the House in recess at 5 o'clock and 12 minutes p.m., until approximately 6:30 p.m.

¶10.18 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. BASS, called the House to order.

¶10.19 PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore, Mr. BASS, announced that the Speaker, pursuant to clause 11 of Rule X and clause 11 of Rule I, and the order of the House of January 8, 2003, appointed to the Permanent Select Committee on Intelligence, the following Members of the House: Messrs. GALLEGLY and COLLINS.

¶10.20 H. CON. RES. 27—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 27) condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402; Nays ..... 6; Answered present 8

¶10.21 [Roll No. 20]

YEAS—402

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

NAYS—6

Clay, Honda, Kucinich, Lee, Paul, Rahall

ANSWERED "PRESENT"—8

Ballance, Hinchey, Kilpatrick, McDermott, Miller, George, Stark, Waters, Watt

NOT VOTING—18

Bishop (UT), Cannon, Conyers, Cubin, Deal (GA), Ferguson, Ford, Gephardt, Hulshof, Marshall, Miller (FL), Neal (MA), Platts, Reyes, Rush, Smith (TX), Tauzin, Tiberi

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶10.22 H. CON. RES. 22—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 22) honoring Czech Republic President Vaclav Havel.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415; Nays 0

¶10.23 [Roll No. 21]

YEAS—415

Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Ballance, Barrett (SC), Bartlett (MD), Barton (TX), Bass, Beauprez, Becerra, Bell, Bereuter, Berkley, Berman, Berry, Biggert, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Boehlert, Boehner, Bonilla, Bonner, Bono, Boswell, Boucher, Boyd, Bradley (NH), Brady (PA), Brady (TX), Brown (OH), Brown (SC), Brown, Corrine, Brown-Waite, Ginny, Burgess, Burns, Burr, Burton (IN), Buyer, Calvert, Camp, Cantor, Capito, Capps, Capuano, Cardin, Cardoza, Carson (IN), Carson (OK), Carter, Case, Castle, Chabot

Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Ballenger
Blunt
Boozman
Cannon
Cubin
Davis (TN)
Deal (GA)
DeLay
Ferguson
Gephardt
Hulshof
Miller (FL)
Platts
Reyes
Rush
Smith (TX)
Tauzin
Tiberi
Turner (TX)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶10.24 H. RES. 61—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 61) commending the people of Israel for conducting free and fair elections, reaffirming the friendship between Governments and peoples of the United States and Israel, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411; Nays ..... 2; Answered present 3 }

¶10.25 [Roll No. 22]

YEAS—411

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

Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Rahall

ANSWERED ''PRESENT''—3

Conyers
Stark
Wu

NOT VOTING—18

Blunt
Cannon
Cubin
Deal (GA)
Doggett
Ferguson
Gallegly
Gephardt
Hulshof
Lipinski
Miller (FL)
Pickering
Reyes
Rush
Smith (TX)
Sullivan
Tauzin
Tiberi

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶10.26 H.J. RES. 19—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the joint resolution (H.J. Res. 19) recognizing the 92nd birthday of Ronald Reagan.

The question being put,

Will the House suspend the rules and pass said joint resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406; Nays ..... 0; Answered present 11

¶10.27 [Roll No. 23]

YEAS—406

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

ANSWERED ''PRESENT''—11

Brown, Corrine
Conyers
Hinchey
Johnson, E. B.
Kilpatrick
Lee
McDermott
Stark
Towns
Watson
Wu

NOT VOTING—17

Blunt
Cannon
Cubin
Deal (GA)
Ferguson
Gephardt
Hulshof
Lantos
Michaud
Miller (FL)
Nadler
Radanovich
Reyes
Rush
Smith (TX)
Tauzin
Tiberi

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶10.28 COMMITTEE ELECTION—MAJORITY

Mr. BONILLA, by unanimous consent, submitted the following resolution (H. Res. 63):

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Budget: Mr. Shays to rank after Mr. Nussle; and Ms. Ginny Brown-Waite of Florida to rank after Mr. Hensarling.

Education and the Workforce: Mr. Gingrey.

Science: Mr. Gilchrest to rank after Mrs. Biggert; and Mr. Feeney to rank after Mr. Bonner.

Small Business: Mr. Chocola.

Standards of Official Conduct: Mr. Hastings of Washington; Mrs. Biggert; Mr. Hulshof; and Mr. LaTourette.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶10.29 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. BONO, for February 5;

To Mr. CANNON, for today; and

To Mr. TAUZIN, for today.

And then,

¶10.30 ADJOURNMENT

On motion of Mr. KINGSTON, at 9 o'clock and 36 minutes p.m., the House adjourned.

¶10.31 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 395. A bill to authorize the Federal Trade Commission to collect fees for

the implementation and enforcement of a ''do-not-call'' registry, and for other purposes (Rept. 108–8). Referred to the Committee of the Whole House on the State of the Union.

¶10.32 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GARRETT of New Jersey (for himself, Mr. OXLEY, Mr. BAKER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, and Mr. EMANUEL):

H.R. 657. A bill to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. BAKER (for himself and Mr. OXLEY):

H.R. 658. A bill to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission; to the Committee on Financial Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Ms. WATERS, and Mr. BAKER):

H.R. 659. A bill to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals; to the Committee on Financial Services.

By Mr. FLETCHER (for himself, Mr. SAM JOHNSON of Texas, Mr. DOOLEY of California, Ms. VELAZQUEZ, Mr. ACEVEDO-VILA, Mr. ADERHOLT, Mr. AKIN, Mr. BACA, Mr. BALLENGER, Mr. BEAUPREZ, Mrs. BIGGERT, Mr. BOEHNER, Mr. BURGESS, Mr. CALVERT, Mrs. CAPITO, Mr. CARTER, Mrs. CHRISTENSEN, Mr. COLLINS, Mr. COSTELLO, Mr. CRAMER, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. MARIO DIAZ-BALART of Florida, Mr. DUNCAN, Mr. EVERETT, Mr. FRANKS of Arizona, Mr. FOSSELLA, Mr. GILLMOR, Mr. GOODLATTE, Mr. GONZALEZ, Mr. GRAVES, Ms. GRANGER, Mr. GREENWOOD, Mr. GRIJALVA, Ms. HART, Mr. HASTERT, Mr. HERGER, Mr. HOUGHTON, Mr. ISAKSON, Mr. ISSA, Mr. JENKINS, Mr. JONES of North Carolina, Mr. KELLER, Mrs. KELLY, Mr. KENNEDY of Minnesota, Mr. KOLBE, Mr. LUCAS of Kentucky, Mr. MANZULLO, Mr. MCHUGH, Mr. MCINNIS, Mr. MCKEON, Mrs. MUSGRAVE, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Mr. PETRI, Mr. PLATTS, Mr. RADANOVICH, Mr. REHBERG, Mr. RYAN of Wisconsin, Mr. SCHROCK, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHAYS, Mr. SHIMKUS, Mr. SIMMONS, Mr. SMITH of Texas, Mr. SOUDER, Mr. TANCREDO, Mr. TIAHRT, Mr. TOOMEY, Mr. UPTON, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WILSON of South Carolina, and Mr. WOLF):

H.R. 660. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; to the Committee on Education and the Workforce.

By Mr. NUSSLE (for himself, Mr. BOSWELL, Mrs. JOHNSON of Connecticut, Mr. LEACH, Mr. PAUL, Mr. SENSENBRENNER, and Mr. SOUDER):

H.R. 661. A bill to amend the Internal Revenue Code of 1986 to permit financial institutions to determine their interest expense deduction without regard to tax-exempt bonds issued to provide certain small loans for health care or educational purposes; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 662. A bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. BROWN of Ohio, Mr. TAUZIN, Mr. DINGELL, Mr. BARTON of Texas, Mr. WAXMAN, Mr. UPTON, Mr. MARKEY, Mr. GREENWOOD, Mr. TOWNS, Mr. BURR, Mr. PALLONE, Mr. WHITFIELD, Mr. GORDON, Mr. NORWOOD, Mr. DEUTSCH, Mr. TERRY, Mr. RUSH, Mr. ROGERS of Michigan, Mr. ENGEL, Mr. WYNN, Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Mrs. CAPPS, Mr. JOHN, and Ms. HARMAN):

H.R. 663. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FILNER (for himself, Mr. SIMMONS, Mr. EVANS, Mr. CUNNINGHAM, Ms. PELOSI, Mr. ROHRABACHER, Mr. SCOTT of Virginia, Mr. ISSA, Ms. LOFGREN, Ms. MILLENDER-MCDONALD, Mr. TIAHRT, and Mr. ABERCROMBIE):

H.R. 664. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II and surviving spouses of such veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ABERCROMBIE (for himself and Mr. CASE):

H.R. 665. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; to the Committee on Resources.

By Mr. ANDREWS (for himself and Mr. FOLEY):

H.R. 666. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 667. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment of the dollar limitation on the exclusion of gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 668. A bill to amend the Internal Revenue Code of 1986 to allow credits against income tax for an owner of a radio broadcasting station which donates the license and other assets of such station to a nonprofit corporation for purposes of supporting nonprofit fine arts and performing arts organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 669. A bill to amend title 18, United States Code, to prohibit the sale or rental of adult video games to minors; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 670. A bill to amend the National Flood Insurance Act of 1968 to provide for identification, mitigation, and purchase of properties insured under the national flood insurance program that suffer repetitive losses; to the Committee on Financial Services.

By Mrs. BONO (for herself, Mr. MARKEY, Mr. BLUNT, Mr. ISSA, and Mr. CALVERT):

H.R. 671. A bill to reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BORDALLO:

H.R. 672. A bill to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William ''Willie'' McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003; to the Committee on Armed Services.

By Mr. BRADY of Texas (for himself and Mr. GREEN of Texas):

H.R. 673. A bill to amend the Clean Air Act regarding the conformity of transportation projects to implementation plans, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARSON of Oklahoma:

H.R. 674. A bill to authorize the President to present a gold medal on behalf of the Congress to the Choctaw Code Talkers in recognition of their contributions to the Nation, and for other purposes; to the Committee on Financial Services.

By Mrs. CHRISTENSEN (for herself, Mr. FALEOMAVAEGA, Mr. ACEVEDO-VILA, and Ms. BORDALLO):

H.R. 675. A bill to amend titles XI and XIX of the Social Security Act to remove the cap on Medicaid payments for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa and to adjust the Medicaid statutory matching rate for those territories; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. MCDERMOTT, Mr. KUCINICH, Mrs. CHRISTENSEN, Mr. SCOTT of Virginia, Ms. LEE, Ms. NORTON, Mr. DAVIS of Illinois, Mr. OWENS, Mr. JACKSON of Illinois, Mr. HINCHEY, Mr. PAYNE, Mr. CUMMINGS, Ms. KILPATRICK, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. GRIJALVA, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Mr. THOMPSON of Mississippi, Ms. CARSON of Indiana, Mr. PASTOR, Ms. WOOLSEY, Mr. CLAY, and Mr. RANGEL):

H.R. 676. A bill to provide for comprehensive health insurance coverage for all United States residents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Resources, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM (for himself, Mr. FILNER, Mr. EVANS, Mr. ISSA, Ms. MILLENDER-MCDONALD, Mr. GUTIERREZ, Mr. WYNN, Mr. ABERCROMBIE, Ms. PELOSI, Mr. CASE, Ms. HARMAN, Ms. BORDALLO, Ms. LEE, Mr. ROHRABACHER, Ms. SCHAKOWSKY, Mr. ROYCE, Mr. BECERRA, Mr. INSLEE, Mr. SCOTT of Virginia, Ms. ROYBAL-ALLARD, Ms. CORRINE BROWN of Florida, Mr. FROST, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Ms. LOFGREN, and Mr. LANTOS):

H.R. 677. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Alabama:

H.R. 678. A bill to amend the Consolidated Farm and Rural Development Act to provide

for comprehensive community and economic development in the distressed Southern Black Belt and Mississippi Delta region while leveraging existing efforts, entities, and resources; to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS:

H.R. 679. A bill to prohibit certain late term abortions; to the Committee on Energy and Commerce.

By Mr. EDWARDS:

H.R. 680. A bill to provide tax relief and assistance for the families of the heroes of the Space Shuttle Columbia, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 681. A bill to amend the Federal Election Campaign Act of 1971 to prohibit an authorized committee of a winning candidate for election for Federal office which received a personal loan from the candidate from making any repayment on the loan after the date on which the candidate begins serving in such office; to the Committee on House Administration.

By Mr. ENGLISH (for himself, Ms. HART, Mr. PETERSON of Pennsylvania, Mr. WELDON of Pennsylvania, and Mr. TIAHRT):

H.R. 682. A bill to amend the Temporary Extended Unemployment Compensation Act of 2002 to provide for additional weeks of benefits to exhaustees; to modify the AIUR trigger used in determining eligibility for second-tier benefits; and to provide for an extension of the temporary extended unemployment program; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself and Mr. JEFFERSON):

H.R. 683. A bill to amend the Internal Revenue Code of 1986 to increase the special allowance for depreciation for certain property acquired after September 10, 2001, from 30 percent to 100 percent, and for other purposes; to the Committee on Ways and Means.

By Mr. FLAKE (for himself and Mr. LIPINSKI):

H.R. 684. A bill to provide scholarships for District of Columbia elementary and secondary students, and for other purposes; to the Committee on Government Reform.

By Mr. FRANK of Massachusetts (for himself, Mr. TOWNS, Mr. OLVER, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. BLUMENAUER, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. FARR, Ms. SLAUGHTER, Mrs. JONES of Ohio, Mr. RANGEL, Mr. MARKEY, Mr. NADLER, Mr. TIERNEY, Mr. RUSH, Ms. DELAURO, Mr. CAPUANO, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. SNYDER, Mr. MATSUI, Mr. PAYNE, Mr. HOEFFEL, Mr. OWENS, Mr. SCOTT of Virginia, Mr. BACA, Mr. STARK, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. DEFAZIO, Mr. FILNER, Mr. CUMMINGS, Ms. BALDWIN, Mr. MATHESON, Mr. WEXLER, and Mr. LANTOS):

H.R. 685. A bill to amend the Higher Education Act of 1965 to repeal the provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; to the Committee on Education and the Workforce.

By Mr. GALLEGLY:

H.R. 686. A bill to amend the Internal Revenue Code of 1986 to accelerate the scheduled increases in eligibility for individual retirement plans and to eliminate the marriage penalty in determining such eligibility; to the Committee on Ways and Means.

By Mr. GALLEGLY:

H.R. 687. A bill to prohibit the Federal Government from accepting a form of identification issued by a foreign government, except for a passport that is accepted for such a purpose on the date of enactment of this Act; to the Committee on Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself and Mr. OTTER):

H.R. 688. A bill to direct the Secretary of Agriculture to conduct a study of the effectiveness of silver-based biocides as an alternative treatment to preserve wood; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas (for himself, Mr. REYES, Mr. GONZALEZ, and Mr. FROST):

H.R. 689. A bill to amend the Internal Revenue Code of 1986 to allow residents of States with no income tax a deduction for State and local sales taxes; to the Committee on Ways and Means.

By Mr. GUTIERREZ:

H.R. 690. A bill to amend title XIX of the Social Security Act to provide for coverage under the Medicaid Program of organ transplant procedures as an emergency medical procedure for certain alien children; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 691. A bill to amend the Internal Revenue Code of 1986 to allow corporations to claim a charitable deduction for the donation of services related to contributions of computer technology or equipment; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. JONES of Ohio, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. OWENS, Mr. CUMMINGS, Ms. BALDWIN, Ms. NORTON, Ms. SCHAKOWSKY, Ms. LEE, Ms. KILPATRICK, Mr. CLYBURN, Mr. KENNEDY of Rhode Island, and Mr. LANTOS):

H.R. 692. A bill to provide for racial equity and fair treatment under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. COLE, Mr. WILSON of South Carolina, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. FORBES, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. POMEROY, Mr. LANTOS, Mr. MILLER of Florida, Mr. HAYES, Mr. TANNER, Mr. HEFLEY, Mr. MATSUI, Mr. EVERETT, Mrs. BONO, Mr. SANDERS, Mr. SIMMONS, Mr. DICKS, Mr. SCHROCK, Mr. ACKERMAN, Mr. FRANK of Massachusetts, Mr. ORTIZ, Mr. KOLBE, Mr. GIBBONS, Mr. KLINE, Mr. MICA, Mr. MEEHAN, Mr. TERRY, Mr. CALVERT, and Mr. REYES):

H.R. 693. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain death gratuity payments to members of the uniformed services; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Ms. NORTON, Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Ms. CARSON of Indiana, Mr. FROST, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. SANDERS, Mr. INSLEE, Mr. MATSUI, and Mr. LANTOS):

H.R. 694. A bill to amend the Internal Revenue Code of 1986 to provide an interest-free source of capital to cover the costs of installing residential solar energy equipment; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. TANCREDO, and Mr. BEAUPREZ):

H.R. 695. A bill to authorize the Secretary of Agriculture to make a grant to support research to develop enhanced methods for the long-term control and suppression of the invasive plant species tamarisk in the Colorado River watershed in western Colorado and eastern Utah; to the Committee on Agriculture.

By Mr. MEEKS of New York:

H.R. 696. A bill to amend the Higher Education Act of 1965 to restrict the disqualification of students for drug offenses to those students who committed offenses while receiving student financial aid; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD:

H.R. 697. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate a high priority corridor in California; to the Committee on Transportation and Infrastructure.

By Mr. MOORE (for himself and Mr. YOUNG of Alaska):

H.R. 698. A bill to provide for and approve settlement of certain land claims of the Wyandotte Nation, and for other purposes; to the Committee on Resources.

By Mr. NETHERCUTT:

H.R. 699. A bill to direct the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie/Spokane Valley Aquifer, located in Idaho and Washington; to the Committee on Resources.

By Mr. PAUL:

H.R. 700. A bill to amend the Federal Rules of Appellate Procedure to require written opinions in certain cases, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 701. A bill to restore to the original owners certain lands that the Federal Government took for military purposes in 1940; to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL:

H.R. 702. A bill to amend title 23, United States Code, to increase the Federal share for certain safety and other projects on energy impacted highways; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself and Mr. COBLE):

H.R. 703. A bill to provide for the use of COPS funds for State and local intelligence officers, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. DREIER, Mr. BERMAN, Mr. SHERMAN, Ms. SOLIS, and Mr. GEORGE MILLER of California):

H.R. 704. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the area known as the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area in the State of California, and for other purposes; to the Committee on Resources.

By Mr. SCHROCK:

H.R. 705. A bill to suspend temporarily the duty on certain table tennis tables; to the Committee on Ways and Means.

By Mr. STARK (for himself, Ms. WATSON, Mr. KUCINICH, Mr. MCDERMOTT, and Mr. GEORGE MILLER of California):

H.R. 706. A bill to amend part A of title IV of the Social Security Act to promote secure and healthy families under the temporary

assistance to needy families program, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. LEACH, Mr. KENNEDY of Rhode Island, Mr. SERRANO, Mrs. JONES of Ohio, Ms. DELAURO, Mr. MARKEY, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. WAXMAN, Mr. NADLER, Mrs. CHRISTENSEN, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. FROST, Mr. MCDERMOTT, Mrs. DAVIS of California, Ms. LEE, and Mr. RODRIGUEZ):

H.R. 707. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare Program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California:

H.R. 708. A bill to require the conveyance of certain National Forest System lands in Mendocino National Forest, California, to provide for the use of the proceeds from such conveyance for National Forest purposes, and for other purposes; to the Committee on Resources.

By Mr. WICKER (for himself, Mr. WEXLER, Mr. TAYLOR of Mississippi, Mr. WHITFIELD, Mr. PAUL, Mr. NORWOOD, Ms. WOOLSEY, Mr. HOLDEN, Mr. FILNER, Mr. SANDLIN, Mr. COMBEST, Mr. PICKERING, Mr. FROST, Mr. DUNCAN, Mr. SHERMAN, Mr. BOUCHER, Mr. RUSH, Mr. HALL, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. PLATTS, Mr. UDALL of Colorado, Mr. GORDON, Mr. FALEOMAVAEGA, and Mr. CALVERT):

H.R. 709. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. ROS-LEHTINEN (for herself and Mr. LANTOS):

H. Con. Res. 32. Concurrent resolution expressing the sense of Congress with respect to human rights in Central Asia; to the Committee on International Relations.

By Mr. SMITH of Texas (for himself and Mr. BERMAN):

H. Con. Res. 33. Concurrent resolution expressing the sense of Congress regarding the establishment of a National Inventors' Day; to the Committee on Government Reform.

By Mr. CANTOR (for himself, Ms. PELOSI, Mr. DELAY, Mr. HOYER, Mr. BLUNT, Mr. LEWIS of Georgia, Mr. HYDE, Mr. LANTOS, Ms. ROS-LEHTINEN, and Mr. ACKERMAN):

H. Res. 61. A resolution commending the people of Israel for conducting free and fair elections, reaffirming the friendship between the Governments and peoples of the United States and Israel, and for other purposes; to the Committee on International Relations. considered and agreed to.

By Mr. DELAY (for himself, Mr. BALLENGER, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mr. BRADY of Texas, Mr. BURGESS, Mr. CANTOR, Mr. CARTER, Mr. CASTLE, Mr. COLE, Mr. COLLINS, Mr. COMBEST, Mr. CRANE, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DEMINT, Ms. DUNN, Mr. FROST, Mr. GIBBONS, Ms. GRANGER, Mr. HALL, Mr. HAYWORTH, Mr. HENSARLING, Mr. HINOJOSA, Mr. HUNTER, Mr. ISAKSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLINE, Mr. MCKEON, Mrs. MYRICK, Mr. OSBORNE, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. PITTS, Mr. PORTER, Ms. PRYCE of Ohio, Mr. REYNOLDS, Mr. REYES, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. SHAW, Mr. STEARNS, Mr. SHADEGG, Mr. SMITH of Texas, Mr. TIBERI, Mr. THOMAS, Mr. THORNBERRY, Mr. UPTON, Mr. VITTER, Mr. WICKER, Mr. WILSON of South Carolina, and Ms. HART):

H. Res. 62. A resolution recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,902 members of the Armed Forces who remain unaccounted for from the Vietnam conflict; to the Committee on Armed Services.

By Mr. BONILLA:

H. Res. 63. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. HEFLEY:

H. Res. 64. A resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the One Hundred Eighth Congress; to the Committee on House Administration.

By Ms. MILLENDER-MCDONALD (for herself and Mr. ISSA):

H. Res. 65. A resolution expressing the sense of the House of Representatives regarding the military service of Filipinos during World War II and their eligibility for benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself and Mr. TURNER of Texas):

H. Res. 66. A resolution supporting responsible fatherhood and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and the Workforce.

¶10.33 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ENGLISH:

H.R. 710. A bill for the relief of Mrs. Florence Narusewicz of Erie, Pennsylvania; to the Committee on the Judiciary.

By Mr. ENGLISH:

H.R. 711. A bill for the relief of Johanna Bell; to the Committee on the Judiciary.

By Mr. WICKER:

H.R. 712. A bill for the relief of Richi James Lesley; to the Committee on the Judiciary.

¶10.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. CAMP, Mr. TOM DAVIS of Virginia, Mr. WILSON of South Carolina, Mr. AKIN, and Mr. TERRY.

H.R. 5: Mr. GOODLATTE, Mr. Burgess, Mr. PICKERING, Mrs. KELLY, Mr. TOOMEY, Mr. CHABOT, Mr. PENCE, Mrs. EMERSON, Mr. ROGERS of Alabama, Mr. SMITH of Texas, Mr. MCINNIS, Ms. BORDALLO, Mr. GINGREY, Mr. EVERETT, Mr. MICA, and Mrs. JO ANN DAVIS of Virginia.

H.R. 12: Ms. WATSON, Mr. ROGERS of Michigan, Mr. TIAHRT, Mr. SESSIONS, Mr. GILLMOR, Mr. ROYCE, Mr. MATHESON, Mr. SIMMONS, Mr. CUNNINGHAM, and Mr. HOEKSTRA.

H.R. 20: Mr. ABERCROMBIE, Mrs. NAPOLITANO, Mr. LAHOOD, Mr. PASCRELL, Mr. NEY, Mr. ETHERIDGE, Mr. CAPUANO, Mr. OLVER, Mr. GRIJALVA, Mr. OWENS, Mr. NEAL of Massachusetts, Ms. BORDALLO, Mr. ENGLISH, and Mr. FROST.

H.R. 21: Mr. TERRY, Mr. FRANKS of Arizona, Mr. KENNEDY of Minnesota, Ms. HOOLEY of Oregon, and Mr. DUNCAN.

H.R. 23: Mr. ROGERS of Alabama.

H.R. 33: Mr. SANDLIN, Mr. KING of Iowa, Mr. SCHROCK, Mr. TIAHRT, Mr. SANDERS, Mr. GILLMORE Mr. PETRI, Mr. KIND, Mr. PEARCE, Mr. FARR, Mr. JANKLOW, Mr. GORDON, Mr. ORTIZ, Mr. MATHESON, and Mr. LATHAM.

H.R. 44: Mr. CRANE.

H.R. 49: Mr. BARRETT of South Carolina, Ms. LORRETTA SANCHEZ of California, Mr. PAUL, Ms. ROS-LEHTINEN, Mr. SIMMONS, Mr. TERRY and Mr. JOHNSON of Illinois.

H.R. 57: Mr. KING of Iowa, Mr. ROGERS of Alabama, Mr. MATHESON, Mr. FLETCHER, Mr. HOEKSTRA, and Mr. RENZI.

H.R. 73: Mr. CAPUANO, Mr. GOODE, Mrs. KELLY, Mr. HINCHEY, Ms. MCCARTHY of Missouri, Mr. SERRANO, Mr. SANDERS, Mr. GOODLATTE, Mr. LOBIONDO, Mr. FILNER, Mr. ANDREWS, and Mr. RAHALL.

H.R. 105: Mr. OWENS and Mr. GRIJALVA.

H.R. 140: Mr. TOWNS, Mr. CLYBURN, Mr. WILSON of South Carolina, and Mr. BROWN of South Carolina.

H.R. 141: Mr. CLYBURN, Mr. TOWNS, Mr. TAYLOR of Mississippi, Mr. BROWN of South Carolina, and Mr. SPRATT.

H.R. 167: Mr. ENGEL, Mr. KIRK, Mr. ENGLISH, and Mr. KLINE.

H.R. 172: Mr. BISHOP of New York, Mrs. KELLY, and Mr. PASCRELL.

H.R. 173: Mr. LATOURETTE, Mrs. KELLY, Mr. CLAY, Mr. DEAL of Georgia, Mr. RYUN of Kansas, Mr. PRICE of North Carolina, Mr. ACKERMAN, Mr. CUNNINGHAM, Mr. OWENS, Mr. SPRATT, Mr. ISAKSON, Mr. MATHESON, Mr. BARTON of Texas, Ms. SLAUGHTER, Mr. UDALL of Colorado, Mr. SHIFF, Mr. FROST, Mr. HASTINGS of Washington, and Mr. MCNULTY.

H.R. 192: Ms. DUNN, Mr. INSLEE, Mr. RAMSTAD, Mrs. NAPOLITANO, and Mr. DOGGETT.

H.R. 203: Mr. HOUGHTON and Mr. ENGEL.

H.R. 218: Mr. GOODE, Mr. SCHROCK, Mr. WILSON of South Carolina, Mr. HAYES, Mr. WELLER, Mr. SANDLIN, Mr. QUINN, Mrs. MYRICK, Mrs. NORTHUP, Mr. CHOCOLA, Mr. TURNER of Texas, Mr. WICKER, Mr. DAVIS of Tennessee, Mr. FOLEY, Mr. PEARCE, Mr. FROST, Mr. GORDON, Mr. COOPER, Mr. ENGLISH, Mr. RAMSTAD, Mr. BACHUS, and Mr. GINGREY.

H.R. 235: Mr. RYUN of Kansas, Mr. AKIN, Mr. WILSON of South Carolina, Mr. MICA, Mr. GREEN of Wisconsin, Mr. SESSIONS, Mr. BAKER, Mr. FRANKS of Arizona, Mr. HOEKSTRA, Mr. PAUL, Mr. GIBBONS, Mr. LUCAS of Oklahoma, Mr. SHIMKUS, and Mr. BALLENGER.

H.R. 240: Mr. NETHERCUTT and Mr. FOLEY.

H.R. 258: Mr. CASTLE.

H.R. 271: Mr. FOSSELLA and Mr. PASCRELL.

H.R. 284: Mr. SHERWOOD, Mr. POMEROY, Ms. MCCOLLUM, Mrs. WILSON of New Mexico, Mr. WEXLER, Mr. OBERSTAR, Ms. MCCARTHY of Missouri, Mr. OTTER, Mr. MATSUI, Mr. BOUCHER, Mr. ENGLISH, Mr. SABO, Mr. MCGOVERN, Mrs. TAUSCHER, and Mrs. CAPPS.

H.R. 302: Mr. GILLMOR, Mr. NORWOOD, and Mr. KUCINICH.

H.R. 303: Mr. KING of New York, Mr. REHBERG, Mr. LOBIONDO, Mr. WILSON of South Carolina, Mr. HERGER, Mr. SANDLIN, Mr. STRICKLAND, Mr. VITTER, Ms. BALDWIN, Mr. NETHERCUTT, Mr. BERRY, Mr. WYNN, Mr. LARSEN of Washington, Mr. ENGLISH, Mr. WOLF, Mr. FRANK of Massachusetts, Mr. ORTIZ, Mr. ABERCROMBIE, Mr. RAHALL, Ms. WOOLSEY, Mr. TERRY, and Mr. HAYES.

H.R. 3324: Mr. SIMMONS.

H.R. 336: Mr. UPTON.

H.R. 339: Mr. DELAY, Mr. BLUNT, and Mr. WELDON of Florida.
H.R. 340: Ms. DUNN and Mr. HONDA.
H.R. 342: Mrs. KELLY, Mr. PASCRELL, Mr. POMEROY, and Mr. CRANE.
H.R. 373: Ms. WOOLSEY, Mr. WYNN, Mr. GUTIERREZ, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. STARK, Ms. BERKLEY, Mr. DAVIS of Illinois, Mr. OLVER, and Mr. ORTIZ.
H.R. 378: Mrs. EMERSON.
H.R. 383: Mr. SCHIFF.
H.R. 395: Mr. FRELINGHUYSEN, Ms. BERKLEY, Mr. SHERMAN, and Mr. BILIRAKIS.
H.R. 396: Mrs. JONES of Ohio and Ms. NORTON.
H.R. 401: Mr. HOLDEN, Mr. FOLEY, Ms. BERKLEY, and Mr. NADLER.
H.R. 412: Mr. SHERMAN, Mr. LOBIONDO, Ms. LINDA T. SANCHEZ of California, Mr. ROTHMAN, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. HASTINGS of Washington, and Mr. SIMMONS.
H.R. 431: Mrs. BONO.
H.R. 433: Mr. HERGER and Mr. CUNNINGHAM.
H.R. 434: Mrs. MYRICK, Mr. VITTER, Mr. KOLBE, Mr. SIMPSON, Mr. ROGERS of Michigan, Mr. NETHERCUTT, and Mr. SCHROCK.
H.R. 436: Ms. NORTON and Mr. FALEOMAVAEGA.
H.R. 442: Mr. MCHUGH, Mr. BARTLETT of Maryland, and Mr. WALSH.
H.R. 444: Mr. MURPHY.
H.R. 456: Mr. TERRY.
H.R. 466: Mr. PLATTS, Mr. FOLEY, Mr. WELDON of Pennsylvania, Mr. SIMMONS, Mr. HOEFFEL, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Mr. ISSA, Mr. LANTOS, and Mr. CALVERT.
H.R. 478: Mr. BISHOP of Utah.
H.R. 487: Mr. OWENS.
H.R. 490: Mr. COOPER, Mr. BAKER, Mr. LANGEVIN, Mr. FROST, Mr. JANKLOW, Mr. CLAY, Mr. BERRY, Mr. BERMAN, Mr. ACKERMAN, Mrs. TAUSCHER, Mr. MILLER of North Carolina, Mr. SPRATT, Mr. MATHESON, Mr. BEREUTER, Mr. NETHERCUTT, Mr. SANDLIN, and Mr. SCHIFF.
H.R. 501: Mr. BERRY, Mrs. JONES of Ohio, Mr. POMEROY, Mr. SANDERS, Mr. ACKERMAN, Mr. MATSUI, Mr. OWENS, Mr. KELLER, and Mr. MCINNIS.
H.R. 506: Mrs. WILSON of New Mexico.
H.R. 513: Mr. JANKLOW, Mr. SOUDER, and Mr. KOLBE.
H.R. 522: Mr. BURR, Mr. SOUDER, Mr. CRAMER, Mr. ADERHOLT, Mr. ROGERS of Alabama, Mr. NETHERCUTT, and Mr. UDALL of Colorado.
H.R. 528: Ms. WATSON, Mr. MCGOVERN, Mr. MCNULTY, Mr. DOOLEY of California, Mr. SCHIFF, Mr. BERMAN, and Mr. SWEENEY.
H.R. 531: Mr. ROGERS of Michigan, Mr. OTTER, Mr. PALLONE, Mr. TOWNS, Ms. CARSON of Indiana, Mr. MCHUGH, Mr. RUSH, Mr. SPRATT, Mr. BARTON of Texas, Mr. BAKER, and Mr. ALEXANDER.
H.R. 534: Mr. STENHOLM, Mr. SOUDER, Mr. CARTER, Mr. JOHN, Mr. ENGLISH, Mr. SKELTON, Mr. ROGERS of Kentucky, Mr. MCNULTY, Mr. BERRY, Mr. FRANKS of Arizona, Mr. CHOCOLA, Mr. BISHOP of Utah, Mr. JONES of North Carolina, Mr. BARTON of Texas, Mr. SCHROCK, and Mr. PUTNAM.
H.R. 545: Mr. HOEFFEL, Mr. SOUDER, and Mr. WALSH.
H.R. 581: Mr. MCINTYRE and Mr. KING of New York.
H.R. 584: Ms. PRYCE of Ohio, Mr. GOODLATTE, Mr. RYUN of Kansas, Mr. ABERCROMBIE, Mr. BURTON of Indiana, and Mr. WEXLER.
H.R. 589: Ms. CORRINE BROWN of Florida, Mr. SHIMKUS, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Mr. GILLMOR, Mr. MCINTYRE, Ms. LINDA T. SANCHEZ of California, Mr. TURNER of Ohio, Mr. KUCINICH, Mrs. JONES of Ohio, and Mr. TOWNS.
H.R. 594: Mr. WALSH, Mr. BACA, Ms. LOFGREN, Mr. LARSEN of Washington, Mr. FLETCHER, Mrs. EMERSON, and Mr. OWENS.
H.R. 613: Mr. SIMMONS.
H.J. Res. 3: Mrs. CAPITO, Mr. KOLBE, Mr. GREEN of Wisconsin, Mr. SOUDER, Mr. BERRY, Mr. ENGLISH, and Mr. ORTIZ.
H.J. Res. 4: Mr. JENKINS, Ms. LORETTA SANCHEZ of California, Ms. BERKLEY, Mr. GREEN of Wisconsin, Mr. LINDER, Mr. RYUN of Kansas, and Mr. BOEHLERT.
H.J. Res. 12: Ms. MCCOLLUM, Mr. MARKEY, Mr. STRICKLAND, Mr. BACA, Mr. FILNER, Mr. PRICE of North Carolina, Mr. RODRIGUEZ, Mr. BERMAN, Mr. ABERCROMBIE, MR. HASTINGS of Florida, Mr. FROST, Mr. STENHOLM, Ms. SLAUGHTER, Mr. LEVIN, Mr. PASTOR, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. KIND, Mr. COSTELLO, Mr. SCHIFF, and Ms. ESHOO.
H.J. Res. 15: Mr. FLAKE.
H.J. Res. 19: Mr. MCCOTTER and Mr. KLINE.
H.J. Res. 20: Mr. CLAY.
H. Con. Res. 3: Mr. BERMAN and Mr. BELL.
H. Con. Res. 18: Mr. HOEFFEL and Ms. LEE.
H. Con. Res. 19: Ms. CARSON of Indiana, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. GRIJALVA, Ms. SOLIS, Mr. HONDA, Ms. MCCOLLUM, Mr. CARDIN, Mr. PASTOR, Mr. BACA, Mr. HINCHEY, Mr. KILDEE, Mrs. LOWEY, Mr. WEXLER, Mr. OWENS, and Mr. GEORGE MILLER of California.
H. Con. Res. 22: Mrs. JONES of Ohio, Mr. MCDERMOTT, Mr. SHERMAN, Mr. CROWLEY, Ms. MCCARTHY of Missouri, and Mr. MCCOTTER.
H. Con. Res. 23: Mr. SPRATT, Mr. SMITH of Washington, Mr. RYAN of Wisconsin, Ms. ROYBAL-ALLARD, and Mr. SAM JOHNSON of Texas.
H. Con. Res. 25: Mr. SESSIONS.
H. Con. Res. 27: Mr. SHERMAN, Mr. MARIO DIAZ-BALART of Florida, Mr. LINDER, and Mrs. BIGGERT.
H. Con. Res. 29: Mr. NEY, Mr. PETERSON of Pennsylvania, Mrs. MYRICK, Mr. RYUN of Kansas, Mr. REYNOLDS, Mr. BARTON of Texas, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, and Mr. PLATTS.
H. Con. Res. 30: Mr. HYDE.
H. Res. 43: Mr. NADLER.
H. Res. 49: Mr. BACA, Mr. LEACH, Mr. CRAMER, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mrs. DAVIS of California, Mr. LAHOOD, Mr. BRADLEY of New Hampshire, Mr. SANDLIN, Mr. MICHAUD, Mrs. MCCARTHY of New York, Mr. FOSSELLA, Mr. TURNER of Ohio, Mr. FILNER, Mr. WILSON of South Carolina, Mr. PASCRELL, Mr. LOBIONDO, Mr. BEREUTER, Mrs. MUSGRAVE, Mr. NEAL of Massachusetts, Mr. HALL, Mr. EDWARDS, Ms. ROS-LEHTINEN, Mr. ISAKSON, Mr. BARTON of Texas, Mr. WEXLER, and Mr. WALSH.
H. Res. 56: Mr. HASTINGS of Florida, Ms. KILPATRICK, Mr. PASCRELL, Mr. HINCHEY, Mr. BALLANCE, Mr. OBERSTAR, Mrs. NAPOLITANO, Mr. MCNULTY, Mr. NADLER, Mr. BRADY of Pennsylvania, Mr. STARK, Mr. LANGEVIN, Ms. PELOSI, Mr. GRIJALVA, Mr. SERRANO, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Mr. MCGOVERN, Mrs. TAUSCHER, Mrs. MALONEY, Mr. FARR, Mr. GEORGE MILLER of California, Ms. MILLENDER-MCDONALD, Mr. REYES, Ms. SOLIS, Mr. BERMAN, Mr. MILLER of North Carolina, Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. SABO, Mr. COOPER, Mr. CASE, Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. UDALL of Colorado, Mr. FROST, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. LANTOS, and Mr. BECERRA.
H. Res. 58: Mr. GUTIERREZ and Mr. KLECZKA.

WEDNESDAY, FEBRUARY 12, 2003 (11)

The House was called to order by the SPEAKER.

¶11.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, February 11, 2003.

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

¶11.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

645. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report of a violation of the Antideficiency Act and the Office of Management and Budget Circular A–11, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

646. A letter from the Under Secretary, Department of Defense, transmitting notification regarding the Department's report for purchases from foreign entities for Fiscal Year 2002, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

647. A letter from the Secretary of the Navy, Department of Defense, transmitting notification regarding the discontinuation of training at the Vieques Naval Training Range; to the Committee on Armed Services.

648. A letter from the Acting Program Manager, Pentagon Renovation Program, Department of Defense, transmitting the twelfth Annual Report on the renovation of the Pentagon; to the Committee on Armed Services.

649. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled, ''Overseas Commissaries and Exchange Stores—Access and Purchase Restrictions,'' as required by Section 2492 of Title 10, United States Code; to the Committee on Armed Services.

650. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Conditions for Use of NON–GAAP Financial Measures [Release No. 33–8176; 34–47226; FR–65; File No. S7–43–02] (RIN: 3235–A169) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

651. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Transactions of Investment Companies with Portfolio and Subadviser Affiliates [Release No. IC–25888; File No. S7–13–02] (RIN: 3235–AI28) received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

652. A letter from the Chief Counsel, Office of Foreign Assets, Department of the Treasury, transmitting the Department's final rule—Reporting and Procedures Regulations; Cuban Assets Control Regulations: Publication of Economic Sanctions Enforcement Guidelines—received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

653. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department intends to consent to a request by the Government of Germany for a transfer of articles; to the Committee on International Relations.

654. A letter from the Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform.

655. A letter from the Auditor, District of Columbia, transmitting a report entitled, ''Certification of the Fiscal Year 2003 Revenue Estimate in Support of the District's

$374,200,000 Multimodal General Obligation Bonds (Series 2002A and 2002B),'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

656. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Annual Report on Commercial Activities; to the Committee on Government Reform.

657. A letter from the Inspector General, Department of Housing and Urban Development, transmitting the Department's inventory of activities as required by OMB Circular A–76 and the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

658. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's FY 2002 Commercial Activities Inventory; to the Committee on Government Reform.

659. A letter from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

660. A letter from the Executive Director, Federal Mine Safety and Health Review Commission, transmitting the Commission's inventory of activities prepared pursuant to the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

661. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the consolidated annual reports under the Federal Managers Financial Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

662. A letter from the Chairman, National Mediation Board, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

663. A letter from the Director, Office of Personnel Management, transmitting the Office's strategic plan for fiscal years 2002 through 2007; to the Committee on Government Reform.

664. A letter from the Director, Office of Personnel Management, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

665. A letter from the Under Secretary and Director, United States Patent and Trademark Office, transmitting the Office's FY 2002 annual report on management of commercial activities; to the Committee on Government Reform.

666. A letter from the Chairman, United States Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

667. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries [Docket No. 011219306–2283–02; I.D. 110501A] (RIN: 0648–AM44) received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

668. A letter from the Secretary, Judicial Conference of the United States, transmitting the fifth Judicial Conference Report on the Continuing Need for Existing Bankruptcy Judgeships, pursuant to 28 U.S.C. 152(b)(2); to the Committee on the Judiciary.

669. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Equivalent Safety Provisions for Fuel Tank System Fault Tolerance Evaluations (SFAR 88) [Docket No. FAA–1999–6411; Amendment No. 21–82] (RIN: 2120–AH85) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

670. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port of Palm Beach, Palm Beach, FL; Port Everglades, Fort Lauderdale, FL; Port of Miami, Miami, FL; and Port of Key West, Key West, FL [COTP Miami 02–156] (RIN: 2115–AA97) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

671. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters [CGD05–02–102] (RIN: 2115–AE84) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

672. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters [CGD05–02–103] (RIN: 211 5–AE84) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

673. A letter from the Secretary, Department of Labor, transmitting the Department's ninth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 2000 to 2001, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

674. A letter from the Secretary, Department of Commerce, transmitting a report on the executive branch strategy regarding WTO dispute settlement panels and the appellate body; to the Committee on Ways and Means.

675. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disclosure of Return Information to the Bureau of the Census [TD 9037] (RIN: 1545–AY52) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

676. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Offshore Voluntary Compliance Initiative (Rev. Proc. 2003–11) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

677. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Incoming Housing Credit (Rev. Rul. 2003–2) received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

678. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of Early Retirement Benefit and Retirement-Type Subsidy [Notice 2003–10] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

679. A letter from the Acting General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104—1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Education and the Workforce.

680. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Hospital Conditions of Participation: Quality Assessment and Performance Improvement (RIN: 0938–AK40) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶11.3 RECESS—10:32 A.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 32 minutes a.m., subject to the call of the Chair.

¶11.4 AFTER RECESS—3:05 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶11.5 VIETNAM POW'S AND MIA'S

Mr. HUNTER moved to suspend the rules and agree to the following resolution (H. Res. 62):

Whereas recent world events have brought Americans closer together, while reinvigorating our patriotism, reminding us of our precious liberties and freedoms, and giving us a greater appreciation for the men and women of the United States Armed Forces who daily defend our homeland;

Whereas the honor and valor of past and present members of the United States Armed Forces have inspired many young people, once again, to serve their country;

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the Vietnam conflict resulted in more than 700 American military personnel being taken prisoner by enemy forces;

Whereas American military personnel who were taken prisoner were held in numerous prisoner of war facilities, the most notorious of which was Hoa Lo Prison in downtown Hanoi, Vietnam, which was dubbed by prisoners held there as the ''Hanoi Hilton'';

Whereas on January 23, 1973, the United States and North Vietnam jointly announced the terms of a cease-fire agreement, which included the release of prisoners of war;

Whereas the return of the American prisoners of war to the United States and to their families and comrades was designated Operation Homecoming;

Whereas on February 12, 1973, the first group of American prisoners of war were released at airfields near Hanoi and Loc Ninh, and the last Operation Homecoming repatriation took place on April 1, 1973;

Whereas many American military personnel who were taken prisoner as a result of combat in Southeast Asia have not returned to their loved ones and their fate remains unknown;

Whereas American military personnel who were prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention and outside information, and were frequently isolated from each other and prohibited from communicating with one another;

Whereas the prisoners, at great personal risk, nevertheless devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas the prisoners held in the Hanoi Hilton included then-Major Samuel R. Johnson, United States Air Force, now a Member

of Congress from the Third District of Texas, who was shot down on April 16, 1966, while flying his 25th mission over North Vietnam, who spent more than half of his time as a prisoner in solitary confinement, conducted himself with such valor as to be labeled by the enemy as a die-hard resister, and, notwithstanding the tremendous suffering inflicted upon him, demonstrated an unfailing devotion to duty, honor and country, who, during his military career, was awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with ''V'' device for valor, two Purple Hearts, four Air Medals, and three Outstanding Unit awards, who retired from active duty in 1979 in the grade of colonel, and who personifies the verse in Isaiah 40:31, ''They shall mount with wings as eagles'';

Whereas the American military personnel who were prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas the 30th anniversary of Operation Homecoming begins on February 12, 2003, and ends on April 1, 2003;

Whereas the world acknowledges that the words inscribed by an American prisoner of war in a Hanoi Hilton cell, ''Freedom has a taste to those who fight and die for it that the protected will never know'', are bitterly true and eternally appreciated; and

Whereas the Nation owes a debt of gratitude to these patriots and their families for their courage, heroism, and exemplary service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest gratitude for, and calls upon all Americans to reflect upon and to show their gratitude for, the courage and sacrifice of the brave members of the United States Armed Forces, including particularly Sam Johnson of Texas, who were held as prisoners of war during the Vietnam conflict;

(2) urges States and localities to honor the courage and sacrifice of those prisoners of war with appropriate ceremonies and activities;

(3) acting on behalf of all Americans, will not forget the 1,902 members of the United States Armed Forces who remain unaccounted for from the Vietnam conflict and will continue to press for a full accounting of all of these members; and

(4) honors all of the members of the United States Armed Forces who have fought and died in the defense of freedom.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. HUNTER and Mr. SNYDER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HUNTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶11.6 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I respectfully request permission to resign from the House Committee on Education and the Workforce effective immediately. Thank you for your consideration of this request.

Sincerely,

MARK SOUDER,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.7 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR DENNY: As discussed with you and your staff, in response to your request I am happy to accept a position on the Budget Committee as its Vice-Chairman.

It is my understanding this requires me to temporarily resign, or go ''on leave,'' from the Committee on Science, but that I will be able to retain my position and seniority on that committee for the future.

I am grateful for this opportunity and appreciate the confidence you have placed in me.

Sincerely,

CHRISTOPHER SHAYS,
Member of Congress.

By unanimous consent, the resignation was accepted.

NM¶11.8 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: With this letter, please accept my resignation from the House Committee on Veterans Affairs, effective immediately.

Should you have any questions, please feel free to contact me.

Sincerely,

JIM GIBBONS,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.9 SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the Speaker, pursuant to section 4 of House Resolution 5, 108th Congress, and the order of the House of January 8, 2003, appointed to the Select Committee on Homeland Security the following Members of the House: Mr. COX, Chairman; Ms. DUNN; Messrs. YOUNG of Florida; YOUNG of Alaska; SENSENBRENNER; TAUZIN; DREIER; HUNTER; ROGERS of Kentucky; BOEHLERT; SHAYS; SMITH of Texas; WELDON of Pennsylvania; GOSS; CAMP; LINCOLN DIAZ-BALART of Florida; GOODLATTE; ISTOOK; KING of New York; LINDER; SHADEGG; SOUDER; THORNBERRY; GIBBONS; Ms. GRANGER; Messrs. SESSIONS; SWEENEY; TURNER of Texas; THOMPSON of Mississippi; Ms. LORETTA SANCHEZ of California; Messrs. MARKEY; DICKS; FRANK of Massachusetts; Ms. HARMAN of California; Mr. CARDIN; Ms. SLAUGHTER; Mr. DEFAZIO; Mrs. LOWEY; Mr. ANDREWS; Mses. NORTON; LOFGREN; MCCARTHY of Missouri; JACKSON-LEE of Texas; Mr. PASCRELL; Mrs. CHRISTENSEN; Mr. ETHERIDGE; Messrs. GONZALEZ; LUCAS of Kentucky; LANGEVIN; and MEEK of Florida.

¶11.10 DO-NOT-CALL IMPLEMENTATION

Mr. TAUZIN, pursuant to the order of the House of February 11, 2003, called up the bill (H.R. 395) to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, and for other purposes.

When said bill was considered and read twice.

After debate,

Pursuant to the order of the House of February 11, 2003, the previous question was ordered on the bill.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The Speaker pro tempore, Mrs. BIGGERT, announced that the yeas had it.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶11.11 MESSAGE FROM THE PRESIDENT

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

¶11.12 AMERICAN SPIRIT FRAUD PREVENTION

Mr. STEARNS moved to suspend the rules and pass the bill (H.R. 346) to amend the Federal Trade Commission Act in increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. STEARNS and Ms. SCHAKOWSKY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 1

¶11.13 [Roll No. 24]

YEAS—422

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

NAYS—1

Paul

NOT VOTING—11

Allen
Cubin
Dingell
Ferguson
Gephardt
Kilpatrick
Lowey
Simpson
Smith (MI)
Taylor (NC)
Tiberi

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶11.14 H. RES. 62—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 62) recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,902 members of the Armed Forces who remain unaccounted for from the Vietnam conflict.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays 0

¶11.15 [Roll No. 25]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)

Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Allen
Baca
Cubin
Dingell
Ferguson
Gephardt
Kilpatrick
Simpson
Smith (MI)
Tiberi

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶11.16 H.R. 395—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 395) to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 7

¶11.17 [Roll No. 26]

YEAS—418

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

NAYS—7

Bishop (UT)
Flake
Paul
Ryan (OH)
Strickland
Tancredo
Terry

NOT VOTING—9

Allen
Cubin
Dingell
Ferguson
Gephardt
Kilpatrick
Larson (CT)
Simpson
Tiberi

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶11.18 PROVIDING FOR THE CONSIDERATION OF H.R. 4

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 108–9) the resolution (H. Res. 69) providing for consideration of the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶11.19 COMMITTEE ELECTION—MAJORITY

Mr. DOOLITTLE, by unanimous consent, submitted the following resolution (H. Res. 70):

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives: Education and the Workforce: Mr. Burns.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶11.20 MESSAGE FROM THE PRESIDENT—2003 NATIONAL DRUG CONTROL STRATEGY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit the 2003 National Drug Control Strategy, consistent with the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705).

A critical component of our Strategy is to teach young people how to avoid illegal drugs because of the damage drugs can do to their health and future. Our children must learn early that they have a lifelong responsibility to reject illegal drug use and to stay sober. Our young people who avoid drugs will grow up best able to participate in the promise of America.

Yet far too many Americans already use illegal drugs, and most of those whose drug use has progressed—more than five million Americans—do not even realize they need help. While those who suffer from addiction must help themselves, family, friends, and people with drug experience must do their part to help to heal and to make whole men and women who have been broken by addiction.

We know the drug trade is a business. Drug traffickers are in that business to make money, and this Strategy outlines how we intend to deny them revenue. In short, we intend to make the drug trade unprofitable wherever we can.

Our Strategy is performance-based, and its success will be measured by its results. Those results are our moral obligation to our children. I ask for your continued support in this critical endeavor.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 12, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on the Judiciary, the Committee on Agriculture, the Committee on Armed Services, the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Education and the Workforce, the Committee on Government Reform, the Committee on International Relations, the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Veterans Affairs, the Permanent Select Committee on Intelligence, and the Select Committee on Homeland Security.

¶11.21 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I will take a leave of absence from the Science Committee for the 108th Congress due to my appointment to the Select Committee on Homeland Security.

Sincerely,

BOB ETHERIDGE,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.22 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby resign my position on the Committee on Small Business due to my appointment to the Committee on Education and the Workforce.

Sincerely,

DANNY K. DAVIS,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.23 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I am hereby taking a leave of absence from the House Small Business Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

JAMES R. LANGEVIN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.24 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby take a leave of absence on the House Committee on Science due to my appointment to the Select Committee on Homeland Security. I also would like to request that I retain my seniority on the Science Committee.

Sincerely,

ZOE LOFGREN.

By unanimous consent, the resignation was accepted.

¶11.25 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby resign my position on the Armed Services Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

ROBERT E. ANDREWS,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.26 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby take a leave of absence from my position on the Government Reform Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

ELEANOR HOLMES NORTON.

By unanimous consent, the resignation was accepted.

¶11.27 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I am requesting a temporary leave from the Resources Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

PETER A. DEFAZIO,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.28 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.
DEAR MR. SPEAKER. I hereby give notice that, effective February 12, 2003, I am taking a leave of absence from my position on the House Budget Committee due to my appointment to the Select Committee on Homeland Security.
Sincerely yours,
KENDRICK B. MEEK,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.29 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Fourth District, Kentucky, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives
The Capitol, Washington, DC.
DEAR MR. SPEAKER. Effective February 12, 2003, I hereby resign my position on the Agriculture Committee due to my appointment to the Select Committee on Homeland Security.
Sincerely,
KEN LUCAS,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.30 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.
DEAR MR. SPEAKER. Effective February 12, 2003, I hereby take a leave of absence from my position on the Small Business Committee due to my appointment on the Select Committee on Homeland Security.
Sincerely,
CHARLES A. GONZALEZ,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.31 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.
DEAR MR. SPEAKER. Effective February 12, 2003, I hereby request a leave of absence from my position on the Education and the Workforce Committee due to my appointment to the Select Committee on Homeland Security.
Sincerely,
LORETTA SANCHEZ,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.32 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.
DEAR MR. SPEAKER. Effective February 12, 2003, I hereby resign my position on the House Committee on Small Business due to my appointment to the Select Committee on Homeland Security.
Sincerely,
BILL PASCRELL, JR.,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.33 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.
DEAR MR. SPEAKER. Effective February 12, 2003, I hereby request a leave of absence from my position on the Small Business Committee due to my appointment to the Select Committee on Homeland Security.
Sincerely,
DONNA M. CHRISTENSEN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.34 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. PEARCE, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.
DEAR MR. SPEAKER. Effective February 12, 2003, I hereby take a leave of absence from my position on the Resources Committee in order to assume my appointment to the Select Committee on Homeland Security.
Sincerely,
EDWARD J. MARKEY,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶11.35 RECESS—10:01 P.M.

The SPEAKER pro tempore, Mr. PEARCE, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 1 minute p.m., subject to the call of the Chair.

THURSDAY, FEBRUARY 13 (LEGISLATIVE DAY OF WEDNESDAY, FEBRUARY 12), 2003

¶11.36 AFTER RECESS—6:01 A.M.

The SPEAKER pro tempore, Mr. BURNS, called the House to order.

¶11.37 SUBMISSION OF CONFERENCE REPORT—H.J. RES. 2

Mr. YOUNG of Florida submitted a conference report (Rept. No. 108–10) on the bill (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes; together with a statement thereon, for printing in the RECORD under the rule.

¶11.38 RECESS—6:02 A.M.

The SPEAKER pro tempore, Mr. BURNS, pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 2 minutes a.m., subject to the call of the Chair.

¶11.39 AFTER RECESS—7:42 A.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶11.40 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY H.J. RES. 2

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–11) the resolution (H. Res. 71) waiving points of order against the conference to accompany the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶11.41 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. KILPATRICK, for today.

And then,

¶11.42 ADJOURNMENT

On motion of Mr. HASTINGS of Washington, at 7 o'clock and 43 minutes p.m., Thursday, February 13 (legislative day of Wednesday, February 12), 2003, the House adjourned.

¶11.43 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 69. Resolution providing for consideration of the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes (Rept. 108–9). Referred to the House Calendar.

Mr. Hastings of Washington: Committee on Rules. House Resolution 71. Resolution waiving points of order against the conference report to accompany, and providing for corrections in the enrollment of, the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–11). Referred to the House Calendar.

¶11.44 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BILIRAKIS:

H.R. 713. A bill to ensure the availability of spectrum to amateur radio operators; to the Committee on Energy and Commerce.

By Mr. MCINNIS (for himself, Mr. RAMSTAD, Mr. MATSUI, Mr. ENGLISH, Mr. POMEROY, Mr. FOLEY, Mr. BEAUPREZ, Mr. TANCREDO, Mr. GREEN of Wisconsin, Mr. UDALL of Colorado, Mrs. MUSGRAVE, and Ms. DEGETTE):

H.R. 714. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Ways and Means.

By Mr. DREIER (for himself, Mr. RANGEL, Ms. DUNN, Mr. BERMAN, Mr. FOLEY, Mr. MATSUI, Mrs. BONO, Mr. BECERRA, Mr. WELLER, Mr. ABERCROMBIE, Mr. BACA, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOUCHER, Mr. CALVERT, Mrs. CAPPS, Mr. COBLE, Mr. DOYLE, Mr. FARR, Mr. FILNER, Mr. FROST, Mr. GIBBONS, Mr. GREENWOOD, Ms. HARMAN, Mr. JOHN, Mrs. JOHNSON of Connecticut, Mr. KELLER, Mr. LANTOS, Mr. MCINTYRE, Mr. MCKEON, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mrs. MYRICK, Mr. NADLER, Mr. PRICE of North Carolina, Mr. RADANOVICH, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Texas, Mr. TAUZIN, Mr. THOMPSON of California, Ms. WATSON, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 715. A bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit; to the Committee on Ways and Means.

By Mrs. BONO (for herself, Ms. GRANGER, Mrs. LOWEY, Mr. WAMP, Mr. LAHOOD, Mr. PAYNE, Mr. KENNEDY of Rhode Island, Mr. BLUMENAUER, Mr. CASTLE, Mr. JOHNSON of Illinois, and Mrs. MCCARTHY of New York):

H.R. 716. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 717. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE (for himself and Mr. SMITH of Texas):

H.R. 718. A bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself, Mr. LEACH, Mr. KING of Iowa, Mr. NUSSLE, Mr. POMEROY, Mr. JANKLOW, and Mr. BEREUTER):

H.R. 719. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture.

By Mr. BRADY of Texas (for himself, Mrs. CUBIN, Mr. BAIRD, Mr. WAMP, Mr. FOLEY, Mrs. BLACKBURN, Mr. COOPER, Mr. SAM JOHNSON of Texas, Mr. BURGESS, Mr. CARTER, Mr. DICKS, Mr. GREEN of Texas, Mr. PAUL, Mr. REYES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOYD, Mr. HASTINGS of Florida, Mr. NETHERCUTT, Mr. PORTER, Mr. INSLEE, Mr. ORTIZ, Mr. SANDLIN, Mr. JANKLOW, Ms. BERKLEY, Mr. DUNCAN, Ms. ROS-LEHTINEN, Mr. GIBBONS, Mr. MCDERMOTT, Mr. LARSEN of Washington, Mr. HALL, Mr. FROST, Mr. BONILLA, Mr. TANNER, and Mr. DAVIS of Tennessee):

H.R. 720. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. JEFFERSON, Mr. SHIMKUS, Mr. MCNULTY, Mr. MCGOVERN, Mr. TOWNS, Mr. FROST, Mr. EHLERS, Mr. MCDERMOTT, and Ms. ROS-LEHTINEN):

H.R. 721. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of cholesterol and other blood lipid screening tests; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEMINT (for himself, Ms. MCCARTHY of Missouri, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. CRANE, Mr. FORBES, Mr. FROST, Mr. HAYES, Mr. ISAKSON, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mr. PITTS, Mr. ROGERS of Michigan, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SHIMKUS, Mr. TOOMEY, Mr. WILSON of South Carolina, and Mr. WYNN):

H.R. 722. A bill to amend title XI of the Social Security Act to include additional information in Social Security account statements; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself and Mr. FILNER):

H.R. 723. A bill to except spouses and children of Philippine servicemen in the United States Navy from bars to admission and relief under the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mrs. DAVIS of California:

H.R. 724. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that manufacturers of dietary supplements register with the Food and Drug Administration, to require the submission to such Administration of reports on adverse experiences regarding such supplements, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California:

H.R. 725. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish labeling and advertising requirements for dietary supplements containing ephedrine alkaloids, to prohibit sales of such supplements to individuals under the age of 18, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. ISRAEL, Mrs. MALONEY, Ms. NORTON, Mr. GRIJALVA, Mr. CASE, Mr. BISHOP of New York, and Mr. OWENS):

H.R. 726. A bill to require licenses for the sale, purchase, and distribution of certain chemicals that are precursors to chemical weapons, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ESHOO (for herself, Mr. MATSUI, Mr. KLECZKA, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Ms. LEE, Mr. HINCHEY, Mr. ACKERMAN, Mr. WAXMAN, Ms. MCCOLLUM, Mr. FILNER, Mr. RANGEL, Mr. FARR, Mr. GEORGE MILLER of California, Mr. LANTOS, and Mr. MORAN of Virginia):

H.R. 727. A bill to amend the Internal Revenue Code of 1986 to include sports utility vehicles in the limitation on the depreciation of certain luxury automobiles; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. SHAW, Mr. COX, Mr. HUNTER, Mr. HERGER, Mr. PAUL, Mr. ADERHOLT, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. RADANOVICH, Mr. HEFLEY, Mr. DUNCAN, Ms. GRANGER, Mr. BALLENGER, Mr. KOLBE, Mr. WELDON of Florida, and Mr. ISSA):

H.R. 728. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin (for himself, Mr. HOUGHTON, Mr. MCGOVERN, Mr. PAYNE, Mr. KENNEDY of Minnesota, Ms. HOOLEY of Oregon, and Mrs. MCCARTHY of New York):

H.R. 729. A bill to direct the Secretary of Housing and Urban Development to carry out a 3-year pilot program to assist law enforcement officers purchasing homes in locally designated at-risk areas; to the Committee on Financial Services.

By Mr. GREEN of Wisconsin (for himself, Mr. JONES of North Carolina, Mr. SOUDER, and Mr. TERRY):

H.R. 730. A bill to require a housing impact analysis of any new rule of a Federal agency that has an economic impact of $100,000,000 or more; to the Committee on the Judiciary.

By Mr. GRIJALVA (for himself, Mr. PASTOR, Mr. LARSON of Connecticut, Mr. PASCRELL, Ms. KILPATRICK, Mr. HONDA, Mrs. CHRISTENSEN, Ms. WATSON, Mr. SOUDER, Ms. SOLIS, Mr. JEFFERSON, Mr. LAMPSON, Mr. MATHESON, Mr. PALLONE, Mr. SHERMAN, Mr. GEPHARDT, Mr. TOWNS, Mr. BACA, Mr. PAYNE, Mr. RANGEL, Mr. PAUL, Mr. ORTIZ, Mr. THOMPSON of Mississippi, Ms. KAPTUR, Mr. CONYERS, Mr. WEINER, Mr. UDALL of New Mexico, Mr. FALEOMAVAEGA, Ms. NORTON, Mr. FROST, Mr. RODRIGUEZ, Mrs. NAPOLITANO, Mr. MEEKS of New York, Mr. LANTOS, Mr. MARKEY, Ms. SCHAKOWSKY, Ms. MILLENDER-MCDONALD, Mr. REYES, Mr. CLAY, Mr. ALLEN, Mr. MORAN of Virginia, Mr. MCDERMOTT, Ms. PELOSI, Mr. CLYBURN, Mr. OWENS, Mr. NADLER, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Ms. LOFGREN, Mr. SCHIFF, Mr. MENENDEZ, Mr. UDALL of Colorado, Mr. GUTIERREZ, and Mr. KUCINICH):

H.R. 731. A bill to render all enrolled members of the Tohono O'odham Nation citizens of the United States as of the date of their enrollment and to recognize the valid membership credential of the Tohono O'odham Nation as the legal equivalent of a certificate of citizenship or a State-issued birth certificate for all Federal purposes; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon (for herself and Mr. WALDEN of Oregon):

H.R. 732. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon (for herself, Mr. WU, Mr. DEFAZIO, Mr. BAIRD, Mr. BLUMENAUER, and Mr. WALDEN of Oregon):

H.R. 733. A bill to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mrs. JONES of Ohio (for herself, Mr. MCDERMOTT, Mr. NADLER, Mr. RYAN of Ohio, Ms. MILLENDER-MCDONALD, and Mr. KUCINICH):

H.R. 734. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Education and the Workforce.

By Mr. MCHUGH (for himself, Mr. WAXMAN, Mr. TOM DAVIS of Virginia, and Mr. DAVIS of Illinois):

H.R. 735. A bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mr. WEINER, Ms. LEE, Mr. SERRANO, Mr. TOWNS, Ms. WOOLSEY, Mr. MCINTYRE, Mr. LANGEVIN, Ms. NORTON, Mr. OBERSTAR, Mr. MCNULTY, Mr. KILDEE, Mr. HOLDEN, Mr. FROST, Mr. TIERNEY, Mr. MEEHAN, Mr. GRIJALVA, Mr. LAMPSON, Mr. SANDERS, Mr. WALSH, Mr. CASE, Mrs. JONES of Ohio, Ms. KAPTUR, Ms. CARSON of Indiana, Mr. OLVER, Mr. BAIRD, Mr. RUSH, Mr. FRANK of Massachusetts, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. DAVIS of Illinois, Ms. BORDALLO, Mr. HINCHEY, Mr. RANGEL, Mr. HINOJOSA, Mr. MICHAUD, Mr. ROTHMAN, Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. WEXLER, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VAN HOLLEN, Mr. WYNN, Mr. MCDERMOTT, Mr. BRADY of Pennsylvania, Mr. LYNCH, Mr. GUTIERREZ, Mr. KUCINICH, Mr. ACKERMAN, Mr. PAYNE, Mr. OWENS, and Mr. RYAN of Ohio):

H.R. 736. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. RANGEL, Mr. STARK, Mr. MATSUI, Mr. LEVIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. JEFFERSON, Mr. DOGGETT, Mrs. JONES of Ohio, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Ms. CARSON of Indiana, Mr. CLAY, Mr. CONYERS, Mr. COSTELLO, Mr. CROWLEY, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DINGELL, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GORDON, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLDEN, Mrs. JOHNSON of Connecticut, Mr. ISRAEL, Ms. KAPTUR, Mr. KILDEE, Mr. KIND, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Mr. MARKEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MEEHAN, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. RAHALL, Mr. RODRIGUEZ, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABO, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Mr. SKELTON, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELAZQUEZ, Mr. VISCLOSKY, Ms. WATSON, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H.R. 737. A bill to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income taxes; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. SHAYS, Mr. BROWN of Ohio, Ms. BALDWIN, Mr. DEFAZIO, Mrs. DAVIS of California, Mr. ANDREWS, Mr. HOLT, Mr. HONDA, Mr. KILDEE, Mr. LEACH, Mr. HOEFFEL, Mr. GILCHREST, Mr. WEXLER, Ms. SCHAKOWSKY, Mrs. CAPPS, and Mr. SMITH of Washington):

H.R. 738. A bill to amend the Federal Water Pollution Control Act to clarify that fill material cannot be comprised of waste; to the Committee on Transportation and Infrastructure.

By Mr. RAMSTAD (for himself and Mr. POMEROY):

H.R. 739. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business income limitation on investment in certain debt-financed properties; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. PAUL, Mr. BOUCHER, Mr. WEXLER, and Mr. HOLDEN):

H.R. 740. A bill to amend the Internal Revenue Code of 1986 to encourage new school construction through the creation of a new class of bond; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. CROWLEY, and Mr. TANCREDO):

H.R. 741. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for health insurance costs of self-employed individuals to be allowed in computing self-employment taxes; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. HEFLEY, Mr. BILIRAKIS, Mr. MILLER of Florida, Mr. TOM DAVIS of Virginia, Mr. TURNER of Texas, Ms. MCCOLLUM, Ms. CORRINE BROWN of Florida, Mr. HOLDEN, Mr. SIMMONS, Mr. SHIMKUS, Mr. LOBIONDO, Mr. OSBORNE, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mrs. JOHNSON of Connecticut, Mr. SMITH of Washington, Mr. FOLEY, Mr. RODRIGUEZ, Mr. BURR, Mr. BOOZMAN, Mr. MCINTYRE, Mr. HOEFFEL, Mrs. JO ANN DAVIS of Virginia, Mr. CRENSHAW, and Mr. SMITH of New Jersey):

H.R. 742. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for non-regular service from 60 to 55; to the Committee on Armed Services.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. COLLINS, Mr. POMEROY, Mr. LEWIS of Kentucky, Mr. BECERRA, Mr. RYAN of Wisconsin, Mrs. JONES of Ohio, Mr. RANGEL, Mr. FOLEY, Mr. BALLENGER, Mr. FLETCHER, Ms. HARRIS, Mrs. NORTHUP, and Mr. WHITFIELD):

H.R. 743. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; to the Committee on Ways and Means.

By Mr. SPRATT (for himself, Mr. CLYBURN, Mr. DEMINT, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mr. BARRETT of South Carolina):

H.R. 744. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes; to the Committee on Resources.

By Mr. STARK (for himself, Mr. LATOURETTE, Mr. RANGEL, Mr. KLECZKA, Mr. WAXMAN, Mr. PALLONE, Ms. DEGETTE, Mr. SERRANO, Mr. SIMMONS, Mr. TOWNS, Mr. WEINER, Ms. LEE, Ms. LOFGREN, Ms. SCHAKOWSKY, Mr. MOORE, Ms. NORTON, Ms. WOOLSEY, Mr. FROST, Mr. OWENS, Mr. KILDEE, Ms. DELAURO, Mr. SANDERS, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. LYNCH, Mr. FRANK of Massachusetts, Mr. LANGEVIN, Mrs. CAPPS, Mr. MEEHAN, Mr. FILNER, Mr. HINCHEY, Mr. INSLEE, Mr. MCDERMOTT, Mr. WEXLER, Mr. NADLER, Mr. GORDON, Mr. BISHOP of New York, Mr. GUTIERREZ, Mr. SANDLIN, Ms. KILPATRICK, Mr. CARDIN, Mr. ANDREWS, Mr. CARSON of Oklahoma, Mr. DAVIS of Illinois, Mr. KUCINICH, and Mr. HOLT):

H.R. 745. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Mrs. JONES of Ohio, Mr. STUPAK, Mr. LIPINSKI, and Mr. DEUTSCH):

H.R. 746. A bill to prohibit the Federal Government from entering into contracts with companies that do not include certifications for certain financial reports required under the Securities Exchange Act of 1934; to the Committee on Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mr. UPTON, and Mrs. WILSON of New Mexico):

H.R. 747. A bill to improve the Telecommunications Development Fund; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H.R. 748. A bill to require the Council on Environmental Quality to conduct a study on urban sprawl and smart growth, and to ensure the consideration by Federal agencies of urban sprawl in the preparation of their environmental reviews under the National Environmental Policy Act of 1969; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 749. A bill to direct the Secretary of the Interior to establish the Cooperative Landscape Conservation Program; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 750. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 751. A bill to authorize increased fines for improper use of vehicles that results in damage to public lands or national forests, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH (for himself, Mr. HINCHEY, Mr. QUINN, Mr. RANGEL, Ms. SLAUGHTER, Mr. MCHUGH, Mr. SWEENEY, Mr. OLVER, Mr. ENGEL, Ms. KAPTUR, Mr. RAHALL, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. MEEKS of New York, Mr. OWENS, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. SERRANO, Mr. ACEVEDO-VILA, Mr. TOWNS, Mr. WEINER, Ms. DELAURO, Mr. GILCHREST, Mr. BROWN of Ohio, Mr. STUPAK, Mr. MCNULTY, Mr. NADLER, Mr. CROWLEY, and Mr. BOEHLERT):

H.R. 752. A bill to prohibit oil and gas drilling in Finger Lakes National Forest in New York; to the Committee on Resources.

By Mr. WICKER (for himself, Mr. NORWOOD, Ms. HART, Mr. THOMPSON of Mississippi, Mr. MORAN of Kansas, Mr. TAYLOR of Mississippi, Mr. HASTINGS of Washington, Mr. NETHERCUTT, Mr. BARTLETT of Maryland, Mrs. CUBIN, Mr. PICKERING, Mr. BONILLA, Mr. EVANS, Mr. JOHNSON of Illinois, Mr. CASE, Mr. ABERCROMBIE, Mr. WELLER, Mr. MCCRERY, Mr. PETERSON of Pennsylvania, Mr. STENHOLM, Mr. FROST, Mr. REHBERG, Mr. LAHOOD, and Mr. BOOZMAN):

H.R. 753. A bill to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers; to the Committee on Transportation and Infrastructure.

By Mr. WICKER:

H.R. 754. A bill to amend title XVIII of the Social Security Act to remove the 20 percent inpatient limitation under the Medicare Program on the proportion of hospice care that certain rural hospice programs may provide; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico:

H.R. 755. A bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the Medicare Program of 1; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCARTHY of Missouri (for herself, Mr. RYUN of Kansas, Mr. PAYNE, Mr. WAMP, Mrs. CHRISTENSEN, and Mr. FROST):

H. Con. Res. 34. Concurrent resolution expressing the sense of the Congress that private health insurance companies should take a proactive role in promoting healthy lifestyles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Florida:

H. Con. Res. 35. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2; to the Committee on Appropriations, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. MCDERMOTT, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. BARTLETT of Maryland, Mr. HOLDEN, Mr. CLAY, Mr. AKIN, Ms. LEE, Mr. EMANUEL, Mr. KLECZKA, Mr. SERRANO, Mr. TOWNS, Ms. VELAZQUEZ, Mr. ETHERIDGE, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. SCOTT of Virginia, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Mr. MARKEY, Mr. CUMMINGS, Mr. MCNULTY, Mr. JACKSON of Illinois, Ms. SLAUGHTER, Mr. OWENS, Mr. REYES, Mr. MEEHAN, Mr. ISRAEL, Mr. MOORE, Ms. SCHAKOWSKY, Ms. MAJETTE, Mr. DAVIS of Alabama, Mr. FILNER, Mr. MORAN of Virginia, Mr. JOHNSON of Illinois, Mr. SHIMKUS, Mr. RYAN of Ohio, Mr. WAMP, Mr. CASE, Mr. ROGERS of Alabama, Mr. BOEHLERT, Mr. FRANK of Massachusetts, Mr. TERRY, Ms. WATERS, Ms. CARSON of Indiana, Ms. WATSON, Mr. RAHALL, Mr. DOYLE, Ms. BALDWIN, Mr. GEORGE MILLER of California, Mr. SABO, Mr. MICHAUD, Mr. SANDERS, Mr. NADLER, Mr. FATTAH, Mr. COSTELLO, Mr. PALLONE, Mr. SANDLIN, Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Mr. EVANS, Ms. DELAURO, Mr. JOHN, Mr. UDALL of Colorado, Mr. ENGEL, Mr. WU, Mr. CONYERS, Ms. BORDALLO, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. HINOJOSA, Mr. BLUMENAUER, Mr. KUCINICH, Mr. WYNN, Mr. BOYD, Mr. MEEK of Florida, Mr. GONZALEZ, Mr. PAYNE, Mr. HASTINGS of Florida, Mr. INSLEE, Mr. RODRIGUEZ, Mr. DICKS, Mr. MCKEON, Mr. DELAHUNT, Mr. STRICKLAND, Mr. ROSS, Mr. MEEKS of New York, Mr. MANZULLO, Ms. MCCARTHY of Missouri, Mr. BALLANCE, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Ms. PELOSI, Mr. JEFFERSON, Mr. CARSON of Oklahoma, Mr. FORD, Mr. LANTOS, Mr. WATT, Ms. NORTON, Mr. KILDEE, and Mr. BERMAN):

H. Con. Res. 36. Concurrent resolution encouraging the people of the United States to honor and celebrate the 140th anniversary of the Emancipation Proclamation and commending Abraham Lincoln's efforts to end slavery; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. SAXTON, Mr. FERGUSON, Mr. HASTINGS of Florida, Ms. BERKLEY, Mr. SMITH of New Jersey, Mr. PASCRELL, Mr. FROST, Mr. HAYES, Ms. BORDALLO, Mr. RODRIGUEZ, Mr. REYES, Mr. MILLER of Florida, Mr. MCINTYRE, Mr. WILSON of South Carolina, Mr. CUNNINGHAM, Mr. SNYDER, Mr. JONES of North Carolina, Mr. TAYLOR of Mississippi, Mr. LANGEVIN, Mr. GIBBONS, Mr. FRANKS of Arizona, Mr. BILIRAKIS, Mr. DAVIS of Florida, Mr. MCNULTY, Mr. VISCLOSKY, Mr. FORBES, Mr. QUINN, Mr. FILNER, Mr. TANCREDO, Mr. FOSSELLA, Mr. HEFLEY, Mrs. MCCARTHY of New York, Mr. AKIN, Mr. GOODE, Mr. FOLEY, Mr. BRADY of Texas, Ms. CORRINE BROWN of Florida, Mr. KIND, Mr. EVANS, Mr. SIMPSON, Mrs. TAUSCHER, Mr. BISHOP of New York, Mr. MCINNIS, Mr. CARDOZA, Ms. LORETTA SANCHEZ of California, Mr. SKELTON, Mr. RENZI, Mr. WOLF, Mr. WELDON of Pennsylvania, Mr. LOBIONDO, Mr. GOODLATTE, Mr. KILDEE, Mrs. MYRICK, Mr. UPTON, Mr. SCOTT of Virginia, and Mr. ROSS):

H. Con. Res. 37. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue commemorative postage stamps honoring Americans who distinguished themselves by their service in the armed forces; to the Committee on Government Reform.

By Mr. GREEN of Texas:

H. Con. Res. 38. Concurrent resolution expressing the pride of the Congress for the Pilgrims landing at Plymouth Rock on December 21, 1620; to the Committee on Government Reform.

By Mr. WYNN (for himself, Mr. UPTON, Mr. FORD, Mr. KILDEE, Ms. NORTON, Mr. TOWNS, Mr. GUTIERREZ, Mr. SNYDER, Mr. JANKLOW, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Mr. WAXMAN, Mr. RODRIGUEZ, Mr. ENGEL, Mr. STRICKLAND, Mr. FROST, Mr. DINGELL, Ms. GRANGER, and Mr. MCDERMOTT):

H. Con. Res. 39. Concurrent resolution expressing the sense of the Congress regarding viral hepatitis; to the Committee on Energy and Commerce.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H. Res. 67. A resolution permitting official photographs of the House of Representatives to be taken while the House is in actual session on March 12, 2003; to the Committee on House Administration.

By Mr. KUCINICH (for himself and Mr. MCDERMOTT):

H. Res. 68. A resolution requesting the President to transmit to the House of Representatives not later 14 days after the date of the adoption of this resolution documents in the President's possession relating to Iraq's declaration on its weapons of mass destruction that was provided to the United Nations on December 7, 2002; to the Committee on International Relations.

By Mr. DOOLITTLE:

H. Res. 70. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. CAPUANO (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. CONYERS, Mr. TOM DAVIS of Virginia, Mr. FOSSELLA, Mr. KIRK, Mr. LARSON of Connecticut, Ms. LORETTA SANCHEZ of California, Mr. WILSON of South Carolina, Mr. WU, Mr. BLUMENAUER, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 72. A resolution recognizing the inauguration of President Roh Moo Hyun as a momentous moment for the people of the Republic of Korea (South Korea) and an opportunity to broaden and deepen the friendship and cooperation between the United States and the Republic of Korea, and for other purposes; to the Committee on International Relations.

By Mr. DREIER (for himself and Mr. FROST):

H. Res. 73. A resolution providing amounts for the expenses of the Committee on Rules in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. POMBO (for himself and Mr. RAHALL):

H. Res. 74. A resolution providing amounts for the expenses of the Committee on Resources in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. TAUZIN:

H. Res. 75. A resolution providing amounts for the expenses of the Committee on Energy and Commerce in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. WYNN (for himself, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. SMITH of New Jersey, Mrs. JONES of Ohio, Mr. CROWLEY, Mr. MCGOVERN, Mr. MCNULTY, Mr. ENGLISH, Mr. MEEKS of New York, Mr. PALLONE, Mr. BERMAN, Mr. ACKERMAN, Ms. NORTON, Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, Mr. DEUTSCH, Mr. DICKS, Ms. MCCOLLUM, Mr. MICHAUD, Mr. LEACH, Mr. BURTON of Indiana, Mr. KIRK, Ms. BERKLEY, Mr. RYAN of Ohio, Mr. WAXMAN, Mr. CHABOT, and Mr. LINCOLN DIAZ-BALART of Florida):

H. Res. 76. A resolution condemning the terrorist attacks in Mombasa, Kenya, which occurred on November 28, 2002; to the Committee on International Relations.

¶11.45 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. KENNEDY of Minnesota, Ms. GINNY BROWN-WAITE of Florida, and Mr. COMBEST.

H.R. 13: Mr. NADLER, Mr. DOOLEY of California, Mr. DOOLITTLE, Ms. HARMAN, Mrs. TAUSCHER, Mr. SCHIFF, Mr. THOMPSON of California, Mr. SHERMAN, Mr. MATHESON, Mr. ROGERS of Michigan, Ms. SOLIS, Mr. MCKEON, Mr. WU, Mr. JACKSON of Illinois, Ms. LEE, Mr. CALVERT, Ms. WATERS, Mrs. MILLER of Michigan, Mr. FARR, Mr. MCNULTY, Mr. KOLBE, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. STARK, Ms. WOOLSEY, Mr. NUNES, Ms. LORETTA SANCHEZ of California, Mr. TIERNEY, Ms. LINDA T. SANCHEZ of California, Mr. DAVIS of Illinois, Ms. MILLENDER-MCDONALD, and Mrs. WILSON of New Mexico.

H.R. 20: Mrs. MILLER of Michigan, Mr. LEVIN, and Mrs. DAVIS of California.

H.R. 57: Ms. HARRIS and Mr. CULBERSON.

H.R. 111: Ms. JACKSON-LEE of Texas, Mr. CARTER, Mrs. WILSON of New Mexico, Mr. GALLEGLY, Mr. TURNER of Texas, Mr. WELLER, and Mr. KILDEE.

H.R. 119: Mr. WALDEN of Oregon.

H.R. 135: Mr. HAYWORTH.

H.R. 138: Mr. PETERSON of Pennsylvania and Mr. BOEHLERT.

H.R. 140: Mr. ABERCROMBIE.

H.R. 151: Mr. HINCHEY, Mr. SIMMONS, Mr. NEAL of Massachusetts, Mr. GREEN of Wisconsin, and Mr. CARSON of Oklahoma.

H.R. 156: Mr. LIPINSKI, Mr. LANTOS, and Mr. GILLMOR.

H.R. 162: Mr. BOEHLERT and Mr. SWEENEY.

H.R. 171: Mr. MCHUGH.

H.R. 194: Mrs. CHRISTENSEN.

H.R. 208: Mr. TERRY and Mr. COSTELLO.

H.R. 218: Mrs. MCCARTHY of New York, Mr. BURR, Mr. ADERHOLT, Ms. CORRINE BROWN of Florida, Mr. GOODLATTE, Mr. PICKERING, Mr. GILLMOR, Mr. TANNER, Mr. PLATTS, and Mrs. BIGGERT.

H.R. 219: Mr. GREEN of Wisconsin.

H.R. 254: Mr. FRANK of Massachusetts.

H.R. 300: Mr. BILIRAKIS and Mr. HYDE.

H.R. 303: Mr. BEAUPREZ, Mr. DAVIS of Florida, and Mr. WAXMAN.

H.R. 312: Mr. KOLBE.

H.R. 323: Mr. COSTELLO, Ms. SCHAKOWSKY, and Mr. KUCINICH.

H.R. 356: Mr. MCINNIS.

H.R. 382: Ms. KILPATRICK.

H.R. 391: Mr. NUNES and Mr. BOOZMAN.

H.R. 399: Ms. MCCARTHY of Missouri.

H.R. 426: Ms. LOFGREN, Mr. KING of Iowa, and Mr. GREEN of Wisconsin.

H.R. 438: Mr. KELLER.

H.R. 483: Mr. BLUNT.

H.R. 487: Mr. BOUCHER.

H.R. 490: Mr. LANTOS, Mr. BOOZMAN, Mr. FILNER, Mr. GREEN of Wisconsin, and Mr. LIPINSKI.

H.R. 494: Mr. MCHUGH and Mr. PAUL.

H.R. 496: Mr. SOUDER and Mr. GOODE.

H.R. 498: Mr. PAUL, Mr. KIRK, Mr. CRANE, Mr. HAYES, and Mrs. JO ANN DAVIS of Virginia.

H.R. 501: Ms. GINNY BROWN-WAITE of Florida.

H.R. 525: Mr. TURNER of Texas, Mr. STRICKLAND, Mr. MATSUI, Mr. BECERRA, Ms. WATSON, Mr. BERRY, Ms. HOOLEY of Oregon, Mr. DAVIS of Alabama, Ms. MAJETTE, Mr. OBEY, Mr. TANNER, Mr. MCCOTTER, Mr. PENCE, Mr. HUNTER, Mr. COOPER, and Mr. FORD.

H.R. 528: Mr. CARDOZA.

H.R. 531: Mrs. CAPPS, Mr. WAXMAN, Mr. ENGEL, Mr. RAHALL, Mr. HINCHEY, Mr. CAPUANO, Mr. SNYDER, Mr. ABERCROMBIE, Mr. FROST, Mr. HAYES, Mr. JOHN, Mr. VISCLOSKY, Mr. KLECZKA, and Mr. MCNULTY.

H.R. 533: Mr. ABERCROMBIE.

H.R. 534: Mr. REHBERG, Mr. BAKER, and Mrs. MILLER of Michigan.

H.R. 570: Ms. DUNN, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. SANDLIN.

H.R. 571: Mr. LEWIS of Georgia, Mr. WILSON of South Carolina, Mr. FORBES, Mr. ENGLISH, Mr. HOBSON, Ms. BERKLEY, Mr. BLUNT, Mr. CANTOR, Mr. HAYWORTH, and Mr. REYNOLDS.

H.R. 575: Mr. UDALL of Colorado.

H.R. 586: Mr. LAMPSON, Mr. DICKS, Mr. WEXLER, Mr. ISRAEL, and Mr. FROST.

H.R. 594: Mr. DEFAZIO, Mr. CARTER, Mr. MCNULTY, Mr. MCINTYRE, Mr. DAVIS OF TENNESSEE, and Mrs. BIGGERT.

H.R. 618: Mr. ENGLISH.

H.R. 624: Mr. BROWN of Ohio, Mr. GRIJALVA, Ms. KILPATRICK, Mr. OWENS, Mr. PALLONE, Mr. RODRIGUEZ, Mr. SCOTT of Virginia, and Mr. WYNN.

H.R. 625: Mr. ABERCROMBIE, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CONYERS, Mr. GUTIERREZ, Mr. HINCHEY, Ms. KILPATRICK, Mr. PALLONE, and Mr. TIERNEY.

H.R. 627: Mr. RYAN of Ohio, Mr. DEFAZIO, and Mr. ABERCROMBIE.

H.R. 663: Mr. ISSA, Ms. ESHOO, and Mr. GREEN of Texas.

H.R. 684: Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. PITTS, Mr. TANCREDO, Mr. PENCE, Mr. COX, Mr. CHOCOLA, and Mr. VITTER.

H.R. 692: Mr. STARK, Mr. BROWN of Ohio, Mr. FILNER, Mr. MCDERMOTT, and Ms. CORRINE BROWN of Florida.

H. Con. Res. 15: Mr. WAXMAN.

H. Con. Res. 21: Mr. TANCREDO, Mr. SKELTON, Mr. WALSH, Mrs. JO ANN DAVIS of Virginia, Mr. SULLIVAN, Mr. BERRY, and Mr. HERGER.

H. Con. Res. 23: Mr. CULBERSON.

H. Con. Res. 28: Mr. KUCININCH and Ms. MILLENDER-MCDONALD.

H. Con. Res. 31: Mr. MCNULTY.

H. Res. 46: Ms. CORRINE BROWN of Florida, Mr. DEUTSCH, Mr. HYDE, Mr. REYNOLDS, Mr. FOSSELLA, Mrs. LOWEY, Mr. SHAYS, Mr. ACKERMAN, Ms. BORDALLO, and Mr. POMBO.

H. Res. 53: Mr. SMITH of Washington, Mr. FILNER, Ms. BORDALLO, Ms. SOLIS, Mr. RYAN of Ohio, Mr. LARSON of Connecticut, Mr. FROST, and Ms. BALDWIN.

H. Res. 62: Mr. ANDREWS, Mr. FORBES, Mr. GREENWOOD, Mr. HAYES, Mr. HERGER, Mr. LEVIN, Mr. RYAN of Wisconsin, Mr. TIAHRT, Mr. TURNER of Texas, Mr. BURTON of Indiana, Mr. JONES of North Carolina, Mr. RYUN of Kansas, Mr. FLAKE, Mr. CHABOT, Mr. LINDER, Mr. TOOMEY, Mr. AKIN, Mr. KING of Iowa, Mr. HOSTETTLER, Mr. SOUDER, Mr. NORWOOD, Mr. GUTKNECHT, Mr. HOEKSTRA, Mr. PEARCE, Mr. ADERHOLT, and Mr. PENCE.

THURSDAY, FEBRUARY 13, 2003 (12)

¶12.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SIMPSON, who laid before the House the following communication:

WASHINGTON, DC,
February 13, 2003.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

¶12.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMPSON, announced he had examined and approved the Journal of the proceedings of Wednesday, February 12, 2003.

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

¶12.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

681. A communication from the President of the United States, transmitting a request to make the subsidy budget authority necessary to support a $70 million Federal credit instrument for Frontier Airlines; (H. Doc. No. 108—39); to the Committee on Appropriations and ordered to be printed.

682. A letter from the Secretary, Office of General Counsel, Securities and Exchange Commission, transmitting the Commission's final rule — Implementation of Standards of Professional Conduct for Attorneys [Release Nos. 33-8185; 34-47276; IC-25929; File No. S7-45-02] (RIN: 3235-AI72) received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

683. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Proxy Voting By Investment Advisers [Release No. IA-2106; File No. S7-38-02] (RIN: 3235-AI65) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

684. A letter from the Director, Corporate Policy and Research Dept, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

685. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Ambient Air Quality Standards for Ozone: Final Response to Remand [FRL-7428-7] (RIN: 2060-ZA11) received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

686. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the

Agency's final rule — Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export [FRL-7428-6] (RIN: 2060-AH67) received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

687. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules Concerning Marine Communications [PR Docket No. 92-257]; Petition for Rule Making Filed by Regionet Wireless License, LLC [RM-9664] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

688. A communication from the President of the United States, transmitting a report pursuant to Public Law 107-243 entitled, ''Authorization for Use of Military Force Against Iraq Resolution of 2002''; (H. Doc. No. 108—40); to the Committee on International Relations and ordered to be printed.

689. A letter from the Assistant Secretary, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Rio Grande Silvery Minnow (RIN:1018-AH91) received February 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

690. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Monitoring of Recreational Landings; Retention Limit for Recreationally Landed North Atlantic Swordfish [Docket No. 000629197-2192-03; I.D. 032900A] (RIN: 0648-AN06) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

691. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole Sideboard Limit in the Bering Sea and Aleutin Islands Management Area [Docket No. 021212307-2307-01; I.D. 011503C] received February 4, 20033, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

692. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 012303B] received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

693. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker/Rougheye and Northern Rockfish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-2307-01; I.D. 012103F] received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

694. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures [Docket No. 021209299-2299-01; I.D. 112502B] (RIN: 0648-AQ19) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

695. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Areas and Security Zones; Escorted Vessels — Philippine Sea, Guam, Apra Harbor, Guam and Tanapag Harbor, Saipan, Commonwealth of the Northern Mariana Islands [CGD14-02-002] (RIN: 2115-AA97) received February 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

696. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes (Freedom Shares) — received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

697. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Consolidation of Customs Drawback Centers [T.D. 03-05] received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

698. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Statutory Mergers and Consolidations [REG-1264 85-01] (RIN: 1545-BA06) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

699. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Functions (Rev. Proc. 2003-19) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

700. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Necessary to Facilitate Electronic Tax Administration [TD 9040] (RIN: 1545-AY56) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

701. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Information Reporting and Backup Withholding for Payment Card Transactions [REG-116641-01] (RIN: 1545-BA17) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

702. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxpayer Identification Number (TIN) Matching Program [TD 9041] (RIN: 1545-BB88) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

703. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Definition of Foreign Personal Holding Company Income [TD 9039] (RIN: 1545-BA33) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

704. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare, Medicaid, and CLIA Programs; Laboratory Requirements Relating to Quality Systems and Certain Personnel Qualifications [CMS-2226-F] (RIN: 0938-AK24) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

705. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Fire Safety Requirements for Certain Health Care Facilities [CMS-3047-F] (RIN: 0938-AK35) received January 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶12.4 PROVIDING FOR THE CONSIDERATION OF H.R. 4

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 69):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent, and shall not be subject to amendment. All points of order against such amendments are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the bill for amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Ms. PRYCE of Ohio, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶12.5 WELFARE REFORM

The SPEAKER pro tempore, Ms. PRYCE of Ohio, pursuant to House Resolution 69 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

The SPEAKER pro tempore, Ms. PRYCE of Ohio, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole; and after some time spent therein,

¶12.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. KUCINICH:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patsy Mink Memorial TANF Reauthorization Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Amendment of Social Security Act.

TITLE I—GENERAL PROVISIONS

Sec. 101. Purposes.
Sec. 102. State plan.
Sec. 103. Funding.
Sec. 104. Use of funds.

TITLE II—WORK REQUIREMENTS

Sec. 201. Reduced work requirement for parents of school-age children who cannot find adequate child care.
Sec. 202. Conforming the number of weeks to the unemployment insurance compensation standard.
Sec. 203. Revision of work activities.
Sec. 204. Penalties against individuals for unjustified refusal to work; additional justifications.
Sec. 205. Elimination of miscellaneous provisions.

TITLE III—PROHIBITIONS; REQUIREMENTS

Sec. 301. Replacement of requirement to sanction individual for noncooperation in establishing paternity or obtaining child support with prohibition on requiring such cooperation.
Sec. 302. Prohibition on requiring assignment of support rights to the State; return of support rights assigned to the State.
Sec. 303. Elimination of sanction against teenage parents not attending high school or other equivalent training program.
Sec. 304. Requirements relating to disregard of child support.
Sec. 305. Elimination of sanction against teenage parents not living in adult-supervised settings.
Sec. 306. Protection for children.
Sec. 307. 5-year time limit.
Sec. 308. Requirement to provide notice of rights of recipients, and train program personnel in carrying out program consistent with the rights.
Sec. 309. Requirement to provide information to individuals who are, or are at risk of being, sanctioned.
Sec. 310. Ban on counting income, scholarship, or gift received by dependent minors.
Sec. 311. Ban on diversion of potential applicants for assistance.
Sec. 312. Prohibition on requiring recipients to respond to surveys conducted to obtain information for quarterly reports.
Sec. 313. Confidentiality of program information.
Sec. 314. Nondiscrimination.
Sec. 315. Requirement to provide opportunity to appeal adverse decision.
Sec. 316. Clarification of penalty for failure to comply with individual responsibility plan.
Sec. 317. Applicability of civil rights laws.
Sec. 318. Elimination of special rules relating to treatment of aliens.

TITLE IV—PENALTIES

Sec. 401. Increase in penalty for failure to submit required report.
Sec. 402. Replacement of penalty against State for failure to comply with paternity establishment and child support enforcement requirements with penalty for requiring cooperation in establishing paternity or obtaining child support (including assigning support rights to the State).
Sec. 403. Extension of maintenance of effort requirement.
Sec. 404. Penalty for failure of State to comply with child support disregard requirements.
Sec. 405. Penalty for penalizing birth of child.
Sec. 406. Penalty for failure to notify recipients of rights, or train program personnel in respecting rights of recipients.
Sec. 407. Penalty for failure to provide information to individuals who are, or are at risk of being, sanctioned.
Sec. 408. Penalty for counting income, scholarship, or gift received by dependent minor.
Sec. 409. Penalty for diverting potential applicant for assistance.
Sec. 410. Penalty for requiring recipient to respond to survey conducted to obtain information for quarterly report.
Sec. 411. Penalty for unauthorized disclosure of information provided by recipient.
Sec. 412. Penalty for discrimination.
Sec. 413. Penalty for failure to provide opportunity to appeal adverse decision.
Sec. 414. Penalty for failure to comply with minimum benefit rules.
Sec. 415. Penalty for failure to provide individual child care entitlement.
Sec. 416. Failure to submit report on welfare access and outcomes.
Sec. 417. Elimination of reasonable cause exception.
Sec. 418. Modification of availability of corrective compliance plan option.
Sec. 419. Repeal of ban on assistance for persons convicted of a drug felony.

TITLE V—STUDIES AND REPORTS

Sec. 501. Additional information to be included in quarterly State reports.
Sec. 502. Elimination from secretarial report to the Congress of information on out-of-wedlock pregnancies.
Sec. 503. Access to welfare; welfare outcomes.
Sec. 504. Assessment of regional economies to identify higher entry level wage opportunities in industries experiencing labor shortages.
Sec. 505. Research, evaluations, and national studies.
Sec. 506. Study by the Census Bureau.

TITLE VI—WAIVERS

Sec. 601. Waivers.

TITLE VII—REPEAL OF LIMITATION ON FEDERAL AUTHORITY

Sec. 701. Repeal of limitation on Federal authority.

TITLE VIII—MINIMUM BENEFIT RULES

Sec. 801. Minimum benefit rules.

TITLE IX—CHILD CARE

Sec. 901. Individual entitlement to child care.

TITLE X—DEFINITION OF POVERTY LINE

Sec. 1001. Definition of poverty line.

TITLE XI—SERVICE PROVIDERS

Sec. 1101. Protection for beneficiaries.

TITLE XII—EFFECTIVE DATE

Sec. 1201. Effective date.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) Welfare reform has reduced the welfare caseload but has failed to move families out of poverty. More than 40 percent of former welfare recipients continued to live below the poverty line in 1999. Employed former recipients earn a median hourly wage of $7.15. Because challenges to economic opportunity and well-being are not adequately addressed by current welfare programs, existing law must be changed to ensure that welfare policy effectively promotes the reduction of poverty.

(2) Between 1995 and 1999, a strong economy reduced poverty by about 2 percent. Reductions in Government transfer payments during this period, however, eliminated almost all of the antipoverty effectiveness of economic growth. Prior to welfare reform, between 1993 and 1995, Government transfer payments had produced the opposite effect, reducing poverty among American families.

(3) About ⅓ of people who have left welfare say they have had to cut the size of meals or skip meals because they did not have enough food in the house.

(4) Over 40 percent of welfare leavers report that they have had trouble paying housing and utility bills since leaving welfare.

(5) Since welfare reform was enacted in 1996, and despite a strong economy, there have been sharp increases in the rates at which single mothers with children have had to rely on food pantries and homeless shelters.

(6) An estimated ⅓ to ½ of all families leaving welfare for work do not receive medical assistance, food stamps, or child care to which they are entitled.

(7) Only 1,500,000 of the 9,900,000 children who are eligible for child care subsidies under their States' eligibility guidelines receive child care assistance.

(8) Between 1997 and 1999, over 500,000 families were sanctioned off welfare and these families have been more likely to experience poverty than have other families leaving welfare. On a variety of measures, families who have been sanctioned off welfare tend to fare worse than other leavers.

(9) States in which African Americans make up a higher proportion of recipients are statistically more likely to adopt full-family sanctions. African American recipients are statistically more likely than white recipients to participate in a TANF program that employs full-family sanctions. African-American families have, in fact, been sanctioned more frequently than their white counterparts.

(10) States in which African Americans make up a higher proportion of recipients are statistically more likely to adopt family cap policies. African American recipients are statistically more likely than white recipients to participate in a TANF program that employs a family cap policy.

(11) States in which African Americans make up a higher proportion of recipients are statistically more likely to adopt time limits shorter than the Federal Government requires. Approximately ⅔ of all families that will exhaust their allowable time on welfare are families of color.

(12) Overall, 78 percent of children with immigrant parents are themselves born in the United States and are therefore eligible for services if poor. Nearly ¼ of all children of immigrants live in poor families and 23 percent of all poor children in the United States are either first- or second-generation immigrants. Immigrants whose children are eligible for public benefits often don't know about the services, are afraid to access them, or are incorrectly turned away.

(13) About 25 percent of former welfare recipients have no paid employment and have either no partner or a partner who is unemployed.

(14) Under welfare reform, single mothers have been forced to work at unsafe and hazardous job sites and to be subject to sexual harassment and racial discrimination.

(15) Most single mothers who leave welfare for work do not earn enough in wages to lift their families out of poverty, even several years after leaving welfare. 55 percent remain poor 1 year after leaving welfare; 49 percent 3 years after and 42 percent 5 years after. Only about ⅓ of all leavers have incomes above 150 percent of the poverty line years after going off welfare.

(16) Adolescent children of single mothers who have left welfare for work have school performance rates below those of other low-income children. Early studies of families in welfare-to-work programs in Florida, Minnesota, and Canada have found unexpected evidence that their adolescent children have lower academic achievement and more behavioral problems than the children of other welfare households. The researchers hypothesized that parents in the programs might have less time and energy to monitor their adolescents' behavior once they were employed; that under the stress of working, they might adopt harsher parenting styles; or that the adolescents' assuming more responsibilities at home when parents got jobs was creating too great a burden.

(17) Under welfare reform, when families lost income regardless of the reason, children were more likely to experience bad outcomes such as increased school suspensions, behavior and mental health problems including symptoms of depression, an increase in the number of children removed from their mother's care, increased enrollment in special classes for behavioral or emotional problems, and health problems such as increased trips to the emergency room. In programs where both employment and income were increased, the impact on children was more positive.

(18) Most single mothers on welfare who are eligible for the exemption from cooperating in establishing paternity are not made aware of this option.

(19) 35 percent of low-income families reported mental health problems according to a 1999 study. Similar rates of mental health problems have been found among welfare recipients. Among California welfare program participants, more than ⅓ had at least 1 diagnosable mental health problem in the previous 12 months, and about 20 percent had 2 or more. Nationally, between 70 and 90 percent of working-age adults with serious mental health problems are unemployed. According to a 2001 study, major depression significantly decreases the likelihood that a woman receiving welfare will be employed and the presence of 1 or more of 4 psychiatric disorders increases the likelihood of receiving cash assistance by 32 percent.

(20) Over half of women receiving welfare have been victims of domestic violence as adults. According to several studies, a quarter to a third of welfare recipients report having been abused within the last year. Abusive partners often interfere with women's attempts to work or to obtain education.

SEC. 4. AMENDMENT OF SOCIAL SECURITY ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—GENERAL PROVISIONS

SEC. 101. PURPOSES.

Section 401(a)(1) (42 U.S.C. 601(a)(1)) is amended to read as follows:

''(1) IN GENERAL.—The purpose of this part is to end child and family poverty by—

''(A) supporting caregivers so that children may be cared for in their own homes;

''(B) promoting education, training, work supports, and access to jobs that pay a living wage;

''(C) assuring access to Medicaid, Food Stamps, child care, and such other assistance for which the family is eligible;

''(D) providing access to services to address barriers to leaving poverty, including mental health, disability, substance abuse, domestic violence, and sexual assault; and

''(E) reducing poverty of families with children.''.

SEC. 102. STATE PLAN.

(a) IN GENERAL.—Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(ii) by striking clauses (v) and (vi); and

(B) in subparagraph (B)—

(i) in clause (iii), by inserting ''and will notify recipients of assistance under the program of the rights of individuals under all laws applicable to program activities'' before the period;

(ii) by striking clauses (i) and (iv) and redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively;

(2) in paragraph (7), by striking subparagraph (B) and inserting the following:

''(B) DOMESTIC OR SEXUAL VIOLENCE DEFINED.—In this title, the term 'domestic or sexual violence' has the same meaning as 'battered or subject to extreme cruelty' in section 402(a)(7)(C)(ii).''; and

(3) by adding at the end the following:

''(7) CERTIFICATIONS REGARDING DOMESTIC AND SEXUAL VIOLENCE, MENTAL ILLNESS, DISABILITY, AND SUBSTANCE ABUSE.—

''(A) STANDARDS AND PROCEDURES.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure that the State will do the following:

''(i) ADDRESS RECIPIENT'S BARRIERS TO LEAVING POVERTY.—Address the needs of a recipient who has a mental health problem, disability, or substance abuse addiction, or who is dealing with domestic or sexual violence, including how the State will, at the time of application, at a recipient's request, and before imposing any sanction or penalty for noncompliance—

''(I) have trained caseworkers screen, and, at the option of the recipient, qualified professionals assess and identify individuals who are dealing with a mental health problem, disability, substance abuse addiction, or domestic or sexual violence;

''(II) in the case of an individual who is so identified, at the option of the individual, refer the individual and affected children or other close family members for appropriate treatment, counseling, vocational rehabilitation, job training, and other services;

''(III) coordinate, contract, or hire appropriate licensed qualified professionals, including licensed qualified mental health service providers, licensed qualified physicians or medical service providers, licensed qualified substance abuse professionals, domestic violence coalitions, sexual assault coalitions, or victim services organizations;

''(IV) ensure the strict confidentiality of such information; and

''(V) pursuant to a determination of good cause, waive, without time limit, any State or Federal program requirement for so long as necessary in every case in which the requirement—

''(aa) makes it more difficult for the individual to manage his or her mental health problem, disability, substance abuse addiction, or domestic or sexual violence situation;

''(bb) unfairly penalizes the individual; or

''(cc) makes the individual unsafe.

''(ii) USE OF QUALIFIED PROFESSIONALS.—Enter into contracts with or employ qualified professionals for the provision of services in each of the fields of mental health, substance abuse, disability, and domestic or sexual violence, and that the contracts will require that, in the case of an individual who has multiple such barriers, the qualified professionals assigned to the case will collaborate to provide the individual with integrated, comprehensive services.

''(B) DEFINITIONS.—In this paragraph:

''(i) DOMESTIC VIOLENCE COALITION.—The term 'domestic violence coalition' means a nonprofit, nongovernmental membership organization that—

''(I) consists of the entities carrying out a majority of the domestic violence programs carried out in a State;

''(II) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of domestic violence intervention and prevention; and

''(III) among other activities, provides training and technical assistance to entities carrying out domestic violence programs in a State, territory, political subdivision, or area under Federal authority.

''(ii) SEXUAL ASSAULT COALITION.—The term 'sexual assault coalition' means a nonprofit, nongovernmental membership organization that—

''(I) consists of the entities carrying out a majority of the sexual assault programs carried out in a State;

''(II) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of sexual assault intervention and prevention; and

''(III) among other activities, provides training and technical assistance to entities carrying out sexual assault programs in a State, territory, political subdivision, or area under Federal authority.

''(iii) VICTIM SERVICES ORGANIZATION.—The term 'victim services organization' means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or to advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or an organization providing assistance through the legal process.

''(iv) LICENSED QUALIFIED MENTAL HEALTH SERVICE PROVIDER.—The term 'licensed qualified mental health service provider' means a psychiatrist, clinical psychologist, clinical social worker, community mental health counselor, or other licensed individual who has appropriate training in the diagnosis and treatment of mental illness in children, adolescents, and adults or provides mental health services reimbursed under title XVIII or a State plan approved under title XIX.

''(v) QUALIFIED PROFESSIONAL.—The term 'qualified professional' means—

''(I) with respect to a disability, a physician or other licensed medical provider;

''(II) with respect to substance abuse, a licensed drug counselor or clinician with expertise in the assessment and treatment of parents with drug addiction issues, who may be affiliated with an out-patient or residential family drug or alcohol treatment program; or

''(III) with respect to domestic or sexual violence—

''(aa) a State or tribal domestic violence coalition or sexual assault coalition; or

''(bb) a State or local victim services organization with recognized expertise in the dynamics of domestic or sexual violence whose primary mission is to provide services to victims of domestic or sexual violence, such as a rape crisis center or domestic violence program.

''(8) CERTIFICATION REGARDING ASSESSMENT OF REGIONAL ECONOMIES AND INFORMING LOCALITIES OF SECTORAL LABOR SHORTAGES.—A certification by the chief executive officer of the State that, during the fiscal year, the State will assess its regional economies and provide information to political subdivisions of the State about the industrial sectors that are experiencing a labor shortage and that provide higher entry-level wage opportunities for unemployed and underemployed job seekers.''.

SEC. 103. FUNDING.

(a) FAMILY ASSISTANCE GRANT.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended in each of subparagraphs (A) and (E) by striking ''1996, 1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''1996 through 2008''.

(b) INFLATION ADJUSTMENT.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking ''means the greatest of—'' and inserting ''means, with respect to a fiscal year specified in subparagraph (A) of this paragraph—

''(i) the greatest of—'';

(B) by redesignating each of clauses (i), (ii)(I), (ii)(II), and (iii) as subclauses (I), (II)(aa), (II)(bb), and (III), respectively;

(C) by indenting each of the provisions specified in subparagraph (B) of this paragraph 2 additional ems to the right;

(D) by striking the period and inserting ''; multiplied by''; and

(E) by adding at the end the following:

''(ii) 1.00, plus the inflation percentage (as defined in subparagraph (F) of this paragraph) in effect for the fiscal year specified in subparagraph (A) of this paragraph.''; and

(2) by adding at the end the following:

''(F) INFLATION PERCENTAGE.—For purposes of subparagraph (B) of this paragraph:

''(i) IN GENERAL.—Except as provided in clause (ii), the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

''(I) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on September 30 of the immediately preceding fiscal year; exceeds

''(II) the average of the Consumer Price Index (as so defined) for the 12-month period ending on September 30, 2001.

''(ii) SPECIAL RULE FOR FISCAL YEAR 2003.—The inflation percentage applicable to fiscal year 2003 is ½ of the inflation percentage determined under clause (i) for fiscal year 2003.''.

(c) REPLACEMENT OF BONUS TO REWARD DECREASE IN ILLEGITIMACY RATIO WITH CHILD POVERTY REDUCTION BONUS.—Section 403(a)(2) (42 U.S.C. 603(a)) is amended to read as follows:

''(2) BONUS TO REWARD STATES THAT REDUCE CHILD POVERTY.—

''(A) IN GENERAL.—Beginning with fiscal year 2003, the Secretary shall make a grant pursuant to this paragraph to each State for each fiscal year for which the State is a qualified child poverty reduction State.

''(B) AMOUNT OF GRANT.—

''(i) IN GENERAL.—Subject to this subparagraph, the amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be an amount equal to—

''(I) the number of children who had not attained 18 years of age by the end of the then most recently completed calendar year and who resided in the State as of the end of such calendar year, divided by the number of such children who resided in the United States as of the end of such calendar year; multiplied by

''(II) the amount appropriated pursuant to subparagraph (F) for the fiscal year.

''(ii) LIMITATIONS.—

''(I) MINIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be not less than $1,000,000.

''(II) MAXIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall not exceed an amount equal to 5 percent of the State family assistance grant for the fiscal year.

''(iii) PRO RATA INCREASE.—If the amount available for grants under this paragraph for a fiscal year is greater than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(II), be increased by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

''(iv) PRO RATA REDUCTION.—If the amount available for grants under this paragraph for a fiscal year is less than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(I), be reduced by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

''(v) SPECIAL RULE FOR FISCAL YEAR 2003.—The amount payable to a State under this paragraph for fiscal year 2003 shall be ½ of the amount otherwise so payable.

''(C) USE OF GRANT.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

''(D) DEFINITIONS.—In this paragraph:

''(i) QUALIFIED CHILD POVERTY REDUCTION STATE.—The term 'qualified child poverty reduction State' means, with respect to a fiscal year, a State if—

''(I) the child poverty rate achieved by the State for the then most recently completed calendar year for which such information is available is less than the lowest child poverty rate achieved by the State during the applicable period; and

''(II) the average depth of child poverty in the State for the then most recently completed calendar year for which such information is available is not greater than the average depth of child poverty in the State for the calendar year that precedes such then most recently completed calendar year.

''(ii) APPLICABLE PERIOD.—In clause (i), the term 'applicable period' means, with respect to a State and the calendar year referred to in clause (i)(I), the period that—

''(I) begins with the calendar year that, as of October 1, 2002, precedes the then most recently completed calendar year for which such information is available; and

''(II) ends with the calendar year that precedes the calendar year referred to clause (i)(I).

''(iii) CHILD POVERTY RATE.—The term 'child poverty rate' means, with respect to a State and a calendar year, the percentage of children residing in the State during the calendar year whose family income for the calendar year is less than the poverty line then applicable to the family.

''(iv) AVERAGE DEPTH OF CHILD POVERTY.—The term 'average depth of child poverty' means with respect to a State and a calendar year, the average dollar amount by which family income is exceeded by the poverty line, among children in the State whose family income for the calendar year is less than the applicable poverty line.

''(v) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved.

''(E) FAMILY INCOME DETERMINATIONS.—For purposes of this paragraph, family income includes cash income, child support payments, government cash payments, and benefits under the Food Stamp Act of 1977 that are received by any family member, and family income shall be determined after payment of all taxes and receipt of any tax refund or rebate by any family member.

''(F) APPROPRIATIONS.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated—

''(I) for fiscal year 2003, $75,000,000 for grants under this paragraph; and

''(II) for fiscal year 2004 and each fiscal year thereafter $150,000,000 for grants under this paragraph.

''(ii) AVAILABILITY.—Amounts made available under clause (i) shall remain available until expended.''.

(d) SUPPLEMENTAL GRANT FOR POPULATION INCREASES IN CERTAIN STATES.—Section 403(a)(3) (42 U.S.C. 603(a)) is amended—

(1) in subparagraph (A)(ii), by striking '', 2000, and 2001'' and inserting ''through 2008'';

(2) by striking subparagraphs (C) and (D) and inserting the following:

''(C) QUALIFYING STATE.—For purposes of this paragraph, a State is a qualifying State for a fiscal year if rate at which the population of the State with income less than 200 percent of the poverty line has increased (as determined by the Bureau of the Census) for the most recent fiscal year for which information is available exceeds the such rate for all States (as so determined) for such most recent fiscal year.

''(D) STATE DEFINED.—In this paragraph, the term 'State' means each of the 50 States of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and Guam.''; and

(3) in subparagraph (E)—

(A) by striking ''1998, 1999, 2000, and 2001'' and inserting ''2003 through 2008''; and

(B) by striking ''$800,000,000'' and inserting ''$2,000,000,000''.

(e) AMENDMENT OF BONUS TO REWARD HIGH PERFORMANCE STATES.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended to read as follows:

''(4) BONUS TO REWARD HIGH PERFORMANCE STATES.—

''(A) IN GENERAL.—The Secretary shall make a grant pursuant to this paragraph to each State for each bonus year for which the State is a high performing State with respect to a category described in subparagraph (C).

''(B) AMOUNT OF GRANT.—

''(i) IN GENERAL.—Subject to clause (ii) of this subparagraph, the Secretary shall determine the amount of the grant payable under this paragraph to a high performing State for a bonus year with respect to a category, which shall be based on the score assigned to

the State under subparagraph (D)(i) with respect to the category for the fiscal year that immediately precedes the bonus year.

''(ii) LIMITATION.—The total of the amounts payable to a State under this paragraph for a bonus year shall not exceed 5 percent of the State family assistance grant.

''(C) FORMULA FOR MEASURING STATE PERFORMANCE.—Not later than October 1, 2003, the Secretary shall, in consultation with affected groups, including recipient groups and State governors, issue regulations implementing criteria for awarding of bonuses under this paragraph in the following categories:

''(i) PREPARATION AND PLACEMENT OF RECIPIENTS IN EMPLOYMENT THAT WILL MOVE FAMILIES OUT OF POVERTY.—The degree of success in implementing employment-related measures, including job entry, job retention and earnings gain rates, improvement in each of such measures, and the success of States in—

''(I) meeting self-sufficiency needs for welfare leavers;

''(II) training, placing and retaining welfare leavers in higher-waged jobs identified in the assessment most recently submitted by the State pursuant to section 411(d);

''(III) training, placing and retaining welfare leavers in technical, professional, or nontraditional occupations for women;

''(IV) providing career development assistance related to higher-waged jobs including reliable, up-to-date career counseling services, employability assessments on available employment that pays a sustainable wage, nontraditional training and education options, and employment opportunities;

''(V) encouraging participation in post-secondary educational programs;

''(VI) encouraging use of effective literacy programs that strengthen basic skills in the context of employment; and

''(VII) encouraging participation in vocational education programs for occupations identified in the assessment most recently submitted by the State pursuant to section 411(d).

''(ii) REMOVAL OF BARRIERS TO SELF SUFFICIENCY.—The degree of success in removing mental health, substance abuse, disability, or domestic or sexual violence barriers to escaping poverty, which shall be based on an equal weighting of the following:

''(I) NOTIFICATION.—The percentage of individuals receiving assistance under this part who report having been notified of the option to be assessed for and receive services to manage a barrier to escaping poverty. A State shall not be eligible for a grant under this paragraph with respect to the category described in this subparagraph unless at least 75 percent of the individuals surveyed by the State respond in the affirmative to the question of whether the individual has received the notification.

''(II) TRAINING.—The percentage of caseworkers, supervisors, and new employees who have been trained in a curriculum developed by or in collaboration with qualified professionals in each of mental health, substance abuse, disability, or domestic or sexual violence services. A State shall not be eligible for a grant under this paragraph with respect to the category described in this subparagraph unless at least 80 percent of the caseworkers, supervisors, and employees administering the State program funded under this part have been trained in the curriculum.

''(III) ASSESSMENT AND SERVICES.—The State must certify that the State has contracts with or employs qualified professionals in mental health, substance abuse, disability, or domestic or sexual violence services, and that the contract requires that where an individual has multiple barriers the professional service providers will collaborate to provide the individual holistic services.

''(iii) PROVISION OF WORK SUPPORTS.—The extent to which the State has increased the percentages described to in the following subclauses in comparison to the percentages achieved in fiscal year 2001:

''(I) FOOD STAMPS MEASURES.—Of the number of families with children in the State who are eligible to receive food stamp benefits under the Food Stamp Act of 1977, the percentage who receive such benefits.

''(II) MEDICAID AND SCHIP MEASURES.—Of the individuals who have ceased receiving assistance under the State program funded under this part for 4 or more months, and are eligible to receive medical assistance under a State plan approved under title XIX or the child health assistance under a State plan approved under title XXI, the percentage who receive such medical or child health assistance.

''(III) CHILD CARE MEASURES.—Of the children in the State who meet the maximum allowable Federal eligibility requirements for benefits under the Child Care and Development Block Grant Act of 1990, the percentage who receive such benefits, including any such children who receive child care benefits provided with additional State or Federal funds, including Head Start Funds. In taking the percentage into account for purposes of this clause, the Secretary shall also consider (aa) the affordability of child care subsidies by including a comparison of co-payment rates charged to eligible families, and (bb) the proportion of market rates paid to providers of subsidized child care as determined by a market rate survey that was taken not more than 2 years earlier.

''(D) SCORING OF STATE PERFORMANCE; SETTING OF PERFORMANCE THRESHOLDS.—For each bonus year, the Secretary shall—

''(i) use the formula developed under subparagraph (C) for a measure to assign a score to each eligible State with respect to the measure for the fiscal year that immediately precedes the bonus year; and

''(ii) prescribe a performance threshold for each such measure in such a manner so as to ensure that—

''(I) the average annual total amount of grants to be made under this paragraph for each bonus year equals $278,333,333; and

''(II) the total amount of grants to be made under this paragraph for all bonus years equals $1,670,000,000.

''(E) DEFINITIONS.—In this paragraph:

''(i) BONUS YEAR.—The term 'bonus year' means fiscal years 2003 through 2008.

''(ii) HIGH PERFORMING STATE.—The term 'high performing State' means, with respect to a measure and a bonus year, an eligible State whose score assigned pursuant to subparagraph (D)(i) with respect to the measure for the fiscal year immediately preceding the bonus year equals or exceeds the performance threshold prescribed under subparagraph (D)(ii) with respect to the measure for such preceding fiscal year.

''(F) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 2003 through 2008 $1,670,000,000 for grants under this paragraph.''.

(f) ELIMINATION OF WELFARE-TO-WORK GRANTS.—

(1) IN GENERAL.—

(A) GRANTS TO STATES.—Section 403(a) (42 U.S.C. 603(a)) is amended by striking paragraph (5).

(B) GRANTS TO INDIAN TRIBES.—Section 412(a) (42 U.S.C. 612(a)) is amended by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—

(A) Section 413 (42 U.S.C. 613) is amended by striking subsection (j).

(B) Section 510 (42 U.S.C. 710) is repealed.

(C) Section 404(k)(1)(C) (42 U.S.C. 604(k)(1)(C)) is amended—

(i) by adding ''and'' at the end of clause (ii);

(ii) by striking clause (iii); and

(iii) by redesignating clause (iv) as clause (iii).

(g) 50 PERCENT FEDERAL MATCH FOR STATE FUNDING IN EXCESS OF REQUIRED MAINTENANCE OF EFFORT LEVEL.—Section 403(a) (42 U.S.C. 603(a)), as amended by subsection (e)(1)(A) of this section, is amended by adding at the end the following:

''(5) MATCHING GRANTS FOR STATE EXPENDITURES EXCEEDING REQUIRED MAINTENANCE OF EFFORT LEVEL.—

''(A) IN GENERAL.—Each eligible State shall be entitled to receive from the Secretary for a fiscal year a grant in an amount equal to the amount (if any) by which the total of the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the fiscal year exceeds the applicable percentage (as defined in section 409(a)(7)(B)(ii)) of historic State expenditures (as defined in section 409(a)(7)(B)(iii)) with respect to the fiscal year.

''(B) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated such sums as are necessary for grants under this section for fiscal years 2003 through 2008.''.

(h) CONTINGENCY FUND.—

(1) IN GENERAL.—Section 403(b) (42 U.S.C. 603(b)) is amended by striking paragraphs (2) through (7) and inserting the following:

''(2) DEPOSITS INTO FUND.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 1997 through 2008 such sums as are necessary for grants under this section for the fiscal year.

''(3) GRANTS.—The Secretary shall make a grant to a needy State, for each eligible month with respect to the State, in an amount equal to the amount described in paragraph (6).

''(4) NEEDY STATE.—A State is a needy State for purposes of this paragraph if—

''(A) the rate of total unemployment in the State (seasonally adjusted) for the most recent month for which such information is available—

''(i) is at least 5.5 percent; or

''(ii) has increased by the lesser of 50 percent, or 1.5 percentage points, over the lesser of the average rate of total unemployment in the State (seasonally adjusted) for the preceding fiscal year or such average rate for the 2nd preceding fiscal year; or

''(B) the number of families participating in eligible State programs is at least 10 percent greater than the average monthly number of families who participated in the programs during the 2 consecutive calendar quarters of the then most recent 8 such quarters in which such average monthly number was the least.

''(5) ELIGIBLE MONTH.—In paragraph (3), the term 'eligible month' means, with respect to a State, any month for which the State is a needy State, and each subsequent month until—

''(A) 3 months has elapsed since the end of the most recent month in which the 3-month moving average of the rate of total unemployment in the State (seasonally adjusted) was less than the monthly unemployment rate in the State in the most recent month in which the State became (or, in the absence of paragraph (4)(B), would have become) a needy State by reason of paragraph (4)(A); and

''(B) 4 months has elapsed since the end of the most recent month in which the number of families participating in eligible State programs was at least as great as the number

of families so participating in the most recent month in which the State became (or, in the absence of paragraph (4)(A), would have become) a needy State by reason of paragraph (4)(B).

''(6) GRANT AMOUNT.—The amount described in this paragraph with respect to a State is an amount equal to 110 percent of—

''(A) 80 percent of the average total amount expended by the State under all eligible State programs in the 2 consecutive calendar quarters of the then most recent 8 such quarters in which the average monthly number of families participating in the programs was the least; multiplied by

''(B) the percentage by which the monthly number of families participating in eligible State programs has increased over the average monthly number of families so participating during the 2 consecutive quarters referred to in subparagraph (A).

''(7) ELIGIBLE STATE PROGRAM DEFINED.—In this subsection, the term 'eligible State program' means, with respect to a State, any program under which a State expenditure could be considered a qualified State expenditure (as defined in section 409(a)(7)(B)(i)).''.

(2) EASING OF RELATED MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended by striking ''100 percent'' and inserting ''the applicable percentage (as defined in paragraph (7)(B)(ii) of this subsection)''.

(i) FEDERAL LOANS FOR STATE WELFARE PROGRAMS.—Section 406 (42 U.S.C. 606) is amended—

(1) in subsection (d), by striking ''10'' and inserting ''20''; and

(2) in subsection (e), by striking ''$1,700,000,000'' and inserting ''$2,000,000,000''.

(j) GRANTS FOR INDIAN TRIBES.—Paragraphs (1)(A) and (2)(A) of section 412(a) (42 U.S.C. 612(a)(1)(A), (2)(A)) are each amended by striking ''1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''1997 through 2008''.

(k) STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended by striking ''2002'' and inserting ''2008''.

(l) STUDY BY THE CENSUS BUREAU.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking ''1996, 1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''1996 through 2008''.

(m) CHILD CARE ENTITLEMENT.—Section 418(a)(3) (42 U.S.C. 618(a)(3) is amended—

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

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(G) $5,300,333,333 for fiscal year 2003;

''(H) $5,400,333,333 for fiscal year 2004;

''(I) $5,500,333,333 for fiscal year 2005;

''(J) $5,700,333,333 for fiscal year 2006;

''(K) $5,900,333,333 for fiscal year 2007; and

''(L) $6,050,333,333 for fiscal year 2008.''.

SEC. 104. USE OF FUNDS.

(a) ELIMINATION OF AUTHORITY TO TREAT INTERSTATE IMMIGRANTS UNDER RULES OF FORMER STATE.—Section 404 (42 U.S.C. 604) is amended by striking subsection (c).

(b) MODIFICATIONS TO INDIVIDUAL DEVELOPMENT ACCOUNTS.—Section 404(h) (42 U.S.C. 604(h)) is amended—

(1) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(2) in paragraph (5)(A), by adding at the end the following:

''(iii) An institution that offers a course of study leading to adult literacy, in English as a second language, or a certificate of high school equivalency.''; and

(3) in paragraph (5)(F), by striking ''and inventory'' and inserting ''inventory, and transportation''.

(c) CONFORMING AMENDMENTS.—Section 404 (42 U.S.C. 404) is amended by striking subsections (i) and (j) and redesignating subsection (k) as subsection (i).

TITLE II—WORK REQUIREMENTS

SEC. 201. REDUCED WORK REQUIREMENT FOR PARENTS OF SCHOOL-AGE CHILDREN WHO CANNOT FIND ADEQUATE CHILD CARE.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by adding at the end the following:

''Notwithstanding the preceding sentence, the maximum average number of hours per week shall be 20 for any week in which the recipient is the parent or caretaker relative of a child who has attained 6 years of age and does not have meaningful access to safe, appropriate, affordable, and quality after-school or summer care for the child.''.

SEC. 202. CONFORMING THE NUMBER OF WEEKS TO THE UNEMPLOYMENT INSURANCE COMPENSATION STANDARD.

Section 407(c)(2)(A)(i) (42 U.S.C. 607(c)(2)(A)(i)) is amended by striking ''6 weeks'' and inserting ''12 weeks''.

SEC. 203. REVISION OF WORK ACTIVITIES.

(a) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

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

''(4) transitional work experience leading to jobs that provide an income of not less than 250 percent of the poverty line;'';

(2) by striking paragraph (7) and inserting the following:

''(7) voluntary participation in a community service program;'';

(3) in paragraph (8), by striking ''(not to exceed 12 months with respect to any individual)''; and

(4) by striking paragraphs (10) through (12) and inserting the following:

''(10) participation in a State or Federal work-study program under part C of title IV of the Higher Education Act of 1965;'';

''(11) education, including not more than 6 hours of home study per week, in the case of a recipient who is enrolled—

''(A) at an elementary or secondary school (as defined in the Elementary and Secondary Education Act of 1965);

''(B) in a course of study leading to adult literacy, English as a second language, or a certificate of high school equivalency; or

''(C) at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), regardless of the content of the course of study;

''(12) the provision of appropriate care to a child who has a disability or a serious health condition (as defined in section 101(11) of the Family Medical Leave Act) or has not attained 6 years of age, by a recipient who is a parent or caretaker relative of the child; and

''(13) participation in treatment or an educational activity designed to address a mental health problem, disability, substance abuse, or domestic or sexual violence.''.

(b) CONFORMING AMENDMENTS.—Section 407 of such Act (42 U.S.C. 607) is amended—

(1) in subsection (b), by striking paragraph (5); and

(2) in subsection (c)—

(A) in each of subparagraphs (A) and (B)(i) of paragraph (1), by striking ''not fewer than'' and all that follows through ''subsection (d),'';

(B) in paragraph (1)(B)(ii), by striking ''not fewer than'' and all that follows through ''subsection (d)''; and

(C) in paragraph (2), by striking subparagraph (D).

SEC. 204. PENALTIES AGAINST INDIVIDUALS FOR UNJUSTIFIED REFUSAL TO WORK; ADDITIONAL JUSTIFICATIONS.

(a) IN GENERAL.—Section 407(e) (42 U.S.C. 607(e)) is amended—

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

''(1) IN GENERAL.—Except as otherwise provided in this subsection, if an individual in a family receiving assistance under the State program funded under this part refuses to engage in work required in accordance with this section, the State shall, subject to such good cause and other exceptions as the State may establish, reduce the amount of assistance otherwise payable to the family on a pro rata basis, but to not less than the amount that would be payable to a family with the same number of children but with no adults, with respect to any period during a month in which the individual so refuses.'';

(2) in paragraph (2)—

(A) by striking ''EXCEPTION'' and inserting ''CHILD CARE EXCEPTION''; and

(B) by striking ''proves that the individual has a demonstrated inability (as determined by the State)'' and inserting ''certifies that the individual is unable''; and

(3) by adding at the end the following:

''(3) ADDITIONAL CHILD CARE EXCEPTIONS.—Notwithstanding paragraph (1), a State may not reduce or terminate assistance under the State program funded under this part based on a refusal of an individual to engage in work required in accordance with this section if the individual is a custodial parent or caretaker relative caring for—

''(A) a child who has a disability or a serious health condition (as defined in section 101(11) of the Family Medical Leave Act), and the individual does not have meaningful access to safe, appropriate, affordable, and quality care for the child; or

''(B) a child who has attained 6 years of age, and the individual does not have meaningful access to safe, appropriate, affordable, and quality after-school or summer care for the child.

''(4) MENTAL HEALTH PROBLEM, DISABILITY, SUBSTANCE ABUSE, OR DOMESTIC OR SEXUAL VIOLENCE EXCEPTION.—Notwithstanding paragraph (1), a State may not reduce or terminate assistance under the State program funded under this part based on the failure of any individual who has a mental health problem, disability, or substance abuse problem, or who is a victim of sexual or domestic violence to engage in work required in accordance with this section if—

''(A) the individual is in the process of being screened or assessed for the mental health problem, disability, substance abuse problem, or sexual or domestic violence situation but the screening or assessment has not been completed;

''(B) the individual has not been offered treatment to address the problem or disability; or

''(C) the individual cannot comply because of the need to seek medical, legal, or other services in relation to the mental health problem, disability, or sexual or domestic violence situation.

''(5) MINIMUM WAGE EXCEPTION.—Notwithstanding paragraph (1), a State may not impose a sanction under the State program funded under this part on the basis of the refusal of an individual to accept any employment (including any employment offered under the program), if the wage rate for the employment does not equal or exceed the greater of—

''(A) the minimum wage rate then in effect under section 6 of the Fair Labor Standards Act of 1938; or

''(B) any minimum wage rate prescribed by or under the law of the State.

''(6) DISCRIMINATION EXCEPTION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a State may not reduce or terminate assistance under the State program funded under this part based on the failure of any individual to engage in work required in accordance with this section if the individual certifies in a manner described in subparagraph (B) that the individual has left or refused work based on discrimination.

''(B) CERTIFICATION.—An individual may provide a certification required by subparagraph (A) by sworn written statement or by providing other documentation, including a police or court record or documentation by a shelter worker, an employee of a victim assistance program, an attorney, a member of the clergy, or a medical or other professional from whom the individual has sought assistance as a victim.''.

(b) CONFORMING AMENDMENTS.—Section 409(a)(11) (42 U.S.C 609(a)(11)) is amended—

(1) in the paragraph heading, by striking ''WHO CANNOT OBTAIN CHILD CARE FOR CHILD UNDER AGE 6'' and inserting ''WITH JUSTIFIED REFUSAL TO WORK''; and

(2) in subparagraph (A), by striking ''407(e)(2)'' and inserting ''407(e)''.

SEC. 205. ELIMINATION OF MISCELLANEOUS PROVISIONS.

Section 407 (42 U.S.C. 607) is amended by striking subsections (g), (h), and (i).

SEC. 206. ASSESSMENT OF INDIVIDUALS FOR JOB PREPARATION.

Section 407 (42 U.S.C. 607), as amended by section 205 of this Act, is amended by adding at the end the following:

''(g) ASSESSMENT OF INDIVIDUALS FOR JOB PREPARATION.—At the option of a recipient of assistance under a State program funded under this part, the State shall, before assigning the recipient to a work activity under the program, perform an individual assessment for the preparation that is needed for the recipient to obtain and maintain a job at a monthly wage that is at least 200 percent of the poverty line applicable to the family of the recipient.''.

TITLE III—PROHIBITIONS; REQUIREMENTS

SEC. 301. REPLACEMENT OF REQUIREMENT TO SANCTION INDIVIDUAL FOR NONCOOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT WITH PROHIBITION ON REQUIRING SUCH COOPERATION.

(a) IN GENERAL.—Section 408(a)(2) (42 U.S.C. 608(a)(2)) is amended to read as follows:

''(2) PROHIBITION ON REQUIRING COOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT.—A State to which a grant is made under section 403 shall not penalize an individual under the State program funded under this part by reason of the failure of the individual to cooperate in establishing paternity or establishing, modifying, or enforcing a child support order with respect to a child of the recipient.''.

(b) CONFORMING AMENDMENTS.—Section 454(29) (42 U.S.C. 654(29)) is amended—

(1) by striking ''the State program funded under part A,'' each place it appears; and

(2) in subparagraph (A)(i), by striking ''E,'' and inserting ''E''.

SEC. 302. PROHIBITION ON REQUIRING ASSIGNMENT OF SUPPORT RIGHTS TO THE STATE; RETURN OF SUPPORT RIGHTS ASSIGNED TO THE STATE.

(a) IN GENERAL.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

''(3) PROHIBITION ON REQUIRING ASSIGNMENT OF SUPPORT RIGHTS TO THE STATE; REQUIREMENT TO RETURN SUPPORT RIGHTS ASSIGNED TO THE STATE.—A State to which a grant is made under section 403 shall not penalize an individual or family under the State program funded under this part by reason of the failure of the individual to assign to the State any rights any person may have (on behalf of the person or of any other person for whom the individual has applied for or is receiving assistance) to support from any other person. If any person has assigned any such rights to the State, the State shall assign such rights back to the person.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 452 (42 U.S.C. 652) is amended—

(A) in subsection (a)(10)(C), by striking ''pursuant to section 408(a)(3) or''; and

(B) in subsection (h), by striking ''or with respect to whom an assignment pursuant to section 408(a)(3) is in effect''.

(2) Section 454(5) (42 U.S.C. 654(5)) is amended by striking ''(A)'' and all that follows through ''(B)''.

(3) Section 456(a)(1) (42 U.S.C. 656(a)(1)) is amended by striking ''assigned to the State pursuant to section 408(a)(3) or''.

(4) Section 464(a)(1) (42 U.S.C. 664(a)(1)) is amended by striking ''section 408(a)(3) or''.

(5) Section 466(a)(3)(B) (42 U.S.C. 666(a)(3)(B)) is amended by striking ''section 408(a)(3) or''.

SEC. 303. ELIMINATION OF SANCTION AGAINST TEENAGE PARENTS NOT ATTENDING HIGH SCHOOL OR OTHER EQUIVALENT TRAINING PROGRAM.

Section 408(a) (42 U.S.C. 608(a)) is amended by striking paragraph (4).

SEC. 304. REQUIREMENTS RELATING TO DISREGARD OF CHILD SUPPORT.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by section 303 of this Act, is amended by inserting after paragraph (3) the following:

''(4) LIMITED DISREGARD OF CHILD SUPPORT.—In determining the amount and type of assistance for which a family is eligible under the State program funded under this part, a State to which a grant is made under section 403 shall disregard—

''(A) the first $200 (or, if the family includes 2 or more children, $400) per month distributed to any family member by the State under section 457; and

''(B) all child support (as defined in section 459(i)(2)) received by any family member from any other source.''.

(b) REQUIREMENT TO PASS THROUGH ALL CHILD SUPPORT.—

(1) IN GENERAL.—Section 457 (42 U.S.C. 657) is amended to read as follows:

''SEC. 457. DISTRIBUTION OF COLLECTED CHILD SUPPORT.

''(a) IN GENERAL.—Except as provided in subsection (b), all amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed to the family.

''(b) EXCEPTION.—In the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount pursuant to the agreement.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 409(a)(7)(B)(i)(I)(aa) (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking ''457(a)(1)(B)'' and inserting ''457''.

(B) Section 454B(c)(1) (42 U.S.C. 654b(c)(1)) is amended by striking ''457(a)'' and inserting ''457''.

SEC. 305. ELIMINATION OF SANCTION AGAINST TEENAGE PARENTS NOT LIVING IN ADULT-SUPERVISED SETTINGS.

Section 408(a) (42 U.S.C. 608(a)) is amended by striking paragraph (5).

SEC. 306. PROTECTION FOR CHILDREN BORN INTO POVERTY.

Section 408(a) (42 U.S.C. 608(a)), as amended by section 305 of this Act, is amended by inserting after paragraph (4) the following:

''(5) PROTECTION FOR CHILDREN.—A State to which a grant is made under section 403 shall not deny or limit assistance to a child born into a family receiving assistance under the State program funded under this part.''.

SEC. 307. 5-YEAR TIME LIMIT.

(a) REMOVAL OF LIMITATIONS.—

(1) ELIMINATION OF LIMITATION ON HARDSHIP EXCEPTION.—Section 408(a)(7)(C) (42 U.S.C. 608(a)(7)(C)) is amended by striking clause (ii) and redesignating clause (iii) as clause (ii).

(2) COMPLIANCE EXCEPTION.—Section 408(a)(7) (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

''(H) COMPLIANCE EXCEPTION.—In determining the number of months for which an individual has received assistance under the State program funded under this part, the State shall disregard any month throughout which the individual is in compliance with all applicable requirements of the State program.''.

(b) UNIFORM DURATION OF ASSISTANCE.—Section 408(a)(7)(E) (42 U.S.C. 608(a)(7)(E)) is amended to read as follows:

''(E) REQUIREMENT TO PROVIDE ASSISTANCE FOR 5 YEARS.—Notwithstanding section 407(e), a State to which a grant is made under section 403 shall not impose a limitation of fewer than 60 months on the period for which a recipient is eligible for assistance under the State program funded under this part.''.

(c) PROTECTION AGAINST RECESSION.—Section 408(a)(7) (42 U.S.C. 608(a)(7)), as amended by subsection (a)(2) of this section, is amended by adding at the end the following:

''(I) SPECIAL RULES RELATING TO MONTH IN WHICH UNEMPLOYMENT IS HIGH OR HAS INCREASED SHARPLY OVER PRIOR 2 YEARS.—

''(i) CLOCK STOPPED FOR CURRENT RECIPIENTS.—In determining the number of months for which an individual has received assistance under the State program funded under this part, the State shall disregard any month that is a trigger month.

''(ii) TREATMENT OF FORMER RECIPIENTS WHO REACHED TIME LIMIT.—

''(I) NOTICE; DETERMINATION OF ELIGIBILITY.—On the occurrence of a trigger month, the State shall—

''(aa) issue a public notice that a trigger month has occurred; and

''(bb) on request of an individual who had become ineligible for assistance under the State program funded under this part by reason of this paragraph, determine the eligibility of the individual for such assistance as if the individual had received such assistance for 59 months.

''(II) ADDITIONAL MONTH OF ASSISTANCE FOR OTHERWISE ELIGIBLE FORMER RECIPIENTS.—If the individual is so determined to be eligible for such assistance, the State shall, notwithstanding subparagraph (A), provide such assistance to the individual for any month that is a trigger month, but shall not provide such assistance to the individual for any month that is not a trigger month.

''(iii) TRIGGER MONTH.—In this subparagraph, the term 'trigger month' means, with respect to a State, any month for which the unemployment rate of the State—

''(I) is at least 5.5 percent; or

''(II) has increased by the lesser of 50 percent, or 1.5 percentage points, over the lesser of the average rate of total unemployment in the State (seasonally adjusted) for the preceding fiscal year or the average unemployment rate of the State for the 2nd preceding fiscal year.''.

SEC. 308. REQUIREMENT TO PROVIDE NOTICE OF RIGHTS OF RECIPIENTS, AND TRAIN PROGRAM PERSONNEL IN CARRYING OUT PROGRAM CONSISTENT WITH THE RIGHTS.

Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) REQUIREMENT TO PROVIDE NOTICE OF RIGHTS OF RECIPIENTS, AND TRAIN PROGRAM PERSONNEL TO CARRY OUT PROGRAM CONSISTENT WITH THE RIGHTS.—A State to which a grant is made under section 403 shall—

''(A) notify each recipient of assistance under the program of the rights of recipients under all laws applicable to the activities of the State program funded under this part, and shall provide the notice—

''(i) to a recipient when the recipient enters the program;

''(ii) to all such recipients on a semiannual basis; and

''(iii) orally and in writing, in the native language of the recipient and at a 6th grade level, and if the native language is not English, a culturally competent translation shall be provided; and

''(B) train all program personnel on a regular basis in how to carry out the program consistent with the rights.''.

SEC. 309. REQUIREMENT TO PROVIDE INFORMATION TO INDIVIDUALS WHO ARE, OR ARE AT RISK OF BEING, SANCTIONED.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(13) STATE REQUIRED TO PROVIDE INFORMATION TO INDIVIDUAL WHO HAS BEEN, OR IS AT RISK OF BEING SANCTIONED.—A State to which a grant is made under section 403 shall provide to any individual who has been, or is at risk of being, sanctioned under the State program funded under this part, orally and in writing, at not more than a 6th grade level in the native language of the individual (and if the native language is not English, a culturally competent translation shall be provided), that—

''(A) program requirements may be waived for people dealing with a mental health, disability, substance abuse, domestic violence, or sexual assault issue;

''(B) an individual dealing with a mental health, disability, substance abuse, domestic violence, or sexual assault issue may request (or if the individual has left or been removed from the program, may return to the program and request) to be assessed under the program for services to address those issues, including appropriate treatment, counseling, vocational rehabilitation, job training, or other services; and

''(C) the State is required to keep any such information strictly confidential.''.

SEC. 310. BAN ON COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINORS.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(14) PROHIBITION ON COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINOR.—In determining the eligibility of a family for, and the amount and type of assistance to be provided to a family under, a State program funded under this part, the State shall disregard any income, scholarship, or gift received by a dependent minor child in the family.''.

SEC. 311. BAN ON DIVERSION OF POTENTIAL APPLICANTS FOR ASSISTANCE.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(15) BAN ON DIVERSION OF POTENTIAL APPLICANTS FOR ASSISTANCE.—A State may not refuse to accept, at the time of application, an application for assistance from the State program funded under this part, or give an individual reason to believe that, at the time of application, the State will not unconditionally accept such an application from any individual.''.

SEC. 312. PROHIBITION ON REQUIRING RECIPIENTS TO RESPOND TO SURVEYS CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORTS.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(16) PROHIBITION ON REQUIRING RECIPIENTS TO RESPOND TO SURVEYS CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORTS.—A State to which a grant is made under section 403 shall not penalize an individual under the State program funded under this part by reason of the failure of the individual to respond to a survey conducted to obtain information for use in a report required by section 411(a).''.

SEC. 313. CONFIDENTIALITY OF PROGRAM INFORMATION.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(17) CONFIDENTIALITY OF PROGRAM INFORMATION.—A State to which a grant is made under section 403 shall ensure that any information provided by an individual to a State officer or employee for use by the State program funded under this part shall not be disclosed to any other person, except to the extent that the disclosure is necessary to administer the program or is consented to by the individual.''.

SEC. 314. NONDISCRIMINATION.

Section 408(a) (42 U.S.C. 608(a) is amended by adding at the end the following:

''(18) NONDISCRIMINATION.—A State to which a grant is made under section 403 shall ensure equitable treatment of needy families in the State, and shall not discriminate among families based on marital status or applicant or recipient status.''.

SEC. 315. REQUIREMENT TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.

Section 408(a) (42 U.S.C. 608(a) is amended by adding at the end the following:

''(19) REQUIREMENT TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.—A State to which a grant is made under section 403 shall provide a recipient of assistance under the State program funded under this part with the opportunity to appeal any adverse decision made with respect to the recipient under the program.''.

SEC. 316. CLARIFICATION OF PENALTY FOR FAILURE TO COMPLY WITH INDIVIDUAL RESPONSIBILITY PLAN.

Section 408(b)(3) (42 U.S.C. 608(b)(3)) is amended by striking ''a family that includes''.

SEC. 317. APPLICABILITY OF CIVIL RIGHTS LAWS.

Section 408(d) (42 U.S.C. 608(d)) is amended—

(1) in paragraph (3), by inserting '', or any provision of State law relating to individuals with physical or mental disabilities'' before the 2nd period; and

(2) by adding at the end the following:

''(5) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), or any provision of State law relating to discrimination on the basis of race, color, national origin, religion, gender, sex, parental or marital status, or sexual orientation.

''(6) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621–634), or any provision of State law relating to age discrimination.

''(7) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or any provision of State law relating to discrimination in education.

''(8) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), or any provision of State law relating to labor or to a term or condition of employment.

''(9) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq).

''(10) The National Labor Relations Act (29 U.S.C. 151 et seq.).

''(11) The Railway Labor Act (45 U.S.C. 151 et seq.).

''(12) Any Federal law providing employee protections against discrimination for union activity.

''(13) Any other provision of Federal or State law the purpose of which is to provide or protect a civil right.''.

SEC. 318. ELIMINATION OF SPECIAL RULES RELATING TO TREATMENT OF ALIENS.

(a) AMENDMENTS TO THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—

(1) Section 401(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)(2)) is amended—

(A) by striking ''or'' at the end of subparagraph (B);

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

(C) by adding at the end the following:

''(D) to any assistance provided under a State program funded under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.''.

(2)(A) Section 402(b)(3) of such Act (8 U.S.C. 1612(b)(3)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(B) Section 402(b)(2)(A)(ii) of such Act (8 U.S.C. 1612(b)(2)(A)(ii)) is amended by striking ''(C)'' and inserting ''(B)''.

(3) Section 403(c)(2) of such Act (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

''(L) Assistance under a State program funded under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.''.

(4) Section 423(d) of such Act (8 U.S.C. 1183a note) is amended by adding at the end the following:

''(12) Assistance under a State program funded under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 408 (42 U.S.C. 608) is amended by striking subsections (e) and (f) and by redesignating subsection (g) as subsection (e).

(2) Section 409(a)(7)(B)(i)(IV) (42 U.S.C. 609(a)(7)(B)(i)(IV)) is amended—

(A) by striking ''part,'' and inserting ''part and''; and

(B) by striking '', and families of aliens lawfully present in the United States that would be eligible for such assistance but for the application of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996''.

TITLE IV—PENALTIES

SEC. 401. INCREASE IN PENALTY FOR FAILURE TO SUBMIT REQUIRED REPORT.

Section 409(a)(2)(A) (42 U.S.C. 609(a)(2)(A)) is amended by striking ''4'' and inserting ''5''.

SEC. 402. REPLACEMENT OF PENALTY AGAINST STATE FOR FAILURE TO COMPLY WITH PATERNITY ESTABLISHMENT AND CHILD SUPPORT ENFORCEMENT REQUIREMENTS WITH PENALTY FOR REQUIRING COOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT (INCLUDING ASSIGNING SUPPORT RIGHTS TO THE STATE) OR FAILING TO RETURN SUPPORT RIGHTS ASSIGNED TO THE STATE.

Section 409(a)(5) (42 U.S.C. 609(a)(5)) is amended to read as follows:

''(5) PENALTY FOR REQUIRING COOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT (INCLUDING ASSIGNING SUPPORT RIGHTS TO THE STATE) OR FAILING TO RETURN SUPPORT RIGHTS ASSIGNED TO THE STATE.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated paragraph (2) or (3) of section 408(a) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 403. EXTENSION OF MAINTENANCE OF EFFORT REQUIREMENT.

Section 409(a)(7)(A) (42 U.S.C. 609(a)(7)(A)) is amended by striking ''or 2003'' and inserting ''2003, 2004, 2005, 2006, 2007, or 2008''.

SEC. 404. PENALTY FOR FAILURE OF STATE TO COMPLY WITH CHILD SUPPORT DISREGARD REQUIREMENTS.

Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(15) PENALTY FOR FAILURE TO COMPLY WITH CHILD SUPPORT DISREGARD REQUIREMENTS.—If

the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(4) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 405. PENALTY FOR PENALIZING BIRTH OF CHILD.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(16) PENALTY FOR PENALIZING BIRTH OF CHILD.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(5) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 406. PENALTY FOR FAILURE TO NOTIFY RECIPIENTS OF RIGHTS, OR TRAIN PROGRAM PERSONNEL IN RESPECTING RIGHTS OF RECIPIENTS.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(17) PENALTY FOR FAILURE TO NOTIFY RECIPIENTS OF RIGHTS, OR TRAIN PROGRAM PERSONNEL IN RESPECTING RIGHTS OF RECIPIENTS.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 407. PENALTY FOR FAILURE TO PROVIDE INFORMATION TO INDIVIDUALS WHO ARE, OR ARE AT RISK OF BEING, SANCTIONED.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(18) PENALTY FOR FAILURE TO PROVIDE INFORMATION TO INDIVIDUAL WHO HAS BEEN, OR IS AT RISK OF BEING SANCTIONED.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 408. PENALTY FOR COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINOR.

Section 409(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(19) PENALTY FOR COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINOR.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 409. PENALTY FOR DIVERTING POTENTIAL APPLICANT FOR ASSISTANCE.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(20) PENALTY FOR DIVERTING POTENTIAL APPLICANT FOR ASSISTANCE.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(15) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 410. PENALTY FOR REQUIRING RECIPIENT TO RESPOND TO SURVEY CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORT.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(21) PENALTY FOR REQUIRING RECIPIENT TO RESPOND TO SURVEY CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORT.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(16) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 411. PENALTY FOR UNAUTHORIZED DISCLOSURE OF INFORMATION PROVIDED BY RECIPIENT.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(22) PENALTY FOR UNAUTHORIZED DISCLOSURE OF INFORMATION PROVIDED BY RECIPIENT.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(17) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 412. PENALTY FOR DISCRIMINATION.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(23) PENALTY FOR DISCRIMINATION.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(18) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 413. PENALTY FOR FAILURE TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(24) PENALTY FOR FAILURE TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(19) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 414. PENALTY FOR FAILURE TO COMPLY WITH MINIMUM BENEFIT RULES.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(25) PENALTY FOR FAILURE TO COMPLY WITH MINIMUM BENEFIT RULES.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 417 during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 415. PENALTY FOR FAILURE TO PROVIDE INDIVIDUAL CHILD CARE ENTITLEMENT.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(26) PENALTY FOR FAILURE TO PROVIDE INDIVIDUAL CHILD CARE ENTITLEMENT.—Effective January 1, 2005, if the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 418(b) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 416. FAILURE TO SUBMIT REPORT ON WELFARE ACCESS AND OUTCOMES.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(27) FAILURE TO SUBMIT REPORT ON WELFARE ACCESS AND OUTCOMES.—If the Secretary determines that a State has not, within 45 days after the end of a fiscal year, submitted the report required by section 411(c) for the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 417. ELIMINATION OF REASONABLE CAUSE EXCEPTION.

Section 409 (42 U.S.C. 609) is amended by striking subsection (b).

SEC. 418. MODIFICATION OF AVAILABILITY OF CORRECTIVE COMPLIANCE PLAN OPTION.

Section 409(c)(4) (42 U.S.C. 609(c)(4)) is amended to read as follows:

''(4) LIMITATION ON OPPORTUNITY TO SUBMIT CORRECTIVE COMPLIANCE PLAN.—The preceding provisions of this subsection shall not apply with respect to a violation of a provision of this part by a State if the State has violated the provision on 2 or more prior occasions.''.

SEC. 419. REPEAL OF BAN ON ASSISTANCE FOR PERSONS CONVICTED OF A DRUG FELONY.

Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 862a) is repealed.

TITLE V—STUDIES AND REPORTS

SEC. 501. ADDITIONAL INFORMATION TO BE INCLUDED IN QUARTERLY STATE REPORTS.

Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) in paragraph (1)(A)—

(A) in each of clauses (vii) and (viii) by striking ''race' and inserting ''race, gender,'';

(B) in clause (xi)(I), by inserting '', broken down by education level'';

(C) by striking clause (xvi) and redesignating clause (xvii) and clause (xvi); and

(D) by adding at the end the following:

''(xvii) The amount (if any) of child support collected on behalf of any individual in the family, the amount (if any) of any such collected support that has been distributed to any such individual, and the amount (if any) of such distributed support that has been disregarded pursuant to section 408(a)(4).

''(xviii) The number of families receiving child care assistance under section 418.

''(xix) With respect to sanctions imposed under the program, the following information broken down by race and gender:

''(I) The number of families against whom a sanction is in effect.

''(II) The number of times sanctions have been imposed.

''(III) The reasons for imposition of sanctions.

''(IV) The percentage of sanction determinations that have been reviewed.

''(V) The percentage of reviewed sanction determinations that have been reversed.

''(VI) The number of families leaving the program as a result of sanctions.

''(xx) The number of families who have returned to the program after having left the program, and the length of the intervening period.

''(xxi) The percentage of families who report having been notified of the option to be assessed for and receive services to manage a barrier to escaping poverty.''; and

(2) by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following:

''(7) REPORT ON TRAINING.—The report required by paragraph (1) for a fiscal quarter shall include a statement of the percentage of caseworkers, supervisors, and new employees who received training to carry out the State program funded under this part during the quarter.''.

SEC. 502. ELIMINATION FROM SECRETARIAL REPORT TO THE CONGRESS OF INFORMATION ON OUT-OF-WEDLOCK PREGNANCIES.

Section 411(b)(1)(B)(ii) (42 U.S.C. 611(b)(1)(B)(ii)) is amended by striking ''out-of-wedlock pregnancies and''.

SEC. 503. ACCESS TO WELFARE; WELFARE OUTCOMES.

Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

''(c) ANNUAL REPORTS ON WELFARE ACCESS AND OUTCOMES.—

''(1) STATE REPORTS.—Not later than January 1 of each fiscal year, each eligible State shall collect and report to the Secretary, with respect to the preceding fiscal year, the following information:

''(A) The number of applications for assistance from the State program funded under this part, the percentage that are approved versus those that are disapproved, and the reasons for disapproval, broken down by race.

''(B) A copy of all rules and policies governing the State program funded under this part that are not required by Federal law, and a summary of the rules and policies, including the amounts and types of assistance provided and the types of sanctions imposed under the program.

''(C) The types of occupations of, types of job training received by, and types and levels of educational attainment of recipients of assistance from the State program funded under this part, broken down by gender and race.

''(D) The incidence of homelessness, of the use of food pantries and soup kitchens, and of the use of shelters among recipients of assistance from the State program funded under this part and among individuals to whom assistance under the State programs funded are this part has ended within the past 12 months. The information described in this subparagraph may be provided by submitting disaggregated case record information on a sample of families.

''(E) The number of individuals to whom assistance under the State program funded under this part has ended during the year, broken down by the reasons why the assistance has ended (including employment, marriage, sanction, time limit, or State policy.

''(F) The economic conditions of individuals to whom assistance under the State programs funded are this part has ended, including the types of occupations of, the duration of employment of, the income of, the benefits provided to, the types of job training received by, the types and levels of educational attainment of, and the incidence of homelessness, of the use of food pantries or soup kitchens, and of the use of shelters among, such individuals, broken down by gender and race.

''(G) The effects of applying the 5-year time limit to individuals who, in the absence of the limit, would continue to be eligible for assistance from the State program funded under this part, including the economic and social circumstances of the individuals, including income, employment, homelessness, use of food pantries or soup kitchens, and change in child custody arrangements.

''(2) USE OF SAMPLING.—A State may comply with this subsection by using a scientifically acceptable sampling method approved by the Secretary.

''(3) REPORT TO THE CONGRESS.—Not later than June 1 of each fiscal year, the Secretary shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, publish in the Federal Register, and make available to the public a compilation of the reports submitted pursuant to paragraph (1) for the preceding fiscal year.''.

SEC. 504. ASSESSMENT OF REGIONAL ECONOMIES TO IDENTIFY HIGHER ENTRY LEVEL WAGE OPPORTUNITIES IN INDUSTRIES EXPERIENCING LABOR SHORTAGES.

Section 411 (42 U.S.C. 611) is further amended by adding at the end the following:

''(d) ASSESSMENT OF REGIONAL ECONOMIES TO IDENTIFY HIGHER ENTRY LEVEL WAGE OPPORTUNITIES IN INDUSTRIES EXPERIENCING LABOR SHORTAGES.—

''(1) IN GENERAL.—An eligible State shall conduct annually an assessment of its regional economies that are experiencing a labor shortage and that provide higher entry-level wage opportunities for job seekers pursuant to section 402(a)(8).

''(2) MATTERS TO BE ASSESSED.—

''(A) LABOR MARKET.—The assessment shall—

''(i) identify industries or occupations that have or expect to grow, that have or expect a loss of skilled workers, or that have a need for workers;

''(ii) identify the entry-level education and skills requirements for the industries or occupations that have or expect a need for workers; and

''(iii) analyze the entry-level wages and benefits in identified industries or occupations.

''(B) JOB SEEKERS.—The assessment shall create a profile of the characteristics of the unemployed and underemployed residents of the State, including educational attainment, barriers to employment, geographic concentrations, self-sufficiency needs, and access to needed support services.

''(C) EDUCATION AND TRAINING INFRASTRUCTURE.—The assessment shall create a profile of the education, training, and support services in place in the State to prepare workers for the industries or occupations identified pursuant to subparagraph (A).

''(D) ALIGNING INDUSTRIES AND JOB SEEKERS.—The assessment shall compare the characteristics of the industries or occupations identified pursuant to subparagraph (A) to the profile of the job seekers in the State and the profile of the education and training infrastructure in the State.

''(3) SHARING OF INFORMATION WITH LOCALITIES.—The State shall share with the political subdivisions of the State information obtained pursuant to this subsection regarding higher entry-wage job opportunities in industries experiencing labor shortages, and information regarding opportunities for collaboration with institutions of higher education, community-based organizations, and economic development and welfare agencies.

''(4) REPORTS OF ASSESSMENT OF REGIONAL ECONOMIES.—Each eligible state shall submit to the Secretary annually a report hat contains the annual assessment conducted pursuant to this subsection.''.

SEC. 505. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

Section 413 (42 U.S.C. 613) is amended—

(1) in subsection (a), by striking the 2nd sentence;

(2) in subsection (b)—

(A) in the subsection heading by striking ''WELFARE DEPENDENCY'' and inserting ''POVERTY''; and

(B) in paragraph (1), by striking ''welfare dependency'' and inserting ''poverty'';

(3) by striking subsections (d), (e), (g), and (j);

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking welfare dependency'' and inserting ''poverty''; and

(ii) in subparagraph (C), by striking ''(f)'' and inserting ''(d)''; and

(B) by adding at the end the following:

''(4) TECHNICAL ASSISTANCE IN ASSESSING REGIONAL ECONOMIES.—

''(A) IN GENERAL.—The Secretary may provide technical assistance to an eligible State to enable the State to conduct the assessments required by section 411(d).

''(B) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the cost of providing technical assistance under subparagraph (A), there are authorized to be appropriated to the Secretary not more than $1,500,000 for each of fiscal years 2003 through 2008.'';

(5) in subsection (i)—

(A) in paragraph (1), by adding at the end the following: ''The statement shall include detailed information on the depth of child poverty in the State.''; and

(B) in paragraph (5), by inserting ''and the depth of child poverty'' before ''in the State''; and

(6) by redesignating subsections (f), (h), and (i) as subsections (d) through (f), respectively.

SEC. 506. STUDY BY THE CENSUS BUREAU.

Section 414(a) (42 U.S.C. 614(a)) is amended by striking all that follows ''low-income families'' and inserting a period.

TITLE VI—WAIVERS

SEC. 601. WAIVERS.

Section 415(a) (42 U.S.C. 615(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking ''(determined without regard to any extensions)''.

TITLE VII—REPEAL OF LIMITATION ON FEDERAL AUTHORITY.

SEC. 701. REPEAL OF LIMITATION ON FEDERAL AUTHORITY.

Section 417 (42 U.S.C. 617) is repealed.

TITLE VIII—MINIMUM BENEFIT RULES

SEC. 801. MINIMUM BENEFIT RULES.

Part A of title IV (42 U.S.C. 601–619), as amended by section 701 of this Act, is amended by inserting after section 416 the following:

''SEC. 417. MINIMUM BENEFIT RULES.

''(a) IN GENERAL.—After taking into account all costs of living and family size in each State with a program funded under this part, the Secretary shall, by regulation, prescribe a minimum cash benefit in accordance with subsection (b), which shall be payable by the State to each recipient of assistance under the program.

''(b) LIMITATION.—The minimum cash benefit prescribed for a family under subsection (a) shall be an amount that is not less than the sum of the poverty line applicable to the family, plus the amount (if any) by which the housing costs of the family exceeds 30 percent of the poverty line applicable to the family.''.

TITLE IX—CHILD CARE

SEC. 901. INDIVIDUAL ENTITLEMENT TO CHILD CARE.

Section 418 (42 U.S.C. 618) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) USE OF FUNDS TO PROVIDE INDIVIDUAL ENTITLEMENT TO CHILD CARE.—A State to which a grant is made under this section shall use the grant, without fiscal year limitation, only to guarantee safe, appropriate, affordable, and quality care for any child of (or with respect to whom any of the following is acting as a caretaker relative)—

''(1) any recipient of assistance under the State program funded under this part who is employed or participating in a work activity required pursuant to this part (except for full-time participation in a work activity described in section 407(d)(12)); and

''(2) any other employed individual who is a member of a family whose income is less than 250 percent of the poverty line and who, during the past 24 months, ceased to receive assistance under any State program funded under this part.''; and

(2) in subsection (c), by inserting '', but subject to subsection (b) of this section'' after the 1st comma.

TITLE X—DEFINITION OF POVERTY LINE

SEC. 1001. DEFINITION OF POVERTY LINE.

Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

''(6) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved.''.

TITLE XI—SERVICE PROVIDERS

SEC. 1101. PROTECTION FOR BENEFICIARIES.

Section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) is amended—

(1) in subsection (e), by striking ''RIGHTS OF BENEFICIARIES OF ASSISTANCE'' and inserting ''PROTECTION FOR BENEFICIARIES''; and

(2) by adding at the end the following:

''(1) NO DISCRIMINATION IN HIRING WITH TAXPAYER DOLLARS.—Sections 702 and 703(e)(2) of the Civil Rights Act of 1964 shall not apply to a nongovernmental organization that receives funds under a program described in subsection (a)(2) of this section with respect to an individual who provides, or would provide, services funded in whole or in part under such a program, or individuals whose employment is, or would be, funded in whole or in part under such a program.

''(m) BENEFICIARY RIGHTS.—A nongovernmental organization that receives funds under a program funded under subsection (a)(2) may not, in providing services funded in whole or in part under such a program or engaging in outreach activities for services funded in whole or in part under such a program—

''(1) discriminate against a program beneficiary or prospective beneficiary on the basis of religion or religious belief; or

''(2) include sectarian worship, instruction or proselytization in such a program, or require or coerce a beneficiary to participate in, or be present for, sectarian worship, instruction or proselytization.''.

TITLE XII—EFFECTIVE DATE

SEC. 1201. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect on April 1, 2003.

It was decided in the negative ..... { Yeas ..... 124 / Nays 300

¶12.7 [Roll No. 27]

AYES—124

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Ballance
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Case
Clay
Clyburn
Costello
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mollohan
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Strickland
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—300

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—10

Allen
Combest
Conyers
Crenshaw
Cubin
Ferguson
Gephardt
Mica
Sanchez, Loretta
Tiberi

So the amendment in the nature of a substitute was not agreed to.

After some further time,

¶12.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. CARDIN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Next Step in Reforming Welfare Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Amendment of Social Security Act.

TITLE I—CONTINUATION OF CERTAIN GRANTS

Sec. 101. Family assistance grants.
Sec. 102. Bonus to reward high performance States.
Sec. 103. Extension of supplemental grants.
Sec. 104. Additional grants for States with low Federal funding per poor child.
Sec. 105. Contingency Fund.
Sec. 106. Eligibility of Puerto Rico, the United States Virgin Islands, and Guam for the supplemental grant for population increases, the Contingency Fund, and mandatory child care funding.
Sec. 107. Direct funding and administration by Indian tribes.
Sec. 108. Extension of TANF program through fiscal year 2003.
Sec. 109. Matching grants for the territories.

TITLE II—POVERTY REDUCTION

Sec. 201. Additional purpose of TANF program.
Sec. 202. Child poverty reduction grants.
Sec. 203. Review and conciliation process.
Sec. 204. Replacement of caseload reduction credit with employment credit.
Sec. 205. States to receive partial credit toward work participation rate for recipients engaged in part-time work.
Sec. 206. TANF recipients who qualify for supplemental security income benefits removed from work participation rate calculation for entire year.
Sec. 207. Effective date.

TITLE III—REQUIRING AND REWARDING WORK
Sec. 301. Effect of wage subsidies on 5-year limit.
Sec. 302. Child care.
Sec. 303. Competitive grants to improve access to various benefit programs.
Sec. 304. Assessments for TANF recipients.
Sec. 305. Applicability of workplace laws.
Sec. 306. Work participation requirements.
Sec. 307. Hours of work-related activities.
Sec. 308. State option to require receipients to engage in work for 40 hours per week.
Sec. 309. Revision and simplification of the transitional medical assistance program (tma).
Sec. 310. Ensuring TANF funds are not used to displace public employees.
Sec. 311. Increase in funding for social services block grant.
TITLE IV—HELPING WELFARE LEAVERS CLIMB THE EMPLOYMENT LADDER
Sec. 401. State plan requirement on employment advancement.
Sec. 402. Employment Advancement Fund.
Sec. 403. Elimination of limit on number of TANF recipients enrolled in vocational education or high school who may be counted towards the work participation requirement.
Sec. 404. Counting of up to 2 years of vocational or educational training (including postsecondary education), work-study, and related internships as work activities.
Sec. 405. Limited counting of certain activities leading to employment as work activity.
Sec. 406. Clarification of authority of States to use TANF funds carried over from prior years to provide TANF benefits and services.
Sec. 407. Definition of assistance.
Sec. 408. Continuation of pre-welfare reform waivers.
TITLE V—PROMOTING FAMILY FORMATION AND RESPONSIBLE PARENTING
Sec. 501. Family Formation Fund.
Sec. 502. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.
Sec. 503. Elimination of separate work participation rate for 2-parent families.
Sec. 504. Ban on imposition of stricter eligibility criteria for 2-parent families; State opt-out.
Sec. 505. Extension of abstinence education funding under maternal and child health program.
TITLE VI—RESTORING FAIRNESS FOR IMMIGRANT FAMILIES
Sec. 601. Treatment of aliens under the TANF program.
Sec. 602. Optional coverage of legal immigrants under the medicaid program and SCHIP.
Sec. 603. Eligibility of disabled children who are qualified aliens for SSI.
TITLE VII—ENSURING STATE ACCOUNTABILITY
Sec. 701. Extension of maintenance-of-effort requirement.
Sec. 702. Ban on using Federal TANF funds to replace State and local spending that does not meet the definition of qualified State expenditures.
TITLE VIII—IMPROVING INFORMATION ABOUT TANF RECIPIENTS AND PROGRAMS
Sec. 801. Extension of funding of studies and demonstrations.
Sec. 802. Longitudinal studies of employment and earnings of TANF leavers.
Sec. 803. Inclusion of disability status in information States report about TANF families.
Sec. 804. Annual report to the Congress to include greater detail about State programs funded under TANF.
Sec. 805. Enhancement of understanding of the reasons individuals leave State TANF programs.
Sec. 806. Standardized State plans.
Sec. 807. Study by the Census Bureau.
Sec. 808. Access to welfare; welfare outcomes.
TITLE IX—EFFECTIVE DATE
Sec. 901. Effective date.

SEC. 3. AMENDMENT OF SOCIAL SECURITY ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—CONTINUATION OF CERTAIN GRANTS

SEC. 101. FAMILY ASSISTANCE GRANTS.

Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended by striking ''1996'' and all that follows through ''2002'' and inserting ''2004 through 2008''.

SEC. 102. BONUS TO REWARD HIGH PERFORMANCE STATES.

Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended—

(1) in subparagraph (D), by striking ''$1,000,000,000'' and inserting ''$1,800,000,000'';

(2) in subparagraph (E), by striking ''and 2003'' and inserting ''2003, 2004, 2005, 2006, 2007, and 2008''; and

(3) in subparagraph (F), by striking ''$1,000,000,000'' and inserting ''$800,000,000, and for fiscal years 2004 through 2008 $1,000,000,000,''.

SEC. 103. EXTENSION OF SUPPLEMENTAL GRANTS.

Section 403(a)(3) (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) for each of fiscal years 2004 through 2008, a grant in an amount equal to the amount required to be paid to the State under this paragraph in fiscal year 2001.'';

(2) in subparagraph (E), by striking ''1998'' and all that follows and inserting ''2004 through 2008 $1,597,250,000 for grants under this paragraph.''; and

(3) by striking subparagraph (G).

SEC. 104. ADDITIONAL GRANTS FOR STATES WITH LOW FEDERAL FUNDING PER POOR CHILD.

Section 403(a) (42 U.S.C. 603(a)) is amended by adding at the end the following:

''(6) ADDITIONAL GRANTS FOR STATES WITH LOW FEDERAL FUNDING PER POOR CHILD.—

''(A) IN GENERAL.—The Secretary shall make a grant pursuant to this paragraph to a State—

''(i) for fiscal year 2004, if the State is an inadequately poverty-funded State for fiscal year 2003; and

''(ii) for any of fiscal years 2005 through 2008, if the State is an inadequately poverty-funded State for any prior fiscal year after fiscal year 2003.

''(B) INADEQUATELY POVERTY-FUNDED STATE.—For purposes of this paragraph, a State is an inadequately poverty-funded State for a particular fiscal year if—

''(i) the total amount of the grants made to the State under paragraph (1), paragraph (3), and this paragraph for the particular fiscal year, divided by the number of children in poverty in the State with respect to the particular fiscal year is less than 75 percent of the total amount of grants made to all eligible States under paragraph (1), paragraph (3), and this paragraph for the particular fiscal year, divided by the total number of children living in poverty in all eligible States with respect to the particular fiscal year; and

''(ii) the total of the amounts paid to the State under this subsection for all prior fiscal years that have not been expended by the State by the end of the preceding fiscal year is less than 50 percent of State family assistance grant for the particular fiscal year.

''(C) AMOUNT OF GRANT.—The amount of the grant to be made under this paragraph to a State for a particular fiscal year shall be—

''(i) if the particular fiscal year is fiscal year 2004, an amount equal to—

''(I) the number of children in poverty in the State for the then preceding fiscal year, divided by the total number of children in poverty in all States that are inadequately poverty-funded States for the then preceding fiscal year; multiplied by

''(II) the amount appropriated pursuant to subparagraph (G) for the particular fiscal year; or

''(ii) if the particular fiscal year is any of fiscal years 2005 through 2008, an amount equal to—

''(I) the amount required to be paid to the State under this paragraph for the then preceding fiscal year; plus

''(II) if the State is an inadequately poverty-funded State for the then preceding fiscal year—

''(aa) the number of children in poverty in the State for the then preceding fiscal year, divided by the total number of children in poverty in all States that are inadequately poverty-funded States for the then preceding fiscal year; multiplied by

''(bb) the amount appropriated pursuant to subparagraph (G) for the particular fiscal year.

''(D) USE OF GRANT.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

''(E) DEFINITIONS.—In this paragraph:

''(i) CHILDREN IN POVERTY.—The term 'children in poverty' means, with respect to a State and a fiscal year, the number of children residing in the State who had not attained 18 years of age and whose family income was less than the poverty line then applicable to the family, as of the end of the fiscal year.

''(ii) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section.

''(F) FAMILY INCOME DETERMINATIONS.—For purposes of this paragraph, family income includes cash income, except cash benefits from means-tested public programs and child support payments.

''(G) APPROPRIATIONS.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for grants under this paragraph—

''(I) $65,000,000 for fiscal year 2004;

''(II) $130,000,000 for fiscal year 2005;

''(III) $195,000,000 for fiscal year 2006;

''(IV) $260,000,000 for fiscal year 2007; and

''(V) $325,000,000 for fiscal year 2008.

''(ii) AVAILABILITY.—Amounts made available under clause (i) shall remain available until expended.''.

SEC. 105. CONTINGENCY FUND.

(a) IN GENERAL.—Section 403(b) (42 U.S.C. 603(b)) is amended—

(1) in paragraph (2), by striking ''1997'' and all that follows and inserting ''2004 through 2008 such sums as are necessary for payments under this subsection''; and

(2) in paragraph (3), by striking subparagraph (C) and inserting the following:

''(C) LIMITATION ON MONTHLY PAYMENT TO A STATE.—The total amount paid to a single State under subparagraph (A) during a fiscal year shall not exceed 20 percent of the State family assistance grant.''.

(b) APPLICATION OF REGULAR MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended by striking ''100 percent of historic State expenditures (as defined in paragraph (7)(B)(iii) of this subsection)'' and inserting ''the applicable percentage (as defined in paragraph (7)(B)(ii) of this subsection) of inflation-adjusted historic State expenditures (as defined in paragraph (7)(B)(vi) of this subsection)''.

(c) MODIFICATION OF UNEMPLOYMENT TEST TO BECOME NEEDY STATE.—Section 403(b)(5)(A) (42 U.S.C. 603(b)(5)(A)) is amended to read as follows:

''(A) the average rate of total unemployment in the State (seasonally adjusted) for the period consisting of the most recent 3 months for which data are available has increased by the lesser of 1.5 percentage points or by 50 percent over the corresponding 3-month period in the preceding fiscal year; or''.

(d) MODIFICATION OF FOOD STAMP TEST TO BECOME NEEDY STATE.—Section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) is amended to read as follows:

''(B) as determined by the Secretary of Agriculture, the monthly average number of households (as of the last day of each month) that participated in the food stamp program in the State in the then most recently concluded 3-month period for which data are available exceeds by at least 10 percent the monthly average number of households (as of the last day of each month) in the State that participated in the food stamp program in the corresponding 3-month period in the preceding fiscal year.''.

(e) SIMPLIFICATION OF RECONCILIATION FORMULA.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended to read as follows:

''(6) ANNUAL RECONCILIATION.—

''(A) IN GENERAL.—Notwithstanding paragraph (3), if the Secretary makes a payment to a State under this subsection in a fiscal year, then the State shall remit to the Secretary, within 1 year after the end of the first subsequent period of 3 consecutive months for which the State is not a needy State, an amount equal to the amount (if any) by which—

''(i) the maintenance of effort level (as defined in subparagraph (B)(i) of this paragraph) for the fiscal year, plus the State contribution (as defined in subparagraph (B)(ii) of this paragraph) in the fiscal year; exceeds

''(ii) the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in the fiscal year.

''(B) DEFINITIONS.—In subparagraph (A):

''(i) MAINTENANCE OF EFFORT LEVEL.—The term ''maintenance of effort level'' means, with respect to a State and a fiscal year, an amount equal to the applicable percentage of historic State expenditures (as defined in section 409(a)(7)(B)) for the fiscal year.

''(ii) STATE CONTRIBUTION.—The term 'State contribution' means, with respect to a fiscal year—

''(I) the total amount paid to the State under this subsection in the fiscal year; multiplied by

''(II) 1 minus the greater of 75 percent or the Federal medical assistance percentage for the State (as defined in section 1905(b)), divided by the greater of 75 percent or the Federal medical assistance percentage for the State (as defined in section 1905(b)).''.

(f) INCREASE IN NUMBER OF MONTHS FOR WHICH STATE MAY QUALIFY FOR PAYMENTS.—Section 403(b)(4) (42 U.S.C. 603(b)(4)) is amended by striking ''2-month'' and inserting ''3-month''.

SEC. 106. ELIGIBILITY OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, AND GUAM FOR THE SUPPLEMENTAL GRANT FOR POPULATION INCREASES, THE CONTINGENCY FUND, AND MANDATORY CHILD CARE FUNDING.

(a) SUPPLEMENTAL GRANT FOR POPULATION INCREASES.—

(1) IN GENERAL.—Section 403(a)(3)(D)(iii) (42 U.S.C. 603(a)(3)(D)(iii)) is amended by striking ''and the District of Columbia.'' and inserting '', the District of Columbia, Puerto Rico, the United States Virgin Islands, and Guam. For fiscal years beginning after the effective date of this sentence, this paragraph shall be applied and administered as if the term 'State' included the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam for fiscal year 1998 and thereafter.''.

(2) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by inserting '', or any payment made to the Commonwealth of Puerto Rico, the United States Virgin Islands, or Guam under section 403(a)(3)'' before the period.

(b) CONTINGENCY FUND.—

(1) IN GENERAL.—Section 403(b)(7) (42 U.S.C. 603(b)(7)) is amended by striking ''and the District of Columbia'' and inserting '', the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.''.

(2) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)), as amended by subsection (a)(2) of this section, is amended by inserting ''or 403(b)'' after ''403(a)(3)'' before the period.

(c) CHILD CARE ENTITLEMENT FUNDS.—

(1) IN GENERAL.—Section 418(d) (42 U.S.C. 618(d)) is amended by striking ''and the District of Columbia'' and inserting '', the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam''.

(2) AMOUNT OF PAYMENT.—

(A) GENERAL ENTITLEMENT.—Section 418(a)(1) (42 U.S.C. 618(a)(1)) is amended by striking ''the greater of—'' and all that follows and inserting the following:

''(A) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam, 60 percent of the amount required to be paid to the State for fiscal year 2001 under the Child Care and Development Block Grant Act of 1990; or

''(B) in the case of any other State, the greater of—

''(i) the total amount required to be paid to the State under section 403 for fiscal year 1994 or 1995 (whichever is greater) with respect to expenditures for child care under subsections (g) and (i) of section 402 (as in effect before October 1, 1995); or

''(ii) the average of the total amounts required to be paid to the State for fiscal years 1992 through 1994 under the subsections referred to in clause (i).'';

(B) ALLOTMENT OF REMAINDER.—Section 418(a)(2)(B) (42 U.S.C. 618(a)(2)(B)) is amended to read as follows:

''(B) ALLOTMENTS TO STATES.—Of the total amount available for payments to States under this paragraph, as determined under subparagraph (A) of this paragraph—

''(i) an amount equal to 65 percent of the amount required to be paid to each of the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam for fiscal year 2001 under the Child Care and Development Block Grant Act of 1990, shall be allotted to the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam, respectively; and

''(ii) the remainder shall be allotted among the other States based on the formula used for determining the amount of Federal payments to each State under section 403(n) of this Act (as in effect before October 1, 1995).''.

(3) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)), as amended by subsections (a)(2) and (b)(2) of this section, is amended by striking ''or 403(b)'' and inserting '', 403(b), or 418''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003, and shall apply to expenditures for fiscal years beginning with fiscal year 2004.

SEC. 107. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) TRIBAL FAMILY ASSISTANCE GRANT.—Section 412(a)(1) (42 U.S.C. 612(a)(1)) is amended by striking ''1997, 1998, 1999, 2000, and 2001'' and inserting ''2004 through 2008''.

(b) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—Section 412(a)(2) (42 U.S.C. 612(a)(2)) is amended by striking ''1997, 1998, 1999, 2000, and 2001'' and inserting ''2004 through 2008''.

SEC. 108. EXTENSION OF TANF PROGRAM THROUGH FISCAL YEAR 2003.

Except as otherwise provided in this Act and the amendments made by this Act, activities authorized by part A of title IV of the Social Security Act, and by section 1108(b) of the Social Security Act, shall continue through September 30, 2003, in the manner authorized, and at the level provided, for fiscal year 2002.

SEC. 109. MATCHING GRANTS FOR THE TERRITORIES.

Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking ''1997 through 2002'' and inserting ''2004 through 2008''.

TITLE II—POVERTY REDUCTION

SEC. 201. ADDITIONAL PURPOSE OF TANF PROGRAM.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) reduce the extent and severity of poverty and promote self-sufficiency among families with children.''.

SEC. 202. CHILD POVERTY REDUCTION GRANTS.

Section 403(a) (42 U.S.C. 603(a)) is further amended by adding at the end the following:

''(7) BONUS TO REWARD STATES THAT REDUCE CHILD POVERTY.—

''(A) IN GENERAL.—Beginning with fiscal year 2004, the Secretary shall make a grant pursuant to this paragraph to each State for each fiscal year for which the State is a qualified child poverty reduction State.

''(B) AMOUNT OF GRANT.—

''(i) IN GENERAL.—Subject to this subparagraph, the amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be an amount equal to—

''(I) the number of children who had not attained 18 years of age by the end of the then most recently completed calendar year and who resided in the State as of the end of such calendar year, divided by the number of such children who resided in the United States as of the end of such calendar year; multiplied by

''(II) the amount appropriated pursuant to subparagraph (F) for the fiscal year.

''(ii) LIMITATIONS.—

''(I) MINIMUM GRANT.—The amount of the grant to be made to a qualified child poverty

reduction State for a fiscal year shall be not less than $1,000,000.

''(II) MAXIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall not exceed an amount equal to 5 percent of the State family assistance grant for the fiscal year.

''(iii) PRO RATA INCREASE.—If the amount available for grants under this paragraph for a fiscal year is greater than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(II), be increased by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

''(iv) PRO RATA REDUCTION.—If the amount available for grants under this paragraph for a fiscal year is less than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(I), be reduced by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

''(C) USE OF GRANT.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

''(D) DEFINITIONS.—In this paragraph:

''(i) QUALIFIED CHILD POVERTY REDUCTION STATE.—The term 'qualified child poverty reduction State' means, with respect to a fiscal year, a State if—

''(I) the child poverty rate achieved by the State for the then most recently completed calendar year for which such information is available is less than the lowest child poverty rate achieved by the State during the applicable period; and

''(II) the average depth of child poverty in the State for the then most recently completed calendar year for which such information is available is not greater than the average depth of child poverty in the State for the calendar year that precedes such then most recently completed calendar year.

''(ii) APPLICABLE PERIOD.—In clause (i), the term 'applicable period' means, with respect to a State and the calendar year referred to in clause (i)(I), the period that—

''(I) begins with the calendar year that, as of October 1, 2003, precedes the then most recently completed calendar year for which such information is available; and

''(II) ends with the calendar year that precedes the calendar year referred to clause (i)(I).

''(iii) CHILD POVERTY RATE.—The term 'child poverty rate' means, with respect to a State and a calendar year, the percentage of children residing in the State during the calendar year whose family income for the calendar year is less than the poverty line then applicable to the family.

''(iv) AVERAGE DEPTH OF CHILD POVERTY.—The term 'average depth of child poverty' means with respect to a State and a calendar year, the average dollar amount by which family income is exceeded by the poverty line, among children in the State whose family income for the calendar year is less than the applicable poverty line.

''(v) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved.

''(E) FAMILY INCOME DETERMINATIONS.—For purposes of this paragraph, family income includes cash income, child support payments, government cash payments, and benefits under the Food Stamp Act of 1977 that are received by any family member, and family income shall be determined after payment of all taxes and receipt of any tax refund or rebate by any family member.

''(F) APPROPRIATIONS.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2008 $150,000,000 for grants under this paragraph.

''(ii) AVAILABILITY.—Amounts made available under clause (i) shall remain available until expended.''.

SEC. 203. REVIEW AND CONCILIATION PROCESS.

(a) REQUIREMENT.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) REVIEW AND CONCILIATION PROCESS REQUIREMENTS.—A State to which a grant is made under section 403 shall not impose a sanction against a person under the State program funded under this part, unless the State—

''(A) has attempted at least twice (using at least 2 different methods) to notify the person of the impending imposition of the sanction, the reason for the proposed sanction, the amount of the sanction, the length of time during which the proposed sanction would be in effect, and the steps required to come into compliance or to show good cause for noncompliance;

''(B) has afforded the person an opportunity—

''(i) to meet with the caseworker involved or another individual who has authority to determine whether to impose the sanction; and

''(ii) to explain why the person did not comply with the requirement on the basis of which the sanction is to be imposed;

''(C) has considered and taken any such explanation into account in determining to impose the sanction;

''(D) has specifically considered whether certain conditions exist, such as a physical or mental impairment, domestic violence, or limited proficiency in English, that contributed to the noncompliance of the person; and

''(E) in determining whether to impose the sanction, has used screening tools developed in consultation with individuals or groups with expertise in matters described in subparagraph (D).''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(15) PENALTY FOR FAILURE OF STATE TO USE REVIEW AND CONCILIATION PROCESS.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

SEC. 204. REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT.

(a) EMPLOYMENT CREDIT TO REWARD STATES IN WHICH FAMILIES LEAVE WELFARE FOR WORK; ADDITIONAL CREDIT FOR FAMILIES WITH HIGHER EARNINGS.—

(1) IN GENERAL.—Section 407(b) (42 U.S.C. 607(b)), as amended by section 503 of this Act, is amended by adding at the end the following:

''(5) EMPLOYMENT CREDIT.—

''(A) IN GENERAL.—The participation rate, determined under paragraph (1), of a State for a fiscal year shall be increased by the lesser of—

''(i) the number of percentage points (if any) of the employment credit for the State for the fiscal year; or

''(ii) the number of percentage points (if any) by which the participation rate, so determined, is less than 99 percent.

''(B) CALCULATION OF CREDIT.—

''(i) IN GENERAL.—The employment credit for a State for a fiscal year is an amount equal to—

''(I) twice the average quarterly number of families with an adult that ceased to receive assistance under the State program funded under this part during the preceding fiscal year (but only if the adult did not receive such assistance for at least 2 months after the cessation) and that was employed during the calendar quarter immediately succeeding the quarter in which the payments ceased; divided by

''(II) the average monthly number of families that include an adult who received cash payments under the State program funded under this part during the preceding fiscal year.

''(ii) SPECIAL RULE FOR FORMER RECIPIENTS WITH HIGHER EARNINGS.—In calculating the employment credit for a State for a fiscal year, a family that, in the quarter in which the wage was examined, earned at least 42 percent of the average quarterly wage in the State (determined on the basis of State unemployment data) shall be considered to be 1.5 families.

''(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this paragraph.

''(D) REPORTS ON AMOUNT OF CREDIT.—Not later than 6 months after the end of each calendar quarter, the Secretary shall report to the Congress and each State the amount of the employment credit for the State for the quarter. The Secretary may carry out this subparagraph using funds made available under this part for research.''.

(2) AUTHORITY OF SECRETARY TO USE INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES.—Section 453(i) (42 U.S.C. 653(i)) is amended by adding at the end the following:

''(5) CALCULATION OF EMPLOYMENT CREDIT FOR PURPOSES OF DETERMINING STATE WORK PARTICIPATION RATES UNDER TANF.—The Secretary may use the information in the National Directory of New Hires for purposes of calculating State employment credits pursuant to section 407(b)(5).''.

(3) ELIMINATION OF CASELOAD REDUCTION CREDIT.—

(A) IN GENERAL.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(B) CONFORMING AMENDMENT.—Section 453(i)(5) (42 U.S.C. 653(i)(5)), as added by paragraph (2) of this subsection, is amended by striking ''407(b)(5)'' and inserting ''407(b)(4)''.

SEC. 205. STATES TO RECEIVE PARTIAL CREDIT TOWARD WORK PARTICIPATION RATE FOR RECIPIENTS ENGAGED IN PART-TIME WORK.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)), as amended by section 307 of this Act, is amended by adding at the end the following flush sentence:

''For purposes of subsection (b)(1)(B)(i), a family that does not include a recipient who is participating in work activities for an average of 30 hours per week during a month but includes a recipient who is participating in such activities during the month for an average of at least 50 percent of the minimum average number of hours per week specified for the month in the table set forth in this subparagraph shall be counted as a

percentage of a family that includes an adult or minor child head of household who is engaged in work for the month, which percentage shall be the number of hours for which the recipient participated in such activities during the month divided by the number of hours of such participation required of the recipient under this section for the month.''.

SEC. 206. TANF RECIPIENTS WHO QUALIFY FOR SUPPLEMENTAL SECURITY INCOME BENEFITS REMOVED FROM WORK PARTICIPATION RATE CALCULATION FOR ENTIRE YEAR.

Section 407(b)(1)(B)(ii) (42 U.S.C. 607(b)(1)(B)(ii)) is amended—

(1) in subclause (I), by inserting ''who has not become eligible for supplemental security income benefits under title XVI during the fiscal year'' before the semicolon; and

(2) in subclause (II), by inserting '', and that do not include an adult or minor child head of household who has become eligible for supplemental security income benefits under title XVI during the fiscal year'' before the period.

SEC. 207. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by sections 204 through 206 shall take effect on October 1, 2004.

(b) STATE OPTION TO PHASE-IN REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT AND DELAY APPLICABILITY OF OTHER PROVISIONS.—A State may elect to have the amendments made by sections 204(b), 205, and 206 of this Act not apply to the State program funded under part A of title IV of the Social Security Act until October 1, 2005, and if the State makes the election, then, in determining the participation rate of the State for purposes of sections 407 and 409(a)(3) of the Social Security Act for fiscal year 2005, the State shall be credited with ½ of the reduction in the rate that would otherwise result from applying section 407(b)(5) of the Social Security Act (as added by section 204(a)(1) of this Act) to the State for fiscal year 2005 and ½ of the reduction in the rate that would otherwise result from applying section 407(b)(2) of such Act (as so redesignated by section 503(2)(D) of this Act) to the State for fiscal year 2005.

TITLE III—REQUIRING AND REWARDING WORK

SEC. 301. EFFECT OF WAGE SUBSIDIES ON 5-YEAR LIMIT.

Section 408(a)(7) (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

''(H) LIMITATION ON MEANING OF 'ASSISTANCE' FOR FAMILIES WITH INCOME FROM EMPLOYMENT.—For purposes of this paragraph, at the option of the State, a benefit or service provided to a family during a month under the State program funded under this part shall not be considered assistance under the program if—

''(i) during the month, the family includes an adult or a minor child head of household who has received at least such amount of income from employment as the State may establish; and

''(ii) the average weekly earned income of the family for the month is at least $100.''.

SEC. 302. CHILD CARE.

(a) INCREASE IN ENTITLEMENT FUNDING.—

(1) IN GENERAL.—Section 418(a) (42 U.S.C. 618(a)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''and paragraph (6)'' after ''paragraph (3)'';

(B) in paragraph (3)—

(i) by striking ''and'' at the end of subparagraph (E);

(ii) in subparagraph (F), by striking ''fiscal year 2002.'' and inserting ''each of fiscal years 2002 through 2006; and''; and

(iii) by adding at the end the following:

''(G) $3,217,000,000 for fiscal year 2007; and

''(H) $3,717,000,000 for fiscal year 2008.'';

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

''(4) AMOUNTS RESERVED FOR INDIAN TRIBES.—

''(A) IN GENERAL.—The Secretary shall reserve 2 percent of the aggregate amount appropriated under paragraphs (3) and (5) for each fiscal year for payments to Indian tribes and tribal organizations for each such fiscal year for the purpose of providing child care assistance.

''(B) USE OF FUNDS; APPLICATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—Subsections (b) and (c) shall apply to amounts received under this paragraph in the same manner as such subsections apply to amounts received by a State under this section.'';

(D) by redesignating paragraph (5) as paragraph (7); and

(E) by inserting after paragraph (4) the following:

''(5) ADDITIONAL GENERAL ENTITLEMENT GRANTS.—

''(A) APPROPRIATION.—In addition to amounts appropriated under paragraph (3) for any fiscal year, there are appropriated for additional grants under paragraph (1)—

''(i) $1,250,000,000 for fiscal year 2004;

''(ii) $1,750,000,000 for fiscal year 2005; and

''(iii) $2,250,000,000 for each of fiscal years 2006 through 2008.

''(B) ADDITIONAL GRANT.—In addition to the grant paid to a State under paragraph (1) for each of fiscal years 2003 through 2007, of the amount available for additional grants under subparagraph (A) for a fiscal year, the Secretary shall pay the State an amount equal to the same proportion of such available amount as the proportion of the State's grant under paragraph (1) bears to the amount appropriated under paragraph (3) for the fiscal year.

''(6) REQUIREMENT FOR GRANT INCREASE.—Notwithstanding paragraphs (1), (2), and (5), the aggregate of the amounts paid to a State under this section for each of fiscal years 2003 through 2008 may not exceed the aggregate of the amounts paid to the State under this section for fiscal year 2002, unless the State ensures that the level of State expenditures for child care for the fiscal year is not less than the level of State expenditures for child care that were matched under a grant made to the State under paragraph (2); and that the State expended to meet its maintenance of effort obligation under paragraph (2) for fiscal year 2002.''.

(2) CONFORMING AMENDMENT.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking ''or 413(f)'' and inserting ''413(f), or 418(a)(4)(B)''.

(b) AMENDMENTS TO THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

''SEC. 658B. AUTHORIZATION OF APPROPRIATIONS; AMOUNTS AVAILABLE FOR INCENTIVE GRANTS TO IMPROVE QUALITY OF CHILD CARE SERVICES.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subchapter $2,350,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

''(b) AMOUNTS AVAILABLE FOR INCENTIVE GRANTS TO IMPROVE QUALITY OF CHILD CARE SERVICES.—Of the amount made available to carry out this subchapter, $500,000,000 shall be used for each of the fiscal years 2004 through 2008 to make grants under section 658H.''.

(2) STATE PLAN REQUIREMENTS.—Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii) by striking ''and'' at the end;

(ii) in clause (iii) by adding ''and'' at the end; and

(iii) by inserting after clause (iii) the following:

''(iv) in order to help ensure that parents have the freedom to choose quality center-based child care services, the State shall make significant effort to develop contracts with accredited child care providers in low-income and rural communities;'';

(B) by amending subparagraph (D) to read as follows:

''(D) CONSUMER EDUCATION INFORMATION.—Certify that the State will collect and disseminate to parents of eligible children and the general public, consumer education information that will promote informed child care choices, and describe how the State will inform parents receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other low-income parents about eligibility for assistance under this subchapter.'';

(C) by amending subparagraph (H) to read as follows:

''(H) MEETING THE NEEDS OF CERTAIN POPULATIONS.—Demonstrate the manner in which the State will meet the specific child care needs of families who are receiving assistance under a State program under part A of title IV of the Social Security Act, families who are attempting through work activities to transition off of such assistance program, families with children with disabilities and other special needs, low-income families not receiving cash assistance under a State program under part A of title IV of the Social Security Act, and families that are at risk of becoming dependent on such assistance.''; and

(D) by adding at the end the following:

''(I) AVAILABILITY OF STAFF.—Describe how the State will ensure that staff from the lead agency described in section 658D will be available, at the offices of the State program funded under part A of title IV of the Social Security Act, to provide information about eligibility for assistance under this subchapter and to assist individuals in applying for such assistance.

''(J) ELIGIBILITY REDETERMINATION.—Demonstrate that each child that receives assistance under this subchapter in the State will receive such assistance for not less than 1 year before the State redetermines the eligibility of the child under this subchapter.

''(K) SUPPLEMENT NOT SUPPLANT.—Provide assurances that the amounts paid to a State under this subchapter shall be used to supplement and not supplant other State or local funds expended or otherwise available to support payments for child care assistance and to increase the quality of available child care for eligible families under this subchapter.''.

(3) PAYMENT RATES.—Section 658E(c)(4)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)(A)) is amended—

(A) by striking ''such access'' and inserting ''equal access to comparable quality and types of services''; and

(B) by adding at the end the following:

''(i) Market rate surveys (that reflect variations in the cost of child care services by locality) shall be conducted by the State not less often than at 2-year intervals, and the results of such surveys shall be used to implement payment rates that ensure equal access to comparable services as required by this subparagraph.

''(ii) Payment rates shall be adjusted at intervals between such surveys to reflect increases in the cost of living, in such manner as the Secretary may specify.

''(iii) Payment rates shall reflect variations in the cost of providing child care services for children of different ages and providing different types of care.''.

(4) CHILD CARE ACCOUNTABILITY IMPROVEMENTS.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

''SEC. 658G. CHILD CARE ACCOUNTABILITY IMPROVEMENTS.

''(a) ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.—A State that receives funds to carry out this subchapter shall reserve and use not less than 12 percent of the funds for improvements in the quality of child care services provided in the State and in political subdivisions of the State.

''(1) Not less than 35 percent of the funds reserved under this subsection shall be used for activities that are designed to increase the quality and supply of child care services for children from birth through 3 years of age.

''(2) Funds reserved under this subsection shall be used for 1 or more activities consisting of—

''(A) providing for the development, establishment, expansion, operation, and coordination of, child care resource and referral services;

''(B) making grants or providing loans to eligible child care providers to assist the providers in meeting applicable State and local child care standards and recognized accreditation standards;

''(C) improving the ability of State or local government, as applicable, to monitor compliance with, and to enforce, State and local licensing and regulatory requirements (including registration requirements) applicable to child care providers;

''(D) providing training and technical assistance in areas relating to the provision of child care services, such as training relating to promotion of health and safety, promotion of good nutrition, provision of first aid, recognition of communicable diseases, child abuse detection and prevention, and care of children with disabilities and other special needs;

''(E) improving salaries and other compensation paid to full-time and part-time staff who provide child care services for which assistance is made available under this subchapter;

''(F) making grants or providing financial assistance to eligible child care providers for training in child development and early education;

''(G) making grants or providing financial assistance to eligible child care providers to support delivery of early education and child development activities;

''(H) making grants or providing financial assistance to eligible child care providers to make minor renovations to such providers' physical environments that enhance the quality of the child care services they provide;

''(I) improving and expanding the supply of child care services for children with disabilities and other special needs;

''(J) increasing the supply of high quality inclusive child care for children with and without disabilities and other special needs;

''(K) supporting the system described in paragraph (2);

''(L) providing technical assistance to family child care providers and center-based child care providers to enable them to provide appropriate child care services for children with disabilities; and

''(M) other activities that can be demonstrated to increase the quality of child care services and parental choice.''.

''(b) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—The State shall use a portion of the funds reserved under subsection (a) to support a system of local child care resource and referral organizations coordinated by a statewide, nonprofit, community-based child care resource and referral organization. The local child care resource and referral system shall—

''(1) provide parents in the State with information and support concerning child care options in their communities;

''(2) collect and analyze data on the supply of and demand for child care in political subdivisions within the State;

''(3) develop links with the business community or other organizations involved in providing child care services;

''(4) increase the supply and improve the quality of child care in the State and in political subdivisions in the State;

''(5) provide (or facilitate the provision of) specialists in health, mental health consultation, early literacy services for children with disabilities and other special needs, and infant and toddler care, to support or supplement community child care providers;

''(6) provide training or facilitate connections for training to community child care providers; or

''(7) hire disability specialists, and provide training and technical assistance to child care providers, to effectively meet the needs of children with disabilities.

(5) INCENTIVE GRANTS TO STATES.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

''SEC. 658H. INCENTIVE GRANTS TO STATES.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall use the amount made available under section 658B(b) for a fiscal year to make grants to eligible States in accordance with this section.

''(2) ANNUAL PAYMENTS.—The Secretary shall make an annual payment for such a grant to each eligible State out of the allotment for that State determined under subsection (c).

''(b) ELIGIBLE STATES.—

''(1) IN GENERAL.—In this section, the term 'eligible State' means a State that—

''(A) has conducted a survey of the market rates for child care services in the State within the 2 years preceding the date of the submission of an application under paragraph (2); and

''(B) submits an application in accordance with paragraph (2).

''(2) APPLICATION.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, in addition to the information required under subparagraph (B), as the Secretary may require.

''(B) INFORMATION REQUIRED.—Each application submitted for a grant under this section shall—

''(i) detail the methodology and results of the State market rates survey conducted pursuant to paragraph (1)(A);

''(ii) describe the State's plan to increase payment rates from the initial baseline determined under clause (i);

''(iii) describe how the State will increase payment rates in accordance with the market survey results, for all types of child care providers who provide services for which assistance is made available under this subchapter;

''(iv) describe how rates are set to reflect the variations in the cost of providing care for children of different ages, different types of care, and in different localities in the State; and

''(v) describe how the State will prioritize increasing payment rates for care of higher-than-average quality, such as care by accredited providers, care that includes the provision of comprehensive services, care provided at nonstandard hours, care for children with disabilities and other special needs, care in low-income and rural communities, and care of a type that is in short supply.

''(3) CONTINUING ELIGIBILITY REQUIREMENT.—The Secretary may make an annual payment under this section to an eligible State only if—

''(A) the Secretary determines that the State has made progress, through the activities assisted under this subchapter, in maintaining increased payment rates; and

''(B) at least once every 2 years, the State conducts an update of the survey described in paragraph (1)(A).

''(4) REQUIREMENT OF MATCHING FUNDS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, the State shall agree to make available State contributions from State sources toward the costs of the activities to be carried out by a State pursuant to subsection (d) in an amount that is not less than 20 percent of such costs.

''(B) DETERMINATION OF STATE CONTRIBUTIONS.—State contributions shall be in cash. Amounts provided by the Federal Government may not be included in determining the amount of such State contributions.

''(c) ALLOTMENTS TO ELIGIBLE STATES.—The amount made available under section 658B(b) for a fiscal year shall be allotted among the eligible States in the same manner as amounts are allotted under section 658O(b).

''(d) USE OF FUNDS.—An eligible State that receives a grant under this section shall use the funds received to significantly increase the payment rate for the provision of child care assistance in accordance with this subchapter up to the 150th percentile of the market rate survey described in subsection (b)(1)(A).

''(e) EVALUATIONS AND REPORTS.—

''(1) STATE EVALUATIONS.—Each eligible State shall submit to the Secretary, at such time and in such form and manner as the Secretary may require, information regarding the State's efforts to increase payment rates and the impact increased rates are having on the quality of, and accessibility to, child care in the State.

''(2) REPORTS TO CONGRESS.—The Secretary shall submit biennial reports to Congress on the information described in paragraph (1). Such reports shall include data from the applications submitted under subsection (b)(2) as a baseline for determining the progress of each eligible State in maintaining increased payment rates.

''(f) PAYMENT RATE.—In this section, the term 'payment rate' means the rate of reimbursement to providers for subsidized child care.''.

(6) ADMINISTRATION, ENFORCEMENT, AND EVALUATION.—Section 658I of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g) is amended—

(A) in the heading by striking ''**AND ENFORCEMENT**'' and inserting ''**, ENFORCEMENT, AND EVALUATION**'';

(B) in subsection (a)(3) by inserting before the period at the end ''and including the establishment of a national training and technical assistance center specializing in infant and toddler care and their families''; and

(C) by adding at the end the following:

''(c) FEDERAL ADMINISTRATION AND EVALUATION ACTIVITIES.—The Secretary shall—

''(1) establish a national data system through grants, contracts or cooperative agreements to develop statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs, including use of data collected through child care resource and referral organizations at the national, State, and local levels; and

''(2) prepare and submit to Congress an annual report on the supply of, demand for, and quality of child care, early education, and non-school-hours programs, using data collected through State and local child care resource and referral organizations and other sources.''.

(7) REPORTS.—Section 658K(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended—

(A) in paragraph (1)(B)—

(i) in clause (ix) by striking ''and'' at the end;

(ii) in clause (x) by adding ''and'' at the end; and

(iii) by inserting after clause (x) the following:

''(xi) whether the child care provider is accredited by a national or State accrediting body;''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking ''aggregate data concerning'';

(ii) in subparagraph (D) by striking ''and'' at the end;

(iii) in subparagraph (E) by adding ''and'' at the end; and

(iv) by indenting the left margin of subparagraphs (A) through (E) 2 ems to the right and redesignating such subparagraphs as clauses (i) through (v), respectively;

(v) by inserting after clause (v), as so redesignated, the following:

''(vi) findings from market rate surveys, disaggregated by the types of services provided and by the sub-State localities, as appropriate;''; and

(vi) by inserting before clause (i), as so redesignated, the following:

''(A) information on how all of the funds reserved under section 658G were allocated and spent, and information on the effect of those expenditures, to the maximum extent practicable; and

''(B) aggregate date concerning—''.

(8) DEFINITIONS.—Section 658P(4)(C) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)(C)) is amended—

(A) in clause (i) by striking ''or'' at the end;

(B) in clause (ii) by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) is a foster child.''.

(9) CONFORMING AMENDMENTS.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(A) in section 658E(c)(3)—

(i) in subparagraph (B) by striking ''through (5) of section 658A(b)'' and inserting ''through (6) of section 658A(c)''; and

(ii) in subparagraph (D) by striking ''1997 through 2002'' and inserting ''2004 through 2008'';

(B) in section 658K(a)(2) by striking ''1997'' and inserting ''2003''; and

(C) in section 658L—

(i) by striking ''July 31, 1998'' and inserting ''October 1, 2005'';

(ii) by striking ''Economic and Educational Opportunities'' and inserting ''Education and the Workforce''; and

(iii) by striking ''Labor and Human Resources'' and inserting ''Health, Education, Labor, and Pensions''.

(c) APPLICABILITY OF STATE OR LOCAL HEALTH AND SAFETY STANDARDS TO OTHER TANF CHILD CARE SPENDING.—Section 402(a) (42 U.S.C. 602(a)) is amended by adding at the end the following:

''(8) CERTIFICATION OF PROCEDURES TO ENSURE THAT CHILD CARE PROVIDERS COMPLY WITH APPLICABLE STATE OR LOCAL HEALTH AND SAFETY STANDARDS.—A certification by the chief executive officer of the State that procedures are in effect to ensure that any child care provider in the State that provides services for which assistance is provided under the State program funded under this part complies with all applicable State or local health and safety requirements as described in section 658E(c)(2)(F) of the Child Care and Development Block Grant Act of 1990.''.

(d) AVAILABILITY OF CHILD CARE FOR PARENTS REQUIRED TO WORK.—Section 407(e)(2) (42 U.S.C. 607(e)(2)) is amended by striking ''6'' and inserting ''13''.

SEC. 303. COMPETITIVE GRANTS TO IMPROVE ACCESS TO VARIOUS BENEFIT PROGRAMS.

(a) PURPOSES.—The purposes of this section are to—

(1) inform low-income families with children about programs available to families leaving welfare and other programs to support low-income families with children;

(2) provide incentives to States and counties to improve and coordinate application and renewal procedures for low-income family with children support programs; and

(3) track the extent to which low-income families with children receive the benefits and services for which they are eligible.

(b) DEFINITIONS.—In this section:

(1) LOCALITY.—The term locality means a municipality that does not administer a temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (in this section referred to as ''TANF'').

(2) LOW-INCOME FAMILY WITH CHILDREN SUPPORT PROGRAM.—The term ''low-income family with children support program'' means a program designed to provide low-income families with assistance or benefits to enable the family to become self-sufficient and includes—

(A) TANF;

(B) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) (in this section referred to as ''food stamps'');

(C) the medicaid program funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the State children's health insurance program (SCHIP) funded under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(E) the child care program funded under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(F) the child support program funded under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(G) the earned income tax credit under section 32 of the Internal Revenue Code of 1986;

(H) the low-income home energy assistance program (LIHEAP) established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C 8621 et seq.);

(I) the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(J) programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

(K) any other Federal or State funded program designed to provide family and work support to low-income families with children.

(3) NONPROFIT.—The term ''nonprofit'', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(c) AUTHORIZATION OF GRANTS.—

(1) STATES AND COUNTIES.—

(A) IN GENERAL.—The Secretary is authorized to award grants to States and counties to pay the Federal share of the costs involved in improving the administration of low-income family with children support programs, including simplifying application, recertification, reporting, and verification rules, and promoting participation in such programs.

(B) FEDERAL SHARE.—The Federal share shall be 80 percent.

(2) NONPROFITS AND LOCALITIES.—The Secretary is authorized to award grants to nonprofits and localities to promote participation in low-income family with children support programs, and distribute information about and develop service centers for low-income family with children support programs.

(d) GRANT APPROVAL CRITERIA.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture, shall establish criteria for approval of an application for a grant under this section that include consideration of—

(A) the extent to which the proposal, if funded, is likely to result in improved service and higher participation rates in low-income children's support programs;

(B) an applicant's ability to reach hard-to-serve populations;

(C) the level of innovation in the applicant's grant proposal; and

(D) any partnerships between the public and private sector in the applicant's grant proposal.

(2) SEPARATE CRITERIA.—Separate criteria shall be established for the grants authorized under paragraphs (1) and (2) of subsection (c).

(e) USES OF FUNDS.—

(1) STATES AND COUNTIES.—

(A) IMPROVEMENTS IN PROGRAMS.—Grants awarded to States and counties under subsection (c)(1) shall be used to—

(i) simplify low-income family with children support program application, recertification, reporting, and verification rules;

(ii) create uniformity in eligibility criteria for low-income family with children support programs;

(iii) develop options for families to apply for low-income family with children support programs through the telephone, mail, facsimile, Internet, or electronic mail, and submit any recertifications or reports required for such families through these options;

(iv) co-locate eligibility workers for various low-income family with children support programs at strategically located sites;

(v) develop or enhance one-stop service centers for low-income family with children support programs, including establishing evening and weekend hours at these centers; and

(vi) improve training of staff in low-income families with children support programs to enhance their ability to enroll eligible applicants in low-income family with children support programs, provide case management, and refer eligible applicants to other appropriate programs.

(B) CUSTOMER SURVEYS.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used to carry out a customer survey.

(ii) MODEL SURVEYS.—The customer survey under clause (i) of this subparagraph shall be modeled after a form developed by the Secretary under subsection (g).

(iii) REPORTS TO SECRETARY.—Not later than 1 year after a State or county is awarded a grant under subsection (c)(1), and annually thereafter, the State or county shall submit a report to the Secretary detailing the results of the customer survey carried out under clause (i) of this subparagraph.

(iv) REPORTS TO PUBLIC.—A State or county receiving a grant under subsection (c)(1) and

the Secretary shall make the report required under clause (iii) of this subparagraph available to the public.

(v) PUBLIC COMMENT.—A State or county receiving a grant under subsection (c)(1) shall accept public comments and hold public hearings on the report made available under clause (iv) of this subparagraph.

(C) TRACKING SYSTEMS.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used to implement a tracking system to determine the level of participation in low-income family with children support programs of the eligible population.

(ii) REPORTS.—Not later than 1 year after a State or county is awarded a grant under subsection (c)(1), and annually thereafter, the State or county shall submit a report to the Secretary detailing the effectiveness of the tracking system implemented under clause (i) of this subparagraph.

(D) IN-PERSON INTERVIEWS.—A State or county awarded a grant under subsection (c)(1) may expend funds made available under the grant to provide for reporting and recertification procedures through the telephone, mail, facsimile, Internet, or electronic mail.

(E) JURISDICTION-WIDE IMPLEMENTATION.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used for activities throughout the jurisdiction.

(ii) EXCEPTION.—A State or county awarded a grant under subsection (c)(1) may use grant funds to develop one-stop service centers and telephone, mail, facsimile, Internet, or electronic mail application and renewal procedures for low-income family with children support programs without regard to the requirements of clause (i) of this subparagraph.

(F) SUPPLEMENT NOT SUPPLANT.—Funds provided to a State or county under a grant awarded under subsection (c)(1) shall be used to supplement and not supplant other State or county public funds expended to provide support services for low-income families.

(2) NONPROFITS AND LOCALITIES.—A grant awarded to a nonprofit or locality under subsection (c)(2) shall be used to—

(A) develop one-stop service centers for low-income family with children support programs in cooperation with States and counties; or

(B) provide information about and referrals to low-income family with children support programs through the dissemination of materials at strategic locations, including schools, clinics, and shopping locations.

(f) APPLICATION.—

(1) IN GENERAL.—Each applicant desiring a grant under paragraph (1) or (2) of subsection (c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) STATES AND COUNTIES.—

(A) NON-FEDERAL SHARE.—Each State or county applicant shall provide assurances that the applicant will pay the non-Federal share of the activities for which a grant is sought.

(B) PARTNERSHIPS.—Each State or county applicant shall submit a memorandum of understanding demonstrating that the applicant has entered into a partnership to coordinate its efforts under the grant with the efforts of other State and county agencies that have responsibility for providing low-income families with assistance or benefits.

(g) DUTIES OF THE SECRETARY.—

(1) SURVEY FORM.—The Secretary, in cooperation with other relevant agencies, shall develop a customer survey form to determine whether low-income families—

(A) encounter any impediments in applying for or renewing their participation in low-income family with children support programs; and

(B) are unaware of low-income family with children support programs for which they are eligible.

(2) REPORTS.—

(A) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress describing the uses of grant funds awarded under this section.

(B) RESULTS OF TRACKING SYSTEMS AND SURVEYS.—The Secretary shall submit a report to Congress detailing the results of the tracking systems implemented and customer surveys carried out by States and counties under subsection (e) as the information becomes available.

(h) MISCELLANEOUS.—

(1) MATCHING FUNDS.—Matching funds required from a State or county awarded a grant under subsection (c)(1) of this section may—

(A) include in-kind services and expenditures by municipalities and private entities; and

(B) be considered a qualified State expenditure for purposes of determining whether the State has satisfied the maintenance of effort requirements of the temporary assistance for needy families program under section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7)).

(2) LIMITATION ON EXPENDITURES.—Subject to paragraph (3) of this subsection, not more than 20 percent of a grant awarded under subsection (c) shall be expended on customer surveys or tracking systems.

(3) REVERSION OF FUNDS.—Any funds not expended by a grantee within 2 years after awarded a grant shall be available for redistribution among other grantees in such manner and amount as the Secretary may determine, unless the Secretary extends by regulation the 2-year time period to expend funds.

(4) NONAPPORTIONMENT.—Notwithstanding any other provision of law, a State, county, locality, or nonprofit awarded a grant under subsection (c) is not required to apportion the costs of providing information about low-income family with children support programs among all low-income family with children support programs.

(5) ADMINISTRATIVE COSTS OF THE SECRETARY.—Not more than 5 percent of the funds appropriated to carry out this section shall be expended on administrative costs of the Secretary.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2004 through 2008.

SEC. 304. ASSESSMENTS FOR TANF RECIPIENTS.

Section 408(b) (42 U.S.C. 608(b)) is amended—

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

''(1) ASSESSMENT.—The State agency responsible for administering the State program funded under this part shall, for each recipient of assistance under the program who is a head of household, make an initial assessment of the skills, prior work experience, and circumstances related to the employability of the recipient, including physical or mental impairments, proficiency in English, child care needs, and whether the recipient is a victim of domestic violence.'';

(2) in paragraph (2)(A), by striking ''may develop'' and inserting ''shall develop''; and

(3) by striking paragraph (4).

SEC. 305. APPLICABILITY OF WORKPLACE LAWS.

Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

''(h) No individual engaged in any activity funded in whole or in part by the TANF program shall be subjected to discrimination based on race, color, religion, sex, national origin, age, or disability, nor shall such an individual be denied the benefits or protections of any Federal, State or local employment, civil rights, or health and safety law because of such individual's status as a participant in the TANF program.''.

SEC. 306. WORK PARTICIPATION REQUIREMENTS.

Section 407(a)(1) (42 U.S.C. 607(a)), as amended by section 503 of this Act, is amended to read as follows:

''(1) IN GENERAL.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

''(A) 50 percent for fiscal year 2004;

''(B) 55 percent for fiscal year 2005;

''(C) 60 percent for fiscal year 2006;

''(D) 65 percent for fiscal year 2007; and

''(E) 70 percent for fiscal year 2008 and each succeeding fiscal year.''.

SEC. 307. HOURS OF WORK-RELATED ACTIVITIES.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by striking ''20'' and inserting ''24''.

SEC. 308. STATE OPTION TO REQUIRE RECEIPIENTS TO ENGAGE IN WORK FOR 40 HOURS PER WEEK.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by adding at the end the following flush sentence:

''At the option of a State, the State may require, a recipient not referred to in paragraph (2)(B) to engage in work for an average of 40 hours per week in each month in a particular fiscal year.''.

SEC. 309. REVISION AND SIMPLIFICATION OF THE TRANSITIONAL MEDICAL ASSISTANCE PROGRAM (TMA).

(a) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS; OPTION OF CONTINUING COVERAGE FOR UP TO AN ADDITIONAL YEAR.—

(1) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS BY MAKING REPORTING REQUIREMENTS OPTIONAL.—Section 1925(b) (42 U.S.C. 1396r–6(b)) is amended—

(A) in paragraph (1), by inserting '', at the option of a State,'' after ''and which'';

(B) in paragraph (2)(A), by inserting ''Subject to subparagraph (C)—'' after ''(A) NOTICES.—'';

(C) in paragraph (2)(B), by inserting ''Subject to subparagraph (C)—'' after ''(B) REPORTING REQUIREMENTS.—'';

(D) by adding at the end the following new subparagraph:

''(C) STATE OPTION TO WAIVE NOTICE AND REPORTING REQUIREMENTS.—A State may waive some or all of the reporting requirements under clauses (i) and (ii) of subparagraph (B). Insofar as it waives such a reporting requirement, the State need not provide for a notice under subparagraph (A) relating to such requirement.''; and

(E) in paragraph (3)(A)(iii), by inserting ''the State has not waived under paragraph (2)(C) the reporting requirement with respect to such month under paragraph (2)(B) and if'' after ''6-month period if''.

(2) STATE OPTION TO EXTEND ELIGIBILITY FOR LOW-INCOME INDIVIDUALS FOR UP TO 12 ADDITIONAL MONTHS.—Section 1925 (42 U.S.C. 1396r–6) is further amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g); and

(B) by inserting after subsection (b) the following new subsection:

''(c) STATE OPTION OF UP TO 12 MONTHS OF ADDITIONAL ELIGIBILITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, each State plan approved under this title may provide, at the option of the State, that the State shall offer to each family which received assistance during the entire 6-month period under subsection (b) and which meets the applicable

requirement of paragraph (2), in the last month of the period the option of extending coverage under this subsection for the succeeding period not to exceed 12 months.

''(2) INCOME RESTRICTION.—The option under paragraph (1) shall not be made available to a family for a succeeding period unless the State determines that the family's average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) as of the end of the 6-month period under subsection (b) does not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

''(3) APPLICATION OF EXTENSION RULES.—The provisions of paragraphs (2), (3), (4), and (5) of subsection (b) shall apply to the extension provided under this subsection in the same manner as they apply to the extension provided under subsection (b)(1), except that for purposes of this subsection—

''(A) any reference to a 6-month period under subsection (b)(1) is deemed a reference to the extension period provided under paragraph (1) and any deadlines for any notices or reporting and the premium payment periods shall be modified to correspond to the appropriate calendar quarters of coverage provided under this subsection; and

''(B) any reference to a provision of subsection (a) or (b) is deemed a reference to the corresponding provision of subsection (b) or of this subsection, respectively.''.

(b) STATE OPTION TO WAIVE RECEIPT OF MEDICAID FOR 3 OF PREVIOUS 6 MONTHS TO QUALIFY FOR TMA.—Section 1925(a)(1) (42 U.S.C. 1396r–6(a)(1)) is amended by adding at the end the following: ''A State may, at its option, also apply the previous sentence in the case of a family that was receiving such aid for fewer than 3 months, or that had applied for and was eligible for such aid for fewer than 3 months, during the 6 immediately preceding months described in such sentence.''.

(c) ELIMINATION OF SUNSET FOR TMA.—

(1) Subsection (g) of section 1925 (42 U.S.C. 1396r–6), as redesignated under subsection (a)(2), is repealed.

(2) Section 1902(e)(1) (42 U.S.C. 1396a(e)(1)) is amended by striking ''(A) Nothwithstanding'' and all that follows through ''During such period, for'' in subparagraph (B) and inserting ''For''.

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925, as amended by subsections (a)(2) and (c), is amended by adding at the end the following new subsection:

''(g) ADDITIONAL PROVISIONS.—

''(1) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—Each State shall—

''(A) collect and submit to the Secretary, in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section; and

''(B) make such information publicly available.

Such information shall be submitted under subparagraph (A) at the same time and frequency in which other enrollment information under this title is submitted to the Secretary. Using such information, the Secretary shall submit to Congress annual reports concerning such rates.''.

(e) COORDINATION OF WORK.—Section 1925(g), as added by subsection (d), is amended by adding at the end the following new paragraph:

''(2) COORDINATION WITH ADMINISTRATION FOR CHILDREN AND FAMILIES.—The Administrator of the Centers for Medicare & Medicaid Services, in carrying out this section, shall work with the Assistant Secretary for the Administration for Children and Families to develop guidance or other technical assistance for States regarding best practices in guaranteeing access to transitional medical assistance under this section.''.

(f) ELIMINATION OF TMA REQUIREMENT FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—

(1) IN GENERAL.—Section 1925 is further amended by adding at the end the following new subsection:

''(h) PROVISIONS OPTIONAL FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—A State may (but is not required to) meet the requirements of subsections (a) and (b) if it provides for medical assistance under section 1931 to families (including both children and caretaker relatives) the average gross monthly earning of which (less such costs for such child care as is necessary for the employment of a caretaker relative) is at or below a level that is at least 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended, in subsections (a)(1) and (b)(1), by inserting '', but subject to subsection (h),'' after ''Notwithstanding any other provision of this title,'' each place it appears.

(g) EXTENDING USE OF OUTSTATIONED WORKERS TO ACCEPT APPLICATIONS FOR TRANSITIONAL MEDICAL ASSISTANCE.—Section 1902(a)(55) (42 U.S.C. 1396a(a)(55)) is amended by inserting ''and under section 1931'' after ''(a)(10)(A)(ii)(IX)''.

(h) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendments made by this section shall apply to calendar quarters beginning on or after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 310. ENSURING TANF FUNDS ARE NOT USED TO DISPLACE PUBLIC EMPLOYEES.

(a) WELFARE-TO-WORK WORKER PROTECTIONS.—Section 403(a)(5)(I) (42 U.S.C. 603(a)(5)(I)) is amended—

(1) by striking clauses (i) and (iv);

(2) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively; and

(3) by inserting before clause (ii) the following:

''(i) NONDISPLACEMENT.—A State shall establish and maintain such procedures as are necessary to do the following with respect to activities funded in whole or in part under this part:

''(I) Prohibit the placement of an individual in a work activity specified in section 407(d) from resulting in the displacement of any employee or position (including partial displacement, such as a reduction in the hours of nonovertime work wages, or employment benefits, or fill any unfilled vacancy, or performing work when any other individual is on layoff from the same or any substantially equivalent job).

''(II) Prohibit the placement of an individual in a work activity specified in section 407(d) which would impair any contract for services, be inconsistent with any employment-related State or local law or regulation, or collective bargaining agreement, or infringe on the recall rights or promotional opportunities of any worker.

''(III) Maintain an impartial grievance procedure to resolve any complaints alleging violations of subclause (I) or (II) within 60 days after receipt of the complaint, and if a decision is adverse to the party who filed such a grievance or no decision has been reached, provided for the completion of an arbitration procedure within 75 days after receipt of the complaint or the adverse decision or conclusion of the 60-day period, whichever is earlier. The procedures shall include a right to a hearing. The procedures shall include remedies for violations of the requirement that shall include termination or suspension of payments, prohibition of the participant, reinstatemt of an employee, and other appropriate relief. The procedures shall specifiy that if a direct work activity engaged in by a recipient of assistance under the State program funded under this part involves a placement in a State agency or local government agency pursuant to this section and the agency experiences a net reduction in its overall workforce in a given year, there is a rebuttable presumption that the placement has resulted in displacement of the employees of the agency in violation of this subparagraph.''.

(b) STATE PLAN REQUIREMENT.—Section 402(a) (42 U.S.C. 602(a)) is amended by adding at the end the following:

''(5) A plan that outlines the resources and procedures that will be used to ensure that the State will establish and maintain the procedures described in section 403(a)(5)(I)(i).''.

SEC. 311. INCREASE IN FUNDING FOR SOCIAL SERVICES BLOCK GRANT.

Section 2003(c) (42 U.S.C. 1397b(c)) is amended by adding at the end the following:

''(12) $2,800,000,000 for the fiscal year 2004 and each fiscal year thereafter.''.

TITLE IV—HELPING WELFARE LEAVERS CLIMB THE EMPLOYMENT LADDER

SEC. 401. STATE PLAN REQUIREMENT ON EMPLOYMENT ADVANCEMENT.

(a) IN GENERAL.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) Establish goals and take action to improve initial earnings, job advancement, and employment retention for individuals in and individuals leaving the program.''.

(b) INCLUSION IN ANNUAL REPORTS OF PROGRESS IN ACHIEVING EMPLOYMENT ADVANCEMENT GOALS.—Section 411(b) (42 U.S.C. 611(b)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and'' ; and

(3) by adding at the end the following:

''(5) in each report submitted after fiscal year 2004, the progress made by the State in achieving the goals referred to in section 402(a)(1)(A)(vii) in the most recent State plan submitted pursuant to section 402(a).''.

SEC. 402. EMPLOYMENT ADVANCEMENT FUND.

Section 403(a) (42 U.S.C. 603(a)) is further amended by adding at the end the following:

''(8) EMPLOYMENT ADVANCEMENT FUND.—

''(A) IN GENERAL.—The Secretary shall provide grants to States and localities for research, evaluation, technical assistance, and demonstration projects that focus on—

''(i) improving wages for low-income workers, regardless of whether such workers are recipients of assistance under a State program funded under this part, through training and other services; and

''(ii) enhancing employment prospects for recipients of such assistance with barriers to employment, such as a physical or mental impairment, a substance abuse problem, or limited proficiency in English.

''(B) ADMINISTRATION.—

''(i) ALLOCATION OF FUNDS.—The Secretary shall allocate at least 40 percent of the funds made available pursuant to this paragraph for projects that focus on the matters described in subparagraph (A)(i), and at least 40 percent of the funds for projects that focus on the matters described in subparagraph (A)(ii).

''(ii) DIVERSITY OF PROJECTS.—The Secretary shall attempt to provide funds under this paragraph for diverse projects from geographically different areas.

''(C) AID UNDER THIS PARAGRAPH NOT 'ASSISTANCE'.—A benefit or service provided with funds made available under this paragraph shall not, for any purpose, be considered assistance under a State program funded under this part.

''(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2008 $150,000,000 for grants under this paragraph.''.

SEC. 403. ELIMINATION OF LIMIT ON NUMBER OF TANF RECIPIENTS ENROLLED IN VOCATIONAL EDUCATION OR HIGH SCHOOL WHO MAY BE COUNTED TOWARDS THE WORK PARTICIPATION REQUIREMENT.

Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by striking subparagraph (D).

SEC. 404. COUNTING OF UP TO 2 YEARS OF VOCATIONAL OR EDUCATIONAL TRAINING (INCLUDING POSTSECONDARY EDUCATION), WORK-STUDY, AND RELATED INTERNSHIPS AS WORK ACTIVITIES.

Section 407(d)(8) (42 U.S.C. 607(d)(8)) is amended to read as follows:

''(8) not more than 24 months of participation by an individual in—

''(A) vocational or educational training (including postsecondary education), at an eligible educational institution (as defined in section 404(h)(5)(A)) leading to attainment of a credential from the institution related to employment or a job skill;

''(B) a State or Federal work-study program under part C of title IV of the Higher Education Act of 1965 or an internship related to vocational or postsecondary education, supervised by an eligible educational institution (as defined in section 404(h)(5)(A)); or

''(C) a course of study leading to adult literacy, in which English is taught as a second language, or leading to a certificate of high school equivalency, if the State considers the activities important to improving the ability of the individual to find and maintain employment.''.

SEC. 405. LIMITED COUNTING OF CERTAIN ACTIVITIES LEADING TO EMPLOYMENT AS WORK ACTIVITY.

(a) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(1) by striking ''and'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; and''; and

(3) by adding at the end the following:

''(13) Up to 6 months of participation (as determined by the State) in services designed to improve future employment opportunities, including substance abuse treatment services, services to address sexual or domestic violence, and physical rehabilitation and mental health services.''.

(b) CONFORMING AMENDMENT.—Section 407(c)(1) (42 U.S.C. 607(c)(1)) is amended by striking ''and (12)'' each place it appears and inserting ''(12), and (13)''.

SEC. 406. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) (42 U.S.C. 604(e)) is amended—

(1) in the subsection heading, by striking ''ASSISTANCE'' and inserting ''BENEFITS OR SERVICES''; and

(2) after the heading, by striking ''assistance'' and inserting ''any benefit or service that may be provided''.

SEC. 407. DEFINITION OF ASSISTANCE.

(a) IN GENERAL.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

''(6) ASSISTANCE.—

''(A) IN GENERAL.—The term 'assistance' means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

''(B) EXCEPTION.—The term 'assistance' does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking ''assistance'' and inserting ''aid''.

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking ''assistance'' and inserting ''benefits or services''.

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(B)(i)) is amended in the heading by striking ''ASSISTANCE'' and inserting ''AID''.

SEC. 408. CONTINUATION OF PRE-WELFARE REFORM WAIVERS.

Section 415 (42 U.S.C. 615) is amended by adding at the end the following:

''(c) CONTINUATION OF WAIVERS APPROVED OR SUBMITTED BEFORE DATE OF ENACTMENT OF WELFARE REFORM.—Notwithstanding subsection (a), with respect to any State that is operating under a waiver described in subsection (a) which would otherwise expire on a date that occurs in the period that begins on September 30, 2002, and ends on September 30, 2008, the State may elect to continue to operate under the waiver, on the same terms and conditions as applied to the waiver on the day before such date, through September 30, 2008.''.

TITLE V—PROMOTING FAMILY FORMATION AND RESPONSIBLE PARENTING

SEC. 501. FAMILY FORMATION FUND.

Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

''(2) FAMILY FORMATION FUND.—

''(A) IN GENERAL.—The Secretary shall provide grants to States and localities for research, technical assistance, and demonstration projects to promote and fund best practices in the following areas:

''(i) Promoting the formation of 2-parent families.

''(ii) Reducing teenage pregnancies.

''(iii) Increasing the ability of noncustodial parents to financially support and be involved with their children.

''(B) ALLOCATION OF FUNDS.—In making grants under this paragraph, the Secretary shall ensure that not less than 30 percent of the funds made available pursuant to this paragraph for a fiscal year are used in each of the areas described in subparagraph (A).

''(C) CONSIDERATION OF DOMESTIC VIOLENCE IMPACT.—In making grants under this paragraph, the Secretary shall consider the potential impact of a project on the incidence of domestic violence.

''(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2008 $100,000,000 for grants under this paragraph.''.

SEC. 502. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

''(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—A State to which a grant is made under section 403 shall require, as a condition of providing assistance to a family under the State program funded under this part, that a member of the family assign to the State any rights the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance paid to the family under the program, which accrues during the period that the family receives assistance under the program.''.

(b) INCREASING CHILD SUPPORT PAYMENTS TO FAMILIES AND SIMPLIFYING CHILD SUPPORT DISTRIBUTION RULES.—

(1) DISTRIBUTION RULES.—

(A) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)) is amended to read as follows:

''(a) IN GENERAL.—Subject to subsections (d) and (e), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

''(1) FAMILIES RECEIVING ASSISTANCE.—In the case of a family receiving assistance from the State, the State shall—

''(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

''(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

''(C) pay to the family any remaining amount.

''(2) FAMILIES THAT FORMERLY RECEIVED ASSISTANCE.—In the case of a family that formerly received assistance from the State:

''(A) CURRENT SUPPORT.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

''(B) ARREARAGES.—To the extent that the amount collected exceeds the current support amount, the State—

''(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

''(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

''(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

''(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

''(iii) shall pay to the family any remaining amount.

''(3) LIMITATIONS.—

''(A) FEDERAL REIMBURSEMENTS.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2)

of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(B) STATE REIMBURSEMENTS.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(4) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall pay the amount collected to the family.

''(5) FAMILIES UNDER CERTAIN AGREEMENTS.—Notwithstanding paragraphs (1) through (4), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

''(6) STATE FINANCING OPTIONS.—To the extent that the State share of the amount payable to a family for a month pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family for the month pursuant to former section 457(a)(2) (as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both.

''(7) STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family and disregards the payment for purposes of paying benefits under the State program funded under part A.

''(B) RECIPIENTS OF TANF FOR LESS THAN 5 YEARS.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and that has received the assistance for not more than 5 years after the date of the enactment of this paragraph, to the extent that the State pays the amount to the family.''.

(B) APPROVAL OF ESTIMATION PROCEDURES.—Not later than October 1, 2003, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) CURRENT SUPPORT AMOUNT DEFINED.—Section 457(c) (42 U.S.C. 657(c)) is amended by adding at the end the following:

''(5) CURRENT SUPPORT AMOUNT.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.''.

(c) BAN ON RECOVERY OF MEDICAID COSTS FOR CERTAIN BIRTHS.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking ''and'' at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting ''; and''; and

(3) by inserting after paragraph (33) the following:

''(34) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.''.

(d) STATE OPTION TO DISCONTINUE CERTAIN SUPPORT ASSIGNMENTS.—Section 457(b) (42 U.S.C. 657(b)) is amended by striking ''shall'' and inserting ''may''.

(e) CONFORMING AMENDMENTS.—

(1) Section 409(a)(7)(B)(i)(I)(aa) (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking ''457(a)(1)(B)'' and inserting ''457(a)(1)''.

(2) Section 404(a) (42 U.S.C. 604(a)) is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(C) by adding at the end the following:

''(3) to fund payment of an amount pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.''.

(3) Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

''(V) PORTIONS OF CERTAIN CHILD SUPPORT PAYMENTS COLLECTED ON BEHALF OF AND DISTRIBUTED TO FAMILIES NO LONGER RECEIVING ASSISTANCE.—Any amount paid by a State pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and section 901(b) of this Act, the amendments made by this section shall take effect on October 1, 2007, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) STATE OPTION TO ACCELERATE EFFECTIVE DATE.—A State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of the enactment of this Act and before the effective date provided in paragraph (1).

SEC. 503. ELIMINATION OF SEPARATE WORK PARTICIPATION RATE FOR 2-PARENT FAMILIES.

Section 407 (42 U.S.C. 607) is amended—

(1) in subsection (a), by striking paragraph (2); and

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (4), by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraph (1)(B)'';

(C) in paragraph (5), by striking ''rates'' and inserting ''rate''; and

(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 504. BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES; STATE OPT-OUT.

(a) PROHIBITION.—Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(13) BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—

''(A) IN GENERAL.—In determining the eligibility of a 2-parent family for assistance under a State program funded under this part, the State shall not impose a requirement that does not apply in determining the eligibility of a 1-parent family for such assistance.

''(B) STATE OPT-OUT.—Subparagraph (A) shall not apply to a State if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State.''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(16) PENALTY FOR IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

SEC. 505. EXTENSION OF ABSTINENCE EDUCATION FUNDING UNDER MATERNAL AND CHILD HEALTH PROGRAM.

(a) IN GENERAL.—Section 510(d) (42 U.S.C. 710(d)) is amended by striking ''2002'' and inserting ''2008''.

(b) PURPOSE OF ALLOTMENTS.—For each of the fiscal years 2004 through 2008, section 510(b)(1) of the Social Security Act is deemed to read as follows: ''(1) The purpose of an allotment under subsection (a) to a State is to enable the State to provide abstinence education, and at the option of the State—

''(A) programs that the State defines as an appropriate approach to abstinence education that educates those who are currently sexually active or at risk of sexual activity about methods to reduce unintended pregnancy or other health risks; and

''(B) where appropriate, mentoring, counseling, and adult supervision to promote abstinence from sexual activity, with a focus on those groups which are most likely to bear children out-of-wedlock.''.

(c) MEDICALLY AND SCIENTIFICALLY ACCURATE INFORMATION.—For each of the fiscal years 2004 through 2008, there is deemed to appear in the matter preceding subparagraph (A) of section 510(b)(2) of such Act the phrase ''a medically and scientifically accurate educational'' in lieu of the phrase ''an educational'', and there is deemed to appear after and below subparagraph (H) of such section the following:

''For purposes of this section, the term 'medically accurate', with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.''.

(d) EFFECTIVE MODELS FOR PROGRAMS.—For each of the fiscal years 2004 through 2008, section 510 of such Act is deemed to have at the end the following subsection:

''(e)(1) None of the funds appropriated in this section shall be expended for a program unless the program is based on a model that has been demonstrated to be effective in reducing unwanted pregnancy, or in reducing the transmission of a sexually transmitted disease or the human immunodeficiency virus.

''(2) The requirement of paragraph (1) shall not apply to programs that have been approved and funded under this section on or before April 19, 2002.''.

(e) COMPARATIVE EVALUATION OF ABSTINENCE EDUCATION PROGRAMS.—

(1) STUDY.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall, in consultation with an advisory panel of researchers identified by the Board on Children Youth and Families of the National Academy of Sciences, conduct an experimental study directly or through contract or interagency agreement which assesses the relative efficacy of two approaches to abstinence education for adolescents. The study design should enable a comparison of the efficacy of an abstinence program which precludes education about contraception with a similar abstinence program which includes education about contraception. Key outcomes that should be measured in the study include rates of sexual activity, pregnancy, birth, and sexually transmitted diseases.

(2) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to Congress the available findings regarding the comparative analysis.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

TITLE VI—RESTORING FAIRNESS FOR IMMIGRANT FAMILIES

SEC. 601. TREATMENT OF ALIENS UNDER THE TANF PROGRAM.

(a) EXCEPTION TO 5-YEAR BAN FOR QUALIFIED ALIENS.—Section 403(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

''(L) Benefits under the Temporary Assistance for Needy Families program described in section 402(b)(3)(A).''.

(b) BENEFITS NOT SUBJECT TO REIMBURSEMENT.—Section 423(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1138a note) is amended by adding at the end the following:

''(12) Benefits under part A of title IV of the Social Security Act except for cash assistance provided to a sponsored alien who is subject to deeming pursuant to section 408(h) of the Social Security Act.''.

(c) TREATMENT OF ALIENS.—Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

''(h) SPECIAL RULES RELATING TO THE TREATMENT OF 213A ALIENS.—

''(1) IN GENERAL.—In determining whether a 213A alien is eligible for cash assistance under a State program funded under this part, and in determining the amount or types of such assistance to be provided to the alien, the State shall apply the rules of paragraphs (1), (2), (3), (5), and (6) of subsection (f) of this section by substituting '213A' for 'non-213A' each place it appears, subject to section 421(e) of the Personal Responsibility and Work Opportunity Reconcilation Act of 1996, and subject to section 421(f) of such Act (which shall be applied by substituting 'section 408(h) of the Social Security Act' for 'subsection (a)').

''(2) 213A ALIEN DEFINED.—An alien is a 213A alien for purposes of this subsection if the affidavit of support or similar agreement with respect to the alien that was executed by the sponsor of the alien's entry into the United States was executed pursuant to section 213A of the Immigration and Nationality Act.''.

(d) EFFECTIVE DATE AND APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2003.

(2) APPLICABILITY.—The amendments made by this section shall apply to benefits provided on or after the effective date of this section.

SEC. 602. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

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

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.''.

(b) SCHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) as amended by section 803 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by redesignating subparagraphs (C) and (D) as subparagraph (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) Section 1903(v)(4) (relating to optional coverage of categories of permanent resident alien children), but only if the State has elected to apply such section to the category of children under title XIX.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 603. ELIGIBILITY OF DISABLED CHILDREN WHO ARE QUALIFIED ALIENS FOR SSI.

(a) IN GENERAL.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by inserting after subparagraph (K) the following new subparagraph:

''(L) SSI EXCEPTION FOR DISABLED CHILDREN.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), paragraph (1) shall not apply to a child who is considered disabled for purposes of the supplemental security income program under title XVI of the Social Security Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2003, and apply to benefits furnished on or after such date.

TITLE VII—ENSURING STATE ACCOUNTABILITY

SEC. 701. EXTENSION OF MAINTENANCE-OF-EFFORT REQUIREMENT.

Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A) by striking ''fiscal year 1998, 1999, 2000, 2001, 2002, or 2003'' and inserting ''fiscal year 2003, 2004, 2005, 2006, 2007, 2008, or 2009''; and

(2) in subparagraph (B)(ii)—

(A) by inserting ''preceding'' before ''fiscal year''; and

(B) by striking ''for fiscal years 1997 through 2002,''.

SEC. 702. BAN ON USING FEDERAL TANF FUNDS TO REPLACE STATE AND LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.

(a) PROHIBITION.—Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(14) BAN ON USING FEDERAL TANF FUNDS TO REPLACE STATE OR LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.—A State to which a grant is made under section 403 and a sub-State entity that receives funds from such a grant shall not expend any part of the grant funds to supplant State or local spending for benefits or services which are not qualified State expenditures (within the meaning of section 409(a)(7)(B)(i)).''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(17) PENALTY FOR USING FEDERAL TANF FUNDS TO REPLACE STATE OR LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

TITLE VIII—IMPROVING INFORMATION ABOUT TANF RECIPIENTS AND PROGRAMS

SEC. 801. EXTENSION OF FUNDING OF STUDIES AND DEMONSTRATIONS.

Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended by striking ''2002'' and inserting ''2008''.

SEC. 802. LONGITUDINAL STUDIES OF EMPLOYMENT AND EARNINGS OF TANF LEAVERS.

Section 413 (42 U.S.C. 613) is amended—

(1) in subsection (h)(1)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(E) the cost of conducting the studies described in subsection (k).''; and

(2) by adding at the end the following:

''(k) LONGITUDINAL STUDIES OF EMPLOYMENT AND EARNINGS OF TANF LEAVERS.—

''(1) IN GENERAL.—The Secretary, directly or through grants, contracts, or interagency agreements shall conduct a study in each eligible State of a statistically relevant cohort of individuals who leave the State program funded under this part during fiscal year 2004 and individuals who leave the program during fiscal year 2006, which uses State unemployment insurance data to track the employment and earnings status of the individuals during the 3-year period beginning at the time the individuals leave the program.

''(2) REPORTS.—The Secretary shall annually publish the findings of the studies conducted pursuant to paragraph (1) of this subsection, and shall annually publish the earnings data used in making determinations under section 407(b).''.

SEC. 803. INCLUSION OF DISABILITY STATUS IN INFORMATION STATES REPORT ABOUT TANF FAMILIES.

Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended by adding at the end the following:

''(xviii) Whether the head of the family has a significant physical or mental impairment.

SEC. 804. ANNUAL REPORT TO THE CONGRESS TO INCLUDE GREATER DETAIL ABOUT STATE PROGRAMS FUNDED UNDER TANF.

Section 411(b)(3) (42 U.S.C. 611(b)(3)), as amended by section 401(b)(1) of this Act, is amended to read as follows:

''(3) the characteristics of each State program funded under this part, including, with respect to each program funded with amounts provided under this part or with amounts the expenditure of which is counted as a qualified State expenditure for purposes of section 409(a)(7)—

''(A) the name of the program;

''(B) whether the program is authorized at a sub-State level (such as at the county level);

''(C) the purpose of the program;

''(D) the main activities of the program;

''(E) the total amount received by the program from amounts provided under this part;

''(F) the total of the amounts received by the program that are amounts the expenditure of which are counted as qualified State expenditures for purposes of section 409(a)(7);

''(G) the total funding level of the program;

''(H) the total number of individuals served by the program, and the number of such individuals served specifically with funds provided under this part or with amounts the expenditure of which are counted as qualified State expenditures for purposes of section 409(a)(7); and

''(I) the eligibility criteria for participation in the program;''.

SEC. 805. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) DEVELOPMENT OF COMPREHENSIVE LIST OF CASE CLOSURE REASONS.—The Secretary of Health and Human Services shall develop, in consultation with States and policy experts, a comprehensive list of reasons why individuals leave State programs funded under this part. The list shall be aimed at substantially reducing the number of case closures under the programs for which a reason is not known.

(b) INCLUSION IN QUARTERLY STATE REPORTS.—Section 411(a)(1)(A)(xvi) (42 U.S.C. 611(a)(1)(A)(xvi)) is amended—

(1) by striking ''or'' at the end of subclause (IV);

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

(3) by adding at the end the following:

''(VI) a reason specified in the list developed under section 805(a) of the Next Step in Reforming Welfare Act.''.

SEC. 806. STANDARDIZED STATE PLANS.

Within 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services, after consulting with the States, shall establish a standardized format which States shall use to submit plans under section 402(a) of the Social Security Act for fiscal year 2005 and thereafter.

SEC. 807. STUDY BY THE CENSUS BUREAU.

(a) IN GENERAL.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

''(a) IN GENERAL.—The Bureau of the Census shall implement a new longitudinal survey of program dynamics, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples.''.

(b) APPROPRIATION.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking ''1996,'' and all that follows through ''2002'' and inserting ''2004 through 2008''.

SEC. 808. ACCESS TO WELFARE; WELFARE OUTCOMES.

Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

''(c) ANNUAL REPORTS ON WELFARE ACCESS AND OUTCOMES.—

''(1) STATE REPORTS.—Not later than January 1 of each fiscal year, each eligible State shall collect and report to the Secretary, with respect to the preceding fiscal year, the following information:

''(A) The number of applications for assistance from the State program funded under this part, the percentage that are approved versus those that are disapproved, and the reasons for disapproval, broken down by race.

''(B) A copy of all rules and policies governing the State program funded under this part that are not required by Federal law, and a summary of the rules and policies, including the amounts and types of assistance provided and the types of sanctions imposed under the program.

''(C) The types of occupations of, types of job training received by, and types and levels of educational attainment of recipients of assistance from the State program funded under this part, broken down by gender and race.

''(2) USE OF SAMPLING.—A State may comply with this subsection by using a scientifically acceptable sampling method approved by the Secretary.

''(3) REPORT TO THE CONGRESS.—Not later than June 1 of each fiscal year, the Secretary shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, publish in the Federal Register, and make available to the public a compilation of the reports submitted pursuant to paragraph (1) for the preceding fiscal year.''.

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 208 and 502(f) and in subsection (b) of this section, the amendments made by this Act shall take effect on October 1, 2003, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) or 454 of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) or 454 solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

It was decided in the negative ..... { Yeas ..... 197 / Nays 225

¶12.9 [Roll No. 28]

AYES—197

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

NOES—225

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)

Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Owens
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Allen
Burr
Combest
Conyers
Cox
Cubin
Ferguson
Gephardt
Payne
Sanchez, Loretta
Tiberi
Turner (TX)

So the amendment in the nature of a substitute was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. LAHOOD, Acting Chairman, pursuant to House Resolution 69, reported the bill back to the House.

The previous question having been ordered by said resolution.

The bill, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CARDIN moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendments:

Page 87, after line 14, insert the following:

SEC. 202. FINDINGS.

The Congress finds that additional funding for child care is necessary given the additional financial burdens on the States resulting from the implementation of this Act, due to the worsening of economic conditions since the last consideration of welfare reform legislation by the House of Representatives, including—

(1) the severe deficits of more than $80,000,000,000 affecting the States, the largest budget gaps in half a century, that will necessitate reductions in vital services, including the loss of Medicaid for nearly 1,000,000 Americans;

(2) the loss of 2,300,000 jobs since March 2001, including 42 percent more job cuts in January 2003 than in December, and an unemployment rate of nearly 6 percent representing 9,000,000 Americans;

(3) the loss of unemployment benefits by 1,000,000 men and women whose benefits have expired and whom Congress has failed to assist;

(4) an increase in child poverty in 2001 for the first time in 8 years;

(5) the increase of homelessness by nearly 20 percent in the last year; and

(6) substantial waiting lists for child care in at least 18 States, many in the tens of thousands, and actions by other States to make fewer families eligible for child care services.

Page 87, line 15, strike ''**202**'' and insert ''**203**''.

Page 88, line 14, strike ''**203**'' and insert ''**204**''.

Page 89, line 1, strike ''**204**'' and insert ''**205**''.

Page 93, line 3, strike ''**205**'' and insert ''**206**''.

Page 94, line 8, strike ''**206**'' and insert ''**207**''.

Page 95, line 11, strike ''**207**'' and insert ''**208**''.

Page 95, strike line 17 and all that follows through line 2 on page 96 and insert the following:

SEC. 209. INCREASE IN ENTITLEMENT FUNDING.

(a) IN GENERAL.—Section 418(a) (42 U.S.C. 618(a)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''and paragraph (6)'' after ''paragraph (3)'';

(2) in paragraph (3)—

(A) by striking ''and'' at the end of subparagraph (E);

(B) in subparagraph (F), by striking ''fiscal year 2002.'' and inserting ''each of fiscal years 2002 through 2006; and''; and

(C) by adding at the end the following:

''(G) $3,217,000,000 for fiscal year 2007; and

''(H) $3,717,000,000 for fiscal year 2008.'';

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

''(4) AMOUNTS RESERVED FOR INDIAN TRIBES.—

''(A) IN GENERAL.—The Secretary shall reserve 2 percent of the aggregate amount appropriated under paragraphs (3) and (5) for each fiscal year for payments to Indian tribes and tribal organizations for each such fiscal year for the purpose of providing child care assistance.

''(B) USE OF FUNDS; APPLICATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—Subsections (b) and (c) shall apply to amounts received under this paragraph in the same manner as such subsections apply to amounts received by a State under this section.'';

(4) by redesignating paragraph (5) as paragraph (7); and

(5) by inserting after paragraph (4) the following:

''(5) ADDITIONAL GENERAL ENTITLEMENT GRANTS.—

''(A) APPROPRIATION.—In addition to amounts appropriated under paragraph (3) for any fiscal year, there are appropriated for additional grants under paragraph (1)—

''(i) $1,250,000,000 for fiscal year 2004;

''(ii) $1,750,000,000 for fiscal year 2005; and

''(iii) $2,250,000,000 for each of fiscal years 2006 through 2008.

''(B) ADDITIONAL GRANT.—In addition to the grant paid to a State under paragraph (1) for each of fiscal years 2003 through 2007, of the amount available for additional grants under subparagraph (A) for a fiscal year, the Secretary shall pay the State an amount equal to the same proportion of such available amount as the proportion of the State's grant under paragraph (1) bears to the amount appropriated under paragraph (3) for the fiscal year.

''(6) REQUIREMENT FOR GRANT INCREASE.—Notwithstanding paragraphs (1), (2), and (5), the aggregate of the amounts paid to a State under this section for each of fiscal years 2003 through 2008 may not exceed the aggregate of the amounts paid to the State under this section for fiscal year 2002, unless the State ensures that the level of State expenditures for child care for the fiscal year is not less than the level of State expenditures for child care that were matched under a grant made to the State under paragraph (2); and that the State expended to meet its maintenance of effort obligation under paragraph (2) for fiscal year 2002.''.

(b) CONFORMING AMENDMENT.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking ''or 413(f)'' and inserting ''413(f), or 418(a)(4)(B)''.

In the table of contents, strike the item relating to section 208 and insert the following:
Sec. 209. Increase in entitlement funding.

In the table of contents, redesignate the items relating to sections 202 through 207 as items relating to sections 203 through 208, respectively.

In the table of contents, insert after the item relating to section 201 the following:
Sec. 202. Findings.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. CARDIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 197 / Nays 221

¶12.10 [Roll No. 29]

YEAS—197

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

Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—221

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

NOT VOTING—16

Allen
Capuano
Collins
Combest
Conyers
Cubin
Everett
Ferguson
Gephardt
Holt
Pascrell
Payne
Sanchez, Loretta
Tiberi
Weldon (PA)
Wilson (SC)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. CARDIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 230 / Nays 192

¶12.11 [Roll No. 30]

YEAS—230

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

NAYS—192

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

NOT VOTING—13

Allen
Capuano
Collins
Combest
Cubin
Everett
Ferguson
Pascrell
Payne
Sanchez, Loretta
Tiberi
Weldon (PA)
Wilson (SC)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶12.12 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 79):

Resolved, That the following named Members, Delegates, and Resident Commissioners be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE: Mr. Case (to rank immediately after Mr. Acevedo-Vilá), Mr. Pomeroy, Mr. Boswell, Mr. Thompson of California, Mr. Udall of Colorado, Mr. Larsen of Washington, Mr. Davis of Tennessee.

(2) COMMITTEE ON EDUCATION AND THE WORKFORCE: Mr. Davis of Illinois (to rank immediately after Ms. McCollum), Mr. Van Hollen (to rank immediately after Ms. Majette).

(3) COMMITTEE ON GOVERNMENT REFORM: Mr. Cooper, Mr. Bell.

(4) COMMITTEE ON SCIENCE: Mr. Sherman, Mr. Baird, Mr. Moore, Mr. Weiner, Mr. Matheson.

(5) COMMITTEE ON SMALL BUSINESS: Mrs. Napolitano, Mr. Acevedo-Vilá, Mr. Case, Ms. Bordallo, Mr. Marshall, Mr. Michaud.

(6) COMMITTEE ON VETERANS' AFFAIRS: Ms. Hooley of Oregon, Mr. Reyes, Mr. Strickland, Ms. Berkley, Mr. Udall of New Mexico, Mrs. Davis of California, Mr. Ryan of Ohio.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶12.13 SELECT COMMITTEE ON HOMELAND SECURITY

On motion of Mr. NEY, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following resolution (H. Res. 77):

Resolved,

SECTION 1. INTERIM EXPENSES OF THE SELECT COMMITTEE ON HOMELAND SECURITY.

For interim expenses of the Select Committee on Homeland Security, there shall be paid out of the applicable accounts of the House of Representatives not more than $700,000.

SEC. 2. LIMITATION.

Amounts shall be available under this resolution for expenses incurred during the period beginning at noon on January 3, 2003, and ending at midnight on March 31, 2003.

SEC. 3. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Select Committee on Homeland Security, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 4. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 5. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶12.14 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.J. RES. 2

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 71):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. Upon the adoption of the conference report the House shall be considered to have adopted the concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2.

When said resolution was considered. After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶12.15 MESSAGE FROM THE PRESIDENT

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

¶12.16 FURTHER CONTINUING APPROPRIATIONS FY 2003

Mr. YOUNG of Florida, pursuant to House Resolution 71, called up the following conference report (Rept. No. 108–10):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 2), ''making further continuing appropriations for the fiscal year 2003, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Consolidated Appropriations Resolution, 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this joint resolution is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003

Title I—Agricultural Programs
Title II—Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Related Agencies and Food and Drug Administration
Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2003

Title I—Department of Justice
Title II—Department of Commerce and Related Agencies
Title III—The Judiciary
Title IV—Department of State and Related Agency
Title V—Related Agencies
Title VI—General Provisions
Title VII—Rescissions

DIVISION C—DISTRICT OF COLUMBIA APPROPRIATIONS, 2003

Title I—Federal Funds
Title II—District of Columbia Funds
Title III—General Provisions

DIVISION D—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2003

Title I—Department of Defense—Civil: Department of the Army
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent Agencies
Title V—General Provisions

DIVISION E—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2003

Title I—Export and Investment Assistance
Title II—Bilateral Economic Assistance
Title III—Military Assistance
Title IV—Multilateral Economic Assistance
Title V—General Provisions

DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003

Title I—Department of the Interior
Title II—Related Agencies
Title III—General Provisions
Title IV—T'uf Shur Bien Preservation Trust Area
Title V—National Forest Organizational Camp Fee Improvement Act of 2003

DIVISION G—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2003

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS, 2003

Title I—Legislative Branch Appropriations
Title II—General Provisions

DIVISION I—TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003

Title I—Department of Transportation
Title II—Related Agencies
Title III—General Provisions

DIVISION J—TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS, 2003

Title I—Department of the Treasury
Title II—Postal Service
Title III—Executive Office of the President and Funds Appropriated to the President
Title IV—Independent Agencies
Title V—General Provisions—This Act
Title VI—General Provisions—Departments, Agencies, and Corporations

DIVISION K—VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 2003

Title I—Department of Veterans Affairs

Title II—Department of Housing and Urban Development
Title III—Independent Agencies
Title IV—General Provisions

DIVISION L—HOMELAND SECURITY ACT OF 2002 AMENDMENTS

DIVISION M—DEFENSE MATTERS

DIVISION N—EMERGENCY RELIEF AND OFFSETS

Title I—Election Reform
Title II—Agricultural Assistance
Title III—Wildland Fire Emergency
Title IV—TANF and Medicare
Title V—Fisheries Disasters
Title VI—Offsets
Title VII—Bonneville Power Administration Borrowing Authority

DIVISION O—PRICE-ANDERSON ACT AMENDMENTS

DIVISION P—UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this joint resolution shall be treated as referring only to the provisions of that division.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $3,412,000: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $8,566,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $13,759,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $7,358,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $15,251,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, $133,155,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: Provided, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,572,000: Provided, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.

WORKING CAPITAL FUND

For the acquisition of remote mirroring backup technology of the National Finance Center's data, $12,000,000, to remain available until expended: Provided, That none of these funds may be obligated until the House and Senate Committees on Appropriations have approved a feasibility study to be submitted by the Secretary of Agriculture: Provided further, That if the study is not approved within 30 days of its submission, the funds appropriated shall be available for the authorized uses of the Working Capital Fund.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $400,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $664,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $196,781,000, to remain available until expended: Provided, That the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation to cover the costs of new or replacement space for such agency, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $15,685,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $38,095,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,821,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,140,000: Provided, That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $74,097,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $35,017,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $588,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $69,123,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $139,354,000, of which up to $41,274,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of

lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,052,770,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2003 and thereafter, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $119,480,000, to remain available until expended: Provided, That, in fiscal year 2003 and thereafter, funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $620,827,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $180,148,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $21,884,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), $35,643,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $112,264,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,264,000; for competitive research grants (7 U.S.C. 450i(b)), $167,131,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,098,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,196,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,250,000, to remain available until expended; for research grants for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,100,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,243,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,920,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $4,100,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,500,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $4,500,000; for sustainable agriculture research and education (7 U.S.C. 5811), $13,750,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, $11,479,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,700,000; and for necessary expenses of Research and Education Activities, $29,659,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $453,468,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $281,218,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,387,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,566,000; payments for the pest management program under section 3(d) of the Act, $10,759,000; payments for the farm safety program under section 3(d) of the Act, $5,525,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $15,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,546,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,875,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $2,622,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $32,117,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $3,000,000; and for necessary expenses of extension activities, $20,877,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $46,743,000, as follows: payments for the water quality program, $12,971,000; payments for the food safety program, $14,967,000; payments for the regional pest management centers program, $4,531,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,889,000; payments for the crops affected by Food Quality Protection Act implementation, $1,497,000; payments for the methyl bromide transition program, $3,250,000; payments for the organic transition program, $2,125,000; payments for the international science and education grants program under 7 U.S.C. 3291, to remain available until expended, $500,000; payments for the critical issues program under 7 U.S.C. 450i(c): Provided, That of the funds made available under this heading, $500,000 shall be for payments for the critical issues program under 7 U.S.C. 450i(c) and $1,513,000 shall be for payments for the regional rural development centers program under 7 U.S.C. 450i(c).

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,493,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $730,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $725,502,000, of which $4,103,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $62,000,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of

this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2003, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $9,989,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $75,702,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $61,619,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $14,910,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $39,950,000, of which $4,500,000, to remain available until expended, shall be for a packer concentration study: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $603,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $759,759,000, of which no less than $649,082,000 shall be available for Federal food safety inspection; and of which $5,000,000 shall be for enhanced inspection activities, to remain available through September 30, 2004; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $622,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $976,738,000: Provided, That the Secretary of Agriculture is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(b)), $4,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in Public Law 106–387 (114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,130,000,000, of which $1,000,000,000 shall be for guaranteed loans and $130,000,000 shall be for direct loans; operating loans, $2,705,000,000, of which $1,700,000,000 shall be for unsubsidized guaranteed loans, $400,000,000 shall be for subsidized guaranteed loans and $605,000,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; and for boll weevil eradication program loans, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $22,593,000, of which $7,500,000 shall be for guaranteed loans, and $15,093,000 shall be for direct loans; operating loans, $205,513,000, of which $53,890,000 shall be for unsubsidized guaranteed loans, $47,200,000 shall be for subsidized guaranteed loans, and $104,423,000 shall be for direct loans; and Indian tribe land acquisition loans, $179,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $287,176,000, of which $279,176,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $70,708,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2003, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For fiscal year 2003, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $750,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $825,004,000, to remain available until expended, of which not less than $9,162,000 is for snow survey and water forecasting, and not less than $10,701,000 is for operation and establishment of the plant materials centers, and of which not less than $23,500,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service: Provided further, That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $11,197,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $110,000,000, to remain available until expended (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That not to exceed $45,514,000 of this appropriation shall be available for technical assistance: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $30,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,000,000, to remain available until expended.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $640,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $907,737,000, to remain available until expended, of which $96,800,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $723,217,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $87,720,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, $7,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That of the amount appropriated for the Rural Community Development Initiative, not less than $1,000,000 shall be available until expended to carry out a demonstration program on Replicating and Creating Rural Cooperative Home Based Health Care: Provided further, That of the $1,000,000 made available, not less than $200,000 shall be in the form of predevelopment planning grants, not to exceed $50,000 each, with the balance for low-interest revolving loans to be used for capital and other related expenses, and made available to nonprofit based community development organizations: Provided further, That such organizations should demonstrate experience in the administration of revolving loan programs and providing technical assistance to cooperatives: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and $2,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.): Provided further, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $30,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 1 percent available to administer the program and up to 1 percent available to improve interagency coordination may be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''; not to exceed $18,333,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,513,000 shall be for Rural Community Assistance Programs; not to exceed $1,000,000 shall be in the form of predevelopment planning grants, not to exceed $50,000 each; and not to exceed $12,100,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $37,624,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,163,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $27,431,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $9,030,000 shall be for

the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, not to exceed $25,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, $30,000,000 shall be transferred to and merged with the ''Rural Utilities Service, High Energy Cost Grants Account'' to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any remaining funds specifically appropriated in fiscal year 2002 for rural communities with extremely high energy costs under the Rural Community Advancement Program shall be merged and transferred into the Account: Provided further, That any funds in the Account shall be used to provide grants authorized under section 19 of that Act.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $145,736,000: Provided, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $5,572,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,044,000,000 shall be for direct loans, and of which $4,528,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $115,805,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,046,000 for section 524 site loans; $12,000,000 for credit sales of acquired property, of which up to $2,000,000 may be for multi-family credit sales; and $5,011,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $234,950,000, of which $202,350,000 shall be for direct loans, and of which $32,600,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,857,000; section 515 rental housing, $54,000,000; section 538 multi-family housing guaranteed loans, $4,500,000; section 524 site loans, $55,000; multi-family credit sales of acquired property, $934,000; and section 523 self-help housing land development loans, $221,000: Provided, That of the total amount appropriated in this paragraph, $11,656,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $432,374,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $726,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $20,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2003 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $35,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $42,498,000, to remain available until expended: Provided, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2003, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $36,307,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $40,000,000.

For the cost of direct loans, $19,304,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2003, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2003, for Mississippi Delta Region counties (as defined by Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, $2,730,000 shall be available through June 30, 2003, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,190,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $14,967,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,197,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2003, as authorized by section 313 of the Rural Electrification Act of 1936, $3,197,000 shall not be obligated and $3,197,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $9,000,000, of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,500,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with a second round of empowerment zones and enterprise communities, $14,967,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,103,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,600,000,000; Treasury rate direct electric loans, $1,150,000,000; 5 percent rural telecommunications loans, $75,029,000; cost of money rural telecommunications loans, $300,000,000; loans made pursuant to section 306 of that Act, rural telecommunications loans, $120,000,000; and for guaranteed underwriting loans pursuant to section 313A, $1,000,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $11,025,000, and the cost of telecommunication loans, $1,433,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $37,833,000 which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2003 and within the resources

and authority available, gross obligations for the principal amount of direct loans shall be $174,615,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $2,410,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, $3,082,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the principal amount of direct distance learning and telemedicine loans, $300,000,000; and for the principal amount of broadband telecommunication loans, $80,000,000.

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $56,941,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: Provided, That $10,000,000 may be available for grants to finance broadband transmission and local dial-up Internet service in areas that meet the definition of ''rural area'' used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $603,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $10,580,169,000, to remain available through September 30, 2004, of which $5,834,506,000 is hereby appropriated and $4,745,663,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, $3,300,000 shall be for a School Breakfast Program startup grant pilot program, of which no less than $1,000,000 is for the State of Wisconsin: Provided further, That $200,000 shall be for the Common Roots Program: Provided further, That $500,000 shall be for the Child Nutrition Archive Resource Center: Provided further, That up to $5,080,000 shall be for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,696,000,000, to remain available through September 30, 2004, of which $125,000,000 shall be placed in reserve, to remain available until expended, for use in only such amounts, and in such manner, as the Secretary determines necessary, notwithstanding section 17(i) of the Child Nutrition Act, to provide funds to support participation, should costs or participation exceed budget estimates: Provided, That of the total amount available, the Secretary shall obligate $25,000,000 for the farmers' market nutrition program: Provided further, That notwithstanding section 17(h)(10)(A) of such Act, $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B): Provided further, That $2,000,000 shall be available for the Food and Nutrition Service to conduct a study of WIC vendor practices: Provided further, That no other funds made available under this heading shall be used for studies and evaluations: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $26,313,692,000, of which $2,000,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $3,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers as well as from producer-owned cooperatives of bison ranchers: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $164,500,000, to remain available through September 30, 2004: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 and special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, $1,081,000, to remain available through September 30, 2004.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $136,560,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $7,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1769), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $129,948,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

In fiscal year 2003 and thereafter, none of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $116,171,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $2,059,000, of which $1,033,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $1,026,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $25,159,000, to remain available until expended: Provided, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $1,200,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $4,058,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,224,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $834,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,630,727,000, of which not to exceed $222,900,000 to be derived from prescription drug user fees authorized by 21 U.S.C. 379h, including any such fees assessed prior to the current fiscal year but credited during the current year, in accordance with section 736(g)(4), shall be credited to this appropriation and remain available until expended; and of which not to exceed $25,125,000 to be derived from device user fees authorized by 21 U.S.C. 379j shall be credited to this appropriation, to remain available until expended: Provided, That fees derived from applications received during fiscal year 2003 shall be subject to the fiscal year 2003 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That not to exceed $2,300,000 of the total amount appropriated shall be for activities related to legislative affairs: Provided further, That of the total amount appropriated: (1) $413,347,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $426,671,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $13,357,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $199,699,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $88,972,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $208,685,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $40,688,000 shall be for the National Center for Toxicological Research; (7) $36,914,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (8) $108,269,000 shall be for payments to the General Services Administration for rent and related costs; and (9) $107,482,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $8,000,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $85,985,000, including not to exceed $2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $38,400,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2003 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 374 passenger motor vehicles, of which 372 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2003 shall remain available until expended to cover obligations made in fiscal year 2003 for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunications Loans program account, the Rural Housing Insurance Fund program, and the Rural Economic Development Loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service hereafter may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial

accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 715. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 716. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 717. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 718. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 719. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 720. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 721. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 722. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 723. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2004 appropriations Act.

SEC. 724. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 725. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 726. In addition to amounts otherwise appropriated or made available by this Act, $3,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, as authorized by section 4404 of Public Law 107–171 (2 U.S.C. 1161).

SEC. 727. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 728. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking ''$26,000,000'' and inserting ''$26,499,000''.

SEC. 729. Notwithstanding any other provision of law, the City of Coachella, California; the City of Dunkirk, New York; the City of Starkville, Mississippi; the City of Shawnee, Oklahoma; and the City of Berlin, New Hampshire, shall be eligible for loans and grants provided through the Rural Community Advancement Program.

SEC. 730. Notwithstanding any other provision of law, the Secretary shall consider the Cities of Hollister, Salinas, and Watsonville, California; the City of Caldwell, Idaho; the City of Casa Grande, Arizona; the City of Aberdeen, South Dakota; and the City of Vicksburg, Mississippi, as meeting the requirements of a rural area in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

SEC. 731. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the DuPage County, Illinois, Waynewood Drainage Improvement Project, from funds available for the Watershed and Flood Prevention Operations program, not to exceed $1,600,000.

SEC. 732. Notwithstanding any other provision of law, from the funds appropriated to the Rural Utilities Service by this Act, any current Rural Utilities Service borrower within 100 miles of New York City shall be eligible for additional financing, refinancing, collateral flexibility, and deferrals on an expedited basis without regard to population limitations for any financially feasible telecommunications, energy, or water project that assists endeavors related to the rehabilitation, prevention, relocation, site preparation, or relief efforts resulting from the terrorist events of September 11, 2001.

SEC. 733. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 734. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 735. Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking ''2002'' and inserting ''2003''.

SEC. 736. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance for projects in the Embarras River Basin, Lake County Watersheds, and DuPage County, Illinois, from funds made available for Watershed and Flood Prevention Operations by Public Law 107–76.

SEC. 737. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 20 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 738. Notwithstanding any other provision of law, the Natural Resources Conservation

Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out the Upper Tygart Valley Watershed project, West Virginia: Provided, That the Natural Resources Conservation Service is authorized to provide 100 percent of the engineering assistance and 75 percent cost share for installation of the water supply component of this project.

SEC. 739. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 740. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 741. None of the funds appropriated or made available by this Act, or any other Act, may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd–7).

SEC. 742. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 743. None of the funds appropriated or made available by this Act may be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 (7 U.S.C. 8108) that exceed 77 percent of the payment that would otherwise be paid to eligible producers.

SEC. 744. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance through the Watershed and Flood Prevention Operations program for the Kuhn Bayou (Point Remove) project in Arkansas and the Matanuska River erosion control project in Alaska.

SEC. 745. The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsections (c) and (g), by striking ''may'' each place it appears and inserting ''shall''; and

(2) by adding at the end the following:

''(o) PRIVATE VOLUNTARY ORGANIZATIONS AND OTHER PRIVATE ENTITIES.—In entering into agreements described in subsection (c), the President (acting through the Secretary)—

''(1) shall enter into agreements with eligible entities described in subparagraphs (C) and (F) of subsection (b)(5); and

''(2) shall not discriminate against such eligible entities.''.

SEC. 746. Of the unobligated balances of funds made available under the Cooperative State Research, Education, and Extension Service, Buildings and Facilities appropriation in Public Law 104–180, $795,400 are hereby rescinded.

SEC. 747. None of the funds made available in fiscal year 2003 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 748. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance to the Dry Creek/Neff's Grove project, Utah, and the Jefferson River Watershed, Montana.

SEC. 749. Section 307 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, as amended, is further amended by adding a new subsection at the end thereof as follows:

''(d) SOLID WASTE.—The Secretary of Agriculture is authorized to make direct lump sum payments which shall remain available until expended to the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.''.

SEC. 750. The $5,000,000 of unobligated balances available at the beginning of fiscal year 2003 for the experimental Rural Clean Water Program authorized under the heading ''Agricultural Stabilization and Conservation Service—Rural Clean Water Program'' in Public Law 96–108 (93 Stat. 835) and Public Law 96–528 (95 Stat. 3111) are hereby rescinded.

SEC. 751. The Secretary of Agriculture is authorized to make loans and grants to expand the state of Alaska's dairy industry and related milk processing and packaging facilities. There is authorized to be appropriated $5,000,000 to carry out this section for each fiscal years 2003 through 2007.

SEC. 752. The Secretary, if presented with a complete and fully compliant application, including an approved third party to hold the development easement, to protect the 33.8 acre farm formerly operated by American Airlines Captain John Ogonowski from development through the Farmland Protection Program, shall waive the matching fund requirements of the program, if necessary. Farmland Protection Program funds provided shall not exceed the appraised fair market value of the land, as determined consistent with program requirements. Any additional funding provided to carry out this project shall not come at the expense of an allocation to any other State.

SEC. 753. The Secretary of Agriculture is authorized to permit employees of the United States Department of Agriculture to carry and use firearms for personal protection while conducting field work in remote locations in the performance of their official duties.

SEC. 754. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the Agricultural Trade Act of 1978, as amended by Public Law 104–127, not more than $28,000,000 shall be available in fiscal year 2003.

SEC. 755. Notwithstanding any other provision of law, the Municipality of Carolina, Puerto Rico, shall be eligible for grants and loans administered by the Rural Utilities Service.

SEC. 756. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the provisions of section 7404 of Public Law 107–171.

SEC. 757. The Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration, that have statutory authority to purchase interest bearing investments outside of Treasury, are not required to establish obligations and outlays for those investments, provided those investments are insured by FDIC or are collateralized at the Federal Reserve with securities approved by the Federal Reserve, operating under the guidelines of the U.S. Treasury.

SEC. 758. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

SEC. 759. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 245,833 acres in the calendar year 2003 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 760. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $695,000,000.

SEC. 761. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 762. In addition to amounts appropriated by this Act under the heading ''Public Law 480 Title II Grants'', there is appropriated $250,000,000 for assistance for emergency relief activities: Provided, That the amount appropriated under this section shall remain available through September 30, 2004.

SEC. 763. (a) Section 1001(9) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901(9)) is amended by inserting ''crambe, sesame seed,'' after ''mustard seed,''.

(b) Section 1202 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7932) is amended—

(1) in subsection (a), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0960 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.
''(B) Rapeseed.
''(C) Canola.
''(D) Safflower.
''(E) Flaxseed.
''(F) Mustard seed.
''(G) Crambe.
''(H) Sesame seed.
''(I) Other oilseeds designated by the Secretary.'';

(2) in subsection (b), by striking paragraph (10) and inserting the following:

''(10) In the case of other oilseeds, $.0930 per pound for each of the following kinds of oilseeds:

''(A) Sunflower seed.
''(B) Rapeseed.
''(C) Canola.
''(D) Safflower.
''(E) Flaxseed.
''(F) Mustard seed.
''(G) Crambe.
''(H) Sesame seed.
''(I) Other oilseeds designated by the Secretary.'';

(3) by adding at the end the following:

''(c) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(10) and (b)(10).

''(d) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan rate for dry peas, lentils, and small chickpeas shall be based on—

''(1) in the case of dry peas, United States feed peas;

''(2) in the case of lentils, United States number 3 lentils; and

''(3) in the case of small chickpeas, United States number 3 small chickpeas that drop below a 20/64 screen.''.

(c) Section 1204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934) is amended—

(1) in subsection (a), by striking ''and extra long staple cotton'' and inserting ''extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)'';

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

''(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

''(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

''(2) the repayment rate established for oil sunflower seed.

''(g) QUALITY GRADES FOR DRY PEAS, LENTILS, AND SMALL CHICKPEAS.—The loan repayment rate for dry peas, lentils, and small chickpeas shall be based on the quality grades for the applicable commodity specified in section 1202(d).''.

(d) This section and the amendments made by this section apply beginning with the 2003 crop of other oilseeds (as defined in section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901)), dry peas, lentils, and small chickpeas.

SEC. 764. Of the amount of funds that are made available to producers in the State of Vermont under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524) for fiscal year 2003, the Secretary of Agriculture shall make a grant of $200,000 to the Northeast Center for Food Entrepreneurship at the University of Vermont to support value-added projects that contribute to agricultural diversification in the State, to remain available until expended.

SEC. 765. (a) Section 319(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(e)) is amended in the fifth sentence—

(1) by striking ''; Provided, That'' and inserting '', except that (1)''; and

(2) by inserting before the period at the end the following: '', (2) the total quantity of all adjustments under this sentence for all farms for any crop year may not exceed 10 percent of the national basic quota for the preceding crop year, and (3) this sentence shall not apply to the establishment of a marketing quota for the 2003 marketing year''.

(b) During the period beginning on the date of enactment of this Act and ending on the last day of the 2002 marketing year for the kind of tobacco involved, the Secretary of Agriculture may waive the application of section 1464.2(b)(2) of title 7, Code of Federal Regulations.

(c) REGULATIONS.—

(1) The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section and the amendments made by this section.

(2) The promulgation of the regulations and administration of this section and the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(3) In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 766. Title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended in the first paragraph under the heading ''RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)'' under the heading ''RURAL HOUSING SERVICE'' (114 Stat. 1549, 1549A–19) by inserting before the period at the end the following: '': Provided further, That after September 30, 2002, any funds remaining for the demonstration program may be used, within the State in which the demonstration program is carried out, for fiscal year 2003 and subsequent fiscal years to make grants, and to cover the costs (as defined in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a)) of loans authorized, under section 504 of the Housing Act of 1949 (42 U.S.C. 1474)''.

SEC. 767. (a) Notwithstanding any other provision of law, for purposes of administering sections 1101 and 1102 of Public Law 107–171, acreage planted to, or prevented from being planted to, popcorn shall be considered as acreage planted to, or prevented from being planted to, corn: Provided, That if a farm program payment yield for corn is otherwise established for a farm under such section 1102, the same yield shall be used for the acreage on the farm planted to, or prevented from being planted to, popcorn: Provided further, That with respect to all other farms, the farm program payment yield for such popcorn acreage shall be established by the Secretary on a fair and equitable basis to reflect the farm program payment yields for corn on similar farms in the area.

(b) This section shall take effect on October 1, 2003.

SEC. 768. Of the funds appropriated for fiscal year 2002 and prior years for grants and contracts to carry out section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c(b)(1)(A)), $11,000,000 is hereby rescinded.

SEC. 769. Notwithstanding any other provision of this Act, the $4,696,000,000 provided for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) shall be exempt from the across-the-board rescission under section 601 of division N.

SEC. 770. During the 180-day period beginning on the date of enactment of this Act, none of the funds made available by this Act or any other Act shall be available to the Secretary of Agriculture to pay the salaries of any personnel—

(1) to amend the terms of a licensing agreement for a grain warehouse (excluding rice) under the United States Warehouse Act (7 U.S.C. 241 et seq.); or

(2) to issue a new license for a grain warehouse (excluding rice) under that Act unless—

(A) the warehouse does not hold (as of the date of enactment of this Act) a Federal or State license for the operation of the warehouse; and

(B) the licensing agreement accompanying the new license conforms to the licensing requirements of the Secretary in effect on January 1, 2003.

SEC. 771. None of the funds made available in this Act may be used to require that a farm satisfy section 2110(c)(1) of the Organic Foods Production Act of 1990 (7 U.S.C. 6509(c)(1)) in order to be certified under such Act as an organic farm with respect to the livestock produced on the farm unless the report prepared by the Secretary of Agriculture pursuant to the recommendations contained in the joint explanatory statement of the Managers on the part of the House of Representatives and the Senate to accompany Public Law 107–171 (House Conference Report 107–424, pages 672–673) confirms the commercial availability of organically produced feed, at not more than twice the cost of conventionally produced feed, to meet current market demands.

This division may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003''.

DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $100,579,000, of which not to exceed $3,137,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $10,172,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2002: Provided further, That not to exceed 31 permanent positions, 33 full-time equivalent workyears and $3,464,000 shall be expended for the Office of Legislative Affairs: Provided further, That not to exceed 15 permanent positions, 20 full-time equivalent workyears and $1,875,000 shall be expended for the Office of Public Affairs: Provided further, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $15,973,000, to remain available until September 30, 2004.

AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM/INTEGRATED AUTOMATED IDENTIFICATION SYSTEM INTEGRATION

For expenses necessary for the planning, development, and deployment of an integrated fingerprint identification system, including automated capability to transmit fingerprint and image data, $9,000,000, to remain available until September 30, 2004.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary expenses related to the design, development, engineering, acquisition, and implementation of office automation systems for the organizations funded under the headings ''Salaries and Expenses, General Legal Activities'', and ''General Administration, Salaries and Expenses'', and the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, the Bureau of Prisons, and the Office of Justice Programs, $15,942,000, to remain available until September 30, 2004.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $81,354,000, to remain available until September 30, 2004: Provided, That the Attorney General shall transfer to the ''Narrowband Communications'' account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfers made under this proviso shall be subject to section 605 of this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $1,000,000, to remain available

until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: Provided, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: Provided further, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $191,535,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, $1,366,591,000, to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System and for overseeing housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department: Provided further, That any unobligated balances available in prior years from the funds appropriated under the heading ''Federal Prisoner Detention'' shall be transferred to and merged with the appropriation under the heading ''Detention Trustee'' and shall be available until expended: Provided further, That the Trustee, working in consultation with the Bureau of Prisons, shall submit a plan for collecting information related to evaluating the health and safety of Federal prisoners in non-Federal institutions no later than 180 days following the enactment of this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $57,937,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $10,488,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $611,325,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended, and of which not less than $1,996,000 shall be available for necessary administrative expenses in accordance with the Radiation Exposure Compensation Act: Provided, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $133,133,000: Provided, That, notwithstanding any other provision of law, not to exceed $133,133,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,503,767,000; of which not to exceed $2,500,000 shall be available until September 30, 2004, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 10,113 positions and 10,316 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys: Provided further, That the fourth proviso under the heading ''Salaries and Expenses, United States Attorneys'' in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113 shall apply to amounts made available under this heading for fiscal year 2003: Provided further, That of the total amount appropriated, $5,000,000 shall be for Project Seahawk in Charleston, South Carolina.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $155,736,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, $155,736,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,136,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $680,474,000; of which $15,800,000 shall be available for 106 supervisory deputy marshal positions for courthouse security; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be available for development, implementation, maintenance and support, and training for an automated prisoner information system and shall remain available until expended; and $12,061,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended: Provided, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,158 positions and 4,023 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $15,126,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, for per diems in lieu of subsistence, as authorized by law, including advances, and for United States Marshals Service Witness Security program expenses, $175,645,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; of which not to exceed $19,500,000 may be made available for the United States Marshals Service Witness Security program; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,474,000 and, in addition, up

to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $21,901,000, to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $372,131,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,576 passenger motor vehicles, of which 1,085 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $4,234,587,000; of which not to exceed $65,000,000 for automated data processing and telecommunications and technical investigative equipment, not to exceed $10,000,000 for facilities buildout, and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2004; of which $475,300,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not less than $153,812,000 shall only be for Joint Terrorism Task Forces; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: Provided, That not to exceed $50,000 shall be available for official reception and representation expenses: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 26,447 positions and 25,579 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

FOREIGN TERRORIST TRACKING TASK FORCE

For expenses necessary for the Foreign Terrorist Tracking Task Force, including salaries and expenses, operations, equipment, and facilities, $62,000,000.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $1,250,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,374 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $1,560,919,000; of which not to exceed $33,000,000 for permanent change of station shall remain available until September 30, 2004; of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2004; of which not to exceed $50,000 shall be available for official reception and representation expenses: Provided, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,815 positions and 7,661 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

IMMIGRATION ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol, detention and removals, intelligence, investigations, and inspections, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 4,565 passenger motor vehicles, of which 3,450 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service Buffalo Detention Facility, $2,880,819,000; of which not to exceed $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens; of which not to exceed $245,236,000 is for information technology infrastructure: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That none of the funds appropriated in this Act for the Immigration and Naturalization Service's Entry Exit System may be obligated until the Immigration and Naturalization Service submits a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (3) is reviewed by the General Accounting Office; and (4) has been approved by the Committees on Appropriations: Provided further, That funds provided under this heading shall only be available for obligation and expenditure in accordance with the procedures applicable to reprogramming notifications set forth in section 605 of Public Law 107–77.

IMMIGRATION SERVICES

For salaries and expenses for immigration services, $709,000,000: Provided further, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and $4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That unencumbered positions in the aforementioned offices after the date of enactment of this Act shall be filled only by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis up to 10 full-time equivalent workyears: Provided further, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed six permanent positions and six full-time equivalent workyears: Provided further, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police-type use within the limits of the Immigration Enforcement and Border Affairs appropriation.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $258,637,000, to remain available until expended: Provided, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: Provided further, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every seven days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 713, of which 504 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments,

$4,071,251,000, of which $1,463,997,000 shall be for Inmate Care and Programs, $1,880,763,000 shall be for Institution Security and Administration, $571,077,000 shall be for Contract Confinement, and $155,414,000 shall be for Management and Administration: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2004: Provided further, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $399,227,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $201,291,000, to remain available until expended: Provided, That all balances under this heading for counterterrorism programs may be transferred to and merged with the appropriation for ''Domestic Preparedness''.

OFFICE FOR DOMESTIC PREPAREDNESS

For grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, including training, exercises and equipment for fire, emergency medical, hazmat, law enforcement, and other first responders to prevent and respond to acts of terrorism, including incidents involving weapons of mass destruction or chemical or biological weapons, $1,000,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) and other programs; $2,065,269,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account): Provided, That $17,667,000 shall be derived from prior year unobligated balances from Local Law Enforcement Block Grants, and $3,323,000 shall be derived from prior year unobligated balances from residential substance abuse treatment for State prisoners: Provided further, That funding provided under this heading shall remain available until expended as follows:

(1) $400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act and retroactive to October 1, 2000, Guam shall be considered as one ''State'' for all purposes under H.R. 728, notwithstanding any provision of section 108(3) thereof, the Commonwealth of Puerto Rico shall be considered a ''unit of local government'' as well as a ''State'', for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728, and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(A) $80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers;

(B) $20,000,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728; and

(C) $3,000,000 for Citizen Corps programs administered by the Department of Justice;

(2) $250,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) $5,000,000 for the Cooperative Agreement Program;

(4) $18,000,000 for assistance to Indian tribes, of which:

(A) $5,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $8,000,000 shall be available for the Tribal Courts Initiative; and

(C) $5,000,000 shall be available for demonstration grants on alcohol and crime in Indian Country;

(5) $650,914,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $150,914,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(6) $390,165,000 for programs to address violence against women, of which:

(A) $11,975,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(B) $2,296,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(C) $998,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(D) $184,537,000 shall be for Grants to Combat Violence Against Women as authorized by section 1001(a)(18) of the 1968 Act, of which:

(i) $1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for a domestic violence Federal case processing study;

(ii) $5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women; and

(iii) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended;

(E) $64,925,000 shall be for Grants to Encourage Arrest Policies as authorized by section 1001(a)(19) of the 1968 Act;

(F) $39,945,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(G) $4,989,000 shall be for training programs as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(H) $3,000,000 shall be for grants to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(I) $10,000,000 shall be for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106–386;

(J) $40,000,000 shall be for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106–386;

(K) $5,000,000 shall be for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(L) $15,000,000 shall be for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106–386; and

(M) $7,500,000 shall be for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386;

(7) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(8) $65,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act;

(9) $898,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(10) $45,000,000 for Drug Courts, as authorized by Part EE of Title I of the 1968 Act;

(11) $1,497,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(12) $1,995,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(13) $190,000,000 for Juvenile Accountability Incentive Block Grants, of which $25,000,000 shall be available for grants, contracts, and other assistance under the Project ChildSafe Initiative, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2003, and Guam shall be considered a ''State'' for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997;

(14) $1,300,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act;

(15) $7,500,000 for a prescription drug monitoring program;

(16) $13,000,000 for implementation of prison rape prevention and prosecution programs including a statistical review and analysis of the incidence and effects of prison rape, the establishment of a national clearinghouse for provision of information and assistance for Federal, State, and local officials, grants to States, units of local government, prisons, and prison systems for prison rape prevention and prosecution efforts, and the development of national standards for enhancing the detection, prevention, reduction, and punishment of prison rape; and

(17) $15,000,000 for terrorism prevention and response training for law enforcement and other responders:

Provided, That funds made available in fiscal year 2003 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $928,912,000, to remain available until expended: Provided, That section 1703 (b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): Provided further, That all prior year balances derived from the Violent Crime Trust Fund for Community Oriented Policing Services may be transferred into this appropriation: Provided further, That the officer redeployment demonstration described in section 1701(b)(1)(C) shall not apply to equipment, technology, support system or overtime grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.).

Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $353,238,000 as follows: $200,000,000 for the hiring of law enforcement officers including school resource officers to prevent acts of terrorism and other violent and drug-related crimes, of which up to 30 percent shall be available for overtime expenses; $20,622,000 for training and technical assistance; $25,444,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); $35,000,000 to improve tribal law enforcement including equipment and training; $57,132,000 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in ''drug hot spots''; and $15,000,000 for Police Corps education, training, and service under sections 200101–200113 of the 1994 Act: Provided, That funding agreements shall include the funding for the outyear program costs of new recruits;

(2) for crime technology, $400,567,000 as follows: $189,954,000 for a law enforcement technology program; $20,000,000 for the COPS Interoperable Communications Technology Program; $40,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); $41,000,000 for DNA analysis and backlog reduction of which $36,000,000 shall be used as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) and of which $5,000,000 shall be available for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j et seq.); $40,538,000 for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to laboratory general forensic science capacity and capabilities; and $69,075,000 for grants, contracts and other assistance to States under section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training;

(3) for prosecution assistance, $85,000,000 as follows: $45,000,000 for a national program to reduce gun violence, and $40,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys offices;

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $57,107,000 as follows: $10,000,000 for Project Sentry; $14,934,000 for an offender re-entry program; $15,210,000 for the Safe Schools Initiative; and $16,963,000 for a police integrity program; and

(5) not to exceed $33,000,000 for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (''the Act''), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $264,306,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, $6,832,000 shall be available for expenses authorized by part A of title II of the Act, $83,800,000 shall be available for expenses authorized by part B of title II of the Act, including training and technical assistance to help small, nonprofit organizations with the Federal grants process, and $89,257,000 shall be available for expenses authorized by part C of title II of the Act and other juvenile justice programs: Provided, That $26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $11,974,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $9,978,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $15,965,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $46,500,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,472,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $6,500,000 shall be available for the Safe Schools Initiative including $5,000,000 for grants, contracts, and other assistance under the Project Sentry Initiative; and of which $25,000,000 shall be available for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $11,000,000, to remain available until

expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $4,000,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated: Provided further, That rewards made pursuant to section 501 of Public Law 107–56 shall not be subject to this section.

SEC. 106. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 107. Section 114 of Public Law 107–77 shall remain in effect during fiscal year 2003.

SEC. 108. Section 286(e) of the Immigration and Nationality Act (8 U.S.C. 1356(e)) is amended by striking paragraph (3) and replacing it with the following:

''(3) The Attorney General shall charge and collect $3 per individual for the immigration inspection or pre-inspection of each commercial vessel passenger whose journey originated in the United States or in any place set forth in paragraph (1): Provided, That this requirement shall not apply to immigration inspection at designated ports of entry of passengers arriving by ferry, or by Great Lakes vessels on the Great Lakes and connecting waterways when operating on a regular schedule. For the purposes of this paragraph, the term 'ferry' means a vessel, in other than ocean or coastwise service, having provisions only for deck passengers and/or vehicles, operating on a short run on a frequent schedule between two points over the most direct water route, and offering a public service of a type normally attributed to a bridge or tunnel.''.

SEC. 109. The Director of the Federal Bureau of Investigation shall appoint a standing advisory panel, reporting directly to the Director, to study, assess, and advise periodically on the research, development, and application of existing and emerging science and technology advances and other topics: Provided, That the panel shall not be considered to be a Federal advisory committee for purposes of the Federal Advisory Committee Act.

SEC. 110. Public Law 107–273 is amended—

(1) in section 12222(b), strike ''on October 1, 2002'' and insert in lieu thereof the following: ''on the effective date provided in section 12102(b)'';

(2) in section 12223(a), strike ''on the date of the enactment of this Act'' and insert in lieu thereof the following: ''on the effective date provided in section 12102(b)'';

(3) in section 12223(b), by replacing ''Act'' with ''subtitle'', and all the matter after ''beginning'' with ''on or after the effective date provided in subsection (a).''.

SEC. 111. The law enforcement training facility described in section 8150 of Public Law 107–248 is hereby established as a permanent training facility.

SEC. 112. The Attorney General, in consultation with the Secretary of Homeland Security, shall provide to the Committees on Appropriations by March 1, 2003 all National Security Entry Exit Registration System documents and materials: (1) used in the creation of the System, including any predecessor programs; (2) assessing the effectiveness of the System as a tool to enhance national security; (3) used to determine the scope of the System, including countries selected for the program, and the gender, age, and immigration status of the persons required to register under the program; (4) regarding future plans to expand the System to additional countries, age groups, women, and persons holding other immigration statuses not already covered; (5) explaining whether the Department of Justice consulted with other Federal agencies in the development of the System, and if so, all documents and materials relating to those consultations; (6) concerning policy directives or guidance issued to officials about implementation of the System, including the role of the Federal Bureau of Investigation in conducting national security background checks of registrants; (7) explaining why certain Immigration and Naturalization Service District Offices detained persons with pending status-adjustment applications; and (8) explaining how information gathered during interviews of registrants will be stored, used, or transmitted to other Federal, State, or local agencies.

This title may be cited as the ''Department of Justice Appropriations Act, 2003''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $34,999,000, of which $1,000,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $54,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $370,192,000, to remain available until expended, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That $67,669,000 shall be for Trade Development, $31,204,000 shall be for Market Access and Compliance, $44,229,000 shall be for the Import Administration, $202,040,000 shall be for the United States and Foreign Commercial Service, and $25,050,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $74,653,000, to remain available until September 30, 2004, of which $7,250,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further,

That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $290,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,765,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,906,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $72,158,000, to remain available until September 30, 2004.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $183,000,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2000 decennial census, $41,893,000, to remain available until expended: Provided, That, of the total amount available related to the 2000 decennial census ($41,893,000 in new appropriations and $41,817,000 in deobligated balances from prior years), $3,461,000 is for Program Development and Management; $42,651,000 is for Data Content and Products; $4,630,000 is for Field Data Collection and Support Systems; $12,826,000 is for Automated Data Processing and Telecommunications Support; $16,333,000 is for Testing and Evaluation; $2,472,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; and $1,337,000 is for Marketing, Communications and Partnership activities.

In addition, for expenses related to planning, testing, and implementing the 2010 decennial census, $146,306,000.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $183,283,000, to remain available until expended: Provided, That regarding engineering and design of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That none of the funds provided in this Act or any other Act under the heading ''Bureau of the Census, Periodic Censuses and Programs'' shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $14,700,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $43,556,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $2,478,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,097,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That, notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,015,229,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a fiscal year 2003 appropriation from the general fund estimated at $0: Provided further, That during fiscal year 2003, should the total amount of offsetting fee collections be less than $1,015,229,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: Provided further, That an additional amount not to exceed $166,771,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2003, to remain available until expended: Provided further, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2003 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $9,886,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $359,411,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,623,000, to remain available until expended: Provided, That hereafter the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $180,000,000, to remain available until expended, of which $60,700,000 shall be expended for the award of new grants before October 1, 2003.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $66,100,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized, $2,313,519,000, to remain available until September 30, 2004: Provided, That fees and donations received by the National Ocean Service for

the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That, in addition, $65,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000, unless funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year: Provided further, That if funds provided for ''Coastal Zone Management Grants'' exceed funds provided in the previous fiscal year, then no State shall receive more than five percent or less than one percent of the additional funds: Provided further, That, of the $2,395,519,000 provided for in direct obligations under this heading (of which $2,313,519,000 is appropriated from the General Fund, $65,000,000 is provided by transfer, and $17,000,000 is derived from deobligations from prior years), $417,933,000 shall be for the National Ocean Service, $580,066,000 shall be for the National Marine Fisheries Service, $374,740,000 shall be for Oceanic and Atmospheric Research, $698,767,000 shall be for the National Weather Service, $150,616,000 shall be for the National Environmental Satellite, Data, and Information Service, and $173,397,000 shall be for Program Support: Provided further, That, of the amount provided under this heading, $273,022,000 shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity so that total National Oceanic and Atmospheric Administration administrative expenses shall not exceed $243,000,000: Provided further, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act: Provided further, That the Secretary of Commerce will designate a National Marine Fisheries Service Regional Office for the Pacific Area within sixty days of enactment of this Act: Provided further, That the existing National Marine Fisheries Service Southwest Region and Fisheries Science Center and Northwest Region and Fisheries Science Center shall not be merged or reorganized to form the new National Marine Fisheries Service Pacific Area Regional Office, that the current structure, organization, function, and funding of the Southwest and Northwest Centers will not be changed except for funds that are already dedicated to the Hawaiian Islands, and that each regional organization will have the lead responsibility for its own programs: Provided further, That the Secretary of Commerce may enter into cooperative agreements with the Joint and Cooperative Institutes as designated by the Secretary to use the personnel, services, or facilities of such organizations for research, education, training, and outreach.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $759,030,000, to remain available until March 1, 2006, except for funds appropriated for the National Marine Fisheries Service Honolulu Laboratory and for the National Environmental Satellites, Data, and Information Service, which shall remain available until expended: Provided, That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided further, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That of the amount provided under this heading for expenses necessary to carry out conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, including funds for the Coastal and Estuarine Land Conservation Program, $76,179,000, to remain available until expended: Provided further, That the Secretary shall establish a Coastal and Estuarine Land Conservation Program, for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses: Provided further, That none of the funds provided in this Act or any other Act under the heading ''National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $90,000,000: Provided, That this amount shall be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for a final payment pursuant to the 1999 Pacific Salmon Treaty Agreement, $40,000,000, of which $25,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, and of which $15,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund: Provided, That this amount shall be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $1,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), the American Fisheries Promotion Act (Public Law 96–561) and the International Dolphin Conservation Program Act (Public Law 105–42), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $1,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $5,000,000 for Individual Fishing Quota loans, and not to exceed $59,000,000 for Traditional direct loans, of which not less than $40,000,000 may be used for direct loans to the United States distant water tuna fleet: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $44,954,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $20,635,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. Hereafter none of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this or any other Commerce, Justice, State Appropriations Act.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. Hereafter the Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949.

SEC. 207. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2003 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2003 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 208. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the ''National Institute of Standards and Technology, Construction of Research Facilities'', $14,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, $6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, $3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, $4,000,000 is appropriated for the Institute for Politics, and $1,260,000 is appropriated to the Franklin Pierce Manse.

SEC. 209. Of the amount available from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'', $10,000,000 shall be provided to develop an Alaska seafood marketing program. Such amount shall be made available as a direct lump sum payment to the Alaska Fisheries Marketing Board (hereinafter ''Board'') which is hereby established to award grants to market, develop, and promote Alaska seafood and improve related technology and transportation with emphasis on wild salmon, of which 20 percent shall be transferred to the Alaska Seafood Marketing Institute. The Board shall be appointed by the Secretary of Commerce and shall be administered by an Executive Director to be appointed by the Secretary. The Board shall submit an annual report to the Secretary detailing the expenditures of the board.

SEC. 210. (a) The Secretary of Commerce is authorized to award grants and make direct lump sum payments in support of an international advertising and promotional campaign developed in consultation with the private sector to encourage individuals to travel to the United States consisting of radio, television, and print advertising and marketing programs.

(b) The United States Travel and Tourism Promotion Advisory Board (hereinafter ''Board'') is established to recommend the appropriate coordinated activities to the Secretary for funding.

(c) The Secretary shall appoint the Board within 30 days of enactment and shall include tourism-related entities he deems appropriate.

(d) The Secretary shall consult with the Board and state and regional tourism officials on the disbursement of funds.

(e) There is authorized to be appropriated $50,000,000, to remain available until expended, and $50,000,000 is appropriated to implement this section.

SEC. 211. From funds made available from the ''Operations and Training'' account, not more than $50,000 shall be made available to the Maritime Administration for administrative expenses to oversee the implementation of this section for the purpose of recovering economic and national security benefits to the United States following the default under the construction contract described in section 8109 of the Department of Defense Appropriations Act for Fiscal Year 1998 (Public Law 105–56): Provided, That the owner of any ship documented under the authority of this section shall offset such appropriation through the payment of fees to the Maritime Administration not to exceed the appropriation and that such fees be deposited as an offsetting collection to this appropriation: Provided further, That notwithstanding any other provision of law, one or both ships originally contracted under section 8109 of Public Law 105–56 may be constructed to completion in a shipyard located outside of the United States and the owner thereof (or a related person with respect to that owner) may document one or both ships under U.S. flag with a coastwise endorsement, and notwithstanding any other provision of law, and not later than two years after entry into service of the first ship contracted for under section 8109 of Public Law 105–56, that owner (or a related person with respect to that owner) may re-document under U.S. flag with a coastwise endorsement one additional foreign-built cruise ship: Provided further, That: (1) the owner of any cruise ship documented under the authority of this section is a citizen of the United States within the meaning of 46 U.S.C. 12102(a), (2) the foreign-built cruise ship re-documented under the authority of this section meets the eligibility requirements for a certificate of inspection under section 1137(a) of Public Law 104–324 and applicable international agreements and guidelines referred to in section 1137(a)(2) thereof and the 1992 Amendments to the Safety of Life at Sea Convention of 1974, and that with respect to the re-documented foreign-built cruise ship, any repair, maintenance, alteration, or other preparation necessary to meet such requirements be performed in a United States shipyard, (3) any non-warranty repair, maintenance, or alteration work performed on any ship documented under the authority of this section shall be performed in a United States shipyard unless the Administrator of the Maritime Administration finds that such services are not available in the United States or if an emergency dictates that the ship proceed to a foreign port for such work, (4) any ship documented under the authority of this section shall operate in regular service transporting passengers between or among the islands of Hawaii and shall not transport passengers in revenue service to ports in Alaska, the Gulf of Mexico, or the Caribbean Sea, except as part of a voyage to or from a shipyard for ship construction repair, maintenance, or alteration work, (5) no person, nor any ship operating between or among the islands of Hawaii, shall be entitled to the preference contained in the second proviso of section 8109 of Public Law 105–56, and (6) no cruise ship operating in coastwise trade under the authority of this section or constructed under the authority of this section shall be eligible for a guarantee of financing under title XI of the Merchant Marine Act 1936: Provided further, That any cruise ship to be documented under the authority of this section shall be immediately eligible before documentation of the vessel for the approval contained in section 1136(b) of Public Law 104–324: Provided further, That for purposes of this section the term ''cruise ship'' means a vessel that is at least 60,000 gross tons and not more than 120,000 gross tons (as measured under chapter 143 of title 46, United States Code) and has berth or stateroom accommodations for at least 1,600 passengers, the term ''one or both ships'' means collectively the partially completed hull and related components, equipment, and parts of whatever kind acquired pursuant to the construction contract described in section 8109 of Public Law 105–56 and intended to be incorporated into the ships constructed thereto, the term ''related person'' means with respect to a person: a holding company, subsidiary, or affiliate of such person meeting the citizenship requirements of section 12102(a) of title 46, United States Code, and the term ''regular service'' means the primary service in which the ship is engaged on an annual basis.

SEC. 212. (a) The Secretary of Commerce shall implement a fishing capacity reduction program for the West Coast groundfish fishery pursuant to section 212 of Public Law 107–206 and 16 U.S.C. 1861a (b)–(e); except that the program may apply to multiple fisheries; except that within 90 days after the date of enactment of this Act, the Secretary shall publish a public notice in the Federal Register and issue an invitation to bid for reduction payments that specifies the contractual terms and conditions under which bids shall he made and accepted under this section; except that section 144(d)(1)(K)(3) of title I, division B of Public Law 106–554 shall apply to the program implemented by this section.

(b) A reduction fishery is eligible for capacity reduction under the program implemented under this section; except that no vessel harvesting and processing whiting in the catcher-processors sector (section 19 660.323(a)(4)(A) of title 50, Code of Federal Regulations) may participate in any capacity reduction referendum or industry fee established under this section.

(c) A referendum on the industry fee system shall occur after bids have been submitted, and such bids have been accepted by the Secretary, as follows: members of the reduction fishery, and persons who have been issued Washington, Oregon, or California Dungeness crab and Pink shrimp permits, shall be eligible to vote in the referendum to approve an industry fee system; referendum votes cast in each fishery shall be weighted in proportion to the debt obligation of each fishery, as calculated in subsection (f) of this section; the industry fee system shall be approved if the referendum votes cast in favor of the proposed system constitute a simple majority of the participants voting; except that notwithstanding 5 U.S.C. 553 and 16 U.S.C. 1861a(e), the Secretary shall not prepare or publish proposed or final regulations for the implementation of the program under this section before the referendum is conducted.

(d) Nothing in this section shall be construed to prohibit the Pacific Fishery Management Council from recommending, or the Secretary from approving, changes to any fishery management plan, in accordance with applicable law; or the Secretary from promulgating regulations (including regulations governing this program), after an industry fee system has been approved by the reduction fishery.

(e) The Secretary shall determine, and state in the public notice published under paragraph (a), all program implementation aspects the Secretary deems relevant.

(f) Any bid submitted in response to the invitation to bid issued by the Secretary under this section shall be irrevocable; the Secretary shall use a bid acceptance procedure that ranks each

bid in accordance with this paragraph and with additional criteria, if any, established by the Secretary: for each bid from a qualified bidder that meets the bidding requirements in the public notice or the invitation to bid, the Secretary shall determine a bid score by dividing the bid's dollar amount by the average annual total ex-vessel dollar value of landings of Pacific groundfish, Dungeness crab, and Pink shrimp based on the 3 highest total annual revenues earned from such stocks that the bidder's reduction vessel landed during 1998, 1999, 2000, or 2001. For purposes of this paragraph, the term ''total annual revenue'' means the revenue earned in a single year from such stocks. The Secretary shall accept each qualified bid in rank order of bid score from the lowest to the highest until acceptance of the next qualified bid with the next lowest bid score would cause the reduction cost to exceed the reduction loan's maximum amount. Acceptance of a bid by the Secretary shall create a binding reduction contract between the United States and the person whose bid is accepted, the performance of which shall be subject only to the conclusion of a successful referendum, except that a person whose bid is accepted by the Secretary under this section shall relinquish all permits in the reduction fishery and any Dungeness crab and Pink shrimp permits issued by Washington, Oregon, or California; except that the Secretary shall revoke the Pacific groundfish permit, as well as all Federal fishery licenses, fishery permits, area, and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program.

(g) The Secretary shall establish separate reduction loan sub-amounts and repayment fees for fish sellers in the reduction fishery and for fish sellers in each of the fee-share fisheries by dividing the total ex-vessel dollar value during the bid scoring period of all reduction vessel landings from the reduction fishery and from each of the fee-share fisheries by the total such value of all such landings for all such fisheries; and multiplying the reduction loan amount by each of the quotients resulting from each of the divisions above. Each of the resulting products shall be the reduction loan sub-amount for the reduction fishery and for each of the fee-share fisheries to which each of such products pertains; except that, each fish seller in the reduction fishery and in each of the fee-share fisheries shall pay the fees required by the reduction loan sub-amounts allocated to it under this paragraph; except that, the Secretary may enter into agreements with Washington, Oregon, and California to collect any fees established under this paragraph.

(h) Notwithstanding 46 U.S.C. App. 1279(b)(4), the reduction loan's term shall not be less than 30 years.

(i) It is the sense of the Congress that the States of Washington, Oregon, and California should revoke all relinquishment permits in each of the fee-share fisheries immediately after reduction payment, and otherwise to implement appropriate State fisheries management and conservation provisions in each of the fee-share fisheries that establishes a program that meets the requirements of 16 U.S.C. 141861a(b)(1)(B) as if it were applicable to fee-share fisheries.

(j) The term ''fee-share fishery'' means a fishery, other than the reduction fishery, whose members are eligible to vote in a referendum for an industry fee system under paragraph (c). The term ''reduction fishery'' means that portion of a fishery holding limited entry fishing permits endorsed for the operation of trawl gear and issued under the Federal Pacific Coast Groundfish Fishery Management Plan.

SEC. 213. (a) The National Oceanic and Atmospheric Administration is authorized to enter into a lease arrangement whereby the National Oceanic and Atmospheric Administration will relocate the National Weather Service Forecasting Office in Galveston County, League City, Texas to a Galveston County facility and, in exchange, Galveston County may use the existing National Oceanic and Atmospheric Administration National Weather Service Forecasting Office.

(b) Neither the National Oceanic and Atmospheric Administration National Weather Service nor Galveston County will charge the other rent for use of the space and each will be responsible for the operation, maintenance and renovation costs it incurs.

SEC. 214. (a) Hereafter, habitat conservation activities, enforcement and surveillance—cooperative enforcement and vessel monitoring, stock assessments—data collection, and highly migratory shark fishery research under the heading, ''National Oceanic and Atmospheric Administration, Operations, Research and Facilities'', shall be considered to be within the ''Coastal Assistance sub-category'' in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) For fiscal year 2004 and thereafter, response and restoration activities, Cooperative Research, Protected Species activities, Endangered Species Act—Marine Mammals, Sea Turtles and Other Species, Endangered Species Act—Right Whales, Marine Mammal Protection, and Sea Grant (except for the fellowship program) under the heading, ''National Oceanic and Atmospheric Administration, Operations, Research, and Facilities'', shall be considered to be within the ''Coastal Assistance sub-category'' in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(c) All references to outlays in title VIII of Public Law 106–291 are repealed.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2003''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $45,743,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect as authorized by law, $41,626,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $20,313,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $13,687,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $3,800,000,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,784,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $538,461,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $54,636,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $268,400,000, of which not to exceed $10,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $63,500,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $20,856,000; of which $1,800,000 shall remain available through September 30, 2004, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $27,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $5,200,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $2,400,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $12,090,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

This title may be cited as the ''Judiciary Appropriations Act, 2003''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, as amended; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,269,258,000: Provided, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That, of the amount made available under this heading, $292,693,000 shall be available only for public diplomacy international information programs: Provided further, That, of the amount made available under this heading, $500,000 shall be available only for grants to the participating organizations in the War Against Trafficking Alliance for activities and services related to preparation, execution and follow-up for an international conference on sex trafficking: Provided further, That the Secretary shall appoint an advisory panel, reporting directly to the Secretary, to assess policy goals and program priorities with regard to United States relations with the countries of Sub-Saharan Africa and to advise the Secretary of any related findings and recommendations: Provided further, That this panel shall not be considered to be a Federal advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App): Provided further, That funds available under this heading may be available for a United States Government interagency task force to examine, coordinate and oversee U.S. participation in the United Nations headquarters renovation project: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

In addition, not to exceed $1,343,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $553,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $183,311,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $29,264,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $245,306,000, to remain available until expended: Provided, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $6,485,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $11,000,000, to remain available until September 30, 2004.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $508,500,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $755,000,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $6,500,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $18,450,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $138,200,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $866,000,000: Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $673,710,000, of which 15 percent shall remain available until September 30, 2004: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: Provided further, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $25,482,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,450,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $9,472,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $17,100,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), as amended, $10,444,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2003, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2003, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $18,000,000, of which $2,500,000 shall remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $42,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, $468,898,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,996,000, to remain available until expended.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $12,740,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

SEC. 405. (a) Within 90 days of enactment of this Act, the Secretary of the Navy shall transfer, without compensation, to the Secretary of State administrative jurisdiction over the parcels of real property, together with any improvements thereon, consisting in aggregate of approximately 10 acres at Naval Base, Charleston, South Carolina, described in subsection (b).

(b) The parcels of real property described in this subsection are as follows:

(1) A parcel bounded by Holland Street, Dyess Avenue, and Hobson Avenue to the entrance way immediately west of Building 202.

(2) A parcel bounded on the north by Dyess Avenue comprising Building 644.

(c) The transfer of jurisdiction of real property under subsection (a) shall not effect the validity or term of any lease with respect to such real property in effect as of the date of the transfer.

(d) The Secretary of State shall use the property transferred under subsection (a) for support of diplomatic and consular operations.

(e) The exact acreage and legal description of the property transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(f) The Secretary of the Navy may require such additional terms and conditions in connection with the transfer of property under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 406. (a) The Interagency Task Force to Monitor and Combat Trafficking shall establish a Senior Policy Operating Group.

(b) The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (established under Executive Order 13257 of February 13, 2002).

(c) The Operating Group shall coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this division.

(d) The Operating Group shall fully share information regarding agency plans, before and after final agency decisions are made, on all matters regarding grants, grant policies, and other significant actions regarding the international trafficking of persons and the implementation of this division.

(e) The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.

(f) The Operating Group shall meet on a regular basis at the call of the chair.

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2003''.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until September 30, 2005.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $92,696,000, of which $13,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $11,161,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For administrative expenses to carry out the guaranteed loan program, not to exceed $4,126,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $499,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $2,884,000, to remain available until expended.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, $2,000,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,582,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $1,380,000, including not more than $3,000 for the purpose of official representation, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $308,822,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $271,000,000, of which not to exceed $300,000 shall remain available until September 30, 2004, for research and policy studies: Provided, That $269,000,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at $2,000,000: Provided further, That any offsetting collections received in excess of $269,000,000 in fiscal year 2003 shall remain available until expended, but shall not be available for obligation until October 1, 2003.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $16,700,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $176,608,000, to remain available until expended: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding any other provision of law, not to exceed $168,100,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, and offsetting collections derived from fees sufficient to implement and enforce the do-not-call provisions of the Telemarketing Sales Rule, 16 C.F.R. Part 310, promulgated under the Telephone Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), estimated at $18,100,000, shall be collected pursuant to this authority: Provided further, That all offsetting collections shall be credited to this appropriation, used for necessary expenses, and remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $8,508,000: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $338,848,000, of which $9,500,000 is to provide supplemental funding for basic field programs, and related administration, for service areas (including a merged or reconfigured service area) that will receive less funding under the Legal Services Corporation Act for fiscal year 2003 than the area received for fiscal year 2002, due to use of data from the 2000 Census, and of which $310,048,000 is for basic field programs and required independent audits; $2,600,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,300,000 is for management and administration; and $3,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in

sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2002 and 2003, respectively, and except that section 501(a)(1) of Public Law 104–134 (110 Stat. 1321–51, et seq.) shall not apply to the use of the $9,500,000 to address loss of funding due to Census-based reallocations.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission, $3,050,000, of which $500,000 shall remain available until September 30, 2004.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, as amended, $2,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $716,350,000; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee) shall be credited to this account as offsetting collections: Provided further, That not to exceed $716,350,000 of such offsetting collections shall be available until expended for necessary expenses of this account: Provided further, That the total amount appropriated under this heading from the general fund for fiscal year 2003 shall be reduced as such offsetting fees are received so as to result in a final total fiscal 2003 appropriation from the general fund estimated at not more than $0.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $314,457,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That $89,000,000 shall be available to fund grants for performance in fiscal year 2003 or fiscal year 2004 as authorized.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $12,422,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $3,726,000, to be available until expended; and for the cost of guaranteed loans, $85,360,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2004: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2003 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act: Provided further, That during fiscal year 2003 commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: Provided further, That during fiscal year 2003 commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the levels established by section 20(i)(1)(C) of the Small Business Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $73,140,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $118,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $108,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: Provided, That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572; 106 Stat. 4515–4516), $3,000,000: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects (including construction projects), or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2003.

SEC. 611. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to implement, enforce, or otherwise abide by the Memorandum of Agreement signed by the Federal Trade Commission and the Antitrust Division of the Department of Justice on March 5, 2002.

SEC. 612. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 613. Of the funds appropriated in this Act under the heading ''Office of Justice Programs—State and Local Law Enforcement Assistance'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 614. Hereafter, none of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 615. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2003.

SEC. 616. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 617. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $600,000,000 shall not be available for obligation until the following fiscal year, with the exception of emergency appropriations made available by Public Law 107–38 and transferred to the Fund.

SEC. 618. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 619. None of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section: Provided, That the Attorney General shall notify the Secretary of State in every instance when a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the Attorney General asks whether the Government will accept the alien under section 243 of the Immigration and Nationality Act.

SEC. 620. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 621. (a) Hereafter, none of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 622. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 623. Of the funds appropriated in this Act for the Departments of Commerce, Justice, and State, the Judiciary, and the Small Business Administration, $100,000 shall be available to each Department or agency only to implement telecommuting programs: Provided, That, six months after the date of enactment of this Act and every six months thereafter, each Department or agency shall provide a report to the Committees on Appropriations on the status of telecommuting programs, including the number of Federal employees eligible for, and participating in, such programs: Provided further, That each Department or agency shall designate a ''Telework Coordinator'' to be responsible for overseeing the implementation of telecommuting programs and serve as a point of contact on such programs for the Committees on Appropriations.

SEC. 624. The paragraph under the heading ''Small Business Administration—Business Loans Program Account'' in chapter 2 of division B of Public Law 107–117 (115 Stat. 2297) is amended by inserting ''or section 7(a) of the Small Business Act (15 U.S.C. 636(a))'' after ''September 11, 2001''.

SEC. 625. For additional amounts under the heading ''Small Business Administration, Salaries and Expenses'', $2,000,000 shall be available for a grant to the Innovation and Commercialization Center; $2,000,000 shall be available for the Mississippi State University MAF/TIGER database project; $1,000,000 shall be for the Black Hills Rural Tourism Marketing Program; $1,500,000 shall be for the Center for Tourism Research; $3,125,000 shall be for the National Inventor's Hall of Fame; $3,175,000 shall be for the Boston Museum of Science; $2,000,000 shall be for the Tuck School and Minority Business Development Agency Partnership; $2,000,000 shall be for the Oklahoma International Trade Processing Center; $300,000 shall be for the Providence, Rhode Island Center for Women and Enterprise; $500,000 shall be for the Ogontz Revitalization Corporation; $500,000 shall be for the Idaho Virtual Incubator, Phase III; $1,600,000 shall be for the Adelante grant; $300,000 shall be for the Immigration Services project in Iowa; $2,000,000 shall be for the Microdevice Fabrication Facility; $700,000 shall be for the Carvers Bay Library; $1,000,000 shall be for technical upgrades for the Northwest Center for Engineering, Science, and Technology; $200,000 shall be for the Southern New Mexico High Technology Consortium; $1,000,000 shall be for the American Museum of Natural History; $200,000 shall be for the Program for International Education and Training; $2,000,000 shall be available for a grant to the St. Louis Enterprise Center in St. Louis County, Missouri to expand programs, operations and facilities to assist in business incubation; $400,000 shall be available for a grant for the Promesa Enterprises to provide back office services and infrastructure support to community-based organizations in the Bronx, New York; $700,000 shall be available for a grant to the New York City Department of Parks, working in conjunction with Youth Ministries for Peace and Justice, for developing a facility in New York City's Starlight Park; $300,000 shall be available for a grant to the Urban Justice Center to provide legal assistance to groups engaged in community development in low-income neighborhoods; $650,000 shall be available for a grant to CAP Services of Stevens Point, Wisconsin to purchase and renovate property; $200,000 shall be available for a grant for the Promesa Foundation in South Bronx, New York to provide community growth funding; $400,000 shall be available for a grant to the Lower East Side Girls Club of New York to provide for facility development; $1,100,000 shall be available for a grant to J.F. Drake State Technical College in Huntsville, Alabama to construct and equip a media center in support of local business needs;

$1,100,000 shall be available for a grant to the City of Los Angeles, California to develop a facility to support downtown business development; $1,100,000 shall be available for a grant to the MountainMade Foundation to fulfill its charter purposes and to continue the initiative developed by the NTTC for outreach and promotion, business and sites development, the education of artists and craftspeople, and to promote small businesses, artisans and their products through market development, advertisement, commercial sale and other promotional means; $700,000 shall be available for a grant to Lord Fairfax Community College for workforce development programs; $700,000 shall be available for a grant to the Village of Edgar, Wisconsin to purchase and redevelop property as a small business park to support local agriculture; $500,000 shall be available for a grant to the West Virginia High Technology Consortium to develop a small business commercialization grant program; $250,000 shall be available for a grant to Johnstown Area Regional Industries in Pennsylvania to develop small business technology centers; $250,000 shall be available for a grant to the Economic Growth Connection of Westmoreland to establish a Paperless Procurement grant program; $350,000 shall be available for a grant to the Fayette County, Pennsylvania Community Action Agency for the Republic Incubator Project; $1,000,000 shall be available for a grant to the Shenandoah Valley Discovery Museum to establish a new facility; $500,000 shall be available for a grant to the University of Tennessee at Chattanooga for the Riverbend Technology Institute for the technology incubator project; $500,000 shall be available for a grant to the California State University, San Bernardino for development of the Center for the Commercialization of Advanced Technology; $1,000,000 shall be available for a grant to the Rhode Island School of Design for the modernization of a building to establish a small business incubator; $500,000 shall be available for a grant to the University of Scranton to establish an Electronic Business Technology Center; $500,000 shall be available for a grant to Experience Works!, Incorporated for small business program activities; $500,000 shall be available for a grant to Wilberforce University to improve technology systems; $500,000 shall be available for a grant to Millikin University for facilities development for the Business and Technology Center; $500,000 shall be available for a grant to the Michael J. Quill Irish Cultural and Sports Center for facilities development; $2,600,000 shall be available for a grant to Iowa State University for the development of a research park biologics facility; $1,000,000 shall be available for a grant to the Southern Kentucky Tourism Development Association for continuation of a regional tourism promotion initiative; $450,000 shall be available for a grant to the Bronx Council on the Arts to help promote stabilization of small arts organizations; $500,000 shall be available for a grant to Southern Kentucky Rehabilitation Industries for internal development; $250,000 shall be available for a grant to Johnstown Area Regional Industries in Pennsylvania to continue the workforce development training program; $500,000 shall be available for a grant to the City of Monticello, Kentucky for commercial revitalization activities; $1,500,000 shall be available for a grant to Shenandoah University to develop a historical and tourism development facility; $500,000 shall be available for a grant to the City of Merrill, Wisconsin to purchase and redevelop industrial property to support economic growth; $2,500,000 shall be available for a grant to the Virginia Community College System (VCCS) for improvement of distance learning programs; $750,000 shall be available for a grant to Soundview Community in Action for a technology access and business improvement project; $100,000 shall be available for a grant to the Gospel Rescue Ministries for facilities renovation; $450,000 shall be available for a grant to the Pregones Theater in the South Bronx, New York for construction improvements; $100,000 shall be available for a grant to the Atoka Preservation Society for facility restoration activities; $500,000 shall be available for a grant to the Virginia Science Museum for marine science and other environmental program activities at Belmont Bay; $500,000 shall be available for a grant to the Infotonics Center of Excellence for small business incubation activities; $500,000 shall be available for a grant to the Chicago Field Museum to renovate and develop a facility; $500,000 shall be available for a grant to the Cedarbridge Development Urban Renewal Corporation for office complex development activities; and $500,000 shall be available for a grant to the City of Belvidere, Illinois to establish a Small Business Agriculture-Technology Incubator and New Use Economy Information Center: Provided, That Section 629 of Public Law 107–77 is amended with respect to a grant of: (1) $500,000 to Johnstown Area Regional Industries for the High Technology Initiative and Wireless/Digital Technology Program by deleting the word ''for'' after ''Industries'' and inserting the words ''to provide technical and financial assistance under a High Technology Initiative and Wireless Digital Technology Program.''; (2) $2,000,000 to the Los Angeles Conservancy by adding the phrase '', including the use of subgrants and other forms of financial assistance'' after ''rebuilding and revitalization.''; (3) $500,000 for a grant to Yonkers, New York by deleting ''Yonkers, New York'' and inserting ''the Yonkers Industrial Development Agency''; and (4) $450,000 to the Southern Kentucky Rehabilitation Industries by deleting the words ''financial assistance and small business development'' after ''for'' and inserting ''technology upgrades'': Provided further, That, any grant made by the Small Business Administration to the MountainMade Foundation during fiscal year 2002 or to the NTTC at Wheeling Jesuit University during fiscal years 1998 through 2002 may be used by such entity to promote small businesses and artisans, and their products, through market development, advertisement, commercial sale, and other promotional means: Provided further, That the preceding proviso shall apply to promotional activities occurring on or after October 1, 1997.

SEC. 626. Any amounts previously appropriated for the Port of Anchorage for an intermodal marine facility and access thereto shall be transferred to and administered by the Administrator for the Maritime Administration including non-federal contributions. Such amounts shall be subject only to conditions and requirements required by the Maritime Administration.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $78,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $50,874,000 are rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $580,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COASTAL IMPACT ASSISTANCE

(RESCISSION)

Of the unobligated balances available under this heading, $7,000,000 are rescinded.

DEPARTMENTAL MANAGEMENT

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $920,000 are rescinded.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $5,700,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $13,750,000 are rescinded.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $10,500,000 are rescinded.

This division may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003''.

DIVISION C—DISTRICT OF COLUMBIA APPROPRIATIONS, 2003

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than seven percent of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code: Provided further, That the Office of Management and Budget shall, in consultation with the United States Park Police, the National Park Service, the Secret Service, the Federal Bureau of Investigation, the United States Protective Service, the Department of State, and the General Services Administration, review the National Capital Planning Commission study on ''Designing for Security in the Nation's Capital'' and report to the Committees on Appropriations of the House of Representatives and Senate on the steps these agencies will take to improve the appearance of security measures in the District of Columbia in accordance with the National Capital Planning Commission recommendations: Provided further, That the report shall be submitted no later than April 11, 2003 and shall include the recommendations of each agency.

FEDERAL PAYMENT FOR HOSPITAL BIOTERRORISM PREPAREDNESS IN THE DISTRICT OF COLUMBIA

For a Federal payment to support hospital bioterrorism preparedness in the District of Columbia, $10,000,000, of which $5,000,000 shall be for the Children's National Medical Center in the District of Columbia for the expansion of quarantine facilities and the establishment of a decontamination facility, and $5,000,000 shall be for the Washington Hospital Center for construction of containment facilities.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $161,943,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,551,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $81,339,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $40,402,000, of which not to exceed $1,500 is for official reception and representation expenses; and $31,651,000 for capital improvements for District of Columbia courthouse facilities: Provided, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: Provided further, That funds made available for capital improvements may remain available until September 30, 2004: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading: Provided further, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Courts under the District of Columbia Appropriations Act, 1998, by the Courts during fiscal year 1998 shall not constitute a violation of such Act or such subchapter.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and/or such other services as are necessary to improve the quality of guardian ad litem representation, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $17,100,000, to remain available until expended: Provided, That $1,500,000 of this appropriation is to provide guardians ad litem to abused and neglected children: Provided further, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $31,651,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $31,651,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $154,707,000, of which not to exceed $2,000 is for official receptions related to offender and defendant support programs; $95,682,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; $23,070,000 shall be transferred to the Public Defender Service; and $35,955,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding chapter 33 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia to house or supervise offenders and defendants, with funds made available for this purpose in Public Law 107–96: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

For a Federal payment to the District of Columbia Department of Transportation, $1,000,000: Provided, That such funds will be used to implement transportation systems management initiatives and strategies recommended in the October 2001 report by the Interagency Task Force of the National Capital Planning Commission in coordination with the National Capital Planning Commission.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $40,300,000: Provided, That these funds shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That each entity that receives funding under this heading shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.

FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS

For a Federal payment to the District of Columbia Department of Housing and Community Development, $2,800,000 to continue improvements on the historic Potomac Southwest Waterfront: Provided, That the Department shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.

FEDERAL PAYMENT FOR ASBESTOS REMEDIATION

For a Federal payment to the General Services Administration (GSA), $1,000,000 to reimburse Fairfax County, Virginia for the remediation of asbestos on the former site of the Lorton Correctional Complex: Provided, That GSA shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.

FEDERAL PAYMENT TO THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

For a Federal payment to the District of Columbia Fire and Emergency Medical Services

Department, $2,000,000 to repair, renovate, and rehabilitate fire stations in need of capital improvements: Provided, That the Department shall submit to the Committees on Appropriations of the House of Representatives and Senate a report due April 30, 2003, on the activities carried out with such funds.

FEDERAL PAYMENT FOR SPECIAL EDUCATION

For a Federal payment to the District of Columbia Public Education System, $3,000,000, to remain available until expended to establish special education satellite facilities in the District of Columbia.

FEDERAL PAYMENT FOR THE FAMILY LITERACY PROGRAM

For a Federal payment to the District of Columbia, $4,000,000 for the Family Literacy Program to address the needs of literacy-challenged parents while endowing their children with an appreciation for literacy and strengthening familial ties.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $50,000,000, to remain available until expended, to begin implementing the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for the fiscal year 2003 Federal contribution.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE IN THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for implementation of the Anacostia Waterfront Initiative, $5,000,000, to remain available until expended, for environmental and infrastructure costs related to development of parks and recreation facilities on the Anacostia River.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR CAPITAL DEVELOPMENT

For a Federal payment to the District of Columbia for capital development, $10,150,000, to remain available until expended, of which $150,000 shall be for renovations at Eastern Market and $10,000,000 shall be for the Unified Communications Center.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR PUBLIC CHARTER SCHOOL FACILITIES

For a Federal payment to the District of Columbia for public charter school facilities, $17,000,000, to remain available until expended, of which $4,000,000 shall be used to supplement the per pupil facilities allocation to public charter schools in fiscal year 2003; $5,000,000 shall be for the direct loan fund for charter school improvement; and $8,000,000 shall be for the credit enhancement revolving fund.

TITLE II—DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 119 of this Act (D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2003 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,294,522,000 (of which $3,618,411,000 shall be from local funds, $1,712,498,000 shall be from Federal funds, and $873,313,000 shall be from other funds): Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2003, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $307,173,000 (including $207,971,000 from local funds, $80,854,000 from Federal funds, and $18,348,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, $2,500 for the City Administrator, and $2,500 for the Office of the Chief Financial Officer shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That not to exceed $500,000 of the funds in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3–169; D.C. Official Code, sec. 28–4516), not to exceed $100,000 of the funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–308.20), and not to exceed $910,000 of the funds in the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001 (D.C. Law 13–172; D.C. Official Code, sec. 28–3911) are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2004, in accordance with the laws establishing these funds.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $244,358,000 (including $56,872,000 from local funds, $97,796,000 from Federal funds, and $89,690,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That $725,000, of which no amount may be expended for administrative expenses, shall be available to the Department of Employment Services when the Council Committee on Public Services approves a spending plan prepared and submitted, by the agency, to the Committee on Public Services for its approval.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, $622,531,000 (including $602,678,000 from local funds, $11,329,000 from Federal funds, and $8,524,000 from other funds): Provided, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That not less than $170,000 shall be for the Corrections Information Council, established by section 11201(g) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Official Code, sec. 24–101(h)), to support its operations and perform its duties: Provided further, That not less than $169,000 shall be for the Criminal Justice Coordinating Council, established by the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 (D.C. Law 14–28; D.C. Official Code, sec. 22–4231 et seq.), to support its operations and perform its duties: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

Public education system, including the development of national defense education programs, $1,206,169,000 (including $939,174,000 from local funds, $208,470,000 from Federal funds, $31,525,000 from other funds, and not to exceed $27,000,000 from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Act 14–403)), $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, and such sums as may be derived from interest earned on funds contained in the dedicated account established by the Chief Financial Officer of the District of Columbia, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents, to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—$902,936,000 (including $713,494,000 from local funds, $150,800,000 from Federal funds, $11,642,000 from other funds, and not to exceed $27,000,000 from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Act 14–403) shall be available for District of Columbia Public Schools: Provided, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2003 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further,

That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2003, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2004: Provided further, That not to exceed $2,500 for the Superintendent of Schools shall be available from this appropriation for official purposes.

(2) STATE EDUCATION OFFICE.—$49,687,000 (including $22,594,000 from local funds, $26,917,000 from Federal funds, and $176,000 from other funds), shall be available for the State Education Office: Provided, That of the amounts provided to the State Education Office, $500,000 from local funds shall remain available until June 30, 2004 for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

(3) DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS.—$142,711,000 (including $125,711,000 from local funds and $17,000,000 from Federal funds) shall be available for District of Columbia public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38–1804.03(b)(2)): Provided further, That of the amounts made available to District of Columbia public charter schools, $25,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(5) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38–1804.03(b)(6)): Provided further, That $589,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2003, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2004.

(4) UNIVERSITY OF THE DISTRICT OF COLUMBIA.—$81,180,000 (including $49,462,000 from local funds, $12,668,000 from Federal funds, and $19,050,000 from other funds) shall be available for the University of the District of Columbia: Provided, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2003, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2003, an amount equal to 10 percent of the total amount provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2004 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2004: Provided further, That not to exceed $2,500 for the President of the University of the District of Columbia shall be available from this appropriation for official purposes.

(5) DISTRICT OF C COLUMBIA PUBLIC LIBRARIES.—$27,363,000 (including $26,216,000 from local funds, $610,000 from Federal funds, and $537,000 from other funds) shall be available for the District of Columbia Public Libraries: Provided, That not to exceed $2,000 for the Public Librarian shall be available from this appropriation for official purposes.

(6) COMMISSION ON THE ARTS AND HUMANITIES.—$2,292,000 (including $1,697,000 from local funds, $475,000 from Federal funds, and $120,000 from other funds) shall be available for the Commission on the Arts and Humanities.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $2,451,818,000 (including $1,002,284,000 from local funds, $1,373,680,000 from Federal funds, $52,987,000 from other funds, and $22,867,000 from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Act 14–403)): Provided, That the funds available from the Medicaid and Special Education Reform Fund are allocated as follows: $7,072,000 for Child and Family Services, $5,795,000 for the Department of Human Services, and $10,000,000 for the Department of Mental Health: Provided further, That $27,959,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That $7,000,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004) and used exclusively for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3003): Provided further, That no less than $2,000,000 of this appropriation shall be available exclusively for the purpose of funding the pilot substance abuse program for youth ages 16 through 21 years established pursuant to section 4212 of the Pilot Substance Abuse Program for Youth Act of 2001 (D.C. Law 14–28; D.C. Official Code, sec. 7–3101): Provided further, That $3,209,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund established pursuant to section 201 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Official Code, sec. 4–202.01), to be used exclusively for the Interim Disability Assistance program and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 13–252; D.C. Official Code, sec. 4–204.07): Provided further, That no less than $500,000 of this appropriation shall be available exclusively for the Mobile Crisis Intervention Program for Kids: Provided further, That the amount available under this heading in Public Law 107–96 for Interim Disability Assistance shall remain available until expended: Provided further, That $37,500,000 in local funds, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $320,357,000 (including $304,363,000 from local funds, $5,669,000 from Federal funds, and $10,325,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

RESERVE

For replacement of funds expended, if any, during fiscal year 2002 from the budget reserve established pursuant to section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Official Code, sec. 47–392.02(j)), $70,000,000 from local funds.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the emergency reserve fund and the contingency reserve fund under section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50a), such amounts from local funds as are necessary to meet the fiscal year 2003 minimum balance requirements for such funds under such section.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (D.C. Official Code, secs. 1–204.62, 1–204.75, and 1–204.90), $260,951,000 from local funds: Provided, That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed two percent of the par amount being financed on a lease purchase basis with a maturity not to exceed five years.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.61(a)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $1,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, $7,950,000 from local funds.

SETTLEMENTS AND JUDGMENTS

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, $22,822,000: Provided, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $4,194,000 from local funds.

WORKFORCE INVESTMENTS

For workforce investments, $48,186,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, including anticipated employee health insurance cost increases and contract security costs, $5,799,000 from local funds.

EMERGENCY PLANNING AND SECURITY COSTS

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000,

from funds previously appropriated in this Act as a Federal payment, to remain available until expended, to reimburse the District of Columbia for the costs of public safety expenses related to security events in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, $253,743,000 from other funds, of which $43,800,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects ($18,094,000 payable to the District's debt service fund and $25,706,000 payable for other debt service).

For construction projects, $392,458,000, to be distributed as follows: $213,669,000 for the Blue Plains Wastewater Treatment Plant, $24,539,000 for the sewer program, $56,561,000 for the combined sewer program, $50,000,000 Federal payment for the Combined Sewer Overflow Long-Term Plan, $5,635,000 for the stormwater program, $34,054,000 for the water program, and $8,000,000 for the capital equipment program: Provided, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, $57,847,000 from other funds.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 from other funds.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $232,881,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $20,510,000, of which $15,510,000 is from other funds and $5,000,000 is from Federal funds appropriated earlier in this Act as a Federal Payment for the Anacostia Waterfront Initiative.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979 (D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $78,700,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, $6,745,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $925,011,000, of which $555,097,000 shall be from local funds, $48,132,000 from Highway Trust funds, and $321,782,000 from Federal funds, and a rescission of $253,991,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $671,020,000, to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That the District of Columbia Public Libraries shall allocate capital funds, from existing resources, in fiscal year 2003 for the planning and design of a new Francis Gregory Public Library.

TITLE III—GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Official Code, sec. 47–1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 107. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter other than—

(1) the promotion or support of any boycott; or

(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 108. At the start of fiscal year 2003 and any subsequent fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the actual borrowings and spending progress compared with projections.

SEC. 109. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center;

unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the reprogramming.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed four percent of the local funds in the appropriation.

SEC. 110. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 111. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.22(3)), shall apply with respect to the compensation of District of Columbia employees:

Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 112. No later than 30 days after the end of the first quarter of fiscal year 2003, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2003 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2004. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 114. (a) In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 115. (a)(1) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2003 and any subsequent fiscal year if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

(1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(2) the Council within 15 calendar days after receipt of the report submitted under paragraph (1) has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2003 an inventory, as of September 30, 2002, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 121. No officer or employee of the District of Columbia government (including any independent agency of the District of Columbia, but excluding the Office of the Chief Technology Officer, the Office of the Chief Financial Officer of the District of Columbia, and the Metropolitan Police Department) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 122. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2003 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 123. (a) None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 124. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 125. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted. The Chief Financial Officer of the

District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by the 10th day after the end of each quarter a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 126. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 127. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 128. (a) If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2003 and any subsequent fiscal year.

SEC. 129. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing the following issues—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 130. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2003 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 131. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93–030–(PA) and 93–031–(PA).

SEC. 132. None of the Federal funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 133. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000 (D.C. Law 13–172; D.C. Official Code, sec. 2–402).

SEC. 134. All funds from the Crime Victims Compensation Fund, established pursuant to section 16 of the Victims of Violent Crime Compensation Act of 1996 (D.C. Law 11–243; D.C. Official Code, sec. 4–514) (''Compensation Act''), that are designated for outreach activities pursuant to section 16(d)(2) of the Compensation Act shall be deposited in the Crime Victims Assistance Fund, established pursuant to section 16a of the Compensation Act, for the purpose of outreach activities, and shall remain available until expended.

SEC. 135. Notwithstanding any other law, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts in cases charging Driving Under the Influence and Driving While Impaired. The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Control Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

SEC. 136. Section 47–363(a–1) of the District of Columbia Official Code is amended by adding at the end the following new paragraph:

''(3)(A) After the adoption of the annual budget for a fiscal year that is not a control year, no reprogramming of amounts in the budget may occur unless—

''(i) the Mayor submits a request for such reprogramming to the Council and the Chief Financial Officer of the District of Columbia;

''(ii) the Chief Financial Officer transmits to the Council a statement certifying the availability of funds for the reprogramming and containing an analysis of the effect of the reprogramming on the financial plan and budget for the fiscal year; and

''(iii) the Council approves the request after receiving the statement described in clause (ii), but only if any additional expenditures provided under the request are offset by reductions in expenditures for another activity.

''(B) If the Chief Financial Officer does not transmit to the Council the statement described in subparagraph (A)(ii) during the 15-day period which begins on the date the Chief Financial Officer receives the request for the reprogramming from the Mayor, the Chief Financial Officer shall be deemed to have transmitted the statement to the Council. Upon written notice to the Mayor and Council, the Chief Financial Officer may extend the time period to transmit the statement and analysis to the Council, not to exceed 10 additional days.

''(C) In this paragraph, the term 'control year' has the meaning given such term in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Official Code, sec. 47–393(4)).''.

SEC. 137. From the local funds appropriated under this Act, any agency of the District government may transfer to the Office of Labor Relations and Collective Bargaining (OLRCB) such amounts as may be necessary to pay for representation by OLRCB in third-party cases, grievances, and dispute resolution, pursuant to an intra-District agreement with OLRCB. These amounts shall be available for use by OLRCB to reimburse the cost of providing the representation.

SEC. 138. (a) Section 9001(1) of Title 5, United States Code, is amended by adding before the period ''(other than an employee of the District of Columbia Courts)''.

(b) Section 11–1726, District of Columbia Code, is amended as follows:

(1) in subsection (b)(1), by adding at the end: ''(F) Chapter 90 (relating to long-term care insurance).''.

(2) in subsection (c)(1), by adding at the end: ''(D) Chapter 90 (relating to long-term care insurance).''.

SEC. 139. Of the amount appropriated as a Federal payment to the District of Columbia Courts in the District of Columbia Appropriations Act, 2002, that remain available through September 30, 2003, $560,000 are hereby transferred to the District of Columbia Child and Family Services Agency for child abuse services.

SEC. 140. No later than June 2, 2003, the Comptroller General shall prepare and submit to the Committees on Appropriations of the House of Representatives and Senate, a detailed analysis of the national effort to establish adequate charter school facilities including a comparison to the efforts in the District of Columbia.

SEC. 141. The Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia, in consultation with the General Services Administration, shall conduct an assessment of all buildings currently held in surplus and those that might be made available within one year of the date of enactment of this Act: Provided, That such assessment include a survey of the space available, a listing of appropriate uses, a listing of potential occupants, and the renovations or construction necessary to accommodate proposed uses: Provided further, That within 180 days of enactment, the Mayor shall report to the Committees on Appropriations of the House of Representatives and Senate the findings of such assessment along with a plan for occupying at least 50 percent of the space available at the time such report is submitted: Provided further, That assignments of space included in this plan shall be in compliance with preferences outlined in the D.C. School Reform Act.

SEC. 142. The Mayor of the District of Columbia, in administering funds provided under the heading ''Federal Payment for Incentives for Adoption of Children'' in Public Law 106–113, as modified by Public Law 107–96, shall establish and fulfill the following performance measures within nine months of the date of enactment of this Act: (i) the Chief Financial Officer of the District of Columbia shall certify that not less than 50 percent of the funds provided for attorney fees and home studies have been expended; (ii) the Mayor shall establish an outreach program to inform adoptive families and children without parents about the scholarship fund established with these funds; (iii) the Mayor shall establish the location, necessary personnel and mission of the adoptive family resource center in the District of Columbia; (iv) the Mayor shall identify not less than 25 percent of the eligible children in the District of Columbia foster care system with special needs and obligate not less than 25 percent of the funds provided in Public Law 106–113 for adoption incentives and support for children with special needs: Provided, That the Mayor of the District of Columbia and the Chairman of the Council of the District of Columbia shall provide quarterly reports beginning on the date of enactment of this Act to the Committees on Appropriations of the House of Representatives and Senate, detailing the expenditure of funds provided for the promotion of adoption and performance in actually promoting adoption; and (v) the Mayor and Child and Family Services Agency of the District of Columbia shall increase the number of waiting children listed in the Child and Family Services Agency of the District of Columbia adoption photo-listing by 75 percent.

SEC. 143. (a)(1) There is established within the District of Columbia, under the authority of the Department of Banking and Financial Institutions, an Office of Public Charter School Financing and Support.

(2) The Office shall have the following three functions:

(A) To administer the credit enhancement fund for public charter schools under section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996, subject to the provisions of such section.

(B) To administer the Direct Loan Fund for Charter School Improvement under subsection (b), subject to the provisions of such subsection.

(C) To develop, implement and provide oversight for other public charter school financing programs and support services as requested by the Mayor and the Council of the District of Columbia.

(3) The functions described in paragraph (2) may be provided by the Office directly or under contract with a qualified provider.

(b)(1) There is established within the District of Columbia a Direct Loan Fund for Charter School Improvement.

(2) The Direct Loan Fund for Charter School Improvement shall be administered by the Office of Charter School Financing and Support, except that no loan may be made under this subsection without the approval of the committee described in section 603(e)(3)(C)(iii) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)(3)(C)(iii)).

(3) Funds distributed under this subsection shall be for construction, purchase, renovation, and maintenance of charter school facilities.

(4) Loans distributed under this subsection shall not exceed $2,000,000 per charter school.

(5) The Office of Charter School Financing and Support shall determine what interest rates and terms apply to loans granted under this subsection. In determining the rates and terms of a loan granted to a charter school, the Office of Charter School Financing and Support should do its best to provide low interest options and flexible terms.

(6) To be eligible for a loan under this subsection, an applicant shall be a public charter school with a charter in effect pursuant to the District of Columbia School Reform Act of 1995 which meets or exceeds its performance goals as outlined in its originating charter.

(7) In repaying a loan granted under this subsection, a debtor may use facility maintenance funds granted to them by the District of Columbia Public Schools.

(c) Section 603(e)(3) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)(3)) is amended—

(1) in subparagraph (B)(ii) and subparagraph (C)(iii), by striking ''The Mayor'' and inserting ''Subject to subparagraph (F), the Mayor''; and

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

''(F) ROLE OF OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT.—During fiscal year 2003 and each succeeding fiscal year, the Office of Public Charter School Financing and Support shall be responsible for receiving applications, making payments, and otherwise administering this paragraph, except that no grant may be made under this paragraph without the approval of the committee described in subparagraph (C)(iii).''.

SEC. 144. None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

SEC. 145. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: Provided, That as part of the certification, the Chief Financial Officer of the District of Columbia require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification: Provided further, That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: Provided further, That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 146. (a) Section 2403(b) of the District of Columbia School Reform Act of 1995 (sec. 38–1804.03(b), D.C. Official Code) is amended to read as follows:

''(b) PAYMENT TO CHARTER SCHOOLS FROM CHARTER SCHOOL FUND.—

''(1) ESTABLISHMENT OF FUND.—The 'New Charter School Fund', as established in the general fund of the District of Columbia prior to the date of the enactment of the District of Columbia Appropriations Act, 2003, shall be redesignated as the 'Charter School Fund'.

''(2) CONTENTS OF FUND.—The Charter School Fund shall consist of the following amounts:

''(A) Unexpended and unobligated amounts appropriated from local funds for public charter schools for any fiscal year that reverted to the general fund of the District of Columbia, but only to the extent that the balance of the Charter School Fund for the fiscal year involved is less than—

''(i) $10,000,000, in the case of fiscal year 2002; or

''(ii) $5,000,000, in the case of fiscal year 2003 and each succeeding fiscal year.

''(B) Any interest earned on such amounts.

''(3) EXPENDITURES FROM FUND.—Amounts in the Charter School Fund shall be used to make payments during a fiscal year to any public charter school operating in the District of Columbia during the fiscal year whose total audited enrollment (including enrollment in special needs categories) exceeds the student enrollment which served as the basis for determining the school's annual payment under this Act for the year.

''(4) FORM OF PAYMENT.—Payments under this subsection shall be made by electronic funds transfer from the Charter School Fund to a bank designated by a public charter school.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out this subsection for each fiscal year.''.

(b) Notwithstanding any other provision of law, $5,000,000 from the Charter School Fund established pursuant to section 2403(b) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38–1804.03(b)), as amended by subsection (a), shall be deposited not later than 15 days after the date of the enactment of this Act into the credit enhancement revolving fund established pursuant to section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)).

This division may be cited as the ''District of Columbia Appropriations Act, 2003''.

DIVISION D—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2003

Making appropriations for energy and water development for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $135,019,000, to remain available until expended: Provided, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to determine the advisability of undertaking restoration, modification, or modernization of the Great Lakes Navigational System, including the St. Lawrence Seaway; as provided for in section

456 of Public Law 106–53 (113 Stat. 332): Provided further, That in making such determination, the Secretary of the Army, acting through the Chief of Engineers, may partner with the St. Lawrence Seaway Development Corporation and Transport Canada or another designated representative of the Government of Canada and may accept from such partners cash, in-kind services, or any combination thereof, to be expended or used by the Secretary in addition to the funds identified herein for the purpose of making such determination.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,756,012,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

San Timoteo Creek (Santa Ana River Mainstem), California, $7,000,000;

Southern and Eastern Kentucky, Kentucky, $3,000,000; and

Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Report dated January 2002, Floyd County, Martin County, and Johnson County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, Kentucky, $26,100,000: Provided, That, using $200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue work on the Bois Brule Drainage and Levee District, Missouri, design deficiency project under the terms and conditions specified in Public Law 107–66: Provided further, That using $9,744,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $4,000,000 of the funds appropriated herein to undertake the Bowie County Levee, Texas, project, which is defined as Alternative B, Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: Provided further, That cost sharing for the Bowie County Levee, Texas, project shall be in accordance with the provisions of the Flood Control Act of 1946: Provided further, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106–541, which are needed to maintain the project schedule: Provided further, That using $1,000,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,000,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,000,000 of the funds provided herein for Dam Safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $13,400,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,500,000 of the funds appropriated herein to proceed with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Seward Harbor, Alaska, project, in accordance with the Report of the Chief of Engineers, dated June 8, 1999, and the economic justification contained therein: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Wrangell Harbor, Alaska, project in accordance with the Chief of Engineer's report dated December 23, 1999: Provided further, That, of the funds provided herein, $3,000,000 shall be made available for the Galena Bank Stabilization Project in Galena, Alaska: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use $5,000,000 of Construction, General funding as provided herein for construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, at an estimated total cost of $100,000,000, which shall be cost-shared in accordance with section 103 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2213), except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound and environmentally acceptable, and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That the justification for the emergency outlet shall be fully described, including the analysis of the benefits and costs, in the project plan documents: Provided further, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, that the project will not violate the Treaty Between the United States and Great Britain Relating to the Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the ''Boundary Waters Treaty of 1909''): Provided further, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: Provided further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $344,574,000, to remain available until expended: Provided, That the Secretary of the Army, acting through the Chief of Engineers, using $10,000,000 of the funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. §621.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,940,167,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: Provided, That using $888,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake recreation improvements associated with the pool raise at Waco Lake, Texas: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $3,160,000 of the funds appropriated herein to undertake work to expand or improve recreational facilities and undertake environmental restoration activities at the Hansen Dam Recreation Area, California, consistent with the Hansen Dam Recreation Area Master Plan: Provided further, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1

Bridge from station 58+00 to station 293+00 between October 1, 2002, and September 30, 2003: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to rehabilitate the existing dredged material disposal site for the project for navigation, Bodega Bay Harbor, California, and to initiate maintenance dredging of the Federal channel: Provided further, That the Secretary shall make suitable material excavated from the site as part of the rehabilitation effort available to the non-Federal sponsor, at no cost to the Federal Government, for use by the non-Federal sponsor in the development of public facilities.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane response, and emergency shore protection and related activities, $15,000,000, to remain available until expended.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $139,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $145,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers, activities of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, and headquarters support functions at the USACE Finance Center, $155,151,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: Provided further, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99–662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. None of the funds appropriated in this or any other Act may be used by the U.S. Army Corps of Engineers to support activities, including reconnaissance and feasibility studies, and planning, engineering and design, related to the Chicago Harbor Visitors Center.

SEC. 103. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 104. Section 595(h)(1) of Public Law 106–53 is amended by striking ''$25,000,000'' and inserting in lieu thereof ''$100,000,000''.

SEC. 105. ST. PAUL ISLAND HARBOR, ST. PAUL, ALASKA TECHNICAL CORRECTIONS. Section 101(b)(3) of Public Law 104–303 (the Water Resources Development Act of 1996), (110 Stat. 3667) is amended by—

(1) striking ''$18,981,000'' and inserting in lieu thereof ''$52,300,000''; and

(2) striking ''$12,239,000'' and inserting in lieu thereof ''$45,558,000''.

SEC. 106. ABIQUIU DAM, NEW MEXICO. Section 1112 of Public Law 99–662 (the Water Resources Development Act of 1986), (100 Stat. 4232) is amended by striking ''$2,700,000'' and inserting in lieu thereof ''$10,000,000''.

SEC. 107. The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of Public Law 102–580 is modified to include as a part of the project channel crossings that are necessary for those existing and proposed highways and roads shown on the Clark County Comprehensive Plan Transportation Element, approved by the Clark County Board of County Commissioners on October 1, 1996. The performance of work required for construction of such channel crossings and the costs incurred in performing such work shall be considered part of the non-Federal sponsor's responsibility to provide lands, easements, and rights-of-way, and to perform relocations for the project. Costs incurred in performing such work may not exceed $16,000,000.

SEC. 108. ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA. The project for replacement of the bridge at Great Bridge, Chesapeake, Virginia, authorized by Section 339(h) of Public Law 104–59 is modified to authorize the Secretary to construct the project at an estimated cost of $46,000,000.

SEC. 109. None of the funds appropriated in this Act, or any other Act, shall be used to study or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the U.S. Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 110. The project for flood control for Terminus Dam, Kaweah River, California, authorized by Section 101(b)(5) of the Water Resources Development Act of 1996, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $50,000,000, with an estimated Federal share of $28,600,000 and an estimated non-Federal share of $21,400,000.

SEC. 111. The project for flood control, Little Calumet River Basin (Cady Marsh Ditch), Indiana, authorized by section 401(a) of Public Law 99–662 is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at a total cost of $23,146,000, with an estimated Federal cost of $17,359,000 and an estimated non-Federal cost of $5,787,000.

SEC. 112. The non-Federal interest shall receive credit toward the non-Federal share of the cost of the feasibility study for work performed prior to the date that the Secretary of the Army, acting through the Chief of Engineers, enters into the feasibility cost-sharing agreement with the non-Federal sponsor for the Indiana Harbor Environmental Dredging, Indiana, feasibility study. The Secretary shall provide credit for work only if the Secretary determines such work integral to the feasibility study.

SEC. 113. In satisfaction of any normal requirement for mitigation identified by the pending Environmental Impact Study for the deepening of the Brownsville Navigation Channel, Texas, the Secretary of the Army, acting through the Chief of Engineers, shall provide credit to the Brownsville Navigation District for work performed before the completion of the Environmental Impact Study to restore the wetlands at Bahia Grande, Lower Laguna Madre, and Vadia Ancha. Such credit shall be at a ratio determined by the Secretary, considering the environmental value of the wetlands impacted by the project and the environmental value of the restored wetlands. The Secretary shall provide credit for work only if the Secretary determines such work integral to the project.

SEC. 114. The Secretary of the Army, acting through the Chief of Engineers, shall carry out the project for inland navigation, Chickamauga Lock and Dam, Tennessee, substantially in accordance with the plans, and subject to the conditions, described in the report of the Chief of Engineers, dated May 30, 2002, except that the Secretary shall construct the project in accordance with the plan that includes a 110-foot by 600-foot replacement lock at a total cost of $267,167,000. The costs of such construction shall be paid one-half from amounts appropriated from the general fund of the Treasury and one-half from amounts appropriated from the Inland Waterways Trust Fund.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, shall conduct a study for the James River, Greene County, Missouri, project for flood damage reduction, Greene County, Missouri, and, if the Secretary determines that such project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 116. Section 101(a)(21), ''Amite River and Tributaries, Louisiana,'' of the Water Resources Development Act of 1999 is amended in subsection (a)(21) by striking ''$112,900,000'' and inserting ''$150,257,000'', and by striking ''$39,500,000'' and inserting ''$52,589,950''.

SEC. 117. None of the funds appropriated in this or any other Act may be used by the U.S. Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

SEC. 118. Section 101(a)(19) of the Water Resources Development Act of 1999 is hereby amended to increase the total project cost to $78,879,000 with an estimated Federal cost of $51,271,000 and an estimated non-Federal cost of $27,608,000 in accordance with the Corps of Engineers Post Authorization Change Report, dated January 2003, as amended by the Chief of Engineers.

SEC. 119. The Secretary of the Army, acting through the Chief of Engineers, is authorized to credit toward the non-Federal share of the cost of the Savannah Harbor Expansion, Georgia, project, authorized by section 101(b)(9) of the Water Resources Development Act of 1999, an amount equal to the Federal share of the costs incurred by the non-Federal interests subsequent to project authorization to the extent that the Secretary determines that such costs were necessary to ensure compliance with the conditions of the project authorization.

SEC. 120. The project for aquatic ecosystem restoration, Rose Bay, Volusia County, Florida, being carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), is modified to direct the Secretary of the Army, acting through the Chief of Engineers, to credit toward the non-Federal share of the cost of the project the costs incurred by the Florida Department of Transportation in constructing that portion of the United States Highway 1 bridge that the Secretary determines is required for the proper functioning of the project.

SEC. 121. The Secretary of the Army, acting through the Chief of Engineers, shall modify the shoreline management plan for Lake Cumberland, Kentucky, to allow for construction of a privately owned moorage facility at Woodson Bend Peninsula on the South Fork of the Cumberland River at Lake Cumberland.

SEC. 122. The non-Federal sponsor shall receive credit in an amount not to exceed $10,000,000 toward their share of the cost of Des Moines Recreational River and Greenbelt, Iowa, projects for work performed by the sponsor, or others on behalf of the sponsor, including planning, design, and construction performed after October 1, 2002, provided the Secretary of the Army, acting through the Chief of Engineers, determines that such work is completed in accordance with U.S. Army Corps of Engineers standards and procedures and is integral to the Des Moines Recreational River and Greenbelt project.

SEC. 123. The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, authorized by Section 101(a)(24) of Public Law 106–53, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project substantially in accordance with the plans and subject conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed by December 31, 2003, at a total project cost of $73,380,000 with an estimated Federal cost of $45,304,000 and an estimated non-Federal cost of $28,076,000. The non-Federal interest shall receive credit toward the non-Federal share of project costs for construction work performed by the non-Federal interest before execution of the project cooperation agreement if the Secretary finds that the work performed by the non-Federal interest is integral to the project.

SEC. 124. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct portions of the Long Lake Environmental Restoration Project, Indiana, that are located on non-Federally owned land in accordance with Section 206 of Public Law 104–303, as amended. Notwithstanding the provisions of Section 206, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct all the components of the Long Lake, Indiana, environmental restoration project that are located on Federal land at full Federal expense as identified in the Long Lake, Indiana, Reconnaissance Report, dated October 2002, and as further modified by subsequent study. After completion of the project, the Secretary of the Army shall seek reimbursement from the Secretary of the Interior of an amount equal to the costs of the project allocated to benefits to the Indiana Dunes National Lakeshore.

SEC. 125. Section 514 of the Water Resources Development Act of 1999 is amended by striking ''2000 and 2001'' in subsection (g) and inserting ''2003 and 2004''.

SEC. 126. Section 595 of the Water Resources Development Act of 1999 is amended by striking ''Sec. 595. Rural Nevada and Montana.'' and inserting in lieu thereof ''Sec. 595. Rural Nevada, Montana, and Idaho.'' and in (b) strike ''and Montana.'' and insert in lieu thereof '', Montana, and Idaho.'' and in (c) strike ''and Montana,'' and insert in lieu thereof '', Montana, and Idaho,'' and in (h)(1) strike ''and'' and insert after (h)(2) ''and; (3) $25,000,000 for Idaho;''.

SEC. 127. SOUTHERN AND EASTERN KENTUCKY. (a) PROJECT PURPOSES.—Section 531(b) of the Water Resources Development Act of 1996 (110 Stat. 3773) is amended by inserting before ''and resource'' the following: '', environmental restoration,''.

(b) DEFINITION.—Section 531(g) of such Act (110 Stat. 3774) is amended by inserting after ''Lee,'' the following: ''Bath, Rowan,''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 531(h) of such Act (110 Stat. 3774; 113 Stat. 348) is amended by striking ''$25,000,000'' and inserting ''$40,000,000''.

SEC. 128. With respect to the pre-construction engineering and design for the environmental dredging project at Ashtabula River, Ohio, for which funds are made available under this heading, the non-Federal interest shall receive credit toward the non-Federal share of the cost of the pre-construction engineering and design work performed in-kind after the date of execution of the design agreement.

SEC. 129. Section 313(h)(2) of the Water Resources Development Act of 1992 is amended by striking ''Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder and Westmoreland Counties'' and inserting ''Allegheny, Armstrong, Beford, Blair, Cambria, Clearfield, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset, Snyder, Washington, and Westmoreland Counties''.

Sec. 130. HERRING CREEK-TALL TIMBERS, MARYLAND. (a) IN GENERAL.—Using funds made available by this Act, the Secretary of the Army, acting through the Chief of Engineers, may provide immediate corrective maintenance to the project at Herring Creek-Tall Timbers, Maryland, at full Federal expense.

(b) INCLUSIONS.—The corrective maintenance described in subsection (a), and any other maintenance performed after the date of enactment of this Act with respect to the project described in that subsection, may include repair or replacement, as appropriate, of the foundation and structures adjacent and structurally integral to the project.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,902,000, to remain available until expended, of which $11,259,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,326,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $813,491,000, to remain available until expended, of which $36,400,000 shall be available for transfer to the Upper Colorado River Basin Fund and $34,327,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $4,600,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That $10,000,000 of the funds appropriated herein shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of division B, title I of Public Law 106–554, as amended: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting ''2002, and 2003'' in lieu of ''and 2002'': Provided further, That the Bureau of Reclamation is authorized hereafter to negotiate and enter into financial assistance agreements with public and private agencies, organizations, and institutions for activities under the Lake Tahoe Regional Wetlands Development Program: Provided further, That the costs associated with such activities will be nonreimbursable.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $48,904,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $54,870,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 16 passenger motor vehicles, of which 12 are for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. In order to increase opportunities for Indian tribes to develop, manage, and protect their water resources, in fiscal year 2003 and thereafter, the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants and cooperative agreements with any Indian tribe, institution of higher education, national Indian organization, or tribal organization pursuant to 31 U.S.C. 6301–6308. Nothing in this Act is intended to modify or limit the provisions of the Indian Self Determination Act (25 U.S.C. 45 et seq.).

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program—Alternative Repayment Plan'' and the ''SJVDP—Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Section 212 of the Energy and Water Development Appropriations Act, 2001 (114 Stat. 1441B–13) is amended as follows:

(1) In subsection (a)(2)—

(A) by inserting ''all real and personal property rights and interests associated with such conduits and canals, all water rights of whatever nature or kind associated therewith, and'' before ''all recreational facilities''; and

(B) by inserting ''and improvements'' after ''recreational facilities''.

(2) In subsection (b)—

(A) by striking ''as soon as practicable after date of enactment of this Act'' and inserting ''by no later than June 30, 2003,''; and

(B) by inserting ''including all real and personal property rights, water rights, and facilities held by or appropriated to the United States'' after ''all right, title, and interest in and to the Sly Park Unit to the District''.

(3) In subsection (c)—

(A) by striking ''The Secretary'' and inserting ''(1) Subject to paragraph (2), the Secretary'';

(B) by inserting ''and subsequent interim renewal contracts associated therewith'' after ''contract number 14–06–200–949IR3''; and

(C) by adding at the end the following:

''(2) The amount the Secretary is authorized to receive under paragraph (1) shall be reduced by an amount equal to any payments received by the United States from the District under the contracts referred to in paragraph (1) in the period beginning on the date of the enactment of this Act and ending on the date of conveyance of the Sly Park Unit under this section.''.

SEC. 204. Section 110(a)(3)(A)(i) of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of Public Law 106–554), is further amended by inserting '', including all expenditures made by the Central Basin Municipal Water District between February 11, 1993, and December 21, 2000'' before the semi-colon.

SEC. 205. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 206. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 207. RESTORATION OF FISH, WILDLIFE, AND ASSOCIATED HABITATS IN WATERSHEDS OF CERTAIN LAKES. (a) IN GENERAL.—In carrying out section 2507 of Public Law 107–171, the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) subject to paragraph (3), provide water and assistance under that section only for the Pyramid, Summit, and Walker Lakes in the State of Nevada;

(2) use $1,000,000 for the creation of a fish hatchery at Walker Lake to benefit the Walker River Paiute Tribe; and

(3) use $2,000,000 to provide grants, to be divided equally, to the State of Nevada, the State of California, the Truckee Meadows Water Authority, and the Pyramid Lake Paiute Tribe, to implement the Truckee River Settlement Act, Public Law 101–618.

(b) ADMINISTRATION.—The Secretary of the Interior, acting through the Commissioner of Reclamation, may provide financial assistance to State and local public agencies, Indian tribes, nonprofit organizations, and individuals to carry out this section and section 2507 of Public Law 107–171.

SEC. 208. The Commissioner of the Bureau of Reclamation is directed to increase the use of the private sector in performing planning, engineering and design work for Bureau of Reclamation projects to 10 percent in fiscal year 2003, and in each subsequent year until the level of work is at least 40 percent for the planning, engineering and design work conducted by the Bureau of Reclamation.

SEC. 209. Using previously appropriated funds, the Bureau of Reclamation is directed to undertake activities related to the development of the North Central Montana Rural Water Supply system. Such sums shall remain available, without fiscal year limitation, until expended.

SEC. 210. Section 8 of Public Law 104–298 (the Water Desalination Act of 1996) is amended further by—

(1) in paragraph (a) by striking ''2002'' and inserting in lieu thereof ''2004''; and

(2) in paragraph (b) by striking ''2002'' and inserting in lieu thereof ''2004''.

SEC. 211. (a) NORTH LAS VEGAS WATER REUSE PROJECT.—

(1) AUTHORIZATION.—The Secretary of the Interior, in cooperation with the appropriate local authorities, may participate in the design, planning, and construction of the North Las Vegas Water Reuse Project (hereinafter referred to as the ''Project'') to reclaim and reuse water in the service area of the North Las Vegas Utility Division Service Area of the City of North Las Vegas and County of Clark, Nevada.

(2) COST SHARE.—The Federal share of the cost of the Project shall not exceed 25 percent of the total cost.

(3) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the Project.

(4) FUNDING.—Funds appropriated pursuant to section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) may be used for the Project.

(b) RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.—Design, planning, and construction of the Project authorized by this Act shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.), as amended.

SEC. 212. None of the funds appropriated or otherwise made available in this Division or any prior Energy and Water Development Appropriations Act may be used for the settlement agreement of Sumner Peck Ranch, Inc. v. Bureau of Reclamation (Civ. No F–91–048 OWW (E.D. Cal)).

SEC. 213. Section 201(d) of the Salton Sea Reclamation Act of 1998 (Public Law 105–372) is amended by striking ''$3,000,000'' and inserting in lieu thereof, ''$10,000,000''.

SEC. 214. The Secretary of the Interior, acting through the Bureau of Reclamation, shall conduct a feasibility study of options for additional water storage in the Yakima River Basin, Washington, with emphasis on the feasibility of storage of Columbia River water in the potential Black Rock Reservoir and the benefit of additional storage to endangered and threatened fish, irrigated agriculture, and municipal water supply. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 215. The Secretary of the Interior, in carrying out CALFED-related activities, may undertake feasibility studies for Sites Reservoir, Los Vaqueros Reservoir Enlargement, and Upper San Joaquin Storage projects. These storage studies should be pursued along with ongoing environmental and other projects in a balanced manner.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $701,477,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $215,100,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $456,539,000, of which $340,329,000, shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 28 passenger motor vehicles for replacement only, $3,305,894,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $145,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That not to exceed $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That $7,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by

direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $207,404,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $120,000,000 in fiscal year 2003 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than $87,404,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $37,671,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed one for replacement only), $5,954,204,000, to remain available until expended: Provided, That $12,000,000 is authorized to be appropriated for Project 03–D–102, LANL administration building, Los Alamos National Laboratory, Los Alamos, New Mexico: Provided further, That $113,000,000 is authorized to be appropriated for Project 01–D–108, Microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,113,630,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $706,790,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $12,000), $330,929,000, to remain available for obligation until September 30, 2003.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 24 passenger motor vehicles, for replacement only, $5,470,180,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, $1,138,314,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $158,399,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $546,554,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $315,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2003, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $4,534,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $14,463,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $27,378,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $16,455,000 in reimbursements, to remain available until expended: Provided, Notwithstanding the provisions of 31 U.S.C. 3302, that up to $1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $168,858,000, to remain available until expended, of which $158,605,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $6,100,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That up to $156,124,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, of the amounts appropriated in Public Law 107–66, not less than $400,000 to be spent as described in House Report 107–258 under this heading shall be nonreimbursable: Provided further, That, of the amount appropriated in Public Law 107–66 for corridor review and environmental review required for the construction of a 230 kv transmission line between Belfield and Hettinger, not

less than $200,000 shall be provided for corridor review and environmental review for the construction of a high voltage line in Western North Dakota that would facilitate the upgrade of the Miles City DC tie.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,734,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $192,000,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $192,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2003 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract, or a contract for environmental remediation or waste management in excess of $100 million in annual funding at a current or former management and operating contract site or facility, or award a significant extension or expansion to an existing management and operating contract, or other contract covered by this section, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) Within 30 days of formally notifying an incumbent contractor that the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $21,183,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term ''covered nuclear weapons production plant'' means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas; and

(4) the Savannah River Plant, South Carolina.

SEC. 309. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 310. Section 310 of the Energy and Water Development Appropriations Act, 2000 (Public Law 106–60), is hereby repealed.

SEC. 311. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2003 until the enactment of the Intelligence Authorization Act for fiscal year 2003.

SEC. 312. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the ''Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site''.

SEC. 313. Funds appropriated in Public Law 107–066 for the Kachemak Bay submarine cable project may be available to reimburse the local sponsor for the federal share of the project costs assumed by the local sponsor prior to final passage of that Act.

SEC. 314. STAY AND REINSTATEMENT OF FERC LICENSE NO. 11393. (a) Upon the request of the licensee for FERC Project No. 11393, the Federal Energy Regulatory Commission shall issue an order staying the license.

(b) Upon the request of the licensee for FERC Project No. 11393, but not later than 6 years after the date that the Federal Energy Regulatory Commission receives written notice that construction of the Swan-Tyee transmission line is completed, the Federal Energy Regulatory Commission shall issue an order lifting the stay and make the effective date of the license the date on which the stay is lifted.

(c) Upon request of the licensee for FERC Project No. 11393 and notwithstanding the time period specified in section 13 of the Federal Power Act for the commencement of construction, the Commission shall, after reasonable notice and in accordance with the good faith, due diligence, and public interest requirements of that section, extend the time period during which licensee is required to commence the construction of the project for not more than one 2-year time period.

SEC. 315. (a) None of the funds made available under the accounts ''non-defense environmental management'', ''uranium facilities maintenance and remediation'', ''defense environmental restoration and waste management'', or ''defense facilities closure projects'' may be obligated at a Department of Energy site or laboratory, or in association with a site or laboratory, if the effect of such would result in the Department of Energy exceeding for that site or laboratory the comparable current-year level of funding, or the amount of the fiscal year 2003 budget request, whichever is greater.

(b) The limitation of subsection (a) will not apply to a site or laboratory after such time that the Department has entered into a site performance management plan for that site or laboratory consistent with the intent of the Department's environmental management acceleration and reform initiative.

SEC. 316. Notwithstanding any other provision of law, the National Nuclear Security Administration is prohibited from taking any actions adversely affecting employment at the Nevada Operations Office for a period of not less than 365 days, unless the Administrator seeks and is granted a waiver, in writing, from the House and Senate Committees on Appropriations.

SEC. 317. Notwithstanding the provisions of any other law, using funds appropriated in this title, the Secretary of Energy shall proceed with planning and analyses for external regulation of the Department's laboratories under the Office of Science as directed in the statement of managers accompanying this bill.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $71,290,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $19,000,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding section 382N of said Act, $8,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $48,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $578,184,000, to remain available until expended: Provided, That of the amount appropriated herein, $24,900,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $520,087,000 in fiscal year 2003 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than $58,097,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,800,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $6,392,000 in fiscal year 2003 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation estimated at not more than $408,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,200,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 504. Section 309 of Title III—Denali Commission of Division C—Other Matters of Public Law 105–277, as amended, is further amended by striking ''2003'' and inserting in lieu thereof ''thereafter''.

SEC. 505. EXTENSION OF PROHIBITION OF OIL AND GAS DRILLING IN THE GREAT LAKES. Section 503 of the Energy and Water Development Appropriations Act, 2002 (115 Stat. 512), is amended by striking ''2002 and 2003'' and inserting ''2002 through 2005''.

SEC. 506. CLARIFICATION OF INDEMNIFICATION TO PROMOTE ECONOMIC DEVELOPMENT. Title 42 U.S.C. §7274q is amended in subsection (b)(2), by adding the following new subsection:

''(D) Any successor, assignee, transferee, lender or lessee of a person or entity described in subparagraphs (A) through (C).''.

SEC. 507. The Director of the Office of Management and Budget shall transmit to the Congress by April 1, 2003, a cross-cut budget displaying, by fiscal year, all CALFED Bay-Delta Program related expenditures by the Federal government, actual and projected, for fiscal years 1996 through 2004.

This division may be cited as the ''Energy and Water Development Appropriations Act, 2003''.

DIVISION E—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2003

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: Provided further, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through September 30, 2003.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $512,900,000, to remain available until September 30, 2006: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until September 30, 2021 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2003, 2004, 2005, and 2006: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $68,300,000: Provided, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2003.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $39,885,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment

Corporation Non-Credit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2003 and 2004: Provided further, That such sums shall remain available through fiscal year 2011 for the disbursement of direct and guaranteed loans obligated in fiscal year 2003, and through fiscal year 2012 for the disbursement of direct and guaranteed loans obligated in fiscal year 2004.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,512,000, to remain available until September 30, 2004.

In addition, for an additional amount for ''Trade and Development Agency'' for trade capacity building assistance, $2,500,000, to remain available until September 30, 2003: Provided, That any funds made available by this paragraph shall be made available subject to the regular notification procedures of the Committees on Appropriations.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2003, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,836,500,000, to remain available until September 30, 2005: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: Provided further, That of the funds appropriated under this heading, not to exceed $150,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $324,000,000 for child survival and maternal health; $27,000,000 for vulnerable children; $591,500,000 for HIV/AIDS including not less than $18,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; $155,500,000 for other infectious diseases; $368,500,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species; and $120,000,000 for UNICEF: Provided further, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than $250,000,000 shall be made available, notwithstanding any other provision of law, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That the cumulative amount of United States contributions to the Global Fund may not exceed the total resources provided by other donors and available for use by the Global Fund: Provided further, That of the funds appropriated under this heading that are available for HIV/AIDS programs and activities, up to $10,500,000 should be made available for the International AIDS Vaccine Initiative, and up to $100,000,000 should be made available for the International Mother and Child HIV Prevention Initiative: Provided further, That of the funds appropriated under this heading, up to $60,000,000 may be made available for a United States contribution to the Vaccine Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading ''Operating Expenses of the United States Agency for International Development'' for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under the preceding provisos: Provided further, That notwithstanding any other provision of this Act, funds appropriated under this heading that are available for child survival and health programs shall be apportioned to the United States Agency for International Development, and the authority of sections 632(a) or 632(b) of the Foreign Assistance Act of 1961, or any comparable provision of law, may not be used to transfer or allocate any part of such funds to the Department of Health and Human Services including any office of that agency, except that the authority of those sections may be used to transfer or allocate up to $25,000,000 of such funds to the Centers for Disease Control and Prevention: Provided further, That of the funds appropriated under this heading, $5,000,000 shall be made available to continue to support the provision of wheelchairs for needy persons in developing countries: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: Provided further, That the funds under this heading that are available for the treatment and prevention of HIV/AIDS should also include programs and activities that are designed to maintain and preserve the families of those persons living with HIV/AIDS and to reduce the numbers of orphans created by HIV/AIDS.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,389,000,000, to remain available until September 30, 2004: Provided, That none of the funds appropriated under title II of this Act that are managed by or allocated to the United States Agency for International Development's Global Development Secretariat, may be made available except through the regular notification procedures of the Committees on Appropriations: Provided further, That $159,000,000 should be allocated for trade capacity building: Provided further, That $218,000,000 should be allocated for basic education, of which $20,000,000 should be made available only for programs to increase the professional competence of national and regional education administrators: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $32,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That

of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $25,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $18,000,000 should be made available for the American Schools and Hospitals Abroad program: Provided further, That of the funds appropriated by this Act, $100,000,000 shall be made available for drinking water supply projects and related activities.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $230,000,000, to remain available until expended.

In addition, for assistance for Afghanistan, $60,000,000 to remain available until expended: Provided, That these funds shall be used for humanitarian and reconstruction assistance for the Afghan people including health and education programs, housing, to improve the status of women, infrastructure, and assistance for victims of war and displaced persons.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961, funds may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That such funds when added to the funds transferred pursuant to the authority contained under this heading in Public Law 107–115, shall not exceed $24,500,000, which shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $7,591,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That funds made available under this heading shall remain available until September 30, 2007.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $45,200,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $572,000,000: Provided, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667, $43,000,000, to remain available until expended: Provided, That this amount is in addition to funds otherwise available for such purposes: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may be made available for costs related to the construction of temporary, secure facilities for United States Agency for International Development personnel in Afghanistan: Provided further, That the Administrator of the United States Agency for International Development shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: Provided further, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: Provided further, That the assignment of United States Government employees or contractors to space in buildings constructed using funds appropriated under this heading shall be subject to the concurrence of the Administrator of the United States Agency for International Development: Provided further, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $33,300,000, to remain available until September 30, 2004, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,270,000,000, to remain available until September 30, 2004: Provided, That of the funds appropriated under this heading, not less than $600,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: Provided further, That not less than $615,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, $250,000,000 should be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, up to $1,000,000 should be used to further legal reforms in the West Bank and Gaza, including judicial training on commercial disputes and ethics: Provided further, That not to exceed $200,000,000 of the funds appropriated under this heading in this Act may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Pakistan: Provided further, That not to exceed $15,000,000 of the funds appropriated under this heading in Public Law 107–206, the Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, FY 2002, may be made available for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Jordan: Provided further, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: Provided further, That not less than $35,000,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided further, That notwithstanding section 534(a) of this Act, funds appropriated under this heading that are made available for assistance for the Central Government of Lebanon shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon: Provided further, That of the funds appropriated under this heading, $60,000,000 shall be made available for the United States Agency for International Development for assistance for Indonesia: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for the Democratic Republic of Timor-Leste of which up to $1,000,000 may be available for administrative expenses of the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, not less than $2,000,000 should be made available for assistance for countries to implement and enforce the Kimberley Process Certification Scheme: Provided further, That $3,000,000 should be made available for the international youth exchange program for secondary school students from countries with significant Muslim populations: Provided further, That funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term ''assistance'' includes

non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes: Provided further, That of the funds appropriated under this heading, not less than $10,000,000 should be made available during fiscal year 2003 for a contribution to the Special Court for Sierra Leone: Provided further, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $25,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): Provided, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2004.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $525,000,000, to remain available until September 30, 2004, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' should not exceed 15 percent of the total resources pledged by all donors for calendar year 2003 for assistance for Kosovo as of March 31, 2003: Provided further, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction: Provided further, That of the funds made available under this heading for assistance for Kosovo, up to $1,000,000 should be made available for assistance to support training programs for Kosovar women: Provided further, That not less than $5,000,000 shall be made available for assistance for the Baltic States: Provided further, That of the funds made available under this heading for assistance for Bulgaria, $2,000,000 should be made available to enhance safety at nuclear power plants.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 529 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $760,000,000, to remain available until September 30, 2004: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading, not less than $1,500,000 should be available only to meet the health and other assistance needs of victims of trafficking in persons: Provided further, That of the funds appropriated under this heading $17,500,000 shall be made available solely for assistance for the Russian Far East: Provided further, That, notwithstanding any other provision of law, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of the FREEDOM Support Act (Public Law 102–511) shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading that are made available for assistance for Ukraine, not less than $20,000,000 should be made available for nuclear reactor safety initiatives, and not less than $1,500,000 shall be made available for coal mine safety programs, including mine ventilation and fire prevention and control.

(c) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia.

(d)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(e) Of the funds appropriated under this heading, not less than $60,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, basic education, environmental and reproductive health/family planning, and to combat HIV/AIDS, tuberculosis and other infectious diseases, and for related activities.

(f) None of the funds appropriated under this heading may be made available for assistance for the Government of Ukraine unless the Secretary of State determines and certifies to the Committees on Appropriations that, since September 30, 2000, the Government of Ukraine has not facilitated or engaged in arms sales or arms transfers to Iraq: Provided, That this paragraph shall not apply to assistance to combat infectious diseases, nuclear safety programs and activities, or assistance for victims of trafficking in persons, and to activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(g) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $16,200,000, to remain available until September 30, 2004.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $18,689,000, to remain available until September 30, 2004: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to

interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $297,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2004: Provided further, That the Director of the Peace Corps may make appointments or assignments, or extend current appointments or assignments, to permit United States citizens to serve for periods in excess of five years in the case of individuals whose appointment or assignment, such as regional safety security officers and employees within the Office of the Inspector General, involves the safety of Peace Corps volunteers: Provided further, That the Director of the Peace Corps may make such appointments or assignments notwithstanding the provisions of section 7 of the Peace Corps Act limiting the length of an appointment or assignment, the circumstances under which such an appointment or assignment may exceed five years, and the percentage of appointments or assignments that can be made in excess of five years.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $197,000,000, to remain available until expended: Provided, That during fiscal year 2003, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be apportioned directly to the Department of the Treasury, International Affairs Technical Assistance, to be used for financial crimes and law enforcement technical assistance programs: Provided further, That of the funds appropriated under this heading, $10,000,000 should be made available for the demand reduction program: Provided further, That of the funds appropriated under this heading, $10,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: Provided further, That of the funds appropriated under this heading, not more than $24,180,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $700,000,000, to remain available until expended: Provided, That in addition to the funds appropriated under this heading and subject to the regular notification procedures of the Committees on Appropriations, the President may make available up to an additional $31,000,000 for the Andean Counterdrug Initiative, which may be derived from funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs: Provided further, That in fiscal year 2003, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: Provided further, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That none of the funds appropriated by this Act may be made available to support a Peruvian air interdiction program until the Secretary of State and Director of Central Intelligence certify to the Congress, 30 days before any resumption of United States involvement in a Peruvian air interdiction program, that an air interdiction program that permits the ability of the Peruvian Air Force to shoot down aircraft will include enhanced safeguards and procedures to prevent the occurrence of any incident similar to the April 20, 2001 incident: Provided further, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: Provided further, That of the amount appropriated under this heading, not less than $250,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for economic and social programs: Provided further, That of the funds appropriated under this heading and under the heading ''Foreign Military Financing Program'', not less than $5,000,000 should be made available to support a Colombian Armed Forces unit dedicated to apprehending the leaders of paramilitary organizations: Provided further, That of the funds made available for assistance for Colombia under this heading, up to $3,000,000 should be made available for commercially developed, web monitoring software, and training on the usage thereof, for the Colombian National Police: Provided further, That of the funds made available for assistance for Colombia under this heading, not less than $1,500,000 should be made available for vehicles, equipment, and other assistance for the human rights unit of the Procurador General: Provided further, That not more than 20 percent of the funds appropriated by this Act that are used for the procurement of chemicals for aerial coca and poppy fumigation programs may be made available for such programs unless the Secretary of State, after consultation with the Administrator of the Environmental Protection Agency (EPA), certifies to the Committees on Appropriations that (1) the herbicide mixture is being used in accordance with EPA label requirements for comparable use in the United States and any additional controls recommended by the EPA for this program, and with the Colombian Environmental Management Plan for aerial fumigation; (2) the herbicide mixture, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment; (3) complaints of harm to health or licit crops caused by such fumigation are evaluated and fair compensation is being paid for meritorious claims; and such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers whose illicit crops are targeted for fumigation: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the provisions of section 3204(b) through (d) of Public Law 106–246, as amended by Public Law 107–115, shall be applicable to funds appropriated for fiscal year 2003: Provided further, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: Provided further, That of the funds appropriated under this heading, not less than $3,500,000 shall be made available for assistance for the Colombian National Park Service for training, equipment, and other assistance to protect Colombia's national parks and reserves: Provided further, That of the funds appropriated under this heading, not more than $15,680,000 may be available for administrative expenses of the Department of State, and not more than $4,500,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $787,000,000, which shall remain available until expended: Provided, That not more than $16,565,000 may be available for administrative expenses: Provided further, That not less than $60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel: Provided further, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $26,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $306,400,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), consistent with the provisions of section 562 of this Act, and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds made available for demining and related activities, not to exceed $675,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That the Secretary of State is authorized to provide not to exceed $250,000 for public-private partnerships for mine action by grant, cooperative agreement, or contract.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $10,800,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $80,000,000, of which up to $3,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Guatemala may only be available for expanded international military education and training and funds made available for Algeria, Nigeria and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,072,000,000: Provided, That of the funds appropriated under this heading, not less than $2,100,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $550,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That except as provided in the following proviso, none of the funds appropriated by this paragraph may be made available for helicopters and related support costs for Colombia: Provided further, That up to $93,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading ''Andean Counterdrug Initiative'' for helicopters, training and other assistance for the Colombian Armed Forces for security for the Cano Limon pipeline: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $38,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $356,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2003 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2003 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act .

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $115,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $147,812,533, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $850,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $1,631,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $7,609,793.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $18,351,667, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $24,590,667, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $97,886,133, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,104,473, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal

year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,602,688.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $108,073,333, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,804,955 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,328,178.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,003,667, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $195,150,000: Provided, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA): Provided further, That of the funds appropriated under this heading, not less than $500,000 should be made available for a United States contribution to the International Coffee Organization (ICO) if the United States becomes a member of the ICO prior to June 1, 2003: Provided further, That if the United States does not rejoin the International Coffee Organization by June 1, 2003, the amount allocated under the previous proviso should be made available for the United Nations Center for Human Settlements (UN-HABITAT) in addition to other funds made available for UN-HABITAT under this heading.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled ''International Disaster Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund'', not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $2,000 shall be available for entertainment expenses and not to exceed $125,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'') pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents: Provided further, That assistance or other financing under this Act or under prior foreign operations, export financing, and related programs appropriations Acts may be provided for humanitarian and relief assistance for Iraq notwithstanding the provisions of this section or any other provision of law, including comparable provisions contained in prior foreign operations, export financing, and related programs appropriations Acts, if the President determines that the provision of assistance or other financing for Iraq is important to the national security interests of the United States: Provided further, That such assistance or financing shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of obligations of funds: Provided further, That the President shall submit a report to the Committees on Appropriations on the status of the allocation, obligation and expenditure of funds made available for Iraq not later than every 60 days during fiscal year 2003, beginning on March 1, 2003: Provided further, That each such report shall include information on programs, projects, and activities that are being funded or will be funded with such assistance or financing, and the departments and agencies responsible for managing each such program, project, and activity: Provided further, That the authority of the second proviso of this section to provide assistance for Iraq shall expire on the date of enactment of the first subsequent supplemental appropriations Act for fiscal year 2003 that contains supplemental funding for appropriations accounts contained in this Act.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: Provided further, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: Provided further, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. (a) None of the funds made available by this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(b) Notwithstanding subsection (a), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(c) None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than five days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(d) Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: Provided, That funds transferred under such authority may be made available for the cost of such audits.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this section may not be used in fiscal year 2003.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for ''Child Survival and Health Programs Fund'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Initiative'',''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses of the United States Agency for International Development'', ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2004.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading ''Assistance for the Independent States of the Former Soviet Union'' and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2003, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Liberia, Serbia, Sudan, Zimbabwe, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to $13,500,000 of the funds made available by this Act for assistance under the heading ''Child Survival and Health Programs Fund'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: Provided further, That of the funds appropriated under title II of this Act, not less than $446,500,000 shall be made available for family planning/reproductive health.

AFGHANISTAN

SEC. 523. Of the funds appropriated by title II of this Act, not less than $295,500,000 shall be made available for humanitarian, reconstruction, and related assistance for Afghanistan: Provided, That of the funds made available pursuant to this section, not less than $50,000,000 should be from funds appropriated under the heading ''Economic Support Fund'' for rehabilitation of primary roads, implementation of the Bonn Agreement and women's development, of which not less than $5,000,000 is to support activities coordinated by the Afghan Ministry of Women's Affairs, including the establishment and support of multi-service women's centers in Afghanistan: Provided further, That of the funds made available pursuant to this section from ''Development Assistance'', ''International Disaster Assistance'' and ''Transition Initiatives'', high priority should be placed on girls' and women's education, health, legal and social rights, economic opportunities, and political participation by women: Provided further, That assistance should be made available to communities and families that were adversely affected by the military operations: Provided further, That of the funds made available pursuant to this section, up to $9,850,000 may be transferred to and merged with funds appropriated by this Act under the headings ''Operating Expenses of the United States Agency for International Development'' and ''Operating Expenses of the United States Agency for International Development Inspector General''.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings ''Trade and Development Agency'', ''International Military Education and Training'', ''Foreign Military Financing Program'', ''Migration and Refugee Assistance'', ''Peace Corps'', and ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 526. (a) Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $15,000,000 shall be made available for assistance for activities to support democracy, human rights, and the rule of law in the People's Republic of China, Hong Kong and Tibet: Provided, That not to exceed $3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China: Provided further, That funds appropriated under the heading ''Economic Support Fund'' should be made available for assistance for Taiwan for the purposes of furthering political and legal reforms: Provided further, That such funds shall only be made available to the extent that they are matched from sources other than the United States Government: Provided further, That funds made available pursuant to the authority of this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading ''Economic Support Fund'' not less than $15,000,000 shall be made available for programs and activities to foster democracy, human rights, civic education, women's development, press freedoms, and the rule of law in countries with a significant Muslim population, and where such programs and activities would be important to United States efforts to respond to, deter, or prevent acts of international terrorism: Provided, That funds made available pursuant to the authority of this subsection should support new initiatives or bolster ongoing programs and activities in those countries: Provided further, That not less than $3,000,000 should be made available for programs and activities that provide professional training for journalists: Provided further, That notwithstanding any other provision of law, funds made available pursuant to the authority of this subsection may be made available to support the advancement of democracy and human rights in Iran: Provided further, That funds made available pursuant to this subsection shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) Of the funds made available under subsection (a), not less than $9,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than $7,000,000 shall be made available for such Fund to support the activities described in subsection (b): Provided, That funds made available in this section for such Fund are in addition to the $12,000,000 requested by the President for the Fund for fiscal year 2003.

(d) Of the funds made available under subsection (a), not less than $3,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (a), and of the funds made available under subsection (b), not less than $5,000,000 shall be made available for the National Endowment for Democracy to support the activities described in subsection (b): Provided, That the funds appropriated by this Act that are made available for the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation, and the Secretary of State shall provide a report to the Committees on Appropriations within 120 days of the date of enactment of this Act on the status of the allocation, obligation, and expenditure of such funds.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 530. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 531. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act and any similar provision of law, and funds appropriated in titles I and II of this Act that are made available for Lebanon, Montenegro, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated

by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 20 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 7 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Procurement; the Bureau for Africa; and the Bureau for Asia and the Near East: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) CONTINGENCIES.—During fiscal year 2003, the President may use up to $45,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(f) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(g) SHIPMENT OF HUMANITARIAN ASSISTANCE.—During fiscal year 2003, of the amounts made available by the United States Agency for International Development to carry out the provisions of section 123(b) of the Foreign Assistance Act of 1961, funds may be made available to nongovernmental organizations for administrative costs necessary to implement a program to obtain available donated space on commercial ships for the shipment of humanitarian assistance overseas.

(h) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(i) REPEAL.—Section 545(d) of Public Law 106–429, and comparable provisions contained in prior Acts making appropriations for foreign operations, export financing, and related programs, are hereby repealed.

(j) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for Intenational Development, from this or any other Act, not less than $6,000,000 should be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) the three Arab League countries with diplomatic and trade relations with Israel should return their ambassadors to Israel, should refrain from downgrading their relations with Israel, and should play a constructive role in securing a peaceful resolution of the Israeli-Arab conflict;

(4) the remaining Arab League states should normalize relations with their neighbor Israel;

(5) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(6) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 536. Of the funds appropriated or otherwise made available by this Act for ''Economic Support Fund'', assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 537. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2003, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 538. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 539. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 540. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 541. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 542. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization

which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 543. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 544. (a) IN GENERAL.—Of the funds appropriated under this Act that are made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fines determined to be owed under the parking programs in the District of Columbia and New York City, New York by such country as of September 30, 2002 that were incurred after the first day of the fiscal year preceding the current fiscal year shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 545. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 546. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 547. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 548. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 549. None of the funds appropriated or otherwise made available by this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Child Survival and Health Programs Fund'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 550. None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

CARIBBEAN BASIN

SEC. 551. (a) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(b) Of the funds appropriated by title II of this Act and of the funds appropriated to carry out food assistance programs managed by the United States Agency for International Development, a total of not less than $52,500,000 should be allocated for assistance for Haiti in fiscal year 2003.

(c) Of the funds appropriated by title II of this Act, a total of $37,680,000 should be allocated for assistance for Nicaragua and $40,130,000 should be allocated for assistance for Honduras, to address the conditions of increasing poverty in the rural sectors of those countries through programs that support, among other things, increased agricultural production and other income generating opportunities, improved health, and expanded education opportunities, especially for disadvantaged youth.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 552. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 553. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

PROTECTION OF BIODIVERSITY AND TROPICAL FORESTS

SEC. 554. Of the funds appropriated under the heading ''Development Assistance'', not less than $145,000,000 should be made available for programs and activities which directly protect biodiversity, including forests, in developing countries: Provided, That of the funds made available under this section, $50,000,000 shall be made available to carry out tropical forest conservation activities authorized by the Foreign Assistance Act of 1961, of which amount up to $40,000,000 may be made available for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, pursuant to the provisions of part V of such Act, the Tropical Forest Conservation Act of 1998.

ENERGY CONSERVATION, ENERGY EFFICIENCY AND CLEAN ENERGY PROGRAMS

SEC. 555. (a) FUNDING.—Of the funds appropriated by this Act, not less than $175,000,000 should be made available to support policies and programs in developing countries and countries

in transition that directly (1) promote a wide range of energy conservation, energy efficiency and clean energy programs and activities, including the transfer of clean and environmentally sustainable energy technologies; (2) measure, monitor, and reduce greenhouse gas emissions; (3) increase carbon sequestration activities; and (4) enhance climate change mitigation and adaptation programs.

(b) GREENHOUSE GAS EMISSIONS REPORT.—Not later than 45 days after the date on which the President's fiscal year 2004 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2003, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix; and

(2) all fiscal year 2002 obligations and estimated expenditures, fiscal year 2003 estimated expenditures and estimated obligations, and fiscal year 2004 requested funds by the United States Agency for International Development, by country and central program, for each of the following: (1) to promote the transfer and deployment of a wide range of United States clean energy and energy efficiency technologies; (2) to assist in the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions; (3) to promote carbon capture and sequestration measures; (4) to help meet such countries' responsibilities under the Framework Convention on Climate Change; and (5) to develop assessments of the vulnerability to impacts of climate change and mitigation and adaptation response strategies.

ZIMBABWE

SEC. 556. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

NIGERIA

SEC. 557. None of the funds appropriated under the headings ''International Military Education and Training'' and ''Foreign Military Financing Program'' may be made available for assistance for Nigeria until the President certifies to the Committees on Appropriations that the Nigerian Minister of Defense, the Chief of the Army Staff, and the Minister of State for Defense/Army are suspending from the Armed Forces those members, of whatever rank, against whom there is credible evidence of gross violations of human rights in Benue State in October 2001, and the Government of Nigeria and the Nigerian Armed Forces are taking effective measures to bring such individuals to justice: Provided, That the President may waive such prohibition if he determines that doing so is in the national security interest of the United States: Provided further, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations describing the involvement of the Nigerian Armed Forces in the incident in Benue State, the measures that are being taken to bring such individuals to justice, and whether any Nigerian Armed Forces units involved with the incident in Benue State are receiving United States assistance.

BURMA

SEC. 558. Of the funds appropriated under the heading ''Economic Support Fund'', not less than $7,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: Provided, That of this amount $500,000 should be made available to support newspapers, publications, and other media activities promoting democracy inside Burma: Provided further, That funds made available under this heading may be made available notwithstanding any other provision of law: Provided further, That funds made available by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 559. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 560. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

(2) Paragraph (1) shall not apply to assistance for basic education, reproductive and maternal and child health, cultural and historic preservation, programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases, programs to combat human trafficking that are provided through nongovernmental organizations, and for the Ministry of Women and Veterans Affairs to combat human trafficking.

(c) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', up to $5,000,000 may be made available for activities to support democracy, including assistance for democratic political parties.

(d) Of the funds appropriated by this Act, $3,750,000 shall be made available, notwithstanding subsection (b), as a contribution for an endowment to sustain rehabilitation programs for Cambodians suffering from physical disabilities that are administered by an American nongovernmental organization that is directly supported by the United States Agency for International Development: Provided, That such funds may be made available only if an amount at least equal to one-half the United States contribution is provided for the endowment from sources other than the United States Government.

FOREIGN MILITARY TRAINING REPORT

SEC. 561. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by May 1, 2003, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2002 and 2003, including those proposed for fiscal year 2003. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 562. None of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance to the Korean Peninsula Energy Organization (KEDO): Provided, That the President may waive this restriction and provide up to $5,000,000 of funds appropriated under the heading ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'' for assistance to KEDO for administrative expenses only notwithstanding any other provision of law, if he determines that it is vital to the national security interests of the United States and provides a written policy justification to the appropriate congressional committees: Provided further, That funds may be obligated for assistance to KEDO subject to the regular notification procedures of the Committees on Appropriations.

PALESTINIAN STATEHOOD

SEC. 563. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) is establishing a new Palestinian security entity that is fully cooperative with appropriate Israeli and other appropriate security organizations; and

(3) the Palestinian Authority (or the governing body of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the newly elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is vital to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to

help reform the Palestinian Authority and affiliated institutions, or a newly elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 552 of this Act (''Limitation on Assistance to the Palestinian Authority'').

COLOMBIA

SEC. 564. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 75 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces are severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations.

(E) The Colombian Armed Forces are executing orders for capture of leaders of paramilitary organizations that continue armed conflict.

(3) The balance of such funds may be obligated after July 31, 2003, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) CONSULTATIVE PROCESS.—At least 10 days prior to making the certifications required by subsection (a), the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(c) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term ''aided or abetted'' means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term ''paramilitary groups'' means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 565. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 566. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 567. Notwithstanding any other provision of law, funds appropriated under the heading ''Economic Support Fund'' may be made available for programs benefitting the Iraqi people and to support efforts to bring about a political transition in Iraq: Provided, That none of the funds made available pursuant to the authorities provided in this section may be made available to any organization to reimburse or pay for costs incurred by such organization in prior fiscal years: Provided further, That funds made available under this section are made available subject to the regular notification procedures of the Committees on Appropriations.

WEST BANK AND GAZA PROGRAM

SEC. 568. (a) OVERSIGHT.—For fiscal year 2003, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection.

(c) AUDITS.—(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are made available for assistance for the West Bank and Gaza, up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

INDONESIA

SEC. 569. Funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Indonesia, and licenses may be issued for the export of lethal defense articles for the Indonesian Armed Forces, only if the President certifies to the appropriate congressional committees that—

(1) the Indonesia Minister of Defense is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups;

(2) the Indonesian Government is prosecuting those members of the Indonesian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, or to have aided or abetted militia groups, and is punishing those members of the Indonesian Armed Forces found to have committed such violations of human rights or to have aided or abetted militia groups;

(3) the Indonesian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing access to witnesses, relevant military documents, and other requested information); and

(4) the Minister of Defense is making publicly available audits of receipts and expenditures of the Indonesian Armed Forces.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 570. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(b) Whenever the prohibition on assistance required under subsection (a) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 571. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), as amended, is amended by striking ''December 31, 2002'' and inserting in lieu thereof ''January 1, 2003''.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 572. Funds appropriated in Public Law 107–115 that were available for the United Nations Population Fund (UNFPA), and an equal amount in this Act, shall be made available for the UNFPA if the President determines that the UNFPA no longer supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided, That none of the funds made available for the UNFPA may be used in the People's Republic of China: Provided further, That the other conditions on availability of funds for abortion and abortion-related activities contained in either this Act or Public Law 107–115, including but not limited to section 576(c), shall apply to any assistance provided for the UNFPA in this Act or Public Law 107–115, respectively: Provided further, That the conditions on availability of funds for the UNFPA as contained in section 576 (c) of Public Law 107–115 shall apply to any assistance provided for the UNFPA in this Act: Provided further, That the amount of funds that the UNFPA plans to spend in the People's Republic of China in calendar years 2002 and 2003, as determined by the Secretary of State, shall be deducted from funds made available to the UNFPA under Public Law 107–115 and this Act.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 573. (a) FUNDING CONDITIONS.—Of the funds made available under the heading ''International Financial Institutions'' in this Act, 10 percent of the United States portion or payment

to such International Financial Institution shall be withheld by the Secretary of the Treasury, until the Secretary certifies to the Committees on Appropriations that, to the extent pertinent to its lending programs, the institution is—

(1) implementing procedures for conducting annual audits by qualified independent auditors for all new investment lending;

(2) implementing procedures for annual independent external audits of central bank financial statements for countries making use of International Monetary Fund resources under new arrangements or agreements with the Fund;

(3) taking steps to establish an independent fraud and corruption investigative organization or office;

(4) implementing a process to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new investment lending; and

(5) taking steps to fund and implement programs and policies to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) DEFINITIONS.—The term ''International Financial Institutions'' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

CENTRAL ASIA

SEC. 574. (a) Funds appropriated by this Act may be made available for assistance for the Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the ''Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America''.

(b) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding six month period.

(c) The Secretary of State may waive the requirements under subsection (b) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interests of the United States.

(d) Not later than October 1, 2003, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the six-month period ending 30 days prior to submission of each such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(e) For purposes of this section, the term ''countries of Central Asia'' means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 575. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

WAR CRIMINALS

SEC. 576. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the ''Tribunal'') all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term ''country'' means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term ''municipality'' means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term ''Dayton Accords'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 577. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 578. (a) Funds appropriated by this Act may be made available for assistance for Serbia after June 15, 2003, if the President has made the determination and certification contained in subsection (c).

(b) After June 15, 2003, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia (or a government of a successor state) subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia (or a successor state) through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia (or a government of a successor state) is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law, including the release of political prisoners from Serbian jails and prisons.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 579. (a) PROHIBITION ON TAXATION.—None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2003 by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors, as of the date of the enactment of this Act, shall be withheld from obligation from funds appropriated for assistance for fiscal year 2004 and allocated for the central government of such country and for

the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REFUND TO THE TREASURY AND REPROGRAMMING OF FUNDS.—Of the funds withheld from obligation for each country or entity pursuant to subsection (b), one-half may become available for reprogramming for other purposes (pursuant to section 515 of this Act and consistent with the purposes for which such funds were originally appropriated) and one-half shall be deposited in the General Fund of the Treasury on, or within 5 days after, September 1, 2004, pursuant to the certification required under subsection (b).

(e) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(f) REPORT.—Not later than February 1, 2004, the Comptroller General of the United States shall submit a report to the Committees on Appropriations which assesses the following—

(1) the extent to which existing bilateral agreements provide exemption from taxation;

(2) the status of negotiations of new framework bilateral agreements or modifications of existing framework bilateral agreements;

(3) the reasons why new framework bilateral agreements or modifications of existing bilateral agreements, entered into within the previous 5 years, have (as appropriate) failed to include exemption from taxation; and

(4) the administrative procedures that foreign governments use to ensure that United States assistance commodities are not taxed or, if they are, that such taxes are reimbursed to the United States Government, and the adequacy of those procedures.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

GAO REPORT

SEC. 580. Not later than November 1, 2003, the Comptroller General of the United States shall provide a report to the Committees on Appropriations on the extent to which the Department of State is complying with section 301(c) of the Foreign Assistance Act of 1961, and on the implementation of procedures that have been established to meet the standards of the Department of State regarding compliance with the requirements of section 301(c).

TRAINING PROGRAM EVALUATION

SEC. 581. Not later than June 30, 2003, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations describing in detail the steps that the Departments of State and Defense are making to improve performance evaluation procedures for the International Military Education and Training (IMET) program and the progress that the Departments of State and Defense are making in implementing section 548 of the Foreign Assistance Act of 1961.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 582. (a) AUTHORITY.—Funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority in Jamaica and El Salvador through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict and foster improved police relations with the communities they serve.

(b) REPORT.—

(1) The Administrator of the United States Agency for International Development shall submit, at the time of submission of the agency's Congressional Budget Justification Document for fiscal year 2004, and annually thereafter, a report to the Committees on Appropriations describing the progress these programs are making toward improving police relations with the communities they serve and institutionalizing an effective community-based police program.

(2) The requirements of paragraph (1) are in lieu of the requirements contains in section 587(b) of Public Law 107–115.

(c) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 583. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsections (a) and (b) are that the country concerned is implementing the recommendations, obligations and requirements developed by the Kimberley Process on conflict diamonds, or taking other measures that the Secretary of State determines to contribute effectively to preventing and eliminating the trade in conflict diamonds.

TRADE CAPACITY BUILDING

SEC. 584. Of the funds appropriated by this Act, under the headings ''Trade and Development Agency'', ''Development Assistance'', ''Transition Initiatives'', ''Economic Support Fund'', ''International Affairs Technical Assistance'', and ''International Organizations and Programs'', not less than $452,000,000 should be made available for trade capacity building assistance.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 585. (a) FINDINGS.—The Congress finds that—

(1) There is a lack of transparency in the revenues and expenditures of the national budgets of many developing countries that receive United States assistance.

(2) In such countries, official revenues—particularly from natural resource extraction—are often unreported, under-reported, or inaccurately recorded by foreign government agencies.

(3) Such inefficiencies—which in some instances mask outright theft—result in the failure of such governments to adequately provide their citizens with social, political, economic, and legal benefits and opportunities, and undermine the effectiveness of assistance provided to such countries by the United States and other international donors.

(4) Good governance and respect for the rule of law are critical to a nation's development.

(b) REPORT.—Not more than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations, describing in detail—

(1) Those countries whose central governments receive foreign assistance from the United States;

(2) Relevant laws and regulations in such countries governing the public disclosure of revenues and expenditures in national budgets;

(3) The adequacy of those laws and regulations, and the extent to which they are implemented and enforced;

(4) Those countries receiving such assistance where no such laws or regulations exist, and the extent to which such revenues and expenditures are publicly disclosed; and

(5) Programs and activities sponsored by the United States Government to promote accurate disclosure of revenues and expenditures in the national budgets of such countries, and the results of those programs and activities.

AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 586. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of other American citizens in Guatemala since December 1999, should be investigated and made public.

(b) Not later than 45 days after enactment of this Act, the President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims' families such information, consistent with existing standards and procedures on classification, and shall provide a copy of such order to the Committees on Appropriations.

(c) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than withholding, such information.

(d) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

This division may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003''.

DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16

U.S.C. 3150(a)), $825,712,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps; of which $2,500,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2003 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $825,712,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $654,406,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $220,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $33,450,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,633,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary,

for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $917,429,000, to remain available until September 30, 2004, except as otherwise provided herein: Provided, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $9,077,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $6,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $54,427,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the expansion of the Clark R. Bavin Forensics Laboratory in Oregon may be issued, which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18: Provided further, That notwithstanding any other provision of law, a single procurement for the construction of the Kodiak National Wildlife Refuge visitor center may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $73,370,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

(INCLUDING RESCISSION)

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands: Provided further, That from unobligated balances of prior year appropriations, an amount of $40,000,000 is rescinded.

STEWARDSHIP GRANTS

(INCLUDING RESCISSION)

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species: Provided further, That from unobligated balances of prior year appropriations, an amount of $10,000,000 is rescinded.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $81,000,000, of which $29,529,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $51,471,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $38,560,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $3,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,800,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $65,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $3,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2003 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2004, shall be reapportioned, together with funds appropriated in 2005, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading ''State Wildlife Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be

available for purchase of not to exceed 102 passenger motor vehicles, of which 75 are for replacement only (including 39 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That the United States Fish and Wildlife Service is authorized to grant $500,000 appropriated in Public Law 107–63 for land acquisition to the Narragansett Indian Tribe for acquisition of the Great Salt Pond burial tract: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,565,565,000, of which $10,878,000 for planning and interagency coordination in support of Everglades restoration shall remain available until expended; of which $85,280,000, to remain available until September 30, 2004, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,431,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $61,667,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $300,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $69,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2004: Provided, That, of the amount provided herein, $2,000,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: Provided further, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: Provided further, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $327,843,000, to remain available until expended, of which $1,800,000 for the Virginia City Historic District and $500,000 for the Fort Osage National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a, of which not to exceed $3,000,000 is for site acquisition for the proposed Morris Thompson Cultural and Visitors Center, to be made available to the Tanana Chiefs Conference under an Annual Funding Agreement through the Indian Self-Determination and Education Assistance Act, and of which $400,000 is for the Alice Ferguson Foundation for facility upgrade and rehabilitation at the Hard Bargain Farm: Provided, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: Provided further, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: Provided further, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects: Provided further, That the National Park Service may transfer to the City of Carlsbad, New Mexico, funds for the construction of the National Cave and Karst Research Institute to be built and operated in accordance with provisions in Public Law 105–325 and all other applicable laws and regulations. Title to the Institute will be held by the City of Carlsbad.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2003 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $172,468,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $98,000,000 is for the State assistance program including $3,000,000 to administer the State assistance program: Provided, That of the amounts provided under this heading, $15,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104–303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 301 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 226 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities

for utility services shall be credited to the appropriate account and remain available until expended: Provided, That heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to 31 U.S.C. 1341 or any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to the appropriate account, such credit to occur within 90 days of the date of the original request by the National Park Service for payment.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $925,287,000, of which $64,855,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $15,499,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $24,623,000 shall be available until September 30, 2004, for the operation and maintenance of facilities and deferred maintenance; and of which $170,926,000 shall be available until September 30, 2004, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That notwithstanding the provisions of the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301–6308), the U.S. Geological Survey is authorized to continue existing, and hereafter, to enter into new cooperative agreements directed towards a particular cooperator, in support of joint research and data collection activities with Federal, State, and academic partners funded by appropriations herein, including those that provide for space in cooperator facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $165,321,000, of which $83,284,000, shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2004: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $105,092,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2003 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $191,745,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2003: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450

et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,857,319,000, to remain available until September 30, 2004 except as otherwise provided herein, of which not to exceed $87,857,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2003, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $2,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $447,985,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2003, and shall remain available until September 30, 2004; and of which not to exceed $57,686,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $45,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2004, may be transferred during fiscal year 2005 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2005: Provided further, That ISEP contingency funds may be used to cover expenses for negotiated rulemaking required by Public Law 107–110.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $348,252,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2003, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $5,068,000 shall be available for future water supplies facilities under Public Law 106–163; and of which $31,011,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, and 106–554: Provided, That of the amount provided for implementation of Public Law 106–263, $3,000,000 for a water rights and habitat acquisition program shall be derived from the Land and Water Conservation Fund.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,000,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $72,464,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $493,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,217,000, of which: (1) $70,922,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $5,295,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance

improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,985,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $72,427,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $47,773,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $36,239,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $141,277,000, to remain available until expended, of which $15,000,000 is for historical accounting: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2003, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to this account.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $7,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,538,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That notwithstanding any other provision of law, the Office of Aircraft Services shall transfer to the Sheriff's Office, Kane County, Utah, without restriction, a Cessna U206G, identification number N211S, serial number 20606916, for the purpose of facilitating more efficient law enforcement activities at Glen Canyon National Recreation Area and the Grand Staircase Escalante National Monument: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management and reform activities.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior hereafter has ongoing authority to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity, for all or part of the property within Fort Baker administered by the Secretary as part of the Golden Gate National Recreation Area. The proceeds of the agreements or leases or any statutorily authorized fees, hereafter shall be retained by the Secretary and such proceeds shall remain available until expended, without further appropriation, for the preservation, restoration, operation, maintenance, interpretation, public programs, and related expenses of the National Park Service and nonprofit park partners incurred with respect to Fort Baker properties.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2003. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 117. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2003 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 118. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 119. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 120. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 121. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2002, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 122. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term ''construction'', with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term ''tribally controlled school'' has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program for fiscal years 2003 through 2007 to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an Indian tribe that agrees to fund all future operation and maintenance costs of the tribally controlled school constructed under the demonstration program from other than federal funds receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall be used only for construction or replacement of a tribally controlled school.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(d) REPORT.—At the conclusion of the five-year demonstration program, the Secretary shall report to Congress as to whether the demonstration program has achieved its purposes of providing additional tribes fair opportunities to construct tribally controlled schools, accelerating construction of needed educational facilities in Indian Country, and permitting additional funds to be provided for the Department's priority list for construction of replacement educational facilities.

SEC. 123. WHITE RIVER OIL SHALE MINE, UTAH. SALE.—Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 124. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall

not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 125. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 126. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 127. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 128. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 129. Notwithstanding any other provision of law, the United States Fish and Wildlife Service may use funds appropriated in this Act for incidental expenses related to promoting and celebrating the Centennial of the National Wildlife Refuge System.

SEC. 130. The National Park Service may in fiscal year 2003 and thereafter enter into a cooperative agreement with and transfer funds to Capital Concerts, a nonprofit organization, for the purpose of carrying out programs pursuant to 31 U.S.C. 6305.

SEC. 131. No later than 30 days after enactment of this Act, the Secretary of the Interior shall provide to the House and Senate Committees on Appropriations and the House Committee on Resources and the Senate Committee on Indian Affairs a summary of the Ernst and Young report on the historical accounting for the five named plaintiffs in Cobell v. Norton. The summary shall not provide individually identifiable financial information, but shall fully describe the aggregate results of the historical accounting.

SEC. 132. None of the funds in this or any other Act for the Department of the Interior or the Department of Justice can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 133. Within 90 days of enactment of this Act the Special Trustee for American Indians, in consultation with the Secretary of the Interior and the Tribes, shall appoint new members to the Special Trustee Advisory Board.

SEC. 134. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 135. Section 124(a) of the Department of the Interior and Related Agencies Appropriation Act, 1997 (16 U.S.C. 1011 (a)), as amended, is further amended by inserting after the phrase ''appropriations made for the Bureau of Land Management'' the phrase ''including appropriations for the Wildland Fire Management account allocated to the National Park Service, Fish and Wildlife Service, and Bureau of Indian Affairs''.

SEC. 136. Public Law 107–106 is amended as follows: in section 5(a) strike ''9 months after the date of enactment of the Act'' and insert in lieu thereof ''September 30, 2003''.

SEC. 137. Notwithstanding any other provision of law, the funds provided in the Labor, Health and Human Services, Education and Related Agencies Appropriations Act of 2002, Public Law 107–116, for the National Museum of African American History and Culture Plan for Action Presidential Commission shall remain available until expended.

SEC. 138. The U.S. Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 139. The visitor center at the Bitter Lake National Wildlife Refuge in New Mexico shall be named for Joseph R. Skeen and, hereafter, shall be referred to in any law, document, or record of the United States as the ''Joseph R. Skeen Visitor Center''.

SEC. 140. In fiscal year 2003 and each fiscal year thereafter, notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year.

SEC. 141. Section 6(f) of Public Law 88–578 as amended shall not apply to LWCF program #02–00010.

SEC. 142. Notwithstanding section 1(d) of Public Law 107–62, the National Park Service is authorized to obligate $1,000,000 made available in fiscal year 2002 to plan the John Adams Presidential memorial in cooperation with non-Federal partners.

SEC. 143. Notwithstanding any other provision of law, funds appropriated and remaining available in the Construction (Trust Fund) account of the National Park Service at the completion of all authorized projects, shall be available for the rehabilitation and improvement of Going-to-the-Sun Road in Glacier National Park.

SEC. 144. Hereafter, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation.

SEC. 145. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 146. Section 3(f)(2)(B) of Public Law 99–548 (100 Stat. 3061; 113 Stat. 1501A–168) is amended by striking ''(iv) Sec. 8.'' and inserting the following:

''(iv) Sec. 7.

''(v) Sec. 8.''.

SEC. 147. Not to exceed $650,000 of the funds made available under the heading ''United States Fish and Wildlife Service, Construction'' in Public Law 107–63 for hangar roof replacement at Midway Atoll National Wildlife Refuge, and such sums as may be necessary from ''Departmental Management, Salaries and Expenses'', may be transferred to ''United States Fish and Wildlife Service, Resource Management'' for operational needs at Midway Atoll National Wildlife Refuge.

SEC. 148. Public Law 107–331 is amended in Sections 301(b) and 301(d) by striking the word ''Secretary'' each place it appears and inserting in lieu thereof the word ''Director'', and by striking the text of Section 301(c)(3) and inserting in lieu thereof ''DIRECTOR.—The term 'Director' means the Director of the Institute of Museum and Library Services.''.

SEC. 149. Section 113 of Public Law 104–208 (31 U.S.C. 501 note.) is amended by deleting ''That such fund shall be paid in advance'' and inserting ''That such fund may be paid in advance''.

SEC. 150. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES. (a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking ''(1) Except'' and inserting the following:

''(1) IN GENERAL.—Except'';

(2) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(3) by striking ''(2) The Secretary'' and inserting the following:

''(2) WAIVER.—The Secretary'';

(4) by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (3)''; and

(5) by adding at the end the following:

''(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

(1) by striking ''Pursuant to'' and inserting the following:

''(1) IN GENERAL.—Under''; and

(2) by adding at the end the following:

''(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section $10,000,000 for each of fiscal years 2003 through 2008.''.

SEC. 151. The document entitled ''Final Environmental Impact Statement for the Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way (FEIS)'' dated November 2002, shall be deemed sufficient to meet the requirements of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) with respect to the determination contained in the Record of Decision dated January 8, 2003 relating to the renewal of the Federal right-of-way for the Trans-Alaska Pipeline and related facilities.

SEC. 152. MISSOURI RIVER. It is the sense of the Congress that the member States and tribes of the Missouri River Basin Association are strongly encouraged to reach agreement on a flow schedule for the Missouri River as soon as practicable for 2003.

SEC. 153. TREATMENT OF ABANDONED MINE RECLAMATION FUND INTEREST. (a) IN GENERAL.—In addition to the transfer provided for in section 402(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)),

interest credited to the fund established by section 401 of such Act (30 U.S.C. 1231) shall be transferred to the Combined Fund identified in section 402(h)(2) up to such amount as is estimated by the trustees of such Combined Fund to offset the amount of any deficit in net assets in the Combined Fund. The cumulative additional amount that may be transferred under this section from the date of enactment of this Act through September 30, 2004 shall not exceed $34,000,000.

(b) PROHIBITION ON OTHER TRANSFERS.—Except as provided in subsection (a), no principal amounts in or credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) may be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)).

(c) LIMITATION.—This section shall cease to have any force and effect after September 30, 2004.

SEC. 154. Section 511(g)(2)(A) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 410ddd(g)(2)(A)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

SEC. 155. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP. (a) IN GENERAL.—The map described in subsection (b) is replaced, in the maps depicting the Coastal Barrier Resources System that are referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), by the map entitled ''Plum Tree Island Unit VA–59P, Long Creek Unit VA–60/VA–60P'' and dated May 1, 2002.

(b) DESCRIPTION OF REPLACED MAP.—The map referred to in subsection (a) is the map that—

(1) relates to Plum Island Unit VA–59P and Long Creek Unit VA–60/VA–60P located in Poquoson and Hampton, Virginia; and

(2) is included in a set of maps entitled 'Coastal Barrier Resources System'', dated October 24, 1990, revised on October 23, 1992, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map described in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SEC. 156. SENSE OF THE CONGRESS REGARDING SOUTHERN CALIFORNIA OFFSHORE OIL LEASES. (a) FINDINGS.—Congress finds that—

(1) there are 36 undeveloped oil leases on land in the southern California planning area of the outer Continental Shelf that—

(A) have been under review by the Secretary of the Interior for an extended period of time, including some leases that have been under review for over 30 years; and

(B) have not been approved for development under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(2) the oil companies that hold the 36 leases—

(A) have expressed an interest in retiring the leases in exchange for equitable compensation; and

(B) are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases; and

(3) it would be a waste of the taxpayer's money to continue the process for approval or permitting of the 36 leases while the Secretary of the Interior and the lessees are negotiating to retire the leases.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that no funds made available by this Act or any other Act for any fiscal year should be used by the Secretary of the Interior to approve any exploration, development, or production plan for, or application for a permit to drill on, the 36 undeveloped leases in the southern California planning area of the outer Continental Shelf during any period in which the lessees are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases.

SEC. 157. MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA. (a) AUTHORITY.—The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled ''Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement'' and dated July 2000.

(b) CONDITION.—

(1) IN GENERAL.—The Corps of Engineers may only acquire real property used as a residence for the purpose of carrying out the project described in subsection (a) if the Corps of Engineers or the non-Federal sponsor first offers the owner of such real property comparable real property within the part of the 8.5 square mile area that will be provided flood protection under such project. This paragraph does not affect the authority of the Corps of Engineers to acquire property for which this condition has been met or to which this condition does not apply.

(2) AUTHORITY TO ACQUIRE LAND AND PROVIDE ASSISTANCE.—The Corps of Engineers is authorized to acquire such land in the flood protected portion of the 8.5 square mile area from willing sellers, and provide such financial assistance, as may be necessary to carry out this subsection.

(3) FUNDING.—The Corps of Engineers and the non-Federal sponsor may carry out this subsection with funds made available to carry out the project described in subsection (a) and funds provided by the Department of the Interior for land acquisition assistance for Everglades restoration purposes.

SEC. 158. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 159. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2004 shall not exceed $12,000,000.

SEC. 160. MOCCASIN BEND NATIONAL ARCHEOLOGICAL DISTRICT ACT. (a) SHORT TITLE.—This section may be cited as the ''Moccasin Bend National Archeological District Act''.

(b) DEFINITIONS.—As used in this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) ARCHEOLOGICAL DISTRICT.—The term ''archeological district'' means the Moccasin Bend National Archeological District.

(3) STATE.—The term ''State'' means the State of Tennessee.

(4) MAP.—The term ''Map'' means the map entitled, ''Boundary Map Moccasin Bend National Archeological District'', numbered 301/80098, and dated September 2002.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—In order to preserve, protect, and interpret for the benefit of the public the nationally significant archeological and historic resources located on the peninsula known as Moccasin Bend, Tennessee, there is established as a unit of Chickamauga and Chattanooga National Military Park, the Moccasin Bend National Archeological District.

(2) BOUNDARIES.—The archeological district shall consist of approximately 780 acres generally depicted on the Map. The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(3) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—The Secretary may acquire by donation, purchase from willing sellers using donated or appropriated funds, or exchange, lands and interests in lands within the exterior boundary of the archeological district. The Secretary may acquire the State, county and city-owned land and interests in land for inclusion in the archeological district only by donation.

(B) EASEMENT OUTSIDE BOUNDARY.—To allow access between areas of the archeological district that on the date of the enactment of this section are noncontiguous, the Secretary may acquire by donation or purchase from willing owners using donated or appropriated funds, or exchange, easements connecting the areas generally depicted on the Map.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The archeological district shall be administered by the Secretary in accordance with this section, with laws applicable to Chickamauga and Chattanooga National Military Park, and with the laws generally applicable to units of the National Park System.

(2) COOPERATIVE AGREEMENT.—The Secretary may consult and enter into cooperative agreements with culturally affiliated federally recognized Indian tribes, governmental entities, and interested persons to provide for the restoration, preservation, development, interpretation, and use of the archeological district.

(3) VISITOR INTERPRETIVE CENTER.—For purposes of interpreting the historical themes and cultural resources of the archeological district, the Secretary may establish and administer a visitor center in the archeological district.

(4) GENERAL MANAGEMENT PLAN.—Not later than three years after funds are made available under this section, the Secretary shall develop a general management plan for the archeological district. The general management plan shall describe the appropriate protection and preservation of natural, cultural, and scenic resources, visitor use, and facility development within the archeological district consistent with the purposes of this section, while ensuring continued access by private landowners to their property.

(e) REPEAL OF PREVIOUS ACQUISITION AUTHORITY.—The Act of August 3, 1950 (Chapter 532; 16 U.S.C. 424a–4) is repealed.

SEC. 161. Section 6 of Public Law 102–495 (106 Stat. 3173) is amended by removing subsections 6(b) and (c) in their entirety and substituting the following:

''(b) LANDS TRANSFER TO THE LOWER ELWHA KLALLAM TRIBE.—Subject to valid existing rights, all right, title, and interest of the United States in and to the following described land, consisting of 1.7 acres, more or less, situated in the County of Clallam, State of Washington, are hereby conveyed to the Lower Elwha Klallam Indian Tribe: the parcel lying south of the existing roadway and extending southward to the Inner Harbor line of the Port Angeles Tidelands, and beginning at the north-south line 1,106 feet west of the eastern boundary of Out Lot 6 and running easterly 1,671 feet to the north-south line 565 feet east of the eastern boundary of Out Lot 6, to be further described on a detailed legal description and map filed later with the Oregon/Washington Office of the Bureau of Land Management. Said legal description and map shall be provided by the tribe, at its cost and expense, within ninety (90) days of the enactment of this Act. This conveyance shall be subject to the following provisions:

''(1) There shall be public access to the beach along the south side of the parcel at all times.

''(2) The City of Port Angeles shall have the right to construct and maintain a waterfront trail adjacent to the existing roadway along the north side of the parcel, the location of which shall be determined in conjunction with the Secretary.

''(3) Parking facilities on the parcel shall be open to the public at all times.

''(4) The Agreement entered into on August 11, 1992, between the City of Port Angeles and the Tribe regarding the use of the adjacent leaseholds.

''(5) Easements shall be are hereby reserved in favor of the United States upon, over, under, through, and across the lands conveyed under this section allowing the United States, its successors, assigns, and agents, unrestricted and uninterrupted access to any adjoining lands owned or controlled by the United States, including but not limited to, the U.S. Coast Guard Air Station located on Ediz Hook, and allowing the United States, its successors, assigns, and agents, to install, construct, operate, maintain, repair, and replace utility lines and other related equipment upon, over, under, through, and across the lands conveyed under this section in order to operate said air station or to conduct any other Federal mission, operation, or activity upon lands owned or controlled by the United States.

''(6) A navigation easement shall be hereby reserved in favor of the United States over the lands conveyed under this section for the continued aircraft operations at the adjacent U.S. Coast Guard Air Station on Ediz Hook. Said navigation easement shall be based on the Federal Aviation Administration (FAA) standards contained in FAA Advisory Circular 150/5390–2A, ''Heliport Design,'' dated January 20, 1994. In any event, the Lower Elwha Klallam Indian Tribe shall not construct any building or structure that intrudes into navigable airspace, as defined in FAA regulations.''.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $251,685,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management including treatments of pests, pathogens and invasive or noxious plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $286,574,000, to remain available until expended, as authorized by law: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific acquisition of lands or interests in lands to be undertaken with such funds: Provided further, That each forest legacy grant shall be for a specific project or set of specific tasks: Provided further, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: Provided further, That funds provided in this Act and in Public Laws 106–113, 106–291, and 107–63, for the West Branch Forest Legacy Project in the State of Maine, consisting of at least 45,000 acres of fee simple purchase and at least 275,000 acres in a conservation easement, that have not been expended by January 31, 2004, shall be transferred to the Wildland Fire Management account and shall be available to perform rehabilitation and restoration activities: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, $1,000,000 shall be made available to Kake Tribal Corporation as an advance direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,362,299,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2003 shall be displayed by budget line item in the fiscal year 2004 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That of the funds provided under this heading for Forest Products, $4,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2003, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,379,938,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2002 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for the Joint Fire Science Program: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $228,109,000 is for hazardous fuel treatment, $7,124,000 is for rehabilitation and restoration, $1,850,000 is for capital improvement and maintenance of fire facilities, $21,427,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $46,555,000 is for state fire assistance, $8,240,000 is for volunteer fire assistance, $16,934,000 is for forest health activities on State, private, and Federal lands, and $5,000,000 is for economic action programs: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', ''Forest and Rangeland Research'', and ''Capital Improvement and Maintenance'' accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That in expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts: Provided further, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: Provided further, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, nonprofit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: Provided further, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $552,039,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $500,000 appropriated in Public Law 107–63 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility: Provided further, That notwithstanding any provision of law, funds provided for construction of facilities at Purdue University in Indiana in this Act, in the amount of $1,700,000 shall be available to the University, and $1,000,000 provided in this Act for construction of facilities in Cordova, Alaska shall be available to the city.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $133,815,000 to spell be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That from amounts previously appropriated under this heading for the acquisition of lands in the Tongass National Forest, $350,000 shall be provided as an advance direct lump sum payment to the City of Juneau for the acquisition of 10.5 acres of land in Southeastern Alaska for a wild bird rehabilitation clinic and nature education center.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), and for authorized expenditures from funds deposited by non-federal parties pursuant to related Land Sale and Exchange Acts, to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,542,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 113 passenger motor vehicles of which 10 will be used primarily for law enforcement purposes and of which 113 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all funds under the heading ''Wildland Fire Management'' are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

For fiscal years 2003 through 2007, the Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as

appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $1,000,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2003, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $87,000,000 shall not be available until October 1, 2003: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $624,900,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $150,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. § 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,831,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2003 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $897,603,000, to remain available until expended: Provided, That $270,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $225,000,000 for weatherization assistance grants and $45,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,487,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $172,856,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

(INCLUDING RESCISSION)

For the acquisition and transportation of petroleum and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $7,000,000, to remain available until expended: Provided, That from unobligated balances of prior year appropriations, an amount of $5,000,000 is rescinded.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $6,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,611,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,492,115,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $460,130,000 for contract medical care shall remain available for obligation until September 30, 2004: Provided further, That contract medical care funds appropriated heretofore and hereafter for tribes recognized after January 1, 1995, may be used to provide medical services directly or through contract medical care: Provided further, That of the funds provided, up to $25,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2004: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2003, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds appropriated under the Special Diabetes Program for Indians (42 U.S.C. 254c–3(c)) for fiscal year 2003 and thereafter for the purpose of making grants shall remain available until expended: Provided further, That notwithstanding any other provision of law, contributions authorized by 10 U.S.C. 1111 for the Uniformed Service of the Public Health Service shall be paid in fiscal year 2003 and thereafter from the Department of Health and Human Services' Retirement Pay and Medical Benefits for Commissioned Officers account without charges billed to the Indian Health Service: Provided further, That heretofore and hereafter the provisions of 10 U.S.C. 1116 shall not apply to the Indian Health Service: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: Provided further, That of the amounts provided for Indian Health Services, $15,000,000 is provided to the Alaska Federation of Natives for alcohol control, prevention, treatment, sobriety and wellness, of which at least $100,000 shall be available for an independent third party to conduct an evaluation of the program and $5,000,000 shall be available to the Alaska Native Tribal Health Consortium for substance abuse and behavioral health counselors through the Counselor in Every Village Program: Provided further, That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: Provided further, That prior to the release of funds to a regional Native non-profit entity, it must enter into an agreement with the regional Native health corporation on allocation of resources to avoid duplication of effort and to foster cooperation.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $376,190,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the U.S. Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: Provided further, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $14,491,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $5,490,000, of which $1,000,000 shall remain available until expended for construction of the Library Technology Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $463,205,000, of which not to exceed $53,634,000 for the instrumentation program, collections acquisition, exhibition reinstallation, security improvements, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building: Provided further, That from unobligated balances of prior year appropriations, an amount of $14,100,000 is rescinded.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, including necessary personnel, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), $83,425,000, to remain available until expended, of which $18,875,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park, and of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That notwithstanding any other provision of law, a single procurement contract for the repair and renovation of the Patent Office Building may be issued which includes the full scope of the project: Provided further, That the solicitation of the contract and the contract shall contain the clause ''availability of funds'' found at 48 C.F.R. 52.232–18.

CONSTRUCTION

For necessary expenses for construction of the National Museum of the American Indian, including necessary personnel, $16,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $77,219,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,230,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,310,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,600,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,488,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $116,489,000, shall

be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,632,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,224,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADMINISTRATIVE PROVISION

None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the alteration or transfer of the National Capital Arts and Cultural Affairs program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,667,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $38,663,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $21,327,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2002 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of

1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2003 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. Until September 30, 2005, the authority of the Secretary of Agriculture to enter into an agreement under the first section of Public Law 94–148 (16 U.S.C. 565a–1) for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities. An agreement entered into under this section shall not be subject to Public Law 95–224, Federal Grant and Cooperative Agreement Act (1977).

SEC. 322. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 323. Section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note), is amended—

(1) in subsection (a), by striking ''September 30, 2004'' and all that follows and inserting ''September 30, 2013, the Forest Service and the Bureau of Land Management, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.'';

(2) in subsection (b)(4)—

(A) by striking ''noncommercial cutting or removing of trees'' and inserting ''removing vegetation''; and

(B) by striking ''non-commercial objectives'' and inserting ''land management objectives'';

(3) in subsection (c), by adding at the end a new paragraph as follows:

''(5) CONTRACTING OFFICER.—Notwithstanding any other provision of law, the Secretary of Agriculture or the Secretary of the Interior may determine the appropriate contracting officer to enter into and administer an agreement or contract under subsection (a).'';

(4) in subsections (c)(3), (d), (f), and (g), by inserting ''and the Bureau of Land Management'' after ''Forest Service'' each place it appears;

(5) in the section heading, by striking ''DEMONSTRATION PROJECT'' and inserting ''PROJECTS'';

(6) in subsections (d)(2) and (f)(2)(B), by striking ''demonstration'' each place it appears;

(7) in subsection (d)(3), by striking ''the Secretary'' both places it appears and inserting ''the Forest Service or the Bureau of Land Management'' and by inserting ''or the public lands'' after ''National Forest System''; and

(8) in subsection (g), by striking ''each individual stewardship pilot project'' and inserting ''the stewardship contracting projects''.

SEC. 324. TECHNICAL CORRECTION RELATED TO CABIN USER FEES.—Section 608(b)(2) of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207(b)(2); Public Law 106–291) is amended by striking ''value influences'' and inserting in lieu thereof ''criteria'' and striking ''section 606(b)(3)'' and inserting in lieu thereof ''section 606(b)(2)''.

SEC. 325. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking ''10'' and inserting ''20'';

(2) in subsection (c) by inserting at the end of the subsection ''Additionally, proceeds from the sale of conveyances on no more than 3 sites shall be available for construction of replacement facilities.''; and

(3) in subsection (d), by striking ''2005'' and inserting ''2006''.

SEC. 326. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2004, qualify for General Service Administration contract airfares.

SEC. 327. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 328. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2003 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 580l), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: Provided, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2003 under the authority of section 504 of the Rescissions Act of 1995 (Public Law 104–19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 329. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2003, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 330. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 331. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.—None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2003.

SEC. 332. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 333. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That the contract is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 334. Section 401(e)(4)(B) of Public Law 105–83 is amended after ''Not more than'' by striking ''5 percent'' and inserting ''15 percent''.

SEC. 335. The Record of Decision for the 2003 Supplemental Environmental Impact Statement for the 1997 Tongass Land Management Plan shall not be reviewed under any Forest Service administrative appeal process, and its adequacy shall not be subject to judicial review by any court of the United States.

SEC. 336. Section 7(c) of Public Law 106–143 is amended by striking ''2001'' and inserting ''2004''.

SEC. 337. CLARIFICATION OF ALASKA NATIVE SETTLEMENT TRUSTS. (a) Section 1629b of title 43, United States Code, is amended—

(1) at subsection (d)(1) by striking ''An'' and inserting in its place ''Except as otherwise set forth in subsection (d)(3) of this section, an'';

(2) by creating the following new subsection:

''(d)(3) A resolution described in subsection (a)(3) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

''(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution, or

''(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.'';

(3) by creating the following new subsection:

''(f) SUBSTANTIALLY ALL OF THE ASSETS.—For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation's total assets.''.

(b) Section 1629e(a)(3) of title 43, United States Code, is amended by striking subparagraph (B) and inserting in its place the following:

''(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if—

''(i) the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable; and

''(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title.''.

SEC. 338. Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented, and hereby extends the expiration of the Quincy Library Group Act by 5 years.

SEC. 339. AMENDMENT TO TITLES I AND II OF THE ENERGY POLICY AND CONSERVATION ACT. (a) Title I of the Energy Policy and Conservation Act (42 U.S.C. 6231–6247b) is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

''SEC. 166. There are authorized to be appropriated such sums as may be necessary to implement this part, to remain available until expended.'';

(2) in section 186 (42 U.S.C. 6250e), by striking ''for fiscal years 2001, 2002, and 2003''; and

(3) in section 191 (42 U.S.C. 6251), by striking ''September 30, 2003'' each time it appears and inserting ''September 30, 2008''.

(b) Title II of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) by amending section 256(h) (42 U.S.C. 6276) to read as follows:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this part, to remain available until expended.''; and

(2) in section 281 (42 U.S.C. 6285), by striking ''September 30, 2003'' each time it appears and inserting ''September 30, 2008''.

SEC. 340. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for federal assistance to the State of

Florida to acquire lands for Everglades restoration purposes.

SEC. 341. DESIGNATION OF PANTHERTOWN VALLEY TRACT OF NANTAHALA NATIONAL FOREST, JACKSON COUNTY, NORTH CAROLINA, IN HONOR OF JAMES AND ELSPETH MCCLURE CLARKE. The portion of the Nantahala National Forest in Jackson County, North Carolina, known as the Panthertown Valley tract and consisting of approximately 6,294 acres is hereby designated as the ''James and Elspeth McClure Clarke Forest'' in honor of James and Elspeth McClure Clarke.

TITLE IV—T'UF SHUR BIEN PRESERVATION TRUST AREA

SEC. 401. SHORT TITLE.

This title may be cited as the ''T'uf Shur Bien Preservation Trust Area Act''.

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) PURPOSES.—The purposes of this title are—

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M–36963; 96 I.D. 331) and January 19, 2001 (M–37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

SEC. 403. DEFINITIONS.

In this title:

(1) AREA.—

(A) IN GENERAL.—The term ''Area'' means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) EXCLUSIONS.—The term ''Area'' does not include—

(i) the subdivisions;

(ii) Pueblo-owned land;

(iii) the crest facilities; or

(iv) the special use permit area.

(2) CREST FACILITIES.—The term ''crest facilities'' means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) EXISTING USE.—The term ''existing use'' means a use that—

(A) is occurring in the Area as of the date of enactment of this Act; or

(B) is authorized in the Area after November 1, 1995, but before the date of enactment of this Act.

(4) LA LUZ TRACT.—The term ''La Luz tract'' means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) LOCAL PUBLIC BODY.—The term ''local public body'' means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6–5–1).

(6) MAP.—The term ''map'' means the Forest Service map entitled ''T'uf Shur Bien Preservation Trust Area'' and dated April 2000.

(7) MODIFIED USE.—

(A) IN GENERAL.—The term ''modified use'' means an existing use that, at any time after the date of enactment of this Act, is modified or reconfigured but not significantly expanded.

(B) INCLUSIONS.—The term ''modified use'' includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;

(ii) a parking area being reconfigured (but not expanded); and

(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) NEW USE.—

(A) IN GENERAL.—The term ''new use'' means—

(i) a use that is not occurring in the Area as of the date of enactment of this Act; and

(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) EXCLUSIONS.—The term ''new use'' does not include a use that—

(i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) PIEDRA LISA TRACT.—The term ''Piedra Lisa tract'' means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) PUEBLO.—The term ''Pueblo'' means the Pueblo of Sandia in its governmental capacity.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) SPECIAL USE PERMIT.—The term ''special use permit'' means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company

(14) SPECIAL USE PERMIT AREA.—

(A) IN GENERAL.—The term ''special use permit area'' means the land and facilities subject to the special use permit.

(B) INCLUSIONS.—The term ''special use permit area'' includes—

(i) approximately 46 acres of land used as an aerial tramway corridor;

(ii) approximately 945 acres of land used as a ski area; and

(iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) SUBDIVISION.—The term ''subdivision'' means—

(A) the subdivision of—

(i) Sandia Heights Addition;

(ii) Sandia Heights North Unit I, II, or 3;

(iii) Tierra Monte;

(iv) Valley View Acres; or

(v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) TRADITIONAL OR CULTURAL USE.—The term ''traditional or cultural use'' means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

SEC. 404. T'UF SHUR BIEN PRESERVATION TRUST AREA.

(a) ESTABLISHMENT.—The T'uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

(1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 405(a);

(2) to preserve in perpetuity the national forest and wilderness character of the Area; and

(3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) ADMINISTRATION AND APPLICABLE LAW.—

(1) IN GENERAL.—The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of this title affecting management of the Area.

(2) TRADITIONAL OR CULTURAL USES.—Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 405(a)(4) shall not be restricted except by—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; and

(B) applicable Federal wildlife protection laws, as provided in section 406(a)(2).

(3) LATER ENACTMENTS.—To the extent that any law enacted or amended after the date of enactment of this Act is inconsistent with this title, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) TRUST.—The use of the word ''Trust'' in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) MAP.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) PUBLIC AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) EFFECT.—The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in this title, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 409 or subsection (b) or (c) of section 413 shall be made; and

(C) to the extent that the map and the language of this title conflict, the language of this title shall control.

(d) NO CONVEYANCE OF TITLE.—No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) PROHIBITED USES.—

(1) IN GENERAL.—Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of the date of enactment of this Act shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 405(a)(3).

(2) MINING CLAIMS.—The Area is closed to the location of mining claims under section 2320 of the Revised Statutes (30 U.S.C. 23) (commonly known as the ''Mining Law of 1872'').

(f) NO MODIFICATION OF BOUNDARIES.—Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

SEC. 405. PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) IN GENERAL.—The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on the date of enactment of this Act; or

(B) applicable Federal wildlife protection laws as provided in section 406(a)(2).

(2) Perpetual preservation of the national forest and wilderness character of the Area under this title.

(3) Rights in the management of the Area as specified in section 407, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in sections 404, 405(c), 407, 408, and 409.

(b) ACCESS.— Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) COMPENSABLE INTEREST.—

(1) IN GENERAL.—If, by an Act of Congress enacted after the date of enactment of this Act, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 404(e) in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 404(e) and 406(a) shall be disregarded in determining just compensation owed to the Pueblo.

(2) EFFECT.—Any compensation made to the Pueblo under paragraph (c) shall not affect the extinguishment of claims under section 410.

SEC. 406. LIMITATIONS ON PUEBLO RIGHTS AND INTERESTS IN THE AREA.

(a) LIMITATIONS.—The rights and interests of the Pueblo recognized in this title do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 404(e); or

(4) any right to exclude persons or governmental entities from the Area.

(b) EXCEPTION.—No person who exercises traditional or cultural use rights as authorized by section 405(a)(4) may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

SEC. 407. MANAGEMENT OF THE AREA.

(a) PROCESS.—

(1) IN GENERAL.—The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) NEW USES.—

(A) REQUEST FOR CONSENT AFTER CONSULTATION.—

(i) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) GRANTING OF CONSENT.—If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) FINAL REQUEST FOR CONSENT.—

(i) REQUEST.—Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) DENIAL OF CONSENT.—If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(iii) FAILURE TO RESPOND.—If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) PUBLIC INVOLVEMENT.—

(A) IN GENERAL.—With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decision-making process; and

(iii) the position of the Pueblo on the proposal.

(B) COURT CHALLENGE.—Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination by the Secretary concerning whether a use constitutes a new use or a modified use.

(b) EMERGENCIES AND EMERGENCY CLOSURE ORDERS.—

(1) AUTHORITY.—The Secretary shall retain the authority of the Secretary to manage emergency situations, to—

(A) provide for public safety; and

(B) issue emergency closure orders in the Area subject to applicable law.

(2) NOTICE.—The Secretary shall notify the Pueblo regarding emergencies, public safety issues, and emergency closure orders as soon as practicable.

(3) NO CONSENT.—An action of the Secretary described in paragraph (1) shall not require the consent of the Pueblo.

(c) DISPUTES INVOLVING FOREST SERVICE MANAGEMENT AND PUEBLO TRADITIONAL USES.—

(1) IN GENERAL.—In a case in which the management of the Area by the Secretary conflicts with a traditional or cultural use, if the conflict does not pertain to a new use subject to the process specified in subsection (a)(2), the process for dispute resolution specified in this subsection shall apply.

(2) DISPUTE RESOLUTION PROCESS.—

(A) IN GENERAL.—In the case of a conflict described in paragraph (1)—

(i) the party identifying the conflict shall notify the other party in writing addressed to the Governor of the Pueblo or the Regional Forester, as appropriate, specifying the nature of the dispute; and

(ii) the Governor of the Pueblo or the Regional Forester shall attempt to resolve the dispute for a period of at least 30 days after notice has been provided before bringing a civil action in the United States District Court for the District of New Mexico.

(B) DISPUTES REQUIRING IMMEDIATE RESOLUTION.—In the case of a conflict that requires immediate resolution to avoid imminent, substantial, and irreparable harm—

(i) the party identifying the conflict shall notify the other party and seek to resolve the dispute within 3 days of the date of notification; and

(ii) if the parties are unable to resolve the dispute within 3 days—

(I) either party may bring a civil action for immediate relief in the United States District Court for the District of New Mexico; and

(II) the procedural requirements specified in subparagraph (A) shall not apply.

SEC. 408. JURISDICTION OVER THE AREA.

(a) CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, jurisdiction over crimes committed in the Area shall be allocated as provided in this paragraph.

(2) JURISDICTION OF THE PUEBLO.—The Pueblo shall have jurisdiction over an offense committed by a member of the Pueblo or of another federally-recognized Indian tribe who is present in the Area with the permission of the Pueblo under section 405(a)(4).

(3) JURISDICTION OF THE UNITED STATES.—The United States shall have jurisdiction over—

(A) an offense described in section 1153 of title 18, United States Code, committed by a member of the Pueblo or another federally-recognized Indian tribe;

(B) an offense committed by any person in violation of the laws (including regulations) pertaining to the protection and management of national forests;

(C) enforcement of Federal criminal laws of general applicability; and

(D) any other offense committed by a member of the Pueblo against a person not a member of the Pueblo.

(4) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over an offense under the law of the State committed by a person not a member of the Pueblo.

(5) OVERLAPPING JURISDICTION.—To the extent that the respective allocations of jurisdiction over the Area under paragraphs (2), (3), and (4) overlap, the governments shall have concurrent jurisdiction.

(6) FEDERAL USE OF STATE LAW.—Under the jurisdiction of the United States described in paragraph (3)(D), Federal law shall incorporate any offense defined and punishable under State law that is not so defined under Federal law.

(b) CIVIL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the United States, the State of New Mexico, and local public bodies shall have the same civil adjudicatory, regulatory, and taxing jurisdiction over the Area as was exercised by those entities on the day before the date of enactment of this Act.

(2) JURISDICTION OF THE PUEBLO.—

(A) IN GENERAL.—The Pueblo shall have exclusive civil adjudicatory jurisdiction over—

(i) a dispute involving only members of the Pueblo;

(ii) a civil action brought by the Pueblo against a member of the Pueblo; and

(iii) a civil action brought by the Pueblo against a member of another federally-recognized Indian tribe for a violation of an understanding between the Pueblo and the other tribe

regarding use of or access to the Area for traditional or cultural uses.

(B) REGULATORY JURISDICTION.—The Pueblo shall have no regulatory jurisdiction over the Area, except that the Pueblo shall have exclusive authority to—

(i) regulate traditional or cultural uses by the members of the Pueblo and administer access to the Area by other federally-recognized Indian tribes for traditional Date: 2-13-03-Subformat: or cultural uses, to the extent such regulation is consistent with this title; and

(ii) regulate hunting and trapping in the Area by members of the Pueblo, to the extent that the hunting or trapping is related to traditional or cultural uses, except that such hunting and trapping outside of that portion of the Area in sections 13, 14, 23, 24, and the northeast quarter of section 25 of T12N, R4E, and section 19 of T12N, R5E, N.M.P.M., Sandoval County, New Mexico, shall be regulated by the Pueblo in a manner consistent with the regulations of the State of New Mexico concerning types of weapons and proximity of hunting and trapping to trails and residences.

(C) TAXING JURISDICTION.—The Pueblo shall have no authority to impose taxes within the Area.

(3) STATE AND LOCAL TAXING JURISDICTION.—The State of New Mexico and local public bodies shall have no authority within the Area to tax the uses or the property of the Pueblo, members of the Pueblo, or members of other federally-recognized Indian tribes authorized to use the Area under section 405(a)(4).

SEC. 409. SUBDIVISIONS AND OTHER PROPERTY INTERESTS.

(a) SUBDIVISIONS.—

(1) IN GENERAL.—The subdivisions are excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the subdivisions and property interests therein, and the laws of the Pueblo shall not apply to the subdivisions.

(B) STATE JURISDICTION.—The jurisdiction of the State of New Mexico and local public bodies over the subdivisions and property interests therein shall continue in effect, except that on application of the Pueblo a tract comprised of approximately 35 contiguous, nonsubdivided acres in the northern section of Evergreen Hills owned in fee by the Pueblo at the time of enactment of this Act, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior.

(3) LIMITATIONS ON TRUST LAND.—Trust land described in paragraph (2)(B) shall be subject to all limitations on use pertaining to the Area contained in this title.

(b) PIEDRA LISA.—

(1) IN GENERAL.—The Piedra Lisa tract is excluded from the Area.

(2) DECLARATION OF TRUST TITLE.—The Piedra Lisa tract—

(A) shall be transferred to the United States;

(B) is declared to be held in trust for the Pueblo by the United States; and

(C) shall be administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(3) APPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 406(a)(4) shall not apply outside of Forest Service System trails.

(c) CREST FACILITIES.—

(1) IN GENERAL.—The land on which the crest facilities are located is excluded from the Area.

(2) JURISDICTION.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory or any other form of jurisdiction, over the land on which the crest facilities are located and property interests therein, and the laws of the Pueblo, shall not apply to that land. The preexisting jurisdictional status of that land shall continue in effect.

(d) SPECIAL USE PERMIT AREA.—

(1) IN GENERAL.—The land described in the special use permit is excluded from the Area.

(2) JURISDICTION.—

(A) IN GENERAL.—The Pueblo shall have no civil or criminal jurisdiction for any purpose, including adjudicatory, taxing, zoning, regulatory, or any other form of jurisdiction, over the land described in the special use permit, and the laws of the Pueblo shall not apply to that land.

(B) PREEXISTING STATUS.—The preexisting jurisdictional status of that land shall continue in effect.

(3) AMENDMENT TO PLAN.—In the event the special use permit, during its existing term or any future terms or extensions, requires amendment to include other land in the Area necessary to realign the existing or any future replacement tram line, associated structures, or facilities, the land subject to that amendment shall thereafter be excluded from the Area and shall have the same status under this title as the land currently described in the special use permit.

(4) LAND DEDICATED TO AERIAL TRAMWAY AND RELATED USES.—Any land dedicated to aerial tramway and related uses and associated facilities that are excluded from the special use permit through expiration, termination or the amendment process shall thereafter be included in the Area, but only after final agency action no longer subject to any appeals.

(e) LA LUZ TRACT.—

(1) IN GENERAL.—The La Luz tract now owned in fee by the Pueblo is excluded from the Area and, on application by the Pueblo, shall be transferred to the United States and held in trust for the Pueblo by the United States and administered by the Secretary of the Interior subject to all limitations on use pertaining to the Area contained in this title.

(2) NONAPPLICABILITY OF CERTAIN RESTRICTION.—The restriction contained in section 406(a)(4) shall not apply outside of Forest Service System trails.

(f) EVERGREEN HILLS ACCESS.—The Secretary shall ensure that Forest Service Road 333D, as depicted on the map, is maintained in an adequate condition in accordance with section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)).

(g) PUEBLO FEE LAND.—Those properties not specifically addressed in subsections (a) or (e) that are owned in fee by the Pueblo within the subdivisions are excluded from the Area and shall be subject to the jurisdictional provisions of subsection (a).

(h) RIGHTS-OF-WAY.—

(1) ROAD RIGHTS-OF-WAY.—

(A) IN GENERAL.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the County of Bernalillo, New Mexico, in perpetuity, the following irrevocable rights-of-way for roads identified on the map in order to provide for public access to the subdivisions, the special use permit land and facilities, the other leasehold and easement rights and interests of the Sandia Peak Tram Company and its affiliates, the Sandia Heights South Subdivision, and the Area—

(i) a right-of-way for Tramway Road;

(ii) a right-of-way for Juniper Hill Road North;

(iii) a right-of-way for Juniper Hill Road South;

(iv) a right-of-way for Sandia Heights Road; and

(v) a right-of-way for Juan Tabo Canyon Road (Forest Road No. 333).

(B) CONDITIONS.—The road rights-of-way shall be subject to the following conditions:

(i) Such rights-of-way may not be expanded or otherwise modified without the Pueblo's written consent, but road maintenance to the rights-of-way shall not be subject to Pueblo consent.

(ii) The rights-of-way shall not authorize uses for any purpose other than roads without the Pueblo's written consent.

(iii) Except as provided in the Settlement Agreement, existing rights-of-way or leasehold interests and obligations held by the Sandia Peak Tram Company and its affiliates, shall be preserved, protected, and unaffected by this title.

(2) UTILITY RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant irrevocable utility rights-of-way in perpetuity across Pueblo land to appropriate utility or other service providers serving Sandia Heights Addition, Sandia Heights North Units I, II, and 3, the special use permit land, Tierra Monte, and Valley View Acres, including rights-of-way for natural gas, power, water, telecommunications, and cable television services. Such rights-of-way shall be within existing utility corridors as depicted on the map or, for certain water lines, as described in the existing grant of easement to the Sandia Peak Utility Company: Provided, That use of water line easements outside the utility corridors depicted on the map shall not be used for utility purposes other than water lines and associated facilities. Except where above-ground facilities already exist, all new utility facilities shall be installed underground unless the Pueblo agrees otherwise. To the extent that enlargement of existing utility corridors is required for any technologically-advanced telecommunication, television, or utility services, the Pueblo shall not unreasonably withhold agreement to a reasonable enlargement of the easements described above.

(3) FOREST SERVICE RIGHTS-OF-WAY.—In accordance with the Pueblo having given its consent in the Settlement Agreement, the Secretary of the Interior shall grant to the Forest Service the following irrevocable rights-of-way in perpetuity for Forest Service trails crossing land of the Pueblo in order to provide for public access to the Area and through Pueblo land—

(A) a right-of-way for a portion of the Crest Spur Trail (Trail No. 84), crossing a portion of the La Luz tract, as identified on the map;

(B) a right-of-way for the extension of the Foothills Trail (Trail No. 365A), as identified on the map; and

(C) a right-of-way for that portion of the Piedra Lisa North-South Trail (Trail No. 135) crossing the Piedra Lisa tract.

SEC. 410. EXTINGUISHMENT OF CLAIMS.

(a) IN GENERAL.—Except for the rights and interests in and to the Area specifically recognized in sections 404, 405, 407, 408, and 409, all Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to land within the Area, any part thereof, and property interests therein, as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished. The United States' title to the Area is confirmed.

(b) SUBDIVISIONS.—Any Pueblo claims to right, title and interest of any kind, including aboriginal claims, in and to the subdivisions and property interests therein (except for land owned in fee by the Pueblo as of the date of enactment of this Act), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) SPECIAL USE AND CREST FACILITIES AREAS.—Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

(1) the land described in the special use permit; and

(2) the land on which the crest facilities are located.

(d) PUEBLO AGREEMENT.—As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection (a), (b) and (c).

(e) CONSIDERATION.—The recognition of the Pueblo's rights and interests in this title constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 409, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to this title.

SEC. 411. CONSTRUCTION.

(a) STRICT CONSTRUCTION.—This title recognizes only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) EXISTING RIGHTS.—To the extent there exist within the Area as of the date of enactment of this Act any valid private property rights associated with private land that are not otherwise addressed in this title, such rights are not modified or otherwise affected by this title, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 405(a)(3)(A).

(c) NOT PRECEDENT.—The provisions of this title creating certain rights and interests in the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) FISH AND WILDLIFE.—Except as provided in section 408(b)(2)(B), nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(e) FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 316 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1746) is amended by adding at the end the following: ''Any corrections authorized by this section which affect the boundaries of, or jurisdiction over, land administered by another Federal agency shall be made only after consultation with, and the approval of, the head of such other agency.''

SEC. 412. JUDICIAL REVIEW.

(a) ENFORCEMENT.—A civil action to enforce the provisions of this title may be brought to the extent permitted under chapter 7 of title 5, United States Code. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5, United States Code.

(b) WAIVER.—A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under this title, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) VENUE.—Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of this title, shall lie only in the United States District Court for the District of New Mexico.

SEC. 413. PROVISIONS RELATING TO CONTRIBUTIONS AND LAND EXCHANGE.

(a) CONTRIBUTIONS.—

(1) IN GENERAL.—The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with this title.

(2) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete the survey of the Area under paragraph (1)(A).

(b) LAND EXCHANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, after consultation with the Pueblo, the Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo's Reservation within sections 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

(2) ACCEPTANCE OF PAYMENT.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)), the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

(3) FUNDS RECEIVED.—Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under the Act of December 4, 1967, known as the Sisk Act (16 U.S.C. 484a), and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

(4) TREATMENT OF LAND EXCHANGED OR CONVEYED.—All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under this title.

(5) FAILURE TO MAKE OFFER.—If the land exchange offer is not made by the date that is 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) LAND ACQUISITION AND OTHER COMPENSATION.—

(1) IN GENERAL.—The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) PIEDRA LISA TRACT.—Subject to the availability of appropriations, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 409(h)(3)(C); and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 409(b)(2).

(d) REIMBURSEMENT OF CERTAIN COSTS.—

(1) IN GENERAL.—The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94–2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) TREATMENT OF REIMBURSEMENT.—Any reimbursement provided in this subsection shall be in lieu of that which might otherwise be available pursuant to the Equal Access to Justice Act (24 U.S.C. 2412).

(3) PAYMENTS.—Subject to the availability of appropriated funds the Secretary of the Treasury shall make reimbursement payments as provided in this section.

(4) APPLICATIONS.—Not later than 180 days after the date of enactment of this Act, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) MAXIMUM REIMBURSEMENT.—No party shall be reimbursed in excess of $750,000 under this section, and the total amount reimbursed in accordance with this section shall not exceed $3,000,000.

SEC. 414. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, including such sums as are necessary for the Forest Service to carry out responsibilities of the Forest Service in accordance with section 413(c).

SEC. 415. EFFECTIVE DATE.

The provisions of this title shall take effect immediately on enactment of this Act.

TITLE V—NATIONAL FOREST ORGANIZATIONAL CAMP FEE IMPROVEMENT ACT OF 2003

SECTION 501. SHORT TITLE.

This title may be cited as the ''National Forest Organizational Camp Fee Improvement Act of 2003''.

SEC. 502. FINDINGS, PURPOSE, AND DEFINITIONS.

(a) FINDINGS.—Congress finds the following:

(1) Organizational camps, such as those administered by the Boy Scouts, Girl Scouts, and faith-based and community-based organizations, provide a valuable service to young people, individuals with a disability, and their families by promoting physical, mental, and spiritual health through activities conducted in a natural environment.

(2) The 192,000,0000 acres of national forests and grasslands of the National Forest System managed for multiple uses by the Forest Service provides an ideal setting for such organizational camps.

(3) The Federal Government should charge land use fees for the occupancy and use of National Forest System lands by such organizational camps that, while based on the fair market value of the land in use, also recognize the benefits provided to society by such organizational camps, do not preclude the ability of such organizational camps from utilizing these lands, and permit capital investment in, and maintenance of, camp facilities by such organizational camps or their sponsoring organizations.

(4) Organizational camps should—

(A) ensure that their facilities meet applicable building and safety codes, including fire and health codes;

(B) have annual inspections as required by local law, including at a minimum inspections for fire and food safety; and

(C) have in place safety plans that address fire and medical emergencies and encounters with wildlife.

(b) PURPOSE.—It is the purpose of this Act to establish a land use fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands by organizational camps that serve young people or individuals with a disability.

(c) DEFINITIONS.—In this Act:

(1) The term ''organizational camp'' means a public or semipublic camp that—

(A) is developed on National Forest System lands by a nonprofit organization or governmental entity;

(B) provides a valuable service to the public by using such lands as a setting to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues; and

(C) does not have as its primary purpose raising revenue through commercial activities.

(2) The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) The term ''individual with a disability'' has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)).

(4) The term ''children at risk'' means children who are raised in poverty or in single-parent homes or are subject to such circumstances as parental drug abuse, homelessness, or child abuse.

(5) The term ''change in control'' means—

(A) for a corporation, the sale or transfer of a controlling interest in the corporation;

(B) for a partnership or limited liability company, the sale or transfer of a controlling interest in the partnership or limited liability company; and

(C) for an individual, the sale or transfer or an organizational camp subject to this Act to another party.

SEC. 503. FEES FOR OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS AND FACILITIES BY ORGANIZATIONAL CAMPS.

(a) LAND USE FEE.—

(1) PERCENTAGE OF LAND VALUE.—The Secretary shall charge an annual land use fee for each organizational camp for its occupancy and use of National Forest System lands equal to five percent of the product of the following:

(A) The total number of acres of National Forest System lands authorized for the organizational camp.

(B) The estimated per-acre market value of land and buildings in the county where the camp is located, as reported in the most recent Census of Agriculture conducted by the National Agricultural Statistics Service.

(2) ANNUAL ADJUSTMENT.—The land use fee determined under paragraph (1) for an organizational camp shall be adjusted annually by the annual compounded rate of change between the two most recent Censuses of Agriculture.

(3) REDUCTION IN FEES.—

(A) TYPE OF PARTICIPANTS.—The Secretary shall reduce the land use fee determined under paragraph (1) proportionate to the number of individuals with a disability and children at risk who annually attend the organizational camp.

(B) TYPE OF PROGRAMS.—After making the reduction required by subparagraph (A), the Secretary shall reduce the remaining land use fee amount by up to 60 percent, proportionate to the number of persons who annually attend the organizational camp who participate in youth programs through organized and supervised social, citizenship, character-building, or faith-based activities oriented to outdoor-recreation experiences.

(C) RELATION TO MINIMUM FEE.—The reductions made under this paragraph may not reduce the land use fee for an organizational camp below the minimum land use fee required to be charged under paragraph (4).

(D) SPECIAL CONSIDERATIONS.—For purposes of determining the amount of the land use fee reduction required under subparagraph (A) or (B), the Secretary may not take into consideration the existence of sponsorships or scholarships to assist persons in attending the organizational camp.

(4) MINIMUM LAND USE FEE.—The Secretary shall charge a minimum land use fee under paragraph (1) that represents, on average, the Secretary's cost annually to administer an organizational camp special use authorization in the National Forest Region in which the organizational camp is located. Notwithstanding paragraph (3) or subsection (d), the minimum land use fee shall not be subject to a reduction or waiver.

(b) FACILITY USE FEE.—

(1) PERCENTAGE OF FACILITIES VALUE.—If an organizational camp uses a Government-owned facility on National Forest System lands pursuant to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the Secretary shall charge, in addition to the land use fee imposed under subsection (a), a facility use fee equal to five percent of the value of the authorized facilities, as determined by the Secretary.

(2) REDUCTION IN FEES PROHIBITED.—Notwithstanding subsection (d), the facility use fees determined under paragraph (1) shall not be subject to a reduction or waiver.

(c) FEE RELATED TO RECEIPT OF OTHER REVENUES.—If an organizational camp derives revenue from the use of National Forest System lands or authorized facilities described in subsection (b) for purposes other than to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues, the Secretary shall charge, in addition to the land use fee imposed under subsection (a) and the facility use fee imposed under subsection (b), an additional fee equal to five percent of that revenue.

(d) WORK-IN-LIEU PROGRAM.—Subject to subsections (a)(4) and (b)(2), section 3 of the Federal Timber Contract Payment Modification Act (16 U.S.C. 539f) shall apply to the use fees imposed under this section.

SEC. 504. IMPLEMENTATION.

(a) PROMPT IMPLEMENTATION.—The Secretary shall issue direction regarding implementation of this Act by interim directive within 180 days after the date of the enactment of this Act. The Secretary shall implement this Act beginning with the first billing cycle for organizational camp special use authorizations occurring more than 180 days after the date of the enactment of this Act.

(b) PHASE-IN OF USE FEE INCREASES.—In issuing any direction regarding implementation of this Act under subsection (a), the Secretary shall consider whether to phase-in any significant increases in annual land or facility use fees for organizational camps.

SEC. 505. RELATIONSHIP TO OTHER LAWS.

Except as specifically provided by this Act, nothing in this Act supersedes or otherwise affects any provision of law, regulation, or policy regarding the issuance or administration of authorizations for organizational camps regarding the occupancy and use of National Forest System lands.

SEC. 506. DEPOSIT AND EXPENDITURE OF USE FEES.

(a) DEPOSIT AND AVAILABILITY.—Unless subject to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), use fees collected by the Secretary under this Act shall be deposited in a special account in the Treasury and shall remain available to the Secretary for expenditure, without further appropriation until expended, for the purposes described in subsection (c).

(b) TRANSFER.—Upon request of the Secretary, the Secretary of the Treasury shall transfer to the Secretary from the special account such amounts as the Secretary may request. The Secretary shall accept and use such amounts in accordance with subsection (c).

(c) USE.—Use fees deposited pursuant to subsection (a) and transferred to the Secretary under subsection (b) shall be expended for monitoring of Forest Service special use authorizations, administration of the Forest Service's special program, interpretive programs, environmental analysis, environmental restoration, and similar purposes.

SEC. 507. MINISTERIAL ISSUANCE, OR AMENDMENT AUTHORIZATION.

(a) NEPA EXCEPTION.—The ministerial issuance or amendment of an organizational camp special use authorization shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) RULE OF CONSTRUCTION.—For purposes of subsection (a), the ministerial issuance or amendment of an authorization occurs only when the issuance or amendment of the authorization would not change the physical environment or the activities, facilities, or program of the operations governed by the authorization, and at least one of the following apply:

(1) The authorization is issued upon a change in control of the holder of an existing authorization.

(2) The holder, upon expiration of an authorization, is issued a new authorization.

(3) The authorization is amended—

(A) to effectuate administrative changes, such as modification of the land use fee or conversion to a new special use authorization form; or

(B) to include nondiscretionary environmental standards or to conform with current law.

This division may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2003''.

DIVISION G—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998 and the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $2,755,070,000 plus reimbursements, of which $1,651,055,000 is available for obligation for the period July 1, 2003 through June 30, 2004; of which $1,045,465,000 is available for obligation for the period April 1, 2003 through June 30, 2004, including $1,000,965,000 to carry out chapter 4 of the Workforce Investment Act of 1998 and $44,500,000 to carry out section 169 of such Act; of which $30,000,000 is available on October 1, 2002 until expended to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998; and of which $27,550,000 is available for the period July 1, 2003 through June 30, 2006 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, $306,608,000 shall be for activities described in section 132(a)(2)(A) of such Act and $1,157,162,000 shall be for activities described in section 132(a)(2)(B) of such Act: Provided further, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act of 1998: Provided further, That, notwithstanding any other provision of law or related regulation, $77,836,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including $72,686,000 for formula grants, $4,640,000 for migrant and seasonal housing, and $510,000 for other discretionary purposes: Provided further, That notwithstanding the transfer limitation under section 133(b)(4) of the Workforce Investment Act of 1998, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section

171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2003 through June 30, 2004, and of which $100,000,000 is available for the period October 1, 2003 through June 30, 2006, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in Public Law 107–116 for the Employment and Training Administration, funding shall be restored to the prior grantee, no later than March 28, 2003, for a period of performance of twenty-four months at an annualized level equivalent to fiscal year 2000 funding levels, for the following grants: Building a High Skills Workforce Development System, Building a High Skills Cities/Counties Consortium, and Increasing Academic and Employability Skills: Applying New Standards in Job Corps Centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $445,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $972,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $143,452,000, together with not to exceed $3,475,451,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2003, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2005; of which $143,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2003 through June 30, 2004, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2003 is projected by the Department of Labor to exceed 4,526,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2004, $463,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2003, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $121,424,000, including $4,711,000 to administer welfare-to-work grants, together with not to exceed $54,228,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $117,044,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2003, for such Corporation: Provided, That not to exceed $13,050,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $381,578,000, together with $2,029,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2002, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2003: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $37,657,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and conversion to a paperless office, $24,928,000; (2) for medical bill review and periodic roll management, $12,027,000; (3) for communications redesign, $702,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information

(including Social Security account number) as such regulations may prescribe.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $104,867,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2003 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2003 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2003 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): $31,987,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $22,952,000 for transfer to Departmental Management, ''Salaries and Expenses''; $334,000 for transfer to Departmental Management, ''Office of Inspector General''; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $453,256,000, including not to exceed $91,139,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2003, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than $3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2003 to September 30, 2004, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $274,741,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including $3,000,000 for an award to the National Technology Transfer Center for a coal slurry impoundment pilot project in Southern West Virginia; including up to $2,000,000 for mine rescue and recovery activities; and including $10,000,000 for digitizing mine maps and developing technologies to detect mine voids, through contracts, grants, or other arrangements, to remain available until expended; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $415,855,000, together with not to exceed $72,029,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and $2,570,000 which shall be available for obligation for the period July 1, 2003 through September 30, 2003, for Occupational Employment Statistics, and $5,000,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 49l–2).

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $47,487,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2004, and $55,000,000, for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $390,069,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $188,537,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by

the States through December 31, 2003. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $25,675,000, of which $7,425,000 shall be available for obligation for the period July 1, 2003 through June 30, 2004.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $56,659,000, together with not to exceed $5,597,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the U.S. Department of Labor prior to enactment of this Act.

SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

This title may be cited as the ''Department of Labor Appropriations Act, 2003''.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V (including section 510), and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $6,472,630,000, of which $298,153,000 shall be available for construction and renovation (including equipment) of health care and other facilities, and of which $40,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $40,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $275,138,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $719,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That of the amount provided under this heading, $46,000 is available for Catholic Social Services, The Bridge, Wilkes Barre, PA for abstinence education and related services, $500,000 is available for CentraCare Health Foundation for administration, St. Cloud, Minnesota, to increase the ability of educational institutions to produce nurses in a region with high demand, $41,000 is available for Chester County Health Department, Chester County Government Services Center, West Chester, PA, for abstinence education and related services, $105,000 is available for the City of Chester, Bureau of Health, SABER Project, Chester, PA, for abstinence education and related services, $86,000 is available for George Washington Carver Community Center, Project A.C.E., Norristown, PA, for abstinence education and related services, $51,000 is available for Heart Beat, New Bloomfield, PA, for abstinence education and related services, $79,000 is available for Keystone Central School District, Central Mountain Middle School East, Loc Haven, PA, for abstinence education and related services, $88,000 is available for Keystone Economic Development Corporation, Johnstown, PA, for abstinence education and related services, $92,000 is available for L.V.C.P.T.P., St. Luke's Health Network, CHOICE program, Bethlehem, PA, for abstinence education and related services, $74,000 is available for Lackawanna Trail School District, Factoryville, PA, for abstinence education and related services, $112,000 is available for LaSalle University, Philadelphia, PA, for abstinence education and related services, $111,000 is available for Mercy Hospital of Pittsburgh, Pittsburgh, PA, for abstinence education and related services, $136,000 is available for Neighborhood United Against Drugs, Philadelphia, PA, for abstinence education and related services, $23,000 is available for New Brighton School District, New Brighton, PA, for abstinence education and related services, $1,250,000 is available for Northeastern Ohio Universities College of medicine, Rootstown, Ohio, for the Center for Leadership in Public Health and Community Medicine, $72,000 is available for Nueva Esperanza, Philadelphia, for abstinence education and related services, $72,000 is available for Partners in Family and Community Development, Athens, PA, for abstinence education and related services, $50,000 is available for Potter County Human Services, Routleet, PA, for abstinence education and related services, $71,000 is available for Rape and Victim Assistance Center of Schuykill County, Pottsville, PA, for abstinence education and related services, $82,000 is available for Real Commitment, Gettysburg, PA, for abstinence education and related services, $101,000 is available for the School District of Lancaster, Project IMPACT, Lancaster, PA, for abstinence education and related services, $102,000 is available for the School District of Philadelphia, Philadelphia, PA, for abstinence education and related services, $700,000 is available for the Silver Ring Thing Program, Sewickley, Pennsylvania, for expansion of a program promoting abstinence, $74,000 is available for the Guidance Center, project RAPPORT, Smethport, PA, for abstinence education and related services, $109,000 is available for To Our Children's Future with Health, Inc., Philadelphia, PA, for abstinence education and related services, $136,000 is available for Tressler Lutheran Services, Harrisburg, PA, for abstinence education and related services, $84,000 is available for Tuscarora Intermediate Unit, Mcveytown, PA, for abstinence education and related services, $500,000 is available for the University of Akron, Ohio, for a nursing study, $1,000,000 is available for the University of Florida, Gainesville, Florida, for Consortium to Promote Nursing Faculty, $300,000 is available for the University of Louisville Research Foundation, Kentucky, to establish a Center for Cancer Nursing Education and Research, $126,000 is available for the Urban Family Council, Philadelphia, PA, for abstinence education and related services, $41,000 is available for Venago County Area Vo-Tech, Oil City, PA, for abstinence education and related services, $136,000 is available for Washington Hospital Teen Outreach, Academy for Adolescent Health, Washington, PA, for abstinence education and related services, $300,000 is available for William Beaumont Hospital, Royal Oak, Michigan, for the Beaumont Nurse Anesthesia Education Rural Initiative, $136,000 is available for the Women's Care Center for Erie County, Inc., Abstinence Advantage Program, Erie, PA, for abstinence education and related services, $50,000 is available for York County, Human Life Services, Inc., York, PA, for abstinence education and related services, $95,000 is available for Community Ministries of the Lutheran Home at Topton, Reading, PA, for abstinence education and related services, $50,000 is available for Clarke College in Dubuque, IA, for the planning of a community health center, $700,000 is available for Clinical Pharmacy Training Program at University of Hawaii at Hilo, $100,000 is available for Iowa Dept of Public Health to continue the Center for Healthcare Workforce Shortages, $350,000 is available for Nationally Health Start Association, Baltimore, Maryland, to gather and disseminate information on best practices under the Healthy Start program and provide technical assistance to Healthy Start grantees, $125,000 is available for the Tulsa Coalition for Children's Health in Tulsa, Oklahoma for a study regarding delivery of pediatric health care in northeastern Oklahoma, and $50,000 is available for Waianae Coast Community Health Center leadership training: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $115,900,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act, of which $500,000 is available for the City of Milwaukee Health Department for a pilot program providing health services to at-risk children in day care and $10,000 is available for the Dane County Neighborhood Child Health Clinic in Madison, Wisconsin to provide child dental services: Provided further, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of Title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That $55,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the

grants: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,914,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $2,991,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,296,566,000, of which $268,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which $183,763,000 for international HIV/AIDS shall remain available until September 30, 2004, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, $14,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Immunization Surveys: Provided further, That in addition to amounts provided herein, $125,899,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That in addition to amounts provided herein, $28,600,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out information systems standards development and architecture and applications-based research used at local public health levels: Provided further, That in addition to amounts provided herein, $41,900,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Research Tools and Approaches activities within the National Occupational Research Agenda: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: Provided further, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,622,394,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,812,011,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $374,067,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,633,347,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,466,005,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $3,730,973,000: Provided, That $100,000,000 may be made available to International Assistance Programs, ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended: Provided further, That up to $375,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,859,084,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,213,817,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $637,290,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $618,258,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,000,099,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $489,324,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $372,805,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $131,438,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $418,773,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $968,013,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,349,788,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $468,037,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $280,100,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,146,272,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $120,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $114,149,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $186,929,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $63,880,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $302,099,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2003, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research

and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $267,974,000: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $632,800,000, to remain available until expended: Provided, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitations and contracts shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,158,068,000, of which $21,461,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided, That $955,000, to remain available until expended, shall be for protection, maintenance, and environmental remediation of the Federally owned facilities at St. Elizabeths Hospital: Provided further, That in addition to amounts provided herein, $62,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Subpart II of Title XIX of the Public Health Service Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amount appropriated for Subpart II of Title XIX: Provided further, That in addition to amounts provided herein, $12,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out data collection activities supporting the annual National Household Survey.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed $303,695,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $112,090,218,000, to remain available until expended.

For making, after May 31, 2003, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2003 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2004, $51,861,386,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,462,700,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,581,672,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That from amounts appropriated under this heading, $3,000,000 for the managed care system redesign shall remain available until expended: Provided further, That $51,000,000, to remain available until September 30, 2004, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That of the amounts made available for research, demonstration and evaluation, $1,500,000 is available for AIDS Healthcare Foundation in Los Angeles for a demonstration of residential and outpatient treatment facilities, $500,000 is available for Bucks County Health Improvement Project, Langhorne, Pennsylvania, $464,000 is available for Children's Hospice International demonstration program to provide a continuum of care for children with life-threatening conditions and their families, $350,000 is available for Children's Hospitals and Clinics of Minneapolis/St. Paul, in partnership with the National Hospice and Palliative Care Organization, for a demonstration project to provide pediatric palliative care education and consultation services, $100,000 is available for Community Catalyst Inc. in Boston, MA to expand a benefits management program to improve the delivery of healthcare benefits to low-income individuals, $75,000 is available for Cook County Illinois Bureau of Health Services to improve the management of the vulnerable patients with poorly controlled diabetes, $700,000 is available for the County of Sacramento, California for implementation of the SacAdvantage pilot program to increase availability of health insurance for uninsured workers and their dependents through premium subsidies and purchasing pools, $200,000 is available for Equip for Equality in Chicago, Illinois for a demonstration project to document the impact of an independent investigative unit to examine deaths and serious allegations of abuse and neglect of people with disabilities at facilities in Illinois, $300,000 is available for Hamot Medical Center, Erie, PA, for a demonstration project for the evaluation of advanced illness coordinated care for Medicare beneficiaries, $100,000 is available for Hope House Day Care Center in Memphis, Tennessee for a demonstration project on improving the overall well-being of HIV positive children, $500,000 is available for the Hospice of Metro Denver in Denver, Colorado to establish a clinical and training affiliation with the University of Colorado's Health Science Center and to develop cutting-edge palliative care practices, $350,000 is available for Illinois Primary Health Care Association, in Springfield, Illinois, to implement the Shared Integrated Management Information System, $100,000 is available for Jefferson Area Board for Aging, Charlottesville, Virginia, for continuation of the recruitment, retention, training, and support of nursing assistants, $100,000 is available for Johns Hopkins School of Medicine, Baltimore, MD, for an advanced respiratory medicine project to study in-home, self-administered high frequency chest wall oscillation therapy, $130,000 is available for Medical Care for Children Partnership, Fairfax, Virginia to provide outreach to increase access to medical and dental care for children, and $325,000 is available for The Breast Cancer Fund in San Francisco, California (in collaboration with Shanti) for the ''Lifelines'' project to increase access to breast cancer treatment for medically underserved women: Provided further, That to the extent Medicare claims volume is projected by the Centers for Medicare and Medicaid Services (CMS) to exceed 223,500,000 Part A claims and/or 870,000,000 Part B claims, an additional $46,800,000 shall be available for obligation for every 50,000,000 increase in Medicare claims volume (including a pro rata amount for any increment less than 50,000,000) from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Fund: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2003 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2003, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9),

$2,475,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2004, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $436,724,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2003 shall be available for the costs of assistance provided and other activities through September 30, 2005: Provided further, That up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,099,994,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,643,117,000, of which $43,000,000, to remain available until September 30, 2004, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2001 and 2002; of which $6,667,533,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2003 and remain available through September 30, 2004; and of which $739,315,000 shall be for making payments under the Community Services Block Grant Act: Provided, That not less than $7,250,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: Provided further, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of Section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That $90,567,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $40,770,000 is for the transitional living program: Provided further, That $35,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $305,000,000 and for section 437, $100,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,855,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2004, $1,745,600,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,376,001,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: Provided, That $149,670,000 shall be available for carrying out section 311 of the Older Americans Act of 1965 consistent with the formula of such Act (as amended by section 217 of this Act).

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $361,364,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $50,000,000 is for minority AIDS prevention and treatment activities; and $20,000,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $37,300,000: Provided, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $30,328,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $2,499,000: Provided, That in addition to amounts provided herein, $18,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided further, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and

Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term ''pay of members'' shall be construed to be synonymous with retirement payments to U.S. Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $2,246,680,000: Provided, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,543,440,000 of which $300,000,000 shall remain available until expended for the National Pharmaceutical Stockpile; Office of the Secretary, $152,240,000; Health Resources and Services Administration; $546,000,000; and the Agency for Healthcare Research and Quality, $5,000,000, to remain available until expended; Provided further, That at the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of Section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.1 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this or any other Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''1997, 1998, 1999, 2000, and 2001'' and inserting ''1997, 1998, 1999, 2000, 2001, 2002 and 2003''; and

(B) in subsection (e), by striking ''October 1, 2002'' each place it appears and inserting ''October 1, 2003''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 2002'' and inserting ''September 30, 2003''.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2003 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2003 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2002, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2002 State expenditures and all fiscal year 2003 obligations for tobacco prevention and compliance activities by program activity by July 31, 2003.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2003.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in subsection (b)—

(A) in the caption, by striking ''of cash or commodities'' and inserting ''and payment''; and

(B) in paragraph (1)—

(i) by striking ''The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency'' and inserting ''The Secretary shall allot and provide, in accordance with this section, to or on behalf of each State agency''; and

(ii) by striking ''to each grantee'' and inserting ''to or on behalf of each grantee''; and

(2) in subsection (d)—

(A) in the caption, to read as follows: ''Option to obtain commodities from Secretary of Agriculture'';

(B) in paragraph (1), to read as follows: ''Each State agency and each grantee under title VI shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain from the Secretary of Agriculture commodities available through any Federal food commodity processing program, at the rates at which such commodities are valued for purposes of such program.'';

(C) by redesignating paragraphs (2) and (4) as paragraphs (4) and (5), respectively;

(D) by striking paragraph (3);

(E) by adding after paragraph (1) the following new paragraphs:

''(2) The Secretary of Agriculture shall determine and report to the Secretary, by such date as the Secretary may require, the amount (if any) of its allotment under subsection (b) which each State agency and title VI grantee has elected to receive in the form of commodities. Such amount shall include an amount bearing the same ratio to the costs to the Secretary of Agriculture of providing such commodities under this subsection as the value of commodities received by such State agency or title VI grantee under this subsection bears to the total value of commodities so received.

''(3) From the allotment under subsection (b) for each State agency and title VI grantee, the Secretary shall first reimburse the Secretary of Agriculture for costs of commodities received by such State agency or grantee under this subsection, and shall then pay the balance (if any) to such State agency or grantee.'';

(F) in paragraph (4), as redesignated, in the first sentence, to read as follows: ''Each State agency shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts.''; and

(G) in paragraph (5), as redesignated, by striking ''donation'' and inserting ''provision''.

SEC. 218. Notwithstanding section 409B(c) of the Public Health Service Act regarding a limitation on the number of such grants, funds appropriated in this Act may be expended by the Director of the National Institutes of Health to award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's disease. Each center funded under such grants shall be designated as a Morris K. Udall Center for Research on Parkinson's Disease.

SEC. 219. The Supplemental Appropriations Act, 2001 (Public Law 107–20) is amended, in the matter under the heading ''LOW INCOME HOME ENERGY ASSISTANCE'' under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'' under the heading ''DEPARTMENT OF HEALTH AND HUMAN SERVICES'', in chapter 7 of title II, by striking ''$300,000,000'' and inserting in lieu thereof, ''$200,000,000'', and by adding under such heading the following new paragraph: ''For an additional amount for the Low Income Home Energy Assistance Program authorized under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $100,000,000, to remain available until expended.''.

SEC. 220. Notwithstanding any other provision of this Act, the $6,667,533,000 provided for the Head Start Act shall be exempt from the across-the-board rescission under section 601 of division N.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2003''.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $13,853,400,000, of which $4,651,199,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004, and of which $9,027,301,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That $7,172,971,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2002, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be available for concentration grants under section 1124A: Provided further, That $1,670,239,000 shall be available for targeted grants under section 1125: Provided further, That $1,541,759,000 shall be available for education finance incentive grants under section 1125A: Provided further, That $235,000,000 shall be available for comprehensive school reform grants under part F of the ESEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,196,000,000, of which $1,032,000,000 shall be for basic support payments under section 8003(b), $51,000,000 shall be for payments for children with disabilities under section 8003(d), $45,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2004, $60,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V, VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $8,052,957,000, of which $508,100,000 shall become available October 1, 2002, and shall remain available through September 30, 2004, of which $4,132,167,000 shall become available on July 1, 2003, and remain available through September 30, 2004, and of which $1,765,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That up to $12,000,000 may be used to carry out section 2345 of the ESEA: Provided further, That of the amount made available for subpart 3, part C, of title II of the ESEA, $3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the state legislatures: Provided further, That of the funds made available for subpart 2 of part A of title IV of the ESEA, $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: Provided further, That $75,000,000 for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this purpose were allocated and expended in fiscal year 2002: Provided further, That $162,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2002, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2003, and remain available through September 30, 2004, for grants to local educational agencies: Provided further, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That $387,000,000 shall be for subpart 1 of part A of title VI of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the Elementary and Secondary Education Act: Provided further, That $814,660,000 shall be available to carry out part D of title V of the ESEA: Provided further, That $212,160,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $122,368,000.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the ESEA, $690,000,000, of which $494,000,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $10,095,639,000, of which $4,135,233,000 shall become available for obligation on July 1, 2003, and shall remain available through September 30, 2004, and of which $5,672,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: Provided, That $10,000,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(c) of the Act shall be equal to the amount available for that section in the Department of Education Appropriations Act, 2002, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act: Provided further, That $7,715,000 of the funds for section 672 of the Act shall be available for the projects and in the amounts specified in the statement of the managers of the conference report accompanying this Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,956,382,000, of which $1,000,000 shall be used to improve the quality of applied orthotic and prosthetic research and help meet the demand for provider services: Provided, That the funds provided for title I of the Assistive Technology Act of 1998 (''the AT Act'') shall be allocated notwithstanding section 105(b)(1) of the AT Act: Provided further, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: Provided further, That no State or outlying area awarded funds under section 101 shall receive less than the amount received in fiscal year 2002: Provided further, That $3,540,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $15,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,050,000, of which $1,600,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $98,438,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, and the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,956,060,000, of which $1,158,060,000 shall become available on July 1, 2003 and shall remain available through September 30, 2004 and of which $791,000,000 shall become available on October 1, 2003 and shall remain available through September 30, 2004: Provided, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Applied Technology Education Act: Provided further, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242: Provided further, That $23,500,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $13,450,500,000, which shall remain available through September 30, 2004.

The maximum Pell Grant for which a student shall be eligible during award year 2003–2004 shall be $4,050.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), as amended, section 1543 of the Higher Education Amendments of 1992, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $2,100,701,000, of which $3,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: Provided, That $10,000,000, to remain available through September 30, 2004, shall be available to fund fellowships for academic year 2004–2005 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That $1,000,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That up to one percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That $140,599,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $240,000,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279, $450,887,000: Provided, That of the amount appropriated, $140,000,000 shall be available for obligation through September 30, 2004: Provided further, That $5,000,000 shall be available to extend for one additional year the contract for the Eisenhower National Clearinghouse for Mathematics and Science Education authorized under section 2102(a)(2) of the Elementary and Secondary Education Act of 1965, prior to its amendment by the No Child Left Behind Act of 2001, Public Law 107–110.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $412,545,000, of which $12,795,000, to remain available until expended, shall be for building alterations and related expenses for the modernization of the Mary E. Switzer Building in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $86,276,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $41,000,000.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, $105,388,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That

the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. Section 1202 of the Elementary and Secondary Education Act of 1965 is amended by inserting the following subsection at the end thereof:

''(g) SUPPLEMENT, NOT SUPPLANT.—A State or local educational agency shall use funds received under this subpart only to supplement the level of non-Federal funds that, in the absence of funds under this subpart, would be expended for activities authorized under this subpart, and not to supplant those non-Federal funds.''.

This title may be cited as the ''Department of Education Appropriations Act, 2003''.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $68,013,000, of which $5,769,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a facility at the United States Naval Home, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $356,205,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2005, $390,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2003, in addition to the amounts provided above, $48,744,000, for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That in addition to the funds provided under this heading in Public Law 106–554, $183,000 shall be available for administrative costs for fiscal year 2003, notwithstanding section 396(k)(3)(A) of the Public Broadcasting Act.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $41,425,000, including $1,500,000, to remain available through September 30, 2004, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,178,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act, $245,485,000, of which $10,000,000 shall remain available until expended for the Recruiting and Educating Librarians for the 21st Century Initiative: Provided, That of the amount provided, $25,000 shall be awarded to the Abington Art Center, Jenkintown, Pennsylvania, for a work-study program for at-risk junior and high school students, $100,000 shall be awarded to the Aleutian World War II Museum in Alaska for interactive media display, $75,000 shall be awarded to the Allentown Art Museum, Allentown, Pennsylvania, for educational programs for 25 school districts in 7 Pennsylvania counties, $25,000 shall be awarded to the Alley Pond Environmental Center, Douglaston, New York, for environmental education programs, $500,000 shall be awarded to the American Village Project in Montevallo, Alabama, $100,000 shall be awarded to the Army Aviation Heritage Foundation in Ozark, Alabama, for educational programs, $175,000 shall be awarded to the Arts Council of New Orleans, $500,000 shall be awarded to the Asian Art Museum, San Francisco, California, for exhibits and education programs, $575,000 shall be awarded to the Berkshire Museum, Pittsfield, Massachusetts, for climate control systems to preserve collections, $400,000 shall be awarded to the Bishops Museum in Honolulu, Hawaii, $400,000 shall be awarded to the Boston Public Library Foundation, Boston, Massachusetts, for preservation and enhancement of the John Adams Presidential Library and for related educational programs, $250,000 shall be awarded to the Bowers Museum, City of Santa Ana, California, for education programs, publications and technology, $500,000 shall be awarded to the Brooklyn Children's Museum, Brooklyn, New York, for equipment and technology, exhibits and education programs, $100,000 shall be awarded to the Butler Area Public Library, Pennsylvania, for program enhancements, $275,000 shall be awarded to the California State University, San Marcos, California, to upgrade electronic catalog and to provide computer stations for the library, $175,000 shall be awarded to the Cape Cod Maritime Museum to develop exhibits and academic programs, $200,000 shall be awarded to the Carnegie Library of Pittsburgh, Pennsylvania, to purchase library materials and upgrade technology at the East Liberty Branch Library, $250,000 shall be awarded to the Carnegie Library, Union Springs, Alabama, for program development, $75,000 shall be awarded to the Chicago State University Gwendolyn Brooks Center to expand its repository of the literary works of Gwendolyn Brooks, $100,000 shall be awarded to the Chickasaw Cultural Center in Chickasaw, Oklahoma, $100,000 shall be awarded to the Children's Museum of Manhattan, New York, New York, to establish early childhood education programs and exhibits, $100,000 shall be awarded to the Children's Museum of Stockton, Stockton, California, for a Delta Region Exhibit, $100,000 shall be awarded to the City of Abilene, Texas, for the collection and display of artifacts, and for exhibits at the Texas Forts Trail Museum, $50,000 shall be awarded to the City of Anatuvik Pass Museum in Alaska for museum exhibits, $200,000 shall be awarded to the City of Dallas, Texas, for the Dallas Public Library, to establish ''Teen Wise Centers'' for at-risk youth, $150,000 shall be awarded to the Clark County Heritage Center Springfield, Ohio, for technology upgrades an exhibit development, $250,000 shall be awarded to the Cleveland Health Museum, Ohio, for exhibits, $400,000 shall be awarded to the Commonwealth Zoological Corporation (Zoo New England), Boston, Massachusetts, for the ''Living Classroom'' science education program and for outreach, $800,000 shall be awarded to the Davenport Music History Museum in Davenport, Iowa, $300,000 shall be awarded to the Dayton Aviation Heritage National Historical Park in Ohio for education and cultural programs, $75,000 shall be awarded to the Delaware and Lehigh National Heritage Corridor, Easton, Pennsylvania, to establish a National Museum of Industrial History in Bethlehem, Pennsylvania, to display a repository of industrial machines, equipment and technology of the 19th and 20th centuries focusing on steel, $75,000 shall be awarded to the Delaware County Historical Society, Media, Pennsylvania, to develop and expand educational programs highlighting historical themes and sites relating to the Delaware County, $2,200,000 shall be awarded to the Discovery Center, Springfield, Missouri, $250,000 shall be awarded to the Downtown Chambersburg, Inc., Pennsylvania, $50,000 shall be awarded to the Eleanor Roosevelt's Papers at George Washington University for related program development, $100,000 shall be awarded to the Exploris Museum, for the Global Awareness Program, including exhibits, a film program, and educational programs, $100,000 shall be awarded to the Fine Arts Museums of San Francisco to expand educational programming and technology improvements at the de Young Museum, $1,000,000 shall be awarded to the Florida International Museum, St. Petersburg, Florida, for the Centennial Russian Museum Exhibit, $200,000 shall be awarded to the Franklin Institute, Philadelphia, Pennsylvania, for exhibits, professional development and educational programming to students to explore bioscience and biotechnology, $200,000 shall be awarded to the Frederick C. Crawford Museum of Transportation Industry, Cleveland, Ohio, for educational programming, planning and exhibits, $900,000 shall be awarded to the Fresno Metropolitan Museum of Art, History and Science, Fresno, California, for technology, exhibits, educational and outreach programs, and to develop a science-based exhibition and learning center, $100,000 shall be awarded to the Gadsden Museum of Art in Alabama for museum programs, $278,000 shall be awarded to the George Eastman House, Rochester, New York, for the ''Picture Link'' project, $100,000 shall be awarded to the Georgia Hall of Fame at Museum of Aviation in Warner Robins, Georgia, for educational activities and programs, $62,000 shall be

awarded to the Glendale Public Library, Glendale, California, for personnel, equipment and other expenses to implement the Homework AssisTeens program, $200,000 shall be awarded to the Hesperia Community Library, Hesperia, California, to purchase library materials and upgrade technology, $150,000 shall be awarded to the Historical Society of Western Pennsylvania, for exhibits in conjunction with the 250th anniversary of the French and Indian War, $250,000 shall be awarded to the Holmdel Township Library, Monmouth County, New Jersey, for technology equipment and upgrades, $25,000 shall be awarded to the Hudson Waterfront Museum, Brooklyn, New York, to expand exhibits, education, arts and outreach programs, $200,000 shall be awarded to the Huntsville Museum of Art, Huntsville, Alabama, for exhibits and educational programs, $50,000 shall be awarded to the Imaginarium Science Center in Anchorage, Alaska, to develop science exhibits and distance delivery modules, $150,000 shall be awarded to the Interboro Public Library, Pennsylvania, for library programs, $150,000 shall be awarded to the International Wolf Center, Minneapolis, Minnesota, for education, outreach, and teacher training programs, $300,000 shall be awarded to the Iowa Radio Reading Information Service (IRRIS), $150,000 shall be awarded to the Italian-American Cultural Center of Iowa in Des Moines, Iowa, for exhibits, multi-media collections and for displays, $500,000 shall be awarded to the Kendall County Forest Preserve District, Yorkville, Illinois, for the consolidation and preservation of the collection at the Old Barn Museum, $2,000,000 shall be awarded to the Kent State University, Kent, Ohio, for an Institute for Library and Information Literacy Education project, $50,000 shall be awarded to the Kodiak Maritime Museum in Alaska, $150,000 shall be awarded to the Lafayette College, Easton, Pennsylvania, for technology updates to the Skillman Library, $375,000 shall be awarded to the Leon County, Florida, for purchase of equipment and books for the Ft. Braden Branch Library, $300,000 shall be awarded to the Lewis and Clark College Bicentennial Hall in Portland, Oregon, for program and equipment support, $300,000 shall be awarded to the MacKay Library of Union County, Cranford, New Jersey, $75,000 shall be awarded to the Magic Library in Kirkwood, Missouri, for design and development of interactive exhibits and software, $50,000 shall be awarded to the Marion County Library, Marion, South Carolina, to establish a computer lab, $45,000 shall be awarded to the McKinley Museum, Canton, Ohio, for equipment, $200,000 shall be awarded to the Mexic-Arte Museum, Austin, Texas, $250,000 shall be awarded to the Middletown Township Public Library, Monmouth County, New Jersey, for technology equipment and upgrades, $300,000 shall be awarded to the Monterey County Youth Museum, Monterey, California, for interactive mobile exhibits and educational programs, $250,000 shall be awarded to the Museum of African Art, New York, New York, for exhibits and educational programs, $750,000 shall be awarded to the National Baseball Hall of Fame and Museum, Cooperstown, New York, for educational outreach using baseball to teach students through distance learning technology, $300,000 shall be awarded to the National Civil War Museum, Harrisburg, Pennsylvania, to develop and enhance educational exhibits and programs for area K-12 schools focusing on U.S. Civil War history, $90,000 shall be awarded to the National Cowgirl Museum and Hall of Fame, Fort Worth, Texas, for creation of and equipment for an audio tour of the permanent exhibition, $325,000 shall be awarded to the National Liberty Museum, Philadelphia, Pennsylvania, to institute a teacher-training program which will assist educators in responding to classroom challenges and establish a pilot program to address violence in schools, $650,000 shall be awarded to the National Mississippi River Museum and Aquarium in Dubuque, Iowa, $1,500,000 shall be awarded to the National Museum of Women in the Arts, Washington, D.C., $775,000 shall be awarded to the Native American Cultural and Educational Authority, Oklahoma City, Oklahoma, for exhibits for the museum, $75,000 shall be awarded to the Natural History Museum of Los Angeles, California, for its ''Earth Odyssey'' environmental science program, $350,000 shall be awarded to the Nevada State Historic Preservation Office, $500,000 shall be awarded to the New York Botanical Garden's Virtual Herbarium imaging project in Bronx, New York, $1,000,000 shall be awarded to the New York Hall of Science to develop, expand, and display science-related educational materials, $300,000 shall be awarded to the North Carolina State Museum of Natural Sciences, Raleigh, North Carolina, for development of environmental exhibits and educational programs, $250,000 shall be awarded to the North Dakota Lewis and Clark Bicentennial Foundation in Washburn, North Dakota, for exhibits and other interpretation, $250,000 shall be awarded to the Ogden Museum of Southern Art in New Orleans, Louisiana, $90,000 shall be awarded to the Oneonta City Library, Blount County, Alabama, for books, internet, audio-visual and reading aids, $220,000 shall be awarded to the Orangevale Library, Sacramento, California, for evaluation and analysis of existing library service, program and facilities, $400,000 shall be awarded to the Pennsylvania Trolley Museum for exhibit development and educational programs, $221,000 shall be awarded to the Pittsburgh Children's Museum, Pittsburgh, Pennsylvania, to develop and enhance educational exhibits and programs for area K–12 schools, $725,000 shall be awarded to the Please Touch Museum, Philadelphia, Pennsylvania to develop educational programs focusing on hands-on learning experiences, $75,000 shall be awarded to Rivertownes, Pennsylvania, $350,000 shall be awarded to the Rock and Roll Hall of Fame and Museum, Cleveland, Ohio, for music education programs for at-risk youth, $250,000 shall be awarded to Rutgers, the State University of New Jersey, New Brunswick, New Jersey, to catalog, organize and preserve collections at the Carey Library, $500,000 shall be awarded to the San Bernardino County Museum, California, to develop the Inland Empire Archival Heritage Center and Web Module, $50,000 shall be awarded to the Schoharie Free Library in Schoharie County, New York, to purchase books and equipment, $155,000 shall be awarded to the Science Center of Penellas County, Inc., St. Petersburg, Florida, for a planetarium project $450,000 shall be awarded to the Shaker Museum and Library, Old Chatham, New York, $100,000 shall be awarded to the Simon Wiesenthal Center's Los Angeles Museum for Tolerance, Los Angeles, California, for the Tools for Tolerance for Educators program to provide teacher training in diversity, tolerance and cooperation, $150,000 shall be awarded to the Smith Robertson Museum in Jackson, Mississippi, for the development of exhibits regarding civil rights, $25,000 shall be awarded to the St. Paul Public Library, Minnesota, to expand its School Work and Mentoring Place Program and its Small Business Resource Center, $200,000 shall be awarded to the Standing Bear Museum and Learning Center in Ponca City, Oklahoma, $75,000 shall be awarded to the State Historical Society of Iowa for Civil War flag restoration, $1,000,000 shall be awarded to the State Historical Society of Iowa in Des Moines, Iowa, for the development of exhibits for the World Food Prize, $100,000 shall be awarded to the State Theater of Easton, Easton, Pennsylvania, for technological infrastructure improvements and the development of educational programming, $125,000 shall be awarded to The International Storytelling Center in Jonesborough, Tennessee, $250,000 shall be awarded to The Museum of Science and Industry, Chicago, Illinois, for exhibits, education and outreach programs, $75,000 shall be awarded to the Tillamook County Library, Oregon, for modernization of library service, $200,000 shall be awarded to the Union city Public Library, New Jersey, for personnel, books and technology to improve library services for low-income individuals, $100,000 shall be awarded to the Union County Historical Society & Heritage Museum in Mississippi, for exhibit and program development, $400,000 shall be awarded to the University of Idaho for digital archiving, $200,000 shall be awarded to the University of Maine at Fort Kent to house the Acadian Archives which preserves, celebrates and disseminates information about the region's history, $400,000 shall be awarded to the Vietnam Archive Center, Texas Tech University, Lubbock, Texas, for digitization, $150,000 shall be awarded to the Virginia Living Museum for the expansion of its educational programs in its capital campaign project, $50,000 shall be awarded to the Wayne Art Center, Wayne, Pennsylvania, to develop programs in partnership with area K–12 schools for teacher training workshops and specialized workshops for students, $100,000 shall be awarded to the Westchester Library System, Ardsley, New York, for its digital divide online services project, $450,000 shall be awarded to the Whitney Museum of American Art to establish a touring exhibition program in Iowa, $300,000 shall be awarded to the Whittier Public Library, City of Whittier, California, to establish a children's homework center and family literacy center, $100,000 shall be awarded to the Willet Memorial Library in Macon, Georgia, for library enhancements, $150,000 shall be awarded to the Witte Museum of San Antonio, Texas, to develop the ''American Originals'' exhibit and educational programs, $100,000 shall be awarded to the Zimmer Children's Museum of Jewish Community Centers of Greater Los Angeles, Los Angeles, California, for the expansion of the YouThink program, $100,000 shall be awarded to the Zoological Society of Philadelphia, Pennsylvania, for educational programs for elementary and secondary students, and $500,000 shall be awarded to the St. Louis Children's Museum, St. Louis, Missouri, for a collaborative project with the St. Louis Public Library to create interactive exhibits and educational programs

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,585,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,010,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,858,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $238,982,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said

definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,315,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $9,673,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $132,000,000, which shall include amounts becoming available in fiscal year 2003 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $132,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2004, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $100,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,363,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $300,177,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2004, $97,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $23,914,392,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2004, $11,080,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $7,825,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,800,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2003 not needed for fiscal year 2003 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $111,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2003 exceed $111,000,000, the amounts shall be available in fiscal year 2004 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2002 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $21,000,000, together with not to exceed $62,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $16,362,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same

meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 515. Section 1708 of the United States Institute of Peace Act (22 U.S.C. 4607) is amended in subsection (g), by striking ''on or before December 31, 1970''.

This division may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003''.

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS, 2003

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Paul David Wellstone, Jr., son of Paul David Wellstone, late a Senator from Minnesota, $50,000; Mark D. Wellstone, son of Paul David Wellstone, late a Senator from Minnesota, $50,000; and Michael Kerner, Guardian of the Estate of Joshua Kerner, for Joshua Kerner, minor, son of Marcia Wellstone Markuson, deceased, daughter of Paul David Wellstone, late a Senator from Minnesota, $50,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $20,000; Majority Leader of the Senate, $20,000; Minority Leader of the Senate, $20,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore emeritus, $7,500; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $127,500.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $117,041,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,949,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $518,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $150,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $3,094,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,042,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $11,266,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,305,000 for each such committee; in all, $2,610,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $648,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,362,000 for each such committee; in all, $2,724,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $315,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $17,079,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $43,161,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,410,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $30,075,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,581,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,176,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of Public Law 601, Seventy-ninth Congress section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $109,450,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $7,077,000, of which $5,000,000 shall remain available until September 30, 2007.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $114,423,000, of which $9,570,000 shall remain available until September 30, 2005, and of which $13,574,000 shall remain available until September 30, 2007.

MISCELLANEOUS ITEMS

For miscellaneous items, $18,355,500, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) with a population of less than 250,000 and at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator: Provided further, That not later than October 31, 2003, the Sergeant at Arms and Doorkeeper of the Senate shall submit a report to the Committee on Rules and Administration and Committee on Appropriations of the Senate on the results of the program.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $294,545,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. (a) Section 111 of title 3, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(b) The matter under the subheading ''EXPENSE ALLOWANCES OF THE VICE PRESIDENT, PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS AND MAJORITY AND MINORITY WHIPS'' under the heading ''LEGISLATIVE BRANCH'' under chapter VI of title I of the Second Supplemental Appropriations Act, 1978 (Public Law 95–355; 92 Stat. 532) is amended—

(1) in the second sentence (2 U.S.C. 31a–1) (relating to the Majority and Minority Leaders of the Senate) by striking ''$10,000'' and inserting ''$20,000''; and

(2) in the third sentence (2 U.S.C. 32b) (relating to the President pro tempore) by striking ''$10,000'' and inserting ''$20,000''.

(c) The matter under the subheading ''EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS'' under the heading ''LEGISLATIVE BRANCH'' under chapter IX of title I of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31a–1; Public Law 98–63; 97 Stat. 333) (relating to the Majority and Minority Whips) is amended by striking ''not exceed $5,000'' and inserting ''not exceed $10,000''.

(d) The matter under the subheading ''EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, THE MAJORITY AND MINORITY WHIPS, AND THE CHAIRMEN OF THE MAJORITY AND MINORITY CONFERENCE COMMITTEES'' under the heading ''LEGISLATIVE BRANCH'' under chapter IX of title I of the Supplemental Appropriations Act, 1985 (2 U.S.C. 31a–3; Public Law 99–88; 99 Stat. 348) (relating to the Chairmen of the Majority and Minority Conference Committees) is amended by striking ''not exceed $3,000'' and inserting ''not exceed $5,000''.

(e) Section 5 of title I of the Legislative Branch Appropriations Act, 2001, as enacted into law by section 1(a) of Public Law 106–554 (2 U.S.C. 31a–4; 114 Stat. 2763A–97) (relating to the Chairmen of the Majority and Minority Policy Committees) is amended by striking ''$3,000'' and inserting ''$5,000''.

(f) The amendments made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 2. (a) The matter under the subheading ''STATIONERY (REVOLVING FUND)'' under the heading ''CONTINGENT EXPENSES OF THE SENATE'' under the heading ''LEGISLATIVE BRANCH'' under chapter VII of title I of the Second Supplemental Appropriations Act, 1975 (2 U.S.C. 46a; Public Law 94–32; 89 Stat. 182) is amended by striking ''$4,500'' and inserting ''$8,000''.

(b) The amendment made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 3. Effective on and after October 1, 2002, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2002, increased by an additional $50,000 each.

SEC. 4. PUBLIC SAFETY EXCEPTION TO INSCRIPTIONS REQUIREMENT ON MOBILE OFFICES. (a) IN GENERAL.—Section 3(f)(3) under the subheading ''ADMINISTRATIVE PROVISIONS'' under the heading ''SENATE'' in the Legislative Branch Appropriation Act, 1975 (2 U.S.C. 59(f)(3)) is amended by adding at the end the following flush sentence:

''The Committee on Rules and Administration of the Senate may prescribe regulations to waive or modify the requirement under subparagraph (B) if such waiver or modification is necessary to provide for the public safety of a Senator and the Senator's staff and constituents.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act and apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 5. MULTI-YEAR CONTRACTING AUTHORITY. (a) Subject to regulations prescribed by the Committee on Rules and Administration of the Senate, the Secretary and the Sergeant at Arms and Doorkeeper of the Senate may—

(1) enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent and under the same conditions as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisition of property and services to the same extent and under the same conditions as the head of an executive agency under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) This section shall take effect on October 1, 2002, and shall apply in fiscal year 2003 and successive fiscal years.

SEC. 6. CONSULTANTS. (a) IN GENERAL.—Section 101 of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6) is amended—

(1) in subsection (a), in the first sentence by striking ''six individual consultants'' and inserting ''eight individual consultants''; and

(2) by adding at the end the following:

''(C) Each appointing authority under subsection (a) may designate the title of the position of any individual appointed under that subsection.''.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 7. OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE. (a) ESTABLISHMENT.—There is established the Office of the President pro tempore emeritus of the Senate.

(b) DESIGNATION.—Any Member of the Senate who—

(1) is designated by the Senate as the President pro tempore emeritus of the United States Senate; and

(2) is serving as a Member of the Senate,

shall be the President pro tempore emeritus of the United States Senate.

(c) APPOINTMENT AND COMPENSATION OF EMPLOYEES.—The President pro tempore emeritus is authorized to appoint and fix the compensation of such employees as the President pro tempore emeritus determines appropriate.

(d) EXPENSE ALLOWANCE.—There is authorized an expense allowance for the President pro tempore emeritus which shall not exceed $7,500 each fiscal year. The President pro tempore emeritus may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President pro tempore emeritus, or (2) in equal monthly payments. Such amounts paid to the President pro tempore emeritus as reimbursement of actual expenses incurred upon certification and documentation under this subsection, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction under the Internal Revenue Code of 1986.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply only with respect to the 108th Congress.

SEC. 8. ADMINISTRATION OF ACROSS-THE-BOARD REDUCTION. In the administration of section 601 of title VI of division N of this Act, with respect to the budget authority provided under the heading ''SENATE'' under this title—

(1) the percentage rescission under subsection (a) of that section shall apply to the total amount of all funds appropriated under that heading; and

(2) the rescission may be applied without regard to subsection (b) of that section.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $956,086,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $16,530,000, including: Office of the Speaker, $1,979,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,899,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,309,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,624,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,214,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $446,000; Republican Steering Committee, $834,000; Republican Conference, $1,397,000; Democratic Steering and Policy Committee, $1,490,000; Democratic Caucus, $741,000; nine minority employees, $1,337,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $340,000; and Cloakroom Personnel—minority, $340,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $476,536,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $103,421,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $24,200,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946

and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $152,027,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $20,032,000, of which $2,500,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $5,097,000; for salaries and expenses of the Office of the Chief Administrative Officer, $105,363,000, of which $7,693,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,947,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $6,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $894,000; for the Office of the Chaplain, $149,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,464,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,168,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $5,852,000; for salaries and expenses of the Corrections Calendar Office, $915,000; and for other authorized employees, $146,000: Provided, That of the amounts provided under this heading to the Office of the Chief Administrative Officer, up to $660,000 may be transferred to the Office of the Architect of the Capitol, subject to the approval of the Committee on Appropriations of the House of Representatives.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $183,372,000, including: supplies, materials, administrative costs and Federal tort claims, $3,384,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $178,888,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $690,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2003. Any amount remaining after all payments are made under such allowances for fiscal year 2003 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. (a) There is hereby established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the Net Expenses of Equipment Revolving Fund (hereafter in this section referred to as the ''Revolving Fund''), consisting of funds deposited by the Chief Administrative Officer of the House of Representatives from amounts provided by offices of the House of Representatives to purchase, lease, obtain, and maintain the equipment located in such offices, and amounts provided by Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress) to purchase, lease, obtain, and maintain furniture for their district offices.

(b) Amounts in the Revolving Fund shall be used by the Chief Administrative Officer without fiscal year limitation to purchase, lease, obtain, and maintain equipment for offices of the House of Representatives and furniture for the district offices of Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress).

(c) The Revolving Fund shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).

(d) This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year, except that for purposes of making deposits into the Revolving Fund under subsection (a), the Chief Administrative Officer may deposit amounts provided by offices of the House of Representatives during fiscal year 2002 or any succeeding fiscal year.

SEC. 103. Effective with respect to fiscal year 2003 and each succeeding fiscal year, any amount received by House Information Resources from any office of the House of Representatives as reimbursement for services provided shall be deposited in the Treasury for credit to the account of the Office of the Chief Administrative Officer of the House of Representatives.

SEC. 104. Section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) does not apply to purchases and contracts for supplies or services for any office of the House of Representatives in any fiscal year.

SEC. 105. (a) ESTABLISHMENT.—The Chief Administrative Officer shall establish a program under which an employing office of the House of Representatives may agree to repay (by direct payment on behalf of the employee) any student loan previously taken out by an employee of the office. For purposes of this section, a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) shall not be considered to be an employee of the House of Representatives.

(b) REGULATIONS.—The Committee on House Administration shall promulgate such regulations as may be necessary to carry out the program under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the program under this section during fiscal year 2003 and each succeeding fiscal year.

PROGRAM TO INCREASE EMPLOYMENT OPPORTUNITIES IN HOUSE OF REPRESENTATIVES FOR INDIVIDUALS WITH DISABILITIES

SEC. 106. (a) IN GENERAL.—In order to promote an increase in opportunities for individuals with disabilities to provide services to the House of Representatives, the Chief Administrative Officer of the House of Representatives is authorized to—

(1) enter into 1 or more contracts with nongovernmental entities to provide for the performance of services for offices of the House of Representatives by individuals with disabilities who are employees of, or under contract with, such entities; and

(2) provide reasonable accommodations, including assistive technology devices and assistive technology services, to enable such individuals to perform such services under such contracts.

(b) ELEMENTS OF PROGRAM.—The Chief Administrative Officer of the House of Representatives, in entering into any contract under subsection (a), shall seek to ensure that—

(1) traditional and nontraditional outreach efforts are used to attract individuals with disabilities for educational benefit and employment opportunities in the House;

(2) the non-governmental entity provides adequate education and training for individuals with disabilities to enhance such employment opportunities; and

(3) efforts are made to educate employing offices in the House about opportunities to employ individuals with disabilities.

(c) FUNDING.—There are authorized to be appropriated from the applicable accounts of the House of Representatives $500,000 to carry out this section for each of the fiscal years 2003 through 2007.

SEC. 107. (a) At any time on or after the date of the enactment of this Act, the Chief Administrative Officer of the House of Representatives may incur obligations and make expenditures out of available appropriations for meals, refreshments, and other support and maintenance for Members, officers, and employees of the House of Representatives when, in the judgment of the Chief Administrative Officer, such obligations and expenditures are necessary to respond to emergencies involving the safety of human life or the protection of property.

(b) Nothing in this section may be construed to affect any other authority of the Chief Administrative Officer to incur obligations and make expenditures for the items and services described in subsection (a) for Members, officers, and employees of the House of Representatives.

SEC. 108. (a) Section 312(d) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112(d)), is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

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

''(3) The House of Representatives shall make payments from amounts provided in appropriations acts for salaries and expenses of the Office of the Chief Administrative Officer for the following activities carried out under this section:

''(A) The payment of the salary of the director of the center.

''(B) The reimbursement of individuals employed by the center for the cost of training classes and conferences in connection with the provision of child care services, together with the cost of travel (including transportation and subsistence) incurred in connection with such classes and conferences.''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

SEC. 109. (a) Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b) is amended by striking ''upon approval of the Committee on Appropriations of the House of Representatives'' each place it appears and inserting the following: ''effective upon the expiration of the 21-day period (or such alternative period that may be imposed by the Committee on Appropriations of the House of Representatives) which begins on the date such Committee has been notified of the transfer''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

SEC. 110. (a) Section 202(b)(5) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 116 Stat. 1775) is amended to read as follows:

''(5) Section 101(b) of the Legislative Branch Appropriations Act, 2000 (2 U.S.C. 130f(b)) is amended by striking 'with respect to any proceeding' and all that follows and inserting 'as required by section 530D of title 28, United States Code.'.''.

(b) Section 712(b) of the Ethics in Government Act of 1978 (2 U.S.C. 288k(b)), as amended by section 202(b)(2) of the 21st Century Department of Justice Appropriations Authorization Act, is amended by inserting '', United States Code'' after ''title 28''.

(c) The amendments made by this section shall take effect as if included in the enactment of the 21st Century Department of Justice Appropriations Authorization Act.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,658,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $7,643,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,414,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,000,000, of which $300,000 shall remain available until expended, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,035,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $175,675,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $28,100,000, of which $1,400,000 shall remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2003 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2003 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. CAPITOL POLICE CONTRACT AUTHORITY. (a) IN GENERAL.—The United States Capitol Police may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1003. DISPOSAL OF SURPLUS PROPERTY. (a) IN GENERAL.—Within the limits of available appropriations, the Capitol Police may dispose of surplus or obsolete property of the Capitol Police by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) AMOUNTS RECEIVED.—Any amounts received by the Capitol Police from the disposition of property under subsection (a) shall be credited to the account established for the general expenses of the Capitol Police, and shall be available to carry out the purposes of such account during the fiscal year in which the amounts are received and the following fiscal year.

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1004. RECRUITMENT AND RELOCATION BONUSES. Section 909 of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2320) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''the Board determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position'' and inserting ''the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in recruitment efforts''; and

(B) by adding at the end the following:

''(6) DETERMINATION NOT APPEALABLE OR REVIEWABLE.—Any determination of the Chief under this subsection shall not be appealable or reviewable in any manner.'';

(2) by striking subsections (e) and (f)(2); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 1005. RECRUITMENT OF INDIVIDUALS WITHOUT REGARD TO AGE. (a) IN GENERAL.—The Chief of the Capitol Police shall carry out any activities and programs to recruit individuals to serve as members of the Capitol Police without regard to the age of the individuals.

(b) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any provision of law of any rule or regulation providing for the mandatory separation of members of the Capitol Police on the basis of age, or any provision of law or any rule or regulation regarding the calculation of retirement or other benefits for members of the Capitol Police.

SEC. 1006. RETENTION ALLOWANCES. Section 909(b) of the Emergency Supplemental Act, 2002 (Public Law 107–117; 115 Stat. 2320) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by striking ''if—'' and inserting ''if the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in retention efforts.''; and

(2) in paragraph (3), by striking ''the reduction or the elimination of a retention allowance may not be appealed'' and inserting ''any determination of the Chief under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner''.

SEC. 1007. EDUCATIONAL ASSISTANCE PROGRAM. Section 908 of the Emergency Supplemental Act, 2002 (2 U.S.C. 1924; Public Law 107–117; 115 Stat. 2319) is amended to read as follows:

''EDUCATIONAL ASSISTANCE PROGRAM FOR EMPLOYEES

''SEC. 908. (a) ESTABLISHMENT.—In order to recruit or retain qualified personnel, the Chief of the Capitol Police may establish an educational assistance program for employees of the Capitol Police under which the Capitol Police may agree—

''(1) to repay (by direct payments on behalf of the participating employee) all or any portion of a student loan previously taken out by the employee;

''(2) to make direct payments to an educational institution on behalf of a participating employee or to reimburse a participating employee for all or any portion of any tuition or related educational expenses paid by the employee.

''(b) SPECIAL RULES FOR STUDENT LOAN REPAYMENTS.—

''(1) APPLICATION OF REGULATIONS UNDER EXECUTIVE BRANCH PROGRAM.—In carrying out subsection (a)(1), the Chief of the Capitol Police may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code, as the Chief determines necessary to provide for such program.

''(2) RESTRICTIONS ON PRIOR REIMBURSEMENTS.—The Capitol Police may not reimburse any individual under subsection (a)(1) for any repayments made by the individual prior to entering into an agreement with the Capitol Police to participate in the program under this section.

''(3) USE OF RECOVERED AMOUNTS.—Any amount repaid by, or recovered from, an individual under subsection (a)(1) and its implementing regulations shall be credited to the appropriation account available for salaries or general expenses of the Capitol Police at the time of repayment or recovery. Such credited amount may be used for any authorized purpose of the account and shall remain available until expended.

''(c) LIMIT ON AMOUNT OF PAYMENTS.—The total amount paid by the Capitol Police with respect to any individual under the program under this section may not exceed $40,000.

''(d) NO REVIEW OF DETERMINATIONS.—Any determination made under the program under

this section shall not be reviewable or appealable in any manner.

''(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year.''.

SEC. 1008. APPLICABLE PAY RATE UPON APPOINTMENT. (a) IN GENERAL.—Notwithstanding any other provision of law, the rate of basic pay payable to an individual upon appointment to a position with the Capitol Police shall be at a rate within the minimum and maximum pay rates applicable to the position.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1009. OVERTIME COMPENSATION FOR OFFICERS AT RANK OF LIEUTENANT OR HIGHER. (a) IN GENERAL.—The Chief of the Capitol Police may provide for the compensation of overtime work of officers of the Capitol Police at the rank of lieutenant and higher. Nothing in this subsection may be construed to affect the compensation of overtime work of officers of the Capitol Police at any rank not described in the previous sentence.

(b) TERMS AND CONDITIONS.—In providing for the compensation of overtime work under this section, the Chief shall provide the compensation in the same manner and subject to the same terms and conditions which are applicable to the compensation of overtime work of officers and members of the United States Secret Service Uniformed Division and the United States Park Police who serve at the rank of lieutenant and higher, in accordance with section 1 of the Act entitled ''An Act to provide a 5-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes'', approved August 15, 1950 (sec. 5–1304, D.C. Official Code).

SEC. 1010. TRAINING PROGRAMS FOR PERSONNEL. (a) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding at the end the following new section:

''§4120. Training for employees of the Capitol Police

''(a) The Chief of the Capitol Police may, by regulation, make applicable such provisions of this chapter as the Chief determines necessary to provide for training of employees of the Capitol Police. The regulations shall provide for training which, in the determination of the Chief, is consistent with the training provided by agencies under the preceding sections of this chapter.

''(b) The Office of Personnel Management shall provide the Chief of the Capitol Police with such advice and assistance as the Chief may request in order to enable the Chief to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 41 of such title is amended by adding at the end the following:

''4120. Training for employees of the Capitol Police.''.

SEC. 1011. ADDITIONAL COMPENSATION FOR EMPLOYEES WITH SPECIALTY ASSIGNMENTS AND PROFICIENCIES. (a) ESTABLISHMENT OF POSITIONS.—The Chief of the Capitol Police may establish and determine, from time to time, positions in salary classes of employees of the Capitol Police to be designated as employees with specialty assignments or proficiencies, based on the experience, education, training, or other appropriate factors required to carry out the duties of such employees.

(b) ADDITIONAL COMPENSATION.—In addition to the regularly scheduled rate of basic pay, each employee holding a position designated under this section shall receive an amount determined by the Chief, except that—

(1) such amount may not exceed 25 percent of the employee's annual rate of basic pay; and

(2) such amount may not be paid in a calendar year to the extent that, when added to the total basic pay paid or payable to such employee for service performed in the year, such amount would cause the total to exceed the annual rate of basic pay payable for level II of the Executive Schedule, as of the end of such year.

(c) MANNER OF PAYMENT.—The additional compensation authorized by this subsection shall be paid to an employee in a manner determined by the Chief or his designee except when the employee ceases to be assigned to the specialty assignment or ceases to maintain the required proficiency. The loss of such additional compensation shall not constitute an adverse action for any purpose.

(d) DETERMINATION NOT APPEALABLE OR REVIEWABLE.—Any determination under section (a) shall not be appealable or reviewable in any manner.

SEC. 1012. APPLICATION OF PREMIUM PAY LIMITS ON ANNUALIZED BASIS. (a) IN GENERAL.—Any limits on the amount of premium pay which may be earned by officers and members of the Capitol Police during emergencies (as determined by the Capitol Police Board) shall be applied by the Chief of the Capitol Police on an annual basis and not on a pay period basis. Any determination under this subsection shall not be reviewable or appealable in any manner.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to hours of duty occurring on or after September 11, 2001.

SEC. 1013. (a) Subsection (c) of the first section of Public Law 96–152 (2 U.S.C. 1902) is amended to read as follows:

''(c) The annual rate of pay for the Chief of the Capitol Police shall be the amount equal to $1,000 less than the lower of the annual rate of pay in effect for the Sergeant-at-Arms of the House of Representatives or the annual rate of pay in effect for the Sergeant-at-Arms and Doorkeeper of the Senate.''.

(b) Section 907(b) of the Emergency Supplemental Act, 2002 (2 U.S.C. 1901 note) is amended to read as follows:

''(b) The annual rate of pay for the Assistant Chief of the Capitol Police shall be the amount equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.''.

(c) Section 108(a)(4) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(a)(4)) is amended to read as follows:

''(4) The annual rate of pay for the Chief Administrative Officer shall be the amount equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.''.

(d) The amendments made by this section shall apply with respect to the first pay period beginning on or after the date of the enactment of this Act.

SEC. 1014. (a) CAPITOL POLICE BOARD; COMPOSITION; REDEFINING MISSION.—

(1) PURPOSE.—The purpose of the Capitol Police Board is to oversee and support the Capitol Police in its mission and to advance coordination between the Capitol Police and the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, in their law enforcement capacities, and the Congress. Consistent with this purpose, the Capitol Police Board shall establish general goals and objectives covering its major functions and operations to improve the efficiency and effectiveness of its operations.

(2) COMPOSITION.—The Capitol Police Board shall consist of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate, the Chief of the Capitol Police, and the Architect of the Capitol. The Chief of Capitol Police shall serve in an ex-officio capacity and be a non-voting member of the Board.

(b) INITIAL REVIEW AND REPORT.—Not later than 180 days after the date of the enactment of this Act, the Capitol Police Board shall—

(1) examine the mission of the Capitol Police Board and, based on that analysis, redefine the Capitol Police Board's mission, mission-related processes, and administrative processes;

(2) conduct an assessment of the effectiveness and usefulness of its statutory functions in contributing to the Capitol Police Board's ability to carry out its mission and meet its goals, including an explanation of the reasons for any determination that the statutory functions are appropriate and advisable in terms of its purpose, mission, and long-term goals; and

(3) submit to the Speaker and minority leader of the House of Representatives and the President pro tempore and minority leader of the Senate a report on the results of its examination and assessment, including recommendations for any legislation that the Capitol Police Board considers appropriate and necessary.

(c) EXECUTIVE ASSISTANT.—

(1) ESTABLISHMENT.—There shall be established in the Capitol Police an Executive Assistant for the Capitol Police Board to act as a central point for communication and enhance the overall effectiveness and efficiency of the Capitol Police Board's administrative activities.

(2) APPOINTMENT.—The Executive Assistant shall be appointed by the Chief of the Capitol Police in consultation with the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate.

(3) DUTIES.—The Executive Assistant shall be assigned to, and report to, the Chairman of the Board. The Executive Assistant shall assist the Capitol Police Board in developing, documenting, and implementing a clearly defined process for additional tasks assigned to the Capitol Police Board under this section, and shall perform any additional duties assigned by the Capitol Police Board.

(d) DOCUMENTATION.—

(1) FUNCTIONS AND PROCESSES.—The Capitol Police Board shall document its functions and processes, including its mission statement, policies, directives, and operating procedures established or revised under subsection (a)(1) or (b), and make such documentation available for examination to the Speaker and minority leader of the House of Representatives, the President pro tempore and minority leader of the Senate, the Chief of the Capitol Police, and the Comptroller General.

(2) MEETINGS.—The Capitol Police Board shall document Board meetings and make the documentation available for distribution to the Speaker and minority leader of the House of Representatives and the President pro tempore and minority leader of the Senate.

(e) ASSISTANCE OF COMPTROLLER GENERAL.—Upon request, the Comptroller General shall provide assistance to the Capitol Police Board in carrying out its responsibilities under this subsection.

(f) REFERENCES IN LAW; EFFECT ON OTHER LAWS.—(1) Any reference in any law or resolution in effect as of the date of the enactment of this Act to the ''Capitol Police Board'' shall be deemed to refer to the Capitol Police Board as composed under subsection (a)(2).

(2) Nothing in this section shall be construed to affect the jurisdiction, powers, or prerogatives of the Capitol Police Board or its individual members unless specifically provided herein.

SEC. 1015. TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE. (a) TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE.—

(1) TRANSFER OF PERSONNEL AND FUNCTIONS.—There are transferred to the United States Capitol Police—

(A) each Library of Congress Police employee; and

(B) any functions performed under the first section of the Act of August 4, 1950 (2 U.S.C. 167) and section 9 of that Act (2 U.S.C. 167h) (as in effect immediately before the effective date of this section).

(2) EFFECT ON PERSONNEL.—

(A) ANNUAL AND SICK LEAVE.—Any annual or sick leave to the credit of an individual transferred under paragraph (1) shall be transferred to the credit of that individual as an employee of the United States Capitol Police.

(B) SERVICE PERFORMED FOR RETIREMENT PURPOSES.—For those Library of Congress Police employees transferred under paragraph (1)(A), any period of service performed by a Library of Congress Police employee shall be deemed to be service performed as a member of the United States Capitol Police for purposes of chapters 83 and 84 of title 5, United States Code.

(C) VACANCIES.—Notwithstanding any other provision of law, upon the date of enactment of this section and until completion of the transfer under paragraph (1), vacancies in Library of Congress police employee positions, if filled, shall be filled in accordance with the employment standards of the United States Capitol Police, to the extent practicable as determined by the Chief of the Capitol Police.

(3) EFFECTIVE DATE OF TRANSFER OF PERSONNEL AND FUNCTIONS.—Library of Congress employees transferred to the United States Capitol Police under paragraph (1)(A), and Library of Congress functions transferred under paragraph (1)(B) shall be transferred to the United States Capitol Police upon approval of the Committees on Appropriations of the House and Senate and the appropriate authorizing committees.

(b) TRANSITION.—

(1) IMPLEMENTATION PLAN.—

(A) PLAN.—Not later than 180 days after the date of enactment of this section, the Chief of the Capitol Police shall prepare and submit to the appropriate committees of Congress for approval, and to the Capitol Police Board and the Librarian of Congress, a plan—

(i) describing the policies and procedures, and actions the Chief of the Capitol Police will take in implementing the transfer provisions under this section;

(ii) establishing dates by which Library of Congress personnel and functions authorized to be transferred under subsection (a)(1) shall be transferred to the United States Capitol Police;

(iii) in consultation with the Librarian of Congress, providing for the performance of law enforcement and protection functions relating to the buildings and grounds of the Library of Congress, including collections security, within the overall security responsibilities of the United States Capitol Police;

(iv) recommending legislative changes needed to implement the transfers under subsection (a)(1), including—

(I) identifying options for addressing how to apply United States Capitol Police retirement provisions to such transferred personnel;

(II) identifying options related to providing voluntary separation incentives to transferred personnel; and

(III) identifying options to ensure the Librarian of Congress maintains appropriate authority to execute his security responsibilities;

(v) detailing the mechanisms to be used by the Chief of the Capitol Police for ensuring that Library of Congress employees transferred to the United States Capitol Police under subsection (a)(1) are not adversely affected by the transfer with respect to pay;

(vi) addressing—

(I) how United States Capitol Police training and qualification requirements will be applied to Library of Congress employees transferred under subsection (a)(1); and

(II) the overall training needs of the merged police force; and

(vii) providing an analysis of the cost implications of implementing the plan.

(2) IMPLEMENTATION REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter until the transfer is fully implemented, the Chief of the Capitol Police shall prepare and submit a report to the appropriate committees of Congress, the Capitol Police Board, and the Librarian of Congress, on the Chief of the Capitol Police's progress in implementing the plan required in paragraph (1)(A) of this subsection, including any adjustments to cost estimates or legislative changes needed to implement the provisions of this section.

(c) DEFINITIONS.—In this section—

(1) the term ''Act of August 4, 1950'' means the Act entitled ''An Act relating to the policing of the buildings and grounds of the Library of Congress'', approved August 4, 1950 (2 U.S.C. 167 et seq.); and

(2) the term ''Library of Congress Police employee''—

(A) means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167) (as in effect immediately before the effective date of this section); and

(B) does not include any civilian employee performing police support functions.

(d) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect on the date of enactment of this section.

SEC. 1016. CLARIFICATION OF AUTHORITY OF CAPITOL POLICE TO POLICE BOTANIC GARDEN. (a) BUILDINGS.—Section 5101 of title 40, United States Code, is amended by inserting ''all buildings on the real property described under section 5102(c) (including the Administrative Building of the United States Botanic Garden),'' after ''Capitol Power Plant,''.

(b) GROUNDS.—Section 5102 of title 40, United States Code, is amended by adding at the end the following:

''(c) NATIONAL GARDEN OF THE UNITED STATES BOTANIC GARDEN.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include—

''(A) the National Garden of the United States Botanic Garden;

''(B) all grounds contiguous to the Administrative Building of the United States Botanic Garden, including Bartholdi Park; and

''(C) all grounds bounded by the curblines of First Street, Southwest on the east; Washington Avenue, Southwest to its intersection with Independence Avenue, and Independence Avenue from such intersection to its intersection with Third Street, Southwest on the south; Third Street, Southwest on the west; and Maryland Avenue, Southwest on the north.

''(2) MAINTENANCE AND IMPROVEMENTS.—Notwithstanding subsections (a) and (b), jurisdiction and control over the buildings on the grounds described in paragraph (1) shall be retained by the Joint Committee on the Library, and the Joint Committee on the Library shall continue to be solely responsible for the maintenance and improvement of the grounds described in such paragraph.

''(3) AUTHORITY NOT LIMITED.—Nothing in this subsection shall limit the authority of the Architect of the Capitol under section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c).''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(a) of the Act of July 31, 1946 (2 U.S.C. 1961(a)) is amended by striking ''sections 193a to 193m, 212a, 212a–2, and 212b of this title and regulations promulgated under section 212b of this title,'' and inserting ''this Act (and regulations promulgated under section 14 of this Act (2 U.S.C. 1969)), and chapter 51 of title 40, United States Code,''.

(d) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1017. CAPITOL POLICE SPECIAL OFFICERS. (a) IN GENERAL.—In the event of an emergency, as determined by the Capitol Police Board or in a concurrent resolution of Congress, the Chief of the Capitol Police may appoint—

(1) any law enforcement officer from any Federal agency or State or local government agency made available by that agency to serve as a special officer of the Capitol Police within the authorities of the Capitol Police in policing the Capitol buildings and grounds; and

(2) any member of the uniformed services, including members of the National Guard, made available by the appropriate authority to serve as a special officer of the Capitol Police within the authorities of the Capitol Police in policing the Capitol buildings and grounds.

(b) CONDITIONS OF APPOINTMENT.—An individual appointed as a special officer under this section shall—

(1) serve without pay for service performed as a special officer (other than pay received from the applicable employing agency or service);

(2) serve as a special officer no longer than a period specified at the time of appointment;

(3) not be a Federal employee by reason of service as a special officer, except as provided under paragraph (4); and

(4) shall be an employee of the Government for purposes of chapter 171 of title 28, United States Code, if that individual is acting within the scope of his office or employment in service as a special officer.

(c) QUALIFICATIONS.—Any individual appointed under subsection (a) shall be subject to—

(1) qualification requirements as the Chief of the Capitol Police determines necessary; and

(2) approval by the Capitol Police Board.

(d) REIMBURSEMENT AGREEMENTS.—Nothing in this section shall prohibit the Capitol Police from entering into an agreement for the reimbursement of services provided under this section with any Federal, State, or local agency.

(e) Any appointment under this section shall be subject to initial approval by the Capitol Police Board and to final approval by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives) and the President pro tempore of the Senate (in consultation with the Minority Leader of the Senate), acting jointly.

(f) Subject to approval by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives) and the President pro tempore of the Senate (in consultation with the Minority Leader of the Senate), acting jointly, the Capitol Police Board may prescribe regulations to carry out this section.

(g) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1018. TRANSFER OF DISBURSING FUNCTION. (a) IN GENERAL.—

(1) DISBURSING OFFICER.—The Chief of the Capitol Police shall be the disbursing officer for the Capitol Police. Any reference in any law or resolution before the date of enactment of this section to funds paid or disbursed by the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate relating to the pay and allowances of Capitol Police employees shall be deemed to refer to the Chief of the Capitol Police.

(2) TRANSFER.—Any statutory function, duty, or authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police shall transfer to the Chief of the Capitol Police as the single disbursing officer for the Capitol Police.

(3) CONTINUITY OF FUNCTION DURING TRANSITION.—Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under this subsection, the House of Representatives and the Senate shall continue to serve as the disbursing authority on behalf of the Capitol Police.

(b) TREASURY ACCOUNTS.—

(1) SALARIES.—

(A) IN GENERAL.—There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the salaries of the Capitol Police.

(B) TRANSFER AUTHORITY DURING TRANSITION.—Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under subsection (a), the

Chief shall have the authority to transfer amounts in the account to the House of Representatives and the Senate to the extent necessary to enable the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate to continue to serve as the disbursing authority on behalf of the Capitol Police pursuant to subsection (a)(3).

(2) GENERAL EXPENSES.—There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the general expenses of the Capitol Police.

(c) TRANSFER OF FUNDS, ASSETS, ACCOUNTS, RECORDS, AND AUTHORITY.—

(1) IN GENERAL.—The Chief Administrative Officer of the House of Representatives and the Secretary of the Senate are authorized and directed to transfer to the Chief of the Capitol Police all funds, assets, accounts, and copies of original records of the Capitol Police that are in the possession or under the control of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate in order that all such items may be available for the unified operation of the Capitol Police. Any funds so transferred shall be deposited in the Treasury accounts established under subsection (b) and be available to the Chief of the Capitol Police for the same purposes as, and in like manner and subject to the same conditions as, the funds prior to the transfer.

(2) EXISTING TRANSFER AUTHORITY.—Any transfer authority existing before the date of enactment of this Act granted to the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate for salaries, expenses, and operations of the Capitol Police shall be transferred to the Chief of the Capitol Police.

(d) UNEXPENDED BALANCES.—Except as may otherwise be provided in law, the unexpended balances of appropriations for the fiscal year 2003 and succeeding fiscal years that are subject to disbursement by the Chief of the Capitol Police shall be withdrawn as of September 30 of the fifth fiscal year following the period or year for which provided. Unpaid obligations chargeable to any of the balances so withdrawn or appropriations for prior years shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

(e) HIRING AUTHORITY; ELIGIBILITY FOR SAME BENEFITS AS HOUSE EMPLOYEES.—

(1) AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

(B) REVIEW AND APPROVAL.—In carrying out the authority under this paragraph, the Chief of the Capitol Police shall be subject to the following requirements:

(i) The appointment and termination of any officer, member, or employee shall be subject to the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(ii) The promotion of any noncivilian officer, member, or employee to any rank higher than Private First Class, and the promotion of any civilian employee to any position, shall be subject to the approval of the Committees referred to in clause (i).

(iii) The establishment of any new position for officers, members, or employees shall be subject to the approval of the Committees referred to in clause (i).

(2) BENEFITS.—Employees of the Capitol Police who are appointed by the Chief under the authority of this subsection shall be subject to the same type of benefits (including the payment of death gratuities, the withholding of debt, and health, retirement, Social Security, and other applicable employee benefits) as are provided to employees of the House of Representatives, and any such individuals serving as employees of the Capitol Police as of the date of enactment of this Act shall be subject to the same rules governing rights, protections, pay, and benefits in effect immediately before such date until such rules are changed under applicable laws or regulations.

(f) WORKER'S COMPENSATION.—

(1) ACCOUNT.—There shall be established a separate account in the Capitol Police for purposes of making payments for employees of the Capitol Police under section 8147 of title 5, United States Code.

(2) PAYMENTS WITHOUT FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, payments may be made from the account established under paragraph (1) of this subsection without regard to the fiscal year for which the obligation to make such payments is incurred.

(g) EFFECT ON EXISTING LAW.—

(1) IN GENERAL.—The provisions of this section shall not be construed to reduce the pay or benefits of any employee of the Capitol Police whose pay was disbursed by the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate before the date of enactment of this Act.

(2) SUPERSEDING PROVISIONS.—All provisions of law inconsistent with this section are hereby superseded to the extent of the inconsistency.

(h) CONFORMING AMENDMENTS.—(1) Section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking the third sentence.

(2) Section 1822 of the Revised Statutes of the United States (2 U.S.C. 1921) is repealed.

(3) Section 111 of title I of the Act entitled ''Making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes'', approved May 4, 1977 (2 U.S.C. 64–3), is amended—

(A) by striking ''Secretary of the Senate'' and inserting ''Chief of the Capitol Police''; and

(B) by striking ''United States Senate'' and inserting ''Capitol Police''.

(i) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1019. (a) LONG TERM STRATEGIC PLAN.—

(1) IN GENERAL.—The Chief of the United States Capitol Police, in consultation with the Comptroller General, shall develop a long term strategic plan which outlines the goals and objectives of the Capitol Police.

(2) ANNUAL UPDATE.—During the period in which the strategic plan developed under this subsection is in effect, the Chief shall annually update the plan.

(3) PERIOD COVERED BY PLAN.—The strategic plan under this subsection shall cover the first 5 fiscal years which begin after the plan is developed.

(b) ANNUAL PERFORMANCE PLAN.—

(1) IN GENERAL.—With respect to each year which is covered by the strategic plan developed under subsection (a), the Chief of the Capitol Police, in consultation with the Comptroller General, shall develop an annual performance plan for implementing the goals and objectives of the strategic plan during the year.

(2) CONTENTS.—The annual performance plan developed under this subsection for a year shall include performance goals for each of the goals and objectives of the strategic plan which apply during the year, and shall include (to the extent practicable) quantifiable performance measures for determining the success of the Capitol Police in meeting each such performance goal.

(3) EVALUATION BY COMPTROLLER GENERAL.—The Comptroller General shall annually evaluate the implementation of the plan and the extent to which the Capitol Police have met the performance goals of the plan, and shall provide the results of the evaluation to the Capitol Police Board, the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(c) INITIAL ACTION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Chief of the Capitol Police shall develop an initial action plan describing the policies, procedures, and actions the Chief will carry out to meet the requirements of this section and setting forth a timetable for carrying out each such policy, procedure, and action, and shall submit such plan (upon the approval of the Capitol Police Board) to the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

SEC. 1020. DEADLINE FOR REGULATIONS. Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall promulgate any regulations required by Sections 1004, 1006, 1007 and 1011 of this Act.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,059,000, of which $254,000 shall remain available until September 30, 2004: Provided, That the Executive Director of the Office of Compliance may have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $32,101,000, of which not more than $100,000 is to remain available until September 30, 2006, for the acquisition and partial support for implementation of a Central Financial Management System: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 1101. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of section 3396 of title 5, United States Code, as the Director determines necessary to establish a program providing opportunities for employees of the Office to engage in details or other temporary assignments in other agencies, study, or uncompensated work experience which will contribute to the employees' development and effectiveness.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1102. (a) The Director of the Congressional Budget Office may enter into agreements or contracts without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including

furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $59,343,000, of which $450,000 shall remain available until September 30, 2007.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $32,094,000, of which $19,065,000 shall remain available until September 30, 2007.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $8,356,000, of which $1,780,000 shall remain available until September 30, 2007.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $64,871,000, of which $21,600,000 shall remain available until September 30, 2007.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $60,960,000, of which $25,610,000 shall remain available until September 30, 2007.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $102,286,000, of which $61,739,000 shall remain available until September 30, 2007: Provided, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2003.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $37,521,000, of which $18,014,000 shall remain available until September 30, 2007 and $5,500,000 shall remain available until expended.

CAPITOL POLICE BUILDINGS AND GROUNDS

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $23,900,000, of which $23,500,000 shall remain available until September 30, 2007: Provided, That $22,000,000 of the amount provided is withheld from obligation subject to the notification of the Committees on Appropriations of the House of Representatives and Senate: Provided further, That any amounts provided to the Architect of the Capitol prior to the date of the enactment of this Act for maintenance, care, and operation of buildings of the United States Capitol Police which remain unobligated as of the date of the enactment of this Act shall be transferred to the account under this heading.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $6,103,000, of which $120,000 shall remain available until September 30, 2007: Provided, That this appropriation shall not be available for any activities of the National Garden.

ADMINISTRATIVE PROVISIONS

SEC. 1201. SMALL PURCHASE CONTRACTING AUTHORITY. (a) IN GENERAL.—Notwithstanding any other provision of law—

(1) section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall apply with respect to purchases and contracts for the Architect of the Capitol as if the reference to ''$25,000'' in paragraph (1) of such section were a reference to ''$100,000''; and

(2) the Architect may procure services, equipment, and construction for security related projects in the most efficient manner he determines appropriate.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1202. MULTI-YEAR CONTRACT AUTHORITY. (a) IN GENERAL.—The Architect of the Capitol may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1203. DEPUTY ARCHITECT OF THE CAPITOL/CHIEF OPERATING OFFICER. (a) ESTABLISHMENT OF DEPUTY ARCHITECT OF THE CAPITOL.—There shall be a Deputy Architect of the Capitol who shall serve as the Chief Operating Officer of the Office of the Architect of the Capitol. The Deputy Architect of the Capitol shall be appointed by the Architect of the Capitol and shall report directly to the Architect of the Capitol and shall be subject to the authority of the Architect of the Capitol. The Architect of the Capitol shall appoint the Deputy Architect of the Capitol not later than 90 days after the date of enactment of this Act. The Architect of the Capitol shall consult with the Comptroller General or his designee before making the appointment.

(b) QUALIFICATIONS.—The Deputy Architect of the Capitol shall have strong leadership skills and demonstrated ability in management, including in such areas as strategic planning, performance management, worker safety, customer satisfaction, and service quality.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Deputy Architect of the Capitol shall be responsible to the Architect of the Capitol for the overall direction, operation, and management of the Office of the Architect of the Capitol, including implementing the Office's goals and mission; providing overall organization management to improve the Office's performance; and assisting the Architect of the Capitol in promoting reform, and measuring results.

(2) RESPONSIBILITIES.—The Deputy Architect's responsibilities include—

(A) developing, implementing, annually updating, and maintaining a long-term strategic plan covering a period of not less than 5 years for the Office of the Architect of the Capitol;

(B) developing and implementing an annual performance plan that includes annual performance goals covering each of the general goals and objectives in the strategic plan and including to the extent practicable quantifiable performance measures for the annual goals;

(C) proposing organizational changes and staffing needed to carry out the Office of the Architect of the Capitol's mission and strategic and annual performance goals; and

(D) reviewing and directing the operational functions of the Office of the Architect of the Capitol.

(d) ADDITIONAL RESPONSIBILITIES.—The Architect of the Capitol may delegate to the Deputy Architect such additional duties as the Architect determines are necessary or appropriate.

(e) ACTION PLAN.—

(1) IN GENERAL.—No later than 90 days after the appointment, the Deputy Architect shall prepare and submit to the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate, an action plan describing the policies, procedures, and actions the Deputy Architect will implement and timeframes for carrying out the responsibilities under this section.

(2) ACTION PLAN.—The action plan shall be—

(A) approved and signed by both the Architect of the Capitol and the Deputy Architect; and

(B) developed concurrently and consistent with the development of a strategic plan.

(3) ADDITIONAL SENIOR POSITIONS.—Notwithstanding section 108(a) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 1839), as amended by section 129(c) of the Legislative Branch Appropriations Act, 2002, the Architect of the Capitol may fix the rate of basic pay for not more than 3 additional positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.

(f) EVALUATION.—The General Accounting Office shall evaluate annually the implementation of the action plan and provide the results of the evaluation to the Architect of the Capitol, the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate.

(g) REMOVAL.—The Deputy Architect of the Capitol may be removed by the Architect of the Capitol for misconduct or failure to meet performance goals set forth in the performance agreement in subsection (i). Upon the removal of the Deputy Architect of the Capitol, the Architect of the Capitol shall immediately notify in writing the Committees on Appropriations of the House of Representatives and Senate, and the Committee on Rules and Administration of the Senate, stating the specific reasons for the removal.

(h) COMPENSATION.—The Deputy Architect of the Capitol shall be paid at an annual rate of pay to be determined by the Architect but not to exceed $1,500 less than the annual rate of pay for the Architect of the Capitol.

(i) ANNUAL PERFORMANCE REPORT.—The Deputy Architect of the Capitol shall prepare and transmit to the Architect of the Capitol an annual performance report. This report shall contain an evaluation of the extent to which the Office of the Architect of the Capitol met its goals and objectives.

(j) TERMINATION OF ROLE.—As of October 1, 2006, the role of the Comptroller General and the General Accounting Office, as established by this section, will cease.

SEC. 1204. DEPUTY ARCHITECT TO ACT IN CASE OF ABSENCE, DISABILITY, OR VACANCY. The proviso under the subheading ''SALARIES'' under the heading ''OFFICE OF THE ARCHITECT OF THE CAPITOL'' under the heading ''ARCHITECT OF THE CAPITOL'' of the Legislative Branch Appropriations Act, 1971 (2 U.S.C. 1805) is amended by striking ''Assistant Architect'' and inserting ''Deputy Architect''.

SEC. 1205. DELEGATION OF AUTHORITY BY ARCHITECT OF THE CAPITOL. The matter under the subheading ''OFFICE OF THE ARCHITECT OF THE

CAPITOL'' under the heading ''ARCHITECT OF THE CAPITOL'' of the Legislative Appropriation Act, 1956 (2 U.S.C. 1804) is amended by striking ''Architect of the Capitol is authorized'' through ''proper'' and inserting ''Architect of the Capitol may delegate to the assistants of the Architect such authority of the Architect as the Architect may determine proper, except those authorities, duties, and responsibilities specifically assigned to the Deputy Architect of the Capitol by the Legislative Branch Appropriations Act, 2003''.

SEC. 1206. ASSISTANT ARCHITECT. Notwithstanding any other provision of law, the compensation of the Assistant Architect who is incumbent in that position when the position of Assistant Architect is abolished shall not be reduced so long as the former Assistant Architect is employed at the Office of the Architect of the Capitol. Whenever the Architect of the Capitol receives a pay adjustment after the date of enactment of this section, the compensation of such former Assistant Architect shall be adjusted by the same percentage as the compensation of the Architect of the Capitol. The authority granted in this section shall be in addition to the authority the Architect of the Capitol has in section 129(c)(1)(A) of the Legislative Branch Appropriations Act, 2002, as amended by this Act, to fix the rate of basic pay for not more than 15 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.

SEC. 1207. SENATE STAFF HEALTH AND FITNESS FACILITY. Section 4 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 121f) is amended—

(1) in subsection (a), by inserting ''Staff'' after ''Senate'';

(2) in subsection (b)(1), by inserting ''Staff'' after ''Senate'';

(3) in subsection (c), by inserting ''Staff'' after ''costs of the Senate'';

(4) in subsection (d), by inserting ''Staff'' after ''Senate''; and

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

''(e) The Committee on Rules and Administration of the Senate shall promulgate regulations pertaining to the operation and use of the Senate Staff Health and Fitness Facility.''.

SEC. 1208. ALLOCATION OF RESPONSIBILITY FOR LIBRARY BUILDINGS AND GROUNDS. (a) IN GENERAL.—The first section of the Act of June 29, 1922 (2 U.S.C. 141) is amended to read as follows:

"SECTION 1. ALLOCATION OF RESPONSIBILITIES FOR LIBRARY BUILDINGS AND GROUNDS.

''(a) ARCHITECT OF THE CAPITOL.—

''(1) IN GENERAL.—The Architect of the Capitol shall have charge of all work at the Library of Congress buildings and grounds (as defined in section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress' approved August 4, 1950 (2 U.S.C. 167(j)) that affects—

''(A) the structural integrity of the buildings;

''(B) buildings systems, including mechanical, electrical, plumbing, and elevators;

''(C) the architectural features of the buildings;

''(D) compliance with building and fire codes, laws, and regulations with respect to the specific responsibilities set for under this paragraph;

''(E) the care and maintenance of Library grounds; and

''(F) purchase of all equipment necessary to fulfill the responsibilities set forth under this paragraph.

''(2) EMPLOYEES.—The employees required for the performance of the duties under paragraph (1) shall be appointed by the Architect of the Capitol.

''(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have charge of all work (other than work under subsection (a)) at the Library of Congress buildings and grounds.

''(c) TRANSFER OF FUNDS.—The Architect of the Capitol and the Librarian of Congress may enter into agreements with each other to perform work under this section, and, subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate and the Joint Committee on the Library, may transfer between themselves appropriations or other available funds to pay the costs therefor.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal year 2003 and each fiscal year thereafter.

SEC. 1209. Notwithstanding any other provision of law, the Architect of the Capitol may accept appropriations and services from other federal agencies for the purpose of enhancing security for projects under his jurisdiction upon the prior approval of the Committees on Appropriations of the House and the Senate.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $358,474,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2003, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2003 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: Provided further, That of the total amount appropriated, $10,886,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $911,000 shall remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, $11,100,000 shall remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the ''Joining Hands Across America: Local Community Initiative'' project as approved by the Library: Provided further, That of the amount appropriated, $500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which amount $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $4,250,000 shall remain available until September 30, 2007 for the acquisition and partial support for implementation of a Central Financial Management System: Provided further, That of the total amount appropriated, $789,000 shall remain available until September 30, 2004 for the Lewis and Clark Exhibition and an additional $200,000 shall remain available until expended, and shall be transferred to Southern Illinois University for the purpose of developing a permanent commemoration of the Lewis and Clark Expedition: Provided further, That of the total amount appropriated, $10,000,000 shall remain available until expended for the purpose of developing a high-speed data transmission between the Library of Congress and educational facilities, libraries, or networks serving Western North Carolina: Provided further, That, of the total amount appropriated, $500,000 shall remain available until expended and shall be equally divided and transferred to the Alexandria Museum of Art and the New Orleans Museum of Art for activities relating to the Louisiana Purchase Bicentennial Celebration.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $39,226,000, of which not more than $23,321,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2003 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $6,191,000 shall be derived from collections during fiscal year 2003 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $29,512,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $86,952,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $50,963,000, of which $14,697,000 shall remain available until expended: Provided, That, of the total amount appropriated, $1,000,000 shall remain available until expended

to reimburse the National Federation of the Blind for costs incurred in the operation of its ''NEWSLINE'' program.

ADMINISTRATIVE PROVISIONS

SEC. 1301. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. (a) For fiscal year 2003, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $109,929,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) During fiscal year 2003, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading ''LIBRARY OF CONGRESS—SALARIES AND EXPENSES'' to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM.—The Miscellaneous Appropriations Act, 2001 (as enacted by section 1(a)(4) of Public Law 106–554, 114 Stat. 2763A–194), division A, chapter 9, under the heading ''Library of Congress'' ''Salaries and Expenses'' is amended by striking ''March 31, 2003'' and inserting ''March 31, 2005''.

SEC. 1304. ABRAHAM LINCOLN BICENTENNIAL COMMISSION. The Abraham Lincoln Bicentennial Commission Act (36 U.S.C. note prec. 101; Public Law 106–173) is amended—

(1) in section 6(b), by striking paragraph (2) and inserting the following:

''(2) STAFF.—Consistent with all other applicable Federal laws governing appointments and compensation, the staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.''; and

(2) in section 7(h)(3), by striking ''subsection (b)(2)'' and inserting ''section 6(b)(2)''.

SEC. 1305. Section 2(c)(3) of the History of the House Awareness and Preservation Act (2 U.S.C. 183(c)(3)) is amended by inserting ''excerpts of'' after ''dissemination of''.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $90,143,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,661,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2001 and 2002 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 3,219 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $451,134,000: Provided, That not more than $2,210,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2003: Provided further, That not more than $790,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2003: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, $13,000,000.

ADMINISTRATIVE PROVISION

SEC. 1401. OPEN WORLD LEADERSHIP CENTER. (a) IN GENERAL.—Section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151) is amended—

(1) in the section heading, by striking ''CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT'' and inserting ''OPEN WORLD LEADERSHIP CENTER'';

(2) in subsection (a)—

(A) in paragraph (1), by striking all after ''Government'' and inserting ''a center to be known as the 'Open World Leadership Center (the 'Center').''; and

(B) in paragraph (2)—

(i) by inserting ''(the 'Board')'' after ''Board of Trustees''; and

(ii) in subparagraph (D), by striking ''United States and Russian relations'' and inserting ''relations between the United States and eligible foreign states'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Russia'' and inserting ''eligible foreign states''; and

(ii) by striking the period at the end and inserting the following: ''and to establish and administer a program to enable cultural leaders of Russia to gain significant, firsthand exposure to the operation of American cultural institutions.'';

(B) in paragraph (2), by striking ''Russian nationals'' and inserting ''nationals of eligible foreign states''; and

(C) in paragraph (3)—

(i) in subparagraph (B), by striking ''3,000'' and inserting ''3,500''; and

(ii) in subparagraph (C)(i), by striking ''Russia'' and inserting ''an eligible foreign state'';

(4) in subsection (c)—

(A) in paragraph (1), by striking ''Russian Leadership Development Center Trust Fund'' and inserting ''Open World Leadership Center Trust Fund''; and

(B) in paragraph (3)(B), by striking ''of Trustees of the Center'';

(5) in subsection (h)(2), by striking ''of Trustees of the Center''; and

(6) by adding at the end the following:

''(j) ELIGIBLE FOREIGN STATE DEFINED.—In this section, the term 'eligible foreign state' means—

''(1) any country specified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801); and

''(2) Estonia, Latvia, and Lithuania.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2003 unless expressly so provided in this Act.

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act to pay awards and settlements as authorized under such subsection.

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking ''2002'' and inserting ''2003''.

SEC. 208. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 209. JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT. There are appropriated, out of any funds in the Treasury not otherwise appropriated, $300,000, to remain available until expended, to the John C. Stennis Center for Public Service Training and Development.

SEC. 210. TITLE II OF THE CONGRESSIONAL AWARD ACT. There are appropriated, out of any funds in the Treasury not otherwise appropriated, $250,000, to remain available until expended, to carry out title II of the Congressional Award Act (2 U.S.C. 811 et seq.): Provided, That funds appropriated for this purpose do not exceed 100 percent of funds donated to the Board in cash or in kind under section 208(c) of the Congressional Award Act: Provided further, That such funds are used for staff salaries and overhead, postage, travel, equipment, and accounting costs.

SEC. 211. (a) Each office in the legislative branch, except the House and the Senate, which is responsible for preparing any written statement furnished under part 3 of subchapter A of chapter 61 of the Internal Revenue Code of 1986 on behalf of a person shall make the statement available to the person in an electronic format (at the direction of the person) which will enable the person to provide the statement electronically to a tax preparer or other provider of financial services.

(b) Subsection (a) shall apply with respect to statements prepared for taxable years ending on or after December 31, 2004.

SEC. 212. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

This division may be cited as the ''Legislative Branch Appropriations Act, 2003''.

DIVISION I—TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $89,447,000, of which not to exceed $2,211,000 shall be available for the immediate Office of the Secretary; not to exceed $809,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,657,000 shall be available for the Office of the General Counsel; not to exceed $12,452,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,375,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,453,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $29,071,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,926,000 shall be available for the Office of Public Affairs; not to exceed $1,391,000 shall be available for the Office of the Executive Secretariat; not to exceed $611,000 shall be available for the Board of Contract Appeals; not to exceed $1,304,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $13,187,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,700,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $21,000,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $131,766,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2004: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $52,100,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing

civil aviation security services pursuant to Public Law 107–71, $4,516,300,000, to remain available until expended, of which $3,037,900,000 shall be available for screening activities and of which $1,478,400,000 shall be available for airport support and enforcement presence: Provided, That $144,000,000 shall be derived by reimbursement from ''Federal Aviation Administration, Facilities and equipment,'' for explosives detection systems: Provided further, That security service fees authorized under 49 U.S.C. 44940 shall be credited to this appropriation as offsetting collections and used for providing civil aviation security services authorized by that section: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2003, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $1,866,300,000: Provided further, That any security service fees collected in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2004: Provided further, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time permanent positions: Provided further, That of the total amount provided herein, $265,000,000 shall be available only for physical modification of commercial service airports for the purpose of installing checked baggage explosive detection systems and $174,500,000 shall be available only for procurement of checked baggage explosive detection systems, including explosive trace detection systems.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to Public Law 107–71, $244,800,000, to remain available until expended: Provided, That of the total amount provided herein, $150,000,000 shall be available only to make port security grants, which shall be distributed under the same terms and conditions as provided for under Public Law 107–117; $4,000,000 shall be available only for radiation detection and monitoring system evaluation and procurement; and $30,000,000 shall be available only to execute grants, contracts, and interagency agreements for the purpose of deploying Operation Safe Commerce.

RESEARCH AND DEVELOPMENT

For necessary expenses of the Transportation Security Administration for research and development related to transportation security, $110,200,000, to remain available until expended: Provided, That of the total amount provided herein, $10,000,000 shall be available only to make research and development grants for port security pursuant to the terms and conditions of section 70107(i) of Public Law 107–295.

ADMINISTRATION

For necessary administrative expenses of the Transportation Security Administration, including intelligence activities, pursuant to Public Law 107–71, $308,700,000, to remain available until expended.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, $4,322,122,000, of which $340,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That none of the funds appropriated in this or any other Act shall be available for pay of administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided in this Act shall be available to compensate in excess of 37 active duty flag officer billets: Provided further, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2003 under section 1116(a) of title 10, United States Code: Provided further, That of the amounts made available under this heading, not less than $15,686,000 shall be used solely to increase staffing at search and rescue stations, surf stations and command centers; increase the training and experience level of individuals serving in said stations through targeted retention efforts; revise personnel policies and expand training programs; and to modernize and improve the quantity and quality of personal safety equipment, including survival suits, for personnel assigned to said stations: Provided further, That the Comptroller General of the United States shall audit and certify to the House and Senate Committees on Appropriations that the funding described in the preceding proviso is being used solely to supplement and not supplant the Coast Guard's level of effort in this area in fiscal year 2002.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $742,100,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $25,600,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2007; $4,000,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2005; $121,300,000 shall be available for other equipment, to remain available until September 30, 2005; $50,200,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2005; $63,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2004; and $478,000,000 shall be available for the Integrated Deepwater Systems program, to remain available until September 30, 2006: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the National Distress and Response System Modernization program, to remain available for obligation until September 30, 2004: Provided further, That none of the funds provided under this heading may be obligated or expended for the Integrated Deepwater Systems (IDS) system integration contract in fiscal year 2003 until the Secretary or Deputy Secretary of Transportation and the Director, Office of Management and Budget jointly certify to the House and Senate Committees on Appropriations that funding for the IDS program for fiscal years 2004 through 2008, funding for the National Distress and Response System Modernization program to allow for full deployment of said system by 2006, and funding for other essential search and rescue procurements, are fully funded in the Coast Guard Capital Investment Plan and within the Office of Management and Budget's budgetary projections for the Coast Guard for those years: Provided further, That the Director, Office of Management and Budget shall submit the budget request for the IDS integration contract delineating sub-headings which include the following: systems integrator, ship construction, aircraft, equipment, and communication, providing specific assets and costs under each subheading: Provided further, That upon initial submission to the Congress of the fiscal year 2004 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: Provided further, That the amount herein appropriated shall be reduced by $150,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $17,000,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $17,200,000, to remain available until expended: Provided, That funds for bridge alteration projects conducted pursuant to 33 U.S.C. 511 are available only to the extent that the steel, iron, and manufactured products used in such projects are produced in the United States, unless contrary to law or international agreement, or unless the Commandant of the Coast Guard determines such action to be inconsistent with the public interest or the cost unreasonable.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payments for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $889,000,000.

RESERVE TRAINING

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $86,495,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities,

the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $7,069,019,000, of which $3,799,278,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $5,716,046,000 shall be available for air traffic services program activities; not to exceed $836,007,000 shall be available for aviation regulation and certification program activities; not to exceed $207,600,000 shall be available for research and acquisition program activities; not to exceed $12,325,000 shall be available for commercial space transportation program activities; not to exceed $48,782,000 shall be available for financial services program activities; not to exceed $69,307,000 shall be available for human resources program activities; not to exceed $83,392,000 shall be available for regional coordination program activities; not to exceed $82,974,000 shall be available for staff offices; and not to exceed $29,650,000 shall be available for information services: Provided, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $6,000,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,981,022,000, of which $2,576,366,760 shall remain available until September 30, 2005, and of which $404,655,240 shall remain available until September 30, 2003: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2004 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2004 through 2008, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $20,000,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $148,450,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2005: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for implementation of section 203 of Public Law 106–181; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,100,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,400,000,000 in fiscal year 2003, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That notwithstanding any other provision of law, not more than $63,620,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be for the Small Community Air Service Development Pilot Program.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $316,126,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: Provided, That of the funds available under section 104(a)(1)(A) of title 23, United States Code: $7,500,000 shall be available for ''Child Passenger Protection Education Grants'' under section 2003(b) of Public Law 105–178, as amended; $47,000,000 shall be available for construction of state border safety inspection facilities at the United States/Mexico border, and shall remain available until expended; $59,967,000 shall be available for border enforcement activities required by section 350 of Public Law 107–87, and shall remain available until expended; $269,700,000 shall be available in addition to funds made available by section 330 of this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, and shall remain available until expended; and $7,000,000 shall be available for environmental streamlining activities, which may include making grants to, or entering into contracts, cooperative agreements, and other transactions, with a Federal agency, State agency, local agency, authority, association, nonprofit or for-profit corporation, or institution of higher education: Provided further, That notwithstanding any other provision of law, the surface transportation projects identified in the Joint Explanatory Statement of the Committee of Conference accompanying this Act are eligible for funding made available for surface transportation projects under this heading: Provided further, That the Federal share payable on account of any such project carried out with funds made available under this heading shall be 100 percent.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $31,800,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2003: Provided, That within the $31,800,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $462,500,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, Unites States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2003: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That within the $232,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note) in the following specified areas:

Advance Traveler Information System & Smart Card System, Ohio, $1,000,000;

Advanced Traffic Analysis Center, North Dakota State University, $1,000,000;

Alaska Statewide: Smart Emergency Medical Access System, $1,000,000;

Automated Vehicle Location (AVL) and Mobile Data Terminals—PalmTran, Palm Beach, Florida, $850,000;

Baton Rouge, Louisiana, $750,000;

Bozeman Pass Wildlife Channelization Study, Montana, $250,000;

Capital District Transportation Authority, Customer Information ITS Project, New York, $800,000;

CCTA Burlington Multimodal Transit Center, Vermont, $500,000;

C–DOT ITS for I–70 Tunnels, Colorado, $3,700,000;
Center for Injury Sciences UAB Crash Notification, Alabama, $3,000,000
Central Florida Regional Trans. Authority Orange/Seminole ITS, $1,500,000;
Chapel Hill Transit, North Carolina, real time passenger information system and vehicle location system, $750,000;
Chattanooga (CARTA) ITS, Tennessee, $1,875,000;
Cicero Avenue travel information system, Illinois, $300,000;
City of Austin, Texas ITS Deployment Program, Texas, $500,000;
City of Boston intelligent transportation system, Massachusetts, $1,000,000;
City of Inglewood, California intelligent transportation system deployment project, $500,000;
CVISN, New Mexico, $525,000;
DelDOT Integrated Transportation Management System, DelTrac, Statewide Transit Passenger Information System, Delaware, $1,000,000;
Elkhorn Boulevard Project, Sacramento, California, $125,000;
Emergency Vehicle Access Program, Antrim, Pennsylvania, $60,000;
Emergency Vehicle Optical Pre-Emption, Town of Islip, New York, $595,000;
Flint Mass Transportation Authority ITS program, Michigan, $1,000,000;
Fog Detection Improvements and Traffic Monitoring, Rural Mountain Region, North Carolina, $200,000;
Gettysburg Borough Signal Coordination and Upgrade-Signalization; Adams County, Pennsylvania, $1,500,000;
GMU ITS Research, Virginia, $1,000,000;
Great Lakes ITS program, Michigan, $1,500,000;
Harrison County Sheriff's Department ITS, Mississippi, $750,000;
HART Bus Tracking & Communication, Florida, $4,000,000;
Hoosier SAFE-T, Indiana, $500,000;
Houma, Louisiana, $1,250,000;
Huntsville, Alabama, $1,500,000;
I–80 Dynamic Message Signs, Southern Wyoming, $3,000,000;
I–90 Truck Wind Warning System, Columbia River, Washington, $125,000;
Idaho Commercial Vehicle Systems and Networks (CVISN), $750,000;
Illinois Statewide, $2,500,000;
Intelligent transportation, Autonomous dial-a-ride transit (ADART) phase IV implementation, Corpus Christi, Texas, $500,000;
Intermodal ITS center, Orleans Parish, Louisiana, $500,000;
Interstate 95/Interstate 40 travel information improvements, Johnston County, North Carolina, $500,000;
Iowa Statewide ITS, Iowa, $1,400,000;
Kansas City Scout Advanced Traffic Management System, Missouri, $1,500,000;
Kansas City, Kansas Smart Port, $500,000;
Kent Intracity Transit Project, Washington, $1,500,000;
Law Enforcement Communications for Security, Biometrics, Iowa, $2,550,000;
Lynnwood ITS, Washington, $2,000,000;
Macomb County ITS Integration, Michigan, $250,000;
Maine Statewide Rural Advanced Traveler Info. System, $1,000,000;
Maryland Statewide ITS, $1,000,000;
Metrolina Traffic Management Center Communication, North Carolina, $2,000,000;
MetroLink Los Angeles Union Station (LAUS) passenger information delivery system project, California, $500,000;
Minnesota Guidestar, $9,100,000;
Missouri Statewide Rural ITS, $2,150,000;
Montachusett Area Regional Transit (MART) advanced vehicle located system, Massachusetts, $200,000;
Monterey-Salinas Transit, intelligent transportation system, California, $750,000;
Nebraska statewide ITS, $3,000,000;
New Bedford ITS Port Information Center, Massachusetts, $1,000,000;
New York Metropolitan Area enhanced operations, New York, $655,000;
Northern Virginia ITS, Virginia, $750,000;
Oklahoma Statewide ITS, $2,750,000;
Pennsylvania Turnpike Commission, Pennsylvania, $2,000,000;
Program of Projects, Washington, $5,000,000;
Providence Transportation Information Center ITS, Rhode Island, $1,500,000;
Richmond Highway intelligent transportation system project, Virginia, $400,000;
Round Rock, Texas, Williamson County, Communications Integration, $500,000;
Rural Highway Information System, Kentucky, $6,000,000;
Sacramento Area Council of Governments, Sacramento region intelligent transportation system projects, California, $1,000,000;
Salem, New Hampshire ITS, $900,000;
San Diego Joint Transportation Operations Center, California, $2,000,000;
Santa Teresa Border Tech Center, New Mexico State University, $1,000,000;
Shreveport ITS, Louisiana, $1,000,000;
Sierra Madre Intermodal Transportation Center, California, $1,500,000;
South Carolina DOT Statewide ITS, $1,500,000;
South Com Regional Dispatch Trauma Center, Matteson, Olympia Fields, and Richton Park, Illinois, $100,000;
SR–68/Riverside Dr. ITS, Espanola, New Mexico, $500,000;
State of Wisconsin, deployment of commercial vehicle information system and networks, level one capability, $500,000;
Statewide Transportation Operations Center, Kentucky, $1,365,000;
Surface Transportation Institute, University of North Dakota, $1,000,000;
Surveillance Camera and Transportation Management Center, Des Moines, Iowa, $400,000;
The Rapid, Grand Rapids, Michigan Public Transportation, $1,000,000;
Traffic Corridor Communications System, Lake County, Illinois, $2,000,000;
Tri-Cities Advanced Traffic Management System, Washington, $500,000;
Tucson ER-LINK ITS project, Arizona, $625,000;
UALR Intelligent transportation system, Little Rock, Arkansas, $250,000;
University of Nebraska Lincoln SMART Transportation, $1,000,000;
University of Kentucky Transportation Center, $1,500,000;
US–395 Columbia River Bridge Traffic Operations and Traveler Information System, Washington, $250,000;
Utah ITS Commuter Link, Davis and Utah Counties, $1,000,000;
Vermont Statewide Rural Advanced Traveler System, $1,500,000;
Vermont Variable Message Signs, $1,000,000;
Washington, DC Metro ITS, $2,000,000;
Wisconsin State Patrol Mobile Data Communications Network Upgrade, $2,000,000.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $32,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

(RESCISSION)

Of the unobligated balances made available under Public Law 103–331, Public Law 102–388, Public Law 102–240, Public Law 102–143, Public Law 101–516, Public Law 97–424, Public Law 101–164, Public Law 100–17, and Public Law 95–599, $5,609,337 is rescinded.

(RESCISSION)

Of the unobligated balances of funds apportioned to each state under the programs authorized under sections 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4) and 1101(a)(5) of Public Law 105–178, as amended, $250,000,000 are rescinded.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $188,000,000, to remain available until expended.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

(HIGHWAY TRUST FUND)

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $117,464,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: Provided, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106 and 31309, $190,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $190,000,000 for ''Motor Carrier Safety Grants'', and ''Information Systems''.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $138,288,000, of which $98,161,131 shall remain available until September 30, 2005: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $225,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2003, are in excess of $225,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, of which $165,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $20,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, and $40,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: Provided further, That not to exceed $8,150,000 of the funds made available for section 402, not to exceed $1,000,000 of the funds made available for section 405, and not to exceed $2,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $117,363,000, of which $6,636,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $29,325,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2003: Provided further, That no payments of principal or interest shall be collected during fiscal year 2003 for the direct loan made to the National Railroad Passenger Corporation under section 502 of such Act.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $30,450,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $22,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $1,050,000,000, to remain available until September 30, 2003, including $522,000,000 for quarterly grants for operating expenses, $295,000,000 for quarterly grants for capital expenses along the Northeast Corridor Mainline, and $233,000,000 for quarterly grants for general capital improvements: Provided, That the Secretary of Transportation shall approve funding to cover operating losses and a long-distance train of the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis and revenue projection justifying the federal support to the Secretary's satisfaction: Provided further, That the Secretary of Transportation and the Amtrak Board of Directors shall ensure that, of the amount made available under this heading, sufficient sums are reserved to satisfy the contractual obligations of the National Railroad Passenger Corporation for commuter and intercity passenger rail service: Provided further, That within 60 days of enactment of this Act but not later than May 1, 2003, Amtrak shall transmit to the Secretary of Transportation and the House and Senate Committees on Appropriations a business plan for operating and capital improvements to be funded in fiscal year 2003 under section 24104(a) of title 49, United States Code: Provided further, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: provided further, That not later than June 1, 2003 and each month thereafter, Amtrak shall submit to the Secretary of Transportation and the House and Senate Committees on Appropriations a supplemental report regarding the business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes: Provided further, That excluding payments made before March 1, 2003, none of the funds in this Act may be used for operating expenses and capital projects not approved by the Secretary of Transportation nor on the National Railroad Passenger Corporation's fiscal year 2003 business plan: Provided further, That none of the funds under this heading may be obligated or expended until the National Railroad Passenger Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $14,600,000: Provided, That no more than $73,000,000 of budget authority shall be available for these purposes: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That not to exceed $2,600,000 for the National transit database shall remain available until expended.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $767,800,000, to remain available until expended: Provided, That no more than $3,839,000,000 of budget authority shall be available for these purposes: Provided further, That notwithstanding section 3008 of Public Law 105–178, $50,000,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under ''Federal Transit Administration, Capital investment grants''.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: Provided, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,200,000, to remain available until expended: Provided, That no more than $122,000,000 of budget authority shall be available for these purposes: Provided further, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $12,614,400 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,781,000,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $3,071,200,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $97,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $58,400,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $120,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $2,428,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $607,200,000, to remain available until expended: Provided, That no more than $3,036,000,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $1,214,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $607,200,000, which shall include $50,000,000 made available under 5309(m)(3)(C) of this title, plus $50,000,000 transferred from ''Federal Transit Administration, Formula Grants''; and there shall be available for new fixed guideway systems $1,214,400,000, together with $45,000,000 transferred from the Job Access and Reverse Commute Grants Program account and all unobligated balances made available in Public Law 105–277 to carry out section 3037 of Public Law 105–178, as amended; to be available as follows:

Alaska-Hawaii Setaside, $10,296,000;
Altamont, CA, Commuter Express Maintenance Facility San Joaquin Rail Commission, $1,000,000;
Atlanta North Springs, GA (North Line Extension), $16,110,000;
Baltimore, MD, Central LRT Double Tracking Project, $18,000,000;
Birmingham, AL, Transit Corridor Study, $2,000,000;
Boston, MA, North Shore Corridor Project, $338,000;
Boston, MA, South Boston Piers Transitway, $681,000;
Bridgeport, CT, Intermodal Transportation Center Project, $2,500,000;
Burlington-Middlebury, VT, Commuter Rail, $1,500,000;
Central Phoenix/East Valley, AZ, Light Rail, $12,000,000;
Charlotte, NC, South Corridor Light Rail Transit Project, $11,000,000;
Chicago Transit Authority, IL, Dougals Branch Reconstruction, $55,000,000;
Chicago Transit Authority, IL, Ravenswood Reconstruction, $3,000,000;
Cleveland, OH, Euclid Corridor Transportation Project, $6,000,000;
Dallas, TX, North Central Light Rail Extension, $60,000,000;
Denver, CO, Southeast Center LRT (T–REX), $70,000,000;
Fort Lauderdale, Tri-County Commuter Rail Upgrades, $29,250,000;
Houston, TX, Advanced Metro Transit Plan, $11,000,000;
Las Vegas, NV, Resort Corridor Fixed Guideway, $7,000,000;
Little Rock, AR, River Rail Streetcar Project, $1,700,000;
Los Angeles, CA, Eastside Corridor LRT, $4,000,000;
Los Angeles, CA, North Hollywood Red Line, $40,490,000;
Lowell, MA to Nashua, NH, Commuter Rail Extension, $3,000,000;
Maryland, MARC Commuter Rail Improvements, $11,750,000;
Memphis, TN, Medical Center Rail Extension, $15,610,000;
Metra Commuter Rail and Line Extension Projects (North Central, Union Pacific West, SouthWest), $52,000,000;
Metro North Rolling Stock, CT, $4,000,000;
Minneapolis, MN, Hiawatha Corridor LRT, $60,000,000;
Minneapolis, MN, Northstar Corridor, $5,000,000;
Nashville, TN, East Corridor Commuter Rail, $4,000,000;
New Jersey, Hudson-Bergen Light Rail—MOS1, $19,200,000;
New Jersey, Hudson-Bergen Light Rail—MOS2, $50,000,000;
New Orleans, LA, Canal Street Streetcar Project, $22,000,000;
New York, Long Island Railroad East Side Access Project, $13,500,000;
New York, Second Avenue Subway, $2,000,000;
Newark-Elizabeth, NJ, Rail Link, $60,000,000;
Northern Indiana South Shore Commuter Rail Project, $2,500,000;
Oceanside-Escondido, CA, Rail Corridor, $13,600,000;
Ogden to Provo, UT, Commuter Rail Corridor, $5,000,000;
Orange County, CA, Centerline Light Rail Project, $1,500,000;
Pawtucket, RI, Layover Facility, $4,500,000;
Pittsburgh, PA, North Shore Connector, $7,025,000;
Pittsburgh, PA, Stage II LRT Reconstruction, $26,250,000;
Portland, OR, Interstate MAX Light Rail Extension, $70,000,000;
Puget Sound, WA, Sounder Commuter Rail, $30,000,000;
Raleigh, NC, Triangle Transit Regional Rail Service, $9,000,000;
Salt Lake City, UT, CBD to University LRT, $68,760,000;
Salt Lake City, UT, Medical Center LRT, $12,000,000;
Salt Lake City, UT, North/South LRT, $720,000;
San Diego, CA, Trolley Mission Valley East LRT Extension, $65,000,000;
San Francisco, CA, BART Extension to San Francisco Airport, $100,000,000;
San Francisco, CA, Third Street Light Rail Extension (Phase II), $1,500,000;
San Jose, CA, Silicon Valley Rapid Transit Corridor Project, $250,000;
San Juan, PR, Tren Urbano, $40,000,000;
Scranton, PA to New York City, NY, Passenger Rail Service, $2,000,000;
SEPTA, PA, Schuylkill Valley Metro Line, $9,000,000;
St. Louis, MO, Metrolink, St. Clair Extension, $3,370,000;
Stamford, CT, Urban Transitway, $10,000,000;
Vermont Transportation Authority Rolling Stock, $500,000;
Virginia Railway Express project, $2,000,000;
Washington, DC, Dulles Corridor Rapid Transit Project, $26,500,000;
Washington, DC/MD, Largo Extension, $60,000,000;
Wilmington, DE, Train Station improvements, $2,000,000;
Wilsonville-Beaverton Commuter Rail Line, OR, $2,500,000.

JOB ACCESS AND REVERSE COMMUTE GRANTS

Notwithstanding section 3037(l)(3) of Public Law 105–178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $30,000,000, to remain available until expended: Provided, That no more than $150,000,000 of budget authority shall be available for these purposes: Provided further, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program: Provided further, That $45,000,000 of the funds provided under this heading together with all unobligated balances made available in Public Law 105–277 to carry out section 3037 of Public Law 105–178 shall be transferred to and merged with funds for new fixed guideway systems under the Federal Transit Administration's Capital Investment Grants account.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $14,086,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $40,980,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $3,250,000 shall remain available until September 30, 2005: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $63,842,000, of which $7,472,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2005; of which $56,370,000 shall be derived from the Pipeline Safety Fund, of which $24,823,000 shall remain available until September 30, 2005.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2005: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2003 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $57,421,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $19,450,000: Provided, That notwithstanding any other provision of law, not to exceed $1,000,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2003, to result in a final appropriation from the general fund estimated at no more than $18,450,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended $5,194,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $72,450,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2003 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 304. None of the funds in this Act shall be available for salaries and expenses of more than 106 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 305. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 306. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 307. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 308. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 309. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 310. (a) For fiscal year 2003, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year: Provided, That the amount of obligation limitation distributed for each program does not exceed 90 percent of the amount authorized to be appropriated for such program, except that for each of the programs authorized under section 129(c) of title 23, United States Code and section 1064 of Public Law 102–240, as amended, sections 1118 and 1119 of Public Law 105–178, as amended, section 1101(a)(11) of Public Law 105–178, as amended, section 118(c) of title 23, United States Code, section 144(g) of title 23, United States Code, section 1221 of Public Law 105–178, as amended, section 1101(a)(15) of Public Law 105–178, as amended, section 104(b)(1)(A) of title 23, United States Code, section 104(d)(1) of title 23, United States Code, and section 202(b) of title 23, United States Code (excluding the portion to be made available for Forest Highways under such subsection), the amount of obligation limitation distributed for each program shall equal the amount authorized to be appropriated for such program; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1943–1945).

(d) The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained

by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 312. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: Provided, That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 314. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2005, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 315. Notwithstanding any other provision of law, any funds appropriated before October 1, 2002, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 316. None of the funds in this Act may be used to compensate in excess of 350 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2003.

SEC. 317. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall—

(1) deduct a sum in such amount not to exceed .45 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(B) of title 23, United States Code, and the sum so deducted shall remain available until expended; and

(2) deduct a sum in such amount not to exceed 2.65 percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the programs authorized under chapters 1 and 2 of title 23, United States Code, and to make transfers in accordance with section 104(a)(1)(A)(ii) of title 23, United States Code: Provided, That any deduction by the Secretary of Transportation in accordance with this subsection shall be deemed to be a deduction under section 104(a)(1)(A) of title 23, United States Code, and the sum so deducted shall remain available until expended.

SEC. 318. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 319. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, That notwithstanding-49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 320. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 321. (a) Section 47107 of title 49, United States Code, is amended by inserting after section 47107(p) the following:

''(q) Notwithstanding any written assurances prescribed in subsections (a) through (p), a general aviation airport with more than 300,000 annual operations may be exempt from having to accept scheduled passenger air carrier service, provided that the following conditions are met:

''(1) No scheduled passenger air carrier has provided service at the airport within five years prior to January 1, 2002;

''(2) The airport is located within the Class B airspace of an airport that maintains an airport operating certificate pursuant to Section 44706 of title 49; and,

''(3) The certificated airport operating under Section 44706 of title 49 has sufficient capacity and does not contribute to significant delays as defined by DOT/FAA in the 'Airport Capacity Benchmark Report 2001'.

''(r) An airport that meets the conditions of subsections (q)(1) through (3) is not subject to Section 47524 of title 49 with respect to a prohibition on all scheduled passenger service.''.

(b) This section shall be effective upon enactment, notwithstanding any other section of title 49.

SEC. 322. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: Provided, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of a State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 323. (a) Funds provided in Public Law 106–69 for the Wilmington, Delaware downtown transit connector and funds provided in Public Law 106–346 for the Wilmington downtown corridor project shall be available for Wilmington, Delaware commuter rail improvements.

(b) Funds provided in Public Law 106–346 for Missoula Ravalli Transportation Management Administration buses shall be available for Missoula Ravalli Transportation Management Administration buses and bus facilities.

SEC. 324. (a) IN GENERAL.—Hereafter, none of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 325. Notwithstanding any other provision of law, Walnut Ridge Regional Airport shall transfer to the Federal Aviation Administration (FAA) their localizer instrument landing system, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 326. Notwithstanding any other provision of law, Williams Gateway Airport shall transfer to the Federal Aviation Administration (FAA) air traffic control tower equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 327. Section 218(a) of Title 23, United States Code, is amended by inserting ''reauthorization of the'' before ''Transportation''.

SEC. 328. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 329. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation, or the Secretary of Department in which the Transportation Security Administration is operating, notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary

grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or (4) any port security grants totaling $500,000 or more of the Transportation Security Administration: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 330. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, $90,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, the surface transportation projects identified in the Joint Explanatory Statement of the Committee of Conference accompanying this Act are eligible for funding made available by the immediately preceding clause of this provision.

SEC. 331. None of the funds made available in this Act may be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

SEC. 332. (a) None of the funds made available in this Act shall be available for the design or construction of a light rail system in Houston, Texas;

(b) Notwithstanding (a), amounts made available in this Act or previous Acts under the heading ''Federal Transit Administration, Capital investment grants'' for a Houston, Texas, Metro advanced transit plan project shall be available for obligation or expenditure subject to the following conditions:

(1) Sufficient amounts shall be used for major investment studies in 4 major corridors.

(2) The Texas Department of Transportation shall review and comment on the findings of the studies under paragraph (1). Any comments by such department on such findings shall be included in any final report on such studies.

(3) If a final report on the studies under paragraph (1) is not available for at least the 1-month period preceding the date of any referendum held by the City of Houston, Texas, or by a county of Texas, regarding approval of the issuance of bonds for funding a light rail system in Houston, Texas, all information developed by such studies regarding passenger and cost estimates for such a system shall be made available to the public at least 1 month before the date of the referendum.

SEC. 333. Of the funds provided in section 101(a)(2) of Public Law 107–42, $90,000,000 are rescinded.

SEC. 334. (a) The Secretary of Transportation shall enter into an agreement with the National Academy of Sciences under which agreement the National Academy of Sciences shall conduct a study of the procedures by which the Department of Energy, together with the Department of Transportation and the Nuclear Regulatory Commission, selects routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department of Energy facilities currently licensed to accept such spent nuclear fuel.

(b) In conducting the study under subsection (a), the National Academy of Sciences shall analyze the manner in which the Department of Energy—

(1) selects potential routes for the shipment of spent nuclear fuel from research nuclear reactors between or among existing Department facilities currently licensed to accept such spent nuclear fuel;

(2) selects such a route for a specific shipment of such spent nuclear fuel; and

(3) conducts assessments of the risks associated with shipments of such spent nuclear fuel along such a route.

(c) The analysis under subsection (b) shall include a consideration whether, and to what extent, the procedures analyzed for purposes of that subsection take into account the following:

(1) The proximity of the routes under consideration to major population centers and the risks associated with shipments of spent nuclear fuel from research nuclear reactors through densely populated areas.

(2) Current traffic and accident data with respect to the routes under consideration.

(3) The quality of the roads comprising the routes under consideration.

(4) Emergency response capabilities along the routes under consideration.

(5) The proximity of the routes under consideration to places or venues (including sports stadiums, convention centers, concert halls and theaters, and other venues) where large numbers of people gather.

(d) In conducting the study under subsection (a), the National Academy of Sciences shall also make such recommendations regarding the matters studied as the National Academy of Sciences considers appropriate.

(e) The Secretary shall disburse to the National Academy of Sciences the funds for the cost of the study required by subsection (a) not later than 30 days after the date of the enactment of this Act.

(f) Not later than six months after the date of the disbursal of funds under subsection (e), the National Academy of Sciences shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a), including the recommendations required by subsection (d).

(g) In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Commerce, Science, and Transportation, Energy and Natural Resources, and Environment and Public Works of the Senate;

(2) the Committee on Energy and Commerce of the House of Representatives; and

(3) the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 335. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration and the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, aviation security or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities and the TSA for necessary security checkpoints.

SEC. 336. For the purpose of any applicable law, for fiscal year 2003, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City Transportation Management Area.

SEC. 337. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the ''Grants-in-Aid for Airports'' program, for the FAA to hire additional staff or obtain the services of consultants: Provided, That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 338. (a) IN GENERAL.—Notwithstanding any other provision of subchapter I of Chapter 471 of title 49, the Secretary of Transportation may provide grants under such subchapter I of chapter 471 to the airport sponsor of the Double Eagle II Airport in Albuquerque, New Mexico, for—

(1) the construction of an air traffic control tower; and

(2) the acquisition and installation of air traffic control equipment to be used in the air traffic control tower that will assist in sustaining or improving the safe and efficient movement of air traffic.

(b) ELIGIBILITY.—The sponsor shall be eligible for a grant under this section if—

(1) the sponsor would otherwise be eligible to participate in the pilot program established under section 47124(b)(3) of title 49 except for the lack of the air traffic control tower proposed to be constructed under this section; and

(2) the sponsor agrees to fund not less than 10 percent of the costs of construction of the air traffic control tower.

(c) PROJECT COSTS.—Grants under this act shall be paid only from amounts apportioned to the sponsor or for airports in the state under section 47114(d) of title 49, United States Code.

(d) FEDERAL COST.—The Federal cost of construction of an air traffic control tower under this section may not exceed $1,800,000.

SEC. 339. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: Provided, That any state that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: Provided further, That $10,000,000 of the funds allocated for innovative seat belt projects under section 157 of title 23, United States Code, and $11,000,000 of funds allocated under section 163 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator, to purchase advertising in broadcast media to support the national mobilizations conducted in all fifty states, aimed at increasing seat belt use and reducing impaired driving: Provided further, That up to $1,000,000 of the funds allocated under section 163 of title 23, United States Code, shall be used by the Administrator to evaluate the effectiveness of alcohol-impaired driving programs that purchase advertising as provided by this section.

SEC. 340. For purposes of entering into joint public-private partnerships and other cooperative arrangements for the performance of work, the Coast Guard Yard and other Coast Guard specialized facilities designated by the Commandant may enter into agreements or other arrangements, receive and retain funds from and pay funds to such public and private entities, and may accept contributions of funds, materials, services, and the use of facilities from such entities: Provided, That amounts received under this section may be credited to appropriate Coast Guard accounts.

SEC. 341. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 342. None of the funds in this Act may be expended to issue, implement, or enforce a regulation that diminishes or revokes an exemption authorized under section 345 of the National Highway System Designation Act of 1995 (Public Law 104–59; 109 Stat. 613; 49 U.S.C. 31136 note) before the Secretary of Transportation determines by a rulemaking proceeding that the exemptions granted are not in the public interest and adversely affects the safety of commercial motor vehicles with respect to such exemption that is required under subsection (c) of such section and, as under subsection (d), if a result of monitoring the safety performance of drivers of

commercial vehicles that are subject to an exemption under section 345, the Secretary determines that public safety has been severely affected by an exemption granted under this section, the Secretary shall report to Congress that determination: Provided, That this limitation shall not preclude the Secretary from revoking an exemption granted to an individual, farm, company, or other entity under section 345 of Public Law 104–59 for national security reasons.

SEC. 343. (a) From the unexpended balances of the Local Rail Freight Assistance program under chapter 221 of title 49, U.S.C., $690,287 are rescinded.

(b) For the necessary expenses of the State of Iowa for a rail infrastructure rehabilitation project on the Iowa Northern Railway, $690,287, to remain available until expended.

SEC. 344. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, $285,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That notwithstanding any other provision of law, the surface transportation projects identified in the Joint Explanatory Statement of the Committee of Conference accompanying this Act are eligible for funding made available by the immediately preceding clause of this provision.

SEC. 345. Notwithstanding any other provision of law—

(1) in section 1602 of the Transportation Equity Act for the 21st Century—

(A) item number 426 (112 Stat. 272) is amended by striking ''Louisiana Highway 16'' and inserting the following: ''Louisiana Highway 1026'';

(B) item number 696 (112 Stat. 383), relating to Gettysburg, Pennsylvania, is amended by inserting after ''Gettysburg comprehensive road improvement study'' the following: ''and construction of projects identified in the study'';

(C) item number 230 is amended by striking ''Construct new exit 46A on I–90 at route 170 in North Chili'' and inserting ''Monroe County transportation improvements on Long Pond Road, Pattonwood Road, and Leyll road'';

(D) item number 1344 (112 Stat. 306) is amended by striking ''Upgrade'' and all that follows through ''City'' and inserting the following, ''Upgrade Frederic Douglas Circle and Manhattan Avenue from West 110th Street to West 125th Street, New York City'';

(E) item number 1108 is amended by striking ''Construct'' and all that follows through ''Brownsville'' and inserting ''Construct west Rail Project in or near Brownsville, including a new railroad international bridge crossing over the Rio Grande River'';

(F) item number 1269 (112 Stat. 303) is amended by striking ''Implement'' and all that follows through ''system'' and inserting the following: ''New York City Department of Parks and Recreation, Bronx, NY Center Transportation Project'';

(G) item number 933 (112 Stat. 291) is amended by striking ''Redesign'' and all that follows through ''City'' and inserting the following: ''Design, construction and related enhancement of the Grand Concourse between E. 161st St. and E. 166th St., New York City'';

(H) item number 75 (112 Stat. 259) is amended by striking ''Construct'' and all that follows through ''Route'' and inserting the following: ''Bronx, NY River Greenway''; and

(I) item number 1735 (112 Stat. 320) is amended by inserting: '', and/or, notwithstanding any other provision of law, design, and construction of Type II noise abatement projects south of the new interchange and Neshaminy Creek, along Interstate 95 between Exit 25 and 26 in Bensalem Township, Bucks County'' after ''improvements'';

(2) section 3030(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by redesignating the second subparagraph (D) (as added by section 361 of Public Law 107–87) as subparagraph (E) and by inserting at the end:

''(F) Port of Anchorage Intermodal passenger and freight facility.

''(G) Mobile Waterfront Terminal and Maritime Center of the Gulf.''.

(3) of the $668,000 appropriated under the heading ''Surface Transportation Projects'' in Public Law 103–331 for CA 113 railroad grade separation, California, the unobligated share shall be available for railroad grade separation for the City of Dixon, Solano County, California;

(4) the $500,000 appropriated under the heading ''Surface Transportation Projects'' in Public Law 103–331 for 6th and 7th Sts. improvements Brownsville, TX may be used to construct the West Rail project in or near Brownsville, including a new international railroad bridge crossing over the Rio Grande River;

(5) section 610, section 609(c), and the last sentence of section 604(b)(1) of Public Law 97–468 are repealed; and

(6) for the purpose of further leveraging Federal resources and enhancing private investment supporting the financing of public toll roads in Orange County, California, authorized by section 129(d) of title 23, United States Code, the Secretary of Transportation shall modify the agreements entered into with the San Joaquin Hills Transportation Corridor Agency and the Foothill Eastern Transportation Corridor Agency pursuant to section 339 of Public Law 102–388, section 336 of Public Law 103–331 and section 356 of Public Law 104–50, to extend the term of coverage provided by such lines throughout the term of the revenue bonds issued to acquire, finance or refinance those facilities, including revenue bonds issued by a new joint powers agency to finance the acquisition of assets from the existing Transportation Corridor Agencies: Provided, That notwithstanding any other provision of law, such modifications shall be deemed eligible under section 184 of title 23, United States Code, and shall be funded under section 188 of title 23, United States Code: Provided further, That notwithstanding any other provision of law, any amounts of the original Federal lines of credit not drawn upon, up to the combined original principal amount of $240,000,000, shall continue to be available for draws until such revenue bonds have been retired: Provided further, That notwithstanding any other provision of law, not more than 20 percent of the combined original principal amount shall be available for draws in any one year: Provided further, That notwithstanding any other provision of law, any draw (except for operation and maintenance expenses) shall be repaid not later than five years following the year in which such revenue bonds have been retired. In implementing this section, the Secretary may modify other terms of the existing Federal lines of credit, including by combining them into a single line of credit the principal amount of which is limited to $240,000,000, provided that the marginal budgetary cost of any such additional modifications is funded under section 188 of title 23, United States Code.

SEC. 346. None of the funds in this Act may be obligated or expended by the Federal Motor Carrier Safety Administration for the development or implementation of a pilot program for the purpose of allowing commercial drivers 18 to 20 years of age to operate the trucks and buses of motor carriers in interstate commerce.

SEC. 347. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note, Public Law 102–240) is amended—

(1) in the subsection heading, by inserting ''OVER-THE-ROAD BUSES AND'' before ''PUBLIC''; and

(2) in paragraph (1), by striking ''to any vehicle which'' and inserting the following: ''to—

''(A) any over-the-road bus (as defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181)); or

''(B) any vehicle that''.

SEC. 348. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 349. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 350. On February 15, 2003, and on each year thereafter, the National Railroad Passenger Corporation shall submit to the appropriate Congressional Committees a report detailing the per passenger operating loss on each rail line.

SEC. 351. DEPUTATION OF LAW ENFORCEMENT OFFICERS. (a) DEPUTATION AUTHORITY.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"SEC. 44922. DEPUTATION OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

''(a) DEPUTATION AUTHORITY.—The Under Secretary of Transportation for Security may deputize a State or local law enforcement officer to carry out Federal airport security duties under this chapter.

''(b) FULFILLMENT OF REQUIREMENTS.—A State or local law enforcement officer who is deputized under this section shall be treated as a Federal law enforcement officer for purposes of meeting the requirements of this chapter and other provisions of law to provide Federal law enforcement officers to carry out Federal airport security duties.

''(c) AGREEMENTS.—To deputize a State or local law enforcement officer under this section, the Under Secretary shall enter into a voluntary agreement with the appropriate State or local law enforcement agency that employs the State or local law enforcement officer.

''(d) REIMBURSEMENT.—

''(1) IN GENERAL.—The Under Secretary shall reimburse a State or local law enforcement agency for all reasonable, allowable, and allocable costs incurred by the State or local law enforcement agency with respect to a law enforcement officer deputized under this section.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

''(e) FEDERAL TORT CLAIMS ACT.—A State or local law enforcement officer who is deputized under this section shall be treated as an 'employee of the Government' for purposes of sections 1346(b), 2401(b), and chapter 171 of title 28, United States Code, while carrying out Federal airport security duties within the course and scope of the officer's employment, subject to federal supervision and control, and in accordance with the terms of such deputation.

''(f) STATIONING OF OFFICERS.—The Under Secretary may allow law enforcement personnel to be stationed other than at the airport security screening location if that would be preferable for law enforcement purposes and if such personnel would still be able to provide prompt responsiveness to problems occurring at the screening location.''.

(b) SECURITY SERVICE FEE.—Section 44940(a)(1) of title 49, United States Code, is amended by adding at the end the following: ''For purposes of subparagraph (A), the term 'Federal law enforcement personnel' includes State and local law enforcement officers who are deputized under section 44922.''.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 449 of title 49, United States Code, is amended by adding at the end of the items relating to subchapter I the following:

''44922. Deputation of State and local law enforcement officers.''.

(d) DEPUTATION OF FEDERAL LAW ENFORCEMENT OFFICERS.—Section 114(q)(1) of title 49,

United States Code, is amended by adding ''or other federal agency'' after ''Transportation Security Administration''.

SEC. 352. FAA NOTICE TO AIRMEN FDC 2/0199. (a) IN GENERAL.—The Secretary of Transportation—

(1) shall maintain in full force and effect, for a period of one year after the date of enactment of this Act, the restrictions imposed under Federal Aviation Administration Notice to Airmen FDC 2/0199 and the restrictions that had been in effect on September 26, 2002 and that were imposed under local Notices to Airmen based on or derived from Notice to Airmen FDC 1/3353;

(2) shall rescind immediately any waivers or exemptions from those restrictions that are in effect on the date of enactment of this Act; and

(3) may not grant any waivers or exemptions from those restrictions, except—

(A) as authorized by air traffic control for operational or safety purposes;

(B) for operational purposes of an event, stadium, or other venue, including (in the case of a sporting event) equipment or parts, transport of team members, officials of the governing body and immediate family members and guests of such teams and officials to and from the event, stadium, or other venue;

(C) for broadcast coverage for any broadcast rights holder;

(D) for safety and security purposes of the event, stadium, or other venue; or

(E) to operate an aircraft in restricted airspace to the extent necessary to arrive at or depart from an airport using standard air traffic procedures.

(b) WAIVERS.—Beginning no earlier than one year after the date of enactment of this Act, the Secretary may modify or terminate such restrictions, or issue waivers or exemptions from such restrictions, if the Secretary promulgates, after public notice and an opportunity for comment, a rule setting forth the standards under which the Secretary may grant a waiver or exemption. Such standards shall provide a level of security at least equivalent to that provided by the waiver policy applied by the Secretary as of the date of enactment of this Act.

(c) FUNDING LIMITATION.—Unless and until the Secretary promulgates a rule in accordance with subsection (b) above, none of the funds made available in this Act or any other Act may be used to terminate or limit the restrictions described in paragraph (a)(1) above or to grant waivers of, or exemptions from, such restrictions except as provided in paragraph (a)(3) above.

(d) BROADCAST CONTRACTS NOT AFFECTED.—Nothing in this section shall be construed to affect contractual rights pertaining to any broadcasting agreement.

SEC. 353. None of the funds in this Act shall be used to procure Coast Guard ships, including main diesel engines, unless such procurement is in compliance with the Buy American Act, 41 U.S.C. 10(a)–10(d).

SEC. 354. Title 49, United States Code, is amended by striking subsection (d) of section 13703 and relettering subsequent subsections accordingly.

SEC. 355. No funds appropriated in this Act may be used to apply or enforce a regulatory requirement for strengthening of flight deck doors on classes of aircraft not specifically required to take such action under Public Law 107–71, section 104(a)(1), unless and until the Under Secretary of Transportation for Security, after opportunity for notice and comment, determines that such strengthening is necessary for aviation security purposes.

SEC. 356. Insert the following new section at the end of chapter 53 of Title 49, United States Code:

''SEC. 5339. Effective for funds not yet expended on the effective date of this section, the federal share for funds under this chapter for a grantee named in section 603(14) of Public Law 97–468 shall be the same as the federal share under 23 U.S.C. section 120(b) for federal aid highway funds apportioned to the state in which it operates.''.

SEC. 357. (a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, or both, to provide a method of funding for construction of a Hoover Dam Bypass Bridge from funds allocated for the Federal Lands Highway Program under section 202(b) of title 23, United States Code.

(b) METHODS OF FUNDING.—

(1) The agreement entered into under subsection (a) shall provide for funding in a manner consistent with the advance construction and debt instrument financing procedures for Federal-aid Highways set forth in sections 115 and 122 of title 23, except that the funding source may include funds made available under the Federal Lands Highway Program.

(2) Eligibility for funding under this subsection shall not be construed as a commitment, guarantee, or obligation on the part of the United States to provide for payment of principal or interest of an eligible debt financing instrument as so defined in section 122, nor create a right of a third party against the United States for payment under an eligible debt financing instrument. The agreement entered into pursuant to subsection (a) shall make specific reference to this provision of law.

(3) The provisions of this section do not limit the use of other available funds for which the project referenced in subsection (a) is eligible.

SEC. 358. Hereafter, none of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 359. For fiscal year 2003, notwithstanding any other provision of law, historic covered bridges eligible for Federal assistance under section 1224 of the Transportation Equity Act for the 21st Century, as amended, may be funded from amounts set aside for the discretionary bridge program.

SEC. 360. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard ''Acquisition, construction, and improvements'' shall be available after the fifteenth day of any quarter of any fiscal year, unless the Commandant of the Coast Guard first submits to the House and Senate Committees on Appropriations a quarterly report on the agency's mission hour emphasis and a quarterly report on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such acquisition reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: Provided further, That such acquisition reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: Provided further, That such acquisition reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such mission hour emphasis and acquisition reports shall be current as of the last day of the preceding quarter.

SEC. 361. Of the funds made available for fiscal year 2003 in section 188(a)(1) of title 23, United States Code, along with any available unobligated balances of funds made available in prior years, $115,000,000 shall instead be available for the programs authorized in section 1101(a)(9) of Public Law 105–178, as amended, and $65,000,000 shall instead be made available for section 1221 of Public Law 105–178, as amended.

SEC. 362. Funds provided in this Act for the Working Capital Fund shall be reduced by $12,600,000, which limits fiscal year 2003 Working Capital Fund obligational authority for elements of the Department of Transportation funded in this Act to no more than $119,166,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Working Capital Fund.

SEC. 363. (a) Notwithstanding any other provision of law, and subject to the requirements of this section, the Secretary of Transportation is authorized to waive any of the terms, conditions, reservations, and restrictions contained in the deeds of conveyance and subsequent corrections to the deeds of conveyance under which the United States conveyed certain property to Gadsden, Alabama, for airport purposes.

(b) No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) Gadsden, Alabama, shall agree that in selling, leasing, or conveying any interest in, the property for which waivers are granted under subsection (a), the amount received by the city shall be used by the city for the development, improvement, operation, or maintenance of the Gadsden Municipal Airport.

SEC. 364. Of the funds made available under section 1101(a)(12) and section 1503 of Public Law 105–178, as amended, $8,000,000 are rescinded.

SEC. 365. TRANSFER OF FUNDS BETWEEN HIGHWAY PROJECTS, LAKE CHARLES, LOUISIANA.—Notwithstanding any other provision of law, funds made available for construction of roads and a bridge to provide access to the Rose Bluff industrial area, Lake Charles, Louisiana, under section 149(a)(87) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 194; 109 Stat. 607) and item 17 of the table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2038) shall be made available for the project in Lake Charles, Louisiana, consisting of—

(1) construction of Nelson Access Road to the Port of Lake Charles as described in item 1596 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 315);

(2) planning, design, and reconstruction of Cove Lane exit from Interstate 210; and

(3) planning, design, and construction of West Prien Lake Road.

SEC. 366. Notwithstanding any other provision of law, of the funds available under section 104(a)(1)(A) of title 23, United States Code, for surface transportation projects, $13,000,000 shall be available to the Secretary to make grants to the Kentucky Turnpike Authority to pay the debt on bonds issued by the Kentucky Turnpike Authority before January 1, 2003, for the Daniel Boone Parkway, Kentucky, and the Cumberland Parkway, Kentucky.

SEC. 367. LETTERS OF INTENT FOR AIRPORT SECURITY IMPROVEMENT PROJECTS.—(a) The Under Secretary of Transportation for Security may issue a letter of intent to an airport committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an airport security improvement project (including interest costs and costs of formulating the project) at the airport. The letter shall establish a schedule under which the Under Secretary will reimburse the airport for the Government's share of the project's costs, as amounts become available, if the airport, after the Under Secretary issues the letter, carries out the project without receiving amounts under Chapter 471 of title 49.

(b) The airport shall notify the Under Secretary of the airport's intent to carry out the airport security improvement project before the project begins.

(c) A letter of intent may be issued under this section only if—

(1) The airport security improvement project to which the letter applies involves the replacement of baggage conveyer systems or the reconfiguration of terminal baggage areas in order to install explosive detection systems; and

(2) The Under Secretary determines that the project will improve security or will improve the efficiency of the airport without lessening security.

(d) A letter of intent issued under this section is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

(e) The Government's share of the project's cost shall be 75 percent for a project at an airport having at least 0.25 percent of the total number of passenger boardings each year at all airports and 90 percent for a project at any other airport.

(f) Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this section in the same fiscal year as the letter of intent is issued.

(g) The Under Secretary shall notify the House and Senate Committees on Appropriations, the House Transportation and Infrastructure Committee, and the Senate Commerce, Science, and Transportation Committee at least 3 days prior to the issuance of a letter of intent under this section.

(h) There is authorized to be appropriated to carry out this section $500,000,000 in each of fiscal years 2003, 2004, 2005, 2006, and 2007.

SEC. 368. Section 342 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking ''Passenger only ferry to serve Kitsap and King Counties to Seattle'' and inserting ''Ferry/tunnel project in Bremerton, Washington''.

SEC. 369. Section 343 of the Department of Transportation and Related Agencies Appropriations Act, 2002, is amended by striking ''Passenger only ferry to serve Kitsap and King Counties to Seattle'' and inserting ''Ferry/tunnel project in Bremerton, Washington''.

SEC. 370. (a) INCLUSION OF TOWERS IN AIRPORT DEVELOPMENT.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

''(M) constructing an air traffic control tower or acquiring and installing air traffic control, communications, and related equipment at an air traffic control tower under the terms specified in section 47124(b)(4).''.

(b) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

(1) IN GENERAL.—Section 47124(b)(4) of title 49, United States Code, is amended to read as follows:

''(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

''(A) GRANTS.—The Secretary may provide grants to a sponsor of—

''(i) a primary airport—

''(I) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

''(II) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

''(III) from amounts made available under sections 47114(c)(1) and 47114(c)(2) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996; and

''(ii) a public-use airport that is not a primary airport—

''(I) from amounts made available under sections 47114(c)(2) and 47114(d) for the construction or improvement of a nonapproach control tower, as defined by the Secretary, and for the acquisition and installation of air traffic control, communications, and related equipment to be used in that tower;

''(II) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of construction or improvement of a nonapproach control tower, as defined by the Secretary, incurred after October 1, 1996, if the sponsor complied with the requirements of sections 47107(e), 47112(b), and 47112(c) in constructing or improving that tower; and

''(III) from amounts made available under sections 47114(c)(2) and 47114(d)(3)(A) for reimbursement for the cost of acquiring and installing in that tower air traffic control, communications, and related equipment that was acquired or installed after October 1, 1996.

''(B) ELIGIBILITY.—An airport sponsor shall be eligible for a grant under this paragraph only if—

''(i)(I) the sponsor is a participant in the Federal Aviation Administration contract tower program established under subsection (a) and continued under paragraph (1) or the pilot program established under paragraph (3); or

''(II) construction of a nonapproach control tower would qualify the sponsor to be eligible to participate in such program;

''(ii) the sponsor certifies that it will pay not less than 10 percent of the cost of the activities for which the sponsor is receiving assistance under this paragraph;

''(iii) the Secretary affirmatively accepts the proposed contract tower into a contract tower program under this section and certifies that the Secretary will seek future appropriations to pay the Federal Aviation Administration's cost of the contract to operate the tower to be constructed under this paragraph;

''(iv) the sponsor certifies that it will pay its share of the cost of the contract to operate the tower to be constructed under this paragraph; and

''(v) in the case of a tower to be constructed under this paragraph from amounts made available under section 47114(d)(2) or 47114(d)(3)(B), the Secretary certifies that—

''(I) the Federal Aviation Administration has consulted the State within the borders of which the tower is to be constructed and the State supports the construction of the tower as part of its State airport capital plan; and

''(II) the selection of the tower for funding is based on objective criteria.

''(C) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of construction of a nonapproach control tower under this paragraph may not exceed $1,100,000.''.

(2) CONFORMING AMENDMENTS.—Section 47124(b) of such title is amended—

(A) in paragraph (3)(A) by striking ''Level I air traffic control towers, as defined by the Secretary,'' and inserting ''nonapproach control towers, as defined by the Secretary,''; and

(B) in paragraph (3)(E) by striking ''Subject to paragraph (4)(D), of'' and inserting ''Of''.

(3) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, the towers for which assistance is being provided on the day before the date of enactment of this Act under section 47124(b)(4) of title 49, United States Code, as in effect on such day, may continue to be provided such assistance under the terms of such section.

(c) NONAPPROACH CONTROL TOWERS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a lease agreement or contract agreement with a private entity to provide for construction and operation of a nonapproach control tower as defined by the Secretary of Transportation.

(2) TERMS AND CONDITIONS.—An agreement entered into under this section—

(A) shall be negotiated under such procedures as the Administrator considers necessary to ensure the integrity of the selection process, the safety of air travel, and to protect the interests of the United States;

(B) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general-purpose space in a facility covered by the agreement;

(C) shall not require, unless specifically determined otherwise by the Administrator, Federal ownership of a facility covered under the agreement after the expiration of the agreement;

(D) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;

(E) shall provide that the United States will not be liable for any action, debt, or liability of any entity created by the agreement;

(F) shall provide that the private entity may not execute any instrument or document creating or evidencing any indebtedness with respect to a facility covered by the agreement unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

(G) shall include such other terms and conditions as the Administrator considers appropriate.

(d) USE OF APPORTIONMENTS TO PAY NON-FEDERAL SHARE OF OPERATION COSTS.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of the feasibility, costs, and benefits of allowing the sponsor of an airport to use not to exceed 10 percent of amounts apportioned to the sponsor under section 47114 to pay the non-Federal share of the cost of operation of an air traffic control tower under section 47124(b) of title 49, United States Code.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 371. In addition to amounts otherwise made available by this Act, there is hereby appropriated $3,500,000, to remain available until expended, to enable the Secretary to maintain operations of the Midway Island airfield.

SEC. 372. Section 145(c) of Public Law 107–71 is amended by striking the number (18) and inserting the number (27).

SEC. 373. SUSQUEHANNA GREENWAY, MARYLAND. The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1603 (112 Stat. 316) by striking ''Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville'' and inserting ''Develop Lower Susquehanna Heritage Greenway, including acquisition of property, construction of hiker-biker trails, and construction or use of docks, ferry boats, bridges, or vans to convey bikers and pedestrians across the Susquehanna River between Cecil County and Harford County''.

SEC. 374. Item number 1320 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 305) is amended by striking ''Reconstruct 79th Street Traffic Circle, New York City'' and inserting ''Cross Harbor Freight Movement Project EIS, New York City''.

SEC. 375. Of the $3,400,000 appropriated under the heading ''Highway Demonstration Projects'' in Public Law 101–516 for Pennsylvania State Route 711 Bypass (Ligonier), the unobligated share shall be available for transportation projects in the counties of Allegheny, Armstrong, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland, Pennsylvania.

SEC. 376. Of the $900,000 appropriated under the heading ''Federal Highway Demonstration Projects'' in Public Law 102–143 for Pennsylvania State Route 711 Bypass (Ligonier), the unobligated share shall be available for transportation projects in the counties of Allegheny, Armstrong, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland, Pennsylvania.

SEC. 377. Of the funds made available in Public Law 107–87 under the Federal-aid Highways

account to carry out 23 U.S.C. 129(c) and section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991, as amended, $2,000,000 shall be transferred to the Federal Transit Administration's Formula Grant account and made available to the Jersey City Pier redevelopment and terminal construction project: Provided, That, notwithstanding any other provision of law, including 23 U.S.C. 104(k), such funds shall be administered under terms and conditions deemed appropriate by the Secretary.

This division may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2003''.

C1813]{H819γDIVISION J

DIVISION J—TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS, 2003

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $189,201,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $21,206,000 and 120 full time equivalent positions: Provided further, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: Provided further, That of these amounts, $5,893,000 shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $65,628,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems or Business Systems Modernization.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $35,736,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $125,011,000.

AIR TRANSPORTATION STABILIZATION PROGRAM

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $6,041,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $28,932,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $2,000,000, such funds to become available upon authorization of this program as provided by law and to remain available until expended: Provided, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $10,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: Provided, That the entire dollar amount shall be available only to the extent that an official request for a specific dollar amount is transmitted by the President to the Congress.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $51,752,000, of which not to exceed $3,400,000 shall remain available until September 30, 2005; and of which $8,338,000 shall remain available until September 30, 2004: Provided, That funds appropriated in this account may be used to procure personal services contracts.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $134,986,000, of which $650,000 shall be available for an interagency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to $24,266,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2005, and of which up to 20 percent of the $24,266,000 also shall be available for travel, room and board costs for participating agency basic training during the first quarter of a fiscal year, subject to full reimbursement by the benefitting agency: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function: Provided further, That notwithstanding any other provision of law, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, (Public Law 104–32); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $36,000,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $107,576,000.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $222,078,000, of which not to exceed $9,220,000 shall remain available until September 30, 2005, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $886,430,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms; of which $13,000,000, to remain available until expended, shall be available for disbursements through grants, cooperative agreements or contracts to local governments for Gang Resistance Education and Training; and of which $3,200,000 for a new headquarters shall remain available until September 30, 2004: Provided, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,535 motor vehicles of which 550 are for replacement only and of which 1,500 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $2,527,155,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; not less than $100,000 shall be available to promote public awareness of the child pornography tipline; not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; not to exceed $1,250,000 shall remain available until September 30, 2004 for strengthened enforcement of U.S. trade laws pertaining to steel; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: Provided, That of the total amount of funds made available for forced child labor activities in fiscal year 2003, not to exceed $5,000,000 shall remain available until expended for operations and support of such activities: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs ''Salaries and Expenses'' account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $181,829,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security, during fiscal year 2003 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $435,332,000, to remain available until expended, of which not less than $312,900,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: Provided further, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2003 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $34,900,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $194,468,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization; and of which not to exceed $4,000,000 shall remain available until September 30, 2004 for the purpose of completing the shut-down of the savings bond marketing activity: Provided, That the sum appropriated herein from the General Fund for fiscal year 2003 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2003 appropriation from the General Fund estimated at $190,068,000. In addition, $40,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,955,777,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $7,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,729,072,000, of which not to exceed $1,000,000 shall remain available until September 30, 2005, for research, and of which not less than $60,000,000 shall be used to combat abusive tax shelters.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives, $146,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,632,444,000, which shall remain available until September 30, 2004.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $366,000,000, to remain available until September 30, 2005, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For necessary expenses to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $70,000,000, to remain available until September 30, 2004.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 610 vehicles for police-type use for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $1,029,150,000, of which $1,633,000 shall be available for forensic and related support of investigations of missing and exploited children, and of which $4,583,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2004.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,519,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2003, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2003 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 119. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "4 years" and inserting "5 years".

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 121. None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.

SEC. 122. The Federal Law Enforcement Training Center is directed to establish an accrediting body that will include representatives from the Federal law enforcement community, as well as non-Federal accreditation experts involved in law enforcement training. The purpose of this body will be to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 123. The Treasury Department Appropriations Act, 1997 (as contained in section 101(f) of Division A of Public Law 104–208), under the heading ''Treasury Franchise Fund'', as amended by section 120 of the Treasury Department Appropriations Act, 2001 (enacted pursuant to section 1(a)(3) of Public Law 106–554), is further amended by striking ''until October 1, 2002'' and inserting ''until October 1, 2004''.

SEC. 125. AMENDMENT TO JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT ACT.—For fiscal year 2003 and thereafter, section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) INVESTMENT OF FUND ASSETS.—

''(1) At the request of the Center, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund. Such investments may be made only in interest-bearing obligations of the United States issued directly to the fund.

''(2) The purposes for which obligations of the United States may be issued under chapter 31 of Title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Center to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary.''; and

(2) by striking subsection (c) and inserting the following:

''(c) AUTHORITY TO SELL OBLIGATIONS.—At the request of the Center, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.''.

SEC. 126. AMENDMENT TO JAMES MADISON MEMORIAL FELLOWSHIP ACT.—For fiscal year 2003 and thereafter, section 811 of the James Madison Memorial Fellowship Act (20 U.S.C. 4510) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) INVESTMENT OF AMOUNTS APPROPRIATED.—

''(1) At the request of the Trust Fund, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the fund. Such investments may be made only in interest-bearing obligations of the United States issued directly to the fund.

''(2) The purposes for which obligations of the United States may be issued under chapter 31 of Title 31 are hereby extended to authorize the issuance at par of special obligations directly to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. All requests of the Trust Fund to the Secretary of the Treasury provided for in this section shall be binding upon the Secretary.''; and

(2) by striking subsection (c) and inserting the following:

''(c) SALE OF OBLIGATIONS ACQUIRED BY FUND.—At the request of the Trust Fund, the Secretary of the Treasury shall redeem any obligation issued directly to the fund. Obligations issued to the fund under subsection (b)(2) shall be redeemed at par plus accrued interest. Any other obligations issued directly to the fund shall be redeemed at the market price.''.

SEC. 127. AUTHORITY FOR THE CREATION OF INTEGRATED BORDER INSPECTION AREAS AND DESIGNATION OF FOREIGN LAW ENFORCEMENT OFFICERS. (a) CREATION OF INTEGRATED BORDER INSPECTION AREAS.—

(1) The Commissioner of Customs, in consultation with the Canadian Customs and Revenue Agency (CCRA), shall seek to establish Integrated Border Inspection Areas (IBIAs), i.e., areas on either side of the United States-Canada border in which the United States Customs officers can inspect vehicles entering the United States from Canada before they enter the United States, or Canadian officers can inspect vehicles entering Canada from the United States before they enter Canada. This may include, where appropriate, employment of reverse inspection techniques.

(2) The Commissioner of Customs, in consultation with the Administrator of the General Services Administration when appropriate, shall endeavor to carry out the IBIA program in a manner that minimizes adverse impacts on the surrounding community.

(b) Section 1401(i) of title 19, United States Code, is amended by inserting '', including foreign law enforcement officers,'' after ''or other person''.

(c) Section 1629 of title 19, United States Code, is amended—

(1) in paragraph (a) by inserting '', or subsequent to their exit from,'' after ''prior to their arrival in'';

(2) in paragraph (c) by inserting ''or exportation'' after ''relating to the importation'' and by inserting ''or exit'' after ''port of entry'';

(3) in paragraph (e), by—

(A) inserting ''and agriculture inspection'' after ''customs'' in each instance where reference is currently made to ''customs officers'' or ''customs officials'' in this subsection;

(B) inserting ''and the Secretary of Agriculture'' after ''in coordination with the Secretary'';

(C) inserting ''or that have gone directly from that country to the United States'' after ''to that country from the United States'';

(D) inserting ''or exportation'' after ''governing the importation'';

(E) deleting ''and'' and inserting a comma (''.'') after ''such functions'';

(F) inserting '', and enjoy such privileges and immunities'' after ''such duties'';

(G) inserting ''or are afforded'' after ''authorized to perform''; and

(H) deleting ''under reciprocal agreement'' and inserting ''by treaty, agreement or law''.

(4) by adding at the end the following:

''(g) Persons designated to perform the duties of an officer of the Customs Service pursuant to section 1401 (i) of this title shall be entitled to the same privileges and immunities as an officer of the Customs Service with respect to any actions taken by the designated person in the performance of such duties.''.

This title may be cited as the ''Treasury Department Appropriations Act, 2003''.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $60,014,000, of which $31,014,000 shall not be available for obligation until October 1, 2003: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2003.

This title may be cited as the ''Postal Service Appropriations Act, 2003''.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $50,715,000: Provided, That $8,650,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

OFFICE OF HOMELAND SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of Homeland Security, pursuant to Executive Order No. 13288, $19,398,000: Provided, That the Office of Homeland Security shall submit a report identifying estimated obligations for each function assigned to this Office pursuant to Executive Order No. 13288 to the Committees on Appropriations no later than November 1, 2002.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,228,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as

may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,200,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,066,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $324,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,763,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,251,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,821,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $91,505,000, of which $17,470,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: Provided, That the Executive Office of the President shall submit a report to the Committees on Appropriations that includes a current description of: (1) the Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) the Information Technology (IT) Human Capital Plan; (3) the capital investment plan for implementing the Enterprise Architecture; and (4) the IT capital planning and investment control process: Provided further, That this report shall be reviewed and approved by the Office of Management and Budget, and reviewed by the General Accounting Office.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $62,394,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: Provided further, That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who, after February 15, 2003, calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,456,000; of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office: Provided further, That $5,000,000 of these funds shall not be obligated until the Director submits performance measures of effectiveness for the High Intensity Drug Trafficking Areas program to the House Committee on Appropriations: Provided further, That $2,000,000 of these funds shall not be obligated until the Director submits, and the Committees on Appropriations approve, a human capital strategy for the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $48,000,000, which shall remain available until expended, consisting of $22,000,000 for counternarcotics research and development projects, and $26,000,000 for the continued operation of the technology transfer program: Provided, That the $22,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $226,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2004, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,100,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: Provided further, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2002, shall be funded at no less than the fiscal year 2002 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy

performance measures of effectiveness: Provided further, That no funds of an amount in excess of the fiscal year 2003 budget request shall be obligated prior to the approval of the Committee on Appropriations: Provided further, That no funds shall be used for any further or additional consolidation of the Southwest Border High Intensity Drug Trafficking Area, except for the operation of an office with a coordinating role, until the Office submits a report on the structure of the Southwest Border High Intensity Drug Trafficking Area.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $223,200,000, to remain available until expended, of which the following amounts are available as follows: $150,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $60,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $3,000,000 for the Counterdrug Intelligence Executive Secretariat; $2,000,000 for evaluations and research related to National Drug Control Program performance measures; $1,000,000 for the National Drug Court Institute; $6,400,000 for the United States Anti-Doping Agency for anti-doping activities; and $800,000 for the United States membership dues to the World Anti-Doping Agency: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the ''Executive Office Appropriations Act, 2003''.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,658,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $49,866,000, of which no less than $5,866,700 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $28,950,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $375,711,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,006,033,000, of which: (1) $717,488,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Arkansas:

Little Rock, United States Courthouse Annex, $77,154,000

California:

San Diego, United States Courthouse Annex, $23,901,000

District of Columbia:

Washington, Southeast Federal Center Site Remediation, $6,472,000

Florida:

Fort Pierce, United States Courthouse, $2,744,000

Orlando, United States Courthouse, $79,261,000

Iowa:

Cedar Rapids, United States Courthouse, $5,167,000

Maine:

Jackman, Border Station, $9,194,000

Maryland:

Montgomery County, FDA consolidation, $37,600,000

Suitland, National Oceanic and Atmospheric Administration II, $9,461,000

Suitland, United States Census Bureau, $176,919,000

Mississippi:

Jackson, United States Courthouse, $7,276,000

Missouri:

Cape Girardeau, United States Courthouse, $49,300,000

Montana:

Raymond, Border Station, $7,753,000

New York:

Brooklyn, United States Courthouse Annex—GPO, $39,500,000

Champlain, Border Station, $4,000,000.

Massena, Border Station, $1,646,000

New York, United States Mission to the United Nations, $57,053,000

North Dakota:

Portal, Border Station, $2,201,000

Oregon:

Eugene, United States Courthouse, $77,374,000

Tennessee:

Nashville, United States Courthouse, $7,095,000

Texas:

Austin, United States Courthouse, $13,809,000

Utah:

Salt Lake City, United States Courthouse, $9,783,000

Washington:

Oroville, Border Station, $6,572,000

Nationwide:

Nonprospectus Construction, $6,253,000:

Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2004, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $951,529,000 shall remain available until expended for repairs and alterations, of which $358,340,000 shall be available for basic repairs and alterations and $593,189,000 shall be available for the following repairs and alterations projects, which includes associated design and construction services:

California:

Los Angeles, Federal Building, 300 North Los Angeles Street

San Francisco, Appraisers Building

San Francisco, 50 United Nations Plaza Federal Building (design)

Tecate, Tecate United States Border Station

Colorado:

Denver, Byron G. Rogers Federal Building and Courthouse

Lakewood, Denver Federal Center, Building 53 (design)

Connecticut:

New Haven, Robert N. Gaimo Federal Building

District of Columbia:

Federal Office Building 10A Garage

Harry S Truman Building (State)

GSA Central Office (design)

GSA Regional Office Building (design)

Herbert C. Hoover Building (design)

Hawaii:

Hilo, Federal Building and Post Office (design)

Illinois:

Chicago, United States Custom House

Iowa:

Davenport, Federal Building and United States Courthouse

Maryland:

Baltimore, Metro West

Baltimore, George H. Fallon Federal Building (design)

Woodlawn, Operations Building

Massachusetts:

Boston, John F. Kennedy Federal Building Plaza

Minnesota:

St. Paul, Warren E. Burger Federal Building and U.S. Courthouse (design)

Missouri:

Kansas City, Bannister Federal Complex, Building 1

Kansas City, Bannister Federal Complex, Building 2

New Hampshire:

Manchester, Norris Cotton Federal Building

Portsmouth, Thomas J. McIntyre Federal Building

New York:

New York, Jacob K. Javits Federal Building
Ohio:
Cleveland, Howard M. Metzenbaum United States Courthouse
Columbus, John W. Bricker Federal Building (design)
Pennsylvania:
Pittsburgh, William S. Moorhead Federal Building
Texas:
Dallas, Earle Cabell Federal Building—Courthouse and Santa Fe Federal Building
Fort Worth, Fritz Garland Lanham Federal Building
Washington:
Seattle, Henry M. Jackson Federal Building
Seattle, William Kenzo Nakamura, U.S. Courthouse (design)
Auburn Warehouse Complex (design)
Nationwide:
Elevator Program, Glass Fragmentation Program and Anti-Terrorism Program:
Provided further, That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading '' Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2004 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $178,960,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,113,211,000 for rental of space which shall remain available until expended; and (5) $1,965,160,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2003, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $7,006,033,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

POLICY AND CITIZEN SERVICES

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; providing Internet access to Federal information and services; and services as authorized by 5 U.S.C. 3109, $66,304,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $83,663,000, of which $17,463,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $37,916,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,339,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

ELECTION REFORM REIMBURSEMENTS

For necessary expenses to carry out a program under which a one-time payment shall be made to the chief election authority of each State which, on a Statewide basis, obtained optical scan or electronic voting equipment for the administration of elections for Federal office in the State prior to the regularly scheduled general election for Federal office in November 2000, $15,000,000: Provided, That the amount of the payment made with respect to a State under such program shall be equal to the costs incurred by the State in obtaining optical scan or electronic voting equipment used to administer the most recent regularly scheduled general election for Federal office in the State, except that in no case may the amount of the payment exceed $4,000 per voting precinct in the State at the time of the election: Provided further, That total payments made under such program shall not exceed $15,000,000.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2003 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2004 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2004 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. DESIGNATION OF THE JUDGE DAN M. RUSSELL, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building

and United States courthouse located at 2015 15th Street in Gulfport, Mississippi, shall be known and designated as the ''Judge Dan M. Russell, Jr. Federal Building and United States Courthouse''.

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Judge Dan M. Russell, Jr. Federal Building and United States Courthouse''.

SEC. 409. DESIGNATION. (a) The United States courthouse located at 100 Federal Plaza in Central Islip, New York, shall be known and designated as the ''Alfonse M. D'Amato United States Courthouse''.

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Alfonse M. D'Amato United States Courthouse''.

SEC. 410. DESIGNATION OF CESAR E. CHAVEZ MEMORIAL BUILDING. (a) The building known as the Colonnade Center, located at 1244 Speer Boulevard, Denver, Colorado, shall be known and designated as the ''Cesar E. Chavez Memorial Building''.

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Cesar E. Chavez Memorial Building''.

SEC. 411. For gross obligations for the principal amount of a direct loan as defined by Section 502 of the Congressional Budget Act of 1974, not to exceed $250,000, to be available from amounts transferred by Treasury to the ''Disposal of surplus real and related personal property'' account of the General Services Administration.

SEC. 412. DESIGNATION OF RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE. (a) The United States courthouse located at 600 West Capitol Avenue in Little Rock, Arkansas, and any addition to the courthouse that may hereafter be constructed, shall be known and designated as the ''Richard Sheppard Arnold United States Courthouse''.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Richard Sheppard Arnold United States Courthouse''.

SEC. 413. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to acquire, by purchase, condemnation, or otherwise, the properties known as 26 West Market Street, 30 West Market Street, 39 West Market Street, and 40 West Market Street in Salt Lake City, Utah. In so acquiring, the Administrator shall comply with applicable environmental and historical preservation statutes. This authority is in addition to the authority of the Administrator to acquire any sites necessary for construction of the new United States Courthouse in Salt Lake City, Utah.

(b) In addition, the Administrator is authorized to relocate the historical building currently located at 39 West Market Street, Salt Lake City, Utah, to the parcels known as 26, 30, and 40 West Market Street, Salt Lake City, Utah, and after the relocation the Administrator is authorized to sell by auction, or upon such other terms and conditions as the Administrator deems proper, the properties known as 26, 30, and 40 West Market Street. All proceeds from such sale shall be deposited into the fund established under section 592 of title 40, United States Code, and shall not be available for obligation until authorized by a future appropriations Act.

(c) Funds made available in previous appropriations Acts for site, design and construction of a new Courthouse in Salt Lake City, as well as funds that may be made available for such project in fiscal year 2003 appropriations Acts, may be used to carry out the purposes of subsections (a) and (b).

SEC. 414. DESIGNATION OF NATHANIEL R. JONES FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) IN GENERAL.—The Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the ''Nathaniel R. Jones Federal Building and United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the Nathaniel R. Jones Federal Building and United States Courthouse.

SEC. 415. DESIGNATION OF ELDON B. MAHON UNITED STATES COURTHOUSE. (a) The United States Courthouse located at 501 West 10th Street in Fort Worth, Texas, shall be known and designated as the ''Eldon B. Mahon United States Courthouse''.

(b) Any references in law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Eldon B. Mahon United States Courthouse''.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $32,027,000 together with not to exceed $2,626,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,996,000, to remain available until expended: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $249,875,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: Provided further, That of the funds made available, $11,837,000 is for the electronic records archive, $10,137,000 of which shall be available until September 30, 2005: Provided further, That, of the funds provided in this paragraph, $600,000 shall be for the preservation of the records of the Freedmen's Bureau, as required by section 2910 of title 44, United States Code, and as authorized by section 3 of the Freedmen's Bureau Records Preservation Act of 2000 (Public Law 106–444).

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $14,208,000, to remain available until expended, of which $1,250,000 is for the Military Personnel Records Center preliminary design studies, $3,250,000 is for repairs to the Lyndon Baines Johnson Presidential Library Plaza, and $3,750,000 is for locating, purchasing, and other related site location expenses for the site of a new regional archives facility to be constructed in Anchorage, Alaska.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,500,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,557,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $129,486,000, of which $24,000,000 shall remain available until expended for the cost of the government-wide human resources data network project, and $2,500,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize the Federal payroll systems and service delivery; and in addition $120,791,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $27,640,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission

on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2003, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,519,000, and in addition, not to exceed $10,886,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $12,449,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, as authorized by Public Law 106–579, $250,000.

This title may be cited as the ''Independent Agencies Appropriations Act, 2003''.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 505. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Buy American Act (41 U.S.C. 10a–10c).

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2003 from appropriations made available for salaries and expenses for fiscal year 2003 in this Act, shall remain available through September 30, 2004, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 509. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 510. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 511. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 512. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 513. ENDOWMENT FOR PRESIDENTIAL LIBRARIES. Section 2112(g) of title 44, United States Code, is amended by adding at the end the following:

''(5)(A) Notwithstanding paragraphs (3) and (4) (to the extent that such paragraphs are inconsistent with this paragraph), this subsection shall be administered in accordance with this paragraph with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Presidential records pertaining to any President who takes the oath of office as President for the first time on or after July 1, 2002.

''(B) For purposes of subparagraphs (A)(ii), (B)(i)(II), and (B)(ii)(II) of paragraph (3) the percentage of 40 percent shall apply instead of 20 percent.

''(C)(i) In this subparagraph, the term 'base endowment amount' means the amount of the endowment required under paragraph (3).

''(ii)(I) The Archivist may give credits against the base endowment amount if the Archivist determines that the proposed Presidential archival depository will have construction features or equipment that are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

''(II) The features and equipment described under subclause (I) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

''(III) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the base endowment amount.

''(D)(i) In calculating the additional endowment amount required under paragraph (4), the Archivist shall take into account credits given under subparagraph (C), and may also give credits against the additional endowment amount required under paragraph (4), if the Archivist determines that construction features or equipment used in making or equipping the physical or material change or addition are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

''(ii) The features and equipment described under clause (i) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

''(iii) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with

all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the additional endowment amount required under paragraph (4).''.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of Homeland Security.

SEC. 516. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 517. The provision of section 516 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 518. None of the funds provided in this Act may be used to procure any products, articles, goods, or wares mined, manufactured, or produced wholly or in part by forced or indentured child labor as identified in the 1995 U.S. Department of Labor Report on Forced and Bonded Child Labor, the 2002 U.S. Department of Labor Findings on the Worst Forms of Child Labor, or the most recent U.S. Department of State Human Rights Country Reports.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2003 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2003, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2002, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2003, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2003, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2003 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2003 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2002 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in

subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2002, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2002, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2002.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow—

(1) the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); or

(2) the release into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to such section 307, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 626. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 627. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 628. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the ''Policy and Citizen Services'' account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 630. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 631. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 632. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 633. Section 403(f) of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking ''October 1, 2002'' and inserting ''October 1, 2003''.

SEC. 634. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 635. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 636. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 637. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2003 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent and shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2003.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2003.

SEC. 638. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 639. UNITED STATES POSTAL SERVICE. (a) The United States Postal Service (USPS) is required under title 5, chapter 83, United States Code, to fund Civil Service Retirement System benefits attributable to USPS employment since 1971.

(b) The Office of Personnel Management has reviewed the USPS financing of the Civil Service Retirement System and determined current law payments overfund USPS liability.

(c) Therefore, it is the Sense of the Congress that the Congress should address the USPS funding of the Civil Service Retirement System pension benefits.

SEC. 640. SENSE OF CONGRESS ON PAY PARITY. It is the sense of Congress that there should be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States, including blue collar Federal employees paid under the Federal Wage System.

SEC. 641. (a) IN GENERAL.—The Administrator of General Services shall accept all right, title and interest in the property described in subsection (b)—

(1) if written offer therefor (accompanied by such proof of title, property descriptions, and other information as the Administration may require) is received by the Administrator from the owner of such property within 12 months after the date of enactment of this Act;

(2) if all liability with respect to such property and the owner of such property will remain with the owner;

(3) if the private sector is unable to dispose of contaminants in the building on such property;

(4) if the Administrator determines that a significant public health risk exists from such property; and

(5) if the Administrator identifies an appropriate Federal agency to accept all right, title, and interest in such property.

(b) PROPERTY LOCATION.—The property described in this subsection is the property located at 5401 NW Broken Sound Boulevard, Boca Raton, Florida, and all improvements thereon.

(c) CONSIDERATION.—The United States shall pay an amount that does not exceed $1 in consideration of any right, title, or interest received by the United States under this section.

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall transmit to Congress a comprehensive report describing the efforts made by the Administrator to fulfill the conditions described in subsection (a).

SEC. 642. (a) Notwithstanding paragraph (17) of subsection (a) of the Policemen and Firemen's

Retirement and Disability Act (sec. 5–701(17), D.C. Official Code) or any other provision of such Act to the contrary, for purposes of determining the amount of an annuity required to be paid under such Act with respect to a United States Secret Service member who retired during the period from November 1, 1994, through October 29, 1995 and who received availability pay under 5 U.S.C. 5545a during that period, the member's average pay shall be computed as if the member received availability pay for the 12 consecutive months during which the highest salary was earned prior to retirement.

(b) Subsection (a) shall apply with respect to an annuity paid—

(1) on or after November 1, 1994, in the case of a survivor's annuity paid with respect to a Secret Service member described in subsection (a); or

(2) on or after October 1, 2002, with respect to a Secret Service member described in subsection (a).

SEC. 643. Section 902(b) of the Law Enforcement Pay Equity Act of 2000 (as enacted into law by Public Law 106–554), shall cease to be effective on the first day of the first pay period on or after January 1, 2003.

SEC. 644. No funds appropriated under this Act or any other Act with respect to any fiscal year shall be available to take any action based upon any provision of 5 U.S.C. 552 with respect to records collected or maintained pursuant to 18 U.S.C. 846(b), 923(g)(3) or 923(g)(7), or provided by Federal, State, local, or foreign law enforcement agencies in connection with arson or explosives incidents or the tracing of a firearm, except that such records may continue to be disclosed to the extent and in the manner that records so collected, maintained, or obtained have been disclosed under 5 U.S.C. 552 prior to the date of the enactment of this Act.

SEC. 645. (a) Section 9505(d) of title 5, United States Code, is amended by striking the second sentence and inserting the following: ''Such amount may not exceed the maximum amount which would be allowable under paragraph (3) of section 5384(b) if such paragraph were applied by substituting 'the Internal Revenue Service' for 'an agency'. ''.

(b) The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 2002.

SEC. 646. None of the funds made available in this Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 647. While nothing in this section shall prevent any agency of the executive branch from subjecting work performed by Federal Government employees or private contractors to public-private competition or conversions, none of the funds made available in this Act may be used by an agency of the executive branch to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the executive agency to public-private competitions or for converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the executive agency. Nothing in this section shall limit the use of such funds for the administration of the Government Performance and Results Act of 1993 or for the administration of any other provision of law. S6333

SEC. 648. (a) Section 8335(a) of title 5, United States Code, is amended by striking ''8336'' and inserting ''8336(e)''.

(b) The amendment made by subsection (a) shall be effective as of January 1, 2003.

This division may be cited as the ''Treasury and General Government Appropriations Act, 2003''.

DIVISION K—VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 2003

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $28,949,000,000, to remain available until expended: Provided, That not to exceed $17,138,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,264,808,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $27,530,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2003, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $168,207,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $70,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $55,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,626,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $289,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $558,000, which may be transferred to and merged with the appropriation for ''General operating expenses'': Provided, That no new loans in excess of $5,000,000 may be made in fiscal year 2003.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended. S6333

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or

providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $23,889,304,000, plus reimbursements: Provided, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2004: Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, may be transferred to ''Medical care'', to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2004, $400,000,000, plus reimbursements: Provided, That of the funds available under this heading $5,000,000 shall be transferred to ''Medical care'' for research oversight activities.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $74,716,000, of which $3,000,000 shall be available until September 30, 2004, plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Support Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2003.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,254,000,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $992,100,000: Provided further, That of the funds made available under this heading, not to exceed $66,000,000 shall be available for obligation until September 30, 2004: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines: Provided further, That travel expenses for this account shall not exceed $17,082,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $133,149,000, of which $6,000,000 shall be available until September 30, 2004.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $58,000,000, to remain available until September 30, 2004.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $99,777,000, to remain available until expended, of which $5,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which $10,000,000 shall be to make reimbursements as provided in 41 U.S.C. 612 for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2003, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2003; and (2) by the awarding of a construction contract by September 30, 2004: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $226,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $35,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2003 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2003 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any

persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2003 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2002.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2003 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2003, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2003 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2003 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2003: Provided, That the Franchise Fund, established by title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2003.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2003 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $29,318,000 for the Office of Resolution Management and $3,010,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.

SEC. 111. No appropriations in this Act for the Department of Veterans Affairs shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 112. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or treatment of any person by reason of eligibility under section 1710(a)(3) of title 38, United States Code, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require—

(1) current, accurate third-party reimbursement information for purposes of section 1729 of such title; and

(2) annual income information for purposes of section 1722 of such title.

SEC. 113. (a)(1) Section 1729B of title 38, United States Code, is repealed. Any balance as of the date of the enactment of this Act in the Department of Veterans Affairs Health Services Improvement Fund established under such section shall be transferred to the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code.

(2) The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1729B.

(b) Section 1729A(b) of such title is amended—

(1) by redesignating paragraph (8) as paragraph (10); and

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

''(8) Section 8165(a) of this title.

''(9) Section 113 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note).''.

(c) Section 1722A of such title is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking ''under subsection (a)'' and inserting ''under this section''; and

(B) by striking the second sentence; and

(2) by striking subsection (d).

(d)(1) Section 8165 of such title is amended by striking ''Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title'' and inserting ''Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title''.

(2) Section 113(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note) is amended by striking ''Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of title 38, United States Code, as added by section 202'' and inserting ''Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code''.

SEC. 114. Of the amounts provided in this Act, $19,900,000 shall be for information technology initiatives to support the enterprise architecture of the Department of Veterans Affairs.

SEC. 115. None of the funds in this Act may be used to implement sections 2 and 5 of Public Law 107–287.

SEC. 116. Notwithstanding any other provision of this Act, the $23,889,304,000 provided for ''Medical care'' under this title shall be exempt from the across-the-board rescission under section 601 of division N.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities and assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $17,223,566,000, and amounts that are recaptured in this account, to remain available until expended: Provided, That of the amounts made available under this heading, $13,023,566,000 and the aforementioned recaptures shall be available on October 1, 2002 and $4,200,000,000 shall be available on October 1, 2003: Provided further, That amounts made available under this heading are provided as follows:

(1) $15,278,370,500 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts, for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for the 1-year renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for renewals of expiring section 8 tenant-based annual contributions contracts (including amendments and renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t))): Provided, That notwithstanding any other provision of law, the Secretary shall renew expiring section 8 tenant-based annual contributions contracts for each public housing agency (including for agencies participating in the Moving to Work demonstration, unit months representing section 8 tenant-based assistance funds committed by the public housing agency for specific purposes, other than reserves, that are authorized pursuant to any agreement and conditions entered into under such demonstration, and utilized in compliance with any applicable program obligation deadlines) based on the total number of unit months which were under lease as reported on the most recent end-of-year financial statement submitted by the public housing agency to the Department, adjusted by such additional information submitted by the public housing agency to the Secretary which the Secretary determines to be timely and reliable regarding the total number of unit months under lease at the time of renewal of the annual contributions contract, and by applying an inflation factor based on local or regional factors to the actual per unit cost as reported on such statement: Provided further, That none of the funds made available in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) $391,922,000 for a central fund to be allocated by the Secretary for amendments to section 8 tenant-based annual contributions contracts for such purposes set forth in this paragraph: Provided, That subject to the following proviso, the Secretary may use amounts made available in such fund, as necessary, for contract amendments resulting from a significant increased in the per unit cost of vouchers or an increase in the total number of unit months under lease as compared to the per unit cost or the total number of unit months provided for by the annual contributions contract: Provided further, That if a public housing agency, at any point in time during their fiscal year, has obligated the amounts made available to such agency pursuant to paragraph (1) under this heading for the renewal of expiring section 8 tenant-based annual contributions contracts, and if such agency has expended fifty percent of the amounts available to such agency in its annual contributions contract reserve account, the Secretary shall make available such amounts as are necessary from amounts available from such central fund to fund amendments under the preceding proviso within thirty days of a request from such agency: Provided further, That none of the funds made available in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: Provided further, That the Secretary shall provide quarterly reports to the Committees on Appropriations of the House and the Senate on the obligation of funds provided

in this paragraph in accordance with the directions specified in the joint explanatory statement of the managers accompanying this Act;

(3) $234,016,500 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C.1437f(t)), and tenant protection assistance, including replacement and relocation assistance;

(4) $48,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(5) not to exceed $1,072,257,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which $69,547,000 is for such expenses associated with section 8 tenant-based assistance provided under this heading in paragraphs (2) and (3): Provided, That, the fee otherwise authorized under section 8(q) of the Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That none of the funds made available in this paragraph shall be provided to any public housing agency unless such agency reports to the Secretary the amounts remaining available as of January 31, 2003 in such agency's administrative reserve fee account: Provided further, That, notwithstanding any other provision of law or regulation, the amount of fiscal year 2003 fee payments otherwise authorized pursuant to the first proviso in this paragraph for a public housing agency shall be reduced accordingly by any such amounts remaining in such agency's administrative fee reserve account as of January 31, 2003 which exceed 105 percent of the amount of fees paid to such agency from funds made available in fiscal year 2002: Provided further, That the preceding proviso shall not apply to any public housing agency if the amount of fiscal year 2003 fee payments otherwise authorized to be provided to such agency pursuant to the first proviso in this paragraph does not exceed $100,000: Provided further, That, hereafter, the Secretary shall recapture any funds provided in this paragraph from a public housing agency which are in excess of the amounts expended by such agency for the section 8 tenant-based rental assistance program and not otherwise needed to maintain an administrative fee reserve account balance of not to exceed five percent: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate no later than July 1, 2003, on the administrative costs and other expenses associated with the section 8 tenant-based rental assistance program in accordance with the directions included in the statement of the managers accompanying this conference report;

(6) $196,000,000 for contract administrators for section 8 project-based assistance; and

(7) not less than $3,000,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under ''Public and Indian Housing'': Provided, That the Secretary may transfer up to 15 percent of funds provided under paragraphs (1), (2) or (5), herein to paragraphs (1), (2) or (5), if the Secretary determines that such action is necessary because the funding provided under one such paragraph otherwise would be depleted and as a result, the maximum utilization of section 8 tenant-based assistance with the funds appropriated for this purpose by this Act would not be feasible: Provided further, That prior to undertaking the transfer of funds in excess of 10 percent from any paragraph pursuant to the previous proviso, the Secretary shall notify the Chairman and Ranking Member of the Subcommittees on Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate and shall not transfer any such funds until 30 days after such notification: Provided further, That, hereafter, the Secretary shall require public housing agencies to submit accounting data for funds disbursed under this heading in this Act and prior Acts by source and purpose of such funds: Provided further, That incremental vouchers previously made available under this heading for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover: Provided further, That $1,600,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' or any other heading for fiscal year 2002 and prior years, to be effected by the Secretary no later than September 30, 2003: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,730,000,000 (the ''Act''), to remain available until September 30, 2006: Provided, That of the total amount provided under this heading, in addition to amounts otherwise allocated under this heading, $447,000,000 shall be allocated for such capital and management activities only among public housing agencies that have obligated all assistance for the agency for fiscal years 1998, 1999, 2000, and 2001 made available under this same heading in accordance with the requirements under paragraphs (1) and (2) of section 9(j) of such Act: Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2003, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, 2002, or 2003: Provided further, That with respect to any amounts made available under the Public Housing Capital Fund for fiscal year 1999, 2000, 2001, 2002, or 2003 that remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies determined under 6(j) of the Act to be high-performing: Provided further, That for purposes of this heading, the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays immediately or in the future: Provided further, That the Secretary shall issue final regulations to carry out section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), not later than August 1, 2003: Provided further, That of the total amount provided under this heading, up to $51,000,000 shall be for carrying out activities under section 9(h) of such Act, of which up to $11,000,000 shall be for the provision of remediation services to public housing agencies identified as ''troubled'' under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental assistance under section 8 of the Act: Provided further, That of the total amount provided under this heading, up to $500,000 shall be for lease adjustments to section 23 projects, and no less than $18,600,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Public and Indian housing'': Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $50,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2003: Provided further, That of the total amount provided under this heading, $15,000,000 shall be for Neighborhood Networks grants for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That of the total amount provided under this heading, $55,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,600,000,000: Provided, That of the total amount provided under this heading, $10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing, which shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: Provided further, That up to $250,000,000 shall be made available for payments to public housing agencies that are eligible for additional funds for fiscal year 2002 payments for the operation and management of public housing: Provided further, That no funds may be made available under this heading in fiscal year 2004 and subsequent fiscal years may be provided for fiscal year 2003 payments to public housing agencies for the operation and management of public housing: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $574,000,000, to remain available until September 30, 2004, of which the Secretary may use up to $6,250,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: Provided further, That of the total amount provided under

this heading, $5,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 24(d)(1)(G) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $649,000,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $4,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which no less than $600,000 shall be transferred to the Working Capital Fund for development of and modifications to information technology systems which serve programs or activities under ''Public and Indian housing'': Provided, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $16,658,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,300,000, to remain available until expended, of which $100,000 shall be for necessary expenses of the Land Title Report Commission pursuant to section 501(a) of Public Law 106–569: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $197,243,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,035,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $39,712,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $292,000,000, to remain available until September 30, 2004: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2003, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $30,000,000, to remain available until September 30, 2005, for ''Urban Empowerment Zones'', as authorized in section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)), including $2,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,937,000,000, to remain available until September 30, 2005: Provided, That of the amount provided, $4,367,930,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): Provided further, That not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for ''Planning and Management Development'' and ''Administration'', as defined in regulations promulgated by the Department: Provided further, That $71,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,300,000 shall be for a grant to the Housing Assistance Council; $2,400,000 shall be for a grant to the National American Indian Housing Council; $5,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation; $5,000,000 shall be available as a grant to the National Council of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $4,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; $49,100,000 shall be for grants pursuant to section 107 of the Act; $9,000,000 shall be made available to the Neighborhood House, St. Paul, Minnesota for construction costs of the Paul and Sheila Wellstone Center for Community Building; no less than $3,400,000 shall be transferred to the Working Capital Fund for the development of and modification to information technology systems which serve programs or activities under ''Community planning and development''; $25,250,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program; $32,500,000 shall be for capacity building, of which $28,250,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $4,250,000 shall be for capacity building activities administered by Habitat for Humanity International; $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than 10 percent of any grant award under the YouthBuild program may be used for administrative costs: Provided further, That of the amount made available for YouthBuild not less than $10,000,000 is for grants to establish YouthBuild programs in underserved and rural areas and $2,000,000 is to be made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $42,120,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That these grants shall be provided in accordance with the terms and conditions specified in the joint explanatory statement of the managers accompanying this Act.

Of the amount made available under this heading, $261,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the joint explanatory statement of the managers accompanying this Act.

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to the amount made available to the City of Rome, New York, by striking ''related to the South Rome Industrial Park'' and inserting ''and building renovations at the Rome business and tech park''.

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to a grant made available to the Community Medical Centers of Fresno, California by striking all after ''$300,000'' and inserting ''to the City of Fresno, California for rehabilitation of the Fresno Community Regional Medical Center neighborhood.''.

The referenced statement of the managers under this heading in Public Law 106–377 and

107–73 is deemed to be amended with respect to grants made to the City of Mt. Clemens, Michigan by striking ''City of Mt. Clemens, Michigan'' and inserting ''Mt. Clemens Community Schools in Mt. Clemens, Michigan''.

The referenced statement of the managers under the heading ''Community development block grants'' in title II of Public Law 105–277 is deemed to be amended by striking ''$750,000 to the Maryland State Department of Housing and Community Development for relocation of residents of Wagners Point community in Baltimore, Maryland'' and insert in lieu thereof ''$750,000 to the Maryland State Department of Housing and Community Development for relocation of residents of Wagners Point community in Baltimore, Maryland ($514,000) and for recovery efforts that occurred on or after the April 28, 2002 tornado in Charles and Calvert Counties ($236,000)''.

The referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended with respect to a grant made to the Metropolitan Development Association in Syracuse, New York by adding after the words ''Genesee Street Armory study'' the words ''and other development projects undertaken by the Association within the City of Syracuse''.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $6,325,000, to remain available until September 30, 2004, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2004: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,925,000,000, to remain available until September 30, 2005: Provided, That of the total amount provided in this paragraph, up to $40,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968; and no less than $1,100,000 shall be transferred to the Working Capital Fund for the development of, maintenance of, and modification to information technology systems which serve programs or activities under ''Community planning and development''.

In addition to amounts otherwise made available under this heading, $75,000,000, to remain available until September 30, 2005, for assistance to homebuyers as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended: Provided, That the Secretary shall provide such assistance in accordance with a formula to be established by the Secretary that considers a participating jurisdiction's need for, and prior commitment to, assistance to homebuyers.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,225,000,000, to remain available until September 30, 2005: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That $11,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That $6,600,000 of the funds appropriated under this heading shall be available for technical assistance: Provided further, That no less than $1,500,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under ''Community planning and development'': Provided further, That of the total amount provided under this heading, $10,000,000 shall be made available for a two-year grant demonstration program to be conducted in consultation with the Interagency Council on the Homeless.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $1,033,801,000, to remain available until September 30, 2006: Provided, That $783,286,000, plus recaptures or cancelled commitments, shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $250,515,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section

0811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act: Provided further, That of the amount made available under this heading, $25,000,000 shall be available to the Secretary of Housing and Urban Development only for making grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts made available in the previous proviso shall be awarded on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the House and Senate not later than July 15, 2003, in accordance with the direction included in the joint explanatory statement of the managers accompanying this Act: Provided further, That no less than $500,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under ''Housing programs'' or ''Federal housing administration'': Provided further, That, in addition to amounts made available for renewal of tenant-based rental assistance contracts pursuant to the second proviso of this paragraph, the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive the provisions governing the terms and conditions of project rental assistance and tenant-based rental assistance for such section 202 and such section 811, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That all balances and recaptures, as of October 1, 2002, remaining in the ''Congregate housing services'' account as authorized by the Housing and Community Development Amendments of 1978, as amended, shall be transferred to and merged with the amounts for those purposes under this heading.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2002, and any collections made during fiscal year 2003, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

Up to $100,000,000 of recaptured section 236 budget authority resulting from prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 2003: Provided, That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 is reduced in fiscal year 2003 by not more than $100,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations Acts.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $13,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2003 so as to result in a final fiscal year 2003 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2003 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2003, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $165,000,000,000.

During fiscal year 2003, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $100,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $347,829,000, of which not to exceed $343,807,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,022,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $85,720,000, of which no less than $21,360,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under ''Housing programs'' or ''Federal housing administration'': Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2003, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $23,000,000,000.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $223,716,000, of which $204,395,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $19,321,000 shall be transferred to the appropriation for ''Office of Inspector General''.

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $93,780,000, of which no less than $14,240,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve activities under ''Housing programs'' or ''Federal housing administration'': Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2003, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2004.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,343,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,343,000, shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $47,000,000, to remain available until September 30, 2004: Provided, That of the total amount provided under this heading, $7,500,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2004, of which $20,250,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $176,000,000, to remain available until September 30, 2004, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That of the total amount made available under this heading, $50,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary as having: (1) the highest number of pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: Provided further, That each grantee receiving funds under the previous proviso shall target those privately owned units and multifamily buildings that are occupied by low-income families as defined under section 3(b)(2) of the United States Housing Act of 1937: Provided further, That not less than 90 percent of the funds made available under this paragraph shall be used exclusively for abatement, inspections, risk assessments, temporary relocations and interim control of lead-based hazards as defined by 42 U.S.C. 4851: Provided further, That each recipient of funds provided under the first proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary of the Department of Housing and Urban Development to carry out the proposed use of funds pursuant to a Notice of Funding Availability.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,090,229,000, of which $20,000,000 shall remain available until September 30, 2004, for funds control improvements; and of which $548,202,000 shall be provided from the various funds of the Federal Housing Administration, $10,343,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development loan guarantees program'' account, $150,000 shall be provided by transfer from the ''Native American housing block grants'' account, $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account and $35,000 shall be transferred from the ''Native Hawaiian housing loan guarantee fund'' account: Provided, That funds made available under this heading shall only be allocated in the manner specified in the report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are

notified of any changes in an operating plan or reprogramming: Provided further, That no less than $10,500,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems: Provided further, That of the total amount made available under this heading, not less than $21,000,000 is to be made available to the Chief Financial Officer exclusively for activities to implement appropriate funds control systems, including improvements in automated financial management systems, additional training of departmental employees in proper fund control procedures, and establishment of a division of appropriations law within the Office of the Chief Financial Officer: Provided further, That the Chief Financial Officer shall submit a revised departmental funds control handbook to the Committees on Appropriations of the House and Senate no later than 30 days after enactment of this Act: Provided further, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: Provided further, That the Secretary shall, within 30 days of enactment of this Act, permanently transfer no fewer than four appropriations law attorneys from the Legislative Division of the Office of Legislation and Regulations, Office of General Counsel to the OCFO: Provided further, That personnel transferred pursuant to the previous proviso shall report directly to the Chief Financial Officer: Provided further, That, notwithstanding any other provision of law, hereafter, the Chief Financial Officer of the Department of Housing and Urban Development shall, in consultation with the Budget Officer, have sole authority to investigate potential or actual violations under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.) and all other statutes and regulations related to the obligation and expenditure of funds made available in this, or any other Act; shall determine whether violations exist; and shall submit final reports on violations to the Secretary, the President, the Office of Management and Budget and the Congress in accordance with applicable statutes and Office of Management and Budget circulars: Provided further, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: Provided further, That for the purpose of determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract: Provided further, That the Chief Financial Officer shall: (a) appoint qualified personnel to conduct investigations of potential or actual violations; (b) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (c) establish guidelines and timeframes for the conduct and completion of investigations; (d) prescribe the content, format and other requirements for the submission of final reports on violations; and (e) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by 2½ percent: Provided further, That the Secretary shall submit a staffing plan for the Department by March 15, 2003.

WORKING CAPITAL FUND

For additional capital for the Working Capitol Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, and for the continuing operation of both Department-wide and program-specific information systems, $276,300,000, to remain available until September 30, 2004: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That none of the funds made available to the Department in this Act, or any other Act, may be used to award a new contract for the HUD Information Technology Services (HITS) project until 90 days after the Department has submitted to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive five-year information technology plan in accordance with the direction included in the report accompanying this Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $97,499,000, of which $23,343,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall have independent authority over all personnel issues within this office: Provided further, That no less than $300,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems for the Office of Inspector General.

CONSOLIDATED FEE FUND

(RESCISSION)

Of the balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act on October 1, 2002, $8,000,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $30,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2003 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2003 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2003 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2003 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2003, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. (a) Section 225(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74 (113 Stat. 1076), is amended by striking ''year 2000, and the amounts that would otherwise be allocated for fiscal year 2001 and fiscal year 2002'', and inserting ''years 2000, 2001, 2002, and 2003''.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2003 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 205. (a) During fiscal year 2003, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 206. Except as explicitly provided in law, any grant or assistance made pursuant to title II of this Act shall be made on a competitive basis in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 207. Notwithstanding any other provision of law, no funds in this Act or in any other Act

in any fiscal year, including all future and prior fiscal years, may be used hereafter by the Secretary of Housing and Urban Development to provide any assistance or other funds for housing units defined in section 9(n) of the United States Housing Act of 1937 (as in effect immediately before the enactment of this Act) as ''covered locally developed public housing units''. The States of New York and Massachusetts shall reimburse any funds already made available under any appropriations Act for these units to the Secretary of Housing and Urban Development for reallocation to public housing agencies: Provided, That, if either State fails to make such reimbursement within 12 months, the Secretary shall recapture such funds through reductions from the amounts allocated to each State under section 106 of the Housing and Community Development Act of 1974.

SEC. 208. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 209. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 210. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2003 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 211. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2003, HUD shall transmit this information to the Committees by March 15, 2003 for 30 days of review.

SEC. 212. (a) Section 9(n)(1) of the United States Housing Act of 1937 is hereby repealed.

(b) Section 226 of the Departments of Veterans Affairs and Housing and Urban development, and Independent Agencies Appropriations Act, 1999, is hereby repealed.

(c) The amendment made by subsection (a) shall be deemed to have taken effect on October 1, 1998.

(d) The amendment made by subsection (b) shall be deemed to have taken effect on October 21, 1998.

SEC. 213. Notwithstanding any other provision of law, in fiscal year 2003, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 214. A public housing agency or such other entity that administers Federal housing assistance in the states of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the states of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 215. (a) Section 24(m)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437v(m)(1)) is amended by striking ''$600,000,000'' and all that follows through ''2002'' and inserting the following: ''$574,000,000 for fiscal year 2003''.

(b) Section 24(n) of the United States Housing Act of 1937 (42 U.S.C. 1437v(n)) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2004''.

SEC. 216. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these committees upon request.

SEC. 217. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2003 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

SEC. 218. Notwithstanding the requirements regarding first-time homebuyers in section 104 of the National Affordable Housing Act of 1990 (42 U.S.C. 12704), the Enterprise Housing Corporation of Maryland may use the remaining balance of the grant award, H3–95MD0005–I–N, within the East Baltimore Community of the City of Baltimore, Maryland.

SEC. 219. In applying the across-the-board rescission under section 601 of division N to amounts made available under the heading ''Housing certificate fund'', the Secretary shall have discretion in applying such rescission among the programs, projects, or activities within the account notwithstanding section 601(b).

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $35,246,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefore, as authorized by 5 U.S.C. § 5901–5902, and for services authorized by 5 U.S.C. § 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. § 5376, $7,850,000, of which $1,400,000 shall be derived from unobligated balances: Provided, That of the amounts appropriated, $500,000 is available until September 30, 2004: Provided further, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $75,000,000, to remain available until September 30, 2004, of which $5,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $10,750,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $57,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C.

12501 et seq.), $429,000,000, to remain available until September 30, 2004: Provided, That the Corporation shall enroll no more than 50,000 AmeriCorps members in the National Service Trust: Provided than $32,500,000 shall be available for administrative expenses authorized under section 501(a)(4): Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $275,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which $100,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), and of which up to $5,000,000 shall be available to support national service scholarships for high school students performing community service: Provided further, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $50,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That not more than $25,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $35,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which $6,000,000 shall be available for challenge grants to non-profit organizations: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That not more than $3,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That of the unobligated balances remaining from funds appropriated under this heading during fiscal year 2002 and prior years, $48,000,000 are rescinded.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,000,000, to remain available until September 30, 2004.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $14,326,000 of which $1,045,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $32,445,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $84,074,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $82,800,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2003, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $720,261,000, which shall remain available until September 30, 2004: Provided, That the Office of Research and Development of the Environmental Protection Agency may hereafter contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent personal services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $19,000 for official reception and representation expenses, $2,111,604,000, which shall remain available until September 30, 2004, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002: Provided, That notwithstanding any other provision of law, the Administrator of the Environmental Protection Agency shall certify grant amendments for grant numbers C–340461–02 and C–340461–03.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $36,000,000, to remain available until September 30, 2004.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $42,918,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,272,888,000, to remain available until expended, consisting of $636,444,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $636,444,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $12,742,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2004, and $86,168,000 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2004.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,313,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,581,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,859,994,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''), of which up to $75,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-municipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $43,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $3,000,000 shall be for remediation of above ground leaking fuel tanks pursuant to Public Law 106–554; $314,887,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act; $8,225,000 for grants for construction of alternative decentralized wastewater facilities under the National Decentralized Wastewater Demonstration program, in accordance with the terms and conditions specified in the joint explanatory statement of the managers accompanying this Act; $90,500,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; and $1,150,382,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $50,000,000 shall be for carrying out section 128 of CERCLA, as amended, and $19,999,900 shall be for Environmental Information Exchange Network grants, including associated program support costs: Provided, That for fiscal year 2003, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2003 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2003, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2003, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That the referenced statements of the managers under this heading in Public Laws 105–276, 106–74, and 106–377 are deemed to be amended by striking everything after ''Creek'' in reference to item numbers 27, 38, and 59, respectively, and inserting, ''and the Upper Ocmulgee River Watersheds, Georgia'': Provided further, That the referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by adding the words ''water and'' before the word ''wastewater'' in reference to item number 205: Provided further, That the referenced statement of the managers under this heading in Public Law 106–74 is deemed to be amended by striking everything after ''improvement'' in reference to item number 137 and inserting, ''and extensions to the Indian Ridge Industrial Park;'': Provided further, That the referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by striking everything after ''wastewater'' in reference to item number 103 and inserting, ''and drinking water infrastructure improvements;'': Provided further, That the referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by striking everything after ''for'' in reference to item number 283 and inserting, ''the Mount Pleasant Waterworks Commission, South Carolina, for the Snowden Community Wastewater Collection Project;'': Provided further, That the referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended in reference to item number 216 by inserting before the period, '', and, after February 1, 2003, any remaining unobligated funds to the City of Wendover, Utah for water and wastewater infrastructure improvements''.

ADMINISTRATIVE PROVISIONS

For fiscal year 2003, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

The Environmental Protection Agency may not use any of the funds appropriated or otherwise made available by this Act to implement the Registration Fee system codified at 40 Code of Federal Regulations Subpart U (sections 152.400 et seq.) if its authority to collect maintenance fees pursuant to FIFRA section 4(i)(5) is extended for at least 1 year beyond September 30, 2002.

Section 136a–1 of title 7, U.S.C. is amended—

(1) in subsection (i)(5)(C)(i) by striking ''$17,000,000 fiscal year 2002'' and inserting ''$21,500,000 for fiscal year 2003'';

(2) in subsection (i)(5)(H) by striking ''2002'' and inserting ''2003'';

(3) in subsection (i)(6) by striking ''2002'' and inserting ''2003''; and

(4) in subsection (k)(3)(A) by striking ''2002'' and inserting ''2003''.

As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall enter into a cooperative agreement with the National Academy of Sciences to evaluate the impact of the final rule relating to prevention of significant deterioration and nonattainment new source review, published at 67 Fed. Reg. 80186 (December 31, 2002). The study shall include—

(1) increases or decreases in emissions of pollutants regulated under the New Source Review program;

(2) impacts on human health;

(3) pollution control and prevention technologies installed after the effective date of the rule at facilities covered under the rulemaking;

(4) increases or decreases in efficiency of operations, including energy efficiency, at covered facilities; and

(5) other relevant data.

The National Academy of Sciences shall submit an interim report to Congress no later than March 3, 2004, and shall submit a final report on implementation of the rules.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,368,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,031,000: Provided, That, notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,848,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $800,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; and not to exceed $21,577,000 may be transferred to the Office of Inspector General for audits and investigations: Provided, That notwithstanding any other provision of law, for disaster declaration FEMA–1379–DR and hereafter, the Texas Medical Center is to be considered for FEMA Public Assistance and Hazard Mitigation grants as if it were an eligible applicant: Provided further, That the funds made available under this heading in Public Law 105–276 for a pilot project of seismic retrofit technology at California State University, San Bernardino, are reduced to $3,559,500, the funds made available under this heading in Public Law 106–74 for a pilot project of seismic retrofit technology at California State University, San Bernardino, are reduced to $0, and that the funds made available as a result of this action shall be used to mitigate fire danger in the area of the San Bernardino National Forest due to bark beetle infestation.

NATIONAL PRE-DISASTER MITIGATION FUND

For a pre-disaster mitigation grant program pursuant to 42 U.S.C. 5131 et seq., $150,000,000, to remain available until expended: Provided, That grants shall be awarded on a competitive basis subject to the criteria in 42 U.S.C. 5133(g): Provided further, That notwithstanding 42 U.S.C. 5133(f), grant awards shall be made without reference to State allocations, quotas, or other formula-based allocations of funds.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $557,000 as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $557,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $245,690,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $14,000,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall hereafter also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $388,299.000: Provided, That of the amount provided under this heading: $25,000,000 shall be for grants for interoperable communications equipment; $25,000,000 shall be for grants for emergency operations centers; $60,000,000 shall be for existing Urban Search and Rescue Teams; $165,000,000 shall be for emergency management performance grants; $20,000,000 shall be for Community Emergency Response Teams.

FIREFIGHTER ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), $750,000,000 to remain available through September 30, 2004: Provided, That up to 5 percent of this amount shall be transferred to ''Salaries and expenses'' for program administration.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2003, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2003, and remain available until expended.

CERRO GRANDE FIRE CLAIMS

For an additional amount for ''Cerro Grande Fire Claims'', up to $90,000,000 shall be made available for claims resulting from the Cerro Grande fires: Provided, That up to $5,000,000 may be made available for administrative purposes.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $150,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (''Act'') and the Flood Disaster Protection Act of 1973, as amended, not to exceed $32,393,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,666,000 for flood mitigation, to remain available until September 30, 2004, including up to $20,000,000 for expenses under section 1366 of the Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2004, and which amounts shall be derived from offsetting collections assessed and collected pursuant to 42 U.S.C. 4014, and shall be retained and used for necessary expenses under this heading: Provided, That beginning in fiscal year 2003 and thereafter, fees authorized in 42 U.S.C. 4014(a)(1)(B)(iii) shall be collected only if provided in advance in appropriations acts. In fiscal year 2003, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $529,380,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000, to remain available until September 30, 2004, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

ADMINISTRATIVE PROVISIONS

Nothwithstanding any other provision of law, funds appropriated to the Federal Emergency Management Agency (FEMA) for disaster relief for the terrorist attacks of September 11, 2001, in Public Law 107–117, may be used to provide funds to the City of New York and the State of New York for costs associated with such attacks that are unreimbursable under the Stafford Act, including but not limited to the non-federal share of relevant programs: Provided, That of the amounts made available, $90,000,000 shall be available upon enactment of this Act to administer baseline and follow-up screening and clinical examinations and long-term health monitoring and analysis for emergency services personnel and rescue and recovery personnel, of which not less than $25,000,000 shall be made available for such services for current and retired firefighters.

Notwithstanding any other provision of law, including sections 403 and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (43 U.S.C. 5170b and 42 U.S.C. 5173), the Federal Emergency Management Agency is directed to provide, from funds appropriated to the Federal Emergency Management Agency for disaster relief for the terrorist attacks of September 11, 2001, in Public Law 107–117, up to $1,000,000,000 to establish a captive insurance company or other appropriate insurance mechanism for claims arising from debris removal, which may include claims made by city employees.

FEMA is hereby directed to recognize that a hospital building has met the ''immediate occupancy'' requirements of the Seismic Hazard Mitigation Program for Hospitals (SHMPH) if such building is approved by California's Office of Statewide Health Planning and Development (OSHPD) for occupancy until 2030 or beyond under the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 now in effect.

GENERAL SERVICES ADMINISTRATION

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $11,541,000, to be deposited into the Federal Citizen Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount of $18,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2003 in excess of $18,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

INTERAGENCY COUNCIL ON THE HOMELESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the Interagency Council on the Homeless in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,500,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,180,900,000, to remain available until September 30, 2004, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Science, aeronautics and technology'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

SCIENCE, AERONAUTICS AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $35,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $9,207,665,000, to remain available until September 30, 2004, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Human space flight'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $25,600,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of this Act, the $3,836,000,000 provided for the Shuttle program shall be exempt from the across-the-board rescission under section 601 in division N.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2005.

Notwithstanding the limitation on the availability of funds appropriated for ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2003 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

NASA is authorized to proceed with establishment of a Non-Governmental Organization for International Space Station research: Provided, That no funds in this Act or any other appropriations Act may be expended for establishment of a Non-Governmental Organization that includes engineering and integration functions identified as Phase 2 in the Report of NASA's International Space Station Utilization Management Concept Development Study submitted on January 10, 2003.

There is hereby established in the United States Treasury a National Aeronautics and Space Administration working capital fund. Amounts in the fund are available for financing activities, services, equipment, information, and facilities as authorized by law to be provided within the Administration; to other agencies or instrumentalities of the United States; to any State, Territory, or possession or political subdivision thereof; to other public or private agencies; or to any person, firm, association, corporation, or educational institution on a reimbursable basis. The fund shall also be available for the purpose of funding capital repairs, renovations, rehabilitation, sustainment, demolition, or replacement of NASA real property, on a reimbursable basis within the Administration. Amounts in the fund are available without regard to fiscal year limitation. The capital of the fund consists of amounts appropriated to the fund; the reasonable value of stocks of supplies, equipment, and other assets and inventories on order that the Administrator transfers to the fund, less the related liabilities and unpaid obligations; and payments received for loss or damage to property of the fund. The fund shall be reimbursed, in advance, for supplies and services at rates that will approximate the expenses of operation, such as the accrual of annual leave, depreciation of plant, property and equipment, and overhead.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2003, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2003 shall not exceed $309,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 shall be available: Provided, That of this amount $700,000, together with amounts of principal and interest on loans repaid, is available until expended for loans to community development credit unions, and $300,000 is available until September 30, 2004 for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $4,083,000,000, of which not to exceed $320,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2004: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $85,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $149,510,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $909,080,000, to remain available until September 30, 2004: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $190,352,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2003 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $3,500,000: Provided, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $9,250,000, to remain available until September 30, 2004.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $105,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937, as amended; and of which $5,000,000 shall be for a multi-family rental housing program.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $26,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 403. None of the funds provided in this Act to any department or agency may be obligated or expended for: (1) the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905 or (2) to provide a cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 404. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 405. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 406. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 407. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 408. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 409. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 410. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 411. Such sums as may be necessary for fiscal year 2003 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 412. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 413. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 414. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 415. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 416. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government that is established after the date of the enactment of this Act, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 417. Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by striking ''15 percent'' and inserting ''7.5 percent''.

SEC. 418. The National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451, et seq.), is amended by adding at the end of title III a new section 315 as follows:

''ENHANCED-USE LEASE OF REAL PROPERTY DEMONSTRATION

''SEC. 315. (a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may enter into a lease under this section with any person or entity (including another department or agency of the Federal Government or an entity of a State or local government) with regard to any real property under the jurisdiction of the Administrator at no more than two (2) National Aeronautics and Space Administration (NASA) centers.

''(b) CONSIDERATION.—

''(1) A person or entity entering into a lease under this section shall provide consideration for the lease at fair market value as determined by the Administrator, except that in the case of a lease to another department or agency of the Federal Government, that department or agency shall provide consideration for the lease equal to the full costs to NASA in connection with the lease.

''(2) Consideration under this subsection may take one or a combination of the following forms:

''(A) the payment of cash.

''(B) the maintenance, construction, modification or improvement of facilities on real property under the jurisdiction of the Administrator.

''(C) the provision of services to NASA, including launch services and payload processing services; or

''(D) use by NASA of facilities on the property.

''(3)(A) The Administrator may utilize amounts of cash consideration received under this subsection for a lease entered into under this section to cover the full costs to NASA in connection with the lease. These funds shall remain available until expended.

''(B) Any amounts of cash consideration received under this subsection that are not utilized in accordance with subparagraph (A) shall be deposited in a capital asset account to be established by the Administrator, shall be available for maintenance, capital revitalization, and improvements of the real property assets of the centers selected for this demonstration program, and shall remain available until expended.

''(c) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such terms and conditions in connection with a lease under this section as the Administrator considers appropriate to protect the interests of the United States.

''(d) RELATIONSHIP TO OTHER LEASE AUTHORITY.—The authority under this section to lease property of NASA is in addition to any other authority to lease property of NASA under law.

''(e) LEASE RESTRICTIONS.—NASA is not authorized to lease back property under this section during the term of the out-lease or enter into other contracts with the lessee respecting the property.

''(f) PLAN AND REPORTING REQUIREMENTS.—At least 15 days prior to the Administrator entering into the first lease under this section, the Administrator shall submit a plan to the Congress on NASA's proposed implementation of this demonstration. The Administrator shall submit an annual report by January 31st of each year regarding the status of the demonstration.''.

SEC. 419. Notwithstanding 42 U.S.C. 5196c, amounts provided in Public Law 107–117 and subsequent appropriations Acts for the construction of emergency operations centers (or similar facilities) shall only require a 25 percent non-Federal cost share.

SEC. 420. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 421. Subsection (b) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended by adding at the end the following new paragraph (12):

''(12) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be considered an eligible grantee for purposes of receiving assistance under this section on behalf of Alaska Native villages.''.

SEC. 422. The Secretary of the Department of Homeland Security is authorized to acquire fee title to up to 178.5 acres of undeveloped property on the North and West sides of Virginia Routes 601 and 605 in Clarke County and Loudoun County, Virginia, adjacent to a Federal Emergency Management Agency facility in Clarke County and Loudoun County, Virginia.

SEC. 423. Section 1344(b) of title 31, United States Code, is amended by striking paragraph (6) and inserting in lieu thereof the following new paragraph (6):

''(6) the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, and the Administrator of the National Aeronautics and Space Administration;''.

This division may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003''.

DIVISION L—HOMELAND SECURITY ACT OF 2002 AMENDMENTS

SEC. 101. GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in section 308, by striking subsections (a) through (c)(1) and inserting in lieu thereof the following:

''(a) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall carry out the responsibilities under section 302(4) through both extramural and intramural programs.

''(b) EXTRAMURAL PROGRAMS.—

''(1) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall operate extramural research, development, demonstration, testing, and evaluation programs so as to—

''(A) ensure that colleges, universities, private research institutes, and companies (and consortia thereof) from as many areas of the United States as practicable participate;

''(B) ensure that the research funded is of high quality, as determined through merit review processes developed under section 302(14); and

''(C) distribute funds through grants, cooperative agreements, and contracts.

''(2) UNIVERSITY-BASED CENTERS FOR HOMELAND SECURITY.—

''(A) DESIGNATION.—The Secretary, acting through the Under Secretary for Science and Technology, shall designate a university-based center or several university-based centers for homeland security. The purpose of the center or these centers shall be to establish a coordinated, university-based system to enhance the Nation's homeland security.

''(B) CRITERIA FOR DESIGNATION.—Criteria for the designation of colleges or universities as a center for homeland security, shall include, but are not limited to, demonstrated expertise in—

''(i) The training of first responders.

''(ii) Responding to incidents involving weapons of mass destruction and biological warfare.

''(iii) Emergency and diagnostic medical services.

''(iv) Chemical, biological, radiological, and nuclear countermeasures or detection.

''(v) Animal and plant health and diagnostics.

''(vi) Food safety.

''(vii) Water and wastewater operations.

''(viii) Port and waterway security.

''(ix) Multi-modal transportation.

''(x) Information security and information engineering.

''(xi) Engineering.

''(xii) Educational outreach and technical assistance.

''(xiii) Border transportation and security.

''(xiv) The public policy implications and public dissemination of homeland security related research and development.

''(C) DISCRETION OF SECRETARY.—To the extent that exercising such discretion is in the interest of homeland security, and with respect to the designation of any given university-based center for homeland security, the Secretary may except certain criteria as specified in section 308(b)(2)(B) and consider additional criteria beyond those specified in section 308(b)(2)(B). Upon designation of a university-based center for homeland security, the Secretary shall that day publish in the Federal Register the criteria that were excepted or added in the selection process and the justification for the set of criteria that were used for that designation.

''(D) REPORT TO CONGRESS.—The Secretary shall report annually, from the date of enactment, to Congress concerning the implementation of this section. That report shall indicate which center or centers have been designated and how the designation or designations enhance homeland security, as well as report any decisions to revoke or modify such designations.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

''(c) INTRAMURAL PROGRAMS.—

''(1) CONSULTATION.—In carrying out the duties under section 302, the Secretary, acting through the Under Secretary for Science and Technology, may draw upon the expertise of any laboratory of the Federal Government, whether operated by a contractor or the Government.''; and

(2) in subsection 835(d) by striking all after the word ''security'' and inserting in lieu thereof a period.

SEC. 102. NON-PREJUDICIAL REPEAL OF SECTIONS 1714 THROUGH 1717 OF THE HOMELAND SECURITY ACT OF 2002. (a) REPEAL.—In accordance with subsection (c), sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296) are repealed.

(b) APPLICATION OF THE PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) shall be applied and administered as if the sections repealed by subsection (a) had never been enacted.

(c) RULE OF CONSTRUCTION.—No inference shall be drawn from the enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296), or from this repeal, regarding the law prior to enactment of sections 1714 through 1717 of the Homeland Security Act of 2002 (Public Law 107–296). Further, no inference shall be drawn that subsection (a) or (b) affects any change in that prior law, or that Leroy v. Secretary of Health and Human Services, Office of Special Master, No. 02–392V (October 11, 2002), was incorrectly decided.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the Nation's ability to produce and develop new and effective vaccines faces significant challenges, and important steps are needed to revitalize our immunization efforts in order to ensure an adequate supply of vaccines and to encourage the development of new vaccines;

(2) these steps include ensuring that patients who have suffered vaccine-related injuries have the opportunity to seek fair and timely redress, and that vaccine manufacturers, manufacturers of components or ingredients of vaccines, and physicians and other administrators of vaccines have adequate protections;

(3) prompt action is particularly critical given that vaccines are a front line of defense against common childhood and adult diseases, as well as against current and future biological threats; and

(4) not later than 6 months after the date of enactment of this Act, the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives should report a bill

addressing the issues described in paragraphs (1) through (3).

SEC. 103. GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in subsection 232(f), by striking the period at the end of the sentence and inserting: ''; Provided, That any such transfer or provision of funding shall be carried out in accordance with section 605 of Public Law 107–77.'';

(2) in subsection 234(b), by striking the period at the end of the sentence and inserting: ''; Provided, That any such transfer shall be carried out in accordance with section 605 of Public Law 107–77.'';

(3) in subsection 873(b)—

(A) by inserting ''Except as authorized by section 2601 of title 10, United States Code, and by section 93 of title 14, United States Code,'' before the word ''Gifts'' in the second place it appears; and

(B) by striking the letter ''G'' and inserting in lieu thereof ''g'' in the word ''Gifts'' in the second place it appears;

(4) in subsection 1511(e)(2), after the word ''development'' and before the period, by inserting: '', and to any funds provided to the Coast Guard from the Aquatic Resources Trust Fund of the Highway Trust Fund for boating safety programs''; and

(5) at the end of the Act, by adding the following new section:

''SEC. 1714. Notwithstanding any other provision of this Act, any report, notification, or consultation addressing directly or indirectly the use of appropriated funds and stipulated by this Act to be submitted to, or held with, the Congress or any Congressional committee shall also be submitted to, or held with, the Committees on Appropriations of the Senate and the House of Representatives under the same conditions and with the same restrictions as stipulated by this Act.''.

SEC. 104. INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY. (a) IN GENERAL.—Section 103(b) of the Homeland Security Act of 2002 (Public Law 107–296) is amended to read as follows:

''(b) INSPECTOR GENERAL.—There shall be in the Department an Office of Inspector General and an Inspector General at the head of such office, as provided in the Inspector General Act of 1978 (5 App. U.S.C.).''.

(b) SPECIAL PROVISIONS CONCERNING THE INSPECTOR GENERAL.—The Inspector General Act of 1978 (5 App. U.S.C.) is amended—

(1) by striking section 8J;

(2) by redesignating section 8I as section 8J; and

(3) by inserting after section 8H the following:

''SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF HOMELAND SECURITY

''SEC. 8I. (a)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General of the Department of Homeland Security shall be under the authority, direction, and control of the Secretary of Homeland Security with respect to audits or investigations, or the issuance of subpoenas, that require access to sensitive information concerning—

''(A) intelligence, counterintelligence, or counterterrorism matters;

''(B) ongoing criminal investigations or proceedings;

''(C) undercover operations;

''(D) the identity of confidential sources, including protected witnesses;

''(E) other matters the disclosure of which would, in the Secretary's judgment, constitute a serious threat to the protection of any person or property authorized protection by section 3056 of title 18, United States Code, section 202 of title 3 of such Code, or any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); or

''(F) other matters the disclosure of which would constitute a serious threat to national security.

''(2) With respect to the information described in paragraph (1), the Secretary of Homeland Security may prohibit the Inspector General of the Department of Homeland Security from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to prevent the disclosure of any information described in paragraph (1), to preserve the national security, or to prevent a significant impairment to the interests of the United States.

''(3) If the Secretary of Homeland Security exercises any power under paragraph (1) or (2), the Secretary shall notify the Inspector General of the Department of Homeland Security in writing within seven days stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit to the President of the Senate, the Speaker of the House of Representatives, and appropriate committees and subcommittees of Congress the following:

''(A) A copy of such notice.

''(B) A written response to such notice that includes a statement regarding whether the Inspector General agrees or disagrees with such exercise, and the reasons for any disagreement.

''(b) The exercise of authority by the Secretary described in paragraph (2) should not be construed as limiting the right of Congress or any committee of Congress to access any information it seeks.

''(c) Subject to the conditions established in subsections (a) and (b) above, in carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of Homeland Security may initiate, conduct, and supervise such audits and investigations in the Department of Homeland Security as the Inspector General considers appropriate.

''(d) Any report required to be transmitted by the Secretary of Homeland Security to the appropriate committees or subcommittees of Congress under section 5(d) shall be transmitted, within the seven-day period specified under such section, to the President of the Senate, the Speaker of the House of Representatives, and appropriate committees and subcommittees of Congress.

''(e) Notwithstanding any other provision of law, in carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of Homeland Security shall have oversight responsibility for the internal investigations performed by the Office of Internal Affairs of the United States Customs Service, the Office of Inspections of the United States Secret Service, the Bureau of Border Security, and the Bureau of Citizenship and Immigration Services. The head of each such office or bureau shall promptly report to the Inspector General the significant activities being carried out by such office or bureau.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 811 of the Homeland Security Act of 2002 (Public Law 107–296) is repealed.

(2) Section 8D of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)(1)—

(i) in the first sentence, by striking '', the Office of Internal Affairs of the United States Customs Service, and the Office of Inspections of the United States Secret Service,''; and

(ii) in the second sentence, by striking ''each'';

(B) in subsection (c), by striking ''bureaus and services'' and inserting ''bureau''; and

(C) in subsection (d)—

(i) by striking ''a bureau or service'' and inserting ''the bureau''; and

(ii) by striking ''or service'' after ''such bureau''.

SEC. 105. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW. (a) The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) in subsection 1102(2), by inserting new paragraphs (A) and (B) as follows, and by redesignating current paragraphs (A) and (B) as paragraphs ''(C)'' and ''(D)'' respectively—

''(A) by striking 'Attorney General' in the title and inserting in lieu thereof 'Secretary of Homeland Security';

''(B) by striking 'The Attorney General' in subsection (a)(1) and inserting in lieu thereof 'The Secretary of Homeland Security';'' and

(2) by adding, at the end of title XI, subtitle A, a new section as follows—

"SEC. 1104. EFFECTIVE DATE.

''The provisions of this subtitle shall take effect on the date of the transfer of functions from the Commissioner of Immigration and Naturalization to officials of the Department of Homeland Security.''.

SEC. 106. SAVINGS PROVISION OF CERTAIN TRANSFERS MADE UNDER THE HOMELAND SECURITY ACT OF 2002. The transfer of functions under subtitle B of title XI of the Homeland Security Act of 2002 (Public Law 107–296) shall not affect any pending or completed administrative actions, including orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, or registrations, in effect on the date immediately prior to the date of such transfer, or any proceeding, unless and until amended, modified, superseded, terminated, set aside, or revoked. Pending civil actions shall not be affected by such transfer of functions.

SEC. 107. RESTORATION OF PROVISION REGARDING FEES TO COVER THE FULL COSTS OF ALL ADJUDICATION SERVICES. The Homeland Security Act of 2002 (Public Law 107–296) is amended by striking section 457, including the amendment made by such section: Provided, That no court shall have jurisdiction over any cause or claim arising under the provisions of section 457 of the Homeland Security Act of 2002 (Public Law 107–296), this section, or any regulations promulgated thereunder.

This division may be cited as the ''Homeland Security Act Amendments of 2003''.

DIVISION M—OTHER MATTERS

DEFENSE RELATED TECHNICAL CORRECTIONS

SEC. 101. Section 8126 of Public Law 107–248 is amended to read as follows: ''Of the amounts appropriated in Public Law 107–206, under the heading 'Defense Emergency Response Fund', $4,500,000 may be made available to settle the disputed takings of property adjacent to the Army Tooele Depot, Utah: Provided, That none of these funds may be used to acquire fee title to the properties.''.

SEC. 102. Of the amounts appropriated in Public Law 107–248, under the heading ''Operation and Maintenance, Navy'', $20,000,000 shall be available for use only in the disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet. Further, the Secretary of the Navy and the Secretary of Transportation shall report to the congressional defense committees no later than March 1, 2003, regarding the total number of obsolete vessels in the Maritime Administration National Defense Reserve Fleet designated for disposal, the comparative condition of the vessels, the method of disposal, and the projected costs for disposal of each vessel.

SEC. 103. Section 124 of Public Law 107–249 is amended by adding at the end before the period the following new proviso: '': Provided, That not more than $1,000,000 may be used to provide connectivity between the various North Atlantic Treaty Organization headquarters and the capitals of the New Independent States of the former Soviet Union''.

SEC. 104. In Public Law 107–249, the total amount appropriated under the heading ''Military Construction, Air Force'' is reduced by $18,600,000, and the total amount appropriated under the heading ''Military Construction, Air Force Reserve'' is increased by $18,600,000.

SEC. 105. (a) Of the funds appropriated in Public Law 107–249 for ''Military Construction, Air Force'', $15,000,000 for land acquisition at Nellis Air Force Base, Nevada, may be transferred by the Secretary of the Air Force to the United States Fish and Wildlife Service to fulfill

the obligations of the Air Force under section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Upon receipt by the Service of the funds transferred in this paragraph, the obligations of the Department of the Air Force shall be considered fulfilled.

(b) The United States Fish and Wildlife Service may grant funds received by the Service under subsection (a) in a lump sum to the National Fish and Wildlife Foundation for use in accomplishing the purposes of section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999. Funds received by the Foundation under the previous paragraph shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), other than section 10(a) of that Act (16 U.S.C. 3709(a)).

SEC. 106. Section 8040 of Public Law 107–248 is amended by striking ''$100,000'' and inserting ''$250,000'': Provided, That notwithstanding any other provision of law, the Office of Economic Adjustment (OEA) is authorized to make grants using funds made available under the heading ''Operation and Maintenance, Defense-Wide'' in accordance with the guidance provided in the Joint Explanatory Statement of the Committee of Conference for the Conference Report to accompany H.R. 5010 (House Report 107–732) and these projects shall hereafter be considered to be authorized by law.

(TRANSFER OF FUNDS)

SEC. 107. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be made available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

To:

Under the heading, ''Procurement, Defense-Wide, 2003/2005'', $48,900,000; and

''Procurement, Defense-Wide, 2002/2004'', $55,100,000;

From:

Under the heading, ''Defense Emergency Response Fund, 2002'', $40,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2003/2005'', $5,000,000;

''Procurement of Ammunition, Army, 2002/2004'', $10,100,000;

''Other Procurement, Air Force, 2003/2005'', $7,000,000;

''Research, Development, Test and Evaluation, Army, 2002/2003'', $5,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2003/2004'', $36,900,000.

SEC. 108. Notwithstanding any other provision of law, from funds made available to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'' in the Department of Defense Appropriations Act, 2003 (Public Law 107–248), the Secretary of Defense shall award a grant in the amount of $2,000,000 to the Commonwealth of Pennsylvania for Quecreek Mine disaster rescue and recovery efforts and a grant in the amount of $600,000 to the City of Philadelphia for safety and security lighting of the Platt Bridge.

(INCLUDING TRANSFER OF FUNDS)

SEC. 109. In addition to amounts appropriated in Public Law 107–248, there are hereby appropriated the following amounts for the following accounts: Provided, That funds included in this provision may be transferred to and merged with appropriations previously made available to the Department of Defense for the same time period and for the same purposes as required to carry out the intent of Congress as expressed in the Classified Annex accompanying the Statement of the Managers:

''Military Personnel, Army'', $771,200,000;

''Military Personnel, Navy'', $213,800,000;

''Military Personnel, Marine Corps'', $68,600,000;

''Military Personnel, Air Force'', $563,400,000;

''Operation and Maintenance, Army'', $1,340,347,000;

''Operation and Maintenance, Navy'', $435,813,000;

''Operation and Maintenance, Marine Corps'', $202,100,000;

''Operation and Maintenance, Air Force'', $1,766,958,000;

''Operation and Maintenance, Defense-Wide'', $1,377,313,000;

''Missile Procurement, Air Force'', $115,000,000;

''Other Procurement, Air Force'', $2,271,657,000;

''Procurement, Defense-Wide'', $33,448,000;

''Research, Development, Test and Evaluation, Navy'', $2,000,000;

''Research, Development, Test and Evaluation, Air Force'', $311,980,000;

''Research, Development, Test and Evaluation, Defense-Wide'', $416,284,000;

''Defense Health Program'', $95,100,000; and

''Intelligence Community Management Account'', $15,000,000, of which $5,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center.

SEC. 110. Funds appropriated by this Act or by Public Law 107–248, or made available by the transfer of funds in this Act or in Public Law 107–248, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 111. (a) LIMITATION ON USE OF FUNDS FOR RESEARCH AND DEVELOPMENT ON TOTAL INFORMATION AWARENESS PROGRAM.—Notwithstanding any other provision of law, commencing 90 days after the date of the enactment of this Act, no funds appropriated or otherwise made available to the Department of Defense, whether to an element of the Defense Advanced Research Projects Agency or any other element, or to any other department, agency, or element of the Federal Government, may be obligated or expended on research and development on the Total Information Awareness program unless—

(1) the report described in subsection (b) is submitted to Congress not later than 90 days after the date of the enactment of this Act; or

(2) the President certifies to Congress in writing, that—

(A) the submittal of the report to Congress within 90 days after the date of the enactment of this Act is not practicable; and

(B) the cessation of research and development on the Total Information Awareness program would endanger the national security of the United States.

(b) REPORT.—The report described in this subsection is a report, in writing, of the Secretary of Defense, the Attorney General, and the Director of Central Intelligence, acting jointly, that—

(1) contains—

(A) a detailed explanation of the actual and intended use of funds for each project and activity of the Total Information Awareness program, including an expenditure plan for the use of such funds;

(B) the schedule for proposed research and development on each project and activity of the Total Information Awareness program; and

(C) target dates for the deployment of each project and activity of the Total Information Awareness program;

(2) assesses the likely efficacy of systems such as the Total Information Awareness program in providing practically valuable predictive assessments of the plans, intentions, or capabilities of terrorists or terrorist groups;

(3) assesses the likely impact of the implementation of a system such as the Total Information Awareness program on privacy and civil liberties;

(4) sets forth a list of the laws and regulations that govern the information to be collected by the Total Information Awareness program, and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program; and

(5) includes recommendations, endorsed by the Attorney General, for practices, procedures, regulations, or legislation on the deployment, implementation, or use of the Total Information Awareness program to eliminate or minimize adverse effects of such program on privacy and other civil liberties.

(c) LIMITATION ON DEPLOYMENT OF TOTAL INFORMATION AWARENESS PROGRAM.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), if and when research and development on the Total Information Awareness program, or any component of such program, permits the deployment or implementation of such program or component, no department, agency, or element of the Federal Government may deploy or implement such program or component, or transfer such program or component to another department, agency, or element of the Federal Government, until the Secretary of Defense—

(A) notifies Congress of that development, including a specific and detailed description of—

(i) each element of such program or component intended to be deployed or implemented; and

(ii) the method and scope of the intended deployment or implementation of such program or component (including the data or information to be accessed or used); and

(B) has received specific authorization by law from Congress for the deployment or implementation of such program or component, including—

(i) a specific authorization by law for the deployment or implementation of such program or component; and

(ii) a specific appropriation by law of funds for the deployment or implementation of such program or component.

(2) The limitation in paragraph (1) shall not apply with respect to the deployment or implementation of the Total Information Awareness program, or a component of such program, in support of the following:

(A) Lawful military operations of the United States conducted outside the United States.

(B) Lawful foreign intelligence activities conducted wholly against non-United States persons.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Total Information Awareness program should not be used to develop technologies for use in conducting intelligence activities or law enforcement activities against United States persons without appropriate consultation with Congress or without clear adherence to principles to protect civil liberties and privacy; and

(2) the primary purpose of the Defense Advanced Research Projects Agency is to support the lawful activities of the Department of Defense and the national security programs conducted pursuant to the laws assembled for codification purposes in title 50, United States Code.

(e) DEFINITIONS.—In this section:

(1) TOTAL INFORMATION AWARENESS PROGRAM.—The term ''Total Information Awareness program''—

(A) means the computer hardware and software components of the program known as Total Information Awareness, any related information awareness program, or any successor program under the Defense Advanced Research Projects Agency or another element of the Department of Defense; and

(B) includes a program referred to in subparagraph (1), or a component of such program, that has been transferred from the Defense Advanced Research Projects Agency or another element of the Department of Defense to any other department, agency, or element of the Federal Government.

(2) NON-UNITED STATES PERSON.—The term ''non-United States person'' means any person other than a United States person.

(3) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(INCLUDING TRANSFER OF FUNDS)

SEC. 112. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248) is amended by inserting before the period at the end the following: ": Provided further, That, in addition to the transfer authority provided in this section, and subject to the terms and conditions of this section except the limitation in the fourth proviso, the Secretary of Defense may, only to meet unforeseen fuel costs borne by the Defense Working Capital Fund resulting from fuel cost increases and the global war on terrorism, transfer up to an additional $500,000,000 of funds made available in this Act to the Department of Defense for military functions (except military construction), from such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund within the Defense Working Capital Fund to which transferred: Provided further, That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 202 of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) prior to notifying the House and Senate Committees on Appropriations of the source of funds to be used for such purpose".

DIVISION N—EMERGENCY RELIEF AND OFFSETS

SECTION 1. SHORT TITLE.—This division may be cited as the "Miscellaneous Appropriations Act, 2003".

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—ELECTION REFORM

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the Help America Vote Act of 2002, $2,000,000.

ELECTION ASSISTANCE COMMISSION

ELECTION REFORM PROGRAMS

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $833,000,000, of which $830,000,000 shall be for requirements payments under Section 257 of that Act, of which $1,500,000 shall be available for a Help America Vote College Program, and of which $1,500,000 shall be available for the establishment of a Help America Vote foundation: Provided, That no more than 1/10 of 1 percent of funds available for requirements payments under Section 257 of the Help America Vote Act of 2002 shall be allocated to any territory.

GENERAL SERVICES ADMINISTRATION

ELECTION REFORM PAYMENTS

For necessary expenses to carry out programs of payments to states as authorized by Title I of the Help America Vote Act of 2002, $650,000,000, of which not to exceed $500,000 shall be available to the General Services Administration for necessary administrative expenses.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DISABLED VOTER SERVICES

For necessary expenses to carry out programs as authorized by the Help America Vote Act of 2002, $15,000,000, of which $13,000,000 shall be for payments to states to promote disabled voter access, and of which $2,000,000 shall be for payments to states for disabled voters protection and advocacy systems.

TITLE II—AGRICULTURAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Agricultural Assistance Act of 2003".

SEC. 202. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—The Secretary of Agriculture (in this title referred to as the "Secretary") shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying losses for the 2001 or 2002 crop of an agricultural commodity (other than sugar or tobacco) due to damaging weather or related condition, as determined by the Secretary.

(b) ADMINISTRATION.—

(1) USE OF FORMER ADMINISTRATIVE AUTHORITY.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and quality losses as were used in administering that section.

(2) PAYMENT RATE.—The payment rate for a crop for assistance provided under this section to the producers on a farm shall be calculated as follows:

(A) If the producers obtained a policy or plan of insurance, including a catastrophic risk protection plan, for the crop under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 50 percent of the applicable price for the crop.

(B) If a policy or plan of insurance, including a catastrophic risk protection plan, for the crop was not available to the producers under the Federal Crop Insurance Act, 50 percent of the applicable price for the crop.

(C) Subject to subsections (e) and (f), if the producers did not obtain a policy or plan of insurance, including a catastrophic risk protection plan, available for the crop under the Federal Crop Insurance Act, 45 percent of the applicable price for the crop.

(c) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in both the 2001 and 2002 crop years, the producer shall elect to receive assistance under this section for losses incurred in either the 2001 crop year or the 2002 crop year, but not both.

(d) PAYMENT LIMITATION.—

(1) LIMITATION.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(e) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (f), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act for the crop incurring the losses; and

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 for the crop incurring the losses.

(f) CONTRACT WAIVER.—The Secretary may waive subsection (e) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act providing additional coverage for the insurable commodity for each of the next two crops; and

(2) in the case of a noninsurable commodity, to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next two crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996.

(g) EFFECT OF VIOLATION.—In the event of the violation of a contract under subsection (f) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

(h) DEFINITIONS.—In this section:

(1) ADDITIONAL COVERAGE.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act.

(3) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996.

SEC. 203. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070).

(2) ELIGIBLE APPLICANTS.—Subject to subsection (c), in carrying out the Program, the Secretary shall—

(A) provide assistance to any applicant that—

(i) conducts a livestock operation that is physically located in a disaster county; and

(ii) meets all other eligibility requirements established by the Secretary for the Program; and

(B) provide assistance to any applicant that—

(i) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and

(ii) meets all other eligibility requirements established by the Secretary for the Program.

(b) LIVESTOCK ASSISTANCE PROGRAM.—

(1) ASSISTANCE AVAILABLE.—Subject to paragraph (2) and subsection (c), the Secretary shall use $250,000,000 of funds of the Commodity Credit Corporation to establish a program under which payments are made to livestock producers for losses in a disaster county. To carry out the program, the Secretary shall use the criteria established to carry out the 1999 Livestock Assistance Program, except that, in lieu of the gross revenue criteria used for the 1999 Livestock Assistance Program, the Secretary shall use the adjusted gross income limitation contained in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a).

(2) CHOICE OF PAYMENTS.—If the livestock operation of the producers is located in a county that was declared to be a disaster county for both calendar year 2001 and calendar year 2002, the producers shall elect to receive payments under this subsection for losses in either calendar year 2001 or calendar year 2002, but not both. If the livestock operation is located in a county that was declared to be a disaster county in just one of those calendar years, the producers may still elect to receive payments under this subsection for losses in either calendar year, but not both.

(c) RELATIONSHIP OF LIVESTOCK ASSISTANCE PROGRAMS.—

(1) REDUCTION IN PAYMENTS.—The amount of assistance that the producers would otherwise receive for a loss under a livestock assistance program described in paragraph (2) shall be reduced by the amount of the assistance that the

producers receive under any other livestock assistance program described in such paragraph.

(2) COVERED LIVESTOCK ASSISTANCE PROGRAMS.—Paragraph (1) applies to the following livestock assistance programs:

(A) The 2002 Cattle Feed Program announced by the Secretary on September 3, 2002 (67 Fed. Reg. 56260).

(B) The 2002 Livestock Compensation Program, as announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), and modified in accordance with subsection (a).

(C) The livestock assistance program established under subsection (b).

(D) Any other livestock assistance program, as determined by the Secretary.

(d) DEFINITIONS.—In this section:

(1) DISASTER COUNTY.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for calendar year 2001 or calendar year 2002 for which the request for such declaration was submitted during the period beginning on January 1, 2001, and ending on the date of enactment of this Act. However, the term does not include a contiguous county.

(2) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means—

(A) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(B) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 204. EMERGENCY SURPLUS REMOVAL.

The Secretary shall transfer $250,000,000 of funds of the Commodity Credit Corporation to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out emergency surplus removal of agricultural commodities.

SEC. 205. TOBACCO PAYMENTS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PERSON.—The term ''eligible person'' means a person that—

(A) owns a farm for which, irrespective of temporary transfers or undermarketings, a basic quota or allotment for eligible tobacco is established for the 2002 crop year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.);

(B) controls the farm from which, under the quota or allotment for the relevant period, eligible tobacco is marketed, could have been marketed, or can be marketed, taking into account temporary transfers; or

(C) grows, could have grown, or can grow eligible tobacco that is marketed, could have been marketed, or can be marketed under the quota or allotment for the 2002 crop year, taking into account temporary transfers.

(2) ELIGIBLE TOBACCO.—The term ''eligible tobacco'' means each of the following kinds of tobacco:

(A) Flue-cured tobacco, comprising types 11, 12, 13, and 14.

(B) Fire-cured tobacco, comprising types 21, 22, and 23.

(C) Dark air-cured tobacco, comprising types 35 and 36.

(D) Virginia sun-cured tobacco, comprising type 37.

(E) Burley tobacco, comprising type 31.

(F) Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 54, and 55.

(b) PAYMENTS.—Not later than June 1, 2003, the Secretary shall use funds of the Commodity Credit Corporation to make payments under this section.

(c) POUNDAGE PAYMENT QUANTITIES.—

(1) IN GENERAL.—

(A) FLUE-CURED AND CIGAR TOBACCO.—In the case of Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the poundage payment quantity under this section shall equal the number of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year.

(B) OTHER KINDS OF ELIGIBLE TOBACCO.—In the case of each other kind of eligible tobacco, the poundage payment quantity under this section shall equal—

(i) in the case of eligible persons that are owners described in subsection (a)(1)(A), the number of pounds of the basic poundage quota of the kind of tobacco, irrespective of temporary transfers or undermarketings, as determined under paragraph (2); and

(ii) in the case of eligible persons that are controllers described in subsection (a)(1)(B) or growers described in subsection (a)(1)(C), the number of pounds of effective poundage quota of the kind of tobacco, including temporary transfers or undermarketings, as determined under paragraph (2).

(2) CONVERSION OF INDIVIDUAL ALLOTMENTS TO POUNDAGE PAYMENT QUANTITIES.—In the case of each kind of eligible tobacco other than Flue-cured tobacco (types 11, 12, 13, and 14) and Burley tobacco (type 31), individual allotments shall be converted to poundage payment quantities by multiplying—

(A) the number of acres that may, irrespective of temporary transfers or undermarketings, be devoted, without penalty, to the production of the kind of tobacco under the allotment under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) for the 2002 crop year; by

(B)(i) in the case of fire-cured tobacco (type 21), 1,746 pounds per acre;

(ii) in the case of fire-cured tobacco (types 22 and 23), 2,676 pounds per acre;

(iii) in the case of dark air-cured tobacco (types 35 and 36), 2,475 pounds per acre;

(iv) in the case of Virginia sun-cured tobacco (type 37), 1,502 pounds per acre; and

(v) in the case of cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), 2,230 pounds per acre.

(d) AVAILABLE PAYMENT AMOUNTS.—The available payment amount for each kind of eligible tobacco under subsection (b) shall not exceed the amount obtained by multiplying—

(1) 5.55 cents per pound; and

(2) the national basic poundage quota for the applicable kind for the 2002 marketing year, as determined under subsection (c)(2).

(e) DIVISION OF PAYMENTS AMONG ELIGIBLE PERSONS.—

(1) IN GENERAL.—Payments available with respect to a pound of payment quantity, as determined under subsection (d), shall be made available to eligible persons in accordance with this paragraph, as determined by the Secretary.

(2) FLUE-CURED AND CIGAR TOBACCO.—In the case of payments made available in a State under subsection (b) for Flue-cured tobacco (types 11, 12, 13, and 14) and cigar-filler and cigar-binder tobacco (types 42, 43, 44, 54, and 55), the Secretary shall distribute (as determined by the Secretary)—

(A) 50 percent of the payments to eligible persons that are owners described in subsection (a)(1)(A); and

(B) 50 percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(3) OTHER KINDS OF ELIGIBLE TOBACCO.—In the case of payments made available in a State under subsection (b) for each other kind of eligible tobacco not covered by paragraph (2), the Secretary shall distribute (as determined by the Secretary)—

(A) 33⅓ percent of the payments to eligible persons that are owners described in subsection (a)(1)(A);

(B) 33⅓ percent of the payments to eligible persons that are controllers described in subsection (a)(1)(B); and

(C) 33⅓ percent of the payments to eligible persons that are growers described in subsection (a)(1)(C).

(f) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224).

(g) JUDICIAL REVIEW.—A determination by the Secretary under this section shall not be subject to judicial review.

SEC. 206. COTTONSEED.

The Secretary shall use $50,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2002 crop of cottonseed.

SEC. 207. HURRICANE ASSISTANCE.

(a) IN GENERAL.—In a State in a which a qualifying natural disaster declaration has been made during a calendar year, the Secretary shall make available to first processors that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) assistance in the form of payments, or commodities in the inventory of the Commodity Credit Corporation from carrying out that section, to partially compensate producers and first processors for crop and other losses that are related to the qualifying natural disaster declaration.

(b) ADMINISTRATION.—Assistance under this section shall be—

(1) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers; and

(2) made available under such terms and conditions as the Secretary determines are necessary to carry out this section.

(c) QUANTITY.—To carry out this section, the Secretary shall—

(1) use 150,000 tons of commodities in the inventory of the Commodity Credit Corporation under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(2) make payments in an aggregate amount equal to the market value of 150,000 tons of commodities described in paragraph (1); or

(3) take any combination of actions described in paragraphs (1) and (2) using commodities or payments with a total market value of 150,000 tons of commodities described in paragraph (1).

(d) LIMITATIONS.—The Secretary shall provide assistance under this section only in a State described in section 359f(c)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(A)) in which a qualifying natural disaster declaration was made during calendar year 2002.

(e) QUALIFYING NATURAL DISASTER DECLARATION.—In this section, the term ''qualifying natural disaster declaration'' means—

(1) a natural disaster declared by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(2) a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 208. WEATHER-RELATED LOSSES.

The Secretary shall use not more than $60,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses), as determined by the Secretary, for either the 2001 crop year or the 2002 crop year, but not both, as elected by the producers.

SEC. 209. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED ALONG RIO GRANDE FOR WATER LOSSES.

(a) IN GENERAL.—The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in the State of Texas with farming operations along the Rio Grande that have suffered economic losses during the 2002 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington, February 3, 1944 (59 Stat. 1219; TS 994).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of economic losses described in subsection (a) that were incurred by the producers.

SEC. 210. ASSISTANCE TO AGRICULTURAL PRODUCERS LOCATED IN NEW MEXICO FOR TEBUTHIURON APPLICATION LOSSES.

(a) IN GENERAL.—The Secretary shall use not more than $1,650,000 of funds of the Commodity Credit Corporation to reimburse agricultural producers on farms located in the vicinity of Malaga, New Mexico, for losses incurred during calendar years 2002 and 2003 as the result of the application by the Federal Government of tebuthiuron on land on or near the farms of the producers during August 2002. The funds made available under this subsection shall remain available until expended.

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of losses described in subsection (a) that were incurred by the producers.

SEC. 211. ASSISTANCE TO CITRUS AND LIME GROWERS FOR LOST PRODUCTION FROM TREES REMOVED TO CONTROL CITRUS CANKER.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall use not more than $18,200,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary.

(b) REMOVAL OF TREES.—For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

SEC. 212. ADMINISTRATION.

Section 1232(a)(7)(A)(iii) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)(A)(iii)) is amended by inserting before the semicolon the following: '', except that this clause shall not apply to the 2002 calendar year, and the Secretary shall repay the owner or operator (in a manner determined by the Secretary) for any reduction in rental payments made to the owner or operator as the result of the application of this clause to the 2002 calendar year''.

SEC. 213. TECHNICAL ASSISTANCE.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended—

(1) by striking subsection (b) and inserting the following new subsection (b):

''(b) TECHNICAL ASSISTANCE.—

''(1) DATE OF ENACTMENT THROUGH SEPTEMBER 30, 2003.—During the period beginning on the date of enactment of the Agricultural Assistance Act of 2003 and ending on September 30, 2003, Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

''(2) SUBSEQUENT FISCAL YEARS.—Effective beginning on October 1, 2003, Commodity Credit Corporation funds made available under paragraphs (3) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).''; and

(2) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection (c):

''(c) RELATIONSHIP TO OTHER LAW.—The use of Commodity Credit Corporation funds under subsection (b) to provide technical assistance shall not be considered an allotment or fund transfer from the Commodity Credit Corporation for purposes of the limit on expenditures for technical assistance imposed by section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i).''.

SEC. 214. PRODUCER-OWNED COOPERATIVE MARKETING ASSOCIATION LOAN FORFEITURE AUTHORITY.

(a) IN GENERAL.—Section 844 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387 (114 Stat. 1549, 1549A–160), and amended by section 101(9) of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763, 2763A–172)), is amended—

*(1) in the section heading, by striking ''**burley, flue-cured, and cigar binder type 54–55**''; and*

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting '', or the 1999, 2000, and 2001 crops of type 21 Fire-cured tobacco or type 37 Virginia sun-cured tobacco'' after ''tobacco'' the first place it appears; and

(ii) by striking ''Burley, Flue-cured, or Cigar Binder Type 54–55'' the second place it appears;

(B) in paragraph (2)(B), by striking ''Burley, Flue-cured, Cigar Binder Type 54–55, or any other kind of tobacco'' and inserting ''any kind of tobacco''; and

(C) in paragraph (3)(A), by striking ''the Burley, Flue-cured, or Cigar Binder Type 54–55 tobacco'' and inserting ''any tobacco''.

(b) APPLICATION.—The amendments made by subsection (a) apply during fiscal year 2003.

SEC. 215. BOVINE TUBERCULOSIS ERADICATION.

In addition to funds made available under section 106 of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763, 2763A–173), the Secretary shall use not more than $15,000,000 of the funds of the Commodity Credit Corporation to make payments to agricultural producers for incidental costs incurred by the producers as a result of payments received under that section.

SEC. 216. FUNDING.

(a) IN GENERAL.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

(b) ADMINISTRATION.—The Secretary, acting through the Farm Service Agency, may use not more than $70,000,000 of funds of the Commodity Credit Corporation to cover administrative costs associated with the implementation of this title and title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), to remain available until expended.

(c) LIMITATION.—Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by inserting before the period at the end the following: '', using not more than $3,773,000,000 for the period of fiscal years 2003 through 2013''.

SEC. 217. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 218. Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

TITLE III—WILDLAND FIRE EMERGENCY

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount to repay prior year advances from other appropriations transferred for wildfire suppression and emergency rehabilitation by the Department of the Interior, $189,000,000, to remain available until expended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount to repay advances from other appropriations from which funds were transferred for wildfire suppression and emergency rehabilitation activities, $636,000,000, to remain available until expended. Of the funds provided, $70,000,000 shall be transferred to the Knutson Vandenburg fund, $30,000,000 shall be transferred to the Salvage Sale fund, $143,000,000 shall be transferred to the Land Acquisition account, $132,000,000 shall be transferred to the Capital Improvement and Maintenance account, $30,000,000 shall be transferred to the Timber Purchaser Election account, $77,000,000 shall be transferred to the State and Private Forestry account, $23,000,000 shall be transferred to the Forest and Rangeland Research account, $62,000,000 shall be transferred to the National Forest System account, $20,000,000 shall be transferred to the Brush Disposal Account, $30,000,000 shall be transferred to the Working Capital Fund of the Forest Service, $4,000,000 shall be transferred to the Receipts for Road and Trail fund, $1,000,000 shall be transferred to the Operations and Maintenance of Quarters fund, and $14,000,000 shall be transferred to the Forest Service Recreation Fee Demonstration fund.

TITLE IV—TANF AND MEDICARE

SEC. 401. Section 114 of Public Law 107–229, as amended by section 3 of Public Law 107–240 and by section 2 of Public Law 107–294, is amended—

(1) by striking ''the date specified in section 107(c) of this joint resolution'' and inserting ''June 30, 2003''; and

(2) by striking '': Provided further, That notwithstanding'' and all that follows through the period and inserting a period.

SEC. 402. (a) Section 1848(i)(1)(C) of the Social Security Act (42 U.S.C. 1395w–4(i)(1)(C) is amended to read as follows:

''(C) the determination of conversion factors under subsection (d), including without limitation a prospective redetermination of the sustainable growth rates for any or all previous fiscal years,''.

(b)(1) Notwithstanding the determination of the applicable standardized amounts under

paragraph (3)(A) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), for purposes of making payments under such section for discharges occurring during the period beginning on April 1, 2003, and ending on September 30, 2003, the standardized amount applicable under such paragraph for hospitals located other than in a large urban area for that period shall be increased to an amount equal to the standardized amount otherwise applicable under such paragraph for hospitals located in a large urban area for that period.

(2) The increase in the standardized amount for hospitals located other than in a large urban area provided for under paragraph (1) for the period beginning on April 1, 2003, and ending on September 30, 2003, shall not apply to discharges occurring after such period, and shall not be taken into account in calculating the payment amounts applicable for discharges occurring after such period.

SEC. 403. Section 136 of Public Law 107–229, as added by section 5 of Public Law 107–240, is amended by striking ''60 days after the date specified in section 107(c) of Public Law 107–229, as amended'' and inserting ''September 30, 2003''.

SEC. 404. Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

TITLE V—FISHERIES DISASTERS

SEC. 501. FISHERIES DISASTERS.—In addition to amounts appropriated or otherwise made available, $100,000,000 is appropriated to the Department of Commerce for fisheries disaster assistance. Not more than 5 percent of such funds may be used for administrative expenses, and no funds may be used for lobbying activities or representational expenses.

(a) WESTERN PACIFIC AND NORTH PACIFIC.—$5,000,000 shall be made available as a direct lump sum payment to the State of Hawaii for economic assistance to fisheries affected by federal closures or fishing restrictions and $35,000,000 shall be made available as a direct lump sum payment to the State of Alaska no later than 30 days after the date of enactment of this Act to make payments to persons or entities which have experienced significant economic hardship. Funds in Alaska shall be used to provide (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel including subsistence activities, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) and assistance for local and borough governments adversely affected by reductions in fish landing fees and other fishing-related revenue; and (D) product development and marketing.

(b) NORTHEAST AND WEST COAST.—$10,000,000 shall be made available to conduct a voluntary fishing capacity reduction program in the Northeast multispecies fishery and $10,000,000 shall be made available to conduct a voluntary fishing capacity reduction program in the West Coast groundfish fishery. Such sums shall supplement the voluntary capacity reduction program authorized for the fishery in Sec. 211 of Public Law 107–206 and be consistent with section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act and the requirements relating to the capacity program in section 211 of Public Law 107–206 that shall—

(1) permanently revoke all fishery licenses, fishery permits, area and species endorsements, and any other fishery privileges issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) removed under the program; and

(2) ensure that vessels removed under the program are made permanently ineligible to participate in any fishery worldwide, and that the owners of such vessels will operate only under the United States flag or be scrapped as a reduction vessel pursuant to section 600.1011(c) of title 50, Code of Federal Regulations.

(c) GULF AND SOUTH ATLANTIC.—

(1) $17,500,000 shall be made available for assistance to the shrimp industries in the states of South Carolina, Georgia, North Carolina, and Florida in proportion to the percentage of the shrimp catch landed by each state for economic assistance to the South Atlantic shrimp fishery: Provided, That the State of Florida shall receive only that proportion associated with landings of the Florida east coast fishery; and

(2) $17,500,000 shall be made available for assistance to the shrimp industries in the states of Mississippi, Texas, Alabama, Louisiana, and Florida in proportion to the percentage of the shrimp catch landed by each state for economic assistance to the Gulf shrimp fishery: Provided, That the State of Florida shall receive only that proportion associated with landings of the Florida gulf coast fishery. Provided further, That 2 percent of funds received by each state shall be retained by the state for distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations, and that the remainder of the funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; (D) state seafood testing programs; (E) development of limited entry programs for the fishery; (F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and (G) voluntary capacity reduction programs for shrimp fisheries under limited access.

(d) BLUE CRAB FISHERY.—$5,000,000 shall be made available for assistance to blue crab fisheries affected by reduced harvests and sales of blue crab in proportion to the amount of the catch landed by each state, Provided, That such funds may be used only for: (A) personal assistance with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs; (B) assistance for small businesses including fishermen, fish processors, and related businesses serving the fishing industry; (C) domestic product marketing and seafood promotion; and (D) state seafood testing programs: Provided further, That the Secretary of Commerce, in consultation with the Commandant of the Coast Guard, shall provide coordinated, enhanced and routine support for fisheries monitoring and enforcement through use of remote sensing, aircraft and communications assets, with particular emphasis on federal waters seaward of the coasts of South Carolina and Georgia, including the Charleston Bump closed area.

TITLE VI—OFFSETS

SEC. 601. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.65 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2003 for any discretionary account in divisions A through K of this joint resolution;

(2) the budget authority provided in any advance appropriation for fiscal year 2003 for any discretionary account in any prior fiscal year appropriations Act; and

(3) the contract authority provided in fiscal year 2003 for any program subject to limitation contained in this joint resolution.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

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

(c) The rescission in subsection (a) shall not apply to budget authority appropriated or otherwise made available by this joint resolution in the following amounts in the following activities or accounts:

$4,696,000,000 provided for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in the Department of Agriculture in division A;

$6,667,533,000 provided for the Head Start Act in the Department of Education in division G;

$23,889,304,000 provided for medical care in the Department of Veterans Affairs in division K; and

$3,836,000,000 provided for the Shuttle program in the National Aeronautics and Space Administration in division K.

TITLE VII—BONNEVILLE POWER ADMINISTRATION BORROWING AUTHORITY

SEC. 701. For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $700,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time: Provided, That the Bonneville Power Administration shall not use more than $531,000,000 of its permanent borrowing authority in fiscal year 2003.

SEC. 702. Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

DIVISION O

PRICE-ANDERSON ACT AMENDMENTS

SEC. 101. EXTENSION OF INDEMNIFICATION AUTHORITY.

INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended by striking ''August 1, 2002'' each place it appears and inserting ''December 31, 2003''.

DIVISION P

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SECTION 1. SHORT TITLE.—This division may be cited as the ''United States-China Economic and Security Review Commission''.

SEC. 2. (a) APPROPRIATIONS.—There are appropriated, out of any funds in the Treasury not otherwise appropriated, $1,800,000, to remain available until expended, to the United

States-China Economic and Security Review Commission.

(b) NAME CHANGE.—

(1) IN GENERAL.—Section 1238 of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended—

*(A) in the section heading by inserting "**ECONOMIC AND**" before "**SECURITY**";*

(B) in subsection (a)—

(i) in paragraph (1), by inserting "Economic and" before "Security"; and

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(C) in subsection (b)—

(i) in the subsection heading, by inserting "ECONOMIC AND" before "SECURITY";

(ii) in paragraph (1), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by inserting "Economic and" before "Security"; and

(II) in subparagraph (H), by inserting "Economic and" before "Security"; and

(iv) in paragraph (4), by inserting "Economic and" before "Security" each place it appears; and

(D) in subsection (e)—

(i) in paragraph (1), by inserting "Economic and" before "Security";

(ii) in paragraph (2), by inserting "Economic and" before "Security";

(iii) in paragraph (3)—

(I) in the first sentence, by inserting "Economic and" before "Security"; and

(II) in the second sentence, by inserting "Economic and" before "Security";

(iv) in paragraph (4), by inserting "Economic and" before "Security"; and

(v) in paragraph (6), by inserting "Economic and" before "Security" each place it appears.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the United States-China Security Review Commission shall be deemed to refer to the United States-China Economic and Security Review Commission.

(c) MEMBERSHIP, RESPONSIBILITIES, AND TERMS.—

(1) IN GENERAL.—Section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of 2001 (22 U.S.C. 7002) is amended by striking subparagraph (F) and inserting the following:

"(F) each appointing authority referred to under subparagraphs (A) through (D) of this paragraph shall—

"(i) appoint 3 members to the Commission;

"(ii) make the appointments on a staggered term basis, such that—

"(I) 1 appointment shall be for a term expiring on December 31, 2003;

"(II) 1 appointment shall be for a term expiring on December 31, 2004; and

"(III) 1 appointment shall be for a term expiring on December 31, 2005;

"(iii) make all subsequent appointments on an approximate 2-year term basis to expire on December 31 of the applicable year; and

"(iv) make appointments not later than 30 days after the date on which each new Congress convenes;".

(2) RESPONSIBILITIES OF THE COMMISSION.—The United States-China Commission shall focus, in lieu of any other areas of work or study, on the following:

(A) PROLIFERATION PRACTICES.—The Commission shall analyze and assess the Chinese role in the proliferation of weapons of mass destruction and other weapons (including dual use technologies) to terrorist-sponsoring states, and suggest possible steps which the United States might take, including economic sanctions, to encourage the Chinese to stop such practices.

(B) ECONOMIC REFORMS AND UNITED STATES ECONOMIC TRANSFERS.—The Commission shall analyze and assess the qualitative and quantitative nature of the shift of United States production activities to China, including the relocation of high-technology, manufacturing, and R&D facilities; the impact of these transfers on United States national security, including political influence by the Chinese Government over American firms, dependence of the United States national security industrial base on Chinese imports, the adequacy of United States export control laws, and the effect of these transfers on United States economic security, employment, and the standard of living of the American people; analyze China's national budget and assess China's fiscal strength to address internal instability problems and assess the likelihood of externalization of such problems.

(C) ENERGY.—The Commission shall evaluate and assess how China's large and growing economy will impact upon world energy supplies and the role the United States can play, including joint R&D efforts and technological assistance, in influencing China's energy policy.

(D) UNITED STATES CAPITAL MARKETS.—The Commission shall evaluate the extent of Chinese access to, and use of United States capital markets, and whether the existing disclosure and transparency rules are adequate to identify Chinese companies which are active in United States markets and are also engaged in proliferation activities or other activities harmful to U.S. security interests.

(E) CORPORATE REPORTING.—The Commission shall assess United States trade and investment relationship with China, including the need for corporate reporting on United States investments in China and incentives that China may be offering to United States corporations to relocate production and R&D to China.

(F) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The Commission shall assess the extent of China's "hollowing-out" of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei.

(G) UNITED STATES-CHINA BILATERAL PROGRAMS.—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community with Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate United States enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese.

(H) WORLD TRADE ORGANIZATION COMPLIANCE.—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China.

(I) MEDIA CONTROL.—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.

(3) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

And the Senate agreed to the same.

BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
HAL ROGERS,
FRANK R. WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
ERNEST J. ISTOOK, Jr.
HENRY BONILLA,
JOE KNOLLENBERG,
JACK KINGSTON,
JOHN P. MURTHA,
NORMAN D. DICKS,
(except sections 323 and 335 of Division F, and conservation spending),
ALAN B. MOLLOHAN,
PETER J. VISCLOSKY,
JOSÉ E. SERRANO,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
KIT BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
PATRICK J. LEAHY,
BARBARA A. MIKULSKI,
PATTY MURRAY,
(except for sections 323 and 335 of Division F),
BYRON L. DORGAN,
DIANNE FEINSTEIN,
TIM JOHNSON,
MARY L. LANDRIEU,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered.

Mr. OBEY moved to recommit the conference report on the joint resolution (H.J. Res. 2), to the committee of conference with instructions for the managers on the part of the House to: (1) disagree to section 323 in Division F of the conference report (expanding logging in federal forests); (2) disagree to section 335 in Division F of the conference report (preventing any administrative or judicial review of the Tongass Land Management Plan); (3) reconsider its decisions on the Bureau of Land Management, Energy and Minerals program; (4) fund, within the scope of conference, conservation spending category items in Division F (including National Park Service grants to States and U.S. Fish and Wildlife Service programs) at no less than current rate; and (5) increase funding for training, equipment, and assistance for first responders provided through the Office of Domestic Preparedness as is possible within the scope of conference.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said conference report?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the nays had it.

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 193 / Nays ..... 226 }

¶12.17 [Roll No. 31]

YEAS—193

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

NAYS—226

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

NOT VOTING—16

Allen
Capuano
Collins
Combest
Cubin
Everett
Ferguson
Linder
Lipinski
Pascrell
Payne
Sanchez, Loretta
Slaughter
Smith (NJ)
Tiberi
Wilson (SC)

So the motion to recommit the conference report with instructions was not agreed to.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. YOUNG of Florida demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 338 / Nays ..... 83 }

¶12.18 [Roll No. 32]

AYES—338

Abercrombie
Aderholt
Alexander
Andrews
Baca
Bachus
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clyburn
Coble
Cole
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Fattah
Feeney
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutierrez
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauzin

Taylor (NC)	Upton	Weldon (PA)
Terry	Van Hollen	Weller
Thomas	Velazquez	Whitfield
Thompson (CA)	Visclosky	Wicker
Thompson (MS)	Vitter	Wilson (NM)
Thornberry	Walden (OR)	Wolf
Tiahrt	Walsh	Wu
Turner (OH)	Wamp	Wynn
Turner (TX)	Waters	Young (AK)
Udall (NM)	Weldon (FL)	Young (FL)

NOES—83

Ackerman	Frank (MA)	Pitts
Akin	Franks (AZ)	Ramstad
Baird	Gephardt	Royce
Baker	Gibbons	Rush
Baldwin	Green (WI)	Ryan (WI)
Ballance	Grijalva	Ryun (KS)
Bartlett (MD)	Gutknecht	Sanders
Blumenauer	Hastings (FL)	Schakowsky
Brown (OH)	Hefley	Sensenbrenner
Cannon	Hensarling	Shadegg
Chabot	Hinchey	Smith (MI)
Clay	Hoekstra	Smith (WA)
Conyers	Hostettler	Stark
Cooper	Jackson (IL)	Tancredo
Costello	Jefferson	Tanner
Cox	Jones (NC)	Tauscher
Davis (IL)	Kind	Taylor (MS)
DeFazio	Kucinich	Tierney
DeGette	Lewis (GA)	Toomey
Delahunt	Lofgren	Towns
Deutsch	Markey	Udall (CO)
Doggett	McDermott	Watson
Eshoo	Miller (FL)	Watt
Etheridge	Miller, George	Waxman
Evans	Musgrave	Weiner
Farr	Oxley	Wexler
Filner	Paul	Woolsey
Flake	Petri	

NOT VOTING—14

Allen	Everett	Payne
Capuano	Ferguson	Sanchez, Loretta
Collins	Linder	Tiberi
Combest	Lipinski	Wilson (SC)
Cubin	Pascrell	

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

Pursuant to House Resolution 71, the following concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2, was considered as agreed to:

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

Amend the title so as to read: ''Joint Resolution making consolidated appropriations for the fiscal year ending September 30, 2003, and for other purposes.''.

¶12.19 ORDER OF BUSINESS—RESOLUTION LAID ON THE TABLE

On motion of Mr. DREIER, by unanimous consent,

Ordered, That House Resolution 48 be laid on the table.

¶12.20 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 13, 2003, I hereby take a leave of absence from the Committee on Science due to my appointment to the Select Committee on Homeland Security.

Sincerely,

SHEILA JACKSON LEE,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶12.21 MESSAGE FROM THE PRESIDENT—AUSTRALIA GROUP

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the United States Senate on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 12, 2003.*

The message, together with the accompanying papers, was referred to the Committee on International Relations.

¶12.22 PROVIDING FOR THE ADJOURNMENT OF THE TWO HOUSES

On motion of Mr. FOLEY, submitted the following privileged concurrent resolution (H. Con. Res. 41):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 13, 2003, or Friday, February 14, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 25, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 13, 2003, Friday, February 14, 2003, Saturday, February 15, 2003, or any date from Monday, February 17, 2003, through Friday, February 21 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 24, 2003, or at such other time on that day as may be specified by it Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶12.23 ORDER OF BUSINESS—ADJOURNMENT OVER

On motion of Mr. FOLEY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶12.24 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. FOLEY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, February 26, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶12.25 ORDER OF BUSINESS—APPOINTMENT OF MEMBERS TO GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

On motion of Mr. FOLEY, by unanimous consent,

Ordered, That it shall be in order for the SPEAKER to appoint two members of the House, one upon the recommendation of the Minority Leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Friday, February 21, 2003.

¶12.26 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. BARRETT of South Carolina, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
February 13, 2003.

I hereby appoint the Honorable JO ANN DAVIS or, if not available to perform this duty, the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25, 2003.

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

By unanimous consent, the appointments were approved.

¶12.27 UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore, Mr. BARRETT of South Carolina, announced that the Speaker, pursuant to 22 United States Code 1928a, and the order of the House of January 8, 2003, appointed the following Members of the House to the United States Group of the North Atlantic Assembly: Messrs. BEREUTER, Chairman, REGULA, HEFLEY, GILLMOR, GOSS, EHLERS, MCINNIS, and BILIRAKIS.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶12.28 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 141. An Act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

¶12.29 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. EVERETT, for today after 4 p.m.; and

To Mr. LINDER, for today after 4 p.m.

And then,

¶12.30 ADJOURNMENT

On motion of Mr. MCINNIS, pursuant to the previous order heretofore agreed to, at 9 o'clock and 52 minutes p.m., the House adjourned until 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned, pursuant to that concurrent resolution.

¶12.31 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 342. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes (Rept. 108–12). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 389. A bill to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools (Rept. 108–13). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 398. A bill to revise and extend the Birth Defects Prevention Act of 1998; with an amendment (Rept. 108–14). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 399. A bill to amend the Public Health Service Act to promote organ donation (Rept. 108–15). Referred to the Committee of the Whole House on the State of the Union.

¶12.32 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOLEY (for himself, Mr. LAMPSON, Mr. DELAY, Mrs. JOHNSON of Connecticut, Mr. POMEROY, Mr. GREEN of Wisconsin, Mr. JONES of North Carolina, Mr. SHIMKUS, Mr. BACA, Mr. SIMMONS, Mr. FROST, Mr. KIRK, Mr. FORBES, Mr. MCINTYRE, Mr. BERRY, Mr. MOLLOHAN, Mr. WAMP, Mr. VISCLOSKY, Mr. MARIO DIAZ-BALART of Florida, Mr. BOOZMAN, Mr. CRENSHAW, Mr. KELLER, Ms. ROS-LEHTINEN, Mr. MCHUGH, Mr. MCNULTY, Mr. GORDON, Mr. STENHOLM, Mr. WELDON of Pennsylvania, Mr. KING of New York, Mr. PLATTS, Mr. BARRETT of South Carolina, Mr. BELL, Mr. CALVERT, Mr. BROWN of South Carolina, Mr. OSBORNE, and Mr. HOEKSTRA):

H.R. 756. A bill to protect children from exploitive child modeling, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. BROWN of Ohio, Mr. STARK, Mr. CROWLEY, Ms. NORTON, Mr. LANTOS, Mr. BERRY, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, Mr. MICHAUD, Mr. WYNN, Mr. MCDERMOTT, Mr. GRIJALVA, Ms. WOOLSEY, Mr. FROST, Mr. DOGGETT, Mr. SANDERS, Ms. ROYBAL-ALLARD, Mr. LIPINSKI, Mr. HINCHEY, and Ms. SLAUGHTER):

H.R. 757. A bill to require prescription drug manufacturers, packers, and distributors to disclose certain gifts provided in connection with detailing, promotional, or other marketing activities, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KELLY (for herself, Mrs. MALONEY, Mrs. CAPITO, Mr. SHERMAN, and Mr. MOORE):

H.R. 758. A bill to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks, and for other purposes; to the Committee on Financial Services.

By Mr. WELLER (for himself, Mrs. MCCARTHY of New York, Mr. HAYES, Mr. KIRK, Mr. SHAYS, Mr. HAYWORTH, Mr. ROGERS of Alabama, Mr. BUYER, Mr. COX, Mr. LATOURETTE, Mr. SHIMKUS, Mr. AKIN, Mr. MARIO DIAZ-BALART of Florida, Mrs. MYRICK, Mr. KLINE, Mr. FOLEY, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. JANKLOW, Mr. BURTON of Indiana, Mr. CANNON, Mr. PEARCE, Mr. FOSSELLA, Mr. KING of Iowa, Mr. SENSENBRENNER, Mr. KING of New York, Mrs. KELLY, Mr. MCCOTTER, Mr. WILSON of South Carolina, Mr. PLATTS, Ms. BERKLEY, Mr. FORBES, Mr. BARRETT of South Carolina, Mr. TIAHRT, Mr. BOEHLERT, Mr. CRANE, Mr. RYUN of Kansas, Mr. LAHOOD, Mr. OXLEY, Mr. JOHNSON of Illinois, Mr. WELDON of Florida, Mr. PITTS, Ms. ROS-LEHTINEN, Mr. PETERSON of Pennsylvania, Mr. BEAUPREZ, Mr. FRANKS of Arizona, Mr. SIMMONS, Mr. GILCHREST, Mr. ROHRABACHER, Mr. KOLBE, Mr. GOODE, Mr. WALSH, Mr. SESSIONS, Mr. HOSTETTLER, Ms. GINNY BROWN-WAITE of Florida, Mr. CULBERSON, and Mrs. EMERSON):

H.R. 759. A bill to amend the Internal Revenue Code of 1986 to accelerate the elimination of the marriage penalty in the standard deduction and in the 15-percent income tax rate bracket; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. SENSENBRENNER, Mr. KING of Iowa, Mr. KENNEDY of Minnesota, Mr. BACHUS, Mr. BRADY of Texas, Mr. CANNON, Mr. CANTOR, Mr. CUNNINGHAM, Mr. ENGLISH, Mr. GREEN of Wisconsin, Ms. HART, Mr. HAYES, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HUNTER, Mr. JENKINS, Mr. KINGSTON, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEY, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. TOOMEY, Mr. WELDON of Pennsylvania, Mr. PICKERING, Mr. OXLEY, Mr. CRANE, Mr. DEMINT, Mr. SCHROCK, Mr. TANCREDO, Mr. ADERHOLT, Mr. TIAHRT, Mr. NORWOOD, Mr. SHADEGG, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. EHLERS, Mr. ROGERS of Michigan, Mr. BAKER, Mr. MOLLOHAN, Mr. BALLENGER, Mr. MCCRERY, Mr. RENZI, Mr. FLETCHER, Mr. TIBERI, Mr. AKIN, Mr. COLLINS, Mr. JOHN, Mr. RYUN of Kansas, Mr. HOSTETTLER, Mr. VITTER, Mr. MCCOTTER, Mr. PORTMAN, Mr. SESSIONS, Mr. SOUDER, Mr. SHUSTER, Mr. WOLF, Mr. POMBO, Mr. DELAY, Mr. CAMP, Mr. BARTON of Texas, Mr. COSTELLO, Mr. BISHOP of Utah, Mr. TAYLOR of Mississippi, Mr. EVERETT, Mr. BLUNT, Mr. TERRY, Mrs. CUBIN, Mr. OBERSTAR, Mr. GRAVES, Mr. WHITFIELD, Mr. ISSA, Mr. FEENEY, Mr. STENHOLM, Mr. GOSS, Mr. SMITH of New Jersey, Mr. HYDE, Mr. WILSON of South Carolina, Mr. GUTKNECHT, Mr. PETRI, Mr. LINDER, Mr. COBLE, Mr. HAYWORTH, Mr. FRANKS of Arizona, Mr. BURGESS, Mr. STEARNS, Mr. BEAUPREZ, Mr. HULSHOF, Mr. ROGERS of Alabama, Mr. BURNS, Mr. PLATTS, Mr. BROWN of South Carolina, Mr. REHBERG, Mrs. EMERSON, Mr. KLINE, Mr. LAHOOD, Mr. MORAN of Kansas, Mr. TOM DAVIS of Virginia, Mr. BOOZMAN, Mr. OSBORNE, Mr. LEWIS of Kentucky, Mr. MURPHY, Mr. SIMPSON, Mr. RAHALL, Mr. TAYLOR of North Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. WAMP, Mr. GOODE, Mr. CHOCOLA, Mrs. NORTHUP, Mr. FORBES, Mr. SULLIVAN, Mr. GOODLATTE, Mr. PUTNAM, Mrs. BLACKBURN, Mr. TURNER of Ohio, Mr. PEARCE, Mrs. MILLER of Michigan, Ms. GRANGER, Mr. GINGREY, Mr. MANZULLO, Mr. COLE, Mr. FERGUSON, Mr. CALVERT, Mr.

SMITH of Texas, Mr. GARRETT of New Jersey, Mr. STUPAK, Mr. BURR, Mr. RYAN of Wisconsin, Mr. JONES of North Carolina, Mrs. MUSGRAVE, Mr. CULBERSON, Mr. LATOURETTE, Mr. BOEHNER, Mr. BARRETT of South Carolina, and Mr. HENSARLING):

H.R. 760. A bill to prohibit the procedure commonly known as partial-birth abortion; to the Committee on the Judiciary.

By Mr. EVANS (for himself, Mr. SMITH of New Jersey, Mr. RODRIGUEZ, Mr. FILNER, Mr. RENZI, Ms. CORRINE BROWN of Florida, Mr. REYES, Mr. MICHAUD, Ms. JACKSON-LEE of Texas, Mr. LANGEVIN, and Mr. SANDERS):

H.R. 761. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide adapted housing assistance to disabled members of the Armed Forces who remain on active duty pending medical separation; to the Committee on Veterans' Affairs.

By Mrs. CUBIN (for herself, Mr. YOUNG of Alaska, Mr. TAUZIN, Mr. MCINNIS, Mr. RADANOVICH, and Mrs. WILSON of New Mexico):

H.R. 762. A bill to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 763. A bill to provide for the disposition of United States Government uranium inventories; to the Committee on Energy and Commerce.

By Mr. SKELTON (for himself and Ms. HARMAN):

H.R. 764. A bill to appropriate funds for grants by the Office for Domestic Preparedness of the Department of Homeland Security; to the Committee on Appropriations.

By Mr. MICA (for himself, Mr. YOUNG of Alaska, and Mr. DEFAZIO):

H.R. 765. A bill to amend title 49, United States Code, to allow cargo pilots to participate in the Federal flight deck officer program; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT (for himself, Mr. HONDA, Mr. EHLERS, Mr. HALL, Mr. SMITH of Michigan, Mr. GORDON, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTLETT of Maryland, Ms. LOFGREN, Mr. GUTKNECHT, and Mr. BISHOP of New York):

H.R. 766. A bill to provide for a National Nanotechnology Research and Development Program, and for other purposes; to the Committee on Science.

By Mr. ENGLISH (for himself, Mr. DREIER, Mr. BRADY of Texas, and Ms. DUNN):

H.R. 767. A bill to amend the Internal Revenue Code of 1986 to encourage investing of foreign earnings within the United States for productive business purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. MATSUI, Mr. HAYES, Mr. BALLENGER, Mr. MCINNIS, Mr. DREIER, Mr. HAYWORTH, Mr. BURR, Mr. WICKER, Mr. WELLER, Mr. TERRY, Mr. FOLEY, Mrs. JONES of Ohio, Mr. BECERRA, Mr. HONDA, Ms. DELAURO, Mr. FROST, Mr. CROWLEY, Mr. PETERSON of Pennsylvania, Mrs. CAPPS, Mr. KIND, Mr. ROSS, Mr. OLVER, Mr. MCHUGH, Mr. GRIJALVA, Mr. UDALL of New Mexico, Ms. WATSON, Mr. GRAVES, Mr. SIMMONS, Mr. MOORE, Mr. SWEENEY, Ms. BERKLEY, Mr. FILNER, Mr. JANKLOW, Mr. GORDON, Mr. MCINTYRE, Mr. KING of Iowa, Mr. PAUL, Ms. NORTON, Mr. QUINN, Mr. BARTLETT of Maryland, Mr. SIMPSON, Mr. SHUSTER, Mr. OTTER, Mr. LUCAS of Oklahoma, Mr. HEFLEY, Mr. SESSIONS, Mr. DOOLEY of California, Ms. ESHOO, Mr. CUNNINGHAM, Mr. DICKS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOEHLERT, Mr. GONZALEZ, Mr. REYES, Mr. CRAMER, Mr. GREEN of Wisconsin, Mr. DOOLITTLE, Ms. GRANGER, Mr. WELDON of Pennsylvania, Mr. RADANOVICH, Mr. CALVERT, Mr. ISAKSON, Mr. NETHERCUTT, Mr. WALSH, Mr. HASTINGS of Washington, Mr. REHBERG, Mr. GILLMOR, Mr. BAIRD, Mrs. LOWEY, Mr. THOMPSON of California, Mr. MILLER of North Carolina, Mr. SAXTON, Mr. YOUNG of Alaska, Mr. LARSON of Connecticut, Mr. TOWNS, Mr. SCHIFF, Mr. CASE, Ms. WOOLSEY, Mr. CARDOZA, Mrs. BONO, Mr. OSBORNE, Mr. WEINER, Mr. FLETCHER, Mrs. CAPITO, Mr. OSE, Ms. HART, Mr. TURNER of Texas, Mr. PEARCE, Mr. INSLEE, Mrs. JOHNSON of Connecticut, Mr. POMBO, Mr. ROGERS of Michigan, Mr. BERMAN, Mr. UPTON, Mr. TOM DAVIS of Virginia, Mr. KENNEDY of Minnesota, Mr. LATOURETTE, Mr. GOODLATTE, Mr. CASTLE, Mr. POMEROY, Ms. SLAUGHTER, Mr. LEWIS of Georgia, and Mrs. CUBIN):

H.R. 768. A bill to amend the Internal Revenue Code of 1986 to provide a broadband Internet access tax credit; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. MATSUI, Mr. HAYES, and Mr. BALLENGER):

H.R. 769. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mrs. JOHNSON of Connecticut, Mr. ALLEN, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BALLANCE, Mr. BASS, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CARDIN, Ms. CARSON of Indiana, Mrs. CAPPS, Mr. CLAY, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DOGGETT, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. FORD, Mr. GEPHARDT, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HILL, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KLECZKA, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LEACH, Ms. LEE, Mr. LEVIN, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBEY, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. SABO, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mrs. TAUSCHER, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Mr. VAN HOLLEN, Mr. VISCLOSKY, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU):

H.R. 770. A bill to preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans; to the Committee on Resources.

By Mr. WELLER (for himself, Mr. UPTON, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Kentucky, Mr. COLLINS, Mr. CRANE, Mr. BRADY of Texas, Ms. DUNN, Mr. FOLEY, Mr. HOUGHTON, Mr. HAYWORTH, Mr. HULSHOF, Mr. MCINNIS, Mr. CAMP, Mr. HERGER, Mr. RAMSTAD, Mr. GOODLATTE, Mr. COX, Mr. TOM DAVIS of Virginia, Mr. JONES of North Carolina, Mr. SULLIVAN, Mr. REGULA, Mr. HOBSON, Mr. CUNNINGHAM, Mr. CHABOT, Mr. MURPHY, Mr. LAHOOD, Mr. GERLACH, Mr. BARRETT of South Carolina, Mr. LATOURETTE, Mr. KINGSTON, Mr. PENCE, Mr. GILCHREST, Mr. WALSH, Mr. KENNEDY of Minnesota, Mr. TIBERI, Mr. ROGERS of Michigan, Mr. SIMMONS, Mr. KOLBE, Mr. NUNES, Mr. FORBES, Mr. REHBERG, Mr. EHLERS, Mr. KELLER, Mr. SESSIONS, Mr. ISAKSON, Ms. HART, Mr. ROHRABACHER, Mr. TANCREDO, Mr. MILLER of Florida, Mr. SMITH of Michigan, Mr. BROWN of South Carolina, Mr. PORTER, Mr. ISSA, Mr. PEARCE, Mr. BRADLEY of New Hampshire, Mr. OTTER, Ms. GINNY BROWN-WAITE of Florida, Mr. MANZULLO, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. TAUZIN, Mr. NETHERCUTT, Mr. SOUDER, Mr. COBLE, Mr. DOOLITTLE, Mr. HAYES, Mr. BALLENGER, Mr. LOBIONDO, Mr. CULBERSON, Mr. KING of Iowa, Mr. BONILLA, Mrs. CAPITO, Mr. ISTOOK, Ms. ROS-LEHTINEN, Mr. OSBORNE, Mr. BISHOP of Utah, Mr. OXLEY, Mr. WALDEN of Oregon, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, and Mrs. BIGGERT):

H.R. 771. A bill to amend the Internal Revenue Code of 1986 to expand bonus depreciation to expensing for 18 months; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 772. A bill to amend the Internal Revenue Code of 1986 to provide that foreign base company shipping income shall include only income from aircraft and income from certain vessels transporting petroleum and related products; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. RODRIGUEZ, Mr. GUTIERREZ, Ms. VELAZQUEZ, Mr. REYES, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. BACA, Ms. SOLIS, Mr. PASTOR, Mr. ACEVEDO-VILA, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, and Mr. GRIJALVA):

H.R. 773. A bill to amend section 5318 of title 31, United States Code, to authorize financial institutions to accept matricula consular issued in the United States as a valid

form of identification; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 774. A bill to amend the Electronic Fund Transfer Act to prohibit any operator of an automated teller machine that displays any paid advertising from imposing any fee on a consumer for the use of that machine, and for other purposes; to the Committee on Financial Services.

By Mr. GOODLATTE (for himself, Mr. SMITH of Texas, Mr. HALL, Mr. FORBES, Mr. BOYD, Mr. GOODE, Mr. GRAVES, Mr. GALLEGLY, Mr. CANTOR, Mr. CULBERSON, Mr. SHADEGG, Mr. BURNS, Mrs. JO ANN DAVIS of Virginia, and Mr. BARTLETT of Maryland):

H.R. 775. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself and Ms. ESHOO):

H.R. 776. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 777. A bill to authorize grants to States to fund arrangements between local police departments and public accommodations to have the accommodations serve as emergency domestic violence shelters; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland (for himself and Mr. WELDON of Pennsylvania):

H.R. 778. A bill to recognize the birthdays of Presidents George Washington and Abraham Lincoln; to the Committee on Government Reform.

By Mr. BECERRA (for himself, Mr. WU, Mr. RODRIGUEZ, Mr. BACA, Mrs. NAPOLITANO, Mr. MATSUI, Mr. WEXLER, Mr. ABERCROMBIE, Mr. HONDA, Mr. REYES, Ms. SOLIS, Ms. ROYBAL-ALLARD, Mr. PASTOR, Ms. VELAZQUEZ, Mr. HINOJOSA, Mr. GONZALEZ, Mr. ACEVEDO-VILA, Mr. FRANK of Massachusetts, Mr. ORTIZ, Mr. SERRANO, and Ms. LINDA T. SANCHEZ of California):

H.R. 779. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

By Mr. BERRY (for himself, Mrs. EMERSON, Mr. TAYLOR of Mississippi, Mr. HOLDEN, Mr. ALEXANDER, Mr. TURNER of Texas, Mr. SCOTT of Georgia, Ms. LORETTA SANCHEZ of California, Mr. MOORE, Mr. HILL, Mr. STENHOLM, Mr. CRAMER, Ms. HARMAN, Mr. ISRAEL, Ms. SLAUGHTER, Ms. WOOLSEY, Mr. SANDERS, Mr. CROWLEY, Mr. FROST, and Mr. HINCHEY):

H.R. 780. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the implementation of the program under section 804 of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BIGGERT (for herself, Mrs. MALONEY, Ms. BALDWIN, Mrs. JONES of Ohio, Mr. SHAYS, Mr. WATT, Mrs. WILSON of New Mexico, and Mr. FRANK of Massachusetts):

H.R. 781. A bill to amend the Gramm-Leach-Bliley Act to exempt attorneys from the privacy provisions of that Act; to the Committee on Financial Services.

By Mr. BRADY of Texas (for himself, Mr. GREEN of Texas, Mr. FOLEY, and Mr. BECERRA):

H.R. 782. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Ways and Means.

By Mr. BURGESS:

H.R. 783. A bill to authorize the Secretary of Transportation to carry out a project to widen Interstate Route 35 East in Denton County, Texas; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. PASCRELL, Ms. KILPATRICK, Mr. KILDEE, Mr. QUINN, Mr. EHLERS, Mrs. MILLER of Michigan, Ms. BORDALLO, Mr. ENGLISH, Mr. ROGERS of Michigan, Mr. SHIMKUS, Mr. LEVIN, Mr. MCDERMOTT, Mrs. DAVIS of California, Mr. STUPAK, Mr. GRIJALVA, Mr. GOODLATTE, and Mr. MCHUGH):

H.R. 784. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Ms. PRYCE of Ohio, Mr. TANNER, Mr. FOLEY, Mr. BOEHNER, Mr. BLUNT, Mr. RAMSTAD, Mr. ENGLISH, Mr. HAYWORTH, Mr. CRANE, Mr. BRADY of Texas, Mr. ROGERS of Michigan, Mr. OXLEY, Mr. MATSUI, Mr. SANDLIN, Mrs. JONES of Ohio, Mr. SKELTON, Mr. RODRIGUEZ, Mr. FORD, Mr. CARSON of Oklahoma, Mr. MATHESON, Mr. FRANK of Massachusetts, Mr. ETHERIDGE, Mrs. WILSON of New Mexico, Mr. MICA, Mr. MCHUGH, Mr. PICKERING, Mr. TIBERI, Mr. MILLER of Florida, Mr. SIMMONS, Mr. WILSON of South Carolina, Mr. HAYES, Mrs. JO ANN DAVIS of Virginia, Mr. SHIMKUS, Mr. HALL, Mr. MCINTYRE, Mr. MCGOVERN, Mr. ROSS, Mr. BACA, Mr. CRAMER, Mr. WOLF, Mr. TOM DAVIS of Virginia, Mrs. MILLER of Michigan, Mr. KOLBE, Mr. JOHNSON of Illinois, Mr. LAHOOD, Mr. FERGUSON, Mrs. CUBIN, Mr. SWEENEY, Mr. NORWOOD, Mrs. MYRICK, Mr. OTTER, Mr. PAUL, Mr. SCHROCK, Mr. MCCOTTER, Mr. GILLMOR, Mr. SENSENBRENNER, Mrs. KELLY, Mr. CRENSHAW, Mr. REHBERG, Mr. BACHUS, Mr. WALSH, and Mr. OSE):

H.R. 785. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. MATSUI, Mr. AKIN, Mr. BACA, Mr. BACHUS, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mrs. BONO, Mr. BURGESS, Mr. CANNON, Mrs. CAPITO, Mr. CARDOZA, Mr. CARSON of Oklahoma, Mr. COLE, Mr. CRAMER, Mr. CRANE, Mr. CUNNINGHAM, Mr. DOOLITTLE, Ms. DUNN, Mrs. EMERSON, Mr. ENGLISH, Mr. FOLEY, Mr. FOSSELLA, Mr. GORDON, Mr. GRAVES, Mr. GREEN of Wisconsin, Ms. HARRIS, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HINCHEY, Mr. HOEKSTRA, Mr. ISAKSON, Mr. JOHN, Mr. KELLER, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mrs. MILLER of Michigan, Mr. NEY, Mr. OTTER, Mr. POMBO, Mr. QUINN, Mr. RADANOVICH, Mr. RANGEL, Mr. REYNOLDS, Mr. ROGERS of Michigan, Mr. SANDLIN, Mr. SCHROCK, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMMONS, Mr. SIMPSON, Mr. SULLIVAN, Mr. TANCREDO, Mr. THOMPSON of California, Mr. TOWNS, Mr. WELLER, Mr. WILSON of South Carolina, and Mr. MCHUGH):

H.R. 786. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 787. A bill to amend titles XVIII and XIX of the Social Security Act with respect to reform of Federal survey and certification process of nursing facilities under the Medicare and Medicaid Programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself and Mr. MATHESON):

H.R. 788. A bill to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; to the Committee on Resources.

By Mrs. CHRISTENSEN:

H.R. 789. A bill to expand the eligibility of individuals to qualify for loan forgiveness for teachers in order to provide additional incentives for teachers currently employed or seeking employment in economically depressed rural areas, Territories, and Indian Reservations; to the Committee on Education and the Workforce.

By Mr. COLE (for himself and Mr. CARSON of Oklahoma):

H.R. 790. A bill to amend the Internal Revenue Code of 1986 to provide credits for individuals and businesses for the installation of certain wind energy property; to the Committee on Ways and Means.

By Mr. COLLINS (for himself and Mr. NEAL of Massachusetts):

H.R. 791. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. POMEROY, Mr. ABERCROMBIE, Mr. BOEHNER, Mrs. CAPPS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ENGLISH, Mrs. EMERSON, Mr. ETHERIDGE, Mr. FARR, Mr. GRAVES, Mr. LATHAM, Mr. LEACH, Mr. LYNCH, Mr. MARKEY, Mr. GARY G. MILLER of California, Mr. MCNULTY, Mr. PAUL, Mr. TOWNS, Mr. YOUNG of Alaska, Mr. KILDEE, and Mr. FROST):

H.R. 792. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 793. A bill to amend the Outer Continental Shelf Lands Act to authorized the Secretary of the Interior to grant easements and rights-of-way on the Outer Continental Shelf for activities otherwise authorized by that Act; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 794. A bill to amend the Mineral Leasing Act to provide for the development of Federal coal resources; to the Committee on Resources.

By Mr. DEUTSCH (for himself and Mr. MARKEY):

H.R. 795. A bill to require the Secretary of Energy to develop a plan to decrease the threat resulting from the theft or diversion of highly enriched uranium; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 796. A bill to amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH:

H.R. 797. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of any contribution made to a candidate for election for Federal office, or any donation made to an individual as support for the individual's activities as the holder of a Federal office, for the payment of a salary to the candidate or individual or to any member of the immediate family of the candidate or individual; to the Committee on House Administration.

By Mr. ENGLISH (for himself, Mr. RUSH, Mr. CANNON, Mr. PLATTS, Mr. GREEN of Wisconsin, Mr. MCHUGH, Mr. AKIN, Mr. EHLERS, Mr. SHAYS, Mr. SESSIONS, Mr. RYAN of Wisconsin, Mrs. KELLY, Mrs. MYRICK, Mr. MCCOTTER, and Mr. SIMMONS):

H.R. 798. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 799. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of motor vehicles powered by alternative fuels; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. ADERHOLT, Mr. BURR, Mr. CANNON, Mr. MARIO DIAZ-BALART of Florida, Mr. ENGLISH, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. HERGER, Mr. KING of New York, Mr. KING of Iowa, Mrs. MUSGRAVE, Mr. SESSIONS, Mr. VITTER, Mr. WILSON of South Carolina, Ms. GINNY BROWN-WAITE of Florida, and Mr. PEARCE):

H.R. 800. A bill to provide for the withholding of United States contributions to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country that has repeatedly provided support for acts of international terrorism, and for other purposes; to the Committee on International Relations.

By Mr. GREENWOOD (for himself, Mr. DEUTSCH, Ms. DEGETTE, Ms. ESHOO, and Mr. KIRK):

H.R. 801. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the cloning of humans, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GUTIERREZ (for himself, Mrs. CAPPS, Mr. EVANS, Mr. WAXMAN, Mr. PAYNE, and Mr. GRIJALVA):

H.R. 802. A bill to amend the Elementary and Secondary Education Act of 1965 to require medically accurate factual information in any course material or instruction on human development and sexuality; to the Committee on Education and the Workforce.

By Mr. HAYWORTH (for himself and Mr. POMEROY):

H.R. 803. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. MATSUI, Mr. MCCRERY, Mr. OSE, Mr. KENNEDY of Minnesota, and Mr. HUNTER):

H.R. 804. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. BECERRA, and Mr. BOEHLERT):

H.R. 805. A bill to amend the Internal Revenue Code of 1986 to clarify that certain settlement funds established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 are beneficially owned by the United States and are not subject to tax; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. CARDIN, Mr. UDALL of New Mexico, Mr. FILNER, Ms. SLAUGHTER, Ms. ESHOO, Mr. MCKEON, Mr. PAYNE, Ms. WOOLSEY, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. MCDERMOTT, Mr. BALLENGER, Mr. FOLEY, Mr. ENGLISH, Mrs. LOWEY, Mr. NADLER, Mr. HINCHEY, Mr. DOGGETT, Mr. FROST, Mr. MCHUGH, Mr. WAXMAN, Mr. PLATTS, Mr. BAIRD, Mr. WELDON of Pennsylvania, Mr. MCINTYRE, and Mr. LANTOS):

H.R. 806. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mr. LEWIS of Georgia):

H.R. 807. A bill to amend the Internal Revenue Code of 1986 to clarify the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. NEAL of Massachusetts, Mr. KLECZKA, Mr. CRANE, Mr. BECERRA, Mr. HERGER, Mr. RANGEL, Mr. MCINNIS, Mr. TANNER, Mr. BRADY of Texas, Mrs. JOHNSON of Connecticut, Mr. POMEROY, Mr. RAMSTAD, and Mr. RYAN of Wisconsin):

H.R. 808. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. GREENWOOD, Mrs. TAUSCHER, Mrs. JOHNSON of Connecticut, Mr. MENENDEZ, Mr. BOUCHER, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. WYNN, Mr. SMITH of Washington, Ms. MCCARTHY of Missouri, Mr. KOLBE, Mr. KIND, Mr. MOORE, and Mr. SCOTT of Virginia):

H.R. 809. A bill to prohibit certain abortions; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. STARK, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. THOMAS, Mr. RANGEL, Mr. TAUZIN, Mr. DINGELL, Mr. RYAN of Wisconsin, Mr. PORTMAN, Mr. CARDIN, Ms. DUNN, Mr. GREENWOOD, Mr. KLECZKA, Mr. LEWIS of Kentucky, Mr. CAMP, Mr. POMEROY, Mr. SHAW, Mr. BURR, Mr. MCNULTY, Mrs. JONES of Ohio, Mr. CRANE, Mr. MCINNIS, Mr. RAMSTAD, Mr. ENGLISH, Mr. MCDERMOTT, Mr. MCCRERY, Mr. HAYWORTH, Mr. HOUGHTON, Mr. NUSSLE, Mr. NORWOOD, Mr. GORDON, Mr. UPTON, Mr. ENGEL, Mr. BUYER, Mr. PICKERING, Mr. BARTON of Texas, Mr. DOYLE, Mrs. CAPPS, Mr. WAXMAN, Mr. PALLONE, Mr. HALL, Mr. SAM JOHNSON of Texas, Mr. CANTOR, Mr. FOLEY, Mr. WELLER, and Mr. DEUTSCH):

H.R. 810. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. CUMMINGS, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. SESSIONS, and Mr. CRANE):

H.R. 811. A bill to authorize the Secretary of Health and Human Services to make demonstration grants to promote the well-being and educational achievement of children through school-based health programs; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H.R. 812. A bill to guarantee the right of individuals to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Ms. KAPTUR, Mr. PAUL, Ms. MILLENDER-MCDONALD, Mr. CROWLEY, Mr. HOLDEN, Mr. BERRY, Mr. ISRAEL, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Ms. NORTON, Mr. FROST, Mr. HASTINGS of Florida, Mr. SANDERS, and Mr. WEXLER):

H.R. 813. A bill to rescind the Department of Veterans Affairs memorandum of July 18, 2002, in which Directors of health service networks in the Department of Veterans Affairs are directed to ensure that no marketing activities to enroll new veterans occur within their networks; to the Committee on Veterans' Affairs.

By Mr. KILDEE (for himself, Mr. NEY, Mr. ANDREWS, Mr. FERGUSON, Mr. ISRAEL, Mr. KIND, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. PAYNE, Mr. PLATTS, Mr. QUINN, Mr. SHIMKUS, and Ms. WOOLSEY):

H.R. 814. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself and Mr. GUTIERREZ):

H.R. 815. A bill to require the Secretary of Health and Human Services to conduct a study with respect to aneurysms, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. BROWN of Ohio, Mr. HOUGHTON, Mr. DINGELL, Mr. LAHOOD, Mr. MCNULTY, Mr. REYNOLDS, Mr. LANTOS, Mr. PALLONE, Ms. HOOLEY of Oregon, Mr. CARDOZA, Mr. WEXLER, Mr. KILDEE, Mr. FILNER, Mr. STARK, Mr. RAHALL, Mr. MCGOVERN, Mr. LIPINSKI, Mr. UDALL of Colorado, Mrs. JONES of Ohio, Mrs. MALONEY, Ms. BALDWIN, Mr. ENGEL, Mr. GRIJALVA, Mr. SWEENEY, Mr. MEEHAN, Mr. WATT, Mr. THOMPSON of California, Mr. ACKERMAN, Mr. CAPUANO, Mr. QUINN, Mr. LYNCH, Mr. TOWNS, Mr. BERMAN, Mr. DOYLE, Mr. FRANK of

Massachusetts, Mr. INSLEE, Mr. SCHIFF, Mr. HINCHEY, Mr. FARR, Mr. BOUCHER, Mr. MATSUI, Mrs. MCCARTHY of New York, Mr. POMEROY, Ms. KAPTUR, Mr. DAVIS of Alabama, Mr. COSTELLO, Mr. MICHAUD, Mrs. LOWEY, Mr. TANCREDO, Mr. MILLER of North Carolina, Mr. DELAHUNT, Mr. EVANS, Mr. ALLEN, Mr. ISRAEL, Mr. KIND, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Mr. BERRY, Ms. MCCOLLUM, Mr. LUCAS of Kentucky, Ms. SLAUGHTER, Ms. VELAZQUEZ, Mr. ROSS, Mr. STRICKLAND, Ms. DELAURO, Mr. MURTHA, Mr. CROWLEY, Mr. GORDON, Mrs. KELLY, Mr. REYES, Ms. WOOLSEY, Mr. DICKS, Mr. OWENS, Ms. BORDALLO, Mr. RUSH, Mr. NADLER, Ms. MCCARTHY of Missouri, Mr. FROST, Mr. WAXMAN, Mr. HOLDEN, Mr. DEUTSCH, Mr. BISHOP of New York, Mr. EMANUEL, Ms. NORTON, Ms. LEE, Ms. LINDA T. SANCHEZ of California, Mr. FORD, Mrs. CHRISTENSEN, Ms. PELOSI, Mr. ETHERIDGE, Mr. MCHUGH, Ms. ROYBAL-ALLARD, Mr. GREEN of Texas, Mr. PRICE of North Carolina, Mr. WEINER, Mr. FOLEY, Mr. BOEHLERT, Mr. MOLLOHAN, Mrs. CAPPS, Mr. WALSH, Mr. PASTOR, Mr. MCDERMOTT, Mr. CARSON of Oklahoma, Ms. MILLENDER-MCDONALD, Mr. SMITH of Washington, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. BAIRD, Mr. MCINTYRE, Mr. SERRANO, Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania, Mr. RYAN of Ohio, Ms. SOLIS, Mr. SNYDER, and Ms. DEGETTE):

H.R. 816. A bill to provide certain temporary increases in the Federal medical assistance percentage (FMAP) under the Medicaid Program to help States finance increases in enrollment due to rising unemployment and to prevent reductions in health insurance coverage due to State budget crises; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. HOBSON, Ms. SLAUGHTER, Mr. FOSSELLA, Ms. ROS-LEHTINEN, Mr. COSTELLO, Mr. TOWNS, Mr. HONDA, Mr. SOUDER, Mr. WALSH, Mr. TIBERI, Mr. BOEHLERT, Mr. LATOURETTE, Mr. NEAL of Massachusetts, Mr. GORDON, Mr. OBERSTAR, Mr. REYES, Ms. WOOLSEY, Mr. HINCHEY, Mr. STRICKLAND, Mr. MCHUGH, Mr. FROST, Mr. SWEENEY, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. FORBES, Ms. BORDALLO, Mr. MCINTYRE, Mr. RODRIGUEZ, Mrs. CAPPS, Mr. FORD, Mr. MCNULTY, Mr. KILDEE, Mr. MEEHAN, Mr. DEUTSCH, Ms. MILLENDER-MCDONALD, Mr. BISHOP of New York, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. TERRY, Mr. PASCRELL, Mr. SIMMONS, Mr. ABERCROMBIE, Mr. TAYLOR of Mississippi, Mr. GUTIERREZ, Mr. LOBIONDO, Mr. PAYNE, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. SERRANO, Mrs. JO ANN DAVIS of Virginia, Mr. ACKERMAN, Mrs. KELLY, Ms. LINDA T. SANCHEZ of California, Mr. NADLER, Mr. OWENS, Mr. ETHERIDGE, Mr. FARR, and Mr. GONZALEZ):

H.R. 817. A bill to amend title XVIII of the Social Security Act to provide for enhanced reimbursement under the Medicare Program for screening and diagnostic mammography services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA (for himself and Mr. RYAN of Wisconsin):

H.R. 818. A bill to amend the Gramm-Leach-Bliley Act to further protect customers of financial institutions whose identities are stolen from the financial institution, and for other purposes; to the Committee on Financial Services.

By Mr. KOLBE (for himself, Mr. FLAKE, Mr. SHADEGG, Mr. HAYWORTH, Mr. RENZI, Mr. PASTOR, Mr. GRIJALVA, and Mr. REYES):

H.R. 819. A bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens; to the Committee on Appropriations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD:

H.R. 820. A bill to amend title 39, United States Code, to prevent certain types of mail matter from being sent by a Member of the House of Representatives as part of a mass mailing; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ENGEL, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HOEFFEL, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KIRK, Mr. LANTOS, Ms. LOFGREN, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. NADLER, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 821. A bill to amend title 18, United States Code, to prohibit the manufacture or importation, or transfer by a licensed firearms dealer, of a pistol that does not have a chamber load indicator and, in the case of a semiautomatic pistol that has a detachable magazine, a mechanism that prevents the pistol from being fired when the magazine is not attached; to the Committee on the Judiciary.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, Ms. DUNN, Mr. SMITH of Washington, Mr. MCDERMOTT, Mr. BAIRD, and Mr. INSLEE):

H.R. 822. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by law in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; to the Committee on Resources.

By Mr. LARSON of Connecticut (for himself, Mr. SHIMKUS, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. OTTER, Mr. RYAN of Ohio, and Ms. WATSON):

H.R. 823. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and the Workforce.

By Mr. LARSON of Connecticut:

H.R. 824. A bill to authorize the National Science Foundation to carry out research projects to develop and assess novel uses of high-performance computer networks for use in science, mathematics, and technology education in elementary and secondary schools; to the Committee on Science.

By Mr. LIPINSKI (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. DAVIS of Illinois, Mr. CRANE, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. EVANS, Mr. LAHOOD, and Mr. SHIMKUS):

H.R. 825. A bill to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building''; to the Committee on Government Reform.

By Ms. LOFGREN:

H.R. 826. A bill to amend the Internal Revenue Code of 1986 to expand the tax incentives for higher education; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. SERRANO, Mr. RANGEL, Mr. TOWNS, and Mr. BISHOP of New York):

H.R. 827. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the temporary mortgage and rental payments program; to the Committee on Transportation and Infrastructure.

By Mrs. MCCARTHY of New York (for herself, Mr. EMANUEL, Ms. NORTON, Mr. OWENS, and Mr. ISRAEL):

H.R. 828. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow certain applicants for approval of a generic drug to be eligible for a 180-day period of protection from competition, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM:

H.R. 829. A bill to amend the Arts and Artifacts Indemnity Act to increase the amount of loss or damage coverage, in the aggregate and for single exhibitions, authorized by such Act; to the Committee on Education and the Workforce.

By Mr. MCINNIS (for himself, Mr. HOUGHTON, Mr. CAMP, Mr. ENGLISH, Mr. LEWIS of Kentucky, Mr. HEFLEY, Mr. TANCREDO, Mr. BEAUPREZ, Mrs. MUSGRAVE, Mr. CLYBURN, Mr. HAYES, Mr. PETERSON of Minnesota, Mr. DAVIS of Illinois, Mr. GREEN of Wisconsin, Mr. MURTHA, Mr. GORDON, Mr. CASE, Mr. MCNULTY, and Mr. JANKLOW):

H.R. 830. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan (for herself and Mr. YOUNG of Alaska):

H.R. 831. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; to the Committee on Resources.

By Mr. NADLER (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. CASE, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. CROWLEY, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms.

JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KOLBE, Mr. KUCINICH, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. NORTON, Mr. OWENS, Mr. OLVER, Mr. PASCRELL, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. SABO, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SIMMONS, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Ms. VELAZQUEZ, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU):

H.R. 832. A bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. LUCAS of Kentucky, Mr. GILLMOR, and Mr. GARY G. MILLER of California):

H.R. 833. A bill to combat unfair and deceptive practices in the high-cost mortgage market, establish a consumer mortgage protection board, and establish licensing and minimum standards for mortgage brokers, and for other purposes; to the Committee on Financial Services.

By Mr. OSE (for himself, Mr. BLUNT, Mr. PORTMAN, Mr. SOUDER, Mr. MICA, Mr. CANNON, Mr. CALVERT, Mr. CUMMINGS, Mr. COBLE, Mr. TOWNS, Mr. GOODLATTE, Mr. HERGER, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. LATHAM, Mr. RADANOVICH, Mr. UDALL of New Mexico, Mr. BEREUTER, Mr. GIBBONS, Mr. WALDEN of Oregon, Mr. SESSIONS, Mrs. TAUSCHER, Mr. CRANE, Ms. HARMAN, Mrs. WILSON of New Mexico, Ms. WOOLSEY, Mr. CUNNINGHAM, Mr. MATHESON, Mr. WILSON of South Carolina, Ms. BERKLEY, Mr. NETHERCUTT, Ms. LOFGREN, Mr. MCINNIS, Mr. COSTELLO, Mr. ADERHOLT, Mr. CARSON of Oklahoma, Mr. PUTNAM, Mr. DOOLEY of California, Mr. OSBORNE, Mr. CARDOZA, Mr. GRAVES, Mr. FILNER, Mr. TERRY, Mrs. BONO, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mr. ENGLISH, Mr. GILLMOR, Mr. LANTOS, Mr. SIMMONS, Mr. HOLDEN, Mr. ISSA, Mr. POMEROY, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. SULLIVAN, Mr. HILL, Mr. BALLENGER, Mr. CASE, Mr. NUNES, Mr. UPTON, Mr. EHLERS, Mr. LEACH, and Mr. THOMPSON of California):

H.R. 834. A bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Resources, Transportation and Infrastructure, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 835. A bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce National Forests in Idaho, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASTOR:

H.R. 836. A bill to amend the Immigration and Nationality Act to restore the avenues for relief from removal that existed for aliens lawfully admitted for permanent residence prior to the enactment of the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself and Mr. OSBORNE):

H.R. 837. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETRI:

H.R. 838. A bill to amend the Higher Education Act of 1965 to provide greater academic freedom for institutions of higher education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PORTMAN (for himself, Mr. CARDIN, Ms. PRYCE of Ohio, Mr. ENGLISH, Mrs. JONES of Ohio, Mr. BONILLA, Mr. TERRY, Mr. GARY G. MILLER of California, Ms. JACKSON-LEE of Texas, Mr. BURGESS, and Ms. HARRIS):

H.R. 839. A bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes; to the Committee on Ways and Means.

By Mr. QUINN (for himself, Mr. REYNOLDS, Mr. HOUGHTON, Ms. SLAUGHTER, and Mr. WALSH):

H.R. 840. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself and Mr. CARDIN):

H.R. 841. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs Medicare beneficiaries by allowing plans to target enrollment to special needs beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself and Mr. FRANKS of Arizona):

H.R. 842. A bill to provide for the conveyance of certain Federal lands administered by the Bureau of Land Management in Maricopa County, Arizona, in exchange for private lands located in Yavapai County, Arizona, and for other purposes; to the Committee on Resources.

By Mr. REYES (for himself, Mr. EVANS, Ms. CORRINE BROWN of Florida, Mr. FILNER, and Mr. ABERCROMBIE):

H.R. 843. A bill to amend title 38, United States Code, to provide full service-connected disability benefits for persons disabled by treatment or vocational rehabilitation provided by the Department of Veterans Affairs and for survivors of persons dying from such treatment; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ (for himself, Mr. LEACH, Mr. GREEN of Texas, Mr. TOWNS, Ms. LOFGREN, Mr. ABERCROMBIE, Mr. FROST, Mr. MCNULTY, Mr. RANGEL, Mrs. DAVIS of California, Ms. GRANGER, Mr. GUTIERREZ, Mr. WAXMAN, Mr. PAYNE, Ms. LEE, Mr. HOLDEN, Mr. GREENWOOD, Mrs. TAUSCHER, Ms. NORTON, and Ms. ROYBAL-ALLARD):

H.R. 844. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Energy and Commerce.

By Mr. ROYCE:

H.R. 845. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of interest on bank loans made to churches and religious organizations; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mrs. JONES of Ohio, Mr. GUTIERREZ, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. FATTAH, Ms. LEE, Mr. PAYNE, Mr. OWENS, Mr. MCDERMOTT, Mr. WAXMAN, Mrs. MALONEY, Mrs. CAPPS, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. OLVER, Mr. ENGEL, Ms. WOOLSEY, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. GEORGE MILLER of California, Mr. ISRAEL, Mr. KILDEE, Ms. MCCARTHY of Missouri, Mr. WYNN, Mr. CONYERS, Ms. CARSON of Indiana, Ms. NORTON, Mr. BOEHLERT, Mr. CUMMINGS, Ms. HARMAN, Mr. HOLDEN, Mr. DINGELL, Mr. MCNULTY, Mr. CASE, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. STARK, Mr. TIERNEY, Ms. DELAURO, Mr. ETHERIDGE, Mr. NADLER, Mr. LANTOS, Mr. WATT, Mrs. BIGGERT, Mr. LAHOOD, and Mr. MORAN of Virginia):

H.R. 846. A bill to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. BURTON of Indiana, Ms. DELAURO, Mr. CROWLEY, Mrs. EMERSON, Mr. BERRY, Ms. KAPTUR, Mr. MCGOVERN, Mr. DEFAZIO, Mr. TIERNEY, Mr. DOGGETT, Mr. STARK, Ms. WOOLSEY, Ms. LEE, Mr. OLVER, Ms. SOLIS, Mr. EVANS, Mr. OWENS, Mr. SERRANO, Mr. ABERCROMBIE, Mr. NADLER, Ms. CORRINE BROWN of Florida, Mr. SABO, Mr. JACKSON of Illinois, Ms. VELAZQUEZ, Mr. CAPUANO, Mr. HINCHEY, Mr. KUCINICH, Mr. MEEHAN, Mr. LEVIN, Mr. PALLONE, Mr. BROWN of Ohio, Ms. BALDWIN, and Mr. FILNER):

H.R. 847. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs from Canada; to the Committee on Energy and Commerce.

By Mr. SANDLIN:

H.R. 848. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide for prompt payment for health benefits claims; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 849. A bill to authorize the Regional Foresters to exempt tree-thinning projects, which are necessary to prevent the occurrence of wildfire likely to cause extreme harm to the forest ecosystem, from laws that give rise to legal causes of action that delay or prevent such projects; to the Committee

on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself, Mr. COX, Mr. BOEHNER, Mr. DREIER, Mr. HYDE, Mr. KOLBE, Mr. LEACH, Mr. OTTER, Mr. SENSENBRENNER, and Mr. WILSON of South Carolina):

H.R. 850. A bill to amend title 38, United States Code, to provide special compensation for former prisoners of war, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SLAUGHTER:

H.R. 851. A bill to assess the impact of the North American Free Trade Agreement and the entry of the People's Republic of China into the World Trade Organization on American jobs, the environment, and worker rights; to the Committee on Ways and Means.

By Ms. SLAUGHTER (for herself and Mr. WAXMAN):

H.R. 852. A bill to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention and conduct and coordinate a research program on hormone disruption, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. MCHUGH, Mr. WALSH, Mr. MCNULTY, Mr. HOUGHTON, Mrs. MALONEY, Ms. HOOLEY of Oregon, Ms. NORTON, Mr. RODRIGUEZ, and Mr. BISHOP of New York):

H.R. 853. A bill to establish the position of Northern Border Coordinator in the Department of Homeland Security; to the Committee on Homeland Security (Select), and in addition to the Committees on the Judiciary, Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. HOEFFEL, and Ms. SLAUGHTER):

H.R. 854. A bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. LARSEN of Washington, and Mr. INSLEE):

H.R. 855. A bill to encourage Members of Congress and the executive branch to be honest with the public about true on-budget circumstances, to exclude the Social Security trust funds and the Medicare hospital insurance trust fund from the annual Federal budget baseline, to prohibit Social Security and Medicare hospital insurance trust funds surpluses to be used as offsets for tax cuts or spending increases, and to exclude the Social Security trust funds and the Medicare hospital insurance trust fund from official budget surplus/deficit pronouncements; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STENHOLM:

H.R. 856. A bill to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes; to the Committee on Resources.

By Mr. SWEENEY (for himself, Mr. SPRATT, Mr. SHAYS, Mr. FORD, Mr. SMITH of New Jersey, Mr. MORAN of Virginia, Mr. COSTELLO, Mr. ISAKSON, Mr. VITTER, Mr. CALVERT, Mr. GALLEGLY, and Mr. GREENWOOD):

H.R. 857. A bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself, Mr. BOYD, Mr. JOHN, Mr. STENHOLM, and Mr. DAVIS of Tennessee):

H.R. 858. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

By Mr. TOOMEY (for himself, Mr. KANJORSKI, Mrs. BIGGERT, Mr. GONZALEZ, Mr. SHAYS, and Ms. HOOLEY of Oregon):

H.R. 859. A bill to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Financial Services.

By Mr. TOOMEY:

H.R. 860. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in income taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. TOOMEY:

H.R. 861. A bill to provide that the individual income tax rate reductions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent; to the Committee on Ways and Means.

By Mr. TOOMEY:

H.R. 862. A bill to amend the Congressional Budget Act of 1974 to protect Social Security beneficiaries against any reduction in benefits; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H.R. 863. A bill to amend the Individuals with Disabilities Education Act to provide increased authority for school personnel to discipline children with disabilities who engage in certain dangerous behavior; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 864. A bill to authorize appropriations for the Individuals with Disabilities Education Act to achieve full funding in fiscal year 2004 and fiscal year 2005, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WAXMAN (for himself, Mr. BROWN of Ohio, Mrs. CAPPS, and Mr. MARKEY):

H.R. 865. A bill to protect the health and safety of individuals receiving smallpox vaccinations and to provide compensation and assured access to care for individuals injured by the vaccine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Mr. COSTELLO):

H.R. 866. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Transportation and Infrastructure.

By Mr. ISTOOK (for himself, Mr. STENHOLM, Mr. SENSENBRENNER, Mr. CHABOT, Mr. ADERHOLT, Mr. AKIN, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BEAUPREZ, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BOOZMAN, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CANNON, Mr. CHOCOLA, Mr. COBLE, Mr. COLE, Mr. COMBEST, Mr. CRANE, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DEMINT, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EDWARDS, Mr. FEENEY, Mr. FLAKE, Mr. FOLEY, Mr. FRANKS of Arizona, Mr. GIBBONS, Mr. GILCHREST, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GRAVES, Mr. HALL, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. ISAKSON, Mr. JENKINS, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. LAHOOD, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. MARSHALL, Mr. MCCOTTER, Mr. MCKEON, Mr. MEEHAN, Mr. MICA, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mrs. NORTHUP, Mr. NORWOOD, Mr. OSE, Mr. OTTER, Mr. PEARCE, Mr. PITTS, Mr. RADANOVICH, Mr. REHBERG, Mr. ROSS, Mr. ROYCE, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SHIMKUS, Mr. SIMMONS, Mr. SIMPSON, Mr. STEARNS, Mr. SWEENEY, Mr. TANNER, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. TERRY, Mr. TIAHRT, Mr. VITTER, Mr. WALDEN of Oregon, Mr. WAMP, Mr. WELLER, and Mr. BUYER):

H.J. Res. 22. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 23. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. CANTOR (for himself, Mr. NEY, Mr. LARSON of Connecticut, Mr. LATOURETTE, Ms. MILLENDER-MCDONALD, Mr. CANNON, Mr. BRADY of Pennsylvania, Mrs. MYRICK, Mr. LANTOS, Mr. WILSON of South Carolina, and Mr. FROST):

H. Con. Res. 40. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. FOLEY:

H. Con. Res. 41. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. FROST:

H. Con. Res. 42. Concurrent resolution expressing the sense of Congress that a postage stamp should be issued in honor of Melvin Jones; to the Committee on Government Reform.

By Mr. LANTOS:

H. Con. Res. 43. Concurrent resolution welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Counsel Resolution 1441; to the Committee on International Relations.

By Mr. LEACH (for himself, Mr. GUTKNECHT, Mr. EVANS, Mr. KIND, Mr. MANZULLO, Mr. NUSSLE, Mr. SABO, Ms. MCCOLLUM, Mr. BOSWELL, Mr. LATHAM, Mr. OBERSTAR, and Mr. SMITH of Texas):

H. Con. Res. 44. Concurrent resolution to express support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854; to the Committee on Government Reform.

By Mr. MILLER of Florida (for himself and Mr. DAVIS of Illinois):

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting National Donor Day; to the Committee on Energy and Commerce.

By Mr. PAUL:

H. Con. Res. 46. Concurrent resolution expressing the sense of Congress that all United States Armed Forces should be withdrawn from South Korea and the United States should end its defense guarantee of South Korea; to the Committee on International Relations.

By Mr. RANGEL (for himself, Mr. CONYERS, Mr. PAYNE, Mr. JEFFERSON, Ms. LEE, and Mr. MEEKS of New York):

H. Con. Res. 47. Concurrent resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on those descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean; to the Committee on International Relations.

By Mr. SAXTON (for himself, Mr. ANDREWS, Mr. HUNTER, Mr. WILSON of South Carolina, Mr. HAYES, Mr. GILCHREST, Mrs. WILSON of New Mexico, Mr. SCHROCK, Mr. LINDER, Mr. DOOLITTLE, Mr. ENGLISH, Mr. LOBIONDO, Mr. SIMMONS, Mr. HEFLEY, Mr. FOLEY, Mr. MILLER of Florida, Mr. ISRAEL, Mr. TAYLOR of Mississippi, Mr. KING of Iowa, and Mr. MCKEON):

H. Con. Res. 48. Concurrent resolution expressing the sense of Congress that the people and companies of the United States and the United States Armed Forces should not participate in the Paris Air Show, should the Government of France continue its opposition to the potential use of force to insure that Saddam Hussein complies with United Nations resolutions concerning weapons of mass destruction; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. CARDIN, Mr. WOLF, Mr. HOYER, Mr. LANTOS, Mr. WAMP, Ms. SLAUGHTER, Mr. ADERHOLT, and Mr. HASTINGS of Florida):

H. Con. Res. 49. Concurrent resolution expressing the sense of the Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences; to the Committee on International Relations.

By Mr. STEARNS:

H. Con. Res. 50. Concurrent resolution to require the posting of the Ten Commandments in the House and Senate chambers; to the Committee on House Administration.

By Mr. STEARNS:

H. Con. Res. 51. Concurrent resolution expressing the sense of Congress that Congress should have the power to prohibit desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. LARSON of Connecticut, Mr. COX, and Mr. TURNER of Texas):

H. Res. 77. A resolution providing amounts for interim expenses of the Select Committee on Homeland Security in the first session of the One Hundred Eighth Congress; to the Committee on House Administration. considered and agreed to.

By Mr. SKELTON (for himself and Ms. HARMAN):

H. Res. 78. A resolution expressing support for emergency first responders and States and local communities, which are on the front lines of the Nation's homeland defense; to the Committee on Transportation and Infrastructure.

By Mr. MENENDEZ:

H. Res. 79. A resolution electing Members, Delegates, and Resident Commissioners to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. BOEHNER (for himself and Mr. GEORGE MILLER of California):

H. Res. 80. A resolution providing amounts for the expenses of the Committee on Education and the Workforce in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. BEREUTER (for himself, Mr. HEFLEY, and Mr. MCINNIS):

H. Res. 81. A resolution expressing the sense of the House of Representatives that the North Atlantic Treaty Organization must begin to plan steps for the defense of Turkey as requested by that nation; to the Committee on International Relations.

By Mr. CUMMINGS (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. BALLANCE, Mr. DAVIS of Alabama, Mr. FORD, Mr. MEEKS of New York, Mr. RUSH, Ms. KILPATRICK, Mr. WYNN, Mr. WATT, Ms. CARSON of Indiana, Mr. MEEK of Florida, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. CLYBURN, Mr. SCOTT of Georgia, Mrs. CHRISTENSEN, Ms. CORRINE BROWN of Florida, Ms. WATERS, Ms. WATSON, Ms. MAJETTE, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. RANGEL, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. CLAY, Mr. JEFFERSON, Mr. CONYERS, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. TOWNS, Mr. LEWIS of Georgia, Ms. LEE, and Mr. SCOTT of Virginia):

H. Res. 82. A resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities; to the Committee on Education and the Workforce.

By Mr. MANZULLO:

H. Res. 83. A resolution providing amounts for the expenses of the Committee on Small Business in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. PITTS (for himself, Mr. WOLF, Mr. ROHRABACHER, and Mr. SMITH of New Jersey):

H. Res. 84. A resolution calling for the immediate intervention in the conflict in Burma, and for other purposes; to the Committee on International Relations.

By Mr. PLATTS (for himself, Mr. WELDON of Pennsylvania, Mr. HOEFFEL, Mr. DOYLE, Mr. ENGLISH, Mr. HOLDEN, Mr. FATTAH, Mr. GREENWOOD, Mr. CASTLE, Mr. REYNOLDS, Mr. MURPHY, and Mr. TOM DAVIS of Virginia):

H. Res. 85. A resolution congratulating the Messiah College men's soccer team for winning its second National Collegiate Athletic Association Division III Soccer Championship; to the Committee on Education and the Workforce.

By Mr. ROGERS of Alabama (for himself, Mr. BOEHNER, Mr. HOEKSTRA, Mr. MCKEON, Mr. NORWOOD, Mr. ISAKSON, Mr. WILSON of South Carolina, Mr. BURNS, Mr. KINGSTON, Mr. SKELTON, Mr. ROSS, and Mr. MCDERMOTT):

H. Res. 86. A resolution recognizing the contributions of historically Black colleges and universities; to the Committee on Education and the Workforce.

¶12.33 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

1. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 694 memorializing the Congress of the United States to quickly pass the State Budget Relief Act of 2001, HR 3414, or any temporary increase in Medicaid funding to assist our State in its budget crisis; to the Committee on Energy and Commerce.

2. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 281 memorializing the United States Congress to enact the Hunting Heritage Protection Act; to the Committee on Resources.

3. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 282 memorializing the United States Congress to provide funding for efforts to prevent the invasion of the Asian carp into the Great Lakes; to the Committee on Resources.

4. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 601 memorializing the United States Congress to enact legislation to provide that taxpayers can deduct fully the cost of their health insurance premiums; to the Committee on Ways and Means.

5. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 602 memorializing the United States Congress to enact legislation to remove the ''use it or lose it'' restrictions on flexible spending accounts to permit participants to roll over unused funds to the next year; to the Committee on Ways and Means.

6. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 603 memorializing the United States Congress to enact legislation to provide more flexibility for participants in medical care spending accounts; to the Committee on Ways and Means.

7. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 597 memorializing the United States Congress to expand Medicare to include a prescription pharmaceutical plan for low income seniors; jointly to the Committees on Ways and Means and Energy and Commerce.

¶12.34 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HOLT introduced a bill (H.R. 867) for the relief of Durreshahwar Durreshahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan; which was referred to the Committee on the Judiciary.

¶12.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. CHOCOLA.
H.R. 5: Mr. CUNNINGHAM, Mr. BURR, Mr. DREIER, and Mr. CANTOR.
H.R. 13: Mr. VAN HOLLEN, Mr. HOUGHTON, Mr. OLVER, Mr. GALLEGLY, Mr. WALSH, Mr. OSE, Mr. HALL, Mr. WAMP, and Mr. BASS.
H.R. 14: Mr. DAVIS of Illinois and Mr. VAN HOLLEN.
H.R. 20: Mr. WATT, Mr. STUPAK, and Mr. SOUDER.
H.R. 21: Mr. AKIN and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 24: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 33: Ms. GINNY BROWN-WAITE of Florida, Mr. WATT, Mr. BOSWELL, Mr. KENNEDY of Minnesota, and Mr. BISHOP of Georgia.
H.R. 49: Mr. REHBERG, Mr. SESSIONS, Mr. COMBEST, and Mr. CARSON of Oklahoma.
H.R. 51: Mrs. BLACKBURN.
H.R. 57: Mr. MANZULLO.
H.R. 58: Mr. MILLER of Florida, Mr. NORWOOD, Ms. WOOLSEY, Mr. ACKERMAN, Mr. FOLEY, Mr. KING of Iowa, Mr. GILLMOR, Mr. TOWNS, Mr. DINGELL, Mr. WHITFIELD, Ms. GRANGER, Mr. CARDOZA, Mr. MICA, Mr. LEWIS of Georgia, Mr. HOLDEN, Mr. MARSHALL, Mr. DOOLEY of California, Ms. ROYBAL-ALLARD, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Mr. MEEHAN, Mr. INSLEE, Mr. MCINTYRE, Mr. PICKERING, Mr. GIBBONS, Mr. MCGOVERN, Mr. TURNER of Texas, Mr. FILNER, Mr. JOHNSON of Illinois, Mr. WEINER, Mr. LATOURETTE, Mrs. MILLER of Michigan, Mr. GOODE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FROST, Mr. PAUL, and Ms. CORRINE BROWN of Florida.
H.R. 73: Mr. MCDERMOTT, Ms. SLAUGHTER, Mr. FOSSELLA, and Mr. CROWLEY.
H.R. 109: Mr. FOLEY, Mr. CALVERT, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 111: Mr. EVANS, Mr. GUTKNECHT, Mr. DEUTSCH, Mr. REGULA, Mr. LUCAS of Kentucky, and Mr. CASE.
H.R. 126: Mr. BILIRAKIS.
H.R. 141: Mr. BURR.
H.R. 152: Mr. GRIJALVA.
H.R. 167: Mr. MANZULLO.
H.R. 168: Mr. HOLDEN and Mr. DUNCAN.
H.R. 173: Ms. BALDWIN, Mr. WATT, Mr. BISHOP of Georgia, Mr. ORTIZ, Mr. CLYBURN, Mr. OXLEY, and Mr. LAHOOD.
H.R. 193: Mr. HALL.
H.R. 218: Mr. MANZULLO, and Mr. GUTKNECHT.
H.R. 235: Mr. CANTOR, Mr. RADANOVICH, Mr. CANNON, Mr. COMBEST, Mr. TAUZIN, Mr. SHUSTER, and Mr. SWEENEY.
H.R. 260: Mr. ROTHMAN.
H.R. 284: Mr. WOLF, Ms. ROS-LEHTINEN, Mr. RAHALL, and Ms. CORRINE BROWN of Florida.
H.R. 286: Mr. BOEHNER.
H.R. 300: Mr. CULBERSON.
H.R. 303: Mr. WEINER, Mr. GOODE, Mr. OSE, Ms. CORRINE BROWN of Florida, Mr. GRAVES, Mr. BAKER, Mr. LAHOOD, Mr. GIBBONS, Mr. DOGGETT, Mr. JOHNSON of Illinois, Mr. CULBERSON, Mr. KILDEE, Mr. LATOURETTE, Mr. PASTOR and Ms. HART.
H.R. 336: Mr. PAUL.
H.R. 339: Mr. STEARNS, Mr. AKIN, and Mr. SENSENBRENNER.
H.R. 343: Mr. DELAHUNT and Mr. SMITH of Michigan.
H.R. 352: Mr. ISAKSON.
H.R. 361: Mr. DAVIS of Tennessee, Mrs. KELLY, Mr. KIRK, Ms. HART, Mr. PENCE, Mr. FLETCHER, Mr. MEEHAN, Mr. BERMAN, Mr. WATT, Mr. LIPINSKI, Mr. CHOCOLA, Mrs. EMERSON, Mr. GREEN of Wisconsin, Mr. LAHOOD, Mr. MORAN of Kansas, Mr. SHUSTER, and Mr. TIAHRT.
H.R. 362: Mr. SIMMONS and Ms. ROS-LEHTINEN.
H.R. 381: Mr. CULBERSON.
H.R. 401: Mr. BERMAN, Mr. MCNULTY, Mr. WEINER, and Mr. FROST.
H.R. 412: Mr. FOLEY, Mr. ORTIZ, Mr. CULBERSON, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. CUMMINGS, Mr. ROGERS of Michigan, and Mr. CARSON of Oklahoma.
H.R. 441: Mr. FLAKE, Mr. CROWLEY, and Mr. GILLMOR.
H.R. 442: Mr. LOFGREN, Mr. FILNER, Mr. ANDREWS, Mr. BEREUTER, Mr. SNYDER, Mr. JOHNSON of Illinois, Mr. HAYWORTH, and Mr. CARDOZA.
H.R. 459: Mr. SESSIONS, Mr. TERRY, Ms. GINNY BROWN-WAITE of Florida, Mr. TANCREDO, and Mr. BLUNT.
H.R. 466: Mr. MATSUI and Mr. GILLMOR.
H.R. 478: Mr. BEREUTER.
H.R. 483: Mr. BEREUTER.
H.R. 490: Mr. CLYBURN and Mr. LAHOOD.
H.R. 501: Mr. FRANK of Massachusetts, Mr. MCDERMOTT, and Ms. MCCOLLUM.
H.R. 502: Mr. FORBES and Mr. CRANE.
H.R. 513: Ms. GINNY BROWN-WAITE of Florida.
H.R. 514: Ms. HOOLEY of Oregon.
H.R. 528: Mr. SOUDER and Mr. KIRK.
H.R. 534: Mr. OXLEY and Mr. FOLEY.
H.R. 545: Mr. CALVERT.
H.R. 548: Mrs. MYRICK, Mr. PLATTS, Ms. MILLENDER-MCDONALD, Mr. HEFLEY, Mr. DEFAZIO, Mrs. CAPPS, Mr. ALLEN, Mr. HASTINGS of Florida, Mr. SWEENEY, Mr. GOODLATTE, Mrs. DAVIS of California, and Mr. CLAY.
H.R. 571: Mr. SHAW and Mr. PRICE of North Carolina.
H.R. 574: Mr. ENGLISH, Mr. PAUL, and Mr. DREIER.
H.R. 584: Ms. GINNEY BROWN-WAITE of Florida.
H.R. 589: Mr. LUCAS of Oklahoma, Ms. KILPATRICK, Mr. UDALL of Colorado, Mr. GORDON, Mr. HOYER, Mr. WATT, Mr. MEEK of Florida, Mr. WELLER, Mr. GEORGE MILLER of California, Mrs. KELLY, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. MEEKS of New York, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, and Ms. WATERS.
H.R. 626: Mrs. JONES of Ohio and Ms. BORDALLO.
H.R. 627: Mr. BARTLETT of Maryland.
H.R. 643: Mr. MARKEY, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. RAHALL, Mr. HOEFFEL, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. WEXLER, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. STARK, and Mr. OLVER.
H.R. 655: Mr. GOODLATTE, Mr. MCINNIS, Mr. LUCAS of Oklahoma, and Mr. WELDON of Pennsylvania.
H.R. 664: Mr. BECERRA and Mr. RANGEL.
H.R. 690: Mr. MCDERMOTT and Mr. GRIJALVA.
H.R. 692: Ms. WOOLSEY and Mr. GRIJALVA.
H.R. 693: Mr. BARTLETT of Maryland, Ms. ESHOO, Mr. PAUL, Ms. CORRINE BROWN of Florida, Mr. GILLMOR, and Mr. HOSTETTLER.
H.R. 695: Mr. UDALL of Colorado.
H.R. 704: Mr. MCKEON.
H.R. 713: Mr. BOOZMAN and Mr. TIBERI.
H.R. 714: Mr. HEFLEY.
H.R. 715: Mr. KOLBE and Ms. HART.
H.R. 719: Mr. LAMPSON.
H.R. 720: Mr. CULBERSON and Mr. COMBEST.
H.R. 721: Mr. WALSH.
H.R. 723: Mr. MCGOVERN.
H.R. 726: Mrs. JONES of Ohio.
H.R. 728: Mrs. BIGGERT.
H.R. 737: Mrs. MOORE.
H.R. 752: Mrs. KELLY.
H.J. Res. 3: Mr. HASTINGS of Washington and Mrs. WILSON of New Mexico.
H.J. Res. 4: Mr. BURR and Mr. WILSON of South Carolina.
H. Con. Res. 23: Mr. HOSTETTLER.
H. Con. Res. 26: Mr. DEUTSCH, Mr. SABO, Mr. GRIJALVA, Mr. FARR, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mr. SOUDER, Mr. GUTIERREZ, Mr. LEVIN, Mr. MATHESON, Mr. FILNER, Mr. HAYWORTH, Mr. MICHAUD, Ms. LOFGREN, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, Ms. SOLIS, Mr. SANDERS, Mr. SIMMONS, Mr. SCHIFF, and Mr. LIPINSKI.
H. Con. Res. 37: Mr. BISHOP of Georgia and Mr. BARTLETT of Maryland.
H. Res. 39: Mr. SCHIFF.
H. Res. 49: Mrs. JO ANN DAVIS of Virginia, Mr. MCNULTY, Mr. GRIJALVA, Mr. RANGEL, Mr. CULBERSON, Mr. HONDA, and Mrs. LOWEY.
H. Res. 59: Mr. CALVERT and Mr. WATT.

TUESDAY, FEBRUARY 25, 2003 (13)

¶13.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. CAPITO, who laid before the House the following communication:

WASHINGTON, DC,
February 25, 2003.

I hereby appoint the Honorable SHELLY MOORE CAPITO to act as Speaker pro tempore on this day.

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

¶13.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. CAPITO, announced she had examined and approved the Journal of the proceedings of Thursday, February 13, 2003.

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

¶13.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

706. A communication from the President of the United States, transmitting a report listing the aggregate number, locations, activities, and lengths of assignments for all temporary and permanent U.S. military and civilians involved in Plan Colombia, pursuant to Public Law 106—246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

707. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

708. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Belgium (Transmittal No. DTC 004-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

709. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the United Arab Emirates (Transmittal No. DTC 213-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

710. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period December 1, 2002 through January 31, 2003, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

711. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Affirmative Employment Program Accomplishments Report for the period of September 30, 2001 to September 30, 2002, pursuant to 22 U.S.C. 3905(d)(2); to the Committee on Government Reform.

712. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-570, ''Exclusive Right Agreement Time Period Temporary Amendment Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

713. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-569, ''Disposal of District Owned Surplus Real Property Temporary Amendment Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

714. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-568, ''Insurance Compliance Self-Evaluation Privilege Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

715. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-490, ''Carl Wilson Basketball Court Designation Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

716. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-571, ''Health Organizations RBC Amendment Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

717. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-572, ''Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

718. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-573, ''Investments of Insurers Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

719. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-575, ''Surname Choice Amendment Act of 2002''received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

720. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-574, ''Housing Production Trust Fund Affordability Period Temporary Amendment Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

721. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-576, ''Draft Master Plan for Public Reservation 13 Approval Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

722. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting copies of the inventories of commercial positions in the Department of Transportation; to the Committee on Government Reform.

723. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the ''EPA's Inventory of Commercial Activities''; to the Committee on Government Reform.

724. A letter from the Chair, United States Sentencing Commission, transmitting a report entitled, ''Increased Penalties Under The Sarbanes-Oxley Act of 2002,'' pursuant to Public Law 107—204, section 1104(a)(3); to the Committee on the Judiciary.

725. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A, 205A-1, 205B, 212, 412, 412EP, and 412CF Helicopters [Docket No. 2001-SW-37-AD; Amendment 39-12737; AD 2002-09-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

726. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 727c, 727-100, 727-100C, 727-200, and 727-200F Series Airplanes [Docket No. 99-NM-105-AD; Amendment 39-12703; AD 2002-07-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A Helicopters; Correction [Docket No. 2000-SW-46-AD; Amendment 39-12674; AD 2002-05-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 and 701) Series Airplanes [Docket No. 2002-NM-99-AD; Amendment 39-12731; AD 2002-08-19] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, and AS355N Helicopters; Correction [Docket No. 2001-SW-20-AD; Amendment 39-12680; AD 2002-06-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A Helicopters; Correction [Docket No. 2000-SW-46-AD; Amendment 39-12674; AD 2002-05-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters [Docket No. 2002-SW-04-AD; Amendment 39-12736; AD 2002-09-03] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Enstrom Helicopter Corporation Model F-28, F-28A, F-28C, F28F, 280, 280C, 280F, and 280FX Helicopters [Docket No. 2001-SW-67-AD; Amendment 39-12710; AD 2002-08-03] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2002-SW-08-AD; Amendment 39-12711; AD 2002-06-52] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA341G, SA342J, and SA-360C Helicopters [Docket No. 2001-SW-72-AD; Amendment 39-12725; AD 2002-08-16] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schweizer Aircraft Corporation Model 269A, 269A-1, 269B, 269C, and TH-55A Helicopters [Docket No. 2001-SW-58-AD; Amendment 39-12726; AD 2001-25-52] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines [Docket No. 98-ANE-43-AD; Amendment 39-12797; AD 2002-13-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. [Docket No. 2002-NM-129-AD; Amendment39-12823; AD 2002-14-23] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

738. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2002-NM-33-AD; Amendment 39-12815; AD 2002-14-15] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

739. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors; Correction [Docket No. 2000-NE-19-AD; Amendment 39-12792; AD 2002-13-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

740. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines; Correction [Docket No. 98-ANE-43-AD; Amendment 39-12797; AD 2002-13-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

741. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH Type 912 F and 914 F Series Reciprocating Engines [Docket No. 2002-NE-08-AD; Amendment 39-12865; AD 2002-16-26] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

742. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH 912 F and 912 S Series Reciprocating Engines [Docket No. 2002-NE-18-AD; Amendment 39-12889; AD 2002-19-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

743. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop and TSE331-3U Series Turboshaft Engines [Docket No. 99-NE-53-AD; Amendment 39-12922; AD 2002-21-15] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

744. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -300 Series Airplanes [Docket No. 2000-NM-392-AD; Amendment 39-12921; AD 2002-21-14] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

745. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Limited, Aero Division-Bristol, S.N.E.C.M.A. Olympus 593 Mk. 610-14-28 Turbojet Engines [Docket No. 2002-NE-30-AD; Amendment 39-12981; AD 2002-25-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

746. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701) Series Airplanes [Docket No. 2002-NM-269-AD; Amendment 39-12995; AD 2002-26-07] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

747. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes [Docket No. 2002-CE-31-AD; Amendment 39-12973; AD 2002-24-08] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

748. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Britten-Norman Limited BN2T and BN2T-4R Series Airplanes [Docket No. 2002-CE-34-AD; Amendment 39-12974; AD 2002-24-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

749. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No. 2002-SW-50-AD; Amendment 39-12975; AD 2002-22-51] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

750. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MT-Propeller Entwicklung GMBH Models MTV-9-B-C and MTV-3-B-C Propellers; Correction [Docket No. 99-NE-35-AD; Amendment 39-12953; AD 2002-23-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

751. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; and C-9 (Military) Airplanes [Docket No. 99-NM-287-AD; Amendment 39-12979; AD 2002-25-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

752. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2002-NM-293-AD; Amendment 39-12994; AD 2002-26-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

753. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2002-NM-271-AD; Amendment 39-12970; AD 2002-24-05] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

754. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Britten-Norman Limited BN-2 and BN2A Mk. III Series Airplanes [Docket No. 2002-CE-35-AD; Amendment 39-12980; AD 2002-25-05] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

755. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, 700C, -800, and -900 Series Airplanes; Model 747 Series Airplanes; and Model 757 Series Airplanes [Docket No. 2002-NM-309-AD; Amendment 39-12992; AD 2002-24-51] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

756. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, -400, -400D, and -400F Series Airplanes [Docket No. 2002-NM-314-AD; Amendment 39-12993; AD 2002-24-52] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

757. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-502A, AT-502B, and AT-503A Airplanes [Docket No. 2002-CE-54-AD; Amendment 39-12991; AD 2002-26-05] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

758. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), (DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 2002-NM-216-AD; Amendment 39-12912; AD 2002-21-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

759. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Limited, Aero Division-Bristol, S.N.E.C.M.A. Olympus 593 Mk. 610-14-28 Turbojet Engines [Docket No. 2002-NE-28-AD; Amendment 39-12956; AD 2002-23-12] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

760. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Limited., Aero Division-Bristol, S.N.E.C.M.A. Olympus 593 Mk. 610-14-28 Turbojet Engines [Docket No. 2002-NE-29-AD; Amendment 39-12990; AD 2002-26-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

761. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule -Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-348-AD; Amendment 39-13008; AD 2002-26-51] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

762. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines, Correction [Docket No. 2000-NE-47-AD; Amendment 39-12916' AD 2002-21-10] RIN: 2120-AA64 received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

763. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-8C1 Turbofan Engines, Correction [Docket No. 2002-NE-13-AD; Amendment 39-12946; AD 2002-23-02] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

764. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters [Docket No. 2002-SW-48-AD; Amendment 39-12982; AD 2002-21-51] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

765. A letter from the Secretary, Department of Health and Human Services, transmitting the fifth annual report on the Temporary Assistance for Needy Families (TANF) program; to the Committee on Ways and Means.

¶13.4 MESSAGE FROM THE SENATE

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

S. 151. An Act to amend title 18, United States Code, with respect to the sexual exploitation of children.

The message also announced that pursuant to section 8002 of title 26,

United States Code, the Chair, on behalf of the Committee on Finance, announces the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Oklahoma [Mr. NICKLES], the Senator from Montana [Mr. BAUCUS], the Senator from West Virginia [Mr. ROCKEFELLER].

¶13.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mrs. CAPITO, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 14, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 14, 2003, at 10:38 a.m.

That the Senate passed S. Con. Res. 4.

That the Senate passed without amendment H.R. 395.

That the Senate passed without amendment H. Con. Res. 1.

That the Senate passed without amendment H. Con. Res. 35.

That the Senate passed without amendment H. Con. Res. 41.

That the Senate passed without amendment H.J. Res. 19.

That the Senate agreed to conference report H.J. Res. 2.

Appointment: Harry S Truman Scholarship Foundation.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶13.6 ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER pro tempore, Mrs. CAPITO, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. BARTLETT of Maryland, signed the following enrolled joint resolution on Tuesday, February 18, 2003:

H.J. Res. 2. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

¶13.7 HOUR OF MEETING

On motion of Mr. WILSON of South Carolina, by unanimous consent,

Ordered, That when the House adjourns today, it stand adjourned to meet at 1 p.m. on Wednesday, February 26, 2003; and that when the House adjourns on Wednesday, February 26, 2003, it stand adjourned to meet at 1 p.m. on Thursday, February 27, 2003.

¶13.8 RECESS—2:10 P.M.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 10 minutes p.m., until approximately 4 p.m.

¶13.9 AFTER RECESS—4:15 P.M.

The SPEAKER pro tempore, Mrs. CAPITO, called the House to order.

¶13.10 MESSAGE FROM THE PRESIDENT

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

¶13.11 AL HIRSCHFELD

Mrs. BLACKBURN moved to suspend the rules and agree to the following resolution (H. Res. 46):

Whereas Al (Albert) Hirschfeld was born June 21, 1903, in St. Louis, Missouri;

Whereas Hirschfeld moved to New York City with his family at age 12;

Whereas, by age 18, Hirschfeld was already the art director for Selznick Pictures;

Whereas Hirschfeld went on to study painting, sculpture, and drawing in Paris;

Whereas on a trip in Bali, Hirschfeld first became ''enchanted with line'' and developed his signature style of caricature;

Whereas, in 1926, Hirschfeld attended the theater with press agent Richard Maney, who noticed the sketch Hirschfeld had doodled on his program and convinced him to submit it to the New York Herald Tribune, which printed it on its front page;

Whereas Hirschfeld began receiving periodic drawing assignments for the drama pages of the New York Times;

Whereas Hirschfeld became a close friend of legendary New York Times theater critic Brooks Atkinson and developed a relationship with the newspaper that would last nearly 75 years;

Whereas Hirschfeld went on to draw nearly every important figure of the American theater for the New York Times;

Whereas searching for the name of Hirschfeld's daughter, Nina, sometimes hidden as many as a dozen times within his drawings, became a favorite pastime for readers;

Whereas Hirschfeld's work has appeared in numerous books and is hung in many museums including the Metropolitan Museum of Art, the Museum of Modern Art, the Whitney Museum of American Art, and the St. Louis Art Museum;

Whereas Hirschfeld received 2 special Antoinette Perry (Tony) Awards for excellence in the theater;

Whereas Hirschfeld was elected to the American Academy of Arts and Letters;

Whereas Hirschfeld was selected to receive the National Medal of Arts in 2003;

Whereas in 1996 Hirschfeld was named a Living New York City Landmark by the New York Landmarks Conservancy;

Whereas audiences for years to come will be reminded of Hirschfeld's life and work through a Broadway theater named after him;

Whereas success on Broadway was measured, in part, by whether one had been caricatured by Hirschfeld;

Whereas Hirschfeld's drawings helped to communicate to millions of people the excitement of live theater;

Whereas Hirschfeld continued working until the day he passed away, January 20, 2003, at the age of 99; and

Whereas Hirschfeld's unique contribution to American culture will be sorely missed: Now, therefore, be it

Resolved, That the House of Representatives honors the life of Al Hirschfeld and his legacy, and extends its condolences to his family, friends, and loved ones.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mrs. BLACKBURN and Mr. COOPER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. BLACKBURN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶13.12 OFFICIAL PHOTOGRAPH OF THE HOUSE OF REPRESENTATIVES

Mr. MICA moved to suspend the rules and agree to the following resolution (H. Res. 67):

Resolved, That on March 12, 2003, official photographs of the House may be taken while the House is in actual session. Payment for the costs associated with taking, preparing, and distributing such photographs may be made from the applicable accounts of the House of Representatives.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. MICA and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶13.13 HOLOCAUST MEMORIAL CEREMONY

Mr. MICA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 40):

Resolved by the House of Representatives (the Senate concurring,) That the rotunda of the Capitol is authorized to be used on April 30, 2003, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. MICA and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MICA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶13.14 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH REGARD TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore, Mrs. CAPITO, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

As required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 25, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–41).

¶13.15 RECESS—4:43 P.M.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 43 minutes p.m., until approximately 6:30 p.m.

¶13.16 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. WHITFIELD, called the House to order.

¶13.17 COMMITTEE ELECTION—MAJORITY

Mr. BURTON of Indiana, by unanimous consent, submitted the following resolution (H. Res. 98):

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Small Business: Mr. King of Iowa.

Veterans' Affairs: Mr. Murphy.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶13.18 H. RES. 46—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WHITFIELD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 46) honoring the life of Al Hirschfeld and his legacy.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403 / Nays ..... 0 }

¶13.19 [Roll No. 33]

YEAS—403

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

NOT VOTING—31

Bass, Carson (IN), Carter, Clyburn, Combest, Conyers, Cox, Davis (IL), Feeney, Gallegly, Gephardt, Gordon, Gutierrez, Hastings (WA), Hinchey, Hoeffel, Hooley (OR), Johnson (CT), Jones (OH), Kennedy (RI), Lewis (CA), Lipinski, McDermott, Millender-McDonald, Otter, Peterson (MN), Rogers (AL), Rush, Ryun (KS), Snyder, Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶13.20 H. CON. RES. 40—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WHITFIELD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 40) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays ..... 0 }

¶13.21 [Roll No. 34]

YEAS—408

Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Ballance, Ballenger, Barrett (SC), Bartlett (MD), Barton (TX), Beauprez, Becerra, Bell, Bereuter, Berkley, Berman, Berry, Biggert, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boswell, Boucher, Boyd, Bradley (NH)

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

NOT VOTING—26

Bass
Brown (OH)
Carson (IN)
Clyburn
Combest
Davis (IL)
Fattah
Gallegly
Gephardt
Gordon
Gutierrez
Hastings (WA)
Hinchey
Hoeffel
Hooley (OR)
Jones (OH)
Kennedy (RI)
Lewis (CA)
Lipinski
McDermott
Millender-McDonald
Peterson (MN)
Rush
Ryun (KS)
Snyder
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶13.22 CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION AWARDS BOARD

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to Section 815(a)(1) of the Congressional Recognition for Excellence in Arts Education Act (2 United States Code 815), and the order of the House of January 8, 2003, appointed to the Congressional Recognition for Excellence in Arts Education Awards Board, the following Members: Mr. MCKEON and Mrs. BIGGERT.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.23 BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to 20 United States Code 4303, appointed to the Board of Trustees of Gallaudet University, the following Member: Mr. LAHOOD.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶13.24 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to 20 United States Code 4412, and the order of the House of January 8, 2003, appointed to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development, the following Member: Mr. YOUNG of Alaska.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶13.25 JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to section 2(a) of the National Cultural Center Act (20 United States Code 76h(a)), amended by Public Law 107-117, and the order of the House of January 8, 2003, appointed to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, the following Members: Mr. KOLBE and Ms. PRYCE of Ohio.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.26 HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to 2 United States Code 88b-3, and the order of the House of January 8, 2003, appointed to the House of Representatives Page Board, the following Members: Mr. SHIMKUS and Mrs. WILSON of New Mexico.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.27 BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to sections 5580 and 5581 of the Revised Statutes (20 United States Code 42-43), and the order of the House of January 8, 2003, appointed to the Board of Regents of the Smithsonian Institution, the following Members: Messrs. REGULA and Sam JOHNSON of Texas.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.28 UNITED STATES AIR FORCE ACADEMY BOARD OF VISITORS

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to 10 United States Code 9355(a), and the order of the House of January 8, 2003, appointed to the Board of Visitors to the United States Air Force Academy, the following Members: Messrs. YOUNG of Florida and HEFLEY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.29 UNITED STATES COAST GUARD ACADEMY BOARD OF VISITORS

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to 14 United States Code 194(a), and the order of the House of January 8, 2003, appointed to the Board of Visitors to the United States Coast Guard Academy, the following Member: Mr. SIMMONS.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶13.30 UNITED STATES MERCHANT MARINE ACADEMY BOARD OF VISITORS

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the

Speaker, pursuant to 46 United States Code 1295 b(h), and the order of the House of January 8, 2003, appointed to the Board of Visitors to the United States Merchant Marine Academy, the following Member: Mr. KING of New York.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶13.31 UNITED STATES MILITARY ACADEMY BOARD OF VISITORS

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to 10 United States Code 4355(a), and the order of the House of January 8, 2003, appointed to the Board of Visitors to the United States Military Academy, the following Members: Mr. TAYLOR of North Carolina and Mrs. KELLY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.32 UNITED STATES NAVAL ACADEMY BOARD OF VISITORS

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to 10 United States Code 6968(a), and the order of the House of January 8, 2003, appointed to the Board of Visitors to the United States Naval Academy, the following Members: Messrs. CUNNINGHAM and Mr. GILCHREST.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.33 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to 22 United States Code 6913, and the order of the House of January 8, 2003, appointed to the Congressional-Executive Commission on the People's Republic of China, the following Members: Messrs. LEACH, Chairman, BEREUTER, DREIER, WOLF, and PITTS.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.34 BENJAMIN FRANKLIN TERCENTENARY COMMISSION

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to section 5(a)(2) of the Benjamin Franklin Tercentenary Commission Act (36 United States Code 101 note), appointed to the Benjamin Franklin Tercentenary Commission, the following Member: Mr. CASTLE.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶13.35 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to 44 United States Code 2501, and the order of the House of January 8, 2003, appointed to the National Historical Publications and Records Commission, the following Member: Mr. COLE.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶13.36 ABRAHAM LINCOLN BICENTENNIAL COMMISSION

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 United States Code 101 Note), and the order of the House of January 8, 2003, appointed to the Abraham Lincoln Bicentennial Commission, the following Member: Mr. LAHOOD.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶13.37 JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to 15 United States Code 1024(a) and the order of the House of January 8, 2003, appointed to the Joint Economic Committee, the following Members: Mr. RYAN of Wisconsin, Ms. DUNN, Messrs. ENGLISH, PUTNAM, and PAUL.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.38 NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 United States Code 955(b) note), and the order of the House of January 8, 2003, appointed to the National Council on the Arts, the following Members: Messrs. BALLENGER and MCKEON.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.39 UNITED STATES HOLOCAUST MEMORIAL COUNCIL.

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to 36 United States Code 2301, and the order of the House of January 8, 2003, appointed to the United States Holocaust Memorial Council, the following Members: Messrs. LATOURETTE, CANNON, and CANTOR.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.40 PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore, Mr. BEAUPREZ, announced that the Speaker, pursuant to Executive Order 12131, and the order of the House of January 8, 2003, appointed to the President's Export Council, the following Members: Messrs. ENGLISH, PICKERING, and HAYES.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶13.41 SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 151. An Act to amend title 18, United States Code, with respect to the sexual exploitation of children, to the Committee on the Judiciary.

S. Con. Res. 4. A concurrent resolution welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Counsel Resolution 1441; to the Committee on International Relations.

¶13.42 JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 2. A joint resolution making consolidated approbations for the fiscal year ending September 30, 2003, and for other purposes.

¶13.43 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. CARSON of Indiana, for today and February 26;

To Ms. MILLENDER-McDONALD, for today and balance of the week;

To Mr. PETERSON of Minnesota, for today and balance of the week; and

To Mr. SNYDER, for today and balance of the week.

And then,

¶13.44 ADJOURNMENT

On motion of Mr. WELDON of Pennsylvania, pursuant to the previous order of the House, at 11 o'clock and 22 minutes p.m., the House adjourned until 1 p.m. on Wednesday, February 26, 2003.

¶13.45 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 13. A bill to reauthorize the Museum an Library Services Act, and for other purposes (Rept. 108–16). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 254. A bill to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes (Rept. 108–17). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 534. A bill to amend title 18, United States Code, to prohibit human cloning (Rept. 108–18). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 657. A bill to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission (Rept. 108–19). Referred to the Committee of the Whole House on the State of the Union.

¶13.46 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BALLENGER (for himself and Mr. DELAHUNT):

H.R. 868. A bill to amend section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 to require that certain claims for expropriation by the Government of Nicaragua meet certain requirements for purposes of the prohibition on foreign assistance to that government; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 869. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for host families of foreign exchange and other students from $50 per month to $200 per month; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. LEVIN, Mr. MCCRERY, Mr. NEAL of Massachusetts, Mr. ROGERS of Michigan, Mr. BECERRA, Mr. ENGLISH, Mr. DOGGETT, Mr. LEWIS of Kentucky, Mr. PALLONE, and Mr. HAYWORTH):

H.R. 870. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain motor vehicle dealer transitional assistance; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself and Mr. MORAN of Kansas):

H.R. 871. A bill to amend the National Highway System Designation Act of 1995 concerning the applicability of hours of service requirements to drivers operating commercial motor vehicles transporting agricultural commodities and farm supplies; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. KENNEDY of Minnesota, Mr. PITTS, Mr. SCHROCK, Mr. BARTLETT of Maryland, Mr. ENGLISH, Mr. ISAKSON, and Mr. GOODE):

H.R. 872. A bill to amend the Internal Revenue Code of 1986 to clarify that church employees are eligible for the exclusion for qualified tuition reduction programs of charitable educational organizations; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself and Mr. STRICKLAND):

H.R. 873. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to raise awareness of eating disorders and to create educational programs concerning the same, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. QUINN, Ms. CORRINE BROWN of Florida, Mr. GARY G. MILLER of California, and Mr. BURGESS):

H.R. 874. A bill to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska (for himself, Mr. BURGESS, Mr. ISAKSON, Mr. GRAVES, Mr. OBERSTAR, Mr. LIPINSKI, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SIMMONS, Mr. GARY G. MILLER of California, and Mr. PETRI):

H.R. 875. A bill to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Kansas (for himself, Mr. CAMP, and Mr. RAMSTAD):

H.R. 876. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. STARK, Mr. THOMAS, Mr. CAMP, Mr. LEWIS of Kentucky, Mr. MCINNIS, Mr. HOUGHTON, Mr. HERGER, Mr. WELLER, Mr. SMITH of New Jersey, Mr. ENGLISH, and Mr. PETERSON of Pennsylvania):

H.R. 877. A bill to amend title XI of the Social Security Act to improve patient safety; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. HOUGHTON, Mr. CAMP, Mr. LEWIS of Kentucky, Mr. HAYWORTH, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. RAMSTAD, Mr. CANTOR, Mr. ENGLISH, and Mr. CRANE):

H.R. 878. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 879. A bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. FARR, Mr. ALLEN, Ms. SOLIS, Mr. BLUMENAUER, Mrs. DAVIS of California, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. SCHIFF, Mr. TOWNS, Mr. ENGEL, Mr. THOMPSON of California, Ms. NORTON, Ms. MCCARTHY of Missouri, Mr. SANDERS, Ms. LEE, Mr. STARK, and Mr. GRIJALVA):

H.R. 880. A bill to amend title 46, United States Code, to accelerate to 2007 the application of the requirement that a tanker that carries oil in bulk as cargo must be equipped with a double hull, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE (for himself, Mr. SENSENBRENNER, Mr. HYDE, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. GOODLATTE, Mr. CHABOT, Mr. JENKINS, Mr. CANNON, Mr. BACHUS, Mr. HOSTETTLER, Mr. GREEN of Wisconsin, Mr. KELLER, Ms. HART, Mr. FLAKE, Mr. PENCE, Mr. FORBES, Mr. KING of Iowa, Mr. CARTER, Mr. FEENEY, and Mrs. BLACKBURN):

H.R. 881. A bill to disapprove certain sentencing guideline amendments; to the Committee on the Judiciary.

By Mr. ENGLISH:

H.R. 882. A bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself and Mr. DEUTSCH):

H.R. 883. A bill to amend title XVIII of the Social Security Act to adjust the fee for collecting specimens for clinical diagnostic laboratory tests under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 884. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, and 326-K, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. KOLBE, Mr. FRANKS of Arizona, Mr. GRIJALVA, and Mr. PASTOR):

H.R. 885. A bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes; to the Committee on Resources.

By Mr. HOLDEN (for himself, Mr. EVANS, Ms. KAPTUR, Mr. TOWNS, Mr. SANDERS, Mrs. MCCARTHY of New York, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. CARSON of Oklahoma, Mr. FROST, Ms. WOOLSEY, Mr. PAUL, Mr. STRICKLAND, Mrs. MALONEY, Ms. ROS-LEHTINEN, Mr. HEFLEY, Ms. SCHAKOWSKY, Mr. RANGEL, Mrs. JONES of Ohio, and Mr. MCGOVERN):

H.R. 886. A bill to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency and indemnity compensation to the survivors of former prisoners of war who die after that date; to the Committee on Veterans' Affairs.

By Mr. JEFFERSON (for himself, Mr. PAUL, Mr. KANJORSKI, Mr. TAUZIN, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. DAVIS of Illinois, Mr. CROWLEY, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. HINCHEY, Mr. NEAL of Massachusetts, Mr. GORDON, Mr. MCHUGH, Mr. OBERSTAR, Mr. VITTER, Mr. POMEROY, Mr. SERRANO, Mr. WYNN, Mr. DELAHUNT, Mr. KIND, Mr. FARR, Mr. MOORE, Mr. NADLER, Mr. WAXMAN, Mr. SMITH of Washington, Mr. SNYDER, Mr. CRAMER, Mr. BRADY of Pennsylvania, Mr. JOHN, Mr. ISRAEL, Mr. MEEHAN, Ms. SLAUGHTER, Mr. MCNULTY, Mr. HOLDEN, Mr. UDALL of New Mexico, Mr. RUSH, Mr. MCGOVERN, Mr. CAPUANO, Mr. MCDERMOTT, Mr. BERMAN, Ms. CARSON of Indiana, Ms. BALDWIN, Ms. WOOLSEY, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mr. HOLT, Mr. SANDLIN, Mr. EVANS, Mr. RODRIGUEZ, Mr. BOYD, Mr. DEUTSCH, Mr. SANDERS, Ms. LINDA T. SANCHEZ of California, Mr. FORD, Mrs. CAPPS, Mr. ABERCROMBIE, Mr. BOSWELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL, Mr. LANTOS, Mr. ALEXANDER, Mrs. MALONEY, Mr. ALLEN, Mr. BAKER, Mrs. CHRISTENSEN, Mr. MENENDEZ, Mr. PALLONE, Mr. DOOLEY of California, Mr. MCINTYRE, Mr. KILDEE, Mr. REYES, Mr. KLECZKA, Mr. ORTIZ, Mrs. WILSON of New Mexico, Mr. ROTHMAN, Mr. FOLEY, Mr. MICHAUD, Mr. COSTELLO, Mr. STRICKLAND, Mr. MARKEY, Mr. TOWNS, Mr. TURNER of

Texas, Mr. ACKERMAN, Mr. WEINER, Mr. WILSON of South Carolina, Mr. TOOMEY, Mr. DOYLE, Mr. RAHALL, Mr. RANGEL, Mrs. JONES of Ohio, Mr. PICKERING, Mr. PRICE of North Carolina, and Ms. KAPTUR):

H.R. 887. A bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $2,000; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 888. A bill to authorize the disinterment from the Luxembourg American Cemetery and Memorial in Luxembourg of the remains of Private Ray A. Morgan, who died in combat in January 1945 in the Battle of the Bulge, and to authorize the transfer of his remains to the custody of his next of kin; to the Committee on Veterans' Affairs.

By Mr. KING of New York:

H.R. 889. A bill to eliminate the backlog in performing DNA analyses of DNA samples collected from convicted child sex offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut (for himself, Mr. PALLONE, Mr. HEFLEY, Ms. NORTON, Mrs. JONES of Ohio, Mr. LATOURETTE, Mr. GRIJALVA, Mr. CARSON of Oklahoma, Mrs. MUSGRAVE, Mr. RYAN of Ohio, Ms. GINNY BROWN-WAITE of Florida, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. RAHALL, Ms. KILPATRICK, Ms. DELAURO, and Mr. FRANK of Massachusetts):

H.R. 890. A bill to amend title 38, United States Code, to provide for a more equitable geographic allocation of funds appropriated to the Department of Veterans Affairs for medical care; to the Committee on Veterans' Affairs.

By Mr. MARKEY (for himself, Mr. ISRAEL, and Ms. LEE):

H.R. 891. A bill to establish a task force to evaluate and make recommendations with respect to the security of sealed sources of radioactive materials, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATSUI (for himself, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, and Mr. THOMPSON of California):

H.R. 892. A bill to authorize the Secretary of the Army to carry out a project for flood damage reduction and ecosystem restoration for the American River, Sacramento, California, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MCCARTHY of New York:

H.R. 893. A bill to provide student loan forgiveness to the surviving spouses of the victims of the September 11, 2001, tragedies; to the Committee on Education and the Workforce.

By Mrs. MCCARTHY of New York:

H.R. 894. A bill to amend the Public Health Service Act to require the Director of the National Institutes of Health to expand and intensify research regarding Diamond-Blackfan Anemia; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 895. A bill to provide for the construction and renovation of child care facilities, and for other purposes; to the Committee on Financial Services.

By Mrs. MCCARTHY of New York:

H.R. 896. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries and for women diagnosed with breast cancer; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM (for herself, Ms. BALDWIN, Mr. BERRY, Ms. BORDALLO, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mr. GUTKNECHT, Mr. KIND, Mrs. NAPOLITANO, Mr. SABO, and Mr. GRIJALVA):

H.R. 897. A bill to amend the National Trails System Act to designate the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico for study for potential addition to the National Trails System as a national scenic trail, national historic trail, or both, and for other purposes; to the Committee on Resources.

By Mr. MCINTYRE (for himself and Mr. HAYES):

H.R. 898. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Resources.

H.R. 899. A bill to amend title 18, United States Code, to require persons to obtain a State license before receiving a handgun or handgun ammunition; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 900. A bill to provide incentive funds to States that have in effect a certain law; to the Committee on the Judiciary.

By Mr. OSE (for himself and Mr. DOOLITTLE):

H.R. 901. A bill to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes; to the Committee on Resources.

By Mr. OTTER:

H.R. 902. A bill to authorize the Secretary of Agriculture to convey certain parcels of National Forest System land in the State of Idaho, to use the proceeds for the acquisition, construction, or rehabilitation of facilities in the Panhandle National Forest in the State of Idaho, and for other purposes; to the Committee on Resources.

By Mr. OTTER:

H.R. 903. A bill to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. LOBIONDO):

H.R. 904. A bill to authorize the Secretary of the Interior to establish a program to inventory, evaluate, document, and assist efforts to preserve surviving United States Life-Saving Service stations; to the Committee on Resources.

By Mr. POMEROY (for himself and Mr. HOUGHTON):

H.R. 905. A bill to amend the Internal Revenue Code of 1986 to simplify the application of self-employment tax in the case of family farming businesses; to the Committee on Ways and Means.

By Mr. QUINN (for himself and Mr. RAHALL):

H.R. 906. A bill to amend title 23, United States Code, to improve roadway safety for motor vehicles, bicycles, and pedestrians and workers in proximity to vehicle traffic; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH:

H.R. 907. A bill to direct the Secretary of the Interior to complete a special resource study of the national significance, suitability, and feasibility of establishing Highway 49 in California, known as the ''Golden Chain Highway'', as a National Heritage Corridor; to the Committee on Resources.

By Mr. ROHRABACHER:

H.R. 908. A bill to amend the Immigration and Nationality Act to specify that imprisonment for reentering the United States after removal subsequent to a conviction for a felony shall be under circumstances that stress strenuous work and sparse living conditions, if the alien is convicted of another felony after the reentry; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H.R. 909. A bill to amend title 35, United States Code, to direct the Director of the Patent and Trademark Office to adjust fees charged by the Office so that the fees collected in any fiscal year will equal, to the greatest extent practicable, the amount appropriated to the Office for that fiscal year; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H.R. 910. A bill to provide for the distribution to coastal States and counties of revenues collected under the Outer Continental Shelf Lands Act; to the Committee on Resources.

By Mr. TURNER of Texas:

H.R. 911. A bill to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad; to the Committee on Resources.

By Mr. ROHRABACHER:

H.R. 912. A bill to authorize the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles ''Pete'' Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories; to the Committee on Science.

By Mr. ROHRABACHER:

H.R. 913. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the ownership and control of corporations by employees; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 914. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for investing in companies involved in space-related activities; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 915. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. STEARNS:

H.R. 916. A bill to prohibit the expenditure of Federal funds to conduct or support research on the cloning of humans, and to express the sense of the Congress that other countries should establish substantially equivalent restrictions; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina (for himself, Mr. BROWN of South Carolina, Mr. DEMINT, Mr. BARRETT of South Carolina, Mr. SPRATT, and Mr. CLYBURN):

H.R. 917. A bill to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office

Building''; to the Committee on Government Reform.

By Mr. BROWN of Ohio (for himself, Mrs. TAUSCHER, and Mr. HOEFFEL):

H.J. Res. 24. A joint resolution requiring the President to report to Congress specific information relating to certain possible consequences of the use of United States Armed Forces against Iraq; to the Committee on International Relations.

By Mr. HOYER (for himself, Mr. HYDE, Mr. FRANK of Massachusetts, Mr. SENSENBRENNER, Mr. BERMAN, Mr. SABO, and Mr. PALLONE):

H.J. Res. 25. A joint resolution proposing an amendment to the Constitution of the United States to repeal the 22nd amendment to the Constitution; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon (for herself and Mr. HAYWORTH):

H. Con. Res. 52. Concurrent resolution expressing the sense of Congress that all major sports organizations should ban the use of ephedra and dietary supplements containing ephedrine; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Mr. WOLF, Ms. NORTON, Mr. WYNN, Mr. MORAN of Virginia, and Mr. VAN HOLLEN):

H. Con. Res. 53. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself, Mr. PETERSON of Pennsylvania, Ms. NORTON, Mr. WALSH, Mr. FROST, Ms. BORDALLO, Ms. MCCOLLUM, Mr. DINGELL, Mr. HOLDEN, Mr. MATSUI, Mr. CAPUANO, Mr. KENNEDY of Rhode Island, Mr. WAXMAN, Mr. BRADY of Pennsylvania, Mr. SCHIFF, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. MCDERMOTT, Mrs. MALONEY, Ms. SLAUGHTER, Mr. SHERWOOD, Mr. MCNULTY, Mr. MCKEON, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. MCHUGH, Mr. STARK, Mr. SERRANO, and Mr. SANDERS):

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress that there should be established an annual National Visiting Nurse Association Week; to the Committee on Government Reform.

By Mr. STEARNS:

H. Con. Res. 55. Concurrent resolution honoring General Bernard A. Schriever, United States Air Force (retired), for his dedication and service to the United States Air Force, for his essential service in the development of the United States ballistic missile program, and for his lifetime of work to enhance the security of the United States; to the Committee on Armed Services.

By Mr. TOM DAVIS of Virginia:

H. Res. 87. A resolution providing amounts for the expenses of the Committee on Government Reform in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. OXLEY:

H. Res. 88. A resolution providing amounts for the expenses of the Committee on Financial Services in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. BOEHLERT:

H. Res. 89. A resolution providing amounts for the expenses of the Committee on Science in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H. Res. 90. A resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. THOMAS:

H. Res. 91. A resolution providing amount for the expenses of the Committee on Ways and Means in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. YOUNG of Alaska:

H. Res. 92. A resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. GOODLATTE:

H. Res. 93. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H. Res. 94. A resolution providing amounts for the expenses of the Committee on the Judiciary in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. NUSSLE:

H. Res. 95. A resolution providing amounts for the expenses of the Committee on the Budget in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. HYDE:

H. Res. 96. A resolution providing amounts for the expenses of the Committee on International Relations in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. GOSS:

H. Res. 97. A resolution providing amounts for the expenses of the House Permanent Select Committee on Intelligence in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. BURTON of Indiana:

H. Res. 98. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. HUNTER:

H. Res. 99. A resolution providing amounts for the expenses of the Committee on Armed Services in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. BEREUTER (for himself, Mr. SHIMKUS, Mr. NUSSLE, and Mr. PETERSON of Minnesota):

H. Res. 100. A resolution congratulating Lutheran schools, students, parents, teachers, administrators, and congregations across the Nation for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida:

H. Res. 101. A resolution urging the President to present posthumously a Presidential Citizens Medal to Frederick Douglass in recognition of his achievements in civil rights and service to the nation; to the Committee on Government Reform.

By Mr. JOHNSON of Illinois (for himself, Mr. SHIMKUS, Mr. EVANS, Ms. SCHAKOWSKY, Mr. CRANE, Mr. WELLER, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. HASTERT, Mr. EMANUEL, Mr. LIPINSKI, Mr. COSTELLO, Mr. KIRK, Mr. LAHOOD, Mr. MANZULLO, Mrs. BIGGERT, Mr. GUTIERREZ, Mr. HYDE, and Mr. RUSH):

H. Res. 102. A resolution honoring Erika Harold, Miss America 2003; to the Committee on Government Reform.

By Mr. KING of New York:

H. Res. 103. A resolution establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

By Mr. BEREUTER (for himself, Mr. SHIMKUS, Mr. NUSSLE, and Mr. PETERSON of Minnesota):

H. Res. 106. A resolution congratulating Lutheran schools, students, parents, teachers, administrators, and congregations across the Nation for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce.

¶13.47 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. NEY, Mr. RADANOVICH, Mr. FOSSELLA, Mr. WAMP, Mr. WELLER, Mr. KINGSTON, Mr. WHITFIELD, Mr. THORNBERRY, Mr. WOLF, Mr. PITTS, Mr. KENNEDY of Minnesota, Mrs. MYRICK, and Mr. COLE.

H.R. 13: Mr. KENNEDY of Rhode Island, Mr. LYNCH, Mrs. JONES of Ohio, Mrs. LOWEY, Mr. ISSA, Ms. BERKLEY, Mr. SANDERS, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Mr. DREIER, Mr. CRAMER, Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, and Ms. MCCARTHY of Missouri.

H.R. 20: Mr. SANDERS and Mr. VAN HOLLEN.

H.R. 21: Mr. SOUDER.

H.R. 25: Mr. COLLINS, Mr. HALL, Mr. CULBERSON, Mr. KING of Iowa, and Mr. FLAKE.

H.R. 33: Mrs. EMERSON, Mr. SOUDER, Mr. OBERSTAR, and Mrs. MUSGRAVE.

H.R. 34: Mr. SABO, Mr. SIMMONS, Mr. VAN HOLLEN, Mr. BERRY, Mr. DAVIS of Illinois, Mr. BOUCHER, Mr. COSTELLO, and Mr. OLVER.

H.R. 58: Mr. OTTER, Mr. RAHALL, Mr. UDALL of New Mexico, Mr. VITTER, Ms. NORTON, Mr. FALEOMAVAEGA, Mr. PLATTS, Mr. SMITH of Washington, Mr. ROGERS of Michigan, Mr. WEXLER, Mr. SANDLIN, Mrs. JONES of Ohio, Ms. DELAURO, Mr. TAYLOR of Mississippi, Mr. BROWN of Ohio, Mr. HEFLEY, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. EVANS, Mr. LOBIONDO, Ms. BALDWIN, Mr. TANCREDO, Mr. LYNCH, Mr. BERRY, Mr. WAMP, Mr. LEWIS of Kentucky, Mr. CRAMER, Mr. SCHIFF, Mrs. MCCARTHY of New York, Mr. BELL, Mr. BOYD, Mr. KILDEE, Mr. FOSSELLA, Mr. MOORE, Mr. STRICKLAND, Mr. CALVERT, Mr. GINGREY, and Mr. MORAN of Virginia.

H.R. 105: Mr. FALEOMAVAEGA.

H.R. 119: Mr. MATHESON.

H.R. 138: Mr. SIMMONS.

H.R. 151: Mr. RANGEL, Mr. HONDA, Mr. BEREUTER, and Mrs. MALONEY.

H.R. 153: Mr. MILLER of Florida.

H.R. 168: Mr. WILSON of South Carolina, Mr. WALSH, Mrs. JONES of Ohio, Mr. DINGELL, Mr. MCGOVERN, Mr. ISAKSON, and Mr. FROST.

H.R. 192: Mr. WAMP, Mr. LARSEN of Washington, Ms. NORTON, and Mr. GREEN of Texas.

H.R. 207: Mr. SESSIONS.

H.R. 217: Mr. ALLEN, Mr. ABERCROMBIE, Mr. PASCRELL, Ms. DELAURO, Mr. CLAY, Mr. LUCAS of Kentucky, Mr. FATTAH, Mr. FOSSELLA, Ms. HART, Mr. PETERSON of Minnesota, Mr. JOHN, Mr. MOORE, Mr. PORTER, and Mr. OTTER.

H.R. 218: Mr. MENENDEZ, Mr. LARSEN of Washington, Mr. SIMPSON, Mr. LATOURETTE, Mr. BISHOP of New York, Mr. MATHESON, Mr. TAYLOR of Mississippi, Mr. FORD, Mr. UDALL of New Mexico, Mr. TOOMEY, and Mr. PORTER.

H.R. 219: Mr. MICA.

H.R. 224: Mr. HASTINGS of Washington.

H.R. 237: Mr. OWENS.

H.R. 250: Ms. LOFGREN and Mr. SANDERS.

H.R. 278: Mr. STEARNS.

H.R. 284: Mr. LYNCH, Mr. TIERNEY, Mr. BOYD, Mr. DAVIS of Alabama, Mr. KENNEDY of Rhode Island, Mr. DINGELL, Mr. MOLLAHAN, Mr. CRAMER, Mr. GOSS, Mr. BRADLEY of New Hampshire, Mr. PUTNAM, Mr. BRADY of Pennsylvania, Mr. DAVIS of Tennessee, Mr. ROGERS of Alabama, Mr. HONDA, and Mrs. JO ANN DAVIS of Virginia.

H.R. 290: Mr. FRELINGHUYSEN, Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, Mr. MILLER of North Carolina, Mr. FRANK of Massachusetts, and Mr. SULLIVAN.

H.R. 296: Mr. FRANK of Massachusetts, Mr. ENGLISH, Mr. FROST, Ms. NORTON, Mr. MCHUGH, Mr. SCHIFF, Mr. MCDERMOTT, Mr. WALSH, Mr. LATOURETTE, Mr. OXLEY, Mr. LAHOOD, Mr. KILDEE, Mr. SOUDER, Ms. SCHAKOWSKY, Mr. FOLEY, Mr. MEEHAN, and Mrs. MALONEY.

H.R. 303: Mr. GARY G. MILLER of California, Mrs. CAPPS, Mr. PLATTS, Mr. MORAN of Kansas, Mr. BEREUTER, Mrs. CHRISTENSEN, Ms. HOOLEY of Oregon, Mr. NORWOOD, Mr. DEUTSCH, Mr. VAN HOLLEN, Mr. SULLIVAN, Mr. MEEHAN, Mr. GOSS, Mr. KANJORSKI, Mr. CROWLEY, Mr. MANZULLO, Mrs. BLACKBURN, Mr. CHOCOLA, Mr. BASS, Mr. OLVER, Mr. ISAKSON, Mr. ROGERS of Michigan, Mrs. MCCARTHY of New York, Mr. SAXTON, Mrs. JO ANN DAVIS of Virginia, Ms. GINNY BROWN-WAITE of Florida, Mr. FOLEY, Mr. PETERSON of Minnesota, Mr. UPTON, Mr. DAVIS of Tennessee, Mr. RENZI, and Ms. DELAURO.

H.R. 308: Mr. POMBO, Mr. SWEENEY, Mr. DICKS, Mr. FRANK of Massachusetts, Mr. PASTOR, Mr. CROWLEY, and Mr. VISCLOSKY.

H.R. 315: Mr. KOLBE.

H.R. 331: Mr. PICKERING.

H.R. 343: Mr. CONYERS, Mr. HOLDEN, Mrs. JONES of Ohio, Mr. SANDERS, and Mr. FROST.

H.R. 365: Ms. CARSON of Indiana and Mr. WAXMAN.

H.R. 378: Ms. GINNY BROWN-WAITE of Florida and Mr. SOUDER.

H.R. 381: Mr. SHAYS.

H.R. 382: Mr. SIMMONS.

H.R. 391: Mr. MANZULLO.

H.R. 394: Mr. OLVER, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, and Mr. DEUTSCH.

H.R. 396: Ms. SCHAKOWSKY.

H.R. 412: Mr. HOEFFEL, Mr. COMBEST, Mr. GALLEGLY, Mr. HALL, Ms. MILLENDER-MCDONALD, and Mr. MCDERMOTT.

H.R. 424: Mr. CANNON.

H.R. 441: Ms. BERKLEY, Mr. CALVERT, Mrs. JO ANN DAVIS of Virginia, Mr. KIRK, Mr. ROTHMAN, Mr. SCHIFF, Mr. SCHROCK, AND MR. SOUDER.

H.R. 445: Mr. CROWLEY, Mr. MCGOVERN, and Mrs. LOWEY.

H.R. 446: Mr. CROWLEY, Mr. PASCRELL, Mr. CLAY, Mr. GRIJALVA, Mrs. CHRISTENSEN, and Ms. LEE.

H.R. 447: Mr. CROWLEY, Mr. PASCRELL, Mr. CLAY, Mr. GRIJALVA, Mrs. CHRISTENSEN, and Ms. LEE.

H.R. 448: Mr. CROWLEY, Mr. PASCRELL, Mr. CLAY, Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. LEE, Mr. BROWN of Ohio, and Mr. KUCINICH.

H.R. 466: Mr. BERMAN, Ms. BERKLEY, Mr. GONZALEZ, MR. LANGEVIN, Mr. BISHOP of New York, Mr. GALLEGLY, Mrs. JONES of Ohio, Mr. BISHOP of Georgia, Ms. HARMAN, Mr. BAIRD, Mr. NADLER, Mrs. LOWEY, Mr. ISAKSON, Mr. ABERCROMBIE, Mrs. JO ANN DAVIS of Virginia, Mr. PASCRELL, Mr. KUCINICH, Mr. DEUTSCH, Mr. FROST, Mr. LOBIONDO, Mr. PORTER, Ms. HOOLEY of Oregon Mr. HINCHEY, Mr. LAMPSON, Ms. VELAZQUEZ, and Mr. HOLDEN.

H.R. 488: Mr. MILLER of Florida, Mr. PLATTS, and Mr. EVERETT.

H.R. 489: Mr. BALLENGER.

H.R. 490: Ms. BERKLEY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. LOBIONDO, Mr. PETERSON of Minnesota, Mr. UDALL of New Mexico, Mr. MENENDEZ, Mr. ETHERIDGE, Mr. NEAL of Massachusetts, Mr. BROWN of Ohio, and Ms. MCCARTHY of Missouri.

H.R. 496: Mr. GARRETT of New Jersey.

H.R. 502: Mr. PAUL and Mr. WAMP.

H.R. 503: Mr. PEARCE.

H.R. 504: Mrs. NAPOLITANO and Mr. GRIJALVA.

H.R. 517: Mr. ROGERS of Michigan, Mr. CAMP, Mr. HOEKSTRA, Mr. SMITH of Michigan, Mr. MCCOTTER, and Mr. EHLERS.

H.R. 528: Ms. BERKLEY, MR. RADANOVICH, Mr. VAN HOLLEN, Mr. MCCOTTER, Mr. FILNER, Mr. OLVER, Ms. LOFGREN, Mr. ANDREWS, Mr. PAUL, and Mr. UPTON.

H.R. 533: Mr. STRICKLAND.

H.R. 534: Mr. MCINTYRE, Mrs. CUBIN, Mr. RAHALL, Mr. TURNER of Ohio, Mr. CULBERSON, Mr. WALSH, Mr. BILIRAKIS, Mr. FLAKE, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. SESSIONS, Mr. BURR, Mrs. BLACKBURN, Mr. SANDERS, and Mr. BEAUPREZ.

H.R. 569: Mr. SESSIONS, Mrs. EMERSON, Mr. GREEN of Wisconsin, and Mr. KLECZKA.

H.R. 577: Mr. ALLEN, Mr. WATT, Mr. KELCZKA, Ms. SCHAKOWSKY, and Mr. HASTINGS of Florida.

H.R. 583: Mr. REHBERG, Mr. BOYD, Mr. ROGERS of Michigan, Mr. CANNON, and Mr. FEENEY.

H.R. 584: Mrs. BIGGERT, Mr. SNYDER, and Mr. MILLER of Florida.

H.R. 588: Mr. MCHUGH, Mr. NETHERCUTT, Mrs. NAPOLITANO, Mr. STRICKLAND, and Mr. HONDA.

H.R. 589: Ms. SCHAKOWSKY, Mr. BASS, Mr. LATHAM, Mr. NUSSLE, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SNYDER, Mr. BOSWELL, Mr. BAIRD, and Mr. BOEHLERT.

H.R. 594: Ms. WATERS, Mrs. BONO, Mr. LEACH, Mr. PORTER, Mr. VAN HOLLEN, Mr. GOODE, Mr. UDALL of New Mexico, Mr. DOGGETT, Mrs. NORTHUP, Mr. MATSUI, Mrs. TAUSCHER, Ms. DELAURO, Mr. PASTOR, Mr. EMANUEL, Mr. EVANS, Mr. JOHNSON of Illinois, and Mr. HYDE.

H.R. 613: Mr. CLAY.

H.R. 618: Mr. SOUDER, Mr. MCHUGH, and Mr. SENSENBRENNER.

H.R. 623: Mr. FROST.

H.R. 660: Mr. HOSTETTLER, Mrs. NAPOLITANO, Mr. CRANE, Mr. CHOCOLA, Mr. FOLEY, Mr. ROGERS of Michigan, Mr. CARSON of Oklahoma, and Mr. COLE.

H.R. 669: Mr. MATHESON, Mr. LYNCH, Mr. ACEVEDO-VILA, Mr. MCDERMOTT, Mr. OSBORNE, Mr. MCINNIS, Ms. BORDALLO, Mr. PRICE of North Carolina, Mr. SPRATT, Mrs. NAPOLITANO, Mr. ORTIZ, and Mr. MENENDEZ.

H.R. 672: Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. SHIMKUS, Mr. ROHRABACHER, Mr. MCDERMOTT, Mrs. CHRISTENSEN, Mr. LARSEN of Washington, Mr. FROST, Mr. FALEOMAVAEGA, Ms. LEE, Mr. WALSH, Mr. EVANS, Mr. BONNER, Mr. GIBBONS, Mr. ISAKSON, Mr. CASE, Mrs. TAUSCHER, Mr. SCHROCK, Mr. LAMPSON, and Mr. HONDA.

H.R. 677: Mr. LIPINSKI.

H.R. 683: Mr. TERRY, Mr. GILLMOR, Mrs. JOHNSON of Connecticut, and Mr. SOUDER.

H.R. 684: Mrs. JONES of Ohio and Mr. SOUDER.

H.R. 685: Mr. BOUCHER and Mr. WATT.

H.R. 690: Mr. RODRIGUEZ.

H.R. 693: Ms. HART, Mr. PLATTS, Mrs. CHRISTENSEN, and Mr. GUTKNECHT.

H.R. 703: Mr. ISAKSON.

H.R. 720: Mr. LAMPSON and Ms. JACKSON-LEE of Texas.

H.R. 735: Mr. ISRAEL, Mr. TOWNS, and Mrs. MALONEY.

H.R. 736: Mr. WATT, Ms. CORRINE BROWN of Florida, and Mrs. LOWEY.

H.R. 752: Mr. BISHOP of New York, Mr. GRIJALVA, and Mr. SANDERS.

H.R. 756: Mrs. MUSGRAVE and Mr. WILSON of South Carolina.

H.R. 757: Ms. JACKSON-LEE of Texas, Mr. BISHOP of New York, Ms. LEE, Mr. ISRAEL, Ms. SCHAKOWSKY, and Mr. KUCINICH.

H.R. 761: Mrs. JONES of Ohio, Mr. STRICKLAND, and Mr. GUTIERREZ.

H.R. 765: Mr. LATOURETTE and Mr. BAKER.

H.R. 767: Mr. SMITH of Texas.

H.R. 768: Mr. LATHAM, Mr. AKIN, Mr. ISRAEL, and Mr. HERGER.

H.R. 770: Mr. MOORE and Mr. CASE.

H.R. 778: Mr. PETRI, Mr. WOLF, Mr. STEARNS.

H.R. 779: Mr. FALEOMAVAEGA and Mr. GUTIERREZ.

H.R. 790: Mr. SULLIVAN.

H.R. 798: Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Ms. JACKSON-LEE of Texas, Ms. WATSON, Ms. NORTON, and Mr. SENSENBRENNER.

H.R. 801: Mr. CROWLEY and Mr. CAPUANO.

H.R. 806: Mr. GUTKNECHT.

H.R. 808: Mr. ENGLISH.

H.R. 811: Mr. LINDER.

H.R. 812: Mr. MCHUGH and Mrs. CHRISTENSEN.

H.R. 813: Mrs. JONES of Ohio, Mr. NEAL of Massachusetts, Mr. WYNN, Mr. ANDREWS, Mrs. NAPOLITANO, and Mr. ORTIZ.

H.R. 814: Mr. TOM DAVIS of Virginia, Mr. UDALL of New Mexico, Mr. SHAYS, Mr. PASTOR, Mr. UPTON, and Mr. LOBIONDO.

H.R. 817: Mrs. MYRICK.

H.R. 821: Mr. EVANS and Mr. CLAY.

H.R. 828: Mr. RAHALL.

H.R. 832: Mr. FATTAH, Mr. EVANS, and Mr. BAIRD.

H.R. 853: Mr. KILDEE.

H.R. 857: Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. ISRAEL, Ms. WOOLSEY, and Mr. FEENEY.

H.J. Res. 4: Mr. BURTON of Indiana, Mr. BARRETT of South Carolina, and Mr. EVERETT.

H.J. Res. 20: Mr. HONDA.

H.J. Res. 22: Mr. MOORE and Mr. BISHOP of Georgia.

H. Con. Res. 2: Ms. NORTON.

H. Con. Res. 19: Mr. STARK, Mrs. NAPOLITANO, Ms. CORRINE BROWN of Florida, Mr. EVANS, and Mr. RYAN of Ohio.

H. Con. Res. 26: Mr. CASE, Mrs. JOHNSON of Connecticut, Mr. KUCINICH, and Mr. KIND.

H. Con. Res. 30: Mr. SANDERS and Mrs. MALONEY.

H. Con. Res. 36: Mr. BISHOP of Georgia, Mr. GREEN of Wisconsin, Ms. LINDA T. SANCHEZ of California, Mr. COOPER, Mr. LAHOOD, Ms. SOLIS, Mr. SPRATT, Mr. ROHRABACHER, Mr. FALEOMAVAEGA, and Mrs. BIGGERT.

H. Con. Res. 37: Mr. PORTER.

H. Con. Res. 40: Ms. ROS-LEHTINEN.

H. Con. Res. 47: Ms. WATSON, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Mr. CASE, Mr. SNYDER, Mr. SERRANO, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. OWENS, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. REYES, Mr. BECERRA, Mr. CUMMINGS, Mr. RODRIGUEZ, Ms. KILPATRICK, and Mr. GRIJALVA.

H. Res. 55: Mr. UDALL of New Mexico.

H. Res. 58: Mr. LIPINSKI and Mr. CROWLEY.

H. Res. 72: Ms. BORDALLO, Mr. DELAHUNT, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. HOEFFEL, Ms. MILLENDER-MCDONALD, Mr. POMEROY, Mr. SCHIFF, and Mr. WEXLER.

H. Res. 81: Mr. HOUGHTON.

WEDNESDAY, FEBRUARY 26, 2003 (14)

¶14.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. TERRY, who laid before the House the following communication:

WASHINGTON, DC,
February 26, 2003.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

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

¶14.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TERRY, announced he had examined and approved the Journal of the proceedings of Tuesday, February 25, 2003.

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

¶14.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

766. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting Agency's final rule—Lambda-cyhalothrin; Pesticide Tolerances for Emergency Exemptions [OPP–2002–0335; FRL–7285–2] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

767. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Mesotrione; Pesticide Tolerance [OPP–2002–0303; FRL–7282–4] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

768. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—S-metolachor; Pesticide Tolerances for Emergency Exemptions [OPP–2002–0331; FRL–7283–2] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

769. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Italy, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

770. A letter from the Assistant Secretary for Housing—Federal Housing Commissioner, Federal Housing Administration, transmitting the Administration's Annual Report On Initiatives To Address Management Deficiencies Identified In The Audit of FHA's FY 2001 Financial Statements; to the Committee on Financial Services.

771. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Interim Approval of the Alternate Permit Program; Territory of Guam [GU02–01; FRL–7433–5] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

772. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW–FRL–7432–8] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

773. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Process for Exempting Quarantine and Preshipment Applications of Methyl Bromide [FRL–7434–1] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

774. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—TSCA Inventory Update Rule Amendments [OPPT–2002–0054; FRL–6767–4] (RIN: 2070–AC61) received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

775. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production [FR–7430–6] (RIN: 2060–AE77) received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

776. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; the District of Columbia; Control of Emmissions from Existing Hospital/Medical/Infectious Waste Incinerator (HMIWI) Units [DC051–7002a; FRL–7434–7] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

777. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; the District of Columbia, and the City of Philadelphia, Pennsylvania; Control of Emissions from Existing Municipal Solid Waste Landfills [DC051–7001a; PA186–7001a; FRL–7434–9] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

778. A letter from the Deputy Assistant for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations [Docket 020626160–2309–03; I.D. 061902C] (RIN: 0648–AQ13) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

779. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 021212306–2306–01; I.D. 011402B] received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

780. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 021212307–2307–01; I.D. 011403C] received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

781. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands [Docket No. 021212307–2307–01; I.D. 011303D] received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

782. A letter from the Secretary, Department of Education, transmitting Final Regulations—Administrative Wage Garnishment, pursuant to 20 U.S.C. 1232(f); to the Committee on the Judiciary.

783. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Mississippi River, Dubuque, IA [CGD08–02–042] (RIN: 2115–AE47) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

784. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that by reason of the public debt limit, the Secretary will be unable to fully invest the Government Securities Investment Fund of the Federal Employees Retirement System in special interest-bearing Treasury securities beginning on February 20, 2003, pursuant to 5 U.S.C. 8348(l)(2); to the Committee on Ways and Means.

¶14.4 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. TERRY, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 25, 2003.

Hon. DENNIS HASTERT,
Office of the Speaker, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: I respectfully resign from the Committee on Standards of Official Conduct, having completed three terms as ranking member of the Committee.

Sincerely,

HOWARD L. BERMAN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶14.5 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 104):

Resolved, That the following named Members and Delegates be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE: Mr. Lucas of Kentucky (to rank immediately after Mr. Boswell).

(2) COMMITTEE ON THE BUDGET: Mr. Kind.

(3) COMMITTEE ON GOVERNMENT REFORM: Ms. Norton (to rank immediately after Mr. Ruppersberger).

(4) COMMITTEE ON SMALL BUSINESS: Mrs. Christensen (to rank immediately after Mr. Ryan of Ohio), Mr. Davis of Illinois (to rank immediately after Mrs. Christensen), Mr. Gonzalez (to rank immediately after Mr. Davis of Illinois), Ms. Majette (to rank immediately after Ms. Bordallo).

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶14.6 140TH ANNIVERSARY OF THE EMANCIPATION PROCLAMATION

Mrs. Jo Ann DAVIS of Virginia moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 36):

Whereas Abraham Lincoln, the sixteenth President of the United States, issued a proclamation on September 22, 1862, declaring that on the first day of January, 1863, ''all persons held as slaves within any State or designated part of a State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free'';

Whereas the proclamation declared ''all persons held slaves within the insurgent States''—with the exception of Tennessee, southern Louisiana, and parts of Virginia, then within Union lines—''are free'';

Whereas, for two and half years, Texas slaves were held in bondage after the Emancipation Proclamation became official and only after Major General Gordon Granger and his soldiers arrived in Galveston, Texas, on June 19, 1865, were African-American slaves in that State set free;

Whereas slavery was a horrendous practice and trade in human trafficking that continued until the passage of the Thirteenth Amendment to the United States Constitution ending slavery on December 18, 1865;

Whereas the Emancipation Proclamation is historically significant and history is regarded as a means of understanding the past and solving the challenges of the future;

Whereas one hundred and forty years after President Lincoln's Emancipation Proclamation, African Americans have integrated into various levels of society; and

Whereas commemorating the 140th anniversary of the Emancipation Proclamation highlights and reflects the suffering and progress of the faith and strength of character shown by slaves and their descendants as an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the historical significance of the 140th anniversary of the Emancipation Proclamation as an important period in the Nation's history; and

(2) encourages its celebration in accordance with the spirit, strength, and legacy of freedom, justice, and equality for all people of America and to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. Jo Ann DAVIS of Virginia and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. Jo Ann DAVIS of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶14.7 EMERGENCY AUTHORITY OF THE SECURITIES AND EXCHANGE COMMISSION

Mr. GARRETT of New Jersey moved to suspend the rules and pass the bill (H.R. 657) to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GARRETT of New Jersey and Mr. GONZALEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶14.8 NORTH AMERICAN DEVELOPMENT BANK REAUTHORIZATION

Mrs. BIGGERT moved to suspend the rules and pass the bill (H.R. 254) to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, recognized Mrs. BIGGERT and Mr. GONZALEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FLAKE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶14.9 AMERICAN 5-CENT COIN DESIGN

Mrs. BIGGERT moved to suspend the rules and pass the bill (H.R. 258) to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. FLAKE, recognized Mrs. BIGGERT and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. FLAKE, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. BIGGERT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶14.10 WILLIAM ''WILLIE'' MCCOOL ELEMENTARY/MIDDLE SCHOOL

Mr. HEFLEY moved to suspend the rules and pass the bill (H.R. 672) to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William ''Willie'' McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003; as amended.

The SPEAKER pro tempore, Mr. FLAKE, recognized Mr. HEFLEY and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. FLAKE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶14.11 H. CON. RES. 36—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 36) encouraging the people of the United States to honor and celebrate the 140th anniversary of the Emancipation Proclamation and commending Abraham Lincoln's efforts to end slavery.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶14.12 [Roll No. 35]

YEAS—415

Abercrombie	Brown (OH)	Davis, Tom
Ackerman	Brown (SC)	Deal (GA)
Aderholt	Brown, Corrine	DeFazio
Akin	Brown-Waite, Ginny	DeGette
Alexander	Burgess	Delahunt
Allen	Burns	DeLauro
Andrews	Burton (IN)	DeLay
Baca	Buyer	DeMint
Bachus	Calvert	Deutsch
Baird	Camp	Diaz-Balart, L.
Baker	Cannon	Diaz-Balart, M.
Baldwin	Cantor	Dicks
Ballance	Capito	Dingell
Ballenger	Capps	Doggett
Barrett (SC)	Capuano	Dooley (CA)
Bartlett (MD)	Cardin	Doolittle
Barton (TX)	Cardoza	Doyle
Bass	Carson (OK)	Dreier
Beauprez	Carter	Duncan
Becerra	Case	Dunn
Bell	Castle	Edwards
Bereuter	Chabot	Ehlers
Berkley	Chocola	Emanuel
Berman	Clay	Emerson
Berry	Coble	Engel
Biggert	Cole	English
Bilirakis	Collins	Eshoo
Bishop (GA)	Combest	Etheridge
Bishop (NY)	Cooper	Evans
Bishop (UT)	Costello	Everett
Blackburn	Cramer	Farr
Blumenauer	Crane	Fattah
Blunt	Crenshaw	Feeney
Boehlert	Crowley	Ferguson
Boehner	Cubin	Filner
Bonilla	Culberson	Flake
Bonner	Cummings	Fletcher
Bono	Cunningham	Foley
Boozman	Davis (AL)	Forbes
Boswell	Davis (CA)	Ford
Boucher	Davis (FL)	Fossella
Boyd	Davis (IL)	Frank (MA)
Bradley (NH)	Davis (TN)	Franks (AZ)
Brady (PA)	Davis, Jo Ann	Frelinghuysen
Brady (TX)		Frost

Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—19

Burr
Carson (IN)
Clyburn
Conyers
Cox
Gephardt
Hoeffel
Hyde
Kennedy (RI)
Linder
McCrery
Millender-McDonald
Nadler
Peterson (MN)
Snyder
Tiahrt
Waxman
Weldon (PA)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶14.13 H.R. 258—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 258) to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 5

¶14.14 [Roll No. 36]

YEAS—412

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

NAYS—5

Capuano
Everett
Lucas (OK)
Pascrell
Tierney

NOT VOTING—17

Carson (IN)
Clyburn
Collins
Conyers
Cox
Fattah
Gephardt
Hart
Hoeffel
Hyde
Kennedy (RI)
Millender-McDonald
Peterson (MN)
Snyder
Tiahrt
Waxman
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶14.15 RECESS—3:22 P.M.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 22 minutes p.m., subject to the call of the Chair.

¶14.16 AFTER RECESS—5:30 P.M.

The SPEAKER pro tempore, Mr. PORTER, called the House to order.

¶14.17 PROVIDING FOR THE CONSIDERATION OF H.R. 534

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–21) the resolution (H. Res. 105) providing for consideration of (H.R. 534) to amend title 18, United States Code, to prohibit human cloning.

When said resolution and report were referred to the House Calendar and ordered printed.

¶14.18 ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 395. An Act to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, and for other purposes.

H.J. Res. 19. A joint resolution recognizing the 92d birthday of Ronald Reagan.

¶14.19 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CLYBURN, for February 25 and today.

And then,

¶14.20 ADJOURNMENT

On motion of Mr. TANCREDO, pursuant to the previous order of the House of Tuesday, February 25, 2003, at 10 o'clock and 14 minutes p.m., the House adjourned until 1 p.m. on Thursday, February 27, 2003.

¶14.21 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 258. A bill to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes; with an amendment (Rept. 108–20). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 105. Resolution providing for consideration of the bill (H.R. 534) to amend title 18, United States Code, to prohibit human cloning (Rept. 108–21). Referred to the House Calendar.

¶14.22 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MENENDEZ (for himself, Ms. PRYCE of Ohio, Mr. GREEN of Texas, Ms. ROS-LEHTINEN, Mr. THOMPSON of Mississippi, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RODRIGUEZ, Mrs. WILSON of New Mexico, Mrs. CHRISTENSEN, Mr. QUINN, Mr. SERRANO, Mr. MCCOTTER, Mr. PALLONE, Mr. PEARCE, Mr. UDALL of New Mexico, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 918. A bill to authorize the Health Resources and Services Administration, the National Cancer Institute, and the Indian Health Service to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services; to the Committee on Energy and Commerce.

By Mr. ETHERIDGE (for himself, Mr. WELDON of Pennsylvania, Mr. HOYER, Mr. OXLEY, Mr. MCHUGH, Mr. SPRATT, Mr. DEUTSCH, Mrs. MCCARTHY of New York, Mr. SMITH of Michigan, Mr. EMANUEL, Mr. WALSH, Ms. WATSON, Mr. MCINTYRE, Mr. QUINN, Ms. CARSON of Indiana, Mr. WILSON of South Carolina, Mr. KIND, Mr. ACEVEDO-VILA, Mr. SERRANO, Ms. KILPATRICK, Mr. HINCHEY, Mr. MARKEY, Ms. NORTON, Ms. KAPTUR, Mr. SANDLIN, Mr. SHIMKUS, Mr. FRANK of Massachusetts, Mr. WATT, Mrs. MALONEY, Mr. LOBIONDO, Mr. JEFFERSON, Mr. GREEN of Texas, Mr. FROST, Mr. PRICE of North Carolina, Mr. DEFAZIO, Mr. LUCAS of Kentucky, Mr. BOSWELL, Mr. CRANE, Mr. ALLEN, Mr. WEXLER, Mr. BELL, Mr. UDALL of Colorado, Mr. MCNULTY, Mr. ACKERMAN, Mr. LAMPSON, Ms. HOOLEY of Oregon, Ms. BALDWIN, Mr. WU, Mr. PALLONE, Mr. BALLANCE, and Mr. MILLER of North Carolina):

H.R. 919. A bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits; to the Committee on the Judiciary.

By Mr. BACA (for himself, Ms. WOOLSEY, and Mr. MCNULTY):

H.R. 920. A bill to amend the Public Health Service Act to promote careers in nursing and diversity in the nursing workforce; to the Committee on Energy and Commerce.

By Mr. CAMP (for himself, Mr. UPTON, and Mr. SMITH of Michigan):

H.R. 921. A bill to require amounts remaining in Members' representational allowances at the end of a fiscal year to be used for deficit reduction or to reduce the Federal debt, and for other purposes; to the Committee on House Administration.

By Mr. CAMP:

H.R. 922. A bill to amend the September 11th Victim Compensation Fund of 2001 to provide for the liquidation of blocked assets of terrorists and terrorist organizations in order to reimburse the Treasury for the compensation of claimants; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 923. A bill to amend the Small Business Investment Act of 1958 to allow certain premier certified lenders to elect to maintain an alternative loss reserve; to the Committee on Small Business.

By Mr. DUNCAN:

H.R. 924. A bill to direct the Secretary of the Interior to replace the U.S. Fish and Wildlife Service as the Federal agency responsible for the administration, protection, and preservation of Midway Atoll, and for other purposes; to the Committee on Resources.

By Mr. GUTIERREZ (for himself, Mr. RUSH, Mr. LIPINSKI, Ms. SCHAKOWSKY, Mr. WELLER, Mr. SHIMKUS, Mr. EVANS, Mr. EMANUEL, Mr. JACKSON of Illinois, Mr. COSTELLO, Mr. JOHNSON of Illinois, Mr. DAVIS of Illinois, Mr. CRANE, Mr. LAHOOD, Mrs. BIGGERT, and Mr. MANZULLO):

H.R. 925. A bill to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the ''Cesar Chavez Post Office''; to the Committee on Government Reform.

By Ms. HART (for herself, Mr. PITTS, Mr. HAYES, Mr. PICKERING, Mr. TERRY, Mr. DOOLITTLE, Mr. WILSON of South Carolina, Mr. SENSENBRENNER, Mr. LEWIS of Kentucky, Mr. SHIMKUS, Mr. ADERHOLT, Mr. PENCE, Mr. AKIN, Mr. KENNEDY of Minnesota, Mr. ROGERS of Michigan, Mr. BARTLETT of Maryland, Mr. FORBES, Mr. RYUN of Kansas, Mr. DEMINT, Mrs. MYRICK, Mr. PAUL, Mr. BURTON of Indiana, Mr. SCHROCK, Mr. RENZI, Mr. ROGERS of Alabama, Mr. KING of Iowa, Mrs. JO ANN DAVIS of Virginia, Mr. BEAUPREZ, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. WELDON of Florida, Mr. HOEKSTRA, Mrs. NORTHUP, Mr. RYAN of Wisconsin, Mr. SHADEGG, Mr. SOUDER, Mr. PEARCE, Mr. HOSTETTLER, Mr. CHABOT, Mr. FLAKE, Mr. BRADY of Texas, Mr. VITTER, Mr. TOOMEY, Mr. LAHOOD, Mr. STEARNS, and Mr. NORWOOD):

H.R. 926. A bill to amend the General Education Provisions Act to prohibit Federal education funding for elementary or secondary schools that provide access to emergency postcoital contraception; to the Committee on Education and the Workforce.

By Mr. HULSHOF (for himself and Mr. SANDLIN):

H.R. 927. A bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. ISAKSON:

H.R. 928. A bill to suspend temporarily the duty on Cerium Sulfide; to the Committee on Ways and Means.

By Mr. ISAKSON:

H.R. 929. A bill to suspend temporarily the duty on 1,8 Dichloroanthraquinone; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 930. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. PAUL, Mr. GOODE, Mr. CRANE, Mr. DUNCAN, Mr. FORBES, Mr. AKIN, Mr. EVERETT, Mr. COBLE, Mr. BURR, Mr.

BAKER, Mr. NEY, Mr. KING of Iowa, and Mr. DOOLITTLE):

H.R. 931. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. LARSEN of Washington, Mrs. DAVIS of California, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. MCINTYRE, Mr. COSTELLO, Mr. FILNER, Mr. SCHROCK, Mr. RUSH, Mr. DAVIS of Illinois, Mr. RODRIGUEZ, Mr. GREEN of Wisconsin, Mrs. KELLY, Mr. BELL, Mr. RENZI, Mrs. TAUSCHER, Mrs. JO ANN DAVIS of Virginia, Mr. HONDA, Mr. STENHOLM, Mr. UDALL of New Mexico, Mr. SIMMONS, Mr. HERGER, Mr. TAYLOR of Mississippi, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. HINCHEY, Mr. CARSON of Oklahoma, Mr. INSLEE, and Mr. EVANS):

H.R. 932. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Education and the Workforce.

By Mr. KOLBE (for himself, Mr. PASTOR, Mr. SHADEGG, Mr. HINOJOSA, Mr. REYES, Mr. FLAKE, Mr. BERMAN, Mr. FILNER, Mrs. DAVIS of California, Mr. HAYWORTH, Mr. HUNTER, Mr. RODRIGUEZ, Mr. ORTIZ, and Mr. GRIJALVA):

H.R. 933. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York:

H.R. 934. A bill to amend the Higher Education Act of 1965 to expand the loan forgiveness and loan cancellation programs for teachers, to provide loan forgiveness and loan cancellation programs for nurses, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCDERMOTT (for himself, Mr. ABERCROMBIE, Mr. MATSUI, Ms. NORTON, Ms. LEE, Mr. FILNER, Mr. NADLER, Mr. GEORGE MILLER of California, Ms. CARSON of Indiana, Ms. LOFGREN, Mr. LANTOS, Mr. WAXMAN, Mr. KOLBE, Ms. WOOLSEY, Mr. BLUMENAUER, and Mr. BERMAN):

H.R. 935. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. WEXLER, Mr. HOEFFEL, Mrs. NAPOLITANO, Mr. PAYNE, Mr. OWENS, Mr. SERRANO, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. ANDREWS, Mr. UDALL of New Mexico, Mr. BROWN of Ohio, Mr. ABERCROMBIE, Mrs. DAVIS of California, Ms. LEE, Ms. WOOLSEY, Ms. SOLIS, Mr. KUCINICH, Ms. MILLENDER-MCDONALD, Mr. SCOTT of Virginia, Mr. MORAN of Virginia, Mr. TIERNEY, Ms. PELOSI, Mr. STARK, Ms. WATSON, Mr. FARR, and Ms. LOFGREN):

H.R. 936. A bill to leave no child behind; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, the Judiciary, Government Reform, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. TURNER of Texas, Mr. BERRY, Mr. OTTER, Ms. BALDWIN, Mr. PICKERING, Mr. OSBORNE, Mr. HASTINGS of Washington, Mr. PAUL, Mr. MCINTYRE, Mr. SANDLIN, Mr. KIND, Mr. TIAHRT, Mr. MURTHA, Mr. WHITFIELD, Mr. STENHOLM, and Mr. FROST):

H.R. 937. A bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 938. A bill to prohibit Federal payments to any individual, business, institution, or organization that engages in human cloning; to the Committee on Energy and Commerce.

By Mr. PENCE:

H.R. 939. A bill to amend title 18, United States Code, to punish persons who use false or misleading domain names to attract children to Internet sites not appropriate for children; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H.R. 940. A bill to amend the Internal Revenue Code of 1986 to provide that the foreign tax credit not be redetermined with respect to refunds of unlawful foreign taxes to taxpayers who successfully challenge those taxes; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself, Ms. ESHOO, Mr. PITTS, Mr. CRANE, Mr. CAMP, and Ms. DUNN):

H.R. 941. A bill to amend title XVIII of the Social Security Act to provide for the expeditious coverage of new medical technology under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Ms. BALDWIN, Mr. CUNNINGHAM, Mr. GOODLATTE, Mr. HAYES, Mr. OTTER, Mr. PICKERING, Mr. ROGERS of Michigan, Mr. SCHROCK, Mr. SIMMONS, Mr. TANCREDO, Mr. WAMP, Mr. WICKER, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, and Mr. HOEKSTRA):

H.R. 942. A bill to amend the Higher Education Act of 1965 to provide student loan borrowers with a choice of lender for loan consolidation; to the Committee on Education and the Workforce.

By Mr. RYUN of Kansas (for himself, Mr. WALSH, Mr. PAYNE, and Mrs. MCCARTHY of New York):

H.R. 943. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mrs. MCCARTHY of New York, Mr. PAUL, Mr. MCGOVERN, Mr. BEREUTER, Mr. OBERSTAR, Mr. FLAKE, Mrs. JOHNSON of Connecticut, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. MCHUGH, Ms. CARSON of Indiana, Mr. CASE, Mr. GREEN of Wisconsin, Mr. KILDEE, Mr. BAKER, Mr. ETHERIDGE, Mr. MEEHAN, Mr. MICHAUD, Mr. SHIMKUS, Ms. LOFGREN, Mr. ROTHMAN, Mr. JONES of North Carolina, Mr. GERLACH, Mr. MATHESON, Mr. SHAYS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MANZULLO, Mr. HOLDEN, Ms. HART, Ms. NORTON, and Ms. WOOLSEY):

H.R. 944. A bill to ensure that amounts in the Victims of Crime Fund are fully obligated; to the Committee on the Judiciary.

By Mr. STEARNS (for himself, Mr. TOWNS, Mr. BASS, Mr. DEAL of Georgia, and Mr. WALDEN of Oregon):

H.R. 945. A bill to exercise authority under article I, section 8, clause 3 of the Constitution of the United States to clearly establish jurisdictional boundaries over the commercial transactions of digital goods and services conducted through the Internet, and to foster stability and certainty over the treatment of such transactions; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. SAM JOHNSON of Texas, Mr. DEAL of Georgia, Mr. KING of Iowa, Mr. NORWOOD, Mr. DUNCAN, and Mr. GOODE):

H.R. 946. A bill to effect a moratorium on immigration; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 947. A bill to authorize local educational agencies to prohibit the transfer of students under section 1116 of the Elementary and Secondary Education Act of 1965 to schools that are at or above capacity, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WICKER (for himself and Mr. PICKERING):

H.R. 948. A bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WYNN:

H.R. 949. A bill to prohibit certain transfers or assignments of franchises, and to prohibit certain fixing or maintaining of motor fuel prices, under the Petroleum Marketing Practices Act; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 950. A bill to expand Alaska Native contracting of Federal land management functions and activities and to promote hiring of Alaska Natives by the Federal Government within the State of Alaska, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 951. A bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands to Alaska Native veterans; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 952. A bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction for certain expenses incurred by whaling captains in support of Native Alaskan subsistence whaling; to the Committee on Ways and Means.

By Mr. EVANS:

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual; to the Committee on Transportation and Infrastructure.

By Mr. MCCOTTER (for himself, Mr. DINGELL, Mr. UPTON, Mr. STUPAK,

MR. ROGERS of Michigan, Mr. CAMP, Mr. CONYERS, Mr. KNOLLENBERG, Mr. KILDEE, Mr. SMITH of Michigan, Mr. LEVIN, Mr. EHLERS, Ms. KILPATRICK, Mr. HOEKSTRA, Mrs. MILLER of Michigan, Mr. BASS, Mr. GRAVES, Mr. JACKSON of Illinois, Mr. SCHROCK, Mr. QUINN, Mr. OXLEY, Mrs. NORTHRUP, Ms. KAPTUR, Mr. FLETCHER, Mr. PORTMAN, and Mrs. EMERSON):

H. Res. 100. A resolution recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations, and a revolutionary industrial and global institution.

By Mr. MENENDEZ:

H. Res. 104. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mrs. MYRICK:

H. Res. 105. A resolution providing for consideration of the bill (H.R. 534) to amend title 18, United States Code, to prohibit human cloning.

By Mr. BOOZMAN (for himself and Mr. BLUNT):

H. Res. 107. A resolution commending and supporting the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization, and its president, Alvin Rohrs; to the Committee on Education and the Workforce.

By Mr. PALLONE:

H. Res. 108. A resolution expressing the sense of the House of Representatives that India should be a permanent member of the United Nations Security Council; to the Committee on International Relations.

¶14.23 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. BEAUPREZ, Mrs. CUBIN, Mrs. BONO, Mr. ISSA, and Mr. SAXTON.

H.R. 40: Mr. OLVER, Ms. LEE, and Mr. BISHOP of GEORGIA.

H.R. 57: Mr. CHOCOLA, Mr. SMITH of Texas, Ms. GERLACH, Mr. TAUZIN, Ms. GINNY BROWN-WAITE of Florida, Mr. GUTKNECHT, Mrs. MUSGRAVE, Mr. FORBES, and Mr. BISHOP of Utah.

H.R. 97: Mr. STUPAK, Mr. GOODE, and Mr. JEFFERSON.

H.R. 111: Mr. CULBERSON Mr. KUCINICH, Mr. PALLONE, Mr. BISHOP of Georgia, and Mr. CLAY.

H.R. 133: Mr. GOODE.

H.R. 168: Ms. ROS-LEHTINEN and Mr. GREEN of Wisconsin.

H.R. 200: Mr. RODRIGUEZ.

H.R. 218: Ms. MCCARTHY of Missouri, Mr. CHABOT, Mr. GALLEGLY, Mr. WEINER, and Mr. LANGEVIN.

H.R. 258: Mr. HILL.

H.R. 279: Mr. MCINTYRE.

H.R. 300: Mrs. JO ANN DAVIS of Virginia.

H.R. 302: Mr. STUPAK and Mr. BURR.

H.R. 303: Mr. POMEROY, Mr. SHAYS, Mr. BONNER, Mr. INSLEE, Mr. FLAKE, Ms. LOFGREN, Mr. ROGERS of Kentucky, Mr. CARDOZA, Mr. SANDERS, and Mrs. KELLY.

H.R. 313: Mr. MATHESON.

H.R. 339: Mr. ISAKSON, Mr. BARRETT of South Carolina, Mr. OXLEY, Mr. SOUDER, Mr. WAMP, Mr. FOLEY, and Mr. CANNON.

H.R. 343: Mr. GREEN of Wisconsin and Mr. GRIJALVA.

H.R. 348: Mr. EVANS.

H.R. 377: Mr. SIMMONS and Mr. HOSTETTLER.

H.R. 430: Mr. WICKER.

H.R. 440: Ms. VELAZQUEZ, Mr. RANGEL, and Mr. OWENS.

H.R. 442: Mr. GREEN of Texas, Mr. MCDERMOTT, Mr. PAUL, Mr. SHIMKUS, Mr. PASTOR, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. HOLDEN, Mr. TERRY, Mr. BROWN of Ohio, Mr. UPTON, Mr. MURPHY, and Mr. FROST.

H.R. 457: Mr. HOSTETTLER.

H.R. 466: Mr. SCHIFF, Ms. WOOLSEY, Mr. LIPINSKI, Mr. CARDOZA, and Mr. STARK.

H.R. 483: Mr. HOSTETTLER.

H.R. 485: Mr. MCDERMOTT and Ms. SCHAKOWSKY.

H.R. 498: Mr. SESSIONS and Mrs. MUSGRAVE.

H.R. 501: Mr. MCHUGH, Mr. FALEOMAVAEGA, and Mr. FORBES.

H.R. 502: Mr. BARRETT of South Carolina.

H.R. 504: Ms. LEE and Mr. ACEVEDO-VILA.

H.R. 515: Mr. ABERCROMBIE, Mr. BAIRD, Mr. BRADY of Pennsylvania, Mr. BERMAN, Mr. KUCINICH, and Mr. RYAN of Ohio.

H.R. 528: Mr. LIPINSKI.

H.R. 588: Mr. HOEFFEL, Mr. OWENS, and Mr. BROWN of Ohio.

H.R. 627: Mr. BISHOP of Georgia, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. GOODE, Ms. HART, Ms. KAPTUR, Mr. LAMPSON, Mrs. NAPOLITANO, Mr. PAYNE, Mr. RAHALL, Mr. SCHROCK, Mr. SHUSTER, and Mr. THOMPSON of Mississippi.

H.R. 662: Mr. STENHOLM, Mr. PAUL, Mr. TOWNS, Mr. FRANK of Massachusetts, Mr. GILLMOR, Mr. MARSHALL, Mr. FROST, Mr. REYES, Mr. KOLBE, Mr. SNYDER, Mr. FOLEY, Mr. WILSON of South Carolina, Mr. NEY, Mrs. JONES of Ohio, Mr. CASE, Mr. FORD, Mr. SIMMONS, Mr. UDALL of Colorado, and Mr. OWENS.

H.R. 672: Mr. ORTIZ, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. PORTER, Ms. LINDA T. SANCHEZ of California, and Mr. GRIJALVA.

H.R. 695: Mrs. MUSGRAVE and Mr. MATHESON.

H.R. 709: Mr. STUPAK and Mr. BEREUTER.

H.R. 714: Mr. SIMPSON and Mr. CANTOR.

H.R. 721: Mr. KILDEE and Mr. SANDERS.

H.R. 735: Mr. KOLBE.

H.R. 737: Ms. KILPATRICK, Mrs. MCCARTHY of New York, Mr. EMANUEL, Mr. CARDIN, and Mr. LIPINSKI.

H.R. 740: Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. DICKS, and Mr. CASE.

H.R. 741: Ms. LEE.

H.R. 742: Mr. KILDEE, Mr. MORAN of Kansas, Mr. FLETCHER, Mr. ANDREWS, Mr. GOODE, and Mr. BOYD.

H.R. 743: Mr. HULSHOF, Mr. HAYWORTH, Mr. MCNULTY, Mr. ANDREWS, Mr. ROSS, and Mr. MARSHALL.

H.R. 751: Mr. GRIJALVA.

H.R. 756: Mr. LIPINSKI.

H.R. 760: Mr. SHIMKUS, Mr. TAUZIN, Mr. BARTLETT of Maryland, Mr. KING of New York, Mr. WELLER, Mr. ALEXANDER, Mr. SKELTON, Mr. BUYER, Mr. NUSSLE, Mr. FLAKE, and Mr. PETERSON of Minnesota.

H.R. 765: Mr. WILSON of South Carolina and Mr. RENZI.

H.R. 768: Mr. WEXLER, Mr. MATHESON, and Mr. OWENS.

H.R. 773: Mr. BECERRA.

H.R. 784: Mrs. CHRISTENSEN, Mr. LATOURETTE, and Mr. UPTON.

H.R. 785: Mr. FROST, Mr. SOUDER, Mr. DEUTSCH, and Mr. POMEROY.

H.R. 794: Mr. CANNON and Mr. BISHOP of Utah.

H.R. 801: Mr. CONYERS and Ms. LOFGREN.

H.R. 813: Ms. WOOLSEY.

H.R. 841: Mr. PASTOR.

H.R. 847: Mr. CASE, Ms. SLAUGHTER, Mr. BISHOP of New York, Mr. RAHALL, Mrs. NAPOLITANO, Mr. WEINER, Mr. ALLEN, Mr. BELL, Mr. WEXLER, Mr. KLECZKA, Mr. MICHAUD, and Mrs. JONES of Ohio.

H.R. 865: Ms. HARMAN and Mr. WEXLER.

H.R. 866: Mr. BURGESS.

H.R. 874: Mr. SIMMONS.

H.R. 876: Mr. GRAVES and Mr. ISAKSON.

H.R. 878: Mr. PORTMAN, Mr. MCINNIS, Mr. MCCRERY, Mr. JONES of North Carolina, Mr. COLE, and Mr. SIMMONS.

H.R. 887: Mr. GREEN of Texas, Mr. UDALL of Colorado, Mr. ROSS, Mr. FROST, Ms. MILLENDER-MCDONALD, and Mr. CARDOZA.

H.R. 893: Ms. WOOLSEY and Mr. WYNN.

H.R. 894: Mr. MCNULTY.

H.R. 895: Ms. KILPATRICK, Mr. PAYNE, and Mr. MCNULTY.

H.J. Res. 3: Mr. POMBO.

H.J. Res. 10: Mr. COX.

H. Con. Res. 18: Mr. CONYERS.

H. Con. Res. 36: Mr. HILL.

H. Con. Res. 38: Mr. FROST.

H. Con. Res. 39: Ms. SCHAKOWSKY and Mr. BRADY of Pennsylvania.

H. Res. 42: Mr. HOSTETTLER.

H. Res. 53: Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. EMANUEL, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, and Mr. STARK.

H. Res. 72: Mr. BROWN of Ohio, Mr. MCNULTY, Mr. MOORE, and Mr. MORAN of Virginia.

H. Res. 76: Mr. KING of New York, Mr. SOUDER, Mr. WEINER, and Ms. LOFGREN.

THURSDAY, FEBRUARY 27, 2003 (15)

The House was called to order by the SPEAKER.

¶15.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, February 26, 2003.

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

¶15.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

785. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP-2002-0336; FRL-7284-8] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

786. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations — Requirement that Currency Dealers and Exchangers Report Suspicious Transactions (RIN: 1506-AA34) received February 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

787. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Authority to Waive the Market-to-Market Regulations [Docket No. FR-4791-F-01] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company 200, 300, and 1900 Series, and Models F90 and A100-1 Airplanes [Docket No. 2001-CE-AD; Amendment 39-12955; AD 2002-23-11] (RIN: 2120-AA64) received January 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

789. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware, the District of Columbia, Allegheny County

and Philadelphia, Pennsylvania; Control of Emissions from Existing Small Municipal Waste Combustion Units [DC051-7003a; DE068-7003a; PA187-7003a, PA186-7003a; FRL-7434-5] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

790. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware, the District of Columbia, and Philadelphia, Pennsylvania; Control of Emissions from Existing Commercial/Industrial Solid Waste (CISWI) Incinerator Units [DC051-7004a; DE068-7004a; PA186-7004a; FRL-7434-4] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

791. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Oregon [OR-01-003; FRL-7429-5] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

792. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Arizona; Motor Vehicle Inspection and Maintenance Programs [AZ 106-0064; FRL-7418-8] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

793. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval Implementation Plans; Ohio [OH118-1a; FRL-7428-5] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

794. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Idaho Designation of Areas for Air Quality Planning Purposes; Idaho [ID-02-002; FRL-7422-3] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

795. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Oxides of Nitrogen Regulations [OH155-1a; FRL-7425-8] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

796. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revision to the Control of Volatile Organic Compound Emissions from Screen Printing and Digital Imaging [MD137-3090a; FRL-7420-8] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

797. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of Volatile Organic Compounds From Solvent Cleaning Operations [PA185-4197; FRL-7437-5] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

798. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida: Approval of Revisions to the Florida State Implementation Plan [FL-69-1-9940a; FRL-7439-2] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

799. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Motor Vehicle Inspection and Maintenance Program — Request for Delay in the Incorporation of On-Board Diagnostics Testing [MD 137-3093a; FRL-7436-9] received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

800. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and Monterey Bay Unified Air Pollution Control District [CA 273-0370a; FRL-7441-5] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

801. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Polychlorinated Biphenyls; Manufacturing (Import) Exemptions [OPPT-2002-0013; FRL-7288-6] (RIN: 2070-AB20) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

802. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, Imperial County Air Pollution Control District [CA 273-0370C; FRL-7441-7] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

803. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment as of November 15, 1996, and Reclassification of the St. Louis Ozone Nonattainment Area; States of Missouri and Illinois [MO 169-1169; IL 187-2; FRL-7444-4] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

804. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plan for Designated Facilities and Pollutants: Alabama [AL-058-1-200312a; FRL-7444-9] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

805. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado [SIP No. CO-001-0068; FRL-7443-8] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

806. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Alabama Update to Materials Incorporated by Reference [AL-200311; FRL-7444-7] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

807. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2003 [FRL-7430-7] (RIN: 2060-AK48) received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

808. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: North Carolina: Nitrogen Oxides Budget and Allowance Trading Program [NC-94; 100-200305; FRL-7429-7] received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

809. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Kentucky: Air Permit Regulations [KY 125-2-200308(a); FRL-7430-9] received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

810. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

811. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Change of Physical Location of EPA's Environmental Appeals Board [FRL-7439-7] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

812. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TPE331-3, -5, -6, -8, -10, and -11 Series Turboprop and TSE331-3 Series Turboshaft Engines [Docket No. 2001-NE-11-AD; Amendment 39-12977; AD 2002-25-02] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

813. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc. RB211-535 Turbofan Engines; Correction [Docket No. 2002-NE-16-AD; Amendment 39-12952; AD 2002-23-08] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

814. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Univair Aircraft Corporation Models (ERCO) 415-C, (ERCO) 415-CD, (ERCO) 415-D, (ERCO) 415-E, (ERCO) 415-G, (Forney) F-1, and (Forney) F-1A Airplanes [Docket No: 2000-CE-79-AD; Amendment 39-12843; AD 2002-16-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

815. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2002-NM-135-AD; Amendment 39-12841; AD 2002-16-02] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

816. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2002-NM-141-AD;

Amendment 39-12844; AD 2002-16-05] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

817. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautics S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No: 2002-NM-166-AD; Amendment 39-12845; AD 2002-16-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

818. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600; -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-148-AD; Amendment 39-12842; AD 2002-16-03] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

819. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters [Docket No. 2002-SW-15-AD; Amendment 39-12817; AD 2002-14-17] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

820. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365N, SA-365N1, AS-365N2, and AS 365 N3 Helicopters [Docket No. 2001-SW-34-AD; Amendment 39-12948; AD 2002-23-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

821. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines [Docket No. 2001-NE-30-AD; Amendment 39-12958; AD 2002-23-14] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

822. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada PT6A Series Turboprop Engines [Docket No. 99-NE-44-AD; Amendment 39-12957; AD 2002-23-13] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

823. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Britten Norman (Bembridge) Limited BN2A Mk. III Series Airplanes [Docket No. 2002-CE-36-AD; Amendment 39-12966; AD 2002-24-01] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

824. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-375-AD; Amendment 39-12960; AD 2002-23-16] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

825. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -200B, -200C, -200F, -300, -400, -400F, and 747SR Series Airplanes, Equipped with a Main Deck Side Cargo Door (MDSCD) Manufactured by Boeing [Docket No. 2002-NM-270-AD; Amendment 39-12959; AD 2002-23-15] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

826. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-84-AD; Amendment 39-12961; AD 2002-23-17] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

827. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc. RB211-535 Turbofan Engines [Docket No. 2002-NE-16-AD; Amendment 39-12952; AD 2002-23-08] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

828. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-11, -12, -13, -14, -15, and -15F Airplanes; Model DC-9-21 Airplanes; Model DC-9-31, -32, -32(VC-9C), -32F, -32F(C-9A, C-9B), -33F, -34, and -34F Airplanes; Model DC-9-41 Airplanes; Model DC-9-51 Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; and Model MD-88 Airplanes [Docket No. 99-NM-90-AD; Amendment 39-13001; AD 2002-26-13] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

829. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2002-NM-67-AD; Amendment 39-12999; AD 2002-26-11] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

830. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2001-NM-396-AD; Amendment 39-13000; AD 2002-26-12] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

831. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-84-AD; Amendment 39-13005; AD 2002-26-17] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

832. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-250, AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-401A, AT-402, AT-402A, AT-501, AT-502, and AT-502A Airplanes [Docket No. 2000-CE-60-AD; Amendment 39-12985; AD 2002-25-09] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Textron Lycoming Division, AVCO Corporation Fuel Injected Reciprocating Engines [Docket No. 92-ANE-56-AD; Amendment 39-12986; AD 2002-26-01] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Astra SPX and 1125 Westwind Astra Series Airplanes [Docket No. 2002-NM-114-AD; Amendment 39-12902; AD 2002-20-06] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

835. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerostar Aircraft Corporation Models PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P), PA-60-602P (Aerostar 602P), and PA-60-700P (Aerostar 700P) Airplanes [Docket No. 99-CE-86-AD; Amendment 39-12972; AD 2002-24-07] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, AS332L, AS332L1, SA330F, SA330G, and SA330J Helicopters [Docket No. 2001-SW-35-AD; Amendment 39-12976; AD 2002-25-01] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206L, L-1, L-3, and L-4 Helicopters [Docket No. 99-SW-80-AD; Amendment 39-12983; AD 2002-25-07] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-45, -50, -80A, -80C2, and -80E1 Turbofan Engines [Docket No. 2001-NE-26-AD; Amendment 39-12984; AD 2002-25-08] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Univair Aircraft Corporation Models Alon A-2 and A2-A; ERCO 415-C, 415-CD, 415-D, 415-E, and 415-G; Forney F-1 and F-1A; and Mooney M10 Airplanes [Docket No. 2001-CE-45-AD; Amendment 39-12987; AD 2002-26-02] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Beech Models 36, A36, A36TC, B36TC, 58, and 58A Airplanes [Docket No. 2002-CE-07-AD; Amendment 39-13012; AD 2003-01-01] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000, SAAB SF340A, and SAAB 340B Series

Airplanes [Docket No. 2002-NM-104-AD; Amendment 39-13007; AD 2002-26-19] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 2000-NM-402-AD; Amendment 39-12997; AD 2002-26-09] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-85-AD; Amendment 39-1003; AD 2002-26-15] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 2002-NM-53-AD; Amendment 39-12996; AD 2002-26-08] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

845. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Model ( )HC-()2Y( )—( ) propellers [Docket No. 2002-NE-25-AD; Amendment 39-13014; AD 2003-01-03] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

846. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas DC-9-10, -20, -30, -40, and -50 Series Airplanes [Docket No. 2001-NM-78-AD; Amendment 39-12998; AD 2002-26-10] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

847. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2001-NM-290-AD; Amendment 39-13004; AD 2002-26-16] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

848. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-44-AD; Amendment 39-13006; AD 2002-26-18] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

849. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2002-NM--77-AD; Amendment 39-13010; AD 2002-26-21] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

850. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Brackett Aircraft Company, Brackett Single Screen Air Filter [Docket No. 2002-CE-38-AD; Amendment 39-12988; AD 2002-26-03] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

851. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives [Docket No. 2002-NE-13-AD; Amendment 39-12946; AD 2002-23-02] (RIN: 2120-AA64) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 750 Airplanes [Docket No. 99-NM-218-AD; Amendment 39-12949; AD 2002-23-05] (RIN: 2120-AA64) received January 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

853. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulatory Innovations: Pilot-Specific Rule for Electronic Materials in the EPA Region III Mid-Atlantic States; Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes [FRL-7429-3] (RIN: 2003-AA00) received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

854. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Control, transmitting the Agency's final rule — National Pollutant Discharge Elimination System-Amendment of Final Regulations Addressing Cooling Water Intake Structures for New Facilities [FRL-7430-4] received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

855. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Physician Fee Schedule Update for Calendar Year 2003 [CMS-1204-F2] (RIN: 0938-AL21) received February 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

856. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's Budget Justification for Fiscal Year 2004, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

857. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2004, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, Ways and Means, and Government Reform.

¶15.3 MESSAGE FROM THE PRESIDENT

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

¶15.4 PROVIDING FOR THE CONSIDERATION OF H.R. 534

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 105):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 534) to amend title 18, United States Code, to prohibit human cloning. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶15.5 HUMAN CLONING PROHIBITION 2003

The SPEAKER pro tempore, Mrs. MYRICK, pursuant to House Resolution 105 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 534) to amend title 18, United States Code, to prohibit human cloning.

The SPEAKER pro tempore, Mrs. MYRICK, by unanimous consent, designated Mr. SWEENEY as Chairman of the Committee of the Whole; and after some time spent therein,

¶15.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute by Mr. GREENWOOD:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cloning Prohibition Act of 2003''.

SEC. 2. PROHIBITION AGAINST HUMAN CLONING.

(a) IN GENERAL.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by adding at the end the following:

''CHAPTER X—HUMAN CLONING

''PROHIBITION AGAINST HUMAN CLONING

''SEC. 1001. (a) NUCLEAR TRANSFER TECHNOLOGY.—

''(1) IN GENERAL.—It shall be unlawful for any person—

''(A) to use or attempt to use human somatic cell nuclear transfer technology, or the product of such technology, to initiate a pregnancy or with the intent to initiate a pregnancy; or

''(B) to ship, mail, transport, or receive the product of such technology knowing that the product is intended to be used to initiate a pregnancy.

''(2) DEFINITION.—For purposes of this section, the term 'human somatic cell nuclear transfer technology' means transferring the nuclear material of a human somatic cell into an egg cell from which the nuclear material has been removed or rendered inert.

''(b) RULE OF CONSTRUCTION.—This section may not be construed as applying to any of the following:

''(1) The use of somatic cell nuclear transfer technology to clone molecules, DNA, cells, or tissues.

''(2) The use of mitochondrial, cytoplasmic, or gene therapy.

''(3) The use of in vitro fertilization, the administration of fertility-enhancing drugs, or the use of other medical procedures (excluding those using human somatic cell nuclear transfer or the product thereof) to assist a woman in becoming or remaining pregnant.

''(4) The use of somatic cell nuclear transfer technology to clone or otherwise create animals other than humans.

''(5) Any other activity (including biomedical, microbiological, or agricultural research or practices) not expressly prohibited in subsection (a).

''(c) REGISTRATION.—

''(1) IN GENERAL.—Each individual who intends to perform human somatic cell nuclear transfer technology shall, prior to first performing such technology, register with the Secretary his or her name and place of business (except that, in the case of an individual who performed such technology before the date of the enactment of the Cloning Prohibition Act of 2003, the individual shall so register not later than 60 days after such date). The Secretary may by regulation require that the registration provide additional information regarding the identity and business locations of the individual, and information on the training and experience of the individual regarding the performance of such technology.

''(2) ATTESTATION BY RESEARCHER.—A registration under paragraph (1) shall include a statement, signed by the individual submitting the registration, declaring that the individual is aware of the prohibitions described in subsection (a) and will not engage in any violation of such subsection.

''(3) CONFIDENTIALITY.—Information provided in a registration under paragraph (1) shall not be disclosed to the public by the Secretary except to the extent that—

''(A) the individual submitting the registration has in writing authorized the disclosure; or

''(B) the disclosure does not identify such individual or any place of business of the individual.

''(d) APPLICABILITY OF HUMAN SUBJECT PROTECTION STANDARDS.—

''(1) IN GENERAL.—Research involving human somatic cell nuclear transfer technology shall be conducted in accordance with parts 50 and 56 of title 21, Code of Federal Regulations, subject to paragraph (2). Individuals whose cells are used for such research shall be considered human subjects for purposes of such parts.

''(2) INFORMED CONSENT.—

''(A) DONOR OF HUMAN CELLS.—In research involving human somatic cell nuclear transfer technology, human cells may be used only if, in addition to requirements that apply under parts 50 and 56 of title 21, Code of Federal Regulations, the individual who provides the cells makes a statement in writing, which is signed by the individual, declaring that—

''(i) the individual donates the cells for purposes of such research;

''(ii) the individual understands that Federal law regulates such technology and establishes a crime relating to the use of the technology to initiate a pregnancy; and

''(iii) the individual does not intend for the cells to be used to initiate a pregnancy.

''(B) ATTESTATION BY RESEARCHERS.—In research involving human somatic cell nuclear transfer technology, human cells may be used only if, in addition to requirements that apply under parts 50 and 56 of title 21, Code of Federal Regulations, the individual with the principal responsibility for conducting the research makes a statement in writing, which is signed by the individual, declaring that the consent of the donor of the cells for the cells to be used in such research was obtained in accordance with this subsection.

''(e) PREEMPTION OF STATE LAW.—This section supersedes any State or local law that—

''(1) establishes prohibitions, requirements, or authorizations regarding human somatic cell nuclear transfer technology that are different than, or in addition to, those established in subsection (a) or (c); or

''(2) with respect to humans, prohibits or restricts research regarding or practices constituting—

''(A) somatic cell nuclear transfer;

''(B) mitochondrial or cytoplasmic therapy; or

''(C) the cloning of molecules, DNA, cells, tissues, or organs;

except that this subsection does not apply to any State or local law that was in effect as of the day before the date of the enactment of the Cloning Prohibition Act of 2003.

''(f) RIGHT OF ACTION.—This section may not be construed as establishing any private right of action.

''(g) DEFINITION.—For purposes of this section, the term 'person' includes governmental entities.

''(h) SUNSET.—This section and section 301(hh) do not apply to any activity described in subsection (a) that occurs on or after the expiration of the 10-year period beginning on the date of the enactment of the Cloning Prohibition Act of 2003.''.

(b) PROHIBITED ACTS.—

(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(hh) The violation of section 1001(a), or the failure to register in accordance with section 1001(c).''.

(2) CRIMINAL PENALTY.—Section 303(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)) is amended by adding at the end the following:

''(7) Notwithstanding subsection (a), any person who violates section 301(hh) shall be imprisoned not more than 10 years or fined in accordance with title 18, United States Code, or both.''.

(3) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

''(h)(1) Any person who violates section 301(hh) or section 1001(d) shall be liable to the United States for a civil penalty in an amount not to exceed the greater of—

''(A) $10,000,000; or

''(B) an amount equal to the amount of any gross pecuniary gain derived from such violation multiplied by 2.

''(2) Paragraphs (3) through (5) of subsection (g) apply with respect to a civil penalty under this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under subsection (g).''.

(4) FORFEITURE.—Section 303 of the Federal Food, Drug, and Cosmetic Act, as amended by paragraph (3), is amended by adding at the end the following:

''(i) Any property, real or personal, derived from or used to commit a violation of section 301(hh), or any property traceable to such property, shall be subject to forfeiture to the United States.''.

SEC. 3. STUDY BY INSTITUTE OF MEDICINE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to—

(1) review the current state of knowledge about the biological properties of stem cells obtained from embryos, fetal tissues, and adult tissues;

(2) evaluate the current state of knowledge about biological differences among stem cells obtained from embryos, fetal tissues, and adult tissues and the consequences for research and medicine; and

(3) assess what is currently known about the ability of stem cells to generate neurons, heart, kidney, blood, liver and other tissues and the potential clinical uses of these tissues.

(b) OTHER ENTITIES.—If the Institute of Medicine declines to conduct the study described in subsection (a), the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(c) REPORT.—The Secretary shall ensure that, not later than three years after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made in the study is submitted to the Committee on Energy and Commerce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate.

It was decided in the negative	Yeas	174
	Nays	231
	Answered present	1

¶15.7 [Roll No. 37]

AYES—174

Abercrombie	Cummings	Hinchey
Allen	Davis (AL)	Holt
Andrews	Davis (CA)	Honda
Baird	Davis (FL)	Hooley (OR)
Baldwin	Davis (IL)	Houghton
Ballance	DeGette	Hoyer
Bass	Delahunt	Inslee
Becerra	DeLauro	Israel
Bell	Deutsch	Jackson (IL)
Berkley	Dicks	Jackson-Lee (TX)
Berman	Dingell	Johnson (CT)
Biggert	Doggett	Johnson, E. B.
Bishop (NY)	Dooley (CA)	Jones (OH)
Blumenauer	Emanuel	Kelly
Boehlert	Engel	Kennedy (RI)
Bono	Eshoo	Kilpatrick
Boswell	Etheridge	Kind
Boucher	Evans	Kirk
Boyd	Farr	Kleczka
Bradley (NH)	Fattah	Kolbe
Brady (PA)	Frank (MA)	Lampson
Brown (OH)	Frost	Langevin
Capps	Gibbons	Lantos
Capuano	Gilchrest	Larsen (WA)
Cardin	Gonzalez	Larson (CT)
Cardoza	Gordon	Leach
Case	Granger	Lee
Castle	Green (TX)	Levin
Clay	Greenwood	Lewis (GA)
Clyburn	Grijalva	Lofgren
Conyers	Gutierrez	Lowey
Cooper	Harman	Lynch
Crowley	Hastings (FL)	

Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Pelosi
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wynn

NOES—231

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kucinich
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Young (AK)

ANSWERED ''PRESENT''—1

Filner

NOT VOTING—28

Ackerman
Baca
Brown, Corrine
Burton (IN)
Carson (IN)
Combest
DeFazio
Diaz-Balart, L.
Ford
Gallegly
Gephardt
Hinojosa
Hoeffel
Hyde
Lipinski
McCarthy (MO)
McCrery
Millender-McDonald
Miller, Gary
Ortiz
Payne
Peterson (MN)
Ros-Lehtinen
Sanchez, Loretta
Smith (MI)
Snyder
Waters
Young (FL)

So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. GILCHREST, Acting Chairman, pursuant to House Resolution 105, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, as modified, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Add at the end of the bill the following:

SEC. 3. STUDY BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The General Accounting Office, after consultation with the National Academy of Sciences, shall conduct a study to assess the need (if any) for amendment of the prohibition on human cloning, as defined in section 301 of title 18, United States Code, as added by this Act, which study should include—

(1) a discussion of new developments in medical technology concerning human cloning and somatic cell nuclear transfer, the need (if any) for somatic cell nuclear transfer to produce medical advances, current public attitudes and prevailing ethical views concerning the use of somatic cell nuclear transfer, and potential legal implications of research in somatic cell nuclear transfer; and

(2) a review of any technological developments that may require that technical changes be made to section 2 of this Act.

(b) REPORT.—The General Accounting Office shall transmit to the Congress, within 2 years after the date of enactment of this Act, a report containing the findings and conclusions of its study, together with recommendations for any legislation or administrative actions which in considers appropriate.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Ms. LOFGREN moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendments:

Page 4, line 24, strike the close quotation mark and the period that follows.

Page 4, after line 24, insert the following:

''(e) EXEMPTION OF MEDICAL TREATMENT.—The prohibitions of this section do not apply to the shipping, receipt, or importation of any product derived from an embryo (including pluripotent stem cells) designed for use in medical treatment for or to cure Parkinson's disease, Alzheimer's disease, diabetes, cancer, heart disease, spinal cord injury, multiple sclerosis, severe burns, or other diseases, disorders, or conditions, provided that the product of such use is not utilized to initiate a pregnancy and is not intended to be utilized to initiate a pregnancy and is unable to develop into a full human being. Nothing in this subsection shall exempt any product from any applicable regulatory approval.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Ms. LOFGREN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 164 / Nays 237

¶15.8 [Roll No. 38]

AYES—164

Abercrombie
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gibbons
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Pelosi
Price (NC)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—237

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)

Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McHugh
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—33

Ackerman
Baca
Boyd
Brown, Corrine
Burton (IN)
Carson (IN)
Combest
DeFazio
Diaz-Balart, L.
Ford
Frost
Gallegly
Gephardt
Hinojosa
Hoeffel
Hyde
Lipinski
McCarthy (MO)
McCrery
McInnis
Millender-McDonald
Miller, Gary
Ney
Ortiz
Payne
Peterson (MN)
Ros-Lehtinen
Sanchez, Loretta
Sanders
Smith (MI)
Snyder
Waters
Young (FL)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 155

¶15.9 [Roll No. 39]

YEAS—241

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McHugh
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NAYS—155

Abercrombie
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kolbe
Lampson
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pastor
Paul
Pelosi
Price (NC)
Pryce (OH)
Ramstad
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—38

Ackerman
Baca
Barton (TX)
Boyd
Brown, Corrine
Burton (IN)
Carson (IN)
Combest
DeFazio
Diaz-Balart, L.
Ford
Frost
Gallegly
Gephardt
Hinojosa
Hoeffel
Hyde
Lipinski
McCarthy (MO)
McCarthy (NY)
McCrery
McInnis
McIntyre
Millender-McDonald
Miller, Gary
Ney
Oberstar
Ortiz
Payne
Peterson (MN)
Ros-Lehtinen
Sanchez, Loretta
Serrano
Smith (MI)
Snyder
Vitter
Waters
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶15.10 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, March 3, 2003, at noon; and further that when the House adjourns on Monday, March 3, 2003, it stand adjourned to meet at 12:30 p.m. on Tuesday, March 4, 2003, for morning-hour debate.

¶15.11 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 5, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶15.12 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO CUBA

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 2003, to the Federal Register for publication.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 27, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–42).

¶15.13 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

MR. SPEAKER: Effective February 27, 2003, I hereby take a leave of absence from my position on the House Small Business Committee due to my appointment to the Committee on House Administration.

Sincerely,

ROBERT BRADY,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶15.14 BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on February 27, 2003, he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 19. A joint resolution recognizing the 92nd birthday of Ronald Reagan.

H.R. 395. An Act to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, and for other purposes.

¶15.15 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. CARSON of Indiana, for today;

To Mr. DEFAZIO, for today after 4 p.m.;

To Mr. HYDE, for today;

To Mr. ORTIZ, for today;

To Mr. BOYD, for today after 5 p.m.; and

To Ms. WATERS, for today after 4 p.m.

And then,

¶15.16 ADJOURNMENT

On motion of Mr. KENNEDY of Minnesota, pursuant to the special order heretofore agreed to, at 7 o'clock and 3 minutes p.m., the House adjourned until noon on Monday, March 3, 2003.

¶15.17 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 2. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mr. RAMSTAD, Mr. SMITH of New Jersey, Mr. STARK, Mr. MURTHA, Mr. LANGEVIN, Mr. SERRANO, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. ANDREWS, Mr. BECERRA, Ms. BERKLEY, Ms. CARSON of Indiana, Mr. FARR, Mr. FATTAH, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HOLDEN, Mr. LARSON of Connecticut, Ms. LEE, Mrs. MALONEY, Mr. MATSUI, Mr. MEEHAN, Mr. MENENDEZ, Mr. MOLLOHAN, Mr. MORAN of Virginia, Ms. NORTON, Mr. PALLONE, Ms. PELOSI, Mr. UDALL of New Mexico, Mr. WEINER, Mr. BISHOP of New York, Mr. CAPUANO, Mr. HOLT, Mr. MCDERMOTT, Mr. OWENS, Mr. STRICKLAND, Mr. BALLANCE, Mr. COSTELLO, Mr. GARY G. MILLER of California, Mr. RYAN of Ohio, Ms. WOOLSEY, Mr. LEVIN, Mr. CARDIN, Mr. CASE, Mrs. CHRISTENSEN, Mr. EMANUEL, Mr. ENGLISH, Mr. FOLEY, Mr. FRELINGHUYSEN, Mr. GILCHREST, Mr. HOEFFEL, Mr. HONDA, Mr. INSLEE, Mr. KIND, Mr. LATOURETTE, Mr. LEACH, Mr. MCNULTY, Mr. OBERSTAR, Mr. OLVER, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. WAXMAN, Mr. WYNN, Mr. DEFAZIO, Ms. DELAURO, Mr. DOGGETT, Mr. FROST, Mrs. JONES of Ohio, Mr. KILDEE, Mr. KLECZKA, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. NADLER, Mr. PASTOR, Mr. SCOTT of Virginia, Mr. SKELTON, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. ACKERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. DEGETTE, Mr. DICKS, Mr. DINGELL, Mr. LOBIONDO, Ms. MCCOLLUM, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SHAYS, Ms. SOLIS, Mr. BERRY, Ms. BORDALLO, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. GREENWOOD, Mr. GRIJALVA, Mr. PASCRELL, Mr. PLATTS, Mr. QUINN, Mr. SAXTON, Mr. SIMMONS, Mrs. TAUSCHER, Mr. DOYLE, Mr. FORD, Mr. HINCHEY, Mr. RODRIGUEZ, Mr. VISCLOSKY, Mr. BURNS, Mr. DEUTSCH, Mr. ENGEL, Mr. ETHERIDGE, Ms. KILPATRICK, Mr. ROTHMAN, Mr. ALLEN, Mr. DAVIS of Florida, Mr. FALEOMAVAEGA, Mr. NORWOOD, Mr. TOWNS, Mr. BACA, Mr. CARSON of Oklahoma, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. THOMPSON of California, Ms. WATSON, Mr. BERMAN, Mr. COOPER, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Mrs. KELLY, Mr. KIRK, Mr. LARSEN of Washington, Mr. RAHALL, Ms. LORETTA SANCHEZ of California, Mr. WAMP, Mr. CLYBURN, Ms. HOOLEY of Oregon, Mr. KUCINICH, Mr. BOEHLERT, Mr. MATHESON, Mr. ORTIZ, Ms. SLAUGHTER, Mr. SNYDER, Mr. WALSH, Mr. MURPHY, Mr. SWEENEY, Mr. LIPINSKI, Mr. MCGOVERN, Mr. BAIRD, Mr. STUPAK, Mr. WILSON of South Carolina, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CONYERS, Mrs. DAVIS of California, Mrs. LOWEY, Mr. PETERSON of Minnesota, and Mr. SABO):

H.R. 953. A bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER:

H.R. 954. A bill to confirm Federal recognition of the Miami Nation of Indiana; to the Committee on Resources.

By Mr. FARR (for himself, Mr. KIND, Mr. SHERWOOD, Ms. WOOLSEY, Ms. ESHOO, Mr. HONDA, Mr. OLVER, Mr. SHERMAN, Mr. PRICE of North Carolina, Ms. LEE, Mr. DEFAZIO, Mr. THOMPSON of California, Mrs. CAPPS, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. LORETTA SANCHEZ of California, Mr. DELAHUNT, Ms. BALDWIN, Mr. NETHERCUTT, Mr. KUCINICH, Mr. HINCHEY, and Mr. BOEHLERT):

H.R. 955. A bill to amend the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003, to reinstate the requirement that a farm, in order to be certified as an organic farm with respect to livestock produced on the farm, feed the livestock with organically produced feed; to the Committee on Agriculture.

By Mrs. MALONEY (for herself, Mr. FROST, Mr. CROWLEY, Mr. SERRANO, Mr. NADLER, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. MCDERMOTT, Mr. OWENS, and Mr. FRANK of Massachusetts):

H.R. 956. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities and to clarify that leave may be taken for routine medical needs and to assist elderly relatives, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mr. OXLEY, and Mr. BAKER):

H.R. 957. A bill to enhance investor confidence by providing investors with easy online access to complete information about securities firms and their brokers; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 958. A bill to authorize certain hydrographic services programs, to name a cove in Alaska in honor of the late Able Bodied Seaman Eric Steiner Koss, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 959. A bill to improve the conservation and management of coastal and ocean resources by authorizing National Oceanic and Atmospheric Administration oceanographic programs; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 960. A bill to amend part C of title XVIII of the Social Security Act to consolidate and restate the Federal laws relating to the social health maintenance organization projects, to make such projects permanent, to require the Medicare Payment Advisory Commission to conduct a study on ways to expand such projects, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. GUTKNECHT, Mr. COSTELLO, Mr. LEACH, Mr. KILDEE, and Mr. KENNEDY of Minnesota):

H.R. 961. A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Resources.

By Mr. OBERSTAR (for himself, Mr. DINGELL, Mr. DEFAZIO, Mr. LEACH, Mr. HOEFFEL, Mr. KUCINICH, Mr. KILDEE, Mr. BROWN of Ohio, Ms. BALDWIN, Ms. NORTON, Ms. MCCOLLUM, Mr. PASCRELL, Mr. BOEHLERT, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. MARKEY, Mr. GEORGE MILLER of California, Mr. VISCLOSKY, Mr. INSLEE, Mr. NADLER, Mrs. NAPOLITANO, and Mrs. TAUSCHER):

H.R. 962. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Transportation and Infrastructure.

By Mr. FILNER (for himself and Mrs. DAVIS of California):

H.R. 963. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''; to the Committee on Government Reform.

By Mr. OSE (for himself and Mr. HUNTER):

H.R. 964. A bill to amend the Federal Power Act to provide the Federal Energy Regulatory Commission with authority to order certain refunds of electric rates, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Ms. BALDWIN, Mr. BERMAN, Mr. BOUCHER, Mr. BROWN of Ohio, Ms. CORRINE BROWN of Florida, Mr. CARDIN, Mr. CARSON of Oklahoma, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE, Mr. LEVIN, Ms. LOFGREN, Mr. MARKEY, Mr. MATSUI, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBEY, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. RANGEL, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. SABO, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mr. STUPAK, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU):

H.R. 965. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. BROWN of South Carolina (for himself, Mr. RODRIGUEZ, Mr. SMITH of New Jersey, and Mr. EVANS):

H.R. 966. A bill to amend title 38, United States Code, to reinstate the vocational training program of the Department of Veterans Affairs for certain low-income veterans in receipt of pension from that Department; to the Committee on Veterans' Affairs.

By Mr. ALLEN (for himself, Mrs. CAPITO, Mr. FROST, Mr. TOWNS, Ms. BALDWIN, Mr. GOODE, Ms. WOOLSEY, Mr. MCHUGH, Mr. ABERCROMBIE, Mr. KILDEE, Mr. MORAN of Virginia, Mr. WOLF, Mr. LANGEVIN, Ms. MCCOLLUM, Mr. HOLDEN, Mr. SANDERS, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. COSTELLO, Mr. ORTIZ, Ms. DELAURO, Mrs. NAPOLITANO, Mr. CARDOZA, Mr. HINCHEY, Mr. KIND, Ms. JACKSON-LEE of Texas, Mrs. EMERSON, Mr. MCINTYRE, Mr. MCNULTY, Mr. INSLEE, Mr. BERRY, and Mr. LUCAS of Kentucky):

H.R. 967. A bill to extend for 3 additional years a temporary increase in payment for skilled nursing facility services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 968. A bill to amend title 23, United States Code, to provide incentives to States for the development of traffic safety programs to reduce crashes related to driver fatigue and sleep deprivation; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 969. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of infertility treatment services for individuals entitled to health insurance benefits under that program by reason of a disability; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. ISAKSON, Mr. HOLT, Mr. NEAL of Massachusetts, Mr. BOSWELL, Mr. ANDREWS, Mr. FILNER, Mrs. MALONEY, Ms. BALDWIN, Mr. LYNCH, Mrs. CAPITO, Mr. ADERHOLT, Mrs. BIGGERT, and Mrs. MCCARTHY of New York):

H.R. 970. A bill to provide competitive grants for training court reporters and realtime writers to meet requirements for closed captioning under the Telecommunications Act of 1996, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BACHUS:

H.R. 971. A bill to amend the Internal Revenue Code of 1986 to exclude $100 of interest from gross income and to raise the threshhold for reporting interest paid to $100; to the Committee on Ways and Means.

By Ms. BALDWIN (for herself, Mr. KENNEDY of Rhode Island, Ms. LEE, Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, Mr. LYNCH, Mr. SERRANO, Mr. DINGELL, Mr. RODRIGUEZ, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. MCGOVERN, Mrs. MALONEY, Mr. FROST, Mr. SANDERS, Ms. DELAURO, Mr. MENENDEZ, Mr. KIND, Mrs. JONES of Ohio, Mrs. NAPOLITANO, Mr. STRICKLAND, Ms. WOOLSEY, Mr. OWENS, and Mr. FARR):

H.R. 972. A bill to clarify the effective date of the modification of treatment for retirement annuity purposes of part-time service before April 7, 1986, of certain Department of Veterans Affairs health-care professionals; to the Committee on Veterans' Affairs.

By Mr. CAMP (for himself, Mr. LEVIN, Mr. ROGERS of Michigan, Mr. MATSUI, Mr. RYAN of Wisconsin, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. WYNN, Mr. HINCHEY, Mr. MCNULTY, and Mr. EHLERS):

H.R. 973. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 974. A bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. BOUCHER, Mr. CANNON, Mr. ANDREWS, Mr. BACHUS, Mr. CASTLE, Mr. CHABOT, Mr. COBLE, Mr. CRAMER, Mr. CROWLEY, Mr. DOOLEY of California, Mr. DREIER, Mr. ENGLISH, Mr. FEENEY, Mr. FLAKE, Mr. FOLEY, Mr. GOODLATTE, Ms. HART, Mr. ISSA, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. LUCAS of Kentucky, Mr. MENENDEZ, Mrs. MYRICK, Mr. NEY, Mr. OXLEY, Mr. PENCE, Mr. PITTS, Ms. PRYCE of Ohio, Mr. ROTHMAN, Mr. ROYCE, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SMITH of Washington, Mr. SMITH of Michigan, Mr. TAUZIN, Mr. TERRY, Mr. TIBERI, Mr. TOOMEY, Mr. FROST, Mrs. BIGGERT, Mr. REYNOLDS, Mrs. NORTHUP, Mr. LATOURETTE, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GIBBONS, Mr. BLUNT, Mr. SIMPSON, and Mr. KINGSTON):

H.R. 975. A bill to amend title 11 of the United States Code, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO (for himself, Mr. TOWNS, Mr. BROWN of Ohio, Mr. HOLDEN, Mr. PAUL, Ms. KAPTUR, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Ms. NORTON, Ms. DELAURO, Mr. JOHN, Mr. RUSH, Mr. CARSON of Oklahoma, Mr. FROST, Mr. CLAY, Mr. MCNULTY, Mr.

ACKERMAN, Ms. WATSON, Ms. BORDALLO, Mr. GRIJALVA, Mr. EVANS, Mr. GREEN of Wisconsin, Mr. LIPINSKI, Mr. GREEN of Texas, Ms. SCHAKOWSKY, Mr. KILDEE, Mr. FORD, Mrs. NAPOLITANO, and Ms. WOOLSEY):

H.R. 976. A bill to amend title II of the Social Security Act to provide that the waiting period for disability insurance benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself and Mr. ISSA):

H.R. 977. A bill to amend the Federal Land Policy and Management Act of 1976 to provide death and disability benefits for aerial firefighters who work on a contract basis for the Forest Service or an agency of the Department of the Interior and suffer death or disability in the line of duty, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. GREENWOOD):

H.R. 978. A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes; to the Committee on Government Reform.

By Ms. DELAURO (for herself, Mr. HINCHEY, Mr. DEFAZIO, Mr. OLVER, Mr. PAYNE, Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. WEXLER, Mr. FORD, Mr. ISRAEL, Mr. MARKEY, Mr. PASCRELL, Mr. HONDA, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mrs. DAVIS of California, Mrs. TAUSCHER, Mr. INSLEE, Mr. GUTIERREZ, Mrs. JONES of Ohio, Mr. HOLT, Mrs. MALONEY, Ms. WOOLSEY, Mr. CLAY, Mr. BOUCHER, Mr. MORAN of Virginia, Ms. NORTON, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. DELAHUNT, Mrs. CAPPS, Mr. LANTOS, Mr. KLECZKA, Ms. BALDWIN, Mr. OWENS, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Mr. ENGEL, Mr. SERRANO, Mr. CARDIN, Mr. FILNER, Mr. DEUTSCH, Mr. LEVIN, Mr. WYNN, Ms. MCCARTHY of Missouri, Mr. NADLER, Mr. RODRIGUEZ, Mr. SCHIFF, Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Mr. UDALL of Colorado, Ms. LEE, Mr. VAN HOLLEN, Mr. HOEFFEL, Mr. COOPER, Mrs. LOWEY, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. WEINER, Mr. BAIRD, Mr. ACKERMAN, Ms. CARSON of Indiana, Mr. SANDERS, Ms. SOLIS, Mr. STARK, Mr. MATSUI, Ms. MCCOLLUM, Mr. EVANS, Mr. BISHOP of New York, Mr. DOGGETT, Mr. SHAYS, Mr. BROWN of Ohio, Mr. RYAN of Ohio, Mr. CROWLEY, Mr. LEACH, Mr. PALLONE, Ms. SLAUGHTER, Mr. LANGEVIN, Mr. CASE, Mr. WATT, Mr. ALLEN, Mr. GONZALEZ, Mr. GRIJALVA, Mr. WAXMAN, Mr. JACKSON of Illinois, Mr. ROTHMAN, Mrs. JOHNSON of Connecticut, Mr. RUSH, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. FARR, Mr. DAVIS of Florida, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Mr. LYNCH, Ms. HOOLEY of Oregon, Mr. CONYERS, Mr. BERMAN, Mr. UDALL of New Mexico, Mr. SABO, Ms. VELAZQUEZ, and Mr. CLYBURN):

H.R. 979. A bill to provide additional protections for National Forest System lands in Alaska through the designation of wilderness areas, wilderness study areas, Land Use Designation II management areas, restoration areas, special management areas, and additional components of the national wild and scenic rivers system; to the Committee on Resources.

By Ms. DUNN (for herself, Mr. MCDERMOTT, Mr. PICKERING, Mrs. CAPPS, Mr. INSLEE, Mr. CRANE, Mr. GREENWOOD, Mr. DICKS, Mr. HASTINGS of Washington, Mr. ABERCROMBIE, Mr. MCNULTY, Mr. KLECZKA, Mr. PAUL, and Mr. FROST):

H.R. 980. A bill to amend title XVIII of the Social Security Act to expand Medicare coverage of certain self-injected biologicals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. FATTAH, Mr. GERLACH, Mr. GREENWOOD, Ms. HART, Mr. HOEFFEL, Mr. HOLDEN, Mr. KANJORSKI, Mr. MURPHY, Mr. MURTHA, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PLATTS, Mr. SHERWOOD, Mr. SHUSTER, Mr. TOOMEY, and Mr. WELDON of Pennsylvania):

H.R. 981. A bill to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the ''James R. Merry Post Office''; to the Committee on Government Reform.

By Mr. FALEOMAVAEGA:

H.R. 982. A bill to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself, Mr. ISSA, Ms. MILLENDER-MCDONALD, Mr. COX, Mr. DREIER, and Mr. ROHRABACHER):

H.R. 983. A bill to amend part C of title XVIII of the Social Security Act to consolidate and restate the Federal laws relating to the social health maintenance organization projects, to make such projects permanent, to require the Medicare Payment Advisory Commission to conduct a study on ways to expand such projects, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:

H.R. 984. A bill to improve the conservation and management of coastal and ocean resources by reenacting and clarifying provisions of a reorganization plan authorizing the National Oceanic and Atmospheric Administration; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR (for himself, Mr. CHABOT, Mr. PORTMAN, Mr. TURNER of Ohio, Mr. OXLEY, Mr. STRICKLAND, Mr. HOBSON, Mr. BOEHNER, Ms. KAPTUR, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. TIBERI, Mr. BROWN of Ohio, Mr. LATOURETTE, Ms. PRYCE of Ohio, Mr. REGULA, Mr. RYAN of Ohio, and Mr. NEY):

H.R. 985. A bill to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the ''Delbert L. Latta Post Office Building''; to the Committee on Government Reform.

By Mr. GOODE (for himself, Mr. LEWIS of Kentucky, and Mr. JONES of North Carolina):

H.R. 986. A bill to replace the existing Federal tobacco program with a federally chartered corporation to ensure the stability of the price and supply of domestically produced tobacco, to compensate quota holders for the loss of tobacco quota asset value, to provide transition assistance for active tobacco producers, to increase the competitiveness of domestically produced tobacco, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself and Mr. DOOLITTLE):

H.R. 987. A bill to amend the Wild and Scenic Rivers Act to ensure congressional involvement in the process by which a river that is designated as a wild, scenic, or recreational river by an act of the legislature of the State or States through which the river flows may be included in the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. HERGER:

H.R. 988. A bill to provide compensation to individuals who are injured by an escaped prescribed fire and to amend the tort procedure provisions of title 28, United States Code, relating to claims for such fires, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 989. A bill to require the issuance of regulations pursuant to the National Invasive Species Act of 1996 to assure, to the maximum extent practicable, that vessels entering the Great Lakes do not discharge ballast water that introduces or spreads nonindigenous aquatic species and treat such ballast water and its sediments through the most effective and efficient techniques available, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HOSTETTLER (for himself, Mr. HAYWORTH, Mrs. JO ANN DAVIS of Virginia, Mr. CRANE, Mr. DOOLITTLE, Mr. WAMP, Mr. OTTER, Mr. GIBBONS, Mr. LEWIS of Kentucky, Mr. NEY, Mr. CANNON, Mr. GOODE, Mr. BOUCHER, Mr. SOUDER, Mr. PETERSON of Pennsylvania, Mr. GOODLATTE, Mr. HALL, Mr. ADERHOLT, Mr. ENGLISH, Mr. BISHOP of Georgia, Mrs. MUSGRAVE, Mr. PENCE, and Mr. BRADLEY of New Hampshire):

H.R. 990. A bill to amend title 18 of the United States Code to provide for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms in that State; to the Committee on the Judiciary.

By Mr. HUNTER (for himself and Mr. UDALL of Colorado):

H.R. 991. A bill to amend the Internal Revenue Code of 1986 to expand the renewable resources production tax credit to include additional forms of renewable energy, and to expand the investment tax credit to include equipment used to produce electricity from renewable resources; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BALLENGER, Mr. NORWOOD, Mr. MCKEON, Mr. CARTER, and Mrs. MUSGRAVE):

H.R. 992. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to inform union members of their rights; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BALLENGER, Mr. NORWOOD, Mr. MCKEON, Mr. CARTER, and Mrs. MUSGRAVE):

H.R. 993. A bill to provide for civil monetary penalties in certain cases; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BALLENGER, Mr. NORWOOD, Mr. MCKEON, Mr. CARTER, and Mrs. MUSGRAVE):

H.R. 994. A bill to enhance notification to union members of their rights under the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and the Workforce.

By Mr. JONES of North Carolina:

H.R. 995. A bill to amend title 37, United States Code, to provide a dislocation allowance under section 407 of such title to retired members of the uniformed services, including members placed on the temporary disability retired list, moving from their last duty station to their designated home; to the Committee on Armed Services.

By Mr. JONES of North Carolina (for himself, Mr. ROSS, and Ms. HOOLEY of Oregon):

H.R. 996. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Financial Services.

By Mr. KING of Iowa:

H.R. 997. A bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid mis-constructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA:

H.R. 998. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARTON of Texas (for himself and Mr. TAUZIN) (both by request):

H.R. 999. A bill to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOEHNER (for himself, Mr. SAM JOHNSON of Texas, Mr. GREENWOOD, Mr. GIBBONS, Mr. KELLER, Mr. WILSON of South Carolina, Mr. NORWOOD, Mr. PLATTS, Mr. TIBERI, Mr. SHAYS, Mr. SIMMONS, Mr. MCKEON, Mrs. BIGGERT, Mr. FRELINGHUYSEN, Mr. ISAKSON, Ms. GINNY BROWN-WAITE of Florida, Mr. LATOURETTE, Ms. NORTON, Mr. SOUDER, Mr. SENSENBRENNER, Mr. ENGLISH, Mr. GREEN of Wisconsin, Mr. HERGER, Mr. WELDON of Pennsylvania, Mr. BEAUPREZ, Mr. FEENEY, Mr. NEY, Mr. BALLENGER, Mr. SWEENEY, Mr. BRADY of Texas, Mr. BURR, Mrs. MUSGRAVE, Mr. DEMINT, Mr. CRANE, Ms. HART, Mr. OXLEY, Mr. UPTON, Mrs. BLACKBURN, Mr. KLINE, Mr. COLE, Mr. CASTLE, Mr. PETERSON of Pennsylvania, Mr. TANCREDO, Mr. ROGERS of Michigan, Mr. KOLBE, Mr. JANKLOW, Mr. REYNOLDS, Mr. REHBERG, Mr. HILL, Mr. FOSSELLA, Mr. BOOZMAN, Mr. CULBERSON, and Mr. WALSH):

H.R. 1000. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mr. GORDON, and Mr. HALL):

H.R. 1001. A bill to amend the Iran Nonproliferation Act of 2000 to allow extraordinary payments in connection with the International Space Station to be made to the Russian Aviation and Space Agency for safety and maintenance purposes during any period in which the United States Space Shuttle fleet is grounded, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. RANGEL, Mr. FROST, and Ms. BORDALLO):

H.R. 1002. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mr. THOMPSON of Mississippi, Mr. BROWN of Ohio, Ms. DELAURO, and Mr. GEORGE MILLER of California):

H.R. 1003. A bill to expand the enforcement options under the Federal Meat Inspection Act and the Poultry Products Inspection Act to include the imposition of civil money penalties, and to amend the Federal Food, Drug, and Cosmetic Act to expand enforcement options to include such penalties with respect to meat and poultry; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Ms. DUNN, Mr. LEWIS of Georgia, Mr. CUMMINGS, Mr. DICKS, Mr. RANGEL, Mr. MCNULTY, Mr. GOODE, Mr. HASTINGS of Washington, Mr. INSLEE, Mr. KIRK, and Mrs. CHRISTENSEN):

H.R. 1004. A bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for more frequent hemodialysis treatments; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS (for himself, Mr. TANCREDO, Mr. CANNON, Mr. OTTER, Mr. HERGER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mrs. CUBIN, Mr. HEFLEY, Mr. REHBERG, Mr. HOUGHTON, Ms. DUNN, Mr. GIBBONS, Mr. PETERSON of Pennsylvania, and Mr. OSE):

H.R. 1005. A bill to provide permanent funding for the payment in lieu of taxes program, and for other purposes; to the Committee on Resources.

By Mr. MCKEON (for himself and Mr. GEORGE MILLER of California):

H.R. 1006. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; to the Committee on Resources.

By Mr. MCNULTY (for himself and Ms. LORETTA SANCHEZ of California):

H.R. 1007. A bill to provide for homeland security block grants; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, Energy and Commerce, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas:

H.R. 1008. A bill to amend the National Highway System Designation Act of 1995 relating to the maximum hours of service for operators of ground water well drilling rigs; to the Committee on Transportation and Infrastructure.

By Mr. NADLER (for himself, Mr. SERRANO, and Mr. TOWNS):

H.R. 1009. A bill to require Federal law enforcement agencies to expunge voidable arrest records, to provide incentive funds to States that have in effect a system for expunging such records, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 1010. A bill to amend title 46, United States Code, to require inspection of cargo destined for the United States; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 1011. A bill to amend the Internal Revenue Code of 1986 to provide a 10-year extension of the credit for producing electricity from wind; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 1012. A bill to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes; to the Committee on Resources.

By Mr. RADANOVICH (for himself, Mr. HASTINGS of Washington, and Mr. WALDEN of Oregon):

H.R. 1013. A bill to amend the Federal Power Act to provide for alternative conditions and alternative fishways in hydroelectric dam licenses, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RADANOVICH (for himself, Mrs. CHRISTENSEN, Mr. MCINNIS, Mrs. CUBIN, Mr. CANNON, Mr. SIMPSON, Mr. OTTER, and Mr. BISHOP of Utah):

H.R. 1014. A bill to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the

Federal lands administered by these agencies, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 1015. A bill to require the Secretary of the Treasury to mint coins in commemoration of Associate Justice Thurgood Marshall; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1016. A bill to require the Secretary of the Treasury to redesign the $1 coin to commemorate Dr. Martin Luther King, Jr; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1017. A bill to authorize the President to award a gold medal on behalf of the Congress to Jesse L. Jackson, Sr. in recognition of his outstanding and enduring contributions to the Nation; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1018. A bill to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building''; to the Committee on Transportation and Infrastructure.

By Mr. ROYCE (for himself and Ms. LOFGREN):

H.R. 1019. A bill to promote the freedom of information in Vietnam; to the Committee on International Relations.

By Mr. RYAN of Wisconsin (for himself, Mr. GREEN of Wisconsin, and Mr. SENSENBRENNER):

H.R. 1020. A bill to amend the Clean Air Act requirements relating to gasoline to prevent future supply shortages and price spikes in the gasoline market, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. CUMMINGS, Mrs. EMERSON, Mr. FROST, Mr. HINCHEY, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LIPINSKI, Ms. LOFGREN, Mr. MCNULTY, Mr. PAYNE, Mr. SHERMAN, Ms. WATSON, and Mr. UDALL of Colorado):

H.R. 1021. A bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes; to the Committee on Agriculture.

By Mr. SANDERS (for himself, Ms. MILLENDER-MCDONALD, and Mr. TOWNS):

H.R. 1022. A bill to provide assistance for the development of indoor disease prevention and health promotion centers in urban and rural areas throughout the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 1023. A bill to prohibit, through the period ending on December 31, 2007, any Department of Defense participation in any international aviation trade exhibition (known as an ''air show'') to be held in France; to the Committee on Armed Services.

By Mr. SAXTON:

H.R. 1024. A bill to establish in the National Marine Fisheries Service a pelagic longline highly migratory species bycatch and mortality reduction research program, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1025. A bill to amend the Coastal Zone Management Act of 1972 to establish the National Estuarine Reserve System, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1026. A bill to amend the Coastal Zone Management Act of 1972 to reauthorize coastal services, training, education, and technical support programs of the National Oceanic and Atmospheric Administration, to establish a performance evaluation system for such administration, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1027. A bill to amend the Federal Water Pollution Control Act relating to marine sanitation devices; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 1028. A bill to amend the Coastal Zone Management Act of 1972 to authorize grants to coastal States under that Act, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mr. FRANK of Massachusetts, Mr. SANDERS, and Mr. MCDERMOTT):

H.R. 1029. A bill to authorize the President to detain an enemy combatant who is a United States person or resident who is a member of al Qaeda or knowingly cooperated with members of al Qaeda, to guarantee timely access to judicial review to challenge the basis for a detention, to permit the detainee access to counsel, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H.R. 1030. A bill to reduce overpayments of subsidies in Department of Housing and Urban Development housing assistance programs by providing for more accurate verification of employment and income of participants in such programs; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. CONYERS, Mr. CRANE, Mr. RANGEL, Mr. FOLEY, Ms. JACKSON-LEE of Texas, Mr. GOSS, Ms. LEE, Mr. MEEK of Florida, Ms. WATSON, and Mrs. CHRISTENSEN):

H.R. 1031. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 1032. A bill to amend title XVIII of the Social Security Act to provide for special treatment for certain drugs and biologicals under the prospective payment system for hospital outpatient department services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself, Mr. WALDEN of Oregon, Mr. NETHERCUTT, and Mr. OTTER):

H.R. 1033. A bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Ms. SOLIS (for herself, Mr. PASTOR, Ms. DELAURO, Mr. HOEFFEL, Mr. BECERRA, Mr. OWENS, Ms. BERKLEY, Mr. MENENDEZ, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Mrs. NAPOLITANO, and Mr. ACEVEDO-VILA):

H.R. 1034. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Resources.

By Mr. STEARNS:

H.R. 1035. A bill to amend the Communications Act of 1934 to reduce restrictions on media ownership, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. JOHN, Ms. HART, Mr. BOUCHER, Mr. PEARCE, Mr. JOHNSON of Illinois, Mr. SIMMONS, Mr. LEWIS of Kentucky, Mr. KNOLLENBERG, Mr. PUTNAM, Mr. BISHOP of Georgia, Mrs. CAPITO, Mr. BOEHLERT, Mr. FORBES, Mr. GOODE, Mr. ROGERS of Alabama, Mr. BISHOP of Utah, Mr. PICKERING, Mr. COSTELLO, Mr. BROWN of South Carolina, Mr. HILL, Mr. MICA, Mr. HOSTETTLER, Mr. BURGESS, Mr. LAMPSON, Mr. MILLER of Florida, Mr. TURNER of Ohio, Mr. MURPHY, Mr. HALL, Mrs. NORTHUP, Mr. GARY G. MILLER of California, Mr. BRADY of Texas, Mr. RYAN of Ohio, Mr. MICHAUD, Mr. GERLACH, Mr. BALLENGER, Mr. GINGREY, Mr. RADANOVICH, Mr. PITTS, Mr. MCINNIS, Mr. AKIN, Mr. MARSHALL, Mr. RYAN of Wisconsin, Mr. FOLEY, Mr. EVERETT, Mr. KENNEDY of Minnesota, Mr. MURTHA, Mr. NETHERCUTT, Mr. LARSEN of Washington, Mr. NEY, Mr. WILSON of South Carolina, Ms. PRYCE of Ohio, Mr. REHBERG, Mr. VITTER, Mr. CANNON, Mr. KOLBE, Mr. STRICKLAND, Mr. HAYWORTH, Mr. SCHROCK, Mr. ROSS, Mr. YOUNG of Alaska, Mr. FLAKE, Mr. PETERSON of Minnesota, Mr. CRANE, Mr. HERGER, Mr. PENCE, Mr. DOOLITTLE, Mr. CHOCOLA, Mr. BOYD, Mr. HOLDEN, Mr. TOOMEY, Mr. CARSON of Oklahoma, Mr. MCINTYRE, Mr. KINGSTON, Mr. KELLER, Mr. SIMPSON, Mr. CUNNINGHAM, Mr. GREEN of Texas, Mr. TERRY, Mr. TANCREDO, Mr. CALVERT, Mr. WICKER, Mr. ORTIZ, Mr. BUYER, Mr. BEAUPREZ, Mr. DINGELL, Mr. ROGERS of Kentucky, Mrs. MILLER of Michigan, Mr. MATHESON, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Tennessee, Mr. LUCAS of Kentucky, Mr. LATHAM, Mr. BACA, Mr. WALDEN of Oregon, Mr. GIBBONS, Mr. SHUSTER, Mr. BACHUS, Mr. ISSA, Mr. DEMINT, Mr. MORAN of Kansas, Mr. RAHALL, Mr. SMITH of Michigan, Mr. WELLER, Mr. RENZI, Mr. UPTON, Mr. BARTON of Texas, Mr. COBLE, Mr. ROGERS of Michigan, Mr. BASS, Mr. SHADEGG, Mr. SOUDER, Mr. BURR, Mr. BURTON of Indiana, Mr. CANTOR, Mrs. MYRICK, Mr. BERRY, Mr. JANKLOW, Mr. TIBERI, Mrs. JO ANN DAVIS of Virginia, Mr. FRANKS of Arizona, Mr. HUNTER, Mr. TAYLOR of Mississippi, Mr. JENKINS, Mr. POMBO, Mr. KANJORSKI, Mr. CARTER, Mr. NORWOOD, Mr. ADERHOLT, Mr. ISAKSON, Mr. GOODLATTE, Mr. LUCAS of Oklahoma,

Mr. HEFLEY, Mr. THOMPSON of California, Mr. KING of Iowa, Mr. WELDON of Florida, Mr. BOSWELL, Mr. NUNES, Mr. COX, Mr. OTTER, Mrs. CUBIN, Mr. DELAY, Mr. KLINE, Mr. BARTLETT of Maryland, Mr. GRAVES, Mr. REYNOLDS, Mr. BRADLEY of New Hampshire, Mr. MARIO DIAZ-BALART of Florida, Mr. LINDER, Mr. STENHOLM, Mr. CRAMER, Mr. BOEHNER, Mr. WHITFIELD, Mr. HAYES, Mr. GORDON, Mr. CRENSHAW, Mr. FLETCHER, Mr. COLE, Mr. SULLIVAN, Mr. CARDOZA, Mr. WAMP, Mr. THORNBERRY, Mr. TAYLOR of North Carolina, Mr. CULBERSON, Mr. BLUNT, Mr. STUPAK, Mr. EHLERS, Mr. MCHUGH, Mr. OXLEY, Mr. GUTKNECHT, Mr. ISTOOK, Mr. GREEN of Wisconsin, Mr. LAHOOD, Mr. GREENWOOD, Mr. HULSHOF, Mr. NUSSLE, Mr. BARRETT of South Carolina, Mr. MCCOTTER, Mr. BONNER, Mr. HASTINGS of Washington, Mr. SWEENEY, Mr. REYES, Mr. WOLF, Mr. DAVIS of Alabama, Mr. GOSS, Mr. SKELTON, Mr. TOM DAVIS of Virginia, Mr. LOBIONDO, Mr. HOEKSTRA, Mr. HYDE, Mr. SMITH of Texas, Mrs. EMERSON, Mr. SANDLIN, Mrs. BLACKBURN, Mr. MANZULLO, Mr. REGULA, Mr. MCKEON, Mr. ALEXANDER, Mr. BAKER, Mr. DUNCAN, Mr. TANNER, Mr. HENSARLING, Mr. BONILLA, Mr. SESSIONS, Ms. HARRIS, Mr. BOOZMAN, Mr. MCCRERY, Mr. COLLINS, Mr. DREIER, Mr. FEENEY, Mrs. BONO, Mr. TAUZIN, Mr. LEWIS of California, Mr. ENGLISH, Mr. PLATTS, Mr. SHIMKUS, Mr. CAMP, Mr. GARRETT of New Jersey, Mr. TURNER of Texas, Mr. OSE, Mr. OSBORNE, Mr. PORTMAN, Mr. WELDON of Pennsylvania, Mr. HOBSON, Mr. PETERSON of Pennsylvania, Mr. MOLLOHAN, Mrs. MUSGRAVE, Mr. COMBEST, Mr. CHABOT, Ms. GRANGER, Mr. SHERWOOD, Mrs. BIGGERT, Mr. SAM JOHNSON of Texas, Mrs. KELLY, Mr. BURNS, Mr. ROYCE, Mr. LATOURETTE, Mr. SAXTON, Mr. GILLMOR, Mr. JONES of North Carolina, Mr. PORTER, Mr. THOMAS, Mr. TIAHRT, and Mr. RYUN of Kansas):

H.R. 1036. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; to the Committee on the Judiciary.

By Mr. SWEENEY:

H.R. 1037. A bill to prevent terrorists and money launderers from establishing accounts for illegal money transfers through the use of false Social Security numbers or taxpayer identification numbers, and for other purposes; to the Committee on Financial Services.

By Mr. TANCREDO (for himself, Mr. MCINNIS, Mr. UDALL of Colorado, Mr. BEAUPREZ, Mrs. MUSGRAVE, and Mr. HEFLEY):

H.R. 1038. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Ms. WOOLSEY, Mrs. CAPPS, Mr. CASE, Mr. MCINTYRE, Mr. BERMAN, Mr. DEFAZIO, Ms. CARSON of Indiana, Mr. FILNER, Mr. WEINER, Mrs. DAVIS of California, Mr. LIPINSKI, Ms. NORTON, Mrs. NAPOLITANO, Mr. MCGOVERN, Mr. KUCINICH, Mr. GUTIERREZ, Mr. HONDA, Ms. BERKLEY, and Mr. CAPUANO):

H.R. 1039. A bill to prohibit certain discriminatory pricing policies in wholesale motor fuel sales, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LEE:

H.R. 1040. A bill to establish a living wage, jobs for all policy for all peoples in the United States and its territories, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on the Budget, Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 1041. A bill to direct the Secretary of Energy to develop and implement a strategy for research, development, demonstration, and commercial application of distributed power hybrid energy systems, and for other purposes; to the Committee on Science.

By Mr. UDALL of Colorado (for himself and Mr. UDALL of New Mexico):

H.R. 1042. A bill to authorize collaborative forest restoration and wildland fire hazard mitigation projects on National Forest System lands and other public and private lands, to improve the implementation of the National Fire Plan, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH (for himself, Mr. HOYER, Mr. ABERCROMBIE, Mr. BELL, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CASE, Mr. CLAY, Mr. CONYERS, Mr. COSTELLO, Mr. CRANE, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DINGELL, Mr. DOYLE, Mr. FARR, Mr. FILNER, Mr. FORD, Mr. FOSSELLA, Mr. FROST, Mr. GILLMOR, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HEFLEY, Mr. HINCHEY, Mr. HOBSON, Mr. HOLDEN, Ms. NORTON, Mr. HOUGHTON, Mr. ISAKSON, Mr. JANKLOW, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KILDEE, Mr. LAMPSON, Ms. LEE, Mr. LEVIN, Mrs. LOWEY, Mr. LUCAS of Kentucky, Mr. GRIJALVA, Mrs. MALONEY, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. MICA, Mrs. MILLER of Michigan, Mr. MOORE, Mrs. NAPOLITANO, Mr. PAUL, Mr. PORTER, Mr. PUTNAM, Mr. QUINN, Mr. REGULA, Mr. REYES, Mr. RODRIGUEZ, Mr. ROGERS of Michigan, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. TERRY, Mr. TOWNS, Mr. UPTON, Mr. WILSON of South Carolina, and Ms. WOOLSEY):

H.R. 1043. A bill to grant a Federal charter to Korean War Veterans Association, Incorporated; to the Committee on the Judiciary.

By Mr. WYNN:

H.R. 1044. A bill to establish the Commission on Medical Malpractice Insurance; to the Committee on Energy and Commerce.

By Mr. LUCAS of Oklahoma:

H.J. Res. 26. A joint resolution proposing an amendment to the Constitution of the United States to protect the Pledge of Allegiance; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mrs. BIGGERT, Ms. PELOSI, Mr. LANTOS, Mrs. CAPITO, Mr. KIRK, Ms. SLAUGHTER, Ms. SOLIS, Mr. GEORGE MILLER of California, Ms. DELAURO, Ms. WOOLSEY, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, Ms. KILPATRICK, Mr. CROWLEY, Ms. WATSON, Mr. SIMMONS, Mr. FILNER, Mrs. CAPPS, Ms. CARSON of Indiana, Ms. MCCOLLUM, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Ms. KAPTUR, Ms. LEE, Mrs. MALONEY, Mr. BROWN of Ohio, Ms. NORTON, Mr. FROST, Mr. SANDERS, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. BALLANCE, Mr. NADLER, Ms. LINDA T. SANCHEZ of California, Mr. EVANS, Mr. LEVIN, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mr. DAVIS of Illinois, Mr. EMANUEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNULTY, Mr. MCDERMOTT, Mr. KUCINICH, Mr. BOSWELL, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mr. LAHOOD, Mr. LIPINSKI, Mr. MANZULLO, Mr. JOHNSON of Illinois, and Mr. RUSH):

H. Con. Res. 57. Concurrent resolution supporting the goals of International Women's Day; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE (for himself, Mr. MCINTYRE, Mr. BALLANCE, Mr. BALLENGER, Mrs. MYRICK, Mr. WATT, Mr. MILLER of North Carolina, Mr. HAYES, Mr. COBLE, Mr. BURR, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, and Mr. TAYLOR of North Carolina):

H. Con. Res. 58. Concurrent resolution honoring the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. CARSON of Indiana, Mr. FROST, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. MEEK of Florida, Mr. BROWN of Ohio, Mr. PAYNE, Mr. FATTAH, Ms. LEE, Mr. RUSH, Ms. NORTON, Mr. CUMMINGS, Mr. JEFFERSON, Ms. KILPATRICK, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Mr. BALLANCE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. GRIJALVA, Mr. OWENS, Mr. RANGEL, Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. WATSON, Ms. MAJETTE, Mr. BISHOP of Georgia, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Mr. MCDERMOTT, and Mr. WATT):

H. Con. Res. 59. Concurrent resolution recognizes the significant achievements and contributions of African-American scientists, mathematicians, and inventors, and supporting the establishment of a special day on which these great minds may be honored and esteemed; to the Committee on Science.

By Mr. JONES of North Carolina:

H. Con. Res. 60. Concurrent resolution requesting the United States Government to take appropriate action to urge the Government of the People's Republic of China to provide for a fair resolution of the claims of United States citizens who hold Chinese Government bonds on which that Government has defaulted; to the Committee on International Relations.

By Ms. McCOLLUM (for herself, Mr. FARR, Mr. BERMAN, Mr. CROWLEY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. LEE, Mr. McNULTY, Ms. NORTON, Mr. OBERSTAR, Mr. OWENS, Mr. PALLONE, Mr. HOEFFEL, Mr. UDALL of New Mexico, Ms. CARSON of Indiana, Mr. CASE, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. NADLER, Mr. McDERMOTT, and Mr. HONDA):

H. Con. Res. 61. Concurrent resolution recognizing the need to double Federal funding for the Peace Corps from fiscal year 2002 funding levels to $550,000,000 by 2007, and for other purposes; to the Committee on International Relations.

By Mr. RANGEL:

H. Con. Res. 62. Concurrent resolution expressing the sense of Congress that Katherine Dunham should be recognized for her groundbreaking achievements in dance, theater, music, and education, as well as for her work as an activist striving for racial equality throughout the world; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Con. Res. 64. Concurrent resolution expressing the sense of Congress that Zora Neale Hurston should be recognized for her achievements as a novelist and anthropologist, and for her contributions to the Harlem Renaissance movement; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 65. Concurrent resolution expressing the sense of Congress that Madame C. J. Walker should be recognized for her achievements in business, her inventions, and her commitment to the African-American community; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 66. Concurrent resolution expressing the sense of Congress that Shirley Chisholm should be recognized for her activism and groundbreaking achievements in politics during the civil rights era, and for her efforts to reform the Nation's political system and legislatures so that they better represent the needs of a greater number of Americans; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 67. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Arthur Ashe, and that the Citizens Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 68. Concurrent resolution expressing the sense of Congress that Dorothy I. Height should be recognized for her achievements as a civil rights leader, dedicated activist working to fight racial and social prejudice, and for her lifetime commitment to improving the opportunities available to the most vulnerable in society; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 69. Concurrent resolution expressing the sense of Congress that Althea Gibson should be recognized for her ground breaking achievements in athletics and her commitment to ending racial discrimination and prejudice within the world of sports; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 70. Concurrent resolution expressing the sense of Congress that the anniversary of the birth of Malcom X should be observed as a day of prayer, remembrance, and reflection on the life of Malcolm X; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 71. Concurrent resolution recognizing the importance of Ralph Bunche as one of the great leaders of the United States, the first African-American Nobel Peace Prize winner, an accomplished scholar, a distinguished diplomat, and a tireless campaigner of civil rights for people throughout the world; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 72. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue a postage stamp commemorating Congressman Adam Clayton Powell, Jr; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 73. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Roy Campanella, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 74. Concurrent resolution expressing the sense of Congress with respect to Marcus Garvey; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 75. Concurrent resolution expressing the sense of Congress that Arthur Schomburg should be recognized for his leadership and contributions in documenting, recording, and researching the historical contributions to society of peoples of African descent and for his efforts to combat racial and ethnic discrimination in the United States; to the Committee on the Judiciary.

By Mr. TIBERI:

H. Con. Res. 76. Concurrent resolution recognizing the health risks associated with childhood obesity and encouraging parents to promote healthy weight and increased physical activity to their children; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. PITTS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CHABOT, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. BEREUTER, Mr. HOEFFEL, Mr. WEXLER, Mr. MARKEY, Ms. BORDALLO, Mr. LEACH, Mr. FALEOMAVAEGA, Mr. GALLEGLY, and Mr. WAMP):

H. Res. 109. A resolution urging passage of a resolution addressing human rights abuses in North Korea at the 59th session of the United Nations Commission on Human Rights, and calling on the Government of North Korea to respect and protect the human rights of its citizens; to the Committee on International Relations.

By Mr. COX:

H. Res. 110. A resolution providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. DOYLE (for himself, Mr. MURPHY, Mr. HOLDEN, Mr. FATTAH, Mr. SHUSTER, Mr. MURTHA, Mr. GREENWOOD, Ms. HART, Mr. KANJORSKI, Mr. PETERSON of Pennsylvania, Mr. HOEFFEL, Mr. PLATTS, Mr. BRADY of Pennsylvania, Mr. SHERWOOD, Mr. ENGLISH, and Mr. STUPAK):

H. Res. 111. A resolution honoring the legacy of Fred Rogers and his dedication to creating a more compassionate, kind, and loving world for children and adults; to the Committee on Government Reform.

By Mr. BACA (for himself, Mr. RODRIGUEZ, Mrs. NAPOLITANO, Mr. HINOJOSA, Ms. LINDA T. SANCHEZ of California, Mr. CUMMINGS, Mr. ABERCROMBIE, Mr. ORTIZ, Ms. SOLIS, Mr. BERMAN, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASTOR, Ms. WATSON, Mr. McDERMOTT, Ms. MILLENDER-McDONALD, Mr. REYES, Mr. GONZALEZ, Mr. BECERRA, Ms. VELAZQUEZ, Mr. SERRANO, Mr. MENENDEZ, Mrs. CAPPS, Mr. GRIJALVA, Mr. ACEVEDO-VILA, Mr. CARDOZA, Mr. GUTIERREZ, and Mr. HONDA):

H. Res. 112. A resolution urging the establishment and observation of a legal public holiday in honor of Cesar E. Chavez.

By Mr. HAYWORTH:

H. Res. 113. A resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Res. 114. A resolution honoring the life of Betty Shabazz; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 115. A resolution expressing the sense of the House of Representatives that Sugar Ray Robinson should be recognized for his athletic achievements and commitment to young people; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 116. A resolution expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES (for himself, Mr. ACEVEDO-VILA, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. SOLIS, and Ms. VELAZQUEZ):

H. Res. 117. A resolution commending the Latino and immigrant workers who participated in the completion of the Pentagon renovation project, referred to as the Phoenix Project; to the Committee on Education and the Workforce.

By Mr. WELDON of Pennsylvania (for himself, Mr. CARDIN, Mr. HOYER, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, Mr. BALLENGER, Mr. CUNNINGHAM, Mr. UPTON, Mr. WALDEN of Oregon, Mr. GOODE, Mr. HOSTETTLER, Mr. PLATTS, Mr. WILSON of South Carolina, Mr. PETERSON of Pennsylvania, Mr. TOOMEY, Mr. BARTLETT of Maryland, Mr. SIMMONS, Mr. DELAHUNT, Mr. SWEENEY, Mr. COBLE, Mr. SANDLIN, Mr. HUNTER, Mr. SAXTON, Mr. SMITH of Michigan, Mr. EDWARDS, Mr. CRENSHAW, Mr. PITTS, Mr. HOBSON, Mr. KIRK, Mr. HOLDEN, Mr. RYUN of Kansas, Mr. HAYES, Mr. SHUSTER, Mr. SHERWOOD, Mr. SOUDER, Mr. WELLER, Mr. SKELTON, Mr. McHUGH, Mr. HALL, Mr. NORWOOD, Mr. SAM JOHNSON of Texas, Mr. DUNCAN, Mr.

CAMP, Mr. GREENWOOD, Mr. TERRY, and Mr. CROWLEY):

H. Res. 118. A resolution calling for the establishment of an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other criminal violations of international law; to the Committee on International Relations.

¶15.18 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. STARK, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. MENENDEZ, Mr. ABERCROMBIE, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mr. FATTAH, Mr. FORD, Mr. FROST, Mr. FRANK of Massachusetts, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLDEN, Mr. KILDEE, Mr. LANTOS, Ms. LOFGREN, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEHAN, Mr. NADLER, Ms. NORTON, Mr. REYES, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Ms. SCHAKOWSKY, Ms. SOLIS, and Mr. TOWNS.

H.R. 49: Ms. HOOLEY of Oregon, Mr. CHOCOLA, Mr. ROGERS of Michigan, and Mr. FOSSELLA.

H.R. 50: Mr. CULBERSON, Mr. CHOCOLA, Mr. CANNON, Mrs. BLACKBURN, Mr. ISSA, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 52: Mr. REHBERG, Mr. GRAVES, Mr. CRANE, Mr. OTTER, Ms. ROS-LEHTINEN, Mr. RANGEL, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Mr. CARSON of Oklahoma, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 55: Mr. FLAKE.

H.R. 58: Mr. GALLEGLY, Mr. NEAL of Massachusetts, Mrs. BONO, Mr. SOUDER, MR. WU, Mr. BILIRAKIS, Ms. LOFGREN, Mr. TERRY, Mr. DOYLE, Mr. OLVER, Mr. FORBES, Mr. LAHOOD, and Mr. OBERSTAR.

H.R. 73: Mr. KUCINICH, Mr. BRADY of Texas, and Mr. ROTHMAN.

H.R. 119: Mrs. CUBIN.

H.R. 140: Mr. BALLANCE.

H.R. 155: Mr. DUNCAN.

H.R. 157: Mr. STENHOLM.

H.R. 167: Ms. ROS-LEHTINEN.

H.R. 168: Mr. GERLACH, Mr. GILLMOR, Ms. GINNY BROWN-WAITE of Florida, and Mr. KLINE.

H.R. 173: Mr. MCGOVERN, Mr. PETERSON of Minnesota, Mr. ETHERIDGE, Mr. NEAL of Massachusetts, Mr. ROGERS of Kentucky, Mr. HOEFFEL, and Mr. WEXLER.

H.R. 180: Mr. BARRETT of South Carolina.

H.R. 200: Mr. FALEOMAVAEGA.

H.R. 201: Mr. ROGERS of Michigan.

H.R. 208: Mr. STENHOLM.

H.R. 210: Mr. HOBSON, Mr. GILLMOR, Mrs. MUSGRAVE, Mr. KELLER, Mr. CANNON, Mr. FRANKS of Arizona, and Mr. SESSIONS.

H.R. 224: Mr. DUNCAN.

H.R. 240: Mr. FILNER.

H.R. 241: Mr. KILDEE.

H.R. 300: Mr. TERRY.

H.R. 303: Mr. LUCAS of Kentucky, Mrs. TAUSCHER, and Mr. DAVIS of Alabama.

H.R. 323: Mr. OLVER.

H.R. 331: Ms. LOFGREN, Mr. CARSON of Oklahoma, and Mr. LAHOOD.

H.R. 339: Mr. LOBIONDO and Mr. HASTINGS of Washington.

H.R. 361: Mr. WALSH and Ms. WATSON.

H.R. 373: Mr. SANDERS.

H.R. 375: Mr. CANTOR and Mr. HOUGHTON.

H.R. 383: Mr. OSE.

H.R. 396: Mr. LIPINSKI.

H.R. 401: Mr. WEXLER, Mr. PENCE, Mr. LOBIONDO, and Mr. VAN HOLLEN.

H.R. 412: Mrs. LOWERY and Mr. CLYBURN.

H.R. 414: Mr. LAMPSON and Ms. SCHAKOWSKY.

H.R. 433: Mr. PRICE of North Carolina.

H.R. 434: Mr. REYNOLDS, Mr. SIMMONS, Mr. POMBO, Mr. PAUL, Mr. LEACH, Mr. LINDER, Mr. BONILLA, Mr. GRAVES, and Mr. HAYWORTH.

H.R. 442: Mr. OWENS.

H.R. 462: Mr. PAUL and Mr. TERRY.

H.R. 466: Mr. GUTIERREZ, Mr. SANDERS, Ms. WATSON, Mr. TOWNS, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. WEXLER, Mr. SHERMAN, Mr. BONILLA, Mr. CAPUANO, Mr. FILNER, Mr. MARKEY, Mr. TIERNEY, Mr. GREEN of Texas, Ms. MILLENDER-MCDONALD, Mr. CASE, Mr. DAVIS of Illinois, Mr. PICKERING, Mr. GINGREY, and Mrs. CAPPS.

H.R. 467: Mr. PALLONE, Ms. KAPTUR, Mr. FROST, Mr. STARK, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. SANDERS.

H.R. 468: Ms. KAPTUR, Ms. CORRINE BROWN of Florida, and Mr. OWENS.

H.R. 469: Mr. FROST, Mr. ETHERIDGE, Mr. MCNULTY, and Mr. OWENS.

H.R. 470: Mr. FRANK of Massachusetts, Mr. OTTER, Ms. WATERS, Mr. MCNULTY, Mr. KUCINICH, and Mr. OWENS.

H.R. 471: Mr. FRANK of Massachusetts, Mr. OTTER, Ms. WATERS, Mr. MCNULTY, Mr. KUCINICH, and Mr. OWENS.

H.R. 472: Mr. FRANK of Massachusetts, Mr. OTTER, Ms. WATERS, Mr. MCNULTY, Mr. KUCINICH, and Mr. OWENS.

H.R. 473: Ms. WATSON, Mr. MCNULTY, Mr. OWENS, and Mr. CLYBURN.

H.R. 474: Mr. FRANK of Massachusetts, Mr. OTTER, Ms. WATERS, Mr. MCNULTY, Mr. KUCINICH, and Mr. OWENS.

H.R. 476: Ms. DELAURO and Mr. MCDERMOTT.

H.R. 489: Mr. DUNCAN and Mr. GOODE.

H.R. 491: Mr. BONNER, Mr. NORWOOD, Mr. OTTER, Mr. TAYLOR of Mississippi, Mr. DEFAZIO, Mr. BOOZMAN, Mr. TAYLOR of North Carolina, and Mr. BURNS.

H.R. 522: Mr. OSBORNE.

H.R. 528: Mr. VISCLOSKY, Mr. TIERNEY, and Mr. COSTELLO.

H.R. 531: Mr. KING of New York, Mr. GREEN of Wisconsin, Mr. STARK, Mr. CASTLE, Ms. WOOLSEY, Mr. WALSH, Mr. FARR, Mr. UPTON, Mr. SANDERS, Mr. MATSUI, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. STUPAK, Mr. MCDERMOTT, Mr. SHADEGG, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYNOLDS, Mr. GORDON, Mr. ISSA, Mr. GREEN of Texas, Mr. COSTELLO, Mr. HALL, Mr. MCGOVERN, Ms. DELAURO, Ms. SCHAKOWSKY, and Mr. PASCRELL.

H.R. 545: Mr. UPTON and Mr. MCCRERY.

H.R. 548: Mrs. MALONEY, Mr. BISHOP of Georgia, Mr. REYES, Mr. LARSEN of Washington, Mr. FALEOMAVAEGA, Mrs. JO ANN DAVIS of Virginia, Mr. DICKS, Mr. GALLEGLY, Mr. GILLMOR, Mr. WEXLER, and Mr. PORTER.

H.R. 569: Mr. ENGLISH.

H.R. 572: Mr. SOUDER and Mr. ISAKSON.

H.R. 584: Mr. HOBSON.

H.R. 585: Mr. MCDERMOTT, Mr. GRIJALVA, Ms. CARSON of Indiana, and Mr. SANDERS.

H.R. 588: Mr. STARK.

H.R. 591: Mr. KNOLLENBERG.

H.R. 594: Mr. VISCLOSKY, Mr. LANGEVIN, Mr. REYES, Mr. HOEFFEL, Mr. JEFFERSON, Mr. CAPUANO, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 664: Ms. WOOLSEY, Mrs. NAPOLITANO, Mr. DOOLEY of California, Ms. LINDA T. SANCHEZ of California, Mr. GUTIERREZ, Mr. CASE, Mr. WAXMAN, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. LIPINSKI, Mr. FOSSELLA, Mr. FALEOMAVAEGA, Mr. VAN HOLLEN, and Mr. EMANUEL.

H.R. 678: Mr. PICKERING, Mr. ROGERS of Alabama, and Mr. THOMPSON of Mississippi.

H.R. 680: Mr. LAMPSON.

H.R. 684: Mrs. MUSGRAVE and Mr. FOSSELLA.

H.R. 692: Mr. KUCINICH.

H.R. 693: Mr. TAYLOR of Mississippi, Mr. UDALL of Colorado, and Mr. SCHIFF.

H.R. 713: Mr. MCNULTY.

H.R. 715: Mrs. MALONEY, Ms. BERKLEY, and Ms. LOFGREN.

H.R. 720: Mr. MARIO DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Florida, Mr. FORD, Mr. GORDON, Mr. BELL, Mr. EDWARDS, Mr. RODRIGUEZ, Mr. SMITH of Washington, Mr. DEUTSCH, Mr. JENKINS, and Ms. GRANGER.

H.R. 722: Mr. MCHUGH, Mr. REYNOLDS, Mr. BARRETT of South Carolina, Mr. JOHNSON of Illinois, Mr. DOOLITTLE, Mr. JONES of North Carolina, Mr. JEFFERSON, Mr. FOLEY, and Mr. STENHOLM.

H.R. 727: Mr. MCGOVERN, Mr. VAN HOLLEN, and Ms. LOFGREN.

H.R. 729: Mrs. MYRICK and Ms. WOOLSEY.

H.R. 730: Mr. GARY G. MILLER of California.

H.R. 735: Mr. SULLIVAN.

H.R. 740: Ms. NORTON.

H.R. 752: Mr. MARKEY, Mr. ACKERMAN, and Mr. KUCINICH.

H.R. 760: Mr. JOHNSON of Illinois.

H.R. 762: Mr. GIBBONS.

H.R. 766: Mr. ETHERIDGE, Ms. HART, Mr. WELDON of Pennsylvania, and Mr. BELL.

H.R. 768: Mr. CANNON and Mr. DEAL of Georgia.

H.R. 776: Mr. MEEHAN and Ms. NORTON.

H.R. 779: Mr. SCHIFF, Mr. CONYERS, and Mr. FROST.

H.R. 785: Mr. BOEHLERT.

H.R. 786: Mr. REHBERG, Mr. OSE, Mr. BURNS, Ms. HART, Mr. FEENEY, Mr. HULSHOF, Mr. FERGUSON, Mr. TIBERI, Mr. CANTOR, and Mr. SHAW.

H.R. 794: Mr. GIBBONS.

H.R. 797: Ms. GINNY BROWN-WAITE of Florida.

H.R. 802: Ms. WOOLSEY.

H.R. 804: Mr. WALDEN of Oregon, Mr. FOLEY, and Mr. DOOLITTLE.

H.R. 809: Mr. BOEHLERT and Mr. DOOLEY of California.

H.R. 813: Mr. TAYLOR of Mississippi.

H.R. 830: Mr. STUPAK.

H.R. 834: Mr. COX, Mr. LARSEN of Washington, and Mr. FOLEY.

H.R. 841: Mr. HAYWORTH.

H.R. 844: Mr. OWENS, Mr. SANDERS, Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. ORTIZ, Mr. UPTON, and Ms. SOLIS.

H.R. 846: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEXLER, Mr. CLYBURN, and Mrs. NAPOLITANO.

H.R. 847: Ms. NORTON, Mr. LATOURETTE, Mr. HASTINGS of Florida, and Mr. FRANK of Massachusetts.

H.R. 857: Mr. EVANS.

H.R. 859: Mr. NEY, Mr. FROST, and Mr. SOUDER.

H.R. 876: Mr. BACHUS.

H.R. 877: Mr. PORTMAN, Mr. MCCRERY, and Mr. POMEROY.

H.R. 878: Mr. WILSON of South Carolina and Mr. REYNOLDS.

H.R. 887: Mr. BAIRD, Mr. ACEVEDO-VILA, and Mr. FILNER.

H.R. 896: Mr. ACKERMAN.

H.R. 919: Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mr. HOLDEN, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. DELAURO, Mr. OLVER, Mr. DOGGETT, and Mr. SIMMONS.

H.R. 933: Ms. LINDA T. SANCHEZ of California.

H.R. 941: Mr. HAYWORTH.

H.J. Res. 20: Mr. BLUMENAUER and Mr. HINCHEY.

H.J. Res. 22: Mr. FORBES.

H.J. Res. 24: Ms. JACKSON-LEE of Texas, Mr. FARR, Ms. LOFGREN, and Mr. DEFAZIO.

H. Con. Res. 29: Mr. BARTLETT of Maryland, Mr. BOOZMAN, Ms. GINNY BROWN-WAITE of Florida, and Mr. ROGERS of Kentucky.

H. Con. Res. 30: Mr. WEXLER.

H. Con. Res. 47: Mr. ACEVEDO-VILA, Ms. SOLIS, Mr. MCNULTY, Mr. CLAY, Ms. VELAZQUEZ, Mr. WATT, Mr. LEWIS of Georgia, Mr. WYNN, Ms. CARSON of Indiana, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. FATTAH, Mr. GUTIERREZ, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 49: Mr. LINDER, Mr. VAN HOLLEN, Mr. WEINER, Mr. ACKERMAN, Mr. HOEFFEL, Mr. SENSENBRENNER, Mr. WAXMAN, Mr. FOLEY, Mr. BLUNT, Mr. SULLIVAN, Ms. ROS-LEHTINEN, Mr. CARSON of Oklahoma, Mr. MCDERMOTT, Mr. SWEENEY, Mr. FORBES, Mr. CLAY, Mr. PAYNE, Mr. EVANS, Mr. FROST, Ms. SCHAKOWSKY, Mr. FARR, and Mr. BERMAN.

H. Res. 19: Mr. BURGESS.

H. Res. 21: Mr. DAVIS of Illinois, Mr. OWENS, Mr. FRANK of Massachusetts, Mr. ENGEL, Mr. OLVER, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, Mr. DOGGETT, Mr. ALLEN, Mr. UDALL of New Mexico, and Ms. LOFGREN.

H. Res. 38: Mrs. MALONEY.

H. Res. 49: Mr. BISHOP of New York, Ms. HOOLEY of Oregon, Mr. BISHOP of Georgia, Mr. MCHUGH, Mr. MENENDEZ, Mr. UPTON, Mr. BARRETT of South Carolina, Mr. BALLANCE, Mr. MURPHY, and Mr. LIPINSKI.

H. Res. 56: Mr. LEVIN, Mr. ENGEL, Mr. WATT, and Mrs. LOWEY.

H. Res. 58: Mr. EMANUEL.

H. Res. 60: Mr. WEINER, Mr. GREEN of Texas, Mr. KING of New York, Mr. OXLEY, Mr. WOLF, Mrs. NAPOLITANO, Mr. BURTON of Indiana, and Mr. SAXTON.

H. Res. 72: Mr. DOGGETT.

H. Res. 86: Ms. MILLENDER-MCDONALD, Mr. COOPER, Mr. BOYD, Mr. SPRATT, Mr. FROST, Mr. ETHERIDGE, and Mr. SOUDER.

MONDAY, MARCH 3, 2003 (16)

¶16.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. ADERHOLT, who laid before the House the following communication:

WASHINGTON, DC,
March 3, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

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

¶16.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ADERHOLT, announced he had examined and approved the Journal of the proceedings of Thursday, February 27, 2003.

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

¶16.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

858. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Full Approval of Operating Permit Program; Maryland [MD-T5-2002-01a; FRL-7440-2] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

859. A communication from the President of the United States, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

860. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2002 through September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

861. A letter from the Public Printer, Government Printing Office, transmitting the Annual Report for Fiscal Year 2001; to the Committee on House Administration.

862. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cameron Balloons Ltd. (Sky Balloons) Mk1 (BR1) & Mk2 (Mistral) Burners [Docket No. 2000-CE-50-AD; Amendment 39-12951; AD 2002-23-07] (RIN: 2120-AA64) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

863. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No. 2001-SW-26-AD; Amendment 39-12947; AD 2002-23-03] (RIN: 2120-AA64) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

864. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes Equipped with Collins LRA-900 Radio Altimeters [Docket No. 2000-NM-406-AD; Amendment 39-12962; AD 2002-23-18] (RIN: 2120-AA64) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

865. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MT-Propeller Entwicklung GMBH Models MTV-9-B-C and MTV-3-B-C Propellers [Docket No. 99-NE-35-AD; Amendment 39-12953; AD 2002-23-09] (RIN: 2120-AA64) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

866. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes; and Model A310 Series Airplanes [Docket No. 2002-NM-40-AD; Amendment 39-12969; AD 2002-24-04] (RIN: 2120-AA64) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

867. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 900EX and Mystere Falcon 900 Series Airplanes [Docket No. 2000-NM-418-AD; Amendment 39-12964; AD 2002-23-20] (RIN: 2120-AA64) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

868. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes [Docket No. 2000-NM-417-AD; Amendment 39-12963; AD 2002-23-19] (RIN: 2120-AA64) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

869. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-24-AD; Amendment 39-12965; AD 2002-23-21] (RIN: 2120-AA64) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

870. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Henderson Airport; Las Vegas, NV [Airspace Docket No. 02-AWP-4] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

871. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Zanesville, OH [Airspace Docket No. 01-AGL-21] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

872. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Surface Area at Indian Springs Air Force Auxiliary Field; Indian Springs, NV [Airspace Docket No. 02-AWP-2] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

873. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace, St. George, UT [Airspace Docket No. 01-ANM-19] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

874. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace, Hailey, ID [Airspace Docket No. 01-ANM-18] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

875. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Philadelphia, PA [Docket No. FAA-2002-13944; Airspace Docket No. 02-AEA-03] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

876. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Fremont, NE [Airspace Docket No. 02-ACE-5] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

877. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Norfolk NAS, VA [Docket No. FAA-2002-13980; Airspace Docket No. 02-AEA-12] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

878. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Greenville Donaldson Center, SC, Amendment of Class E2 Airspace; Greer, Greenville -Spartanburg Airport SC, and Amendment of Class E5 Airspace; Greenville, SC [Airspace Docket No. 02-ASO-4] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

879. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operating Regulations; Bayou Lafourche, Cutoff, LA [CGD08-03-001] (RIN: 2115-AE47) received January 27, 2003, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

880. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Burlington, IA [CGD08-02043] (RIN: 2115-AE47) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

881. A letter from the Program Analyst, FAA, Departmentof Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Milbank, SD [Docket No. FAA-2002-13819; Airspace Docket No. 02-AGL-10] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

882. A letter from the transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-24-AD; Amendment 39-12965; AD 2002-23-21] (RIN: 2120-AA64) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

883. A letter from the Assistant Secretary for Import Administration and the Assistant U. S. Trade Representative for WTO and Multilateral Affairs, Department of Commerce, transmitting a report entitled, ''Subsidies Enforcement Annual Report To The Congress''; to the Committee on Ways and Means.

¶16.4 MESSAGE FROM THE SENATE

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

S. Con. Res. 10. A concurrent resolution designating April 2003 as ''Human Genome Month'' and April 25, 2003, as ''DNA Day''.

The message also announced that pursuant to Public Law 107–273, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals as members of the Antitrust Modernization Commission: Steve Cannon, of Virginia, and Makan Delrahim, of the District of Columbia.

¶16.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. ADERHOLT, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 28, 2003 at 5:15 p.m. and said to contain a message from the President whereby he submits the 2003 Trade Policy Agenda and 2002 Annual Report on the Trade Agreements Program.

With best wishes, I am
Sincerely,

MARTHA C. MORRISON,
Deputy Clerk.

¶16.6 2003 TRADE POLICY AND 2002 TRADE AGREEMENTS PROGRAM

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

In accordance with section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 2003 Trade Policy Agenda and 2002 Annual Report on the Trade Agreements Program as prepared by my Administration.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 28, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108–43).

¶16.7 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. STUPAK, for today and balance of the week.

And then,

¶16.8 ADJOURNMENT

The SPEAKER pro tempore, Mr. ADERHOLT, by unanimous consent and pursuant to the special order of the House of February 27, 2003, at 12 o'clock and 5 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, March 4, 2003.

¶16.9 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGEL:

H.R. 1045. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT:

H. Res. 119. A resolution providing amounts for the expenses of the Committee on Science in the One Hundred Eighth Congress; to the Committee on House Administration.

¶16.10 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 893: Mr. OWENS.

H.R. 894: Mr. OWENS.

H.R. 895: Mr. OWENS.

H.R. 896: Mr. ISRAEL, Mr. FRANK of Massachusetts, Mr. FROST, Mr. OWENS, and Mr. KILDEE.

H. Con. Res. 59: Ms. SCHAKOWSKY.

H. Res. 111: Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NADLER, Mr. HINCHEY, Mr. GRIJALVA, Mrs. JONES of Ohio, Mr. PASCRELL, Mr. SERRANO, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. ISRAEL, Mr. BISHOP of New York, Mr. HASTINGS of Florida, Mr. LANTOS, Ms. CARSON of Indiana, Mr. MARKEY, Ms. KAPTUR, Mr. INSLEE, Mr. REYES, Mrs. CHRISTENSEN, Mrs. MALONEY, Mr. SIMMONS, Mr. MORAN of Virginia, Mr. ETHERIDGE, Ms. DELAURO, Mr. BLUMENAUER, Mr. WU, Mr. MCNULTY, Ms. KILPATRICK, Ms. SLAUGHTER, Mr. LEVIN, Mr. FORD, Mr. RODRIGUEZ, Mr. MICHAUD, Mr. PITTS, Mr. KIND, Mr. DINGELL, Mrs. DAVIS of California, Mr. LEACH, Ms. LEE, Mr. SKELTON, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, Mr. WEINER, Mrs. BIGGERT, and Mr. DELAHUNT.

TUESDAY, MARCH 4, 2003 (17)

¶17.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. MILLER of Florida, who laid before the House the following communication:

WASHINGTON, DC,
March 4, 2003.

I hereby appoint the Honorable JEFF MILLER to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶17.2 RECESS—1:10 P.M.

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock 10 minutes p.m., until 2 p.m.

¶17.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶17.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Monday, March 3, 2003.

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

¶17.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

884. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 00-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

885. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 00-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

886. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 97-08, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

887. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 97-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

888. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the

Department of the Navy, Case Number 01-07, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

889. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-05, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

890. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 00-04, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

891. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 99-09E, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

892. A letter from the Secretary, Department of Transportation, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

893. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants: New Hampshire; Plan for Controlling Emmissions from Existing Commercial and Industrial Solid Waste Incinerators [NH-50-7174a; FRL-7447-6] received February 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

894. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emmissions from New Marine Compression-Ignition Engines at or above 30 Liters per Cylinder [AMS-FRL-7448-9] received February 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

895. A letter from the Director, Defense Security Cooperation Agency, transmitting a report on the status the Foreign Military Financing Account Direct Loans, the Foreign Military Loan Liquidating Account Direct Loans and the Military Debt Reduction Account Direct Loans as of 30 September 2002, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

896. A letter from the Director, Defense Security Cooperation Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees during Fiscal Year 2002, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

897. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 04-03 which informs you of our intent to sign Amendment Number One to the NATO Improved Link Eleven Memorandum of Understanding (MOU) between the United States, Canada, France, Germany, Italy, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

898. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Norway [Transmittal No. DTC 285-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

899. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 287-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

900. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 284-02], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

901. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 286-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

902. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act, pursuant to Public Law 103—160, section 1203(d) and Public Law 102—511, section 502; to the Committee on International Relations.

903. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Dayton, OH [Docket No. FAA-2002-14045; Airspace Docket No. 02-AGL-13] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

904. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Indianapolis, IN; Correction [Docket No. FAA-2002-13817; Airspace Docket No. 02-AGL-09] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

905. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Circleville, OH [Docket No. FAA-2002-14179; Airspace Docket No. 02-AGL-08] received January 27, 2003; to the Committee on Transportation and Infrastructure.

906. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Columbus, OH [Docket No. FAA-2002-14005; Airspace Docket No. 02-AGL-14] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

907. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Sparta, WI; Modification of Class E Airspace; Sparta, WI [Docket No. FAA-2002-14046; Airspace Docket No. 02-AGL-15] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

908. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-85-AD; Amendment 39-13003; AD 2002-26-15] (RIN: 2120-AA64) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

909. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 2002-NM-53-AD; Amendment 39-12996; AD 2002-26-08] (RIN: 2120-AA64) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

910. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Beech Models 36, A36, A36TC, B36TC, 58, and 58A Airplanes [Docket No. 2002-CE-07-AD; Amendment 39-13012; AD 2003-01-01] (RIN: 2120-AA64) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

911. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes [Docket No. 2002-NM-46-AD; Amendment 39-13018; AD 2003-02-02] (RIN: 2120-AA64) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

912. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), and DC-9-83 (MD-83) Airplanes, and Model MD-88 Airplanes [Docket No. 2000-NM-166-AD; Amendment 39-13009; AD 2002-26-20] (RIN: 2120-AA64) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

913. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Co. CF6-80A Series Turbofan Engines [Docket No. 2002-NE-44-AD; Amendment 39-13016; AD 2003-01-05] (RIN: 2120-AA64) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

914. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Series Airplanes [Docket No. 2001-NM-250-AD; Amendment 39-13013; AD 2003-01-02] (RIN: 2120-AA64) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

915. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B, 205A-1, 205B and 212 Helicopters [Docket No. 2002-SW-14-AD; Amendment 39-13015; AD 2003-01-04] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2001-NM-290-AD; Amendment 39-13004; AD 2002-26-16] (RIN: 2120-AA64) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Point Hope, AK [Docket No. FAA-2002-14076; Airspace Docket No. 02-AAL-6] received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

918. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Flint, MI [Docket No. FAA-2002-13820; Airspace Docket No. 02-AGL-11] received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

919. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Annisquam River and Blynman Canal, MA [CGD01-03-006] received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

920. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Jamaica Bay and Connecting Waterways, NY [CGD01-02-143] (RIN: 2115-AE47) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

921. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 14.5 to 16.0, Cairo, IL [COTP Paducah, KY 03-003] (RIN: 2115-AA97) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

922. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Notification of Arrival in U.S. Ports [USCG-2002-11865] (RIN: 2115-AG35) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

923. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operating Regulations; Inner Harbor Navigation Canal, New Orleans, LA [CGD08-03-004] (RIN: 2115-AE47] (RIN:2115-AE47) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶17.6 LUTHERAN SCHOOLS

Mr. CASTLE moved to suspend the rules and agree to the following resolution (H. Res. 106):

Whereas the Nation's Lutheran schools deliver high-quality education and challenge students to reach their potential;

Whereas there are 4,841 Lutheran early childhood centers, elementary schools, and secondary schools in the United States served by 40,076 teachers;

Whereas the Nation's total Lutheran school student enrollment is 572,877;

Whereas Lutheran schools produce students strongly dedicated to their faith, values, and morals by providing an environment that encourages honesty, trust, respect, and responsibility; and

Whereas the week beginning on March 2, 2003, has been established as National Lutheran Schools Week for the purpose of recognizing the vital contributions of the Nation's Lutheran early childhood education centers, elementary schools, and secondary schools: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of National Lutheran Schools Week, which is celebrated by several synods that have educational institutions, for the purpose of recognizing their academic achievement; and

(2) congratulates Lutheran schools, students, parents, teachers, administrators, and congregations across the Nation for their ongoing contributions to education.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. CASTLE and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CASTLE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶17.7 NATIONAL VISITING NURSE ASSOCIATION WEEK

Mrs. MILLER of Michigan moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 54):

Whereas visiting nurse associations (VNAs) are nonprofit home health agencies that, for over 120 years, have been united in their mission to provide cost-effective and compassionate home and community-based health care to individuals, regardless of the individuals' condition or ability to pay for services;

Whereas there are more than 500 visiting nurse associations, which employ more than 90,000 clinicians, provide health care to more than 4,000,000 people each year, and provide a critical safety net in communities by developing a network of community support services that enable individuals to live independently at home;

Whereas visiting nurse associations have historically served as primary public health care providers in their communities, and are today one of the largest providers of mass immunizations in the medicare program (delivering over 2,500,000 influenza immunizations annually);

Whereas visiting nurse associations are often the home health providers of last resort, serving the most chronic of conditions (such as congestive heart failure, chronic obstructive pulmonary disease, AIDS, and quadriplegia) and individuals with the least ability to pay for services (more than 50 percent of all medicaid home health admissions are by visiting nurse associations);

Whereas any visiting nurse association budget surplus is reinvested in supporting the association's mission through services, including charity care, adult day care centers, wellness clinics, Meals-on-Wheels, and immunization programs;

Whereas visiting nurse associations and other nonprofit home health agencies care for the highest percentage of terminally ill and bedridden patients;

Whereas thousands of visiting nurse association volunteers across the Nation devote time serving as individual agency board members, raising funds, visiting patients in their homes, assisting in wellness clinics, and delivering meals to patients;

Whereas the establishment of an annual National Visiting Nurse Association Week would increase public awareness of the charity-based missions of visiting nurse associations and of their ability to meet the needs of chronically ill and disabled individuals who prefer to live at home rather than in a nursing home, and would spotlight preventive health clinics, adult day care programs, and other customized wellness programs that meet local community need; and

Whereas the second week in May is an appropriate week to establish as National Visiting Nurse Association Week: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that there should be established an annual National Visiting Nurse Association Week.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. MILLER of Michigan and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MILLER of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶17.8 FRED ROGERS

Mr. MURPHY moved to suspend the rules and agree to the following resolution (H. Res. 111):

Whereas on February 27, 2003, neighborhoods across the Nation were saddened by the death of Fred McFeely Rogers, creator and star of ''Mister Rogers' Neighborhood'';

Whereas Mr. Rogers was born in Latrobe, Pennsylvania, in 1928, and moved to Pittsburgh in 1953, where he pursued his education at the University of Pittsburgh while attending Pittsburgh Theological Seminary;

Whereas in 1963, Mr. Rogers was ordained as a Presbyterian minister;

Whereas his landmark show ''Mister Rogers' Neighborhood'' inspired, taught, and encouraged children, families, and adults since its first nationwide broadcast on February 19, 1968, with messages of love, peace, and comfort;

Whereas Mr. Rogers created over 200 of his own songs for his show, which always began in a comfortable family living room as he changed into his trademark cardigan sweater and sneakers, to encourage the healthy emotional growth of children and their families through imagination and friendship;

Whereas Mr. Rogers encouraged millions of children across the world to love themselves and their neighbors and to deal with complex emotional issues in a safe, reassuring way;

Whereas on July 9, 2002, in recognition of the contributions of Mr. Rogers, President George W. Bush presented him with the Presidential Medal of Freedom at a White House ceremony and said, ''Fred Rogers has proven that television can soothe the soul and nurture the spirit and teach the very young'';

Whereas the final show of ''Mister Rogers' Neighborhood'' aired in August 2001, after having completed 33 television seasons and nearly 1,000 episodes;

Whereas Mr. Rogers received many awards and honors for his efforts, including lifetime achievement awards from the Daytime Emmys and the Television Critics Association, designation as one of the ''50 greatest TV stars of all time'' by TV Guide, a star on the Hollywood Walk of Fame in 1998, and induction into the Television Hall of Fame in 1999; and

Whereas Mr. Rogers always remained humble and true to his philosophy, saying ''I have really never considered myself a TV star. . . . I always thought I was a neighbor who just came in for a visit'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Fred Rogers for his legendary service to the improvement of the lives of children, his steadfast commitment to demonstrating the power of compassion, and his dedication to spreading kindness through example; and

(2) expresses condolences and sympathies to his wife Joanne, his two sons, and his two grandsons.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. MURPHY and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MURPHY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶17.9 RECESS—3:07 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 7 minutes p.m., until approximately 6:30 p.m.

¶17.10 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. OTTER, called the House to order.

¶17.11 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. OTTER, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 2003.

Hon. J. Dennis Hastert,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 27, 2003, I hereby resign from the Committee on Science due to my appointment to the Committee on Education and the Workforce.

Sincerely,

TIMOTHY BISHOP,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶17.12 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. OTTER, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective March 3, 2003, I hereby resign from the Committee on Small Business due to my appointment to the Committee on Armed Services.

Thank you for your assistance in this matter. If you have any questions, please contact me at (202) 225–5261.

Sincerely,

TIM RYAN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶17.13 H. RES. 106—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OTTER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 106) congratulating Lutheran schools, students, parents, teachers, administrators, and congregations across the Nation for their ongoing contributions to education, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 / Nays 0

¶17.14 [Roll No. 40]

YEAS—407

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

NOT VOTING—27

Becerra
Combest
Crowley
Dooley (CA)
Feeney
Ford
Gephardt
Graves
Gutierrez
Hart
Honda
Houghton
Jackson-Lee (TX)
Jefferson
LaTourette
McHugh
Millender-McDonald
Mollohan
Oberstar
Serrano
Snyder
Stupak
Sweeney
Terry
Towns
Vitter
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶17.15 H. CON. RES. 54—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OTTER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 54) expressing the sense of the Congress that there should be established an annual National Visiting Nurse Association Week.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶17.16 [Roll No. 41]

YEAS—411

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

NOT VOTING—23

Becerra
Combest
Crowley
Dooley (CA)
Feeney
Gephardt
Graves
Gutierrez
Herger
Houghton
Jefferson
LaTourette
Lewis (CA)
Mollohan
Oberstar
Sanders
Serrano
Snyder
Stupak
Sweeney
Terry
Vitter
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶17.17 H. RES. 111—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OTTER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 111) honoring the legacy of Fred Rogers and his dedication to creating a more compassionate, kind, and loving world for children and adults.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 0

¶17.18 [Roll No. 42]

YEAS—412

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

McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Becerra
Combest
Crowley
Dooley (CA)
Feeney
Gephardt
Graves
Gutierrez
Houghton
Jefferson
LaTourette
Mollohan
Oberstar
Sanders
Serrano
Snyder
Stupak
Sullivan
Sweeney
Terry
Vitter
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶17.19 ORDER OF BUSINESS—CONSIDERATION OF H.J. RES. 27

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order at any time on Wednesday, March 5, 2003, to consider in the House the joint resolution (H.J. Res. 27) recognizing and commending the continuing dedication, selfless service, and commitment of members of the Armed Forces and their families during the Global War on Terrorism and in defense of the United States; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion.

¶17.20 ORDER OF BUSINESS—CONSIDERATION OF H.R. 13

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order on Thursday, March 6, 2003, to consider in the House the bill (H.R. 13) to reauthorize the Museum and Library Services Act, and for other purposes; that the bill be considered as read for amendment; that the bill be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and that the previous question be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

¶17.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today; and

To Mr. SNYDER, for today and balance of the week.

And then,

¶17.22 ADJOURNMENT

On motion of Mr. TANCREDO, at 10 o'clock and 48 minutes p.m., the House adjourned.

¶17.23 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GREEN of Wisconsin (for himself, Mrs. MALONEY, Mr. WEINER, Mrs. JO ANN DAVIS of Virginia, Mr. MICHAUD, Ms. BERKLEY, Mr. KILDEE, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. CONYERS, Ms. WOOLSEY, Mr. WYNN, Mr. SERRANO, Mr. BISHOP of New York, Mr. ISRAEL, Mr. WU, Mr. MCHUGH, Mr. KENNEDY of Minnesota, Mr. BROWN of Ohio, Mr. HOLDEN, Mr. HINCHEY, Mr. LYNCH, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Mr. ABERCROMBIE, Mr. KUCINICH, Mrs. TAUSCHER, Mr. ACKERMAN, Ms. LINDA T. SANCHEZ of California, Ms. SOLIS, Mr. SPRATT, Mr. OWENS, Mr. DOOLEY of California, Ms. ROYBAL-ALLARD, Ms. BALDWIN, Mr. MATHESON, Mrs. JOHNSON of Connecticut, Mrs. LOWEY, Mrs. JONES of Ohio, Ms. HART, Mr. DEFAZIO, Mr. ALLEN, Mr. DICKS, Mr. SCOTT of Virginia, Mr. TIERNEY, Mr. LANGEVIN, Ms. SCHAKOWSKY, Ms. BORDALLO, Mr. BAIRD, Mr. VAN HOLLEN, Ms. SLAUGHTER, Mr. LEVIN, Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, Mr. OLVER, Ms. MCCOLLUM, Mr. LATOURETTE, Mr. PRICE of North Carolina, Mr. CROWLEY, Mr. HOLT, Mr. MORAN of Virginia, Mr. SCHIFF, Mr. UDALL of New Mexico, and Mr. MEEHAN):

H.R. 1046. A bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 1047. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina (for himself, Mr. RODRIGUEZ, Mr. SMITH of New Jersey, and Mr. EVANS):

H.R. 1048. A bill to amend title 38, United States Code, to increase the amount of assistance for certain disabled veterans for specially adapted housing and automobile and adaptive equipment; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina (for himself and Mr. STEARNS):

H.R. 1049. A bill to amend title 49, United States Code, to allow the arming of pilots of cargo aircraft, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. BALDWIN (for herself, Mr. BROWN of Ohio, and Ms. CARSON of Indiana):

H.R. 1050. A bill to amend the Internal Revenue Code of 1986 to increase the age limit for the child tax credit; to the Committee on Ways and Means.

By Mr. BEREUTER:

H.R. 1051. A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes; to the Committee on Resources.

By Mr. BLUMENAUER (for himself, Mr. FOLEY, Mr. INSLEE, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. HONDA, Mr. MCDERMOTT, Mr. DELAHUNT, and Mr. GUTIERREZ):

H.R. 1052. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 1053. A bill to amend the Internal Revenue Code of 1986 to provide a 7-year recovery period for depreciation of potato storage facilities; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mrs. BONO, and Mr. RAMSTAD):

H.R. 1054. A bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes; to the Committee on Ways and Means.

By Mr. CLYBURN (for himself, Mr. SPRATT, Mr. DEMINT, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mr. BARRETT of South Carolina):

H.R. 1055. A bill to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the "Dr. Roswell N. Beck Post Office Building"; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Mr. BURTON of Indiana, Mr. WAXMAN, Mr. MCHUGH, Mr. TIERNEY, Mr. HOYER, Mr. LEWIS of Kentucky, Mr. DAVIS of Illinois, Ms. NORTON, Mr. MORAN of Virginia,Mr. WOLF, Mr. RUSH, Mr. TERRY, Mr. CUMMINGS, Mr. OWENS, Mr. ALLEN, Ms. DELAURO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. FROST, Mr. MARKEY, Mr. RYAN of Ohio, Mr. SANDERS, Mr. SERRANO, Mr. WEINER, Mr. WYNN, and Ms. WATSON):

H.R. 1056. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees under Federal student loan repayment programs; to the Committee on Ways and Means.

By Mr. DEMINT (for himself, Mr. ACKERMAN, Mr. ADERHOLT, Mr. AKIN, Mr. ANDREWS, Mr. BACHUS, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BEREUTER, Mrs. BIGGERT, Mr. BLUNT, Mr. BOEHLERT, Mr. BOSWELL, Ms. GINNY BROWN-WAITE of Florida, Mr. BURR, Mr. BURTON of Indiana, Mr. CAMP, Mr. CANNON, Mr. CHABOT, Mr. CLAY, Mr. COSTELLO, Mr. CRAMER, Mr. CRANE, Mrs. JO ANN DAVIS of Virginia, Mr. DELAHUNT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DOOLITTLE, Mrs. EMERSON, Mr. ENGLISH, Mr. EVERETT, Mr. FERGUSON, Mr. FILNER, Mr. FLETCHER, Mr. FORBES, Mr. FORD, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. FRANKS of Arizona, Mr. GILCHREST, Mr. GORDON, Ms. GRANGER, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HOLDEN, Mr. HOSTETTLER, Mr. HYDE, Mr. INSLEE, Mr. ISAKSON, Mr. ISRAEL, Mr. ISTOOK, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Mr. KELLER, Mrs. KELLY, Mr. KILDEE, Mr. KIRK, Mr. KLINE, Mr. KOLBE, Mr. LAHOOD, Mr. LARSON of Connecticut, Mr. LIPINSKI, Mr. LOBIONDO, Mr. MANZULLO, Mr. MATHESON, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTYRE, Mr. MCNULTY, Mr. MICA, Ms. MILLENDER-MCDONALD, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NORWOOD, Mr. OBERSTAR, Mr. OLVER, Mr. OSBORNE, Mr. OTTER, Mr. OXLEY, Mr. PAUL, Mr. PENCE, Mr. PICKERING, Mr. PITTS, Mr. PLATTS, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RENZI, Mr. REYES, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. RYUN of Kansas, Ms. SCHAKOWSKY, Mr. SCHROCK, Mr. SENSENBRENNER, Mr. SERRANO, Mr. SHAYS, Mr. SIMMONS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STEARNS, Mr. STUPAK, Mr. TANCREDO, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. TERRY, Mr. TIAHRT, Mr. TIBERI, Mr. TOWNS, Mr. UDALL of Colorado, Mr. VITTER, Mr. WALDEN of Oregon, Mr. WALSH, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WEXLER, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON of South Carolina, and Mr. WOLF):

H.R. 1057. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 1058. A bill to provide for an exchange of certain private property in Colorado and certain Federal property in Utah; to the Committee on Resources.

By Mr. FROST:

H.R. 1059. A bill to amend title 10, United States Code, to provide increased access to military commissary stores for members of the Ready Reserve, persons who would be eligible for military retired pay (but for the fact that they are under 60 years of age), and their dependents; to the Committee on Armed Services.

By Mr. GALLEGLY:

H.R. 1060. A bill to provide for an exchange of lands with the United Water Conservation District of California to eliminate private inholdings in the Los Padres National Forest, and for other purposes; to the Committee on Resources.

By Mr. GALLEGLY (for himself, Mr. GIBBONS, Mr. SOUDER, Mr. LEWIS of California, Mr. CANNON, and Mr. REHBERG):

H.R. 1061. A bill to remove a restriction on the authority of the Secretary of Agriculture and the Secretary of the Interior to enter into agreements with any Federal agency to acquire goods and services directly related to improving or using the wildfire fighting capability of those agencies; to the Committee on Agriculture, and in addition to the Committees on Resources, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 1062. A bill to require the Secretary of the Interior to make reimbursement for certain damages incurred as a result of bonding regulations adopted by the Bureau of Land Management on February 28, 1997, and subsequently determined to be in violation of Federal law; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 1063. A bill to limit the age restrictions imposed by the Administrator of the Federal Aviation Administration for the issuance or renewal of certain airman certificates, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:

H.R. 1064. A bill to amend title 18, United States Code, to authorize Bureau of Prison personnel to carry firearms off duty; to the Committee on the Judiciary.

By Mr. ISRAEL:

H.R. 1065. A bill to amend title II of the Social Security Act to allow the Commissioner of Social Security reasonable discretion in applying the 10-year marriage requirement for entitlement of divorced spouses to spousal benefits in cases in which the divorce is in whole or in part the result of severe spousal or child abuse; to the Committee on Ways and Means.

By Ms. LOFGREN (for herself and Mr. BOUCHER):

H.R. 1066. A bill to amend title 17, United States Code, to safeguard the rights and expectations of consumers who lawfully obtain digital entertainment; to the Committee on the Judiciary.

By Mr. MILLER of Florida:

H.R. 1067. A bill to provide for the establishment of a memorial at the site in Alaqua, Florida, of the accidental bombing of a home by an aircraft of the United States Army Air Corps on August 11, 1944, which killed Alfred Cosson, James Cosson, James Cosson, Jr., and Winnie Lee Cosson and wounded five other family members; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT (for himself, Ms. DEGETTE, Mr. BECERRA, Mr. WELDON of Pennsylvania, Mr. RANGEL, Ms. HART, and Mr. CUNNINGHAM):

H.R. 1068. A bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy, and to provide for a demonstration project on Medicare coverage of pancreatic islet cell transplantation for beneficiaries with type 1 diabetes who have end-stage renal disease; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OLVER (for himself, Mr. BASS, Mr. MARKEY, Mr. MCGOVERN, Mr. MEEHAN, Mr. TIERNEY, and Mr. BRADLEY of New Hampshire):

H.R. 1069. A bill to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, and for other purposes; to the Committee on Resources.

By Mr. PETRI (for himself, Mr. LIPINSKI, Mr. MICA, Mr. REHBERG, Mr. KLECZKA, Mr. BAKER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of South Carolina, Mr. LATOURETTE, Mr. HONDA, Mr. BURGESS, and Mr. BAIRD):

H.R. 1070. A bill to amend title 49, United States Code, relating to improving transportation and security of household goods, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REYES (for himself, Mr. RODRIGUEZ, Mr. FILNER, Mr. PASTOR, Mr. GRIJALVA, Mr. UDALL of New Mexico, Mr. ORTIZ, and Mr. HINOJOSA):

H.R. 1071. A bill to establish the Southwest Regional Border Authority; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 1072. A bill to prohibit post-conflict assistance for Iraq from being expended with any French firm; to the Committee on International Relations.

By Mr. SENSENBRENNER (for himself and Mr. THOMAS):

H.R. 1073. A bill to repeal section 801 of the Revenue Act of 1916; to the Committee on the Judiciary.

By Mr. SIMMONS:

H.R. 1074. A bill to extend the deadline for commencement of construction of a project in Connecticut, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWEENEY (for himself and Mr. WALDEN of Oregon):

H.R. 1075. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements containing natural or synthetic ephedrine group alkaloids, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TOOMEY (for himself and Mr. KANJORSKI):

H.R. 1076. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions; to the Committee on Ways and Means.

By Mr. WATT (for himself, Mr. SHAYS, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. SIMMONS, Mr. PRICE of North Carolina, Mr. HONDA, Mr. GUTIERREZ, Mr. MEEKS of New York, Ms. LEE, Mr. GONZALEZ, Mr. FORD, Mr. CLAY, Mr. SCOTT of Georgia, Mr. DAVIS of Alabama, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Ms. NORTON, Mr. CASE, Ms. JACKSON-LEE of Texas, and Mr. JACKSON of Illinois):

H.R. 1077. A bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes; to the Committee on Financial Services.

By Mr. WICKER:

H.R. 1078. A bill to establish academies for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HUNTER (for himself, Mr. SKELTON, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. BRADLEY of New Hampshire, Mr. BUYER, Mr. COLE, Mrs. DAVIS of California, Mrs. JO ANN DAVIS of Virginia, Mr. DUNCAN, Mr. EVANS, Mr. EVERETT, Mr. FORBES, Mr. FOSSELLA, Mr. GIBBONS,Mr. GINGREY, Mr. HAYES, Mr. HILL, Mr. ISRAEL, Mr. JONES of North Carolina, Mr. KLINE, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LOBIONDO, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCKEON, Mr. MARSHALL, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, Ms. LORETTA SANCHEZ of California, Mr. SCHROCK, Mr. SMITH of Washington, Mr. SNYDER, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. THORNBERRY, Mr. TURNER of Ohio, Mr. WELDON of Pennsylvania, Mrs. WILSON of New Mexico, and Mr. WILSON of South Carolina):

H.J. Res. 27. A joint resolution recognizing and commending the continuing dedication, selfless service, and commitment of members of the Armed Forces and their families during the Global War on Terrorism and in defense of the United States; to the Committee on Armed Services.

By Mr. JACKSON of Illinois:

H.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States regarding the right to vote; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois (for himself, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. HINCHEY, Mr. PAYNE, Mr. RUSH, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. OWENS, Ms. MILLENDER-MCDONALD, Ms. WATSON, Ms. KILPATRICK, Mr. CLAY, Mr. KUCINICH,Ms. LEE, Mr. DAVIS of Illinois, Mr. ACEVEDO-VILA, Mr. CONYERS, and Mr. FATTAH):

H.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of all citizens of the United States to a public education of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 30. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of citizens of the United States to health care of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States relating to equality of rights and reproductive rights; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 32. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to decent, safe, sanitary, and affordable housing; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 33. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to a clean, safe, and sustainable environment; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 34. A joint resolution proposing an amendment to the Constitution of the United States relative to taxing the people of the United States progressively; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to full employment and balanced growth; to the Committee on the Judiciary.

By Mr. WILSON of South Carolina (for himself, Mr. WELDON of Pennsylvania, Mr. LANTOS, Mr. BEREUTER, Ms. ROS-LEHTINEN, and Mr. ROHRABACHER):

H. Con. Res. 77. Concurrent resolution commemorating the 60th anniversary of the historic rescue of 50,000 Bulgarian Jews from the Holocaust and commending the Bulgarian people for preserving and continuing their tradition of ethnic and religious tolerance; to the Committee on International Relations.

By Mr. OBERSTAR:

H. Res. 120. A resolution to commend the Aircraft Owners and Pilots Association on its proactive commitment to the security of general aviation; to the Committee on Transportation and Infrastructure.

By Mr. LEVIN (for himself and Mrs. MILLER of Michigan):

H. Res. 121. A resolution endorsing increased efforts to preserve and protect Lake St. Clair as a vital part of the Great Lakes system; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. BROWN of Ohio, Mr. BOEHNER, Mr. GILLMOR, Mr. HOBSON, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Mr. LATOURETTE, Mr. NEY, Mr. OXLEY, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. TIBERI, and Mr. TURNER of Ohio):

H. Res. 122. A resolution recognizing the bicentennial of the admission of Ohio into the Union and the contributions of Ohio residents to the economic, social, and cultural development of the United States; to the Committee on Government Reform.

¶17.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. BRADY of Texas, Mr. BLUNT, Mr. ADERHOLT, Mrs. MUSGRAVE, Mr. LUCAS of Oklahoma, Mr. HENSARLING, Mr. KING of Iowa, and Mr. BASS.

H.R. 21: Mr. SCHROCK.

H.R. 39: Mr. POMBO, Mr. GALLEGLY, Mr. GIBBONS, Mr. PLATTS, Mrs. CUBIN, Mr. RADANOVICH, Mr. SIMPSON, Mrs. EMERSON, Mr. ISTOOK, Mr. BRADY of Texas, Mr. PICKERING, Mr. DUNCAN, Mr. HALL, Mr. DOOLITTLE, Mr. SMITH of Texas, Mr. TANCREDO, Mr. TAUZIN, Mr. GREEN of Texas, Mr. HERGER, Mr. PEARCE, Mr. OXLEY, Mr. OTTER, Mr. REHBERG, Mr. HASTINGS of Washington, Mr. THORNBERRY, Mr. SHIMKUS, Mr. CANNON, Mr. VITTER, Mr. BACHUS, Mr. SOUDER, Mr. LEWIS of California, Mr. ROHRABACHER, Mr. BARTON of Texas, Mr. RENZI, Mr. BAKER, Mr. BONILLA, Mr. BROWN of South Carolina, Mr. SCHROCK, Mr. SESSIONS, Mr. JOHN, Mr. NETHERCUTT, Mr. RYUN of Kansas, Mr. CULBERSON, Mr. CARSON of Oklahoma, Mr. STENHOLM, Mr. MCCRERY, and Mr. GOODE.

H.R. 57: Mr. ADERHOLT, Mr. BROWN of South Carolina, Mr. SCOTT of Georgia, Mr. PORTER, Mr. BURNS, Mr. BLUNT, Mr. AKIN, Mr. SULLIVAN, and Mr. GARRETT of New Jersey.

H.R. 65: Mr. ANDREWS.

H.R. 109: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 111: Mr. LEWIS of Georgia and Mr. EMANUEL.

H.R. 119: Mr. NETHERCUTT.

H.R. 121: Ms. MCCOLLUM.

H.R. 135: Mr. ROYCE.

H.R. 140: Mr. LEWIS of Kentucky.

H.R. 151: Mr. FALEOMAVAEGA and Mrs. CHRISTENSEN.

H.R. 168: Mr. CALVERT, Mr. DAVIS of Tennessee, and Mr. ENGLISH.

H.R. 192: Ms. KILPATRICK, Mr. MEEK of Florida, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. PRICE of North Carolina, Mr. HOLT, and Mr. MATHESON.

H.R. 196: Ms. NORTON, Mr. MEEHAN, Mr. CARDOZA, Mr. LANTOS, Mr. CONYERS, Mr. RANGEL, Mr. OWENS, Ms. CORRINE BROWN of Florida, and Ms. SCHAKOWSKY.

H.R. 198: Mr. SESSIONS.

H.R. 199: Ms. GINNY BROWN-WAITE of Florida and Mr. DEMINT.

H.R. 217: Mr. DEUTSCH, Mr. LATOURETTE, Mr. CUMMINGS, Mrs. CAPPS, Ms. MCCOLLUM, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. MORAN of Virginia, and Ms. MCCARTHY of Missouri.

H.R. 218: Mrs. BONO, Mr. WELDON of Florida, Mr. PENCE, and Mr. FLETCHER.

H.R. 260: Ms. MCCOLLUM.

H.R. 284: Mr. FARR, Mr. JOHN, Mr. LEWIS of Kentucky, Mr. TIBERI, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Mr. SCHROCK, Mr. WATT, Mr. WELDON of Pennsylvania, Mr. REHBERG, Mr. WELLER, Mr. SCHIFF, Mr. DEAL of Georgia, Mr. JEFFERSON, Mr. SCOTT of Georgia, Mr. TOM DAVIS of Virginia, Mr. BACHUS, Ms. HARRIS, Mr. LARSON of Connecticut, Mr. EVERETT, Mrs. MYRICK, and Mr. TAUZIN.

H.R. 294: Mr. FROST.

H.R. 302: Ms. LORETTA SANCHEZ of California.

H.R. 303: Mrs. EMERSON, Mr. PUTNAM, Mr. PEARCE, Mr. COLE, Mr. LEWIS of Kentucky, Mr. MOORE, Mr. NEAL of Massachusetts, Ms. SOLIS, Mr. MARIO DIAZ-BALART of Florida, Mrs. CUBIN and Mr. HOLT.

H.R. 308: Mr. SERRANO and Mr. PASCRELL.

H.R. 315: Mr. HOSTETTLER.

H.R. 318: Mr. GILCHREST.

H.R. 331: Mr. RAHALL and Mr. MILLER of Florida.

H.R. 391: Mr. CANNON, Mr. FLAKE, Mr. CARTER, Mr. BURTON of Indiana, and Mrs. CUBIN.

H.R. 412: Mr. ACKERMAN, Mr. DAVIS of Tennessee, Ms. KILPATRICK, and Mr. ANDREWS.

H.R. 436: Mr. CROWLEY, Mr. FARR, and Mr. MURTHA.

H.R. 442: Mr. HOLT, Mr. LIPINSKI, Mr. HOEFFEL, Mr. FARR, Mr. KUCINICH, Mr. LATOURETTE, Mr. ACKERMAN, Mr. BLUMENAUER, Mr. CASE, Ms. WATSON, Mr. SANDERS, Mr. SIMMONS, Mr. SCHIFF, Ms. NORTON, and Mr. GUTIERREZ.

H.R. 459: Mr. CANTOR, Mr. ISAKSON, and Mr. OTTER.

H.R. 466: Mrs. JOHNSON of Connecticut, Mr. LEWIS of Georgia, Ms. SOLIS, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. FRELINGHUYSEN, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. OWENS, Mr. RANGEL, Mr. JACKSON of Illinois, and Mr. GORDON.

H.R. 478: Mr. PAUL.

H.R. 490: Ms. WOOLSEY, Mr. WELLER, Ms. GINNY BROWN-WAITE of Florida, Ms. MCCOLLUM, and Mr. BAIRD.

H.R. 496: Ms. GINNY BROWN-WAITE of Florida and Mr. TERRY.

H.R. 501: Mr. CLYBURN and Ms. LEE.

H.R. 518: Mrs. JONES of Ohio, Mr. FROST, and Mr. CASE.

H.R. 522: Mr. EMANUEL and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 572: Mr. TERRY.

H.R. 573: Ms. DUNN.

H.R. 574: Mr. PORTER.
H.R. 588: Mr. NEY.
H.R. 589: Mr. BERMAN, Mr. CASTLE, Ms. HART, Mr. GREEN of Texas, Ms. SOLIS, Mr. EMANUEL, Mr. NADLER, Mr. MENENDEZ, Mr. LARSON of Connecticut, Mr. RUPPERSBERGER, Ms. KAPTUR, Mrs. CAPPS, Mr. HOLT, Mr. PASTOR, Mr. BLUMENAUER, and Mrs. DAVIS of California.
H.R. 593: Mr. DUNCAN and Mr. MEEK of Florida.
H.R. 594: Mr. MANZULLO, Mr. TAUZIN, Mr. ACKERMAN, Mr. ROYCE, Mr. KUCINICH, Mr. FARR, Mr. RYAN of Ohio, Mr. BELL, and Mr. KILDEE.
H.R. 626: Mr. KUCINICH.
H.R. 648: Mr. SESSIONS.
H.R. 655: Mr. GARRETT of New Jersey.
H.R. 661: Mr. LATHAM.
H.R. 687: Mr. GOODLATTE, MR. SMITH of Texas, and Mr. DEAL of Georgia.
H.R. 713: Mr. LEACH.
H.R. 714: Mr. RENZI.
H.R. 721: Mr. CUNNINGHAM.
H.R. 722: Mr. HINOJOSA, Mr. WELLER, Mr. TANCREDO, Mr. KOLBE, Mr. PAUL, Mr. WELDON of Pennsylvania, Mr. CANNON, Mr. SMITH of New Jersey, Ms. WATSON, Mr. MANZULLO, and Mrs. JOHNSON of Connecticut.
H.R. 725: Ms. JACKSON-LEE of Texas and Mrs. CHRISTENSEN.
H.R. 735: Mr. LATHAM, Mr. OWENS, Mrs. TAUSCHER, Mr. QUINN, Mr. SCHROCK, Mrs. MILLER of Michigan, and Mr. SHAYS.
H.R. 737: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. BOSWELL.
H.R. 738: Mr. MCHUGH, Mr. SPRATT, Mr. ENGEL, Mr. MARKEY, Mr. BERMAN, Mr. STARK, Mr. INSLEE, Mr. KUCINICH, Ms. MCCOLLUM, and Mr. MCDERMOTT.
H.R. 740: Mr. OWENS, Mr. THOMPSON of Mississippi, Mrs. CHRISTENSEN, and Mr. KUCINICH.
H.R. 741: Mr. FROST, Mr. OWENS, and Mrs. CHRISTENSEN.
H.R. 742: Mr. BRADY of Pennsylvania, Mr. ACEVEDO-VILA, Mr. DEFAZIO, Mr. PASTOR, Mr. TERRY, Mr. LAHOOD, Mr. PAUL, Mr. CARSON of Oklahoma, Mr. COSTELLO, and Mr. MICA.
H.R. 743: Ms. CARSON of Indiana, Mr. CASE, Mr. SMITH of New Jersey, Mr. ALLEN, Mr. BRADLEY of New Hampshire, Mr. ROTHMAN, Mr. ROYCE, Mr. MARIO DIAZ-BALART of Florida, and Mr. MCCOTTER.
H.R. 759: Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. GIBBONS, Mr. GUTKNECHT, Mrs. JO ANN DAVIS of Virginia, Mrs. MUSGRAVE, and Mr. SCHROCK.
H.R. 760: Mr. MICA, Ms. ROS-LEHTINEN, and Mr. LUCAS of Oklahoma.
H.R. 771: Mr. KLINE, Mr. SHADEGG, Mr. CHOCOLA, Mr. HOEKSTRA, and Mr. TIAHRT.
H.R. 784: Mr. MENENDEZ and Mr. DINGELL.
H.R. 785: Ms. BERKLEY.
H.R. 786: Mr. FROST, Mr. SAM JOHNSON of Texas, Mr. MCCOTTER, and Mrs. MUSGRAVE.
H.R. 794: Mr. PEARCE.
H.R. 801: Mrs. MALONEY.
H.R. 813: Mr. ALLEN.
H.R. 815: Mr. SMITH of New Jersey and Mr. DEUTSCH.
H.R. 817: Mr. KENNEDY of Rhode Island and Ms. LORETTA SANCHEZ of California.
H.R. 838: Mr. LIPINSKI.
H.R. 839: Mr. CANTOR, Mr. DAVIS of Alabama, and Mr. ANDREWS.
H.R. 857: Mrs. CAPPS and Mr. ROTHMAN.
H.R. 859: Mr. PAUL and Mr. KING of Iowa.
H.R. 870: Mr. ALLEN and Mr. TIBERI.
H.R. 871: Mr. OSBORNE, Mr. POMBO, and Mr. HILL.
H.R. 872: Mr. PAUL.
H.R. 876: Mr. DUNCAN, Mr. NETHERCUTT, and Mr. HOSTETTLER.
H.R. 878: Mr. CRENSHAW, Mr. HEFLEY, Mr. BRADLEY of New Hampshire, Mr. GILLMOR, Mr. ROYCE, Mr. MCCOTTER, and Mr. DUNCAN.
H.R. 896: Mr. DOGGETT and Ms. WOOLSEY.
H.R. 898: Mr. PRICE of North Carolina, Mr. KENNEDY of Rhode Island, Mr. GEORGE MILLER of California, and Mr. FORD.
H.R. 919: Mr. HASTINGS of Florida, Mr. KING of New York, Mr. MATHESON, Mr. SCHIFF, Mr. KILDEE, Mr. SHERMAN, Mr. OWENS, Mr. ROTHMAN, Mr. GARRETT of New Jersey, Ms. MCCARTHY of Missouri, and Mr. GORDON.
H.R. 953: Ms. LOFGREN, Ms. MCCARTHY of Missouri, Mr. MOORE, Mr. ROSS, Mr. SULLIVAN, and Mr. WU.
H.R. 973: Mr. LATOURETTE and Mr. MANZULLO.
H.R. 983: Mrs. TAUSCHER, Mr. TOWNS, Mr. CUNNINGHAM, Mr. ROYCE, Mr. HINCHEY, and Mr. FOSSELLA.
H.R. 1013: Mr. TOWNS.
H.R. 1029: Ms. WATSON, Mr. CONYERS, Mr. MCGOVERN, and Mr. KUCINICH.
H.R. 1043: Mr. SCHIFF, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. LYNCH, Mr. ENGLISH, and Ms. GINNY BROWN-WAITE of Florida.
H.J. Res. 4: Mr. TERRY, Mr. GIBBONS, Mr. ANDREWS, Mr. MICHAUD, Mr. ROGERS of Kentucky, and Mr. BACA.
H.J. Res. 9: Mr. STEARNS.
H.J. Res. 22: Mr. BARRETT of South Carolina and Mr. GARRETT of New Jersey.
H. Con. Res. 18: Mr. CASE.
H. Con. Res. 24: Mr. FOSSELLA, Mr. JONES of North Carolina, Mr. AKIN, and Mr. VITTER.
H. Con. Res. 26: Mr. LOBIONDO, Mr. MEEK of Florida, Mr. BISHOP of New York, Mr. FRANK of Massachusetts, and Mr. ROYCE.
H. Con. Res. 38: Mr. SHAW and Mr. DELAHUNT.
H. Con. Res. 39: Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM, and Mr. SANDERS.
H. Con. Res. 54: Mr. BACA, Mr. LEVIN, and Mr. MCCOTTER.
H. Con. Res. 57: Mr. FATTAH, Mr. STARK, Mr. RANGEL, Mr. CASE, Mr. KILDEE, Mr. OWENS, Mr. MEEKS of New York, Mr. BLUMENAUER, Mr. PAYNE, Mr. SMITH of Washington, Mr. MENENDEZ, and Mr. ANDREWS.
H. Res. 27: Mr. KUCINICH and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 59: Ms. LOFGREN and Ms. GINNY BROWN-WAITE of Florida.
H. Res. 72: Mr. MCDERMOTT.
H. Res. 76: Mr. SCHIFF, Mr. NADLER, and Mrs. MALONEY.
H. Res. 106: Mr. HILL, Mrs. BIGGERT, Mr. VITTER, and Ms. MCCARTHY of Missouri.
H. Res. 109: Mr. HYDE, Mr. ROYCE, Mr. ACKERMAN, and Mr. FLAKE.
H. Res. 111: Mr. DEUTSCH, Mr. FILNER, Ms. WATSON, Mr. CASE, Mr. BOYD, Mr. BROWN of Ohio, Mr. FARR, Mrs. WILSON of New Mexico, Mr. CAPUANO, and Mr. ENGEL.

¶17.25 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 332: Mr. BARRETT of South Carolina.

WEDNESDAY, MARCH 5, 2003 (18)

The House was called to order by the SPEAKER.

¶18.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, March 4, 2003.

Mr. MCNULTY, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. MCNULTY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶18.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

924. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Additions to Quarantined Areas [Docket No. 02-114-1] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

925. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Restrictions on the Use of Grain Originating in a Regulated Area [Docket No. 01-118-2] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

926. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Interstate Movement of Gardenia From Hawaii [Docket No. 01-042-2] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

927. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Fruits and Vegetables From Hawaii [Docket No. 00-052-2] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

928. A letter from the Administrator, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Central Marketing Area; Interim Order Amending the Order [Docket No. AO-313-A44; DA-01-07] received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

929. A letter from the Administrator, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas: Order Amending the Orders [Docket No. AO-14-A69, et al.: DA-00-03] received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

930. A letter from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Exemption for Shipments of Tree Run Citrus [Docket No. FV02-905-4 FIR] received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

931. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Modifications to the Raisin Diversion Program [Docket No. FV03-989-1IFR] received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

932. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Program, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Additional Opportunity for Participation in 2002 Raisin Diversion Program

[Docket No. FV02-989-5 FIR] received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

933. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Service Agency, Rural Housing Service, Rural Utilities Service, Rural Business-Cooperative Service (RIN: 0560-AE02) received February 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

934. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Loan Programs Account Servicing Policies-Reduction of Amortized Shared Appreciation Recapture Amortization Rate (RIN: 0560-AG43) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

935. A letter from the Congressional Review Coordinator, Department of Transportation, transmitting the Department's final rule — Important of Used Farm Equipment From Regions Affected With Foot-and-Mouth Disease [Docket No. 01-037-2] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

936. A communication from the President of the United States, transmitting a request for the Corporation for National and Community Service; (H. Doc. No. 108—44); to the Committee on Appropriations and ordered to be printed.

937. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Emergency Acquisitions in Regions Subject to Economic Sanctions [DFARS Case 2002-D031] received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

938. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Performance of Security-Guard Functions [DFARS Case A2002-D042] received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

939. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Fish, Shellfish, and Seafood Products [DFARS Case 2002-D034] received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

940. A letter from the Under Secretary, Department of Defense, transmitting the Strategic and Critical Materials Report during the period October 2001 through September 2002, pursuant to 50 U.S.C. 98h—2(b); to the Committee on Armed Services.

941. A letter from the Alternate Federal Register Liason Officer, Department of Transportation, transmitting the Department's final rule — TRICARE Program; Double Coverage; Third-Party Recoveries (RIN: 0720-AA52) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

942. A letter from the Acting Principal Deputy Associate Administrator, Environmental ProtectionAgency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Sulfur Dioxide Attainment Demonstation for the Warren County Nonattainment Area and Permit Emission Limitations for Two Individual Sources in Warren County [PA037/072/184-4190a; FRL-7421-1] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

943. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 05-03 which informs of an intent to sign a Project Agreement (PA) under the U.S.-Singapore Research, Development, Test and Evaluation Memorandum of Agreement, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

944. A letter from the Secretary, Department of Agriculture, transmitting the Department's revised Strategic Plan for FY 2002 — 2007, pursuant to Public Law 105—185 section 253(a) 112 Stat. 560; to the Committee on Government Reform.

945. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-632, ''Initiative Measure No. 62 Applicability and Fiscal Impact Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

946. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-633, ''Fiscal Year 2003 Use of the Budgeted Reserve Funds During the Continuing Resolution Temporary Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

947. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-631, ''Housing Production Trust Fund Continuing Basis Definition Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

948. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-629, ''Master Business Registration Delay Temporary Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

949. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-628, ''Establishment of the Capitol Hill Business Improvement District Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

950. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-21, ''Draft Master Plan for Public Reservation 13 Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

951. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-19, ''Interim Disability Assistance Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

952. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-20, ''Child and Youth Safety and Health Omnibus Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

953. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-630, ''Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Releif Temporary Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

954. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

955. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

956. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

957. A letter from the Secretary of the Navy, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

958. A letter from the Secretary of the Navy, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

959. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

960. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

961. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

962. A letter from the Executive Director, Federal Mine Safety and Health Review Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

963. A letter from the Director, Office of Personnel Management, transmitting OPM's Fiscal Year 2002 Annual Report to Congress on the Federal Equal Opportunity Recruitment Program (FEORP), pursuant to 5 U.S.C. 7201(e); to the Committee on Government Reform.

964. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Financial Statements for Fiscal Year 2002, including the Office of Inspector General's Auditor's Report, Report on Internal Control and Report on Compliance with Laws and Regulations; to the Committee on Government Reform.

965. A letter from the Secretary, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

966. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 2001 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

967. A letter from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting the Capital Investment Plan (CIP) for fiscal years 2004-2008, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

968. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Britten-Norman Limited BN-2A and BN2A Mk. III Series Airplanes [Docket No. 2002-CE-33-AD;

Amendment 39-12978; AD 2002-25-03] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶18.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 111. An Act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

S. 117. An Act to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes.

S. 144. An Act to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 210. An Act to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

S. 214. An Act to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

S. 233. An Act to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

S. 254. An Act to revise the boundary of the Kaloko-Honokōhau National Historical Park in the State of Hawaii, and for other purposes.

¶18.4 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. MYRICK, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, March 4, 2003.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mrs. MYRICK, announced that the yeas had it.

Mr. MCNULTY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 373 / Nays ..... 39 }

¶18.5 [Roll No. 43]

YEAS—373

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

NAYS—39

Brady (PA)
Capuano
Costello
Crane
DeFazio
English
Filner
Fossella
Green (TX)
Gutknecht
Hastings (FL)
Hefley
Kennedy (MN)
Kucinich
Larsen (WA)
Lewis (GA)
LoBiondo
McDermott
McNulty
Miller, George
Moran (KS)
Nussle
Oberstar
Olver
Otter
Peterson (MN)
Ramstad
Rodriguez
Sabo
Sanchez, Loretta
Strickland
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Weller
Wu

NOT VOTING—22

Alexander
Burr
Cardoza
DeLay
Frank (MA)
Gephardt
Grijalva
Hyde
Istook
Janklow
Moran (VA)
Obey
Owens
Oxley
Rogers (AL)
Sanders
Snyder
Stupak
Sweeney
Terry
Waters
Young (AK)

So the Journal was approved.

¶18.6 MESSAGE FROM THE PRESIDENT

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

¶18.7 COMMITTEE ELECTION—MINORITY

Ms. DELAURO, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 123):

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON ARMED SERVICES: Mr. Ruppersberger (to rank immediately after Mr. Alexander).

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶18.8 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mrs. MYRICK, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective March 5, 2003, I hereby take a leave of absence from the Committee on Armed Services due to my appointments to the Permanent Select Committee on Intelligence and the Committee on Government Reform.

Sincerely,

C.A. DUTCH RUPPERSBERGER,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶18.9 COMMITTEE ELECTION—MINORITY

Ms. DELAURO, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 124):

Resolved, That the following named Members and Delegates be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES: Mr. Ryan of Ohio (to rank immediately after Mr. Alexander).

(2) COMMITTEE ON EDUCATION: Mr. Bishop of New York (to rank immediately after Mr. Ryan of Ohio).

(3) COMMITTEE ON FINANCIAL SERVICES: Mr. Sanders (to rank immediately after Ms. Waters).

(4) COMMITTEE ON GOVERNMENT REFORM: Mr. Sanders (to rank immediately after Mr. Kanjorski), Mr. Cooper (to rank immediately after Ms. Norton).

(5) COMMITTEE ON RESOURCES: Mr. George Miller of California, Mr. Markey, Mr. Hinojosa, Mr. Rodriguez, Mr. Baca, Ms. McCollum.

(6) COMMITTEE ON SCIENCE: Mr. Cardoza (to rank immediately after Mr. Matheson), Ms. Jackson-Lee of Texas (to rank immediately after Mr. Davis of Tennessee), Ms. Lofgren (to rank immediately after Ms. Jackson-Lee of Texas).

(7) COMMITTEE ON SMALL BUSINESS: Mr. Faleomavaega (to rank immediately after Mr. Ballance), Ms. Linda T. Sánchez.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶18.10 SOCIAL SECURITY PROTECTION

Mr. SHAW moved to suspend the rules and pass the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. MYRICK, recognized Mr. SHAW and Mr. MATSUI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. GILCHREST, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DOGGETT objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶18.11 MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS

Mr. CRANE moved to suspend the rules and pass the bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

The SPEAKER pro tempore, Mr. GILCHREST, recognized Mr. CRANE and Mr. LEVIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CRANE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶18.12 COMMENDING UNITED STATES ARMED FORCES

Mr. HUNTER, pursuant to the order of the House of Tuesday, March 4, 2003, called up the joint resolution (H.J. Res. 27) recognizing and commending the continuing dedication, selfless service, and commitment of members of the Armed Forces and their families during the Global War on Terrorism and in defense of the United States.

When said joint resolution was considered and read twice.

After debate,

Pursuant to the order of the House of Tuesday, March 4, 2003, the previous question was ordered on the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

The question being put viva voce,

Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

Mr. HUNTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed

¶18.13 H.R. 743—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. OSE, announced that two-thirds of those present had voted in the affirmative.

Mr. DOGGETT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 249 / Nays 180

¶18.14 [Roll No. 44]

YEAS—249

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

NAYS—180

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Biggert
Bishop (GA)
Blumenauer
Bonilla
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burns
Capps
Cardoza
Carson (IN)
Carter
Case
Clay
Clyburn
Combest
Conyers
Costello
Cramer
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Granger
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hensarling
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kingston
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McDermott
McGovern
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Towns
Turner (TX)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Gephardt
Snyder
Stupak
Sweeney
Terry

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶18.15 H.R. 1047—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 11

¶18.16 [Roll No. 45]

YEAS—415

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

NAYS—11

Aderholt
Capuano
Clyburn
Goode
Jones (NC)
McDermott
Oberstar
Obey
Sanders
Taylor (MS)
Taylor (NC)

NOT VOTING—8

Blunt
Franks (AZ)
Gephardt
Lynch
Snyder
Stupak
Sweeney
Terry

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶18.17 H.J. RES. 27 —UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on the passage of the joint resolution (H.J. Res. 27) recognizing and commending the continuing dedication, selfless service, and commitment of members of the Armed Forces and their families during the Global War on Terrorism and in defense of the United States.

The question being put,

Will the House pass said joint resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 0

¶18.18 [Roll No. 46]

YEAS—426

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

NOT VOTING—8

Blunt
Fletcher
Gephardt
Snyder
Stupak
Sweeney
Terry
Waters

So the joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶18.19 MESSAGE FROM THE PRESIDENT—TELECOMMUNICATIONS PAYMENTS TO CUBA

The SPEAKER pro tempore, Mr. OSE, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 5, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations.

¶18.20 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. OSE, laid before the House the following communication from Kathy Wyszynski, Associate Administrator, office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that the House Payroll Office has been served with a civil subpoena for documents issued by the Superior Court for San Francisco, County, California.

After consulting with the Office of General Counsel, I have determined to comply with the subpoena.

Sincerely,

KATHY. A. WYSZYNSKI,
Associate Administrator.

¶18.21 SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore, Mr. OSE, pursuant to Section 4 of House Resolution 5, 108th Congress, and the order of the House of January 8, 2003, announced the correction of the Speaker's appointment of the following member of the House to the Select Committee on Homeland Security: Mr. SHAYS of Connecticut to rank after Mr. WELDON of Pennsylvania.

¶18.22 RECESS—7:15 P.M.

The SPEAKER pro tempore, Mr. MCCOTTER, pursuant to clause 12(a) of rule I, declared the House in recess at 7 o'clock and 15 minutes p.m., subject to the call of the Chair.

¶18.23 AFTER RECESS—9:55 P.M.

The SPEAKER pro tempore, Mr. SESSIONS, called the House to order.

¶18.24 PROVIDING FOR THE CONSIDERATION OF H.R. 878

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 108–25) the resolution (H. Res. 126) providing for the consideration of the bill (H.R. 878) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶18.25 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 111. An Act to direct the Secretary of the Interior to conduct a special resource

study to determine the national significance of the Miami Circle, site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes; to the Committee on Resources.

S. 117. An Act to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Agriculture.

S. 144. An Act to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Resources in addition to the Committee on Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 210. An Act to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; to the Committee on Resources.

S. 214. An Act to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes; to the Committee on Resources.

S. 233. An Act to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; to the Committee on Resources.

S. 254. An Act to revise the boundary of the Kaloko-Honokōhau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Resources.

And then,

¶18.26 ADJOURNMENT

On motion of Mr. DREIER, at 9 o'clock and 56 minutes p.m., the House adjourned.

¶18.27 OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 108th Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1 Jo Bonner
2 Terry Everett
3 Mike Rogers
4 Robert B. Aderholt
5 Robert E. (Bud) Cramer, Jr.
6 Spencer Bachus
7 Artur Davis

ALASKA

At Large

Don Young

ARIZONA

1 Rick Renzi
2 Trent Franks
3 John B. Shadegg
4 Ed Pastor
5 J.D. Hayworth
6 Jeff Flake
7 Raúl M. Grijalva
8 Jim Kolbe

ARKANSAS

1 Marion Berry
2 Vic Snyder
3 John Boozman
4 Mike Ross

CALIFORNIA

1 Mike Thompson
2 Wally Herger
3 Doug Ose
4 John T. Doolittle
5 Robert T. Matsui
6 Lynn C. Woolsey
7 George Miller
8 Nancy Pelosi
9 Barbara Lee
10 Ellen O. Tauscher
11 Richard W. Pombo
12 Tom Lantos
13 Fortney Pete Stark
14 Anna G. Eshoo
15 Michael M. Honda
16 Zoe Lofgren
17 Sam Farr
18 Dennis A. Cardoza
19 George Radanovich
20 Calvin M. Dooley
21 Devin Nunes
22 William M. Thomas
23 Lois Capps
24 Elton Gallegly
25 Howard P. ''Buck'' McKeon
26 David Dreier
27 Brad Sherman
28 Howard L. Berman
29 Adam B. Schiff
30 Henry A. Waxman
31 Xavier Becerra
32 Hilda L. Solis
33 Diane E. Watson
34 Lucille Roybal-Allard
35 Maxine Waters
36 Jane Harman
37 Juanita Millender-McDonald
38 Grace F. Napolitano
39 Linda T. Sánchez
40 Edward R. Royce
41 Jerry Lewis
42 Gary G. Miller
43 Joe Baca
44 Ken Calvert
45 Mary Bono
46 Dana Rohrabacher
47 Loretta Sanchez
48 Christopher Cox
49 Darrell E. Issa
50 Randy ''Duke'' Cunningham
51 Bob Filner
52 Duncan Hunter
53 Susan A. Davis

COLORADO

1 Diana DeGette
2 Mark Udall
3 Scott McInnis
4 Marilyn N. Musgrave
5 Joel Hefley
6 Thomas G. Tancredo
7 Bob Beauprez

CONNECTICUT

1 John B. Larson
2 Rob Simmons
3 Rosa L. DeLauro
4 Christopher Shays
5 Nancy L. Johnson

DELAWARE

At Large

Michael N. Castle

FLORIDA

1 Jeff Miller
2 Allen Boyd
3 Corrine Brown
4 Ander Crenshaw
5 Ginny Brown-Waite
6 Cliff Stearns
7 John L. Mica
8 Ric Keller
9 Michael Bilirakis
10 C.W. Bill Young
11 Jim Davis
12 Adam H. Putnam
13 Katherine Harris
14 Porter J. Goss
15 Dave Weldon
16 Mark Foley
17 Kendrick B. Meek
18 Ileana Ros-Lehtinen
19 Robert Wexler
20 Peter Deutsch
21 Lincoln Diaz-Balart
22 E. Clay Shaw, Jr.
23 Alcee L. Hastings
24 Tom Feeney
25 Mario Diaz-Balart

GEORGIA

1 Jack Kingston
2 Sanford D. Bishop, Jr.
3 Jim Marshall
4 Denise L. Majette
5 John Lewis
6 Johnny Isakson
7 John Linder
8 Mac Collins
9 Charlie Norwood
10 Nathan Deal
11 Phil Gingrey
12 Max Burns
13 David Scott

HAWAII

1 Neil Abercrombie
2 Ed Case

IDAHO

1 C.L. ''Butch'' Otter
2 Michael K. Simpson

ILLINOIS

1 Bobby L. Rush
2 Jesse L. Jackson, Jr.
3 William O. Lipinski
4 Luis V. Gutierrez
5 Rahm Emanuel
6 Henry J. Hyde
7 Danny K. Davis
8 Philip M. Crane
9 Janice D. Schakowsky
10 Mark Steven Kirk
11 Jerry Weller
12 Jerry F. Costello
13 Judy Biggert
14 J. Dennis Hastert
15 Timothy V. Johnson
16 Donald A. Manzullo
17 Lane Evans
18 Ray LaHood
19 John Shimkus

INDIANA

1 Peter J. Visclosky
2 Chris Chocola
3 Mark E. Souder
4 Steve Buyer
5 Dan Burton
6 Mike Pence
7 Julia Carson
8 John N. Hostettler
9 Baron P. Hill

IOWA

1 Jim Nussle

2 James A. Leach
3 Leonard L. Boswell
4 Tom Latham
5 Steve King

KANSAS

1 Jerry Moran
2 Jim Ryun
3 Dennis Moore
4 Todd Tiahrt

KENTUCKY

1 Ed Whitfield
2 Ron Lewis
3 Anne M. Northup
4 Ken Lucas
5 Harold Rogers
6 Ernie Fletcher

LOUISIANA

1 David Vitter
2 William J. Jefferson
3 W. J. (Billy) Tauzin
4 Jim McCrery
5 Rodney Alexander
6 Richard H. Baker
7 Christopher John

MAINE

1 Thomas H. Allen
2 Michael H. Michaud

MARYLAND

1 Wayne T. Gilchrest
2 C. A. Dutch Ruppersberger
3 Benjamin L. Cardin
4 Albert Russell Wynn
5 Steny H. Hoyer
6 Roscoe G. Bartlett
7 Elijah E. Cummings
8 Chris Van Hollen

MASSACHUSETTS

1 John W. Olver
2 Richard E. Neal
3 James P. McGovern
4 Barney Frank
5 Martin T. Meehan
6 John F. Tierney
7 Edward J. Markey
8 Michael E. Capuano
9 Stephen F. Lynch
10 William D. Delahunt

MICHIGAN

1 Bart Stupak
2 Peter Hoekstra
3 Vernon J. Ehlers
4 Dave Camp
5 Dale E. Kildee
6 Fred Upton
7 Nick Smith
8 Mike Rogers
9 Joe Knollenberg
10 Candice S. Miller
11 Thaddeus G. McCotter
12 Sander M. Levin
13 Carolyn C. Kilpatrick
14 John Conyers, Jr.
15 John D. Dingell

MINNESOTA

1 Gil Gutknecht
2 John Kline
3 Jim Ramstad
4 Betty McCollum
5 Martin Olav Sabo
6 Mark R. Kennedy
7 Collin C. Peterson
8 James L. Oberstar

MISSISSIPPI

1 Roger F. Wicker
2 Bennie G. Thompson
3 Charles W. ''Chip'' Pickering
4 Gene Taylor

MISSOURI

1 Wm. Lacy Clay
2 W. Todd Akin
3 Richard A. Gephardt
4 Ike Skelton
5 Karen McCarthy
6 Sam Graves
7 Roy Blunt
8 Jo Ann Emerson
9 Kenny C. Hulshof

MONTANA

At Large

Dennis R. Rehberg

NEBRASKA

1 Doug Bereuter
2 Lee Terry
3 Tom Osborne

NEVADA

1 Shelley Berkley
2 Jim Gibbons
3 Jon C. Porter

NEW HAMPSHIRE

1 Jeb Bradley
2 Charles F. Bass

NEW JERSEY

1 Robert E. Andrews
2 Frank A. LoBiondo
3 Jim Saxton
4 Christopher H. Smith
5 Scott Garrett
6 Frank Pallone, Jr.
7 Mike Ferguson
8 Bill Pascrell, Jr.
9 Steven R. Rothman
10 Donald M. Payne
11 Rodney P. Frelinghuysen
12 Rush D. Holt
13 Robert Menendez

NEW MEXICO

1 Heather Wilson
2 Stevan Pearce
3 Tom Udall

NEW YORK

1 Timothy H. Bishop
2 Steve Israel
3 Peter T. King
4 Carolyn McCarthy
5 Gary L. Ackerman
6 Gregory W. Meeks
7 Joseph Crowley
8 Jerrold Nadler
9 Anthony D. Weiner
10 Edolphus Towns
11 Major R. Owens
12 Nydia M. Velázquez
13 Vito Fossella
14 Carolyn B. Maloney
15 Charles B. Rangel
16 José E. Serrano
17 Eliot L. Engel
18 Nita M. Lowey
19 Sue W. Kelly
20 John E. Sweeney
21 Michael R. McNulty
22 Maurice D. Hinchey
23 John M. McHugh
24 Sherwood Boehlert
25 James T. Walsh
26 Thomas M. Reynolds
27 Jack Quinn Hamburg
28 Louise McIntosh Slaughter
29 Amo Houghton

NORTH CAROLINA

1 Frank W. Ballance, Jr.
2 Bob Etheridge
3 Walter B. Jones
4 David E. Price
5 Richard Burr
6 Howard Coble
7 Mike McIntyre
8 Robin Hayes
9 Sue Wilkins Myrick
10 Cass Ballenger
11 Charles H. Taylor
12 Melvin L. Watt
13 Brad Miller

NORTH DAKOTA

At Large

Earl Pomeroy

OHIO

1 Steve Chabot
2 Rob Portman
3 Michael R. Turner
4 Michael G. Oxley
5 Paul E. Gillmor
6 Ted Strickland
7 David L. Hobson
8 John A. Boehner
9 Marcy Kaptur
10 Dennis J. Kucinich
11 Stephanie Tubbs Jones
12 Patrick J. Tiberi
13 Sherrod Brown
14 Steven C. LaTourette
15 Deborah Pryce
16 Ralph Regula
17 Timothy J. Ryan
18 Robert W. Ney

OKLAHOMA

1 John Sullivan
2 Brad Carson
3 Frank D. Lucas
4 Tom Cole
5 Ernest J. Istook, Jr.

OREGON

1 David Wu
2 Greg Walden
3 Earl Blumenauer
4 Peter A. DeFazio
5 Darlene Hooley

PENNSYLVANIA

1 Robert A. Brady
2 Chaka Fattah
3 Phil English
4 Melissa A. Hart
5 John E. Peterson
6 Jim Gerlach
7 Curt Weldon
8 James C. Greenwood
9 Bill Shuster
10 Don Sherwood
11 Paul E. Kanjorski
12 John P. Murtha
13 Joseph M. Hoeffel
14 Michael F. Doyle
15 Patrick J. Toomey
16 Joseph R. Pitts
17 Tim Holden
18 Tim Murphy
19 Todd Russell Platts

RHODE ISLAND

1 Patrick J. Kennedy
2 James R. Langevin

SOUTH CAROLINA

1 Henry E. Brown, Jr.
2 Joe Wilson
3 J. Gresham Barrett
4 Jim DeMint
5 John M. Spratt, Jr.
6 James E. Clyburn

SOUTH DAKOTA

At Large

William J. Janklow

TENNESSEE

1 William L. Jenkins
2 John J. Duncan, Jr.
3 Zach Wamp
4 Lincoln Davis
5 Jim Cooper
6 Bart Gordon
7 Marsha Blackburn
8 John S. Tanner
9 Harold E. Ford, Jr.

TEXAS

1 Max Sandlin
2 Jim Turner
3 Sam Johnson
4 Ralph M. Hall
5 Jeb Hensarling
6 Joe Barton
7 John Abney Culberson
8 Kevin Brady
9 Nick Lampson
10 Lloyd Doggett
11 Chet Edwards

12 Kay Granger
13 Mac Thornberry
14 Ron Paul
15 Rubén Hinojosa
16 Silvestre Reyes
17 Charles W. Stenholm
18 Sheila Jackson-Lee
19 Larry Combest
20 Charles A. Gonzalez
21 Lamar S. Smith
22 Tom DeLay
23 Henry Bonilla
24 Martin Frost
25 Chris Bell
26 Michael C. Burgess
27 Solomon P. Ortiz
28 Ciro D. Rodriguez
29 Gene Green
30 Eddie Bernice Johnson
31 John R. Carter
32 Pete Sessions

UTAH

1 Rob Bishop
2 Jim Matheson
3 Chris Cannon

VERMONT

At Large

Bernard Sanders

VIRGINIA

1 Jo Ann Davis
2 Edward L. Schrock
3 Robert C. Scott
4 J. Randy Forbes
5 Virgil H. Goode, Jr.
6 Bob Goodlatte
7 Eric Cantor
8 James P. Moran
9 Rick Boucher
10 Frank R. Wolf
11 Tom Davis

WASHINGTON

1 Jay Inslee
2 Rick Larsen
3 Brian Baird
4 Doc Hastings
5 George R. Nethercutt, Jr.
6 Norman D. Dicks
7 Jim McDermott
8 Jennifer Dunn
9 Adam Smith

WEST VIRGINIA

1 Alan B. Mollohan
2 Shelley Moore Capito
3 Nick J. Rahall II

WISCONSIN

1 Paul Ryan
2 Tammy Baldwin
3 Ron Kind
4 Gerald D. Kleczka
5 F. James Sensenbrenner, Jr.
6 Thomas E. Petri
7 David R. Obey
8 Mark Green

WYOMING

At Large
Barbara Cubin

PUERTO RICO

Resident Commissioner

Aníbal Acevedo-Vilá

AMERICAN SAMOA

Delegate

Eni F. H. Faleomavaega

DISTRICT OF COLUMBIA

Delegate

Eleanor Holmes Norton

GUAM

Delegate

Madeleine Z. Bordallo

VIRGIN ISLANDS

Delegate

Donna M. Christensen

¶18.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 239. A bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields (Rept. 108–22). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 878. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; with an amendment (Rept. 108–23). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 126. Resolution providing for consideration of the bill (H.R. 878) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes (Rept. 108–25). Referred to the House Calendar.

¶18.29 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 361. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; referred to the Committee on the Judiciary for a period ending not later than June 1, 2003, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–24, Pt. 1).

¶18.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan (for himself, Mr. HOEKSTRA, Mr. EHLERS, and Mr. CAMP):

H.R. 1079. A bill to amend the Internal Revenue Code of 1986 to increase expensing for small business and to allow small business to elect to determine the deduction for depreciation on a neutral cost recovery basis for property otherwise eligible to be expensed; to the Committee on Ways and Means.

By Mr. GILCHREST (for himself, Mr. EHLERS, Mr. BAIRD, Mr. HOEKSTRA, Mr. ORTIZ, Mrs. BIGGERT, Mr. KIRK, Mr. KILDEE, Mr. CAMP, Mr. MCHUGH, Mr. EMANUEL, Ms. SLAUGHTER, Mr. ROGERS of Michigan, Mr. ENGLISH, Mr. FARR, Mr. CUMMINGS, Mr. LEVIN, Mr. STUPAK, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Mr. QUINN, Mr. SMITH of Washington, Mr. GEORGE MILLER of California, Mrs. MALONEY, Mr. DINGELL, Ms. KAPTUR, Ms. LEE, Mr. SAXTON, Mr. DICKS, Ms. BORDALLO, Mr. VISCLOSKY, Mr. WALSH, Mr. UPTON, Mr. GILLMOR, Mr. SMITH of Michigan, Mr. CASE, Mr. BOEHLERT, Mr. BROWN of Ohio, Mr. GREENWOOD, Mr. PALLONE, Mr. MARKEY, Mr. DELAHUNT, Mr. CARDIN, Mr. ALLEN, Mrs. MILLER of Michigan, Mr. BLUMENAUER, Mr. INSLEE, Mr. HOUGHTON, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCCOTTER, Ms. BALDWIN, Mr. LEACH, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. KNOLLENBERG, Mr. TOWNS, Mr. HONDA, Mr. LIPINSKI, Mr. WEINER, Mr. KIND, Mr. EVANS, Ms. LOFGREN, Mr. KLECZKA, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. SIMMONS, and Mr. LATOURETTE):

H.R. 1080. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mr. GILCHREST, Mr. BAIRD, Mr. HOEKSTRA, Mr. ORTIZ, Mrs. BIGGERT, Mr. KIRK, Mr. KILDEE, Mr. CAMP, Mr. MCHUGH, Mr. EMANUEL, Ms. SLAUGHTER, Mr. ROGERS of Michigan, Mr. ENGLISH, Mr. FARR, Mr. CUMMINGS, Mr. LEVIN, Mr. STUPAK, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Mr. QUINN, Mr. SMITH of Washington, Mr. GEORGE MILLER of California, Mrs. MALONEY, Mr. DINGELL, Ms. KAPTUR, Ms. LEE, Mr. SAXTON, Mr. DICKS, Ms. BORDALLO, Mr. VISCLOSKY, Mr. WALSH, Mr. UPTON, Mr. GILLMOR, Mr. SMITH of Michigan, Mr. CASE, Mr. BOEHLERT, Mr. BROWN of Ohio, Mr. GREENWOOD, Mr. PALLONE, Mr. MARKEY, Mr. DELAHUNT, Mr. CARDIN, Mr. ALLEN, Mrs. MILLER of Michigan, Mr. BLUMENAUER, Mr. INSLEE, Mr. HOUGHTON, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCCOTTER, Ms. BALDWIN, Mr. LEACH, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. KNOLLENBERG, Mr. TOWNS, Mr. HONDA, Mr. LIPINSKI, Mr. WEINER, Mr. KIND, Mr. EVANS, Ms. LOFGREN, Mr. JOHNSON of Illinois, Mr. KLECZKA, Mr. SIMMONS, Mr. FALEOMAVAEGA, and Mr. LATOURETTE):

H.R. 1081. A bill to establish marine and freshwater research, development, and demonstration programs to support efforts to prevent, control, and eradicate invasive species, as well as to educate citizens and stakeholders and restore ecosystems; to the Committee on Science, and in addition to the Committees on Transportation and Infrastructure, Resources, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CARSON of Indiana (for herself, Mr. HILL, Mr. PENCE, Mr. VISCLOSKY, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. SOUDER, Mr. CHOCOLA, and Mr. BUYER):

H.R. 1082. A bill to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. LANGEVIN (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. DOYLE, Mr. ENGEL, Mr. EVANS, Mr. FOLEY, Mr. FORD, Mr.

FRANK of Massachusetts, Mr. FROST, Mr. GREEN of Texas, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. HOEFFEL, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Mr. KILDEE, Mr. KENNEDY of Rhode Island, Mr. LANTOS, Mr. MATSUI, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OWENS, Mr. PASCRELL, Mr. PAYNE, Mr. SERRANO, Mr. SIMMONS, Mr. SKELTON, Mr. STENHOLM, Mr. TOWNS, Mr. WAXMAN, Ms. WOOLSEY, Ms. BERKLEY, Mr. DAVIS of Illinois, Ms. GINNY BROWN-WAITE of Florida, Mr. CLYBURN, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, and Mr. MARKEY):

H.R. 1083. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHROCK (for himself, Mr. ISAKSON, Mr. GOODE, Mr. KIRK, Mr. TAYLOR of Mississippi, and Mr. FORBES):

H.R. 1084. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

By Mr. BOEHLERT:

H.R. 1085. A bill to make certain workforce authorities available to the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. BOEHLERT, Mr. HALL, Mr. SMITH of Texas, Mr. FRANK of Massachusetts, Mr. COBLE, Mr. ISSA, Mr. BERMAN, Ms. HART, Mr. DELAHUNT, Mr. KELLER, Mr. MEEHAN, Mr. FORBES, Ms. JACKSON-LEE of Texas, Mr. FEENEY, and Mr. WEINER):

H.R. 1086. A bill to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 1087. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that part or all of any income tax refund be paid over for use in medical research conducted through the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA (for himself and Mr. ORTIZ):

H.R. 1088. A bill to enhance the capacity of organizations working in the United States-Mexico border region to develop affordable housing and infrastructure and to foster economic opportunity in the colonias; to the Committee on Financial Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 1089. A bill to direct the Secretary of Transportation to offer federally financed, interest-free loans to public schools, municipalities, and local governments for the purchase of hybrid electric or other high-efficiency vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 1090. A bill to require that ten percent of the motor vehicles purchased by Executive agencies be hybrid electric vehicles or high-efficiency vehicles; to the Committee on Government Reform.

By Mr. ETHERIDGE (for himself, Mr. WHITFIELD, Mr. MCINTYRE, Mr. FLETCHER, Mr. GORDON, Mr. GOODE, Mr. JONES of North Carolina, Mr. CLYBURN, Mr. BOUCHER, Mr. ROGERS of Kentucky, and Mr. LEWIS of Kentucky):

H.R. 1091. A bill to amend the Agricultural Reconciliation Act of 1993 to make leaf tobacco an eligible commodity for the Market Access Program; to the Committee on Agriculture.

By Mr. GIBBONS:

H.R. 1092. A bill to authorize the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada; to the Committee on Resources.

By Ms. GRANGER:

H.R. 1093. A bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of their service to the Nation; to the Committee on Financial Services.

By Ms. HOOLEY of Oregon (for herself, Mrs. JOHNSON of Connecticut, Mr. GUTIERREZ, Mrs. MALONEY, Mr. HILL, Mr. DEFAZIO, Mr. TERRY, Mrs. TAUSCHER, Ms. CARSON of Indiana, Mr. WAXMAN, Mr. BLUMENAUER, Mr. SNYDER, Mr. HASTINGS of Florida, Mr. REYES, Mrs. CHRISTENSEN, Mr. CARSON of Oklahoma, Mr. FILNER, Mr. RODRIGUEZ, Mr. MCDERMOTT, Mr. LYNCH, Mr. SANDERS, Mr. SHAYS, Ms. HARMAN, Mr. HONDA, Mr. PALLONE, Mr. SANDLIN, Mr. BACA, Ms. LEE, Mr. HINCHEY, Mr. ALLEN, Mr. BEREUTER, Mrs. JONES of Ohio, Mr. MCGOVERN, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. FRANK of Massachusetts, Mr. KENNEDY of Minnesota, Mrs. JO ANN DAVIS of Virginia, and Mr. KIND):

H.R. 1094. A bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2008; to the Committee on Education and the Workforce.

By Mr. KING of New York:

H.R. 1095. A bill to amend the Immigration and Nationality Act to reauthorize the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. STUPAK, Mr. FRANKS of Arizona, Mr. RENZI, Mr. PEARCE, and Mr. GRIJALVA):

H.R. 1096. A bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Science, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. PETRI, Mr. LEACH, Mrs. NAPOLITANO, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. HOEFFEL, Ms. BALDWIN, Mr. FATTAH, Mrs. TAUSCHER, Mr. MORAN of Virginia, Mr. PAYNE, Mr. HONDA, Mr. SHAYS, Ms. LEE, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. MARKEY, Mr. NEAL of Massachusetts, Mr. EVANS, Mr. CONYERS, Mr. BROWN of Ohio, Mrs. MALONEY, Mr. SENSENBRENNER, Mr. JOHNSON of Illinois, Mrs. CAPPS, Mr. ENGEL, Mr. GONZALEZ, Mr. SPRATT, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. OLVER, Mr. LEWIS of Georgia, Mr. HINCHEY, Ms. CORRINE BROWN of Florida, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. FARR, Mr. RAMSTAD, Mr. LYNCH, Mr. WEXLER, Mr. PALLONE, Mr. STARK, Mr. HOLT, Mr. KLECZKA, Mr. GUTIERREZ, Mr. UDALL of New Mexico, Mr. WALSH, Mr. GRIJALVA, and Mr. ROTHMAN):

H.R. 1097. A bill to ensure that proper planning is undertaken to secure the preservation and recovery of the salmon and steelhead of the Columbia River basin and the maintenance of reasonably priced, reliable power, to direct the Secretary of Commerce to seek scientific analysis of Federal efforts to restore salmon and steelhead listed under the Endangered Species Act of 1973, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself, Mr. PITTS, Mr. TERRY, Ms. GINNY BROWN-WAITE of Florida, and Mr. COBLE):

H.R. 1098. A bill to provide that, if an individual is expelled from Congress, any Member service previously rendered by that individual shall be noncreditable for purposes of determining eligibility for or the amount of any benefits which might otherwise be payable out of the Civil Service Retirement and Disability Fund based on the service of that individual, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 1099. A bill to amend the Internal Revenue Code of 1986 to allow the $25,000 offset for individuals under the passive loss rules to apply to investments in wind energy facilities; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 1100. A bill to amend the Internal Revenue Code of 1986 to clarify that certain options offered by tax-exempt organizations are not includible in gross income under section 457(f); to the Committee on Ways and Means.

By Mr. RODRIGUEZ:

H.R. 1101. A bill to amend title 5, United States Code, to create a presumption that disability of a Federal employee in fire protection activities caused by certain conditions is presumed to result from the performance of such employee's duty; to the Committee on Education and the Workforce.

By Mr. SANDERS (for himself, Mr. SIMMONS, Ms. LEE, Mr. SHAYS, Ms. WATERS, Mr. GREENWOOD, Mr. HOYER, Mr. MCHUGH, Mr. ISRAEL, Mr. QUINN, Mr. SMITH of Washington, Mr. CLAY, Mr. WEINER, Mr. GRIJALVA, Mr. DAVIS of Alabama, Mr. LYNCH, Mrs. JONES of Ohio, Mr. OBERSTAR, Ms. WOOLSEY, Mr. CROWLEY, Mr. INSLEE, Ms. BALDWIN, Mrs. CHRISTENSEN, Mr. MORAN of Virginia, Mr. WYNN, Mrs. MALONEY, Mr. OWENS, Mr. KLECZKA, Mr. BISHOP

of New York, Mr. HOLT, Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. EVANS, Mr. ACEVEDO-VILA, Ms. KAPTUR, Mr. FORD, Ms. DELAURO, Mr. HINCHEY, Mr. HONDA, Mr. GUTIERREZ, Ms. CARSON of Indiana, Mr. HOLDEN, Mr. CASE, Mr. DOYLE, Mr. WEXLER, Mr. GORDON, Mr. PAYNE, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. TIERNEY, Mr. MATSUI, Mr. CONYERS, Mr. KILDEE, Mr. MCNULTY, Mr. FARR, Ms. CORRINE BROWN of Florida, Mr. LANGEVIN, Mr. HALL, Mr. OLVER, Ms. KILPATRICK, Mr. NADLER, Mr. ENGEL, Mr. CAPUANO, Ms. VELAZQUEZ, Mr. BLUMENAUER, Mr. SERRANO, Mr. TOWNS, Mr. STRICKLAND, Ms. LOFGREN, Mr. PALLONE, Mr. MOORE, Mr. RANGEL, Mr. DELAHUNT, Mr. CUMMINGS, Mr. COOPER, Mr. HINOJOSA, Mr. KIND, Ms. MILLENDER-MCDONALD, Mr. BOUCHER, Mrs. DAVIS of California, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. RUSH, Ms. WATSON, Mr. LARSEN of Washington, Ms. SLAUGHTER, Mr. DEFAZIO, Mr. SNYDER, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. FROST, Mr. BROWN of Ohio, Mrs. MCCARTHY of New York, Mr. SPRATT, Mr. BACA, Mr. BECERRA, Mr. MEEKS of New York, Ms. MCCARTHY of Missouri, Mr. REYES, Mr. ALLEN, Mr. SCHIFF, Mr. RODRIGUEZ, Mr. EMANUEL, Ms. HARMAN, Mr. LARSON of Connecticut, Ms. LINDA T. SANCHEZ of California, Mr. DINGELL, Ms. NORTON, Mr. LANTOS, Mr. MICHAUD, Ms. ESHOO, Mrs. LOWEY, Ms. SOLIS, Ms. DEGETTE, Mr. KUCINICH, Mr. PASCRELL, Mr. UDALL of New Mexico, Ms. MCCOLLUM, Mr. BRADY of Pennsylvania, Mr. BELL, Mr. ANDREWS, Mr. KENNEDY of Rhode Island, Mr. HOEFFEL, Mr. BALLANCE, Mr. PRICE of North Carolina, Mr. LAMPSON, Mr. WAXMAN, Mr. FILNER, Mrs. CAPPS, Mr. ORTIZ, Mr. STARK, Mr. COSTELLO, Mr. WATT, Mr. THOMPSON of California, Mr. MEEK of Florida, Ms. BORDALLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. CLYBURN, Mr. GREEN of Texas, Mr. MEEHAN, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Ms. ROYBAL-ALLARD, Mr. FALEOMAVAEGA, Mr. HILL, Mr. MCINTYRE, Mr. DAVIS of Tennessee, Mr. RAHALL, Mr. ROSS, Mr. MILLER of North Carolina, Mr. BOSWELL, Mr. UDALL of Colorado, Mr. DICKS, Mr. BISHOP of Georgia, Mr. ROTHMAN, and Mr. BERMAN):

H.R. 1102. A bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the development, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Financial Services.

By Mr. SCHIFF (for himself, Mr. MCINNIS, Mr. CASE, and Mr. BELL):

H.R. 1103. A bill to improve air cargo security; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, Mr. CHABOT, Mr. GREEN of Wisconsin, Mr. HYDE, and Mr. COBLE):

H.R. 1104. A bill to prevent child abduction, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Mrs. MALONEY, Mr. HONDA, Mr. LEACH, Mr. KILDEE, Ms. NORTON, Mr. WEXLER, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. RYAN of Ohio, Mr. OLVER, Mr. GEORGE MILLER of California, Mr. EVANS, Ms. CARSON of Indiana, Mr. FORD, Mr. HOLT, Mrs. JONES of Ohio, Mr. CUMMINGS, Mr. BECERRA, Ms. LEE, Mr. GUTIERREZ, Ms. SLAUGHTER, Mr. TOWNS, Mr. DELAHUNT, Mr. CAPUANO, Ms. WOOLSEY, Mrs. DAVIS of California, Ms. HARMAN, Mr. MORAN of Virginia, Ms. BERKLEY, Mr. WEINER, Ms. CORRINE BROWN of Florida, Mr. UDALL of New Mexico, Mr. LANTOS, Mr. DEUTSCH, Ms. MCCARTHY of Missouri, Mr. NADLER, Mrs. JOHNSON of Connecticut, Mr. BLUMENAUER, Mr. MARKEY, Ms. HOOLEY of Oregon, Mr. SERRANO, Mr. HOEFFEL, Ms. MILLENDER-MCDONALD, Mr. BOEHLERT, Mr. SCHIFF, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. LOBIONDO, Mr. HINCHEY, Ms. DELAURO, Mr. MEEKS of New York, Mr. PASCRELL, Mr. FROST, Mr. UDALL of Colorado, Mr. CLAY, Mr. LARSON of Connecticut, Mr. MICHAUD, Mr. MCNULTY, Mrs. LOWEY, Mr. INSLEE, Mr. BAIRD, Mr. MATSUI, Mr. ACKERMAN, Mr. SANDERS, Mr. STARK, Ms. MCCOLLUM, Ms. SOLIS, Mr. FATTAH, Mrs. CAPPS, Mr. SAXTON, Mrs. TAUSCHER, Mr. BISHOP of New York, Mr. TIERNEY, Mr. KIRK, Mr. CROWLEY, Mr. GREENWOOD, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. ALLEN, Mr. ROTHMAN, Mr. VAN HOLLEN, Mr. ANDREWS, Mr. COSTELLO, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. MEEHAN, Mr. ISRAEL, Mr. OWENS, Mr. RAHALL, Mr. MOORE, Mr. THOMPSON of California, Mrs. MCCARTHY of New York, Mr. BERMAN, Mr. JEFFERSON, Mrs. NAPOLITANO, Mr. STRICKLAND, Mr. SPRATT, Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. PALLONE, Mr. FALEOMAVAEGA, Mr. LANGEVIN, Mr. LIPINSKI, Mr. HASTINGS of Florida, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Ms. DEGETTE, Mr. SMITH of New Jersey, Mr. CARDIN, Ms. ESHOO, Mr. JACKSON of Illinois, and Mr. WALSH):

H.R. 1105. A bill to designate as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming, and for other purposes; to the Committee on Resources.

By Mr. SIMPSON (for himself and Mr. OTTER):

H.R. 1106. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; to the Committee on Resources.

By Mr. UDALL of New Mexico (for himself, Mr. MATHESON, and Mr. RENZI):

H.R. 1107. A bill to reauthorize funding for maintenance of public roads used by school buses serving certain Indian reservations; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Mr. CONYERS, Ms. LEE, Mr. JACKSON of Illinois, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. RUSH, and Mr. MEEK of Florida):

H.R. 1108. A bill to require the Secretary of the Treasury to direct the United States Executive Director at the Inter-American Development Bank to use the voice, vote, and influence of the United States to urge the immediate resumption of lending to Haiti; to the Committee on Financial Services.

By Ms. LEE (for herself, Mr. FRANK of Massachusetts, Mr. CUMMINGS, Mr. OBERSTAR, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Ms. WOOLSEY, Mr. KUCINICH, Mr. BROWN of Ohio, Mr. CONYERS, Mr. MEEK of Florida, Mr. RUSH, Mr. SCOTT of Virginia, Mr. DEUTSCH, Mr. HASTINGS of Florida, Ms. WATSON, Ms. KILPATRICK, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. OWENS, Mr. PAYNE, Mr. CLYBURN, Ms. CARSON of Indiana, and Mr. CLAY):

H. Con. Res. 78. Concurrent resolution expressing the need to reengage Congress and the Administration regarding the social conditions and need for poverty reduction in Haiti, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO:

H. Res. 123. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. DELAURO:

H. Res. 124. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. SMITH of Michigan (for himself, Mr. NETHERCUTT, Mr. BARTLETT of Maryland, Mr. FLAKE, Mr. DEMINT, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. DUNCAN, Mr. SAM JOHNSON of Texas, Mr. HOBSON, Mr. PETRI, Mr. YOUNG of Alaska, Mr. DAVIS of Tennessee, and Mr. COLLINS):

H. Res. 125. A resolution recognizing the thousands of Freemasons in every State in the Nation and honoring them for their many contributions to the Nation throughout its history; to the Committee on Government Reform.

By Mr. DREIER (for himself, Mrs. BIGGERT, Mr. FORD, Mr. OXLEY, Mr. PETRI, Mr. POMEROY, and Mr. ROSS):

H. Res. 127. A resolution expressing the sense of the House of Representatives that a month should be designated as ''Financial Literacy for Youth Month''; to the Committee on Government Reform.

By Mr. HILL (for himself, Mr. PENCE, Mr. VISCLOSKY, Ms. CARSON of Indiana, Mr. BURTON of Indiana, Mr. CHOCOLA, and Mr. HOSTETTLER):

H. Res. 128. A resolution congratulating Tony Stewart for winning the 2002 Winston Cup Championship; to the Committee on Government Reform.

By Mr. PALLONE:

H. Res. 129. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin; to the Committee on Government Reform.

¶18.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. BARRETT of South Carolina, Mr. HASTINGS of Washington, Mr. BOOZMAN, and Mr. COMBEST.

H.R. 20: Mr. BISHOP of New York, Mr. THOMPSON of Mississippi, Mr. ROTHMAN, Ms. MCCOLLUM, Mr. CARDOZA, Mr. BERRY, and Mr. STENHOLM.

H.R. 36: Mr. CARDOZA.

H.R. 40: Mr. HOSTETTLER, Mr. SHERWOOD, and Mr. MEEK of Florida.
H.R. 57: Mr. HOSTETTLER and Mr. SHERWOOD.
H.R. 58: Ms. SLAUGHTER, Mr. SWEENEY, Mr. ALLEN, Mr. KINGSTON, Mr. RODRIGUEZ, Mr. HALL, Mr. BASS, Ms. CARSON of Indiana, Mr. CONYERS, Mr. MENENDEZ, Ms. HART, Mr. LANTOS, Mr. THOMPSON of California, Mrs. LOWEY, Ms. LORETTA SANCHEZ of California, Mr. BELL, Mr. SANDERS, Mr. CAPUANO, Mr. CARSON of Oklahoma, Ms. LINDA T. SANCHEZ of California, Ms. ESHOO, and Mr. GONZALEZ.
H.R. 107: Ms. LOFGREN.
H.R. 111: Mrs. CAPPS, Mr. CRENSHAW, and Mr. NUNES.
H.R. 119: Mr. BEREUTER.
H.R. 140: Mr. GORDON.
H.R. 240: Mr. PETERSON of Pennsylvania.
H.R. 278: Mr. CARTER.
H.R. 293: Mr. ISAKSON.
H.R. 294: Mrs. MCCARTHY of New York and Mr. OWENS.
H.R. 300: Mr. CUNNINGHAM.
H.R. 303: Mr. PITTS, Mr. BRADLEY of New Hampshire, Mr. KELLER, Mr. JOHN, Mr. PETERSON of Pennsylvania, and Mr. QUINN.
H.R. 339: Mr. LEWIS of Kentucky and Ms. HARRIS.
H.R. 343: Mr. GORDON, Mr. FILNER, and Mr. ALLEN.
H.R. 347: Mr. OTTER.
H.R. 349: Mr. HOSTETTLER.
H.R. 350: Mr. HOSTETTLER.
H.R. 361: Ms. LEE and Mr. BARRETT of South Carolina.
H.R. 365: Ms. LORETTA SANCHEZ of California.
H.R. 426: Ms. WATSON and Ms. GINNY BROWN-WAITE of Florida.
H.R. 428: Mr. GREEN of Wisconsin, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. ENGLISH, Mr. WOLF, and Mr. EHLERS.
H.R. 442: Mr. ETHERIDGE.
H.R. 444: Ms. GINNY BROWN-WAITE of Florida.
H.R. 466: Mr. RUSH.
H.R. 478: Mr. OSBORNE.
H.R. 489: Mrs. MUSGRAVE, Mr. WAMP, and Mr. KINGSTON.
H.R. 498: Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, and Mr. HAYWORTH.
H.R. 501: Mr. STENHOLM.
H.R. 502: Mr. DEFAZIO.
H.R. 503: Mr. BURGESS.
H.R. 522: Mr. BACA.
H.R. 527: Mr. WALSH and Mr. OWENS.
H.R. 528: Mr. CROWLEY and Mr. EHLERS.
H.R. 545: Mr. HOLDEN.
H.R. 569: Mr. PRICE of North Carolina.
H.R. 591: Mr. ENGLISH.
H.R. 611: Ms. GINNY BROWN-WAITE of Florida.
H.R. 612: Ms. GINNY BROWN-WAITE of Florida.
H.R. 615: Ms. GINNY BROWN-WAITE of Florida.
H.R. 625: Ms. LOFGREN.
H.R. 655: Mr. DEFAZIO and Mr. PETERSON of Pennsylvania.
H.R. 662: Mr. SOUDER, Ms. DELAURO, and Mr. CARSON of Indiana.
H.R. 663: Mr. STUPAK.
H.R. 693: Mr. KENNEDY of Minnesota.
H.R. 706: Ms. SCHAKOWSKY and Mr. FRANK of Massachusetts.
H.R. 707: Mr. KILDEE, Mr. ABERCROMBIE, Ms. NORTON, Mr. MCNULTY, and Mr. ACKERMAN.
H.R. 732: Mr. HOLDEN, Mr. ORTIZ, Mr. MCCOTTER, Mr. BARRETT of South Carolina, Mr. LATHAM, Mr. DUNCAN, Mr. JOHN, Mr. RAMSTAD, Mr. BROWN of South Carolina, Mr. LEACH, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BLUMENAUER, Mr. KIND, and Mr. EMANUEL.
H.R. 735: Mr. WALSH, Ms. KAPTUR, Mr. BURTON of Indiana, and Mr. PUTNAM.
H.R. 743: Mr. CARDIN.
H.R. 745: Mr. BAIRD, Mr. ACKERMAN, and Ms. SOLIS.
H.R. 756: Mr. BAKER.
H.R. 765: Mr. KING of New York and Mr. BURGESS.
H.R. 773: Mr. MENENDEZ.
H.R. 794: Mr. REHBERG and Mr. MCINNIS.
H.R. 818: Mr. BROWN of Ohio and Ms. BORDALLO.
H.R. 819: Mr. FILNER.
H.R. 821: Ms. MCCOLLUM.
H.R. 829: Ms. SLAUGHTER, Mr. SIMMONS, Mr. TOWNS, and Mr. MENENDEZ.
H.R. 832: Ms. LORETTA SANCHEZ of California, Mr. WYNN, Mr. EMANUEL, Mr. MILLER of North Carolina, and Mrs. DAVIS of California.
H.R. 854: Mr. PITTS.
H.R. 887: Mr. BURR, Mr. SHERMAN, and Mr. LAHOOD.
H.R. 898: Mr. COBLE.
H.R. 919: Mr. EDWARDS, Mr. NUSSLE, Ms. SCHAKOWSKY, Mr. CROWLEY, and Mrs. NAPOLITANO.
H.R. 920: Mr. FROST, Mr. RANGEL, Mr. KILDEE, Mr. OWENS, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 931: Mr. LAHOOD.
H.R. 933: Mr. UDALL of New Mexico.
H.R. 936: Ms. CARSON of Indiana, Mr. WEINER, Mr. CASE, Mr. FRANK of Massachusetts, Mr. CROWLEY, Mr. CUMMINGS, Mr. HINCHEY, Mrs. JONES of Ohio, Mr. PALLONE, and Ms. CORRINE BROWN of Florida.
H.R. 941: Mr. TOWNS.
H.R. 953: Mr. TURNER of Texas, Ms. LINDA T. SANCHEZ of California, Ms. ESHOO, Mr. CLAY, Mr. EVANS, and Ms. BALDWIN.
H.R. 955: Mr. BOYD, Ms. DELAURO, Ms. KAPTUR, Mr. BAIRD, Mr. REHBERG, Mr. SABO, Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. WAXMAN, Mr. DOGGETT, Mr. SANDERS, Mr. MCHUGH, Mr. BOUCHER, Mr. THOMPSON of Mississippi, Mr. KOLBE, Ms. HOOLEY of Oregon, Mr. MORAN of Virginia, Ms. HARMAN, Mr. KILDEE, Mr. MCDERMOTT, Mr. LARSEN of Washington, Mr. LYNCH, and Mr. FRANK of Massachusetts.
H.R. 976: Ms. BALDWIN and Ms. LOFGREN.
H.R. 980: Mr. STRICKLAND, Mr. NETHERCUTT, and Mr. CUNNINGHAM.
H.R. 995: Mr. WILSON of South Carolina, and Mr. BARTLETT of Maryland.
H.R. 1005: Mr. RADANOVICH, Mr. WHITFIELD, Mr. BISHOP of Utah, and Mr. WALDEN of Oregon.
H.R. 1031: Mr. HASTINGS of Florida, Mr. OWENS, Ms. MILLENDER-MCDONALD, Ms. NORTON, and Mr. BERMAN.
H.R. 1033: Mr. HASTINGS of Washington.
H.R. 1077: Mr. MILLER of North Carolina.
H. Con. Res. 23: Mr. KING of Iowa, Mrs. MCCARTHY of New York, and Mr. HASTINGS of Washington.
H. Con. Res. 26: Ms. ROS-LEHTINEN and Mr. LATOURETTE.
H. Con. Res. 37: Mrs. MALONEY.
H. Con. Res. 52: Mr. OSBORNE, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, and Mr. LAHOOD.
H. Con. Res. 59: Mr. BOSWELL.
H. Res. 59: Ms. LORETTA SANCHEZ of California, Mr. FRANKS of Arizona, and Mr. FOLEY.
H. Res. 108: Mr. CROWLEY and Mr. WYNN.
H. Res. 118: Mr. WEXLER.

¶18.31 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

1. The SPEAKER presented a petition of the Legislature of Putnam County, New York, relative to Resolution No. 249 petitioning the United States Congress to support the New York State Association of Counties' (NYSAC) call upon the President and the United States House of Representatives to support an increase in the federal medical assistance percentage (FMAP) to provide New York's local taxpayers with relief from the crushing financial burden of the Medicaid program; to the Committee on Energy and Commerce.

2. Also, a petition of the Broward County Board of County Commissioners, Florida, relative to Resolution No. 2002-918 petitioning the United States Congress to support the establishment of a south Florida science center proposed to the U. S. Geological Survey by a university consortium comprised of NOVA Southeastern University, the University of Florida and Florida Atlantic University; to the Committee on Resources.

3. Also, a petition of The Ciy of Miami Commission, Florida, relative to Resolution No. 02-1014 petitioning the United States Congress that the city attorney is directed to request the United States Department of Justice to monitor voting in the City of Miami at the November 5, 2002 election to assure the rights of individuals to vote; to the Committee on the Judiciary.

4. Also, a petition of the Leelanau County Board of Commissioners, Michigan, relative to Resolution No. 2002-024 petitioning the United States Congress to support legislation that would establish a federal/state partnership to use the knowledge and skills of the local County Veterans Service Officers to assist the United States Department of Veterans Affairs in eliminating the veterans claims processing backlog in order that America's veterans can take advantage of the benefits that the United States has authorized for them, for their faithful and loyal service to a grateful nation; to the Committee on Veterans' Affairs.

THURSDAY, MARCH 6, 2003 (19)

¶19.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. HEFLEY, who laid before the House the following communication:

WASHINGTON, DC,
March 6, 2003.

I hereby appoint the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

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

¶19.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HEFLEY, announced he had examined and approved the Journal of the proceedings of Wednesday, March 5, 2003.

Mr. MCNULTY, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. HEFLEY, announced that the yeas had it.

Mr. MCNULTY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. HEFLEY, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶19.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

969. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Tobacco Loss Assistance Program 2001 (RIN: 0560-AG61) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

970. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Livestock Indemnity Program (RIN: 0560-AG33) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

971. A letter from the Chief, Regulatory Review and Foreign Investment Disclosure Group, Department of Agriculture, transmitting the Department's final rule — Hard White Wheat Incentive Program (RIN: 0560-AG71) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

972. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Apple Market Loss Assistance Payment Program III (RIN: 0560-AG85) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

973. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Addition of Regulated Area [Docket No. 02-121-2] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

974. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — AQI User Fees: Extension of Current Fees Beyond Fiscal Year 2002 [Docket No. 02-085-2] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

975. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Exotic Newcastle Disease; Additions to Quarantined Area [Docket No. 02-117-3] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

976. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Swine Health Protection [Docket No. 03-008-1] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

977. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Remove Texas From Lists of States Approved to Receive Stallions and Mares From CEM-Affected Regions [Docket No. 03-004-1] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

978. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Exotic Newcastle Disease; Additions to Quarantined Area [Docket No. 02-117-4] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

979. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Witchweed; Regulated Areas [Docket No. 02- 042-1] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

980. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Animal Health Protection Act; Revisions to Authority Citations [Docket No. 02-076-1] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

981. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Implementation of the United States Warehouse Act (RIN: 0560-AG45) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

982. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Tobacco Marketing Quotas, Acreage Allotsments and Production Adjustment (RIN: 0560-AG51) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

983. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Dairy Indemnity Payment Program (RIN: 0560-AG08) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

984. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Grazing Payments for 2001 Wheat, Barley, or Oats (RIN: 0560-AG22) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

985. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Collecting Guaranteed Loss Payments From FSA Farm Loan Program Borrowers (RIN: 0560-AG44) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

986. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Limitations on the Amount of Farm Service Agency Guaranteed Loans (RIN: 0560-AG64) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

987. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Conservation Reserve Program-Farmable Wetlands Pilot Program (RIN: 0560-AG38) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

988. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Sale and Purchase of Flue-Cured Tobacco Across County Lines (Florida and Georgia) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

989. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Conservation Reserve Program-Good Faith Reliance and Excessive Rainfall (RIN: 0560-AG37) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

990. A letter from the Director, Regulatory Review Group, Department of Transportation, transmitting the Department's final rule — Boll Weevil Eradication Loan Program (RIN: 0560-AG69) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

991. A letter from the Director, Regulatory Review Group, Department of Transportation, transmitting the Department's final rule — 2002 Farm Bill Regulations-Termination of Peanut Market Quota Program and Revised Flue-Cured Tobacco Reserve Stock Level (RIN: 0560-AG75) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

992. A letter from the Director, Regulatory Review Group, Department of Transportation, transmitting the Department's final rule — Amendments to the Tobacco Marketing Quota Regulations (RIN: 0560-AG40) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

993. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to Regulations for Permits, Approvals and Registration and Related Regulations [MD 128-3097a; FRL-7450-4] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

994. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California state Implementation Plan, Ventura Air Pollution Control District [CA 266-0383; FRL-7454-4] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

995. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; New Source Review/Prevention of Significant Deterioration Revision [CT-068-7225a; A-1-FRL-7445-9] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

996. A letter from the Acting Principal Deputy Associate Administrator, Evironmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Reorganization of and Revisions to Administrative and General Conformity Provisions; Documents Incorporated by Reference; Recodification of Existing SIP Provisions; Correction [VA085/086/089/102/103-5046a FRL-7455-7] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

997. A letter from the Assistant Secretary, Department of Defense, transmitting a report responding to Section 8171 of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act of 2002 (P.L. 107-117); to the Committee on International Relations.

998. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the implementation of United States-Israel Free Trade Agreement, pursuant to Section 3105 of the Trade Act of 2002; to the Committee on Ways and Means.

999. A letter from the Secretary, Department of Energy, transmitting the Department's plan for the construction and operation of the mixed oxide (MOX) facility at the Savannah River Site in Aiken, South Carolina, pursuant to Section 3182 of the Bob Stump National Defense Authorization Act for FY 2003; jointly to the Committees on Armed Services and Energy and Commerce.

1000. A letter from the General Counsel, Department of Commerce, transmitting a draft bill entitled, ''Marine Mammal Protection Act Amendments of 2003''; jointly to the Committees on Resources, the Judiciary, International Relations, and Ways and Means.

1001. A letter from the General Counsel, Department of Defense, transmitting the Department's legislative initiatives for inclusion in the National Defense Authorization Act for FY 2004; jointly to the Committees

on Armed Services, Transportation and Infrastructure, Energy and Commerce, Resources, Ways and Means, the Judiciary, and Government Reform.

¶19.4 MESSAGE FROM THE SENATE

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

S. Con. Res. 16. A concurrent resolution honoring the life and work of Mr. Fred McFeely Rogers

The message also announced that in accordance with section 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Oregon [Mr. SMITH] as Chairman of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the One Hundred Eighth Congress.

The message also announced that pursuant to section 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Alabama [Mr. SESSIONS] as Chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group conference during the One Hundred Eighth Congress.

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the Senator from Mississippi [Mr. COCHRAN] as Chairman of the Senate Delegation to the British-American Interparliamentary Group conference during the One Hundred Eighth Congress.

¶19.5 RECESS—10:04 A.M.

The SPEAKER pro tempore, Mr. HEFLEY, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 4 minutes a.m., for approximately 14 minutes.

¶19.6 AFTER RECESS—10:15 A.M.

The SPEAKER pro tempore, Mr. HEFLEY, called the House to order.

¶19.7 MUSEUM AND LIBRARY SERVICES

Mr. HOEKSTRA, pursuant to the order of the House of March 4, 2003, called up the bill (H.R. 13) to reauthorize the Museum and Library Services Act, and for other purposes.

When said bill was considered and read twice.

After debate,

¶19.8 RECESS—10:35 A.M.

The SPEAKER pro tempore, Mr. HEFLEY, pursuant to clause 12(b) of rule I, declared the House in recess at 10 o'clock and 35 minutes a.m., subject to the call of the Chair.

¶19.9 AFTER RECESS—11:05 A.M.

The SPEAKER pro tempore, Mr. CALVERT, called the House to order.

The SPEAKER pro tempore, Mr. CALVERT, pursuant to the order of the House of March 4, 2003, stated the House resumed consideration of the bill (H.R. 13) to reauthorize the Museum and Library Services Act, and for other purposes.

After further debate,

Pursuant to the order of the House of March 4, 2003, the previous question was ordered on the bill.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CALVERT, announced that the yeas had it.

Mr. HOEKSTRA objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 416 / Nays ..... 2 }

¶19.10 [Roll No. 47]

YEAS—416

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

NAYS—2

Flake
Paul

NOT VOTING—16

Conyers
Cubin
Culberson
Etheridge
Gephardt
Hunter
Lucas (OK)
Millender-McDonald
Miller (NC)
Ortiz
Ros-Lehtinen
Snyder
Stupak
Van Hollen
Wexler
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶19.11 MOTION TO ADJOURN

Mr. COOPER moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. CALVERT, announced that the nays had it.

Mr. COOPER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 63; Nays ..... 358; Answered present 1 }

¶19.12 [Roll No. 48]

AYES—63

Allen
Andrews
Ballance
Berry
Brown (OH)
Capuano
Cardoza
Carson (IN)
Clay
Cooper
Crowley
Dingell
Doggett
Evans
Farr
Filner
Ford
Frank (MA)
Grijalva
Hastings (FL)
Hinchey
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kucinich
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lynch
Markey
McDermott
McGovern
McNulty
Miller (NC)
Miller, George
Moran (VA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Price (NC)
Rangel
Rush
Ryan (OH)
Sabo
Schakowsky
Schiff
Stark
Tanner
Taylor (MS)
Thompson (MS)
Tierney
Towns
Velazquez
Woolsey

NOES—358

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

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—12

Conyers
Cubin
Culberson
Etheridge
Gephardt
Hunter
Lucas (OK)
Ros-Lehtinen
Snyder
Stupak
Van Hollen
Wexler

So the motion to adjourn was not agreed to.

¶19.13 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CALVERT, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, March 5, 2003.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. CALVERT, announced that the yeas had it.

Mr. SHERMAN demanded a recorded vote on agreeing to the Chair's approval of the Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 359; Nays ..... 48; Answered present 1 }

¶19.14 [Roll No. 49]

AYES—359

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Combest
Cooper
Cox
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon

Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Sullivan
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—48

Baird
Baldwin
Brady (PA)
Capuano
Clay
Costello
Crane
DeFazio
Filner
Fossella
Gutknecht
Hastings (FL)
Hefley
Hinchey
Holt
Hulshof
Johnson, E. B.
Kennedy (MN)
Larsen (WA)
LoBiondo
Maloney
McDermott
McGovern
McNulty
Miller, George
Moran (KS)
Musgrave
Oberstar
Obey
Olver
Pastor
Peterson (MN)
Ramstad
Sabo
Schakowsky
Slaughter
Strickland
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—26

Abercrombie
Barton (TX)
Bereuter
Conyers
Cubin
Culberson
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
English
Etheridge
Gephardt
Hinojosa
Hunter
Lucas (OK)
Manzullo
Matsui
McCollum
Peterson (PA)
Ros-Lehtinen
Sanders
Snyder
Stupak
Van Hollen
Wexler

So the Journal was approved.

¶19.15 RECESS—NOON

The SPEAKER pro tempore, Mr. CALVERT, pursuant to clause 12(a) of rule I, declared the House in recess at noon, subject to the call of the Chair.

¶19.16 AFTER RECESS—1:01 P.M.

The SPEAKER pro tempore, Mr. LATOURETTE, called the House to order.

¶19.17 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, March 10, 2003, at noon; and further, that when the House adjourns on Monday, March 10, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, March 11, 2003, for morning-hour debate.

¶19.18 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 12, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶19.19 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. BISHOP of Utah, laid before the House the following communication from John Eisold, Attending Physician, office of the Attending Physician:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 6, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents and testimony issued by the Superior Court for the District of Columbia.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DR. JOHN EISOLD,
Attending Physician.

¶19.20 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 130):

Resolved, That the following named Members be and are hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Mrs. Jones of Ohio, Mr. Green of Texas, Ms. Roybal-Allard, Mr. Doyle.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶19.21 MESSAGE FROM THE PRESIDENT

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

¶19.22 THREATS TO UNITED STATES FOREIGN POLICY INTERESTS IN ZIMBABWE

The SPEAKER pro tempore, Mr. BISHOP of Utah, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency with respect to the unusual and extraordinary threat to the foreign policy interests of the United States posed by the actions and policies of certain individuals who have formulated, implemented, or supported policies that have undermined Zimbabwe's democratic institutions.

Over the course of more than 2 years, the Government of Zimbabwe has systematically undermined that nation's democratic institutions, employing violence, intimidation, and repressive means including legislation to stifle opposition to its rule. This campaign to ensure the continued rule of Robert Mugabe and his associates was clearly revealed in the badly flawed presidential election held in March 2002. Subsequent to the election, the Mugabe government intensified its repression of opposition political parties and those voices in civil society and the independent press calling on the government to respect the nation's democratic values and the basic human rights of its citizens. To add to the desperation of the besieged Zimbabwean people, the current government has engaged in a violent assault on the rule of law that has thrown the economy into chaos, devastated the nation's agricultural economy, and triggered a potentially catastrophic food crisis.

As a result of the unusual and extraordinary threat posed to the foreign policy of the United States by the deterioration of Zimbabwe's democracy and the resulting breakdown in the rule of law, politically motivated violence, and the political and economic instability in the southern African region, I have exercised my statutory authority and issued an Executive Order which, except to the extent provided for in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

Blocks all property and interests in property of the individuals listed in the Annex to the order;

Prohibits any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to the order, including the making or receiving of any contribution of funds, goods, or service to or for the benefit of the persons designated pursuant to the order.

The Secretary of the Treasury is further authorized to designate any person determined, in consultation with the Secretary of State, to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any persons designated in or pursuant to the order. The Secretary of the Treasury is also authorized in the exercise of my authorities under the International Emergency Economic

Powers Act to implement these measures in consultation with the Secretary of State. All Federal agencies are directed to take actions within their authority to carry out the provisions of the Executive Order.

This Executive Order further demonstrates the U.S. commitment to supporting the Zimbabwe's democratic evolution, and strengthens our cooperation with the European Union in efforts to promote that evolution. The European Union has acted to freeze the assets of 79 individuals responsible for the political, economic, and social deterioration of Zimbabwe. With the exception of two individuals no longer associated with the Government of Zimbabwe, this order encompasses all those identified by the European Union.

I have enclosed a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 6, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–45).

¶19.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ETHERIDGE, for today; and

To Mr. LUCAS of Oklahoma, for today.

And then,

¶19.24 ADJOURNMENT

On motion of Ms. JACKSON-LEE of Texas, pursuant to the previous order of the House, at 4 o'clock and 56 minutes p.m., the House adjourned until noon on Monday, March 10, 2003.

¶19.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 14. A bill to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; with an amendment (Rept. 108–26). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 659. A bill to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals (Rept. 108–27). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 663. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, and for other purposes; with an amendment (Rept. 108–28). Referred to the Committee of the Whole House on the State of the Union.

¶19.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEFAZIO:

H.R. 1109. A bill to establish a Financial Markets Oversight Commission in order to combine the functions of the Commodity Futures Trading Commission and the Securities and Exchange Commission in a single independent regulatory commission, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mr. LIPINSKI, Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Mr. ROSS, Ms. NORTON, Mr. PETERSON of Minnesota, Mr. FORD, Ms. WOOLSEY, Mr. FROST, Mr. OWENS, Ms. CARSON of Indiana, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. HALL, Ms. VELAZQUEZ, Mr. WEXLER, and Mr. LUCAS of Oklahoma):

H.R. 1110. A bill to extend Federal funding for operation of State high risk health insurance pools; to the Committee on Energy and Commerce.

By Mr. BALLENGER (for himself, Mr. ANDREWS, Mr. SANDLIN, Mr. SOUDER, Mr. BEAUPREZ, Mr. GOODE, Mr. GRIJALVA, Mr. LAHOOD, Mrs. MYRICK, Mr. CUNNINGHAM, and Mr. HOSTETTLER):

H.R. 1111. A bill to amend title 10, United States Code, to revise the rules relating to the court-ordered apportionment of the retired pay of members of the uniformed services to former spouses, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON (for himself, Mr. FOLEY, Mr. HOYER, Mr. DEUTSCH, Mr. ROGERS of Michigan, Mr. JENKINS, Mr. CASTLE, Mr. FROST, Mr. NADLER, Ms. ROS-LEHTINEN, Mr. GIBBONS, Mr. GORDON, Mr. HOEFFEL, Mr. BURNS, Mr. GINGREY, Mr. MATHESON, and Mr. SCHROCK):

H.R. 1112. A bill to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. KINGSTON:

H.R. 1113. A bill to authorize an exchange of land at Fort Frederica National Monument, and for other purposes; to the Committee on Resources.

By Mr. KIRK (for himself, Mr. HYDE, Mrs. JOHNSON of Connecticut, Mr. PORTMAN, Mr. SHAYS, Mr. BURR, Mr. MICA, Mr. MCCOTTER, Mr. GILLMOR, Mr. SHIMKUS, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Ms. ROS-LEHTINEN, Mr. FOLEY, Mr. BAKER, Mr. KENNEDY of Rhode Island, Mr. DOOLITTLE, Mr. CASTLE, and Mr. MCCRERY):

H.R. 1114. A bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Mr. BOUCHER, Mr. SENSENBRENNER, Mr. MORAN of Virginia, Mr. SMITH of Texas, Mr. STENHOLM, Mr. DELAY, Mr. DOOLEY of California, Mr. HYDE, Mr. HOLDEN, Mr. COX, and Mr. CRAMER):

H.R. 1115. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Ms. BERKLEY, Mr. BAIRD, Mr. BERMAN, Mr. WEXLER, Mr. DELAHUNT, Mr. NADLER, Ms. NORTON, and Mr. PASCRELL):

H.R. 1116. A bill to reform the medical malpractice insurance business, to provide for Federal alternative medical malpractice insurance, and to limit frivolous lawsuits; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX:

H.R. 1117. A bill to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. BOEHLERT (for himself, Mr. PASCRELL, Mr. QUINN, and Mr. GREEN of Texas):

H.R. 1118. A bill to establish the SAFER Firefighter Grant Program; to the Committee on Science.

By Mrs. BIGGERT (for herself, Ms. PRYCE of Ohio, Ms. DUNN, Ms. GRANGER, Mr. BOEHNER, Mr. NORWOOD, Mrs. BLACKBURN, Mr. BALLENGER, Mrs. MYRICK, Ms. HART, Mr. BLUNT, Mr. STENHOLM, Mrs. JOHNSON of Connecticut, Mrs. WILSON of New Mexico, Mr. LIPINSKI, Mrs. BONO, Mr. SAM JOHNSON of Texas, Mrs. MUSGRAVE, Mrs. NORTHUP, Mr. COLE, Mrs. JO ANN DAVIS of Virginia, Mr. GINGREY, Mr. REYNOLDS, Mr. TIBERI, Mr. PETRI, Mr. HOEKSTRA, Mr. MCKEON, Mr. GREENWOOD, Mr. EHLERS, Mr. DEMINT, Mr. ISAKSON, Mr. KELLER, Mr. PLATTS, Mr. OSBORNE, Mr. WILSON of South Carolina, Mr. KLINE, Mr. BARRETT of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. BUYER, Mr. BROWN of South Carolina, Mr. CAMP, Mr. CRANE, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DREIER, Mr. FRANKS of Arizona, Mr. GOODLATTE, Mr. HASTINGS of Washington, Mr. KENNEDY of Minnesota, Mr. KIRK, Mr. KOLBE, Mr. MANZULLO, Mr. OTTER, Mr. OSE, Mr. PAUL, Mr. PITTS, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. SCHROCK, Mr. SIMMONS, Mr. SMITH of Michigan, Mr. SOUDER, Mr. TANCREDO, Mr. TERRY, Mr. WALDEN of Oregon, Mr. WELDON of Florida, Mr. HYDE, Mr. BAKER, Mr. GILLMOR, Mr. CHABOT, and Mr. SHADEGG):

H.R. 1119. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Education and the Workforce.

By Mr. BACHUS (for himself, Mr. CONYERS, Mr. HOEFFEL, Mr. RANGEL, and Mr. RAHALL):

H.R. 1120. A bill to ensure and foster continued patient safety and quality of care by clarifying the application of the antitrust laws to negotiations between groups of health care professional and health plans and health care insurance issuers; to the Committee on the Judiciary.

By Mr. CANTOR:

H.R. 1121. A bill to limit the period of validity of driver's licenses and State identification cards issued to nonimmigrant aliens to the period of validity of nonimmigrant visas; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself, Mr. GEORGE MILLER of California, Mrs. DAVIS of California, and Ms. LEE):

H.R. 1122. A bill to amend the Solid Waste Disposal Act to provide funding for the clean up of MTBE contamination from underground storage tanks, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. SOUDER, Mr. MORAN of Virginia, Mr. TOM DAVIS of Virginia, Mrs. CHRISTENSEN, and Mrs. MILLER of Michigan):

H.R. 1123. A bill to authorize States to regulate the receipt and disposal of out-of-State municipal solid waste; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. TOWNS, Mr. PALLONE, Mr. DEUTSCH, Mr. RUSH, Ms. ESHOO, Mr. ENGEL, Mr. GREEN of Texas, Ms. MCCARTHY of Missouri, Ms. DEGETTE, Mrs. CAPPS, Ms. SOLIS, Mr. ANDREWS, and Mr. DEFAZIO):

H.R. 1124. A bill to reduce the cost of medical malpractice insurance, to enhance patient access to medical care, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself, Mr. BLUNT, Mr. CARDIN, Mr. PALLONE, Mr. GARY G. MILLER of California, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. EMERSON, Mr. DELAHUNT, Mr. VAN HOLLEN, Mr. ROGERS of Michigan, Mr. MCHUGH, Mr. BOEHLERT, Mr. LEACH, Mr. JANKLOW, Mr. HINCHEY, Mr. GREEN of Wisconsin, Mr. LATOURETTE, Mr. CLYBURN, Mr. TERRY, Mr. DAVIS of Alabama, Mr. SANDERS, Mr. GORDON, Ms. HART, Mr. KLECZKA, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. KUCINICH, Mr. DEUTSCH, Ms. WOOLSEY, Mr. WEXLER, Mr. DAVIS of Illinois, Mr. BOEHNER, Ms. BALDWIN, Ms. BERKLEY, Mr. PASCRELL, Mr. MCDERMOTT, Mr. PICKERING, Mr. FOLEY, Mr. ROSS, Mr. ANDREWS, Mr. MCCRERY, Mr. MCNULTY, Mr. BOOZMAN, Mr. GOODE, and Mr. KILDEE):

H.R. 1125. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Mr. WYNN, Mr. FROST, Mr. SCHROCK, Mr. CANNON, Ms. ROS-LEHTINEN, Mr. BOEHNER, Ms. GINNY BROWN-WAITE of Florida, Mr. ISAKSON, and Mr. CANTOR):

H.R. 1126. A bill to amend the Internal Revenue Code of 1986 to expand the expense treatment for small businesses and to reduce the depreciation recovery period for restaurant buildings and franchise operations, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin:

H.R. 1127. A bill to amend title 10, United States Code, to direct the Secretary of the Army to establish a combat artillery medal; to the Committee on Armed Services.

By Mr. GREENWOOD (for himself, Mr. HOEFFEL, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. ENGLISH, Mr. FATTAH, Mr. GERLACH, Ms. HART, Mr. HOLDEN, Mr. KANJORSKI, Mr. MURPHY, Mr. MURTHA, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PLATTS, Mr. SHERWOOD, Mr. SHUSTER, Mr. TOOMEY, and Mr. WELDON of Pennsylvania):

H.R. 1128. A bill to name the Department of Veterans Affairs outpatient clinic in Horsham, Pennsylvania, as the ''Victor J. Saracini Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. HERGER:

H.R. 1129. A bill to amend the Internal Revenue Code of 1986 to provide for installment reporting of certain gain from the sale of an interest in a service business; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. SHAYS, Ms. HOOLEY of Oregon, Mr. DEFAZIO, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. PAYNE, Ms. BERKLEY, Mr. TOWNS, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. LEVIN, Mr. STARK, Mr. SHERMAN, Mr. PALLONE, Mr. HONDA, Mr. MARKEY, Mr. OLVER, Mr. BAIRD, Mrs. DAVIS of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. NORTON, Mr. SMITH of Washington, Mr. ANDREWS, Mr. PASCRELL, Mr. MCDERMOTT, Mr. WU, Mr. FORD, Mrs. JONES of Ohio, Ms. SLAUGHTER, Mr. WEXLER, Mr. FARR, Mr. MEEHAN, Ms. LEE, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. GUTIERREZ, Mr. CLAY, Mr. BOUCHER, Ms. WOOLSEY, Mr. RANGEL, Mr. CAPUANO, Mr. BROWN of Ohio, Mr. WEINER, Ms. CORRINE BROWN of Florida, Ms. DELAURO, Mr. INSLEE, Mrs. CAPPS, Mr. MCNULTY, Mr. HOEFFEL, Mr. BISHOP of New York, Mr. MATSUI, Ms. MCCARTHY of Missouri, Mr. FILNER, Mr. GILCHREST, Mr. BECERRA, Mr. DEUTSCH, Mr. NADLER, Mr. ROTHMAN, Mr. OWENS, Mr. SCHIFF, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINCHEY, Mr. KIRK, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. LEACH, Mr. GRIJALVA, Mr. FROST, Mr. UDALL of Colorado, Mr. LANTOS, Mr. ABERCROMBIE, Mrs. JOHNSON of Connecticut, Mrs. LOWEY, Mr. FATTAH, Ms. SOLIS, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. EVANS, Mr. ACKERMAN, Mr. RODRIGUEZ, Mr. CROWLEY, Mr. BRADY of Pennsylvania, Mr. COOPER, Mr. MCGOVERN, Mr. LYNCH, Mrs. TAUSCHER, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. CARSON of Oklahoma, Mr. CASE, Mr. SIMMONS, Mr. RAHALL, Mr. MOORE, Mr. SERRANO, Mr. KUCINICH, Mr. MENENDEZ, Mr. ENGEL, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. BERMAN, Mr. UDALL of New Mexico, Mr. DOGGETT, Ms. HARMAN, Mr. DINGELL, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mr. TIERNEY, Mr. GONZALEZ, Mr. LANGEVIN, Mr. WAXMAN, Ms. WATSON, Ms. LINDA T. SANCHEZ of California, Mr. RUSH, Mr. MILLER of North Carolina, Ms. LORETTA SANCHEZ of California, Mr. KENNEDY of Rhode Island, Mr. HASTINGS of Florida, Ms. KILPATRICK, Ms. ROYBAL-ALLARD, Ms. DEGETTE, Mr. CONYERS, Mr. CARDIN, Ms. ESHOO, Mr. BACA, Mr. EMANUEL, Mr. BELL, Mr. DOOLEY of California, Ms. WATERS, Mr. CUMMINGS, Mr. VAN HOLLEN, and Mr. HINOJOSA):

H.R. 1130. A bill to require the Secretary of the Interior to implement the final rule to phase out snowmobile use in Yellowstone National Park, John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park, and snowplane use in Grand Teton National Park; to the Committee on Resources.

By Mr. JEFFERSON:

H.R. 1131. A bill to amend the Internal Revenue Code of 1986 to extend and expand the enhanced deduction for charitable contributions of computers to provide greater public access to computers, including access by the poor; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself and Mr. RANGEL):

H.R. 1132. A bill to amend the Internal Revenue Code of 1986 to provide a credit to promote homeownership among low-income individuals; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 1133. A bill to amend the Internal Revenue Code of 1986 to provide a temporary exclusion for members of reserve components of the Armed Forces and Department of Defense civilian employees serving in a combat zone and to extend the exclusion for serving in a combat zone to Department of Defense civilian employees; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 1134. A bill to amend the Internal Revenue Code of 1986 to increase the work opportunity credit and welfare-to-work credit; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 1135. A bill to amend the Internal Revenue Code of 1986 to provide increased incentives for business investments in low-income communities and small businesses; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Mr. SHAW, Mr. MATSUI, Mr. RANGEL, Mr. BALLENGER, Mr. BRADY of Texas, Mr. DOGGETT, Mr. SAM JOHNSON of Texas, Mr. LAHOOD, Mr. LATOURETTE, Mr. POMEROY, Mr. RYAN of Wisconsin, and Mr. GOODLATTE):

H.R. 1136. A bill to amend title 36, United States Code, to repeal the Federal Charter for Retired Enlisted Association, Incorporated; to the Committee on the Judiciary.

By Mr. LATHAM (for himself, Mr. MCINTYRE, Mr. COLE, Mr. COMBEST, Mr. RYUN of Kansas, and Mr. NUSSLE):

H.R. 1137. A bill to exempt small trailer manufacturers from enhanced early warning reporting requirements under the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself and Mr. SMITH of New Jersey):

H.R. 1138. A bill to amend the Public Health Service Act to provide for Alzheimer's disease research and demonstration grants; to the Committee on Energy and Commerce.

By Mr. MEEKS of New York:

H.R. 1139. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of frequent flyer mileage awards; to the Committee on Ways and Means.

By Mr. MEEKS of New York:

H.R. 1140. A bill to amend the Internal Revenue Code of 1986 to stimulate economic development by enhancing the availability and benefits of small issue bonds; to the Committee on Ways and Means.

By Mr. MEEKS of New York:

H.R. 1141. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for credit card interest; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself and Mr. ALLEN):

H.R. 1142. A bill to establish a commercial truck highway safety demonstration program in the State of Maine, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-McDONALD (for herself, Mrs. CHRISTENSEN, Mr. FRANK of Massachusetts, Mr. McNULTY, Ms. WOOLSEY, Mr. McDERMOTT, and Mr. OWENS):

H.R. 1143. A bill to amend title XIX of the Social Security Act to permit States to expand Medicaid eligibility to uninsured, poor adults; to the Committee on Energy and Commerce.

By Ms. MILLENDER-McDONALD (for herself, Mr. WEXLER, Ms. WOOLSEY, Ms. NORTON, Mr. HOLDEN, Mrs. CHRISTENSEN, Mr. RANGEL, Mr. McNULTY, Mr. FROST, Mr. CASE, Mr. SCHIFF, Mr. McDERMOTT, Mr. GRIJALVA, Mr. KILDEE, Mr. BACA, Mr. RUSH, Mr. ORTIZ, Mr. OWENS, Mr. ACKERMAN, Mr. GUTIERREZ, Ms. LEE, Mr. DAVIS of Alabama, Mr. TOWNS, Mr. COOPER, and Mr. LANTOS):

H.R. 1144. A bill to provide, with respect to diabetes in minority populations, for an increase in the extent of activities carried out by the Centers for Disease Control and Prevention and the National Institutes of Health; to the Committee on Energy and Commerce.

By Ms. MILLENDER-McDONALD (for herself, Mr. WEXLER, Ms. LOFGREN, Ms. WATSON, Ms. NORTON, Mr. BRADY of Pennsylvania, Ms. KAPTUR, Ms. WOOLSEY, Mrs. CHRISTENSEN, Mr. HONDA, Mr. WALSH, Mr. RANGEL, Mr. McNULTY, Mr. FROST, Mr. McDERMOTT, Mr. KILDEE, Mr. WAXMAN, Ms. McCOLLUM, Mr. WATT, Mr. OWENS, Mr. HOUGHTON, Mr. JEFFERSON, Mr. PAYNE, and Mr. BROWN of Ohio):

H.R. 1145. A bill to provide additional appropriations for the fiscal year 2003 for the Peace Corps; to the Committee on International Relations.

By Mr. PAUL:

H.R. 1146. A bill to end membership of the United States in the United Nations; to the Committee on International Relations.

By Ms. MILLENDER-McDONALD (for herself, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. MORAN of Virginia, Mr. OWENS, Ms. SCHAKOWSKY, and Mrs. CHRISTENSEN):

H.R. 1147. A bill to improve the safety of firearms; to the Committee on the Judiciary.

By Ms. MILLENDER-McDONALD (for herself and Mr. FERGUSON):

H.R. 1148. A bill to direct the Secretary of Homeland Security to carry out activities to assess and reduce the vulnerabilities of public transportation systems; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-McDONALD (for herself, Ms. NORTON, and Mr. OWENS):

H.R. 1149. A bill to authorize the Secretary of Health and Human Services to carry out programs regarding the prevention and management of asthma, allergies, and related respiratory problems, to establish a tax credit regarding pest control and indoor air quality and climate control services for multifamily residential housing in low-income communities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mr. COX, Mr. CALVERT, and Mr. ROYCE):

H.R. 1150. A bill to direct the Secretary of Transportation to make grants to Orange County, California, for intercounty express bus service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Virginia (for himself, Ms. NORTON, Mr. WYNN, Mr. VAN HOLLEN, Mr. TOM DAVIS of Virginia, and Mr. HOYER):

H.R. 1151. A bill to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes; to the Committee on Government Reform.

By Mrs. MYRICK:

H.R. 1152. A bill to increase the cap on qualified small issue bonds; to the Committee on Ways and Means.

By Mr. OTTER (for himself, Mr. CANNON, Mr. SIMPSON, Mr. AKIN, Mrs. CUBIN, Mr. CULBERSON, Mr. DOOLITTLE, Mr. GIBBONS, Mr. HERGER, Mr. HUNTER, Mr. McINNIS, Mr. PAUL, Mr. PETERSON of Pennsylvania, Mr. RADANOVICH, Mr. REHBERG, Mr. SHUSTER, Mr. TANCREDO, and Mr. YOUNG of Alaska):

H.R. 1153. A bill to accelerate the wilderness designation process by establishing a timetable for the completion of wilderness studies on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. PAUL (for himself, Mr. NORWOOD, Mr. DUNCAN, Mr. GOODE, Mr. SESSIONS, Mrs. MUSGRAVE, Mr. FLAKE, and Mr. AKIN):

H.R. 1154. A bill to provide that the International Criminal Court is not valid with respect to the United States, and for other purposes; to the Committee on International Relations.

By Ms. PRYCE of Ohio (for herself, Mrs. BIGGERT, Mr. CRANE, Mr. FOLEY, Mrs. JOHNSON of Connecticut, Mr. SENSENBRENNER, Mr. BECERRA, Mr. LEWIS of Georgia, Mr. MATSUI, and Mr. VAN HOLLEN):

H.R. 1155. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California (for herself and Mr. GARY G. MILLER of California):

H.R. 1156. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project; to the Committee on Resources.

By Mr. SANDERS (for himself, Mr. PAUL, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. OWENS, Ms. LEE, Mr. FARR, Mr. TOWNS, Mr. GRIJALVA, Mr. CONYERS, Mr. McDERMOTT, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. OLVER, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mr. McGOVERN, Ms. BALDWIN, Ms. WATERS, Mr. FORD, Mr. LIPINSKI, Mr. STARK, and Mr. UDALL of Colorado):

H.R. 1157. A bill to amend the Foreign Intelligence Surveillance Act to exempt bookstores and libraries from orders requiring the production of any tangible things for certain foreign intelligence investigations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDLIN:

H.R. 1158. A bill to modify the antitrust exemption applicable to the business of medical malpractice insurance, to address current issues for health care providers, to reform medical malpractice litigation by making available alternative dispute resolution methods, requiring plaintiffs to submit affidavits of merit before proceeding, and enabling judgments to be satisfied through periodic payments, to reform the medical malpractice insurance market, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself and Mr. FOLEY):

H.R. 1159. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment for foreign tax credit limitation purposes of certain transfers of intangible property; to the Committee on Ways and Means.

By Mr. SHERWOOD (for himself, Mr. OBEY, Mr. WALSH, Mr. SANDERS, Mr. McHUGH, Mr. HOLDEN, Mr. LATOURETTE, Mr. SWEENEY, Ms. BALDWIN, Mr. QUINN, Mr. EHLERS, Mr. GOODE, Mr. BROWN of Ohio, Mr. SHUSTER, Mr. PETERSON of Pennsylvania, Mr. OLVER, Mr. FILNER, Mr. LARSEN of Washington, Mr. HINCHEY, Mr. SANDLIN, Mr. MURTHA, Mr. McNULTY, Mr. OSBORNE, Mr. SIMMONS, Mr. BACA, Mr. BOUCHER, Mr. SENSENBRENNER, Mr. BOYD, Mr. PICKERING, Mr. BERRY, Ms. KAPTUR, Mr. REHBERG, Mr. GILCHREST, Mr. POMEROY, Mr. DEFAZIO, Mr. LOBIONDO, Mrs. CAPITO, Mr. GRIJALVA, Mr. TURNER of Texas, Mr. GREENWOOD, Mr. ENGLISH, Mrs. KELLY, Ms. HART, Mr. ROGERS of Michigan, Mr. BARTLETT of Maryland, Mr. KLECZKA, Mr. HOUGHTON, Ms. DELAURO, Mr. McGOVERN, Mr. PETRI, Mr. SMITH of Michigan, Mr. DOYLE, Mr. KUCINICH, Mr. SIMPSON, Mr. PITTS, and Mrs. EMERSON):

H.R. 1160. A bill to impose tariff-rate quotas on certain casein and milk protein concentrates; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. COBLE, Mr. SENSENBRENNER, Mr. POMEROY, Mr. LAMPSON, Mr. FOLEY, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. CANNON, Mr. CULBERSON, Mr. DELAY, Mr. WAMP, Mr. RYUN of Kansas, Mr. GILCHREST, Mr. WILSON of South Carolina, Mr. GREEN of Wisconsin, Mr. HUNTER, Ms. JACKSON-LEE of Texas, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. PICKERING, Mr. SIMMONS, Mr. SOUDER, Mr. SPRATT, Mr. STENHOLM, Mr. WELDON of Florida, Mr. PENCE, Mr. OXLEY, Mr. MATHESON, Mr. LOBIONDO, Mr. KENNEDY of Minnesota, Mr. ROGERS of Michigan, Mr. WELLER, Mr. BACHUS, Ms. HART, Mr. GOODLATTE, Mr. KELLER, Mrs. CAPITO, and Mr. VISCLOSKY):

H.R. 1161. A bill to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Washington (for himself, Mr. DOOLEY of California, Mr.

McINTYRE, Mr. TURNER of Texas, Ms. ESHOO, Ms. LOFGREN, Mr. REYES, Mr. COOPER, Mr. JOHN, Mrs. TAUSCHER, Mr. CASE, Mrs. McCARTHY of New York, Mrs. JONES of Ohio, Mr. KIND, Mr. SCOTT of Georgia, Mr. BAIRD, and Mr. DAVIS of Florida):

H.R. 1162. A bill to amend the Internal Revenue Service Code of 1986 to allow a deduction for certain distributions from a controlled foreign corporation to encourage companies to invest in worker hiring and training, infrastructure investments, capital investments, financial stabilization of the company, and research and development; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 1163. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain interest amounts received by individuals; to the Committee on Ways and Means.

By Mr. SWEENEY (for himself and Mr. McNULTY):

H.R. 1164. A bill to extend the deadlines under part I of the Federal Power Act for commencement of construction of two hydro-electric projects in the State of New York; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Ms. SLAUGHTER, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. FILNER, Mr. QUINN, Mr. BROWN of Ohio, Mrs. NAPOLITANO, Ms. NORTON, Mrs. DAVIS of California, Mr. STARK, Ms. McCOLLUM, Mr. HONDA, Ms. DeGETTE, Mr. BLUMENAUER, Ms. DeLAURO, Ms. LEE, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. ROTHMAN, Mr. SCHIFF, Mr. OWENS, Ms. BORDALLO, Mr. ENGEL, Ms. MILLENDER-McDONALD, Mr. GILCHREST, and Ms. ESHOO):

H.R. 1165. A bill to establish a grant and fee program through the Environmental Protection Agency to encourage and promote the recycling of used computers and to promote the development of a national infrastructure for the recycling of used computers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself, Mr. MANZULLO, Ms. VELAZQUEZ, Mr. GRAVES, Mr. RENZI, Mr. FRANKS of Arizona, Mr. MATHESON, Mr. HAYWORTH, Mr. KILDEE, Mr. UDALL of Colorado, Ms. MILLENDER-McDONALD, Mr. BALLANCE, Mrs. CHRISTENSEN, Mr. GONZALEZ, Mr. ACEVEDO-VILA, Mr. CASE, Mr. MICHAUD, Mrs. JONES of Ohio, Mr. CARSON of Oklahoma, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mrs. NAPOLITANO, and Mr. DAVIS of Illinois):

H.R. 1166. A bill to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians; to the Committee on Small Business.

By Mrs. WILSON of New Mexico:

H.R. 1167. A bill to amend title 38, United States Code, to permit remarried surviving spouses of veterans to be eligible for burial in a national cemetery; to the Committee on Veterans' Affairs.

By Mr. BEREUTER:

H. Con. Res. 79. Concurrent resolution expressing support for a peaceful, just, and lasting settlement to the Cyprus problem; to the Committee on International Relations.

By Mr. BOEHLERT (for himself, Mr. ROYCE, Mr. HOUGHTON, Ms. WOOLSEY, Mr. GILCHREST, Mr. LANTOS, Mr. UDALL of Colorado, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, Ms. LEE, Ms. MILLENDER-McDONALD, Mr. TOWNS, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Mr. CUMMINGS, Mr. FATTAH, Mr. PAYNE, Mr. FALEOMAVAEGA, and Mr. OWENS):

H. Con. Res. 80. Concurrent resolution expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Con. Res. 81. Concurrent resolution condemning the Democratic People's Republic of Korea for its announcement that it has restarted a nuclear reactor at Yongbyon and for the provocation caused by the interception of a United States Air Force reconnaissance plane by North Korean military aircraft; to the Committee on International Relations.

By Mr. HOSTETTLER (for himself, Mr. HUNTER, Mr. YOUNG of Alaska, Mr. BARTLETT of Maryland, and Mr. THORNBERRY):

H. Con. Res. 82. Concurrent resolution expressing the sense of the Congress on commemorating the 20th Anniversary of President Ronald Reagan's vision for protecting the United States against ballistic missile attack and commending President George W. Bush's commitment to a multi-layered ballistic missile defense system to protect the homeland of the United States from ballistic missile attack; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD (for herself, Mr. ABERCROMBIE, Ms. BERKLEY, Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. DOGGETT, Mr. FILNER, Mr. HOEFFEL, Mr. HONDA, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. LARSON of Connecticut, Ms. LOFGREN, Mr. OWENS, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. TIAHRT, Mr. TOWNS, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H. Con. Res. 83. Concurrent resolution Honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979; to the Committee on International Relations.

By Mr. TIAHRT (for himself, Mr. RYUN of Kansas, Mr. MORAN of Kansas, and Mr. MOORE):

H. Con. Res. 84. Concurrent resolution providing for the acceptance of a statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol, and for other purposes; to the Committee on House Administration.

By Mr. MENENDEZ:

H. Res. 130. A resolution electing Members to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. MEEKS of New York:

H. Res. 131. A resolution expressing the gratitude of the House of Representatives to the people and Government of Malaysia for their support, cooperation, and assistance in combating international terrorism; to the Committee on International Relations.

By Mr. OSE (for himself, Mr. SENSENBRENNER, Mr. CHABOT, Mr. CUNNINGHAM, Mr. CARDOZA, Mr. HERGER, Mr. OTTER, Mr. DOOLITTLE, Mrs. NAPOLITANO, Mr. PORTER, Mr. FRANKS of Arizona, Mr. OXLEY, Mr. HENSARLING, Mrs. BONO, Mr. KENNEDY of Minnesota, Mr. WALSH, Mr. BARRETT of South Carolina, Mr. ISAKSON, Mr. EVERETT, Mr. GARY G. MILLER of California, Mr. FROST, Mr. ROGERS of Alabama, Mr. HAYES, Mr. WILSON of South Carolina, Mr. RENZI, Mr. FOLEY, Mr. NEY, Mr. BEAUPREZ, Mrs. CAPITO, Mrs. NORTHUP, Ms. GINNY BROWN-WAITE of Florida, Mr. CHOCOLA, Mr. SHUSTER, Mr. BURNS, Mr. HAYWORTH, Mr. MATHESON, Mr. STEARNS, Mr. SWEENEY, Mr. GERLACH, Mr. GOODE, and Mr. NUNES):

H. Res. 132. A resolution expressing the sense of the House of Representatives that the Ninth Circuit Court of Appeals ruling in Newdow v. United States Congress is inconsistent with the Supreme Court's interpretation of the first amendment and should be overturned, and for other purposes; to the Committee on the Judiciary.

By Mr. SULLIVAN (for himself, Mr. CANNON, Mr. KING of Iowa, Mr. RYUN of Kansas, Mr. LEWIS of Kentucky, Mr. GREEN of Wisconsin, Mr. GIBBONS, Mr. OTTER, Mr. TOOMEY, Mr. PITTS, Ms. HART, Mrs. MYRICK, and Ms. GINNY BROWN-WAITE of Florida):

H. Res. 133. A resolution amending the Rules of the House of Representatives to establish a discretionary spending ledger and a mandatory spending ledger; to the Committee on Rules.

¶19.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. DeLAY, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. COX, Mr. REYNOLDS, Mr. DREIER, Mr. DOOLITTLE, Mr. KINGSTON, Mr. CRANE, Mr. SHAW, Mr. HERGER, Mr. McCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. SAM JOHNSON of Texas, Ms. DUNN, Mr. PORTMAN, Mr. HAYWORTH, Mr. HULSHOF, Mr. McINNIS, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. CANTOR, Mr. HENSARLING, Mr. PITTS, Mr. McKEON, Mr. WILSON of South Carolina, Mr. DeMINT, Mr. FOSSELLA, Mr. McCOTTER, Ms. GINNY BROWN-WAITE of Florida, Mr. BOEHNER, Mr. FRANKS of Arizona, Mr. KELLER, and Mr. GARY G. MILLER of California.

H.R. 5: Mr. BROWN of South Carolina and Mr. HOLDEN.

H.R. 12: Mr. REGULA, Mr. STENHOLM, and Mr. GOODLATTE.

H.R. 33: Mr. BOOZMAN and Mr. ROSS.

H.R. 111: Mr. POMBO.

H.R. 132: Mr. MEEKS of New York and Mr. MILLER of North Carolina.

H.R. 151: Ms. BORDALLO.

H.R. 167: Mr. SAXTON.

H.R. 168: Mr. KILDEE.

H.R. 173: Mr. RAHALL, Mr. ENGLISH, Mr. JONES of North Carolina, Mr. GREEN of Texas, Mr. LYNCH, Mr. INSLEE, Ms. GINNY BROWN-WAITE of Florida, Mr. JANKLOW, Mr. GALLEGLY, Ms. KAPTUR, Mr. SERRANO, Mr. ISRAEL, Mr. LANGEVIN, Mr. MEEHAN, Mr. WALSH, and Mr. DEUTSCH.

H.R. 205: Mr. LATHAM and Mr. CASE.

H.R. 218: Mr. PORTMAN, Mr. HASTINGS of Florida, and Mr. BOSWELL.

H.R. 220: Mr. WAMP and Mr. FOLEY.

H.R. 236: Mr. KUCINICH, Ms. WATERS, Mr. BALLANCE, Mr. BISHOP of Georgia, Mr. MEEK of Florida, Mr. ABERCROMBIE, and Ms. KAPTUR.

H.R. 284: Mr. ADERHOLT, Mr. FORBES, Mr. KENNEDY of Minnesota, Mr. TERRY, Mr. STRICKLAND, and Mr. BONNER.

H.R. 286: Mr. McINNIS.

H.R. 303: Mr. TIBERI and Mr. McINTYRE.

H.R. 328: Mr. ROGERS of Kentucky, Mr. WATT, Mr. PASTOR, and Ms. LORETTA SANCHEZ of California.

H.R. 339: Ms. GINNY BROWN-WAITE of Florida.

H.R. 444: Mr. MARIO DIAZ-BALART of Florida, Mr. KOLBE, Ms. DUNN, Ms. HART, and Mr. FOLEY.
H.R. 487: Mr. FOLEY.
H.R. 488: Ms. GINNY BROWN-WAITE of Florida.
H.R. 522: Mr. BONNER and Mr. KING of New York.
H.R. 525: Mr. EMANUEL, Mr. TIERNEY, Mr. SHERMAN, Mr. SKELTON, Mr. UPTON, MR. HILL, Mrs. TAUSCHER, Mr. BERMAN, Mr. CROWLEY, Mrs. EMERSON, Mr. SPRATT, Mr. MARSHALL, Mr. DELAHUNT, Mr. MCGOVERN, Mr. STENHOLM, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. HOUGHTON, Mr. WAXMAN, Mr. NADLER, Mr. SCOTT of Georgia, Mr. WATT, Mr. SHAW, Mr. ABERCROMBIE, Mr. CUNNINGHAM, Mr. HASTINGS of Florida, Mr. ROTHMAN, Mr. FOLEY, Mrs. LOWEY, Mr. WELDON of Pennsylvania, Mr. LARSON of Connecticut, Ms. BERKLEY, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. BISHOP of New York, Mr. RYAN of Ohio, Mr. MCNULTY, and Mr. ISAKSON.
H.R. 529: Mr. MCNULTY.
H.R. 543: Mr. WOLF, Mr. PAUL, Mr. KOLBE, Mr. GREEN of Wisconsin, and Mr. ALEXANDER.
H.R. 545: Mr. FOLEY, Mr. MCHUGH, and Mr. MATHESON.
H.R. 570: Mr. UDALL of Colorado and Mr. STEARNS.
H.R. 571: Mr. HILL, Mr. DOOLITTLE, Mr. PORTER, Mr. FEENEY, and Mr. MANZULLO.
H.R. 583: Mr. OWENS, Mr. WICKER, Mr. SHIMKUS, Mr. FLAKE, Mr. PLATTS, Mr. HERGER, Mr. SESSIONS, Mrs. MYRICK, Mr. SHADEGG, Mr. GUTKNECHT, Mr. JENKINS, Mr. JONES of North Carolina, Mr. MANZULLO, Mr. CAMP, Mr. SIMPSON, Mr. DAVIS of Alabama, Ms. GINNY BROWN-WAITE of Florida, Mr. ROSS, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. ROGERS of Alabama.
H.R. 588: Mr. TIBERI and Mr. OXLEY.
H.R. 594: Mr. SAXTON, Mr. ORTIZ, Mr. MOLLOHAN, Mr. TOM DAVIS of Virginia, and Mr. INSLEE.
H.R. 627: Mr. OLVER, Mr. SOUDER, Mr. MCNULTY, Mr. WEXLER, and Mr. OWENS.
H.R. 643: Ms. LOFGREN, Mr. OWENS, Ms. MCCOLLUM, and Mr. MOORE.
H.R. 655: Mr. LIPINSKI.
H.R. 660: Mr. ROGERS of Kentucky, Mr. WELLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTLETT of Maryland, Mr. KING of Iowa, and Mr. SHUSTER.
H.R. 678: Mr. CUMMINGS, Mr. CLYBURN, and Mr. BACHUS.
H.R. 715: Mr. LIPINSKI and Ms. LORETTA SANCHEZ of California.
H.R. 728: Mr. FORBES.
H.R. 735: Mr. CLAY, Mr. LANTOS, Mr. LEACH, Ms. PRYCE of Ohio, and Mr. LYNCH.
H.R. 760: Mr. JANKLOW.
H.R. 768: Mr. CLYBURN.
H.R. 779: Ms. WATERS.
H.R. 780: Mr. ALLEN, Mr. KILDEE, and Mr. VAN HOLLEN.
H.R. 784: Mrs. CAPITO and Mr. FRANK of Massachusetts.
H.R. 786: Mrs. KELLY.
H.R. 792: Mr. WILSON of South Carolina, Mr. ALEXANDER, Mr. ROGERS of Kentucky, Mr. SOUDER, Mr. CLYBURN, Mr. BOSWELL, Mr. KIRK, Mr. DELAHUNT, and Mr. BONNER.
H.R. 804: Mr. JONES of North Carolina.
H.R. 806: Ms. LORETTA SANCHEZ of California.
H.R. 808: Mr. HAYWORTH, Mr. CANTOR, and Mr. MCNULTY.
H.R. 811: Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. NORTON, and Ms. JACKSON-LEE of Texas.
H.R. 813: Mr. KILDEE.
H.R. 814: Mrs. NAPOLITANO, Mr. DEUTSCH, and Ms. LORETTA SANCHEZ of California.
H.R. 815: Mr. FORD.
H.R. 817: Mr. BOSWELL.
H.R. 830: Mr. UDALL of Colorado.
H.R. 839: Ms. DUNN and Mr. GORDON.
H.R. 847: Mr. COSTELLO.
H.R. 857: Mr. WELDON of Pennsylvania, Mr. MCGOVERN, and Mr. GEORGE MILLER of California.
H.R. 859: Mr. SAM JOHNSON of Texas, Mr. ISAKSON, and Mr. SHERMAN.
H.R. 870: Ms. DUNN.
H.R. 871: Ms. GINNY BROWN-WAITE of Florida and Mr. BOSWELL.
H.R. 876: Mrs. CAPITO and Mr. CARSON of Oklahoma.
H.R. 891: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 896: Mr. KILDEE, Mr. UDALL of Colorado, Mr. MATHESON, and Mr. RANGEL.
H.R. 898: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, Mr. DEFAZIO, and Ms. WOOLSEY.
H.R. 919: Mr. BAIRD, Ms. GINNY BROWN-WAITE of Florida, and Mr. ISRAEL.
H.R. 926: Mr. LINDER, Mr. HAYWORTH, and Mr. GUTKNECHT.
H.R. 934: Mr. MCNULTY.
H.R. 937: Mr. LAHOOD.
H.R. 953: Mr. UDALL of Colorado, Mr. NEAL of Massachusetts, and Mr. SHERMAN.
H.R. 973: Ms. KAPTUR.
H.R. 997: Mr. TAYLOR of Mississippi, Mr. PITTS, Mr. WILSON of South Carolina, Mr. HOSTETTLER, Mr. LIPINSKI, Mr. BURTON of Indiana, Mr. STEARNS, Mr. HAYES, Ms. GINNY BROWN-WAITE of Florida, Mr. BARTLETT of Maryland, and Mr. GOODE.
H.R. 1022: Mr. REYES, Mr. LANTOS, Mrs. CHRISTENSEN, Mr. BACA, Mr. FROST, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. GONZALEZ, Mr. NEAL of Massachusetts, and Mr. MARKEY.
H.R. 1029: Ms. WOOLSEY and Mr. CAPUANO.
H.R. 1032: Mr. FOLEY and Mr. HAYWORTH.
H.R. 1039: Mr. STARK.
H.R. 1043: Mr. ETHERIDGE, Mr. NEY, Mr. DAVIS of Tennessee, Mr. SAM JOHNSON of Texas, and Mr. GERLACH.
H.R. 1056: Mr. WEXLER, Mr. GRIJALVA, and Ms. LEE.
H.R. 1068: Mr. LATOURETTE, Mr. MURTHA, Mr. PALLONE, Mr. TOWNS, Mr. OWENS, Mr. HINCHEY, Mr. HOLDEN, Mr. PICKERING, Mr. GRIJALVA, Mr. GREEN of Texas, Mr. CULBERSON, Mr. SESSIONS, Mr. MCNULTY, Mr. WEINER, Mr. LEACH, Mr. SERRANO, Mr. WYNN, Mr. TAYLOR of Mississippi, Mr. CASE, Ms. DELAURO, Mr. LANTOS, Mr. SANDLIN, Mr. LIPINSKI, Mr. CARSON of Oklahoma, Mr. HOEFFEL, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. FORD, and Mr. FORBES.
H.R. 1077: Mr. LEWIS of Georgia.
H.R. 1093: Mr. FRANK of Massachusetts, Mr. LEWIS of California, Mr. FROST, and Mr. WOLF.
H.R. 1102: Mr. ACKERMAN, Mr. GONZALEZ, Mr. NEAL of Massachusetts, and Mr. MARKEY.
H.R. 1108: Ms. EDDIE BERNICE JOHNSON of Texas.
H.J. Res. 4: Mr. PITTS, Mr. CARDOZA, Mr. JOHN, and Mr. RYAN of Wisconsin.
H.J. Res. 20: Mr. FATTAH.
H.J. Res. 22: Mr. DAVIS of Tennessee.
H. Con. Res. 21: Mr. KENNEDY of Minnesota.
H. Con. Res. 23: Mr. CASTLE.
H. Con. Res. 49: Mr. WEXLER, Mr. SHIMKUS, Ms. BERKLEY, Mr. ENGEL, Mr. DEUTSCH, Mr. GARRETT of New Jersey, and Mr. FRANK of Massachusetts.
H. Res. 59: Mr. ENGLISH.
H. Res. 60: Mr. TERRY, Ms. HART, Mr. MORAN of Virginia, Mr. ENGLISH, Mr. LOBIONDO, and Mr. KIND.
H. Res. 72: Mr. FOLEY.

¶19.28 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted form public bills and resolutions as follows:

H.R. 684: Mrs. JONES of Ohio.
H.R. 936: Mr. SCOTT of Virginia.

MONDAY, MARCH 10, 2003 (20)

¶20.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at noon by the SPEAKER pro tempore, Mr. THORNBERRY, who laid before the House the following communication:

WASHINGTON, DC,
March 10, 2003.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

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

¶20.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. THORNBERRY, announced he had examined and approved the Journal of the proceedings of Thursday, March 6, 2003.

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

¶20.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1002. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Payment Limits (RIN: 0560-AG77) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1003. A letter from the Assistant General Counsel, Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program (RIN: 1505-AA96) received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1004. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Definition of Terms in and Specific Exemptions for Banks, Savings Associations, and Savings Banks Under Sections 3(a)(4) and 3(a)(5) of the Securities Exchange Act of 1934 [Release No. 34-47364; File No. S7-41-02] (RIN: 3235-AI19) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1005. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Custody of Investment Company Assets With a Securities Depository [Release No. IC-25934; File No. S7-22-01] (RIN: 3235-AG71) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1006. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Regulation Analyst Certification [Release Nos. 33-8193; 34-47384; File No. S7-30-02] (RIN: 3235-AI60) received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1007. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures; Delay of Effective Date [Docket No. 92N-0297] (RIN: 0905-AC81) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1008. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Human Cells, Tissues, and Cellular and Tissue-Based Products; Establishment Registration and Listing [Docket No. 97N-484R] received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1009. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA 02-14270] (RIN: 2127-AI71) received February 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1010. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1011. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the 2002 Wassenaar Arrangement List of Dual-Use Items: Revisions to Categories 2, 3, 4, 5, 6, 7, 8, and 9 of the Commerce Control List, General Software Note, and Reporting Requirements [Docket No. 030127020-3020-01] (RIN: 0694-AC65) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1012. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1013. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1014. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1015. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1016. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1017. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Debarments and Suspensions of Health Care Providers From the Federal Employees Health Benefits Program (RIN: 3206-AD76) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1018. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf — Oil and Gas Drilling Operations (RIN: 1010-AC43) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1019. A letter from the Assistant Secretary, Land and Minerals Management, Department Of The Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf — Document Incorporated by Reference — American Petroleum Institute's Specification 2C for Offshore Cranes (RIN: 1010-AC82) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1020. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-03-010] (RIN: 2115-AA97) February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1021. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Fire-Suppression System and Voyage Planning for Towing Vessels [USCG-2000-6931] (RIN: 2115-AF53) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1022. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology Into Tropical Cyclone Analysis and Forecast Operations [Docket No. 021114275-2275-01] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1023. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Single Entry for Split Shipments [T.D. 03-09] (RIN: 1515-AC91) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1024. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Excise Tax Relating to Structured Settlement Factoring Transactions [TD 9042] (RIN: 1545-BB24) received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1025. A letter from the Social Security Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Federal Old-Age, Survivors and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Administrative Review Process; Video Teleconferencing Appearances Before Administrative Law Judges of the Social Security Administration [Regulations Nos. 4 and 16] (RIN: 0960-AE97) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1026. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Health Insurance Reform: Modifications to Electronic Data Transaction Standards and Code Sets [CMS-0003-F and CMS-0005-F] (RINS: 0938-AK64 and 0938-AK76) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

1027. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Health Insurance Reform: Security Standards [CMS-0049-F] (RIN: 0938-AI57) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶20.4 MESSAGE FROM THE SENATE

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

S. Con. Res. 13. A concurrent resolution condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes.

The message also announced that pursuant to Executive Order 12131, the Chair appoints the following Members to the President's Export Council: the Senator from Texas [Mr. CORNYN], and the Senator from Missouri [Mr. TALENT].

And then,

¶20.5 ADJOURNMENT

The SPEAKER pro tempore, Mr. THORNBERRY, by unanimous consent and pursuant to the previous order of the House of Thursday, March 6, 2003, at 12 o'clock and 4 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, March 11, 2003.

¶20.6 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Resolution 19. Resolution designating the room numbered H–236 in the House of Representatives wing of the Capitol as the ''Richard K. Armey Room'' (Rept. 108–29). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 145. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ted Weiss Federal Building'' (Rept. 108–30): Referred to the House Calendar.

¶20.7 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RYAN of Ohio (for himself, Mr. ACEVEDO-VILA, Mr. BROWN of Ohio, Mr. CHABOT, Mr. ETHERIDGE, Mr. FARR, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HOLDEN, Mr. INSLEE, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KILDEE, Mr. LATOURETTE, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. REYES, Mr. SERRANO, Mr. SIMMONS, and Mr. SMITH of Washington):

H.R. 1168. A bill to amend the Higher Education Act of 1965 to provide deferments and interest payments for borrowers of student loans who are called to active duty; to the Committee on Education and the Workforce.

By Mr. LANGEVIN (for himself, Mr. KENNEDY of Rhode Island, Mr. SIMMONS, Mr. CAPUANO, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. LYNCH, Mr. MCGOVERN, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. OLVER, and Mr. TIERNEY):

H. Con. Res. 85. Concurrent resolution expressing the sense of the Congress with regard to the need for improved fire safety in nonresidential buildings in the aftermath of

the tragic fire on February 20, 2003, at a nightclub in West Warwick, Rhode Island; to the Committee on Government Reform.

¶20.8 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponors were added to public bills and resolutions as follows:

H.R. 218: Mr. HASTINGS of Washington, Mr. FRELINGHUYSEN, and Mr. ROYCE.

H.R. 293: Ms. CORRINE BROWN of Florida.

H.R. 294: Mr. NEY, Ms. CORRINE BROWN of Florida, and Mr. FOLEY.

H.R. 330: Mr. OTTER.

H.R. 623: Mr. CLYBURN.

H.R. 677: Mr. COSTELLO and Ms. LORETTA SANCHEZ of California.

H.R. 685: Mr. KUCINICH, Mr. ALLEN, Mr. SABO, Mr. ACKERMAN, Ms. ESHOO, Mr. CLYBURN, and Mr. EVANS.

H.R. 727: Ms. SCHAKOWSKY and Mr. MCDERMOTT.

H.R. 800: Mr. LUCAS of Oklahoma and Mr. SOUDER.

H.R. 1068: Mr. FRANK of Massachusetts, Mr. ENGLISH, Mr. SCHIFF, Mr. INSLEE, Mr. LOBIONDO, Mr. BONILLA, Mr. HONDA, Mr. LANGEVIN, Mr. FOLEY, Mr. WAXMAN, and Mr. KILDEE.

H.R. 1154: Mr. MANZULLO.

H.J. Res. 4: Mr. JONES of North Carolina, Mr. AKIN, Mr. BEAUPREZ, Mr. TANCREDO, Mr. LUCAS of Oklahoma, Mr. VITTER, Mr. SKELTON, Mr. JANKLOW, Mr. BLUNT, Mr. SCHROCK, Mr. CULBERSON, Mr. SULLIVAN, and Mr. BOSWELL.

H. Con. Res. 80: Mr. CROWLEY.

TUESDAY, MARCH 11, 2003 (21)

¶21.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. SIMMONS, who laid before the House the following communication:

WASHINGTON, DC,
March 11, 2003.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶21.2 RECESS—1:06 P.M.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock 6 minutes p.m. until 2 p.m.

¶21.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶21.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. BIGGERT, announced she had examined and approved the Journal of the proceedings of Monday, March 10, 2003.

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

¶21.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1028. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiophanate Methyl; Pesticide Tolerance for Emergency Exemptions [OPP-2002-0355; FRL-7285-9] received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1029. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyprodinil; Pesticide Tolerance [OPP-2002-0344; FRL-7289-7] received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1030. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 6-Benzyladenine; Temporary Exemption From the Requirement of a Tolerance [OPP-2002-0308; FRL-7287-2] received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1031. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oxadiazon; Tolerance Revocations [OPP-2002-0086; FRL-7187-3] received January 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1032. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 4-(Dichloroacetyl)-1-Oxa-4-Azaspiro [4.5] Decane; Pesticide Import Tolerance [OPP-2002-0245; FRL-7199-4] received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1033. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Tolerance Exemptions for Polymers [OPP-2003-0039; FRL-7291-7] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1034. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pelargonic Acid (Nonanoic Acid); Exemption from the Requirement of a Pesticide Tolerance [OPP-2002-273; FRL-7278-7] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1035. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [OAR-2002-0045; AD-FRL-7446-6] (RIN: 2060-AK53) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1036. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Enhanced Inspection and Maintenance Program [Region II Docket No. NJ55-248, FRL-7441-4] received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1037. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans For Designated Facilities and Pollutants: New Hampshire; Plan for Controlling MWC Emissions From Existing Municipal Waste Combustors [NH-51-7175a; FRL-7447-7] received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1038. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to Volatile Organic Compound Requirements from Specific Processes [MD129/130-3089a; FRL-7437-7] received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1039. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District and Yolo-Solano Air Quality Control District [CA 271-0374a; FRL-7427-8] received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1040. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances [FRL-7443-4] (RIN: 2060-AG12) received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1041. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ohio: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7442-8] received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1042. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment as of November 15, 1999, and Reclassification of the Metropolitan Washington, D.C. Ozone Nonattainment Area; District of Columbia, Maryland, Virginia [DC039-2030; MD073-3101; VA090-5063; FRL-7441-9] received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1043. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clarification to Interim Standards and Practices for All Appropriate Inquiry Under CERCLA and Notice of Future Rulemaking Action [[FRN-7442-4] (RIN: 2050-AF05) received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1044. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Florida: Approval of Revisions to the Florida State Implementation Plan [FL-82-200309a; FRL-7443-3] received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1045. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA255-0385; FRL-7448-1] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1046. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey

Bay Unified Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1047. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protecton Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Nothern Engraving Environmental Cooperative Agreement [WI112-01-7342b, FRL-7411-5] received January 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1048. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [CA273-0381a; FRL-7 452-3] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1049. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zones, Security Zones, Drawbridge Operation Regulations and Special Local Regulations [USCG-2002-13968] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1050. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Atlantic Ocean Bad Boys II Film Production [COTP Miami 02-118] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1051. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 602.0 to 604.0, Louisville, Kentucky [COTP Louisville 02-06] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1052. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Huntington Beach Offshore Grand Prix, Huntington Beach, California [COTP Los Angeles--Long Beach 02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1053. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Indian River, 4th of July Celebration, Cocoa, FL. [COTP Jacksonville 02-083] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1054. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Biscayne Bay — Port of Miami, Miami FL. [COTP Miami 02-107] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1055. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Southwest Pass Sea Buoy To Nashville Ave Wharf, Mile Marker 100.8, above Head of Passes, Lower Mississippi River, New Orleans, Louisiana [COTP New Orleans-02-020] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1056. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile 497.5 to 497.7, LeClaire, IA [COTP St. Louis 02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1057. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile 496.4 to 496.6, LeClaire, IA [COTP St. Louis 02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1058. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Tennessee River, Mile Marker 612.0 to 625.0 [COTP Paducah, KY 02-008] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1059. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Cassville Twin-O-Rama Fire Works, Cassville WI [COTP St. Louis, MO-02-012] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1060. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Highway 90 Bridge, Pascagoula River, Pascagoula, Mississippi [COTP Mobile, AL 02-016] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1061. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, Bad Boys II Film Production [COTP Miami 02-113] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1062. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Biscayne Bay Dinner Key Channel, FL. [COTP Miami 02-103] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1063. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Colorado River, Laughlin, NV [COTP San Diego 02-008] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1064. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Port of Miami Bad Boys II Film Production [COTP Miami 02-092] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1065. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Miami River, Miami FL [COTP Miami 02-075] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1066. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 590.5 to 592.0, Rosedale, Mississippi [COTP Memphis-02-009] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1067. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Cumberland River, Mile Marker 190.5 to 192.0, Nashville, Tennessee [COTP Paducah-02-009] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1068. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Ohio River, Mile Marker 943.0 to 945.0 [COTP Paducah, KY 02-007] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1069. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; North San Diego Bay, CA [COTP San Diego 02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1070. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Fireworks Display, New Jersey Pierhead Channel, NJ [CGD01-02-086] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1071. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; 4th of July Celebration, Salem, Massachusetts [CGD1-02-087] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1072. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Kansas City Aviation and Air show Expo, Kansas City, MO [COTP St. Louis 02-015] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1073. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile 662.5 to 663.6, Lansing IA [COTP St. Louis, MO-02-016] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1074. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Middletown 4th of July Fireworks Display, Connecticut River, CT [CGD01-02-066] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1075. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zones; Orchard Beach, Long Island Sound, NY [CGD01-02-079] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1076. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Main Pass, Block 4, 29 degrees 41'34''N, 089 degrees 20'22''W, Gulf of Mexico [COPT New Orleans-02-021] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Mississippi River Gulf Outlet Channel, mile marker 49.0, in the vicinity of light 111 and 112, Louisiana [COTP New Orleans-02-019] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶21.6 BICENTENNIAL OHIO ADMISSION

Mr. TURNER of Ohio moved to suspend the rules and agree to the following resolution (H. Res. 122):

Whereas Ohio residents will celebrate 2003 as the 200th anniversary of Ohio's admission into the Union;

Whereas Ohio was the 17th State to be admitted to the Union and was the first State to be created from the Northwest Territory;

Whereas ''Ohio'' is derived from the Iroquois word meaning ''great river'', referring to the Ohio River which forms the southern boundary and a portion of the eastern boundary of the State;

Whereas Ohio was the site of battles of the American Indian Wars, French and Indian Wars, Revolutionary War, the War of 1812, and the Civil War;

Whereas in the nineteenth century, Ohio, a free state, was an important stop on the Underground Railroad as a destination for more than 100,000 individuals escaping slavery and seeking freedom;

Whereas Ohio, which is known as ''The Mother of Presidents'', has given eight United States presidents to the Nation, including William Henry Harrison, Ulysses S. Grant, Rutherford B. Hayes, James A. Garfield, Benjamin Harrison, William McKinley, William H. Taft, and Warren G. Harding;

Whereas Ohio inventors, including Thomas Edison (incandescent light bulb), Orville and Wilbur Wright (first in flight), Henry Timken (roller bearings), Charles Kettering (automobile starter), Charles Goodyear (process of vulcanizing rubber), Garrett Morgan (traffic light), and Roy Plunkett (Teflon), created the basis for modern living as we know it;

Whereas Ohio, which is also known as ''The Birthplace of Aviation'', has been home to 24 astronauts, including John Glenn, Neil Armstrong, and Judith Resnik;

Whereas Ohio has a rich sports tradition and has produced many sports legends, including Annie Oakley, Jesse Owens, Cy Young, Jack Nicklaus, and Nancy Lopez;

Whereas Ohio has produced many distinguished writers including Harriet Beecher Stowe, Paul Laurence Dunbar, Toni Morrison, and James Thurber;

Whereas the agriculture and agribusiness industry is and has long been the number one industry in Ohio, contributing $73,000,000,000 annually to Ohio's economy and employing 1 in 6 Ohioans, and that industry's tens of thousands of Ohio farmers and 14,000,000 acres of Ohio farmland feed the people of the State, the Nation, and the world;

Whereas the enduring manufacturing economy of Ohio is responsible for ¼ of Ohio's Gross State Product, provides over one million well-paying jobs to Ohioans, exports $26,000,000,000 in products to 196 countries, and provides over $1,000,000,000 in tax revenues to local schools and governments;

Whereas Ohio is home to over 140 colleges and universities which have made significant contributions to the intellectual life of the State and Nation, and continued investment in education is Ohio's promise to future economic development in the ''knowledge economy'' of the 21st century;

Whereas, from its inception, Ohio has been a prime destination for immigrants, and the rich cultural and ethnic heritage that has been interwoven into the spirit of the people of Ohio and that enriches Ohio's communities and the quality of life of its residents is both a tribute to, and representative of, the Nation's diversity;

Whereas Ohio began celebrations commemorating its bicentennial on March 1, 2003, in Chillicothe, the first capital of Ohio; and

Whereas the bicentennial celebrations will include Inventing Flight in Dayton (celebrating the centennial of flight), Tall Ships on Lake Erie, Tall Stacks on the Ohio River, Red, White, and Bicentennial Boom in Columbus, and the Bicentennial Wagon Train across the State: Now, therefore, be it

Resolved, That the House of Representatives recognizes—

(1) the bicentennial of the admission of Ohio into the Union;

(2) the residents of Ohio for their important contributions to the economic, social, and cultural development of the United States.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. TURNER of Ohio and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TURNER of Ohio demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, March 12, 2003.

¶21.7 IMPROVED FIRE SAFETY

Mr. TURNER of Ohio moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 85):

Whereas, on the night of February 20, 2003, a pyrotechnic display ignited a massive fire at The Station nightclub in West Warwick, Rhode Island;

Whereas 99 people have died as a result of the fire and an additional 186 people were injured in the fire, many of whom remain hospitalized as of the date of the submission of this resolution with life-threatening burns and other injuries;

Whereas the victims of the fire were residents of Rhode Island, Massachusetts, Connecticut, and several other States;

Whereas the firefighters, police officers (particularly officers of the West Warwick Police Department who were the first to arrive on the scene), and medical personnel who responded to the fire performed heroically under horrific circumstances, and they risked their own lives to save many of the injured;

Whereas, at hospitals in Rhode Island and Massachusetts, doctors, nurses, hospital staff, mental health professionals, and other health care workers toiled through the night and in the following days to care for the injured, and they continue to provide world-class care to victims of the fire who remain hospitalized;

Whereas hospital care for victims of the fire was provided at Rhode Island Hospital, Kent County Hospital, South County Hospital, Fatima Hospital, Massachusetts General Hospital, Miriam Hospital, Roger Williams Hospital, Landmark Hospital, University of Massachusetts/Worcester Hospital, Brigham and Women's Hospital, Westerly Hospital, Shriners Hospital, St. Luke's Hospital, Memorial Hospital, Charlton Hospital, and Newport Hospital;

Whereas the local Red Cross, with 10 paid staff and over 400 dedicated volunteers, has played a critical role in offering comfort to the families of victims and coordinating services;

Whereas State and local officials have responded to the fire and its aftermath quickly, effectively, and compassionately, and the people of Rhode Island and the Nation are grateful for their efforts;

Whereas Governor Donald Carcieri of Rhode Island and West Warwick Town Manager Wolfgang Bauer have shown exceptional leadership under trying circumstances and their sensitivity to the families impacted by the tragedy is much appreciated; Lt. Governor Charles Fogarty and Maj. Gen. Reginald Centracchio, as Co-Chairs of the Emergency Management Advisory Council, have also played a crucial role in responding to the tragedy; and the Rhode Island Emergency Management Agency has impressively and effectively coordinated a myriad of State and local activities;

Whereas area funeral directors and medical examiners have provided outstanding service throughout the tragedy;

Whereas the staff of the local family resource center has helped the families of victims to access the services and information they need and provided care and comfort to hundreds of grieving family members;

Whereas the people of Rhode Island and concerned citizens across the United States have shown incredible generosity in response to the tragedy, contributing hundreds of thousands of dollars to victims' assistance efforts;

Whereas many local businesses have provided victims and their families with crucial services from food to transportation, members of the Rhode Island Bar Association and Rhode Island Trial Lawyers Association have offered free assistance to victims and their families with immediate legal issues, and community mental health centers and mental health professionals have provided critical mental health care to victims and their families and other members of the community;

Whereas Federal agencies, including the Social Security Administration, the Federal Emergency Management Agency, the Bureau of Alcohol, Tobacco, and Firearms, the Department of Health and Human Services, the National Institute of Standards and Technology, and the Small Business Administration, have offered assistance and expertise that has been extremely helpful to the State's emergency response to the tragedy;

Whereas the West Warwick fire is only the most recent example of how deadly fire can be in nonresidential buildings;

Whereas, in 2001, the last year in which full statistics are available, 80 people were killed and 1,650 injured in fires in nonresidential buildings, not including the victims of the terrorist attacks on September 11, 2001; and

Whereas, on February 17, 2003, 21 people were killed in a tragic stampede at the E2 Nightclub in Chicago, Illinois, and this tragedy and the West Warwick fire, which have

deeply impacted persons throughout the United States, emphasize the critical need for enhancements in nightclub and concert hall safety: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its deepest condolences to the family members and friends who lost loved ones as a result of the tragic fire on February 20, 2003, at The Station nightclub in West Warwick, Rhode Island, and offers its hope for the quick and full recovery of those persons who were injured in the fire;

(2) expresses immense gratitude for the efforts of countless emergency response personnel, local, State, and Federal officials, health care providers, volunteers, businesses, and citizens who have been part of the response to this tragedy; and

(3) urges State and local officials and the owners of entertainment facilities to examine their safety practices, fire codes, and enforcement capabilities in light of this horrific tragedy and to take all necessary action to ensure that such a tragedy never befalls any community again.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. TURNER of Ohio and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TURNER of Ohio demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, March 12, 2003.

¶21.8 OBSERVER STATUS FOR TAIWAN

Mr. CHABOT moved to suspend the rules and pass the bill (H.R. 441) to amend Public Law 107-10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2003 in Geneva, Switzerland, and for other purposes.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. CHABOT and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CHABOT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶21.9 60TH ANNIVERSARY OF BULGARIAN JEWS RESCUE

Mr. CHABOT moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 77); as amended:

Whereas the people of the United States and the Republic of Bulgaria respect all faiths, including Judaism and Jewish culture;

Whereas during World War II, despite being allied with Germany, Bulgarians did not cede to Nazi pressure to fully enforce anti-Jewish legislation and resisted orders to deport their Jewish compatriots to Nazi concentration camps;

Whereas in the spring of 1943 the Bulgarian people succeeded in preventing the deportation of 50,000 Jews to such camps;

Whereas it is acknowledged with sadness that the deportation of over 11,000 jews from Thrace and Macedonia, territories which were administered by Bulgaria at that time, to Nazi concentration camps, took place;

Whereas Bulgaria was the only European country during World War II to increase its Jewish population;

Whereas members of the Bulgarian Parliament, the Bulgarian Orthodox Church, King Boris III, politicians, intellectuals, and citizens all played a part in the resistance to Nazi pressure to carry out the deportation;

Whereas March 2003 marks the 60th anniversary of Bulgaria's refusal to deport its Jews to Nazi concentration camps;

Whereas the Bulgarian people today preserve and continue their tradition of ethnic and religious tolerance; and

Whereas President George W. Bush and Prime Minister Simeon Saxe-Coburg Gotha are leading the United States and Bulgaria into a long-term strategic partnership: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commemorates the 60th anniversary of the historic rescue of 50,000 Bulgarian Jews from the Holocaust and commends the Bulgarian people for preserving and continuing their tradition of ethnic and religious tolerance; and

(2) reiterates its support for strong ties between the United States and Bulgaria.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. CHABOT and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CHABOT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶21.10 RICHARD K. ARMEY ROOM DESIGNATION

Mr. BURGESS moved to suspend the rules and agree to the following resolution (H. Res. 19):

Whereas, at the end of the 107th Congress, Representative Richard K. Armey retired after 18 years of distinguished service in the House of Representatives, including service as the Majority Leader for 8 years, the longest tenure of any Republican Majority Leader in 92 years: Now, therefore, be it

Resolved, That the room numbered H–236 in the House of Representatives wing of the Capitol shall be known and designated as the ''Richard K. Armey Room''.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. BURGESS and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BURGESS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶21.11 RECESS—3:39 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 39 minutes p.m., until approximately 6:30 p.m.

¶21.12 AFTER RECESS—6:32 P.M.

The SPEAKER pro tempore, Mr. FLAKE, called the House to order.

¶21.13 H.R. 441—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 441) to amend Public Law 107-10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2003 in Geneva, Switzerland, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 0

¶21.14 [Roll No. 50]

YEAS—414

Abercrombie	Berkley	Boyd
Ackerman	Berman	Bradley (NH)
Aderholt	Berry	Brady (PA)
Alexander	Biggert	Brady (TX)
Allen	Bilirakis	Brown (OH)
Baca	Bishop (GA)	Brown (SC)
Bachus	Bishop (NY)	Brown, Corrine
Baird	Bishop (UT)	Brown-Waite, Ginny
Baldwin	Blackburn	Burgess
Ballance	Blumenauer	Burns
Ballenger	Blunt	Burr
Barrett (SC)	Boehlert	Burton (IN)
Bartlett (MD)	Boehner	Buyer
Barton (TX)	Bonilla	Calvert
Bass	Bonner	Camp
Beauprez	Bono	Cannon
Becerra	Boozman	Cantor
Bell	Boswell	Capito
Bereuter	Boucher	

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

NOT VOTING—20

Akin
Andrews
Baker
Dingell
Doolittle
Farr
Franks (AZ)
Gallegly
Gephardt
Gilchrest
Hyde
Johnson (IL)
Nadler
Oberstar
Serrano
Snyder
Solis
Stark
Weldon (PA)
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶21.15 H. CON. RES. 77—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 77) commemorating the 60th anniversary of the historic rescue of 50,000 Bulgarian Jews from the Holocaust and commending the Bulgarian people for preserving and continuing their tradition of ethnic and religious tolerance; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶21.16 [Roll No. 51]

YEAS—418

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

Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Akin
Andrews
Brown-Waite, Ginny
Dingell
Doolittle
Gallegly
Gephardt
Gilchrest
Hyde
Johnson (IL)
Nadler
Oberstar
Serrano
Snyder
Stark
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶21.17 H. RES. 19—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 19) designating the room numbered H-236 in the House of Representatives wing of the Capitol as the ''Richard K. Armey Room''.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406; Nays ..... 0; Answered present 8

¶21.18 [Roll No. 52]

YEAS—406

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

ANSWERED ''PRESENT''—8

Baird
Berry
Filner
McDermott
Olver
Owens
Sanders
Slaughter

NOT VOTING—20

Akin
Andrews
Dingell
Doolittle
Gallegly
Gephardt
Gilchrest
Hyde
Johnson (IL)
McCollum
Miller, George
Nadler
Oberstar
Obey
Schakowsky
Serrano
Snyder
Stark
Stupak
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶21.19 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. FLAKE, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 11, 2003 at 4:18 p.m. and said to contain a message from the President whereby he submits a report in accordance with section 1205 of Public Law 107–107.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶21.20 SECURING NUCLEAR WEAPONS, MATERIAL AND EXPERTISE OF THE STATES OF THE FORMER SOVIET UNION

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

As required by section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) and section 1205 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), I am providing a report prepared by my Administration which presents a plan for securing nuclear weapons, material, and expertise of the states of the Former Soviet Union and reports on implementation of that plan during Fiscal Year 2002.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 11, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations.

¶21.21 HOUR OF MEETING

On motion of Mr. KLINE, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 11 a.m. on Wednesday, March 12, 2003.

¶21.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. JOHNSON of Illinois, for today and balance of the week;

To Mr. NADLER, for today; and

To Mr. SNYDER, for today and balance of the week.

And then,

¶21.23 ADJOURNMENT

On motion of Mr. PRICE of North Carolina, pursuant to the previous order of the House, at 10 o'clock and 57 minutes p.m., the House adjourned until 11 a.m. on Wednesday, March 12, 2003.

¶21.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 877. A bill to amend title XI of the Social Security Act to improve patient safety; with an amendment (Rept. 108–31, Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; with an amendment (Rept. 108–32, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 5. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; with an amendment (Rept. 108–32, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 866. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works (Rept. 108–33). Referred to the Committee of the Whole House on the State of the Union.

¶21.25 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 877. Referral to the Committee on Energy and Commerce extended for a period ending not later than March 13, 2003.

¶21.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOUGHTON:

H.R. 1169. A bill to amend the Internal Revenue Code of 1986 to provide for the performance of certain tax collection services by contractors; to the Committee on Ways and Means.

By Mr. BURNS (for himself, Mr. HASTERT, Mr. BOEHNER, Mr. CASTLE, Mr. BALLENGER, Mr. SAM JOHNSON of Texas, Mr. ISAKSON, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. COLE, Mr. KLINE, Mrs. MUSGRAVE, Ms. WATSON, Mr. BURTON of Indiana, and Mr. TANCREDO):

H.R. 1170. A bill to protect children and their parents from being coerced into administering psychotropic medication in order to attend school, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1171. A bill to provide grants to law enforcement agencies to use iris scanning technology to conduct background checks on individuals who want to purchase guns; to the Committee on the Judiciary.

By Mr. BACA (for himself, Mr. TAYLOR of Mississippi, Mr. WYNN, Mr. ACEVEDO-VILA, Mr. TERRY, Mr. MCGOVERN, Mr. LEVIN, and Mr. RANGEL):

H.R. 1172. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Armed Services.

By Mr. BACA (for himself, Mr. SIMPSON, Mr. MURTHA, Mr. MCGOVERN, Mr. FALEOMAVAEGA, Mr. TOWNS, Mr. GRIJALVA, Mr. BURR, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 1173. A bill to provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Financial Services.

By Mr. BACA (for himself, Ms. NORTON, Mr. TOWNS, Mr. GEORGE MILLER of California, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. MCGOVERN, Ms. CARSON of Indiana, and Mr. CLAY):

H.R. 1174. A bill to provide for the award of a gold medal on behalf of the Congress to Tiger Woods, in recognition of his service to the Nation in promoting excellence and good sportsmanship, and in breaking barriers with grace and dignity by showing that golf is a sport for all people; to the Committee on Financial Services.

By Mr. BARRETT of South Carolina (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. GREEN of Wisconsin, and Mr. DEMINT):

H.R. 1175. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2008, to extend paygo for direct spending, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 1176. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991, relating to the I-35 High Priority Corridor from Laredo, Texas, to Duluth, Minnesota; to the Committee on Transportation and Infrastructure.

By Mr. DEMINT (for himself, Mr. AKIN, Mr. BALLENGER, Mr. BEAUPREZ, Mr. BURR, Mr. CANNON, Mrs. CHRISTENSEN, Mr. COBLE, Mr. COLE, Mr. COX, Mr. CRANE, Mr. DREIER, Mr. ENGLISH, Mr. FLETCHER, Mr. FRANKS of Arizona, Mr. GRAVES, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. ISAKSON, Mr. ISTOOK, Mr. JANKLOW, Mr. JONES of North Carolina, Mr. KOLBE, Mr. LAHOOD, Mr. GARY G. MILLER of California, Mrs. MUSGRAVE, Ms. NORTON, Mr. NORWOOD, Mr. OTTER, Mr. PAUL, Mr. PITTS, Mr. ROGERS of Michigan, Mr. RYUN of Kansas, Mr. SMITH of New Jersey, Mr. TERRY, Mr. TIAHRT, Mr. TOOMEY, Mr. UPTON, Mr. WELDON of Florida, Mr. WYNN, and Mr. TANCREDO):

H.R. 1177. A bill to amend the Internal Revenue Code of 1986 to provide additional choice regarding unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 1178. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for medical malpractice liability insurance premiums, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE (for himself, Mr. BONNER, Mr. WILSON of South Carolina, and Mr. BACHUS):

H.R. 1179. A bill to amend title 49, United States Code, to permit an individual to operate a commercial motor vehicle solely within the borders of a State if the individual meets certain minimum standards prescribed by the State, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COX:

H.R. 1180. A bill to promote the use of hydrogen fuel cell vehicles, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. GORDON, and Mr. TAYLOR of North Carolina):

H.R. 1181. A bill to amend the Tennessee Valley Authority Act of 1933 to ensure that promoting recreation is treated as a primary purpose in the operation of dams and reservoirs under the possession and control of the Tennessee Valley Authority; to the Committee on Transportation and Infrastructure.

By Mr. DEAL of Georgia (for himself, Mr. TOWNS, Mr. WHITFIELD, Mr. WAMP, Mr. PALLONE, and Mrs. EMERSON):

H.R. 1182. A bill to amend title XVIII of the Social Security Act to exclude brachytherapy devices from the prospective payment system for outpatient hospital services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself and Mr. SAXTON):

H.R. 1183. A bill to promote the Sensible Development of Renewable Energy in the Waters of the Coastal Zone, and for other purposes; to the Committee on Resources.

By Mr. DINGELL:

H.R. 1184. A bill to amend the Federal Water Pollution Control Act to increase certain criminal penalties, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself and Mr. POMEROY):

H.R. 1185. A bill to clarify the tax status of the Young Men's Christian Association retirement fund; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 1186. A bill to amend the Internal Revenue Code of 1986 to provide for proration of the heavy vehicle use tax between successive purchasers of the same vehicle; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 1187. A bill to impose a retroactive, 2-year moratorium on inclusion of unemployment compensation in gross income; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 1188. A bill to amend titles XI and XIX of the Social Security Act to provide for American Samoa treatment under the Medicaid Program similar to that provided to States; to the Committee on Energy and Commerce.

By Mr. FALEOMAVAEGA (for himself and Ms. BORDALLO):

H.R. 1189. A bill to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Resources.

By Mr. FALEOMAVAEGA:

H.R. 1190. A bill to amend title 38, United States Code, to extend the eligibility for housing loans guaranteed by the Secretary of Veterans Affairs under the Native American Housing Loan Pilot Program to veterans who are married to Native Americans; to the Committee on Veterans' Affairs.

By Mr. GALLEGLY:

H.R. 1191. A bill to provide a grant program for gifted and talented students, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GUTIERREZ (for himself, Mr. FARR, Ms. BALDWIN, Ms. SCHAKOWSKY, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. SANDERS, Ms. WOOLSEY, Ms. LEE, Ms. SOLIS, Mr. PAYNE, Mr. RANGEL, Mr. JACKSON of Illinois, Mr. HASTINGS of Washington, Ms. KILPATRICK, Ms. DELAURO, Mrs. JONES of Ohio, Mr. SERRANO, Mr. MCNULTY, Mr. LIPINSKI, Mr. EVANS, Mr. SABO, Mr. BROWN of Ohio, Mr. OWENS, Mr. KUCINICH, Mr. RODRIGUEZ, Mr. FATTAH, Mr. STARK, Mr. COSTELLO, Mr. LYNCH, Mr. RAHALL, Mrs. MALONEY, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, Mr. CUMMINGS, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Mr. LANTOS, Mr. TIERNEY, Mr. KILDEE, Mrs. CHRISTENSEN, Mr. NADLER, Mr. MATSUI, Mr. DEFAZIO, Mr. ORTIZ, Mr. HINCHEY, and Mr. DAVIS of Illinois):

H.R. 1192. A bill to provide for livable wages for Federal Government workers and workers hired under Federal contracts; to the Committee on Government Reform, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H.R. 1193. A bill to amend title 10, United States Code, to provide permanent authority for certain chaplain-led family support programs of the Department of Defense; to the Committee on Armed Services.

By Mr. HERGER:

H.R. 1194. A bill to amend the Endangered Species Act of 1973 to enable Federal agencies responsible for the preservation of threatened species and endangered species to rescue and relocate members of any of those species that would be taken in the course of certain reconstruction, maintenance, or repair of Federal or non-Federal manmade flood control levees; to the Committee on Resources.

By Mr. LEWIS of Kentucky:

H.R. 1195. A bill to amend title XVIII of the Social Security Act to direct the Secretary of Health and Human Services to carry out a demonstration program under the Medicare Program to examine the clinical and cost effectiveness of providing medical adult day care center services to Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. CROWLEY, and Ms. LEE):

H.R. 1196. A bill to provide a United States voluntary contribution to the United Nations Population Fund; to the Committee on International Relations.

By Mr. MORAN of Virginia (for himself and Mr. MCGOVERN):

H.R. 1197. A bill to direct the Consumer Product Safety Commission to promulgate a consumer products safety standard that requires manufacturers of certain consumer products to establish and maintain a system for providing notification of recalls of such products to consumers who first purchase such a product; to the Committee on Energy and Commerce.

By Mr. PICKERING (for himself and Mr. WICKER):

H.R. 1198. A bill to amend the Defense Base Closure and Realignment Act of 1990 to prohibit the selection for closure or adverse realignment under such law any military installation used for undergraduate pilot training; to the Committee on Armed Services.

By Mr. RANGEL (for himself, Mr. DINGELL, Mr. HOLDEN, Mr. BROWN of Ohio, Mr. STARK, Mr. WAXMAN, Mr. PALLONE, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ALLEN, Mr. ANDREWS, Ms. BALDWIN, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of New York, Mr. BOSWELL, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DOYLE, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GORDON, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOYER, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECZKA, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MURTHA, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Ms. PELOSI, Mr. RAHALL, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SLAUGHTER, Ms. SOLIS, Mr. STRICKLAND, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. VISCLOSKY, Ms. WATSON, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H.R. 1199. A bill to amend titles XVIII and XIX of the Social Security Act to provide for a voluntary Medicare prescription medicine benefit, to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. STARK, Mr. SERRANO, Ms. BALDWIN, Mr. WEINER, Mr. KUCINICH, Mr. CONYERS, Ms. LEE, Mr. FARR, Mr. DELAHUNT, Ms. WOOLSEY, Mr. HINCHEY, Mr. NADLER, Mr. SANDERS, Mrs. CHRISTENSEN, Mr. WAXMAN, and Ms. ROYBAL-ALLARD):

H.R. 1200. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FOLEY, Mr. MARIO DIAZ-BALART of Florida, Mr. SMITH of New Jersey, Mr. WEXLER, Mr. TANCREDO, Mr. BURTON of Indiana, and Mr. ENGEL):

H.R. 1201. A bill to posthumously revoke the naturalization of Eriberto Mederos; to the Committee on the Judiciary.

By Mr. SCOTT of Georgia (for himself, Mr. MCINTYRE, Mr. TANNER, Mr. SHIMKUS, Mr. STENHOLM, Mr. LIPINSKI, Mr. FROST, Mr. LUCAS of Kentucky, Mr. ISAKSON, Mr. MEEK of Florida, Mr. PEARCE, Mr. RENZI, Ms. BORDALLO, and Mr. BISHOP of Georgia):

H.R. 1202. A bill to provide for a period of quiet reflection at the opening of certain schools on every school day; to the Committee on Education and the Workforce.

By Mr. SHIMKUS (for himself and Mr. JOHNSON of Illinois):

H.R. 1203. A bill to provide for the annual audit of the White County Bridge Commission, for the New Harmony Bridge over the Wabash River, Indiana and Illinois, for the filling of vacancies in the membership thereof, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SOUDER:

H.R. 1204. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties, and for other purposes; to the Committee on Resources.

By Mr. STARK (for himself, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Ms.

NORTON, Mr. NADLER, Ms. SCHAKOWSKY, Mr. GREEN of Texas, Mr. CARSON of Oklahoma, Mr. LANTOS, Mr. KILDEE, Mr. PASTOR, Ms. DELAURO, Mr. ABERCROMBIE, Mr. CONYERS, Mr. OLVER, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. SCOTT of Virginia, Mr. CLAY, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. OWENS, Mr. LATOURETTE, Mr. FALEOMAVAEGA, Ms. SOLIS, Mr. TIERNEY, Mr. STUPAK, Mr. KUCINICH, Mr. BRADY of Pennsylvania, Ms. BALDWIN, Mr. EVANS, and Ms. BERKLEY):

H.R. 1205. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2004; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 1206. A bill to prohibit United States voluntary and assessed contributions to the United Nations or the Organization for Economic Cooperation and Development if the United Nations or the Organization for Economic Cooperation and Development imposes any tax or fee on United States persons, continues to develop or promote proposals for such taxes or fees, or attempts to implement or impose a policy that would enable foreign governments to tax income earned inside the borders of the United States; to the Committee on International Relations.

By Ms. WATSON (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, Mr. OWENS, and Ms. JACKSON-LEE of Texas):

H.R. 1207. A bill to amend the Higher Education Act of 1965 to withhold Federal student financial assistance from students who have engaged in hazing, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. NEAL of Massachusetts, Mr. KING of New York, Mr. CROWLEY, Mr. WALSH, and Mr. PAYNE):

H.R. 1208. A bill to authorize appropriations for fiscal years 2004 and 2005 for United States contributions to the International Fund for Ireland, and for other purposes; to the Committee on International Relations.

By Ms. WATSON:

H.R. 1209. A bill to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes; to the Committee on Resources.

By Mr. WAXMAN (for himself, Mr. ENGEL, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. ISRAEL, Mr. DICKS, Ms. WATSON, Mr. ABERCROMBIE, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. OWENS, Ms. BERKLEY, Mr. BERMAN, Mr. SHERMAN, Mr. WEINER, Mr. HINCHEY, Mr. ROHRABACHER, Mr. FROST, Mrs. CAPPS, Mr. WEXLER, Mr. DEUTSCH, Mrs. MALONEY, Mr. VISCLOSKY, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. NADLER, Ms. MILLENDER-MCDONALD, Ms. SLAUGHTER, Mr. CASE, Mr. MCNULTY, Ms. LOFGREN, Ms. KAPTUR, Mr. EMANUEL, Mr. KUCINICH, Mr. SCHIFF, Mr. FARR, Mr. FALEOMAVAEGA, Ms. SOLIS, Mr. FRANK of Massachusetts, and Mrs. LOWEY):

H.R. 1210. A bill to provide for the establishment of the Holocaust Insurance Registry by the Archivist of the United States and to require certain disclosures by insurers to the Secretary of Commerce; to the Committee on Financial Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 1211. A bill to amend title 31, United States Code, to provide Federal aid and economic stimulus through a one-time revenue grant to the States and their local governments; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BROWN of South Carolina, Mr. RODRIGUEZ, and Mr. MICHAUD):

H.R. 1212. A bill to amend title 38, United States Code, to increase the amount of basic educational assistance for veterans under the Montgomery GI Bill, and to eliminate reductions of basic pay for eligibility for such assistance; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself, Mr. BOUCHER, Mr. SHIMKUS, Mr. COSTELLO, Mr. LEWIS of Kentucky, Mr. MOLLOHAN, Mrs. CAPITO, Mr. STRICKLAND, and Mr. LAHOOD):

H.R. 1213. A bill to facilitate the production and generation of coal-based power; to the Committee on Science, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico:

H.R. 1214. A bill to amend title XIX of the Social Security Act to provide public access to quality medical imaging procedures and radiation therapy procedures; to the Committee on Energy and Commerce.

By Mr. WYNN:

H.R. 1215. A bill to amend title 31, United States Code, to require the provision of a written prompt payment policy to each subcontractor under a Federal contract and to require a clause in each subcontract under a Federal contract that outlines the provisions of the prompt payment statute and other related information; to the Committee on Government Reform.

By Mr. WYNN:

H.R. 1216. A bill to amend the Small Business Act to increase the minimum Government-wide goal for procurement contracts awarded to small business concerns; to the Committee on Small Business.

By Mr. WYNN:

H.R. 1217. A bill to amend the Small Business Act to provide a penalty for the failure by a Federal contractor to subcontract with small businesses as described in its subcontracting plan, and for other purposes; to the Committee on Small Business.

By Mr. WYNN:

H.R. 1218. A bill to require contractors with the Federal Government to possess a satisfactory record of integrity and business ethics; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin (for himself and Mrs. MALONEY):

H.J. Res. 36. A joint resolution expressing the sense of the Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. TOWNS, Ms. SLAUGHTER, Ms. LEE, Mr. LANTOS, Ms. WOOLSEY, Mr. NADLER, Mr. FRANK of Massachusetts, and Ms. BALDWIN):

H. Con. Res. 86. Concurrent resolution supporting the goals and ideals of the Day of Silence; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself, Mr. MCGOVERN, and Mr. BILIRAKIS):

H. Con. Res. 87. Concurrent resolution expressing the sense of the Congress regarding Turkey's claims of sovereignty over islands and islets in the Aegean Sea; to the Committee on International Relations.

By Mr. ANDREWS:

H. Con. Res. 88. Concurrent resolution expressing the sense of Congress that the Children's Internet Protection Act is constitutional as it applies to public libraries; to the Committee on the Judiciary.

By Mr. MCDERMOTT (for himself, Mr. GEORGE MILLER of California, Mr. CONYERS, Ms. LEE, Mr. KUCINICH, Ms. NORTON, Mr. BROWN of Ohio, Mr. PAYNE, Mr. OWENS, and Mr. OLVER):

H. Con. Res. 89. Concurrent resolution expressing the sense of Congress that the United States should respect the sovereign equality of the member states of the United Nations Security Council with respect to each state's position concerning Iraq's compliance with Resolution 1441; to the Committee on International Relations.

By Mr. OTTER:

H. Con. Res. 90. Concurrent resolution expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds; to the Committee on Resources.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H. Res. 134. A resolution electing Members to serve on the Joint Committee on Printing and the Joint Committee of Congress on the Library; to the Committee on House Administration.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H. Res. 135. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. CANTOR:

H. Res. 136. A resolution congratulating the American Dental Association for establishing the ''Give Kids a Smile'' program, emphasizing the need to improve access to dental care for children, and thanking dentists for volunteering their time to help provide needed dental care; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mrs. JOHNSON of Connecticut, Mr. GEORGE MILLER of California, Mr. KILDEE, Ms. SOLIS, Ms. WOOLSEY, Ms. DELAURO, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Ms. MILLENDER-MCDONALD, Ms. LORETTA SANCHEZ of California, Mrs. MALONEY, Mr. ANDREWS, Mr. PAYNE, Mr. FARR, Mrs. CAPPS, and Mr. BISHOP of New York):

H. Res. 137. A resolution expressing the sense of the House of Representatives that changes to Title IX athletics policies contradict the spirit of athletic equality and

gender parity and should not be implemented, and that Title IX should be kept intact; to the Committee on Education and the Workforce.

By Mr. WYNN:

H. Res. 138. A resolution expressing the sense of the House of Representatives that small business concerns should continue to play an active role in assisting the United States military, Federal intelligence and law enforcement agencies, and State and local police forces by designing and developing innovative products to combat terrorism, and that Federal, State, and local governments should aggressively seek out and purchase innovative technologies and services from small business concerns to improve homeland defense and aid in the fight against terrorism; to the Committee on Small Business.

¶21.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. COLLINS, Mr. ISAKSON, Mr. TERRY, Mr. GARRETT of New Jersey, and Mr. KOLBE.

H.R. 5: Mr. DEMINT, Mr. SWEENEY, Mr. LAHOOD, Mr. BRADLEY of New Hampshire, Mr. MANZULLO, and Mr. SIMPSON.

H.R. 20: Mr. RYAN of Ohio, Mr. RUPPERSBERGER, Mr. WELLER, and Mr. CROWLEY.

H.R. 40: Mr. NADLER.

H.R. 44: Mr. PITTS, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. WICKER, Mr. RYUN of Kansas, and Mr. TIAHRT.

H.R. 57: Mr. LUCAS of Oklahoma, Mr. THORNBERRY, Mr. VITTER, and Mr. CANTOR.

H.R. 58: Mr. KIND, Mr. KANJORSKI, Mr. NADLER, Mr. MICHAUD, Mr. FARR, Mr. MATSUI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PORTER, Mr. NEY, and Mr. CAMP.

H.R. 105: Mr. MEEK of Florida, Mr. RYAN of Ohio, and Ms. LEE.

H.R. 107: Mr. KILDEE.

H.R. 114: Mr. PORTER.

H.R. 119: Mr. TIAHRT.

H.R. 153: Mr. CANNON.

H.R. 207: Mr. TERRY.

H.R. 235: Mr. KING of New York, Mr. HAYWORTH, Mr. DEAL of Georgia, Mr. BURTON of Indiana, Mr. HYDE, Mr. PUTNAM, Mr. BARTLETT of Maryland, and Mr. FALEOMAVAEGA.

H.R. 259: Mr. MEEK of Florida.

H.R. 284: Mr. BOSWELL, Mr. GEORGE MILLER of California, Mr. SHERMAN, Mr. MCINNIS, Mr. BEAUPREZ, Mr. VITTER, Mr. RANGEL, Mr. STEARNS, and Mr. TANCREDO.

H.R. 300: Mrs. EMERSON, Mr. MANZULLO, and Mr. HAYES.

H.R. 303: Mr. FARR, Mr. FRANKS of Arizona, Mrs. CAPITO, Ms. BERKLEY, Mr. OXLEY, Mr. SOUDER, Mr. REYES, Mr. ALLEN, Mr. HOBSON, Mr. ACKERMAN, Mr. THORNBERRY, Mr. STEARNS, Mr. KING of Iowa, and Mr. RAMSTAD.

H.R. 340: Mr. INSLEE and Mr. OSE.

H.R. 372: Mr. FILNER.

H.R. 401: Mr. KIRK, Mr. LATOURETTE, and Mr. PALLONE.

H.R. 411: Ms. KILPATRICK.

H.R. 412: Mr. PORTER, Mr. LEACH, and Mr. MILLER of North Carolina.

H.R. 419: Mr. DOYLE.

H.R. 441: Ms. LEE, Mr. ACKERMAN, Mr. CLAY, Mr. CUMMINGS, and Mr. GARRETT of New Jersey.

H.R. 446: Mr. SCOTT of Virginia.

H.R. 447: Mr. SANDERS and Mr. SCOTT of Virginia.

H.R. 448: Mr. SCOTT of Virginia.

H.R. 453: Mr. TIBERI.

H.R. 482: Ms. CORRINE BROWN of Florida.

H.R. 490: Mr. HOEFFEL, Mr. BOYD, Mr. FORD, and Mr. NADLER.

H.R. 517: Mr. UPTON.

H.R. 527: Ms. GINNY BROWN-WAITE of Florida.

H.R. 528: Ms. ROYBAL-ALLARD and Mr. WEINER.

H.R. 531: Mr. LATOURETTE, Mr. TOM DAVIS of Virginia, Mr. GALLEGLY, and Mr. NADLER.

H.R. 533: Mr. MICHAUD.

H.R. 571: Mr. LINCOLN DIAZ-BALART of Florida, Mr. EVERETT, Mr. BACHUS, Mr. LEWIS of Kentucky, Mr. SOUDER, and Mr. RYUN of Kansas.

H.R. 613: Ms. GINNY BROWN-WAITE of Florida.

H.R. 660: Mr. CASE, Ms. LORETTA SANCHEZ of California, Ms. GINNY BROWN-WAITE of Florida, Mr. FALEOMAVAEGA, and Mr. COX.

H.R. 664: Mr. DOGGETT, Mr. SCHIFF, Ms. BERKLEY, Mr. LANTOS, Mr. COSTELLO, Mr. GEORGE MILLER of California, and Mr. HYDE.

H.R. 671: Ms. MCCARTHY of Missouri and Mr. BEREUTER.

H.R. 673: Mr. UPTON, Mr. LIPINSKI, and Mr. FROST.

H.R. 683: Mr. GREEN of Wisconsin, Mr. CRANE, and Mr. COBLE.

H.R. 684: Mr. GARRETT of New Jersey.

H.R. 690: Mr. OWENS.

H.R. 703: Mr. LOBIONDO.

H.R. 713: Mr. TAYLOR of North Carolina.

H.R. 714: Mr. BONNER and Mr. WAMP.

H.R. 720: Ms. DUNN, Mr. BILIRAKIS, Mr. FEENEY, Mr. SHAW, Mr. SESSIONS, Mr. MEEK of Florida, Mr. STEARNS, Mr. HENSARLING, Mr. PUTNAM, Ms. HARRIS, Mr. BARTON of Texas, Mr. KELLER, Mr. CRENSHAW, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. MICA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRANE, and Mr. GONZALEZ.

H.R. 728: Mrs. MYRICK, Mr. CRENSHAW, Mr. BASS, and Mrs. JO ANN DAVIS of Virginia.

H.R. 729: Mr. GUTKNECHT.

H.R. 735: Mr. LARSON of Connecticut, Mr. HOUGHTON, Mr. BLUMENAUER, Mr. LOBIONDO, Mr. SAXTON, Mr. FROST, Mr. HOLDEN, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 737: Mr. STENHOLM.

H.R. 741: Mr. CASE and Mr. PAUL.

H.R. 745: Mr. UDALL of Colorado.

H.R. 758: Mr. BEREUTER.

H.R. 765: Mr. HOSTETTLER.

H.R. 767: Mr. KOLBE, Mr. CARTER, Mr. SAM JOHNSON of Texas, Ms. GINNY BROWN-WAITE of Florida, and Mr. MCINNIS.

H.R. 768: Mr. GUTIERREZ, Mr. ETHERIDGE, Mr. JACKSON of Illinois, and Mr. ENGEL.

H.R. 798: Mr. UDALL of Colorado, Ms. CARSON of Indiana, Mr. WEINER, Mr. RANGEL, Mr. COSTELLO, and Mr. WYNN.

H.R. 800: Mr. HUNTER.

H.R. 802: Mr. OWENS.

H.R. 811: Mr. RUPPERSBERGER and Mr. TIERNEY.

H.R. 839: Mr. COLE and Mr. SIMMONS.

H.R. 844: Mr. CLYBURN, Mr. KILDEE, Ms. MILLENDER-MCDONALD, Ms. WATSON, Ms. JACKSON-LEE of Texas, and Mr. GONZALEZ.

H.R. 847: Mr. RYAN of Ohio and Ms. SCHAKOWSKY.

H.R. 857: Mr. FILNER and Ms. DELAURO.

H.R. 859: Mr. BEREUTER.

H.R. 882: Mr. PITTS, Mr. FROST, Ms. GINNY BROWN-WAITE of Florida, and Mr. MCHUGH.

H.R. 886: Mr. MICHAUD and Mr. RYAN of Ohio.

H.R. 887: Ms. LORETTA SANCHEZ of California and Mr. SKELTON.

H.R. 893: Ms. LOFGREN.

H.R. 898: Mr. BALLANCE.

H.R. 919: Mrs. KELLY, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. KENNEDY of Rhode Island, Mr. WAXMAN, and Mr. GRIJALVA.

H.R. 925: Mr. HYDE, Mr. HASTERT, and Mr. KIRK.

H.R. 931: Mr. MANZULLO, Mr. HOSTETTLER, Mrs. MYRICK, Mr. TAYLOR of North Carolina, and Mr. BARTLETT of Maryland.

H.R. 934: Mr. KILDEE, Mr. FALEOMAVAEGA, Mr. OWENS, and Mr. FROST.

H.R. 936: Ms. NORTON and Mr. FILNER.

H.R. 941: Mr. ROGERS of Michigan and Mr. SAM JOHNSON of Texas.

H.R. 953: Mr. MILLER of North Carolina, Mr. BACHUS, Mr. RENZI, Mr. LEWIS of Georgia, and Ms. ROS-LEHTINEN.

H.R. 976: Mr. MEEK of Florida and Mr. GEORGE MILLER of California.

H.R. 977: Mr. THOMPSON of California.

H.R. 979: Ms. ESHOO and Mr. DOYLE.

H.R. 980: Mr. FORBES, Mr. WEXLER, and Mrs. MALONEY.

H.R. 1005: Mr. HASTINGS of Washington and Mr. PORTER.

H.R. 1007: Mr. ISRAEL, Mr. CROWLEY, Ms. MCCARTHY of Missouri, Mr. FALEOMAVAEGA, Mr. FROST, Mr. RUPPERSBERGER, and Mr. BERMAN.

H.R. 1013: Mr. NETHERCUTT, Mr. OTTER, Mr. DOOLITTLE, Mr. NORWOOD, Mr. OSE, Mr. PICKERING, Mr. ISSA, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1020: Mr. PETRI.

H.R. 1021: Mr. ACKERMAN, Mr. CROWLEY, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FRANK of Massachusetts, Ms. NORTON, Ms. LEE, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. Owens, Mr. POMEROY, Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, and Mr. SCHIFF.

H.R. 1057: Mr. WATT, Mr. RANGEL, and Mr. BURGESS.

H.R. 1068: Mr. HUNTER, Mr. PASTOR, Mr. NADLER, Mr. GILCHREST, Mr. COOPER, Mrs. WILSON of New Mexico, Mr. COX, Mr. LATHAM, Mr. GIBBONS, and Mr. DAVIS of Tennessee.

H.R. 1070: Mr. COSTELLO.

H.R. 1077: Mr. COOPER.

H.R. 1093: Mr. COOPER, Mrs. JONES of Ohio, Mr. FALEOMAVAEGA, and Mr. CARSON of Oklahoma.

H.R. 1096: Mr. REYES, Mr. HAYWORTH, and Mr. MCHUGH.

H.R. 1097: Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WEINER, Mrs. LOWEY, Mr. NADLER, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. DELAURO.

H.R. 1102: Mr. PASTOR, Mrs. NAPOLITANO, Mr. CRAMER, and Mr. ENGLISH.

H.R. 1105: Mr. ORTIZ and Mr. SMITH of Washington.

H.R. 1114: Mr. BACHUS, Mr. BRADLEY of New Hampshire, Mr. PLATTS, Mr. GREENWOOD, Mr. CARTER, Mr. EHLERS, Mr. BOOZMAN, Mr. GILCHREST, and Mr. UPTON.

H.R. 1116: Ms. LINDA T. SANCHEZ of California, Mr. MEEHAN, and Mr. OWENS.

H.R. 1120: Ms. GINNY BROWN-WAITE of Florida and Mr. NADLER.

H.R. 1125: Mr. COMBEST, Mr. MORAN of Virginia, Mr. UPTON, Ms. GINNY BROWN-WAITE of Florida, Mr. SHERMAN, Mr. LANGEVIN, Mr. DOGGETT, Mrs. MCCARTHY of New York, Mr. SANDLIN, Mr. STRICKLAND, Mr. BARTLETT of Maryland, Mr. HOEFFEL, and Mr. SIMMONS.

H.R. 1126: Mr. BEAUPREZ and Mr. FALEOMAVAEGA.

H.R. 1144: Mr. CLYBURN.

H.R. 1145: Ms. LEE.

H.R. 1146: Mr. EVERETT.

H.R. 1147: Mr. GEORGE MILLER of California.

H.R. 1157: Mr. OTTER, Mrs. CAPPS, Mr. PASTOR, and Mr. NADLER.

H.J. Res. 8: Mr. KING of Iowa.

H.J. Res. 24: Mr. ALLEN, Mr. FATTAH, Ms. WOOLSEY, Mr. SABO, Mr. UDALL of New Mexico, Mr. KUCINICH, Mr. MCGOVERN, Mr. OWENS, Mr. KIND, Ms. ESHOO, Mr. CLAY, Mr. HOLT, Mr. TIERNEY, Mr. ABERCROMBIE, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. FALEOMAVAEGA, Ms. LEE, Mr. MEEKS of New York, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, and Mr. OLVER.

H. Con. Res. 23: Mr. CANTOR.

H. Con. Res. 25: Ms. LORETTA SANCHEZ of California.

H. Con. Res. 30: Mr. DINGELL.

H. Con. Res. 57: Mr. UDALL of Colorado, Mr. GONZALEZ, and Mrs. LOWEY.

H. Con. Res. 61: Mr. LAMPSON and Mr. MILLER of North Carolina.

H. Con. Res. 78: Mr. TOWNS, Mr. MEEKS of New York, Mr. GUTIERREZ, Ms. MILLENDER-MCDONALD, and Mr. DAVIS of Illinois.

H. Res. 12: Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. GONZALEZ, and Mr. FROST.

H. Res. 39: Mr. KNOLLENBERG and Mr. SOUDER.

H. Res. 59: Mr. HOBSON.

H. Res. 133: Mr. CHABOT.

WEDNESDAY, MARCH 12, 2003 (22)

The House was called to order by the SPEAKER.

¶22.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, March 11, 2003.

Mr. LAHOOD, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. LAHOOD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

¶22.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XII, were referred as follows:

1078. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Decanoic Acid; Exemption from the Requirement of a Pesticide Tolerance [OPP-2002-0272; FRL-7278-6] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1079. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imazamox; Exemption from the Requirement of a Tolerace [OPP-2003-0034; FRL-7291-3] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1080. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Approval of Condominium Developments Located in the Commonwealth of Puerto Rico for Mortgage Insurance Under the Section 234(c) Program [Docket No. FR-4713-F-02] (RIN: 2502-AH80) received February 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1081. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Service, transmitting the Department's final rule — Labeling Requirements for Systemic Antibacterial Drug Products Intended for Human Use [Docket No. 00N-1463] (RIN: 0910-AB78) received February 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1082. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification and Codification of Fully Automated Short-Term Incubation Cycle Antimicrobial Susceptibility Devices From Class III to Class II [Docket No. 97P-0313] received February 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1083. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, Imperial County Air Pollution Control District [CA273-0381c; FRL-7452-5] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1084. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Miscellaneous Revisions [MD141/142-3095a; FRL-7450-2] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1085. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to the Air Resource Regulations [PA159-4201a; FRL-7448-7] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1086. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; Excess Emissions During Startup, Shutdown or Malfunction [MI80-01-7289a, FRL-7442-9] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1087. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination That State has Corrected Rule Deficiencies and Stay and/or Deferral of Sanctions, San Joaquin Valley Unified Air Pollution Control District [CA280-0390B; FRL-7451-1] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1088. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Air Pollution from Combustion of Refuse [WV058-6024a; FRL-7442-1] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1089. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Revisions to Broadcast Auxiliary Service Rules in Part 74 and Conforming Technical Rules for Broadcast Auxiliary Service, Cable Television Relay Service and Fixed Services in Parts 74, 78 and 101 of the Commission's Rules [ET Docket No. 01-75]; Telecommunications Industry Association, Petition for Rule Making Regarding Digital Modulation for the Television Broadcast Auxiliary Service [RM-9418]; Alliance of Motion Picture and Television Producers, Petition for Rule Making Regarding Low-Power Video Assist Devices in Portions of the UHF and VHF Television Bands [RM-9856] Received February 10, 2003, pursuant to 5 U.S.C. to the Committee on Energy and Commerce.

1090. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'') — received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1091. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-088-FOR] received February 27,2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1092. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 020603B] received February 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1093. A letter from the Director, Regulations and Forms Services Division, Department of Justice, transmitting the Department's final rule — Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized to Enforce Immigration Law During a Mass Influx of Aliens [INS No. 2241-02; AG Order No. 2659-2003] (RIN: 1115-AG84) received February 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1094. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulation; Highway 90 Bridge Construction, Pascagoula River, Mississippi [COTP Mobile, AL 02-008] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1095. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Matanzas River, St. Augustine, FL [COTP Jacksonville 02-084] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1096. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Mile 0.0 to 3.0, Wolf River Chute, At Mile Marker 736.0 Lower Mississippi River, Memphis, Tennessee [COTP Memphis, TN 02-008] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1097. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; James River, Newport News, Virginia [CGD05-02-063] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1098. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulation; Intracoastal Waterway, Melbourne, FL [COTP Jacksonville 02-079] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1099. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Indian River, Titusville, FL [COTP Jacksonville 02-081] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1100. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulation; Horn Island Sea Buoy (HI) at the entrance to Horn Island Pass in the Gulf of Mexico to Bayou Casotte, Mississippi [COTP Mobile, AL 02-007] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1101. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone, James River, Newport News, Virginia [CGD05-02-047] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1102. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Youghiogheny River Mile 0.0 to 0.5, McKeesport, Pennsylvania [COTP Pittsburg 02-018] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1103. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Intracoastal Waterway, Ormond Beach, FL [COTP Jacksonville 02-086] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1104. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CGD09-02-073] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1105. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Michigan City, MI [CGD09-02-066] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1106. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Michigan City, MI [CGD09-02-066] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1107. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Ferrysburg, MI [CGD09-02-064] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1108. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Michigan City, IN [CGD09-02-062] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1109. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulation; Indian River, New Smyrna Beach, FL [COTP Jacksonville 02-076] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1110. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Sabine Jetty Channel, Sabine, Texas [COTP Port Arthur 02-005] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1111. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Sabine River, Port Arthur, Texas [COTP Port Arthur 02-006] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1112. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Buffalo River, Buffalo, NY [CGD09-02-502] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1113. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Illinois River, Morris, IL [CGD09-02-518] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1114. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone: Cooper River, Port of Charleston, SC [COTP Charleston 02-089] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1115. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; St Johns River, Orange Park, FL [COTP Jacksonville 02-082] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1116. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; York River, Yorktown, Virginia [CGD05-02-044] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1117. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Evanston, IL [CGD09-02-053] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1118. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Pentwater, MI [CGD09-02-055] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1119. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, St. Joseph, MI [CGD09-02-067] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1120. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CGD09-02-070] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1121. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CGD09-02-069] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1122. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Michigan, Manistee, MI [CGD09-02-050] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1123. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD [CGD05-02-069] (RIN: 2115-AE46) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1124. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines and New Source Performance Standards for the Metal Products and Machinery Point Source Category [FRL-7453-6] (RIN: 2040-AB79) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1125. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the proposed free trade agreement between the United States and the Republic of Chile, pursuant to Section 2104 (e) of the Trade Act of 2002 and Section 135 (e) of the Trade Act of 1974; to the Committee on Ways and Means.

1126. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the proposed free trade agreement between the United States and the Republic of Singapore, pursuant to Section 2104 (e) of the Trade Act of 2002 and Section 135 (e) of the Trade Act of 1974; to the Committee on Ways and Means.

1127. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2003-22) received February 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1128. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Exceptions to imposition of the addition to the tax in the case of individuals (Rev. Rul. 2003-23) received February 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1129. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-22) received February 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶22.3 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pursuant to clause 8, rule XX, announced the unfinished

business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, March 11, 2003.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 375; Nays ..... 45; Answered present 2

¶22.4 [Roll No. 53]

YEAS—375

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

NAYS—45

Aderholt
Baird
Baldwin
Capuano
Costello
Crane
English
Filner
Ford
Fossella
Gutknecht
Hastings (FL)
Hinchey
Hulshof
Kennedy (MN)
Kucinich
Larsen (WA)
Lewis (GA)
LoBiondo
McDermott
Meek (FL)
Menendez
Miller, George
Moran (KS)
Oberstar
Olver
Otter
Ramstad
Rodriguez
Sabo
Schakowsky
Slaughter
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller

ANSWERED "PRESENT"—2

DeFazio
Tancredo

NOT VOTING—12

Allen
Becerra
Clay
Combest
Gephardt
Gilchrest
Hoeffel
Hyde
Johnson (IL)
Moore
Snyder
Weldon (PA)

So the Journal was approved.

¶22.5 H. RES. 122—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 122) recognizing the bicentennial of the admission of Ohio into the Union and the contributions of Ohio residents to the economic, social, and cultural development of the United States.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 424; Nays 0

¶22.6 [Roll No. 54]

YEAS—424

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

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

NOT VOTING—10

Clay
Combest
Gephardt
Gilchrest
Hoeffel
Hyde
Johnson (IL)
Snyder
Weldon (PA)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶22.7 H. CON. RES. 85—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 85) expressing the sense of the Congress with regard to the need for improved fire safety in nonresidential buildings in the aftermath of the tragic fire on February 20, 2003, at a nightclub in West Warwick, Rhode Island.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶22.8 [Roll No. 55]

YEAS—422

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

NOT VOTING—12

Clay
Combest
Conyers
Gephardt
Gilchrest
Hoeffel
Hyde
Johnson (IL)
Kilpatrick
Lucas (OK)
Snyder
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶22.9 CLERK TO CORRECT ENGROSSMENT—H. RES. 122

On motion of Mrs. Jo Ann DAVIS of Virginia, by unanimous consent,

Ordered, That in the engrossment of the resolution (H. Res. 122) recognizing the bicentennial of the admission of Ohio into the Union and the contributions of Ohio residents to the economic, social, and cultural development of the United States, the Clerk be authorized to make technical and conforming changes.

¶22.10 JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore, Mr. LAHOOD, announced that the Speaker, pursuant to 15 United States Code 1024(a), and the order of the House of January 8, 2003, appointed to the Joint Economic Committee the following Members of the House: Mr. STARK, Mrs. MALONEY, Messrs. WATT and HILL.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶22.11 MORTGAGE INSURANCE FOR HOSPITALS

Mr. Gary G. MILLER of California moved to suspend the rules and pass

the bill (H.R. 659) to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals; as amended.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. Gary G. MILLER of California and Ms. WATERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Gary G. MILLER of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶22.12 DEFIBRILLATION IN SCHOOLS

Mr. SHIMKUS moved to suspend the rules and pass the bill (H.R. 389) to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. SHIMKUS and Mr. JOHN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SHIMKUS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶22.13 MOSQUITO CONTROL PROGRAMS

Mr. TAUZIN moved to suspend the rules and pass the bill (H.R. 342) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. TAUZIN and Mr. JOHN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TAUZIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶22.14 ORGAN DONATION

Mr. TAUZIN moved to suspend the rules and pass the bill (H.R. 399) to amend the Public Health Service Act to promote organ donation.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. TAUZIN and Mr. JOHN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SHIMKUS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶22.15 PATIENT SAFETY AND QUALITY

Mr. BILIRAKIS moved to suspend the rules and pass the bill (H.R. 663) to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. BILIRAKIS and Mr. JOHN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BILIRAKIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶22.16 H.R. 659—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 659) to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 0

¶22.17 [Roll No. 56]

YEAS—419

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

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

NOT VOTING—15

Berman
Combest
Fossella
Gephardt
Gilchrest
Hoeffel
Hyde
Inslee
Johnson (IL)
Reyes
Sanders
Schakowsky
Snyder
Velazquez
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶22.18 RECESS—1:45 P.M.

The SPEAKER pro tempore, Mr. LINDER, pursuant to House Resolution 67, declared the House in recess at 1 o'clock and 45 minutes p.m., to prepare for an official photograph of the House of Representatives in session.

¶22.19 AFTER RECESS—1:47 P.M.

The SPEAKER called the House to order.

¶22.20 U.S. HOUSE OF REPRESENTATIVES—OFFICIAL PHOTOGRAPH

Pursuant to House Resolution 67, the Speaker suspended legislative business of the House temporarily while an official photograph was taken of the House in session.

¶22.21 H.R. 389—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 389) to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 415 / Nays ..... 0 }

¶22.22 [Roll No. 57]

YEAS—415

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

NOT VOTING—19

Combest
Emanuel
Etheridge
Gephardt
Gilchrest
Gutierrez
Hoeffel
Hoyer
Hunter
Hyde
Johnson (CT)
Johnson (IL)
Miller, George
Napolitano
Rush
Sanders
Snyder
Weldon (PA)
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶22.23 RECESS—2:08 P.M.

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 8 minutes p.m., subject to the call of the Chair.

¶22.24 AFTER RECESS— 5 P.M.

The SPEAKER pro tempore, Mr. LAHOOD, called the House to order.

¶22.25 H.R. 342—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 342) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 9

¶22.26 [Roll No. 58]

YEAS—416

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

NAYS—9

Akin
Culberson
Duncan
Flake
Franks (AZ)
Miller (FL)
Myrick
Paul
Pence

NOT VOTING—9

Combest
Gephardt
Gilchrest
Hyde
Johnson (IL)
Meeks (NY)
Payne
Royce
Snyder

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶22.27 H.R. 399—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 399) to amend the Public Health Service Act to promote organ donation.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 425 / Nays 3

¶22.28 [Roll No. 59]

YEAS—425

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

McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Culberson
Flake
Paul

NOT VOTING—6

Combest
Gephardt
Gilchrest
Hyde
Johnson (IL)
Snyder

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶22.29 H.R. 663—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 663) to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 6

¶22.30 [Roll No. 60]

YEAS—418

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

NAYS—6

Akin
Flake
Franks (AZ)
Paul
Pence
Slaughter

NOT VOTING—10

Combest
Fletcher
Gephardt
Gilchrest
Hyde
Johnson (IL)
Osborne
Smith (MI)
Smith (TX)
Snyder

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶22.31 RECOMMENDED APPOINTMENTS TO JOINT COMMITTEE ON TAXATION

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am forwarding to you the Committee's recommendations for certain positions for the 108th congress.

First, pursuant to Section 8002 of the Internal Revenue code of 1986, the Committee designated the following Members to serve on the Joint Committee on Taxation: Mr.

Thomas, Mr. Crane, Mr. Shaw, Mr. Rangel, and Mr. Stark.

Second, pursuant to Section 161 of the Trade Act of 1974, the Committee recommended the following Members to serve as official advisors for international conference meetings and negotiating sessions on trade agreements: Mr. Thomas, Mr. Crane, Mr. Shaw, Mr. Rangel, and Mr. Levin.

Third, pursuant to House Rule X, Clause 5(2)(A)(i), the Committee designated the following members to serve on the Committee on the Budget: Mr. Nussle, Mr. Portman, Mr. Hulshof, Mr. Lewis of Georgia, and Mr. Neal.

Best regards,

BILL THOMAS,
Chairman.

¶22.32 CONGRESSIONAL ADVISERS ON TRADE POLICY AND NEGOTIATIONS

The SPEAKER pro tempore, Mr. LAHOOD, announced that the Speaker, pursuant to section 161(a) of the Trade Act of 1974 (19 United States Code 2211), and the order of the House of January 8, 2003, appointed as the Congressional Advisers on Trade Policy and Negotiations during the first session of the One Hundred Eighth Congress the following members of the House: Messrs. THOMAS, CRANE, SHAW, RANGEL and LEVIN.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶22.33 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House the following communication from Rachel Williams, Scheduler and Office Manager, office of the Honorable Fred Upton:

MARCH 10, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents and testimony issued by the U.S. District Court for the Middle District of Tennessee.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

RACHEL WILLIAMS,
Scheduler and Office Manager.

¶22.34 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House the following communication from Brenda J. Otterson, Chief of Staff, office of the Honorable William L. Jenkins:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents and testimony issued by the U.S. District Court for the Middle District of Tennessee.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely yours,

BRENDA J. OTTERSON,
Chief of Staff.

¶22.35 PROVIDING FOR THE CONSIDERATION OF H.R. 5

Mr. REYNOLDS, by direction of the Committee on Rules, reported (Rept. No. 108–34) the resolution (H. Res. 139) providing for the consideration of (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

When said resolution and report were referred to the House Calendar and ordered printed.

¶22.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. HYDE, for March 11 and balance of the week; and

To Mr. WELDON of Pennsylvania, for March 11 and today until 3 p.m.

And then,

¶22.37 ADJOURNMENT

On motion of Mr. SMITH of Michigan, at 10 o'clock and 14 minutes p.m., the House adjourned.

¶22.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 139. Resolution providing for consideration of the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system (Rept. 108–34). Referred to the House Calendar.

¶22.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself and Mr. DINGELL):

H.R. 1219. A bill to limit frivolous medical malpractice lawsuits, to reform the medical malpractice insurance business in order to reduce the cost of medical malpractice insurance, to enhance patient access to medical care, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. HALL, Mr. FROST, Mrs. MYRICK, Mr. ENGLISH, Ms. PRYCE of Ohio, Mr. SESSIONS, Mr. TIBERI, and Mr. EHLERS):

H.R. 1220. A bill to prohibit pyramid promotional schemes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Ms. KAPTUR, and Mr. SANDERS):

H.R. 1221. A bill to provide for the stabilization of prices for gasoline, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on International Relations, Ways and Means, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself and Mr. SANDLIN):

H.R. 1222. A bill to permit a special amortization deduction for intangible assets acquired from eligible small businesses to take account of the actual economic useful life of such assets and to encourage growth in industries for which intangible assets are an important source of revenue; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. CANNON, Ms. BERKLEY,and Mr. BACA):

H.R. 1223. A bill to create a commission on Internet gambling licensing and regulation; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. PITTS, Mr. CARDIN, and Mr. LEVIN):

H.R. 1224. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Russian Federation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Ms. ESHOO, Mr. HAYWORTH, Mr. BECERRA, Mr. TERRY, Mr. TANNER, Mr. GORDON, and Mr. FROST):

H.R. 1225. A bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the Medicare Program for beneficiaries with cardiovascular disease; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself and Mr. VAN HOLLEN):

H.R. 1226. A bill to authorize the Secretary of Transportation to conduct activities to improve worldwide traffic safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself, Mr. TURNER of Texas, Mr. NUSSLE, Mr. CARTER, Mr. TOOMEY, Mr. HOEFFEL, Mr. BURGESS, Mr. FROST, Mr. LAMPSON, Mr. BASS, Mr. RYUN of Kansas, Mr. SANDLIN, Mr. LOBIONDO, Mr. GOODE, Mr. SESSIONS, Mr. STENHOLM, Mr. TERRY, Mr. ENGLISH, Mr. CHABOT, Mr. FLAKE, Mr. BAIRD, Mr. OTTER, Mr. HEFLEY, Mr. SULLIVAN, Mr. CUNNINGHAM, Mr. ISTOOK, Mr. PAUL, Mr. GREEN of Wisconsin, Mr. SMITH of Michigan, Mr. DOOLITTLE, Mr. MILLER of Florida, Mr. JONES of North Carolina, Mr. SAM JOHNSON of Texas, Mr. DEMINT, Ms. GINNY BROWN-WAITE of Florida, Mr. PITTS, Mr. CULBERSON, Mr. EVERETT, Mr. DEAL of Georgia, and Mr. SHADEGG):

H.R. 1227. A bill to provide for the periodic review of the efficiency and public need for Federal agencies, to establish a Commission for the purpose of reviewing the efficiency and public need of such agencies, and to provide for the abolishment of agencies for which a public need does not exist; to the Committee on Government Reform.

By Mr. CONYERS:

H.R. 1228. A bill to amend title XVIII of the Social Security Act to reduce the work

hours and increase the supervision of resident-physicians to ensure the safety of patients and resident-physicians themselves; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. PITTS, Mr. NORWOOD, Mrs. MYRICK, Mr. RYUN of Kansas, Mr. BURTON of Indiana, Mr. STEARNS, Mr. SOUDER, Mr. FORBES, Mr. TERRY, Mr. HOSTETTLER, and Mr. GOODE):

H.R. 1229. A bill to require assurances that certain family planning service projects and programs will provide pamphlets containing the contact information of adoption centers; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself and Mr. CALVERT):

H.R. 1230. A bill to provide an environmentally sound process for the expeditious consideration and approval of a high-voltage electricity transmission line right-of-way through the Trabuco Ranger District of the Cleveland National Forest in the State of California and adjacent lands under the jurisdiction of the Bureau of Land Management and the Forest Service; to the Committee on Resources.

By Mr. TOM DAVIS of Virginia (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. MORAN of Virginia, Mr. WOLF, Mr. HOYER, Ms. NORTON, Mr. WYNN, and Mr. VAN HOLLEN):

H.R. 1231. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilianand military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Ways and Means, and in addition to the Committees on Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H.R. 1232. A bill to amend the Internal Revenue Code of 1986 to shorten the recovery period for the depreciation of certain property; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. MCCRERY, Mr. PAUL, and Mr. HERGER):

H.R. 1233. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself and Mr. NEAL of Massachusetts):

H.R. 1234. A bill to amend the Internal Revenue Code of 1986 to encourage investment in high productivity property, and for other purposes; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself and Mr. GIBBONS):

H.R. 1235. A bill to provide for the management of critical habitat of endangered species and threatened species on military installations in a manner compatible with the demands of military readiness, to ensure that the application of other resource laws on military installations is compatible with military readiness, and for other purposes; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Mr. WYNN, Mrs. JOHNSON of Connecticut, Mr. NORWOOD, Ms. WATSON, Mr. MANZULLO, Mr. DAVIS of Illinois, Mr. BONILLA, Mr. GOODE, Mr. BOOZMAN, Mr. TOWNS, Ms. NORTON, Mr. MARIO DIAZ-BALART of Florida, Mrs. MUSGRAVE, Mrs. NORTHUP, Mr. HOSTETTLER, Mr. RYAN of Wisconsin, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Alabama, Ms. MILLENDER-MCDONALD, Mr. OWENS, and Mr. FLETCHER):

H.R. 1236. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 1237. A bill to amend part C of the Individuals with Disabilities Education Act to improve early intervention programs for infants and toddlers with disabilities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, Mr. STUPAK, Mr. POMEROY, Mr. NETHERCUTT, Mr. HASTINGS of Washington, Mr. SMITH of Washington, and Mr. BAIRD):

H.R. 1238. A bill to authorize the Attorney General to carry out a program, known as the Northern Border Prosecution Initiative, to provide funds to northern border States to reimburse county and municipal governments for costs associated with certain criminal activities, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN:

H.R. 1239. A bill to provide for emergency unemployment compensation; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Ms. NORTON, Mr. HINCHEY, Mr. ETHERIDGE, Mr. FROST, Mr. CARSON of Oklahoma, Ms. DELAURO, Mr. OWENS, Mr. LANTOS, Mrs. DAVIS of California, Mrs. JONES of Ohio, Ms. BERKLEY, Mr. BISHOP of New York, and Ms. SCHAKOWSKY):

H.R. 1240. A bill to provide grants to eligible consortia to provide professional development to superintendents, principals, and to prospective superintendents and principals; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself, Mr. OBERSTAR, Mr. HINCHEY, Ms. WOOLSEY, Mrs. CAPPS, Mr. SCHIFF, Mr. RANGEL, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. KILDEE, Mr. SANDERS, Mr. VAN HOLLEN, Mr. EMANUEL, Mr. BISHOP of New York, Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. ACKERMAN, Ms. LOFGREN, Mr. MCNULTY, Mrs. MCCARTHY of New York, Mr. LANTOS, and Mr. FROST):

H.R. 1241. A bill to authorize additional appropriations to the National Institutes of Health for research on the early detection of and the reduction of mortality rates attributed to breast cancer; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 1242. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself, Mr. MCNULTY, Mr. BERRY, Ms. WOOLSEY, Mr. ROTHMAN, Mr. DAVIS of Illinois, Ms. WATSON, Mr. SANDERS, Mr. EMANUEL, Ms. CARSON of Indiana, and Mr. PALLONE):

H.R. 1243. A bill to assure equitable treatment in health care coverage of prescription drugs under group health plans, health insurance coverage, Medicare and Medicaid managed care arrangements, Medigap insurance coverage, and health plans under the Federal employees' health benefits program (FEHBP); to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR:

H.R. 1244. A bill to amend title 5, United States Code, to provide that service performed by an air traffic controller who is transferred or promoted to a supervisory or staff position continue to be treated as controller service for retirement purposes; to the Committee on Government Reform.

By Mr. OLVER (for himself, Mr. GILCHREST, Mrs. JOHNSON of Connecticut, Mr. UDALL of Colorado, Mr. SHAYS, Ms. WOOLSEY, Mr. MARKEY, Mr. WAXMAN, Mr. INSLEE, Mr. HINCHEY, Mr. DELAHUNT, Mr. FARR, Mr. FRANK of Massachusetts, Mr. HONDA, Mr. MORAN of Virginia, Mr. WEXLER, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Mr. STARK, Ms. SOLIS, Mr. SANDERS, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. BLUMENAUER, Ms. BALDWIN, Mr. KUCINICH, Ms. NORTON, Ms. DELAURO, Mr. ABERCROMBIE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BORDALLO, Mr. ALLEN, Mr. WALSH, Mr. NEAL of Massachusetts, Mr. BERMAN, Mrs. CAPPS, Mr. VAN HOLLEN, and Mr. CARDIN):

H.R. 1245. A bill to amend the Clean Air Act to establish an inventory, registry, and information system of United States greenhouse gas emissions to inform the public and private sectors concerning, and encourage voluntary reductions in, greenhouse gas emissions; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 1246. A bill to authorize the Secretary of Education to make grants to eligible schools to assist such schools to discontinue use of a derogatory or discriminatory name or depiction as a team name, mascot, or nickname, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PAUL:

H.R. 1247. A bill to ensure and foster continued patient safety and quality of care by exempting health care professionals from the Federal antitrust laws in their negotiations with health plans and health insurance issuers; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 1248. A bill to amend titles 23 and 49, United States Code, relating to motor vehicle weight and width limitations; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 1249. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for the cost of insurance against negative outcomes from surgery, including against malpractice of a physician; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself, Mr. WELLER, Mr. KLECZKA, Mr. PETRI, Mr. GREEN of Wisconsin, and Ms. BALDWIN):

H.R. 1250. A bill to amend the Internal Revenue Code of 1986 to modify the exemption from the self-employment tax for certain termination payments received by former insurance sales agents; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. HINCHEY, Mr. WAXMAN, Mr. KLECZKA, and Mr. FROST):

H.R. 1251. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on

Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 1252. A bill to terminate the e-rate program of the Federal Communications Commission that requires providers of telecommunications and information services to provide such services for schools and libraries at a discounted rate; to the Committee on Energy and Commerce.

By Mr. TANCREDO:

H.R. 1253. A bill to amend the Endangered Species Act of 1973 to establish special requirements for determining whether the Preble's meadow jumping mouse is an endangered species or threatened species; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself, Mr. DEFAZIO, Mr. RADANOVICH, and Mrs. BONO):

H.R. 1254. A bill to amend the Federal Power Act to provide for market transparency inwholesale sales of electric energy, to prohibit round trip trading of electricity, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WALDEN of Oregon (for himself, Mr. DEFAZIO, Mr. RADANOVICH, and Mrs. BONO):

H.R. 1255. A bill to amend the Securities Exchange Act of 1934 to prohibit the fradulent recording of revenue from round trip sales of electric power; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. LEACH, Mr. DINGELL, Mr. KOLBE, Ms. PELOSI, Mr. SHAYS, Mr. HOYER, Mr. SWEENEY, Mr. MENENDEZ, Mr. CASTLE, Mr. CLYBURN,Mr. SIMMONS, Mr. DAVIS of Florida, Mrs. BIGGERT, Mr. KIND, Mr. GREENWOOD, Mr. CONYERS, Mr. FRELINGHUYSEN, Mr. ABERCROMBIE, Mr. OSE, Mr. ACEVEDO-VILA, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BALLANCE, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BOSWELL, Ms. BORDALLO, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. BOUCHER, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Ms. CARSON of Indiana, Mr. CARSON of Oklahoma, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. COOPER, Mr. COSTELLO, Mr. CRAMER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DOGGETT, Mr. DOOLEY of California, Mr. DOYLE, Mr. EDWARDS, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FARR, Mr. FILNER ,Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GREEN of Texas, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HILL, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Ms. HOOLEY of Oregon, Mr. HOLDEN, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Ms. MAJETTE, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABO, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. TIERNEY, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TOWNS, Mr. TURNER of Texas, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.J. Res. 37. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. LARSEN of Washington:

H.J. Res. 38. A joint resolution authorizing special awards to World War I and World War II veterans of the United States Navy Armed Guard; to the Committee on Armed Services.

By Mr. CASTLE (for himself and Mrs. LOWEY):

H. Con. Res. 91. Concurrent resolution expressing the sense of Congress that the Nation should strive to prevent teen pregnancy by encouraging teens to view adolescence as a time for education and growing-up and by educating teens about the negative consequences of early sexual activity; to the Committee on Energy and Commerce.

By Mr. LANTOS (for himself, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. COX, Mr. BURTON of Indiana, and Ms. LORETTA SANCHEZ of California):

H. Res. 140. A resolution expressing the sense of the House of Representatives concerning the continuous repression of freedoms within Iran and of individual human rights abuses, particularly with regard to women; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. CONYERS, Mr. MCDERMOTT, Ms. WATERS, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. SERRANO, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Ms. WATSON, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PAYNE, Mr. OWENS, and Mr. JACKSON of Illinois):

H. Res. 141. A resolution disavowing the doctrine of preemption; to the Committee on International Relations.

¶22.40 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. BROWN of Ohio, Mr. STRICKLAND, Mrs. EMERSON, and Mr. KING of New York.

H.R. 21: Mr. UPTON.

H.R. 22: Mr. UPTON.

H.R. 33: Mr. BALLANCE.

H.R. 34: Mr. THOMPSON of California, Ms. BALDWIN, Mr. GUTIERREZ, Mr. MEEHAN, and Mr. FARR.

H.R. 39: Mrs. NORTHUP, Mr. ORTIZ, and Mr. ISSA.

H.R. 49: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GARRETT of New Jersey, Mr. COLE, and Mr. ISAKSON.

H.R. 57: Mr. TERRY, Mr. KENNEDY of Minnesota, and Mr. BRADLEY of New Hampshire.

H.R. 107: Mr. BARTLETT of Maryland.

H.R. 109: Mr. TIAHRT.

H.R. 111: Mr. TURNER of Ohio, Mr. DAVIS of Tennessee, Ms. BORDALLO, Mr. BACA, and Ms. CARSON of Indiana.

H.R. 119: Mr. SIMPSON.

H.R. 126: Mr. MURPHY.

H.R. 168: Mr. HOSTETTLER.

H.R. 218: Mr. SWEENEY, Mr. VITTER, Mr. CROWLEY, Mr. MURPHY, Mrs. WILSON of New Mexico, Mr. TAYLOR of North Carolina, Mr. BURTON of Indiana, Mr. ISSA, and Mr. JOHN.

H.R. 224: Mr. TIAHRT.

H.R. 225: Mr. TERRY.

H.R. 245: Mr. GORDON.

H.R. 280: Mr. PENCE.

H.R. 284: Mr. LUCAS of Oklahoma, Mr. PICKERING, Mr. SIMMONS, Mr. MILLER of Florida, Mr. MEEK of Florida, Mr. PASCRELL, Mr. RYAN of Ohio, Mr. CANTOR, Mr. MORAN of Virginia, Mr. CAMP, Mr. JANKLOW, Mr. PEARCE, Mr. PLATTS, Mr. BAIRD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BAKER, Mr. CAPUANO, Mr. ALLEN, Mr. UDALL of Colorado, Mr. CARDOZA, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, Mr. WICKER, and Ms. DUNN.

H.R. 300: Mr. BRADLEY of New Hampshire, Mr. CAMP, Mr. ISAKSON, and Mr. STEARNS.

H.R. 303: Mr. MICA, Mr. CAMP, Mr. CARTER, Mr. MEEK of Florida, Mr. GARRETT of New Jersey, and Mr. SIMPSON.

H.R. 310: Mr. HOSTETTLER.

H.R. 331: Mr. HOLDEN.

H.R. 344: Mr. PAUL, Mr. GOODE, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 375: Mr. HUNTER and Mr. BARTLETT of Maryland.

H.R. 391: Mr. PUTNAM, Mr. COBLE, Mr. BISHOP of Utah, Mr. HENSARLING, Mr. HEFLEY, and Mr. PITTS.

H.R. 426: Mr. PETERSON of Pennsylvania and Mr. FALEOMAVAEGA.

H.R. 427: Mr. PETRI.

H.R. 442: Mr. DOYLE, Mrs. DAVIS of California, and Mrs. MUSGRAVE.

H.R. 444: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. OSE.

H.R. 466: Mr. SHAYS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNULTY, Mr. SERRANO, Mr. WAXMAN, Mr. CROWLEY, Mr. HONDA, Mr. OSE, Mr. RUPPERSBERGER, and Mr. MURPHY.

H.R. 488: Mr. TANCREDO.

H.R. 501: Mr. GRIJALVA.

H.R. 522: Mr. CAPITO, Ms. HARRIS, Mr. BARTLETT of Maryland, Mr. MANZULLO, and Mr. TANCREDO.

H.R. 528: Mr. PAYNE.

H.R. 545: Mr. LIPINSKI and Mr. MCINTYRE.

H.R. 548: Ms. LOFGREN, Ms. MCCOLLUM, Mr. GINGREY, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. HAYES, Mr. GORDON, Mr. MARSHALL, Mr. INSLEE, Mr. FORBES, Mr. FRANKS of Arizona, Mr. ISAKSON, Mrs. CAPITO, Mr. CARDOZA, Mr. LEACH, Mr. MARIO DIAZ-BALART of Florida, Mr. MICHAUD, Mr. MEEK of Florida, Mr. RENZI, Ms. BALDWIN, Mr. MCDERMOTT, Mr. KELLER, Mr. BONILLA, Mr. THOMPSON of California, Mr. STEARNS, and Mr. HINOJOSA.

H.R. 577: Mr. KUCINICH, Ms. LINDA T. SANCHEZ of California, Mrs. TAUSCHER, Ms. KILPATRICK, Mr. DAVIS of Illinois, Ms. LEE, Mr. TOWNS, and Mr. FRANK of Massachusetts.

H.R. 584: Mrs. JO ANN DAVIS of Virginia.
H.R. 586: Mr. UDALL of Colorado, Mr. WU, and Ms. JACKSON-LEE of Texas.
H.R. 589: Mr. SANDLIN, Mr. MOORE, Mr. BOYD, Mr. DICKS, Mr. UDALL of New Mexico, Mr. POMEROY, Mr. HOEFFEL, Mr. FARR, and Mr. MILLER of North Carolina.
H.R. 648: Mr. CARSON of Oklahoma, Mr. HASTINGS of Washington, and Mr. BARTLETT of Maryland.
H.R. 655: Mr. DEAL of Georgia.
H.R. 660: Mrs. BLACKBURN and Mr. GINGREY.
H.R. 669: Mr. PASTOR.
H.R. 685: Mr. MCGOVERN, Mr. BISHOP of New York, and Ms. WOOLSEY.
H.R. 732: Mr. ROGERS of Michigan, Mr. COSTELLO, Mr. FROST, Mr. FORD, and Mr. PETERSON of Minnesota.
H.R. 735: Mr. SENSENBRENNER, Mr. SERRANO, Mr. PLATTS, Mr. HOLT, and Mr. RAHALL.
H.R. 742: Mr. CARDOZA, Mr. QUINN, Mr. JEFFERSON, Mr. EDWARDS, Mr. GREENWOOD, Mrs. CAPPS, Mr. FROST, Mr. WEXLER, Mr. GORDON, Mr. SIMPSON, Mr. DEUTSCH, Mr. MCNULTY, and Mr. CONYERS.
H.R. 760: Mr. LUCAS of Kentucky.
H.R. 761: Mr. LAMPSON.
H.R. 767: Mr. RAMSTAD, Mrs. JOHNSON of Connecticut, Mr. CRANE, and Mr. LEWIS of Kentucky.
H.R. 775: Mr. UPTON, Ms. GINNY BROWN-WAITE of Florida, Mr. BALLENGER, and Mr. FALEOMAVAEGA.
H.R. 784: Mr. DICKS and Mr. INSLEE.
H.R. 785: Mr. LARSEN of Washington.
H.R. 786: Mr. SENSENBRENNER.
H.R. 806: Ms. MCCOLLUM.
H.R. 809: Ms. LORETTA SANCHEZ of California.
H.R. 811: Mr. OWENS.
H.R. 812: Mr. FOLEY, Mr. GOODE, and Mr. WELDON of Pennsylvania.
H.R. 815: Mr. MCNULTY.
H.R. 818: Mr. LIPINSKI, Ms. LEE, and Mr. VISCLOSKY.
H.R. 823: Mr. RUPPERSBERGER, Mr. BISHOP of New York, Mrs. JONES of Ohio, Mr. SKELTON, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, Mr. ETHERIDGE, Mr. WAXMAN, Mr. CLYBURN, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 829: Ms. MCCARTHY of Missouri, Mrs. CHRISTENSEN, and Mrs. DAVIS of California.
H.R. 851: Ms. WATSON, Mr. KUCINICH, Mr. OWENS, Mr. GORDON, Mr. LIPINSKI, Mr. FILNER, Mr. BROWN of Ohio, Mr. MCHUGH, and Mr. RYAN of Ohio.
H.R. 870: Mr. FOLEY and Mr. MATSUI.
H.R. 872: Mrs. MUSGRAVE.
H.R. 876: Mr. LUCAS of Oklahoma, Mr. STENHOLM, Mr. BEREUTER, Mr. ENGLISH, and Mr. HOUGHTON.
H.R. 898: Mrs. MYRICK.
H.R. 931: Mr. RYUN of Kansas, Mr. ISTOOK, and Mr. TANCREDO.
H.R. 937: Mr. LATHAM and Mr. GALLEGLY.
H.R. 941: Mr. NEAL of Massachusetts.
H.R. 953: Mr. THOMPSON of Mississippi, Mr. GORDON, Ms. MAJETTE, and Mr. WATT.
H.R. 970: Mr. COOPER, Mr. DAVIS of Illinois, Mr. LAHOOD, Mr. CRAMER, Mr. GORDON, Mr. FORD, Mr. MATSUI, Mr. LEACH, Mr. TURNER of Texas, Mr. CARTER, Mr. WU, Mr. PASTOR, Mr. RAHALL, Mr. BACHUS, Mr. DEUTSCH, Mr. SIMPSON, Mr. KLECZKA, Mr. WELLER, Mr. LIPINSKI, MR. BROWN of Ohio, Ms. SLAUGHTER, Mr. PETRI, Mr. MOLLOHAN, and Mr. RYAN of Ohio.
H.R. 975: Mr. SIMMONS.
H.R. 997: Mr. SHAYS, Mr. KLINE, Mrs. JO ANN DAVIS of Virginia, Mr. TANCREDO, Mr. DEAL of Georgia, Mr. CHABOT, Mr. PENCE, Mr. ISTOOK, Mrs. MYRICK, and Mr. JONES of North Carolina.
H.R. 1021: Mr. KENNEDY of Rhode Island, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, and Mrs. JONES of Ohio.
H.R. 1046: Mr. OBERSTAR, Mr. MATSUI, Mr. SMITH of Washington, Ms. LOFGREN, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. MCGOVERN, Mr. BERMAN, Mr. HOEFFEL, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. FROST, and Mr. CASE.
H.R. 1049: Mr. RENZI, Mr. GOODE, and Mr. DOOLITTLE.
H.R. 1052: Mr. HOLT, Mr. RAHALL, Mr. KIND, Ms. NORTON, Mr. GILCHREST, Ms. LEE, Mrs. CAPPS, and Ms. DELAURO.
H.R. 1054: Mr. WYNN.
H.R. 1061: Mr. TANCREDO and Mr. PLATTS.
H.R. 1091: Mr. PRICE of North Carolina.
H.R. 1102: Mr. PLATTS, Mr. PETERSON of Minnesota, and Mr. LIPINSKI.
H.R. 1105: Mr. FILNER and Mr. GILCHREST.
H.R. 1115: Mr. ROGERS of Michigan.
H.R. 1116: Mr. DAVIS of Alabama.
H.R. 1123: Mr. CANTOR.
H.R. 1124: Mr. LARSEN of Washington, Mrs. CHRISTENSEN, and Mrs. MALONEY.
H.R. 1130: Mr. GREEN of Texas, Mr. RYAN of Ohio, Mr. FALEOMAVAEGA, and Mrs. KELLY.
H.R. 1146: Mr. BARTLETT of Maryland, Mr. HEFLEY, and Mr. DUNCAN.
H.R. 1157: Mr. LARSEN of Washington and Mr. SERRANO.
H.R. 1170: Ms. LORETTA SANCHEZ of California.
H.R. 1192: Mr. RYAN of Ohio.
H.R. 1202: Mr. DAVIS of Tennessee.
H.J. Res 20: Mr. LEWIS of Georgia.
H. Con. Res. 19: Ms. LINDA T. SÁNCHEZ of California, Ms. KILPATRICK, Ms. LEE, Mr. HOEFFEL, and Mr. FRANK of Massachusetts.
H. Con. Res. 26: Mr. MILLER of North Carolina, Mr. MCGOVERN, and Mr. PITTS.
H. Con. Res. 78: Mr. RANGEL, Ms. NORTON, Mr. FATTAH, Mr. THOMPSON of Mississippi, and Mr. WYNN.
H. Res. 108: Mr. MCNULTY.
H. Res. 112: Ms. LORETTA SANCHEZ of California, Mr. MCGOVERN, Mr. SCHIFF, Mr. UDALL of Colorado, and Mr. RANGEL.
H. Res. 127: Mr. KANJORSKI.
H. Res. 132: Mr. POMBO, Mr. GINGREY, Mr. SHAYS, Mr. HASTINGS of Washington, Mr. CANNON, Mr. SESSIONS, Mr. FORBES, Mr. JANKLOW, Mr. CARSON of Oklahoma, Mrs. JO ANN DAVIS of Virginia, Mr. HOSTETTLER, Mr. MCHUGH, Mr. GOODLATTE, Mr. BAKER, Mr. YOUNG of Alaska, and Mr. DAVIS of Tennessee.
H. Res. 133: Mr. CULBERSON.

THURSDAY, MARCH 13, 2003 (23)

¶23.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. THORNBERRY, who laid before the House the following communication:

WASHINGTON, DC,
March 13, 2003.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

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

¶23.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. THORNBERRY, announced he had examined and approved the Journal of the proceedings of Wednesday, March 12, 2003.

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

¶23.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1130. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Payments for Cattle and Other Property Because of Tuberculosis [Docket No. 00-105-2] (RIN: 0579-AB36) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1131. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Unshu Oranges From Honshu Island, Japan [Docket No. 02-108-1] received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1132. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Aluminum tris (O-ethylphosphonate); Pesticide Tolerance [OPP-2002-0348; FRL-7292-6] received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1133. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—1,3 Benzene Dicarboxylic Acid, 5-Sulfo-, 1,3-Dimethyl Ester, Sodium Salt, Polymer with 1,3-Benzene Dicarboxylic Acid, 1,4-Benzene Dicarboxylic Acid, Dimethyl 1,4-Benzene Dicarboxylate and 1,2-Ethanediol; Tolerance Exemption [OPP-2003-0037; FRL-7290-9] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1134. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerance [OPP-2002-0345; FRL-7289-6] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1135. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing [OAR-2002-0086, FRL-7461-3] (RIN: 2060-AG93) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1136. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing [OAR-2002-0035; FRL-7461-8] (RIN: 2060-AG66) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1137. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks [Docket ID No. OAR-2002-0085, FRL-7462-3] (RIN: 2060-AH55) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1138. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing; and National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing [OAR-2002-0054 and OAR-2002-0055, FRL-7459-9] (RIN: 2060-A167 and RIN: 2060-A168) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1139. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the

Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing [OAR-2002-0088, FRL-7462-6] (RIN: 2060-AG68) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1140. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture [OAR-2002-0048-FRL-7462-1] (RIN: 2060-AG55) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1141. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products [OAR-2003-0002-FRL-7462-2] (RIN: 2060-AH02) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1142. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles [OAR2003-0014-FRL-7461-9] (RIN: 2060-AG98) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1143. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands [OAR-2002-0040-FRL-7461-4] (RIN: 2060-A174) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1144. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production [OAR-2002-0003: FRL-7461-7] (RIN: 2060-AE79) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1145. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Rhode Island; Negative Declaration [RI-1047a; FRL-7458-5] received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1146. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing [AD-FRL-7463-2] received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1147. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Antelope Valley Air Pollution Control District, Imperial County Air Pollution Control District, and Monterey Bay Unified Air Pollution Control District [CA 245-0375a; FRL-7446-1] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1148. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing [OAR-2002-0083; FRL-7460-2] (RIN: 2060-AG48) received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1149. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations [OAR-2002-0080; FRL-7461-1] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1150. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production [OAR-2002-0057; FRL-7460-1] (RIN: 2060-AH75) received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1151. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2003 Harvest Specification for Groundfish [Docket No. 021122286-3036-02; I.D. 110602B] received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1152. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2003 Harvest Specifications for Groundfish [Docket No. 021212307-3037-3037-02 I.D. 110602C] received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1153. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Series Airplanes Equipped with Rolls-Royce Model Trent 800 Series Engines [Docket No. 2002-NM-318-AD; Amendment 39-13027; AD 2003-03-03] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1154. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; San Francisco Bay, California [COTP San Francisco Bay 03-002] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1155. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Mississippi River, Iowa and Illinois [CGD08-02-020] (RIN: 2115-AE47) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1156. A letter from the Assistant Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Cheesequake Creek, NJ [CGD01-03-003] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1157. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-172-AD; Amendment 39-13033; AD 2003-03-09] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1158. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Pharmaceutical Manufacturing Point Source Category [FRL-7462-8] received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1159. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Modification of National Pollutant Discharge Elimination System (NPDES) Permit Deadline for Storm Water Discharges for Oil and Gas Constuction Activity That Disturbs One to Five Acres of Land [7464-2] (RIN: 2040-AC82) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶23.4 PROVIDING FOR THE CONSIDERATION OF H.R. 5

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 139):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system. The bill shall be considered as read for amendment. In lieu of the amendments recommended by the Committees on the Judiciary and on Energy and Commerce now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, with 80 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit with or without instructions.

SEC. 2. House Resolution 126 is laid on the table.

When said resolution was considered.

After debate,

Mr. REYNOLDS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. HASTINGS of Florida objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 225 / Nays 201

¶23.5 [Roll No. 61]

YEAS—225

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

NAYS—201

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

NOT VOTING—8

Combest
DeGette
Gephardt
Gilchrest
Hyde
Johnson (IL)
Rush
Snyder

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Mr. HASTINGS of Florida demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 / Nays 201

¶23.6 [Roll No. 62]

AYES—225

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

NOES—201

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

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

NOT VOTING—8

Combest	Gilchrest	McIntyre
DeGette	Hyde	Snyder
Gephardt	Johnson (IL)	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 2 of House Resolution 139, House Resolution 126 was laid on the table.

¶23.7 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶23.8 MESSAGE FROM THE SENATE

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

S. 3. An Act to prohibit the procedure commonly known as partial-birth abortion.

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Idaho [Mr. CRAPO] as Chairman of the Senate Delegation to the Canada-United States Interparliamentary Group conference during the One Hundred Eighth Congress.

The message also announced that in accordance with section 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Delaware [Mr. BIDEN] as Vice Chairman of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the One Hundred Eighth Congress.

¶23.9 HEALTHCARE ACT OF 2003

Mr. SENSENBRENNER, pursuant to House Resolution 139, called up the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

Pending consideration of said bill.

Pursuant to House Resolution 139, in lieu of the amendments recommended by the Committee on the Judiciary and the Committee on Energy and Commerce as printed in the bill, the following amendment in the nature of a substitute printed in House Report 108-34 of the Committee on Rules, was considered as adopted:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2003''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) EFFECT ON FEDERAL SPENDING.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this Act to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of ''defensive medicine'' and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 3. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following:

(1) Upon proof of fraud;

(2) Intentional concealment; or

(3) The presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 4. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this Act shall limit a claimant's recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 5. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care

lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

SEC. 6. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit involving injury or wrongful death, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit involving injury or wrongful death. This section shall apply to any health care lawsuit that is settled as well as a health care lawsuit that is resolved by a fact finder. This section shall not apply to section 1862(b) (42 U.S.C. 1395y(b)) or section 1902(a)(25) (42 U.S.C. 1396a(a)(25)) of the Social Security Act.

SEC. 7. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as $250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

(c) NO PUNITIVE DAMAGES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.—

(1) IN GENERAL.—

(A) No punitive damages may be awarded against the manufacturer or distributor of a medical product, or a supplier of any component or raw material of such medical product, based on a claim that such product caused the claimant's harm where—

(i)(I) such medical product was subject to premarket approval, clearance, or licensure by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such medical product which caused the claimant's harm or the adequacy of the packaging or labeling of such medical product; and

(II) such medical product was so approved, cleared, or licensed; or

(ii) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling, unless the Food and Drug Administration has determined that such medical product was not manufactured or distributed in substantial compliance with applicable Food and Drug Administration statutes and regulations.

(B) RULE OF CONSTRUCTION.—Subparagraph (A) may not be construed as establishing the obligation of the Food and Drug Administration to demonstrate affirmatively that a manufacturer, distributor, or supplier referred to in such subparagraph meets any of the conditions described in such subparagraph.

(2) LIABILITY OF HEALTH CARE PROVIDERS.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a medical product approved, licensed, or cleared by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such product and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or seller of such product. Nothing in this paragraph prevents a court from consolidating cases involving health care providers and cases involving products liability claims against the manufacturer, distributor, or product seller of such medical product.

(3) PACKAGING.—In a health care lawsuit for harm which is alleged to relate to the adequacy of the packaging or labeling of a drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the trier of fact by clear and convincing evidence to be substantially out of compliance with such regulations.

(4) EXCEPTION.—Paragraph (1) shall not apply in any health care lawsuit in which—

(A) a person, before or after premarket approval, clearance, or licensure of such medical product, knowingly misrepresented to or withheld from the Food and Drug Administration information that is required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and is causally related to the harm which the claimant allegedly suffered; or

(B) a person made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or maintaining approval, clearance, or licensure of such medical product.

SEC. 8. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments. In any health care lawsuit, the court may be guided by the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this Act.

SEC. 9. DEFINITIONS.

In this Act:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term ''collateral source benefits'' means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term ''compensatory damages'' includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(8) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) HEALTH CARE ORGANIZATION.—The term ''health care organization'' means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) MEDICAL PRODUCT.—The term ''medical product'' means a drug, device, or biological product intended for humans, and the terms ''drug'', ''device'', and ''biological product'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(15) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 10. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this Act does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this Act in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this Act or otherwise applicable law (as determined under this Act) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this Act shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 11. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this Act preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this Act. The provisions governing health care lawsuits set forth in this Act supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this Act; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES' RIGHTS AND OTHER LAWS.—(1) Any issue that is not governed by any provision of law established by or under this Act (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This Act shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health care organizations from liability, loss, or damages than those provided by this Act or create a cause of action.

(c) STATE FLEXIBILITY.—No provision of this Act shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this Act, notwithstanding section 4(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 12. APPLICABILITY; EFFECTIVE DATE.

This Act shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

SEC. 13. SENSE OF CONGRESS.

It is the sense of Congress that a health insurer should be liable for damages for harm

caused when it makes a decision as to what care is medically necessary and appropriate.

When said bill, as amended, was considered and read twice.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 139, recognized Messrs. SENSENBRENNER and CONYERS for 40 minutes each, and Messrs. TAUZIN and DINGELL for 20 minutes each.

After debate,

Pursuant to House Resolution 139, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CONYERS moved to recommit the bill to the Committee on the Judiciary and the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medical Malpractice and Insurance Reform Act of 2003''.

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

Sec. 1. Short title; table of contents.

TITLE I—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

Sec. 101. Statute of limitations.
Sec. 102. Health care specialist affidavit.
Sec. 103. Sanctions for frivolous actions and pleadings.
Sec. 104. Mandatory mediation.
Sec. 105. Limitation on punitive damages.
Sec. 106. Use of savings to benefit providers through reduced premiums.
Sec. 107. Definitions.
Sec. 108. Applicability.

TITLE II—INDEPENDENT ADVISORY COMMISSION ON MEDICAL MALPRACTICE INSURANCE

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Report.
Sec. 204. Membership.
Sec. 205. Director and staff; experts and consultants.
Sec. 206. Powers.
Sec. 207. Authorization of appropriations.

TITLE I—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

SEC. 101. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—A medical malpractice action shall be barred unless the complaint is filed within 3 years after the right of action accrues.

(b) ACCRUAL.—A right of action referred to in subsection (a) accrues upon the last to occur of the following dates:

(1) The date of the injury.

(2) The date on which the claimant discovers, or through the use of reasonable diligence should have discovered, the injury.

(3) The date on which the claimant becomes 18 years of age.

(c) APPLICABILITY.—This section shall apply to any injury occurring after the date of the enactment of this Act.

SEC. 102. HEALTH CARE SPECIALIST AFFIDAVIT.

(a) REQUIRING SUBMISSION WITH COMPLAINT.—No medical malpractice action may be brought by any individual unless, at the time the individual brings the action (except as provided in subsection (b)(1)), it is accompanied by the affidavit of a qualified specialist that includes the specialist's statement of belief that, based on a review of the available medical record and other relevant material, there is a reasonable and meritorious cause for the filing of the action against the defendant.

(b) EXTENSION IN CERTAIN INSTANCES.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall not apply with respect to an individual who brings a medical malpractice action without submitting an affidavit described in such subsection if, as of the time the individual brings the action, the individual has been unable to obtain adequate medical records or other information necessary to prepare the affidavit.

(2) DEADLINE FOR SUBMISSION WHERE EXTENSION APPLIES.—In the case of an individual who brings an action for which paragraph (1) applies, the action shall be dismissed unless the individual (or the individual's attorney) submits the affidavit described in subsection (a) not later than 90 days after obtaining the information described in such paragraph.

(c) QUALIFIED SPECIALIST DEFINED.—In subsection (a), a ''qualified specialist'' means, with respect to a medical malpractice action, a health care professional who is reasonably believed by the individual bringing the action (or the individual's attorney)—

(1) to be knowledgeable in the relevant issues involved in the action;

(2) to practice (or to have practiced) or to teach (or to have taught) in the same area of health care or medicine that is at issue in the action; and

(3) in the case of an action against a physician, to be board certified in a specialty relating to that area of medicine.

(d) CONFIDENTIALITY OF SPECIALIST.—Upon a showing of good cause by a defendant, the court may ascertain the identity of a specialist referred to in subsection (a) while preserving confidentiality.

SEC. 103. SANCTIONS FOR FRIVOLOUS ACTIONS AND PLEADINGS.

(a) SIGNATURE REQUIRED.—Every pleading, written motion, and other paper in any medical malpractice action shall be signed by at least 1 attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) CERTIFICATE OF MERIT.—(1) A medical malpractice action shall be dismissed unless the attorney or unrepresented party presenting the complaint certifies that, to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,—

(A) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(B) the claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(C) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

(2) By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances—

(A) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(B) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(C) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are reasonable based on a lack of information or belief.

(c) MANDATORY SANCTIONS.—

(1) FIRST VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated, the court shall find each attorney or party in violation in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon the person in violation, or upon both such person and such person's attorney or client (as the case may be).

(2) SECOND VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) THIRD VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed more than one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court, refer each such attorney to one or more appropriate State bar associations for disciplinary proceedings, require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

SEC. 104. MANDATORY MEDIATION.

(a) IN GENERAL.—In any medical malpractice action, before such action comes to trial, mediation shall be required. Such mediation shall be conducted by one or more mediators who are selected by agreement of the parties or, if the parties do not agree, who are qualified under applicable State law and selected by the court.

(b) REQUIREMENTS.—Mediation under subsection (a) shall be made available by a State subject to the following requirements:

(1) Participation in such mediation shall be in lieu of any alternative dispute resolution method required by any other law or by any contractual arrangement made by or on behalf of the parties before the commencement of the action.

(2) Each State shall disclose to residents of the State the availability and procedures for resolution of consumer grievances regarding the provision of (or failure to provide) health care services, including such mediation.

(3) Each State shall provide that such mediation may begin before or after, at the option of the claimant, the commencement of a medical malpractice action.

(4) The Attorney General, in consultation with the Secretary of Health and Human Services, shall, by regulation, develop requirements with respect to such mediation to ensure that it is carried out in a manner that—

(A) is affordable for the parties involved;

(B) encourages timely resolution of claims;

(C) encourages the consistent and fair resolution of claims; and

(D) provides for reasonably convenient access to dispute resolution.

(c) FURTHER REDRESS AND ADMISSIBILITY.—Any party dissatisfied with a determination reached with respect to a medical malpractice claim as a result of an alternative dispute resolution method applied under this section shall not be bound by such determination. The results of any alternative dispute resolution method applied under this section, and all statements, offers, and communications made during the application of such method, shall be inadmissible for purposes of adjudicating the claim.

SEC. 105. LIMITATION ON PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may not be awarded in a medical malpractice action, except upon proof of—

(1) gross negligence;

(2) reckless indifference to life; or

(3) an intentional act, such as voluntary intoxication or impairment by a physician, sexual abuse or misconduct, assault and battery, or falsification of records.

(b) ALLOCATION.—In such a case, the award of punitive damages shall be allocated 50 percent to the claimant and 50 percent to a trustee appointed by the court, to be used by such trustee in the manner specified in subsection (d). The court shall appoint the Secretary of Health and Human Services as such trustee.

(c) EXCEPTION.—This section shall not apply with respect to an action if the applicable State law provides (or has been construed to provide) for damages in such an action that are only punitive or exemplary in nature.

(d) TRUST FUND.—

(1) IN GENERAL.—This subsection applies to amounts allocated to the Secretary of Health and Human Services as trustee under subsection (b).

(2) AVAILABILITY.—Such amounts shall, to the extent provided in advance in appropriations Acts, be available for use by the Secretary of Health and Human Services under paragraph (3) and shall remain so available until expended.

(3) USE.—

(A) Subject to subparagraph (B), the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall use the amounts to which this subsection applies for activities to reduce medical errors and improve patient safety.

(B) The Secretary of Health and Human Services may not use any part of such amounts to establish or maintain any system that requires mandatory reporting of medical errors.

(C) The Secretary of Health and Human Services shall promulgate regulations to establish programs and procedures for carrying out this paragraph.

(4) INVESTMENT.—

(A) The Secretary of Health and Human Services shall invest the amounts to which this subsection applies in such amounts as such Secretary determines are not required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

(B) Any obligation acquired by the Secretary in such Secretary's capacity as trustee of such amounts may be sold by the Secretary at the market price.

SEC. 106. USE OF SAVINGS TO BENEFIT PROVIDERS THROUGH REDUCED PREMIUMS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, a provision of this title may be applied by a court to the benefit of a party insured by a medical malpractice liability insurance company only if the court—

(1) determines the amount of savings realized by the company as a result; and

(2) requires the company to pay an amount equal to the amount of such savings to a trustee appointed by the court, to be distributed by such trustee in a manner that has the effect of benefiting health care providers insured by the company through reduced premiums for medical malpractice liability insurance.

(b) DEFINITION.—For purposes of this section, the term ''medical malpractice liability insurance company'' means an entity in the business of providing an insurance policy under which the entity makes payment in settlement (or partial settlement) of, or in satisfaction of a judgment in, a medical malpractice action or claim.

SEC. 107. DEFINITIONS.

In this title, the following definitions apply:

(1) ALTERNATIVE DISPUTE RESOLUTION METHOD.—The term ''alternative dispute resolution method'' means a method that provides for the resolution of medical malpractice claims in a manner other than through medical malpractice actions.

(2) CLAIMANT.—The term ''claimant'' means any person who alleges a medical malpractice claim, and any person on whose behalf such a claim is alleged, including the decedent in the case of an action brought through or on behalf of an estate.

(3) HEALTH CARE PROFESSIONAL.—The term ''health care professional'' means any individual who provides health care services in a State and who is required by the laws or regulations of the State to be licensed or certified by the State to provide such services in the State.

(4) HEALTH CARE PROVIDER.—The term ''health care provider'' means any organization or institution that is engaged in the delivery of health care services in a State and that is required by the laws or regulations of the State to be licensed or certified by the State to engage in the delivery of such services in the State.

(5) INJURY.—The term ''injury'' means any illness, disease, or other harm that is the subject of a medical malpractice action or a medical malpractice claim.

(6) MANDATORY.—The term ''mandatory'' means required to be used by the parties to attempt to resolve a medical malpractice claim notwithstanding any other provision of an agreement, State law, or Federal law.

(7) MEDIATION.—The term ''mediation'' means a settlement process coordinated by a neutral third party and without the ultimate rendering of a formal opinion as to factual or legal findings.

(8) MEDICAL MALPRACTICE ACTION.—The term ''medical malpractice action'' means an action in any State or Federal court against a physician, or other health professional, who is licensed in accordance with the requirements of the State involved that—

(A) arises under the law of the State involved;

(B) alleges the failure of such physician or other health professional to adhere to the relevant professional standard of care for the service and specialty involved;

(C) alleges death or injury proximately caused by such failure; and

(D) seeks monetary damages, whether compensatory or punitive, as relief for such death or injury.

(9) MEDICAL MALPRACTICE CLAIM.—The term ''medical malpractice claim'' means a claim forming the basis of a medical malpractice action.

(10) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and any other territory or possession of the United States.

SEC. 108. APPLICABILITY.

(a) IN GENERAL.—Except as provided in section 104, this title shall apply with respect to any medical malpractice action brought on or after the date of the enactment of this Act.

(b) FEDERAL COURT JURISDICTION NOT ESTABLISHED ON FEDERAL QUESTION GROUNDS.—Nothing in this title shall be construed to establish any jurisdiction in the district courts of the United States over medical malpractice actions on the basis of section 1331 or 1337 of title 28, United States Code.

TITLE II—INDEPENDENT ADVISORY COMMISSION ON MEDICAL MALPRACTICE INSURANCE

SEC. 201. ESTABLISHMENT.

(a) FINDINGS.—The Congress finds as follows:

(1) The sudden rise in medical malpractice premiums in regions of the United States can threaten patient access to doctors and other health providers.

(2) Improving patient access to doctors and other health providers is a national priority.

(b) ESTABLISHMENT.—There is established a national commission to be known as the ''Independent Advisory Commission on Medical Malpractice Insurance'' (in this title referred to as the ''Commission'').

SEC. 202. DUTIES.

(a) IN GENERAL.—(1) The Commission shall evaluate the effectiveness of health care liability reforms in achieving the purposes specified in paragraph (2) in comparison to the effectiveness of other legislative proposals to achieve the same purposes.

(2) The purposes referred to in paragraph (1) are to—

(A) improve the availability of health care services;

(B) reduce the incidence of ''defensive medicine'';

(C) lower the cost of health care liability insurance;

(D) ensure that persons with meritorious health care injury claims receive fair and adequate compensation; and

(E) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

(b) CONSIDERATIONS.—In formulating proposals on the effectiveness of health care liability reform in comparison to these alternatives, the Commission shall, at a minimum, consider the following:

(1) Alternatives to the current medical malpractice tort system that would ensure adequate compensation for patients, preserve access to providers, and improve health care safety and quality.

(2) Modifications of, and alternatives to, the existing State and Federal regulations and oversight that affect, or could affect, medical malpractice lines of insurance.

(3) State and Federal reforms that would distribute the risk of medical malpractice more equitably among health care providers.

(4) State and Federal reforms that would more evenly distribute the risk of medical malpractice across various categories of providers.

(5) The effect of a Federal medical malpractice reinsurance program administered by the Department of Health and Human Services.

(6) The effect of a Federal medical malpractice insurance program, administered by the Department of Health and Human Services, to provide medical malpractice insurance based on customary coverage terms and liability amounts in States where such insurance is unavailable or is unavailable at reasonable and customary terms.

(7) Programs that would reduce medical errors and increase patient safety, including new innovations in technology and management.

(8) The effect of State policies under which—

(A) any health care professional licensed by the State has standing in any State administrative proceeding to challenge a proposed rate increase in medical malpractice insurance; and

(B) a provider of medical malpractice insurance in the State may not implement a rate increase in such insurance unless the provider, at minimum, first submits to the appropriate State agency a description of the rate increase and a substantial justification for the rate increase.

(9) The effect of reforming antitrust law to prohibit anticompetitive activities by medical malpractice insurers.

(10) Programs to facilitate price comparison of medical malpractice insurance by enabling any health care provider to obtain a quote from each medical malpractice insurer to write the type of coverage sought by the provider.

(11) The effect of providing Federal grants for geographic areas that have a shortage of one or more types of health providers as a result of the providers making the decision to cease or curtail providing health services in the geographic areas because of the costs of maintaining malpractice insurance.

SEC. 203. REPORT.

(a) IN GENERAL.—The Commission shall transmit to Congress—

(1) an initial report not later than 180 days after the date of the initial meeting of the Commission; and

(2) a report not less than each year thereafter until the Commission terminates.

(b) CONTENTS.—Each report transmitted under this section shall contain a detailed statement of the findings and conclusions of the Commission.

(c) VOTING AND REPORTING REQUIREMENTS.—With respect to each proposal or recommendation contained in the report submitted under subsection (a), each member of the Commission shall vote on the proposal or recommendation, and the Commission shall include, by member, the results of that vote in the report.

SEC. 204. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed by the Comptroller General of the United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The membership of the Commission shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, medical malpractice insurance, insurance regulation, health care law, health care policy, health care access, allopathic and osteopathic physicians, other providers of health care services, patient advocacy, and other related fields, who provide a mix of different professionals, broad geographic representations, and a balance between urban and rural representatives.

(2) INCLUSION.—The membership of the Commission shall include the following:

(A) Two individuals with expertise in health finance and economics, including one with expertise in consumer protections in the area of health finance and economics.

(B) Two individuals with expertise in medical malpractice insurance, representing both commercial insurance carriers and physician-sponsored insurance carriers.

(C) An individual with expertise in State insurance regulation and State insurance markets.

(D) An individual representing physicians.

(E) An individual with expertise in issues affecting hospitals, nursing homes, nurses, and other providers.

(F) Two individuals representing patient interests.

(G) Two individuals with expertise in health care law or health care policy.

(H) An individual with expertise in representing patients in malpractice lawsuits.

(3) MAJORITY.—The total number of individuals who are directly involved with the provision or management of malpractice insurance, representing physicians or other providers, or representing physicians or other providers in malpractice lawsuits, shall not constitute a majority of the membership of the Commission.

(4) ETHICAL DISCLOSURE.—The Comptroller General of the United States shall establish a system for public disclosure by members of the Commission of financial or other potential conflicts of interest relating to such members.

(c) TERMS.—

(1) IN GENERAL.—The terms of the members of the Commission shall be for 3 years except that the Comptroller General of the United States shall designate staggered terms for the members first appointed.

(2) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) COMPENSATION.—Members of the Commission shall be compensated in accordance with section 1805(c)(4) of the Social Security Act.

(4) CHAIRMAN; VICE CHAIRMAN.—The Comptroller General of the United States shall designate at the time of appointment a member of the Commission as Chairman and a member as Vice Chairman. In the case of vacancy of the Chairmanship or Vice Chairmanship, the Comptroller General may designate another member for the remainder of that member's term.

(5) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairman.

(B) INITIAL MEETING.—The Commission shall hold an initial meeting not later than the date that is 1 year after the date of the enactment of this title, or the date that is 3 months after the appointment of all the members of the Commission, whichever occurs earlier.

SEC. 205. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

Subject to such review as the Comptroller General of the United States deems necessary to assure the efficient administration of the Commission, the Commission may—

(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out its duties;

(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission;

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of the Commission.

SEC. 206. POWERS.

(a) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of that department or agency shall furnish that information to the Commission on an agreed upon schedule.

(b) DATA COLLECTION.—In order to carry out its functions, the Commission shall—

(1) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

(2) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

(3) adopt procedures allowing any interested party to submit information for the Commission's use in making reports and recommendations.

(c) ACCESS OF GENERAL ACCOUNTING OFFICE TO INFORMATION.—The Comptroller General of the United States shall have unrestricted access to all deliberations, records, and nonproprietary data of the Commission, immediately upon request.

(d) PERIODIC AUDIT.—The Commission shall be subject to periodic audit by the Comptroller General of the United States.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title for each of fiscal years 2004 through 2008.

(b) REQUESTS FOR APPROPRIATIONS.—The Commission shall submit requests for appropriations in the same manner as the Comptroller General of the United States submits requests for appropriations, but amounts appropriated for the Commission shall be separate from amounts appropriated for the Comptroller General.

Amend the title so as to read: ''A bill to limit frivolous medical malpractice lawsuits, to reform the medical malpractice insurance business in order to reduce the cost of medical malpractice insurance, to enhance patient access to medical care, and for other purposes.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. CONYERS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 191 / Nays ..... 234 }

¶23.10 [Roll No. 63]

YEAS—191

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

NAYS—234

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

NOT VOTING—9

Clyburn
Combest
DeGette
Doyle
Gilchrest
Hyde
Istook
Johnson (IL)
Snyder

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. CONYERS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 229 / Nays ..... 196 / Answered present 1 }

¶23.11 [Roll No. 64]

AYES—229

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

NOES—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee

Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Bachus

NOT VOTING—8

Combest
DeGette
Doyle
Gilchrest
Hyde
Johnson (IL)
Shuster
Snyder

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶23.12 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, March 17, 2003, at noon; and further, that when the House adjourns on Monday, March 17, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, March 18, 2003, for morning-hour debate.

¶23.13 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 19, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶23.14 MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore, Mrs. BLACKBURN, announced that the Speaker, pursuant to 22 United States Code 276h, and the order of the House of January 8, 2003, appointed to the Mexico-United States Interparliamentary Group, the following Member of the House: Mr. KOLBE.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶23.15 CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore, Mrs. BLACKBURN, announced that the Speaker, pursuant to 22 United States Code 276d, and the order of the House of January 8, 2003, appointed to the Canada-United States Interparliamentary Group, the following Member of the House: Mr. HOUGHTON.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶23.16 BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore, Mrs. BLACKBURN, announced that the Speaker, pursuant to 22 United States Code 276l, and the order of the House of January 8, 2003, appointed to the British-American Interparliamentary Group, the following Member of the House: Mr. PETRI.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶23.17 COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore, Mrs. BLACKBURN, announced that the Speaker, pursuant to 2 United States Code 501(b), and the order of the House of January 8, 2003, appointed to the, House Commission on Congressional Mailing Standards, the following Members of the House: Messrs. NEY, ADERHOLT, SWEENEY, LARSON, THOMPSON of Ohio and HOLT.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶23.18 MEMBERS TO ACT AS SPEAKER PRO TEMPORE

The SPEAKER pro tempore, Mrs. BLACKBURN, announced that on February 10, 2003, the Speaker delivered to the Clerk a letter listing Members in the order in which each shall act as Speaker pro tempore under clause 8(b)(3) of Rule I.

¶23.19 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAN

The SPEAKER pro tempore, Mrs. BLACKBURN, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond March 15, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on March 14, 2002 (67 FR 11553).

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine Middle East peace, and acquisition of weapons of mass destruction and the means to deliver them, that led to the declaration of a national emergency on March 15, 1995, has not been resolved. These actions and policies are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 12, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–46).

¶23.20 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAN

The SPEAKER pro tempore, Mrs BLACKBURN, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I am transmitting a 6-month periodic report prepared by my Administration on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 12, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–47).

¶23.21 SPEAKER RECALL DESIGNEES

The SPEAKER pro tempore, Mrs. BLACKBURN, laid before the House the following communication from the Speaker:

OFFICE OF THE SPEAKER, HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 2003.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives,
Washington, DC.

DEAR MR. CLERK: Pursuant to House Concurrent Resolution 1, and also for purposes of such concurrent resolutions of the current Congress as may contemplate my designation of Members to act in similar circumstances, I hereby designate Representative Tom DeLay of Texas to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and the Senate, respectively, or any reassembly under any such concurrent resolution. In the

event of the death or inability of that designee, the alternate Members of the House listed in the letter bearing this date that I have placed with the Clerk are designated, in turn, for the same purposes.

Sincerely,

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

¶23.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. DEGETTE, for today.

And then,

¶23.23 ADJOURNMENT

On motion of Mr. INSLEE, pursuant to the previous order of the House, at 7 o'clock p.m., the House adjourned until noon on Monday, March 17, 2003.

¶23.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 444. A bill to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work; with an amendment (Rept. 108–35). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 875. A bill to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes (Rept. 108–36). Referred to the Committee of the Whole House on the State of the Union.

¶23.25 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged. H.R. 877 referred to the Committee of the Whole House on the State of the Union.

¶23.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Ms. CARSON of Indiana, and Mr. MICHAUD):

H.R. 1256. A bill to amend title 38, United States Code, to provide for the annual placement of memorials honoring the service in the Armed Forces of veterans who, at the time of death, were homeless or indigent; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. MICHAUD, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. RODRIGUEZ, Mr. REYES, Mr. STRICKLAND, Mr. UDALL of New Mexico, Mr. RYAN of Ohio, Mr. SANDERS, Mr. HOLDEN, Mrs. DAVIS of California, and Ms. WATERS):

H.R. 1257. A bill to amend title 38, United States Code, to make permanent the authority for qualifying members of the Selected Reserve to have access to home loans guaranteed by the Secretary of Veterans Affairs and to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for such home loans; to the Committee on Veterans' Affairs.

By Mr. MCGOVERN (for himself, Mr. SHAYS, Mr. OBERSTAR, Mr. LAHOOD, Mr. MOORE, Mr. ENGLISH, Mr. HINCHEY, Mr. QUINN, Mr. WEXLER, Mr. PAUL, Mr. LYNCH, Mr. BOEHLERT, Mr. MCNULTY, Mr. KILDEE, Mr. KLECZKA, Mr. RAHALL, Ms. LOFGREN, Mr. DELAHUNT, Mr. GRIJALVA, Mr. EVANS, Ms. BALDWIN, Mr. DEFAZIO, Mr. OLVER, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. UDALL of Colorado, Mr. WATT, Ms. WOOLSEY, Mr. DOGGETT, Mr. LEVIN, Mr. COSTELLO, Ms. HOOLEY of Oregon, Mr. SANDERS, Ms. LEE, Mr. SERRANO, Mr. SABO, Ms. MCCOLLUM, Mr. MARKEY, Ms. NORTON, Mr. HOLT, Mr. BLUMENAUER, Mr. KUCINICH, Mr. CAPUANO, Mr. RUSH, Mr. GUTIERREZ, Mr. GEORGE MILLER of California, Mr. PALLONE, and Mr. ALLEN):

H.R. 1258. A bill to repeal the statutory authority for the Western Hemisphere Institute for Security Cooperation (the successor institution to the United States Army School of the Americas) in the Department of Defense, to provide for the establishment of a joint congressional task force to conduct an assessment of the kind of education and training that is appropriate for the Department of Defense to provide to military personnel of Latin American nations, and for other purposes; to the Committee on Armed Services.

By Mr. WELLER (for himself and Mr. CROWLEY):

H.R. 1259. A bill to amend the Internal Revenue Code of 1986 to allow businesses to expense qualified security devices; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Ms. DEGETTE, Mr. GREENWOOD, Mr. TOWNS, Mr. BILIRAKIS, and Mr. JOHN):

H.R. 1260. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Energy and Commerce.

By Mr. MCKEON (for himself and Mr. BOEHNER):

H.R. 1261. A bill to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FOLEY:

H.R. 1262. A bill to implement or enhance consistent AMBER Alert plans throughout the country; to the Committee on the Judiciary.

By Mr. ACEVEDO-VILA (for himself, Mr. LAMPSON, Mr. FOLEY, Ms. VELAZQUEZ, Mr. GUTIERREZ, Mr. SERRANO, Mr. PALLONE, Mr. CRAMER, Mr. FROST, Mr. WICKER, Mr. SCHIFF, Mr. CONYERS, Mr. ROGERS of Michigan, Mr. CHABOT, Mr. SHUSTER, Mr. ISAKSON, Mr. BOEHLERT, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, and Mr. DUNCAN):

H.R. 1263. A bill to require that certain procedures are followed in Federal buildings when a child is reported missing; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. ORTIZ, Mr. ACEVEDO-VILA, Mr. TERRY, Mr. SOUDER, Mr. FROST, Mrs. JONES of Ohio, Mr. MCGOVERN, Mr. CUMMINGS, Mrs. NAPOLITANO, Mrs. LOWEY, and Mr. RAHALL):

H.R. 1264. A bill to provide for reduction in the backlog of claims for benefits pending with the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 1265. A bill to provide, upon the request of a qualifying person, for the removal of the remains of any United States servicemember or other person interred in an American Battle Monuments Commission cemetery located in France or Belgium and for the transportation of such remains to a location in the United States for reinterment; to the Committee on Veterans' Affairs.

By Mr. CAMP (for himself and Mr. FOLEY):

H.R. 1266. A bill to amend the Internal Revenue Code of 1986 to modify the credit for the production of fuel from nonconventional sources and the credit for the production of electricity to include landfill gas; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself, Mr. LATOURETTE, Mr. WAXMAN, Mrs. LOWEY, Mr. BROWN of Ohio, Mr. STARK, Ms. LOFGREN, Mr. GEORGE MILLER of California, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. LEE, Mr. PAYNE, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. KENNEDY of Rhode Island, Ms. NORTON, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. PALLONE, Mr. GRIJALVA, Mr. HOLDEN, Mr. ABERCROMBIE, Mr. FILNER, Mr. FROST, Mr. LYNCH, Mr. HINCHEY, Mr. SERRANO, Mr. MCGOVERN, Ms. KILPATRICK, Ms. CARSON of Indiana, Mr. BAIRD, Ms. SLAUGHTER, Mr. BISHOP of New York, Mrs. NAPOLITANO, Mr. OWENS, Mr. ACKERMAN, Ms. MILLENDER-MCDONALD, Ms. MCCOLLUM, Mr. DOGGETT, Mr. KUCINICH, Ms. SCHAKOWSKY, Mr. RANGEL, Ms. WOOLSEY, Mr. MCNULTY, Mr. FATTAH, Mr. REYES, Mr. KILDEE, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. FALEOMAVAEGA, Mr. CLYBURN, Mr. BOSWELL, Mr. MCDERMOTT, and Mr. CASE):

H.R. 1267. A bill to amend the Public Health Service Act, the Social Security Act, and chapter 89 of title 5, United States Code, to provide research on the health impact and prevention of family violence; to provide training for health care professionals, behavioral and public health staff, and community health centers regarding identification and treatment for families experiencing family violence; and to provide coverage for domestic violence identification and treatment under the Maternal and Child Health Services Block Grant Program, the Medicaid Program, the Federal Employees Health Benefits Program, and the Community Health Centers Program; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS:

H.R. 1268. A bill to amend the Toxic Substances Control Act, the Internal Revenue Code of 1986, and the Public Buildings Act of 1959 to protect human health from toxic mold, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration

of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO (for himself, Mr. BOUCHER, Mr. WHITFIELD, Mr. SHIMKUS, Mr. LIPINSKI, and Mr. MOLLOHAN):

H.R. 1269. A bill to provide for research, development, and demonstration on coal and related technologies, and for other purposes; to the Committee on Science.

By Mr. CRANE (for himself, Mr. CAMP, Mr. ENGLISH, Mr. LEWIS of Kentucky, Mr. JEFFERSON, and Mr. VITTER):

H.R. 1270. A bill to amend the Internal Revenue Code of 1986 to clarify the status of employee leasing organizations and to promote and protect the interests of employee leasing organizations, their customers, and workers; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. MARKEY, Mr. CRANE, and Mr. MATSUI):

H.R. 1271. A bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. MARKEY, Mr. BOUCHER, Mr. TOWNS, Mr. PALLONE, Mr. RUSH, Mr. ENGEL, Ms. DEGETTE, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. INSLEE, Ms. MCCOLLUM, Ms. LEE, Ms. NORTON, and Ms. KILPATRICK):

H.R. 1272. A bill to prohibit fraudulent, manipulative, or deceptive acts in electric and natural gas markets, to provide for audit trails and transparency in those markets, to increase penalties for illegal acts under the Federal Power Act and Natural Gas Act, to reexamine certain exemptions under the Federal Power Act and the Public Utility Holding Company Act of 1935, to expand the authority of the Federal Energy Regulatory Commission to order refunds of unjust and discriminatory rates, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOOLEY of California (for himself, Mr. CARDOZA, Mr. LEWIS of California, Mr. MATSUI, and Mr. NUNES):

H.R. 1273. A bill to designate a United States courthouse to be constructed in Fresno, California, as the ''Robert E. Coyle United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. DOOLEY of California (for himself, Mr. CARDOZA, Mr. NUNES, and Mr. RADANOVICH):

H.R. 1274. A bill to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county; to the Committee on Transportation and Infrastructure.

By Mr. FROST:

H.R. 1275. A bill to amend the Immigration and Nationality Act to change the requirements for naturalization to citizenship through service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Ms. HARRIS (for herself, Mr. ROGERS of Michigan, Mr. OXLEY, Mr. NEY, Mr. DAVIS of Alabama, Mr. MURPHY, Mr. BACHUS, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BEREUTER, Mrs. BIGGERT, Mr. BOEHLERT, Mr. CASTLE, Mr. EMANUEL, Mr. GILLMOR, Mr. GREEN of Wisconsin, Ms. HART, Mr. JONES of North Carolina, Mrs. KELLY, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. GARY G. MILLER of California, Mrs. CAPITO, Mr. RENZI, Mr. RYUN of Kansas, Mr. SCOTT of Georgia, Mr. SHADEGG, Mr. SHAYS, Mr. TIBERI, and Mr. WILSON of South Carolina):

H.R. 1276. A bill to provide downpayment assistance under the HOME Investment Partnerships Act, and for other purposes; to the Committee on Financial Services.

By Mr. HAYWORTH (for himself, Mr. BECERRA, and Mrs. BONO):

H.R. 1277. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for ground rent paid on land on which a qualified residence of a taxpayer is located and which is allotted or Indian-owned land; to the Committee on Ways and Means.

By Mr. HILL (for himself, Mr. TAYLOR of Mississippi, Mr. BERRY, Mr. MOORE, Mr. SANDLIN, Mr. STENHOLM, Mr. TURNER of Texas, Mr. HOLDEN, Mr. MATHESON, Mr. THOMPSON of California, Mr. PETERSON of Minnesota, Ms. LORETTA SANCHEZ of California, Mr. MICHAUD, Mr. SCHIFF, Mrs. TAUSCHER, Mr. TANNER, Mr. JOHN, and Ms. HARMAN):

H.R. 1278. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget Act of 1974 to extend the discretionary spending caps and the pay-as-you-go requirement, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF (for himself, Mr. POMEROY, Mr. LEWIS of Kentucky, Mr. KENNEDY of Minnesota, Mr. WELLER, Mr. LIPINSKI, Mrs. EMERSON, Mr. SKELTON, Mr. SHIMKUS, Mr. BERRY, Mr. RYUN of Kansas, Mr. MCINTYRE, Mr. JOHNSON of Illinois, Mr. PAYNE, Mr. REHBERG, Mr. COSTELLO, Mr. HOSTETTLER, Mr. PETERSON of Minnesota, Mr. LAHOOD, Mr. ROSS, Mr. LEACH, Mr. ANDREWS, Mr. BEREUTER, Mr. GILCHREST, and Mr. ETHERIDGE):

H.R. 1279. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the use of biodiesel as a fuel; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. OXLEY, and Mrs. MALONEY):

H.R. 1280. A bill to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Financial Services.

By Mr. KING of New York:

H.R. 1281. A bill to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN (for herself, Mr. NETHERCUTT, Mr. HOLT, Mr. CUNNINGHAM, Mr. ISSA, Ms. LEE, Mrs. TAUSCHER, Mr. HALL, Mr. MCGOVERN, Mr. MATSUI, Mr. BERMAN, Mrs. CAPPS, Mr. SCHIFF, Mr. PASCRELL, Mr. EHLERS, Mr. CAPUANO, Mr. LAMPSON, Mr. OLVER, Mr. HONDA, Mrs. DAVIS of California, Mr. CALVERT, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. STARK, Mr. EDWARDS, Mr. GREEN of Texas, Mrs. BONO, Mr. MARKEY, and Mr. LYNCH):

H.R. 1282. A bill to authorize the Secretary of Energy to cooperate in the international magnetic fusion burning plasma experiment, or alternatively to develop a plan for a domestic burning plasma experiment, for the purpose of accelerating the scientific understanding and development of fusion as a long term energy source; to the Committee on Science.

By Mr. MEEKS of New York:

H.R. 1283. A bill to protect automobile consumers by requiring complete disclosure and warranty of any add-ons included with the sale of new automobiles; to the Committee on Energy and Commerce.

By Mrs. NAPOLITANO (for herself, Mr. DREIER, and Ms. SOLIS):

H.R. 1284. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project; to the Committee on Resources.

By Ms. NORTON:

H.R. 1285. A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 1286. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Resources.

By Mr. PAUL:

H.R. 1287. A bill to amend the Internal Revenue Code of 1986 to make health care coverage more accessible and affordable; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio (for herself, Mrs. MYRICK, Mr. GREENWOOD, Mr. TANCREDO, Mr. HOUGHTON, Mr. KING of New York, Mr. GOODE, Mr. CASTLE, Mr. HYDE, Mr. WAMP, Mr. SHUSTER, Mr. SHIMKUS, Mr. PORTMAN, Mr. LATOURETTE, Mrs. BIGGERT, Mr. LOBIONDO, Mr. HOBSON, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. SMITH of Michigan, Mr. WOLF, Mr. BACHUS, Ms. DEGETTE, Mrs. CAPPS, Mr. ISRAEL, Ms. LEE, Mr. UDALL of New Mexico, Mrs. MALONEY, Mr. JOHN, Mr. GREEN of Texas, Mr. LIPINSKI, Mr. POMEROY, Mr. TURNER of Texas, Ms. BALDWIN, Mr. STRICKLAND, Mr. PALLONE, Mr. PASCRELL, Ms. BERKLEY, Mr. HOLT, Mr. FROST, Mr. SERRANO, Mrs. LOWEY, Mr. MURTHA, Mr. MCINTYRE, Mr. INSLEE, Mr. MOORE, Mr. CARSON of Oklahoma, Mr. LUCAS of Kentucky, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, and Mr. BURGESS):

H.R. 1288. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of all oral anticancer drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH (for himself and Mr. CARDOZA):

H.R. 1289. A bill to establish the National Parks Institute at the University of California, Merced, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Ms. CORRINE BROWN of Florida, and Ms. WOOLSEY):

H.R. 1290. A bill to authorize the President to establish military tribunals to try the terrorists responsible for the September 11, 2001 attacks against the United States, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 1291. A bill to amend the Public Health Service Act to include State high risk pool insurance programs in the list of covered entities that receive reductions in the prices charged for prescription drugs under the prescription drug pricing agreements under section 340B of that Act; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado (for himself and Mr. PICKERING):

H.R. 1292. A bill to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, and for other purposes; to the Committee on Science.

By Mr. UDALL of Colorado (for himself and Mr. FROST):

H.R. 1293. A bill to authorize the Small Business Administration and the Department of Agriculture to assist farmers and ranchers seeking to develop and implement agricultural innovation plans in order to increase their profitability in ways that provide environmental benefits, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. OWENS, Mr. HINCHEY, Mr. CARDIN, Mr. BERMAN, Mr. LEACH, and Mr. PALLONE):

H.R. 1294. A bill to amend title VI of the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable energy portfolio standard for certain retail electric utilities, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself, Mr. MCNULTY, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. FROST, Mr. HONDA, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. SERRANO, Mr. RYAN of Ohio, Mr. ABERCROMBIE, Ms. WATSON, Mr. OWENS, and Mr. SANDERS):

H.R. 1295. A bill to provide for coverage of diabetic foot sore apparatus as items of durable medical equipment under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 1296. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on the deduction of interest on education loans; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 1297. A bill to require the construction at Arlington National Cemetery of a memorial to the crew of the Columbia Orbiter; to the Committee on Veterans' Affairs, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER:

H.J. Res. 39. A joint resolution proposing an amendment to the Constitution of the United States relative to references to God in the Pledge of Allegiance and on United States coins and currency; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself and Mr. HUNTER):

H. Con. Res. 92. Concurrent resolution expressing the sense of the Congress regarding the need to invest a minimum of 4 percent of gross domestic product on national defense; to the Committee on Armed Services.

By Mr. MCKEON:

H. Con. Res. 93. Concurrent resolution expressing the sense of Congress that the President should renegotiate the extradition treaty with Mexico so that the possibility of capital punishment or life imprisonment will not interfere with the timely extradition of criminal suspects from Mexico to the United States; to the Committee on International Relations.

By Mr. SESSIONS (for himself and Mrs. CAPPS):

H. Con. Res. 94. Concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce; to the Committee on Education and the Workforce.

By Mr. CAPUANO (for himself, Mr. BILIRAKIS, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. OLVER, Mr. DOYLE, Mr. SERRANO, Mr. MEEHAN, Mr. BELL, Mr. ABERCROMBIE, Mrs. MALONEY, Mr. BERMAN, Mr. MCNULTY, Ms. SLAUGHTER, Mr. CASE, Mr. LAHOOD, Mr. KILDEE, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. TIERNEY, Mr. MATSUI, Mr. BROWN of Ohio, Mr. GREENWOOD, Ms. BALDWIN, Mr. RANGEL, Mr. UDALL of New Mexico, Mr. MCINTYRE, Mr. WAXMAN, Mr. ROSS, Mr. CONYERS, Mr. LYNCH, Mr. SIMMONS, Mr. NORWOOD, Mr. DOOLEY of California, Mr. FRANK of Massachusetts, Mr. STENHOLM, Mr. SCOTT of Virginia, Ms. ROYBAL-ALLARD, and Mr. FILNER):

H. Res. 142. A resolution to express the sense of the House of Representatives that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically underserved areas should be increased to serve 20,000,000 individuals by 2006; to the Committee on Energy and Commerce.

By Mr. FROST (for himself and Mr. LAMPSON):

H. Res. 143. A resolution providing for consideration of the bill (S. 121) to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on Rules.

By Mr. WU:

H. Res. 144. A resolution to express the sense of the House of Representatives that the maximum Pell Grant should be increased to $5,800; to the Committee on Education and the Workforce.

¶23.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. GORDON, Mr. BARRETT of South Carolina, Mr. CASE, and Ms. HART.

H.R. 23: Mr. EVERETT.

H.R. 57: Mr. GILLMOR.

H.R. 58: Mr. LIPINSKI, Mr. BERMAN, Ms. SOLIS, and Ms. DEGETTE.

H.R. 75: Mr. CULBERSON.

H.R. 100: Mr. MICHAUD.

H.R. 120: Mr. LIPINSKI.

H.R. 125: Mr. WU, Mr. THOMPSON of Mississippi, Ms. SLAUGHTER, Ms. LEE, Mr. DAVIS of Illinois, Mr. DICKS, Mr. FRANK of Massachusetts, Mr. ANDREWS, and Ms. DEGETTE.

H.R. 141: Mr. WILSON of South Carolina.

H.R. 217: Mr. LANTOS, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Ms. LINDA T. SANCHEZ of California, Mr. BROWN of South Carolina, Mr. MEEHAN, Mr. FALEOMAVAEGA, Mr. SIMMONS, and Mr. WU.

H.R. 221: Mr. CONYERS, Mr. FARR, Mr. GUTIERREZ, Ms. EDDIE BERNICE JOHNSON OF TEXAS, Ms. LEE, Mr. MCGOVERN, Mr. PASCRELL, Mr. TOWNS, Ms. WOOLSEY, and Mr. LANGEVIN.

H.R. 241: Mr. MICHAUD.

H.R. 282: Mr. GARRETT of New Jersey and Mr. GUTKNECHT.

H.R. 303: Ms. SLAUGHTER, Mr. CASE, and Mr. HALL.

H.R. 308: Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. RYAN of Ohio, and Mr. JACKSON of Illinois.

H.R. 343: Ms. BORDALLO.

H.R. 362: Mr. FORBES, Mr. GREENWOOD, Mr. QUINN, Mr. ORTIZ, Mr. FATTAH, Mr. WYNN, Mr. MEEHAN, Mr. SNYDER, Mr. HOEFFEL, Mr. PUTNAM, Mr. ISAKSON, Mr. PLATTS, Mr. HINOJOSA, Mr. TANCREDO, Mr. ENGLISH, Mr. GIBBONS, and Mr. ADERHOLT.

H.R. 375: Mr. BLUNT.

H.R. 380: Mr. MCKEON.

H.R. 412: Mr. OLVER, Ms. JACKSON-LEE of Texas, Ms. CARSON of Indiana, Ms. SLAUGHTER, Mr. TURNER of Ohio, Mr. PRICE of North Carolina, Mr. CRAMER, Mr. NEAL of Massachusetts, Mr. CAPUANO, Mr. GREENWOOD, Mr. WEINER, Mr. TURNER of Texas, Mr. SMITH of Washington, Mr. PLATTS, Mr. SHAYS, Mr. ISSA, Mr. HINOJOSA, Mr. NADLER, Mr. SNYDER, Mr. LIPINSKI, Mr. HUNTER, Mr. DOOLEY of California, Mr. HINCHEY, Mr. FATTAH, Mr. SOUDER, and Ms. WATERS.

H.R. 432: Mr. VAN HOLLEN.

H.R. 434: Mr. BAKER, Mr. LAHOOD, Mr. TIBERI, Mr. PITTS, Mr. BONNER, and Mr. BOEHLERT.

H.R. 436: Ms. LEE.

H.R. 442: Mr. LARSEN of Washington, Mr. RYAN of Ohio, and Mr. OSBORNE.

H.R. 466: Mr. GREENWOOD and Mr. BRADLEY of New Hampshire.

H.R. 489: Mr. EVERETT and Mr. TANCREDO.

H.R. 490: Mr. JENKINS, Mr. UDALL of Colorado, and Mr. GILLMOR.

H.R. 496: Mr. CANNON.

H.R. 501: Mr. DAVIS of Illinois.

H.R. 502: Mr. ISAKSON.

H.R. 503: Mr. LEWIS of Kentucky.

H.R. 528: Mr. ROTHMAN.

H.R. 578: Mr. SHAW, Mr. HERGER, Mr. ENGLISH, Mr. WELLER, Mr. BACHUS, Mr. GRAVES, Mr. MORAN of Kansas, and Mr. WILSON of South Carolina.

H.R. 583: Mrs. MUSGRAVE, Mr. CROWLEY, Mr. PETERSON of Pennsylvania, Mr. OSBORNE, Mr. MCINNIS, Mr. KIRK, Mr. CANTOR, Mr. BROWN of South Carolina, Mr. BEAUPREZ, Mr. TANCREDO, Mr. KING of Iowa, Mr. CRAMER, Mr. PUTNAM, Ms. HART, Mr. GREEN of Wisconsin, Mr. LUCAS of Kentucky, Mr. TIBERI, Mrs. CAPITO, Mr. GRAVES, Mr. PENCE, Mr. BONILLA, and Mr. BAKER.

H.R. 591: Mr. FILNER.

H.R. 594: Mr. TIERNEY, Ms. NORTON, Mr. DELAHUNT, Mr. SESSIONS, Mrs. JOHNSON of Connecticut, Mr. CRAMER, and Mr. MEEHAN.

H.R. 611: Mr. SENSENBRENNER.

H.R. 612: Mr. SENSENBRENNER.

H.R. 615: Mr. SENSENBRENNER.

H.R. 616: Ms. GINNY BROWN-WAITE of Florida.

H.R. 617: Ms. GINNY BROWN-WAITE of Florida.

H.R. 621: Mr. FOSSELLA, Mr. FROST, Mr. OWENS, Mr. LIPINSKI, Ms. SLAUGHTER, Mr. GEORGE MILLER of California, and Mr. RYAN of Ohio.

H.R. 677: Mr. WU.

H.R. 678: Mr. BONNER and Mr. BISHOP of Georgia.

H.R. 688: Mr. PORTER.

H.R. 694: Mr. RYAN of Ohio.

H.R. 713: Mr. WELDON of Florida, Mr. STRICKLAND, and Mrs. CUBIN.
H.R. 714: Mr. REHBERG.
H.R. 735: Mr. FERGUSON and Mr. WOLF.
H.R. 743: Mr. PETERSON of Minnesota.
H.R. 767: Mr. CANTOR, Mr. HAYWORTH, Mr. HERGER, and Mr. PENCE.
H.R. 768: Mr. PICKERING.
H.R. 771: Mr. CANTOR.
H.R. 775: Mr. NORWOOD.
H.R. 784: Mr. RAHALL.
H.R. 800: Mr. GILLMOR.
H.R. 811: Mr. FROST.
H.R. 814: Mr. DICKS, Ms. NORTON, Mr. LANGEVIN, Mr. DINGELL, Mr. FARR, Mr. WAXMAN, Mr. TERRY, Mr. COSTELLO, Ms. LINDA T. SANCHEZ of California, Mrs. CAPPS, Mr. HOLDEN, Mr. MATHESON, Mr. KUCINICH, Mr. MCNULTY, Mr. MCGOVERN, and Mr. MOORE.
H.R. 815: Mr. WOLF.
H.R. 830: Mr. GOODE.
H.R. 839: Mr. LEWIS of Kentucky.
H.R. 847: Mr. DAVIS of Illinois.
H.R. 850: Mr. BILIRAKIS, Mr. CAMP, Mr. LATHAM, Mr. MANZULLO, and Mr. KLINE.
H.R. 858: Mr. SCOTT of Georgia and Mr. UDALL of Colorado.
H.R. 872: Mr. HOSTETTLER.
H.R. 879: Mr. GOODE.
H.R. 884: Mr. PORTER.
H.R. 893: Mrs. MALONEY.
H.R. 896: Ms. BORDALLO.
H.R. 919: Mr. GEORGE MILLER of California, Mr. MCGOVERN, and Mr. STUPAK.
H.R. 927: Mr. ENGLISH, Mr. WELLER, Mr. SHIMKUS, Mr. QUINN, Mr. BEREUTER, Mr. KENNEDY of Minnesota, Mr. KOLBE, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 931: Mr. NORWOOD and Mr. LINDER.
H.R. 935: Mr. STARK, Mr. GUTIERREZ, Ms. ROS-LEHTINEN, and Mr. ENGEL.
H.R. 936: Mr. ENGEL, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. DAVIS of Illinois, and Mr. MCGOVERN.
H.R. 941: Mr. POMEROY and Mr. WHITFIELD.
H.R. 946: Mrs. CUBIN.
H.R. 962: Mr. SANDERS, Mr. SCOTT of Georgia, Mr. CASTLE, Ms. WOOLSEY, Mr. FRANK of Massachusetts, and Mr. LEVIN.
H.R. 965: Ms. WATERS, Mr. DEUTSCH, Mr. WAXMAN, and Mrs. LOWEY.
H.R. 966: Mr. FILNER.
H.R. 967: Mr. FRANK of Massachusetts, Mr. CROWLEY, Mr. PICKERING, Mr. GORDON, Mr. OLVER, Mr. GRAVES, Mr. DAVIS of Alabama, Mr. LIPINSKI, Mr. PASTOR, Mr. GEORGE MILLER of California, Mr. POMEROY, Mr. RYAN of Ohio, Ms. NORTON, Mrs. MALONEY, Mr. KUCINICH, and Mr. MCGOVERN.
H.R. 977: Ms. WOOLSEY and Mr. GIBBONS.
H.R. 983: Ms. LORETTA SANCHEZ of California and Mr. SCHIFF.
H.R. 995: Mr. CASE and Mr. HEFLEY.
H.R. 1004: Mr. SMITH of Washington, Mr. NETHERCUTT, Mr. GOODLATTE, Mr. LAHOOD, and Mr. SERRANO.
H.R. 1009: Mrs. CHRISTENSEN.
H.R. 1013: Ms. DUNN and Mrs. BONO.
H.R. 1022: Ms. LINDA T. SANCHEZ of California.
H.R. 1023: Mr. SESSIONS.
H.R. 1039: Mr. FALEOMAVAEGA.
H.R. 1048: Mr. FILNER.
H.R. 1072: Mr. KING of New York.
H.R. 1080: Mr. SCHIFF, Mr. RYAN of Ohio, Ms. DELAURO, Mr. FRANK of Massachusetts, and Mr. ENGEL.
H.R. 1081: Mr. BERMAN, Mr. SCHIFF, Mr. RYAN of Ohio, Ms. DELAURO, Mr. FRANK of Massachusetts, and Mr. ENGEL.
H.R. 1093: Mr. MCCOTTER and Mr. CASE.
H.R. 1094: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOBIONDO, Mr. RYAN of Ohio, Mr. OXLEY, Mr. LARSEN of Washington, and Mr. KUCINICH.
H.R. 1095: Mr. FARR, Mr. CARSON of Oklahoma, Mr. MCHUGH, Mr. CARDOZA, Mr. ROHRABACHER, Mr. GORDON, and Mr. ISSA.
H.R. 1097: Mr. MCNULTY, Mr. LEVIN, Mr. COSTELLO, Ms. SOLIS, and Ms. ESHOO.
H.R. 1104: Mr. DELAY, Mrs. CAPITO, Ms. DUNN, Mr. BRADY of Texas, Mr. FOLEY, Mr. GOODLATTE, Mr. TERRY, Mr. BAKER, Mr. UPTON, Mr. MCCOTTER, and Mr. SIMMONS.
H.R. 1105: Mr. FARR.
H.R. 1124: Mr. STRICKLAND.
H.R. 1130: Mr. GORDON.
H.R. 1157: Mr. ABERCROMBIE, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Mr. MANZULLO, Ms. CORRINE BROWN of Florida, Ms. ESHOO, and Mr. SABO.
H.R. 1160: Mr. BONNER, Mr. EVERETT, Mr. VITTER, Mr. LEWIS of Kentucky, Mr. NUNES, Mr. PETERSON of Minnesota, Ms. MCCOLLUM, and Mr. JANKLOW.
H.R. 1161: Mr. OSBORNE, Mr. SULLIVAN, Mr. UPTON, Mr. TERRY, and Mr. MCCOTTER.
H.R. 1162: Mr. ISRAEL.
H.R. 1165: Ms. WATSON.
H.R. 1175: Mr. PITTS, Mr. HENSARLING, and Mr. BEAUPREZ.
H.R. 1196: Mr. LEACH.
H.R. 1199: Mr. PASTOR and Mr. SNYDER.
H.R. 1200: Mr. CARSON of Indiana, and Ms. LINDA T. SANCHEZ of California.
H.R. 1203: Mr. HOSTETTLER.
H.R. 1212: Mr. FILNER.
H.R. 1231: Mr. ABERCROMBIE, Mr. AKIN, Mr. ALLEN, Mr. ANDREWS, Mr. BACHUS, Ms. BALDWIN, Mr. BASS, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BOUCHER, Mr. BOSWELL, Mr. BROWN of Ohio, Mr. BURR, Mrs. CAPPS, Mr. CARDIN, Mr. CARSON of Oklahoma, Mr. CRAMER, Mr. CROWLEY, Mrs. CUBIN, Mr. CUMMINGS, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DOYLE, Mr. ENGEL, Mr. ENGLISH, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GILCHREST, Mr. GILLMOR, Mr. GOODE, Mr. GORDON, Mr. HALL, Mr. HASTINGS of Florida, Mr. HAYES, Mr. HEFLEY, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Mr. HOSTETTLER, Mr. INSLEE, Mr. ISRAEL, Mr. ISTOOK, Ms. JACKSON-LEE of Texas, Mr. JOHN, Mr. JONES of North Carolina, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KING of New York, Mr. KLECZKA, Mr. KOLBE, Mr. LAHOOD, Mr. LANTOS, Mr. LEACH, Ms. LEE, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Mr. LOBIONDO, Mrs. LOWEY, Mr. LUCAS of Kentucky, Mr. LYNCH, Mr. MANZULLO, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mr. NEAL of Massachusetts, Mr. NEY, Mr. OBERSTAR, Mr. OLVER, Mr. OTTER, Mr. PALLONE, Mr. PASTOR, Mr. PAUL, Mr. PAYNE, Mr. PETRI, Mr. PLATTS, Mr. POMEROY, Mr. RAHALL, Mr. REHBERG, Mr. RODRIGUEZ, Mr. ROGERS of Kentucky, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Mr. SABO, Mr. SANDERS, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SHAYS, Mr. SHIMKUS, Mr. SIMMONS, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. SOUDER, Mr. TANCREDO, Mr. TAYLOR of Mississippi, Mr. TERRY, Mr. TIAHRT, Mrs. JONES of Ohio, Mr. TURNER of Texas, Mr. UDALL of Colorado, Mr. WALSH, Mr. WAMP, Ms. WATSON, Mr. WEINER, Mr. WEXLER, Mr. WILSON of South Carolina, Mr. WHITFIELD, Ms. WOOLSEY, and Mr. WU.
H.J. Res. 4: Mr. ALEXANDER, Mr. BASS, Mr. FORBES, Mr. POMBO, Mr. TAUZIN, Mr. OTTER, Mr. BONNER, Mr. FRANKS of Arizona, and Mr. HAYES.
H.J. Res. 26: Mr. CARSON of Oklahoma and Mr. SULLIVAN.
H. Con. Res. 26: Mrs. NORTHUP and Mr. KILDEE.
H. Con. Res. 48: Mr. SESSIONS.
H. Con. Res. 49: Mr. PITTS, Mr. BURGESS, Ms. LEE, Mrs. LOWEY, and Ms. DEGETTE.
H. Con. Res. 56: Mr. BILIRAKIS and Ms. JACKSON-LEE of Texas.
H. Con. Res. 78: Mr. HINCHEY.
H. Con. Res. 79: Mr. BILIRAKIS.
H. Con. Res. 86: Mrs. LOWEY, Mrs. MALONEY, Mr. GRIJALVA, Mr. SERRANO, Mr. OWENS, and Mr. FARR.
H. Con. Res. 89: Ms. WOOLSEY.
H. Res. 28: Mr. BELL, Mrs. JONES of Ohio, Ms. NORTON, Mr. ROHRABACHER, Ms. BERKLEY, Mr. POMEROY, and Mr. PAYNE.
H. Res. 108: Mr. SMITH of Washington.
H. Res. 118: Mr. STEARNS, Mr. WYNN, Ms. MILLENDER-MCDONALD, and Mr. FROST.
H. Res. 121: Mr. KILDEE.
H. Res. 132: Mr. DUNCAN, Mr. BUYER, and Mr. COMBEST.
H. Res. 133: Mr. DAVIS of Tennessee.
H. Res. 140: Ms. WOOLSEY.
H. Res. 141: Ms. CORRINE BROWN of Florida.

MONDAY, MARCH 17, 2003 (24)

¶24.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at noon by the SPEAKER pro tempore, Mr. CULBERSON, who laid before the House the following communication:

WASHINGTON, DC,
March 17, 2003.

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

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

¶24.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Thursday, March 13, 2003.

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

¶24.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1160. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Electronic Submission and Processing of Payment Requests [DFARS Case 2002-D001] received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1161. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Insurance of State Banks Chartered as Limited Liability Companies (RIN: 3064-AC53) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1162. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1163. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7535] received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1164. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7434] received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1165. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1166. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1167. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1168. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1169. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Suspension of Community Eligibility [Docket No. FEMA-7801] received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1170. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7620] received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1171. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1172. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule — Rules Governing Availability of Information — received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1173. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1174. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1175. A letter from the Secretary of the Interior, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska (RIN: 1018-AI88) received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1176. A letter from the Assistant Secretary for Fish and Wildlife and Parks, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule -Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Gulf Sturgeon [Docket No: I.D. 020522126-3051-02] (RIN: 0648-AQ03) received March 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1177. A letter from the Assistant Secretary for Fish and Wildlife and Parks, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants; Final Designations and Nondesignations of Critical Habitat for 42 Plant Species From the Island of Moloki, Hawaii (RIN: 1018-AH08) received March 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1178. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Cruisers Company Emergency Evacuation Slide/Rafts [Docket No. 99-NE-31-AD; Amendment 39-13035; AD 2003-03-11] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1179. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; San Diego Bay [COTP San Diego 03-008] (RIN: 2115-AA97) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1180. A letter from the Board of Trustees, Federal Old-Age And Survivors Insurance And Disability Insurance Trust Funds, transmitting the 2003 Annual Report Of The Board Of Trustees Of The Federal Old-Age And Survivors Insurance And The Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 108—49); to the Committee on Ways and Means and ordered to be printed.

1181. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories (Rev. Rul. 2003-21) received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1182. A letter from the Board of Trustees, Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting the 2003 Annual Report Of The Boards Of Trustees Of The Federal Hospital Insurance And Federal Supplementary Medical Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 108—48); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

¶24.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 162. An Act to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes.

S. 222. An Act to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

S. Con Res. 20. A concurrent resolution permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

¶24.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 14, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 14, 2003 at 10:16 a.m.

That the Senate passed without amendment H. Con. Res. 85.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶24.6 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 162. An Act to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes; to the Committee on Resources.

S. 222. An Act to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; to the Committee on Resources.

And then,

¶24.7 ADJOURNMENT

On motion of Mr. RENZI, pursuant to the special order of the House of Thursday, March 13, 2003, at 12 o'clock and 8 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, March 18, 2003.

¶24.8 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NUSSLE: Committee on the budget. House Concurrent Resolution 95. Resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 (Rept. 108–37). Referred to the Committee of the Whole House on the State of the Union.

¶24.9 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE (for himself, Mr. LANTOS, Mr. WELDON of Florida, Ms. LEE, and Mr. LEACH):

H.R. 1298. A bill to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; to the Committee on International Relations.

By Mr. BOEHLERT:

H.R. 1299. A bill to amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Science.

By Mr. TOM DAVIS of Virginia (for himself, Mr. BERMAN, Mr. CANNON, Mr. FRANK of Massachusetts, Mr.

SMITH of New Jersey, Ms. SOLIS, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROYBAL-ALLARD, and Mr. MORAN of Virginia):

H.R. 1300. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to identify and register certain Central Americans residing in the United States; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. ALLEN, Mr. BOEHLERT, Mr. POMEROY, Mr. RAMSTAD, Mr. TAYLOR of Mississippi, Mr. QUINN, Mr. HINCHEY, Mr. ENGLISH, Ms. CORRINE BROWN of Florida, Mr. MCHUGH, Mr. MOORE, Mr. UPTON, Mr. MCNULTY, Mr. KENNEDY of Minnesota, Mr. KILDEE, Mr. SIMMONS, Mr. FRANK of Massachusetts, Mr. REYNOLDS, Mr. DICKS, Mrs. EMERSON, Mr. PAYNE, Mr. WALSH, Mr. FROST, Mr. MURTHA, Mr. ROSS, Mr. KIND, Mr. OLVER, Ms. MCCOLLUM, and Mr. SCHIFF):

H.R. 1301. A bill to amend the title XVIII of the Social Security Act to provide payment to Medicare ambulance suppliers of the full costs of providing such services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO:

H. Res. 145. A resolution providing amounts for the expenses of the Committee on Small Business in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. NEY:

H. Res. 146. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Eighth Congress; to the Committee on House Administration.

¶24.10 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. LYNCH, Mr. BOSWELL, Mr. ISAKSON, Mrs. CAPPS, Mrs. MCCARTHY of New York, and Mr. KILDEE.

H.R. 21: Mr. ISAKSON.

H.R. 25: Mr. DEAL of Georgia and Mr. NORWOOD.

H.R. 173: Mr. BOYD, Mr. SKELTON, Mr. FOSSELLA, Mr. BEAUPREZ, Mr. NADLER, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. HOSTETTLER, Mr. BERMAN, and Mrs. EMERSON.

H.R. 294: Mr. PAUL.

H.R. 362: Ms. HARMAN and Mr. SMITH of New Jersey.

H.R. 428: Ms. GINNY BROWN-WAITE of Florida, Mr. GONZALEZ, Mr. OTTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Texas, Mr. UPTON, and Mr. BERMAN.

H.R. 589: Mr. LAMPSON,, Mr. HOUGHTON, Mr. DREIER, Mr. DAVIS of Tennessee, Mr. MCHUGH, and Mr. MURPHY.

H.R. 857: Mr. LATOURETTE, Mr. FRANK of Massachusetts, and Mr. BERMAN.

H.R. 1043: Mr. BASS.

H.R. 1068: Mr. GORDON, Mr. BASS, Mr. BERRY, Ms. BALDWIN, Mr. ENGEL, Mr. PUTNAM, and Mr. WILSON of South Carolina.

H. J. Res. 4: Mr. SAM JOHNSON of Texas, Mrs. MILLER of Michigan, Mr. PEARCE, and Mr. CANNON.

H. Res. 133: Mr. ROHRABACHER, Mr. REHBERG, Mr. BRADY of Texas, Mr. BEAUPREZ, and Mr. BASS.

TUESDAY, MARCH 18, 2003 (25)

¶25.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. ADERHOLT, who laid before the House the following communication:

WASHINGTON, DC,
March 18, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶25.2 RECESS—12:51 P.M.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 51 minutes p.m., until 2 p.m.

¶25.3 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶25.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, March 17, 2003.

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

¶25.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1183. A letter from the Director, Regulations Policy and Management Staff, Department of Energy, transmitting the Commission's final rule — Electronic Registration [Docket No. RM02-10-000] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1184. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Presiding Officers at Regulatory Hearings; Confirmation of Effective Date [Docket No. 02N-0251] received February 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1185. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: FuelSolutions Cask System Revision (RIN: 3150-AH13) received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1186. A letter from the Secretary, DHS, Department of Homeland Security, transmitting the Department's final rule — Classified National Security Information (RIN: 1601-AA02) received January 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1187. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Office of Inspector General Subpoenas and Production in Response to Subpoenas or Demands of Courts or Other Authorities [Docket No. FR-4742-F-02] (RIN: 2508-AA13) received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1188. A letter from the Director, OPM, Office of Personnel Management, transmitting the Office's final rule — Voluntary Separation Incentive Payments (RIN: 3206-AJ76) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1189. A letter from the Director, OPM, Office of Personnel Management, transmitting the Office's final rule — Federal Long Term Care Insurance Regulation (RIN: 3206-AJ71) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1190. A letter from the Director, OPM, Office of Personnel Management, transmitting the Office's final rule — Administratively Uncontrollable Overtime Pay (RIN: 3206-AJ57) received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1191. A letter from the Director, OGE, Office of Goverment Ethics, transmitting the Office's final rule — Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations (RIN: 3209-AA07) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1192. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Kalamazoo, Saugatuck, MI [CGD09-02-049] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1193. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; White Lake, Whitehall, MI [CGD09-02-048] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1194. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; James River, Newport News, Virginia [CGD05-02-053] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1195. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Cleveland Harbor, Cleveland, OH [CGD09-02-057] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1196. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Red River, Mile 227.5 to 229.5, Shreveport, Louisiana [COTP New Orleans 02-011] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1197. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Hudson River, Pier 25, Manhattan, New York [CGD01-02-112] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1198. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 171.5 to 172.5, Marietta, Ohio [COTP Huntington 02-008] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1199. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Hampton Roads, James River, VA [CGD05-02-005] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1200. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Grand River, Grand Haven MI [CGD09-02-071] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1201. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Hampton, VA [CGD05-02-050] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1202. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Kalamazoo Lake, Saugatuck, MI [CGD09-02-072] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1203. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Kalamazoo Lake, Saugatuck, MI [CGD09-02-514] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Thunderfest Powerboat Race, Detroit, MI [CGD09-02-061] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Festa Italiana Festival 2002, Milwaukee Harbor, Milwaukee, WI [CGD09-02-032] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Cocos Swim, Cocos Lagoon, Guam [COTP GUAM 02-007] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 362.0 to 364.0, Above Head of Passes, Natchez, Mississippi [COTP New Orleans 02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile 174.5 to 176.5, Above Head of Passes, Donaldsonville, Louisiana [COTP New Orleans 02-012] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile 137.0 to 139.0, Above Head of Passes, Edgard, Louisiana [COTP New Orleans 02-017] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Maumee River, Toledo, Ohio [CGD09-02-044] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1211. A letter from the Deputy General Counsel, Department of Veteran Affairs, transmitting the Department's final rule — Loan Guaranty: Implementation of Public Law 107-103 (RIN: 2900-AL23) received February 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

¶25.6 DECLARATION OF WEAPONS OF MASS DESTRUCTION OF IRAQ

Mr. SMITH of New Jersey, by direction of the Committee on International Relations and pursuant to clause 7 of rule XIII, reported adversely (Rept. No. 108–38) the resolution (H. Res. 68) requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the President's possession relating to Iraq's declaration on its weapons of mass destruction that was provided to the United Nations on December 7, 2002; pursuant to clause 2(a)(2) rule XIII referred to the House Calendar and ordered printed.

¶25.7 STONING AS A VIOLATION OF HUMAN RIGHTS

Mr. ROYCE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 26):

Whereas death by stoning continues to be imposed as a form of punishment in several countries, as documented by the Country Reports on Human Rights Practices of the United States Department of State;

Whereas the brutal sentence of death by stoning is applied to women who have been accused of adultery, some of whom are coerced into prostitution, or even raped;

Whereas execution by stoning is an exceptionally cruel form of punishment that violates internationally accepted standards of human rights, including those set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Whereas women around the world continue to be disproportionately targeted for discriminatory, inhuman, and cruel punishments by governments who refuse to protect the rights of all their citizens equally;

Whereas in some places stoning has also been invoked as punishment for ''blasphemy'', thereby suppressing religious freedom and diversity and stifling political dissent;

Whereas, in July 2002, Amnesty International referred to execution by stoning as ''a method specifically designed to increase the victim's suffering'';

Whereas, in 2002, the European Union, the Secretary General of the Council of Europe, the Australian Government, the Minister of Foreign Affairs and Trade of New Zealand, the President of Mexico, the Congress of the Deputies of Spain, and other world leaders each condemned stoning and called for clemency for individuals sentenced to stoning; and

Whereas, in 2002 there were acquittals or dismissals of sentences to death by stoning: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns the practice of execution by stoning, and calls upon the international community to recognize this practice as a gross violation of human rights;

(2) requests that the President formally communicate this resolution to governments imposing this cruel punishment and urge the suspension of sentences of death by stoning; and

(3) requests that the President direct the Secretary of State to work with the international community toward the repeal of stoning laws and adherence to international standards of human rights.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. ROYCE and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROYCE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶25.8 CLAIMS FOR EXPROPRIATION BY NICARAGUA

Mr. BALLENGER moved to suspend the rules and pass the bill (H.R. 868) to amend section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 to require that certain claims for expropriation by the Government of Nicaragua meet certain requirements for purposes of the prohibition on foreign assistance to that government.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. BALLENGER and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BALLENGER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶25.9 HUMAN RIGHTS ABUSES IN NORTH KOREA

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following resolution (H. Res. 109); as amended:

Whereas the Democratic People's Republic of Korea (in this preamble referred to as ''North Korea'') is, in the words of the United States Department of State, ''a dictatorship under the absolute rule of the Korean Workers' Party'' that ''prohibits freedom of speech, the press, assembly, and association . . . [and] restricts freedom of religion, citizens' movements, and worker rights'';

Whereas according to the State Department, ''[t]he [North Korean] Penal Code is Draconian, stipulating capital punishment and confiscation of assets for a wide variety of 'crimes against the revolution,' including defection, attempted defection, slander of the policies of the party or State, listening to foreign broadcasts, writing 'reactionary' letters, and possessing reactionary printed matter'';

Whereas, as noted in the State Department Country Reports on Human Rights Practices, the North Korean regime executes political prisoners, opponents of the regime, some repatriated defectors, some members of underground churches, and others, sometimes at public meetings attended by workers, students, and school children;

Whereas the North Korean regime subjects all its citizens to systematic, intensive political and ideological indoctrination in support of the cult of personality glorifying Kim Jong Il and the late Kim Il Sung which, in the words of the State Department, ''approaches the level of a state religion'';

Whereas the North Korean regime divides its population into categories, based on perceived loyalty to the Party and the leadership, which determine access to employment, higher education, place of residence, medical facilities, and other resources;

Whereas the North Korean regime attempts to control all information, artistic expression, and academic works inside North Korea and strictly curtails freedom of speech;

Whereas the Government of North Korea holds an estimated 150,000 to 200,000 political prisoners in camps that its State Security Agency manages through the use of forced labor, beatings, torture, and executions, and in which many prisoners also die from disease, starvation, and exposure;

Whereas according to eyewitness testimony provided to the Committee on International Relations of the House of Representatives by camp survivors, camp inmates have been used as sources of slave labor for the production of export goods, as targets for martial arts practice, and as experimental victims in the testing of chemical and biological poisons;

Whereas according to eyewitness testimony provided to the Committee on International Relations by a camp survivor, female camp prisoners are not permitted to have children and their newborn babies are routinely and brutally killed by camp authorities;

Whereas according to the State Department ''[g]enuine religious freedom does not exist'' in North Korea and, in the words of the United States Commission on International Religious Freedom, ''[t]he North Korean state severely represses public and private religious activities'';

Whereas the United States Commission on International Religious Freedom has highlighted ''reports that [North Korean] officials have arrested, imprisoned, tortured, and sometimes executed North Korean citizens who were found to have ties with overseas Christian evangelical groups operating across the border in China, as well as those who engaged in such unauthorized religious activities as public religious expression and persuasion'';

Whereas according to eyewitness testimony provided to the Committee on International Relations in May 2002, a North Korean prison camp survivor witnessed a group of Christian prisoners being tortured to death in 1990 for refusing to repudiate their faith;

Whereas more than 1,000,000 North Koreans are estimated to have died of starvation since 1995 because of the failure of the centralized agricultural system operated by the Government of North Korea;

Whereas the risk of starvation and the threat of persecution in North Korea have caused many thousands of North Koreans to flee their homeland, primarily into the People's Republic of China;

Whereas the Governments of the People's Republic of China and North Korea have been conducting aggressive campaigns to locate North Koreans who are in the People's Republic of China without permission and to forcibly return them to North Korea;

Whereas North Koreans who seek asylum while in the People's Republic of China are routinely imprisoned and tortured, and in some cases killed, after they are returned to North Korea; and

Whereas the 59th session of the United Nations Commission on Human Rights is scheduled to be held in Geneva, Switzerland from March 17 to April 25, 2003: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the Secretary of State to support efforts to draft, introduce, and pass a resolution addressing human rights abuses in North Korea at the 59th session the United Nations Commission on Human Rights;

(2) urges all members of the United Nations Commission on Human Rights to support a resolution addressing human rights abuses in North Korea at the 59th session of the United Nations Commission on Human Rights; and

(3) calls on the Government of the Democratic People's Republic of Korea to respect and protect the human rights of its citizens, such as those recognized in the Universal Declaration of Human Rights.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶25.10 TED WEISS FEDERAL BUILDING

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 145) to designate the Federal building located at 290 Broadway in New York, New York as the ''Ted Weiss Federal Building''.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. LATOURETTE and Mr. NADLER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶25.11 FAIR DEBT COLLECTION PRACTICES

Mr. ROYCE moved to suspend the rules and pass the bill (H.R. 314) to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. ROYCE and Mr. MEEKS of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROYCE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Wednesday, March 19, 2003.

¶25.12 RECESS—3:31 P.M.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 31 minutes p.m., until approximately 6 p.m.

¶25.13 AFTER RECESS—6 P.M.

The SPEAKER pro tempore, Mr. KOLBE, called the House to order.

¶25.14 H. CON. RES. 26—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KOLBE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 26) condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 0

¶25.15 [Roll No. 65]

YEAS—417

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

NOT VOTING—17

Barton (TX)
Carson (IN)
Combest
Doyle
Fletcher
Fossella
Gephardt
Gordon
Gutierrez
Hinchey
Hulshof
Hyde
Lee
Mollohan
Payne
Slaughter
Udall (CO)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶25.16 H.R. 868—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KOLBE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 868) to amend section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 to require that certain claims for expropriation by the Government of Nicaragua meet certain requirements for purposes of the prohibition on foreign assistance to that government.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 7

¶25.17 [Roll No. 66]

YEAS—414

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

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

NAYS—7

Flake
Gillmor
Goode
Goodlatte
Miller (FL)
Paul
Tancredo

NOT VOTING—13

Barton (TX)
Carson (IN)
Combest
Doyle
Fletcher
Fossella
Gephardt
Gordon
Gutierrez
Hyde
Mollohan
Slaughter
Udall (CO)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶25.18 H. RES. 109—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KOLBE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 109) urging passage of a resolution addressing human rights abuses in North Korea at the 59th session of the United Nations Commission on Human Rights, and calling on the Government of North Korea to respect and protect the human rights of its citizens; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 1

¶25.19 [Roll No. 67]

YEAS—419

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

NAYS—1

Paul

NOT VOTING—14

Barton (TX)
Carson (IN)
Collins
Combest
Doyle
Fletcher
Fossella
Gephardt
Gordon
Gutierrez
Hyde
Mollohan
Slaughter
Udall (CO)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶25.20 PROVIDING FOR THE CONSIDERATION OF H.R. 975

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–42) the resolution (H. Res. 147) providing for consideration of the bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶25.21 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. BONNER, laid before the House the following communication from John Eisold, Attending Physician, office of The Attending Physician:

U.S. CONGRESS,
Washington, DC, March 12, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have determined that the grand jury subpoena for documents and testimony issued to me by the Superior Court for the District of Columbia is not consistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to move to quash the subpoena.

Sincerely,

DR. JOHN EISOLD,
Attending Physician.

¶25.22 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. BONNER, laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator, office of Human Resources, office of Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that the Office of Payroll and Benefits has been served with a subpoena duces tecum issued by the Superior Court of San Bernadino County, California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

KATHY A. WYSZYNSKI,
Associate Administrator, Human Resources.

¶25.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. CARSON, for today and March 19;

To Mr. HYDE, for today; and

To Mr. SNYDER, for today and balance of the week.

And then,

¶25.24 ADJOURNMENT

On motion of Mr. CUMMINGS, at 10 o'clock and 36 minutes p.m., the House adjourned.

¶25.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. House Resolution 68. Resolution requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the President's possession relating to Iraq's declaration on its weapons of mass destruction that was provided to the United Nations on December 7, 2002; adversely (Rept. 108–38). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 874. A bill to establish a program, coordinated by the National Transportation Safety Board, or assistance to families of passengers involved in rail passenger accidents (Rept. 108–39). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 975. A bill to amend title 11 of the United States Code, and for other purposes; with an amendment (Rept. 108–40 Pt. 1).

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 132. Resolution expressing the sense of the House of Representatives that the Ninth Circuit Court of Appeals ruling in Newdow v. United States Congress is inconsistent with the Supreme Court's interpretation of the first amendment and should be overturned, and for other purposes (Rept. 108–41). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 147. Resolution providing for consideration of the bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes (Rept. 108–42). Referred to the House Calendar.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1000. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets; with an amendment (Rept. 108–43 Pt. 1) Ordered to be printed.

¶25.26 TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 975. Referral to the Committee on Financial Services extended for a period ending not later than March 18, 2003.

H.R. 1000. Referral to the Committee on Ways and Means extended for a period ending not later than March 28, 2003.

¶25.27 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Financial Services discharged from further consideration. H.R. 975 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶25.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. CONYERS, and Mr. BERMAN):

H.R. 1302. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself and Mr. TOM DAVIS of Virginia):

H.R. 1303. A bill to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. DOGGETT, Mr. PAYNE, Mr. ANDREWS, Mr. MCDERMOTT, Mr. FARR, Mr. CAPUANO, Mr. NEAL of Massachusetts, Ms. LEE, Mrs. NAPOLITANO, Mr. TOWNS, Mr. STARK, Mr. NADLER, Ms. MILLENDER-MCDONALD, Mr. UDALL of New Mexico, Mr. FORD, Mr. OLVER, Mr. WEINER, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. BACA, Mr. RODRIGUEZ, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. ETHERIDGE, Ms. SOLIS, Ms. ESHOO, Mr. FROST, Ms. CARSON of Indiana, Mr. GRIJALVA, Mr. SANDERS, Ms. MCCOLLUM, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. MARKEY, Mr. MEEHAN, Mr. CASE, Mr. ENGEL, Mr. SERRANO, Ms. MAJETTE, Mr. WEXLER, Mr. GREEN of Texas, Ms. WATSON, Ms. HOOLEY of Oregon, Mr. PETERSON of Minnesota, Mr. CUMMINGS, Mr. HOLDEN, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. GUTIERREZ, Mr. OBERSTAR, Mrs. JONES of Ohio, Mr. EVANS, Mr. HOEFFEL, Mr. RANGEL, Mr. KUCINICH, Mr. ALLEN, Mr. ACKERMAN, Ms. LORETTA SANCHEZ of California, Mrs. LOWEY, and Mr. HINOJOSA):

H.R. 1304. A bill to make college debt more affordable, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. POMEROY, Mr. COX, Mr. ABERCROMBIE, Mr. AKIN, Mr. BACHUS, Ms. BALDWIN, Mr. BALLENGER, Mr. BARRETT of South Carolina, Mr. BEAUPREZ, Mr. BERRY, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mr. BONNER, Mr. BOSWELL, Ms. GINNY BROWN-WAITE of Florida, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANTOR, Mr. CAPUANO, Mr. COBLE, Mr. COLLINS, Mr. CRAMER, Mr. CRANE, Mr. CROWLEY, Mr. CULBERSON, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOYLE, Ms. DUNN, Mrs. EMERSON, Mr. FEENEY, Mr. FILNER, Mr. FOLEY, Mr. FORD, Mr. FROST, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GORDON, Ms. GRANGER, Mr. GRAVES, Mr. GREEN of Texas, Mr. GREEN of Wisconsin, Ms. HART, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HOEFFEL, Mr. HOLDEN, Mr. HULSHOF, Mr. ISRAEL, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. MCHUGH, Mrs. KELLY, Mr. KENNEDY of Minnesota, Mr. KILDEE, Mr. KING of New York, Mr. KING of Iowa, Mr. KIND, Mr. KOLBE, Mr. LAHOOD, Mr. LAMPSON, Mr. LARSON of Connecticut, Mr. LATHAM, Mr. LATOURETTE, Mr. LOBIONDO, Mr. MANZULLO, Mr. MATSUI, Mr. MCINNIS, Mr. MCCRERY, Mr. MOORE, Mrs. MUSGRAVE, Mr. NEY, Mr. NORWOOD, Mr. OTTER, Mr. PAUL, Mr. PAYNE, Mr. PETRI, Mr. POMBO, Mr. PORTER, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RAHALL, Mr. RANGEL, Mr. REHBERG, Mr. RENZI, Mr. REYES, Mr. REYNOLDS, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, Mr. SANDLIN, Mr. SAXTON, Mr. SCHROCK, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SHAW, Mr. SIMMONS, Mr. STRICKLAND, Mr. STUPAK, Mr. SOUDER, Mr. TANCREDO, Mr. TAUZIN, Mr. TERRY, Mr. TOWNS, Mr. TURNER of Texas, Mr. UPTON, Mr. VISCLOSKY, Mr. WALSH, Mr. WEINER, Mr. WEXLER, and Mr. WILSON of South Carolina):

H.R. 1305. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. DOGGETT, Mr. PAYNE, Mr. ANDREWS, Mr. MCDERMOTT, Mr. FARR, Mr. CAPUANO, Mr. NEAL of Massachusetts,

Ms. LEE, Mrs. NAPOLITANO, Mr. TOWNS, Mr. STARK, Mr. NADLER, Ms. MILLENDER-MCDONALD, Mr. UDALL of New Mexico, Mr. FORD, Mr. OLVER, Mr. WEINER, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. BACA, Mr. RODRIGUEZ, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. ETHERIDGE, Ms. SOLIS, Ms. ESHOO, Mr. FROST, Ms. CARSON of Indiana, Mr. GRIJALVA, Mr. SANDERS, Ms. MCCOLLUM, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. MARKEY, Mr. MEEHAN, Mr. CASE, Mr. ENGEL, Mr. SERRANO, Ms. MAJETTE, Mr. WEXLER, Mr. GREEN of Texas, Ms. WATSON, Ms. HOOLEY of Oregon, Mr. PETERSON of Minnesota, Mr. CUMMINGS, Mr. HOLDEN, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. GUTIERREZ, Mr. OBERSTAR, Mrs. JONES of Ohio, Mr. EVANS, Mr. HOEFFEL, Mr. RANGEL, Mr. KUCINICH, Mr. ALLEN, Mr. ACKERMAN, Ms. LORETTA SANCHEZ of California, Mrs. LOWEY, and Mr. HINOJOSA):

H.R. 1306. A bill to provide student loan forgiveness to Americans employed in service to the public, and for other purposes; to the Committee on Education and the Workforce.

By Mr. THOMAS:

H.R. 1307. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 1308. A bill to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes; to the Committee on Ways and Means.

By Mr. EVANS (for himself, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. FILNER, Ms. CORRINE BROWN of Florida, Ms. BERKLEY, Mr. STRICKLAND, Mr. RYAN of Ohio, Mr. REYES, Mr. MICHAUD, Mr. UDALL of New Mexico, and Ms. HOOLEY of Oregon):

H.R. 1309. A bill to amend title 38, United States Code, to provide improved prescription drug benefits for veterans; to the Committee on Veterans' Affairs, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. SANDLIN, Mr. HERGER, Mr. COLLINS, Mr. ENGLISH, Mr. FOLEY, Mr. RAMSTAD, Mr. LEWIS of Kentucky, Mr. JEFFERSON, Mr. MCCRERY, Mr. CAMP, Mr. MCINNIS, Mr. HAYWORTH, Mr. SHAW, and Mr. BRADY of Texas):

H.R. 1310. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Ways and Means.

By Mr. ROSS (for himself, Mr. TOWNS, Mr. MCHUGH, Mr. HOLDEN, Mr. GOODE, Mr. CARSON of Oklahoma, Mr. FROST, Mr. WILSON of South Carolina, Mr. BASS, Mr. LATOURETTE, Mr. POMEROY, Mr. SPRATT, Mr. MATHESON, Mr. FALEOMAVAEGA, Mr. LUCAS of Kentucky, Ms. BORDALLO, Mr. TURNER of Texas, Mr. ABERCROMBIE, Mr. WELDON of Pennsylvania, Mr. ISRAEL, Mr. ANDREWS, and Mr. NEY):

H.R. 1311. A bill to amend title 10, United States Code, to support the Federal Excess Personal Property program of the Forest Service by making it a priority of the Department of Defense to transfer to the Forest Service excess personal property of the Department that is suitable to be loaned under the program to rural fire departments; to the Committee on Armed Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.R. 1312. A bill to make East Kern Airport District in Mojave, California, eligible for airport security improvement assistance from the Transportation Security Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ABERCROMBIE:

H.R. 1313. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1314. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for any class of covered individuals if the coverage or plans include coverage for diagnostic mammography for such class and to amend title XIX of the Social Security Act to provide for coverage of annual screening mammography under the Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER:

H.R. 1315. A bill to direct the Secretary of Transportation to establish a pilot grant program to provide assistance for the capital and startup costs of streetcar development and revitalization; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas:

H.R. 1316. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension; to the Committee on Energy and Commerce.

By Mr. BRADY of Texas:

H.R. 1317. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. BISHOP of New York, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. NADLER, Mr. WEINER, Mr. TOWNS, Mr. OWENS, Ms. VELAZQUEZ, Mr. FOSSELLA, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mrs. KELLY, Mr. MCNULTY, Mr. SWEENEY, Mr. BOEHLERT, Mr. MCHUGH, Mr. WALSH, Mr. HINCHEY, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. QUINN, and Mr. HOUGHTON):

H.R. 1318. A bill to name the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, as the "Thomas P. Noonan, Jr., Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mrs. DAVIS of California:

H.R. 1319. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for second opinions; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. TOWNS, Mr. TAUZIN, Mr. BOUCHER, Mr. TERRY, Mr. GREEN of Texas, and Mr. STEARNS):

H.R. 1320. A bill to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself, Mr. NEAL of Massachusetts, Mr. BOEHLERT, Mr. GOODE, Mr. MCNULTY, Ms. GINNY BROWN-WAITE of Florida, Mr. SCHIFF, Mr. KILDEE, Mr. LATOURETTE, Mr. KLECZKA, Mr. OLVER, Mr. LIPINSKI, Mr. FROST, Ms. SCHAKOWSKY, Ms. NORTON, Mr. BERRY, and Mr. GORDON):

H.R. 1321. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the Medicare Program to 10 percent and twice the period of no enrollment; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Mr. BROWN of Ohio, Mr. LYNCH, Mr. OBERSTAR, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. SANDERS, Ms. NORTON, Mr. HINCHEY, Mr. CLYBURN, Mr. KILDEE, Mr. KLECZKA, Mr. ABERCROMBIE, Mr. MCNULTY, Mr. BISHOP of New York, Ms. LEE, Mr. KUCINICH, Ms. LORETTA SANCHEZ of California, Mr. GEORGE MILLER of California, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, and Mr. SERRANO):

H.R. 1322. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Education and the Workforce.

By Mr. FROST:

H.R. 1323. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Education and the Workforce.

By Ms. GRANGER (for herself, Mr. EDWARDS, Mr. GOODE, and Mr. BOYD):

H.R. 1324. A bill to amend title 37, United States Code, to provide the Secretary of Defense with the authority to make temporary, emergency adjustments in the rates of the basic allowance for housing for members of the uniformed services in response to a sudden increase in housing costs in a military housing area in the United States; to the Committee on Armed Services.

By Ms. GRANGER:

H.R. 1325. A bill to provide for the inclusion of hazardous duty pay and diving pay in the computation of military retired pay for members of the armed forces with extensive hazardous duty experience, to require a study on the need for a tax credit for businesses that employ members of the National Guard and Reserve, and to require a study on the expansion of the Junior ROTC and similar military programs for young people; to the Committee on Armed Services.

By Mr. JANKLOW (for himself, Ms. ROS-LEHTINEN, Mr. CHABOT, Mr. MARIO DIAZ-BALART of Florida, Mr. MCNULTY, and Mr. PLATTS):

H.R. 1326. A bill to ensure that tax-exempt status and other benefits afforded under Operation Enduring Freedom are also provided to United States Armed Forces personnel in Israel; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 1327. A bill to amend the Internal Revenue Code of 1986 to exempt certain activities at the State level from the denial of the deduction for lobbying expenditures; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself and Mr. MILLER of Florida):

H.R. 1328. A bill to amend title 38, United States Code, to extend the period over which an individual must make payment to the Secretary of Veterans Affairs to become entitled to educational assistance under the Montgomery GI Bill, to prospectively permit any servicemember to withdraw an election not to enroll under the Montgomery GI Bill, and to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KELLER (for himself, Mr. DAVIS of Florida, Mr. SHAW, Mr. ANDREWS, Mr. FEENEY, Mr. JONES of North Carolina, Mr. DUNCAN, Mr. STUPAK, Mr. FOLEY, Mr. FERGUSON, Mr. HOEKSTRA, Mr. WELDON of Florida, Mrs. KELLY, Mrs. MILLER of Michigan, Mr. SAXTON, Mr. PETRI, and Mr. FROST):

H.R. 1329. A bill to amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself, Mr. LUCAS of Kentucky, Mr. LATOURETTE, Mr. SKELTON, Mrs. MALONEY, Mr. STENHOLM, Mr. TAYLOR of Mississippi, and Mrs. MCCARTHY of New York):

H.R. 1330. A bill to amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to authorize the Federal Trade Commission to issue new rules to establish a requirement that telemarketers shall not make any calls during the hours of 5 p.m. to 7 p.m.; to the Committee on Energy and Commerce.

By Mr. MOORE (for himself, Mr. BURR, Mrs. CAPITO, Mr. TURNER of Texas, Mr. STENHOLM, Mr. SANDLIN, and Ms. MCCARTHY of Missouri):

H.R. 1331. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for producing fuel from a nonconventional source; to the Committee on Ways and Means.

By Mr. NUSSLE (for himself, Mr. TANNER, Mr. LEACH, Mr. KING of Iowa, Mr. LATHAM, Mr. BOSWELL, Mr. GILLMOR, Mr. OXLEY, Mr. ROGERS of Michigan, Mr. SULLIVAN, Mr. LEVIN, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1332. A bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 1333. A bill to clarify the citizenship eligibility for certain members of the Tohono O'odham Nation of Arizona, and for other purposes; to the Committee on the Judiciary.

By Mr. QUINN (for himself, Mr. MEEHAN, Mr. SIMMONS, Mr. MCGOVERN, Mr. PASCRELL, Ms. KAPTUR, Mrs. JONES of Ohio, Mr. BROWN of Ohio, Mr. MCHUGH, and Ms. HART):

H.R. 1334. A bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH:

H.R. 1335. A bill to establish a program to provide funds for deployment of fuel cell and hydrogen infrastructure at National Parks, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself, Mr. JEFFERSON, Mr. SHAW, Mr. LEWIS of Georgia, Mr. ENGLISH, Mr. TANNER, Mr. FOLEY, Mr. CANTOR, Mr. NEY, Mr. GREEN of Wisconsin, Mr. HAYES, and Mr. RADANOVICH):

H.R. 1336. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 1337. A bill to encourage the development of hydroelectric projects, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself and Mr. ISSA):

H.R. 1338. A bill to amend the Federal Power Act to provide for Federal and State coordination of permitting for electric transmission facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Michigan:

H.R. 1339. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for depreciation shall be computed on a neutral cost recovery basis; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. STRICKLAND, Mr. HOLDEN, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. CARDIN, Mr. GREEN of Texas, Mr. CARSON of Oklahoma, and Mr. MCDERMOTT):

H.R. 1340. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. BURR, Mr. BILIRAKIS, Mr. TOWNS, Mr. DEUTSCH, Ms. CORRINE BROWN of Florida, Mr. MICA, and Mr. FERGUSON):

H.R. 1341. A bill to prospectively repeal section 210 of the Public Utility Regulatory Policies Act of 1978, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico (for herself and Mr. KLECZKA):

H.R. 1342. A bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2003; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. MOORE, Mr. MILLER of North Carolina, Mr. HONDA, and Mr. MATHESON):

H.R. 1343. A bill to establish an energy program for the United States that unlocks the potential of renewable energy and energy efficiency, and for other purposes; to the Committee on Science.

By Mr. PICKERING (for himself, Mr. TURNER of Texas, Mr. NORWOOD, Mr. PITTS, Mr. JONES of North Carolina, Mr. WAMP, Mrs. CAPITO, Mr. BALLENGER, and Mr. BARTON of Texas):

H.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States to guarantee the right to use and recite the Pledge of Allegiance to the Flag and the national motto; to the Committee on the Judiciary.

By Mr. LATOURETTE (for himself, Ms. NORTON, and Mr. ROGERS of Kentucky):

H. Con. Res. 96. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas:

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to pulmonary hypertension; to the Committee on Energy and Commerce.

By Mr. RAMSTAD (for himself and Mr. JEFFERSON):

H. Con. Res. 98. Concurrent resolution expressing the sense of Congress relating to a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

By Mr. CONYERS:

H. Con. Res. 99. Concurrent resolution directing the Congress to enact legislation by October 2005 that provides access to comprehensive health care for all Americans; to the Committee on Energy and Commerce.

By Mr. MCCOTTER (for himself, Mr. DINGELL, Mr. UPTON, Mr. STUPAK, Mr. ROGERS of Michigan, Mr. CAMP, Mr. CONYERS, Mr. KNOLLENBERG, Mr. KILDEE, Mr. SMITH of Michigan, Mr. LEVIN, Mr. EHLERS, Ms. KILPATRICK, Mr. HOEKSTRA, Mrs. MILLER of Michigan, Mr. BASS, Mr. GRAVES, Mr. JACKSON of Illinois, Mr. SCHROCK, Mr. QUINN, Mr. OXLEY, Mrs. NORTHUP, Ms. KAPTUR, Mr. FLETCHER, Mr. PORTMAN, Mrs. EMERSON, Ms. MCCOLLUM, and Mr. BROWN of Ohio):

H. Con. Res. 100. Concurrent resolution recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a revolutionary industrial and global institution; to the Committee on Energy and Commerce.

By Mr. NEY:

H. Res. 148. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Eighth Congress; to the Committee on House Administration.

¶25.29 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SHIMKUS introduced a bill (H.R. 1344) for the relief of Pamela S. Konkel; which was referred to the Committee on the Judiciary.

¶25.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. BEAUPREZ.
H.R. 19: Mr. DAVIS of Illinois.
H.R. 20: Mr. ROSS, Ms. MCCARTHY of Missouri, Ms. SCHAKOWSKY, and Mr. MURPHY.
H.R. 23: Mr. DAVIS of Alabama.
H.R. 25: Mr. BRADY of Texas.
H.R. 44: Mr. GARRETT of New Jersey.
H.R. 49: Mr. WU.
H.R. 52: Mr. NEY, Mr. MCCOTTER, and Mr. ENGLISH.
H.R. 57: Mr. PITTS.
H.R. 97: Mr. LAHOOD, Ms. LOFGREN, Mr. ENGLISH, Mr. OBERSTAR, Mr. WAMP, Mr. TURNER of Texas, Mr. JONES of North Carolina, and Mr. HASTINGS of Florida.
H.R. 105: Mr. FILNER.
H.R. 117: Mr. FROST.
H.R. 133: Mr. HOSTETTLER.
H.R. 176: Mr. DREIER, Mr. PAUL, and Mr. SENSENBRENNER.
H.R. 179: Mr. TOOMEY.
H.R. 195: Mr. KING of Iowa.
H.R. 196: Mr. WOLF.
H.R. 224: Mr. TOOMEY.
H.R. 235: Mr. JANKLOW and Mr. TOM DAVIS of Virginia.
H.R. 250: Mr. RANGEL and Ms. SCHAKOWSKY.
H.R. 278: Mr. EVERETT.
H.R. 284: Ms. WATSON, Mr. BALLANCE, Mr. DELAHUNT, Mr. BACA, Mr. REYNOLDS, Mr. ISRAEL, Ms. DEGETTE, Mr. DOOLEY of California, Mr. ISSA, Mr. SWEENEY, Mr. ISTOOK, Mr. SMITH of Michigan, Mr. RENZI, Mr. KILDEE, Mr. ROSS, Mr. SPRATT, Mr. LATOURETTE, Mr. BASS, Mr. SKELTON, Mr. THOMPSON of Mississippi, Mrs. CAPITO, Mr. BERMAN, Mr. HAYWORTH, and Mr. KING of New York.
H.R. 290: Mr. MCNULTY, Mr. GERLACH, Mrs. LOWEY, Mrs. MALONEY, Mr. KILDEE, Mr. WOLF, and Mr. FROST.
H.R. 292: Mr. PORTER.
H.R. 294: Mr. UPTON.
H.R. 296: Mrs. CHRISTENSEN, Mr. WEXLER, Mr. FATTAH, and Mr. BERMAN.
H.R. 300: Mr. LEWIS of Kentucky, Mr. BACHUS, and Mrs. CAPITO.
H.R. 303: Mr. OBERSTAR, Mr. SHIMKUS, Mrs. DAVIS of California, Mr. PORTER, Mr. BOSWELL, Mr. FEENEY, Mr. GONZALEZ, Mr. WELLER, Mr. MORAN of Virginia, and Mr. MATSUI.
H.R. 308: Mr. DAVIS of Illinois.
H.R. 331: Mr. JEFFERSON.
H.R. 339: Mrs. CUBIN, Mr. JANKLOW, and Mr. SMITH of Texas.
H.R. 340: Ms. WATSON and Mr. SENSENBRENNER.
H.R. 343: Mr. MCHUGH.
H.R. 348: Mr. BROWN of Ohio.
H.R. 362: Mr. TURNER of Ohio, Mr. HOUGHTON, Mr. MCGOVERN, Mr. ROSS, Mr. UDALL of Colorado, Mr. WELLER, and Mr. BARRETT of South Carolina.
H.R. 375: Mr. LYNCH and Mr. VITTER.
H.R. 391: Mr. GIBBONS and Mr. BURR.
H.R. 401: Mr. CROWLEY, Mr. FRANK of Massachusetts, Mr. HOEFFEL, and Mrs. MCCARTHY of New York.
H.R. 412: Mr. WAMP, Ms. HARMAN, Mr. ENGLISH, Mr. OBERSTAR, Mr. ALEXANDER, Mr. BALLANCE, Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mrs. CAPPS, Mr. DOYLE, Mr. BOUCHER, Mr. DINGELL, Mr. DICKS, Mr. DOGGETT, Mr. ABERCROMBIE, Mr. WATT, Mr. MATSUI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mrs. CHRISTENSEN, Mr. SANDLIN, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. DELAHUNT, Mr. TOWNS, Ms. WATSON, Mr. THOMPSON of Mississippi, Mr. LEVIN, Mr. GORDON, Mr. MORAN of Virginia, Mr. MEEK of Florida, Mrs. MILLER of Michigan, Mr. GIBBONS, Mr. DEUTSCH, Mr. UDALL of Colorado, Mr. SCHROCK, Mr. STARK, Mr. ALLEN, and Ms. LEE.
H.R. 442: Ms. MCCOLLUM and Mr. LAMPSON.
H.R. 450: Mr. FROST and Mr. ENGLISH.
H.R. 466: Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. MOORE, Ms. LEE, Ms. MCCOLLUM, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. COOPER, Mr. CASTLE.
H.R. 495: Mr. SHADEGG.
H.R. 522: Mr. MCINNIS, Mr. EVERETT, Mr. BAIRD, Mr. BOSWELL, and Mr. TIAHRT.
H.R. 527: Mr. GREEN of Wisconsin, Mr. FILNER, Mr. CARDOZA, Mrs. MILLER of Michigan, Mr. HOLDEN, and Mr. UPTON.
H.R. 545: Mrs. MILLER of Michigan.
H.R. 574: Mr. OTTER and Mr. CANNON.
H.R. 577: Mr. CROWLEY, Mr. GORDON, Mr. LUCAS of Kentucky, Mrs. MCCARTHY of New York, and Ms. WOOLSEY.
H.R. 584: Mr. RANGEL and Mr. SCHIFF.
H.R. 588: Mr. PLATTS, Mr. LATHAM, and Mr. ENGLISH.
H.R. 623: Mr. COSTELLO.
H.R. 630: Mr. LEACH.
H.R. 643: Mr. LAMPSON.
H.R. 648: Mr. SULLIVAN, Mr. MILLER of Florida, and Mr. PAUL.
H.R. 677: Mr. HONDA.
H.R. 693: Mr. ISRAEL.
H.R. 699: Mr. OTTER.
H.R. 709: Mr. GIBBONS, Mr. NETHERCUTT, Mr. KENNEDY of Minnesota, and Mr. WELLER.
H.R. 720: Mr. TURNER of Texas, Mr. HASTINGS of Washington, and Mr. HINOJOSA.
H.R. 731: Ms. LEE, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. WYNN, Mr. MOORE, Mr. FATTAH, Mr. EVANS, Mr. RUSH, Mr. HINOJOSA, Mr. STARK, Mr. GONZALEZ, Mr. CARSON of Oklahoma, Ms. LORETTA SANCHEZ of California, Ms. WOOLSEY, Mr. FILNER, Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. KILDEE, Mr. ENGLISH, Mr. CROWLEY, Ms. ESHOO, Mr. GEORGE MILLER of California, Mr. WEXLER, Ms. BALDWIN, Mr. ACEVEDO-VILA, Mr. CAPUANO, and Mrs. DAVIS of California.
H.R. 735: Mr. EVANS, Mrs. MCCARTHY of New York, Ms. WATSON, Mr. PRICE of North Carolina, and Mr. CANNON.
H.R. 736: Mr. GEORGE MILLER of California and Mr. DOYLE.
H.R. 741: Mr. GORDON and Ms. LINDA T. SANCHEZ of California.
H.R. 760: Mr. DOYLE, Mr. ROGERS of Kentucky, Mr. FOLEY, Mr. OTTER, and Mr. BONILLA.
H.R. 768: Mr. LUCAS of Kentucky and Mr. REYNOLDS.
H.R. 774: Mr. GEORGE MILLER of California and Mr. MCGOVERN.
H.R. 776: Mr. MORAN of Virginia, Ms. WOOLSEY, and Ms. CORRINE BROWN of Florida.
H.R. 785: Mr. GREEN of Texas and Mr. HOLT.
H.R. 786: Mr. UPTON.
H.R. 800: Mr. WAMP.
H.R. 803: Mr. UPTON.
H.R. 804: Mr. MARIO DIAZ-BALART of Florida.
H.R. 806: Mr. SHAYS.
H.R. 807: Mr. ENGLISH.
H.R. 811: Ms. WOOLSEY.
H.R. 813: Mr. CARSON of Oklahoma.
H.R. 814: Mr. CONYERS, Mr. MEEHAN, Mr. GREEN of Wisconsin, Mr. MCDERMOTT, Mr. TIAHRT, Mr. STENHOLM, Mr. DEFAZIO, Mr. FORD, Mr. ROSS, Mr. GRIJALVA, Mrs. TAUSCHER, Mrs. EMERSON, Mr. ALLEN, Mr. MCHUGH, Mr. COOPER, and Mr. WEXLER.
H.R. 815: Mr. FRELINGHUYSEN.
H.R. 816: Mr. LEVIN, Mr. SHIMKUS, Mr. SANDLIN, and Mr. BELL.
H.R. 819: Mr. BACA.
H.R. 837: Mr. STENHOLM, Mr. SHIMKUS, Mr. TERRY, Mr. KENNEDY of Minnesota, Mr. BEREUTER, Mr. REHBERG, Mr. MORAN of Kansas, Ms. KAPTUR, Mr. JOHNSON of Illinois, Mr. SMITH of Michigan, Mr. BOSWELL, Mr. THOMPSON of California, Mr. SABO, Mr. BERRY, and Mr. EVANS.
H.R. 839: Mr. CANNON, Mr. WILSON of South Carolina, Mr. CROWLEY, Mr. TANCREDO, and Mr. MILLER of Florida.
H.R. 850: Ms. CORRINE BROWN of Florida and Mr. CARSON of Oklahoma.
H.R. 857: Mr. LINDER, Mrs. LOWEY, Mr. NADLER, and Mr. KILDEE.
H.R. 871: Mr. REHBERG.
H.R. 872: Mr. RAMSTAD.
H.R. 876: Mr. FOLEY, Mr. LATHAM, and Mr. MCHUGH.
H.R. 879: Mrs. DAVIS of California and Mr. KILDEE.
H.R. 883: Mr. UDALL of Colorado, Mr. ABERCROMBIE, and Mr. FROST.
H.R. 896: Mr. DAVIS of Illinois and Mr. ABERCROMBIE.
H.R. 919: Ms. MCCOLLUM, Ms. LOFGREN, and Mr. ROSS.
H.R. 931: Mr. DEAL of Georgia and Mr. WICKER.
H.R. 933: Ms. LOFGREN.
H.R. 934: Mr. RANGEL and Mr. SANDERS.
H.R. 937: Mr. BEREUTER and Mr. NETHERCUTT.
H.R. 941: Mr. NORWOOD and Mrs. EMERSON.
H.R. 953: Mr. KANJORSKI, Mr. CARDOZA, Mr. WEXLER, and Mr. DAVIS of Alabama.
H.R. 975: Mr. JENKINS, Mr. PLATTS, Mr. NETHERCUTT, Mr. BAKER, Mr. SCHROCK, Mr. RAMSTAD, Mr. SMITH of Texas, Mr. COLE, Mr. OTTER, Mr. ROGERS of Michigan, Mr. BROWN of South Carolina, Mr. WELLER, Ms. GINNY BROWN-WAITE of Florida, Mr. BOEHNER, Mr. HOSTETTLER, Mr. GOODE, Mr. BURTON of Indiana, Mr. WAMP, Mr. SOUDER, Mr. REHBERG, Mr. SWEENEY, Mr. UPTON, Mr. JANKLOW, Mr. LEWIS of Kentucky, Mr. CANTOR, Mr. HOEKSTRA, Mr. FLETCHER, Mr. BONILLA, Mr. BUYER, Mr. AKIN, Mr. BEAUPREZ, Mr. DAVIS of Florida, Mr. GARY G. MILLER of California, Mr. DEMINT, Mr. LINDER, Ms. HOOLEY of Oregon, Mr. KOLBE, and Mr. BEREUTER.
H.R. 977: Mr. GORDON, Mr. TANCREDO, Mr. ABERCROMBIE, Mr. CARDOZA, and Mr. ACEVEDO-VILA.
H.R. 980: Mr. WALSH.
H.R. 991: Mr. WALDEN of Oregon, Mr. DOOLEY of California, Mr. CASE, Mr. THOMPSON of California, and Mr. FROST.
H.R. 996: Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, Mr. TURNER of Texas, Mr. NEY, and Mr. FROST.
H.R. 998: Mr. PAUL.
H.R. 1000: Mr. WOLF and Mr. GILLMOR.
H.R. 1007: Ms. LINDA T. SANCHEZ of California and Mr. CASE.
H.R. 1021: Ms. CARSON of Indiana and Mr. SANDERS.
H.R. 1038: Ms. DEGETTE.
H.R. 1043: Mr. RANGEL, Mr. MILLER of Florida, and Mr. MENENDEZ.
H.R. 1049: Mr. LUCAS of Kentucky and Mr. BRADLEY of New Hampshire.
H.R. 1052: Mr. LAMPSON, Ms. MCCOLLUM, and Ms. BORDALLO.
H.R. 1054: Ms. DUNN.
H.R. 1093: Mr. SIMMONS.
H.R. 1095: Mr. DOOLEY of California, Ms. LINDA T. SANCHEZ of California, and Mr. DEAL of Georgia.
H.R. 1097: Mrs. DAVIS of California and Mr. DELAHUNT.
H.R. 1102: Mr. SCOTT of Georgia.
H.R. 1104: Mr. REYNOLDS, Ms. HART, Mrs. BLACKBURN, Mr. ADERHOLT, Mr. ROYCE, Mr. ISAKSON, Mr. LATOURETTE, Mr. BRADLEY of New Hampshire, Mr. KING of Iowa, Mr. FEENEY, Mr. GILCHREST, Mr. GALLEGLY, Mr. GREENWOOD, Mr. WILSON of South Carolina, Mr. PETRI, Mr. SPRATT, Mr. KENNEDY of Minnesota, Ms. GINNY BROWN-WAITE of Florida, Mr. ROGERS of Michigan, Mr. WAMP, Mr. SWEENEY, Mr. MCKEON, Mr. FRANKS of Arizona, and Mr. SULLIVAN.
H.R. 1108: Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mrs. CHRISTENSEN, Ms. NORTON, Ms. WOOLSEY, Mr. JEFFERSON, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. RANGEL, and Mr. CLYBURN.
H.R. 1111: Mr. PAUL.
H.R. 1114: Mr. HOUGHTON, Mr. JANKLOW, Mr. ISSA, Mr. NETHERCUTT, Mr. BEREUTER, Mr. BARRETT of South Carolina, Mr. SMITH of Michigan, Mr. TOOMEY, Mr. PEARCE, and Mr. KENNEDY of Minnesota.
H.R. 1125: Mr. WEINER, Mr. MCGOVERN, Mr. LUCAS of Kentucky, Mr. RENZI, Mr. ISRAEL,

Mr. ACKERMAN, Mr. BROWN of Ohio, Mr. JOHN, and Mr. POMEROY.

H.R. 1126: Mr. TOOMEY and Mr. MILLER of Florida.

H.R. 1146: Mr. SAM JOHNSON of Texas and Mr. SESSIONS.

H.R. 1151: Mr. WOLF.

H.R. 1157: Mr. JEFFERSON, Mr. KUCINICH, Mr. CAPUANO, Ms. MCCOLLUM, Ms. NORTON, Mr. GEORGE MILLER of California, Ms. CARSON of Indiana, and Mr. RAHALL.

H.R. 1199: Mr. DAVIS of Tennessee.

H.R. 1212: Ms. CORRINE BROWN of Florida.

H.R. 1219: Mrs. CHRISTENSEN and Ms. LINDA T. SANCHEZ of California.

H.R. 1227: Mr. RYAN of Wisconsin and Mr. PENCE.

H.R. 1254: Mr. ROGERS of Michigan.

H.R. 1255: Mr. ROGERS of Michigan.

H.R. 1262: Mr. BACHUS.

H.R. 1265: Mr. KING of Iowa, Mr. MARIO DIAZ-BALART of Florida, and Mr. JOHNSON of Illinois.

H.R. 1275: Mr. ACEVEDO-VILA, Mr. ANDREWS, Mr. BECERRA, Mr. BELL, Mr. BERMAN, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. EDWARDS, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HALL, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. LANTOS, Mr. MARKEY, Mr. MCGOVERN, Mr. MCNULTY, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. REYES, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SKELTON, Ms. SOLIS, Mr. TOWNS, Mr. TURNER of Texas, and Ms. LINDA T. SANCHEZ of California.

H.R. 1288: Ms. SCHAKOWSKY, Mr. MATSUI, Mr. VITTER, Mrs. CAPITO, Mr. WALSH, Mr. BERMAN, Mr. HOEFFEL, Mr. GRIJALVA, Ms. DELAURO, Mr. LUCAS of Oklahoma, Mr. KENNEDY of Rhode Island, and Mr. MCNULTY.

H.J. Res. 10: Mr. MCNULTY.

H.J. Res. 20: Mr. MCGOVERN.

H.J. Res. 22: Mr. SAM JOHNSON of Texas.

H. Con. Res. 19: Mrs. JO ANN DAVIS of Virginia, Mr. GORDON, and Mr. SMITH of Washington.

H. Con. Res. 26: Mr. BOYD, Mr. ROTHMAN, and Mr. GEORGE MILLER of California.

H. Con. Res. 78: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, and Mr. WEXLER.

H. Con. Res. 82: Mr. WELDON of Pennsylvania.

H. Con. Res. 89: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. STARK.

H. Con. Res. 91: Mrs. JOHNSON of Connecticut, Mrs. CAPPS, Mr. WAXMAN, Mr. WYNN, Mr. TOWNS, Ms. MCCOLLUM, Mr. MORAN of Virginia, Ms. CORRINE BROWN of Florida, Mr. BISHOP of New York, Mr. MATSUI, Mr. BALLANCE, Ms. JACKSON-LEE of Texas, and Mr. OLVER.

H. Res. 12: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 43: Mr. UDALL of New Mexico.

H. Res. 45: Mr. FOSSELLA, Mr. RAHALL, Mr. KILDEE, Ms. ESHOO, Mr. PORTER, and Mr. ISAKSON.

H. Res. 58: Mr. DINGELL.

H. Res. 108: Mr. ABERCROMBIE, Mr. ENGEL, Mr. BACA, Mr. MATHERSON, and Mr. WEXLER.

H. Res. 112: Mr. KUCINICH and Ms. SCHAKOWSKY.

H. Res. 113: Mr. ISAKSON and Ms. GINNY BROWN-WAITE of Florida.

H. Res. 121: Ms. KILPATRICK and Mr. ROGERS of Michigan.

H. Res. 127: Mr. GARY G. MILLER of California.

H. Res. 132: Mr. ROGERS of Michigan, Mr. CALVERT, Mr. HOBSON, and Mr. REYNOLDS.

H. Res. 137: Mr. DAVIS of Illinois, Mr. MCGOVERN, Mr. FILNER, Mr. GUTIERREZ, Mr. BROWN of Ohio, Mr. MCNULTY, Ms. CORRINE BROWN of Florida, Ms. WATSON, Ms. MCCARTHY of Missouri, Mr. OBERSTAR, Ms. SCHAKOWSKY, Mr. HOLT, MR. HINCHEY, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Mr. GRIJALVA, Mr. CASE, Mr. HOLDEN, Mr. CAPUANO, Ms. ESHOO, Mr. SIMMONS, Mr. KENNEDY of Rhode Island, Ms. LEE, Mrs. DAVIS of California, Mr. RANGEL, Mr. FROST, Mr. KUCINICH, Mr. TOWNS, Mr. MORAN of Virginia, Mr. ABERCROMBIE, Ms. NORTON, Mr. NADLER, Mr. MEEK of Florida, and Ms. KILPATRICK.

H. Res. 142; Mr. GREEN of Texas, Mr. HALL, Mr. SCHIFF, Mr. LEACH, Ms. BERKELY, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mr. NEAL of Massachusetts, Mr. CRAMER, Ms. CARSON of Indiana, Mr. CASTLE, Mr. MCHUGH, Mr. CARSON of Oklahoma, Mr. ENGLISH, and Mr. NETHERCUTT.

H. Res. 143: Mr. GORDON and Mr. FRANK of Massachusetts.

¶25.31 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R 1114: Mr. KENNEDY of Rhode Island.

WEDNESDAY, MARCH 19, 2003 (26)

The House was called to order by the SPEAKER.

¶26.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, March 18, 2003.

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

¶26.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1212. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Switzerland for defense articles and services (Transmittal No. 03-08), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1213. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 03-09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1214. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the ''2003 International Narcotics Control Strategy Report,'' pursuant to 22 U.S.C. 2291(b)(2); to the Committee on International Relations.

1215. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia and Kazakhstan [Transmittal No. DTC 022-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1216. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia, Ukraine and Norway [Transmittal No. DTC 023-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1217. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 024-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1218. A communication from the President of the United States, transmitting a report in consistent with section 3(b) of the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243); (H. Doc. No. 108—50); to the Committee on International Relations and ordered to be printed.

1219. A communication from the President of the United States, transmitting a resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, in accordance with Condition 9; to the Committee on International Relations.

¶26.3 MESSAGE FROM THE SENATE

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

H. Con. Res. 40. A concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

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

S. 628. An Act to require the construction at Arlington National Cemetery of a memorial to the crew of the Columbia Orbiter.

The message also announced that pursuant to sections 267h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Connecticut [Mr. DODD] as Vice Chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group conference during the One Hundred Eighth Congress.

¶26.4 CIBOLA WILDLIFE REFUGE

Mr. POMBO moved to suspend the rules and pass the bill (H.R. 417) to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. POMBO and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POMBO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶26.5 RATHDRUM PRAIRIE/SPOKANE VALLEY AQUIFER

Mr. POMBO moved to suspend the rules and pass the bill (H.R. 699) to direct the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie/Spokane Valley Aquifer, located in Idaho and Washington.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. POMBO and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POMBO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶26.6 SAN GABRIEL RIVER WATERSHED

Mr. POMBO moved to suspend the rules and pass the bill (H.R. 519) to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. POMBO and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶26.7 ARMED FORCES TAX FAIRNESS

Mr. THOMAS moved to suspend the rules and pass the bill (H.R. 1307) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. THOMAS and Mr. RANGEL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. THOMAS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, March 20, 2003.

¶26.8 TAX RELIEF AND SIMPLIFICATION

Mr. THOMAS moved to suspend the rules and pass the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. THOMAS and Mr. RANGEL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶26.9 UPHOLD PLEDGE OF ALLEGIANCE

Mr. SENSENBRENNER moved to suspend the rules and agree to the following resolution (H. Res. 132):

Whereas on June 26, 2002, the Ninth Circuit Court of Appeals, in Newdow v. United States Congress (292 F.3d 597; 9th Cir. 2002) (Newdow I), held that the Pledge of Allegiance to the Flag as currently written to include the phrase, ''one Nation, under God'', unconstitutionally endorses religion, that such phrase was added to the pledge in 1954 only to advance religion in violation of the establishment clause, and that the recitation of the pledge in public schools at the start of every school day coerces students who choose not to recite the pledge into participating in a religious exercise in violation of the establishment clause of the first amendment;

Whereas on February 28, 2003, the Ninth Circuit Court of Appeals amended its ruling in this case, and held (in Newdow II) that a California public school district's policy of opening each school day with the voluntary recitation of the Pledge of Allegiance to the Flag ''impermissibly coerces a religious act'' on the part of those students who choose not to recite the pledge and thus violates the establishment clause of the first amendment;

Whereas the ninth circuit's ruling in Newdow II contradicts the clear implication of the holdings in various Supreme Court cases, and the spirit of numerous other Supreme Court cases in which members of the Court have explicitly stated, that the voluntary recitation of the Pledge of Allegiance to the Flag is consistent with the first amendment;

Whereas the phrase, ''one Nation, under God'', as included in the Pledge of Allegiance to the Flag, reflects the notion that the Nation's founding was largely motivated by and inspired by the Founding Fathers' religious beliefs;

Whereas the Pledge of Allegiance to the Flag is not a prayer or statement of religious faith, and its recitation is not a religious exercise, but rather, it is a patriotic exercise in which one expresses support for the United States and pledges allegiance to the flag, the principles for which the flag stands, and the Nation;

Whereas the House of Representatives recognizes the right of those who do not share the beliefs expressed in the pledge or who do not wish to pledge allegiance to the flag to refrain from its recitation;

Whereas the effect of the ninth circuit's ruling in Newdow II will prohibit the recitation of the pledge at every public school in 9 states, schooling over 9.6 million students, and could lead to the prohibition of, or severe restrictions on, other voluntary speech containing religious references in these classrooms;

Whereas rather than promoting neutrality on the question of religious belief, this decision requires public school districts to adopt a preference against speech containing religious references;

Whereas the constitutionality of the voluntary recitation by public school students of numerous historical and founding documents, such as the Declaration of Independence, the Constitution, and the Gettysburg Address, has been placed into serious doubt by the ninth circuit's decision in Newdow II;

Whereas the ninth circuit's interpretation of the first amendment in Newdow II is clearly inconsistent with the Founders' vision of the establishment clause and the free exercise clause of the first amendment, Supreme Court precedent interpreting the first amendment, and any reasonable interpretation of the first amendment;

Whereas this decision places the ninth circuit in direct conflict with the Seventh Circuit Court of Appeals which, in Sherman v. Community Consolidated School District (980 F.2d 437; 7th Cir. 1992), held that a school district's policy allowing for the voluntary recitation of the Pledge of Allegiance to the Flag in public schools does not violate the establishment clause of the first amendment;

Whereas Congress has consistently supported the Pledge of Allegiance to the Flag by starting each session with its recitation;

Whereas the House of Representatives reaffirmed support for the Pledge of Allegiance to the Flag in the 107th Congress by adopting House Resolution 459 on June 26, 2002, by a vote of 416–3; and

Whereas the Senate reaffirmed support for the Pledge of Allegiance to the Flag in the 107th Congress by adopting Senate Resolution 292 on June 26, 2002, by a vote of 99–0: Now, therefore, be it

Resolved, that it is the sense of the House of Representatives that—

(1) the phrase ''one Nation, under God,'' in the Pledge of Allegiance to the Flag reflects that religious faith was central to the Founding Fathers and thus to the founding of the Nation;

(2) the recitation of the Pledge of Allegiance to the Flag, including the phrase, ''one Nation, under God,'' is a patriotic act,

not an act or statement of religious faith or belief;

(3) the phrase ''one Nation, under God'' should remain in the Pledge of Allegiance to the Flag and the practice of voluntarily reciting the pledge in public school classrooms should not only continue but should be encouraged by the policies of Congress, the various States, municipalities, and public school officials;

(4) despite being the school district where the legal challenge to the pledge originated, the Elk Grove Unified School District in Elk Grove, California, should be recognized and commended for their continued support of the Pledge of Allegiance to the Flag;

(5) the Ninth Circuit Court of Appeals ruling in Newdow v. United States Congress has created a split among the circuit courts, and is inconsistent with the Supreme Court's interpretation of the first amendment, which indicates that the voluntary recitation of the pledge and similar patriotic expressions is consistent with the first amendment;

(6) the Attorney General should appeal the ruling in Newdow v. United States Congress, and the Supreme Court should review this ruling in order to correct this constitutionally infirm and historically incorrect holding; and

(7) the President should nominate and the Senate should confirm Federal circuit court judges who interpret the Constitution consistent with the Constitution's text.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. SENSENBRENNER and Mr. DELAHUNT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, March 20, 2003.

¶26.10 PROVIDING FOR THE CONSIDERATION OF H.R. 975

Mr. GOSS, by direction of the Committee on Rules, called up the following resolution (H. Res. 147):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶26.11 H.R. 314—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 314) to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays 0

¶26.12 [Roll No. 68]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)

Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Buyer
Carson (IN)
Cooper
Gephardt
Hyde
Istook
Pitts
Ros-Lehtinen
Towns
Udall (CO)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶26.13 H.R. 417—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 417) to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays ..... 0 }

¶26.14 [Roll No. 69]

YEAS—424

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

NOT VOTING—10

Buyer
Carson (IN)
Gephardt
Hyde
Istook
Pitts
Ros-Lehtinen
Slaughter
Towns
Udall (CO)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶26.15 H.R. 699—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. QUINN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 699) to direct the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie/Spokane Valley Aquifer, located in Idaho and Washington.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays ..... 6 }

¶26.16 [Roll No. 70]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson

Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Burgess
Coble
Cummings
Flake
Miller (FL)
Paul

NOT VOTING—14

Buyer
Carson (IN)
Gephardt
Hyde
Jones (NC)
Kilpatrick
Manzullo
Northup
Pitts
Ros-Lehtinen
Royce
Slaughter
Towns
Udall (CO)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶26.17 BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION

The SPEAKER pro tempore, Mr. QUINN, pursuant to House Resolution 147 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes.

The SPEAKER pro tempore, Mr. QUINN, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. CASTLE, assumed the Chair.

When Mr. SIMPSON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶26.18 ORDER OF BUSINESS—CONSIDERATION OF GUTIERREZ AMENDMENT

On motion of Mr. GUTIERREZ, by unanimous consent,

Ordered, That when the Committee of the Whole resumes its consideration of the bill (H.R. 975), Mr. Gutierrez be permitted to offer amendment numbered 2 printed in House Report 107-42.

¶26.19 BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION

The SPEAKER pro tempore, Mr. CASTLE, pursuant to House Resolution 147 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 975) to amend title 11 of the United States Code, and for other purposes.

Mr. SIMPSON, Acting Chairman, assumed the chair; and after some time spent therein,

¶26.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SHERMAN:

Add at the end the following:

TITLE ____—

SEC. ____. LOCAL FILING OF BANKRUPTCY CASES.

(a) VENUE OF CASES UNDER TITLE 11.—Section 1408 of title 28, United States Code, is amended—

(1) by striking ''Except'' and inserting the following:

''(a) Except'';

(2) in paragraph (2), by inserting ''as defined in section 101(2)(A) of title 11'' after ''affiliate''; and

(3) by adding at the end the following:

''(b) For purposes of subsection (a)—

''(1) if the debtor is a corporation, the domicile and residence of the debtor are conclusively presumed to be where the debtor's principal place of business in the United States is located; and

''(2) if an affiliate, as defined in section 101(2)(A) of title 11, is not a debtor in a case under title 11, but the debtor is an affiliate as defined in subparagraph (B), (C), or (D) of that section, then the bankruptcy case may be filed in the district in which the principal place of business of the affiliate with the greatest assets in the United States is located.''.

(b) CHANGE OF VENUE.—Section 1412 of title 28, United States Code, is amended—

(1) by striking ''A'' and inserting the following:

''(a) A''; and

(2) by adding at the end the following:

''(b) The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

''(c) Nothing in this chapter shall impair the jurisdiction of a district court of any matter involving a party who does not interpose timely and sufficient objection to the venue.

''(d) As used in this section—

''(1) the term ''district court'' includes—

''(A) the bankruptcy judges of each such court as defined in section 151 of this title; and

''(B) the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, including any bankruptcy judge of each such court; and

''(2) the term ''district'' includes the territorial jurisdiction of each such court.''.

It was decided in the negative ..... { Yeas ..... 155; Nays ..... 269; Answered present 1 }

¶26.21 [Roll No. 71]

AYES—155

Abercrombie
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Bishop (GA)
Blumenauer
Bono
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka

Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lynch
Majette
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Solis
Spratt
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOES—269

Ackerman
Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
Engel
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—9

Buyer
Carson (IN)
Dunn
Gephardt
Hyde
Ros-Lehtinen
Shuster
Stark
Udall (CO)

So the amendment was not agreed to.

¶26.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. NADLER:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bankruptcy Abuse Prevention and Consumer Protection Act of 2003''.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting ''or consents to'' after ''requests''.

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

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

''§ 707. Dismissal of a case or conversion to a case under chapter 13'';

and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)''; and

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking ''but not'' and inserting ''or'';

(II) by inserting '', or, with the debtor's consent, convert such a case to a case under chapter 13 of this title,'' after ''consumer debts''; and

(III) by striking ''substantial abuse'' and inserting ''abuse''; and

(ii) by striking the last sentence and inserting the following:

''(2) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall consider whether—

''(A) under section 1325(b)(1), on the basis of the current income of the debtor, the debtor could pay an amount greater than or equal to 30 percent of unsecured claims that are not considered to be priority claims (as determined under subchapter I of chapter 5); or

''(B) the debtor filed a petition for the relief in bad faith.

''(6) Only the judge or United States trustee (or bankruptcy administrator, if any) may file a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the date of the order for relief, when multiplied by 12, is equal to or less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.

''(7)(A) No judge, United States trustee (or bankruptcy administrator, if any), trustee, or other party in interest may file a motion under paragraph (2) if the current monthly income of the debtor and the debtor's spouse combined, as of the date of the order for relief when multiplied by 12, is equal to or less than—

''(i) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(ii) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(iii) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.

''(B) In a case that is not a joint case, current monthly income of the debtor's spouse shall not be considered for purposes of subparagraph (A) if—

''(i)(I) the debtor and the debtor's spouse are separated under applicable nonbankruptcy law; or

''(II) the debtor and the debtor's spouse are living separate and apart, other than for the purpose of evading subparagraph (A); and

''(ii) the debtor files a statement under penalty of perjury—

''(I) specifying that the debtor meets the requirement of subclause (I) or (II) of clause (i); and

''(II) disclosing the aggregate, or best estimate of the aggregate, amount of any cash or money payments received from the debtor's spouse attributed to the debtor's current monthly income.''.

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (10) the following:

''(10A) 'current monthly income'—

''(A) means the average monthly income from all sources that the debtor receives (or in a joint case the debtor and the debtor's spouse receive) without regard to whether such income is taxable income, derived during the 60-day period ending on—

''(i) the last day of the calendar month immediately preceding the date of the commencement of the case if the debtor files the schedule of current income required by section 521(a)(1)(B)(ii); or

''(ii) the date on which current income is determined by the court for purposes of this title if the debtor does not file the schedule of current income required by section 521(a)(1)(B)(ii); and

''(B) includes any amount paid by any entity other than the debtor (or in a joint case the debtor and the debtor's spouse), on a regular basis for the household expenses of the debtor or the debtor's dependents (and in a joint case the debtor's spouse if not otherwise a dependent), but excludes benefits received under the Social Security Act, payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes, and payments to

victims of international terrorism (as defined in section 2331 of title 18) or domestic terrorism (as defined in section 2331 of title 18) on account of their status as victims of such terrorism;''.

(c) UNITED STATES TRUSTEE AND BANKRUPTCY ADMINISTRATOR DUTIES.—Section 704 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The trustee shall—''; and

(2) by adding at the end the following:

''(b)(1) With respect to a debtor who is an individual in a case under this chapter—

''(A) the United States trustee (or the bankruptcy administrator, if any) shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

''(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

''(2) The United States trustee (or bankruptcy administrator, if any) shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee (or the bankruptcy administrator, if any) does not consider such a motion to be appropriate, if the United States trustee (or the bankruptcy administrator, if any) determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner; or

''(B) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals.''.

(d) NOTICE.—Section 342 of title 11, United States Code, is amended by adding at the end the following:

''(d) In a case under chapter 7 of this title in which the debtor is an individual and in which the presumption of abuse arises under section 707(b), the clerk shall give written notice to all creditors not later than 10 days after the date of the filing of the petition that the presumption of abuse has arisen.''.

(e) NONLIMITATION OF INFORMATION.—Nothing in this title shall limit the ability of a creditor to provide information to a judge (except for information communicated ex parte, unless otherwise permitted by applicable law), United States trustee (or bankruptcy administrator, if any), or trustee.

(f) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, is amended by adding at the end the following:

''(c)(1) In this subsection—

''(A) the term 'crime of violence' has the meaning given such term in section 16 of title 18; and

''(B) the term 'drug trafficking crime' has the meaning given such term in section 924(c)(2) of title 18.

''(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, may when it is in the best interest of the victim dismiss a voluntary case filed under this chapter by a debtor who is an individual if such individual was convicted of such crime.

''(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.''.

(g) CONFIRMATION OF PLAN.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (6) the following:

''(7) the action of the debtor in filing the petition was in good faith;''.

(i) SPECIAL ALLOWANCE FOR HEALTH INSURANCE.—Section 1329(a) of title 11, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(4) reduce amounts to be paid under the plan by the actual amount expended by the debtor to purchase health insurance for the debtor (and for any dependent of the debtor if such dependent does not otherwise have health insurance coverage) if the debtor documents the cost of such insurance and demonstrates that—

''(A) such expenses are reasonable and necessary;

''(B)(i) if the debtor previously paid for health insurance, the amount is not materially larger than the cost the debtor previously paid or the cost necessary to maintain the lapsed policy; or

''(ii) if the debtor did not have health insurance, the amount is not materially larger than the reasonable cost that would be incurred by a debtor who purchases health insurance, who has similar income, expenses, age, and health status, and who lives in the same geographical location with the same number of dependents who do not otherwise have health insurance coverage; and

''(C) the amount is not otherwise allowed for purposes of determining disposable income under section 1325(b) of this title;

and upon request of any party in interest, files proof that a health insurance policy was purchased.''.

(j) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, is amended by striking ''and 523(a)(2)(C)'' each place it appears and inserting ''523(a)(2)(C), 707(b), and 1325(b)(3)''.

(k) DEFINITION OF 'MEDIAN FAMILY INCOME'.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (39) the following:

''(39A) 'median family income' means for any year—

''(A) the median family income both calculated and reported by the Bureau of the Census in the then most recent year; and

''(B) if not so calculated and reported in the then current year, adjusted annually after such most recent year until the next year in which median family income is both calculated and reported by the Bureau of the Census, to reflect the percentage change in the Consumer Price Index for All Urban Consumers during the period of years occurring after such most recent year and before such current year;''.

(k) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

''707. Dismissal of a case or conversion to a case under chapter 11 or 13.''.

SEC. 103. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

''(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give to such individual written notice containing—

''(1) a brief description of—

''(A) chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters; and

''(B) the types of services available from credit counseling agencies; and

''(2) statements specifying that—

''(A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a case under this title shall be subject to fine, imprisonment, or both; and

''(B) all information supplied by a debtor in connection with a case under this title is subject to examination by the Attorney General.''.

SEC. 104. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the ''Director'') shall consult with a wide range of individuals who are experts in the field of debtor education, including trustees who serve in cases under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors, and shall develop a financial management training curriculum and materials that can be used to educate debtors who are individuals on how to better manage their finances.

(b) TEST.—

(1) SELECTION OF DISTRICTS.—The Director shall select 6 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) USE.—For an 18-month period beginning not later than 270 days after the date of the enactment of this Act, such curriculum and materials shall be, for the 6 judicial districts selected under paragraph (1), used as the instructional course concerning personal financial management for purposes of section 111 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 18-month period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the Report of the National Bankruptcy Review Commission (October 20, 1997) that are representative of consumer education programs carried out by the credit industry, by trustees serving under chapter 13 of title 11, United States Code, and by consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding such evaluation, the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of the Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs and their costs.

SEC. 105. CREDIT COUNSELING.

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The debtor shall—''; and

(2) by adding at the end the following:

''(b) In addition to the requirements under subsection (a), a debtor who is an individual shall file with the court—

''(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 109(h) describing the services provided to the debtor; and

''(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).''.

(e) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''§ 111. Nonprofit budget and credit counseling agencies; financial management instructional courses

''(a) The clerk shall maintain a publicly available list of—

''(1) nonprofit budget and credit counseling agencies that provide 1 or more services described in section 109(h) currently approved by the United States trustee (or the bankruptcy administrator, if any); and

''(2) instructional courses concerning personal financial management currently approved by the United States trustee (or the bankruptcy administrator, if any), as applicable.

''(b) The United States trustee (or bankruptcy administrator, if any) shall only approve a nonprofit budget and credit counseling agency or an instructional course concerning personal financial management as follows:

''(1) The United States trustee (or bankruptcy administrator, if any) shall have thoroughly reviewed the qualifications of the nonprofit budget and credit counseling agency or of the provider of the instructional course under the standards set forth in this section, and the services or instructional courses that will be offered by such agency or such provider, and may require such agency or such provider that has sought approval to provide information with respect to such review.

''(2) The United States trustee (or bankruptcy administrator, if any) shall have determined that such agency or such instructional course fully satisfies the applicable standards set forth in this section.

''(3) If a nonprofit budget and credit counseling agency or instructional course did not appear on the approved list for the district under subsection (a) immediately before approval under this section, approval under this subsection of such agency or such instructional course shall be for a probationary period not to exceed 6 months.

''(4) At the conclusion of the applicable probationary period under paragraph (3), the United States trustee (or bankruptcy administrator, if any) may only approve for an additional 1-year period, and for successive 1-year periods thereafter, an agency or instructional course that has demonstrated during the probationary or applicable subsequent period of approval that such agency or instructional course—

''(A) has met the standards set forth under this section during such period; and

''(B) can satisfy such standards in the future.

''(5) Not later than 30 days after any final decision under paragraph (4), an interested person may seek judicial review of such decision in the appropriate district court of the United States.

''(c)(1) The United States trustee (or the bankruptcy administrator, if any) shall only approve a nonprofit budget and credit counseling agency that demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters relating to the quality, effectiveness, and financial security of the services it provides.

''(2) To be approved by the United States trustee (or the bankruptcy administrator, if any), a nonprofit budget and credit counseling agency shall, at a minimum—

''(A) have a board of directors the majority of which—

''(i) are not employed by such agency; and

''(ii) will not directly or indirectly benefit financially from the outcome of the counseling services provided by such agency;

''(B) if a fee is charged for counseling services, charge a reasonable fee, and provide services without regard to ability to pay the fee;

''(C) provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

''(D) provide full disclosures to a client, including funding sources, counselor qualifications, possible impact on credit reports, and any costs of such program that will be paid by such client and how such costs will be paid;

''(E) provide adequate counseling with respect to a client's credit problems that includes an analysis of such client's current financial condition, factors that caused such financial condition, and how such client can develop a plan to respond to the problems without incurring negative amortization of debt;

''(F) provide trained counselors who receive no commissions or bonuses based on the outcome of the counseling services provided by such agency, and who have adequate experience, and have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (E);

''(G) demonstrate adequate experience and background in providing credit counseling; and

''(H) have adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan.

''(d) The United States trustee (or the bankruptcy administrator, if any) shall only approve an instructional course concerning personal financial management—

''(1) for an initial probationary period under subsection (b)(3) if the course will provide at a minimum—

''(A) trained personnel with adequate experience and training in providing effective instruction and services;

''(B) learning materials and teaching methodologies designed to assist debtors in understanding personal financial management and that are consistent with stated objectives directly related to the goals of such instructional course;

''(C) adequate facilities situated in reasonably convenient locations at which such instructional course is offered, except that such facilities may include the provision of such instructional course by telephone or through the Internet, if such instructional course is effective; and

''(D) the preparation and retention of reasonable records (which shall include the debtor's bankruptcy case number) to permit evaluation of the effectiveness of such instructional course, including any evaluation of satisfaction of instructional course requirements for each debtor attending such instructional course, which shall be available for inspection and evaluation by the Executive Office for United States Trustees, the United States trustee (or the bankruptcy administrator, if any), or the chief bankruptcy judge for the district in which such instructional course is offered; and

''(2) for any 1-year period if the provider thereof has demonstrated that the course meets the standards of paragraph (1) and, in addition—

''(A) has been effective in assisting a substantial number of debtors to understand personal financial management; and

''(B) is otherwise likely to increase substantially the debtor's understanding of personal financial management.

''(e) The district court may, at any time, investigate the qualifications of a nonprofit budget and credit counseling agency referred to in subsection (a), and request production of documents to ensure the integrity and effectiveness of such agency. The district court may, at any time, remove from the approved list under subsection (a) a nonprofit budget and credit counseling agency upon finding such agency does not meet the qualifications of subsection (b).

''(f) The United States trustee (or the bankruptcy administrator, if any) shall notify the clerk that a nonprofit budget and credit counseling agency or an instructional course is no longer approved, in which case the clerk shall remove it from the list maintained under subsection (a).

''(g)(1) No nonprofit budget and credit counseling agency may provide to a credit reporting agency information concerning whether a debtor has received or sought instruction concerning personal financial management from such agency.

''(2) A nonprofit budget and credit counseling agency that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

''(A) any actual damages sustained by the debtor as a result of the violation; and

''(B) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''111. Nonprofit budget and credit counseling agencies; financial management instructional courses.''.

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

''(i) If a case commenced under chapter 7, 11, or 13 is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.

''(j) On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated.''.

SEC. 106. SCHEDULES OF REASONABLE AND NECESSARY EXPENSES.

For purposes of section 707(b) of title 11, United States Code, as amended by this Act, the Director of the Executive Office for United States Trustees shall, not later than 180 days after the date of enactment of this Act, issue schedules of reasonable and necessary administrative expenses of administering a chapter 13 plan for each judicial district of the United States.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PRESERVATION OF CLAIMS AND DEFENSES UPON SALE OF PREDATORY LOANS.

Section 363 of title 11, United States Code, is amended—

(1) by redesignating subsection (o) as subsection (p), and

(2) by inserting after subsection (n) the following:

''(o) Notwithstanding subsection (f), if a person purchases any interest in a consumer credit transaction that is subject to the Truth in Lending Act or any interest in a

consumer credit contract (as defined in section 433.1 of title 16 of the Code of Federal Regulations (January 1, 2002), as amended from time to time), and if such interest is purchased through a sale under this section, then such person shall remain subject to all claims and defenses that are related to such consumer credit transaction or such consumer credit contract, to the same extent as such person would be subject to such claims and defenses of the consumer had such interest been purchased at a sale not under this section.''.

SEC. 202. GAO STUDY AND REPORT ON REAFFIRMATION AGREEMENT PROCESS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the reaffirmation agreement process that occurs under title 11 of the United States Code, to determine the overall treatment of consumers within the context of such process, and shall include in such study consideration of—

(1) the policies and activities of creditors with respect to reaffirmation agreements; and

(2) whether consumers are fully, fairly, and consistently informed of their rights pursuant to such title.

(b) REPORT TO THE CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report on the results of the study conducted under subsection (a), together with recommendations for legislation (if any) to address any abusive or coercive tactics found in connection with the reaffirmation agreement process that occurs under title 11 of the United States Code.

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

''(14A) 'domestic support obligation' means a debt that accrues before or after the date of the order for relief in a case under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

''(A) owed to or recoverable by—

''(i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or

''(ii) a governmental unit;

''(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated;

''(C) established or subject to establishment before or after the date of the order for relief in a case under this title, by reason of applicable provisions of—

''(i) a separation agreement, divorce decree, or property settlement agreement;

''(ii) an order of a court of record; or

''(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

''(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative for the purpose of collecting the debt;''.

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as so redesignated, by striking ''First'' and inserting ''Second'';

(4) in paragraph (3), as so redesignated, by striking ''Second'' and inserting ''Third'';

(5) in paragraph (4), as so redesignated—

(A) by striking ''Third'' and inserting ''Fourth''; and

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

(6) in paragraph (5), as so redesignated, by striking ''Fourth'' and inserting ''Fifth'';

(7) in paragraph (6), as so redesignated, by striking ''Fifth'' and inserting ''Sixth'';

(8) in paragraph (7), as so redesignated, by striking ''Sixth'' and inserting ''Seventh''; and

(9) by inserting before paragraph (2), as so redesignated, the following:

''(1) First:

''(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition in a case under this title, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or such child's parent, legal guardian, or responsible relative, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of such person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of the filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

''(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a governmental unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of the filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.

''(C) If a trustee is appointed or elected under section 701, 702, 703, 1104, 1202, or 1302, the administrative expenses of the trustee allowed under paragraphs (1)(A), (2), and (6) of section 503(b) shall be paid before payment of claims under subparagraphs (A) and (B), to the extent that the trustee administers assets that are otherwise available for the payment of such claims.''.

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

''(14) If the debtor is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, the debtor has paid all amounts payable under such order or such statute for such obligation that first become payable after the date of the filing of the petition.'';

(2) in section 1208(c)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.'';

(3) in section 1222(a)—

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

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

(C) by adding at the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.'';

(4) in section 1222(b)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following:

''(11) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1228(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;'';

(5) in section 1225(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the debtor has paid all amounts that are required to be paid under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation.'';

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid'' after ''completion by the debtor of all payments under the plan'';

(7) in section 1307(c)—

(A) in paragraph (9), by striking ''or'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.'';

(8) in section 1322(a)—

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

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

(C) by adding at the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.'';

(9) in section 1322(b)—

(A) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and'';

(10) in section 1325(a), as amended by section 102, by inserting after paragraph (7) the following:

''(8) the debtor has paid all amounts that are required to be paid under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation; and'';

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid'' after ''completion by the debtor of all payments under the plan''.

SEC. 214. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) under subsection (a)—

''(A) of the commencement or continuation of a civil action or proceeding—

''(i) for the establishment of paternity;

''(ii) for the establishment or modification of an order for domestic support obligations;

''(iii) concerning child custody or visitation;

''(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

''(v) regarding domestic violence;

''(B) of the collection of a domestic support obligation from property that is not property of the estate;

''(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation under a judicial or administrative order or a statute;

''(D) of the withholding, suspension, or restriction of a driver's license, a professional or occupational license, or a recreational license, under State law, as specified in section 466(a)(16) of the Social Security Act;

''(E) of the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act;

''(F) of the interception of a tax refund, as specified in sections 464 and 466(a)(3) of the Social Security Act or under an analogous State law; or

''(G) of the enforcement of a medical obligation, as specified under title IV of the Social Security Act;''.

SEC. 215. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

''(5) for a domestic support obligation;''; and

(B) by striking paragraph (18);

(2) in subsection (c), by striking ''(6), or (15)'' each place it appears and inserting ''or (6)''; and

(3) in paragraph (15), as added by Public Law 103–394 (108 Stat. 4133)—

(A) by inserting ''to a spouse, former spouse, or child of the debtor and'' before ''not of the kind'';

(B) by inserting ''or'' after ''court of record,''; and

(C) by striking ''unless—'' and all that follows through the end of the paragraph and inserting a semicolon.

SEC. 216. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));'';

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting ''of a kind that is specified in section 523(a)(5); or''; and

(3) in subsection (g)(2), by striking ''subsection (f)(2)'' and inserting ''subsection (f)(1)(B)''.

SEC. 217. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

''(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation;''.

SEC. 218. DISPOSABLE INCOME DEFINED.

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date of the filing of the petition'' after ''dependent of the debtor''.

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) DUTIES OF TRUSTEE UNDER CHAPTER 7.—Section 704 of title 11, United States Code, as amended by section 102, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(10) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c); and''; and

(2) by adding at the end the following:

''(c)(1) In a case described in subsection (a)(10) to which subsection (a)(10) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (a)(10) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title;

''(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency; and

''(iii) include in the notice provided under clause (i) an explanation of the rights of such holder to payment of such claim under this chapter;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 727, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (a)(10) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making such disclosure.''.

(b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(8) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In a case described in subsection (a)(8) to which subsection (a)(8) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (a)(8) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

''(ii) include in the notice required by clause (i) the address and telephone number of such State child support enforcement agency;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice required by clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 1141, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (a)(8) or the State child enforcement support agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making such disclosure.''.

(c) DUTIES OF TRUSTEE UNDER CHAPTER 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In a case described in subsection (b)(6) to which subsection (b)(6) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (b)(6) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

''(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 1228, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (b)(6) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making that disclosure.''.

(d) DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (d).''; and

(2) by adding at the end the following:

''(d)(1) In a case described in subsection (b)(6) to which subsection (b)(6) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (b)(6) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

''(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 1328, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2) or (4) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (b)(6) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making that disclosure.''.

Subtitle C—Other Consumer Protections

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: ''If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the bankruptcy petition preparer shall be required to—

''(A) sign the document for filing; and

''(B) print on the document the name and address of that officer, principal, responsible person, or partner.''; and

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

''(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice which shall be on an official form prescribed by the Judicial Conference of the United States in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure.

''(B) The notice under subparagraph (A)—

''(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

''(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

''(iii) shall—

''(I) be signed by the debtor and, under penalty of perjury, by the bankruptcy petition preparer; and

''(II) be filed with any document for filing.'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''(2) For purposes'' and inserting ''(2)(A) Subject to subparagraph (B), for purposes''; and

(ii) by adding at the end the following:

''(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the bankruptcy petition preparer.''; and

(B) by striking paragraph (3);

(3) in subsection (d)—

(A) by striking ''(d)(1)'' and inserting ''(d)''; and

(B) by striking paragraph (2);

(4) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

''(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

''(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

''(i) whether—

''(I) to file a petition under this title; or

''(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

''(ii) whether the debtor's debts will be discharged in a case under this title;

''(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

''(iv) concerning—

''(I) the tax consequences of a case brought under this title; or

''(II) the dischargeability of tax claims;

''(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

''(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

''(vii) concerning bankruptcy procedures and rights.'';

(5) in subsection (f)—

(A) by striking ''(f)(1)'' and inserting ''(f)''; and

(B) by striking paragraph (2);

(6) in subsection (g)—

(A) by striking ''(g)(1)'' and inserting ''(g)''; and

(B) by striking paragraph (2);

(7) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

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

''(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.'';

(C) in paragraph (2), as so redesignated—

(i) by striking ''Within 10 days after the date of the filing of a petition, a bankruptcy petition preparer shall file a'' and inserting ''A'';

(ii) by inserting ''by the bankruptcy petition preparer shall be filed together with the petition,'' after ''perjury''; and

(iii) by adding at the end the following: ''If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).'';

(D) by striking paragraph (3), as so redesignated, and inserting the following:

''(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

''(i) rendered by the bankruptcy petition preparer during the 12-month period immediately preceding the date of the filing of the petition; or

''(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

''(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

''(C) An individual may exempt any funds recovered under this paragraph under section 522(b).''; and

(E) in paragraph (4), as so redesignated, by striking ''or the United States trustee'' and inserting ''the United States trustee (or the bankruptcy administrator, if any) or the court, on the initiative of the court,'';

(8) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

''(i)(1) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on the motion of the debtor, trustee, United States trustee (or the bankruptcy administrator, if any), and after notice and a hearing, the court shall order the bankruptcy petition preparer to pay to the debtor—'';

(9) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking ''a violation of which subjects a person to criminal penalty'';

(ii) in subparagraph (B)—

(I) by striking ''or has not paid a penalty'' and inserting ''has not paid a penalty''; and

(II) by inserting ''or failed to disgorge all fees ordered by the court'' after ''a penalty imposed under this section,'';

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued on the motion of the court, the trustee, or the United States trustee (or the bankruptcy administrator, if any).''; and

(10) by adding at the end the following:

''(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

''(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

''(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

''(B) advised the debtor to use a false Social Security account number;

''(C) failed to inform the debtor that the debtor was filing for relief under this title; or

''(D) prepared a document for filing in a manner that failed to disclose the identity of the bankruptcy petition preparer.

''(3) A debtor, trustee, creditor, or United States trustee (or the bankruptcy administrator, if any) may file a motion for an order imposing a fine on the bankruptcy petition preparer for any violation of this section.

''(4)(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this subparagraph shall be available to fund the enforcement of this section on a national basis.

''(B) Fines imposed under this subsection in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States.''.

SEC. 222. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. 223. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

Section 507(a) of title 11, United States Code, as amended by section 212, is amended by inserting after paragraph (9) the following:

''(10) Tenth, allowed claims for death or personal injury resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.''.

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and'';

(iii) by adding at the end the following:

''(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.''; and

(iv) by striking ''(2)(A) any property'' and inserting:

''(3) Property listed in this paragraph is—

''(A) any property'';

(B) by striking paragraph (1) and inserting:

''(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.'';

(C) by striking ''(b) Notwithstanding'' and inserting ''(b)(1) Notwithstanding'';

(D) by striking ''paragraph (2)'' each place it appears and inserting ''paragraph (3)'';

(E) by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)'';

(F) by striking ''Such property is—''; and

(G) by adding at the end the following:

''(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

''(A) If the retirement funds are in a retirement fund that has received a favorable determination under section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the filing of the petition in a case under this title, those funds shall be presumed to be exempt from the estate.

''(B) If the retirement funds are in a retirement fund that has not received a favorable determination under such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

''(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

''(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

''(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

''(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, under section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of such direct transfer.

''(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of such distribution.

''(ii) A distribution described in this clause is an amount that—

''(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

''(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of such amount.''; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (b)(2)''; and

(B) by adding at the end the following:

''(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking ''or'' at the end;

(2) in paragraph (18), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (18) the following:

''(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, under the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

''(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan under section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

''(B) a loan from a thrift savings plan permitted under subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;

but nothing in this paragraph may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title;''.

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, as amended by section 215, is amended by inserting after paragraph (17) the following:

''(18) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, under—

''(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

''(B) a loan from a thrift savings plan permitted under subchapter III of chapter 84 of

title 5, that satisfies the requirements of section 8433(g) of such title;

but nothing in this paragraph may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title; or''.

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

''(f) A plan may not materially alter the terms of a loan described in section 362(b)(19) and any amounts required to repay such loan shall not constitute 'disposable income' under section 1325.''.

(e) ASSET LIMITATION.—

(1) LIMITATION.—Section 522 of title 11, United States Code, is amended by adding at the end the following:

''(n) For assets in individual retirement accounts described in section 408 or 408A of the Internal Revenue Code of 1986, other than a simplified employee pension under section 408(k) of such Code or a simple retirement account under section 408(p) of such Code, the aggregate value of such assets exempted under this section, without regard to amounts attributable to rollover contributions under section 402(c), 402(e)(6), 403(a)(4), 403(a)(5), and 403(b)(8) of the Internal Revenue Code of 1986, and earnings thereon, shall not exceed $1,000,000 in a case filed by a debtor who is an individual, except that such amount may be increased if the interests of justice so require.''.

(2) ADJUSTMENT OF DOLLAR AMOUNTS.—Paragraphs (1) and (2) of section 104(b) of title 11, United States Code, are amended by inserting ''522(n),'' after ''522(d),''.

SEC. 225. PROTECTION OF EDUCATION SAVINGS IN BANKRUPTCY.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following:

''(5) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of the filing of the petition in a case under this title, but—

''(A) only if the designated beneficiary of such account was a child, stepchild, grandchild, or stepgrandchild of the debtor for the taxable year for which funds were placed in such account;

''(B) only to the extent that such funds—

''(i) are not pledged or promised to any entity in connection with any extension of credit; and

''(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

''(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

''(6) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of the filing of the petition in a case under this title, but—

''(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a child, stepchild, grandchild, or stepgrandchild of the debtor for the taxable year for which funds were paid or contributed;

''(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition in a case under this title by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

''(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;''; and

(2) by adding at the end the following:

''(e) In determining whether any of the relationships specified in paragraph (5)(A) or (6)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by section 106, is amended by adding at the end the following:

''(c) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).''.

SEC. 226. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

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

''(3) 'assisted person' means any person whose debts consist primarily of consumer debts and the value of whose nonexempt property is less than $150,000;'';

(2) by inserting after paragraph (4) the following:

''(4A) 'bankruptcy assistance' means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation, or filing, or attendance at a creditors' meeting or appearing in a proceeding on behalf of another or providing legal representation with respect to a case or proceeding under this title;''; and

(3) by inserting after paragraph (12) the following:

''(12A) 'debt relief agency' means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include—

''(A) any person who is an officer, director, employee, or agent of a person who provides such assistance or of the bankruptcy petition preparer;

''(B) a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

''(C) a creditor of such assisted person, to the extent that the creditor is assisting such assisted person to restructure any debt owed by such assisted person to the creditor;

''(D) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such depository institution or credit union; or

''(E) an author, publisher, distributor, or seller of works subject to copyright protection under title 17, when acting in such capacity.''.

(b) CONFORMING AMENDMENT.—Section 104(b) of title 11, United States Code, is amended by inserting ''101(3),'' after ''sections'' each place it appears.

SEC. 227. RESTRICTIONS ON DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

''§ 526. Restrictions on debt relief agencies

''(a) A debt relief agency shall not—

''(1) fail to perform any service that such agency informed an assisted person or prospective assisted person it would provide in connection with a case or proceeding under this title;

''(2) make any statement, or counsel or advise any assisted person or prospective assisted person to make a statement in a document filed in a case or proceeding under this title, that is untrue and misleading, or that upon the exercise of reasonable care, should have been known by such agency to be untrue or misleading;

''(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, with respect to—

''(A) the services that such agency will provide to such person; or

''(B) the benefits and risks that may result if such person becomes a debtor in a case under this title; or

''(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title.

''(b) Any waiver by any assisted person of any protection or right provided under this section shall not be enforceable against the debtor by any Federal or State court or any other person, but may be enforced against a debt relief agency.

''(c)(1) Any contract for bankruptcy assistance between a debt relief agency and an assisted person that does not comply with the material requirements of this section, section 527, or section 528 shall be void and may not be enforced by any Federal or State court or by any other person, other than such assisted person.

''(2) Any debt relief agency shall be liable to an assisted person in the amount of any fees or charges in connection with providing bankruptcy assistance to such person that such debt relief agency has received, for actual damages, and for reasonable attorneys' fees and costs if such agency is found, after notice and a hearing, to have—

''(A) intentionally or negligently failed to comply with any provision of this section, section 527, or section 528 with respect to a case or proceeding under this title for such assisted person;

''(B) provided bankruptcy assistance to an assisted person in a case or proceeding under this title that is dismissed or converted to a case under another chapter of this title because of such agency's intentional or negligent failure to file any required document including those specified in section 521; or

''(C) intentionally or negligently disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such agency.

''(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this section, the State—

''(A) may bring an action to enjoin such violation;

''(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

''(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorneys' fees as determined by the court.

''(4) The district courts of the United States for districts located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

''(5) Notwithstanding any other provision of Federal law and in addition to any other remedy provided under Federal or State law, if the court, on its own motion or on the motion of the United States trustee or the debtor, finds that a person intentionally violated this section, or engaged in a clear and consistent pattern or practice of violating this section, the court may—

''(A) enjoin the violation of such section; or

''(B) impose an appropriate civil penalty against such person.

''(d) No provision of this section, section 527, or section 528 shall—

''(1) annul, alter, affect, or exempt any person subject to such sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency; or

''(2) be deemed to limit or curtail the authority or ability—

''(A) of a State or subdivision or instrumentality thereof, to determine and enforce qualifications for the practice of law under the laws of that State; or

''(B) of a Federal court to determine and enforce the qualifications for the practice of law before that court.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 525, the following:

''526. Restrictions on debt relief agencies.''.

SEC. 228. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 227, is amended by adding at the end the following:

''§ 527. Disclosures

''(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide—

''(1) the written notice required under section 342(b)(1); and

''(2) to the extent not covered in the written notice described in paragraph (1), and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

''(A) all information that the assisted person is required to provide with a petition and thereafter during a case under this title is required to be complete, accurate, and truthful;

''(B) all assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 must be stated in those documents where requested after reasonable inquiry to establish such value;

''(C) current monthly income, the amounts specified in section 707(b)(2), and, in a case under chapter 13 of this title, disposable income (determined in accordance with section 707(b)(2)), are required to be stated after reasonable inquiry; and

''(D) information that an assisted person provides during their case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the case under this title or other sanction, including a criminal sanction.

''(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) the following statement, to the extent applicable, or one substantially similar. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

'' 'IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

'' 'If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

'' 'The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

'' 'Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a 'trustee' and by creditors.

'' 'If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

'' 'If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

'' 'If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what should be done from someone familiar with that type of relief.

'' 'Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.'.

''(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which shall be provided in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

''(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

''(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

''(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506.

''(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for 2 years after the date on which the notice is given the assisted person.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 227, is amended by inserting after the item relating to section 526 the following:

''527. Disclosures.''.

SEC. 229. REQUIREMENTS FOR DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by sections 227 and 228, is amended by adding at the end the following:

''§ 528. Requirements for debt relief agencies

''(a) A debt relief agency shall—

''(1) not later than 5 business days after the first date on which such agency provides any bankruptcy assistance services to an assisted person, but prior to such assisted person's petition under this title being filed, execute a written contract with such assisted person that explains clearly and conspicuously—

''(A) the services such agency will provide to such assisted person; and

''(B) the fees or charges for such services, and the terms of payment;

''(2) provide the assisted person with a copy of the fully executed and completed contract;

''(3) clearly and conspicuously disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to bankruptcy relief under this title; and

''(4) clearly and conspicuously use the following statement in such advertisement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.

''(b)(1) An advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public includes—

''(A) descriptions of bankruptcy assistance in connection with a chapter 13 plan whether or not chapter 13 is specifically mentioned in such advertisement; and

''(B) statements such as 'federally supervised repayment plan' or 'Federal debt restructuring help' or other similar statements that could lead a reasonable consumer to believe that debt counseling was being offered

when in fact the services were directed to providing bankruptcy assistance with a chapter 13 plan or other form of bankruptcy relief under this title.

''(2) An advertisement, directed to the general public, indicating that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt shall—

''(A) disclose clearly and conspicuously in such advertisement that the assistance may involve bankruptcy relief under this title; and

''(B) include the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 227 and 228, is amended by inserting after the item relating to section 527, the following:

''528. Requirements for debt relief agencies.''.

SEC. 230. GAO STUDY.

(a) STUDY.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the feasibility, effectiveness, and cost of requiring trustees appointed under title 11, United States Code, or the bankruptcy courts, to provide to the Office of Child Support Enforcement promptly after the commencement of cases by debtors who are individuals under such title, the names and social security account numbers of such debtors for the purposes of allowing such Office to determine whether such debtors have outstanding obligations for child support (as determined on the basis of information in the Federal Case Registry or other national database).

(b) REPORT.—Not later than 300 days after the date of enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report containing the results of the study required by subsection (a).

SEC. 231. PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) LIMITATION.—Section 363(b)(1) of title 11, United States Code, is amended by striking the period at the end and inserting the following:

'', except that if the debtor in connection with offering a product or a service discloses to an individual a policy prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor and if such policy is in effect on the date of the commencement of the case, then the trustee may not sell or lease personally identifiable information to any person unless—

''(A) such sale or such lease is consistent with such policy; or

''(B) after appointment of a consumer privacy ombudsman in accordance with section 332, and after notice and a hearing, the court approves such sale or such lease—

''(i) giving due consideration to the facts, circumstances, and conditions of such sale or such lease; and

''(ii) finding that no showing was made that such sale or such lease would violate applicable nonbankruptcy law.''.

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (41) the following:

''(41A) 'personally identifiable information' means—

''(A) if provided by an individual to the debtor in connection with obtaining a product or a service from the debtor primarily for personal, family, or household purposes—

''(i) the first name (or initial) and last name of such individual, whether given at birth or time of adoption, or resulting from a lawful change of name;

''(ii) the geographical address of a physical place of residence of such individual;

''(iii) an electronic address (including an e-mail address) of such individual;

''(iv) a telephone number dedicated to contacting such individual at such physical place of residence;

''(v) a social security account number issued to such individual; or

''(vi) the account number of a credit card issued to such individual; or

''(B) if identified in connection with 1 or more of the items of information specified in subparagraph (A)—

''(i) a birth date, the number of a certificate of birth or adoption, or a place of birth; or

''(ii) any other information concerning an identified individual that, if disclosed, will result in contacting or identifying such individual physically or electronically;''.

SEC. 232. CONSUMER PRIVACY OMBUDSMAN.

(a) CONSUMER PRIVACY OMBUDSMAN.—Title 11 of the United States Code is amended by inserting after section 331 the following:

''§ 332. Consumer privacy ombudsman

''(a) If a hearing is required under section 363(b)(1)(B), the court shall order the United States trustee to appoint, not later than 5 days before the commencement of the hearing, 1 disinterested person (other than the United States trustee) to serve as the consumer privacy ombudsman in the case and shall require that notice of such hearing be timely given to such ombudsman.

''(b) The consumer privacy ombudsman may appear and be heard at such hearing and shall provide to the court information to assist the court in its consideration of the facts, circumstances, and conditions of the proposed sale or lease of personally identifiable information under section 363(b)(1)(B). Such information may include presentation of—

''(1) the debtor's privacy policy;

''(2) the potential losses or gains of privacy to consumers if such sale or such lease is approved by the court;

''(3) the potential costs or benefits to consumers if such sale or such lease is approved by the court; and

''(4) the potential alternatives that would mitigate potential privacy losses or potential costs to consumers.

''(c) A consumer privacy ombudsman shall not disclose any personally identifiable information obtained by the ombudsman under this title.''.

(b) COMPENSATION OF CONSUMER PRIVACY OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended in the matter preceding subparagraph (A), by inserting ''a consumer privacy ombudsman appointed under section 332,'' before ''an examiner''.

(c) CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''332. Consumer privacy ombudsman.''.

SEC. 233. PROHIBITION ON DISCLOSURE OF NAME OF MINOR CHILDREN.

(a) PROHIBITION.—Title 11 of the United States Code, as amended by section 106, is amended by inserting after section 111 the following:

''§ 112. Prohibition on disclosure of name of minor children

''The debtor may be required to provide information regarding a minor child involved in matters under this title but may not be required to disclose in the public records in the case the name of such minor child. The debtor may be required to disclose the name of such minor child in a nonpublic record that is maintained by the court and made available by the court for examination by the United States trustee, the trustee, and the auditor (if any) serving under section 586(f) of title 28, in the case. The court, the United States trustee, the trustee, and such auditor shall not disclose the name of such minor child maintained in such nonpublic record.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, as amended by section 106, is amended by inserting after the item relating to section 111 the following:

''112. Prohibition on disclosure of name of minor children.''.

(c) CONFORMING AMENDMENT.—Section 107(a) of title 11, United States Code, is amended by inserting ''and subject to section 112'' after ''section''.

TITLE III —DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. TECHNICAL AMENDMENTS.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking ''by a court'' and inserting ''on a prisoner by any court'';

(2) by striking ''section 1915(b) or (f)'' and inserting ''subsection (b) or (f)(2) of section 1915''; and

(3) by inserting ''(or a similar non-Federal law)'' after ''title 28'' each place it appears.

SEC. 302. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real property, if the court finds that the filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

''(A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or

''(B) multiple bankruptcy filings affecting such real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under paragraph (4) shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 224, is amended by inserting after paragraph (19), the following:

''(20) under subsection (a), of any act to enforce any lien against or security interest in real property following entry of the order under subsection (d)(4) as to such real property in any prior case under this title, for a period of 2 years after the date of the entry of such an order, except that the debtor, in a subsequent case under this title, may move for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing;

''(21) under subsection (a), of any act to enforce any lien against or security interest in real property—

''(A) if the debtor is ineligible under section 109(g) to be a debtor in a case under this title; or

''(B) if the case under this title was filed in violation of a bankruptcy court order in a prior case under this title prohibiting the debtor from being a debtor in another case under this title;''.

SEC. 303. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(b) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following:

''For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the creditor has a purchase money security interest securing the debt that is the subject of the claim, the debt was incurred within the 365-day preceding the date of the filing of the petition, and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 180-day period preceding that filing.''.

SEC. 304. DOMICILIARY REQUIREMENTS FOR EXEMPTIONS.

Section 522(b)(3) of title 11, United States Code, as so designated by section 106, is amended—

(1) in subparagraph (A)—

(A) by striking ''180 days'' and inserting ''730 days''; and

(B) by striking '', or for a longer portion of such 180-day period than in any other place'' and inserting ''or if the debtor's domicile has not been located at a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place''; and

(2) by adding at the end the following:

''If the effect of the domiciliary requirement under subparagraph (A) is to render the debtor ineligible for any exemption, the debtor may elect to exempt property that is specified under subsection (d).''.

SEC. 305. REDUCTION OF HOMESTEAD EXEMPTION FOR FRAUD.

Section 522 of title 11, United States Code, as amended by section 224, is amended—

(1) in subsection (b)(3)(A), as so designated by this Act, by inserting ''subject to subsections (o) and (p),'' before ''any property''; and

(2) by adding at the end the following:

''(o) For purposes of subsection (b)(3)(A), and notwithstanding subsection (a), the value of an interest in—

''(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence;

''(3) a burial plot for the debtor or a dependent of the debtor; or

''(4) real or personal property that the debtor or a dependent of the debtor claims as a homestead;

shall be reduced to the extent that such value is attributable to any portion of any property that the debtor disposed of in the 10-year period ending on the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b), if on such date the debtor had held the property so disposed of.''.

SEC. 306. LIMITATIONS ON HOMESTEAD EXEMPTION.

(a) EXEMPTIONS.—Section 522 of title 11, United States Code, as amended by sections 224 and 308, is amended by adding at the end the following:

''(p)(1) Except as provided in paragraph (2) of this subsection and sections 544 and 548, as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that was acquired by the debtor during the 1215-day period preceding the date of the filing of the petition that exceeds in the aggregate $125,000 in value in—

''(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence;

''(C) a burial plot for the debtor or a dependent of the debtor; or

''(D) real or personal property that the debtor or dependent of the debtor claims as a homestead.

''(2)(A) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of such farmer.

''(B) For purposes of paragraph (1), any amount of such interest does not include any interest transferred from a debtor's previous principal residence (which was acquired prior to the beginning of such 1215-day period) into the debtor's current principal residence, if the debtor's previous and current residences are located in the same State.

''(q)(1) As a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of an interest in property described in subparagraphs (A), (B), (C), and (D) of subsection (p)(1) which exceeds in the aggregate $125,000 if—

''(A) the court determines, after notice and a hearing, that the debtor has been convicted of a felony (as defined in section 3156 of title 18), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of this title; or

''(B) the debtor owes a debt arising from—

''(i) any violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws;

''(ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933;

''(iii) any civil remedy under section 1964 of title 18; or

''(iv) any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

''(2) Paragraph (1) shall not apply to the extent the amount of an interest in property described in subparagraphs (A), (B), (C), and (D) of subsection (p)(1) is reasonably necessary for the support of the debtor and any dependent of the debtor.''.

(b) ADJUSTMENT OF DOLLAR AMOUNTS.—Paragraphs (1) and (2) of section 104(b) of title 11, United States Code, as amended by section 224, are amended by inserting ''522(p), 522(q),'' after ''522(n),''.

SEC. 307. EXCLUDING EMPLOYEE BENEFIT PLAN PARTICIPANT CONTRIBUTIONS AND OTHER PROPERTY FROM THE ESTATE.

Section 541(b) of title 11, United States Code, as amended by section 225, is amended by adding after paragraph (6), as added by section 225(a)(1)(C), the following:

''(7) any amount—

''(A) withheld by an employer from the wages of employees for payment as contributions—

''(i) to—

''(I) an employee benefit plan that is subject to title I of the Employee Retirement Income Security Act of 1974 or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986;

''(II) a deferred compensation plan under section 457 of the Internal Revenue Code of 1986; or

''(III) a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986;

except that such amount under this subparagraph shall not constitute disposable income as defined in section 1325(b)(2); or

''(ii) to a health insurance plan regulated by State law whether or not subject to such title; or

''(B) received by an employer from employees for payment as contributions—

''(i) to—

''(I) an employee benefit plan that is subject to title I of the Employee Retirement Income Security Act of 1974 or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986;

''(II) a deferred compensation plan under section 457 of the Internal Revenue Code of 1986; or

''(III) a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986;

except that such amount under this subparagraph shall not constitute disposable income, as defined in section 1325(b)(2); or

''(ii) to a health insurance plan regulated by State law whether or not subject to such title;''.

SEC. 308. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) For a case commenced—

''(A) under chapter 7 of title 11, $160; or

''(B) under chapter 13 of title 11, $150.''.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

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

''(1)(A) 40.63 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

''(B) 70.00 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;'';

(2) in paragraph (2), by striking ''one-half'' and inserting ''three-fourths''; and

(3) in paragraph (4), by striking ''one-half'' and inserting ''100 percent''.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking ''pursuant to 28 U.S.C. section 1930(b)'' and all that follows through ''28 U.S.C. section 1931'' and inserting ''under section 1930(b) of title 28, United States Code, and 31.25 percent of the fees collected under section 1930(a)(1)(A) of that title, 30.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title''.

SEC. 309. SHARING OF COMPENSATION.

Section 504 of title 11, United States Code, is amended by adding at the end the following:

''(c) This section shall not apply with respect to sharing, or agreeing to share, compensation with a bona fide public service attorney referral program that operates in accordance with non-Federal law regulating attorney referral services and with rules of professional responsibility applicable to attorney acceptance of referrals.''.

SEC. 310. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking the semicolon at the end and inserting the following: ''other than a default that is a breach of a provision relating to the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption, except that if such default arises from a failure to operate in accordance with a nonresidential real property lease, then such default shall be cured by performance at and after the time of assumption in accordance with such lease, and pecuniary losses resulting from such default shall be compensated in accordance with the provisions of this paragraph;''; and

(B) in paragraph (2)(D), by striking ''penalty rate or provision'' and inserting ''penalty rate or penalty provision'';

(2) in subsection (c)—

(A) in paragraph (2), by inserting ''or'' at the end;

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

(C) by striking paragraph (4);

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9); and

(B) by redesignating paragraph (10) as paragraph (5); and

(4) in subsection (f)(1) by striking ''; except that'' and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or of a kind that section 365(b)(2) expressly does not require to be cured'' before the semicolon at the end;

(2) in subparagraph (C), by striking ''and'' at the end;

(3) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, other than a default arising from failure to operate a nonresidential real property lease subject to section 365(b)(1)(A), compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and''.

SEC. 311. CLARIFICATION OF POSTPETITION WAGES AND BENEFITS.

Section 503(b)(1)(A) of title 11, United States Code, is amended to read as follows:

''(A) the actual, necessary costs and expenses of preserving the estate including—

''(i) wages, salaries, and commissions for services rendered after the commencement of the case; and

''(ii) wages and benefits awarded pursuant to a judicial proceeding or a proceeding of the National Labor Relations Board as back pay attributable to any period of time occurring after commencement of the case under this title, as a result of a violation of Federal or State law by the debtor, without regard to the time of the occurrence of unlawful conduct on which such award is based or to whether any services were rendered, if the court determines that payment of wages and benefits by reason of the operation of this clause will not substantially increase the probability of layoff or termination of current employees, or of nonpayment of domestic support obligations, during the case under this title;''.

SEC. 312. DELAY OF DISCHARGE DURING PENDENCY OF CERTAIN PROCEEDINGS.

(a) CHAPTER 7.—Section 727(a) of title 11, United States Code, as amended by section 106, is amended—

(1) in paragraph (10), by striking ''or'' at the end;

(2) in paragraph (11) by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (11) the following:

''(12) the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is reasonable cause to believe that—

''(A) section 522(q)(1) may be applicable to the debtor; and

''(B) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

(b) CHAPTER 11.—Section 1141(d) of title 11, United States Code, as amended by section 321, is amended by adding at the end the following:

''(C) unless after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge, the court finds that there is no reasonable cause to believe that—

''(i) section 522(q)(1) may be applicable to the debtor; and

''(ii) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

(c) CHAPTER 12.—Section 1228 of title 11, United States Code, is amended—

(1) in subsection (a) by striking ''As'' and inserting ''Subject to subsection (d), as'',

(2) in subsection (b) by striking ''At'' and inserting ''Subject to subsection (d), at'', and

(3) by adding at the end the following:

''(f) The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is no reasonable cause to believe that—

''(1) section 522(q)(1) may be applicable to the debtor; and

''(2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

(d) CHAPTER 13.—Section 1328 of title 11, United States Code, as amended by section 106, is amended—

(1) in subsection (a) by striking ''As'' and inserting ''Subject to subsection (d), as'',

(2) in subsection (b) by striking ''At'' and inserting ''Subject to subsection (d), at'', and

(3) by adding at the end the following:

''(h) The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is no reasonable cause to believe that—

''(1) section 522(q)(1) may be applicable to the debtor; and

''(2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

SEC. 313. NONDISCHARGEABILITY OF DEBTS INCURRED THROUGH VIOLATIONS OF CIVIL RIGHTS LAWS.

(a) DEBTS INCURRED THROUGH VIOLATIONS OF CIVIL RIGHTS LAWS.—Section 523(a) of title 11, United States Code, as amended by section 224, is amended—

(1) in paragraph (18) by striking ''or'' at the end;

(2) in paragraph (19) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(20) that results from any judgment, order, consent order, or decree entered in any Federal or State court, or contained in any settlement agreement entered into by the debtor (including any court-ordered damages, fine, penalty, or attorney fee or cost owed by the debtor), that arises from—

''(A) the violation by the debtor of any offense described in section 244 (relating to discrimination against a person wearing the uniform of the Armed Forces), section 245 (relating to federally protected rights), section 247 (relating to damage to religious property; obstruction of persons in the free exercise of religious beliefs), or section 248 (relating to the freedom of access to clinic entrances), of title 18, United States Code;

''(B) an offense under State law that consists of conduct that would be a civil rights crime described in subparagraph (A) of this paragraph; or

''(C) a valid court order enforcing a civil rights law described in subparagraphs (A) or (B) of this paragraph.''.

(b) RESTITUTION.—Section 523(a)(13) of title 11, United States Code, is amended by inserting ''or under the criminal law of a State'' after ''title 18''.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (48) the following:

''(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934;''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by sections 224, 303, and 311, is amended by inserting after paragraph (24) the following:

''(25) under subsection (a), of—

''(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

''(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by such securities self regulatory organization to enforce such organization's regulatory power; or

''(C) any act taken by such securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements;''.

SEC. 402. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States

trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.''.

SEC. 403. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

(a) IN GENERAL.—Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

''(4)(A) Subject to subparagraph (B), an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of—

''(i) the date that is 120 days after the date of the order for relief; or

''(ii) the date of the entry of an order confirming a plan.

''(B)(i) The court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days on the motion of the trustee or lessor for cause.

''(ii) If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.

''(iii) The court may extend the time periods specified in this paragraph if the debtor establishes by clear and convincing evidence that an extension is justified by circumstances beyond the debtor's control that were not foreseeable on the date of the order for relief.''.

(b) EXCEPTION.—Section 365(f)(1) of title 11, United States Code, is amended by striking ''subsection'' the first place it appears and inserting ''subsections (b) and''.

SEC. 404. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a) of title 11, United States Code, is amended by adding at the end the following:

''(4) On request of a party in interest and after notice and a hearing, the court may order the United States trustee to change the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may order the United States trustee to increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.''.

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) A committee appointed under subsection (a) shall—

''(A) provide access to information for creditors who—

''(i) hold claims of the kind represented by that committee; and

''(ii) are not appointed to the committee;

''(B) solicit and receive comments from the creditors described in subparagraph (A); and

''(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).''.

SEC. 405. AMENDMENTS TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''(A) In'' and inserting ''In''; and

(B) by inserting ''to an examiner, trustee under chapter 11, or professional person'' after ''awarded''; and

(2) by adding at the end the following:

''(7) In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a commission, based on section 326.''.

SEC. 406. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

''(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.''.

SEC. 407. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting '', or a debt (excluding a consumer debt) against a noninsider of less than $10,000,'' after ''$5,000''.

SEC. 408. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking ''On'' and inserting ''(1) Subject to paragraph (2), on''; and

(2) by adding at the end the following:

''(2)(A) Unless the debtor establishes by clear and convincing evidence that there are circumstances beyond the debtor's control that were not foreseeable on the date of the order of relief, the 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

''(B) Unless the debtor establishes by clear and convincing evidence that there are circumstances beyond the debtor's control that were not foreseeable on the date of the order of relief, the 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.''.

SEC. 409. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking ''dwelling'' the first place it appears;

(2) by striking ''ownership or'' and inserting ''ownership,'';

(3) by striking ''housing'' the first place it appears; and

(4) by striking ''but only'' and all that follows through ''such period,'' and inserting ''or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,''.

SEC. 410. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3) of title 11, United States Code, is amended—

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

(2) by redesignating subparagraph (E) as subparagraph (F); and

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

''(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and''.

SEC. 411. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

''(B) Upon the filing of a report under subparagraph (A)—

''(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

''(ii) the service of any trustee appointed under subsection (d) shall terminate.

''(C) The court shall resolve any dispute arising out of an election described in subparagraph (A).''.

SEC. 412. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(2) by adding at the end the following:

''(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—

''(i) a cash deposit;

''(ii) a letter of credit;

''(iii) a certificate of deposit;

''(iv) a surety bond;

''(v) a prepayment of utility consumption; or

''(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

''(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

''(2) Subject to paragraphs (3) and (4), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of the filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

''(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

''(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

''(i) the absence of security before the date of the filing of the petition;

''(ii) the payment by the debtor of charges for utility service in a timely manner before the date of the filing of the petition; or

''(iii) the availability of an administrative expense priority.

''(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of the filing of the petition without notice or order of the court.

''(5) The court may extend the time period specified in paragraph (2) if the debtor establishes by clear and convincing evidence that an extension is justified by circumstances beyond the debtor's control that were not foreseeable on the date the assurance of payment was due.''.

SEC. 413. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking ''Notwithstanding section 1915 of this title, the'' and inserting ''The''; and

(2) by adding at the end the following:

''(f)(1) Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved

and is unable to pay that fee in installments. For purposes of this paragraph, the term 'filing fee' means the filing required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

''(2) The district court or the bankruptcy court may waive for such debtors other fees prescribed under subsections (b) and (c).

''(3) This subsection does not restrict the district court or the bankruptcy court from waiving, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors.''.

SEC. 414. EFFECT OF SALE OF ASSETS ON EMPLOYEE BENEFITS.

Section 363(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) The court shall not approve the sale of all or substantially all the assets of a debtor with 50 or more employees until the debtor has reported to the court on the potential adverse impact that such sale is likely to have on employee benefits, including any pension and health care plans sponsored by the debtor.''.

SEC. 415. ADMINISTRATIVE EXPENSES.

Section 503 of title 11, United States Code, is amended by adding at the end the following:

''(c)(1) Notwithstanding subsection (b), there shall neither be allowed, nor paid—

''(A) a transfer made to, or an obligation incurred for the benefit of, an insider of the debtor for the purpose of inducing such person to remain with the debtor's business, absent a finding by the court based on evidence in the record that—

''(i) the transfer or obligation is essential to retention of the person because the individual has a bona fide job offer from another business at the same or greater rate of compensation;

''(ii) the services provided by the person are essential to the survival of the business; and

''(iii) either—

''(I) the amount of the transfer made to, or obligation incurred for the benefit of, the person is not greater than an amount equal to 10 times the amount of the mean transfer or obligation of a similar kind given to nonmanagement employees for any purpose during the calendar year in which the transfer is made or the obligation is incurred; or

''(II) if no such similar transfers were made to, or obligations were incurred for the benefit of, such nonmanagement employees during such calendar year, the amount of the transfer or obligation is not greater than an amount equal to 25 percent of the amount of any similar transfer or obligation made to or incurred for the benefit of such insider for any purpose during the calendar year before the year in which such transfer is made or obligation is incurred;

''(B) a severance payment to an insider of the debtor, unless—

''(i) the payment is part of a program that is generally applicable to all full-time employees; and

''(ii) the amount of the payment is not greater than 10 times the amount of the mean severance pay given to nonmanagement employees during the calendar year in which the payment is made; or

''(C) other transfers or obligations that are outside the ordinary course of business and not justified by the facts and circumstances of the case.

''(2) For purposes of paragraph (1)(C), transfers made to, or obligations incurred for the benefit of, officers, managers, or consultants hired after the date of the filing of the petition shall be considered outside the ordinary course of business.''.

SEC. 416. PRIORITIES

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (3), by striking ''$4,000'' and inserting ''$13,500'';

(2) in paragraph (3), striking ''90 days'' and inserting ''180 days'';

(3) in paragraph (4)(A), striking ''180 days'' and inserting ''360 days''; and

(4) in paragraph (4)(B)(i), by striking ''$4,000'' and inserting ''$13,500''.

SEC. 417. LOCAL FILING OF BANKRUPTCY CASES.

(a) VENUE OF CASES UNDER TITLE 11.—Section 1408 of title 28, United States Code, is amended—

(1) by striking ''Except'' and inserting the following:

''(a) Except'';

(2) in paragraph (2), by inserting ''as defined in section 101(2)(A) of title 11'' after ''affiliate''; and

(3) by adding at the end the following:

''(b) For purposes of subsection (a)—

''(1) if the debtor is a corporation, the domicile and residence of the debtor are conclusively presumed to be where the debtor's principal place of business in the United States is located; and

''(2) if an affiliate, as defined in section 101(2)(A) of title 11, is not a debtor in a case under title 11, but the debtor is an affiliate as defined in subparagraph (B), (C), or (D) of that section, then the bankruptcy case may be filed in the district in which the principal place of business of the affiliate with the greatest assets in the United States is located.''.

(b) CHANGE OF VENUE.—Section 1412 of title 28, United States Code, is amended—

(1) by striking ''A'' and inserting the following:

''(a) A''; and

(2) by adding at the end the following:

''(b) The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

''(c) Nothing in this chapter shall impair the jurisdiction of a district court of any matter involving a party who does not interpose timely and sufficient objection to the venue.

''(d) As used in this section—

''(1) the term ''district court'' includes—

''(A) the bankruptcy judges of each such court as defined in section 151 of this title; and

''(B) the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, including any bankruptcy judge of each such court; and

''(2) the term ''district'' includes the territorial jurisdiction of each such court.''.

SEC. 418. ASSUMPTION AND TERMINATION OF CERTAIN CONTRACTS AND LEASES

(a) ASSUMPTION.—Section 365(c) of title 11, United States Code, is amended—

(1) by inserting ''(1) after ''(c)'';

(2) by redesignating existing paragraphs (1) through (4) as subparagraphs (A) through (D) respectively;

(3) by redesignating subparagraphs (A) and (B) of paragraph (1) as clauses (i) and (ii), respectively; and

(4) by adding at the end the following:

''(2) A debtor in possession may assume, but may not assign, an executory contract or unexpired lease in the circumstances described in paragraph (1)(A).''.

(b) TERMINATION.—Clause (i) of section 365(e)(2)(A) of title 11, United States Code, is amended by inserting ''the trustee seeks to assign such contract or lease and'' before ''applicable law''.

Subtitle B—Small Business Bankruptcy Provisions

SEC. 431. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon ''and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information''; and

(2) by striking subsection (f), and inserting the following:

''(f) Notwithstanding subsection (b), in a small business case—

''(1) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

''(2) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

''(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

''(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 25 days before the date of the hearing on confirmation of the plan; and

''(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.''.

SEC. 432. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraph (51C) and inserting the following:

''(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

''(51D) 'small business debtor'—

''(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning or operating real property or activities incidental thereto) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the petition or the date of the order for relief in an amount not more than $2,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has not appointed under section 1102(a)(1) a committee of unsecured creditors or where the court has determined that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor; and

''(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $2,000,000 (excluding debt owed to 1 or more affiliates or insiders);''.

(b) CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting ''debtor'' after ''small business''.

(c) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, as amended by section 226, is amended by inserting ''101(51D),'' after ''101(3),'' each place it appears.

SEC. 433. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of enactment of this Act, the Judicial Conference of the United States shall

prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure official standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 434. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

"§ 308. Debtor reporting requirements

''(a) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

''(b) A small business debtor shall file periodic financial and other reports containing information including—

''(1) the debtor's profitability;

''(2) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

''(3) comparisons of actual cash receipts and disbursements with projections in prior reports;

''(4)(A) whether the debtor is—

''(i) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

''(ii) timely filing tax returns and other required government filings and paying taxes and other administrative expenses when due;

''(B) if the debtor is not in compliance with the requirements referred to in subparagraph (A)(i) or filing tax returns and other required government filings and making the payments referred to in subparagraph (A)(ii), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

''(C) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

''308. Debtor reporting requirements.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 435. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Judicial Conference of the United States shall propose in accordance with section 2073 of title 28 of the United States Code amended Federal Rules of Bankruptcy Procedure, and shall prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure official bankruptcy forms, directing small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative expenses when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) a small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help such debtor to understand such debtor's financial condition and plan the such debtor's future.

SEC. 436. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of chapter 11 of title 11, United States Code, as amended by section 321, is amended by adding at the end the following:

"§ 1116. Duties of trustee or debtor in possession in small business cases

''In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

''(1) append to the voluntary petition or, in an involuntary case, file not later than 7 days after the date of the order for relief—

''(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

''(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

''(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court, after notice and a hearing, waives that requirement upon a finding of extraordinary and compelling circumstances;

''(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

''(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

''(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

''(6)(A) timely file tax returns and other required government filings; and

''(B) subject to section 363(c)(2), timely pay all taxes entitled to administrative expense priority except those being contested by appropriate proceedings being diligently prosecuted; and

''(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.

''(b) The court may extend the time periods specified in paragraphs (1) and (3) of subsection (a) if the debtor establishes by clear and convincing evidence that an extension is justified by circumstances that there are beyond the debtor's control that were not foreseeable on the date of the order of relief.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, as amended by section 321, is amended by inserting after the item relating to section 1115 the following:

''1116. Duties of trustee or debtor in possession in small business cases.''.

SEC. 437. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) In a small business case—

''(1) only the debtor may file a plan until after 180 days after the date of the order for relief, unless that period is—

''(A) extended as provided by this subsection, after notice and a hearing; or

''(B) the court, for cause, orders otherwise;

''(2) the plan and a disclosure statement (if any) shall be filed not later than 300 days after the date of the order for relief; and

''(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e) within which the plan shall be confirmed, may be extended only if—

''(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

''(B) a new deadline is imposed at the time the extension is granted;

''(C) the debtor establishes by clear and convincing evidence that an extension is justified by circumstances beyond the debtor's control that were not foreseeable on the date of the order of relief; and

''(D) the order extending time is signed before the existing deadline has expired.''..

SEC. 438. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

''(e) In a small business case, the court shall confirm a plan that complies with the applicable provisions of this title and that is filed in accordance with section 1121(e) not later than 45 days after the plan is filed unless the time for confirmation is extended in accordance with section 1121(e)(3) or the debtor establishes by clear and convincing evidence that an extension is justified by circumstances beyond the debtor's control that were not foreseeable on the date of the order for relief.''.

SEC. 439. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

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

''(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases; and'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(7) in each of such small business cases—

''(A) conduct an initial debtor interview as soon as practicable after the date of the order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

''(i) begin to investigate the debtor's viability;

''(ii) inquire about the debtor's business plan;

''(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

''(iv) attempt to develop an agreed scheduling order; and

''(v) inform the debtor of other obligations;

''(B) if determined to be appropriate and advisable, visit the appropriate business

premises of the debtor, ascertain the state of the debtor's books and records, and verify that the debtor has filed its tax returns; and

''(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

''(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.''.

SEC. 440. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking '', may''; and

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

''(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and''.

SEC. 441. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, as amended by sections 106, 305, and 311, is amended—

(1) in subsection (k), as so redesignated by section 305—

(A) by striking ''An'' and inserting ''(1) Except as provided in paragraph (2), an''; and

(B) by adding at the end the following:

''(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) of this subsection against such entity shall be limited to actual damages.''; and

(2) by adding at the end the following:

''(n)(1) Except as provided in paragraph (2), subsection (a) does not apply in a case in which the debtor—

''(A) is a debtor in a small business case pending at the time the petition is filed;

''(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

''(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

''(D) is an entity that has acquired substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C), unless such entity establishes by a preponderance of the evidence that such entity acquired substantially all of the assets or business of such small business debtor in good faith and not for the purpose of evading this paragraph.

''(2) Paragraph (1) does not apply—

''(A) to an involuntary case involving no collusion by the debtor with creditors; or

''(B) to the filing of a petition if—

''(i) the debtor proves by a preponderance of the evidence that the filing of the petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

''(ii) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.''.

SEC. 442. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF A TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

''(b)(1) Except as provided in paragraph (2) of this subsection, subsection (c) of this section, and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of the creditors and the estate, if the movement establishes cause.

''(2) The relief provided in paragraph (1) shall not be granted if—

''(A) the granting of such relief is not in the best interests of the creditors or the estate; or

''(B) the debtor, or another party in interest, objects and establishes that—

''(i) there is reasonable likelihood that a plan will be confirmed within the time frames established in section 1121(e) and 1129(e) of this title, or if such sections do not apply, within such a reasonable period of time; and

''(ii) the grounds for granting such relief include an act or omission of the debtor other than under paragraph (4)(A)—

''(I) for which there exists a reasonable justification for the act or omissions;

''(II) the debtor establishes by clear and convincing evidence that an extension is justified by circumstances beyond the debtor's control that were not foreseeable on the date of the order for relief; and

''(III) that will be cured within a reasonable period of time fixed by the court.

''(3) The court shall commence the hearing on a motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of such hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

''(4) For purposes of this subsection, the term 'cause' includes—

''(A) substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation;

''(B) gross mismanagement of the estate;

''(C) failure to maintain appropriate insurance that poses a risk to the estate or to the public;

''(D) unauthorized use of cash collateral substantially harmful to 1 or more creditors;

''(E) failure to comply with an order of the court;

''(F) unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

''(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under rule 2004 of the Federal Rules of Bankruptcy Procedure without good cause shown by the debtor;

''(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee (or the bankruptcy administrator, if any);

''(I) failure timely to pay taxes owed after the date of the order for relief or to file tax returns due after the date of the order for relief;

''(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

''(K) failure to pay any fees or charges required under chapter 123 of title 28;

''(L) revocation of an order of confirmation under section 1144;

''(M) inability to effectuate substantial consummation of a confirmed plan;

''(N) material default by the debtor with respect to a confirmed plan;

''(O) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and

''(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.

''(5) The court shall commence the hearing on a motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of such hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.''.

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee or an examiner is in the best interests of creditors and the estate.''.

SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Executive Office for United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 444. DUTIES WITH RESPECT TO A DEBTOR WHO IS A PLAN ADMINISTRATOR OF AN EMPLOYEE BENEFIT PLAN.

(a) IN GENERAL.—Section 521(a) of title 11, United States Code, as amended by sections 106 and 304, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding after paragraph (6) the following:

''(7) unless a trustee is serving in the case, continue to perform the obligations required of the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan if at the time of the commencement of the case the debtor (or any entity designated by the debtor) served as such administrator.''.

(b) DUTIES OF TRUSTEES.—Section 704(a) of title 11, United States Code, as amended by sections 102 and 219, is amended—

(1) in paragraph (10), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(11) if, at the time of the commencement of the case, the debtor (or any entity designated by the debtor) served as the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan, continue to perform the obligations required of the administrator; and''.

(c) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended to read as follows:

''(1) perform the duties of the trustee, as specified in paragraphs (2), (5), (7), (8), (9), (10), and (11) of section 704;''.

SEC. 445. APPOINTMENT OF COMMITTEE OF RETIRED EMPLOYEES.

Section 1114(d) of title 11, United States Code, is amended—

(1) by striking ''appoint'' and inserting ''order the appointment of'', and

(2) by adding at the end the following: ''The United States trustee shall appoint any such committee.''.

SEC. 446. EFFECT OF SALE OF ASSETS ON EMPLOYEE BENEFITS.

Section 363(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) The court shall not approve the sale of all or substantially all the assets of a debtor with 50 or more employees until the debtor has reported to the court on the potential adverse impact that such sale is likely to have on employee benefits, including any pension and health care plans sponsored by the debtor.''.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting ''notwithstanding section 301(b)'' before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''A voluntary''; and

(2) by striking the last sentence and inserting the following:

''(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.''.

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901(a) of title 11, United States Code, is amended—

(1) by inserting ''555, 556,'' after ''553,''; and

(2) by inserting ''559, 560, 561, 562,'' after ''557,''.

TITLE VI—BANKRUPTCY DATA

SEC. 601. IMPROVED BANKRUPTCY STATISTICS.

(a) IN GENERAL.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''§ 159. Bankruptcy statistics

''(a) The clerk of the district court, or the clerk of the bankruptcy court if one is certified pursuant to section 156(b) of this title, shall collect statistics regarding debtors who are individuals with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a standardized format prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Director').

''(b) The Director shall—

''(1) compile the statistics referred to in subsection (a);

''(2) make the statistics available to the public; and

''(3) not later than July 1, 2006, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

''(c) The compilation required under subsection (b) shall—

''(1) be itemized, by chapter, with respect to title 11;

''(2) be presented in the aggregate and for each district; and

''(3) include information concerning—

''(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by debtors;

''(B) the current monthly income, average income, and average expenses of debtors as reported on the schedules and statements that each such debtor files under sections 521 and 1322 of title 11;

''(C) the aggregate amount of debt discharged in cases filed during the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

''(D) the average period of time between the date of the filing of the petition and the closing of the case for cases closed during the reporting period;

''(E) for cases closed during the reporting period—

''(i) the number of cases in which a reaffirmation agreement was filed; and

''(ii)(I) the total number of reaffirmation agreements filed;

''(II) of those cases in which a reaffirmation agreement was filed, the number of cases in which the debtor was not represented by an attorney; and

''(III) of those cases in which a reaffirmation agreement was filed, the number of cases in which the reaffirmation agreement was approved by the court;

''(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

''(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

''(II) the number of final orders entered determining the value of property securing a claim;

''(ii) the number of cases dismissed, the number of cases dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, separately itemized with respect to the number of modifications made before completion of the plan, if any; and

''(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the filing;

''(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

''(H) the number of cases in which sanctions under rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's attorney or damages awarded under such Rule.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''159. Bankruptcy statistics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by adding at the end the following:

''§ 589b. Bankruptcy data

''(a) RULES.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

''(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

''(2) periodic reports by debtors in possession or trustees in cases under chapter 11 of title 11.

''(b) REPORTS.—Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum possible access of the public, both by physical inspection at one or more central filing locations, and by electronic access through the Internet or other appropriate media.

''(c) REQUIRED INFORMATION.—The information required to be filed in the reports referred to in subsection (b) shall be that which is in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system. In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

''(1) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system;

''(2) economy, simplicity, and lack of undue burden on persons with a duty to file reports; and

''(3) appropriate privacy concerns and safeguards.

''(d) FINAL REPORTS.—The uniform forms for final reports required under subsection (a) for use by trustees under chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include with respect to a case under such title—

''(1) information about the length of time the case was pending;

''(2) assets abandoned;

''(3) assets exempted;

''(4) receipts and disbursements of the estate;

''(5) expenses of administration, including for use under section 707(b), actual costs of administering cases under chapter 13 of title 11;

''(6) claims asserted;

''(7) claims allowed; and

''(8) distributions to claimants and claims discharged without payment,

in each case by appropriate category and, in cases under chapters 12 and 13 of title 11, date of confirmation of the plan, each modification thereto, and defaults by the debtor in performance under the plan.

''(e) PERIODIC REPORTS.—The uniform forms for periodic reports required under subsection (a) for use by trustees or debtors in possession under chapter 11 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include—

''(1) information about the industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

''(2) length of time the case has been pending;

''(3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;

''(4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

''(5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

''(6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those not); and

''(7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 39 of title 28, United States Code, is amended by adding at the end the following:

''589b. Bankruptcy data.''.

SEC. 603. AUDIT PROCEDURES.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROCEDURES.—The Attorney General (in judicial districts served by United States trustees) and the Judicial Conference of the United States (in judicial districts served by bankruptcy administrators) shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information that the debtor is required to provide under sections 521 and 1322 of title 11, United States Code, and, if applicable, section 111 of such title, in cases filed under chapter 7 or 13 of such title in which the debtor is an individual. Such audits shall be in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants, provided that the Attorney General and the Judicial Conference, as appropriate, may develop alternative auditing standards not later than 2 years after the date of enactment of this Act.

(2) PROCEDURES.—Those procedures required by paragraph (1) shall—

(A) establish a method of selecting appropriate qualified persons to contract to perform those audits;

(B) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

(C) require audits of schedules of income and expenses that reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

(D) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

(b) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

''(6) make such reports as the Attorney General directs, including the results of audits performed under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003;''; and

(2) by adding at the end the following:

''(f)(1) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee, in accordance with the procedures established under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003.

''(2)(A) The report of each audit referred to in paragraph (1) shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case in which a material misstatement of income or expenditures or of assets has been reported, the clerk of the district court (or the clerk of the bankruptcy court if one is certified under section 156(b) of this title) shall give notice of the misstatement to the creditors in the case.

''(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

''(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18; and

''(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11.''.

(c) AMENDMENTS TO SECTION 521 OF TITLE 11, U.S.C.—Section 521(a) of title 11, United States Code, as so designated by section 106, is amended in each of paragraphs (3) and (4) by inserting ''or an auditor serving under section 586(f) of title 28'' after ''serving in the case''.

(d) AMENDMENTS TO SECTION 727 OF TITLE 11, U.S.C.—Section 727(d) of title 11, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(4) the debtor has failed to explain satisfactorily—

''(A) a material misstatement in an audit referred to in section 586(f) of title 28; or

''(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and all other papers, things, or property belonging to the debtor that are requested for an audit referred to in section 586(f) of title 28.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) the national policy of the United States should be that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public, subject to such appropriate privacy concerns and safeguards as Congress and the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 701. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

"CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

''Sec.
''1501. Purpose and scope of application.
''SUBCHAPTER I—GENERAL PROVISIONS
''1502. Definitions.
''1503. International obligations of the United States.
''1504. Commencement of ancillary case.
''1505. Authorization to act in a foreign country.
''1506. Public policy exception.
''1507. Additional assistance.
''1508. Interpretation.
''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT
''1509. Right of direct access.
''1510. Limited jurisdiction.
''1511. Commencement of case under section 301 or 303.
''1512. Participation of a foreign representative in a case under this title.
''1513. Access of foreign creditors to a case under this title.
''1514. Notification to foreign creditors concerning a case under this title.
''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF
''1515. Application for recognition.
''1516. Presumptions concerning recognition.
''1517. Order granting recognition.
''1518. Subsequent information.
''1519. Relief that may be granted upon filing petition for recognition.
''1520. Effects of recognition of a foreign main proceeding.
''1521. Relief that may be granted upon recognition.
''1522. Protection of creditors and other interested persons.
''1523. Actions to avoid acts detrimental to creditors.
''1524. Intervention by a foreign representative.
''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES
''1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.
''1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
''1527. Forms of cooperation.
''SUBCHAPTER V—CONCURRENT PROCEEDINGS
''1528. Commencement of a case under this title after recognition of a foreign main proceeding.
''1529. Coordination of a case under this title and a foreign proceeding.
''1530. Coordination of more than 1 foreign proceeding.
''1531. Presumption of insolvency based on recognition of a foreign main proceeding.
''1532. Rule of payment in concurrent proceedings.

"§ 1501. Purpose and scope of application

''(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

''(1) cooperation between—

''(A) courts of the United States, United States trustees, trustees, examiners, debtors, and debtors in possession; and

''(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

''(2) greater legal certainty for trade and investment;

''(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

''(4) protection and maximization of the value of the debtor's assets; and

''(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

''(b) This chapter applies where—

''(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

''(2) assistance is sought in a foreign country in connection with a case under this title;

''(3) a foreign proceeding and a case under this title with respect to the same debtor are pending concurrently; or

''(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

''(c) This chapter does not apply to—

''(1) a proceeding concerning an entity, other than a foreign insurance company, identified by exclusion in section 109(b);

''(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

''(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970, a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

''(d) The court may not grant relief under this chapter with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.

''SUBCHAPTER I—GENERAL PROVISIONS

"§ 1502. Definitions

''For the purposes of this chapter, the term—

''(1) 'debtor' means an entity that is the subject of a foreign proceeding;

''(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

''(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

''(4) 'foreign main proceeding' means a foreign proceeding pending in the country where the debtor has the center of its main interests;

''(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, pending in a country where the debtor has an establishment;

''(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title;

''(7) 'recognition' means the entry of an order granting recognition of a foreign main proceeding or foreign nonmain proceeding under this chapter; and

''(8) 'within the territorial jurisdiction of the United States', when used with reference to property of a debtor, refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

"§ 1503. International obligations of the United States

''To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with one or more other countries, the requirements of the treaty or agreement prevail.

"§ 1504. Commencement of ancillary case

''A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

"§ 1505. Authorization to act in a foreign country

''A trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

"§ 1506. Public policy exception

''Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

"§ 1507. Additional assistance

''(a) Subject to the specific limitations stated elsewhere in this chapter the court, if recognition is granted, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

''(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

''(1) just treatment of all holders of claims against or interests in the debtor's property;

''(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

''(3) prevention of preferential or fraudulent dispositions of property of the debtor;

''(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

''(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

"§ 1508. Interpretation

''In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"§ 1509. Right of direct access

''(a) A foreign representative may commence a case under section 1504 by filing directly with the court a petition for recognition of a foreign proceeding under section 1515.

''(b) If the court grants recognition under section 1515, and subject to any limitations that the court may impose consistent with the policy of this chapter—

''(1) the foreign representative has the capacity to sue and be sued in a court in the United States;

''(2) the foreign representative may apply directly to a court in the United States for appropriate relief in that court; and

''(3) a court in the United States shall grant comity or cooperation to the foreign representative.

''(c) A request for comity or cooperation by a foreign representative in a court in the United States other than the court which granted recognition shall be accompanied by a certified copy of an order granting recognition under section 1517.

''(d) If the court denies recognition under this chapter, the court may issue any appropriate order necessary to prevent the foreign representative from obtaining comity or cooperation from courts in the United States.

''(e) Whether or not the court grants recognition, and subject to sections 306 and 1510, a foreign representative is subject to applicable nonbankruptcy law.

''(f) Notwithstanding any other provision of this section, the failure of a foreign representative to commence a case or to obtain recognition under this chapter does not affect any right the foreign representative may have to sue in a court in the United States to collect or recover a claim which is the property of the debtor.

"§ 1510. Limited jurisdiction

''The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

"§ 1511. Commencement of case under section 301 or 303

''(a) Upon recognition, a foreign representative may commence—

''(1) an involuntary case under section 303; or

''(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

''(b) The petition commencing a case under subsection (a) must be accompanied by a certified copy of an order granting recognition. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

"§ 1512. Participation of a foreign representative in a case under this title

''Upon recognition of a foreign proceeding, the foreign representative in the recognized proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

"§ 1513. Access of foreign creditors to a case under this title

''(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

''(b)(1) Subsection (a) does not change or codify present law as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under those sections shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

''(2)(A) Subsection (a) and paragraph (1) do not change or codify present law as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

''(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

"§ 1514. Notification to foreign creditors concerning a case under this title

''(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

''(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letter or other formality is required.

''(c) When a notification of commencement of a case is to be given to foreign creditors, such notification shall—

''(1) indicate the time period for filing proofs of claim and specify the place for filing such proofs of claim;

''(2) indicate whether secured creditors need to file proofs of claim; and

''(3) contain any other information required to be included in such notification to creditors under this title and the orders of the court.

''(d) Any rule of procedure or order of the court as to notice or the filing of a proof of claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"§ 1515. Application for recognition

''(a) A foreign representative applies to the court for recognition of a foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

''(b) A petition for recognition shall be accompanied by—

''(1) a certified copy of the decision commencing such foreign proceeding and appointing the foreign representative;

''(2) a certificate from the foreign court affirming the existence of such foreign proceeding and of the appointment of the foreign representative; or

''(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of such foreign proceeding and of the appointment of the foreign representative.

''(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

''(d) The documents referred to in paragraphs (1) and (2) of subsection (b) shall be translated into English. The court may require a translation into English of additional documents.

"§ 1516. Presumptions concerning recognition

''(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding and that the person or body is a foreign representative, the court is entitled to so presume.

''(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

''(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

"§ 1517. Order granting recognition

''(a) Subject to section 1506, after notice and a hearing, an order recognizing a foreign proceeding shall be entered if—

''(1) such foreign proceeding for which recognition is sought is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

''(2) the foreign representative applying for recognition is a person or body; and

''(3) the petition meets the requirements of section 1515.

''(b) Such foreign proceeding shall be recognized—

''(1) as a foreign main proceeding if it is pending in the country where the debtor has the center of its main interests; or

''(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

''(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding constitutes recognition under this chapter.

''(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the order granting recognition. A case under this chapter may be closed in the manner prescribed under section 350.

"§ 1518. Subsequent information

''From the time of filing the petition for recognition of a foreign proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning—

''(1) any substantial change in the status of such foreign proceeding or the status of the foreign representative's appointment; and

''(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

"§ 1519. Relief that may be granted upon filing petition for recognition

''(a) From the time of filing a petition for recognition until the court rules on the petition, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

''(1) staying execution against the debtor's assets;

''(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

''(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

''(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is granted.

''(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

''(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(n) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

"§ 1520. Effects of recognition of a foreign main proceeding

''(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

''(1) sections 361 and 362 apply with respect to the debtor and the property of the debtor that is within the territorial jurisdiction of the United States;

''(2) sections 363, 549, and 552 apply to a transfer of an interest of the debtor in property that is within the territorial jurisdiction of the United States to the same extent that the sections would apply to property of an estate;

''(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the rights and powers of a trustee under and to the extent provided by sections 363 and 552; and

''(4) section 552 applies to property of the debtor that is within the territorial jurisdiction of the United States.

''(b) Subsection (a) does not affect the right to commence an individual action or proceeding in a foreign country to the extent necessary to preserve a claim against the debtor.

''(c) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

"§ 1521. Relief that may be granted upon recognition

''(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

''(1) staying the commencement or continuation of an individual action or proceeding concerning the debtor's assets, rights, obligations or liabilities to the extent they have not been stayed under section 1520(a);

''(2) staying execution against the debtor's assets to the extent it has not been stayed under section 1520(a);

''(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under section 1520(a);

''(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

''(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

''(6) extending relief granted under section 1519(a); and

''(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, provided that the court is satisfied that the interests of creditors in the United States are sufficiently protected.

''(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

''(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(n) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

"§ 1522. Protection of creditors and other interested persons

''(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

''(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(3), to conditions it considers appropriate, including the giving of security or the filing of a bond.

''(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521,

or at its own motion, modify or terminate such relief.

''(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

"§ 1523. Actions to avoid acts detrimental to creditors

''(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, 553, and 724(a).

''(b) When a foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

"§ 1524. Intervention by a foreign representative

''Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

''(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with a foreign court or a foreign representative, either directly or through the trustee.

''(b) The court is entitled to communicate directly with, or to request information or assistance directly from, a foreign court or a foreign representative, subject to the rights of a party in interest to notice and participation.

"§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

''(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with a foreign court or a foreign representative.

''(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with a foreign court or a foreign representative.

"§ 1527. Forms of cooperation

''Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

''(1) appointment of a person or body, including an examiner, to act at the direction of the court;

''(2) communication of information by any means considered appropriate by the court;

''(3) coordination of the administration and supervision of the debtor's assets and affairs;

''(4) approval or implementation of agreements concerning the coordination of proceedings; and

''(5) coordination of concurrent proceedings regarding the same debtor.

''SUBCHAPTER V—CONCURRENT PROCEEDINGS

"§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding

''After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) of this title, and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

"§ 1529. Coordination of a case under this title and a foreign proceeding

''If a foreign proceeding and a case under another chapter of this title are pending concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) If the case in the United States pending at the time the petition for recognition of such foreign proceeding is filed—

''(A) any relief granted under section 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

''(B) section 1520 does not apply even if such foreign proceeding is recognized as a foreign main proceeding.

''(2) If a case in the United States under this title commences after recognition, or after the date of the filing of the petition for recognition, of such foreign proceeding—

''(A) any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

''(B) if such foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

''(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the laws of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

"§ 1530. Coordination of more than 1 foreign proceeding

''In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

''(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

''(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§ 1531. Presumption of insolvency based on recognition of a foreign main proceeding

''In the absence of evidence to the contrary, recognition of a foreign main proceeding is, for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

"§ 1532. Rule of payment in concurrent proceedings

''Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.''.

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"15. Ancillary and Other Cross-Border Cases ..... 1501".

SEC. 702. OTHER AMENDMENTS TO TITLES 11 AND 28, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: '', and this chapter, sections 307, 362(n), 555 through 557, and 559 through 562 apply in a case under chapter 15''; and

(2) by adding at the end the following:

''(k) Chapter 15 applies only in a case under such chapter, except that—

''(1) sections 1505, 1513, and 1514 apply in all cases under this title; and

''(2) section 1509 applies whether or not a case under this title is pending.''.

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

''(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, under a law relating to insolvency or adjustment of debt in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

''(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of such foreign proceeding;''.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking ''and'' at the end;

(B) in subparagraph (O), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.''.

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c) of title 28, United States Code, is amended by striking ''Nothing in'' and inserting ''Except with respect to a case under chapter 15 of title 11, nothing in''.

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by striking ''or 13'' and inserting ''13, or 15''.

(4) VENUE OF CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Section 1410 of title 28, United States Code, is amended to read as follows:

"§ 1410. Venue of cases ancillary to foreign proceedings

''A case under chapter 15 of title 11 may be commenced in the district court of the United States for the district—

''(1) in which the debtor has its principal place of business or principal assets in the United States;

''(2) if the debtor does not have a place of business or assets in the United States, in which there is pending against the debtor an action or proceeding in a Federal or State court; or

''(3) in a case other than those specified in paragraph (1) or (2), in which venue will be consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative.''.

(d) OTHER SECTIONS OF TITLE 11.—Title 11 of the United States Code is amended—

(1) in section 109(b), by striking paragraph (3) and inserting the following:

''(3)(A) a foreign insurance company, engaged in such business in the United States; or

''(B) a foreign bank, savings bank, cooperative bank, savings and loan association, building and loan association, or credit union, that has a branch or agency (as defined in section 1(b) of the International Banking Act of 1978 in the United States.'';

(2) in section 303, by striking subsection (k);

(3) by striking section 304;

(4) in the table of sections for chapter 3 by striking the item relating to section 304;

(5) in section 306 by striking '', 304,'' each place it appears;

(6) in section 305(a) by striking paragraph (2) and inserting the following:

''(2)(A) a petition under section 1515 for recognition of a foreign proceeding has been granted; and

''(B) the purposes of chapter 15 of this title would be best served by such dismissal or suspension.''; and

(7) in section 508—

(A) by striking subsection (a); and

(B) in subsection (b), by striking ''(b)''.

TITLE VII—FINANCIAL CONTRACT PROVISIONS

SEC. 801. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—Section 11(e)(8)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)) is amended—

(1) by striking ''subsection—'' and inserting ''subsection, the following definitions shall apply:''; and

(2) in clause (i), by inserting '', resolution, or order'' after ''any similar agreement that the Corporation determines by regulation''.

(b) DEFINITION OF SECURITIES CONTRACT.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.''.

(c) DEFINITION OF COMMODITY CONTRACT.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.''.

(d) DEFINITION OF FORWARD CONTRACT.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.''.

(e) DEFINITION OF REPURCHASE AGREEMENT.—Section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).''.

(f) DEFINITION OF SWAP AGREEMENT.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.''.

(g) DEFINITION OF TRANSFER.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institution's equity of redemption.''.

(h) TREATMENT OF QUALIFIED FINANCIAL CONTRACTS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (A)—

(A) by striking ''paragraph (10)'' and inserting ''paragraphs (9) and (10)'';

(B) in clause (i), by striking ''to cause the termination or liquidation'' and inserting ''such person has to cause the termination, liquidation, or acceleration''; and

(C) by striking clause (ii) and inserting the following:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);''; and

(2) in subparagraph (E), by striking clause (ii) and inserting the following:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);''.

(i) AVOIDANCE OF TRANSFERS.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting ''section 5242 of the Revised Statutes of the United States or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers,'' before ''the Corporation''.

SEC. 802. AUTHORITY OF THE CORPORATION WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) IN GENERAL.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (E), by striking ''other than paragraph (12) of this subsection, subsection (d)(9)'' and inserting ''other than subsections (d)(9) and (e)(10)''; and

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

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (e)(1) of this section.

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting ''or the exercise of rights or powers by'' after ''the appointment of''.

SEC. 803. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 11(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

''(A) IN GENERAL.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

''(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

''(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

''(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such institution);

''(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

''(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

''(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

''(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the conservator or receiver for the depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

''(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

''(D) DEFINITIONS.—For purposes of this paragraph, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution, as determined by the Corporation by regulation to be a financial institution, and the term 'clearing organization' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.''.

(b) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended in the material immediately following clause (ii) by striking ''the conservator'' and all that follows through the period and inserting the following: ''the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.''.

(c) RIGHTS AGAINST RECEIVER AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following new subparagraphs:

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

''(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

''(i) A bridge bank.

''(ii) A depository institution organized by the Corporation, for which a conservator is appointed either—

''(I) immediately upon the organization of the institution; or

''(II) at the time of a purchase and assumption transaction between the depository institution and the Corporation as receiver for a depository institution in default.''.

SEC. 804. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively;

(2) by inserting after paragraph (10) the following new paragraph:

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the depository institution in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).''; and

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

''(17) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.''.

SEC. 805. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.''.

SEC. 806. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by inserting before the semicolon '', or is exempt from such registration by order of the Securities and Exchange Commission''; and

(B) in subparagraph (B), by inserting before the period '', that has been granted an exemption under section 4(c)(1) of the Commodity Exchange Act, or that is a multilateral clearing organization (as defined in section 408 of this Act)'';

(2) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System, if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;''; and

(C) by amending subparagraph (C), so redesignated, to read as follows:

''(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;'';

(3) in paragraph (11), by inserting before the period ''and any other clearing organization with which such clearing organization has a netting contract'';

(4) by amending paragraph (14)(A)(i) to read as follows:

''(i) means a contract or agreement between 2 or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or payment entitlements (including liquidation or close out values relating to such obligations or entitlements) among the parties to the agreement; and''; and

(5) by adding at the end the following new paragraph:

''(15) PAYMENT.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.''.

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act or any order authorized under

section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements between any 2 financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

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

''(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(c) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

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

''(h) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(d) ENFORCEABILITY OF CONTRACTS WITH UNINSURED NATIONAL BANKS, UNINSURED FEDERAL BRANCHES AND AGENCIES, CERTAIN UNINSURED STATE MEMBER BANKS, AND EDGE ACT CORPORATIONS.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended—

(1) by redesignating section 407 as section 407A; and

(2) by inserting after section 406 the following new section:

''SEC. 407. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS, UNINSURED FEDERAL BRANCHES AND AGENCIES, CERTAIN UNINSURED STATE MEMBER BANKS, AND EDGE ACT CORPORATIONS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, except that for such purpose—

''(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank;

''(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of such Act), the 'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver or conservator appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank; and

''(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank, an uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act.

''(b) LIABILITY.—The liability of a receiver or conservator of an uninsured national bank, uninsured Federal branch or agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

''(c) REGULATORY AUTHORITY.—

''(1) IN GENERAL.—The Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency and the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank that operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, in consultation with the Federal Deposit Insurance Corporation, may each promulgate regulations solely to implement this section.

''(2) SPECIFIC REQUIREMENT.—In promulgating regulations, limited solely to implementing paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act, the Comptroller of the Currency and the Board of Governors of the Federal Reserve System each shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

''(d) DEFINITIONS.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meanings as in section 1(b) of the International Banking Act of 1978.''.

SEC. 807. BANKRUPTCY LAW AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following:

''(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B), or (C); or

''(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C), or (D), including any guarantee or reimbursement obligation by or to a forward contract merchant or financial participant in connection with any agreement or transaction referred to in any such subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;'';

(B) in paragraph (46), by striking ''on any day during the period beginning 90 days before the date of'' and inserting ''at any time before'';

(C) by amending paragraph (47) to read as follows:

''(47) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(A) means—

''(i) an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests, with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptance, securities, mortgage loans, or interests of the kind described in this clause, at a date certain not later than 1 year after such transfer or on demand, against the transfer of funds;

''(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

''(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a repurchase agreement under this paragraph, except that such

master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), or (iii); or

''(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i), (ii), (iii), or (iv), including any guarantee or reimbursement obligation by or to a repo participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562 of this title; and

''(B) does not include a repurchase obligation under a participation in a commercial mortgage loan;'';

(D) in paragraph (48), by inserting '', or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission,'' after ''1934''; and

(E) by amending paragraph (53B) to read as follows:

''(53B) 'swap agreement'—

''(A) means—

''(i) any agreement, including the terms and conditions incorporated by reference in such agreement, which is—

''(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

''(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

''(III) a currency swap, option, future, or forward agreement;

''(IV) an equity index or equity swap, option, future, or forward agreement;

''(V) a debt index or debt swap, option, future, or forward agreement;

''(VI) a total return, credit spread or credit swap, option, future, or forward agreement;

''(VII) a commodity index or a commodity swap, option, future, or forward agreement; or

''(VIII) a weather swap, weather derivative, or weather option;

''(ii) any agreement or transaction that is similar to any other agreement or transaction referred to in this paragraph and that—

''(I) is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference therein); and

''(II) is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(iii) any combination of agreements or transactions referred to in this subparagraph;

''(iv) any option to enter into an agreement or transaction referred to in this subparagraph;

''(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, and without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this paragraph, except that the master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

''(vi) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in clause (i) through (v), including any guarantee or reimbursement obligation by or to a swap participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

''(B) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000;'';

(2) in section 741(7), by striking paragraph (7) and inserting the following:

''(7) 'securities contract'—

''(A) means—

''(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(ii) any option entered into on a national securities exchange relating to foreign currencies;

''(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(iv) any margin loan;

''(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

''(vi) any combination of the agreements or transactions referred to in this subparagraph;

''(vii) any option to enter into any agreement or transaction referred to in this subparagraph;

''(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

''(ix) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this subparagraph, including any guarantee or reimbursement obligation by or to a stockbroker, securities clearing agency, financial institution, or financial participant in connection with any agreement or transaction referred to in this subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

''(B) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan;''; and

(3) in section 761(4)—

(A) by striking ''or'' at the end of subparagraph (D); and

(B) by adding at the end the following:

''(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

''(G) any combination of the agreements or transactions referred to in this paragraph;

''(H) any option to enter into an agreement or transaction referred to in this paragraph;

''(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

''(J) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, including any guarantee or reimbursement obligation by or to a commodity broker or financial participant in connection with any agreement or transaction referred to in this paragraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;''.

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following:

''(22) 'financial institution' means—

''(A) a Federal reserve bank, or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity and, when any such Federal reserve bank, receiver, conservator or entity is acting as agent or custodian for a customer in connection with a securities contract (as defined in section 741) such customer; or

''(B) in connection with a securities contract (as defined in section 741) an investment company registered under the Investment Company Act of 1940;'';

(2) by inserting after paragraph (22) the following:

''(22A) 'financial participant' means—

''(A) an entity that, at the time it enters into a securities contract, commodity contract, swap agreement, repurchase agreement, or forward contract, or at the time of the date of the filing of the petition, has one or more agreements or transactions described in paragraph (1), (2), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in one or more such agreements or transactions with the debtor or any

other entity (other than an affiliate) on any day during the previous 15-month period; or

''(B) a clearing organization (as defined in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991);''; and

(3) by striking paragraph (26) and inserting the following:

''(26) 'forward contract merchant' means a Federal reserve bank, or an entity the business of which consists in whole or in part of entering into forward contracts as or with merchants in a commodity (as defined in section 761) or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade;''.

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

''(38A) 'master netting agreement'—

''(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or close out, under or in connection with one or more contracts that are described in any one or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to one or more of the foregoing, including any guarantee or reimbursement obligation related to 1 or more of the foregoing; and

''(B) if the agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any one or more of paragraphs (1) through (5) of section 561(a);

''(38B) 'master netting agreement participant' means an entity that, at any time before the date of the filing of the petition, is a party to an outstanding master netting agreement with the debtor;''.

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by sections 224, 303, 311, 401, and 718, is amended—

(A) in paragraph (6), by inserting '', pledged to, under the control of,'' after ''held by'';

(B) in paragraph (7), by inserting '', pledged to, under the control of,'' after ''held by'';

(C) by striking paragraph (17) and inserting the following:

''(17) under subsection (a), of the setoff by a swap participant or financial participant of a mutual debt and claim under or in connection with one or more swap agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant or financial participant under or in connection with any swap agreement or against cash, securities, or other property held by, pledged to, under the control of, or due from such swap participant or financial participant to margin, guarantee, secure, or settle any swap agreement;''; and

(D) by inserting after paragraph (26) the following:

''(27) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with one or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged to, under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent that such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; and''.

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by sections 106, 305, 311, and 441, is amended by adding at the end the following:

''(o) The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (27) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.''.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311)—

(A) by striking ''under a swap agreement'';

(B) by striking ''in connection with a swap agreement'' and inserting ''under or in connection with any swap agreement''; and

(C) by inserting ''or financial participant'' after ''swap participant''; and

(2) by adding at the end the following:

''(j) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b) the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A) and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.''.

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

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

(2) in subparagraph (D), by striking the period and inserting ''; and''; and

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

''(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except that, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.''.

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

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

''§ 555. Contractual right to liquidate, terminate, or accelerate a securities contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

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

''§ 556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract'';

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''; and

(3) in the second sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

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

''§ 559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement'';

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''; and

(3) in the third sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

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

''§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement'';

(2) in the first sentence, by striking ''termination of a swap agreement'' and inserting ''liquidation, termination, or acceleration of one or more swap agreements'';

(3) by striking ''in connection with any swap agreement'' and inserting ''in connection with the termination, liquidation, or acceleration of one or more swap agreements''; and

(4) in the second sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—

(1) IN GENERAL.—Title 11, United States Code, is amended by inserting after section 560 the following:

"§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15

''(a) Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more (or the termination, liquidation, or acceleration of one or more)—

''(1) securities contracts, as defined in section 741(7);

''(2) commodity contracts, as defined in section 761(4);

''(3) forward contracts;

''(4) repurchase agreements;

''(5) swap agreements; or

''(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

''(b)(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

''(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7—

''(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a) except to the extent that the party has positive net equity in the commodity accounts at the debtor, as calculated under such subchapter; and

''(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor and traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a).

''(3) No provision of subparagraph (A) or (B) of paragraph (2) shall prohibit the offset of claims and obligations that arise under—

''(A) a cross-margining agreement or similar arrangement that has been approved by the Commodity Futures Trading Commission or submitted to the Commodity Futures Trading Commission under paragraph (1) or (2) of section 5c(c) of the Commodity Exchange Act and has not been abrogated or rendered ineffective by the Commodity Futures Trading Commission; or

''(B) any other netting agreement between a clearing organization (as defined in section 761) and another entity that has been approved by the Commodity Futures Trading Commission.

''(c) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.

''(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case under chapter 15, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any case under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

''561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15.''.

(l) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(m) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

"§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(n) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(2)(B)(ii), by inserting before the semicolon the following: ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)'';

(2) in subsection (a)(3)(C), by inserting before the period the following: ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)''; and

(3) in subsection (b)(1), by striking ''362(b)(14),'' and inserting ''362(b)(17), 362(b)(27), 555, 556, 559, 560, 561,''.

(o) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking ''financial institutions,'' each place such term appears and inserting ''financial institution, financial participant,'';

(2) in sections 362(b)(7) and 546(f), by inserting ''or financial participant'' after ''repo participant'' each place such term appears;

(3) in section 546(e), by inserting ''financial participant,'' after ''financial institution,'';

(4) in section 548(d)(2)(B), by inserting ''financial participant,'' after ''financial institution,'';

(5) in section 548(d)(2)(C), by inserting ''or financial participant'' after ''repo participant'';

(6) in section 548(d)(2)(D), by inserting ''or financial participant'' after ''swap participant'';

(7) in section 555—

(A) by inserting ''financial participant,'' after ''financial institution,''; and

(B) by striking the second sentence and inserting the following: ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act), or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.'';

(8) in section 556, by inserting '', financial participant,'' after ''commodity broker'';

(9) in section 559, by inserting ''or financial participant'' after ''repo participant'' each place such term appears; and

(10) in section 560, by inserting ''or financial participant'' after ''swap participant''.

(p) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections for chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

''555. Contractual right to liquidate, terminate, or accelerate a securities contract.

''556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.'';

and

(B) by amending the items relating to sections 559 and 560 to read as follows:

''559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

''560. Contractual right to liquidate, terminate, or accelerate a swap agreement.'';

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

''767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.'';

and

(B) by inserting after the item relating to section 752 the following:

''753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.''.

SEC. 808. RECORDKEEPING REQUIREMENTS.

Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

''(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping by any insured depository institution with respect to qualified financial contracts (including market valuations) only if such insured depository institution is in a troubled condition (as such term is defined by the Corporation pursuant to section 32).''.

SEC. 809. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

''(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

''(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

''(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

''(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

''(D) one or more qualified financial contracts, as defined in section 11(e)(8)(D),

shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.''.

SEC. 810. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561, as added by section 907, the following:

''§ 562. Timing of damage measurement in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, and master netting agreements

''(a) If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761), repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

''(1) the date of such rejection; or

''(2) the date or dates of such liquidation, termination, or acceleration.

''(b) If there are not any commercially reasonable determinants of value as of any date referred to in paragraph (1) or (2) of subsection (a), damages shall be measured as of the earliest subsequent date or dates on which there are commercially reasonable determinants of value.

''(c) For the purposes of subsection (b), if damages are not measured as of the date or dates of rejection, liquidation, termination, or acceleration, and the forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant or the trustee objects to the timing of the measurement of damages—

''(1) the trustee, in the case of an objection by a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant; or

''(2) the forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant, in the case of an objection by the trustee,

has the burden of proving that there were no commercially reasonable determinants of value as of such date or dates.''; and

(2) in the table of sections for chapter 5, by inserting after the item relating to section 561 (as added by section 907) the following new item:

''562. Timing of damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.''.

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)''; and

(2) by adding at the end the following:

''(2) A claim for damages calculated in accordance with section 562 shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition.''.

SEC. 811. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FROM STAY.—

''(i) Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) nor any order or decree obtained by SIPC from the court shall operate as a stay of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, as those terms are defined in sections 101, 741, and 761 of title 11, United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements.

''(ii) Notwithstanding clause (i), such application, order, or decree may operate as a stay of the foreclosure on, or disposition of, securities collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement, or securities lent under a securities lending agreement.

''(iii) As used in this subparagraph, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.''.

TITLE IX—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

SEC. 901. PERMANENT REENACTMENT OF CHAPTER 12.

(a) REENACTMENT.—

(1) IN GENERAL.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is hereby reenacted, and as here reenacted is amended by this Act.

(2) EFFECTIVE DATE.—Subsection (a) shall take effect on the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 902. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, as amended by section 226, is amended by inserting ''101(18),'' after ''101(3),'' each place it appears.

SEC. 903. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) CONTENTS OF PLAN.—Section 1222(a)(2) of title 11, United States Code, as amended by section 213, is amended to read as follows:

''(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

''(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

''(B) the holder of a particular claim agrees to a different treatment of that claim;''.

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(b) of title 11, United States Code, as so designated by section 719, is amended by striking ''a State or local governmental unit'' and inserting ''any governmental unit''.

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall not apply with respect to cases commenced under title 11 of the United States Code before such date.

SEC. 904. DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''$1,500,000'' and inserting ''$3,237,000''; and

(B) by striking ''80'' and inserting ''50''; and

(2) in subparagraph (B)(ii)—

(A) by striking ''$1,500,000'' and inserting ''$3,237,000''; and

(B) by striking ''80'' and inserting ''50''.

SEC. 905. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking ''for the taxable year preceding the taxable year'' and inserting the following:

''for—

''(i) the taxable year preceding; or

''(ii) each of the 2d and 3d taxable years preceding;

the taxable year''.

SEC. 906. PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) CONFIRMATION OF PLAN.—Section 1225(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A) by striking ''or'' at the end;

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

(3) by adding at the end the following:

''(C) the value of the property to be distributed under the plan in the 3-year period, or such longer period as the court may approve under section 1222(c), beginning on the date that the first distribution is due under the plan is not less than the debtor's projected disposable income for such period.''.

(b) MODIFICATION OF PLAN.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

''(d) A plan may not be modified under this section—

''(1) to increase the amount of any payment due before the plan as modified becomes the plan;

''(2) by anyone except the debtor, based on an increase in the debtor's disposable income, to increase the amount of payments to unsecured creditors required for a particular month so that the aggregate of such payments exceeds the debtor's disposable income for such month; or

''(3) in the last year of the plan by anyone except the debtor, to require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed.''.

SEC. 907. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

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

''(7A) 'commercial fishing operation' means—

''(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products of such species; or

''(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);

''(7B) 'commercial fishing vessel' means a vessel used by a family fisherman to carry out a commercial fishing operation;''; and

(2) by inserting after paragraph (19) the following:

''(19A) 'family fisherman' means—

''(A) an individual or individual and spouse engaged in a commercial fishing operation—

''(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

''(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

''(B) a corporation or partnership—

''(i) in which more than 50 percent of the outstanding stock or equity is held by—

''(I) 1 family that conducts the commercial fishing operation; or

''(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

''(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

''(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

''(III) if such corporation issues stock, such stock is not publicly traded;

''(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;''.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting ''or family fisherman'' after ''family farmer''.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting ''**OR FISHERMAN**'' after ''**FAMILY FARMER**'';

(2) in section 1203, by inserting ''or commercial fishing operation'' after ''farm''; and

(3) in section 1206, by striking ''if the property is farmland or farm equipment'' and inserting ''if the property is farmland, farm equipment, or property used to carry out a commercial fishing operation (including a commercial fishing vessel)''.

(d) CLERICAL AMENDMENT.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

''12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201''.

(e) APPLICABILITY.—Nothing in this section shall change, affect, or amend the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, et seq.).

TITLE X—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1001. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 306, is amended—

(1) by redesignating paragraph (27A) as paragraph (27B); and

(2) by inserting after paragraph (27) the following:

''(27A) 'health care business'—

''(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

''(i) the diagnosis or treatment of injury, deformity, or disease; and

''(ii) surgical, drug treatment, psychiatric, or obstetric care; and

''(B) includes—

''(i) any—

''(I) general or specialized hospital;

''(II) ancillary ambulatory, emergency, or surgical treatment facility;

''(III) hospice;

''(IV) home health agency; and

''(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

''(ii) any long-term care facility, including any—

''(I) skilled nursing facility;

''(II) intermediate care facility;

''(III) assisted living facility;

''(IV) home for the aged;

''(V) domiciliary care facility; and

''(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;''.

(b) PATIENT AND PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (40) the following:

''(40A) 'patient' means any individual who obtains or receives services from a health care business;

''(40B) 'patient records' means any written document relating to a patient or a record recorded in a magnetic, optical, or other form of electronic medium;''.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1002. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''§ 351. Disposal of patient records

''If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

''(1) The trustee shall—

''(A) promptly publish notice, in 1 or more appropriate newspapers, that if patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 365 days after the date of that notification, the trustee will destroy the patient records; and

''(B) during the first 180 days of the 365-day period described in subparagraph (A), promptly attempt to notify directly each patient that is the subject of the patient records and appropriate insurance carrier concerning the patient records by mailing to the most recent known address of that patient, or a family member or contact person for that patient, and to the appropriate insurance carrier an appropriate notice regarding the claiming or disposing of patient records.

''(2) If, after providing the notification under paragraph (1), patient records are not claimed during the 365-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 365-day period a written request to each appropriate Federal agency to request permission from that agency to deposit the patient records with that agency, except that no Federal agency is required to accept patient records under this paragraph.

''(3) If, following the 365-day period described in paragraph (2) and after providing the notification under paragraph (1), patient records are not claimed by a patient or insurance provider, or request is not granted by a Federal agency to deposit such records with that agency, the trustee shall destroy those records by—

''(A) if the records are written, shredding or burning the records; or

''(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''351. Disposal of patient records.''.

SEC. 1003. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS AND OTHER ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, as amended by section 445, is amended by adding at the end the following:

''(8) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

''(A) in disposing of patient records in accordance with section 351; or

''(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business; and''.

SEC. 1004. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) OMBUDSMAN TO ACT AS PATIENT ADVOCATE.—

(1) APPOINTMENT OF OMBUDSMAN.—Title 11, United States Code, as amended by section 232, is amended by inserting after section 332 the following:

''§ 333. Appointment of patient care ombudsman

''(a)(1) If the debtor in a case under chapter 7, 9, or 11 is a health care business, the court shall order, not later than 30 days after the commencement of the case, the appointment of an ombudsman to monitor the quality of patient care and to represent the interests of the patients of the health care business unless the court finds that the appointment of such ombudsman is not necessary for the protection of patients under the specific facts of the case.

''(2)(A) If the court orders the appointment of an ombudsman under paragraph (1), the United States trustee shall appoint 1 disinterested person (other than the United States trustee) to serve as such ombudsman.

''(B) If the debtor is a health care business that provides long-term care, then the United States trustee may appoint the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case is pending to serve as the ombudsman required by paragraph (1).

''(C) If the United States trustee does not appoint a State Long-Term Care Ombudsman under subparagraph (B), the court shall notify the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case is pending, of the name and address of the person who is appointed under subparagraph (A).

''(b) An ombudsman appointed under subsection (a) shall—

''(1) monitor the quality of patient care provided to patients of the debtor, to the extent necessary under the circumstances, including interviewing patients and physicians;

''(2) not later than 60 days after the date of appointment, and not less frequently than at 60-day intervals thereafter, report to the court after notice to the parties in interest, at a hearing or in writing, regarding the quality of patient care provided to patients of the debtor; and

''(3) if such ombudsman determines that the quality of patient care provided to patients of the debtor is declining significantly or is otherwise being materially compromised, file with the court a motion or a written report, with notice to the parties in interest immediately upon making such determination.

''(c)(1) An ombudsman appointed under subsection (a) shall maintain any information obtained by such ombudsman under this section that relates to patients (including information relating to patient records) as confidential information. Such ombudsman may not review confidential patient records unless the court approves such review in advance and imposes restrictions on such ombudsman to protect the confidentiality of such records.

''(2) An ombudsman appointed under subsection (a)(2)(B) shall have access to patient records consistent with authority of such ombudsman under the Older Americans Act of 1965 and under non-Federal laws governing the State Long-Term Care Ombudsman program.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 3 of title 11, United States Code, as amended by section 232, is amended by adding at the end the following:

''333. Appointment of ombudsman.''.

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting ''an ombudsman appointed under section 333, or'' before ''a professional person''; and

(2) in subparagraph (A), by inserting ''ombudsman,'' before ''professional person''.

SEC. 1005. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by sections 102, 219, and 446, is amended by adding at the end the following:

''(12) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

''(A) is in the vicinity of the health care business that is closing;

''(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

''(C) maintains a reasonable quality of care.''.

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, as amended by section 446, is amended by striking ''and (11)'' and inserting ''(11), and (12)''.

SEC. 1006. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (27), as amended by sections 224, 303, 311, 401, 718, and 907, the following:

''(28) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act pursuant to title XI or XVIII of such Act).''.

TITLE XI—TECHNICAL AMENDMENTS

SEC. 1101. DEFINITIONS.

Section 101 of title 11, United States Code, as hereinbefore amended by this Act, is amended—

(1) by striking ''In this title—'' and inserting ''In this title the following definitions shall apply:'';

(2) in each paragraph, by inserting ''The term'' after the paragraph designation;

(3) in paragraph (35)(B), by striking ''paragraphs (21B) and (33)(A)'' and inserting ''paragraphs (23) and (35)'';

(4) in each of paragraphs (35A), (38), and (54A), by striking ''; and'' at the end and inserting a period;

(5) in paragraph (51B) by inserting ''who is not a family farmer'' after ''debtor'' the first place it appears; and

(6) by striking paragraph (54) and inserting the following:

''(54) The term 'transfer' means—

''(A) the creation of a lien;

''(B) the retention of title as a security interest;

''(C) the foreclosure of a debtor's equity of redemption; or

''(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

''(i) property; or

''(ii) an interest in property;'';

(7) by indenting the left margin of paragraph (54A) 2 ems to the right; and

(8) in each of paragraphs (1) through (35), in each of paragraphs (36), (37), (38A), (38B) and (39A), and in each of paragraphs (40) through (55), by striking the semicolon at the end and inserting a period.

SEC. 1102. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting ''522(f)(3),'' after ''522(d),'' each place it appears.

SEC. 1103. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking ''922'' and all that follows through ''or'', and inserting ''922, 1201, or''.

SEC. 1104. TECHNICAL AMENDMENTS.

Title 11, United States Code, is amended—

(1) in section 109(b)(2), by striking ''subsection (c) or (d) of''; and

(2) in section 552(b)(1), by striking ''product'' each place it appears and inserting ''products''.

SEC. 1105. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(4) of title 11, United States Code, as so redesignated by section 221, is amended by striking ''attorney's'' and inserting ''attorneys' ''.

SEC. 1106. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting ''on a fixed or percentage fee basis,'' after ''hourly basis,''.

SEC. 1107. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting ''of the estate'' after ''property'' the first place it appears.

SEC. 1108. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting ''subparagraph (A), (B), (C), (D), or (E) of'' before ''paragraph (3)''.

SEC. 1109. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by sections 215 and 314, is amended—

(1) by transferring paragraph (15), as added by section 304(e) of Public Law 103–394 (108 Stat. 4133), so as to insert such paragraph after subsection (a)(14A);

(2) in subsection (a)(9), by striking ''motor vehicle'' and inserting ''motor vehicle, vessel, or aircraft''; and

(3) in subsection (e), by striking ''a insured'' and inserting ''an insured''.

SEC. 1110. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking ''section 523'' and all that follows through ''or that'' and inserting ''section 523, 1228(a)(1), or 1328(a)(1), or that''.

SEC. 1111. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ''student'' before ''grant'' the second place it appears; and

(2) in paragraph (2), by striking ''the program operated under part B, D, or E of'' and inserting ''any program operated under''.

SEC. 1112. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting ''365 or'' before ''542''.

SEC. 1113. PREFERENCES.

(a) IN GENERAL.—Section 547 of title 11, United States Code, as amended by section 201, is amended—

(1) in subsection (b), by striking ''subsection (c)'' and inserting ''subsections (c) and (i)''; and

(2) by adding at the end the following:

''(i) If the trustee avoids under subsection (b) a transfer made between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such transfer shall be considered to be avoided under this section only with respect to the creditor that is an insider.''.

(b) APPLICABILITY.—The amendments made by this section shall apply to any case that is pending or commenced on or after the date of enactment of this Act.

SEC. 1114. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting ''an interest in'' after ''transfer of'' each place it appears;

(2) by striking ''such property'' and inserting ''such real property''; and

(3) by striking ''the interest'' and inserting ''such interest''.

SEC. 1115. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking ''1009,''.

SEC. 1116. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, is amended by inserting ''1123(d),'' after ''1123(b),''.

SEC. 1117. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 1118. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 1119. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking ''made under this subsection'' and inserting ''made under subsection (c)''; and

(2) by striking ''This subsection'' and inserting ''Subsection (c) and this subsection''.

SEC. 1120. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''(1) the term'' before '' 'bankruptcy''; and

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

(2) in the second undesignated paragraph—

(A) by inserting ''(2) the term'' before '' 'document''; and

(B) by striking ''this title'' and inserting ''title 11''.

SEC. 1121. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended by striking ''only'' and all that follows through the end of the subsection and inserting ''only—

''(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

''(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.''.

(b) CONFIRMATION OF PLAN OF REORGANIZATION.—Section 1129(a) of title 11, United States Code, as amended by sections 213 and 321, is amended by adding at the end the following:

''(16) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.''.

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, as amended by section 225, is amended by adding at the end the following:

''(f) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.''.

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, or filed under that title on or after that date of enactment, except that the court shall not confirm a plan under chapter 11 of title 11, United States Code, without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the filing of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the court in which a case under chapter 11 of title 11, United States Code, is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. 1122. AUTHORIZATION FOR ADDITIONAL BANKRUPTCY JUDGSHIPS.

The following judgeships positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(1) Two additional bankruptcy judgeships for the southern district of New York.

(2) Four additional bankruptcy judgeships for the district of Delaware.

(3) One additional bankruptcy judgeship for the district of New Jersey.

(4) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(5) Three additional bankruptcy judgeships for the district of Maryland.

(6) One additional bankruptcy judgeship for the eastern district of North Carolina.

(7) One additional bankruptcy judgeship for the district of South Carolina.

(8) One additional bankruptcy judgeship for the eastern district of Virginia.

(9) Two additional bankruptcy judgeships for the eastern district of Michigan.

(10) Two additional bankruptcy judgeships for the western district of Tennessee.

(11) One additional bankruptcy judgeship for the eastern and western districts of Arkansas.

(12) Two additional bankruptcy judgeships for the district of Nevada.

(13) One additional bankruptcy judgeship for the district of Utah.

(14) Two additional bankruptcy judgeships for the middle district of Florida.

(15) Two additional bankruptcy judgeships for the southern district of Florida.

(16) Two additional bankruptcy judgeships for the northern district of Georgia.

(17) One additional bankruptcy judgeship for the southern district of Georgia.

SEC. 1123. TEMPORARY BANKRUPTCY JUDGESHIPS.

(a) AUTHORIZATION FOR ADDITIONAL TEMPORARY BANKRUPTCY JUDGESHIPS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(1) One additional bankruptcy judgeship for the district of Puerto Rico.

(2) One additional bankruptcy judgeship for the northern district of New York.

(3) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(4) One additional bankruptcy judgeship for the district of Maryland.

(5) One additional bankruptcy judgeship for the northern district of Mississippi.

(6) One additional bankruptcy judgeship for the southern district of Mississippi.

(7) One additional bankruptcy judgeship for the southern district of Georgia.

(b) VACANCIES.—

(1) IN GENERAL.—The first vacancy occurring in the office of bankruptcy judge in each of the judicial districts set forth in subsection (a)—

(A) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under subsection (a) to such office; and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(2) TERM EXPIRATION.—In the case of a vacancy resulting from the expiration of the term of a bankruptcy judge not described in paragraph (1), that judge shall be eligible for reappointment as a bankruptcy judge in that district.

(c) EXTENSION OF EXISTING TEMPORARY BANKRUPTCY JUDGESHIPS.—

(1) IN GENERAL.—The temporary bankruptcy judgeships authorized for the northern district of Alabama and the eastern district of Tennessee under paragraphs (1) and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring 5 years or more after the date of enactment of this Act.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary bankruptcy judgeships referred to in this subsection.

SEC. 1124. TRANSFER OF BANKRUPTCY JUDGESHIP SHARED BY THE MIDDLE DISTRICT OF GEORGIA AND THE SOUTHERN DISTRICT OF GEORGIA.

The bankruptcy judgeship presently shared by the southern district of Georgia and the middle district of Georgia shall be converted to a bankruptcy judgeship for the middle district of Georgia.

SEC. 1125. CONVERSION OF EXISTING TEMPORARY BANKRUPTCY JUDGESHIPS.

(a) DISTRICT OF DELAWARE.—The temporary bankruptcy judgeship authorized for the district of Delaware pursuant to section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), shall be converted to a permanent bankruptcy judgeship.

(b) DISTRICT OF PUERTO RICO.—The temporary bankruptcy judgeship authorized for the district of Puerto Rico pursuant to section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note), shall be converted to a permanent bankruptcy judgeship.

SEC. 1126. TECHNICAL AMENDMENTS.

Section 152(a)(2) of title 28, United States Code, is amended—

(1) in the item relating to the eastern and western districts of Arkansas, by striking ''3'' and inserting ''4'';

(2) in the item relating to the district of Delaware, by striking ''1'' and inserting ''6'';

(3) in the item relating to the middle district of Florida, by striking ''8'' and inserting ''10'';

(4) in the item relating to the southern district of Florida, by striking ''5'' and inserting ''7'';

(5) in the item relating to the northern district of Georgia, by striking ''8'' and inserting ''10'';

(6) in the item relating to the middle district of Georgia, by striking ''2'' and inserting ''3'';

(7) in the item relating to the southern district of Georgia, by striking ''2'' and inserting ''3'';

(8) in the collective item relating to the middle and southern districts of Georgia, by striking ''Middle and Southern . . . . . 1'';

(9) in the item relating to the district of Maryland, by striking ''4'' and inserting ''7'';

(10) in the item relating to the eastern district of Michigan, by striking ''4'' and inserting ''6'';

(11) in the item relating to the district of Nevada, by striking ''3'' and inserting 5'';

(12) in the item relating to the district of New Jersey, by striking ''8'' and inserting ''9'';

(13) in the item relating to the southern district of New York, by striking ''9'' and inserting ''11'';

(14) in the item relating to the eastern district of North Carolina, by striking ''2'' and inserting ''3'';

(15) in the item relating to the eastern district of Pennsylvania, by striking ''5'' and inserting ''6'';

(16) in the item relating to the district of Puerto Rico, by striking ''2 and inserting ''3'';

(17) in the item relating to the district of South Carolina, by striking ''2'' and inserting ''3'';

(18) in the item relating to the western district of Tennessee, by striking ''4'' and inserting ''6'';

(19) in the item relating to the district of Utah, by striking ''3'' and inserting ''4''; and

(20) in the item relating to the eastern district of Virginia, by striking ''5'' and inserting ''6''.

SEC. 1126. COMPENSATING TRUSTEES.

Section 1326 of title 11, United States Code, is amended—

(1) in subsection (b)—

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

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

(C) by adding at the end the following:

''(3) if a chapter 7 trustee has been allowed compensation due to the conversion or dismissal of the debtor's prior case pursuant to section 707(b), and some portion of that compensation remains unpaid in a case converted to this chapter or in the case dismissed under section 707(b) and refiled under this chapter, the amount of any such unpaid compensation, which shall be paid monthly—

''(A) by prorating such amount over the remaining duration of the plan; and

''(B) by monthly payments not to exceed the greater of—

''(i) $25; or

''(ii) the amount payable to unsecured nonpriority creditors, as provided by the plan, multiplied by 5 percent, and the result divided by the number of months in the plan.''; and

(2) by adding at the end the following:

''(d) Notwithstanding any other provision of this title—

''(1) compensation referred to in subsection (b)(3) is payable and may be collected by the trustee under that paragraph, even if such amount has been discharged in a prior case under this title; and

''(2) such compensation is payable in a case under this chapter only to the extent permitted by subsection (b)(3).''.

SEC. 1126. AMENDMENT TO SECTION 362 OF TITLE 11, UNITED STATES CODE.

Section 362(b)(18) of title 11, United States Code, is amended to read as follows:

''(18) under subsection (a) of the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the date of the filing of the petition;''.

SEC. 1127. JUDICIAL EDUCATION.

The Director of the Federal Judicial Center, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing this Act and the amendments made by this Act, including the requirements relating to the means test under section 707(b), and reaffirmation agreements under section 524, of title 11 of the United States Code, as amended by this Act.

SEC. 1128. RECLAMATION.

(a) RIGHTS AND POWERS OF THE TRUSTEE.—Section 546(c) of title 11, United States Code, is amended to read as follows:

''(c)(1) Except as provided in subsection (d) of this section and in section 507(c), and subject to the prior rights of a holder of a security interest in such goods or the proceeds thereof, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of such seller's business, to reclaim such goods if the debtor has received such goods while insolvent, within 45 days before the date of the commencement of a case under this title, but such seller may not reclaim such goods unless such seller demands in writing reclamation of such goods—

''(A) not later than 45 days after the date of receipt of such goods by the debtor; or

''(B) not later than 20 days after the date of commencement of the case, if the 45-day period expires after the commencement of the case.

''(2) If a seller of goods fails to provide notice in the manner described in paragraph (1), the seller still may assert the rights contained in section 503(b)(9).''.

(b) ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, as amended by sections 445 and 1103, is amended by adding at the end the following:

''(9) the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.''.

SEC. 1127. PROVIDING REQUESTED TAX DOCUMENTS TO THE COURT.

(a) CHAPTER 7 CASES.—The court shall not grant a discharge in the case of an individual who is a debtor in a case under chapter 7 of title 11, United States Code, unless requested tax documents have been provided to the court.

(b) CHAPTER 11 AND CHAPTER 13 CASES.—The court shall not confirm a plan of reorganization in the case of an individual under chapter 11 or 13 of title 11, United States Code, unless requested tax documents have been filed with the court.

(c) DOCUMENT RETENTION.—The court shall destroy documents submitted in support of a bankruptcy claim not sooner than 3 years after the date of the conclusion of a case filed by an individual under chapter 7, 11, or 13 of title 11, United States Code. In the event of a pending audit or enforcement action, the court may extend the time for destruction of such requested tax documents.

(d) The prohibition against the granting of a discharge in subsection (a) and the prohibition against the confirmation of a plan of reorganization in subsection (b) shall not apply if the debtor is unable to provide such tax documents due to circumstance beyond the debtor s control including the failure of the taxing authority to provide such documents.

SEC. 1128. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the ''Board'') shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 1129. TRUSTEES.

(a) SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.—Section 586(d) of title 28, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following:

''(2) A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the district court of the United States for the district for which the panel to which the trustee is appointed under subsection (a)(1), or in the district court of the United States for the district in which the trustee is appointed under subsection (b) resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a

final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based on the administrative record before the agency.''.

(b) EXPENSES OF STANDING TRUSTEES.—Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

''(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this subsection by commencing an action in the district court of the United States for the district where the individual resides. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based upon the administrative record before the agency.

''(4) The Attorney General shall prescribe procedures to implement this subsection.''.

SEC. 1131. BANKRUPTCY FORMS.

Section 2075 of title 28, United States Code, is amended by adding at the end the following:

''The bankruptcy rules promulgated under this section shall prescribe a form for the statement required under section 707(b)(2)(C) of title 11 and may provide general rules on the content of such statement.''.

SEC. 1133. DIRECT APPEALS OF BANKRUPTCY MATTERS TO COURTS OF APPEALS.

(a) APPEALS.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c)(1), by striking ''Subject to subsection (b),'' and inserting ''Subject to subsections (b) and (d)(2),''; and

(2) in subsection (d)—

(A) by inserting ''(1)'' after ''(d)''; and

(B) by adding at the end the following:

''(2)(A) The appropriate court of appeals shall have jurisdiction of appeals described in the first sentence of subsection (a) if the bankruptcy court, the district court, or the bankruptcy appellate panel involved, acting on its own motion or on the request of a party to the judgment, order, or decree described in such first sentence, or all the appellants and appellees (if any) acting jointly, certify that—

''(i) the judgment, order, or decree involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court of the United States, or involves a matter of public importance;

''(ii) the judgment, order, or decree involves a question of law requiring resolution of conflicting decisions; or

''(iii) an immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken;

and if the court of appeals authorizes the direct appeal of the judgment, order, or decree.

''(B) If the bankruptcy court, the district court, or the bankruptcy appellate panel—

''(i) on its own motion or on the request of a party, determines that a circumstance specified in clause (i), (ii), or (iii) of subparagraph (A) exists; or

''(ii) receives a request made by a majority of the appellants and a majority of appellees (if any) to make the certification described in subparagraph (A);

then the bankruptcy court, the district court, or the bankruptcy appellate panel shall make the certification described in subparagraph (A).

''(C) The parties may supplement the certification with a short statement of the basis for the certification.

''(D) An appeal under this paragraph does not stay any proceeding of the bankruptcy court, the district court, or the bankruptcy appellate panel from which the appeal is taken, unless the respective bankruptcy court, district court, or bankruptcy appellate panel, or the court of appeals in which the appeal in pending, issues a stay of such proceeding pending the appeal.

''(E) Any request under subparagraph (B) for certification shall be made not later than 60 days after the entry of the judgment, order, or decree.''.

(b) PROCEDURAL RULES.—

(1) TEMPORARY APPLICATION.—A provision of this subsection shall apply to appeals under section 158(d)(2) of title 28, United States Code, until a rule of practice and procedure relating to such provision and such appeals is promulgated or amended under chapter 131 of such title.

(2) CERTIFICATION.—A district court, a bankruptcy court, or a bankruptcy appellate panel may make a certification under section 158(d)(2) of title 28, United States Code, only with respect to matters pending in the respective bankruptcy court, district court, or bankruptcy appellate panel.

(3) PROCEDURE.—Subject to any other provision of this subsection, an appeal authorized by the court of appeals under section 158(d)(2)(A) of title 28, United States Code, shall be taken in the manner prescribed in subdivisions (a)(1), (b), (c), and (d) of rule 5 of the Federal Rules of Appellate Procedure. For purposes of subdivision (a)(1) of rule 5—

(A) a reference in such subdivision to a district court shall be deemed to include a reference to a bankruptcy court and a bankruptcy appellate panel, as appropriate; and

(B) a reference in such subdivision to the parties requesting permission to appeal to be served with the petition shall be deemed to include a reference to the parties to the judgment, order, or decree from which the appeal is taken.

(4) FILING OF PETITION WITH ATTACHMENT.—A petition requesting permission to appeal, that is based on a certification made under subparagraph (A) or (B) of section 158(d)(2) shall—

(A) be filed with the circuit clerk not later than 10 days after the certification is entered on the docket of the bankruptcy court, the district court, or the bankruptcy appellate panel from which the appeal is taken; and

(B) have attached a copy of such certification.

(5) REFERENCES IN RULE 5.—For purposes of rule 5 of the Federal Rules of Appellate Procedure—

(A) a reference in such rule to a district court shall be deemed to include a reference to a bankruptcy court and to a bankruptcy appellate panel; and

(B) a reference in such rule to a district clerk shall be deemed to include a reference to a clerk of a bankruptcy court and to a clerk of a bankruptcy appellate panel.

(6) APPLICATION OF RULES.—The Federal Rules of Appellate Procedure shall apply in the courts of appeals with respect to appeals authorized under section 158(d)(2)(A), to the extent relevant and as if such appeals were taken from final judgments, orders, or decrees of the district courts or bankruptcy appellate panels exercising appellate jurisdiction under subsection (a) or (b) of section 158 of title 28, United States Code.

SEC. 1134. INVOLUNTARY CASES.

(a) AMENDMENTS.—Section 303 of title 11, United States Code, is amended—

(1) in subsection (b)(1), by—

(A) inserting ''as to liability or amount'' after ''bona fide dispute''; and

(B) striking ''if such claims'' and inserting ''if such noncontingent, undisputed claims''; and

(2) in subsection (h)(1), by inserting ''as to liability or amount'' before the semicolon at the end.

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall not apply with respect to cases commenced under title 11 of the United States Code before such date.

SEC. 1135. FEDERAL ELECTION LAW FINES AND PENALTIES AS NONDISCHARGEABLE DEBT.

Section 523(a) of title 11, United States Code, as amended by section 314, is amended by inserting after paragraph (14A) the following:

''(14B) incurred to pay fines or penalties imposed under Federal election law;''.

TITLE XIII—CONSUMER CREDIT DISCLOSURE

SEC. 1301. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) AMENDMENTS TO THE TRUTH IN LENDING ACT.—

(1) ENHANCED DISCLOSURE OF REPAYMENT TERMS.—

(A) IN GENERAL.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(11)(A) In a clear and conspicuous manner, repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

''(i) the required minimum monthly payment on that balance, represented as both a dollar figure and a percentage of that balance;

''(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that current balance if the consumer pays only the required minimum monthly payments and if no further advances are made;

''(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays only the required minimum monthly payments and if no further advances are made; and

''(iv) the following statement: 'If your current rate is a temporary introductory rate, your total costs may be higher.'.

''(B) In making the disclosures under subparagraph (A) the creditor shall apply the annual interest rate that applies to that balance with respect to the current billing cycle for that consumer in effect on the date on which the disclosure is made.''.

(B) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 195 of the Truth in Lending Act for the purpose of compliance with section 127(b)(11) of the Truth in Lending Act, as added by this paragraph.

(C) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: ''In connection with the disclosures referred to in subsections (a) and (b) of section 1637 of this title, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 1635, 1637(a), or of paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 1637(b) or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 1610(a)(2) as any of the terms or items referred to in section 1637(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 1637(b) of this title.''.

(2) DISCLOSURES IN CONNECTION WITH SOLICITATIONS.—

(A) IN GENERAL.—Section 127(c)(1)(B) of the Truth in Lending Act (15 U.S.C. 1637(c)(1)(B)) is amended by adding the following:

''(iv) CREDIT WORKSHEET.—An easily understandable credit worksheet designed to aid consumers in determining their ability to assume more debt, including consideration of the personal expenses of the consumer and a simple formula for the consumer to determine whether the assumption of additional debt is advisable.

''(v) BASIS OF PREAPPROVAL.—In any case in which the application or solicitation states that the consumer has been preapproved for an account under an open end consumer credit plan, the following statement must appear in a clear and conspicuous manner: 'Your preapproval for this credit card does not mean that we have reviewed your individual financial circumstances. You should review your own budget before accepting this offer of credit.'.

''(vi) AVAILABILITY OF CREDIT REPORT.—That the consumer is entitled to a copy of his or her credit report in accordance with the Fair Credit Reporting Act.''.

(B) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 195 of the Truth in Lending Act for the purpose of compliance with section 127(c)(1)(B) of the Truth in Lending Act, as amended by this paragraph.

(b) EFFECTIVE DATE.—The provisions of this section shall apply with respect to cases commenced under title 11, United States Code, on or after the date of the enactment of this Act.

SEC. 1302. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking ''CONSULTATION OF TAX ADVISER.—A statement that the'' and inserting the following: ''TAX DEDUCTIBILITY.—A statement that—

''(A) the''; and

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

''(B) in any case in which the extension of credit exceeds the fair market value (as defined under the Internal Revenue Code of 1986) of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.''.

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking ''If any'' and inserting the following:

''(1) IN GENERAL.—If any''; and

(B) by adding at the end the following:

''(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall include a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''.

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

''(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''; and

(B) in subsection (b), by adding at the end the following:

''(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.''.

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

''(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state that—

''(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(2) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''.

(c) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the amendments made by this section.

(2) EFFECTIVE DATE.—Regulations issued under paragraph (1) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1303. DISCLOSURES RELATED TO ''INTRODUCTORY RATES''.

(a) INTRODUCTORY RATE DISCLOSURES.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(6) ADDITIONAL NOTICE CONCERNING 'INTRODUCTORY RATES'.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

''(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear clearly and conspicuously;

''(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)), the time period in which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

''(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)), the time period in which the introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

''(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

''(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

''(i) a general description of the circumstances that may result in the revocation of the temporary annual percentage rate; and

''(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

''(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

''(II) will vary in accordance with an index, the rate that will apply after the temporary rate, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

''(D) DEFINITIONS.—In this paragraph—

''(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation; and

''(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

''(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede subsection (a) of section 122, or any disclosure required by paragraph (1) or any other provision of this subsection.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(6) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—Section 127(c)(6) of the Truth in Lending Act, as added by this section, and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1304. INTERNET-BASED CREDIT CARD SOLICITATIONS.

(a) INTERNET-BASED SOLICITATIONS.—Section 127(c) of the Truth in Lending Act (15

U.S.C. 1637(c)) is amended by adding at the end the following:

''(7) INTERNET-BASED SOLICITATIONS.—

''(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

''(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

''(ii) the information described in paragraph (6).

''(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

''(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

''(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

''(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(7) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1305. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

(a) DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(12) If a late payment fee is to be imposed due to the failure of the obligor to make payment on or before a required payment due date, the following shall be stated clearly and conspicuously on the billing statement:

''(A) The date on which that payment is due or, if different, the earliest date on which a late payment fee may be charged.

''(B) The amount of the late payment fee to be imposed if payment is made after such date.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(b)(12) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1306. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

(a) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(h) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1307. DUAL USE DEBIT CARD.

(a) REPORT.—The Board may conduct a study of, and present to Congress a report containing its analysis of, consumer protections under existing law to limit the liability of consumers for unauthorized use of a debit card or similar access device. Such report, if submitted, shall include recommendations for legislative initiatives, if any, of the Board, based on its findings.

(b) CONSIDERATIONS.—In preparing a report under subsection (a), the Board may include—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the report, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced or may enhance the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to further address adequate protection for consumers concerning unauthorized use liability.

SEC. 1308. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Board shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of cases filed under title 11 of the United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit described in this paragraph is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled within 1 year of successfully completing all required secondary education requirements and on a full-time basis, in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 1309. CLARIFICATION OF CLEAR AND CONSPICUOUS.

(a) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Board, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration Board, and the Federal Trade Commission, shall promulgate regulations to provide guidance regarding the meaning of the term ''clear and conspicuous'', as used in subparagraphs (A), (B), and (C) of section 127(b)(11) and clauses (ii) and (iii) of section 127(c)(6)(A) of the Truth in Lending Act.

(b) EXAMPLES.—Regulations promulgated under subsection (a) shall include examples of clear and conspicuous model disclosures for the purposes of disclosures required by the provisions of the Truth in Lending Act referred to in subsection (a).

(c) STANDARDS.—In promulgating regulations under this section, the Board shall ensure that the clear and conspicuous standard required for disclosures made under the provisions of the Truth in Lending Act referred to in subsection (a) can be implemented in a manner which results in disclosures which are reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

SEC. 1310. ISSUANCE OF CREDIT CARDS TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by inserting after paragraph (6) (as added by section 1303 of this title) the following new paragraph:

''(7) APPLICATIONS FROM UNDERAGE CONSUMERS.—

''(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, any consumer who has not attained the age of 21, except in response to a written request or application to the card issuer that meets the requirements of subparagraph (B).

''(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by a consumer who has not reached the age of 21 as of the date of submission of the application shall require—

''(i) the signature of the parent or guardian of the consumer indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has reached the age of 21; or

''(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.''.

TITLE XIV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 1401. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this Act and paragraph (2), the amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

(2) CERTAIN LIMITATIONS APPLICABLE TO DEBTORS.—The amendments made by sections 308, 322, and 330 shall apply with respect to cases commenced under title 11, United States Code, on or after the date of the enactment of this Act.

It was decided in the negative ..... { Yeas ..... 128; Nays ..... 296; Answered present 1

¶26.23 [Roll No. 72]

AYES—128

Abercrombie	Berman	Capps
Ackerman	Bishop (GA)	Capuano
Allen	Bishop (NY)	Cardin
Baldwin	Blumenauer	Clay
Ballance	Brady (PA)	Clyburn
Becerra	Brown (OH)	Conyers
Berkley	Brown, Corrine	Cummings

Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Kleczka
Kucinich
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Portman
Price (NC)
Rahall
Rangel
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Strickland
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—296

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—9

Buyer
Carson (IN)
Dunn
Gephardt
Hyde
Kaptur
Ros-Lehtinen
Stark
Udall (CO)

So the amendment in the nature of a substitute was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. LATOURETTE, assumed the Chair.

When Mr. SIMPSON, Acting Chairman, pursuant to House Resolution 147, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

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

(a) SHORT TITLE.—This Act may be cited as the ''Bankruptcy Abuse Prevention and Consumer Protection Act of 2003''.

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

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

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Sense of Congress and study.
Sec. 104. Notice of alternatives.
Sec. 105. Debtor financial management training test program.
Sec. 106. Credit counseling.
Sec. 107. Schedules of reasonable and necessary expenses.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
Sec. 203. Discouraging abuse of reaffirmation agreement practices.
Sec. 204. Preservation of claims and defenses upon sale of predatory loans.
Sec. 205. GAO study and report on reaffirmation agreement process.

Subtitle B—Priority Child Support

Sec. 211. Definition of domestic support obligation.
Sec. 212. Priorities for claims for domestic support obligations.
Sec. 213. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. 214. Exceptions to automatic stay in domestic support obligation proceedings.
Sec. 215. Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. 216. Continued liability of property.
Sec. 217. Protection of domestic support claims against preferential transfer motions.
Sec. 218. Disposable income defined.
Sec. 219. Collection of child support.
Sec. 220. Nondischargeability of certain educational benefits and loans.

Subtitle C—Other Consumer Protections

Sec. 221. Amendments to discourage abusive bankruptcy filings.
Sec. 222. Sense of Congress.
Sec. 223. Additional amendments to title 11, United States Code.
Sec. 224. Protection of retirement savings in bankruptcy.
Sec. 225. Protection of education savings in bankruptcy.
Sec. 226. Definitions.
Sec. 227. Restrictions on debt relief agencies.
Sec. 228. Disclosures.
Sec. 229. Requirements for debt relief agencies.
Sec. 230. GAO study.
Sec. 231. Protection of personally identifiable information.
Sec. 232. Consumer privacy ombudsman.
Sec. 233. Prohibition on disclosure of name of minor children.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Reinforcement of the fresh start.
Sec. 302. Discouraging bad faith repeat filings.
Sec. 303. Curbing abusive filings.
Sec. 304. Debtor retention of personal property security.
Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 306. Giving secured creditors fair treatment in chapter 13.
Sec. 307. Domiciliary requirements for exemptions.
Sec. 308. Reduction of homestead exemption for fraud.
Sec. 309. Protecting secured creditors in chapter 13 cases.
Sec. 310. Limitation on luxury goods.
Sec. 311. Automatic stay.
Sec. 312. Extension of period between bankruptcy discharges.
Sec. 313. Definition of household goods and antiques.
Sec. 314. Debt incurred to pay nondischargeable debts.
Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.
Sec. 316. Dismissal for failure to timely file schedules or provide required information.
Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.

Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.
Sec. 319. Sense of Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.
Sec. 320. Prompt relief from stay in individual cases.
Sec. 321. Chapter 11 cases filed by individuals.
Sec. 322. Limitations on homestead exemption.
Sec. 323. Excluding employee benefit plan participant contributions and other property from the estate.
Sec. 324. Exclusive jurisdiction in matters involving bankruptcy professionals.
Sec. 325. United States trustee program filing fee increase.
Sec. 326. Sharing of compensation.
Sec. 327. Fair valuation of collateral.
Sec. 328. Defaults based on nonmonetary obligations.
Sec. 329. Clarification of postpetition wages and benefits.
Sec. 330. Delay of discharge during pendency of certain proceedings.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Sec. 401. Adequate protection for investors.
Sec. 402. Meetings of creditors and equity security holders.
Sec. 403. Protection of refinance of security interest.
Sec. 404. Executory contracts and unexpired leases.
Sec. 405. Creditors and equity security holders committees.
Sec. 406. Amendment to section 546 of title 11, United States Code.
Sec. 407. Amendments to section 330(a) of title 11, United States Code.
Sec. 408. Postpetition disclosure and solicitation.
Sec. 409. Preferences.
Sec. 410. Venue of certain proceedings.
Sec. 411. Period for filing plan under chapter 11.
Sec. 412. Fees arising from certain ownership interests.
Sec. 413. Creditor representation at first meeting of creditors.
Sec. 414. Definition of disinterested person.
Sec. 415. Factors for compensation of professional persons.
Sec. 416. Appointment of elected trustee.
Sec. 417. Utility service.
Sec. 418. Bankruptcy fees.
Sec. 419. More complete information regarding assets of the estate.

Subtitle B—Small Business Bankruptcy Provisions

Sec. 431. Flexible rules for disclosure statement and plan.
Sec. 432. Definitions.
Sec. 433. Standard form disclosure statement and plan.
Sec. 434. Uniform national reporting requirements.
Sec. 435. Uniform reporting rules and forms for small business cases.
Sec. 436. Duties in small business cases.
Sec. 437. Plan filing and confirmation deadlines.
Sec. 438. Plan confirmation deadline.
Sec. 439. Duties of the United States trustee.
Sec. 440. Scheduling conferences.
Sec. 441. Serial filer provisions.
Sec. 442. Expanded grounds for dismissal or conversion and appointment of trustee.
Sec. 443. Study of operation of title 11, United States Code, with respect to small businesses.
Sec. 444. Payment of interest.
Sec. 445. Priority for administrative expenses.
Sec. 446. Duties with respect to a debtor who is a plan administrator of an employee benefit plan.
Sec. 447. Appointment of committee of retired employees.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Sec. 501. Petition and proceedings related to petition.
Sec. 502. Applicability of other sections to chapter 9.

TITLE VI—BANKRUPTCY DATA

Sec. 601. Improved bankruptcy statistics.
Sec. 602. Uniform rules for the collection of bankruptcy data.
Sec. 603. Audit procedures.
Sec. 604. Sense of Congress regarding availability of bankruptcy data.

TITLE VII—BANKRUPTCY TAX PROVISIONS

Sec. 701. Treatment of certain liens.
Sec. 702. Treatment of fuel tax claims.
Sec. 703. Notice of request for a determination of taxes.
Sec. 704. Rate of interest on tax claims.
Sec. 705. Priority of tax claims.
Sec. 706. Priority property taxes incurred.
Sec. 707. No discharge of fraudulent taxes in chapter 13.
Sec. 708. No discharge of fraudulent taxes in chapter 11.
Sec. 709. Stay of tax proceedings limited to prepetition taxes.
Sec. 710. Periodic payment of taxes in chapter 11 cases.
Sec. 711. Avoidance of statutory tax liens prohibited.
Sec. 712. Payment of taxes in the conduct of business.
Sec. 713. Tardily filed priority tax claims.
Sec. 714. Income tax returns prepared by tax authorities.
Sec. 715. Discharge of the estate's liability for unpaid taxes.
Sec. 716. Requirement to file tax returns to confirm chapter 13 plans.
Sec. 717. Standards for tax disclosure.
Sec. 718. Setoff of tax refunds.
Sec. 719. Special provisions related to the treatment of State and local taxes.
Sec. 720. Dismissal for failure to timely file tax returns.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

Sec. 801. Amendment to add chapter 15 to title 11, United States Code.
Sec. 802. Other amendments to titles 11 and 28, United States Code.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

Sec. 901. Treatment of certain agreements by conservators or receivers of insured depository institutions.
Sec. 902. Authority of the FDIC and NCUAB with respect to failed and failing institutions.
Sec. 903. Amendments relating to transfers of qualified financial contracts.
Sec. 904. Amendments relating to disaffirmance or repudiation of qualified financial contracts.
Sec. 905. Clarifying amendment relating to master agreements.
Sec. 906. Federal Deposit Insurance Corporation Improvement Act of 1991.
Sec. 907. Bankruptcy law amendments.
Sec. 908. Recordkeeping requirements.
Sec. 909. Exemptions from contemporaneous execution requirement.
Sec. 910. Damage measure.
Sec. 911. SIPC stay.

TITLE X—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

Sec. 1001. Permanent reenactment of chapter 12.
Sec. 1002. Debt limit increase.
Sec. 1003. Certain claims owed to governmental units.
Sec. 1004. Definition of family farmer.
Sec. 1005. Elimination of requirement that family farmer and spouse receive over 50 percent of income from farming operation in year prior to bankruptcy.
Sec. 1006. Prohibition of retroactive assessment of disposable income.
Sec. 1007. Family fishermen.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

Sec. 1101. Definitions.
Sec. 1102. Disposal of patient records.
Sec. 1103. Administrative expense claim for costs of closing a health care business and other administrative expenses.
Sec. 1104. Appointment of ombudsman to act as patient advocate.
Sec. 1105. Debtor in possession; duty of trustee to transfer patients.
Sec. 1106. Exclusion from program participation not subject to automatic stay.

TITLE XII—TECHNICAL AMENDMENTS

Sec. 1201. Definitions.
Sec. 1202. Adjustment of dollar amounts.
Sec. 1203. Extension of time.
Sec. 1204. Technical amendments.
Sec. 1205. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.
Sec. 1206. Limitation on compensation of professional persons.
Sec. 1207. Effect of conversion.
Sec. 1208. Allowance of administrative expenses.
Sec. 1209. Exceptions to discharge.
Sec. 1210. Effect of discharge.
Sec. 1211. Protection against discriminatory treatment.
Sec. 1212. Property of the estate.
Sec. 1213. Preferences.
Sec. 1214. Postpetition transactions.
Sec. 1215. Disposition of property of the estate.
Sec. 1216. General provisions.
Sec. 1217. Abandonment of railroad line.
Sec. 1218. Contents of plan.
Sec. 1219. Bankruptcy cases and proceedings.
Sec. 1220. Knowing disregard of bankruptcy law or rule.
Sec. 1221. Transfers made by nonprofit charitable corporations.
Sec. 1222. Protection of valid purchase money security interests.
Sec. 1223. Bankruptcy Judgeships.
Sec. 1224. Compensating trustees.
Sec. 1225. Amendment to section 362 of title 11, United States Code.
Sec. 1226. Judicial education.
Sec. 1227. Reclamation.
Sec. 1228. Providing requested tax documents to the court.
Sec. 1229. Encouraging creditworthiness.
Sec. 1230. Property no longer subject to redemption.
Sec. 1231. Trustees.
Sec. 1232. Bankruptcy forms.
Sec. 1233. Direct appeals of bankruptcy matters to courts of appeals.
Sec. 1234. Involuntary cases.
Sec. 1235. Federal election law fines and penalties as nondischargeable debt.

TITLE XIII—CONSUMER CREDIT DISCLOSURE

Sec. 1301. Enhanced disclosures under an open end credit plan.
Sec. 1302. Enhanced disclosure for credit extensions secured by a dwelling.
Sec. 1303. Disclosures related to ''introductory rates''.
Sec. 1304. Internet-based credit card solicitations.

Sec. 1305. Disclosures related to late payment deadlines and penalties.
Sec. 1306. Prohibition on certain actions for failure to incur finance charges.
Sec. 1307. Dual use debit card.
Sec. 1308. Study of bankruptcy impact of credit extended to dependent students.
Sec. 1309. Clarification of clear and conspicuous.

TITLE XIV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

Sec. 1401. Effective date; application of amendments.

TITLE XV—PREVENTING CORPORATE BANKRUPTCY ABUSE

Sec. 1501. Employee wage and benefit priorities.
Sec. 1502. Fraudulent transfers and obligations.
Sec. 1503. Payment of insurance benefits to retired employees.
Sec. 1504. Effective date; application of amendments.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting ''or consents to'' after ''requests''.

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

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

"§ 707. Dismissal of a case or conversion to a case under chapter 11 or 13";

and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)'';

(B) in paragraph (1), as so redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking ''but not at the request or suggestion of'' and inserting ''trustee (or bankruptcy administrator, if any), or'';

(II) by inserting '', or, with the debtor's consent, convert such a case to a case under chapter 11 or 13 of this title,'' after ''consumer debts''; and

(III) by striking ''a substantial abuse'' and inserting ''an abuse''; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

''(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

''(I) 25 percent of the debtor's nonpriority unsecured claims in the case, or $6,000, whichever is greater; or

''(II) $10,000.

''(ii)(I) The debtor's monthly expenses shall be the debtor's applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor's actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent. Notwithstanding any other provision of this clause, the monthly expenses of the debtor shall not include any payments for debts. In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as identified under section 309 of the Family Violence Prevention and Services Act, or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court. In addition, if it is demonstrated that it is reasonable and necessary, the debtor's monthly expenses may also include an additional allowance for food and clothing of up to 5 percent of the food and clothing categories as specified by the National Standards issued by the Internal Revenue Service.

''(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor that are reasonable and necessary for care and support of an elderly, chronically ill, or disabled household member or member of the debtor's immediate family (including parents, grandparents, siblings, children, and grandchildren of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case who is not a dependent) and who is unable to pay for such reasonable and necessary expenses.

''(III) In addition, for a debtor eligible for chapter 13, the debtor's monthly expenses may include the actual administrative expenses of administering a chapter 13 plan for the district in which the debtor resides, up to an amount of 10 percent of the projected plan payments, as determined under schedules issued by the Executive Office for United States Trustees.

''(IV) In addition, the debtor's monthly expenses may include the actual expenses for each dependent child less than 18 years of age, not to exceed $1,500 per year per child, to attend a private or public elementary or secondary school if the debtor provides documentation of such expenses and a detailed explanation of why such expenses are reasonable and necessary, and why such expenses are not already accounted for in the National Standards, Local Standards, or Other Necessary Expenses referred to in subclause (I).

''(V) In addition, the debtor's monthly expenses may include an allowance for housing and utilities, in excess of the allowance specified by the Local Standards for housing and utilities issued by the Internal Revenue Service, based on the actual expenses for home energy costs if the debtor provides documentation of such actual expenses and demonstrates that such actual expenses are reasonable and necessary.

''(iii) The debtor's average monthly payments on account of secured debts shall be calculated as the sum of—

''(I) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

''(II) any additional payments to secured creditors necessary for the debtor, in filing a plan under chapter 13 of this title, to maintain possession of the debtor's primary residence, motor vehicle, or other property necessary for the support of the debtor and the debtor's dependents, that serves as collateral for secured debts;

divided by 60.

''(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as the total amount of debts entitled to priority, divided by 60.

''(B)(i) In any proceeding brought under this subsection, the presumption of abuse may only be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative.

''(ii) In order to establish special circumstances, the debtor shall be required to itemize each additional expense or adjustment of income and to provide—

''(I) documentation for such expense or adjustment to income; and

''(II) a detailed explanation of the special circumstances that make such expenses or adjustment to income necessary and reasonable.

''(iii) The debtor shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

''(iv) The presumption of abuse may only be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) when multiplied by 60 to be less than the lesser of—

''(I) 25 percent of the debtor's nonpriority unsecured claims, or $6,000, whichever is greater; or

''(II) $10,000.

''(C) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that show how each such amount is calculated.

''(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not arise or is rebutted, the court shall consider—

''(A) whether the debtor filed the petition in bad faith; or

''(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.

''(4)(A) The court, on its own initiative or on the motion of a party in interest, in accordance with the procedures described in rule 9011 of the Federal Rules of Bankruptcy Procedure, may order the attorney for the debtor to reimburse the trustee for all reasonable costs in prosecuting a motion filed under section 707(b), including reasonable attorneys' fees, if—

''(i) a trustee files a motion for dismissal or conversion under this subsection; and

''(ii) the court—

''(I) grants such motion; and

''(II) finds that the action of the attorney for the debtor in filing under this chapter violated rule 9011 of the Federal Rules of Bankruptcy Procedure.

''(B) If the court finds that the attorney for the debtor violated rule 9011 of the Federal Rules of Bankruptcy Procedure, the court, on its own initiative or on the motion of a party in interest, in accordance with such procedures, may order—

''(i) the assessment of an appropriate civil penalty against the attorney for the debtor; and

''(ii) the payment of such civil penalty to the trustee, the United States trustee (or the bankruptcy administrator, if any).

''(C) The signature of an attorney on a petition, pleading, or written motion shall constitute a certification that the attorney has—

''(i) performed a reasonable investigation into the circumstances that gave rise to the petition, pleading, or written motion; and

''(ii) determined that the petition, pleading, or written motion—

''(I) is well grounded in fact; and

''(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

''(D) The signature of an attorney on the petition shall constitute a certification that

the attorney has no knowledge after an inquiry that the information in the schedules filed with such petition is incorrect.

''(5)(A) Except as provided in subparagraph (B) and subject to paragraph (6), the court, on its own initiative or on the motion of a party in interest, in accordance with the procedures described in rule 9011 of the Federal Rules of Bankruptcy Procedure, may award a debtor all reasonable costs (including reasonable attorneys' fees) in contesting a motion filed by a party in interest (other than a trustee or United States trustee (or bankruptcy administrator, if any)) under this subsection if—

''(i) the court does not grant the motion; and

''(ii) the court finds that—

''(I) the position of the party that filed the motion violated rule 9011 of the Federal Rules of Bankruptcy Procedure; or

''(II) the attorney (if any) who filed the motion did not comply with the requirements of clauses (i) and (ii) of paragraph (4)(C), and the motion was made solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

''(B) A small business that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A)(ii)(I).

''(C) For purposes of this paragraph—

''(i) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

''(I) has fewer than 25 full-time employees as determined on the date on which the motion is filed; and

''(II) is engaged in commercial or business activity; and

''(ii) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

''(I) a parent corporation; and

''(II) any other subsidiary corporation of the parent corporation.

''(6) Only the judge or United States trustee (or bankruptcy administrator, if any) may file a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the date of the order for relief, when multiplied by 12, is equal to or less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.

''(7)(A) No judge, United States trustee (or bankruptcy administrator, if any), trustee, or other party in interest may file a motion under paragraph (2) if the current monthly income of the debtor and the debtor's spouse combined, as of the date of the order for relief when multiplied by 12, is equal to or less than—

''(i) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(ii) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(iii) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.

''(B) In a case that is not a joint case, current monthly income of the debtor's spouse shall not be considered for purposes of subparagraph (A) if—

''(i)(I) the debtor and the debtor's spouse are separated under applicable nonbankruptcy law; or

''(II) the debtor and the debtor's spouse are living separate and apart, other than for the purpose of evading subparagraph (A); and

''(ii) the debtor files a statement under penalty of perjury—

''(I) specifying that the debtor meets the requirement of subclause (I) or (II) of clause (i); and

''(II) disclosing the aggregate, or best estimate of the aggregate, amount of any cash or money payments received from the debtor's spouse attributed to the debtor's current monthly income.''.

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (10) the following:

''(10A) 'current monthly income'—

''(A) means the average monthly income from all sources that the debtor receives (or in a joint case the debtor and the debtor's spouse receive) without regard to whether such income is taxable income, derived during the 6-month period ending on—

''(i) the last day of the calendar month immediately preceding the date of the commencement of the case if the debtor files the schedule of current income required by section 521(a)(1)(B)(ii); or

''(ii) the date on which current income is determined by the court for purposes of this title if the debtor does not file the schedule of current income required by section 521(a)(1)(B)(ii); and

''(B) includes any amount paid by any entity other than the debtor (or in a joint case the debtor and the debtor's spouse), on a regular basis for the household expenses of the debtor or the debtor's dependents (and in a joint case the debtor's spouse if not otherwise a dependent), but excludes benefits received under the Social Security Act, payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes, and payments to victims of international terrorism (as defined in section 2331 of title 18) or domestic terrorism (as defined in section 2331 of title 18) on account of their status as victims of such terrorism;''.

(c) UNITED STATES TRUSTEE AND BANKRUPTCY ADMINISTRATOR DUTIES.—Section 704 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The trustee shall—''; and

(2) by adding at the end the following:

''(b)(1) With respect to a debtor who is an individual in a case under this chapter—

''(A) the United States trustee (or the bankruptcy administrator, if any) shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

''(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

''(2) The United States trustee (or bankruptcy administrator, if any) shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee (or the bankruptcy administrator, if any) does not consider such a motion to be appropriate, if the United States trustee (or the bankruptcy administrator, if any) determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner; or

''(B) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals.''.

(d) NOTICE.—Section 342 of title 11, United States Code, is amended by adding at the end the following:

''(d) In a case under chapter 7 of this title in which the debtor is an individual and in which the presumption of abuse arises under section 707(b), the clerk shall give written notice to all creditors not later than 10 days after the date of the filing of the petition that the presumption of abuse has arisen.''.

(e) NONLIMITATION OF INFORMATION.—Nothing in this title shall limit the ability of a creditor to provide information to a judge (except for information communicated ex parte, unless otherwise permitted by applicable law), United States trustee (or bankruptcy administrator, if any), or trustee.

(f) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, is amended by adding at the end the following:

''(c)(1) In this subsection—

''(A) the term 'crime of violence' has the meaning given such term in section 16 of title 18; and

''(B) the term 'drug trafficking crime' has the meaning given such term in section 924(c)(2) of title 18.

''(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, may when it is in the best interest of the victim dismiss a voluntary case filed under this chapter by a debtor who is an individual if such individual was convicted of such crime.

''(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.''.

(g) CONFIRMATION OF PLAN.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (6) the following:

''(7) the action of the debtor in filing the petition was in good faith;''.

(h) APPLICABILITY OF MEANS TEST TO CHAPTER 13.—Section 1325(b) of title 11, United States Code, is amended—

(1) in paragraph (1)(B), by inserting ''to unsecured creditors'' after ''to make payments''; and

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

''(2) For purposes of this subsection, the term 'disposable income' means current monthly income received by the debtor (other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child) less amounts reasonably necessary to be expended—

''(A)(i) for the maintenance or support of the debtor or a dependent of the debtor, or for a domestic support obligation, that first becomes payable after the date the petition is filed; and

''(ii) for charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3) to a qualified religious or charitable entity or organization (as defined in section 548(d)(4)) in an amount not to exceed 15 percent of gross income of the debtor for the year in which the contributions are made; and

''(B) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.

''(3) Amounts reasonably necessary to be expended under paragraph (2) shall be determined in accordance with subparagraphs (A) and (B) of section 707(b)(2), if the debtor has current monthly income, when multiplied by 12, greater than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.''.

(i) SPECIAL ALLOWANCE FOR HEALTH INSURANCE.—Section 1329(a) of title 11, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(4) reduce amounts to be paid under the plan by the actual amount expended by the debtor to purchase health insurance for the debtor (and for any dependent of the debtor if such dependent does not otherwise have health insurance coverage) if the debtor documents the cost of such insurance and demonstrates that—

''(A) such expenses are reasonable and necessary;

''(B)(i) if the debtor previously paid for health insurance, the amount is not materially larger than the cost the debtor previously paid or the cost necessary to maintain the lapsed policy; or

''(ii) if the debtor did not have health insurance, the amount is not materially larger than the reasonable cost that would be incurred by a debtor who purchases health insurance, who has similar income, expenses, age, and health status, and who lives in the same geographical location with the same number of dependents who do not otherwise have health insurance coverage; and

''(C) the amount is not otherwise allowed for purposes of determining disposable income under section 1325(b) of this title;

and upon request of any party in interest, files proof that a health insurance policy was purchased.''.

(j) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, is amended by striking ''and 523(a)(2)(C)'' each place it appears and inserting ''523(a)(2)(C), 707(b), and 1325(b)(3)''.

(k) DEFINITION OF 'MEDIAN FAMILY INCOME'.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (39) the following:

''(39A) 'median family income' means for any year—

''(A) the median family income both calculated and reported by the Bureau of the Census in the then most recent year; and

''(B) if not so calculated and reported in the then current year, adjusted annually after such most recent year until the next year in which median family income is both calculated and reported by the Bureau of the Census, to reflect the percentage change in the Consumer Price Index for All Urban Consumers during the period of years occurring after such most recent year and before such current year;''.

(k) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

''707. Dismissal of a case or conversion to a case under chapter 11 or 13.''.

SEC. 103. SENSE OF CONGRESS AND STUDY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury has the authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Director regarding the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of such standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Director under paragraph (1).

SEC. 104. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

''(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give to such individual written notice containing—

''(1) a brief description of—

''(A) chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters; and

''(B) the types of services available from credit counseling agencies; and

''(2) statements specifying that—

''(A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a case under this title shall be subject to fine, imprisonment, or both; and

''(B) all information supplied by a debtor in connection with a case under this title is subject to examination by the Attorney General.''.

SEC. 105. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the ''Director'') shall consult with a wide range of individuals who are experts in the field of debtor education, including trustees who serve in cases under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors, and shall develop a financial management training curriculum and materials that can be used to educate debtors who are individuals on how to better manage their finances.

(b) TEST.—

(1) SELECTION OF DISTRICTS.—The Director shall select 6 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) USE.—For an 18-month period beginning not later than 270 days after the date of the enactment of this Act, such curriculum and materials shall be, for the 6 judicial districts selected under paragraph (1), used as the instructional course concerning personal financial management for purposes of section 111 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 18-month period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the Report of the National Bankruptcy Review Commission (October 20, 1997) that are representative of consumer education programs carried out by the credit industry, by trustees serving under chapter 13 of title 11, United States Code, and by consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding such evaluation, the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of the Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs and their costs.

SEC. 106. CREDIT COUNSELING.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

''(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

''(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved nonprofit budget and credit counseling agencies for such district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from such agencies by reason of the requirements of paragraph (1).

''(B) The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in subparagraph (A) shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter. Notwithstanding the preceding sentence, a nonprofit budget and credit counseling agency may be disapproved by the United States trustee (or the bankruptcy administrator, if any) at any time.

''(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

''(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

''(ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

''(iii) is satisfactory to the court.

''(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which

the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition, except that the court, for cause, may order an additional 15 days.''.

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(11) after filing the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111, except that this paragraph shall not apply with respect to a debtor who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved instructional courses are not adequate to service the additional individuals who would otherwise be required to complete such instructional courses under this section (The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in this paragraph shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter.).''.

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

''(g)(1) The court shall not grant a discharge under this section to a debtor unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

''(2) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved instructional courses are not adequate to service the additional individuals who would otherwise be required to complete such instructional course by reason of the requirements of paragraph (1).

''(3) The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in paragraph (2) shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter.''.

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The debtor shall—''; and

(2) by adding at the end the following:

''(b) In addition to the requirements under subsection (a), a debtor who is an individual shall file with the court—

''(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 109(h) describing the services provided to the debtor; and

''(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).''.

(e) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''§ 111. Nonprofit budget and credit counseling agencies; financial management instructional courses

''(a) The clerk shall maintain a publicly available list of—

''(1) nonprofit budget and credit counseling agencies that provide 1 or more services described in section 109(h) currently approved by the United States trustee (or the bankruptcy administrator, if any); and

''(2) instructional courses concerning personal financial management currently approved by the United States trustee (or the bankruptcy administrator, if any), as applicable.

''(b) The United States trustee (or bankruptcy administrator, if any) shall only approve a nonprofit budget and credit counseling agency or an instructional course concerning personal financial management as follows:

''(1) The United States trustee (or bankruptcy administrator, if any) shall have thoroughly reviewed the qualifications of the nonprofit budget and credit counseling agency or of the provider of the instructional course under the standards set forth in this section, and the services or instructional courses that will be offered by such agency or such provider, and may require such agency or such provider that has sought approval to provide information with respect to such review.

''(2) The United States trustee (or bankruptcy administrator, if any) shall have determined that such agency or such instructional course fully satisfies the applicable standards set forth in this section.

''(3) If a nonprofit budget and credit counseling agency or instructional course did not appear on the approved list for the district under subsection (a) immediately before approval under this section, approval under this subsection of such agency or such instructional course shall be for a probationary period not to exceed 6 months.

''(4) At the conclusion of the applicable probationary period under paragraph (3), the United States trustee (or bankruptcy administrator, if any) may only approve for an additional 1-year period, and for successive 1-year periods thereafter, an agency or instructional course that has demonstrated during the probationary or applicable subsequent period of approval that such agency or instructional course—

''(A) has met the standards set forth under this section during such period; and

''(B) can satisfy such standards in the future.

''(5) Not later than 30 days after any final decision under paragraph (4), an interested person may seek judicial review of such decision in the appropriate district court of the United States.

''(c)(1) The United States trustee (or the bankruptcy administrator, if any) shall only approve a nonprofit budget and credit counseling agency that demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters relating to the quality, effectiveness, and financial security of the services it provides.

''(2) To be approved by the United States trustee (or the bankruptcy administrator, if any), a nonprofit budget and credit counseling agency shall, at a minimum—

''(A) have a board of directors the majority of which—

''(i) are not employed by such agency; and

''(ii) will not directly or indirectly benefit financially from the outcome of the counseling services provided by such agency;

''(B) if a fee is charged for counseling services, charge a reasonable fee, and provide services without regard to ability to pay the fee;

''(C) provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

''(D) provide full disclosures to a client, including funding sources, counselor qualifications, possible impact on credit reports, and any costs of such program that will be paid by such client and how such costs will be paid;

''(E) provide adequate counseling with respect to a client's credit problems that includes an analysis of such client's current financial condition, factors that caused such financial condition, and how such client can develop a plan to respond to the problems without incurring negative amortization of debt;

''(F) provide trained counselors who receive no commissions or bonuses based on the outcome of the counseling services provided by such agency, and who have adequate experience, and have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (E);

''(G) demonstrate adequate experience and background in providing credit counseling; and

''(H) have adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan.

''(d) The United States trustee (or the bankruptcy administrator, if any) shall only approve an instructional course concerning personal financial management—

''(1) for an initial probationary period under subsection (b)(3) if the course will provide at a minimum—

''(A) trained personnel with adequate experience and training in providing effective instruction and services;

''(B) learning materials and teaching methodologies designed to assist debtors in understanding personal financial management and that are consistent with stated objectives directly related to the goals of such instructional course;

''(C) adequate facilities situated in reasonably convenient locations at which such instructional course is offered, except that such facilities may include the provision of such instructional course by telephone or through the Internet, if such instructional course is effective; and

''(D) the preparation and retention of reasonable records (which shall include the debtor's bankruptcy case number) to permit evaluation of the effectiveness of such instructional course, including any evaluation of satisfaction of instructional course requirements for each debtor attending such instructional course, which shall be available for inspection and evaluation by the Executive Office for United States Trustees, the United States trustee (or the bankruptcy administrator, if any), or the chief bankruptcy judge for the district in which such instructional course is offered; and

''(2) for any 1-year period if the provider thereof has demonstrated that the course meets the standards of paragraph (1) and, in addition—

''(A) has been effective in assisting a substantial number of debtors to understand personal financial management; and

''(B) is otherwise likely to increase substantially the debtor's understanding of personal financial management.

''(e) The district court may, at any time, investigate the qualifications of a nonprofit budget and credit counseling agency referred to in subsection (a), and request production of documents to ensure the integrity and effectiveness of such agency. The district court may, at any time, remove from the approved list under subsection (a) a nonprofit budget and credit counseling agency upon finding such agency does not meet the qualifications of subsection (b).

''(f) The United States trustee (or the bankruptcy administrator, if any) shall notify the clerk that a nonprofit budget and credit counseling agency or an instructional

course is no longer approved, in which case the clerk shall remove it from the list maintained under subsection (a).

''(g)(1) No nonprofit budget and credit counseling agency may provide to a credit reporting agency information concerning whether a debtor has received or sought instruction concerning personal financial management from such agency.

''(2) A nonprofit budget and credit counseling agency that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

''(A) any actual damages sustained by the debtor as a result of the violation; and

''(B) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''111. Nonprofit budget and credit counseling agencies; financial management instructional courses.''.

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

''(i) If a case commenced under chapter 7, 11, or 13 is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.

''(j) On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated.''.

SEC. 107. SCHEDULES OF REASONABLE AND NECESSARY EXPENSES.

For purposes of section 707(b) of title 11, United States Code, as amended by this Act, the Director of the Executive Office for United States Trustees shall, not later than 180 days after the date of enactment of this Act, issue schedules of reasonable and necessary administrative expenses of administering a chapter 13 plan for each judicial district of the United States.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) REDUCTION OF CLAIM.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on an unsecured consumer debt by not more than 20 percent of the claim, if—

''(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed on behalf of the debtor by an approved nonprofit budget and credit counseling agency described in section 111;

''(B) the offer of the debtor under subparagraph (A)—

''(i) was made at least 60 days before the date of the filing of the petition; and

''(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

''(C) no part of the debt under the alternative repayment schedule is nondischargeable.

''(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

''(A) the creditor unreasonably refused to consider the debtor's proposal; and

''(B) the proposed alternative repayment schedule was made prior to expiration of the 60-day period specified in paragraph (1)(B)(i).''.

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment schedule between the debtor and any creditor of the debtor created by an approved nonprofit budget and credit counseling agency.''.

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

''(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title, unless the order confirming the plan is revoked, the plan is in default, or the creditor has not received payments required to be made under the plan in the manner required by the plan (including crediting the amounts required under the plan), shall constitute a violation of an injunction under subsection (a)(2) if the act of the creditor to collect and failure to credit payments in the manner required by the plan caused material injury to the debtor.

''(j) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

''(1) such creditor retains a security interest in real property that is the principal residence of the debtor;

''(2) such act is in the ordinary course of business between the creditor and the debtor; and

''(3) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.''.

SEC. 203. DISCOURAGING ABUSE OF REAFFIRMATION AGREEMENT PRACTICES.

(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended section 202, is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following:

''(2) the debtor received the disclosures described in subsection (k) at or before the time at which the debtor signed the agreement;''; and

(2) by adding at the end the following:

''(k)(1) The disclosures required under subsection (c)(2) shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement specified in subsection (c), statement, declaration, motion and order described, respectively, in paragraphs (4) through (8), and shall be the only disclosures required in connection with entering into such agreement.

''(2) Disclosures made under paragraph (1) shall be made clearly and conspicuously and in writing. The terms 'Amount Reaffirmed' and 'Annual Percentage Rate' shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases 'Before agreeing to reaffirm a debt, review these important disclosures' and 'Summary of Reaffirmation Agreement' may be equally conspicuous. Disclosures may be made in a different order and may use terminology different from that set forth in paragraphs (2) through (8), except that the terms 'Amount Reaffirmed' and 'Annual Percentage Rate' must be used where indicated.

''(3) The disclosure statement required under this paragraph shall consist of the following:

''(A) The statement: 'Part A: Before agreeing to reaffirm a debt, review these important disclosures:';

''(B) Under the heading 'Summary of Reaffirmation Agreement', the statement: 'This Summary is made pursuant to the requirements of the Bankruptcy Code';

''(C) The 'Amount Reaffirmed', using that term, which shall be—

''(i) the total amount of debt that the debtor agrees to reaffirm by entering into an agreement of the kind specified in subsection (c), and

''(ii) the total of any fees and costs accrued as of the date of the disclosure statement, related to such total amount.

''(D) In conjunction with the disclosure of the 'Amount Reaffirmed', the statements—

''(i) 'The amount of debt you have agreed to reaffirm'; and

''(ii) 'Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.'.

''(E) The 'Annual Percentage Rate', using that term, which shall be disclosed as—

''(i) if, at the time the petition is filed, the debt is an extension of credit under an open end credit plan, as the terms 'credit' and 'open end credit plan' are defined in section 103 of the Truth in Lending Act, then—

''(I) the annual percentage rate determined under paragraphs (5) and (6) of section 127(b) of the Truth in Lending Act, as applicable, as disclosed to the debtor in the most recent periodic statement prior to entering into an agreement of the kind specified in subsection (c) or, if no such periodic statement has been given to the debtor during the prior 6 months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given to the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

''(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed, or

''(III) if the entity making the disclosure elects, to disclose the annual percentage rate under subclause (I) and the simple interest rate under subclause (II);

''(ii) if, at the time the petition is filed, the debt is an extension of credit other than under an open end credit plan, as the terms 'credit' and 'open end credit plan' are defined in section 103 of the Truth in Lending Act, then—

''(I) the annual percentage rate under section 128(a)(4) of the Truth in Lending Act, as disclosed to the debtor in the most recent disclosure statement given to the debtor prior to the entering into an agreement of the kind specified in subsection (c) with respect to the debt, or, if no such disclosure statement was given to the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given to the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

''(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed, or

''(III) if the entity making the disclosure elects, to disclose the annual percentage rate under (I) and the simple interest rate under (II).

''(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the

Truth in Lending Act, by stating 'The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.'.

''(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the debts the debtor is reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan.

''(H) At the election of the creditor, a statement of the repayment schedule using 1 or a combination of the following—

''(i) by making the statement: 'Your first payment in the amount of $_____ is due on _____ but the future payment amount may be different. Consult your reaffirmation agreement or credit agreement, as applicable.', and stating the amount of the first payment and the due date of that payment in the places provided;

''(ii) by making the statement: 'Your payment schedule will be:', and describing the repayment schedule with the number, amount, and due dates or period of payments scheduled to repay the debts reaffirmed to the extent then known by the disclosing party; or

''(iii) by describing the debtor's repayment obligations with reasonable specificity to the extent then known by the disclosing party.

''(I) The following statement: 'Note: When this disclosure refers to what a creditor ''may'' do, it does not use the word ''may'' to give the creditor specific permission. The word ''may'' is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirming a debt or what the law requires, consult with the attorney who helped you negotiate this agreement reaffirming a debt. If you don't have an attorney helping you, the judge will explain the effect of your reaffirming a debt when the hearing on the reaffirmation agreement is held.'.

''(J)(i) The following additional statements:

'' 'Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

'' '1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

'' '2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

'' '3. If you were represented by an attorney during the negotiation of your reaffirmation agreement, the attorney must have signed the certification in Part C.

'' '4. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, you must have completed and signed Part E.

'' '5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

'' '6. If you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D.

'' '7. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your reaffirmation agreement. The bankruptcy court must approve your reaffirmation agreement as consistent with your best interests, except that no court approval is required if your reaffirmation agreement is for a consumer debt secured by a mortgage, deed of trust, security deed, or other lien on your real property, like your home.

'' 'Your right to rescind (cancel) your reaffirmation agreement. You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters a discharge order, or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. To rescind (cancel) your reaffirmation agreement, you must notify the creditor that your reaffirmation agreement is rescinded (or canceled).

'' 'What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy case. That means that if you default on your reaffirmed debt after your bankruptcy case is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of that agreement in the future under certain conditions.

'' 'Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

'' 'What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A ''lien'' is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.'.

''(ii) In the case of a reaffirmation under subsection (m)(2), numbered paragraph 6 in the disclosures required by clause (i) of this subparagraph shall read as follows:

'' '6. If you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.'.

''(4) The form of such agreement required under this paragraph shall consist of the following:

'' 'Part B: Reaffirmation Agreement. I (we) agree to reaffirm the debts arising under the credit agreement described below.

'' 'Brief description of credit agreement:

'' 'Description of any changes to the credit agreement made as part of this reaffirmation agreement:

'' 'Signature: Date:

'' 'Borrower:

'' 'Co-borrower, if also reaffirming these debts:

'' 'Accepted by creditor:

'' 'Date of creditor acceptance:'.

''(5) The declaration shall consist of the following:

''(A) The following certification:

'' 'Part C: Certification by Debtor's Attorney (If Any).

'' 'I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor; (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

'' 'Signature of Debtor's Attorney: Date:'.

''(B) If a presumption of undue hardship has been established with respect to such agreement, such certification shall state that in the opinion of the attorney, the debtor is able to make the payment.

''(C) In the case of a reaffirmation agreement under subsection (m)(2), subparagraph (B) is not applicable.

''(6)(A) The statement in support of such agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

'' 'Part D: Debtor's Statement in Support of Reaffirmation Agreement.

'' '1. I believe this reaffirmation agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $_____, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $_____, leaving $_____ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here: _____.

'' '2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

''(B) Where the debtor is represented by an attorney and is reaffirming a debt owed to a creditor defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act, the statement of support of the reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

'' 'I believe this reaffirmation agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

''(7) The motion that may be used if approval of such agreement by the court is required in order for it to be effective, shall be signed and dated by the movant and shall consist of the following:

'' 'Part E: Motion for Court Approval (To be completed only if the debtor is not represented by an attorney.). I (we), the debtor(s), affirm the following to be true and correct:

'' 'I am not represented by an attorney in connection with this reaffirmation agreement.

'' 'I believe this reaffirmation agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement, and because (provide any additional relevant reasons the court should consider):

''Therefore, I ask the court for an order approving this reaffirmation agreement.'.

''(8) The court order, which may be used to approve such agreement, shall consist of the following:

''Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.'.

''(l) Notwithstanding any other provision of this title the following shall apply:

''(1) A creditor may accept payments from a debtor before and after the filing of an agreement of the kind specified in subsection (c) with the court.

''(2) A creditor may accept payments from a debtor under such agreement that the creditor believes in good faith to be effective.

''(3) The requirements of subsections (c)(2) and (k) shall be satisfied if disclosures required under those subsections are given in good faith.

''(m)(1) Until 60 days after an agreement of the kind specified in subsection (c) is filed with the court (or such additional period as the court, after notice and a hearing and for cause, orders before the expiration of such period), it shall be presumed that such agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of such agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt. This presumption shall be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation that identifies additional sources of funds to make the payments as agreed upon under the terms of such agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove such agreement. No agreement shall be disapproved without notice and a hearing to the debtor and creditor, and such hearing shall be concluded before the entry of the debtor's discharge.

''(2) This subsection does not apply to reaffirmation agreements where the creditor is a credit union, as defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act.''.

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

''§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules

''(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

''(b) UNITED STATES ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION.—The individuals referred to in subsection (a) are—

''(1) the United States attorney for each judicial district of the United States; and

''(2) an agent of the Federal Bureau of Investigation for each field office of the Federal Bureau of Investigation.

''(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

''(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case that may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

''158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.''.

SEC. 204. PRESERVATION OF CLAIMS AND DEFENSES UPON SALE OF PREDATORY LOANS.

Section 363 of title 11, United States Code, is amended—

(1) by redesignating subsection (o) as subsection (p), and

(2) by inserting after subsection (n) the following:

''(o) Notwithstanding subsection (f), if a person purchases any interest in a consumer credit transaction that is subject to the Truth in Lending Act or any interest in a consumer credit contract (as defined in section 433.1 of title 16 of the Code of Federal Regulations (January 1, 2002), as amended from time to time), and if such interest is purchased through a sale under this section, then such person shall remain subject to all claims and defenses that are related to such consumer credit transaction or such consumer credit contract, to the same extent as such person would be subject to such claims and defenses of the consumer had such interest been purchased at a sale not under this section.''.

SEC. 205. GAO STUDY AND REPORT ON REAFFIRMATION AGREEMENT PROCESS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the reaffirmation agreement process that occurs under title 11 of the United States Code, to determine the overall treatment of consumers within the context of such process, and shall include in such study consideration of—

(1) the policies and activities of creditors with respect to reaffirmation agreements; and

(2) whether consumers are fully, fairly, and consistently informed of their rights pursuant to such title.

(b) REPORT TO THE CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report on the results of the study conducted under subsection (a), together with recommendations for legislation (if any) to address any abusive or coercive tactics found in connection with the reaffirmation agreement process that occurs under title 11 of the United States Code.

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

''(14A) 'domestic support obligation' means a debt that accrues before or after the date of the order for relief in a case under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

''(A) owed to or recoverable by—

''(i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or

''(ii) a governmental unit;

''(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated;

''(C) established or subject to establishment before or after the date of the order for relief in a case under this title, by reason of applicable provisions of—

''(i) a separation agreement, divorce decree, or property settlement agreement;

''(ii) an order of a court of record; or

''(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

''(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative for the purpose of collecting the debt;''.

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as so redesignated, by striking ''First'' and inserting ''Second'';

(4) in paragraph (3), as so redesignated, by striking ''Second'' and inserting ''Third'';

(5) in paragraph (4), as so redesignated—

(A) by striking ''Third'' and inserting ''Fourth''; and

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

(6) in paragraph (5), as so redesignated, by striking ''Fourth'' and inserting ''Fifth'';

(7) in paragraph (6), as so redesignated, by striking ''Fifth'' and inserting ''Sixth'';

(8) in paragraph (7), as so redesignated, by striking ''Sixth'' and inserting ''Seventh''; and

(9) by inserting before paragraph (2), as so redesignated, the following:

''(1) First:

''(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition in a case under this title, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or such child's parent, legal guardian, or responsible relative, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of such person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of the filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

''(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a governmental unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of the filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.

''(C) If a trustee is appointed or elected under section 701, 702, 703, 1104, 1202, or 1302,

the administrative expenses of the trustee allowed under paragraphs (1)(A), (2), and (6) of section 503(b) shall be paid before payment of claims under subparagraphs (A) and (B), to the extent that the trustee administers assets that are otherwise available for the payment of such claims.''.

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

''(14) If the debtor is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, the debtor has paid all amounts payable under such order or such statute for such obligation that first become payable after the date of the filing of the petition.'';

(2) in section 1208(c)—

(A) in paragraph (8), by striking ''or'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.'';

(3) in section 1222(a)—

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

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

(C) by adding at the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.'';

(4) in section 1222(b)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following:

''(11) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1228(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;'';

(5) in section 1225(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the debtor has paid all amounts that are required to be paid under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation.'';

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid'' after ''completion by the debtor of all payments under the plan'';

(7) in section 1307(c)—

(A) in paragraph (9), by striking ''or'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.'';

(8) in section 1322(a)—

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

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

(C) by adding at the end the following:

''(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.'';

(9) in section 1322(b)—

(A) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

''(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and'';

(10) in section 1325(a), as amended by section 102, by inserting after paragraph (7) the following:

''(8) the debtor has paid all amounts that are required to be paid under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation; and'';

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting '', and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid'' after ''completion by the debtor of all payments under the plan''.

SEC. 214. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) under subsection (a)—

''(A) of the commencement or continuation of a civil action or proceeding—

''(i) for the establishment of paternity;

''(ii) for the establishment or modification of an order for domestic support obligations;

''(iii) concerning child custody or visitation;

''(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

''(v) regarding domestic violence;

''(B) of the collection of a domestic support obligation from property that is not property of the estate;

''(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation under a judicial or administrative order or a statute;

''(D) of the withholding, suspension, or restriction of a driver's license, a professional or occupational license, or a recreational license, under State law, as specified in section 466(a)(16) of the Social Security Act;

''(E) of the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act;

''(F) of the interception of a tax refund, as specified in sections 464 and 466(a)(3) of the Social Security Act or under an analogous State law; or

''(G) of the enforcement of a medical obligation, as specified under title IV of the Social Security Act;''.

SEC. 215. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

''(5) for a domestic support obligation;''; and

(B) by striking paragraph (18);

(2) in subsection (c), by striking ''(6), or (15)'' each place it appears and inserting ''or (6)''; and

(3) in paragraph (15), as added by Public Law 103–394 (108 Stat. 4133)—

(A) by inserting ''to a spouse, former spouse, or child of the debtor and'' before ''not of the kind'';

(B) by inserting ''or'' after ''court of record,''; and

(C) by striking ''unless—'' and all that follows through the end of the paragraph and inserting a semicolon.

SEC. 216. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));'';

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting ''of a kind that is specified in section 523(a)(5); or''; and

(3) in subsection (g)(2), by striking ''subsection (f)(2)'' and inserting ''subsection (f)(1)(B)''.

SEC. 217. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

''(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation;''.

SEC. 218. DISPOSABLE INCOME DEFINED.

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting ''or for a domestic support obligation that first becomes payable after the date of the filing of the petition'' after ''dependent of the debtor''.

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) DUTIES OF TRUSTEE UNDER CHAPTER 7.—Section 704 of title 11, United States Code, as amended by section 102, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(10) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c); and''; and

(2) by adding at the end the following:

''(c)(1) In a case described in subsection (a)(10) to which subsection (a)(10) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (a)(10) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title;

''(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency; and

''(iii) include in the notice provided under clause (i) an explanation of the rights of such holder to payment of such claim under this chapter;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 727, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (a)(10) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making such disclosure.''.

(b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(8) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In a case described in subsection (a)(8) to which subsection (a)(8) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (a)(8) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

''(ii) include in the notice required by clause (i) the address and telephone number of such State child support enforcement agency;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice required by clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 1141, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (a)(8) or the State child enforcement support agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making such disclosure.''.

(c) DUTIES OF TRUSTEE UNDER CHAPTER 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c).''; and

(2) by adding at the end the following:

''(c)(1) In a case described in subsection (b)(6) to which subsection (b)(6) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (b)(6) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

''(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 1228, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (b)(6) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making that disclosure.''.

(d) DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(6) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (d).''; and

(2) by adding at the end the following:

''(d)(1) In a case described in subsection (b)(6) to which subsection (b)(6) applies, the trustee shall—

''(A)(i) provide written notice to the holder of the claim described in subsection (b)(6) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

''(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency;

''(B)(i) provide written notice to such State child support enforcement agency of such claim; and

''(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

''(C) at such time as the debtor is granted a discharge under section 1328, provide written notice to such holder and to such State child support enforcement agency of—

''(i) the granting of the discharge;

''(ii) the last recent known address of the debtor;

''(iii) the last recent known name and address of the debtor's employer; and

''(iv) the name of each creditor that holds a claim that—

''(I) is not discharged under paragraph (2) or (4) of section 523(a); or

''(II) was reaffirmed by the debtor under section 524(c).

''(2)(A) The holder of a claim described in subsection (b)(6) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

''(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making that disclosure.''.

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

''(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for—

''(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

''(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

''(B) any other educational loan that is a qualified education loan, as defined in section 221(d)(1) of the Internal Revenue Code of

1986, incurred by a debtor who is an individual;''.

Subtitle C—Other Consumer Protections

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or an employee of an attorney'' and inserting ''for the debtor or an employee of such attorney under the direct supervision of such attorney'';

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: ''If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the bankruptcy petition preparer shall be required to—

''(A) sign the document for filing; and

''(B) print on the document the name and address of that officer, principal, responsible person, or partner.''; and

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

''(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice which shall be on an official form prescribed by the Judicial Conference of the United States in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure.

''(B) The notice under subparagraph (A)—

''(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

''(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

''(iii) shall—

''(I) be signed by the debtor and, under penalty of perjury, by the bankruptcy petition preparer; and

''(II) be filed with any document for filing.'';

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''(2) For purposes'' and inserting ''(2)(A) Subject to subparagraph (B), for purposes''; and

(ii) by adding at the end the following:

''(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the bankruptcy petition preparer.''; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking ''(d)(1)'' and inserting ''(d)''; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

''(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

''(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

''(i) whether—

''(I) to file a petition under this title; or

''(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

''(ii) whether the debtor's debts will be discharged in a case under this title;

''(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

''(iv) concerning—

''(I) the tax consequences of a case brought under this title; or

''(II) the dischargeability of tax claims;

''(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

''(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

''(vii) concerning bankruptcy procedures and rights.'';

(6) in subsection (f)—

(A) by striking ''(f)(1)'' and inserting ''(f)''; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking ''(g)(1)'' and inserting ''(g)''; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

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

''(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.'';

(C) in paragraph (2), as so redesignated—

(i) by striking ''Within 10 days after the date of the filing of a petition, a bankruptcy petition preparer shall file a'' and inserting ''A'';

(ii) by inserting ''by the bankruptcy petition preparer shall be filed together with the petition,'' after ''perjury''; and

(iii) by adding at the end the following: ''If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).'';

(D) by striking paragraph (3), as so redesignated, and inserting the following:

''(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

''(i) rendered by the bankruptcy petition preparer during the 12-month period immediately preceding the date of the filing of the petition; or

''(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

''(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

''(C) An individual may exempt any funds recovered under this paragraph under section 522(b).''; and

(E) in paragraph (4), as so redesignated, by striking ''or the United States trustee'' and inserting ''the United States trustee (or the bankruptcy administrator, if any) or the court, on the initiative of the court,'';

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

''(i)(1) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on the motion of the debtor, trustee, United States trustee (or the bankruptcy administrator, if any), and after notice and a hearing, the court shall order the bankruptcy petition preparer to pay to the debtor—'';

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking ''a violation of which subjects a person to criminal penalty'';

(ii) in subparagraph (B)—

(I) by striking ''or has not paid a penalty'' and inserting ''has not paid a penalty''; and

(II) by inserting ''or failed to disgorge all fees ordered by the court'' after ''a penalty imposed under this section,'';

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued on the motion of the court, the trustee, or the United States trustee (or the bankruptcy administrator, if any).''; and

(11) by adding at the end the following:

''(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

''(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

''(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

''(B) advised the debtor to use a false Social Security account number;

''(C) failed to inform the debtor that the debtor was filing for relief under this title; or

''(D) prepared a document for filing in a manner that failed to disclose the identity of the bankruptcy petition preparer.

''(3) A debtor, trustee, creditor, or United States trustee (or the bankruptcy administrator, if any) may file a motion for an order imposing a fine on the bankruptcy petition preparer for any violation of this section.

''(4)(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this subparagraph shall be available to fund the enforcement of this section on a national basis.

''(B) Fines imposed under this subsection in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States.''.

SEC. 222. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. 223. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

Section 507(a) of title 11, United States Code, as amended by section 212, is amended by inserting after paragraph (9) the following:

''(10) Tenth, allowed claims for death or personal injury resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.''.

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and'';

(iii) by adding at the end the following:

''(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.''; and

(iv) by striking ''(2)(A) any property'' and inserting:

''(3) Property listed in this paragraph is—

''(A) any property'';

(B) by striking paragraph (1) and inserting:

''(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.'';

(C) by striking ''(b) Notwithstanding'' and inserting ''(b)(1) Notwithstanding'';

(D) by striking ''paragraph (2)'' each place it appears and inserting ''paragraph (3)'';

(E) by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)'';

(F) by striking ''Such property is—''; and

(G) by adding at the end the following:

''(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

''(A) If the retirement funds are in a retirement fund that has received a favorable determination under section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the filing of the petition in a case under this title, those funds shall be presumed to be exempt from the estate.

''(B) If the retirement funds are in a retirement fund that has not received a favorable determination under such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

''(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

''(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

''(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

''(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, under section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of such direct transfer.

''(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of such distribution.

''(ii) A distribution described in this clause is an amount that—

''(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

''(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of such amount.''; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (b)(2)''; and

(B) by adding at the end the following:

''(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking ''or'' at the end;

(2) in paragraph (18), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (18) the following:

''(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, under the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

''(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan under section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

''(B) a loan from a thrift savings plan permitted under subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;

but nothing in this paragraph may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title;''.

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, as amended by section 215, is amended by inserting after paragraph (17) the following:

''(18) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, under—

''(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

''(B) a loan from a thrift savings plan permitted under subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;

but nothing in this paragraph may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title; or''.

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

''(f) A plan may not materially alter the terms of a loan described in section 362(b)(19) and any amounts required to repay such loan shall not constitute 'disposable income' under section 1325.''.

(e) ASSET LIMITATION.—

(1) LIMITATION.—Section 522 of title 11, United States Code, is amended by adding at the end the following:

''(n) For assets in individual retirement accounts described in section 408 or 408A of the Internal Revenue Code of 1986, other than a simplified employee pension under section 408(k) of such Code or a simple retirement account under section 408(p) of such Code, the aggregate value of such assets exempted under this section, without regard to amounts attributable to rollover contributions under section 402(c), 402(e)(6), 403(a)(4), 403(a)(5), and 403(b)(8) of the Internal Revenue Code of 1986, and earnings thereon, shall not exceed $1,000,000 in a case filed by a debtor who is an individual, except that such amount may be increased if the interests of justice so require.''.

(2) ADJUSTMENT OF DOLLAR AMOUNTS.—Paragraphs (1) and (2) of section 104(b) of title 11, United States Code, are amended by inserting ''522(n),'' after ''522(d),''.

SEC. 225. PROTECTION OF EDUCATION SAVINGS IN BANKRUPTCY.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following:

''(5) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of the filing of the petition in a case under this title, but—

''(A) only if the designated beneficiary of such account was a child, stepchild, grandchild, or stepgrandchild of the debtor for the taxable year for which funds were placed in such account;

''(B) only to the extent that such funds—

''(i) are not pledged or promised to any entity in connection with any extension of credit; and

''(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

''(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

''(6) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of the filing of the petition in a case under this title, but—

''(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a child, stepchild, grandchild, or stepgrandchild of the debtor for the taxable year for which funds were paid or contributed;

''(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition in a case under this title by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

''(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;''; and

(2) by adding at the end the following:

''(e) In determining whether any of the relationships specified in paragraph (5)(A) or (6)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by section 106, is amended by adding at the end the following:

''(c) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).''.

SEC. 226. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

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

''(3) 'assisted person' means any person whose debts consist primarily of consumer debts and the value of whose nonexempt property is less than $150,000;'';

(2) by inserting after paragraph (4) the following:

''(4A) 'bankruptcy assistance' means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation, or filing, or attendance at a creditors' meeting or appearing in a proceeding on behalf of another or providing legal representation with respect to a case or proceeding under this title;''; and

(3) by inserting after paragraph (12) the following:

''(12A) 'debt relief agency' means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include—

''(A) any person who is an officer, director, employee, or agent of a person who provides such assistance or of the bankruptcy petition preparer;

''(B) a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

''(C) a creditor of such assisted person, to the extent that the creditor is assisting such assisted person to restructure any debt owed by such assisted person to the creditor;

''(D) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such depository institution or credit union; or

''(E) an author, publisher, distributor, or seller of works subject to copyright protection under title 17, when acting in such capacity.''.

(b) CONFORMING AMENDMENT.—Section 104(b) of title 11, United States Code, is amended by inserting ''101(3),'' after ''sections'' each place it appears.

SEC. 227. RESTRICTIONS ON DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

''§ 526. Restrictions on debt relief agencies

''(a) A debt relief agency shall not—

''(1) fail to perform any service that such agency informed an assisted person or prospective assisted person it would provide in connection with a case or proceeding under this title;

''(2) make any statement, or counsel or advise any assisted person or prospective assisted person to make a statement in a document filed in a case or proceeding under this title, that is untrue and misleading, or that upon the exercise of reasonable care, should have been known by such agency to be untrue or misleading;

''(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, with respect to—

''(A) the services that such agency will provide to such person; or

''(B) the benefits and risks that may result if such person becomes a debtor in a case under this title; or

''(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title.

''(b) Any waiver by any assisted person of any protection or right provided under this section shall not be enforceable against the debtor by any Federal or State court or any other person, but may be enforced against a debt relief agency.

''(c)(1) Any contract for bankruptcy assistance between a debt relief agency and an assisted person that does not comply with the material requirements of this section, section 527, or section 528 shall be void and may not be enforced by any Federal or State court or by any other person, other than such assisted person.

''(2) Any debt relief agency shall be liable to an assisted person in the amount of any fees or charges in connection with providing bankruptcy assistance to such person that such debt relief agency has received, for actual damages, and for reasonable attorneys' fees and costs if such agency is found, after notice and a hearing, to have—

''(A) intentionally or negligently failed to comply with any provision of this section, section 527, or section 528 with respect to a case or proceeding under this title for such assisted person;

''(B) provided bankruptcy assistance to an assisted person in a case or proceeding under this title that is dismissed or converted to a case under another chapter of this title because of such agency's intentional or negligent failure to file any required document including those specified in section 521; or

''(C) intentionally or negligently disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such agency.

''(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this section, the State—

''(A) may bring an action to enjoin such violation;

''(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

''(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorneys' fees as determined by the court.

''(4) The district courts of the United States for districts located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

''(5) Notwithstanding any other provision of Federal law and in addition to any other remedy provided under Federal or State law, if the court, on its own motion or on the motion of the United States trustee or the debtor, finds that a person intentionally violated this section, or engaged in a clear and consistent pattern or practice of violating this section, the court may—

''(A) enjoin the violation of such section; or

''(B) impose an appropriate civil penalty against such person.

''(d) No provision of this section, section 527, or section 528 shall—

''(1) annul, alter, affect, or exempt any person subject to such sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency; or

''(2) be deemed to limit or curtail the authority or ability—

''(A) of a State or subdivision or instrumentality thereof, to determine and enforce qualifications for the practice of law under the laws of that State; or

''(B) of a Federal court to determine and enforce the qualifications for the practice of law before that court.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 525, the following:

''526. Restrictions on debt relief agencies.''.

SEC. 228. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 227, is amended by adding at the end the following:

''§ 527. Disclosures

''(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide—

''(1) the written notice required under section 342(b)(1); and

''(2) to the extent not covered in the written notice described in paragraph (1), and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

''(A) all information that the assisted person is required to provide with a petition and thereafter during a case under this title is required to be complete, accurate, and truthful;

''(B) all assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 must be stated in those documents where requested after reasonable inquiry to establish such value;

''(C) current monthly income, the amounts specified in section 707(b)(2), and, in a case under chapter 13 of this title, disposable income (determined in accordance with section 707(b)(2)), are required to be stated after reasonable inquiry; and

''(D) information that an assisted person provides during their case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the case under this title or other sanction, including a criminal sanction.

''(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) the following statement, to the extent applicable, or one substantially similar. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

''IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

''If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney.

THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

''`The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

''`Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a 'trustee' and by creditors.

''`If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

''`If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

''`If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what should be done from someone familiar with that type of relief.

''`Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.'.

''(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which shall be provided in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

''(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

''(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

''(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506.

''(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for 2 years after the date on which the notice is given the assisted person.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 227, is amended by inserting after the item relating to section 526 the following:

''527. Disclosures.''.

SEC. 229. REQUIREMENTS FOR DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by sections 227 and 228, is amended by adding at the end the following:

''§ 528. Requirements for debt relief agencies

''(a) A debt relief agency shall—

''(1) not later than 5 business days after the first date on which such agency provides any bankruptcy assistance services to an assisted person, but prior to such assisted person's petition under this title being filed, execute a written contract with such assisted person that explains clearly and conspicuously—

''(A) the services such agency will provide to such assisted person; and

''(B) the fees or charges for such services, and the terms of payment;

''(2) provide the assisted person with a copy of the fully executed and completed contract;

''(3) clearly and conspicuously disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to bankruptcy relief under this title; and

''(4) clearly and conspicuously use the following statement in such advertisement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.

''(b)(1) An advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public includes—

''(A) descriptions of bankruptcy assistance in connection with a chapter 13 plan whether or not chapter 13 is specifically mentioned in such advertisement; and

''(B) statements such as 'federally supervised repayment plan' or 'Federal debt restructuring help' or other similar statements that could lead a reasonable consumer to believe that debt counseling was being offered when in fact the services were directed to providing bankruptcy assistance with a chapter 13 plan or other form of bankruptcy relief under this title.

''(2) An advertisement, directed to the general public, indicating that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt shall—

''(A) disclose clearly and conspicuously in such advertisement that the assistance may involve bankruptcy relief under this title; and

''(B) include the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 227 and 228, is amended by inserting after the item relating to section 527, the following:

''528. Requirements for debt relief agencies.''.

SEC. 230. GAO STUDY.

(a) STUDY.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the feasibility, effectiveness, and cost of requiring trustees appointed under title 11, United States Code, or the bankruptcy courts, to provide to the Office of Child Support Enforcement promptly after the commencement of cases by debtors who are individuals under such title, the names and social security account numbers of such debtors for the purposes of allowing such Office to determine whether such debtors have outstanding obligations for child support (as determined on the basis of information in the Federal Case Registry or other national database).

(b) REPORT.—Not later than 300 days after the date of enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report containing the results of the study required by subsection (a).

SEC. 231. PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) LIMITATION.—Section 363(b)(1) of title 11, United States Code, is amended by striking the period at the end and inserting the following:

'', except that if the debtor in connection with offering a product or a service discloses to an individual a policy prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor and if such policy is in effect on the date of the commencement of the case, then the trustee may not sell or lease personally identifiable information to any person unless—

''(A) such sale or such lease is consistent with such policy; or

''(B) after appointment of a consumer privacy ombudsman in accordance with section 332, and after notice and a hearing, the court approves such sale or such lease—

''(i) giving due consideration to the facts, circumstances, and conditions of such sale or such lease; and

''(ii) finding that no showing was made that such sale or such lease would violate applicable nonbankruptcy law.''.

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (41) the following:

''(41A) 'personally identifiable information' means—

''(A) if provided by an individual to the debtor in connection with obtaining a product or a service from the debtor primarily for personal, family, or household purposes—

''(i) the first name (or initial) and last name of such individual, whether given at birth or time of adoption, or resulting from a lawful change of name;

''(ii) the geographical address of a physical place of residence of such individual;

''(iii) an electronic address (including an e-mail address) of such individual;

''(iv) a telephone number dedicated to contacting such individual at such physical place of residence;

''(v) a social security account number issued to such individual; or

''(vi) the account number of a credit card issued to such individual; or

''(B) if identified in connection with 1 or more of the items of information specified in subparagraph (A)—

''(i) a birth date, the number of a certificate of birth or adoption, or a place of birth; or

''(ii) any other information concerning an identified individual that, if disclosed, will result in contacting or identifying such individual physically or electronically;''.

SEC. 232. CONSUMER PRIVACY OMBUDSMAN.

(a) CONSUMER PRIVACY OMBUDSMAN.—Title 11 of the United States Code is amended by inserting after section 331 the following:

"§ 332. Consumer privacy ombudsman

''(a) If a hearing is required under section 363(b)(1)(B), the court shall order the United States trustee to appoint, not later than 5 days before the commencement of the hearing, 1 disinterested person (other than the United States trustee) to serve as the consumer privacy ombudsman in the case and shall require that notice of such hearing be timely given to such ombudsman.

''(b) The consumer privacy ombudsman may appear and be heard at such hearing and shall provide to the court information to assist the court in its consideration of the facts, circumstances, and conditions of the proposed sale or lease of personally identifiable information under section 363(b)(1)(B). Such information may include presentation of—

''(1) the debtor's privacy policy;

''(2) the potential losses or gains of privacy to consumers if such sale or such lease is approved by the court;

''(3) the potential costs or benefits to consumers if such sale or such lease is approved by the court; and

''(4) the potential alternatives that would mitigate potential privacy losses or potential costs to consumers.

''(c) A consumer privacy ombudsman shall not disclose any personally identifiable information obtained by the ombudsman under this title.''.

(b) COMPENSATION OF CONSUMER PRIVACY OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended in the matter preceding subparagraph (A), by inserting ''a consumer privacy ombudsman appointed under section 332,'' before ''an examiner''.

(c) CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''332. Consumer privacy ombudsman.''.

SEC. 233. PROHIBITION ON DISCLOSURE OF NAME OF MINOR CHILDREN.

(a) PROHIBITION.—Title 11 of the United States Code, as amended by section 106, is amended by inserting after section 111 the following:

"§ 112. Prohibition on disclosure of name of minor children

''The debtor may be required to provide information regarding a minor child involved in matters under this title but may not be required to disclose in the public records in the case the name of such minor child. The debtor may be required to disclose the name of such minor child in a nonpublic record that is maintained by the court and made available by the court for examination by the United States trustee, the trustee, and the auditor (if any) serving under section 586(f) of title 28, in the case. The court, the United States trustee, the trustee, and such auditor shall not disclose the name of such minor child maintained in such nonpublic record.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, as amended by section 106, is amended by inserting after the item relating to section 111 the following:

''112. Prohibition on disclosure of name of minor children.''.

(c) CONFORMING AMENDMENT.—Section 107(a) of title 11, United States Code, is amended by inserting ''and subject to section 112'' after ''section''.

TITLE III —DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. TECHNICAL AMENDMENTS.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking ''by a court'' and inserting ''on a prisoner by any court'';

(2) by striking ''section 1915(b) or (f)'' and inserting ''subsection (b) or (f)(2) of section 1915''; and

(3) by inserting ''(or a similar non-Federal law)'' after ''title 28'' each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(3) if a single or joint case is filed by or against debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

''(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

''(B) on the motion of a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

''(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(i) as to all creditors, if—

''(I) more than 1 previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was pending within the preceding 1-year period;

''(II) a previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

''(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

''(bb) provide adequate protection as ordered by the court; or

''(cc) perform the terms of a plan confirmed by the court; or

''(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded—

''(aa) if a case under chapter 7, with a discharge; or

''(bb) if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; and

''(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

''(4)(A)(i) if a single or joint case is filed by or against a debtor who is an individual under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

''(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

''(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and a hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

''(C) a stay imposed under subparagraph (B) shall be effective on the date of the entry of the order allowing the stay to go into effect; and

''(D) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(i) as to all creditors if—

''(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

''(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to provide adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

''(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

''(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to such action of such creditor.''.

SEC. 303. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real property, if the court finds that the filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

''(A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or

''(B) multiple bankruptcy filings affecting such real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under paragraph (4) shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause

shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 224, is amended by inserting after paragraph (19), the following:

''(20) under subsection (a), of any act to enforce any lien against or security interest in real property following entry of the order under subsection (d)(4) as to such real property in any prior case under this title, for a period of 2 years after the date of the entry of such an order, except that the debtor, in a subsequent case under this title, may move for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing;

''(21) under subsection (a), of any act to enforce any lien against or security interest in real property—

''(A) if the debtor is ineligible under section 109(g) to be a debtor in a case under this title; or

''(B) if the case under this title was filed in violation of a bankruptcy court order in a prior case under this title prohibiting the debtor from being a debtor in another case under this title;''.

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a), as so designated by section 106—

(A) in paragraph (4), by striking '', and'' at the end and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) in a case under chapter 7 of this title in which the debtor is an individual, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in such personal property unless the debtor, not later than 45 days after the first meeting of creditors under section 341(a), either—

''(A) enters into an agreement with the creditor pursuant to section 524(c) with respect to the claim secured by such property; or

''(B) redeems such property from the security interest pursuant to section 722.

If the debtor fails to so act within the 45-day period referred to in paragraph (6), the stay under section 362(a) is terminated with respect to the personal property of the estate or of the debtor which is affected, such property shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee filed before the expiration of such 45-day period, and after notice and a hearing, that such property is of consequential value or benefit to the estate, orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee.''; and

(2) in section 722, by inserting ''in full at the time of redemption'' before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362, as amended by section 106—

(A) in subsection (c), by striking ''(e), and (f)'' and inserting ''(e), (f), and (h)'';

(B) by redesignating subsection (h) as subsection (k) and transferring such subsection so as to insert it after subjection (j) as added by section 106; and

(C) by inserting after subsection (g) the following:

''(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)—

''(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

''(B) to take timely the action specified in such statement, as it may be amended before expiration of the period for taking action, unless such statement specifies the debtor's intention to reaffirm such debt on the original contract terms and the creditor refuses to agree to the reaffirmation on such terms.

''(2) Paragraph (1) does not apply if the court determines, on the motion of the trustee filed before the expiration of the applicable time set by section 521(a)(2), after notice and a hearing, that such personal property is of consequential value or benefit to the estate, and orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee. If the court does not so determine, the stay provided by subsection (a) shall terminate upon the conclusion of the hearing on the motion.''; and

(2) in section 521, as amended by sections 106 and 225—

(A) in subsection (a)(2) by striking ''consumer'';

(B) in subsection (a)(2)(B)—

(i) by striking ''forty-five days after the filing of a notice of intent under this section'' and inserting ''30 days after the first date set for the meeting of creditors under section 341(a)''; and

(ii) by striking ''forty-five day'' and inserting ''30-day'';

(C) in subsection (a)(2)(C) by inserting '', except as provided in section 362(h)'' before the semicolon; and

(D) by adding at the end the following:

''(d) If the debtor fails timely to take the action specified in subsection (a)(6) of this section, or in paragraphs (1) and (2) of section 362(h), with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement that has the effect of placing the debtor in default under such lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.''.

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) IN GENERAL.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

''(i) the plan provides that—

''(I) the holder of such claim retain the lien securing such claim until the earlier of—

''(aa) the payment of the underlying debt determined under nonbankruptcy law; or

''(bb) discharge under section 1328; and

''(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and''.

(b) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following:

''For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the creditor has a purchase money security interest securing the debt that is the subject of the claim, the debt was incurred within the 910-day preceding the date of the filing of the petition, and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 1-year period preceding that filing.''.

(c) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (13) the following:

''(13A) 'debtor's principal residence'—

''(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

''(B) includes an individual condominium or cooperative unit, a mobile or manufactured home, or trailer;''; and

(2) by inserting after paragraph (27), the following:

''(27A) 'incidental property' means, with respect to a debtor's principal residence—

''(A) property commonly conveyed with a principal residence in the area where the real property is located;

''(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

''(C) all replacements or additions;''.

SEC. 307. DOMICILIARY REQUIREMENTS FOR EXEMPTIONS.

Section 522(b)(3) of title 11, United States Code, as so designated by section 106, is amended—

(1) in subparagraph (A)—

(A) by striking ''180 days'' and inserting ''730 days''; and

(B) by striking '', or for a longer portion of such 180-day period than in any other place'' and inserting ''or if the debtor's domicile has not been located at a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place''; and

(2) by adding at the end the following:

''If the effect of the domiciliary requirement under subparagraph (A) is to render the debtor ineligible for any exemption, the debtor may elect to exempt property that is specified under subsection (d).''.

SEC. 308. REDUCTION OF HOMESTEAD EXEMPTION FOR FRAUD.

Section 522 of title 11, United States Code, as amended by section 224, is amended—

(1) in subsection (b)(3)(A), as so designated by this Act, by inserting ''subject to subsections (o) and (p),'' before ''any property''; and

(2) by adding at the end the following:

''(o) For purposes of subsection (b)(3)(A), and notwithstanding subsection (a), the value of an interest in—

''(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence;

''(3) a burial plot for the debtor or a dependent of the debtor; or

''(4) real or personal property that the debtor or a dependent of the debtor claims as a homestead;

shall be reduced to the extent that such value is attributable to any portion of any property that the debtor disposed of in the 10-year period ending on the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b), if on such date the debtor had held the property so disposed of.''.

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.—Section 348(f)(1) of title 11, United States Code, is amended—

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

(2) in subparagraph (B)—

(A) by striking ''in the converted case, with allowed secured claims'' and inserting ''only in a case converted to a case under chapter 11 or 12, but not in a case converted to a case under chapter 7, with allowed secured claims in cases under chapters 11 and 12''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) with respect to cases converted from chapter 13—

''(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the case under chapter 13; and

''(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.''.

(b) GIVING DEBTORS THE ABILITY TO KEEP LEASED PERSONAL PROPERTY BY ASSUMPTION.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

''(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

''(2)(A) If the debtor in a case under chapter 7 is an individual, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may, at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

''(B) If, not later than 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

''(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

''(3) In a case under chapter 11 in which the debtor is an individual and in a case under chapter 13, if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.''.

(c) ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.—

(1) CONFIRMATION OF PLAN.—Section 1325(a)(5)(B) of title 11, United States Code, as amended by section 306, is amended—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking ''or'' at the end and inserting ''and''; and

(C) by adding at the end the following:

''(iii) if—

''(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and

''(II) the holder of the claim is secured by personal property, the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or''.

(2) PAYMENTS.—Section 1326(a) of title 11, United States Code, is amended to read as follows:

''(a)(1) Unless the court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, in the amount—

''(A) proposed by the plan to the trustee;

''(B) scheduled in a lease of personal property directly to the lessor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment; and

''(C) that provides adequate protection directly to a creditor holding an allowed claim secured by personal property to the extent the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment.

''(2) A payment made under paragraph (1)(A) shall be retained by the trustee until confirmation or denial of confirmation. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid and not yet due and owing to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).

''(3) Subject to section 363, the court may, upon notice and a hearing, modify, increase, or reduce the payments required under this subsection pending confirmation of a plan.

''(4) Not later than 60 days after the date of filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide the lessor or secured creditor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.''.

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

''(C)(i) for purposes of subparagraph (A)—

''(I) consumer debts owed to a single creditor and aggregating more than $500 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

''(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

''(ii) for purposes of this subparagraph—

''(I) the terms 'consumer', 'credit', and 'open end credit plan' have the same meanings as in section 103 of the Truth in Lending Act; and

''(II) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.''.

SEC. 311. AUTOMATIC STAY.

(a) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by sections 224 and 303, is amended by inserting after paragraph (21), the following:

''(22) subject to subsection (n), under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential property in which the debtor resides as a tenant under a lease or rental agreement and with respect to which the lessor has obtained before the date of the filing of the bankruptcy petition, a judgment for possession of such property against the debtor;

''(23) subject to subsection (o), under subsection (a)(3), of an eviction action that seeks possession of the residential property in which the debtor resides as a tenant under a lease or rental agreement based on endangerment of such property or the illegal use of controlled substances on such property, but only if the lessor files with the court, and serves upon the debtor, a certification under penalty of perjury that such an eviction action has been filed, or that the debtor, during the 30-day period preceding the date of the filing of the certification, has endangered property or illegally used or allowed to be used a controlled substance on the property;

''(24) under subsection (a), of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;''.

(b) LIMITATIONS.—Section 362 of title 11, United States Code, as amended by sections 106 and 305, is amended by adding at the end the following:

''(l)(1) Except as otherwise provided in this subsection, subsection (b)(22) shall apply on the date that is 30 days after the date on which the bankruptcy petition is filed, if the debtor files with the petition and serves upon the lessor a certification under penalty of perjury that—

''(A) under nonbankruptcy law applicable in the jurisdiction, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after that judgment for possession was entered; and

''(B) the debtor (or an adult dependent of the debtor) has deposited with the clerk of the court, any rent that would become due during the 30-day period after the filing of the bankruptcy petition.

''(2) If, within the 30-day period after the filing of the bankruptcy petition, the debtor (or an adult dependent of the debtor) complies with paragraph (1) and files with the court and serves upon the lessor a further certification under penalty of perjury that the debtor (or an adult dependent of the debtor) has cured, under nonbankrupcty law applicable in the jurisdiction, the entire

monetary default that gave rise to the judgment under which possession is sought by the lessor, subsection (b)(22) shall not apply, unless ordered to apply by the court under paragraph (3).

''(3)(A) If the lessor files an objection to any certification filed by the debtor under paragraph (1) or (2), and serves such objection upon the debtor, the court shall hold a hearing within 10 days after the filing and service of such objection to determine if the certification filed by the debtor under paragraph (1) or (2) is true.

''(B) If the court upholds the objection of the lessor filed under subparagraph (A)—

''(i) subsection (b)(22) shall apply immediately and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property; and

''(ii) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the court's order upholding the lessor's objection.

''(4) If a debtor, in accordance with paragraph (5), indicates on the petition that there was a judgment for possession of the residential rental property in which the debtor resides and does not file a certification under paragraph (1) or (2)—

''(A) subsection (b)(22) shall apply immediately upon failure to file such certification, and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property; and

''(B) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the docket indicating the absence of a filed certification and the applicability of the exception to the stay under subsection (b)(22).

''(5)(A) Where a judgment for possession of residential property in which the debtor resides as a tenant under a lease or rental agreement has been obtained by the lessor, the debtor shall so indicate on the bankruptcy petition and shall provide the name and address of the lessor that obtained that pre-petition judgment on the petition and on any certification filed under this subsection.

''(B) The form of certification filed with the petition, as specified in this subsection, shall provide for the debtor to certify, and the debtor shall certify—

''(i) whether a judgment for possession of residential rental housing in which the debtor resides has been obtained against the debtor before the date of the filing of the petition; and

''(ii) whether the debtor is claiming under paragraph (1) that under nonbankruptcy law applicable in the jurisdiction, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after that judgment of possession was entered, and has made the appropriate deposit with the court.

''(C) The standard forms (electronic and otherwise) used in a bankruptcy proceeding shall be amended to reflect the requirements of this subsection.

''(D) The clerk of the court shall arrange for the prompt transmittal of the rent deposited in accordance with paragraph (1)(B) to the lessor.

''(m)(1) Except as otherwise provided in this subsection, subsection (b)(23) shall apply on the date that is 15 days after the date on which the lessor files and serves a certification described in subsection (b)(23).

''(2)(A) If the debtor files with the court an objection to the truth or legal sufficiency of the certification described in subsection (b)(23) and serves such objection upon the lessor, subsection (b)(23) shall not apply, unless ordered to apply by the court under this subsection.

''(B) If the debtor files and serves the objection under subparagraph (A), the court shall hold a hearing within 10 days after the filing and service of such objection to determine if the situation giving rise to the lessor's certification under paragraph (1) existed or has been remedied.

''(C) If the debtor can demonstrate to the satisfaction of the court that the situation giving rise to the lessor's certification under paragraph (1) did not exist or has been remedied, the stay provided under subsection (a)(3) shall remain in effect until the termination of the stay under this section.

''(D) If the debtor cannot demonstrate to the satisfaction of the court that the situation giving rise to the lessor's certification under paragraph (1) did not exist or has been remedied—

''(i) relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to proceed with the eviction; and

''(ii) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the court's order upholding the lessor's certification.

''(3) If the debtor fails to file, within 15 days, an objection under paragraph (2)(A)—

''(A) subsection (b)(23) shall apply immediately upon such failure and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property; and

''(B) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the docket indicating such failure.''.

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking ''six'' and inserting ''8''; and

(2) in section 1328, by inserting after subsection (e) the following:

''(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for in the plan or disallowed under section 502, if the debtor has received a discharge—

''(1) in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter, or

''(2) in a case filed under chapter 13 of this title during the 2-year period preceding the date of such order.''.

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

(a) DEFINITION.—Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

''(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term 'household goods' means—

''(i) clothing;

''(ii) furniture;

''(iii) appliances;

''(iv) 1 radio;

''(v) 1 television;

''(vi) 1 VCR;

''(vii) linens;

''(viii) china;

''(ix) crockery;

''(x) kitchenware;

''(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor;

(xii) medical equipment and supplies;

''(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor;

''(xiv) personal effects (including the toys and hobby equipment of minor dependent children and wedding rings) of the debtor and the dependents of the debtor; and

''(xv) 1 personal computer and related equipment.

''(B) The term 'household goods' does not include—

''(i) works of art (unless by or of the debtor, or any relative of the debtor);

''(ii) electronic entertainment equipment with a fair market value of more than $500 in the aggregate (except 1 television, 1 radio, and 1 VCR);

''(iii) items acquired as antiques with a fair market value of more than $500 in the aggregate;

''(iv) jewelry with a fair market value of more than $500 in the aggregate (except wedding rings); and

''(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.''.

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing its findings regarding utilization of the definition of household goods, as defined in section 522(f)(4) of title 11, United States Code, as added by subsection (a), with respect to the avoidance of nonpossessory, nonpurchase money security interests in household goods under section 522(f)(1)(B) of title 11, United States Code, and the impact such section 522(f)(4) has had on debtors and on the bankruptcy courts. Such report may include recommendations for amendments to such section 522(f)(4) consistent with the Director's findings.

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

(a) IN GENERAL.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A) incurred to pay a tax to a governmental unit, other than the United States, that would be nondischargeable under paragraph (1);''.

(b) DISCHARGE UNDER CHAPTER 13.—Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) provided for under section 1322(b)(5);

''(2) of the kind specified in paragraph (2), (3), (4), (5), (8), or (9) of section 523(a);

''(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

''(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.''.

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) NOTICE.—Section 342 of title 11, United States Code, as amended by section 102, is amended—

(1) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)'';

(B) by striking '', but the failure of such notice to contain such information shall not invalidate the legal effect of such notice''; and

(C) by adding at the end the following:

''(2)(A) If, within the 90 days before the commencement of a voluntary case, a creditor supplies the debtor in at least 2 communications sent to the debtor with the current account number of the debtor and the address at which such creditor requests to receive correspondence, then any notice required by this title to be sent by the debtor to such creditor shall be sent to such address and shall include such account number.

''(B) If a creditor would be in violation of applicable nonbankruptcy law by sending

any such communication within such 90-day period and if such creditor supplies the debtor in the last 2 communications with the current account number of the debtor and the address at which such creditor requests to receive correspondence, then any notice required by this title to be sent by the debtor to such creditor shall be sent to such address and shall include such account number.''; and

(2) by adding at the end the following:

''(e)(1) In a case under chapter 7 or 13 of this title of a debtor who is an individual, a creditor at any time may both file with the court and serve on the debtor a notice of address to be used to provide notice in such case to such creditor.

''(2) Any notice in such case required to be provided to such creditor by the debtor or the court later than 5 days after the court and the debtor receive such creditor's notice of address, shall be provided to such address.

''(f)(1) An entity may file with any bankruptcy court a notice of address to be used by all the bankruptcy courts or by particular bankruptcy courts, as so specified by such entity at the time such notice is filed, to provide notice to such entity in all cases under chapters 7 and 13 pending in the courts with respect to which such notice is filed, in which such entity is a creditor.

''(2) In any case filed under chapter 7 or 13, any notice required to be provided by a court with respect to which a notice is filed under paragraph (1), to such entity later than 30 days after the filing of such notice under paragraph (1) shall be provided to such address unless with respect to a particular case a different address is specified in a notice filed and served in accordance with subsection (e).

''(3) A notice filed under paragraph (1) may be withdrawn by such entity.

''(g)(1) Notice provided to a creditor by the debtor or the court other than in accordance with this section (excluding this subsection) shall not be effective notice until such notice is brought to the attention of such creditor. If such creditor designates a person or an organizational subdivision of such creditor to be responsible for receiving notices under this title and establishes reasonable procedures so that such notices receivable by such creditor are to be delivered to such person or such subdivision, then a notice provided to such creditor other than in accordance with this section (excluding this subsection) shall not be considered to have been brought to the attention of such creditor until such notice is received by such person or such subdivision.

''(2) A monetary penalty may not be imposed on a creditor for a violation of a stay in effect under section 362(a) (including a monetary penalty imposed under section 362(k)) or for failure to comply with section 542 or 543 unless the conduct that is the basis of such violation or of such failure occurs after such creditor receives notice effective under this section of the order for relief.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 106, 225, and 305, is amended—

(1) in subsection (a), as so designated by section 106, by amending paragraph (1) to read as follows:

''(1) file—

''(A) a list of creditors; and

''(B) unless the court orders otherwise—

''(i) a schedule of assets and liabilities;

''(ii) a schedule of current income and current expenditures;

''(iii) a statement of the debtor's financial affairs and, if section 342(b) applies, a certificate—

''(I) of an attorney whose name is indicated on the petition as the attorney for the debtor, or a bankruptcy petition preparer signing the petition under section 110(b)(1), indicating that such attorney or the bankruptcy petition preparer delivered to the debtor the notice required by section 342(b); or

''(II) if no attorney is so indicated, and no bankruptcy petition preparer signed the petition, of the debtor that such notice was received and read by the debtor;

''(iv) copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor;

''(v) a statement of the amount of monthly net income, itemized to show how the amount is calculated; and

''(vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition;''; and

(2) by adding at the end the following:

''(e)(1) If the debtor in a case under chapter 7 or 13 is an individual and if a creditor files with the court at any time a request to receive a copy of the petition, schedules, and statement of financial affairs filed by the debtor, then the court shall make such petition, such schedules, and such statement available to such creditor.

''(2)(A) The debtor shall provide—

''(i) not later than 7 days before the date first set for the first meeting of creditors, to the trustee a copy of the Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed; and

''(ii) at the same time the debtor complies with clause (i), a copy of such return (or if elected under clause (i), such transcript) to any creditor that timely requests such copy.

''(B) If the debtor fails to comply with clause (i) or (ii) of subparagraph (A), the court shall dismiss the case unless the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor.

''(C) If a creditor requests a copy of such tax return or such transcript and if the debtor fails to provide a copy of such tax return or such transcript to such creditor at the time the debtor provides such tax return or such transcript to the trustee, then the court shall dismiss the case unless the debtor demonstrates that the failure to provide a copy of such tax return or such transcript is due to circumstances beyond the control of the debtor.

''(3) If a creditor in a case under chapter 13 files with the court at any time a request to receive a copy of the plan filed by the debtor, then the court shall make available to such creditor a copy of the plan—

''(A) at a reasonable cost; and

''(B) not later than 5 days after such request is filed.

''(f) At the request of the court, the United States trustee, or any party in interest in a case under chapter 7, 11, or 13, a debtor who is an individual shall file with the court—

''(1) at the same time filed with the taxing authority, a copy of each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) with respect to each tax year of the debtor ending while the case is pending under such chapter;

''(2) at the same time filed with the taxing authority, each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) that had not been filed with such authority as of the date of the commencement of the case and that was subsequently filed for any tax year of the debtor ending in the 3-year period ending on the date of the commencement of the case;

''(3) a copy of each amendment to any Federal income tax return or transcript filed with the court under paragraph (1) or (2); and

''(4) in a case under chapter 13—

''(A) on the date that is either 90 days after the end of such tax year or 1 year after the date of the commencement of the case, whichever is later, if a plan is not confirmed before such later date; and

''(B) annually after the plan is confirmed and until the case is closed, not later than the date that is 45 days before the anniversary of the confirmation of the plan;

a statement, under penalty of perjury, of the income and expenditures of the debtor during the tax year of the debtor most recently concluded before such statement is filed under this paragraph, and of the monthly income of the debtor, that shows how income, expenditures, and monthly income are calculated.

''(g)(1) A statement referred to in subsection (f)(4) shall disclose—

''(A) the amount and sources of the income of the debtor;

''(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

''(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

''(2) The tax returns, amendments, and statement of income and expenditures described in subsections (e)(2)(A) and (f) shall be available to the United States trustee (or the bankruptcy administrator, if any), the trustee, and any party in interest for inspection and copying, subject to the requirements of section 315(c) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003.

''(h) If requested by the United States trustee or by the trustee, the debtor shall provide—

''(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; or

''(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.''.

(c)(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

(3) Not later than 540 days after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall prepare and submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report that—

(A) assesses the effectiveness of the procedures established under paragraph (1); and

(B) if appropriate, includes proposed legislation to—

(i) further protect the confidentiality of tax information; and

(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by sections 106, 225, 305, and 315, is amended by adding at the end the following:

''(i)(1) Subject to paragraphs (2) and (4) and notwithstanding section 707(a), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within

45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition.

''(2) Subject to paragraph (4) and with respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

''(3) Subject to paragraph (4) and upon request of the debtor made within 45 days after the date of the filing of the petition described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.

''(4) Notwithstanding any other provision of this subsection, on the motion of the trustee filed before the expiration of the applicable period of time specified in paragraph (1), (2), or (3), and after notice and a hearing, the court may decline to dismiss the case if the court finds that the debtor attempted in good faith to file all the information required by subsection (a)(1)(B)(iv) and that the best interests of creditors would be served by administration of the case.''.

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, is amended—

(1) by striking ''After'' and inserting the following:

''(a) Except as provided in subsection (b) and after''; and

(2) by adding at the end the following:

''(b) The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a), unless the court determines that it would be in the best interests of the creditors and the estate to hold such hearing at an earlier date and there is no objection to such earlier date.''.

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Title 11, United States Code, is amended—

(1) by amending section 1322(d) to read as follows:

''(d)(1) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 5 years.

''(2) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is less than—

''(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 3 years, unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than 5 years.'';

(2) in section 1325(b)(1)(B), by striking ''three-year period'' and inserting ''applicable commitment period''; and

(3) in section 1325(b), as amended by section 102, by adding at the end the following:

''(4) For purposes of this subsection, the 'applicable commitment period'—

''(A) subject to subparagraph (B), shall be—

''(i) 3 years; or

''(ii) not less than 5 years, if the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

''(I) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

''(II) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

''(III) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4; and

''(B) may be less than 3 or 5 years, whichever is applicable under subparagraph (A), but only if the plan provides for payment in full of all allowed unsecured claims over a shorter period.''; and

(4) in section 1329(c), by striking ''three years'' and inserting ''the applicable commitment period under section 1325(b)(1)(B)''.

SEC. 319. SENSE OF CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by attorneys be submitted only after the debtors or the debtors' attorneys have made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), in a case under chapter 7, 11, or 13 in which the debtor is an individual, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

''(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

''(B) such 60-day period is extended—

''(i) by agreement of all parties in interest; or

''(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.''.

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

''§ 1115. Property of the estate

''(a) In a case in which the debtor is an individual, property of the estate includes, in addition to the property specified in section 541—

''(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

''(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.

''(b) Except as provided in section 1104 or a confirmed plan or order confirming a plan, the debtor shall remain in possession of all property of the estate.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

''1115. Property of the estate.''.

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in a case in which the debtor is an individual, provide for the payment to creditors under the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.''.

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, as amended by section 213, is amended by adding at the end the following:

''(15) In a case in which the debtor is an individual and in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

''(A) the value, as of the effective date of the plan, of the property to be distributed under the plan on account of such claim is not less than the amount of such claim; or

''(B) the value of the property to be distributed under the plan is not less than the projected disposable income of the debtor (as defined in section 1325(b)(2)) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the period for which the plan provides payments, whichever is longer.''.

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: '', except that in a case in which the debtor is an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14) of this section''.

(d) EFFECT OF CONFIRMATION.—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''The confirmation of a plan does not discharge an individual debtor'' and inserting ''A discharge under this chapter does not discharge a debtor who is an individual''; and

(2) by adding at the end the following:

''(5) In a case in which the debtor is an individual—

''(A) unless after notice and a hearing the court orders otherwise for cause, confirmation of the plan does not discharge any debt provided for in the plan until the court grants a discharge on completion of all payments under the plan;

''(B) at any time after the confirmation of the plan, and after notice and a hearing, the court may grant a discharge to the debtor who has not completed payments under the plan if—

''(i) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 on such date; and

''(ii) modification of the plan under section 1127 is not practicable; and''.

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

''(e) If the debtor is an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

''(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

''(2) extend or reduce the time period for such payments; or

''(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.

''(f)(1) Sections 1121 through 1128 and the requirements of section 1129 apply to any modification under subsection (a).

''(2) The plan, as modified, shall become the plan only after there has been disclosure under section 1125 as the court may direct, notice and a hearing, and such modification is approved.''.

SEC. 322. LIMITATIONS ON HOMESTEAD EXEMPTION.

(a) EXEMPTIONS.—Section 522 of title 11, United States Code, as amended by sections 224 and 308, is amended by adding at the end the following:

''(p)(1) Except as provided in paragraph (2) of this subsection and sections 544 and 548, as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that was acquired by the debtor during the 1215-day period preceding the date of the filing of the petition that exceeds in the aggregate $125,000 in value in—

''(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence;

''(C) a burial plot for the debtor or a dependent of the debtor; or

''(D) real or personal property that the debtor or dependent of the debtor claims as a homestead.

''(2)(A) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of such farmer.

''(B) For purposes of paragraph (1), any amount of such interest does not include any interest transferred from a debtor's previous principal residence (which was acquired prior to the beginning of such 1215-day period) into the debtor's current principal residence, if the debtor's previous and current residences are located in the same State.

''(q)(1) As a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of an interest in property described in subparagraphs (A), (B), (C), and (D) of subsection (p)(1) which exceeds in the aggregate $125,000 if—

''(A) the court determines, after notice and a hearing, that the debtor has been convicted of a felony (as defined in section 3156 of title 18), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of this title; or

''(B) the debtor owes a debt arising from—

''(i) any violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws;

''(ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933;

''(iii) any civil remedy under section 1964 of title 18; or

''(iv) any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

''(2) Paragraph (1) shall not apply to the extent the amount of an interest in property described in subparagraphs (A), (B), (C), and (D) of subsection (p)(1) is reasonably necessary for the support of the debtor and any dependent of the debtor.''.

(b) ADJUSTMENT OF DOLLAR AMOUNTS.—Paragraphs (1) and (2) of section 104(b) of title 11, United States Code, as amended by section 224, are amended by inserting ''522(p), 522(q),'' after ''522(n),''.

SEC. 323. EXCLUDING EMPLOYEE BENEFIT PLAN PARTICIPANT CONTRIBUTIONS AND OTHER PROPERTY FROM THE ESTATE.

Section 541(b) of title 11, United States Code, as amended by section 225, is amended by adding after paragraph (6), as added by section 225(a)(1)(C), the following:

''(7) any amount—

''(A) withheld by an employer from the wages of employees for payment as contributions—

''(i) to—

''(I) an employee benefit plan that is subject to title I of the Employee Retirement Income Security Act of 1974 or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986;

''(II) a deferred compensation plan under section 457 of the Internal Revenue Code of 1986; or

''(III) a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986;

except that such amount under this subparagraph shall not constitute disposable income as defined in section 1325(b)(2); or

''(ii) to a health insurance plan regulated by State law whether or not subject to such title; or

''(B) received by an employer from employees for payment as contributions—

''(i) to—

''(I) an employee benefit plan that is subject to title I of the Employee Retirement Income Security Act of 1974 or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986;

''(II) a deferred compensation plan under section 457 of the Internal Revenue Code of 1986; or

''(III) a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986;

except that such amount under this subparagraph shall not constitute disposable income, as defined in section 1325(b)(2); or

''(ii) to a health insurance plan regulated by State law whether or not subject to such title;''.

SEC. 324. EXCLUSIVE JURISDICTION IN MATTERS INVOLVING BANKRUPTCY PROFESSIONALS.

(a) IN GENERAL.—Section 1334 of title 28, United States Code, is amended—

(1) in subsection (b), by striking ''Notwithstanding'' and inserting ''Except as provided in subsection (e)(2), and notwithstanding''; and

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

''(e) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction—

''(1) of all the property, wherever located, of the debtor as of the commencement of such case, and of property of the estate; and

''(2) over all claims or causes of action that involve construction of section 327 of title 11, United States Code, or rules relating to disclosure requirements under section 327.''.

(b) APPLICABILITY.—This section shall only apply to cases filed after the date of enactment of this Act.

SEC. 325. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) For a case commenced—

''(A) under chapter 7 of title 11, $160; or

''(B) under chapter 13 of title 11, $150.''.

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

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

''(1)(A) 40.63 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

''(B) 70.00 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;'';

(2) in paragraph (2), by striking ''one-half'' and inserting ''three-fourths''; and

(3) in paragraph (4), by striking ''one-half'' and inserting ''100 percent''.

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking ''pursuant to 28 U.S.C. section 1930(b)'' and all that follows through ''28 U.S.C. section 1931'' and inserting ''under section 1930(b) of title 28, United States Code, and 31.25 percent of the fees collected under section 1930(a)(1)(A) of that title, 30.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title''.

SEC. 326. SHARING OF COMPENSATION.

Section 504 of title 11, United States Code, is amended by adding at the end the following:

''(c) This section shall not apply with respect to sharing, or agreeing to share, compensation with a bona fide public service attorney referral program that operates in accordance with non-Federal law regulating attorney referral services and with rules of professional responsibility applicable to attorney acceptance of referrals.''.

SEC. 327. FAIR VALUATION OF COLLATERAL.

Section 506(a) of title 11, United States Code, is amended by—

(1) inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) If the debtor is an individual in a case under chapter 7 or 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the

date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.''.

SEC. 328. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking the semicolon at the end and inserting the following: ''other than a default that is a breach of a provision relating to the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption, except that if such default arises from a failure to operate in accordance with a nonresidential real property lease, then such default shall be cured by performance at and after the time of assumption in accordance with such lease, and pecuniary losses resulting from such default shall be compensated in accordance with the provisions of this paragraph;''; and

(B) in paragraph (2)(D), by striking ''penalty rate or provision'' and inserting ''penalty rate or penalty provision'';

(2) in subsection (c)—

(A) in paragraph (2), by inserting ''or'' at the end;

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

(C) by striking paragraph (4);

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9); and

(B) by redesignating paragraph (10) as paragraph (5); and

(4) in subsection (f)(1) by striking ''; except that'' and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or of a kind that section 365(b)(2) expressly does not require to be cured'' before the semicolon at the end;

(2) in subparagraph (C), by striking ''and'' at the end;

(3) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, other than a default arising from failure to operate a nonresidential real property lease subject to section 365(b)(1)(A), compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and''.

SEC. 329. CLARIFICATION OF POSTPETITION WAGES AND BENEFITS.

Section 503(b)(1)(A) of title 11, United States Code, is amended to read as follows:

''(A) the actual, necessary costs and expenses of preserving the estate including—

''(i) wages, salaries, and commissions for services rendered after the commencement of the case; and

''(ii) wages and benefits awarded pursuant to a judicial proceeding or a proceeding of the National Labor Relations Board as back pay attributable to any period of time occurring after commencement of the case under this title, as a result of a violation of Federal or State law by the debtor, without regard to the time of the occurrence of unlawful conduct on which such award is based or to whether any services were rendered, if the court determines that payment of wages and benefits by reason of the operation of this clause will not substantially increase the probability of layoff or termination of current employees, or of nonpayment of domestic support obligations, during the case under this title;''.

SEC. 330. DELAY OF DISCHARGE DURING PENDENCY OF CERTAIN PROCEEDINGS.

(a) CHAPTER 7.—Section 727(a) of title 11, United States Code, as amended by section 106, is amended—

(1) in paragraph (10), by striking ''or'' at the end;

(2) in paragraph (11) by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (11) the following:

''(12) the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is reasonable cause to believe that—

''(A) section 522(q)(1) may be applicable to the debtor; and

''(B) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

(b) CHAPTER 11.—Section 1141(d) of title 11, United States Code, as amended by section 321, is amended by adding at the end the following:

''(C) unless after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge, the court finds that there is no reasonable cause to believe that—

''(i) section 522(q)(1) may be applicable to the debtor; and

''(ii) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

(c) CHAPTER 12.—Section 1228 of title 11, United States Code, is amended—

(1) in subsection (a) by striking ''As'' and inserting ''Subject to subsection (d), as'',

(2) in subsection (b) by striking ''At'' and inserting ''Subject to subsection (d), at'', and

(3) by adding at the end the following:

''(f) The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is no reasonable cause to believe that—

''(1) section 522(q)(1) may be applicable to the debtor; and

''(2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

(d) CHAPTER 13.—Section 1328 of title 11, United States Code, as amended by section 106, is amended—

(1) in subsection (a) by striking ''As'' and inserting ''Subject to subsection (d), as'',

(2) in subsection (b) by striking ''At'' and inserting ''Subject to subsection (d), at'', and

(3) by adding at the end the following:

''(h) The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is no reasonable cause to believe that—

''(1) section 522(q)(1) may be applicable to the debtor; and

''(2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).''.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (48) the following:

''(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934;''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by sections 224, 303, and 311, is amended by inserting after paragraph (24) the following:

''(25) under subsection (a), of—

''(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

''(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by such securities self regulatory organization to enforce such organization's regulatory power; or

''(C) any act taken by such securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements;''.

SEC. 402. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.''.

SEC. 403. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking ''10'' each place it appears and inserting ''30''.

SEC. 404. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

(a) IN GENERAL.—Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

''(4)(A) Subject to subparagraph (B), an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of—

''(i) the date that is 120 days after the date of the order for relief; or

''(ii) the date of the entry of an order confirming a plan.

''(B)(i) The court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days on the motion of the trustee or lessor for cause.

''(ii) If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.''.

(b) EXCEPTION.—Section 365(f)(1) of title 11, United States Code, is amended by striking

''subsection'' the first place it appears and inserting ''subsections (b) and''.

SEC. 405. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a) of title 11, United States Code, is amended by adding at the end the following:

''(4) On request of a party in interest and after notice and a hearing, the court may order the United States trustee to change the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may order the United States trustee to increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.''.

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) A committee appointed under subsection (a) shall—

''(A) provide access to information for creditors who—

''(i) hold claims of the kind represented by that committee; and

''(ii) are not appointed to the committee;

''(B) solicit and receive comments from the creditors described in subparagraph (A); and

''(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).''.

SEC. 406. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (h);

(2) in subsection (h), as so redesignated, by inserting ''and subject to the prior rights of holders of security interests in such goods or the proceeds of such goods'' after ''consent of a creditor''; and

(3) by adding at the end the following:

''(i)(1) Notwithstanding paragraphs (2) and (3) of section 545, the trustee may not avoid a warehouseman's lien for storage, transportation, or other costs incidental to the storage and handling of goods.

''(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any State statute applicable to such lien that is similar to section 7–209 of the Uniform Commercial Code, as in effect on the date of enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003, or any successor to such section 7–209.''.

SEC. 407. AMENDMENTS TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''(A) In'' and inserting ''In''; and

(B) by inserting ''to an examiner, trustee under chapter 11, or professional person'' after ''awarded''; and

(2) by adding at the end the following:

''(7) In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a commission, based on section 326.''.

SEC. 408. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

''(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.''.

SEC. 409. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

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

''(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

''(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

''(B) made according to ordinary business terms;'';

(2) in paragraph (8), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.''.

SEC. 410. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting '', or a debt (excluding a consumer debt) against a noninsider of less than $10,000,'' after ''$5,000''.

SEC. 411. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking ''On'' and inserting ''(1) Subject to paragraph (2), on''; and

(2) by adding at the end the following:

''(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

''(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.''.

SEC. 412. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking ''dwelling'' the first place it appears;

(2) by striking ''ownership or'' and inserting ''ownership,'';

(3) by striking ''housing'' the first place it appears; and

(4) by striking ''but only'' and all that follows through ''such period,'' and inserting ''or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,''.

SEC. 413. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting at the end the following: ''Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.''.

SEC. 414. DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

''(14) 'disinterested person' means a person that—

''(A) is not a creditor, an equity security holder, or an insider;

''(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

''(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;''.

SEC. 415. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3) of title 11, United States Code, is amended—

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

(2) by redesignating subparagraph (E) as subparagraph (F); and

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

''(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and''.

SEC. 416. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

''(B) Upon the filing of a report under subparagraph (A)—

''(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

''(ii) the service of any trustee appointed under subsection (d) shall terminate.

''(C) The court shall resolve any dispute arising out of an election described in subparagraph (A).''.

SEC. 417. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(2) by adding at the end the following:

''(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—

''(i) a cash deposit;

''(ii) a letter of credit;

''(iii) a certificate of deposit;

''(iv) a surety bond;

''(v) a prepayment of utility consumption; or

''(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

''(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

''(2) Subject to paragraphs (3) and (4), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of the filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

''(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

''(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

''(i) the absence of security before the date of the filing of the petition;

''(ii) the payment by the debtor of charges for utility service in a timely manner before the date of the filing of the petition; or

''(iii) the availability of an administrative expense priority.

''(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of the filing of the petition without notice or order of the court.''.

SEC. 418. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking ''Notwithstanding section 1915 of this title, the'' and inserting ''The''; and

(2) by adding at the end the following:

''(f)(1) Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments. For purposes of this paragraph, the term 'filing fee' means the filing required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

''(2) The district court or the bankruptcy court may waive for such debtors other fees prescribed under subsections (b) and (c).

''(3) This subsection does not restrict the district court or the bankruptcy court from waiving, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors.''.

SEC. 419. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Judicial Conference of the United States, in accordance with section 2075 of title 28 of the United States Code and after consideration of the views of the Director of the Executive Office for United States Trustees, shall propose amended Federal Rules of Bankruptcy Procedure and in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure shall prescribe official bankruptcy forms directing debtors under chapter 11 of title 11 of United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

Subtitle B—Small Business Bankruptcy Provisions

SEC. 431. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon ''and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information''; and

(2) by striking subsection (f), and inserting the following:

''(f) Notwithstanding subsection (b), in a small business case—

''(1) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

''(2) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

''(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

''(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 25 days before the date of the hearing on confirmation of the plan; and

''(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.''.

SEC. 432. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraph (51C) and inserting the following:

''(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

''(51D) 'small business debtor'—

''(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning or operating real property or activities incidental thereto) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the petition or the date of the order for relief in an amount not more than $2,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has not appointed under section 1102(a)(1) a committee of unsecured creditors or where the court has determined that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor; and

''(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $2,000,000 (excluding debt owed to 1 or more affiliates or insiders);''.

(b) CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting ''debtor'' after ''small business''.

(c) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, as amended by section 226, is amended by inserting ''101(51D),'' after ''101(3),'' each place it appears.

SEC. 433. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of enactment of this Act, the Judicial Conference of the United States shall prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure official standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 434. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

''§ 308. Debtor reporting requirements

''(a) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

''(b) A small business debtor shall file periodic financial and other reports containing information including—

''(1) the debtor's profitability;

''(2) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

''(3) comparisons of actual cash receipts and disbursements with projections in prior reports;

''(4)(A) whether the debtor is—

''(i) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

''(ii) timely filing tax returns and other required government filings and paying taxes and other administrative expenses when due;

''(B) if the debtor is not in compliance with the requirements referred to in subparagraph (A)(i) or filing tax returns and other required government filings and making the payments referred to in subparagraph (A)(ii), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

''(C) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

''308. Debtor reporting requirements.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 435. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Judicial Conference of the United States shall propose in accordance with section 2073 of title 28 of the United States Code amended Federal Rules of Bankruptcy Procedure, and shall prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure official bankruptcy forms, directing small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative expenses when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) a small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help such debtor to understand such debtor's financial condition and plan the such debtor's future.

SEC. 436. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of chapter 11 of title 11, United States Code, as amended by section 321, is amended by adding at the end the following:

"§ 1116. Duties of trustee or debtor in possession in small business cases

''In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

''(1) append to the voluntary petition or, in an involuntary case, file not later than 7 days after the date of the order for relief—

''(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

''(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

''(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court, after notice and a hearing, waives that requirement upon a finding of extraordinary and compelling circumstances;

''(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

''(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

''(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

''(6)(A) timely file tax returns and other required government filings; and

''(B) subject to section 363(c)(2), timely pay all taxes entitled to administrative expense priority except those being contested by appropriate proceedings being diligently prosecuted; and

''(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, as amended by section 321, is amended by inserting after the item relating to section 1115 the following:

''1116. Duties of trustee or debtor in possession in small business cases.''.

SEC. 437. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) In a small business case—

''(1) only the debtor may file a plan until after 180 days after the date of the order for relief, unless that period is—

''(A) extended as provided by this subsection, after notice and a hearing; or

''(B) the court, for cause, orders otherwise;

''(2) the plan and a disclosure statement (if any) shall be filed not later than 300 days after the date of the order for relief; and

''(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e) within which the plan shall be confirmed, may be extended only if—

''(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

''(B) a new deadline is imposed at the time the extension is granted; and

''(C) the order extending time is signed before the existing deadline has expired.''.

SEC. 438. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

''(e) In a small business case, the court shall confirm a plan that complies with the applicable provisions of this title and that is filed in accordance with section 1121(e) not later than 45 days after the plan is filed unless the time for confirmation is extended in accordance with section 1121(e)(3).''.

SEC. 439. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

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

''(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases; and'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(7) in each of such small business cases—

''(A) conduct an initial debtor interview as soon as practicable after the date of the order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

''(i) begin to investigate the debtor's viability;

''(ii) inquire about the debtor's business plan;

''(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

''(iv) attempt to develop an agreed scheduling order; and

''(v) inform the debtor of other obligations;

''(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor, ascertain the state of the debtor's books and records, and verify that the debtor has filed its tax returns; and

''(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

''(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.''.

SEC. 440. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking '', may''; and

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

''(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and''.

SEC. 441. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, as amended by sections 106, 305, and 311, is amended—

(1) in subsection (k), as so redesignated by section 305—

(A) by striking ''An'' and inserting ''(1) Except as provided in paragraph (2), an''; and

(B) by adding at the end the following:

''(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) of this subsection against such entity shall be limited to actual damages.''; and

(2) by adding at the end the following:

''(n)(1) Except as provided in paragraph (2), subsection (a) does not apply in a case in which the debtor—

''(A) is a debtor in a small business case pending at the time the petition is filed;

''(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

''(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

''(D) is an entity that has acquired substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C), unless such entity establishes by a preponderance of the evidence that such entity acquired substantially all of the assets or business of such small business debtor in good faith and not for the purpose of evading this paragraph.

''(2) Paragraph (1) does not apply—

''(A) to an involuntary case involving no collusion by the debtor with creditors; or

''(B) to the filing of a petition if—

''(i) the debtor proves by a preponderance of the evidence that the filing of the petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

''(ii) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.''.

SEC. 442. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

''(b)(1) Except as provided in paragraph (2) of this subsection, subsection (c) of this section, and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, absent unusual circumstances specifically identified by the court that establish that the requested conversion or dismissal is not in the best interests of creditors and the estate, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, if the movant establishes cause.

''(2) The relief provided in paragraph (1) shall not be granted absent unusual circumstances specifically identified by the court that establish that such relief is not in the best interests of creditors and the estate, if the debtor or another party in interest objects and establishes that—

''(A) there is a reasonable likelihood that a plan will be confirmed within the timeframes established in sections 1121(e) and 1129(e) of this title, or if such sections do not apply, within a reasonable period of time; and

''(B) the grounds for granting such relief include an act or omission of the debtor other than under paragraph (4)(A)—

''(i) for which there exists a reasonable justification for the act or omission; and

''(ii) that will be cured within a reasonable period of time fixed by the court.

''(3) The court shall commence the hearing on a motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of such hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

''(4) For purposes of this subsection, the term 'cause' includes—

''(A) substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation;

''(B) gross mismanagement of the estate;

''(C) failure to maintain appropriate insurance that poses a risk to the estate or to the public;

''(D) unauthorized use of cash collateral substantially harmful to 1 or more creditors;

''(E) failure to comply with an order of the court;

''(F) unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

''(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under rule 2004 of the Federal Rules of Bankruptcy Procedure without good cause shown by the debtor;

''(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee (or the bankruptcy administrator, if any);

''(I) failure timely to pay taxes owed after the date of the order for relief or to file tax returns due after the date of the order for relief;

''(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

''(K) failure to pay any fees or charges required under chapter 123 of title 28;

''(L) revocation of an order of confirmation under section 1144;

''(M) inability to effectuate substantial consummation of a confirmed plan;

''(N) material default by the debtor with respect to a confirmed plan;

''(O) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and

''(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.

''(5) The court shall commence the hearing on a motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of such hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.''.

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee or an examiner is in the best interests of creditors and the estate.''.

SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Executive Office for United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 444. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting ''or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later'' after ''90-day period)''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) the debtor has commenced monthly payments that—

''(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

''(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or''.

SEC. 445. PRIORITY FOR ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or relating to a failure to operate or a penalty provision, for the period of 2 years following the later of the rejection date or the date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from an entity other than the debtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6);''.

SEC. 446. DUTIES WITH RESPECT TO A DEBTOR WHO IS A PLAN ADMINISTRATOR OF AN EMPLOYEE BENEFIT PLAN.

(a) IN GENERAL.—Section 521(a) of title 11, United States Code, as amended by sections 106 and 304, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding after paragraph (6) the following:

''(7) unless a trustee is serving in the case, continue to perform the obligations required of the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan if at the time of the commencement of the case the debtor (or any entity designated by the debtor) served as such administrator.''.

(b) DUTIES OF TRUSTEES.—Section 704(a) of title 11, United States Code, as amended by sections 102 and 219, is amended—

(1) in paragraph (10), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(11) if, at the time of the commencement of the case, the debtor (or any entity designated by the debtor) served as the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan, continue to perform the obligations required of the administrator; and''.

(c) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended to read as follows:

''(1) perform the duties of the trustee, as specified in paragraphs (2), (5), (7), (8), (9), (10), and (11) of section 704;''.

SEC. 447. APPOINTMENT OF COMMITTEE OF RETIRED EMPLOYEES.

Section 1114(d) of title 11, United States Code, is amended—

(1) by striking ''appoint'' and inserting ''order the appointment of'', and

(2) by adding at the end the following: ''The United States trustee shall appoint any such committee.''.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting ''notwithstanding section 301(b)'' before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''A voluntary''; and

(2) by striking the last sentence and inserting the following:

''(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.''.

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901(a) of title 11, United States Code, is amended—

(1) by inserting ''555, 556,'' after ''553,''; and

(2) by inserting ''559, 560, 561, 562,'' after ''557,''.

TITLE VI—BANKRUPTCY DATA

SEC. 601. IMPROVED BANKRUPTCY STATISTICS.

(a) IN GENERAL.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''§ 159. Bankruptcy statistics

''(a) The clerk of the district court, or the clerk of the bankruptcy court if one is certified pursuant to section 156(b) of this title, shall collect statistics regarding debtors who are individuals with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a standardized format prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Director').

''(b) The Director shall—

''(1) compile the statistics referred to in subsection (a);

''(2) make the statistics available to the public; and

''(3) not later than July 1, 2006, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

''(c) The compilation required under subsection (b) shall—

''(1) be itemized, by chapter, with respect to title 11;

''(2) be presented in the aggregate and for each district; and

''(3) include information concerning—

''(A) the total assets and total liabilities of the debtors described in subsection (a), and

in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by debtors;

''(B) the current monthly income, average income, and average expenses of debtors as reported on the schedules and statements that each such debtor files under sections 521 and 1322 of title 11;

''(C) the aggregate amount of debt discharged in cases filed during the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

''(D) the average period of time between the date of the filing of the petition and the closing of the case for cases closed during the reporting period;

''(E) for cases closed during the reporting period—

''(i) the number of cases in which a reaffirmation agreement was filed; and

''(ii)(I) the total number of reaffirmation agreements filed;

''(II) of those cases in which a reaffirmation agreement was filed, the number of cases in which the debtor was not represented by an attorney; and

''(III) of those cases in which a reaffirmation agreement was filed, the number of cases in which the reaffirmation agreement was approved by the court;

''(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

''(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

''(II) the number of final orders entered determining the value of property securing a claim;

''(ii) the number of cases dismissed, the number of cases dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, separately itemized with respect to the number of modifications made before completion of the plan, if any; and

''(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the filing;

''(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

''(H) the number of cases in which sanctions under rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's attorney or damages awarded under such Rule.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''159. Bankruptcy statistics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by adding at the end the following:

''§ 589b. Bankruptcy data

''(a) RULES.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

''(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

''(2) periodic reports by debtors in possession or trustees in cases under chapter 11 of title 11.

''(b) REPORTS.—Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum possible access of the public, both by physical inspection at one or more central filing locations, and by electronic access through the Internet or other appropriate media.

''(c) REQUIRED INFORMATION.—The information required to be filed in the reports referred to in subsection (b) shall be that which is in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system. In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

''(1) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system;

''(2) economy, simplicity, and lack of undue burden on persons with a duty to file reports; and

''(3) appropriate privacy concerns and safeguards.

''(d) FINAL REPORTS.—The uniform forms for final reports required under subsection (a) for use by trustees under chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include with respect to a case under such title—

''(1) information about the length of time the case was pending;

''(2) assets abandoned;

''(3) assets exempted;

''(4) receipts and disbursements of the estate;

''(5) expenses of administration, including for use under section 707(b), actual costs of administering cases under chapter 13 of title 11;

''(6) claims asserted;

''(7) claims allowed; and

''(8) distributions to claimants and claims discharged without payment,

in each case by appropriate category and, in cases under chapters 12 and 13 of title 11, date of confirmation of the plan, each modification thereto, and defaults by the debtor in performance under the plan.

''(e) PERIODIC REPORTS.—The uniform forms for periodic reports required under subsection (a) for use by trustees or debtors in possession under chapter 11 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include—

''(1) information about the industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

''(2) length of time the case has been pending;

''(3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;

''(4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

''(5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

''(6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those not); and

''(7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 39 of title 28, United States Code, is amended by adding at the end the following:

''589b. Bankruptcy data.''.

SEC. 603. AUDIT PROCEDURES.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROCEDURES.—The Attorney General (in judicial districts served by United States trustees) and the Judicial Conference of the United States (in judicial districts served by bankruptcy administrators) shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information that the debtor is required to provide under sections 521 and 1322 of title 11, United States Code, and, if applicable, section 111 of such title, in cases filed under chapter 7 or 13 of such title in which the debtor is an individual. Such audits shall be in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants, provided that the Attorney General and the Judicial Conference, as appropriate, may develop alternative auditing standards not later than 2 years after the date of enactment of this Act.

(2) PROCEDURES.—Those procedures required by paragraph (1) shall—

(A) establish a method of selecting appropriate qualified persons to contract to perform those audits;

(B) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

(C) require audits of schedules of income and expenses that reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

(D) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

(b) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

''(6) make such reports as the Attorney General directs, including the results of audits performed under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003;''; and

(2) by adding at the end the following:

''(f)(1) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee, in accordance with the procedures established under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003.

''(2)(A) The report of each audit referred to in paragraph (1) shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case in which a material misstatement

of income or expenditures or of assets has been reported, the clerk of the district court (or the clerk of the bankruptcy court if one is certified under section 156(b) of this title) shall give notice of the misstatement to the creditors in the case.

''(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

''(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18; and

''(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11.''.

(c) AMENDMENTS TO SECTION 521 OF TITLE 11, U.S.C.—Section 521(a) of title 11, United States Code, as so designated by section 106, is amended in each of paragraphs (3) and (4) by inserting ''or an auditor serving under section 586(f) of title 28'' after ''serving in the case''.

(d) AMENDMENTS TO SECTION 727 OF TITLE 11, U.S.C.—Section 727(d) of title 11, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(4) the debtor has failed to explain satisfactorily—

''(A) a material misstatement in an audit referred to in section 586(f) of title 28; or

''(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and all other papers, things, or property belonging to the debtor that are requested for an audit referred to in section 586(f) of title 28.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) the national policy of the United States should be that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public, subject to such appropriate privacy concerns and safeguards as Congress and the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting ''(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)'' after ''under this title'';

(2) in subsection (b)(2), by inserting ''(except that such expenses, other than claims for wages, salaries, or commissions that arise after the date of the filing of the petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)'' after ''507(a)(1)''; and

(3) by adding at the end the following:

''(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

''(1) exhaust the unencumbered assets of the estate; and

''(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of such property.

''(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

''(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(4).

''(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(5).''.

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

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

(3) by adding at the end the following:

''(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.''.

SEC. 702. TREATMENT OF FUEL TAX CLAIMS.

Section 501 of title 11, United States Code, is amended by adding at the end the following:

''(e) A claim arising from the liability of a debtor for fuel use tax assessed consistent with the requirements of section 31705 of title 49 may be filed by the base jurisdiction designated pursuant to the International Fuel Tax Agreement (as defined in section 31701 of title 49) and, if so filed, shall be allowed as a single claim.''.

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

Section 505(b) of title 11, United States Code, is amended—

(1) in the first sentence, by inserting ''at the address and in the manner designated in paragraph (1)'' after ''determination of such tax'';

(2) by striking ''(1) upon payment'' and inserting ''(A) upon payment'';

(3) by striking ''(A) such governmental unit'' and inserting ''(i) such governmental unit'';

(4) by striking ''(B) such governmental unit'' and inserting ''(ii) such governmental unit'';

(5) by striking ''(2) upon payment'' and inserting ''(B) upon payment'';

(6) by striking ''(3) upon payment'' and inserting ''(C) upon payment'';

(7) by striking ''(b)'' and inserting ''(2)''; and

(8) by inserting before paragraph (2), as so designated, the following:

''(b)(1)(A) The clerk shall maintain a list under which a Federal, State, or local governmental unit responsible for the collection of taxes within the district may—

''(i) designate an address for service of requests under this subsection; and

''(ii) describe where further information concerning additional requirements for filing such requests may be found.

''(B) If such governmental unit does not designate an address and provide such address to the clerk under subparagraph (A), any request made under this subsection may be served at the address for the filing of a tax return or protest with the appropriate taxing authority of such governmental unit.''.

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

''§ 511. Rate of interest on tax claims

''(a) If any provision of this title requires the payment of interest on a tax claim or on an administrative expense tax, or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be the rate determined under applicable nonbankruptcy law.

''(b) In the case of taxes paid under a confirmed plan under this title, the rate of interest shall be determined as of the calendar month in which the plan is confirmed.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

''511. Rate of interest on tax claims.''.

SEC. 705. PRIORITY OF TAX CLAIMS.

Section 507(a)(8) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting ''for a taxable year ending on or before the date of the filing of the petition'' after ''gross receipts'';

(B) in clause (i), by striking ''for a taxable year ending on or before the date of the filing of the petition''; and

(C) by striking clause (ii) and inserting the following:

''(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

''(I) any time during which an offer in compromise with respect to that tax was pending or in effect during that 240-day period, plus 30 days; and

''(II) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period, plus 90 days.''; and

(2) by adding at the end the following:

''An otherwise applicable time period specified in this paragraph shall be suspended for any period during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection action taken or proposed against the debtor, plus 90 days; plus any time during which the stay of proceedings was in effect in a prior case under this title or during which collection was precluded by the existence of 1 or more confirmed plans under this title, plus 90 days.''.

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(8)(B) of title 11, United States Code, is amended by striking ''assessed'' and inserting ''incurred''.

SEC. 707. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 13.

Section 1328(a)(2) of title 11, United States Code, as amended by section 314, is amended by striking ''paragraph'' and inserting ''section 507(a)(8)(C) or in paragraph (1)(B), (1)(C),''.

SEC. 708. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 11.

Section 1141(d) of title 11, United States Code, as amended by sections 321 and 330, is amended by adding at the end the following:

''(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt—

''(A) of a kind specified in paragraph (2)(A) or (2)(B) of section 523(a) that is owed to a domestic governmental unit, or owed to a person as the result of an action filed under subchapter III of chapter 37 of title 31 or any similar State statute; or

''(B) for a tax or customs duty with respect to which the debtor—

''(i) made a fraudulent return; or

''(ii) willfully attempted in any manner to evade or to defeat such tax or such customs duty.''.

SEC. 709. STAY OF TAX PROCEEDINGS LIMITED TO PREPETITION TAXES.

Section 362(a)(8) of title 11, United States Code, is amended by striking ''the debtor'' and inserting ''a corporate debtor's tax liability for a taxable period the bankruptcy court may determine or concerning the tax liability of a debtor who is an individual for a taxable period ending before the date of the order for relief under this title''.

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

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

(2) in subparagraph (C), by striking ''deferred cash payments,'' and all that follows through the end of the subparagraph, and inserting ''regular installment payments in cash—

''(i) of a total value, as of the effective date of the plan, equal to the allowed amount of such claim;

''(ii) over a period ending not later than 5 years after the date of the order for relief under section 301, 302, or 303; and

''(iii) in a manner not less favorable than the most favored nonpriority unsecured claim provided for by the plan (other than cash payments made to a class of creditors under section 1122(b)); and''; and

(3) by adding at the end the following:

''(D) with respect to a secured claim which would otherwise meet the description of an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).''.

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: '', except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law''.

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) PAYMENT OF TAXES REQUIRED.—Section 960 of title 28, United States Code, is amended—

(1) by inserting ''(a)'' before ''Any''; and

(2) by adding at the end the following:

''(b) A tax under subsection (a) shall be paid on or before the due date of the tax under applicable nonbankruptcy law, unless—

''(1) the tax is a property tax secured by a lien against property that is abandoned under section 554 of title 11, within a reasonable period of time after the lien attaches, by the trustee in a case under title 11; or

''(2) payment of the tax is excused under a specific provision of title 11.

''(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

''(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or

''(2) before the due date of the tax, an order of the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.''.

(b) PAYMENT OF AD VALOREM TAXES REQUIRED.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting ''whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both,'' before ''except''.

(c) REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE TAXES ELIMINATED.—Section 503(b)(1) of title 11, United States Code, is amended—

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

(2) in subparagraph (C), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being an allowed administrative expense;''.

(d) PAYMENT OF TAXES AND FEES AS SECURED CLAIMS.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting ''or State statute'' after ''agreement''; and

(2) in subsection (c), by inserting '', including the payment of all ad valorem property taxes with respect to the property'' before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking ''before the date on which the trustee commences distribution under this section;'' and inserting the following: ''on or before the earlier of—

''(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

''(B) the date on which the trustee commences final distribution under this section;''.

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, as amended by sections 215 and 224, is amended—

(1) in paragraph (1)(B)—

(A) in the matter preceding clause (i), by inserting ''or equivalent report or notice,'' after ''a return,'';

(B) in clause (i), by inserting ''or given'' after ''filed''; and

(C) in clause (ii)—

(i) by inserting ''or given'' after ''filed''; and

(ii) by inserting '', report, or notice'' after ''return''; and

(2) by adding at the end the following:

''For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.''.

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

Section 505(b)(2) of title 11, United States Code, as amended by section 703, is amended by inserting ''the estate,'' after ''misrepresentation,''.

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.—Section 1325(a) of title 11, United States Code, as amended by sections 102, 213, and 306, is amended by inserting after paragraph (8) the following:

''(9) the debtor has filed all applicable Federal, State, and local tax returns as required by section 1308.''.

(b) ADDITIONAL TIME PERMITTED FOR FILING TAX RETURNS.—

(1) IN GENERAL.—Subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

''§ 1308. Filing of prepetition tax returns

''(a) Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

''(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the meeting of creditors is first scheduled to be held under section 341(a), the trustee may hold open that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

''(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that meeting; or

''(B) for any return that is not past due as of the date of the filing of the petition, the later of—

''(i) the date that is 120 days after the date of that meeting; or

''(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request is timely made, in accordance with applicable nonbankruptcy law.

''(2) After notice and a hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by a preponderance of the evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

''(A) a period of not more than 30 days for returns described in paragraph (1); and

''(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

''(c) For purposes of this section, the term 'return' includes a return prepared pursuant to subsection (a) or (b) of section 6020 of the Internal Revenue Code of 1986, or a similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal.''.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

''1308. Filing of prepetition tax returns.''.

(c) DISMISSAL OR CONVERSION ON FAILURE TO COMPLY.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) Upon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors and the estate.''.

(d) TIMELY FILED CLAIMS.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following: '', and except that in a case under chapter 13, a claim of a governmental unit

for a tax with respect to a return filed under section 1308 shall be timely if the claim is filed on or before the date that is 60 days after the date on which such return was filed as required''.

(e) RULES FOR OBJECTIONS TO CLAIMS AND TO CONFIRMATION.—It is the sense of Congress that the Judicial Conference of the United States should, as soon as practicable after the date of enactment of this Act, propose amended Federal Rules of Bankruptcy Procedure that provide—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, that an objection to the confirmation of a plan filed by a governmental unit on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1308 and 1325(a)(7) of title 11, United States Code, shall be treated for all purposes as if such objection had been timely filed before such confirmation; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, that no objection to a claim for a tax with respect to which a return is required to be filed under section 1308 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting ''including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case,'' after ''records,''; and

(2) by striking ''a hypothetical reasonable investor typical of holders of claims or interests'' and inserting ''such a hypothetical investor''.

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, as amended by sections 224, 303, 311, and 401, is amended by inserting after paragraph (25) the following:

''(26) under subsection (a), of the setoff under applicable nonbankruptcy law of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the date of the order for relief against an income tax liability for a taxable period that also ended before the date of the order for relief, except that in any case in which the setoff of an income tax refund is not permitted under applicable nonbankruptcy law because of a pending action to determine the amount or legality of a tax liability, the governmental unit may hold the refund pending the resolution of the action, unless the court, on the motion of the trustee and after notice and a hearing, grants the taxing authority adequate protection (within the meaning of section 361) for the secured claim of such authority in the setoff under section 506(a);''.

SEC. 719. SPECIAL PROVISIONS RELATED TO THE TREATMENT OF STATE AND LOCAL TAXES.

(a) IN GENERAL.—

(1) SPECIAL PROVISIONS.—Section 346 of title 11, United States Code, is amended to read as follows:

''§ 346. Special provisions related to the treatment of State and local taxes

''(a) Whenever the Internal Revenue Code of 1986 provides that a separate taxable estate or entity is created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of such estate shall be taxed to or claimed by the estate, a separate taxable estate is also created for purposes of any State and local law imposing a tax on or measured by income and such income, gain, loss, deductions, and credits shall be taxed to or claimed by the estate and may not be taxed to or claimed by the debtor. The preceding sentence shall not apply if the case is dismissed. The trustee shall make tax returns of income required under any such State or local law.

''(b) Whenever the Internal Revenue Code of 1986 provides that no separate taxable estate shall be created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of an estate shall be taxed to or claimed by the debtor, such income, gain, loss, deductions, and credits shall be taxed to or claimed by the debtor under a State or local law imposing a tax on or measured by income and may not be taxed to or claimed by the estate. The trustee shall make such tax returns of income of corporations and of partnerships as are required under any State or local law, but with respect to partnerships, shall make such returns only to the extent such returns are also required to be made under such Code. The estate shall be liable for any tax imposed on such corporation or partnership, but not for any tax imposed on partners or members.

''(c) With respect to a partnership or any entity treated as a partnership under a State or local law imposing a tax on or measured by income that is a debtor in a case under this title, any gain or loss resulting from a distribution of property from such partnership, or any distributive share of any income, gain, loss, deduction, or credit of a partner or member that is distributed, or considered distributed, from such partnership, after the commencement of the case, is gain, loss, income, deduction, or credit, as the case may be, of the partner or member, and if such partner or member is a debtor in a case under this title, shall be subject to tax in accordance with subsection (a) or (b).

''(d) For purposes of any State or local law imposing a tax on or measured by income, the taxable period of a debtor in a case under this title shall terminate only if and to the extent that the taxable period of such debtor terminates under the Internal Revenue Code of 1986.

''(e) The estate in any case described in subsection (a) shall use the same accounting method as the debtor used immediately before the commencement of the case, if such method of accounting complies with applicable nonbankruptcy tax law.

''(f) For purposes of any State or local law imposing a tax on or measured by income, a transfer of property from the debtor to the estate or from the estate to the debtor shall not be treated as a disposition for purposes of any provision assigning tax consequences to a disposition, except to the extent that such transfer is treated as a disposition under the Internal Revenue Code of 1986.

''(g) Whenever a tax is imposed pursuant to a State or local law imposing a tax on or measured by income pursuant to subsection (a) or (b), such tax shall be imposed at rates generally applicable to the same types of entities under such State or local law.

''(h) The trustee shall withhold from any payment of claims for wages, salaries, commissions, dividends, interest, or other payments, or collect, any amount required to be withheld or collected under applicable State or local tax law, and shall pay such withheld or collected amount to the appropriate governmental unit at the time and in the manner required by such tax law, and with the same priority as the claim from which such amount was withheld or collected was paid.

''(i)(1) To the extent that any State or local law imposing a tax on or measured by income provides for the carryover of any tax attribute from one taxable period to a subsequent taxable period, the estate shall succeed to such tax attribute in any case in which such estate is subject to tax under subsection (a).

''(2) After such a case is closed or dismissed, the debtor shall succeed to any tax attribute to which the estate succeeded under paragraph (1) to the extent consistent with the Internal Revenue Code of 1986.

''(3) The estate may carry back any loss or tax attribute to a taxable period of the debtor that ended before the date of the order for relief under this title to the extent that—

''(A) applicable State or local tax law provides for a carryback in the case of the debtor; and

''(B) the same or a similar tax attribute may be carried back by the estate to such a taxable period of the debtor under the Internal Revenue Code of 1986.

''(j)(1) For purposes of any State or local law imposing a tax on or measured by income, income is not realized by the estate, the debtor, or a successor to the debtor by reason of discharge of indebtedness in a case under this title, except to the extent, if any, that such income is subject to tax under the Internal Revenue Code of 1986.

''(2) Whenever the Internal Revenue Code of 1986 provides that the amount excluded from gross income in respect of the discharge of indebtedness in a case under this title shall be applied to reduce the tax attributes of the debtor or the estate, a similar reduction shall be made under any State or local law imposing a tax on or measured by income to the extent such State or local law recognizes such attributes. Such State or local law may also provide for the reduction of other attributes to the extent that the full amount of income from the discharge of indebtedness has not been applied.

''(k)(1) Except as provided in this section and section 505, the time and manner of filing tax returns and the items of income, gain, loss, deduction, and credit of any taxpayer shall be determined under applicable nonbankruptcy law.

''(2) For Federal tax purposes, the provisions of this section are subject to the Internal Revenue Code of 1986 and other applicable Federal nonbankruptcy law.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by striking the item relating to section 346 and inserting the following:

''346. Special provisions related to the treatment of State and local taxes.''.

(b) CONFORMING AMENDMENTS.—Title 11 of the United States Code is amended—

(1) by striking section 728;

(2) in the table of sections for chapter 7 by striking the item relating to section 728;

(3) in section 1146—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively; and

(4) in section 1231—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

SEC. 720. DISMISSAL FOR FAILURE TO TIMELY FILE TAX RETURNS.

Section 521 of title 11, United States Code, as amended by sections 106, 225, 305, 315, and 316, is amended by adding at the end the following:

''(j)(1) Notwithstanding any other provision of this title, if the debtor fails to file a tax return that becomes due after the commencement of the case or to properly obtain an extension of the due date for filing such return, the taxing authority may request that the court enter an order converting or dismissing the case.

''(2) If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after a request is filed by the taxing authority under that paragraph, the court shall convert or dismiss

the case, whichever is in the best interests of creditors and the estate.''.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

''CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

''Sec.
''1501. Purpose and scope of application.
''SUBCHAPTER I—GENERAL PROVISIONS
''1502. Definitions.
''1503. International obligations of the United States.
''1504. Commencement of ancillary case.
''1505. Authorization to act in a foreign country.
''1506. Public policy exception.
''1507. Additional assistance.
''1508. Interpretation.
''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT
''1509. Right of direct access.
''1510. Limited jurisdiction.
''1511. Commencement of case under section 301 or 303.
''1512. Participation of a foreign representative in a case under this title.
''1513. Access of foreign creditors to a case under this title.
''1514. Notification to foreign creditors concerning a case under this title.
''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF
''1515. Application for recognition.
''1516. Presumptions concerning recognition.
''1517. Order granting recognition.
''1518. Subsequent information.
''1519. Relief that may be granted upon filing petition for recognition.
''1520. Effects of recognition of a foreign main proceeding.
''1521. Relief that may be granted upon recognition.
''1522. Protection of creditors and other interested persons.
''1523. Actions to avoid acts detrimental to creditors.
''1524. Intervention by a foreign representative.
''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES
''1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.
''1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
''1527. Forms of cooperation.
''SUBCHAPTER V—CONCURRENT PROCEEDINGS
''1528. Commencement of a case under this title after recognition of a foreign main proceeding.
''1529. Coordination of a case under this title and a foreign proceeding.
''1530. Coordination of more than 1 foreign proceeding.
''1531. Presumption of insolvency based on recognition of a foreign main proceeding.
''1532. Rule of payment in concurrent proceedings.

''§ 1501. Purpose and scope of application

''(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

''(1) cooperation between—

''(A) courts of the United States, United States trustees, trustees, examiners, debtors, and debtors in possession; and

''(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

''(2) greater legal certainty for trade and investment;

''(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

''(4) protection and maximization of the value of the debtor's assets; and

''(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

''(b) This chapter applies where—

''(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

''(2) assistance is sought in a foreign country in connection with a case under this title;

''(3) a foreign proceeding and a case under this title with respect to the same debtor are pending concurrently; or

''(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

''(c) This chapter does not apply to—

''(1) a proceeding concerning an entity, other than a foreign insurance company, identified by exclusion in section 109(b);

''(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

''(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970, a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

''(d) The court may not grant relief under this chapter with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.

''SUBCHAPTER I—GENERAL PROVISIONS

''§ 1502. Definitions

''For the purposes of this chapter, the term—

''(1) 'debtor' means an entity that is the subject of a foreign proceeding;

''(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

''(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

''(4) 'foreign main proceeding' means a foreign proceeding pending in the country where the debtor has the center of its main interests;

''(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, pending in a country where the debtor has an establishment;

''(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title;

''(7) 'recognition' means the entry of an order granting recognition of a foreign main proceeding or foreign nonmain proceeding under this chapter; and

''(8) 'within the territorial jurisdiction of the United States', when used with reference to property of a debtor, refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

''§ 1503. International obligations of the United States

''To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with one or more other countries, the requirements of the treaty or agreement prevail.

''§ 1504. Commencement of ancillary case

''A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

''§ 1505. Authorization to act in a foreign country

''A trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

''§ 1506. Public policy exception

''Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

''§ 1507. Additional assistance

''(a) Subject to the specific limitations stated elsewhere in this chapter the court, if recognition is granted, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

''(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

''(1) just treatment of all holders of claims against or interests in the debtor's property;

''(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

''(3) prevention of preferential or fraudulent dispositions of property of the debtor;

''(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

''(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

''§ 1508. Interpretation

''In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

''§ 1509. Right of direct access

''(a) A foreign representative may commence a case under section 1504 by filing directly with the court a petition for recognition of a foreign proceeding under section 1515.

''(b) If the court grants recognition under section 1515, and subject to any limitations that the court may impose consistent with the policy of this chapter—

''(1) the foreign representative has the capacity to sue and be sued in a court in the United States;

''(2) the foreign representative may apply directly to a court in the United States for appropriate relief in that court; and

''(3) a court in the United States shall grant comity or cooperation to the foreign representative.

''(c) A request for comity or cooperation by a foreign representative in a court in the United States other than the court which granted recognition shall be accompanied by a certified copy of an order granting recognition under section 1517.

''(d) If the court denies recognition under this chapter, the court may issue any appropriate order necessary to prevent the foreign representative from obtaining comity or cooperation from courts in the United States.

''(e) Whether or not the court grants recognition, and subject to sections 306 and 1510, a foreign representative is subject to applicable nonbankruptcy law.

''(f) Notwithstanding any other provision of this section, the failure of a foreign representative to commence a case or to obtain recognition under this chapter does not affect any right the foreign representative may have to sue in a court in the United States to collect or recover a claim which is the property of the debtor.

''§ 1510. Limited jurisdiction

''The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

''§ 1511. Commencement of case under section 301 or 303

''(a) Upon recognition, a foreign representative may commence—

''(1) an involuntary case under section 303; or

''(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

''(b) The petition commencing a case under subsection (a) must be accompanied by a certified copy of an order granting recognition. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

''§ 1512. Participation of a foreign representative in a case under this title

''Upon recognition of a foreign proceeding, the foreign representative in the recognized proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

''§ 1513. Access of foreign creditors to a case under this title

''(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

''(b)(1) Subsection (a) does not change or codify present law as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under those sections shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

''(2)(A) Subsection (a) and paragraph (1) do not change or codify present law as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

''(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

''§ 1514. Notification to foreign creditors concerning a case under this title

''(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

''(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letter or other formality is required.

''(c) When a notification of commencement of a case is to be given to foreign creditors, such notification shall—

''(1) indicate the time period for filing proofs of claim and specify the place for filing such proofs of claim;

''(2) indicate whether secured creditors need to file proofs of claim; and

''(3) contain any other information required to be included in such notification to creditors under this title and the orders of the court.

''(d) Any rule of procedure or order of the court as to notice or the filing of a proof of claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

''§ 1515. Application for recognition

''(a) A foreign representative applies to the court for recognition of a foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

''(b) A petition for recognition shall be accompanied by—

''(1) a certified copy of the decision commencing such foreign proceeding and appointing the foreign representative;

''(2) a certificate from the foreign court affirming the existence of such foreign proceeding and of the appointment of the foreign representative; or

''(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of such foreign proceeding and of the appointment of the foreign representative.

''(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

''(d) The documents referred to in paragraphs (1) and (2) of subsection (b) shall be translated into English. The court may require a translation into English of additional documents.

''§ 1516. Presumptions concerning recognition

''(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding and that the person or body is a foreign representative, the court is entitled to so presume.

''(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

''(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

''§ 1517. Order granting recognition

''(a) Subject to section 1506, after notice and a hearing, an order recognizing a foreign proceeding shall be entered if—

''(1) such foreign proceeding for which recognition is sought is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

''(2) the foreign representative applying for recognition is a person or body; and

''(3) the petition meets the requirements of section 1515.

''(b) Such foreign proceeding shall be recognized—

''(1) as a foreign main proceeding if it is pending in the country where the debtor has the center of its main interests; or

''(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

''(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding constitutes recognition under this chapter.

''(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the order granting recognition. A case under this chapter may be closed in the manner prescribed under section 350.

''§ 1518. Subsequent information

''From the time of filing the petition for recognition of a foreign proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning—

''(1) any substantial change in the status of such foreign proceeding or the status of the foreign representative's appointment; and

''(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

''§ 1519. Relief that may be granted upon filing petition for recognition

''(a) From the time of filing a petition for recognition until the court rules on the petition, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

''(1) staying execution against the debtor's assets;

''(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

''(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

''(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is granted.

''(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

''(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(n) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

''§ 1520. Effects of recognition of a foreign main proceeding

''(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

''(1) sections 361 and 362 apply with respect to the debtor and the property of the debtor that is within the territorial jurisdiction of the United States;

''(2) sections 363, 549, and 552 apply to a transfer of an interest of the debtor in property that is within the territorial jurisdiction of the United States to the same extent that the sections would apply to property of an estate;

''(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the rights and powers of a trustee under and to the extent provided by sections 363 and 552; and

''(4) section 552 applies to property of the debtor that is within the territorial jurisdiction of the United States.

''(b) Subsection (a) does not affect the right to commence an individual action or proceeding in a foreign country to the extent necessary to preserve a claim against the debtor.

''(c) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

''§ 1521. Relief that may be granted upon recognition

''(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

''(1) staying the commencement or continuation of an individual action or proceeding concerning the debtor's assets, rights, obligations or liabilities to the extent they have not been stayed under section 1520(a);

''(2) staying execution against the debtor's assets to the extent it has not been stayed under section 1520(a);

''(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under section 1520(a);

''(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

''(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

''(6) extending relief granted under section 1519(a); and

''(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, provided that the court is satisfied that the interests of creditors in the United States are sufficiently protected.

''(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

''(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(n) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

''§ 1522. Protection of creditors and other interested persons

''(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

''(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(3), to conditions it considers appropriate, including the giving of security or the filing of a bond.

''(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate such relief.

''(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

''§ 1523. Actions to avoid acts detrimental to creditors

''(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, 553, and 724(a).

''(b) When a foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

''§ 1524. Intervention by a foreign representative

''Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

''§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

''(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with a foreign court or a foreign representative, either directly or through the trustee.

''(b) The court is entitled to communicate directly with, or to request information or assistance directly from, a foreign court or a foreign representative, subject to the rights of a party in interest to notice and participation.

''§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

''(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with a foreign court or a foreign representative.

''(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with a foreign court or a foreign representative.

''§ 1527. Forms of cooperation

''Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

''(1) appointment of a person or body, including an examiner, to act at the direction of the court;

''(2) communication of information by any means considered appropriate by the court;

''(3) coordination of the administration and supervision of the debtor's assets and affairs;

''(4) approval or implementation of agreements concerning the coordination of proceedings; and

''(5) coordination of concurrent proceedings regarding the same debtor.

''SUBCHAPTER V—CONCURRENT PROCEEDINGS

''§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding

''After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) of this title, and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

''§ 1529. Coordination of a case under this title and a foreign proceeding

''If a foreign proceeding and a case under another chapter of this title are pending concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) If the case in the United States pending at the time the petition for recognition of such foreign proceeding is filed—

''(A) any relief granted under section 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

''(B) section 1520 does not apply even if such foreign proceeding is recognized as a foreign main proceeding.

''(2) If a case in the United States under this title commences after recognition, or after the date of the filing of the petition for recognition, of such foreign proceeding—

''(A) any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

''(B) if such foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

''(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the laws of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

''§ 1530. Coordination of more than 1 foreign proceeding

''In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

''(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

''(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

''(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

''§ 1531. Presumption of insolvency based on recognition of a foreign main proceeding

''In the absence of evidence to the contrary, recognition of a foreign main proceeding is, for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

''§ 1532. Rule of payment in concurrent proceedings

''Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.''.

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

''15. Ancillary and Other Cross-Border Cases ..... 1501''.

SEC. 802. OTHER AMENDMENTS TO TITLES 11 AND 28, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: '', and this chapter, sections 307, 362(n), 555 through 557, and 559 through 562 apply in a case under chapter 15''; and

(2) by adding at the end the following:

''(k) Chapter 15 applies only in a case under such chapter, except that—

''(1) sections 1505, 1513, and 1514 apply in all cases under this title; and

''(2) section 1509 applies whether or not a case under this title is pending.''.

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

''(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, under a law relating to insolvency or adjustment of debt in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

''(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of such foreign proceeding;''.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking ''and'' at the end;

(B) in subparagraph (O), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.''.

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c) of title 28, United States Code, is amended by striking ''Nothing in'' and inserting ''Except with respect to a case under chapter 15 of title 11, nothing in''.

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by striking ''or 13'' and inserting ''13, or 15''.

(4) VENUE OF CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Section 1410 of title 28, United States Code, is amended to read as follows:

''§ 1410. Venue of cases ancillary to foreign proceedings

''A case under chapter 15 of title 11 may be commenced in the district court of the United States for the district—

''(1) in which the debtor has its principal place of business or principal assets in the United States;

''(2) if the debtor does not have a place of business or assets in the United States, in which there is pending against the debtor an action or proceeding in a Federal or State court; or

''(3) in a case other than those specified in paragraph (1) or (2), in which venue will be consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative.''.

(d) OTHER SECTIONS OF TITLE 11.—Title 11 of the United States Code is amended—

(1) in section 109(b), by striking paragraph (3) and inserting the following:

''(3)(A) a foreign insurance company, engaged in such business in the United States; or

''(B) a foreign bank, savings bank, cooperative bank, savings and loan association, building and loan association, or credit union, that has a branch or agency (as defined in section 1(b) of the International Banking Act of 1978 in the United States.'';

(2) in section 303, by striking subsection (k);

(3) by striking section 304;

(4) in the table of sections for chapter 3 by striking the item relating to section 304;

(5) in section 306 by striking '', 304,'' each place it appears;

(6) in section 305(a) by striking paragraph (2) and inserting the following:

''(2)(A) a petition under section 1515 for recognition of a foreign proceeding has been granted; and

''(B) the purposes of chapter 15 of this title would be best served by such dismissal or suspension.''; and

(7) in section 508—

(A) by striking subsection (a); and

(B) in subsection (b), by striking ''(b)''.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)) is amended—

(A) by striking ''subsection—'' and inserting ''subsection, the following definitions shall apply:''; and

(B) in clause (i), by inserting '', resolution, or order'' after ''any similar agreement that the Corporation determines by regulation''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended—

(A) by striking ''subsection—'' and inserting ''subsection, the following definitions shall apply:''; and

(B) in clause (i), by inserting '', resolution, or order'' after ''any similar agreement that the Board determines by regulation''.

(b) DEFINITION OF SECURITIES CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(ii) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(ii)) is amended to read as follows:

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Board determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.''.

(c) DEFINITION OF COMMODITY CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(iii) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(iii)) is amended to read as follows:

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by suchclearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.''.

(d) DEFINITION OF FORWARD CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(iv) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(iv)) is amended to read as follows:

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.''.

(e) DEFINITION OF REPURCHASE AGREEMENT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(v) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(v)) is amended to read as follows:

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Board determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).''.

(f) DEFINITION OF SWAP AGREEMENT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended by adding at the end the following new clause:

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a

total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap,future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.''.

(g) DEFINITION OF TRANSFER.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institution's equity of redemption.''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) (as amended by subsection (f) of this section) is amended by adding at the end the following new clause:

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institution's equity of redemption.''.

(h) TREATMENT OF QUALIFIED FINANCIAL CONTRACTS.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''paragraph (10)'' and inserting ''paragraphs (9) and (10)'';

(ii) in clause (i), by striking ''to cause the termination or liquidation'' and inserting ''such person has to cause the termination, liquidation, or acceleration''; and

(iii) by striking clause (ii) and inserting the following new clause:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);''; and

(B) in subparagraph (E), by striking clause (ii) and inserting the following:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''paragraph (12)'' and inserting ''paragraphs (9) and (10)'';

(ii) in clause (i), by striking ''to cause the termination or liquidation'' and inserting ''such person has to cause the termination, liquidation, or acceleration''; and

(iii) by striking clause (ii) and inserting the following new clause:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);''; and

(B) in subparagraph (E), by striking clause (ii) and inserting the following new clause:

''(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);''.

(i) AVOIDANCE OF TRANSFERS.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting ''section 5242 of the Revised Statutes of the United States or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers,'' before ''the Corporation''.

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(C)(i) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(C)(i)) is amended by inserting ''section 5242 of the Revised Statutes of the United States or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers,'' before ''the Board''.

SEC. 902. AUTHORITY OF THE FDIC AND NCUAB WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(1) IN GENERAL.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(A) in subparagraph (E), by striking ''other than paragraph (12) of this subsection, subsection (d)(9)'' and inserting ''other than subsections (d)(9) and (e)(10)''; and

(B) by adding at the end the following new subparagraphs:

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (e)(1) of this section.

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting ''or the exercise of rights or powers by'' after ''the appointment of''.

(b) NATIONAL CREDIT UNION ADMINISTRATION BOARD.—

(1) IN GENERAL.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended—

(A) in subparagraph (E) (as amended by section 901(h)), by striking ''other than paragraph (12) of this subsection, subsection (b)(9)'' and inserting ''other than subsections (b)(9) and (c)(10)''; and

(B) by adding at the end the following new subparagraphs:

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Board, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Board to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (c)(1) of this section.

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured credit union in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 207(c)(12)(A) of the Federal Credit Union Act (12 U.S.C. 1787(c)(12)(A)) is amended by inserting ''or the exercise of rights or powers by'' after ''the appointment of''.

SEC. 903. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—

(1) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 11(e)(9) of the Federal Deposit Insurance

Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

''(A) IN GENERAL.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

''(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

''(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

''(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such institution);

''(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

''(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

''(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

''(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the conservator or receiver for the depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

''(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

''(D) DEFINITIONS.—For purposes of this paragraph, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution, as determined by the Corporation by regulation to be a financial institution, and the term 'clearing organization' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.''.

(2) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended in the material immediately following clause (ii) by striking ''the conservator'' and all that follows through the period and inserting the following: ''the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.''.

(3) RIGHTS AGAINST RECEIVER AND CONSERVATOR AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by inserting after subparagraph (A) the following new subparagraphs:

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

''(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

''(i) A bridge bank.

''(ii) A depository institution organized by the Corporation, for which a conservator is appointed either—

''(I) immediately upon the organization of the institution; or

''(II) at the time of a purchase and assumption transaction between the depository institution and the Corporation as receiver for a depository institution in default.''.

(b) INSURED CREDIT UNIONS.—

(1) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 207(c)(9) of the Federal Credit Union Act (12 U.S.C. 1787(c)(9)) is amended to read as follows:

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

''(A) IN GENERAL.—In making any transfer of assets or liabilities of a credit union in default which includes any qualified financial contract, the conservator or liquidating agent for such credit union shall either—

''(i) transfer to 1 financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

''(I) all qualified financial contracts between any person or any affiliate of such person and the credit union in default;

''(II) all claims of such person or any affiliate of such person against such credit union under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such credit union);

''(III) all claims of such credit union against such person or any affiliate of such person under any such contract; and

''(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

''(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

''(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the conservator or liquidating agent for the credit union shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

''(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or liquidating agent transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

''(D) DEFINITIONS.—For purposes of this paragraph—

''(i) the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, a credit union, or any other institution, as determined by the Board by regulation to be a financial institution; and

''(ii) the term 'clearing organization' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.''.

(2) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 207(c)(10)(A) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)(A)) is amended in the material immediately following clause (ii) by striking ''the conservator'' and all that follows through the period and inserting the following: ''the conservator or liquidating

agent shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the liquidating agent in the case of a liquidation, or the business day following such transfer in the case of a conservatorship.''.

(3) RIGHTS AGAINST LIQUIDATING AGENT AND CONSERVATOR AND TREATMENT OF BRIDGE BANKS.—Section 207(c)(10) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by inserting after subparagraph (A) the following new subparagraphs:

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) LIQUIDATION.—A person who is a party to a qualified financial contract with an insured credit union may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a liquidating agent for the credit union institution (or the insolvency or financial condition of the credit union for which the liquidating agent has been appointed)—

''(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the liquidating agent; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured credit union may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the credit union or the insolvency or financial condition of the credit union for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the Board as conservator or liquidating agent of an insured credit union shall be deemed to have notified a person who is a party to a qualified financial contract with such credit union if the Board has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

''(i) A bridge bank.

''(ii) A credit union organized by the Board, for which a conservator is appointed either—

''(I) immediately upon the organization of the credit union; or

''(II) at the time of a purchase and assumption transaction between the credit union and the Board as receiver for a credit union in default.''.

SEC. 904. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively;

(2) by inserting after paragraph (10) the following new paragraph:

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the depository institution in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).''; and

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

''(17) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.''.

(b) INSURED CREDIT UNIONS.—Section 207(c) of the Federal Credit Union Act (12 U.S.C. 1787(c)) is amended—

(1) by redesignating paragraphs (11), (12), and (13) as paragraphs (12), (13), and (14), respectively;

(2) by inserting after paragraph (10) the following new paragraph:

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or liquidating agent with respect to any qualified financial contract to which an insured credit union is a party, the conservator or liquidating agent for such credit union shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the credit union in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).''; and

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

''(15) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section (a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.''.

SEC. 905. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.''.

(b) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended by inserting after clause (vi) (as added by section 901(f)) the following new clause:

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.''.

SEC. 906. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by inserting before the semicolon '', or is exempt from such registration by order of the Securities and Exchange Commission''; and

(B) in subparagraph (B), by inserting before the period '', that has been granted an exemption under section 4(c)(1) of the Commodity Exchange Act, or that is a multilateral clearing organization (as defined in section 408 of this Act)'';

(2) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System, if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;''; and

(C) by amending subparagraph (C), so redesignated, to read as follows:

''(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;'';

(3) in paragraph (11), by inserting before the period ''and any other clearing organization with which such clearing organization has a netting contract'';

(4) by amending paragraph (14)(A)(i) to read as follows:

''(i) means a contract or agreement between 2 or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or payment entitlements (including liquidation or close out values relating to such obligations or entitlements) among the parties to the agreement; and''; and

(5) by adding at the end the following new paragraph:

''(15) PAYMENT.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.''.

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements between any 2 financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

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

''(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(c) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

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

''(h) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(d) ENFORCEABILITY OF CONTRACTS WITH UNINSURED NATIONAL BANKS, UNINSURED FEDERAL BRANCHES AND AGENCIES, CERTAIN UNINSURED STATE MEMBER BANKS, AND EDGE ACT CORPORATIONS.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended—

(1) by redesignating section 407 as section 407A; and

(2) by inserting after section 406 the following new section:

''SEC. 407. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS, UNINSURED FEDERAL BRANCHES AND AGENCIES, CERTAIN UNINSURED STATE MEMBER BANKS, AND EDGE ACT CORPORATIONS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, except that for such purpose—

''(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank;

''(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of such Act), the 'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver or conservator appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank; and

''(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank, an uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act.

''(b) LIABILITY.—The liability of a receiver or conservator of an uninsured national bank, uninsured Federal branch or agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

''(c) REGULATORY AUTHORITY.—

''(1) IN GENERAL.—The Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency and the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank that operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, in consultation with the Federal Deposit Insurance Corporation, may each promulgate regulations solely to implement this section.

''(2) SPECIFIC REQUIREMENT.—In promulgating regulations, limited solely to implementing paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act, the Comptroller of the Currency and the Board of Governors of the Federal Reserve System each shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

''(d) DEFINITIONS.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meanings as in section 1(b) of the International Banking Act of 1978.''.

SEC. 907. BANKRUPTCY LAW AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following:

''(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B), or (C); or

''(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C), or (D), including any guarantee or reimbursement obligation by or to a forward contract merchant or financial participant in connection with any agreement or transaction referred to in any such subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;'';

(B) in paragraph (46), by striking ''on any day during the period beginning 90 days before the date of'' and inserting ''at any time before'';

(C) by amending paragraph (47) to read as follows:

''(47) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(A) means—

''(i) an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests, with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates

of deposit, eligible bankers' acceptance, securities, mortgage loans, or interests of the kind described in this clause, at a date certain not later than 1 year after such transfer or on demand, against the transfer of funds;

''(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

''(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a repurchase agreement under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), or (iii); or

''(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i), (ii), (iii), or (iv), including any guarantee or reimbursement obligation by or to a repo participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562 of this title; and

''(B) does not include a repurchase obligation under a participation in a commercial mortgage loan;'';

(D) in paragraph (48), by inserting '', or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission,'' after ''1934''; and

(E) by amending paragraph (53B) to read as follows:

''(53B) 'swap agreement'—

''(A) means—

''(i) any agreement, including the terms and conditions incorporated by reference in such agreement, which is—

''(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

''(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

''(III) a currency swap, option, future, or forward agreement;

''(IV) an equity index or equity swap, option, future, or forward agreement;

''(V) a debt index or debt swap, option, future, or forward agreement;

''(VI) a total return, credit spread or credit swap, option, future, or forward agreement;

''(VII) a commodity index or a commodity swap, option, future, or forward agreement; or

''(VIII) a weather swap, weather derivative, or weather option;

''(ii) any agreement or transaction that is similar to any other agreement or transaction referred to in this paragraph and that—

''(I) is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference therein); and

''(II) is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(iii) any combination of agreements or transactions referred to in this subparagraph;

''(iv) any option to enter into an agreement or transaction referred to in this subparagraph;

''(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, and without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this paragraph, except that the master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

''(vi) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in clause (i) through (v), including any guarantee or reimbursement obligation by or to a swap participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

''(B) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000;'';

(2) in section 741(7), by striking paragraph (7) and inserting the following:

''(7) 'securities contract'—

''(A) means—

''(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(ii) any option entered into on a national securities exchange relating to foreign currencies;

''(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(iv) any margin loan;

''(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

''(vi) any combination of the agreements or transactions referred to in this subparagraph;

''(vii) any option to enter into any agreement or transaction referred to in this subparagraph;

''(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

''(ix) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this subparagraph, including any guarantee or reimbursement obligation by or to a stockbroker, securities clearing agency, financial institution, or financial participant in connection with any agreement or transaction referred to in this subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

''(B) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan;''; and

(3) in section 761(4)—

(A) by striking ''or'' at the end of subparagraph (D); and

(B) by adding at the end the following:

''(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

''(G) any combination of the agreements or transactions referred to in this paragraph;

''(H) any option to enter into an agreement or transaction referred to in this paragraph;

''(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

''(J) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, including any guarantee or reimbursement obligation by or to a commodity broker or financial participant in connection with any agreement or transaction referred to in this paragraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;''.

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following:

''(22) 'financial institution' means—

''(A) a Federal reserve bank, or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, federally-insured credit union, or receiver, liquidating agent, or conservator for such entity and, when any such Federal reserve bank, receiver, liquidating agent, conservator or entity is acting as agent or custodian for a customer in connection with a securities contract (as defined in section 741) such customer; or

''(B) in connection with a securities contract (as defined in section 741) an investment company registered under the Investment Company Act of 1940;'';

(2) by inserting after paragraph (22) the following:

''(22A) 'financial participant' means—

''(A) an entity that, at the time it enters into a securities contract, commodity contract, swap agreement, repurchase agreement, or forward contract, or at the time of the date of the filing of the petition, has one or more agreements or transactions described in paragraph (1), (2), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in one or more such agreements or transactions with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period; or

''(B) a clearing organization (as defined in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991);''; and

(3) by striking paragraph (26) and inserting the following:

''(26) 'forward contract merchant' means a Federal reserve bank, or an entity the business of which consists in whole or in part of entering into forward contracts as or with merchants in a commodity (as defined in section 761) or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade;''.

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

''(38A) 'master netting agreement'—

''(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or close out, under or in connection with one or more contracts that are described in any one or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to one or more of the foregoing, including any guarantee or reimbursement obligation related to 1 or more of the foregoing; and

''(B) if the agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any one or more of paragraphs (1) through (5) of section 561(a);

''(38B) 'master netting agreement participant' means an entity that, at any time before the date of the filing of the petition, is a party to an outstanding master netting agreement with the debtor;''.

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by sections 224, 303, 311, 401, and 718, is amended—

(A) in paragraph (6), by inserting '', pledged to, under the control of,'' after ''held by'';

(B) in paragraph (7), by inserting '', pledged to, under the control of,'' after ''held by'';

(C) by striking paragraph (17) and inserting the following:

''(17) under subsection (a), of the setoff by a swap participant or financial participant of a mutual debt and claim under or in connection with one or more swap agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant or financial participant under or in connection with any swap agreement or against cash, securities, or other property held by, pledged to, under the control of, or due from such swap participant or financial participant to margin, guarantee, secure, or settle any swap agreement;''; and

(D) by inserting after paragraph (26) the following:

''(27) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with one or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged to, under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent that such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; and''.

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by sections 106, 305, 311, and 441, is amended by adding at the end the following:

''(o) The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (27) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.''.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311)—

(A) by striking ''under a swap agreement'';

(B) by striking ''in connection with a swap agreement'' and inserting ''under or in connection with any swap agreement''; and

(C) by inserting ''or financial participant'' after ''swap participant''; and

(2) by adding at the end the following:

''(j) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b) the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A) and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.''.

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

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

(2) in subparagraph (D), by striking the period and inserting ''; and''; and

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

''(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except that, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.''.

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

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

''§ 555. Contractual right to liquidate, terminate, or accelerate a securities contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

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

''§ 556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract'';

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''; and

(3) in the second sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

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

''§ 559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement'';

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''; and

(3) in the third sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

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

''§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement'';

(2) in the first sentence, by striking ''termination of a swap agreement'' and inserting ''liquidation, termination, or acceleration of one or more swap agreements'';

(3) by striking ''in connection with any swap agreement'' and inserting ''in connection with the termination, liquidation, or acceleration of one or more swap agreements''; and

(4) in the second sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—

(1) IN GENERAL.—Title 11, United States Code, is amended by inserting after section 560 the following:

''§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15

''(a) Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more (or the termination, liquidation, or acceleration of one or more)—

''(1) securities contracts, as defined in section 741(7);

''(2) commodity contracts, as defined in section 761(4);

''(3) forward contracts;

''(4) repurchase agreements;

''(5) swap agreements; or

''(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

''(b)(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

''(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7—

''(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a) except to the extent that the party has positive net equity in the commodity accounts at the debtor, as calculated under such subchapter; and

''(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor and traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a).

''(3) No provision of subparagraph (A) or (B) of paragraph (2) shall prohibit the offset of claims and obligations that arise under—

''(A) a cross-margining agreement or similar arrangement that has been approved by the Commodity Futures Trading Commission or submitted to the Commodity Futures Trading Commission under paragraph (1) or (2) of section 5c(c) of the Commodity Exchange Act and has not been abrogated or rendered ineffective by the Commodity Futures Trading Commission; or

''(B) any other netting agreement between a clearing organization (as defined in section 761) and another entity that has been approved by the Commodity Futures Trading Commission.

''(c) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.

''(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case under chapter 15, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any case under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

''561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15.''.

(l) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

''§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(m) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

''§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.''.

(n) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(2)(B)(ii), by inserting before the semicolon the following: ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)'';

(2) in subsection (a)(3)(C), by inserting before the period the following: ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)''; and

(3) in subsection (b)(1), by striking ''362(b)(14),'' and inserting ''362(b)(17), 362(b)(27), 555, 556, 559, 560, 561,''.

(o) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking ''financial institutions,'' each place such term appears and inserting ''financial institution, financial participant,'';

(2) in sections 362(b)(7) and 546(f), by inserting ''or financial participant'' after ''repo participant'' each place such term appears;

(3) in section 546(e), by inserting ''financial participant,'' after ''financial institution,'';

(4) in section 548(d)(2)(B), by inserting ''financial participant,'' after ''financial institution,'';

(5) in section 548(d)(2)(C), by inserting ''or financial participant'' after ''repo participant'';

(6) in section 548(d)(2)(D), by inserting ''or financial participant'' after ''swap participant'';

(7) in section 555—

(A) by inserting ''financial participant,'' after ''financial institution,''; and

(B) by striking the second sentence and inserting the following: ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act), or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.'';

(8) in section 556, by inserting '', financial participant,'' after ''commodity broker'';

(9) in section 559, by inserting ''or financial participant'' after ''repo participant'' each place such term appears; and

(10) in section 560, by inserting ''or financial participant'' after ''swap participant''.

(p) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections for chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

''555. Contractual right to liquidate, terminate, or accelerate a securities contract.

''556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.'';

and

(B) by amending the items relating to sections 559 and 560 to read as follows:

''559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

''560. Contractual right to liquidate, terminate, or accelerate a swap agreement.'';

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

''767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.'';

and

(B) by inserting after the item relating to section 752 the following:

''753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.''.

SEC. 908. RECORDKEEPING REQUIREMENTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

''(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping by any insured depository institution with respect to qualified financial contracts (including market valuations) only if such insured depository institution is in a troubled condition (as such term is defined by the Corporation pursuant to section 32).''.

(b) INSURED CREDIT UNIONS.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended by adding at the end the following new subparagraph:

''(H) RECORDKEEPING REQUIREMENTS.—The Board, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping by any insured credit union with respect to qualified financial contracts (including market valuations) only if such insured credit union is in a troubled condition (as such term is defined by the Board pursuant to section 212).''.

SEC. 909. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

''(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

''(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

''(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

''(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

''(D) one or more qualified financial contracts, as defined in section 11(e)(8)(D),

shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.''.

SEC. 910. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561, as added by section 907, the following:

''§ 562. Timing of damage measurement in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, and master netting agreements

''(a) If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761), repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

''(1) the date of such rejection; or

''(2) the date or dates of such liquidation, termination, or acceleration.

''(b) If there are not any commercially reasonable determinants of value as of any date referred to in paragraph (1) or (2) of subsection (a), damages shall be measured as of the earliest subsequent date or dates on which there are commercially reasonable determinants of value.

''(c) For the purposes of subsection (b), if damages are not measured as of the date or dates of rejection, liquidation, termination, or acceleration, and the forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant or the trustee objects to the timing of the measurement of damages—

''(1) the trustee, in the case of an objection by a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant; or

''(2) the forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant, in the case of an objection by the trustee,

has the burden of proving that there were no commercially reasonable determinants of value as of such date or dates.''; and

(2) in the table of sections for chapter 5, by inserting after the item relating to section 561 (as added by section 907) the following new item:

''562. Timing of damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.''.

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)''; and

(2) by adding at the end the following:

''(2) A claim for damages calculated in accordance with section 562 shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition.''.

SEC. 911. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FROM STAY.—

''(i) Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) nor any order or decree obtained by SIPC from the court shall operate as a stay of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, as those terms are defined in sections 101, 741, and 761 of title 11, United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements.

''(ii) Notwithstanding clause (i), such application, order, or decree may operate as a stay of the foreclosure on, or disposition of, securities collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement, or securities lent under a securities lending agreement.

''(iii) As used in this subparagraph, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.''.

TITLE X—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

SEC. 1001. PERMANENT REENACTMENT OF CHAPTER 12.

(a) REENACTMENT.—

(1) IN GENERAL.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is hereby reenacted, and as here reenacted is amended by this Act.

(2) EFFECTIVE DATE.—Subsection (a) shall take effect on the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, as amended by section 226, is amended by inserting ''101(18),'' after ''101(3),'' each place it appears.

SEC. 1003. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) CONTENTS OF PLAN.—Section 1222(a)(2) of title 11, United States Code, as amended by section 213, is amended to read as follows:

''(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

''(A) the claim is a claim owed to a governmental unit that arises as a result of the

sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

''(B) the holder of a particular claim agrees to a different treatment of that claim;''.

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(b) of title 11, United States Code, as so designated by section 719, is amended by striking ''a State or local governmental unit'' and inserting ''any governmental unit''.

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall not apply with respect to cases commenced under title 11 of the United States Code before such date.

SEC. 1004. DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''$1,500,000'' and inserting ''$3,237,000''; and

(B) by striking ''80'' and inserting ''50''; and

(2) in subparagraph (B)(ii)—

(A) by striking ''$1,500,000'' and inserting ''$3,237,000''; and

(B) by striking ''80'' and inserting ''50''.

SEC. 1005. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking ''for the taxable year preceding the taxable year'' and inserting the following:

''for—

''(i) the taxable year preceding; or

''(ii) each of the 2d and 3d taxable years preceding;

the taxable year''.

SEC. 1006. PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) CONFIRMATION OF PLAN.—Section 1225(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A) by striking ''or'' at the end;

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

(3) by adding at the end the following:

''(C) the value of the property to be distributed under the plan in the 3-year period, or such longer period as the court may approve under section 1222(c), beginning on the date that the first distribution is due under the plan is not less than the debtor's projected disposable income for such period.''.

(b) MODIFICATION OF PLAN.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

''(d) A plan may not be modified under this section—

''(1) to increase the amount of any payment due before the plan as modified becomes the plan;

''(2) by anyone except the debtor, based on an increase in the debtor's disposable income, to increase the amount of payments to unsecured creditors required for a particular month so that the aggregate of such payments exceeds the debtor's disposable income for such month; or

''(3) in the last year of the plan by anyone except the debtor, to require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed.''.

SEC. 1007. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

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

''(7A) 'commercial fishing operation' means—

''(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products of such species; or

''(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);

''(7B) 'commercial fishing vessel' means a vessel used by a family fisherman to carry out a commercial fishing operation;''; and

(2) by inserting after paragraph (19) the following:

''(19A) 'family fisherman' means—

''(A) an individual or individual and spouse engaged in a commercial fishing operation—

''(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

''(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

''(B) a corporation or partnership—

''(i) in which more than 50 percent of the outstanding stock or equity is held by—

''(I) 1 family that conducts the commercial fishing operation; or

''(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

''(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

''(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

''(III) if such corporation issues stock, such stock is not publicly traded;

''(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;''.

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting ''or family fisherman'' after ''family farmer''.

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting ''**OR FISHERMAN**'' after ''**FAMILY FARMER**'';

(2) in section 1203, by inserting ''or commercial fishing operation'' after ''farm''; and

(3) in section 1206, by striking ''if the property is farmland or farm equipment'' and inserting ''if the property is farmland, farm equipment, or property used to carry out a commercial fishing operation (including a commercial fishing vessel)''.

(d) CLERICAL AMENDMENT.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

''12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income ..... 1201''.

(e) APPLICABILITY.—Nothing in this section shall change, affect, or amend the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 306, is amended—

(1) by redesignating paragraph (27A) as paragraph (27B); and

(2) by inserting after paragraph (27) the following:

''(27A) 'health care business'—

''(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

''(i) the diagnosis or treatment of injury, deformity, or disease; and

''(ii) surgical, drug treatment, psychiatric, or obstetric care; and

''(B) includes—

''(i) any—

''(I) general or specialized hospital;

''(II) ancillary ambulatory, emergency, or surgical treatment facility;

''(III) hospice;

''(IV) home health agency; and

''(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

''(ii) any long-term care facility, including any—

''(I) skilled nursing facility;

''(II) intermediate care facility;

''(III) assisted living facility;

''(IV) home for the aged;

''(V) domiciliary care facility; and

''(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;''.

(b) PATIENT AND PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (40) the following:

''(40A) 'patient' means any individual who obtains or receives services from a health care business;

''(40B) 'patient records' means any written document relating to a patient or a record recorded in a magnetic, optical, or other form of electronic medium;''.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''§ 351. Disposal of patient records

''If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

''(1) The trustee shall—

''(A) promptly publish notice, in 1 or more appropriate newspapers, that if patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim)

by the date that is 365 days after the date of that notification, the trustee will destroy the patient records; and

''(B) during the first 180 days of the 365-day period described in subparagraph (A), promptly attempt to notify directly each patient that is the subject of the patient records and appropriate insurance carrier concerning the patient records by mailing to the most recent known address of that patient, or a family member or contact person for that patient, and to the appropriate insurance carrier an appropriate notice regarding the claiming or disposing of patient records.

''(2) If, after providing the notification under paragraph (1), patient records are not claimed during the 365-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 365-day period a written request to each appropriate Federal agency to request permission from that agency to deposit the patient records with that agency, except that no Federal agency is required to accept patient records under this paragraph.

''(3) If, following the 365-day period described in paragraph (2) and after providing the notification under paragraph (1), patient records are not claimed by a patient or insurance provider, or request is not granted by a Federal agency to deposit such records with that agency, the trustee shall destroy those records by—

''(A) if the records are written, shredding or burning the records; or

''(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''351. Disposal of patient records.''.

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS AND OTHER ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, as amended by section 445, is amended by adding at the end the following:

''(8) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

''(A) in disposing of patient records in accordance with section 351; or

''(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business; and''.

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) OMBUDSMAN TO ACT AS PATIENT ADVOCATE.—

(1) APPOINTMENT OF OMBUDSMAN.—Title 11, United States Code, as amended by section 232, is amended by inserting after section 332 the following:

''§ 333. Appointment of patient care ombudsman

''(a)(1) If the debtor in a case under chapter 7, 9, or 11 is a health care business, the court shall order, not later than 30 days after the commencement of the case, the appointment of an ombudsman to monitor the quality of patient care and to represent the interests of the patients of the health care business unless the court finds that the appointment of such ombudsman is not necessary for the protection of patients under the specific facts of the case.

''(2)(A) If the court orders the appointment of an ombudsman under paragraph (1), the United States trustee shall appoint 1 disinterested person (other than the United States trustee) to serve as such ombudsman.

''(B) If the debtor is a health care business that provides long-term care, then the United States trustee may appoint the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case is pending to serve as the ombudsman required by paragraph (1).

''(C) If the United States trustee does not appoint a State Long-Term Care Ombudsman under subparagraph (B), the court shall notify the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case is pending, of the name and address of the person who is appointed under subparagraph (A).

''(b) An ombudsman appointed under subsection (a) shall—

''(1) monitor the quality of patient care provided to patients of the debtor, to the extent necessary under the circumstances, including interviewing patients and physicians;

''(2) not later than 60 days after the date of appointment, and not less frequently than at 60-day intervals thereafter, report to the court after notice to the parties in interest, at a hearing or in writing, regarding the quality of patient care provided to patients of the debtor; and

''(3) if such ombudsman determines that the quality of patient care provided to patients of the debtor is declining significantly or is otherwise being materially compromised, file with the court a motion or a written report, with notice to the parties in interest immediately upon making such determination.

''(c)(1) An ombudsman appointed under subsection (a) shall maintain any information obtained by such ombudsman under this section that relates to patients (including information relating to patient records) as confidential information. Such ombudsman may not review confidential patient records unless the court approves such review in advance and imposes restrictions on such ombudsman to protect the confidentiality of such records.

''(2) An ombudsman appointed under subsection (a)(2)(B) shall have access to patient records consistent with authority of such ombudsman under the Older Americans Act of 1965 and under non-Federal laws governing the State Long-Term Care Ombudsman program.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 3 of title 11, United States Code, as amended by section 232, is amended by adding at the end the following:

''333. Appointment of ombudsman.''.

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting ''an ombudsman appointed under section 333, or'' before ''a professional person''; and

(2) in subparagraph (A), by inserting ''ombudsman,'' before ''professional person''.

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by sections 102, 219, and 446, is amended by adding at the end the following:

''(12) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

''(A) is in the vicinity of the health care business that is closing;

''(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

''(C) maintains a reasonable quality of care.''.

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, as amended by section 446, is amended by striking ''and (11)'' and inserting ''(11), and (12)''.

SEC. 1106. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (27), as amended by sections 224, 303, 311, 401, 718, and 907, the following:

''(28) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act pursuant to title XI or XVIII of such Act).''.

TITLE XII—TECHNICAL AMENDMENTS

SEC. 1201. DEFINITIONS.

Section 101 of title 11, United States Code, as hereinbefore amended by this Act, is amended—

(1) by striking ''In this title—'' and inserting ''In this title the following definitions shall apply:'';

(2) in each paragraph, by inserting ''The term'' after the paragraph designation;

(3) in paragraph (35)(B), by striking ''paragraphs (21B) and (33)(A)'' and inserting ''paragraphs (23) and (35)'';

(4) in each of paragraphs (35A), (38), and (54A), by striking ''; and'' at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting ''who is not a family farmer'' after ''debtor'' the first place it appears; and

(B) by striking ''thereto having aggregate'' and all that follows through the end of the paragraph and inserting a semicolon;

(6) by striking paragraph (54) and inserting the following:

''(54) The term 'transfer' means—

''(A) the creation of a lien;

''(B) the retention of title as a security interest;

''(C) the foreclosure of a debtor's equity of redemption; or

''(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

''(i) property; or

''(ii) an interest in property;'';

(7) by indenting the left margin of paragraph (54A) 2 ems to the right; and

(8) in each of paragraphs (1) through (35), in each of paragraphs (36), (37), (38A), (38B) and (39A), and in each of paragraphs (40) through (55), by striking the semicolon at the end and inserting a period.

SEC. 1202. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting ''522(f)(3),'' after ''522(d),'' each place it appears.

SEC. 1203. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking ''922'' and all that follows through ''or'', and inserting ''922, 1201, or''.

SEC. 1204. TECHNICAL AMENDMENTS.

Title 11, United States Code, is amended—

(1) in section 109(b)(2), by striking ''subsection (c) or (d) of''; and

(2) in section 552(b)(1), by striking ''product'' each place it appears and inserting ''products''.

SEC. 1205. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(4) of title 11, United States Code, as so redesignated by section 221, is amended by striking ''attorney's'' and inserting ''attorneys' ''.

SEC. 1206. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting ''on a fixed or percentage fee basis,'' after ''hourly basis,''.

SEC. 1207. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting ''of the estate'' after ''property'' the first place it appears.

SEC. 1208. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting ''subparagraph (A), (B), (C), (D), or (E) of'' before ''paragraph (3)''.

SEC. 1209. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by sections 215 and 314, is amended—

(1) by transferring paragraph (15), as added by section 304(e) of Public Law 103–394 (108 Stat. 4133), so as to insert such paragraph after subsection (a)(14A);

(2) in subsection (a)(9), by striking ''motor vehicle'' and inserting ''motor vehicle, vessel, or aircraft''; and

(3) in subsection (e), by striking ''a insured'' and inserting ''an insured''.

SEC. 1210. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking ''section 523'' and all that follows through ''or that'' and inserting ''section 523, 1228(a)(1), or 1328(a)(1), or that''.

SEC. 1211. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ''student'' before ''grant'' the second place it appears; and

(2) in paragraph (2), by striking ''the program operated under part B, D, or E of'' and inserting ''any program operated under''.

SEC. 1212. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting ''365 or'' before ''542''.

SEC. 1213. PREFERENCES.

(a) IN GENERAL.—Section 547 of title 11, United States Code, as amended by section 201, is amended—

(1) in subsection (b), by striking ''subsection (c)'' and inserting ''subsections (c) and (i)''; and

(2) by adding at the end the following:

''(i) If the trustee avoids under subsection (b) a transfer made between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such transfer shall be considered to be avoided under this section only with respect to the creditor that is an insider.''.

(b) APPLICABILITY.—The amendments made by this section shall apply to any case that is pending or commenced on or after the date of enactment of this Act.

SEC. 1214. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting ''an interest in'' after ''transfer of'' each place it appears;

(2) by striking ''such property'' and inserting ''such real property''; and

(3) by striking ''the interest'' and inserting ''such interest''.

SEC. 1215. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking ''1009,''.

SEC. 1216. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, is amended by inserting ''1123(d),'' after ''1123(b),''.

SEC. 1217. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 1218. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 1219. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking ''made under this subsection'' and inserting ''made under subsection (c)''; and

(2) by striking ''This subsection'' and inserting ''Subsection (c) and this subsection''.

SEC. 1220. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''(1) the term'' before '' 'bankruptcy''; and

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

(2) in the second undesignated paragraph—

(A) by inserting ''(2) the term'' before '' 'document''; and

(B) by striking ''this title'' and inserting ''title 11''.

SEC. 1221. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended by striking ''only'' and all that follows through the end of the subsection and inserting ''only—

''(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

''(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.''.

(b) CONFIRMATION OF PLAN OF REORGANIZATION.—Section 1129(a) of title 11, United States Code, as amended by sections 213 and 321, is amended by adding at the end the following:

''(16) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.''.

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, as amended by section 225, is amended by adding at the end the following:

''(f) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.''.

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, or filed under that title on or after that date of enactment, except that the court shall not confirm a plan under chapter 11 of title 11, United States Code, without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the filing of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the court in which a case under chapter 11 of title 11, United States Code, is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. 1222. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking ''20'' and inserting ''30''.

SEC. 1223. BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the ''Bankruptcy Judgeship Act of 2003''.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following bankruptcy judges shall be appointed in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judge for the eastern district of California.

(B) Three additional bankruptcy judges for the central district of California.

(C) Four additional bankruptcy judges for the district of Delaware.

(D) Two additional bankruptcy judges for the southern district of Florida.

(E) One additional bankruptcy judge for the southern district of Georgia.

(F) Three additional bankruptcy judges for the district of Maryland.

(G) One additional bankruptcy judge for the eastern district of Michigan.

(H) One additional bankruptcy judge for the southern district of Mississippi.

(I) One additional bankruptcy judge for the district of New Jersey.

(J) One additional bankruptcy judge for the eastern district of New York.

(K) One additional bankruptcy judge for the northern district of New York.

(L) One additional bankruptcy judge for the southern district of New York.

(M) One additional bankruptcy judge for the eastern district of North Carolina.

(N) One additional bankruptcy judge for the eastern district of Pennsylvania.

(O) One additional bankruptcy judge for the middle district of Pennsylvania.

(P) One additional bankruptcy judge for the district of Puerto Rico.

(Q) One additional bankruptcy judge for the western district of Tennessee.

(R) One additional bankruptcy judge for the eastern district of Virginia.

(S) One additional bankruptcy judge for the district of South Carolina.

(T) One additional bankruptcy judge for the district of Nevada.

(2) VACANCIES.—

(A) DISTRICTS WITH SINGLE APPOINTMENTS.—Except as provided in subparagraphs (B), (C), (D), and (E), the first vacancy occurring in the office of bankruptcy judge in each of the judicial districts set forth in paragraph (1)—

(i) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under paragraph (1) to such office; and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge in the central district of California—

(i) occurring 5 years or more after the respective 1st, 2d, and 3d appointment dates of the bankruptcy judges appointed under paragraph (1)(B); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(C) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of bankruptcy judge in the district of Delaware—

(i) occurring 5 years or more after the respective 1st, 2d, 3d, and 4th appointment dates of the bankruptcy judges appointed under paragraph (1)(F); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of bankruptcy judge in the southern district of Florida—

(i) occurring 5 years or more after the respective 1st and 2d appointment dates of the bankruptcy judges appointed under paragraph (1)(D); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge in the district of Maryland—

(i) occurring 5 years or more after the respective 1st, 2d, and 3d appointment dates of the bankruptcy judges appointed under paragraph (1)(F); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary office of bankruptcy judges authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee under paragraphs (1), (3), (7), and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring 5 years after the date of the enactment of this Act.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in this subsection.

(d) TECHNICAL AMENDMENTS.—Section 152(a) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: ''Each bankruptcy judge to be appointed for a judicial district, as provided in paragraph (2), shall be appointed by the court of appeals of the United States for the circuit in which such district is located.''; and

(2) in paragraph (2)—

(A) in the item relating to the middle district of Georgia, by striking ''2'' and inserting ''3''; and

(B) in the collective item relating to the middle and southern districts of Georgia, by striking ''Middle and Southern . . . . . 1''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1224. COMPENSATING TRUSTEES.

Section 1326 of title 11, United States Code, is amended—

(1) in subsection (b)—

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

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

(C) by adding at the end the following:

''(3) if a chapter 7 trustee has been allowed compensation due to the conversion or dismissal of the debtor's prior case pursuant to section 707(b), and some portion of that compensation remains unpaid in a case converted to this chapter or in the case dismissed under section 707(b) and refiled under this chapter, the amount of any such unpaid compensation, which shall be paid monthly—

''(A) by prorating such amount over the remaining duration of the plan; and

''(B) by monthly payments not to exceed the greater of—

''(i) $25; or

''(ii) the amount payable to unsecured nonpriority creditors, as provided by the plan, multiplied by 5 percent, and the result divided by the number of months in the plan.''; and

(2) by adding at the end the following:

''(d) Notwithstanding any other provision of this title—

''(1) compensation referred to in subsection (b)(3) is payable and may be collected by the trustee under that paragraph, even if such amount has been discharged in a prior case under this title; and

''(2) such compensation is payable in a case under this chapter only to the extent permitted by subsection (b)(3).''.

SEC. 1225. AMENDMENT TO SECTION 362 OF TITLE 11, UNITED STATES CODE.

Section 362(b)(18) of title 11, United States Code, is amended to read as follows:

''(18) under subsection (a) of the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the date of the filing of the petition;''.

SEC. 1226. JUDICIAL EDUCATION.

The Director of the Federal Judicial Center, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing this Act and the amendments made by this Act, including the requirements relating to the means test under section 707(b), and reaffirmation agreements under section 524, of title 11 of the United States Code, as amended by this Act.

SEC. 1227. RECLAMATION.

(a) RIGHTS AND POWERS OF THE TRUSTEE.—Section 546(c) of title 11, United States Code, is amended to read as follows:

''(c)(1) Except as provided in subsection (d) of this section and in section 507(c), and subject to the prior rights of a holder of a security interest in such goods or the proceeds thereof, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of such seller's business, to reclaim such goods if the debtor has received such goods while insolvent, within 45 days before the date of the commencement of a case under this title, but such seller may not reclaim such goods unless such seller demands in writing reclamation of such goods—

''(A) not later than 45 days after the date of receipt of such goods by the debtor; or

''(B) not later than 20 days after the date of commencement of the case, if the 45-day period expires after the commencement of the case.

''(2) If a seller of goods fails to provide notice in the manner described in paragraph (1), the seller still may assert the rights contained in section 503(b)(9).''.

(b) ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, as amended by sections 445 and 1103, is amended by adding at the end the following:

''(9) the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.''.

SEC. 1228. PROVIDING REQUESTED TAX DOCUMENTS TO THE COURT.

(a) CHAPTER 7 CASES.—The court shall not grant a discharge in the case of an individual who is a debtor in a case under chapter 7 of title 11, United States Code, unless requested tax documents have been provided to the court.

(b) CHAPTER 11 AND CHAPTER 13 CASES.—The court shall not confirm a plan of reorganization in the case of an individual under chapter 11 or 13 of title 11, United States Code, unless requested tax documents have been filed with the court.

(c) DOCUMENT RETENTION.—The court shall destroy documents submitted in support of a bankruptcy claim not sooner than 3 years after the date of the conclusion of a case filed by an individual under chapter 7, 11, or 13 of title 11, United States Code. In the event of a pending audit or enforcement action, the court may extend the time for destruction of such requested tax documents.

SEC. 1229. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the ''Board'') shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 1230. PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, as amended by sections 225 and 323, is amended by adding after paragraph (7), as added by section 323, the following:

''(8) subject to subchapter III of chapter 5, any interest of the debtor in property where the debtor pledged or sold tangible personal property (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money given by a person licensed under law to make such loans or advances, where—

''(A) the tangible personal property is in the possession of the pledgee or transferee;

''(B) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price; and

''(C) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or State law, in a timely manner as provided under State law and section 108(b); or''.

SEC. 1231. TRUSTEES.

(a) SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.—Section 586(d) of title 28, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following:

''(2) A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the district court of the United States for the district for which the panel to which the trustee is appointed under subsection (a)(1), or in the district court of the United States for the district in which the trustee is appointed under subsection (b) resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based on the administrative record before the agency.''.

(b) EXPENSES OF STANDING TRUSTEES.—Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

''(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this subsection by commencing an action in the district court of the United States for the district where the individual resides. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based upon the administrative record before the agency.

''(4) The Attorney General shall prescribe procedures to implement this subsection.''.

SEC. 1232. BANKRUPTCY FORMS.

Section 2075 of title 28, United States Code, is amended by adding at the end the following:

''The bankruptcy rules promulgated under this section shall prescribe a form for the statement required under section 707(b)(2)(C) of title 11 and may provide general rules on the content of such statement.''.

SEC. 1233. DIRECT APPEALS OF BANKRUPTCY MATTERS TO COURTS OF APPEALS.

(a) APPEALS.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c)(1), by striking ''Subject to subsection (b),'' and inserting ''Subject to subsections (b) and (d)(2),''; and

(2) in subsection (d)—

(A) by inserting ''(1)'' after ''(d)''; and

(B) by adding at the end the following:

''(2)(A) The appropriate court of appeals shall have jurisdiction of appeals described in the first sentence of subsection (a) if the bankruptcy court, the district court, or the bankruptcy appellate panel involved, acting on its own motion or on the request of a party to the judgment, order, or decree described in such first sentence, or all the appellants and appellees (if any) acting jointly, certify that—

''(i) the judgment, order, or decree involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court of the United States, or involves a matter of public importance;

''(ii) the judgment, order, or decree involves a question of law requiring resolution of conflicting decisions; or

''(iii) an immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken;

and if the court of appeals authorizes the direct appeal of the judgment, order, or decree.

''(B) If the bankruptcy court, the district court, or the bankruptcy appellate panel—

''(i) on its own motion or on the request of a party, determines that a circumstance specified in clause (i), (ii), or (iii) of subparagraph (A) exists; or

''(ii) receives a request made by a majority of the appellants and a majority of appellees (if any) to make the certification described in subparagraph (A);

then the bankruptcy court, the district court, or the bankruptcy appellate panel shall make the certification described in subparagraph (A).

''(C) The parties may supplement the certification with a short statement of the basis for the certification.

''(D) An appeal under this paragraph does not stay any proceeding of the bankruptcy court, the district court, or the bankruptcy appellate panel from which the appeal is taken, unless the respective bankruptcy court, district court, or bankruptcy appellate panel, or the court of appeals in which the appeal in pending, issues a stay of such proceeding pending the appeal.

''(E) Any request under subparagraph (B) for certification shall be made not later than 60 days after the entry of the judgment, order, or decree.''.

(b) PROCEDURAL RULES.—

(1) TEMPORARY APPLICATION.—A provision of this subsection shall apply to appeals under section 158(d)(2) of title 28, United States Code, until a rule of practice and procedure relating to such provision and such appeals is promulgated or amended under chapter 131 of such title.

(2) CERTIFICATION.—A district court, a bankruptcy court, or a bankruptcy appellate panel may make a certification under section 158(d)(2) of title 28, United States Code, only with respect to matters pending in the respective bankruptcy court, district court, or bankruptcy appellate panel.

(3) PROCEDURE.—Subject to any other provision of this subsection, an appeal authorized by the court of appeals under section 158(d)(2)(A) of title 28, United States Code, shall be taken in the manner prescribed in subdivisions (a)(1), (b), (c), and (d) of rule 5 of the Federal Rules of Appellate Procedure. For purposes of subdivision (a)(1) of rule 5—

(A) a reference in such subdivision to a district court shall be deemed to include a reference to a bankruptcy court and a bankruptcy appellate panel, as appropriate; and

(B) a reference in such subdivision to the parties requesting permission to appeal to be served with the petition shall be deemed to include a reference to the parties to the judgment, order, or decree from which the appeal is taken.

(4) FILING OF PETITION WITH ATTACHMENT.—A petition requesting permission to appeal, that is based on a certification made under subparagraph (A) or (B) of section 158(d)(2) shall—

(A) be filed with the circuit clerk not later than 10 days after the certification is entered on the docket of the bankruptcy court, the district court, or the bankruptcy appellate panel from which the appeal is taken; and

(B) have attached a copy of such certification.

(5) REFERENCES IN RULE 5.—For purposes of rule 5 of the Federal Rules of Appellate Procedure—

(A) a reference in such rule to a district court shall be deemed to include a reference to a bankruptcy court and to a bankruptcy appellate panel; and

(B) a reference in such rule to a district clerk shall be deemed to include a reference to a clerk of a bankruptcy court and to a clerk of a bankruptcy appellate panel.

(6) APPLICATION OF RULES.—The Federal Rules of Appellate Procedure shall apply in the courts of appeals with respect to appeals authorized under section 158(d)(2)(A), to the extent relevant and as if such appeals were taken from final judgments, orders, or decrees of the district courts or bankruptcy appellate panels exercising appellate jurisdiction under subsection (a) or (b) of section 158 of title 28, United States Code.

SEC. 1234. INVOLUNTARY CASES.

(a) AMENDMENTS.—Section 303 of title 11, United States Code, is amended—

(1) in subsection (b)(1), by—

(A) inserting ''as to liability or amount'' after ''bona fide dispute''; and

(B) striking ''if such claims'' and inserting ''if such noncontingent, undisputed claims''; and

(2) in subsection (h)(1), by inserting ''as to liability or amount'' before the semicolon at the end.

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to cases commenced under title 11 of the United States Code before, on, and after such date.

SEC. 1235. FEDERAL ELECTION LAW FINES AND PENALTIES AS NONDISCHARGEABLE DEBT.

Section 523(a) of title 11, United States Code, as amended by section 314, is amended by inserting after paragraph (14A) the following:

''(14B) incurred to pay fines or penalties imposed under Federal election law;''.

TITLE XIII—CONSUMER CREDIT DISCLOSURE

SEC. 1301. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: _____.' (the blank space to be filled in by the creditor).

''(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: _____.' (the blank space to be filled in by the creditor).

''(C) Notwithstanding subparagraphs (A) and (B), in the case of a creditor with respect

to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: _____.' (the blank space to be filled in by the creditor). A creditor who is subject to this subparagraph shall not be subject to subparagraph (A) or (B).

''(D) Notwithstanding subparagraph (A), (B), or (C), in complying with any such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent. Any creditor that is subject to subparagraph (B) may elect to provide the disclosure required under subparagraph (A) in lieu of the disclosure required under subparagraph (B).

''(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

''(F)(i) The toll-free telephone number disclosed by a creditor or the Federal Trade Commission under subparagraph (A), (B), or (G), as appropriate, may be a toll-free telephone number established and maintained by the creditor or the Federal Trade Commission, as appropriate, or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors or the Federal Trade Commission, as appropriate. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A), (B), or (C), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (A), (B), or (C), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

''(ii)(I) The Board shall establish and maintain for a period not to exceed 24 months following the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2003, a toll-free telephone number, or provide a toll-free telephone number established and maintained by a third party, for use by creditors that are depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), including a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act), with total assets not exceeding $250,000,000. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B), as applicable, by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i). The dollar amount contained in this subclause shall be adjusted according to an indexing mechanism established by the Board.

''(II) Not later than 6 months prior to the expiration of the 24-month period referenced in subclause (I), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the program described in subclause (I).

''(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

''(H) The Board shall—

''(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance if a consumer pays only the required minimum monthly payments and if no other advances are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

''(ii) establish the table required under clause (i) by assuming—

''(I) a significant number of different annual percentage rates;

''(II) a significant number of different account balances;

''(III) a significant number of different minimum payment amounts; and

''(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

''(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).

''(I) The disclosure requirements of this paragraph do not apply to any charge card account, the primary purpose of which is to require payment of charges in full each month.

''(J) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay the customer's outstanding balance is not subject to the requirements of subparagraph (A) or (B).

''(K) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay an outstanding balance shall include the following statement on each billing statement: 'Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: _____.' (the blank space to be filled in by the creditor).''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the ''Board'') shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section.

(2) EFFECTIVE DATE.—Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 18 months after the date of enactment of this Act; or

(B) 12 months after the publication of such final regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board may conduct a study to determine the types of information available to potential borrowers from consumer credit lending institutions regarding factors qualifying potential borrowers for credit, repayment requirements, and the consequences of default.

(2) FACTORS FOR CONSIDERATION.—In conducting a study under paragraph (1), the Board should, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the required minimum payment under open end credit plans;

(D) consumers are aware that making only required minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Findings of the Board in connection with any study conducted under this subsection shall be submitted to Congress. Such report shall also include recommendations for legislative initiatives, if any, of the Board, based on its findings.

SEC. 1302. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking ''CONSULTATION OF TAX ADVISER.—A statement that the'' and inserting the following: ''TAX DEDUCTIBILITY.—A statement that—

''(A) the''; and

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

''(B) in any case in which the extension of credit exceeds the fair market value (as defined under the Internal Revenue Code of 1986) of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.''.

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking ''If any'' and inserting the following:

''(1) IN GENERAL.—If any''; and

(B) by adding at the end the following:

''(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall include a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''.

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

''(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''; and

(B) in subsection (b), by adding at the end the following:

''(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.''.

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

''(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state that—

''(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(2) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.''.

(c) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the amendments made by this section.

(2) EFFECTIVE DATE.—Regulations issued under paragraph (1) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1303. DISCLOSURES RELATED TO "INTRODUCTORY RATES".

(a) INTRODUCTORY RATE DISCLOSURES.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(6) ADDITIONAL NOTICE CONCERNING 'INTRODUCTORY RATES'.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

''(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear clearly and conspicuously;

''(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)), the time period in which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

''(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)), the time period in which the introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

''(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

''(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

''(i) a general description of the circumstances that may result in the revocation of the temporary annual percentage rate; and

''(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

''(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

''(II) will vary in accordance with an index, the rate that will apply after the temporary rate, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

''(D) DEFINITIONS.—In this paragraph—

''(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation; and

''(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

''(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede subsection (a) of section 122, or any disclosure required by paragraph (1) or any other provision of this subsection.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(6) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—Section 127(c)(6) of the Truth in Lending Act, as added by this section, and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1304. INTERNET-BASED CREDIT CARD SOLICITATIONS.

(a) INTERNET-BASED SOLICITATIONS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

''(7) INTERNET-BASED SOLICITATIONS.—

''(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

''(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

''(ii) the information described in paragraph (6).

''(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

''(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

''(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

''(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(7) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1305. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

(a) DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(12) If a late payment fee is to be imposed due to the failure of the obligor to make payment on or before a required payment due date, the following shall be stated clearly and conspicuously on the billing statement:

''(A) The date on which that payment is due or, if different, the earliest date on which a late payment fee may be charged.

''(B) The amount of the late payment fee to be imposed if payment is made after such date.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(b)(12) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1306. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

(a) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.''.

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(h) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1307. DUAL USE DEBIT CARD.

(a) REPORT.—The Board may conduct a study of, and present to Congress a report containing its analysis of, consumer protections under existing law to limit the liability of consumers for unauthorized use of a debit card or similar access device. Such report, if submitted, shall include recommendations for legislative initiatives, if any, of the Board, based on its findings.

(b) CONSIDERATIONS.—In preparing a report under subsection (a), the Board may include—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the report, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced or may enhance the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to further address adequate protection for consumers concerning unauthorized use liability.

SEC. 1308. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Board shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of cases filed under title 11 of the United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit described in this paragraph is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled within 1 year of successfully completing all required secondary education requirements and on a full-time basis, in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 1309. CLARIFICATION OF CLEAR AND CONSPICUOUS.

(a) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Board, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration Board, and the Federal Trade Commission, shall promulgate regulations to provide guidance regarding the meaning of the term ''clear and conspicuous'', as used in subparagraphs (A), (B), and (C) of section 127(b)(11) and clauses (ii) and (iii) of section 127(c)(6)(A) of the Truth in Lending Act.

(b) EXAMPLES.—Regulations promulgated under subsection (a) shall include examples of clear and conspicuous model disclosures for the purposes of disclosures required by the provisions of the Truth in Lending Act referred to in subsection (a).

(c) STANDARDS.—In promulgating regulations under this section, the Board shall ensure that the clear and conspicuous standard required for disclosures made under the provisions of the Truth in Lending Act referred to in subsection (a) can be implemented in a manner which results in disclosures which are reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

TITLE XIV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 1401. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this Act and paragraph (2), the amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

(2) CERTAIN LIMITATIONS APPLICABLE TO DEBTORS.—The amendments made by sections 308, 322, and 330 shall apply with respect to cases commenced under title 11, United States Code, on or after the date of the enactment of this Act.

TITLE XV—PREVENTING CORPORATE BANKRUPTCY ABUSE

SEC. 1501. EMPLOYEE WAGE AND BENEFIT PRIORITIES.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (3) by striking ''90'' and inserting ''180'', and

(2) in paragraphs (3) and (4) by striking ''$4,000'' and inserting ''$10,000''.

SEC. 1502. FRAUDULENT TRANSFERS AND OBLIGATIONS.

Section 548 of title 11, United States Code, is amended—

(1) in subsections (a) and (b) by striking ''one year'' and inserting ''2 years'',

(2) in subsection (a)—

(A) by inserting ''(including any transfer to or for the benefit of an insider under an employment contract)'' after ''transfer'' the 1st place it appears, and

(B) by inserting ''(including any obligation to or for the benefit of an insider under an employment contract)'' after ''obligation'' the 1st place it appears, and

(3) in subsection (a)(1)(B)(ii)—

(A) in subclause (II) by striking ''or'' at the end,

(B) in subclause (III) by striking the period at the end and inserting ''; or'', and

(C) by adding at the end the following:

''(IV) made such transfer to or for the benefit of an insider, or incurred such obligation to or for the benefit of an insider, under an employment contract and not in the ordinary course of business.''.

SEC. 1503. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m), and

(2) by inserting after subsection (k) the following:

''(l) If the debtor, during the 180-day period ending on the date of the filing of the petition—

''(1) modified retiree benefits; and

''(2) was insolvent on the date such benefits were modified;

the court, on motion of a party in interest, and after notice and a hearing, shall issue an order reinstating as of the date the modification was made, such benefits as in effect immediately before such date unless the court finds that the balance of the equities clearly favors such modification.''.

SEC. 1504. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act.

(2) AVOIDANCE PERIOD.—The amendment made by section 3(1) shall apply only with respect to cases commenced under title 11 of the United States Code more than 1 year after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Ms. JACKSON-LEE of Texas moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Insert after section 220 the following:

SEC. 220A. PROTECTING ALIMONY AND CHILD SUPPORT PAYMENTS FROM COMPETITION WITH NEW CREDITOR ENTITLEMENTS.

The amendments made by section 306(b) (limiting cramdowns), by section 310 (presumption of non-discharge status for luxury goods and cash advances), and by section 314 (non-discharge status for credit cards used to pay taxes) of this Act may be waived by the court in any case in which the court determines the amendment involved would impair the ability of the debtor to pay any domestic support obligations (as defined in section 101 of title 11 of the United States Code).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the nays had it.

Ms. JACKSON-LEE of Texas demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 150; Nays ..... 276; Answered present 1 }

¶26.24 [Roll No. 73]

AYES—150

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Clay
Clyburn
Conyers
Cooper
Costello
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—276

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

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—7

Buyer
Carson (IN)
Hyde
Kaptur
Ros-Lehtinen
Royce
Udall (CO)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 315; Nays ..... 113; Answered present 1 }

¶26.25 [Roll No. 74]

YEAS—315

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Combest
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—113

Abercrombie
Ackerman
Allen
Baldwin
Ballance
Becerra
Berman
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Clay
Conyers
Costello
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gephardt
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Miller (NC)
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Payne
Pelosi
Rangel
Rodriguez
Roybal-Allard
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Stupak
Tierney
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—5

Buyer
Carson (IN)
Hyde
Ros-Lehtinen
Udall (CO)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶26.26 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. HOSTETTLER, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

¶26.27 MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶26.28 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO ANGOLA

The SPEAKER pro tempore, Mr. BONNER, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I am providing a 6-month report prepared by my Administration on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 19, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations.

¶26.29 MESSAGE FROM THE PRESIDENT—OCEAN AND COASTAL ACTIVITIES

The SPEAKER pro tempore, Mr. BONNER, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with section 5 of the Oceans Act of 2000 (33 U.S.C. 857–19), I transmit herewith the first biennial Federal Ocean and Coastal Activities Report as prepared by my Administration.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 19, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Resources, the Committee on Science, and the Committee on Transportation and Infrastructure.

¶26.30 MESSAGE FROM THE PRESIDENT

Message in writing from the President of the United States were communicated to the House by Mr. Williams, one of his secretaries.

¶26.31 MESSAGE FROM THE PRESIDENT—U.S. PARTICIPATION IN THE UNITED NATIONS

The SPEAKER pro tempore, Mr. BONNER, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit herewith a report prepared by my Administration on the participation of the United States in the United Nations and its affiliated agencies during the calendar year 2001. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress).

GEORGE W. BUSH.

THE WHITE HOUSE, *March 19, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations.

¶26.32 RECESS—9:50 P.M.

The SPEAKER pro tempore, Mr. BONNER, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 50 minutes p.m., subject to the call of the Chair.

¶26.33 AFTER RECESS—10:37 P.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶26.34 PROVIDING FOR THE CONSIDERATION OF H. CON. RES. 95

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–44) the resolution (H. Res. 151) providing for consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

When said resolution and report were referred to the House Calendar and ordered printed.

¶26.35 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–45) the resolution (H. Res. 152) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶26.36 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 628. An Act to require the construction at Arlington National Cemetery of a memorial to the crew of the *Columbia* Orbiter; to the Committee on Veterans' Affairs; and in addition to the Committee on Science for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶26.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HYDE, for today .

And then,

¶26.38 ADJOURNMENT

On motion of Mr. HASTINGS of Washington, at 10 o'clock and 38 minutes p.m., the House adjourned.

¶26.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 151. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 (Rept. 108–44). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 152. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–45). Referred to the House Calendar.

¶26.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. WEXLER, Mr. GRAVES, Ms. WATSON,

Mr. BROWN of Ohio, and Mr. FALEOMAVAEGA):

H.R. 1345. A bill to provide compensation to members of the reserve components who suffer discrepancies between their military and nonmilitary compensation as a result of being ordered to serve on active duty for a period of more than 30 days, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Ohio:

H.R. 1346. A bill to amend the Office of Federal Procurement Policy Act to provide an additional function of the Administrator for Federal Procurement Policy relating to encouraging Federal procurement policies that enhance energy efficiency; to the Committee on Government Reform.

By Mr. FILNER:

H.R. 1347. A bill to amend title 38, United States Code, to repeal the requirement that for former prisoners of war to be eligible for Department of Veterans Affairs dental benefits they must have been interned for a specified minimum period of time; to the Committee on Veterans' Affairs.

By Mr. KANJORSKI (for himself and Mr. JEFFERSON):

H.R. 1348. A bill to assure quality and best value with respect to Federal construction projects by prohibiting the practice known as bid shopping; to the Committee on Government Reform.

By Mr. BURTON of Indiana (for himself, Mr. PALLONE, Mr. SESSIONS, Mr. PAUL, Mrs. JO ANN DAVIS of Virginia, Mrs. MALONEY, Mr. FORD, Mr. MOORE, Mr. RYUN of Kansas, Mr. DUNCAN, Mr. STENHOLM, Mr. THORNBERRY, Mr. NADLER, Mr. WAMP, Mr. ALLEN, Mr. LATOURETTE, Mr. NORWOOD, Mr. ACKERMAN, Mr. PLATTS, Ms. WATSON, Mrs. CUBIN, Mr. SHAYS, Mr. GUTKNECHT, Mr. HOSTETTLER, Mr. HOEKSTRA, Mr. TANCREDO, Mr. TOOMEY, Mr. TURNER of Ohio, Mr. SMITH of Michigan, Mr. BARTLETT of Maryland, and Mr. JONES of North Carolina):

H.R. 1349. A bill to amend the Public Health Service Act with respect to the National Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Mr. BOEHNER, Mr. BALLENGER, Mr. MCKEON, Mr. SAM JOHNSON of Texas, Mr. GREENWOOD, Mr. DEMINT, Mrs. BIGGERT, Mr. TIBERI, Mr. KELLER, Mr. WILSON of South Carolina, and Mr. COLE):

H.R. 1350. A bill to reauthorize the Individuals with Disabilities Education Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ACEVEDO-VILA:

H.R. 1351. A bill to amend title XVIII of the Social Security Act to increase payments under the Medicare Program to Puerto Rico hospitals; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 1352. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that part or all of any income tax refund be paid over for use in biomedical research conducted through the National Institutes of Health; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. ISSA, Mr. RODRIGUEZ, Mr. REYES, Mr. FROST, Mr. FILNER, and Mr. CUNNINGHAM):

H.R. 1353. A bill to authorize the Port Passenger Accelerated Service System (PortPASS) as a permanent program for land border inspection under the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. TOM DAVIS of Virginia:

H.R. 1354. A bill to amend section 19 of title 3, United States Code, to include the Secretary of Homeland Security on the list of presidential successors; to the Committee on the Judiciary.

By Ms. DELAURO (for herself, Mr. NEAL of Massachusetts, and Mr. DOGGETT):

H.R. 1355. A bill to amend the Homeland Security Act of 2002 to clarify that a prohibition on contracting by the Secretary of Homeland Security with foreign incorporated entities applies to contracting with subsidiaries of such entities, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 1356. A bill to encourage the availability and use of motor vehicles that have improved fuel efficiency, in order to reduce the need to import oil into the United States; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 1357. A bill to establish a program to assist homeowners experiencing unavoidable, temporary difficulty making payments on mortgages insured under the National Housing Act; to the Committee on Financial Services.

By Mr. ISRAEL (for himself and Mr. KIRK):

H.R. 1358. A bill to amend the Foreign Assistance Act of 1961 to require the Secretary of State to include in the annual Department of State's Country Reports on Human Rights Practices information on the nature and extent of the promotion of violence and hatred in the curriculum of schools in foreign countries, including the promotion of anti-Americanism, anti-Semitism, and racism; to the Committee on International Relations.

By Mr. KENNEDY of Rhode Island (for himself, Ms. ROS-LEHTINEN, Ms. NORTON, Mr. KILDEE, Mr. PLATTS, Mr. OWENS, Ms. KILPATRICK, Mr. LANTOS, Mr. SERRANO, Mr. DEUTSCH, Mr. STARK, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1359. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH (for himself, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, and Mr. BURTON of Indiana):

H.R. 1360. A bill to amend certain provisions of title 39, United States Code, relating to transportation of mail; to the Committee on Government Reform.

By Mr. MEEK of Florida (for himself, Ms. ROS-LEHTINEN, Mr. BOYD, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. BILIRAKIS, Mr. DAVIS of Florida, Ms. HARRIS, Mr. GOSS, Mr. FOLEY, Mr. WEXLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DEUTSCH, Mr. SHAW, Mr. HASTINGS of Florida, Mr. FEENEY, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1361. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes; to the Committee on Resources.

By Ms. MILLENDER-MCDONALD:

H.R. 1362. A bill to provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself and Mr. ANDREWS):

H.R. 1363. A bill to prohibit institutions of higher education from unfairly imposing sanctions on student athletes; to the Committee on Education and the Workforce.

By Mr. NADLER:

H.R. 1364. A bill to authorize a national memorial at, or proximate to, the World Trade Center site to commemorate the tragic events of September 11, 2001, to establish the World Trade Center Memorial Advisory Board, and for other purposes; to the Committee on Resources.

By Ms. NORTON:

H.R. 1365. A bill to establish the United States Commission on an Open Society with Security; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. DEFAZIO, and Mr. LIPINSKI):

H.R. 1366. A bill to amend title 49, United States Code, to provide relief to the airline industry, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself and Mr. TURNER of Texas):

H.R. 1367. A bill to authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations, and for other purposes; to the Committee on Agriculture.

By Mr. POMBO (for himself, Mr. SCHIFF, Ms. ESHOO, Ms. LEE, Mr. FILNER, Mr. SHERMAN, Mr. DOOLEY of California, Mr. COX, Mr. ROHRABACHER, Mr. ISSA, Mr. DREIER, Mr. CARDOZA, Mr. NUNES, Ms. WATSON, Mr. OSE, Mr. HUNTER, Mr. ROYCE, Mrs. TAUSCHER, Mr. GALLEGLY, Mr. STARK, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mr. RADANOVICH, Mrs. NAPOLITANO, Mr. WAXMAN, Ms. SOLIS, Mr. BERMAN, Mr. MCKEON, Ms. HARMAN, Mr. LEWIS of California, Mr. BACA, Mr. DOOLITTLE, Ms. MILLENDER-MCDONALD, Mr. CALVERT, Ms. LINDA T. SANCHEZ of California, Mrs. CAPPS, Ms. LORETTA SANCHEZ of California, Ms. ROYBAL-ALLARD, Ms.

WOOLSEY, Mrs. BONO, Ms. WATERS, Mr. HONDA, Mr. THOMPSON of California, Ms. PELOSI, Mr. CUNNINGHAM, Mr. MATSUI, Mr. FARR, Mrs. DAVIS of California, Mr. LANTOS, Mr. HERGER, Mr. THOMAS, Mr. BECERRA, and Ms. LOFGREN):

H.R. 1368. A bill to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the ''Norman Shumway Post Office Building''; to the Committee on Government Reform.

By Mr. RAMSTAD (for himself, Mr. CRANE, Mr. ENGLISH, Mr. LEWIS of Kentucky, Mr. SANDLIN, Mrs. JONES of Ohio, Mr. BUYER, and Mr. TAYLOR of Mississippi):

H.R. 1369. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for overnight travel expenses of national guard and reserve members; to the Committee on Ways and Means.

By Mr. WYNN (for himself and Mr. BURR):

H.R. 1370. A bill to provide for expansion of electricity transmission networks in order to support competitive electricity markets, to ensure reliability of electric service, to modernize regulation and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH:

H. Con. Res. 101. Concurrent resolution expressing the sense of the Congress that Public Law 107-243, the authorization to use military force against Iraq, is null and void; to the Committee on International Relations.

By Ms. JACKSON-LEE of Texas (for herself and Mr. CONYERS):

H. Con. Res. 102. Concurrent resolution expressing the sense of Congress that Congress has the sole and exclusive power to declare war; to the Committee on International Relations.

By Mr. BEREUTER (for himself, Mr. EMANUEL, Mr. HYDE, Mr. LANTOS, and Mr. WEXLER):

H. Res. 149. A resolution expressing the condolences of the House of Representatives in response to the assassination of Prime Minister Zoran Djindjic of Serbia, and for other purposes; to the Committee on International Relations.

By Mr. RYUN of Kansas (for himself and Mr. BECERRA):

H. Res. 150. A resolution expressing the support of the House of Representatives for the members of the Armed Forces of the United States called upon to engage in possible military action in Iraq; to the Committee on Armed Services.

¶26.41 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LANTOS introduced a bill (H.R. 1371) for the relief of Kuan-Wei Liang and Chun-Mei Hsu-Liang; which was referred to the Committee on the Judiciary.

¶26.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. KLECZKA, Ms. WOOLSEY, and Mr. GREEN of Texas.

H.R. 33: Mr. DEAL of Georgia and Mr. HEFLEY.

H.R. 44: Mr. MCHUGH.

H.R. 58: Mr. HONDA, Mr. GRIJALVA, Mr. BOUCHER, Mr. DOGGETT, Mr. LUCAS of Kentucky, Mr. RYAN of Ohio, Mr. FLAKE, Mr. GOODLATTE, and Mr. BISHOP of Georgia.

H.R. 135: Ms. BORDALLO.

H.R. 140: Mr. ISRAEL.

H.R. 141: Mr. WATT.

H.R. 151: Ms. LEE and Mr. STUPAK.

H.R. 218: Mr. DEMINT, Mr. DOOLITTLE, Mr. MURTHA, and Mr. COLE.

H.R. 236: Mr. MOLLOHAN and Mr. UDALL of New Mexico.

H.R. 290: Ms. NORTON and Mr. MCHUGH.

H.R. 294: Mr. GREEN of Wisconsin and Mr. MILLER of Florida.

H.R. 296: Mr. GRIJALVA.

H.R. 303: Mr. BARRETT of South Carolina and Mr. GILCHREST.

H.R. 339: Mr. BOEHNER, Mr. DEMINT, and Mr. HOEKSTRA.

H.R. 348: Mr. DAVIS of Tennessee, Mr. FILNER, Mr. JEFFERSON, Mr. WILSON of South Carolina, Mr. MCCRERY.

H.R. 375: Mr. GILLMOR, Mr. BRADLEY of New Hampshire.

H.R. 450: Mr. MCHUGH and Mrs. JOHNSON of Connecticut.

H.R. 463: Mr. MCINNIS and Mr. FOLEY.

H.R. 466: Mrs. WILSON of New Mexico and Ms. LOFGREN.

H.R. 491: Mr. MICHAUD.

H.R. 496: Mr. MOORE.

H.R. 501: Mr. MCCOTTER.

H.R. 502: Mr. STENHOLM.

H.R. 571: Mr. PETRI, Mr. GRIJALVA, and Mr. POMBO.

H.R. 584: Mr. MORAN of Virginia.

H.R. 594: Mr. CARDOZA, Mr. DEUTSCH, Mr. WEXLER, Mr. MORAN of Virginia, Mr. DAVIS of Florida, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Mr. NORWOOD, Mr. ENGEL, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 623: Mr. ABERCROMBIE.

H.R. 661: Mr. ENGLISH.

H.R. 669: Mr. VAN HOLLEN.

H.R. 677: Mr. FARR.

H.R. 714: Mr. ISTOOK and Mr. MORAN of Kansas.

H.R. 728: Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. SESSIONS, and Mr. CANNON.

H.R. 735: Ms. NORTON and Mr. VISCLOSKY.

H.R. 766: Mr. WATT, Mr. FILNER, Mr. DAVIS of Tennessee, and Ms. JACKSON-LEE of Texas.

H.R. 771: Mr. OSE, Mr. WHITFIELD, Mr. KIRK, Mr. PICKERING, and Mr. TERRY.

H.R. 775: Mr. OXLEY.

H.R. 786: Mr. LEWIS of Georgia.

H.R. 791: Mr. RYAN of Wisconsin and Mr. SIMMONS.

H.R. 811: Mrs. JONES of Ohio and Mr. SANDERS.

H.R. 817: Mr. ENGEL and Mrs. MALONEY.

H.R. 834: Mr. BLUMENAUER, Mr. BOSWELL, Mr. BOOZMAN, Mr. EVANS, Mr. DEAL of Georgia, Mr. KING of New York, Mr. PORTER, Ms. BORDALLO, Mr. COLE, Ms. GINNY BROWN-WAITE of Florida, and Mr. ETHERIDGE.

H.R. 839: Mr. VAN HOLLEN, Mr. GRIJALVA, and Mr. TURNER of Ohio.

H.R. 844: Mr. DAVIS of Illinois.

H.R. 854: Mr. GALLEGLY.

H.R. 870: Mr. SAM JOHNSON of Texas.

H.R. 871: Mr. LATHAM.

H.R. 876: Mr. TIAHRT.

H.R. 896: Mr. BRADY of Pennsylvania.

H.R. 898: Mr. WATT.

H.R. 934: Mr. STENHOLM.

H.R. 936: Mr. FROST, Mr. RANGEL, Mr. OLVER, Mr. BERMAN, Mr. NADLER, and Mr. RUSH.

H.R. 946: Mrs. JO ANN DAVIS of Virginia.

H.R. 953: Mr. BELL and Mr. MICHAUD.

H.R. 974: Mr. LAMPSON.

H.R. 983: Ms. WATSON and Mr. HOUGHTON.

H.R. 1023: Mr. BAKER.

H.R. 1029: Ms. SCHAKOWSKY.

H.R. 1068: Ms. SCHAKOWSKY, Mr. BERMAN, Mr. DINGELL, Mrs. MALONEY, Mr. BRADLEY of New Hampshire, Mr. OSBORNE, Mr. MCCOTTER, Mr. THOMPSON of Mississippi, and Mr. WICKER.

H.R. 1072: Mr. CANNON and Mr. SIMMONS.

H.R. 1085: Mr. BISHOP of Utah.

H.R. 1095: Mr. BARTLETT of Maryland.

H.R. 1096: Mr. HINOJOSA.

H.R. 1101: Mrs. JO ANN DAVIS of Virginia.

H.R. 1104: Mr. PLATTS, Mr. VITTER, Mr. MARIO DIAZ-BALART of Florida, and Mr. POMEROY.

H.R. 1118: Mr. SHAYS, Mr. MEEHAN, Mr. KILDEE, Mr. DEFAZIO, Mr. PALLONE, Mrs. EMERSON, Mr. MENENDEZ, Mr. SMITH of Washington, and Mr. ABERCROMBIE.

H.R. 1125: Mr. GOODLATTE, Mr. MCCOTTER, and Mrs. JONES of Ohio.

H.R. 1132: Mr. CUMMINGS, Mr. CROWLEY, Ms. LEE, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, and Ms. JACKSON-LEE of Texas.

H.R. 1133: Ms. CARSON of Indiana, Mr. MARKEY, Mr. SERRANO, Mr. KILDEE, and Mr. VAN HOLLEN.

H.R. 1157: Mr. MOORE, Ms. SCHAKOWSKY, Mr. ENGEL, and Ms. KILPATRICK.

H.R. 1166: Mrs. CUBIN.

H.R. 1170: Mr. RAMSTAD, Mr. NORWOOD, and Mr. FRANKS of Arizona.

H.R. 1175: Mr. MARIO DIAZ-BALART of Florida.

H.R. 1191: Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, Ms. MILLENDER-MCDONALD, and Mr. GILLMOR.

H.R. 1192: Ms. ROYBAL-ALLARD.

H.R. 1225: Mr. MCNULTY and Ms. MCCARTHY of Missouri.

H.R. 1231: Mr. BRADLEY of New Hampshire, Mr. MATHESON, Mr. GEORGER MILLER of California, Mr. GRIJALVA, Mr. GREEN of Wisconsin, Ms. GINNY BROWN-WAITE of Florida, Mrs. MCCARTHY of New York, Ms. LOFGREN, Mr. GOODLATTE, Mr. NORWOOD, Mr. FRANKS of Arizona, and Mr. PUTNAM.

H.R. 1258: Mr. BOUCHER.

H.R. 1263: Mr. BACA.

H.R. 1264: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARDOZA, Mr. MENENDEZ, and Mr. KILDEE.

H.R. 1290: Ms. BALDWIN.

H.R. 1294: Mr. FROST, Mr. MCDERMOTT, and Mr. CASE.

H.R. 1305: Mr. YOUNG of Alaska and Mr. RYAN of Ohio.

H.R. 1320: Mr. KIRK, Mr. PICKERING, Mr. BASS, and Mr. WHITFIELD.

H.J. Res. 4: Mr. KING of Iowa, Mr. PORTER, and Mr. RENZI.

H.J. Res. 20: Mr. RANGEL.

H.J. Res. 22: Mr. GREEN of Wisconsin and Mr. PLATTS.

H.J. Res. 24: Ms. MCCOLLUM, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, Mr. TOWNS, Mr. WU, and Ms. SOLIS.

H.J. Res. 37: Mr. LOBIONDO and Mr. KANJORSKI.

H. Con. Res. 30: Mr. DEUTSCH.

H. Con. Res. 56: Mr. BRADLEY of New Hampshire.

H. Con. Res. 78: Mr. NADLER.

H. Con. Res. 80: Mr. MEEKS of New York, Ms. WATSON, Mrs. NAPOLITANO, and Mr. BLUMENAUER.

H. Res. 141: Mr. FARR and Mr. HASTINGS of Florida.

H. Res. 142: Ms. NORTON.

THURSDAY, MARCH 20, 2003 (27)

The House was called to order by the SPEAKER.

¶27.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, March 19, 2003.

Mr. QUINN, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. QUINN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶27.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1220. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Treatments [Docket No. 02-129-2] received March 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1221. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Addition of Regulated Area [Docket No. 02-129-3] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1222. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Licensing and Inspection Requirements for Dealers of Dogs Intended for Hunting, Breeding, or Security Purposes [Docket No. 99-087-3] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1223. A letter from the Aciting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitive Services, Department of Education, transmitting the Department's final rule — Experimental and Innovative Training — received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1224. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Civil Penalties Under ERISA Section 502(c)(7) and Conforming Technical Changes on Civil Penalties Under ERISA Sections 502(c)(2), 502(c)(5) and 502(c)(6)(RIN: 1210-AA91, RIN: 1210-AA93) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1225. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Final Rule Relating to Notice of Blackout Periods to Participants and Beneficiaries (RIN: 1210-AA90) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1226. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1227. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's Annual Energy Review 2001, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

1228. A letter from the Director, National Center on Minority Health and Health Disparities, NIH, Department of Health and Human Services, transmitting the FY 2001 Annual Report on Health Disparities Research of the National Institutes of Health, pursuant to 42 U.S.C. 299a—1 Public Law 106—525, section 903 (a)(6); to the Committee on Energy and Commerce.

1229. A letter from the Director, National Center on Minority Health and Health Disparities, NIH, Department of Health and Human Services, transmitting a Strategic Research Plan and Budget to Reduce and Ultimately Eliminate Health Disparities for FY 2002-2006, pursuant to 42 U.S.C. 287c—31 Public Law 106—525, section 105; to the Committee on Energy and Commerce.

1230. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drugs; Phenylbutazone; Extralabel Animal Drug Use; Order of Prohibition [Docket No. 03N-0024] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1231. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits [WV055-6025a; FRL-7449-4] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1232. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Blanket, TX) [MB Docket No. 02-351; RM-10601] received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1233. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Little Rock, AR) [MM Docket No. 00-139; RM-9915] received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1234. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ridgway and Rangely, CO) [MB Docket No. 02-118; RM-10394] received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1235. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Rose Hill and La Grange, NC) [MB Docket No. 02-110; RM-10406] received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1236. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Greenwood, MS [MB Docket No. 02-209; RM10512]; Hyannis, NE [MB Docket No. 02-210; RM-10510]; Wall,SD [MB Docket No. 02-211; RM-10511] received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1237. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Murrieta, Arcadia, Fallbrook, Yucca Valley, and Desert Hot Springs, CA) [MM Docket No. 01-11; RM-10027, RM-10322] received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1238. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Monroe and Luna Pier, MI) [MB Docket No. 02-115; RM-10427] received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1239. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crawfordville, GA) [MB Docket No. 02-225; RM-10517] received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1240. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickens, TX) [MB Docket No. 02-258; RM-10500]; (Floydada, Texas) [MB Docket No. 02-259; RM-10501]; (Rankin, Texas) [MB Docket No. 02-262; RM-10504]; (San Diego, Texas) [MB Docket No. 02-264; RM-10505]; (Westbrook, Texas) [MB Docket No. 02-265; RM-10556] received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1241. A letter from the Senior Legal Advisory to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Jasper, FL [MB Docket No. 02-274; RM-10560]; Tigerton, WI [MB Docket No. 02-275; RM-10561]) received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1242. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Madisonville and College Station, Giddings, and Bay City, Columbus, Edna, Garwood, Palacios and Sheridan, TX) [MM Docket No. 99-331; RM-9728, RM-9847, RM-9848] received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1243. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Source Material Reporting Under International Agreements (RIN: 3150-AH10) received March 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1244. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification pursuant to Section 1203 (d) of the Cooperative Threat Reduction Act of 1993 and the the FREEDOM Support Act (Public Law 102-511); to the Committee on International Relations.

1245. A letter from the Under Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's inventory of activities that are

not inherently governmental functions as required by Section 2 of the Federal Activities Inventory Reform (FAIR) Act of 1998, Public Law 105-270; to the Committee on Government Reform.

1246. A letter from the Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress for April 1, 2002 through September 30, 2002, and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1247. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a copy of the Department's Commercial Activities Inventory for Fiscal Year 2002; to the Committee on Government Reform.

1248. A letter from the Director, Federal Emergency Management Agency, transmitting notification that effective March 1, 2003, the Director resigned; to the Committee on Government Reform.

1249. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Abandoned Mine Land Reclamation Notices (RIN: 1029-AB99) received February 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1250. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Global Ocean Data Assimilation Experiment (GODAE) [Docket No. 021202295-2295-01] received February 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1251. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 021403] received March 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1252. A letter from the Chief Scout Executive and President, Boy Scouts of America, transmitting the Boy Scouts of America 2002 report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

1253. A letter from the General Counsel, Department of Commerce, transmitting the Department's legislative proposal to restructure the patent fees and adjust trademark fees for the U.S. Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

1254. A letter from the Director, Regulations and Forms Services Division, INS, Department of Justice, transmitting the Department's final rule — Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized to Enforce Immigration Law During a Mass Influx of Aliens [INS No. 2241-02] (RIN: 1115-AG84) received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1255. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Removal of Visa and Passport Waiver for Certain Permanent Residents of Canda and Bermuda [INS No. 2202-02] (RIN: 1115-AG68) received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1256. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Admission and Orientation Program: Removal From Rules [BOP-1110-1] (RIN: 1120-AB08) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1257. A letter from the Director, Regulations and Forms Services Division, INS, Department of Justice, transmitting the Department's final rule — Automated Inspection Services--Extension of Enrollment Period [INS No. 2256-03] (RIN: 1115-AG94) received March 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1258. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Release of Information Regarding Immigration and Naturalization Service Detainees in Non-Federal Facilities [INS No. 2203-02] (RIN: 1115-AG67) received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1259. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Establishment of a $3 Immigration User Fee for Certain Commercial Vessel Passengers Previously Exempt [INS No. 2180-01] (RIN: 1115-AG47) received January 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1260. A letter from the General Counsel, Department of Justice, transmitting the Department's final rule — Aliens and Nationality; Homeland Security; Reorganization of Regulations [EOIR No. 137F; AG Order No. 2662-2003] (RIN:1125-AA42) received March 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1261. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Immigrants —— Elimination of Extended Visa Validity Benefits under Section 154 Pub. L. 101-649 — received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1262. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Immigrants Under the Immigration and Nationality Act, as Amended — Issuance of New or Replacement Visas (RIN: 1400-AB39) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1263. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Miss America Pageant, Atlantic City, New Jersey [COTP Philadelphia-02-005] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1264. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Industrial Canal, one-quarter mile north and south of the Almonaster Bridge, New Orleans, Louisiana [COTP New Orleans-02-018] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1265. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 52.0 to 53.0, Cape Girardeau, MO [COTP Paducah, KY 02-006] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1266. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Atchafalaya River, Port of Morgan City, Morgan City, LA [COTP Morgan City-02-005] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1267. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Mississippi Sound, Pascagoula, Mississippi [COTP Mobile-02-017] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1268. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Ohio River Mile 90.0 to 91.0, Wheeling, West Virginia [COTP Pittsburgh-02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1269. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zones; Coast Guard Activities New York [CGD01-02-103] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1270. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All water within 100 ft of the M/F FUJI MARU while transiting Apra Harbor and while moored at Hotel Wharf, Port Authority of Guam, Territory of Guam [COTP GUAM-02-016] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1271. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Port of New York/New Jersey [CGD01-02-120] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1272. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Ashley River, Charleston, SC [CGD07-03-018] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1273. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Monongahela River, Mile Marker 0.0 to Mile 1.3 and Allegheny River Mile Marker 0.0 to Mile Marker 0.5, Pittsburgh, PA [COTP Pittsburgh-02-020] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1274. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.0 to Mile Marker 0.3, Pittsburgh, Pennsylvania [COTP Pittsburgh-02-021] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1275. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Monongahela River Mile: 22.5 to 23.5 [COTP Pittsburgh-02-015] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1276. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone, Chickahominy River, Williamsburg, Virginia [CGD05-02-045] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1277. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety zone: 4th of July Celebration, Marblehead, Massachusetts [CGD1-02-080] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1278. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety zone; Triathlon Swim, Hudson River, Ulster Landing, NY [CGD01-02-081] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1279. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Strategic Booming Exercise in Absecon Inlet, New Jersey [COTP Philadelphia-02-002] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1280. A letter from the Chief, Regulations and Administration Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulation: Horn Island Sea Buoy (HI) at the entrance to Horn Island Pass in the Gulf of Mexico to Bayou Casotte, Mississippi [COTP Mobile, AL 02-009] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1281. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks, Lake City, MN [COTP St. Louis, MO-02-011] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1282. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway (GICW), Mile Marker 210 to 225 (EHL), Fort Walton Beach, Florida [COTP Mobile-02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1283. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; First Night Summer Best Fireworks, Dorchester Bay, Dorchester, MA [CGD01-02-097] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1284. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone: Yankee Homecoming Fireworks, Cashman Park, Newburyport, MA [CGD01-02-095] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1285. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zone: Boston's Fourth of July Esplanade Events, Charles River Esplanade, Boston, Massachusetts [CDG01-02-088] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1286. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules [Docket No. FAA-2001-8690] (RIN: 2120-AG74) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1287. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Pioneer Dock, Kachemak Bay, Homer, Alaska [COTP Western Alaska 02-008] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1288. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Conforming the Federal Railroad Administration's Accident/Incident Reporting Requirements to the Occupational Safety and Health Administration's Revised Reporting Requirements; Other Amendments [Docket No. FRA-2002-13221, Notice No. 2] (RIN: 2130-AB51) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1289. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Coast Guard Board for Correction of Military Records; Procedural Regulation [OST Docket No. 2002-13439; Notice 2002-1](RIN: 2105-AD19) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1290. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Scientific and Technical Reports (RIN: 2700-AC33) received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1291. A letter from the Deputy General Counsel, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting the Department's final rule — Appeals Regulations: Title for Members of the Board of Veterans' Appeals (RIN: 2900-AK62) received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1292. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Provision of Drugs and Medicines to Certain Veterans in State Homes (RIN: 2900-AJ34) received March 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1293. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule — Deferral of Duty on Large Yachts Imported for Sale [T.D. 03-14] (RIN: 1515-AC58) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1294. A letter from the Acting Director, Statutory Import Programs Staff, Department of Commerce, transmitting the Department's final rule — Changes in the Insular Possessions Watch, Watch Movement and Jewelry Program [Docket No. 991228350-2301-04] (RIN: 0625-AA57) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1295. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2003-24] received March 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1296. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability [Rev. Proc. 2003-25] received March 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1297. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Areas in which rulings will not be issued (domestic areas) [Rev. Proc. 2003-3, 2003-1] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1298. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Amendment of 26 CFR Section 301.6103(n)-1 to Incorporate Taxpayer Browsing Protection Act [TD 9044] (RIN: 1545-BB13) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1299. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Earned income credit for taxable years beginning after December 31, 1978 [TD 9045] (RIN: 1545-BA34) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1300. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest rates; underpayments and overpayments (Rev. Rul. 2003-30) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1301. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disallowance of Deductions and Credits for Failure to File Timely Return [TD 9043] (RIN: 1545-AY26) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1302. A letter from the General Counsel, Department of Defense, transmitting the Department's legislative proposal entitled, ''To authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes''; jointly to the Committees on Armed Services, Transportation and Infrastructure, Energy and Commerce, Resources, Ways and Means, Government Reform, the Judiciary, Veterans' Affairs, Financial Services, Science, Education and the Workforce, International Relations, the Budget, and Appropriations.

¶27.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 153. An Act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

S. 342. An Act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Commission on Security

and Cooperation in Europe (Helsinki) during the One Hundred Eighth Congress: the Senator from Kansas [Mr. BROWNBACK]; the Senator from Oregon [Mr. SMITH]; the Senator from Texas [Mrs. HUTCHISON]; and the Senator from Georgia [Mr. CHAMBLISS].

The message also announced that pursuant to Public Law 100–458, the Chair, on behalf of the Majority Leader, reappoints William E. Cresswell, of Mississippi, to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, for a six-year term, commencing on October 11, 2002.

The message also announced that pursuant to Public Law 68–541, as amended by Public Law 102–246, the Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, reappoints John W. Kluge, of New York, as a member of the Library of Congress Trust Fund Board for a term of five years.

The message also announced that pursuant to Public Law 106–286, the Chair, on behalf of the President of the Senate, and after consultation with the Majority Leader, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: the Senator from Kansas [Mr. BROWNBACK]; the Senator from Oregon [Mr. SMITH]; the Senator from Wyoming [Mrs. THOMAS]; the Senator from Kansas [Mr. ROBERTS]; and the Senator from Nebraska [Mr. HAGEL], Chairman.

¶27.4 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GOODLATTE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, March 19, 2003.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. GOODLATTE, announced that the yeas had it.

Mr. QUINN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared ....
- Yeas 373
- Nays 49
- Answered present 2

¶27.5 [Roll No. 75]

YEAS—373

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

NAYS—49

Aderholt
Allen
Baldwin
Brady (PA)
Brown (OH)
Capuano
Costello
Crane
DeFazio
English
Filner
Fossella
Gutierrez
Gutknecht
Hart
Hastings (FL)
Hefley
Hinchey
Holt
Jackson-Lee (TX)
Johnson, E. B.
Kennedy (MN)
Kucinich
Lewis (GA)
LoBiondo
McDermott
McGovern
Miller, George
Moran (KS)
Oberstar
Olver
Peterson (MN)
Ramstad
Sabo
Sanchez, Loretta
Schakowsky
Scott (VA)
Slaughter
Stark
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Weller
Wu

ANSWERED "PRESENT"—2

Carson (IN)
Tancredo

NOT VOTING—10

Buyer
Conyers
Davis (AL)
Delahunt
Gephardt
Hyde
Pickering
Sanders
Udall (CO)
Young (AK)

So the Journal was approved.

¶27.6 H.R. 1307—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GOODLATTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1307) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative .....
- Yeas 422
- Nays 0

¶27.7 [Roll No. 76]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola

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

NOT VOTING—12

Ballenger
Buyer
DeLay
Gephardt
Hyde
Kleczka
Skelton
Towns
Udall (CO)
Whitfield
Wilson (NM)
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶27.8 H. RES. 132—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GOODLATTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 132) expressing the sense of the House of Representatives that the Ninth Circuit Court of Appeals ruling in Newdow v. United States Congress is inconsistent with the Supreme Court's interpretation of the first amendment and should be overturned, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400; Nays ..... 7; Answered present 15 }

¶27.9 [Roll No. 77]

YEAS—400

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

Velazquez	Weiner	Wilson (SC)
Visclosky	Weldon (FL)	Wolf
Vitter	Weldon (PA)	Woolsey
Walden (OR)	Weller	Wu
Walsh	Wexler	Wynn
Wamp	Whitfield	Young (FL)
Watson	Wicker	
Waxman	Wilson (NM)	

NAYS—7

Ackerman	McDermott	Stark
Frank (MA)	Nadler	
Honda	Scott (VA)	

ANSWERED ''PRESENT''—15

Ballance	Hinchey	Sanchez, Linda T.
Berman	Lofgren	Schakowsky
Blumenauer	Miller, George	Waters
Capuano	Olver	Watt
Conyers	Payne	
Delahunt		

NOT VOTING—12

Bonilla	DeLay	Hyde
Buyer	Dreier	Renzi
Collins	Gephardt	Udall (CO)
Cox	Herger	Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶27.10 RECESS—11 A.M.

The SPEAKER pro tempore, Mr. GOODLATTE, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock a.m., subject to the call of the Chair.

¶27.11 AFTER RECESS—12:31 P.M.

The SPEAKER pro tempore, Mr. GILLMOR, called the House to order.

¶27.12 PROVIDING FOR THE CONSIDERATION OF H. CON. RES. 95

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 151):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed three hours, with two hours of general debate confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and one hour of general debate on the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Stark of California or their designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute specified in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The concurrent resolution, as amended, shall be considered as read. No further amendment shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments printed in the report are waived except that the adoption of a further amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for further amendment, and a final period of general debate, which shall not exceed 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the Committee shall rise and report the concurrent resolution, as amended, to the House with such further amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶27.13 ORDER OF BUSINESS—CONSIDERATION OF H. CON. RES. 95

On motion of Mr. SPRATT, by unanimous consent,

Ordered, That during consideration of concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013, pursuant to House Resolution 151, the amendment numbered 4, printed in House Report 108-44, be considered as modified by the form placed at the desk.

¶27.14 CONGRESSIONAL BUDGET RESOLUTION

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to House Resolution 151 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, by unanimous consent, designated Mr. GILLMOR as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. PENCE, assumed the Chair.

¶27.15 MESSAGE FROM THE PRESIDENT

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

The Committee resumed its sitting; and after some further time spent therein,

¶27.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. HILL:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2004 is hereby established and that the appropriate levels for fiscal years 2005 through 2013 are hereby set forth.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2004.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Homeland security.
Sec. 103. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Increase in debt limit contingent upon plan to restore balanced budget.
Sec. 203. Review of budget outlook.

TITLE III—RESERVE FUNDS AND ENFORCEMENT

Subtitle A—Reserve Funds

Sec. 301. Reserve fund for homeland security.
Sec. 302. Reserve fund for the costs of military operations in iraq.
Sec. 303. Reserve fund for additional mandatory funding for existing health and employment programs which provide assistance to States and individuals.
Sec. 304. Reserve fund for surface transportation.
Sec. 305. Reserve fund for bioshield.
Sec. 306. Reserve fund for permanent extension of tax cuts; medicare.

Subtitle B—Enforcement

Sec. 311. Point of order against certain legislation reducing the surplus or increasing the deficit after fiscal year 2008.
Sec. 312. Application and effect of changes in allocations and aggregates.
Sec. 313. Discretionary spending limits in the House.
Sec. 314. Emergency legislation.
Sec. 315. Pay-as-you-go point of order in the House.
Sec. 316. Disclosure of effect of legislation on the public debt.
Sec. 317. Disclosure of interest costs.
Sec. 318. Dynamic scoring of tax legislation.

TITLE IV—SENSE OF CONGRESS PROVISIONS

Sec. 401. Sense of Congress regarding budget enforcement.
Sec. 402. Sense of Congress on tax reform.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2004 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2004: $1,441,770,000,000.
Fiscal year 2005: $1,604,926,000,000.
Fiscal year 2006: $1,746,972,000,000.
Fiscal year 2007: $1,863,966,000,000.
Fiscal year 2008: $1,981,577,000,000.
Fiscal year 2009: $2,099,530,000,000.
Fiscal year 2010: $2,226,842,000,000.
Fiscal year 2011: $2,460,796,000,000.
Fiscal year 2012: $2,637,779,000,000.
Fiscal year 2013: $2,778,210,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2004: $30,600,000,000.
Fiscal year 2005: $12,100,000,000.
Fiscal year 2006: −$6,300,000,000.
Fiscal year 2007: −$10,800,000,000.
Fiscal year 2008: −$18,600,000,000.
Fiscal year 2009: −$21,200,000,000.
Fiscal year 2010: −$33,800,000,000.
Fiscal year 2011: −$33,300,000,000.
Fiscal year 2012: $0.
Fiscal year 2013: $0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2004: $1,843,018,000,000.
Fiscal year 2005: $1,951,195,000,000.
Fiscal year 2006: $2,071,194,000,000.
Fiscal year 2007: $2,171,250,000,000.
Fiscal year 2008: $2,276,515,000,000.
Fiscal year 2009: $2,373,830,000,000.
Fiscal year 2010: $2,472,581,000,000.
Fiscal year 2011: $2,585,874,000,000.
Fiscal year 2012: $2,662,041,000,000.
Fiscal year 2013: $2,768,930,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2004: $1,851,551,000,000.
Fiscal year 2005: $1,942,306,000.000.
Fiscal year 2006: $2,045,298,000,000.
Fiscal year 2007: $2,140,438,000,000.
Fiscal year 2008: $2,249,176,000,000.
Fiscal year 2009: $2,355,806,000,000.
Fiscal year 2010: $2,461,760,000,000.
Fiscal year 2011: $2,586,165,000,000.
Fiscal year 2012: $2,653,413,000,000.
Fiscal year 2013: $2,776,371,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2004: $409,781,000,000.
Fiscal year 2005: $337,380,000,000.
Fiscal year 2006: $298,326,000,000.
Fiscal year 2007: $276,472,000,000.
Fiscal year 2008: $267,599,000,000.
Fiscal year 2009: $256,276,000,000.
Fiscal year 2010: $234,918,000,000.
Fiscal year 2011: $125,369,000,000.
Fiscal year 2012: $15,634,000,000.
Fiscal year 2013: $−1,839,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2004: $7,179,838,000,000.
Fiscal year 2005: $7,621,902,000,000.
Fiscal year 2006: $8,048,310,000,000.
Fiscal year 2007: $8,457,629,000,000.
Fiscal year 2008: $8,861,982,000,000.
Fiscal year 2009: $9,258,280,000,000.
Fiscal year 2010: $9,637,286,000,000.
Fiscal year 2011: $9,911,600,000,000.
Fiscal year 2012: $10,082,375,000,000.
Fiscal year 2013: $10,239,283,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2004: $4,072,838,000,000.
Fiscal year 2005: $4,221,902,000,000.
Fiscal year 2006: $4,321,310,000,000.
Fiscal year 2007: $4,378,629,000,000.
Fiscal year 2008: $4,406,982,000,000.
Fiscal year 2009: $4,404,280,000,000.
Fiscal year 2010: $4,361,286,000,000.
Fiscal year 2011: $4,191,600,000,000.
Fiscal year 2012: $3,895,375,000,000.
Fiscal year 2013: $3,568,283,000,000.

SEC. 102. HOMELAND SECURITY.

The Congress determines and declares that the appropriate levels of new budget authority for fiscal year 2004 for Homeland Security are as follows:

(1) New budget authority, $41,035,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2004 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2004:
(A) New budget authority, $400,476,000,000.
(B) Outlays, $400,882,000,000.
Fiscal year 2005:
(A) New budget authority, $420,071,000,000.
(B) Outlays, $414,205,000,000.
Fiscal year 2006:
(A) New budget authority, $440,185,000,000.
(B) Outlays, $426,007,000,000.
Fiscal year 2007:
(A) New budget authority, $460,435,000,000.
(B) Outlays, $438,656,000,000.
Fiscal year 2008:
(A) New budget authority, $480,886,000,000.
(B) Outlays, $462,861,000,000.
Fiscal year 2009:
(A) New budget authority, $494,067,000,000.
(B) Outlays, $480,650,000,000.
Fiscal year 2010:
(A) New budget authority, $507,840,000,000.
(B) Outlays, $497,348,000,000.
Fiscal year 2011:
(A) New budget authority, $522,103,000,000.
(B) Outlays, $516,338,000,000.
Fiscal year 2012:
(A) New budget authority, $536,531,000,000.
(B) Outlays, $523,884,000,000.
(A) New budget authority, $551,323,000,000.
(B) Outlays, $543,541,000,000.

(2) International Affairs (150):
Fiscal year 2004:
(A) New budget authority, $25,681,000,000.
(B) Outlays, $24,207,000,000.
Fiscal year 2005:
(A) New budget authority, $29,734,000,000.
(B) Outlays, $24,917,000,000.
Fiscal year 2006:
(A) New budget authority, $32,308,000,000.
(B) Outlays, $26,539,000,000.
Fiscal year 2007:
(A) New budget authority, $33,603,000,000.
(B) Outlays, $28,464,000,000.
Fiscal year 2008:
(A) New budget authority, $34,611,000,000.
(B) Outlays, $29,604,000,000.
Fiscal year 2009:
(A) New budget authority, $35,413,000,000.
(B) Outlays, $30,733,000,000.
Fiscal year 2010:
(A) New budget authority, $36,258,000,000.
(B) Outlays, $31,689,000,000.
Fiscal year 2011:
(A) New budget authority, $37,136,000,000.
(B) Outlays, $32,565,000,000.
Fiscal year 2012:
(A) New budget authority, $38,005,000,000.
(B) Outlays, $33,408,000,000.
Fiscal year 2013:
(A) New budget authority, $38,885,000,000.
(B) Outlays, $34,298,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2004:
(A) New budget authority, $23,503,000,000.
(B) Outlays, $22,678,000,000.
Fiscal year 2005:
(A) New budget authority, $24,330,000,000.
(B) Outlays, $23,618,000,000.
Fiscal year 2006:
(A) New budget authority, $25,112,000,000.
(B) Outlays, $24,316,000,000.
Fiscal year 2007:
(A) New budget authority, $25,949,000,000.
(B) Outlays, $25,097,000,000.
Fiscal year 2008:
(A) New budget authority, $26,722,000,000.
(B) Outlays, $25,833,000,000.
Fiscal year 2009:
(A) New budget authority, $27,350,000,000.
(B) Outlays, $26,528,000,000.
Fiscal year 2010:
(A) New budget authority, $28,006,000,000.
(B) Outlays, $27,183,000,000.
Fiscal year 2011:
(A) New budget authority, $28,687,000,000.
(B) Outlays, $27,847,000,000.
Fiscal year 2012:
(A) New budget authority, $29,372,000,000.
(B) Outlays, $28,520,000,000.
Fiscal year 2013:
(A) New budget authority, $30,062,000,000.
(B) Outlays, $29,198,000,000.

(4) Energy (270):
Fiscal year 2004:
(A) New budget authority, $2,690,000,000.
(B) Outlays, $959,000,000.
Fiscal year 2005:
(A) New budget authority, $2,828,000,000.
(B) Outlays, $1,020,000,000.
Fiscal year 2006:
(A) New budget authority, $2,741,000,000.
(B) Outlays, $1,322,000,000.
Fiscal year 2007:
(A) New budget authority, $2,559,000,000.
(B) Outlays, $1,097,000,000.
Fiscal year 2008:
(A) New budget authority, $3,100,000,000.
(B) Outlays, $1,446,000,000.
Fiscal year 2009:
(A) New budget authority, $3,111,000,000.
(B) Outlays, $1,712,000,000.
Fiscal year 2010:
(A) New budget authority, $3,218,000,000.
(B) Outlays, $1,823,000,000.
Fiscal year 2011:
(A) New budget authority, $3,319,000,000.
(B) Outlays, $2,006,000,000.
Fiscal year 2012:
(A) New budget authority, $3,430,000,000.
(B) Outlays, $2,386,000,000.
Fiscal year 2013:
(A) New budget authority, $3,547,000,000.
(B) Outlays, $2,359,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2004:
(A) New budget authority, $30,237,000,000.
(B) Outlays, $30,357,000,000.
Fiscal year 2005:
(A) New budget authority, $31,084,000,000.
(B) Outlays, $30,996,000,000.
Fiscal year 2006:
(A) New budget authority, $31,824,000,000.
(B) Outlays, $31,998,000,000.
Fiscal year 2007:
(A) New budget authority, $32,384,000,000.
(B) Outlays, $32,168,000,000.
Fiscal year 2008:
(A) New budget authority, $33,240,000,000.
(B) Outlays, $32,612,000,000.
Fiscal year 2009:
(A) New budget authority, $34,577,000,000.
(B) Outlays, $33,835,000,000.
Fiscal year 2010:
(A) New budget authority, $35,647,000,000.
(B) Outlays, $34,857,000,000.
Fiscal year 2011:

(A) New budget authority, $36,684,000,000.
(B) Outlays, $35,870,000,000.
Fiscal year 2012:
(A) New budget authority, $37,629,000,000.
(B) Outlays, $36,772,000,000.
Fiscal year 2013:
(A) New budget authority, $38,549,000,000.
(B) Outlays, $37,769,000,000.
(6) Agriculture (350):
Fiscal year 2004:
(A) New budget authority, $24,629,000,000.
(B) Outlays, $23,693,000,000.
Fiscal year 2005:
(A) New budget authority, $27,028,000,000.
(B) Outlays, $25,695,000,000.
Fiscal year 2006:
(A) New budget authority, $26,841,000,000.
(B) Outlays, $25,587,000,000.
Fiscal year 2007:
(A) New budget authority, $26,296,000,000.
(B) Outlays, $25,103,000,000.
Fiscal year 2008:
(A) New budget authority, $25,494,000,000.
(B) Outlays, $24,368,000,000.
Fiscal year 2009:
(A) New budget authority, $26,079,000,000.
(B) Outlays, $25,111,000,000.
Fiscal year 2010:
(A) New budget authority, $25,531,000,000.
(B) Outlays, $24,701,000,000.
Fiscal year 2011:
(A) New budget authority, $24,971,000,000.
(B) Outlays, $24,157,000,000.
Fiscal year 2012:
(A) New budget authority, $24,550,000,000.
(B) Outlays, $23,752,000,000.
Fiscal year 2013:
(A) New budget authority, $24,267,000,000.
(B) Outlays, $23,472,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2004:
(A) New budget authority, $7,513,000,000.
(B) Outlays, $3,630,000,000.
Fiscal year 2005:
(A) New budget authority, $8,778,000,000.
(B) Outlays, $4,132,000,000.
Fiscal year 2006:
(A) New budget authority, $8,337,000,000.
(B) Outlays, $3,193,000,000.
Fiscal year 2007:
(A) New budget authority, $8,670,000,000.
(B) Outlays, $2,708,000,000.
Fiscal year 2008:
(A) New budget authority, $8,798,000,000.
(B) Outlays, $2,300,000,000.
Fiscal year 2009:
(A) New budget authority, $9,013,000,000.
(B) Outlays, $2,448,000,000.
Fiscal year 2010:
(A) New budget authority, $9,065,000,000.
(B) Outlays, $2,168,000,000.
Fiscal year 2011:
(A) New budget authority, $9,262,000,000.
(B) Outlays, $1,786,000,000.
Fiscal year 2012:
(A) New budget authority, $9,347,000,000.
(B) Outlays, $1,508,000,000.
Fiscal year 2013:
(A) New budget authority, $9,556,000,000.
(B) Outlays, $1,731,000,000.
(8) Transportation (400):
Fiscal year 2004:
(A) New budget authority, $59,741,000,000.
(B) Outlays, $68,763,000,000.
Fiscal year 2005:
(A) New budget authority, $64,072,000,000.
(B) Outlays, $66,422,000,000.
Fiscal year 2006:
(A) New budget authority, $64,454,000,000.
(B) Outlays, $66,283,000,000.
Fiscal year 2007:
(A) New budget authority, $64,948,000,000.
(B) Outlays, $67,388,000,000.
Fiscal year 2008:
(A) New budget authority, $65,521,000,000.
(B) Outlays, $68,758,000,000.
Fiscal year 2009:
(A) New budget authority, $66,303,000,000.
(B) Outlays, $70,299,000,000.
Fiscal year 2010:
(A) New budget authority, $67,104,000,000.
(B) Outlays, $71,902,000,000.
Fiscal year 2011:
(A) New budget authority, $67,947,000,000.
(B) Outlays, $73,629,000,000.
Fiscal year 2012:
(A) New budget authority, $68,819,000,000.
(B) Outlays, $75,449,000,000.
Fiscal year 2013:
(A) New budget authority, $69,726,000,000.
(B) Outlays, $77,306,000,000.
(9) Community and Regional Development (450):
Fiscal year 2004:
(A) New budget authority, $14,435,000,000.
(B) Outlays, $16,085,000,000.
Fiscal year 2005:
(A) New budget authority, $14,628,000,000.
(B) Outlays, $16,231,000,000.
Fiscal year 2006:
(A) New budget authority, $14,929,000,000.
(B) Outlays, $15,385,000,000.
Fiscal year 2007:
(A) New budget authority, $15,259,000,000.
(B) Outlays, $15,174,000,000.
Fiscal year 2008:
(A) New budget authority, $15,652,000,000.
(B) Outlays, $14,756,000,000.
Fiscal year 2009:
(A) New budget authority, $16,019,000,000.
(B) Outlays, $15,065,000,000.
Fiscal year 2010:
(A) New budget authority, $16,406,000,000.
(B) Outlays, $15,414,000,000.
Fiscal year 2011:
(A) New budget authority, $16,806,000,000.
(B) Outlays, $15,800,000,000.
Fiscal year 2012:
(A) New budget authority, $17,205,000,000.
(B) Outlays, $16,176,000,000.
Fiscal year 2013:
(A) New budget authority, $17,610,000,000.
(B) Outlays, $16,579,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2004:
(A) New budget authority, $88,575,000,000.
(B) Outlays, $85,634,000,000.
Fiscal year 2005:
(A) New budget authority, $87,080,000,000.
(B) Outlays, $84,690,000,000.
Fiscal year 2006:
(A) New budget authority, $89,410,000,000.
(B) Outlays, $86,920,000,000.
Fiscal year 2007:
(A) New budget authority, $91,519,000,000.
(B) Outlays, $88,896,000,000.
Fiscal year 2008:
(A) New budget authority, $93,852,000,000.
(B) Outlays, $91,029,000,000.
Fiscal year 2009:
(A) New budget authority, $95,607,000,000.
(B) Outlays, $93,322,000,000.
Fiscal year 2010:
(A) New budget authority, $97,323,000,000.
(B) Outlays, $95,187,000,000.
Fiscal year 2011:
(A) New budget authority, $99,277,000,000.
(B) Outlays, $97,003,000,000.
Fiscal year 2012:
(A) New budget authority, $101,142,000,000.
(B) Outlays, $98,838,000,000.
Fiscal year 2013:
(A) New budget authority, $103,094,000,000.
(B) Outlays, $100,775,000,000.
(11) Health (550):
Fiscal year 2004:
(A) New budget authority, $240,084,000,000.
(B) Outlays, $239,946,000,000.
Fiscal year 2005:
(A) New budget authority, $252,037,000,000.
(B) Outlays, $251,380,000,000.
Fiscal year 2006:
(A) New budget authority, $269,598,000,000.
(B) Outlays, $268,807,000,000.
Fiscal year 2007:
(A) New budget authority, $290,285,000,000.
(B) Outlays, $288,983,000,000.
Fiscal year 2008:
(A) New budget authority, $312,078,000,000.
(B) Outlays, $310,553,000,000.
Fiscal year 2009:
(A) New budget authority, $335,314,000,000.
(B) Outlays, $333,819,000,000.
Fiscal year 2010:
(A) New budget authority, $361,218,000,000.
(B) Outlays, $359,731,000,000.
Fiscal year 2011:
(A) New budget authority, $389,078,000,000.
(B) Outlays, $387,597,000,000.
Fiscal year 2012:
(A) New budget authority, $419,498,000,000.
(B) Outlays, $418,027,000,000.
Fiscal year 2013:
(A) New budget authority, $452,918,000,000.
(B) Outlays, $451,354,000,000.
(12) Medicare (570):
Fiscal year 2004:
(A) New budget authority, $265,111,000,000.
(B) Outlays, $265,376,000,000.
Fiscal year 2005:
(A) New budget authority, $282,929,000,000.
(B) Outlays, $285,877,000,000.
Fiscal year 2006:
(A) New budget authority, $322,160,000,000.
(B) Outlays, $318,921,000,000.
Fiscal year 2007:
(A) New budget authority, $344,455,000,000.
(B) Outlays, $344,725,000,000.
Fiscal year 2008:
(A) New budget authority, $370,178,000,000.
(B) Outlays, $370,053,000,000.
Fiscal year 2009:
(A) New budget authority, $396,532,000,000.
(B) Outlays, $396,271,000,000.
Fiscal year 2010:
(A) New budget authority, $423,768,000,000.
(B) Outlays, $424,026,000,000.
Fiscal year 2011:
(A) New budget authority, $455,875,000,000.
(B) Outlays, $459,232,000,000.
Fiscal year 2012:
(A) New budget authority, $490,601,000,000.
(B) Outlays, $486,775,000,000.
Fiscal year 2013:
(A) New budget authority, $526,303,000,000.
(B) Outlays, $526,559,000,000.
(13) Income Security (600):
Fiscal year 2004:
(A) New budget authority, $318,262,000,000.
(B) Outlays, $323,329,000,000.
Fiscal year 2005:
(A) New budget authority, $326,674,000,000.
(B) Outlays, $329,937,000,000.
Fiscal year 2006:
(A) New budget authority, $334,563,000,000.
(B) Outlays, $337,028,000,000.
Fiscal year 2007:
(A) New budget authority, $340,873,000,000.
(B) Outlays, $342,609,000,000.
Fiscal year 2008:
(A) New budget authority, $352,461,000,000.
(B) Outlays, $353,378,000,000.
Fiscal year 2009:
(A) New budget authority, $363,361,000,000.
(B) Outlays, $364,102,000,000.
Fiscal year 2010:
(A) New budget authority, $375,471,000,000.
(B) Outlays, $376,077,000,000.
Fiscal year 2011:
(A) New budget authority, $392,310,000,000.
(B) Outlays, $392,878,000,000.
Fiscal year 2012:
(A) New budget authority, $383,486,000,000.
(B) Outlays, $384,054,000,000.
Fiscal year 2013:
(A) New budget authority, $398,184,000,000.
(B) Outlays, $398,881,000,000.
(14) Social Security (650):
Fiscal year 2004:
(A) New budget authority, $14,544,000,000.
(B) Outlays, $14,502,000,000.
Fiscal year 2005:
(A) New budget authority, $15,612,000,000.
(B) Outlays, $15,597,000,000.
Fiscal year 2006:
(A) New budget authority, $16,689,000,000.

(B) Outlays, $16,698,000,000.
Fiscal year 2007:
(A) New budget authority, $18,174,000,000.
(B) Outlays, $18,182,000,000.
Fiscal year 2008:
(A) New budget authority, $19,999,000,000.
(B) Outlays, $20,005,000,000.
Fiscal year 2009:
(A) New budget authority, $22,156,000,000.
(B) Outlays, $22,157,000,000.
Fiscal year 2010:
(A) New budget authority, $24,536,000,000.
(B) Outlays, $24,535,000,000.
Fiscal year 2011:
(A) New budget authority, $28,416,000,000.
(B) Outlays, $28,416,000,000.
Fiscal year 2012:
(A) New budget authority, $31,635,000,000.
(B) Outlays, $31,634,000,000.
Fiscal year 2013:
(A) New budget authority, $34,670,000,000.
(B) Outlays, $34,670,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2004:
(A) New budget authority, $61,978,000,000.
(B) Outlays, $61,522,000,000.
Fiscal year 2005:
(A) New budget authority, $67,365,000,000.
(B) Outlays, $66,612,000,000.
Fiscal year 2006:
(A) New budget authority, $65,644,000,000.
(B) Outlays, $65,215,000,000.
Fiscal year 2007:
(A) New budget authority, $64,128,000,000.
(B) Outlays, $63,680,000,000.
Fiscal year 2008:
(A) New budget authority, $67,928,000,000.
(B) Outlays, $67,654,000,000.
Fiscal year 2009:
(A) New budget authority, $69,550,000,000.
(B) Outlays, $69,192,000,000.
Fiscal year 2010:
(A) New budget authority, $71,275,000,000.
(B) Outlays, $70,868,000,000.
Fiscal year 2011:
(A) New budget authority, $75,962,000,000.
(B) Outlays, $75,539,000,000.
Fiscal year 2012:
(A) New budget authority, $72,923,000,000.
(B) Outlays, $72,399,000,000.
Fiscal year 2013:
(A) New budget authority, $77,755,000,000.
(B) Outlays, $77,329,000,000.
(16) Administration of Justice (750):
Fiscal year 2004:
(A) New budget authority, $37,742,000,000.
(B) Outlays, $40,902,000,000.
Fiscal year 2005:
(A) New budget authority, $37,977,000,000.
(B) Outlays, $39,271,000,000.
Fiscal year 2006:
(A) New budget authority, $37,938,000,000.
(B) Outlays, $38,318,000,000.
Fiscal year 2007:
(A) New budget authority, $38,334,000,000.
(B) Outlays, $38,164,000,000.
Fiscal year 2008:
(A) New budget authority, $39,299,000,000.
(B) Outlays, $38,984,000,000.
Fiscal year 2009:
(A) New budget authority, $40,306,000,000.
(B) Outlays, $40,059,000,000.
Fiscal year 2010:
(A) New budget authority, $41,406,000,000.
(B) Outlays, $41,148,000,000.
Fiscal year 2011:
(A) New budget authority, $42,682,000,000.
(B) Outlays, $42,304,000,000.
Fiscal year 2012:
(A) New budget authority, $44,015,000,000.
(B) Outlays, $43,590,000,000.
Fiscal year 2013:
(A) New budget authority, $45,355,000,000.
(B) Outlays, $44,938,000,000.
(17) General Government (800):
Fiscal year 2004:
(A) New budget authority, $20,208,000,000.
(B) Outlays, $19,776,000,000.
Fiscal year 2005:
(A) New budget authority, $20,643,000,000.
(B) Outlays, $20,677,000,000.
Fiscal year 2006:
(A) New budget authority, $20,410,000,000.
(B) Outlays, $20,381,000,000.
Fiscal year 2007:
(A) New budget authority, $20,842,000,000.
(B) Outlays, $20,533,000,000.
Fiscal year 2008:
(A) New budget authority, $20,920,000,000.
(B) Outlays, $20,646,000,000.
Fiscal year 2009:
(A) New budget authority, $21,619,000,000.
(B) Outlays, $21,138,000,000.
Fiscal year 2010:
(A) New budget authority, $22,361,000,000.
(B) Outlays, $21,835,000,000.
Fiscal year 2011:
(A) New budget authority, $21,110,000,000.
(B) Outlays, $22,560,000,000.
Fiscal year 2012:
(A) New budget authority, $23,905,000,000.
(B) Outlays, $23,489,000,000.
Fiscal year 2013:
(A) New budget authority, $24,714,000,000.
(B) Outlays, $24,121,000,000.
(18) Net Interest (900):
Fiscal year 2004:
(A) New budget authority, $253,189,000,000.
(B) Outlays, $254,890,000,000.
Fiscal year 2005:
(A) New budget authority, $293,834,000,000.
(B) Outlays, $296,538,000,000.
Fiscal year 2006:
(A) New budget authority, $325,488,000,000.
(B) Outlays, $329,817,000,000.
Fiscal year 2007:
(A) New budget authority, $344,743,000,000.
(B) Outlays, $351,017,000,000.
Fiscal year 2008:
(A) New budget authority, $360,529,000,000.
(B) Outlays, $369,089,000,000.
Fiscal year 2009:
(A) New budget authority, $375,129,000,000.
(B) Outlays, $386,360,000,000.
Fiscal year 2010:
(A) New budget authority, $387,388,000,000.
(B) Outlays, $401,485,000,000.
Fiscal year 2011:
(A) New budget authority, $397,483,000,000.
(B) Outlays, $414,520,000,000.
Fiscal year 2012:
(A) New budget authority, $401,388,000,000.
(B) Outlays, $422,797,000,000.
Fiscal year 2013:
(A) New budget authority, $397,817,000,000.
(B) Outlays, $425,508,000,000.
(19) Allowances (920):
Fiscal year 2004:
(A) New budget authority, $0.0
(B) Outlays, $0.0
Fiscal year 2005:
(A) New budget authority, $0.0
(B) Outlays, $0.0
Fiscal year 2006:
(A) New budget authority, $0.0
(B) Outlays, $0.0
Fiscal year 2007:
(A) New budget authority, $0.0
(B) Outlays, $0.0
Fiscal year 2008:
(A) New budget authority, $0.0
(B) Outlays, $0.0
Fiscal year 2009:
(A) New budget authority, −$1,116,000,000.
(B) Outlays, −$435,000,000.
Fiscal year 2010:
(A) New budget authority, −$2,255,000,000.
(B) Outlays, −$1,232,000,000.
Fiscal year 2011:
(A) New budget authority, −$3,712,000,000.
(B) Outlays, −$2,360,000,000.
Fiscal year 2012:
(A) New budget authority, −$5,082,000,000.
(B) Outlays, −$3,687,000,000.
Fiscal year 2013:
(A) New budget authority, −$6,437,000,000.
(B) Outlays, −$5,040,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2004:
(A) New budget authority, −$45,580,000,000.
(B) Outlays, −$45,580,000,000.
Fiscal year 2005:
(A) New budget authority, −$55,509,000,000.
(B) Outlays, −$55,509,000,000.
Fiscal year 2006:
(A) New budget authority, −$57,437,000,000.
(B) Outlays, −$57,437,000,000.
Fiscal year 2007:
(A) New budget authority, −$52,206,000,000.
(B) Outlays, −$52,206,000,000.
Fiscal year 2008:
(A) New budget authority, −$54,753,000,000.
(B) Outlays, −$54,753,000,000.
Fiscal year 2009:
(A) New budget authority, −$56,560,000,000.
(B) Outlays, −$56,560,000,000.
Fiscal year 2010:
(A) New budget authority, −$58,985,000,000.
(B) Outlays, −$58,985,000,000.
Fiscal year 2011:
(A) New budget authority, −$61,522,000,000.
(B) Outlays, −$61,522,000,000.
Fiscal year 2012:
(A) New budget authority, −$66,358,000,000.
(B) Outlays, −$66,358,000,000.
Fiscal year 2013:
(A) New budget authority, −$68,977,000,000.
(B) Outlays, −$68,977,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSION PROVIDING ECONOMIC GROWTH.—(1) The House Committee on Ways and Means shall report to the House a reconciliation bill not later than April 11, 2003, that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $46,700,000,000 for the period of fiscal years 2003 and 2004 and increase the total level of revenues by not more than $49,900,000,000 for the period of fiscal years 2004 through 2013.

(2) It is the sense of the Congress that in complying with the instructions set forth in paragraph (1) the Committee on Ways and Means should provide immediate tax relief and economic stimulus by accelerating tax relief for middle-class families through increases in the child tax credit, marriage penalty relief, and reductions in individual income tax rates, provide incentives for business investment, provide immediate and permanent estate tax relief and defer tax relief for individual taxpayers with incomes above $140,000 until the budget is in balance and national security threats have been addressed.

(b) SUBMISSIONS REGARDING MEDICARE REFORM AND PRESCRIPTION DRUGS.—Not later than July 18, 2003, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the House. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revisions.

(1) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that reform medicare and provide a prescription drug benefit, such that the total level of direct spending for that committee does not exceed: $6,000,000,000 in outlays for fiscal year 2004 and $400,000,000,000 in outlays in fiscal years 2004 through 2013.

(2) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction that reform medicare and provide a prescription drug benefit, such that the total level of direct spending for that committee does not exceed: $6,000,000,000 in outlays for fiscal year 2004 and $400,000,000,000 in outlays in fiscal years 2004 through 2013.

SEC. 202. INCREASE IN DEBT LIMIT CONTINGENT UPON PLAN TO RESTORE BALANCED BUDGET.

(a) TEMPORARY INCREASE IN STATUTORY DEBT LIMIT.—The Committee on Ways and

Means of the House shall report a bill as soon as practicable, but not later than April 11, 2003, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit by $150,000,000,000.

(b) POINT OF ORDER.—(1) Except as provided by subsection (a) or paragraph (2), it shall not be in order in the House to consider any bill, joint resolution, amendment, or conference report that includes any provision that increases the limit on the public debt by more than $100,000,000,000.

(2) Paragraph (1) shall not apply in the House if—

(A) the chairman of the Committee on the Budget of the House has made the certification described in section 203 that the unified budget will be in balance by fiscal year 2009; or

(B) the President has submitted to Congress a declaration that such increase is necessary to finance costs of a military conflict or address an imminent threat to national security, but which shall not exceed the amount of the adjustment under section 302 for the costs of military operations in Iraq.

SEC. 203. REVIEW OF BUDGET OUTLOOK.

(a) IN GENERAL.—If, in the report released pursuant to section 202 of the Congressional Budget Act of 1974, entitled the Budget and Economic Outlook Update (for fiscal years 2004 through 2013), the Director of the Congressional Budget Office projects that the unified budget of the United States for fiscal year 2009 will be in balance, then the chairman of the Committee on the Budget of the House is authorized to certify that the budget is projected to meet the goals of a balanced budget.

(b) CALCULATING DISCRETIONARY SPENDING BASELINE.—Notwithstanding any other provision of law, the Director of the Congressional Budget Office shall use the discretionary spending levels set forth in this resolution, including any adjustments to such levels as a result of the implementation of any reserve funds set forth in this resolution to calculate the discretionary spending baseline.

TITLE III—RESERVE FUNDS AND ENFORCEMENT

Subtitle A—Reserve Funds

SEC. 301. RESERVE FUND FOR HOMELAND SECURITY.

(a) IN GENERAL.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for the Department of Homeland Security and if the Secretary of Homeland Security so requests, then the chairman of the Committee on the Budget shall make the appropriate revisions to the allocations and other levels in this resolution by the amount provided by that measure for that purpose.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security should—

(1) conduct a homeland security needs assessment in consultation with all Federal agencies with responsibilities for homeland security and State and local governments; and

(2) submit a report to Congress with additional funding requests, if any, identified in the needs assessment, and that such report should also include a compilation of the needs assessments submitted by State and local governments.

SEC. 302. RESERVE FUND FOR THE COSTS OF MILITARY OPERATIONS IN IRAQ.

In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for the costs of military operations in Iraq, then the chairman of the Committee on the Budget shall make the appropriate revisions to the allocations and other levels in this resolution by the amount provided by that measure for that purpose.

SEC. 303. RESERVE FUND FOR ADDITIONAL MANDATORY FUNDING FOR EXISTING HEALTH AND EMPLOYMENT PROGRAMS WHICH PROVIDE ASSISTANCE TO STATES AND INDIVIDUALS.

In the House, if the Committee on Energy and Commerce, the Committee on Education and the Workforce, or the Committee on Ways and Means reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for additional mandatory funding for existing health and employment programs which provide assistance to States and individuals, then the chairman of the Committee on the Budget shall make the appropriate revisions to the allocations and other levels in this resolution by the amount provided by that measure for that purpose, but such revision shall not exceed $12,500,000,000 in new budget authority for the period of fiscal years 2003 through 2008 and outlays flowing therefrom.

SEC. 304. RESERVE FUND FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—In the House, if the Committee on Transportation and Infrastructure reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2004: $30,340,000,000,

(2) for fiscal year 2005: $30,998,000,000,

(3) for fiscal year 2006: $31,707,000,000,

(4) for fiscal year 2007: $32,436,000,000, or

(5) for fiscal year 2008: $33,190,000,000,

and the amount of such excess in each such year is offset by reductions in the deficit caused by such legislation or any previously enacted legislation that changes direct spending from, or receipts subsequently appropriated to, the Highway Trust Fund, the chairman of the Committee on the Budget may increase the allocation of new budget authority for such committee by the amount of such excess for fiscal year 2004 and by the total amount of such excesses for the period of fiscal years 2004 through 2008 and make the necessary offsetting adjustments in the appropriate budget aggregates and allocations.

(b) COMMITTEE ON APPROPRIATIONS.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes obligation limitations that, in total, are in excess of $38,496,000,000 for fiscal year 2004, but not to exceed the amount of such excess that was offset pursuant to subsection (a), for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays for such fiscal year for the Committee on Appropriations by the amount of outlays that corresponds to such excess obligation limitations.

SEC. 305. RESERVE FUND FOR BIOSHIELD.

In the House, if the appropriate committee of jurisdiction reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes a program to accelerate the research, development, and purchase of biomedical threat countermeasures and—

(1) such measure provides new budget authority to carry out such program; or

(2) such measure authorizes discretionary new budget authority to carry out such program and the Committee on Appropriations reports a bill or joint resolution that provides new budget authority to carry out such program,

the chairman of the Committee on the Budget may revise the allocations for the committee providing such new budget authority, and other appropriate levels in this resolution, by the amount provided for that purpose, but, in the case of a measure described in paragraph (1), not to exceed $890,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom and $3,418,000,000 in new budget authority for the period of fiscal years 2004 through 2008 and outlays flowing therefrom or, in the case of a measure described in paragraph (2), not to exceed $890,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom. Notwithstanding the preceding sentence, the total such revision for fiscal year 2004 may not exceed $890,000,000 in new budget authority and outlays flowing therefrom.

SEC. 306. RESERVE FUND FOR PERMANENT EXTENSION OF TAX CUTS; MEDICARE.

In the House, notwithstanding section 311 of this resolution, if the Committee on Ways and Means reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that makes the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 permanent or provides additional resources for a medicare prescription drug benefit in excess of $400,000,000,000 over the period of fiscal years 2004 through 2013, and if the chairman on the Committee on the Budget certifies that the enactment of such legislation would not cause or increase an on-budget deficit in 2013, then the chairman on the Committee on the Budget shall revise allocations to accommodate such legislation and make other necessary adjustments.

Subtitle B—Enforcement

SEC. 311. POINT OF ORDER AGAINST CERTAIN LEGISLATION REDUCING THE SURPLUS OR INCREASING THE DEFICIT AFTER FISCAL YEAR 2008.

(a) POINT OF ORDER.—It shall not be in order in the House to consider any bill, joint resolution, amendment, or conference report that includes any provision that first provides new budget authority or a decrease in revenues for any fiscal year after fiscal year 2008 through fiscal year 2013 that would decrease the surplus or increase the deficit for any fiscal year.

(b) EXCEPTION.—Subsection (a) shall not apply if the chairman of the Committee on the Budget of the House certifies, based on estimates prepared by the Director of the Congressional Budget Office, that Congress has enacted legislation restoring 75-year solvency of the Federal Old Age and Survivors Disability Insurance Trust Fund and legislation extending the solvency of the Hospital Insurance Trust Fund for 20 years.

SEC. 312. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 313. DISCRETIONARY SPENDING LIMITS IN THE HOUSE.

(a) POINT OF ORDER.—It shall not be in order in the House to consider any bill or joint resolution, or amendment thereto, that provides new budget authority that would cause the discretionary spending limits to be exceeded for any fiscal year.

(b) DISCRETIONARY SPENDING LIMITS.—In the House and as used in this section, the term ''discretionary spending limit'' means—

(8) with respect to fiscal year 2004—

(A) for the defense category: $399,683,000,000 in new budget authority and $389,746,000,000 in outlays;

(B) for the nondefense category: $392,517,000,000 in new budget authority and $429,054,000,000 in outlays;

(9) with respect to fiscal year 2005—

(A) for the defense category: $420,019,000,000 in new budget authority and $409,737,000,000 in outlays;

(B) for the nondefense category: $393,481,000,000 in new budget authority and $440,264,000,000 in outlays;

(10) with respect to fiscal year 2006—

(A) for the defense category: $440,044,000,000 in new budget authority and $422,808,000,000 in outlays;

(B) for the nondefense category: $402,256,000,000 in new budget authority and $446,992,000,000;

(11) with respect to fiscal year 2007—

(A) for the defense category: $460,309,000,000 in new budget authority and $436,164,000,000 in outlays;

(B) for the nondefense category: $412,091,000,000 in new budget authority and $455,236,000,000;

(12) with respect to fiscal year 2008—

(A) for the defense category: $480,747,000,000 in new budget authority and $460,190,000,000 in outlays;

(B) for the nondefense category: $494,853,000,000 in new budget authority and $465,710,000,000;

as adjusted in conformance with subsection (c).

(c) ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, the offering of an amendment thereto, or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority. The chairman of the Committee on the Budget may also make appropriate adjustments for the reserve funds set forth in sections 301, 302, and 303.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be—

(A) an amount provided and designated as an emergency requirement pursuant to section 314;

(B) an amount appropriated for homeland security as provided in section 301;

(C) an amount appropriated for military operations in Iraq as provided in section 302; and

(D) an amount provided for transportation under section 304.

(3) APPLICATION OF ADJUSTMENTS.—The adjustments made for legislation pursuant to paragraph (1) shall—

(A) apply while that legislation is under consideration;

(B) take effect upon the enactment of that legislation; and

(C) be published in the Congressional Record as soon as practicable.

(4) APPLICATION OF THIS SECTION.—The provisions of this section shall apply to legislation providing new budget authority for fiscal years 2003 through 2008.

(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—(1) It shall not be in order in the House of Representatives to consider a rule or order that waives the application of this section.

(2)(A) This subsection shall apply only to the House of Representatives.

(B) In order to be cognizable by the Chair, a point of order under this section must specify the precise language on which it is premised.

(C) As disposition of points of order under this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

(D) A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(E) The disposition of the question of consideration under this subsection with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

SEC. 314. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—If a provision of direct spending or receipts legislation is enacted or if appropriations for discretionary accounts are enacted that the President designates as an emergency requirement and that the Congress so designates in statute, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be designated as an emergency requirement for the purpose of this resolution.

(b) DESIGNATIONS.—

(1) GUIDANCE.—If a provision of legislation is designated as an emergency requirement under subsection (a), the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are that the expenditure or tax change is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR USE OF DESIGNATION.—When an emergency designation is proposed in any bill, joint resolution, or conference report thereon, the committee report and the statement of managers accompanying a conference report, as the case may be, shall provide a written justification of why the provision meets the criteria set forth in paragraph (2).

(c) DEFINITIONS.—In this section, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' means any provision of a bill, joint resolution, amendment, motion or conference report that provides direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) SEPARATE HOUSE VOTE ON EMERGENCY DESIGNATION.—(1) In the House, in the consideration of any measure for amendment in the Committee of the Whole containing any emergency spending designation, it shall always be in order unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such emergency spending designation from the portion of the bill then open to amendment.

(2) The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of House of Representatives a separate item identifying all waivers of points of order relating to emergency spending designations, listed by bill or joint resolution number and the subject matter of that measure.

(e) COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency pursuant to the guidelines described in subsection (b).

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) EXCEPTION FOR DEFENSE AND HOMELAND SECURITY SPENDING.—Subsection (d) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category and for homeland security programs.

SEC. 315. PAY-AS-YOU-GO POINT OF ORDER IN THE HOUSE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the House to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time period'' means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget;

(B) any reconciliation bill reported pursuant to section 201 of this resolution;

(C) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; or

(D) any legislation for which an adjustment is made under section 302.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget as adjusted for any changes in revenues or direct spending assumed by such resolution; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) APPEALS.—Appeals in the House from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House.

(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—(1) It shall not be in order in the House of Representatives to consider a rule or order that waives the application of this section.

(2)(A) This subsection shall apply only to the House of Representatives.

(B) In order to be cognizable by the Chair, a point of order under this section must specify the precise language on which it is premised.

(C) As disposition of points of order under this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

(D) A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(E) The disposition of the question of consideration under this subsection with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

(e) SUNSET.—This section shall expire on September 30, 2008.

SEC. 316. DISCLOSURE OF EFFECT OF LEGISLATION ON THE PUBLIC DEBT.

Each report of a committee of the House on a public bill or public joint resolution shall contain an estimate by the committee of the amount the public debt would be increased (including related debt service costs) in carrying out the bill or joint resolution in the fiscal year in which it is reported and in the 5-fiscal year period beginning with such fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years).

SEC. 317. DISCLOSURE OF INTEREST COSTS.

Whenever a committee of either House of Congress reports to its House legislation providing new budget authority or providing an increase or decrease in revenues or tax expenditures, the report accompanying that bill or joint resolution shall contain a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such measure for such fiscal year (or fiscal years) and each of the 4 ensuing fiscal years.

SEC. 318. DYNAMIC SCORING OF TAX LEGISLATION.

Any report of the Committee on Ways and Means of the House of any bill or joint resolution reported by that committee that proposes to amend the Internal Revenue Code of 1986 and which report includes an estimate prepared by the Joint Committee on Internal Revenue Taxation pursuant to clause 2(h)(2) of the Rules of the House of Representatives shall also contain an estimate prepared by the Congressional Budget Office regarding the macroeconomic effect of any increase or decrease in the estimated budget deficit resulting from such bill or joint resolution.

TITLE IV—SENSE OF CONGRESS PROVISIONS

SEC. 401. SENSE OF CONGRESS REGARDING BUDGET ENFORCEMENT.

It is the sense of Congress that legislation should be enacted enforcing this resolution by—

(1) setting discretionary spending limits for budget authority and outlays at the levels set forth in this resolution for each of the next 5 fiscal years;

(2) reinstating the pay-as-you-go rules set forth in section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 for the next 10 fiscal years;

(3) requiring separate votes to exceed such discretionary spending limits or to waive such pay-as-you-go rules;

(4) establishing a definition for emergency spending and requiring a justification for emergency spending requests and legislation; and

(5) establishing expedited rescission authority regarding congressional votes on rescission submitted by the President and reducing discretionary spending limits to reflect savings from any rescissions enacted into law.

SEC. 402. SENSE OF CONGRESS ON TAX REFORM.

It is the sense of Congress that the Committee on Ways and Means should—

(1) work with the Secretary of the Treasury to draft legislation reforming the Internal Revenue Code of 1986 in a revenue-neutral manner to improve savings and investment; and

(2) consider changes that address the treatment of dividends and retirement savings, corporate tax avoidance, and simplification of the tax laws.

It was decided in the negative ..... { Yeas ..... 174 / Nays 254

¶27.17 [Roll No. 78]

AYES—174

Abercrombie	Gordon	Nadler
Ackerman	Green (TX)	Napolitano
Alexander	Grijalva	Neal (MA)
Andrews	Gutierrez	Olver
Baca	Gutknecht	Ortiz
Baird	Hall	Pallone
Ballance	Harman	Pascrell
Becerra	Hastings (FL)	Pastor
Bereuter	Hayes	Pelosi
Berkley	Hill	Peterson (MN)
Berman	Hinchey	Pomeroy
Berry	Holden	Price (NC)
Bishop (GA)	Holt	Rangel
Bishop (NY)	Honda	Reyes
Blumenauer	Hooley (OR)	Rodriguez
Bono	Hoyer	Ross
Boswell	Inslee	Roybal-Allard
Boyd	Israel	Ruppersberger
Brown (OH)	Jackson-Lee (TX)	Rush
Brown, Corrine	Jefferson	Ryan (OH)
Capps	John	Sanchez, Linda T.
Cardin	Johnson, E. B.	Sanchez, Loretta
Cardoza	Jones (OH)	Sandlin
Carson (IN)	Kanjorski	Schakowsky
Case	Kaptur	Schiff
Clay	Kilpatrick	Scott (GA)
Clyburn	Kind	Scott (VA)
Conyers	LaHood	Serrano
Cooper	Lampson	Sherman
Costello	Langevin	Shimkus
Cramer	Larsen (WA)	Simpson
Crowley	Larson (CT)	Slaughter
Cummings	Levin	Smith (MI)
Davis (CA)	Lewis (GA)	Snyder
Davis (FL)	Lipinski	Solis
Davis (IL)	Lofgren	Spratt
Davis (TN)	Lynch	Stark
DeFazio	Majette	Stenholm
DeGette	Maloney	Tanner
Delahunt	Markey	Tauscher
DeLauro	Marshall	Taylor (MS)
Deutsch	Matsui	Thompson (CA)
Dingell	McCarthy (MO)	Thompson (MS)
Doggett	McCarthy (NY)	Tierney
Dooley (CA)	McCollum	Towns
Doyle	McGovern	Turner (TX)
Edwards	McIntyre	Udall (NM)
Emanuel	McNulty	Van Hollen
Emerson	Meehan	Velazquez
Engel	Meek (FL)	Visclosky
Eshoo	Meeks (NY)	Wamp
Etheridge	Menendez	Waters
Farr	Michaud	Watson
Fattah	Millender-McDonald	Watt
Filner	Miller, George	Waxman
Ford	Moore	Weiner
Frank (MA)	Moran (VA)	Wu
Frost		Wynn
Gonzalez		

NOES—254

Aderholt	Blackburn	Burr
Akin	Blunt	Burton (IN)
Allen	Boehlert	Calvert
Bachus	Boehner	Camp
Baker	Bonilla	Cannon
Baldwin	Bonner	Cantor
Ballenger	Boozman	Capito
Barrett (SC)	Boucher	Capuano
Bartlett (MD)	Bradley (NH)	Carson (OK)
Barton (TX)	Brady (PA)	Carter
Bass	Brady (TX)	Castle
Beauprez	Brown (SC)	Chabot
Bell	Brown-Waite, Ginny	Chocola
Biggert	Burgess	Coble
Bilirakis	Burns	Cole
Bishop (UT)		Collins

Combest	Johnson (IL)	Platts
Cox	Johnson, Sam	Pombo
Crane	Jones (NC)	Porter
Crenshaw	Keller	Portman
Cubin	Kelly	Pryce (OH)
Culberson	Kennedy (MN)	Putnam
Cunningham	Kennedy (RI)	Quinn
Davis (AL)	Kildee	Radanovich
Davis, Jo Ann	King (IA)	Rahall
Davis, Tom	King (NY)	Ramstad
Deal (GA)	Kingston	Regula
DeLay	Kirk	Rehberg
DeMint	Kleczka	Renzi
Diaz-Balart, L.	Kline	Rogers (AL)
Diaz-Balart, M.	Knollenberg	Rogers (KY)
Dicks	Kolbe	Rogers (MI)
Doolittle	Kucinich	Rohrabacher
Dreier	Lantos	Ros-Lehtinen
Duncan	Latham	Rothman
Dunn	LaTourette	Royce
Ehlers	Leach	Ryan (WI)
English	Lee	Ryun (KS)
Evans	Lewis (CA)	Sabo
Everett	Lewis (KY)	Sanders
Feeney	Linder	Saxton
Ferguson	LoBiondo	Schrock
Flake	Lowey	Sensenbrenner
Fletcher	Lucas (KY)	Sessions
Foley	Lucas (OK)	Shadegg
Forbes	Manzullo	Shaw
Fossella	Matheson	Shays
Franks (AZ)	McCotter	Sherwood
Frelinghuysen	McCrery	Shuster
Gallegly	McDermott	Simmons
Garrett (NJ)	McHugh	Skelton
Gerlach	McInnis	Smith (NJ)
Gibbons	McKeon	Smith (TX)
Gilchrest	Mica	Smith (WA)
Gillmor	Miller (FL)	Souder
Gingrey	Miller (MI)	Stearns
Goode	Miller (NC)	Strickland
Goodlatte	Miller, Gary	Stupak
Goss	Mollohan	Sullivan
Granger	Moran (KS)	Sweeney
Graves	Murphy	Tancredo
Green (WI)	Murtha	Tauzin
Greenwood	Musgrave	Taylor (NC)
Harris	Myrick	Terry
Hart	Nethercutt	Thomas
Hastings (WA)	Ney	Tiahrt
Hayworth	Northup	Tiberi
Hefley	Norwood	Toomey
Hensarling	Nunes	Turner (OH)
Herger	Nussle	Upton
Hinojosa	Oberstar	Vitter
Hobson	Obey	Walden (OR)
Hoeffel	Osborne	Walsh
Hoekstra	Ose	Weldon (FL)
Hostettler	Otter	Weldon (PA)
Houghton	Owens	Weller
Hulshof	Oxley	Wexler
Hunter	Paul	Whitfield
Isakson	Payne	Wicker
Issa	Pearce	Wilson (NM)
Istook	Pence	Wilson (SC)
Jackson (IL)	Peterson (PA)	Wolf
Janklow	Petri	Woolsey
Jenkins	Pickering	Young (AK)
Johnson (CT)	Pitts	Young (FL)

NOT VOTING—6

Buyer	Hyde	Thornberry
Gephardt	Reynolds	Udall (CO)

So the amendment in the nature of a substitute was not agreed to.

After some further time,

¶27.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. TOOMEY:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

The Congress declares that the concurrent resolution on the budget for fiscal year 2004 is hereby established and that the appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 are hereby set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2003 through 2013.

(1) FEDERAL REVENUES.—For the purpose of enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal Year 2003: $1,323,729,000,000.
Fiscal year 2004: $1,340,138,000,000.
Fiscal year 2005: $1,504,267,000,000.
Fiscal year 2006: $1,642,729,000,000.
Fiscal year 2007: $1,768,142,000,000.
Fiscal year 2008: $1,872,740,000,000.
Fiscal year 2009: $1,985,385,000,000.
Fiscal year 2010: $2,095,867,000,000.
Fiscal year 2011: $2,198,796,000,000.
Fiscal year 2012: $2,324,426,000,000.
Fiscal year 2013: $2,460,635,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2003: $36,105,000,000.
Fiscal year 2004: $126,232,000,000.
Fiscal year 2005: $112,759,000,000.
Fiscal year 2006: $97,943,000,000.
Fiscal year 2007: $85,024,000,000.
Fiscal year 2008: $90,237,000,000.
Fiscal year 2009: $92,945,000,000.
Fiscal year 2010: $97,175,000,000.
Fiscal year 2011: $228,700,000,000.
Fiscal year 2012: $325,353,000,000.
Fiscal year 2013: $343,575,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2003: $1,790,046,000,000.
Fiscal year 2004: $1,811,096,000,000.
Fiscal year 2005: $1,888,755,000,000.
Fiscal year 2006: $1,961,833,000,000.
Fiscal year 2007: $2,019,225,000,000.
Fiscal year 2008: $2,072,926,000,000.
Fiscal year 2009: $2,144,679,000,000.
Fiscal year 2010: $2,209,760,000,000.
Fiscal year 2011: $2,297,614,000,000.
Fiscal year 2012: $2,371,644,000,000.
Fiscal year 2013: $2,463,897,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2003: $1,776,895,000,000.
Fiscal year 2004: $1,824,619,000,000.
Fiscal year 2005: $1,880,352,000,000.
Fiscal year 2006: $1,931,043,000,000.
Fiscal year 2007: $1,979,840,000,000.
Fiscal year 2008: $2,033,924,000,000.
Fiscal year 2009: $2,110,335,000,000.
Fiscal year 2010: $2,178,746,000,000.
Fiscal year 2011: $2,272,784,000,000.
Fiscal year 2012: $2,333,379,000,000.
Fiscal year 2013: $2,433,558,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2003: $453,166,000,000.
Fiscal year 2004: $484,481,000,000.
Fiscal year 2005: $376,085,000,000.
Fiscal year 2006: $288,314,000,000.
Fiscal year 2007: $211,698,000,000.
Fiscal year 2008: $161,184,000,000.
Fiscal year 2009: $124,950,000,000.
Fiscal year 2010: $82,879,000,000.
Fiscal year 2011: $73,988,000,000.
Fiscal year 2012: $8,953,000,000.
Fiscal year 2013: $ – 27,077,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2003: $6,687,000,000.
Fiscal year 2004: $7,242,000,000.
Fiscal year 2005: $7,740,000,000.
Fiscal year 2006: $8,203,000,000.
Fiscal year 2007: $8,636,000,000.
Fiscal year 2008: $9,047,000,000.
Fiscal year 2009: $9,462,000,000.
Fiscal year 2010: $9,856,000,000.
Fiscal year 2011: $10,266,000,000.
Fiscal year 2012: $10,643,000,000.
Fiscal year 2013: $11,010,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2003: $3,858,000,000.
Fiscal year 2004: $4,157,000,000.
Fiscal year 2005: $4,362,000,000.
Fiscal year 2006: $4,498,000,000.
Fiscal year 2007: $4,579,000,000.
Fiscal year 2008: $4,615,000,000.
Fiscal year 2009: $4,631,000,000.
Fiscal year 2010: $4,604,000,000.
Fiscal year 2011: $4,569,000,000.
Fiscal year 2012: $4,480,000,000.
Fiscal year 2013: $4,364,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2003 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2003:
(A) New budget authority, $392,494,000,000.
(B) Outlays, $386,229,000,000.
Fiscal year 2004:
(A) New budget authority, $400,546,000,000.
(B) Outlays, $400,916,000,000.
Fiscal year 2005:
(A) New budget authority, $420,071,000,000.
(B) Outlays, $414,237,000,000.
Fiscal year 2006:
(A) New budget authority, $440,185,000,000.
(B) Outlays, $426,011,000,000.
Fiscal year 2007:
(A) New budget authority, $460,435,000,000.
(B) Outlays, $438,656,000,000.
Fiscal year 2008:
(A) New budget authority, $480,886,000,000.
(B) Outlays, $462,861,000,000.
Fiscal year 2009:
(A) New budget authority, $494,067,000,000.
(B) Outlays, $480,650,000,000.
Fiscal year 2010:
(A) New budget authority, $507,840,000,000.
(B) Outlays, $497,348,000,000.
Fiscal year 2011:
(A) New budget authority, $522,103,000,000.
(B) Outlays, $516,338,000,000.
Fiscal year 2012:
(A) New budget authority, $536,531,000,000.
(B) Outlays, $523,884,000,000.
Fiscal year 2013:
(A) New budget authority, $551,323,000,000.
(B) Outlays, $543,541,000,000.

(2) International Affairs (150):
Fiscal year 2003:
(A) New budget authority, $22,506,000,000.
(B) Outlays, $19,283,000,000.
Fiscal year 2004:
(A) New budget authority, $24,747,000,000.
(B) Outlays, $23,676,000,000.
Fiscal year 2005:
(A) New budget authority, $28,626,000,000.
(B) Outlays, $24,128,000,000.
Fiscal year 2006:
(A) New budget authority, $31,082,000,000.
(B) Outlays, $25,608,000,000.
Fiscal year 2007:
(A) New budget authority, $32,262,000,000.
(B) Outlays, $27,409,000,000.
Fiscal year 2008:
(A) New budget authority, $33,107,000,000.
(B) Outlays, $28,389,000,000.
Fiscal year 2009:
(A) New budget authority, $33,759,000,000.
(B) Outlays, $29,398,000,000.
Fiscal year 2010:
(A) New budget authority, $34,445,000,000.
(B) Outlays, $30,221,000,000.
Fiscal year 2011:
(A) New budget authority, $35,294,000,000.

(B) Outlays, $31,065,000,000.
Fiscal year 2012:
(A) New budget authority, $36,128,000,000.
(B) Outlays, $31,873,000,000.
Fiscal year 2013:
(A) New budget authority, $36,985,000,000.
(B) Outlays, $32,737,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2003:
(A) New budget authority, $23,153,000,000.
(B) Outlays, $21,556,000,000.
Fiscal year 2004:
(A) New budget authority, $22,771,000,000.
(B) Outlays, $22,348,000,000.
Fiscal year 2005:
(A) New budget authority, $23,591,000,000.
(B) Outlays, $23,082,000,000.
Fiscal year 2006:
(A) New budget authority, $24,344,000,000.
(B) Outlays, $23,690,000,000.
Fiscal year 2007:
(A) New budget authority, $25,153,000,000.
(B) Outlays, $24,425,000,000.
Fiscal year 2008:
(A) New budget authority, $25,899,000,000.
(B) Outlays, $25,127,000,000.
Fiscal year 2009:
(A) New budget authority, $26,503,000,000.
(B) Outlays, $25,799,000,000.
Fiscal year 2010:
(A) New budget authority, $27,140,000,000.
(B) Outlays, $26,435,000,000.
Fiscal year 2011:
(A) New budget authority, $27,800,000,000.
(B) Outlays, $27,079,000,000.
Fiscal year 2012:
(A) New budget authority, $28,464,000,000.
(B) Outlays, $27,735,000,000.
Fiscal year 2013:
(A) New budget authority, $29,134,000,000.
(B) Outlays, $28,393,000,000.
(4) Energy (270):
Fiscal year 2003:
(A) New budget authority, $2,074,000,000.
(B) Outlays, $439,000,000.
Fiscal year 2004:
(A) New budget authority, $2,583,000,000.
(B) Outlays, $929,000,000.
Fiscal year 2005:
(A) New budget authority, $2,707,000,000.
(B) Outlays, $962,000,000.
Fiscal year 2006:
(A) New budget authority, $2,609,000,000.
(B) Outlays, $1,245,000,000.
Fiscal year 2007:
(A) New budget authority, $2,431,000,000.
(B) Outlays, $1,023,000,000.
Fiscal year 2008:
(A) New budget authority, $2,988,000,000.
(B) Outlays, $1,402,000,000.
Fiscal year 2009:
(A) New budget authority, $2,977,000,000.
(B) Outlays, $1,663,000,000.
Fiscal year 2010:
(A) New budget authority, $3,085,000,000.
(B) Outlays, $1,784,000,000.
Fiscal year 2011:
(A) New budget authority, $3,182,000,000.
(B) Outlays, $1,957,000,000.
Fiscal year 2012:
(A) New budget authority, $3,289,000,000.
(B) Outlays, $2,319,000,000.
Fiscal year 2013:
(A) New budget authority, $3,402,000,000.
(B) Outlays, $2,295,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2003:
(A) New budget authority, $30,816,000,000.
(B) Outlays, $28,940,000,000.
Fiscal year 2004:
(A) New budget authority, $29,237,000,000.
(B) Outlays, $29,866,000,000.
Fiscal year 2005:
(A) New budget authority, $30,250,000,000.
(B) Outlays, $30,274,000,000.
Fiscal year 2006:
(A) New budget authority, $30,940,000,000.
(B) Outlays, $31,199,000,000.
Fiscal year 2007:
(A) New budget authority, $31,448,000,000.
(B) Outlays, $31,331,000,000.
Fiscal year 2008:
(A) New budget authority, $32,224,000,000.
(B) Outlays, $31,706,000,000.
Fiscal year 2009:
(A) New budget authority, $33,454,000,000.
(B) Outlays, $32,835,000,000.
Fiscal year 2010:
(A) New budget authority, $34,421,000,000.
(B) Outlays, $33,757,000,000.
Fiscal year 2011:
(A) New budget authority, $35,427,000,000.
(B) Outlays, $34,741,000,000.
Fiscal year 2012:
(A) New budget authority, $36,343,000,000.
(B) Outlays, $35,615,000,000.
Fiscal year 2013:
(A) New budget authority, $37,240,000,000.
(B) Outlays, $36,590,000,000.
(6) Agriculture (350):
Fiscal year 2003:
(A) New budget authority, $24,418,000,000.
(B) Outlays, $23,365,000,000.
Fiscal year 2004:
(A) New budget authority, $23,966,000,000.
(B) Outlays, $23,356,000,000.
Fiscal year 2005:
(A) New budget authority, $26,144,000,000.
(B) Outlays, $25,194,000,000.
Fiscal year 2006:
(A) New budget authority, $25,799,000,000.
(B) Outlays, $24,987,000,000.
Fiscal year 2007:
(A) New budget authority, $25,113,000,000.
(B) Outlays, $24,415,000,000.
Fiscal year 2008:
(A) New budget authority, $24,035,000,000.
(B) Outlays, $23,523,000,000.
Fiscal year 2009:
(A) New budget authority, $24,239,000,000.
(B) Outlays, $24,066,000,000.
Fiscal year 2010:
(A) New budget authority, $23,427,000,000.
(B) Outlays, $23,496,000,000.
Fiscal year 2011:
(A) New budget authority, $22,985,000,000.
(B) Outlays, $23,002,000,000.
Fiscal year 2012:
(A) New budget authority, $22,651,000,000.
(B) Outlays, $22,627,000,000.
Fiscal year 2013:
(A) New budget authority, $22,433,000,000.
(B) Outlays, $22,388,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2003:
(A) New budget authority, $8,812,000,000.
(B) Outlays, $5,881,000,000.
Fiscal year 2004:
(A) New budget authority, $7,401,000,000.
(B) Outlays, $3,587,000,000.
Fiscal year 2005:
(A) New budget authority, $8,633,000,000.
(B) Outlays, $4,059,000,000.
Fiscal year 2006:
(A) New budget authority, $8,145,000,000.
(B) Outlays, $3,130,000,000.
Fiscal year 2007:
(A) New budget authority, $9,166,000,000.
(B) Outlays, $3,365,000,000.
Fiscal year 2008:
(A) New budget authority, $8,628,000,000.
(B) Outlays, $2,355,000,000.
Fiscal year 2009:
(A) New budget authority, $8,763,000,000.
(B) Outlays, $2,486,000,000.
Fiscal year 2010:
(A) New budget authority, $8,737,000,000.
(B) Outlays, $2,208,000,000.
Fiscal year 2011:
(A) New budget authority, $8,939,000,000.
(B) Outlays, $1,858,000,000.
Fiscal year 2012:
(A) New budget authority, $9,029,000,000.
(B) Outlays, $1,610,000,000.
Fiscal year 2013:
(A) New budget authority, $9,247,000,000.
(B) Outlays, $1,840,000,000.
(8) Transportation (400):
Fiscal year 2003:
(A) New budget authority, $64,091,000,000.
(B) Outlays, $67,847,000,000.
Fiscal year 2004:
(A) New budget authority, $65,416,000,000.
(B) Outlays, $73,832,000,000.
Fiscal year 2005:
(A) New budget authority, $65,785,000,000.
(B) Outlays, $69,861,000,000.
Fiscal year 2006:
(A) New budget authority, $66,691,000,000.
(B) Outlays, $68,369,000,000.
Fiscal year 2007:
(A) New budget authority, $67,693,000,000.
(B) Outlays, $68,293,000,000.
Fiscal year 2008:
(A) New budget authority, $68,647,000,000.
(B) Outlays, $68,700,000,000.
Fiscal year 2009:
(A) New budget authority, $69,825,000,000.
(B) Outlays, $69,604,000,000.
Fiscal year 2010:
(A) New budget authority, $71,016,000,000.
(B) Outlays, $71,021,000,000.
Fiscal year 2011:
(A) New budget authority, $72,723,000,000.
(B) Outlays, $72,573,000,000.
Fiscal year 2012:
(A) New budget authority, $74,432,000,000.
(B) Outlays, $74,228,000,000.
Fiscal year 2013:
(A) New budget authority, $76,218,000,000.
(B) Outlays, $75,924,000,000.
(9) Community and Regional Development (450):
Fiscal year 2003:
(A) New budget authority, $12,251,000,000.
(B) Outlays, $15,994,000,000.
Fiscal year 2004:
(A) New budget authority, $14,137,000,000.
(B) Outlays, $15,923,000,000.
Fiscal year 2005:
(A) New budget authority, $14,355,000,000.
(B) Outlays, $15,990,000,000.
Fiscal year 2006:
(A) New budget authority, $14,647,000,000.
(B) Outlays, $15,120,000,000.
Fiscal year 2007:
(A) New budget authority, $14,968,000,000.
(B) Outlays, $14,918,000,000.
Fiscal year 2008:
(A) New budget authority, $15,350,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2009:
(A) New budget authority, $15,701,000,000.
(B) Outlays, $14,802,000,000.
Fiscal year 2010:
(A) New budget authority, $16,075,000,000.
(B) Outlays, $15,146,000,000.
Fiscal year 2011:
(A) New budget authority, $16,467,000,000.
(B) Outlays, $15,524,000,000.
Fiscal year 2012:
(A) New budget authority, $16,857,000,000.
(B) Outlays, $15,892,000,000.
Fiscal year 2013:
(A) New budget authority, $17,255,000,000.
(B) Outlays, $16,288,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2003:
(A) New budget authority, $86,169,000,000.
(B) Outlays, $81,340,000,000.
Fiscal year 2004:
(A) New budget authority, $84,744,000,000.
(B) Outlays, $85,702,000,000.
Fiscal year 2005:
(A) New budget authority, $84,376,000,000.
(B) Outlays, $83,593,000,000.
Fiscal year 2006:
(A) New budget authority, $86,663,000,000.
(B) Outlays, $84,632,000,000.
Fiscal year 2007:
(A) New budget authority, $88,640,000,000.
(B) Outlays, $86,408,000,000.
Fiscal year 2008:
(A) New budget authority, $90,799,000,000.

(B) Outlays, $88,343,000,000.
Fiscal year 2009:
(A) New budget authority, $92,377,000,000.
(B) Outlays, $90,470,000,000.
Fiscal year 2010:
(A) New budget authority, $93,915,000,000.
(B) Outlays, $92,151,000,000.
Fiscal year 2011:
(A) New budget authority, $95,812,000,000.
(B) Outlays, $93,918,000,000.
Fiscal year 2012:
(A) New budget authority, $97,615,000,000.
(B) Outlays, $95,694,000,000.
Fiscal year 2013:
(A) New budget authority, $99,516,000,000.
(B) Outlays, $97,583,000,000.
(11) Health (550):
Fiscal year 2003:
(A) New budget authority, $221,878,000,000.
(B) Outlays, $218,021,000,000.
Fiscal year 2004:
(A) New budget authority, $235,033,000,000.
(B) Outlays, $235,408,000,000.
Fiscal year 2005:
(A) New budget authority, $248,561,000,000.
(B) Outlays, $248,255,000,000.
Fiscal year 2006:
(A) New budget authority, $265,324,000,000.
(B) Outlays, $264,811,000,000.
Fiscal year 2007:
(A) New budget authority, $284,054,000,000.
(B) Outlays, $283,181,000,000.
Fiscal year 2008:
(A) New budget authority, $303,513,000,000.
(B) Outlays, $302,371,000,000.
Fiscal year 2009:
(A) New budget authority, $323,793,000,000.
(B) Outlays, $322,510,000,000.
Fiscal year 2010:
(A) New budget authority, $345,221,000,000.
(B) Outlays, $343,935,000,000.
Fiscal year 2011:
(A) New budget authority, $370,172,000,000.
(B) Outlays, $368,888,000,000.
Fiscal year 2012:
(A) New budget authority, $394,838,000,000.
(B) Outlays, $393,580,000,000.
Fiscal year 2013:
(A) New budget authority, $423,165,000,000.
(B) Outlays, $421,858,000,000.
(12) Medicare (570):
Fiscal year 2003:
(A) New budget authority, $248,586,000,000.
(B) Outlays, $248,434,000,000.
Fiscal year 2004:
(A) New budget authority, $261,298,000,000.
(B) Outlays, $261,621,000,000.
Fiscal year 2005:
(A) New budget authority, $275,475,000,000.
(B) Outlays, $278,402,000,000.
Fiscal year 2006:
(A) New budget authority, $312,447,000,000.
(B) Outlays, $309,300,000,000.
Fiscal year 2007:
(A) New budget authority, $332,020,000,000.
(B) Outlays, $332,299,000,000.
Fiscal year 2008:
(A) New budget authority, $352,392,000,000.
(B) Outlays, $352,287,000,000.
Fiscal year 2009:
(A) New budget authority, $372,165,000,000.
(B) Outlays, $371,929,000,000.
Fiscal year 2010:
(A) New budget authority, $392,052,000,000.
(B) Outlays, $392,309,000,000.
Fiscal year 2011:
(A) New budget authority, $420,691,000,000.
(B) Outlays, $423,880,000,000.
Fiscal year 2012:
(A) New budget authority, $453,915,000,000.
(B) Outlays, $450,312,000,000.
Fiscal year 2013:
(A) New budget authority, $490,497,000,000.
(B) Outlays, $490,754,000,000.
(13) Income Security (600):
Fiscal year 2003:
(A) New budget authority, $326,588,000,000.
(B) Outlays, $334,373,000,000.
Fiscal year 2004:
(A) New budget authority, $315,939,000,000.
(B) Outlays, $321,576,000,000.
Fiscal year 2005:
(A) New budget authority, $326,452,000,000.
(B) Outlays, $329,892,000,000.
Fiscal year 2006:
(A) New budget authority, $332,440,000,000.
(B) Outlays, $334,883,000,000.
Fiscal year 2007:
(A) New budget authority, $337,235,000,000.
(B) Outlays, $339,157,000,000.
Fiscal year 2008:
(A) New budget authority, $345,904,000,000.
(B) Outlays, $347,149,000,000.
Fiscal year 2009:
(A) New budget authority, $354,493,000,000.
(B) Outlays, $355,411,000,000.
Fiscal year 2010:
(A) New budget authority, $362,278,000,000.
(B) Outlays, $363,059,000,000.
Fiscal year 2011:
(A) New budget authority, $376,326,000,000.
(B) Outlays, $377,070,000,000.
Fiscal year 2012:
(A) New budget authority, $379,667,000,000.
(B) Outlays, $380,403,000,000.
Fiscal year 2013:
(A) New budget authority, $393,564,000,000.
(B) Outlays, $394,420,000,000.
(14) Social Security (650):
Fiscal year 2003:
(A) New budget authority, $13,255,000,000.
(B) Outlays, $13,255,000,000.
Fiscal year 2004:
(A) New budget authority, $14,223,000,000.
(B) Outlays, $14,222,000,000.
Fiscal year 2005:
(A) New budget authority, $15,330,000,000.
(B) Outlays, $15,330,000,000.
Fiscal year 2006:
(A) New budget authority, $16,451,000,000.
(B) Outlays, $16,451,000,000.
Fiscal year 2007:
(A) New budget authority, $17,975,000,000.
(B) Outlays, $17,975,000,000.
Fiscal year 2008:
(A) New budget authority, $19,827,000,000.
(B) Outlays, $19,827,000,000.
Fiscal year 2009:
(A) New budget authority, $21,982,000,000.
(B) Outlays, $21,982,000,000.
Fiscal year 2010:
(A) New budget authority, $24,357,000,000.
(B) Outlays, $24,357,000,000.
Fiscal year 2011:
(A) New budget authority, $28,235,000,000.
(B) Outlays, $28,235,000,000.
Fiscal year 2012:
(A) New budget authority, $31,450,000,000.
(B) Outlays, $31,450,000,000.
Fiscal year 2013:
(A) New budget authority, $34,481,000,000.
(B) Outlays, $34,481,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2003:
(A) New budget authority, $57,597,000,000.
(B) Outlays, $57,486,000,000.
Fiscal year 2004:
(A) New budget authority, $60,710,000,000.
(B) Outlays, $60,692,000,000.
Fiscal year 2005:
(A) New budget authority, $65,827,000,000.
(B) Outlays, $65,329,000,000.
Fiscal year 2006:
(A) New budget authority, $63,976,000,000.
(B) Outlays, $63,720,000,000.
Fiscal year 2007:
(A) New budget authority, $62,320,000,000.
(B) Outlays, $62,014,000,000.
Fiscal year 2008:
(A) New budget authority, $65,655,000,000.
(B) Outlays, $65,502,000,000.
Fiscal year 2009:
(A) New budget authority, $66,888,000,000.
(B) Outlays, $66,644,000,000.
Fiscal year 2010:
(A) New budget authority, $68,158,000,000.
(B) Outlays, $67,874,000,000.
Fiscal year 2011:
(A) New budget authority, $72,646,000,000.
(B) Outlays, $72,350,000,000.
Fiscal year 2012:
(A) New budget authority, $69,805,000,000.
(B) Outlays, $69,416,000,000.
Fiscal year 2013:
(A) New budget authority, $74,452,000,000.
(B) Outlays, $74,132,000,000.
(16) Administration of Justice (750):
Fiscal year 2003:
(A) New budget authority, $38,543,000,000.
(B) Outlays, $37,712,000,000.
Fiscal year 2004:
(A) New budget authority, $37,310,000,000.
(B) Outlays, $40,895,000,000.
Fiscal year 2005:
(A) New budget authority, $37,673,000,000.
(B) Outlays, $39,003,000,000.
Fiscal year 2006:
(A) New budget authority, $37,581,000,000.
(B) Outlays, $38,026,000,000.
Fiscal year 2007:
(A) New budget authority, $37,963,000,000.
(B) Outlays, $37,859,000,000.
Fiscal year 2008:
(A) New budget authority, $38,880,000,000.
(B) Outlays, $38,633,000,000.
Fiscal year 2009:
(A) New budget authority, $39,839,000,000.
(B) Outlays, $39,662,000,000.
Fiscal year 2010:
(A) New budget authority, $40,884,000,000.
(B) Outlays, $40,696,000,000.
Fiscal year 2011:
(A) New budget authority, $42,152,000,000.
(B) Outlays, $41,847,000,000.
Fiscal year 2012:
(A) New budget authority, $43,451,000,000.
(B) Outlays, $43,124,000,000.
Fiscal year 2013:
(A) New budget authority, $44,800,000,000.
(B) Outlays, $44,464,000,000.
(17) General Government (800):
Fiscal year 2003:
(A) New budget authority, $18,178,000,000.
(B) Outlays, $18,103,000,000.
Fiscal year 2004:
(A) New budget authority, $19,768,000,000.
(B) Outlays, $19,586,000,000.
Fiscal year 2005:
(A) New budget authority, $20,025,000,000.
(B) Outlays, $20,213,000,000.
Fiscal year 2006:
(A) New budget authority, $19,654,000,000.
(B) Outlays, $19,713,000,000.
Fiscal year 2007:
(A) New budget authority, $19,955,000,000.
(B) Outlays, $19,716,000,000.
Fiscal year 2008:
(A) New budget authority, $19,760,000,000.
(B) Outlays, $19,552,000,000.
Fiscal year 2009:
(A) New budget authority, $20,168,000,000.
(B) Outlays, $19,761,000,000.
Fiscal year 2010:
(A) New budget authority, $20,572,000,000.
(B) Outlays, $20,127,000,000.
Fiscal year 2011:
(A) New budget authority, $21,294,000,000.
(B) Outlays, $20,826,000,000.
Fiscal year 2012:
(A) New budget authority, $22,039,000,000.
(B) Outlays, $21,700,000,000.
Fiscal year 2013:
(A) New budget authority, $22,829,000,000.
(B) Outlays, $22,323,000,000.
(18) Net Interest (900):
Fiscal year 2003:
(A) New budget authority, $239,741,000,000.
(B) Outlays, $239,741,000,000.
Fiscal year 2004:
(A) New budget authority, $256,367,000,000.
(B) Outlays, $256,367,000,000.
Fiscal year 2005:
(A) New budget authority, $301,918,000,000.
(B) Outlays, $301,918,000,000.
Fiscal year 2006:
(A) New budget authority, $336,172,000,000.
(B) Outlays, $336,172,000,000.

Fiscal year 2007:
(A) New budget authority, $355,442,000,000.
(B) Outlays, $355,442,000,000.
Fiscal year 2008:
(A) New budget authority, $368,985,000,000.
(B) Outlays, $368,985,000,000.
Fiscal year 2009:
(A) New budget authority, $379,976,000,000.
(B) Outlays, $379,976,000,000.
Fiscal year 2010:
(A) New budget authority, $387,382,000,000.
(B) Outlays, $387,382,000,000.
Fiscal year 2011:
(A) New budget authority, $394,728,000,000.
(B) Outlays, $394,728,000,000.
Fiscal year 2012:
(A) New budget authority, $401,288,000,000.
(B) Outlays, $401,288,000,000.
Fiscal year 2013:
(A) New budget authority, $403,084,000,000.
(B) Outlays, $403,084,000,000.
(19) Allowances (920):
Fiscal year 2003:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2004:
(A) New budget authority, −$25,986,000,000.
(B) Outlays, −$26,781,000,000.
Fiscal year 2005:
(A) New budget authority, −$58,705,000,000.
(B) Outlays, −$61,030,000,000.
Fiscal year 2006:
(A) New budget authority, −$103,450,000,000.
(B) Outlays, −$106,165,000,000.
Fiscal year 2007:
(A) New budget authority, −$134,939,000,000.
(B) Outlays, −$137,938,000,000.
Fiscal year 2008:
(A) New budget authority, −$172,108,000,000.
(B) Outlays, −$174,839,000,000.
Fiscal year 2009:
(A) New budget authority, −$184,626,000,000.
(B) Outlays, −$187,639,000,000.
Fiscal year 2010:
(A) New budget authority, −$197,329,000,000.
(B) Outlays, −$200,631,000,000.
Fiscal year 2011:
(A) New budget authority, −$213,132,000,000.
(B) Outlays, −$216,854,000,000.
Fiscal year 2012:
(A) New budget authority, −$227,647,000,000.
(B) Outlays, −$230,847,000,000.
Fiscal year 2013:
(A) New budget authority, −$244,708,000,000.
(B) Outlays, −$248,504,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2003:
(A) New budget authority, −$41,104,000,000.
(B) Outlays, −$41,104,000,000.
Fiscal year 2004:
(A) New budget authority, −$42,894,000,000.
(B) Outlays, −$42,894,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,598,000,000.
(B) Outlays, −$52,598,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,459,000,000.
(B) Outlays, −$54,459,000,000.
Fiscal year 2007:
(A) New budget authority, −$51,535,000,000.
(B) Outlays, −$51,535,000,000.
Fiscal year 2008:
(A) New budget authority, −$53,540,000,000.
(B) Outlays, −$53,540,000,000.
Fiscal year 2009:
(A) New budget authority, −$52,609,000,000.
(B) Outlays, −$52,609,000,000.
Fiscal year 2010:
(A) New budget authority, −$54,685,000,000.
(B) Outlays, −$54,685,000,000.
Fiscal year 2011:
(A) New budget authority, −$56,841,000,000.
(B) Outlays, −$56,841,000,000.
Fiscal year 2012:
(A) New budget authority, −$59,025,000,000.
(B) Outlays, −$59,025,000,000.
Fiscal year 2013:
(A) New budget authority, −$61,229,000,000.
(B) Outlays, −$61,229,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSION PROVIDING FOR ECONOMIC GROWTH AND TAX SIMPLIFICATION AND FAIRNESS.—

(1) IN GENERAL.—Not later than April 11, 2003, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in law within its jurisdiction sufficient to—

(1) reduce the total level of revenues by not more than: $35,420,000,000 for fiscal year 2003, $126,232,000,000 for fiscal year 2004, $512,195,000,000 for the period of fiscal years 2004 through 2008, and $1,599,943,000,000 for the period of fiscal years 2004 through 2013; and

(2) increase the level of direct spending for that committee by $4,380,000,000 in outlays for fiscal year 2003, $1,111,000,000 in outlays for fiscal year 2004, $17,393,000,000 in outlays for the period of fiscal years 2004 through 2008, and $23,096,000,000 in outlays for the period of fiscal years 2004 through 2013.

(B) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to increase the level of direct spending for that committee by $3,600,000,000 in new budget authority for fiscal year 2003 and outlays flowing therefrom.

(b) SUBMISSIONS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN MANDATORY PROGRAMS.—

(1) IN GENERAL.—Not later than July 18, 2003, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,409,000,000 in outlays for fiscal year 2004, $17,622,000,000 in outlays for the period of fiscal years 2004 through 2008, and $50,718,000,000 in outlays for the period of fiscal years 2004 through 2013.

(B) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $613,000,000 in outlays for fiscal year 2004, $8,276,000,000 in outlays for the period of fiscal years 2004 through 2008, and $25,665,000,000 in outlays for the period of fiscal years 2004 through 2013.

(C) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $3,160,000,000 in outlays for fiscal year 2004, $80,495,000,000 in outlays for the period of fiscal years 2004 through 2008, and $292,506,000,000 in outlays for the period of fiscal years 2004 through 2013.

(D) COMMITTEE ON FINANCIAL SERVICES.—The House Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $30,000,000 in new budget authority for fiscal year 2004, $390,000,000 in new budget authority for the period of fiscal years 2004 through 2008, and $381,000,000 in new budget authority for the period of fiscal years 2004 through 2013.

(E) COMMITTEE ON GOVERNMENT REFORM.—The House Committee on Government Reform shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $2,518,000,000 in outlays for fiscal year 2004, $33,042,000,000 in outlays for the period of fiscal years 2004 through 2008, and $104,405,000,000 in outlays for the period of fiscal years 2004 through 2013.

(F) COMMITTEE ON HOUSE ADMINISTRATION.—The House Committee on House Administration shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $11,000,000 in outlays for fiscal year 2004, $87,000,000 in outlays for the period of fiscal years 2004 through 2008, and $241,000,000 in outlays for the period of fiscal years 2004 through 2013.

(G) COMMITTEE ON INTERNATIONAL RELATIONS.—The House Committee on International Relations shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $367,000,000 in outlays for fiscal year 2004, $4,124,000,000 in outlays for the period of fiscal years 2004 through 2008, and $12,183,000,000 in outlays for the period of fiscal years 2004 through 2013.

(H) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce the level of direct spending for that committee by $201,000,000 in outlays for fiscal year 2004, $2,317,000,000 in outlays for the period of fiscal years 2004 through 2008, and $6,548,000,000 in outlays for the period of fiscal years 2004 through 2013.

(I) COMMITTEE ON RESOURCES.—The House Committee on Resources shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce the level of direct spending for that committee by $91,000,000 in outlays for fiscal year 2004, $1,095,000,000 in outlays for the period of fiscal years 2004 through 2008, and $3,008,000,000 in outlays for the period of fiscal years 2004 through 2013.

(J) COMMITTEE ON SCIENCE.—The House Committee on Science shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce the level of direct spending for that committee by $2,000,000 in outlays for fiscal year 2004, $19,000,000 in outlays for the period of fiscal years 2004 through 2008, and $40,000,000 in outlays for the period of fiscal years 2004 through 2013.

(K) COMMITTEE ON SMALL BUSINESS.—The House Committee on Small Business shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce the level of direct spending for that committee by $0 in outlays for fiscal year 2004, $0 in outlays for the period of fiscal years 2004 through 2008, and $0 in outlays for the period of fiscal years 2004 through 2013.

(L) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce the level of direct spending for that

committee by $438,000,000 in outlays for fiscal year 2004, $5,563,000,000 in outlays for the period of fiscal years 2004 through 2008, and $16,104,000,000 in outlays for the period of fiscal years 2004 through 2013.

(M) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce the level of direct spending for that committee by $1,056,000,000 in outlays for fiscal year 2004, $13,449,000,000 in outlays for the period of fiscal years 2004 through 2008, and $39,848,000,000 in outlays for the period of fiscal years 2004 through 2013.

(N) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce the level of direct spending for that committee by $8,514,000,000 in outlays for fiscal year 2004, $73,579,000,000 in outlays for the period of fiscal years 2004 through 2008, and $292,553,000,000 in outlays for the period of fiscal years 2004 through 2013.

TITLE III—RESERVE FUNDS

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

SEC. 301. RESERVE FUND FOR MEDICAID.

In the House, if the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that—

(1) modernizes medicaid and the State Children's Health Insurance Program (SCHIP), and

(2) reduces new budget authority and outlays flowing therefrom by $9,010,000,000 for fiscal years 2009 through 2013,

the chairman of the Committee on the Budget may increase allocations of new budget authority and outlays for that committee (and make other appropriate changes in budgetary aggregates) by the amount provided by that measure for that purpose, but not to exceed $3,258,000,000 in new budget authority and outlays for fiscal year 2004 and $8,944,000,000 in new budget authority and outlays for the period of fiscal years 2004 through 2008.

SEC. 302. RESERVE FUND FOR BIOSHIELD.

In the House, if the appropriate committee of jurisdiction reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes a program to accelerate the research, development, and purchase of biomedical threat countermeasures and—

(1) such measure provides new budget authority to carry out such program; or

(2) such measure authorizes discretionary new budget authority to carry out such program and the Committee on Appropriations reports a bill or joint resolution that provides new budget authority to carry out such program,

the chairman of the Committee on the Budget may revise the allocations for the committee providing such new budget authority, and other appropriate levels in this resolution, by the amount provided for that purpose, but, in the case of a measure described in paragraph (1), not to exceed $890,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom and $3,418,000,000 in new budget authority for the period of fiscal years 2004 through 2008 and outlays flowing therefrom or, in the case of a measure described in paragraph (2), not to exceed $890,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom. Notwithstanding the preceding sentence, the total such revision for fiscal year 2004 may not exceed $890,000,000 in new budget authority and outlays flowing therefrom.

SEC. 303. RESERVE FUND FOR RETIREMENT SECURITY.

Whenever the Committee on Ways and Means of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that enhances retirement security through structural programmatic reform and the creation of personal retirement accounts, provided that such accounts are funded from the taxes currently collected for the purpose of the Federal Old-Age and Survivors Insurance Program, the chairman of the Committee on the Budget may—

(1) increase the appropriate allocations and aggregates of new budget authority and outlays by the amount of new budget authority provided by such measure (and outlays flowing therefrom) for that purpose;

(2) reduce the revenue aggregates by the amount of the revenue loss resulting from that measure for that purpose; and

(3) make all other appropriate and conforming adjustments.

Subtitle B—Implementation of Reserve Funds

SEC. 311. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE HOUSE.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided for fiscal year 2005 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,178,000,000 in new budget authority.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2004 that first becomes available for any fiscal year after 2004.

SEC. 402. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 403. ACTION PURSUANT TO SECTION 302(b)(1) OF THE CONGRESSIONAL BUDGET ACT.

(a) COMPLIANCE.—When complying with Section 302(b)(1) of the Congressional Budget Act of 1974, the Committee on Appropriations of each House shall consult with the Committee on Appropriations of the other House to ensure that the allocation of budget outlays and new budget authority among each Committee's subcommittees are identical.

(b) REPORT.—The Committee on Appropriations of each House shall report to its House when it determines that the report made by the Committee pursuant to Section 301(b) of the Congressional Budget Act of 1974 and the report made by the Committee on Appropriations of the other House pursuant to the same provision contain identical allocations of budget outlays and new budget authority among each Committee's subcommittees.

(c) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report providing new discretionary budget authority for Fiscal Year 2004 allocated to the Committee on Appropriations unless and until the Committee on Appropriations of that House has made the report required under paragraph (b) of this Section.

SEC. 404. CHANGES IN ALLOCATIONS AND AGGREGATES RESULTING FROM REALISTIC SCORING OF MEASURES AFFECTING REVENUES.

(a) Whenever the House considers a bill, joint resolution, amendment, motion or conference report, including measures filed in compliance with Section 4 of this Concurrent Resolution, that propose to change federal revenues the impact of such measure on federal revenues shall be calculated by the Joint Committee on Taxation in a manner that takes into account:

(1) the impact of the proposed revenue changes on:

i. Gross Domestic Product, including the growth rate for the Gross Domestic Product;

ii. Total Domestic Employment;

iii. Gross Private Domestic Investment;

iv. General Price Index;

v. Interest Rates; and

vi. Other economic variables

(2) the impact on Federal Revenue of the changes in economic variables analyzed under subpart (1) of this paragraph.

(b) the Chairman of the Committee on the Budget may make any necessary changes to allocations and aggregates in order to conform this Concurrent Resolution with the determinations made by the Joint Committee on Taxation pursuant to paragraph (a) of this Section.

SEC. 405. PROMOTION OF ECONOMIC GROWTH AND COMPLIANCE WITH SECTION 201(a) OF THIS CONCURRENT RESOLUTION.

When reporting to the House reconciliation measures in compliance with Section 201(a)

of this Concurrent Resolution, the Ways and Means Committee shall not report legislation, which:

(1) proposes to provide a graduated or phased-in reduction over time in:

(a) Individual income tax rates,

(b) Corporate tax rates, or

(c) The rate of taxes collected on the proceeds from investments, including taxes collected on capital gains; or

(2) conditions any changes in tax law upon the achievement of some level of:

(a) Federal Revenue,

(b) Federal Surplus, or

(c) Level of Public Debt.

SEC. 406. PROHIBITION ON USING REVENUE INCREASES TO COMPLY WITH BUDGET ALLOCATIONS AND AGGREGATES.

(a) For the purpose of enforcing this Concurrent Resolution in the House, the Chairman of the Committee on the Budget shall not take into account the provisions of any piece of legislation which propose to increase revenue or offsetting collections if the net effect of the bill is to increase the level of revenue or offsetting collections beyond the level assumed in this Concurrent Resolution.

(b) Paragraph (a) of this Section shall not apply to any provision of a piece of legislation that proposes a new or increased fee for the receipt of a defined benefit or service (including insurance coverage) by the person or entity paying the fee.

SEC. 407. CRITERIA FOR ADJUSTMENTS TO ALLOCATIONS AND AGGREGATES FROM USE OF THE "EMERGENCY" DESIGNATION.

(A) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets the definition of an ''emergency'' set out in paragraph (b) of this Section.

(b) The term ''emergency'' means a situation that—

(1) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the preventions or mitigation of, or response to, loss of life or property, or a threat to national security; and

(2) is unanticipated, which means that the underlying situation is sudden, urgent, unforeseen, and temporary.

(c) IN GENERAL.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, or conference report that contains an emergency designation under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 unless the proposed emergency requirement meets the definition of an ''emergency'' set out in paragraph (b) of this Section.

(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of paragraph (c) of this section.

(e) DISPOSITION OF POINTS OF ORDER IN THE HOUSE.—As disposition of a point of order under paragraph (c) or paragraph (d) of this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order. A question of consideration under this section shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent of the point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(f) EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT IN THE HOUSE.— The disposition of the question of consideration under this section with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

TITLE V—SENSES OF CONGRESS

SEC. 501. SENSE OF CONGRESS REGARDING ELIMINATION OF CERTAIN PROGRAMS TO ACHIEVE BUDGET GOALS.

(a) Congress finds that—

(1) The Concurrent Resolution on the Budget for Fiscal Year 2004 should achieve the following key goals:

(A) ensure adequate funding is available for essential government programs, in particular

(B) defense and homeland security;

(C) Foster greater economic growth and increased domestic employment by eliminating those provisions in the tax code (these provisions include, but are not limited to, the double taxation of corporate dividends, the taxation of capital gains, the limitations on expensing, the phased-in rather than immediate reduction of personal income tax rates, and the alternative minimum tax) that discourage economic growth and job creation;

(D) Bring the Federal budget back into balance as soon as possible; (2) The Federal Government spends billions of dollars each year on programs and projects that are of marginal value to the country as a whole. (3) Funding for these lower priority programs should be viewed in light of the goals of this Concurrent Resolution and whether or not continued funding of these programs advances or hinders the achievement of these goals.

(4) This Concurrent Resolution assumes that funding for many lower priority programs will be reduced or eliminated in order to increase funding for defense and homeland security while at the same time controlling overall spending.

(b) It is the Senate of Congress that the following programs should be eliminated:

(1) Title X Family Planning;

(2) Corporation for Public Broadcasting;

(3) National Endowment for the Arts;

(4) Legal Services Corporation; and

(5) Advanced Technology Program.

SEC. 502. SENSE OF CONGRESS REGARDING THE ABOLISHMENT OF OBSOLETE AGENCIES AND THE FEDERAL SUNSET ACT OF 2003.

(a) Congress finds that—

(1) The National Commission on the Public Service's recent report, ''Urgent Business For America: Revitalizing The Federal Government For The 21st Century,'' states that government missions are so widely dispersed among so many agencies that no coherent management is possible. The report also states that fragmentation leaves many gaps, inconsistencies, and inefficiencies in government oversight and results in an unacceptable level of public health protection.

(2) According to the Commission, there are: more than 35 food safety laws administered by 12 different federal agencies; 541 clean air, water, and waste programs in 29 federal agencies; 50 different programs to aid the homeless in eight different federal agencies; and 27 teen pregnancy programs operated in nine federal agencies; and 90 early childhood programs scattered among 11 federal agencies.

(3) According to the General Accounting Office, there are 163 programs with a job training or employment function, 64 welfare programs of a similar nature, and more than 500 urban aid programs.

(4) GAO also indicates 13 agencies coordinate 342 economic development programs, but there is very little or no coordination between them. This situation had created a bureaucracy so complex that many local communities stop applying for economic assistance. At the same time, the General Accounting Office reports that these programs often serve as nothing more than funnels for pork, have ''no significant effect'' on the economy, and cost as much as $307,000 to create each job.

(5) In 1976, Colorado became the first state to implement a sunset mechanism. Today, about half of the nation's states have some sort of sunset mechanism in effect to monitor their legislative branch agencies. On the Federal level, the United States Senate in 1978 overwhelmingly passed legislation to sunset most of the federal government agencies by a vote of 87–1.

(6) In Texas, ''sunsetting'' has eliminated 44 agencies and saved the taxpayers $720 million compared with expenditures of $16.94 million for the Sunset Commission. Based on these estimates, for every dollar spent on the Sunset process, the State has received about $42.50 in return.

(b) It is the Sense of Congress that

The House of Representatives should adopt H.R. 1227, The Abolishment of Obsolete Agencies and Federal Sunset Act of 2003.

It was decided in the negative ..... { Yeas ..... 80 / Nays 342

¶27.19 [Roll No. 79]

AYES—80

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Burgess
Burton (IN)
Cannon
Cantor
Carter
Chabot
Cole
Cox
Crane
Cubin
Culberson
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Green (WI)
Hayworth
Hensarling
Herger
Hoekstra
Istook
Johnson, Sam
Keller
King (IA)
Kingston
Linder
Manzullo
Miller (FL)
Miller, Gary
Musgrave
Myrick
Norwood
Otter
Paul
Pence
Pitts
Pombo
Radanovich
Rehberg
Rohrabacher
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Tiahrt
Tiberi
Toomey
Weller
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn
Coble
Collins
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner

Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Buyer
Combest
Gephardt
Hyde
John
Kennedy (RI)
King (NY)
Lipinski
Smith (MI)
Thornberry
Udall (CO)
Vitter

So the amendment in the nature of a substitute was not agreed to.

After some further time,

¶27.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. CUMMINGS:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.

The Congress declares that the concurrent resolution on the budget for fiscal year 2004 is hereby established and that the appropriate budgetary levels for fiscal years 2005 through 2013 are hereby set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2004 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2004: $1,510,400,000,000.
Fiscal year 2005: $1,684,600,000,000.
Fiscal year 2006: $1,831,800,000,000.
Fiscal year 2007: $1,958,300,000,000.
Fiscal year 2008: $2,075,100,000,000.
Fiscal year 2009: $2,197,800,000,000.
Fiscal year 2010: $2,327,500,000,000.
Fiscal year 2011: $2,511,600,000,000.
Fiscal year 2012: $2,707,700,000,000.
Fiscal year 2013: $2,863,500,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 2004: $44,000,000,000.
Fiscal year 2005: $67,600,000,000.
Fiscal year 2006: $91,100,000,000.
Fiscal year 2007: $105,100,000,000.
Fiscal year 2008: $112,100,000,000.
Fiscal year 2009: $119,500,000,000.
Fiscal year 2010: $134,500,000,000.
Fiscal year 2011: $84,100,000,000.
Fiscal year 2012: $57,900,000,000.
Fiscal year 2013: $59,300,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2004: $1,836,900,000,000.
Fiscal year 2005: $1,958,700,000,000.
Fiscal year 2006: $2,064,900,000,000.
Fiscal year 2007: $2,165,700,000,000.
Fiscal year 2008: $2,264,700,000,000.
Fiscal year 2009: $2,370,400,000,000.
Fiscal year 2010: $2,483,400,000,000.
Fiscal year 2011: $2,546,000,000,000.
Fiscal year 2012: $2,588,100,000,000.
Fiscal year 2013: $2,699,400,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2004: $1,883,200,000,000.
Fiscal year 2005: $2,002,100,000,000.
Fiscal year 2006: $2,100,900,000,000.
Fiscal year 2007: $2,198,100,000,000.
Fiscal year 2008: $2,298,800,000,000.
Fiscal year 2009: $2,404,600,000,000.
Fiscal year 2010: $2,517,900,000,000.
Fiscal year 2011: $2,589,500,000,000.
Fiscal year 2012: $2,620,000,000,000.
Fiscal year 2013: $2,735,800,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2004: −$372,800,000,000,000.
Fiscal year 2005: −$317,500,000,000,000.
Fiscal year 2006: −$269,100,000,000,000.
Fiscal year 2007: −$239,800,000,000,000.
Fiscal year 2008: −$223,700,000,000,000.
Fiscal year 2009: $2,197,800,000,000.
Fiscal year 2010: $2,327,500,000,000.
Fiscal year 2011: $2,511,600,000,000.
Fiscal year 2012: $2,707,700,000,000.
Fiscal year 2013: $2,863,500,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2004: $4,013,000,000,000.
Fiscal year 2005: $4,013,000,000,000.
Fiscal year 2006: $4,013,000,000,000.
Fiscal year 2007: $4,013,000,000,000.
Fiscal year 2008: $4,013,000,000,000.
Fiscal year 2009: $4,013,000,000,000.
Fiscal year 2010: $4,013,000,000,000.
Fiscal year 2011: $4,013,000,000,000.
Fiscal year 2012: $4,013,000,000,000.
Fiscal year 2013: $4,013,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2004: $4,013,000,000,000.
Fiscal year 2005: $4,013,000,000,000.
Fiscal year 2006: $4,013,000,000,000.
Fiscal year 2007: $4,013,000,000,000.
Fiscal year 2008: $4,013,000,000,000.
Fiscal year 2009: $4,013,000,000,000.
Fiscal year 2010: $4,013,000,000,000.
Fiscal year 2011: $4,013,000,000,000.
Fiscal year 2012: $4,013,000,000,000.
Fiscal year 2013: $4,013,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2004 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2004:
(A) New budget authority, $387,995,000,000.
(B) Outlays, $392,432,000,000.
Fiscal year 2005:
(A) New budget authority, $396,195,000,000.
(B) Outlays, $395,258,000,000.
Fiscal year 2006:
(A) New budget authority, $406,277,000,000.
(B) Outlays, $396,882,000,000.
Fiscal year 2007:
(A) New budget authority, $416,078,000,000.
(B) Outlays, $399,277,000,000.
Fiscal year 2008:
(A) New budget authority, $427,500,000,000.
(B) Outlays, $414,028,000,000.
Fiscal year 2009:
(A) New budget authority, $441,936,000,000.
(B) Outlays, $429,648,000,000.
Fiscal year 2010:
(A) New budget authority, $453,276,000,000.
(B) Outlays, $444,073,000,000.
Fiscal year 2011:
(A) New budget authority, $464,893,000,000.
(B) Outlays, $460,513,000,000.
Fiscal year 2012:
(A) New budget authority, $476,777,000,000.
(B) Outlays, $465,494,000,000.
Fiscal year 2013:
(A) New budget authority, $488,991,000,000.
(B) Outlays, $482,639,000,000.

(2) International Affairs (150):
Fiscal year 2004:
(A) New budget authority, $34,681,000,000.
(B) Outlays, $32,946,950,000.
Fiscal year 2005:
(A) New budget authority, $35,374,000,000.
(B) Outlays, $33,605,889,000.
Fiscal year 2006:
(A) New budget authority, $36,081,480,000.
(B) Outlays, $34,277,406,000.
Fiscal year 2007:
(A) New budget authority, $36,803,109,000.
(B) Outlays, $34,962,954,000.
Fiscal year 2008:
(A) New budget authority, $37,539,171,000.
(B) Outlays, $35,662,213,000.
Fiscal year 2009:
(A) New budget authority, $38,289,854,000.
(B) Outlays, $37,524,057,000.
Fiscal year 2010:
(A) New budget authority, $39,055,651,000.
(B) Outlays, $38,274,538,000.
Fiscal year 2011:
(A) New budget authority, $39,836,764,000.
(B) Outlays, $39,040,029,000.

Fiscal year 2012:
(A) New budget authority, $40,606,499,000.
(B) Outlays, $39,794,370,000.
Fiscal year 2013:
(A) New budget authority, $41,418,638,000.
(B) Outlays, $40,590,256,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2004:
(A) New budget authority, $23,900,000,000.
(B) Outlays, $22,705,000,000.
Fiscal year 2005:
(A) New budget authority, $24,410,000,000.
(B) Outlays, $23,189,500,000.
Fiscal year 2006:
(A) New budget authority, $24,970,000,000.
(B) Outlays, $23,721,500,000.
Fiscal year 2007:
(A) New budget authority, $25,540,000,000.
(B) Outlays, $24,263,000,000.
Fiscal year 2008:
(A) New budget authority, $26,160,000,000.
(B) Outlays, $24,852,000,000.
Fiscal year 2009:
(A) New budget authority, $26,780,000,000.
(B) Outlays, $25,441,000,000.
Fiscal year 2010:
(A) New budget authority, $27,430,000,000.
(B) Outlays, $26,058,500,000.
Fiscal year 2011:
(A) New budget authority, $28,100,000,000.
(B) Outlays, $26,695,000,000.
Fiscal year 2012:
(A) New budget authority, $28,780,000,000.
(B) Outlays, $27,371,000,000.
Fiscal year 2013:
(A) New budget authority, $29,460,000,000.
(B) Outlays, $27,987,000,000.
(4) Energy (270):
Fiscal year 2004:
(A) New budget authority, $3,118,500,000.
(B) Outlays, $2,962,575,000.
Fiscal year 2005:
(A) New budget authority, $3,273,600,000.
(B) Outlays, $3,109,920,000.
Fiscal year 2006:
(A) New budget authority, $3,181,200,000.
(B) Outlays, $3,022,140,000.
Fiscal year 2007:
(A) New budget authority, $2,984,300,000.
(B) Outlays, $2,835,085,000.
Fiscal year 2008:
(A) New budget authority, $3,583,800,000.
(B) Outlays, $3,404,610,000.
Fiscal year 2009:
(A) New budget authority, $3,600,300,000.
(B) Outlays, $3,420,285,000.
Fiscal year 2010:
(A) New budget authority, $3,722,400,000.
(B) Outlays, $3,536,280,000.
Fiscal year 2011:
(A) New budget authority, $3,836,800,000.
(B) Outlays, $3,644,960,000.
Fiscal year 2012:
(A) New budget authority, $3,963,300,000.
(B) Outlays, $3,765,135,000.
Fiscal year 2013:
(A) New budget authority, $4,096,400,000.
(B) Outlays, $3,891,580,000.
(5) Natural Resources and Environment (300):
Fiscal year 2004:
(A) New budget authority, $31,440,000,000.
(B) Outlays, $30,811,000,000.
Fiscal year 2005:
(A) New budget authority, $32,383,000,000.
(B) Outlays, $31,735,000,000.
Fiscal year 2006:
(A) New budget authority, $33,355,000,000.
(B) Outlays, $32,688,000,000.
Fiscal year 2007:
(A) New budget authority, $34,355,000,000.
(B) Outlays, $33,666,000,000.
Fiscal year 2008:
(A) New budget authority, $35,386,000,000.
(B) Outlays, $34,678,000,000.
Fiscal year 2009:
(A) New budget authority, $36,448,000,000.
(B) Outlays, $35,719,000,000.
Fiscal year 2010:
(A) New budget authority, $37,541,000,000.
(B) Outlays, $36,790,000,000.
Fiscal year 2011:
(A) New budget authority, $38,668,000,000.
(B) Outlays, $37,595,000,000.
Fiscal year 2012:
(A) New budget authority, $39,827,000,000.
(B) Outlays, $39,030,000,000.
Fiscal year 2013:
(A) New budget authority, $41,022,000,000.
(B) Outlays, $40,202,000,000.
(6) Agriculture (350):
Fiscal year 2004:
(A) New budget authority, $20,212,000,000.
(B) Outlays, $19,808,000,000.
Fiscal year 2005:
(A) New budget authority, $20,616,000,000.
(B) Outlays, $20,204,000,000.
Fiscal year 2006:
(A) New budget authority, $21,028,000,000.
(B) Outlays, $20,608,000,000.
Fiscal year 2007:
(A) New budget authority, $21,448,000,000.
(B) Outlays, $21,020,000,000.
Fiscal year 2008:
(A) New budget authority, $21,876,000,000.
(B) Outlays, $21,439,000,000.
Fiscal year 2009:
(A) New budget authority, $22,313,000,000.
(B) Outlays, $21,867,000,000.
Fiscal year 2010:
(A) New budget authority, $22,759,000,000.
(B) Outlays, $22,304,000,000.
Fiscal year 2011:
(A) New budget authority, $23,214,000,000.
(B) Outlays, $22,750,000,000.
Fiscal year 2012:
(A) New budget authority, $23,678,000,000.
(B) Outlays, $23,205,000,000.
Fiscal year 2013:
(A) New budget authority, $24,151,000,000.
(B) Outlays, $24,634,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2004:
(A) New budget authority, $7,678,650,000.
(B) Outlays, $7,514,500,000.
Fiscal year 2005:
(A) New budget authority, $7,821,300,000.
(B) Outlays, $7,664,900,000.
Fiscal year 2006:
(A) New budget authority, $7,977,700,000.
(B) Outlays, $7,818,100,000.
Fiscal year 2007:
(A) New budget authority, $8,137,300,000.
(B) Outlays, $7,974,600,000.
Fiscal year 2008:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $8,139,000,000.
Fiscal year 2009:
(A) New budget authority, $8,466,000,000.
(B) Outlays, $8,296,700,000.
Fiscal year 2010:
(A) New budget authority, $8,635,300,000.
(B) Outlays, $8,462,600,000.
Fiscal year 2011:
(A) New budget authority, $8,808,000,000.
(B) Outlays, $8,631,800,000.
Fiscal year 2012:
(A) New budget authority, $8,984,200,000.
(B) Outlays, $8,804,500,000.
Fiscal year 2013:
(A) New budget authority, $9,163,900,000.
(B) Outlays, $8,480,600,000.
(8) Transportation (400):
Fiscal year 2004:
(A) New budget authority, $99,839,000,000.
(B) Outlays, $90,363,000,000.
Fiscal year 2005:
(A) New budget authority, $66,202,000,000.
(B) Outlays, $80,760,000,000.
Fiscal year 2006:
(A) New budget authority, $67,815,000,000.
(B) Outlays, $70,393,000,000.
Fiscal year 2007:
(A) New budget authority, $69,429,000,000.
(B) Outlays, $69,316,000,000.
Fiscal year 2008:
(A) New budget authority, $71,057,000,000.
(B) Outlays, $69,950,000,000.
Fiscal year 2009:
(A) New budget authority, $72,746,000,000.
(B) Outlays, $71,307,000,000.
Fiscal year 2010:
(A) New budget authority, $74,503,000,000.
(B) Outlays, $72,938,000,000.
Fiscal year 2011:
(A) New budget authority, $76,340,000,000.
(B) Outlays, $74,694,000,000.
Fiscal year 2012:
(A) New budget authority, $78,208,000,000.
(B) Outlays, $76,544,000,000.
Fiscal year 2013:
(A) New budget authority, $80,112,000,000.
(B) Outlays, $78,431,000,000.
(9) Community and Regional Development (450):
Fiscal year 2004:
(A) New budget authority, $14,723,000,000.
(B) Outlays, $14,429,000,000.
Fiscal year 2005:
(A) New budget authority, $15,017,000,000.
(B) Outlays, $14,717,000,000.
Fiscal year 2006:
(A) New budget authority, $15,317,000,000.
(B) Outlays, $15,011,000,000.
Fiscal year 2007:
(A) New budget authority, $15,623,000,000.
(B) Outlays, $15,311,000,000.
Fiscal year 2008:
(A) New budget authority, $15,935,000,000.
(B) Outlays, $15,616,000,000.
Fiscal year 2009:
(A) New budget authority, $16,254,000,000.
(B) Outlays, $15,929,000,000.
Fiscal year 2010:
(A) New budget authority, $16,579,000,000.
(B) Outlays, $16,247,000,000.
Fiscal year 2011:
(A) New budget authority, $16,911,000,000.
(B) Outlays, $16,573,000,000.
Fiscal year 2012:
(A) New budget authority, $17,249,000,000.
(B) Outlays, $16,904,000,000.
Fiscal year 2013:
(A) New budget authority, $17,594,000,000.
(B) Outlays, $17,242,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2004:
(A) New budget authority, $107,000,000,000.
(B) Outlays, $104,860,000,000.
Fiscal year 2005:
(A) New budget authority, $117,700,000,000.
(B) Outlays, $115,346,000,000.
Fiscal year 2006:
(A) New budget authority, $129,470,000,000.
(B) Outlays, $126,881,000,000.
Fiscal year 2007:
(A) New budget authority, $142,417,000,000.
(B) Outlays, $139,569,000,000.
Fiscal year 2008:
(A) New budget authority, $156,658,000,000.
(B) Outlays, $153,325,000,000.
Fiscal year 2009:
(A) New budget authority, $172,223,000,000.
(B) Outlays, $160,775,000,000.
Fiscal year 2010:
(A) New budget authority, $189,445,000,000.
(B) Outlays, $185,657,000,000.
Fiscal year 2011:
(A) New budget authority, $208,389,000,000.
(B) Outlays, $204,222,000,000.
Fiscal year 2012:
(A) New budget authority, $229,227,000,000.
(B) Outlays, $224,643,000,000.
Fiscal year 2013:
(A) New budget authority, $252,149,000,000.
(B) Outlays, $247,107,000,000.
(11) Health (550):
Fiscal year 2004:
(A) New budget authority, $242,955,000,000.
(B) Outlays, $238,096,000,000.
Fiscal year 2005:
(A) New budget authority, $247,814,000,000.
(B) Outlays, $242,858,000,000.
Fiscal year 2006:
(A) New budget authority, $252,770,000,000.

(B) Outlays, $257,825,000,000.
Fiscal year 2007:
(A) New budget authority, $257,825,000,000.
(B) Outlays, $252,669,000,000.
Fiscal year 2008:
(A) New budget authority, $262,981,000,000.
(B) Outlays, $257,722,000,000.
Fiscal year 2009:
(A) New budget authority, $268,240,000,000.
(B) Outlays, $262,876,000,000.
Fiscal year 2010:
(A) New budget authority, $273,604,000,000.
(B) Outlays, $268,132,000,000.
Fiscal year 2011:
(A) New budget authority, $279,076,000,000.
(B) Outlays, $273,495,000,000.
Fiscal year 2012:
(A) New budget authority, $284,657,000,000.
(B) Outlays, $278,964,000,000.
Fiscal year 2013:
(A) New budget authority, $290,350,000,000.
(B) Outlays, $284,543,000,000.
(12) Medicare (570):
Fiscal year 2004:
(A) New budget authority, $250,955,000,000.
(B) Outlays, $250,955,000,000.
Fiscal year 2005:
(A) New budget authority, $265,608,000,000.
(B) Outlays, $260,608,000,000.
Fiscal year 2006:
(A) New budget authority, $292,411,000,000.
(B) Outlays, $292,411,000,000.
Fiscal year 2007:
(A) New budget authority, $313,160,000,000.
(B) Outlays, $313,160,000,000.
Fiscal year 2008:
(A) New budget authority, $336,365,000,000.
(B) Outlays, $336,365,000,000.
Fiscal year 2009:
(A) New budget authority, $351,278,000,000.
(B) Outlays, $351,278,000,000.
Fiscal year 2010:
(A) New budget authority, $377,120,000,000.
(B) Outlays, $377,120,000,000.
Fiscal year 2011:
(A) New budget authority, $403,968,000,000.
(B) Outlays, $403,968,000,000.
Fiscal year 2012:
(A) New budget authority, $403,507,000,000.
(B) Outlays, $403,507,000,000.
Fiscal year 2013:
(A) New budget authority, $460,889,000,000.
(B) Outlays, $460,889,000,000.
(13) Income Security (600):
Fiscal year 2004:
(A) New budget authority, $367,050,000,000.
(B) Outlays, $359,709,000,000.
Fiscal year 2005:
(A) New budget authority, $374,391,000,000.
(B) Outlays, $366,903,000,000.
Fiscal year 2006:
(A) New budget authority, $381,879,000,000.
(B) Outlays, $374,241,000,000.
Fiscal year 2007:
(A) New budget authority, $389,517,000,000.
(B) Outlays, $381,727,000,000.
Fiscal year 2008:
(A) New budget authority, $397,307,000,000.
(B) Outlays, $389,361,000,000.
Fiscal year 2009:
(A) New budget authority, $405,253,000,000.
(B) Outlays, $397,148,000,000.
Fiscal year 2010:
(A) New budget authority, $413,358,000,000.
(B) Outlays, $405,091,000,000.
Fiscal year 2011:
(A) New budget authority, $421,625,000,000.
(B) Outlays, $413,192,000,000.
Fiscal year 2012:
(A) New budget authority, $430,058,000,000.
(B) Outlays, $421,457,000,000.
Fiscal year 2013:
(A) New budget authority, $438,659,000,000.
(B) Outlays, $429,886,000,000.
(14) Social Security (650):
Fiscal year 2004:
(A) New budget authority, $501,146,000,000.
(B) Outlays, $498,679,000,000.
Fiscal year 2005:
(A) New budget authority, $521,499,000,000.
(B) Outlays, $518,672,000,000.
Fiscal year 2006:
(A) New budget authority, $546,735,000,000.
(B) Outlays, $543,640,000,000.
Fiscal year 2007:
(A) New budget authority, $575,008,000,000.
(B) Outlays, $571,621,000,000.
Fiscal year 2008:
(A) New budget authority, $606,071,000,000.
(B) Outlays, $602,300,000,000.
Fiscal year 2009:
(A) New budget authority, $641,105,000,000.
(B) Outlays, $636,939,000,000.
Fiscal year 2010:
(A) New budget authority, $679,322,000,000.
(B) Outlays, $674,852,000,000.
Fiscal year 2011:
(A) New budget authority, $720,505,000,000.
(B) Outlays, $715,645,000,000.
Fiscal year 2012:
(A) New budget authority, $766,154,000,000.
(B) Outlays, $760,812,000,000.
Fiscal year 2013:
(A) New budget authority, $816,195,000,000.
(B) Outlays, $810,363,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2004:
(A) New budget authority, $64,916,000,000.
(B) Outlays, $63,618,000,000.
Fiscal year 2005:
(A) New budget authority, $66,863,000,000.
(B) Outlays, $65,526,000,000.
Fiscal year 2006:
(A) New budget authority, $68,869,000,000.
(B) Outlays, $67,492,000,000.
Fiscal year 2007:
(A) New budget authority, $70,935,000,000.
(B) Outlays, $69,516,000,000.
Fiscal year 2008:
(A) New budget authority, $73,063,000,000.
(B) Outlays, $71,575,000,000.
Fiscal year 2009:
(A) New budget authority, $75,255,000,000.
(B) Outlays, $73,750,000,000.
Fiscal year 2010:
(A) New budget authority, $77,513,000,000.
(B) Outlays, $75,963,000,000.
Fiscal year 2011:
(A) New budget authority, $79,838,000,000.
(B) Outlays, $78,241,000,000.
Fiscal year 2012:
(A) New budget authority, $82,234,000,000.
(B) Outlays, $80,589,000,000.
Fiscal year 2013:
(A) New budget authority, $84,701,000,000.
(B) Outlays, $83,007,000,000.
(16) Administration of Justice (750):
Fiscal year 2004:
(A) New budget authority, $40,787,000,000.
(B) Outlays, $39,971,260,000.
Fiscal year 2005:
(A) New budget authority, $40,957,000,000.
(B) Outlays, $40,137,860,000.
Fiscal year 2006:
(A) New budget authority, $41,212,000,000.
(B) Outlays, $40,387,760,000.
Fiscal year 2007:
(A) New budget authority, $41,552,000,000.
(B) Outlays, $40,720,960,000.
Fiscal year 2008:
(A) New budget authority, $41,977,000,000.
(B) Outlays, $41,137,460,000.
Fiscal year 2009:
(A) New budget authority, $46,429,000,000.
(B) Outlays, $45,500,420,000.
Fiscal year 2010:
(A) New budget authority, $47,871,000,000.
(B) Outlays, $46,913,500,000.
Fiscal year 2011:
(A) New budget authority, $49,367,000,000.
(B) Outlays, $48,379,660,000.
Fiscal year 2012:
(A) New budget authority, $50,894,000,000.
(B) Outlays, $49,876,120,000.
Fiscal year 2013:
(A) New budget authority, $52,477,000,000.
(B) Outlays, $51,427,460,000.
(17) General Government (800):
Fiscal year 2004:
(A) New budget authority, $19,768,000,000.
(B) Outlays, $19,586,000,000.
Fiscal year 2005:
(A) New budget authority, $20,025,000,000.
(B) Outlays, $20,213,000,000.
Fiscal year 2006:
(A) New budget authority, $19,654,000,000.
(B) Outlays, $19,713,000,000.
Fiscal year 2007:
(A) New budget authority, $19,955,000,000.
(B) Outlays, $19,716,000,000.
Fiscal year 2008:
(A) New budget authority, $19,766,000,000.
(B) Outlays, $19,552,000,000.
Fiscal year 2009:
(A) New budget authority, $20,168,000,000.
(B) Outlays, $19,761,000,000.
Fiscal year 2010:
(A) New budget authority, $20,572,000,000.
(B) Outlays, $20,127,000,000.
Fiscal year 2011:
(A) New budget authority, $21,294,000,000.
(B) Outlays, $20,826,000,000.
Fiscal year 2012:
(A) New budget authority, $22,039,000,000.
(B) Outlays, $21,700,000,000.
Fiscal year 2013:
(A) New budget authority, $22,829,000,000.
(B) Outlays, $22,323,000,000.
(18) Net Interest (900):
Fiscal year 2004:
(A) New budget authority, $255,938,000,000.
(B) Outlays, $255,938,000,000.
Fiscal year 2005:
(A) New budget authority, $307,866,000,000.
(B) Outlays, $307,866,000,000.
Fiscal year 2006:
(A) New budget authority, $345,708,000,000.
(B) Outlays, $345,708,000,000.
Fiscal year 2007:
(A) New budget authority, $372,992,000,000.
(B) Outlays, $372,992,000,000.
Fiscal year 2008:
(A) New budget authority, $400,172,000,000.
(B) Outlays, $400,172,000,000.
Fiscal year 2009:
(A) New budget authority, $425,477,000,000.
(B) Outlays, $425,477,000,000.
Fiscal year 2010:
(A) New budget authority, $452,793,000,000.
(B) Outlays, $452,793,000,000.
Fiscal year 2011:
(A) New budget authority, $478,544,000,000.
(B) Outlays, $478,544,000,000.
Fiscal year 2012:
(A) New budget authority, $504,010,000,000.
(B) Outlays, $504,010,000,000.
Fiscal year 2013:
(A) New budget authority, $529,542,000,000.
(B) Outlays, $529,542,000,000.
(19) Allowances (920):
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2005:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2006:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2007:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $0.

Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2004:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2005:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2006:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2007:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $0.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS.—Not later than June 1, 2003, the House committees named in subsection (b) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive changes.

(b) INSTRUCTIONS.—

(1) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to increase the level of direct spending for that committee by $1,043,000,000,000 in outlays for the period of fiscal years 2004 through 2008 and $6,118,000,000,000 in outlays for the period of fiscal years 2004 through 2013.

(2) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in law within its jurisdiction sufficient to increase the total level of revenues by not more than: $16,000,000,000 for fiscal year 2004, $1,677,500,000,000 for the period of fiscal years 2004 through 2008, and $6,712,500,000,000 for the period of fiscal years 2004 through 2013.

It was decided in the negative ..... { Yeas ..... 85 / Nays 340

¶27.21 [Roll No. 80]

AYES—85

Ackerman
Baldwin
Ballance
Becerra
Berman
Bishop (GA)
Brady (PA)
Brown, Corrine
Capuano
Carson (IN)
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
Delahunt
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (GA)
Lofgren
Majette
Maloney
Markey
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Payne
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Slaughter
Solis
Stark
Thompson (MS)
Tierney
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—340

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Buyer
Dooley (CA)
Gephardt
Hyde
Lipinski
Mollohan
Thornberry
Towns
Udall (CO)

So the amendment was not agreed to.

After some further time,

¶27.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute, as modified, submitted by Mr. SPRATT:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.

The Congress declares that the concurrent resolution on the budget for fiscal year 2004 is hereby established and that the appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 are hereby set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2003 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:
Fiscal year 2003: $1,272,734,000,000.
Fiscal year 2004: $1,482,270,000,000.
Fiscal year 2005: $1,612,826,000,000.
Fiscal year 2006: $1,753,572,000,000.
Fiscal year 2007: $1,871,037,000,000.
Fiscal year 2008: $1,988,889,000,000.
Fiscal year 2009: $2,106,276,000,000.
Fiscal year 2010: $2,234,002,000,000.
Fiscal year 2011: $2,454,496,000,000.
Fiscal year 2012: $2,638,779,000,000.
Fiscal year 2013: $2,779,210,000,000.

(B)(i) The amounts by which the aggregate levels of Federal revenues should be reduced for the following fiscal years are as follows:
Fiscal year 2003: $87,100,000,000.
Fiscal year 2005: $4,200,000,000.
Fiscal year 2012: $11,000,000,000.
Fiscal year 2013: $25,000,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased for the following fiscal years are as follows:
Fiscal year 2004: $15,900,000,000.
Fiscal year 2006: $12,900,000,000.
Fiscal year 2007: $17,871,000,000.
Fiscal year 2008: $25,912,000,000.
Fiscal year 2009: $27,946,000,000.
Fiscal year 2010: $40,960,000,000.

Fiscal year 2011: $27,000,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2003: $1,831,543,000,000.
Fiscal year 2004: $1,867,617,000,000
Fiscal year 2005: $1,977,048,000,000.
Fiscal year 2006: $2,105,672,000,000.
Fiscal year 2007: $2,222,302,000,000.
Fiscal year 2008: $2,336,955,000,000.
Fiscal year 2009: $2,442,555,000,000.
Fiscal year 2010: $2,550,402,000,000.
Fiscal year 2011: $2,681,736,000,000.
Fiscal year 2012: $2,770,347,000,000.
Fiscal year 2013: $2,869,957,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2003: $1,818,315,000,000.
Fiscal year 2004: $1,858,102,000,000.
Fiscal year 2005: $1,963,008,000,000.
Fiscal year 2006: $2,071,052,000,000.
Fiscal year 2007: $2,184,699,000,000.
Fiscal year 2008: $2,300,905,000,000.
Fiscal year 2009: $2,413,004,000,000.
Fiscal year 2010: $2,525,322,000,000.
Fiscal year 2011: $2,663,603,000,000.
Fiscal year 2012: $2,737,816,000,000.
Fiscal year 2013: $2,873,559,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2003: $545,581,000,000.
Fiscal year 2004: $375,832,000,000.
Fiscal year 2005: $350,182,000,000.
Fiscal year 2006: $317,480,000,000.
Fiscal year 2007: $313,662,000,000.
Fiscal year 2008: $312,016,000,000.
Fiscal year 2009: $306,728,000,000.
Fiscal year 2010: $291,320,000,000.
Fiscal year 2011: $209,108,000,000.
Fiscal year 2012: $99,037,000,000.
Fiscal year 2013: $94,349,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2003: $6,783,510,000,000.
Fiscal year 2004: $7,238,529,000,000.
Fiscal year 2005: $7,695,289,000,000.
Fiscal year 2006: $8,140,057,000,000.
Fiscal year 2007: $8,582,792,000,000.
Fiscal year 2008: $9,027,564,000,000.
Fiscal year 2009: $9,468,646,000,000.
Fiscal year 2010: $9,898,898,000,000.
Fiscal year 2011: $10,250,582,000,000.
Fiscal year 2012: $10,498,763,000,000.
Fiscal year 2013: $10,743,438,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2003: $3,954,143,000,000.
Fiscal year 2004: $4,153,648,000,000.
Fiscal year 2005: $4,317,014,000,000.
Fiscal year 2006: $4,435,047,000,000.
Fiscal year 2007: $4,526,162,000,000.
Fiscal year 2008: $4,594,876,000,000.
Fiscal year 2009: $4,638,044,000,000.
Fiscal year 2010: $4,646,359,000,000.
Fiscal year 2011: $4,553,659,000,000.
Fiscal year 2012: $4,335,482,000,000.
Fiscal year 2013: $4,097,406,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2003 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2003:
(A) New budget authority, $392,494,000,000.
(B) Outlays, $386,229,000,000.
Fiscal year 2004:
(A) New budget authority, $400,546,000,000.
(B) Outlays, $400,916,000,000.
Fiscal year 2005:
(A) New budget authority, $420,071,000,000.
(B) Outlays, $414,237,000,000.
Fiscal year 2006:
(A) New budget authority, $440,185,000,000.
(B) Outlays, $426,011,000,000.
Fiscal year 2007:
(A) New budget authority, $460,435,000,000.
(B) Outlays, $438,656,000,000.
Fiscal year 2008:
(A) New budget authority, $480,886,000,000.
(B) Outlays, $462,861,000,000.
Fiscal year 2009:
(A) New budget authority, $490,817,000,000.
(B) Outlays, $478,499,000,000.
Fiscal year 2010:
(A) New budget authority, $500,590,000,000.
(B) Outlays, $491,801,000,000.
Fiscal year 2011:
(A) New budget authority, $511,603,000,000.
(B) Outlays, $507,486,000,000.
Fiscal year 2012:
(A) New budget authority, $522,781,000,000.
(B) Outlays, $511,780,000,000.
Fiscal year 2013:
(A) New budget authority, $534,323,000,000.
(B) Outlays, $528,178,000,000.

(2) International Affairs (150):
Fiscal year 2003:
(A) New budget authority, $22,506,000,000.
(B) Outlays, $19,283,000,000.
Fiscal year 2004:
(A) New budget authority, $24,873,000,000.
(B) Outlays, $23,808,000,000.
Fiscal year 2005:
(A) New budget authority, $28,822,000,000.
(B) Outlays, $24,283,000,000.
Fiscal year 2006:
(A) New budget authority, $31,349,000,000.
(B) Outlays, $25,799,000,000.
Fiscal year 2007:
(A) New budget authority, $32,591,000,000.
(B) Outlays, $27,646,000,000.
Fiscal year 2008:
(A) New budget authority, $33,557,000,000.
(B) Outlays, $28,719,000,000.
Fiscal year 2009:
(A) New budget authority, $34,329,000,000.
(B) Outlays, $29,818,000,000.
Fiscal year 2010:
(A) New budget authority, $35,150,000,000.
(B) Outlays, $30,743,000,000.
Fiscal year 2011:
(A) New budget authority, $36,001,000,000.
(B) Outlays, $31,590,000,000.
Fiscal year 2012:
(A) New budget authority, $36,845,000,000.
(B) Outlays, $32,408,000,000.
Fiscal year 2013:
(A) New budget authority, $37,699,000,000.
(B) Outlays, $33,274,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2003:
(A) New budget authority, $23,153,000,000.
(B) Outlays, $21,556,000,000.
Fiscal year 2004:
(A) New budget authority, $23,525,000,000.
(B) Outlays, $22,848,000,000.
Fiscal year 2005:
(A) New budget authority, $24,330,000,000.
(B) Outlays, $23,618,000,000.
Fiscal year 2006:
(A) New budget authority, $25,112,000,000.
(B) Outlays, $24,316,000,000.
Fiscal year 2007:
(A) New budget authority, $25,949,000,000.
(B) Outlays, $25,097,000,000.
Fiscal year 2008:
(A) New budget authority, $26,722,000,000.
(B) Outlays, $25,833,000,000.
Fiscal year 2009:
(A) New budget authority, $27,350,000,000.
(B) Outlays, $26,528,000,000.
Fiscal year 2010:
(A) New budget authority, $28,006,000,000.
(B) Outlays, $27,183,000,000.
Fiscal year 2011:
(A) New budget authority, $28,687,000,000.
(B) Outlays, $27,847,000,000.
Fiscal year 2012:
(A) New budget authority, $29,372,000,000.
(B) Outlays, $28,520,000,000.
Fiscal year 2013:
(A) New budget authority, $30,062,000,000.
(B) Outlays, $29,198,000,000.

(4) Energy (270)
Fiscal year 2003:
(A) New budget authority, $2,074,000,000.
(B) Outlays, $439,000,000.
Fiscal year 2004:
(A) New budget authority, $2,587,000,000.
(B) Outlays, $929,000,000.
Fiscal year 2005:
(A) New budget authority, $2,710,000,000.
(B) Outlays, $962,000,000.
Fiscal year 2006:
(A) New budget authority, $2,613,000,000.
(B) Outlays, $1,245,000,000.
Fiscal year 2007:
(A) New budget authority, $2,432,000,000.
(B) Outlays, $1,023,000,000.
Fiscal year 2008:
(A) New budget authority, $2,988,000,000.
(B) Outlays, $1,402,000,000.
Fiscal year 2009:
(A) New budget authority, $2,977,000,000.
(B) Outlays, $1,663,000,000.
Fiscal year 2010:
(A) New budget authority, $3,085,000,000.
(B) Outlays, $1,784,000,000.
Fiscal year 2011:
(A) New budget authority, $3,182,000,000.
(B) Outlays, $1,957,000,000.
Fiscal year 2012:
(A) New budget authority, $3,289,000,000.
(B) Outlays, $2,319,000,000.
Fiscal year 2013:
(A) New budget authority, $3,402,000,000.
(B) Outlays, $2,295,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2003:
(A) New budget authority, $30,816,000,000.
(B) Outlays, $28,940,000,000.
Fiscal year 2004:
(A) New budget authority, $32,894,000,000.
(B) Outlays, $31,212,000,000.
Fiscal year 2005:
(A) New budget authority, $33,589,000,000.
(B) Outlays, $32,403,000,000.
Fiscal year 2006:
(A) New budget authority, $34,567,000,000.
(B) Outlays, $33,991,000,000.
Fiscal year 2007:
(A) New budget authority, $35,393,000,000.
(B) Outlays, $34,735,000,000.
Fiscal year 2008:
(A) New budget authority, $36,272,000,000.
(B) Outlays, $35,424,000,000.
Fiscal year 2009:
(A) New budget authority, $37,690,000,000.
(B) Outlays, $36,735,000,000.
Fiscal year 2010:
(A) New budget authority, $38,838,000,000.
(B) Outlays, $37,845,000,000.
Fiscal year 2011:
(A) New budget authority, $39,958,000,000.
(B) Outlays, $38,956,000,000.
Fiscal year 2012:
(A) New budget authority, $40,980,000,000.
(B) Outlays, $39,945,000,000.
Fiscal year 2013:
(A) New budget authority, $42,003,000,000.
(B) Outlays, $41,032,000,000.

(6) Agriculture (350):
Fiscal year 2003:
(A) New budget authority, $24,418,000,000.
(B) Outlays, $23,365,000,000.
Fiscal year 2004:
(A) New budget authority, $25,212,000,000.
(B) Outlays, $23,909,000,000.
Fiscal year 2005:
(A) New budget authority, $27,272,000,000.
(B) Outlays, $26,047,000,000.
Fiscal year 2006:
(A) New budget authority, $27,129,000,000.
(B) Outlays, $25,934,000,000.
Fiscal year 2007:

(A) New budget authority, $26,681,000,000.
(B) Outlays, $25,521,000,000.
Fiscal year 2008:
(A) New budget authority, $25,911,000,000.
(B) Outlays, $24,772,000,000.
Fiscal year 2009:
(A) New budget authority, $26,510,000,000.
(B) Outlays, $25,534,000,000.
Fiscal year 2010:
(A) New budget authority, $25,979,000,000.
(B) Outlays, $25,136,000,000.
Fiscal year 2011:
(A) New budget authority, $25,441,000,000.
(B) Outlays, $24,617,000,000.
Fiscal year 2012:
(A) New budget authority, $25,038,000,000.
(B) Outlays, $24,230,000,000.
Fiscal year 2013:
(A) New budget authority, $24,777,000,000.
(B) Outlays, $23,695,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2003:
(A) New budget authority, $8,812,000,000.
(B) Outlays, $5,881,000,000.
Fiscal year 2004:
(A) New budget authority, $7,513,000,000.
(B) Outlays, $3,588,000,000.
Fiscal year 2005:
(A) New budget authority, $8,795,000,000.
(B) Outlays, $4,062,000,000.
Fiscal year 2006:
(A) New budget authority, $8,795,000,000.
(B) Outlays, $3,580,000,000.
Fiscal year 2007:
(A) New budget authority, $8,687,000,000.
(B) Outlays, $3,365,000,000.
Fiscal year 2008:
(A) New budget authority, $8,798,000,000.
(B) Outlays, $2,575,000,000.
Fiscal year 2009:
(A) New budget authority, $9,013,000,000.
(B) Outlays, $2,723,000,000.
Fiscal year 2010:
(A) New budget authority, $9,065,000,000.
(B) Outlays, $2,468,000,000.
Fiscal year 2011:
(A) New budget authority, $9,262,000,000.
(B) Outlays, $2,086,000,000.
Fiscal year 2012:
(A) New budget authority, $9,347,000,000.
(B) Outlays, $1,708,000,000.
Fiscal year 2013:
(A) New budget authority, $9,556,000,000.
(B) Outlays, $1,878,000,000.
(8) Transportation (400):
Fiscal year 2003:
(A) New budget authority, $64,091,000,000.
(B) Outlays, $67,847,000,000.
Fiscal year 2004:
(A) New budget authority, $66,467,000,000.
(B) Outlays, $69,384,000,000.
Fiscal year 2005:
(A) New budget authority, $67,565,000,000.
(B) Outlays, $68,819,000,000.
Fiscal year 2006:
(A) New budget authority, $68,782,000,000.
(B) Outlays, $69,399,000,000.
Fiscal year 2007:
(A) New budget authority, $70,053,000,000.
(B) Outlays, $70,731,000,000.
Fiscal year 2008:
(A) New budget authority, $71,238,000,000.
(B) Outlays, $72,328,000,000.
Fiscal year 2009:
(A) New budget authority, $72,512,000,000.
(B) Outlays, $74,025,000,000.
Fiscal year 2010:
(A) New budget authority, $73,783,000,000.
(B) Outlays, $75,812,000,000.
Fiscal year 2011:
(A) New budget authority, $75,585,000,000.
(B) Outlays, $77,692,000,000.
Fiscal year 2012:
(A) New budget authority, $77,386,000,000.
(B) Outlays, $79,690,000,000.
Fiscal year 2013:
(A) New budget authority, $79,265,000,000.
(B) Outlays, $81,732,000,000.
(9) Community and Regional Development (450):
Fiscal year 2003:
(A) New budget authority, $12,251,000,000.
(B) Outlays, $15,994,000,000.
Fiscal year 2004:
(A) New budget authority, $14,935,000,000.
(B) Outlays, $16,205,000,000.
Fiscal year 2005:
(A) New budget authority, $15,128,000,000.
(B) Outlays, $16,479,000,000.
Fiscal year 2006:
(A) New budget authority, $15,429,000,000.
(B) Outlays, $15,754,000,000.
Fiscal year 2007:
(A) New budget authority, $15,759,000,000.
(B) Outlays, $15,674,000,000.
Fiscal year 2008:
(A) New budget authority, $16,152,000,000.
(B) Outlays, $15,256,000,000.
Fiscal year 2009:
(A) New budget authority, $16,519,000,000.
(B) Outlays, $15,565,000,000.
Fiscal year 2010:
(A) New budget authority, $16,906,000,000.
(B) Outlays, $15,914,000,000.
Fiscal year 2011:
(A) New budget authority, $17,306,000,000.
(B) Outlays, $16,300,000,000.
Fiscal year 2012:
(A) New budget authority, $17,705,000,000.
(B) Outlays, $16,676,000,000.
Fiscal year 2013:
(A) New budget authority, $18,110,000,000.
(B) Outlays, $17,079,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2003:
(A) New budget authority, $82,699,000,000.
(B) Outlays, $81,455,000,000.
Fiscal year 2004:
(A) New budget authority, $89,231,000,000.
(B) Outlays, $86,741,000,000.
Fiscal year 2005:
(A) New budget authority, $90,187,000,000.
(B) Outlays, $90,153,000,000.
Fiscal year 2006:
(A) New budget authority, $92,372,000,000.
(B) Outlays, $91,751,000,000.
Fiscal year 2007:
(A) New budget authority, $94,186,000,000.
(B) Outlays, $93,333,000,000.
Fiscal year 2008:
(A) New budget authority, $96,078,000,000.
(B) Outlays, $95,182,000,000.
Fiscal year 2009:
(A) New budget authority, $98,047,000,000.
(B) Outlays, $97,090,000,000.
Fiscal year 2010:
(A) New budget authority, $100,149,000,000.
(B) Outlays, $99,155,000,000.
Fiscal year 2011:
(A) New budget authority, $102,497,000,000.
(B) Outlays, $101,344,000,000.
Fiscal year 2012:
(A) New budget authority, $104,761,000,000.
(B) Outlays, $103,610,000,000.
Fiscal year 2013:
(A) New budget authority, $107,105,000,000.
(B) Outlays, $105,956,000,000.
(11) Health (550):
Fiscal year 2003:
(A) New budget authority, $231,653,000,000.
(B) Outlays, $227,796,000,000.
Fiscal year 2004:
(A) New budget authority, $238,353,000,000.
(B) Outlays, $236,574,000,000.
Fiscal year 2005:
(A) New budget authority, $253,424,000,000.
(B) Outlays, $253,184,000,000.
Fiscal year 2006:
(A) New budget authority, $271,423,000,000.
(B) Outlays, $270,524,000,000.
Fiscal year 2007:
(A) New budget authority, $292,423,000,000.
(B) Outlays, $290,938,000,000.
Fiscal year 2008:
(A) New budget authority, $314,333,000,000.
(B) Outlays, $312,907,000,000.
Fiscal year 2009:
(A) New budget authority, $337,338,000,000.
(B) Outlays, $335,970,000,000.
Fiscal year 2010:
(A) New budget authority, $363,412,000,000.
(B) Outlays, $360,992,000,000.
Fiscal year 2011:
(A) New budget authority, $391,476,000,000.
(B) Outlays, $389,861,000,000.
Fiscal year 2012:
(A) New budget authority, $422,084,000,000.
(B) Outlays, $420,023,000,000.
Fiscal year 2013:
(A) New budget authority, $455,673,000,000.
(B) Outlays, $453,522,000,000.
(12) Medicare (570):
Fiscal year 2003:
(A) New budget authority, $248,586,000,000.
(B) Outlays, $248,434,000,000.
Fiscal year 2004:
(A) New budget authority, $261,750,000,000.
(B) Outlays, $262,022,000,000.
Fiscal year 2005:
(A) New budget authority, $276,023,000,000.
(B) Outlays, $278,953,000,000.
Fiscal year 2006:
(A) New budget authority, $319,263,000,000.
(B) Outlays, $316,006,000,000.
Fiscal year 2007:
(A) New budget authority, $351,571,000,000.
(B) Outlays, $351,822,000,000.
Fiscal year 2008:
(A) New budget authority, $379,712,000,000.
(B) Outlays, $379,565,000,000.
Fiscal year 2009:
(A) New budget authority, $409,822,000,000.
(B) Outlays, $409,553,000,000.
Fiscal year 2010:
(A) New budget authority, $441,465,000,000.
(B) Outlays, $442,719,000,000.
Fiscal year 2011:
(A) New budget authority, $484,282,000,000.
(B) Outlays, $487,635,000,000.
Fiscal year 2012:
(A) New budget authority, $522,221,000,000.
(B) Outlays, $518,390,000,000.
Fiscal year 2013:
(A) New budget authority, $565,545,000,000.
(B) Outlays, $565,794,000,000.
(13) Income Security (600):
Fiscal year 2003:
(A) New budget authority, $322,074,000,000.
(B) Outlays, $329,797,000,000.
Fiscal year 2004:
(A) New budget authority, $322,458,000,000.
(B) Outlays, $324,488,000,000.
Fiscal year 2005:
(A) New budget authority, $332,172,000,000.
(B) Outlays, $333,684,000,000.
Fiscal year 2006:
(A) New budget authority, $340,968,000,000.
(B) Outlays, $342,304,000,000.
Fiscal year 2007:
(A) New budget authority, $349,004,000,000.
(B) Outlays, $350,185,000,000.
Fiscal year 2008:
(A) New budget authority, $362,022,000,000.
(B) Outlays, $362,757,000,000.
Fiscal year 2009:
(A) New budget authority, $373,427,000,000.
(B) Outlays, $374,367,000,000.
Fiscal year 2010:
(A) New budget authority, $386,204,000,000.
(B) Outlays, $387,392,000,000.
Fiscal year 2011:
(A) New budget authority, $403,672,000,000.
(B) Outlays, $404,893,000,000.
Fiscal year 2012:
(A) New budget authority, $395,443,000,000.
(B) Outlays, $396,952,000,000.
Fiscal year 2013:
(A) New budget authority, $410,730,000,000.
(B) Outlays, $412,578,000,000.
(14) Social Security (650):
Fiscal year 2003:
(A) New budget authority, $13,255,000,000.
(B) Outlays, $13,255,000,000.
Fiscal year 2004:
(A) New budget authority, $14,345,000,000.
(B) Outlays, $14,282,000,000.
Fiscal year 2005:

(A) New budget authority, $15,467,000,000.
(B) Outlays, $15,431,000,000.
Fiscal year 2006:
(A) New budget authority, $16,591,000,000.
(B) Outlays, $16,568,000,000.
Fiscal year 2007:
(A) New budget authority, $18,117,000,000.
(B) Outlays, $18,099,000,000.
Fiscal year 2008:
(A) New budget authority, $20,011,000,000.
(B) Outlays, $19,994,000,000.
Fiscal year 2009:
(A) New budget authority, $22,213,000,000.
(B) Outlays, $22,197,000,000.
Fiscal year 2010:
(A) New budget authority, $24,511,000,000.
(B) Outlays, $24,494,000,000.
Fiscal year 2011:
(A) New budget authority, $28,395,000,000.
(B) Outlays, $28,376,000,000.
Fiscal year 2012:
(A) New budget authority, $31,615,000,000.
(B) Outlays, $31,596,000,000.
Fiscal year 2013:
(A) New budget authority, $34,679,000,000.
(B) Outlays, $34,660,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2003:
(A) New budget authority, $57,597,000,000.
(B) Outlays, $57,486,000,000.
Fiscal year 2004:
(A) New budget authority, $62,200,000,000.
(B) Outlays, $61,665,000,000.
Fiscal year 2005:
(A) New budget authority, $67,684,000,000.
(B) Outlays, $66,860,000,000.
Fiscal year 2006:
(A) New budget authority, $65,814,000,000.
(B) Outlays, $65,606,000,000.
Fiscal year 2007:
(A) New budget authority, $64,709,000,000.
(B) Outlays, $64,288,000,000.
Fiscal year 2008:
(A) New budget authority, $68,810,000,000.
(B) Outlays, $68,612,000,000.
Fiscal year 2009:
(A) New budget authority, $70,492,000,000.
(B) Outlays, $70,236,000,000.
Fiscal year 2010:
(A) New budget authority, $72,282,000,000.
(B) Outlays, $71,975,000,000.
Fiscal year 2011:
(A) New budget authority, $77,034,000,000.
(B) Outlays, $76,712,000,000.
Fiscal year 2012:
(A) New budget authority, $74,059,000,000.
(B) Outlays, $73,550,000,000.
Fiscal year 2013:
(A) New budget authority, $78,960,000,000.
(B) Outlays, $78,515,000,000.
(16) Administration of Justice (750):
Fiscal year 2003:
(A) New budget authority, $38,543,000,000.
(B) Outlays, $37,712,000,000.
Fiscal year 2004:
(A) New budget authority, $41,193,000,000.
(B) Outlays, $40,631,000,000.
Fiscal year 2005:
(A) New budget authority, $39,934,000,000.
(B) Outlays, $40,424,000,000.
Fiscal year 2006:
(A) New budget authority, $40,192,000,000.
(B) Outlays, $40,133,000,000.
Fiscal year 2007:
(A) New budget authority, $40,927,000,000.
(B) Outlays, $40,510,000,000.
Fiscal year 2008:
(A) New budget authority, $42,140,000,000.
(B) Outlays, $41,668,000,000.
Fiscal year 2009:
(A) New budget authority, $43,421,000,000.
(B) Outlays, $42,905,000,000.
Fiscal year 2010:
(A) New budget authority, $44,752,000,000.
(B) Outlays, $44,211,000,000.
Fiscal year 2011:
(A) New budget authority, $46,131,000,000.
(B) Outlays, $45,577,000,000.
Fiscal year 2012:
(A) New budget authority, $47,556,000,000.
(B) Outlays, $46,971,000,000.
Fiscal year 2013:
(A) New budget authority, $48,987,000,000.
(B) Outlays, $48,414,000,000.
(17) General Government (800):
Fiscal year 2003:
(A) New budget authority, $18,178,000,000.
(B) Outlays, $18,103,000,000.
Fiscal year 2004:
(A) New budget authority, $20,255,000,000.
(B) Outlays, $19,820,000,000.
Fiscal year 2005:
(A) New budget authority, $20,643,000,000.
(B) Outlays, $20,677,000,000.
Fiscal year 2006:
(A) New budget authority, $20,410,000,000.
(B) Outlays, $20,381,000,000.
Fiscal year 2007:
(A) New budget authority, $20,842,000,000.
(B) Outlays, $20,533,000,000.
Fiscal year 2008:
(A) New budget authority, $20,920,000,000.
(B) Outlays, $20,646,000,000.
Fiscal year 2009:
(A) New budget authority, $21,619,000,000.
(B) Outlays, $21,138,000,000.
Fiscal year 2010:
(A) New budget authority, $22,361,000,000.
(B) Outlays, $21,835,000,000.
Fiscal year 2011:
(A) New budget authority, $23,110,000,000.
(B) Outlays, $22,560,000,000.
Fiscal year 2012:
(A) New budget authority, $23,905,000,000.
(B) Outlays, $23,489,000,000.
Fiscal year 2013:
(A) New budget authority, $24,714,000,000.
(B) Outlays, $24,121,000,000.
(18) Net Interest (900):
Fiscal year 2003:
(A) New budget authority, $240,447,000,000.
(B) Outlays, $240,447,000,000.
Fiscal year 2004:
(A) New budget authority, $257,374,000,000.
(B) Outlays, $257,374,000,000.
Fiscal year 2005:
(A) New budget authority, $300,930,000,000.
(B) Outlays, $300,930,000,000.
Fiscal year 2006:
(A) New budget authority, $335,137,000,000.
(B) Outlays, $335,137,000,000.
Fiscal year 2007:
(A) New budget authority, $357,478,000,000.
(B) Outlays, $357,478,000,000.
Fiscal year 2008:
(A) New budget authority, $377,426,000,000.
(B) Outlays, $377,426,000,000.
Fiscal year 2009:
(A) New budget authority, $396,894,000,000.
(B) Outlays, $396,894,000,000.
Fiscal year 2010:
(A) New budget authority, $414,220,000,000.
(B) Outlays, $414,220,000,000.
Fiscal year 2011:
(A) New budget authority, $430,321,000,000.
(B) Outlays, $430,321,000,000.
Fiscal year 2012:
(A) New budget authority, $442,545,000,000.
(B) Outlays, $442,545,000,000.
Fiscal year 2013:
(A) New budget authority, $449,801,000,000.
(B) Outlays, $449,801,000,000.
(19) Allowances (920):
Fiscal year 2003:
(A) New budget authority, $39,000,000,000.
(B) Outlays, $39,000,000,000.
Fiscal year 2004:
(A) New budget authority, $4,800,000,000.
(B) Outlays, $4,800,000,000.
Fiscal year 2005:
(A) New budget authority, $4,900,000,000.
(B) Outlays, $4,900,000,000.
Fiscal year 2006:
(A) New budget authority, $4,000,000,000.
(B) Outlays, $4,000,000,000.
Fiscal year 2007:
(A) New budget authority, $6,600,000,000.
(B) Outlays, $6,600,000,000.
Fiscal year 2008:
(A) New budget authority, $6,519,000,000.
(B) Outlays, $6,519,000,000.
Fiscal year 2009:
(A) New budget authority, $4,174,000,000.
(B) Outlays, $4,174,000,000.
Fiscal year 2010:
(A) New budget authority, $4,329,000,000.
(B) Outlays, $4,329,000,000.
Fiscal year 2011:
(A) New budget authority, $4,634,000,000.
(B) Outlays, $4,634,000,000.
Fiscal year 2012:
(A) New budget authority, $2,440,000,000.
(B) Outlays, $2,440,000,000.
Fiscal year 2013:
(A) New budget authority, $2,796,000,000.
(B) Outlays, $2,796,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2003:
(A) New budget authority, −$41,104,000,000.
(B) Outlays, −$41,104,000,000.
(A) New budget authority, −$42,894,000,000.
(B) Outlays, −$42,894,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,598,000,000.
(B) Outlays, −$52,598,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,459,000,000.
(B) Outlays, −$54,459,000,000.
Fiscal year 2007:
(A) New budget authority, −$51,535,000,000.
(B) Outlays, −$51,535,000,000.
Fiscal year 2008:
(A) New budget authority, −$53,540,000,000.
(B) Outlays, −$53,540,000,000.
Fiscal year 2009:
(A) New budget authority, −$52,609,000,000.
(B) Outlays, −$52,609,000,000.
Fiscal year 2010:
(A) New budget authority, −$54,685,000,000.
(B) Outlays, −$54,685,000,000.
Fiscal year 2011:
(A) New budget authority, −$56,841,000,000.
(B) Outlays, −$56,841,000,000.
Fiscal year 2012:
(A) New budget authority, −$59,025,000,000.
(B) Outlays, −$59,025,000,000.
Fiscal year 2013:
(A) New budget authority, −$61,229,000,000.
(B) Outlays, −$61,229,000,000.

TITLE II—RESERVE FUNDS

SEC. 201. RESERVE FUND FOR MEDICARE PRESCRIPTION DRUGS.

(a) MEDICARE PRESCRIPTION DRUG BENEFIT.—In the House, if the Committee on Ways and Means, the Committee on Energy and Commerce, or both committees report a bill, or an amendment is offered thereto or a conference report thereon is submitted, which provides a prescription drug benefit under the medicare program that is voluntary, equitable, comprehensive, affordable, dependable, protects beneficiary access to drugs, and is cost effective, the chairman of the Committee on the Budget shall revise allocations and adjust aggregates in this resolution by the amount provided by that measure for that purpose, subject to section 203.

(b) DEFINITIONS.—As used in this section:

(1) The term ''equitable'' means that all medicare beneficiaries shall receive comprehensive prescription drug coverage and that coverage shall be accessible to all beneficiaries regardless of where they live.

(2) The term ''comprehensive, affordable, and dependable'' means that all beneficiaries shall have access to a drug benefit that contains a defined benefit and premium and coverage at all levels of drug spending, is administered through a stable and dependable delivery system so that beneficiaries will not lose coverage or face significant premium increases from one year to the next, and provides additional assistance with premiums and cost sharing to low-income beneficiaries.

(3) The term ''protects beneficiary access to drugs'' means that the benefit shall include coverage for all medically necessary

drugs and shall preserve access to local pharmacies.

(4) The term ''cost effective'' means that the benefit shall include measures that lower the cost of prescription drugs and not include measures that would encourage employers to drop existing retiree coverage.

SEC. 202. RESERVE FUND FOR HEALTH INSURANCE COVERAGE FOR THE UNINSURED.

In the House, if the Committee on Ways and Means, the Committee on Energy and Commerce, or both committees report a bill, or an amendment is offered thereto or a conference report thereon is submitted, that would provide affordable, comprehensive health insurance coverage to the uninsured and builds upon and strengthens public and private coverage, including preventing the erosion of existing coverage under medicaid, the chairman of the Committee on the Budget shall revise allocations and adjust aggregates and in this resolution by the amount provided by that measure for that purpose, subject to section 203.

SEC. 203. TOTAL ADJUSTMENTS TO ALLOW FOR MEDICARE PRESCRIPTION DRUG BENEFIT AND HEALTH INSURANCE COVERAGE.

The total of adjustments allowed under sections 201 and 202 shall not increase the cumulative deficit or decrease the cumulative surplus (whether by changes in revenues or direct spending) by more than $131,000,000,000 for the period of fiscal years 2004 through 2008 and $528,000,000,000 for the period of fiscal years 2004 through 2013, excluding interest.

SEC. 204. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—In the House, if the Committee on Transportation and Infrastructure reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2004: $39,233,000,000,
(2) for fiscal year 2005: $39,998,000,000,
(3) for fiscal year 2006: $40,841,000,000,
(4) for fiscal year 2007: $41,684,000,000, or
(5) for fiscal year 2008: $42,605,000,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2004 and for the period of fiscal years 2004 through 2008 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—In the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $38,594,000,000 for fiscal year 2004, for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE III—SENSE OF CONGRESS PROVISIONS

SEC. 301. SENSE OF THE CONGRESS REGARDING FUNDING FOR HOMELAND SECURITY.

(a) FINDINGS.—Congress finds that—

(1) the President's budget includes a total of $41.3 billion for all homeland security activities for 2004, including mandatory, discretionary, and fee-funded activities;

(2) the President's current budget does not contain any additional funding for 2003 for homeland security beyond what has already been provided; and

(3) there is need for additional homeland security resources for 2003, 2004, and subsequent years in order to protect our country against terrorist attacks.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) this resolution provides $10 billion in additional homeland security funding for 2003, and a total of $24 billion in additional homeland security funding in the years 2004-13, for a total of $34 billion above the President's request over the time period covered by this resolution; and

(2) this funding provides the resources needed to train and equip our first responders, strengthen the security of the Nation's transportation system and other critical infrastructure, increase the preparedness of our public health system, and secure our borders.

SEC. 302. SENSE OF THE CONGRESS REGARDING THE CONSERVATION SPENDING CATEGORY.

(a) FINDINGS.—Congress finds that—

(1) the fiscal year 2001 Interior Appropriations Act (P.L. 106–291), which established a separate discretionary spending category for land conservation and natural resource protection programs for the fiscal years 2001 through 2006, passed by large margins in both the House and the Senate;

(2) in establishing a separate conservation spending category, Congress recognized the chronic underfunding of programs that protect and enhance public lands, wildlife habitats, urban parks, historic and cultural landmarks, and coastal ecosystems; and

(3) the expiration of the provisions of law defining and enforcing the conservation spending category was not due to a lack of Congressional support for the programs included in the category or a loss of desire to set aside dedicated funds for those programs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that any law establishing new caps on discretionary spending should include a separate conservation spending category for fiscal years 2004, 2005, and 2006 and that total funding for that category for each of those fiscal years should be set at the levels established in P.L. 106–291.

SEC. 303. SENSE OF THE CONGRESS REGARDING CONTINGENCY AND PRIORITY RESERVE.

(a) FINDINGS.—Congress finds that this budget resolution provides a total of $54 billion of unallocated funds that have been counted as though spent, including the consequent cost of debt service.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that the $54 billion reserve in this resolution should be considered to provide funding for any contingencies and priorities that may arise.

It was decided in the negative ..... { Yeas ..... 192 / Nays 236

¶27.23 [Roll No. 81]

AYES—192

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

NOES—236

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Jackson (IL)
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Buyer
Gephardt
Hyde
Lipinski
Thornberry
Udall (CO)

So the amendment in the nature of a substitute, as modified, was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. ISAKSON, assumed the Chair.

When Mr. SIMPSON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶27.24 LEAVE OF ABSENCE FOR MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
March 20, 2003.

Hon. DENNIS HASTERT,
Speaker, House of Representatives, H–232, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I have been called to active duty in the United States Army. Pending further orders, I request immediate indefinite leave of the House of Representatives to accommodate my military duties.

Respectfully,

STEVE BUYER,
Member of Congress

¶27.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BUYER (at the request of Mr. HASTERT) for an indefinite period of time on account of military service.

¶27.26 ORDER OF BUSINESS—CONSIDERATION OF H. CON. RES. 104

On motion of Mr. HUNTER, by unanimous consent,

Ordered, That, during consideration of the concurrent resolution (H. Con. Res. 104) expressing the support and appreciation of the Nation for the President and the members of the Armed Forces who are participating in Operation Iraqi Freedom, debate on the concurrent resolution shall be limited to two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and that the previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion or demand for a division of the question.

¶27.27 COMMENDING THE PRESIDENT AND THE UNITED STATES ARMED FORCES

Mr. HUNTER, pursuant to the order of the House heretofore agreed to, called up the following concurrent resolution (H. Con. Res. 104):

Whereas the United States Armed Forces, a total force comprised of active, National Guard, and Reserve personnel, are now undertaking courageous and determined operations against the forces of Saddam Hussein's regime;

Whereas the Senate and House of Representatives and the American people have the greatest pride in the members of the Armed Forces and strongly support them;

Whereas the Iraq Liberation Act of 1998 (Public Law 105–338) stated that it should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime;

Whereas on October 16, 2002, the President signed into law House Joint Resolution 114 of the 107th Congress, the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243), which provides congressional authorization for the use of military force against Iraq;

Whereas the United Nations Security Council, in Security Council Resolution 1441, adopted on November 8, 2002, voted unanimously that Iraq "... will face serious consequences as a result of its continued violations of its obligations" to disarm in accordance with all relevant United Nations resolutions;

Whereas Iraq remains in material breach of the relevant United Nations resolutions;

Whereas the United States has assembled and deployed an allied military coalition to apply pressure on Saddam Hussein to comply with the relevant United Nations resolutions;

Whereas on March 18, 2003, the President transmitted to the Speaker of the House of Representatives and the President pro tempore of the Senate the President's determination, consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243), that reliance by the United States on further diplomatic and other peaceful means alone will neither adequately protect the national security of the United States against the continuing threat posed by Iraq nor likely lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq, and that the President's use of military force against Iraq is consistent with necessary ongoing efforts by the United States and other countries against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001;

Whereas on the evening of March 17, 2003, the President of the United States issued Saddam Hussein and his sons a final ultimatum to leave Iraq within 48 hours or face United States military intervention;

Whereas, when Saddam Hussein failed to comply, the President ordered United States Armed Forces to commence military operations against the forces of Saddam Hussein during the evening of March 19, 2003, under the code name of Operation Iraqi Freedom, in order to liberate Iraq, remove Saddam Hussein from power, and neutralize Iraq's weapons of mass destruction;

Whereas the United States Armed Forces and allied forces are performing their missions with great courage and distinction in carrying out air, land, and sea attacks against Iraqi military targets; and

Whereas the ability of the Armed Forces to successfully perform their mission requires the support of their nation, community, and families: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress expresses the unequivocal support and appreciation of the Nation—

(1) to the President as Commander-in-Chief for his firm leadership and decisive action in the conduct of military operations in Iraq as part of the on-going Global War on Terrorism;

(2) to the members of the United States Armed Forces serving in Operation Iraqi Freedom, who are carrying out their missions with excellence, patriotism, and bravery; and

(3) to the families of the United States military personnel serving in Operation Iraqi Freedom, who are providing support and prayers for their loved ones currently engaged in military operations in Iraq.

When said concurrent resolution was considered.

After debate,

FRIDAY, MARCH 21 (LEGISLATIVE DAY OF THURSDAY, MARCH 20), 2003

After further debate,

Pursuant to the order of the House heretofore agreed to, the previous question was ordered on the concurrent resolution.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

Mr. HUNTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶27.28 CONGRESSIONAL BUDGET RESOLUTION

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to House Resolution 151 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

Mr. ISAKSON, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. ISAKSON, Acting Chairman, pursuant to House Resolution 151, reported the concurrent resolution, as amended, back to the House.

The previous question having been ordered by said resolution.

Pursuant to House Resolution 151, the following amendment in the nature of a substitute as printed in House Report Rept. No. 108–44, Part A, was considered as adopted:

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2004 is hereby established and that the appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 are hereby set forth.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2004.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the House of Representatives.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

Sec. 301. Reserve fund for medicare modernization and prescription drugs.
Sec. 302. Reserve fund for medicaid.
Sec. 303. Reserve fund for bioshield.

Subtitle B—Contingency Procedure for Legislation Not Assumed in Budget Aggregates

Sec. 311. Contingency procedure for surface transportation.

Subtitle C—Implementation

Sec. 321. Application and effect of changes in allocations and aggregates.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Restrictions on advance appropriations in the House.Enforcement Act of 1990.
Sec. 402. Compliance with section 13301 of the Budget Enforcement Act of 1990.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2003 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2003: $1,323,729,000,000.
Fiscal year 2004: $1,350,138,000,000.
Fiscal year 2005: $1,519,267,000,000.
Fiscal year 2006: $1,662,729,000,000.
Fiscal year 2007: $1,793,142,000,000.
Fiscal year 2008: $1,902,740,000,000.
Fiscal year 2009: $2,017,385,000,000.
Fiscal year 2010: $2,130,867,000,000.
Fiscal year 2011: $2,235,796,000,000.
Fiscal year 2012: $2,364,426,000,000.
Fiscal year 2013: $2,502,635,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2003: $36,105,000,000.
Fiscal year 2004: $116,232,000,000.
Fiscal year 2005: $97,759,000,000.
Fiscal year 2006: $77,943,000,000.
Fiscal year 2007: $60,024,000,000.
Fiscal year 2008: $60,237,000,000.
Fiscal year 2009: $60,945,000,000.
Fiscal year 2010: $62,175,000,000.
Fiscal year 2011: $191,700,000,000.
Fiscal year 2012: $285,353,000,000.
Fiscal year 2013: $301,575,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2003: $1,790,046,000,000.
Fiscal year 2004: $1,838,519,000,000.
Fiscal year 2005: $1,952,639,000,000.
Fiscal year 2006: $2,076,319,000,000.
Fiscal year 2007: $2,177,306,000,000.
Fiscal year 2008: $2,282,248,000,000.
Fiscal year 2009: $2,383,491,000,000.
Fiscal year 2010: $2,481,237,000,000.
Fiscal year 2011: $2,597,191,000,000.
Fiscal year 2012: $2,704,406,000,000.
Fiscal year 2013: $2,832,479,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2003: $1,776,895,000,000.
Fiscal year 2004: $1,847,887,000,000.
Fiscal year 2005: $1,943,164,000,000.
Fiscal year 2006: $2,045,680,000,000.
Fiscal year 2007: $2,139,077,000,000.
Fiscal year 2008: $2,244,487,000,000.
Fiscal year 2009: $2,350,662,000,000.
Fiscal year 2010: $2,451,698,000,000.
Fiscal year 2011: $2,574,381,000,000.
Fiscal year 2012: $2,667,177,000,000.
Fiscal year 2013: $2,803,936,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2003: $453,166,000,000.
Fiscal year 2004: $497,749,000,000.
Fiscal year 2005: $423,897,000,000.
Fiscal year 2006: $382,951,000,000.
Fiscal year 2007: $345,935,000,000.
Fiscal year 2008: $341,747,000,000.
Fiscal year 2009: $333,277,000,000.
Fiscal year 2010: $320,831,000,000.
Fiscal year 2011: $338,585,000,000.
Fiscal year 2012: $302,751,000,000.
Fiscal year 2013: $301,301,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2003: $6,687,000,000,000.
Fiscal year 2004: $7,264,000,000,000.
Fiscal year 2005: $7,794,000,000,000.
Fiscal year 2006: $8,302,000,000,000.
Fiscal year 2007: $8,777,000,000,000.
Fiscal year 2008: $9,251,000,000,000.
Fiscal year 2009: $9,719,000,000,000.
Fiscal year 2010: $10,179,000,000,000.
Fiscal year 2011: $10,660,000,000,000.
Fiscal year 2012: $11,112,000,000,000.
Fiscal year 2013: $11,564,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2003: $3,858,000,000,000.
Fiscal year 2004: $4,179,000,000,000.
Fiscal year 2005: $4,416,000,000,000.
Fiscal year 2006: $4,597,000,000,000.
Fiscal year 2007: $4,720,000,000,000.
Fiscal year 2008: $4,819,000,000,000.
Fiscal year 2009: $4,889,000,000,000.
Fiscal year 2010: $4,926,000,000,000.
Fiscal year 2011: $4,963,000,000,000.
Fiscal year 2012: $4,949,000,000,000.
Fiscal year 2013: $4,918,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2003 through 2013 for each major functional category are:

(1) National Defense (050):

Fiscal year 2003:
(A) New budget authority, $392,494,000,000.
(B) Outlays, $386,229,000,000.
Fiscal year 2004:
(A) New budget authority, $400,546,000,000.
(B) Outlays, $400,916,000,000.
Fiscal year 2005:
(A) New budget authority, $420,071,000,000.
(B) Outlays, $414,237,000,000.
Fiscal year 2006:
(A) New budget authority, $440,185,000,000.
(B) Outlays, $426,011,000,000.
Fiscal year 2007:
(A) New budget authority, $460,435,000,000.
(B) Outlays, $438,656,000,000.
Fiscal year 2008:
(A) New budget authority, $480,886,000,000.
(B) Outlays, $462,861,000,000.
Fiscal year 2009:
(A) New budget authority, $494,067,000,000.
(B) Outlays, $480,650,000,000.
Fiscal year 2010:
(A) New budget authority, $507,840,000,000.
(B) Outlays, $497,348,000,000.
Fiscal year 2011:
(A) New budget authority, $522,103,000,000.
(B) Outlays, $516,338,000,000.
Fiscal year 2012:
(A) New budget authority, $536,531,000,000.
(B) Outlays, $523,884,000,000.
Fiscal year 2013:
(A) New budget authority, $551,323,000,000.
(B) Outlays, $543,541,000,000.

(2) International Affairs (150):

Fiscal year 2003:
(A) New budget authority, $22,506,000,000.
(B) Outlays, $19,283,000,000.
Fiscal year 2004:
(A) New budget authority, $24,750,000,000.
(B) Outlays, $23,654,000,000.
Fiscal year 2005:
(A) New budget authority, $28,631,000,000.
(B) Outlays, $24,090,000,000.
Fiscal year 2006:
(A) New budget authority, $31,090,000,000.
(B) Outlays, $25,557,000,000.
Fiscal year 2007:
(A) New budget authority, $32,271,000,000.
(B) Outlays, $27,344,000,000.
Fiscal year 2008:
(A) New budget authority, $33,120,000,000.
(B) Outlays, $28,303,000,000.
Fiscal year 2009:
(A) New budget authority, $33,775,000,000.
(B) Outlays, $29,284,000,000.
Fiscal year 2010:
(A) New budget authority, $34,466,000,000.
(B) Outlays, $30,078,000,000.
Fiscal year 2011:
(A) New budget authority, $35,315,000,000.
(B) Outlays, $30,916,000,000.
Fiscal year 2012:
(A) New budget authority, $36,148,000,000.
(B) Outlays, $31,716,000,000.
Fiscal year 2013:
(A) New budget authority, $37,006,000,000.
(B) Outlays, $32,576,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2003:
(A) New budget authority, $23,153,000,000.
(B) Outlays, $21,556,000,000.
Fiscal year 2004:
(A) New budget authority, $22,771,000,000.
(B) Outlays, $22,348,000,000.
Fiscal year 2005:
(A) New budget authority, $23,591,000,000.
(B) Outlays, $23,082,000,000.
Fiscal year 2006:
(A) New budget authority, $24,344,000,000.
(B) Outlays, $23,690,000,000.
Fiscal year 2007:
(A) New budget authority, $25,153,000,000.
(B) Outlays, $24,425,000,000.
Fiscal year 2008:
(A) New budget authority, $25,899,000,000.
(B) Outlays, $25,127,000,000.
Fiscal year 2009:
(A) New budget authority, $26,504,000,000.
(B) Outlays, $25,799,000,000.
Fiscal year 2010:
(A) New budget authority, $27,140,000,000.
(B) Outlays, $26,435,000,000.
Fiscal year 2011:
(A) New budget authority, $27,800,000,000.
(B) Outlays, $27,079,000,000.
Fiscal year 2012:
(A) New budget authority, $28,464,000,000.
(B) Outlays, $27,735,000,000.
Fiscal year 2013:
(A) New budget authority, $29,134,000,000.
(B) Outlays, $28,393,000,000.
(4) Energy (270):
Fiscal year 2003:
(A) New budget authority, $2,074,000,000.
(B) Outlays, $439,000,000.
Fiscal year 2004:
(A) New budget authority, $2,583,000,000.
(B) Outlays, $928,000,000.
Fiscal year 2005:
(A) New budget authority, $2,707,000,000.
(B) Outlays, $961,000,000.
Fiscal year 2006:
(A) New budget authority, $2,609,000,000.
(B) Outlays, $1,244,000,000.
Fiscal year 2007:
(A) New budget authority, $2,431,000,000.
(B) Outlays, $1,022,000,000.
Fiscal year 2008:
(A) New budget authority, $2,988,000,000.
(B) Outlays, $1,400,000,000.
Fiscal year 2009:
(A) New budget authority, $2,977,000,000.
(B) Outlays, $1,660,000,000.
Fiscal year 2010:
(A) New budget authority, $3,085,000,000.
(B) Outlays, $1,781,000,000.
Fiscal year 2011:
(A) New budget authority, $3,181,000,000.
(B) Outlays, $1,955,000,000.
Fiscal year 2012:
(A) New budget authority, $3,288,000,000.
(B) Outlays, $2,316,000,000.
Fiscal year 2013:
(A) New budget authority, $3,401,000,000.
(B) Outlays, $2,293,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2003:
(A) New budget authority, $30,816,000,000.
(B) Outlays, $28,940,000,000.
Fiscal year 2004:
(A) New budget authority, $29,240,000,000.
(B) Outlays, $29,868,000,000.
Fiscal year 2005:
(A) New budget authority, $30,253,000,000.
(B) Outlays, $30,276,000,000.
Fiscal year 2006:
(A) New budget authority, $30,945,000,000.
(B) Outlays, $31,203,000,000.
Fiscal year 2007:
(A) New budget authority, $31,453,000,000.
(B) Outlays, $31,335,000,000.
Fiscal year 2008:
(A) New budget authority, $32,230,000,000.
(B) Outlays, $31,713,000,000.
Fiscal year 2009:
(A) New budget authority, $33,463,000,000.
(B) Outlays, $32,843,000,000.
Fiscal year 2010:
(A) New budget authority, $34,432,000,000.
(B) Outlays, $33,768,000,000.
Fiscal year 2011:
(A) New budget authority, $35,438,000,000.
(B) Outlays, $34,752,000,000.
Fiscal year 2012:
(A) New budget authority, $36,354,000,000.
(B) Outlays, $35,626,000,000.
Fiscal year 2013:
(A) New budget authority, $37,251,000,000.
(B) Outlays, $36,600,000,000.
(6) Agriculture (350):
Fiscal year 2003:
(A) New budget authority, $24,418,000,000.
(B) Outlays, $23,365,000,000.
Fiscal year 2004:
(A) New budget authority, $24,192,000,000.
(B) Outlays, $23,363,000,000.
Fiscal year 2005:
(A) New budget authority, $26,481,000,000.
(B) Outlays, $25,205,000,000.
Fiscal year 2006:
(A) New budget authority, $26,197,000,000.
(B) Outlays, $25,000,000,000.
Fiscal year 2007:
(A) New budget authority, $25,567,000,000.
(B) Outlays, $24,430,000,000.
Fiscal year 2008:
(A) New budget authority, $24,607,000,000.
(B) Outlays, $23,543,000,000.
Fiscal year 2009:
(A) New budget authority, $24,998,000,000.
(B) Outlays, $24,091,000,000.
Fiscal year 2010:
(A) New budget authority, $24,293,000,000.
(B) Outlays, $23,526,000,000.
Fiscal year 2011:
(A) New budget authority, $23,781,000,000.
(B) Outlays, $23,030,000,000.
Fiscal year 2012:
(A) New budget authority, $23,390,000,000.
(B) Outlays, $22,654,000,000.
Fiscal year 2013:
(A) New budget authority, $23,155,000,000.
(B) Outlays, $22,413,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2003:
(A) New budget authority, $8,812,000,000.
(B) Outlays, $5,881,000,000.
Fiscal year 2004:
(A) New budget authority, $7,405,000,000.
(B) Outlays, $3,494,000,000.
Fiscal year 2005:
(A) New budget authority, $8,637,000,000.
(B) Outlays, $3,957,000,000.
Fiscal year 2006:
(A) New budget authority, $8,151,000,000.
(B) Outlays, $2,965,000,000.
Fiscal year 2007:
(A) New budget authority, $9,171,000,000.
(B) Outlays, $3,103,000,000.
Fiscal year 2008:
(A) New budget authority, $8,635,000,000.
(B) Outlays, $1,970,000,000.
Fiscal year 2009:
(A) New budget authority, $8,774,000,000.
(B) Outlays, $1,982,000,000.
Fiscal year 2010:
(A) New budget authority, $8,750,000,000.
(B) Outlays, $1,545,000,000.
Fiscal year 2011:
(A) New budget authority, $8,952,000,000.
(B) Outlays, $1,141,000,000.
Fiscal year 2012:
(A) New budget authority, $9,042,000,000.
(B) Outlays, $828,000,000.
Fiscal year 2013:
(A) New budget authority, $9,259,000,000.
(B) Outlays, $1,056,000,000.
(8) Transportation (400):
Fiscal year 2003:
(A) New budget authority, $64,091,000,000.
(B) Outlays, $67,847,000,000.
Fiscal year 2004:
(A) New budget authority, $65,430,000,000.
(B) Outlays, $69,225,000,000.
Fiscal year 2005:
(A) New budget authority, $65,806,000,000.
(B) Outlays, $66,917,000,000.
Fiscal year 2006:
(A) New budget authority, $66,718,000,000.
(B) Outlays, $66,538,000,000.
Fiscal year 2007:
(A) New budget authority, $67,726,000,000.
(B) Outlays, $67,264,000,000.
Fiscal year 2008:
(A) New budget authority, $68,692,000,000.
(B) Outlays, $68,297,000,000.
Fiscal year 2009:
(A) New budget authority, $69,881,000,000.
(B) Outlays, $69,552,000,000.
Fiscal year 2010:
(A) New budget authority, $71,084,000,000.
(B) Outlays, $70,915,000,000.
Fiscal year 2011:
(A) New budget authority, $72,789,000,000.
(B) Outlays, $72,410,000,000.
Fiscal year 2012:
(A) New budget authority, $74,498,000,000.
(B) Outlays, $74,004,000,000.
Fiscal year 2013:
(A) New budget authority, $76,283,000,000.
(B) Outlays, $75,640,000,000.
(9) Community and Regional Development (450):
Fiscal year 2003:
(A) New budget authority, $12,251,000,000.
(B) Outlays, $15,994,000,000.
Fiscal year 2004:
(A) New budget authority, $14,137,000,000.
(B) Outlays, $15,923,000,000.
Fiscal year 2005:
(A) New budget authority, $14,356,000,000.
(B) Outlays, $15,991,000,000.
Fiscal year 2006:
(A) New budget authority, $14,647,000,000.
(B) Outlays, $15,119,000,000.
Fiscal year 2007:
(A) New budget authority, $14,968,000,000.
(B) Outlays, $14,918,000,000.
Fiscal year 2008:
(A) New budget authority, $15,351,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2009:
(A) New budget authority, $15,702,000,000.
(B) Outlays, $14,803,000,000.
Fiscal year 2010:
(A) New budget authority, $16,076,000,000.
(B) Outlays, $15,146,000,000.
Fiscal year 2011:
(A) New budget authority, $16,468,000,000.
(B) Outlays, $15,524,000,000.
Fiscal year 2012:
(A) New budget authority, $16,858,000,000.
(B) Outlays, $15,892,000,000.
Fiscal year 2013:
(A) New budget authority, $17,256,000,000.
(B) Outlays, $16,288,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2003:
(A) New budget authority, $86,169,000,000.
(B) Outlays, $81,340,000,000.
Fiscal year 2004:
(A) New budget authority, $84,748,000,000.
(B) Outlays, $85,706,000,000.
Fiscal year 2005:
(A) New budget authority, $84,381,000,000.
(B) Outlays, $83,598,000,000.
Fiscal year 2006:
(A) New budget authority, $86,670,000,000.
(B) Outlays, $84,639,000,000.
Fiscal year 2007:
(A) New budget authority, $88,650,000,000.
(B) Outlays, $86,417,000,000.
Fiscal year 2008:
(A) New budget authority, $90,811,000,000.
(B) Outlays, $88,355,000,000.
Fiscal year 2009:
(A) New budget authority, $92,393,000,000.
(B) Outlays, $90,486,000,000.
Fiscal year 2010:
(A) New budget authority, $93,935,000,000.
(B) Outlays, $92,170,000,000.
Fiscal year 2011:
(A) New budget authority, $95,832,000,000.

(B) Outlays, $93,936,000,000.
Fiscal year 2012:
(A) New budget authority, $97,635,000,000.
(B) Outlays, $95,713,000,000.
Fiscal year 2013:
(A) New budget authority, $99,536,000,000.
(B) Outlays, $97,602,000,000.
(11) Health (550):
Fiscal year 2003:
(A) New budget authority, $221,878,000,000.
(B) Outlays, $218,021,000,000.
Fiscal year 2004:
(A) New budget authority, $235,103,000,000.
(B) Outlays, $235,479,000,000.
Fiscal year 2005:
(A) New budget authority, $248,663,000,000.
(B) Outlays, $248,358,000,000.
Fiscal year 2006:
(A) New budget authority, $265,462,000,000.
(B) Outlays, $264,949,000,000.
Fiscal year 2007:
(A) New budget authority, $284,237,000,000.
(B) Outlays, $283,363,000,000.
Fiscal year 2008:
(A) New budget authority, $303,780,000,000.
(B) Outlays, $302,637,000,000.
Fiscal year 2009:
(A) New budget authority, $324,153,000,000.
(B) Outlays, $322,870,000,000.
Fiscal year 2010:
(A) New budget authority, $345,696,000,000.
(B) Outlays, $344,412,000,000.
Fiscal year 2011:
(A) New budget authority, $370,681,000,000.
(B) Outlays, $369,399,000,000.
Fiscal year 2012:
(A) New budget authority, $395,391,000,000.
(B) Outlays, $394,133,000,000.
Fiscal year 2013:
(A) New budget authority, $423,754,000,000.
(B) Outlays, $422,447,000,000.
(12) Medicare (570):
Fiscal year 2003:
(A) New budget authority, $248,586,000,000.
(B) Outlays, $248,434,000,000.
Fiscal year 2004:
(A) New budget authority, $266,538,000,000.
(B) Outlays, $266,865,000,000.
Fiscal year 2005:
(A) New budget authority, $282,932,000,000.
(B) Outlays, $285,912,000,000.
Fiscal year 2006:
(A) New budget authority, $322,237,000,000.
(B) Outlays, $319,017,000,000.
Fiscal year 2007:
(A) New budget authority, $344,656,000,000.
(B) Outlays, $344,943,000,000.
Fiscal year 2008:
(A) New budget authority, $370,545,000,000.
(B) Outlays, $370,436,000,000.
Fiscal year 2009:
(A) New budget authority, $396,931,000,000.
(B) Outlays, $396,685,000,000.
Fiscal year 2010:
(A) New budget authority, $424,989,000,000.
(B) Outlays, $425,263,000,000.
Fiscal year 2011:
(A) New budget authority, $452,618,000,000.
(B) Outlays, $455,994,000,000.
Fiscal year 2012:
(A) New budget authority, $489,873,000,000.
(B) Outlays, $486,064,000,000.
Fiscal year 2013:
(A) New budget authority, $528,586,000,000.
(B) Outlays, $528,861,000,000.
(13) Income Security (600):
Fiscal year 2003:
(A) New budget authority, $326,588,000,000.
(B) Outlays, $334,373,000,000.
Fiscal year 2004:
(A) New budget authority, $315,485,000,000.
(B) Outlays, $321,120,000,000.
Fiscal year 2005:
(A) New budget authority, $325,921,000,000.
(B) Outlays, $329,359,000,000.
Fiscal year 2006:
(A) New budget authority, $331,772,000,000.
(B) Outlays, $334,216,000,000.
Fiscal year 2007:
(A) New budget authority, $336,386,000,000.
(B) Outlays, $338,308,000,000.
Fiscal year 2008:
(A) New budget authority, $344,748,000,000.
(B) Outlays, $345,993,000,000.
Fiscal year 2009:
(A) New budget authority, $352,988,000,000.
(B) Outlays, $353,901,000,000.
Fiscal year 2010:
(A) New budget authority, $360,370,000,000.
(B) Outlays, $361,147,000,000.
Fiscal year 2011:
(A) New budget authority, $374,372,000,000.
(B) Outlays, $375,115,000,000.
Fiscal year 2012:
(A) New budget authority, $377,623,000,000.
(B) Outlays, $378,358,000,000.
Fiscal year 2013:
(A) New budget authority, $391,496,000,000.
(B) Outlays, $392,351,000,000.
(14) Social Security (650):
Fiscal year 2003:
(A) New budget authority, $13,255,000,000.
(B) Outlays, $13,255,000,000.
Fiscal year 2004:
(A) New budget authority, $14,223,000,000.
(B) Outlays, $14,222,000,000.
Fiscal year 2005:
(A) New budget authority, $15,330,000,000.
(B) Outlays, $15,330,000,000.
Fiscal year 2006:
(A) New budget authority, $16,451,000,000.
(B) Outlays, $16,451,000,000.
Fiscal year 2007:
(A) New budget authority, $17,975,000,000.
(B) Outlays, $17,975,000,000.
Fiscal year 2008:
(A) New budget authority, $19,827,000,000.
(B) Outlays, $19,827,000,000.
Fiscal year 2009:
(A) New budget authority, $21,982,000,000.
(B) Outlays, $21,982,000,000.
Fiscal year 2010:
(A) New budget authority, $24,357,000,000.
(B) Outlays, $24,357,000,000.
Fiscal year 2011:
(A) New budget authority, $28,235,000,000.
(B) Outlays, $28,235,000,000.
Fiscal year 2012:
(A) New budget authority, $31,450,000,000.
(B) Outlays, $31,450,000,000.
Fiscal year 2013:
(A) New budget authority, $34,481,000,000.
(B) Outlays, $34,481,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2003:
(A) New budget authority, $57,597,000,000.
(B) Outlays, $57,486,000,000.
Fiscal year 2004:
(A) New budget authority, $61,567,000,000.
(B) Outlays, $61,119,000,000.
Fiscal year 2005:
(A) New budget authority, $65,847,000,000.
(B) Outlays, $65,632,000,000.
Fiscal year 2006:
(A) New budget authority, $64,000,000,000.
(B) Outlays, $63,830,000,000.
Fiscal year 2007:
(A) New budget authority, $62,348,000,000.
(B) Outlays, $62,074,000,000.
Fiscal year 2008:
(A) New budget authority, $65,696,000,000.
(B) Outlays, $65,557,000,000.
Fiscal year 2009:
(A) New budget authority, $66,939,000,000.
(B) Outlays, $66,695,000,000.
Fiscal year 2010:
(A) New budget authority, $68,222,000,000.
(B) Outlays, $67,938,000,000.
Fiscal year 2011:
(A) New budget authority, $72,714,000,000.
(B) Outlays, $72,418,000,000.
Fiscal year 2012:
(A) New budget authority, $69,867,000,000.
(B) Outlays, $69,477,000,000.
Fiscal year 2013:
(A) New budget authority, $74,518,000,000.
(B) Outlays, $74,198,000,000.
(16) Administration of Justice (750):
Fiscal year 2003:
(A) New budget authority, $38,543,000,000.
(B) Outlays, $37,712,000,000.
Fiscal year 2004:
(A) New budget authority, $37,313,000,000.
(B) Outlays, $40,898,000,000.
Fiscal year 2005:
(A) New budget authority, $37,676,000,000.
(B) Outlays, $39,007,000,000.
Fiscal year 2006:
(A) New budget authority, $37,586,000,000.
(B) Outlays, $38,030,000,000.
Fiscal year 2007:
(A) New budget authority, $37,966,000,000.
(B) Outlays, $37,862,000,000.
Fiscal year 2008:
(A) New budget authority, $38,884,000,000.
(B) Outlays, $38,639,000,000.
Fiscal year 2009:
(A) New budget authority, $39,846,000,000.
(B) Outlays, $39,669,000,000.
Fiscal year 2010:
(A) New budget authority, $40,891,000,000.
(B) Outlays, $40,703,000,000.
Fiscal year 2011:
(A) New budget authority, $42,160,000,000.
(B) Outlays, $41,855,000,000.
Fiscal year 2012:
(A) New budget authority, $43,459,000,000.
(B) Outlays, $43,131,000,000.
Fiscal year 2013:
(A) New budget authority, $44,808,000,000.
(B) Outlays, $44,471,000,000.
(17) General Government (800):
Fiscal year 2003:
(A) New budget authority, $18,178,000,000.
(B) Outlays, $18,103,000,000.
Fiscal year 2004:
(A) New budget authority, $19,779,000,000.
(B) Outlays, $19,597,000,000.
Fiscal year 2005:
(A) New budget authority, $20,038,000,000.
(B) Outlays, $20,226,000,000.
Fiscal year 2006:
(A) New budget authority, $19,672,000,000.
(B) Outlays, $19,731,000,000.
Fiscal year 2007:
(A) New budget authority, $19,976,000,000.
(B) Outlays, $19,737,000,000.
Fiscal year 2008:
(A) New budget authority, $19,789,000,000.
(B) Outlays, $19,584,000,000.
Fiscal year 2009:
(A) New budget authority, $20,208,000,000.
(B) Outlays, $19,800,000,000.
Fiscal year 2010:
(A) New budget authority, $20,620,000,000.
(B) Outlays, $20,175,000,000.
Fiscal year 2011:
(A) New budget authority, $21,342,000,000.
(B) Outlays, $20,874,000,000.
Fiscal year 2012:
(A) New budget authority, $22,090,000,000.
(B) Outlays, $21,751,000,000.
Fiscal year 2013:
(A) New budget authority, $22,881,000,000.
(B) Outlays, $22,374,000,000.
(18) Net Interest (900):
Fiscal year 2003:
(A) New budget authority, $239,741,000,000.
(B) Outlays, $239,741,000,000.
Fiscal year 2004:
(A) New budget authority, $256,670,000,000.
(B) Outlays, $256,670,000,000.
Fiscal year 2005:
(A) New budget authority, $303,916,000,000.
(B) Outlays, $303,916,000,000.
Fiscal year 2006:
(A) New budget authority, $342,042,000,000.
(B) Outlays, $342,042,000,000.
Fiscal year 2007:
(A) New budget authority, $367,472,000,000.
(B) Outlays, $367,472,000,000.
Fiscal year 2008:
(A) New budget authority, $389,300,000,000.
(B) Outlays, $389,300,000,000.
Fiscal year 2009:
(A) New budget authority, $410,519,000,000.
(B) Outlays, $410,519,000,000.

Fiscal year 2010:
(A) New budget authority, $429,676,000,000.
(B) Outlays, $429,676,000,000.
Fiscal year 2011:
(A) New budget authority, $450,251,000,000.
(B) Outlays, $450,251,000,000.
Fiscal year 2012:
(A) New budget authority, $471,470,000,000.
(B) Outlays, $471,470,000,000.
Fiscal year 2013:
(A) New budget authority, $489,580,000,000.
(B) Outlays, $489,580,000,000.
(19) Allowances (920):
Fiscal year 2003:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2004:
(A) New budget authority, −$1,067,000,000.
(B) Outlays, −$614,000,000.
Fiscal year 2005:
(A) New budget authority, $0.
(B) Outlays, −$292,000,000.
Fiscal year 2006:
(A) New budget authority, $0.
(B) Outlays, −$93,000,000.
Fiscal year 2007:
(A) New budget authority, $0.
(B) Outlays, −$36,000,000.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, −$15,000,000.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2003:
(A) New budget authority, −$41,104,000,000.
(B) Outlays, −$41,104,000,000.
Fiscal year 2004:
(A) New budget authority, −$42,894,000,000.
(B) Outlays, −$42,894,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,598,000,000.
(B) Outlays, −$52,598,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,459,000,000.
(B) Outlays, −$54,459,000,000.
Fiscal year 2007:
(A) New budget authority, −$51,535,000,000.
(B) Outlays, −$51,535,000,000.
Fiscal year 2008:
(A) New budget authority, −$53,540,000,000.
(B) Outlays, −$53,540,000,000.
Fiscal year 2009:
(A) New budget authority, −$52,609,000,000.
(B) Outlays, −$52,609,000,000.
Fiscal year 2010:
(A) New budget authority, −$54,685,000,000.
(B) Outlays, −$54,685,000,000.
Fiscal year 2011:
(A) New budget authority, −$56,841,000,000.
(B) Outlays, −$56,841,000,000.
Fiscal year 2012:
(A) New budget authority, −$59,025,000,000.
(B) Outlays, −$59,025,000,000.
Fiscal year 2013:
(A) New budget authority, −$61,229,000,000.
(B) Outlays, −$61,229,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSION PROVIDING FOR ECONOMIC GROWTH AND TAX SIMPLIFICATION AND FAIRNESS.—

(1) IN GENERAL.—Not later than April 11, 2003, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in law within its jurisdiction sufficient to—

(1) reduce the total level of revenues by not more than: $35,420,000,000 for fiscal year 2003, $112,785,000,000 for fiscal year 2004, $387,719,000,000 for the period of fiscal years 2004 through 2008, and $662,874,000,000 for the period of fiscal years 2004 through 2013; and

(2) increase the level of direct spending for that committee by $4,380,000,000 in outlays for fiscal year 2003, $1,111,000,000 in outlays for fiscal year 2004, $17,393,000,000 in outlays for the period of fiscal years 2004 through 2008, and $23,096,000,000 in outlays for the period of fiscal years 2004 through 2013.

(B) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to increase the level of direct spending for that committee by $3,600,000,000 in new budget authority for fiscal year 2003 and outlays flowing therefrom.

(b) SUBMISSIONS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN MANDATORY PROGRAMS.—

(1) FINDINGS AND PURPOSE.—(A) The Congress finds that—

(i) the Inspector General of the Department of Education has found that nearly 23 percent of recipients whose loans were discharged due to disability claims were gainfully employed;

(ii) based on data provided by the Office of Management and Budget, the House Committee on the Budget estimates that more than $8 billion in erroneous earned income tax payments are made each year;

(iii) the Office of Management and Budget estimates that erroneous payments for food stamps account for almost 9 percent of total benefits;

(iv) mismanagement of more than $3 billion in trust funds controlled by the Bureau of Indian Affairs led the Congress to take extraordinary measures to regain control of the these funds;

(v) in its Semiannual Reports to Congress, the Inspector General of the Office of Personnel Management has documented numerous instances of the Government continuing to make electronic payments for retirement benefits through the Civil Service Retirement System after the death of the eligible annuitants; and

(vi) numerous other examples of waste, fraud, and abuse are reported regularly by government watchdog agencies.

(B) It is, therefore, the purpose of this subsection to utilize the reconciliation process to eliminate waste, fraud, and abuse in mandatory programs.

(2) IN GENERAL.—Not later than July 18, 2003, the House committees named in paragraph (3) shall submit their recommendations to the House Committee on the Budget to carry out this subsection. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(3) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $600,000,000 in outlays for fiscal year 2004, $5,532,000,000 in outlays for the period of fiscal years 2004 through 2008, and $18,618,000,000 in outlays for the period of fiscal years 2004 through 2013.

(B) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $261,000,000 in outlays for fiscal year 2004, $2,596,000,000 in outlays for the period of fiscal years 2004 through 2008, and $9,421,000,000 in outlays for the period of fiscal years 2004 through 2013.

(C) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $2,397,000,000 in outlays for fiscal year 2004, $25,265,000,000 in outlays for the period of fiscal years 2004 through 2008, and $107,359,000,000 in outlays for the period of fiscal years 2004 through 2013.

(D) COMMITTEE ON FINANCIAL SERVICES.—The House Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $62,000,000 in outlays for fiscal year 2004, $678,000,000 in outlays for the period of fiscal years 2004 through 2008, and $2,864,000,000 in outlays for the period of fiscal years 2004 through 2013.

(E) COMMITTEE ON GOVERNMENT REFORM.—The House Committee on Government Reform shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,072,000,000 in outlays for fiscal year 2004, $10,371,000,000 in outlays for the period of fiscal years 2004 through 2008, and $38,319,000,000 in outlays for the period of fiscal years 2004 through 2013. For the purposes of this subparagraph and section 310 of the Congressional Budget Act of 1974, a reduction in outlays submitted pursuant to this subparagraph that results from changes in programs within the jurisdiction of other committees shall count as a reduction in outlays for the Committee on Government Reform.

(F) COMMITTEE ON HOUSE ADMINISTRATION.—The House Committee on House Administration shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $4,000,000 in outlays for fiscal year 2004, $26,000,000 in outlays for the period of fiscal years 2004 through 2008, and $88,000,000 in outlays for the period of fiscal years 2004 through 2013.

(G) COMMITTEE ON INTERNATIONAL RELATIONS.—The House Committee on International Relations shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $157,000,000 in outlays for fiscal year 2004, $1,293,000,000 in outlays for the period of fiscal years 2004 through 2008, and $4,468,000,000 in outlays for the period of fiscal years 2004 through 2013.

(H) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $86,000,000 in outlays for fiscal year 2004, $727,000,000 in outlays for the period of fiscal years 2004 through 2008, and $2,404,000,000 in outlays for the period of fiscal years 2004 through 2013.

(I) COMMITTEE ON RESOURCES.—The House Committee on Resources shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $40,000,000 in outlays for fiscal year 2004, $345,000,000 in outlays for the period of fiscal years 2004 through 2008, and $1,105,000,000 in outlays for the period of fiscal years 2004 through 2013.

(J) COMMITTEE ON SCIENCE.—The House Committee on Science shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,000,000 in outlays for fiscal year 2004, $6,000,000 in outlays for the period of fiscal years 2004 through 2008, and $15,000,000 in outlays for the period of fiscal years 2004 through 2013.

(K) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $114,000,000 in outlays for fiscal year 2004, $1,099,000,000 in outlays for the period of fiscal years 2004 through 2008, and $3,702,000,000 in outlays for the period of fiscal years 2004 through 2013.

(L) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $449,000,000 in outlays for fiscal year 2004, $4,221,000,000 in outlays for the period of fiscal years 2004 through 2008, and $14,626,000,000 in outlays for the period of fiscal years 2004 through 2013.

(M) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,971,000,000 in outlays for fiscal year 2004, $17,704,000,000 in outlays for the period of fiscal years 2004 through 2008, and $61,547,000,000 in outlays for the period of fiscal years 2004 through 2013.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

SEC. 301. RESERVE FUND FOR MEDICARE MODERNIZATION AND PRESCRIPTION DRUGS.

(a) IN GENERAL.—In the House, if the Committee on Ways and Means or the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides a prescription drug benefit and modernizes medicare, and provides adjustments to the medicare program on a fee-for-service, capitated, or other basis, the chairman of the Committee on the Budget may revise the appropriate committee allocations described in subsection (c) for such committees and other appropriate levels in this resolution by the amount provided by that measure for that purpose, but not to exceed $7,500,000,000 in new budget authority and $7,500,000,000 in outlays for fiscal year 2004 and $400,000,000,000 in new budget authority and $400,000,000,000 in outlays for the period of fiscal years 2004 through 2013.

(b) APPLICATION.—After the consideration of any measure for which an adjustment is made pursuant to subsection (a), the chairman of the Committee on the Budget shall make any further appropriate adjustments in allocations and budget aggregates.

(c) SPECIAL RULE.—In the House, there shall be a separate section 302(a) allocation to the appropriate committees for medicare. For purposes of enforcing such separate allocation under section 302(f) of the Congressional Budget Act of 1974, the ''first fiscal year'' and the ''total of fiscal years'' shall be deemed to refer to fiscal year 2004 and the total of fiscal years 2004 through 2013 included in the joint explanatory statement of managers accompanying this resolution, respectively. Such separate allocation shall be the exclusive allocation for medicare under section 302(a) of such Act.

SEC. 302. RESERVE FUND FOR MEDICAID.

In the House, if the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that—

(1) modernizes medicaid and the State Children's Health Insurance Program (SCHIP), and

(2) reduces new budget authority and outlays flowing therefrom by $9,010,000,000 for fiscal years 2009 through 2013,

the chairman of the Committee on the Budget may increase allocations of new budget authority and outlays for that committee (and make other appropriate changes in budgetary aggregates) by the amount provided by that measure for that purpose, but not to exceed $3,258,000,000 in new budget authority and outlays for fiscal year 2004 and $8,944,000,000 in new budget authority and outlays for the period of fiscal years 2004 through 2008.

SEC. 303. RESERVE FUND FOR BIOSHIELD.

In the House, if the appropriate committee of jurisdiction reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes a program to accelerate the research, development, and purchase of biomedical threat countermeasures and—

(1) such measure provides new budget authority to carry out such program; or

(2) such measure authorizes discretionary new budget authority to carry out such program and the Committee on Appropriations reports a bill or joint resolution that provides new budget authority to carry out such program,

the chairman of the Committee on the Budget may revise the allocations for the committee providing such new budget authority, and other appropriate levels in this resolution, by the amount provided for that purpose, but, in the case of a measure described in paragraph (1), not to exceed $890,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom and $3,418,000,000 in new budget authority for the period of fiscal years 2004 through 2008 and outlays flowing therefrom or, in the case of a measure described in paragraph (2), not to exceed $890,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom. Notwithstanding the preceding sentence, the total such revision for fiscal year 2004 may not exceed $890,000,000 in new budget authority and outlays flowing therefrom.

Subtitle B—Contingency Procedure for Legislation Not Assumed in Budget Aggregates

SEC. 311. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—In the House, if the Committee on Transportation and Infrastructure reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2004: $39,135,000,000,

(2) for fiscal year 2005: $39,786,000,000,

(3) for fiscal year 2006: $40,502,000,000,

(4) for fiscal year 2007: $41,219,000,000, or

(5) for fiscal year 2008: $42,002,000,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2004 and for the period of fiscal years 2004 through 2008 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—In the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $38,496,000,000 for fiscal year 2004, for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

Subtitle C—Implementation

SEC. 321. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

(d) ENFORCEMENT IN THE HOUSE.—In the House, for the purpose of enforcing this concurrent resolution, sections 302(f) and 311(a) of the Congressional Budget Act of 1974 shall apply to fiscal year 2004 and the total for fiscal year 2004 and the four ensuing fiscal years.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE HOUSE.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided for fiscal year 2005 and fiscal years 2005 and 2006 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,178,000,000 in new budget authority.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal

year 2004 that first becomes available for any fiscal year after 2004.

SEC. 402. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

The question being put,

Will the House agree to said concurrent resolution; as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 215 / Nays 212

¶27.29 [Roll No. 82]

YEAS—215

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

NAYS—212

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

NOT VOTING—8

Buyer
Gordon
Lipinski
McCarthy (MO)
Saxton
Snyder
Thornberry
Udall (CO)

So the concurrent resolution, as amended, was agreed to.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶27.30 H. CON. RES. 104—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the concurrent resolution (H. Con. Res. 104) expressing the support and appreciation of the Nation for the President and the members of the Armed Forces who are participating in Operation Iraqi Freedom.

The question being put,

Will the House agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 392 / Nays ..... 11 / Answered present 22

¶27.31 [Roll No. 83]

YEAS—392

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur

Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—11

Conyers
Honda
Jones (OH)
Lee
McDermott
Rangel
Scott (VA)
Stark
Towns
Waters
Watson

ANSWERED ''PRESENT''—22

Brown (OH)
Brown, Corrine
Carson (IN)
Clay
Cummings
Davis (IL)
Doggett
Farr
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick
Kucinich
Lewis (GA)
Meeks (NY)
Owens
Paul
Payne
Rush
Sabo
Schakowsky
Watt

NOT VOTING—10

Buyer
Gordon
Lantos
Lipinski
McCarthy (MO)
Rogers (MI)
Saxton
Snyder
Thornberry
Udall (CO)

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶27.32 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, March 24, 2003, at 2 p.m.; and further, that when the House adjourns on Monday, March 24, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, March 25, 2003, for morning-hour debate.

¶27.33 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 26, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶27.34 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAQ

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have taken additional steps with respect to the national emergency declared in Executive Order 12722 of August 2, 1990, by exercising my statutory authority to confiscate and vest certain property of the Government of Iraq and its agencies, instrumentalities, or controlled entities.

Consistent with section 203(a)(1)(C) of IEEPA, 50 U.S.C. 1702(a)(1)(C), as added by section 106 of the USA PATRIOT ACT, Public Law 107–56, I have ordered that certain blocked funds held in the United States in accounts in the name of the Government of Iraq, the Central Bank of Iraq, Rafidain Bank, Rasheed Bank, or the State Organization for Marketing Oil are hereby confiscated and vested in the Department of the Treasury. I have made exceptions for any such funds that are subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoy equivalent privileges and immunities under the laws of the United States, and are or have been used for diplomatic or consular purposes. In addition, such amounts that, as of the date of the order, are subject to post-judgment writs of execution or attachment in aid of execution of judgments pursuant to section 201 of the Terrorism Risk Insurance Act of 2002 (Public Law 107–297) are not being vested, provided that, upon satisfaction of the judgments on which such writs are based, any remainder of such excepted amounts shall, without further action, be confiscated and vested.

I have delegated to the Secretary of the Treasury authority to undertake all other action of the President and all functions of the President set forth in section 203(a)(1)(C) of IEEPA with respect to any and all property of the Government of Iraq, including its agencies, instrumentalities, or controlled entities, and to take additional steps, including the promulgation of rules and regulations as may be necessary to carry out the purposes of this order.

I am enclosing a copy of the Executive Order I have issued, which is effective immediately.

I have exercised these authorities in furtherance of Executive Orders 12722 and 12724 with respect to the unusual and extraordinary threat to our national security and foreign policy posed by the policies and actions of the Government of Iraq. I intend that such vested property should be used to assist the Iraqi people and to assist in the reconstruction of Iraq, and have determined that such use would be in the interest of and for the benefit of the United States.

The power to vest assets of a foreign government with which the United States is engaged in armed hostilities is one that has been recognized for many decades. This power is being used here because it is clearly in the interests of the United States to have these funds available for use in rebuilding Iraq and launching that country on the path to speedy economic recovery. In addition, this authority is being invoked in a limited way, designed to minimize harm to third parties and to respect existing court orders as much as possible.

GEROGE W. BUSH.

THE WHITE HOUSE, *March 20, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–51).

¶27.35 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 153. An Act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

¶27.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HYDE, for today until 11 p.m.

And then,

¶27.37 ADJOURNMENT

On motion of Mr. DREIER, pursuant to the previous order of the House, at 3 o'clock and 11 minutes a.m., Friday, March 21 (legislative day of Thursday, March 20), 2003, the House adjourned until 2 p.m. on Monday, March 24, 2003.

¶27.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DREIER (for himself, Ms. ESHOO, Mr. OSE, Mr. SMITH of Washington, Mr. UPTON, Mr. HONDA, Mr. COX, Mr. DOOLEY of California, Mr. SESSIONS, Mr. MCINTYRE, Mr. TOM DAVIS of Virginia, Ms. LOFGREN, Mr. SMITH of Texas, Mr. THOMPSON of California, Mr. HOUGHTON, Ms. HARMAN, Mr. OTTER, and Mr. GOODLATTE):

H.R. 1372. A bill to direct the Securities and Exchange Commission to require enhanced disclosures of employee stock options, and to require a study on the economic impact of broad-based employee stock option plans, and for other purposes; to the Committee on Financial Services.

By Mr. DEMINT (for himself, Mr. BOEHNER, Mr. HOEKSTRA, Mrs. MUSGRAVE, and Mr. FEENEY):

H.R. 1373. A bill to provide options to States to innovate and improve the education of children with disabilities by expanding the choices for students and parents under the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

By Mr. EVANS (for himself, Mr. ORTIZ, Mr. RYAN of Ohio, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. RODRIGUEZ, Ms. HOOLEY of Oregon, Mr. REYES, Mr. STRICKLAND, Mrs. DAVIS of California, Mrs. JONES of Ohio, Ms. LEE, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. KENNEDY of Rhode Island, Mr. FALEOMAVAEGA, Mr. ETHERIDGE, Mr. FROST, Ms. WOOLSEY, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. MCGOVERN, Mr. KILDEE, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. EDWARDS, Mr. SANDERS, Ms. DELAURO, Mr. MICHAUD, and Ms. WATERS):

H.R. 1374. A bill to amend chapter 1606 of title 10, United States Code, to increase the amount of basic educational assistance for members of the Selected Reserve, and for other purposes; to the Committee on Armed Services.

By Mrs. CAPITO (for herself, Mr. OXLEY, Mr. BACHUS, and Mr. ROSS):

H.R. 1375. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. LANTOS, Mr. SHAYS, Mr. BACHUS, and Mrs. MALONEY):

H.R. 1376. A bill to improve the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Mr. LEWIS of Georgia, Mr. HOUGHTON, Mr. MCNULTY, Mr. FARR, Mr. STUPAK, and Mr. HINCHEY):

H.R. 1377. A bill to amend title XVIII of the Social Security Act to enhance the access of Medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 1378. A bill to amend part E of title IV of the Social Security Act to increase payments to States for expenditures for short term training of staff of certain child welfare agencies; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 1379. A bill to freeze the price of gasoline pending analysis by the Secretary of Energy of fluctuations in such price; to the Committee on Energy and Commerce.

By Mr. SESSIONS (for himself, Mr. FOLEY, Mr. TIAHRT, Mr. SULLIVAN, Mr. SHIMKUS, Mr. HALL, Mr. SAM JOHNSON of Texas, Mr. LAHOOD, Mr. SHADEGG, Mr. SWEENEY, Mr. TIBERI, Mr. ENGLISH, Mr. CANNON, Mrs. MYRICK, Mr. LINDER, Mr. MEEKS of New York, Mr. TOOMEY, Mr. SMITH of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. HENSARLING, Ms. DUNN, Mr. RENZI, Mr. BRADY of Texas, Mr. DREIER, and Mr. FLETCHER):

H.R. 1380. A bill to suspend the excise tax on aviation fuel used in commercial aviation during the period of hostilities with Iraq; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. SERRANO, Mr. LYNCH, Mr. TOWNS, Mr. GRIJALVA, Mr. CUMMINGS, Mr. ACEVEDO-VILA, Mr. ABERCROMBIE, Ms. NORTON, Mr. REYES, Mr. SNYDER, Mr. DINGELL, Mrs. MILLER of Michigan, Mr. ORTIZ, Mr. TIERNEY, Mr. ANDREWS, Mr. HONDA, Mr. WAXMAN, Mrs. NAPOLITANO, Mr. MENENDEZ, Mr. RODRIGUEZ, Ms. VELAZQUEZ, Mr. PASTOR, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Ms. LINDA T. SANCHEZ of California, Mr. FROST, Mr. STARK, Mr. RUSH, and Mr. BECERRA):

H.R. 1381. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 1382. A bill to amend title XVIII of the Social Security Act to improve the regulatory operation of the Emergency Medical Treatment and Labor Act (EMTALA); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself and Mr. CASE):

H.R. 1383. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1384. A bill to amend the Railroad Retirement Act of 1974 to eliminate a limitation on benefits; to the Committee on Transportation and Infrastructure.

By Mr. BACA:

H.R. 1385. A bill to extend the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp to benefit breast cancer research; to the Committee on Government Reform, and in addition to the Committees on Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA:

H.R. 1386. A bill to amend part D of title III of the Public Health Service Act to authorize grants and loan guarantees for health centers to enable the centers to fund capital needs projects, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRADY of Pennsylvania:

H.R. 1387. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business.

By Mr. COLLINS:

H.R. 1388. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for surgical first assisting services of certified registered nurse first assistants; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself, Mr. FOSSELLA, Mr. BISHOP of New York, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ENGEL, Mr. TOWNS, Mr. HOUGHTON, Mr. WEINER, Mrs. MALONEY, Mr. CAPUANO, Mr. OWENS, Mr. RANGEL, Mr. EMANUEL, Ms. WATERS, Mr. MEEKS of New York, Mr. HINCHEY, Mr. NADLER, Mr. BELL, and Mrs. LOWEY):

H.R. 1389. A bill to enhance the ability of first responders to respond to incidents of terrorism and for certain other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, the Judiciary, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 1390. A bill to establish a pilot program to encourage certification of teachers in low-income, low-performing public elementary and secondary schools by the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FRELINGHUYSEN:

H.R. 1391. A bill to extend the deadline under the Federal Power Act for commencement of construction of the Mt. Hope Waterpower project (FERC Project No. 9401), and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. OTTER, Mr. WALDEN of Oregon, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, and Mr. COBLE):

H.R. 1392. A bill to require inspection of all cargo on commercial trucks and vessels entering the United States; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JANKLOW (for himself, Ms. ROS-LEHTINEN, Mr. CHABOT, Mr. MARIO DIAZ-BALART of Florida, Mr. MCNULTY, and Mr. PLATTS):

H.R. 1393. A bill to ensure that tax-exempt status and other benefits afforded under Operation Enduring Freedom are also provided to United States Armed Forces personnel in Israel; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. EMERSON, Mr.

BURGESS, Mr. FROST, Mr. OWENS, Mr. CASE, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. BAKER, Ms. MCCOLLUM, and Ms. MILLENDER-MCDONALD):

H.R. 1394. A bill to amend title 49, United States Code, to authorize programs and activities to promote intermodal transportation of passengers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LARSON of Connecticut:

H.R. 1395. A bill to provide for the establishment of research, development, demonstration, and commercial application programs for fuel cell and hydrogen production, delivery, and storage technologies for transportation and stationary applications; to the Committee on Science.

By Mr. MARKEY (for himself and Mr. LARSON of Connecticut):

H.R. 1396. A bill to allocate spectrum for the enhancement of wireless telecommunications, and to invest wireless spectrum auction proceeds for the military preparedness and educational preparedness of the United States for the digital era, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. ANDREWS):

H.R. 1397. A bill to amend the Employee Retirement Income Security Act of 1974 to ensure that employees are not improperly disqualified from benefits under pension plans and welfare plans based on the misclassification or reclassification of their status; to the Committee on Education and the Workforce.

By Ms. MCCOLLUM:

H.R. 1398. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of that Act; to the Committee on Education and the Workforce.

By Mr. MCINNIS:

H.R. 1399. A bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By Mr. ALLEN (for himself, Mr. BROWN of Ohio, Mr. BERRY, Ms. SCHAKOWSKY, Mr. CONYERS, Ms. ROYBAL-ALLARD, Mr. STARK, Ms. CORRINE BROWN of Florida, Mr. SERRANO, Mr. WAXMAN, Mr. KLECZKA, Mr. PALLONE, Mrs. MCCARTHY of New York, Ms. NORTON, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. PASTOR, Mr. CASE, Ms. WOOLSEY, Mr. GREEN of Texas, Mrs. MALONEY, Mr. OBERSTAR, Mr. FROST, Mr. WEXLER, Mr. SABO, Mr. NADLER, Mr. MCNULTY, Mr. MICHAUD, and Mr. KUCINICH):

H.R. 1400. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD:

H.R. 1401. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself, Mr. REYES, Mr. FROST, Mr. GONZALEZ, Mr. PASTOR, and Mr. HINOJOSA):

H.R. 1402. A bill to designate a United States courthouse in Brownsville, Texas, as the ''Garza-Vela United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 1403. A bill to remove the exemption with respect to Pakistan from the prohibition on assistance to a country whose elected head of government was deposed by decree or military coup; to the Committee on International Relations.

By Mr. PAUL:

H.R. 1404. A bill to direct the Secretary of Defense to present a ribbon of appropriate design to all persons who, while a member of the Armed Forces serving on active duty, were exposed to ionizing radiation as a result of participation in a test of atomic weapons; to the Committee on Armed Services.

By Mr. PAUL:

H.R. 1405. A bill to disqualify certain persons from receiving Federal funds; to the Committee on Government Reform.

By Mr. PETERSON of Pennsylvania (for himself, Mr. POMEROY, Mr. PLATTS, Ms. HART, Mrs. JOHNSON of Connecticut, Mr. BISHOP of Utah, Mrs. NORTHUP, Mr. MURPHY, Mr. GERLACH, Mr. SHUSTER, Mrs. EMERSON, Mr. ENGLISH, Mr. TOOMEY, Mrs. CAPITO, Mr. GREENWOOD, Mr. HOEFFEL, Mr. CARDIN, and Mr. MURTHA):

H.R. 1406. A bill to amend title XIX of the Social Security Act to permit additional States to enter into long-term care partnerships under the Medicaid Program in order to promote the use of long-term care insurance; to the Committee on Energy and Commerce.

By Mr. SESSIONS:

H.R. 1407. A bill to amend title 40, United States Code, to enhance security at executive and judicial branch facilities by requiring locksmiths who provide locksmith services at such a facility to be credentialed, which includes undergoing a criminal history background check; to the Committee on Government Reform.

By Mr. TAYLOR of North Carolina (for himself, Mr. CARSON of Oklahoma, and Mr. JONES of North Carolina):

H.R. 1408. A bill to provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties, and for other purposes; to the Committee on Resources.

By Mr. TAYLOR of North Carolina (for himself, Mr. JONES of North Carolina, Mr. KILDEE, and Mr. CARSON of Oklahoma):

H.R. 1409. A bill to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes; to the Committee on Resources.

By Mr. TOWNS:

H.R. 1410. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Education and the Workforce.

By Mr. WYNN:

H.R. 1411. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to extend from three months to twelve months the period after release of a member of the Armed Forces from active duty during which the member is protected from mortgage foreclosure under that Act; to the Committee on Veterans' Affairs.

By Mr. EVANS:

H.J. Res. 41. A joint resolution disapproving the rule submitted to Congress by the Department of Veterans Affairs on January 22, 2003, with the title ''VA Acquisition Regulation: Simplified Acquisition Procedures for Health-Care Resources''; to the Committee on Veterans' Affairs, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. DUNCAN, Mr. TANCREDO, and Mr. GOODE):

H.J. Res. 42. A joint resolution proposing an amendment to the Constitution of the United States to deny United States citizenship to individuals born in the United States to parents who are neither United States citizens nor persons who owe permanent allegiance to the United States; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida (for himself, Mr. FRANK of Massachusetts, Mrs. JONES of Ohio, Mr. HOEFFEL, Mr. ISRAEL, Ms. CARSON of Indiana, Mr. PETERSON of Minnesota, Mr. POMEROY, Ms. MCCOLLUM, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, Mr. NEY, Mr. DEFAZIO, Mr. CAMP, Mr. MCINTYRE, Mr. SWEENEY, Mr. MURTHA, Ms. SLAUGHTER, Mr. RUPPERSBERGER, Mr. LAMPSON, Mr. DOYLE, Mr. DAVIS of Florida, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. SCOTT of Virginia, Mr. WYNN, Mr. MEEK of Florida, Mr. BOSWELL, Mr. BECERRA, Mr. TANCREDO, Mrs. NAPOLITANO, Mr. GILCHREST, Mr. WEXLER, Mr. FROST, Mr. COSTELLO, Mr. DICKS, Mr. KLECZKA, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. INSLEE, Mr. BALLANCE, Mr. MICHAUD, Mr. ROTHMAN, Mr. CROWLEY, Mr. CUMMINGS, Ms. LOFGREN, Mr. SERRANO, Ms. KILPATRICK, Ms. WATSON, Mr. TIERNEY, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. MCGOVERN, Mr. SCOTT of Georgia, Mr. OWENS, Mr. RANGEL, Ms. VELAZQUEZ, Mr. LEVIN, Mr. EVANS, Mr. MCDERMOTT, Ms. CORRINE BROWN of Florida, Mr. SANDERS, Mr. DAVIS of Illinois, Mr. CAPUANO, Mr. MEEKS of New York, Mr. HOYER, Mrs. TAUSCHER, Mr. ABERCROMBIE, Mr. PAYNE, Mr. NADLER, Mr. STARK, Mr. DAVIS of Alabama, and Mr. KILDEE):

H. Con. Res. 103. Concurrent resolution expressing the sense of Congress concerning support to members of the United States Armed Forces and allied military forces engaged in the war on terrorism and the war with Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H. Con. Res. 104. Concurrent resolution expressing the support and appreciation of the Nation for the President and the members of the Armed Forces who are participating in Operation Iraqi Freedom; considered and agreed to.

By Mr. KUCINICH (for himself and Mr. CONYERS):

H. Con. Res. 105. Concurrent resolution expressing the sense of Congress concerning support to members of the United States Armed Forces and allied military forces engaged in the war on terrorism and the war with Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself and Mr. PORTMAN):

H. Con. Res. 106. Concurrent resolution recognizing and honoring America's Jewish

community on the occasion of its 350th anniversary, supporting the designation of an ''American Jewish History Month'', and for other purposes; to the Committee on Government Reform.

By Mr. GREEN of Texas (for himself, Mr. NETHERCUTT, Ms. DEGETTE, Mr. CAPUANO, Ms. NORTON, Mr. MCNULTY, Mr. PALLONE, Mr. FOSSELLA, Mr. FROST, Mr. ACKERMAN, Mr. BECERRA, Mr. SCHIFF, Mr. RAHALL, Mr. FRANK of Massachusetts, Mr. OWENS, Mr. BACA, Mr. KILDEE, Mr. GORDON, Mr. COSTELLO, Mr. CUNNINGHAM, Mr. TURNER of Texas, Mrs. KELLY, Mr. GOODLATTE, Mr. GALLEGLY, Mr. HINOJOSA, Mr. FOLEY, Mr. LAHOOD, Mr. RANGEL, Mr. LIPINSKI, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. MCINTYRE, Mr. BERMAN, Mr. LAMPSON, Mr. MCHUGH, Mr. VAN HOLLEN, and Mr. BRADY of Pennsylvania):

H. Con. Res. 107. Concurrent resolution urging increased Federal funding for juvenile (Type 1) diabetes research; to the Committee on Energy and Commerce.

By Mr. GREEN of Wisconsin:

H. Con. Res. 108. Concurrent resolution encouraging corporations to contribute to faith-based organizations; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. GIBBONS, Mr. BARTLETT of Maryland, Mr. BARRETT of South Carolina, Mr. TAYLOR of North Carolina, Mr. GILLMOR, Mr. AKIN, Mr. MCNULTY, Mr. ISAKSON, Mr. OTTER, Mr. GUTKNECHT, Ms. HART, Mr. SESSIONS, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. HOEKSTRA, Mr. MANZULLO, Mr. PICKERING, Mr. RYAN of Ohio, Mr. JONES of North Carolina, Mr. TOWNS, Mr. GRIJALVA, Mr. BOOZMAN, Mr. FRANKS of Arizona, Ms. DUNN, Mr. MORAN of Kansas, Mr. FLAKE, Mr. SHAYS, Mr. GILCHREST, and Mr. RENZI):

H. Con. Res. 109. Concurrent resolution expressing the sense of the Congress regarding the Blue Star Banner and the Gold Star; to the Committee on Armed Services.

By Mr. AKIN (for himself, Mr. GOODE, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. HAYES, Mrs. JO ANN DAVIS of Virginia, Mr. BEAUPREZ, Ms. CORRINE BROWN of Florida, Mr. MANZULLO, Mr. ADERHOLT, Mr. TIAHRT, Mr. PITTS, Mr. RYUN of Kansas, Mrs. MYRICK, Mr. WELDON of Florida, Mr. BISHOP of Utah, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Ms. ROS-LEHTINEN, Mr. GINGREY, Mr. TERRY, and Mr. SOUDER):

H. Res. 153. A resolution recognizing the public need for fasting and prayer in order to secure the blessings and protection of Providence for the people of the United States and our Armed Forces during the conflict in Iraq and under the threat of terrorism at home; to the Committee on Government Reform.

By Mr. GALLEGLY:

H. Res. 154. A resolution commending the Prime Minister of Great Britain for his stalwart leadership and unwavering support of the United States in the effort to disarm Saddam Hussein of weapons of mass destruction and free the Iraqi people of the scourge of brutal dictatorship; to the Committee on International Relations.

By Mr. MEEKS of New York (for himself, Mr. FATTAH, and Mr. PAYNE):

H. Res. 155. A resolution concerning the formation of the African Union; to the Committee on International Relations.

By Mr. ROGERS of Michigan (for himself and Mrs. TAUSCHER):

H. Res. 156. A resolution recognizing the goals and objectives of the Intelligent Transportation Systems Caucus; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of New Mexico (for himself, Ms. KAPTUR, Mr. ROHRABACHER, Mr. SMITH of New Jersey, and Mr. WOLF):

H. Res. 157. A resolution expressing the sense of the House of Representatives regarding several individuals who are being held as prisoners of conscience by the Chinese Government for their involvement in efforts to end the Chinese occupation of Tibet; to the Committee on International Relations.

¶27.39 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. SESSIONS.

H.R. 20: Mr. STARK, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. BLUMENAUER, and Ms. BERKLEY.

H.R. 21: Mr. PLATTS, Mr. KING of New York, and Mr. LATHAM.

H.R. 22: Mr. HEFLEY.

H.R. 33: Mr. LATOURETTE and Mr. OXLEY.

H. R. 44: Mr. HASTINGS of Washington.

H.R. 73: MS. HART, Mr. NADLER, Mr. WELLER, and Mr. BERMAN.

H.R. 74: Mr. PORTER.

H.R. 126: Mr. PAYNE, Mr. KILDEE, and Mr. BROWN of Ohio.

H.R. 135: Mr. ISAKSON and Mr. PASTOR.

H.R. 141: Mr. BALLENGER.

H.R. 173: Mr. KENNEDY of Rhode Island, Mr. GREEN of Wisconsin, Ms. LOFGREN, Mr. PLATTS, Mr. BAIRD, Mr. SANDERS, and Mr. AKIN.

H.R. 217: Mrs. KELLY, Ms. NORTON, and Ms. WOOLSEY.

H.R. 218: Mr. SMITH of New Jersey, Mr. SHAW, Mr. EVANS, and Mr. FEENEY.

H.R. 221: Mr. FILNER, Mr. DELAHUNT, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. ENGEL, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. MEEHAN, Ms. NORTON, Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, Ms. LOFGREN, Mrs. MALONEY, Mr. PALLONE, Mr. DEUTSCH, Mr. HOLT, Mr. WYNN, Mr. VAN HOLLEN, and Mr. SCOTT of Virginia.

H.R. 235: Mr. GOODLATTE, Mr. FOLEY, Mr. HERGER, Mr. FEENEY, Mr. MANZULLO, Mr. WELLER, Mr. BRADY of Texas, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. BURGESS.

H.R. 253: Mr. PETRI and Mr. FROST.

H.R. 284: Mr. LOBIONDO, Mr. MURPHY, Mr. MCHUGH, Ms. ESHOO, Mr. HAYES, Mr. HEFLEY, and Ms. ROYBAL-ALLARD.

H.R. 286: Mr. KOLBE and Mr. ISAKSON.

H.R. 303: Mr. SCHROCK, Mr. LUCAS of Oklahoma, Mr. TAUZIN, Mr. BURNS, and Mr. BISHOP of New York.

H.R. 313: Mr. COSTELLO and Mr. BOUCHER.

H.R. 328: Mr. UDALL of Colorado, Mr. NADLER, Mr. SCHIFF, Mr. BRADY of Pennsylvania, Mr. MATSUI, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, and Mr. ROGERS of Michigan.

H.R. 348: Ms. CARSON of Indiana, Mr. MICHAUD, Mr. PLATTS, and Mr. JENKINS.

H.R. 387: Mr. FLAKE.

H.R. 401: Mr. CANTOR and Mr. ISRAEL.

H.R. 412: Mr. CASE, Mr. BAIRD, and Mr. SIMPSON.

H.R. 423: Mr. HOSTETTLER.

H.R. 424: Mr. HOSTETTLER.

H.R. 432: Mr. DAVIS of Illinois.

H.R. 434: Mr. RAMSTAD, Mr. HOSTETTLER, Mr. LUCAS of Kentucky, Mr. HAYES, and Mr. HASTINGS of Washington.

H.R. 450: Mr. SANDERS and Mr. TIAHRT.

H.R. 466: Mr. GARRETT of New Jersey, Ms. ESHOO, and Ms. DELAURO.

H.R. 489: Mr. TAYLOR of North Carolina and Mr. DEAL of Georgia.

H.R. 495: Mr. FLAKE.

H.R. 501: Mr. WELDON of Pennsylvania and Mr. MCINTYRE.

H.R. 515: Mr. BELL.

H.R. 522: Mr. MORAN of Kansas, Mr. GOODLATTE, Mr. HOLDEN, Mr. MCGOVERN, and Mr. TAUZIN.

H.R. 527: Mrs. MCCARTHY of New York and Mr. ISAKSON.

H.R. 528: Mr. TOWNS and Mr. WAXMAN.

H.R. 548: Mr. STRICKLAND, Mr. BRADLEY of New Hampshire, Mr. WAMP, Mr. BARRETT of South Carolina, and Mr. ROGERS of Kentucky.

H.R. 568: Mr. BOEHLERT.

H.R. 569: Mr. RUSH.

H.R. 583: Mr. FORBES, Mr. WILSON of South Carolina, Mr. PEARCE, Mr. AKIN, Mr. BILIRAKIS, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. KINGSTON, Mr. MILLER of Florida, Mr. NEY, Mr. RENZI, Mr. ROHRABACHER, Mr. TERRY, Mr. TOM DAVIS of Virginia, Mr. TIAHRT, Mr. RYAN of Wisconsin, and Mrs. BONO.

H.R. 584: Mr. LOBIONDO, Mr. STUPAK, and Mr. AKIN.

H.R. 586: Mr. SCOTT of Virginia.

H.R. 612: Mr. MARIO DIAZ-BALART of Florida.

H.R. 613: Ms. MILLENDER-MCDONALD.

H.R. 614: Ms. MILLENDER-MCDONALD.

H.R. 623: Mr. YOUNG of Alaska, and Mr. BOYD.

H.R. 648: Mr. LEWIS of Kentucky.

H.R. 660: Mr. TIBERI, Mr. WELDON of Pennsylvania, Mr. BARRETT of South Carolina, and Mr. GARY G. MILLER of California.

H.R. 664: Mr. WU., Ms. SOLIS, Mr. BERMAN, Mr. HONDA, Mr. ROTHMAN, and Mr. MENENDEZ.

H.R. 668: Mr. HOEFFEL.

H.R. 673: Mr. LATOURETTE.

H.R. 678: Mr. ROSS.

H.R. 683: Mr. ISRAEL.

H.R. 684: Mr. HEFLEY and Mr. TIAHRT.

H.R. 706: Mr. NADLER.

H.R. 709: Mr. GOODE, Mr. BRADY of Pennsylvania, Mr. TIAHRT, Mr. YOUNG of Florida, Mr. CARSON of Oklahoma, Mrs. MILLER of Michigan, and Mr. GILLMOR.

H.R. 715: Mr. GORDON and Mr. CONYERS.

H.R. 721: Mr. DOYLE and Mr. LAHOOD.

H.R. 735: Mr. COSTELLO, Mr. PASTOR, Mr. BRADLEY of New Hampshire, Mr. BAKER, Mr. KANJORSKI, Mr. MENENDEZ, Mr. ANDREWS, Mr. ENGEL, and Mr. FRANK of Massachusetts.

H.R. 759: Mr. OTTER, Mr. COBLE, and Mr. HASTINGS of Washington.

H.R. 765: Mr. GORDON.

H.R. 767: Mr. HOUGHTON and Mr. WELLER.

H.R. 768: Mr. TIAHRT.

H.R. 770: Mr. RUSH and Mr. RYAN of Ohio.

H.R. 771: Mr. MORAN of Kansas.

H.R. 775: Mr. BAKER, Mr. KING of Iowa, and Mr. DEAL of Georgia.

H.R. 776: Mr. WEXLER.

H.R. 780: Mr. BRADY of Pennsylvania.

H.R. 785: Mr. GREEN of Wisconsin.

H.R. 786: Ms. WOOLSEY and Mr. ABERCROMBIE.

H.R. 792: Mr. MURPHY, Mr. SHERMAN, Mrs. MCCARTHY of New York, Mr. HOEFFEL, Mr. BARTLETT of Maryland, Mr. SIMMONS, Mr. BERMAN, Mr. OLVER, Mr. DAVIS of Tennessee, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 808: Mr. TERRY, Mr. BLUNT, and Mr. WELLER.

H.R. 814: Mr. PASCRELL, Mr. CARSON of Oklahoma, Mr. SABO, Ms. BERKLEY, Mr. GUTKNECHT, and Mr. SULLIVAN.

H.R. 815: Mr. TOWNS.

H.R. 823: Mr. WALSH, Mr. WEINER, Mr. SANDERS, Mr. SCHIFF, and Ms. BALDWIN.

H.R. 839: Mr. FOLEY.

H.R. 871: Mr. OXLEY.

H.R. 872: Mr. FOLEY and Mr. FEENEY.

H.R. 876: Mr. DEMINT, Mr. LEACH, and Mr. SHUSTER.

H.R. 879: Mr. SCHROCK and Mr. GREEN of Texas.

H.R. 882: Mr. SHIMKUS, Mr. RAMSTAD, and Mrs. MYRICK.

H.R. 883: Mr. BOYD.
H.R. 898: Mr. CARSON of Oklahoma, Mr. MILLER of North Carolina, Mr. DEFAZIO, Mr. FALEOMAVAEGA, and Ms. LORETTA SANCHEZ of California.
H.R. 919: Mr. HAYES, Mr. CARSON of Oklahoma, Mr. LARSEN of Washington, Mr. NEAL of Massachusetts, Mr. UPTON, Mr. RAHALL, and Mr. BEAUPREZ.
H.R. 920: Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. LAMPSON, Ms. MILLENDER-MCDONALD, Mr. FILNER, and Ms. WATERS.
H.R. 931: Mr. BONNER, Mr. ROHRABACHER, Mr. WILSON of South Carolina, and Mr. WELDON of Pennsylvania.
H.R. 932: Mr. STUPAK, Mr. OBERSTAR, Ms. NORTON, Mr. MCHUGH, Mr. ABERCROMBIE, Mr. SCOTT of Virginia, Mr. WHITFIELD, Mr. SAXTON, and Ms. LEE.
H.R. 933: Mr. SCHIFF.
H.R. 935: Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. SHAYS, Mr. HOLT, and Mr. FRANK of Massachusetts.
H.R. 936: Mr. MCNULTY and Mr. WAXMAN.
H.R. 953: Ms. KAPTUR.
H.R. 961: Mr. NUSSLE.
H.R. 967: Mr. CASE, Mr. ACKERMAN, Mr. PLATTS, and Mr. CARSON of Oklahoma.
H.R. 970: Mr. WICKER, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. FROST, Mr. MURTHA, Mr. MANZULLO, Mr. VAN HOLLEN, and Mr. MILLER of North Carolina.
H.R. 976: Mr. SANDERS.
H.R. 977: Mr. BACA.
H.R. 1007: Ms. MILLENDER-MCDONALD, Ms. LOFGREN, Ms. WATSON, Mr. HONDA, Ms. ROYBAL-ALLARD, Ms. ESHOO, Mrs. DAVIS of California, Ms. WOOLSEY, and Mr. FARR.
H.R. 1032: Mr. CAMP.
H.R. 1036: Mr. ROHRABACHER, Mr. QUINN, Mr. COOPER, and Mr. GILCHREST.
H.R. 1046: Mr. WEXLER, Mr. DAVIS of Illinois, Mr. CAPUANO, Mr. RAHALL, Mr. HILL, and Mr. CARSON of Oklahoma.
H.R. 1054: Mr. PETERSON of Minnesota.
H.R. 1057: Mr. MARIO DIAZ-BALART of Florida, Ms. LORETTA SANCHEZ of California, Mr. HOBSON, and Mr. BISHOP of New York.
H.R. 1063: Mr. CUNNINGHAM and Mr. SOUDER.
H.R. 1066: Mr. STARK.
H.R. 1068: Mr. PLATTS, Mr. FILNER, Mr. BELL, Mr. DEAL of Georgia, Mr. RAMSTAD, and Mr. GUTKNECHT.
H.R. 1070: Mr. BROWN of Ohio, Mr. BEAUPREZ, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1072: Mr. HEFLEY, Mr. FOLEY, and Mr. CULBERSON.
H.R. 1077: Mr. SCHIFF.
H.R. 1085: Mr. BURGESS.
H.R. 1098: Mr. GIBBONS.
H.R. 1105: Mr. MCGOVERN.
H.R. 1110: Mr. ETHERIDGE and Mr. LUCAS of Kentucky.
H.R. 1115: Mr. FLAKE.
H.R. 1118: Mr. ROSS, Ms. BERKLEY, and Mr. SULLIVAN.
H.R. 1136: Mr. BAIRD.
H.R. 1157: Mr. DELAHUNT, Mr. BROWN of Ohio, Mr. BARTLETT of Maryland, Mr. LANTOS, and Mr. KILDEE.
H.R. 1170: Mr. LEWIS of Kentucky.
H.R. 1177: Ms. GINNY BROWN-WAITE of Florida and Mr. REYNOLDS.
H.R. 1185: Ms. NORTON and Mr. FROST.
H.R. 1213: Mr. DOYLE.
H.R. 1225: Mr. SESSIONS, Mr. TOOMEY, Mr. HASTINGS of Florida, Mr. BOUCHER, Mr. JEFFERSON, Mr. ISRAEL, Mr. SCOTT of Georgia, Mr. DUNCAN, Mr. PASTOR, Mr. LEWIS of Kentucky, Mrs. CAPITO, Ms. BERKLEY, Mr. LATOURETTE, and Mr. BALLENGER.
H.R. 1227: Mr. BARTON of Texas.
H.R. 1234: Mr. SOUDER.
H.R. 1236: Mr. BRADLEY of New Hampshire.
H.R. 1240: Mr. NADLER and Mr. MCGOVERN.
H.R. 1241: Mr. BERMAN.
H.R. 1242: Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Mr. FROST, Mr. CAPUANO, Ms. WOOLSEY, Mr. GRIJALVA. Ms. MILLENDER-MCDONALD, Ms. SCHAKOWSKY, and Ms. JACKSON-LEE of Texas.
H.R. 1246: Ms. LEE, AND MS. NORTON.
H.R. 1252: Mr. DOOLITTLE, Mr. PAUL, Mrs. MUSGRAVE, and Mr. TAYLOR of North Carolina.
H.R. 1260: Mr. OTTER.
H.R. 1264: Ms. ROYBAL-ALLARD, Mr. REYES, Ms. VELAZQUEZ, Mr. HINOJOSA, Mr. PASTOR, Mr. GRIJALVA, Ms. LINDA T. SANCHEZ of California, Mr. BECERRA, and Mr. COSTELLO.
H.R. 1266: Mr. EHLERS.
H.R. 1267: Mr. NADLER, Mr. BERMAN, Mr. SANDERS, Mr. TOWNS, Mr. ISRAEL, and Mr. ACEVEDO-VILA.
H.R. 1270: Mr. DEAL of Georgia.
H.R. 1282: Mr. ISRAEL, Mr. ABERCROMBIE, Mr. WEINER, Mr. BARTON of Texas, and Mr. ANDREWS.
H.R. 1288: Mrs. CHRISTENSEN, Mr. GOODLATTE, Mr. HEFLEY, Mr. TIBERI, Mr. SMITH of New Jersey, Mr. SCHIFF, Mr. JONES of North Carolina, Mr. ACKERMAN, Mr. NADLER, Mr. DUNCAN, Mrs. JO ANN DAVIS of Virginia, Mr. MICA, Mr. COSTELLO, and Mr. GORDON.
H.R. 1294: Mr. KILDEE AND MR. GRIJALVA.
H.R. 1313: Mr. CASE.
H.R. 1337: Mr. TOWNS and Mr. WYNN.
H.R. 1343: Mr. BAIRD and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1357: Mr. GUTIERREZ and Ms. KAPTUR.
H.J. Res. 4: Mr. MURPHY.
H.J. Res. 28: Mr. CUMMINGS, Mr. CONYERS, Mr. WATT, Mr. RUSH, and Mr. KUCINICH.
H.J. Res. 29: Mr. CUMMINGS and Mr. WATT.
H.J. Res. 30: Mr. CUMMINGS, Mr. DEUTSCH, Mr. WATT, Mrs. CHRISTENSEN, Mr. RUSH, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. GRIJALVA, Mr. KUCINICH, and Ms. LEE.
H. Con. Res. 37: Mr. TOM DAVIS of Virginia.
H. Con. Res. 50: Mr. AKIN and Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 59: Mr. DAVIS of Alabama.
H. Con. Res. 80: Mr. BROWN of Ohio and Mr. MCNULTY.
H. Con. Res. 86: Mr. HONDA, Mr. DELAHUNT, Mr. PALLONE, Mr. SABO, and Mr. MCNULTY.
H. Con. Res. 98: Mr. WEXLER, Mr. SESSIONS, Mr. MCNULTY, Mr. DEUTSCH, Ms. CARSON of Indiana, and Mr. SOUDER.
H. Res. 21: Mr. BISHOP of New York, Mr. EVANS, Mr. MATSUI, Ms. LORETTA SANCHEZ of California, Mr. KENNEDY of Rhode Island, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Mr. LANTOS, Mr. CASE, Mr. REYES, and Mr. SHERMAN.
H. Res. 49: Mr. KIRK, Mr. ENGLISH, Mr. CARTER, and Ms. SCHAKOWSKY.
H. Res. 59: Mr. BLUNT.
H. Res. 108: Mr. FOLEY and Mr. BAIRD.
H. Res. 113: Mr. TERRY.
H. Res. 118: Mr. SESSIONS, Ms. BALDWIN, Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, and Ms. DELAURO.
H. Res. 121: Mr. DINGELL.
H. Res. 133: Mr. MILLER of Florida.

MONDAY, MARCH 24, 2003 (28)

¶28.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. ISSA, who laid before the House the following communication:

WASHINGTON, DC,
March 24, 2003.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

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

¶28.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ISSA, announced he had examined and approved the Journal of the proceedings of Thursday, March 20, 2003.

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

¶28.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1303. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — RUS Specification for Voice Frequency Loading Coils — received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1304. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imazethapyr; Pesticide Tolerance [OPP-2003-0032; FRL-7294-1] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1305. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Equal Credit Opportunity [Regulation B; Docket No. R-1008] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1306. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Ophthalmic Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket No. 03N-0008] (RIN: 0910-AA01) received March 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1307. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D3 [Docket No. 02F-0160] received March 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1308. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Hermatology and Pathology Devices; Reclassification of Automated Blood Cell Separator Device Operating by Filtration Principle from Class III to Class II [Docket No. 96P-0484] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1309. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plan Revisions for Particulate Matter, California —— San Joaquin Valley [CA 088-FON; FRL-7470-6] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1310. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [CA 242-0386; FRL-7460-8] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1311. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District,

Mendocino County Air Quality Management District, and Monterey Bay Unified Air Pollution Control District [CA 071-0379a; FRL-7456-6] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1312. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Bay Area Air Quality Management District, Sacramento Metropolitan Air Quality Management District, and San Joaquin Valley Unified Air Pollution Control District [CA 275-0378a; FRL-7460-5] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1313. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Revision to the Arizona State Implementation Plan, Arizona Department of Environmental Quality [AZ 078-0068; FRL-7460-9] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1314. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, Bay Area Quality Management District, Sacramento Metropolitan Air Quality Management District, and San Joaquin Valley Unified Air Pollution Control District [CA 275-0378c; FRL-7460-6] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1315. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 171-1171a; FRL-7468-1] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1316. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 176-1176a; FRL-7468-4] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1317. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 175-1175a; FRL-7467-8] received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1318. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7465-8] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1319. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil [AD-FRL-7467-1] (RIN: 2060-AG97) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1320. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Historic Area Remediation Site (HARS)-Specific Polychlorinated Biphenyl Worm Tissue Criterion [FRL-7467-6] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1321. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities; New York [Region II Docket No.NY58-253a, FRL-7464-8] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1322. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgated of Implementation Plans; State of Missouri [MO 174-1174a; FRL-7467-4] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1323. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Mississippi Update to Materials Incorporated by Reference [MS-200310; FRL-7445-5] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1324. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District [CA 269-0382a; FRL-7451-6] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1325. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules [ND-001-0007; FRL-7453-4] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1326. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities; Virgin Islands [Region II Docket No. VI4-249a, FRL-7455-3] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1327. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Kansas [KS 173-1173a; FRL-7455-9] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1328. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Florida Update to Materials Incorporated by Reference [FL-200313; FRL-7453-7] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1329. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Prevention of Significant Deterioration (PSD) [AD-FRL-7456-9] (RIN: 2060-AE11) received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1330. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands [IB Docket No. 01-185]; Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands [IB Docket No. 02-364] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1331. A letter from the Deputy Chief, Policy Division, WTB, Federal Communications Commission, transmitting the Commission's final rule — Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems [CC Docket No. 94-102] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1332. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pampa, Texas) [MB Docket No. 02-204] (RIN: RM-10314) received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1333. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hooks, Texas) [MB Docket No. 02-203, RM-10466] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1334. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report required by section 655 of the Foreign Assistance Act of 1961, pursuant to Public Law 104—164, section 655(a) (110 Stat. 1435); to the Committee on International Relations.

1335. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution and Public Law 107-40, to keep the Congress informed on United States efforts in the global war on terrorism; (H. Doc. No. 108—53); to the Committee on International Relations and ordered to be printed.

1336. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution that he directed U.S. Armed Forces, operating with other coalition forces, to commence combat operations on March 19, 2003, against Iraq; (H. Doc. No. 108—54); to the Committee on International Relations and ordered to be printed.

1337. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to List the Columbia Basin Distinct Population Segment of the Pygmy Rabbit (Brachylagus idahoensis) as Endangered (RIN: 1080-AI17) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1338. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Sidalcea keckii (Keck's checkermallow) (RIN: 1018-AG93) received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1339. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of

Critical Habitat for Two Larkspurs from Coastal Northern California (RIN: 1018-AG96) received March 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1340. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02; I.D. 030303A] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1341. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 15 [Docket No. 030108004-3044-02; ID 010303B] (RIN: 0648-AQ28) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1342. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/''Other flatfish'' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-2307-01; I.D. 021903A] received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1343. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 021212307-2307-01; I.D. 021303C] received March March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1344. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Immigrants Under the Immigration and Nationality Act, as Amended — Immediate Relatives (RIN: 1400-AB38) received March 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1345. A letter from the Senior Rulemaking Analyst, Office of the Chief Counsel, TSA, Department of Transportation, transmitting the Department's final rule — Transportation of Explosives From Canada to the United States Via Commercial Motor Vehicle and Railroad Carrier [Docket No. TSA-2003-14421] (RIN: 2110-AA18) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1346. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Design-Build Contracting [FHWA Docket No. FHWA-2000-7799] (RIN: 2125-AE79) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1347. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Traffic Control Devices on Federal-Aid and Other Streets and Highways; Color Specifications for Retroreflective Sign and Pavement Marking Materials [FHWA Docket No. FHWA-99-6190] (RIN: 2125-AE67) received February 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1348. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operating Regulations; Gulf Intracoastal Waterway, Grand Lake, LA [CGD08-03-003] (RIN: 2115-AE47) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1349. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule — Statewide Transportation Planning; Metropolitan Transportation Planning [FHWA Docket No. FHWA-99-5933] (FHWA RIN: 2125-AE95; FTA RIN: 2132-AA75) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1350. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Boeing and MoDonnell Douglas Transport Category Airplanes [Docket No. 2002-NM-43-AD; Amendment 39-13039; AD 2003-03-15] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1351. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel 1 A2, 1 C, 1 C1, 1 C2, 1 D, 1 D1, 1 E2, 1 K, 1 K1, 1 S, 1 S1 and Arriel 2 B, 2 B1, 2 C, 2 C1, 2 S1 Series Turboshaft Engines [Docket No. 2001-NE-06-AD; Amendment 39-13036; AD 2003-03-12] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1352. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800 and -900 Series Airplanes [Docket No. 2002-NM-307-AD; Amendment 39-13025; AD 2003-03-01] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1353. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Shaw AFB, SC [Airspace Docket No. 02-ASO-27] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1354. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area; SFAR 94 [Docket No. FAA-2002-11580; SFAR 94] (RIN: 2120-AH62) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1355. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lock Haven, Pa [Docket No. FAA-2002-13996; Airspace Docket No. 02-AEA-21] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1356. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Special Air Traffic Rules; Flight Restrictions in the Vicinity of Niagara Falls [Docket No. FAA-2002-13235; Amendment Nos. 91-273 and 93-82] (RIN: 2120-AH57) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1357. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30356; Amdt. No. 3046] received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1358. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; White Plains, NY [Docket No. FAA-2002-13997; Airspace Docket No. 02-AEA-20] received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1359. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30352; Amdt. No. 3043] received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1360. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30353; Amdt. No. 3044] received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1361. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30349; Amdt. No. 3040] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1362. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30355; Amdt. No. 3045] received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1363. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Ulysses, Ks [Airspace Docket No. 02-ACE-11] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1364. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautics S.A. (EMBRAER) Model EMB-135 AND -145 Series Airplanes [Docket No. 2002-NM-326-AD; Amendment 39-13048; AD 2003-03-23] (RIN: 2120-AA64) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1365. A letter from the Assistant Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: Chesapeake Bay, Elizabeth River, Port of Hampton Roads, Virginia [CGD05-03-007] (RIN:2115-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1366. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-316-AD; Amendment 39-13044; AD 2003-03-19] (RIN: 2120-AA64) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1367. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 and 701) Series Airplanes [Docket No. 2003-NM-20-AD; Amendment 39-13041; AD 2003-02-51](RIN: 2120-AA64) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1368. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-223, -321, -322, and -323 Series Airplanes Equipped with Pratt & Whitney Model PW4164, PW4168, or PW4168A Engines [Docket No. 2002-NM-102-AD; Amendment 39-13040; AD 2003-03-16] (RIN: 2120-AA64) received March 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1369. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program in Support of Revisions to the Water Quality Planning and Management Regulation [WH-FRL-7470-2] (RIN: 2040-AD84) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1370. A letter from the Deputy General Counsel, VHA, Department of Veterans Affairs, transmitting the Department's final rule — VA Homeless Providers Grant and Per Deim Program (RIN: 2900-AL30) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1371. A letter from the Deputy General Counsel, Department of Justice, transmitting the Department's final rule — Screening of Aliens and Other Designated Individuals Seeking Flight Training [OAG 104; AG Order No. 2656-2003] (RIN: 1105-AA80) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1372. A letter from the Chief, Regulations Branch, Customs Service, Department of Treasury, transmitting the Department's final rule — Rules of Origin for Textile and Apparel Products [T.D. 03-08] (RIN: 1515-AC80) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1373. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit [Notice 2003-9] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1374. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules for Certain Reserves [Rev. Rul. 2003-24] received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1375. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Forms and Instructions [Rev. Proc. 2003-9] received February 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1376. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2003-26] received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1377. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 1502; Suspension of Losses on Certain Stock Dispositions [TD 9048] (RIN: 1545-BB95) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1378. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Shelter Regulations [TD 9046] (RIN: 1545-AX81; 1545-BB49; 1545-BB50; 1545-BB48; 1545-BB53; 1545-BB51; 1545-BB52; 1545-AW26; 1545-AX79) received March 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1379. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Changes in the Retirement Age (RIN: 0960-AE03) received February 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶28.4 MESSAGE FROM THE SENATE

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

S. 205. An Act to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs.

¶28.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. ISSA, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 21, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 21, 2003, at 2:30 p.m. and said to contain a message from the President whereby he submits a 6-month periodic report in accordance with 50 USC 1641(c) and 50 USC 1703(c) on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in EO 13224 of September 23, 2001.

With best wishes, I am

Sincerely,

GERASIMOS C. VANS,
Assistant to the Clerk.

¶28.6 NATIONAL EMERGENCY WITH RESPECT TO TERRORISM

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith the 6-month periodic report prepared by my Administration on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 21, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–52).

¶28.7 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 205. An Act to authorize the issuance of immigrant visas to, and the admission to the United States for permanent residence of, certain scientists, engineers, and technicians who have worked in Iraqi weapons of mass destruction programs; to the Committee on the Judiciary.

And then,

¶28.8 ADJOURNMENT

The SPEAKER pro tempore, Mr. ISSA, pursuant to the order of the House of March 20, 2003, at 2 o'clock and 6 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, March 25, 2003.

¶28.9 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 743. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; with an amendment (Rept. 108–46). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1104. A bill to prevent child abduction, and for other purposes; with an amendment (Rept. 108–47 Pt. 1).

¶28.10 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1104. Referral to the Committees on Transportation and Infrastructure and Education and the Workforce extended for a period ending not later than March 24, 2003.

¶28.11 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure and Education and the Workforce discharged from further consideration. H.R. 1104 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

¶28.12 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Ms. SLAUGHTER (for herself, Mr. TAUZIN, and Mr. DINGELL) introduced a concurrent

resolution (H. Con. Res. 110) recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years and expressing support for the goals and ideals of Human Genome Month and DNA Day; which was referred to the Committee on Energy and Commerce.

¶28.13 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. CHOCOLA and Mr. PEARCE.
H.R. 20: Mr. MCNULTY, Ms. BALDWIN, Mr. MARIO DIAZ-BALART of Florida, Mr. MORAN of Virginia, Mr. BACA, and Ms. SLAUGHTER.
H.R. 243: Mr. CALVERT, Mr. DREIER, Mr. FILNER, and Mr. COX.
H.R. 290: Mr. FOLEY.
H.R. 296: Mr. NADLER.
H.R. 362: Mr. BERRY.
H.R. 623: Mr. GONZALEZ and Mr. HINCHEY.
H.R. 677: Mr. RUSH.
H.R. 742: Mr. PORTER, Mr. LAMPSON, Mr. MATHESON, Mr. PLATTS, Mr. OLVER, Mr. GOODLATTE, Mr. MURPHY, Mr. HASTINGS, of Florida, and Mr. PETERSON of Minnesota.
H.R. 800: Mr. GINGREY.
H.R. 821: Mrs. LOWEY.
H.R. 854: Mr. HASTINGS of Florida.
H.R. 857: Mr. RYAN of Ohio.
H.R. 1052: Mr. PLATTS and Mr. MATHESON.
H.R. 1154: Mr. WAMP.
H.R. 1165: Ms. CARSON of Indiana.
H.R. 1374: Mr. TAYLOR of Mississippi.
H.J. Res. 4: Mr. HOSTETTLER, Mr. QUINN, Mr. HEFLEY, and Mrs KELLY.
H.J. Res. 37: Mr. VAN HOLLEN, Mr. MILLER of North Carolina, and Mr. MICHAUD.
H. Con. Res. 49: Mr. LEVIN, Mr. RYAN of Ohio, Ms. MCCOLLUM, Mr. VITTER, Mr. GREEN of Wisconsin, Mr. CUMMINGS, Ms. BALDWIN, Mr. ISRAEL, Mr. REYES, Mr. BACA, and Mr. NADLER.
H. Con. Res. 50: Mr. DAVIS of Tennessee and Mr. LEWIS of Kentucky.

TUESDAY, MARCH 25, 2003 (29)

¶29.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON DC,
March 25, 2003.

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

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

¶29.2 MESSAGE FROM THE SENATE

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

S. Con. Res. 28. A concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774–2005.

¶29.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶29.4 RECESS—12:59 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 59 minutes p.m., until 2 p.m.

¶29.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mrs. EMERSON, called the House to order.

¶29.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. EMERSON, announced she had examined and approved the Journal of the proceedings of Monday, March 24, 2003.

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

¶29.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1380. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Decreased Assessment Rate [Docket No. FV02–984–1 FIR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1381. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Limes Grown in Florida and Imported Limes; Termination of Marketing Order and Implementing Rules and Regulations [Docket No. FV03–911–1 FR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1382. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Onions Grown in South Texas; Revision of Rules and Regulations [Docket No. FV03–959–2 IFR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1383. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2002–2003 Marketing Year [Docket No. FV03–982–1 IFR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1384. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Reduction in Production Cap for 2003 Diversion Program [Docket No. FV03–989–3 IFR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1385. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Temporary Suspension of a Provision, and Extension of Certain Deadlines Under the Raisin Diversion Program [Docket No. FV03–989–2 FIR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1386. A communication from the President of the United States, transmitting a request for 2003 supplemental appropriations to support Department of Defense operations in Iraq and to strengthen the capabilities of our friends and allies who will share the burden of military and stabilization activities; (H. Doc. No. 108–55); to the Committee on Appropriations and ordered to be printed.

1387. A letter from the Register Liaison Officer, DOD, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Appeals and Hearings Procedures, Formal Review (RIN: 0720–AA74) received March 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1388. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Home Investment Partnerships Program; Correction [Docket No. FR–4111–C–04] (RIN: 2501–AC30) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1389. A letter from the Chairman and President, Export-Import Bank of the United States, transmitting the Bank's 2003 annual report for the Sub-Saharan Africa Initiative; to the Committee on Financial Services.

1390. A letter from the Chairman and President, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

1391. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Standard Flood Insurance Policy (RIN: 3067–AD33) received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1392. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7803] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1393. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Acquisition Regulation: Affirmative Procedure Program-Acquisition of Products Containing Recovered Materials (RIN: 1991–AB47) received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1394. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Revision to the General Safety Requirements for Biological Products [Docket No. 97N–0449] (RIN: 0910–AB51) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1395. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b); FM Table of Allotments, FM Broadcast Stations (Shelbyville and LaVergne, Tennessee) [MM Docket No. 01–224; RM–10101] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1396. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b); FM Table of Allotments, FM Broadcast Stations (Junction, Texas); [MM Docket No. 01–263; RM–10280]; (Chino Valley, Arizona) [MM Docket No. 01–264; RM–10281]; (Arkadelphia, Arkansas) [MM Docket No. 01–265; RM–10282]; (Aspermont, Texas); [MM Docket No. 01–266; RM–10283]; (Cotulla, Texas); [MM Docket No. 01–267; RM–10289] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1397. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Shafter and Buttonwillow, California) [MB Docket No. 02–58; RM–10415] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1398. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Balmorhea, Texas) [MB Docket No. 02–185; RM–10463] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1399. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendments to Parts 1, 2, 27 and 90 of the Commission's Rules to License Services in the 216–220 MHz, 1390–1395 MHz, 1427–429 MHz, 1429–1432 MHz, 1432–1435 MHz, 1670–1675 MHz, and 2385–2390 MHz Government Transfer Bands [WT Docket No. 02—8; RM–9267; RM–9692; RM–9797; RM–9854; RM–9882] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1400. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Snyder, Littlefield, Wolfforth, and Floydada, Texas and Hobbs, New Mexico) [MM Docket No. 01–144; RM–10406; RM–10340] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1401. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—Direct Investment Survey: BE–605, Transactions of U.S. Affiliate, Except a U.S. Banking Affiliate, With Foreign Parent, and BE–605 Bank, Transactions of U.S. Banking Affiliate With Foreign Parent [Docket No. 020913215–3002–01] (RIN: 0691–AA45) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1402. A letter from the Director, Office of Management, Budget and Evaluation/Chief Financial Officer, Department of Energy, transmitting a report pursuant to Pub. L. 105–270, The Federal Activities Inventory Reform Act of 1998''; to the Committee on Government Reform.

1403. A letter from the Director, National Science Foundation, transmitting the Foundation's Performance and Accountability Report for FY 2002; to the Committee on Government Reform.

1404. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kansas Regulatory Program and Abandoned Mine Land Reclamation Plan [KS–023–FOR] received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1405. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Reclassify and Remove the Gray Wolf from the List of Endangered and Threatened Wildlife in Portions of the Conterminous United States; Establishment of Two Special Regulations for Threatened Gray Wolves (RIN: 1018–AF20) received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1406. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagics Fisheries; Pacific Remote Island Areas; Permit and Reporting Requirements for the Pelagic Troll and Handline Fishery [Docket No. 020412086–2194–02; I.D. 010202C] (RIN:0648–AJ08) received February 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1407. A letter from the Associate Deputy Assistant Administrator, NOAA, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Announcement of Funding Opportunity to Submit Proposals for the Monitoring and Event Response for Harmful Algal Blooms (MERHAB) Program FY 2004 [Docket No. 020213030–3031–02; I.D. No. 010903C] received March 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1408. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements [Docket No. 000320077–2302–03; I.D. 062501B] (RIN: 0648–AN62) received March 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1409. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors and Catcher Vessels 60 Feet Length Overall and Longer Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307–2307–01; I.D. 022403E] received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1410. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program [Docket No. 020920220–3038–02; I.D. 090302E] (RIN: 0648–AL97) received March 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1411. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program [I.D. 020603C] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 021212306–2306–01; I.D. 020703C] received March 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1413. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Compliance with Inflation Adjustment Act [T.D. 03–11] (RIN: 1515–AD25) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1414. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a report entitled, ''Report on Enforcement of Laws: Policies Regarding the Constitutionality of Provisions and Non-Acquiescence,'' pursuant to Public Law 107—273; to the Committee on the Judiciary.

1415. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Visiting Regulations: Prior Relationship [BOP–1082–F] (RIN: 1120–AA77) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1416. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended-Waiver of the Nonimmigrant Visa Fees for Members of Observer Missions to the United Nations (RIN: 1400–AA97) received March 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1417. A letter from the President and Chief Executive Officer, Little League Baseball Incorportated, transmitting the organization's annual report for the fiscal year ending September 30, 2002, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

1418. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No.99–NM–83–AD; Amendment 39–13031; AD 2003–03–07] (RIN: 2120–AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1419. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2001–NM–340–AD; Amendment 39–13030; AD 2003–03–06] (RIN: 2120–AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1420. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2002–NM–308–AD; Amendment 39–13026; AD 2003–03–02] (RIN: 2120–AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1421. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation (RIN: 3067–AD32) received March 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1422. A letter from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting the Trust's annual management report for FY 2002, pursuant to 45 U.S.C. 231n Public Law 107—90, section105; to the Committee on Transportation and Infrastructure.

1423. A letter from the transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada PW500 Series Turbofan Engines [Docket No. 2002–NE–45–AD; Amendment 39–13046; AD 2003–03–21] (RIN: 2120–AA64) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1424. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Trade Benefits Under the Caribbean Basin Economic Recovery Act [RIN: 1515–AD22] (T.D. 03–12) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1425. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Entry of Certain Steel Products [T.D. 03–13] (RIN: 1515–AD15) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1426. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Trade Benefits Under the African Growth and Opportunity Act [T.D. 03–15] (RIN: 1515–AD20) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1427. A letter from the Acting Deputy Chief, Regulations & Procedures Division, TTB, Department of the Treasury, transmitting the Department's final rule—Health Claims and Other Health-Related Statements in the Labeling and Advertising of Alcohol Beverages (99R–199P) [TTB T.D.–1; Ref: ATF Notice Nos. 884, 892, and 896] (RIN: 1512–AB97) received March 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1428. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule—Implementation of the Andean Trade Promotion and Drug Eradication Act [T.D. 03–14] (RIN: 1515–AD19) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1429. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Charitable, etc., Contributions and Gifts (Rev. Rul. 2003–28) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1430. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Appeals Industry Specialization Program Settlement Guidelines [UIL No. 0611.05.01] received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1431. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Appeals Settlement Guideline Construction/Real Estate Industry—received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1432. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election in Respect of Losses Attributable to a disaster (Rev. Rul. 2003–29) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶29.8 ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to 44 United States Code 2702, and the order of the House of January 8, 2003, announced that the Speaker reappointed the following member on the part of the House to the Advisory Committee on the Records of Congress: Mr. Timothy J. Johnson, of Minnetonka, Minnesota.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶29.9 COMMUNICATION FROM THE CLERK—APPOINTMENT—ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

The SPEAKER pro tempore, Mrs. EMERSON, laid before the House the following communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of 44 U.S.C. §2702, I hereby reappoint as a member of the Advisory Committee on the Records of Congress the following person: Susan Palmer, Aurora, Illinois.

With best wishes, I am

Sincerely,

JEFF TRANDAHL, Clerk.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶29.10 JOINT COMMITTEES ON PRINTING AND LIBRARY OF CONGRESS

On motion of Mr. NEY, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following resolution (H. Res. 134):

Resolved,

SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.

(a) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:

(1) Mr. Doolittle.
(2) Mr. Linder.
(3) Mr. Larson of Connecticut.
(4) Mr. Brady of Pennsylvania.

(b) JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration and the chair of the Subcommittee on the Legislative Branch of the Committee on Appropriations:

(1) Mr. Ehlers.
(2) Mr. Larson of Connecticut.
(3) Ms. Millender-McDonald.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶29.11 JOINT COMMITTEE ON PRINTING DESIGNATION AUTHORITY

On motion of Mr. NEY, by unanimous consent, the following concurrent resolution (S. Con. Res. 20) permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman, was taken from the Speaker's table:

Resolved by the Senate (the House of Representatives concurring), That effective for the One Hundred Eighth Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶29.12 KANSAS STATUE REPLACEMENT IN CAPITOL

Mr. NEY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 84):

Whereas Dwight D. Eisenhower gave a lifetime of service to the Nation as a military officer, leader of the victorious Allied armies in World War II, first supreme commander of the North Atlantic Treaty Organization, and as President of the United States;

Whereas Dwight D. Eisenhower was raised in Abilene, Kansas;

Whereas Dwight D. Eisenhower was the 34th President of the United States from 1953 to 1961, and during his presidency he saw the end of the Korean War, maintained peace during the Cold War, desegregated the military, marking the beginning of the modern civil rights movement, and implemented the interstate highway program, among other accomplishments;

Whereas Dwight D. Eisenhower and his wife Mamie are buried in the Place of Meditation, on the grounds of the Eisenhower Center and Presidential Library and Museum in Abilene, Kansas, a premier historical institution recognized around the world; and

Whereas the great State of Kansas desires to honor its most famous son for his many contributions and to keep his legacy alive for future generations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ACCEPTANCE OF STATUE OF DWIGHT D. EISENHOWER FROM THE PEOPLE OF KANSAS FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Dwight D. Eisenhower, furnished by the people of Kansas for placement in the Capitol in accordance with section 1814 of the Revised Statutes of the United States (40 U.S.C. 187), is accepted in the name of the United States, and the thanks of Congress are extended to the people of Kansas for providing this commemoration of one of the most eminent persons from Kansas.

(b) PRESENTATION CEREMONY.—The State of Kansas is authorized to use the Rotunda of the Capitol on June 4, 2003, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The statue shall be displayed in the Rotunda of the Capitol for a period of not more than 6 months, after which time the statue shall be moved to its permanent location.

SEC. 2. TRANSMITTAL TO GOVERNOR OF KANSAS.

The Clerk of the House of Representatives shall transmit a copy of this resolution to the Governor of Kansas.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. NEY and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and

said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶29.13 EDUCATION SERVICES FOR SCHOOLS IN THE PARK

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 620) to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park; as amended.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. RADANOVICH and Mr. KIND, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶29.14 GLEN CANYON NATIONAL RECREATION AREA

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 788) to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. RADANOVICH and Mr. KIND, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RADANOVICH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶29.15 UPPER MISSISSIPPI RIVER BASIN

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 961) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. RADANOVICH and Mr. KIND, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RADANOVICH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶29.16 ORDER OF BUSINESS—CONSIDERATION OF H.R. 14

On motion of Mr. RADANOVICH, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 14) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; the bill shall be considered as read for amendment; the amendment recommended by the Committee on Education and the Workforce, now printed in the bill, modified by the amendments placed at the desk, shall be considered as adopted; the bill shall be debatable for two hours, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; the previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions; and after passage of H.R. 14, the House shall be considered to have taken from the Speaker's table S. 342, strike all after the enacting clause of the Senate bill and insert in lieu thereof the provisions of H.R. 14, as passed by the House.

¶29.17 RECESS—2:55 P.M.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 55 minutes p.m., until approximately 6:30 p.m.

¶29.18 AFTER RECESS—6:31 P.M.

The SPEAKER pro tempore, Mr. BASS, called the House to order.

¶29.19 H.R. 788—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 788) to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶29.20 [Roll No. 84]

YEAS—423

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

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

NOT VOTING—11

Buyer
Gephardt
Gilchrest
Hyde
Janklow
McCarthy (MO)
McHugh
Miller, George
Pitts
Smith (WA)
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶29.21 H.R. 961—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 961) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 13

¶29.22 [Roll No. 85]

YEAS—411

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

NAYS—13

Bartlett (MD)
Coble
Collins
Culberson
Flake
Franks (AZ)
Johnson, Sam
Jones (NC)
Miller (FL)
Paul
Sessions
Stearns
Toomey

NOT VOTING—10

Buyer
Gephardt
Hyde
Janklow
McCarthy (MO)
McHugh
Miller, George
Pitts
Smith (WA)
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶29.23 PROVIDING FOR THE CONSIDERATION OF H.R. 1104

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–48) the resolution (H. Res. 160) providing for consideration of the bill (H.R. 1104) to prevent child abduction, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶29.24 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 28. Concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress,

1774–2005; to the Committee on House Administration.

¶29.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. McCARTHY, of Missouri, for today through April 11.

And then,

¶29.26 ADJOURNMENT

On motion of Mr. TANCREDO, at 8 o'clock and 44 minutes p.m., the House adjourned.

¶29.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 160. Resolution providing for consideration of the bill (H.R. 1104) to prevent child abduction, and for other purposes (Rept. 108–48). Referred to the House Calendar.

¶29.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KLINE (for himself, Mr. BOEHNER, Mr. GEORGE MILLER of California, Mr. McKEON, Mr. KILDEE, Mr. HOEKSTRA, Mr. FROST, Mr. SAM JOHNSON of Texas, Mr. HINOJOSA, Mr. GREENWOOD, Mr. NORWOOD, Mr. UPTON, Mr. ISAKSON, Mr. TIBERI, Mr. KELLER, Mr. OSBORNE, Mr. WILSON of South Carolina, Mr. COLE, Mr. GINGREY, Mr. GOODLATTE, Mr. HERGER, Mr. ROGERS of Michigan, and Mr. CHOCOLA):

H.R. 1412. A bill to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or national emergency; to the Committee on Education and the Workforce.

By Mr. BURR (for himself, Mr. TAUZIN, Mr. BILIRAKIS, Mr. UPTON, Mr. NORWOOD, Mr. WHITFIELD, and Mr. PICKERING):

H.R. 1413. A bill to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN (for himself and Mr. HOUGHTON):

H.R. 1414. A bill to facilitate the establishment of a United Nations civilian police corps for international peace operations to maintain the rule of law and promote peace and stability in post-conflict situations; to the Committee on International Relations.

By Mr. HOUGHTON (for himself, Mr. THOMAS, Mr. RANGEL, Mr. CRANE, Mr. LEVIN, Mrs. JOHNSON of Connecticut, Mr. PAYNE, Mr. ENGLISH, Mr. NEAL of Massachusetts, Mr. SHAYS, Mr. JEFFERSON, and Mr. BECERRA):

H.R. 1415. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX:

H.R. 1416. A bill to make technical corrections to the Homeland Security Act of 2002; to the Committee on Homeland Security (Select).

By Mr. SMITH of Texas (for himself, Mr. BERMAN, and Mr. CONYERS):

H.R. 1417. A bill to amend title 17, United States Code, to replace copyright arbitration royalty panels with a Copyright Royalty Judge, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 1418. A bill to exclude certain veterans' compensation and pension amounts from consideration as adjusted income for purposes of determining the amount of rent paid by a family for a dwelling unit assisted under the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 1419. A bill to amend the Internal Revenue Code of 1986 to exempt from income tax the gain from the sale of a business closely held by an individual who has attained age 62, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1420. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require public availability of an accounting of all funds used, or required to be used, for response to a release of a hazardous substance or pollutant or contaminant; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mr. FOLEY, and Mr. WELLER):

H.R. 1421. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN (for himself, Mr. ENGLISH, Mr. RANGEL, Mr. PORTMAN, Mr. LEWIS of Georgia, Ms. DUNN, Mr. TOWNS, Mrs. JONES of Ohio, Mr. WILSON of South Carolina, Mr. GONZALEZ, Mr. STRICKLAND, and Ms. LORETTA SANCHEZ of California):

H.R. 1422. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. TERRY):

H.R. 1423. A bill to amend the Internal Revenue Code of 1986 to expand the energy credit to include investment in property which produces energy from certain renewable sources and expenditures for cool roofing, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 1424. A bill to extend the possession tax credit with respect to American Samoa an additional 10 years; to the Committee on Ways and Means.

By Ms. HARMAN (for herself, Mr. WELDON of Pennsylvania, Mr. ISRAEL, Mr. WILSON of South Carolina, Mr. FRELINGHUYSEN, Ms. LOFGREN, Mr. SKELTON, Mr. KING of Iowa, Mr. BEREUTER, Ms. MILLENDER-McDONALD, Mr. SMITH of Washington, Mrs. TAUSCHER, Mr. McGOVERN, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. LoBIONDO, Mr. GEORGE MILLER of California, Mrs. DAVIS of California, Mr. McHUGH, Mr. DAVIS of Tennessee, Mr. BERMAN, Mr. SHAYS, Mr. FORD, and Mrs. LOWEY):

H.R. 1425. A bill to provide for the expedited and increased assignment of spectrum for public safety purposes; to the Committee on Energy and Commerce.

By Mr. HAYWORTH (for himself, Mr. BECERRA, Mrs. BONO, and Mr. KILDEE):

H.R. 1426. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for ground rent paid on land on which a qualified residence of a taxpayer is located and which is allotted or Indian-owned land; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 1427. A bill to establish the criteria and mechanisms for the designation of certain areas in the United States containing nationally important natural, historic, and cultural resources and recreational and educational opportunities that are geographically assembled and thematically related as areas that provide unique frameworks for understanding the great and diverse character of the United States and the development of communities and their surroundings as national heritage areas, and for other purposes; to the Committee on Resources.

By Mr. KINGSTON (for himself, Mr. FOLEY, Mr. HOYER, Mr. DEUTSCH, Mr. ROGERS of Michigan, Mr. JENKINS, Mr. CASTLE, Mr. FROST, Mr. NADLER, Ms. ROS-LEHTINEN, Mr. GIBBONS, Mr. GORDON, Mr. HOEFFEL, Mr. BURNS, Mr. GINGREY, Mr. MATHESON, Mr. SCHROCK, Mr. BISHOP of Utah, Mr. COLLINS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WICKER, Mr. VAN HOLLEN, and Mr. McINTYRE):

H.R. 1428. A bill to authorize 36 additional bankruptcy judgeships, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE (for herself, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Ms. KILPATRICK, Mr. SANDERS, Ms. CORRINE BROWN of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 1429. A bill to protect tenants in public housing and housing assisted under the rental assistance program under section 8 of the United States Housing Act of 1937 who are victims from eviction by reason of criminal activity; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. CROWLEY, Mr. NADLER, Mr. FROST, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. VAN HOLLEN, Mr. BERMAN, Ms. SCHAKOWSKY, Ms. NORTON, Mr. BISHOP of New York, Ms. MILLENDER-McDONALD, Mrs. NAPOLITANO, Mr. McDERMOTT, Mr. OWENS, Mr. KUCINICH, Mr. TOWNS, Mr. DEUTSCH, and Ms. BALDWIN):

H.R. 1430. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, or grandparent if the domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration,

for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 1431. A bill to repeal the requirements under the United States Housing Act of 1937 for residents of public housing to engage in community service and to complete economic self-sufficiency programs; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1432. A bill to authorize the Secretary of State to enter into negotiations with representatives of the Government of Cuba to establish cooperation between the United States and Cuba on illicit narcotics control efforts; to the Committee on International Relations.

By Mr. RANGEL:

H.R. 1433. A bill to secure the Federal voting rights of certain qualified ex-offenders who have served their sentences; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 1434. A bill to permit expungement of records of certain nonviolent criminal offenses; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 1435. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDLIN:

H.R. 1436. A bill to amend the Internal Revenue Code of 1986 to enhance energy conservation, research, and development and to provide for security and diversity in the energy supply for the American people; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 1437. A bill to improve the United States Code; to the Committee on the Judiciary.

By Mr. WU:

H.R. 1438. A bill to authorize a State to temporarily extend a waiver granted with respect to the State program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. BAIRD (for himself, Mr. MCDERMOTT, Mr. INSLEE, Mr. SMITH of Washington, Mr. DICKS, Mr. LARSEN of Washington, Mr. LEWIS of Georgia, Mr. WU, Mr. HONDA, Ms. ESHOO, and Mrs. CAPPS):

H. Con. Res. 111. Concurrent resolution expressing sympathy for the loss of Rachel Corrie in the Palestinian village of Rafah in the Gaza Strip on March 16, 2003; to the Committee on International Relations.

By Mr. CRANE (for himself, Mr. LANTOS, Mr. CANTOR, Mr. ACKERMAN, Mr. PENCE, Mr. HOEFFEL, Mr. OSE, and Mr. FLAKE):

H. Con. Res. 112. Concurrent resolution condemning attacks on United States citizens by Palestinian terrorists, and for other purposes; to the Committee on International Relations.

By Mr. ENGLISH:

H. Con. Res. 113. Concurrent resolution urging all governments involved in the military action against Iraq to work to take all reasonable measures to avoid damage to the cultural antiquities in Iraq until hostilities have ceased; to the Committee on International Relations.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 114. Concurrent resolution calling on civic groups, women's groups, and others throughout the world to hold workshops, forums, and other events to speak up for world peace and reaffirm women's essential role in the peace-building process; to the Committee on International Relations.

By Mr. PASCRELL (for himself and Mr. KING of New York):

H. Con. Res. 115. Concurrent resolution recognizing the historical significance of the Triangle Fire and honoring its victims on the occasion of the 92nd anniversary of the tragic event; to the Committee on Education and the Workforce.

By Mr. SESSIONS:

H. Con. Res. 116. Concurrent resolution expressing the sense of the Congress that the United States should withhold its assessed and voluntary contributions to the United Nations until the Charter of the United Nations is amended to ensure that a member state may not be a member of the Security Council, or serve as chair of, or in any other position of responsibility in, any organ or agency of the United Nations, unless the government of that country has been democratically elected; to the Committee on International Relations.

By Mr. WEXLER (for himself, Mr. CHABOT, Mr. ROHRABACHER, and Mr. BROWN of Ohio):

H. Con. Res. 117. Concurrent resolution expressing the sense of Congress that the United States Government should reaffirm its unwavering commitment to the Taiwan Relations Act as the cornerstone of United States relations with Taiwan, and for other purposes; to the Committee on International Relations.

By Mr. KLINE (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. SAM JOHNSON of Texas, Mr. UPTON, Mr. EHLERS, Mr. ISAKSON, Mr. PLATTS, Mr. WILSON of South Carolina, Mrs. BLACKBURN, Mr. GINGREY, Mr. WICKER, Mr. KIRK, and Mr. ROSS):

H. Res. 158. A resolution to express the support and commitment of the U.S. House of Representatives for the troops serving to protect and defend the United States of America by encouraging actions to extend and protect their student financial aid for postsecondary education; to the Committee on Education and the Workforce.

By Mr. HINOJOSA:

H. Res. 159. A resolution expressing profound sorrow on the occasion of the death of Irma Rangel; to the Committee on Government Reform.

By Mr. GEORGE MILLER of California (for himself, Mr. CUNNINGHAM, Mr. OBEY, Mr. FROST, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. ANDREWS, Mr. PALLONE, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. KUCINICH, Mr. WU, Mrs. MALONEY, Mr. HOLT, Mr. BOSWELL, Ms. SCHAKOWSKY, and Mr. MOORE):

H. Res. 161. A resolution recognizing the achievements of Operation Respect, the ''Don't Laugh At Me'' programs, and Peter Yarrow; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Res. 162. A resolution expressing support for a National Week of Reflection and Tolerance; to the Committee on Government Reform.

¶29.29 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. RANGEL introduced a bill (H.R. 1439) for the relief of Kadiatou Diallo, Laouratou Diallo, Ibrahima Diallo, Abdoul Diallo, and Mamadou Bobo Diallo; which was referred to the Committee on the Judiciary.

¶29.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. BARRETT of South Carolina.

H.R. 20: Mr. LANTOS, Mr. MATSUI, Mr. CHOCOLA, Mr. HONDA, Mr. EMANUEL, Mr. DOGGETT, Mr. MCGOVERN, Mr. TOWNS, Mr. QUINN, Mr. BAIRD, and Mr. WEXLER.

H.R. 25: Mr. DOOLITTLE and Mr. PEARCE.

H.R. 36: Mr. GUTIERREZ.

H.R. 40: Mr. MORAN of Virginia and Ms. CORRINE BROWN of Florida.

H.R. 100: Mr. GUTIERREZ.

H.R. 119: Mr. OTTER.

H.R. 126: Mr. NEAL of Massachusetts, Mr. FATTAH, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. KIND, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. HOEFFEL, and Mr. CLAY.

H.R. 135: Mr. RENZI.

H.R. 140: Mr. DEMINT.

H.R. 205: Mr. MICHAUD.

H.R. 218: Mr. CANTOR, Mr. WHITFIELD, and Mr. SHADEGG.

H.R. 241: Mr. GUTIERREZ.

H.R. 253: Mr. TERRY.

H.R. 284: Mr. BURNS, Mr. GOODLATTE, Mr. ISAKSON, Mr. NADLER, Mr. CLAY, Mr. COOPER, Mr. BLUNT, and Mr. MICHAUD.

H.R. 290: Mr. ETHERIDGE, Mr. WILSON of South Carolina, and Mr. CUMMINGS.

H.R. 296: Mr. ANDREWS.

H.R. 303: Mr. SIMMONS, Mr. FLETCHER, Mr. MICHAUD, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. LAMPSON, Mr. GUTKNECHT, and Mr. BISHOP of Georgia.

H.R. 331: Mr. GORDON.

H.R. 333: Mr. BACA.

H.R. 339: Mr. HOBSON, Mr. GOSS, and Mr. TIAHRT.

H.R. 348: Mr. MCGOVERN and Mr. WHITFIELD.

H.R. 375: Mr. WELDON of Pennsylvania, Mr. SHAW, Mr. CALVERT, Ms. MILLENDER-MCDONALD, Mr. ENGLISH, and Ms. BORDALLO.

H.R. 391: Mr. GARRETT of New Jersey.

H.R. 412: Mr. BOSWELL, Ms. PELOSI, Ms. DEGETTE, and Ms. BORDALLO.

H.R. 428: Ms. LOFGREN and Mr. CASE.

H.R. 440: Mr. RODRIGUEZ.

H.R. 442: Mr. DAVIS of Tennessee.

H.R. 466: Mr. THOMPSON of California, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. LARSON of Connecticut, Mrs. DAVIS of California, and Mr. GERLACH.

H.R. 478: Mr. ABERCROMBIE.

H.R. 486: Mr. RYUN of Kansas and Mr. TOOMEY.

H.R. 490: Mr. EMANUEL and Mr. CUMMINGS.

H.R. 498: Mr. TIAHRT.

H.R. 501: Mr. BISHOP of New York.

H.R. 522: Mr. WELDON of Pennsylvania and Mr. COMBEST.

H.R. 525: Mr. ALEXANDER, Mr. BACA, Mr. BALLANCE, Ms. BALDWIN, Mr. BARTON of Texas, Mr. BELL, Mr. BISHOP of Georgia, Mr. BONILLA, Mr. BOSWELL, Mr. BOYD, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. COSTELLO, Mr. CULBERSON, Mr. CUMMINGS, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DICKS, Mr. DOGGETT, Mr. EDWARDS, Ms. ESHOO, Mr. EVANS, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GORDON, Mr. GRIJALVA, Mr. HALL, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HONDA, Mr. HOYER, Mr. JACKSON of Illinois, Mr. JOHN, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. LANGEVIN, Mr. LEACH, Ms. LEE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. MANZULLO, Mr. MARKEY, Mr. MATHESON, Mrs. MCCARTHY of New York, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI,

Mr. RAHALL, Mr. RANGEL, Mr. ROHRABACHER, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESSIONS, Mr. SIMMONS, Mr. TAYLOR of Mississippi, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WEINER, Mr. WEXLER, and Mr. WU.

H.R. 527: Mr. RANGEL and Mr. FALEOMAVAEGA.

H.R. 545: Mr. OWENS.

H.R. 572: Mrs. MUSGRAVE.

H.R. 573: Mr. ABERCROMBIE.

H.R. 578: Mr. FOLEY, Ms. DUNN, Mr. NEAL of Massachusetts, Mr. HAYWORTH, Mr. KLECZKA, Mr. TERRY, and Mr. CRENSHAW.

H.R. 588: Mr. HINCHEY.

H.R. 591: Mr. ROHRABACHER.

H.R. 648: Mr. OTTER, Mr. NEY, Mr. LAHOOD, and Mr. GOODE.

H.R. 660: Mr. DEAL of Georgia, Mrs. CUBIN, Mr. BONNER, and Mr. MCINTYRE.

H.R. 685: Mr. GRIJALVA.

H.R. 687: Mr. FORBES, Mr. DOOLITTLE, Mr. KELLER, Mr. ROHRABACHER, and Mr. BACHUS.

H.R. 713: Mr. MOORE and Ms. LOFGREN.

H.R. 714: Mr. DOOLITTLE.

H.R. 715: Ms. SOLIS.

H.R. 722: Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CHABOT, Mr. COLE, Mr. DEAL of Georgia, Mr. FLAKE, Mr. GIBBONS, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. ISSA, Mr. SHADEGG, Mr. GARRETT of New Jersey, Mr. GOODLATTE, Mr. CHOCOLA, and Mrs. BLACKBURN.

H.R. 731: Mrs. JONES of Ohio, Mr. BECERRA, Mr. LARSEN of Washington, Mr. MCGOVERN, Mr. FORD, Mr. LANGEVIN, Mr. ACKERMAN, and Mr. KENNEDY of Rhode Island.

H.R. 735: Ms. SLAUGHTER, Mr. BOEHLERT, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Mr. RYAN of Wisconsin, Mr. MATSUI, Mr. SESSIONS, Mr. MCGOVERN, and Mr. MANZULLO.

H.R. 745: Mr. WYNN.

H.R. 760: Mr. CARTER and Mr. KELLER.

H.R. 764: Mr. ABERCROMBIE, Ms. BORDALLO, Mr. SMITH of Washington, Mr. REYES, Ms. NORTON, Mr. RUPPERSBERGER, Mrs. MCCARTHY of New York, Mr. UDALL of New Mexico, Mr. MEEHAN, Mr. LANGEVIN, Ms. MCCARTHY of Missouri, Mr. MENENDEZ, Mr. OBERSTAR, Mr. ALLEN, Mr. SCOTT of Georgia, Mr. LUCAS of Kentucky, Mr. FRANK of Massachusetts, Mr. HOLT, Mr. MCINTYRE, Mr. MCGOVERN, Ms. LOFGREN, Mr. FROST, Mr. OWENS, Mr. KILDEE, Mr. COOPER, Mrs. MALONEY, Mr. MATHESON, Mr. PASTOR, Mr. GEORGE MILLER of California, Mr. DOYLE, Mr. MICHAUD, Mr. ISRAEL, Mr. SCHIFF, Mr. WEXLER, Mr. DEFAZIO, and Mr. RYAN of Ohio.

H.R. 768: Mr. SMITH of Texas, Mr. GOODE, Mr. RUSH, Mr. MCGOVERN, Mrs. TAUSCHER, Mr. BOSWELL, and Mr. DAVIS of Tennessee.

H.R. 784: Mr. ABERCROMBIE.

H.R. 785: Mr. STUPAK, Mr. DAVIS of Tennessee, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 786: Ms. ESHOO, Mr. COLLINS, and Mr. JEFFERSON.

H.R. 803: Mr. DAVIS of Illinois, Mr. BISHOP of Utah, and Mr. TIAHRT.

H.R. 806: Mr. MOORE.

H.R. 809: Mr. HOEFFEL, Mr. KIRK, Ms. DELAURO, and Mr. SCHIFF.

H.R. 813: Mr. BISHOP of New York and Mr. LEVIN.

H.R. 815: Ms. CARSON of Indiana, Ms. DELAURO, and Mr. RANGEL.

H.R. 816: Mr. KUCINICH.

H.R. 829: Mr. STARK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SABO, and Mr. NADLER.

H.R. 850: Mr. ISSA, Mr. JENKINS, Mr. PAUL, and Mr. RANGEL.

H.R. 857: Mr. SMITH of Washington, Ms. LOFGREN, and Mr. RANGEL.

H.R. 870: Mr. WELLER.

H.R. 871: Mr. HASTINGS of Washington.

H.R. 879: Mr. PAUL.

H.R. 883: Mr. GONZALEZ and Mr. FORD.

H.R. 895: Mrs. JONES of Ohio and Mrs. DAVIS of California.

H.R. 898: Mr. BACA.

H.R. 918: Ms. GINNY BROWN-WAITE of Florida, Mr. FROST, Mr. FORD, and Mr. NORWOOD.

H.R. 919: Mr. BISHOP of New York, Ms. HART, Mr. BERRY, Mr. ROYCE, Mr. SOUDER, Mr. RANGEL, and Mrs. LOWEY.

H.R. 927: Mr. LARSEN of Washington, Mr. FROST, Mr. HOLDEN, Mr. HALL, Mr. SIMPSON, Mr. WILSON of South Carolina, Mr. GREEN of Wisconsin, Mr. GILCHREST, Mr. TOOMEY, Mr. NETHERCUTT, Mr. PETERSON of Pennsylvania, Mr. SOUDER, Mr. PITTS, Mr. CAMP, Mr. GREENWOOD, Mr. RYUN of Kansas, Mr. MCHUGH, and Mr. PAUL.

H.R. 934: Mr. ACKERMAN, Mr. ABERCROMBIE, and Mr. ORTIZ.

H.R. 936: Mr. DAVIS of Tennessee and Ms. SCHAKOWSKY.

H.R. 941: Mr. ENGLISH.

H.R. 953: Mr. LYNCH, Mr. ISRAEL, Mr. MARKEY, Mr. JEFFERSON, Mr. RUSH, Mr. LUCAS of Kentucky, Mr. BISHOP of Georgia, Mr. CUMMINGS, and Mr. CROWLEY.

H.R. 973: Mr. BECERRA and Mr. MCHUGH.

H.R. 977: Mrs. NAPOLITANO, Mr. DOOLITTLE, and Mr. CANNON.

H.R. 983: Ms. DUNN, Mr. WEINER, and Mr. RANGEL.

H.R. 997: Mr. NORWOOD, Mr. BAKER, Mr. GINGREY, Mr. GUTKNECHT, and Mr. BOOZMAN.

H.R. 1029: Mr. RYAN of Ohio.

H.R. 1043: Mr. RYAN of Ohio and Mr. CARSON of Oklahoma.

H.R. 1050: Mr. LIPINSKI, Mr. PAUL, Mr. SENSENBRENNER, Mr. BISHOP of Utah, and Ms. BERKLEY.

H.R. 1056: Mr. PASTOR.

H.R. 1061: Mr. GREEN of Wisconsin.

H.R. 1063: Mr. CALVERT and Mr. SAM JOHNSON of Texas.

H.R. 1072: Mr. GINGREY.

H.R. 1093: Mr. PALLONE.

H.R. 1095: Mr. ORTIZ and Mr. GREEN of Texas.

H.R. 1101: Mr. PALLONE, Mr. KILDEE, Mr. WAXMAN, and Mr. BAIRD.

H.R. 1102: Mr. SHERMAN, Ms. HOOLEY of Oregon, Ms. BERKLEY, Mr. MATHESON, Mr. ETHERIDGE, and Mr. KANJORSKI.

H.R. 1105: Mr. SHERMAN.

H.R. 1114: Mr. OSE, Mr. WICKER, Mr. BRADY of Texas, and Mr. SOUDER.

H.R. 1125: Mr. COOPER and Ms. MCCOLLUM.

H.R. 1155: Mr. DELAHUNT, Mr. FORD, Mr. FROST, Mr. HOEFFEL, Mr. KOLBE, Mr. LATOURETTE, and Mr. MOORE.

H.R. 1157: Mr. DAVIS of Illinois, Mr. BOUCHER, Mrs. JONES of Ohio, Ms. DELAURO, and Mr. FLAKE.

H.R. 1165: Ms. BERKLEY.

H.R. 1169: Mr. WICKER.

H.R. 1170: Mr. KENNEDY of Minnesota and Mr. BARTON of Texas.

H.R. 1173: Ms. BORDALLO and Ms. HART.

H.R. 1174: Ms. BORDALLO and Mr. RANGEL.

H.R. 1191: Mr. ENGLISH, Mr. WU, and Mr. BOSWELL.

H.R. 1212: Mr. GUTIERREZ.

H.R. 1235: Mr. PEARCE, Mr. HASTINGS of Washington, and Mr. FRANKS of Arizona.

H.R. 1236: Mr. FEENEY and Mr. BURGESS.

H.R. 1252: Mr. FLAKE and Mr. SENSENBRENNER.

H.R. 1256: Mr. RYAN of Ohio.

H.R. 1257: Mr. FALEOMAVAEGA.

H.R. 1263: Mr. PASTOR.

H.R. 1264: Mr. CALVERT and Mr. FALEOMAVAEGA.

H.R. 1272: Mr. STRICKLAND, Mr. ALLEN, Mr. FRANK of Massachusetts, Ms. MCCARTHY of Missouri, Mr. BROWN of Ohio, Mr. KLECZKA, Mrs. DAVIS of California, Mr. BERMAN, Mr. FILNER, and Mr. STARK.

H.R. 1275: Ms. DELAURO, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. NUNES, Mr. FALEOMAVAEGA, Ms. WATSON, and Mr. RYAN of Ohio.

H.R. 1294: Mr. OLVER, Mr. ALLEN, Ms. SLAUGHTER, Ms. LEE, Mr. SANDERS, Mr. VAN HOLLEN, Mr. HONDA, Mr. INSLEE, Mr. HOEFFEL, and Mr. FRANK of Massachusetts.

H.R. 1300: Ms. ROS-LEHTINEN and Mr. RODRIGUEZ.

H.R. 1304: Mr. DAVIS of Illinois.

H.R. 1305: Ms. ESHOO, Mr. WALDEN of Oregon, Mr. DOOLITTLE, and Mr. ROYCE.

H.R. 1306: Mr. DAVIS of Illinois.

H.R. 1322: Ms. DELAURO and Mr. SABO.

H.R. 1323: Mr. HOLDEN, Ms. WATERS, Ms. NORTON, Mrs. JONES of Ohio, Mr. SANDERS, Mr. GRIJALVA, Ms. WOOLSEY, and Mr. GEORGE MILLER of Califonia.

H.R. 1334: Mr. STUPAK.

H.R. 1345: Mr. SANDERS and Mr. RYAN of Ohio.

H.R. 1349: Mr. SANDERS and Ms. LOFGREN.

H.R. 1355: Mr. EMANUEL, Mr. GREEN of Texas, Mr. MEEHAN, Ms. SLAUGHTER, Mrs. CAPPS, Ms. LEE, Mr. HINCHEY, Mr. SERRANO, Mr. WYNN, Mr. GRIJALVA, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. MARKEY, Mr. FARR, Mr. TAYLOR of Mississippi, Mr. CROWLEY, Mr. CONYERS, Mr. ENGEL, Mr. DELAHUNT, Mrs. DAVIS of California, and Mr. OBEY.

H.R. 1359: Mr. VAN HOLLEN and Ms. JACKSON-LEE of Texas.

H.R. 1363: Mr. PAYNE and Mrs. JONES of Ohio.

H.R. 1372: Mr. GARY G. MILLER of California, Mr. POMBO, Mr. WELLER, and Mr. DAVIS of Tennessee.

H.R. 1394: Mr. BLUMENAUER.

H.R. 1397: Mr. SANDERS.

H.J. Res. 4: Mrs. MCCARTHY of New York, Mrs. NORTHUP, Mr. SIMPSON, Mrs. MUSGRAVE, and Mr. BOYD.

H. Con. Res. 10: Mr. DAVIS of Illinois.

H. Con. Res. 23: Mr. CHOCOLA, Mrs. KELLY, Mr. GOODLATTE, and Mr. ROGERS of Alabama.

H. Con. Res. 50: Mr. BARRETT of South Carolina.

H. Con. Res. 57: Mr. VAN HOLLEN.

H. Con. Res. 80: Mr. RANGEL.

H. Con. Res. 91: Ms. LINDA T. SANCHEZ of California, Mr. DINGELL, Mr. DAVIS of Illinois, Mr. MICHAUD, and Mr. LANTOS.

H. Con. Res. 103: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, and Mr. WATT.

H. Con. Res. 109: Mr. BONILLA, Mr. HUNTER, Mr. BACA, Mr. WALSH, Mr. FORBES, Mr. MARSHALL, Mr. DOOLITTLE, Mr. COLE, Mr. PEARCE, Mrs. MILLER of Michigan, Mr. REYES, Mr. BURNS, Mr. HEFLEY, Mr. LEACH, Mr. RYUN of Kansas, Mr. LAHOOD, and Mr. SCHROCK.

H. Res. 108: Mr. KIND and Ms. SCHAKOWSKY.

H. Res. 113: Mr. BURTON of Indiana.

H. Res. 127: Mr. HINOJOSA.

H. Res. 137: Mr. BACA, Mr. MICHAUD, Mrs. JONES of Ohio, Mr. VAN HOLLEN, Mr. JACKSON of Illinois, Mr. OLVER, Mr. EVANS, Mr. BECERRA, Mr. STARK, Mr. WAXMAN, Mr. MILLER of North Carolina, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, Mr. CARDIN, Mr. TIERNEY, Ms. HARMAN, and Mr. WU.

H. Res. 153: Mr. BOOZMAN and Mr. CARTER.

WEDNESDAY, MARCH 26, 2003 (30)

¶30.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. OTTER, who laid before the House the following communication:

WASHINGTON, DC,
March 26, 2003.

I hereby appoint the Honorable C.L. ''BUTCH'' OTTER to act as Speaker pro tempore on this day.

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

¶30.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. OTTER, announced he had examined and approved the Journal of the proceedings of Tuesday, March 25, 2003.

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

¶30.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1433. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Folpet; Pesticide Tolerance [OPP-2003-0075; FRL-7296-2] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1434. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerance [OPP-2003-0036; FRL-7292-8] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1435. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Customer Protection—Reserves and Custody of Securities Delegation of Authority to the Director of the Division of Market Regulations [Release No. 34-47480; File No. S7-20-02] (RIN: 3235-AI51) received March 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1436. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (RIN: 1601-AA04) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1437. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities (RIN: 1601-AA05) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1438. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa [IA 167-1167a; FRL-745 8-8] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1439. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: New Hampshire; Negatives Declaration [NH-055a; FRL-7458-3] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1440. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Rhode Island; Negative Declaration [RI-1047a; FRL-7458-5] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1441. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Conditional Approval of Implementation Plan; Indiana [IN 140-3; FRL-7457-3] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1442. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Satellite Home Viewer Improvement Act of 1999: Application of Network Non-Duplication, Syndicated Exclusivity, and Sports Blackout Rules to Satellite Retransmission of Broadcast Signals [CS Docket No. 00-2] received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1443. A letter from the Deputy Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems [ET Docket No. 00-258] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1444. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Vici, Oklahoma) [MB Docket No. 02-205; RM-10470]; (Big Lake, Texas) [MB Docket No. 02-206; RM-10469]; (Leakey, Texas) [MB Docket No. 02-207; RM-10468] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1445. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Albany, Vermont) [MB Docket No. 02-192; RM-10507] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1446. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Groom, Texas) [MB Docket No. 02-226; RM-10459]; [MB Docket No. 02-227; RM-10467]; [MB Docket No. 02-228; RM-10460] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1447. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Cuban Assets Control Regulations: Family and Educational Travel-Related Transactions, Remittances of Inherited Funds, Activities of Cuban Nationals in the United States, Support for the Cuban People, Humanitarian Projects, and Technical Amendments—received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1448. A letter from the Deputy Chief Counsel, (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Authorization of Certain Humanitarian Activities by Nongovernmental Organizations in Iraq and Iran—received March 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1449. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—Direct Investment Surveys: BE-12, Benchmark Survey of Foreign Direct Investment in the United States-2002 [Docket No. 020813189-2330-02] (RIN: 0691-AA44) received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1450. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Restrictions Upon Lobbying (RIN: 1601-AA12) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1451. A letter from the Chair, Office of General Counsel, Federal Election Commission, transmitting the Commission's final rule—Administrative Fines [Notice 2003-6]—received March 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

1452. A letter from the Director, U.S. Fish & Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Sonoma County Distinct Population Segment of the California Tiger Salamander (RIN: 1018-AI61) received March 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1453. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increase [Docket No. 001005281-0369-02; I.D. 012703A] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1454. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 69 to Revise American Fisheries Act Inshore Cooperative Requirements [Docket No. 020724175-3022-02; I.D. 062602E] (RIN: 0648-AP71) received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1455. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 012903G] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1456. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 2003 Harvest Specifications for Groundfish [Docket No. 021212306-2306-01; I.D. 110602B] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1457. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Amendment 10 [Docket No. 021016235-3005-02; I.D. 092402E] (RIN: 0648-AP87) received February 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1458. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of

Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 020303C] received February 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1459. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Administrative Wage Garnishment—received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1460. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Authority of the Secretary of Homeland Security; Immigration Laws (RIN: 1601-AA06) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1461. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance from the Department of Homeland Security (RIN: 1601-AA03) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1462. A letter from the Director, Regulations and Forms Development, Department of Justice, transmitting the Department's final rule—Readjustment of Immigration Benefit Application Fees [INS No. 2260-03] (RIN: 1115-AH00) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1463. A letter from the Chief Counsel, St. Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Department's final rule—Seaway Regulations and Rules: Automatic Identification System [Docket No. SLSDC 2002-13698] (RIN: 2135-AA15) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1464. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E2 airspace and modification of existing Class E5 airspace; Ainsworth, BE; Correction [Airspace Docket No. 02-ACE-8] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1465. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Brookfield, MO [Docket No. FAA-2003-14243; Airspace Docket No. 03-ACE-3] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1466. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Change of Controlling Agency for Restricted Areas R-6601 Fort A.P. Hill, VA; and R-6608A, R-6608B, and R-6608C, Quantico, VA [Docket No. FAA-2002-14110; Airspace Docket No. 02-AEA-23] (RIN: 2120-AA66) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1467. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Using Agency for Restricted Area 2301E, Ajo East, AZ; Restricted Area 2304, Gila Bend, AZ; and Restricted Area 2305, Gila Bend, AZ [Docket No. FAA-2002-14163; Airspace Docket No. 02-AWP-11] (RIN: 2120-AA66) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1468. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Aging Airplane Safety [Docket No. FAA-1999-5401; Amdt. Nos. 119-6, 121-284, 129-34, 135-81, 183-11] (RIN: 2120-AE42) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1469. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30351; Amdt No. 3042] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1470. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30350; Amdt. No. 3041] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1471. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No. 2001-NM-277-AD; Amendment 39-13032; AD 2003-03-08] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1472. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. 2001-NM-274-AD; Amendment 39-13029; AD 2003-03-05] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1473. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Ssytems (Operations) Limited Model BAe 146 and Avro 146-RJ Series Airplanes [Docket No. 2002-NM-48-AD; Amendment 39-13034; AD 2003-03-10] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1474. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4; A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600); A310, A319; A320; A321; A330; and A340 Series Airplanes [Docket No. 96-NM-179-AD; Amendment 39-13028; AD 2003-03-04] (RIN: 2120-AA64) received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1475. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Coast Guard Transition to Department of Homeland Security; Technical Amendments Reflecting Organizational Changes [USCG-2003-14505] received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1476. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; and modification of Class E Airspace; Topeka, Philip Billard Municipal Airport, KS [Docket No. FAA-2003-14347; Airspace Docket No. 03-ACE-4] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1477. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Prohibited Area P-49 Crawford; TX [Docket No. FAA-2003-14369; Airspace Docket No. 03-AWA-1] (RIN: 2120-AA66) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1478. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Federal Airways V-72 and V-289; MO [Docket No. FAA-2002-13413; Airspace Docket No. 02-ACE-6] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1479. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Ames, IA [Docket No. FAA-2003-14427; Airspace Docket No. 03-ACE-7] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1480. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Lebanon, MO [Docket No. FAA-2003-14426; Airspace Docket No. 03-ACE-6] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1481. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Ankeny, IA [Docket No. FAA-2003-14428; Airspace Docket No. 03-ACE-8] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1482. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wasilla, AK [Docket No. FAA-2002-14075; Airspace Docket No. 02-AAL-7] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1483. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Clarinda, IA [Docket No. FAA-2003-14459; Airspace Docket No. 03-ACE-12] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶30.4 PUBLIC AWARENESS OF CHILD ABUSE AND NEGLECT

Mr. PORTER moved to suspend the rules and agree to the following resolution (H. Res. 113); as amended:

Whereas approximately 3,000,000 reports of suspected or known child abuse and neglect involving 5,000,000 American children are made to child protective service agencies each year;

Whereas 556,000 American children are unable to live safely with their families and are placed in foster homes and institutions;

Whereas it is estimated that more than 1,200 children, 85 percent of whom are under the age of 6 years and 44 percent of whom are under the age of 1 year, lose their lives as a direct result of abuse and neglect every year in the United States;

Whereas this tragic social problem results in human and economic costs due to its relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency; and

Whereas Childhelp USA has initiated a ''Day of Hope'' to be observed on Wednesday,

April 2, 2003, during Child Abuse Prevention Month, to focus public awareness on this social ill: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) all Americans should keep the victims of child abuse and neglect in their thoughts and prayers;

(B) all Americans should seek to break the cycle of child abuse and neglect and to give these victimized children hope for the future; and

(C) the faith community, nonprofit organizations, and volunteers across the United States should recommit themselves and mobilize their resources to assist these abused and neglected children; and

(2) the House of Representatives—

(A) supports the goals and ideals of the ''Day of Hope'', which was initiated by Childhelp USA; and

(B) commends Childhelp USA for all of its efforts on behalf of abused and neglected children throughout the United States.

The SPEAKER pro tempore, Mr. OTTER, recognized Mr. PORTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. OTTER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶30.5 PROVIDING FOR THE CONSIDERATION OF H.R. 1104

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 160):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1104) to prevent child abduction, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour, with 45 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 15 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 1104, it shall be in order to consider in the House S. 151. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1104 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 151 and request a conference with the Senate thereon.

When said resolution was considered.

After debate,

Mrs. MYRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 218 / Nays ..... 198 }

¶30.6 [Roll No. 86]

YEAS—218

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

NAYS—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes

Rodriguez	Serrano	Tierney
Ross	Sherman	Towns
Rothman	Skelton	Turner (TX)
Roybal-Allard	Slaughter	Udall (CO)
Ruppersberger	Smith (WA)	Udall (NM)
Rush	Snyder	Van Hollen
Ryan (OH)	Solis	Velazquez
Sabo	Spratt	Visclosky
Sanchez, Linda T.	Stark	Waters
	Stenholm	Watson
Sanchez, Loretta	Strickland	Watt
Sanders	Stupak	Waxman
Sandlin	Tanner	Weiner
Schakowsky	Tauscher	Wexler
Schiff	Taylor (MS)	Woolsey
Scott (GA)	Thompson (CA)	Wu
Scott (VA)	Thompson (MS)	Wynn

NOT VOTING—18

Beauprez	Frank (MA)	Miller, George
Bilirakis	Gephardt	Moore
Bishop (UT)	Hall	Pitts
Buyer	Harris	Putnam
Davis (FL)	Hyde	Wamp
Emanuel	McCarthy (MO)	Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶30.7 NATIONAL RUNAWAY PREVENTION MONTH

Mr. DUNCAN moved to suspend the rules and agree to the following resolution (H. Res. 57):

Whereas the prevalence of runaway and homeless situations among youth is staggering, with studies suggesting that between 1,300,000 and 2,800,000 youth live on the streets of the United States each year;

Whereas running away from home is widespread, with 1 out of every 7 youth in the United States running away from home before the age of 18;

Whereas runaway youth most often are youth who have been expelled from their homes by their families, physically, sexually, and emotionally abused at home, discharged by State custodial systems without adequate transition plans, separated from their parents through death and divorce, too poor to secure their own basic needs, and ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs supporting runaway youth and assisting youth and their families in remaining at home succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future well-being of the Nation is dependent on the opportunities provided for youth and families to acquire the knowledge, skills, and abilities necessary for youth to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth and provide an array of community-based supports that address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth to their families and to link youth to local resources that provide positive alternatives to running away from home; and

Whereas the National Network for Youth and National Runaway Switchboard are cosponsoring National Runaway Prevention Month, during the month of November, to increase public awareness of the life circumstances of youth in high-risk situations and the need for safe, healthy, and productive alternatives, resources, and supports for youth, families, and communities: Now, therefore, be it

Resolved, That the House of Representatives recognizes and supports the goals and ideals of ''National Runaway Prevention Month''.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. DUNCAN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. STEARNS announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶30.8 150TH ANNIVERSARY OF THE GRAND EXCURSION OF 1854

Mr. DUNCAN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 44):

Whereas reaching the shores of the Mississippi River represented a major milestone for the westward expansion of the system of railroad infrastructure that began on the East Coast in the 1830s;

Whereas in 1854 the Chicago and Rock Island Railroad became the first railroad to reach the Mississippi River and that achievement was celebrated with a combined railroad and riverboat trip known as the ''Grand Excursion of 1854'';

Whereas the Grand Excursion of 1854 began in Chicago with a gathering of more than 1,000 dignitaries from professions encompassing the fields of government, education, business, journalism, and the arts, and included most prominently former United States President Millard Fillmore;

Whereas the excursion party of 1854 traveled from Chicago, Illinois, to Rock Island, Illinois, by train and then proceeded by boat from Rock Island to the present-day twin cities of Minneapolis, Minnesota, and St. Paul, Minnesota;

Whereas the Grand Excursion of 1854 is credited both with bringing the upper Mississippi Valley into the national spotlight and with solidifying Chicago's role as a major transportation hub;

Whereas communities located on the 419 mile stretch between Rock Island and Minneapolis are investing more than $5,000,000,000 in recreational, commercial, and environmental improvements to prepare for the celebration of the Grand Excursion in 2004;

Whereas an educational program in Illinois, Iowa, Wisconsin, and Minnesota will bring the history of the Mississippi River to life for thousands of students from kindergarten through 12th grade and will focus on the recreational, environmental, and commercial importance of the river;

Whereas the Grand Excursion celebration of 2004 will establish a series of permanent exhibits throughout the upper Mississippi River, recognizing the achievements of the many communities and celebrating the history of the Mississippi River;

Whereas the Grand Excursion, through its local, regional, national, and international marketing programs and initiatives, will communicate to the world the incredible attributes of the upper Mississippi River, and will invite hundreds of thousands of visitors to the region to celebrate;

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups, is preparing activities to celebrate the sesquicentennial of the Grand Excursion in 2004, to educate local residents and visitors about the attributes of the river, and to commemorate the occasion by establishing future traditions that will improve community connections to the river; and

Whereas Grand Excursion, Inc. is organizing and coordinating the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its support for the work of all the Federal, State, and local entities, and the work of all interested groups that are preparing sesquicentennial activities to celebrate the 150th anniversary of the Grand Excursion of 1854;

(2) expresses its support for the events to be held in observance of the Grand Excursion of 1854 in Chicago, Rock Island, Moline, and Galena, Illinois, in Davenport, Clinton, and Dubuque, Iowa, in Prairie du Chien and La Crosse, Wisconsin, in Wabasha, Winona, Red Wing, Saint Paul, and Minneapolis, Minnesota, and in many other communities during the sesquicentennial observance; and

(3) calls on the President of the United States, the Secretary of Education, the Secretary of the Interior, the Secretary of Defense, the Assistant Secretary of the Army, the Director of the National Park Service, the Director of the United States Fish and Wildlife Service, other public officials, and the citizens of the United States to support, promote, and participate in the many sesquicentennial activities being planned to commemorate the Grand Excursion of 1854

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. DUNCAN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶30.9 MICHAEL J. HEALY POST OFFICE BUILDING

Mr. DUNCAN moved to suspend the rules and pass the bill (H.R. 825) to redesignate the facility of the United

States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building''.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. DUNCAN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶30.10 FLOYD SPENCE POST OFFICE BUILDING

Mr. DUNCAN moved to suspend the rules and pass the bill (H.R. 917) to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building''.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. DUNCAN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶30.11 JAMES R. MERRY POST OFFICE

Mr. SHAYS moved to suspend the rules and pass the bill (H.R. 981) to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the ''James R. Merry Post Office''.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. SHAYS and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶30.12 FASTING AND PRAYER DURING CONFLICT IN IRAQ

Mr. SHAYS moved to suspend the rules and agree to the following resolution (H. Res. 153):

Whereas the United States is currently engaged in a war on terrorism in response to the attacks of September 11, 2001;

Whereas the Armed Forces of the United States are currently engaged in a campaign to disarm the regime of Saddam Hussein and liberate the people of Iraq;

Whereas, on June 1, 1774, the Virginia House of Burgesses called for a day of fasting and prayer as an expression of solidarity with the people of Boston who were under siege by the enemy;

Whereas, on March 16, 1776, the Continental Congress, recognizing that the ''Liberties of America are imminently endangered'' and the need ''to acknowledge the overruling Providence of God'', called for a day of ''Humiliation, Fasting and Prayer'';

Whereas, on June 28, 1787, during the debate of the Constitutional Convention, Benjamin Franklin, convinced of God's intimate involvement in human affairs, implored the Congress to seek the assistance of Heaven in all its dealings;

Whereas, on March 30, 1863, in the midst of the Civil War, Abraham Lincoln, at the bequest of the Senate, and himself recognizing the need of the Nation to humble itself before God in repentance for its national sins, proclaimed a day of fasting, prayer and humiliation;

Whereas all of the various faiths of the people of the United States have recognized, in our religious traditions, the need for fasting and humble supplication before Providence;

Whereas humility, fasting, and prayer in times of danger have long been rooted in our essential national convictions and have been a means of producing unity and solidarity among all the diverse people of this Nation as well as procuring the enduring grace and benevolence of God;

Whereas, through prayer, fasting, and self-reflection, we may better recognize our own faults and shortcomings and submit to the wisdom and love of God in order that we may have guidance and strength in those daily actions and decisions we must take; and

Whereas dangers and threats to our Nation persist and, in this time of peril, it is appropriate that the people of the United States, leaders and citizens alike, seek guidance, strength, and resolve through prayer and fasting: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should issue a proclamation—

(1) designating a day for humility, prayer, and fasting for all people of the United States; and

(2) calling on all people of the United States—

(A) to observe the day as a time of prayer and fasting;

(B) to seek guidance from God to achieve a greater understanding of our own failings and to learn how we can do better in our everyday activities; and

(C) to gain resolve in meeting the challenges that confront our Nation.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. SHAYS and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SHAYS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, March 27, 2003.

¶30.13 RECESS—1:22 P.M.

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 22 minutes p.m. until approximately 2:15 p.m.

¶30.14 AFTER RECESS—2:16 P.M.

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶30.15 RECESS—2:17 P.M.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 17 minutes p.m. subject to the call of the Chair.

¶30.16 AFTER RECESS—5:32 P.M.

The SPEAKER pro tempore, Mr. BASS, called the House to order.

¶30.17 UNITED STATES PRISONERS OF WAR

Mr. BEREUTER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 118); as amended:

Whereas the Armed Forces of the United States and military forces of United States coalition partners are currently engaged in hostilities in Iraq in prosecuting Operation Iraqi Freedom;

Whereas an unknown number of members of the Armed Forces of the United States have been taken prisoner by Iraqi authorities and it is possible that, before the end of hostilities, additional members of the Armed Forces of the United States and members of other coalition forces may be taken prisoner by Iraqi authorities;

Whereas members of the military forces of Iraq have been taken prisoner by coalition armed forces;

Whereas all such prisoners who are captured while complying with the laws of war are entitled to prisoner of war status until their final release and repatriation;

Whereas in the Convention Relative to the Treatment of Prisoners of War, signed at Geneva on August 12, 1949 (referred to as the ''Third Geneva Convention''), the international community has prescribed rules concerning the treatment of prisoners of war;

Whereas more than 190 nations, including the United States and Iraq, are parties to the Third Geneva Convention;

Whereas Article 13 of the Third Geneva Convention requires the humane treatment

of prisoners of war and that prisoners of war be protected against acts of violence or intimidation and against insults and public curiosity;

Whereas Article 17 of the Third Geneva Convention explicitly prohibits the infliction of physical or mental torture and other forms of coercion on prisoners of war to secure from them information of any kind whatever and provides that prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind;

Whereas Article 23 of the Third Geneva Convention provides that a prisoner of war may not at any time be sent to, or detained in areas where the prisoner may be exposed to the fire of the combat zone, nor may a prisoner's presence be used to render certain points or areas immune from military operations;

Whereas the Third Geneva Convention requires that a government holding prisoners of war grant representatives of the International Committee of the Red Cross (ICRC) free access to all prisoners of war;

Whereas the Government of the United States has informed the Iraqi authorities that it intends to treat captured members of the Iraqi armed forces fully in accordance with the Third Geneva Convention and is in discussions with ICRC officials to facilitate access at the earliest possible time to Iraqi enemy prisoners of war held by United States Armed Forces; and

Whereas Iraqi television has broadcast what appear to be pictures of captured American military personnel; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the bravery and professionalism of the members of the Armed Forces of the United States and the military forces of United States coalition partners; and

(2) extends heartfelt sympathies to the families and loved ones of those who are killed, wounded, missing in action, or taken prisoner by Iraqi authorities.

SEC. 2. The Congress—

(1) demands that Iraqi authorities comply fully and immediately with its obligations and responsibilities of the Convention Relative to the Treatment of Prisoners of War;

(2) condemns the failure of Iraqi authorities to treat prisoners of war in strict conformity with that Convention;

(3) demands that Iraqi authorities permit the International Committee of the Red Cross to visit any and all American and coalition prisoners of war at the earliest possible time, in accordance with the requirements of that Convention;

(4) joins the President in warning all Iraqi authorities that any individual who mistreats any prisoner of war in violation of that Convention shall be considered a war criminal and prosecuted as such to the full extent of United States and international law; and

(5) supports the President in committing the full effort and reach of the United States Government to the swift and safe repatriation of all prisoners of war at the earliest possible moment consistent with that Convention.

SEC. 3. The Congress supports the President in seeking the fullest possible accounting, at the earliest possible time upon the cessation of hostilities, of all members of the Armed Forces who are in a missing status as a result of operations during Operation Iraqi Freedom.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. BEREUTER and Mr. LANTOS, each for 20 minutes.

After debate,

By unanimous consent, the time for debate was extended by 20 minutes to be equally divided and controlled by Mr. BEREUTER and Mr. LANTOS.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BEREUTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, March 27, 2003.

¶30.18 EXPENSES OF STANDING AND SELECT COMMITTEES

Mr. NEY, by unanimous consent, submitted the following resolution (H. Res. 163):

Resolved, That there shall be available from the applicable accounts of the House of Representatives such amounts as may be necessary for continuing expenses of standing and select committees of the House for the period beginning on April 1, 2003, and ending on April 11, 2003, on the same terms and conditions as amounts were available to such committees for the period beginning at noon on January 3, 2003, and ending at midnight on March 31, 2003, pursuant to clause 7 of rule X of the Rules of the House of Representatives, or, in the case of the Select Committee on Homeland Security, pursuant to House Resolution 77 (agreed to February 13, 2003).

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶30.19 KEEPING CHILDREN AND FAMILIES SAFE

Mr. HOEKSTRA, pursuant to the order of the House of March 25, 2003, called up the bill (H.R. 14) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

Pending consideration of the bill.

Pursuant to the order of the House of March 25, 2003, the following amendment printed in the bill, as modified, recommended by the Committee on Education and the Workforce, was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Keeping Children and Families Safe Act of 2003''.

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

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National Clearinghouse for Information Relating to Child Abuse.
Sec. 112. Research and assistance activities and demonstrations.
Sec. 113. Grants to States and public or private agencies and organizations.
Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.
Sec. 115. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.
Sec. 116. Miscellaneous requirements relating to assistance.
Sec. 117. Authorization of appropriations.
Sec. 118. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.
Sec. 122. Eligibility.
Sec. 123. Amount of grant.
Sec. 124. Existing grants.
Sec. 125. Application.
Sec. 126. Local program requirements.
Sec. 127. Performance measures.
Sec. 128. National network for community-based family resource programs.
Sec. 129. Definitions.
Sec. 130. Authorization of appropriations.

Subtitle C—Conforming Amendments

Sec. 141. Conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.
Sec. 202. Information and services.
Sec. 203. Study of adoption placements.
Sec. 204. Studies on successful adoptions.
Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.
Sec. 302. Establishment of local programs.
Sec. 303. Evaluations, study, and reports by Secretary.
Sec. 304. Authorization of appropriations.
Sec. 305. Definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.
Sec. 402. Secretarial responsibilities.
Sec. 403. Evaluation.
Sec. 404. Information and technical assistance centers.
Sec. 405. Authorization of appropriations.
Sec. 406. Grants for State domestic violence coalitions.
Sec. 407. Evaluation and monitoring.
Sec. 408. Family member abuse information and documentation project.
Sec. 409. Model State leadership grants.
Sec. 410. National domestic violence hotline grant.
Sec. 411. Youth education and domestic violence.
Sec. 412. Demonstration grants for community initiatives.
Sec. 413. Transitional housing assistance.
Sec. 414. Technical and conforming amendments.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking ''close to 1,000,000'' and inserting ''approximately 900,000'';

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

''(2)(A) more children suffer neglect than any other form of maltreatment; and

''(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

''(3)(A) child abuse can result in the death of a child;

''(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

''(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age;'';

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

''(4)(A) many of these children and their families fail to receive adequate protection and treatment;

''(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

''(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services;'';

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking ''organizations'' and inserting ''community-based organizations'';

(B) in subparagraph (D), by striking ''ensures'' and all that follows through ''knowledge,'' and inserting ''recognizes the need for properly trained staff with the qualifications needed''; and

(C) in subparagraph (E), by inserting before the semicolon the following: '', which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse'';

(6) in paragraph (7) (as so redesignated), by striking ''this national child and family emergency'' and inserting ''child abuse and neglect''; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking ''intensive'' and inserting ''needed''; and

(B) by striking ''if removal has taken place'' and inserting ''where appropriate''.

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking ''all programs,'' and all that follows through ''neglect; and'' and inserting ''all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;'';

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

''(2) maintain information about the best practices used for achieving improvements in child protective systems;''; and

(5) by adding at the end the following:

''(4) provide technical assistance upon request that may include an evaluation or identification of—

''(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

''(B) ways to mitigate psychological trauma to the child victim; and

''(C) effective programs carried out by the States under this Act; and

''(5) collect and disseminate information relating to various training resources available at the State and local level to—

''(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

''(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.''.

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking ''105(a); and'' and inserting ''104(a);'';

(2) by redesignating subparagraph (F) as subparagraph (G); and

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

''(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and''.

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting '', including longitudinal research,'' after ''interdisciplinary program of research''; and

(B) in subparagraph (B), by inserting before the semicolon the following: '', including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed'';

(C) in subparagraph (C)—

(i) by striking ''judicial procedures'' and inserting ''judicial systems, including multidisciplinary, coordinated decisionmaking procedures''; and

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

(D) in subparagraph (D)—

(i) in clause (viii), by striking ''and'' at the end;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii), the following:

''(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and'';

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

''(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

''(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

''(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

''(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

''(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (x) of subparagraph (I); and'';

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.'';

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

''(2) RESEARCH.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in clauses (i) through (x) of paragraph (1)(I).

''(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).''.

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''nonprofit private agencies and'' and inserting ''private agencies and community-based''; and

(B) by inserting '', including replicating successful program models,'' after ''programs and activities''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.''.

(c) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

''(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

''(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

''(A) for court-ordered, supervised visitation between children and abusing parents; and

''(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

''(2) EDUCATION IDENTIFICATION, PREVENTION, AND TREATMENT.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

''(3) RISK AND SAFETY ASSESSMENT TOOLS.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

''(4) TRAINING.—The Secretary may award grants under this subsection to entities for projects that involve research-based innovative

training for mandated child abuse and neglect reporters.''.

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking ''DEMONSTRATION'' and inserting ''GRANTS FOR'';

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

(A) by inserting ''States,'' after ''contracts with,'';

(B) by striking ''nonprofit''; and

(C) by striking ''time limited, demonstration'';

(3) in paragraph (1)—

(A) in subparagraph (A), by striking ''law, education, social work, and other relevant fields'' and inserting ''law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,'';

(B) in subparagraph (B), by striking ''nonprofit'' and all that follows through ''; and'' and inserting ''children, youth and family service organizations in order to prevent child abuse and neglect;'';

(C) in subparagraph (C), by striking the period and inserting a semicolon;

(D) by adding at the end the following:

''(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

''(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

''(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

''(G) for improving the training of supervisory and nonsupervisory child welfare workers;

''(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

''(I) for cross training for child protective service workers in research-based methods for recognizing situations of substance abuse, domestic violence, and neglect; and

''(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

''(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

''(ii) the parents of such infants.'';

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

''(2) TRIAGE PROCEDURES.—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

''(A) accepts, screens, and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

''(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

''(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.'';

(6) in paragraph (3) (as so redesignated), by striking ''(such as Parents Anonymous)'';

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph designation and heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking ''(B) KINSHIP CARE.—'' and inserting the following:

''(4) KINSHIP CARE.—''; and

(ii) by striking ''nonprofit''; and

(8) by adding at the end the following:

''(5) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated.''.

(b) DISCRETIONARY GRANTS.—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) by inserting after paragraph (2) (as so redesignated), the following:

''(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated.''; and

(4) in paragraph (4)(D), by striking ''nonprofit''.

(c) EVALUATION.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking ''demonstration'';

(2) in the second sentence, by inserting ''or contract'' after ''or as a separate grant''; and

(3) by adding at the end the following: ''In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.''.

(d) TECHNICAL AMENDMENT TO HEADING.—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

''SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.''.

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting '', including ongoing case monitoring,'' after ''case management''; and

(B) by inserting ''and treatment'' after ''and delivery of services'';

(2) in paragraph (4), by striking ''improving'' and all that follows through ''referral systems'' and inserting ''developing, improving, and implementing risk and safety assessment tools and protocols'';

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

''(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;'';

(6) in paragraph (6) (as so redesignated), by striking ''opportunities'' and all that follows through ''system'' and inserting ''including training regarding research-based practices to promote collaboration with the families and the legal duties of such individuals'';

(7) by inserting after paragraph (6) (as so redesignated) the following:

''(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;'';

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

''(9) developing and facilitating research-based training protocols for individuals mandated to report child abuse or neglect;

''(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

''(A) existing social and health services;

''(B) financial assistance; and

''(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

''(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;'';

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon; and

(10) by adding at the end the following:

''(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

''(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.''.

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking ''provide notice to the Secretary of any substantive changes'' and inserting the following: ''provide notice to the Secretary—

''(i) of any substantive changes'';

(ii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.'';

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iii), (v), (vi), (vii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi), respectively;

(ii) by inserting after clause (i), the following:

''(ii) policies and procedures to address the needs of infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure, including—

''(I) the requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to create a definition under Federal law of what constitutes child abuse and such notification shall not be construed to require prosecution for any illegal action; and

''(II) the development of a safe plan of care for the infant under which consideration may be given to providing the mother with health services (including mental health services), social services, parenting services, and substance abuse prevention and treatment counseling and to providing the infant with referral to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need for services provided under part C of such Act;'';

(iii) in clause (iii) (as so redesignated), by inserting ''risk and'' before ''safety'';

(iv) by inserting after clause (iii) (as so redesignated), the following:

''(iv) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;'';

(v) in clause (vii)(II) (as so redesignated), by striking '', having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect'' and inserting '', as described in clause (viii)'';

(vi) by inserting after clause (vii) (as so redesignated), the following:

''(viii) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;'';

(vii) in clause (xii) (as so redesignated)—

(I) by inserting ''who has received training appropriate to the role, and'' after ''guardian ad litem,''; and

(II) by inserting ''who has received training appropriate to that role'' after ''advocate'';

(viii) in clause (xiv) (as so redesignated), by striking ''to be effective not later than 2 years after the date of the enactment of this section'';

(ix) in clause (xv) (as so redesignated)—

(I) by striking ''to be effective not later than 2 years after the date of the enactment of this section''; and

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

(x) in clause (xvi) (as so redesignated), by striking ''clause (xii)'' each place that such appears and inserting ''clause (xv)''; and

(xi) by adding at the end the following:

''(xvii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

''(xviii) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

''(xix) provisions and procedures for improving the training, retention, and supervision of caseworkers;

''(xx) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need of services provided under part C of such Act; and

''(xxi) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;''; and

(C) in paragraph (2), by adding at the end the following flush sentence:

''Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.''.

(2) LIMITATION.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking ''With regard to clauses (v) and (vi) of paragraph (2)(A)'' and inserting ''With regard to clauses (vi) and (vii) of paragraph (2)(A)''.

(c) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking ''and procedures'' and inserting '', procedures, and practices''; and

(II) by striking ''the agencies'' and inserting ''State and local child protection system agencies''; and

(ii) in clause (iii)(I), by striking ''State'' and inserting ''State and local''; and

(B) by adding at the end the following:

''(C) PUBLIC OUTREACH.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A).''; and

(2) in paragraph (6)—

(A) by striking ''public'' and inserting ''State and the public''; and

(B) by inserting before the period the following: ''and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the State and local child protection systems that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system''.

(d) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

''(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

''(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.''.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c(a)) is amended—

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

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

(3) by adding at the end the following:

''(4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.''.

SEC. 116. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

''(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.''.

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

''(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.''.

(b) DEMONSTRATION PROJECTS.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking ''Secretary make'' and inserting ''Secretary shall make''; and

(2) by striking ''section 106'' and inserting ''section 104''.

SEC. 118. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

''(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

''(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

''(2) REPORT.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).''.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 121. PURPOSE AND AUTHORITY.

(a) PURPOSE.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

''(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and''.

(b) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking ''Statewide'' and all that follows through the dash, and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and build upon existing strengths that—'';

(B) in subparagraph (F), by striking ''and'' at the end; and

(C) by striking subparagraph (G) and inserting the following:

''(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

''(H) provide referrals to early health and developmental services;''; and

(2) in paragraph (4)—

(A) by inserting ''through leveraging of funds'' after ''maximizing funding'';

(B) by striking ''a Statewide network of community-based, prevention-focused'' and inserting ''community-based and prevention-focused''; and

(C) by striking ''family resource and support program'' and inserting ''programs and activities designed to prevent child abuse and neglect (through networks where appropriate)''.

(c) TECHNICAL AMENDMENT TO TITLE HEADING.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

''TITLE II—COMMUNITY–BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT''.

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''a Statewide network of community-based, prevention-focused'' and inserting ''community-based and prevention-focused''; and

(ii) by striking ''family resource and support programs'' and all that follows through the semicolon and inserting ''programs and activities designed to prevent child abuse and neglect (through networks where appropriate);''

(B) in subparagraph (B), by inserting ''that exists to strengthen and support families to prevent child abuse and neglect'' after ''written authority of the State)'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''a network of community-based family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)'';

(B) in subparagraph (B)—

(i) by striking ''to the network''; and

(ii) by inserting '', and parents with disabilities'' before the semicolon;

(C) in subparagraph (C), by striking ''to the network''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(B) in subparagraph (B), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(C) in subparagraph (C), by striking ''and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)''; and

(D) in subparagraph (D), by inserting '', parents with disabilities,'' after ''children with disabilities''.

SEC. 123. AMOUNT OF GRANT.

Section 203(b)(1)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1)(B)) is amended—

(1) by striking ''as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the'' and inserting ''as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated''; and

(2) by striking ''the lead agency'' and inserting ''the current lead agency''.

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(2) in paragraph (2)—

(A) by striking ''network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)''; and

(B) by striking '', including those funded by programs consolidated under this Act,'';

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

''(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State;'';

(4) in paragraph (4), by striking ''State's network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(5) in paragraph (5), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(6) in paragraph (7), by striking ''individual community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(7) in paragraph (8), by striking ''community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(8) in paragraph (9), by striking ''community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(9) in paragraph (10), by inserting ''(where appropriate)'' after ''members'';

(10) in paragraph (11), by striking ''prevention-focused, family resource and support program'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''prevention-focused, family resource and support programs'' and inserting ''and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''family resource and support services'' and inserting ''family support services for the prevention of child abuse and neglect'';

(ii) in clause (iii), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(v) respite care;

''(vi) home visiting; and

''(vii) family support services;''; and

(B) in subparagraph (B), by inserting ''voluntary home visiting and'' after ''including''; and

(3) by striking paragraph (6) and inserting the following:

''(6) participate with other community-based and prevention-focused programs and activities to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.''.

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking ''a Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect'';

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

''(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);'';

(3) in paragraph (4),

(A) by inserting ''and parents with disabilities,'' after ''children with disabilities,''; and

(B) by striking ''evaluation of'' the first place it appears and all that follows through ''under this title'' and inserting ''evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs'';

(4) in paragraph (5), by striking '', prevention-focused, family resource and support programs'' and inserting ''and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(5) in paragraph (6), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''; and

(6) in paragraph (8), by striking ''community based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''.

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking ''Statewide networks of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''.

SEC. 129. DEFINITIONS.

(a) CHILDREN WITH DISABILITIES.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by

striking ''given such term in section 602(a)(2)'' and inserting ''given the term 'child with a disability' in section 602(3) or 'infant or toddler with a disability' in section 632(5)''.

(b) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraphs (3) and (4);

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

''(3) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—The term 'community-based and prevention-focused programs and activities to prevent child abuse and neglect' includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs that provide activities that are designed to prevent or respond to child abuse and neglect.''; and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

''SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.''.

Subtitle C—Conforming Amendments

SEC. 141. CONFORMING AMENDMENTS.

The table of contents of the Child Abuse Prevention and Treatment Act, as contained in section 1(b) of such Act (42 U.S.C. 5101 note), is amended as follows:

(1) By striking the item relating to section 105 and inserting the following:

''Sec. 105. Grants to States and public or private agencies and organizations.''.

(2) By striking the item relating to title II and inserting the following:

''TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT''.

(3) By striking the item relating to section 204.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

''(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

''(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

''(3) each year, thousands of children are in need of placement in permanent, adoptive homes;'';

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

''(7)(A) currently, there are 131,000 children waiting for adoption;''; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting '', including geographic barriers,'' after ''barriers''; and

(B) in paragraph (2), by striking ''a national'' and inserting ''an Internet-based national''.

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

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

''SEC. 203. INFORMATION AND SERVICES.'';

(2) by striking ''SEC. 203. (a) The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary'';

(3) in subsection (b)—

(A) by inserting ''REQUIRED ACTIVITIES.—'' after ''(b)'';

(B) in paragraph (1), by striking ''nonprofit'' each place that such appears;

(C) in paragraph (2), by striking ''nonprofit'';

(D) in paragraph (3), by striking ''nonprofit'';

(E) in paragraph (4), by striking ''nonprofit'';

(F) in paragraph (6), by striking ''study the nature, scope, and effects of'' and insert ''support'';

(G) in paragraph (7), by striking ''nonprofit'';

(H) in paragraph (9)—

(i) by striking ''nonprofit''; and

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

(I) in paragraph (10)—

(i) by striking ''nonprofit''; each place that such appears; and

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

(J) by adding at the end the following:

''(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

''(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

''(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

''(C) recruitment of prospective families for such children.'';

(4) in subsection (c)—

(A) by striking ''(c)(1) The Secretary'' and inserting the following:

''(c) SERVICES FOR FAMILIES ADOPTING SPECIAL NEEDS CHILDREN.—

''(1) IN GENERAL.—The Secretary'';

(B) by striking ''(2) Services'' and inserting the following:

''(2) SERVICES.—Services''; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking ''and'' at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(H) day treatment; and

''(I) respite care.''; and

(D) by striking ''nonprofit''; each place that such appears;

(5) in subsection (d)—

(A) by striking ''(d)(1) The Secretary'' and inserting the following:

''(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE.—

''(1) IN GENERAL.—The Secretary'';

(B) by striking ''(2)(A) Each State'' and inserting the following:

''(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—

''(A) APPLICATIONS.—Each State'';

(C) by striking ''(B) The Secretary'' and inserting the following:

''(B) TECHNICAL AND OTHER ASSISTANCE.—The Secretary'';

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking ''nonprofit'';

(E) by striking ''(3)(A) Payments'' and inserting the following:

''(3) PAYMENTS.—

''(A) IN GENERAL.—Payments''; and

(F) by striking ''(B) Any payment'' and inserting the following:

''(B) REVERSION OF UNUSED FUNDS.—Any payment''; and

(6) by adding at the end the following:

''(e) ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.—

''(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

''(2) SERVICES TO SUPPLEMENT NOT SUPPLANT.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

''(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

''(B) developing models of financing cross-jurisdictional placements;

''(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

''(D) developing training materials and training social workers on preparing and moving children across State lines; and

''(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.''.

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking ''The'' and inserting ''(a) IN GENERAL.—The'';

(2) by striking ''of this Act'' and inserting ''of the Keeping Children and Families Safe Act of 2003'';

(3) by striking ''to determine the nature'' and inserting ''to determine—

''(1) the nature'';

(4) by striking ''which are not licensed'' and all that follows through ''entity''; and

(5) by adding at the end the following:

''(2) how interstate placements are being financed across State lines;

''(3) recommendations on best practice models for both interstate and intrastate adoptions; and

''(4) how State policies in defining special needs children differentiate or group similar categories of children.''.

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

''(b) DYNAMICS OF SUCCESSFUL ADOPTION.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003.

''(c) INTERJURISDICTIONAL ADOPTION.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act

of 2003, the Secretary, shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.''.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

''(a) There are authorized to be appropriated $40,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 to carry out programs and activities authorized under this subtitle.''.

TITLE III—ABANDONED INFANTS ASSISTANCE

SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting ''studies indicate that a number of factors contribute to'' before ''the inability of'';

(B) by inserting ''some'' after ''inability of'';

(C) by striking ''who abuse drugs''; and

(D) by striking ''care for such infants'' and inserting ''care for their infants'';

(3) by amending paragraph (5) to read as follows:

''(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly know as 'AIDS'), and those who have been exposed to dangerous drugs;'';

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8), by inserting ''by parents abusing drugs,'' after ''deficiency syndrome,'';

(6) in paragraph (9), by striking ''comprehensive services'' and all that follows through the semicolon at the end and inserting ''comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and'';

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively; and

(9) by adding at the end the following:

''(8) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.''.

SEC. 302. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

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

"SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS."; and

(2) by striking subsection (b) and inserting the following:

''(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

''(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

''(2) have been perinatally exposed to a dangerous drug.''.

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

''(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

''(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

''(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

''(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

''(B) an estimate of the annual number of infants and young children who are victims of homicide;

''(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

''(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

''(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

''(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.''.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—For the purpose of carrying out this Act, there are authorized to be appropriated $45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

''(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).'';

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''AUTHORIZATION.—'' after ''(1)''; and

(B) in paragraph (2)—

(i) by inserting ''LIMITATION.—'' after ''(2)''; and

(ii) by striking ''fiscal year 1991.'' and inserting ''fiscal year 2003.''; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 305. DEFINITIONS

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

"SEC. 103. DEFINITIONS.

''For purposes of this Act:

''(1) The terms 'abandoned' and 'abandonment', with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

''(2) The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

''(3) The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act.

''(4) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this subtitle.

''(5) The term 'Secretary' means the Secretary of Health and Human Services.''.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 401. STATE DEMONSTRATION GRANTS.

(a) UNDERSERVED POPULATIONS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking ''underserved populations,'' and all that follows and inserting the following: ''underserved populations, as defined in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);''.

(b) REPORT.—Section 303(a) of such Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

''(5) Upon completion of the activities funded by a grant under this title, the State grantee shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i).''.

SEC. 402. SECRETARIAL RESPONSIBILITIES.

Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking ''an employee'' and inserting ''1 or more employees'';

(2) by striking ''of this title.'' and inserting ''of this title, including carrying out evaluation and monitoring under this title.''; and

(3) by striking ''The individual'' and inserting ''Any individual''.

SEC. 403. EVALUATION.

Section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended in the first sentence by striking ''Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter,'' and inserting ''Every 2 years,''.

SEC. 404. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended by striking subsection (g).

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $175,000,000 for each of the fiscal years 2004 through 2008.''.

(b) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Section 311(g) of such Act (42 U.S.C. 10410(g)) is amended to read as follows:

''(g) FUNDING.—Of the amount appropriated pursuant to the authorization of appropriations under section 310(a) for a fiscal year, not less than 10 percent of such amount shall be made available to award grants under this section.''.

SEC. 406. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended by striking subsection (h).

SEC. 407. EVALUATION AND MONITORING.

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended by adding at the end the following:

''(c) Of the amount appropriated under section 310(a) for each fiscal year, not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.''.

SEC. 408. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT.

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is repealed.

SEC. 409. MODEL STATE LEADERSHIP GRANTS.

Section 315 of the Family Violence Prevention and Services Act (42 U.S.C. 10415) is repealed.

SEC. 410. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) DURATION.—Section 316(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(b)) is amended—

(1) by striking ''A grant'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), a grant''; and

(2) by adding at the end the following:

''(2) EXTENSION.—The Secretary may extend the duration of a grant under this section beyond the period described in paragraph (1) if, prior to such extension—

''(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information as the Secretary may prescribe; and

''(B) the report and other appropriate criteria indicate that the entity is successfully operating the hotline in accordance with subsection (a).''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(f) of such Act (42 U.S.C. 10416(f)) is amended in paragraph (1) by striking ''fiscal years 2001 through 2005'' and inserting ''fiscal years 2004 through 2008''.

SEC. 411. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

Section 317 of the Family Violence Prevention and Services Act (42 U.S.C. 10417) is repealed.

SEC. 412. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) IN GENERAL.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2004 through 2008.''.

(b) REGULATIONS.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 413. TRANSITIONAL HOUSING ASSISTANCE.

Section 319(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10419(f)) is amended by striking ''fiscal year 2001'' and inserting ''each of the fiscal years 2004 through 2008''.

SEC. 414. TECHNICAL AND CONFORMING AMENDMENTS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended as follows:

(1) In section 302(1) by striking ''demonstrate the effectiveness of assisting'' and inserting ''assist''.

(2) In section 303(a)—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking ''State domestic violence coalitions knowledgeable individuals and interested organizations'' and inserting ''State domestic violence coalitions, knowledgeable individuals, and interested organizations''; and

(ii) in subparagraph (F), by adding ''and'' at the end; and

(B) by aligning the margins of paragraph (4) with the margins of paragraph (3).

(3) In section 305(b)(2)(A) by striking ''provide for research, and into'' and inserting ''provide for research into''.

(4) In section 311(a)—

(A) in paragraph (2)(K), by striking ''other criminal justice professionals,,'' and inserting ''other criminal justice professionals;'' and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''family law judges,,'' and inserting ''family law judges,'';

(ii) in subparagraph (D), by inserting '', criminal court judges,'' after ''family law judges''; and

(iii) in subparagraph (H), by striking ''supervised visitations that do not endanger victims and their children'' and inserting ''supervised visitations or denial of visitation to protect against danger to victims or their children''.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to the order of the House of March 25, 2003, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that pursuant to the order of the House of March 25, 2003, the bill of the Senate (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; was taken from the Speaker's table, was amended by striking out all after the enacting clause and inserting in lieu thereof the text of the bill (H.R. 14), as passed the House; that the Senate bill, as amended, was passed; and that, by unanimous consent, a motion to reconsider was laid on the table.

By unanimous consent, H.R. 14, a similar House bill, was laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶30.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BILIRAKIS, for today until 4:30 p.m.;

To Ms. Corrine BROWN of Florida, for today after 1 p.m. and balance of the week; and

To Mr. PUTNAM, for today until 4 p.m..

And then,

¶30.21 ADJOURNMENT

On motion of Mr. CUMMINGS, at 10 o'clock and 25 minutes p.m., the House adjourned.

¶30.22 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOLEY (for himself, Mr. ACKERMAN, Mr. GARRETT of New Jersey, Mr. MCNULTY, Mr. FROST, Ms. ROS-LEHTINEN, Mr. MCGOVERN, Mr. BERMAN, and Mr. BARTLETT of Maryland):

H.R. 1440. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture, extrajudicial killings, or other specified atrocities abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad; to the Committee on the Judiciary.

By Mr. ISSA:

H.R. 1441. A bill to require the Administrator of the United States Agency for International Development and the Secretary of Defense to give a preference for American companies in the award of contracts to provide assistance for Iraq, and to require the use of CDMA technology in any such contract for the provision of commercial mobile wireless communication service; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. RAHALL, Mr. GIBBONS, and Mr. MURTHA):

H.R. 1442. A bill to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial; to the Committee on Resources.

By Mr. CALVERT (for himself, Mr. ISRAEL, Mr. FEENEY and Mr. DAVIS of Alabama):

H.R. 1443. A bill to amend section 251 of the National Housing Act to enable homebuyers to make use of the authority of the Secretary of Housing and Urban Development to insure hybrid adjustable rate mortgages; to the Committee on Financial Services.

By Ms. DEGETTE:

H.R. 1444. A bill to amend title 10, United States Code, to provide for garnishment of military retired pay to satisfy a judgment against a retired member of the uniformed services for physically, sexually, or emotionally abusing a child; to the Committee on Armed Services.

By Ms. DELAURO:

H.R. 1445. A bill to designate the western breakwater for the project for navigation, New Haven Harbor, Connecticut, as the ''Charles Hervey Townshend Breakwater''; to the Committee on Transportation and Infrastructure.

By Mr. FARR (for himself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mrs. DAVIS of California, Mr. DOOLEY of California, Ms. ESHOO, Mr. FILNER, Ms. HARMAN, Mr. HONDA, Mr. LANTOS, Ms. LEE, Ms. LOFGREN, Mr. MATSUI, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. PELOSI, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. DREIER, Mr. LEWIS of California, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. MCKEON, Mr. THOMAS, Mr. OSE, Mr. ISSA, Mr. CALVERT, Mr. COX, Mr. CUNNINGHAM, Mr. NUNES, Mr. HUNTER, Mrs. BONO, Mr. GALLEGLY, Ms. WATERS, and Mr. GARY G. MILLER of California):

H.R. 1446. A bill to support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes; to the Committee on Resources.

By Mr. LEWIS of Kentucky:

H.R. 1447. A bill to amend the Internal Revenue Code of 1986 to provide incentives to increase the sale and use of certain ethanol and biodiesel fuels; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself, Mrs. MYRICK, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. CONYERS, Mr. FROST, Mrs. MCCARTHY of New York, Ms. HOOLEY of Oregon, Mr. WYNN, Mrs. JO ANN DAVIS of Virginia, Mr. MCINTYRE, Mr. BACA, Mrs. CAPPS, Mr. MCHUGH, Mr. OBERSTAR, and Mrs. MALONEY):

H.R. 1448. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD:

H.R. 1449. A bill to amend the Homeland Security Act of 2002 to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and to improve security of infrastructure, and for other purposes including emergency preparedness; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 1450. A bill to amend the District of Columbia Home Rule Act to permit the Council of the District of Columbia to impose a tax on the income of professional baseball players which is earned within the District of Columbia; to the Committee on Government Reform.

By Mr. OSBORNE (for himself, Mr. KING of New York, Mr. KIND, Mr. WAMP, Mr. SHAYS, Mr. WOLF, Mr. GOODE, Mr. SMITH of Texas, Mr. BARTLETT of Maryland, Mr. WICKER, Mr. DEMINT, Mr. GORDON, Mr. LINDER, Mr. WALSH, Mr. LATHAM, Mr. HOEKSTRA, Mr. SPRATT, Mr. ISAKSON, Mr. BLUMENAUER, Mr. ETHERIDGE, Mr. DUNCAN, Mr. EHLERS, and Mr. WILSON of South Carolina):

H.R. 1451. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. KINGSTON, Mr. BRADY of Texas, and Mr. SULLIVAN):

H.R. 1452. A bill to provide that the language of the text of United States passports is written in English and Spanish; to the Committee on International Relations.

By Mr. VITTER:

H.R. 1453. A bill to declare the policy of the United States with respect to design and deployment of a missile defense system capable of defending the national territory of the United States against ballistic missile attack; to the Committee on Armed Services.

By Mr. VITTER:

H.R. 1454. A bill to establish the policy of the United States with respect to deployment of missile defense systems capable of defending allies of the United States against ballistic missile attack; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. BERMAN, Mr. SCHIFF, and Mr. SHERMAN):

H.R. 1455. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry specific clients eligible for hazard mitigation and disaster assistance; to the Committee on Transportation and Infrastructure.

By Mr. VITTER:

H.J. Res. 43. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. KINGSTON (for himself, Mr. REYES, Mr. SAM JOHNSON of Texas, Mr. HUNTER, Mr. SKELTON, Mr. HYDE, Mr. MCHUGH, Mr. TIAHRT, Mr. EDWARDS, Mr. CUNNINGHAM, Mr. PEARCE, Mr. RODRIGUEZ, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. COX, Mr. HOBSON, Mr. TANCREDO, Mr. BALLENGER, Mrs. KELLY, Mr. TIBERI, Mr. MCINNIS, Mr. AKIN, Mr. HAYWORTH, Mr. KLINE, Mr. BARTLETT of Maryland, Mr. SESSIONS, Mr. TOOMEY, Mr. BRADY of Texas, Mr. SNYDER, Mr. PORTMAN, Mr. LANTOS, Mr. JONES of North Carolina, Mr. DELAY, Mr. GINGREY, Mr. BEREUTER, Ms. JACKSON-LEE of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. COLE, and Mr. DREIER):

H. Con. Res. 118. Concurrent resolution concerning the treatment of members of the Armed Forces held as prisoner of war by Iraqi authorities; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. LANTOS, Mr. CANTOR, Mr. ACKERMAN, Mr. PENCE, Mr. HOEFFEL, Mr. OSE, and Mr. CROWLEY):

H. Con. Res. 119. Concurrent resolution condemning attacks on United States citizens by Palestinian terrorists, and for other purposes; to the Committee on International Relations.

By Mrs. EMERSON:

H. Con. Res. 120. Concurrent resolution expressing the sense of the Congress regarding the need to protect post offices; to the Committee on Government Reform.

By Mr. HASTINGS of Florida:

H. Con. Res. 121. Concurrent resolution expressing the sense of Congress concerning United States and allied Armed Forces personnel killed or wounded or taken captive while engaged in the war on terrorism and the war with Iraq and offering deepest sympathy to the families of those killed in action; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER:

H. Con. Res. 122. Concurrent resolution urging the United Nations to put in place broad United Nations Security Council authority to help the people of Iraq; to the Committee on International Relations.

By Mr. VITTER:

H. Con. Res. 123. Concurrent resolution supporting the goals and ideals of St. Tammany Day on May 1, 2003, as a national day of recognition for Tamanend and the values he represented; to the Committee on Government Reform.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H. Res. 163. A resolution providing amounts from the applicable accounts of the House of Representatives for continuing expenses of standing and select committees of the House from April 1, 2003, through April 11, 2003; considered and agreed to.

By Mr. FLAKE:

H. Res. 164. A resolution expressing the sense of the House of Representatives regarding the human rights situation in Cuba, and for other purposes; to the Committee on International Relations.

¶30.23 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRELINGHUYSEN:

H.R. 1456. A bill to provide for the liquidation or reliquidation of certain entries of pasta; to the Committee on Ways and Means.

By Ms. PELOSI:

H.R. 1457. A bill for the relief of Oleg Rasulyevich Rafikov, Alfia Fanilevna Rafikova, Evgenia Olegovna Rafikova, and Ruslan Khamitovich Yagudin; to the Committee on the Judiciary.

¶30.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. BROWN of South Carolina.

H.R. 25: Mr. BAKER, Mr. GUTKNECHT, and Mr. DELAY.

H.R. 36: Mr. BROWN of South Carolina.

H.R. 40: Mr. CLAY.

H.R. 58: Mr. VAN HOLLEN, Mr. PRICE of North Carolina, Mr. BISHOP of New York, Mr. TURNER of Ohio, Mr. LAMPSON, Mr. WAXMAN, Mr. KELLER, Ms. BERKLEY, and Mr. MANZULLO.

H.R. 92: Mr. JOHNSON of Illinois and Mr. BROWN of Ohio.

H.R. 111: Mr. MEEKS of New York, Mr. JACKSON of Illinois, and Mr. GREEN of Wisconsin.

H.R. 133: Mr. FILNER and Mr. PLATTS.

H.R. 151: Mr. MICHAUD.

H.R. 176: Mr. COX and Mrs. NORTHUP.

H.R. 185: Mr. RANGEL.

H.R. 195: Mr. LUCAS of Oklahoma.

H.R. 202: Mr. ISAKSON.

H.R. 208: Mr. ROTHMAN.

H.R. 235: Mr. RENZI, Mr. TANCREDO, Mr. BARRETT of South Carolina, and Mr. TOOMEY.

H.R. 300: Mr. BROWN of South Carolina.

H.R. 303: Mr. LYNCH and Ms. DEGETTE.

H.R. 347: Mr. DAVIS of Florida.

H.R. 371: Mr. RANGEL and Mr. MEEHAN.

H.R. 412: Mr. GONZALEZ, Mr. BERRY, Ms. LORETTA SANCHEZ of California, Mr. CARDIN, Mr. LEWIS of Georgia, Mr. ETHERIDGE, Mr. BLUMENAUER, Ms. VELAZQUEZ, Mr. CROWLEY, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Mr. PETERSON of Minnesota, and Ms. SOLIS.

H.R. 446: Mr. EVANS.

H.R. 447: Mr. EVANS.

H.R. 448: Mr. EVANS and Ms. SLAUGHTER.

H.R. 463: Mr. BURNS, Mr. ENGLISH, Mr. SIMMONS, Mrs. MCCARTHY of New York, Mr. CRAMER, Mr. DOOLEY of California, Mr. GREEN of Texas, Mr. LANTOS, and Mr. HAYWORTH.

H.R. 466: Mr. GIBBONS.

H.R. 496: Mrs. MUSGRAVE.

H.R. 570: Ms. MCCOLLUM, Mr. MOORE, and Mr. ALLEN.

H.R. 571: Mr. CAMP, Mr. TIAHRT, Mr. CRANE, Mr. SAM JOHNSON of Texas, Mr. MORAN of Kansas, Mr. LUCAS of Kentucky, Mr. WAMP, Mr. NEY, and Mr. COLLINS.

H.R. 584: Mr. BROWN of South Carolina, Mr. MEEHAN, Mr. NEY, and Mr. BARRETT of South Carolina.
H.R. 589: Mr. BRADLEY of New Hampshire, Mr. BARTLETT of Maryland, Mr. BLUNT, Ms. PRYCE of Ohio, and Mr. MCCRERY.
H.R. 593: Mr. STRICKLAND and Mr. THOMPSON of Mississippi.
H.R. 594: Mr. HAYES, Mr. HEFLEY, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. COLE, Mr. BISHOP of Georgia, Ms. BERKLEY, and Mr. GREENWOOD.
H.R. 611: Mr. MARIO DIAZ-BALART of Florida.
H.R. 627: Mr. NEAL of Massachusetts and Mr. LUCAS of Kentucky.
H.R. 630: Mr. LATHAM.
H.R. 655: Mr. BROWN of South Carolina.
H.R. 660: Mr. LATHAM.
H.R. 676: Ms. VELAZQUEZ.
H.R. 684: Mr. HOEKSTRA, Mr. WELDON of Florida, Mr. SHADEGG, Mr. CHABOT, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. HERGER, Mrs. MYRICK, Mr. RYAN of Wisconsin, Mr. BEAUPREZ, and Mr. FEENEY.
H.R. 693: Mr. GINGREY and Mr. CAPUANO.
H.R. 707: Mr. PALLONE and Mr. COOPER.
H.R. 709. Mr. RANGEL and Mr. BISHOP of Georgia.
H.R. 713: Mr. GARRETT of New Jersey.
H.R. 728: Mr. TANCREDO and Mr. BONILLA.
H.R. 735: Mr. RENZI, Mr. ENGLISH, Mr. FLETCHER, Mr. BONILLA, Mr. KENNEDY of Minnesota, Mr. WAMP, Mr. THOMPSON of California, Mr. SKELTON, Mr. ALLEN, Mr. DAVIS of Tennessee, Mr. LARSEN of Washington, Mr. ISAKSON, and Mr. TERRY.
H.R. 741: Ms. BERKLEY.
H.R. 745: Mrs. JO ANN DAVIS of Virginia.
H.R. 768: Mr. HINCHEY.
H.R. 770: Mr. ACEVEDO-VILA.
H.R. 786: Mr. PETERSON of Minnesota.
H.R. 803: Mr. MATHESON and Mr. MCNULTY.
H.R. 804: Mr. HAYWORTH.
H.R. 812: Ms. HART.
H.R. 816: Mrs. DAVIS of California.
H.R. 817: Ms. CARSON of Indiana and Mr. BRADY of Pennsylvania.
H.R. 872: Mr. JONES of North Carolina and Mr. WILSON of South Carolina.
H.R. 873: Mrs. NAPOLITANO, Mr. HOLT, Mrs. MALONEY, Mrs. CAPPS, Ms. SLAUGHTER, Mr. WALSH, and Mr. LANGEVIN.
H.R. 879: Mr. MILLER of Florida.
H.R. 886: Mr. GINGREY.
H.R. 931: Mrs. EMERSON.
H.R. 941: Mr. FORD, Mr. WELLER, and Mr. HOEFFEL.
H.R. 944: Ms. SCHAKOWSKY and Mr. WEINER.
H.R. 947: Mr. CASE.
H.R. 979: Mr. MEEKS of New York and Mr. MILLER of North Carolina.
H.R. 983: Mr. CAMP, Mr. WALDEN of Oregon, and Mr. FILNER.
H.R. 1002: Mr. GORDON, Mr. PALLONE, Mr. COOPER, Ms. SCHAKOWSKY, Ms. ESHOO.
H.R. 1006: Mr. KOLBE, Mr. MCGOVERN, Mr. ALEXANDER, Mr. WAXMAN, Ms. ESHOO, Mr. RAMSTAD, and Mr. GILCHREST.
H.R. 1022: Mr. RAHALL.
H.R. 1038: Mr. RENZI.
H.R. 1068: Mr. FOSSELLA, Mr. HOLT, Mr. TURNER of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. TERRY, Mr. CHOCOLA, Mr. REYES, Mr. ABERCROMBIE, Mr. SABO, Mr. ACKERMAN, and Mr. DOGGETT.
H.R. 1097: Mr. PRICE of North Carolina, Mr. SHERMAN, and Ms. LOFGREN.
H.R. 1136: Mr. HULSHOF.
H.R. 1157: Mr. COSTELLO, Mr. CLAY, and Mr. TIERNEY.
H.R. 1161: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. CHOCOLA, and Mr. BARRETT of South Carolina.
H.R. 1163: Mr. SMITH of Michigan.
H.R. 1191: Mr. WHITFIELD and Mr. SPRATT.
H.R. 1199: Mr. BRADY of Pennsylvania.
H.R. 1202: Mr. SOUDER.
H.R. 1205: Ms. LINDA T. SANCHEZ of California, and Mrs. JONES of Ohio.
H.R. 1231: Mr. JOHNSON of Illinois, Mr. MCINNIS, Mr. CANNON, Ms. DELAURO, Mr. TANNER, Mr. NETHERCUTT, Mr. LUCAS of Oklahoma, Mr. MICHAUD, Mr. DAVIS of Tennessee, Mr. COOPER, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. BLUMENAUER, Mr. PASCRELL, Mr. MOORE, Mr. UDALL of New Mexico, Mr. FLETCHER, and Mr. WELDON of Pennsylvania.
H.R. 1238: Mr. QUINN.
H.R. 1242: Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. MEEHAN, and Mrs. DAVIS of California.
H.R. 1244: Mr. GREEN of Texas, Mr. FILNER, and Mr. FRANK of Massachusetts.
H.R. 1245: Mr. FILNER, Mr. WEINER, Mr. SCHIFF, and Mr. MCNULTY.
H.R. 1251: Ms. JACKSON-LEE of Texas, Mr. SERRANO, Mr. STENHOLM, Ms. NORTON, Mr. HONDA, Mr. HINOJOSA, Mr. LATOURETTE, Mr. KENNEDY of Rhode Island, Mr. FALEOMAVAEGA, and Mr. RANGEL.
H.R. 1258: Ms. DELAURO, Mr. BROWN of Ohio, and Mr. PETERSON of Minnesota.
H.R. 1260: Mr. PICKERING.
H.R. 1263: Mrs. NAPOLITANO.
H.R. 1264: Mr. GREEN of Texas, Mr. HONDA, and Mrs. DAVIS of California.
H.R. 1282: Mr. PAYNE.
H.R. 1305: Mr. BAKER, Mr. PETERSON of Minnesota, and Mr. HOSTETTLER.
H.R. 1309: Ms. LEE.
H.R. 1331: Mr. CALVERT, MR. BACHUS, Mr. SHIMKUS, Mr. FROST, Mr. OTTER, Mr. DAVIS of Illinois, and Mr. MURPHY.
H.R. 1340: Mr. NEAL of Massachusetts, Mr. KILDEE, Mr. SANDERS, Mr. BRADY of Pennsylvania, Mr. FARR, Mr. ORTIZ, Mr. SCHIFF, Mr. LEVIN, Mr. MATSUI, and Ms. LORETTA SANCHEZ of California.
H.R. 1349: Mr. KILDEE.
H.R. 1355: Mr. RAHALL, Ms. ROYBAL-ALLARD, Mr. DAVIS of Florida, Mr. RYAN of Ohio, Mr. GUTIERREZ, and Mr. FROST.
H.R. 1366: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOSWELL, Mr. COSTELLO, Ms. NORTON, Mr. FROST, Mr. LAMPSON, Ms. BERKLEY, Mr. ABERCROMBIE, and Ms. MILLENDER-MCDONALD.
H.R. 1389: Mr. QUINN.
H.R. 1415: Mr. RAMSTAD, Mr. BERMAN, Mr. ROYCE, Mrs. NORTHUP, Mr. POMEROY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. MCGOVERN, Mrs. CAPPS, Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. EHLERS, Mr. LATOURETTE, and Mr. LANTOS.
H.R. 1429: Ms. VELAZQUEZ, Mr. CUMMINGS, Mr. CLYBURN, Mr. CAPUANO, Mr. WYNN, Mr. CLAY, Mr. DAVIS of Illinois, Mr. RUSH, Ms. DEGETTE, Ms. WATSON, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, Mr. BISHOP of Georgia, Mr. MEEKS of New York, Mr. HONDA, Mr. JACKSON of Illinois, Mr. FORD, Mr. GONZALEZ, Mr. TOWNS, Mr. JEFFERSON, and Mr. CONYERS.
H.J. Res. 37: Mr. KLECZKA and Mr. GEPHARDT.
H. Con. Res. 6: Mr. UPTON.
H. Con. Res. 47: Ms. WATERS, Mr. CLYBURN, Ms. SCHAKOWSKY, and Mr. BACA.
H. Con. Res. 50: Mr. BARTLETT of Maryland and Mr. BISHOP of Utah.
H. Con. Res. 56: Mr. BAKER, Mr. MATHESON, and Mr. CROWLEY.
H. Con. Res. 78: Mr. SANDERS.
H. Con. Res. 99: Ms. SCHAKOWSKY and Ms. WATSON.
H. Con. Res. 103: Ms. SOLIS.
H. Con. Res. 109: Mr. ADERHOLT, Mr. HAYES, Ms. BORDALLO, Mr. GOODE, Mr. GOODLATTE, Mr. FOSSELLA, Mr. BRADLEY of New Hampshire, Mr. TIAHRT, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, and Mr. HERGER.
H. Con. Res. 116: Mr. KINGSTON and Mr. SULLIVAN.
H. Res. 118: Mr. TANCREDO.
H. Res. 127: Mr. BAKER.
H. Res. 153: Mr. DEMINT and Mr. BURTON of Indiana.

THURSDAY, MARCH 27, 2003 (31)

The House was called to order by the SPEAKER.

¶31.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, March 26, 2003.

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

¶31.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1484. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1485. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1486. A letter from the Secretary, Department of Commerce, transmitting the annual report for FY 2002 of the Department's Bureau of Industry and Security; to the Committee on International Relations.

1487. A letter from the Chairman, Broadcasting Board Of Governors, transmitting the Annual Program Performance Report on the FY 2002 Performance Plan; to the Committee on Government Reform.

1488. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's FY 2002 Performance and Accountability Report; to the Committee on Government Reform.

1489. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's FY 2002 Annual Program Performance Report; to the Committee on Government Reform.

1490. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's FY 2002 Performance Report; to the Committee on Government Reform.

1491. A letter from the Manager, Benefits Communications, U.S. AgBank, FCB, transmitting an annual report for the plan year ended December 31, 2001; to the Committee on Government Reform.

1492. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, transmitting the annual report of the Coastal Zone Management Fund for the National Oceanic and Atmospheric Administration for fiscal year 2002, pursuant to 16 U.S.C. 1456a(b)(3); to the Committee on Resources.

1493. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108—56); to the Committee on the Judiciary and ordered to be printed.

1494. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Evidence that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108—57); to the Committee on the Judiciary and ordered to be printed.

1495. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 108—58); to the Committee on the Judiciary and ordered to be printed.

1496. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108—59); to the Committee on the Judiciary and ordered to be printed.

1497. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Herington, KS [Docket No. FAA-2003-14457; Airspace Docket No. 03-ACE-10] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1498. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cherokee, IA [Docket No. FAA-2003-14429; Airspace Docket No. 03-ACE-9] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1499. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Larned, KS [Docket No. FAA-2003-14458; Airspace Docket No. 03-ACE-11] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Realignment of Federal Airways V-72 and V-289; MO [Docket No. FAA-2002-13413; Airspace Docket No. 02-ACE-6] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace and Modification of Existing Class E5 Airspace; Ainsworth, NE; Correction [Airspace Docket No. 02-ACE-8] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1502. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E5 Airspace; Memphis, TN [Docket No. FAA-2002-13946; Airspace Docket No. 02-ASO-29] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1503. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MORAVAN a.s. Model Z-242L Airplanes [Docket No. 2000-CE-05-AD; Amendment 39-13037; AD 2003-03-13] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1504. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Aircraft Equipped With Honeywell Primus II RNZ-850/-851 Integrated Navigation Units [Docket No. 2003-NM-41-AD; Amendment 39-13054; AD 2003-04-06] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1505. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA — Groupe AEROSPATIALE Models TB 9, TB 10, TB 20, TB 21, and TB 200 Airplanes [Docket No. 2002-CE-43-AD; Amendment 39-13051; AD 2003-04-03] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1506. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. 2002-CE-04-AD; Amendment 39-13050; AD 2003-04-02] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1507. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department'sfinal rule — Airworthiness Directives; British Aerospace Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. 2002-CE-14-AD; Amendment 39-13055; AD 2003-04-07] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-47-AD; Amendment 39-13056; AD 2003-04-08] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1509. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 2001-SW-45-AD; Amendment 39-13053; AD 2003-04-05] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1510. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters [Docket No. 2001-SW-44-AD; Amendment 39-13052; AD 2003-04-04] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1511. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propellers Inc., Model HD-E6C-3B/E13890K Propellers [Docket No. 2000-NE-45-AD; Amendment 39-13049; AD 2003-04-01] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1512. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-240-AD; Amendment 39-13047; AD 2003-03-22] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1513. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-46-AD; Amendment 39-13038; AD 2003-03-14] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1514. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2002-NM-140-AD; Amendment 39-13042; AD 2003-03-17] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1515. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc., Model HC-C2YR-4CF Propellers [Docket No. 2001-NE-48-AD; Amendment 39-13045; AD 2003-03-20] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1516. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International, Inc., (formerly AlliedSignal, Inc. and Textron Lycoming) ALF502L-2, ALF502L-2C, ALF502R-3 and ALF502R-3A Series Turbofan Engines [Docket No. 2002-NE-34-AD; Amendment 39-13017; AD 2003-02-01] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1517. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes [Docket No. 2001-NM-315-AD; Amendment 39-13011; AD 2002-26-22] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1518. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate STO1869AT-D [Docket No. 2002-NM-56-AD; Amendment 39-13002; AD 2002-26-14] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1519. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-50 and CF6-80C2 Turbofan Engines [Docket No. 2001-NE-19-AD; Amendment 39-13024; AD 2003-02-07] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1520. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials [Docket No. RSPA-02-12064 (HM-232)] (RIN: 2137-AD67) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1521. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 179.2 to 180.0, St. Louis, Missouri [COTP St. Louis, MO-02-010] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1522. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Tampa Bay, Florida [COTP TAMPA 02-064] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1523. A letter from the Chief,Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Amtrak Railroad Bridge — Susquehanna River — Harford County, MD [CGD05-02-073] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1524. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 120.5 to 122.5, Above Head of Passes, Luling, Louisiana [COTP New Orleans-02-016] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1525. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Anchorage Grounds and Safety Zone; Delaware Bay and River [CGD05-02-066] (RIN: 2115-AA97 and 2115-AA98) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1526. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Casino Magic Marina, Bay St. Louis, Mississippi [COTP New Orleans-02-015] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1527. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Captain of the Port Detroit Zone, Detroit Ambassador Bridge [CGD09-02-516] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1528. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security zone; Cruise ship, Resurrection Bay, Alaska [COTP Western Alaska 02-012] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1529. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All water within 100 ft of the M/V REGAL PRINCESS while transiting Apra Harbor and while moored at F-1 and F-4 Wharfs, Port Authority of Guam, Territory of Guam [COTP GUAM 02-015] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1530. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Wings Over the Lake Air Show, Michigan City, IN [CGD09-02-051] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1531. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Upper Mississippi River, Mile 179.2 to 180.0, St. Louis, Missouri [COTP St. Louis, MO-02-009] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1532. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Security zone; Ferry vessel, Resurrection Bay, Alaska [COTP Western Alaska 02-011] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1533. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Atlantic Ocean, Daytona Beach, FL [COTP Jacksonville 02-080] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1534. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Ellis and Liberty Islands, New York/New Jersey [CGD01-02-111] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1535. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Port of New York/New Jersey [CGD01-02-109] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1536. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zonel; Apra Harbor, Guam (Hotel Wharf) [COTP Guam 02-017] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Severn River and Spa Creek, Annapolis, Maryland [CGD05-02-070] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Moving Safety Zone; Lake Erie, Buffalo, NY [CGD09-02-507] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1539. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Apra Harbor, Guam (F-1 Wharf) [COTP GUAM 02-019] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1540. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone, Piankatank River, Hills Bay, Mathews, Virginia [CGD05-02-046] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1541. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Detroit Zone, Detroit Renaissance Waterfront Area [CGD09-02-517] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1542. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Yazoo Diversion Canal, Vicksburg, Mississippi [COTP New Orleans-02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1543. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Grand River, Grand Haven, MI [CGD09-02-074] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1544. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Atlantic Ocean, Cocoa Beach, FL [COTP Jacksonville 02-093] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1545. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zones; Sail for America and Around Alone Race, Port of New York/New Jersey [CGD01-02-106] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1546. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Fireworks Display for Hammond Marina, Hammond, IN [CGD09-02-075] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1547. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Presidential Visit, Prouts Neck, Scarborough, ME [CGD01-02-098] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1548. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Illinois River, Mile Mark 157.6 to 166.6, Peoria, Illinois [COTP St. Louis-02-007] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1549. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security zone; Coast Guard Vessel, Resurrection Bay, Alaska [COTP Western Alaska 02-009] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1550. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Safety Zone; Poker Run, Lake Michigan, Hammond, IN [CGD09-02-052] (RIN; 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Portland International Airport [CGD13-02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1552. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Missouri River, Mile Mark 29.0 to 27.5, St. Charles,

Missouri [COTP St. Louis -02-008] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1553. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia [CGD05-02-077] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1554. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone Regulations, Motor Vessel JOINT VENTURE, Puget Sound, Washington [CGD13-02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1555. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Boundary Channel Lagoon — Potomac River — Washington, D.C. [CGD05-02-074] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1556. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All waters within 100 ft of the M/V FUJI MARU while transiting the harbor and while moored at Charlie Dock, Commonwealth Port Authority, Saipan (CNMI) [COTP GUAM 02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1557. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All waters within 100 ft of the M/V REGAL PRINCESS while transiting the harbor and while moored at Charlie Dock, Commonwealth Port Authority, Saipan (CNMI) [COTP GUAM 02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1558. A letter from the Chairman, Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction, transmitting the Panel's fourth annual report entitled, ''Implementing the National Strategy''; jointly to the Committees on Armed Services and Transportation and Infrastructure.

1559. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to section 7(a) of the Jerusalem Embassy Act of 1995, pursuant to Public Law 104—45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

¶31.3 CHILD ABDUCTION PREVENTION

The SPEAKER pro tempore, Mr. TERRY, pursuant to House Resolution 160 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1104) to prevent child abduction, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, by unanimous consent, designated Mr. UPTON as Chairman of the Committee of the Whole; and after some time spent therein,

¶31.4 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. FEENEY:

At the end of title I (page , after line), insert the following:

SEC. . SENTENCING REFORM.

(a) REQUIREMENT TO SPECIFY IN THE GUIDELINES THE GROUNDS UPON WHICH DOWNWARD DEPARTURES MAY BE GRANTED.—Section 3553(b) of title 18, United States Code, is amended to read as follows:

''(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.—The court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that—

''(1) there exists an aggravating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described; or

''(2) there exists a mitigating circumstance of a kind, or to a degree, that—

''(A) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

''(B) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

''(C) should result in a sentence different from that described.

In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission, together with any amendments thereto by act of Congress. In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the purposes set forth in subsection (a)(2). In the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Commission, together with any amendments to such guidelines or policy statements by act of Congress.''.

(b) REFORM OF EXISTING PERMISSIBLE GROUNDS OF DOWNWARD DEPARTURES.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(1) Section 5K2.0 is amended as follows:

(A) Strike the first and second paragraphs of the Commentary to section 5K2.0 in their entireties.

(B) Strike ''departure'' every place it appears and insert ''upward departure''.

(C) Strike ''depart'' every place it appears and insert ''depart upward''.

(D) In the first sentence of section 5K2.0—

(i) strike ''outside'' and insert ''above'';

(ii) strike ''or mitigating''; and

(iii) strike ''Under'' and insert:

''(a) UPWARD DEPARTURES.—Under''.

(E) In the last sentence of the first paragraph of section 5K2.0, strike ''or excessive''.

(F) Immediately before the Commentary to section 5K2.0, insert the following:

''(b) DOWNWARD DEPARTURES.—

''Under 18 U.S.C. §3553(b)(2), the sentencing court may impose a sentence below the range established by the applicable guidelines only if the court finds that there exists a mitigating circumstance of a kind, or to a degree, that—

''(1) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

''(2) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

''(C) should result in a sentence different from that described.

''The grounds enumerated in this Part K of chapter 5 are the sole grounds that have been affirmatively and specifically identified as a permissible ground of downward departure in these sentencing guidelines and policy statements. Thus, notwithstanding any other reference to authority to depart downward elsewhere in this Sentencing Manual, a ground of downward departure has not been affirmatively and specifically identified as a permissible ground of downward departure within the meaning of section 3553(b)(2) unless it is expressly enumerated in this Part K as a ground upon which a downward departure may be granted.''.

(2) At the end of part K of chapter 5, add the following new sections:

''§ 5K2.22 Specific Offender Characteristics as Grounds for Downward Departure (Policy Statement)

''Age may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by § 5H1.1.

''An extraordinary physical impairment may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by § 5H1.4. Drug, alcohol, or gambling dependence or abuse is not a reason for imposing a sentence below the guidelines.

''§ 5K2.23 Early Disposition Programs as a Ground for Downward Departure (Policy Statement)

''Upon motion of the government stating that:

''(1) due to extraordinary resource constraints, not typical of most districts, associated with the disproportionately high incidence of illegal reentry or other specific offenses within a particular district, the Attorney General has formally certified that the district is authorized to implement an early disposition program with respect to those specific categories of offenses;

''(2) pursuant to such specific authorization, the United States Attorney for the district has implemented such an early disposition program with respect to the category of offense for which the defendant has been convicted;

''(3) pursuant to such an early disposition program, the defendant, within 30 days of his or her first appearance before a judicial officer in connection with such a charge, entered into a plea agreement whereby he or she agrees, inter alia—

''(A) not to file any of the motions described in Federal Rule of Criminal Procedure 12(b)(3);

''(B) to waive appeal;

''(C) to waive the opportunity to pursue collateral relief under 28 U.S.C. §§ 2254 and 2555, including ineffective assistance of counsel claims; and

''(D) if an alien, to submit to uncontested removal from the United States upon completion of any sentence of imprisonment;

''(4) the plea agreement contemplates that the government will move for a downward departure based on the defendant's prompt agreement to enter into such an early disposition plea agreement; and ''(5) the defendant has fully satisfied the conditions of such plea agreement,

then, if the court finds that these conditions have been met and also finds that the defendant has received the maximum adjustment for which he is eligible (given his offense level) under §3E1.1, the court may depart downward from the guidelines under this section only to the extent agreed to by the parties in the plea agreement, which in no event shall exceed 4 levels.

''Commentary

''Several districts, particularly on the southwest border, have early disposition programs that allow them to process very large numbers of cases with relatively limited resources. Such programs are based on the premise that a defendant who promptly agrees to participate in such a program has saved the government significant and scarce resources that can be used in prosecuting other defendants and has demonstrated an acceptance of responsibility above and beyond what is already taken into account by the adjustments contained in §3E1.1. This section preserves the authority to grant limited departures pursuant to such programs. In order to avoid unwarranted sentencing disparities within a given district, any departure under this section must be pursuant to a formal program that is approved by the United States Attorney and that applies generally to a specified class of offenders. Authorization for the district to establish an early disposition program must also have been specifically conferred by the Attorney General, and may be granted only with respect to those particular classes of offenses (such as illegal reentry) whose high incidence within the district has imposed an extraordinary strain on the resources of that district as compared to other districts. To be eligible for the departure, the plea agreement under the program must reflect that the defendant has agreed to an expeditious plea, as described. A defendant who has not received any adjustment for acceptance of responsibility under §3E1.1 cannot receive a departure under this provision. A defendant whose offense level makes him eligible for the additional adjustment under §3E1.1(b), but who fails to satisfy the requirements for such an adjustment, is likewise ineligible for a departure under this provision. This section does not confer authority to depart downward on an ad hoc basis in individual cases. Moreover, because the Government's affirmative acquiescence is essential to the fair and efficient operation of an early disposition program, a departure under this section may only be granted upon a formal motion by the Government at the time of sentencing. Nothing in this section authorizes a sentence below a statutory mandatory minimum.''.

(3) Section 5K2.20 is deleted.

(4) Section 5H1.6 and section 5H1.11 are each amended by striking ''ordinarily'' every place it appears.

(5) Section 5K2.13 is amended by—

(A) striking ''or'' before ''(3)''; and

(B) replacing ''public'' with ''public; or (4) the defendant has been convicted of an offense under chapter 71, 109A, 1110, or 117 of title 18, United States Code.''.

(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—Section 3553(c) of title 18, United States Code, is amended—

(1) by striking ''described.'' and inserting ''described, which reasons must also be stated with specificity in the written order of judgment and commitment, except to the extent that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32. In the event that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32 the court shall state that such statements were so received and that it relied upon the content of such statements.'';

(2) by inserting '', together with the order of judgment and commitment,'' after ''the court's statement of reasons''; and

(3) by inserting ''and to the Sentencing Commission,'' after ''to the Probation System''.

(d) REVIEW OF A SENTENCE.—

(1) REVIEW OF DEPARTURES.—Section 3742(e)(3) of title 18, United States Code, is amended to read as follows:

''(3) is outside the applicable guideline range, and

''(A) the district court failed to provide the written statement of reasons required by section 3553(c);

''(B) the sentence departs from the applicable guideline range based on a factor that—

''(i) does not advance the objectives set forth in section 3553(a)(2); or

''(ii) is not authorized under section 3553(b); or

''(iii) is not justified by the facts of the case; or

''(C) the sentence departs to an unreasonable degree from the applicable guidelines range, having regard for the factors to be considered in imposing a sentence, as set forth in section 3553(a) of this title and the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c); or''.

(2) STANDARD OF REVIEW.—The last paragraph of section 3742(e) of title 18, United States Code, is amended by striking ''shall give due deference to the district court's application of the guidelines to the facts'' and inserting '', except with respect to determinations under subsection (3)(A) or (3)(B), shall give due deference to the district court's application of the guidelines to the facts. With respect to determinations under subsection (3)(A) or (3)(B), the court of appeals shall review de novo the district court's application of the guidelines to the facts''.

(3) DECISION AND DISPOSITION.—

(A) The first paragraph of section 3742(f) of title 18, United States Code, is amended by striking ''the sentence'';

(B) Section 3742(f)(1) of title 18, United States Code, is amended by inserting ''the sentence'' before ''was imposed'';

(C) Section 3742(f)(2) of title 18, United States Code, is amended to read as follows:

''(2) the sentence is outside the applicable guideline range and the district court failed to provide the required statement of reasons in the order of judgment and commitment, or the departure is based on an impermissible factor, or is to an unreasonable degree, or the sentence was imposed for an offense for which there is no applicable sentencing guideline and is plainly unreasonable, it shall state specific reasons for its conclusions and—

''(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);

''(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);''; and

(D) Section 3742(f)(3) of title 18, United States Code, is amended by inserting ''the sentence'' before ''is not described''.

(e) IMPOSITION OF SENTENCE UPON REMAND.—Section 3742 of title 18, United States Code, is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting the following after subsection (f):

''(g) SENTENCING UPON REMAND.—A district court to which a case is remanded pursuant to subsection (f)(1) or (f)(2) shall resentence a defendant in accordance with section 3553 and with such instructions as may have been given by the court of appeals, except that—

''(1) In determining the range referred to in subsection 3553(a)(4), the court shall apply the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that were in effect on the date of the previous sentencing of the defendant prior to the appeal, together with any amendments thereto by any act of Congress that was in effect on such date; and

''(2) The court shall not impose a sentence outside the applicable guidelines range except upon a ground that—

''(A) was specifically and affirmatively included in the written statement of reasons required by section 3553(c)in connection with the previous sentencing of the defendant prior to the appeal; and

''(B) was held by the court of appeals, in remanding the case, to be a permissible ground of departure.''.

(f) DEFINITIONS.—Section 3742 of title 18, United States Code, as amended by subsection (e), is further amended by adding at the end the following:

''(j) DEFINITIONS.—For purposes of this section—

''(1) a factor is a 'permissible' ground of departure if it—

''(A) advances the objectives set forth in section 3553(a)(2); and

''(B) is authorized under section 3553(b); and

''(C) is justified by the facts of the case; and

''(2) a factor is an 'impermissible' ground of departure if it is not a permissible factor within the meaning of subsection (j)(1).''.

(g) REFORM OF GUIDELINES GOVERNING ACCEPTANCE OF RESPONSIBILITY.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended—

(1) in section 3E1.1(b)—

(A) by inserting ''upon motion of the government stating that'' immediately before ''the defendant has assisted authorities''; and

(B) by striking ''taking one or more'' and all that follows through and including ''additional level'' and insert ''timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently, decrease the offense level by 1 additional level'';

(1) in the Application Notes to the Commentary to section 3E1.1, by amending Application Note 6—

(A) by striking ''one or both of''; and

(B) by adding the following new sentence at the end: ''Because the Government is in the best position to determine whether the defendant has assisted authorities in a manner that avoids preparing for trial, an adjustment under subsection (b)(2) may only be granted upon a formal motion by the Government at the time of sentencing.''; and

(3) in the Background to section 3E1.1, by striking ''one or more of''.

(h) IMPROVED DATA COLLECTION.—Section 994(w) of title 28, United States Code, is amended to read as follows:

''(w)(1) The Chief Judge of each district court shall ensure that, within 30 days following entry of judgment in every criminal case, the sentencing court submits to the Commission a written report of the sentence, the offense for which it is imposed, the age, race, sex of the offender, and information regarding factors made relevant by the guidelines. The report shall also include—

''(A) the judgment and commitment order;

''(B) the statement of reasons for the sentence imposed (which shall include the reason for any departure from the otherwise applicable guideline range);

''(C) any plea agreement;

''(D) the indictment or other charging document;

''(E) the presentence report; and

''(F) any other information as the Commission finds appropriate.

''(2) The Commission shall, upon request, make available to the House and Senate Committees on the Judiciary, the written reports and all underlying records accompanying those reports described in this section, as well as other records received from courts.

''(3) The Commission shall submit to Congress at least annually an analysis of these documents, any recommendations for legislation that the Commission concludes is warranted by that analysis, and an accounting of those districts that the Commission believes have not submitted the appropriate information and documents required by this section.''.

(i) SENTENCING GUIDELINES AMENDMENTS.—(1) Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(A) Application Note 4(b)(i) to section 4B1.5 is amended to read as follows:

''(i) IN GENERAL.—For purposes of subsection (b), the defendant engaged in a pattern of activity involving prohibited sexual conduct if on at least two separate occasions, the defendant engaged in prohibited sexual conduct with a minor.''.

(B) Section 2G2.4(b) is amended by adding at the end the following:

''(4) If the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence, increase by 4 levels.

''(5) If the offense involved—

''(A) at least 10 images, but fewer than 150, increase by 2 levels;

''(B) at least 150 images, but fewer than 300, increase by 3 levels;

''(C) at least 300 images, but fewer than 600, increase by 4 levels; and

''(D) 600 or more images, increase by 5 levels.''.

(C) Section 2G2.2(b) is amended by adding at the end the following:

''(6) If the offense involved—

''(A) at least 10 images, but fewer than 150, increase by 2 levels;

''(B) at least 150 images, but fewer than 300, increase by 3 levels;

''(C) at least 300 images, but fewer than 600, increase by 4 levels; and

''(D) 600 or more images, increase by 5 levels''.

(2) The Sentencing Commission shall amend the Sentencing Guidelines to ensure that the Guidelines adequately reflect the seriousness of the offenses under sections 2243(b), 2244(a)(4), and 2244(b) of title 18, United States Code.

(j) CONFORMING AMENDMENTS.—

(1) Upon enactment of this Act, the Sentencing Commission shall forthwith distribute to all courts of the United States and to the United States Probation System the amendments made by subsections (b), (g), and (i) of this section to the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission. These amendments shall take effect upon the date of enactment of this Act, in accordance with paragraph (5).

(2) On or before May 1, 2005, the Sentencing Commission shall not promulgate any amendment to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission that is inconsistent with any amendment made by subsection (b) or that adds any new grounds of downward departure to Part K of chapter 5. At no time may the Commission promulgate any amendment that would alter or repeal section 5K2.23 of the Federal Sentencing Guidelines Manual, as added by subsection (b).

(3) With respect to cases covered by the amendments made by subsection (i) of this section, the Sentencing Commission may make further amendments to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission, except the Commission shall not promulgate any amendments that, with respect to such cases, would result in sentencing ranges that are lower than those that would have applied under such subsections.

(4) At no time may the Commission promulgate any amendment that would alter or repeal the amendments made by subsection (g) of this section.

(5) Section 3553(a) of title 18, United States Code, is amended—

(A) by amending paragraph (4)(A) to read as follows:

''(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—

''(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

''(ii) that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or'';

(B) in paragraph (4)(B), by inserting '', taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28)'' after ''Code'';

(C) by amending paragraph (5) to read as follows:

''(5) any pertinent policy statement—

''(A) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

''(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.''.

(k) COMPLIANCE WITH STATUTE.—Section 994(a) of title 28, United States Code, is amended by striking ''consistent with all provisions of this title and title 18, United States Code,'' and inserting ''consistent with all pertinent provisions of any Federal statute''.

(l) REPORT BY THE ATTORNEY GENERAL.—

(1) Not later than 15 days after a district court's grant of a downward departure in any case, other than a case involving a downward departure for substantial assistance to authorities pursuant to section 5K1.1 of the Sentencing Guidelines, the Attorney General shall report to the House and Senate Committees on the Judiciary, setting forth the case, the facts involved, the identity of the district court judge, the district court's stated reasons, whether or not the court provided the United States with advance notice of its intention to depart, the position of the parties with respect to the downward departure, whether or not the United States has filed, or intends to file, a motion for reconsideration; whether or not the defendant has filed a notice of appeal concerning any aspect of the case, and whether or not the United States has filed, or intends to file, a notice of appeal of the departure pursuant to section 3742 of the title 18, United States Code.

(2) In any such case, the Attorney General shall thereafter report to the House and Senate Committees on the Judiciary not later than 5 days after a decision by the Solicitor General whether or not to authorize an appeal of the departure, informing the committees of the decision and the basis for it.

It was decided in the affirmative	Yeas	357
	Nays	58
	Answered present	1

¶31.5 [Roll No. 87]

AYES—357

Ackerman	Davis (FL)	Holden
Aderholt	Davis (TN)	Holt
Akin	Davis, Jo Ann	Hooley (OR)
Alexander	Davis, Tom	Hostettler
Andrews	Deal (GA)	Houghton
Baca	DeFazio	Hulshof
Bachus	DeLauro	Hunter
Baker	DeLay	Inslee
Baldwin	DeMint	Isakson
Ballenger	Deutsch	Israel
Barrett (SC)	Diaz-Balart, L.	Issa
Bartlett (MD)	Diaz-Balart, M.	Istook
Barton (TX)	Dicks	Janklow
Bass	Doggett	Jenkins
Beauprez	Dooley (CA)	John
Bell	Doolittle	Johnson (CT)
Bereuter	Doyle	Johnson (IL)
Berkley	Dreier	Johnson, Sam
Berry	Duncan	Jones (NC)
Biggert	Dunn	Kanjorski
Bilirakis	Edwards	Kaptur
Bishop (GA)	Ehlers	Keller
Bishop (NY)	Emanuel	Kelly
Bishop (UT)	Emerson	Kennedy (MN)
Blackburn	Engel	Kennedy (RI)
Blumenauer	English	Kildee
Blunt	Eshoo	Kilpatrick
Boehlert	Etheridge	Kind
Boehner	Evans	King (IA)
Bonilla	Everett	King (NY)
Bonner	Feeney	Kingston
Bono	Ferguson	Kirk
Boozman	Flake	Kleczka
Boswell	Foley	Kline
Boucher	Forbes	Knollenberg
Boyd	Ford	Kolbe
Bradley (NH)	Fossella	LaHood
Brady (PA)	Frank (MA)	Lampson
Brady (TX)	Franks (AZ)	Langevin
Brown (SC)	Frelinghuysen	Lantos
Brown-Waite, Ginny	Frost	Larsen (WA)
Burgess	Gallegly	Larson (CT)
Burns	Garrett (NJ)	Latham
Burr	Gerlach	Leach
Burton (IN)	Gibbons	Levin
Calvert	Gilchrest	Lewis (CA)
Camp	Gillmor	Lewis (KY)
Cannon	Gingrey	Linder
Cantor	Gonzalez	Lipinski
Capito	Goode	LoBiondo
Capps	Goodlatte	Lofgren
Capuano	Gordon	Lowey
Cardoza	Goss	Lucas (KY)
Carson (OK)	Granger	Lucas (OK)
Carter	Graves	Lynch
Case	Green (TX)	Maloney
Castle	Green (WI)	Manzullo
Chabot	Greenwood	Markey
Chocola	Gutierrez	Marshall
Clyburn	Gutknecht	Matheson
Coble	Hall	Matsui
Cole	Harman	McCarthy (NY)
Collins	Harris	McCrery
Cooper	Hart	McGovern
Costello	Hastings (WA)	McHugh
Cox	Hayes	McInnis
Cramer	Hayworth	McIntyre
Crane	Hefley	McKeon
Crenshaw	Hensarling	McNulty
Crowley	Herger	Meehan
Cubin	Hill	Meeks (NY)
Culberson	Hinojosa	Menendez
Cunningham	Hobson	Mica
Davis (CA)	Hoeffel	Michaud
	Hoekstra	Miller (FL)

Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—58

Abercrombie
Allen
Baird
Becerra
Berman
Cardin
Carson (IN)
Davis (AL)
Davis (IL)
DeGette
Delahunt
Farr
Fattah
Filner
Grijalva
Hastings (FL)
Hinchey
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kucinich
LaTourette
Lee
Lewis (GA)
Majette
McCollum
McDermott
Meek (FL)
Millender-McDonald
Mollohan
Nadler
Oberstar
Olver
Paul
Payne
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Snyder
Stark
Udall (NM)
Velazquez
Waters
Watt
Waxman
Woolsey

ANSWERED ''PRESENT''—1

Owens

NOT VOTING—18

Ballance
Brown (OH)
Brown, Corrine
Buyer
Clay
Combest
Conyers
Cummings
Dingell
Fletcher
Gephardt
Hyde
Jefferson
McCarthy (MO)
McCotter
Miller, George
Oxley
Solis

So the amendment was agreed to.

¶31.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SMITH of Texas:

Add at the end the following:

TITLE —

SEC. 01. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. ''The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance,'' New York v. Ferber, 458 U.S. 747, 757 (1982), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. ''The most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product.'' Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to:

(A) computer generate depictions of children that are indistinguishable from depictions of real children;

(B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or

(C) disguise pictures of real children being abused by making the image look computer-generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer-generated. The technology will soon exist, if it does not already, to computer generate realistic images of children.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and/or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they posses are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges increased significantly after the decision in Ashcroft v. Free Speech Coalition 535 U.S. 234 (2002).

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic assessment may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact of the Free Speech Coalition decision on the Government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases have almost universally raised the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful. In addition, the number of prosecutions being brought has been significantly and adversely affected as the resources required to be dedicated to each child pornography case now are significantly higher than ever before.

(11) Leading experts agree that, to the extent that the technology exists to computer generate realistic images of child pornography, the cost in terms of time, money, and expertise is—and for the foreseeable future will remain—prohibitively expensive. As a result, for the foreseeable future, it will be more cost-effective to produce child pornography using real children. It will not, however, be difficult or expensive to use readily available technology to disguise those depictions of real children to make them unidentifiable or to make them appear computer-generated.

(12) Child pornography results from the abuse of real children by sex offenders; the production of child pornography is a byproduct of, and not the primary reason for, the sexual abuse of children. There is no evidence that the future development of easy and inexpensive means of computer generating realistic images of children would stop or even reduce the sexual abuse of real children or the practice of visually recording that abuse.

(13) In the absence of congressional action, the difficulties in enforcing the child pornography laws will continue to grow increasingly worse. The mere prospect that the technology exists to create composite or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution; for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. Moreover, imposing an additional requirement that the Government provide beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.

(14) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(15) The Supreme Court's 1982 Feber v. New York decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary now to ensure that open and notorious trafficking in such materials does not reappear, and even increase, on the Internet.

SEC. 02. IMPROVEMENTS TO PROHIBITION ON VIRTUAL CHILD PORNOGRAPHY.

(a) Section 2256(8)(B) of title 18, United States Code, is amended to read as follows:

''(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or in indistinguishable (as defined in section 1466A) from, that of a minor engaging in sexually explicit conduct; or''.

(b) Section 2256(2) of title 19, United States Code, is amended to read as follows:

''(2)(A) Except as provided in subparagraph (B), 'sexually explicit conduct' means actual or simulated—

''(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex:

''(ii) bestiality;

''(iii) masturbation;

''(iv) sadistic or masochistic abuses; or

''(v) lascivious exhibition of the genitals or pubic area of any person;

''(B) For purposes of subsection 8(B) of this section, 'sexually explicit conduct' means—

''(i) graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

''(ii) graphic or lascivious simulated;

''(I) bestiality;

''(II) masturbation; or

''(III) sadistic or masochistic abuse; or

''(iii) graphic or simulated lascivious exhibition of the genitals or pubic area of any person;''.

(c) Section 2256 is amended—

(1) in paragraph 8(D), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by inserting at the end the following new paragraph:

''(10) 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.''.

(d) Section 2252A(c) of title 18, United States Code, is amended to read as follows:

''(c)(1) Except as provided in paragraph (2), it shall be an affirmative defense to a charge of violating this section that the production of the alleged child pornography did not involve the use of a minor or an attempt or conspiracy to commit an offense under this section involving such use.

''(2) A violation of, or an attempt or conspiracy to violate, this section which involves child pornography as defined in section 2256(8)(A) or (C) shall be punishable without regard to the affirmative defense set forth in paragraph (1).''.

SEC. 03. PROHIBITION ON PANDERING MATERIALS AS CHILD PORNOGRAPHY.

(a) Section 2256(8) of title 18, United States Code, is amended—

(1) in subparagraph (C), by striking ''or'' at the end and inserting ''and''; and

(2) by striking subparagraph (D).

(b) Chapter 110 of title 18, United States Code, is amended—

(1) by inserting after section 2252A the following:

''§ 2252B. Pandering and solicitation

''(a) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to provide or sell a visual depiction to another, and who in connection therewith knowingly advertises, promotes, presents, or describes the visual depiction with the intent to cause any person to believe that the material is, or contains, a visual depiction of an actual minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to receive or purchase from another a visual depiction that he believes to be, or to contain, a visual depiction of an actual minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(c) It is not a required element of any offense under this section that any person actually provide, sell, receive, purchase, possess, or produce any visual depiction.

''(d) The circumstance referred to in subsection (a) and (b) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person who travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.''; and

(2) in the table of sections at the beginning of the chapter, by inserting after the item relating to section 2252A the following:

''2252B. Pandering and solicitation.''.

SEC. 04. PROHIBITION OF OBSCENITY DEPICTING YOUNG CHILDREN.

(a) Chapter 71 of title 18, United States Code, is amended—

(1) by inserting after section 1466 the following:

''§ 1466A. Obscene visual depictions of young children

''(a) Whoever, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) Whoever, in a circumstance described in subsection (d), knowingly possesses a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

''(c) For purposes of this section—

''(1) the term 'visual depiction' includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means;

''(2) the term 'pre-pubescent child' means that (A) the child, as depicted, is one whose physical development indicates the child is 12 years of age or younger; or (B) the child, as depicted, does not exhibit significant pubescent physical or sexual maturation. Factors that may be considered in determining significant pubescent physical maturation include body habitus and musculature, height and weight proportion, degree of hair distribution over the body, extremity proportion with respect to the torso, and dentition. Factors that may be considered in determining significant pubescent sexual maturation include breast development, presence of axillary hair, pubic hair distribution, and visual growth of the sexual organs;

''(3) the term 'sexually explicit conduct' has the meaning set forth in section 2256(2); and

''(4) the term 'indistinguishable' used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

''(d) The circumstance referred to in subsections (a) and (b) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means of instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, on in interstate or foreign commerce by any means, including by computer;

''(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means; include by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

''(e) In a case under subsection (b), it is an affirmative defense that the defendant—

''(1) possessed less than three such images; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

''(A) took reasonable steps to destroy each such image; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.

''§ 1466B. Obscene visual representations of sexual abuse of minors

''(a) Whoever, in a circumstance described in subsection (e), knowingly produces, distributes, receives, or possesses with intent to

distribute a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

''(1) depicts a minor engaging in sexually explicit conduct; and

''(2) is obscene;

or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) Whoever, in a circumstance described in subsection (e), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

''(1) depicts a minor child engaging in sexually explicit conduct, and

''(2) is obscene,

or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

''(c) It is not a required element of any offense under this section that the minor child depicted actually exist.

''(d) For purposes of this section, the terms 'visual depiction' has the meaning given that term in section 1466A, and the terms 'sexually explicit conduct' and 'minor' have the meanings given those terms in section 2256(2)(B).

''(e) The circumstance referred to in subsection (a) and (b) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

''(f) In a case under subsection (b), it is an affirmative defense that the defendant—

''(1) possessed less than three such images; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

''(A) took reasonable steps to destroy each such image; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.''; and

(2) in table of sections at the beginning of the chapter, by inserting after the item relating to section 1466 the following new items:

''1466A. Obscene visual depictions of young children.

''1466B. Obscene visual representations of pre-pubescent sexual abuse''.

(b)(1) Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 1466A or 1466B of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) The Sentencing Commission may promulgate guidelines specifically governing offenses under sections 1466A and 1466B of title 18, United States Code, provided that such guidelines shall not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

SEC. 05. PROHIBITION ON USE OF MATERIALS TO FACILITATE OFFENSES AGAINST MINORS.

Chapter 71 of title 18, United States Code, is amended—

(1) by inserting at the end the following:

''§ 1471. Use of obscene material or child pornography to facilitate offenses against minors

''(a) Whoever, in any circumstance described in subsection (c), knowingly—

''(1) provides or shows to a person below the age of 16 years any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, any obscene matter, or any child pornography; or

''(2) provides or shows any obscene matter or child pornography, or any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or provides any other material assistance to any person in connection with any conduct, or any attempt, incitement, solicitation, or conspiracy to engage in any conduct, that involves a minor and that violates chapter 109A, 110, or 117, or that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction of the United States,

shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) For purposes of this section—

''(1) the term 'child pornography' has the meaning set forth in section 2256(8);

''(2) the terms 'visual depiction,' 'pre-pubescent child', and 'indistinguishable' have the meanings respectively set forth for those terms in section 1466A(c); and

''(3) the term 'sexually explicit conduct' has the meaning set forth in section 2256(2).

''(c) The circumstance referred to in subsection (a) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction or obscene matter by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction or obscene matter involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.''; and

''(2) in the table of sections at the beginning of the chapter, by inserting at the end the following:

''1471. Use of obscene material or child pornography to facilitate offenses against minors.''.

SEC. 06. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 is amended—

(1) by striking ''subsection (d)'' each place it appears in subsections (a), (b), and (c) and inserting ''subsection (e)'';

''(2) by redesignating subsections (c) and (d), respectively, as subsections (d) and (e); and

''(3) by inserting after subsection (b) a new subsection (c) as follows:

''(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its possessions and Territories, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

''(2) The circumstances referred to in paragraph (1) is that—

''(A) the person intends such visual depiction to be transported to the United States, its possessions, or terrorities, by any means including by computer or mail, or

''(B) the person transports such visual depiction to, or otherwise makes it available within, the United States, its possessions, or territories, by any means including by computer or mail.''.

SEC. 07. STRENGTHENING ENHANCED PENALTIES FOR REPEAT OFFENDERS.

Sections 2251(e) (as redesignated by section__ 06(2)), 2252(b), and 2252A(b) of title 18, United States Code, are each amended—

(1) by inserting ''chapter 71,'' immediately before each occurrence of ''chapter 109A,''; and

(2) by inserting ''or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice),'' immediately before each occurence of ''or under the laws''.

SEC. 08. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

(a) Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''2252B,'' after ''2252A,''; and

(B) by inserting ''or a violation of section 1466A or 1466B of that title,'' after ''of that title),'';

(2) in subsection (c), by inserting ''or pursuant to'' after ''to comply with'';

(3) by amending subsection (f)(1)(D) to read as follows:

''(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.'';

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

''(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.''.

(b) Section 2702 of title 18, United States Code is amended—

(1) in subsection (b)—

(A) in paragraph (6)—

(i) by inserting ''or'' at the end of subparagraph (A)(ii);

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(B) by redesignating paragraph (6) as paragraph (7);

(C) by striking ''or'' at the end of paragraph (5); and

(D) by inserting after paragraph (5) the following new paragraph:

''(6) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''; and

(2) in subsection (c)—

(A) by striking ''or'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by adding after paragraph (4) the following new paragraph:

''(5) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''.

SEC. 09. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

SEC. 10. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.

Section 3486(A)(1)(C)(i) of title 18, United States Code, is amended by striking ''the name, address'' and all that follows through ''subscriber or customer utilized'' and inserting ''the information specified in section 2703(c)(2)''.

SEC. 11. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''1466A, 1466B,'' before ''2251''.

SEC. 12. RECORDKEEPING TO DEMONSTRATE MINORS WERE NOT USED IN PRODUCTION OF PORNOGRAPHY.

Not later than 1 year after enactment of this Act, the Attorney General shall submit to Congress a report detailing the number of times since January 1993 that the Department of Justice has inspected the records of any producer of materials regulated pursuant to section 2257 of title 18, United States Code, and section 75 of title 28 of the Code of Federal Regulations. The Attorney General shall indicate the number of violations prosecuted as a result of those inspections.

It was decided in the affirmative { Yeas ..... 406 / Nays ..... 15 }

¶31.7 [Roll No. 88]

AYES—406

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

NOES—15

Abercrombie, Conyers, Davis (IL), Jackson (IL), Jones (OH), Lee, McDermott, Nadler, Paul, Rush, Sanders, Scott (VA), Stark, Watt, Woolsey

NOT VOTING—13

Brown, Corrine, Buyer, Clay, Combest, Fletcher, Gephardt, Hyde, McCarthy (MO), McCarthy (NY), McCotter, Miller, George, Rodriguez, Skelton

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. HASTINGS of Washington, acting Chairman, pursuant to House Resolution 160, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Abduction Prevention Act''.

TITLE I—SANCTIONS AND OFFENSES

SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (e)(3), by inserting ''on any such revocation'' after ''required to serve'';

(2) in subsection (h), by striking ''that is less than the maximum term of imprisonment authorized under subsection (e)(3)''; and

(3) by adding at the end the following:

''(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years or life, and the sentence for any such offense that is a felony shall include a term of supervised release of at least 5 years.''.

SEC. 102. FIRST DEGREE MURDER FOR CHILD ABUSE AND CHILD TORTURE MURDERS.

Section 1111 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''child abuse,'' after ''sexual abuse,''; and

(B) by inserting ''or perpetrated as part of a pattern or practice of assault or torture against a child or children;'' after ''robbery;''; and

(2) by inserting at the end the following:

''(c) For purposes of this section—

''(1) the term 'assault' has the same meaning as given that term in section 113;

''(2) the term 'child' means a person who has not attained the age of 18 years and is—

''(A) under the perpetrator's care or control; or

''(B) at least six years younger than the perpetrator;

''(3) the term 'child abuse' means intentionally, knowingly, or recklessly causing death or serious bodily injury to a child;

''(4) the term 'pattern or practice of assault or torture' means assault or torture engaged in on at least two occasions;

''(5) the term 'recklessly' with respect to causing death or serious bodily injury—

''(A) means causing death or serious bodily injury under circumstances in which the perpetrator is aware of and disregards a grave risk of death or serious bodily injury; and

''(B) such recklessness can be inferred from the character, manner, and circumstances of the perpetrator's conduct;

''(6) the term 'serious bodily injury' has the meaning set forth in section 1365; and

''(7) the term 'torture' means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).''.

SEC. 103. SEXUAL ABUSE PENALTIES.

(a) MAXIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking ''20'' and inserting ''30''; and

(ii) by striking ''30'' the first place it appears and inserting ''50'';

(B) in section 2252(b)(1)—

(i) by striking ''15'' and inserting ''20''; and

(ii) by striking ''30'' and inserting ''40'';

(C) in section 2252(b)(2)—

(i) by striking ''5'' and inserting ''10''; and

(ii) by striking ''10'' and inserting ''20'';

(D) in section 2252A(b)(1)—

(i) by striking ''15'' and inserting ''20''; and

(ii) by striking ''30'' and inserting ''40''; and

(E) in section 2252A(b)(2)—

(i) by striking ''5'' and inserting ''10''; and

(ii) by striking ''10'' and inserting ''20''.

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a), by striking ''10'' and inserting ''20'';

(B) in section 2422(b), by striking ''15'' and inserting ''30''; and

(C) in section 2423(a), by striking ''15'' and inserting ''30''.

(3) Section 1591(b)(2) of title 18, United States Code, is amended by striking ''20'' and inserting ''40''.

(b) MINIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking ''or imprisoned not less than 10'' and inserting ''and imprisoned not less than 15'';

(ii) by striking ''and both,'';

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

(iv) by striking ''30'' the second place it appears and inserting ''35'';

(B) in section 2251A(a) and (b), by striking ''20'' and inserting ''30'';

(C) in section 2252(b)(1)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 10 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''5'' and inserting ''15'';

(D) in section 2252(b)(2)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 5 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''2'' and inserting ''10'';

(E) in section 2252A(b)(1)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 10 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''5'' and inserting ''15''; and

(F) in section 2252A(b)(2)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 5 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''2'' and inserting ''10''.

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 2 years and''; and

(ii) by striking '', or both'';

(B) in section 2422(b)—

(i) by striking '', imprisoned'' and inserting ''and imprisoned not less than 5 years and''; and

(ii) by striking '', or both''; and

(C) in section 2423(a)—

(i) by striking '', imprisoned'' and inserting ''and imprisoned not less than 5 years and''; and

(ii) by striking '', or both''.

SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.

(a) SENTENCING GUIDELINES.—Notwithstanding any other provision of law regarding the amendment of Sentencing Guidelines, the United States Sentencing Commission is directed to amend the Sentencing Guidelines, to take effect on the date that is 30 days after the date of the enactment of this Act—

(1) so that the base level for kidnapping in section 2A4.1(a) is increased from level 24 to level 32 (121–151 months);

(2) so as to delete section 2A4.1(b)(4)(C); and

(3) so that the increase provided by section 2A4.1(b)(5) is 6 levels instead of 3.

(b) MINIMUM MANDATORY SENTENCE.—Section 1201(g) of title 18, United States Code, is amended by striking ''shall be subject to paragraph (2)'' in paragraph (1) and all that follows through paragraph (2) and inserting ''shall include imprisonment for not less than 20 years.''.

SEC. 105. PENALTIES AGAINST SEX TOURISM.

(a) IN GENERAL.—Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

''(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

''(d) ANCILLARY OFFENSES.—Whoever arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

''(e) ATTEMPT AND CONSPIRACY.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

''(f) DEFINITION.—As used in this section, the term 'illicit sexual conduct' means (1) a sexual act (as defined in section 2246) with a person that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person who has not attained the age of 18 years.

''(g) DEFENSE.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.''.

(b) CONFORMING AMENDMENT.—Section 2423(a) of title 18, United States Code, is amended by striking ''or attempts to do so,''.

SEC. 106. TWO STRIKES YOU'RE OUT.

(a) IN GENERAL.—Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

''(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

''(2) DEFINITIONS.—For the purposes of this subsection—

''(A) the term 'Federal sex offense' means—

''(i) an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2244(a)(1) or (2) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), 2251 (relating to sexual exploitation of children), 2251A (relating to selling or buying of children), or 2422(b) (relating to coercion and enticement of a minor into prostitution); or

''(ii) an offense under section 2423(a) (relating to transportation of minors) involving prostitution or sexual activity constituting a State sex offense;

''(B) the term 'State sex offense' means an offense under State law that consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title—

''(i) the offense involved interstate or foreign commerce, or the use of the mails; or

''(ii) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151);

''(C) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;

''(D) the term 'minor' means an individual who has not attained the age of 17 years; and

''(E) the term 'State' has the meaning given that term in subsection (c)(2).''.

(b) CONFORMING AMENDMENT.—Sections 2247(a) and 2426(a) of title 18, United States Code, are each amended by inserting '', unless section 3559(e) applies'' before the final period.

SEC. 107. ATTEMPT LIABILITY FOR INTERNATIONAL PARENTAL KIDNAPPING.

Section 1204 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting '', or attempts to do so,'' before ''or retains''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or the Uniform Child Custody Jurisdiction and Enforcement Act'' before ''and was''; and

(B) in paragraph (2), by inserting ''or'' after the semicolon.

SEC. 108. MISLEADING DOMAIN NAMES ON THE INTERNET.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252A the following:

''§ 2252B. Misleading domain names on the Internet

''(a) Whoever knowingly uses a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet shall be fined under this title or imprisoned not more than 2 years, or both.

''(b) Whoever knowingly uses a misleading domain name with the intent to deceive a minor into viewing material that is harmful to minors on the Internet shall be fined under this title or imprisoned not more than 4 years, or both.

''(c) For the purposes of this section, a domain name that includes a word or words to indicate the sexual content of the site, such as 'sex' or 'porn', is not misleading.

''(d) For the purposes of this section, the term 'material that is harmful to minors' means any communication that—

''(1) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

''(2) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

''(3) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the time relating to section 2252A the following new item:

''2252B. False or misleading domain names on the Internet.''.

SEC. 109. SENTENCING REFORM.

(a) REQUIREMENT TO SPECIFY IN THE GUIDELINES THE GROUNDS UPON WHICH DOWNWARD DEPARTURES MAY BE GRANTED.—Section 3553(b) of title 18, United States Code, is amended to read as follows:

''(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.—The court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that—

''(1) there exists an aggravating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described; or

''(2) there exists a mitigating circumstance of a kind, or to a degree, that—

''(A) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

''(B) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

''(C) should result in a sentence different from that described.

In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission, together with any amendments thereto by act of Congress. In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the purposes set forth in subsection (a)(2). In the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Commission, together with any amendments to such guidelines or policy statements by act of Congress.''.

(b) REFORM OF EXISTING PERMISSIBLE GROUNDS OF DOWNWARD DEPARTURES.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(1) Section 5K2.0 is amended as follows:

(A) Strike the first and second paragraphs of the Commentary to section 5K2.0 in their entireties.

(B) Strike ''departure'' every place it appears and insert ''upward departure''.

(C) Strike ''depart'' every place it appears and insert ''depart upward''.

(D) In the first sentence of section 5K2.0—

(i) strike ''outside'' and insert ''above'';

(ii) strike ''or mitigating''; and

(iii) strike ''Under'' and insert:

''(a) UPWARD DEPARTURES.—

Under''.

(E) In the last sentence of the first paragraph of section 5K2.0, strike ''or excessive''.

(F) Immediately before the Commentary to section 5K2.0, insert the following:

''(b) DOWNWARD DEPARTURES.—

''Under 18 U.S.C. §3553(b)(2), the sentencing court may impose a sentence below the range established by the applicable guidelines only if the court finds that there exists a mitigating circumstance of a kind, or to a degree, that—

''(1) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

''(2) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

''(3) should result in a sentence different from that described.

The grounds enumerated in this Part K of chapter 5 are the sole grounds that have been affirmatively and specifically identified as a permissible ground of downward departure in these sentencing guidelines and policy statements. Thus, notwithstanding any other reference to authority to depart downward elsewhere in this Sentencing Manual, a ground of downward departure has not been affirmatively and specifically identified as a permissible ground of downward departure within the meaning of section 3553(b)(2) unless it is expressly enumerated in this Part K as a ground upon which a downward departure may be granted.''.

(2) At the end of part K of chapter 5, add the following new sections:

''§5K2.22 Specific Offender Characteristics as Grounds for Downward Departure (Policy Statement)

''Age may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by §5H1.1.

''An extraordinary physical impairment may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by §5H1.4. Drug, alcohol, or gambling dependence or abuse is not a reason for imposing a sentence below the guidelines.

''§5K2.23 Early Disposition Programs as a Ground for Downward Departure (Policy Statement)

''Upon motion of the government stating that:

''(1) due to extraordinary resource constraints, not typical of most districts, associated with the disproportionately high incidence of illegal reentry or other specific offenses within a particular district, the Attorney General has formally certified that the district is authorized to implement an early disposition program with respect to those specific categories of offenses;

''(2) pursuant to such specific authorization, the United States Attorney for the district has implemented such an early disposition program with respect to the category of offense for which the defendant has been convicted;

''(3) pursuant to such an early disposition program, the defendant, within 30 days of his or her first appearance before a judicial officer in connection with such a charge, entered into a plea agreement whereby he or she agrees, inter alia—

''(A) not to file any of the motions described in Federal Rule of Criminal Procedure 12(b)(3);

''(B) to waive appeal;

''(C) to waive the opportunity to pursue collateral relief under 28 U.S.C. §§ 2254 and 2555, including ineffective assistance of counsel claims; and

''(D) if an alien, to submit to uncontested removal from the United States upon completion of any sentence of imprisonment;

''(4) the plea agreement contemplates that the government will move for a downward departure based on the defendant's prompt agreement to enter into such an early disposition plea agreement; and

''(5) the defendant has fully satisfied the conditions of such plea agreement,

then, if the court finds that these conditions have been met and also finds that the defendant has received the maximum adjustment for which he is eligible (given his offense level) under § 3E1.1, the court may depart downward from the guidelines under this section only to the extent agreed to by the parties in the plea agreement, which in no event shall exceed 4 levels.

''Commentary

''Several districts, particularly on the southwest border, have early disposition programs that allow them to process very large numbers of cases with relatively limited resources. Such programs are based on the premise that a defendant who promptly agrees to participate in such a program has saved the government significant and scarce resources that can be used in prosecuting other defendants and has demonstrated an acceptance of responsibility above and beyond what is already taken into account by the adjustments contained in §3E1.1. This section preserves the authority to grant limited departures pursuant to such programs. In order to avoid unwarranted sentencing disparities within a given district, any departure under this section must be pursuant to a formal program that is approved by the United States Attorney and that applies generally to a specified class of offenders. Authorization for the district to establish an early disposition program must also have been specifically conferred by the Attorney General, and may be granted only with respect to those particular classes of offenses (such as illegal reentry) whose high incidence within the district has imposed an extraordinary strain on the resources of that district as compared to other districts. To be eligible for the departure, the plea agreement under the program must reflect that the defendant has agreed to an expeditious plea, as described. A defendant who has not received any adjustment for acceptance of responsibility under § 3E1.1 cannot receive a departure under this provision. A defendant whose offense level makes him eligible for the additional adjustment under § 3E1.1(b), but who fails to satisfy the requirements for such an adjustment, is likewise ineligible for a departure under this provision. This section does not confer authority to depart downward on an ad hoc basis in individual cases. Moreover, because the Government's affirmative acquiescence is essential to the fair and efficient operation of an early disposition program, a departure under this section may only be granted upon a formal motion by the Government at the time of sentencing. Nothing in this section authorizes a sentence below a statutory mandatory minimum.''.

(3) Section 5K2.20 is deleted.

(4) Section 5H1.6 and section 5H1.11 are each amended by striking ''ordinarily'' every place it appears.–

(5) Section 5K2.13 is amended by—

(A) striking ''or'' before ''(3)''; and

(B) replacing ''public'' with ''public; or (4) the defendant has been convicted of an offense under chapter 71, 109A, 110, or 117 of title 18, United States Code.''.

(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—Section 3553(c) of title 18, United States Code, is amended—

(1) by striking ''described.'' and inserting ''described, which reasons must also be stated with

specificity in the written order of judgment and commitment, except to the extent that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32. In the event that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32 the court shall state that such statements were so received and that it relied upon the content of such statements.'';

(2) by inserting '', together with the order of judgment and commitment,'' after ''the court's statement of reasons''; and

(3) by inserting ''and to the Sentencing Commission,'' after ''to the Probation System''.

(d) REVIEW OF A SENTENCE.—

(1) REVIEW OF DEPARTURES.—Section 3742(e)(3) of title 18, United States Code, is amended to read as follows:

''(3) is outside the applicable guideline range, and

''(A) the district court failed to provide the written statement of reasons required by section 3553(c);

''(B) the sentence departs from the applicable guideline range based on a factor that—

''(i) does not advance the objectives set forth in section 3553(a)(2); or

''(ii) is not authorized under section 3553(b); or

''(iii) is not justified by the facts of the case; or

''(C) the sentence departs to an unreasonable degree from the applicable guidelines range, having regard for the factors to be considered in imposing a sentence, as set forth in section 3553(a) of this title and the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c); or''.

(2) STANDARD OF REVIEW.—The last paragraph of section 3742(e) of title 18, United States Code, is amended by striking ''shall give due deference to the district court's application of the guidelines to the facts'' and inserting '', except with respect to determinations under subsection (3)(A) or (3)(B), shall give due deference to the district court's application of the guidelines to the facts. With respect to determinations under subsection (3)(A) or (3)(B), the court of appeals shall review de novo the district court's application of the guidelines to the facts''.

(3) DECISION AND DISPOSITION.—

(A) The first paragraph of section 3742(f) of title 18, United States Code, is amended by striking ''the sentence'';

(B) Section 3742(f)(1) of title 18, United States Code, is amended by inserting ''the sentence'' before ''was imposed'';

(C) Section 3742(f)(2) of title 18, United States Code, is amended to read as follows:

''(2) the sentence is outside the applicable guideline range and the district court failed to provide the required statement of reasons in the order of judgment and commitment, or the departure is based on an impermissible factor, or is to an unreasonable degree, or the sentence was imposed for an offense for which there is no applicable sentencing guideline and is plainly unreasonable, it shall state specific reasons for its conclusions and—

''(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);

''(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);''; and

(D) Section 3742(f)(3) of title 18, United States Code, is amended by inserting ''the sentence'' before ''is not described''.

(e) IMPOSITION OF SENTENCE UPON REMAND.—Section 3742 of title 18, United States Code, is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting the following after subsection (f):

''(g) SENTENCING UPON REMAND.—A district court to which a case is remanded pursuant to subsection (f)(1) or (f)(2) shall resentence a defendant in accordance with section 3553 and with such instructions as may have been given by the court of appeals, except that—

''(1) In determining the range referred to in subsection 3553(a)(4), the court shall apply the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that were in effect on the date of the previous sentencing of the defendant prior to the appeal, together with any amendments thereto by any act of Congress that was in effect on such date; and

''(2) The court shall not impose a sentence outside the applicable guidelines range except upon a ground that—

''(A) was specifically and affirmatively included in the written statement of reasons required by section 3553(c) in connection with the previous sentencing of the defendant prior to the appeal; and

''(B) was held by the court of appeals, in remanding the case, to be a permissible ground of departure.''.

(f) DEFINITIONS.—Section 3742 of title 18, United States Code, as amended by subsection (e), is further amended by adding at the end the following:

''(j) DEFINITIONS.—For purposes of this section—

''(1) a factor is a 'permissible' ground of departure if it—

''(A) advances the objectives set forth in section 3553(a)(2); and

''(B) is authorized under section 3553(b); and

''(C) is justified by the facts of the case; and

''(2) a factor is an 'impermissible' ground of departure if it is not a permissible factor within the meaning of subsection (j)(1).''.

(g) REFORM OF GUIDELINES GOVERNING ACCEPTANCE OF RESPONSIBILITY.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended—

(1) in section 3E1.1(b)—

(A) by inserting ''upon motion of the government stating that'' immediately before ''the defendant has assisted authorities''; and

(B) by striking ''taking one or more'' and all that follows through and including ''additional level'' and insert ''timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently, decrease the offense level by 1 additional level'';

(2) in the Application Notes to the Commentary to section 3E1.1, by amending Application Note 6—

(A) by striking ''one or both of''; and

(B) by adding the following new sentence at the end: ''Because the Government is in the best position to determine whether the defendant has assisted authorities in a manner that avoids preparing for trial, an adjustment under subsection (b)(2) may only be granted upon a formal motion by the Government at the time of sentencing.''; and

(3) in the Background to section 3E1.1, by striking ''one or more of''.

(h) IMPROVED DATA COLLECTION.—Section 994(w) of title 28, United States Code, is amended to read as follows:

''(w)(1)The Chief Judge of each district court shall ensure that, within 30 days following entry of judgment in every criminal case, the sentencing court submits to the Commission a written report of the sentence, the offense for which it is imposed, the age, race, sex of the offender, and information regarding factors made relevant by the guidelines. The report shall also include—

''(A) the judgment and commitment order;

''(B) the statement of reasons for the sentence imposed (which shall include the reason for any departure from the otherwise applicable guideline range);

''(C) any plea agreement;

''(D) the indictment or other charging document;

''(E) the presentence report; and

''(F) any other information as the Commission finds appropriate.

''(2) The Commission shall, upon request, make available to the House and Senate Committees on the Judiciary, the written reports and all underlying records accompanying those reports described in this section, as well as other records received from courts.

''(3) The Commission shall submit to Congress at least annually an analysis of these documents, any recommendations for legislation that the Commission concludes is warranted by that analysis, and an accounting of those districts that the Commission believes have not submitted the appropriate information and documents required by this section.''.

(i) SENTENCING GUIDELINES AMENDMENTS.—(1) Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(A) Application Note 4(b)(i) to section 4B1.5 is amended to read as follows:

''(i) IN GENERAL.—For purposes of subsection (b), the defendant engaged in a pattern of activity involving prohibited sexual conduct if on at least two separate occasions, the defendant engaged in prohibited sexual conduct with a minor.''.

(B) Section 2G2.4(b) is amended by adding at the end the following:

''(4) If the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence, increase by 4 levels.

''(5) If the offense involved—

''(A) at least 10 images, but fewer than 150, increase by 2 levels;

''(B) at least 150 images, but fewer than 300, increase by 3 levels;

''(C) at least 300 images, but fewer than 600, increase by 4 levels; and

''(D) 600 or more images, increase by 5 levels.''.

(C) Section 2G2.2(b) is amended by adding at the end the following:

''(6) If the offense involved—

''(A) at least 10 images, but fewer than 150, increase by 2 levels;

''(B) at least 150 images, but fewer than 300, increase by 3 levels;

''(C) at least 300 images, but fewer than 600, increase by 4 levels; and

''(D) 600 or more images, increase by 5 levels.''.

(2) The Sentencing Commission shall amend the Sentencing Guidelines to ensure that the Guidelines adequately reflect the seriousness of the offenses under sections 2243(b), 2244(a)(4), and 2244(b) of title 18, United States Code.

(j) CONFORMING AMENDMENTS.—

(1) Upon enactment of this Act, the Sentencing Commission shall forthwith distribute to all courts of the United States and to the United States Probation System the amendments made by subsections (b), (g), and (i) of this section to the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission. These amendments shall take effect upon the date of enactment of this Act, in accordance with paragraph (5).

(2) On or before May 1, 2005, the Sentencing Commission shall not promulgate any amendment to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission that is inconsistent with any amendment made by subsection (b) or that adds any new grounds of downward departure to Part K of chapter 5. At no time may the Commission promulgate any amendment that would alter or repeal section 5K2.23 of the Federal Sentencing Guidelines Manual, as added by subsection (b).

(3) With respect to cases covered by the amendments made by subsection (i) of this section, the Sentencing Commission may make further amendments to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission, except the Commission shall not promulgate any amendments that, with respect to such cases, would result in sentencing ranges that are lower than those that would have applied under such subsections.

(4) At no time may the Commission promulgate any amendment that would alter or repeal the amendments made by subsection (g) of this section.

(5) Section 3553(a) of title 18, United States Code, is amended—

(A) by amending paragraph (4)(A) to read as follows:

''(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—

''(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

''(ii) that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or'';

(B) in paragraph (4)(B), by inserting '', taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28)'' after ''Code'';

(C) by amending paragraph (5) to read as follows:

''(5) any pertinent policy statement—

''(A) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

''(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.''.

(k) COMPLIANCE WITH STATUTE.—Section 994(a) of title 28, United States Code, is amended by striking ''consistent with all provisions of this title and title 18, United States Code,'' and inserting ''consistent with all pertinent provisions of any Federal statute''.

(l) REPORT BY THE ATTORNEY GENERAL.—

(1) Not later than 15 days after a district court's grant of a downward departure in any case, other than a case involving a downward departure for substantial assistance to authorities pursuant to section 5K1.1 of the Sentencing Guidelines, the Attorney General shall report to the House and Senate Committees on the Judiciary, setting forth the case, the facts involved, the identity of the district court judge, the district court's stated reasons, whether or not the court provided the United States with advance notice of its intention to depart, the position of the parties with respect to the downward departure, whether or not the United States has filed, or intends to file, a motion for reconsideration; whether or not the defendant has filed a notice of appeal concerning any aspect of the case, and whether or not the United States has filed, or intends to file, a notice of appeal of the departure pursuant to section 3742 of the title 18, United States Code.

(2) In any such case, the Attorney General shall thereafter report to the House and Senate Committees on the Judiciary not later than 5 days after a decision by the Solicitor General whether or not to authorize an appeal of the departure, informing the committees of the decision and the basis for it.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

Subtitle A—Law Enforcement Tools To Protect Children

SEC. 201. INTERCEPTIONS OF COMMUNICATIONS IN INVESTIGATIONS OF SEX OFFENSES.

(a) IN GENERAL.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (a), by inserting after ''chapter 37 (relating to espionage),'' the following: ''chapter 55 (relating to kidnapping),''; and

(2) in paragraph (c)—

(A) by inserting ''1591 (sex trafficking),'' before ''section 1751'';

(B) by striking ''2251 and 2252 (sexual exploitation of children)'' and inserting ''2251, 2251A, 2252, 2252A, and 2260 (sexual exploitation of children)''; and

(C) by inserting ''sections 2421, 2422, 2423, and 2425 (transportation for illegal sexual activity and related crimes),'' before ''section 1029''.

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (q);

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

''(r) a violation of section 2422 (relating to coercion and enticement) and section 2423(a) (relating to transportation of minors) of this title, if, in connection with that violation, the intended sexual activity would constitute a felony violation of chapter 109A or 110, including a felony violation of chapter 109A or 110 if the sexual activity occurred, or was intended to occur, within the special maritime and territorial jurisdiction of the United States, regardless of where it actually occurred or was intended to occur; or''; and

(3) by redesignating paragraph (r) as paragraph (s).

SEC. 202. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

(a) IN GENERAL.—(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 3297. Child abduction and sex offenses

''Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3297. Child abduction and sex offenses.''.

(b) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

Subtitle B—No Pretrial Release for Those Who Rape or Kidnap Children

SEC. 221. NO PRETRIAL RELEASE FOR THOSE WHO RAPE OR KIDNAP CHILDREN.

Section 3142(e) of title 18, United States Code, is amended by striking ''or 2332b'' and inserting ''1201, 1591, 2241, 2242, 2244(a)(1), 2242(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2332b, 2421, 2422, 2423, or 2425''.

SEC. 222. INFORMATION AND DOCUMENTATION REQUIRED BY ATTORNEY GENERAL UNDER VICTIMS OF CHILD ABUSE ACT OF 1990.

(a) REGIONAL CHILDREN'S ADVOCACY CENTERS.—

(1) IN GENERAL.—Section 213 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001b) is amended—

(A) in subsection (b)(2)—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(C) provide such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds for purposes of evaluation of the effect of grants on the community response to child abuse.''; and

(B) in subsection (d)(3)(A), by inserting after ''activities'' the following: ''or substantially fails to provide information or documentation required by the Attorney General''.

(2) CLERICAL AMENDMENTS.—Such section is further amended—

(A) in subsection (c)(4)—

(i) by striking ''and'' at the end of subparagraph (B)(ii);

(ii) in subparagraph (B)(iii), by striking ''Board'' and inserting ''board''; and

(iii) by redesignating subparagraphs (C) and (D) as clauses (iv) and (v), respectively, of subparagraph (B), and by realigning such clauses so as to have the same indentation as the preceding clauses of subparagraph (B);

(B) in subsection (e), by striking ''Board'' in each of paragraphs (1)(B)(ii), (2)(A), and (3), and inserting ''board''.

(b) LOCAL CHILDREN'S ADVOCACY CENTERS.—Section 214 of that Act (42 U.S.C. 13002) is amended in subsection (b)(2)(J) by inserting before the period at the end the following: '', including such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds for purposes of evaluation of the effect of grants on the community response to child abuse.''.

(c) GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of such Act (42 U.S.C. 13003) is amended in subsection (c) by adding at the end the following new paragraph:

''(3) Any recipient of a grant under this section shall provide such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds for purposes of evaluation of the effect of grants on the community response to child abuse.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—The text of section 214B of such Act (42 U.S.C. 13004) is amended to read as follows:

''(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214, $15,000,000 for each of fiscal years 2004 and 2005.

''(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A, $5,000,000 for each of fiscal years 2004 and 2005.''.

Subtitle C—No Waiting Period To Report Missing Children "Suzanne's Law"

SEC. 241. AMENDMENT.

Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking ''age of 18'' and inserting ''age of 21''.

TITLE III—PUBLIC OUTREACH

SEC. 301. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) DUTIES.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) CONSULTATION WITH FEDERAL BUREAU OF INVESTIGATION.—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) COOPERATION.—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(e) REPORT.—Not later than March 1, 2005, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the AMBER plans of each State that has implemented such a plan. The Coordinator shall prepare the report in consultation with the Secretary of Transportation.

SEC. 302. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of an abducted child (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(4) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) COOPERATION.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) PROGRAM REQUIRED.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the development of a State program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. The State program shall provide for the planning, coordination, and design of systems, protocols, and message sets that support the coordination and communication necessary to notify motorists about abductions of children.

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State for the following purposes:

(A) To develop general policies and procedures to guide the use of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(B) To develop guidance or policies on the content and format of alert messages to be conveyed on changeable message signs or other traveler information systems.

(C) To coordinate State, regional, and local plans for the use of changeable message signs or other transportation related issues.

(D) To plan secure and reliable communications systems and protocols among public safety and transportation agencies or modify existing communications systems to support the notification of motorists about abductions of children.

(E) To plan and design improved systems for communicating with motorists, including the capability for issuing wide area alerts to motorists.

(F) To plan systems and protocols to facilitate the efficient issuance of child abduction notification and other key information to motorists during off-hours.

(G) To provide training and guidance to transportation authorities to facilitate appropriate use of changeable message signs and other traveler information systems for the notification of motorists about abductions of children.

(c) IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the implementation of a program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. A State shall be eligible for a grant under this subsection if the Secretary determines that the State has developed a State program in accordance with subsection (b).

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State to support the implementation of systems that use changeable message signs or other motorist information systems to notify motorists about abductions of children. Such support may include the purchase and installation of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(d) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

(e) DISTRIBUTION OF GRANT AMOUNTS.—The Secretary shall, to the maximum extent practicable, distribute grants under this section equally among the States that apply for a grant under this section within the time period prescribed by the Secretary.

(f) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for the receipt of grants under this section.

(g) DEFINITION.—In this section, the term ''State'' means any of the 50 States, the District of Columbia, or Puerto Rico.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for fiscal year 2004. Such amounts shall remain available until expended.

(i) STUDY OF STATE PROGRAMS.—

(1) STUDY.—The Secretary shall conduct a study to examine State barriers to the adoption and implementation of State programs for the use of communications systems along highways for alerts and other information for the recovery of abducted children.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with any recommendations the Secretary determines appropriate.

SEC. 304. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) PROGRAM REQUIRED.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans;

(3) the development and implementation of new technologies to improve AMBER Alert communications; and

(4) such other activities as the Attorney General considers appropriate for supporting the AMBER Alert communications program.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Justice $5,000,000 for fiscal year 2004 to carry out this section and, in addition, $5,000,000 for fiscal year 2004 to carry out subsection (b)(3).

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 305. INCREASED SUPPORT.

Section 404(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5773(b)(2)) is amended by inserting ''and $20,000,000 for each of fiscal years 2004 and 2005'' after ''and 2003''.

SEC. 306. SEX OFFENDER APPREHENSION PROGRAM.

Section 1701(d) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) by redesignating paragraphs (10) and (11) as (11) and (12), respectively; and

(2) by inserting after paragraph (9) the following:

''(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;''.

SEC. 307. FEASIBILITY STUDY FOR A SYSTEM OF BACKGROUND CHECKS FOR VOLUNTEERS.

(a) STUDY REQUIRED.—The Attorney General shall conduct a feasibility study within 120 days after the date of the enactment of this Act. The study shall examine, to the extent discernible, the following:

(1) The current state of fingerprint capture and processing at the State and local level, including the current available infrastructure, State system capacities, and the time for each State to process a civil or volunteer print from the time of capture to submission to the Federal Bureau of Investigation (FBI).

(2) The intent of the States concerning participation in a nationwide system of criminal background checks to provide information to qualified entities.

(3) The number of volunteers, employees, and other individuals that would require a fingerprint based criminal background check.

(4) The impact on the FBI's Integrated Automated Fingerprint Identification System (IAFIS) in terms of capacity and impact on other users of the system, including the effect on FBI work practices and staffing levels.

(5) The current fees charged by the FBI, States and local agencies, and private companies to process fingerprints.

(6) The existence of ''model'' or best practice programs which could easily be expanded and duplicated in other States.

(7) The extent to which private companies are currently performing background checks and the possibility of using private companies in the future to perform any of the background check process, including, but not limited to, the capture and transmission of fingerprints and fitness determinations.

(8) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint based and other criminal background check system.

(9) Any other information deemed relevant by the Department of Justice.

(b) REPORT.—Based on the findings of the feasibility study, the Attorney General shall, not later than 120 days after the date of the enactment of this Act, submit to Congress a report, including recommendations, which may include a proposal for grants to the States to develop or improve programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly, or the disabled.

SEC. 308. FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

''(f) Under the direction of the Secretary of the Treasury, officers and agents of the Secret Service are authorized, at the request of any State or local law enforcement agency, or at the request of the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.''.

TITLE IV—MISSING CHILDREN PROCEDURES IN PUBLIC BUILDINGS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Code Adam Act''.

SEC. 402. DEFINITIONS.

In this title, the following definitions apply:

(1) CHILD.—The term ''child'' means an individual who is 17 years of age or younger.

(2) CODE ADAM ALERT.—The term ''Code Adam alert'' means a set of procedures used in public buildings to alert employees and other users of the building that a child is missing.

(3) DESIGNATED AUTHORITY.—The term ''designated authority'' means—

(A) with respect to a public building owned or leased for use by an Executive agency—

(i) except as otherwise provided in this paragraph, the Administrator of General Services;

(ii) in the case of the John F. Kennedy Center for the Performing Arts, the Board of Trustees of the John F. Kennedy Center for the Performing Arts;

(iii) in the case of buildings under the jurisdiction, custody, and control of the Smithsonian Institution, the Board of Regents of the Smithsonian Institution; or

(iv) in the case of another public building for which an Executive agency has, by specific or general statutory authority, jurisdiction, custody, and control over the building, the head of that agency;

(B) with respect to a public building owned or leased for use by an establishment in the judicial branch of government, the Administrative Office of the United States Courts; and

(C) with respect to a public building owned or leased for use by an establishment in the legislative branch of government, the Capitol Police Board.

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the same meaning such term has under section 105 of title 5, United States Code.

(5) FEDERAL AGENCY.—The term ''Federal agency'' means any Executive agency or any establishment in the legislative or judicial branches of the Government.

(6) PUBLIC BUILDING.—The term ''public building'' means any building (or portion thereof) owned or leased for use by a Federal agency.

SEC. 403. PROCEDURES IN PUBLIC BUILDINGS REGARDING A MISSING OR LOST CHILD.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the designated authority for a public building shall establish procedures for locating a child that is missing in the building.

(b) NOTIFICATION AND SEARCH PROCEDURES.—Procedures established under this section shall provide, at a minimum, for the following:

(1) Notifying security personnel that a child is missing.

(2) Obtaining a detailed description of the child, including name, age, eye and hair color, height, weight, clothing, and shoes.

(3) Issuing a Code Adam alert and providing a description of the child, using a fast and effective means of communication.

(4) Establishing a central point of contact.

(5) Monitoring all points of egress from the building while a Code Adam alert is in effect.

(6) Conducting a thorough search of the building.

(7) Contacting local law enforcement.

(8) Documenting the incident.

TITLE V—ADDITIONAL PROVISIONS

SEC. 501. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. ''The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance,'' New York v. Ferber, 458 U.S. 747, 757 (1982), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. ''The most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product.'' Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to:

(A) computer generate depictions of children that are indistinguishable from depictions of real children;

(B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or

(C) disguise pictures of real children being abused by making the image look computer-generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer-generated. The technology will soon exist, if it does not already, to computer generate realistic images of children.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and/or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges increased significantly after the decision in Ashcroft v. Free Speech Coalition 535 U.S. 234 (2002).

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic assessment may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact of the Free Speech Coalition decision on the Government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases have almost universally raised the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful. In addition, the number of prosecutions being brought has been significantly and adversely affected as the resources required to be dedicated to each child pornography case now are significantly higher than ever before.

(11) Leading experts agree that, to the extent that the technology exists to computer generate realistic images of child pornography, the cost in terms of time, money, and expertise is—and for the foreseeable future will remain—prohibitively expensive. As a result, for the foreseeable future, it will be more cost-effective to produce child pornography using real children. It will not, however, be difficult or expensive to use readily available technology to disguise those depictions of real children to make them unidentifiable or to make them appear computer-generated.

(12) Child pornography results from the abuse of real children by sex offenders; the production of child pornography is a byproduct of, and not the primary reason for, the sexual abuse of children. There is no evidence that the future development of easy and inexpensive means of computer generating realistic images of children would stop or even reduce the sexual abuse of real children or the practice of visually recording that abuse.

(13) In the absence of congressional action, the difficulties in enforcing the child pornography laws will continue to grow increasingly worse. The mere prospect that the technology exists to create composite or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution; for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. Moreover, imposing an additional requirement that the Government prove beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.

(14) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(15) The Supreme Court's 1982 Ferber v. New York decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary now to ensure that open and notorious trafficking in such materials does not reappear, and even increase, on the Internet.

SEC. 502. IMPROVEMENTS TO PROHIBITION ON VIRTUAL CHILD PORNOGRAPHY.

(a) Section 2256(8)(B) of title 18, United States Code, is amended to read as follows:

''(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable (as defined in section 1466A) from, that of a minor engaging in sexually explicit conduct; or''.

(b) Section 2256(2) of title 18, United States Code, is amended to read as follows:

''(2)(A) Except as provided in subparagraph (B), 'sexually explicit conduct' means actual or simulated—

''(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

''(ii) bestiality;

''(iii) masturbation;

''(iv) sadistic or masochistic abuse; or

''(v) lascivious exhibition of the genitals or pubic area of any person;

''(B) For purposes of subsection 8(B) of this section, 'sexually explicit conduct' means—

''(i) graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

''(ii) graphic or lascivious simulated;

''(I) bestiality;

''(II) masturbation; or

''(III) sadistic or masochistic abuse; or

''(iii) graphic or simulated lascivious exhibition of the genitals or pubic area of any person;''.

(c) Section 2256 is amended—

(1) in paragraph 8(D), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by inserting at the end the following new paragraph:

''(10) 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.''.

(d) Section 2252A(c) of title 18, United States Code, is amended to read as follows:

''(c)(1) Except as provided in paragraph (2), it shall be an affirmative defense to a charge of violating this section that the production of the alleged child pornography did not involve the use of a minor or an attempt or conspiracy to commit an offense under this section involving such use.

''(2) A violation of, or an attempt or conspiracy to violate, this section which involves child pornography as defined in section 2256(8)(A) or (C) shall be punishable without regard to the affirmative defense set forth in paragraph (1).''.

SEC. 503. PROHIBITION ON PANDERING MATERIALS AS CHILD PORNOGRAPHY.

(a) Section 2256(8) of title 18, United States Code, is amended—

(1) in subparagraph (C), by striking ''or'' at the end and inserting ''and''; and

(2) by striking subparagraph (D).

(b) Chapter 110 of title 18, United States Code, is amended—

(1) by inserting after section 2252A the following:

''§ 2252B. Pandering and solicitation

''(a) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to provide or sell a visual depiction to another, and who in connection therewith knowingly advertises, promotes, presents, or describes the visual depiction with the intent to cause any person to believe that the material is, or contains, a visual depiction of an actual minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to receive or purchase from another a visual depiction that he believes to be, or to contain, a visual depiction of an actual minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(c) It is not a required element of any offense under this section that any person actually provide, sell, receive, purchase, possess, or produce any visual depiction.

''(d) The circumstance referred to in subsection (a) and (b) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person who travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.''; and

(2) in the table of sections at the beginning of the chapter, by inserting after the item relating to section 2252A the following:

''2252B. Pandering and solicitation.''.

SEC. 504. PROHIBITION OF OBSCENITY DEPICTING YOUNG CHILDREN.

(a) Chapter 71 of title 18, United States Code, is amended—

(1) by inserting after section 1466 the following:

''§ 1466A. Obscene visual depictions of young children

''(a) Whoever, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) Whoever, in a circumstance described in subsection (d), knowingly possesses a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

''(c) For purposes of this section—

''(1) the term 'visual depiction' includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means;

''(2) the term 'pre-pubescent child' means that (A) the child, as depicted, is one whose physical development indicates the child is 12 years of age or younger; or (B) the child, as depicted, does not exhibit significant pubescent physical or sexual maturation. Factors that may be considered in determining significant pubescent physical maturation include body habitus and musculature, height and weight proportion, degree of hair distribution over the body, extremity proportion with respect to the torso, and dentition. Factors that may be considered in determining significant pubescent sexual maturation include breast development, presence of axillary hair, pubic hair distribution, and visible growth of the sexual organs;

''(3) the term 'sexually explicit conduct' has the meaning set forth in section 2256(2); and

''(4) the term 'indistinguishable' used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

''(d) The circumstance referred to in subsections (a) and (b) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

''(e) In a case under subsection (b), it is an affirmative defense that the defendant—

''(1) possessed less than three such images; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

''(A) took reasonable steps to destroy each such image; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.

''§ 1466B. Obscene visual representations of sexual abuse of minors

''(a) Whoever, in a circumstance described in subsection (e), knowingly produces, distributes, receives, or possesses with intent to distribute a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

''(1) depicts a minor engaging in sexually explicit conduct; and

''(2) is obscene;

or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) Whoever, in a circumstance described in subsection (e), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

''(1) depicts a minor child engaging in sexually explicit conduct, and

''(2) is obscene,

or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

''(c) It is not a required element of any offense under this section that the minor child depicted actually exist.

''(d) For purposes of this section, the terms 'visual depiction' has the meaning given that term in section 1466A, and the terms 'sexually explicit conduct' and 'minor' have the meanings given those terms in section 2256(2)(B).

''(e) The circumstance referred to in subsection (a) and (b) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

''(f) In a case under subsection (b), it is an affirmative defense that the defendant—

''(1) possessed less than three such images; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

''(A) took reasonable steps to destroy each such image; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.''; and

(2) in table of sections at the beginning of the chapter, by inserting after the item relating to section 1466 the following new items:

''1466A. Obscene visual depictions of young children.

''1466B. Obscene visual representations of prepubescent sexual abuse.''.

(b)(1) Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 1466A or 1466B of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) The Sentencing Commission may promulgate guidelines specifically governing offenses under sections 1466A and 1466B of title 18, United States Code, provided that such guidelines shall not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

SEC. 505. PROHIBITION ON USE OF MATERIALS TO FACILITATE OFFENSES AGAINST MINORS.

Chapter 71 of title 18, United States Code, is amended—

(1) by inserting at the end the following:

''§ 1471. Use of obscene material or child pornography to facilitate offenses against minors

''(a) Whoever, in any circumstance described in subsection (c), knowingly—

''(1) provides or shows to a person below the age of 16 years any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, any obscene matter, or any child pornography; or

''(2) provides or shows any obscene matter or child pornography, or any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or provides any other material assistance to any person in connection with any conduct, or any attempt, incitement, solicitation, or conspiracy to engage in any conduct, that involves a minor and that violates chapter 109A, 110, or 117, or that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction of the United States,

shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) For purposes of this section—

''(1) the term 'child pornography' has the meaning set forth in section 2256(8);

''(2) the terms 'visual depiction', 'pre-pubescent child', and 'indistinguishable' have the meanings respectively set forth for those terms in section 1466A(c); and

''(3) the term 'sexually explicit conduct' has the meaning set forth in section 2256(2).

''(c) The circumstance referred to in subsection (a) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction or obscene matter by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction or obscene matter involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.''; and

(2) in the table of sections at the beginning of the chapter, by inserting at the end the following:

''1471. Use of obscene material or child pornography to facilitate offenses against minors.''.

SEC. 506. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 is amended—

(1) by striking ''subsection (d)'' each place it appears in subsections (a), (b), and (c) and inserting ''subsection (e)'';

(2) by redesignating subsections (c) and (d), respectively, as subsections (d) and (e); and

(3) by inserting after subsection (b) a new subsection (c) as follows:

''(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its possessions and Territories, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

''(2) The circumstance referred to in paragraph (1) is that—

''(A) the person intends such visual depiction to be transported to the United States, its possessions, or territories, by any means including by computer or mail; or

''(B) the person transports such visual depiction to, or otherwise makes it available within, the United States, its possessions, or territories, by any means including by computer or mail.''.

SEC. 507. STRENGTHENING ENHANCED PENALTIES FOR REPEAT OFFENDERS.

Sections 2251(e) (as redesignated by section 506(2)), 2252(b), and 2252A(b) of title 18, United States Code, are each amended—

(1) by inserting ''chapter 71,'' immediately before each occurrence of ''chapter 109A,''; and

(2) by inserting ''or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice),'' immediately before each occurrence of ''or under the laws''.

SEC. 508. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

(a) Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''2252B,'' after ''2252A,''; and

(B) by inserting ''or a violation of section 1466A or 1466B of that title,'' after ''of that title),'';

(2) in subsection (c), by inserting ''or pursuant to'' after ''to comply with'';

(3) by amending subsection (f)(1)(D) to read as follows:

''(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.'';

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

''(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.''.

(b) Section 2702 of title 18, United States Code is amended—

(1) in subsection (b)—

(A) in paragraph (6)—

(i) by inserting ''or'' at the end of subparagraph (A)(ii);

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(B) by redesignating paragraph (6) as paragraph (7);

(C) by striking ''or'' at the end of paragraph (5); and

(D) by inserting after paragraph (5) the following new paragraph:

''(6) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''; and

(2) in subsection (c)—

(A) by striking ''or'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by adding after paragraph (4) the following new paragraph:

''(5) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''.

SEC. 509. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

SEC. 510. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.

Section 3486(a)(1)(C)(i) of title 18, United States Code, is amended by striking ''the name, address'' and all that follows through ''subscriber or customer utilized'' and inserting ''the information specified in section 2703(c)(2)''.

SEC. 511. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''1466A, 1466B,'' before ''2251''.

SEC. 512. RECORDKEEPING TO DEMONSTRATE MINORS WERE NOT USED IN PRODUCTION OF PORNOGRAPHY.

Not later than 1 year after enactment of this Act, the Attorney General shall submit to Congress a report detailing the number of times since January 1993 that the Department of Justice has inspected the records of any producer of materials regulated pursuant to section 2257 of title 18, United States Code, and section 75 of title 28 of the Code of Federal Regulations. The Attorney General shall indicate the number of violations prosecuted as a result of those inspections.

Amend the title so as to read ''An Act to prevent child abduction and the sexual exploitation of children, and for other purposes.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. SENSENBRENNER demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 14

¶31.8 [Roll No. 89]

AYES—410

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

NOES—14

Conyers
Jackson (IL)
Jones (OH)
Lee
McDermott
Mollohan
Oberstar
Paul
Sabo
Sanders
Scott (VA)
Stark
Waters
Watt

NOT VOTING—10

Brown, Corrine
Buyer
Clay
Combest
Fletcher
Gephardt
Hyde
McCarthy (MO)
McCotter
Miller, George

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶31.9 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 99

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Daniel Patrick Moynihan, former Member of the United States Senate.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the following Senators to the United States Holocaust Memorial Council for the One Hundred Eighth Congress: the Senator from Utah [Mr. HATCH]; the Senator from Maine [Ms. COLLINS]; and the Senator from Minnesota [Mr. COLEMAN].

The message also announced that pursuant to Public Law 106–398, as

amended by Public Law 108–7, in accordance with the qualifications specified under section 1237(E) of Public Law 106–398, the Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: C. Richard D'Amato of Maryland, for a term expiring December 31, 2005; Patrick A. Mulloy of Virginia, for a term expiring December 31, 2004; and William A. Reinsch of Maryland, for a term expiring December 31, 2003.

¶31.10 H. RES. 153—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 153) recognizing the public need for fasting and prayer in order to secure the blessings and protection of Providence for the people of the United States and our Armed Forces during the conflict in Iraq and under the threat of terrorism at home.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 346; Nays ..... 49; Answered present 23

¶31.11 [Roll No. 90]

YEAS—346

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

NAYS—49

Ackerman
Allen
Baird
Ballance
Berkley
Blumenauer
Capuano
Conyers
DeGette
Delahunt
Dooley (CA)
Edwards
Farr
Fattah
Frank (MA)
Hastings (FL)
Hinchey
Inslee
Jackson (IL)
Jones (OH)
Kennedy (RI)
Kilpatrick
Kucinich
Lee
Lewis (GA)
Lofgren
Majette
McDermott
McGovern
Oberstar
Olver
Payne
Rangel
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Smith (WA)
Solis
Stark
Tauscher
Velazquez
Waters
Waxman
Weiner
Woolsey

ANSWERED ''PRESENT''—23

Cardin
Davis (CA)
DeFazio
Dicks
Emanuel
Filner
Gutierrez
Harman
Hill
Israel
Kind
Lantos
Owens
Rothman
Schiff
Sherman
Snyder
Thompson (CA)
Tierney
Udall (CO)
Van Hollen
Watt
Wexler

NOT VOTING—16

Becerra
Berman
Brown, Corrine
Buyer
Clay
Combest
Fletcher
Gephardt
Houghton
Hyde
Johnson (CT)
Larsen (WA)
McCarthy (MO)
McCotter
Miller, George
Obey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶31.12 H. CON. RES. 118—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 118) concerning the treatment of members of the Armed Forces held as prisoner of war by Iraqi authorities; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419; Nays 0

¶31.13 [Roll No. 91]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode

Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bachus
Becerra
Berman
Brown, Corrine
Buyer
Clay
Combest
Fletcher
Gephardt
Hyde
John
McCarthy (MO)
McCotter
Miller, George
Nussle

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶31.14 CLERK TO CORRECT ENGROSSMENT—H.R. 1104

On motion of Mr. SENSENBRENNER, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 1104) to prevent child abduction, and for other purposes, the Clerk be authorized to make technical corrections and conforming changes as may be necessary to reflect the actions of the House.

¶31.15 EXPLOITATION OF CHILDREN

Mr. SENSENBRENNER, pursuant to section 2 of House Resolution 160, called up the bill of the Senate (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children.

Pending consideration of said bill.

Mr. SENSENBRENNER moved, pursuant to section 2 of House Resolution 160, moved to strike all after the enacting clause and insert in lieu thereof the provisions of the bill (H.R. 1104), as passed by the House.

When said bill was considered and read twice.

After debate,

On motion of Mr. SENSENBRENNER, the previous question was ordered on the motion to its adoption or rejection.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read ''An Act to prevent child abduction and the sexual exploitation of children, and for other purposes.''.

A motion to reconsider the votes whereby said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

By unanimous consent, H.R. 1104, a similar House bill, was laid on the table.

¶31.16 CHILD ABDUCTION PREVENTION

On motion of Mr. SENSENBRENNER, by unanimous consent, the bill of the Senate (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children; together with the amendments of the House thereto, was taken from the Speaker's table.

When on motion of Mr. SENSENBRENNER, it was,

Resolved, That the House insist upon its amendments and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶31.17 MOTION TO INSTRUCT CONFEREES—S. 151

Mr. SCOTT of Virginia moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 151), be instructed to insist that (1) the committee of conference allow opportunity for members of the committee of conference to offer and debate amendments at all meetings of such conference; (2) all meetings of the committee of conference (A) be open to the public and to the print and electronic media; and (B) be held in venues selected to maximize the capacity for attendance of the public and the media.

After debate,

Mr. SCOTT of Virginia moved the previous question on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶31.18 APPOINTMENT OF CONFEREES—S. 151

Thereupon, the SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference: Messrs. SENSENBRENNER, COBLE, SMITH of Texas, GREEN of Wisconsin, Ms. HART, Messrs. CONYERS and SCOTT of Virginia.

For consideration of the Senate bill and House amendments and modifications committed to conference: Mr. FROST.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶31.19 ORDER OF BUSINESS—RESOLUTION LAID ON THE TABLE

On motion of Mr. DREIER, by unanimous consent,

Ordered, That House Resolution 152 be laid on the table.

¶31.20 ADJOURNMENT OVER

On motion of Mr.DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, March 31, 2003, at 12:30 p.m. for morning-hour debate.

¶31.21 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 2, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

And then,

¶31.22 ADJOURNMENT

On motion of Mr. TANCREDO, pursuant to the previous order of the House, at 5 o'clock and 27 minutes p.m., the House adjourned until 12:30 p.m. on Monday, March 31, 2003.

¶31.23 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 735. A bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes; with an amendment (Rept. 108–49). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 522. A bill to reform the Federal deposit insurance system, and for other purposes; with an amendment (Rept. 108–50). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 21. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes (Rept. 108–51 Pt. 1). Ordered to be printed.

¶31.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TERRY (for himself and Mr. DOYLE):

H.R. 1458. A bill to authorize the Secretary of Energy to establish an Advanced Technology Incentives Program to fund the development and deployment of new advanced technologies such as fuel cells, turbines, hybrid, and storage system power technologies; to the Committee on Science.

By Mr. WELLER (for himself, Mr. CARDIN, and Mr. FOLEY):

H.R. 1459. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for making energy efficiency improvements to existing homes and for constructing new energy efficient homes; to the Committee on Ways and Means.

By Mr. RENZI (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. BEAUPREZ, and Mr. MICHAUD):

H.R. 1460. A bill to amend title 38, United States Code, to permit the use of education benefits under such title for certain entrepreneurship courses, to permit veterans enrolled in a vocational rehabilitation program under chapter 31 of such title to have self-employment as a vocational goal, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT (for himself and Mr. UDALL of Colorado):

H.R. 1461. A bill to provide for the establishment by the Secretary of Energy of a pilot program and a development and demonstration program for clean fuel school buses, and for other purposes; to the Committee on Science.

By Mr. LANTOS (for himself, Mr. WOLF, Mr. BROWN of Ohio, Mr. SMITH of New Jersey, Mr. EVANS, Mr. PAYNE, Mr. PITTS, Mr. BERMAN, Mr. QUINN, Mr. WEXLER, Mr. CASE, Mr. CROWLEY, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. SERRANO, Mr. ACKERMAN, Mr. SCHIFF, Mr. OLVER, Mr. HOEFFEL, Ms. MCCOLLUM, and Mr. LANGEVIN):

H.R. 1462. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of warfare and civil strife, and for other purposes; to the Committee on International Relations.

By Mr. BURR (for himself, Mr. TAUZIN, Mr. BILIRAKIS, Mr. UPTON, Mr. NORWOOD, Mr. WHITFIELD, and Mr. PICKERING):

H.R. 1463. A bill to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. GRIJALVA, Mr. PASTOR, Mr. TOWNS, Mr. SERRANO, Mr. REYES, Mr. ACEVEDO-VILA, Ms. NORTON, Mr. RYAN of Ohio, Mr. UDALL of Colorado, Mr. CROWLEY, and Mrs. JONES of Ohio):

H.R. 1464. A bill to enhance the security and efficiency of the immigration, refugee and asylum, and naturalization functions of the United States Government; to the Committee on the Judiciary.

By Mr. BALLENGER (for himself, Mr. BURR, Mr. JONES of North Carolina, Mr. HAYES, Mrs. MYRICK, Mr. MCINTYRE, Mr. BALLANCE, Mr. MILLER of North Carolina, Mr. WATT, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. COBLE, and Mr. TAYLOR of North Carolina):

H.R. 1465. A bill to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office''; to the Committee on Government Reform.

By Mr. CAPUANO (for himself, Mr. JONES of North Carolina, Mr. EVANS, Ms. LEE, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mrs. MCCARTHY of New York, Mr. RYAN of Ohio, Mrs. JONES of Ohio, Mr. OLVER, and Mr. MARKEY):

H.R. 1466. A bill to amend the Internal Revenue Code of 1986 to reduce the health insurance costs for family coverage of military reservists called to active duty; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 1467. A bill to amend title 49, United States Code, to impose a 2-year moratorium on the imposition of passenger and air carrier security fees, to reimburse the airline industry for homeland security costs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COLLINS:

H.R. 1468. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of natural gas pipelines, equipment, and infrastructure assets to be 10-year property; to the Committee on Ways and Means.

By Mrs. DAVIS of California:

H.R. 1469. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans permit enrollees direct access to services of obstetrical and gynecological physician services directly and without a referral; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. LEACH, Mr. DOYLE, Mr. KILDEE, Mr. MEEHAN, Mr. CROWLEY, Mr. LANTOS, Mr. GRIJALVA, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. ETHERIDGE, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. MENENDEZ, Mrs. LOWEY, Mr. FROST, Mr. UDALL of New Mexico, Mr. SERRANO, Mr. MCNULTY, Mr. GREEN of Texas, Mr. KENNEDY of Rhode Island, Mr. OWENS, Ms. LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. MICHAUD, Mr. NADLER, Ms. WOOLSEY, Mr. STARK, Mr. DAVIS of Tennessee, Mr. STRICKLAND, Mr. LARSEN of Washington, Mr. INSLEE, Mr. BOSWELL, Mr. BERMAN, Mr. EMANUEL, Mr. MORAN of Virginia, Mrs. MALONEY, Mrs. CAPPS, and Ms. MCCOLLUM):

H.R. 1470. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 1471. A bill to amend the Safe Drinking Water Act to allow public water systems to avoid filtration requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GALLEGLY (for himself and Mr. MORAN of Virginia):

H.R. 1472. A bill to require the adoption and enforcement of regulations to prohibit the intentional feeding of bears on Federal public lands in order to end the hunting practice known as ''bear baiting'' and reduce the number of dangerous interactions between people and bears; to the Committee on Resources.

By Mr. GUTIERREZ:

H.R. 1473. A bill to amend the Fair Credit Reporting Act to provide disclosures of credit-based insurance scoring information by insurers and credit reporting agencies, and for other purposes; to the Committee on Financial Services.

By Ms. HART (for herself, Mr. FORD, Mr. FERGUSON, Mr. OXLEY, Mr. BACHUS, Mr. CROWLEY, Mr. JONES of North Carolina, Mr. ROYCE, Mrs. KELLY, Mr. TOOMEY, Mr. GILLMOR, Mr. HINOJOSA, Mr. LUCAS of Kentucky, Mr. ROSS, Mrs. MCCARTHY of New York, Mr. MCINTYRE, Ms. NORTON, and Mr. BOSWELL):

H.R. 1474. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Financial Services.

By Mr. HAYWORTH:

H.R. 1475. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to include private firefighters and rescue

squad and ambulance crew members for certain benefits; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 1476. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. TOM DAVIS of Virginia, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GUTIERREZ, Ms. NORTON, Mr. KILDEE, Mr. KUCINICH, Ms. LEE, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. ROYCE, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mr. WAXMAN, and Mr. WEXLER):

H.R. 1477. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. WALDEN of Oregon, Mr. ROSS, Mr. TIBERI, Mr. BARTLETT of Maryland, Mr. BERRY, Ms. BALDWIN, Mrs. MCCARTHY of New York, Mr. MOORE, Mr. TAYLOR of North Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. BOUCHER, Mr. MCNULTY, and Mr. HALL):

H.R. 1478. A bill to provide that private land use rules be treated as State or local regulation for purposes of certain Federal Communications Commission regulations; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. JEFFERSON, Mr. CANTOR, Mr. TAYLOR of Mississippi, and Mr. WICKER):

H.R. 1479. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. TIBERI, Ms. LEE, Mr. BLUMENAUER, Mr. ANDREWS, Mr. FATTAH, Ms. CARSON of Indiana, Mr. CLYBURN, Mr. BASS, Ms. CORRINE BROWN of Florida, Mr. HINOJOSA, Mr. LAMPSON, Mr. MEEKS of New York, Mr. DINGELL, Mr. DAVIS of Alabama, Ms. KAPTUR, Mr. KILDEE, Mr. RUSH, and Mr. WYNN):

H.R. 1480. A bill to increase the expertise and capacity of community-based organizations involved in economic development activities and key community development programs; to the Committee on Financial Services.

By Ms. LOFGREN:

H.R. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself and Mr. ROHRABACHER):

H.R. 1482. A bill to authorize assistance for women and girls in Afghanistan, and for other purposes; to the Committee on International Relations.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. MARKEY, Mr. CONYERS, Mrs. JONES of Ohio, Ms. LEE, and Ms. BALDWIN):

H.R. 1483. A bill to require certain studies regarding the health effects of exposure to depleted uranium munitions, to require the cleanup and mitigation of depleted uranium contamination at sites of depleted uranium munition use and production in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H.R. 1484. A bill to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD:

H.R. 1485. A bill to provide additional appropriations for the fiscal year 2003 for the MTCT-Plus Initiative at Columbia University's Mailman School of Public Health; to the Committee on Appropriations.

By Ms. MILLENDER-MCDONALD (for herself, Mr. CASE, Ms. WATSON, Mr. ABERCROMBIE, Mr. FROST, Ms. BORDALLO, Ms. NORTON, and Mr. FALEOMAVAEGA):

H.R. 1486. A bill to direct the Secretary of Education to conduct a study of the rate at which Native Americans and students who reside in American Samoa, the Northern Mariana Islands, and Guam drop out of secondary schools in the United States, and for other purposes; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD (for herself, Mr. CASE, Ms. WATSON, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. OWENS, and Mr. KUCINICH):

H.R. 1487. A bill to direct the Equal Employment Opportunity Commission to prepare a report about how the Fair Labor Standards Act of 1938 has been used by public and private sector employers to foster or exacerbate pay inequity; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD (for herself and Mr. ANDREWS):

H.R. 1488. A bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mrs. MUSGRAVE:

H.R. 1489. A bill to provide for parental notification and intervention in the case of a minor seeking an abortion; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 1490. A bill to repeal the per-State limitation applicable to grants made by the National Endowment for the Arts from funds made available for fiscal year 2003; to the Committee on Education and the Workforce.

By Mr. OBERSTAR (for himself, Ms. NORTON, Mr. HONDA, Mr. BLUMENAUER, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. NADLER, Mr. HOLDEN, Ms. BERKLEY, Mr. DEFAZIO, Mr. HOEFFEL, Ms. MILLENDER-MCDONALD, Mr. MICHAUD, Mr. MATHESON, Mr. RAHALL, Mr. DAVIS of Tennessee, Mr. BISHOP of New York, and Mr. CAPUANO):

H.R. 1491. A bill to authorize programs and activities to improve energy use related to transportation and infrastructure facilities; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, Ways and Means, Resources, International Relations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE (for himself, Mr. GONZALEZ, Mr. PAUL, Mr. GUTIERREZ, Mr. LATOURETTE, Mr. KANJORSKI, and Mr. SHERMAN):

H.R. 1492. A bill to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order and check cashing services; to the Committee on Financial Services.

By Mr. OSE (for himself, Mr. WAXMAN, Mr. BURTON of Indiana, Mr. CLAY, Mr. LATOURETTE, Mr. LYNCH, Mr. PAUL, and Ms. WATSON):

H.R. 1493. A bill to revoke an Executive Order relating to procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Government Reform.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 1494. A bill to provide for certain deposits and countervailing duties to be imposed on imports of dynamic random access memory (DRAM) semiconductors produced by Hynix Semiconductor if certain affirmative determinations are made under subtitle A of title VII of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 1495. A bill to amend the Federal Food, Drug, and Cosmetic Act to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 1496. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption which are regulated by the Food and Drug Administration; to the Committee on Energy and Commerce.

By Mr. POMBO:

H.R. 1497. A bill to reauthorize title I of the Sikes Act; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. HERGER, Mr. CAMP, Mr. SAM JOHNSON of Texas, Mr. ENGLISH, Mr. WELLER, Mr. MCINNIS, Mr. FOLEY, Mr. BRADY of Texas, and Mr. COX):

H.R. 1498. A bill to amend the Internal Revenue Code of 1986 to provide that the tax on recognized built-in gain of an S corporation shall not apply to amounts reinvested in the business; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 1499. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to

be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. EVANS, and Mr. MICHAUD):

H.R. 1500. A bill to amend title 38, United States Code, to authorize veterans to select the appraiser for housing loans for which they apply that are to be guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of California (for himself and Ms. SOLIS):

H.R. 1501. A bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Resources.

By Mr. TIERNEY (for himself, Mr. LATOURETTE, Mr. GEORGE MILLER of California, Ms. LEE, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Mr. SIMMONS, Mr. CASE, Mr. MCDERMOTT, Mr. FROST, Mrs. MALONEY, Mr. GILLMOR, Mr. KUCINICH, Mr. WAXMAN, Mr. CLYBURN, Mr. GRIJALVA, Mr. REGULA, Mr. NADLER, Mr. CUMMINGS, Mr. NEAL of Massachusetts, and Mr. JACKSON of Illinois):

H.R. 1502. A bill to amend the Individuals with Disabilities Education Act to provide that certain funds treated as local funds under that Act shall be used to provide additional funding for programs under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 1503. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 1504. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. WATT (for himself, Mr. TAYLOR of North Carolina, Mr. BALLANCE, Mr. ETHERIDGE, Mr. HAYES, Mr. PRICE of North Carolina, Mrs. MYRICK, Mr. BURR, Mr. COBLE, Mr. BALLENGER, Mr. MCINTYRE, Mr. MILLER of North Carolina, and Mr. JONES of North Carolina):

H.R. 1505. A bill to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the ''Jim Richardson Post Office''; to the Committee on Government Reform.

By Mr. DEFAZIO (for himself, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. WU, and Mr. WALDEN of Oregon):

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress regarding semiconductor trade between the United States and the Republic of Korea and the need to assure that trade actions by the United States do not result in geopolitical tensions or the loss of United States jobs, and calling on the executive branch to recognize Korean economic reforms and the United States-Korea strategic relationship in dealing with semiconductor trade issues; to the Committee on Ways and Means.

By Mr. DEUTSCH (for himself and Mr. DAVIS of Florida):

H. Con. Res. 125. Concurrent resolution expressing the sense of Congress regarding the arrests of Cuban democracy activists by the Cuban Government; to the Committee on International Relations.

By Mr. ENGLISH (for himself, Mr. MCINNIS, Mr. PETERSON of Pennsylvania, Mr. CANNON, Mr. SIMPSON, and Mr. OTTER):

H. Con. Res. 126. Concurrent resolution expressing the sense of the Congress regarding the Earth Liberation Front and ecological terrorism; to the Committee on the Judiciary.

By Mr. FILNER:

H. Con. Res. 127. Concurrent resolution declaring that the provision of humanitarian assistance, including United States agricultural products, for Iraq is in the national security interest of the United States; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself and Ms. NORTON):

H. Con. Res. 128. Concurrent resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Mr. VITTER:

H. Con. Res. 129. Concurrent resolution expressing appreciation for the longstanding support and friendship of the people and Government of the United Kingdom; to the Committee on International Relations.

By Mr. BEREUTER (for himself, Mr. BILIRAKIS, Mrs. MALONEY, Mr. DREIER, Mr. ENGEL, Mr. ACKERMAN, Mr. CROWLEY, Ms. LEE, Mr. BLUMENAUER, Mr. PALLONE, Mr. MEEHAN, Mr. MCGOVERN, Mr. ANDREWS, Mr. FILNER, Ms. ROS-LEHTINEN, Mr. SHERMAN, Mrs. JO ANN DAVIS of Virginia, and Mr. MENENDEZ):

H. Res. 165. A resolution expressing support for a renewed effort to find a peaceful, just, and lasting settlement to the Cyprus problem; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H. Res. 166. A resolution commending the people of the Republic of Kenya for conducting free and fair elections, for the peaceful and orderly transfer of power in their government, and for the continued success of democracy in their nation since that transition; to the Committee on International Relations.

¶31.25 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mr. ACEVEDO-VILA:

H.R. 1506. A bill for the relief of Laura Maldonado Caetani; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey:

H.R. 1507. A bill to waive the time limitation specified by law for the award of certain military decorations in order to allow the award of the Congressional Medal of Honor to Steve Piniaha of Sparta, New Jersey, for acts of valor while a member of the Army during World War II; to the Committee on Armed Services.

¶31.26 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. CASE, Ms. SOLIS, Mr. MOORE, Ms. DEGETTE, Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BERMAN.

H.R. 22: Mr. MARIO DIAZ-BALART of Florida.

H.R. 34: Mr. LYNCH, Mr. WILSON of South Carolina, Mr. UPTON, Mr. LATHAM, Mr. BROWN of Ohio, Mr. FROST, Mr. GONZALEZ, Mr. SMITH of Michigan, Mr. DELAHUNT, and Mr. SPRATT.

H.R. 36: Ms. BERKLEY.

H.R. 63: Mr. KANJORSKI.

H.R. 97: Mr. ISRAEL, Mrs. BONO, and Mr. KANJORSKI.

H.R. 100: Mr. BROWN of South Carolina.

H.R. 132: Mr. WYNN, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. OWENS, Ms. CARSON of Indiana, and Mr. JACKSON of Illinois.

H.R. 135: Mr. MARSHALL.

H.R. 141: Mr. SCOTT of Georgia.

H.R. 168: Mr. NEAL of Massachusetts.

H.R. 173: Ms. BERKLEY, Mr. FILNER, Mr. THOMPSON of California, Mr. FALEOMAVAEGA, Mr. COOPER, Mr. CUMMINGS, Mr. BOSWELL, Mr. LEACH, Mr. NEY, Mrs. NORTHUP, and Ms. DUNN.

H.R. 198: Mr. BARTON of Texas.

H.R. 218: Mr. BOUCHER and Mr. OXLEY.

H.R. 284: Mr. SHAW, Mr. CRENSHAW, Mr. SCOTT of Virginia, Mr. SANDLIN, Mr. LEVIN, Mrs. EMERSON, and Mr. GERLACH.

H.R. 286: Mr. KIRK.

H.R. 290: Mr. GOODLATTE and Mr. NETHERCUTT.

H.R. 303: Mr. ACEVEDO-VILA, Mr. PETRI, Mr. WICKER, Mrs. NORTHUP, Mr. HAYWORTH, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, Mr. KOLBE, Mr. PICKERING, and Mr. COSTELLO.

H.R. 306: Mr. STENHOLM and Mrs. BONO.

H.R. 308: Mr. COSTELLO.

H.R. 328: Mr. DEAL of Georgia, Mr. SCHROCK, Mr. JEFFERSON, and Ms. BORDALLO.

H.R. 348: Mr. TERRY.

H.R. 378: Mr. HOSTETTLER.

H.R. 412: Mr. BECERRA.

H.R. 463: Mr. HERGER.

H.R. 548: Mr. BURNS, Ms. DELAURO, Mr. DAVIS of Tennessee, Mr. BISHOP of New York, Mr. HOEFFEL, Mr. WICKER, Mr. COLE, Mr. MOORE, Mr. NEAL of Massachusetts, Mr. PETERSON of Minnesota, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, Mr. BOSWELL, and Mr. CRANE.

H.R. 578: Mr. BECERRA.

H.R. 583: Mr. DAVIS of Illinois, Mrs. NORTHUP, Mrs. JO ANN DAVIS of Virginia, Mr. RAMSTAD, Mr. GOODLATTE, Mr. DOOLEY of California, Mr. WALDEN of Oregon, Mr. SULLIVAN, and Mr. HOEFFEL.

H.R. 584: Mr. EHLERS, Mr. UPTON, and Mr. LIPINSKI.

H.R. 611: Mr. TERRY.

H.R. 613: Mr. DAVIS of Tennessee.

H.R. 623: Mr. FORD.

H.R. 644: Mrs. CAPPS.

H.R. 660: Mr. BROWN of South Carolina, Mr. CANTOR, and Mr. SHAW.

H.R. 678: Mr. TAYLOR of Mississippi.

H.R. 684: Mr. PICKERING, Mr. CANTOR, and Mr. SMITH of Michigan.

H.R. 687: Mr. GOODE.

H.R. 692: Mr. JACKSON of Illinois.

H.R. 714: Mr. FROST and Mr. GOODE.

H.R. 732: Mr. TANCREDO, Mr. CAMP, and Mr. SPRATT.

H.R. 735: Mr. GOODE, Mr. MICHAUD, and Mr. PENCE.

H.R. 737: Mr. DAVIS of Florida.

H.R. 756: Mr. PUTNAM.

H.R. 766: Mr. JOHNSON of Illinois, Mr. BURGESS, Mr. LATHAM, and Mr. GREEN of Texas.

H.R. 767: Mr. CULBERSON, Mr. JONES of North Carolina, and Mr. WILSON of South Carolina.

H.R. 768: Mr. MICHAUD, Mr. RAHALL, Mr. CONYERS, and Mr. LEWIS of California.
H.R. 770: Mr. DOYLE.
H.R. 771: Mrs. KELLY and Mr. BURR.
H.R. 798: Mr. MARIO DIAZ-BALART of Florida and Mrs. MUSGRAVE.
H.R. 803: Mr. BERRY.
H.R. 804: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 806: Mr. RAMSTAD, Mr. FRELINGHUYSEN, Mrs. BONO, Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BERMAN.
H.R. 813: Ms. JACKSON-LEE of Texas.
H.R. 814: Mr. SMITH of Washington, Mr. BERRY, Mr. BLUMENAUER, Mr. MARKEY, Mrs. MALONEY, Mr. ENGLISH, Ms. JACKSON-LEE of Texas, Mr. BACA, Mr. CASE, Mrs. KELLY, Mr. SHERMAN, Mr. BASS, Ms. DEGETTE, Mr. NADLER, Ms. MCCOLLUM, and Mr. WHITFIELD.
H.R. 816: Ms. LOFGREN.
H.R. 823: Mr. HOLT, Mr. BOSWELL, Mr. DAVIS of Tennessee, Mr. GORDON, and Mr. WEXLER.
H.R. 834: Mr. TIAHRT, Mr. FORD, Mrs. EMERSON, Mr. HULSHOF, and Mr. BARTLETT of Maryland.
H.R. 837: Mr. LEACH, Mr. KING of Iowa, Mr. JANKLOW, Mr. WELLER, and Mr. LATHAM.
H.R. 839: Mr. ROSS, Mr. DAVIS of Tennessee, Mr. BOSWELL, Mr. SHAW, and Mr. PRICE of North Carolina.
H.R. 850: Mr. LATOURETTE, Mr. TERRY, Mr. BURR, Mr. GUTKNECHT, Mr. SAXTON, Mr. BONILLA, Mr. SHERWOOD, and Mr. TAUZIN.
H.R. 853: Mr. RYAN of Ohio.
H.R. 857: Mr. TAYLOR of Mississippi.
H.R. 859: Mr. TIAHRT and Mr. UDALL of Colorado.
H.R. 876: Mr. FILNER, Mr. QUINN, Mr. WHITFIELD, and Mr. MILLER of Florida.
H.R. 882: Mr. SOUDER and Mr. SIMMONS.
H.R. 887: Mr. GEORGE MILLER of California, Mr. ANDREWS, Ms. SOLIS, Mr. WOLF, and Mr. SMITH of New Jersey.
H.R. 896: Ms. CARSON of Indiana.
H.R. 898: Mr. YOUNG of Alaska, Mr. SOUDER, Mr. KIND, Mr. CARDOZA, and Mrs. NAPOLITANO.
H.R. 906: Mr. GRAVES and Ms. GINNY BROWN-WAITE of Florida.
H.R. 918: Mr. KILDEE and Mr. RENZI.
H.R. 919: Mrs. CHRISTENSEN, Mr. DOYLE, Mr. LATOURETTE, Mr. PLATTS, and Mr. JACKSON of Illinois.
H.R. 927: Mr. PETERSON of Minnesota, Mr. OTTER, Mr. FOLEY, Mr. WHITFIELD, Mrs. KELLY, Mr. LATOURETTE, and Mr. WALDEN of Oregon.
H.R. 930: Ms. VELAZQUEZ.
H.R. 932: Mr. SPRATT.
H.R. 935: Mr. SABO, Mr. RANGEL, Ms. ESHOO, Mr. WEXLER, and Mr. MCNULTY.
H.R. 937: Mr. COSTELLO and Mr. COLE.
H.R. 941: Mr. KILDEE.
H.R. 953: Mr. JACKSON of Illinois, Mrs. WILSON of New Mexico, and Mr. BOSWELL.
H.R. 955: Mr. PASTOR, Mr. HOLDEN, Mr. OBERSTAR, Mr. MORAN of Kansas, Mr. GILCHREST, Mr. WALSH, Mr. NADLER, Mr. KLECZKA, Mr. DICKS, Mr. ALLEN, Mr. PALLONE, Mr. RANGEL, Mr. INSLEE, Mr. ETHERIDGE, Ms. MCCOLLUM, Mr. MATHESON, Mr. CONYERS, Mr. KLINE, Mr. GORDON, Mr. VAN HOLLEN, Mr. MCNULTY, Mrs. MALONEY, Mr. UPTON, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. ENGEL, Mr. LATHAM, Mr. WALDEN of Oregon, Ms. LOFGREN, Mr. HASTINGS of Washington, Mr. SIMPSON, Mr. MARKEY, Mr. SMITH of Washington, Mr. BERMAN, Ms. DEGETTE, Mr. CLAY, Mr. SESSIONS, Mrs. DAVIS of California, Ms. SCHAKOWSKY, Mr. SIMMONS, and Mr. CASE.
H.R. 962: Mr. FILNER, Ms. SOLIS, Ms. ESHOO, Mr. SHAYS, and Mr. MCNULTY.
H.R. 977: Mr. BISHOP of Utah, Mr. SOUDER, Mr. UDALL of Colorado, and Mr. ROYCE.
H.R. 980: Mr. COX and Mr. ENGLISH.
H.R. 1005: Mr. RENZI.
H.R. 1007: Mr. BISHOP of New York and Mr. FORD.
H.R. 1008: Mr. TIAHRT, Mr. DUNCAN, and Mr. STENHOLM.
H.R. 1029: Mr. UDALL of Colorado.
H.R. 1046: Mr. EVANS, Mr. THOMPSON of California, Mr. INSLEE, Mr. DINGELL, Mr. LUCAS of Kentucky, Mr. HALL, Mr. DEUTSCH, and Ms. CARSON of Indiana.
H.R. 1070: Mr. MORAN of Virginia and Mr. ISAKSON.
H.R. 1072: Mr. NEY.
H.R. 1085: Mr. ROHRABACHER,
H.R. 1115: Mr. EMANUEL.
H.R. 1118: Mr. SHERMAN, Mrs. KELLY, Mr. SHAW, Mr. MARIO DIAZ-BALART of Florida, and Mr. BERRY.
H.R. 1119: Mr. MCDERMOTT, Mr. GARRETT of New Jersey, Mr. CALVERT, Mr. AKIN, and Mr. TOOMEY.
H.R. 1125: Mr. DAVIS of Florida.
H.R. 1126: Mrs. MUSGRAVE.
H.R. 1143: Mr. BRADY of Pennsylvania.
H.R. 1144: Mr. MCINTYRE.
H.R. 1148: Mr. WEINER, Mrs. NAPOLITANO, Ms. WATSON, Ms. LEE, Ms. NORTON, Mr. FROST, Mr. FORD, Mr. BACA, Mr. FRANK of Massachusetts, and Mr. NADLER.
H.R. 1157: Mr. HASTINGS of Florida.
H.R. 1162: Mr. DAVIS of Tennessee and Mr. WYNN.
H.R. 1163: Mr. BURTON of Indiana.
H.R. 1185: Mr. BLUMENAUER, Mr. FOLEY, and Mr. CASE.
H.R. 1196: Mrs. JONES of Ohio, Mr. CLAY, and Mr. WEXLER.
H.R. 1213: Mr. AKIN, Mr. ENGLISH, Mrs. CUBIN, and Mr. WELLER.
H.R. 1225: Mr. PAUL, Mr. GONZALEZ, Mr. BOEHLERT, Ms. NORTON, Mr. INSLEE, Mr. SMITH of Washington, Ms. JACKSON-LEE of Texas, Mr. DEUTSCH, Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. COOPER, Mr. MEEHAN, Mr. HINCHEY, Mrs. EMERSON, Mr. PLATTS, and Mr. UDALL of Colorado.
H.R. 1229: Mr. SCHROCK and Mr. BARTLETT of Maryland.
H.R. 1235: Mr. CANNON, Mr. SCHROCK, and Mr. WICKER.
H.R. 1236: Mr. BEAUPREZ.
H.R. 1244: Mr. FROST and Mr. HONDA.
H.R. 1245: Mr. GRIJALVA.
H.R. 1258: Mr. PRICE of North Carolina.
H.R. 1263: Mr. GONZALEZ.
H.R. 1272: Mr. MCNULTY and Ms. ESHOO.
H.R. 1275: Mr. BONILLA and Ms. MCCOLLUM.
H.R. 1279: Mr. CARSON of Oklahoma, Mr. MOORE, Mr. PENCE, Mr. BURTON of Indiana, Mr. SOUDER, Mr. SPRATT, and Mr. KIRK.
H.R. 1288: Mr. PAYNE, Mr. VAN HOLLEN, Mr. BOEHLERT, Mr. NETHERCUTT, Mrs. CUBIN, Mr. COOPER, Mr. SOUDER, Mr. HINCHEY, Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, and Mr. KOLBE.
H.R. 1297: Mr. COSTELLO.
H.R. 1305: Mr. BRADLEY of New Hampshire, Mr. CLAY, and Mr. GUTKNECHT.
H.R. 1323: Mr. RYAN of Ohio, Mr. DEUTSCH, and Mr. SCHIFF.
H.R. 1332: Mr. WICKER, Mr. CAMP, and Mr. MOORE.
H.R. 1359: Mr. ABERCROMBIE.
H.R. 1366: Mr. BLUMENAUER and Mr. RAMSTAD.
H.R. 1377: Mr. FROST, Mr. ENGLISH, Mr. PAYNE, Mr. MCINNIS, Mr. RANGEL, Mr. PAUL, Mr. COOPER, Mr. BURNS, Mr. HINOJOSA, and Mr. FRANK of Massachusetts.
H.R. 1380: Ms. GRANGER, Mr. COLLINS, Mr. DOOLITTLE, Mr. RYAN of Wisconsin, Mr. TOWNS, and Mr. DAVIS of Illinois.
H.R. 1381: Mr. CONYERS, Mr. BELL, Mr. RANGEL, Mr. PALLONE, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. PLATTS, Mr. RYAN of Ohio, Mr. JACKSON of Illinois, Mr. BERMAN, and Mr. GEORGE MILLER of California.
H.R. 1393: Mr. LINCOLN DIAZ-BALART of Florida and Mr. FROST.
H.R. 1397: Ms. MCCOLLUM, Mr. FROST, and Ms. BORDALLO.
H.R. 1401: Mr. RANGEL, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. OWENS, Mr. LIPINSKI, Mr. GRIJALVA, Mr. FALEOMAVAEGA, Mrs. JONES of Ohio, Ms. BORDALLO, Mr. PAYNE, and Ms. BERKLEY.
H.R. 1408: Mrs. MYRICK.
H.R. 1415: Mr. DEUTSCH, Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. WEXLER, Ms. BALDWIN, Ms. HOOLEY of Oregon, and Mr. SABO.
H.R. 1422: Mr. CAMP, Mr. DEUTSCH, and Mr. WHITFIELD.
H.R. 1440: Mr. WOLF.
H.R. 1451: Mr. STENHOLM, Mrs. WILSON of New Mexico, Mr. PETERSON of Pennsylvania, and Mr. UPTON.
H.J. Res. 4: Mr. PALLONE, Mr. OXLEY, Mr. HAYWORTH, Mr. GOODE, Mr. REHBERG, Mr. GERLACH, Mr. WALSH, and Mr. PUTNAM.
H.J. Res. 36: Mr. NADLER, Mr. SMITH of Washington, and Mr. BARTON of Texas.
H. Con. Res. 23: Mr. SOUDER.
H. Con. Res. 86: Mr. WU and Mr. FILNER.
H. Con. Res. 98: Mr. SCHROCK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STEARNS, Mr. FOLEY, Mr. HERGER, and Mr. KING of New York.
H. Con. Res. 109: Mr. SOUDER, Mrs. JONES of Ohio, and Ms. SOLIS.
H. Con. Res. 118: Mr. MORAN of Kansas, Mr. COLLINS, and Mr. STARK.
H. Con. Res. 119: Mr. FLAKE.
H. Res. 12: Mr. SANDLIN, Mr. PAUL, and Mr. ORTIZ.
H. Res. 60: Ms. ROS-LEHTINEN, Mr. KIRK, Mrs. NORTHUP, Mr. MCNULTY, Mr. NETHERCUTT, and Mr. LYNCH.
H. Res. 65: Mr. FILNER, Mr. CUNNINGHAM, Mr. FARR, Mr. CARDOZA, Mr. PALLONE, Mr. EVANS, Mr. GUTIERREZ, Mr. CASE, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. RUPPERSBERGER, Mr. HONDA, Ms. NORTON, Mr. EMANUEL, Mr. FRANK of Massachusetts, Mr. RUSH, Mr. JACKSON of Illinois, Mr. FRANKS of Arizona, Ms. CORRINE BROWN of Florida, Mr. FALEOMAVAEGA, Mr. COSTELLO, Ms. SCHAKOWSKY, and Ms. BORDALLO.
H. Res. 108: Mr. CLAY.
H. Res. 117: Mr. BONILLA and Mr. LINCOLN DIAZ-BARLART of Florida.
H. Res. 141: Ms. NORTON.
H. Res. 142: Mr. SANDERS, Mr. THOMPSON of California, Mr. UPTON, Mr. ORTIZ, Mrs. CHRISTENSEN, Mr. COOPER, Mr. HINCHEY, and Mr. HASTINGS of Washington.

MONDAY, MARCH 31, 2003 (32)

¶32.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. ADERHOLT, who laid before the House the following communication:

WASHINGTON, DC,
March 31, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶32.2 RECESS—12:48 P.M.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 48 minutes p.m., until 2 p.m.

¶32.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. PETRI, called the House to order.

¶32.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Thursday, March 27, 2003.

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

¶32.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1560. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus pumilus GB 34; Exemption from the Requirement of a Tolerance [OPP-2002-0328; FRL-7286-9] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1561. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — S-Metolachlor; Pesticide Tolerance [OPP-2003-0 046; FRL-7229-8] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1562. A communication from the President of the United States, transmitting a request to make available contingent emergency funds pursuant to Public Law 107-42, the Air Transportation Safety and System Stabilization Act, 2001; (H. Doc. No. 108—60); to the Committee on Appropriations and ordered to be printed.

1563. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Experimental and Innovative Training Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

1564. A letter from the Secretary, Department of Veterans Affairs, transmitting an update on the status of submissions of Fiscal Years (FY) 2001 and 2002 Alternative Fuel Vehicle (AFV) Reports for the Department; to the Committee on Energy and Commerce.

1565. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Philadelphia County, Pennsylvania; Construction, Modification and Operation Permit Programs [PA202-4400a; FRL-7474-2] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1566. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas; California — Indian Wells Valley PM-10 Nonattainment Area [CA-276-0380; FRL-7461-5] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1567. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN214-1a; FRL-7470-7] received March 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1568. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifications and waivers and their justification under section 565(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, pursuant to Public Law 103—236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

1569. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the annual report on Military Assistance, Military Exports, and Military Imports for Fiscal Year 2002; to the Committee on International Relations.

1570. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations Related to the Missle Technology Control Regime (MTCR) [Docket No. 030304054-3054-01] (RIN: 0694-AC22) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1571. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2003-04, Imposition and Waiver of Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

1572. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act; to the Committee on International Relations.

1573. A letter from the Secretary, Department of Health and Human Services, transmitting a report of surplus real property transferred for public health purposes for October 1, 2001, through September 30, 2002, pursuant to Public Law 100—77, section 601 (101 Stat. 515); to the Committee on Government Reform.

1574. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-33, ''Emancipation Day Fund Temporary Act of 2003'' received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1575. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-32, ''Kings Courts Community Garden Equitable Real Property Tax Relief Temporary Act of 2003'' received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1576. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-31, ''Housing Notice Temporary Amendment Act of 2003'' received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1577. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-30, ''Marvin Caplan Memorial Designation Act of 2003'' received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1578. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-29, ''Closing of a Public Alley in Square 341, S.O. 02-4058, Act of 2003'' received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1579. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-28, ''William H. Rumsey, Sr. Aquatic Center Designation Act of 2003'' received March 28, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1580. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Fiscal Year 2002 Annual Program Performance Report; to the Committee on Government Reform.

1581. A letter from the Director of Benefits and Plan Administrator, CoBank, transmitting the CoBank, ACB Retirement Plan for the year ending December 31, 2001, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

1582. A letter from the Chair, Federal Election Commission, transmitting the report in compliance with the Federal Managers Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

1583. A letter from the President, Federal Financing Bank, transmitting the Annual Management Report of the Federal Financing Bank for fiscal year 2002, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

1584. A letter from the Director, Financial Management, General Accounting Office, transmitting the FY 2002 annual report of the Comptroller General's Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

1585. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's FY 2002 performance report; to the Committee on Government Reform.

1586. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's FY 2003 (Revised Final) and FY 2004 (Final) Performance Plan; to the Committee on Government Reform.

1587. A letter from the Acting Chairman, National Endowment For The Arts, transmitting the Strategic Plan for FY 2003-2008, the FY 2004 Performance Plan; and the FY 1999-2002 Performance Reports; to the Committee on Government Reform.

1588. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting report that the standards of reasonable assurance pertaining to internal management controls during FY 2002 as required by the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

1589. A letter from the Special Counsel, Office of Special Counsel, transmitting the Counsel's FY 2002 Annual Performance Report; to the Committee on Government Reform.

1590. A letter from the Special Counsel, Office of Special Counsel, transmitting the Counsel's FY 2002 reports for the Federal Managers' Finacial Integrity Act and the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3)and 5 app. Public Law 100—504; to the Committee on Government Reform.

1591. A letter from the Commissioner, Social Security Administration, transmitting the annual inventory of commercial activities as required by Public Law 105-270; to the Committee on Government Reform.

1592. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the court, No. 01-5356 — Wisconsin Project on Nuclear Arms Control v. United States Department of Commerce (January 31, 2003); to the Committee on Government Reform.

1593. A letter from the Secretary, Department of the Interior, transmitting a report on the Operations of Glen Canyon Dam pursuant to the Grand Canyon Protection Act of 1992 (Water Years 1999-2001); to the Committee on Resources.

1594. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures [Docket No. 021209300-3048-02; I.D. 112502C] (RIN: 0648-AQ18) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1595. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Administrative Wage Garnishment (RIN: 0990-AA05) received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1596. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule — Criteria and Procedures for Proposed Assessment of Civil Penalties (RIN: 1219-AB32) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1597. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the court, No. 01-7115 — Empagran S.A., et al. v. F. Hoffman — Laroche, Ltd., et al. (January 17, 2003); to the Committee on the Judiciary.

1598. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Tansportation, transmitting the Department's final rule — Safety Zone Regulations; Atlantic Intracoastal Waterway, MM 758, St. Johns County, FL [COTP Jacksonville 02-106] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1599. A letter from the Attorney, Research and Special Programs Administration, Derpartment of Transportation, transmitting the Department's final rule — Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft [Docket No. RSPA-00-7762 (HM-206C)] (RIN: 2137-AD29) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1600. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus for the Department of Homeland Security, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

1601. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Civil Cause of Action for Damages Caused by Unlawful Tax Collection Actions, Including Actions Taken in Violation of Section 362 or 524 of the Bankruptcy Code [TD 9050] (RIN: 1545-AY08) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1602. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Coordinated Issue Sections 302/318 Basis Shifting Issue — received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1603. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Capital Expenditures (Rev. Rul. 2003-37) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1604. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Transfers of Property to Regulated Investment Companies [RICs] and Real Estate Investment Trusts [REITs] [TD 9047] (RIN: 1545-BA36 and 1545-AW92) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1605. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-26) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1606. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-35) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1607. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Amendments to Rules for Determination of Basis of Partner's Interest; Special Rules [TD 9049] (RIN: 1545-BA50) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1608. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — 2003 Calendar Year Resident Population Estimates [Notice 2003-16] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1609. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-17] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1610. A letter from the Secretary, Department of Energy, transmitting a report regarding programs for the protection, control and accounting of fissle materials in the countries of the Former Soviet Union first half of FY 2002, pursuant to 22 U.S.C. 5952 note; jointly to the Committees on Armed Services and International Relations.

1611. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Update of Ambulatory Surgical Center List of Covered Procedures Effective July 1, 2003 [CMS-1885-FC] (RIN: 0938-AM02) received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

1612. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled the ''Project BioShield Act of 2003''; jointly to the Committees on Energy and Commerce, Government Reform, the Judiciary, Armed Services, and Transportation and Infrastructure.

¶32.6 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 1307. An Act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

H. Con. Res. 95. A concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

The message also announced that the Senate insists upon its amendment to the concurrent resolution (H. Con. Res. 95) ''A concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NICKLES, Mr. DOMENICI, Mr. GRASSLEY, Mr. GREGG, Mr. CONRAD, Mr. HOLLINGS, and Mr. SARBANES to be the conferees on the part of the Senate.

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

S. 330. An Act to further the protection and recognition of veterans' memorials, and for other purposes.

S. Con. Res. 30. A concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq.

¶32.7 ADMINISTRATION OF SMALLPOX VACCINE

Mr. TAUZIN moved to suspend the rules and pass the bill (H.R. 1463) to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine, and for other purposes.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. TAUZIN and Mrs. CAPPS, each for 20 minutes.

After debate,

By unanimous consent, the time for debate was extended by four minutes, equally divided and controlled by Mr. TAUZIN and Mrs. CAPPS.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. CAPPS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶32.8 FESTIVAL OF FLIGHT

Mr. LATOURETTE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 58):

Whereas on December 17, 1903, Wilbur and Orville Wright achieved history's first sustained and controlled flight with a heavier-than-air, engine-powered aircraft at Kitty Hawk, North Carolina;

Whereas the Wright brothers' first flight lasted only 12 seconds and spanned approximately 120 feet, but ushered in the era of modern aviation;

Whereas the City of Fayetteville, North Carolina, will host a series of aviation-related events worthy of the 100-year anniversary of the Wright brothers' momentous achievement at Kitty Hawk;

Whereas the Fayetteville Festival of Flight will take place May 16–26, 2003, and will be the largest public centennial event in North Carolina celebrating the first flight and 1 of only 4 events nationwide endorsed as

a full partner by the United States Centennial of Flight Commission;

Whereas retired General Henry Hugh Shelton, former Chairman of the Joint Chiefs of Staff and Congressional Gold Medal recipient, is the Honorary Event Chair;

Whereas the Fayetteville Festival of Flight will feature a weekend arts festival, a military air show at Pope Air Force Base, a general aviation air show at Grannis Field and an exposition with aviation displays and interactive exhibits depicting the past, present, and future of flight;

Whereas a year-long educational curriculum has also been developed to encourage students' interest in aviation and flight technology;

Whereas this educational focus will culminate with 1,000 students being sponsored each day for exclusive access to the Festival's Aviation Exposition; and

Whereas the City of Fayetteville and a number of civic groups, private businesses, government agencies, and military partners, are joining together to honor the Nation's aerospace achievements: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the City of Fayetteville, North Carolina, and its many partners, for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. LATOURETTE and Mr. WAXMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LATOURETTE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶32.9 JIM RICHARDSON POST OFFICE

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 1505) to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the ''Jim Richardson Post Office''.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. LATOURETTE and Mr. WAXMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.10 INTERNATIONAL FUND FOR IRELAND

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 1208) to authorize appropriations for fiscal years 2004 and 2005 for United States contributions to the International Fund for Ireland, and for other purposes, as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. SMITH of New Jersey and Mr. WEXLER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.11 SMALL BUSINESS DEVELOPMENT CENTERS

Mr. SHUSTER moved to suspend the rules and pass the bill (H.R. 1166) to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. SHUSTER and Mr. UDALL of New Mexico, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SHUSTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶32.12 RECESS—3:57 P.M.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 57 minutes p.m., until approximately 6:30 p.m.

¶32.13 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. FLAKE, called the House to order.

¶32.14 H.R. 1463—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1463) to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 184 / Nays 206

¶32.15 [Roll No. 92]

YEAS—184

Aderholt
Akin
Bachus
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Emerson
Feeney
Ferguson
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Isakson
Issa
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walsh
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (OH)
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)

Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Foley
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Ney
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pitts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wamp
Watson
Watt
Waxman
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—44

Andrews
Baker
Brady (PA)
Brown, Corrine
Burr
Buyer
Camp
Collins
Combest
Conyers
Cramer
Davis, Tom
DeMint
Ehlers
Everett
Fletcher
Gallegly
Gephardt
Gillmor
Gutierrez
Hall
Herger
Hulshof
Hyde
Istook
Kingston
Lipinski
McCarthy (MO)
McCrery
Nadler
Neal (MA)
Oberstar
Pascrell
Portman
Rogers (AL)
Roybal-Allard
Rush
Sanders
Souder
Taylor (NC)
Toomey
Walden (OR)
Waters
Weiner

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶32.16 H. CON. RES. 58—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 58) honoring the city of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 393 / Nays 0

¶32.17 [Roll No. 93]

YEAS—393

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

NOT VOTING—41

Andrews
Baker
Brady (PA)
Brown, Corrine
Burr
Buyer
Camp
Collins
Combest
Davis, Tom
DeMint
Ehlers
Everett
Fletcher
Gallegly
Gephardt
Gillmor
Gutierrez
Hall
Herger
Hulshof
Hyde
Istook
Kingston
Lipinski
McCarthy (MO)
McCrery
Nadler
Neal (MA)
Oberstar
Pascrell
Portman
Roybal-Allard
Rush
Sanders
Souder
Taylor (NC)
Toomey
Walden (OR)
Waters
Weiner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶32.18 H.R. 1166—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1166) to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 378 / Nays 14

¶32.19 [Roll No. 94]

YEAS—378

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

NAYS—14

Burgess
Coble
Culberson
Duncan
Flake
Gingrey
Goode
Goodlatte
Hensarling
Hostettler
Jones (NC)
Paul
Sensenbrenner
Stearns

NOT VOTING—42

Andrews
Baker
Brady (PA)
Brown, Corrine
Burr
Buyer
Camp
Collins
Combest
Davis, Tom
DeMint
Ehlers
Everett
Fletcher
Gallegly
Gephardt
Gillmor
Gutierrez
Hall
Herger
Hulshof
Hyde
Istook
Kingston
Lipinski
McCarthy (MO)
McCrery
Nadler
Neal (MA)
Oberstar
Pascrell
Portman
Roybal-Allard
Rush
Sanders
Souder
Taylor (NC)
Toomey
Turner (OH)
Walden (OR)
Waters
Weiner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.20 APPOINTMENT OF ADDITIONAL CONFEREES—S. 151

The SPEAKER pro tempore, Mr. FLAKE, by unanimous consent and pursuant to clause 10 of rule X, announced the appointment of the following Members as additional conferees on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate (S. 151) to prevent child abduction and the sexual exploitation of children:

From the Committee on Education and the Workforce, for consideration of section 8 of the Senate bill and sections 222, 305 and 508 of the House amendments, and modifications committed to conference: Messrs. HOEKSTRA, GINGREY, and HINOJOSA.

From the Committee on Transportation and Infrastructure, for consideration of section 303 and title IV of the House amendments, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, and MATHESON.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶32.21 SENATE BILL AND CONCURRENT RESOLUTION REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 330. An Act to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on the Judiciary; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 30. A concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq; to the Committee on International Relations.

¶32.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. EVERETT, for today;

To Mr. NADLER, for today;

To Mr. TOOMEY, for today;

To Mr. WALDEN of Oregon, for today and balance of the week; and

To Ms. WATERS, for today.

And then,

¶32.23 ADJOURNMENT

On motion of Mr. CONYERS, at 7 o'clock and 55 minutes p.m., the House adjourned.

¶32.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Report on Oversight Plans for All House Committees (Rept. 108–52). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 758. A bill to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks, and for other purposes; with an amendment (Rept. 108–53). Referred to the Committee of the Whole House on the State of the Union.

¶32.25 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1000. Referral to the Committee on Ways and Means extended for a period ending not later than May 9, 2003.

¶32.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. CUMMINGS, Mr. WU, Mr. RODRIGUEZ, Mr. RANGEL, Mr. MCGOVERN, Mr. FROST, Ms. KILPATRICK, Ms. WOOLSEY, Ms. CARSON of Indiana, Ms. KAPTUR, and Mr. DAVIS of Illinois):

H.R. 1508. A bill to treat the Tuesday next after the first Monday in November in the same manner as November 11 for purposes of Federal employment, and for other purposes; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself and Mr. WOLF):

H.R. 1509. A bill to make clear that a person who voluntarily separates from the Federal civil service does not remain subject to the enforcement provisions of subchapter III of chapter 73 of title 5, United States Code, and for other purposes; to the Committee on Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. WYNN, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. OWENS, Ms. LEE, Mr. DAVIS of Illinois, Mr. CASE, Mr. STARK, Ms. WOOLSEY, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. SANDERS, Mrs. JONES of Ohio, and Ms. MCCOLLUM):

H.R. 1510. A bill to amend the Help America Vote Act of 2002 to require States to permit individuals to register to vote at polling places on the date of an election, to cast ballots at designated polling places prior to the date of an election, and to obtain absentee ballots for an election for any reason, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Government Reform, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mrs. MALONEY, Mr. OXLEY, Mr. BAKER, Mr. THOMAS, Mr. KING of New York, Mr. TAYLOR of North Carolina, Mr. JONES of North Carolina, Mr. BRADLEY of New Hampshire, Mr. BURR, and Mr. GIBBONS):

H.R. 1511. A bill to award a congressional gold medal to Prime Minister Tony Blair; to the Committee on Financial Services.

By Mr. CAMP (for himself and Mr. LEVIN):

H.R. 1512. A bill to amend the Internal Revenue Code of 1986 to provide that certain bonds issued by local governments in connection with delinquent real property taxes may be treated as tax exempt; to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. HULSHOF, Mr. HERGER, and Mr. BOSWELL):

H.R. 1513. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 1514. A bill to amend the Internal Revenue Code of 1986 to reduce for individuals the maximum rate of tax on unrecaptured section 1250 gain from 25 percent to 20 percent; to the Committee on Ways and Means.

By Mr. FLAKE:

H.R. 1515. A bill to provide for reimbursement for unreimbursed costs of emergency medical care for aliens paroled into the United States for medical reasons; to the Committee on Energy and Commerce.

By Mr. GERLACH (for himself and Mr. HOEFFEL):

H.R. 1516. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; to the Committee on Veterans' Affairs.

By Mr. GRAVES (for himself, Mr. STEARNS, Mr. BARTLETT of Maryland, Mr. GIBBONS, Mr. OTTER, Mr. THORNBERRY, and Mr. CANNON):

H.R. 1517. A bill to amend the Land and Water Conservation Fund to limit the use of funds available from the Land and Water Conservation Fund Act of 1965 to use for maintenance; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOSTETTLER (for himself, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. JONES of North Carolina, Mr. SCHROCK, Mr. GINGREY, Mr. TAYLOR of North Carolina, and Mr. BURGESS):

H.R. 1518. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any enlistment, accession, reenlistment, or retention bonus paid to a member of the Armed Forces; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. FARR, Mr. CARSON of Oklahoma, Mr. MCHUGH, Mr. ROHRABACHER, Ms. LINDA T. SANCHEZ of California, Mr. DEAL of Georgia, Mr. ORTIZ, Mr. CARDOZA, Mr. FROST, Mr. BARTLETT of Maryland, Mr. DOOLEY of California, Mr. ISSA, Mr. LANTOS, and Mr. GREEN of Texas):

H.R. 1519. A bill to amend the Immigration and Nationality Act to reauthorize the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. MURTHA:

H.R. 1520. A bill to amend the National Trails System Act to designate the historic transportation routes in the States of Pennsylvania, Maryland, West Virginia, and Ohio that led to the forks of the Ohio River in Pittsburgh, Pennsylvania, for study for potential addition to the National Trails System; to the Committee on Resources.

By Mr. MURTHA:

H.R. 1521. A bill to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes; to the Committee on Resources.

By Mr. NETHERCUTT:

H.R. 1522. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself and Mr. CARDIN):

H.R. 1523. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 1524. A bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Resources.

By Mr. WU:

H.R. 1525. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study of the Tualatin River Basin in Oregon; to the Committee on Resources.

By Mr. FOLEY (for himself, Mr. JONES of North Carolina, Mr. BALLENGER, Ms. GINNY BROWN-WAITE of Florida, Mr. GOODE, Mr. DOOLITTLE, Mr. SHAYS, Mr. BEREUTER, Mr. DEAL of Georgia, and Mr. NORWOOD):

H.J. Res. 44. A joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a United States citizen unless a parent is a United States citizen, or is lawfully admitted for permanent residence in the United States, at the time of the birth; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. LEWIS of Georgia, Mr. GEPHARDT, Mr. CROWLEY, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. OWENS, Ms. LEE, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATSON, and Ms. NORTON):

H. Con. Res. 130. Concurrent resolution expressing the sense of the Congress that neither the President, the Vice President, nor any Member of Congress, justice or judge of the United States, or political appointee in the executive branch of the Government should belong to a club that discriminates on the basis of sex or race; to the Committee on Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H. Con. Res. 131. Concurrent resolution expressing the sense of the Congress that student travel is a vital component of the educational process; to the Committee on Education and the Workforce.

By Mr. ROGERS of Michigan:

H. Con. Res. 132. Concurrent resolution calling upon all United States citizens to support the efforts and activities of the National SAFE KIDS Campaign to prevent unintentional childhood injuries; to the Committee on Energy and Commerce.

By Mr. BACA (for himself and Mr. KILDEE):

H. Res. 167. A resolution recognizing and honoring the achievements and contributions of Native Americans to the United States and urging the establishment and observation of a paid legal public holiday in honor of Native Americans; to the Committee on Resources.

¶32.27 PRIVATE AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KANJORSKI introduced a bill (H.R. 1526) for the relief of Charmaine Bieda; which was referred to the Committee on the Judiciary.

¶32.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. SHERMAN, Ms. LEE, Mr. TIERNEY, and Mr. WYNN.

H.R. 25: Mr. SHADEGG, Mr. GINGREY, Mr. BURNS, and Mr. CARTER.

H.R. 44: Mr. FEENEY.

H.R. 49: Mr. PETERSON of Pennsylvania, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BROWN of South Carolina, Mr. TOOMEY, Ms. BORDALLO, Mr. HAYWORTH, and Mr. OXLEY.

H.R. 50: Mrs. MUSGRAVE.

H.R. 51: Mr. FEENEY.

H.R. 52: Mr. POMBO and Mr. POMEROY.

H.R. 63: Mr. HAYWORTH.
H.R. 64: Mr. HULSHOF.
H.R. 117: Mr. BARTON of Texas.
H.R. 208: Mr. MILLER of North Carolina.
H.R. 217: Mr. CANNON.
H.R. 221: Mr. SHERMAN and Mr. DAVIS of Illinois.
H.R. 236: Mr. SCHIFF, Mr. DAVIS of Tennessee, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. DICKS, Ms. VELAZQUEZ, Mr. MORAN of Virginia, Mr. SHERMAN, Mr. DEUTSCH, Mr. GEPHARDT, Mr. KANJORSKI, and Mr. KILDEE.
H.R. 250: Mr. KILDEE and Ms. WOOLSEY.
H.R. 262: Mr. BROWN of South Carolina.
H.R. 276: Mr. NEY, Mr. OTTER, and Mrs. CUBIN.
H.R. 300: Mr. SHAYS.
H.R. 303: Mr. DICKS, Ms. WATSON, Mr. YOUNG of Florida, Mr. THOMPSON of California, Mr. DEMINT, Mr. MCDERMOTT, Mr. JEFFERSON, Mr. CUMMINGS, and Mr. THOMPSON of Mississippi.
H.R. 315: Mr. SHAYS.
H.R. 336: Mr. HAYWORTH and Mr. SOUDER.
H.R. 391: Mr. COLE, Mr. SULLIVAN, Mr. TOM DAVIS of Virginia, and Mr. CRENSHAW.
H.R. 442: Ms. CARSON of Indiana and Mr. JACKSON of Illinois.
H.R. 466: Mr. KIRK and Mr. RYAN of Ohio.
H.R. 502: Mr. JONES of North Carolina and Mr. STEARNS.
H.R. 527: Mr. BISHOP of Georgia.
H.R. 543: Mr. MCGOVERN and Mr. SOUDER.
H.R. 596: Mr. PAUL.
H.R. 678: Mr. JOHN, Mr. JEFFERSON, and Mr. FORD.
H.R. 684: Mr. GARY G. MILLER of California, Mr. BURTON of Indiana, Mr. HAYWORTH, Mr. TIBERI, Mr. SHAYS, and Mrs. NORTHUP.
H.R. 685: Mr. CASE, Ms. LINDA T. SANCHEZ, of California, and Ms. CARSON of Indiana.
H.R. 687: Mr. JENKINS, Mr. COBLE, Mrs. BLACKBURN, and Mr. DUNCAN.
H.R. 765: Mr. PAUL.
H.R. 768: Mr. PAYNE.
H.R. 769: Mr. HONDA.
H.R. 785: Mrs. NORTHUP and Mr. HOEKSTRA.
H.R. 802: Mr. WEXLER.
H.R. 803: Mr. WICKER.
H.R. 810: Mrs. MCCARTHY of New York, Mrs. CUBIN, Mr. TOOMEY, Mrs. MALONEY, Mr. ROGERS of Michigan, Mr. WYNN, Mr. KENNEDY of Minnesota, and Mr. DAVIS of Florida.
H.R. 813: Mr. BROWN of Ohio.
H.R. 847: Ms. JACKSON-LEE of Texas.
H.R. 854: Mr. CROWLEY.
H.R. 858: Mr. PASTOR.
H.R. 872: Mr. PENCE and Mr. FRANKS of Arizona.
H.R. 879: Mrs. BLACKBURN and Mrs. JONES of Ohio.
H.R. 936: Ms. ESHOO.
H.R. 941: Mr. UPTON.
H.R. 953: Mr. CRAMER, Mr. LANTOS, Ms. HARMAN, and Mr. ISAKSON.
H.R. 954: Mr. MCINTYRE.
H.R. 967: Mr. DAVIS of Tennessee, Ms. BERKLEY, and Mr. PRICE of North Carolina.
H.R. 976: Mr. DOYLE.
H.R. 979: Mr. RANGEL and Ms. ROYBAL-ALLARD.
H.R. 983: Mr. REYNOLDS, Mr. RAMSTAD, and Mr. MCHUGH.
H.R. 996: Mr. ISAKSON, Mr. MCCRERY, Mrs. KELLY, Mr. KANJORSKI, Mr. TERRY, Mr. LUCAS of Kentucky, Mr. SESSIONS, Mr. BAKER, Mr. SHERMAN, and Mr. SPRATT.
H.R. 1043: Mr. BISHOP of Georgia.
H.R. 1049: Mrs. JO ANN DAVIS of Virginia.
H.R. 1061: Mr. STUPAK.
H.R. 1077: Ms. BERKLEY, Mr. MCDERMOTT.
H.R. 1096: Mrs. DAVIS of California.
H.R. 1102: Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, and Mr. CARDOZA.
H.R. 1103: Mr. STENHOLM.
H.R. 1133: Mr. ENGLISH, Mrs. JONES of Ohio, Mr. FALEOMAVAEGA, Mr. RANGEL, Mr. NEY, and Mr. FOLEY.
H.R. 1157: Ms. SLAUGHTER.
H.R. 1166: Mr. MATSUI and Mr. YOUNG of Alaska.
H.R. 1168: Ms. BALDWIN, Mr. BALLANCE, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. CAPUANO, Mr. COOPER, Ms. DELAURO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. GARRETT of New Jersey, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. KOLBE, Mr. KUCINICH, Ms. LEE, Ms. LOFGREN, Mr. LUCAS of Kentucky, Ms. MCCOLLUM, Mr. MCNULTY, Mr. MARKEY, Mr. MATHESON, Mr. NEY, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. SHAYS, Mr. STRICKLAND, and Ms. WOOLSEY.
H.R. 1191: Mr. MCINTYRE and Mr. HASTINGS of Florida.
H.R. 1214: Mr. FORD, Mr. WALSH, and Mr. KILDEE.
H.R. 1235: Mr. DOOLITTLE.
H.R. 1264: Mr. DAVIS of Alabama.
H.R. 1294: Mrs. DAVIS of California, Ms. SOLIS, Ms. MCCOLLUM, Mr. CARDOZA, Ms. ESHOO, and Mr. BLUMENAUER.
H.R. 1301: Mr. MCINNIS and Mr. RAHALL.
H.R. 1304: Mr. MATSUI.
H.R. 1311: Mr. BLUNT, Mr. SCHIFF, Mr. BOOZMAN, and Mr. STUPAK.
H.R. 1336: Mr. WELLER, Mr. GARY G. MILLER of California, Mr. SANDLIN, and Mr. ABERCROMBIE.
H.R. 1345: Mr. HINCHEY, Mr. MCGOVERN, Mr. EVANS, and Ms. BERKLEY.
H.R. 1348: Ms. KAPTUR, Mr. PALLONE, and Mr. WYNN.
H.R. 1357: Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. JACKSON of Illinois, Mr. CLAY, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Ms. SOLIS, Mr. PALLONE, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, and Ms. BORDALLO.
H.R. 1358: Mr. WEINER, Mr. CROWLEY, and Ms. ROS-LEHTINEN.
H.R. 1359: Mr. GEORGE MILLER of California and Mr. ACKERMAN.
H.R. 1389: Mr. GRIJALVA, Mr. MCHUGH, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1421: Mr. HAYWORTH.
H.R. 1429: Mr. PALLONE, Ms. NORTON, and Ms. WATERS.
H.R. 1466: Mr. TIERNEY, Mr. FROST, MR. DAVIS of Alabama, Mr. BISHOP of Georgia, and Ms. GRANGER.
H.R. 1470: Mr. MCINTYRE, Mr. ISRAEL, Ms. SCHAKOWSKY, and Mr. FORD.
H.R. 1472: Mr. ACKERMAN.
H.R. 1478: Mr. CALVERT and Mr. OLVER.
H.R. 1492: Mr. RENZI.
H.R. 1494: Mr. WOLF.
H.J. Res. 24: Mr. FRANK of Massachusetts, Mr. UDALL of Colorado, and Mr. DOGGETT.
H. Con. Res. 30: Mr. MEEK of Florida.
H. Con. Res. 50: Mr. SOUDER, Mr. BAKER, and Ms. GINNY BROWN-WAITE of Florida.
H. Con. Res. 56: Mr. WEINER, Mr. HOLDEN, and Ms. BERKLEY.
H. Con. Res. 78: Ms. MCCOLLUM, Mrs. MALONEY, Mr. DAVIS of Alabama, and Mr. BISHOP of Georgia.
H. Con. Res. 80: Mr. HYDE.
H. Con. Res. 82: Mr. VITTER, Mr. SESSIONS, Mr. BURTON of Indiana, and Mr. BEAUPREZ.
H. Con. Res. 98: Mr. SIMMONS, Mr. ROSS, Mr. HINOJOSA, and Mr. COX.
H. Con. Res. 109: Mr. PASTOR, Mr. HAYWORTH, and Mr. SKELTON.
H. Con. Res. 111: Mr. RAHALL and Mr. ABERCROMBIE.
H. Con. Res. 126: Mr. HERGER, Mr. BISHOP of Utah, Mr. TANCREDO, and Mr. DOOLITTLE.
H. Res. 32: Mr. BISHOP of Georgia, Ms. MCCARTHY of Missouri, and Mr. SMITH of Washington.
H. Res. 60: Mr. STEARNS, Mr. CAPUANO, Mr. PLATTS, Mr. NEAL of Massachusetts, Mr. FLETCHER, and Mr. MCHUGH.
H. Res. 137: Mrs. NAPOLITANO, Ms. CARSON of Indiana, Ms. LOFGREN, Mr. WEXLER, Mr. DINGELL, Mr. BERMAN, Ms. HOOLEY of Oregon, and Ms. BERKLEY.
H. Res. 166: Mr. ROYCE, Mr. HOUGHTON, Mr. LEACH, and Mr. FLAKE.

¶32.29 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1119: Mr. MCDERMOTT.

TUESDAY, APRIL 1, 2003 (33)

The House was called to order at 10:30 a.m. by the SPEAKER.

¶33.1 MESSAGE FROM THE SENATE

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

H. Con. Res. 84. A concurrent Resolution providing for the acceptance of a statue of President Dwight D. Eisenhower, presented by the people of Kansas, for placement in the Capitol, and for other purposes.

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

S. 318. An Act to provide emergency assistance to non farm-related small business concerns that have suffered substantial economic harm from drought.

¶33.2 MORNING-HOUR DEBATE

The SPEAKER, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶33.3 RECESS—11:04 A.M.

The SPEAKER pro tempore, Mr. SCHUSTER, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 4 minutes a.m., until noon.

¶33.4 AFTER RECESS—NOON

The SPEAKER pro tempore, Mrs. CAPITO, called the House to order.

¶33.5 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. CAPITO, announced she had examined and approved the Journal of the proceedings of Monday, March 31, 2003.

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

¶33.6 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1613. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2003-10, on Waiver of Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia; to the Committee on Armed Services.

1614. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public

Housing Home ownership Program [Docket No. JR-4504-F-02] (RON: 2577-AC15) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1615. A letter from the Deputy Congressional Liaison, Federal Reserve Board, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R-1136] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1616. A letter from the Secretary, Department of Homeland Security, transmitting the Department's final rule—Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities (RON: 1601-AA05) received February 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Work force.

1617. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting notification regarding the Energy Information Administration's report entitled, ''Performance Profiles of Major Energy Producers 2001''; to the Committee on Energy and Commerce.

1618. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Fleet Alternative Fuel Vehicle Acquisition Report For Fiscal Year 2001,'' pursuant to Public Law 105—388 section 310 112 stat. 3481; to the Committee on Energy and Commerce.

1619. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals for the period of January 1 through September 30, 2002, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

1620. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports and Reexports of Explosives Detection Equipment and Related Software and Technology; Imposition and Expansion of Foreign Policy Controls [Docket No. 030213032-3032-01] (RON: 0694-AB87) received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1621. A letter from the Secretary, Department of Transportation, transmitting the semiannual report of the Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. pap. (Ins. Gwen. Act) section 5(b); to the Committee on Government Reform.

1622. A letter from the Acting Director, Congressional Budget Office, transmitting the report to waive deduction of pay requirement for two reemployed annuitants; to the Committee on Government Reform.

1623. A letter from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1624. A letter from the Assistant Director, Executive and Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1625. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1626. A letter from the Secretary, Department of Education, transmitting the annual report concerning surplus Federal real property disposed of to educational institutions, pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform.

1627. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1628. A letter from the Attorney/Adviser, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1629. A letter from the Chairman, Federal Maritime Commission, transmitting the Annual Program Performance Report for FE 2002; to the Committee on Government Reform.

1630. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending September 30, 2002, pursuant to 5 U.S.C. pap. (Ins. Gwen. Act) section 5(b); to the Committee on Government Reform.

1631. A letter from the Comptroller General, General Accounting Office, transmitting information concerning GAO employees who were assigned to congressional committees as of January 21, 2003; to the Committee on Government Reform.

1632. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Seasonal Area Closure to Trawl, Pot, and Hook-and-Line Fishing in Waters off Cape Sari chef [Docket No. 03114012-3046-02; I.D. 121902F] (RON: 0648-AQ46) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1633. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast (FE) Multi species Fishery; Commercial Haddock Harvest [Docket No. 000407096-01; I.D. 031003B] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1634. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the 2002 report on the Apportionment of Membership on the Regional Fishery Management Councils pursuant to section 302 (b)(2)(B) of the malibu- Stevens Fishery Conservation and Management Act; to the Committee on Resources.

1635. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; postaudit in Statistical Area 610 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 030703A] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1636. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Constructive Sales Treatment for Appreciated Financial Positions—received March 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1637. A letter from the Chairman, MedPac, transmitting the Commission's preliminary comments on the Department of Health and Human Services per diem prospective system for inpatient psychiatric facility care; to the Committee on Ways and Means.

¶33.7 HIGHER EDUCATION RELIEF

Mr. KLINE moved to suspend the rules and pass the bill (H.R. 1412) to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or national emergency.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. KLINE and Mr. RYAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KLINE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶33.8 BUSINESS CHECKING FREEDOM

Mr. BACHUS moved to suspend the rules and pass the bill (H.R. 758) to allow all businesses to make up to 24 transfers each month from interest-bearing transaction accounts to other transaction accounts, to require the payment of interest on reserves held for depository institutions at Federal reserve banks, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. BACHUS and Mr. MATHESON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.9 COCONINO/TONTO NATIONAL FOREST LAND EXCHANGE

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 622) to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. RENZI and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.10 FEDERAL LAND POLICY AND MANAGEMENT

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 762) to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. RENZI and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.11 OTTAWA NATIONAL WILDLIFE REFUGE

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 289) to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge; as amended.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. RENZI and Ms. BORDALLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.12 BLUE STAR BANNER AND GOLD STAR

Mr. GIBBONS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 109); as amended:

Whereas the Blue Star Flag (commonly referred to as the ''Blue Star Banner'') was patented and designed in 1917, during the height of the World War I, by Army Captain Robert L. Queissner of the 5th Ohio Infantry, who had two sons serving on the front lines;

Whereas the Blue Star Flag quickly became the symbol for a family member serving the Nation in the Armed Forces, and families began proudly displaying these flags in their front windows during World War I;

Whereas each Blue Star on the flag represents a family member serving in the Armed Forces and symbolizes hope and pride;

Whereas beginning in 1918, the Blue Star would signify the living, and a smaller Gold Star would be placed on top of the Blue Star, forming a blue border, if the family member was killed or died while on active duty, to symbolize the family member's sacrifice for the cause of freedom;

Whereas Blue Star Flags were displayed widely during World War II;

Whereas many of the flags displayed during those wars were hand-made by the mothers of those serving in the Armed Forces;

Whereas the legacy of the Blue Star Flag continued during the Korean, Vietnam, and Persian Gulf Wars and other periods of conflict, as well as in times of peace;

Whereas the Blue Star Flag is the official flag authorized by law, at section 901 of title 36, United States Code, to be displayed in honor of a family member serving the United States on active duty in the Armed Forces during a period of war or hostilities, while the Gold Star may be displayed in honor of a family member who has made the ultimate sacrifice for the Nation;

Whereas for over 85 years, families have proudly displayed the Blue Star Flag showing United States service personnel the honor and pride that is taken in their sacrifices for freedom;

Whereas the flag may be displayed by members of the immediate family of a loved one serving in the Armed Forces;

Whereas the flag may be flown by families with a service member stationed either domestically or overseas;

Whereas the display of the flag in the front window of a home shows a family's pride in their loved one and is a reminder that preserving America's freedom demands great sacrifice; and

Whereas such a reminder is especially timely during the current conflict with Iraq and the global war on terrorism: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors members of the United States Armed Forces and their families;

(2) calls on all Americans to honor the members of the United States Armed Forces and their families, to recognize the importance of the Blue Star Flag and the Gold Star and their symbolism of the devotion and service of the members of the United States Armed Forces, and to advance awareness of the Blue Star Flag and the Gold Star through all appropriate information and media channels; and

(3) encourages the families of members of the Armed Forces to proudly display the Blue Star Flag or, if their loved one has made the ultimate sacrifice, the Gold Star.

SEC. 2. The authority on which this resolution rests is the authority of Congress to make all laws which shall be necessary and proper as provided in Article I, section 8 of the United States Constitution.

The SPEAKER pro tempore, Mr. MILLER of Florida, recognized Mr. GIBBONS and Mr. SKELTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. ISAKSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GIBBONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶33.13 CONGRESSIONAL BUDGET RESOLUTION FY 2004 AND 2005 THROUGH 2013

On motion of Mr. NUSSLE, by unanimous consent, the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. NUSSLE, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶33.14 MOTION TO INSTRUCT CONFEREES—H. CON. RES. 95

Mr. SPRATT moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the concurrent resolution (H. Con. Res. 95) be instructed to (1) eliminate the reconciliation instruction to the Committee on Agriculture, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, the Committee on Veterans' Affairs, and the Committee on Ways and Means contained in section 201(b) of the House resolution; that (2) such managers be instructed to recede to the Senate on section 319 (entitled ''Reserve Fund to Strengthen Social Security'') of the Senate amendment; and that (3) such managers be instructed to adjust the revenue levels by the amounts needed to offset the cost of the instructions set forth in paragraphs (1) and (2), without resulting in any increase in the deficit or reduction in surplus for any fiscal year covered by the resolution.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. NUSSLE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 399 / Nays 22

¶33.15 [Roll No. 95]

YEAS—399

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

NAYS—22

Burgess
Cannon
Culberson
Deal (GA)
Flake
Franks (AZ)
Hart
Hefley
Hostettler
Istook
Kingston
Kolbe
Miller (FL)
Norwood
Otter
Paul
Royce
Shadegg
Taylor (NC)
Thomas
Toomey
Weldon (FL)

NOT VOTING—13

Combest
Crowley
Foley
Gephardt
Hulshof
Hyde
McCarthy (MO)
McInnis
Mica
Oberstar
Simmons
Souder
Walden (OR)

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶33.16 APPOINTMENT OF CONFEREES—H. CON. RES. 95

Thereupon, the SPEAKER pro tempore, Mr. LATOURETTE, by unanimous consent, appointed Messrs. NUSSLE, SHAYS, and SPRATT as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶33.17 H.R. 1412—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1412) to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or national emergency.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 1

¶33.18 [Roll No. 96]

YEAS—421

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

Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Miller, George

NOT VOTING—12

Combest
Crowley
Gephardt
Hulshof
Hyde
McCarthy (MO)
McInnis
Oberstar
Quinn
Simmons
Souder
Walden (OR)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.19 H. CON. RES. 109—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 109) expressing the sense of the Congress regarding the Blue Star Banner and the Gold Star; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶33.20 [Roll No. 97]

YEAS—418

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

NOT VOTING—16

Combest
Crowley
Frank (MA)
Gephardt
Hulshof
Hyde
Jones (OH)
Kleczka
Lynch
McCarthy (MO)
McInnis
Oberstar
Simmons
Souder
Tiahrt
Walden (OR)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''Concurrent resolution expressing the sense of the Congress regarding the Blue Star Flag and the Gold Star.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶33.21 PROVIDING FOR THE CONSIDERATION OF H.R. 743

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–54) the resolution (H. Res. 168) providing for the consideration of the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue

Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶33.22 ORDER OF BUSINESS—CONSIDERATION OF H.R. 735

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 735) to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes, and that consideration of the bill proceed according to the following order: the first reading of the bill shall be dispensed with; all points of order against consideration of the bill are waived; general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; after general debate the bill shall be considered for amendment under the five minute rule; it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill; the committee amendment in the nature of a substitute shall be considered as read; all points of order against the committee amendment in the nature of a substitute are waived; no amendment to the committee amendment in the nature of a substitute shall be in order except the following amendments, which may be offered only in the order specified, may be offered only by the Member designated or his designee, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole: (1) the amendment numbered 1 in the Congressional RECORD by Representative Waxman of California; and (2) the amendment numbered 2 in the Congressional RECORD by Representative Tom Davis of Virginia; all points of order against such amendments are waived; and at the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

¶33.23 ORDER OF BUSINESS—CONSIDERATION OF H.R. 522

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 522) to reform the Federal deposit insurance system, and for other purposes, and that consideration of the bill proceed according to the following order: the first reading of the bill shall be dispensed with; all points of order against consideration of the bill are waived; general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; after general debate the bill shall be considered for amendment under the five minute rule; it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill; the committee amendment in the nature of a substitute shall be considered as read; all points of order against the committee amendment in the nature of a substitute are waived; no amendment to the committee amendment in the nature of a substitute shall be in order except the following amendments, printed in the Congressional RECORD pursuant to clause 8 of rule XVIII, which may be offered only in the order specified, may be offered by the Member designated or his designee, shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole: (1) an amendment offered by Representative Ose of California; and (2) an amendment offered by Representative Rohrabacher of California; all points of order against such amendments are waived; and at the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

¶33.24 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 318. An Act to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought; to the Committee on Small Business.

¶33.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. McINNIS, for today; and

To Mr. SIMMONS, for today.

And then,

¶33.26 ADJOURNMENT

On motion of Mr. RODRIGUEZ, at 8 o'clock and 36 minutes p.m., the House adjourned.

¶33.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 168. Resolution providing for consideration of the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes (Rept. 108–54). Referred to the House Calendar.

¶33.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. MICA, Mr. OBERSTAR, and Mr. DEFAZIO):

H.R. 1527. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PORTMAN:

H.R. 1528. A bill to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 1529. A bill to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases; to the Committee on the Judiciary.

By Mr. NUSSLE (for himself, Mr. RAMSTAD, Mr. LUCAS of Kentucky, Mr. GREEN of Wisconsin, Mr. GRAVES, and Mr. PAUL):

H.R. 1530. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 1531. A bill to amend the Internal Revenue Code of 1986 to enhance energy conservation and to provide for reliability and diversity in the energy supply for the American people, and for other purposes; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland (for himself, Mr. ANDREWS, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. TANCREDO, and Mr. BLUMENAUER):

H.R. 1532. A bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes; to the Committee on Agriculture.

By Mrs. BIGGERT (for herself and Mr. FORD):

H.R. 1533. A bill to amend the securities laws to permit church pension plans to be invested in collective trusts; to the Committee on Financial Services.

By Mr. CARDIN (for himself, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. STARK, Mr. LEVIN, and Mr. MCDERMOTT):

H.R. 1534. A bill to improve the ability of the child welfare system to prevent and respond to child abuse and place children in safe, loving, and permanent homes; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 1535. A bill to amend the Internal Revenue Code of 1986 to repeal the mid-quarter convention for depreciable property; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. JEFFERSON, Mr. CRANE, Mr. HAYWORTH, Mr. MCINNIS, Mr. RAMSTAD, Mr. SAM JOHNSON of Texas, Mr. BECERRA, Mr. HOUGHTON, and Mr. FOLEY):

H.R. 1536. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHN:

H.R. 1537. A bill to amend the Migratory Bird Treaty Act to clarify that restrictions on baiting of migratory game birds do not prohibit the taking of a migratory game bird on or over manipulated re-growth of a harvested rice crop; to the Committee on Resources.

By Mr. KING of New York (for himself, Mrs. MALONEY, Mr. ENGEL, and Mr. STEARNS):

H.R. 1538. A bill to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes; to the Committee on Financial Services.

By Mr. KLECZKA (for himself and Mr. STARK):

H.R. 1539. A bill to amend title XVIII of the Social Security Act to limit the hospital ownership exception to physician self-referral restrictions to interests purchased on terms generally available to the public; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. ABERCROMBIE, Ms. CORRINE BROWN of Florida, Mr. CASE, Mr. CLAY, Mr. CONYERS, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MEEHAN, Mr. MORAN of Virginia, Ms. NORTON, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. LANTOS, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 1540. A bill to ensure greater accountability by licensed firearms dealers; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Ms. CORRINE BROWN of Florida, Mr. SERRANO, Mr. BISHOP of Georgia, Ms. WOOLSEY, Mr. BRADY of Pennsylvania, Mr. JACKSON of Illinois, and Mr. WYNN):

H.R. 1541. A bill to amend title 13, United States Code, to provide for a just apportionment of Representatives in Congress for all States; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. SERRANO, Mr. HINCHEY, Mr. TOWNS, Mr. MCNULTY, Mr. OWENS, Mr. NADLER, Mr. ISRAEL, Mr. CROWLEY, and Mrs. LOWEY):

H.R. 1542. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, to authorize assistance under that program for losses related to the terrorist attacks of September 11, 2001, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SESSIONS (for himself, Mr. BAKER, Mr. PAUL, Mr. MOORE, Mr. SHAYS, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, and Mr. ROYCE):

H.R. 1543. A bill to amend the Fair Credit Reporting Act to exempt certain communications from the definition of consumer report, and for other purposes; to the Committee on Financial Services.

By Mr. NADLER:

H.R. 1544. A bill to amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1545. A bill to prohibit Federal officials from paying any Federal funds to any individual or entity that performs partial-birth abortions; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 1546. A bill to provide that the inferior courts of the United States do not have jurisdiction to hear abortion-related cases; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 1547. A bill to restore first amendment protections of religion and religious speech; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 1548. A bill to prohibit any Federal official from expending any Federal funds for any population control or population planning program or any family planning activity; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 1549. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mr. REHBERG (for himself, Mr. MCINNIS, and Mr. RENZI):

H.R. 1550. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to make grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes, and other commercial purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself and Ms. DELAURO):

H.R. 1551. A bill to amend the Richard B. Russell National School Lunch Act to ensure the safety of meals served under the school lunch program and the school breakfast program; to the Committee on Education and the Workforce.

By Mr. WELDON of Florida (for himself and Mr. JOHN):

H.R. 1552. A bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance; to the Committee on Financial Services.

By Mr. LANTOS:

H. Con. Res. 133. Concurrent resolution expressing the concern of Congress over Russian and Syrian actions in support of Iraq; to the Committee on International Relations.

By Mr. ROYCE (for himself, Mr. PAYNE, Mr. FLAKE, and Mr. JEFFERSON):

H. Con. Res. 134. Concurrent resolution acknowledging the deepening relationship between the United States and the Republic of Djibouti and recognizing Djibouti's role in combating terrorism; to the Committee on International Relations.

By Mr. BRADY of Pennsylvania (for himself, Mr. FATTAH, Mr. HOEFFEL, Mr. HOYER, Mr. KANJORSKI, Ms. WATERS, Mr. HOLT, Mr. WYNN, Mr. DOYLE, Mr. HOLDEN, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. MOORE, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. HINCHEY, Ms. WATSON, Mr. MARKEY, Mr. DELAHUNT, Ms. BORDALLO, Mr. BALLANCE, Mr. WALSH, Ms. NORTON, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. KILPATRICK, Mr. CUMMINGS, Mr. OWENS, Mr. LEWIS of Georgia, Mr. GERLACH, Mr. SCOTT of Virginia, Mr. CLAY, Ms. DELAURO, Mr. UDALL of Colorado, Ms. ROS-LEHTINEN, Ms. CARSON of Indiana, Mr. ENGLISH, Mr. BROWN of Ohio, Mr. GREENWOOD, Mrs. JONES of Ohio, Mr. FROST, Mr. MURTHA, Ms. HART, Mr. TOOMEY, Mr. PETERSON of Pennsylvania, Mr. MURPHY, Mr. SHERWOOD, Mr. WELDON of Pennsylvania, Mr. PASCRELL, Mr. BISHOP of Georgia, Mr. DINGELL, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Mr. RYAN of Ohio, Mr. JEFFERSON, Mr. GRIJALVA, Ms. SLAUGHTER, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, Mr. GEPHARDT, Mr. WATT, Mrs. LOWEY, Mr. SHUSTER, Mr. CROWLEY, Mr. CAPUANO, Mr. LARSON of Connecticut, Ms. KAPTUR, Mr. PALLONE, Mr. SKELTON, Mr. ACKERMAN, Mr. WEINER, Mr. FORD, Mr. NADLER, Mr. SPRATT, Ms. PELOSI, Mr. ENGEL, Mr. JACKSON of Illinois, Mr. MENENDEZ, Ms. VELAZQUEZ, Mr. SAXTON, Mr. TAYLOR of Mississippi, Mr. MEEHAN, Mr. ANDREWS, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mr. LOBIONDO, and Mr. GEORGE MILLER of California):

H. Res. 169. A resolution honoring the life and faithful service of former Congressman

Lucien E. Blackwell of Pennsylvania; to the Committee on House Administration.

¶33.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mrs. MUSGRAVE.
H.R. 40: Mr. PAYNE.
H.R. 49: Mr. SHADEGG, Mr. DOOLEY of California, and Mr. FROST.
H.R. 109: Mr. FEENEY and Mr. ABERCROMBIE.
H.R. 126: Mrs. MALONEY and Mr. RYAN of Ohio.
H.R. 185: Mr. DOOLEY of California, Mr. FROST, and Mr. CARDOZA.
H.R. 218: Mr. TANCREDO.
H.R. 260: Mr. LANGEVIN.
H.R. 284: Mr. PAUL, Mr. NETHERCUTT, Mr. DOOLITTLE, Mr. ROGERS of Michigan, Mrs. MUSGRAVE, Mr. HINCHEY, Mr. LAMPSON, Mr. GONZALEZ, Mr. BECERRA, Mr. THOMPSON of California, Mr. INSLEE, AND MS. CARSON of Indiana.
H.R. 343: Ms. DELAURO and Mr. MICHAUD.
H.R. 401: Mr. GERLACH, Mr. BURTON of Indiana, and Mr. BRADY of Pennsylvania.
H.R. 434: Mr. BOOZMAN, Mr. GREENWOOD, Mrs. CUBIN, Mr. MURPHY, Mr. SOUDER. Mr. HERGER, Mr. SESSIONS, and Mr. BACHUS.
H.R. 440: Ms. LINDA T. SANCHEZ of California, Mr. MCDERMOTT, and Mr. MENENDEZ.
H.R. 442: Mr. LANTOS and Ms. SLAUGHTER.
H.R. 463: Mr. CARDOZA, Ms. ESHOO, Mr. SAM JOHNSON of Texas, Mr. GONZALEZ, Mr. HONDA, and Mr. FROST.
H.R. 466: Mr. TURNER of Ohio.
H.R. 490: Mr. MCHUGH and Mr. GONZALEZ.
H.R. 501: Ms. BERKLEY.
H.R. 577: Mr. MICHAUD.
H.R. 584: Mr. YOUNG of Alaska and Mr. ACKERMAN.
H.R. 594: Mr. MATHESON, Ms. KAPTUR, Mr. SCOTT of Virginia, and Mr. LARSON of Connecticut.
H.R. 614: Mr. DAVIS of Tennessee.
H.R. 643: Ms. BALDWIN and Mr. ANDREWS.
H.R. 648: Mr. HOSTETTLER, Mr. YOUNG of Alaska, Mr. WICKER, Mr. SOUDER, and Mr. NETHERCUTT.
H.R. 660: Mr. KIRK, Mr. BURTON of Indiana, Mr. WICKER, Mr. WYNN, Mr. HEFLEY, and Mr. ROGERS of Alabama.
H.R. 664: Mr. RYAN of Ohio, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, and Mr. KILDEE.
H.R. 666: Mr. MCHUGH.
H.R. 685: Mr. FATTAH.
H.R. 707: Ms. BERKLEY and Mr. DOYLE.
H.R. 737: Mr. ORTIZ.
H.R. 745: Mr. HOEFFEL.
H.R. 761: Ms. BERKLEY.
H.R. 767: Mr. FEENEY, Mr. OTTER, Mr. OSE, and Mr. JENKINS.
H.R. 774: Mr. HINCHEY.
H.R. 776: Mr. LANTOS.
H.R. 785: Mr. LANTOS, Mr. JEFFERSON, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 786: Mr. MOORE, Ms. GINNY BROWN-WAITE of Florida, and Mr. WALDEN of Oregon.
H.R. 804: Ms. GINNY BROWN-WAITE of Florida.
H.R. 806: Mr. WYNN and Mr. MENENDEZ.
H.R. 807: Mr. HULSHOF.
H.R. 808: Ms. DUNN.
H.R. 811: Ms. KAPTUR.
H.R. 813: Mr. CASE, Mr. RANGEL, Mr. MURTHA, and Mr. GILCHREST.
H.R. 816: Ms. CARSON of Indiana.
H.R. 817: Mr. PICKERING.
H.R. 854: Mr. LANTOS.
H.R. 871: Mr. BERRY and Mr. SHIMKUS.
H.R. 872: Mr. NORWOOD and Mr. HERGER.
H.R. 880: Mr. OWENS and Mr. STUPAK.
H.R. 882: Mr. KING of New York and Mr. GOODE.
H.R. 886: Mr. BISHOP of Georgia.
H.R. 898: Mr. MARKEY.
H.R. 927: Mr. BRADY of Texas, Mr. SMITH of Michigan, and Mr. HEFLEY.
H.R. 935: Ms. LINDA T. SANCHEZ of California.
H.R. 943: Mr. LYNCH and Mr. FEENEY.
H.R. 953: Mr. FRANK of Massachusetts and Mr. HILL.
H.R. 965: Mr. ISRAEL, Mr. BLUMENAUER, Mr. MICHAUD, and Mr. KLECZKA.
H.R. 966: Ms. BERKLEY.
H.R. 977: Mr. NUNES and Mr. RENZI.
H.R. 997: Mr. BROWN of South Carolina and Mr. JENKINS.
H.R. 1006: Mr. LEACH, Mr. ACKERMAN, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, and Mr. DOYLE.
H.R. 1039: Ms. SOLIS.
H.R. 1048: Ms. BERKLEY.
H.R. 1049: Mr. HOSTETTLER and Mr. KLINE.
H.R. 1057: Mr. BRADY of Texas, Mr. FRELINGHUYSEN, Mrs. NORTHUP, Mr. PUTNAM, and Mr. COOPER.
H.R. 1068: Mr. KIRK, Mr. STRICKLAND, Mr. DEUTSCH, Ms. WATSON, Mr. MCDERMOTT, and Ms. BERKLEY.
H.R. 1077: Mr. EMANUEL and Mr. ETHERIDGE.
H.R. 1097: Mr. UDALL of Colorado, Mr. KENNEDY of Rhode Island, and Mr. SCHIFF.
H.R. 1108: Mr. BISHOP of Georgia and Mr. DAVIS of Alabama.
H.R. 1122: Mr. STARK, Ms. SOLIS, Mr. HONDA, Ms. BORDALLO, Mr. BERMAN, and Mr. SCHIFF.
H.R. 1136: Mr. KOLBE.
H.R. 1154: Mr. BARRETT of South Carolina.
H.R. 1157: Mr. HONDA.
H.R. 1185: Mrs. JOHNSON of Connecticut and Mr. NEAL of Massachusetts.
H.R. 1196: Mr. MCDERMOTT.
H.R. 1205: Mr. JACKSON of Illinois.
H.R. 1210: Mr. LAMPSON, Mr. LATOURETTE, Mr. BISHOP of New York, and Mr. DOYLE.
H.R. 1233: Mr. NORWOOD.
H.R. 1244: Mr. CARDOZA and Mr. GRAVES.
H.R. 1252: Mr. BARTLETT of Maryland.
H.R. 1267: Mr. HOLT, Mr. RYAN of Ohio, Mr. HASTINGS of Florida, Ms. WATSON, Ms. HARMAN, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, Mr. COSTELLO, and Mr. BRADY of Pennsylvania.
H.R. 1276: Mr. MARIO DIAZ-BALART of Florida, Mr. OSE, Mr. QUINN, Mr. WELDON of Pennsylvania, and Mr. HOEFFEL.
H.R. 1279: Mr. GRAVES, Mr. TANNER, Mr. BOSWELL, and Mr. NORWOOD.
H.R. 1290: Ms. ESHOO.
H.R. 1291: Mr. HINCHEY and Mr. DAVIS of Alabama.
H.R. 1294: Ms. JACKSON-LEE of Texas and Mr. DEFAZIO.
H.R. 1340: Mr. HINCHEY and Ms. DELAURO.
H.R. 1348: Mr. PASCRELL.
H.R. 1358: Mr. WEXLER, Mr. MCNULTY, Mr. FROST, and Mr. RANGEL.
H.R. 1359: Ms. KAPTUR.
H.R. 1366: Mr. LUCAS of Kentucky.
H.R. 1374: Mr. DINGELL.
H.R. 1389: Ms. JACKSON-LEE of Texas.
H.R. 1412: Mr. DEMINT, Mr. WU, Mr. BROWN of South Carolina, Mr. RYUN of Kansas, Mr. TERRY, Mr. MILLER of Florida, Mr. SOUDER, Mr. BURNS, Mr. GRIJALVA, Mr. ROSS, Mr. KENNEDY of Minnesota, Mr. NEY, Mr. BALLENGER, Mr. CASTLE, Mr. MCINTYRE, Mrs. DAVIS of California, Mr. MURPHY, Mr. PORTER, Mr. GARRETT of New Jersey, Mr. EHLERS, Mrs. BIGGERT, Ms. MCCOLLUM, Mr. VITTER, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1415: Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. ACKERMAN, Mr. CUMMINGS, Mr. ROGERS of Michigan, Mr. CONYERS, Ms. SCHAKOWSKY, Ms. LEE, Mr. UPTON, and Mr. GREEN of Wisconsin.
H.R. 1422: Mr. MCINTYRE, Mr. PALLONE, Mr. MATSUI, Ms. DELAURO, Mr. GREEN of Texas, and Mr. MCNULTY.
H.R. 1425: Mr. MORAN of Virginia.
H.R. 1429: Mr. BROWN of Ohio and Ms. KAPTUR.
H.R. 1448: Mr. DEUTSCH.
H.R. 1451: Mr. SOUDER AND MR. BARRETT of South Carolina.
H.R. 1466: Ms. JACKSON-LEE of Texas and Mr. RANGEL.
H.R. 1467: Mr. BURGESS and Mr. SULLIVAN.
H.R. 1480: Mr. BERRY, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. CLAY, Mr. DOOLEY of California, Mr. WAMP, and Mr. PAYNE.
H.R. 1483: Mr. KILDEE and Ms. CARSON of Indiana.
H.R. 1485: Mr. RANGEL.
H.R. 1499: Mr. ANDREWS and Mr. SNYDER.
H.R. 1508: Ms. MILLENDER-MCDONALD.
H.R. 1519: Mr. RADANOVICH and Mr. GORDON.
H.R. 1522: Mr. MCDERMOTT.
H.J. Res. 22: Mr. BALLENGER and Mr. BOSWELL.
H. Con. Res. 19: Mr. LUCAS of Kentucky, Mr. DOYLE, Mrs. CAPPS, Mr. COOPER, Mr. MICHAUD, and Mr. WATT.
H. Con. Res. 49: Mr. CROWLEY, Mr. RODRIGUEZ, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. SCHIFF, Mr. SHERMAN, and Mr. KIRK.
H. Con. Res. 109: Ms. KAPTUR, Mr. PORTER, and Mr. GREENWOOD.
H. Con. Res. 119: Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. SOUDER, Mr. SHADEGG, and Mr. SULLIVAN.
H. Res. 121: Mr. SMITH of Michigan.
H. Res. 127: Mr. DAVIS of Alabama.
H. Res. 136: Mr. LEWIS of Kentucky.

¶33.30 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

5. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 707 petitioning the United States Congress to include a renewable energy requirement in the Energy Policy Act of 2002; to the Committee on Energy and Commerce.

6. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 816 petitioning the United States Congress to call for a flood damage reduction project along the Ramapo and Mahwah Rivers in the Village of Suffern in accordance with the original plan authorized by the Water Resources Development Act of 1986; to the Committee on Transportation and Infrastructure.

7. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 706 petitioning the United States Congress to restore the Medicare funding for skilled nursing care to the level approved by Congress in 1999 and 2000; jointly to the Committees on Ways and Means and Energy and Commerce.

¶33.31 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1006: Mr. ALEXANDER.

WEDNESDAY, APRIL 2, 2003 (34)

¶34.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LAHOOD, who laid before the House the following communication:

WASHINGTON, DC,
April 2, 2003.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

¶34.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LAHOOD, announced he had examined and approved the Journal of the proceedings of Tuesday, April 1, 2003.

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

¶34.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1638. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting certification that the current Future Years Defense Program fully funds the support costs associated with the CC-130J/KC-130J multiyear program, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on Armed Services.

1639. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1640. A communication from the President of the United States, transmitting the Third Annual Report on the Inter-American Convention Against Corruption; to the Committee on International Relations.

1641. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: January 2003 Reports, Testimony, Correspondence, and Other Publications, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

1642. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1643. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Performance Report for FY 2002; to the Committee on Government Reform.

1644. A letter from the Secretary, Department of Homeland Security, transmitting a plan for ensuring the elimination, to the maximum extent practicable, of unwarranted disparities in the pay and benefits of employees being transferred to the Department of Homeland Security, pursuant to Public Law 107—296; to the Committee on Government Reform.

1645. A letter from the Secretary, Department of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2002; to the Committee on Government Reform.

1646. A letter from the Chair, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1647. A letter from the Vice President for Legal Affairs, General Counsel and Corporate Secretary, Legal Services Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1648. A letter from the Chairman, Occupational Safety And Health Review Commission, transmitting the FY 2002 Annual Program Performance Report, required by the Government Performance and Results Act; to the Committee on Government Reform.

1649. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the Calendar Year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1650. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1651. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's Government Performance and Results Act Annual Performance Report for FY 2002 and the Annual Performance Plan for FY 2004; to the Committee on Government Reform.

1652. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 021122286-02; I.D. 030703B] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1653. A letter from the Senior Staff Attorney, United States Court of Appeals, transmitting an opinion of the court; to the Committee on the Judiciary.

1654. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Palm Beach County Bridges, Atlantic Intracoastal Waterway, Palm Beach County, FL [CGD07-03-031] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1655. A letter from the Secretary, Department of Transportation, transmitting notification regarding the Coast Guard's report on the Feasibility of Accelerating the Integrated Deepwater System; to the Committee on Transportation and Infrastructure.

1656. A letter from the Executive Vice President, Communications and Government Relations, Tennessee Valley Authority, transmitting a copy of the Authority's statistical summary for Fiscal Year 2002, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

1657. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax-Exempt Bond Look Through (Rev. Proc. 2003-32, 2003-16 I.R.B.) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1658. A letter from the Under Secretaries of Defense, Department of Defense, transmitting the Department's report entitled, ''Plan for Improving the Personnel Management Policies and Procedures Applicable to the Department of Defense Civilian Acquisition Workforce''; jointly to the Committees on Armed Services and Government Reform.

1659. A letter from the Vice Chairman, Federal Election Commission, transmitting the Commission's FY 2004 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration and Appropriations.

1660. A letter from the General Counsel, Department of Defense, transmitting the Department's legislative initiatives as a part of the National Defense Authorization Act for Fiscal Year 2004; jointly to the Committees on Armed Services, Science, Small Business, Government Reform, Education and the Workforce, International Relations, and Transportation and Infrastructure.

¶34.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 704. An Act to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces.

S. 711. An Act to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 712. An Act to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 718. An Act to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

¶34.5 PROVIDING FOR THE CONSIDERATION OF H.R. 743

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 168):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Green of Texas or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. FROST demanded that the vote be taken by the yeas and nays, which

demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the ordering of the previous question were postponed.

¶34.6 FEDERAL DEPOSIT INSURANCE REFORM

The SPEAKER pro tempore, Mr. LINDER, pursuant to the order of the House of April 1, 2003, and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 522) to reform the Federal deposit insurance system, and for other purposes.

The SPEAKER pro tempore, Mr. LINDER, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. ADERHOLT, assumed the Chair.

When Mr. LAHOOD, Chairman, pursuant to the order of the House of April 1, 2003, reported the bill back to the House with an amendment adopted by the Committee.

Pursuant to the order of the House of April 1, 2003, the previous question was ordered.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Deposit Insurance Reform Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Merging the BIF and SAIF.
Sec. 3. Increase in deposit insurance coverage.
Sec. 4. Setting assessments and repeal of special rules relating to minimum assessments and free deposit insurance.
Sec. 5. Replacement of fixed designated reserve ratio with reserve range.
Sec. 6. Requirements applicable to the risk-based assessment system.
Sec. 7. Refunds, dividends, and credits from Deposit Insurance Fund.
Sec. 8. Deposit Insurance Fund restoration plans.
Sec. 9. Regulations required.
Sec. 10. Studies of FDIC structure and expenses and certain activities and further possible changes to deposit insurance system.
Sec. 11. Bi-annual FDIC survey and report on increasing the deposit base by encouraging use of depository institutions by the unbanked.
Sec. 12. Technical and conforming amendments to the Federal Deposit Insurance Act relating to the merger of the BIF and SAIF.
Sec. 13. Other technical and conforming amendments relating to the merger of the BIF and SAIF.

SEC. 2. MERGING THE BIF AND SAIF.

(a) IN GENERAL.—

(1) MERGER.—The Bank Insurance Fund and the Savings Association Insurance Fund shall be merged into the Deposit Insurance Fund.

(2) DISPOSITION OF ASSETS AND LIABILITIES.—All assets and liabilities of the Bank Insurance Fund and the Savings Association Insurance Fund shall be transferred to the Deposit Insurance Fund.

(3) NO SEPARATE EXISTENCE.—The separate existence of the Bank Insurance Fund and the Savings Association Insurance Fund shall cease on the effective date of the merger thereof under this section.

(b) REPEAL OF OUTDATED MERGER PROVISION.—Section 2704 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note) is repealed.

(c) EFFECTIVE DATE.—This section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 3. INCREASE IN DEPOSIT INSURANCE COVERAGE.

(a) IN GENERAL.—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) NET AMOUNT OF INSURED DEPOSIT.—The net amount due to any depositor at an insured depository institution shall not exceed the standard maximum deposit insurance amount as determined in accordance with subparagraphs (C), (D), (E) and (F) and paragraph (3).''; and

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

''(E) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED.—For purposes of this Act, the term 'standard maximum deposit insurance amount' means—

''(i) until the effective date of final regulations prescribed pursuant to section 9(a)(2) of the Federal Deposit Insurance Reform Act of 2003, $100,000; and

''(ii) on and after such effective date, $130,000, adjusted as provided under subparagraph (F).

''(F) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—By April 1 of 2005, and the 1st day of each subsequent 5-year period, the Board of Directors and the National Credit Union Administration Board shall jointly prescribe the amount by which the standard maximum deposit insurance amount and the standard maximum share insurance amount (as defined in section 207(k) of the Federal Credit Union Act) applicable to any depositor at an insured depository institution shall be increased by calculating the product of—

''(I) $130,000; and

''(II) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, as of December 31 of the year preceding the year in which the adjustment is calculated under this clause, to the value of such index as of the date this subparagraph takes effect.

''(ii) ROUNDING.—If the amount determined under clause (ii) for any period is not a multiple of $10,000, the amount so determined shall be rounded to the nearest $10,000.

''(iii) PUBLICATION AND REPORT TO THE CONGRESS.—Not later than April 5 of any calendar year in which an adjustment is required to be calculated under clause (i) to the standard maximum deposit insurance amount and the standard maximum share insurance amount under such clause, the Board of Directors and the National Credit Union Administration Board shall—

''(I) publish in the Federal Register the standard maximum deposit insurance amount, the standard maximum share insurance amount, and the amount of coverage under paragraph (3)(A) and section 207(k)(3) of the Federal Credit Union Act, as so calculated; and

''(II) jointly submit a report to the Congress containing the amounts described in subclause (I).

''(iv) 6-MONTH IMPLEMENTATION PERIOD.—Unless an Act of Congress enacted before July 1 of the calendar year in which an adjustment is required to be calculated under clause (i) provides otherwise, the increase in the standard maximum deposit insurance amount and the standard maximum share insurance amount shall take effect on January 1 of the year immediately succeeding such calendar year.''.

(b) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—Section 11(a)(1)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(D)) is amended to read as follows:

''(D) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—

''(i) PASS-THROUGH INSURANCE.—The Corporation shall provide pass-through deposit insurance for the deposits of any employee benefit plan.

''(ii) PROHIBITION ON ACCEPTANCE OF BENEFIT PLAN DEPOSITS.—An insured depository institution that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

''(iii) DEFINITIONS.—For purposes of this subparagraph, the following definitions shall apply:

''(I) CAPITAL STANDARDS.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 38.

''(II) EMPLOYEE BENEFIT PLAN.—The term 'employee benefit plan' has the same meaning as in paragraph (8)(B)(ii), and includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

''(III) PASS-THROUGH DEPOSIT INSURANCE.—The term 'pass-through deposit insurance' means, with respect to an employee benefit plan, deposit insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.''.

(c) DOUBLING OF DEPOSIT INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS.—Section 11(a)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(3)(A)) is amended by striking ''$100,000'' and inserting ''2 times the standard maximum deposit insurance amount (as determined under paragraph (1))''.

(d) INCREASED INSURANCE COVERAGE FOR MUNICIPAL DEPOSITS.—Section 11(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by moving the margins of clauses (i) through (v) 4 ems to the right;

(B) by striking, in the matter following clause (v), ''such depositor shall'' and all that follows through the period; and

(C) by striking the semicolon at the end of clause (v) and inserting a period;

(2) by striking ''(2)(A) Notwithstanding'' and all that follows through ''a depositor who is—'' and inserting the following:

''(2) MUNICIPAL DEPOSITORS.—

''(A) IN GENERAL.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available to any 1 depositor—

''(i) a municipal depositor shall, for the purpose of determining the amount of insured deposits under this subsection, be deemed to be a depositor separate and distinct from any other officer, employee, or agent of the United States or any public unit referred to in subparagraph (E); and

''(ii) except as provided in subparagraph (B), the deposits of a municipal depositor shall be insured in an amount equal to the

standard maximum deposit insurance amount (as determined under paragraph (1)).

''(B) IN-STATE MUNICIPAL DEPOSITORS.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured depository institution, such deposits shall be insured in an amount not to exceed the lesser of—

''(i) $2,000,000; or

''(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

''(C) MUNICIPAL DEPOSIT PARITY.—No State may deny to insured depository institutions within its jurisdiction the authority to accept deposits insured under this paragraph, or prohibit the making of such deposits in such institutions by any in-State municipal depositor.

''(D) IN-STATE MUNICIPAL DEPOSITOR DEFINED.—For purposes of this paragraph, the term 'in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured depository institution at which the deposits of that depositor are held.

''(E) MUNICIPAL DEPOSITOR.—In this paragraph, the term 'municipal depositor' means a depositor that is—'';

(3) by striking ''(B) The'' and inserting the following:

''(F) AUTHORITY TO LIMIT DEPOSITS.—The''; and

(4) by striking ''depositor referred to in subparagraph (A) of this paragraph'' each place such term appears and inserting ''municipal depositor''.

(e) TECHNICAL AND CONFORMING AMENDMENT RELATING TO INSURANCE OF TRUST FUNDS.—Paragraphs (1) and (3) of section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) are each amended by striking ''$100,000'' and inserting ''the standard maximum deposit insurance amount (as determined under section 11(a)(1))''.

(f) OTHER TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 11(m)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(m)(6)) is amended by striking ''$100,000'' and inserting ''an amount equal to the standard maximum deposit insurance amount''.

(2) Subsection (a) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended to read as follows:

''(a) INSURANCE LOGO.—

''(1) INSURED DEPOSITORY INSTITUTIONS.—

''(A) IN GENERAL.—Each insured depository institution shall display at each place of business maintained by that institution a sign or signs relating to the insurance of the deposits of the institution, in accordance with regulations to be prescribed by the Corporation.

''(B) STATEMENT TO BE INCLUDED.—Each sign required under subparagraph (A) shall include a statement that insured deposits are backed by the full faith and credit of the United States Government.

''(2) REGULATIONS.—The Corporation shall prescribe regulations to carry out this subsection, including regulations governing the substance of signs required by paragraph (1) and the manner of display or use of such signs.

''(3) PENALTIES.—For each day that an insured depository institution continues to violate this subsection or any regulation issued under this subsection, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use.''.

(3) Section 43(d) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(d)) is amended by striking ''$100,000'' and inserting ''an amount equal to the standard maximum deposit insurance amount''.

(4) Section 6 of the International Banking Act of 1978 (12 U.S.C. 3104) is amended—

(A) by striking ''$100,000'' each place such term appears and inserting ''an amount equal to the standard maximum deposit insurance amount''; and

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

''(e) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED.—For purposes of this section, the term 'standard maximum deposit insurance amount' means the amount of the maximum amount of deposit insurance as determined under section 11(a)(1) of the Federal Deposit Insurance Act.''.

(g) CONFORMING CHANGE TO CREDIT UNION SHARE INSURANCE FUND.—

(1) IN GENERAL.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(A) by striking ''(k)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(k) INSURED AMOUNTS PAYABLE.—

''(1) NET INSURED AMOUNT.—

''(A) IN GENERAL.—Subject to the provisions of paragraph (2), the net amount of share insurance payable to any member at an insured credit union shall not exceed the total amount of the shares or deposits in the name of the member (after deducting offsets), less any part thereof which is in excess of the standard maximum share insurance amount, as determined in accordance with this paragraph and paragraphs (5) and (6), and consistently with actions taken by the Federal Deposit Insurance Corporation under section 11(a) of the Federal Deposit Insurance Act.

''(B) AGGREGATION.—Determination of the net amount of share insurance under subparagraph (A), shall be in accordance with such regulations as the Board may prescribe, and, in determining the amount payable to any member, there shall be added together all accounts in the credit union maintained by that member for that member's own benefit, either in the member's own name or in the names of others.

''(C) AUTHORITY TO DEFINE THE EXTENT OF COVERAGE.—The Board may define, with such classifications and exceptions as it may prescribe, the extent of the share insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy.'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clauses (i) through (v), by moving the margins 4 ems to the right;

(II) in the matter following clause (v), by striking ''his account'' and all that follows through the period; and

(III) by striking the semicolon at the end of clause (v) and inserting a period;

(ii) by striking ''(2)(A) Notwithstanding'' and all that follows through ''a depositor or member who is—'' and inserting the following:

''(2) MUNICIPAL DEPOSITORS OR MEMBERS.—

''(A) IN GENERAL.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of insurance available to any 1 depositor or member, deposits or shares of a municipal depositor or member shall be insured in an amount equal to the standard maximum share insurance amount (as determined under paragraph (5)), except as provided in subparagraph (B).

''(B) IN-STATE MUNICIPAL DEPOSITORS.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured credit union, such deposits shall be insured in an amount equal to the lesser of—

''(i) $2,000,000; or

''(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

''(C) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of a municipal depositor in an amount greater than such credit union is authorized to accept under any other provision of Federal or State law.

''(D) IN-STATE MUNICIPAL DEPOSITOR DEFINED.—For purposes of this paragraph, the term 'in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured credit union at which the deposits of that depositor are held.

''(E) MUNICIPAL DEPOSITOR.—In this paragraph, the term 'municipal depositor' means a depositor that is—'';

(iii) by striking ''(B) The'' and inserting the following:

''(F) AUTHORITY TO LIMIT DEPOSITS.—The''; and

(iv) by striking ''depositor or member referred to in subparagraph (A)'' and inserting ''municipal depositor or member''; and

(C) by adding at the end the following new paragraphs:

''(4) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—

''(A) PASS-THROUGH INSURANCE.—The Administration shall provide pass-through share insurance for the deposits or shares of any employee benefit plan.

''(B) PROHIBITION ON ACCEPTANCE OF DEPOSITS.—An insured credit union that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

''(C) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

''(i) CAPITAL STANDARDS.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 216(c).

''(ii) EMPLOYEE BENEFIT PLAN.—The term 'employee benefit plan'—

''(I) has the meaning given to such term in section 3(3) of the Employee Retirement Income Security Act of 1974;

''(II) includes any plan described in section 401(d) of the Internal Revenue Code of 1986; and

''(III) includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

''(iii) PASS-THROUGH SHARE INSURANCE.—The term 'pass-through share insurance' means, with respect to an employee benefit plan, insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.

''(D) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of an employee benefit plan in an amount greater than such credit union is authorized to accept under any other provision of Federal or State law.

''(5) STANDARD MAXIMUM SHARE INSURANCE AMOUNT DEFINED.—For purposes of this Act, the term 'standard maximum share insurance amount' means—

''(A) until the effective date of final regulations prescribed pursuant to section 9(a)(2) of the Federal Deposit Insurance Reform Act of 2003, $100,000; and

''(B) on and after such effective date, $130,000, adjusted as provided under section 11(a)(1)(F) of the Federal Deposit Insurance Act.''.

(2) DOUBLING OF SHARE INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS.—Section 207(k)(3) of the Federal Credit Union Act (12 U.S.C. 1787(k)(3)) is amended by striking

''$100,000'' and inserting ''2 times the standard maximum share insurance amount (as determined under paragraph (1))''.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date the final regulations required under section 9(a)(2) take effect.

SEC. 4. SETTING ASSESSMENTS AND REPEAL OF SPECIAL RULES RELATING TO MINIMUM ASSESSMENTS AND FREE DEPOSIT INSURANCE.

(a) SETTING ASSESSMENTS.—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) IN GENERAL.—The Board of Directors shall set assessments for insured depository institutions in such amounts as the Board of Directors may determine to be necessary or appropriate, subject to subparagraph (D).

''(B) FACTORS TO BE CONSIDERED.—In setting assessments under subparagraph (A), the Board of Directors shall consider the following factors:

''(i) The estimated operating expenses of the Deposit Insurance Fund.

''(ii) The estimated case resolution expenses and income of the Deposit Insurance Fund.

''(iii) The projected effects of the payment of assessments on the capital and earnings of insured depository institutions.

''(iv) the risk factors and other factors taken into account pursuant to paragraph (1) under the risk-based assessment system, including the requirement under such paragraph to maintain a risk-based system.

''(v) Any other factors the Board of Directors may determine to be appropriate.''; and

(2) by inserting after subparagraph (C) the following new subparagraph:

''(D) BASE RATE FOR ASSESSMENTS.—

''(i) IN GENERAL.—In setting assessment rates pursuant to subparagraph (A), the Board of Directors shall establish a base rate of not more than 1 basis point (exclusive of any credit or dividend) for those insured depository institutions in the lowest-risk category under the risk-based assessment system established pursuant to paragraph (1). No insured depository institution shall be barred from the lowest-risk category solely because of size.

''(ii) SUSPENSION.—Clause (i) shall not apply during any period in which the reserve ratio of the Deposit Insurance Fund is less than the amount which is equal to 1.15 percent of the aggregate estimated insured deposits.''.

(b) ASSESSMENT RECORDKEEPING PERIOD SHORTENED.—Paragraph (5) of section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended to read as follows:

''(5) DEPOSITORY INSTITUTION REQUIRED TO MAINTAIN ASSESSMENT-RELATED RECORDS.—Each insured depository institution shall maintain all records that the Corporation may require for verifying the correctness of any assessment on the insured depository institution under this subsection until the later of—

''(A) the end of the 3-year period beginning on the due date of the assessment; or

''(B) in the case of a dispute between the insured depository institution and the Corporation with respect to such assessment, the date of a final determination of any such dispute.''.

(c) INCREASE IN FEES FOR LATE ASSESSMENT PAYMENTS.—Subsection (h) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(h)) is amended to read as follows:

''(h) PENALTY FOR FAILURE TO TIMELY PAY ASSESSMENTS.—

''(1) IN GENERAL.—Any insured depository institution which fails or refuses to pay any assessment shall be subject to a penalty in an amount not more than 1 percent of the amount of the assessment due for each day that such violation continues.

''(2) EXCEPTION IN CASE OF DISPUTE.—Paragraph (1) shall not apply if—

''(A) the failure to pay an assessment is due to a dispute between the insured depository institution and the Corporation over the amount of such assessment; and

''(B) the insured depository institution deposits security satisfactory to the Corporation for payment upon final determination of the issue.

''(3) AUTHORITY TO MODIFY OR REMIT PENALTY.—The Corporation, in the sole discretion of the Corporation, may compromise, modify or remit any penalty which the Corporation may assess or has already assessed under paragraph (1) upon a finding that good cause prevented the timely payment of an assessment.''.

(d) ASSESSMENTS FOR LIFELINE ACCOUNTS.—

(1) IN GENERAL.—Section 232 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834) is amended by striking subsection (c).

(2) CLARIFICATION OF RATE APPLICABLE TO DEPOSITS ATTRIBUTABLE TO LIFELINE ACCOUNTS.—Section 7(b)(2)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(H)) is amended by striking ''at a rate determined in accordance with such Act'' and inserting ''at ½ the assessment rate otherwise applicable for such insured depository institution''.

(3) REGULATIONS.—Section 232(a)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)(1)) is amended by striking ''Board of Governors of the Federal Reserve System, and the''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(3)) is amended by striking the 3d sentence and inserting the following: ''Such reports of condition shall be the basis for the certified statements to be filed pursuant to subsection (c).''.

(2) Subparagraphs (B)(ii) and (C) of section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) are each amended by striking ''semiannual'' where such term appears in each such subparagraph.

(3) Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(A) by striking subparagraphs (E), (F), and (G);

(B) in subparagraph (C), by striking ''semiannual''; and

(C) by redesignating subparagraph (H) (as amended by subsection (e)(2) of this section) as subparagraph (E).

(4) Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended by striking paragraph (4) and redesignating paragraphs (5) (as amended by subsection (b) of this section), (6), and (7) as paragraphs (4), (5), and (6) respectively.

(5) Section 7(c) of the Federal Deposit Insurance Act (12 U.S.C. 1817(c)) is amended—

(A) in paragraph (1)(A), by striking ''semiannual'';

(B) in paragraph (2)(A), by striking ''semiannual''; and

(C) in paragraph (3), by striking ''semiannual period'' and inserting ''initial assessment period''.

(6) Section 8(p) of the Federal Deposit Insurance Act (12 U.S.C. 1818(p)) is amended by striking ''semiannual''.

(7) Section 8(q) of the Federal Deposit Insurance Act (12 U.S.C. 1818(q)) is amended by striking ''semiannual period'' and inserting ''assessment period''.

(8) Section 13(c)(4)(G)(ii)(II) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)(II)) is amended by striking ''semiannual period'' and inserting ''assessment period''.

(9) Section 232(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking ''the Board and'';

(B) in subparagraph (J) of paragraph (2), by striking ''the Board'' and inserting ''the Corporation'';

(C) by striking subparagraph (A) of paragraph (3) and inserting the following new subparagraph:

''(A) CORPORATION.—The term 'Corporation' means the Federal Deposit Insurance Corporation.''; and

(D) in subparagraph (C) of paragraph (3), by striking ''Board'' and inserting ''Corporation''.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 9(a)(5) take effect.

SEC. 5. REPLACEMENT OF FIXED DESIGNATED RESERVE RATIO WITH RESERVE RANGE.

(a) IN GENERAL.—Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) is amended to read as follows:

''(3) DESIGNATED RESERVE RATIO.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—The Board of Directors shall designate, by regulation after notice and opportunity for comment, the reserve ratio applicable with respect to the Deposit Insurance Fund.

''(ii) NOT LESS THAN ANNUAL REDETERMINATION.—A determination under clause (i) shall be made by the Board of Directors at least before the beginning of each calendar year, for such calendar year, and at such other times as the Board of Directors may determine to be appropriate.

''(B) RANGE.—The reserve ratio designated by the Board of Directors for any year—

''(i) may not exceed 1.4 percent of estimated insured deposits; and

''(ii) may not be less than 1.15 percent of estimated insured deposits.

''(C) FACTORS.—In designating a reserve ratio for any year, the Board of Directors shall—

''(i) take into account the risk of losses to the Deposit Insurance Fund in such year and future years, including historic experience and potential and estimated losses from insured depository institutions;

''(ii) take into account economic conditions generally affecting insured depository institutions so as to allow the designated reserve ratio to increase during more favorable economic conditions and to decrease during less favorable economic conditions, notwithstanding the increased risks of loss that may exist during such less favorable conditions, as determined to be appropriate by the Board of Directors;

''(iii) seek to prevent sharp swings in the assessment rates for insured depository institutions; and

''(iv) take into account such other factors as the Board of Directors may determine to be appropriate, consistent with the requirements of this subparagraph.

''(D) PUBLICATION OF PROPOSED CHANGE IN RATIO.—In soliciting comment on any proposed change in the designated reserve ratio in accordance with subparagraph (A), the Board of Directors shall include in the published proposal a thorough analysis of the data and projections on which the proposal is based.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) is amended—

(1) by striking ''(y) The term'' and inserting ''(y) DEFINITIONS RELATING TO DEPOSIT INSURANCE FUND.—

''(1) DEPOSIT INSURANCE FUND.—The term''; and

(2) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraph:

''(2) DESIGNATED RESERVE RATIO.—The term 'designated reserve ratio' means the reserve ratio designated by the Board of Directors in accordance with section 7(b)(3).''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 9(a)(1) take effect.

SEC. 6. REQUIREMENTS APPLICABLE TO THE RISK-BASED ASSESSMENT SYSTEM.

Section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) is amended by adding at the end the following new subparagraphs:

''(E) INFORMATION CONCERNING RISK OF LOSS AND ECONOMIC CONDITIONS.—

''(i) SOURCES OF INFORMATION.—For purposes of determining risk of losses at insured depository institutions and economic conditions generally affecting depository institutions, the Corporation shall collect information, as appropriate, from all sources the Board of Directors considers appropriate, such as reports of condition, inspection reports, and other information from all Federal banking agencies, any information available from State bank supervisors, State insurance and securities regulators, the Securities and Exchange Commission (including information described in section 35), the Secretary of the Treasury, the Commodity Futures Trading Commission, the Farm Credit Administration, the Federal Trade Commission, any Federal reserve bank or Federal home loan bank, and other regulators of financial institutions, and any information available from credit rating entities, and other private economic or business analysts.

''(ii) CONSULTATION WITH FEDERAL BANKING AGENCIES.—

''(I) IN GENERAL.—Except as provided in subclause (II), in assessing the risk of loss to the Deposit Insurance Fund with respect to any insured depository institution, the Corporation shall consult with the appropriate Federal banking agency of such institution.

''(II) TREATMENT ON AGGREGATE BASIS.—In the case of insured depository institutions that are well capitalized (as defined in section 38) and, in the most recent examination, were found to be well managed, the consultation under subclause (I) concerning the assessment of the risk of loss posed by such institutions may be made on an aggregate basis.

''(iii) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as providing any new authority for the Corporation to require submission of information by insured depository institutions to the Corporation.

''(F) MODIFICATIONS TO THE RISK-BASED ASSESSMENT SYSTEM ALLOWED ONLY AFTER NOTICE AND COMMENT.—In revising or modifying the risk-based assessment system at any time after the date of the enactment of the Federal Deposit Insurance Reform Act of 2003, the Board of Directors may implement such revisions or modification in final form only after notice and opportunity for comment.''.

SEC. 7. REFUNDS, DIVIDENDS, AND CREDITS FROM DEPOSIT INSURANCE FUND.

(a) IN GENERAL.—Subsection (e) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)) is amended to read as follows:

''(e) REFUNDS, DIVIDENDS, AND CREDITS.—

''(1) REFUNDS OF OVERPAYMENTS.—In the case of any payment of an assessment by an insured depository institution in excess of the amount due to the Corporation, the Corporation may—

''(A) refund the amount of the excess payment to the insured depository institution; or

''(B) credit such excess amount toward the payment of subsequent assessments until such credit is exhausted.

''(2) DIVIDENDS FROM EXCESS AMOUNTS IN DEPOSIT INSURANCE FUND.—

''(A) RESERVE RATIO IN EXCESS OF 1.4 PERCENT OF ESTIMATED INSURED DEPOSITS.—Whenever the reserve ratio of the Deposit Insurance Fund exceeds 1.4 percent of estimated insured deposits, the Corporation shall declare the amount in the Fund in excess of the amount required to maintain the reserve ratio at 1.4 percent of estimated insured deposits, as dividends to be paid to insured depository institutions.

''(B) RESERVE RATIO EQUAL TO OR IN EXCESS OF 1.35 PERCENT OF ESTIMATED INSURED DEPOSITS AND NOT MORE THAN 1.4 PERCENT.—Whenever the reserve ratio of the Deposit Insurance Fund equals or exceeds 1.35 percent of estimated insured deposits and is not more than 1.4 percent of such deposits, the Corporation shall declare the amount in the Fund that is equal to 50 percent of the amount in excess of the amount required to maintain the reserve ratio at 1.35 percent of the estimated insured deposits as dividends to be paid to insured depository institutions.

''(C) BASIS FOR DISTRIBUTION OF DIVIDENDS.—

''(i) IN GENERAL.—Solely for the purposes of dividend distribution under this paragraph and credit distribution under paragraph (3)(B), the Corporation shall determine each insured depository institution's relative contribution to the Deposit Insurance Fund (or any predecessor deposit insurance fund) for calculating such institution's share of any dividend or credit declared under this paragraph or paragraph (3)(B), taking into account the factors described in clause (ii).

''(ii) FACTORS FOR DISTRIBUTION.—In implementing this paragraph and paragraph (3)(B) in accordance with regulations, the Corporation shall take into account the following factors:

''(I) The ratio of the assessment base of an insured depository institution (including any predecessor) on December 31, 1996, to the assessment base of all eligible insured depository institutions on that date.

''(II) The total amount of assessments paid on or after January 1, 1997, by an insured depository institution (including any predecessor) to the Deposit Insurance Fund (and any predecessor deposit insurance fund).

''(III) That portion of assessments paid by an insured depository institution (including any predecessor) that reflects higher levels of risk assumed by such institution.

''(IV) Such other factors as the Corporation may determine to be appropriate.

''(D) NOTICE AND OPPORTUNITY FOR COMMENT.—The Corporation shall prescribe by regulation, after notice and opportunity for comment, the method for the calculation, declaration, and payment of dividends under this paragraph.

''(3) CREDIT POOL.—

''(A) ONE-TIME CREDIT BASED ON TOTAL ASSESSMENT BASE AT YEAR-END 1996.—

''(i) IN GENERAL.—Before the end of the 270-day period beginning on the date of the enactment of the Federal Deposit Insurance Reform Act of 2003, the Board of Directors shall, by regulation, provide for a credit to each eligible insured depository institution, based on the assessment base of the institution (including any predecessor institution) on December 31, 1996, as compared to the combined aggregate assessment base of all eligible insured depository institutions, taking into account such factors as the Board of Directors may determine to be appropriate.

''(ii) CREDIT LIMIT.—The aggregate amount of credits available under clause (i) to all eligible insured depository institutions shall equal the amount that the Corporation could collect if the Corporation imposed an assessment of 12 basis points on the combined assessment base of the Bank Insurance Fund and the Savings Association Insurance Fund as of December 31, 2001.

''(iii) ELIGIBLE INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this paragraph, the term 'eligible insured depository institution' means any insured depository institution that—

''(I) was in existence on December 31, 1996, and paid a deposit insurance assessment prior to that date; or

''(II) is a successor to any insured depository institution described in subclause (II).

''(iv) APPLICATION OF CREDITS.—

''(I) IN GENERAL.—The amount of a credit to any eligible insured depository institution under this paragraph shall be applied by the Corporation, subject to subsection (b)(3)(e), to the assessments imposed on such institution under subsection (b) that become due for assessment periods beginning after the effective date of regulations prescribed under clause (i).

''(II) REGULATIONS.—The regulations prescribed under clause (i) shall establish the qualifications and procedures governing the application of assessment credits pursuant to subclause (I).

''(v) LIMITATION ON AMOUNT OF CREDIT FOR CERTAIN DEPOSITORY INSTITUTIONS.—In the case of an insured depository institution that exhibits financial, operational, or compliance weaknesses ranging from moderately severe to unsatisfactory, or is not adequately capitalized (as defined in section 38) at the beginning of an assessment period, the amount of any credit allowed under this paragraph against the assessment on that depository institution for such period may not exceed the amount calculated by applying to that depository institution the average assessment rate on all insured depository institutions for such assessment period.

''(vi) PREDECESSOR DEFINED.—For purposes of this paragraph, the term 'predecessor', when used with respect to any insured depository institution, includes any other insured depository institution acquired by or merged with such insured depository institution.

''(B) ON-GOING CREDIT POOL.—

''(i) IN GENERAL.—In addition to the credit provided pursuant to subparagraph (A) and subject to the limitation contained in clause (v) of such subparagraph, the Corporation shall, by regulation, establish an on-going system of credits to be applied against future assessments under subsection (b)(1) on the same basis as the dividends provided under paragraph (2)(C).

''(ii) LIMITATION ON CREDITS UNDER CERTAIN CIRCUMSTANCES.—No credits may be awarded by the Corporation under this subparagraph during any period in which—

''(I) the reserve ratio of the Deposit Insurance Fund is less than the designated reserve ratio of such Fund; or

''(II) the reserve ratio of the Fund is less than 1.25 percent of the amount of estimated insured deposits.

''(iii) CRITERIA FOR DETERMINATION.—In determining the amounts of any assessment credits under this subparagraph, the Board of Directors shall take into account the factors for designating the reserve ratio under subsection (b)(3) and the factors for setting assessments under subsection (b)(2)(B).

''(4) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—The regulations prescribed under paragraph (2)(D) and subparagraphs (A) and (B) of paragraph (3) shall include provisions allowing an insured depository institution a reasonable opportunity to challenge administratively the amount of the credit or dividend determined under paragraph (2) or (3) for such institution.

''(B) ADMINISTRATIVE REVIEW.—Any review under subparagraph (A) of any determination of the Corporation under paragraph (2) or (3) shall be final and not subject to judicial review.''.

(b) DEFINITION OF RESERVE RATIO.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) (as amended by section 5(b) of this Act) is amended by adding at the end the following new paragraph:

''(3) RESERVE RATIO.—The term 'reserve ratio', when used with regard to the Deposit Insurance Fund other than in connection with a reference to the designated reserve ratio, means the ratio of the net worth of the Deposit Insurance Fund to the value of the aggregate estimated insured deposits.''.

SEC. 8. DEPOSIT INSURANCE FUND RESTORATION PLANS.

Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) (as amended by section 5(a) of this Act) is amended by adding at the end the following new subparagraph:

''(E) DIF RESTORATION PLANS.—

''(i) IN GENERAL.—Whenever—

''(I) the Corporation projects that the reserve ratio of the Deposit Insurance Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio; or

''(II) the reserve ratio of the Deposit Insurance Fund actually falls below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio without any determination under subclause (I) having been made,

the Corporation shall establish and implement a Deposit Insurance Fund restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Corporation determines to be appropriate.

''(ii) REQUIREMENTS OF RESTORATION PLAN.—A Deposit Insurance Fund restoration plan meets the requirements of this clause if the plan provides that the reserve ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio before the end of the 10-year period beginning upon the implementation of the plan.

''(iii) RESTRICTION ON ASSESSMENT CREDITS.—As part of any restoration plan under this subparagraph, the Corporation may elect to restrict the application of assessment credits provided under subsection (e)(3) for any period that the plan is in effect.

''(iv) LIMITATION ON RESTRICTION.—Notwithstanding clause (iii), while any restoration plan under this subparagraph is in effect, the Corporation shall apply credits provided to an insured depository institution under subsection (e)(3) against any assessment imposed on the institution for any assessment period in an amount equal to the lesser of—

''(I) the amount of the assessment; or

''(II) the amount equal to 3 basis points of the institution's assessment base.

''(v) TRANSPARENCY.—Not more than 30 days after the Corporation establishes and implements a restoration plan under clause (i), the Corporation shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.''.

SEC. 9. REGULATIONS REQUIRED.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe final regulations, after notice and opportunity for comment—

(1) designating the reserve ratio for the Deposit Insurance Fund in accordance with section 7(b)(3) of the Federal Deposit Insurance Act (as amended by section 5 of this Act);

(2) implementing increases in deposit insurance coverage in accordance with the amendments made by section 3 of this Act;

(3) implementing the dividend requirement under section 7(e)(2) of the Federal Deposit Insurance Act (as amended by section 7 of this Act).

(4) implementing the 1-time assessment credit to certain insured depository institutions in accordance with section 7(e)(3) of the Federal Deposit Insurance Act, as amended by section 7 of this Act, including the qualifications and procedures under which the Corporation would apply assessment credits; and

(5) providing for assessments under section 7(b) of the Federal Deposit Insurance Act, as amended by this Act.

(b) RULE OF CONSTRUCTION.—No provision of this Act or any amendment made by this Act shall be construed as affecting the authority of the Corporation to set or collect deposit insurance assessments before the effective date of the final regulations prescribed under subsection (a).

SEC. 10. STUDIES OF FDIC STRUCTURE AND EXPENSES AND CERTAIN ACTIVITIES AND FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM.

(a) STUDY BY COMPTROLLER GENERAL.—

(1) STUDY REQUIRED.—The Comptroller General shall conduct a study of the following issues:

(A) The efficiency and effectiveness of the administration of the prompt corrective action program under section 38 of the Federal Deposit Insurance Act by the Federal banking agencies (as defined in section 3 of such Act), including the degree of effectiveness of such agencies in identifying troubled depository institutions and taking effective action with respect to such institutions, and the degree of accuracy of the risk assessments made by the Corporation.

(B) The appropriateness of the organizational structure of the Federal Deposit Insurance Corporation for the mission of the Corporation taking into account—

(i) the current size and complexity of the business of insured depository institutions (as such term is defined in section 3 of the Federal Deposit Insurance Act);

(ii) the extent to which the organizational structure contributes to or reduces operational inefficiencies that increase operational costs; and

(iii) the effectiveness of internal controls.

(2) REPORT TO THE CONGRESS.—The Comptroller General shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Comptroller General with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(b) INTERNAL STUDY BY THE FDIC.—

(1) STUDY REQUIRED.—Concurrently with the study required to be conducted by the Comptroller General under subsection (a), the Federal Deposit Insurance Corporation shall conduct an internal study of the same conditions and factors included in the study under subsection (a).

(2) REPORT TO THE CONGRESS.—The Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Board of Directors of the Corporation may determine to be appropriate.

(c) STUDY OF FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM.—

(1) STUDY REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each conduct a study of the following:

(A) The feasibility of establishing a voluntary deposit insurance system for deposits in excess of the maximum amount of deposit insurance for any depositor and the potential benefits and the potential adverse consequences that may result from the establishment of any such system.

(B) The feasibility of privatizing all deposit insurance at insured depository institutions and insured credit unions.

(2) REPORT.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each submit a report to the Congress on the study required under paragraph (1) containing the findings and conclusions of the reporting agency together with such recommendations for legislative or administrative changes as the agency may determine to be appropriate.

(d) STUDY REGARDING APPROPRIATE DEPOSIT BASE IN DESIGNATING RESERVE RATIO.—

(1) STUDY REQUIRED.—The Federal Deposit Insurance Corporation shall conduct a study of the feasibility of using actual domestic deposits rather than estimated insured deposits in calculating the reserve ratio of the Deposit Insurance Fund and designating a reserve ratio for such Fund.

(2) REPORT.—The Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Board of Directors of the Corporation may determine to be appropriate.

(e) STUDY OF RESERVE METHODOLOGY AND ACCOUNTING FOR LOSS.—

(1) STUDY REQUIRED.—The Federal Deposit Insurance Corporation, in consultation with the Comptroller General, shall conduct a study of the reserve methodology and loss accounting used by the Corporation during the period beginning on January 1, 1992, and ending December 31, 2002, with respect to insured depository institutions in a troubled condition (as defined in the regulations prescribed pursuant to section 32(f) of the Federal Deposit Insurance Act).

(2) FACTORS TO BE INCLUDED.—In conducting the study pursuant to paragraph (1), the Federal Deposit Insurance Corporation shall—

(A) consider the overall effectiveness and accuracy of the methodology used by the Corporation for establishing and maintaining reserves and estimating and accounting for losses at insured depository institutions, during the period described in such paragraph;

(B) consider the appropriateness and reliability of information and criteria used by the Corporation in determining—

(i) whether an insured depository institution was in a troubled condition; and

(ii) the amount of any loss anticipated at such institution;

(C) analyze the actual historical loss experience over the period described in paragraph (1) and the causes of the exceptionally high

rate of losses experienced by the Corporation in the final 3 years of that period; and

(D) rate the efforts of the Corporation to reduce losses in such 3-year period to minimally acceptable levels and to historical levels.

(3) REPORT REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act, containing the findings and conclusions of the Corporation, in consultation with the Comptroller General, with respect to the study required under paragraph (1), together with such recommendations for legislative or administrative action as the Board of Directors may determine to be appropriate.

SEC. 11. BI-ANNUAL FDIC SURVEY AND REPORT ON INCREASING THE DEPOSIT BASE BY ENCOURAGING USE OF DEPOSITORY INSTITUTIONS BY THE UNBANKED.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 49. BI-ANNUAL FDIC SURVEY AND REPORT ON ENCOURAGING USE OF DEPOSITORY INSTITUTIONS BY THE UNBANKED.

''(a) SURVEY REQUIRED.—

''(1) IN GENERAL.—The Corporation shall conduct a bi-annual survey on efforts by insured depository institutions to bring those individuals and families who have rarely, if ever, held a checking account, a savings account or other type of transaction or check cashing account at an insured depository institution (hereafter in this section referred to as the 'unbanked') into the conventional finance system.

''(2) FACTORS AND QUESTIONS TO CONSIDER.—In conducting the survey, the Corporation shall take the following factors and questions into account:

''(A) To what extent do insured depository institutions promote financial education and financial literacy outreach?

''(B) Which financial education efforts appear to be the most effective in bringing 'unbanked' individuals and families into the conventional finance system?

''(C) What efforts are insured institutions making at converting 'unbanked' money order, wire transfer, and international remittance customers into conventional account holders?

''(D) What cultural, language and identification issues as well as transaction costs appear to most prevent 'unbanked' individuals from establishing conventional accounts?

''(E) What is a fair estimate of the size and worth of the 'unbanked' market in the United States?

''(b) REPORTS.—The Chairperson of the Board of Directors shall submit a bi-annual report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing the Corporation's findings and conclusions with respect to the survey conducted pursuant to subsection (a), together with such recommendations for legislative or administrative action as the Chairperson may determine to be appropriate.''.

SEC. 12. TECHNICAL AND CONFORMING AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 3 (12 U.S.C. 1813)—

(A) by striking subparagraph (B) of subsection (a)(1) and inserting the following new subparagraph:

''(B) includes any former savings association.''; and

(B) by striking paragraph (1) of subsection (y) (as so designated by section 5(b) of this Act) and inserting the following new paragraph:

''(1) DEPOSIT INSURANCE FUND.—The term 'Deposit Insurance Fund' means the Deposit Insurance Fund established under section 11(a)(4).'';

(2) in section 5(b)(5) (12 U.S.C. 1815(b)(5)), by striking ''the Bank Insurance Fund or the Savings Association Insurance Fund,'' and inserting ''the Deposit Insurance Fund,'';

(3) in section 5(c)(4), by striking ''deposit insurance fund'' and inserting ''Deposit Insurance Fund'';

(4) in section 5(d) (12 U.S.C. 1815(d)), by striking paragraphs (2) and (3) (and any funds resulting from the application of such paragraph (2) prior to its repeal shall be deposited into the general fund of the Deposit Insurance Fund);

(5) in section 5(d)(1) (12 U.S.C. 1815(d)(1))—

(A) in subparagraph (A), by striking ''reserve ratios in the Bank Insurance Fund and the Savings Association Insurance Fund as required by section 7'' and inserting ''the reserve ratio of the Deposit Insurance Fund'';

(B) by striking subparagraph (B) and inserting the following:

''(2) FEE CREDITED TO THE DEPOSIT INSURANCE FUND.—The fee paid by the depository institution under paragraph (1) shall be credited to the Deposit Insurance Fund.'';

(C) by striking ''(1) UNINSURED INSTITUTIONS.—''; and

(D) by redesignating subparagraphs (A) and (C) as paragraphs (1) and (3), respectively, and moving the left margins 2 ems to the left;

(6) in section 5(e) (12 U.S.C. 1815(e))—

(A) in paragraph (5)(A), by striking ''Bank Insurance Fund or the Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively;

(7) in section 6(5) (12 U.S.C. 1816(5)), by striking ''Bank Insurance Fund or the Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(8) in section 7(b) (12 U.S.C. 1817(b))—

(A) in paragraph (1)(C), by striking ''deposit insurance fund'' each place that term appears and inserting ''Deposit Insurance Fund'';

(B) in paragraph (1)(D), by striking ''each deposit insurance fund'' and inserting ''the Deposit Insurance Fund''; and

(C) in paragraph (5) (as so redesignated by section 4(e)(4) of this Act)—

(i) by striking ''any such assessment'' and inserting ''any such assessment is necessary'';

(ii) by striking subparagraph (B);

(iii) in subparagraph (A)—

(I) by striking ''(A) is necessary—'';

(II) by striking ''Bank Insurance Fund members'' and inserting ''insured depository institutions''; and

(III) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and moving the margins 2 ems to the left; and

(iv) in subparagraph (C) (as so redesignated)—

(I) by inserting ''that'' before ''the Corporation''; and

(II) by striking ''; and'' and inserting a period;

(9) in section 7(j)(7)(F) (12 U.S.C. 1817(j)(7)(F)), by striking ''Bank Insurance Fund or the Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(10) in section 8(t)(2)(C) (12 U.S.C. 1818(t)(2)(C)), by striking ''deposit insurance fund'' and inserting ''Deposit Insurance Fund'';

(11) in section 11 (12 U.S.C. 1821)—

(A) by striking ''deposit insurance fund'' each place that term appears and inserting ''Deposit Insurance Fund'';

(B) by striking paragraph (4) of subsection (a) and inserting the following new paragraph:

''(4) DEPOSIT INSURANCE FUND.—

''(A) ESTABLISHMENT.—There is established the Deposit Insurance Fund, which the Corporation shall—

''(i) maintain and administer;

''(ii) use to carry out its insurance purposes, in the manner provided by this subsection; and

''(iii) invest in accordance with section 13(a).

''(B) USES.—The Deposit Insurance Fund shall be available to the Corporation for use with respect to insured depository institutions the deposits of which are insured by the Deposit Insurance Fund.

''(C) LIMITATION ON USE.—Notwithstanding any provision of law other than section 13(c)(4)(G), the Deposit Insurance Fund shall not be used in any manner to benefit any shareholder or affiliate (other than an insured depository institution that receives assistance in accordance with the provisions of this Act) of—

''(i) any insured depository institution for which the Corporation has been appointed conservator or receiver, in connection with any type of resolution by the Corporation;

''(ii) any other insured depository institution in default or in danger of default, in connection with any type of resolution by the Corporation; or

''(iii) any insured depository institution, in connection with the provision of assistance under this section or section 13 with respect to such institution, except that this clause shall not prohibit any assistance to any insured depository institution that is not in default, or that is not in danger of default, that is acquiring (as defined in section 13(f)(8)(B)) another insured depository institution.

''(D) DEPOSITS.—All amounts assessed against insured depository institutions by the Corporation shall be deposited into the Deposit Insurance Fund.'';

(C) by striking paragraphs (5), (6), and (7) of subsection (a); and

(D) by redesignating paragraph (8) of subsection (a) as paragraph (5);

(12) in section 11(f)(1) (12 U.S.C. 1821(f)(1)), by striking '', except that—'' and all that follows through the end of the paragraph and inserting a period;

(13) in section 11(i)(3) (12 U.S.C. 1821(i)(3))—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (B); and

(C) in subparagraph (B) (as so redesignated), by striking ''subparagraphs (A) and (B)'' and inserting ''subparagraph (A)'';

(14) in section 11(p)(2)(B) (12 U.S.C. 1821(p)(2)(B)), by striking ''institution, any'' and inserting ''institution, the'';

(15) in section 11A(a) (12 U.S.C. 1821a(a))—

(A) in paragraph (2), by striking ''LIABILITIES.—'' and all that follows through ''Except'' and inserting ''LIABILITIES.—Except'';

(B) by striking paragraph (2)(B); and

(C) in paragraph (3), by striking ''the Bank Insurance Fund, the Savings Association Insurance Fund,'' and inserting ''the Deposit Insurance Fund'';

(16) in section 11A(b) (12 U.S.C. 1821a(b)), by striking paragraph (4);

(17) in section 11A(f) (12 U.S.C. 1821a(f)), by striking ''Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(18) in section 12(f)(4)(E)(iv) (12 U.S.C. 1822(f)(4)(E)(iv)), by striking ''Federal deposit insurance funds'' and inserting ''the Deposit Insurance Fund (or any predecessor deposit insurance fund)'';

(19) in section 13 (12 U.S.C. 1823)—

(A) by striking ''deposit insurance fund'' each place that term appears and inserting ''Deposit Insurance Fund'';

(B) in subsection (a)(1), by striking ''Bank Insurance Fund, the Savings Association Insurance Fund,'' and inserting ''Deposit Insurance Fund'';

(C) in subsection (c)(4)(E)—

(i) in the subparagraph heading, by striking ''FUNDS'' and inserting ''FUND''; and

(ii) in clause (i), by striking ''any insurance fund'' and inserting ''the Deposit Insurance Fund'';

(D) in subsection (c)(4)(G)(ii)—

(i) by striking ''appropriate insurance fund'' and inserting ''Deposit Insurance Fund'';

(ii) by striking ''the members of the insurance fund (of which such institution is a member)'' and inserting ''insured depository institutions'';

(iii) by striking ''each member's'' and inserting ''each insured depository institution's''; and

(iv) by striking ''the member's'' each place that term appears and inserting ''the institution's'';

(E) in subsection (c), by striking paragraph (11);

(F) in subsection (h), by striking ''Bank Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(G) in subsection (k)(4)(B)(i), by striking ''Savings Association Insurance Fund member'' and inserting ''savings association''; and

(H) in subsection (k)(5)(A), by striking ''Savings Association Insurance Fund members'' and inserting ''savings associations'';

(20) in section 14(a) (12 U.S.C. 1824(a)), in the 5th sentence—

(A) by striking ''Bank Insurance Fund or the Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund''; and

(B) by striking ''each such fund'' and inserting ''the Deposit Insurance Fund'';

(21) in section 14(b) (12 U.S.C. 1824(b)), by striking ''Bank Insurance Fund or Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(22) in section 14(c) (12 U.S.C. 1824(c)), by striking paragraph (3);

(23) in section 14(d) (12 U.S.C. 1824(d))—

(A) by striking ''Bank Insurance Fund member'' each place that term appears and inserting ''insured depository institution'';

(B) by striking ''Bank Insurance Fund members'' each place that term appears and inserting ''insured depository institutions'';

(C) by striking ''Bank Insurance Fund'' each place that term appears (other than in connection with a reference to a term amended by subparagraph (A) or (B) of this paragraph) and inserting ''Deposit Insurance Fund'';

(D) by striking the subsection heading and inserting the following:

''(d) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM INSURED DEPOSITORY INSTITUTIONS.—'';

(E) in paragraph (3), in the paragraph heading, by striking ''BIF'' and inserting ''THE DEPOSIT INSURANCE FUND''; and

(F) in paragraph (5), in the paragraph heading, by striking ''BIF MEMBERS'' and inserting ''INSURED DEPOSITORY INSTITUTIONS'';

(24) in section 14 (12 U.S.C. 1824), by adding at the end the following new subsection:

''(e) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM FEDERAL HOME LOAN BANKS.—

''(1) IN GENERAL.—The Corporation may borrow from the Federal home loan banks, with the concurrence of the Federal Housing Finance Board, such funds as the Corporation considers necessary for the use of the Deposit Insurance Fund.

''(2) TERMS AND CONDITIONS.—Any loan from any Federal home loan bank under paragraph (1) to the Deposit Insurance Fund shall—

''(A) bear a rate of interest of not less than the current marginal cost of funds to that bank, taking into account the maturities involved;

''(B) be adequately secured, as determined by the Federal Housing Finance Board;

''(C) be a direct liability of the Deposit Insurance Fund; and

''(D) be subject to the limitations of section 15(c).'';

(25) in section 15(c)(5) (12 U.S.C. 1825(c)(5))—

(A) by striking ''the Bank Insurance Fund or Savings Association Insurance Fund, respectively'' each place that term appears and inserting ''the Deposit Insurance Fund''; and

(B) in subparagraph (B), by striking ''the Bank Insurance Fund or the Savings Association Insurance Fund, respectively'' and inserting ''the Deposit Insurance Fund'';

(26) in section 17(a) (12 U.S.C. 1827(a))—

(A) in the subsection heading, by striking ''BIF, SAIF,'' and inserting ''THE DEPOSIT INSURANCE FUND''; and

(B) in paragraph (1)—

(i) by striking ''the Bank Insurance Fund, the Savings Association Insurance Fund,'' each place that term appears and inserting ''the Deposit Insurance Fund''; and

(ii) in subparagraph (D), by striking ''each insurance fund'' and inserting ''the Deposit Insurance Fund'';

(27) in section 17(d) (12 U.S.C. 1827(d)), by striking '', the Bank Insurance Fund, the Savings Association Insurance Fund,'' each place that term appears and inserting ''the Deposit Insurance Fund'';

(28) in section 18(m)(3) (12 U.S.C. 1828(m)(3))—

(A) by striking ''Savings Association Insurance Fund'' in the 1st sentence of subparagraph (A) and inserting ''Deposit Insurance Fund'';

(B) by striking ''Savings Association Insurance Fund member'' in the last sentence of subparagraph (A) and inserting ''savings association''; and

(C) by striking ''Savings Association Insurance Fund or the Bank Insurance Fund'' in subparagraph (C) and inserting ''Deposit Insurance Fund'';

(29) in section 18(o) (12 U.S.C. 1828(o)), by striking ''deposit insurance funds'' and ''deposit insurance fund'' each place those terms appear and inserting ''Deposit Insurance Fund'';

(30) in section 18(p) (12 U.S.C. 1828(p)), by striking ''deposit insurance funds'' and inserting ''Deposit Insurance Fund'';

(31) in section 24 (12 U.S.C. 1831a)—

(A) in subsections (a)(1) and (d)(1)(A), by striking ''appropriate deposit insurance fund'' each place that term appears and inserting ''Deposit Insurance Fund'';

(B) in subsection (e)(2)(A), by striking ''risk to'' and all that follows through the period and inserting ''risk to the Deposit Insurance Fund.''; and

(C) in subsections (e)(2)(B)(ii) and (f)(6)(B), by striking ''the insurance fund of which such bank is a member'' each place that term appears and inserting ''the Deposit Insurance Fund'';

(32) in section 28 (12 U.S.C. 1831e), by striking ''affected deposit insurance fund'' each place that term appears and inserting ''Deposit Insurance Fund'';

(33) by striking section 31 (12 U.S.C. 1831h);

(34) in section 36(i)(3) (12 U.S.C. 1831m(i)(3)), by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund'';

(35) in section 37(a)(1)(C) (12 U.S.C. 1831n(a)(1)(C)), by striking ''insurance funds'' and inserting ''Deposit Insurance Fund'';

(36) in section 38 (12 U.S.C. 1831o), by striking ''the deposit insurance fund'' each place that term appears and inserting ''the Deposit Insurance Fund'';

(37) in section 38(a) (12 U.S.C. 1831o(a)), in the subsection heading, by striking ''FUNDS'' and inserting ''FUND'';

(38) in section 38(k) (12 U.S.C. 1831o(k))—

(A) in paragraph (1), by striking ''a deposit insurance fund'' and inserting ''the Deposit Insurance Fund'';

(B) in paragraph (2), by striking ''A deposit insurance fund'' and inserting ''The Deposit Insurance Fund''; and

(C) in paragraphs (2)(A) and (3)(B), by striking ''the deposit insurance fund's outlays'' each place that term appears and inserting ''the outlays of the Deposit Insurance Fund''; and

(39) in section 38(o) (12 U.S.C. 1831o(o))—

(A) by striking ''ASSOCIATIONS.—'' and all that follows through ''Subsections (e)(2)'' and inserting ''ASSOCIATIONS.—Subsections (e)(2)'';

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving the margins 2 ems to the left; and

(C) in paragraph (1) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the left.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 13. OTHER TECHNICAL AND CONFORMING AMENDMENTS RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) SECTION 5136 OF THE REVISED STATUTES.—The paragraph designated the ''Eleventh'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended in the 5th sentence, by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund''.

(b) INVESTMENTS PROMOTING PUBLIC WELFARE; LIMITATIONS ON AGGREGATE INVESTMENTS.—The 23d undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended in the 4th sentence, by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund''.

(c) ADVANCES TO CRITICALLY UNDERCAPITALIZED DEPOSITORY INSTITUTIONS.—Section 10B(b)(3)(A)(ii) of the Federal Reserve Act (12 U.S.C. 347b(b)(3)(A)(ii)) is amended by striking ''any deposit insurance fund in'' and inserting ''the Deposit Insurance Fund of''.

(d) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended—

(1) by striking ''Bank Insurance Fund'' and inserting ''Deposit Insurance Fund''; and

(2) by striking ''Federal Deposit Insurance Corporation, Savings Association Insurance Fund (51–4066–0–3–373);''.

(e) AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended—

(1) in section 11(k) (12 U.S.C. 1431(k))—

(A) in the subsection heading, by striking ''SAIF'' and inserting ''THE DEPOSIT INSURANCE FUND''; and

(B) by striking ''Savings Association Insurance Fund'' each place such term appears and inserting ''Deposit Insurance Fund'';

(2) in section 21 (12 U.S.C. 1441)—

(A) in subsection (f)(2), by striking '', except that'' and all that follows through the

end of the paragraph and inserting a period; and

(B) in subsection (k), by striking paragraph (4);

(3) in section 21A(b)(4)(B) (12 U.S.C. 1441a(b)(4)(B)), by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund'';

(4) in section 21A(b)(6)(B) (12 U.S.C. 1441a(b)(6)(B))—

(A) in the subparagraph heading, by striking ''SAIF-INSURED BANKS'' and inserting ''CHARTER CONVERSIONS''; and

(B) by striking ''Savings Association Insurance Fund member'' and inserting ''savings association'';

(5) in section 21A(b)(10)(A)(iv)(II) (12 U.S.C. 1441a(b)(10)(A)(iv)(II)), by striking ''Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(6) in section 21A(n)(6)(E)(iv) (12 U.S.C. 1441(n)(6)(E)(iv)), by striking ''Federal deposit insurance funds'' and inserting ''the Deposit Insurance Fund'';

(7) in section 21B(e) (12 U.S.C. 1441b(e))—

(A) in paragraph (5), by inserting ''as of the date of funding'' after ''Savings Association Insurance Fund members'' each place that term appears; and

(B) by striking paragraphs (7) and (8); and

(8) in section 21B(k) (12 U.S.C. 1441b(k))—

(A) by inserting before the colon '', the following definitions shall apply'';

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

(f) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended—

(1) in section 5 (12 U.S.C. 1464)—

(A) in subsection (c)(5)(A), by striking ''that is a member of the Bank Insurance Fund'';

(B) in subsection (c)(6), by striking ''As used in this subsection—'' and inserting ''For purposes of this subsection, the following definitions shall apply:'';

(C) in subsection (o)(1), by striking ''that is a Bank Insurance Fund member'';

(D) in subsection (o)(2)(A), by striking ''a Bank Insurance Fund member until such time as it changes its status to a Savings Association Insurance Fund member'' and inserting ''insured by the Deposit Insurance Fund'';

(E) in subsection (t)(5)(D)(iii)(II), by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund'';

(F) in subsection (t)(7)(C)(i)(I), by striking ''affected deposit insurance fund'' and inserting ''Deposit Insurance Fund''; and

(G) in subsection (v)(2)(A)(i), by striking ''the Savings Association Insurance Fund'' and inserting ''or the Deposit Insurance Fund''; and

(2) in section 10 (12 U.S.C. 1467a)—

(A) in subsection (c)(6)(D), by striking ''this title'' and inserting ''this Act'';

(B) in subsection (e)(1)(B), by striking ''Savings Association Insurance Fund or Bank Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(C) in subsection (e)(2), by striking ''Savings Association Insurance Fund or the Bank Insurance Fund'' and inserting ''Deposit Insurance Fund'';

(D) in subsection (e)(4)(B), by striking ''subsection (1)'' and inserting ''subsection (l)'';

(E) in subsection (g)(3)(A), by striking ''(5) of this section'' and inserting ''(5) of this subsection'';

(F) in subsection (i), by redesignating paragraph (5) as paragraph (4);

(G) in subsection (m)(3), by striking subparagraph (E) and by redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively;

(H) in subsection (m)(7)(A), by striking ''during period'' and inserting ''during the period''; and

(I) in subsection (o)(3)(D), by striking ''sections 5(s) and (t) of this Act'' and inserting ''subsections (s) and (t) of section 5''.

(g) AMENDMENTS TO THE NATIONAL HOUSING ACT.—The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(1) in section 317(b)(1)(B) (12 U.S.C. 1723i(b)(1)(B)), by striking ''Bank Insurance Fund for banks or through the Savings Association Insurance Fund for savings associations'' and inserting ''Deposit Insurance Fund''; and

(2) in section 536(b)(1)(B)(ii) (12 U.S.C. 1735f–14(b)(1)(B)(ii)), by striking ''Bank Insurance Fund for banks and through the Savings Association Insurance Fund for savings associations'' and inserting ''Deposit Insurance Fund''.

(h) AMENDMENTS TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989.—The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended—

(1) in section 951(b)(3)(B) (12 U.S.C. 1833a(b)(3)(B)), by inserting ''and after the merger of such funds, the Deposit Insurance Fund,'' after ''the Savings Association Insurance Fund,''; and

(2) in section 1112(c)(1)(B) (12 U.S.C. 3341(c)(1)(B)), by striking ''Bank Insurance Fund, the Savings Association Insurance Fund,'' and inserting ''Deposit Insurance Fund''.

(i) AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended—

(1) in section 2(j)(2) (12 U.S.C. 1841(j)(2)), by striking ''Savings Association Insurance Fund'' and inserting ''Deposit Insurance Fund''; and

(2) in section 3(d)(1)(D)(iii) (12 U.S.C. 1842(d)(1)(D)(iii)), by striking ''appropriate deposit insurance fund'' and inserting ''Deposit Insurance Fund''.

(j) AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.—Section 114 of the Gramm-Leach-Bliley Act (12 U.S.C. 1828a) is amended by striking ''any Federal deposit insurance fund'' in subsection (a)(1)(B), paragraphs (2)(B) and (4)(B) of subsection (b), and subsection (c)(1)(B), each place that term appears and inserting ''the Deposit Insurance Fund''.

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that the yeas had it.

Mr. BACHUS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 11

¶34.7 [Roll No. 98]

YEAS—411

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

Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—11

Boucher
Cooper
DeFazio
Flake
Ose
Paul
Rohrabacher
Royce
Sanders
Stark
Taylor (MS)

NOT VOTING—12

Combest
Davis (TN)
Doolittle
Gephardt
Hyde
Jones (NC)
Kolbe
McCarthy (MO)
McInnis
Souder
Walden (OR)
Wynn

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶34.8 H. RES. 168—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 168) providing for the consideration of the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

The question being put,

Will the House order the previous question on said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 245 / Nays 177

¶34.9 [Roll No. 99]

YEAS—245

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

NAYS—177

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

NOT VOTING—12

Combest
Davis (TN)
Doolittle
Gephardt
Hyde
Jones (NC)
Kolbe
McCarthy (MO)
McInnis
Paul
Souder
Walden (OR)

So the previous question was ordered on the resolution.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶34.10 SOCIAL SECURITY PROTECTION

Mr. SHAW, pursuant to House Resolution 168, called up the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 168, the following amendment recommended by the Committee on Ways and Means, as printed in the bill, was considered as agreed to:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Social Security Protection Act of 2003''.

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

Sec. 1. Short title and table of contents.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational representative payees.

Sec. 102. Oversight of representative payees.

Sec. 103. Disqualification from service as representative payee of persons convicted of offenses resulting in imprisonment for more than 1 year or fleeing prosecution, custody, or confinement.
Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.
Sec. 105. Liability of representative payees for misused benefits.
Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.

Subtitle B—Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

TITLE II—PROGRAM PROTECTIONS

Sec. 201. Civil monetary penalty authority with respect to knowing withholding of material facts.
Sec. 202. Issuance by Commissioner of Social Security of receipts to acknowledge submission of reports of changes in work or earnings status of disabled beneficiaries.
Sec. 203. Denial of title II benefits to persons fleeing prosecution, custody, or confinement, and to persons violating probation or parole.
Sec. 204. Requirements relating to offers to provide for a fee a product or service available without charge from the Social Security Administration.
Sec. 205. Refusal to recognize certain individuals as claimant representatives.
Sec. 206. Penalty for corrupt or forcible interference with administration of Social Security Act.
Sec. 207. Use of symbols, emblems, or names in reference to social security or medicare.
Sec. 208. Disqualification from payment during trial work period upon conviction of fraudulent concealment of work activity.
Sec. 209. Authority for judicial orders of restitution.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.
Sec. 302. Extension of attorney fee payment system to title XVI claims.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.
Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 403. Funding of demonstration projects provided for reductions in disability insurance benefits based on earnings.
Sec. 404. Availability of Federal and State work incentive services to additional individuals.
Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Miscellaneous Amendments

Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.
Sec. 412. Nonpayment of benefits upon removal from the United States.
Sec. 413. Reinstatement of certain reporting requirements.
Sec. 414. Clarification of definitions regarding certain survivor benefits.
Sec. 415. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.
Sec. 416. Coverage under divided retirement system for public employees in Kentucky.
Sec. 417. Compensation for the Social Security Advisory Board.
Sec. 418. 60-month period of employment requirement for application of government pension offset exemption.

Subtitle C—Technical Amendments

Sec. 421. Technical correction relating to responsible agency head.
Sec. 422. Technical correction relating to retirement benefits of ministers.
Sec. 423. Technical corrections relating to domestic employment.
Sec. 424. Technical corrections of outdated references.
Sec. 425. Technical correction respecting self-employment income in community property States.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following new sentences: ''In any case in which a representative payee that—

''(A) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

''(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B).''.

(2) MISUSE OF BENEFITS DEFINED.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following new paragraph:

''(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this paragraph.''.

(b) TITLE VIII AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) (as amended by section 209(b)(1) of this Act) is amended further by inserting after the first sentence the following new sentences: ''In any case in which a representative payee that—

''(A) is not an individual; or

''(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (l)(2).''.

(2) MISUSE OF BENEFITS DEFINED.—Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following new subsection:

''(j) MISUSE OF BENEFITS.—For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person under this title and converts such payment, or any part thereof, to a use other than for the use and benefit of such person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this subsection.''.

(3) TECHNICAL AMENDMENT.—Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in the first sentence, by striking ''for his or her benefit'' and inserting ''for his or her use and benefit''.

(c) TITLE XVI AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following new sentences: ''In any case in which a representative payee that—

''(i) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of subparagraph (D)(ii)); or

''(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to the representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of the benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii).''.

(2) EXCLUSION OF REISSUED BENEFITS FROM RESOURCES.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(A) in paragraph (12), by striking ''and'' at the end;

(B) in paragraph (13), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (13) the following new paragraph:

''(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused.''.

(3) MISUSE OF BENEFITS DEFINED.—Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following new clause:

''(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) CERTIFICATION OF BONDING AND LICENSING REQUIREMENTS FOR NONGOVERNMENTAL ORGANIZATIONAL REPRESENTATIVE PAYEES.—

(1) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (2)(C)(v), by striking ''a community-based nonprofit social service agency licensed or bonded by the State'' in subclause (I) and inserting ''a certified community-based nonprofit social service agency (as defined in paragraph (9))'';

(B) in paragraph (3)(F), by striking ''community-based nonprofit social service agencies'' and inserting ''certified community-based nonprofit social service agencies (as defined in paragraph (9))'';

(C) in paragraph (4)(B), by striking ''any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee'' and inserting ''any certified community-based nonprofit social service agency (as defined in paragraph (9))''; and

(D) by adding after paragraph (8) (as added by section 101(a)(2) of this Act) the following new paragraph:

''(9) For purposes of this subsection, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in such State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on such agency which may have been performed since the previous certification.''.

(2) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (B)(vii), by striking ''a community-based nonprofit social service agency licensed or bonded by the State'' in subclause (I) and inserting ''a certified community-based nonprofit social service agency (as defined in subparagraph (I))'';

(B) in subparagraph (D)(ii)—

(i) by striking ''or any community-based'' and all that follows through ''in accordance'' in subclause (II) and inserting ''or any certified community-based nonprofit social service agency (as defined in subparagraph (I)), if the agency, in accordance'';

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margination accordingly); and

(iii) by striking ''subclause (II)(bb)'' and inserting ''subclause (II)''; and

(C) by adding at the end the following new subparagraph:

''(I) For purposes of this paragraph, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) PERIODIC ONSITE REVIEW.—

(1) TITLE II AMENDMENT.—Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

''(6)(A) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which—

''(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

''(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

''(iii) the representative payee is an agency (other than an agency described in clause (ii)) that serves in that capacity with respect to 50 or more such individuals.

''(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

''(i) the number of such reviews;

''(ii) the results of such reviews;

''(iii) the number of cases in which the representative payee was changed and why;

''(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(v) the number of cases discovered in which there was a misuse of funds;

''(vi) how any such cases of misuse of funds were dealt with by the Commissioner;

''(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(viii) such other information as the Commissioner deems appropriate.''.

(2) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following new subsection:

''(k) PERIODIC ONSITE REVIEW.—(1) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which—

''(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

''(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

''(2) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph (1) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

''(A) the number of such reviews;

''(B) the results of such reviews;

''(C) the number of cases in which the representative payee was changed and why;

''(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(E) the number of cases discovered in which there was a misuse of funds;

''(F) how any such cases of misuse of funds were dealt with by the Commissioner;

''(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(H) such other information as the Commissioner deems appropriate.''.

(3) TITLE XVI AMENDMENT.—Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

''(G)(i) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which—

''(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

''(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

''(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

''(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to clause (i) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include—

''(I) the number of the reviews;

''(II) the results of such reviews;

''(III) the number of cases in which the representative payee was changed and why;

''(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(V) the number of cases discovered in which there was a misuse of funds;

''(VI) how any such cases of misuse of funds were dealt with by the Commissioner;

''(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(VIII) such other information as the Commissioner deems appropriate.''.

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE OF PERSONS CONVICTED OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR OR FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT.

(a) TITLE II AMENDMENTS.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking ''and'' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

''(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year,

''(V) obtain information concerning whether such person is a person described in section 202(x)(1)(A)(iv), and'';

(2) in subparagraph (B), by adding at the end the following new clause:

''(iii) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this paragraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(I) such person is described in section 202(x)(1)(A)(iv),

''(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(III) the location or apprehension of such person is within the officer's official duties.'';

(3) in subparagraph (C)(i)(II), by striking ''subparagraph (B)(i)(IV),,'' and inserting ''subparagraph (B)(i)(VI)'' and striking ''section 1631(a)(2)(B)(ii)(IV)'' and inserting ''section 1631(a)(2)(B)(ii)(VI)''; and

(4) in subparagraph (C)(i)—

(A) by striking ''or'' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and

(C) by adding at the end the following new subclauses:

''(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction, or

''(V) such person is person described in section 202(x)(1)(A)(iv).''.

(b) TITLE VIII AMENDMENTS.—Section 807 of such Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)(2)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

''(D) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

''(E) obtain information concerning whether such person is a person described in section 804(a)(2); and'';

(2) in subsection (b), by adding at the end the following new paragraph:

''(3) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subsection, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(A) such person is described in section 804(a)(2),

''(B) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(C) the location or apprehension of such person is within the officer's official duties.''; and

(3) in subsection (d)(1)—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

''(E) such person is a person described in section 804(a)(2).''.

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) by striking ''and'' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

''(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

''(V) obtain information concerning whether such person is a person described in section 1611(e)(4)(A); and'';

(2) in clause (iii)(II)—

(A) by striking ''clause (ii)(IV)'' and inserting ''clause (ii)(VI)''; and

(B) by striking ''section 205(j)(2)(B)(i)(IV)'' and inserting ''section 205(j)(2)(B)(i)(VI)'';

(3) in clause (iii)—

(A) by striking ''or'' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

''(IV) the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

''(V) such person is a person described in section 1611(e)(4)(A).''; and

(4) by adding at the end the following new clause:

''(xiv) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subparagraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(I) such person is described in section 1611(e)(4)(A),

''(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(III) the location or apprehension of such person is within the officer's official duties.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(e) REPORT TO THE CONGRESS.—The Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, shall prepare a report evaluating whether the existing procedures and reviews for the qualification (including disqualification) of representative payees are sufficient to enable the Commissioner to protect benefits from being misused by representative payees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act. The Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended—

(1) in the first sentence, by striking ''A'' and inserting ''Except as provided in the next sentence, a''; and

(2) in the second sentence, by striking ''The Secretary'' and inserting the following:

''A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of paragraphs (5) and (6). The Commissioner''.

(b) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended—

(1) in the first sentence, by striking ''A'' and inserting ''Except as provided in the next sentence, a''; and

(2) in the second sentence, by striking ''The Commissioner'' and inserting the following: ''A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of subparagraphs (E) and (F). The Commissioner''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102) is amended further—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking ''paragraph (9)'' and inserting ''paragraph (10)'';

(3) in paragraph (6)(A)(ii), by striking ''paragraph (9)'' and inserting ''paragraph (10)''; and

(4) by inserting after paragraph (6) the following new paragraph:

''(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of

such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual's alternative representative payee.

''(B) The total of the amount certified for payment to such individual or such individual's alternative representative payee under subparagraph (A) and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(b) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following new subsection:

''(l) LIABILITY FOR MISUSED AMOUNTS.—

''(1) IN GENERAL.—If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of a qualified individual's benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such qualified individual or such qualified individual's alternative representative payee.

''(2) LIMITATION.—The total of the amount paid to such individual or such individual's alternative representative payee under paragraph (1) and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102(b)(3)) is amended further—

(1) in subparagraph (G)(i)(II), by striking ''section 205(j)(9)'' and inserting ''section 205(j)(10)''; and

(2) by striking subparagraph (H) and inserting the following:

''(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

''(ii) The total of the amount paid to such individual or such individual's alternative representative payee under clause (i) and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) TITLE II AMENDMENTS.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) (as amended by sections 102(a)(1)(B) and 105(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.''.

(b) TITLE VIII AMENDMENTS.—Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.—In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.''.

(c) TITLE XVI AMENDMENT.—Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following new clause:

''(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.''.

(d) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

Subtitle B—Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8) is amended by adding at the end the following new paragraph:

''(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II—PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO KNOWING WITHHOLDING OF MATERIAL FACTS.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking ''who'' in the first sentence and inserting ''who—'';

(B) by striking ''makes'' in the first sentence and all that follows through ''shall be subject to,'' and inserting the following:

''(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading,

''(B) makes such a statement or representation for such use with knowing disregard for the truth, or

''(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to,'';

(C) by inserting ''or each receipt of such benefits or payments while withholding disclosure of such fact'' after ''each such statement or representation'' in the first sentence;

(D) by inserting ''or because of such withholding of disclosure of a material fact'' after ''because of such statement or representation'' in the second sentence; and

(E) by inserting ''or such a withholding of disclosure'' after ''such a statement or representation'' in the second sentence.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—Section 1129A(a) of such Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking ''who'' the first place it appears and inserting ''who—''; and

(B) by striking ''makes'' and all that follows through ''shall be subject to,'' and inserting the following:

''(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI that the person knows or should know is false or misleading,

''(2) makes such a statement or representation for such use with knowing disregard for the truth, or

''(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to,''.

(b) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking ''In the case of amounts recovered arising out of a determination relating to title VIII

or XVI,'' and inserting ''In the case of any other amounts recovered under this section,''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking ''charging fraud or false statements''.

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking ''and representations'' and inserting '', representations, or actions''.

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking ''statement or representation referred to in subsection (a) was made'' and inserting ''violation occurred''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations committed after the date on which the Commissioner implements the centralized computer file described in section 202.

SEC. 202. ISSUANCE BY COMMISSIONER OF SOCIAL SECURITY OF RECEIPTS TO ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES IN WORK OR EARNINGS STATUS OF DISABLED BENEFICIARIES.

Effective as soon as possible, but not later than 1 year after the date of the enactment of this Act, until such time as the Commissioner of Social Security implements a centralized computer file recording the date of the submission of information by a disabled beneficiary (or representative) regarding a change in the beneficiary's work or earnings status, the Commissioner shall issue a receipt to the disabled beneficiary (or representative) each time he or she submits documentation, or otherwise reports to the Commissioner, on a change in such status.

SEC. 203. DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking ''Prisoners'' and all that follows and inserting the following: ''Prisoners, Certain Other Inmates of Publicly Funded Institutions, Fugitives, Probationers, and Parolees'';

(2) in paragraph (1)(A)(ii)(IV), by striking ''or'' at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

''(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or

''(v) is violating a condition of probation or parole imposed under Federal or State law.

In the case of an individual from whom such monthly benefits have been withheld pursuant to clause (iv) or (v), the Commissioner may, for good cause shown, pay such withheld benefits to the individual.''; and

(5) in paragraph (3), by adding at the end the following new subparagraph:

''(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

''(i) the beneficiary—

''(I) is described in clause (iv) or (v) of paragraph (1)(A); and

''(II) has information that is necessary for the officer to conduct the officer's official duties; and

''(ii) the location or apprehension of the beneficiary is within the officer's official duties.''.

(b) REGULATIONS.—Not later than the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act, the Commissioner of Social Security shall promulgate regulations governing payment by the Commissioner, for good cause shown, of withheld benefits, pursuant to the last sentence of section 202(x)(1)(A) of the Social Security Act (as amended by subsection (a)).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act.

SEC. 204. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 1140 of the Social Security Act (42 U.S.C. 1320b–10) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that—

''(i) explains that the product or service is available free of charge from the Social Security Administration, and

''(ii) complies with standards prescribed by the Commissioner of Social Security respecting the content of such notice and its placement, visibility, and legibility.

''(B) Subparagraph (A) shall not apply to any offer—

''(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

''(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI.''; and

(2) in the heading, by striking ''PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE'' and inserting ''PROHIBITIONS RELATING TO REFERENCES''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within 1 year after the date of the enactment of this Act.

SEC. 205. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: ''Notwithstanding the preceding sentences, the Commissioner, after due notice and opportunity for hearing, (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.''.

SEC. 206. PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129A the following new section:

''ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT

''SEC. 1129B. Whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the Social Security Administration (including any State employee of a disability determination service or any other individual designated by the Commissioner of Social Security) acting in an official capacity to carry out a duty under this Act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this Act, shall be fined not more than $5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than $3,000, imprisoned not more than 1 year, or both. In this subsection, the term 'threats of force' means threats of harm to the officer or employee of the United States or to a contractor of the Social Security Administration, or to a member of the family of such an officer or employee or contractor.''.

SEC. 207. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) IN GENERAL.—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b–10(a)(1)) is amended—

(1) in subparagraph (A), by inserting '' 'Centers for Medicare & Medicaid Services','' after '' 'Health Care Financing Administration','', by striking ''or 'Medicaid','' and inserting '' 'Medicaid', 'Death Benefits Update', 'Federal Benefit Information', 'Funeral Expenses', or 'Final Supplemental Plan','' and by inserting '' 'CMS','' after '' 'HCFA','';

(2) in subparagraph (B), by inserting ''Centers for Medicare & Medicaid Services,'' after ''Health Care Financing Administration,'' each place it appears; and

(3) in the matter following subparagraph (B), by striking ''the Health Care Financing Administration,'' each place it appears and inserting ''the Centers for Medicare & Medicaid Services,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items sent after 180 days after the date of the enactment of this Act.

SEC. 208. DISQUALIFICATION FROM PAYMENT DURING TRIAL WORK PERIOD UPON CONVICTION OF FRAUDULENT CONCEALMENT OF WORK ACTIVITY.

(a) IN GENERAL.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following new paragraph:

''(5) Upon conviction by a Federal court that an individual has fraudulently concealed work activity during a period of trial work from the Commissioner of Social Security by—

''(A) providing false information to the Commissioner of Social Security as to whether the individual had earnings in or for a particular period, or as to the amount thereof;

''(B) receiving disability insurance benefits under this title while engaging in work activity under another identity, including under another social security account number or a number purporting to be a social security account number; or

''(C) taking other actions to conceal work activity with an intent fraudulently to secure payment in a greater amount than is due or when no payment is authorized,

no benefit shall be payable to such individual under this title with respect to a period of disability for any month before such conviction during which the individual rendered services during the period of trial work with respect to which the fraudulently concealed work activity occurred, and amounts otherwise due under this title as restitution, penalties, assessments, fines, or other repayments shall in all cases be in addition to any amounts for which such individual is liable as overpayments by reason of such concealment.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to work activity performed after the date of the enactment of this Act.

SEC. 209. AUTHORITY FOR JUDICIAL ORDERS OF RESTITUTION.

(a) AMENDMENTS TO TITLE II.—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

''(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

''(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

''(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefore.''.

(b) AMENDMENTS TO TITLE VIII.—Section 807(i) of such Act (42 U.S.C. 1007(i)) is amended—

(1) by striking ''(i) RESTITUTION.—In any case where'' and inserting the following:

''(i) RESTITUTION.—

''(1) IN GENERAL.—In any case where''; and

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

''(2) COURT ORDER FOR RESTITUTION.—

''(A) IN GENERAL.—Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

''(B) RELATED PROVISIONS.—Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this paragraph. In so applying such sections, the Social Security Administration shall be considered the victim.

''(C) STATED REASONS FOR NOT ORDERING RESTITUTION.—If the court does not order restitution, or orders only partial restitution, under this paragraph, the court shall state on the record the reasons therefore.''.

(c) AMENDMENTS TO TITLE XVI.—Section 1632 of such Act (42 U.S.C. 1383a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

''(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

''(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefore.''.

(d) SPECIAL ACCOUNT FOR RECEIPT OF RESTITUTION PAYMENTS.—Section 704(b) of such Act (42 U.S.C. 904(b)) is amended by adding at the end the following new paragraph:

''(3)(A) Except as provided in subparagraph (B), amounts received by the Social Security Administration pursuant to an order of restitution under section 208(b), 807(i), or 1632(b) shall be credited to a special fund established in the Treasury of the United States for amounts so received or recovered. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out titles II, VIII, and XVI.

''(B) Subparagraph (A) shall not apply with respect to amounts received in connection with misuse by a representative payee (within the meaning of sections 205(j), 807, and 1631(a)(2)) of funds paid as benefits under title II, VIII, or XVI. Such amounts received in connection with misuse of funds paid as benefits under title II shall be transferred to the Managing Trustee of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and such amounts shall be deposited by the Managing Trustee into such Trust Fund. All other such amounts shall be deposited by the Commissioner into the general fund of the Treasury as miscellaneous receipts.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to violations occurring on or after the date of the enactment of this Act.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

(a) IN GENERAL.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended—

(1) by inserting '', except that the maximum amount of the assessment may not exceed the greater of $75 or the adjusted amount as provided pursuant to the following two sentences'' after ''subparagraph (B)''; and

(2) by adding at the end the following new sentence: ''In the case of any calendar year beginning after the amendments made by section 301 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 of the Social Security Act on or after the first day of the first month that begins after 180 days after the date of the enactment of this Act.

SEC. 302. EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.

(a) IN GENERAL.—Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by striking ''section 206(a)'' and inserting ''section 206'';

(B) by striking ''(other than paragraph (4) thereof)'' and inserting ''(other than subsections (a)(4) and (d) thereof)''; and

(C) by striking ''paragraph (2) thereof'' and inserting ''such section'';

(2) in subparagraph (A)(i), by striking ''in subparagraphs (A)(ii)(I) and (C)(i),'' and inserting ''in subparagraphs (A)(ii)(I) and (D)(i) of subsection (a)(2)'', and by striking ''and'' at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:

''(ii) by substituting, in subsections (a)(2)(B) and (b)(1)(B)(i), the phrase 'section 1631(a)(7)(A) or the requirements of due process of law' for the phrase 'subsection (g) or (h) of section 223';

''(iii) by substituting, in subsection (a)(2)(C)(i), the phrase 'under title II' for the phrase 'under title XVI';

''(iv) by substituting, in subsection (b)(1)(A), the phrase 'pay the amount of such fee' for the phrase 'certify the amount of such fee for payment' and by striking, in subsection (b)(1)(A), the phrase 'or certified for payment'; and

''(v) by substituting, in subsection (b)(1)(B)(ii), the phrase 'deemed to be such amounts as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)' for the phrase 'determined before any applicable reduction under section 1127(a))'.''; and

(4) by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) Subject to subparagraph (C), if the claimant is determined to be entitled to past-due benefits under this title and the person representing the claimant is an attorney, the Commissioner of Social Security shall pay out of such past-due benefits to such attorney an amount equal to the lesser of—

''(i) so much of the maximum fee as does not exceed 25 percent of such past-due benefits (as determined before any applicable reduction under section 1631(g) and reduced by the amount of any reduction in benefits under this title or title II pursuant to section 1127(a)), or

''(ii) the amount of past-due benefits available after any applicable reductions under sections 1631(g) and 1127(a).

''(C)(i) Whenever a fee for services is required to be paid to an attorney from a claimant's past-due benefits pursuant to subparagraph (B), the Commissioner shall impose on the attorney an assessment calculated in accordance with clause (ii).

''(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed $75. In the case of any calendar year beginning after the amendments made by section 302 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.

''(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

''(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant's past-due benefits.

''(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

''(v) Assessments on attorneys collected under this subparagraph shall be deposited in the Treasury in a separate fund created for this purpose.

''(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 1631(d)(2) of the Social Security Act on or after the first day of the first month that begins after 270 days after the date of the enactment of this Act.

(2) SUNSET.—Such amendments shall not apply with respect to fees for representation of claimants in the case of any claim for benefits with respect to which the agreement for representation is entered into after 5 years after the date on which the Commissioner of Social Security first implements the amendments made by this section.

(c) STUDY REGARDING FEE-WITHHOLDING FOR NON-ATTORNEY REPRESENTATIVES.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study regarding fee-withholding for non-attorney representatives representing claimants before the Social Security Administration.

(2) MATTERS TO BE STUDIED.—In conducting the study under this subsection, the Comptroller General shall—

(A) compare the non-attorney representatives who seek fee approval for representing claimants before the Social Security Administration to attorney representatives who seek such fee approval, with regard to—

(i) their training, qualifications, and competency,

(ii) the type and quality of services provided, and

(iii) the extent to which claimants are protected through oversight of such representatives by the Social Security Administration or other organizations, and

(B) consider the potential results of extending to non-attorney representatives the fee withholding procedures that apply under titles II and XVI of the Social Security Act for the payment of attorney fees, including the effect on claimants and program administration.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the results of the Comptroller General's study conducted pursuant to this subsection.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended—

(1) in the first sentence of subsection (c), by striking ''conducted under subsection (a)'' and inserting ''initiated under subsection (a) on or before December 17, 2004''; and

(2) in subsection (d)(2), by amending the first sentence to read as follows: ''The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2004.''.

SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE IN CONNECTION WITH DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking ''(42 U.S.C. 401 et seq.),'' and inserting ''(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b–19) as they relate to the program established under title II of such Act,''.

SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PROVIDED FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

''(f) EXPENDITURES.—Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, from funds available for benefits under such title II or XVIII.''.

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) FEDERAL WORK INCENTIVES OUTREACH PROGRAM.—

(1) IN GENERAL.—Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b–20(c)(2)) is amended to read as follows:

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

''(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

''(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

''(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

''(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act.

(b) STATE GRANTS FOR WORK INCENTIVES ASSISTANCE.—

(1) DEFINITION OF DISABLED BENEFICIARY.—Section 1150(g)(2) of such Act (42 U.S.C. 1320b–21(g)(2)) is amended to read as follows:

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

''(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

''(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

''(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

''(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.''.

(2) ADVOCACY OR OTHER SERVICES NEEDED TO MAINTAIN GAINFUL EMPLOYMENT.—Section 1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2)) is amended by striking ''secure or regain'' and inserting ''secure, maintain, or regain''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to payments provided after the date of the enactment of this Act.

SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREATMENT FOR CERTAIN PURPOSES OF INDIVIDUAL WORK PLANS UNDER THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Section 1148(g)(1) of the Social Security Act (42 U.S.C. 1320b–19) is amended by adding at the end, after and below subparagraph (E), the following new sentence:

''An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1921).

Subtitle B—Miscellaneous Amendments

SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN REMAND CASES FULLY FAVORABLE TO THE CLAIMANT.

(a) IN GENERAL.—Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking ''and a transcript'' and inserting ''and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 202(n) of the Social Security Act (42 U.S.C. 402(n)(1), (2)) are each amended by striking ''or (1)(E)''.

(b) EFFECTIVE DATE.—The amendment made by this section to section 202(n)(1) of the Social Security Act shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice from the Attorney General after the date of the enactment of this Act. The amendment made by this section to section 202(n)(2) of the Social Security Act shall apply with respect to removals occurring after the date of the enactment of this Act.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3)).

SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) WIDOWS.—Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting ''except as provided in paragraph (2),'' before ''she was married'';

(4) by inserting ''(1)'' after ''(c)''; and

(5) by adding at the end the following new paragraph:

''(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if—

''(A) the individual had been married prior to the individual's marriage to the surviving wife,

''(B) the prior wife was institutionalized during the individual's marriage to the prior wife due to mental incompetence or similar incapacity,

''(C) during the period of the prior wife's institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

''(D) the prior wife continued to remain institutionalized up to the time of her death, and

''(E) the individual married the surviving wife within 60 days after the prior wife's death.''.

(b) WIDOWERS.—Section 216(g) of such Act (42 U.S.C. 416(g)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting ''except as provided in paragraph (2),'' before ''he was married'';

(4) by inserting ''(1)'' after ''(g)''; and

(5) by adding at the end the following new paragraph:

''(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if—

''(A) the individual had been married prior to the individual's marriage to the surviving husband,

''(B) the prior husband was institutionalized during the individual's marriage to the prior husband due to mental incompetence or similar incapacity,

''(C) during the period of the prior husband's institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

''(D) the prior husband continued to remain institutionalized up to the time of his death, and

''(E) the individual married the surviving husband within 60 days after the prior husband's death.''.

(c) CONFORMING AMENDMENT.—Section 216(k) of such Act (42 U.S.C. 416(k)) is amended by striking ''clause (5) of subsection (c) or clause (5) of subsection (g)'' and inserting ''clause (E) of subsection (c)(1) or clause (E) of subsection (g)(1)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA TAX EXEMPTIONS FOR AN INDIVIDUAL WHOSE EARNINGS ARE SUBJECT TO THE LAWS OF A TOTALIZATION AGREEMENT PARTNER.

Sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1986 are each amended by striking ''to taxes or contributions for similar purposes under'' and inserting ''exclusively to the laws applicable to''.

SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

(a) IN GENERAL.—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting ''Kentucky,'' after ''Illinois,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2003.

SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVISORY BOARD.

(a) IN GENERAL.—Subsection (f) of section 703 of the Social Security Act (42 U.S.C. 903(f)) is amended to read as follows:

''Compensation, Expenses, and Per Diem

''(f) A member of the Board shall, for each day (including traveltime) during which the member is attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be compensated at the daily rate of basic pay for level IV of the Executive Schedule. While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of January 1, 2003.

SEC. 418. 60-MONTH PERIOD OF EMPLOYMENT REQUIREMENT FOR APPLICATION OF GOVERNMENT PENSION OFFSET EXEMPTION.

(a) WIFE'S INSURANCE BENEFITS.—Section 202(b)(4)(A) of the Social Security Act (42 U.S.C. 402(b)(4)(A)) is amended by striking ''if, on'' and inserting ''if, during any portion of the last 60 months of such service ending with''.

(b) HUSBAND'S INSURANCE BENEFITS.—Section 202(c)(2)(A) of such Act (42 U.S.C. 402(c)(2)(A)) is amended by striking ''if, on'' and inserting ''if, during any portion of the last 60 months of such service ending with''.

(c) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(7)(A) of such Act (42 U.S.C. 402(e)(7)(A)) is amended by striking ''if, on'' and inserting ''if, during any portion of the last 60 months of such service ending with''.

(d) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking ''if, on'' and inserting ''if, during any portion of the last 60 months of such service ending with''.

(e) MOTHER'S AND FATHER'S INSURANCE BENEFITS.—Section 202(g)(4)(A) of the such Act (42 U.S.C. 402(g)(4)(A)) is amended by striking ''if, on'' and inserting '''if, during any portion of the last 60 months of such service ending with''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to applications for benefits under title II of the Social Security Act filed on or after the first day of the first month that begins after the date of the enactment of this Act, except that such amendments shall not apply in connection with monthly periodic benefits of any individual based on earnings while in service described in section 202(b)(4)(A), 202(c)(2)(A), 202(e)(7)(A), or 202(f)(2)(A) of the Social Security Act (in the matter preceding clause (i) thereof)—

(1) if the last day of such service occurs before the end of the 90-day period following the date of the enactment of this Act, or

(2) in any case in which the last day of such service occurs after the end of such 90-day period, such individual performed such service during such 90-day period which constituted ''employment'' as defined in section 210 of such Act, and all such service subsequently performed by such individual has constituted such ''employment''.

Subtitle C—Technical Amendments

SEC. 421. TECHNICAL CORRECTION RELATING TO RESPONSIBLE AGENCY HEAD.

Section 1143 of the Social Security Act (42 U.S.C. 1320b–13) is amended—

(1) by striking ''Secretary'' the first place it appears and inserting ''Commissioner of Social Security''; and

(2) by striking ''Secretary'' each subsequent place it appears and inserting ''Commissioner''.

SEC. 422. TECHNICAL CORRECTION RELATING TO RETIREMENT BENEFITS OF MINISTERS.

(a) IN GENERAL.—Section 211(a)(7) of the Social Security Act (42 U.S.C. 411(a)(7)) is amended by inserting '', but shall not include in any such net earnings from self-employment the rental value of any parsonage or any parsonage allowance (whether or not excluded under section 107 of the Internal Revenue Code of 1986) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e) of such Code) after the individual retires'' before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 423. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) AMENDMENT TO INTERNAL REVENUE CODE.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking ''described in subsection (g)(5)'' and inserting ''on a farm operated for profit''.

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking ''described in section 210(f)(5)'' and inserting ''on a farm operated for profit''.

(c) CONFORMING AMENDMENT.—Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking ''or is domestic service in a private home of the employer''.

SEC. 424. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) CORRECTION OF TERMINOLOGY AND CITATIONS RESPECTING REMOVAL FROM THE UNITED STATES.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by section 412) is amended further—

(1) by striking ''deportation'' each place it appears and inserting ''removal'';

(2) by striking ''deported'' each place it appears and inserting ''removed'';

(3) in paragraph (1) (in the matter preceding subparagraph (A)), by striking ''under section 241(a) (other than under paragraph (1)(C) thereof)'' and inserting ''under section 237(a) (other than paragraph (1)(C) thereof) or 212(a)(6)(A)'';

(4) in paragraph (2), by striking ''under any of the paragraphs of section 241(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) thereof)'' and inserting ''under any of the paragraphs of section 237(a) of the Immigration and Nationality Act (other than paragraph (1)(C) thereof) or under section 212(a)(6)(A) of such Act'';

(5) in paragraph (3)—

(A) by striking ''paragraph (19) of section 241(a)'' and inserting ''subparagraph (D) of section 237(a)(4)''; and

(B) by striking ''paragraph (19)'' and inserting ''subparagraph (D)''; and

(6) in the heading, by striking ''Deportation'' and inserting ''Removal''.

(b) CORRECTION OF CITATION RESPECTING THE TAX DEDUCTION RELATING TO HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—

Section 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amended by striking ''section 162(m)'' and inserting ''section 162(l)''.

(c) ELIMINATION OF REFERENCE TO OBSOLETE 20-DAY AGRICULTURAL WORK TEST.—Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking ''and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis''.

SEC. 425. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES.

(a) SOCIAL SECURITY ACT AMENDMENT.—Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking ''all of the gross income'' and all that follows and inserting ''the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions;''.

(b) INTERNAL REVENUE CODE OF 1986 AMENDMENT.—Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking ''all of the gross income'' and all that follows and inserting ''the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions; and''.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 168, Mr. GREEN of Texas, submitted the following further amendment in the nature of a substitute as printed in House Report 108-46:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Social Security Protection Act of 2003''.

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

Sec. 1. Short title and table of contents.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

Sec. 101. Authority to reissue benefits misused by organizational representative payees.
Sec. 102. Oversight of representative payees.
Sec. 103. Disqualification from service as representative payee of persons convicted of offenses resulting in imprisonment for more than 1 year or fleeing prosecution, custody, or confinement.
Sec. 104. Fee forfeiture in case of benefit misuse by representative payees.
Sec. 105. Liability of representative payees for misused benefits.
Sec. 106. Authority to redirect delivery of benefit payments when a representative payee fails to provide required accounting.

Subtitle B—Enforcement

Sec. 111. Civil monetary penalty authority with respect to wrongful conversions by representative payees.

TITLE II—PROGRAM PROTECTIONS

Sec. 201. Civil monetary penalty authority with respect to knowing withholding of material facts.
Sec. 202. Issuance by Commissioner of Social Security of receipts to acknowledge submission of reports of changes in work or earnings status of disabled beneficiaries.
Sec. 203. Denial of title II benefits to persons fleeing prosecution, custody, or confinement, and to persons violating probation or parole.
Sec. 204. Requirements relating to offers to provide for a fee a product or service available without charge from the Social Security Administration.
Sec. 205. Refusal to recognize certain individuals as claimant representatives.
Sec. 206. Penalty for corrupt or forcible interference with administration of Social Security Act.
Sec. 207. Use of symbols, emblems, or names in reference to social security or medicare.
Sec. 208. Disqualification from payment during trial work period upon conviction of fraudulent concealment of work activity.
Sec. 209. Authority for judicial orders of restitution.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

Sec. 301. Cap on attorney assessments.
Sec. 302. Extension of attorney fee payment system to title XVI claims.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Sec. 401. Application of demonstration authority sunset date to new projects.
Sec. 402. Expansion of waiver authority available in connection with demonstration projects providing for reductions in disability insurance benefits based on earnings.
Sec. 403. Funding of demonstration projects provided for reductions in disability insurance benefits based on earnings.
Sec. 404. Availability of Federal and State work incentive services to additional individuals.
Sec. 405. Technical amendment clarifying treatment for certain purposes of individual work plans under the Ticket to Work and Self-Sufficiency Program.

Subtitle B—Miscellaneous Amendments

Sec. 411. Elimination of transcript requirement in remand cases fully favorable to the claimant.
Sec. 412. Nonpayment of benefits upon removal from the United States.
Sec. 413. Reinstatement of certain reporting requirements.
Sec. 414. Clarification of definitions regarding certain survivor benefits.
Sec. 415. Clarification respecting the FICA and SECA tax exemptions for an individual whose earnings are subject to the laws of a totalization agreement partner.
Sec. 416. Coverage under divided retirement system for public employees in Kentucky.
Sec. 417. Compensation for the Social Security Advisory Board.

Subtitle C—Technical Amendments

Sec. 421. Technical correction relating to responsible agency head.
Sec. 422. Technical correction relating to retirement benefits of ministers.
Sec. 423. Technical corrections relating to domestic employment.
Sec. 424. Technical corrections of outdated references.
Sec. 425. Technical correction respecting self-employment income in community property States.

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following new sentences: ''In any case in which a representative payee that—

''(A) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

''(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B).''.

(2) MISUSE OF BENEFITS DEFINED.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following new paragraph:

''(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this paragraph.''.

(b) TITLE VIII AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) (as amended by section 209(b)(1) of this Act) is amended further by inserting after the first sentence the following new sentences: ''In any case in which a representative payee that—

''(A) is not an individual; or

''(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (l)(2).''.

(2) MISUSE OF BENEFITS DEFINED.—Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following new subsection:

''(j) MISUSE OF BENEFITS.—For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person under this title and converts such payment, or any part thereof, to a use other than for the use and benefit of such person. The Commissioner of Social Security may prescribe by regulation the meaning of the

term 'use and benefit' for purposes of this subsection.''.

(3) TECHNICAL AMENDMENT.—Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in the first sentence, by striking ''for his or her benefit'' and inserting ''for his or her use and benefit''.

(c) TITLE XVI AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following new sentences: ''In any case in which a representative payee that—

''(i) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of subparagraph (D)(ii)); or

''(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to the representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of the benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii).''.

(2) EXCLUSION OF REISSUED BENEFITS FROM RESOURCES.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(A) in paragraph (12), by striking ''and'' at the end;

(B) in paragraph (13), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (13) the following new paragraph:

''(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused.''.

(3) MISUSE OF BENEFITS DEFINED.—Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following new clause:

''(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) CERTIFICATION OF BONDING AND LICENSING REQUIREMENTS FOR NONGOVERNMENTAL ORGANIZATIONAL REPRESENTATIVE PAYEES.—

(1) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (2)(C)(v), by striking ''a community-based nonprofit social service agency licensed or bonded by the State'' in subclause (I) and inserting ''a certified community-based nonprofit social service agency (as defined in paragraph (9))'';

(B) in paragraph (3)(F), by striking ''community-based nonprofit social service agencies'' and inserting ''certified community-based nonprofit social service agencies (as defined in paragraph (9))'';

(C) in paragraph (4)(B), by striking ''any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee'' and inserting ''any certified community-based nonprofit social service agency (as defined in paragraph (9))''; and

(D) by adding after paragraph (8) (as added by section 101(a)(2) of this Act) the following new paragraph:

''(9) For purposes of this subsection, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in such State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on such agency which may have been performed since the previous certification.''.

(2) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (B)(vii), by striking ''a community-based nonprofit social service agency licensed or bonded by the State'' in subclause (I) and inserting ''a certified community-based nonprofit social service agency (as defined in subparagraph (I))'';

(B) in subparagraph (D)(ii)—

(i) by striking ''or any community-based'' and all that follows through ''in accordance'' in subclause (II) and inserting ''or any certified community-based nonprofit social service agency (as defined in subparagraph (I)), if the agency, in accordance'';

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margination accordingly); and

(iii) by striking ''subclause (II)(bb)'' and inserting ''subclause (II)''; and

(C) by adding at the end the following new subparagraph:

''(I) For purposes of this paragraph, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) PERIODIC ONSITE REVIEW.—

(1) TITLE II AMENDMENT.—Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

''(6)(A) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which—

''(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

''(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

''(iii) the representative payee is an agency (other than an agency described in clause (ii)) that serves in that capacity with respect to 50 or more such individuals.

''(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

''(i) the number of such reviews;

''(ii) the results of such reviews;

''(iii) the number of cases in which the representative payee was changed and why;

''(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(v) the number of cases discovered in which there was a misuse of funds;

''(vi) how any such cases of misuse of funds were dealt with by the Commissioner;

''(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(viii) such other information as the Commissioner deems appropriate.''.

(2) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following new subsection:

''(k) PERIODIC ONSITE REVIEW.—(1) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which—

''(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

''(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

''(2) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph (1) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

''(A) the number of such reviews;

''(B) the results of such reviews;

''(C) the number of cases in which the representative payee was changed and why;

''(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(E) the number of cases discovered in which there was a misuse of funds;

''(F) how any such cases of misuse of funds were dealt with by the Commissioner;

''(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(H) such other information as the Commissioner deems appropriate.''.

(3) TITLE XVI AMENDMENT.—Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

''(G)(i) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which—

''(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

''(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

''(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

''(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to clause (i) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include—

''(I) the number of the reviews;

''(II) the results of such reviews;

''(III) the number of cases in which the representative payee was changed and why;

''(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(V) the number of cases discovered in which there was a misuse of funds;

''(VI) how any such cases of misuse of funds were dealt with by the Commissioner;

''(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(VIII) such other information as the Commissioner deems appropriate.''.

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE OF PERSONS CONVICTED OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR OR FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT.

(a) TITLE II AMENDMENTS.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking ''and'' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

''(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year,

''(V) obtain information concerning whether such person is a person described in section 202(x)(1)(A)(iv), and'';

(2) in subparagraph (B), by adding at the end the following new clause:

''(iii) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this paragraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(I) such person is described in section 202(x)(1)(A)(iv),

''(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(III) the location or apprehension of such person is within the officer's official duties.'';

(3) in subparagraph (C)(i)(II), by striking ''subparagraph (B)(i)(IV),,'' and inserting ''subparagraph (B)(i)(VI)'' and striking ''section 1631(a)(2)(B)(ii)(IV)'' and inserting ''section 1631(a)(2)(B)(ii)(VI)''; and

(4) in subparagraph (C)(i)—

(A) by striking ''or'' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and

(C) by adding at the end the following new subclauses:

''(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction, or

''(V) such person is person described in section 202(x)(1)(A)(iv).''.

(b) TITLE VIII AMENDMENTS.—Section 807 of such Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)(2)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

''(D) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

''(E) obtain information concerning whether such person is a person described in section 804(a)(2); and'';

(2) in subsection (b), by adding at the end the following new paragraph:

''(3) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subsection, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(A) such person is described in section 804(a)(2),

''(B) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(C) the location or apprehension of such person is within the officer's official duties.''; and

(3) in subsection (d)(1)—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

''(E) such person is a person described in section 804(a)(2).''.

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) by striking ''and'' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

''(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

''(V) obtain information concerning whether such person is a person described in section 1611(e)(4)(A); and'';

(2) in clause (iii)(II)—

(A) by striking ''clause (ii)(IV)'' and inserting ''clause (ii)(VI)''; and

(B) by striking ''section 205(j)(2)(B)(i)(IV)'' and inserting ''section 205(j)(2)(B)(i)(VI)'';

(3) in clause (iii)—

(A) by striking ''or'' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

''(IV) the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

''(V) such person is a person described in section 1611(e)(4)(A).''; and

(4) by adding at the end the following new clause:

''(xiv) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subparagraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(I) such person is described in section 1611(e)(4)(A),

''(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(III) the location or apprehension of such person is within the officer's official duties.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(e) REPORT TO THE CONGRESS.—The Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, shall prepare a report evaluating whether the existing procedures and reviews for the qualification (including disqualification) of representative payees are sufficient to enable the Commissioner to protect benefits from being misused by representative payees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act. The Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended—

(1) in the first sentence, by striking ''A'' and inserting ''Except as provided in the next sentence, a''; and

(2) in the second sentence, by striking ''The Secretary'' and inserting the following: ''A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of paragraphs (5) and (6). The Commissioner''.

(b) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended—

(1) in the first sentence, by striking ''A'' and inserting ''Except as provided in the next sentence, a''; and

(2) in the second sentence, by striking ''The Commissioner'' and inserting the following: ''A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of subparagraphs (E) and (F). The Commissioner''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102) is amended further—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking ''paragraph (9)'' and inserting ''paragraph (10)'';

(3) in paragraph (6)(A)(ii), by striking ''paragraph (9)'' and inserting ''paragraph (10)''; and

(4) by inserting after paragraph (6) the following new paragraph:

''(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual's alternative representative payee.

''(B) The total of the amount certified for payment to such individual or such individual's alternative representative payee under subparagraph (A) and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(b) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following new subsection:

''(l) LIABILITY FOR MISUSED AMOUNTS.—

''(1) IN GENERAL.—If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of a qualified individual's benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such qualified individual or such qualified individual's alternative representative payee.

''(2) LIMITATION.—The total of the amount paid to such individual or such individual's alternative representative payee under paragraph (1) and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102(b)(3)) is amended further—

(1) in subparagraph (G)(i)(II), by striking ''section 205(j)(9)'' and inserting ''section 205(j)(10)''; and

(2) by striking subparagraph (H) and inserting the following:

''(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

''(ii) The total of the amount paid to such individual or such individual's alternative representative payee under clause (i) and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) TITLE II AMENDMENTS.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) (as amended by sections 102(a)(1)(B) and 105(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.''.

(b) TITLE VIII AMENDMENTS.—Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.—In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.''.

(c) TITLE XVI AMENDMENT.—Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following new clause:

''(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.''.

(d) EFFECTIVE DATE.—The amendment made by this section shall take effect 180

days after the date of the enactment of this Act.

Subtitle B—Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8) is amended by adding at the end the following new paragraph:

''(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II—PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO KNOWING WITHHOLDING OF MATERIAL FACTS.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking ''who'' in the first sentence and inserting ''who—'';

(B) by striking ''makes'' in the first sentence and all that follows through ''shall be subject to,'' and inserting the following:

''(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading,

''(B) makes such a statement or representation for such use with knowing disregard for the truth, or

''(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to,'';

(C) by inserting ''or each receipt of such benefits or payments while withholding disclosure of such fact'' after ''each such statement or representation'' in the first sentence;

(D) by inserting ''or because of such withholding of disclosure of a material fact'' after ''because of such statement or representation'' in the second sentence; and

(E) by inserting ''or such a withholding of disclosure'' after ''such a statement or representation'' in the second sentence.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—Section 1129A(a) of such Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking ''who'' the first place it appears and inserting ''who—''; and

(B) by striking ''makes'' and all that follows through ''shall be subject to,'' and inserting the following:

''(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI that the person knows or should know is false or misleading,

''(2) makes such a statement or representation for such use with knowing disregard for the truth, or

''(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to,''.

(b) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking ''In the case of amounts recovered arising out of a determination relating to title VIII or XVI,'' and inserting ''In the case of any other amounts recovered under this section,''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking ''charging fraud or false statements''.

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking ''and representations'' and inserting '', representations, or actions''.

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking ''statement or representation referred to in subsection (a) was made'' and inserting ''violation occurred''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations committed after the date on which the Commissioner implements the centralized computer file described in section 202.

SEC. 202. ISSUANCE BY COMMISSIONER OF SOCIAL SECURITY OF RECEIPTS TO ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES IN WORK OR EARNINGS STATUS OF DISABLED BENEFICIARIES.

Effective as soon as possible, but not later than 1 year after the date of the enactment of this Act, until such time as the Commissioner of Social Security implements a centralized computer file recording the date of the submission of information by a disabled beneficiary (or representative) regarding a change in the beneficiary's work or earnings status, the Commissioner shall issue a receipt to the disabled beneficiary (or representative) each time he or she submits documentation, or otherwise reports to the Commissioner, on a change in such status.

SEC. 203. DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking ''Prisoners'' and all that follows and inserting the following: ''Prisoners, Certain Other Inmates of Publicly Funded Institutions, Fugitives, Probationers, and Parolees'';

(2) in paragraph (1)(A)(ii)(IV), by striking ''or'' at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

''(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or

''(v) is violating a condition of probation or parole imposed under Federal or State law.

In the case of an individual from whom such monthly benefits have been withheld pursuant to clause (iv) or (v), the Commissioner may, for good cause shown, pay such withheld benefits to the individual.''; and

(5) in paragraph (3), by adding at the end the following new subparagraph:

''(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

''(i) the beneficiary—

''(I) is described in clause (iv) or (v) of paragraph (1)(A); and

''(II) has information that is necessary for the officer to conduct the officer's official duties; and

''(ii) the location or apprehension of the beneficiary is within the officer's official duties.''.

(b) REGULATIONS.—Not later than the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act, the Commissioner of Social Security shall promulgate regulations governing payment by the Commissioner, for good cause shown, of withheld benefits, pursuant to the last sentence of section 202(x)(1)(A) of the Social Security Act (as amended by subsection (a)).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act.

SEC. 204. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 1140 of the Social Security Act (42 U.S.C. 1320b–10) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that—

''(i) explains that the product or service is available free of charge from the Social Security Administration, and

''(ii) complies with standards prescribed by the Commissioner of Social Security respecting the content of such notice and its placement, visibility, and legibility.

''(B) Subparagraph (A) shall not apply to any offer—

''(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

''(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI.''; and

(2) in the heading, by striking ''PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE'' and inserting ''PROHIBITIONS RELATING TO REFERENCES''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within 1 year after the date of the enactment of this Act.

SEC. 205. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: ''Notwithstanding the preceding sentences, the Commissioner, after due notice and opportunity for hearing, (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.''.

SEC. 206. PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129A the following new section:

''ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT

''SEC. 1129B. Whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the Social Security Administration (including any State employee of a disability determination service or any other individual designated by the Commissioner of Social Security) acting in an official capacity to carry out a duty under this Act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this Act, shall be fined not more than $5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than $3,000, imprisoned not more than 1 year, or both. In this subsection, the term 'threats of force' means threats of harm to the officer or employee of the United States or to a contractor of the Social Security Administration, or to a member of the family of such an officer or employee or contractor.''.

SEC. 207. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) IN GENERAL.—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b–10(a)(1)) is amended—

(1) in subparagraph (A), by inserting '' 'Centers for Medicare & Medicaid Services','' after '' 'Health Care Financing Administration','', by striking ''or 'Medicaid','' and inserting '' 'Medicaid', 'Death Benefits Update', 'Federal Benefit Information', 'Funeral Expenses', or 'Final Supplemental Plan','' and by inserting '' 'CMS','' after '' 'HCFA','';

(2) in subparagraph (B), by inserting ''Centers for Medicare & Medicaid Services,'' after ''Health Care Financing Administration,'' each place it appears; and

(3) in the matter following subparagraph (B), by striking ''the Health Care Financing Administration,'' each place it appears and inserting ''the Centers for Medicare & Medicaid Services,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items sent after 180 days after the date of the enactment of this Act.

SEC. 208. DISQUALIFICATION FROM PAYMENT DURING TRIAL WORK PERIOD UPON CONVICTION OF FRAUDULENT CONCEALMENT OF WORK ACTIVITY.

(a) IN GENERAL.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following new paragraph:

''(5) Upon conviction by a Federal court that an individual has fraudulently concealed work activity during a period of trial work from the Commissioner of Social Security by—

''(A) providing false information to the Commissioner of Social Security as to whether the individual had earnings in or for a particular period, or as to the amount thereof;

''(B) receiving disability insurance benefits under this title while engaging in work activity under another identity, including under another social security account number or a number purporting to be a social security account number; or

''(C) taking other actions to conceal work activity with an intent fraudulently to secure payment in a greater amount than is due or when no payment is authorized,

no benefit shall be payable to such individual under this title with respect to a period of disability for any month before such conviction during which the individual rendered services during the period of trial work with respect to which the fraudulently concealed work activity occurred, and amounts otherwise due under this title as restitution, penalties, assessments, fines, or other repayments shall in all cases be in addition to any amounts for which such individual is liable as overpayments by reason of such concealment.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to work activity performed after the date of the enactment of this Act.

SEC. 209. AUTHORITY FOR JUDICIAL ORDERS OF RESTITUTION.

(a) AMENDMENTS TO TITLE II.—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

''(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

''(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

''(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefore.''.

(b) AMENDMENTS TO TITLE VIII.—Section 807(i) of such Act (42 U.S.C. 1007(i)) is amended—

(1) by striking ''(i) RESTITUTION.—In any case where'' and inserting the following:

''(i) RESTITUTION.—

''(1) IN GENERAL.—In any case where''; and

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

''(2) COURT ORDER FOR RESTITUTION.—

''(A) IN GENERAL.—Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

''(B) RELATED PROVISIONS.—Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this paragraph. In so applying such sections, the Social Security Administration shall be considered the victim.

''(C) STATED REASONS FOR NOT ORDERING RESTITUTION.—If the court does not order restitution, or orders only partial restitution, under this paragraph, the court shall state on the record the reasons therefore.''.

(c) AMENDMENTS TO TITLE XVI.—Section 1632 of such Act (42 U.S.C. 1383a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

''(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

''(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefore.''.

(d) SPECIAL ACCOUNT FOR RECEIPT OF RESTITUTION PAYMENTS.—Section 704(b) of such Act (42 U.S.C. 904(b)) is amended by adding at the end the following new paragraph:

''(3)(A) Except as provided in subparagraph (B), amounts received by the Social Security Administration pursuant to an order of restitution under section 208(b), 807(i), or 1632(b) shall be credited to a special fund established in the Treasury of the United States for amounts so received or recovered. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out titles II, VIII, and XVI.

''(B) Subparagraph (A) shall not apply with respect to amounts received in connection with misuse by a representative payee (within the meaning of sections 205(j), 807, and 1631(a)(2)) of funds paid as benefits under title II, VIII, or XVI. Such amounts received in connection with misuse of funds paid as benefits under title II shall be transferred to the Managing Trustee of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as

determined appropriate by the Commissioner of Social Security, and such amounts shall be deposited by the Managing Trustee into such Trust Fund. All other such amounts shall be deposited by the Commissioner into the general fund of the Treasury as miscellaneous receipts.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to violations occurring on or after the date of the enactment of this Act.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

(a) IN GENERAL.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended—

(1) by inserting '', except that the maximum amount of the assessment may not exceed the greater of $75 or the adjusted amount as provided pursuant to the following two sentences'' after ''subparagraph (B)''; and

(2) by adding at the end the following new sentence: ''In the case of any calendar year beginning after the amendments made by section 301 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 of the Social Security Act on or after the first day of the first month that begins after 180 days after the date of the enactment of this Act.

SEC. 302. EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.

(a) IN GENERAL.—Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by striking ''section 206(a)'' and inserting ''section 206'';

(B) by striking ''(other than paragraph (4) thereof)'' and inserting ''(other than subsections (a)(4) and (d) thereof)''; and

(C) by striking ''paragraph (2) thereof'' and inserting ''such section'';

(2) in subparagraph (A)(i), by striking ''in subparagraphs (A)(ii)(I) and (C)(i),'' and inserting ''in subparagraphs (A)(ii)(I) and (D)(i) of subsection (a)(2)'', and by striking ''and'' at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:

''(ii) by substituting, in subsections (a)(2)(B) and (b)(1)(B)(i), the phrase 'section 1631(a)(7)(A) or the requirements of due process of law' for the phrase 'subsection (g) or (h) of section 223';

''(iii) by substituting, in subsection (a)(2)(C)(i), the phrase 'under title II' for the phrase 'under title XVI';

''(iv) by substituting, in subsection (b)(1)(A), the phrase 'pay the amount of such fee' for the phrase 'certify the amount of such fee for payment' and by striking, in subsection (b)(1)(A), the phrase 'or certified for payment'; and

''(v) by substituting, in subsection (b)(1)(B)(ii), the phrase 'deemed to be such amounts as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)' for the phrase 'determined before any applicable reduction under section 1127(a))'.''; and

(4) by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) Subject to subparagraph (C), if the claimant is determined to be entitled to past-due benefits under this title and the person representing the claimant is an attorney, the Commissioner of Social Security shall pay out of such past-due benefits to such attorney an amount equal to the lesser of—

''(i) so much of the maximum fee as does not exceed 25 percent of such past-due benefits (as determined before any applicable reduction under section 1631(g) and reduced by the amount of any reduction in benefits under this title or title II pursuant to section 1127(a)), or

''(ii) the amount of past-due benefits available after any applicable reductions under sections 1631(g) and 1127(a).

''(C)(i) Whenever a fee for services is required to be paid to an attorney from a claimant's past-due benefits pursuant to subparagraph (B), the Commissioner shall impose on the attorney an assessment calculated in accordance with clause (ii).

''(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed $75. In the case of any calendar year beginning after the amendments made by section 302 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.

''(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

''(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant's past-due benefits.

''(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

''(v) Assessments on attorneys collected under this subparagraph shall be deposited in the Treasury in a separate fund created for this purpose.

''(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 1631(d)(2) of the Social Security Act on or after the first day of the first month that begins after 270 days after the date of the enactment of this Act.

(2) SUNSET.—Such amendments shall not apply with respect to fees for representation of claimants in the case of any claim for benefits with respect to which the agreement for representation is entered into after 5 years after the date on which the Commissioner of Social Security first implements the amendments made by this section.

(c) STUDY REGARDING FEE-WITHHOLDING FOR NON-ATTORNEY REPRESENTATIVES.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study regarding fee-withholding for non-attorney representatives representing claimants before the Social Security Administration.

(2) MATTERS TO BE STUDIED.—In conducting the study under this subsection, the Comptroller General shall—

(A) compare the non-attorney representatives who seek fee approval for representing claimants before the Social Security Administration to attorney representatives who seek such fee approval, with regard to—

(i) their training, qualifications, and competency,

(ii) the type and quality of services provided, and

(iii) the extent to which claimants are protected through oversight of such representatives by the Social Security Administration or other organizations, and

(B) consider the potential results of extending to non-attorney representatives the fee withholding procedures that apply under titles II and XVI of the Social Security Act for the payment of attorney fees, including the effect on claimants and program administration.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the results of the Comptroller General's study conducted pursuant to this subsection.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended—

(1) in the first sentence of subsection (c), by striking ''conducted under subsection (a)'' and inserting ''initiated under subsection (a) on or before December 17, 2004''; and

(2) in subsection (d)(2), by amending the first sentence to read as follows: ''The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2004.''.

SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE IN CONNECTION WITH DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking ''(42 U.S.C. 401 et seq.),'' and inserting ''(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b–19)

as they relate to the program established under title II of such Act,''.

SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PROVIDED FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

''(f) EXPENDITURES.—Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, from funds available for benefits under such title II or XVIII.''.

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) FEDERAL WORK INCENTIVES OUTREACH PROGRAM.—

(1) IN GENERAL.—Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b–20(c)(2)) is amended to read as follows:

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

''(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

''(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

''(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

''(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act.

(b) STATE GRANTS FOR WORK INCENTIVES ASSISTANCE.—

(1) DEFINITION OF DISABLED BENEFICIARY.—Section 1150(g)(2) of such Act (42 U.S.C. 1320b–21(g)(2)) is amended to read as follows:

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

''(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

''(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

''(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

''(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.''.

(2) ADVOCACY OR OTHER SERVICES NEEDED TO MAINTAIN GAINFUL EMPLOYMENT.—Section 1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2)) is amended by striking ''secure or regain'' and inserting ''secure, maintain, or regain''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to payments provided after the date of the enactment of this Act.

SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREATMENT FOR CERTAIN PURPOSES OF INDIVIDUAL WORK PLANS UNDER THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Section 1148(g)(1) of the Social Security Act (42 U.S.C. 1320b–19) is amended by adding at the end, after and below subparagraph (E), the following new sentence:

''An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1921).

Subtitle B—Miscellaneous Amendments

SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN REMAND CASES FULLY FAVORABLE TO THE CLAIMANT.

(a) IN GENERAL.—Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking ''and a transcript'' and inserting ''and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 202(n) of the Social Security Act (42 U.S.C. 402(n)(1), (2)) are each amended by striking ''or (1)(E)''.

(b) EFFECTIVE DATE.—The amendment made by this section to section 202(n)(1) of the Social Security Act shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice from the Attorney General after the date of the enactment of this Act. The amendment made by this section to section 202(n)(2) of the Social Security Act shall apply with respect to removals occurring after the date of the enactment of this Act.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3)).

SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) WIDOWS.—Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting ''except as provided in paragraph (2),'' before ''she was married'';

(4) by inserting ''(1)'' after ''(c)''; and

(5) by adding at the end the following new paragraph:

''(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if—

''(A) the individual had been married prior to the individual's marriage to the surviving wife,

''(B) the prior wife was institutionalized during the individual's marriage to the prior wife due to mental incompetence or similar incapacity,

''(C) during the period of the prior wife's institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

''(D) the prior wife continued to remain institutionalized up to the time of her death, and

''(E) the individual married the surviving wife within 60 days after the prior wife's death.''.

(b) WIDOWERS.—Section 216(g) of such Act (42 U.S.C. 416(g)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting ''except as provided in paragraph (2),'' before ''he was married'';

(4) by inserting ''(1)'' after ''(g)''; and

(5) by adding at the end the following new paragraph:

''(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if—

''(A) the individual had been married prior to the individual's marriage to the surviving husband,

''(B) the prior husband was institutionalized during the individual's marriage to the prior husband due to mental incompetence or similar incapacity,

''(C) during the period of the prior husband's institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

''(D) the prior husband continued to remain institutionalized up to the time of his death, and

''(E) the individual married the surviving husband within 60 days after the prior husband's death.''.

(c) CONFORMING AMENDMENT.—Section 216(k) of such Act (42 U.S.C. 416(k)) is amended by striking ''clause (5) of subsection (c) or clause (5) of subsection (g)'' and inserting ''clause (E) of subsection (c)(1) or clause (E) of subsection (g)(1)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA TAX EXEMPTIONS FOR AN INDIVIDUAL WHOSE EARNINGS ARE SUBJECT TO THE LAWS OF A TOTALIZATION AGREEMENT PARTNER.

Sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1986 are each amended by striking ''to taxes or contributions for similar purposes under'' and inserting ''exclusively to the laws applicable to''.

SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

(a) IN GENERAL.—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting ''Kentucky,'' after ''Illinois,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2003.

SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVISORY BOARD.

(a) IN GENERAL.—Subsection (f) of section 703 of the Social Security Act (42 U.S.C. 903(f)) is amended to read as follows:

''Compensation, Expenses, and Per Diem

''(f) A member of the Board shall, for each day (including traveltime) during which the member is attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be compensated at the daily rate of basic pay for level IV of the Executive Schedule. While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of January 1, 2003.

Subtitle C—Technical Amendments

SEC. 421. TECHNICAL CORRECTION RELATING TO RESPONSIBLE AGENCY HEAD.

Section 1143 of the Social Security Act (42 U.S.C. 1320b–13) is amended—

(1) by striking ''Secretary'' the first place it appears and inserting ''Commissioner of Social Security''; and

(2) by striking ''Secretary'' each subsequent place it appears and inserting ''Commissioner''.

SEC. 422. TECHNICAL CORRECTION RELATING TO RETIREMENT BENEFITS OF MINISTERS.

(a) IN GENERAL.—Section 211(a)(7) of the Social Security Act (42 U.S.C. 411(a)(7)) is amended by inserting '', but shall not include in any such net earnings from self-employment the rental value of any parsonage or any parsonage allowance (whether or not excluded under section 107 of the Internal Revenue Code of 1986) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e) of such Code) after the individual retires'' before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 423. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) AMENDMENT TO INTERNAL REVENUE CODE.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking ''described in subsection (g)(5)'' and inserting ''on a farm operated for profit''.

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking ''described in section 210(f)(5)'' and inserting ''on a farm operated for profit''.

(c) CONFORMING AMENDMENT.—Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking ''or is domestic service in a private home of the employer''.

SEC. 424. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) CORRECTION OF TERMINOLOGY AND CITATIONS RESPECTING REMOVAL FROM THE UNITED STATES.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by section 412) is amended further—

(1) by striking ''deportation'' each place it appears and inserting ''removal'';

(2) by striking ''deported'' each place it appears and inserting ''removed'';

(3) in paragraph (1) (in the matter preceding subparagraph (A)), by striking ''under section 241(a) (other than under paragraph (1)(C) thereof)'' and inserting ''under section 237(a) (other than paragraph (1)(C) thereof) or 212(a)(6)(A)'';

(4) in paragraph (2), by striking ''under any of the paragraphs of section 241(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) thereof)'' and inserting ''under any of the paragraphs of section 237(a) of the Immigration and Nationality Act (other than paragraph (1)(C) thereof) or under section 212(a)(6)(A) of such Act'';

(5) in paragraph (3)—

(A) by striking ''paragraph (19) of section 241(a)'' and inserting ''subparagraph (D) of section 237(a)(4)''; and

(B) by striking ''paragraph (19)'' and inserting ''subparagraph (D)''; and

(6) in the heading, by striking ''Deportation'' and inserting ''Removal''.

(b) CORRECTION OF CITATION RESPECTING THE TAX DEDUCTION RELATING TO HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—Section 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amended by striking ''section 162(m)'' and inserting ''section 162(l)''.

(c) ELIMINATION OF REFERENCE TO OBSOLETE 20-DAY AGRICULTURAL WORK TEST.—Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking ''and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis''.

SEC. 425. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES.

(a) SOCIAL SECURITY ACT AMENDMENT.—Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking ''all of the gross income'' and all that follows and inserting ''the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions;''.

(b) INTERNAL REVENUE CODE OF 1986 AMENDMENT.—Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking ''all of the gross income'' and all that follows and inserting ''the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions; and''.

After debate,

Pursuant to House Resolution 168, the previous question was ordered on the bill, as amended, and on the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. GREEN of Texas objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 196 / Nays ..... 228 }

¶34.11 [Roll No. 100]

YEAS—196

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

NAYS—228

Abercrombie
Aderholt
Akin
Bachus
Baird
Baker
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)

Brown-Waite, Ginny
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barrett (SC)
Combest
Davis (TN)
Gephardt
Hyde
McCarthy (MO)
McInnis
Nethercutt
Souder
Walden (OR)

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. GREEN of Texas moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House promptly with an amendment addressing the concerns of Federal, State, and local government employees about the government pension offset under title II of the Social Security Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. GREEN of Texas demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 203 / Nays 220

¶34.12 [Roll No. 101]

AYES—203

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

NOES—220

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

NOT VOTING—11

Combest
Davis (TN)
Gephardt
Hyde
McCarthy (MO)
McInnis
Nethercutt
Paul
Pitts
Souder
Walden (OR)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. SHAW demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 396 / Nays 28

¶34.13 [Roll No. 102]

AYES—396

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen

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

NOES—28

Bell
Carter
Conyers
Davis (IL)
Doggett
Edwards
Frost
Gonzalez
Granger
Green (TX)
Hall
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Lampson
Lewis (GA)
Michaud
Ortiz
Paul
Reyes
Rodriguez
Rush
Sandlin
Schakowsky
Stenholm
Turner (TX)
Watson

NOT VOTING—10

Combest
Davis (TN)
Davis, Jo Ann
Gephardt
Hyde
McCarthy (MO)
McInnis
Nethercutt
Tierney
Walden (OR)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶34.14 RECESS—3:03 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 3 minutes p.m., subject to the call of the Chair.

¶34.15 AFTER RECESS—5:27 P.M.

The SPEAKER pro tempore, Mr. HENSARLING, called the House to order.

¶34.16 EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS

Mr. YOUNG of Florida submitted a privileged report (Rept. No. 108–55) on the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶34.17 PROVIDING FOR THE CONSIDERATION OF H.R. 1559

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–57) the resolution (H. Res. 172) providing for the consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶34.18 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 704. An Act to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces; to the Committee on Armed Services.

S. 711. An Act to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized; to the Committee on Armed Services.

S. 712. An Act to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training; to the Committee on Armed Services.

S. 718. An Act to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan; to the Committee on Armed Services.

¶34.19 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MCINNIS, for today.

And then,

¶34.20 ADJOURNMENT

On motion of Mr. TANCREDO, at 10 o'clock and 22 minutes p.m., the House adjourned.

¶34.21 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 1559. A bill making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes (Rept. 108–55). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 1280. A bill to reauthorize the Defense Production Act of 1950, and for other purposes (Rept. 108–56). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 172. Resolution providing for consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes (Rept. 108–57). Referred to the House Calendar.

¶34.22 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH (for himself, Mr. OBERSTAR, Mr. NEY, Mr. HOYER, Ms.

DUNN, Ms. HART, Mr. LIPINSKI, Mr. DEFAZIO, Mr. MENENDEZ, and Mr. WEINER):

H.R. 1553. A bill to provide for additional temporary extended unemployment compensation for certain displaced workers; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 1554. A bill to amend title 38, United States Code, to make certain improvements to the National Service Life Insurance and United States Government Life Insurance programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOGGETT (for himself, Mr. ALLEN, Ms. BALDWIN, Mr. BECERRA, Mr. CROWLEY, Mr. DEFAZIO, Ms. DELAURO, Mr. FROST, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. KLECZKA, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MARKEY, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TIERNEY, and Mr. WAXMAN):

H.R. 1555. A bill to amend the Internal Revenue Code of 1986 to curb tax abuses by disallowing tax benefits claimed to arise from transactions without substantial economic substance, and for other purposes; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. ALLEN, Ms. BALDWIN, Ms. BERKLEY, Ms. BORDALLO, Mr. BROWN of Ohio, Ms. CARSON of Indiana, Ms. DELAURO, Mr. EMANUEL, Mr. FILNER, Mr. GRIJALVA, Mrs. JONES of Ohio, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MATSUI, Mr. MCDERMOTT, Ms. NORTON, Mr. OWENS, Mr. SANDERS, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TIERNEY, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 1556. A bill to amend the Internal Revenue Code of 1986 to require greater transparency of corporate tax accounting measures, to facilitate analysis of financial statements, to permit inspection of true corporate tax liability and understand the tax strategies undertaken by corporations, to discourage abusive tax sheltering activities, and to restore investor confidence in publicly traded corporations; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. BROWN of Ohio, Ms. DELAURO, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MATSUI, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. RANGEL, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SLAUGHTER, and Mr. STARK):

H.R. 1557. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to disclose taxpayer identity information through mass communications to notify persons entitled to tax refunds; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. SANDERS, Mr. SANDLIN, and Mr. STARK):

H.R. 1558. A bill to amend the Internal Revenue Code of 1986 to allow a married couple conducting an unincorporated trade or business to elect out of partnership status; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 1559. A bill making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

By Mr. DUNCAN (for himself and Mr. YOUNG of Alaska):

H.R. 1560. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas (for himself and Mr. BERMAN) (both by request):

H.R. 1561. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes; to the Committee on the Judiciary.

By Mr. BEAUPREZ (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. SIMMONS, and Mr. RODRIGUEZ):

H.R. 1562. A bill to amend title 38, United States Code, to enhance the authority of the Department of Veterans Affairs to recover costs of medical care furnished to veterans and other persons by the Department from third parties that provide health insurance coverage to such veterans and other persons; to the Committee on Veterans' Affairs.

By Mr. ACKERMAN (for himself, Mr. ROHRABACHER, Ms. LEE, Mr. KILDEE, Ms. LOFGREN, Mr. SCHIFF, Mr. MCNULTY, Mr. LEWIS of California, Mr. WU, Mr. ISRAEL, Ms. BERKLEY, and Mr. BARTLETT of Maryland):

H.R. 1563. A bill to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable; to the Committee on Energy and Commerce.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 1564. A bill to provide for the full funding of the Individuals with Disabilities Education Act and the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Ms. LEE, Mr. FROST, Mr. SANDERS, Mrs. JONES of Ohio, Mr. MCDERMOTT, and Mr. CONYERS):

H.R. 1565. A bill to establish a National Center for Military Deployment Health Research in the Department of Health and Human Services to provide an independent means for the conduct and coordination of research into issues relating to the deployment of members of the Armed Forces overseas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Veterans' Affairs, the Budget, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE:

H.R. 1566. A bill to replace the existing Federal price support and quota programs for flue-cured and burley tobacco with a licensing program designed to assist the actual producers of flue-cured and burley tobacco, and for other purposes; to the Committee on Agriculture.

By Mr. DEAL of Georgia:

H.R. 1567. A bill to amend the Immigration and Nationality Act to deny citizenship at birth to children born in the United States of parents who are not citizens or permanent resident aliens; to the Committee on the Judiciary.

By Mr. DOOLEY of California (for himself, Mrs. TAUSCHER, Mr. KIND, Mr. DAVIS of Florida, Mr. SMITH of Washington, Mr. STENHOLM, Mr. EMANUEL, Mr. COOPER, Mr. HILL, Mr. FORD, Mr. PETERSON of Minnesota, Mr. CARDOZA, Mr. CASE, Mr. CRAMER, Mr. MOORE, Ms. HARMAN, Mr. MILLER of North Carolina, Mr. DAVIS of Alabama, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mr. WU, Mr. MARSHALL, Mr. LUCAS of Kentucky, Mr. MATHESON, and Mr. LARSEN of Washington):

H.R. 1568. A bill to amend part B of title XVIII of the Social Security Act to provide for a prescription drug benefit with a high deductible at no additional premium and access to discount prices on drugs and to provide for the operation of such benefit without a deductible for certain low-income Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey:

H.R. 1569. A bill to designate the facility of the United States Postal Service located on Kinderkamack Road in Emerson, New Jersey, as the ''Gary Albero Post Office Building''; to the Committee on Government Reform.

By Mr. JOHN:

H.R. 1570. A bill to accelerate natural gas exploration, development, and production from oil and gas wells drilled to deep depths on existing lease tracts on the Outer Continental Shelf, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY:

H.R. 1571. A bill to amend title 13, United States Code, to provide that the term of office of the Director of the Census shall be 5 years; to provide that the Director of the Census report directly to the Secretary of Commerce, and for other purposes; to the Committee on Government Reform.

By Mr. MILLER of Florida:

H.R. 1572. A bill to designate the historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself, Mr. COSTELLO, Ms. NORTON, Mr. MCGOVERN, Mr. DOYLE, Mr. HOLDEN, Mr. WAXMAN, Ms. WOOLSEY, Ms. WATSON, Mr. FALEOMAVAEGA, Mr. HINCHEY, Mr. THOMPSON of Mississippi, Ms. LEE, Mr. OLVER, Ms. SLAUGHTER, Mr. LIPINSKI, Ms. BORDALLO, Mr. CASE, Ms. SCHAKOWSKY, and Mr. CAPUANO):

H.R. 1573. A bill to amend the Truth in Lending Act to require credit card issuers to mail monthly statements at least 30 days before the due date of the next payment, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 1574. A bill to amend the Farm Security and Rural Investment Act of 2002 to require, as a condition on the receipt of direct payments or counter-cyclical payments under such Act for rice produced by tenants and sharecroppers in Texas, that the producers on the farm agree to retain the rice cropland in production for the next crop year; to the Committee on Agriculture.

By Mr. PAUL:

H.R. 1575. A bill to amend the Internal Revenue Code of 1986 to provide assistance with elementary and secondary educational costs to parents of children with disabilities; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. HOLT):

H.R. 1576. A bill to amend the Individuals with Disabilities Education Act to establish a method to provide outcome-based funding increases to States, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TANCREDO (for himself and Mr. HOEKSTRA):

H.R. 1577. A bill to designate the visitors' center in Organ Pipe National Monument in

Arizona as the ''Kris Eggle Memorial Visitors' Center'', and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 1578. A bill to promote and coordinate global change research, and for other purposes; to the Committee on Science, and in addition to the Committees on the Budget, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Mr. RADANOVICH, Mr. ABERCROMBIE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Ms. WOOLSEY, Ms. NORTON, Ms. LOFGREN, Mr. FILNER, Ms. CARSON of Indiana, Mr. MCDERMOTT, Mr. WU, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Mr. GONZALEZ, Mr. CASE, Mr. KIND, Mr. CONYERS, Mr. MCGOVERN, Ms. WATSON, Mr. BACA, Mrs. NAPOLITANO, Mr. MATSUI, Mr. SCOTT of Virginia, Mr. SANDERS, Ms. BERKLEY, Mr. FRANK of Massachusetts, Mr. NEY, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. LARSON of Connecticut, Ms. SOLIS, Ms. MILLENDER-MCDONALD, Mr. RANGEL, and Ms. BORDALLO):

H.J. Res. 45. A joint resolution posthumously proclaiming soldiers of Asian descent who fought in the Civil War to be honorary citizens of the United States; to the Committee on the Judiciary.

By Ms. LOFGREN:

H. Con. Res. 135. Concurrent resolution expressing the sense of Congress that secondary schools should begin classes no earlier than 8:30 in the morning; to the Committee on Education and the Workforce.

By Mr. BRADLEY of New Hampshire (for himself and Mr. ALLEN):

H. Res. 170. A resolution recognizing the 40th anniversary of the sinking of the U.S.S. Thresher; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Mr. SABO, Mr. RAMSTAD, Mr. PETERSON of Minnesota, Mr. GUTKNECHT, Ms. MCCOLLUM, Mr. KENNEDY of Minnesota, and Mr. KLINE):

H. Res. 171. A resolution commending the University of Minnesota Duluth Bulldogs for winning the NCAA 2003 National Collegiate Women's Ice Hockey Championship; to the Committee on Education and the Workforce.

¶34.23 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ISAKSON introduced a bill (H.R. 1579) to authorize the vessel Stad Amsterdam to carry certain persons who are not directly and substantially connected with the operation, navigation, ownership, or business of the vessel; which was referred to the Committee on Transportation and Infrastructure.

¶34.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. GERLACH, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Mr. MEEK of Florida, Mr. THOMPSON of California, and Mr. ENGEL.

H.R. 25: Mr. FRANKS of Arizona, Mr. BONILLA, and Mr. LEWIS of California.

H.R. 49: Mr. GALLEGLY, Mr. DEMINT, and Mr. HUNTER.

H.R. 58: Mr. BOSWELL, Mr. HOEFFEL, Mrs. JO ANN DAVIS of Virginia, Ms. KAPTUR, Mr. FATTAH, and Mr. HAYES.

H.R. 100: Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. RODRIGUEZ, Ms. HOOLEY of Oregon, Mr. STRICKLAND, Ms. BERKLEY, Mr. HOLDEN, Mr. GEORGE MILLER of California, Mr. MURPHY, Mr. RENZI, Mr. UDALL of New Mexico, Mr. ABERCROMBIE, and Mr. RYAN of Ohio.

H.R. 135: Mrs. NAPOLITANO and Mr. DOOLITTLE.

H.R. 218: Mr. ABERCROMBIE, Mr. KENNEDY of Rhode Island, Mr. CRENSHAW, Mr. ISRAEL, Mr. HERGER, Mr. GOSS, Mr. ROGERS of Michigan, and Mr. CLAY.

H.R. 303: Mr. MARSHALL, Mr. PASCRELL, Mr. WALDEN of Oregon, Mr. UDALL of Colorado, Mr. FORD, Ms. WATERS, and Mr. GUTIERREZ.

H.R. 306: Mr. TAYLOR of Mississippi.

H.R. 348: Mr. RYAN of Ohio.

H.R. 428: Mrs. MUSGRAVE and Mr. LEACH.

H.R. 445: Ms. LORETTA SANCHEZ of California.

H.R. 463: Ms. GINNY BROWN-WAITE of Florida and Mr. EHLERS.

H.R. 489: Mr. BURGESS.

H.R. 533: Mr. STUPAK.

H.R. 543: Mr. HASTINGS of Washington, Mr. SENSENBRENNER, and Mr. TERRY.

H.R. 716: Mr. ISRAEL, Mr. DUNCAN, Mr. PASTOR, Mrs. CAPITO, Mr. FROST, Ms. NORTON, and Mr. MARKEY.

H.R. 717: Mr. ETHERIDGE.

H.R. 752: Mr. ISRAEL.

H.R. 775: Ms. HART.

H.R. 779: Mr. FILNER and Ms. SCHAKOWSKY.

H.R. 826: Ms. ESHOO.

H.R. 832: Ms. CARSON of Indiana and Mr. LAMPSON.

H.R. 850: Mr. BISHOP of Georgia.

H.R. 857: Mr. FATTAH.

H.R. 870: Mr. HERGER.

H.R. 876: Mr. GOODE, Mr. ROSS, Ms. GINNY BROWN-WAITE of Florida, Mr. HERGER, and Mr. PASCRELL.

H.R. 879: Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 887: Mr. BILIRAKIS.

H.R. 898: Mr. TURNER of Texas, Mr. DICKS, Mr. THOMPSON of California, Mr. DOOLEY of California, Mr. ABERCROMBIE, Mr. ORTIZ, Mr. PASTOR, Mr. FROST, and Mr. BAIRD.

H.R. 937: Mr. LUCAS of Kentucky.

H.R. 941: Mr. ENGEL.

H.R. 973: Mr. KIRK.

H.R. 983: Mr. MCDERMOTT and Mr. MEEKS of New York.

H.R. 990: Mr. CARSON of Oklahoma, Mr. LUCAS of Kentucky, Mr. PLATTS, Mr. TURNER of Texas, Mr. WILSON of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. SCHROCK, Mr. GINGREY, Mrs. MILLER of Michigan, Mr. JANKLOW, Mr. CHOCOLA, Mr. BARRETT of South Carolina, Mr. BAKER, and Mr. NETHERCUTT.

H.R. 1008: Mr. GRAVES.

H.R. 1040: Mr. FARR, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. OWENS, Mr. PAYNE, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. WOOLSEY, Mr. CLAY, Mr. BALLANCE, Mr. LEWIS of Georgia, Ms. WATSON, Mr. JEFFERSON, Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, and Ms. CARSON of Indiana.

H.R. 1083: Mr. GORDON, Mr. GRIJALVA, Mr. WYNN, and Ms. KAPTUR.

H.R. 1102: Mr. STUPAK, Mr. DOOLEY of California, and Mr. GEPHARDT.

H.R. 1103: Ms. ESHOO.

H.R. 1115: Mr. SHAYS.

H.R. 1119: Mr. BOOZMAN.

H.R. 1148: Mr. BLUMENAUER, Mr. HONDA, and Mr. LATOURETTE.

H.R. 1157: Mr. PASCRELL.

H.R. 1179: Mr. PAUL and Mr. WICKER.

H.R. 1181: Mr. NORWOOD.

H.R. 1182: Mr. SHAW.

H.R. 1229: Mr. SMITH of New Jersey, Mr. FEENEY, Mr. TANCREDO, Mr. ADERHOLT, Ms. GINNY BROWN-WAITE of Florida, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. PAUL.

H.R. 1231: Mr. EVANS, Mr. FARR, Mr. BOOZMAN, Ms. BERKLEY, Mr. BONNER, Ms. LORETTA SANCHEZ of California, Ms. ESHOO, Mr. GIBBONS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Mr. JACKSON of Illinois, Mr. BARTLETT of Maryland, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1252: Mr. FRANKS of Arizona.

H.R. 1321: Mr. HINCHEY and Mr. FALEOMAVAEGA.

H.R. 1355: Mr. GEORGE MILLER of California, Mrs. JONES of Ohio, Ms. BORDALLO, and Ms. SCHAKOWSKY.

H.R. 1409: Mr. HAYWORTH.

H.R. 1422: Mr. GORDON.

H.R. 1426: Mr. HONDA, Ms. LEE, Mr. CARSON of Oklahoma, Ms. NORTON, and Mr. KENNEDY of Rhode Island.

H.R. 1429: Mr. MILLER of North Carolina, Mr. MCGOVERN, Mr. ENGEL, and Mrs. JONES of Ohio.

H.R. 1442: Mr. PORTER, Mr. FROST, Mr. FRANK of Massachusetts, Mr. PETERSON of Pennsylvania, Ms. PELOSI, Mrs. CHRISTENSEN, Mr. BEAUPREZ, and Mr. WOLF.

H.R. 1470: Ms. NORTON.

H.R. 1472: Mr. DOYLE.

H.R. 1477: Mr. GRIJALVA, Mr. HONDA, and Mr. NADLER.

H.R. 1479: Mr. HUNTER.

H.R. 1511: Mr. GINGREY, Mr. ROGERS of Michigan, Mr. FOLEY, Mr. BLUNT, Ms. HARRIS, Mr. FRANKS of Arizona, Mrs. MUSGRAVE, Ms. ROS-LEHTINEN, Mr. KIRK, Mr. BEAUPREZ, Mr. GERLACH, Ms. DUNN, Mr. RENZI, Mr. FLAKE, Mr. WELLER, Mr. BOOZMAN, Mr. SAM JOHNSON of Texas, Mr. HAYWORTH, Mr. SHAW, Mr. HAYES, Mr. SHAYS, and Mr. WILSON of South Carolina.

H.J. Res. 37: Mr. BASS.

H. Con. Res. 103: Mr. OTTER.

H. Con. Res. 121: Mrs. JONES of Ohio and Mr. FROST.

H. Con. Res. 122: Mr. HOEFFEL, Mr. SKELTON, and Mr. ALLEN.

H. Res. 56: Mr. ETHERIDGE, Mr. KUCINICH, and Mr. WAXMAN.

H. Res. 60: Mr. PAYNE, Mr. COSTELLO, Ms. BERKLEY, Mr. EVANS, Mr. RYAN of Ohio, and Mr. JONES of North Carolina.

H. Res. 127: Mr. COMBEST.

H. Res. 149: Mr. CARDIN.

H. Res. 154: Mr. BALLENGER, Ms. BERKLEY, Mr. BURTON of Indiana, Mr. CASTLE, Mr. DOOLEY of California, Mr. ENGLISH, Mr. FORBES, Mr. GOODE, Mr. HOUGHTON, Mr. KING of New York, Mr. MANZULLO, Mr. MCCOTTER, Mr. MCNULTY, Mr. MILLER of Florida, Mr. NEY, Mr. OXLEY, Mr. PENCE, Mr. PITTS, Mr. SAXTON, Mr. SCHROCK, Mr. SHERMAN, Mr. STENHOLM, Mr. WELLER, Mr. WILSON of South Carolina, Mr. WOLF, Mr. WYNN, Mr. SMITH of Michigan, and Mr. SCHIFF.

H. Res. 165: Ms. BERKLEY.NED OF JR

¶34.25 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONSJR

Under clause 7 of rule II, sponsors were deleted from public bills and resolutions as follows:

H.R. 660: Mrs. CHRISTENSEN.

H.R. 857: Mr. SMITH of Washington.

H.R. 1014: Mrs. CHRISTENSEN.

H. Res. 59: Ms. LORETTA SANCHEZ of California.

THURSDAY, APRIL 3, 2003 (35)

The House was called to order by the SPEAKER.

¶35.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, April 2, 2003.

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

¶35.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1661. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1662. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1663. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1664. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1665. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1666. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1667. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1668. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1669. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1670. A letter from the Attorney/Advisor, Department of Transportation,transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1671. A letter from the Secretary, Department of Commerce, transmitting a report entitled, ''Federal Assistance for Interjurisdictional and Anadromous Fisheries, Program Report 2001–2002''; to the Committee on Resources.

1672. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as a result the loss of the Space Shuttle Columbia has exceeded $5 million, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

1673. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security zone; Cruise ship, Resurrection Bay, Alaska [COTP Western Alaska 02–010] (RIN: 2115–AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶35.3 MESSAGE FROM THE SENATE

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

S. 380. An Act to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the Democratic Leader, announces the appointment of the Senator from Illinois [Mr. DURBIN] as a member of the United States Capitol Preservation Commission, vice the Senator from Utah [Mr. BENNETT].

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the following Senators as members of the United States Capitol Preservation Commission: the Senator from Utah [Mr. BENNETT], vice the Senator from Illinois [Mr. DURBIN]; the Senator from Colorado [Mr. CAMPBELL], vice the Senator from Nevada [Mr. REID].

The message also announced that pursuant to Public Law 101–509, the Chair, on behalf of the Majority Leader, announces the appointment of Alan C. Lowe, of Tennessee, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 101–509, the Chair, on behalf of the Democratic Leader, announces the appointment of Stephen Van Buren, of South Dakota, to the Advisory Committee on the Records of Congress, vice Elizabeth Scott, of South Dakota.

¶35.4 PROVIDING FOR THE CONSIDERATION OF H.R. 1559

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 172):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mrs. MYRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 221 / Nays ..... 200 }

¶35.5 [Roll No. 103]

YEAS—221

Aderholt	Cunningham	Hoekstra
Akin	Davis, Jo Ann	Hostettler
Bachus	Davis, Tom	Houghton
Baker	Deal (GA)	Hulshof
Ballenger	DeLay	Hunter
Barrett (SC)	DeMint	Hyde
Bartlett (MD)	Diaz-Balart, L.	Isakson
Barton (TX)	Diaz-Balart, M.	Issa
Bass	Doolittle	Istook
Beauprez	Dreier	Janklow
Bereuter	Duncan	Jenkins
Biggert	Dunn	Johnson (CT)
Bilirakis	Ehlers	Johnson (IL)
Bishop (UT)	Emerson	Johnson, Sam
Blackburn	English	Keller
Blunt	Everett	Kelly
Boehlert	Feeney	Kennedy (MN)
Boehner	Ferguson	King (IA)
Bonilla	Flake	King (NY)
Bonner	Fletcher	Kingston
Bono	Foley	Kirk
Boozman	Forbes	Kline
Bradley (NH)	Fossella	Knollenberg
Brady (TX)	Franks (AZ)	Kolbe
Brown (SC)	Frelinghuysen	LaHood
Brown-Waite, Ginny	Gallegly	Latham
	Garrett (NJ)	LaTourette
Burgess	Gerlach	Leach
Burns	Gibbons	Lewis (CA)
Burr	Gilchrest	Lewis (KY)
Burton (IN)	Gillmor	Linder
Buyer	Gingrey	LoBiondo
Calvert	Goode	Lucas (OK)
Camp	Goodlatte	Manzullo
Cannon	Goss	McCotter
Cantor	Granger	McCrery
Capito	Graves	McHugh
Carter	Green (WI)	McKeon
Castle	Greenwood	Mica
Chabot	Gutknecht	Miller (FL)
Chocola	Harris	Miller (MI)
Coble	Hart	Miller, Gary
Cole	Hastings (WA)	Moran (KS)
Collins	Hayes	Murphy
Cox	Hayworth	Musgrave
Crane	Hefley	Myrick
Crenshaw	Hensarling	Nethercutt
Cubin	Herger	Ney
Culberson	Hobson	Northup

Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

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

NOT VOTING—13

Ballance
Combest
Gephardt
Jones (NC)
McCarthy (MO)
McInnis
McIntyre
Oberstar
Paul
Rangel
Sweeney
Walden (OR)
Weldon (PA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. FOSSELLA, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶35.6 EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS

The SPEAKER pro tempore, Mr. TERRY, pursuant to House Resolution 172 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes

The SPEAKER pro tempore, Mr. TERRY, by unanimous consent, designated Mr. THORNBERRY as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. FOSSELLA, assumed the Chair; and after some time spent therein,

¶35.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the question raised by an appeal in the Committee, to wit: ''Shall the decision of the Chair stand as the judgment of the Committee?''.

It was decided in the affirmative { Yeas ..... 217 / Nays ..... 195 }

¶35.8 [Roll No. 104]

AYES—217

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

NOES—195

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

Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—22

Ballance
Capuano
Combest
Conyers
Cox
Doolittle
Gephardt
Gingrey
Hyde
Jones (NC)
Linder
Lynch
McCarthy (MO)
McInnis
McIntyre
Oberstar
Paul
Royce
Slaughter
Towns
Velazquez
Walden (OR)

So the decision of the Chair stood as the judgment of the Committee.

After some further time,

¶35.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CUNNINGHAM:

In chapter 4 of title I, in the item relating to ''ECONOMIC SUPPORT FUND''—

(1) after the aggregate dollar amount, insert the following: ''(reduced by $1,000,000,000)'';

(2) strike paragraph (3) (relating to financial assistance to Turkey); and

(3) redesignate paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

It was decided in the negative { Yeas ..... 110 / Nays 315

¶35.10 [Roll No. 105]

AYES—110

Akin
Bachus
Baker
Ballenger
Berry
Bilirakis
Blackburn
Blumenauer
Boozman
Brown-Waite, Ginny
Cannon
Chocola
Clay
Coble
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Duncan
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Filner
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Hayes
Hayworth
Hill
Hoekstra
Holt
Hostettler
Hulshof
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kingston
Kleczka
Kucinich
LaHood
Lee
LoBiondo
Lofgren
Maloney
Manzullo
McCotter
McNulty
Menendez
Miller (FL)
Miller, Gary
Musgrave
Ney
Norwood
Nussle
Osborne
Otter
Owens
Pallone
Paul
Payne
Pence
Petri
Pitts
Pombo
Radanovich
Ramstad
Rehberg
Rogers (MI)
Royce
Ryan (WI)
Ryun (KS)
Sanders
Schiff
Schrock
Sensenbrenner
Sherman
Shuster
Souder
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Tiberi
Toomey
Turner (OH)
Upton
Waters
Watson
Woolsey
Wu

NOES—315

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Farr
Fattah
Flake
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goss
Granger
Green (TX)
Greenwood
Grijalva
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Obey
Olver
Ortiz
Ose
Oxley
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stupak
Tanner
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Boyd
Combest
Gephardt
Gutierrez
McCarthy (MO)
McInnis
Oberstar
Slaughter
Walden (OR)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, assumed the Chair.

When Mr. THORNBERRY, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶35.11 ORDER OF BUSINESS—CONSIDERATION OF H.R. 1559

On motion of Mr. YOUNG of Florida, by unanimous consent,

Ordered, That it may be in order during further consideration of the bill (H.R. 1559) in the Committee of the Whole House on the state of the Union, pursuant to House Resolution 172, no further amendment to the bill may be offered except--(1) pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purposes of debate; (2) amendments numbered 2, 7, 8, and 9 printed in the CONGRESSIONAL RECORD; and (3) amendments specified in the list placed at the desk; (4) that each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment (except pro forma amendments for the purpose of debate), and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole; that any point of order against such an amendment shall be considered as reserved pending completion of debate thereon; and that any such amendment may be withdrawn by its proponent after debate thereon.

¶35.12 EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, pursuant to House Resolution 172 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

The Chairman, Mr. THORNBERRY, assumed the Chair; and after some time spent therein,

¶35.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. McGOVERN:

In chapter 3 of title I, in the item relating to ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'', after the aggregate dollar amount, insert the following: ''(reduced by $34,000,000)''.

In chapter 4 of title I, in the item relating to ''ANDEAN COUNTERDRUG INITIATIVE'', after the aggregate dollar amount, insert the following: ''(reduced by $27,000,000)''.

In chapter 5 of title I, in the item relating to ''OFFICE FOR DOMESTIC PREPAREDNESS'', after the first and second dollar amounts, insert the following: ''(increased by $34,000,000)''.

It was decided in the negative ..... { Yeas ..... 209 / Nays 216

¶35.14 [Roll No. 106]

AYES—209

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

NOES—216

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

NOT VOTING—10

Berman
Combest
Gephardt
Hyde
McCarthy (MO)
McInnis
Oberstar
Walden (OR)
Weiner
Young (AK)

So the amendment was not agreed to.

After some further time,

¶35.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DEFAZIO :

Page ____, after line ____, insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by increasing the amount made available in chapter 3 of title I for ''Operation and Maintenance, Defense-Wide'' by, and reducing the amount made available in chapter 4 of title I under the heading ''OTHER BILATERAL ECONOMIC ASSISTANCE'' for ''Economic Support Fund'' (and the allocation within that amount for grants for Turkey) by, $207,000,000, which, in the case of the additional amount for ''Operation and Maintenance, Defense-Wide'', shall be available to establish National Guard Weapons of Mass Destruction Civil Support Team as authorized by law, including section 12310(c) of title 10, United States Code, in order to carry out the requirement in section 1403 of Public Law 107-314 (116 Stat. 2676), that an additional 23 such teams be established, for a total of 55 such teams, with at least one team established in each State and territory.

It was decided in the negative ..... { Yeas ..... 113 / Nays 312

¶35.16 [Roll No. 107]

AYES—113

Bachus
Ballenger
Becerra
Berkley
Berry
Bilirakis
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Coble
Conyers
Cooper
Costello
Cummings
Davis (AL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
Doggett
Duncan
Eshoo
Etheridge
Evans
Feeney
Ferguson
Filner
Garrett (NJ)
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hayes
Hill
Hinchey
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Hulshof
Inslee
Jackson-Lee (TX)
Jenkins
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Lampson
Langevin
Larson (CT)
Lee
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Majette
Maloney
McDermott
McGovern
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller, George
Ney
Nussle
Osborne
Otter
Owens
Pallone
Pastor
Paul
Payne
Pence
Ramstad
Rogers (MI)
Rush
Sanchez, Linda T.
Sanders
Sandlin
Schiff
Scott (VA)
Sherman
Slaughter
Souder
Stark
Stenholm
Strickland
Tanner
Taylor (MS)
Taylor (NC)
Tiberi
Tierney
Toomey
Towns
Upton
Waters
Watson
Woolsey
Wu

NOES—312

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Everett
Farr
Fattah
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Holden
Houghton
Hoyer
Hunter
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk

Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lowey
Lucas (OK)
Lynch
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Ose
Oxley
Pascrell
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Saxton
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—10

Berman
Buyer
Combest
Gephardt
Hyde
McCarthy (MO)
McInnis
Oberstar
Walden (OR)
Young (AK)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. LATOURETTE, assumed the Chair.

When Mr. THORNBERRY, Chairman, pursuant to House Resolution 172, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments reported from the committee of the Whole House on the State of the Union, were agreed to:

Page 39, line 14, before the period insert ‘‘, of which $8,000,000 shall be available for transit security’’.

Page 38, line 21, before the period insert:

‘‘Of which up to $10,000,000 shall be available for the Student and Exchange Visitor Information System established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, including training programs’’.

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

SEC. ____. None of the funds made available in the Act for reconstruction efforts in Iraq may be used to procure goods or services from any entity that includes information on a response to a Request for Proposal (RFP) that indicates that such entity is organized under the laws of France, Germany, the Russian Federation, or Syria.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 12

¶35.17 [Roll No. 108]

YEAS—414

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

NAYS—12

Blumenauer
DeFazio
Farr
Flake
Grijalva
Kucinich
Lee
Lewis (GA)
Paul
Sanders
Watson
Woolsey

NOT VOTING—9

Berman
Combest
Gephardt
Hyde
McCarthy (MO)
McInnis
Oberstar
Walden (OR)
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶35.18 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, April 7, 2003, at 12:30 p.m. for morning-hour debate.

¶35.19 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 9, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶35.20 COMMUNICATION FROM THE MINORITY LEADERS—APPOINTMENT—NATIONAL COUNCIL OF THE ARTS

The SPEAKER pro tempore, Mr. LATOURETTE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to (20 U.S.C. 955(b) note), I hereby appoint, Rep. Betty McCollum of Minnesota, to the National Council on the Arts for the 108th Congress.

Best regards,

NANCY PELOSI,
Democratic Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶35.21 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore, Mr. LATOURETTE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to (2 U.S.C. 88b–3), I hereby appoint Rep. Dale E. Kildee of Michigan, to the House of Representatives Page Board for the 108th Congress.

Best regards,

NANCY PELOSI,
Democratic Leader.

¶35.22 BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the Speaker, pursuant to 20 United States Code 4303, and the order of the House of January 8, 2003, appointed to the Board of Trustees of Gallaudet University the following Member of the House: Ms. WOOLSEY.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶35.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MCINNIS, for today.

And then,

¶35.24 ADJOURNMENT

On motion of Mr. Lincoln DIAZ-BALART of Florida, pursuant to the previous order of the House, at 11 o'clock and 58 minutes p.m., the House adjourned until 12:30 p.m. on Monday, April 7, 2003.

¶35.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 760. A bill to prohibit the procedure commonly known as partial-birth abortion (Rept. 108–58). Referred to the Committee of the Whole House on the State of the Union.

¶35.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH (for himself, Mr. TANNER, Mr. SHERWOOD, Mr. MCNULTY, Mr. BERRY, Mr. MURTHA, Mr. MCHUGH, Mr. FARR, Mr. UDALL of Colorado, Mrs. EMERSON, Mr. ALLEN, Mr. REYNOLDS, Mr. PETERSON of Pennsylvania, Mr. KANJORSKI, Mr. HOLDEN, Mr. ORTIZ, Mr. TURNER of Texas, Mr. DAVIS of Tennessee, Mr. PLATTS, Mr. DOYLE, Mr. LATHAM, Mr. POMEROY, Mr. BOSWELL, Mr. COOPER, and Mr. ROGERS of Alabama):

H.R. 1580. A bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the Medicare Program, and for other purposes; to the Committee on Ways and Means.

By Mr. KNOLLENBERG (for himself, Mr. HOSTETTLER, and Mr. EDWARDS):

H.R. 1581. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for certain compensation received by members of the Armed Forces serving in South Korea; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. STUPAK, Mr. STRICKLAND, Mrs. WILSON of New Mexico, Mr. SHIMKUS, Mr. CANNON, Mr. INSLEE, Mr. OTTER, Mr. SIMPSON, Mr. TANCREDO, Mr. BISHOP of Utah, Mr. RENZI, Mr. DICKS, Mr. OSBORNE, Mr. BEREUTER, Mr. MCINNIS, Mrs. CUBIN, Mr. HASTINGS of Florida, Mr. POMEROY, Mr. KLINE, Ms. MCCARTHY of Missouri, Mr. RUSH, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mr. BROWN of Ohio, Ms. DEGETTE, Mr. BARTON of Texas, Mr. BASS, and Mr. BEAUPREZ):

H.R. 1582. A bill to equitably distribute universal service support throughout rural America, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NORWOOD (for himself, Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, and Mr. ISAKSON):

H.R. 1583. A bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative improvement, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOUGHTON (for himself, Mr. THOMAS, and Mr. RANGEL):

H.R. 1584. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. EVERETT, Mr. BILIRAKIS, Mr. MICHAUD, Ms. CARSON of Indiana, Mr. FILNER, Mr. BEAUPREZ, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. STEARNS, Mr. QUINN, Mr. SWEENEY, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, and Mr. MCHUGH):

H.R. 1585. A bill to establish an office to oversee research compliance and assurance within the Veterans Health Administration of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CANNON:

H.R. 1586. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer impairment, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. ROYCE, Mr. ROHRABACHER, Mr. WOLF, Mr. SOUDER, Mr. PENCE, Mr. CROWLEY, Ms. LOFGREN, Ms. ROS-LEHTINEN, Mr. TOM DAVIS of Virginia, Mr. TOWNS, Mr. MCNULTY, Ms. GINNY BROWN-WAITE of Florida, Mr. BALLENGER, Ms. LORETTA SANCHEZ of California, Mr. SAM JOHNSON of Texas, Mr. CLAY, Mr. BEAUPREZ, Mr. GREEN of Texas, Mr. ENGLISH, Mr. GREEN of Wisconsin, Ms. NORTON, Mr. WYNN, Mr. BELL, Mr. MORAN of Virginia, Mr. PAYNE, Mr. COX, Mr. GALLEGLY, Mr. MOORE, Mr. VAN HOLLEN, and Mr. WELDON of Pennsylvania):

H.R. 1587. A bill to promote freedom and democracy in Viet Nam; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself and Mr. SKELTON) (both by request):

H.R. 1588. A bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes; to the Committee on Armed Services.

By Mrs. CAPITO:

H.R. 1589. A bill to authorize the Secretary of the Interior to provide grants for the preservation of historic courthouses; to the Committee on Resources.

By Mr. LANTOS (for himself and Mr. DREIER):

H.R. 1590. A bill to enhance United States leadership and the functioning of international organizations and multilateral institutions; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 1591. A bill to amend title 49, United States Code, to provide a credit toward the non-Federal share of projects carried out under the airport improvement program to an owner or operator of an airport that is utilized to respond to a disaster or emergency; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 1592. A bill to amend title 10, United States Code, to repeal the two-tier annuity computation system applicable to annuities for surviving spouses under the Survivor Benefit Plan for retired members of the Armed Forces so that there is no reduction in such an annuity when the beneficiary becomes 62 years of age; to the Committee on Armed Services.

By Mr. BOSWELL (for himself, Mr. CROWLEY, Mr. HASTINGS of Florida, Mr. REYES, Mr. ETHERIDGE, and Mr. TIERNEY):

H.R. 1593. A bill to improve homeland security, prevent tax increases, support education and health care, and strengthen the economy; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, the Judiciary, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 1594. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the St. Croix National Heritage Area in St. Croix, United States Virgin Islands, and for other purposes; to the Committee on Resources.

By Mrs. CHRISTENSEN (for herself and Mr. RAHALL):

H.R. 1595. A bill to further cooperation and support among Federal land managers and designated gateway communities where the results of such cooperation and support are likely to be mutually beneficial, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. AKIN, Mr. GEPHARDT, Mr. SKELTON, Ms. MCCARTHY of Missouri, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. HULSHOF):

H.R. 1596. A bill to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the ''Timothy Michael Gaffney Post Office Building''; to the Committee on Government Reform.

By Mr. COLLINS:

H.R. 1597. A bill to amend the Internal Revenue Code of 1986 to classify qualified rental office furniture as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. COX:

H.R. 1598. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes; to the Committee on Resources.

By Mr. CUMMINGS (for himself and Mr. SOUDER):

H.R. 1599. A bill to amend the Office of National Drug Control Policy Act Reauthorization Act of 1998 to ensure that adequate funding is provided for certain high intensity drug trafficking areas; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 1600. A bill to amend the Elementary and Secondary Education Act of 1965 to reserve funds to provide special training, technical assistance, and professional development to eligible entities implementing Even Start programs and to the staff of such programs, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 1601. A bill to provide for reform relating to Federal employment, and for other purposes; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 1602. A bill to provide for reform of the Senior Executive Service, adjustment in the rates of pay of certain positions, and for other purposes; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. PUTNAM):

H.R. 1603. A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 1604. A bill to amend Public Law 105-295 to increase the amount of funds authorized to be appropriated for construction of temperature control devices; to the Committee on Resources.

By Mr. GILCHREST (for himself, Mr. OLVER, Mr. BOEHLERT, Mr. MARKEY, Mrs. JOHNSON of Connecticut, and Ms. SOLIS):

H.R. 1605. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE:

H.R. 1606. A bill to amend the Immigration and Nationality Act to impose a limitation on the wage that the Secretary of Labor may require an employer to pay an alien who is an H-2A nonimmigrant agricultural worker; to the Committee on the Judiciary.

By Mr. GOODE:

H.R. 1607. A bill to amend the Internal Revenue Code of 1986 to allow a credit for contributions of real property interests for conservation purposes; to the Committee on Ways and Means.

By Mr. GOODE (for himself, Mr. HEFLEY, Mr. FORBES, and Mr. MORAN of Virginia):

H.R. 1608. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of a refund for use by the Secretary of Health and Human Services in providing catastrophic health coverage to individuals who do not otherwise have health coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES (for himself, Mr. SKELTON, Mrs. EMERSON, Mr. AKIN, Mr. CLAY, Mr. BLUNT, Mr. HULSHOF, Ms. MCCARTHY of Missouri, and Mr. GEPHARDT):

H.R. 1609. A bill to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the ''Admiral Donald Davis Post Office Building''; to the Committee on Government Reform.

By Mr. GRAVES (for himself, Mr. SKELTON, Mrs. EMERSON, Mr. AKIN, Mr. CLAY, Mr. BLUNT, Mr. HULSHOF, Ms. MCCARTHY of Missouri, and Mr. GEPHARDT):

H.R. 1610. A bill to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building''; to the Committee on Government Reform.

By Mr. HONDA (for himself, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. FROST, Mr. HINOJOSA, Mr. GRIJALVA, Mr. BISHOP of New York, Ms. HOOLEY of Oregon, Mr. RODRIGUEZ, Mr. RUPPERSBERGER, Mr. INSLEE, Ms. LINDA T. SANCHEZ of California, Mr. HOLT, Ms. SOLIS, Ms. LOFGREN, Mr. GEORGE MILLER of California, Mr. ISRAEL, Mr. EHLERS, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. VAN HOLLEN, Mr. BECERRA, Mrs. JONES of Ohio, Mr. CASE, Mr. OWENS, and Mr. ENGEL):

H.R. 1611. A bill to authorize grants to local educational agencies for teacher mentoring programs; to the Committee on Education and the Workforce.

By Mr. HULSHOF (for himself, Mr. RYAN of Wisconsin, Mr. HAYWORTH, Mr. ENGLISH, Mr. FOLEY, Mr. BRADY of Texas, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. CRANE, Mr. COX, Mr. HALL, Mr. AKIN, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. GOODE, Mr. NETHERCUTT, Mr. JOHNSON of Illinois, Mr. GIBBONS, Mr. GRAVES, Mr. MCKEON, Mr. FRELINGHUYSEN, Mr. PLATTS, Mr. MICA, Mr. SENSENBRENNER, Mr. HASTINGS of Washington, Mr. KING of New York, Mrs. BLACKBURN, Mr. PITTS, Mr. SWEENEY, Ms. ROS-LEHTINEN, Mr. KIRK, Mr. TERRY, Mr. FRANKS of Arizona, Mr. FORBES, Mr. REHBERG, Mr. BACHUS, Mr. KENNEDY of Minnesota, Mr. KNOLLENBERG, Mr. BALLENGER, Mr. SHIMKUS, Mr. MILLER of Florida, Mr. HOSTETTLER, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. PEARCE, Mr. WAMP, Mr. KLINE, Mr. NEY, Mr. MARIO DIAZ-BALART of Florida, Mr. WELDON of Florida, Mr. UPTON, Mr. CARTER, Mr. BURTON of Indiana, Mr. CANNON, Ms. GINNY BROWN-WAITE of Florida, Mr. SOUDER, Mr. MCCOTTER, Mrs. MUSGRAVE, Mr. RYUN of Kansas, Mr. LAHOOD, Mr. FLAKE, Mr. BEAUPREZ, Mr. ADERHOLT, Mr. PENCE, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. DEMINT, Mr. SHADEGG, Mr. SULLIVAN, Mr. ISTOOK, Mrs. MYRICK, Mr. TOOMEY, Mr. BROWN of South Carolina, Mr. BOOZMAN, Mr. HOEKSTRA, Mr. ROHRABACHER, Mr. MANZULLO, Mr. CULBERSON, Mr. SESSIONS, Mr. FOSSELLA, Mr. SCHROCK, Mr. POMBO, and Mr. FEENEY):

H.R. 1612. A bill to make permanent the tax benefits enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Ways and Means.

By Mrs. JONES of Ohio:

H.R. 1613. A bill to establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEACH (for himself, Mr. WATT, Mr. DAVIS of Alabama, and Ms. HARRIS):

H.R. 1614. A bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing and to provide financial assistance under such program for main street revitalization or redevelopment projects in smaller communities to support the development of affordable housing for low-income families in connection with such projects, and for other purposes; to the Committee on Financial Services.

By Mr. LEVIN (for himself, Mr. TOWNS, Mr. MCGOVERN, Mr. DELAHUNT, Ms. CORRINE BROWN of Florida, Mr. WELDON of Pennsylvania, Mr. FROST, Mr. MCNULTY, Ms. KAPTUR, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. DINGELL, and Mr. FILNER):

H.R. 1615. A bill to amend title 36, United States Code, to grant a Federal charter to the Ukrainian American Veterans, Incorporated; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia:

H.R. 1616. A bill to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for

lands owned by the City of Atlanta, Georgia, and for other purposes; to the Committee on Resources.

By Mr. LIPINSKI (for himself, Mr. NADLER, Mr. BLUMENAUER, Mr. FILNER, Ms. NORTON, Ms. CORRINE BROWN of Florida, Ms. MILLENDER-MCDONALD, Mr. COSTELLO, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. MANZULLO, Mr. EMANUEL, Mr. FARR, Mr. KUCINICH, Ms. CARSON of Indiana, Mr. RUSH, Mr. JACKSON of Illinois, Mr. HOLDEN, Mr. SANDERS, Mr. FRANK of Massachusetts, Ms. BERKLEY, Mr. EVANS, Mr. BAIRD, and Mr. CUMMINGS):

H.R. 1617. A bill to establish and provide for funding for a National Rail Infrastructure Program; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MAJETTE (for herself, Mr. LINDER, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. GINGREY, Mr. ISAKSON, Mr. KINGSTON, Mr. MARSHALL, and Mr. SCOTT of Georgia):

H.R. 1618. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY (for herself, Mr. PETRI, and Mr. MCNULTY):

H.R. 1619. A bill to provide for a test census of Americans residing abroad, and to require that such individuals be included in the 2010 decennial census; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. RANGEL, Mr. SWEENEY, Mr. HINCHEY, Mr. SERRANO, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. OWENS, Mrs. LOWEY, and Mr. MCHUGH):

H.R. 1620. A bill to provide that Federal funds for the relief and revitalization of New York City after the September 11, 2001, terrorist attack shall not be subject to Federal taxation; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself and Mr. DEFAZIO):

H.R. 1621. A bill to provide environmentally sound, expedited procedures for the planning and implementation of hazardous fuels reduction activities for wild-fire prone National Forest System lands and lands administered by the Bureau of Land Management, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD (for himself and Mrs. CAPPS):

H.R. 1622. A bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE:

H.R. 1623. A bill to amend title 44, United States Code, to direct the Archivist of the United States to maintain an inventory of all gifts received from domestic sources for the President, the Executive Residence at the White House, or a Presidential archival depository; to the Committee on Government Reform.

By Mr. PALLONE:

H.R. 1624. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL:

H.R. 1625. A bill to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building''; to the Committee on Government Reform.

By Mr. PETERSON of Minnesota (for himself, Mr. GONZALEZ, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1626. A bill to amend the Communications Act of 1934 to ensure equity for all full-service television broadcasters and ensure the benefits of local programming for communities served by class A television broadcast stations by providing cable carriage rights for qualified class A television stations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PICKERING (for himself and Mr. TOWNS):

H.R. 1627. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PICKERING:

H.R. 1628. A bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians; to the Committee on Financial Services.

By Mr. REHBERG:

H.R. 1629. A bill to clarify that the Upper Missouri River Breaks National Monument does not include within its boundaries any privately owned property, and for other purposes; to the Committee on Resources.

By Mr. RENZI (for himself and Mr. HAYWORTH):

H.R. 1630. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Mr. BARTLETT of Maryland, Ms. GINNY BROWN-WAITE of Florida, Mr. GOODE, Mr. GRAVES, Mr. MCHUGH, Mr. NORWOOD, and Mr. TANCREDO):

H.R. 1631. A bill to amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. ROYCE:

H.R. 1632. A bill to create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient executive agencies; to the Committee on Government Reform.

By Mr. SCHIFF (for himself, Mr. MCHUGH, Mr. HINCHEY, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, Mr. HOEFFEL, Mr. TOWNS, Mr. MATSUI, Mr. SHERMAN, Mr. HONDA, Ms. WOOLSEY, Ms. LEE, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BELL, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. LANTOS, and Mr. STUPAK):

H.R. 1633. A bill to amend title XXI of the Social Security Act to encourage the use of web-based enrollment systems in the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Mr. SHAW (for himself, Mr. NEAL of Massachusetts, Mr. ENGLISH, Mr. RAMSTAD, Mr. BECERRA, Mr. FOLEY, Mr. HAYWORTH, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. LEWIS of Kentucky, Mr. WELLER, Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. MATSUI, Mr. LARSON of Connecticut, Mr. LUCAS of Kentucky, Mr. ISAKSON, Mr. MCKEON, Mr. KOLBE, Mr. TERRY, Mr. FROST, Mr. WELDON of Florida, Mrs. MYRICK, Mr. KELLER, Mr. BARTLETT of Maryland, Mr. SMITH of Michigan, Mr. PRICE of North Carolina, Mr. GREEN of Wisconsin, Mr. GARY G. MILLER of California, Mr. WICKER, Ms. HARRIS, Mr. SIMMONS, Mr. UPTON, Mr. UDALL of Colorado, Mr. GRIJALVA, Mr. DOOLITTLE, Mr. SHERMAN, Mr. DEAL of Georgia, Mr. GOODE, Mr. BLUMENAUER, Mr. CASE, Ms. GINNY BROWN-WAITE of Florida, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. WILSON of South Carolina, and Mrs. BLACKBURN):

H.R. 1634. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. MCDERMOTT, Mr. KLECZKA, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. ABERCROMBIE, Ms. DELAURO, Mr. FROST, and Mr. FRANK of Massachusetts):

H.R. 1635. A bill to amend title XVIII of the Social Security Act to provide for a complete transition period for the reduction of Medicare beneficiary copayment for hospital outpatient department services furnished under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. BOUCHER, Mr. TAUZIN, Mr. TERRY, Mr. BASS, Ms. ESHOO, Mr. WHITFIELD, Mr. GORDON, Mrs. BONO, Mr. MORAN of Virginia, Mr. GILLMOR, Mr. BILIRAKIS, Mr. TOWNS, Mr. DEAL of Georgia, Mr. WELLER, Mr. SHIMKUS, Mr. GREENWOOD, Mr. UPTON, Ms. DEGETTE, Mr. WALDEN of Oregon, Ms. HARMAN, Mr. WELDON of Florida, and Mr. SHADEGG):

H.R. 1636. A bill to protect and enhance consumer privacy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER:

H.R. 1637. A bill to authorize the Secretary of the Army to convey certain land at Fort Campbell, Kentucky and Tennessee, for the purpose of realigning and upgrading United States Highway 79 from a 2-lane highway to a 4-lane highway; to the Committee on Armed Services.

By Mr. TAYLOR of Mississippi (for himself, Mr. EVANS, Mr. ROGERS of Alabama, Mr. MCINTYRE, Mr. RODRIGUEZ, Mr. FORBES, Mr. SIMMONS, Mr. KANJORSKI, Mr. COSTELLO, Mr. DAVIS of Tennessee, and Mr. PICKERING):

H.R. 1638. A bill to amend the Defense Base Closure and Realignment Act of 1990 to repeal the authorized 2005 round of closures

and realignments of military installations; to the Committee on Armed Services.

By Mr. UDALL of Colorado:

H.R. 1639. A bill to provide a means of resolving claims regarding the continued existence of rights-of-way under former section 2477 of the Revised Statutes, which was repealed by the Federal Land Policy and Management Act of 1976; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 1640. A bill to amend the Internal Revenue Code of 1986 to allow a married couple who operates an unincorporated business as co-owners to file separate returns for purposes of the self-employment tax, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 1641. A bill to require increased safety testing of 15-passenger vans, ensure the compliance of 15-passenger vans used as schoolbuses with motor vehicle safety standards applicable to schoolbuses, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 1642. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to monitor complaints regarding the quality of wireless telephone service; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico (for herself, Mr. BOEHNER, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. ENGLISH, Mr. TIBERI, Mr. BOUCHER, Mr. CASE, Mr. FROST, Mr. SHERMAN, Mr. PUTNAM, Mr. HAYES, Mr. SOUDER, Mr. PAUL, Mr. BERRY, Mr. HOLDEN, Mr. DAVIS of Alabama, Mr. DAVIS of Tennessee, Mr. LUCAS of Kentucky, Mrs. JONES of Ohio, Mr. SIMMONS, Ms. GINNY BROWN-WAITE of Florida, Mr. GREENWOOD, Mr. WILSON of South Carolina, Mr. BOSWELL, Mr. KENNEDY of Rhode Island, Mr. MOORE, Mr. STENHOLM, Mr. PEARCE, Mr. UDALL of New Mexico, Mr. ETHERIDGE, and Mr. EHLERS):

H.R. 1643. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for teachers and principals who work in certain low income schools; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. BEREUTER, Mr. ACKERMAN, and Mr. WEXLER):

H. Con. Res. 136. Concurrent resolution providing that NATO should play a greater role in promoting security in Afghanistan, and for other purposes; to the Committee on International Relations.

By Mr. HOEKSTRA:

H. Con. Res. 137. Concurrent resolution supporting the goals and ideals of a National Safety in Numbers Month; to the Committee on Government Reform.

By Mr. BOYD (for himself and Mr. PUTNAM):

H. Res. 173. A resolution recognizing the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary and expressing strong support for the continued success of the National Wildlife Refuge System; to the Committee on Resources.

By Ms. DELAURO (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. POMEROY, Mrs. JONES of Ohio, Mr. SERRANO, Mr. KILDEE, Mr. BROWN of Ohio, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, Mr. HONDA, Ms. SOLIS, Mrs. MALONEY, Mr. STARK, Mr. BOSWELL, Mr. FARR, Ms. LEE, Ms. MCCOLLUM, Ms. ROYBAL-ALLARD, Mr. ALLEN, Mr. CASE, Mr. GEORGE MILLER of California, Ms. BERKLEY, and Ms. LOFGREN):

H. Res. 174. A resolution recognizing the unique effects that proposals to reform Social Security may have on women; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H. Res. 175. A resolution recognizing the United States Air Force's Air Force News Agency on the occasion of its 25th anniversary and honoring the Air Force personnel who have served the Nation while assigned to that agency; to the Committee on Armed Services.

By Mr. GONZALEZ (for himself and Mr. RODRIGUEZ):

H. Res. 176. A resolution honoring the San Fernando Cathedral and the city of San Antonio on the occasion of the completion of the cathedral's renovation; to the Committee on Government Reform.

By Mr. GREEN of Wisconsin:

H. Res. 177. A resolution commending the people of the Republic of Kenya for conducting free and fair elections, for the peaceful and orderly transfer of power in their government, and for the continued success of democracy in their nation since that transition; to the Committee on International Relations.

By Mr. WELDON of Pennsylvania (for himself, Mr. PETERSON of Pennsylvania, Mr. GREENWOOD, Mr. PITTS, Mr. MURPHY, Ms. HART, Mr. DOYLE, Mr. SHUSTER, Mr. PLATTS, Mr. HOEFFEL, Mr. SHERWOOD, Mr. GERLACH, Mr. TOOMEY, Mr. FATTAH, Mr. ENGLISH, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. KANJORSKI, and Mr. MURTHA):

H. Res. 178. A resolution honoring the life and work of former Speaker of the Pennsylvania House of Representatives Matthew J. Ryan and offering the deepest condolences of the United States House of Representatives to his wife and family on his death; to the Committee on Government Reform.

¶35.27 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

8. The SPEAKER presented a memorial of the Legislature of the State of Wyoming, relative to a Joint Resolution memorializing the United States Congress to recognize the mobilization and deployment of the Fourth Infantry Division Rear Operations Center of the Wyoming Army National Guard; to the Committee on Armed Services.

9. Also, a memorial of the Legislature of the State of Wyoming, relative to a Joint Resolution memorializing the United States Congress to recognize the mobilization and deployment of the 1041st Engineer Company of the Wyoming Army National Guard; to the Committee on Armed Services.

¶35.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. COOPER, Mr. ISRAEL, Ms. CARSON of Indiana, Mr. CUMMINGS, Mr. DINGELL, and Mr. PETERSON of Minnesota.

H.R. 25: Mr. HEFLEY.

H.R. 31: Mr. HILL.

H.R. 33: Mr. ACEVEDO-VILA and Mr. POMEROY.

H.R. 35: Mr. TERRY.

H.R. 40: Mr. HASTINGS of Florida and Ms. JACKSON-LEE of Texas.

H.R. 49: Mrs. WILSON of New Mexico and Mr. RADANOVICH.

H.R. 100: Mr. VAN HOLLEN, Mrs. DAVIS of California, Mr. BEAUPREZ, Mr. SIMMONS, Mr. BOOZMAN, Mr. MILLER of Florida, Mr. FROST, Mr. PLATTS, and Mr. HAYES.

H.R. 102: Mr. PAYNE, Ms. SCHAKOWSKY, Mr. ANDREWS and Mr. ENGEL.

H.R. 107: Mr. WILSON of South Carolina.

H.R. 111: Mr. ORTIZ and Mr. BRADLEY of New Hampshire.

H.R. 140: Mr. BISHOP of Georgia and Mr. SCOTT of Georgia.

H.R. 141: Mr. BISHOP of Georgia.

H.R. 217: Mr. GORDON, Mrs. CHRISTENSEN, Mr. HEFLEY, Mr. VAN HOLLEN and Mr. HOLT.

H.R. 218: Mr. FILNER, Mr. MCKEON, Mr. KINGSTON, Mr. DAVIS of Illinois, Mr. TIBERI, Mr. BONILLA, Mr. BOEHNER, Mr. HILL, Mr. LIPINSKI, Mr. ROGERS of Kentucky and Mr. GREENWOOD.

H.R. 277: Mr. DEAL of Georgia.

H.R. 290: Ms. BERKLEY, Mr. HOEFFEL, Mr. DOYLE and Mr. MORAN of Virginia.

H.R. 296: Mr. HOEFFEL.

H.R. 303: Mr. ALEXANDER and Mr. KINGSTON.

H.R. 328: Mr. FORBES, Mr. DOYLE and Mr. GALLEGLY.

H.R. 339: Mr. CHABOT, Mr. CARTER, Mr. RENZI and Mr. BONILLA.

H.R. 357: Mr. ALEXANDER.

H.R. 375: Mrs. MILLER of Michigan, Mr. PICKERING and Mr. ALLEN.

H.R. 412: Mr. OWENS.

H.R. 450: Mr. WYNN.

H.R. 466: Mr. BROWN of Ohio, Mr. EMANUEL, Mr. SWEENEY, Mr. BELL, Mr. BOEHLERT and Mr. HINOJOSA.

H.R. 527: Mr. FROST, Mr. SIMMONS and Mr. RYAN of Ohio.

H.R. 548: Mr. JOHN, Mr. WELDON of Florida, Mr. BERRY, Mr. DEMINT, Mr. ANDREWS, Mr. CUMMINGS, Mr. TAUZIN, Mr. THOMPSON of Mississippi, Mr. GEORGE MILLER of California, Mr. RYAN of Ohio, Mrs. KELLY, Mr. UDALL of Colorado, Mr. FATTAH, Mrs. CUBIN, Mr. SHAW, Mr. BACHUS, Mr. TURNER of Ohio, Mr. KILDEE, Mr. OSE, Mr. ACEVEDO-VILA, Mr. BAIRD, Mr. DAVIS of Alabama, Mr. ALEXANDER, Mr. SESSIONS, and Ms. DUNN.

H.R. 578: Mr. PICKERING, Mr. RYAN of Wisconsin, Mr. MCINNIS, Mr. CAMP, and Mr. SESSIONS.

H.R. 583: Mr. KLINE, Mr. SHUSTER, Mr. REYNOLDS, Mr. GREENWOOD, Mr. BURGESS, Mr. GILCHREST, and Mr. DREIER.

H.R. 584: Mr. MEEKS of New York.

H.R. 589: Mr. BAKER, Mr. PICKERING, Mr. TIERNEY, Mr. CROWLEY, and Ms. PELOSI.

H.R. 591: Mr. WEXLER.

H.R. 593: Mr. REYES.

H.R. 627: Mr. LARSEN of Washington, and Mr. WATT.

H.R. 660: Mr. ENGLISH, Mr. EHLERS, Mr. DAVIS of Tennessee, Mr. PASTOR, Mr. STEARNS, and Mr. PICKERING.

H.R. 664: Mr. FROST and Mrs. JONES of Ohio.

H.R. 684: Mr. BARTON of Texas, Mr. NORWOOD, and Mr. PETRI.

H.R. 687: Mr. GARY G. MILLER of California, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. ISAKSON, Mr. CARTER, Mr. BURTON of Indiana, Mr. BEREUTER, Mr. MICA, Mr. VITTER, Mr. PLATTS, Mr. ROGERS of Kentucky, Mr. OSE, and Mr. CUNNINGHAM.

H.R. 713: Mr. MANZULLO.

H.R. 714: Mr. PAUL and Mr. LATHAM.

H.R. 720: Mr. GOSS.

H.R. 737: Mr. THOMPSON of California and Ms. SLAUGHTER.

H.R. 742: Mr. UDALL of New Mexico, Mr. FALEOMAVAEGA, Mr. ETHERIDGE, Mr. PALLONE, Mr. MENENDEZ, Mr. JENKINS, and Mr. PASCRELL.

H.R. 759: Mr. FEENEY and Mr. NETHERCUTT.

H.R. 771: Mr. REYNOLDS.

H.R. 782: Mr. ORTIZ, Mr. GONZALEZ, and Mr. DOGGETT.

H.R. 785: Mr. RENZI, Mr. HINOJOSA, Ms. WATSON, Mr. PLATTS, Ms. LOFGREN, Mr. PORTER, Mr. EHLERS, and Mr. SMITH of Michigan.

H.R. 786: Mr. HAYES and Mr. BAKER.
H.R. 787: Mr. SOUDER.
H.R. 792: Ms. HART, Mr. DEMINT, Mr. SHIMKUS, Mr. LUCAS of Kentucky, Mr. ROSS, Mr. LANGEVIN, Mr. DEUTSCH, Mr. SANDERS, and Mr. GERLACH.
H.R. 811: Mr. MEEKS of New York.
H.R. 814: Mr. RAMSTAD, Ms. SOLIS, Mr. LANTOS, Mr. MATSUI, Mr. HINCHEY, Mr. OWENS, Mr. VAN HOLLEN, and Mr. HILL.
H.R. 815: Mr. MEEKS of New York.
H.R. 816: Mr. LARSEN of Washington and Mr. MEEKS of New York.
H.R. 819: Mr. GARY G. MILLER of California.
H.R. 834: Mr. GALLEGLY, Mr. GREEN of Wisconsin, Mr. MORAN of Kansas, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. SHIMKUS, Mr. SHUSTER, Mr. JENKINS, and Mr. LATOURETTE.
H.R. 839: Mr. SESSIONS, Mr. CUMMINGS, and Mr. PAYNE.
H.R. 871: Mr. JOHNSON of Illinois.
H.R. 876: Mr. MICA.
H.R. 879: Mr. JONES of North Carolina and Mr. EHLERS.
H.R. 898: Mr. GRIJALVA and Mr. RODRIGUEZ.
H.R. 919: Mr. LANGEVIN, Mr. BISHOP of Georgia, Mr. INSLEE, and Mr. BAKER.
H.R. 927: Mr. REHBERG.
H.R. 953: Mr. LAMPSON, Ms. WATERS, Ms. VELAZQUEZ, Mr. TANNER, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Washington, Mr. HINOJOSA, Mr. FILNER, Mr. GEPHARDT, Mr. HOYER, and Mr. SPRATT.
H.R. 956: Mr. BERMAN.
H.R. 962: Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. LIPINSKI, Mr. HINCHEY, Mr. CASE, and Mr. SABO.
H.R. 977: Mr. GUTKNECHT and Mrs. MCCARTHY of New York.
H.R. 980: Ms. DELAURO and Mr. PORTMAN.
H.R. 1036: Mr. DEAL of Georgia, Mrs. WILSON of New Mexico, Mr. BILIRAKIS, and Mr. GALLEGLY.
H.R. 1046: Mr. MARKEY, Mr. BOSWELL, and Mr. WAXMAN.
H.R. 1054: Mr. LEWIS of Kentucky.
H.R. 1080: Mr. VAN HOLLEN, Mr. STARK, Mrs. CAPPS, Ms. CORRINE Brown of Florida, Mr. GREEN of Wisconsin, and Mr. SPRATT.
H.R. 1081: Mr. VAN HOLLEN, Mr. STARK, Mrs. CAPPS, Ms. CORRINE Brown of Florida, Mr. GREEN of Wisconsin, and Mr. SPRATT.
H.R. 1093: Mr. WEXLER.
H.R. 1125: Mr. OLVER, Mr. ORTIZ, Mr. ALLEN, Mr. CARSON of Oklahoma, Mr. BOYD, Mr. OBERSTAR, Mr. DOYLE, Mr. MOORE, Ms. KAPTUR, Mr. STARK, Mr. LATHAM, and Mr. SKELTON.
H.R. 1130: Mr. SABO.
H.R. 1157: Mr. MCNULTY.
H.R. 1160: Mrs. JOHNSON of Connecticut, Mr. ROGERS of Alabama, Mr. CRAMER, Mr. BACHUS, Mr. ADERHOLT, Mr. KANJORSKI, Mr. PLATTS, Mr. BISHOP of Utah, Mr. ABERCROMBIE, Mr. SHIMKUS, Mrs. JO ANN DAVIS of Virginia, Mr. MICHAUD, Mr. DAVIS of Alabama, Mr. WHITFIELD, Ms. GINNY BROWN-WAITE of Florida, Mr. TAYLOR of Mississippi, Mr. STUPAK, Mr. RANGEL, and Mr. BRADLEY of New Hampshire.
H.R. 1162: Mr. CROWLEY.
H.R. 1165: Mr. MCDERMOTT.
H.R. 1177: Mr. DEAL of Georgia, Mrs. NORTHUP, Mr. SOUDER, and Mr. UDALL of Colorado.
H.R. 1179: Mrs. BLACKBURN and Mr. FROST.
H.R. 1191: Mrs. DAVIS of California and Mr. EHLERS.
H.R. 1196: Mr. RANGEL, Mr. SABO, Mr. BAIRD, and Mr. VAN HOLLEN.
H.R. 1211: Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. CROWLEY, and Mr. RANGEL.
H.R. 1213: Mr. MURPHY, Mr. WICKER, Mr. MCINNIS, and Mr. POMEROY.
H.R. 1214: Mr. LIPINSKI, Mr. FRANK of Massachusetts, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. POMEROY, Mr. DAVIS of Tennessee, Mr. BACHUS, and Mr. DUNCAN.
H.R. 1225: Ms. GRANGER, Mr. SOUDER, Mr. KILDEE, Mr. LANGEVIN, Mr. SCHIFF, Mr. GREEN of Texas, Mr. ALLEN, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. GIBBONS, Mr. BOOZMAN, Mr. WAXMAN, Mr. MORAN of Virginia, and Mr. DOYLE.
H.R. 1235: Mr. YOUNG of Alaska, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, and Mr. COLE.
H.R. 1236: Mr. TERRY.
H.R. 1258: Mr. WAXMAN, Mr. ENGEL, Mr. UDALL of New Mexico, Mr. STARK, and Mr. HOEFFEL.
H.R. 1264: Mr. TURNER of Texas, Mr. ROSS, Mr. THOMPSON of California, Mr. SCOTT of Georgia, Mr. MCINTYRE, Mr. MOORE, Mr. DAVIS of Tennessee, Mr. LUCAS of Kentucky, Mr. BERRY, Mr. BOYD, Mr. STENHOLM, Mr. HILL, Mr. BOSWELL, Mr. ALEXANDER, Ms. HARMAN, and Mr. TAYLOR of Mississippi.
H.R. 1265: Mrs. MUSGRAVE.
H.R. 1267: Mr. LANTOS, Mr. MICHAUD, Mr. WEXLER, and Mr. DOYLE.
H.R. 1275: Mr. DOGGETT, Ms. HARMAN, Mr. DOOLEY of California, Mr. GUTIERREZ, Mr. HOLT, and Mr. GRIJALVA.
H.R. 1279: Mr. JANKLOW, Mr. CHOCOLA, Mr. THOMPSON of Mississippi, and Ms. MCCARTHY of Missouri.
H.R. 1294: Ms. DEGETTE.
H.R. 1295: Mr. KENNEDY of Rhode Island, Mr. PLATTS, Ms. LEE, Mr. WYNN, Mr. HINOJOSA, Mr. ACKERMAN, Mr. LYNCH, and Mr. BOSWELL.
H.R. 1297: Mr. SMITH of New Jersey, Mr. MURPHY, Mr. EVANS, Mr. MICHAUD, Mr. REYES, Ms. HOOLEY of Oregon, Ms. BERKLEY, Mr. FILNER, Mr. GUTIERREZ, Mr. UDALL of New Mexico, Mr. RYAN of Ohio, Mr. SIMMONS, Mr. BEAUPREZ, Mr. BROWN of South Carolina, Mr. BOEHLERT, and Mr. MILLER of Florida.
H.R. 1304: Ms. KAPTUR.
H.R. 1306: Ms. KAPTUR.
H.R. 1317: Mr. HERGER.
H.R. 1320: Mr. DOOLITTLE and Mr. WYNN.
H.R. 1322: Ms. KAPTUR and Mr. DINGELL.
H.R. 1323: Mr. LANTOS, Mr. HAYWORTH, Mrs. MCCARTHY of New York, Mr. SIMMONS, and Mr. ALEXANDER.
H.R. 1336: Mr. PAYNE.
H.R. 1366: Mr. RANGEL, Mrs. TAUSCHER, and Mrs. JONES of Ohio.
H.R. 1373: Mr. ISAKSON and Mr. TIAHRT.
H.R. 1379: Ms. CARSON of Indiana.
H.R. 1380: Mr. BONILLA, Mr. BELL, and Mr. CLAY.
H.R. 1381: Mr. ACKERMAN, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. PAYNE, Ms. LEE, Mr. EHLERS, Mr. OWENS, Ms. KAPTUR, Mr. WYNN, Ms. DEGETTE, Mr. MEEHAN, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Mr. KILDEE, Mr. MICHAUD, Mr. GONZALEZ, and Ms. WATERS.
H.R. 1386: Mr. GOODE Mr. PICKERING, Mr. PAYNE, Mr. CARSON of Oklahoma, Mr. CUMMINGS, Mr. FROST, and Mr. CARDOZA.
H.R. 1389: Mr. BERMAN.
H.R. 1397: Mr. KILDEE.
H.R. 1400: Mr. MURTHA, Mr. SANDLIN, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Mr. CROWLEY, Mr. MEEHAN, Mr. BOYD, Mr. MCDERMOTT, Mr. BAIRD, Ms. DELAURO, Mr. SANDERS, and Mr. STUPAK.
H.R. 1414: Ms. BALDWIN.
H.R. 1415: Mr. STARK, Mr. ALLEN, Mr. VAN HOLLEN, Mr. SANDERS, Ms. NORTON, Mr. GILLMOR, Ms. CARSON of Indiana, and Mr. MATHESON.
H.R. 1422: Mr. COOPER and Mr. PICKERING.
H.R. 1425: Mr. TIERNEY.
H.R. 1429: Mr. BACA and Ms. SLAUGHTER.
H.R. 1443: Mr. BURTON of Indiana.
H.R. 1452: Mr. BEAUPREZ and Mr. BURGESS.
H.R. 1459: Mr. FROST.
H.R. 1466: Mr. CONYERS, Ms. BALDWIN, MR. DOYLE, Ms. LORETTA SANCHEZ of California, Ms. WOOLSEY, and Mr. PASCRELL.
H.R. 1472: Mr. BARTLETT of Maryland and Mr. SMITH of New Jersey.
H.R. 1473: Ms. JACKSON-LEE of Texas.
H.R. 1478: Mr. SIMMONS and Mr. HOEFFEL.
H.R. 1480: Mr. DEFAZIO, Mr. SABO, and Mr. CONYERS.
H.R. 1500: Mr. LARSEN of Washington and Mr. BAIRD.
H.R. 1508: Mr. FORD, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. ACEVEDO-VILA, Ms. WATSON, and Mr. OWENS.
H.R. 1511: Mrs. MILLER of Michigan, Mr. SESSIONS, Mr. BALLENGER, Mr. NEY, Mr. WALSH, Mr. GREEN of Wisconsin, Mr. BRADY of Texas, Mr. MCCOTTER, Mr. COLE, Mr. COBLE, Mr. REYNOLDS, Mr. PORTER, Mr. SAXTON, Mr. PICKERING, Mr. FOSSELLA, Mr. BISHOP of Utah, Mr. BURNS, Mr. CASTLE, Mr. ROGERS of Alabama, Mr. WHITFIELD, Mr. GILLMOR, and Mr. TOOMEY.
H.R. 1519: Mr. FRANKS of Arizona.
H.R. 1534: Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mr. CUMMINGS, and Mr. KILDEE.
H.R. 1540: Mr. KENNEDY of Rhode Island.
H.R. 1552: Mr. WICKER, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1553: Mr. TIAHRT, Mr. CASE, Mr. LATOURETTE, Mr. MILLER of North Carolina, Mr. MEEKS of New York, Mrs. TAUSCHER, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LOWEY, Mr. PASTOR, Mr. FRANK of Massachusetts, and Mr. LUCAS of Kentucky.
H.R. 1554: Mr. EVANS and Mr. MCGOVERN.
H.R. 1565: Ms. CARSON of Indiana.
H.R. 1570: Mr. TAUZIN.
H.J. Res. 4: Mr. LANGEVIN, Mr. WICKER, Mr. COLE, Mr. BAKER, and Mr. DAVIS of Tennessee.
H.J. Res. 37: Mr. LEWIS of Georgia.
H. Con. Res. 23: Mr. LINDER.
H. Con. Res. 39: Mr. SCHIFF, Ms. LORETTA SANCHEZ of California, and Mr. ABERCROMBIE.
H. Con. Res. 49: Mr. MARKEY, Mr. SANDERS, Mr. FILNER, and Mr. GRIJALVA.
H. Con. Res. 86: Mr. WAXMAN, Mr. ANDREWS, Mr. HINCHEY, Ms. DELAURO, Mr. THOMPSON of California, and Mr. WEINER.
H. Con. Res. 98: Mr. SWEENEY and Mr. SIMPSON.
H. Con. Res. 107: Mr. ABERCROMBIE, Mr. FORD, Mr. DOGGETT, Mr. HINCHEY, Mr. DOYLE, and Ms. KAPTUR.
H. Con. Res. 111: Ms. LEE, Mr. DINGELL, Ms. DUNN, and Mr. BLUMENAUER.
H. Con. Res. 113: Mr. NEY.
H. Con. Res. 116: Mr. BEAUPREZ and Mr. BURGESS.
H. Con. Res. 117: Mr. ACKERMAN, Mr. DEUTSCH, Mr. BAKER, Mr. HINCHEY, Mr. SCHROCK, Mr. ANDREWS, Ms. CARSON of Indiana, and Mr. WU.
H. Con. Res. 119: Mr. BARTLETT of Maryland, Mr. GOODE, Mr. TOOMEY, Mr. FRANKS of Arizona, Mr. ADERHOLT, Mr. BOEHNER, Mr. ISRAEL, and Mr.. KING of Iowa.
H. Con. Res. 130: Ms. SOLIS, Ms. ROYBAL-ALLARD, and Ms. DELAURO.
H. Res. 58: Mr. GOODE.
H. Res. 76: Mr. ROTHMAN, Mr. LAMPSON, and Mr. CASE.
H. Res. 112: Mr. FILNER.
H. Res. 141: Ms. CARSON of Indiana and Mr. FRANK of Massachusetts.
H. Res. 142: Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Mr. INSLEE, and Mrs. JOHNSON of Connecticut.
H. Res. 154: Mr. JANKLOW, Mr. SIMMONS, and Mr. OSBORNE.
H. Res. 157: Mr. FRANK of Massachusetts.
H. Res. 159: Mr. LAMPSON, Mr. GONZALEZ, Mr. BECERRA, Mr. ORTIZ, Mr. ACEVEDO-VILA, Ms. JACKSON-LEE of Texas, Mr. TURNER of Texas, Mr. REYES, Mr. EDWARDS, Mr. DOGGETT, Ms. EDDIE BERNICE JOHNSON of

Texas, Mr. STENHOLM, Mr. FROST, Mr. BELL, Ms. SOLIS, Mr. RODRIGUEZ, Mr. GRIJALVA, Mr. BACA, Mr. MENENDEZ, Mr. PASTOR, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. LINDA T. SANCHEZ of California, and Mr. GUTIERREZ.

H. Res. 164: Mr. MCGOVERN.

¶35.29 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 898: Mr. KENNEDY of Rhode Island.

H.R. 1040: Mr. SCOTT of Georgia.

MONDAY, APRIL 7, 2003 (36)

¶36.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. OTTER, who laid before the House the following communication:

Washington, DC, April 7, 2003.

I hereby appoint the Honorable C.L. ''BUTCH'' OTTER to act as Speaker pro tempore on this day.

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

¶36.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 273. An Act to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

S. 302. An Act to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

S. 426. An Act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential lease-holders shall have an option to purchase the parcels from the Commission, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 151) ''An Act to amend title 18, United States Code, with respect to the sexual exploitation of children,'' agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. GRASSLEY, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. KENNEDY, and Mr. BIDEN to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 342) ''An Act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. ALEXANDER, Mr. DEWINE, Mr. KENNEDY, and Mr. DODD to be the conferees on the part of the Senate.

¶36.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. OTTER, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶36.4 RECESS—12:45 P.M.

The SPEAKER pro tempore, Mr. OTTER, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 45 minutes p.m., until 2 p.m.

¶36.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶36.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Thursday, April 3, 2003.

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

¶36.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1674. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy—ABS and MBS Investments (RIN: 3052-AC14) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1675. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 108—61); to the Committee on Appropriations and ordered to be printed.

1676. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending December 2002, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

1677. A letter from the Inspector General, Department of Defense, transmitting the Department's report on the effectiveness of voting assistance programs, pursuant to 10 U.S. C. 1566 Public Law 107—107, section 1602; to the Committee on Armed Services.

1678. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Public Disclosure of Financial and Other Information (RIN: 2550-AA25) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1679. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Radiation Exposure Reports: Labeling Personal Information (RIN: 3150-AH07) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1680. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Kuwait [Transmittal No. DTC 041-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1681. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece [Transmittal No. DTC 007-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1682. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 014-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1683. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to France, United Kingdom, Germany, Switzerland, Sweden and Spain [Transmittal No. DTC 008-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1684. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece [Transmittal No. DTC 006-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1685. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled ''Country Reports on Human Rights Practices for 2002,'' pursuant to 22 U.S.C. 2151n(d); to the Committee on International Relations.

1686. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act; to the Committee on International Relations.

1687. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Seven Bexar County, Texas, Invertebrate Species (RIN: 1018-AI47) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1688. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Catch Sharing Plan; Correction [Docket No. 030124019-3040-02; I.D. 010703B] (RIN: 0648-AQ67) received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1689. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Catcher/processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No. 021212307-3037-3037-02; I.D. 031303B] received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1690. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations: Taunton River, MA [CGD01-03-011] received April 2, 2003, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1691. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone: Protection of Tank Ships, Puget Sound, WA [CGD13-02-018] (RIN: 1625-AA00 [Formerly 2115-AA97]) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1692. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security and Safety Zone: Protection of Large Passenger Vessels, Puget Sound, WA [CGD13-03-003] (RIN: 1625-AA00) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1693. A letter from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting the Department's final rule—Procedures for the Handling of Discrimination Complaints under Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (RIN: 1218-AB99) received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1694. A letter from the Acting General Counsel, Department of Homeland Security, transmitting the Department's final rule—Assistance to Firefighters Grant Program (RIN: 3067-AD21) received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1695. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice-Appeal Withdrawal (RIN: 2900-AK71) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1696. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule—Treatment of Retirement Pay—Employee Contributions—received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1697. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of fringe benefits (Rev. Rul. 2002-25) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1698. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Diesel Fuel; Blended Taxable Fuel [TD 9051] (RIN: 1545-AX97) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1699. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claim for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-27) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1700. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Grants to individuals (Rev. Rul. 2003-32) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1701. A letter from the Inspector General, Department of Defense, transmitting the Department's results of an audit conducted in response to a report entitled, ''Annual Report on Transfers of Militarily Sensitive Technology to Countries and Entities of Concern''; jointly to the Committees on International Relations, Armed Services, and Intelligence (Permanent Select).

¶36.8 DR. ROSWELL N. BECK POST OFFICE BUILDING

Mr. Tom DAVIS of Virginia moved to suspend the rules and pass the bill (H.R. 1055) to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the ''Dr. Roswell N. Beck Post Office Building''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. Tom DAVIS of Virginia and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Tom DAVIS of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶36.9 FINANCIAL LITERACY FOR YOUTH MONTH

Mr. Tom DAVIS of Virginia moved to suspend the rules and agree to the following resolution (H. Res. 127); as amended:

Whereas the informed use of credit and other financial products and services benefits individual consumers and promotes economic growth;

Whereas financial literacy encourages greater economic self-sufficiency, higher levels of homeownership, and enhanced retirement security, particularly among low- and moderate-income Americans;

Whereas the past decade has seen declining personal savings rates, increased bankruptcy filings, and rising percentages of family income devoted to servicing household debt;

Whereas millions of Americans, the ''unbanked'', have never established account relationships at mainstream, insured depository institutions;

Whereas 55 percent of college students acquire their first credit card during their first year in college, and 83 percent of college students have at least 1 credit card;

Whereas 45 percent of college students are in credit card debt, with the average debt being $3,066;

Whereas only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money;

Whereas a 2002 study by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know even less about credit cards, retirement funds, insurance, and other personal finance basics than seniors did 5 years ago;

Whereas a 2002 survey by the National Council on Economic Education found that a decreasing number of States include personal finance in their educational standards for students in Kindergarten through 12th grade;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion of an increasingly complex economy;

Whereas personal financial management skills and long-lived habits develop during childhood;

Whereas personal financial education is essential to ensure that our youth are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; and

Whereas the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations have designated each April as ''Financial Literacy for Youth Month'', the goal of which is to educate the public about the need for increased financial literacy for youth in America: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and supports the goals and ideals of ''Financial Literacy for Youth Month''; and

(2) requests the President to issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe ''Financial Literacy for Youth Month'' with appropriate programs and activities.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. Tom DAVIS of Virginia and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Tom DAVIS of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶36.10 NORMAN SHUMWAY POST OFFICE BUILDING

Mr. Tom DAVIS of Virginia moved to suspend the rules and pass the bill (H.R. 1368) to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the ''Norman Shumway Post Office Building''; as amended.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. Tom DAVIS of Virginia and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Tom DAVIS of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8,

rule XX, announced that further proceedings on the motion were postponed.

¶36.11 RECESS—2:48 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 48 minutes p.m., until approximately 6:30 p.m.

¶36.12 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶36.13 FURTHER MESSAGE FROM THE SENATE

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

H.R. 1559. An Act making emergency wartime supplemental appropriations for the fiscal year ending September 10, 2003, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1559) ''An Act making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mrs. HUTCHISON, Mr. DEWINE, Mr. BROWNBACK, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU to be the conferees on the part of the Senate.

¶36.14 H.R. 1055—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1055) to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the ''Dr. Roswell N. Beck Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 383 / Nays 0

¶36.15 [Roll No. 109]

YEAS—383

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

NOT VOTING—51

Bachus
Becerra
Boyd
Brown, Corrine
Calvert
Camp
Combest
Conyers
Cooper
Costello
Cox
Dooley (CA)
Everett
Fattah
Ferguson
Fletcher
Gallegly
Gephardt
Gutierrez
Hinchey
Hinojosa
Hoeffel
Honda
Hulshof
Hyde
Jefferson
Jenkins
Larsen (WA)
Lewis (CA)
Lipinski
Lucas (OK)
McCarthy (MO)
Murtha
Neal (MA)
Owens
Payne
Portman
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Rush
Sessions
Simpson
Smith (TX)
Stupak
Sweeney
Taylor (NC)
Towns
Vitter
Weiner
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶36.16 H. RES. 127—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 127) expressing the sense of the House of Representatives that a month should be designated as ''Financial Literacy for Youth Month''; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 380 / Nays 1

¶36.17 [Roll No. 110]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Capito

Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hobson
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Frank (MA)

NOT VOTING—53

Bachus
Becerra
Boyd
Brown, Corrine
Calvert
Camp
Combest
Conyers
Cooper
Costello
Cox
Dingell
Dooley (CA)
Everett
Fattah
Ferguson
Fletcher
Gallegly
Gephardt
Gutierrez
Herger
Hinchey
Hinojosa
Hoeffel
Honda
Hulshof
Hyde
Jefferson
Jenkins
Larsen (WA)
Lewis (CA)
Lipinski
Lucas (OK)
McCarthy (MO)
Meek (FL)
Murtha
Neal (MA)
Owens
Payne
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Rush
Sessions
Simpson
Smith (TX)
Stupak
Sweeney
Taylor (NC)
Towns
Vitter
Weiner
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing and supporting the goals and ideals of 'Financial Literacy for Youth Month'.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

¶36.18 H.R. 1368—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1368) to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the ''Norman Shumway Post Office Building''; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 380 / Nays 0

¶36.19 [Roll No. 111]

YEAS—380

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

Upton	Watson	Wicker
Van Hollen	Watt	Wilson (NM)
Velazquez	Waxman	Wilson (SC)
Visclosky	Weldon (FL)	Wolf
Walden (OR)	Weldon (PA)	Woolsey
Walsh	Weller	Wu
Wamp	Wexler	Wynn
Waters	Whitfield	Young (AK)

NOT VOTING—54

Akin	Gallegly	Murtha
Bachus	Gephardt	Neal (MA)
Ballenger	Gutierrez	Owens
Becerra	Hinchey	Payne
Boyd	Hinojosa	Rogers (AL)
Brown, Corrine	Hobson	Rogers (MI)
Calvert	Hoeffel	Rohrabacher
Camp	Honda	Ros-Lehtinen
Cantor	Hulshof	Rush
Combest	Hyde	Sessions
Conyers	Jefferson	Simpson
Cooper	Jenkins	Stupak
Costello	Larsen (WA)	Sweeney
Cox	Lewis (CA)	Taylor (NC)
Dooley (CA)	Lipinski	Towns
Everett	Lucas (OK)	Vitter
Ferguson	Matsui	Weiner
Fletcher	McCarthy (MO)	Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the 'Norman D. Shumway Post Office Building'.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶36.20 KEEPING CHILDREN AND FAMILIES SAFE

On motion of Mr. BOEHNER, by unanimous consent, the bill of the Senate (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; together with the amendment of the House thereto, was taken from the Speaker's table.

When on motion of Mr. BOEHNER, it was,

Resolved, That the House insist upon its amendment and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

Thereupon, the SPEAKER pro tempore, Mr. CULBERSON, by unanimous consent, announced the appointment of the following Members as managers on the part of the House at said conference:

From the Committee on Education and the Workforce, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. BOEHNER, HOEKSTRA, PORTER, GREENWOOD, NORWOOD, GINGREY, BURNS, GEORGE MILLER of California, HINOJOSA, Mrs. DAVIS of California, Mr. RYAN of Ohio and Mr. DAVIS of Illinois.

Ordered, That the Clerk notify the Senate thereof.

¶36.21 ORDER OF BUSINESS—CONSIDERATION OF S. 380

On motion of Mr. LINDER, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order to consider in the House the bill of the Senate (S. 380) to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Post Office, and for other purposes; that the bill be considered as read for amendment; that the previous question be considered as ordered on the bill to final passage without intervening motion except for (1) one hour of debate equally divided and controlled by the chairman and ranking member of the Committee on Government Reform; (2) the amendment numbered 1 to H.R. 735 in the CONGRESSIONAL RECORD if offered by Representative Waxman or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment or a demand for division of the question; (3) one motion to recommit with or without instructions; and that, following the passage of S. 380, H.R. 735 shall be laid upon the table.

¶36.22 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 273. An Act to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes; to the Committee on Resources.

S. 302. An Act to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Resources.

S. 426. An Act to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential lease-holders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Resources.

¶36.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today;

To Mr. LUCAS of Oklahoma, for today and balance of the week; and

To Mr. STUPAK, for today and April 8.

And then,

¶36.24 ADJOURNMENT

On motion of Mr. RODRIGUEZ, at 10 o'clock and 31 minutes p.m., the House adjourned.

¶36.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1036. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; with an amendment (Rept. 108–59). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 1298. A bill to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; with an amendment (Rept. 108–60). Referred to the Committee of the Whole House on the State of the Union.

¶36.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TAUZIN (for himself, Mr. THOMAS, Mr. BOEHLETT, Mr. POMBO, and Mr. OXLEY):

H.R. 6. A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes; referred to the Committee on Energy and Commerce, and in addition to the Committees on Science, Resources, Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas:

H.R. 1644 A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Resources, Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT:

H.R. 1645 A bill to establish a research, development, and demonstration program in genetics, protein science, and computational biology of microbes and plants to support the energy and environmental mission of the Department of Energy; to the Committee on Science.

By Ms. CARSON of Indiana:

H.R. 1646 A bill to amend the Uniform Time Act of 1966 to modify the State exemption provisions for advancement of time; to the Committee on Energy and Commerce.

By Ms. BALDWIN:

H.R. 1647 A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes; to the Committee on Resources.

By Mrs. CAPPS:

H.R. 1648 A bill to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District; to the Committee on Resources.

By Mr. CRANE:

H.R. 1649 A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to clarify rules for determining whether certain agent-drivers and commission-drivers are employees; to the Committee on Ways and Means.

By Mr. NUNES:

H.R. 1650 A bill to ensure regulatory equity between and among all dairy farmers and handlers, including producers also acting as handlers, for sales of packaged fluid milk into certain non-federally regulated milk marketing areas from federally regulated areas and to apply minimum milk price requirements to certain handlers of Class I milk products in the Arizona-Las Vegas marketing area under certain circumstances; to the Committee on Agriculture.

By Mr. RADANOVICH (for himself, Mr. NUNES, and Mr. DOOLEY of California):

H.R. 1651. A bill to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; to the Committee on Resources.

By Mr. RANGEL (for himself, Mr. CARDIN, Ms. PELOSI, Mr. HOYER, Mr. STARK, Mr. MATSUI, Mr. LEVIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. DOGGETT, and Mrs. JONES of Ohio):

H.R. 1652. A bill to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. SMITH of New Jersey, Mr. FOLEY, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. BARTLETT of Maryland, Mr. BOOZMAN, Mr. KENNEDY of Rhode Island, Mr. FILNER, Mr. LOBIONDO, Mr. LYNCH, Mr. LUCAS of Kentucky, Mr. MILLER of Florida, Mr. HEFLEY, Mr. BILIRAKIS, Mr. CALVERT, Mr. TURNER of Texas, Mr. ANDREWS, Mr. SIMPSON, and Mr. GOODE):

H.R. 1653. A bill to amend title 10, United States Code, to change the effective date for paid-up coverage under the military Survivor Benefit Plan from October 1, 2008, to October 1, 2003; to the Committee on Armed Services.

By Mr. SMITH of Michigan:

H.R. 1654. A bill to amend chapter 8 of title 5, United States Code, to require congressional approval of proposed rules considered by the Congress to be significant rules; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND:

H.R. 1655. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina (for himself and Mr. KING of Iowa):

H.R. 1656. A bill to amend the National Labor Relations Act to provide the National Labor Relations Board with expanded statutory authority with respect to employees and labor organizations engaged in or encouraging violent and other potentially injurious conduct; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Ms. KILPATRICK, Ms. LEE, Mrs. JONES of Ohio, Ms. KAPTUR, Mrs. MALONEY, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. DAVIS of California, and Mrs. CAPPS):

H.R. 1657. A bill to provide funding for programs at the National Institute of Environmental Health Sciences regarding breast cancer in younger women, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H. Con. Res. 138. Concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774-2005; to the Committee on House Administration.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H. Con. Res. 139. Concurrent resolution authorizing printing of the brochures entitled ''How Our Laws Are Made'' and ''Our American Government'', the publication entitled ''Our Flag'', the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution; to the Committee on House Administration.

By Mr. CUMMINGS:

H. Con. Res. 140. Concurrent resolution expressing the sense of Congress regarding the awareness of and treatment for kidney disease; to the Committee on Energy and Commerce.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. BALLENGER, Mr. MENENDEZ, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. BURTON of Indiana, Mr. KINGSTON, Mr. MCCOTTER, and Mr. PALLONE):

H. Res. 179. A resolution expressing the sense of the House of Representatives regarding the systematic human rights violations in Cuba committed by the Castro Regime, calling for the immediate release of all political prisoners, and supporting respect for basic human rights and free elections in Cuba; to the Committee on International Relations.

By Mr. STRICKLAND (for himself, Mr. HOLDEN, Mr. SWEENEY, and Mr. GREEN of Wisconsin):

H. Res. 180. A resolution supporting the goals and ideals of ''National Correctional Officers and Employees Week'' and honoring the service of correctional officers and employees; to the Committee on the Judiciary.

¶36.27 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. POMBO introduced a bill (H.R. 1658) to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes; which was referred to the Committee on Resources.

¶36.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. SNYDER, Mr. REYES, and Mr. DUNCAN.

H.R. 34: Mr. TIERNEY and Mrs. WILSON of New Mexico.

H.R. 44: Mr. PETRI.

H.R. 49: Mrs. CAPITO and Mr. BAIRD.

H.R. 97: Mr. SAXTON, Mr. MICA, Mr. PLATTS, Ms. WATSON, Mr. FRANK of Massachusetts, Mr. GILLMOR, and Mr. BROWN of Ohio.

H.R. 100: Mr. SNYDER.

H.R. 119: Mr. REHBERG.

H.R. 133: Mr. PAUL.

H.R. 140: Mr. THOMPSON of Mississippi.

H.R. 173: Mr. DOYLE and Ms. WATSON.

H.R. 198: Mr. SMITH of Michigan.

H.R. 199: Mr. FOLEY.

H.R. 205: Mr. MCCOTTER.

H.R. 218: Mr. HEFLEY and Mr. OSE.

H.R. 235: Mrs. JO ANN DAVIS of Virginia, Mr. BOEHNER, Mr. BARTON of Texas, Ms. ROS-LEHTINEN, Mr. CARTER, Mr. COLE, and Mr. OTTER.

H.R. 284: Mr. WALSH, Mr. SERRANO, Mr. WHITFIELD, Mr. GORDON, Mr. DAVIS of Florida, Mr. FORD, and Mrs. MALONEY.

H.R. 300: Mr. BARRETT of South Carolina.

H.R. 331: Mr. PLATTS.

H.R. 391: Mr. BEREUTER and Mr. HASTINGS of Washington.

H.R. 466: Mr. HUNTER, Mr. DOGGETT, and Mr. REHBERG.

H.R. 504: Mr. INSLEE.

H.R. 527: Mr. BISHOP of New York and Mr. MCNULTY.

H.R. 528: Mr. LANGEVIN, Mr. SAXTON, Mr. CAPUANO, and Mrs. MCCARTHY of New York.

H.R. 531: Mr. RADANOVICH, Mrs. DAVIS of California, and Mr. MCINTYRE.

H.R. 532: Ms. WOOLSEY.

H.R. 577: Ms. SLAUGHTER and Mr. FARR.

H.R. 584: Mr. DOYLE.

H.R. 627: Mr. RANGEL and Mr. DOYLE.

H.R. 648: Mr. PLATTS and Mr. HOLDEN.

H.R. 685: Mr. RYAN of Ohio.

H.R. 693: Mr. DOYLE.

H.R. 781: Mrs. CAPITO.

H.R. 791: Mr. ROGERS of Michigan, Ms. PRYCE of Ohio, Mr. CAMP, Mr. FROST, Mr. KENNEDY of Minnesota, Mr. BAKER, Mr. RAMSTAD, Ms. DUNN, Mr. PASTOR, Mr. GORDON, Mr. LUCAS of Kentucky, and Mr. GERLACH.

H.R. 800: Mr. PLATTS.

H.R. 806: Mr. GREEN of Wisconsin and Mr. NEAL of Massachusetts.

H.R. 813: Mr. MCINTYRE.

H.R. 816: Mr. BOSWELL, MR. OLVER, and Mr. CLAY.

H.R. 844: Mrs. JONES of Ohio, Ms. SCHAKOWSKY, and Mr. ENGEL.

H.R. 876: Mr. EHLERS Mr. FERGUSON, and Mr. COSTELLO.

H.R. 886: Mr. DUNCAN.

H.R. 898: Mr. GILCHREST and Ms. MCCOLLUM.

H.R. 953: Mr. PICKERING, MR. REYES, Mr. RUPPERSBERGER, Mr. ACEVEDO-VILA, and Mr. POMEROY.

H.R. 972: Mr. KILDEE, Mr. LIPINSKI, Mrs. LOWEY, Mr. RYAN of Ohio, and Ms. SCHAKOWSKY.

H.R. 979: Ms. LORETTA SANCHEZ of California.

H.R. 996: Mr. TIBERI, Mr. BARTLETT of Maryland, Mr. SWEENEY, Mr. GILLMOR, and Mr. ROYCE.

H.R. 997: Mr. BARRETT of South Carolina, Mr. PAUL, and Mr. GRAVES.

H.R. 1038: Mr. HAYWORTH.

H.R. 1040: Mr. KUCINICH.

H.R. 1049: Mr. BARTON of Texas.

H.R. 1052: Mr. GILLMOR.

H.R. 1072: Mr. KINGSTON and Mr. CALVERT.

H.R. 1084: Mr. STEARNS.

H.R. 1101: Mr. RAMSTAD.

H.R. 1105: Mr. WYNN, Ms. LORETTA SANCHEZ of California, Mr. RUSH, and Ms. PELOSI.

H.R. 1119: Mr. CARTER, Mr. BURNS, and Mr. BURGESS.

H.R. 1136: Mrs. TAUSCHER.

H.R. 1137: Mr. SHUSTER.

H.R. 1157: Mr. DOGGETT and Mr. WAXMAN.

H.R. 1221: Mr. CROWLEY.

H.R. 1225: Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. TIBERI, Mr. FRANK of Massachusetts, and Mr. LUCAS of Oklahoma.
H.R. 1231: Ms. DEGETTE, Mr. MCNULTY, Mr. DOOLITTLE, Mr. SCHROCK, Mr. SIMPSON, Mr. KUCINICH, Mr. BURTON of Indiana, and Mr. PORTER.
H.R. 1309: Mr. KENNEDY of Rhode Island.
H.R. 1321: Mr. ACKERMAN and Mr. DOYLE.
H.R. 1322: Mr. HOEFFEL.
H.R. 1348: Mrs. JONES of Ohio.
H.R. 1375: Mr. ROYCE, Mr. NEY, Mr. LATOURETTE, Ms. HART, Mr. TIBERI, and Mr. SANDLIN.
H.R. 1409: Mr. BISHOP of Utah
H.R. 1415: Mr. KUCINICH, Mr. ANDREWS, Mr. CAPUANO, Ms. LOFGREN, and Mr. MCHUGH.
H.R. 1429: Mr. HOLT, Mr. ABERCROMBIE, Mr. KUCINICH, Ms. SOLIS, and Ms. DELAURO.
H.R. 1442: Mr. LIPINSKI, Mr. PLATTS, Mr. MCGOVERN, Mr. BISHOP of New York, Mr. HERGER, Mrs. CUBIN, Mr. BISHOP of Utah, and Ms. HART.
H.R. 1478: Mr. MICHAUD.
H.R. 1519: Mr. BISHOP of New York.
H.R. 1577: Mr. HAYWORTH, Mr. BARTLETT of Maryland, Mr. ROHRABACHER, Mr. GRAVES, Mr. NORWOOD, Mr. JONES of North Carolina, and Mr. SHADEGG.
H.R. 1585: Mr. MCNULTY.
H.R. 1633: Mr. BECERRA.
H.J. Res. 4: Mr. YOUNG of Alaska, Mr. YOUNG of Florida, and Mr. TAYLOR of North Carolina.
H. Con. Res. 6: Mr. KOLBE.
H. Con. Res. 60: Mr. FOLEY.
H. Con. Res. 78: Mr. DELAHUNT.
H. Con. Res. 80: Mr. KUCINICH.
H. Con. Res. 86: Mr. HOLT, Mr. MEEHAN, Mr. RUSH, Mr. BLUMENAUER, Ms. ROYBAL-ALLARD, and Mr. KUCINICH.
H. Con. Res. 98: Mr. NETHERCUTT, Mr. REHBERG, Mr. TIAHRT, Mr. FOSSELLA, Mr. CALVERT, Mr. BARTLETT of Maryland, and Mr. RYUN of Kansas.
H. Con. Res. 103: Mr. CALVERT.
H. Con. Res. 115: Mr. PALLONE, Mr. MCDERMOTT, Mr. WALSH, Mr. FROST, Mr. ENGEL, and Mr. OWENS.
H. Con. Res. 119: Mr. MCNULTY, Mr. FROST, Mr. AKIN, Mr. ABERCROMBIE, Mr. BURGESS, Mr. MCGOVERN, and Mr. WEXLER.
H. Con. Res. 122: Mr. FROST, Mr. FARR, and Mr. POMEROY.01:32-Subformat:
H. Res. 72: Mr. KUCINICH.
H. Res. 127: Mr. MCCOTTER.

¶36.29 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 660: Mr. BACA.

TUESDAY, APRIL 8, 2003 (37)

¶37.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. SIMMONS, who laid before the House the following communication:

WASHINGTON, DC,
April 8, 2003.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

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

¶37.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 397. An Act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

H.R. 672. An Act to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William ''Willie'' McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 164. An Act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of César Estrada Chávez and the farm labor movement.

S. 212. An Act to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a Hydrogeologic Characterization, Mapping, and Modeling Program for the High Plains Aquifer, and for other purposes.

S. 220. An Act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

S. 278. An Act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

S. 328. An Act to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreational Area'', and for other purposes.

S. 347. An Act to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint resource study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes.

The message also announced that pursuant to Public Law 101–509, the Chair announces, on behalf of the Secretary of Senate, the appointment of Paul Gherman, of Tennessee, to the Advisory Committee on the Records of Congress.

¶37.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶37.4 RECESS—11 A.M.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock a.m., until noon.

¶37.5 AFTER RECESS—NOON

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶37.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. BIGGERT, announced she had examined and approved the Journal of the proceedings of Monday, April 7, 2003.

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

¶37.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 rule XII, were referred as follows:

1702. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lactic acid, ethyl ester and Lactic acid, n-butyl ester; Exemptions from the Requirement of a Tolerance; Technical Correction [OPP-2002-0-217; FRL-7298-4] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1703. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Modified Acrylic Polymers; Revision of Tolerance Exemption [OPP-2003-0079; FRL-7297-8] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1704. A letter from the Under Secretary, Department of Defense, transmitting the Department's report for purchases from foreign entities for Fiscal Year 2002, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

1705. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report regarding assured access to space for the United States; to the Committee on Armed Services.

1706. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, ''Development of Research, Development, Test, and Evaluation Programs and Activities Beginning in FY 2004''; to the Committee on Armed Services.

1707. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Education [DFARS Case 2002-D038] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1708. A letter from the Secretary, Department of Defense, transmitting notification that the President approved changes to the 2002 Unified Command Plan; to the Committee on Armed Services.

1709. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Foreign Acquisition [DFARS Case 2002-D009] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1710. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; One-hour Ozone Attainment Demonstration for the Rhode Island Ozone Nonattainment Area [A-1-FRL-7476-7] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1711. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Gas Turbines [OAR-2002-0053, FRL-7476-5] (RIN: 2060-AK35) received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1712. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period October 1, 2002 to March 31, 2003, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

1713. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Jordan [Transmittal No. DTC 005-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1714. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Germany [Transmittal No. DTC 011-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1715. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 301 of the United States Macau Policy Act, covering the period from April 2, 2001, to April 1, 2002; to the Committee on International Relations.

1716. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 301 of the United States-Hong Kong Policy Act of 1992, pursuant to 22 U.S.C. 5731; to the Committee on International Relations.

1717. A letter from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting the Department's inventory of functions pursuant to the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

1718. A letter from the Attorney-Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1719. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1720. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status and Designation of Critical Habitat for Polygonum hickmanii (Scotts Valley polygonum) (RIN: 1018-AH76) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1721. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Departmernt of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Kauai Cave Wolf Spider and Kauai Cave Amphipod (RIN: 1018-AH01) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1722. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2000, pursuant to Public Law 105—89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

1723. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fellowships [FRL-7476-2] (RIN: 2030-AA77) received April 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Education and the Workforce, Transportation and Infrastructure, and Agriculture.

¶37.8 UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the Speaker, pursuant to 40 United States Code 188a, and the order of the House of January 8, 2003, appointed to the United States Capitol Preservation Commission, the following Members of the House: Messrs. YOUNG of Florida and LATOURETTE .

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶37.9 EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS

On motion of Mr. YOUNG of Florida, by unanimous consent, the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. YOUNG of Florida, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶37.10 MOTION TO INSTRUCT CONFEREES—H.R. 1559

Mr. OBEY moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 1559), recede to the Senate on section 409 of the amendment of the Senate, providing 26 weeks of additional temporary extended unemployment compensation for displaced airline related workers.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the yeas had it.

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶37.11 NUTRIA ERADICATION AND CONTROL

Mr. GILCHREST moved to suspend the rules and pass the bill (H.R. 273) to provide for the eradication and control of nutria in Maryland and Louisiana.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. GILCHREST and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GILCHREST demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶37.12 EDUCATION LAND GRANT

Mr. HAYWORTH moved to suspend the rules and pass the bill (H.R. 108) to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. HAYWORTH and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HAYWORTH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶37.13 MCLOUGHLIN HOUSE NATIONAL HISTORIC SITE

Mr. GILCHREST moved to suspend the rules and pass the bill (H.R. 733) to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National park System, and for other purposes.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. GILCHREST and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.14 UNFINISHED BUSINESS—MOTION TO INSTRUCT CONFEREES—H.R. 1559

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill (H.R. 1559) making emergency wartime supplemental appropriations for the

fiscal year ending September 30, 2003, and for other purposes.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the yeas had it.

Mrs. CHRISTENSEN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 265 / Nays ..... 150 }

¶37.15 [Roll No. 112]

YEAS—265

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Barton (TX)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Burgess
Burr
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gillmor
Gonzalez
Gordon
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hayworth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Napolitano
Neal (MA)
Nethercutt
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NAYS—150

Bachus
Baker
Ballenger
Barrett (SC)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Doolittle
Dreier
Duncan
Ehlers
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Goss
Graves
Greenwood
Gutknecht
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Isakson
Issa
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Linder
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Simmons
Simpson
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Vitter
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—19

Brown, Corrine
Brown-Waite, Ginny
Combest
Davis (TN)
Davis, Tom
Gephardt
Gerlach
Hulshof
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
McCarthy (MO)
Moran (VA)
Nadler
Payne
Smith (TX)
Stupak
Taylor (NC)

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶37.16 APPOINTMENT OF CONFEREES—H.R. 1559

Thereupon, the SPEAKER pro tempore, Mrs. BIGGERT, by unanimous consent, appointed Messrs. YOUNG of Florida, REGULA, LEWIS of California, ROGERS of Kentucky, WOLF, KOLBE, WALSH, TAYLOR of North Carolina, HOBSON, ISTOOK, BONILLA, KNOLLENBERG, KINGSTON, FRELINGHUYSEN, OBEY, MURTHA, DICKS, SABO, MOLLOHAN, Ms. KAPTUR, Mr. VISCLOSKY, Ms. LOWEY, Messrs. SERRANO, MORAN of Virginia, and EDWARDS, as managers on the part of the House at said conference.

¶37.17 H.R. 273—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 273) to provide for the eradication and control of nutria in Maryland and Louisiana.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 385 / Nays ..... 30 }

¶37.18 [Roll No. 113]

YEAS—385

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren

Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—30

Barrett (SC)
Burgess
Burton (IN)
Coble
Collins
Culberson
Deal (GA)
Duncan
Everett
Feeney
Flake
Franks (AZ)
Goode
Graves
Hensarling
Hostettler
King (IA)
Miller (FL)
Norwood
Otter
Paul
Pearce
Pence
Rohrabacher
Sensenbrenner
Shadegg
Smith (MI)
Stearns
Toomey
Wamp

NOT VOTING—19

Brown, Corrine
Brown-Waite, Ginny
Combest
Davis (TN)
Davis, Tom
Gephardt
Gerlach
Hulshof
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
McCarthy (MO)
Moran (VA)
Nadler
Payne
Stupak
Taylor (NC)
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.19 H.R. 108—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 108) to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 406 / Nays ..... 8 }

¶37.20 [Roll No. 114]

YEAS—406

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

NAYS—8

Flake
Franks (AZ)
Rohrabacher
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns

NOT VOTING—20

Brown, Corrine
Brown-Waite, Ginny
Combest
Davis, Tom
Gephardt
Gerlach
Honda
Hulshof
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
Matsui
McCarthy (MO)
Moran (VA)
Nadler
Payne
Stupak
Taylor (NC)
Weldon (PA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.21 SMALL BUSINESS REGULATORY ASSISTANCE

Mr. MANZULLO moved to suspend the rules and pass the bill (H.R. 205) to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. MANZULLO and Ms. VELAZQUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MANZULLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶37.22 U.S.S. THRESHER 40TH ANNIVERSARY OF SINKING

Mr. BRADLEY of New Hampshire moved to suspend the rules and agree to the following resolution (H. Res. 170):

Whereas the U.S.S. Thresher was first launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas, with a crew of 16 officers, 96 sailors, and 17 civilians, the U.S.S. Thresher departed Portsmouth Naval Shipyard for her final voyage on April 9, 1963;

Whereas the military and civilian mix of the U.S.S. Thresher crew reflects the unity of the naval submarine service in the protection of the United States;

Whereas at approximately 7:47 a.m. on April 10, 1963, while in communication with the surface ship U.S.S. Skylark, and approximately 300 miles off the coast of New England, the U.S.S. Thresher began her final descent;

Whereas, on April 10, 1963, the U.S.S. Thresher was declared lost with all hands;

Whereas the loss of the U.S.S. Thresher gave rise to the SUBSAFE program, which has kept United States' submariners safe at sea as the strongest and safest submarine force in history;

Whereas the loss of the U.S.S. Thresher gave rise to an ocean engineering curricula in institutions of higher education that has enabled and sustained the United States' preeminence in submarine warfare; and

Whereas the crew of the U.S.S. Thresher demonstrated the ''last full measure of devotion'' in service to the United States, and this devotion characterizes the sacrifices of all submariners, past and present: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 40th anniversary of the sinking of the U.S.S. Thresher;

(2) remembers with profound sorrow the loss on April 10, 1963, of the U.S.S. Thresher and her gallant crew of sailors and civilians;

(3) expresses its deepest gratitude to all submariners on ''eternal patrol'', who are forever bound together by their dedicated and honorable service to the United States; and

(4) requests the Clerk of the House of Representatives to transmit a copy of this resolution to the Chief of Naval Operations and to the Commanding Officer of the Portsmouth Naval Shipyard to be accepted on behalf of the families and shipmates of the crew of the U.S.S. Thresher.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. BRADLEY of New Hampshire and Mr. SNYDER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BRADLEY of New Hampshire demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, April 9, 2003.

¶37.23 PRIME MINISTER ZORAN DJINDJIC

Mr. BEREUTER moved to suspend the rules and agree to the following resolution (H. Res. 149):

Whereas Prime Minister Zoran Djindjic symbolized the hopes of a new generation of Serbs exhausted by decades of war and turmoil until he was felled by 2 sniper bullets in front of his office in the center of Belgrade on Wednesday, March 12, 2003;

Whereas Djindjic's killing was a heinous attack on democracy;

Whereas Zoran Djindjic was born on August 1, 1952, in Bosnia and became politically active during his student years at the University of Belgrade;

Whereas after spending several months in jail for attempting to create an autonomous noncommunist student organization with fellow students from Croatia and Slovenia, Zoran Djindjic moved to Germany, where he earned a doctorate in philosophy under Jürgen Habermas in 1979, and returned to Yugoslavia in 1989 to teach philosophy at Novi Sad University;

Whereas in 1989, Djindjic joined a group of Serb dissident writers and intellectuals to found the Democratic Party;

Whereas one year later, Djindjic was voted the Chairman of the Democratic Party Executive Board and in January 1994, he was elected the party's president;

Whereas Djindjic became a member of the Serbian Parliament in 1990, serving as the party's parliamentary group whip and a member of the Republic's Council at the Federal Parliament 3 years later;

Whereas following 88 days of mass protests over electoral manipulation during local elections in 1996, Zoran Djindjic was elected Belgrade's first noncommunist mayor since World War II;

Whereas Djindjic is widely believed to be the chief strategist and main organizer behind the Yugoslav presidential elections of September 24, 2000, and the uprising of October 5, 2000, that resulted in the overthrow and delivery of former Yugoslav President Slobodan Milosevic to the International Criminal Tribunal for the former Yugoslavia (ICTY), that was investigating atrocities committed during the tragic and violent breakup of Yugoslavia;

Whereas subsequent cooperation with the ICTY has been judged to be less than optimal, but in recent months Prime Minister Djindjic moved forcefully to fight the organized criminal structures that Serbia inherited from the Milosevic era and to arrest war criminals who have remained at large;

Whereas Djindjic is also credited with masterminding the Serbian elections of December 2000, in which the Democratic Opposition of Serbia (DOS), a coalition of 18 parties spanning a broad range of the political spectrum, won 65 percent of the popular vote;

Whereas the DOS elected Djindjic to be Prime Minister of Serbia on January 25, 2001;

Whereas during his 2-year tenure as Prime Minister, Zoran Djindjic sought to advance democracy, human rights, free market reforms, and the rule of law;

Whereas Djindjic's leadership raised desperately low living standards and advanced the integration of Serbia into Europe; and

Whereas Prime Minister Djindjic managed to maintain a disparate 17-party coalition government with a narrow majority in order to achieve these urgently needed reforms: Now, therefore, be it

Resolved, That—

(1) the House of Representatives offers its condolences and deepest sympathy to the people of Serbia and the family of Zoran Djindjic following the assassination of Prime Minister Djindjic;

(2) the House of Representatives understands that organized criminal groups within Serbian society continue to threaten the free and democratic government of Serbia and Montenegro;

(3) the House of Representatives recognizes that while implementing necessary reforms and cooperating with the International Criminal Tribunal for the former Yugoslavia may carry significant risks for the leadership of Serbia and Montenegro, these reforms and this cooperation are necessary and must continue; and

(4) it is the sense of the House of Representatives that the United States should support continued democratic reforms initiated by Zoran Djindjic, should urge his successors to dedicate themselves to continue to support his road to reform, and should pledge to assist Serbia and its new leadership in accomplishing these necessary reforms, including efforts to fight organized crime and corruption.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. BEREUTER and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BEREUTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, April 9, 2003.

¶37.24 POLITICAL PRISONERS AND FREE ELECTIONS FOR CUBA

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 179):

Whereas the Cuban Government continues to repress all peaceful attempts by the Cuban people to bring democratic change to the island by denying universally recognized liberties, including freedom of speech, assembly, association, movement and of the press;

Whereas on March 9, 2003, many of Cuba's prominent dissidents issued a statement titled ''Joint Statement'' to the European Union, wherein they reaffirmed their view of the Cuban Government's ''total vocation to

immobility and its refusal to respect internationally recognized human rights or accept the existence of legitimate political opposition'' and further stated that ''in recent times the Cuban Government has intensified its political and social repression'';

Whereas commencing on March 17, 2003, the Cuban Government carried out a massive, island wide crackdown on members of Cuba's pro-democracy movement, which included the arrest of over 80 dissidents, among them many who signed the ''Joint Statement'', activists of the Assembly to Promote Civil Society, promoters of the Varela Project, independent journalists, and numerous members of Cuba's nascent independent civil society;

Whereas the Cuban Government arbitrarily searched the homes and confiscated personal items belonging to pro-democracy activists;

Whereas independent journalists were among those incarcerated in this massive crackdown, including Raul Rivero, known as the dean of the dissident independent journalists in Cuba;

Whereas independent librarians, who make their homes available so that the Cuban population may have access to publications otherwise censored by the Cuban Government, also became victims of repression, as many were arrested, their homes ransacked and searched, and publications and other belongings confiscated;

Whereas Marta Beatriz Roque, and other leaders of the ''Assembly to Promote Civil Society'', an islandwide movement seeking to coordinate the various sectors of Cuba's nascent independent civil society who work for a democratic transition, were incarcerated and face lengthy sentences, including life sentences;

Whereas activists who have collected or signed petitions for the Varela Project were also incarcerated in this crackdown and may also face life sentences;

Whereas more than 80 pro-democracy leaders who work for a peaceful transition to democracy in Cuba have been incarcerated and sentenced under ''Law 88'' and ''Law 91'', two draconian totalitarian laws that call for long sentences of 10, 15, or 20 years, or life imprisonment, or even death for pro-democracy activity;

Whereas there is concern for the well-being and safety for all of Cuba's political prisoners, particularly Juan Carlos Gonzalez Leyva, who is a blind human rights activist incarcerated since March of 2002 without being formally charged, and Leonardo Bruzon Avila, who has been denied medical attention according to Amnesty International, despite the effects of a prolonged hunger strike while in prison.;

Whereas a plea for solidarity was made from within the notoriously harsh prison in Cuba known as ''Combinado del Este'' and signed by 21 political prisoners, among them Dr. Oscar Elias Biscet, Francisco Chaviano, Rafael Ibarra, and Jorge Luis Garcia Perez ''Antunez'' to the member states of the 59th Session of the United Nations Human Rights Commission;

Whereas the Cuban Government has carried out ''summary trials'' to expeditiously sentence pro-democracy leaders to try to intimidate and silence other pro-democracy activists on the island, while world attention is primarily focused on Iraq;

Whereas the Castro regime has engaged in mass arrests of dissidents while the United Nations Commission on Human Rights, of which Cuba is a member, is meeting in Geneva;

Whereas certain member countries of the Latin American and Caribbean group (GRULAC) at the United Nations Commission on Human Rights are currently drafting a resolution on the violations of human rights by the Cuban Government;

Whereas the Cuban Government has repeatedly violated the rights enshrined in the Universal Declaration of Human Rights, the Inter-American Convention on Human Rights, and other international and regional human rights agreements, and has violated the mandates issued by the United Nations Commission on Human Rights;

Whereas foreign diplomats and members of the international press have been barred by the Cuban Government from being present at the ''summary trials''; and

Whereas pro-democracy leaders on the island have come together to call for the immediate release of all Cuban political prisoners, and are requesting international solidarity with the internal opposition, as reflected in a March 31, 2003, statement signed by some of the most prominent dissidents on the island: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the brutal crackdown of the Cuban Government on the island's peaceful pro-democracy movement;

(2) calls for the immediate release of all Cuban political prisoners;

(3) supports the right of the Cuban people to exercise fundamental political and civil liberties, including freedom of expression, assembly, association, movement, press, and the right to multiparty elections;

(4) calls on the United States Permanent Representative to the United Nations and other International Organizations in Geneva, Switzerland, to work with the member countries of the United Nations Commission on Human Rights to ensure a resolution that includes the strongest possible condemnation of the current crackdown of dissidents and of the gross human rights violations committed by the Cuban Government; and

(5) calls on the Latin American and Caribbean group (GRULAC) at the United Nations Commission on Human Rights to exclude Cuba from its slate of candidates for the United Nations Commission on Human Rights and urges all member nations to oppose renewing Cuba's membership on the United Nations Commission on Human Rights until the Government of Cuba adheres to international human rights standards, such as those delineated in the Universal Declaration of Human Rights.

The SPEAKER pro tempore, Mr. TERRY, recognized Ms. ROS-LEHTINEN and Mr. LANTOS, each for 20 minutes.

After debate,

By unanimous consent, the time for debate was extended by ten minutes to be equally divided and controlled by Ms. ROS-LEHTINEN and Mr. LANTOS.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶37.25 CLEAN DIAMOND TRADE

Mr. CRANE moved to suspend the rules and pass the bill (H.R. 1584) to implement effective measures to stop trade in conflict diamonds, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. CRANE and Mr. LEVIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶37.26 POSTAL WORKERS CIVIL SERVICE RETIREMENT FUNDING

Mr. Tom DAVIS of Virginia, pursuant to the order of the House of April 7, 2003, called up the bill (S. 380) to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

When said bill was considered and read twice.

After debate,

Pursuant to the order of the House of April 7, 2003, Mr. WAXMAN submitted the following amendment numbered 1 to H.R. 735 as printed in the Congressional Record:

In section 8348(h)(1)(B)(i) of title 5, United States Code (as proposed to be amended by section 2(c) of the bill), strike ''include'' and insert ''exclude''.

In section 8348(h)(1)(B)(ii) of title 5, United States Code (as proposed to be amended by section 2(c) of the bill), strike ''included shall not'' and insert ''excluded shall''.

After debate,

Mr. WAXMAN withdrew his amendment.

Pursuant to the order of the House of April 7, 2003, the previous question was ordered.

The bill was ordered to be read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LINDER, announced that the yeas had it.

Mr. Tom DAVIS of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays 0

¶37.27 [Roll No. 115]

YEAS—424

Abercrombie	Akin	Andrews
Ackerman	Alexander	Baca
Aderholt	Allen	Bachus

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

NOT VOTING—10

Combest
Gephardt
Gordon
Hyde
Jenkins
Lucas (OK)
McCarthy (MO)
Payne
Smith (MI)
Stupak

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed, was, by unanimous consent, laid upon the table.

Ordered, That the Clerk notify the Senate thereof.

Pursuant to the order of the House of Monday, April 7, 2003, a similar House bill (H.R. 735) was laid on the table.

¶37.28 H.R. 205—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 205) to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 4

¶37.29 [Roll No. 116]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)

Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Culberson
Flake
Hostettler
Paul

NOT VOTING—13

Combest
Gordon
Hart
Hyde
Jenkins
Johnson (CT)
Lucas (OK)
Majette
McCarthy (MO)
Musgrave
Payne
Radanovich
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.30 H. RES. 179 —UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 179) expressing the sense of the House of Representatives regarding the systematic human rights violations in Cuba committed by the Castro regime, calling for the immediate release of all political prisoners, and supporting respect for basic human rights and free elections in Cuba.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414; Nays ..... 0; Answered present 11 }

¶37.31 [Roll No. 117]

YEAS—414

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

ANSWERED ''PRESENT''—11

Ballance
Conyers
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick
Lee
Paul
Rush
Waters
Wynn

NOT VOTING—9

Combest
Gordon
Hyde
Jenkins
Lucas (OK)
McCarthy (MO)
Payne
Rothman
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended said resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶37.32 H.R. 1584 —UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1584) to implement effective measures to stop trade in conflict diamonds, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419; Nays ..... 0; Answered present 1 }

¶37.33 [Roll No. 118]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor

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

NAYS—2

Flake
Paul

ANSWERED ''PRESENT''—1

Waters

NOT VOTING—12

Brown-Waite, Ginny
Combest
DeLay
Gordon
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
McCarthy (MO)
Meehan
Payne
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.34 COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The SPEAKER pro tempore, Mr. QUINN, announced that the Speaker, pursuant to section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 United States Code 5616), and the order of the House of January 8, 2003, reappointed, on the part of the House, to the Coordinating Council on Juvenile Justice and Delinquency Prevention Commission for a period of three years the following Member: Mr. Michael J. Mahoney, Chicago, Illinois:

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶37.35 MINORITY LEADER—APPOINTMENT—UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore, Mr. BURGESS, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
April 8, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to (40 U.S.C. 188a), I hereby appoint Rep. Chaka Fattah as a member of the United States Capitol Preservation Commission for the 108th Congress.

Best Regards,

NANCY PELOSI.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶37.36 PROVIDING FOR THE CONSIDERATION OF H.R. 1036

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–64) the resolution (H. Res. 181) providing for the consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

When said resolution and report were referred to the House Calendar and ordered printed.

¶37.37 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 164. An Act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of César Estrada Chávez and the farm labor movement; to the Committee on Resources.

S. 212. An Act to authorize the Secretary of the Interior to cooperate with the High Plans Aquifer States in conducting a Hydrogeologic Characterization, Mapping, and Modeling Program for the High Plans Aquifer, and for other purposes; to the Committee on Resources.

S. 278. An Act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes; to the Committee on Resources.

S. 328. An Act to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area'', and for other purposes; to the Committee on Resources.

S. 347. An Act to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint resource study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes; to the Committee on Resources.

¶37.38 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 397. An Act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois

H.R. 672. An Act to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William ''Willie'' McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.

¶37.39 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. EVERETT, for April 7, 2003.

And then,

¶37.40 ADJOURNMENT

On motion of Mr. LEWIS of Georgia, at 9 o'clock and 44 minutes p.m., the House adjourned.

¶37.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 1528. A bill to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service; with an amendment (Rept. 108–61). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1297. A bill to require the construction at Arlington National Cemetery of a memorial to the crew of the Columbia Orbiter (Rept. 108–62 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 658. A bill to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission; with an amendment (Rept. 108–63 Pt. 1). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 181. Resolution providing for consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others (Rept. 108–64). Referred to the House Calendar.

¶37.42 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 658. Referral to the Committee on Government Reform extended for a period ending not later than June 2, 2003.

H.R. 1297. Referral to the Committee on Science extended for a period ending not later than April 8, 2003.

H.R. 1644. Referral to the Committees on Science, Resources, Education and the Workforce, and Transportation and Infrastructure for a period ending not later than April 9, 2003.

¶37.43 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1644. A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with an amendment; Rept. 108–65, Part I; referred to the Committee on Judiciary for a period ending not later than April 9, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

¶37.44 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Science discharged from further consideration. H.R. 1297 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶37.45 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NUNES:

H.R. 1659. A bill to ensure regulatory equity between and among all dairy farmers and handlers, including producers also acting as handlers, for sales of packaged fluid milk into certain non-federally regulated milk marketing areas from federally regulated areas; to the Committee on Agriculture.

By Mr. WICKER (for himself, Mr. HINOJOSA, and Mr. MCKEON):

H.R. 1660. A bill to amend the National Apprenticeship Act to provide that applications relating to apprenticeship programs are processed in a fair and timely manner, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. STARK, Mr. MATSUI, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. BECERRA, Mr. DOGGETT, Mr. SANDLIN, and Mrs. JONES of Ohio):

H.R. 1661. A bill to provide balanced taxpayer protections in tax administrations, including elimination of abusive tax strategies, simplification of the earned income tax credit, and taxpayer protections; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon (for himself, Mr. HUNTER, Mr. GIBBONS, Mr. HERGER, Mr. SIMPSON, Mr. HASTINGS of Washington, Mr. OTTER, Mr. PEARCE, Mr. PAUL, Mr. CANNON, Mr. MCINNIS, Mrs. CUBIN, Mr. STENHOLM, Mr. NETHERCUTT, Mr. REHBERG, Mr. DOOLITTLE, Mr. RENZI, and Mr. BRADY of Texas):

H.R. 1662. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes; to the Committee on Resources.

By Mrs. JONES of Ohio (for herself, Ms. NORTON, Mr. CUMMINGS, Mr. CLAY, Mr. PAYNE, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. FATTAH, Mr. CLYBURN, Ms. LEE, Ms. KILPATRICK, Mr. GUTIERREZ, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. SANDERS, Ms. BERKLEY, Mr. RYAN of Ohio, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. CONYERS, and Ms. JACKSON-LEE of Texas):

H.R. 1663. A bill to protect home buyers from predatory lending practices; to the Committee on Financial Services.

By Mr. THOMAS:

H.R. 1664. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; to the Committee on Ways and Means.

By Mr. BOYD:

H.R. 1665. A bill to modify certain water resources projects for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama; to the Committee on Transportation and Infrastructure.

By Mr. BOYD:

H.R. 1666. A bill to amend title 38, United States Code, to provide that discontinuance of veterans' disability compensation upon the death of a veteran shall be effective as of the date of death of the veteran rather than the last day of the month preceding the veteran's death; to the Committee on Veterans' Affairs.

By Mr. BURNS:

H.R. 1667. A bill to provide an additional opportunity for administrative or judicial relief for socially disadvantaged farmers and ranchers who were discriminated against by the Department of Agriculture in farm credit and benefit programs; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Oklahoma:

H.R. 1668. A bill to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the ''Ed Edmondson United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. CRANE (for himself, Mr. RAMSTAD, Ms. DUNN, and Mr. SOUDER):

H.R. 1669. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a United States regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Ways and Means.

By Mr. GUTKNECHT (for himself, Mr. SABO, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mr. KENNEDY of Minnesota, Ms. MCCOLLUM, and Mr. KLINE):

H.R. 1670. A bill to amend the Internal Revenue Code of 1986 to establish a pilot program to encourage the use of medical savings accounts by public employees of the State of Minnesota and political jurisdictions thereof; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. POMEROY, Mr. ENGLISH, Mr. GRAVES, Mr. HULSHOF, Mr. RAMSTAD, and Mr. MCCRERY):

H.R. 1671. A bill to amend the Internal Revenue Code of 1986 to permit cooperatives to pay dividends on preferred stock without reducing patronage dividends; to the Committee on Ways and Means.

By Mr. KOLBE (for himself and Mr. KNOLLENBERG):

H.R. 1672. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions to fight poverty; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Ms. WOOLSEY, Mr. CONYERS, Mr. OBERSTAR, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BROWN of Ohio, Ms. CARSON of Indiana, Mr. CLAY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. RAHALL, Mr. RANGEL, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SOLIS, Mr. STARK, Mr. TOWNS, Mr. UDALL of Colorado, Ms. WATERS, and Ms. WATSON):

H.R. 1673. A bill to establish a Department of Peace; to the Committee on Government Reform, and in addition to the Committees on International Relations, the Judiciary,

and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 1674. A bill to amend the Internal Revenue Code of 1986 to provide that the vaccine excise tax shall apply to any vaccine against hepatitis A; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. POMEROY, Mr. WALDEN of Oregon, Mr. STENHOLM, Mr. PETERSON of Pennsylvania, Mr. BERRY, Mr. KIND, Mr. MCHUGH, Mr. SANDLIN, Mr. EVANS, Mr. DAVIS of Alabama, and Mr. CASE):

H.R. 1675. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mrs. JO ANN DAVIS of Virginia, and Mrs. EMERSON):

H.R. 1676. A bill to amend chapter 55 of title 5, United States Code, to exclude availability pay for Federal criminal investigators from the limitation on premium pay; to modify levels of special pay adjustments for Federal law enforcement officers in certain areas, and for other purposes; to the Committee on Government Reform.

By Mr. SANDERS (for himself, Mr. GEORGE MILLER of California, Mr. VISCLOSKY, Mr. EMANUEL, Mr. SERRANO, Mr. ENGEL, Mr. GRIJALVA, Mr. ORTIZ, Mr. BROWN of Ohio, Mr. PETRI, Mr. OBERSTAR, Mr. TAYLOR of Mississippi, Mr. HINCHEY, Mr. TOWNS, Mr. ROSS, Mr. DELAHUNT, Mr. OLVER, Mr. PAYNE, Mr. ANDREWS, Mr. WYNN, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. GUTIERREZ, Ms. NORTON, Ms. SOLIS, Mr. WEXLER, Mr. SCHIFF, Ms. SLAUGHTER, Mr. MEEHAN, Mr. NADLER, Mr. RAHALL, Mr. GOODE, Mr. BACA, Mr. KUCINICH, Mr. COSTELLO, Mr. MARKEY, Ms. KILPATRICK, Ms. LEE, Mr. OBEY, Mr. GREEN of Texas, Mr. DEUTSCH, Mr. MICHAUD, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. WEINER, Mr. DEFAZIO, Mr. PALLONE, Mr. MCGOVERN, Mrs. NAPOLITANO, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. REYES, Mr. CUMMINGS, Mr. OWENS, Ms. HOOLEY of Oregon, Ms. MILLENDER-MCDONALD, Mr. DOGGETT, Ms. WOOLSEY, Mr. PASCRELL, Ms. BALDWIN, Ms. BORDALLO, Mr. RYAN of Ohio, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. FILNER, Mr. HOEFFEL, Mr. LANGEVIN, Mr. LYNCH, Mr. HASTINGS of Florida, Mr. SCOTT of Georgia, Mr. CAPUANO, Mr. BISHOP of New York, Mr. DINGELL, Ms. MCCOLLUM, Mr. TIERNEY, Mr. KENNEDY of Rhode Island, Mr. RUSH, Mr. SPRATT, Mr. KILDEE, Mr. BERRY, Mr. LAMPSON, Mr. SCOTT of Virginia, Ms. KAPTUR, Mr. CROWLEY, Ms. ESHOO, Mrs. MALONEY, Mr. UDALL of Colorado, Mrs. MCCARTHY of New York, Mr. INSLEE, Mr. CONYERS, Mr. LANTOS, Mr. MCINTYRE, Mr. HOLT, Mr. BLUMENAUER, Mr. MEEK of Florida, Mr. BOEHLERT, Mr. FARR, Mr. HOLDEN, Mr. ACKERMAN, Ms. LINDA T. SANCHEZ of California, Mrs. CHRISTENSEN, Mr. ROTHMAN, Mr. MURTHA, Ms. MCCARTHY of Missouri, Mrs. DAVIS of California, Ms. VELAZQUEZ, Mrs. CAPPS, Mr. DOYLE, Mr. MENENDEZ, Mr. CASE, Mr. ALLEN, and Mr. BERMAN):

H.R. 1677. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. SCHIFF, Mr. BRADY of Texas, Mr. GREEN of Wisconsin, Mr. KELLER, Mr. OXLEY, Mr. WOLF, and Mr. FERGUSON):

H.R. 1678. A bill to amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes; to the Committee on the Judiciary.

By Mr. TANCREDO:

H.R. 1679. A bill to repeal the so-called Forest Service Appeals Reform Act and to authorize the Secretary of Agriculture to develop an administrative appeals process for the Forest Service in the same manner as other Federal land management agencies; to the Committee on Agriculture.

By Ms. WATSON (for herself and Mr. BURTON of Indiana):

H.R. 1680. A bill to prohibit after 2007 the introduction into interstate commerce of mercury intended for use in a dental filling, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KINGSTON:

H. Con. Res. 141. Concurrent resolution expressing the sense of the Congress that the Internal Revenue Code of 1986 should be fundamentally reformed to be fairer, simpler, and less costly and to encourage economic growth, individual liberty, and investment in American jobs; to the Committee on Ways and Means.

By Mr. WALSH (for himself, Mr. QUINN, Mr. BOEHLERT, Mr. MCHUGH, and Mr. HINCHEY):

H. Con. Res. 142. Concurrent resolution congratulating the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship; to the Committee on Education and the Workforce.

By Mrs. CAPITO:

H. Res. 182. A resolution commending Private First Class Jessica Lynch, United States Army, the special operations forces who on April 1, 2003, rescued her from captivity by Iraqi forces, and all United States and coalition forces in Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H. Res. 183. A resolution commending Mohammed, an Iraqi lawyer, for his fearless and courageous actions in helping to save the life of an American solider; to the Committee on International Relations.

By Mr. WYNN:

H. Res. 184. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin; to the Committee on Government Reform.

¶37.46 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

10. The SPEAKER presented a memorial of the Senate of the State of Wisconsin, relative to Senate Resolution No. 4 memorializing the United States Congress to urge the President and the Wisconsin congressional delegation to support the reauthorization of the existing Community Services Block Grant and its funding to community action agencies; to the Committee on Education and the Workforce.

11. Also,a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 10 memorializing the United States Congress to enact legislation to give states the authority to ban importation of out-of-state solid waste; to the Committee on Energy and Commerce.

12. Also,a memorial of the House of Representatives of the State of New Hampshire, relative to House Concurrent Resolution No. 16 memorializing the United States Congress to urge increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir; to the Committee on International Relations.

13. Also,a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 5 memorializing the United States Congress to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government; to the Committee on Transportation and Infrastructure.

14. Also,a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 9 memorializing the United States Congress to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government; to the Committee on Transportation and Infrastructure.

15. Also,a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 1 memorializing the United States Congress to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; to the Committee on Transportation and Infrastructure.

16. Also,a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 21 memorializing the United States Congress to enact legislation to provide for the United States Coast Guard to transfer ownership of the decommissioned Coast Guard Cutter *Bramble* to the Port Huron Museum of Arts and History programs; to the Committee on Transportation and Infrastructure.

17. Also,a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 6 memorializing the United States Congress to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; to the Committee on Transportation and Infrastructure.

18. Also,a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 71 memorializing the United States Congress to direct FAA to include noise reduction as major goal of redesign of aircraft traffic patterns over New Jersey; to the Committee on Transportation and Infrastructure.

19. Also,a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6005 memorializing the United States Congress to enact financially sustainable, voluntary, universal and

privately administered out-patient prescription drug coverage as part of the federal Medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

¶37.47 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to the public bills and resolutions as follows:

H.R. 20: Mrs. LOWEY, Mr. ALLEN, Mr. KUCINICH, Mr. FERGUSON, Mr. LARSON of Connecticut, Mr. DICKS, and Mr. UDALL of Colorado.
H.R. 25: Mr. KINGSTON.
H.R. 44: Mr. BLUNT.
H.R. 49: Mr. BURNS.
H.R. 83: Ms. LINDA T. SANCHEZ of California.
H.R. 84: Ms. LINDA T. SANCHEZ of Califorinia.,
H.R. 85: Ms. LINDA T. SANCHEZ of California.
H.R. 100: Ms. HEFLEY, Ms. CARSON of Indiana, and Mr. KILDEE.
H.R. 111: Mr. BARRETT of South Carolina, Mr. TIERNEY, Mr. HOEFFEL, Mr. THOMPSON of Mississippi, and Mr. PAYNE.
H.R. 205: Mr. MANZULLO.
H.R. 218: Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, and Mr. DEAL of Georgia.
H.R. 240: Ms. CORRINE BROWN of Florida.
H.R. 245: Mr. SCOTT of Georgia.
H.R. 273: Mr. VITTER.
H.R. 284: Mr. ENGEL, Mr. WEINER, Ms. LEE, Mr. SOUDER, and Mr. BURR.
H.R. 292: Mr. SIMMONS.
H.R. 307: Mr. PLATTS.
H.R. 315: Ms. GRANGER.
H.R. 340: Ms. HART.
H.R. 344: Mr. TAYLOR of Mississippi.
H.R. 359: Mr. HINOJOSA.
H.R. 384: Mr. MILLER of Florida and Mr. PAUL.
H.R. 401: Mr. ROTHMAN and Mr. ENGEL.
H.R. 419: Mr. GONZALEZ.
H.R. 440: Mr. BACA.
H.R. 463: Mr. ACEVEDO-VILA, Mr. UDALL of Colorado, Mr. BISHOP of New York, Mrs. JONES of Ohio, Mr. PRICE of North Carolina, Mr. OWENS, Mr. LEVIN, and Mr. GORDON.
H.R. 466: Mr. MILLER of North Carolina, Mr. HALL, and Mr. ORTIZ.
H.R. 490: Mr. FRANKS of Arizona.
H.R. 501: Ms. SLAUGHTER.
H.R. 502: Mr. SULLIVAN.
H.R. 527: Mr. MCHUGH.
H.R. 528: Mrs. MALONEY.
H.R. 571: Mr. UPTON, Mr. RYAN of Wisconsin, Mr. WICKER, Mr. FRANKS of Arizona, and Mr. STEARNS.
H.R. 584: Mr. OWENS.
H.R. 594: Mr. ALEXANDER, Mr. BARTLETT of Maryland, Mr. NEY, Mr. DICKS, Mr. FOLEY, Mr. CASE and Mr. BURNS.
H.R. 660: Mr. BURNS.
H.R. 687: Mr. WILSON of South Carolina and Mrs. JO ANN DAVIS of Virginia.
H.R. 715: Ms. MCCOLLUM.
H.R. 727: Mr. KUCINICH.
H.R. 728: Mr. SOUDER and Mr. STEARNS.
H.R. 734: Mr. FRANK of Massachusetts.
H.R. 756: Mr. MILLER of Florida.
H.R. 776: Mr. ABERCROMBIE
H.R. 784: Mr. NEAL of Massachusetts.
H.R. 785: Mr. GRIJALVA.
H.R. 806: Mr. LEACH.
H.R. 813: Mr. STRICKLAND.
H.R. 818: Mr. KUCINICH and Ms. HART.
H.R. 833: Mr. BROWN of South Carolina and Mr. WELLER.
H.R. 847: Mr. GUTKNECHT.
H.R. 850: Mr. GILLMOR.
H.R. 854: Mr. HOLT
H.R. 876: Mr. SOUDER, Ms. HART, and Mr. WALDEN of Oregon.
H.R. 879: Mr. SMITH of Michigan, Mr. MCINTYRE, and Mr. ROSS.
H.R. 898: Mr. HINOJOSA.
H.R. 930: Mr. MCINTYRE.
H.R. 934: Mr. GARRETT of New Jersey.
H.R. 935: Ms. JACKSON-LEE of Texas, Mr. KUCINICH, and Mr. ACKERMAN.
H.R. 953: Mr. HASTINGS of Florida.
H.R. 955: Mr. LAMPSON, Mr. HOLT, Mr. GREENWOOD, Mr. LAHOOD, Mr. DAVIS of Tennessee, Mr. PETERSON of Minnesota, Mr. SHAYS, Mr. LEACH, Mr. BURGESS, Mr. DINGELL, Mr. PASCRELL, Mr. SERRANO, Mr. GARRETT of New Jersey, Mr. ISRAEL, Mr. BLUMENAUER, and Mr. SNYDER.
H.R. 973: Mr. RAMSTAD, Mr. QUINN, and Mr. HOEKSTRA.
H.R. 977: Mr. MEEK of Florida, Mr. RADANOVICH, and Mr. GILCHREST.
H.R. 983: Mr. ACKERMAN, Mr. BOEHLERT, Mr. ENGEL, and Ms. ROYBAL-ALLARD.
H.R. 1008: Mr. PLATTS.
H.R. 1033: Mr. YOUNG of Alaska.
H.R. 1043: Mr. THOMPSON of California.
H.R. 1056: Mr. MICHAUD, Mr. BISHOP of New York, and Mr. PUTNAM.
H.R. 1068: Mr. RUSH, Mr. MORAN of Virginia, Mr. PORTER, Mr. COLE, Mr. CANTOR, Mr. FROST, and Mr. KLINE.
H.R. 1070: Mr. ACKERMAN.
H.R. 1075: Mr. TIBERI.
H.R. 1077: Mr. KUCINICH.
H.R. 1093: Mr. BOEHLERT.
H.R. 1098: Ms. HART.
H.R. 1102: Mrs. TAUSCHER.
H.R. 1105: Mr. ENGEL and Mr. LEWIS of Georgia.
H.R. 1114: Mr. BEAUPREZ.
H.R. 1146: Mr. MILLER of Florida.
H.R. 1154: Mr. CALVERT.
H.R. 1163: Mr. BARTLETT of Maryland.
H.R. 1169: Mr. RAMSTAD.
H.R. 1170: Mr. PAUL.
H.R. 1179: Mr. MCHUGH and Mr. MILLER of Florida.
H.R. 1191: Mr. MOORE and Mr. ALLEN.
H.R. 1214: Mr. KING of New York, Mr. OSBORNE, Mr. INSLEE, and Mr. WATT.
H.R. 1222: Mr. CANTOR and Mr. DUNCAN.
H.R. 1235: Mr. TANCREDO, Mr. HAYWORTH, Mr. CALVERT, and Mr. SOUDER.
H.R. 1244: Mr. BLUMENAUER, Mr. MARKEY, Ms. MILLENDER-MCDONALD, and Ms. NORTON.
H.R. 1245: Ms. LEE, Mrs. LOWEY, and Ms. LOFGREN.
H.R. 1252: Mr. MILLER of Florida.
H.R. 1272: Ms. WATSON.
H.R. 1294: Mrs. LOWEY, Mr. SABO, Ms. WATSON, and Mr. FILNER.
H.R. 1297: Mr. BOOZMAN, Mrs. DAVIS of California, and Mr. SNYDER.
H.R. 1301: Mr. LUCAS of Kentucky, Mr. HAYWORTH, and Mr. SOUDER.
H.R. 1309: Mr. KILDEE.
H.R. 1342: Mr. FROST.
H.R. 1345: Mr. OWENS.
H.R. 1349: Mr. WEXLER and Mr. LIPINSKI.
H.R. 1350: Mr. EHLERS, Mr. LATOURETTE, Mr. PUTNAM, Mr. KENNEDY of Minnesota, Mr. GILLMOR, and Mr. BURGESS.
H.R. 1355: Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mr. ALLEN, and Mr. LEVIN.
H.R. 1359: Mr. ALLEN.
H.R. 1372: Mr. HERGER, Mr. MOORE, Mr. KIND, and Mr. SIMPSON.
H.R. 1374: Mr. MILLER of Florida.
H.R. 1377: Mr. GREEN of Wisconsin, Mr. CUMMINGS, Mr. DOYLE, Mr. PALLONE, Mr. HOEFFEL, Mr. KILDEE, Mr. OWENS, and Mr. MCHUGH.
H.R. 1388: Mr. ENGLISH, Mr. MCNULTY, and Mr. HOEFFEL.
H.R. 1392: Mr. OWENS.
H.R. 1408: Mr. BURR.
H.R. 1415: Mr. SOUDER and Mr. SMITH of New Jersey.
H.R. 1421: Mr. REHBERG.
H.R. 1422: Mr. BISHOP of New York, Mr. BRADLEY of New Hampshire, Mr. CAPUANO, Mr. CUMMINGS, Mr. JENKINS, Ms. CARSON of Indiana, Mr. DAVIS of Tennessee, Mr. ACKERMAN, Mr. LANGEVIN, Mr. FORD, Mr. DUNCAN, Mr. LEACH, and Mr. POMEROY.
H.R. 1442: Mr. HOLDEN, Mr. RANGEL, Mr. JOHN, Mr. MCNULTY, Mr. RENZI, and Mr. PEARCE.
H.R. 1451: Mr. LEACH and Mr. COLE.
H.R. 1462: Mr. BISHOP of Georgia, Mr. GEORGE MILLER of California, Mr. WAXMAN, and Mr. KUCINICH.
H.R. 1470: Ms. SLAUGHTER, Mr. WAXMAN, Mr. CLAY, Mr. BISHOP of New York, and Ms. KAPTUR.
H.R. 1472: Mr. BERMAN, Mr. LEVIN, Mr. TIBERI, Ms. DELAURO, and Mr. GEORGE MILLER of California, Mr. INSLEE, Ms. LEE, Mr. DICKS, and Mr. BACA.
H.R. 1480: Mr. CASE and Mr. ALLEN.
H.R. 1483: Mr. FILNER and Mr. FARR.
H.R. 1508: Mr. KUCINICH.
H.R. 1510: Mr. KUCINICH.
H.R. 1511: Mr. MCNULTY, Mr. BARRETT of South Carolina, Mr. ENGLISH, Mr. SKELTON, and Mr. GILCHREST.
H.R. 1519: Mr. GARRETT of New Jersey.
H.R. 1534: Mr. ALLEN, Mr. OWENS, and Mr. KLECZKA.
H.R. 1536: Mr. ENGLISH and Mr. LEVIN.
H.R. 1565: Mr. KILDEE.
H.R. 1568: Mr. CROWLEY, Mr. DAVIS of Tennessee, Ms. KAPTUR, Mr. SCOTT of Georgia, Mr. SABO, and Mr. MURTHA.
H.R. 1576: Mr. KUCINICH.
H.R. 1584: Mr. SMITH of New Jersey.
H.R. 1605: Mr. SHAYS.
H.R. 1634: Mr. BLUNT, Mr. RENZI, and Mr. DOYLE.
H.J. Res. 44: Mr. SHAW and Mr. HAYWORTH.
H. Con. Res. 50: Mr. GRAVES.
H. Con. Res. 56: Mr. MILLER of Florida and Mr. FILNER.
H. Con. Res. 99: Mr. WEINER, Mr. OWENS, Mr. MEEKS of New York, Mr. LATOURETTE, Mr. ABERCROMBIE, Mr. FATTAH, Mr. WEXLER, Mr. KENNEDY of Rhode Island, Ms. BALDWIN, Mr. MCDERMOTT, Mr. WAXMAN, Mr. HOEFFEL, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. SCHIFF, Mr. DEFAZIO, Mr. PALLONE, Mr. LANGEVIN, Mr. NADLER, Mr. PAYNE, Mr. HINCHEY, Mr. ENGEL, Mr. BROWN of Ohio, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 111: Mr. MCGOVERN, Mr. STARK, and Mr. KENNEDY of Rhode Island.
H. Con. Res. 130: Mr. CUMMINGS and Mr. ABERCROMBIE.
H. Con. Res. 136: Mr. HOEFFEL and Mr. BERMAN.
H. Res. 60: Mr. TURNER of Ohio, Mrs. JO ANN DAVIS of Virginia, Mr. ENGEL, Mr. RAMSTAD, Mr. JEFFERSON, Mr. HAYWORTH, Mr. JOHN, Mr. BOUCHER, Mr. DOGGETT, and Mr. MCCRERY.
H. Res. 140: Mr. DEUTSCH and Mr. SOUDER.
H. Res. 157: Mr. CAPUANO and Ms. LORETTA SANCHEZ of California.
H. Res. 173: Mr. KIND and Ms. DELAURO.
H. Res. 179: Mr. FEENEY, Ms. HARRIS, Mr. ANDREWS, Mr. FOLEY, and Mr. BLUNT.

¶37.48 PETITIONS, ETC.

Under clause 3 of rule XII,

8. The SPEAKER presented a petition of the Council of the County of Maui, Hawaii, relative to Resolution No. 03–14 petitioning the United States Congress to designate the Paia Post Office Building in honor of the late United States Representative Patsy Takemoto Mink; which was referred to the Committee on Government Reform.

¶37.49 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolution as follows:

H.R. 1036: Mr. FLAKE.

H.R. 1119: Mr. SIMMONS.

WEDNESDAY, APRIL 9, 2003 (38)

¶38.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. GIBBONS, who laid before the House the following communication:

WASHINGTON, DC,
April 9, 2003.

I hereby appoint the Honorable JIM GIBBONS to act as Speaker pro tempore on this day.

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

¶38.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. GIBBONS, announced he had examined and approved the Journal of the proceedings of Tuesday, April 8, 2003.

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

¶38.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1724. A letter from the Secretary of the Navy, Department of Defense, transmitting notification of the decision to order up to 150,000 additional workstations under the Navy Marine Corps Intranet (NMCI) contract; to the Committee on Armed Services.

1725. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12302(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of January 1, 2003; to the Committee on Armed Services.

1726. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, ''Devolvement of Research, Development, Test and Evaluation Programs and Activities Beginning in FY 2004''; to the Committee on Armed Services.

1727. A letter from the Under Secretary, Department of Defense, transmitting notification regarding the Department's study required by the Senate Armed Services Committee report accompanying the Bob Stump National Defense Authorization Act for FY 2003; to the Committee on Armed Services.

1728. A letter from the Under Secretary, Department of Defense, transmitting the annual report of the Armed Forces Retirement Home for Fiscal Year 2001; to the Committee on Armed Services.

1729. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1730. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual financial report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2002, pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

1731. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification of the Knee Joint Patellofemorotibial Metal/Polymer Porous-Coated Uncemented Prosthesis and the Knee Joint Femorotibial (Uni-compartmental) Meta/Polymer Porous-Coated Uncemented Prosthesis [Docket No. 00N-OO18] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1732. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Labeling Requirements for Systemic Antibacterial Drug Products Intended for Human Use; Correction [Docket No. 00N-1463] (RIN: 0910-AB78) received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1733. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drugs; Phenylbutazone; Extralabel Animal Drug Use; Order of Prohibition; Correction [Docket No. 03N-0024] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1734. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled, ''Policy on terminating the Arab League Boycott of Israel and expanding the process of normalization between the Arab League countries and Israel,'' pursuant to Public Law 108—7, section 535; to the Committee on International Relations.

1735. A letter from the Administrator and Chief Executive Officer, Department of Energy, transmitting the 2002 Annual Report of the Bonneville Power Administration, pursuant to 16 U.S.C. 839(h)(12)(B); to the Committee on Government Reform.

1736. A letter from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting the Board's annual inventory of activities; to the Committee on Government Reform.

1737. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2002 (Financial Report); to the Committee on Government Reform.

1738. A letter from the Director, Holocaust Memorial Museum, transmitting the Annual Performance Report for Fiscal Year 2002; to the Committee on Government Reform.

1739. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting a report on Year 2002 Inventory of Commercial Activities and Inherently Governmental Functions; to the Committee on Government Reform.

1740. A letter from the Director, Office of Personnel Management, transmitting a report on the Federal Activities Inventory Reform Act Inventory as of June 30, 2002; to the Committee on Government Reform.

1741. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan; to the Committee on Government Reform.

1742. A letter from the Architect of the Capitol, transmitting a report discussing the AOC's activities to improve worker safety during the first quarter of FY03; to the Committee on House Administration.

1743. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting a biennial report on Atlantic Bluefin Tuna (2001-2002), pursuant to 16 U.S.C. 971i; to the Committee on Resources.

1744. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2003 Harvest Specifications for Groundfish; Correction [Docket No. 021212307-3037-02; I.D. 110602C] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1745. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 031703B] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1746. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Catcher Vessels Less Than 60 ft (18.3m) LOA Using Jig or Hook-and-Line Gear in the Bogosl of Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Area [Docket No. 020718172-2303-02; I.D. 032503D] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1747. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/''Other flatfish'' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands management area [Docket No. 021212307-3037-02; I.D. 032103D] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1748. A letter from the Commissioner, Department of the Treasury, transmitting FY 2002 Report to the Congress U.S. Government Receivables and Debt Collection Activities of Federal Agencies, pursuant to 31 U.S.C. 3716(c)(3)(B); to the Committee on the Judiciary.

1749. A letter from the Chief Financial Officer, Paralyzed Veterans of America, transmitting a copy of the annual audit report of the Paralyzed Veterans of America for the fiscal year 2002, pursuant to 36 U.S.C. 1166; to the Committee on the Judiciary.

1750. A letter from the Chairman, Federal Maritime Commission, transmitting the 41st Annual Report of the Federal Maritime Commission for fiscal year 2002, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

1751. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Joint Hurricane Testbed (JHT) Opportunities for Transfer of Research and Technology into Tropical Cyclone Analysis and Forecast Operations [Docket No. 021114275-3052-02] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1752. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Thirteenth Annual Report describing the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 2002; jointly to the Committees on Armed Services and Energy and Commerce.

¶38.4 PROVIDING FOR THE CONSIDERATION OF H.R. 1036

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 181):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.5 SUBMISSION OF CONFERENCE REPORT—S. 151

Mr. SENSENBRENNER submitted a conference report (Rept. No. 108–66) on the bill (S. 151) to prevent child abduction and the sexual exploitation of children, and for other purposes; together with a statement thereon, for printing in the RECORD under the rule.

¶38.6 PROTECTION OF LAWFUL COMMERCE IN ARMS

The SPEAKER pro tempore, Mr. SESSIONS, pursuant to House Resolution 181 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

The SPEAKER pro tempore, Mr. SESSIONS, by unanimous consent, designated Mr. SHIMKUS as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. SIMPSON assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

¶38.7 WORDS TAKEN DOWN IN COMMITTEE

When Mr. ISAKSON, Acting Chairman, reported that during the consideration of said bill in Committee, certain words used in debate were objected to and upon request, were read at the Clerk's desk.

The Clerk read the words taken down as follows:

Mrs. CUBIN: ''My sons are 25 and 30, they are blonde haired and blue eyed. One amendment today said we could not sell guns to anybody under drug treatment. So does that mean that if you go into a black community, you cannot sell a gun to any black person or does that mean because my...''

The SPEAKER pro tempore, Mr. LAHOOD, held the words taken down not to be unparliamentary, and said:

''The Chair finds that the words are not unparliamentary under the rules and precedents of the House.''.

Mr. WATT appealed the ruling of the Chair.

The question being put, viva voce,

Will the decision of the Chair stand as the judgment of the House?

Mr. SENSENBRENNER moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. WATT demanded a recorded vote on agreeing to said resolution motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	227
Nays	195
Answered present	1

¶38.8 [Roll No. 119]

AYES—227

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

NOES—195

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

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

ANSWERED ''PRESENT''—1

Abercrombie

NOT VOTING—11

Boyd
Delahunt
Gephardt
Hefley
Houghton
Hyde
Lewis (GA)
Lucas (OK)
McCarthy (MO)
Ryun (KS)
Strickland

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

The Committee resumed its sitting; and after some further time spent therein,

¶38.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SCOTT:

In section 4(5)(A), strike clause (i) and insert the following:

(i) an action brought against a transferor who transfers a firearm in violation of section 924(h) of title 18, United States Code, or a comparable or identical State felony law, by a party directly harmed by conduct of the transferee involving the firearm;

It was decided in the negative ..... { Yeas ..... 148 / Nays ..... 278 }

¶38.10 [Roll No. 120]

AYES—148

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gutierrez
Harman
Hastings (FL)
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—278

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Berry
Boyd
Houghton
Hyde
Lucas (OK)
McCarthy (MO)
Peterson (PA)
Ryun (KS)

So the amendment was not agreed to.

¶38.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. Linda T. SANCHEZ of California:

In section 4(5)(A)—

(1) redesignate clauses (ii) through (v) as clauses (iii) through (vi), respectively; and

(2) insert after clause (i) the following:

''(ii) an action brought against a transferor convicted of a violation of paragraph (3) or (4) of section 922(d) of title 18, United States Code, or of a comparable or identical provision of State law, by a party directly harmed by conduct of which the transferee is convicted;''

In section 4(5)(B), strike ''(A)(ii)'' and insert ''(A)(iii)''.

It was decided in the negative ..... { Yeas ..... 134 / Nays ..... 289 }

¶38.12 [Roll No. 121]

AYES—134

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
Deutsch
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gephardt
Grijalva
Gutierrez
Hastings (FL)
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Solis
Spratt
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)

Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—289

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Boyd
Cooper
Houghton
Hyde
Lewis (CA)
Lewis (GA)
Lucas (OK)
McCarthy (MO)
Meeks (NY)
Peterson (PA)
Ryun (KS)

So the amendment was not agreed to.

¶38.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MEEHAN:

In section 4(5)(A), strike clause (ii) and insert the following:

(ii) an action brought against a manufacturer, seller, or trade association for negligence;

In section 4(5)—

(1) strike ''(A) IN GENERAL.—'';

(2) strike subparagraph (B); and

(3) redesignate clauses (i) through (v) as subparagraphs (A) through (E), respectively; and

(4) move the matter preceding the provisions redesignated by paragraph (3) of this amendment, and each of such provisions, 2 ems to the left.

It was decided in the negative ..... { Yeas ..... 144 / Nays 280

¶38.14 [Roll No. 122]

AYES—144

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gonzalez
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rothman
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—280

Akin
Alexander
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Aderholt
Boswell
Boyd
Houghton
Hyde
Lucas (OK)
McCarthy (MO)
Peterson (PA)
Ryun (KS)
Solis

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. QUINN, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶38.15 RECESS—4:05 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 5 minutes p.m., subject to the call of the Chair.

¶38.16 AFTER RECESS—5:08 P.M.

The SPEAKER pro tempore, Mr. GILCHREST, called the House to order.

¶38.17 COMMITTEE FUNDING RESOLUTION

On motion of Mr. NEY, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following resolution (H. Res. 185):

Resolved, That House Resolution 163 (agreed to March 26, 2003) is amended by striking ''April 11, 2003'' and inserting ''May 9, 2003''.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.18 PROTECTION OF LAWFUL COMMERCE IN ARMS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to House Resolution 181 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

Mr. BASS, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. GILCHREST, assumed the Chair.

When Mr. BASS, Acting Chairman, pursuant to House Resolution 181, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protection of Lawful Commerce in Arms Act''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Citizens have a right, protected by the Second Amendment to the United States Constitution, to keep and bear arms.

(2) Lawsuits have been commenced against manufacturers, distributors, dealers, and importers of firearms that operate as designed and intended, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.

(3) The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.

(4) Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition that has been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended.

(5) The possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes public confidence in our Nation's laws, threatens the diminution of a basic constitutional right and civil liberty, invites the disassembly and destabilization of other industries and economic sectors lawfully competing in the free enterprise system of the United States, and constitutes an unreasonable burden on interstate and foreign commerce of the United States.

(6) The liability actions commenced or contemplated by the Federal Government, States, municipalities, and private interest groups are based on theories without foundation in hundreds of years of the common law and jurisprudence of the United States and do not represent a bona fide expansion of the common law. The possible sustaining of these actions by a maverick judicial officer or petit jury would expand civil liability in a manner never contemplated by the Framers of the Constitution, by the Congress, or by the legislatures of the several states. Such an expansion of liability would constitute a deprivation of the rights, privileges, and immunities guaranteed to a citizen of the United States under the Fourteenth Amendment to the United States Constitution.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To prohibit causes of action against manufacturers, distributors, dealers, and importers of firearms or ammunition products for the harm caused by the criminal or unlawful misuse of firearm products or ammunition products by others when the product functioned as designed and intended.

(2) To preserve a citizen's access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.

(3) To guarantee a citizen's rights, privileges, and immunities, as applied to the States, under the Fourteenth Amendment to the United States Constitution, pursuant to section 5 of that Amendment.

(4) To prevent the use of such lawsuits to impose unreasonable burdens on interstate and foreign commerce.

(5) To protect the right, under the First Amendment to the Constitution, of manufacturers, distributors, dealers, and importers of firearms or ammunition products, and trade associations, to speak freely, to assemble peaceably, and to petition the Government for a redress of their grievances.

SEC. 3. PROHIBITION ON BRINGING OF QUALIFIED CIVIL LIABILITY ACTIONS IN FEDERAL OR STATE COURT.

(a) IN GENERAL.—A qualified civil liability action may not be brought in any Federal or State court.

(b) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of the enactment of this Act shall be dismissed immediately by the court in which the action was brought or is currently pending.

SEC. 4. DEFINITIONS.

In this Act:

(1) ENGAGED IN THE BUSINESS.—The term ''engaged in the business'' has the meaning given that term in section 921(a)(21) of title 18, United States Code, and, as applied to a seller of ammunition, means a person who devotes, time, attention, and labor to the sale of ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of ammunition.

(2) MANUFACTURER.—The term ''manufacturer'' means, with respect to a qualified product, a person who is engaged in the business of manufacturing the product in interstate or foreign commerce and who is licensed to engage in business as such a manufacturer under chapter 44 of title 18, United States Code.

(3) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(4) QUALIFIED PRODUCT.—The term ''qualified product'' means a firearm (as defined in subparagraph (A) or (B) of section 921(a)(3) of title 18, United States Code, including any antique firearm (as defined in section 921(a)(16) of such title)), or ammunition (as defined in section 921(a)(17) of such title), or a component part of a firearm or ammunition, that has been shipped or transported in interstate or foreign commerce.

(5) QUALIFIED CIVIL LIABILITY ACTION.—

(A) IN GENERAL.—The term ''qualified civil liability action'' means a civil action brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages or injunctive relief resulting from the criminal or unlawful misuse of a qualified product by the person or a third party, but shall not include—

(i) an action brought against a transferor convicted under section 924(h) of title 18, United States Code, or a comparable or identical State felony law, by a party directly harmed by the conduct of which the transferee is so convicted;

(ii) an action brought against a seller for negligent entrustment or negligence per se;

(iii) an action in which a manufacturer or seller of a qualified product knowingly and willfully violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought;

(iv) an action for breach of contract or warranty in connection with the purchase of the product; or

(v) an action for physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended.

(B) NEGLIGENT ENTRUSTMENT.—In subparagraph (A)(ii), the term ''negligent entrustment'' means the supplying of a qualified product by a seller for use by another person when the seller knows or should know the person to whom the product is supplied is likely to use the product, and in fact does use the product, in a manner involving unreasonable risk of physical injury to the person and others.

(6) SELLER.—The term ''seller'' means, with respect to a qualified product—

(A) an importer (as defined in section 921(a)(9) of title 18, United States Code) who is engaged in the business as such an importer in interstate or foreign commerce and who is licensed to engage in business as such an importer under chapter 44 of title 18, United States Code;

(B) a dealer (as defined in section 921(a)(11) of title 18, United States Code) who is engaged in the business as such a dealer in interstate or foreign commerce and who is licensed to engage in business as such a dealer under chapter 44 of title 18, United States Code; or

(C) a person engaged in the business of selling ammunition (as defined in section 921(a)(17) of title 18, United States Code) in interstate or foreign commerce at the wholesale or retail level, consistent with Federal, State, and local law.

(7) STATE.—The term ''State'' includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(8) TRADE ASSOCIATION.—The term ''trade association'' means any association or business organization (whether or not incorporated under Federal or State law) that is not operated for profit, and 2 or more members of which are manufacturers or sellers of a qualified product.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. WATT moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendments:

In section 3-

(1) strike ''(a) IN GENERAL--''; and

(2) strike subsection (b).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. GILCHREST, announced that the nays had it.

Mr. WATT objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 140 / Nays ..... 282 }

¶38.19 [Roll No. 123]

YEAS—140

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Hastings (FL)
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—282

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Baker
Boyd
Cole
Davis (IL)
Gephardt
Houghton
Hyde
Lucas (OK)
McCarthy (MO)
Pascrell
Platts
Ryun (KS)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. GILCHREST, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 285 / Nays ..... 140 }

¶38.20 [Roll No. 124]

YEAS—285

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly

Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—140

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Boyd
Davis (IL)
Gephardt
Houghton
Hyde
Lucas (OK)
McCarthy (MO)
Rangel
Ryun (KS)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶38.21 H. RES. 170—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to said resolution (H. Res. 170) recognizing the 40th anniversary of the sinking of the U.S.S. Thresher.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶38.22 [Roll No. 125]

YEAS—423

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

NOT VOTING—11

Boyd
Gephardt
Houghton
Hyde
Lipinski
Lucas (OK)
Matsui
McCarthy (MO)
Petri
Ryun (KS)
Taylor (NC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.23 H. RES. 149—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to said resolution (H. Res. 149) expressing the condolences of the House of Representatives in response to the assassination of Prime Minister Zoran Djindjic of Serbia, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 425 / Nays 1

¶38.24 [Roll No. 126]

YEAS—425

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

NAYS—1

Paul

NOT VOTING—8

Boyd
Feeney
Gephardt
Houghton
Hyde
Lucas (OK)
McCarthy (MO)
Ryun (KS)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.25 ARMED FORCES TAX FAIRNESS

Mr. THOMAS moved to suspend the rules and pass the bill (H.R. 1664) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. THOMAS and Mr. CARDIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶38.26 REFORMING INTERNAL REVENUE CODE

Mr. THOMAS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 141):

Whereas the Internal Revenue Code of 1986 is overly complex, and imposes significant burdens on individuals, businesses, and the economy;

Whereas the complexity of the Internal Revenue Code of 1986 makes the Code extremely difficult and costly to administer and to comply with;

Whereas recent reports estimate that 1 in 4 Americans are out of compliance with the Code and that the Internal Revenue Service provides the wrong answer nearly half the time through its telephone information program;

Whereas in 2001 the Internal Revenue Service spent $8,900,000,000 to administer the current system while American taxpayers spent an estimated $135,000,000,000 and 3,000,000,000 hours, more than a full day for each return, to comply;

Whereas the Code imposes multiple layers of taxation and hides the true cost of taxes in the price of goods and service;

Whereas the Code penalizes investment, discourages the flow of capital into our domestic economy, drives businesses to consider moving investment and jobs to foreign locations, and disadvantages domestically produced goods and services in international markets;

Whereas the Code disincentivizes work, savings, and investment by individuals and families;

Whereas the Code is riddled with decades of loopholes, special interest exemptions, and contradictions which make the Code confusing, costly, and unfair;

Whereas the Department of the Treasury estimates that approximately $70,000,000,000 in taxable income remains untaxed in offshore accounts;

Whereas on April 13, 2000, the House of Representatives passed, by a vote of 229 yeas and 187 nays, House Resolution 4199, calling for replacement of the Internal Revenue Code not later than December 31, 2004; and

Whereas the most recent Economic Report of the President states that "the current tax system also causes households and businesses to rearrange their affairs in a number of ways that make poor use of economic resources, leading to substantial economic

waste and, ultimately, reducing real incomes'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) encourages and supports a national debate on fundamental reform of the Internal Revenue Code of 1986;

(2) agrees with the most recent Economic Report of the President which identifies reducing complexity, improving economic incentives, and achieving fairness, as key objectives of fundamentally reforming such Code; and

(3) as part of this national debate, will begin a series of hearings to examine the case for, and the possible options for, fundamental reform of such Code.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. THOMAS and Mr. McDERMOTT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KINGSTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, April 10, 2003.

¶38.27 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY S. 151

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–68) the resolution (H. Res. 188) waiving points of order against the conference report to accompany the bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children.

When said resolution and report were referred to the House Calendar and ordered printed.

¶38.28 PEACEFUL SETTLEMENT TO THE CYPRUS PROBLEM

Mr. BEREUTER moved to suspend the rules and agree to the following resolution (H. Res. 165); as amended:

Whereas the United States believed there existed a historic opportunity to bring a peaceful, just, and lasting settlement to the Cyprus problem, which would have benefited all Greek and Turkish Cypriots, as well as the wider region;

Whereas a resolution of the Cyprus problem remains consistent with American values of promoting stability, freedom, and democracy in the world;

Whereas a resolution of the Cyprus problem is in the strategic interests of the United States, given the important location of Cyprus at the crossroads of Europe, Africa, and Asia;

Whereas the United States strongly supports the efforts of the United Nations Secretary General, and his Special Advisor through his good offices mission, to achieve a comprehensive settlement with respect to Cyprus in full consideration with relevant United Nations Security Council resolutions and international treaties;

Whereas a just and lasting resolution of the Cyprus problem, in full consideration of United Nations Security Council resolutions and international treaties, will safeguard the security and fundamental rights of all Greek and Turkish Cypriots;

Whereas the United Nations Secretary General, Kofi Annan, on November 11, 2002, submitted a proposal for the comprehensive settlement of the Cyprus problem, referred to as the ''Basis for an Agreement on a Comprehensive Settlement of the Cyprus problem'', which he revised on December 10, 2002, and again on February 26, 2003;

Whereas negotiations between the Greek and Turkish Cypriot leaders, which had been ongoing, were encouraged to be intensified in order that full agreement could be reached by February 28, 2003, in conformity with the timetable proposed by the United Nations Secretary General in his proposals;

Whereas United Nations Secretary General Koffi Annan again on February 26, 2003, gave the Greek and Turkish Cypriot leaders, and the guarantor powers, the United Kingdom, Greece and Turkey, a second revision of his plan in order to accommodate input from both sides;

Whereas the revised plan was the result of exhaustive efforts by the United Nations and would have lead to a peaceful, just and lasting settlement of the longstanding division of Cyprus;

Whereas the Secretary General on February 28, 2003, at the conclusion of a visit to Turkey, Greece, and Cyprus, invited the Greek and Turkish Cypriot leaders to meet with him at The Hague on March 10, 2003, the purpose of the meeting being to sign a commitment to submit the plan to approval in separate, simultaneous referenda on March 30, 2003, in order to achieve a comprehensive settlement of the Cyprus problem, and the guarantor powers were also invited to attend the meeting and to sign the commitment;

Whereas both the Greek and Turkish Cypriot leaders did attend the meeting at The Hague with the Secretary General but the Secretary General's plan failed when Turkish Cypriot Leader, Denktash, rejected both the comprehensive settlement and the referendum proposal;

Whereas the United States Government expressed its deep disappointment that the Secretary General's efforts to bring his plan for a comprehensive settlement to referenda by Greek and Turkish Cypriots was rejected; and

Whereas despite this unfortunate setback, the United States remains committed to seeking a just and durable settlement to the Cyprus problem: Now, therefore, be it:

Resolved, That the House of Representatives—

(1) expresses its appreciation for the efforts of the United Nations Secretary General to seek a peaceful, just, and lasting settlement of the Cyprus problem for the benefit of the Greek and Turkish Cypriots and the region;

(2) expresses its strong disappointment that the Secretary General's efforts to bring his plan for a comprehensive settlement to a referenda by the Greek and Turkish Cypriots has been rejected;

(3) expresses its very strong regret that Turkish Cypriot leader, Mr. Denktash, rejected the comprehensive settlement offered by the Secretary General and, by refusing to offer the settlement proposal to referenda, denied the Turkish Cypriot community the opportunity to determine their own future;

(4) remains committed, despite the recent setback, to giving any assistance necessary for finding a just and durable settlement for the Cyprus problem and urges the maximum effort by the United States Government and others to redouble their efforts to seek a just and lasting settlement to the Cyprus problem;

(5) encourages both Greek and Turkish Cypriot leaders to renew their efforts to find a settlement to the Cyprus problem on the basis of the Secretary General's framework for a comprehensive settlement;

(6) urges the Governments of Turkey and Greece to do everything possible to support the search for a settlement, including actions by the Government of Turkey helping to persuade the Turkish Cypriot leader to reach an agreement which would reunite the island and which would serve the interests of both Greek and Turkish Cypriots; and

(7) encourages both sides, upon completion of a comprehensive settlement, to consider putting such an agreement to referenda, if necessary, in order that the will of the Greek and Turkish Cypriots can be democratically expressed.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. BEREUTER and Mr. SHERMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SHERMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, April 10, 2003.

¶38.29 100TH ANNIVERSARY OF LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

On motion of Mr. LoBIONDO, by unanimous consent, the Committee on Education and the Workforce was discharged from further consideration of the following resolution (H. Res. 186):

Whereas Samuel Gompers, the first president of the American Federation of Labor, challenged laborers across the country to coordinate their activities into one cohesive unit, and in response 25 delegates from 17 cities—representing more than 8,000 laborers—met in Washington, D.C. on April 13, 1903;

Whereas after four days of meetings these representatives formed the ''International Hod Carriers' and Building Laborers' Union of America'' (Laborers' Union);

Whereas the Laborers' Union was started and built by immigrants and minorities, and today immigrants and minorities continue to be the fastest growing segment of the Union's membership;

Whereas, in 1920, the Laborers' Union backed efforts by African-Americans to win equal treatment in other United States labor unions;

Whereas by the late 1920s a boom in construction caused the Laborers' Union membership rolls to approach 100,000, and during this period the merger and addition of three other unions—the International Compressed Air and Foundation Workers Union; the Tunnel and Subway Constructors International Union; and the International Union of Pavers, Rammermen, Flag Layers, Bridge and Curb Setters and Sheet Asphalt Pavers—further added to the Laborers' Union's size;

Whereas the members of the Laborers' Union provided crucial support to the National defense effort during World War II, and during the post-World War II industrial boom the Laborers' Union began organizing nonconstruction workers in the labor force;

Whereas, in 1950, the Laborers' Union built their own training center in Kansas City, opening an era of high-quality training to help workers advance in their jobs and careers by providing more opportunities for them and their families;

Whereas, in 1955, the Laborers' Union affiliated itself with the AFL–CIO Industrial Union Department in order to effectively represent the 60,000 laborers working under the jurisdiction of the Industrial Union Department;

Whereas, in 1965, the Laborers' Union officially changed its name to the ''Laborers' International Union of North America'' (LIUNA) to better reflect the continual expansion of the union beyond the construction field;

Whereas, during the 1960s, LIUNA successfully organized municipal, State, and university employees, and in 1968 added the 20,000 Mail Handlers Union to their ranks;

Whereas, in 1970, intensive lobbying by LIUNA and other unions resulted in the creation of the Occupational Safety and Health Administration;

Whereas more than 3,000 LIUNA members worked round-the-clock to clean up the site of the September 11, 2001, terrorist attacks on New York City, completing the clean-up three months ahead of schedule and under budget;

Whereas LIUNA currently consists of approximately 800,000 members in more than 650 locals;

Whereas LIUNA has long played a vital role in building the United States by constructing highways, bridges, tunnels, subways, dams, power plants, factories, office buildings, schools, churches, hospitals, and apartment buildings and houses;

Whereas LIUNA members work in a variety of fields such as local, State, and Federal government service, health care, mail handling, custodial services, shipbuilding, food service, and hazardous waste removal;

Whereas LIUNA is one of the most innovative unions in the labor movement, with 69 state-of-the-art training centers across North America, and is among the most successful unions at organizing within the labor movement;

Whereas LIUNA is an extraordinary union whose leadership works hard to protect its members' health and safety, to provide laborers a strong voice in the workplace and extensive skill training designed to empower members to reach their full potential, and perhaps most important, to ensure the dignity, respect, and security of laborers in the workplace; and

Whereas LIUNA's efforts are deserving of our attention and admiration: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 100th anniversary of the founding of the Laborers' International Union of North America and acknowledges the tremendous contributions LIUNA has made to the structural development and building of the United States and to the well-being of countless laborers;

(2) congratulates the members and officers of the Laborers' International Union of North America for LIUNA's many achievements and the strength of its membership; and

(3) looks forward to the continuation of LIUNA's efforts and believes that LIUNA will have an even greater impact in the 21st century and beyond, enhancing the standard of the living and work environments for future laborers.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.30 SYRACUSE UNIVERSITY MEN'S BASKETBALL TEAM

On motion of Mr. WALSH, by unanimous consent, the Committee on Education and the Workforce was discharged from further consideration of the following concurrent resolution (H. Con. Res. 142):

Whereas on Monday, April 7, 2003, the Syracuse University Orangemen men's basketball team won its first Division I national basketball championship;

Whereas Syracuse University won the championship game by defeating the University of Kansas Jayhawks 81–78;

Whereas the Syracuse University team was led by freshman Carmelo Anthony, who was voted the Most Outstanding Player of the Final Four, and received outstanding effort and support from Gerry McNamara, Billy Edelin, Kueth Duany, Hakim Warrick, Craig Forth, Jeremy McNeil, and Josh Pace;

Whereas the roster of the Syracuse University team also included Tyrone Albright, Josh Brooks, Xzavier Gaines, Matt Gorman, Gary Hall, Ronneil Herron, and Andrew Kouwe;

Whereas Head Coach Jim Boeheim has coached at Syracuse University for 27 years and been involved with the Syracuse University men's basketball team for more than half his life;

Whereas Coach Boeheim had previously coached in two national championship games, including a heartbreaking loss in 1987;

Whereas Coach Boeheim and his coaching staff, including Associate Head Coach Bernie Fine and Assistant Head Coaches Mike Hopkins and Troy Weaver, deserve much credit for the outstanding determination and accomplishments of their young team; and

Whereas the students, alumni, faculty, and supporters of Syracuse University are to be congratulated for their commitment and pride in their national champion men's basketball team : Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the Syracuse University men's basketball team and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Syracuse University for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I men's basketball national championship team.

After debate,

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶38.31 RECESS—11:50 P.M.

The SPEAKER pro tempore, Mr. BURGESS, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 50 minutes p.m., subject to the call of the Chair.

THURSDAY, APRIL 10 (LEGISLATIVE DAY OF WEDNESDAY, APRIL 9), 2003

¶38.32 AFTER RECESS— 8:20 A.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶38.33 PROVIDING FOR THE CONSIDERATION OF H.R. 6

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–69) the resolution (H. Res. 189) providing for the consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶38.34 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–70) the resolution (H. Res. 190) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶38.35 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. RYUN of Kansas, for today.

And then,

¶38.36 ADJOURNMENT

On motion of Mr. HASTINGS of Washington, at 8 o'clock and 21 minutes a.m., Thursday, April 10 (legislative day of Wednesday, April 9), 2003, the House adjourned until 10 a.m. today.

¶38.37 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee of Conference. Conference report on S. 151. An act to amend title 18, United States Code, with respect to the sexual exploitation of children (Rept. 108–66). Ordered to be printed.

Mr. THOMAS: Committee on Ways and Means. H.R. 1531. A bill to amend the Internal Revenue Code of 1986 to enhance energy conservation and to provide for reliability and diversity in the energy supply for the American people, and for other purposes; with an amendment (Rept. 108–67). Referred

to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 188. Resolution waiving points of order against the conference report to accompany the bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children (Rept. 108–68). Referred to the House Calendar.

[Filed on April 10 (legislative day of April 9), 2003]

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 189. Resolution providing for consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes (Rept. 108–69). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 190. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–70). Referred to the House Calendar.

¶38.38 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 1644. A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with an amendment; referred to the Committee on Government Reform for a period ending not later than April 9, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X.

¶38.39 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Science, Resources, Education and the Workforce, and Transportation and Infrastructure, the Judiciary and Government Reform discharged from further consideration. H.R. 1644 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

¶38.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself and Mr. MICHAUD):

H.R. 1681. A bill to amend title 38, United States Code, to allow for substitution of parties in the case of a claim for benefits provided by the Department of Veterans Affairs when the applicant for such benefits dies while the claim is pending, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KIRK (for himself and Mr. LARSEN of Washington):

H.R. 1682. A bill to amend title 36, United States Code, to grant a Federal charter to the Special Operations Warrior Foundation, Inc.; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BROWN of South Carolina, and Mr. MICHAUD):

H.R. 1683. A bill to increase, effective as of December 1, 2003, the rates of disablity compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CANNON (for himself, Mr. BERMAN, Ms. ROYBAL-ALLARD, Mr. BONILLA, Mr. DREIER, Mr. GEORGE MILLER of California, Ms. ROS-LEHTINEN, Mr. HOYER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GUTIERREZ, Mr. MARIO DIAZ-BALART of Florida, Mr. WU, Mr. NUNES, Ms. JACKSON-LEE of Texas, Mrs. WILSON of New Mexico, Mr. RODRIGUEZ, Mr. WELLER, Mr. DOOLEY of California, Ms. HART, Mr. MENENDEZ, Mr. KING of New York, Mr. PASTOR, Mr. TIAHRT, Mr. MATHESON, Mr. SMITH of New Jersey, Mr. MCNULTY, Mr. RENZI, Ms. LINDA T. SANCHEZ of California, Mr. SHAYS, and Ms. SOLIS):

H.R. 1684. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine state residency for higher education purposes and to amend the Immigration and Nationality Act to cancel the removal and adjust the status of certain alien college-bound students who are long-term U.S. residents; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. HUNTER, Mr. WELDON of Pennsylvania, Mr. SAXTON, Mr. BURGESS, Mr. PORTER, Mr. AKIN, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. CUNNINGHAM, Mr. TOM DAVIS of Virginia, Mr. WU, Mr. SHERMAN, Mr. CONYERS, Mr. CALVERT, and Mr. DELAHUNT):

H.R. 1685. A bill to amend the Immigration and Nationality Act relating to posthumous citizenship through death while on active-duty service during periods of military hostilities to eliminate the prohibition on immigration benefits for surviving family members and to provide such benefits for spouses and children; to the Committee on the Judiciary.

By Mr. CARSON of Oklahoma:

H.R. 1686. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON (for himself, Mr. BARTLETT of Maryland, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CUNNINGHAM, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOFGREN, Mr. MILLER of Florida, Mr. PAUL, Mr. PLATTS, Mr. ROGERS of Alabama, Mr. SOUDER, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. CARTER, and Mr. SESSIONS):

H.R. 1687. A bill to amend the Internal Revenue Code of 1986 to exclude from income taxation all compensation received for active service as a member of the Armed Forces of the United States; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mrs. CAPPS, Mr. DICKS, Mr. DOGGETT, Mr. FARR, Mr. FROST, Mr. GEPHARDT, Mr. HOEFFEL, Mr. FRANK of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. LANGEVIN, Mrs. MALONEY, Mr. MEEHAN, Mr. MORAN of Virginia, Mr. RODRIGUEZ, Mr. SANDERS, Ms. SOLIS, Mr. VAN HOLLEN, Mr. KILDEE, Mr. SERRANO, Mr. REYES, Mr. KLECZKA, Mr. MATSUI, Ms. CORRINE BROWN of Florida, Mr. OLVER, Ms. SLAUGHTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LOWEY, Mrs. MCCARTHY of New York, Ms. CARSON of Indiana, Ms. MCCOLLUM, Mr. MOORE, Mr. INSLEE, Ms. BALDWIN, Mr. ABERCROMBIE, Mr. CUMMINGS, Mr. SCOTT of Georgia, Mr. WEINER, Mr. SABO, and Mr. STARK):

H.R. 1688. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. WAXMAN, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. MARIO DIAZ-BALART of Florida, Mr. BROWN of Ohio, Mr. ABERCROMBIE, Mr. PALLONE, Mrs. MALONEY, Ms. KILPATRICK, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Mr. BECERRA, Mr. GREEN of Texas, Mr. NADLER, Mr. MATSUI, Mr. RANGEL, Mr. TOWNS, Ms. WOOLSEY, Ms. SCHAKOWSKY, Ms. ROYBAL-ALLARD, Mr. DAVIS of Florida, Mr. DELAHUNT, Ms. SOLIS, Mr. ACKERMAN, Mr. LEVIN, Mrs. CHRISTENSEN, Mr. ENGEL, Ms. LINDA T. SANCHEZ of California, Mr. BOYD, Mr. GEORGE MILLER of California, Mr. STARK, and Ms. DEGETTE):

H.R. 1689. A bill to amend titles XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. PASCRELL, Mr. UDALL of Colorado, Mr. GREENWOOD, Mr. ENGEL, Mr. HONDA, Mr. MORAN of Virginia, Mr. FALEOMAVAEGA, Mrs. DAVIS of California, Mr. PALLONE, Mr. CASTLE, and Mr. HOLT):

H.R. 1690. A bill to protect diverse and structurally complex areas of the seafloor in the United States exclusive economic zone by establishing a maximum diameter size limit on rockhopper, roller, and all other groundgear used on bottom trawls, and for other purposes; to the Committee on Resources.

By Mr. ISAKSON (for himself, Mr. DEAL of Georgia, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. BURNS, Mr. GINGREY, Mr. NORWOOD, Mr. KINGSTON, Mr. MARSHALL, Ms. MAJETTE, and Mr. LEWIS of Georgia):

H.R. 1691. A bill to expedite the granting of posthumous citizenship to members of the United States Armed Forces; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. LAHOOD, Mr. HOLDEN, Mr. BAKER, Mr. BACHUS, Mr. MCNULTY, Mr. OSE, Mr. GREEN of Wisconsin, Mr. MCINTYRE, and Mr. OWENS):

H.R. 1692. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLECZKA:

H.R. 1693. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the work-related expenses of handicapped individuals; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself, Mr. ALLEN, Mr. ABERCROMBIE, Mr. ALEXANDER, Mr. BROWN of Ohio, Mr. BERRY, Mr. BELL, Mr. CASE, Mr. CROWLEY, Mr. STARK, Mr. CARDOZA, Ms. DELAURO, Mr. FROST, Mr. HINCHEY, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. ISRAEL, Mr. LYNCH, Mr. REYES, Mr. ROSS, Mr. PALLONE, Mr. POMEROY, Ms. SCHAKOWSKY, Mr. MEEHAN, Mr. SANDLIN, Mr. SANDERS, Mr. STENHOLM, Mr. TURNER of Texas, Mr. WYNN, and Mr. STUPAK):

H.R. 1694. A bill to establish an America Rx program to establish fairer pricing for prescription drugs for individuals without access to prescription drugs at discounted prices; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 1695. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and the Workforce.

By Mr. OSE:

H.R. 1696. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 1697. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Resources.

By Mr. PAUL (for himself, Mr. ABERCROMBIE, Mr. CLAY, and Mr. WHITFIELD):

H.R. 1698. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1699. A bill to repeal sections 1173(b) and 1177(a)(1) of the Social Security Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Mr. WELDON of Florida, Mr. TAYLOR of Mississippi, Mr. WILSON of South Carolina, Mr. PICKERING, Mr. KING of New York, Mr. GREEN of Texas, Mr. LATOURETTE, Mr. WYNN, Ms. LOFGREN, Ms. BERKLEY, Mr. FROST, Mr. WEXLER, Mr. ROTHMAN, Mr. ISRAEL, Ms. CORRINE BROWN of Florida, Mr. ABERCROMBIE, Mr. LYNCH, Mr. GREEN of Wisconsin, Mr. CANTOR, and Ms. CARSON of Indiana):

H.R. 1700. A bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H.R. 1701. A bill to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the ''Tito Puente Post Office Building''; to the Committee on Government Reform.

By Mr. RANGEL:

H.R. 1702. A bill to designate the Federal building which is to be constructed at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER:

H.R. 1703. A bill to preserve certain actions in Federal court brought by members of the United States Armed Forces held as prisoners of war by Japan during World War II against Japanese nationals seeking compensation for mistreatment or failure to pay wages in connection with labor performed in Japan to the benefit of the Japanese nationals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. HOUGHTON, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Ms. SLAUGHTER, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. SANDLIN, Mr. CUMMINGS, Mrs. MALONEY, Mrs. CAPPS, Mr. WEXLER, Mr. ISRAEL, Mr. RUSH, Mr. HINCHEY, Mr. HOEFFEL, Ms. KAPTUR, Mr. GONZALEZ, Ms. MILLENDER-MCDONALD, Ms. NORTON, Ms. BALDWIN, Mr. PAYNE, Mr. UDALL of New Mexico, Mr. COSTELLO, and Mr. OLVER):

H.R. 1704. A bill to amend the Violence Against Women Act of 1994 to provide for transitional housing assistance grants for child victims of domestic violence; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mr. FROST, and Ms. JACKSON-LEE of Texas):

H.R. 1705. A bill to expand and improve the use of DNA analysis in criminal investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMMONS (for himself, Mr. WILSON of South Carolina, Mr. TERRY, Mr. GREEN of Wisconsin, Mr. PLATTS, Mrs. JOHNSON of Connecticut, Mr. BAKER, Mr. GRIJALVA, Mr. MCCOTTER, Mr. DAVIS of Alabama, Mr. HAYWORTH, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CASE, and Mr. TAYLOR of Mississippi):

H.R. 1706. A bill to provide for the effective punishment of online child molesters, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself and Mr. SCOTT of Virginia):

H.R. 1707. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; to the Committee on the Judiciary.

By Mr. ISTOOK (for himself, Mr. BISHOP of Georgia, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BEAUPREZ, Mr. BISHOP of Utah, Mr. BONILLA, Mr. BONNER, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CHABOT, Mr. CHOCOLA, Mrs. CUBIN, Mr. CULBERSON, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. DEAL of Georgia, Mr. DEMINT, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. EVERETT, Mr. FEENEY, Mr. FLAKE, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GIBBONS, Mr. GOODE, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. HALL, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. JANKLOW, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KINGSTON, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LUCAS of Kentucky, Mr. MCCRERY, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NORWOOD, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PLATTS, Mr. RAHALL, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SULLIVAN, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. TERRY, Mr. TIAHRT, Mr. TOOMEY, Mr. VITTER, Mr. WAMP, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON of South Carolina, Mr. ROYCE, and Mr. STENHOLM):

H.J. Res. 46. A joint resolution proposing an amendment to the Constitution of the United States restoring religious freedom; to the Committee on the Judiciary.

By Mr. RANGEL:

H.J. Res. 47. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to a home; to the Committee on the Judiciary.

By Mr. BRADLEY of New Hampshire:

H. Con. Res. 143. Concurrent resolution relating to the prosecution of Saddam Hussein and other Iraqi officials, military leaders, and citizens who may be responsible for crimes against humanity, attempted genocide, and war crimes; to the Committee on International Relations.

By Mr. RANGEL:

H. Con. Res. 144. Concurrent resolution expressing the sense of Congress that Dinah Washington should be recognized for her achievements as one of the most talented vocalists in American popular music history; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Con. Res. 145. Concurrent resolution expressing the sense of the House of Representatives that Lena Horne should be recognized as one of the most popular performers of the 1940s and 1950s and for her outspoken opposition to racial and social injustice; to the Committee on Government Reform.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H. Res. 185. A resolution extending the period of availability of amounts for continuing expenses of standing and select committees of the House through May 9, 2003; to

the Committee on House Administration. considered and agreed to.

By Mr. GEORGE MILLER of California (for himself and Mr. LOBIONDO):

H. Res. 186. A resolution recognizing the 100th anniversary of the founding of the Laborers' International Union of North America and congratulating the members and officers of the Laborers' International Union of North America for the Union's many achievements; to the Committee on Education and the Workforce. considered and agreed to.

By Mr. SIMMONS (for himself, Ms. DELAURO, Mr. SHAYS, Mrs. JOHNSON of Connecticut, and Mr. LARSON of Connecticut):

H. Res. 187. A resolution congratulating the University of Connecticut Huskies for winning the 2003 National Collegiate Athletic Association Division I women's basketball championship; to the Committee on Education and the Workforce.

¶38.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. GILCHREST and Mr. NUNES.
H.R. 58: Mr. BURGESS, Mr. BOOZMAN, and Mr. WATT.
H.R. 100: Mr. GILCHREST and Mr. BRADY of Pennsylvania.
H.R. 126: Ms. SLAUGHTER, Mr. MCDERMOTT, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. PALLONE, and Mr. WU.
H.R. 138: Mr. FATTAH.
H.R. 141: Mr. DAVIS of Tennessee and Mrs. EMERSON.
H.R. 217: Mr. HONDA, Mrs. BLACKBURN, Mr. TAYLOR of Mississippi, and Mr. HOLDEN.
H.R. 218: Mr. LATHAM, Mrs. CAPITO, Mr. RADANOVICH, Mr. ISTOOK, Mr. PETERSON of Pennsylvania, Mr. STEARNS, Mr. THOMPSON of Mississippi, and Mr. DEFAZIO.
H.R. 303: Mr. SESSIONS, Mr. GRIJALVA, Mr. HINOJOSA, Mr. BLUMENAUER, Mr. SMITH of Texas, Mr. MCCRERY, and Mr. GREENWOOD.
H.R. 348: Mr. BURTON of Indiana, Mr. HINOJOSA, and Mr. LARSEN of Washington.
H.R. 373: Mr. ISRAEL.
H.R. 391: Mr. CANTOR.
H.R. 419: Mr. PETERSON of Pennsylvania.
H.R. 466: Mr. SHAW, Ms. MCCARTHY of Missouri, Mr. CANNON, Mr. BECERRA, and Mr. REYES.
H.R. 528: Mr. CANTOR, Mr. SMITH of New Jersey, and Mrs. MILLER of Michigan.
H.R. 533: Mr. BRADY of Pennsylvania.
H.R. 543: Ms. HART.
H.R. 586: Mr. WOLF.
H.R. 611: Ms. HART.
H.R. 669: Mr. SHIMKUS and Mr. SWEENEY.
H.R. 677: Mr. CONYERS.
H.R. 685: Mr. HASTINGS of Florida and Mr. DOYLE.
H.R. 687: Mr. PENCE, Mr. LINDER, Mr. SULLIVAN, Mr. HERGER, Mr. JONES of North Carolina, Mr. KING of New York, Mr. SOUDER, Mr. HAYWORTH, Mr. WAMP, Mr. HUNTER, Mr. POMBO, Mr. BAKER, Mr. BALLENGER, and Mr. MCHUGH.
H.R. 709: Ms. WATSON, Ms. HART, and Mr. GRIJALVA.
H.R. 713: Mr. TERRY, Mr. HONDA, and Mr. WELDON of Pennsylvania.
H.R. 731: Mr. CUMMINGS, Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Mr. ROTHMAN, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. RAHALL, Mr. HINCHEY, Ms. MAJETTE, Mr. BAIRD, and Ms. VELAZQUEZ.
H.R. 748: Mr. HOEFFEL.
H.R. 754: Mr. WOLF, Mr. NEY, Mr. ISTOOK, and Mr. ENGLISH.
H.R. 761: Ms. SCHAKOWSKY and Mr. BRADY of Pennsylvania.
H.R. 768: Mr. BLUMENAUER and Mrs. MYRICK.
H.R. 785: Mr. GILCHREST, Mr. DEAL of Georgia, and Mr. LEVIN.
H.R. 786: Mr. TOOMEY.
H.R. 804: Mr. CAMP and Mr. MCINNIS.
H.R. 812: Mr. VITTER.
H.R. 819: Mrs. DAVIS of California.
H.R. 823: Mr. MCINTYRE, Mr. MARKEY, and Ms. SLAUGHTER.
H.R. 832: Mr. GREENWOOD.
H.R. 839: Ms. HART, Mr. FORD, Mr. ISRAEL, and Mrs. MCCARTHY of New York.
H.R. 871: Mr. LUCAS of Oklahoma and Mr. NETHERCUTT.
H.R. 872: Mr. HALL and Mr. SOUDER.
H.R. 898: Mr. CUMMINGS, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. ROSS, and Mr. TOWNS.
H.R. 935: Ms. PELOSI.
H.R. 941: Mr. MCGOVERN.
H.R. 983: Mr. GIBBONS.
H.R. 991: Ms. GINNY BROWN-WAITE of Florida, Mrs. LOWEY, Mr. HONDA, Mrs. DAVIS of California, Mr. VAN HOLLEN, Mr. SANDERS, Mr. CARDOZA, and Mr. FALEOMAVAEGA.
H.R. 992: Mr. DEMINT.
H.R. 993: Mr. DEMINT.
H.R. 994: Mr. DEMINT.
H.R. 996: Mr. LATOURETTE, Mr. GOODLATTE, Mr. TOWNS, and Mr. PICKERING.
H.R. 997: Mr. SOUDER, Mr. DAVIS of Tennessee, Mr. LAHOOD, and Mr. SCHROCK.
H.R. 1038: Mr. GALLEGLY.
H.R. 1046: Mr. STUPAK, Mr. FARR, Mr. DOYLE, Mr. KANJORSKI, and Mr. TERRY.
H.R. 1110: Mr. HILL, Mr. DAVIS of Alabama, and Mr. CLYBURN.
H.R. 1115: Mr. HOSTETTLER.
H.R. 1125: Mr. SMITH of New Jersey and Mr. GERLACH.
H.R. 1154: Mr. OTTER.
H.R. 1162: Mr. UDALL of Colorado.
H.R. 1174: Mr. FILNER.
H.R. 1179: Mr. DOYLE.
H.R. 1192: Ms. MCCOLLUM.
H.R. 1193: Mr. JONES of North Carolina, Mr. AKIN, Mr. MARSHALL, and Mrs. MYRICK.
H.R. 1196: Ms. ESHOO, Mr. STARK, Mr. SANDERS, Mr. KLECZKA, Ms. CORRINE BROWN of Florida, and Mr. FILNER.
H.R. 1202: Mr. TURNER of Texas.
H.R. 1264: Mr. BISHOP of New York.
H.R. 1275: Mr. PRICE of North Carolina, Mr. BACA, Mr. FARR, Mr. EMANUEL, Mr. HINCHEY, Ms. LOFGREN, Ms. CARSON of Indiana, Mr. BALLANCE, and Mr. CONYERS.
H.R. 1309: Ms. SCHAKOWSKY.
H.R. 1320: Mr. RUSH and Mr. GORDON.
H.R. 1321: Mr. WATT.
H.R. 1345: Ms. SCHAKOWSKY.
H.R. 1355: Mr. SCHIFF.
H.R. 1358: Ms. SCHAKOWSKY.
H.R. 1373: Mr. GILLMOR.
H.R. 1374: Ms. SCHAKOWSKY and Mr. HEFLEY.
H.R. 1375: Mr. HENSARLING.
H.R. 1377: Mr. DEAL of Georgia, Mrs. EMERSON, Mr. FOLEY, Ms. HART, Mr. ISAKSON, Mr. LATOURETTE, and Mr. PEARCE.
H.R. 1389: Mr. DAVIS of Tennessee and Mr. MCNULTY.
H.R. 1429: Mr. FRANK of Massachusetts, Ms. CARSON of Indiana, Mr. GUTIERREZ, Mrs. MCCARTHY of New York, and Mr. ISRAEL.
H.R. 1464: Mr. GONZALEZ, Mr. FILNER, Mr. CASE, and Mr. DAVIS of Illinois.
H.R. 1470: Mr. MILLER of North Carolina and Ms. CARSON of Indiana.
H.R. 1472: Mr. SHAYS.
H.R. 1473: Mr. OWENS.
H.R. 1480: Mr. KLECZKA.
H.R. 1492: Mr. MATHESON.
H.R. 1511: Mr. HULSHOF, Mr. AKIN, Mr. SCHIFF, and Mr. PUTNAM.
H.R. 1519: Mr. MCNULTY and Mr. SERRANO.
H.R. 1543: Mr. ROGERS of Michigan.
H.R. 1553: Mr. MEEK of Florida, Mr. LARSEN of Washington, and Ms. SLAUGHTER.
H.R. 1580: Mr. PAUL, Mr. BOEHLERT, Ms. HART, Mr. GERLACH, Mr. ROSS, Mr. SMITH of Michigan, Mr. GOODE, and Mr. HOUGHTON.
H.R. 1582: Mr. HALL.
H.R. 1605: Mr. SHERMAN.
H.R. 1625: Mr. PALLONE, Mr. FERGUSON, Mr. GARRETT of New Jersey, and Mr. PAYNE.
H.R. 1630: Mr. KOLBE.
H.R. 1641: Mr. CLYBURN.
H.R. 1652: Ms. SLAUGHTER and Mrs. MCCARTHY of New York.
H.R. 1661: Mr. WAXMAN, Mr. LARSON of Connecticut, and Mr. ROSS.
H.R. 1662: Mr. RADANOVICH, Mr. THORNBERRY, Mr. BISHOP of Utah, Mr. EDWARDS, Mr. OSBORNE, Mr. BARTLETT of Maryland, Mr. WICKER, Mr. NORWOOD, and Mr. DOOLEY of California.
H.R. 1676: Mr. TOWNS.
H.R. 1677: Mr. MEEKS of New York, Mr. VAN HOLLEN, Ms. DEGETTE, Mr. CLAY, and Mr. STUPAK.
H.J. Res. 4: Mr. LUCAS of Kentucky.
H. Con. Res. 4: Mr. CANNON.
H. Con. Res. 56: Mrs. DAVIS of California and Mr. PLATTS.
H. Con. Res. 91: Mr. FATTAH, Mr. FROST, Mr. SHAYS, and Mr. CAMP.
H. Con. Res. 117: Mr. BARTLETT of Maryland, Mr. SESSIONS, Mr. PENCE, Mr. BERMAN, Ms. LORETTA SANCHEZ of California, Mr. SOUDER, Mr. KING of New York, Ms. BERKLEY, and Ms. ROS-LEHTINEN.
H. Con. Res. 119: Mr. MANZULLO, MR. SENSENBRENNER, Mr. KING of New York, Mr. MILLER of Florida, Mr. HAYWORTH, Mr. JONES of North Carolina, Mr. SAM JOHNSON, of Texas, Mrs. NORTHUP, Mrs. MUSGRAVE, and Mr. CHABOT.
H. Con. Res. 121: Mr. OWENS.
H. Con. Res. 142: Mr. REYNOLDS, Mr. MCNULTY, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. HOUGHTON, Mr. RANGEL, Mr. SWEENEY, Mr. MEEKS of New York, Mr. FOSSELLA, Mr. CROWLEY, Mr. TOWNS, and Mr. WEXLER.
H. Res. 86: Mr. ABERCROMBIE and Mr. MARSHALL.
H. Res. 165: Mr. MEEKS of New York and Mr. BALLENGER.

THURSDAY, APRIL 10, 2003 (39)

The House was called to order by the SPEAKER.

¶39.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, April 9, 2003.

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

¶39.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1753. A letter from the Under Secretary, Department of Defense, transmitting the National Defense Stockpile (NDS) Annual Materials Plan for FY 2004 along with revisions to the FY 03 Annual Materials Plan and AMPs for the succeeding four years, FY 05-08, pursuant to 50 U.S.C. 98h—5; to the Committee on Armed Services.

1754. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's FY 2004 Summary of Amounts Report for Cooperative Threat Reduction (CTR) Programs in the former Soviet Union; to the Committee on Armed Services.

1755. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled, ''Distribution of DoD Depot Maintenance Workloads Fiscal Years 2001 and 2002''; to the Committee on Armed Services.

1756. A letter from the Assistant Secretary, Department of Defense, transmitting a report prescribed in Section 709 of the National

Defense Authorization Act for Fiscal Year 2003; to the Committee on Armed Services.

1757. A letter from the Alternate Federal Register Liason Officer, Department of Defense, transmitting the Department's final rule — TRICARE Program; Eligibility and Payment Procedures for Civilian Health and Medical Program of the Uniformed Services Beneficiaries Age 65 and Over (RIN: 0720-AA66) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1758. A letter from the President and Chairman, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of the Netherlands pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1759. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's interim report entitled, ''Interim Evaluation Report: Congressionally Mandated Evaluation of the State Children's Health Insurance Program, pursuant to Public Law 105—33, section 4901 (111 Stat. 567); to the Committee on Energy and Commerce.

1760. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, State of West Virginia; Control of Emissions from Commercial and Industrial Solid Waste Incinerator Units [WV059-6027a; FRL-7479-9] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1761. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plan for Designated Facilities and Pollutants: Florida [FL-094-200316a; FRL-7481-8] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1762. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions From New Nonroad Diesel Engines: Amendments to the Nonroad Engine Definition [AMS-FRL-7482-1] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1763. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Nebraska: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7480-9] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1764. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7479-1] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1765. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7478-5] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1766. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Text: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7482-3] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1767. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7480-6] received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1768. A letter from the Legal Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2, 73, 74, 80, 90, and 97 of the Commission's Rules to Implement Decisions from World Radiocommunication Conferences Concerning Frequency Bands Below 28000 kHz [ET Docket No. 02-16] received April 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1769. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's report entitled, ''Imposition of Foreign Policy Controls on Specially Designated Global Terrorists''; to the Committee on International Relations.

1770. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting the Department's report entitled, ''Expansion of Foreign Policy-Based Controls on Explosives Detection Equipment''; to the Committee on International Relations.

1771. A letter from the Staff Director, Commission On Civil Rights, transmitting the Commission's FY 2002 Government Performance and Results Act Report; to the Committee on Government Reform.

1772. A letter from the Secretary, Department of Labor, transmitting the FY 2002 Annual Report on Performance and Accountability; to the Committee on Government Reform.

1773. A letter from the Secretary, Department of State, transmitting the Department's Performance and Accountability Report for FY 2002; to the Committee on Government Reform.

1774. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, General Service Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2001-13; Introduction — received April 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1775. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Alabama Regulatory Program [AL-072-FOR] received April 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1776. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's biennial federal assistance report; to the Committee on Resources.

1777. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, FL [COTP Tampa-03-006] (RIN: 1625-AA00) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1778. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Coronado Beach Bridge (SR 44), Intracoastal Waterway, New Smyrna Beach, Florida [CGD7-02-077] (RIN: 1625-AA09) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1779. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-03-024] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1780. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operations Regulation; Nanticoke River, Seafood, DE [CGD05-02-020] (RIN: 1625-AA09) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1781. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Safety and Security Zones; Long Island Sound Marine Inspection and Captain of the Port Zone [CGD01-01-187] (RIN: 2115-AA00, AA11) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1782. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey [CGD01-03-017] (RIN: 1625-AA11) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1783. A letter from the Chairman, Office of the General Counsel, Surface Transportation Board, transmitting the Board's final rule — Procedures to Expedite Resolution of Rail Rate Challenges to be Considered Under the Stand-Alone Cost Methodology (STB Ex Parte No. 638) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1784. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Advance Pricing Agreements (Announcement 2003-19) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1785. A letter from the Regulations Officer, SSA, Social Security Administration, transmitting the Administration's final rule — Federal Old-Age, Survivors and Disability Insurance; Repeal of the Facility-of-Payment Provision [Regulation No. 4] (RIN: 0960-AE02) received April 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1786. A letter from the Under Secretary, Department of Defense, transmitting the Department's plan to implement legislation concerning the transfer of Montgomery GI Bill entitlements to family members, pursuant to 38 U.S.C. 3020 Public Law 107—107, section 654; jointly to the Committees on Armed Services and Veterans' Affairs.

1787. A letter from the Assistant Secretary, Department of Defense, transmitting a report on Outreach to Gulf War Veterans Calendar Year 2002; jointly to the Committees on Armed Services and Veterans' Affairs.

1788. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's seventh report describing the administration of the Montgomery GI Bill educational assistance program; jointly to the Committees on Armed Services and Veterans' Affairs.

1789. A letter from the Secretaries, Departments of Defense and Veterans Affairs, transmitting a report on the implementation of the health resources sharing portion of the Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act, pursuant to 38 U.S.C. 8111(f); jointly to the Committees on Armed Services and Veterans' Affairs.

1790. A letter from the Chief Counsel for Advocacy, Small Business Administration, transmitting the Administration's annual report of the Chief Counsel for Advocacy on Implementation of the Regulatory Flexibility Act, Fiscal Year 2002, pursuant to 5 U.S.C. 612(a); jointly to the Committees on the Judiciary and Small Business.

1791. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Evaluation Results for Two Demonstrations: The Social Health Maintenance Organization (S/HMO) II Demonstration and the End-Stage Renal Disease (ESRD) Managed Care Demonstration,'' pursuant to Public Law 98—369, section 2355(d)(1) and (2); jointly to the Committees on Ways and Means and Energy and Commerce.

1792. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Improvements to the MedicareChoice Appeal and Grievance Procedures [CMS-4024-FC] (RIN: 0938-AK48) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶39.3 MESSAGE FROM THE SENATE

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

H.R. 273. An Act to provide for the eradication and control of nutria in Maryland and Louisiana.

The message was announced that the Senate has passed concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 31. A concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

¶39.4 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY S. 151

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 188):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

When said resolution was considered. After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶39.5 CHILD ABDUCTION

Mr. SENSENBRENNER, pursuant to House Resolution 188, called up the following conference report (Rept. No. 108–66):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1151), to amend title 18, United States Code, with respect to the sexual exploitation of children, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003'' or ''PROTECT Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Severability.

TITLE I—SANCTIONS AND OFFENSES

Sec. 101. Supervised release term for sex offenders.
Sec. 102. First degree murder for child abuse and child torture murders.
Sec. 103. Sexual abuse penalties.
Sec. 104. Stronger penalties against kidnapping.
Sec. 105. Penalties against sex tourism.
Sec. 106. Two strikes you're out.
Sec. 107. Attempt liability for international parental kidnapping.
Sec. 108. Pilot program for national criminal history background checks and feasibility study.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

Sec. 201. Interceptions of communications in investigations of sex offenses.
Sec. 202. No statute of limitations for child abduction and sex crimes.
Sec. 203. No pretrial release for those who rape or kidnap children.
Sec. 204. Suzanne's law.

TITLE III—PUBLIC OUTREACH

Subtitle A—AMBER Alert

Sec. 301. National coordination of AMBER alert communications network.
Sec. 302. Minimum standards for issuance and dissemination of alerts through AMBER alert communications network.
Sec. 303. Grant program for notification and communications systems along highways for recovery of abducted children.
Sec. 304. Grant program for support of AMBER alert communications plans.
Sec. 305. Limitation on liability.

Subtitle B—National Center for Missing and Exploited Children

Sec. 321. Increased support.
Sec. 322. Forensic and investigative support of missing and exploited children.
Sec. 323. Creation of cyber tipline.

Subtitle C—Sex Offender Apprehension Program

Sec. 341. Authorization.

Subtitle D—Missing Children Procedures in Public Buildings

Sec. 361. Short title.
Sec. 362. Definitions.
Sec. 363. Procedures in public buildings regarding a missing or lost child.

Subtitle E—Child Advocacy Center Grants

Sec. 381. Information and documentation required by Attorney General under Victims of Child Abuse Act of 1990.

TITLE IV—SENTENCING REFORM

Sec. 401. Sentencing reform.

TITLE V—OBSCENITY AND PORNOGRAPHY

Subtitle A—Child Obscenity and Pornography Prevention

Sec. 501. Findings.
Sec. 502. Improvements to prohibition on virtual child pornography.
Sec. 503. Certain activities relating to material constituting or containing child pornography.
Sec. 504. Obscene child pornography.
Sec. 505. Admissibility of evidence.
Sec. 506. Extraterritorial production of child pornography for distribution in the United States.
Sec. 507. Strengthening enhanced penalties for repeat offenders.
Sec. 508. Service provider reporting of child pornography and related information.
Sec. 509. Investigative authority relating to child pornography.
Sec. 510. Civil remedies.
Sec. 511. Recordkeeping requirements.
Sec. 512. Sentencing enhancements for interstate travel to engage in sexual act with a juvenile.
Sec. 513. Miscellaneous provisions.

Subtitle B—Truth in Domain Names

Sec. 521. Misleading domain names on the Internet.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Penalties for use of minors in crimes of violence.
Sec. 602. Sense of congress.
Sec. 603. Communications decency act of 1996.
Sec. 604. Internet availability of information concerning registered sex offenders.
Sec. 605. Registration of child pornographers in the national sex offender registry.
Sec. 606. Grants to States for costs of compliance with new sex offender registry requirements.
Sec. 607. Safe id act.
Sec. 608. Illicit Drug Anti-Proliferation Act.
Sec. 609. Definition of vehicle.
Sec. 610. Authorization of John Doe DNA indictments.
Sec. 611. Transitional housing assistance grants for child victims of domestic violence, stalking, or sexual assault.

SEC. 2. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

TITLE I—SANCTIONS AND OFFENSES

SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (e)(3), by inserting ''on any such revocation'' after ''required to serve'';

(2) in subsection (h), by striking ''that is less than the maximum term of imprisonment authorized under subsection (e)(3)''; and

(3) by adding at the end the following:

''(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years or life.''.

SEC. 102. FIRST DEGREE MURDER FOR CHILD ABUSE AND CHILD TORTURE MURDERS.

Section 1111 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''child abuse,'' after ''sexual abuse,''; and

(B) by inserting ''or perpetrated as part of a pattern or practice of assault or torture against a child or children;'' after ''robbery;''; and

(2) by inserting at the end the following:

''(c) For purposes of this section—

''(1) the term 'assault' has the same meaning as given that term in section 113;

''(2) the term 'child' means a person who has not attained the age of 18 years and is—

''(A) under the perpetrator's care or control; or

''(B) at least six years younger than the perpetrator;

''(3) the term 'child abuse' means intentionally or knowingly causing death or serious bodily injury to a child;

''(4) the term 'pattern or practice of assault or torture' means assault or torture engaged in on at least two occasions;

''(5) the term 'serious bodily injury' has the meaning set forth in section 1365; and

''(6) the term 'torture' means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).''.

SEC. 103. SEXUAL ABUSE PENALTIES.

(a) MAXIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking ''20'' and inserting ''30''; and

(ii) by striking ''30'' the first place it appears and inserting ''50'';

(B) in section 2252(b)(1)—

(i) by striking ''15'' and inserting ''20''; and

(ii) by striking ''30'' and inserting ''40'';

(C) in section 2252(b)(2)—

(i) by striking ''5'' and inserting ''10''; and

(ii) by striking ''10'' and inserting ''20'';

(D) in section 2252A(b)(1)—

(i) by striking ''15'' and inserting ''20''; and

(ii) by striking ''30'' and inserting ''40''; and

(E) in section 2252A(b)(2)—

(i) by striking ''5'' and inserting ''10''; and

(ii) by striking ''10'' and inserting ''20''.

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a), by striking ''10'' and inserting ''20'';

(B) in section 2422(b), by striking ''15'' and inserting ''30''; and

(C) in section 2423(a), by striking ''15'' and inserting ''30''.

(3) Section 1591(b)(2) of title 18, United States Code, is amended by striking ''20'' and inserting ''40''.

(b) MINIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking ''or imprisoned not less than 10'' and inserting ''and imprisoned not less than 15'';

(ii) by striking ''and both,'';

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

(iv) by striking ''30'' the second place it appears and inserting ''35'';

(B) in section 2251A(a) and (b), by striking ''20'' and inserting ''30'';

(C) in section 2252(b)(1)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 5 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''5'' and inserting ''15'';

(D) in section 2252(b)(2), by striking ''2'' and inserting ''10'';

(E) in section 2252A(b)(1)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 5 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''5'' and inserting ''15''; and

(F) in section 2252A(b)(2), by striking ''2'' and inserting ''10''.

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(b)—

(i) by striking '', imprisoned'' and inserting ''and imprisoned not less than 5 years and''; and

(ii) by striking '', or both''; and

(B) in section 2423(a)—

(i) by striking '', imprisoned'' and inserting ''and imprisoned not less than 5 years and''; and

(ii) by striking '', or both''.

SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.

(a) SENTENCING GUIDELINES.—Notwithstanding any other provision of law regarding the amendment of Sentencing Guidelines, the United States Sentencing Commission is directed to amend the Sentencing Guidelines, to take effect on the date that is 30 days after the date of the enactment of this Act—

(1) so that the base offense level for kidnapping in section 2A4.1(a) is increased from level 24 to level 32;

(2) so as to delete section 2A4.1(b)(4)(C); and

(3) so that the increase provided by section 2A4.1(b)(5) is 6 levels instead of 3.

(b) MINIMUM MANDATORY SENTENCE.—Section 1201(g) of title 18, United States Code, is amended by striking ''shall be subject to paragraph (2)'' in paragraph (1) and all that follows through paragraph (2) and inserting ''shall include imprisonment for not less than 20 years.''.

SEC. 105. PENALTIES AGAINST SEX TOURISM.

(a) IN GENERAL.—Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

''(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

''(d) ANCILLARY OFFENSES.—Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

''(e) ATTEMPT AND CONSPIRACY.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

''(f) DEFINITION.—As used in this section, the term 'illicit sexual conduct' means (1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

''(g) DEFENSE.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.''.

(b) CONFORMING AMENDMENT.—Section 2423(a) of title 18, United States Code, is amended by striking ''or attempts to do so,''.

SEC. 106. TWO STRIKES YOU'RE OUT.

(a) IN GENERAL.—Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

''(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

''(2) DEFINITIONS.—For the purposes of this subsection—

''(A) the term 'Federal sex offense' means an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2244(a)(1) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), 2251 (relating to sexual exploitation of children), 2251A (relating to selling or buying of children), 2422(b) (relating to coercion and enticement of a minor into prostitution), or 2423(a) (relating to transportation of minors);

''(B) the term 'State sex offense' means an offense under State law that is punishable by more than one year in prison and consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title—

''(i) the offense involved interstate or foreign commerce, or the use of the mails; or

''(ii) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151);

''(C) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;

''(D) the term 'minor' means an individual who has not attained the age of 17 years; and

''(E) the term 'State' has the meaning given that term in subsection (c)(2).

''(3) NONQUALIFYING FELONIES.—An offense described in section 2422(b) or 2423(a) shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that—

''(A) the sexual act or activity was consensual and not for the purpose of commercial or pecuniary gain;

''(B) the sexual act or activity would not be punishable by more than one year in prison under the law of the State in which it occurred; or

''(C) no sexual act or activity occurred.''.

(b) CONFORMING AMENDMENT.—Sections 2247(a) and 2426(a) of title 18, United States Code, are each amended by inserting '', unless section 3559(e) applies'' before the final period.

SEC. 107. ATTEMPT LIABILITY FOR INTERNATIONAL PARENTAL KIDNAPPING.

Section 1204 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting '', or attempts to do so,'' before ''or retains''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or the Uniform Child Custody Jurisdiction and Enforcement Act'' before ''and was''; and

(B) in paragraph (2), by inserting ''or'' after the semicolon.

SEC. 108. PILOT PROGRAM FOR NATIONAL CRIMINAL HISTORY BACKGROUND CHECKS AND FEASIBILITY STUDY.

(a) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall establish a pilot program for volunteer groups to obtain national and State criminal history background checks through a 10-fingerprint check to be conducted utilizing State criminal records and the Integrated Automated Finger Print Identification system of the Federal Bureau of Investigation.

(2) STATE PILOT PROGRAM.—

(A) IN GENERAL.—The Attorney General shall designate 3 States as participants in an 18-month State pilot program.

(B) VOLUNTEER ORGANIZATION REQUESTS.—A volunteer organization in one of the 3 States participating in the State pilot program under this paragraph that is part of the Boys and Girls Clubs of America, the National Mentoring Partnerships, or the National Council of Youth Sports may submit a request for a 10-fingerprint check from the participating State. A volunteer organization in a participating State may not submit background check requests under paragraph (3).

(C) STATE CHECK.—The participating State under this paragraph after receiving a request under subparagraph (B) shall conduct a State background check and submit a request that a Federal check be performed through the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation, to the Attorney General, in a manner to be determined by the Attorney General.

(D) INFORMATION PROVIDED.—Under procedures established by the Attorney General, any criminal history record information resulting from the State and Federal check under subparagraph (C) shall be provided to the State or National Center for Missing and Exploited Children consistent with the National Child Protection Act.

(E) COSTS.—A State may collect a fee to perform a criminal background check under this paragraph which may not exceed the actual costs to the State to perform such a check.

(F) TIMING.—For any background check performed under this paragraph, the State shall provide the State criminal record information to the Attorney General within 7 days after receiving the request from the organization, unless the Attorney General determines during the feasibility study that such a check cannot reasonably be performed within that time period. The Attorney General shall provide the criminal history records information to the National Center for Missing and Exploited Children within 7 business days after receiving the request from the State.

(3) CHILD SAFETY PILOT PROGRAM.—

(A) IN GENERAL.—The Attorney General shall establish an 18-month Child Safety Pilot Program that shall provide for the processing of 100,000 10-fingerprint check requests from organizations described in subparagraph (B) conducted through the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation.

(B) ELIGIBLE ORGANIZATIONS.—An organization described in this subparagraph is an organization in a State not designated under paragraph (2) that has received a request allotment pursuant to subparagraph (C).

(C) REQUEST ALLOTMENTS.—The following organizations may allot requests as follows:

(i) 33,334 for the Boys and Girls Clubs of America.

(ii) 33,333 for the National Mentoring Partnership.

(iii) 33,333 for the National Council of Youth Sports.

(D) PROCEDURES.—The Attorney General shall notify the organizations described in subparagraph (C) of a process by which the organizations may provide fingerprint cards to the Attorney General.

(E) VOLUNTEER INFORMATION REQUIRED.—An organization authorized to request a background check under this paragraph shall—

(i) forward to the Attorney General the volunteer's fingerprints; and

(ii) obtain a statement completed and signed by the volunteer that—

(I) sets out the provider or volunteer's name, address, date of birth appearing on a valid identification document as defined in section 1028 of title 18, United States Code, and a photocopy of the valid identifying document;

(II) states whether the volunteer has a criminal record, and, if so, sets out the particulars of such record;

(III) notifies the volunteer that the Attorney General may perform a criminal history background check and that the volunteer's signature to the statement constitutes an acknowledgment that such a check may be conducted;

(IV) notifies the volunteer that prior to and after the completion of the background check, the organization may choose to deny the provider access to children; and

(V) notifies the volunteer of his right to correct an erroneous record held by the Attorney General.

(F) TIMING.—For any background checks performed under this paragraph, the Attorney General shall provide the criminal history records information to the National Center for Missing and Exploited Children within 14 business days after receiving the request from the organization.

(G) DETERMINATIONS OF FITNESS.—

(i) IN GENERAL.—Consistent with the privacy protections delineated in the National Child Protection Act (42 U.S.C. 5119), the National Center for Missing and Exploited Children may make a determination whether the criminal history record information received in response to the criminal history background checks conducted under this paragraph indicates that the provider or volunteer has a criminal history record that renders the provider or volunteer unfit to provide care to children based upon criteria established jointly, the National Center for Missing and Exploited Children, the Boys and Girls Clubs of America, the National Mentoring Partnership, and the National Council of Youth Sports.

(ii) CHILD SAFETY PILOT PROGRAM.—The National Center for Missing and Exploited Children shall convey that determination to the organizations making requests under this paragraph.

(4) FEES COLLECTED BY ATTORNEY GENERAL. The Attorney General may collect a fee which may not exceed $18 to cover the cost to the Federal Bureau of Investigation to conduct the background check under paragraph (2) or (3).

(b) RIGHTS OF VOLUNTEERS.—Each volunteer who is the subject of a criminal history background check under this section is entitled to contact the Attorney General to initiate procedures to—

(1) obtain a copy of their criminal history record report; and

(2) challenge the accuracy and completeness of the criminal history record information in the report.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to the National Center for Missing and Exploited Children for fiscal years 2004 and 2005 to carry out the requirements of this section.

(2) STATE PROGRAM.—There is authorized to be appropriated such sums as may be necessary to the Attorney General for the States designated in subsection (a)(1) for fiscal years 2004 and 2005 to establish and enhance finger print technology infrastructure of the participating State.

(d) FEASIBILITY STUDY FOR A SYSTEM OF BACKGROUND CHECKS FOR EMPLOYEES AND VOLUNTEERS.—

(1) STUDY REQUIRED.—The Attorney General shall conduct a feasibility study within 180 days after the date of the enactment of this Act. The study shall examine, to the extent discernible, the following:

(A) The current state of fingerprint capture and processing at the State and local level, including the current available infrastructure, State system capacities, and the time for each State to process a civil or volunteer print from the time of capture to submission to the Federal Bureau of Investigation (FBI).

(B) The intent of the States concerning participation in a nationwide system of criminal background checks to provide information to qualified entities.

(C) The number of volunteers, employees, and other individuals that would require a fingerprint-based criminal background check.

(D) The impact on the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on Federal Bureau of Investigation work practices and staffing levels.

(E) The current fees charged by the Federal Bureau of Investigation, States and local agencies, and private companies to process fingerprints and conduct background checks.

(F) The existence of ''model'' or best practice programs which could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing background checks and the possibility of using private companies in the future to perform any of the background check process, including, but not limited to, the capture and transmission of fingerprints and fitness determinations.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

(I) The extent of State participation in the procedures for background checks authorized in the National Child Protection Act (Public Law 103–209), as amended by the Volunteers for Children Act (sections 221 and 222 of Public Law 105–251).

(J) The extent to which States currently provide access to nationwide criminal history background checks to organizations that serve children.

(K) The extent to which States currently permit volunteers to appeal adverse fitness determinations, and whether similar procedures are required at the Federal level.

(L) The implementation of the 2 pilot programs created in subsection (a).

(M) Any privacy concerns that may arise from nationwide criminal background checks.

(N) Any other information deemed relevant by the Department of Justice.

(2) INTERIM REPORT.—Based on the findings of the feasibility study under paragraph (1), the Attorney General shall, not later than 180 days after the date of the enactment of this Act, submit to Congress an interim report, which may include recommendations for a pilot project to develop or improve programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly, or the disabled.

(3) FINAL REPORT.—Based on the findings of the pilot project, the Attorney General shall, not later than 60 days after completion of the pilot project under this section, submit to Congress a final report, including recommendations, which may include a proposal for grants to the States to develop or improve programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly, or the disabled, and which may include recommendations for amendments to the National Child Protection Act and the Volunteers for Children Act so that qualified entities can promptly and affordably conduct nationwide criminal history background checks on their employees and volunteers.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

SEC. 201. INTERCEPTIONS OF COMMUNICATIONS IN INVESTIGATIONS OF SEX OFFENSES.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (a), by inserting after ''chapter 37 (relating to espionage),'' the following: ''chapter 55 (relating to kidnapping),''; and

(2) in paragraph (c)—

(A) by inserting ''section 1591 (sex trafficking of children by force, fraud, or coercion),'' after ''section 1511 (obstruction of State or local law enforcement),''; and

(B) by inserting ''section 2251A (selling or buying of children), section 2252A (relating to

material constituting or containing child pornography), section 1466A (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes),'' after ''sections 2251 and 2252 (sexual exploitation of children),''.

SEC. 202. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

Section 3283 of title 18, United States Code, is amended to read as follows:

"§ 3283. Offenses against children

''No statute of limitations that would otherwise preclude prosecution for an offense involving the sexual or physical abuse, or kidnaping, of a child under the age of 18 years shall preclude such prosecution during the life of the child.''.

SEC. 203. NO PRETRIAL RELEASE FOR THOSE WHO RAPE OR KIDNAP CHILDREN.

Section 3142(e) of title 18, United States Code, is amended—

(1) by striking ''1901 et seq.), or'' and inserting ''1901 et seq.),''; and

(2) by striking ''of title 18 of the United States Code'' and inserting ''of this title, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title''.

SEC. 204. SUZANNE'S LAW.

Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking ''age of 18'' and inserting ''age of 21''.

TITLE III—PUBLIC OUTREACH

Subtitle A—AMBER Alert

SEC. 301. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) DUTIES.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) CONSULTATION WITH FEDERAL BUREAU OF INVESTIGATION.—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) COOPERATION.—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(e) REPORT.—Not later than March 1, 2005, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the AMBER plans of each State that has implemented such a plan. The Coordinator shall prepare the report in consultation with the Secretary of Transportation.

SEC. 302. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of an abducted child (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(4) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) COOPERATION.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) PROGRAM REQUIRED.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the development of a State program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. The State program shall provide for the planning, coordination, and design of systems, protocols, and message sets that support the coordination and communication necessary to notify motorists about abductions of children.

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State for the following purposes:

(A) To develop general policies and procedures to guide the use of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(B) To develop guidance or policies on the content and format of alert messages to be conveyed on changeable message signs or other traveler information systems.

(C) To coordinate State, regional, and local plans for the use of changeable message signs or other transportation related issues.

(D) To plan secure and reliable communications systems and protocols among public safety and transportation agencies or modify existing communications systems to support the notification of motorists about abductions of children.

(E) To plan and design improved systems for communicating with motorists, including the capability for issuing wide area alerts to motorists.

(F) To plan systems and protocols to facilitate the efficient issuance of child abduction notification and other key information to motorists during off-hours.

(G) To provide training and guidance to transportation authorities to facilitate appropriate use of changeable message signs and other traveler information systems for the notification of motorists about abductions of children.

(c) IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the implementation of a program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. A State shall be eligible for a grant under this subsection if the Secretary determines that the State has developed a State program in accordance with subsection (b).

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State to support the implementation of systems that use changeable message signs or other motorist information systems to notify motorists about abductions of children. Such support may include the purchase and installation of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(d) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

(e) DISTRIBUTION OF GRANT AMOUNTS.—The Secretary shall, to the maximum extent practicable, distribute grants under this section equally among the States that apply for a grant under this section within the time period prescribed by the Secretary.

(f) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for the receipt of grants under this section.

(g) DEFINITION.—In this section, the term ''State'' means any of the 50 States, the District of Columbia, or Puerto Rico.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for fiscal year 2004. Such amounts shall remain available until expended.

(i) STUDY OF STATE PROGRAMS.—

(1) STUDY.—The Secretary shall conduct a study to examine State barriers to the adoption and implementation of State programs for the use of communications systems along highways for alerts and other information for the recovery of abducted children.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with any recommendations the Secretary determines appropriate.

SEC. 304. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) PROGRAM REQUIRED.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans;

(3) the development and implementation of new technologies to improve AMBER Alert communications; and

(4) such other activities as the Attorney General considers appropriate for supporting the AMBER Alert communications program.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to

the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Justice $5,000,000 for fiscal year 2004 to carry out this section and, in addition, $5,000,000 for fiscal year 2004 to carry out subsection (b)(3).

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 305. LIMITATION ON LIABILITY.

(a) Except as provided in subsection (b), the National Center for Missing and Exploited Children, including any of its officers, employees, or agents, shall not be liable for damages in any civil action for defamation, libel, slander, or harm to reputation arising out of any action or communication by the National Center for Missing and Exploited Children, its officers, employees, or agents, in connection with any clearinghouse, hotline or complaint intake or forwarding program or in connection with activity that is wholly or partially funded by the United States and undertaken in cooperation with, or at the direction of a Federal law enforcement agency.

(b) The limitation in subsection (a) does not apply in any action in which the plaintiff proves that the National Center for Missing and Exploited Children, its officers, employees, or agents acted with actual malice, or provided information or took action for a purpose unrelated to an activity mandated by Federal law. For purposes of this subsection, the prevention, or detection of crime, and the safety, recovery, or protection of missing or exploited children shall be deemed, per se, to be an activity mandated by Federal law.

Subtitle B—National Center for Missing and Exploited Children

SEC. 321. INCREASED SUPPORT.

(a) IN GENERAL.—Section 408(a) of the Missing Children's Assistance Act (42 U.S.C. 5777(a)) is amended by striking ''fiscal years 2000 through 2003'' and inserting ''fiscal years 2004 through 2005.''.

(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 404(b)(2) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(2)) is amended by striking ''$10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003'' and inserting ''$20,000,000 for each of the fiscal years 2004 through 2005''.

SEC. 322. FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

''(f) Under the direction of the Secretary of Homeland Security, officers and agents of the Secret Service are authorized, at the request of any State or local law enforcement agency, or at the request of the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.''.

SEC. 323. CREATION OF CYBER TIPLINE.

Section 404(b)(1) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)(1)) is amended—

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

(2) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(H) coordinate the operation of a cyber tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of—

''(i) distribution of child pornography;

''(ii) online enticement of children for sexual acts; and

''(iii) child prostitution.''.

Subtitle C—Sex Offender Apprehension Program

SEC. 341. AUTHORIZATION.

Section 1701(d) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) by redesignating paragraphs (10) and (11) as (11) and (12), respectively; and

(2) by inserting after paragraph (9) the following:

''(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;''.

Subtitle D—Missing Children Procedures in Public Buildings

SEC. 361. SHORT TITLE.

This subtitle may be cited as the ''Code Adam Act of 2003''.

SEC. 362. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) CHILD.—The term ''child'' means an individual who is 17 years of age or younger.

(2) CODE ADAM ALERT.—The term ''Code Adam alert'' means a set of procedures used in public buildings to alert employees and other users of the building that a child is missing.

(3) DESIGNATED AUTHORITY.—The term ''designated authority'' means—

(A) with respect to a public building owned or leased for use by an Executive agency—

(i) except as otherwise provided in this paragraph, the Administrator of General Services;

(ii) in the case of the John F. Kennedy Center for the Performing Arts, the Board of Trustees of the John F. Kennedy Center for the Performing Arts;

(iii) in the case of buildings under the jurisdiction, custody, and control of the Smithsonian Institution, the Board of Regents of the Smithsonian Institution; or

(iv) in the case of another public building for which an Executive agency has, by specific or general statutory authority, jurisdiction, custody, and control over the building, the head of that agency;

(B) with respect to the Supreme Court Building, the Marshal of the Supreme Court; with respect to the Thurgood Marshall Federal Judiciary Building, the Director of the Administrative Office of United States Courts; and with respect to all other public buildings owned or leased for use by an establishment in the judicial branch of government, the General Services Administration in consultation with the United States Marshals Service; and

(C) with respect to a public building owned or leased for use by an establishment in the legislative branch of government, the Capitol Police Board.

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the same meaning such term has under section 105 of title 5, United States Code.

(5) FEDERAL AGENCY.—The term ''Federal agency'' means any Executive agency or any establishment in the legislative or judicial branches of the Government.

(6) PUBLIC BUILDING.—The term ''public building'' means any building (or portion thereof) owned or leased for use by a Federal agency.

SEC. 363. PROCEDURES IN PUBLIC BUILDINGS REGARDING A MISSING OR LOST CHILD.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the designated authority for a public building shall establish procedures for locating a child that is missing in the building.

(b) NOTIFICATION AND SEARCH PROCEDURES.—Procedures established under this section shall provide, at a minimum, for the following:

(1) Notifying security personnel that a child is missing.

(2) Obtaining a detailed description of the child, including name, age, eye and hair color, height, weight, clothing, and shoes.

(3) Issuing a Code Adam alert and providing a description of the child, using a fast and effective means of communication.

(4) Establishing a central point of contact.

(5) Monitoring all points of egress from the building while a Code Adam alert is in effect.

(6) Conducting a thorough search of the building.

(7) Contacting local law enforcement.

(8) Documenting the incident.

Subtitle E—Child Advocacy Center Grants

SEC. 381. INFORMATION AND DOCUMENTATION REQUIRED BY ATTORNEY GENERAL UNDER VICTIMS OF CHILD ABUSE ACT OF 1990.

(a) REGIONAL CHILDREN'S ADVOCACY CENTERS.—Section 213 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001b) is amended—

(1) in subsection (c)(4)—

(A) by striking ''and'' at the end of subparagraph (B)(ii);

(B) in subparagraph (B)(iii), by striking ''Board'' and inserting ''board''; and

(C) by redesignating subparagraphs (C) and (D) as clauses (iv) and (v), respectively, of subparagraph (B), and by realigning such clauses so as to have the same indentation as the preceding clauses of subparagraph (B); and

(2) in subsection (e), by striking ''Board'' in each of paragraphs (1)(B)(ii), (2)(A), and (3), and inserting ''board''.

(b) AUTHORIZATION OF APPROPRIATIONS.—The text of section 214B of such Act (42 U.S.C. 13004) is amended to read as follows:

''(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214, $15,000,000 for each of fiscal years 2004 and 2005.

''(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A, $5,000,000 for each of fiscal years 2004 and 2005.''.

TITLE IV—SENTENCING REFORM

SEC. 401. SENTENCING REFORM.

(a) ENFORCEMENT OF SENTENCING GUIDELINES FOR CHILD ABDUCTION AND SEX OFFENSES.—Section 3553(b) of title 18, United States Code is amended—

(1) by striking ''The court'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the court''; and

(2) by adding at the end the following:

''(2) CHILD CRIMES AND SEXUAL OFFENSES.—

''(A) SENTENCING.—In sentencing a defendant convicted of an offense under section 1201 involving a minor victim, an offense under section 1591, or an offense under chapter 71, 109A, 110, or 117, the court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless—

''(i) the court finds that there exists an aggravating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence greater than that described;

''(ii) the court finds that there exists a mitigating circumstance of a kind or to a degree, that—

''(I) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, taking account of any amendments to such sentencing guidelines or policy statements by Congress;

''(II) has not been taken into consideration by the Sentencing Commission in formulating the guidelines; and

''(III) should result in a sentence different from that described; or

''(iii) the court finds, on motion of the Government, that the defendant has provided substantial assistance in the investigation or prosecution of another person who has committed

an offense and that this assistance established a mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence lower than that described.

In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission, together with any amendments thereto by act of Congress. In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the purposes set forth in subsection (a)(2). In the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Commission, together with any amendments to such guidelines or policy statements by act of Congress.''.

(b) CONFORMING AMENDMENTS TO GUIDELINES MANUAL.—The Federal Sentencing Guidelines are amended—

(1) in section 5K2.0—

(A) by striking ''Under'' and inserting the following:

''(a) DOWNWARD DEPARTURES IN CRIMINAL CASES OTHER THAN CHILD CRIMES AND SEXUAL OFFENSES.—Under''; and

(B) by adding at the end the following:

''(b) DOWNWARD DEPARTURES IN CHILD CRIMES AND SEXUAL OFFENSES.—

''Under 18 U.S.C. § 3553(b)(2), the sentencing court may impose a sentence below the range established by the applicable guidelines only if the court finds that there exists a mitigating circumstance of a kind, or to a degree, that—

''(1) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

''(2) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

''(3) should result in a sentence different from that described.

The grounds enumerated in this Part K of chapter 5 are the sole grounds that have been affirmatively and specifically identified as a permissible ground of downward departure in these sentencing guidelines and policy statements. Thus, notwithstanding any other reference to authority to depart downward elsewhere in this Sentencing Manual, a ground of downward departure has not been affirmatively and specifically identified as a permissible ground of downward departure within the meaning of section 3553(b)(2) unless it is expressly enumerated in this Part K as a ground upon which a downward departure may be granted.''.

(2) At the end of part K of chapter 5, add the following:

''§ 5K2.22 Specific Offender Characteristics as Grounds for Downward Departure in child crimes and sexual offenses (Policy Statement)

''In sentencing a defendant convicted of an offense under section 1201 involving a minor victim, an offense under section 1591, or an offense under chapter 71, 109A, 110, or 117 of title 18, United States Code, age may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by § 5H1.1.

''An extraordinary physical impairment may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by § 5H1.4. Drug, alcohol, or gambling dependence or abuse is not a reason for imposing a sentence below the guidelines.

(3) Section 5K2.20 is amended by striking ''A'' and inserting ''Except where a defendant is convicted of an offense under section 1201 involving a minor victim, an offense under section 1591, or an offense under chapter 71, 109A, 110, or 117 of title 18, United States Code, a''.

(4) Section 5H1.6 is amended by inserting after the first sentence the following: ''In sentencing a defendant convicted of an offense under section 1201 involving a minor victim, an offense under section 1591, or an offense under chapter 71, 109A, 110, or 117 of title 18, United States Code, family ties and responsibilities and community ties are not relevant in determining whether a sentence should be below the applicable guideline range.''.

(5) Section 5K2.13 is amended by—

(A) striking ''or'' before ''(3)''; and

(B) replacing ''public'' with ''public; or (4) the defendant has been convicted of an offense under chapter 71, 109A, 110, or 117 of title 18, United States Code.''.

(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—Section 3553(c) of title 18, United States Code, is amended—

(1) by striking ''described.'' and inserting ''described, which reasons must also be stated with specificity in the written order of judgment and commitment, except to the extent that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32. In the event that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32 the court shall state that such statements were so received and that it relied upon the content of such statements.'';

(2) by inserting '', together with the order of judgment and commitment,'' after ''the court's statement of reasons''; and

(3) by inserting ''and to the Sentencing Commission,'' after ''to the Probation System''.

(d) REVIEW OF A SENTENCE.—

(1) REVIEW OF DEPARTURES.—Section 3742(e)(3) of title 18, United States Code, is amended to read as follows:

''(3) is outside the applicable guideline range, and

''(A) the district court failed to provide the written statement of reasons required by section 3553(c);

''(B) the sentence departs from the applicable guideline range based on a factor that—

''(i) does not advance the objectives set forth in section 3553(a)(2); or

''(ii) is not authorized under section 3553(b); or

''(iii) is not justified by the facts of the case; or

''(C) the sentence departs to an unreasonable degree from the applicable guidelines range, having regard for the factors to be considered in imposing a sentence, as set forth in section 3553(a) of this title and the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c); or''.

(2) STANDARD OF REVIEW.—The last paragraph of section 3742(e) of title 18, United States Code, is amended by striking ''shall give due deference to the district court's application of the guidelines to the facts'' and inserting '', except with respect to determinations under subsection (3)(A) or (3)(B), shall give due deference to the district court's application of the guidelines to the facts. With respect to determinations under subsection (3)(A) or (3)(B), the court of appeals shall review de novo the district court's application of the guidelines to the facts''.

(3) DECISION AND DISPOSITION.—

(A) The first paragraph of section 3742(f) of title 18, United States Code, is amended by striking ''the sentence'';

(B) Section 3742(f)(1) of title 18, United States Code, is amended by inserting ''the sentence'' before ''was imposed'';

(C) Section 3742(f)(2) of title 18, United States Code, is amended to read as follows:

''(2) the sentence is outside the applicable guideline range and the district court failed to provide the required statement of reasons in the order of judgment and commitment, or the departure is based on an impermissible factor, or is to an unreasonable degree, or the sentence was imposed for an offense for which there is no applicable sentencing guideline and is plainly unreasonable, it shall state specific reasons for its conclusions and—

''(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);

''(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);''; and

(D) Section 3742(f)(3) of title 18, United States Code, is amended by inserting ''the sentence'' before ''is not described''.

(e) IMPOSITION OF SENTENCE UPON REMAND.—Section 3742 of title 18, United States Code, is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting the following after subsection (f):

''(g) SENTENCING UPON REMAND.—A district court to which a case is remanded pursuant to subsection (f)(1) or (f)(2) shall resentence a defendant in accordance with section 3553 and with such instructions as may have been given by the court of appeals, except that—

''(1) In determining the range referred to in subsection 3553(a)(4), the court shall apply the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that were in effect on the date of the previous sentencing of the defendant prior to the appeal, together with any amendments thereto by any act of Congress that was in effect on such date; and

''(2) The court shall not impose a sentence outside the applicable guidelines range except upon a ground that—

''(A) was specifically and affirmatively included in the written statement of reasons required by section 3553(c) in connection with the previous sentencing of the defendant prior to the appeal; and

''(B) was held by the court of appeals, in remanding the case, to be a permissible ground of departure.''.

(f) DEFINITIONS.—Section 3742 of title 18, United States Code, as amended by subsection (e), is further amended by adding at the end the following:

''(j) DEFINITIONS.—For purposes of this section—

''(1) a factor is a 'permissible' ground of departure if it—

''(A) advances the objectives set forth in section 3553(a)(2); and

''(B) is authorized under section 3553(b); and

''(C) is justified by the facts of the case; and

''(2) a factor is an 'impermissible' ground of departure if it is not a permissible factor within the meaning of subsection (j)(1).''.

(g) REFORM OF GUIDELINES GOVERNING ACCEPTANCE OF RESPONSIBILITY.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended—

(1) in section 3E1.1(b)—

(A) by inserting ''upon motion of the government stating that'' immediately before ''the defendant has assisted authorities''; and

(B) by striking ''taking one or more'' and all that follows through and including ''additional level'' and insert ''timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently, decrease the offense level by 1 additional level'';

(2) in the Application Notes to the Commentary to section 3E1.1, by amending Application Note 6—

(A) by striking ''one or both of''; and

(B) by adding the following new sentence at the end: ''Because the Government is in the best position to determine whether the defendant has assisted authorities in a manner that avoids preparing for trial, an adjustment under subsection (b) may only be granted upon a formal motion by the Government at the time of sentencing.''; and

(3) in the Background to section 3E1.1, by striking ''one or more of''.

(h) IMPROVED DATA COLLECTION.—Section 994(w) of title 28, United States Code, is amended to read as follows:

''(w)(1) The Chief Judge of each district court shall ensure that, within 30 days following entry of judgment in every criminal case, the sentencing court submits to the Commission a written report of the sentence, the offense for which it is imposed, the age, race, sex of the offender, and information regarding factors made relevant by the guidelines. The report shall also include—

''(A) the judgment and commitment order;

''(B) the statement of reasons for the sentence imposed (which shall include the reason for any departure from the otherwise applicable guideline range);

''(C) any plea agreement;

''(D) the indictment or other charging document;

''(E) the presentence report; and

''(F) any other information as the Commission finds appropriate.

''(2) The Commission shall, upon request, make available to the House and Senate Committees on the Judiciary, the written reports and all underlying records accompanying those reports described in this section, as well as other records received from courts.

''(3) The Commission shall submit to Congress at least annually an analysis of these documents, any recommendations for legislation that the Commission concludes is warranted by that analysis, and an accounting of those districts that the Commission believes have not submitted the appropriate information and documents required by this section.

''(4) The Commission shall make available to the Attorney General, upon request, such data files as the Commission may assemble or maintain in electronic form that include any information submitted under paragraph (1). Such data files shall be made available in electronic form and shall include all data fields requested, including the identity of the sentencing judge.''.

(i) SENTENCING GUIDELINES AMENDMENTS.—(1) Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(A) Application Note 4(b)(i) to section 4B1.5 is amended to read as follows:

''(i) IN GENERAL.—For purposes of subsection (b), the defendant engaged in a pattern of activity involving prohibited sexual conduct if on at least two separate occasions, the defendant engaged in prohibited sexual conduct with a minor.''.

(B) Section 2G2.4(b) is amended by adding at the end the following:

''(4) If the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence, increase by 4 levels.

''(5) If the offense involved—

''(A) at least 10 images, but fewer than 150, increase by 2 levels;

''(B) at least 150 images, but fewer than 300, increase by 3 levels;

''(C) at least 300 images, but fewer than 600, increase by 4 levels; and

''(D) 600 or more images, increase by 5 levels.''.

(C) Section 2G2.2(b) is amended by adding at the end the following:

''(6) If the offense involved—

''(A) at least 10 images, but fewer than 150, increase by 2 levels;

''(B) at least 150 images, but fewer than 300, increase by 3 levels;

''(C) at least 300 images, but fewer than 600, increase by 4 levels; and

''(D) 600 or more images, increase by 5 levels.''.

(2) The Sentencing Commission shall amend the Sentencing Guidelines to ensure that the Guidelines adequately reflect the seriousness of the offenses under sections 2243(b), 2244(a)(4), and 2244(b) of title 18, United States Code.

(j) CONFORMING AMENDMENTS.—

(1) Upon enactment of this Act, the Sentencing Commission shall forthwith distribute to all courts of the United States and to the United States Probation System the amendments made by subsections (b), (g), and (i) of this section to the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission. These amendments shall take effect upon the date of enactment of this Act, in accordance with paragraph (5).

(2) On or before May 1, 2005, the Sentencing Commission shall not promulgate any amendment to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission that is inconsistent with any amendment made by subsection (b) or that adds any new grounds of downward departure to Part K of chapter 5.

(3) With respect to cases covered by the amendments made by subsection (i) of this section, the Sentencing Commission may make further amendments to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission, except that the Commission shall not promulgate any amendments that, with respect to such cases, would result in sentencing ranges that are lower than those that would have applied under such subsection.

(4) At no time may the Commission promulgate any amendment that would alter or repeal the amendments made by subsection (g) of this section.

(5) Section 3553(a) of title 18, United States Code, is amended—

(A) by amending paragraph (4)(A) to read as follows:

''(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—

''(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

''(ii) that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or'';

(B) in paragraph (4)(B), by inserting '', taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28)'' after ''Code'';

(C) by amending paragraph (5) to read as follows:

''(5) any pertinent policy statement—

''(A) issued by the Sentencing Commission pursuant to section 994(a)(2) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

''(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.''.

(k) COMPLIANCE WITH STATUTE.—Section 994(a) of title 28, United States Code, is amended by striking ''consistent with all pertinent provisions of this title and title 18, United States Code,'' and inserting ''consistent with all pertinent provisions of any Federal statute''.

(l) REPORT BY ATTORNEY GENERAL.—

(1) DEFINED TERM.—For purposes of this section, the term ''report described in paragraph (3)'' means a report, submitted by the Attorney General, which states in detail the policies and procedures that the Department of Justice has adopted subsequent to the enactment of this Act—

(A) to ensure that Department of Justice attorneys oppose sentencing adjustments, including downward departures, that are not supported by the facts and the law;

(B) to ensure that Department of Justice attorneys in such cases make a sufficient record so as to permit the possibility of an appeal;

(C) to delineate objective criteria, specified by the Attorney General, as to which such cases may warrant consideration of an appeal, either because of the nature or magnitude of the sentencing error, its prevalence in the district, or its prevalence with respect to a particular judge;

(D) to ensure that Department of Justice attorneys promptly notify the designated Department of Justice component in Washington concerning such adverse sentencing decisions; and

(E) to ensure the vigorous pursuit of appropriate and meritorious appeals of such adverse decisions.

(2) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 15 days after a district court's grant of a downward departure in any case, other than a case involving a downward departure for substantial assistance to authorities pursuant to section 5K1.1 of the United States Sentencing Guidelines, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate containing the information described under subparagraph (B).

(B) CONTENTS.—The report submitted pursuant to subparagraph (A) shall set forth—

(i) the case;

(ii) the facts involved;

(iii) the identity of the district court judge;

(iv) the district court's stated reasons, whether or not the court provided the United States with advance notice of its intention to depart; and

(v) the position of the parties with respect to the downward departure, whether or not the United States has filed, or intends to file, a motion for reconsideration.

(C) APPEAL OF THE DEPARTURE.—Not later than 5 days after a decision by the Solicitor General regarding the authorization of an appeal of the departure, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate that describes the decision of the Solicitor General and the basis for such decision.

(3) EFFECTIVE DATE.—Paragraph (2) shall take effect on the day that is 91 days after the date of enactment of this Act, except that such paragraph shall not take effect if not more than 90 days after the date of enactment of this Act the Attorney General has submitted to the Judiciary Committees of the House of Representatives and the Senate the report described in paragraph (3).

(m) REFORM OF EXISTING PERMISSIBLE GROUNDS OF DOWNWARD DEPARTURES.—Not later than 180 days after the enactment of this Act, the United States Sentencing Commission shall—

(1) review the grounds of downward departure that are authorized by the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission; and

(2) promulgate, pursuant to section 994 of title 28, United States Code—

(A) appropriate amendments to the sentencing guidelines, policy statements, and official commentary to ensure that the incidence of downward departures are substantially reduced;

(B) a policy statement authorizing a downward departure of not more than 4 levels if the Government files a motion for such departure pursuant to an early disposition program authorized by the Attorney General and the United States Attorney; and

(C) any other conforming amendments to the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission

necessitated by this Act, including a revision of paragraph 4(b) of part A of chapter 1 and a revision of section 5K2.0.

(n) COMPOSITION OF SENTENCING COMMISSION.—

(1) IN GENERAL.—Section 991(a) of title 28, United States Code, is amended by striking ''At least three'' and inserting ''Not more than 3''.

(2) APPLICABILITY.—The amendment made under paragraph (1) shall not apply to any person who is serving, or who has been nominated to serve, as a member of the Sentencing Commission on the date of enactment of this Act.

TITLE V—OBSCENITY AND PORNOGRAPHY

Subtitle A—Child Obscenity and Pornography Prevention

SEC. 501. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. ''The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance,'' New York v. Ferber, 458 U.S. 747, 757 (1982), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. ''The most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product.'' Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to:

(A) computer generate depictions of children that are indistinguishable from depictions of real children;

(B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or

(C) disguise pictures of real children being abused by making the image look computer-generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer-generated. The technology will soon exist, if it does not already, to computer generate realistic images of children.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and/or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges increased significantly after the decision in Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002).

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic assessment may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact of the Free Speech Coalition decision on the Government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases have almost universally raised the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful. In addition, the number of prosecutions being brought has been significantly and adversely affected as the resources required to be dedicated to each child pornography case now are significantly higher than ever before.

(11) Leading experts agree that, to the extent that the technology exists to computer generate realistic images of child pornography, the cost in terms of time, money, and expertise is—and for the foreseeable future will remain—prohibitively expensive. As a result, for the foreseeable future, it will be more cost-effective to produce child pornography using real children. It will not, however, be difficult or expensive to use readily available technology to disguise those depictions of real children to make them unidentifiable or to make them appear computer-generated.

(12) Child pornography results from the abuse of real children by sex offenders; the production of child pornography is a byproduct of, and not the primary reason for, the sexual abuse of children. There is no evidence that the future development of easy and inexpensive means of computer generating realistic images of children would stop or even reduce the sexual abuse of real children or the practice of visually recording that abuse.

(13) In the absence of congressional action, the difficulties in enforcing the child pornography laws will continue to grow increasingly worse. The mere prospect that the technology exists to create composite or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution; for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. Moreover, imposing an additional requirement that the Government prove beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.

(14) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(15) The Supreme Court's 1982 Ferber v. New York decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary now to ensure that open and notorious trafficking in such materials does not reappear, and even increase, on the Internet.

SEC. 502. IMPROVEMENTS TO PROHIBITION ON VIRTUAL CHILD PORNOGRAPHY.

(a) Section 2256(8) of title 18, United States Code, is amended—

(1) so that subparagraph (B) reads as follows:

''(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or'';

(2) by striking ''; or'' at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

(b) Section 2256(2) of title 18, United States Code, is amended to read as follows:

''(2)(A) Except as provided in subparagraph (B), 'sexually explicit conduct' means actual or simulated—

''(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

''(ii) bestiality;

''(iii) masturbation;

''(iv) sadistic or masochistic abuse; or

''(v) lascivious exhibition of the genitals or pubic area of any person;

''(B) For purposes of subsection 8(B) of this section, 'sexually explicit conduct' means—

''(i) graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

''(ii) graphic or lascivious simulated;

''(I) bestiality;

''(II) masturbation; or

''(III) sadistic or masochistic abuse; or

''(iii) graphic or simulated lascivious exhibition of the genitals or pubic area of any person;''.

(c) Section 2256 is amended by inserting at the end the following new paragraphs:

''(10) 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted; and

''(11) the term 'indistinguishable' used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.''.

(d) Section 2252A(c) of title 18, United States Code, is amended to read as follows:

''(c) It shall be an affirmative defense to a charge of violating paragraph (1), (2), (3)(A), (4), or (5) of subsection (a) that—

''(1)(A) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct; and

''(B) each such person was an adult at the time the material was produced; or

''(2) the alleged child pornography was not produced using any actual minor or minors.

No affirmative defense under subsection (c)(2) shall be available in any prosecution that involves child pornography as described in section 2256(8)(C). A defendant may not assert an affirmative defense to a charge of violating paragraph (1), (2), (3)(A), (4), or (5) of subsection (a)

unless, within the time provided for filing pretrial motions or at such time prior to trial as the judge may direct, but in no event later than 10 days before the commencement of the trial, the defendant provides the court and the United States with notice of the intent to assert such defense and the substance of any expert or other specialized testimony or evidence upon which the defendant intends to rely. If the defendant fails to comply with this subsection, the court shall, absent a finding of extraordinary circumstances that prevented timely compliance, prohibit the defendant from asserting such defense to a charge of violating paragraph (1), (2), (3)(A), (4), or (5) of subsection (a) or presenting any evidence for which the defendant has failed to provide proper and timely notice.''.

SEC. 503. CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.

Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)—

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

''(3) knowingly—

''(A) reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer; or

''(B) advertises, promotes, presents, distributes, or solicits through the mails, or in interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains—

''(i) an obscene visual depiction of a minor engaging in sexually explicit conduct; or

''(ii) a visual depiction of an actual minor engaging in sexually explicit conduct;'';

(B) in paragraph (4), by striking ''or'' at the end;

(C) in paragraph (5), by striking the comma at the end and inserting ''; or''; and

(D) by adding after paragraph (5) the following:

''(6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—

''(A) that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer;

''(B) that was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or

''(C) which distribution, offer, sending, or provision is accomplished using the mails or by transmitting or causing to be transmitted any wire communication in interstate or foreign commerce, including by computer,

for purposes of inducing or persuading a minor to participate in any activity that is illegal.''; and

(2) in subsection (b)(1), by striking ''paragraphs (1), (2), (3), or (4)'' and inserting ''paragraph (1), (2), (3), (4), or (6)''.

SEC. 504. OBSCENE CHILD PORNOGRAPHY.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by inserting after section 1466 the following:

''§ 1466A. Obscene visual representations of the sexual abuse of children

''(a) IN GENERAL.—Any person who, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

''(1)(A) depicts a minor engaging in sexually explicit conduct; and

''(B) is obscene; or

''(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

''(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) ADDITIONAL OFFENSES.—Any person who, in a circumstance described in subsection (d), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

''(1)(A) depicts a minor engaging in sexually explicit conduct; and

''(B) is obscene; or

''(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

''(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

''(c) NONREQUIRED ELEMENT OF OFFENSE.—It is not a required element of any offense under this section that the minor depicted actually exist.

''(d) CIRCUMSTANCES.—The circumstance referred to in subsections (a) and (b) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

''(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (b) that the defendant—

''(1) possessed less than 3 such visual depictions; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any such visual depiction—

''(A) took reasonable steps to destroy each such visual depiction; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'visual depiction' includes undeveloped film and videotape, and data stored on a computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, digital image or picture, computer image or picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means;

''(2) the term 'sexually explicit conduct' has the meaning given the term in section 2256(2)(A) or 2256(2)(B); and

''(3) the term 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1466 the following new item:

''1466A. Obscene visual representations of the sexual abuse of children.''.

(c) SENTENCING GUIDELINES.—

(1) CATEGORY.—Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 1466A of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) RANGES.—The Sentencing Commission may promulgate guidelines specifically governing offenses under section 1466A of title 18, United States Code, if such guidelines do not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

SEC. 505. ADMISSIBILITY OF EVIDENCE.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(e) ADMISSIBILITY OF EVIDENCE.—On motion of the government, in any prosecution under this chapter or section 1466A, except for good cause shown, the name, address, social security number, or other nonphysical identifying information, other than the age or approximate age, of any minor who is depicted in any child pornography shall not be admissible and may be redacted from any otherwise admissible evidence, and the jury shall be instructed, upon request of the United States, that it can draw no inference from the absence of such evidence in deciding whether the child pornography depicts an actual minor.''.

SEC. 506. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 of title 18, United States Code, is amended—

(1) by striking ''subsection (d)'' each place that term appears and inserting ''subsection (e)'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

''(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

''(2) The circumstance referred to in paragraph (1) is that—

''(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by computer or mail; or

''(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by computer or mail.''.

SEC. 507. STRENGTHENING ENHANCED PENALTIES FOR REPEAT OFFENDERS.

Sections 2251(e) (as redesignated by section 506(2)), 2252(b), and 2252A(b) of title 18, United States Code, are each amended—

(1) by inserting ''chapter 71,'' immediately before each occurrence of ''chapter 109A,''; and

(2) by inserting ''or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice),'' immediately before each occurrence of ''or under the laws''.

SEC. 508. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

(a) Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''2252B,'' after ''2252A,''; and

(B) by inserting ''or a violation of section 1466A of that title,'' after ''of that title),'';

(2) in subsection (c), by inserting ''or pursuant to'' after ''to comply with'';

(3) by amending subsection (f)(1)(D) to read as follows:

''(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.'';

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

''(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.''.

(b) Section 2702 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking subparagraph (B);

(B) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively;

(C) by striking ''or'' at the end of paragraph (5); and

(D) by inserting after paragraph (5) the following new paragraph:

''(6) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032);''; and

(2) in subsection (c)—

(A) by striking ''or'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by adding after paragraph (4) the following new paragraph:

''(5) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''.

SEC. 509. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.

Section 3486(a)(1)(C)(i) of title 18, United States Code, is amended by striking ''the name, address'' and all that follows through ''subscriber or customer utilized'' and inserting ''the information specified in section 2703(c)(2)''.

SEC. 510. CIVIL REMEDIES.

Section 2252A of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

''(f) CIVIL REMEDIES.—

''(1) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited under subsection (a) or (b) or section 1466A may commence a civil action for the relief set forth in paragraph (2).

''(2) RELIEF.—In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including—

''(A) temporary, preliminary, or permanent injunctive relief;

''(B) compensatory and punitive damages; and

''(C) the costs of the civil action and reasonable fees for attorneys and expert witnesses.''.

SEC. 511. RECORDKEEPING REQUIREMENTS.

(a) IN GENERAL.—Section 2257 of title 18, United States Code, is amended—

(1) in subsection (d)(2), by striking ''of this section'' and inserting ''of this chapter or chapter 71,'';

(2) in subsection (h)(3), by inserting '', computer generated image, digital image, or picture,'' after ''video tape''; and

(3) in subsection (i)—

(A) by striking ''not more than 2 years'' and inserting ''not more than 5 years''; and

(B) by striking ''5 years'' and inserting ''10 years''.

(b) REPORT.—Not later than 1 year after enactment of this Act, the Attorney General shall submit to Congress a report detailing the number of times since January 1993 that the Department of Justice has inspected the records of any producer of materials regulated pursuant to section 2257 of title 18, United States Code, and section 75 of title 28 of the Code of Federal Regulations. The Attorney General shall indicate the number of violations prosecuted as a result of those inspections.

SEC. 512. SENTENCING ENHANCEMENTS FOR INTERSTATE TRAVEL TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.

Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that guideline penalties are adequate in cases that involve interstate travel with the intent to engage in a sexual act with a juvenile in violation of section 2423 of title 18, United States Code, to deter and punish such conduct.

SEC. 513. MISCELLANEOUS PROVISIONS.

(a) APPOINTMENT OF TRIAL ATTORNEYS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall appoint 25 additional trial attorneys to the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice or to appropriate U.S. Attorney's Offices, and those trial attorneys shall have as their primary focus, the investigation and prosecution of Federal child pornography and obscenity laws.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out this subsection.

(b) REPORT TO CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General shall report to the Chairpersons and Ranking Members of the Committees on the Judiciary of the Senate and the House of Representatives on the Federal enforcement actions under chapter 110 or section 1466A of title 18, United States Code.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an evaluation of the prosecutions brought under chapter 110 or section 1466A of title 18, United States Code;

(B) an outcome-based measurement of performance; and

(C) an analysis of the technology being used by the child pornography industry.

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines are adequate to deter and punish conduct that involves a violation of paragraph (3)(B) or (6) of section 2252A(a) of title 18, United States Code, as created by this Act. With respect to the guidelines for section 2252A(a)(3)(B), the Commission shall consider the relative culpability of promoting, presenting, describing, or distributing material in violation of that section as compared with solicitation of such material.

Subtitle B—Truth in Domain Names

SEC. 521. MISLEADING DOMAIN NAMES ON THE INTERNET.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252A the following:

''§ 2252B. Misleading domain names on the Internet

''(a) Whoever knowingly uses a misleading domain name on the Internet with the intent to deceive a person into viewing material constituting obscenity shall be fined under this title or imprisoned not more than 2 years, or both.

''(b) Whoever knowingly uses a misleading domain name on the Internet with the intent to deceive a minor into viewing material that is harmful to minors on the Internet shall be fined under this title or imprisoned not more than 4 years, or both.

''(c) For the purposes of this section, a domain name that includes a word or words to indicate the sexual content of the site, such as 'sex' or 'porn', is not misleading.

''(d) For the purposes of this section, the term 'material that is harmful to minors' means any communication, consisting of nudity, sex, or excretion, that, taken as a whole and with reference to its context—

''(1) predominantly appeals to a prurient interest of minors;

''(2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

''(3) lacks serious literary, artistic, political, or scientific value for minors.

''(e) For the purposes of subsection (d), the term 'sex' means acts of masturbation, sexual intercourse, or physcial contact with a person's genitals, or the condition of human male or female genitals when in a state of sexual stimulation or arousal.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252A the following new item:

''2252B. Misleading domain names on the Internet.''.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. PENALTIES FOR USE OF MINORS IN CRIMES OF VIOLENCE.

Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''§ 25. Use of minors in crimes of violence

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) CRIME OF VIOLENCE.—The term 'crime of violence' has the meaning set forth in section 16.

''(2) MINOR.—The term 'minor' means a person who has not reached 18 years of age.

''(3) USES.—The term 'uses' means employs, hires, persuades, induces, entices, or coerces.

''(b) PENALTIES.—Any person who is 18 years of age or older, who intentionally uses a minor to commit a crime of violence for which such person may be prosecuted in a court of the United States, or to assist in avoiding detection or apprehension for such an offense, shall—

''(1) for the first conviction, be subject to twice the maximum term of imprisonment and twice the maximum fine that would otherwise be authorized for the offense; and

''(2) for each subsequent conviction, be subject to 3 times the maximum term of imprisonment and 3 times the maximum fine that would otherwise be authorized for the offense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''25. Use of minors in crimes of violence.''.

SEC. 602. SENSE OF CONGRESS.

(a) FOCUS OF INVESTIGATION AND PROSECUTION.—It is the sense of Congress that the Child

Exploitation and Obscenity Section of the Criminal Division of the Department of Justice should focus its investigative and prosecutorial efforts on major producers, distributors, and sellers of obscene material and child pornography that use misleading methods to market their material to children.

(b) VOLUNTARY LIMITATION ON WEBSITE FRONT PAGES.—It is the sense of Congress that the online commercial adult entertainment industry should voluntarily refrain from placing obscenity, child pornography, or material that is harmful to minors on the front pages of their websites to protect juveniles from material that may negatively impact their social, moral, and psychological development.

SEC. 603. COMMUNICATIONS DECENCY ACT OF 1996.

Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''. lewd, lascivious, filthy, or indecent'' and inserting ''or child pornography''; and

(B) in subparagraph (B), by striking ''indecent'' and inserting ''child pornography''; and

(2) in subsection (d)(1), by striking '', in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs'' and inserting ''is obscene or child pornography''.

SEC. 604. INTERNET AVAILABILITY OF INFORMATION CONCERNING REGISTERED SEX OFFENDERS.

(a) IN GENERAL.—Section 170101(e)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)) is amended by adding at the end the following: ''The release of information under this paragraph shall include the maintenance of an Internet site containing such information that is available to the public and instructions on the process for correcting information that a person alleges to be erroneous.''.

(b) COMPLIANCE DATE.—Each State shall implement the amendment made by this section within 3 years after the date of enactment of this Act, except that the Attorney General may grant an additional 2 years to a State that is making a good faith effort to implement the amendment made by this section.

(c) NATIONAL INTERNET SITE.—The Crimes Against Children Section of the Criminal Division of the Department of Justice shall create a national Internet site that links all State Internet sites established pursuant to this section.

SEC. 605. REGISTRATION OF CHILD PORNOGRAPHERS IN THE NATIONAL SEX OFFENDER REGISTRY.

(a) JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION PROGRAM.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended—

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

"SEC. 170101. JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION PROGRAM.";

and

(2) in subsection (a)(3)—

(A) in clause (vii), by striking ''or'' at the end;

(B) by redesignating clause (viii) as clause (ix); and

(C) by inserting after clause (vii) the following:

''(viii) production or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code; or''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, for each of fiscal years 2004 through 2007, such sums as may be necessary to carry out the amendments made by this section.

SEC. 606. GRANTS TO STATES FOR COSTS OF COMPLIANCE WITH NEW SEX OFFENDER REGISTRY REQUIREMENTS.

Section 170101(i)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(i)(3) is amended to read as follows:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of the fiscal years 2004 through 2007 such sums as may be necessary to carry out the provisions of section 1701(d)(10) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)(10)), as added by the PROTECT Act.''.

SEC. 607. SAFE ID ACT.

(a) SHORT TITLE.—This section may be cited as the ''Secure Authentication Feature and Enhanced Identification Defense Act of 2003'' or ''SAFE ID Act''.

(b) FRAUD AND FALSE STATEMENTS.—

(1) OFFENSES.—Section 1028(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by inserting '', authentication feature,'' after ''an identification document'';

(B) in paragraph (2)—

(i) by inserting '', authentication feature,'' after ''an identification document''; and

(ii) by inserting ''or feature'' after ''such document'';

(C) in paragraph (3), by inserting '', authentication features,'' after ''possessor)'';

(D) in paragraph (4)—

(i) by inserting '', authentication feature,'' after ''possessor)''; and

(ii) by inserting ''or feature'' after ''such document'';

(E) in paragraph (5), by inserting ''or authentication feature'' after ''implement'' each place that term appears;

(F) in paragraph (6)—

(i) by inserting ''or authentication feature'' before ''that is or appears'';

(ii) by inserting ''or authentication feature'' before ''of the United States'';

(iii) by inserting ''or feature'' after ''such document''; and

(iv) by striking ''or'' at the end;

(G) in paragraph (7), by inserting ''or'' after the semicolon; and

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

''(8) knowingly traffics in false authentication features for use in false identification documents, document-making implements, or means of identification;''.

(2) PENALTIES.—Section 1028(b) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting '', authentication feature,'' before ''or false''; and

(II) in clause (i), by inserting ''or authentication feature'' after ''document''; and

(ii) in subparagraph (B), by inserting '', authentication features,'' before ''or false''; and

(B) in paragraph (2)(A), by inserting '', authentication feature,'' before ''or a false''.

(3) CIRCUMSTANCES.—Section 1028(c)(1) of title 18, United States Code, is amended by inserting '', authentication feature,'' before ''or false'' each place that term appears.

(4) DEFINITIONS.—Section 1028(d) of title 18, United States Code, is amended—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (2), (3), (4), (7), (8), (9), (10), and (11), respectively;

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

''(1) the term 'authentication feature' means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified;'';

(C) in paragraph (4)(A), as redesignated, by inserting ''or was issued under the authority of a governmental entity but was subsequently altered for purposes of deceit'' after ''entity'';

(D) by inserting after paragraph (4), as redesignated, the following:

''(5) the term 'false authentication feature' means an authentication feature that—

''(A) is genuine in origin, but, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;

''(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made identification document, document-making implement, or means of identification to which such authentication feature is intended to be affixed or embedded by the respective issuing authority; or

''(C) appears to be genuine, but is not;

''(6) the term 'issuing authority'—

''(A) means any governmental entity or agency that is authorized to issue identification documents, means of identification, or authentication features; and

''(B) includes the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international government or quasi-governmental organization;'';

(E) in paragraph (10), as redesignated, by striking ''and'' at the end;

(F) in paragraph (11), as redesignated, by striking the period at the end and inserting ''; and''; and

(G) by adding at the end the following:

''(12) the term 'traffic' means—

''(A) to transport, transfer, or otherwise dispose of, to another, as consideration for anything of value; or

''(B) to make or obtain control of with intent to so transport, transfer, or otherwise dispose of.''.

(5) ADDITIONAL PENALTIES.—Section 1028 of title 18, United States Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following:

''(h) FORFEITURE; DISPOSITION.—In the circumstance in which any person is convicted of a violation of subsection (a), the court shall order, in addition to the penalty prescribed, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, document-making implements, or means of identification.''.

*(6) TECHNICAL AND CONFORMING AMENDMENT.—Section 1028 of title 18, United States Code, is amended in the heading by inserting '', **AUTHENTICATION FEATURES,**'' after ''**DOCUMENTS**''.*

SEC. 608. ILLICIT DRUG ANTI-PROLIFERATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Illicit Drug Anti-Proliferation Act of 2003''.

(b) OFFENSES.—

(1) IN GENERAL.—Section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a)) is amended—

(A) in paragraph (1), by striking ''open or maintain any place'' and inserting ''open, lease, rent, use, or maintain any place, whether permanently or temporarily,''; and

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

''(2) manage or control any place, whether permanently or temporarily, either as an owner, lessee, agent, employee, occupant, or mortgagee, and knowingly and intentionally rent, lease, profit from, or make available for use, with or without compensation, the place for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance.''.

(2) TECHNICAL AMENDMENT.—The heading to section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended to read as follows:

"SEC. 416. MAINTAINING DRUG-INVOLVED PREMISES.".

(3) CONFORMING AMENDMENT.—The table of contents to title II of the Comprehensive Drug

Abuse and Prevention Act of 1970 is amended by striking the item relating to section 416 and inserting the following:

''Sec. 416. Maintaining drug-involved premises.''.

(c) CIVIL PENALTY AND EQUITABLE RELIEF FOR MAINTAINING DRUG-INVOLVED PREMISES.—Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following:

''(d)(1) Any person who violates subsection (a) shall be subject to a civil penalty of not more than the greater of—

''(A) $250,000; or

''(B) 2 times the gross receipts, either known or estimated, that were derived from each violation that is attributable to the person.

''(2) If a civil penalty is calculated under paragraph (1)(B), and there is more than 1 defendant, the court may apportion the penalty between multiple violators, but each violator shall be jointly and severally liable for the civil penalty under this subsection.

''(e) Any person who violates subsection (a) shall be subject to declaratory and injunctive remedies as set forth in section 403(f).''.

(d) DECLARATORY AND INJUNCTIVE REMEDIES.—Section 403(f)(1) of the Controlled Substances Act (21 U.S.C. 843(f)(1)) is amended by striking ''this section or section 402'' and inserting ''this section, section 402, or 416''.

(e) SENTENCING COMMISSION GUIDELINES.—The United States Sentencing Commission shall—

(1) review the Federal sentencing guidelines with respect to offenses involving gamma hydroxybutyric acid (GHB);

(2) consider amending the Federal sentencing guidelines to provide for increased penalties such that those penalties reflect the seriousness of offenses involving GHB and the need to deter them; and

(3) take any other action the Commission considers necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS FOR A DEMAND REDUCTION COORDINATOR.—There is authorized to be appropriated $5,900,000 to the Drug Enforcement Administration of the Department of Justice for the hiring of a special agent in each State to serve as a Demand Reduction Coordinator.

(g) AUTHORIZATION OF APPROPRIATIONS FOR DRUG EDUCATION.—There is authorized to be appropriated such sums as necessary to the Drug Enforcement Administration of the Department of Justice to educate youth, parents, and other interested adults about club drugs.

SEC. 609. DEFINITION OF VEHICLE.

Section 1993(c) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) the term 'vehicle' means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water, or through the air.''.

SEC. 610. AUTHORIZATION OF JOHN DOE DNA INDICTMENTS.

(a) LIMITATION.—Section 3282 of title 18, United States Code, is amended—

(1) by striking ''Except'' and inserting the following:

''(a) IN GENERAL.—Except''; and

(2) by adding at the end the following:

''(b) DNA PROFILE INDICTMENT.—

''(1) IN GENERAL.—In any indictment for an offense under chapter 109A for which the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

''(2) EXCEPTION.—Any indictment described under paragraph (1), which is found not later than 5 years after the offense under chapter 109A is committed, shall not be subject to—

''(A) the limitations period described under subsection (a); and

''(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

''(3) DEFINED TERM.—For purposes of this subsection, the term 'DNA profile' means a set of DNA identification characteristics.''.

(b) RULES OF CRIMINAL PROCEDURE.—Rule 7(c)(1) of the Federal Rules of Criminal Procedure is amended by adding at the end the following: ''For purposes of an indictment referred to in section 3282 of title 18, United States Code, for which the identity of the defendant is unknown, it shall be sufficient for the indictment to describe the defendant as an individual whose name is unknown, but who has a particular DNA profile, as that term is defined in that section 3282.''.

SEC. 611. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.

Subtitle B of the Violence Against Women Act of 1994 (42 U.S.C. 13701 note; 108 Stat. 1925) is amended by adding at the end the following:

"CHAPTER 11—TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT

"SEC. 40299. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT.

''(a) IN GENERAL.—The Attorney General, acting in consultation with the Director of the Violence Against Women Office of the Department of Justice, shall award grants under this section to States, units of local government, Indian tribes, and other organizations (referred to in this section as the 'recipient') to carry out programs to provide assistance to minors, adults, and their dependents—

''(1) who are homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

''(2) for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.

''(b) GRANTS.—Grants awarded under this section may be used for programs that provide—

''(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses such as payment of security deposits and other costs incidental to relocation to transitional housing for persons described in subsection (a); and

''(2) support services designed to enable a minor, an adult, or a dependent of such minor or adult, who is fleeing a situation of domestic violence to—

''(A) locate and secure permanent housing; and

''(B) integrate into a community by providing that minor, adult, or dependent with services, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.

''(c) DURATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a minor, an adult, or a dependent, who receives assistance under this section shall receive that assistance for not more than 18 months.

''(2) WAIVER.—The recipient of a grant under this section may waive the restriction under paragraph (1) for not more than an additional 6 month period with respect to any minor, adult, or dependent, who—

''(A) has made a good-faith effort to acquire permanent housing; and

''(B) has been unable to acquire permanent housing.

''(d) APPLICATION—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

''(A) describe the activities for which assistance under this section is sought; and

''(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

''(3) APPLICATION.—Nothing in this subsection shall be construed to require—

''(A) victims to participate in the criminal justice system in order to receive services; or

''(B) domestic violence advocates to breach client confidentiality.

''(e) REPORT TO THE ATTORNEY GENERAL—

''(1) IN GENERAL.—A recipient of a grant under this section shall annually prepare and submit to the Attorney General a report describing—

''(A) the number of minors, adults, and dependents assisted under this section; and

''(B) the types of housing assistance and support services provided under this section.

''(2) CONTENTS.—Each report prepared and submitted pursuant to paragraph (1) shall include information regarding—

''(A) the amount of housing assistance provided to each minor, adult, or dependent, assisted under this section and the reason for that assistance;

''(B) the number of months each minor, adult, or dependent, received assistance under this section;

''(C) the number of minors, adults, and dependents who—

''(i) were eligible to receive assistance under this section; and

''(ii) were not provided with assistance under this section solely due to a lack of available housing; and

''(D) the type of support services provided to each minor, adult, or dependent, assisted under this section.

''(f) REPORT TO CONGRESS.—

''(1) REPORTING REQUIREMENT.—The Attorney General, with the Director of the Violence Against Women Office, shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e).

''(2) AVAILABILITY OF REPORT.—In order to coordinate efforts to assist the victims of domestic violence, the Attorney General, in coordination with the Director of the Violence Against Women Office, shall transmit a copy of the report submitted under paragraph (1) to—

''(A) the Office of Community Planning and Development at the United States Department of Housing and Urban Development; and

''(B) the Office of Women's Health at the United States Department of Health and Human Services.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $30,000,000 for each of the fiscal years 2004 through 2008.

''(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year, not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

''(3) MINIMUM AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), unless all eligible applications submitted by any States, units of local government, Indian tribes, or organizations within a State for a grant under this section have been funded, that State, together with the grantees within the State (other than Indian tribes), shall be allocated in each fiscal year, not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

''(B) EXCEPTION.—The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.''.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference:

F. JAMES SENSENBRENNER,
HOWARD COBLE,
LAMAR SMITH,
MARK GREEN,
MELISSA A. HART.

For consideration of the Senate bill and House amendments, and modifications committed to conference:

MARTIN FROST.

From the Committee on Education and the Workforce, for consideration of sec. 8 of the Senate bill and secs. 222, 305, and 508 of the House amendments, and modifications committed to conference:

PETE HOEKSTRA,
PHIL GINGREY,
RUBÉN HINOJOSA.

From the Committee on Transportation and Infrastructure, for consideration of sec. 303 and title IV of the House amendments, and modifications committed to conference:

DON YOUNG,
TOM PETRI,
JIM MATHESON,
Managers on the Part of the House.

When said conference report was considered.

After debate,

On motion of Mr. SENSENBRENNER, the previous question was ordered on the conference report.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. SENSENBRENNER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400; Nays ..... 25; Answered present 2

¶39.6 [Roll No. 127]

YEAS—400

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

NAYS—25

Ballance, Clay, Conyers, Cummings, Davis (IL), Frank (MA), Jackson (IL), Jones (OH), Kilpatrick, Kucinich, Lee, Lewis (GA), McDermott, Mollohan, Nadler, Oberstar, Paul, Payne, Sabo, Sanders, Scott (VA), Stark, Towns, Waters, Watt

ANSWERED ''PRESENT''—2

Delahunt, Tierney

NOT VOTING—8

Brady (TX), Crenshaw, Davis (TN), Dooley (CA), Gephardt, Houghton, McCarthy (MO), Rush

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶39.7 H. CON. RES. 141—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 141) expressing the sense of the Congress that the Internal Revenue Code of 1986 should be fundamentally reformed to be fairer, simpler, and less costly and to encourage economic growth, individual liberty, and investment in American jobs.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 424; Nays 0

¶39.8 [Roll No. 128]

YEAS—424

Abercrombie, Ackerman, Aderholt, Akin, Alexander, Allen, Andrews, Baca, Bachus, Baird, Baker, Baldwin, Ballance, Ballenger, Barrett (SC), Bartlett (MD), Barton (TX), Bass, Beauprez, Becerra, Bell, Bereuter, Berkley, Berman, Berry, Biggert, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonner, Bono, Boozman, Boswell, Boucher, Boyd, Bradley (NH), Brady (PA), Brown (OH), Brown (SC), Brown, Corrine, Brown-Waite, Ginny, Burgess, Burns, Burr, Burton (IN), Buyer, Calvert, Camp, Cannon, Cantor, Capito, Capps, Capuano, Cardin, Cardoza, Carson (IN), Carson (OK), Carter, Case, Castle, Chabot

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

NOT VOTING—10

Brady (TX)
Crenshaw
Dooley (CA)
Gephardt
Houghton
Hunter
Issa
McCarthy (MO)
Paul
Rogers (MI)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶39.9 H. RES. 165—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 165) expressing support for a renewed effort to find a peaceful, just, and lasting settlement to the Cyprus problem; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution; as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶39.10 [Roll No. 129]

YEAS—422

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

Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Brady (TX)
Conyers
Crenshaw
Deutsch
Dooley (CA)
Gephardt
Houghton
Hunter
McCarthy (MO)
Miller, George
Myrick
Paul

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶39.11 PROVIDING FOR THE CONSIDERATION OF H.R. 6

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 189):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour and 30 minutes, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of each of the Committees on Science, Resources, and Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 226
Nays 202

¶39.12 [Roll No. 130]

YEAS—226

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

NAYS—202

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

NOT VOTING—6

Davis (IL)
Gephardt
Houghton
McCarthy (MO)
Paul
Taylor (NC)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas 236
Nays 190

¶39.13 [Roll No. 131]

AYES—236

Aderholt
Akin
Baca
Bachus
Baker
Ballenger

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

NOES—190

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

NOT VOTING—8

Davis (IL)
Gephardt
Houghton
McCarthy (MO)
Olver
Paul
Platts
Taylor (NC)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶39.14 ENERGY POLICY

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 189 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a further message from the Senate.

The SPEAKER pro tempore, Mr. BASS, assumed the Chair.

¶39.15 FURTHER MESSAGE FROM THE SENATE

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

H.R. 1584. An Act to implement effective measures to stop trade in conflict diamonds, and for other purposes.

The Committee resumed its sitting; and after some further time spent therein,

¶39.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BOEHLERT:

In division A, at the end of title VIII add the following:

SEC. ___. AVERAGE FUEL ECONOMY STANDARDS.

(a) IN GENERAL.—Section 32902 of title 49, United States Code, is amended by redesignating subsections (i) and (j) in order as subsections (j) and (k), and by inserting after subsection (h) the following:

''(i) STANDARDS FOR MODEL YEARS AFTER 2004.—The Secretary of Transportation shall prescribe by regulation average fuel economy standards for automobiles manufactured by a manufacturer in model years after model year 2004, that ensure that the total amount of oil required for fuel for use by automobiles in the United States in 2010 and each year thereafter is at least 5 percent less than the total amount of oil that would be required for fuel for such use if the average fuel economy standards remained at the same level as in 2004.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)(1) in the first sentence by inserting ''and subsection (i)'' after ''of this subsection''; and

(2) in subsection (k) (as redesignated by subsection (a)) by striking ''or (g)'' and inserting ''(g), or (i)''.

It was decided in the negative ..... { Yeas ..... 162 / Nays 268

¶39.17 [Roll No. 132]

AYES—162

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bereuter
Berkley
Berman
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Boyd
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Case
Clay
Cooper
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley (CA)
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kaptur
Kelly
Kennedy (RI)
Kind
King (NY)
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McNulty
Meehan
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Platts
Price (NC)
Ramstad
Rangel
Reynolds
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt

Stark
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—268

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bell
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Combest
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kennedy (MN)
Kildee
Kilpatrick
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—4

Gephardt
Houghton
McCarthy (MO)
Paul

So the amendment was not agreed to.

¶39.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DINGELL:

Strike title VI of Division A and insert the following:

TITLE VI—ELECTRIC ENERGY

SEC. 601. FRAUDULENT OR MANIPULATIVE PRACTICES.

(a) UNLAWFUL ACTS.—It shall be unlawful for any entity, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails to use or employ, in the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, any fraudulent, manipulative, or deceptive device or contrivance in contravention of such rules and regulations as the Federal Energy Regulatory Commission may prescribe as necessary or appropriate in the public interest.

(b) APPLICATION OF FEDERAL POWER ACT TO THIS ACT.—The provisions of section 307 through 309 and 313 through 317 of the Federal Power Act shall apply to violations of section 101 of this Act in the same manner and to the same extent as such provisions apply to entities subject to Part II of the Federal Power Act.

SEC. 602. RULEMAKING ON EXEMPTIONS, WAIVERS, ETC. UNDER FEDERAL POWER ACT.

Part III of the Federal Power Act is amended by inserting the following new section after section 319 and by redesignating sections 320 and 321 as sections 321 and 322, respectively:

"SEC. 320. CRITERIA FOR CERTAIN EXEMPTIONS, WAIVERS, ETC.

"(a) RULE REQUIRED FOR CERTAIN WAIVERS, EXEMPTIONS, ETC.—Not later than 6 months after the enactment of this Act, the Commission shall promulgate a rule establishing specific criteria for providing an exemption, waiver, or other reduced or abbreviated form of compliance with the requirements of sections 204, 301, 304, and 305 (including any prospective blanket order). Such criteria shall be sufficient to insure that any such action taken by the Commission will be consistent with the purposes of such requirements and will otherwise protect the public interest.

"(b) MORATORIUM ON CERTAIN WAIVERS, EXEMPTIONS, ETC.—After the date of enactment of this section, the Commission may not issue, adopt, order, approve, or promulgate any exemption, waiver, or other reduced or abbreviated form of compliance with the requirements of section 204, 301, 304, or 305 (including any prospective blanket order) until after the rule promulgated under subsection (a) has taken effect.

"(c) PREVIOUS FERC ACTION.—The Commission shall undertake a review, by rule or order, of each exemption, waiver, or other reduced or abbreviated form of compliance described in subsection (a) that was taken before the date of enactment of this section. No such action may continue in force and effect after the date 18 months after the date of enactment of this section unless the Commission finds that such action complies with the rule under subsection (a).

"(d) EXEMPTION UNDER 204(f) NOT APPLICABLE.—For purposes of this section, in applying section 204, the provisions of section 204(f) shall not apply.".

SEC. 603. REPORTING REQUIREMENTS IN ELECTRIC POWER SALES AND TRANSMISSION.

(a) AUDIT TRAILS.—Section 304 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

"(c)(1) The Commission shall, by rule or order, require each person or other entity engaged in the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce, and each broker, dealer, and power marketer involved in any such transmission or sale, to maintain, and periodically submit to the Commission, such records, in electronic form, of each transaction relating to such transmission or sale as may be necessary to determine whether any person has employed any fraudulent, manipulative, or deceptive device or contrivance in contravention of rules promulgated by the Commission.

"(2) Section 201(f) shall not limit the application of this subsection.".

(b) NATURAL GAS.—Section 8 of the Natural Gas Act is amended by adding the following new subsection at the end thereof:

"(d) The Commission shall, by rule or order, require each person or other entity engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and each broker, dealer, and power marketer involved in any such transportation or sale, to maintain, and periodically submit to the Commission, such records, in electronic form, of each transaction relating to such transmission or sale as may be necessary to determine whether any person has employed any fraudulent, manipulative, or deceptive device or contrivance in contravention of rules promulgated by the Commission.".

SEC. 604. TRANSPARENCY.

(a) DEFINITION.—As used in this section the term "electric power or natural gas information processor" means any person engaged in the business of—

(1) collecting, processing, or preparing for distribution or publication, or assisting, participating in, or coordinating the distribution or publication of, information with respect to transactions in or quotations involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, or

(2) distributing or publishing (whether by means of a ticker tape, a communications network, a terminal display device, or otherwise) on a current and continuing basis, information with respect to such transactions or quotations.

The term does not include any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation, any self-regulatory organization, any bank, broker, dealer, building and loan, savings and loan, or homestead association, or cooperative bank, if such bank, broker, dealer, association, or cooperative bank would be deemed to be an electric power or natural gas information processor solely by reason of functions performed by such institutions as part of customary banking, brokerage, dealing, association, or cooperative bank activities, or any common carrier, as defined in section 3 of the Communications Act of 1934, subject to the jurisdiction of the Federal Communications Commission or a State commission, as defined in section 3 of that Act, unless the Commission determines that such carrier is engaged in the business of collecting, processing, or preparing for distribution or publication, information with respect to transactions in or

quotations involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas.

(b) PROHIBITION.—No electric power or natural gas information processor may make use of the mails or any means or instrumentality of interstate commerce—

(1) to collect, process, distribute, publish, or prepare for distribution or publication any information with respect to quotations for, or transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, or

(2) to assist, participate in, or coordinate the distribution or publication of such information in contravention of such rules and regulations as the Federal Energy Regulatory Commission shall prescribe as necessary or appropriate in the public interest to

(A) prevent the use, distribution, or publication of fraudulent, deceptive, or manipulative information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas;

(B) assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas, and the fairness and usefulness of the form and content of such information;

(C) assure that all such information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas as is collected, processed, or prepared for distribution or publication by any exclusive processor of such information acting in such capacity;

(D) assure that, subject to such limitations as the Commission, by rule, may impose as necessary or appropriate for the maintenance of fair and orderly markets, all persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas as is published or distributed by any electric power or natural gas information processor;

(E) assure that all electricity and natural gas electronic communication networks transmit and direct orders for the purchase and sale of electricity or natural gas in a manner consistent with the establishment and operation of an efficient, fair, and orderly market system for electricity and natural gas; and

(F) assure equal regulation of all markets involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas and all persons effecting transactions involving the purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas.

(c) RELATED COMMODITIES.—For purposes of this section, the phrase ''purchase or sale of electric power, natural gas, the transmission of electric energy, or the transportation of natural gas'' includes the purchase or sale of any commodity (as defined in the Commodities Exchange Act) relating to any such purchase or sale if such commodity is excluded from regulation under the Commodities Exchange Act pursuant to section 2 of that Act.

(d) PROHIBITION.—No person who owns, controls, or is under the control or ownership of a public utility, a natural gas company, or a public utility holding company may own, control, or operate any electronic computer network or other mulitateral trading facility utilized to trade electricity or natural gas.

SEC. 605. PENALTIES.

(a) CRIMINAL PENALTIES.—Section 316 of the Federal Power Act (16 U.S.C. 825o(c)) is amended as follows:

(1) By striking ''$5,000'' in subsection (a) and inserting ''$5,000,000 for an individual and $25,000,000 for any other defendant''

(2) By striking ''$500'' in subsection (b) and inserting ''$1,000,000''.

(2) By striking subsection (c).

(b) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended as follows:

(1) By striking ''section 211, 212, 213, or 214'' each place it appears and inserting ''Part II''.

(2) By striking ''$10,000 for each day that such violation continues'' and inserting ''the greater of $1,000,000 or three times the profit made or gain or loss avoided by reason of such violation''.

(3) By adding the following at the end thereof:

''(c) AUTHORITY OF A COURT TO PROHIBIT PERSONS FROM CERTAIN ACTIVITIES.—In any proceeding under this section, the court may censure, place limitations on the activities, functions, or operations of, suspend or revoke the ability of any entity (without regard to section 201(f)) to participate in the transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce if it finds that such censure, placing of limitations, suspension, or revocation is in the public interest and that one or more of the following applies to such entity:

''(1) Such entity has willfully made or caused to be made in any application or report required to be filed with the Commission or with any other appropriate regulatory agency, or in any proceeding before the Commission, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

''(2) Such entity has been convicted of any felony or misdemeanor or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds—

''(A) involves the purchase or sale of electricity, the taking of a false oath, the making of a false report, bribery, perjury, burglary, any substantially equivalent activity however denominated by the laws of the relevant foreign government, or conspiracy to commit any such offense;

''(B) arises out of the conduct of the business of transmitting electric energy in interstate commerce or selling or purchasing electric energy at wholesale in interstate commerce;

''(C) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity however denominated by the laws of the relevant foreign government; or

''(D) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code, or a violation of a substantially equivalent foreign statute.

''(3) Such entity is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, foreign person performing a function substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or as an affiliated person or employee of any investment company, bank, insurance company, foreign entity substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

''(4) Such entity has willfully violated any provision of this Act.

''(5) Such entity has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of this Act, or has failed reasonably to supervise, with a view to preventing violations of the provisions of this Act, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this paragraph no person shall be deemed to have failed reasonably to supervise any other person, if—

''(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

''(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

''(6) Such entity has been found by a foreign financial or energy regulatory authority to have—

''(A) made or caused to be made in any application or report required to be filed with a foreign regulatory authority, or in any proceeding before a foreign financial or energy regulatory authority, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign regulatory authority any material fact that is required to be stated therein;

''(B) violated any foreign statute or regulation regarding the transmission or sale of electricity or natural gas;

''(C) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign regulatory authority regarding transactions in electricity or natural gas, or contracts of sale of electricity or natural gas, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

''(7) Such entity is subject to any final order of a State commission (or any agency or officer performing like functions), State authority that supervises or examines banks, savings associations, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance

Act (12 U.S.C. 1813(q))), or the National Credit Union Administration, that—

''(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, savings association activities, or credit union activities; or

''(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.

(8) Such entity is subject to statutory disqualification within the meaning of section 3(a)(39) of the Securities Exchange Act of 1934.''.

(c) NATURAL GAS ACT PENALTIES.—Section 21 of the Natural Gas Act is amended by adding the following new subsection at the end thereof:

''(c) AUTHORITY OF A COURT TO PROHIBIT PERSONS FROM CERTAIN ACTIVITIES.—In any proceeding under this section, the court may censure, place limitations on the activities, functions, or operations of, suspend or revoke the ability of any entity (without regard to section 201(f)) to participate in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use if it finds that such censure, placing of limitations, suspension, or revocation is in the public interest and that one or more of the following applies to such entity:

''(1) Such entity has willfully made or caused to be made in any application or report required to be filed with the Commission or with any other appropriate regulatory agency, or in any proceeding before the Commission, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

''(2) Such entity has been convicted of any felony or misdemeanor or of a substantially equivalent crime by a foreign court of competent jurisdiction which the court finds—

''(A) involves the purchase or sale of natural gas, the taking of a false oath, the making of a false report, bribery, perjury, burglary, any substantially equivalent activity however denominated by the laws of the relevant foreign government, or conspiracy to commit any such offense;

''(B) arises out of the conduct of the business of transmitting natural gas in interstate commerce, or the selling in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

''(C) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities, or substantially equivalent activity however denominated by the laws of the relevant foreign government; or

''(D) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code, or a violation of a substantially equivalent foreign statute.

''(3) Such entity is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, municipal securities dealer, government securities broker, government securities dealer, transfer agent, foreign person performing a function substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or as an affiliated person or employee of any investment company, bank, insurance company, foreign entity substantially equivalent to any of the above, or entity or person required to be registered under the Commodity Exchange Act or any substantially equivalent foreign statute or regulation, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

''(4) Such entity has willfully violated any provision of this Act.

''(5) Such entity has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of this Act, or has failed reasonably to supervise, with a view to preventing violations of the provisions of this Act, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this paragraph no person shall be deemed to have failed reasonably to supervise any other person, if—

''(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

''(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

''(6) Such entity has been found by a foreign financial or energy regulatory authority to have—

''(A) made or caused to be made in any application or report required to be filed with a foreign regulatory authority, or in any proceeding before a foreign financial or energy regulatory authority, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any application or report to the foreign regulatory authority any material fact that is required to be stated therein;

''(B) violated any foreign statute or regulation regarding the transmission or sale of electricity or natural gas;

''(C) aided, abetted, counseled, commanded, induced, or procured the violation by any person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, empowering a foreign regulatory authority regarding transactions in electricity or natural gas, or contracts of sale of electricity or natural gas, traded on or subject to the rules of a contract market or any board of trade, or has been found, by a foreign regulatory authority, to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

''(7) Such entity is subject to any final order of a State commission (or any agency or officer performing like functions), State authority that supervises or examines banks, savings associations, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), or the National Credit Union Administration, that—

''(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, savings association activities, or credit union activities; or

''(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.

''(8) Such entity is subject to statutory disqualification within the meaning of section 3(a)(39) of the Securities Exchange Act of 1934.''.

SEC. 606. REVIEW OF PUHCA EXEMPTIONS.

Not later than 12 months after the enactment of this Act the Securities and Exchange Commission shall review each exemption granted to any person under section 3(a) of the Public Utility Holding Company Act of 1935 and shall review the action of persons operating pursuant to a claim of exempt status under section 3 to determine if such exemptions and claims are consistent with the requirements of such section 3(a) and whether or not such exemptions or claims of exemption should continue in force and effect.

SEC. 607. REVIEW OF ACCOUNTING FOR CONTRACTS INVOLVED IN ENERGY TRADING.

Not later than 12 months after the enactment of this Act, the Financial Accounting Standards Board shall submit to the Congress a report of the results of its review of accounting for contracts in energy trading and risk management activities. The review and report shall include, among other issues, the use of mark-to-market accounting and when gains and losses should be recognized, with a view toward improving the transparency of energy trading activities for the benefit of investors, consumers, and the integrity of these markets.

SEC. 608. PROTECTION OF FERC REGULATED SUBSIDIARIES.

Section 205 of the Federal Power Act is amended by adding after subsection (f) the following new subsection:

''(g) RULES AND PROCEDURES TO PROTECT CONSUMERS OF PUBLIC UTILITIES.—Not later than 9 months after the date of enactment of this Act, the Commission shall adopt rules and procedures for the protection of electric consumers from self-dealing, interaffiliate abuse, and other harmful actions taken by persons owning or controlling public utilities. Such rules shall ensure that no asset of a public utility company shall be used as collateral for indebtedness incurred by the holding company of, and any affiliate of, such public utility company, and no public utility shall acquire or own any securities of the holding company or other affiliates of the holding company unless the Commission has determined that such acquisition or ownership is consistent with the public interest and the protection of consumers of such public utility.''.

SEC. 609. REFUNDS UNDER THE FEDERAL POWER ACT.

Section 206(b) of the Federal Power Act is amended as follows:

(1) By amending the first sentence to read as follows: ''In any proceeding under this section, the refund effective date shall be the date of the filing of a complaint or the date of the Commission motion initiating the proceeding, except that in the case of a complaint with regard to market-based rates, the Commission may establish an earlier refund effective date.''.

(2) By striking the second and third sentences.

(3) By striking out ''the refund effective date or by'' and '', whichever is earlier,'' in the fifth sentence.

(4) In the seventh sentence by striking ''through a date fifteen months after such refund effective date'' and insert ''and prior to the conclusion of the proceeding'' and by striking the proviso.

SEC. 610. ACCOUNTS AND REPORTS.

Section 318 of the Federal Power Act is amended by adding the following at the end thereof: ''This section shall not apply to sections 301 and 304 of this Act.''.

SEC. 611. MARKET-BASED RATES.

Section 205 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

''(g) For each public utility granted the authority by the Commission to sell electric energy at market-based rates, the Commission shall review the activities and characteristics of such utility not less frequently than annually to determine whether such rates are just and reasonable. Each such utility shall notify the Commission promptly of any change in the activities and characteristics relied upon by the Commission in granting such public utility the authority to sell electric energy at market-based rates. If the Commission finds that:

''(1) a rate charged by a public utility authorized to sell electric energy at market-based rates is unjust, unreasonable, unduly discriminatory or preferential,

''(2) the public utility has intentionally engaged in an activity that violates any other rule, tariff, or order of the Commission, or

''(3) any violation of section 101 of the Energy Markets Fraud Prevention and Consumer Protection Act of 2002,

the Commission shall issue an order immediately modifying or revoking the authority of that public utility to sell electric energy at market-based rates.''.

It was decided in the negative ..... { Yeas ..... 193 / Nays 237

¶39.19 [Roll No. 133]

AYES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blackburn
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Duncan
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Goode
Gordon
Graves
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Wamp
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—237

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

NOT VOTING—4

Gephardt
Houghton
McCarthy (MO)
Paul

So the amendment was not agreed to.

¶39.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. WILSON of New Mexico:

In division C, in section 30407(a), strike ''and'' after the semicolon at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; and'', and add at the end the following:

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

It was decided in the affirmative ..... { Yeas ..... 226 / Nays 202

¶39.21 [Roll No. 134]

AYES—226

Abercrombie
Aderholt
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Vitter

Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—202

Ackerman
Akin
Alexander
Allen
Andrews
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gonzalez
Gordon
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wicker
Woolsey
Wu
Wynn

NOT VOTING—6

Delahunt
Ford
Gephardt
Houghton
McCarthy (MO)
Paul

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SHIMKUS, assumed the Chair.

When Mr. SWEENEY, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶39.22 SUBMISSION OF CONFERENCE REPORT—H. CON. RES. 95

Mr. NUSSLE submitted a conference report (Rept. No. 108–71) on the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013; together with a statement thereon, for printing in the Record under the rule.

¶39.23 ENERGY POLICY

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to House Resolution 189 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. SWEENEY, Acting Chairman, assumed the chair; and after some time spent therein,

¶39.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MARKEY:

In division C, strike title IV.

It was decided in the negative ..... { Yeas ..... 197 / Nays 228

¶39.25 [Roll No. 135]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Dunn
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—228

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Edwards
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Clay
Combest
Gephardt
Houghton
McCarthy (MO)
Moran (VA)
Paul
Weldon (PA)
Young (AK)

So the amendment was not agreed to.

¶39.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the

Whole on the following amendment submitted by Mr. Tom DAVIS of Virginia:

After the table of contents, insert the following new section:

SEC. 2. ENERGY POLICY.

It is the sense of the Congress that the United States should take all actions necessary in the areas of conservation, efficiency, alternative source, technology development, and domestic production to reduce the United States dependence on foreign energy sources from 58 percent to 45 percent by January 1, 2013.

It was decided in the affirmative { Yeas ..... 415 / Nays 10

¶39.27 [Roll No. 136]

AYES—415

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

NOES—10

Culberson
DeLay
Flake
Franks (AZ)
Musgrave
Pence
Sessions
Shadegg
Tancredo
Tiahrt

NOT VOTING—9

Clay
Combest
Gephardt
Houghton
McCarthy (MO)
Moran (VA)
Paul
Simmons
Weldon (PA)

So the amendment was agreed to.

¶39.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BROWN of Ohio:

At the end of subtitle E of title II of division A, insert the following new section:

SEC. 12405. GASOLINE AVAILABILITY STABILIZATION RESERVE.

(a) ESTABLISHMENT.—

(1) AUTHORITY.—The Secretary shall establish a Gasoline Availability Stabilization Reserve (in this section referred to as the ''GAS Reserve'') system with a total capacity of 20,000,000 barrels of regular unleaded gasoline.

(2) RESERVE SITES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall determine a site for one GAS Reserve each in the Northeast and Midwest regions of the United States, and one in California. Such reserve sites shall be operational within 2 years after the date of enactment of this Act. The Secretary may establish two additional GAS Reserve sites at locations selected by the Secretary.

(3) SECURITY.—In establishing the GAS Reserve under this section, the Secretary shall obtain the concurrence of the Secretary of Homeland Security with respect to physical design security and operational security.

(b) TRANSPORTATION PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Congress, the Secretary of Homeland Security, and the Governor of each State in which a reserve will be sited a plan for the transportation of the contents of the GAS Reserve under this section to consumers in the event of an emergency sale under subsection (d).

(c) FILL DATE.—The Secretary shall complete the process of filling the GAS Reserve under this section by March 1, 2006.

(d) EMERGENCY SALE AUTHORIZATION.—The Secretary shall sell gasoline from the GAS Reserve if—

(1) the Governor of a State transmits to the Secretary a written request for GAS Reserve emergency sales assistance which—

(A) cites a physical disruption in the system supplying gasoline to the Governor's State; and

(B) demonstrates to the satisfaction of the Secretary that such disruption is likely to result in price volatility for retail gasoline markets in the Governor's State; and

(2) the Secretary determines that—

(A) GAS Reserve emergency sales would mitigate gasoline price volatility in the Governor's State;

(B) GAS Reserve emergency sales would not have an adverse effect on the long-term economic viability of retail gasoline markets in the Governor's State and adjacent States;

(C) the physical disruption described in paragraph (1)(A) is likely to result in general economic disruption in the Governor's State and adjacent States; and

(D) GAS Reserve emergency sales would serve to stabilize gasoline prices, not suppress prices below long-term market trend levels.

(e) PROCEDURE.—

(1) SECRETARY'S RESPONSE.—The Secretary shall respond to a request transmitted under subsection (d)(1) within 10 days of receipt of a request by—

(A) approving the request;

(B) denying the request; or

(C) requesting additional supporting information.

(2) APPROVAL.—If the Secretary approves a request, the Secretary shall provide to the Governor a written notice of approval that includes—

(A) a description of the GAS Reserve emergency sale plan; and

(B) an explanation of the Secretary's decision.

(3) DENIAL.—If the Secretary denies a request, the Secretary shall provide to the Governor a written notice of denial that includes an explanation of the Secretary's decision.

(4) ADDITIONAL INFORMATION.—If the Secretary requests additional information and the Governor does not respond for a period of 10 days, the Governor's request shall be denied. If the Governor provides all requested additional information in timely manner, the Secretary shall approve or deny the request within 10 days after receipt of such information.

(f) MAINTENANCE TRANSACTIONS.—The Secretary is authorized to conduct purchases

and sales of gasoline at wholesale for maintenance of the GAS Reserve system. In conducting maintenance transactions, the Secretary shall ensure that—

(1) the GAS Reserve is available to respond to emergencies during periods of the annual gasoline market cycle when the Secretary expects demand to be highest;

(2) the GAS Reserve does not contain gasoline for a period of time so long as to jeopardize its quality; and

(3) maintenance transactions are timed so as to minimize their impact on the retail price of gasoline.

(g) REPORTS.—Not later than November 1 of each year, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a report on the GAS Reserve program, describing the physical status of GAS Reserve facilities, the program's financial outlook, and the disposition of any emergency sales request received and any emergency sales conducted since the last report, and recommending any additional appropriations or technical changes appropriate to improve the program's operation.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for construction and operation of the GAS Reserve for fiscal years 2004 through 2009.

It was decided in the negative ..... { Yeas ..... 173 / Nays 252

¶39.29 [Roll No. 137]

AYES—173

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

NOES—252

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

NOT VOTING—9

Carter
Clay
Combest
Gephardt
Houghton
McCarthy (MO)
Paul
Simmons
Weldon (PA)

So the amendment was not agreed to.

¶39.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. UDALL of New Mexico:

Strike section 14029.

It was decided in the negative ..... { Yeas ..... 193 / Nays 231

¶39.31 [Roll No. 138]

AYES—193

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clyburn
Conyers
Cooper
Costello
Crowley
Culberson
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hefley
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu

NOES—231

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole

Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Clay
Combest
Gephardt
Harris
Hill
Houghton
McCarthy (MO)
Pascrell
Paul
Simmons

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SWEENEY, assumed the Chair.

When Mr. SIMPSON, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶39.32 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY H. CON. RES. 95

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–72) the resolution (H. Res. 191) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

When said resolution and report were referred to the House Calendar and ordered printed.

¶39.33 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–73) the resolution (H. Res. 192) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶39.34 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 190):

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of April 10, 2003, providing for consideration or disposition of a conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. MCGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 223 / Nays ..... 203 }

¶39.35 [Roll No. 139]

YEAS—223

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

NAYS—203

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

Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Boucher
Combest
Duncan
Gephardt
Houghton
Hyde
McCarthy (MO)
Paul

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

FRIDAY, APRIL 11 (LEGISLATIVE DAY OF THURSDAY, APRIL 10), 2003

¶39.36 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H. CON. RES. 95

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 191):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. MCGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 221 / Nays ..... 202 }

¶39.37 [Roll No. 140]

YEAS—221

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

NAYS—202

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

NOT VOTING—11

Boehner
Combest
Delahunt
Gephardt
Houghton
Hyde
Lewis (CA)
McCarthy (MO)
Paul
Radanovich
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶39.38 CONGRESSIONAL BUDGET RESOLUTION

Mr. NUSSLE, pursuant to House Resolution 191, called up the following conference report (Rept. No. 108–71):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 95), establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2004 is hereby established and that the appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 are hereby set forth.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2004.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social security.
Sec. 103. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation for economic growth and tax simplification and fairness.
Sec. 202. Limit on Senate consideration of reconciliation.

TITLE III—SUBMISSIONS TO ELIMINATE WASTE, FRAUD, AND ABUSE

Sec. 301. Submissions of findings providing for the elimination of waste, fraud, and abuse in mandatory programs.

TITLE IV—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

Sec. 401. Reserve fund for medicare modernization and prescription drugs.
Sec. 402. Reserve fund for medicaid reform.
Sec. 403. Reserve fund for State children's health insurance program.
Sec. 404. Reserve fund for project bioshield.
Sec. 405. Reserve fund for health insurance for the uninsured.
Sec. 406. Reserve fund for children with special needs.

Subtitle B—Contingency Procedure

Sec. 411. Contingency procedure for surface transportation.

Subtitle C—Adjustments to Fiscal Year 2003 Levels

Sec. 421. Supplemental appropriations for fiscal year 2003.

TITLE V—BUDGET ENFORCEMENT

Sec. 501. Restrictions on advance appropriations.
Sec. 502. Emergency legislation.
Sec. 503. Extension of supermajority enforcement.
Sec. 504. Discretionary spending limits in the Senate.
Sec. 505. Pay-as-you-go point of order in the Senate.
Sec. 506. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 507. Application and effect of changes in allocations and aggregates.
Sec. 508. Adjustments to reflect changes in concepts and definitions.

TITLE VI—SENSE OF THE SENATE

Sec. 601. Sense of the Senate on Federal employee pay.
Sec. 602. Sense of the Senate regarding Pell Grants.
Sec. 603. Sense of the Senate on emergency and disaster assistance for livestock and agriculture producers.
Sec. 604. Social security restructuring.
Sec. 605. Sense of the Senate concerning State fiscal relief.
Sec. 606. Federal agency review commission.
Sec. 607. Sense of the Senate regarding highway spending.
Sec. 608. Sense of the Senate on reports on liabilities and future costs.
Sec. 609. Sense of the Senate concerning an expansion in health care coverage.
Sec. 610. Sense of the Senate concerning programs of the Corps of Engineers.
Sec. 611. Sense of the Senate concerning Native American health.
Sec. 612. Sense of the Senate on providing tax and other incentives to revitalize rural America.
Sec. 613. Sense of the Senate concerning children's graduate medical education.
Sec. 614. Sense of the Senate on funding for criminal justice.
Sec. 615. Sense of the Senate concerning funding for drug treatment programs.
Sec. 616. Sense of Senate concerning free trade agreement with the United Kingdom.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2003 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2003: $1,303,111,000,000.
Fiscal year 2004: $1,325,452,000,000.
Fiscal year 2005: $1,493,875,000,000.
Fiscal year 2006: $1,657,511,000,000.
Fiscal year 2007: $1,790,251,000,000.
Fiscal year 2008: $1,901,844,000,000.
Fiscal year 2009: $2,053,762,000,000.
Fiscal year 2010: $2,167,937,000,000.
Fiscal year 2011: $2,270,540,000,000.
Fiscal year 2012: $2,409,572,000,000.
Fiscal year 2013: $2,553,985,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2003: $56,723,000,000.
Fiscal year 2004: $140,918,000,000.
Fiscal year 2005: $123,151,000,000.
Fiscal year 2006: $83,161,000,000.
Fiscal year 2007: $62,915,000,000.
Fiscal year 2008: $61,133,000,000.
Fiscal year 2009: $24,568,000,000.
Fiscal year 2010: $25,105,000,000.
Fiscal year 2011: $156,956,000,000.
Fiscal year 2012: $240,207,000,000.
Fiscal year 2013: $250,225,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2003: $1,862,613,000,000.
Fiscal year 2004: $1,861,004,000,000.
Fiscal year 2005: $1,990,236,000,000.
Fiscal year 2006: $2,122,301,000,000.
Fiscal year 2007: $2,232,829,000,000.
Fiscal year 2008: $2,348,872,000,000.
Fiscal year 2009: $2,454,439,000,000.
Fiscal year 2010: $2,555,612,000,000.
Fiscal year 2011: $2,669,462,000,000.
Fiscal year 2012: $2,754,007,000,000.
Fiscal year 2013: $2,875,121,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2003: $1,815,395,000,000.
Fiscal year 2004: $1,883,834,000,000.
Fiscal year 2005: $1,981,402,000,000.
Fiscal year 2006: $2,089,299,000,000.
Fiscal year 2007: $2,190,576,000,000.
Fiscal year 2008: $2,307,259,000,000.
Fiscal year 2009: $2,419,846,000,000.
Fiscal year 2010: $2,527,898,000,000.
Fiscal year 2011: $2,651,220,000,000.
Fiscal year 2012: $2,723,935,000,000.
Fiscal year 2013: $2,855,491,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2003: $512,284,000,000.
Fiscal year 2004: $558,382,000,000.
Fiscal year 2005: $487,527,000,000.
Fiscal year 2006: $431,788,000,000.
Fiscal year 2007: $400,325,000,000.
Fiscal year 2008: $405,415,000,000.
Fiscal year 2009: $366,084,000,000.
Fiscal year 2010: $359,961,000,000.
Fiscal year 2011: $380,680,000,000.
Fiscal year 2012: $314,363,000,000.
Fiscal year 2013: $301,506,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2003: $6,747,000,000,000.
Fiscal year 2004: $7,384,000,000,000.
Fiscal year 2005: $7,978,000,000,000.
Fiscal year 2006: $8,534,000,000,000.
Fiscal year 2007: $9,064,000,000,000.
Fiscal year 2008: $9,602,000,000,000.
Fiscal year 2009: $10,102,000,000,000.
Fiscal year 2010: $10,601,000,000,000.
Fiscal year 2011: $11,125,000,000,000.
Fiscal year 2012: $11,588,000,000,000.
Fiscal year 2013: $12,040,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2003: $3,917,000,000,000.
Fiscal year 2004: $4,299,000,000,000.
Fiscal year 2005: $4,599,000,000,000.
Fiscal year 2006: $4,829,000,000,000.
Fiscal year 2007: $5,007,000,000,000.
Fiscal year 2008: $5,169,000,000,000.
Fiscal year 2009: $5,272,000,000,000.
Fiscal year 2010: $5,349,000,000,000.
Fiscal year 2011: $5,428,000,000,000.
Fiscal year 2012: $5,424,000,000,000.
Fiscal year 2013: $5,394,000,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: $531,607,000,000.
Fiscal year 2004: $557,821,000,000.
Fiscal year 2005: $587,775,000,000.
Fiscal year 2006: $619,062,000,000.
Fiscal year 2007: $651,148,000,000.
Fiscal year 2008: $684,429,000,000.
Fiscal year 2009: $719,132,000,000.
Fiscal year 2010: $755,754,000,000.
Fiscal year 2011: $792,152,000,000.
Fiscal year 2012: $829,568,000,000.
Fiscal year 2013: $869,690,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: $366,278,000,000.
Fiscal year 2004: $380,389,000,000.
Fiscal year 2005: $390,148,000,000.
Fiscal year 2006: $402,413,000,000.
Fiscal year 2007: $415,269,000,000.
Fiscal year 2008: $429,061,000,000.
Fiscal year 2009: $445,442,000,000.
Fiscal year 2010: $463,613,000,000.
Fiscal year 2011: $482,034,000,000.
Fiscal year 2012: $504,888,000,000.
Fiscal year 2013: $531,118,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2003:
(A) New budget authority, $3,812,000,000.
(B) Outlays, $3,838,000,000.
Fiscal year 2004:
(A) New budget authority, $4,257,000,000.
(B) Outlays, $4,207,000,000.
Fiscal year 2005:
(A) New budget authority, $4,338,000,000.
(B) Outlays, $4,301,000,000.
Fiscal year 2006:
(A) New budget authority, $4,424,000,000.
(B) Outlays, $4,409,000,000.
Fiscal year 2007:
(A) New budget authority, $4,522,000,000.
(B) Outlays, $4,505,000,000.
Fiscal year 2008:
(A) New budget authority, $4,638,000,000.
(B) Outlays, $4,617,000,000.
Fiscal year 2009:

(A) New budget authority, $4,792,000,000.
(B) Outlays, $4,766,000,000.
Fiscal year 2010:
(A) New budget authority, $4,954,000,000.
(B) Outlays, $4,924,000,000.
Fiscal year 2011:
(A) New budget authority, $5,121,000,000.
(B) Outlays, $5,091,000,000.
Fiscal year 2012:
(A) New budget authority, $5,292,000,000.
(B) Outlays, $5,260,000,000.
Fiscal year 2013:
(A) New budget authority, $5,471,000,000.
(B) Outlays, $5,439,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2003 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2003:
(A) New budget authority, $392,494,000,000.
(B) Outlays, $386,229,000,000.
Fiscal year 2004:
(A) New budget authority, $400,546,000,000.
(B) Outlays, $400,916,000,000.
Fiscal year 2005:
(A) New budget authority, $420,071,000,000.
(B) Outlays, $414,237,000,000.
Fiscal year 2006:
(A) New budget authority, $440,185,000,000.
(B) Outlays, $426,011,000,000.
Fiscal year 2007:
(A) New budget authority, $460,435,000,000.
(B) Outlays, $438,656,000,000.
Fiscal year 2008:
(A) New budget authority, $480,886,000,000.
(B) Outlays, $462,861,000,000.
Fiscal year 2009:
(A) New budget authority, $491,951,000,000.
(B) Outlays, $479,249,000,000.
Fiscal year 2010:
(A) New budget authority, $502,301,000,000.
(B) Outlays, $493,195,000,000.
Fiscal year 2011:
(A) New budget authority, $511,859,000,000.
(B) Outlays, $508,131,000,000.
Fiscal year 2012:
(A) New budget authority, $520,553,000,000.
(B) Outlays, $510,509,000,000.
Fiscal year 2013:
(A) New budget authority, $529,428,000,000.
(B) Outlays, $524,494,000,000.

(2) International Affairs (150):
Fiscal year 2003:
(A) New budget authority, $22,506,000,000.
(B) Outlays, $19,283,000,000.
Fiscal year 2004:
(A) New budget authority, $25,681,000,000.
(B) Outlays, $24,207,000,000.
Fiscal year 2005:
(A) New budget authority, $29,734,000,000.
(B) Outlays, $24,917,000,000.
Fiscal year 2006:
(A) New budget authority, $32,308,000,000.
(B) Outlays, $26,539,000,000.
Fiscal year 2007:
(A) New budget authority, $33,603,000,000.
(B) Outlays, $28,464,000,000.
Fiscal year 2008:
(A) New budget authority, $34,611,000,000.
(B) Outlays, $29,604,000,000.
Fiscal year 2009:
(A) New budget authority, $35,413,000,000.
(B) Outlays, $30,733,000,000.
Fiscal year 2010:
(A) New budget authority, $36,258,000,000.
(B) Outlays, $31,689,000,000.
Fiscal year 2011:
(A) New budget authority, $37,136,000,000.
(B) Outlays, $32,565,000,000.
Fiscal year 2012:
(A) New budget authority, $38,005,000,000.
(B) Outlays, $33,408,000,000.
Fiscal year 2013:
(A) New budget authority, $38,885,000,000.
(B) Outlays, $34,298,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2003:
(A) New budget authority, $23,153,000,000.
(B) Outlays, $21,556,000,000.
Fiscal year 2004:
(A) New budget authority, $23,927,000,000.
(B) Outlays, $22,799,000,000.
Fiscal year 2005:
(A) New budget authority, $24,433,000,000.
(B) Outlays, $23,861,000,000.
Fiscal year 2006:
(A) New budget authority, $25,217,000,000.
(B) Outlays, $24,485,000,000.
Fiscal year 2007:
(A) New budget authority, $26,055,000,000.
(B) Outlays, $25,221,000,000.
Fiscal year 2008:
(A) New budget authority, $26,832,000,000.
(B) Outlays, $25,948,000,000.
Fiscal year 2009:
(A) New budget authority, $27,462,000,000.
(B) Outlays, $26,639,000,000.
Fiscal year 2010:
(A) New budget authority, $28,121,000,000.
(B) Outlays, $27,296,000,000.
Fiscal year 2011:
(A) New budget authority, $28,805,000,000.
(B) Outlays, $27,963,000,000.
Fiscal year 2012:
(A) New budget authority, $29,492,000,000.
(B) Outlays, $28,639,000,000.
Fiscal year 2013:
(A) New budget authority, $30,185,000,000.
(B) Outlays, $29,319,000,000.

(4) Energy (270):
Fiscal year 2003:
(A) New budget authority, $2,074,000,000.
(B) Outlays, $439,000,000.
Fiscal year 2004:
(A) New budget authority, $2,634,000,000.
(B) Outlays, $873,000,000.
Fiscal year 2005:
(A) New budget authority, $2,797,000,000.
(B) Outlays, $947,000,000.
Fiscal year 2006:
(A) New budget authority, $2,714,000,000.
(B) Outlays, $1,272,000,000.
Fiscal year 2007:
(A) New budget authority, $2,540,000,000.
(B) Outlays, $1,069,000,000.
Fiscal year 2008:
(A) New budget authority, $3,080,000,000.
(B) Outlays, $1,419,000,000.
Fiscal year 2009:
(A) New budget authority, $3,090,000,000.
(B) Outlays, $1,686,000,000.
Fiscal year 2010:
(A) New budget authority, $3,194,000,000.
(B) Outlays, $1,794,000,000.
Fiscal year 2011:
(A) New budget authority, $3,296,000,000.
(B) Outlays, $1,976,000,000.
Fiscal year 2012:
(A) New budget authority, $3,408,000,000.
(B) Outlays, $2,357,000,000.
Fiscal year 2013:
(A) New budget authority, $3,520,000,000.
(B) Outlays, $2,326,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2003:
(A) New budget authority, $30,816,000,000.
(B) Outlays, $28,940,000,000.
Fiscal year 2004:
(A) New budget authority, $31,623,000,000.
(B) Outlays, $30,782,000,000.
Fiscal year 2005:
(A) New budget authority, $32,504,000,000.
(B) Outlays, $31,654,000,000.
Fiscal year 2006:
(A) New budget authority, $32,962,000,000.
(B) Outlays, $32,830,000,000.
Fiscal year 2007:
(A) New budget authority, $33,386,000,000.
(B) Outlays, $33,127,000,000.
Fiscal year 2008:
(A) New budget authority, $34,064,000,000.
(B) Outlays, $33,527,000,000.
Fiscal year 2009:
(A) New budget authority, $35,183,000,000.
(B) Outlays, $34,544,000,000.
Fiscal year 2010:
(A) New budget authority, $36,021,000,000.
(B) Outlays, $35,360,000,000.
Fiscal year 2011:
(A) New budget authority, $36,829,000,000.
(B) Outlays, $36,163,000,000.
Fiscal year 2012:
(A) New budget authority, $37,529,000,000.
(B) Outlays, $36,836,000,000.
Fiscal year 2013:
(A) New budget authority, $38,214,000,000.
(B) Outlays, $37,600,000,000.

(6) Agriculture (350):
Fiscal year 2003:
(A) New budget authority, $24,418,000,000.
(B) Outlays, $23,365,000,000.
Fiscal year 2004:
(A) New budget authority, $24,583,000,000.
(B) Outlays, $23,656,000,000.
Fiscal year 2005:
(A) New budget authority, $27,003,000,000.
(B) Outlays, $25,763,000,000.
Fiscal year 2006:
(A) New budget authority, $26,828,000,000.
(B) Outlays, $25,593,000,000.
Fiscal year 2007:
(A) New budget authority, $26,299,000,000.
(B) Outlays, $25,107,000,000.
Fiscal year 2008:
(A) New budget authority, $25,507,000,000.
(B) Outlays, $24,381,000,000.
Fiscal year 2009:
(A) New budget authority, $26,092,000,000.
(B) Outlays, $25,128,000,000.
Fiscal year 2010:
(A) New budget authority, $25,545,000,000.
(B) Outlays, $24,716,000,000.
Fiscal year 2011:
(A) New budget authority, $24,991,000,000.
(B) Outlays, $24,180,000,000.
Fiscal year 2012:
(A) New budget authority, $24,573,000,000.
(B) Outlays, $23,778,000,000.
Fiscal year 2013:
(A) New budget authority, $24,297,000,000.
(B) Outlays, $23,498,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2003:
(A) New budget authority, $8,812,000,000.
(B) Outlays, $5,881,000,000.
Fiscal year 2004:
(A) New budget authority, $7,516,000,000.
(B) Outlays, $3,574,000,000.
Fiscal year 2005:
(A) New budget authority, $8,743,000,000.
(B) Outlays, $4,050,000,000.
Fiscal year 2006:
(A) New budget authority, $8,280,000,000.
(B) Outlays, $3,116,000,000.
Fiscal year 2007:
(A) New budget authority, $8,626,000,000.
(B) Outlays, $2,651,000,000.
Fiscal year 2008:
(A) New budget authority, $8,743,000,000.
(B) Outlays, $2,243,000,000.
Fiscal year 2009:
(A) New budget authority, $8,526,000,000.
(B) Outlays, $2,019,000,000.
Fiscal year 2010:
(A) New budget authority, $8,407,000,000.
(B) Outlays, $1,538,000,000.
Fiscal year 2011:
(A) New budget authority, $8,386,000,000.
(B) Outlays, $934,000,000.
Fiscal year 2012:
(A) New budget authority, $8,489,000,000.
(B) Outlays, $642,000,000.
Fiscal year 2013:
(A) New budget authority, $8,563,000,000.
(B) Outlays, $756,000,000.

(8) Transportation (400):
Fiscal year 2003:
(A) New budget authority, $64,091,000,000.
(B) Outlays, $67,847,000,000.
Fiscal year 2004:
(A) New budget authority, $69,506,000,000.
(B) Outlays, $69,869,000,000.
Fiscal year 2005:
(A) New budget authority, $70,489,000,000.

(B) Outlays, $69,442,000,000.
Fiscal year 2006:
(A) New budget authority, $72,496,000,000.
(B) Outlays, $70,191,000,000.
Fiscal year 2007:
(A) New budget authority, $75,278,000,000.
(B) Outlays, $71,786,000,000.
Fiscal year 2008:
(A) New budget authority, $76,927,000,000.
(B) Outlays, $73,659,000,000.
Fiscal year 2009:
(A) New budget authority, $78,878,000,000.
(B) Outlays, $75,632,000,000.
Fiscal year 2010:
(A) New budget authority, $77,747,000,000.
(B) Outlays, $77,233,000,000.
Fiscal year 2011:
(A) New budget authority, $78,624,000,000.
(B) Outlays, $78,291,000,000.
Fiscal year 2012:
(A) New budget authority, $79,527,000,000.
(B) Outlays, $79,317,000,000.
Fiscal year 2013:
(A) New budget authority, $80,466,000,000.
(B) Outlays, $80,346,000,000.
(9) Community and Regional Development (450):
Fiscal year 2003:
(A) New budget authority, $12,251,000,000.
(B) Outlays, $15,994,000,000.
Fiscal year 2004:
(A) New budget authority, $14,063,000,000.
(B) Outlays, $15,823,000,000.
Fiscal year 2005:
(A) New budget authority, $14,138,000,000.
(B) Outlays, $15,872,000,000.
Fiscal year 2006:
(A) New budget authority, $14,321,000,000.
(B) Outlays, $14,961,000,000.
Fiscal year 2007:
(A) New budget authority, $14,536,000,000.
(B) Outlays, $14,664,000,000.
Fiscal year 2008:
(A) New budget authority, $14,745,000,000.
(B) Outlays, $14,123,000,000.
Fiscal year 2009:
(A) New budget authority, $14,980,000,000.
(B) Outlays, $14,298,000,000.
Fiscal year 2010:
(A) New budget authority, $15,233,000,000.
(B) Outlays, $14,501,000,000.
Fiscal year 2011:
(A) New budget authority, $15,492,000,000.
(B) Outlays, $14,750,000,000.
Fiscal year 2012:
(A) New budget authority, $15,755,000,000.
(B) Outlays, $14,992,000,000.
Fiscal year 2013:
(A) New budget authority, $16,023,000,000.
(B) Outlays, $15,259,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2003:
(A) New budget authority, $82,699,000,000.
(B) Outlays, $81,455,000,000.
Fiscal year 2004:
(A) New budget authority, $90,035,000,000.
(B) Outlays, $84,205,000,000.
Fiscal year 2005:
(A) New budget authority, $91,442,000,000.
(B) Outlays, $87,020,000,000.
Fiscal year 2006:
(A) New budget authority, $93,428,000,000.
(B) Outlays, $90,541,000,000.
Fiscal year 2007:
(A) New budget authority, $95,569,000,000.
(B) Outlays, $92,986,000,000.
Fiscal year 2008:
(A) New budget authority, $97,925,000,000.
(B) Outlays, $95,118,000,000.
Fiscal year 2009:
(A) New budget authority, $99,813,000,000.
(B) Outlays, $97,440,000,000.
Fiscal year 2010:
(A) New budget authority, $101,551,000,000.
(B) Outlays, $99,289,000,000.
Fiscal year 2011:
(A) New budget authority, $103,529,000,000.
(B) Outlays, $101,117,000,000.
Fiscal year 2012:
(A) New budget authority, $105,790,000,000.
(B) Outlays, $102,985,000,000.
Fiscal year 2013:
(A) New budget authority, $107,265,000,000.
(B) Outlays, $104,934,000,000.
(11) Health (550):
Fiscal year 2003:
(A) New budget authority, $222,913,000,000.
(B) Outlays, $217,881,000,000.
Fiscal year 2004:
(A) New budget authority, $240,554,000,000.
(B) Outlays, $238,785,000,000.
Fiscal year 2005:
(A) New budget authority, $259,701,000,000.
(B) Outlays, $259,403,000,000.
Fiscal year 2006:
(A) New budget authority, $279,236,000,000.
(B) Outlays, $279,024,000,000.
Fiscal year 2007:
(A) New budget authority, $299,614,000,000.
(B) Outlays, $298,681,000,000.
Fiscal year 2008:
(A) New budget authority, $322,061,000,000.
(B) Outlays, $320,731,000,000.
Fiscal year 2009:
(A) New budget authority, $345,548,000,000.
(B) Outlays, $344,059,000,000.
Fiscal year 2010:
(A) New budget authority, $370,626,000,000.
(B) Outlays, $369,097,000,000.
Fiscal year 2011:
(A) New budget authority, $396,818,000,000.
(B) Outlays, $395,280,000,000.
Fiscal year 2012:
(A) New budget authority, $415,790,000,000.
(B) Outlays, $414,384,000,000.
Fiscal year 2013:
(A) New budget authority, $445,484,000,000.
(B) Outlays, $444,082,000,000.
(12) Medicare (570):
Fiscal year 2003:
(A) New budget authority, $248,586,000,000.
(B) Outlays, $248,434,000,000.
Fiscal year 2004:
(A) New budget authority, $266,018,000,000.
(B) Outlays, $266,283,000,000.
Fiscal year 2005:
(A) New budget authority, $282,682,000,000.
(B) Outlays, $285,630,000,000.
Fiscal year 2006:
(A) New budget authority, $321,623,000,000.
(B) Outlays, $318,384,000,000.
Fiscal year 2007:
(A) New budget authority, $343,717,000,000.
(B) Outlays, $343,987,000,000.
Fiscal year 2008:
(A) New budget authority, $369,244,000,000.
(B) Outlays, $369,119,000,000.
Fiscal year 2009:
(A) New budget authority, $395,368,000,000.
(B) Outlays, $395,107,000,000.
Fiscal year 2010:
(A) New budget authority, $423,288,000,000.
(B) Outlays, $423,546,000,000.
Fiscal year 2011:
(A) New budget authority, $453,285,000,000.
(B) Outlays, $456,642,000,000.
Fiscal year 2012:
(A) New budget authority, $485,951,000,000.
(B) Outlays, $482,125,000,000.
Fiscal year 2013:
(A) New budget authority, $526,553,000,000.
(B) Outlays, $526,809,000,000.
(13) Income Security (600):
Fiscal year 2003:
(A) New budget authority, $326,390,000,000.
(B) Outlays, $334,177,000,000.
Fiscal year 2004:
(A) New budget authority, $319,518,000,000.
(B) Outlays, $324,840,000,000.
Fiscal year 2005:
(A) New budget authority, $333,821,000,000.
(B) Outlays, $337,123,000,000.
Fiscal year 2006:
(A) New budget authority, $341,816,000,000.
(B) Outlays, $344,292,000,000.
Fiscal year 2007:
(A) New budget authority, $349,199,000,000.
(B) Outlays, $350,945,000,000.
Fiscal year 2008:
(A) New budget authority, $361,697,000,000.
(B) Outlays, $362,808,000,000.
Fiscal year 2009:
(A) New budget authority, $373,372,000,000.
(B) Outlays, $374,083,000,000.
Fiscal year 2010:
(A) New budget authority, $384,844,000,000.
(B) Outlays, $385,347,000,000.
Fiscal year 2011:
(A) New budget authority, $400,266,000,000.
(B) Outlays, $400,688,000,000.
Fiscal year 2012:
(A) New budget authority, $403,738,000,000.
(B) Outlays, $404,146,000,000.
Fiscal year 2013:
(A) New budget authority, $418,672,000,000.
(B) Outlays, $419,245,000,000.
(14) Social Security (650):
Fiscal year 2003:
(A) New budget authority, $13,255,000,000.
(B) Outlays, $13,255,000,000.
Fiscal year 2004:
(A) New budget authority, $14,294,000,000.
(B) Outlays, $14,293,000,000.
Fiscal year 2005:
(A) New budget authority, $15,471,000,000.
(B) Outlays, $15,471,000,000.
Fiscal year 2006:
(A) New budget authority, $16,421,000,000.
(B) Outlays, $16,421,000,000.
Fiscal year 2007:
(A) New budget authority, $17,919,000,000.
(B) Outlays, $17,919,000,000.
Fiscal year 2008:
(A) New budget authority, $19,704,000,000.
(B) Outlays, $19,704,000,000.
Fiscal year 2009:
(A) New budget authority, $21,810,000,000.
(B) Outlays, $21,810,000,000.
Fiscal year 2010:
(A) New budget authority, $24,283,000,000.
(B) Outlays, $24,283,000,000.
Fiscal year 2011:
(A) New budget authority, $28,170,000,000.
(B) Outlays, $28,170,000,000.
Fiscal year 2012:
(A) New budget authority, $31,357,000,000.
(B) Outlays, $31,357,000,000.
Fiscal year 2013:
(A) New budget authority, $34,347,000,000.
(B) Outlays, $34,347,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2003:
(A) New budget authority, $57,597,000,000.
(B) Outlays, $57,486,000,000.
Fiscal year 2004:
(A) New budget authority, $63,779,000,000.
(B) Outlays, $63,209,000,000.
Fiscal year 2005:
(A) New budget authority, $67,135,000,000.
(B) Outlays, $66,553,000,000.
Fiscal year 2006:
(A) New budget authority, $65,397,000,000.
(B) Outlays, $64,995,000,000.
Fiscal year 2007:
(A) New budget authority, $63,874,000,000.
(B) Outlays, $63,442,000,000.
Fiscal year 2008:
(A) New budget authority, $67,666,000,000.
(B) Outlays, $67,398,000,000.
Fiscal year 2009:
(A) New budget authority, $69,279,000,000.
(B) Outlays, $68,924,000,000.
Fiscal year 2010:
(A) New budget authority, $70,992,000,000.
(B) Outlays, $70,588,000,000.
Fiscal year 2011:
(A) New budget authority, $75,669,000,000.
(B) Outlays, $75,249,000,000.
Fiscal year 2012:
(A) New budget authority, $72,618,000,000.
(B) Outlays, $72,097,000,000.
Fiscal year 2013:
(A) New budget authority, $77,455,000,000.
(B) Outlays, $76,989,000,000.
(16) Administration of Justice (750):
Fiscal year 2003:

(A) New budget authority, $38,543,000,000.
(B) Outlays, $37,712,000,000.
Fiscal year 2004:
(A) New budget authority, $37,626,000,000.
(B) Outlays, $40,788,000,000.
Fiscal year 2005:
(A) New budget authority, $37,946,000,000.
(B) Outlays, $39,193,000,000.
Fiscal year 2006:
(A) New budget authority, $37,984,000,000.
(B) Outlays, $38,329,000,000.
Fiscal year 2007:
(A) New budget authority, $38,461,000,000.
(B) Outlays, $38,252,000,000.
Fiscal year 2008:
(A) New budget authority, $39,477,000,000.
(B) Outlays, $39,128,000,000.
Fiscal year 2009:
(A) New budget authority, $40,497,000,000.
(B) Outlays, $40,212,000,000.
Fiscal year 2010:
(A) New budget authority, $41,599,000,000.
(B) Outlays, $41,299,000,000.
Fiscal year 2011:
(A) New budget authority, $42,889,000,000.
(B) Outlays, $42,472,000,000.
Fiscal year 2012:
(A) New budget authority, $44,207,000,000.
(B) Outlays, $43,760,000,000.
Fiscal year 2013:
(A) New budget authority, $45,576,000,000.
(B) Outlays, $45,120,000,000.
(17) General Government (800):
Fiscal year 2003:
(A) New budget authority, $18,185,000,000.
(B) Outlays, $18,110,000,000.
Fiscal year 2004:
(A) New budget authority, $20,202,000,000.
(B) Outlays, $20,066,000,000.
Fiscal year 2005:
(A) New budget authority, $20,635,000,000.
(B) Outlays, $20,714,000,000.
Fiscal year 2006:
(A) New budget authority, $20,656,000,000.
(B) Outlays, $20,485,000,000.
Fiscal year 2007:
(A) New budget authority, $21,126,000,000.
(B) Outlays, $20,876,000,000.
Fiscal year 2008:
(A) New budget authority, $21,236,000,000.
(B) Outlays, $21,013,000,000.
Fiscal year 2009:
(A) New budget authority, $21,946,000,000.
(B) Outlays, $21,504,000,000.
Fiscal year 2010:
(A) New budget authority, $22,695,000,000.
(B) Outlays, $22,212,000,000.
Fiscal year 2011:
(A) New budget authority, $23,458,000,000.
(B) Outlays, $22,946,000,000.
Fiscal year 2012:
(A) New budget authority, $24,255,000,000.
(B) Outlays, $23,880,000,000.
Fiscal year 2013:
(A) New budget authority, $25,076,000,000.
(B) Outlays, $24,520,000,000.
(18) Net Interest (900):
Fiscal year 2003:
(A) New budget authority, $240,176,000,000.
(B) Outlays, $240,176,000,000.
Fiscal year 2004:
(A) New budget authority, $259,414,000,000.
(B) Outlays, $259,414,000,000.
Fiscal year 2005:
(A) New budget authority, $310,630,000,000.
(B) Outlays, $310,630,000,000.
Fiscal year 2006:
(A) New budget authority, $352,219,000,000.
(B) Outlays, $352,219,000,000.
Fiscal year 2007:
(A) New budget authority, $380,574,000,000.
(B) Outlays, $380,574,000,000.
Fiscal year 2008:
(A) New budget authority, $405,647,000,000.
(B) Outlays, $405,647,000,000.
Fiscal year 2009:
(A) New budget authority, $429,542,000,000.
(B) Outlays, $429,542,000,000.
Fiscal year 2010:
(A) New budget authority, $450,651,000,000.
(B) Outlays, $450,651,000,000.
Fiscal year 2011:
(A) New budget authority, $473,381,000,000.
(B) Outlays, $473,381,000,000.
Fiscal year 2012:
(A) New budget authority, $496,015,000,000.
(B) Outlays, $496,015,000,000.
Fiscal year 2013:
(A) New budget authority, $514,513,000,000.
(B) Outlays, $514,513,000,000.
(19) Allowances (920):
Fiscal year 2003:
(A) New budget authority, $74,758,000,000.
(B) Outlays, $38,279,000,000.
Fiscal year 2004:
(A) New budget authority, −$7,621,000,000.
(B) Outlays, $22,346,000,000.
Fiscal year 2005:
(A) New budget authority, −$6,541,000,000.
(B) Outlays, $1,520,000,000.
Fiscal year 2006:
(A) New budget authority, −$7,331,000,000.
(B) Outlays, −$5,930,000,000.
Fiscal year 2007:
(A) New budget authority, −$8,947,000,000.
(B) Outlays, −$8,796,000,000.
Fiscal year 2008:
(A) New budget authority, −$9,959,000,000.
(B) Outlays, −$9,951,000,000.
Fiscal year 2009:
(A) New budget authority, −$11,526,000,000.
(B) Outlays, −$9,978,000,000.
Fiscal year 2010:
(A) New budget authority, −$12,888,000,000.
(B) Outlays, −$10,880,000,000.
Fiscal year 2011:
(A) New budget authority, −$16,414,000,000.
(B) Outlays, −$12,671,000,000.
Fiscal year 2012:
(A) New budget authority, −$21,460,000,000.
(B) Outlays, −$15,707,000,000.
Fiscal year 2013:
(A) New budget authority, −$25,618,000,000.
(B) Outlays, −$19,181,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2003:
(A) New budget authority, −$41,104,000,000.
(B) Outlays, −$41,104,000,000.
Fiscal year 2004:
(A) New budget authority, −$42,894,000,000.
(B) Outlays, −$42,894,000,000.
Fiscal year 2005:
(A) New budget authority, −$52,598,000,000.
(B) Outlays, −$52,598,000,000.
Fiscal year 2006:
(A) New budget authority, −$54,459,000,000.
(B) Outlays, −$54,459,000,000.
Fiscal year 2007:
(A) New budget authority, −$49,035,000,000.
(B) Outlays, −$49,035,000,000.
Fiscal year 2008:
(A) New budget authority, −$51,221,000,000.
(B) Outlays, −$51,221,000,000.
Fiscal year 2009:
(A) New budget authority, −$52,785,000,000.
(B) Outlays, −$52,785,000,000.
Fiscal year 2010:
(A) New budget authority, −$54,856,000,000.
(B) Outlays, −$54,856,000,000.
Fiscal year 2011:
(A) New budget authority, −$57,007,000,000.
(B) Outlays, −$57,007,000,000.
Fiscal year 2012:
(A) New budget authority, −$61,585,000,000.
(B) Outlays, −$61,585,000,000.
Fiscal year 2013:
(A) New budget authority, −$63,783,000,000.
(B) Outlays, −$63,783,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION FOR ECONOMIC GROWTH AND TAX SIMPLIFICATION AND FAIRNESS.

(a) IN THE HOUSE.—The House Committee on Ways and Means shall report a reconciliation bill not later than May 8, 2003, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $535,000,000,000 for the period of fiscal years 2003 through 2013 and increase the total level of outlays by not more than $15,000,000,000 for the period of fiscal years 2003 through 2013.

(b) IN THE SENATE.—The Senate Committee on Finance shall report a reconciliation bill not later than May 8, 2003, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $522,524,000,000 and increase the total level of outlays by not more than $27,476,000,000 for the period of fiscal years 2003 through 2013.

SEC. 202. LIMIT ON SENATE CONSIDERATION OF RECONCILIATION.

(a) POINT OF ORDER.—It shall not be in order for the Senate to consider a bill reported pursuant to section 201, or an amendment thereto, which would cause the total revenue reduction to exceed $322,524,000,000 or the total outlay increase to exceed $27,476,000,000 for the period of fiscal years 2003 through 2013, except for the purpose of inserting the text of a Senate-passed measure and requesting a conference with the House of Representatives.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on the point of order raised under this section.

TITLE III—SUBMISSIONS TO ELIMINATE WASTE, FRAUD, AND ABUSE

SEC. 301. SUBMISSIONS OF FINDINGS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN MANDATORY PROGRAMS.

(a) FINDINGS AND PURPOSE.—The Congress finds that—

(1) the Inspector General of the Department of Education has found that nearly 23 percent of recipients whose loans were discharged due to disability claims were gainfully employed;

(2) based on data provided by the Office of Management and Budget, it is estimated that more than $8 billion in erroneous earned income tax payments are made each year;

(3) the Office of Management and Budget estimates that erroneous payments for food stamps account for almost 9 percent of total benefits;

(4) mismanagement of more than $3 billion in trust funds controlled by the Bureau of Indian Affairs led the Congress to take extraordinary measures to regain control of these funds;

(5) in its semiannual reports to Congress, the Inspector General of the Office of Personnel Management has documented numerous instances of the Government continuing to make electronic payments for retirement benefits through the Civil Service Retirement System after the death of the eligible annuitants; and

(6) numerous other examples of waste, fraud, and abuse are reported regularly by government watchdog agencies.

(b) SUBMISSIONS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN MANDATORY PROGRAMS.—Not later than September 2, 2003, the House committees named in subsection (c) and the Senate committees named in subsection (d) shall submit findings that identify changes in law within their jurisdictions that would achieve the specified level of savings through the elimination of waste, fraud, and abuse. After receiving those recommendations, the Committees on the Budget may use them in the development of future concurrent resolutions on the budget. For purposes of this subsection, the specified level of savings for each committee shall be inserted in the Congressional Record by the chairmen of the Committee on the Budget by May 16, 2003.

(c) HOUSE COMMITTEES.—The following committees of the House of Representatives shall submit findings to the House Committee on the Budget pursuant to subsection (b): the Committee on Agriculture, the Committee on Armed

Services, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Government Reform, the Committee on House Administration, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Science, the Committee on Small Business, the Committee on Transportation and Infrastructure, the Committee on Veterans' Affairs, and the Committee on Ways and Means.

(d) SENATE COMMITTEES.—The following committees of the Senate shall submit their findings to the Senate Committee on the Budget pursuant to subsection (b): the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee Banking, Housing, and Urban Affairs, the Committee Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, the Committee on the Judiciary, and the Committee on Veterans' Affairs.

(e) GAO REPORT.—By August 1, 2003, the Comptroller General shall submit to the Committees on the Budget a comprehensive report identifying instances in which the committees of jurisdiction may make legislative changes to improve the economy, efficiency, and effectiveness of programs within their jurisdiction.

TITLE IV—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds for Legislation Assumed in Budget Aggregates

SEC. 401. RESERVE FUND FOR MEDICARE MODERNIZATION AND PRESCRIPTION DRUGS.

(a) IN THE HOUSE.—(1) In the House, if the Committee on Ways and Means or the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides a prescription drug benefit and modernizes medicare, and provides adjustments to the medicare program on a fee-for-service, capitated, or other basis, the chairman of the Committee on the Budget may revise the appropriate allocations described in paragraph (3) for such committees and other appropriate levels in this resolution by the amount provided by that measure for that purpose, but not to exceed $7,000,000,000 in new budget authority and $7,000,000,000 in outlays for fiscal year 2004 and $400,000,000,000 in new budget authority and $400,000,000,000 in outlays for the period of fiscal years 2004 through 2013.

(2) After the consideration of any measure for which an adjustment is made pursuant to paragraph (1), the chairman of the Committee on the Budget shall make any further appropriate adjustments in allocations and budget aggregates.

(3) In the House, there shall be a separate section 302(a) allocation to the appropriate committees for medicare. For purposes of enforcing such separate allocation under section 302(f) of the Congressional Budget Act of 1974, the ''first fiscal year'' and the ''total of fiscal years'' shall be deemed to refer to fiscal year 2004 and the total of fiscal years 2004 through 2013 included in the joint explanatory statement of managers accompanying this resolution, respectively. Such separate allocation shall be the exclusive allocation for medicare under section 302(a) of such Act.

(b) IN THE SENATE.—If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report thereon is submitted, that strengthens and enhances the Medicare Program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and improves the access of beneficiaries under that program to prescription drugs or promotes geographic equity payments, the chairman of the Committee on the Budget, may revise appropriate budgetary aggregates and committee allocations of new budget authority and outlays provided by that measure for that purpose, but not to exceed $7,000,000,000 for fiscal year 2004 and $400,000,000,000 for the period of fiscal years 2004 through 2013.

SEC. 402. RESERVE FUND FOR MEDICAID REFORM.

If the Committee on Energy and Commerce of the House or the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that modernizes medicaid, the appropriate chairman of the Committee on the Budget may revise appropriate budgetary aggregates and committee allocations of new budget authority and outlays provided by that measure for that purpose, but not to exceed $3,258,000,000 in new budget authority and outlays for fiscal year 2004, $8,944,000,000 in new budget authority and outlays for the period of fiscal years 2004 through 2008, and $12,782,000,000 in budget authority and outlays for the period of fiscal years 2004 through 2010, if the legislation would not increase the deficit over the period of fiscal years 2004 through 2013.

SEC. 403. RESERVE FUND FOR STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

If the Committee on Energy and Commerce of the House or the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that extends the availability of fiscal year 1998 and 1999 expired State Children's Health Insurance Program allotments and the expiring fiscal year 2000 allotments, the appropriate chairman of the Committee on the Budget may revise appropriate budgetary aggregates and committee allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed $1,260,000,000 in new budget authority and $85,000,000 in outlays for fiscal year 2003, $1,330,000,000 in new budget authority and $85,000,000 in outlays for fiscal year 2004, $690,000,000 in new budget authority and $760,000,000 in outlays for the period of fiscal years 2004 through 2008, and $565,000,000 in new budget authority and $890,000,000 in outlays for the period of fiscal years 2004 through 2013.

SEC. 404. RESERVE FUND FOR PROJECT BIOSHIELD.

(a) IN THE HOUSE.—In the House, if the appropriate committee of jurisdiction reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes a program to accelerate the research, development, and purchase of biomedical threat countermeasures and—

(1) such measure provides new budget authority to carry out such program; or

(2) such measure authorizes discretionary new budget authority to carry out such program and the Committee on Appropriations reports a bill or joint resolution that provides new budget authority to carry out such program,

the chairman of the Committee on the Budget may revise the allocations for the committee providing such new budget authority, and other appropriate levels in this resolution, by the amount provided for that purpose, but, in the case of a measure described in paragraph (1), not to exceed $890,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom and $3,418,000,000 in new budget authority for the period of fiscal years 2004 through 2008 and outlays flowing therefrom or, in the case of a measure described in paragraph (2), not to exceed $890,000,000 in new budget authority for fiscal year 2004 and outlays flowing therefrom. Notwithstanding the preceding sentence, the total such revision for fiscal year 2004 may not exceed $890,000,000 in new budget authority and outlays flowing therefrom.

(b) IN THE SENATE.—In the Senate, if the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides for the Department of Homeland Security to procure countermeasures necessary to protect the public health from current and emerging threats of chemical, biological, radiological, or nuclear agents for inclusion by the Secretary of Health and Human Services in the Strategic National Stockpile, the chairman of the Committee on the Budget may revise appropriate budgetary aggregates and committee allocations of new budget authority and outlays provided by that measure for that purpose, but not to exceed $890,000,000 in new budget authority and $575,000,000 in outlays for fiscal year 2004, and $5,593,000,000 in new budget authority and $5,593,000,000 in outlays for the period of fiscal years 2004 through 2013.

SEC. 405. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the committee of jurisdiction in the House or the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance for the uninsured (including a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance from their employers), the appropriate chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates by the amount provided by that measure for that purpose, but not to exceed $28,457,000,000 for the period of fiscal years 2004 through 2008 and $49,965,000,000 for the period of fiscal years 2004 through 2013.

SEC. 406. RESERVE FUND FOR CHILDREN WITH SPECIAL NEEDS.

If the Committee on Energy and Commerce of the House or the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides States with the option to expand Medicaid coverage for children with special needs, allowing families of disabled children to purchase coverage under the Medicaid Program for such children, the appropriate chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed $43,000,000 in new budget authority and $42,000,000 in outlays for fiscal year 2004, $1,627,000,000 in new budget authority and $1,566,000,000 in outlays for the period of fiscal years 2004 through 2008, and $7,462,000,000 in new budget authority and $7,261,000,000 in outlays for the period of fiscal years 2004 through 2013.

Subtitle B—Contingency Procedure

SEC. 411. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House or the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2004: $41,740,000,000,
(2) for fiscal year 2005: $42,743,000,000,
(3) for fiscal year 2006: $43,721,000,000,
(4) for fiscal year 2007: $45,795,000,000,
(5) for fiscal year 2008: $47,031,000,000, or
(6) for fiscal year 2009: $47,818,000,000,

the chairman of the appropriate Committee on the Budget may adjust the appropriate budget

aggregates and increase the allocation of new budget authority to such committee for fiscal year 2004 and for the period of fiscal years 2004 through 2008 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation. In the Senate, any increase in receipts must be reported from the Committee on Finance.

(b) ADJUSTMENT FOR OUTLAYS.—(1) For fiscal year 2004, in the House and in the Senate, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $39,684,000,000 for fiscal year 2004, for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the appropriate chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

(2) For fiscal year 2005, in the Senate, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $40,788,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

(c) STATEMENT OF INTENT.—It is the intent of Congress that the increase in new budget authority and outlays above the baseline assumed for highways and highway safety in section 103 of this resolution is derived from the resources available to the Highway Trust Fund.

Subtitle C—Adjustments to Fiscal Year 2003 Levels

SEC. 421. SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2003.

If legislation making supplemental appropriations for fiscal year 2003 is enacted before May 1, 2003, the appropriate chairman of the Committee on the Budget shall make the appropriate adjustments in the appropriate allocations and aggregates of new budget authority and outlays to reflect the difference between such measure and the corresponding levels assumed in this resolution.

TITLE V—BUDGET ENFORCEMENT

SEC. 501. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN THE HOUSE.—(1)(A) In the House, except as provided in paragraph (2), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(B) Managers on the part of the House may not agree to a Senate amendment that would violate subparagraph (A) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(2) In the House, an advance appropriation may be provided for fiscal year 2005 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations, Part A'' in an aggregate amount not to exceed $23,158,000,000 in new budget authority, and an advance appropriation may be provided for fiscal year 2006 for any program identified in such statement under the heading ''Accounts Identified for Advance Appropriations, Part B''.

(3) In this subsection, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2004 that first becomes available for any fiscal year after 2004.

(b) IN THE SENATE.—(1) Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) An advance appropriation may be provided for fiscal years 2005 and 2006 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,158,000,000 in new budget authority in each year.

(3)(A) In the Senate, paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(B) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(4) In this subsection, the term ''advance appropriation'' means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2004 that first becomes available for any fiscal year after 2004 or making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005.

SEC. 502. EMERGENCY LEGISLATION.

(a) PURPOSE.—It is the purpose of this section, in the absence of an extension of the discretionary spending limits and PAYGO requirements under the Balanced Budget and Emergency Deficit Control Act of 1985, to enable the Congress to designate provisions of legislation as an emergency in order to exempt such measures from enforcement of this resolution with respect to the new budget authority, outlays, and receipts resulting from such provisions.

(b) IN THE HOUSE.—

(1) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, any new budget authority, new entitlement authority, outlays, and receipts resulting from any provision designated in that provision as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974.

(2) DESIGNATIONS.—

(A) GUIDANCE.—In the House, if a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subparagraph (B). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(B) CRITERIA.—

(i) IN GENERAL.—Any such provision is an emergency requirement if the situation addressed by such provision is—

(I) necessary, essential, or vital (not merely useful or beneficial);

(II) sudden, quickly coming into being, and not building up over time;

(III) an urgent, pressing, and compelling need requiring immediate action;

(IV) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(V) not permanent, temporary in nature.

(ii) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(c) IN THE SENATE.—

(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that the President designates as an emergency requirement and that the Congress so designates in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—In the Senate, any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and sections 504 (relating to discretionary spending limits in the Senate) and 505 (relating to the paygo requirement in the Senate) of this resolution.

(3) DESIGNATIONS.—

(A) GUIDANCE.—In the Senate, if a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subparagraph (B).

(B) CRITERIA.—

(i) IN GENERAL.—Any such provision is an emergency requirement if the situation addressed by such provision is—

(I) necessary, essential, or vital (not merely useful or beneficial);

(II) sudden, quickly coming into being, and not building up over time;

(III) an urgent, pressing, and compelling need requiring immediate action;

(IV) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(V) not permanent, temporary in nature.

(ii) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(4) DEFINITIONS.—In this subsection, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(6) WAIVER AND APPEAL.—Paragraph (5) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(7) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (5), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this section.

(8) FORM OF THE POINT OF ORDER.—A point of order under paragraph (5) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(9) CONFERENCE REPORTS.—If a point of order is sustained under paragraph (5) against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(10) EXCEPTION FOR DEFENSE SPENDING.—Paragraph (5) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.

SEC. 503. EXTENSION OF SUPERMAJORITY ENFORCEMENT.

(a) IN GENERAL.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2008.

(b) REPEAL.—Senate Resolution 304, agreed to October 16, 2002 (107th Congress), is repealed.

SEC. 504. DISCRETIONARY SPENDING LIMITS IN THE SENATE.

(a) DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) for fiscal year 2003—

(A) $839,118,000,000 in new budget authority and $805,146,000,000 in outlays for the discretionary category;

(B) for the highway category, $31,264,000,000 in outlays; and

(C) for the mass transit category, $1,436,000,000 in new budget authority, and $6,551,000,000 in outlays;

(2) for fiscal year 2004—

(A) $782,999,000,000 in new budget authority and $822,563,000,000 in outlays for the discretionary category;

(B) for the highway category, $31,555,000,000 in outlays; and

(C) for the mass transit category, $1,461,000,000 in new budget authority, and $6,634,000,000 in outlays; and

(3) for fiscal year 2005—

(A) $812,598,000,000 in new budget authority, and $817,883,000,000 in outlays for the discretionary category;

(B) for the highway category, $33,393,000,000 in outlays; and

(C) for the mass transit category $1,488,000,000 in new budget authority, and $6,726,000,000 in outlays;

as adjusted in conformance with subsection (c).

(b) DISCRETIONARY SPENDING POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would exceed any of the discretionary spending limits in this section.

(2) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(c) ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be—

(A) an amount provided for transportation under section 411; and

(B) an amount provided for the fiscal year 2003 supplemental appropriation pursuant to section 421.

(3) REPORTING REVISED SUBALLOCATIONS.—Following any adjustment made under paragraph (1), the Committee on Appropriations of the Senate shall report appropriately revised suballocations under section 302(b) to carry out this subsection.

SEC. 505. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term ''applicable time period'' means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget as adjusted for any changes in revenues or direct spending assumed by such resolution; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2008.

SEC. 506. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, except as provided by section 401(a), for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 507. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

(d) ENFORCEMENT IN THE HOUSE.—In the House, for the purpose of enforcing this concurrent resolution, sections 302(f) and 311(a) of the Congressional Budget Act of 1974 shall apply to fiscal year 2004 and the total for fiscal year 2004 and the four ensuing fiscal years.

SEC. 508. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

In the House or in the Senate, upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the appropriate chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

TITLE VI—SENSE OF THE SENATE

SEC. 601. SENSE OF THE SENATE ON FEDERAL EMPLOYEE PAY.

It is the sense of the Senate that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 602. SENSE OF THE SENATE REGARDING PELL GRANTS.

It is the sense of the Senate that the levels in this resolution assume that within the discretionary allocation provided to the Committee on Appropriations the maximum Pell Grant award should be raised to the maximum extent practicable.

SEC. 603. SENSE OF THE SENATE ON EMERGENCY AND DISASTER ASSISTANCE FOR LIVESTOCK AND AGRICULTURE PRODUCERS.

It is the sense of the Senate that the Senate develop a long-term drought plan that effectively recognizes the recurring nature of drought cycles and adequately supports emergency and disaster assistance to livestock and agricultural producers hurt by drought and that the Senate establish an agricultural reserve to fund these activities.

SEC. 604. SOCIAL SECURITY RESTRUCTURING.

It is the sense of the Senate that—

(1) the President, the Congress and the American people (including seniors, workers, women, minorities, and disabled persons) should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system; and

(2) Social Security reform must—

(A) protect current and near retirees from any changes to Social Security benefits;

(B) reduce the pressure on future taxpayers and on other budgetary priorities;

(C) provide benefit levels that adequately reflect individual contributions to the Social Security System; and

(D) preserve and strengthen the safety net for vulnerable populations, including the disabled and survivors.

SEC. 605. SENSE OF THE SENATE CONCERNING STATE FISCAL RELIEF.

It is the Sense of the Senate that the functional totals in this resolution assume that any legislation enacted to provide economic growth for the United States should include not less than $30,000,000,000 for State fiscal relief over the next 18 months (of which at least half should be provided through a temporary increase in the Federal medical assistance percentage (FMAP)).

SEC. 606. FEDERAL AGENCY REVIEW COMMISSION.

It is the sense of the Senate that a commission should be established to review Federal domestic agencies, and programs within such agencies, with the express purpose of providing Congress with recommendations, and legislation to implement those recommendations, to realign or eliminate government agencies and programs that are duplicative, wasteful, inefficient, outdated, or irrelevant, or have failed to accomplish their intended purpose.

SEC. 607. SENSE OF THE SENATE REGARDING HIGHWAY SPENDING.

(a) FINDINGS.—The Senate makes the following findings:

(1) Highway construction funding should increase over current levels.

(2) The Senate Budget Committee-passed budget resolution increases highway funding above the President's request.

(3) All vehicles, whether they are operated by gasoline, gasohol, or electricity, do damage to our highways.

(4) As set out in TEA–21, the direct relationship between excise taxes and highway spending makes sense and should be maintained.

(5) Highways should be funded through user fees such as excise taxes and not through the General Fund of the Treasury.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should only consider legislation that increases highway spending if such legislation changes highway user fees to pay for such increased spending.

SEC. 608. SENSE OF THE SENATE ON REPORTS ON LIABILITIES AND FUTURE COSTS.

It is the sense of the Senate that the Congressional Budget Office shall consult with the Committee on the Budget of the Senate in order to prepare a report containing—

(1) an estimate of the unfunded liabilities of the Federal Government;

(2) an estimate of the contingent liabilities of Federal programs; and

(3) an accrual-based estimate of the current and future costs of Federal programs.

SEC. 609. SENSE OF THE SENATE CONCERNING AN EXPANSION IN HEALTH CARE COVERAGE.

It is the sense of the Senate that the functional totals in this resolution assume that—

(1) expanded access to health care coverage throughout the United States is a top priority for national policymaking; and

(2) to the extent that additional funds are made available, a significant portion of such funds should be dedicated to expanding access to health care coverage so that fewer individuals are uninsured and fewer individuals are likely to become uninsured.

SEC. 610. SENSE OF THE SENATE CONCERNING PROGRAMS OF THE CORPS OF ENGINEERS.

It is the sense of the Senate that the Corps of Engineers requires additional funding to perform its vital functions and the budgetary totals in this resolution assume that the level of funding provided for programs of the Corps will not be reduced below current baseline spending levels.

SEC. 611. SENSE OF THE SENATE CONCERNING NATIVE AMERICAN HEALTH.

It is the sense of the Senate that Congress has recognized the importance of Native American health. In 1997, Congress enacted a program to spend $30,000,000 a year on research and treatment on diabetes in the Native American community. This amount was increased to $100,000,000 a year in 2000 and further increased to $150,000,000 a year in 2002. This is a 500 percent increase since 1997. This priority focuses on prevention and treatment for a major disease in the Native American community.

SEC. 612. SENSE OF THE SENATE ON PROVIDING TAX AND OTHER INCENTIVES TO REVITALIZE RURAL AMERICA.

It is the sense of the Senate that if tax relief measures are enacted in accordance with the assumptions in the budget resolution in this session of Congress, such legislation should include incentives to help rural communities attract individuals to live and work and start and grow a business in those communities.

SEC. 613. SENSE OF THE SENATE CONCERNING CHILDREN'S GRADUATE MEDICAL EDUCATION.

It is the sense of the Senate that, for fiscal year 2004, children's graduate medical education should be funded at $305,000,000.

SEC. 614. SENSE OF THE SENATE ON FUNDING FOR CRIMINAL JUSTICE.

It is the sense of the Senate that the funding levels in this resolution assume that the programs authorized under the Crime Identification Technology Act of 1998 to improve the justice system will be fully funded at the levels authorized for each of the fiscal years 2004 through 2007.

SEC. 615. SENSE OF THE SENATE CONCERNING FUNDING FOR DRUG TREATMENT PROGRAMS.

It is the sense of the Senate that the functional totals in this resolution assume that up to $20,000,000 from funds designated, but not obligated, for travel and administrative expenses, from drug interdiction activities should be used for service-oriented targeted grants for the utilization of substances that block the craving for heroin and that are newly approved for such use by the Food and Drug Administration.

SEC. 616. SENSE OF SENATE CONCERNING FREE TRADE AGREEMENT WITH THE UNITED KINGDOM.

It is the sense of the Senate that the President should negotiate a free trade agreement with the United Kingdom.

And the Senate agree to the same.

JIM NUSSLE,
CHRISTOPHER SHAYS,
Managers on the Part of the House.

DON NICKLES,
PETE V. DOMENICI,
CHUCK GRASSLEY,
JUDD GREGG,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 216 / Nays 211

¶39.39 [Roll No. 141]

YEAS—216

Aderholt	Crane	Hart
Akin	Crenshaw	Hastert
Bachus	Cubin	Hastings (WA)
Baker	Culberson	Hayes
Ballenger	Cunningham	Hayworth
Barrett (SC)	Davis, Jo Ann	Hensarling
Bartlett (MD)	Davis, Tom	Herger
Barton (TX)	Deal (GA)	Hobson
Bass	DeLay	Hoekstra
Beauprez	DeMint	Hulshof
Bereuter	Diaz-Balart, L.	Hunter
Biggert	Diaz-Balart, M.	Hyde
Bilirakis	Doolittle	Isakson
Bishop (UT)	Dreier	Issa
Blackburn	Duncan	Istook
Blunt	Dunn	Janklow
Boehlert	Ehlers	Jenkins
Bonilla	Emerson	Johnson (CT)
Bonner	English	Johnson (IL)
Bono	Everett	Johnson, Sam
Boozman	Feeney	Jones (NC)
Bradley (NH)	Ferguson	Keller
Brady (TX)	Flake	Kelly
Brown (SC)	Fletcher	Kennedy (MN)
Brown-Waite, Ginny	Foley	King (IA)
	Forbes	King (NY)
Burgess	Fossella	Kingston
Burns	Frelinghuysen	Kirk
Burr	Gallegly	Kline
Burton (IN)	Gerlach	Knollenberg
Buyer	Gibbons	Kolbe
Calvert	Gilchrest	LaHood
Camp	Gillmor	Latham
Cannon	Gingrey	LaTourette
Cantor	Goode	Leach
Capito	Goodlatte	Lewis (CA)
Carter	Goss	Lewis (KY)
Chabot	Granger	Linder
Chocola	Graves	LoBiondo
Coble	Green (WI)	Lucas (OK)
Cole	Greenwood	Manzullo
Collins	Gutknecht	McCotter
Cox	Harris	McCrery

McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—211

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

NOT VOTING—8

Boehner
Combest
Gephardt
Houghton
McCarthy (MO)
Paul
Weldon (PA)
Young (FL)

So the conference report was agreed to.

Ordered, That the Clerk notify the Senate thereof.

¶39.40 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 31. A concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq; to the Committee on International Relations.

¶39.41 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 273. An Act to provide for the eradication and control of nutria in Maryland and Louisiana.

¶39.42 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 380. An Act to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

And then,

¶39.43 ADJOURNMENT

On motion of Mr. NUSSLE, at 2 o'clock and 48 minutes a.m., Friday, April 11 (legislative day of Thursday, April 10), 2003, the House adjourned until 10 a.m. today.

¶39.44 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NUSSLE: Committee of Conference. Conference report on House Concurrent Resolution 95. Resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 (Rept. 108–71). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 191. Resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013 (Rept. 108–72). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolutin 192. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–73). Referred to the House Calendar.

¶39.45 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. VISCLOSKY (for himself, Mr. LoBiondo, Mr. McIntyre, Mr. Grijalva, Mr. Holden, Mr. Bishop of New York, Mr. Ford, Ms. Hooley of Oregon, Mr. Larson of Connecticut, Ms. Harman, Mr. Kildee, Mrs. Maloney, Mr. McDermott, Mr. Serrano, Mr. McNulty, Mr. Menendez, Mr. Moran of Virginia, Ms. Baldwin, Mr. Frank of Massachusetts, Mr. Kennedy of Rhode Island, and Mr. Kanjorski):

H.R. 1708. A bill to extend the authorization of the Bulletproof Vest Partnership Grant Program; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. Rohrabacher, Mr. Waxman, and Mr. Dingell):

H.R. 1709. A bill to restore standards to protect the privacy of individually identifiable health information that were weakened by the August 2002 modifications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself and Mr. Neal of Massachusetts):

H.R. 1710. A bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to Medicare beneficiaries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. LoBiondo, Mr. DeFazio, and Mr. Quinn):

H.R. 1711. A bill to amend title 49, United States Code, to ensure that functions relating to the air traffic control system are carried out directly by the United States Government; to the Committee on Transportation and Infrastructure.

By Mr. EVANS (for himself, Mr. Filner, Mr. Michaud, and Ms. Hooley of Oregon):

H.R. 1712. A bill to amend the Small Business Act to establish a development program for small business concerns owned and controlled by qualified service-disabled veterans, to reauthorize the programs of the National Veterans Business Development Corporation, to establish a Government-wide procurement goal for small business concerns owned and controlled by veterans, and for other purposes; to the Committee on Small Business.

By Mr. EVANS (for himself, Mr. Dingell, Mr. Filner, Ms. Corrine Brown of Florida, Mr. Rodriguez, Mr. Strickland, Mrs. Davis of California, Mr. Ryan of Ohio, Mr. Weiner, Mr. McIntyre, Mr. Brown of Ohio, Mr. Serrano, Mr. Frost, and Mr. Sanders):

H.R. 1713. A bill to amend title 38, United States Code, to improve benefits under the

Montgomery GI Bill by establishing an enhanced educational assistance program, by increasing the amount of basic educational assistance, by repealing the requirement for reduction in pay for participation in the program, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 1714. A bill to amend the Immigration and Nationality Act relating to naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 1715. A bill to amend title 38, United States Code, to enhance the authority of the Department of Veterans Affairs to recover from third parties costs of medical care furnished to veterans and other persons by the Department; to the Committee on Veterans' Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BROWN of South Carolina, and Mr. MICHAUD):

H.R. 1716. A bill to amend title 38, United States Code, to improve educational assistance programs of the Department of Veterans Affairs for apprenticeship or other on-job training, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. ROHRABACHER, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Ms. LEE, Mr. HONDA, Mr. MCDERMOTT, Mr. CASE, Mr. SANDERS, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. BERMAN, Mr. LANTOS, Mr. WEXLER, Mrs. TAUSCHER, Mr. HINCHEY, Mr. STARK, Mr. DEFAZIO, Ms. SCHAKOWSKY, Mr. PAUL, Mrs. CAPPS, Mr. NADLER, Ms. ESHOO, Ms. LINDA T. SANCHEZ of California, Ms. ROYBAL-ALLARD, Ms. WATSON, Mr. FILNER, and Mr. SCHIFF):

H.R. 1717. A bill to amend the Controlled Substances Act to provide an affirmative defense for the medical use of marijuana in accordance with the laws of the various States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 1718. A bill to amend title 38, United States Code, to repeal the four-year terms specified by law for certain officials of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WELDON of Pennsylvania (for himself, Mr. EDWARDS, Mr. MCHUGH, Mr. SPRATT, Mr. SOUDER, Mrs. TAUSCHER, Mr. SHAYS, Mr. ORTIZ, Mr. LEACH, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. WILSON of South Carolina, Mr. BEREUTER, Mr. REYES, Mr. CRAMER, Mr. ABERCROMBIE, Mr. TAYLOR of North Carolina, Mr. SMITH of Michigan, Mr. BARTLETT of Maryland, Mr. STEARNS, Mr. HOYER, Mr. SHERWOOD, Mr. COX, and Mr. FARR):

H.R. 1719. A bill to promote enhanced nonproliferation cooperation between the United States and the Russian Federation and foster various other actions that will increase the national security of the United States, and for other purposes; to the Committee on International Relations.

By Mr. SIMMONS (for himself and Mr. SMITH of New Jersey):

H.R. 1720. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

By Mr. KIRK (for himself, Mr. PORTMAN, Mr. LIPINSKI, Mr. GREENWOOD, Mr. CROWLEY, Mrs. JOHNSON of Connecticut, Mr. ACEVEDO-VILA, Mr. EHLERS, Mr. HASTINGS of Florida, Ms. BORDALLO, and Mr. BLUMENAUER):

H.R. 1721. A bill to amend the Foreign Assistance Act of 1961 to provide for debt relief to developing countries who take action to protect critical coral reef habitats; to the Committee on International Relations.

By Mr. HINOJOSA (for himself and Mr. DAVIS of Alabama):

H.R. 1722. A bill to promote the development of affordable, quality rental housing in rural areas for low-income households; to the Committee on Financial Services.

By Mr. ACEVEDO-VILA (for himself, Mr. RAHALL, Mr. GRIJALVA, Mr. PALLONE, Mr. CASE, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. REYES, Mr. RANGEL, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. PAYNE, Mr. UDALL of Colorado, Mr. BECERRA, and Mrs. NAPOLITANO):

H.R. 1723. A bill to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. ALEXANDER (for himself, Mr. FROST, Mr. BAKER, Mr. PLATTS, Mr. EVANS, Mr. RYAN of Ohio, Mr. BALLANCE, Mr. ROSS, and Mr. JOHN):

H.R. 1724. A bill to require institutions of higher education to make full refunds of tuitions and fees paid by members of the Armed Forces and National Guard called to active duty or active service during a war or national emergency; to the Committee on Education and the Workforce.

By Mr. BARTLETT of Maryland (for himself, Mr. GOODE, Mr. SMITH of Michigan, Mr. HOEKSTRA, Mr. TOOMEY, Mr. JONES of North Carolina, Mr. FLAKE, Mr. WILSON of South Carolina, Mr. KING of Iowa, Mr. GARRETT of New Jersey, Mr. PETRI, Mr. CHABOT, Mr. PITTS, Mr. SHADEGG, Mr. HEFLEY, Mr. KINGSTON, Mrs. MUSGRAVE, Mr. FRANKS of Arizona, Mr. CHOCOLA, and Mr. HAYES):

H.R. 1725. A bill to change the deadline for income tax returns for calendar year taxpayers from the 15th of April to the first Monday in November; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina (for himself, Mr. ANDREWS, Mr. BARTLETT of Maryland, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. FILNER, Mr. FROST, Mr. GILLMOR, Mr. HEFLEY, Mr. LAHOOD, Ms. LEE, Mr. MCINTYRE, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. PAUL, Mr. REYES, Mr. SANDLIN, and Mr. WILSON of South Carolina):

H.R. 1726. A bill to amend title 10, United States Code, to repeal the offset from surviving spouse annuities under the military Survivor Benefit Plan for amounts paid by the Secretary of Veterans Affairs as dependency and indemnity compensation; to the Committee on Armed Services.

By Mr. CAMP (for himself and Mr. SANDLIN):

H.R. 1727. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 1728. A bill to amend title 37, United States Code, to ensure equal treatment for members of reserve components who perform inactive-duty training in determining their entitlement for aviation incentive pay and hazardous duty pay; to the Committee on Armed Services.

By Ms. CARSON of Indiana (for herself, Ms. NORTON, Mr. SANDERS, Mr. PLATTS, Mr. PETERSON of Minnesota, Mr. LIPINSKI, and Ms. JACKSON-LEE of Texas):

H.R. 1729. A bill to amend the Fair Credit Reporting Act to require consumer reporting agencies to notify consumers when negative information is added to the consumer's file at such agency, and for other purposes; to the Committee on Financial Services.

By Mr. GREENWOOD (for himself, Mr. DOYLE, Mr. DINGELL, Mr. ROGERS of Michigan, Mr. STRICKLAND, Mr. GERLACH, Mr. KILDEE, Mr. BUYER, Mr. LEVIN, Mr. EHLERS, Mr. HOLDEN, Mr. SMITH of Michigan, Mr. KANJORSKI, Mr. CAMP, Mr. BEREUTER, Mr. STUPAK, and Ms. SOLIS):

H.R. 1730. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARTER (for himself and Mr. SCHIFF):

H.R. 1731. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

By Mr. CARTER (for himself and Mr. EDWARDS):

H.R. 1732. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes; to the Committee on Resources.

By Mr. CROWLEY (for himself, Mr. ALLEN, Ms. KAPTUR, Mr. KILDEE, Mr. SANDERS, Mr. MCNULTY, and Mr. FROST):

H.R. 1733. A bill to amend XVIII and XIX of the Social Security Act to provide for a voluntary Medicare prescription medicine benefit, to provide greater access to affordable pharmaceuticals, to provide for substantial reductions in the cost of prescription drugs made available to Medicare beneficiaries, to amend the Internal Revenue Code of 1986 to disallow deductions for direct-to-consumer advertisement of prescription drugs, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmeceuticals and preserving access to safe affordable Canadian medicines, to amend the Federal Election Campaign Act of 1971 to prohibit campaign contributions by chief executive officers of pharmeceutical companies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Veterans' Affairs, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM (for himself, Mrs. JOHNSON of Connecticut, Mr. HOLDEN, Mr. WILSON of South Carolina, Ms. KILPATRICK, Mr. FOSSELLA, Mr. MCINTYRE, Mr. SESSIONS, Mr. WYNN, Mr. ROGERS of Michigan, Mr. MORAN of Virginia, Mr. ISSA, Mr. MCNULTY, Mr. FRELINGHUYSEN, Mr. ISAKSON, Mr. WATT, Mr. MCDERMOTT,

Mr. WHITFIELD, Mr. HOEFFEL, Mr. KING of New York, Mrs. MUSGRAVE, Mr. LOBIONDO, Mr. WELDON of Pennsylvania, Mr. HOLT, Mr. OWENS, Mr. MENENDEZ, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FOLEY, Mr. MCCOTTER, Mr. PLATTS, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. PALLONE, Mr. DEAL of Georgia, Mr. FORD, Mr. NEY, Mrs. DAVIS of California, Mr. SAXTON, Mr. RANGEL, and Mr. STEARNS):

H.R. 1734. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. THOMPSON of California, Ms. CORRINE BROWN of Florida, Mr. EVANS, Mr. REYES, and Mr. MCGOVERN):

H.R. 1735. A bill to amend title 38, United States Code, to increase the maximum amount of a home loan guarantee available to a veteran; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Illinois (for himself, Mr. BURR, Mr. SHIMKUS, and Mr. RUSH):

H.R. 1736. A bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOOLEY of California (for himself, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. LARSON of Connecticut, Mr. DAVIS of Alabama, Mr. LARSEN of Washington, and Mr. STENHOLM):

H.R. 1737. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer harm, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

By Mr. EMANUEL (for himself, Mr. DEFAZIO, Ms. DELAURO, Mr. DELAHUNT, Mr. RYAN of Ohio, Mr. FORD, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. LIPINSKI, Mr. HINCHEY, Mr. LARSON of Connecticut, Mr. DAVIS of Alabama, Mr. WEXLER, Mrs. MALONEY, Mr. MCGOVERN, Mr. ETHERIDGE, Ms. LEE, Mr. HASTINGS of Florida, Mr. ALLEN, Ms. SLAUGHTER, Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Ms. WOOLSEY, Ms. SCHAKOWSKY, and Mr. BELL):

H.R. 1738. A bill to require payments to State and local governments for infrastructure and social services needs in the same amount as the amount of relief and reconstruction funds provided to Iraq; to the Committee on Government Reform.

By Mr. GREENWOOD (for himself, Mr. RANGEL, Mr. MCCRERY, Mr. CRANE, and Mr. GUTIERREZ):

H.R. 1739. A bill to amend title XVIII of the Social Security Act to increase payments under the Medicare Program to Puerto Rico hospitals; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. RODRIGUEZ, Mr. BELL, Mr. LAMPSON, Mr. HINOJOSA, Mr. EDWARDS, Mr. ORTIZ, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. SANDLIN, Mr. CULBERSON, Mr. HALL, Mr. FROST, Mr. SESSIONS, Mr. SAM JOHNSON of Texas, Mr. BONILLA, Mr. DELAY, Mr. STENHOLM, Mr. PAUL, Mr. BURGESS, Ms. GRANGER, Mr. HENSARLING, Mr. CARTER, Mr. THORNBERRY, Mr. REYES, Mr. TURNER of Texas, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. SMITH of Texas, and Mr. COMBEST):

H.R. 1740. A bill to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ''Dr. Caesar A.W. Clark, Sr. Post Office Building''; to the Committee on Government Reform.

By Mr. JONES of North Carolina (for himself, Mr. MURTHA, Mr. HOUGHTON, Mr. GILCHREST, Mr. KLINE, Mr. JANKLOW, Mr. GUTKNECHT, Mr. HUNTER, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. KINGSTON, Mr. RAMSTAD, Mr. HAYWORTH, Mrs. MILLER of Michigan, Mr. WILSON of South Carolina, Mr. HEFLEY, Mr. HAYES, Mr. ABERCROMBIE, Mr. NORWOOD, Mr. WELDON of Pennsylvania, Mr. SAXTON, Mr. BARTLETT of Maryland, Mr. HOSTETTLER, Mr. AKIN, Mrs. WILSON of New Mexico, Mr. MILLER of Florida, Mr. WHITFIELD, Mr. COBLE, Mr. MEEHAN, Mr. MCINTYRE, Mr. FEENEY, Mr. GINGREY, Mr. GOODE, Mr. GIBBONS, Mr. LOBIONDO, Mr. ROHRABACHER, Mr. HOEFFEL, Mr. ISRAEL, Mr. ORTIZ, Mrs. TAUSCHER, and Mr. REYES):

H.R. 1741. A bill to redesignate the position of the Secretary of the Navy as the Secretary of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. KLECZKA (for himself, Mr. HERGER, Mr. BACA, Ms. BALDWIN, Mr. CALVERT, Mrs. CAPITO, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DOGGETT, Mr. DOOLITTLE, Mr. EVANS, Mr. FARR, Mr. FROST, Mr. GREEN of Texas, Mr. GREEN of Wisconsin, Mr. LAMPSON, Mr. LANTOS, Mr. LEWIS of California, Mr. MATSUI, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. OBEY, Mr. PAUL, Mr. PETRI, Mr. POMBO, Mr. RAHALL, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. THOMPSON of California, Mr. TURNER of Texas, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WU):

H.R. 1742. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes; to the Committee on Ways and Means.

By Mr. LEACH (for himself and Mr. LATHAM):

H.R. 1743. A bill to allow applications for the preferred provider organization (PPO) demonstration project under the Medicare+Choice program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself and Mr. CASTLE):

H.R. 1744. A bill to amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) program; to the Committee on Energy and Commerce.

By Mr. LOBIONDO:

H.R. 1745. A bill to express the sense of the Congress that funding should be made available from the Highway Trust Fund to encourage States to require law enforcement officers to impound motor vehicles of those charged with driving while intoxicated, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself, Mrs. MYRICK, Ms. NORTON, Mr. LYNCH, Mr. KILDEE, Mrs. MCCARTHY of New York, Mr. MCNULTY, Ms. WOOLSEY, Mr. BROWN of Ohio, Mr. MCINTYRE, Mr. GUTIERREZ, Mr. HOLDEN, Mr. FRANK of Massachusetts, Mr. WILSON of South Carolina, Mr. FROST, Mr. WOLF, Mr. MCHUGH, Mr. TIERNEY, Mr. HOLT, Mr. MCDERMOTT, Mr. RODRIGUEZ, Ms. BORDALLO, Mr. GREEN of Texas, Mr. BAKER, Mr. SENSENBRENNER, Mr. GORDON, Ms. BERKLEY, Mr. ROTHMAN, Mr. DAVIS of Illinois, Mr. BERMAN, Mr. NADLER, Mr. OWENS, Mr. HINCHEY, Mr. RYAN of Ohio, Mr. SCHIFF, Mrs. CAPPS, Mr. OBERSTAR, Mr. BOSWELL, Mr. OSE, Ms. SCHAKOWSKY, Mr. SIMMONS, Ms. CARSON of Indiana, Mr. SANDERS, Mr. BISHOP of New York, Mr. REYES, Mr. STARK, Mr. ACKERMAN, Mrs. MUSGRAVE, Mr. UDALL of Colorado, Mr. MEEHAN, Mr. CLYBURN, Mr. GEORGE MILLER of California, Mr. DOYLE, Ms. MILLENDER-MCDONALD, Mr. WAXMAN, Mr. BASS, Mr. SHAYS, Mr. LEACH, Mr. EVANS, and Ms. DELAURO):

H.R. 1746. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself, Mr. LANTOS, Ms. BORDALLO, Ms. NORTON, Mr. BALLANCE, Ms. LEE, Mr. WAXMAN, Mr. OLVER, and Ms. SCHAKOWSKY):

H.R. 1747. A bill to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and for other purposes; to the Committee on Financial Services.

By Mr. MCGOVERN (for himself, Mr. UDALL of New Mexico, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. FALEOMAVAEGA, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, and Mr. GUTIERREZ):

H.R. 1748. A bill to amend the Equal Credit Opportunity Act to permit the collection of demographic information in connection with small business loan applications with the applicant's consent, and for other purposes; to the Committee on Financial Services.

By Mr. MCINNIS (for himself, Mr. STRICKLAND, Mrs. JO ANN DAVIS of Virginia, Mr. STUPAK, Mr. MCCOTTER, Mr. SHIMKUS, Mr. BURGESS, Mr. GREEN of Wisconsin, Mr. ROGERS of Michigan, Mr. BARTLETT of Maryland, Ms. SCHAKOWSKY, Mr. UDALL of Colorado, Mr. SENSENBRENNER, Mr. RYAN of Ohio, Mr. HINCHEY, Mr. PETRI, Mr. GORDON, Mr. CALVERT, Mr. COSTELLO, Mr. KIND, Mr. KIRK, Mr. WALSH, Mr. FRANK of Massachusetts, Mr. PALLONE, Mr. RYAN of Wisconsin, Mr. HOLDEN, Mrs. MUSGRAVE, Mr. KLINE, Mr. RENZI, Mr. KENNEDY of Minnesota, Mr. GRAVES, Ms. CARSON of Indiana, Mrs. BONO, Mr. PLATTS, Mr. JOHNSON of Illinois, Mr. KILDEE, Mr. BOSWELL, Mr. DAVIS of Illinois, Mr. LIPINSKI, Mr. SANDERS, Mr. CAMP, Ms. BALDWIN, Mr. ABERCROMBIE, Mr. WELLER, Mrs. CAPITO, Mr. MCDERMOTT, Mr. LATHAM, Mr. RUSH, Mr. FORD, Mr. BEAUPREZ, and Mrs. JONES of Ohio):

H.R. 1749. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal

transportation activities; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Mr. EVANS, Ms. CORRINE BROWN of Florida, Mr. MCINTYRE, Mr. SANDERS, Mr. RODRIGUEZ, Mr. SERRANO, Mr. FROST, Mr. SCHIFF, Mr. STRICKLAND, and Mr. RYAN of Ohio):

H.R. 1750. A bill to amend title 38, United States Code, to provide for an increase of $250 per month in the rate of monthly dependency and indemnity compensation (DIC) payable to a surviving spouse of a member of the Armed Forces who dies on active duty or as a result of a service-connected disability in any case in which there are dependent children; to the Committee on Veterans' Affairs.

By Mr. MOORE (for himself, Mr. FROST, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. ENGEL, Mrs. DAVIS of California, Mr. RODRIGUEZ, Mr. KUCINICH, Mr. SERRANO, Mr. SANDLIN, Ms. MCCARTHY of Missouri, Mrs. JONES of Ohio, Mr. BOUCHER, Mr. MCGOVERN, Mr. DOYLE, Mr. DAVIS of Florida, Mr. STENHOLM, Ms. CARSON of Indiana, Mr. RANGEL, Mr. UDALL of Colorado, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. ABERCROMBIE, Mr. ETHERIDGE, and Mr. ALLEN):

H.R. 1751. A bill to expand the teacher loan forgiveness programs under the Federal Family Education Loan and Federal Direct Loan programs; to the Committee on Education and the Workforce.

By Mr. NADLER:

H.R. 1752. A bill to provide for the purchase of textbooks and the establishment of the Textbook Recycling Program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NETHERCUTT (for himself and Mr. DICKS):

H.R. 1753. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Resources.

By Mr. PAUL (for himself, Mr. DUNCAN, Mr. GOODE, and Mr. OTTER):

H.R. 1754. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. BUYER, Mr. CHABOT, Mr. POMBO, Mr. WALSH, Mr. SOUDER, Mr. CUNNINGHAM, Mr. TIAHRT, Mr. BRADY of Texas, Mr. GREEN of Wisconsin, Mr. LIPINSKI, Mr. JANKLOW, Mr. NEY, Mr. SMITH of Texas, Mr. LEWIS of Kentucky, Mr. BLUNT, Mrs. EMERSON, Mr. COLLINS, Mr. LINDER, Mrs. CUBIN, Mr. WILSON of South Carolina, Mr. RENZI, Mr. GOODLATTE, Mr. MCCRERY, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Mr. FOSSELLA, Mr. KENNEDY of Minnesota, Mr. BERRY, Mr. DELAY, Mr. HYDE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. SMITH of New Jersey, Mr. PITTS, Mrs. JO ANN DAVIS of Virginia, Mrs. BLACKBURN, Mrs. MILLER of Michigan, Ms. HART, Mrs. MUSGRAVE, Mr. AKIN, Mrs. MYRICK, Mr. WELDON of Florida, Mr. BARTON of Texas, Mr. SCHROCK, Mr. COSTELLO, Mr. TERRY, Mr. PORTMAN, Mr. KING of New York, Mr. GOODE, Mr. PUTNAM, Mr. MCINTYRE, Mr. BAKER, Mr. ADERHOLT, Mr. DEAL of Georgia, Mr. LATOURETTE, Mr. CANTOR, Mr. RYUN of Kansas, Mr. KING of Iowa, Mr. OBERSTAR, Mr. PENCE, Mr. PICKERING, Mr. HAYES, Mr. BARTLETT of Maryland, Mr. ROGERS of Michigan, Mr. TOOMEY, Mr. SULLIVAN, and Mr. BURTON of Indiana):

H.R. 1755. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. MARKEY, Mr. PETERSON of Minnesota, Mr. DAVIS of Illinois, Ms. MILLENDER-MCDONALD, Mr. CARDOZA, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. KIND, Mr. DOOLEY of California, Mr. MOORE, Mr. OLVER, Mr. LANTOS, Mr. HONDA, Mr. CROWLEY, Mr. EMANUEL, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. HOLDEN, Mr. MURTHA, Mr. LARSON of Connecticut, Mr. DOYLE, and Mr. HOBSON):

H.R. 1756. A bill to amend the Internal Revenue Code of 1986 to require the abatement of interest on erroneous refund checks without regard to the size of the refund; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY:

H.R. 1757. A bill to amend title XIX of the Social Security Act to increase the personal needs allowance applied to institutionalized individuals under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. STRICKLAND (for himself, Mr. WHITFIELD, Mr. HOLDEN, Mr. KANJORSKI, Ms. SLAUGHTER, Mr. GIBBONS, Mr. BROWN of Ohio, Mrs. TAUSCHER, Ms. DEGETTE, Mr. UDALL of Colorado, Mr. COOPER, Mr. BEAUPREZ, Mr. MCGOVERN, Mr. MURTHA, Mr. INSLEE, Mr. DAVIS of Tennessee, Mr. FROST, Ms. BERKLEY, and Mr. UDALL of New Mexico):

H.R. 1758. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to improve the program of benefits for contractor employees of the Department of Energy who were exposed to toxic substances at Department of Energy facilities, to provide coverage under subtitle B of that Act for certain additional individuals and illnesses, to establish an ombudsman, to make technical corrections, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR of North Carolina (for himself and Mr. BALLENGER):

H.R. 1759. A bill to establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California (for himself, Mr. GEORGE MILLER of California, Mr. MATSUI, Mr. FARR, Mr. BLUMENAUER, Ms. SOLIS, Mrs. NAPOLITANO, Mr. BERMAN, Mr. HONDA, Ms. LEE, Ms. HARMAN, Mr. SCHIFF, Ms. WATSON, Ms. LOFGREN, Mr. LANTOS, Mrs. CAPPS, Ms. ESHOO, Mr. WAXMAN, Ms. WOOLSEY, Mr. SHERMAN, Mrs. DAVIS of California, and Mr. BACA):

H.R. 1760. A bill to establish water conservation and habitat restoration programs in the Klamath River basin and to provide emergency disaster assistance to fishermen, Indian tribes, small businesses, and others that suffer economic harm from the devastating effects of the Klamath River basin fish kill of 2002; to the Committee on Resources.

By Mr. TIAHRT:

H.R. 1761. A bill to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the "Garner E. Shriver Post Office Building"; to the Committee on Government Reform.

By Mr. TURNER of Ohio:

H.R. 1762. A bill to amend title 38, United States Code, to provide for preservation and protection of historic buildings under the jurisdiction of the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 1763. A bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WOLF:

H.R. 1764. A bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service employees who perform essential services during severe weather events; to the Committee on Government Reform.

By Mr. WOLF (for himself and Mr. SCOTT of Virginia):

H.R. 1765. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; to the Committee on the Judiciary.

By Mr. CHABOT (for himself, Mr. VITTER, Mr. SAXTON, Mr. KENNEDY of Minnesota, Ms. PRYCE of Ohio, Mr. GREEN of Wisconsin, Mr. SHAYS, Mr. RENZI, Mr. HAYWORTH, Mr. SHADEGG, Mr. BRADY of Texas, Mr. FOSSELLA, Mr. FLAKE, Mr. WALDEN of Oregon, Mr. ROYCE, and Mr. GALLEGLY):

H.J. Res. 48. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself and Mr. STENHOLM):

H.J. Res. 49. A joint resolution recognizing the important service to the Nation provided by the Foreign Agricultural Service of the Department of Agriculture on the occasion of its 50th anniversary; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. BARTON of Texas, Mr. CULBERSON, Mr. HALL, Mr. SHADEGG, Mr. ENGLISH, Mrs. MYRICK, Mr. SWEENEY, Mr. NORWOOD, Mr. MILLER of Florida, Mr. FOSSELLA, Mr. TOOMEY, Mr. BONILLA, Mr. FORBES, Mr. DOOLITTLE, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. HEFLEY, Mr. MICA, Mr. CANNON, Mr. FOLEY, Mr. RYUN of Kansas, Mr. ISAKSON, Mrs. CUBIN, Mr. DEMINT, Mr. CASTLE, Mr. TAYLOR of North Carolina, Ms. GRANGER, Mr. TAUZIN, Mr. GREEN of Wisconsin, Mr. SHIMKUS, Mr. BOEHNER, Mr. GIBBONS,

Mr. FLETCHER, Mr. PITTS, Mr. CAMP, Mr. BURTON of Indiana, Mr. FLAKE, Mr. HAYWORTH, Mr. GOODE, Mr. POMBO, Ms. GINNY BROWN-WAITE of Florida, Mr. KENNEDY of Minnesota, Mr. GARRETT of New Jersey, Mr. HASTINGS of Washington, Mr. RADANOVICH, Mr. JONES of North Carolina, Mr. HENSARLING, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. BURR, Mr. SIMMONS, and Mr. NEY):

H.J. Res. 50. A joint resolution proposing a tax limitation amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. KELLY:

H. Con. Res. 146. Concurrent resolution recognizing and supporting the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes; to the Committee on Armed Services.

By Mr. FOLEY (for himself, Mr. WAXMAN, Mr. SHIMKUS, Mr. BROWN of Ohio, Mr. KOLBE, Ms. SLAUGHTER, Mr. HERGER, Mr. MCNULTY, Mr. PALLONE, Mr. GREEN of Texas, Mr. ALLEN, Mrs. CAPPS, Mr. LAHOOD, and Mr. ENGEL):

H. Con. Res. 147. Concurrent resolution commemorating the 20th Anniversary of the Orphan Drug Act and the National Organization for Rare Disorders; to the Committee on Energy and Commerce.

By Mr. CARDIN:

H. Con. Res. 148. Concurrent resolution expressing the sense of the Congress that America's public education system belongs to all Americans and should be celebrated for the role the system plays in strengthening American values and ensuring a brighter, stronger future for this Nation; to the Committee on Education and the Workforce.

By Mr. MARKEY (for himself, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MEEHAN, Mr. DELAHUNT, Mr. MCGOVERN, Mr. TIERNEY, Mr. CAPUANO, and Mr. LYNCH):

H. Con. Res. 149. Concurrent resolution expressing support for the celebration of Patriot's Day on April 19th and honoring the Nation's first patriots; to the Committee on Government Reform.

By Mr. WILSON of South Carolina (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. BLUNT, Mr. CANTOR, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. HALL, Mr. COBLE, Mr. BARTON of Texas, Mr. HEFLEY, Mr. HERGER, Mr. ROHRABACHER, Mr. MCCRERY, Mr. KINGSTON, Mr. BARTLETT of Maryland, Mr. MANZULLO, Mr. JONES of North Carolina, Mrs. MYRICK, Mr. RYUN of Kansas, Mr. GOODE, Mr. ADERHOLT, Mr. TANCREDO, Mr. TERRY, Mr. BROWN of South Carolina, Mr. MILLER of Florida, Mr. SULLIVAN, Mr. BARRETT of South Carolina, Mr. MARIO DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. KING of Iowa, Mr. BURGESS, Mr. JANKLOW, Mr. CARTER, Mr. FRANKS of Arizona, and Mr. GARRETT of New Jersey):

H. Con. Res. 150. Concurrent resolution expressing the sense of Congress regarding the protection of religious sites and the freedom of access and worship; to the Committee on International Relations.

By Mr. RADANOVICH (for himself, Mr. SCHIFF, Mr. KNOLLENBERG, Mr. PALLONE, Mr. ACKERMAN, Mr. ANDREWS, Ms. BERKLEY, Mr. BERMAN, Mr. BILIRAKIS, Mr. BRADLEY of New Hampshire, Mr. CAPUANO, Mr. CARDOZA, Mr. COSTELLO, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. DOOLEY of California, Mr. DREIER, Mr. EMANUEL, Ms. ESHOO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. ISRAEL, Mr. KILDEE, Ms. KILPATRICK, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE, Mr. LEVIN, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. NORTON, Mr. NUNES, Mr. OLVER, Ms. PELOSI, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. SHAYS, Mr. SHERMAN, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. SOUDER, Mr. STARK, Mr. SWEENEY, Mr. UPTON, Mr. VAN HOLLEN, Mr. VISCLOSKY, Ms. WATSON, and Mr. WEINER):

H. Res. 193. A resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003; to the Committee on the Judiciary.

By Mr. CAPUANO (for himself, Mr. PAYNE, Mr. WOLF, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. SMITH of New Jersey, and Mr. WEXLER):

H. Res. 194. A resolution regarding the importance of international efforts to abolish slavery and other human rights abuses in the Sudan; to the Committee on International Relations.

By Mr. GUTIERREZ (for himself, Ms. VELAZQUEZ, Mr. LIPINSKI, Mr. SERRANO, Ms. SOLIS, Mr. RODRIGUEZ, Mr. COSTELLO, Mr. MENENDEZ, Mr. DAVIS of Illinois, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. RUSH, and Mr. JACKSON of Illinois):

H. Res. 195. A resolution congratulating Sammy Sosa of the Chicago Cubs for hitting 500 major league home runs; to the Committee on Government Reform.

By Mr. MEEKS of New York:

H. Res. 196. A resolution congratulating the Saint John's University men's basketball team for winning the 2003 National Invitation Tournament basketball championship; to the Committee on Education and the Workforce.

¶39.46 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

20. The SPEAKER presented a memorial of the Legislature of the State of Kansas, relative to Senate Concurrent Resolution No. 1604 memorializing the United States Congress to approve federal energy legislation that promotes and expands the use of ethanol and biodiesel in the nation's fuel supply; to the Committee on Energy and Commerce.

21. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6019 memorializing the United States Congress to urge the government to begin preparing now to address the health needs of veterans of Operation Iraqi Freedom; to the Committee on Veterans' Affairs.

¶39.47 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Ms. HART and Mr. RYUN of Kansas.

H.R. 20: Ms. LOFGREN, Ms. ESHOO, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, and Mr. SANDLIN.

H.R. 25: Mr. AKIN.

H.R. 31: Mr. COLLINS.

H.R. 33: Mr. REHBERG.

H.R. 49: Mr. GOODE.

H.R. 100: Mr. COOPER.

H.R. 111: Mr. KNOLLENBERG.

H.R. 126: Mr. OWENS, Mr. MICHAUD, and Ms. BORDALLO.

H.R. 130: Mr. GRIJALVA, Mr. LATOURETTE, Ms. MCCOLLUM, Mr. PETERSON of Minnesota, and Mr. RYAN of Ohio.

H.R. 173: Mr. PETERSON of Pennsylvania, Ms. PRYCE of Ohio, Mr. KANJORSKI, Mr. CALVERT, and Mr. VISCLOSKY.

H.R. 199: Mr. SOUDER.

H.R. 290: Mrs. MCCARTHY of New York and Mr. LAHOOD.

H.R. 299: Mr. CROWLEY.

H.R. 302: Mr. DAVIS of Tennessee.

H.R. 303: Mr. DOOLITTLE and Mr. KUCINICH.

H.R. 348: Mr. SANDERS.

H.R. 356: Mr. REYES.

H.R. 369: Mr. COOPER.

H.R. 370: Mr. HINOJOSA.

H.R. 371: Mr. KILDEE, Mr. GRIJALVA, Mr. JEFFERSON, Mr. DOYLE, and Mr. NETHERCUTT.

H.R. 375: Mr. AKIN and Mr. ISRAEL.

H.R. 380: Mr. PEARCE.

H.R. 382: Mr. GREENWOOD.

H.R. 463: Mr. SHAYS, Mr. DREIER, and Mr. SHERMAN.

H.R. 498: Mr. AKIN.

H.R. 527: Mrs. MALONEY and Mr. COOPER.

H.R. 548: Mr. ORTIZ, Mr. BLUMENAUER, Mr. DOYLE, Mr. BURGESS, Mr. LUCAS of Oklahoma, Mr. DEAL of Georgia, Mr. VAN HOLLEN, Mr. TANNER, Mr. BLUNT, and Mr. ROGERS of Alabama.

H.R. 569: Mr. MCGOVERN.

H.R. 571: Mr. HALL and Mr. CHOCOLA.

H.R. 648: Mr. WELDON of Florida.

H.R. 664: Mr. STRICKLAND, Mr. CONYERS, and Mr. FRANKS of Arizona.

H.R. 677: Mr. STRICKLAND.

H.R. 728: Mr. MCHUGH and Mr. GOODLATTE.

H.R. 731: Mr. STUPAK, Mr. CARDOZA, Ms. LINDA T. SANCHEZ of California, Mr. BISHOP of New York, Mr. LEWIS of Georgia, and Mr. SERRANO.

H.R. 737: Mr. KUCINICH and Mrs. MALONEY.

H.R. 740: Ms. CARSON of Indiana.

H.R. 756: Mr. JANKLOW.

H.R. 803: Mr. RYUN of Kansas.

H.R. 814: Mr. SCHIFF, Mr. HOLT, Ms. LEE, and Mr. LUCAS of Kentucky.

H.R. 816: Mr. TIERNEY.

H.R. 871: Mr. CARDOZA and Mr. WALDEN of Oregon.

H.R. 876: Mr. BOSWELL and Mr. LATOURETTE.

H.R. 898: Mr. FILNER, Ms. ESHOO, Mr. SANDLIN, Mr. REYES, Mr. BROWN of Ohio, Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. EMANUEL, Ms. KILPATRICK, Mr. HOLT, Ms. MAJETTE, Mr. CASE, Mr. WEINER, Mr. SNYDER, Mr. SCOTT of Virginia, Mr. MORAN of Virginia, Ms. HOOLEY of Oregon, Mr. GREEN of Texas, Mr. MATSUI, Mr. HONDA, Ms. SCHAKOWSKY, Mr. MCDERMOTT, and Mr. MEEHAN.

H.R. 919: Mr. STRICKLAND, Mr. MORAN of Virginia, Mr. BROWN of Ohio, and Mr. MCDERMOTT.

H.R. 927: Mr. LAHOOD, Mr. LUCAS of Kentucky, Mr. BOSWELL, and Mr. AKIN.

H.R. 935: Mr. LEACH.

H.R. 936: Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, and Mr. PASTOR.

H.R. 970: Mr. COBLE, Mr. PAYNE, Mr. LANTOS, Mr. DAVIS of Alabama, Mr. SESSIONS, and Mr. HOUGHTON.

H.R. 977: Mr. DEFAZIO.

H.R. 980: Mr. CAMP.

H.R. 1002: Mr. REYNOLDS, Mr. NETHERCUTT, Mr. SULLIVAN, Mr. PRICE of North Carolina, Ms. SLAUGHTER, Mr. DUNCAN, and Mr. DAVIS of Tennessee.

H.R. 1031: Mr. DAVIS of Florida.
H.R. 1046: Mr. PETERSON of Minnesota, Mr. MILLER of North Carolina, Mr. CHOCOLA, and Mr. WALSH
H.R. 1070: Mr. PASTOR.
H.R. 1083: Mr. COOPER, Mr. DAVIS of Tennessee, and Mr. LAHOOD.
H.R. 1115: Mr. SCOTT of Georgia.
H.R. 1117: Mr. GRAVES and Mr. MCHUGH.
H.R. 1118: Ms. MCCOLLUM and Mr. TERRY.
H.R. 1120: Mr. COOPER.
H.R. 1157: Mr. HOLT and Mr. HOEFFEL.
H.R. 1162: Mr. BELL.
H.R. 1163: Mr. TERRY and Mr. FRANKS of Arizona.
H.R. 1170: Mrs. EMERSON.
H.R. 1175: Mr. MILLER of Florida.
H.R. 1222: Mr. BONILLA and Mr. TERRY.
H.R. 1225: Mr. JENKINS, Mr. BERRY, Mr. HOUGHTON, and Mr. DAVIS of Tennessee.
H.R. 1229: Mr. FRANKS of Arizona, Mr. MILLER of Florida, Mr. AKIN, Mr. LAHOOD, and Mr. BOOZMAN.
H.R. 1240: Mr. FATTAH.
H.R. 1241: Mr. DEUTSCH, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. SCHAKOWSKY.
H.R. 1242: Mr. OWENS, Ms. KAPTUR, Mr. COOPER, Mr. ALLEN, and Mr. EVANS.
H.R. 1258: Mr. WU, Mr. NADLER, Mr. HINOJOSA, Mr. DAVIS of Illinois, and Mr. TOWNS.
H.R. 1260: Mr. WHITFIELD, Mr. GILCHREST, and Mr. BOSWELL.
H.R. 1261: Mr. BALLENGER and Mr. COLE.
H.R. 1275: Mr. COOPER.
H.R. 1279: Mr. BLUNT, Mrs. BLACKBURN, Mr. PRICE of North Carolina, Mr. JONES of North Carolina, and Mr. TERRY
H.R. 1288: Mr. REYNOLDS, Mr. WILSON of South Carolina, Ms. KAPTUR, Mr. ISAKSON, Mr. MATHESON, Mr. FORD, Mr. HAYWORTH, Mr. STEARNS, Ms. KILPATRICK, Mr. RANGEL, Mr. MORAN of Virginia, and Mr. LAHOOD
H.R. 1323: Mr. HONDA and Ms. SCHAKOWSKY.
H.R. 1331: Mrs. CUBIN.
H.R. 1336: Mr. MCINNIS and Mr. RODRIGUEZ.
H.R. 1348: Mr. ISRAEL.
H.R. 1357: Mr. PAYNE, Mr. SANDERS, Mr. OWENS, Mr. GONZALEZ, Mr. FARR, Ms. SCHAKOWSKY, and Mr. ENGEL.
H.R. 1358: Mr. SHAYS.
H.R. 1377: Mr. DAVIS of Tennessee and Mr. JANKLOW.
H.R. 1397: Ms. WOOLSEY.
H.R. 1422: Mr. OWENS, Mr. SESSIONS, Mr. SCHIFF, Mr. KENNEDY of Rhode Island, and Mr. CRANE.
H.R. 1426: Mr. CAMP, Mr. MATSUI, and Mr. GRIJALVA.
H.R. 1429: Mr. WEXLER and Ms. WOOLSEY.
H.R. 1443: Mr. SAXTON.
H.R. 1445: Mr. LARSON of Connecticut and Mr. SIMMONS.
H.R. 1448: Mr. MCNULTY, Mr. HINCHEY, Mr. KILDEE, Ms. KAPTUR, Ms. WOOLSEY, and Ms. CARSON of Indiana.
H.R. 1470: Mr. COOPER and Mr. HOLDEN.
H.R. 1474: Mr. SHAYS, Mr. ALEXANDER, Mr. NEY, Ms. PRYCE of Ohio, Mr. SESSIONS, Mr. MOORE, Mr. CLAY, Ms. HARRIS, Mr. HENSARLING, and Mrs. MALONEY.
H.R. 1478: Mr. DUNCAN.
H.R. 1480: Mr. JACKSON of Illinois, Mr. MEEK of Florida, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Mr. WEINER, Mr. CAPUANO, Mr. WU, Mr. MCGOVERN, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSON of Connecticut, Mr. DOYLE, and Mr. MCINTYRE.
H.R. 1508: Ms. LEE, Ms. NORTON, Mr. WYNN, Mr. CLAY, Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GRIJALVA.
H.R. 1510: Mr. DEUTSCH.
H.R. 1513: Mr. HAYWORTH and Mr. FOLEY.
H.R. 1530: Mr. BLUNT.
H.R. 1540: Mrs. JONES of Ohio.
H.R. 1545: Mr. GRAVES.
H.R. 1554: Mr. GRIJALVA, Mr. RODRIGUEZ, Mr. GUTIERREZ, and Mr. ACEVEDO-VILA.
H.R. 1568: Mr. ORTIZ.
H.R. 1582: Mr. GILLMOR.
H.R. 1586: Mr. BRADY of Texas, Mr. KIRK, Mrs. BLACKBURN, Mr. COLE, and Mr. TIBERI.
H.R. 1615: Mr. NEAL of Massachusetts and Mr. Payne.
H.R. 1627: Mr. MURTHA.
H.R. 1652: Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. FROST, Ms. SOLIS, and Mr. WYNN.
H.R. 1661: Ms. KAPTUR and Mr. ISRAEL.
H.R. 1662: Mr. LINDER, Mr. GARY G. MILLER of California, Mr. AKIN, and Mr. SHADEGG.
H.R. 1674: Mr. HAYWORTH, Ms. DUNN, Mr. HERGER, and Mr. TANNER.
H.R. 1675: Mr. BEREUTER, Mr. MURTHA, Mr. NETHERCUTT, Mr. HAYES, and Mr. MARSHALL.
H.R. 1677: Mr. BRADY of Pennsylvania.
H.R. 1690: Mr. SANDERS.
H.R. 1692: Ms. BERKLEY.
H.R. 1693: Mr. WYNN.
H.R. 1698: Mr. FLAKE.
H.J. Res. 36: Mr. UPTON, Mr. GOODE, Mr. MCNULTY, and Mr. SANDERS.
H.J. Res. 37: Mr. QUINN.
H.J. Res. 40: Mr. GOODE.
H.J. Res. 46: Mr. STEARNS.
H. Con. Res. 6: Mr. MCNULTY.
H. Con. Res. 49: Mr. BURNS, Mr. SOUDER, Mr. KUCINICH, Mr. GUTIERREZ, Mr. ROTHMAN, and Ms. HARMAN.
H. Con. Res. 78: Ms. CORRINE BROWN of Florida.
H. Con. Res. 98: Ms. DUNN, Mr. LINDER, and Mr. WYNN.
H. Con. Res. 130: Ms. KILPATRICK, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. CONYERS, Mr. DOOLEY of California, Ms. LINDA T. SANCHEZ of California, Mr. SCOTT of Georgia, Mr. JEFFERSON, Ms. MILLENDER-MCDONALD, Mr. SCOTT of Virginia, Mr. BECERRA, Mr. REYES, Mrs. NAPOLITANO, Ms. VELAZQUEZ, and Mr. RODRIGUEZ.
H. Res. 108: Mr. FRANK of Massachusetts.
H. Res. 118: Mr. BEREUTER.
H. Res. 129: Ms. BERKLEY.
H. Res. 136: Mr. SULLIVAN and Mr. STRICKLAND.
H. Res. 177: Mr. BEREUTER.

¶39.48 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

9. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 67 of 2003 petitioning the United States Congress to enact the Mentally Ill Offender Treatment and Crime Reduction Act of 2002; to the Committee on the Judiciary.

10. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 64 of 2003 petitioning the United States Congress to urge federal, state and railroad officials to support and assist Rockland County's effort to establish a quiet zone on the west shore (river) freight rail line within Rockland County; to the Committee on Transportation and Infrastructure.

¶39.49 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 953: Mr. HASTINGS of Washington.

FRIDAY, APRIL 11, 2003 (40)

¶40.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. DREIER, who laid before the House the following communication:

WASHINGTON, DC,
April 11, 2003.

I hereby appoint the Honorable DAVID DREIER to act as Speaker pro tempore on this day.

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

¶40.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DREIER, announced he had examined and approved the Journal of the proceedings of Thursday, April 10, 2003.

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

¶40.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1793. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 00-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1794. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1795. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James C. Riley, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1796. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph K . Kellogg, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1797. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 03-14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1798. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 03-11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1799. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized retransfer of U.S.-origin defense articles pursuant to Section 3 of the Arms Export Control Act (AECA); to the Committee on International Relations.

1800. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-53, ''Closing of a Portion of a Public Alley in Square S.O. 02-2491, Act of 2003'' received April 11, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1801. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1802. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1803. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the

Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lindstrand Balloons Ltd Fuel Hoses [Docket No. 2002-CE-50-AD; Amendment 39-13078; AD 2003-05-02] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes [Docket No. 2003-CE-13-AD; Amendment 39-13150; AD 2003-07-09] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model BAe.125 Series 800A, 800A (C-29A), 800A (U-125), and 800B Airplanes; Model BH.125 Series 400A Airplanes; Model DH.125 Series Airplanes; Model Hawker 800, 800 (U-125A), and 800XP Airplanes; and Model HS.125 Series F3B, F3B/RA, F400B, F403B, 1B, 1B-522, 1B/R-522, 1B/S-522, 3B, 3B/R, 3B/RA, 3B/RB, 3B/RC, 400B, 400B/1, 401B, 403A(C), and 403B Airplanes [Docket No. 2002-NM-268-AD; Amendment 39-13103; AD 2003-07-07] (RIN: 2120-AA64) Received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 Airplanes That Have Been Modified in Accordance with Supplemental Type Certificates (STC) ST00973WI-D [Docket No. 2002-NM-31-AD; Amendment 39-12694; AD 2002-06-16] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robert E. Rust Models DeHavilland DH.C1 Chipmunk 21, 22, and 22A Airplanes [Docket No. 2000-CE-66-AD; Amendment 39-13082; AD 2003-05-06] (RIN: 2120-AA64) received April 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robert E. Rust Models DeHavilland DH.C1 Chipmunk 21, 22,and 22A Airplanes [Docket No. 2000-CE-63-AD; Amendment 39-13081; AD 2003-05-05] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1810. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Moundridge, KS [Airspace Docket No. 02-ACE-12] received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1811. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Presque Isle, ME [Docket No. FAA-2003-14346; Airspace Docket No. 2003-ANE-101] received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1812. A letter from the Senior Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for Cargo Tanks [Docket No. RSPA-98-3554 (HM-213)] (RIN: 2137-AC90) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶40.4 MESSAGE FROM THE SENATE

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

H.R. 1505. An Act to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the ''Jim Richardson Post Office.''

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 538. An Act to amend the Public Health service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 783. An Act to expedite the granting of posthumous citizenship to members of the United States Armed Forces.

S. 870. An Act to amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 151) ''An Act to amend title 18, United States Code, with respect to the sexual exploitation of children''.

The message also announced that pursuant to Public Law 85–874, as amended, the Chair, on behalf of the President of the Senate, appoints the Senator from Texas [Mrs. HUTCHISON] to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, vice the Senator from Nevada [Mr. REID].

¶40.5 ENERGY POLICY

The SPEAKER pro tempore, Mr. DREIER, pursuant to House Resolution 189 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

The Acting Chairman, Mr. LAHOOD assumed the Chair; and after some time spent therein,

¶40.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. KIND:

In division C, strike title II.

It was decided in the negative ..... { Yeas ..... 171 / Nays 251

¶40.7 [Roll No. 142]

AYES—171

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOES—251

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss

Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—12

Blumenauer
Combest
Fattah
Gephardt
Houghton
McCarthy (MO)
Paul
Quinn
Reyes
Towns
Waxman
Young (AK)

So the amendment was not agreed to.

¶40.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. RAHALL:

In division C, strike title VII.

It was decided in the negative ..... { Yeas ..... 208 / Nays 212

¶40.9 [Roll No. 143]

AYES—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berman
Berry
Bishop (NY)
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Ford
Frank (MA)
Frost
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wilson (SC)
Woolsey
Wu
Wynn

NOES—212

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

NOT VOTING—14

Blumenauer
Combest
Fattah
Gephardt
Houghton
McCarthy (MO)
Paul
Quinn
Radanovich
Reyes
Shuster
Towns
Waxman
Young (AK)

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. CULBERSON, Acting Chairman, pursuant to House Resolution 189, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of Union, were agreed to:

In division C, in section 30407(a), strike ''and'' after the semicolon at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; and'', and add at the end the following:

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

In division C, at the end of section 30409 add the following:

(c) USE OF BONUS PAYMENTS FOR LOW-INCOME HOME ENERGY ASSISTANCE.—Amounts that are received by the United States as bonuses for leases under this title and deposited into the Treasury under subsection (a)(2) may be appropriated to the Secretary of the Health and Human Services, in addition to amounts otherwise available, to provide assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

After the table of contents, insert the following new section:

SEC. 2. ENERGY POLICY.

It is the sense of the Congress that the United States should take all actions necessary in the areas of conservation, efficiency, alternative source, technology development, and domestic production to reduce the United States dependence on foreign energy sources from 58 percent to 45 percent by January 1, 2013.

Page 34, starting on line 12 (in section 11006(f)), strike ''the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate'' and insert ''Congress''.

Page 41, line 24 (in the matter proposed to be inserted by section 11010(a) as section 6005(c)(3) of the Solid Waste Disposal Act), strike ''the Committee'' and all the follows through ''Representatives'' on page 42, line 4, and insert ''Congress''.

Page 43, before line 5 (at the end of subtitle A of title I of division A), insert the following new section (and conform the table of contents accordingly):

SEC. 11011. TELECOMMUTING STUDY.

(a) STUDY REQUIRED.—The Secretary, in consultation with the Commission, the Director of the Office of Personnel Management, the Administrator of General Services, and the Administrator of NTIA, shall conduct a study of the energy conservation implications of the widespread adoption of telecommuting by Federal employees in the United States.

(b) REQUIRED SUBJECTS OF STUDY.—The study required by subsection (a) shall analyze the following subjects in relation to the energy saving potential of telecommuting by Federal employees:

(1) Reductions of energy use and energy costs in commuting and regular office heating, cooling, and other operations.

(2) Other energy reductions accomplished by telecommuting.

(3) Existing regulatory barriers that hamper telecommuting, including barriers to broadband telecommunications services deployment.

(4) Collateral benefits to the environment, family life, and other values.

(c) REPORT REQUIRED.—The Secretary shall submit to the President and the Congress a report on the study required by this section not later than 6 months after the date of the enactment of this Act. Such report shall include a description of the results of the analysis of each of the subject described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) NTIA.—The term ''NTIA'' means the National Telecommunications and Information Administration of the Department of Commerce.

(4) TELECOMMUTING.—The term ''telecommuting'' means the performance of work functions using communications technologies, thereby eliminating or substantially reducing the need to commute to and from traditional worksites.

(5) FEDERAL EMPLOYEE.—The term ''Federal employee'' has the meaning provided the term ''employee'' by section 2105 of title 5, United States Code.

Page 182, after line 6 (at the end of subtitle D of title IV of division A), insert the following new section (and conform the table of contents accordingly):

SEC. 15050. STUDY ON REDUCING PETROLEUM CONSUMPTION.

(a) IN GENERAL.—The Administrator of General Services, in cooperation with the Secretary of Energy, shall conduct a study to consider the merits of establishing performance measures to guide the reduction of petroleum consumption by Federal fleets.

(b) MATTERS TO BE ADDRESSED.—The study shall assess the feasibility of performance measures—

(1) to enable agency and congressional decisionmakers to establish annual and long-term performance goals to define the level of petroleum consumption reduction to be achieved by Federal fleets;

(2) to improve the effectiveness and accountability of Federal efforts to reduce petroleum consumption and dependency;

(3) to enhance decisionmaking by providing objective information on achieving performance objectives; and

(4) to provide an alternative to the mandated alternative fueled vehicle requirements in section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

(c) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to the Committees on Environment and Public Works and Governmental Affairs of the Senate and the Committees on Energy and Commerce and Government Reform of the House of Representatives a report on the study.

Page 43, before line 5, insert the following:

SEC. 11011. USE OF PHOTOVOLTAIC ENERGY IN PUBLIC BUILDINGS.

(a) IN GENERAL.—Subchapter VI of chapter 31 of title 40, United States Code, is amended by adding at the end the following:

"§ 3177. Use of photovoltaic energy in public buildings

''(a) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—

''(1) IN GENERAL.—The Administrator of General Services may establish a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar electric systems for electric production in new and existing public buildings.

''(2) PURPOSES.—The purposes of the program shall be to accomplish the following:

''(A) To accelerate the growth of a commercially viable photovoltaic industry to make this energy system available to the general public as an option which can reduce the national consumption of fossil fuel.

''(B) To reduce the fossil fuel consumption and costs of the Federal Government.

''(C) To attain the goal of installing solar energy systems in 20,000 Federal buildings by 2010, as contained in the Federal Government's Million Solar Roof Initiative of 1997.

''(D) To stimulate the general use within the Federal Government of life-cycle costing and innovative procurement methods.

''(E) To develop program performance data to support policy decisions on future incentive programs with respect to energy.

''(3) ACQUISITION OF PHOTOVOLTAIC SOLAR ELECTRIC SYSTEMS.—

''(A) IN GENERAL.—The program shall provide for the acquisition of photovoltaic solar electric systems and associated storage capability for use in public buildings.

''(B) ACQUISITION LEVELS.—The acquisition of photovoltaic electric systems shall be at a level substantial enough to allow use of low-cost production techniques with at least 150 megawatts (peak) cumulative acquired during the 5 years of the program.

''(4) ADMINISTRATION.—The Administrator shall administer the program and shall—

''(A) prescribe such rules and regulations as may be appropriate to monitor and assess the performance and operation of photovoltaic solar electric systems installed pursuant to this subsection;

''(B) develop innovative procurement strategies for the acquisition of such systems; and

''(C) transmit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Environment and Public Works of the Senate an annual report on the results of the program.

''(b) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator, in consultation with the Secretary of Energy, shall establish a photovoltaic solar energy systems evaluation program to evaluate such photovoltaic solar energy systems as are required in public buildings.

''(2) PROGRAM REQUIREMENT.—In evaluating photovoltaic solar energy systems under the program, the Administrator shall ensure that such systems reflect the most advanced technology.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—There is authorized to be appropriated to carry out subsection (a) $210,000,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.

''(2) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—There is authorized to be appropriated to carry out subsection (b) $52,700,000 for each of fiscal years 2004 through 2008. Such sums shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 3176 the following:

''3177. Use of photovoltaic energy in public buildings''.

In division A, section 14032, in the proposed section 307(d)—

(1) strike ''and'' at the end of paragraph (6);

(2) strike the period, close quotation mark, and period at the end of paragraph (7) and insert ''; and''; and

(3) add at the end the following new paragraph:

''(8) accelerating the purchase of excess weapons grade plutonium and uranium from Russia to reduce the likelihood that such plutonium and uranium could be stolen or sold to terrorists.''.

At the end of subtitle B of title IV of division A, insert the following new section:

SEC. 14036. TRANSFER.

Not later than December 31, 2003, the Secretary of Energy shall transmit to the Congress a plan for the transfer to the Secretary of title to, and full responsibility for the possession, transportation, disposal, stewardship, maintenance, and monitoring of, all facilities, property, and radioactive waste at the Western New York Service Center in West Valley, New York. The Secretary shall consult with the President of the New York State Energy Research and Development Authority in developing such plan.

At the end of subtitle B of title IV of division A, insert the following new section:

SEC. 14036. STUDY TO DETERMINE FEASIBILITY OF DEVELOPING COMMERCIAL NUCLEAR ENERGY PRODUCTION FACILITIES AT EXISTING DEPARTMENT OF ENERGY SITES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study to determine the feasibility of developing commercial nuclear energy production facilities at Department of Energy sites in existence on the date of the enactment of this Act, including—

(1) options for how and where nuclear power plants can be developed on existing Department of Energy sites;

(2) estimates on cost savings to the Federal Government that may be realized by locating new nuclear power plants on Federal sites;

(3) the feasibility of incorporating new technology into nuclear power plants located on Federal sites;

(4) potential improvements in the licensing and safety oversight procedures of nuclear power plants located on Federal sites;

(5) an assessment of the effects of nuclear waste management policies and projects as a result of locating nuclear power plants located on Federal sites; and

(6) any other factors that the Secretary believes would be relevant in making the determination.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

At the end of subtitle D of title V of division A, insert the following new section:

SEC. 15050. CONSERVE BY BICYCLING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term ''program'' means the Conserve by Bicycling Program established by subsection (b).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the ''Conserve by Bicycling Program''.

(c) PROJECTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) REQUIREMENTS.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;

(ii) law enforcement;

(iii) education;

(iv) public health;

(v) environment; and

(vi) energy;

(D) maximize bicycle facility investments;

(E) demonstrate methods that may be used in other regions of the United States; and

(F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) COST SHARING.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

(d) ENERGY AND BICYCLING RESEARCH STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) COMPONENTS.—The study shall—

(A) document the results or progress of the pilot projects under subsection (c);

(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying capacity of bicycles; and

(iv) bicycle infrastructure;

(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(D) include a cost-benefit analysis of bicycle infrastructure investments; and

(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,200,000, to remain available until expended, of which—

(1) $5,150,000 shall be used to carry out pilot projects described in subsection (c);

(2) $300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

(3) $750,000 shall be used to carry out subsection (d).

In Division A, in title VII, subtitle A, after section 17107, insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 17107A. REDUCING THE PROLIFERATION BOUTIQUE FUELS.

(a) EPA APPROVAL OF STATE PLANS WITH BOUTIQUE FUELS.—Section 211(c)(4) of the Clean Air Act (42 U.S.C. 7545(c)(4)) is amended by adding the following at the end thereof:

''(D) In the case of gasoline, after the enactment of this subparagraph, the Administrator shall give a preference to the approval of implementation plan provisions described in subparagraph (C) if the control or prohibition in such provisions requires the use of either of the following:

''(i) Federal clean burning fuel meeting the requirements of subsection (p)(1).

''(ii) Low RVP gasoline meeting the requirements of subsection (p)(2).''.

(b) PREFERRED GASOLINE OPTIONS.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding the following new subsection at the end thereof:

''(r) PREFERRED GASOLINE OPTIONS.—

''(1) FEDERAL CLEAN BURNING GASOLINE.—For purposes of this section, the term 'Federal clean burning gasoline' means reformulated gasoline as defined in subsection (k), the Reid Vapor Pressure of which is equal to 6.8 pounds per square inch (psi) for the high ozone season (as determined by the Administrator).

''(2) LOW RVP GASOLINE.—The Administrator shall promulgate regulations providing for a gasoline blend for the high ozone season (as determined by the Administrator) having a Reid Vapor Pressure of 7.8 pounds per square inch (psi).''.

In division B, at the end of title II, insert the following new section:

SEC. 22003. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Secretary of Energy should develop and implement more stringent procurement and inventory controls, including controls on the purchase card program, to prevent waste, fraud, and abuse of taxpayer funds by employees and contractors of the Department of Energy; and

(2) the Department's Inspector General should continue to closely review purchase card purchases and other procurement and inventory practices at the Department.

In division B, title II, at the end insert the following new section:

SEC. 22003. REPORT ON EQUAL EMPLOYMENT OPPORTUNITY PRACTICES.

Not later than twelve months after the date of enactment of this Act, and biennially thereafter, the Secretary shall transmit to Congress a report on the equal employment opportunity practices at Department of Energy National laboratories. Such report shall include—

(1) a thorough review of each laboratory contractor's equal employment opportunity policies, including promotion to management and professional positions and pay raises;

(2) a statistical report on complaints and their disposition in the laboratories;

(3) a description of how equal employment opportunity practices at the laboratories are treated in the contract and in calculating award fees for each contractor;

(4) a summary of disciplinary actions and their disposition by either the Department or the relevant contractors for each laboratory;

(5) a summary of outreach efforts to attract women and minorities to the laboratories;

(6) a summary of efforts to retain women and minorities in the laboratories; and

(7) a summary of collaboration efforts with the Office of Federal Contract Compliance Programs to improve equal employment opportunity practices at the laboratories.

Strike section 30220.

Strike Section 42011.

At the end of the bill add the following:

DIVISION—MISCELLANEOUS PROVISIONS

SEC. 01. ENCOURAGING PROHIBITION OF OFF-SHORE DRILLING IN THE GREAT LAKES.

(a) FINDINGS.—The Congress finds that—

(1) the water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and the Canadian Province of Ontario;

(2) the environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling;

(3) in accordance with the Submerged Lands Act (43 U.S.C. 1301 et seq.), each State that borders any of the Great Lakes has authority over the area between that State's coastline and the boundary of Canada or another State;

(4) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin each have a statutory prohibition of off-shore drilling in the Great Lakes for oil and gas;

(5) the States of Indiana, Minnesota, and Ohio do not have such a prohibition; and

(6) the Canadian Province of Ontario does not have such a prohibition, and drilling for and production of gas occurs in the Canadian portion of Lake Erie.

(b) ENCOURAGEMENT OF PROHIBITIONS ON OFF-SHORE DRILLING.—The Congress encourages—

(1) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin to continue to prohibit off-shore drilling in the Great Lakes for oil and gas;

(2) the States of Indiana, Minnesota, and Ohio and the Canadian Province of Ontario to enact a prohibition of such drilling; and

(3) the Canadian Province of Ontario to require the cessation of any such drilling and any production resulting from such drilling.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. DINGELL moved to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendments:

Strike title III of Division A and insert the following:

TITLE III—HYDROELECTRIC ENERGY

SEC. 13001. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the following:

''(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls deems a condition to such license to be necessary under the first proviso of subsection (e), the license applicant or any other party to the licensing proceeding may propose an alternative condition.

''(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative condition, that the alternative condition—

''(A) provides no less protection for the reservation than provided by the condition deemed necessary by the Secretary; and

''(B) will either—

''(i) cost less to implement, or

''(ii) result in improved operation of the project works for electricity production,

as compared to the condition deemed necessary by the Secretary.

''(3) Within 1 year after the enactment of this subsection, each Secretary concerned shall, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.''.

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

(1) inserting ''(a)'' before the first sentence; and

(2) adding at the end the following:

''(b)(1) Whenever the Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of Commerce under this section, the licensee or any other party to the proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

''(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative, that the alternative—

''(A) will be no less effective than the fishway initially prescribed by the Secretary, and

''(B) will either—

''(i) cost less to implement, or

''(ii) result in improved operation of the project works for electricity production,

as compared to the fishway initially prescribed by the Secretary.

''(3) Within 1 year after the enactment of this subsection, the Secretary of the Interior and the Secretary of Commerce shall each, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.''.

SEC. 13002. FERC DATA ON HYDROELECTRIC LICENSING.

(a) DATA COLLECTION PROCEDURES.—The Federal Energy Regulatory Commission shall revise its procedures regarding the collection of data in connection with the Commission's consideration of hydroelectric licenses under the Federal Power Act. Such revised data collection procedures shall be designed to provide the Commission with complete and accurate information concerning the time and costs to parties involved in the licensing process. Such data shall be available for each significant stage in the licensing process and shall be designed to identify projects with similar characteristics so that analyses can be made of the time and costs involved in licensing proceedings based upon the different characteristics of those proceedings.

(b) REPORTS.—Within 6 months after the date of the enactment of this Act, the Commission shall notify the Committee on Energy and Commerce of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of the progress made by the Commission under subsection (a), and within 1 year after such date of the enactment, the Commission shall submit a report to such Committees specifying the measures taken by the Commission pursuant to subsection (a).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. DINGELL demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 171 / Nays ..... 250 }

¶40.10 [Roll No. 144]

AYES—171

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

NOES—250

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

NOT VOTING—13

Blumenauer
Combest
Fattah
Gephardt
Houghton
Kaptur
McCarthy (MO)
Miller, George
Paul
Quinn
Reyes
Towns
Waxman

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. TAUZIN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 247 / Nays ..... 175 }

¶40.11 [Roll No. 145]

AYES—247

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell

Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—175

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Berkley
Berman
Berry
Bishop (NY)
Boehlert
Boswell
Boyd
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frelinghuysen
Gonzalez
Goode
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (CT)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Blumenauer
Bono
Combest
Fattah
Gephardt
Houghton
McCarthy (MO)
Miller, George
Paul
Quinn
Reyes
Towns
Waxman

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶40.12 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. TAUZIN, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

¶40.13 CLEAN DIAMOND TRADE

On motion of Mr. THOMAS, by unanimous consent, the bill (H.R. 1584) to implement effective measures to stop trade in conflict diamonds, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Diamond Trade Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels and state actors to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights and humanitarian advocates, the diamond trade as represented by the World Diamond Council, and the United States Government have been working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. The United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the ''Kimberley Process'', toward devising a solution to this problem. As the consumer of a majority of the world's supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(8) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

(9) The Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002, states that Participants will ensure that measures taken to implement the Kimberley Process Certification Scheme for Rough Diamonds will be consistent with international trade rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, and the Committee on Finance and the Committee on Foreign Relations of the Senate.

(2) CONTROLLED THROUGH THE KIMBERLEY PROCESS CERTIFICATION SCHEME.—An importation or exportation of rough diamonds is ''controlled through the Kimberley Process Certification Scheme'' if it is an importation from the territory of a Participant or exportation to the

territory of a Participant of rough diamonds that is—

(A) carried out in accordance with the Kimberley Process Certification Scheme, as set forth in regulations promulgated by the President; or

(B) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the Kimberley Process Certification Scheme.

(3) EXPORTING AUTHORITY.—The term ''exporting authority'' means 1 or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate the Kimberley Process Certificate.

(4) IMPORTING AUTHORITY.—The term ''importing authority'' means 1 or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regulating imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

(5) KIMBERLEY PROCESS CERTIFICATE.—The term ''Kimberley Process Certificate'' means a forgery resistant document of a Participant that demonstrates that an importation or exportation of rough diamonds has been controlled through the Kimberley Process Certification Scheme and contains the minimum elements set forth in Annex I to the Kimberley Process Certification Scheme.

(6) KIMBERLEY PROCESS CERTIFICATION SCHEME.—The term ''Kimberley Process Certification Scheme' means those standards, practices, and procedures of the international certification scheme for rough diamonds presented in the document entitled ''Kimberley Process Certification Scheme'' referred to in the Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002.

(7) PARTICIPANT.—The term ''Participant'' means a state, customs territory, or regional economic integration organization identified by the Secretary of State.

(8) PERSON.—The term ''person'' means an individual or entity.

(9) ROUGH DIAMOND.—The term ''rough diamond'' means any diamond that is unworked or simply sawn, cleaved, or bruted and classifiable under subheading 7102.10, 7102.21, or 7102.31 of the Harmonized Tariff Schedule of the United States.

(10) UNITED STATES.—The term ''United States'', when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any United States citizen or any alien admitted for permanent residence into the United States;

(B) any entity organized under the laws of the United States or any jurisdiction within the United States (including its foreign branches); and

(C) any person in the United States.—

SEC. 4. MEASURES FOR THE IMPORTATION AND EXPORTATION OF ROUGH DIAMONDS.

(a) PROHIBITION.—The President shall prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme.

(b) WAIVER.—The President may waive the requirements set forth in subsection (a) with respect to a particular country for periods of not more than 1 year each, if, with respect to each such waiver—

(1) the President determines and reports to the appropriate congressional committees that such country is taking effective steps to implement the Kimberley Process Certification Scheme; or

(2) the President determines that the waiver is in the national interests of the United States, and reports such determination to the appropriate congressional committees, together with the reasons therefor.

SEC. 5. REGULATORY AND OTHER AUTHORITY.

(a) IN GENERAL.—The President is authorized to and shall as necessary issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to carry out this Act.

(b) RECORDKEEPING.—Any United States person seeking to export from or import into the United States any rough diamonds shall keep a full record of, in the form of reports or otherwise, complete information relating to any act or transaction to which any prohibition imposed under section 4(a) applies. The President may require such person to furnish such information under oath, including the production of books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(c) OVERSIGHT.—The President shall require the appropriate Government agency to conduct annual reviews of the standards, practices, and procedures of any entity in the United States that issues Kimberley Process Certificates for the exportation from the United States of rough diamonds to determine whether such standards, practices, and procedures are in accordance with the Kimberley Process Certification Scheme. The President shall transmit to the appropriate congressional committees a report on each annual review under this subsection.

SEC. 6. IMPORTING AND EXPORTING AUTHORITIES.

(a) IN THE UNITED STATES.—For purposes of this Act—

(1) the importing authority shall be the United States Bureau of Customs and Border Protection or, in the case of a territory or possession of the United States with its own customs administration, analogous officials; and

(2) the exporting authority shall be the Bureau of the Census.

(b) OF OTHER COUNTRIES.—The President shall publish in the Federal Register a list of all Participants, and all exporting authorities and importing authorities of Participants. The President shall update the list as necessary.

SEC. 7. STATEMENT OF POLICY.

The Congress supports the policy that the President shall take appropriate steps to promote and facilitate the adoption by the international community of the Kimberley Process Certification Scheme implemented under this Act.

SEC. 8. ENFORCEMENT.

(a) IN GENERAL.—In addition to the enforcement provisions set forth in subsection (b)—

(1) a civil penalty of not to exceed $10,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this Act; and

(2) whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this Act shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who willfully participates in such violation may be punished by a like fine, imprisonment, or both.

(b) IMPORT VIOLATIONS.—Those customs laws of the United States, both civil and criminal, including those laws relating to seizure and forfeiture, that apply to articles imported in violation of such laws shall apply with respect to rough diamonds imported in violation of this Act.

(c) AUTHORITY TO ENFORCE.—The United States Bureau of Customs and Border Protection and the United States Bureau of Immigration and Customs Enforcement are authorized, as appropriate, to enforce the provisions of subsection (a) and to enforce the laws and regulations governing exports of rough diamonds, including with respect to the validation of the Kimberley Process Certificate by the exporting authority.

SEC. 9. TECHNICAL ASSISTANCE.

The President may direct the appropriate agencies of the United States Government to make available technical assistance to countries seeking to implement the Kimberley Process Certification Scheme.

SEC. 10. SENSE OF CONGRESS.

(a) ONGOING PROCESS.—It is the sense of the Congress that the Kimberley Process Certification Scheme, officially launched on January 1, 2003, is an ongoing process. The President should work with Participants to strengthen the Kimberley Process Certification Scheme through the adoption of measures for the sharing of statistics on the production of and trade in rough diamonds, and for monitoring the effectiveness of the Kimberley Process Certification Scheme in stemming trade in diamonds the importation or exportation of which is not controlled through the Kimberley Process Certification Scheme.

(b) STATISTICS AND REPORTING.—It is the sense of the Congress that under Annex III to the Kimberley Process Certification Scheme, Participants recognized that reliable and comparable data on the international trade in rough diamonds are an essential tool for the effective implementation of the Kimberley Process Certification Scheme. Therefore, the executive branch should continue to—

(1) keep and publish statistics on imports and exports of rough diamonds under subheadings 7102.10.00, 7102.21, and 7102.31.00 of the Harmonized Tariff Schedule of the United States;

(2) make these statistics available for analysis by interested parties and by Participants; and

(3) take a leadership role in negotiating a standardized methodology among Participants for reporting statistics on imports and exports of rough diamonds.

SEC. 11. KIMBERLEY PROCESS IMPLEMENTATION COORDINATING COMMITTEE.

The President shall establish a Kimberley Process Implementation Coordinating Committee to coordinate the implementation of this Act. The Committee shall be composed of the following individuals or their designees:

(1) The Secretary of the Treasury and the Secretary of State, who shall be co-chairpersons.

(2) The Secretary of Commerce.

(3) The United States Trade Representative.

(4) The Secretary of Homeland Security.

(5) A representative of any other agency the President deems appropriate.

SEC. 12. REPORTS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act and every 12 months thereafter for such period as this Act is in effect, the President shall transmit to the Congress a report—

(1) describing actions taken by countries that have exported rough diamonds to the United States during the preceding 12-month period to control the exportation of the diamonds through the Kimberley Process Certification Scheme;

(2) describing whether there is statistical information or other evidence that would indicate efforts to circumvent the Kimberley Process Certification Scheme, including cutting rough diamonds for the purpose of circumventing the Kimberley Process Certification Scheme;

(3) identifying each country that, during the preceding 12-month period, exported rough diamonds to the United States and was exporting rough diamonds not controlled through the Kimberley Process Certification Scheme, if the failure to do so has significantly increased the likelihood that those diamonds not so controlled are being imported into the United States; and

(4) identifying any problems or obstacles encountered in the implementation of this Act or the Kimberly Process Certification Scheme.

(b) SEMIANNUAL REPORTS.—For each country identified in subsection (a)(3), the President, during such period as this Act is in effect, shall, every 6 months after the initial report in which the country was identified, transmit to the Congress a report that explains what actions have been taken by the United States or such country

since the previous report to ensure that diamonds the exportation of which was not controlled through the Kimberley Process Certification Scheme are not being imported from that country into the United States. The requirement to issue a semiannual report with respect to a country under this subsection shall remain in effect until such time as the country is controlling the importation and exportation of rough diamonds through the Kimberley Process Certification Scheme.

SEC. 13. GAO REPORT.

Not later than 24 months after the effective date of this Act, the Comptroller General of the United States shall transmit a report to the Congress on the effectiveness of the provisions of this Act in preventing the importation or exportation of rough diamonds that is prohibited under section 4. The Comptroller General shall include in the report any recommendations on any modifications to this Act that may be necessary.

SEC. 14. DELEGATION OF AUTHORITIES.

The President may delegate the duties and authorities under this Act to such officers, officials, departments, or agencies of the United States Government as the President deems appropriate.

SEC. 15. EFFECTIVE DATE.

This Act shall take effect on the date on which the President certifies to the Congress that—

(1) an applicable waiver that has been granted by the World Trade Organization is in effect; or

(2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect.

This Act shall thereafter remain in effect during those periods in which, as certified by the President to the Congress, an applicable waiver or decision referred to in paragraph (1) or (2) is in effect.

On motion of Mr. THOMAS, said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby said Senate amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶40.14 UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL

On motion of Mr. SIMMONS, by unanimous consent, the Committee on Education and the Workforce was discharged from further consideration of the following resolution (H. Res. 187):

Whereas the University of Connecticut Huskies women's basketball team won its third National Collegiate Athletic Association championship in 4 years by defeating the University of Tennessee by the score of 73–68;

Whereas, after losing 4 All-American players to graduation, the Huskies were still able to finish the 2002–2003 season with a nearly perfect 37–1 record, becoming only the 3rd NCAA Division I women's basketball team to repeat as national champions;

Whereas Diana Taurasi was chosen as the consensus national women's Player of the Year and named the Final Four Most Outstanding Player;

Whereas the University of Connecticut Huskies set an NCAA Division I women's record by winning 70 games in a row;

Whereas University of Connecticut Huskies head coach Geno Auriemma was named NCAA Division I women's basketball Coach of the Year, won his 501st game and 4th National Championship;

Whereas the high caliber of the University of Connecticut Huskies in both athletics and academics has significantly advanced the sport of women's basketball and provided inspiration for future generations of young men and women alike; and

Whereas the University of Connecticut Huskies' championship season has rallied Connecticut residents of all ages behind a common purpose and triggered a wave of euphoria across the State: Now, therefore, be it

Resolved, That the House of Representatives commends the University of Connecticut Huskies women's basketball team for winning the 2003 National Collegiate Athletic Association Division I women's basketball championship and for completing the 2002-2003 season with a 37–1 record.

When said resolution was considered.

After debate,

On motion of Mr. SIMMONS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶40.15 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–75) the resolution (H. Res. 197) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶40.16 SMALLPOX EMERGENCY PERSONNEL PROTECTION

On motion of Mr. BURR, by unanimous consent, the Committee on Energy and Commerce, the Committee on Education and the Workforce, and the Committee on the Judiciary were discharged from further consideration of the bill (H.R. 1770) to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶40.17 RECESS—2:43 P.M.

The SPEAKER pro tempore, Mr. BURGESS, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 43 minutes p.m., subject to the call of the Chair.

¶40.18 AFTER RECESS—6:46 P.M.

The SPEAKER pro tempore, Mr. CANTOR, called the House to order.

¶40.19 FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 95) entitled ''Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.''.

¶40.20 STATUTORY PUBLIC DEBT LIMIT

The SPEAKER pro tempore, Mr. CANTOR, announced that, pursuant to rule XXVII, as a result of the adoption by the House and Senate of the conference report to House Concurrent Resolution 95, House Joint Resolution 51, increasing the statutory limit on the public debt, had been engrossed and was deemed to have been passed by the House.

¶40.21 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 538. An Act to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to Committee on Energy and Commerce.

S. 783. An Act to expedite the granting of posthumous citizenship to members of the United States Armed Forces; to Committee on the Judiciary.

S. 870. An Act to amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program; to Committee on Education and the Workforce.

¶40.22 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1505. An Act to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the ''Jim Richardson Post Office.''

H.R. 1584. An Act to implement effective measures to stop trade in conflict diamonds, and for other purposes.

¶40.23 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 151. An Act to prevent child abduction and sexual exploitation of children, and for other purposes.

¶40.24 BILLS PRESENTED TO THE PRESIDENT

H.R. 273. An Act to provide for the eradication and control of nutria in Maryland and Louisiana.

H.R. 397. An Act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

H.R. 672. An Act to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William ''Willie'' McCool, who was the pilot of the

Space Shuttle Columbia when it was tragically lost on February 1, 2003.

¶40.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DEFAZIO, for today after 3 p.m.;

To Mr. REYES, for today; and

To Mr. BOYD, for today after 1 p.m.

And then,

¶40.26 ADJOURNMENT

On motion of Mr. RYAN of Wisconsin, at 6 o'clock and 48 minutes p.m., the House adjourned.

¶40.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 810. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; with an amendment (Rept. 108–74 Pt. 1). Ordered to be printed.

Mrs. MYRICK: Committee on Rules. House Resolution 197. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–75). Referred to the House Calendar.

¶40.28 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 810. Referral to the Committee on Energy and Commerce extended for a period ending not later than April 29, 2003.

¶40.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TIBERI (for himself and Mr. LUCAS of Kentucky):

H.R. 1766. A bill to make permanent the provisions of the Fair Credit Reporting Act and amend the Gramm-Leach-Bliley Act to establish a national uniform privacy standard for financial institutions; to the Committee on Financial Services.

By Mr. KENNEDY of Minnesota (for himself and Mr. SMITH of Washington):

H.R. 1767. A bill to amend title 23, United States Code, to empower State and local authorities with tools to eliminate congestion on the Interstate System; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, and Mr. COBLE):

H.R. 1768. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE (for himself, Mr. RANGEL, Mr. MANZULLO, Mr. LEVIN, Mr. COLLINS, Mr. MCDERMOTT, Mr. LAHOOD, Mr. NEAL of Massachusetts, Mr. SHIMKUS, and Mr. MATSUI):

H.R. 1769. A bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States; to the Committee on Ways and Means.

By Mr. BURR:

H.R. 1770. A bill to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes; considered and passed.

By Mr. MCCOTTER:

H.R. 1771. A bill to amend the Communications Act of 1934 to prohibit knowingly misinforming the relative of a member of the Armed Forces of the United States that such member is deceased, injured, or missing due to an event associated with their military service; to the Committee on Energy and Commerce.

By Mr. AKIN (for himself and Mr. SCHROCK):

H.R. 1772. A bill to improve small business advocacy, and for other purposes; to the Committee on Small Business.

By Mr. BOEHLERT:

H.R. 1773. A bill to amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Science.

By Mr. BOEHLERT:

H.R. 1774. A bill to provide for the establishment at the Department of Energy of a program for hydrogen fuel cell vehicles and infrastructure, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. SMITH of Texas, Mr. GOSS, and Mr. OSBORNE):

H.R. 1775. A bill to amend title 36, United States Code, to designate the oak tree as the national tree of the United States; to the Committee on the Judiciary.

By Mr. PORTMAN (for himself, Mr. CARDIN, Mrs. JOHNSON of Connecticut, Mr. POMEROY, Mr. BLUNT, Mr. MOORE, Mr. UPTON, Mrs. TAUSCHER, Mr. GALLEGLY, and Mr. WYNN):

H.R. 1776. A bill to amend the Internal Revenue Code of 1986 to make today's retirement savings opportunities permanent, to expand and improve retirement savings vehicles, to extend pension coverage through regulatory simplification and small business incentives, to enhance fairness and pension portability, to revitalize defined benefit plans, to provide additional defined contribution plan protections, to assist individuals in preserving their income throughout retirement, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT:

H.R. 1777. A bill to provide for the establishment at the Department of Energy of a program for hydrogen fuel cell vehicles and infrastructure, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLENGER (for himself, Mr. ROHRABACHER, Mrs. JOHNSON of Connecticut, and Mr. PORTMAN):

H.R. 1778. A bill to establish a commission on employee ownership; to the Committee on Education and the Workforce.

By Mr. BEAUPREZ (for himself and Mr. BARRETT of South Carolina):

H.R. 1779. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans during the period that a military reservist or national guardsman is called to active duty for an extended period, and for other purposes; to the Committee on Ways and Means.

By Mr. BEAUPREZ (for himself, Mr. BLUNT, Ms. GRANGER, Mrs. MUSGRAVE, and Mr. TOOMEY):

H.R. 1780. A bill to amend the Internal Revenue Code of 1986 to eliminate the tax on the net capital gain of taxpayers other than corporations, to exclude interest and dividends from gross income, and to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. BEAUPREZ:

H.R. 1781. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain expenses in connection with the determination, collection, or refund of any tax; to the Committee on Ways and Means.

By Mr. BECERRA (for himself, Mr. RANGEL, Mr. STARK, Mr. MATSUI, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. DOGGETT, Mr. ACEVEDO-VILA, Ms. BORDALLO, Mr. CASE, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. LEE, Mr. PAYNE, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, and Mr. SERRANO):

H.R. 1782. A bill to amend the Internal Revenue Code of 1986 to change the calculation and simplify the administration of the earned income tax credit; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. KINGSTON, Mr. BURTON of Indiana, Mr. BOEHNER, Mr. BARTLETT of Maryland, Mr. HALL, Mr. YOUNG of Alaska, Mr. WELDON of Florida, Mr. SESSIONS, Mr. BONILLA, Mr. SMITH of Texas, and Mr. SCOTT of Georgia):

H.R. 1783. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers a flat tax alternative to the current income tax system; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. KLECZKA, Mr. SAM JOHNSON of Texas, Mr. ISRAEL, Mr. MCNULTY, Mr. ROGERS of Michigan, Mr. PAUL, Mr. HAYWORTH, Mr. ENGLISH, Mr. WHITFIELD, and Mr. LEWIS of Georgia):

H.R. 1784. A bill to amend title XVIII of the Social Security Act to update the renal dialysis composite rate; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANTOR:

H.R. 1785. A bill to require the Secretary of the Treasury to redesign $1 Federal reserve notes so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse side of such notes; to the Committee on Financial Services.

By Mr. CAPUANO (for himself, Mr. TOWNS, Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. HOLT, Mr. PASCRELL, Ms. WOOLSEY, Mr. SANDLIN, Mrs. MALONEY, Mr. MCNULTY, and Mr. MCDERMOTT):

H.R. 1786. A bill to provide grants to assist State and local prosecutors and law enforcement agencies with implementing juvenile and young adult witness assistance programs that minimize additional trauma to the witness and improve the chances of successful

criminal prosecution or legal action; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mr. KENNEDY of Minnesota, Mr. PASCRELL, Mr. WILSON of South Carolina, Mr. MCNULTY, Ms. HARMAN, Mr. SMITH of Michigan, Mr. GOODE, Mr. COLE, Mr. FOSSELLA, Mr. MCHUGH, Mr. DUNCAN, Mr. BRADY of Texas, Mr. BEREUTER, Mr. KING of New York, Mr. WALSH, Mr. GILCHREST, Mr. DOYLE, Mr. NEY, Mr. SHIMKUS, Mr. EMANUEL, Mr. EHLERS, Mr. DAVIS of Tennessee, Mr. REYNOLDS, Mr. MCGOVERN, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 1787. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

By Mr. COSTELLO:

H.R. 1788. A bill to amend title XVIII of the Social Security Act to extend the minimum Medicare deadlines for filing claims to take into account delay in processing adjustments from secondary payor status to primary payor status; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE:

H.R. 1789. A bill to amend the Internal Revenue Code of 1986 to repeal the income taxation of corporations, to impose a 10 percent tax on the earned income (and only the earned income) of individuals, to repeal the estate and gift taxes, to provide amnesty for all tax liability for prior taxable years, and for other purposes; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 1790. A bill to provide for the equitable treatment of rural communities in the distribution of Federal disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. CUBIN (for herself and Mr. MCINNIS):

H.R. 1791. A bill to amend the Internal Revenue Code of 1986 to provide an election for a special tax treatment of certain S corporation conversions; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Mr. KIRK, Mr. BUYER, and Mr. TAYLOR of Mississippi):

H.R. 1792. A bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized; to the Committee on Armed Services.

By Mr. DEMINT (for himself, Mr. BALLENGER, Mr. CARTER, Mr. BEREUTER, Mr. BRADY of Texas, Mr. CUNNINGHAM, Mr. DOOLITTLE, Ms. GRANGER, Mr. HAYWORTH, Mr. MCKEON, Mr. NORWOOD, Mr. PAUL, Mr. SOUDER, Mr. WICKER, Mr. FRANKS of Arizona, and Mr. MANZULLO):

H.R. 1793. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Education and the Workforce.

By Mr. DOOLITTLE (for himself and Mr. OSE):

H.R. 1794. A bill to authorize the Secretary of the Interior to construct and rehabilitate Federal water supply lines associated with Folsom Dam in California, and for other purposes; to the Committee on Resources.

By Mr. GARRETT of New Jersey:

H.R. 1795. A bill to provide that the income tax shall not apply for taxable years during which the taxpayer, or either spouse of a married couple, is serving in the war in Iraq; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mr. OLVER, Mr. LEACH, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mr. UDALL of Colorado, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. HOLDEN, Mr. OWENS, Mr. GRIJALVA, Ms. LEE, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. DEUTSCH, Mr. NEAL of Massachusetts, Mr. BECERRA, Mrs. MALONEY, Mr. WEXLER, Ms. BALDWIN, Ms. ROYBAL-ALLARD, Mr. MORAN of Virginia, Mr. CAPUANO, Ms. MCCARTHY of Missouri, Mr. WYNN, Mr. FROST, Mr. KUCINICH, Mr. SPRATT, Mr. RUSH, Mr. BALLANCE, Mr. ENGEL, Mr. FORD, Mr. LYNCH, Mr. HOEFFEL, Mr. HONDA, Mr. SERRANO, Ms. VELAZQUEZ, Mr. PAYNE, Mr. LOBIONDO, Mr. CLAY, Mr. SMITH of Washington, Mr. STRICKLAND, Mr. DICKS, Mr. HOLT, Mr. INSLEE, Mr. MCNULTY, Mr. FATTAH, Mr. BERMAN, Mr. RANGEL, Mr. WEINER, Mr. MARKEY, Ms. WOOLSEY, Mr. MILLER of North Carolina, Mr. STARK, Mr. FARR, Mr. LEVIN, Mr. ACKERMAN, Mr. DELAHUNT, Mrs. CAPPS, Ms. MCCOLLUM, Mr. PASCRELL, Mr. COOPER, Mr. BOUCHER, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mrs. NAPOLITANO, Mr. MOORE, Mr. SIMMONS, Ms. MILLENDER-MCDONALD, Mr. GUTIERREZ, Mr. KILDEE, Ms. HARMAN, Mr. DOGGETT, Mr. JACKSON of Illinois, Ms. CORRINE BROWN of Florida, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Ms. NORTON, Mr. COSTELLO, Mr. LIPINSKI, Mr. HASTINGS of Florida, Mr. KLECZKA, Ms. DELAURO, Ms. ESHOO, Mr. BAIRD, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. NADLER, Mr. ROTHMAN, Mrs. LOWEY, Mr. MICHAUD, Mr. RYAN of Ohio, Mr. SHAYS, Mr. LANGEVIN, Mr. GONZALEZ, Mrs. DAVIS of California, Mrs. TAUSCHER, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. LAMPSON, Mrs. JOHNSON of Connecticut, Mr. ISRAEL, Mr. SANDERS, Mr. BRADY of Pennsylvania, Mr. HILL, Mr. CARDIN, Mr. FILNER, Mr. PRICE of North Carolina, Mr. GORDON, Mr. BISHOP of New York, Mr. CROWLEY, Mr. WAXMAN, Mr. PALLONE, Mr. MEEHAN, Ms. SLAUGHTER, Mr. MEEKS of New York, Mr. LARSON of Connecticut, Ms. LINDA T. SANCHEZ of California, Mr. MATSUI, Mr. BLUMENAUER, Mr. SABO, Mr. EVANS, Ms. HOOLEY of Oregon, Mr. KIRK, Mr. SCHIFF, Mr. CONYERS, Mr. JEFFERSON, Mr. ALLEN, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Ms. LOFGREN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of New Jersey, Mr. SHERMAN, Mr. PETERSON of Minnesota, Mr. CUMMINGS, Mr. DEFAZIO, Mr. MENENDEZ, Ms. CARSON of Indiana, Ms. DEGETTE, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. THOMPSON of California, Ms. SOLIS, Mr. BELL, and Mr. THOMPSON of Mississippi):

H.R. 1796. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 1797. A bill to ensure that exports of Alaskan North Slope crude oil are prohibited; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself and Mr. OLVER):

H.R. 1798. A bill to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 1799. A bill to amend the Immigration and Nationality Act to waive the requirement of 2 years of marriage for a spouse to self-petition to be an immediate relative in the case of spouses of citizens killed in service in the Armed Forces and to prohibit any fees relating to posthumous citizenship for aliens killed while on active duty service during periods of military hostilities; to the Committee on the Judiciary.

By Mrs. LOWEY (for herself, Mr. SHAYS, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Ms. BORDALLO, Mrs. CAPPS, Mr. CLAY, Mr. CONYERS, Mr. COSTELLO, Mr. CROWLEY, Mr. DEFAZIO, Ms. DELAURO, Mr. DEUTSCH, Mr. DOYLE, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GALLEGLY, Mr. GOSS, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HOLT, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. KUCINICH, Mr. LANTOS, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. PRICE of North Carolina, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. STARK, Mrs. TAUSCHER, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 1800. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. WEINER, Mr. RANGEL, Mr. SERRANO, Mr. CROWLEY, Mr. NADLER, Mr. TOWNS, and Ms. SCHAKOWSKY):

H.R. 1801. A bill to accord honorary citizenship to the alien victims of the September 11, 2001, terrorist attacks against the United States and to provide for the granting of citizenship to the alien spouses and children of certain victims of such attacks; to the Committee on the Judiciary.

By Mr. MCDERMOTT (for himself, Mr. SANDERS, Ms. NORTON, Mr. NADLER, Ms. CARSON of Indiana, Mr. EVANS, Mr. OWENS, Ms. SOLIS, Mr. STARK, Mr. KUCINICH, Mr. LANTOS, Ms. LEE, and Mr. FRANK of Massachusetts):

H.R. 1802. A bill to amend the Federal Unemployment Tax Act and the Social Security Act to modernize the unemployment insurance system, and for other purposes; to the Committee on Ways and Means.

By Mr. MENENDEZ (for himself, Mr. MCNULTY, Mr. FROST, Mr. CASE, Ms. LEE, Mr. REYES, Mr. MCINTYRE, Mr. BOYD, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. FARR, Mr. MCGOVERN, Mr. DAVIS of Tennessee, Mr. EMANUEL, Mr. FILNER, Mr. ACEVEDO-VILA, Mr. DAVIS of Florida, Mr. RUPPERSBERGER, Mr. ABERCROMBIE, Mrs. MALONEY, Mr. BERMAN, Mr. UDALL of New Mexico, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. PETERSON of Minnesota, Mr. BISHOP of

New York, Mr. RANGEL, Mr. PASCRELL, Mr. OWENS, Mr. KIND, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. TOWNS, Ms. LINDA T. SANCHEZ of California, Mr. ROSS, Mr. LANGEVIN, Mr. ANDREWS, Ms. KILPATRICK, Mr. MEEHAN, Mr. ORTIZ, Mr. BOSWELL, Ms. LORETTA SANCHEZ of California, Ms. SLAUGHTER, Mr. BACA, and Mr. MARSHALL):

H.R. 1803. A bill to authorize the Secretary of Homeland Security to make grants to reimburse State and local governments and Indian tribes for certain costs relating to the mobilization of Reserves who are first responder personnel of such governments or tribes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 1804. A bill to raise revenue and reduce large and increasing Federal budget deficits due to the cost of the war in Iraq; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. ETHERIDGE, Mr. MOORE, Mr. MCINTYRE, Ms. CORRINE BROWN of Florida, Mr. BERRY, Mr. HOLT, Mr. STRICKLAND, Mr. GUTIERREZ, Mr. FROST, Mr. MILLER of North Carolina, Mr. BALLANCE, Ms. LOFGREN, Mr. BALLENGER, and Mr. WATT):

H.R. 1805. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public schools; to the Committee on Education and the Workforce.

By Mr. PUTNAM:

H.R. 1806. A bill to amend the Immigration and Nationality Act to change the requirements for naturalization to citizenship through service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. REYNOLDS:

H.R. 1807. A bill to amend the trade adjustment assistance program under the Trade Act of 1974 to establish a demonstration project to provide self-employment training and assistance to eligible adversely affected workers; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, and Mr. SOUDER):

H.R. 1808. A bill to amend the Internal Revenue Code of 1986 to allow an immediate deduction for start-up and organizational expenditures in order to spur entrepreneurship; to the Committee on Ways and Means.

By Mr. ROGERS of Kentucky (for himself and Mr. WAMP):

H.R. 1809. A bill to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1810. A bill to require door delivery of mail sent to persons residing in senior communities; to the Committee on Government Reform.

By Mr. SESSIONS (for himself, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. BACHUS, Mr. BARTLETT of Maryland, Mr. BROWN of Ohio, Mr. CAMP, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. CROWLEY, Mrs. JO ANN DAVIS of Virginia, Ms. DEGETTE, Mr. DEUTSCH, Mr. DINGELL, Mr. DOYLE, Mr. ENGEL, Mr. FARR, Mr. FROST, Mr. GORDON, Mr. GREEN of Texas, Mr. HINCHEY, Mr. HOEFFEL, Mr. INSLEE, Mr. ISAKSON, Mr. KILDEE, Ms. KILPATRICK, Mr. LANTOS, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. MURTHA, Mrs. NORTHUP, Mr. OXLEY, Mr. PALLONE, Mr. PAUL, Mr. PAYNE, Mr. RAHALL, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SHAYS, Ms. SOLIS, Mr. SOUDER, Mr. STARK, Mr. STRICKLAND, Mr. TERRY, Mr. THORNBERRY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WOLF, Mrs. CAPITO, Mrs. JOHNSON of Connecticut, Mr. JOHN, Mr. REYNOLDS, and Mr. KUCINICH):

H.R. 1811. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid Program for such children, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mrs. JOHNSON of Connecticut, Mr. TOWNS, Mr. DINGELL, Mr. HINCHEY, Mr. PAYNE, Mr. DEFAZIO, Ms. KILPATRICK, Ms. LEE, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mr. DAVIS of Illinois, Mr. OLVER, Mr. WEXLER, Mr. SHERMAN, Mrs. LOWEY, Mr. LEVIN, and Mr. KUCINICH):

H.R. 1812. A bill to establish a public education and awareness program relating to emergency contraception; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. PITTS, Mr. MCGOVERN, Ms. MCCOLLUM, and Mr. SABO):

H.R. 1813. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mr. CANNON, Mr. CONYERS, Mr. DREIER, Mr. FROST, and Mr. MCINNIS):

H.R. 1814. A bill to change the requirements for naturalization through service in the Armed Forces of the United States, to extend naturalization benefits to members of the Ready Reserve of a reserve component of the Armed Forces, to extend posthumous benefits to surviving spouses, children, and parents, and for other purposes; to the Committee on the Judiciary.

By Mr. SPRATT:

H.R. 1815. A bill to amend title 23, United States Code, to direct the Secretary of Transportation to carry out a grant program for providing financial assistance for rail line relocation projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STARK:

H.R. 1816. A bill to amend the National Flood Insurance Act of 1968 to ensure homeowners are provided adequate notice of flood map changes and a fair opportunity to appeal such changes; to the Committee on Financial Services.

By Mr. STUPAK:

H.R. 1817. A bill to authorize the Secretary of the Army to carry out a dredging project to increase the depth of Menominee Harbor, Menomiee River, Michigan and Wisconsin, from 24 feet to 26 feet; to the Committee on Transportation and Infrastructure.

By Mr. TOOMEY:

H.R. 1818. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. TOWNS, Mr. CAMP, Mr. COSTELLO, Mr. GREENWOOD, and Mr. JOHN):

H.R. 1819. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Energy and Commerce.

By Mr. VITTER (for himself, Mr. CRANE, and Mr. MCCRERY):

H.R. 1820. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts, and for other purposes; to the Committee on Ways and Means.

By Ms. WATSON (for herself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAKER, Ms. BALDWIN, Mr. BALLANCE, Mr. BECERRA, Mr. BELL, Mr. BEREUTER, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mrs. BONO, Mr. BOSWELL, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CAMP, Mrs. CAPITO, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. COSTELLO, Mr. CRAMER, Mr. CRANE, Mr. CROWLEY, Mrs. CUBIN, Mr. CUMMINGS, Mr. CUNNINGHAM, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DOYLE, Mr. DREIER, Mr. DUNCAN, Ms. DUNN, Mr. EDWARDS, Mr. EMANUEL, Mrs. EMERSON, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. EVERETT, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. GUTKNECHT, Mr. HALL, Ms. HARMAN, Ms. HART, Mr. HASTINGS of Florida, Mr. HEFLEY, Mr. HERGER, Mr. HILL, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. HOYER, Mr. HYDE, Mr. INSLEE, Mr. ISRAEL, Mr. ISSA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Mr. KANJORSKI, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KIRK, Mr. KLECZKA, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LAHOOD, Mr. LANTOS, Mr. LARSON of Connecticut, Mr. LATOURETTE, Ms. LEE, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Mr. LUCAS of Kentucky, Mr. LYNCH, Ms. MAJETTE, Mrs. MALONEY, Mr. MARKEY, Mr. MARSHALL, Mr. MATHESON, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCCRERY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr.

McNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICA, Ms. MILLENDER-McDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. PICKERING, Mr. POMBO, Mr. POMEROY, Mr. PORTMAN, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. RUSH, Mr. RYAN of Wisconsin, Mr. SABO, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHROCK, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMMONS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STENHOLM, Mr. STRICKLAND, Mr. STUPAK, Mr. TANNER, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. TURNER of Texas, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELAZQUEZ, Mr. VISCLOSKY, Mr. WALDEN of Oregon, Mr. WAMP, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WEXLER, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. YOUNG of Florida):

H.R. 1821. A bill to award a congressional gold medal to Dr. Dorothy Height in recognition of her many contributions to the Nation; to the Committee on Financial Services.

By Ms. WATSON:

H.R. 1822. A bill to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office''; to the Committee on Government Reform.

By Mr. WEINER:

H.R. 1823. A bill to prohibit United States assistance for the Palestinian Authority and for programs, projects, and activities in the West Bank and Gaza; to the Committee on International Relations.

By Mr. WELDON of Pennsylvania (for himself and Mr. LANGEVIN):

H.R. 1824. A bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By —:

H.J. Res. 51. A joint resolution increasing the statutory limit on the public debt; considered and passed.

By Mr. CUMMINGS (for himself, Mr. WYNN, Mr. CARDIN, Mr. RUPPERSBERGER, Mr. BARTLETT of Maryland, Mr. HOYER, Mr. VAN HOLLEN, Mr. GILCHREST, and Mr. OWENS):

H.J. Res. 52. A joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States; to the Committee on House Administration.

By Mrs. CAPPS (for herself, Mr. GIBBONS, Mr. CUNNINGHAM, Mr. EVANS, Mr. KIRK, Mr. MENENDEZ, Mr. NEY, Mr. FARR, Mr. PENCE, Mr. LANTOS, Mr. SCHROCK, Mr. CONYERS, Mr. GILCHREST, Ms. DELAURO, Mr. COLLINS, Mr. REYES, Mr. McCOTTER, Mr. BERMAN, Mr. RYUN of Kansas, Mr. SABO, Mr. UPTON, Mr. EDWARDS, Mr. WHITFIELD, Mr. GRIJALVA, Mr. McGOVERN, Mr. BALLANCE, Mr. McDERMOTT, Mr. PASCRELL, Mr. HOLDEN, Ms. CARSON of Indiana, Ms. LINDA T. SANCHEZ of California, Mr. BISHOP of New York, Mr. HINOJOSA, Mr. RAHALL, Mr. FROST, Mr. BACA, Mr. WEXLER, Mr. MARKEY, Mr. EMANUEL, Ms. MILLENDER-McDONALD, Mr. DAVIS of Alabama, Mr. LARSEN of Washington, Mr. STRICKLAND, Mr. BROWN of Ohio, Mr. TOWNS, Mr. MICHAUD, Mr. WYNN, Ms. KILPATRICK, Mr. JACKSON of Illinois, and Mr. MILLER of North Carolina):

H. Con. Res. 151. Concurrent resolution extending the thanks of Congress and a grateful nation to the Iraqis Mohammed and Iman for their brave actions against oppression and tyranny in providing to United States forces, at great risk to themselves, information essential for the rescue of Private First Class Jessica Lynch, United States Army, on April 1, 2003; to the Committee on International Relations.

By Mr. CUNNINGHAM (for himself and Ms. HARMAN):

H. Con. Res. 152. Concurrent resolution expressing the appreciation of the Nation to the members of the Armed Forces serving in Operation Iraqi Freedom and Operation Enduring Freedom and encouraging communities across the Nation to prepare appropriate homecoming ceremonies to welcome the members of the Armed Forces returning from those operations and to recognize their contributions to homeland security and expansion of freedoms around the globe and to prepare days of remembrance to commemorate the brave service and selfless sacrifice of the members of the Armed Forces who do not return; to the Committee on Armed Services.

By Mrs. MYRICK:

H. Res. 197. A resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

By Mr. COLE (for himself, Mr. HAYWORTH, Mr. HERGER, Mr. BARRETT of South Carolina, Mrs. MUSGRAVE, Mr. TIAHRT, Mr. SIMMONS, Mr. CHABOT, Mr. TURNER of Ohio, Mr. WELLER, Mr. GIBBONS, and Mr. SMITH of New Jersey):

H. Res. 198. A resolution expressing the sense of the House of Representatives that France, Germany, and Russia can initially best contribute to the reconstruction of Iraq by the forgiveness of outstanding debt between both Iraq and France, Iraq and Germany, and Iraq and Russia; to the Committee on International Relations.

By Mr. FRANK of Massachusetts (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. CAPUANO, Mr. COX, Mr. DELAHUNT, Mr. McGOVERN, Mr. ABERCROMBIE, Mr. OLVER, Mr. ROHRABACHER, Mr. MARKEY, and Mr. PITTS):

H. Res. 199. A resolution calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, calling on the President of the United States to continue working on behalf of Dr. Yang Jianli for his release, and for other purposes; to the Committee on International Relations.

By Mr. KUCINICH:

H. Res. 200. A resolution expressing the sense of the House of Representatives with respect to a nationwide Town Hall meeting on the new foreign policy doctrines of the President; to the Committee on International Relations.

By Mr. ROGERS of Michigan:

H. Res. 201. A resolution expressing the sense of the House of Representatives that our Nation's businesses and business owners should be commended for their support of our troops and their families as they serve our country in many ways, especially in these days of increased engagement of our military in strategic locations around our Nation and around the world; to the Committee on Energy and Commerce.

By Mr. SPRATT:

H. Res. 202. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in honor of John Birks ''Dizzy'' Gillespie; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania (for himself and Mr. WELLER):

H. Res. 203. A resolution calling for the prosecution of Iraqis and their supporters for war crimes, and for other purposes; to the Committee on International Relations.

¶40.30 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mrs. KELLY:

H.R. 1825. A bill for the relief of Frank Redendo; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 1826. A bill for the relief of Thomas J. Sansone, Jr; to the Committee on the Judiciary.

By Mr. SCHROCK:

H.R. 1827. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel M/T *Miss Linda*; to the Committee on Transportation and Infrastructure.

¶40.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 57: Mr. CARTER, Mr. NEY, Ms. HART, Mr. FRELINGHUYSEN, Mrs. BONO, Mr. HENSARLING, Mr. BRADY of Texas, Mr. MURPHY, Mr. HASTERT, and Mr. BONNER.

H.R. 63: Mr. PLATTS.

H.R. 100: Mr. ISRAEL.

H.R. 196: Ms. LEE and Mr. FILNER.

H.R. 219: Mr CHOCOLA and Mr. BARTLETT of Maryland.

H.R. 235: Mr. FLETCHER, Mrs. CUBIN, Mr. COX, Mr. SAM JOHNSON of Texas, Mr. ENGLISH, Mr. SCHROCK, Mr. KINGSTON, Mr. FORBES, Mrs. EMERSON, Mr. BROWN of South Carolina, Mr. VITTER, Mr. CHABOT, Mr. NETHERCUTT, Mr. SHADEGG, Mr. THORNBERRY, Mr. WALSH, and Mr. TAYLOR of North Carolina.

H.R. 284: Mr. MILLER of North Carolina, Mr. OWENS, and Mr. GOODE.

H.R. 303: Mr. TIAHRT, Mr. BISHOP of Utah, and Mr. LARSON of Connecticut.

H.R. 328: Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. DELAHUNT, Mr. CAPUANO, Mr. TIERNEY, Mrs. JO ANN DAVIS of Virginia, and Mr. LUCAS of Kentucky.

H.R. 347: Mrs. MALONEY and Mr. STUPAK.

H.R. 428: Ms. HART and Mr. DREIER.

H.R. 433: Mr. ENGLISH and Ms. LOFGREN.

H.R. 434: Mr. BARRETT of South Carolina, Mr. McHUGH, Mr. BURNS, and Mr. CANTOR.

H.R. 442: Ms. CORRINE BROWN of Florida.
H.R. 465: Mr. WHITFIELD.
H.R. 476: Mr. ROSS.
H.R. 490: Mr. GRIJALVA and Ms. MAJETTE.
H.R. 527: Mr. FRANK of Massachusetts.
H.R. 528: Mr. HOEFFEL and Mr. GUTKNECHT.
H.R. 583: Mr. NORWOOD, Mr. LUCAS of Oklahoma, Mr. PITTS, Mr. ISSA, Mr. BRADLEY of New Hampshire, Mr. HYDE, Mr. GILLMOR, Mr. SMITH of Michigan, and Mr. CARTER.
H.R. 589: Mr. WEINER, Mr. COLE, Mr. GIBBONS, Mr. DOYLE, Mr. BEREUTER, Mr. NEY, Mr. GREENWOOD, and Mr. KLINE.
H.R. 611: Mr. DEAL of Georgia.
H.R. 615: Mr. DEAL of Georgia.
H.R. 645: Mr. NUSSLE, Mr. FILNER, and Mr. BERRY.
H.R. 684: Ms. MAJETTE and Mr. KOLBE.
H.R. 687: Mr. FLAKE, Mr. HYDE, Mr. WELDON, of Pennsylvania, Mr. COX, Mr. STEARNS, Mr. UPTON, Mr. AKIN, Mr. KING of Iowa, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 709: Mr. HILL.
H.R. 713: Mr. MICHAUD.
H.R. 715: Mr. TOWNS.
H.R. 716: Mr. HINOJOSA, Mr. SCHIFF, and Ms. MAJETTE.
H.R. 717: Mr. LYNCH and Mr. MCNULTY.
H.R. 722: Mr. CRENSHAW, Mr. FRANKS of Arizona, Mr. KAPTUR, and Mr. REHBERG.
H.R. 737: Ms. WATERS.
H.R. 754: Mr. PAUL.
H.R. 765: Mr. RAMSTAD.
H.R. 792: Mr. BECERRA.
H.R. 813: Mr. RYAN of Ohio.
H.R. 851: Mr. MICHAUD.
H.R. 857: Mr. UDALL of New Mexico and Mr. PLATTS.
H.R. 872: Mrs. CAPITO and Mr. DEAL of Georgia.
H.R. 876: Mr. DOOLEY of California and Mr. UPTON.
H.R. 879: Ms. BORDALLO, Mr. UPTON, and Mr. GILLMOR.
H.R. 898: Mr. GUTIERREZ, Mr. GONZALEZ, Mr. BECERRA, and Mr. CLAY.
H.R. 935: Ms. MAJETTE.
H.R. 953: Mr. SCOTT of Georgia.
H.R. 957: Mr. SHADEGG.
H.R. 967: Mr. LARSEN of Washington and Mr. WAMP.
H.R. 995: Mr. MILLER of Florida.
H.R. 997: Mrs. KELLY.
H.R. 1046: Mr. ENGLISH and Ms. MAJETTE.
H.R. 1061: Mr. DUNCAN.
H.R. 1068: Mr. MCHUGH, Mr. KENNEDY of Minnesota, Mr. HINOJOSA, Mr. MCINTYRE, Mr. WELDON of Florida, and Mr. BACHUS.
H.R. 1105: Ms. KILPATRICK, Mrs. KELLY, and Mr. DAVIS of Illinois.
H.R. 1108: Ms. CARSON of Indiana, Mr. KUCINICH, and Mr. GUTIERREZ.
H.R. 1115: Mr. CHOCOLA.
H.R. 1146: Mr. TANCREDO.
H.R. 1165: Mr. INSLEE.
H.R. 1168: Mr. JANKLOW.
H.R. 1170: Mr. ROGERS of Michigan.
H.R. 1179: Mr. LINDER.
H.R. 1191: Mr. TAYLOR of Mississippi.
H.R. 1202: Ms. HARRIS, Mr. GARRETT of New Jersey, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. ADERHOLT, Mr. BONNER, Mr. RUPPERSBERGER, Mr. BURNS, Mr. WYNN, Mr. BALLANCE, Mr. SANDLIN, Mr. BAKER, Mr. CARTER, Ms. GINNY BROWN-WAITE of Florida, Mr. WILSON of South Carolina, Mr. GINGREY, Mr. BARRETT of South Carolina, and Mr. PUTNAM.
H.R. 1206: Mr. JONES of North Carolina.
H.R. 1207: Ms. LEE.
H.R. 1209: Mr. CUMMINGS, Mrs. JONES of Ohio, Mr. SHIMKUS, Ms. LEE, Mr. SERRANO, Mr. MCDERMOTT, Mr. CASE, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. ENGEL, Mr. FILNER, Mrs. MCCARTHY of New York, Mr. RANGEL, Mr. OWENS, Mr. MARSHALL, Mr. DEUTSCH, and Mr. NEAL of Massachusetts.
H.R. 1214: Ms. BALDWIN, Mr. HAYWORTH, Mr. VISCLOSKY, and Mr. GUTIERREZ.
H.R. 1231: Mr. DICKS, Mr. BURNS, Mr. COLE, Mrs. MILLER of Michigan, Mr. STRICKLAND, and Mr. RYAN of Ohio.
H.R. 1235: Mr. CRENSHAW.
H.R. 1258: Mr. DOYLE and Mr. KENNEDY of Rhode Island.
H.R. 1261: Mr. TIBERI and Mr. ISAKSON.
H.R. 1270: Mr. BROWN of South Carolina.
H.R. 1276: Mr. KING of New York and Mr. PUTNAM.
H.R. 1294: Ms. BERKLEY.
H.R. 1309: Ms. MCCOLLUM.
H.R. 1310: Mr. POMBO.
H.R. 1336: Mr. SOUDER.
H.R. 1340: Mr. WAXMAN, Mr. FROST, Mr. COOPER, Mr. KUCINICH, Mr. ACKERMAN, Mr. MCNULTY, Mr. HOEFFEL, and Mr. OWENS.
H.R. 1355: Ms. MCCOLLUM.
H.R. 1367: Mr. PETERSON of Pennsylvania, Mr. PRICE of North Carolina, and Mr. BOSWELL.
H.R. 1372: Mr. SOUDER and Mr. MEEKS of New York.
H.R. 1400: Mr. DOGGETT.
H.R. 1414: Mr. BAIRD.
H.R. 1430: Mr. WAXMAN, Mr. MCNULTY, and Mr. PALLONE.
H.R. 1442: Mr. MARSHALL, Mr. BOSWELL, Mr. MCINTYRE, Mr. ROSS, Mr. NEAL of Massachusetts, Ms. BORDALLO, Mr. GREEN of Texas, Mr. COLE, Mr. CARSON of Oklahoma, Mr. CONYERS, Mr. WYNN, Mr. CARDOZA, and Mr. FILNER.
H.R. 1451: Mr. PICKERING, Mr. JONES of North Carolina, Mr. FLETCHER, Mr. BROWN of South Carolina, and Mr. WELDON of Florida.
H.R. 1470: Mr. BLUMENAUER.
H.R. 1472: Mr. MCGOVERN, Mrs. CAPPS, and Mr. COSTELLO.
H.R. 1480: Mr. GUTIERREZ.
H.R. 1508: Mr. CROWLEY.
H.R. 1511: Mr. BEREUTER, Mr. TOM DAVIS of Virginia, Mrs. CAPITO, Mr. ISAKSON, Mr. DEAL of Georgia, Mr. EVERETT, Mr. HUNTER, Mr. GALLEGLY, Mr. HEFLEY, Mr. LINDER, Mr. LOBIONDO, Mr. BARTLETT of Maryland, Mr. COLLINS, Mr. WICKER, Mr. CRANE, Mr. KENNEDY of Minnesota, Mr. BACHUS, Mr. WOLF, Mr. JOHN, Mr. ALEXANDER, Mr. WAMP, Mr. HALL, Mr. COX, Mr. SWEENEY, Mr. CANNON, Mrs. WILSON of New Mexico, Mr. SHIMKUS, Mr. LUCAS of Oklahoma, Mr. LATOURETTE, Mr. MANZULLO, Mrs. BIGGERT, Mr. GARY G. MILLER of California, Mr. TIBERI, Mr. MURPHY, Mr. FLETCHER, Ms. HART, Ms. GRANGER, Mr. HENSARLING, Mr. BOYD, Mr. LUCAS of Kentucky, Mr. HOEKSTRA, Mr. POMBO, Mr. ROHRABACHER, Mrs. JONES of Ohio, Mr. FEENEY, Mr. LATHAM, Mr. CRAMER, Mr. HYDE, Mr. DOOLITTLE, Mr. NORWOOD, and Mrs. NORTHUP.
H.R. 1523: Mr. SESSIONS.
H.R. 1543: Mr. ANDREWS and Mr. DUNCAN.
H.R. 1568: Mr. HINOJOSA.
H.R. 1569: Mr. PAYNE, Mr. LOBIONDO, Mr. PASCRELL, and Mr. FERGUSON.
H.R. 1576: Mr. WEXLER, Ms. MILLENDER-MCDONALD, and Mr. MCNULTY.
H.R. 1586: Mr. HENSARLING.
H.R. 1614: Mr. SCOTT of Georgia.
H.R. 1625: Mr. LOBIONDO and Mr. ANDREWS.
H.R. 1635: Mr. HINCHEY.
H.R. 1643: Mr. MCINTYRE, Mr. ISAKSON, Mr. GRIJALVA, Mr. THOMPSON of Mississippi, Mr. GRAVES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PLATTS, Mr. CARDOZA, and Mrs. NORTHRUP.
H.R. 1662: Mr. CARDOZA and Mrs. EMERSON.
H.R. 1675: Mr. JENKINS, Mr. MCINTYRE, Mr. SHUSTER, Mr. EDWARDS, Mr. TANNER, Mr. GOODE, Mr. BOOZMAN, Mr. ALEXANDER, Mr. SNYDER, Mr. OSBORNE and Mrs. CAPITO.
H.R. 1684: Mr. FROST and Mr. GRIJALVA.
H.R. 1688: Mr. MCNULTY, Mr. BLUMENAUER, Ms. LORETTA SANCHEZ of California, Mr. BROWN of Ohio, and Mr. CAPUANO.
H.R. 1693: Mr. PAUL.
H.R. 1700: Mrs. CHRISTENSEN.
H.R. 1708: Mr. RUPPERSBERGER, Mr. MEEHAN, Mr. TANNER, Mr. STRICKLAND, Mr. CARSON of Oklahoma, Mr. GREEN of Texas, Mr. MCINNIS, Mr. PASCRELL, Mr. DELAHUNT, and Mr. LANTOS.
H.R. 1713: Mr. KENNEDY of Rhode Island.
H.R. 1717: Mr. BLUMENAUER and Mr. SHERMAN.
H.R. 1725: Mr. GARY G. MILLER of California, Mr. LEWIS of Kentucky, Mr. YOUNG of Alaska, Mr. AKIN, Mrs. CUBIN, Mr. POMBO, and Mr. SENSENBRENNER.
H.R. 1738: Mr. HOLT and Mr. LAMPSON.
H.R. 1751: Ms. LEE.
H.J. Res. 46: Mr. CALVERT.
H.J. Res. 48: Mr. FOLEY.
H. Con. Res. 30: Mr. GERLACH and Mr. FOLEY.
H. Con. Res. 56: Mr. CUMMINGS.
H. Con. Res. 78: Mr. STARK.
H. Con. Res. 94: Mr. MCNULTY and Mr. LANGEVIN.
H. Con. Res. 110: Ms. PRYCE of Ohio, Mr. BROWN of Ohio, Mr. SCHIFF, Mr. HAYWORTH, and Mr. UPTON.
H. Con. Res. 114: Ms. JACKSON-LEE of Texas, Ms. LEE, Ms. WATSON, Ms. NORTON, Mr. MCDERMOTT, Mr. STARK, Mr. KUCINICH, Ms. WOOLSEY, and Mrs. JONES of Ohio.
H. Con. Res. 119: Mr. BURNS, Mrs. MYRICK, Mr. CHOCOLA, Ms. WOOLSEY, and Mr. FOLEY.
H. Con. Res. 130: Mr. RANGEL, Ms. KAPTUR, Ms. CORRINE BROWN of Florida, Ms. MCCOLLUM, Mr. PAYNE, Mr. SHERMAN, Mr. JACKSON of Illinois, and Mrs. JONES of Ohio.
H. Res. 60: Mr. SCHIFF, Mr. LAHOOD, Mr. ISAKSON, Mr. CANTOR, and Mr. ROGERS of Alabama.
H. Res. 136: Mr. HAYWORTH and Mr. TIBERI.
H. Res. 137: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. UDALL of Colorado, Mr. MEEHAN, Mrs. TAUSCHER, Mr. LARSON of Connecticut, Mr. DAVIS of Alabama, and Mr. RYAN of Ohio.
H. Res. 142: Mr. HOEFFEL, Mr. DEFAZIO, Mr. PALLONE, Mr. ACKERMAN, Mr. EVANS, Mr. MILLER of North Carolina, Mr. RODRIGUEZ, Mr. MCGOVERN, Mr. GOODE, and Mr. DELAHUNT.
H. Res. 154: Mr. LANTOS, Mr. KELLER, Mr. SKELTON, Mr. MCHUGH, Ms. GRANGER, Mr. SOUDER, Mr. FERGUSON, Mr. FROST, Mr. FOLEY, and Ms. GINNY BROWN-WAITE of Florida.
H. Res. 157: Mr. ABERCROMBIE.
H. Res. 164: Mr. SHAYS and Ms. DELAURO.
H. Res. 174: Mr. NADLER, Mr. MORAN of Virginia, Ms. CARSON of Indiana, and Mr. HOLT.
H. Res. 194: Mr. LANTOS and Mr. STARK.

SATURDAY, APRIL 12, 2003 (41)

The House was called to order by the SPEAKER.

¶41.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Friday, April 11, 2003.

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

¶41.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1813. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Recognition of Animal Disease Status of Regions in the European Union [Docket No. 98-090-5] (RIN: 0579-AB03) received April 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1814. A letter from the Director, Regulatory Review and Foreign Investment Disclosure Group, Department of Agriculture, transmitting the Department's final rule —

2002 Farm Bill Regulations-General Credit Provisions (RIN: 0560-AG78) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1815. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Methodology and Formulas for Allocation of Loan and Grant Program Funds (RIN: 0570-AA30) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1816. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Decanoic Acid; Exemption from the Requirement of a Pesticide Tolerance; Technical Correction [OPP-2002-0272; FRL-7296-9] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1817. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions); Withdrawal of Direct Final Rule [OPP-2002-0278; FRL-7299-4] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1818. A letter from the Deputy Secretary, Department of Defense, transmitting notification of the transport of a chemical warfare agent, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

1819. A letter from the Secretary of the Navy, Department of Defense, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

1820. A letter from the Secretary of the Army, Department of Defense, transmitting a Selected Acquisition Report (SAR) for a breach of 15 percent or more for the Program Acquistion Unit Cost (PAUC) and Average Procurement Unit Cost (APUC) thresholds which have been exceeded for both Army Tactical Missile System (ATACMS)/Bat end items, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

1821. A letter from the Under Secretary, Department of Defense, transmitting the 2003 Report on National Defense Stockpile Requirements, pursuant to 50 U.S.C. 98h—5; to the Committee on Armed Services.

1822. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Larry R. Jordan, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1823. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) of the public works utilities functions of Naval District Washington DC; to the Committee on Armed Services.

1824. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) of the regional maintenance functions of Fleet Technical Support Center, San Diego, CA; to the Committee on Armed Services.

1825. A letter from the Principal Deputy, Department of Defense, transmitting the Department's report that covers two areas involving the Armed Services' aviation programs; to the Committee on Armed Services.

1826. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Rules Regarding Equal Opportunity [Docket No. R-1096] received April 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1827. A letter from the General Counsel, Department of the Treasury, transmitting the Department's draft bill entitled, ''To authorize the United States participation in and appropriations for the United States contribution to the ninth replenishment of the resources of the African Development Fund''; to the Committee on Financial Services.

1828. A letter from the General Counsel, Department of the Treasury, transmitting the Department's draft bill entitled, ''To authorize the United States participation in and appropriations for the United States contribution to the seventh replenishment of the resources of the Asian Development Fund''; to the Committee on Financial Services.

1829. A letter from the General Counsel, Department of the Treasury, transmitting the Department's draft bill entitled, ''To authorize the United States participation in and appropriations for the United States contribution to the thirteenth replenishment of the resources of the International Development Association''; to the Committee on Financial Services.

1830. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Employee Retirement Income Security Act of 1974; Plans Established or Maintained Under or Pursuant to Collective Bargaining Agreements Under Section 3(40)(A) of ERISA (RIN: 1210-AA48) received April 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1831. A letter from the Assistant Secretary for Mine and Safety Health, Department of Labor, transmitting the Department's final rule — Alternate Locking Devices for Plug and Receptacle-Type Connectors on Mobile Battery-Powered Machines (RIN: 1219-AA98) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1832. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Requirements for Low-Speed Electric Bicycles — received April 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1833. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Control of Communicable Diseases (RIN: 0920-AA03) received April 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1834. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Light Truck Average Fuel Economy Standards Model Years 2005-2007 [Docket No. 2002-11419; Notice 3] (RIN: 2127-AI70) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1835. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's report entitled, ''Fleet Alternative Fuel Vehicles Program Report for Fiscal Year 2002''; to the Committee on Energy and Commerce.

1836. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to 310 CMR 7.06, Visible Emissions Rule [MA-088-7216a; A-1-FRL-7466-2] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1837. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; South Dakota [SIP NO. SD-001-0013, SD-001-0014, SD-001-0015; FRL-7475-1] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1838. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Wisconsin [WI-113-7343A; FRL-7466-6] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1839. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances; Correction [FRL-7477-7] (RIN: 2060-A612) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1840. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Guideline on Air Quality Models: Adoption of a Preferred Long Range Transport Model and Other Revisions [AH-FRL-7478-3] (RIN: 2060-AF01) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1841. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Lake County Air Quality Control District and San Diego County Air Pollution Control District [CA 275-0384a; FRL-7471-4] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1842. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Approval Under Sections 110 and 112(1); State of Kansas [KS 172-1172a; FRL-7471-9] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1843. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 177-1177a; FRL-7471-6] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1844. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Water for Sustainable Cities in China — received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1845. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Minor Clarification of National Primary Drinking Water Regulation for Arsenic [FRL-7472-5] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1846. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Uses of Certain Chemical Substances [OPP-2002-0060; FRL-6758-7] (RIN: 2070-AB27) received

March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1847. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, ''Report to Congress on Abnormal Occurrences, Fiscal Year 2002,'' pursuant to 42 U.S.C. 5848; to the Committee on Energy and Commerce.

1848. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification regarding a report entitled, ''Country Reports on Human Rights Practices for 2002''; to the Committee on International Relations.

1849. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1850. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1851. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting copy of the Corporation's Annual Report for calendar year 2002, pursuant to 12 U.S.C. 1827(a); to the Committee on Government Reform.

1852. A letter from the Chairman, Federal Maritime Commission, transmitting the Final Annual Performance Plan for FY 2004; to the Committee on Government Reform.

1853. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees (RIN: 3206-AJ77) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1854. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Superior Court's Family Court Transition Plan; to the Committee on Government Reform.

1855. A letter from the Secretary, Department of the Interior, transmitting the annual report entitled, ''Outer Continental Shelf Lease Sales: Evaluation of Bidding Results'' for fiscal year 2002, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

1856. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 m) Length Overall and Longer Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No. 021212307-3037-02; I.D. 032703E] received April 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1857. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Final Endangered Status for a Distinct Population Segment of Smalltooth Sawfish (Pristis pectinata) in the United States [Docket No. 000303059-3034-03; I.D. 021700B] (RIN: No. 0648-XA49) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; St. Louis, Spirit of St. Louis Airport, MO [Docket No. FAA-2003-14549; Airspace Docket No. 03-ACE-17] received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes; Model 747 Series Airplanes; and Model 757 Series Airplanes [Docket No. 2002-NM-309-AD; Amendment 39-12992; AD 2002-24-51] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2001-SW-53-AD; Amendment 39-13079; AD 2003-05-03] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1861. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, and 17AR Turbofan Engines [Docket No. 2002-NE-27-AD; Amendments 39-13083; AD 2003-05-07] (RIN: 2120-AA64) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1862. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sikeston, MO [Docket No. FAA-2003-14221; Airspace Docket No. 03-ACE-2] received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1863. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Beaches Environmental Assessment and Coastal Health Act — received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1864. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook-Approvals and Reviews (RIN: 2700-AC53) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1865. A letter from the Secretary, Department of Veterans Affairs, transmitting a report covering those cases in which equitable relief was granted in calendar year 2002, pursuant to 38 U.S.C. 210(c)(3)(B); to the Committee on Veterans' Affairs.

1866. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that by reason of the public debt limit, the Secretary will be unable to fully invest the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries, pursuant to 5 U.S.C. 8348(l)(2); to the Committee on Ways and Means.

¶41.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 145. An Act to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ted Weiss Federal Building''.

H.R. 258. An Act to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.

H.R. 1770. An Act to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

The message also announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 109. A concurrent resolution expressing the sense of the Congress regarding the Blue Star Flag and the Gold Star.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested.

S. 703. An Act to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the ''Carl T. Curtis National Park Service Midwest Regional Headquarters Building''.

S. 763. An Act to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''.

The message also announced that the Senate has passed joint resolution titles in which the concurrence of the House is requested.

S.J. Res. 8. A joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 36. A concurrent resolution expressing the sense of the Congress regarding the Blue Star Service Banner and the Gold Star.

S. Con. Res. 37. A concurrent resolution expressing support for the celebration of Patriot's Day on April 19th and honoring the Nation's first patriots.

S. Con. Res. 38. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

¶41.4 SUBMISSION OF CONFERENCE REPORT—H.R. 1559

Mr. YOUNG of Florida submitted a conference report (Rept. No. 108–76) on the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes; together with a statement thereon, for printing in the RECORD under the rule.

¶41.5 RECESS—10:06 A.M.

The SPEAKER, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 6 minutes a.m., subject to the call of the Chair.

¶41.6 AFTER RECESS—12:01 P.M.

The SPEAKER called the House to order.

¶41.7 ORDER OF BUSINESS—CONSIDERATION OF CONFERENCE REPORT TO H.R. 1559

On motion of Mr. YOUNG of Florida, by unanimous consent,

Ordered, That it may be in order at any time to consider the conference report to accompany the bill (H.R. 1559)

making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes; that all points of order against the conference report and against its consideration are waived; that the conference report shall be considered as read; and that clause 10 of rule XX shall not apply to the question of adoption of the conference report.

¶41.8 EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS

Mr. YOUNG of Florida, pursuant to the previous order of the House, called up the following conference report (Rept. No. 108–76):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1559), ''making emergency wartime supplemental appropriations for the fiscal year 2003, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:*

TITLE I—WAR-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', $110,000,000, to remain available until expended.

PUBLIC LAW 480 TITLE II GRANTS

(INCLUDING TRANSFER OF FUNDS)

For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $369,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act: Provided, That from this amount, to the maximum extent possible, funding shall be restored to the previously approved fiscal year 2003 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That of the funds provided under this heading, the Secretary of Agriculture shall transfer to the Commodity Credit Corporation $69,000,000 to acquire a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust: Provided further, That the authority contained in 7 U.S.C. 1736f–1(c)(4) shall not apply during fiscal year 2003 for any release of commodities after the date of enactment of this Act.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''General Administration, Salaries and Expenses'', $5,000,000, to remain available until September 30, 2004.

COUNTERTERRORISM FUND

For an additional amount for ''Counterterrorism Fund'', $20,000,000, to remain available until December 31, 2003: Provided, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of division B of Public Law 108–7.

DETENTION TRUSTEE

For an additional amount for ''Detention Trustee'' for the detention of Federal prisoners in the custody of the United States Marshals Service, $40,000,000.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $2,500,000, to remain available until September 30, 2004.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for ''Salaries and Expenses, United States Marshals Service'' for necessary expenses, $8,000,000, to remain available until September 30, 2004.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Federal Bureau of Investigations, Salaries and Expenses'', $367,192,000, to remain available until September 30, 2004: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for ''Community Oriented Policing Services'', $54,750,000, to remain available until December 31, 2003, shall be for the Community Oriented Policing Services, Interoperable Communications Technology Program, for grants to States and localities to improve communications within and among law enforcement agencies: Provided, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for ''Supreme Court of the United States, Salaries and Expenses'' for police enhancements, $1,535,000, to remain available until September 30, 2004.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For an additional amount for ''United States Court of Appeals for the Federal Circuit, Salaries and Expenses'' for court security officer expenses, $973,000, to remain available until September 30, 2004.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For an additional amount for ''United States Court of International Trade, Salaries and Expenses'' to enhance security, $50,000.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $88,420,000, to remain available until December 31, 2003: Provided, That $35,800,000 shall be available for costs associated with the re-establishment of a United States diplomatic presence in Baghdad, Iraq.

In addition, for the costs of worldwide security upgrades, $10,000,000, to remain available until December 31, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $149,500,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for ''Emergencies in the Diplomatic and Consular Service'', $50,000,000, to remain available until expended, which may be transferred to, and merged with, the appropriations for ''Diplomatic and Consular Programs''.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for activities related to the Middle East Television Network broadcasting to the Middle East and radio broadcasting to Iraq, $30,500,000, to remain available until September 30, 2004.

GENERAL PROVISION, THIS CHAPTER

SEC. 1201. Funds appropriated under this Chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $7,700,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,600,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,200,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $2,800,000,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $3,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $100,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $16,000,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $5,100,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,650,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $7,100,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $1,200,000,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $3,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $7,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $20,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $75,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $20,000,000.

IRAQ FREEDOM FUND

(TRANSFER OF FUNDS)

There is established in the Treasury of the United States a special account to be known as the ''Iraq Freedom Fund''. For additional expenses for ongoing military operations in Iraq, and those operations authorized by Public Law 107–40, and other operations and related activities in support of the global war on terrorism, not otherwise provided for, necessary to finance the estimated partial costs of combat, stability operations (including natural resource risk remediation activities), force reconstitution, replacement of munitions and equipment, and other costs, there is hereby appropriated $15,678,900,000, to remain available for transfer until September 30, 2004: Provided, That amounts provided under this heading shall be available for transfer for the following activities:

Not less than $1,771,180,000 for classified programs, which shall be in addition to amounts provided for elsewhere in this chapter, and under this heading, for procurement and research, development, test and evaluation;

Not less than $1,100,000,000 for increased fuel costs, for transfer to ''Defense Working Capital Funds'';

Up to $1,400,000,000 for transfer to ''Operation and Maintenance, Defense-Wide'', only for purposes further specified in section 1310 of this chapter;

Up to $489,300,000 for transfer to the ''Natural Resources Risk Remediation Fund'';

Up to $400,000,000 for transfer to Department of Homeland Security, ''United States Coast Guard, Operating Expenses'', to support military activities in connection with operations in and around Iraq and the global war on terrorism;

Up to $57,600,000 for research, development, test, and evaluation; and

Up to $25,000,000 for counter-terrorism military training activities for foreign governments in connection with the global war on terrorism, including equipment, supplies and services, on such terms as the Secretary of Defense, with the concurrence of the Secretary of State and 15 days following submission of a financial plan for the use of such funds to the congressional defense committees, may determine:

Provided further, That in addition to the transfers authorized in the preceding proviso, the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster Assistance, and Civic Aid; procurement; research, development, test and evaluation; military construction; the Defense Health Program appropriation; and working capital funds: Provided further, That the funds transferred under this heading shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary of Defense shall submit a report no later than July 1, 2003, and then 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

NATURAL RESOURCES RISK REMEDIATION FUND

(TRANSFER OF FUNDS)

There is established in the Treasury of the United States a special account to be known as the ''Natural Resources Risk Remediation Fund''. Funds transferred to, appropriated to, and contributions made to, the Natural Resources Risk Remediation Fund may be made available for expenses necessary, in and around Iraq, to address emergency fire fighting, repair of damage to oil facilities and related infrastructure, and preserve a distribution capability, and may remain available until expended: Provided, That up to $489,300,000 of the funds appropriated to the Iraq Freedom Fund in this Act may be transferred to this fund: Provided further, That the Secretary of Defense may accept from any person, foreign government, or international organization, and credit to this fund, any contribution of money for such purposes: Provided further, That funds available in the Defense Cooperation Account may be transferred to and merged with the Natural Resources Risk Remediation Fund: Provided further, That the Secretary of Defense may transfer funds available in the Natural Resources Risk Remediation Fund to other appropriations or funds of the Department of Defense to carry out such purposes, or to reimburse such appropriations or funds for expenses incurred for such purposes: Provided further, That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided, such amounts may be transferred back to this appropriation: Provided further, That in administering the Natural Resources Risk Remediation Fund during fiscal year 2003, the Secretary of Defense may transfer funds from the Iraq Freedom Fund only to the extent that amounts transferred from the Defense Cooperation Account and amounts accepted pursuant to the authority of the second proviso of this paragraph are not currently available: Provided further, That, hereafter, contributions of money deposited into the Natural Resources Risk Remediation Fund shall be reported to the Congress in the same report, and under the same terms and conditions, as the report required for contributions to the Defense Cooperation Account under section 2608, chapter 155 of title 10, United States Code: Provided further, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees of any transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $4,100,000.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $3,100,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $53,300,000.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $447,500,000.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $241,800,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $113,600,000.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $451,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $11,500,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $70,000,000, to remain available for obligation until September 30, 2004.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $501,700,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $34,000,000.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1301. Except as otherwise specifically provided in this chapter, amounts provided to the Department of Defense under each of the headings in this chapter shall be available for the same time period, and subject to the same terms and conditions, as the amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 2003 (Public Law 107–248) and Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes (Public Law 108–7).

SEC. 1302. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in previous fiscal year 2003 appropriations acts which make appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

SEC. 1303. None of the funds in this chapter may be used to develop or procure any item or capability that will not be fielded within four years of enactment of this Act.

SEC. 1304. (a) Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended under the heading ''Operation and Maintenance, Defense-Wide'' by striking ''$25,000,000'' and inserting ''$50,000,000''.

(b) During fiscal year 2003 and notwithstanding the limitations in section 166a(e)(1) of title 10, United States Code, of the total amount available under such heading for the CINC initiative fund account (as amended by subsection (a)), not more than $15,000,000 may be used for the purpose described in subparagraph (A) of such section 166a(e)(1), not more than $10,000,000 may be used for the purpose described in subparagraph (B) of such section, and not more than $10,000,000 may be used for the purpose described in subparagraph (C) of such section.

SEC. 1305. Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended under the heading ''Operation and Maintenance, Defense-Wide'' by striking ''$34,500,000'' and inserting ''$50,000,000''.

(TRANSFER OF FUNDS)

SEC. 1306. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended—

(1) by striking ''$2,000,000,000'', and inserting ''$2,500,000,000'';

(2) by striking the date ''May 31, 2003'', and inserting ''June 30, 2003''; and

(3) by striking the sixth proviso, as added by section 112 of division M of Public Law 108–7, beginning with '': Provided further'' and ending with ''to which transferred''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 1307. In addition to amounts made available elsewhere in this Act for the Department of Defense, $165,000,000 is appropriated to the Department of Defense to reimburse applicable appropriations for the value of drawdown support provided by the Department of Defense under the Afghanistan Freedom Support Act of 2002: Provided, That this appropriation shall not increase the limitation set forth in section 202(b) of that Act: Provided further, That the Secretary of Defense may transfer the funds provided herein to the applicable appropriations of the Department of Defense: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 202 of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) prior to notifying in writing the House and Senate Committees on Appropriations of the source of the funds to be used for such purpose.

SEC. 1308. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 1309. (a) Of the amounts available to the Secretary of Defense, $63,500,000 may be used to reimburse applicable appropriations for the value of support provided by the Department of Defense under the Iraq Liberation Act of 1998: Provided, That this appropriation shall not increase the limitation set forth in section (4)(a)(2)(B) of that Act.

(b) Section (4)(a)(2) of the Iraq Liberation Act of 1998 is amended by adding the following new subparagraph at the end:

''(C) The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under this paragraph may not exceed $86,500,000 in fiscal year 2003.''.

(c) Notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section (4)(a)(2) of the Iraq Liberation Act of 1998 (including the drawdown authority of this section) unless the House and Senate Committees on Appropriations are notified in writing of the sources of the funds to be used for such purpose not later than seven days following the exercise of the drawdown authority.

(INCLUDING TRANSFER OF FUNDS)

SEC. 1310. Up to $1,400,000,000 of funds transferred under the authority provided under the heading ''Iraq Freedom Fund'' to ''Operation and Maintenance, Defense-Wide'' may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military support provided, or to be provided, to United States military operations in connection with military action in Iraq and the global war on terrorism: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That unless expressly provided in an appropriations act enacted after the date of enactment of this Act, and notwithstanding any other provision of law, no funds other than those additional amounts provided herein shall be made available for any payments intended to fulfill the purposes specified in this section and similar reimbursement authorities expressly provided in section 304 of Public Law 107–117 and within the ''Operation and Maintenance, Defense-Wide'' appropriation account enacted in Public Law 107–206: Provided further, That not later than July 1, 2003, the Secretary of Defense shall submit a report in writing to the Committees on Appropriations that includes a financial plan for the obligation and expenditure of such funds: Provided further, That if such report is not provided to the Committees on Appropriations by the date specified in the previous proviso, unobligated balances of funds that are available from the amounts provided in this chapter for the purposes specified under this section shall be returned to the Treasury of the United States: Provided further, That, beginning not later than July 1, 2003, the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the uses of funds made available for payments to Pakistan, Jordan, and other key cooperating nations for logistical and military support provided to United States military operations in connection with military action in and around Iraq and the global war on terrorism.

(TRANSFER OF FUNDS)

SEC. 1311. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may transfer between appropriations up to $2,000,000,000 of the funds made available in this chapter: Provided, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 107–248 except for the fourth proviso.

SEC. 1312. The Secretary of Defense shall notify the congressional defense committees no later than 15 days after the obligation of funds appropriated in this Act for military construction activities or minor construction in excess of $7,500,000.

(TRANSFER OF FUNDS)

SEC. 1313. As of October 31, 2003, all balances of funds remaining in the ''Defense Emergency Response Fund'' shall be transferred to, and merged with, the ''Iraq Freedom Fund'', and shall be available for the same purposes, and under the same terms and conditions, as funds appropriated to the ''Iraq Freedom Fund'' in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 1314. TECHNICAL ADJUSTMENTS TO PUBLIC LAW 107–248. Notwithstanding any other provision of law, the following adjustments and transfers shall apply to funds previously made available, and to restrictions, in the Department of Defense Appropriations Act, 2003 (Public Law 107–248):

(1) Under the heading, ''Operation and Maintenance, Army National Guard'', not more than $3,000,000 is available to build an Infantry Brigade Rifle Range for the South Carolina National Guard; and, in addition, appropriations available during fiscal year 2003 under the heading, ''Operation and Maintenance, Army'', not more than $2,000,000 is available for training range enhancements at Fort Indiantown Gap, Pennsylvania and, further, appropriations available for the Air Battle Captain program at the University of North Dakota may be used to provide summer flight training to the United States Military Academy cadets;

(2) Under the heading, ''Operation and Maintenance, Air Force'', not more than $6,800,000 is available to build and install fiber optic and power improvements and upgrades at the 11th Air Force Range;

(3) Under the heading, ''Procurement, Defense-Wide'', strike ''purchase of 4'' and insert ''purchase of 6''; and

(4) Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds provided in Public Law 107–248 for the Dismounted Intelligence Situation Mapboard (DISM) program, and such funds, once transferred, are available for the Dismounted Intelligence Situation Mapboard (DISM) program: Provided, That the amounts transferred shall be available for the same purpose as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, ''Other Procurement, Army, 2003/2005'', $5,600,000; and

Under the heading, ''Research, Development, Test and Evaluation, Army, 2003/2004'', $2,800,000;

To:

Under the heading, ''Procurement, Marine Corps, 2003/2005'', $2,800,000;

Under the heading, ''Procurement, Defense-Wide, 2003/2005'', $2,800,000;

Under the heading, ''Research, Development, Test and Evaluation, Navy, 2003/2004'', $1,400,000; and

Under the heading, ''Research, Development, Test and Evaluation, Defense-Wide, 2003/2004'', $1,400,000.

SEC. 1315. Section 811(b) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2608; 10 U.S.C. 2406c note) is amended by striking ''on or after the date of the enactment of this Act'' and inserting ''on or after January 1, 2004''.

SEC. 1316. (a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking ''$150'' and inserting ''$225''.

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$250''.

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2002 and shall apply with respect to months beginning on or after that date.

(RESCISSION OF FUNDS)

SEC. 1317. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account in the specified amount: ''Research, Development, Test and Evaluation, Navy, 2003/2004'', $3,400,000.

SEC. 1318. In the case of a member of the Armed Forces who is ill or injured as described in section 411h of title 37, United States Code, as a result of service on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, in addition to the transportation benefits authorized under that section, travel allowances may be provided to members of the family of the ill or injured member without regard to whether there is a determination that the presence of the family member may contribute to the member's health and welfare.

SEC. 1319. (a) For a member of the Armed Forces medically evacuated for treatment in a medical facility, or for travel to a medical facility or the member's home station, by reason of an illness or injury incurred or aggravated by the member while on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the Secretary of the military department concerned may procure civilian attire suitable for wear by the member during the travel.

(b) The Secretary may not expend more than $250 for the procurement of civilian attire for any member under subsection (a).

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for ''Operation and Maintenance, General'', $39,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for ''Water and Related Resources'', $25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for ''Science'' for expenses necessary to support safeguards and security of nuclear and other facilities and for other purposes, $11,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for expenses necessary to safeguard nuclear weapons and nuclear material, $67,000,000, to remain available until expended: Provided, That $20,000,000 of the funds provided shall be available for secure transportation asset activities: Provided further, That $47,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'', $148,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for ''Defense Environmental Restoration and Waste Management'', for expenses necessary to support safeguards and security activities at nuclear and other facilities, $6,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'', $4,000,000, to remain available until expended.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for ''Child Survival and Health Programs Fund'', $90,000,000, to remain available until September 30, 2004.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $143,800,000, to remain available until expended: Provided, That amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 for the purpose of addressing relief and rehabilitation needs in Iraq, prior to enactment of this Act, shall be in addition to the amount that may be obligated in any fiscal year under that section: Provided further, That during the remainder of fiscal year 2003 the authority referenced in the preceding proviso may not be utilized unless written notice has been provided to the Committees on Appropriations not less than 5 days prior to the exercise of such authority.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $24,500,000, of which not less than $3,500,000 may be transferred to and merged with ''Operating Expenses of the United States Agency for International Development Office of Inspector General'' for financial and program audits of the Iraq Relief and Reconstruction Fund and other assistance for Iraq.

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for humanitarian assistance in and around Iraq and to carry out the purposes of the Foreign Assistance Act of 1961 for rehabilitation and reconstruction in Iraq, there is appropriated to the President, $2,475,000,000, to remain available until September 30, 2004, including for the costs of: (1) water/sanitation infrastructure; (2) feeding and food distribution; (3) supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations; (4) electricity; (5) healthcare; (6) telecommunications; (7) economic and financial policy; (8) education; (9) transportation; (10) rule of law and governance; (11) humanitarian demining; and (12) agriculture: Provided, That these funds shall be apportioned only to the Department of State, the United States Agency for International Development, the Department of the Treasury, the Department of Defense, and the Department of Health and Human Services, as appropriate, for expenses to meet such costs: Provided further, That funds appropriated under this heading shall be used to fully reimburse accounts administered by the Department of State, the Department of the Treasury and the United States Agency for International Development, not otherwise reimbursed from funds appropriated by this chapter, for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: Provided further, That prior to the initial apportionment of funds made available under this heading to any agency or department, the President, or his designee, shall consult with the Committees on Appropriations on plans for the use of the funds appropriated under this heading that will be used for assistance for Iraq: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the United States may accept from any person, foreign government, or international organization, and credit to this Fund, any contribution of money for such purposes: Provided further, That funds appropriated under this heading shall be available notwithstanding any other provision of law, including section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That funds appropriated under this heading or transferred under provisions of this chapter or section 632 of the Foreign Assistance Act of 1961 that are made available for assistance for Iraq shall be subject to notification of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligation of funds.

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $2,422,000,000, of which:

(1) not less than $700,000,000 shall be made available for assistance for Jordan;

(2) $300,000,000, to remain available until September 30, 2005, shall be made available only for grants for Egypt: Provided, That during the period beginning March 1, 2003, and ending September 30, 2005, loan guarantees may be made to Egypt, the principal amount, any part of which is to be guaranteed, shall not exceed $2,000,000,000: Provided further, That the Government of Egypt will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with these loan guarantees, including any non-repayment exposure risk: Provided further, That all fees associated with these loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Egypt to the Government of the United States: Provided further, That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Egypt may be used by the Government of Egypt to pay such fees to the United States Government: Provided further, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for full payment and performance of such obligations: Provided further, That the President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Egypt: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph;

(3) not to exceed $1,000,000,000, to remain available until September 30, 2005, for grants for Turkey: Provided, That during the period beginning March 1, 2003 and ending September 30, 2005, direct loans or loan guarantees may be made to Turkey, the principal amount of direct loans or loans, any part of which is to be guaranteed, shall not exceed $8,500,000,000: Provided further, That the Government of Turkey will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with these loans or loan guarantees, including any non-repayment exposure risk: Provided further, That all fees associated with these loans or loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Turkey to the Government of the United States: Provided further, That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Turkey may be used by the Government of Turkey to pay such fees to the United States Government: Provided further, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations: Provided further, That none of the funds made available by this paragraph may be made available for assistance for Turkey if the Secretary of State determines and reports to the Committees on Appropriations of the House and Senate, the Committee on Foreign Relations of the Senate and Committee on International Relations of the House that the Government of

Turkey is not cooperating with the United States in Operation Iraqi Freedom, including the facilitation of humanitarian assistance to Iraq, or has unilaterally deployed troops into northern Iraq: Provided further, That the President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Turkey: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph: Provided further, That any balance of funds not made available to Turkey under this paragraph shall be transferred to, and merged with, funds appropriated for ''Iraq Relief and Reconstruction Fund'';

(4) not less than $30,000,000 for assistance for the Philippines to further prospects for peace in Mindanao, and not less than $167,000,000 for assistance for Afghanistan: Provided, That of the funds appropriated under this heading, $10,000,000 should be made available for investigations and research into allegations of war crimes, crimes against humanity, or genocide committed by Saddam Hussein or other Iraqis, and for a contribution to an international tribunal to bring these individuals to justice;

(5) regional funds made available under this heading for assistance that are not specified in paragraphs (1) through (4) shall be subject to the regular notification procedures of the Committees on Appropriations; and

(6) unless otherwise specified herein, funds appropriated under this heading shall remain available until September 30, 2004.

LOAN GUARANTEES TO ISRAEL

During the period beginning March 1, 2003, and ending September 30, 2005, loan guarantees may be made available to Israel, guaranteeing 100 percent of the principal and interest on such loans, the principal amount, any part of which is to be guaranteed, not to exceed $9,000,000,000, of which up to $3,000,000,000 may be issued prior to October 1, 2003, or thereafter and of which $3,000,000,000 may be issued subsequent to September 30, 2004: Provided, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations: Provided further, That if less than the full amount of guarantees authorized to be made available is issued prior to September 30, 2005, the authority to issue the balance of such guarantees shall extend to the subsequent fiscal year: Provided further, That guarantees may be issued under this section only to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967: Provided further, That the amount of guarantees that may be issued shall be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel during the period from March 1, 2003, to the date of issue of the guarantee, for activities which the President determines are inconsistent with the objectives and understandings reached between the United States and the Government of Israel regarding the implementation of the loan guarantee program: Provided further, That the President shall submit a report to Congress no later than September 30 of each fiscal year during the pendency of the program specifying the amount calculated under the preceding proviso and that will be deducted from the amount of guarantees authorized to be issued in the next fiscal year: Provided further, That the interest rate for loans guaranteed under this heading may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with this program or financing under this heading in the event the borrower elects not to finance such costs or fees out of loan principal: Provided further, That no appropriations under this heading are available for the subsidy costs for these loan guarantees: Provided further, That the Government of Israel will pay the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, including any non-payment exposure risk, associated with the loan guarantees issued in any fiscal year, on a pro rata basis as each guarantee is issued during that year: Provided further, That all fees (as defined in section 601(e) of Public Law 102–391) associated with the loan guarantees shall be paid by the Government of Israel to the Government of the United States: Provided further, That funds made available for assistance to Israel under chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, may be utilized by the Government of Israel to pay such fees to the United States Government: Provided further, That the President shall determine the terms and conditions for issuing guarantees, taking into consideration the budgetary and economic reforms undertaken by Israel: Provided further, That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of the loan guarantees not yet issued under this heading.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $25,000,000, to remain available until September 30, 2004.

ANDEAN COUNTERDRUG INITIATIVE

For an additional amount for the ''Andean Counterdrug Initiative'', $34,000,000, to remain available until September 30, 2004: Provided, That of the funds appropriated under this heading that are made available for Colombia, not less than $5,000,000 should be made available for programs and activities to assist persons who have been displaced as a result of armed conflict.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $80,000,000, to remain until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)(2)).

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $28,000,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for the ''Foreign Military Financing Program'', $2,059,100,000: Provided, That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That of the funds appropriated under this heading, not less than $406,000,000 shall be made available for grants only for Jordan and not less than $1,000,000,000 shall be available for grants only for Israel: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed to by the United States and Israel, be available for advanced weapons systems, of which not less than $263,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That up to $20,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading ''Andean Counterdrug Initiative'' for aircraft, training, and other assistance for the Colombian Armed Forces: Provided further, That, except for Israel and Jordan, funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the commitment of funds: Provided further, That such notification shall be in the form of a report (in classified or unclassified form) which contains each country receiving assistance from funds aggregated under this heading, other than Israel and Jordan, the amount of assistance to be provided and a description of the equipment and other assistance being financed from such funds.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $100,000,000, to remain available until September 30, 2004.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1501. Any appropriation made available in this chapter under the headings ''International Disaster Assistance'', ''United States Emergency Refugee and Migration Assistance Fund'', ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', ''Peacekeeping Operations'', or ''Iraq Relief and Reconstruction Fund'' may be transferred between such appropriations for use for any of the purposes for which the funds in the such receiving account may be used: Provided, That the total amount transferred from funds appropriated under these headings shall not exceed $100,000,000: Provided further, That the Secretary of State shall consult with the Committees on Appropriations prior to exercising the authority contained in this section: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligations of funds.

SEC. 1502. Assistance or other financing under this chapter may be provided for Iraq notwithstanding any other provision of law: Provided, That the authority contained in this section shall not apply to section 553 of Public Law 108–7: Provided further, That funds made available for Iraq pursuant to this authority shall be subject to the regular reprogramming procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation: Provided further, That the notification requirements of this section may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

SEC. 1503. The President may suspend the application of any provision of the Iraq Sanctions Act of 1990: Provided, That nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484), except that such Act shall not apply to humanitarian assistance and supplies: Provided further, That the President may make inapplicable with respect to Iraq section 620A of

the Foreign Assistance Act of 1961 or any other provision of law that applies to countries that have supported terrorism: Provided further, That military equipment, as defined by Title XVI, section 1608(1)(A) of Public Law 102–484, shall not be exported under the authority of this section: Provided further, That section 307 of the Foreign Assistance Act of 1961 shall not apply with respect to programs of international organizations for Iraq: Provided further, That provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds, including for financial or technical assistance, in international financial institutions for Iraq shall not be construed as applying to Iraq: Provided further, That the President shall submit a notification 5 days prior to exercising any of the authorities described in this section to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives: Provided further, That not more than 60 days after enactment of this Act and every 90 days thereafter the President shall submit a report to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives containing a summary of all licenses approved for export to Iraq of any item on the Commerce Control List contained in the Export Administration Regulations, 15 CFR Part 774, Supplement 1, including identification of end users of such items: Provided further, That the authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

SEC. 1504. Notwithstanding any other provision of law, the President may authorize the export to Iraq of any nonlethal military equipment controlled under the International Trafficking in Arms Regulations on the United States Munitions List established pursuant to section 38 of the Arms Export Control Act, (22 U.S.C. 2778), if the President determines and notifies within 5 days prior to export the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States: Provided, That the limitation regarding nonlethal military equipment shall not apply to military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military or police force: Provided further, That the authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

SEC. 1505. Division E of Public Law 108–7, under the heading ''Assistance for the Independent States of the Former Soviet Union'', is amended in subsection (f) by: (1) striking ''assistance for the Government'' and inserting ''assistance for the central Government''; and (2) striking ''unless'' and inserting ''if''; and striking ''not facilitated'' and inserting ''facilitated''.

SEC. 1506. REPORTS ON UNITED STATES STRATEGY FOR RELIEF AND RECONSTRUCTION IN IRAQ.

(a) INITIAL REPORT.—Not later than 45 days after the date of enactment of this Act, the President shall submit to the Committees on Appropriations a report on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) The distribution of duties and responsibilities regarding such activities among agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense (to be provided within 30 days of enactment of this Act).

(2) A detailed plan describing the roles and responsibilities of foreign governments and international organizations including the United Nations, in carrying out activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq.

(3) A strategy for coordinating such activities among the United States Government, foreign governments and international organizations, including the United Nations.

(4) An initial estimate of the costs expected to be associated with such activities.

(5) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States, foreign governments, and international organizations, including the United Nations, and an estimate of the revenue expected to be generated by Iraqi oil production that could be used to pay such costs.

(b) SUBSEQUENT REPORTS.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2004, the President shall submit to the Committees on Appropriations a report that contains:

(1) A list of significant United States Government-funded activities related to reconstruction in Iraq that, during the 90-day period ending 15 days prior to the date the report is submitted to the Committees on Appropriations—

(A) were initiated; or

(B) were completed.

(2) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the 90-day period beginning on the date the report is submitted to the Committees on Appropriations, including:

(A) Cost estimates for carrying out the proposed activities.

(B) The source of the funds that will be used to pay such costs.

(3) Updated strategies, if changes are proposed regarding matters included in the reports required under subsection (a).

(4) An updated list of the financial pledges and contributions made by foreign governments or international organizations to fund activities related to humanitarian, governance, and reconstruction assistance in Iraq.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT

COUNTERTERRORISM FUND

For an additional amount for the ''Counterterrorism Fund'' for necessary expenses as determined by the Secretary of Homeland Security, $150,000,000, to remain available until expended, to reimburse any Department of Homeland Security organization for the costs of providing support to prevent, counter, investigate, respond to, or prosecute unexpected threats or acts of terrorism: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 1601 of this Act.

CITIZENSHIP AND IMMIGRATION SERVICES

OPERATING EXPENSES

For necessary expenses for ''Operating Expenses'' related to conducting Operation Liberty Shield, $3,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

UNITED STATES SECRET SERVICE

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' for necessary expenses related to conducting Operation Liberty Shield, $30,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For necessary expenses for ''Customs and Border Protection'' related to conducting Operation Liberty Shield and for other purposes, $333,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

IMMIGRATION AND CUSTOMS ENFORCEMENT

For necessary expenses for ''Immigration and Customs Enforcement'' related to conducting Operation Liberty Shield and for other purposes, $170,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

TRANSPORTATION SECURITY ADMINISTRATION

For necessary expenses for ''Transportation Security Administration'', $665,000,000, to remain available until expended: Provided, That $130,000,000 of this amount shall not be made available until September 30, 2003: Provided further, That of the total amount provided, the following amounts are made available solely for the purposes specified below:

(1) physical modification of commercial service airports for the purposes of installing checked baggage explosive detection systems into airport baggage systems, $235,000,000;

(2) port security grants, $20,000,000; and

(3) passenger screener hiring, training and related costs, $280,000,000, which shall not be obligated (a) until the President transmits an official budget request for such amount to the Congress and (b) until the Administrator of the Transportation Security Administration submits a fiscal year 2003 budget execution plan approved by the Office of Management and Budget detailing spending levels by budget line item, program, project and activity: Provided, That such plan shall fully fund all programs and activities specifically funded by Congress in Public Laws 107–206 and 108–7:

Provided further, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' related to conducting Operation Liberty Shield, $2,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for the ''Office for Domestic Preparedness'', $2,230,000,000, to remain available until December 31, 2003, as authorized by Sections 403(5) and 430 of the Homeland Security Act of 2002 (Public Law 107–296) and Section 1014 of the USA PATRIOT Act of 2001 (Public Law 107–56), for grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, which shall be allocated as follows:

(1) $1,300,000,000 for grants pursuant to Section 1014 of Public Law 107–56: Provided, That the application for grants shall be made available to States within 15 days of enactment of this Act; that States shall submit applications within 30 days of the grant announcement; that

the Office for Domestic Preparedness shall act on each application within 15 days of receipt; and that each State shall transfer no less than 80 percent of the total amount of the grant to local governments within 45 days of the grant award;

(2) $30,000,000 for technical assistance;

(3) $200,000,000 for formula-based grants for critical infrastructure protection, subject to Section 1014(c)(3) of Public Law 107–56: Provided, That the application for these grants shall be made available to States within 15 days of enactment of this Act; that States shall submit applications within 30 days of the grant announcement; that the Office for Domestic Preparedness shall act on each application within 15 days of receipt; and that each State shall transfer no less than 50 percent of the total amount of the grant to local governments within 45 days of the grant award; and

(4) $700,000,000 for discretionary grants for use in high-density urban areas, high-threat areas, and for protection of critical infrastructure, as determined by the Secretary of Homeland Security: Provided, That no less than 80 percent of any grant to a State shall be transferred by the State to local governments within 45 days of the receipt of funds: Provided further, That Section 1014(c)(3) of Public Law 107–56 shall not apply to these grants:

Provided, That none of the funds appropriated under this heading shall be used for the construction or renovation of facilities: Provided further, That funds appropriated in subsections (3) and (4) under this heading shall be available for operational costs, to include personnel overtime as needed: Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of the funds provided under this heading.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' for expenses related to conducting Operation Liberty Shield and for other purposes, $228,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

EMERGENCY PREPAREDNESS AND RESPONSE

OPERATING EXPENSES

For necessary expenses for ''Operating Expenses'' related to conducting Operation Liberty Shield, $45,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for ''Emergency Management Planning and Assistance'', $54,750,000, for grants for interoperable communications equipment: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1601. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; or (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects or activities, as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 1602. (a) The Under Secretary of Homeland Security for Border and Transportation Security may issue letters of intent to airports to provide assistance for the installation of explosive detection systems by the date prescribed by section 44901(d)(2)(i) of title 49, United States Code.

(b) Beginning 30 days after the date of enactment of this Act, and every 60 days thereafter in calendar year 2003, the Under Secretary shall transmit a classified report to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation describing each letter of intent issued by the Under Secretary under subsection (a).

SEC. 1603. In accordance with section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States Border Patrol agents and United States Border Patrol canines if such donations would further the mission of protecting our Nation's borders and ports of entry as determined by the Under Secretary for Border and Transportation Security.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Centers for Disease Control and Prevention, Disease Control, Research, and Training'', $16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS).

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for ''Public Health and Social Services Emergency Fund'', for the Centers for Disease Control and Prevention, $100,000,000, to remain available until expended.

For an additional amount for the ''Public Health and Social Services Emergency Fund'', $42,000,000, to remain available until expended, for costs associated with compensating individuals with injuries resulting from smallpox vaccinations and countermeasures: Provided, That such funds shall become available only upon the enactment of legislation authorizing a smallpox vaccination compensation program.

GENERAL PROVISION

REPATRIATION

SEC. 1701. Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)), is amended by striking ''1991'' and inserting ''2003''.

CHAPTER 8

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the House of Representatives, $11,000,000, as follows:

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For an additional amount for salaries and expenses of standing committees, special and select, authorized by House resolutions, $11,000,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for ''General expenses'', $37,758,000, to remain available until expended.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $111,000.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDING

For an additional amount for ''Capitol building'', $1,100,000.

CAPITOL POWER PLANT

For an additional amount for ''Capitol power plant'', $22,679,000, which shall remain available until September 30, 2007.

CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for ''Capitol police buildings and grounds'', $40,140,000, to remain available until September 30, 2007.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $5,500,000 to remain available until September 30, 2007.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $1,863,000, to remain available until September 30, 2004.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $4,849,000.

GENERAL PROVISONS, THIS CHAPTER

SEC. 1801. POSTAL PATRON POSTCARDS. The matter under the subheading ''MISCELLANEOUS ITEMS'' under the heading ''CONTINGENT EXPENSES OF THE SENATE'' under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7) is amended by striking ''with a population of less than 250,000''.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY

For an additional amount for ''Military Construction, Navy'', $48,100,000, to remain available until September 30, 2007: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $152,900,000, to remain available until September 30, 2007: Provided, That notwithstanding any other provision of

law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing Operation and Maintenance, Air Force'', $1,800,000.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1901. (a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of Defense may transfer not more than $150,000,000 of the funds appropriated or otherwise made available to the Department of Defense in this Act to the contingency construction account, authorized under section 2804 of title 10, United States Code, for the purpose of carrying out military construction projects not otherwise authorized by law. The transfer authority under this section is in addition to any other transfer authority available to the Department of Defense.

(b) CONDITIONS ON TRANSFER.—A transfer of funds under subsection (a) may not be made until the end of the seven-day period beginning on the date the Secretary of Defense submits written notice to the appropriate committees of Congress certifying that the transfer is necessary to respond to, or protect against, acts or threatened acts of terrorism or to support Department of Defense operations in Iraq, and specifying the amounts and purposes of the transfer, including a list of proposed projects and their estimated costs.

(c) NOTICE OF OBLIGATIONS.—Notwithstanding section 2804(b) of title 10, United States Code, when a decision is made to carry out a military construction project using funds transferred to the contingency construction account under subsection (a), the Secretary of Defense shall submit written notice to the appropriate committees of Congress no later than fifteen days after the obligation of the funds for the project, specifying the estimated cost of the project and including form 1391.

(d) DEFINITIONS.—For purposes of this section, the terms ''appropriate committees of Congress'', ''military construction'', and ''military installation'' have the meanings given such terms in section 2801 of title 10, United States Code, except that, with respect to military construction in a foreign country, the term ''military installation'' includes, not only buildings, structures, and other improvements to real property under the operational control of the Secretary of a military department or the Secretary of Defense, but also any building, structure, or other improvement to real property to be used by the Armed Forces, regardless of whether such use is anticipated to be temporary or of longer duration.

SEC. 1902. (a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of funding the costs associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.

(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds authorized and appropriated for the project. The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures of amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.

(c) The authority provided in this section shall be effective upon the date of the enactment of this Act.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized, $25,000,000, to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That none of the funds under this heading may be obligated or expended until the Department of Transportation Inspector General certifies to the House and Senate Committees on Appropriations that the recommendations of report CR–2003–031 have been implemented to his satisfaction.

TITLE II—MISCELLANEOUS AND TECHNICAL APPROPRIATIONS

CHAPTER 1

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

GENERAL PROVISIONS

SEC. 2101. (a) Section 756 in Division A of Public Law 108–7 is amended by striking ''section 7404'' and inserting in lieu thereof ''sections 7404(a)(1) and 7404(c)(1)''.

(b) Section 7404(e) of Public Law 107–171 is amended by striking ''0.1 percent of the amount of appropriations available to the Agricultural Research Service'' and inserting in lieu thereof ''$499,000 of the amount of appropriations available to the Department of Agriculture''.

SEC. 2102. Section 210 of the Agricultural Assistance Act of 2003, ''Assistance to Agricultural Producers Located in New Mexico for Tebuthiuron Application Losses'', is amended in subsection (a)—

(1) by inserting ''all'' before ''losses'';

(2) by inserting after ''losses'' the following: ''to crops, livestock, and trees, and interest and loss of income, and related expenses'';

(3) by striking ''during calendar years 2002 and 2003''; and

(4) by deleting ''August'' and inserting in lieu thereof ''July''.

SEC. 2103. LIVESTOCK COMPENSATION PROGRAM. Section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108–7)) is amended by adding at the end the following:

''(3) GRANTS.—

''(A) IN GENERAL.—To provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

''(B) AMOUNT.—The total amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are eligible to receive under paragraph (2)(B).''.

SEC. 2104. USE OF ORGANICALLY PRODUCED FEED FOR CERTIFICATION AS ORGANIC FARM. Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (division A of Public Law 108–7) is repealed.

SEC. 2105. WILD SEAFOOD. Section 2107 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after section (b) the following:

''(c) WILD SEAFOOD.—

''(1) IN GENERAL.—Notwithstanding the requirement of section 2107(a)(1)(A) requiring products be produced only on certified organic farms, the Secretary shall allow, through regulations promulgated after public notice and opportunity for comment, wild seafood to be certified or labeled as organic.

''(2) CONSULTATION AND ACCOMMODATION.—In carrying out paragraph (1), the Secretary shall—

''(A) consult with—

''(i) the Secretary of Commerce;

''(ii) the National Organic Standards Board established under section 2119;

''(iii) producers, processors, and sellers; and

''(iv) other interested members of the public; and

''(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild seafood.''.

SEC. 2106. TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS. (a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

''(b) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

''(2) CONSERVATION SECURITY PROGRAM.—Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)—

''(A) shall be available for the provision of technical assistance for the conservation security program; and

''(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on February 20, 2003.

CHAPTER 2

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

EUROPEAN COMMUNITIES MUSIC LICENSING DISPUTE

For the payment to the European Communities with regard to the European Communities music licensing dispute, $3,300,000.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'' for satellite programs, $65,000,000, to remain available until September 30, 2004: Provided, That funds provided under this heading for the National Polar-orbiting Operational Environmental Satellite System shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for ''Equal Employment Opportunity Commission, Salaries and Expenses'', $15,000,000.

NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for ''National Commission on Terrorist Attacks Upon the United States, Salaries and Expenses'', $11,000,000, to remain available until September 30, 2004.

GENERAL PROVISION, THIS CHAPTER

SEC. 2201. Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking ''program authorized for the fishery in Sec. 211'' and inserting ''programs authorized for the fisheries in sections 211 and 212''; and

(2) by striking ''program in section 211'' and inserting ''programs in sections 211 and 212''.

CHAPTER 3

SUBCOMMITTEE ON DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $8,752,000 are rescinded (including $8,655,000 from local funds and $97,000 from other funds).

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for ''Economic Development and Regulation'', $13,428,000 (including a rescission of $1,282,000 from local funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, and an additional amount of $14,710,000 from other funds).

PUBLIC SAFETY AND JUSTICE

For an additional amount for ''Public Safety and Justice'', $11,462,000 from local funds.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $11,435,000 are rescinded (including a rescission of $13,546,000 from local funds and an additional amount of $2,111,000 from other funds), to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—An increase of $2,029,000 (including a rescission of $29,000 from local funds and an additional amount of $2,058,000 from other funds);

(2) STATE EDUCATION OFFICE.—A rescission of $181,000 from local funds;

(3) PUBLIC CHARTER SCHOOLS.—Notwithstanding any other provision of law, a rescission of $12,000,000 from local funds;

(4) UNIVERSITY OF THE DISTRICT OF COLUMBIA.—A rescission of $1,040,000 from local funds;

(5) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—A rescission of $237,000 (including a rescission of $290,000 from local funds and an additional amount of $53,000 from other funds); and

(6) COMMISSION ON THE ARTS AND HUMANITIES.—A rescission of $6,000 from local funds.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for ''Human Support Services'', $30,258,000 (including an additional amount of $34,292,000 from local funds and a rescission of $4,034,000 from other funds appropriated under this heading in the District of Columbia Appropriations Act, 2003.

In addition, this heading in the District of Columbia Appropriations Act, 2003, is amended by striking the following proviso, '': Provided further, That $37,500,000 in local funds, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund.'' and inserting the following proviso '': Provided further, That $74,500,000 in local funds may be deposited in the Medicaid and Special Education Reform Fund and shall then remain available until expended.''.

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for ''Public Works'', $2,420,000 (including a rescission of $8,998,000 from local funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, and an additional amount of $11,418,000 from other funds): Provided, That $512,000 from other funds shall remain available until expended for the taxicab revolving loan fund.

REPAYMENT OF LOANS AND INTEREST

(INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $2,466,000 are rescinded.

WILSON BUILDING

(INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $700,000 are rescinded.

WORKFORCE INVESTMENTS

(INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $2,000,000 are rescinded.

NON-DEPARTMENTAL AGENCY

(INCLUDING RESCISSION)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003, $5,799,000 are rescinded.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 2301. The District of Columbia is hereby authorized to transfer an amount not to exceed $12,081,000, to remain available until expended, from funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's undesignated, unreserved fund balance to the local general fund to cover revenue shortfalls: Provided, That nothing in this provision shall be deemed as granting the District additional authority to expend funds from the emergency or contingency reserves established under section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50a(b)).

SEC. 2302. The authority which the Chief Financial Officer of the District of Columbia exercised with respect to personnel, procurement, and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect through September 30, 2004.

SEC. 2303. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title I of Division C, under the heading ''Federal Payment to the Chief Financial Officer of the District of Columbia'' the provision specifying $100,000 to Friends of Fort Dupont to restore and upgrade unused Fort Dupont baseball fields shall be deemed to read as follows: ''$100,000 to Friends of Fort Dupont to restore and upgrade unused Fort Dupont baseball fields and to support the Fort Dupont's Kids on Ice program''.

CHAPTER 4

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

STATE AND TRIBAL WILDLIFE GRANTS

Division F of Public Law 108–7 is hereby amended under the heading ''United States Fish and Wildlife Service, State and Tribal Wildlife Grants'' by striking ''$3,000,000'' and inserting ''$5,000,000''.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Division F of Public Law 108–7 is hereby amended under the heading ''National Park Service, Operation of the National Park System'' by striking ''$1,565,565,000'' and inserting ''$1,574,565,000''.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

Within thirty days of enactment of this Act, the Secretary of the Interior shall make available for obligation funds previously appropriated in Public Law 107–63 for construction of the Ojibwa Indian School.

GENERAL PROVISION, THIS CHAPTER

SEC. 2401. Section 328 of Division F, Public Law 108–7 is amended by striking the phrase ''under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104–19)'' in the proviso.

CHAPTER 5

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The matter under the heading ''Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services'', in Public Law 108–7 is amended—

(1) by striking ''Heart Beat, New Bloomfield, PA,'' and inserting ''Heart Beat, Millerstown, PA,'' in lieu thereof;

(2) by striking ''Tressler Lutheran Services, Harrisburg, PA, for abstinence education and related services'' and inserting ''DIAKON Lutheran Social Ministries, Allentown, PA, for abstinence education and related services in Cumberland and Dauphin counties'' in lieu thereof;

(3) by striking ''Community Ministries of the Lutheran Home at Topton, Reading, PA, for abstinence education and related services'' and inserting ''DIAKON Lutheran Social Ministries of Allentown, PA, for abstinence education and related services in Berks county'' in lieu thereof;

(4) by striking ''$298,153,000'' and inserting ''$296,638,000'' in the first proviso; and

(5) by inserting after ''a study regarding delivery of pediatric health care in northeastern Oklahoma,'' ''$225,000 is available for the Mental Health Association of Tarrant County, Ft. Worth, Texas to provide school-based mental health education to schools in Tarrant County, $200,000 is available for the AIDS Research Institute at the University of California, San Francisco for a Developing Country Medical Program to facilitate clinician exchange between the United States and developing countries, $1,000,000 is available for the Geisinger Health System, Harrisburg, PA to establish centers of excellence for the treatment of autism''.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The matter under the heading ''Office of the Secretary, Public Health and Social Services Emergency Fund'', in Public Law 108–7 is amended by striking '', to remain available until expended'' after the ''$5,000,000''.

GENERAL PROVISIONS

(TRANSFER AUTHORITY)

SEC. 2501. Section 207 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108–7; Division G) is amended by striking ''or any other''.

INTERNATIONAL HEALTH ACTIVITIES

SEC. 2502. (a) In addition to the authority provided in section 215 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108–7, Division G), in order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

(b) The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

The matter under the heading ''Department of Education, School Improvement Programs'', in Public Law 108–7 is amended—

(1) by striking ''$8,052,957,000'' and inserting ''$8,053,507,000'';

(2) by striking ''$508,100,000'' and inserting ''$537,100,000'';

(3) by striking ''$4,132,167,000'' and inserting ''$4,233,167,000'';

(4) by striking ''$814,660,000'' and inserting ''$815,210,000''; and,

(5) by striking ''$212,160,000'' and inserting ''$212,710,000''.

In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Education under the heading ''School Improvement Programs''—

(1) the provision specifying $150,000 for Illinois State Board of Education, Springfield, Illinois, for computers, hardware and software for the implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and Pleasant Plain Illinois District #18 shall be deemed to read as follows: ''Illinois State Board of Education, Springfield, Illinois, for implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and for improving mathematics achievement in Peoria School District #150 and Jacksonville School District #117, $150,000'';

(2) the provision specifying $2,000,000 for Pinellas County Florida School District, St. Petersburg, Florida, for technology for Title I schools shall be deemed to read as follows: ''St. Petersburg College, St. Petersburg, Florida, for the Pinellas County EpiCenter, $2,000,000'';

(3) the provision specifying $500,000 for the St. Louis Children's Museum, MO, for a collaborative project with the St. Louis Public Library to create interactive exhibits and educational programs shall be deleted;

(4) the provision specifying $200,000 for the Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground shall be deemed to read as follows: ''Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground, $700,000'';

(5) the provision specifying $25,000 for the Boys and Girls Club of El Dorado, Arkansas, for drug prevention and after school programs shall be deemed to read as follows: ''Boys and Girls Club, Southeast Unit, El Dorado, Arkansas, for drug prevention and after school programs, $25,000'';

(6) the provision specifying $100,000 for the American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities shall be deleted;

(7) the provision specifying $400,000 for the Milwaukee Public Schools, Wisconsin, to expand before- and after-school programs shall be deemed to read: ''Milwaukee Public Schools, WI, for before- and after-school programs, $400,000'';

(8) the provision specifying $200,000 for Tensas Reunion, Inc., Newellton, LA, for instructional technology training, and after school programs at the Tensas Charter School shall be deemed to read: ''Tensas Reunion, Inc., Newellton, LA, for the TREES Project in Tensas Parish, including activities such as the purchase of computers and educational software, tutoring, and workshops to promote parental involvement, $200,000'';

(9) the provision specifying $250,000 for Community School District 8, Flushing, NY, for after-school programs shall be deemed to read: ''Community School District 8, Bronx, NY, for after-school programs, $250,000'';

(10) the provision specifying $20,000 for Westside High School, Bakersfield, California, for equipment shall be deemed to read: ''West High School, Bakersfield, California, for equipment, $20,000'';

(11) the provision specifying $1,000,000 for the National Science Center Foundation, Atlanta, Georgia, for educational technology and other purposes shall be deemed to read: ''National Science Center Foundation, Augusta, Georgia, for educational technology and other purposes, $1,000,000'';

(12) the provision specifying $200,000 for the Golden Gate National Parks Association, San Francisco, CA, for environmental education programs at the Crissy Field Center shall be deemed to read: ''Golden Gate National Parks Conservancy, San Francisco, CA, for environmental education programs at the Crissy Field Center, $200,000'' and a provision shall be added that reads: ''Beresford Community Education in Beresford, SD to expand community education programs, $150,000'';

(13) the provision specifying $100,000 for the University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders and the Preparation and Recruitment of Teachers shall be deemed to read: ''University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders, $100,000'';

(14) the provision specifying $25,000 for the Meredith-Dunn Learning Disabilities Center, Inc., Louisville, Kentucky for technology shall be deemed to read as follows: ''Meredith-Dunn Learning Disabilities Center, Inc., Louisville, Kentucky for school counseling services, $25,000'';

(15) the provision specifying $40,000 for the Father Maloney's Boys Haven, Louisville, Kentucky for technology shall be deemed to read as follows: ''Father Maloney's Boys Haven, Louisville, Kentucky for an educational program, $40,000'';

(16) the provision specifying $50,000 for the Joel II Restoration Ministries for education programs shall be deemed to read as follows: ''Joel II Restoration Outreach, Inc. for education programs, $50,000''; and

(17) the provision specifying $1,500,000 for the City of Upland, California, for after school programs shall be deemed to read as follows: ''YMCA of the City of Upland, California, for after-school activities, $1,500,000''.

HIGHER EDUCATION

The matter under the heading ''Higher Education'', in Public Law 108–7 is amended—

(1) by striking ''$2,100,701,000'' and inserting ''$2,100,151,000''; and,

(2) by striking ''$140,599,000'' and inserting ''$140,049,000''.

In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Postsecondary Education under the heading ''Higher Education''—

(1) the second reference to the provision specifying $1,000,000 for the University of Massachusetts-Boston to purchase research equipment and technology infrastructure shall be deleted;

(2) the provision specifying $500,000 for Harford County Public Schools, Bel Air, MD, for support of a math and science magnet school program at Aberdeen High School shall be deleted and a provision shall be added that reads: ''American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities, $100,000'';

(3) the provision specifying $100,000 for Slippery Rock University, Slippery Rock, PA, for Knowledge Pointe at Cranberry Woods, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents shall be deemed to read as follows: ''Regional Learning Alliance, Marshall Township in Allegheny County, PA, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents, $200,000'';

(4) the provision specifying $150,000 for Beresford Community Education in Beresford, SD to expand community education programs shall be deleted;

(5) the provision specifying $100,000 for Slippery Rock University, Slippery Rock, Pennsylvania, for the North Hill Educational Alliance shall be deleted;

(6) the provision specifying $400,000 for the University of Southern Maine, Portland, Maine, for telecommunications and technology upgrades to support science, engineering and advanced technology programs shall be deleted and the provision specifying $600,000 for the University of Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology shall be deemed to read as follows: ''University of Southern Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology, $1,000,000''; and

(7) the provision specifying $250,000 to the National Aviary Conservation Education Technology Integration in Pittsburgh shall be deemed to read as follows: ''National Aviary Conservation Education Technology Integration in Pittsburgh, for the Remote Audio-Visual Engagement Network (RAVEN) project, $250,000''.

GENERAL PROVISIONS

SEC. 2503. Section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) is amended by striking ''17'' and inserting ''19''.

SEC. 2504. Section 7304(a)(2)(P) of the Elementary and Secondary Education Act of 1965 is amended by striking ''such as'' and inserting in lieu thereof ''operated by''.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The matter under the heading ''Corporation for National and Community Service, Domestic Volunteer Service Programs, Operating Expenses'', in Public Law 108–7 is amended by inserting after ''in this Act'' the following: ''for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973''.

CHAPTER 6

SUBCOMMITTEE ON LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

SEC. 2601. (a) The third sentence of section 1203(a) of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7, division H) is amended by striking ''not later than 90 days'' and inserting ''not later than 180 days''.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

SEC. 2602. Notwithstanding any other provision of law, the Architect of the Capitol may obligate and expend such amounts from the Capitol Preservation Fund established under section 803 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2083, formerly 40 U.S.C. 188a–2) as approved by the Capitol Preservation Commission established under section 801 of such Act (2 U.S.C. 2081, formerly 40 U.S.C. 188a) for the purposes of planning, engineering, design or construction of the Capitol Visitor Center.

LIBRARY OF CONGRESS

SEC. 2603. The Legislative Branch Appropriations Act, 2003 (Public Law 108–7, division H) is amended in the item relating to ''Library of Congress—Salaries and Expenses'' by striking the period at the end and inserting the following: '': Provided further, That of the amount transferred under this heading to the educational consortium formed to conduct the 'Joining Hands Across America: Local Community

Initiative', not more than $500,000 may be used for a math and science education pilot project.''.

SEC. 2604. The Legislative Branch Appropriations Act, 2003 (Public Law 108–7, division H) is amended in the item relating to ''Library of Congress—Salaries and Expenses'' by striking ''North Carolina'' and inserting the following: ''North Carolina, and for developing a high-capacity computer facility to serve that region''.

CHAPTER 7

SUBCOMMITTEE ON TRANSPORTATION, TREASURY AND GENERAL GOVERNMENT

GENERAL PROVISIONS, THIS CHAPTER

SEC. 2701. Section 336 of Division I of Public Law 108–7 is amended by striking ''Transportation Management'' and inserting in lieu thereof ''Urbanized''.

SEC. 2702. Section 321 of Division I of Public Law 108–7 is amended by—

(1) inserting ''or underneath'' in subsection (q)(2) before ''the Class B airspace'';

(2) deleting ''has sufficient capacity and'' in subsection (q)(3) after ''Title 49''; and

(3) inserting ''passenger'' in subsection (q)(3) before ''delays''.

SEC. 2703. Amounts made available to carry out sections 1212(k) and 5117(b)(6) of 112 Stat. 107 et seq. shall be used to carry out item number 1278 of the table contained in section 1602 of such Act (112 Stat. 263).

SEC. 2704. It is the sense of the Senate that—

(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

(2) although the acquisition was a positive action, the combination of the two airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

(3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

(4) American Airlines should encourage its employee groups to integrate all employees in a manner that is fair and equitable for all parties involved.

SEC. 2705. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

SEC. 2706. (a) Notwithstanding any other provision of law, projects and activities designated on pages 1267 through 1278 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–7 shall be eligible for fiscal year 2003 funds made available from the program for which each project or activity is so designated and projects and activities on pages 1305 through 1307 shall be awarded those grants upon receipt of an application.

(b) Public Law 108–7 is amended in the first paragraph under the heading ''Federal Highway Administration Limitation on Administrative Expenses'' by striking ''$269,700,000'' and inserting ''$299,745,000''.

SEC. 2707. Notwithstanding any other provision of law, funds made available under the heading ''Federal Transit Administration Formula Grants'' for fiscal year 2003 shall be available to finance the operating cost of equipment and facilities for use in public transportation in an urbanized area with a population of at least 200,000 as determined under the 2000 Federal decennial census of population for a portion of the area that was not designated as an urbanized area as determined under the 1990 Federal decennial census of population if that portion of the area received assistance under section 5311 of title 49, United States Code.

SEC. 2708. Section 41743(c)(4) of title 49, United States Code, is amended by inserting before the period at the end the following: ''in each year for which funds are appropriated for the program''.

SEC. 2709. Section 626 of title VI of division B of Public Law 108–7 is amended by striking ''previously''.

SEC. 2710. None of the funds in this Act or any other Act may be obligated or expended to pay for transportation described in section 41106 of title 49, United States Code, to be performed by any air carrier that is not effectively controlled by citizens of the United States: Provided, That for purposes of implementing section 41106, an air carrier shall not be considered to be effectively controlled by citizens of the United States if the air carrier receives 50 percent or more of its operating revenue over the most recent three year period from a person not a citizen of the United States and such person, directly or indirectly, either owns a voting interest in the air carrier or is owned by an agency or instrumentality of a foreign state: Provided further, That this prohibition applies to transportation performed under any contract awarded or reawarded after the date of enactment of this Act: Provided further, That when the Secretary of Defense decides that no air carrier holding a certificate under section 41102 is capable of providing, and willing to provide, such transportation, the Secretary of Defense may make a contract to provide the transportation with an air carrier not having a certificate: Provided further, That the Secretary of Transportation is directed to use an Administrative Law Judge in a formal proceeding to resolve docket number OST–2002–13089.

CHAPTER 8

SUBCOMMITTEE ON VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for costs associated with processing claims of veterans who may have incurred injuries with service in the Persian Gulf War combat arena, $100,000,000, to remain available until expended: Provided, That the Secretary may transfer such sums as may be necessary to ''Veterans Health Administration, Medical Care'' to provide health care services as authorized by 38 U.S.C. 1710(e)(1)(D) subject to a determination by the Secretary of Veterans Affairs that such additional funds are necessary: Provided further, That the Secretary shall notify the Committees on Appropriations at least 15 days prior to the transfer or allocation of any funds provided under this paragraph.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

The referenced statement of managers under the heading ''Community development fund'' in title II of Public Law 108–7 under grant No. 26 under the Neighborhoods Initiative program is amended by striking ''Glendale, Montana'' and inserting in lieu thereof ''Glendive, Montana''.

The referenced statement of managers under the heading ''Community development fund'' in title II of Public Law 106–377 is amended by striking ''$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for infrastructure improvements at the Serenity Village homeless programs'' and inserting in lieu thereof ''$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for renovation and infrastructure improvements for a homeless service center on Penn Avenue in Pittsburgh''.

The referenced statement of managers under the heading ''Community development fund'' in title II of Public Law 108–7 under grant No. 201 under the Economic Development Initiatives program is amended by striking ''the Clearwater Economic Development Association in Clearwater, Idaho'' and inserting in lieu thereof ''the State of Idaho''.

The referenced statement of managers under the heading ''Community development fund'' in title II of Public Law 108–7 under grant No. 873 under the Economic Development Initiatives program is amended by striking ''Grant County Commission in West Virginia'' and inserting in lieu thereof ''Grant County Library Commission in Grant County, West Virginia''.

INDEPENDENT AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

To liquidate obligations previously incurred by the Corporation for National and Community Service (''Corporation''), up to $64,000,000 is provided to the National Service Trust: Provided, That the Corporation may use these funds only to liquidate the deficiency that it has already incurred and that these funds are not available for obligation, or to liquidate obligations, for any other purpose whatsoever: Provided further, That the Corporation may not use these funds unless and until it reports these overobligations to the Congress and the President in accordance with the requirements of the Antideficiency Act and the guidance of the Office of Management and Budget in OMB Circular A–11 (2002): Provided further, That the second proviso under the heading ''Corporation for National and Community Service'' in Public Law 108–7 is deemed to be amended by inserting after ''section 501(a)(4)'' the following: ''with not less than $2,500,000 for the Office of the Chief Financial Officer to enact financial reform in the Corporation, without regard to the provisions of section 501(a)(4)(B) of the Act''.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106–74 is deemed to be amended in reference to item number 135, as amended, by striking everything after ''135.'' and inserting, ''$437,000 for the Huntington Sanitary Board of Huntington, West Virginia for the construction of wastewater treatment facilities in the Fourpole Watershed; and $513,000 for the Region I Planning and Development Council in Princeton, West Virginia for water and wastewater infrastructure improvements'': Provided, That the referenced statement of the managers under this heading in Public Law 107–73 is deemed to be amended by striking everything after ''District'' in reference to item number 222 and inserting, ''for water infrastructure improvements'': Provided further, That the referenced statement of the managers under this heading in Public Law 108–7 is deemed to be amended by striking everything after the word ''Agency'' in reference to item number 72 and inserting, ''for the Mojave Desert Arsenic Demonstration Project''.

ADMINISTRATIVE PROVISION

Within 30 days of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each ''maximum annual fee payable'' pursuant to 7 U.S.C. 136a–1(i)(5)(D) and (E) in a manner such that maintenance fee collections made to reach the level authorized in division K of Public Law 108–7 shall be established in the same proportion as those maintenance fee collections authorized in Public Law 107–73.λ

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The first sentence under this heading in Public Law 108–7 is amended by striking ''$320,000,000'' and inserting in lieu thereof ''$330,000,000''.

TITLE III—COLUMBIA ORBITER MEMORIAL ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Columbia Orbiter Memorial Act''.

SEC. 302. CONSTRUCTION OF MEMORIAL TO CREW OF COLUMBIA ORBITER AT ARLINGTON NATIONAL CEMETERY.

(a) CONSTRUCTION REQUIRED.—The Secretary of the Army shall, in consultation with the Administrator of the National Aeronautics and Space Administration, construct at an appropriate place in Arlington National Cemetery, Virginia, a memorial marker honoring the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS–107.

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248) under the heading ''OPERATION AND MAINTENANCE, ARMY'', $500,000 shall be available for the construction of the memorial marker required by subsection (a).

SEC. 303. DONATIONS FOR MEMORIAL FOR CREW OF COLUMBIA ORBITER.

(a) AUTHORITY TO ACCEPT DONATIONS.—The Administrator of the National Aeronautics and Space Administration may accept gifts and donations of services, money, and property (including personal, tangible, or intangible property) for the purpose of an appropriate memorial or monument to the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS–107, whether such memorial or monument is constructed by the Administrator or is the memorial marker required by section 302.

(b) TRANSFER.—(1) The Administrator may transfer to the Secretary of the Army any services, money, or property accepted by the Administrator under subsection (a) for the purpose of the construction of the memorial marker required by section 302.

(2) Any moneys transferred to the Secretary under paragraph (1) shall be merged with amounts in the account referred to in subsection (b) of section 302, and shall be available for the purpose referred to in that subsection.

(c) EXPIRATION OF AUTHORITY.—The authority of the Administrator to accept gifts and donations under subsection (a) shall expire five years after the date of the enactment of this Act.

TITLE IV—AVIATION-RELATED ASSISTANCE

DEPARTMENT OF HOMELAND SECURITY

TRANSPORTATION SECURITY ADMINISTRATION

For expenses and revenue forgone related to aviation security, $2,395,750,000, to remain available until September 30, 2003: Provided, That the first $100,000,000 of such amounts shall be available, notwithstanding any other provision of this Act, until expended to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act: Provided further, That the remaining $2,295,750,000 of such amounts shall be remitted to United States flag air carriers in the proportional share each such carrier has paid or collected as of the date of enactment of this Act in passenger security and air carrier security fees to the Transportation Security Administration: Provided further, That payments made under the preceding proviso may be used by an air carrier for such purposes as the carrier determines appropriate: Provided further, That payments made under this heading shall be distributed as a lump sum payment and made not later than 30 days after the date of enactment of this Act: Provided further, That the Transportation Security Administration, not later than 30 days after the last disbursement of funds made pursuant to the second proviso under this heading, shall certify that such funds were allocated by air carriers for security related expenses or revenue forgone as a result of meeting Federal security mandates and shall transmit such certification to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House Committee on Transportation and Infrastructure: Provided further, That the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall not impose the fees authorized by section 44940(a) of title 49, United States Code, during the period beginning June 1, 2003, and ending September 30, 2003: Provided further, That (1) notwithstanding any other provision of law, the Secretary of Homeland Security may not provide assistance to an air carrier pursuant to the second proviso under this heading unless that air carrier executes a contract with the Secretary under which the air carrier agrees that—

(A) the air carrier will not provide total cash compensation during the 12-month period beginning April 1, 2003, to an executive officer in an amount equal to more than the annual salary paid to that officer with respect to the air carrier's fiscal year 2002; and

(B) if the air carrier violates the agreement under subparagraph (A), the air carrier will pay to the Secretary of the Treasury, within 60 days after the date on which the violation occurs, an amount, determined by the Secretary of Homeland Security, equal to the total amount of assistance received by the air carrier pursuant to the second proviso under this heading.

(2) For the purpose of applying paragraph (1) of this proviso to an executive officer—

(A) who was employed by an air carrier for less than 12 months during the air carrier's fiscal year 2002, or whose employment began after the last day of the last fiscal year of such air carrier ending before the date of enactment of this Act—

(i) the salary paid to that executive officer in that air carrier's fiscal year 2002, or in the next fiscal year of that air carrier (if such next fiscal year began before the date of enactment of this Act), respectively, shall be determined as an annual rate of pay;

(ii) that annual rate of pay shall be treated as if it were the annual salary paid to that executive officer during the air carrier's fiscal year 2002; and

(iii) that executive officer shall be deemed to have been employed during that fiscal year; and

(B) whose employment begins after the date of enactment of this Act—

(i) the annual salary at which that executive officer is first employed by an air carrier may not exceed the maximum salary paid to any executive officer by that air carrier during that air carrier's fiscal year 2002 with the same or similar responsibilities;

(ii) that salary shall be treated as if it were the annual salary paid to the executive officer during that air carrier's fiscal year 2002; and

(iii) the executive officer shall be deemed to have been employed by that air carrier during that air carrier's fiscal year 2002.

(3) The Secretary shall not apply any of the conditions of this proviso for receiving assistance pursuant to the second proviso under this heading to any air carrier that operates aircraft exclusively with 85 seats or less, any Hawaii-based carrier or any air carrier that does not operate trans-Pacific or trans-Atlantic flights.

(4)(A) The Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of air carriers entering into an agreement under this proviso that relate to the information required to implement the provisions of this proviso.

(B) The Comptroller General shall transmit a report of any investigation conducted under this proviso to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House of Representatives Committee on Transportation and Infrastructure, together with a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by this report.

(5) In this proviso, the following definitions apply:

(A) The term ''executive officer'' means the two most highly compensated named executive officers (as that term is used in section 402(a)(3) of Regulation S-K promulgated by the Salaries and Exchange Commission under the Securities and Exchange Act of 1934 (17 CFR 229.402(a)(3))).

(B) The term ''salary'' means the base salary of an individual, excluding any bonuses, awards of stock, or other financial benefits provided by an air carrier to the individual.

(C) The term ''total cash compensation'' has the meaning given the term ''total compensation'' by section 104(b) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), but does not include awards of stock or stock options or preexisting contracts governing retirement.

(6) Nothing in this proviso shall be construed to prohibit or limit an air carrier in providing health benefits, life insurance benefits, or reimbursement of reasonable expenses to an executive officer.

GENERAL PROVISIONS—THIS TITLE

SEC. 4001. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking ''2003,'' each place it appears and inserting ''2004,''.

(b) Section 44303(b) of such title is amended by striking ''2003,'' and inserting ''2004,''.

(c) Section 44310 of such title is amended by striking ''2003.'' and inserting ''2004.''.

SEC. 4002. ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR DISPLACED AIRLINE AND RELATED WORKERS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''eligible individual'' means an individual whose eligibility for temporary extended unemployment compensation under the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), is or would be based on the exhaustion of regular compensation under State law, entitlement to which was based in whole or in part on qualifying employment performed during such individual's base period;

(2) the term ''qualifying employment'', with respect to an eligible individual, means employment—

(A) with an air carrier, employment at a facility at an airport, or with an upstream producer or supplier for an air carrier; and

(B) as determined by the Secretary, separation from which was due, in whole or in part, to—

(i) reductions in service by an air carrier as a result of a terrorist action or security measure;

(ii) a closure of an airport in the United States as a result of a terrorist action or security measure; or

(iii) a military conflict with Iraq that has been authorized by Congress;

(3) the term ''air carrier'' means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code;

(4) the term ''upstream producer'' means a firm that performs additional, value-added, production processes, including firms that perform final assembly, finishing, or packaging of articles, for another firm;

(5) the term ''supplier'' means a firm that produces component parts for, or articles and contract services considered to be a part of the production process or services for, another firm;

(6) the term ''Secretary'' means the Secretary of Labor; and

(7) the term ''terrorist action or security measure'' means a terrorist attack on the United States on September 11, 2001, or a security measure taken in response to such attack.

(b) ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR ELIGIBLE INDIVIDUAL.—In the case of an eligible individual, the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), shall be applied as if it had been amended in accordance with subsection (c).

(c) MODIFICATIONS.—

(1) IN GENERAL.—For purposes of subsection (b), the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), shall be treated as if it had been amended as provided in this subsection.

(2) PROGRAM EXTENSION.—Deem section 208 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108–1 (117 Stat. 3), to be amended to read as follows:

"SEC. 208. APPLICABILITY.

''(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

''(1) beginning after the date on which such agreement is entered into; and

''(2) ending before December 29, 2003.

''(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual who has amounts remaining in an account established under section 203 as of December 28, 2003, temporary extended unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such date for which the individual meets the eligibility requirements of this title.

''(2) NO AUGMENTATION AFTER DECEMBER 28, 2003.—If the account of an individual is exhausted after December 28, 2003, then section 203(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

''(3) LIMITATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after December 26, 2004.''.

(3) ADDITIONAL WEEKS OF BENEFITS.—Deem section 203 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108–1 (117 Stat. 3), to be amended—

(A) in subsection (b)(1)—

(i) in subparagraph (A), by striking ''50'' and inserting ''150''; and

(ii) by striking ''13'' and inserting ''39''; and

(B) in subsection (c)(1), by inserting ''⅓ of'' after ''equal to''.

(4) EFFECTIVE DATE OF MODIFICATIONS DESCRIBED IN PARAGRAPH (3).—

(A) IN GENERAL.—The amendments described in paragraph (3)—

(i) shall be deemed to have taken effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002; but

(ii) shall be treated as applying only with respect to weeks of unemployment beginning on or after the date of enactment of this Act, subject to subparagraph (B).

(B) SPECIAL RULES.—In the case of an eligible individual for whom a temporary extended unemployment account was established before the date of enactment of this Act, the Temporary Extended Unemployment Compensation Act of 2002 (as amended by this section) shall be applied subject to the following:

(i) Any amounts deposited in the individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as ''TEUC–X amounts'') before the date of enactment of this Act shall be treated as amounts deposited by reason of section 203(b) of such Act (commonly known as ''TEUC amounts''), as deemed to have been amended by paragraph (3)(A).

(ii) For purposes of determining whether the individual is eligible for any TEUC–X amounts under such Act, as deemed to be amended by this subsection—

(I) any determination made under section 203(c) of such Act before the application of the amendment described in paragraph (3)(B) shall be disregarded; and

(II) any such determination shall instead be made by applying section 203(c) of such Act, as deemed to be amended by paragraph (3)(B), as of the time that all amounts established in such account in accordance with section 203(b) of such Act (as deemed to be amended under this subsection, and including any amounts described in clause (i)) are in fact exhausted.

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have expertise in behavioral and psychological sciences and standards and practices relating to proper treatment of sexual assault victims (to include their medical and legal rights and needs), as well as the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 8, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study of the policies, management and organizational practices, and cultural elements of the United States Air Force Academy that were conducive to allowing sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) review the actions taken by United States Air Force Academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct; and

(B) the circumstances that resulted in sexual misconduct at the Academy;

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study; and

(6) review, and incorporate as appropriate, the findings of ongoing studies being conducted by the Air Force General Counsel and Inspector General.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit a report on the study required by subsection 502(a) to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

TITLE VI—GENERAL PROVISIONS—THIS ACT

SEC. 6001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the ''Emergency Wartime Supplemental Appropriations Act, 2003''.

And the Senate agree to the same.

BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
HAL ROGERS,
FRANK WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
ERNEST J. ISTOOK, Jr.,
HENRY BONILLA,
JOE KNOLLENBERG,
JACK KINGSTON,
RODNEY P. FRELINGHUYSEN,
DAVID OBEY,
JOHN P. MURTHA,
NORMAN DICKS,
MARTIN OLAV SABO,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
PETER J. VISCLOSKY,
NITA M. LOWEY,
JOSE E. SERRANO,
JAMES P. MORAN,
CHET EDWARDS,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
ROBERT C. BYRD,
DANIEL K. INOUYE,

PATRICK J. LEAHY,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
HERB KOHL
(except for P.L. 480),
PATTY MURRAY,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
DICK DURBIN,
TIM JOHNSON,
MARY L. LANDRIEU,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER announced that the yeas had it.

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶41.9 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER laid before the House a communication, which was read as follows:

WASHINGTON, DC,
April 12, 2003.

I hereby appoint the Honorable MAC THORNBERRY or, if not available to perform this duty, the Honorable WAYNE T. GILCHREST to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 29, 2003.

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

By unanimous consent, the appointments were approved.

¶41.10 PROVIDING FOR THE ADJOURNMENT OF THE TWO HOUSES

The SPEAKER pro tempore, Mr. THORNBERRY, laid before the House the following privileged concurrent resolution (S. Con. Res. 38):

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, April 11, 2003, or Saturday, April 12, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 28, 2003, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Saturday, April 12, 2003, through Friday, April 18, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, April 29, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶41.11 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. BURGESS, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 30, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶41.12 SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 703. An Act to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the ''Carl T. Curtis National Park Service Midwest Regional Headquarters Building''; to the Committee on Transportation and Infrastructure.

S. 763. An Act to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

S.J. Res. 8. A joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; to the Committee on the Judiciary.

And then,

¶41.13 ADJOURNMENT

On motion of Mr. BURGESS, pursuant to Senate Concurrent Resolution 38, at 12 o'clock and 54 minutes p.m., the House adjourned until 2 p.m. on Tuesday, April 29, 2003.

¶41.14 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 1559. A bill making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes (Rept. 108–76). Ordered to be printed.

¶41.15 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGEL (for himself, Ms. ROS-LEHTINEN, Mr. ANDREWS, Mr. BACHUS, Mr. BALLENGER, Mr. BELL, Ms. BERKLEY, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CROWLEY, Mrs. JO ANN DAVIS of Virginia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FOLEY, Mr. FROST, Mr. GREEN of Wisconsin, Mr. HOEFFEL, Mr. ISRAEL, Mr. JANKLOW, Mr. KING of New York, Mr. LANTOS, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Mr. MCCOTTER, Mr. MCNULTY, Mr. MICA, Mr. MOORE, Mr. NADLER, Mr. PALLONE, Mr. PENCE, Ms. PRYCE of Ohio, Mr. REYNOLDS, Mr. ROSS, Mr. SAXTON, Mr. SHERMAN, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. TURNER of Texas, Mr. VAN HOLLEN, Mr. VITTER, Mr. WEINER, Mr. WELLER, and Mr. WEXLER):

H.R. 1828. A bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, and for other purposes; to the Committee on International Relations.

By Mr. HOEKSTRA (for himself, Mr. FRANK of Massachusetts, Mr. COLLINS, Mrs. MALONEY, Mr. SENSENBRENNER, Mr. CONYERS, Mr. COBLE, Mr. WATT, Mr. MANZULLO, Ms. VELAZQUEZ, Mr. BOEHNER, Mr. GEORGE MILLER of California, Mr. TOM DAVIS of Virginia, Mr. RANGEL, Mr. TOOMEY, Mr. NADLER, Mr. EHLERS, Mr. DINGELL, Mr. LOBIONDO, Mr. CANTOR, Ms. BALDWIN, Mr. NORWOOD, Ms. WOOLSEY, Mr. SOUDER, Mr. FERGUSON, Ms. SCHAKOWSKY, Mr. SHADEGG, Mr. KINGSTON, Ms. HART, Ms. LEE, Mr. HOSTETTLER, Mr. FILNER, Mr. BARTLETT of Maryland, Mr. OXLEY, Mr. ENGLISH, Mr. MCINTYRE, Mr. DEMINT, Mr. FLAKE, Mr. SMITH of New Jersey, Mr. RYAN of Wisconsin, Mr. CULBERSON, Mr. EMANUEL, Mr. FORBES, Mr. GOODE, Mrs. NORTHUP, Mr. OLVER, Mr. BLUNT, Ms. PRYCE of Ohio, Mrs. MILLER of Michigan, Mr. CRAMER, Mr. CAMP, Mr. ROGERS of Michigan, Mr. LEACH, Mr. PENCE, Mr. HILL, Mr. UPTON, Mr. MCCOTTER, Mr. LANGEVIN, Mr. NETHERCUTT, Mr. OSBORNE, Mr. HAYES, Mr. WAMP, Mr. TERRY, Mr. KLECZKA, Mrs. MYRICK, Mr. NEY, Mr. BRADY of Pennsylvania, Mr. BRADY of Texas, Mrs. JONES of Ohio, Mr. JONES of North Carolina, Mr. SESSIONS, Mrs. CUBIN, Mrs. CAPITO, Mr. BURR, Mr. CLAY, Mr. KNOLLENBERG, Mr. MORAN of Kansas, Mr. TIBERI, Mr. PORTER, Mr. MCGOVERN, Mr. BALLENGER, Mr. DEAL of Georgia, Mr. EVERETT, Mr. KENNEDY of Rhode Island, Mr. MCKEON, Mr. ISAKSON, Mr. LATOURETTE, Mr. THORNBERRY, Mrs. WILSON of New Mexico, Mr. ROYCE, Mr. KLINE, Mr. KUCINICH, Mr. DUNCAN, Mr. TIAHRT, Mr. QUINN, Mr. WILSON of South Carolina, Mr. DOOLITTLE, Mr. MCDERMOTT, Mrs. BIGGERT, Mrs. MUSGRAVE, Mr. CHOCOLA, Mr. GINGREY, Mr. NUNES, and Mr. BURNS):

H.R. 1829. A bill to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a

five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 1830. A bill to amend the Immigration and Nationality Act to provide for permanent resident status for certain long-term resident workers and college-bound students, to modify the worldwide level of family-sponsored immigrants in order to promote family unification, and for other purposes; to the Committee on the Judiciary.

By Mr. RENZI (for himself and Mr. CANNON):

H.R. 1831. A bill to extend the grace period for personal watercraft use in Glen Canyon National Recreation Area; to the Committee on Resources.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Ms. DELAURO, Mr. SHAYS, and Mr. LARSON of Connecticut):

H.R. 1832. A bill to name the Department of Veterans Affairs outpatient clinic located in New London, Connecticut, as the ''John P. McGuirk Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. SIMMONS (for himself, Mr. WALSH, Mr. MCINNIS, Mrs. JOHNSON of Connecticut, Mr. BOSWELL, Mr. THOMPSON of California, Mr. GIBBONS, Mr. HAYES, Mrs. MUSGRAVE, Mr. BRADLEY of New Hampshire, Mr. MCHUGH, Mr. PORTER, Mr. SHAYS, Mrs. CUBIN, Mr. SHAW, Mr. BOEHLERT, Mr. PETERSON of Minnesota, Mr. REHBERG, Mr. GUTKNECHT, Mr. RAMSTAD, Mr. KENNEDY of Minnesota, Mr. MICHAUD, Mr. JENKINS, Mr. PAUL, Mr. HOUGHTON, Mr. WELLER, Mr. NORWOOD, Ms. GINNY BROWN-WAITE of Florida, Mr. ENGLISH, Mr. KLINE, Mr. MCCOTTER, Mr. RAHALL, Mr. GOODLATTE, Mr. CRANE, Mr. SANDERS, Mr. MANZULLO, Mr. OTTER, Mr. RYAN of Wisconsin, Mr. HINCHEY, Mr. SWEENEY, Mr. GILCHREST, Ms. JACKSON-LEE of Texas, Mr. MARSHALL, Mr. SANDLIN, Mr. NEY, Mr. YOUNG of Alaska, Mr. CAMP, and Mr. HASTINGS of Washington):

H.R. 1833. A bill to reduce temporarily the duty on certain articles of natural cork; to the Committee on Ways and Means.

By Mr. OSE:

H.J. Res. 53. A joint resolution proposing an amendment to the Constitution of the United States to require Members of Congress and the President to forfeit the compensation paid to them starting at the conclusion of each fiscal year until all of the general appropriations bills for the following fiscal year are enacted; to the Committee on the Judiciary.

By Mr. OSE:

H.J. Res. 54. A joint resolution proposing a tax limitation amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BRADLEY of New Hampshire:

H. Con. Res. 153. Concurrent resolution honoring the 129 sailors and civilians lost aboard the U.S.S. Thresher on April 10, 1963, and urging the Secretary of the Army to erect a memorial to this tragedy in Arlington National Cemetery; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE:

H. Con. Res. 154. Concurrent resolution concerning the transition to democracy in the Republic of Burundi; to the Committee on International Relations.

By Mr. RODRIGUEZ:

H. Con. Res. 155. Concurrent resolution expressing the sense of Congress regarding the establishment of a National Librarians Week; to the Committee on Government Reform.

¶41.16 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. YOUNG of Florida introduced a bill (H.R. 1834) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *True Blue*; which was referred to the Committee on Transportation and Infrastructure.

¶41.17 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 277: Mr. NORWOOD.

H.R. 331: Mr. PAUL.

H.R. 391: Mr. CULBERSON.

H.R. 648: Mr. BURGESS.

H.R. 834: Mr. BISHOP of New York, Mr. LAHOOD, and Mr. DAVIS OF TENNESSEE.

H.R. 1202: Mr. BURGESS and Mr. BEAUPREZ.

H.R. 1625: Mr. ROTHMAN, Mr. HOLT, Mr. FRELINGHUYSEN, Mr. MENENDEZ, Mr. SAXTON, and Mr. SMITH of New Jersey.

H.R. 1714: Ms. DUNN, Mr. BURGESS, Mr. DICKS, Mr. CULBERSON, Mr. TOWNS, Mr. PEARCE, Mr. NETHERCUTT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SIMMONS, Mr. MCCOTTER, and Mr. MORAN of Kansas.

H. Con. Res. 143: Mr. ENGLISH.

H. Res. 198: Mr. BEAUPREZ, Mr. PORTER, Mr. MURPHY, Mr. FRANKS of Arizona, and Mr. GERLACH.

TUESDAY, APRIL 29, 2003 (42)

¶42.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. BIGGERT, who laid before the House the following communication:

WASHINGTON, DC,
April 29, 2003.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

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

¶42.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. BIGGERT, announced she had examined and approved the Journal of the proceedings of Saturday, April 12, 2003.

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

¶42.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1867. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 2002-NM-216-AD; Amendment 39-12912; AD 2002-21-06] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A);

1868. A communication from the President of the United States, transmitting a request for the Equal Employment Opportunity Commission (EEOC); (H. Doc. No. 108—62); to the Committee on Appropriations and ordered to be printed.

1869. A communication from the President of the United States, transmitting a request to make available funds for the disaster relief program of the Department of Homeland Security; (H. Doc. No. 108—65); to the Committee on Appropriations and ordered to be printed.

1870. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Eric K. Shinseki, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

1871. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7805] received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1872. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); In creased Rates for Flood Coverage (RIN: 1660-AA25) received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1873. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Mortgage Insurance Premiums in Multifamily Housing Programs (Docket No. FR-4679-F-03] (RIN: 2502-AH64) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1874. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Exemptions from Classification as Banned Hazardous Substances; Exemption for Certain Model Rocket Propellant Devices for Use With Rocket-Powered Model Cars — received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1875. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's final rule — Technology Opportunities Program [981203295-3055-08] (RIN: 0660-ZA06) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1876. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Technical Amendment — received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1877. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Technical Amendment — received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1878. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96-1-024; Order No. 587-R] received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1879. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 06-03 which informs of an intent to sign a Second Project Agreement concerning Aegis Combat System Test and Evaluation on U.S. and Spanish Aegis Ships between the United States and Spain, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1880. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

1881. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period February 1, 2003 through March 31, 2003, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

1882. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1883. A communication from the President of the United States, transmitting a report consistent with Public Law 107-243, ''Authorization for Use of Military Force Against Iraq Resolution of 2002''; (H. Doc. No. 108—63); to the Committee on International Relations and ordered to be printed.

1884. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia declared in Executive Order 12978 of October 21, 1995, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—64); to the Committee on International Relations and ordered to be printed.

1885. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — International Services Surveys: BE-22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons [Docket No. 020725180-2263-02] (RIN: 0691-AA43) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1886. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act; to the Committee on International Relations.

1887. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974; Implementation [FBI 109P; AAG/A ORDER No. 010-2003] (RIN: 1110-AA08) received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1888. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974; Implementation [AAG/A Order No. 009-2003] received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1889. A letter from the Administrator, General Services Administration, transmitting the Administration's fiscal year 2004 Annual Performance Plan; to the Committee on Government Reform.

1890. A letter from the Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1891. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2003 through March 31, 2003 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108—66); to the Committee on House Administration and ordered to be printed.

1892. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Virgin Islands Coral Reef National Monument (RIN: 1024-AC89) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1893. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Dean John A. Knauss Marine Policy Fellowship, National Sea Grant College Program [Docket No. 000522149-3063-04] (RIN: 0648-ZA) received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1894. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Subsistence Fishing [Docket No. 020801186-3073-02; I.D. 053102D] (RIN: 0648-AQ09) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1895. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Inflation Adjustment of Civil Money Penalty Amounts [Docket No. FR-4787-F-01] (RIN: 2501-AC91) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1896. A letter from the Program Manager, ATF, Department of Justice, transmitting the Department's final rule — Implementation of the Safe Explosives Act, Title XI, Subtitle C of Public Law 107-296 [ATF No. 1; Docket No. 2002R-341P] (RIN: 1140-AA00) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1897. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Civil Penalities (RIN: 2126-AA81) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1898. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulation; Boothville Anchorage, Venice, LA [CGD08-02-017] (RIN: 1625-AA01 [Formerly RIN: 2115-AA98]) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1899. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, California [COTP San Francisco Bay 03-003] (RIN: 625-AA97) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1900. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Baron Squadron Aerobatic Flight Demonstration, Long Beach, CA [COTP Los Angeles-Long Beach 03-001] (RIN: 1625-AA00) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1901. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oceanside Harbor, CA [COTP San Diego 03-003] (RIN: 1625-AA00) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1902. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, Florida [COTP Tampa 03-006] (RIN: 1625-AA00) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1903. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Liquefied Natural Gas Tankers, Cook Inlet, AK [COTP Western Alaska 02-001] (RIN: 1625-AA00 (Formerly 2115-AA97)) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1904. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Protection of Tank Ships, Puget Sound, WA [CGD13-02-018] (RIN: 1625-AA00) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1905. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Adjacent to San Onofre, San Diego County, CA [COTP San Diego 03-014] (RIN: 1625-AA00) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1906. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Coronado Bay Bridge, San Diego, California [COTP San Diego 03-013] (RIN: 1625-AA00) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1907. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards [FHWA Docket No. FHWA-2002-13069] (RIN: 2125-AE78) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1908. A letter from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting the Department's final rule — Extension of Computer Reservations Systems (CRS) Regulations [Docket No. OST-2003-14484] (RIN: 2105-AD24) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1909. A letter from the Attorney, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Revisions; Definition of Administrator (RIN: 2137-AD43) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1910. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Repair Stations [Docket No. FAA-1999-5836] (RIN: 2120-AC38) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1911. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Special Operating Rules for the Conduct of Instrument Flight Rules (IFR) Area Navigation (RNAV) Operations Using Global Positioning Systems (GPS) in Alaska [Docket No. FAA-2003-14305; Special Federal Aviation Regulation No. 97] (RIN: 2120-AH93) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1912. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Aircraft Registration Requirements; Clarification of ''Court of Competent Jurisdiction'' [Docket No. FAA-2002-12377; Amendment No. 47-26] (RIN: 2120-AH75) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1913. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1, -3B, and -3B1 Turbofan Engines [Docket No. 2001-NE-21-AD; Amendment 39-13086; AD 2003-05-10] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1914. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-300, AT-301, AT-302, AT-400, and AT-400A Airplanes [Docket No. 2003-CE-09-AD; Amendment 39-13088; AD 2003-06-01] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1915. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co KG, Model Tay 611-8, 620-15, 650-15, and 651-54 Turbofan Engines [Docket No. 2002-NE-37-AD; Amendment 39-13080; AD 2003-05-04] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego (WSK) PZL-Rzeszow S.A. Franklin 6A-350-C1, -C1A, -C1L, -C1R-C2, -C2A, and 4A-235 Series Reciprocating Engines [Docket No. 2002-NE-20-AD; Amendment 39-13077; AD 2003-05-01] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000 and Mystere-Falcon 900 Series Airplanes [Docket No. 2003-NM-53-AD; Amendment 39-13085; AD 2003-05-09] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1918. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30359; Amdt. No. 3049] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1919. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30357; Amdt. No. 3047] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1920. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30358; Amdt. No. 3048] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1921. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30360; Amdt. No. 3050] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1922. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Referrals of Information Regarding Criminal Violations (RIN: 2900-AL31) received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1923. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003-33) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1924. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Treatment of Grants Made by the Empire State Development Corporation to Businesses to Aid Recovery from the Attack of September 11, 2001, on the World Trade Center [Notice 2003-18] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1925. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2001-54) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1926. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit — received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1927. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule — Qualified 501(c)(3) Bonds [Notice 2002-10] received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1928. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Optional Methods for Determining the Value of the Use of Demonstration Automobiles Provided to Employees by Automobiles Dealerships (Rev. Proc. 2001-56) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1929. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2002-8) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1930. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Problems Raised by Certain Trust Arrangements Seeking to Qualify for Exception for Collectively Bargained Welfare Benefit Funds under Section 419A(f)(5) [Notice 2003-24] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1931. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in Accounting Periods and in Methods of Accounting (Rev. Proc. 2002-9) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1932. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Canadian Retirement Plan Trust Reporting [Notice 2003-25] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1933. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Special Estimated Tax Payments (Rev. Rul.2003 -34) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1934. A letter from the Regulations Officer, SSA, Social Security Administration, transmitting the Administration's final rule — Special Benefits for Certain World War II Veterans [Regulation No. 8] (RIN: 0960-AF61) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1935. A letter from the Under Secretary, Department of Defense, transmitting the biennial report on the Montgomery GI Bill Education Benefits Program; jointly to the Committees on Armed Services and Veterans' Affairs.

1936. A letter from the Comptroller General, General Accounting Office, transmitting the financial audit of the Federal Deposit Insurance Corporation Funds' 2002 and 2001 Financial Statements, pursuant to 12 U.S.C. 1827; jointly to the Committees on Financial Services and Government Reform.

1937. A letter from the Chairperson, United States Commission on Civil Rights, transmitting the Commission's report entitled, ''Beyond Percentage Plans: The Challenge of Equal Opportunity in Higher Education,'' pursuant to 42 U.S.C. 1975a(c); jointly to the Committees on the Judiciary and Education and the Workforce.

¶42.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 12, 2003 at 2:25 p.m.

That the Senate agreed to conference report H.R. 1559.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶42.5 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mrs. BIGGERT, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bills on April 15, 2003:

H.R. 145. An Act to designate the Federal Building located at 290 Broadway in New York, New York, as the ''Ted Weiss Federal Building''.

H.R. 258. An Act to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.

H.R. 1559. An Act making emergency wartime supplemental appropriations for the fiscal year 2003, and for other purposes.

H.R. 1770. An Act to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

¶42.6 COMMUNICATION FROM THE VICE-CHAIRMAN OF THE JOINT COMMITTEE ON THE LIBRARY

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
April 10, 2003.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 101–696 Section 801 (40 USC para. 188a(b)) the Chairman and Vice-Chairman of the Joint Committee of the Library are provided positions on the Capitol Preservation Commission.

I am appointing Mr. John Mica of Florida to be my designee as provided for in Public Law 101–696 Section 801 (40 USC para 188a(c)).

Thank you for your attention to this matter.

Sincerely,

VERNON J. EHLERS,
Vice-Chairman,
Joint Committee on the Library.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶42.7 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House the following communication from Mr. RADANOVICH:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the House of Representatives, that I have been served with a subpoena issued by the U.S. District Court for the Eastern District for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and the privileges of the House.

Sincerely,

GEORGE RADANOVICH,
Member of Congress.

¶42.8 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mrs. BIGGERT, laid before the House the following communication from Mr. RADANOVICH:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena issued by the U.S. District Court for the Eastern District of California for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

GEORGE RADANOVICH,
Member of Congress.

¶42.9 OPERATION RESPECT AND ''DON'T LAUGH AT ME'' PROGRAMS

Mr. PORTER moved to suspend the rules and agree to the following resolution (H. Res. 161); as amended:

Whereas Operation Respect is a nonprofit organization engaged in a national effort to transform participating schools, after-school programs, and children's summer camps into more compassionate and respectful environments through its ''Don't Laugh At Me'' program materials that address the issues of emotional and physical violence among children;

Whereas Operation Respect has conducted 230 workshops, reaching over 18,000 educators in 27 States and distributing 50,000 copies of its professionally developed curriculum;

Whereas representatives of this organization have appeared before over 240 educational organizations in 36 States on behalf of Operation Respect, as well as before the Republican conference and Democratic caucus of the United States House of Representatives;

Whereas the ''Don't Laugh At Me'' program increases mutual respect and fellowship among hundreds of thousands of elementary school children, creating an environment for students that improves focus on academic achievement and encourages an atmosphere of respect and responsibility;

Whereas the ''Don't Laugh At Me'' camp programs have made the environment at summer camps safer and more secure for children by creating a greater sense of responsibility, justice and fairness;

Whereas the ''Don't Laugh At Me'' programs have made a significant impact on schools and camps through a curriculum of character education and social and emotional learning;

Whereas the overwhelming majority of students participating in a recent survey concluded that the ''Don't Laugh At Me'' program was a valuable and beneficial experience and resulted in a diminution of negative behaviors such as bullying, and increased openness and trust;

Whereas counselors and campers alike who participated in the ''Don't Laugh At Me'' programs agreed that the programs were effective, enjoyable, and positively influenced the academic and character education of the children;

Whereas the success of Operation Respect and the ''Don't Laugh At Me'' programs has been recognized by the National Conference of State Legislatures and various educational associations, including the National Association of Elementary School Principals, the National Association of Secondary School Principals, the American Association of School Administrators, the Council of Great City Colleges of Education, the National Education Association, the Council of Great City Schools, the American School Counselors Association, the National School Boards Association, the National Middle School Association, and the American Federation of Teachers; and

Whereas the National Conference of State Legislatures passed a resolution on August 12, 2001, encouraging funding and other support from States for professional development of educators in this arena and recognizing the contributions of Operation Respect in advancing State legislative initiatives to expand social and emotional learning and character education programs: Now, therefore, be it

Resolved, That Operation Respect and the ''Don't Laugh At Me'' program are commended for their major contributions to the sound academic focus, character development, and improved physical safety of children throughout the United States.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. PORTER and Mr. George MILLER of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the achievements of Operation Respect and the 'Don't Laugh At Me' programs.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶42.10 STUDENTS IN FREE ENTERPRISE

Mr. PORTER moved to suspend the rules and agree to the following resolution (H. Res. 107); as amended:

Whereas the Nation knows the importance of supporting free market thinking and the entrepreneurial spirit;

Whereas Students in Free Enterprise (SIFE) is the world's preeminent collegiate free enterprise organization, and provides leadership training, regional, national, and international competitions, and career opportunity fairs for thousands of university and college students;

Whereas SIFE provides university and college students the best opportunity to make a difference and to develop leadership, teamwork, and communication skills through learning, practicing, and teaching the principles of free enterprise;

Whereas SIFE is a force in promoting international business awareness, through its operation in more than 33 countries of the world, including former Soviet republics and China;

Whereas SIFE is active on more than 1,400 university and college campuses worldwide, involving students and faculties in challenging competitions;

Whereas SIFE promotes the entrepreneurial spirit while reinforcing good business practice;

Whereas SIFE encourages teamwork and education through participation in learning projects and provides a competitive framework that prepares students for business;

Whereas SIFE gives students a forum to interact with potential employers, as well as providing formal career fairs and information;

Whereas SIFE depends upon the support and involvement of members of the faculty, whose advice and commitment are essential; and

Whereas SIFE benefits from the wider business community, which appreciates SIFE's importance in shaping business

thinking in free enterprise: Now, therefore, be it

Resolved, That the House of Representatives commends and supports the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. PORTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution commending and supporting the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶42.11 CONGRATULATING CHARTER SCHOOLS

Mr. PORTER moved to suspend the rules and agree to the following resolution (H. Res. 204):

Whereas charter schools across the United States deliver high-quality education and challenge students to reach their potential;

Whereas charter schools are public schools authorized by a designated public entity to respond to the needs of communities, families, and students and to promote the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other administrative operations;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas almost 2,700 charter schools are now operating in 36 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving nearly 700,000 students;

Whereas the Congress has appropriated nearly $1,000,000,000 for the costs of planning, startup, implementation, and information dissemination associated with charter schools since the initial authorization in 1994 of the Federal charter school grant program under the Elementary and Secondary Education Act of 1965;

Whereas an additional $50,000,000 in Federal appropriations has now been approved to help address the facilities' financing needs of charter schools;

Whereas charter schools can be vehicles for improving student achievement for students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students;

Whereas charter schools must meet the student achievement accountability requirements included by the No Child Left Behind Act of 2001 in the Elementary and Secondary Education Act of 1965 in the same manner as other public schools, and often set higher and additional individual goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing and increasing success to parents, policymakers, and their communities;

Whereas nearly 70 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools;

Whereas students in charter schools nationwide have demographic characteristics similar to students in all public schools;

Whereas charter schools in many States serve significant numbers of students from families with lower incomes, minority students, and students with disabilities, and, in a majority of charter schools, almost one-half of the students are considered at-risk or are former dropouts;

Whereas the fourth annual National Charter Schools Week is being celebrated from April 28, 2003, to May 2, 2003, and is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of the Nation's charter schools; and

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors, State legislatures, educators, and parents across the United States: Now, therefore, be it

Resolved, That__

(1) the House of Representatives acknowledges and commends the charter school movement, charter schools across the United States, and the students, parents, teachers, and administrators of such schools, for their ongoing contributions to education and to improving and strengthening the public school system of the United States;

(2) the House of Representatives supports the fourth annual National Charter Schools Week; and

(3) it is the sense of the House of Representatives that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week-long celebration in communities throughout the United States.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. PORTER and Mrs. DAVIS of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PORTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶42.12 CAPITOL POLICE 175TH ANNIVERSARY

Mr. LINDER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 156):

Whereas the United States Capitol Police traces its origins to 1801, when Congress moved from Philadelphia to Washington, D.C., and a lone watchman, John Golding, had the responsibility of guarding the Capitol facility and its functions;

Whereas the United States Capitol Police has grown from these humble beginnings to a first rate highly professionalized, equipped, and trained operation which provides vital services in the areas of law enforcement, protective and security services, and emergency preparedness, with nearly 1,700 sworn and non-sworn employees;

Whereas the United States Capitol Police has developed specialized and expert units, including K-9, Intelligence, Emergency Preparedness, Civil Disturbance, Criminal Investigation, Threat Assessment, Dignitary Protection, Physical Security, Technical Security, Electronic Countermeasures, Hazardous Devices, and the Containment and Emergency Response Team, as well as a skilled and professionalized administrative support function;

Whereas the United States Capitol Police, as the first line of the defense of the Nation's Capitol, has shared in the ultimate sacrifice in law enforcement with the tragic deaths in the line of duty of Sergeant Christopher Eney, Private First Class Jacob J. Chestnut, and Detective John Michael Gibson;

Whereas the United States Capitol Police continues to be in the forefront of protecting the core elements of our democratic process with selfless dedication and commitment; and

Whereas the United States Capitol Police was officially established in 1828 and is celebrating its 175th anniversary in 2003: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress and the American people extend heartfelt congratulations to the United States Capitol Police on the occasion of its 175th anniversary, and express the sincerest gratitude to the men and women of the United States Capitol Police and their families, and in particular the Eney, Chestnut, and Gibson families, for their devotion to duty and service in safeguarding the freedoms of the American people.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. LINDER and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LINDER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶42.13 PATRIOT DAY SUPPORT

Mr. JANKLOW moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 149); as amended:

Whereas on the evening of April 18, 1775, Paul Revere was sent for by Dr. Joseph Warren and instructed to ride to Lexington, Massachusetts, to warn Samuel Adams and John Hancock that British troops were marching to arrest them;

Whereas after leaving Charlestown on his way to Lexington, Paul Revere alerted the inhabitants of the villages and towns along his route, stopping in Medford (formerly Mystic) at the home of Isaac Hall, the captain of the Medford Minutemen during the Revolutionary War, before continuing on through Arlington (formerly Menotomy) and arriving in Lexington around midnight;

Whereas William Dawes and a third rider, Dr. Samuel Prescott, joined Paul Revere on his mission and they proceeded together on horseback to Lincoln;

Whereas while en route they encountered a British patrol that arrested Paul Revere, but William Dawes and Samuel Prescott managed to escape and continued on to Concord where weapons and supplies were hidden;

Whereas the midnight ride of Paul Revere was brilliantly and forever commemorated by the great American poet Henry Wadsworth Longfellow in his 1861 poem ''Paul Revere's Ride'';

Whereas the actions taken by Paul Revere, William Dawes, and Samuel Prescott afforded the Minutemen time to assemble to confront the advancing British troops and were heralded as one of the first great acts of patriotism of our nation;

Whereas 38 Lexington Minutemen boldly stood before 600–800 British troops who had gathered at Lexington Green;

Whereas Captain Parker of the Lexington Minutemen commanded his men, ''Don't fire unless you are fired on; but if they want a war, let it begin here.'';

Whereas when the British continued onto Concord, a battle ensued at the Old North Bridge, where Minutemen from every Middlesex village and town routed the British and forced them into retreat back to Boston;

Whereas Ralph Waldo Emerson immortalized this moment in American history as where ''the embattled farmers stood and fired the shot heard 'round the world.'';

Whereas the United States has recognized the historic significance of the Nation's original patriots with the creation in 1959 of the Minute Man National Historical Park, located in Concord, Lincoln, and Lexington, Massachusetts, to preserve and protect the numerous significant historic sites, structures, properties, and landscapes associated with the opening battles of the American Revolution, and to help visitors understand and interpret the colonial struggle for their rights and freedoms; and

Whereas the heroic acts of April 19, 1775, are celebrated in Massachusetts and Maine every year as part of Patriots' Day with a reenactment of Paul Revere's famous ride, battle reenactments and educational programs, parades, and civic activities, and remembered by Americans across the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses support for the annual celebration of Patriots' Day;

(2) recognizes the extraordinary dedication to freedom demonstrated by the Nation's first patriots during the earliest days of the Battle for Independence in April 1775; and

(3) honors those first patriots who lost their lives in defense of liberty and freedom.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. JANKLOW and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. JANKLOW demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶42.14 CENTENNIAL OF NATIONAL WILDLIFE REFUGE SYSTEM

Mr. RENZI moved to suspend the rules and agree to the following resolution (H. Res. 173):

Whereas the National Wildlife Refuge System, operated by the United States Fish and Wildlife Service, marked its centennial anniversary on March 14, 2003;

Whereas President Theodore Roosevelt stated in 1903 that ''Wild beasts and birds are by right not the property merely of the people who are alive today, but the property of unknown generations, whose belongings we have no right to squander.'';

Whereas the vision of conserving wildlife embraced by President Roosevelt was begun with the plants and animals located on Pelican Island off the East Coast of Florida, and has since flourished across the United States and its territories and possessions, allowing for the preservation of an overwhelmingly vast array of flora and fauna;

Whereas the National Wildlife Refuge System is composed of 540 refuges encompassing nearly 95 million acres, hosts 35 million visitors annually, and benefits from the selfless efforts of 30,000 volunteers; and

Whereas the National Wildlife Refuge System has established refuges in every State in the United States, many of which are reachable within an hour's drive of almost every major city: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary;

(2) expresses strong support for the continued success of the National Wildlife Refuge System;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding and appreciation for the National Wildlife Refuge System by increasing partnerships on behalf of the refuge system to better manage and monitor wildlife and by continuing its support of wildlife dependent recreational activities as embodied in the Refuge System Improvement Act of 1997 (Public Law 105–57); and

(4) reaffirms its commitment to the National Wildlife Refuge System and the conservation of the rich natural heritage of the United States.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. RENZI and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶42.15 GILA RIVER-MARICOPA INDIAN COMMUNITY FUNDS

Mr. RENZI moved to suspend the rules and pass the bill of the Senate (S. 162) to provide for the use of distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. RENZI and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶42.16 BLACKWATER NATIONAL WILDLIFE REFUGE EXPANSION

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 274) to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge.

The SPEAKER pro tempore, Mr. BOOZMAN, recognized Mr. RENZI and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BOOZMAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶42.17 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. BOOZMAN, laid before the House the following communication from Gisele P. Russell, District Manager, office of the Honorable Robert C. Scott:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Circuit Court of Newport News, Virginia in a criminal case.

After consultation with the Office of General counsel, I have determined that compliance with the subpoena is consistent with the precedents and Privileges of the House.

Sincerely,

GISELE P. RUSSELL,
District Manager.

¶42.18 RECESS—4:28 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 28 minutes p.m., until approximately 6:30 p.m.

¶42.19 AFTER RECESS—6:34 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶42.20 H. RES. 204—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 204) congratulating charter schools across the United States, and the students, parents, teachers, and administrators of such schools, for their ongoing contributions to education, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403; Nays ..... 0; Answered present 5

¶42.21 [Roll No. 146]

YEAS—403

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

ANSWERED "PRESENT"—5

Ackerman
Capuano
Kucinich
Strickland
Tierney

NOT VOTING—26

Becerra
Boyd
Burr
Buyer
Combest
Conyers
Davis (AL)
Dingell
Fletcher
Fossella
Gephardt
Gilchrest
Honda
Hyde
Jones (OH)
Kaptur
Lipinski
McCarthy (MO)
Moran (VA)
Owens
Pickering
Serrano
Slaughter
Smith (MI)
Wexler
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶42.22 H. CON. RES. 156—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 156) extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409; Nays 0

¶42.23 [Roll No. 147]

YEAS—409

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper

Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Abercrombie
Becerra
Boyd
Burr
Buyer
Combest
Conyers
Davis (AL)
Dingell
Fletcher
Fossella
Gephardt
Gilchrest
Honda
Hyde
Jones (OH)
Lipinski
McCarthy (MO)
Moran (VA)
Owens
Sanders
Serrano
Slaughter
Wexler
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶42.24 H. CON. RES. 149—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 149) expressing support for the celebration of Patriot's Day on April 19th and honoring the Nation's first patriots; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶42.25 [Roll No. 148]

YEAS—411

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

Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Ballenger
Becerra
Boyd
Burr
Buyer
Combest
Conyers
Davis (AL)
Dingell
Fletcher
Fossella
Gephardt
Gilchrest
Honda
Hyde
Lipinski
McCarthy (MO)
Owens
Sanders
Serrano
Slaughter
Wexler
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution expressing support for the celebration of Patriots' Day and honoring the Nation's first patriots.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶42.26 COMMITTEE ELECTION—MAJORITY

Mr. KINGSTON, by unanimous consent, submitted the following resolution (H. Res. 205):

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Committee on Resources: Mr. PUTNAM.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶42.27 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—UNITED STATES-CHINA SECURITY REVIEW COMMISSION

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: pursuant to (section 1238(b)(3)) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106–398), I hereby reappoint Mr. George Becker of Pennsylvania, for a term to expire on December 31, 2005 and Mr. Michael Wessel of Virginia, for a term to expire on December 31, 2004, to the United States-China Security Review Commission.

Best regards,

NANCY PELOSI,
Democratic Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶42.28 PROVIDING FOR THE CONSIDERATION OF H.R. 1350

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–79) the resolution (H. Res. 206) providing for consideration of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶42.29 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 14, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 1505. An Act to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the ''Jim Richardson Post Office''.

H.R. 1584. An Act to implement effective measures to stop trade in conflict diamonds, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on April 15, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 145. An Act to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ted Weiss Federal Building''.

H.R. 258. An Act to ensure continuity for the design of the 5-cent coin, establish the Citizens coinage Advisory Committee, and for other purposes.

H.R. 1559. An Act to making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on April 24, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 1770. An Act to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

¶42.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today and balance of the week;

To Mr. HONDA, for today and April 30;

To Ms. MCCARTHY of Missouri, for today and balance of the week; and

To Ms. SLAUGHTER, for today and balance of the week.

And then,

¶42.31 ADJOURNMENT

On motion of Mr. TANCREDO, at 9 o'clock and 20 minutes p.m., the House adjourned.

¶42.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 810. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; with an amendment (Rept. 108–74, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1350. A bill to reauthorize the Individuals with Disabilities Education Act, and for other purposes; with an amendment (Rept. 108–77). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 206. Resolution providing for consideration of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes (Rept. 108–79). Referred to the House Calendar.

¶42.33 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1346. A bill to amend the Office of Federal Procurement Policy Act to provide an additional function of the Administrator for Federal Procurement Policy relating to encouraging Federal procurement policies that enhance energy efficiency, with an amendment; referred to the Committee on Transportation and Infrastructure for a period ending not later than June 2, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X (Rept. 108–78, Pt. 1).

¶42.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GALLEGLY (for himself, Mr. POMBO, Mr. GIBBONS, and Mr. YOUNG of Alaska):

H.R. 1835. A bill to amend the Endangered Species Act of 1973 to limit designation as critical habitat of areas owned or controlled by the Department of Defense, and for other purposes; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself and Mr. HUNTER):

H.R. 1836. A bill to make changes to certain areas of the Federal civil service in order to improve the flexibility and competitiveness of Federal human resources management; to the Committee on Government Reform, and in addition to the Committees on Armed Services, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself and Mr. HUNTER):

H.R. 1837. A bill to improve the Federal acquisition workforce and the process for the acquisition of services by the Federal Government, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS:

H.R. 1838. A bill to amend title 38, United States Code, to revise the presumptions of service-connection relating to diseases and disabilities of former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. GREEN of Wisconsin (for himself and Mr. PENCE):

H.R. 1839. A bill to amend the Act of October 19, 1949, entitled ''An Act to assist States in collecting sales and use taxes on cigarettes''; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 1840. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize grants for the repair, renovation, alteration, and construction of public elementary and secondary school facilities; to the Committee on Education and the Workforce.

By Mr. NEY (by request):

H.R. 1841. A bill to better assist lower income families to obtain decent, safe, and affordable housing through the conversion of the section 8 housing choice voucher program into a State-administered block grant; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 1842. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require persons who are plan administrators of employee pension benefit plans or provide administrative services to such plans, and who also provide automobile insurance coverage or provide persons offering such coverage identifying information relating to plan participants or beneficiaries, to submit to the Federal Trade Commission certain information relating to such automobile insurance coverage; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1843. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to notify parents concerning missing person reports about their children, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1844. A bill to establish State revolving funds for school construction; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1845. A bill to provide grants to States to establish, expand, or enhance prekindergarten programs for children who are not yet enrolled in kindergarten; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1846. A bill to amend the Federal Deposit Insurance Corporation Improvement Act of 1991 to provide for the collection of data on the availability of credit for women-owned business; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 1847. A bill concerning denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 1848. A bill to afford students and parents with private civil remedies for the violation of their privacy rights under the General Education Provisions Act; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Mr. RANGEL):

H.R. 1849. A bill to require the establishment of programs by the Administrator of the Environmental Protection Agency, the Director of the National Institute for Occupational Safety and Health, and the Secretary of Health and Human Services to improve indoor air quality in schools and other buildings; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ:

H.R. 1850. A bill to provide for automatic naturalization for noncitizen members of the Armed Forces ordered to serve in a combat zone, and to extend immigration benefits to surviving spouses, children, and parents of persons granted posthumous citizenship through death while on active-duty service in the Armed Forces; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 1851. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for any class of covered individuals if the coverage or plans include coverage for diagnostic mammography for such class and to amend title XIX of the Social Security Act to provide for coverage of annual screening mammography under the Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1852. A bill to assure equitable treatment of fertility and impotence in health care coverage under group health plans, health insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1853. A bill to amend title XVIII of the Social Security Act to require the preparation of audit reports based upon the financial auditing of Medicare+Choice organizations and to make such reports available to the public; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1854. A bill to amend part C of title XVIII of the Social Security Act to reimburse Medicare+Choice plans located in the same metropolitan statistical area the same payment rate; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1855. A bill to amend title XVIII of the Social Security Act to require home health agencies participating in the Medicare Program to conduct criminal background checks for all applicants for employment as patient care providers; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 1856. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 1857. A bill to authorize assistance to combat the growing HIV/AIDS problem in countries in sub-Saharan Africa and the Caribbean; to the Committee on International Relations.

By Mrs. JOHNSON of Connecticut (for herself, Mr. LEVIN, and Mr. MATSUI):

H.R. 1858. A bill to provide a permanent funding level for the Social Services Block Grant, and to authorize States to use 10 percent of their TANF funds to carry out Social Services Block Grant programs; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. WELDON of Pennsylvania, Mr. SIMMONS, Ms. DELAURO, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. GOODE, Mr. ENGLISH, Mr. PETRI, Mr. ROGERS of Michigan, Mr. MCHUGH, Mr. WILSON of South Carolina, Mr. MCGOVERN, Mr. FROST, Mr. PLATTS, and Mr. FORD):

H.R. 1859. A bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes and wage withholding property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders; to the Committee on Ways and Means.

By Mr. LEVIN (for himself and Mr. FOLEY):

H.R. 1860. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive health benefits, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. MARKEY, Mr. BROWN of Ohio, Mr. HOLT, and Ms. JACKSON-LEE of Texas):

H.R. 1861. A bill to help protect the public against the threat of chemical attacks; to the Committee on Energy and Commerce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. GREENWOOD, Mr. ENGLISH, Mr. DOYLE, Mr. MURPHY, Mr. KANJORSKI, Mr. MURTHA, Ms. HART, Mr. PLATTS, Mr. HOEFFEL, Mr. BRADY of Pennsylvania, Mr. GERLACH, Mr. FATTAH, Mr. HOLDEN, and Mr. SHERWOOD):

H.R. 1862. A bill to establish the Oil Region National Heritage Area; to the Committee on Resources.

By Mr. ROGERS of Michigan:

H.R. 1863. A bill to declare adequate pain care research, education, and treatment as national public health priorities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself and Mr. HONDA):

H.R. 1864. A bill to preserve certain actions in Federal court brought by members of the

United States Armed Forces held as prisoners of war by Japan during World War II against Japanese nationals seeking compensation for mistreatment or failure to pay wages in connection with labor performed in Japan to the benefit of the Japanese nationals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Georgia:

H.R. 1865. A bill to authorize the Secretary of Housing and Urban Development to make grants to States, units of general local government, and nonprofit organizations for counseling and education programs for the prevention of predatory lending and to establish a toll-free telephone number for complaints regarding predatory lending, and for other purposes; to the Committee on Financial Services.

By Mr. SWEENEY (for himself and Mr. MCNULTY):

H.R. 1866. A bill to reinstate and transfer a hydroelectric license under the Federal Power Act to permit the redevelopment of a hydroelectric project located in the State of New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VITTER:

H.R. 1867. A bill to amend title 44, United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. DAVIS of Illinois, Ms. NORTON, Mr. SERRANO, Mr. THOMPSON of Mississippi, Ms. LEE, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Mr. ABERCROMBIE, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 1868. A bill to amend the Public Health Service Act to establish a program to provide screenings and treatment for cancer to minority and other populations served by health centers under section 330 of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WATT (for himself, Mr. JONES of North Carolina, Mr. UDALL of Colorado, Mr. ROSS, Mr. FRANK of Massachusetts, Mr. HOUGHTON, Mr. CAPUANO, Ms. SOLIS, Mr. FORBES, and Mr. HINCHEY):

H.R. 1869. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the International Civil Rights Center and Museum, located in Greensboro, North Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H.R. 1870. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Mr. WU:

H.R. 1871. A bill to encourage partnerships between community colleges and four-year colleges and universities; to the Committee on Education and the Workforce.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H. Con. Res. 156. Concurrent resolution extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people; to the Committee on House Administration. considered and agreed to.

By Mr. ROGERS of Michigan:

H. Con. Res. 157. Concurrent resolution expressing the sense of Congress supporting education to reduce childhood injuries; to the Committee on Energy and Commerce.

By Mr. PORTER (for himself, Mr. HOEKSTRA, Mr. MCKEON, Mr. CASTLE, Mr. DEMINT, Mrs. MUSGRAVE, Mr. ROGERS of Michigan, Mr. CHOCOLA, Mr. HAYWORTH, Mr. KELLER, Mrs. BLACKBURN, and Mr. REHBERG):

H. Res. 204. A resolution congratulating charter schools across the United States, and the students, parents, teachers, and administrators of such schools, for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce. Considered and agreed to.

By Mr. KINGSTON:

H. Res. 205. A resolution designating majority membership on certain standing committees of the House.

By Mr. FROST:

H. Res. 207. A resolution honoring the life and achievements of Dallas Morning News Reporter Sam Attlesey and expressing sorrow on the occasion of his death; to the Committee on Government Reform.

¶42.35 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

22. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 1 memorializing the Congress of the United States to adopt and place on the ballot a national referendum to maintain the words ''one nation under God'' in the Pledge of Allegiance; to the Committee on the Judiciary.

23. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 184 memorializing the Congress of the United States to act expeditiously to allow for the deduction of state and local sales in the computation of Federal income tax liability, as would be allowed under the provisions of H.R. 720; to the Committee on Ways and Means.

24. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 34 memorializing the Congress to approve legislation to allow taxpayers to deduct sales taxes paid on their federal income tax return sales in the computation of Federal income tax return; to the Committee on Ways and Means.

25. Also, a memorial of the Senate of the State of North Dakota, relative to Senate Concurrent Resolution No. 4023 memorializing the Congress to enact financially sustainable, voluntary, universal, outpatient prescription drug coverage with consideration for privately administered plans as part of the federal Medicare program; jointly to the Committees on Energy and Commerce and Ways and Means.

26. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 37 memorializing the Congress to support the President's strategy for protecting the security of the United States through our efforts in Iraq and to support for the men and women of our military and their families; jointly to the Committees on International Relations and Armed Services.

¶42.36 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. OTTER introduced a bill (H.R. 1872) for the relief of the heirs and assigns of Hattie Davis Rogers of the Nez Perce Indian Reservation, Idaho; which was referred to the Committee on the Judiciary.

¶42.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 34: Ms. NORTON, Ms. LOFGREN, and Mr. OBERSTAR.

H.R. 40: Mr. HONDA.

H.R. 49: Mr. BRADLEY of New Hampshire and Mr. SMITH of Washington.

H.R. 50: Ms. HART.

H.R. 51: Mr. BONILLA.

H.R. 57: Mr. BURR, Mr. DEAL of Georgia, and Mr. FOSSELLA.

H.R. 58: Mr. STEARNS, Mr. ROTHMAN, Mr. DICKS, Mr. JENKINS, Mr. KENNEDY of Rhode Island, Mr. DUNCAN, and Mr. GORDON.

H.R. 63: Mr. GOSS and Ms. GINNY BROWN-WAITE of Florida.

H.R. 92: Mr. RYAN of Ohio.

H.R. 100: Mr. FALEOMAVAEGA and Mr. GARRETT of New Jersey.

H.R. 117: Mr. SCHROCK.

H.R. 125: Mrs. CAPPS.

H.R. 126: Ms. LOFGREN and Ms. LEE.

H.R. 133: Mr. ISRAEL.

H.R. 140: Mr. BARRETT of South Carolina.

H.R. 206: Mr. GORDON and Mr. BEAUPREZ.

H.R. 208: Mr. ISRAEL.

H.R. 218: Mr. MORAN of Kansas, Mr. FALEOMAVAEGA, Mr. SHERMAN, and Mr. MCNULTY.

H.R. 223: Mr. HOEKSTRA.

H.R. 224: Mr. HOEKSTRA.

H.R. 236: Ms. SCHAKOWSKY, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. MILLER of North Carolina, Ms. MAJETTE, and Mr. RYAN of Ohio.

H.R. 278: Mr. BURR and Mr. GREEN of Wisconsin.

H.R. 284: Mr. FOLEY, Mr. HUNTER, Mr. MCDERMOTT, Ms. DELAURO, Mr. FOSSELLA, Mr. DEFAZIO, Mr. BISHOP of New York, Mr. SHUSTER, Mr. SMITH of Washington, Mr. BOEHLERT, and Mr. BEREUTER.

H.R. 300: Mr. PETERSON of Pennsylvania.

H.R. 303: Mr. MOLLOHAN, Mr. ROYCE, Mr. MARKEY, Mr. DOOLEY of California, Mr. FORBES, Ms. CARSON of Indiana, Mr. SCOTT, of Georgia, Ms. KAPTUR, Mr. SHERMAN, Mr. COBLE, Mr. PORTMAN, Mr. MCINNIS, and Mr. BURGESS.

H.R. 328: Mr. LANTOS, Ms. KILPATRICK, Ms. LOFGREN, Ms. KAPTUR, Ms. WATERS, Mr. RYAN of Ohio, Mr. DOOLEY of California, Mr. ACKERMAN, Ms. SOLIS, and Mr. BELL.

H.R. 331: Mr. BARTLETT of Maryland.

H.R. 348: Mr. GRIJALVA and Mr. STRICKLAND.

H.R. 369: Mrs. MILLER of Michigan.

H.R. 373: Ms. LINDA T. SANCHEZ of California.

H.R. 391: Ms. GRANGER, Mr. BRADY of Texas, Mr. MORAN of Kansas, and Mr. WELDON of Florida.

H.R. 401: Mr. TANCREDO, Mr. LANTOS, and Mr. DEUTSCH.

H.R. 424: Mr. ISRAEL.

H.R. 442: Mr. MILLER of North Carolina, Mr. SMITH of Washington, Mr. SAXTON, Ms. DELAURO, and Mr. GORDON.

H.R. 445: Mr. PAYNE and Mr. CLYBURN.

H.R. 457: Mr. KLINE.

H.R. 489: Mr. BARTLETT of Maryland.

H.R. 497: Mr. COX.

H.R. 527: Mr. FOLEY, Mr. WOLF, and Mr. ACKERMAN.

H.R. 528: Mr. MARKEY, Mr. HONDA, Mr. KENNEDY of Rhode Island, Mr. WEXLER, and Mr. MORAN of Virginia.

H.R. 543: Mr. MURPHY.

H.R. 548: Mr. FARR, Mr. MCNULTY, Mr. DOGGETT, Mr. BONNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY, Mrs. BONO, Mr. TIERNEY, Mr. HALL, Mr. SNYDER, Mr. CANNON, and Mr. HERGER.

H.R. 569: Mr. FRANK of Massachusetts.
H.R. 571: Mr. MICA, Mr. ADERHOLT, Mr. BOEHLERT, Mr. CARTER, Mr. TANCREDO, Mr. FILNER, Mr. GOODE, Mr. BONNER, Ms. DUNN, and Mr. ROGERS of Michigan.
H.R. 584: Mr. FOLEY.
H.R. 594: Mrs. MUSGRAVE, Mr. DEAL of Georgia, Mr. ANDREWS, Mr. SCOTT of Georgia, Mr. RAHALL, Mr. ROSS, Mr. DUNCAN, Mr. MURPHY, Mrs. MALONEY, and Mr. BURGESS.
H.R. 623: Mr. CASE and Mr. PETERSON of Minnesota.
H.R. 648: Mr. JONES of North Carolina and Mr. BURTON of Indiana.
H.R. 687: Mr. CHABOT, Mr. GINGREY, Mr. COLLINS, Mr. FEENEY, Mr. BURNS, Mr. CALVERT, Mr. PAUL, Ms. HART, Mr. SHAYS, Mr. FRANKS of Arizona, and Mr. LEWIS of Kentucky.
H.R. 713: Mr. MORAN of Kansas, Mr. OLVER, Mr. ROSS, and Mr. JONES of North Carolina.
H.R. 714: Mr. MANZULLO and Mr. OTTER.
H.R. 717: Ms. NORTON, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. FRANK of Massachusetts, Mr. MOORE, Mr. BELL, Mr. GREEN of Texas, Mr. GUTIERREZ, and Ms. VELAZQUEZ.
H.R. 728: Mr. NETHERCUTT and Mr. WILSON of South Carolina.
H.R. 731: Ms. ROYBAL-ALLARD, Mr. MICHAUD, Mr. FOLEY, Ms. WATERS, Mr. INSLEE, Mr. BRADY of Pennsylvania, and Mr. COLE.
H.R. 734: Mr. DAVIS of Illinois.
H.R. 738: Mr. RYAN of Ohio, Mr. NEAL of Massachusetts, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, Mrs. JOHNSON of Connecticut, and Ms. ESHOO.
H.R. 742: Mr. MORAN of Virginia, Mr. HAYES, Mr. FRANK of Massachusetts, Mr. HOLT, Mr. ROTHMAN, Mr. JOHN, Mr. MCGOVERN, Mr. BISHOP of New York, Mr. MANZULLO, Mr. ALEXANDER, Mr. BISHOP of Utah, Mr. BOUCHER, Mr. CLAY, Mr. ISRAEL, Mr. LARSEN of Washington, and Mr. UPTON.
H.R. 756: Mr. AKIN.
H.R. 767: Mrs. MUSGRAVE, Mr. EHLERS, Mr. FOLEY, Mr. CAMP, Mr. GARRETT of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. DOOLITTLE.
H.R. 768: Ms. MILLENDER-MCDONALD and Mr. LAHOOD.
H.R. 776: Mr. MARKEY and Mr. HOEFFEL.
H.R. 785: Ms. MCCOLLUM, Mr. TURNER of Texas, Mr. LATOURETTE, Mr. FOSSELLA, Mr. HINCHEY, Mr. MOORE, Mr. LUCAS of Kentucky, Mr. FILNER, and Mr. HOUGHTON.
H.R. 786: Mr. RENZI, Mr. FILNER, and Mr. HOUGHTON.
H.R. 792: Mr. PASTOR, Mr. FRANKS of Arizona, Mr. GRIJALVA, Mr. PEARCE, and Mr. LAHOOD.
H.R. 800: Mr. BARRETT of South Carolina and Mr. SULLIVAN.
H.R. 806: Mr. PRICE of North Carolina, Mrs. MALONEY, Mr. MCNULTY, and Mr. MCINNIS.
H.R. 808: Mr. SHAW.
H.R. 809: Mr. MORAN of Virginia.
H.R. 813: Ms. LEE and Mr. GORDON.
H.R. 814: Mr. DAVIS of Tennessee, Mr. BALLANCE, Mr. BRADLEY of New Hampshire, Mr. DUNCAN, and Mr. MURPHY.
H.R. 816: Mr. ABERCROMBIE, Mr. ISAKSON, and Mr. SMITH of New Jersey.
H.R. 819: Mr. PALLONE, Mr. PEARCE, Mr. TURNER of Texas, Mr. FROST, and Mr. GREEN of Texas.
H.R. 832: Ms. PELOSI, Ms. MAJETTE, Mr. SHERMAN, Mr. MORAN of Virginia, and Mrs. CAPPS.
H.R. 839: Mr. RAMSTAD and Mr. HOUGHTON.
H.R. 857: Mrs. MCCARTHY of New York, Mr. PETERSON of Minnesota, Mr. ENGEL, Mr. DEUTSCH, and Mr. HINCHEY.
H.R. 870: Mr. COLLINS, Mr. JEFFERSON, Mr. CRANE, and Mr. KLECZKA.
H.R. 871: Mr. LAHOOD.
H.R. 872: Mr. MCHUGH.
H.R. 879: Mr. FILNER and Mr. BROWN of Ohio.
H.R. 882: Mr. EHLERS, Mr. PASCRELL, Mr. HOUGHTON, and Mr. ANDREWS.
H.R. 898: Mr. MEEKS of New York, Mr. EVANS, Mr. STENHOLM, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 919: Mr. BERMAN, Ms. LINDA T. SANCHEZ of California, Mr. WEINER, Mr. LARSON of Connecticut, Mr. REYES, Mr. COBLE, Mrs. CAPPS, and Mr. COLE.
H.R. 931: Mr. BOOZMAN, Mr. PETERSON of Pennsylvania, Mr. WAMP, Mrs. JO ANN DAVIS of Virginia, and Mr. SCHROCK.
H.R. 936: Mr. DEFAZIO and Mrs. CAPPS.
H.R. 941: Mr. FRANK of Massachusetts.
H.R. 953: Mr. MICA.
H.R. 973: Mr. LEWIS of Georgia and Mr. GORDON.
H.R. 979. Mr. ANDREWS.
H.R. 980: Mr. MOORE and Mr. PETERSON of Minnesota.
H.R. 990: Mr. BURTON of Indiana and Mr. MILLER of Florida.
H.R. 1006: Mr. FILNER, Mr. ISRAEL, Mr. PRICE of North Carolina, and Ms. LOFGREN.
H.R. 1022: Mr. UDALL of New Mexico, Mr. BELL, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, and Mr. HINCHEY.
H.R. 1029: Mr. MARKEY.
H.R. 1042: Mr. THOMPSON of Mississippi.
H.R. 1043: Ms. HARRIS.
H.R. 1049: Mr. STENHOLM.
H.R. 1052: Ms. BALDWIN and Mr. DEFAZIO.
H.R. 1068: Ms. SLAUGHTER, Mr. BOSWELL, Mr. OBERSTAR, and Mr. GUTIERREZ.
H.R. 1083: Mr. CUMMINGS.
H.R. 1084: Mr. MILLER of Florida, Mr. CUNNINGHAM, and Mr. PETERSON of Minnesota.
H.R. 1096: Mr. POMEROY.
H.R. 1102: Mr. DEUTSCH, Mr. BOYD, and Mr. CARDIN.
H.R. 1108: Mr. WEXLER.
H.R. 1111: Mr. FOLEY, Mrs. WILSON of New Mexico, and Mr. RAHALL.
H.R. 1117: Mr. PAUL, Mr. GARRETT of New Jersey, Mr. BURTON of Indiana, and Mr. GOODE.
H.R. 1119: Mr. DEAL of Georgia, Mr. PETERSON of Pennsylvania, and Mr. JONES of North Carolina.
H.R. 1120: Mr. ANDREWS.
H.R. 1125: Mr. LARSEN of Washington, Mr. ABERCROMBIE, Mr. Chocola, Mr. FORD, Ms. VELAZQUEZ, Mr. LYNCH, Mr. MORAN of Kansas, Mr. ALEXANDER, Mr. SNYDER, Mr. WAMP, Mrs. CAPPS, Mr. EVANS, Mrs. CUBIN, Mr. BONNER, Mr. CRAMER, Mr. WILSON of South Carolina, Mr. CUNNINGHAM, Mr. GRIJALVA, Mr. MARKEY, Mr. UDALL of Colorado, Mr. LAHOOD, Mr. LEWIS of Georgia, and Mr. PEARCE.
H.R. 1130: Mr. SANDLIN.
H.R. 1133: Ms. GINNY BROWN-WAITE of Florida, and Ms. LEE.
H.R. 1144: Mr. ISRAEL, Mr. VAN HOLLEN, Mr. DOYLE, Mr. HOEFFEL, and Mr. HINOJOSA.
H.R. 1145: Mr. HINCHEY and Mrs. NAPOLITANO.
H.R. 1146: Mr. POMBO and Mr. NORWOOD.
H.R. 1155: Mr. UDALL of Colorado, Ms. SCHAKOWSKY, Mr. SANDERS, Ms. MAJETTE, Ms. NORTON, Mr. SHAYS, Mr. EHLERS, Mr. WEXLER, Mr. WYNN, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. GORDON, and Mr. FRANK of Massachusetts.
H.R. 1157: Mr. WAMP, Mr. ETHERIDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, and Mrs. TAUSCHER.
H.R. 1168: Ms. MAJETTE, Mr. WILSON of South Carolina, Mr. EMANUEL, and Ms. LINDA T. SANCHEZ of California.
H.R. 1170: Mr. LATOURETTE.
H.R. 1179: Mr. CANTOR, Mr. HAYES, Mr. BURR, Mr. TURNER of Texas, and Mr. LEWIS of Kentucky.
H.R. 1180: Mr. SWEENEY.
H.R. 1185: Mr. GORDON.
H.R. 1191: Mr. ANDREWS.
H.R. 1196: Ms. MCCOLLUM, Mr. FROST, Mr. FRANK of Massachusetts, Ms. SLAUGHTER, Ms. LOFGREN, Mr. BROWN of Ohio, Mr. OLVER, Mr. MATSUI, Mr. SHAYS, and Mr. BELL.
H.R. 1199: Mr. RYAN of Ohio, Mr. SCOTT of Georgia, and Mr. ISRAEL.
H.R. 1206: Ms. GINNY BROWN-WAITE of Florida and Mr. PAUL.
H.R. 1214: Mr. PETERSON of Minnesota, Mr. COOPER, Mrs. EMERSON, Mr. LARSON of Connecticut, and Mr. DICKS.
H.R. 1222: Mr. TIBERI, Mr. PICKERING, and Mr. PLATTS.
H.R. 1233: Mr. OTTER, Mr. EHLERS, Mr. BEAUPREZ, and Mr. SENSENBRENNER.
H.R. 1244: Mr. KUCINICH, Mr. KILDEE, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, and Mr. MICA.
H.R. 1261: Mr. NORWOOD.
H.R. 1275: Mr. SHERMAN, Mr. KENNEDY of Rhode Island, Mr. ETHERIDGE, Ms. WOOLSEY, Mr. WAXMAN, Mr. MEHAN, Mrs. WILSON of New Mexico, and Mr. MCDERMOTT.
H.R. 1285: Mr. ACKERMAN, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Ms. LEE, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MATSUI, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. NADLER, Mr. OBEY, Mr. OLVER, Mr. RANGEL, Mr. SANDERS, Mr. SHERMAN, Ms. WATSON, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN.
H.R. 1305: Mr. CHOCOLA.
H.R. 1309: Ms. JACKSON-LEE of Texas and Mr. FROST.
H.R. 1310: Mr. BLUNT, Mr. VITTER, Mr. BARTLETT of Maryland, Mr. BONNER, Mr. HOUGHTON, and Mr. CANTOR.
H.R. 1320: Mr. ISSA and Mrs. WILSON of New Mexico.
H.R. 1323: Ms. MAJETTE, Mr. CARSON of Oklahoma, and Mr. UDALL of Colorado.
H.R. 1332: Mr. TERRY and Mr. GORDON.
H.R. 1342: Mr. BELL, Mr. ROSS, and Ms. BALDWIN.
H.R. 1345: Ms. NORTON, Mr. WYNN, and Mr. BELL.
H.R. 1348: Mr. ANDREWS.
H.R. 1350: Mr. GORDON and Mr. BELL.
H.R. 1357: Ms. WOOLSEY.
H.R. 1358: Ms. WOOLSEY and Mr. DOYLE.
H.R. 1359: Mr. MATSUI.
H.R. 1366: Mr. Gutierrez.
H.R. 1374: Ms. LINDA T. SANCHEZ of California.
H.R. 1376: Mr. MCDERMOTT.
H.R. 1381: Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. STENHOLM, Ms. CORRINE BROWN of Florida, Mr. ENGEL, Mr. HINCHEY, Mr. GUTIERREZ, and Mr. HOLDEN.
H.R. 1388: Mr. PALLONE and Mr. FERGUSON.
H.R. 1389: Ms. WOOLSEY.
H.R. 1409: Mr. PALLONE.
H.R. 1418: Mr. BROWN of Ohio, Mr. SMITH of Michigan, Mr. MCGOVERN, and Mr. FROST.
H.R. 1425: Ms. LINDA T. SANCHEZ of California.
H.R. 1430: Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Mr. ENGEL, Ms. SOLIS, Mr. GRIJALVA, and Ms. ESHOO.
H.R. 1448: Mr. FALEOMAVAEGA, Mr. MEEHAN, Mr. SANDERS, Mr. GEORGE MILLER of California, and Mr. BELL.
H.R. 1472: Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mr. LATOURETTE, Mr. HINCHEY, Mr. FARR, Mr. DELAHUNT, Mr. WAXMAN, Mr. GRIJALVA, and Mr. OLVER.
H.R. 1477: Mr. PAUL and Ms. KILPATRICK.
H.R. 1478: Mr. REHBERG, Mr. CUNNINGHAM, and Mr. PLATTS.
H.R. 1480: Mr. FROST.
H.R. 1491: Mr. CUMMINGS and Mr. COSTELLO.
H.R. 1508: Mr. NADLER and Mr. LANTOS.
H.R. 1512: Mr. UPTON, Mr. ROGERS of Michigan, and Mr. EHLERS.

H.R. 1517: Mr. HERGER, Mr. HASTINGS of Washington, and Mr. REHBERG.
H.R. 1518: Mr. CALVERT.
H.R. 1519: Mr. WEINER and Mrs. MCCARTHY of New York.
H.R. 1543: Mr. ISAKSON, Mr. WILSON of South Carolina, Mr. FORD, and Mrs. MYRICK.
H.R. 1580: Mr. SHUSTER, Mr. MURPHY, Mr. BOOZMAN, Mr. DAVIS of Alabama, Mr. KOLBE, Mr. MATHESON, Mr. HALL, Mr. ADERHOLT, Mr. EVERETT, Mr. SNYDER, Mr. QUINN, Mrs. KELLY, Mr. CRAMER, and Mr. PETERSON of Minnesota.
H.R. 1581: Ms. BORDALLO, Mr. FROST, Mr. CRENSHAW, Mr. ANDREWS, Mr. REYES, and Mr. RANGEL.
H.R. 1587: Mr. ANDREWS.
H.R. 1608: Mr. JONES of North Carolina.
H.R. 1613: Mr. DELAHUNT, Mr. FROST, Ms. KILPATRICK, Mr. PALLONE, Mr. RUSH, Mr. TOWNS, Mr. GRIJALVA, Mr. PAYNE, Mr. CONYERS, and Mr. SKELTON.
H.R. 1615: Mr. ENGEL.
H.R. 1631: Mr. SMITH of Texas, Mr. DEAL of Georgia, Mrs. CUBIN, Mr. FORBES, and Mr. CUNNINGHAM.
H.R. 1641: Mr. WILSON of South Carolina.
H.R. 1653: Mr. PAUL and Mr. PETERSON of Minnesota.
H.R. 1659: Mr. DREIER, Mr. CARDOZA, and Mr. OSE.
H.R. 1661: Mr. FROST, Ms. NORTON, and Mr. BISHOP of New York.
H.R. 1662: Mr. NUNES, Ms. DUNN, Mr. JONES of North Carolina, Mr. TERRY, Mr. TANCREDO, and Mr. SANDLIN.
H.R. 1677: Mrs. LOWEY, Mr. ACEVEDO-VILA, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1685: Mr. LEWIS of California, Mr. FROST, Mr. MORAN of Virginia, Mr. WILSON of South Carolina, Mr. SHAYS, Mrs. WILSON of New Mexico, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. RANGEL.
H.R. 1687: Mr. RANGEL, Mr. NUNES, Mr. RENZI, and Mr. DAVIS of Illinois.
H.R. 1692: Mr. EMANUEL, Mr. HINOJOSA, and Mr. RUSH.
H.R. 1693: Mr. FOLEY and Ms. SLAUGHTER.
H.R. 1700: Mrs. MALONEY.
H.R. 1705: Mr. BELL.
H.R. 1708: Mr. CLAY, Mr. SCHIFF, Mr. QUINN, Mr. WEINER, Mr. KIND, Mr. UDALL of Colorado, Mr. COSTELLO, Mr. FILNER, Mr. CARDOZA, Mr. EMANUEL, Mr. ANDREWS, Mr. LATOURETTE, Mr. CASE, Mr. SANDERS, Mr. TOWNS, Mr. ISRAEL, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. BERMAN, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. RYAN of Ohio, Mr. DAVIS of Tennessee, Mr. PALLONE, Mr. UDALL of New Mexico, Mr. BERRY, Ms. SLAUGHTER, Mr. ISAKSON, Mr. ACKERMAN, Mr. REYES, Mr. GORDON, Mr. ABERCROMBIE, Mr. MATSUI, Mr. SANDLIN, Mr. MCGOVERN, Mr. ROSS, and Mr. RODRIGUEZ.
H.R. 1710: Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. LOBIONDO, Mr. FROST, Mr. GREEN of Texas, Mr. TURNER of Texas, Mr. QUINN, and Mr. SAXTON.
H.R. 1713: Mr. SNYDER, Ms. BERKLEY, Ms. LEE, and Mr. UDALL of New Mexico.
H.R. 1714: Mr. COX, Mr. COLE, Mr. DREIER, Mr. ISRAEL, Mr. SESSIONS, Mr. CUNNINGHAM, Mr. WAMP, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, and Mr. MCINNIS.
H.R. 1725: Mr. PAUL and Mr. SIMMONS.
H.R. 1733: Mr. OWENS and Mr. RANGEL.
H.R. 1742: Mr. FILNER, Ms. LOFGREN, Mr. HONDA, Mr. BLUMENAUER, and Mr. RADANOVICH.
H.R. 1746: Mr. LATHAM, Mrs. JO ANN DAVIS of Virginia, Mr. BEREUTER, Mr. QUINN, Mr. PETERSON of Minnesota, Mr. BURTON of Indiana, Mr. VITTER, Mr. COOPER, Mr. TERRY, Mr. ISRAEL, Mr. KENNEDY of Rhode Island, Mr. GONZALEZ, Mr. BELL, Mr. JEFFERSON, and Mr. NEAL of Massachusetts.
H.R. 1754: Mr. JONES of North Carolina.
H.R. 1756: Mr. OWENS.
H.R. 1776: Mr. SHAYS, Mr. FOLEY, and Mr. BRADY of Texas.
H.R. 1787: Mrs. EMERSON, Mr. ETHERIDGE, Mr. WELDON of Pennsylvania, Mr. FALEOMAVAEGA, Ms. KILPATRICK, Mr. KING of Iowa, Mr. BAKER, Mr. MCINNIS, and Mrs. JO ANN DAVIS of Virginia.
H.R. 1796: Mr. SANDLIN, Mr. LARSEN of Washington, and Ms. WATERS.
H.R. 1812: Mr. GRIJALVA, Ms. BERKLEY, Mr. ROTHMAN, Mr. PALLONE, Mrs. CAPPS, Mr. MATSUI, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. KENNEDY of Rhode Island, Ms. DELAURO, Mr. STARK, Ms. BALDWIN, Mr. BLUMENAUER, Mr. WAXMAN, and Mr. BAIRD.
H.J. Res. 4: Mr. CARSON of Oklahoma, Mr. SCOTT of Georgia, Mr. UPTON, Mr. BARTLETT of Maryland, and Mr. MOLLOHAN.
H.J. Res. 46: Mr. BOOZMAN.
H. Con. Res. 49: Mrs. CAPPS, Mrs. JO ANN DAVIS of Virginia, Mr. SHAYS, and Mr. GERLACH.
H. Con. Res. 56: Ms. LEE, Mrs. MCCARTHY of New York, Mr. MORAN of Virginia, Mr. HAYWORTH, Mr. WAXMAN, Mr. RYAN of Ohio, Mr. MCGOVERN, Mrs. MALONEY, Mr. PICKERING, and Ms. CORRINE BROWN of Florida.
H. Con. Res. 98: Mr. CHABOT, Mr. FLETCHER, Mr. CARSON of Oklahoma, and Mr. CAPUANO.
H. Con. Res. 110: Ms. ESHOO and Ms. SCHAKOWSKY.
H. Con. Res. 111: Mr. OLVER, Ms. WOOLSEY, Ms. LOFGREN, Mr. CAMP, Mr. GEORGE MILLER of California, Mrs. MYRICK, Mr. DEFAZIO, and Mr. WATT.
H. Con. Res. 116: Mr. GARRETT of New Jersey.
H. Con. Res. 119: Mr. BARRETT of South Carolina, Mr. BURTON of Indiana, and Mrs. KELLY.
H. Con. Res. 130: Mr. STARK.
H. Con. Res. 147: Ms. ESHOO.
H. Con. Res. 150: Mr. MCINNIS, Mr. CARSON of Oklahoma, and Mr. GRAVES.
H. Con. Res. 152: Mr. SHAYS.
H. Res. 58: Mr. HOEFFEL and Mr. BRADY of Pennsylvania.
H. Res. 59: Ms. ESHOO.
H. Res. 60: Mr. GILCHREST, Mr. STENHOLM, Ms. KAPTUR, and Mr. VITTER.
H. Res. 65: Mr. MCGOVERN, Mr. LANTOS, Ms. LEE, Mr. FROST, Ms. SOLIS, Mr. BACA, Ms. WOOLSEY, Mr. WU, Mr. STRICKLAND, Mr. TIAHRT, Mr. ABERCROMBIE, Mr. WAXMAN, Mrs. JONES of Ohio, Mr. DOOLEY of California, Mr. STARK, Mr. OWENS, Mr. CONYERS, Mr. SCHIFF, Mr. FOSSELLA, Mr. SNYDER, and Mr. RANGEL.
H. Res. 136: Mr. SCHROCK, Mr. BAKER, Mr. PASCRELL, and Mr. RENZI.
H. Res. 161: Mrs. JOHNSON of Connecticut.
H. Res. 173: Mr. WHITFIELD, Mr. HAYES, Mr. SOUDER, Mr. DINGELL, Mr. FOLEY, Mr. BISHOP of Utah, Mr. THOMPSON of California, Mr. DEFAZIO, and Mr. HINOJOSA.
H. Res. 193: Mr. KLECZKA, Mr. BECERRA, Mr. DELAHUNT, Mr. KIRK, Mr. BROWN of Ohio, Mr. MATSUI, Mr. ROGERS of Michigan, Mr. GRIJALVA, Ms. KAPTUR, and Mr. CLAY.
H. Res. 194: Mr. HONDA, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. OWENS, Mr. PENCE, and Mr. SOUDER.

WEDNESDAY, APRIL 30, 2003 (43)

¶43.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SIMPSON, who laid before the House the following communication:

WASHINGTON, DC,
April 30, 2003.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

¶43.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMPSON, announced he had examined and approved the Journal of the proceedings of Tuesday, April 29, 2003.

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

¶43.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1938. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Rehabilitation Engineering Research Centers Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

1939. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-79, ''Inspector General Qualifications Temporary Amendment Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1940. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-70, ''Washington Convention Center Advisory Committee Continuity Temporary Amendment Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1941. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-67, ''Commercial Vehicle Parking Fines Temporary Amendment Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1942. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-66, ''Health Services Planning and Development Temporary Amendment Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1943. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-65, ''Presidential Primary Election Amendment Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1944. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-64, ''Health-Care Decisions Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1945. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-63, ''Traffic Adjudication Appeal Fee Temporary Amendment Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1946. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-62, ''Service Improvement and Fiscal Year 2000 Budget Support Temporary Amendment Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1947. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-60, ''Georgetown Project Temporary Amendment Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1948. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-59, ''Kivie Kaplan Way

Designation Temporary Amendment Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1949. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-58, ''Closing of a Public Alley in Square 377, S.O. 02-3683, Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1950. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-57, ''Rosedale Conservancy Real Property Tax Exemption and Relief Act of 2003'' received April 30, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

1951. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1952. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1953. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting copies of several reports from the Corporation; to the Committee on Government Reform.

1954. A letter from the Inspector General Liaison, Selective Service System, transmitting a report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1955. A letter from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart D — Subsistence Taking of Fish, Customary Trade (RIN: 1018-AI31) received April 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1956. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Maryland Regulatory Program [MD-049-FOR] received April 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1957. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 040703C] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1958. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Correction [Docket No. 011128283-3075-03; I.D. 111401B] (RIN: 0648-AN55) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1959. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones, Drawbridge Operation Regulations and Special Local Regulations [USCG-2002-13968] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1960. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD [CGD05-02-069] (RIN: 2115-AE46) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1961. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Pamlico River, Washington, North Carolina [CGD05-02-056] (RIN: 2115-AE46) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1962. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patuxent River, Solomons, Maryland [CGD05-02-051] (RIN: 2115-AE46) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1963. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones, Drawbridge Operation Regulations and Special Local Regulations [USCG-2002-13968] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1964. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Collision Avoidance Systems [Docket No: FAA-2001-10910; Amendment Nos. 121-286, 125-41, and 129-37] (RIN: 2120-AG90) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1965. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30361; Amdt. No. 3052] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1966. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30360; Amdt. No. 3051] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1967. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Repair Stations; Correction [Docket No. FAA-1999-5836] (RIN: 2120-AC38) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1968. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Flightcrew Compartment Access and Door Designs [Docket No. FAA-2001-10770; SFAR 92-5] (RIN: 2120-AH97) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1969. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Rome, NY [Airspace Docket No. 02-AEA-13] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1970. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Herington, KS [Docket No. FAA-2003-14457; Airspace Docket No. 03-ACE-10] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1971. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and modification of Class E; Dubuque, IA [Docket No. FAA-2003-14463; Airspace Docket No. 03-ACE-16] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1972. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points [Docket No. FAA-2003-14698; Amendment Nos. 1-50; 71-32; 95-339; 97-1334] (RIN: 2120-AH77) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1973. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E surface area airspace and modification of Class E airspace; Jefferson City, MO [Docket No. FAA-2002-14129; Airspace Docket No. 02-ACE-14] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1974. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Brookfield, MO [Docket No. FAA-2003-14243; Airspace Docket No. 03-ACE-3] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1975. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Proposed Audit Guidance for External Auditors of Qualified Intermediaries (Notice 2001-66) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶43.4 MESSAGE FROM THE SENATE

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

S. Con. Res. 39. A concurrent resolution supporting the goals and ideals of St. Tammany Day on May 1, 2003, as a national day of recognition for Tamanend and the values he represented.

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Democratic Leader, announces the appointment of the Senator from Nevada [Mr. REID] as a member of the National Council on the Arts, vice, the Senator from Illinois [Mr. DURBIN].

¶43.5 PROVIDING FOR THE CONSIDERATION OF H.R. 1350

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 206):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes. The first

reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 211 / Nays ..... 195 }

¶43.6 [Roll No. 149]

YEAS—211

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

NAYS—195

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

NOT VOTING—28

Bachus
Becerra
Boehlert
Burr
Burton (IN)
Capuano
Cardin
Collins
Combest
Conyers
Cubin
Davis (AL)
DeMint
Dreier
Gephardt
Honda
Hyde
King (NY)
Kirk
Lewis (GA)
McCarthy (MO)
Oberstar
Owens
Pomeroy
Slaughter
Snyder
Tauzin
Whitfield

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶43.7 CHILDREN WITH DISABILITIES EDUCATION

The SPEAKER pro tempore, Mr. CAMP, pursuant to House Resolution 206 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

The SPEAKER pro tempore, Mr. CAMP, by unanimous consent, designated Mr. LINDER as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. SIMPSON assumed the Chair; and after some time spent therein,

¶43.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. VITTER:

In section 104 of the bill—

(1) in subsection (a), by adding at the end the following new sentence: ''As part of such review, the Comptroller General shall include recommendations to reduce or eliminate the excessive paperwork burdens described in the preceding sentence.''; and

(2) in subsection (b), after ''Act,'' insert ''and once every 2 years thereafter,''.

It was decided in the affirmative { Yeas ..... 413 / Nays ..... 0 }

¶43.9 [Roll No. 150]

AYES—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter

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

NOT VOTING—21

Becerra
Cannon
Combest
Dooley (CA)
Dreier
Foley
Frost
Gephardt
Honda
Jackson-Lee (TX)
Kingston
Lampson
McCarthy (MO)
Otter
Owens
Renzi
Rogers (AL)
Slaughter
Snyder
Tiahrt
Whitfield

So the amendment was agreed to.

¶43.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DEMINT:

In section 612(a)(10)(A) of the Individuals with Disabilities Education Act, as proposed to be amended by the bill, add at the end the following:

''(vii) PARENT OPTION PROGRAM.—If a State has established a program described in section 664(c)(11) (whether statewide or in limited areas of the State) that allows a parent of a child with a disability to use public funds to pay some or all of the costs of attendance at a public or private school—

''(I) funds allocated to the State under section 611 may be used to supplement those public funds, if the Federal funds are distributed to parents who make a genuine independent choice as to the appropriate school for their child;

''(II) the authorization of a parent to exercise this option fulfills the State's obligation under paragraph (1) with respect to the child during the period in which the child is enrolled in the selected school; and

''(III) a private school accepting those funds shall be deemed, for both the programs and services delivered to the child, to be providing a free appropriate public education and to be in compliance with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

In section 664(c)(9) of the Individuals with Disabilities Education Act, as proposed to be inserted by the bill, strike ''and'' at the end;

In section 664(c)(10) of the Individuals with Disabilities Education Act, as proposed to be inserted by the bill, strike the period at the end and insert ''; and''.

In section 664(c) of the Individuals with Disabilities Education Act, as proposed to be inserted by the bill, add at the end the following:

''(11) supporting the post-award planning and design, and the initial implementation (which may include costs for informing the community, acquiring necessary equipment and supplies, and other initial operational costs), during a period of not more than 3 years, of State programs that allow the parent of a child with a disability to make a genuine independent choice of the appropriate public or private school for their child, if the program—

''(A) requires that the child—

''(i) have been determined to be a child with a disability in accordance with section 614;

''(ii) have spent the prior school year in attendance at a public elementary or secondary school unless the child was served under section 619 or part C during such year; and

''(iii) have in effect an individualized education program (as defined in section 614(d)(1)(A));

''(B) permits the parent to receive from the eligible entity funds to be used to pay some or all of the costs of attendance at the selected school (which may include tuition, fees, and transportation costs);

''(C) prohibits the selected school from discriminating against eligible students on the basis of race, color, or national origin; and

''(D) requires the selected school to be academically accountable to the parent for meeting the educational needs of the student.

It was decided in the negative ..... { Yeas ..... 182 / Nays ..... 240 }

¶43.11 [Roll No. 151]

AYES—182

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey

Turner (OH)
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Wicker
Wolf
Young (AK)

NOES—240

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

NOT VOTING—12

Becerra
Combest
Dreier
Gephardt
Honda
Kingston
McCarthy (MO)
Owens
Slaughter
Snyder
Whitfield
Wilson (SC)

So the amendment was not agreed to.

¶43.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. MUSGRAVE:

In section 612(a)(10)(A) of the Individuals with Disabilities Education Act, as proposed to be amended by the bill—

(1) redesignate clause (vi) as clause (vii); and

(2) insert after clause (v) the following:

''(vi) LOCAL EDUCATIONAL AGENCY OPTION.—A local educational agency may elect to fulfill its obligations under this subparagraph to children with disabilities enrolled by their parents in private elementary and secondary schools in the area served by the agency by offering certificates to all such parents for necessary special education and related services, if—

''(I) the certificates offered with respect to each child have an annual aggregate value that is equal to the lesser of—

''(aa) the per-pupil amount derived by dividing the proportionate share of Federal funds calculated under clause (i)(I) by the number of parentally-placed children with disabilities determined under clause (i)(II); and

''(bb) the actual cost of the necessary special education and related services for such child; and

''(II) the certificates may only be redeemed by the parents at eligible special education and related services providers, as determined by the local educational agency, that—

''(aa) provide information to the parents and such agency regarding the progress of the child as a result of the receipt of such services in a format and, to the extent practicable, a language that the parents can understand;

''(bb) meet all applicable Federal, State, and local health, safety, and civil rights laws;

''(cc) demonstrate that the provider has been lawfully operating as a business for not less than 1 year; and

''(dd) provide assurances to such agency that the provider is financially sound, is not in bankruptcy proceedings, and is not the subject of an investigation or legal judgment involving waste, fraud, or abuse on the part of the provider, or any employee of the provider, with respect to funds under the provider's control.

Clause (v)(II) shall not apply special education and related services furnished pursuant to such certificates. At the discretion of the local educational agency, and to the extent consistent with State law, State and local funds may be used to add to the value of such certificates.

It was decided in the negative { Yeas ..... 176 / Nays ..... 247 }

¶43.13 [Roll No. 152]

AYES—176

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Bonner
Bono
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kline
Kolbe
LaHood
Latham
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Northup
Norwood
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Putnam
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—247

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel

Regula
Rehberg
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shuster
Simmons
Simpson
Skelton
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Becerra
Combest
Dreier
Gephardt
Honda
Kingston
McCarthy (MO)
Owens
Slaughter
Snyder
Whitfield

So the amendment was not agreed to.

¶43.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. TANCREDO:

Strike subparagraph (A) of section 602(27) of the Individuals with Disabilities Education Act (as proposed to be amended by section 101 of the bill) and insert the following:

''(A) IN GENERAL.—The term 'specific learning disability' means a disorder due to a medically detectable and diagnosable physiological condition relying on physical and scientific evidence and not based on subjective criteria.

It was decided in the negative { Yeas ..... 54 / Nays ..... 367 }

¶43.15 [Roll No. 153]

AYES—54

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Blunt
Brown (SC)
Buyer
Cannon
Collins
Crenshaw
Cubin
Culberson
Deal (GA)
Doolittle
Duncan
Everett
Flake
Franks (AZ)
Graves
Greenwood
Gutknecht
Hastings (WA)
Hefley
Hensarling
Hostettler
Istook
Jenkins
Jones (NC)
King (IA)
Linder
Manzullo
Moran (KS)
Musgrave
Nethercutt
Norwood
Otter
Paul
Pence
Pitts
Ramstad
Rohrabacher
Royce
Ryun (KS)
Shadegg
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Toomey
Wamp
Wicker

NOES—367

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

NOT VOTING—13

Becerra
Combest
Dreier
Gephardt
Honda
Kingston
McCarthy (MO)
Owens
Rush
Slaughter
Snyder
Weller
Whitfield

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. BURTON of Indiana, assumed the Chair.

When Mr. LAHOOD, Acting Chairman, pursuant to House Resolution 206, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving Education Results for Children With Disabilities Act of 2003''.

TITLE I—GENERAL PROVISIONS

SEC. 101. SECTIONS 601 THROUGH 603 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Sections 601 through 603 of the Individuals with Disabilities Education Act (20 U.S.C. 1400–1402) are amended to read as follows:

''SEC. 601. SHORT TITLE; TABLE OF CONTENTS; FINDINGS; PURPOSES.

''(a) SHORT TITLE.—This Act may be cited as the 'Individuals with Disabilities Education Act'.

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

''PART A—GENERAL PROVISIONS

''Sec. 601. Short title; table of contents; findings; purposes.
''Sec. 602. Definitions.
''Sec. 603. Office of Special Education Programs.
''Sec. 604. Abrogation of State sovereign immunity.
''Sec. 605. Acquisition of equipment; construction or alteration of facilities.
''Sec. 606. Employment of individuals with disabilities.
''Sec. 607. Requirements for prescribing regulations.
''Sec. 608. State administration.

''PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

''Sec. 611. Authorization; allotment; use of funds; authorization of appropriations.
''Sec. 612. State eligibility.
''Sec. 613. Local educational agency eligibility.
''Sec. 614. Evaluations, eligibility determinations, individualized education programs, and educational placements.
''Sec. 615. Procedural safeguards.
''Sec. 616. Monitoring, enforcement, withholding, and judicial review.
''Sec. 617. Administration.
''Sec. 618. Program information.
''Sec. 619. Preschool grants.

''PART C—INFANTS AND TODDLERS WITH DISABILITIES

''Sec. 631. Findings and policy.
''Sec. 632. Definitions.
''Sec. 633. General authority.

''Sec. 634. Eligibility.
''Sec. 635. Requirements for statewide system.
''Sec. 636. Individualized family service plan.
''Sec. 637. State application and assurances.
''Sec. 638. Uses of funds.
''Sec. 639. Procedural safeguards.
''Sec. 640. Payor of last resort.
''Sec. 641. State Interagency Coordinating Council.
''Sec. 642. Federal administration.
''Sec. 643. Allocation of funds.
''Sec. 644. Authorization of appropriations.
''PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES
''Sec. 651. Findings.
''SUBPART 1—STATE PROFESSIONAL DEVELOPMENT GRANTS
''Sec. 652. Purpose.
''Sec. 653. Eligibility and collaborative process.
''Sec. 654. Applications.
''Sec. 655. Use of funds.
''Sec. 656. State grant amounts.
''Sec. 657. Authorization of appropriations.
''SUBPART 2—SCIENTIFICALLY BASED RESEARCH; TECHNICAL ASSISTANCE; MODEL DEMONSTRATION PROJECTS; DISSEMINATION OF INFORMATION; AND PERSONNEL PREPARATION PROGRAMS
''Sec. 661. Purpose.
''Sec. 662. Administrative provisions.
''Sec. 663. Research to improve results for children with disabilities.
''Sec. 664. Technical assistance, demonstration projects, dissemination of information, and implementation of scientifically based research.
''Sec. 665. Personnel preparation programs to improve services and results for children with disabilities.
''Sec. 666. Studies and evaluations.
''Sec. 667. Authorization of appropriations.
''SUBPART 3—SUPPORTS TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES
''Sec. 671. Purposes.
''Sec. 672. Parent training and information centers.
''Sec. 673. Community parent resource centers.
''Sec. 674. Technical assistance for parent training and information centers.
''Sec. 675. Technology development, demonstration, and utilization; and media services.

''(c) FINDINGS.—Congress finds the following:

''(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

''(2) Before the date of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142), the special educational needs of millions of children with disabilities were not being fully met and there were many children with disabilities participating in regular school programs whose undiagnosed disabilities prevented them from having a successful educational experience.

''(3) Since the enactment and implementation of the Education for All Handicapped Children Act of 1975, this Act has been successful in ensuring children with disabilities and the families of such children access to a free appropriate public education and in improving educational results for children with disabilities.

''(4) Over 25 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—

''(A) having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom to the maximum extent possible in order—

''(i) to meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and

''(ii) to be prepared to lead productive and independent adult lives, to the maximum extent possible;

''(B) strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home;

''(C) coordinating this Act with other local, State, and Federal school improvement efforts, including efforts under the Elementary and Secondary Education Act of 1965, in order to ensure that children with disabilities benefit from such efforts and that special education can become a service for such children rather than a place where they are sent;

''(D) supporting high-quality, intensive professional development for personnel who work with children with disabilities;

''(E) providing incentives for scientifically based reading programs and prereferral intervention services to reduce the need to label children as disabled in order to address their learning needs;

''(F) focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results; and

''(G) supporting the development and use of technology, including assistive technology devices and services, to maximize accessibility for children with disabilities.

''(5) While States, local educational agencies, and educational service agencies are primarily responsible for providing an education for all children with disabilities, it is in the national interest that the Federal Government has a supporting role in assisting State and local efforts to educate children with disabilities in order to improve results for such children and to ensure equal protection of the law.

''(6) A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals.

''(7)(A) The Federal Government must respond to the growing needs of an increasingly diverse society.

''(B) America's ethnic profile is rapidly changing. In the year 2000, nearly one of every three persons in America was a member of a minority group or was limited English proficient.

''(C) Minority children comprise an increasing percentage of public school students.

''(D) With such changing demographics, recruitment efforts for special education personnel should focus on increasing the participation of minorities in the teaching profession in order to provide appropriate role models with sufficient knowledge to address the special education needs of these students.

''(8)(A) The limited English proficient population is the fastest growing in our Nation, and the growth is occurring in many parts of our Nation.

''(B) Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education.

''(C) This poses a special challenge for special education in the referral, assessment, and provision of services for our Nation's students from non-English language backgrounds.

''(9)(A) Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities.

''(B) More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.

''(C) African American children are overidentified as having mental retardation and emotional disturbance at rates greater than their white counterparts.

''(D) In the 1998–99 school year, African American children represented just 14.8 percent of the population aged 6 through 21, but comprised 20.2 percent of all children with disabilities.

''(E) Studies have found that schools with predominantly Caucasian students and teachers have placed disproportionately high numbers of their minority students into special education.

''(10)(A) As the number of minority students in special education increases, the number of minority teachers and related services personnel produced in colleges and universities continues to decrease.

''(B) The opportunity for full participation by minority individuals, organizations, and historically black colleges and universities in awards for grants and contracts, boards of organizations receiving assistance under this Act, peer review panels, and training of professionals in the area of special education is essential to obtain greater success in the education of minority children with disabilities.

''(d) PURPOSES.—The purposes of this title are—

''(1)(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;

''(B) to ensure that the rights of children with disabilities and parents of such children are protected; and

''(C) to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;

''(2) to assist States in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;

''(3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and

''(4) to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

"SEC. 602. DEFINITIONS.

''Except as otherwise provided, as used in this Act:

''(1) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.

''(2) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' means any service that directly assists a child with

a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

''(A) the evaluation of the needs of such child, including a functional evaluation of the child in the child's customary environment;

''(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;

''(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

''(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

''(E) training or technical assistance for such child, or, where appropriate, the family of such child; and

''(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

''(3) CHILD WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'child with a disability' means a child—

''(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as 'emotional disturbance'), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

''(ii) who, by reason thereof, needs special education and related services.

''(B) CHILD AGED 3 THROUGH 9.—The term 'child with a disability' for a child aged 3 through 9 or any subset of that age range, including ages 3 through 5, may, at the discretion of the State and the local educational agency, include a child—

''(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

''(ii) who, by reason thereof, needs special education and related services.

''(4) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency'—

''(A) means a regional public multiservice agency—

''(i) authorized by State law to develop, manage, and provide services or programs to local educational agencies; and

''(ii) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary and secondary schools of the State; and

''(B) includes any other public institution or agency having administrative control and direction over a public elementary or secondary school.

''(5) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school that provides elementary education, as determined under State law.

''(6) EQUIPMENT.—The term 'equipment' includes—

''(A) machinery, utilities, and built-in equipment and any necessary enclosures or structures to house such machinery, utilities, or equipment; and

''(B) all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

''(7) EXCESS COSTS.—The term 'excess costs' means those costs that are in excess of the average annual per-student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting—

''(A) amounts received—

''(i) under part B of this title;

''(ii) under part A of title I of the Elementary and Secondary Education Act of 1965; and

''(iii) under title III of that Act; and

''(B) any State or local funds expended for programs that would qualify for assistance under any of the provisions of law described in subparagraph (A).

''(8) FREE APPROPRIATE PUBLIC EDUCATION.—The term 'free appropriate public education' means special education and related services that—

''(A) have been provided at public expense, under public supervision and direction, and without charge;

''(B) meet the standards of the State educational agency;

''(C) include an appropriate preschool, elementary, or secondary school education in the State involved that is reasonably calculated to provide educational benefit to enable the child with a disability to access the general curriculum; and

''(D) are provided in conformity with the individualized education program required under section 614(d).

''(9) HIGHLY QUALIFIED.—The term 'highly qualified' has the same meaning as that term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(10) INDIAN.—The term 'Indian' means an individual who is a member of an Indian tribe.

''(11) INDIAN TRIBE.—The term 'Indian tribe' means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act).

''(12) INDIVIDUALIZED EDUCATION PROGRAM.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d).

''(13) INDIVIDUALIZED FAMILY SERVICE PLAN.—The term 'individualized family service plan' has the meaning given such term in section 636.

''(14) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability' has the meaning given such term in section 632.

''(15) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

''(A) has the meaning given that term in subsection (a) or (b) of section 101 of the Higher Education Act of 1965; and

''(B) also includes any community college receiving funding from the Secretary of the Interior under the Tribally Controlled Community College Assistance Act of 1978.

''(16) LOCAL EDUCATIONAL AGENCY.—

''(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

''(B) The term includes—

''(i) an educational service agency, as defined in paragraph (4); and

''(ii) any other public institution or agency having administrative control and direction of a public elementary or secondary school.

''(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs, but only to the extent that such inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

''(17) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by the individual, or, in the case of a child, the language normally used by the parents of the child.

''(18) NONPROFIT.—The term 'nonprofit', as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

''(19) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(20) PARENT.—The term 'parent'—

''(A) includes a legal guardian; and

''(B) except as used in sections 615(b)(2) and 639(a)(5), includes an individual assigned under either of those sections to be a surrogate parent.

''(21) PARENT ORGANIZATION.—The term 'parent organization' has the meaning given that term in section 672(g).

''(22) PARENT TRAINING AND INFORMATION CENTER.—The term 'parent training and information center' means a center assisted under sections 672 and 673.

''(23) RELATED SERVICES.—The term 'related services' means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

''(24) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

''(25) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(26) SPECIAL EDUCATION.—The term 'special education' means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including—

''(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

''(B) instruction in physical education.

''(27) SPECIFIC LEARNING DISABILITY.—

''(A) IN GENERAL.—The term 'specific learning disability' means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

''(B) DISORDERS INCLUDED.—Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

''(C) DISORDERS NOT INCLUDED.—Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

''(28) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

''(29) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

''(30) SUPPLEMENTARY AIDS AND SERVICES.—The term 'supplementary aids and services' means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with section 612(a)(5).

''(31) TRANSITION SERVICES.—The term 'transition services' means a coordinated set of activities for a child with a disability that—

''(A) is designed within a results-oriented process, that is focused on improving the academic and developmental achievement of the child with a disability to facilitate the child's move from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

''(B) is based upon the individual child's needs, taking into account the child's skills, preferences, and interests; and

''(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

"SEC. 603. OFFICE OF SPECIAL EDUCATION PROGRAMS.

''(a) ESTABLISHMENT.—There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs, which shall be the principal agency in such Department for administering and carrying out this Act and other programs and activities concerning the education of children with disabilities.

''(b) DIRECTOR.—The Office established under subsection (a) shall be headed by a Director who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services.

''(c) VOLUNTARY AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary is authorized to accept voluntary and uncompensated services in furtherance of the purposes of this Act.''.

SEC. 102. SECTIONS 605 THROUGH 607 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Sections 605 through 607 of the Individuals with Disabilities Education Act (20 U.S.C. 1404–1406) are amended to read as follows:

"SEC. 605. ACQUISITION OF EQUIPMENT; CONSTRUCTION OR ALTERATION OF FACILITIES.

''(a) IN GENERAL.—If the Secretary determines that a program authorized under this Act would be improved by permitting program funds to be used to acquire appropriate equipment, or to construct new facilities or alter existing facilities, the Secretary is authorized to allow the use of those funds for those purposes.

''(b) COMPLIANCE WITH CERTAIN REGULATIONS.—Any construction of new facilities or alteration of existing facilities under subsection (a) shall comply with the requirements of—

''(1) appendix A of part 36 of title 28, Code of Federal Regulations (commonly known as the 'Americans with Disabilities Accessibility Guidelines for Buildings and Facilities'); or

''(2) appendix A of part 101–19.6 of title 41, Code of Federal Regulations (commonly known as the 'Uniform Federal Accessibility Standards').

"SEC. 606. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

''The Secretary shall ensure that each recipient of assistance under this Act makes positive efforts to employ and advance in employment qualified individuals with disabilities, particularly as teachers, related services personnel, early intervention providers, and administrators, in programs assisted under this Act.

"SEC. 607. REQUIREMENTS FOR PRESCRIBING REGULATIONS.

''(a) IN GENERAL.—The Secretary may issue regulations under this Act only to the extent that such regulations are reasonably necessary to ensure that there is compliance with the specific requirements of this Act.

''(b) PROTECTIONS PROVIDED TO CHILDREN.—The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this Act that would—

''(1) violate or contradict any provision of this Act; and

''(2) procedurally or substantively lessen the protections provided to children with disabilities under this Act, as embodied in regulations in effect on July 20, 1983 (particularly as such protections relate to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timelines, attendance of evaluation personnel at individualized education program meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

''(c) PUBLIC COMMENT PERIOD.—The Secretary shall provide a public comment period of at least 60 days on any regulation proposed under part B or part C of this Act on which an opportunity for public comment is otherwise required by law.

''(d) POLICY LETTERS AND STATEMENTS.—The Secretary may not issue policy letters or other statements (including on issues of national significance) that—

''(1) would violate or contradict any provision of this Act; or

''(2) establish a rule that is required for compliance with, and eligibility under, this Act without following the requirements of section 553 of title 5, United States Code.

''(e) CORRESPONDENCE FROM DEPARTMENT OF EDUCATION DESCRIBING INTERPRETATIONS OF THIS PART.—

''(1) IN GENERAL.—The Secretary shall, on a quarterly basis, publish in the Federal Register, and widely disseminate to interested entities through various additional forms of communication, a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of this Act or the regulations implemented pursuant to this Act.

''(2) ADDITIONAL INFORMATION.—For each item of correspondence published in a list under paragraph (1), the Secretary shall—

''(A) identify the topic addressed by the correspondence and shall include such other summary information as the Secretary determines to be appropriate; and

''(B) ensure that all such correspondence is issued, where applicable, in compliance with section 553 of title 5, United States Code.

''(f) EXPLANATION AND ASSURANCES.—Any written response by the Secretary under subsection (e) regarding a policy, question, or interpretation under this Act shall include an explanation in the written response that the response—

''(1) is issued, when required, in compliance with the requirements of section 553 of title 5, United States Code; and

''(2) is provided as informal guidance and represents only the interpretation by the Department of Education of the applicable statutory or regulatory requirements in the context of the specific facts presented in the original question.''.

SEC. 103. SECTION 608 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Part A of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended by adding at the end the following:

"SEC. 608. STATE ADMINISTRATION.

''(a) RULEMAKING.—Each State that receives funds under this Act shall—

''(1) ensure that any State rules, regulations, and policies relating to this Act conform to the purposes of this Act; and

''(2) minimize the number of rules, regulations, and policies to which the State's local educational agencies and schools are subject to under this Act.

''(b) SUPPORT AND FACILITATION.—All State rules, regulations, and policies relating to this Act shall support and facilitate local educational agency and school-level systemic reform designed to enable children with disabilities to meet the challenging State student academic achievement standards.''.

SEC. 104. GAO REPORTS.

(a) PAPERWORK STUDY.—

(1) REVIEW.—The Comptroller General shall conduct a review of all Federal requirements under the Individuals with Disabilities Education Act, and the requirements of a reasonable sample of State and local educational agencies relating to such Act, to determine which requirements result in excessive paperwork completion burdens for teachers, related services providers, and school administrators. As part of such review, the Comptroller General shall include recommendations to reduce or eliminate the excessive paperwork burdens described in the preceding sentence.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, and once every 2 years thereafter, the Comptroller General shall prepare and submit to the appropriate congressional committees a report that contains the results of the review under paragraph (1).

(b) DISABILITY DEFINITIONS.—

(1) REVIEW.—The Comptroller General of the United States shall conduct a review of—

(A) variation among States in definitions, and evaluation processes, relating to the provision of services under the Individuals with Disabilities Education Act to children having conditions described in section 602(a)(3)

of such Act using the terms ''emotional disturbance'', ''other health impairments'', and ''specific learning disability''; and

(B) the degree to which these definitions and evaluation processes conform to scientific, peer-reviewed research.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to the appropriate congressional committees a report that contains the results of the review under paragraph (1).

(c) DISTANCE LEARNING PROFESSIONAL DEVELOPMENT PROGRAMS.—

(1) STUDY.—The Comptroller General shall conduct a study on existing or developing professional development programs for special education personnel delivered through the use of technology and distance learning.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report containing the findings from the study conducted under paragraph (1) to the appropriate congressional committees.

(d) LIMITED ENGLISH PROFICIENT CHILDREN WITH DISABILITIES.—

(1) STUDY.—The Comptroller General shall conduct a study on how limited English proficient students are being served under the Individuals with Disabilities Education Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under paragraph (1) to the appropriate congressional committees.

(e) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

TITLE II—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

SEC. 201. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS.

Section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411) is amended to read as follows:

"SEC. 611. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS.

''(a) GRANTS TO STATES.—

''(1) PURPOSE OF GRANTS.—The Secretary shall make grants to States and the outlying areas, and provide funds to the Secretary of the Interior, to assist them to provide special education and related services to children with disabilities in accordance with this part.

''(2) MAXIMUM AMOUNTS.—The maximum amount of the grant a State may receive under this section for any fiscal year is—

''(A) the number of children with disabilities in the State who are receiving special education and related services—

''(i) aged 3 through 5 if the State is eligible for a grant under section 619; and

''(ii) aged 6 through 21; multiplied by

''(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

''(3) LIMITATION.—Notwithstanding paragraph (2), the maximum amount of the grant a State may receive under this section for a fiscal year may not be based on the number of children ages 3 through 17, inclusive, in excess of 13.5 percent of the number of all children in that age range in the State.

''(b) OUTLYING AREAS.—

''(1) FUNDS RESERVED.—From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve not more than one percent, which shall be used to provide assistance to the outlying areas in accordance with their respective populations of individuals aged 3 through 21.

''(2) SPECIAL RULE.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to those areas under this section.

''(c) SECRETARY OF THE INTERIOR.—From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve 1.226 percent to provide assistance to the Secretary of the Interior in accordance with subsection (h).

''(d) ALLOCATIONS TO STATES.—

''(1) IN GENERAL.—After reserving funds for payments to the outlying areas and the Secretary of the Interior under subsections (b) and (c), the Secretary shall allocate the remaining amount among the States in accordance with this subsection.

''(2) SPECIAL RULE FOR USE OF FISCAL YEAR 1999 AMOUNT.—If a State does not make a free appropriate public education available to all children with disabilities aged 3 through 5 in the State in any fiscal year, the Secretary shall compute the State's amount for fiscal year 1999, solely for the purpose of calculating the State's allocation in the subsequent year under paragraph (3) or (4), by subtracting the amount allocated to the State for fiscal year 1999 on the basis of those children.

''(3) INCREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is greater than the amount allocated to the States under this paragraph for the preceding fiscal year, those allocations shall be calculated as follows:

''(A)(i) Except as provided in subparagraph (B), the Secretary shall allocate—

''(I) to each State the amount it received for fiscal year 1999;

''(II) 85 percent of any remaining funds to States on the basis of their relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part; and

''(III) 15 percent of those remaining funds to States on the basis of their relative populations of children described in subclause (II) who are living in poverty.

''(ii) For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

''(B) Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

''(i) No State's allocation shall be less than its allocation for the preceding fiscal year.

''(ii) No State's allocation shall be less than the greatest of—

''(I) the sum of—

''(aa) the amount it received for fiscal year 1999; and

''(bb) one-third of one percent of the amount by which the amount appropriated under subsection (i) exceeds the amount appropriated under this section for fiscal year 1999;

''(II) the sum of—

''(aa) the amount it received for the preceding fiscal year; and

''(bb) that amount multiplied by the percentage by which the increase in the funds appropriated from the preceding fiscal year exceeds 1.5 percent; or

''(III) the sum of—

''(aa) the amount it received for the preceding fiscal year; and

''(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated from the preceding fiscal year.

''(iii) Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

''(I) the amount it received for the preceding fiscal year; and

''(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated.

''(C) If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

''(4) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

''(A) If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1999, each State shall be allocated the sum of—

''(i) the amount it received for fiscal year 1999; and

''(ii) an amount that bears the same relation to any remaining funds as the increase the State received for the preceding fiscal year over fiscal year 1999 bears to the total of all such increases for all States.

''(B)(i) If the amount available for allocations is equal to or less than the amount allocated to the States for fiscal year 1999, each State shall be allocated the amount it received for fiscal year 1999.

''(ii) If the amount available is insufficient to make the allocations described in clause (i), those allocations shall be ratably reduced.

''(e) STATE-LEVEL ACTIVITIES.—

''(1) IN GENERAL.—

''(A) Each State may retain not more than the amount described in subparagraph (B) for administration and other State-level activities in accordance with paragraphs (2), (3), and (4).

''(B) For each fiscal year, the Secretary shall determine and report to the State educational agency an amount that is 25 percent of the amount the State received under this section for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of—

''(i) the percentage increase, if any, from the preceding fiscal year in the State's allocation under this section; or

''(ii) the rate of inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

''(C) A State may use funds it retains under subparagraph (A) without regard to—

''(i) the prohibition on commingling of funds in section 612(a)(18)(B); and

''(ii) the prohibition on supplanting other funds in section 612(a)(18)(C).

''(2) STATE ADMINISTRATION.—

''(A) For the purpose of administering this part, including section 619 (including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities)—

''(i) each State may use not more than 20 percent of the maximum amount it may retain under paragraph (1)(A) for any fiscal year or $750,000, whichever is greater; and

''(ii) each outlying area may use up to 5 percent of the amount it receives under this section for any fiscal year or $35,000 (adjusted by the cumulative rate of inflation since fiscal year 1998, as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), whichever is greater.

''(B) Funds described in subparagraph (A) may also be used for the administration of part C of this Act, if the State educational agency is the lead agency for the State under that part.

''(3) HIGH COST SPECIAL EDUCATION AND RELATED SERVICES.—Each State may use not more than 40 percent of the maximum amount it may retain under paragraph (1)(A) for any fiscal year to establish and implement cost or risk sharing funds, consortia, or cooperatives to assist local educational agencies in providing high cost special education and related services.

''(4) OTHER STATE-LEVEL ACTIVITIES.—Each State shall use any funds it retains under paragraph (1) and does not use under paragraph (2) or (3) for any of the following:

''(A) Support and direct services, including technical assistance and personnel development and training.

''(B) Administrative costs of monitoring and complaint investigation.

''(C) To establish and implement the mediation and voluntary binding arbitration processes required by sections 612(a)(17) and 615(e), including providing for the costs of mediators, arbitrators, and support personnel.

''(D) To assist local educational agencies in meeting personnel shortages.

''(E) Activities at the State and local levels to meet the performance goals established by the State under section 612(a)(15) and to support implementation of the State plan under subpart 1 of part D if the State receives funds under that subpart.

''(F) To support paperwork reduction activities, including expanding the appropriate use of technology in the IEP process under this part.

''(G) To develop and maintain a comprehensive, coordinated, prereferral educational support system for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who are not enrolled in special education but who need additional academic and behavioral support to succeed in a general education environment.

''(H) To support capacity building activities and improve the delivery of services by local educational agencies to improve results for children with disabilities.

''(I) For subgrants to local educational agencies for the purposes described in paragraph (5)(A).

''(5)(A) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES FOR ACCOUNTABILITY.—In any fiscal year in which the percentage increase in the State's allocation under this section exceeds the rate of inflation (as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), each State shall reserve, from its allocation under this section, the amount described in subparagraph (B) to make subgrants to local educational agencies, unless that amount is less than $100,000, to provide technical assistance and direct services to local educational agencies identified as being in need of improvement under section 1116 of the Elementary and Secondary Education Act of 1965 on the basis, in whole or in part, of the assessment results of the disaggregated subgroup of students with disabilities, including providing professional development to special and regular education teachers, based on scientifically based research to improve educational instruction.

''(B) MAXIMUM SUBGRANT.—For each fiscal year, the amount referred to in subparagraph (A) is—

''(i) the maximum amount the State was allowed to retain under paragraph (1)(A) for the prior fiscal year, or for fiscal year 1998, 25 percent of the State's allocation for fiscal year 1997 under this section; multiplied by

''(ii) the difference between the percentage increase in the State's allocation under this section and the rate of inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

''(6) REPORT ON USE OF FUNDS.—As part of the information required to be submitted to the Secretary under section 612, each State shall annually describe—

''(A) how amounts retained under paragraph (1) will be used to meet the requirements of this part;

''(B) how those amounts will be allocated among the activities described in this subsection to meet State priorities based on input from local educational agencies; and

''(C) the percentage of those amounts, if any, that will be distributed to local educational agencies by formula.

''(f) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) SUBGRANTS REQUIRED.—Each State that receives a grant under this section for any fiscal year shall distribute any funds it does not retain under subsection (e) to local educational agencies, including public charter schools that operate as local educational agencies, in the State that have established their eligibility under section 613, for use in accordance with this part.

''(2) PROCEDURE FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—For each fiscal year for which funds are allocated to States under subsection (e), each State shall allocate funds under paragraph (1) as follows:

''(A) BASE PAYMENTS.—The State shall first award each agency described in paragraph (1) the amount that agency would have received under this section for fiscal year 1999, if the State had distributed 75 percent of its grant for that year under section 611(d), as then in effect.

''(B) ALLOCATION OF REMAINING FUNDS.—After making allocations under subparagraph (A), the State shall—

''(i) allocate 85 percent of any remaining funds to those agencies on the basis of the relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction; and

''(ii) allocate 15 percent of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

''(3) REALLOCATION OF FUNDS.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities residing in the area served by that agency with State and local funds, the State educational agency may reallocate any portion of the funds under this part that are not needed by that local agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas they serve.

''(4) SPECIAL RULE FOR INCREASED FUNDS.—

''(A) IN GENERAL.—If the amount available for allocations to States under subsection (d)(1) for a fiscal year is equal to or greater than the amount allocated to States for fiscal year 2003, then each State may retain not more than the amount of funds it had reserved under subsection (e)(1)(B) for fiscal year 2003.

''(B) EXCEPTION.—In any fiscal year in which the percentage increase of the amount available for allocations to States under subsection (d)(1) is equal to or greater than the rate of inflation, each State may increase its allocation under subsection (e)(1)(B) by the amount allowed under subsection (e)(4)(B), for the sole purpose of making grants under subsection (e)(4)(A).

''(g) DEFINITIONS.—For the purpose of this section—

''(1) the term 'average per-pupil expenditure in public elementary and secondary schools in the United States' means—

''(A) without regard to the source of funds—

''(i) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the 50 States and the District of Columbia); plus

''(ii) any direct expenditures by the State for the operation of those agencies; divided by

''(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year; and

''(2) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(h) USE OF AMOUNTS BY SECRETARY OF THE INTERIOR.—

''(1) PROVISION OF AMOUNTS FOR ASSISTANCE.—

''(A) IN GENERAL.—The Secretary of Education shall provide amounts to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5 to 21, inclusive, enrolled in elementary and secondary schools for Indian children operated or funded by the Secretary of the Interior. The amount of such payment for any fiscal year shall be equal to 80 percent of the amount allotted under subsection (c) for that fiscal year. Of the amount described in the preceding sentence—

''(i) 80 percent shall be allocated to such schools by July 1 of that fiscal year; and

''(ii) 20 percent shall be allocated to such schools by September 30 of that fiscal year.

''(B) CALCULATION OF NUMBER OF CHILDREN.—In the case of Indian students aged 3 to 5, inclusive, who are enrolled in programs affiliated with the Bureau of Indian Affairs (hereafter in this subsection referred to as 'BIA') schools and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools have such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (2).

''(C) ADDITIONAL REQUIREMENT.—With respect to all other children aged 3 to 21, inclusive, on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

''(2) SUBMISSION OF INFORMATION.—The Secretary of Education may provide the Secretary of the Interior amounts under paragraph (1) for a fiscal year only if the Secretary of the Interior submits to the Secretary of Education information that—

''(A) demonstrates that the Department of the Interior meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities) and 613;

''(B) includes a description of how the Secretary of the Interior will coordinate the

provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

''(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures described in subparagraph (A);

''(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618;

''(E) includes an assurance that the Secretary of the Interior and the Secretary of Health and Human Services have entered into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations (such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical or personal supplies as needed for a child to remain in school or a program); and

''(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring, enforcement, and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this part, and will fulfill its duties under this part.

Section 616(a) shall apply to the information described in this paragraph.

''(3) PAYMENTS FOR EDUCATION AND SERVICES FOR INDIAN CHILDREN WITH DISABILITIES AGED 3 THROUGH 5.—

''(A) IN GENERAL.—With funds appropriated under subsection (i), the Secretary of Education shall make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortia of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3 through 5 on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be equal to 20 percent of the amount allotted under subsection (c).

''(B) DISTRIBUTION OF FUNDS.—The Secretary of the Interior shall distribute the total amount of the payment under subparagraph (A) by allocating to each tribe or tribal organization an amount based on the number of children with disabilities ages 3 through 5 residing on reservations as reported annually, divided by the total of those children served by all tribes or tribal organizations.

''(C) SUBMISSION OF INFORMATION.—To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

''(D) USE OF FUNDS.—The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3 through 5, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

''(E) ANNUAL REPORT.—To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall provide to the Secretary of the Interior an annual report of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the year following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on an annual basis in the report to the Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior.

''(F) PROHIBITIONS.—None of the funds allocated under this paragraph may be used by the Secretary of the Interior for administrative purposes, including child count and the provision of technical assistance.

''(4) PLAN FOR COORDINATION OF SERVICES.—The Secretary of the Interior shall develop and implement a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing the plan, the Secretary of the Interior shall consult with all interested and involved parties. It shall be based on the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. The plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, and children with disabilities, to tribes, and to other interested parties.

''(5) ESTABLISHMENT OF ADVISORY BOARD.—To meet the requirements of section 612(a)(22), the Secretary of the Interior shall establish, under the BIA, an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils under section 641 in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

''(A) assist in the coordination of services within the BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, and children with disabilities;

''(B) advise and assist the Secretary of the Interior in the performance of the Secretary's responsibilities described in this subsection;

''(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

''(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, and children with disabilities; and

''(E) provide assistance in the preparation of information required under paragraph (2)(D).

''(6) ANNUAL REPORTS.—

''(A) IN GENERAL.—The advisory board established under paragraph (5) shall prepare and submit to the Secretary of the Interior and to the Congress an annual report containing a description of the activities of the advisory board for the preceding year.

''(B) AVAILABILITY.—The Secretary of the Interior shall make available to the Secretary of Education the report described in subparagraph (A).

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated—

''(1) $11,074,398,000 for fiscal year 2004;

''(2) $13,574,398,000 for fiscal year 2005;

''(3) $15,746,302,000 for fiscal year 2006;

''(4) $17,918,205,000 for fiscal year 2007;

''(5) $20,090,109,000 for fiscal year 2008;

''(6) $22,262,307,000 for fiscal year 2009;

''(7) $25,198,603,000 for fiscal year 2010; and

''(8) such sums as may be necessary for fiscal year 2011 and each subsequent fiscal year.''.

SEC. 202. STATE ELIGIBILITY.

(a) IN GENERAL.—(1) Section 612(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)) is amended in the matter preceding paragraph (1) by striking ''demonstrates to the satisfaction of'' and inserting ''reasonably demonstrates to''.

(2) Paragraphs (1) through (11) of section 612(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(1)–(11)) are amended to read as follows:

''(1) FREE APPROPRIATE PUBLIC EDUCATION.—

''(A) IN GENERAL.—A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

''(B) LIMITATION.—The obligation to make a free appropriate public education available to all children with disabilities does not apply with respect to children—

''(i) aged 3 through 5 and 18 through 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in those age ranges; and

''(ii) aged 18 through 21 to the extent that State law does not require that special education and related services under this part be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correctional facility—

''(I) were not actually identified as being a child with a disability under section 602(3) of this Act; or

''(II) did not have an individualized education program under this part.

''(2) FULL EDUCATIONAL OPPORTUNITY GOAL.—The State has established a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal.

''(3) CHILD FIND.—

''(A) IN GENERAL.—All children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special

education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

''(B) CONSTRUCTION.—Nothing in this Act requires that children be classified by their disability so long as each child who has a disability listed in section 602 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under this part.

''(4) INDIVIDUALIZED EDUCATION PROGRAM.—An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with section 614(d).

''(5) LEAST RESTRICTIVE ENVIRONMENT.—

''(A) IN GENERAL.—To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

''(B) ADDITIONAL REQUIREMENT.—

''(i) IN GENERAL.—If the State uses a funding mechanism by which the State distributes State funds on the basis of the type of setting in which a child is served, the funding mechanism does not result in placements that violate the requirements of subparagraph (A).

''(ii) ASSURANCE.—If the State does not have policies and procedures to ensure compliance with clause (i), the State shall provide the Secretary an assurance that it will revise the funding mechanism as soon as feasible to ensure that such mechanism does not result in such placements.

''(6) PROCEDURAL SAFEGUARDS.—

''(A) IN GENERAL.—Children with disabilities and their parents are afforded the procedural safeguards required by section 615.

''(B) ADDITIONAL PROCEDURAL SAFEGUARDS.—Procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities for services under this Act will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

''(7) EVALUATION.—Children with disabilities are evaluated in accordance with subsections (a) through (c) of section 614.

''(8) CONFIDENTIALITY.—Agencies in the State comply with section 617(d) (relating to the confidentiality of records and information).

''(9) TRANSITION FROM PART C TO PRESCHOOL PROGRAMS.—Children participating in early intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8). By the third birthday of such a child, an individualized education program or, if consistent with section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 637(a)(8).

''(10) CHILDREN IN PRIVATE SCHOOLS.—

''(A) CHILDREN ENROLLED IN PRIVATE SCHOOLS BY THEIR PARENTS.—

''(i) IN GENERAL.—To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary and secondary schools in the area served by such agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the following requirements, unless the Secretary has arranged for services to those children under subsection (f):

''(I) Amounts to be expended for the provision of those services (including direct services to parentally-placed children) by a local educational agency shall be equal to a proportionate amount of Federal funds made available under this part.

''(II) In calculating the proportionate share of Federal funds, the local educational agency, after timely and meaningful consultation with representatives of children with disabilities parentally-placed in private schools as described in clause (iii), shall conduct a thorough and complete child-find process to determine the number of parentally-placed children with disabilities attending private schools located in the district.

''(III) Such services may be provided to children with disabilities on the premises of private, including religious, schools, to the extent consistent with law.

''(IV) State and local funds may supplement and in no case shall supplant the proportionate amount of Federal funds required to be expended under this paragraph.

''(V) Each local educational agency maintains in its records and provides to the State educational agency the number of children evaluated under this paragraph, the number of children determined to be children with disabilities, and the number of children served under this subsection.

''(ii) CHILD-FIND REQUIREMENT.—

''(I) IN GENERAL.—The requirements of paragraph (3) of this subsection (relating to child find) shall apply with respect to children with disabilities in the State who are enrolled in private, including religious, elementary and secondary schools.

''(II) EQUITABLE PARTICIPATION.—The child-find process must be designed to ensure the equitable participation of parentally-placed private school children and an accurate count of such children.

''(III) ACTIVITIES.—In carrying out this clause, the local educational agency, or where applicable, the State educational agency, shall undertake activities similar to those activities undertaken for its public school children.

''(IV) COST.—The cost of carrying out this clause, including individual evaluations, may not be considered in determining whether a local education agency has met its obligations under clause (i).

''(V) COMPLETION PERIOD.—Such child-find process shall be completed in a time period comparable to that for other students attending public schools in the local educational agency.

''(iii) CONSULTATION.—To ensure timely and meaningful consultation, a local educational agency, or where appropriate, a state educational agency, shall consult with representatives of children with disabilities parentally-placed in private schools during the design and development of special education and related services for these children including—

''(I) the child-find process and how parentally-placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;

''(II) the determination of the proportionate share of Federal funds available to serve parentally-placed private school children with disabilities under this paragraph, including the determination of how those funds were calculated;

''(III) the consultation process among the district, private school officials, and parents of parentally-placed private school children with disabilities including how such process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the child find process can meaningfully participate in special education and related services; and

''(IV) how, where, and by whom special education and related services will be provided for parentally-placed private school children, including a discussion of alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made.

''(iv) COMPLIANCE.—

''(I) IN GENERAL.—A private school official shall have the right to complain to the State educational agency that the local educational agency did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official.

''(II) PROCEDURE.—If the private school official wishes to complain, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency. If the private school official is dissatisfied with the decision of the State educational agency, such official may complain to the Secretary by providing the basis of the noncompliance with this section by the local educational agency to the Secretary, and the State educational agency shall forward the appropriate documentation to the Secretary.

''(v) PROVISION OF SERVICES.—

''(I) DIRECTLY OR THROUGH CONTRACTS.—An agency may provide special education and related services directly or through contracts with public and private agencies, organizations, and institutions.

''(II) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Special education and related services, including materials and equipment, shall be secular, neutral, and nonideological.

''(vi) PUBLIC CONTROL OF FUNDS.—

''(I) IN GENERAL.—The control of funds used to provide special education and related services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

''(II) PROVISION OF SERVICES.—The provision of services under this Act shall be provided—

''(aa) by employees of a public agency; or

''(bb) through contract by the public agency with an individual, association, agency, organization, or other entity.

''(B) CHILDREN PLACED IN, OR REFERRED TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—

''(i) IN GENERAL.—Children with disabilities in private schools and facilities are provided special education and related services, in accordance with an individualized education program, at no cost to their parents, if such children are placed in, or referred to, such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related

services to all children with disabilities within such State.

''(ii) STANDARDS.—In all cases described in clause (i), the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies.

''(C) PAYMENT FOR EDUCATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS WITHOUT CONSENT OF OR REFERRAL BY THE PUBLIC AGENCY.—

''(i) IN GENERAL.—Subject to subparagraph (A), this part does not require a local educational agency to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made a free appropriate public education available to the child and the parents elected to place the child in such private school or facility.

''(ii) REIMBURSEMENT FOR PRIVATE SCHOOL PLACEMENT.—If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private elementary or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

''(iii) LIMITATION ON REIMBURSEMENT.—The cost of reimbursement described in clause (ii) may be reduced or denied—

''(I) if—

''(aa) at the most recent IEP meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the public agency to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

''(bb) 10 business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information described in division (aa);

''(II) if, prior to the parents' removal of the child from the public school, the public agency informed the parents, through the notice requirements described in section 615(b)(7), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation; or

''(III) upon a judicial finding of unreasonableness with respect to actions taken by the parents.

''(iv) EXCEPTION.—Notwithstanding the notice requirement in clause (iii)(I), the cost of reimbursement—

''(I) shall not be reduced or denied for failure to provide such notice if—

''(aa) the school prevented the parent from providing such notice;

''(bb) the parents had not received notice, pursuant to section 615, of the notice requirement in clause (iii)(I); or

''(cc) compliance with clause (iii)(I) would likely result in physical harm to the child; and

''(II) may, in the discretion of a court or a hearing officer, not be reduced or denied for failure to provide such notice if—

''(aa) the parent is illiterate or cannot write in English; or

''(bb) compliance with clause (iii)(I) would likely result in serious emotional harm to the child.

''(11) STATE EDUCATIONAL AGENCY RESPONSIBLE FOR GENERAL SUPERVISION.—

''(A) IN GENERAL.—The State educational agency is responsible for ensuring that—

''(i) the requirements of this part are met; and

''(ii) all educational programs for children with disabilities in the State, including all such programs administered by any other State or local agency—

''(I) are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities; and

''(II) meet the educational standards of the State educational agency.

''(B) LIMITATION.—Subparagraph (A) shall not limit the responsibility of agencies in the State other than the State educational agency to provide, or pay for some or all of the costs of, a free appropriate public education for any child with a disability in the State.

''(C) EXCEPTION.—Notwithstanding subparagraphs (A) and (B), the Governor (or another individual pursuant to State law), consistent with State law, may assign to any public agency in the State the responsibility of ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons.''.

(3) Paragraphs (13) through (22) of section 612(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(13)–(22)) are amended to read as follows:

''(13) PROCEDURAL REQUIREMENTS RELATING TO LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing.

''(14) PERSONNEL STANDARDS.—

''(A) IN GENERAL.—The State educational agency has established and maintains standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained.

''(B) STANDARDS DESCRIBED.—Such standards shall—

''(i) ensure that special education teachers who teach in core academic subjects are highly qualified in those subjects;

''(ii) be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services in order to ensure that such individuals are qualified to provide such services; and

''(iii) allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services to children with disabilities under this part.

''(C) INNOVATIVE STRATEGIES FOR PROFESSIONAL DEVELOPMENT.—The State educational agency encourages the development and use of research-based innovative strategies, such as strategies using technology, peer networks, and distance learning, to deliver intensive professional development programs for special and regular education teachers, administrators, principals, and related services personnel that—

''(i) improve educational results for students with disabilities; and

''(ii) are both cost-effective and easily accessible.

''(15) PERFORMANCE GOALS AND INDICATORS.—The State—

''(A) has established goals for the performance of children with disabilities in the State that—

''(i) promote the purposes of this Act, as stated in section 601(d);

''(ii) are the same as the State's definition of adequate yearly progress, including the State's objectives for progress by children with disabilities, under section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965;

''(iii) address dropout rates, as well as such other factors as the State may determine; and

''(iv) are consistent, to the extent appropriate, with any other goals and standards for children established by the State;

''(B) has established performance indicators the State will use to assess progress toward achieving those goals described in subparagraph (A), including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965; and

''(C) will annually report to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under subparagraph (A), which may include elements of the reports required under section 1111(h) of the Elementary and Secondary Education Act of 1965.

''(16) PARTICIPATION IN ASSESSMENTS.—

''(A) IN GENERAL.—(i) All children with disabilities are included in all general State and district-wide assessment programs, including assessments described under title I of the Elementary and Secondary Education Act of 1965, with appropriate accommodations, where necessary and as indicated in their respective individualized education programs.

''(ii) The State (or, in the case of a district-wide assessment, the local educational agency) has developed and implemented guidelines for the provision of accommodations described in clause (i).

''(iii) The State (or, in the case of a district-wide assessment the local educational agency)—

''(I) has developed and implemented guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments under clause (i); and

''(II) conducts those alternate assessments.

''(B) REPORTS.—The State educational agency (or, in the case of a district-wide assessment, the local educational agency) makes available to the public, and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

''(i) The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations in order to participate in those assessments.

''(ii) The number of children with disabilities participating in alternate assessments.

''(iii) The performance of children with disabilities on regular assessments and on alternate assessments (if the number of children with disabilities participating in those assessments is sufficient to yield statistically reliable information and reporting that information would not reveal personally identifiable information about an individual student), compared with the achievement of all children, including children with disabilities, on those assessments.

''(17) DISPUTE RESOLUTION.—The State has in effect systems of mediation and voluntary binding arbitration pursuant to section 615(e).

''(18) SUPPLEMENTATION OF STATE, LOCAL, AND OTHER FEDERAL FUNDS.—

''(A) EXPENDITURES.—Funds paid to a State under this part will be expended in accordance with all the provisions of this part.

''(B) PROHIBITION AGAINST COMMINGLING.—Funds paid to a State under this part will not be commingled with State funds.

''(C) PROHIBITION AGAINST SUPPLANTATION AND CONDITIONS FOR WAIVER BY SECRETARY.—Except as provided in section 613, funds paid to a State under this part will be used to supplement the level of Federal, State, and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related services provided to children with disabilities under this part and in no case to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all children with disabilities have available to them a free appropriate public education, the Secretary may waive, in whole or in part, the requirements of this subparagraph if the Secretary concurs with the evidence provided by the State.

''(19) MAINTENANCE OF STATE FINANCIAL SUPPORT.—

''(A) IN GENERAL.—The State does not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year.

''(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN SUPPORT.—The Secretary shall reduce the allocation of funds under section 611 for any fiscal year following the fiscal year in which the State fails to comply with the requirement of subparagraph (A) by the same amount by which the State fails to meet the requirement.

''(C) WAIVERS FOR EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.—The Secretary may waive the requirement of subparagraph (A) for a State, for one fiscal year at a time, if the Secretary determines that—

''(i) granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State; or

''(ii) the State meets the standard in paragraph (18)(C) of this section for a waiver of the requirement to supplement, and not to supplant, funds received under this part.

''(D) SUBSEQUENT YEARS.—If, for any year, a State fails to meet the requirement of subparagraph (A), including any year for which the State is granted a waiver under subparagraph (C), the financial support required of the State in future years under subparagraph (A) shall be the amount that would have been required in the absence of that failure and not the reduced level of the State's support.

''(20) PUBLIC PARTICIPATION.—Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

''(21) STATE ADVISORY PANEL.—

''(A) IN GENERAL.—The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

''(B) MEMBERSHIP.—Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, that is representative of the State population and that is composed of individuals involved in, or concerned with, the education of children with disabilities, including—

''(i) parents of children with disabilities (ages birth through 26);

''(ii) individuals with disabilities;

''(iii) teachers;

''(iv) representatives of institutions of higher education that prepare special education and related services personnel;

''(v) State and local education officials;

''(vi) administrators of programs for children with disabilities;

''(vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

''(viii) representatives of private schools and public charter schools;

''(ix) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and

''(x) representatives from the State juvenile and adult corrections agencies.

''(C) SPECIAL RULE.—A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities ages birth through 26.

''(D) DUTIES.—The advisory panel shall—

''(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

''(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

''(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

''(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

''(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

''(22) SUSPENSION AND EXPULSION RATES.—

''(A) IN GENERAL.—The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities—

''(i) among local educational agencies in the State; or

''(ii) compared to such rates for nondisabled children within such agencies.

''(B) REVIEW AND REVISION OF POLICIES.—If such discrepancies are occurring, the State educational agency reviews and, if appropriate, revises (or requires the affected State or local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act.''.

(4) Section 612(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(13)–(22)) is amended by adding at the end the following:

''(23) INSTRUCTIONAL MATERIALS.—

''(A) IN GENERAL.—The State adopts the national instructional materials accessibility standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities in a timely manner after the publication of the standard by the Secretary in the Federal Register.

''(B) PURCHASE REQUIREMENT.—Not later than 2 years after the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003, the State educational agency, when purchasing instructional materials for use in public elementary and secondary schools within the State, requires the publisher of the instructional materials, as a part of any purchase agreement that is made, renewed, or revised, to prepare and supply electronic files containing the contents of the instructional materials using the national instructional materials accessibility standard.

''(C) DEFINITION.—For purposes of this paragraph, the term 'instructional materials' means printed textbooks and related core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a State educational agency or local educational agency for use by pupils in the classroom.

''(24) OVERIDENTIFICATION AND DISPROPORTIONALITY.—The State has in effect, consistent with the purposes of this Act and with section 618, policies and procedures designed to prevent the overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3).

''(25) PROHIBITION ON PSYCHOTROPIC MEDICATION.—The State educational agency develops and implements policies and procedures prohibiting school personnel from requiring a child to obtain a prescription for substances covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school or receiving services.''.

(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF FREE APPROPRIATE PUBLIC EDUCATION OR DIRECT SERVICES.—Section 612(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(b)) is amended to read as follows:

''(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF FREE APPROPRIATE PUBLIC EDUCATION OR DIRECT SERVICES.—If the State educational agency provides free appropriate public education to children with disabilities, or provides direct services to such children, such agency—

''(1) shall comply with any additional requirements of section 613(a), as if such agency were a local educational agency; and

''(2) may use amounts that are otherwise available to such agency under this part to serve those children without regard to section 613(a)(2)(A)(i) (relating to excess costs).''.

(c) EXCEPTION FOR PRIOR STATE PLANS.—Section 612(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(c)) is amended to read as follows:

''(c) EXCEPTION FOR PRIOR STATE PLANS.—

''(1) IN GENERAL.—If a State has on file with the Secretary policies and procedures that demonstrate that such State meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Improving Education Results for Children With Disabilities Act of 2003, the Secretary shall consider such State to have met such requirement for purposes of receiving a grant under this part.

''(2) MODIFICATIONS MADE BY STATE.—Subject to paragraph (3), an application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State deems necessary. This section shall apply to a modification to an application to the same extent and in the same manner as this section applies to the original plan.

''(3) MODIFICATIONS REQUIRED BY THE SECRETARY.—If, after the effective date of the Improving Education Results for Children With Disabilities Act of 2003, the provisions of this Act are amended (or the regulations

developed to carry out this Act are amended), or there is a new interpretation of this Act by a Federal court or a State's highest court, or there is an official finding of noncompliance with Federal law or regulations, the Secretary may require a State to modify its application only to the extent necessary to ensure the State's compliance with this part.''.

(d) APPROVAL BY THE SECRETARY.—Section 612(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(d)) is amended to read as follows:

''(d) APPROVAL BY THE SECRETARY.—

''(1) IN GENERAL.—If the Secretary determines that a State is eligible to receive a grant under this part, the Secretary shall notify the State of that determination.

''(2) NOTICE AND HEARING.—The Secretary shall not make a final determination that a State is not eligible to receive a grant under this part until after providing the State—

''(A) with reasonable notice; and

''(B) with an opportunity for a hearing.''.

(e) ASSISTANCE UNDER OTHER FEDERAL PROGRAMS.—Section 612(e) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(e)) is amended to read as follows:

''(e) ASSISTANCE UNDER OTHER FEDERAL PROGRAMS.—Nothing in this title permits a State to reduce medical and other assistance available, or to alter eligibility, under titles V and XIX of the Social Security Act with respect to the provision of a free appropriate public education for children with disabilities in the State.''.

SEC. 203. LOCAL EDUCATIONAL AGENCY ELIGIBILITY.

Section 613 of the Individuals with Disabilities Education Act (20 U.S.C. 1413) is amended to read as follows:

''SEC. 613. LOCAL EDUCATIONAL AGENCY ELIGIBILITY.

''(a) IN GENERAL.—A local educational agency is eligible for assistance under this part for a fiscal year if such agency reasonably demonstrates to the State educational agency that it meets each of the following conditions:

''(1) CONSISTENCY WITH STATE POLICIES.—The local educational agency, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under section 612.

''(2) USE OF AMOUNTS.—

''(A) IN GENERAL.—Amounts provided to the local educational agency under this part shall be expended in accordance with the applicable provisions of this part and—

''(i) shall be used only to pay the excess costs of providing special education and related services to children with disabilities;

''(ii) shall be used to supplement State, local, and other Federal funds and not to supplant such funds; and

''(iii) shall not be used, except as provided in subparagraphs (B) and (C), to reduce the level of expenditures for the education of children with disabilities made by the local educational agency from local funds below the level of those expenditures for the preceding fiscal year.

''(B) EXCEPTION.—Notwithstanding the restriction in subparagraph (A)(iii), a local educational agency may reduce the level of expenditures where such reduction is attributable to—

''(i) the voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel;

''(ii) a decrease in the enrollment of children with disabilities;

''(iii) the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State educational agency, because the child—

''(I) has left the jurisdiction of the agency;

''(II) has reached the age at which the obligation of the agency to provide a free appropriate public education to the child has terminated; or

''(III) no longer needs such program of special education; or

''(iv) the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

''(C) TREATMENT OF FEDERAL FUNDS IN CERTAIN FISCAL YEARS.—

''(i) Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which amounts appropriated to carry out section 611 exceeds $4,100,000,000, a local educational agency may treat as local funds, for the purpose of such clauses, up to 20 percent of the amount of funds it receives under this part that exceeds the amount it received under this part for the previous fiscal year.

''(ii) If a local educational agency chooses to use the authority under clause (i), then the agency shall use those local funds to provide additional funding for programs under the Elementary and Secondary Education Act of 1965, including, but not limited to, programs that address student achievement, comprehensive school reform, literacy, teacher quality and professional development, school safety, before- and after- school learning opportunities.

''(iii) Notwithstanding clause (i), if a State educational agency determines that a local educational agency is unable to establish and maintain programs of free appropriate public education that meet the requirements of subsection (a), the State educational agency shall prohibit the local educational agency from treating funds received under this part as local funds under clause (i) for that fiscal year, but only if it is authorized to do so by the State constitution or a State statute.

''(D) SCHOOLWIDE PROGRAMS UNDER TITLE I OF THE ESEA.—Notwithstanding subparagraph (A) or any other provision of this part, a local educational agency may use funds received under this part for any fiscal year to carry out a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, except that the amount so used in any such program shall not exceed—

''(i) the number of children with disabilities participating in the schoolwide program; multiplied by

''(ii)(I) the amount received by the local educational agency under this part for that fiscal year; divided by

''(II) the number of children with disabilities in the jurisdiction of that agency.

''(3) PERSONNEL DEVELOPMENT.—The local educational agency shall ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, consistent with the requirements of section 612 of this Act and section 1119 of the Elementary and Secondary Education Act of 1965.

''(4) PERMISSIVE USE OF FUNDS.—Notwithstanding paragraph (2)(A) or section 612(a)(18)(B) (relating to commingled funds), funds provided to the local educational agency under this part may be used for the following activities:

''(A) SERVICES AND AIDS THAT ALSO BENEFIT NONDISABLED CHILDREN.—For the costs of special education and related services and supplementary aids and services provided in a regular class or other education-related setting to a child with a disability in accordance with the individualized education program of the child, even if one or more nondisabled children benefit from such services.

''(B) PREREFERRAL SERVICES.—To develop and implement a system of comprehensive coordinated prereferral education support services in accordance with subsection (f).

''(C) HIGH COST EDUCATION AND RELATED SERVICES.—To establish and implement cost or risk sharing funds, consortia, or cooperatives for the agency itself, or for local educational agencies working in consortium of which the local educational agency is a part, to pay for high cost special education and related services.

''(D) CASE MANAGEMENT AND ADMINISTRATION.—To purchase appropriate technology for record keeping, data collection, and related case management activities of teachers and related services personnel who are providing services described in the individualized education program of children with disabilities necessary to the implementation of those case management activities.

''(E) SUPPLEMENTAL EDUCATIONAL SERVICES FOR CHILDREN WITH DISABILITIES IN SCHOOLS DESIGNATED FOR IMPROVEMENT.—For the reasonable additional expenses (as determined by the local educational agency) of any necessary accommodations to allow children with disabilities who are being educated in a school identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) to be provided supplemental educational services under section 1116(e) of such Act on an equitable basis.

''(5) TREATMENT OF CHARTER SCHOOLS AND THEIR STUDENTS.—In carrying out this part with respect to charter schools that are public schools of the local educational agency, the local educational agency—

''(A) serves children with disabilities attending those schools in the same manner as it serves children with disabilities in its other schools, including providing supplemental and related services on site at the charter school when the local educational agency has a policy or practice of providing those services on site to its other schools; and

''(B) provides funds under this part to those schools on the same basis as it provides those funds to its other public schools (including, at the option of such agency, proportional distribution based on relative enrollment of children with disabilities at such charter schools), and at the same time as such agency distributes other Federal funds to those schools, consistent with the State's charter law.

''(6) PURCHASE OF INSTRUCTIONAL MATERIALS.—Not later than 2 years after the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003, the local educational agency, when purchasing instructional materials for use in public elementary and secondary schools within the local educational agency, requires the publisher of the instructional materials, as a part of any purchase agreement that is made, renewed, or revised, to prepare and supply electronic files containing the contents of the instructional materials using the national instructional materials accessibility standard described in section 612(a)(23).

''(7) INFORMATION FOR STATE EDUCATIONAL AGENCY.—The local educational agency shall provide the State educational agency with information necessary to enable the State educational agency to carry out its duties under this part, including, with respect to paragraphs (15) and (16) of section 612(a), information relating to the performance of children with disabilities participating in programs carried out under this part.

''(8) PUBLIC INFORMATION.—The local educational agency shall make available to parents of children with disabilities and to the general public all documents relating to the eligibility of such agency under this part.

''(9) RECORDS REGARDING MIGRATORY CHILDREN WITH DISABILITIES.—The local educational agency shall cooperate in the Secretary's efforts under section 1308 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398) to ensure the linkage of records pertaining to migratory children with a disability for the purpose of electronically exchanging, among the States, health and educational information regarding such children.

''(b) EXCEPTION FOR PRIOR LOCAL PLANS.—

''(1) IN GENERAL.—If a local educational agency or State agency has on file with the State educational agency policies and procedures that demonstrate that such local educational agency, or such State agency, as the case may be, meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Improving Education Results for Children With Disabilities Act of 2003, the State educational agency shall consider such local educational agency or State agency, as the case may be, to have met such requirement for purposes of receiving assistance under this part.

''(2) MODIFICATION MADE BY LOCAL EDUCATIONAL AGENCY.—Subject to paragraph (3), an application submitted by a local educational agency in accordance with this section shall remain in effect until it submits to the State educational agency such modifications as the local educational agency deems necessary.

''(3) MODIFICATIONS REQUIRED BY STATE EDUCATIONAL AGENCY.—If, after the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), or there is a new interpretation of this Act by Federal or State courts, or there is an official finding of noncompliance with Federal or State law or regulations, the State educational agency may require a local educational agency to modify its application only to the extent necessary to ensure the local educational agency's compliance with this part or State law.

''(c) NOTIFICATION OF LOCAL EDUCATIONAL AGENCY OR STATE AGENCY IN CASE OF INELIGIBILITY.—If the State educational agency determines that a local educational agency or State agency is not eligible under this section, the State educational agency shall notify the local educational agency or State agency, as the case may be, of that determination and shall provide such local educational agency or State agency with reasonable notice and an opportunity for a hearing.

''(d) LOCAL EDUCATIONAL AGENCY COMPLIANCE.—

''(1) IN GENERAL.—If the State educational agency, after reasonable notice and an opportunity for a hearing, finds that a local educational agency or State agency that has been determined to be eligible under this section is failing to comply with any requirement described in subsection (a), the State educational agency shall reduce or shall not provide any further payments to the local educational agency or State agency until the State educational agency is satisfied that the local educational agency or State agency, as the case may be, is complying with that requirement.

''(2) ADDITIONAL REQUIREMENT.—Any State agency or local educational agency in receipt of a notice described in paragraph (1) shall, by means of public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

''(3) CONSIDERATION.—In carrying out its responsibilities under paragraph (1), the State educational agency shall consider any decision made in a hearing held under section 615 that is adverse to the local educational agency or State agency involved in that decision.

''(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—

''(1) JOINT ESTABLISHMENT.—

''(A) IN GENERAL.—A State educational agency may require a local educational agency to establish its eligibility jointly with another local educational agency if the State educational agency determines that the local educational agency would be ineligible under this section because the local educational agency would not be able to establish and maintain programs of sufficient size and scope to effectively meet the needs of children with disabilities.

''(B) CHARTER SCHOOL EXCEPTION.—A State educational agency may not require a charter school that is a local educational agency to jointly establish its eligibility under subparagraph (A) unless it is explicitly permitted to do so under the State's charter school statute.

''(2) AMOUNT OF PAYMENTS.—If a State educational agency requires the joint establishment of eligibility under paragraph (1), the total amount of funds made available to the affected local educational agencies shall be equal to the sum of the payments that each such local educational agency would have received under section 611(f) if such agencies were eligible for such payments.

''(3) REQUIREMENTS.—Local educational agencies that establish joint eligibility under this subsection shall—

''(A) adopt policies and procedures that are consistent with the State's policies and procedures under section 612(a); and

''(B) be jointly responsible for implementing programs that receive assistance under this part.

''(4) REQUIREMENTS FOR EDUCATIONAL SERVICE AGENCIES.—

''(A) IN GENERAL.—If an educational service agency is required by State law to carry out programs under this part, the joint responsibilities given to local educational agencies under this subsection shall—

''(i) not apply to the administration and disbursement of any payments received by that educational service agency; and

''(ii) be carried out only by that educational service agency.

''(B) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of this subsection, an educational service agency shall provide for the education of children with disabilities in the least restrictive environment, as required by section 612(a)(5).

''(f) PREREFERRAL SERVICES.—

''(1) IN GENERAL.—A local educational agency may use not more than 15 percent of the amount such agency receives under this part for any fiscal year, in combination with other amounts (which may include amounts other than education funds), to develop and implement comprehensive coordinated prereferral educational support services for students in kindergarten through grade 12 (with a particular emphasis on students in grades kindergarten through 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.

''(2) ACTIVITIES.—In implementing comprehensive coordinated prereferral educational services under this subsection, a local educational agency may carry out the following activities:

''(A) Professional development (which may be provided by entities other than local educational agencies) for teachers to enable them to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction.

''(B) Providing educational evaluations, services, and supports, including scientifically based literacy instruction and speech therapy.

''(C) Providing behavioral evaluations and services and supports, including positive behavioral interventions and supports.

''(3) EXCLUSION.—Nothing in this subsection shall be construed to either limit or create a right to a free appropriate public education under this part.

''(4) REPORTING.—Each local educational agency that develops and maintains comprehensive coordinated prereferral educational support services under this subsection shall annually report to the State educational agency on—

''(A) the number of students served under this subsection; and

''(B) the number of students served under this subsection who subsequently receive special education and related services under this Act during the preceding 2-year period.

''(5) COORDINATION WITH THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

''(A) IN GENERAL.—Comprehensive coordinated prereferral educational support services provided under this subsection may be aligned with activities funded by, and carried out under, the Elementary and Secondary Education Act of 1965, such as the Reading First program under subpart 1 of part B of title I of such Act, the Early Reading First program under subpart 2 of part B of title I of such Act, reading and math supports under part A of title I of such Act, and behavior intervention supports, that improve results for children with disabilities.

''(B) MAINTENANCE OF EFFORT.—Funds used under this section shall be used to supplement, and not supplant, funds made available under the Elementary and Secondary Education Act of 1965.

''(g) DIRECT SERVICES BY THE STATE EDUCATIONAL AGENCY.—

''(1) IN GENERAL.—A State educational agency shall use the payments that would otherwise have been available to a local educational agency or to a State agency to provide special education and related services directly to children with disabilities residing in the area served by that local agency, or for whom that State agency is responsible, if the State educational agency determines that the local education agency or State agency, as the case may be—

''(A) has not provided the information needed to establish the eligibility of such agency under this section;

''(B) is unable to establish and maintain programs of free appropriate public education that meet the requirements of subsection (a);

''(C) is unable or unwilling to be consolidated with one or more local educational agencies in order to establish and maintain such programs; or

''(D) has one or more children with disabilities who can best be served by a regional or State program or service-delivery system designed to meet the needs of such children.

''(2) MANNER AND LOCATION OF EDUCATION AND SERVICES.—The State educational agency may provide special education and related services under paragraph (1) in such manner and at such locations (including regional or State centers) as the State agency considers appropriate. Such education and services shall be provided in accordance with this part.

''(h) STATE AGENCY ELIGIBILITY.—Any State agency that desires to receive a subgrant for any fiscal year under section 611(f) shall demonstrate to the satisfaction of the State educational agency that—

''(1) all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that those children and their parents are provided all the rights

and procedural safeguards described in this part; and

''(2) the agency meets such other conditions of this section as the Secretary determines to be appropriate.

''(i) DISCIPLINARY INFORMATION.—The State may require that a local educational agency include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit such statement to the same extent that such disciplinary information is included in, and transmitted with, the student records of nondisabled children. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the State adopts such a policy, and the child transfers from one school to another, the transmission of any of the child's records must include both the child's current individualized education program and any such statement of current or previous disciplinary action that has been taken against the child.''.

SEC. 204. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

(a) IN GENERAL.—Section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) is amended to read as follows:

''SEC. 614. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

''(a) EVALUATIONS, PARENTAL CONSENT, AND REEVALUATIONS.—

''(1) INITIAL EVALUATIONS.—

''(A) IN GENERAL.—A State educational agency, other State agency, or local educational agency shall conduct a full and individual initial evaluation, in accordance with this paragraph and subsection (b), before the initial provision of special education and related services to a child with a disability under this part.

''(B) REQUEST FOR INITIAL EVALUATION.—Consistent with subparagraph (D), either a parent of a child, a State educational agency, other State agency as appropriate, or local educational agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

''(C) PROCEDURES.—Such initial evaluation shall consist of procedures—

''(i) to determine whether a child is a child with a disability (as defined in section 602(3)); and

''(ii) to determine the educational needs of such child.

''(D) PARENTAL CONSENT.—

''(i) IN GENERAL.—

''(I) CONSENT FOR INITIAL EVALUATION.—The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in section 602(3) shall obtain informed consent from the parent of such child before conducting the evaluation. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

''(II) CONSENT FOR SERVICES.—An agency that is responsible for making a free appropriate public education available to a child with a disability under this part shall seek to obtain informed consent from the parent of such child before providing special education and related services to the child.

''(ii) ABSENCE OF CONSENT.—

''(I) FOR INITIAL EVALUATION.—If the parent of such child does not provide consent for an initial evaluation under clause (i)(I), or the parent fails to respond to a request to provide the consent, the local educational agency may pursue the initial evaluation of the child through the procedures described in section 615, except to the extent inconsistent with State law relating to such parental consent.

''(II) FOR SERVICES.—If the parent of such child does not provide consent for services under clause (i)(II), or the parent fails to respond to a request to provide the consent, the local educational agency shall not provide special education and related services to the child through the procedures described in section 615.

''(III) EFFECT ON AGENCY OBLIGATIONS.—In any case for which there is an absence of consent for an initial evaluation under subclause (I), or for which there is an absence of consent for services under subclause (II)—

''(aa) the local educational agency shall not be required to convene an IEP meeting or develop an IEP under this section for the child; and

''(bb) the local educational agency shall not be considered to be in violation of any requirement under this part (including the requirement to make available a free appropriate public education to the child) with respect to the lack of an initial evaluation of the child, an IEP meeting with respect to the child, or the development of an IEP under this section for the child.

''(E) RULE OF CONSTRUCTION.—The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

''(2) REEVALUATIONS.—

''(A) IN GENERAL.—A local educational agency shall ensure that a reevaluation of each child with a disability is conducted in accordance with subsections (b) and (c)—

''(i) if the local educational agency determines that the educational needs, including improved academic achievement, of the child warrant a reevaluation; or

''(ii) if the child's parent or teacher requests a reevaluation.

''(B) LIMITATION.—A reevaluation conducted under subparagraph (A) shall occur—

''(i) no more than once a year, unless the parent and the local educational agency agree otherwise; and

''(ii) at least once every three years, unless the parent and the local educational agency agree that a reevaluation is unnecessary.

''(b) EVALUATION PROCEDURES.—

''(1) NOTICE.—The local educational agency shall provide notice to the parent of a child with a disability, in accordance with subsections (b)(3), (b)(4), and (c) of section 615, that describes any evaluation procedures such agency proposes to conduct.

''(2) CONDUCT OF EVALUATION.—In conducting the evaluation, the local educational agency shall—

''(A) use multiple up-to-date measures and assessments to gather relevant functional, developmental, and academic information, including information provided by the parent, to assist in determining—

''(i) whether the child is a child with a disability; and

''(ii) the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general education curriculum or, for preschool children, to participate in appropriate activities;

''(B) not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

''(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

''(3) ADDITIONAL REQUIREMENTS.—Each local educational agency shall ensure that—

''(A) assessments and other evaluation measures used to assess a child under this section—

''(i) are selected and administered so as not to be discriminatory on a racial or cultural basis;

''(ii) are provided and administered in the language and form most likely to yield accurate academic and developmental data, unless it is clearly not feasible to do so;

''(iii) are used for the purposes for which the assessments or measures are valid and reliable;

''(iv) are administered by trained and knowledgeable personnel; and

''(v) are administered in accordance with any instructions provided by the producer of such tests;

''(B) the child is assessed in all areas of suspected disability; and

''(C) assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

''(4) DETERMINATION OF ELIGIBILITY AND EDUCATIONAL NEED.—Upon completion of the administration of assessments and other evaluation measures—

''(A) the determination of whether the child is a child with a disability as defined in section 602(3) and the educational needs of the child shall be made by a team of qualified professionals and the parent of the child in accordance with paragraph (5); and

''(B) a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

''(5) SPECIAL RULE FOR ELIGIBILITY DETERMINATION.—In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is—

''(A) lack of scientifically based instruction practices and programs that contain the essential components of reading instruction (as that term is defined in section 1208(3) of the Elementary and Secondary Education Act of 1965);

''(B) lack of instruction in math; or

''(C) limited English proficiency.

''(6) SPECIFIC LEARNING DISABILITIES.—

''(A) IN GENERAL.—Notwithstanding section 607 of this Act, when determining whether a child has a specific learning disability as defined under this Act, the local educational agency shall not be required to take into consideration whether the child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

''(B) ADDITIONAL AUTHORITY.—In determining whether a child has a specific learning disability, a local educational agency may use a process which determines if a child responds to scientific, research-based intervention.

''(c) ADDITIONAL REQUIREMENTS FOR EVALUATION AND REEVALUATIONS.—

''(1) REVIEW OF EXISTING EVALUATION DATA.—As part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP Team described in subsection (d)(1)(B) and other qualified professionals, as appropriate, shall—

''(A) review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based local or State assessments, and classroom-based observations, and teacher and related services providers observations; and

''(B) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—

''(i) whether the child is a child with a disability as defined in section 602(3), and the educational needs of the child, or, in case of a reevaluation of a child, whether the child continues to have such a disability and such educational needs;

''(ii) the present levels of academic achievement and related developmental needs of the child;

''(iii) whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

''(iv) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general education curriculum.

''(2) SOURCE OF DATA.—The local educational agency shall administer such assessments and other evaluation measures as may be needed to produce the data identified by the IEP Team under paragraph (1)(B).

''(3) PARENTAL CONSENT.—Each local educational agency shall obtain informed parental consent, in accordance with subsection (a)(1)(D), prior to conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the local educational agency can demonstrate that it had taken reasonable measures to obtain such consent and the child's parent has failed to respond.

''(4) REQUIREMENTS IF ADDITIONAL DATA ARE NOT NEEDED.—If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, the local educational agency—

''(A) shall notify the child's parents of—

''(i) that determination and the reasons for it; and

''(ii) the right of such parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs; and

''(B) shall not be required to conduct such an assessment unless requested to by the child's parents.

''(5) EVALUATIONS BEFORE CHANGE IN ELIGIBILITY.—A local educational agency shall evaluate a child with a disability in accordance with this section prior to graduation, and before determining that the child is no longer a child with a disability, only in instances where the IEP Team is not in agreement regarding the change in eligibility.

''(d) INDIVIDUALIZED EDUCATION PROGRAMS.—

''(1) DEFINITIONS.—As used in this title:

''(A) INDIVIDUALIZED EDUCATION PROGRAM.—

''(i) IN GENERAL.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes—

''(I) a statement of the child's present levels of academic achievement, including—

''(aa) how the child's disability affects the child's involvement and progress in the general education curriculum;

''(bb) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities; and

''(cc) until the beginning of the 2005–2006 school year, a description of benchmarks or short-term objectives, except in the case of children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives shall continue to be included;

''(II) a statement of measurable annual goals designed to—

''(aa) meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

''(bb) meet the child's other educational needs that result from the child's disability;

''(III) a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

''(aa) to advance appropriately toward attaining the annual goals;

''(bb) to be involved in and make progress in the general education curriculum in accordance with subclause (I) and to participate in extracurricular and other nonacademic activities; and

''(cc) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph;

''(IV) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in subclause (III)(cc);

''(V)(aa) a statement of any individual appropriate accommodations in the administration of State or districtwide assessments of student achievement that are necessary to measure the academic achievement of the child consistent with section 612(a)(16)(A)(ii); and

''(bb) if the IEP Team determines that the child will not participate in a particular State or districtwide assessment of student achievement (or part of such an assessment), a statement of—

''(AA) why that assessment is not appropriate for the child; and

''(BB) how the child will be assessed consistent with 612(a)(16)(A);

''(VI) the projected date for the beginning of the services and modifications described in subclause (III), and the anticipated frequency, location, and duration of those services and modifications;

''(VII)(aa) beginning at age 14, and updated annually, a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program);

''(bb) beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages; and

''(cc) beginning at least 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(l); and

''(VIII) a statement of—

''(aa) how the child's progress toward the annual goals described in subclause (II) will be measured; and

''(bb) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of the sufficiency of their child's progress toward the annual goals described in subclause (II).

''(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to require—

''(I) that additional information be included in a child's IEP beyond what is required in this subsection; and

''(II) the IEP Team to include information under one component of a child's IEP that is already contained under another component of such IEP.

''(B) INDIVIDUALIZED EDUCATION PROGRAM TEAM.—The term 'individualized education program team' or 'IEP Team' means a group of individuals composed of—

''(i) the parents of a child with a disability;

''(ii) a regular education teacher of such child, but such teacher shall not be required to attend a meeting or part of a meeting of the IEP Team involving issues not related to the child's participation in the regular education environment, nor shall multiple regular education teachers, if the child has more than one regular education teacher, be required to attend a meeting, or part of a meeting, of the IEP team;

''(iii) at least 1 special education teacher, or where appropriate, at least 1 special education provider of such child;

''(iv) a representative of the local educational agency who—

''(I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

''(II) is knowledgeable about the general education curriculum; and

''(III) is knowledgeable about the availability of resources of the local educational agency;

''(v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

''(vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

''(vii) whenever appropriate, the child with a disability.

''(2) REQUIREMENT THAT PROGRAM BE IN EFFECT.—

''(A) IN GENERAL.—At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in paragraph (1)(A).

''(B) PROGRAM FOR CHILD AGED 3 THROUGH 5.—In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2 year-old child with a disability who will turn age 3 during the school year), the IEP Team shall consider the individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, and the individualized family service plan may serve as the IEP of the child if using that plan as the IEP is—

''(i) consistent with State policy; and

''(ii) agreed to by the agency and the child's parents.

''(3) DEVELOPMENT OF IEP.—

''(A) IN GENERAL.—In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider—

''(i) the results of the initial evaluation or most recent evaluation of the child;

''(ii) the academic and developmental needs of the child;

''(iii) the strengths of the child; and

''(iv) the concerns of the parents for enhancing the education of their child.

''(B) CONSIDERATION OF SPECIAL FACTORS.—The IEP Team shall—

''(i) in the case of a child whose behavior impedes his or her learning or that of others,

consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;

''(ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;

''(iii) in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

''(iv) consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

''(v) consider whether the child needs assistive technology devices and services.

''(C) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—The regular education teacher of the child, if a member of the IEP Team pursuant to paragraph (1)(B)(ii), shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and supports, and other strategies and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(i)(III).

''(D) IEP TEAM ATTENDANCE.—The parent of a child with a disability and the local educational agency may jointly excuse any member of the IEP Team from attending all or part of an IEP meeting if they agree that the member's attendance is not necessary. The IEP Team shall obtain the member's input prior to an IEP meeting from which the member is excused.

''(E) AGREEMENT ON MEETING.—In making changes to a child's IEP after the annual IEP meeting, the parent of a child with a disability and the local educational agency may agree not to reconvene the IEP team and instead develop a written document to amend or modify the child's current IEP.

''(F) CONSOLIDATION OF IEP TEAM MEETINGS.—To the extent possible, the local educational agency shall encourage the consolidation of IEP Team meetings for a child.

''(G) AMENDMENTS.—Changes to the IEP may be made either by the entire IEP Team or, as provided in subparagraph (E), by amending the IEP rather than by redrafting the entire IEP.

''(4) REVIEW AND REVISION OF IEP.—

''(A) IN GENERAL.—The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team—

''(i) reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

''(ii) revises the IEP as appropriate to address—

''(I) any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate;

''(II) the results of any reevaluation conducted under this section;

''(III) information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);

''(IV) the child's anticipated needs; or

''(V) other matters.

''(B) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—The regular education teacher of the child, if a member of the IEP Team, shall, consistent with this section, participate in the review and revision of the IEP of the child.

''(5) MULTI-YEAR IEP.—

''(A) DEVELOPMENT.—The local educational agency may offer to the parent of a child with a disability the option of developing a comprehensive multi-year IEP, not to exceed 3 years, that is designed to cover the natural transition points for the child. With the consent of the parent, the IEP Team shall develop an IEP, as described in paragraphs (1) and (3), that is designed to serve the child for the appropriate multi-year period, which includes a statement of—

''(i) measurable goals pursuant to paragraph (1)(A)(i)(II), coinciding with natural transition points for the child, that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's other needs that result from the child's disability; and

''(ii) measurable annual goals for determining progress toward meeting the goals described in clause (i).

''(B) REVIEW AND REVISION OF MULTI-YEAR IEP.—

''(i) REQUIREMENT.—The IEP Team shall conduct a review under paragraph (4) of the child's multi-year IEP at each of the child's natural transition points.

''(ii) STREAMLINED ANNUAL REVIEW PROCESS.—In years other than a child's natural transition points, the local educational agency shall ensure that the IEP Team—

''(I) provides an annual review of the child's IEP to determine the child's current levels of progress and determine whether the annual goals for the child are being achieved; and

''(II) amends the IEP, as appropriate, to enable the child to continue to meet the measurable goals set out in the IEP.

''(iii) COMPREHENSIVE REVIEW PROCESS.—If the IEP Team determines, on the basis of the review under clause (i), that the child is not making sufficient progress toward the goals described in subparagraph (A), the local educational agency shall ensure that the IEP Team reviews the IEP under paragraph (4), within 30 calendar days.

''(iv) PARENTAL PREFERENCE.—At the request of the parent, the IEP Team shall conduct a review under paragraph (4) of the child's multi-year IEP rather than a streamlined annual review under clause (ii).

''(C) DEFINITION.—As used in this paragraph, the term 'natural transition points' means those periods that are close in time to the transition of a child with a disability from preschool to elementary grades, from elementary grades to middle or junior high school grades, from middle or junior high school grades to high school grades, and from high school grades to post-secondary activities, but in no case longer than 3 years.

''(6) FAILURE TO MEET TRANSITION OBJECTIVES.—If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP in accordance with paragraph (1)(A)(i)(VII), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in that program.

''(7) CHILDREN WITH DISABILITIES IN ADULT PRISONS.—

''(A) IN GENERAL.—The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

''(i) The requirements contained in section 612(a)(16) and paragraph (1)(A)(i)(V) of this subsection (relating to participation of children with disabilities in general assessments).

''(ii) The requirements of items (aa) and (bb) of paragraph (1)(A)(i)(VII) of this subsection (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.

''(B) ADDITIONAL REQUIREMENT.—If a child with a disability is convicted as an adult under State law and incarcerated in an adult prison, the child's IEP Team may modify the child's IEP or placement notwithstanding the requirements of sections 612(a)(5)(A) and 614(d)(1)(A) if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

''(e) EDUCATIONAL PLACEMENTS.—Each local educational agency or State educational agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

''(f) ALTERNATIVE MEANS OF MEETING PARTICIPATION.—When conducting IEP team meetings and placement meetings pursuant to this section and 615, the parent of a child with a disability and a local educational agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.''.

(b) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) Certain of the categories of disability that allow students to qualify for benefits under the Individuals with Disabilities Education Act have not been scientifically established and, as a result, some children who do not have actual learning disabilities are classified as having disabilities under that Act.

(B) Nearly one in eight students is now labeled as disabled.

(C) Over one-half of those students are classified as having learning and behavioral challenges.

(D) Current definitions of disabilities in the Code of Federal Regulations, particularly the definition of ''emotional disturbance'', are vague and ambiguous.

(E) The absence of reliable methods for distinguishing children with a special learning disability from children who have lower than expected achievement leads to over-identification and misidentification of non-disabled students as students with disabilities.

(F) The lack of consistently applied diagnostic criteria for specific learning disabilities makes it possible to diagnose almost any low or underachieving child as a student with a disability.

(G) The President's Commission on Excellence in Special Education (PCESE) found in its July 1, 2002, report, ''A New Era: Revitalizing Special Education for Children and their Families'', that many of the current methods of identifying children with disabilities lack validity and, as a result, thousands of children are misidentified every year, while many others are not identified early enough or at all.

(H) The President's Commission also found that emotional and behavioral difficulties could be prevented through classroom-based approaches involving positive discipline and classroom management.

(I) According to testimony from a March 13, 2003, hearing before the Subcommittee on Education Reform of the Committee on Education and the Workforce of the House of Representatives, students are frequently referred to special education because they are not succeeding in the general education setting, and not because they are actually disabled.

(J) Students with controllable behavioral problems are often classified as having learning disabilities and therefore are not held responsible for their own behavior.

(K) According to testimony by Secretary of Education Rod Paige on October 4, 2001, before the Committee on Education and the Workforce of the House of Representatives, our educational system fails to teach many children fundamental skills like reading, then inappropriately identifies some of them as having disabilities, thus harming the educational future of those children who are misidentified and reducing the resources available to serve children with disabilities.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) students who have not been diagnosed by a physician or other person certified by a State health board as having a disability (as defined under the Individuals with Disabilities Education Act) should not be classified as children with disabilities for purposes of receiving services under that Act; and

(B) students with behavioral problems who have not been diagnosed by a physician or other person certified by a State health board as having a disability should be subject to the regular school disciplinary code.

SEC. 205. PROCEDURAL SAFEGUARDS.

(a) ESTABLISHMENT OF PROCEDURES.—Section 615(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(a)) is amended to read as follows:

''(a) ESTABLISHMENT OF PROCEDURES.—Any State educational agency, State agency, or local educational agency that receives assistance under this part shall establish and maintain procedures in accordance with this section to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies.''.

(b) TYPES OF PROCEDURES.—Section 615(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(b)) is amended to read as follows:

''(b) TYPES OF PROCEDURES.—The procedures required by this section shall include—

''(1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain as appropriate an independent educational evaluation of the child;

''(2) procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, the local educational agency, or any other agency that is involved in the education or care of the child) to act as a surrogate for the parents;

''(3) written prior notice to the parents of the child whenever such agency—

''(A) proposes to initiate or change; or

''(B) refuses to initiate or change;

the identification, evaluation, or educational placement of the child, in accordance with subsection (c), or the provision of a free appropriate public education to the child;

''(4) procedures designed to ensure that the notice required by paragraph (3) is in the native language of the parents, unless it clearly is not feasible to do so;

''(5) an opportunity for mediation and voluntary binding arbitration, in accordance with subsection (e);

''(6) an opportunity to present complaints—

''(A) with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child; and

''(B) which set forth a violation that occurred not more than one year before the complaint is filed;

''(7)(A) procedures that require the parent of a child with a disability, or the attorney representing the child, to provide notice (which shall remain confidential)—

''(i) to the local educational agency or State educational agency (if the State educational agency is the direct provider of services pursuant to section 613(g)), in the complaint filed under paragraph (6); and

''(ii) that shall include—

''(I) the name of the child, the address of the residence of the child (or, in the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child), and the name of the school the child is attending;

''(II) a description of the specific issues regarding the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem; and

''(III) a proposed resolution of the problem to the extent known and available to the parents at the time;

''(B) a requirement that a parent of a child with a disability may not have a due process hearing until the parent, or the attorney representing the child, files a notice that meets the requirements of this paragraph; and

''(8) procedures that require the State educational agency to develop a model form to assist parents in filing a complaint in accordance with paragraph (7).''.

(c) CONTENT OF PRIOR WRITTEN NOTICE.—Section 615(c) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(c)) is amended to read as follows:

''(c) CONTENT OF PRIOR WRITTEN NOTICE.—The notice required by subsection (b)(3) shall include—

''(1) a description of the action proposed or refused by the agency;

''(2) an explanation of why the agency proposes or refuses to take the action and a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;

''(3) a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

''(4) sources for parents to contact to obtain assistance in understanding the provisions of this part.''.

(d) PROCEDURAL SAFEGUARDS NOTICE.—Section 615(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(d)) is amended to read as follows:

''(d) PROCEDURAL SAFEGUARDS NOTICE.—

''(1) IN GENERAL.—A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents, at a minimum—

''(A) upon initial referral or parental request for evaluation;

''(B) annually, at the beginning of the school year; and

''(C) upon written request by a parent.

''(2) CONTENTS.—The procedural safeguards notice shall include a description of the procedural safeguards, written in the native language of the parents, unless it clearly is not feasible to do so, and written in an easily understandable manner, available under this section and under regulations promulgated by the Secretary relating to—

''(A) independent educational evaluation;

''(B) prior written notice;

''(C) parental consent;

''(D) access to educational records;

''(E) opportunity to present complaints;

''(F) the child's placement during pendency of due process proceedings;

''(G) procedures for students who are subject to placement in an interim alternative educational setting;

''(H) requirements for unilateral placement by parents of children in private schools at public expense;

''(I) mediation, early dispute resolution, and voluntary binding arbitration;

''(J) due process hearings, including requirements for disclosure of evaluation results and recommendations;

''(K) civil actions; and

''(L) attorneys' fees.''.

(e) MEDIATION AND VOLUNTARY BINDING ARBITRATION.—Section 615(e) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(e)) is amended to read as follows:

''(e) MEDIATION AND VOLUNTARY BINDING ARBITRATION.—

''(1) MEDIATION.—

''(A) IN GENERAL.—Any State educational agency or local educational agency that receives assistance under this part shall ensure that procedures are established and implemented to allow parties to disputes involving any matter, including matters arising prior to the filing of a complaint pursuant to subsection (b)(6), to resolve such disputes through a mediation process.

''(B) REQUIREMENTS.—Such procedures shall meet the following requirements:

''(i) The procedures shall ensure that the mediation process—

''(I) is voluntary on the part of the parties;

''(II) is not used to deny or delay a parent's right to a due process hearing under subsection (f), or to deny any other rights afforded under this part; and

''(III) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

''(ii) A local educational agency or a State agency may establish procedures to offer to parents who choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with—

''(I) a parent training and information center in the State established under section 672; or

''(II) an appropriate alternative dispute resolution entity;

to encourage the use, and explain the benefits, of the mediation process to the parents.

''(iii) The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

''(iv) The State shall bear the cost of the mediation process, including the costs of meetings described in clause (ii).

''(v) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

''(vi) An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

''(vii) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

''(2) VOLUNTARY BINDING ARBITRATION.—

''(A) IN GENERAL.—A State educational agency that receives assistance under this part shall ensure that procedures are established and implemented to allow parties to disputes involving any matter described in subsection (b)(6) to resolve such disputes

through voluntary binding arbitration, which shall be available when a hearing is requested under subsection (f) or (j).

''(B) REQUIREMENTS.—Such procedures shall meet the following requirements:

''(i) The procedures shall ensure that the voluntary binding arbitration process—

''(I) is voluntarily and knowingly agreed to in writing by the parties; and

''(II) is conducted by a qualified and impartial arbitrator.

''(ii) A local educational agency or a State agency shall ensure that parents who choose to use voluntary binding arbitration understand that the process is in lieu of a due process hearing under subsection (f) or (j) and that the decision made by the arbitrator is final, unless there is fraud by a party or the arbitrator or misconduct on the part of the arbitrator.

''(iii) The parties shall jointly agree to use an arbitrator from a list that the State shall maintain of individuals who are qualified arbitrators and knowledgeable in laws and regulations relating to the provision of special education and related services.

''(iv) The arbitration shall be conducted according to State law on arbitration or, if there is no such applicable State law, in a manner consistent with the Revised Uniform Arbitration Act.

''(v) The voluntary binding arbitration shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.''.

(f) IMPARTIAL DUE PROCESS HEARING.—Section 615(f) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)) is amended to read as follows:

''(f) IMPARTIAL DUE PROCESS HEARING.—

''(1) IN GENERAL.—

''(A) ACCESS TO HEARING.—Whenever a complaint has been received under subsection (b)(6) or (j) of this section, the parents or the local educational agency involved in such complaint shall have an opportunity for an impartial due process hearing, which shall be conducted by the State educational agency.

''(B) RESOLUTION SESSION.—

''(i) IN GENERAL.—Prior to the opportunity for an impartial due process hearing under subparagraph (A), the local educational agency shall convene a meeting with the parents—

''(I) within 15 days of receiving notice of the parents' complaint; and

''(II) where the parents of the child discuss their complaint, and the specific issues that form the basis of the complaint, and the local educational agency is provided the opportunity to resolve the complaint;

unless the parents and the local educational agency agree in writing to waive such meeting.

''(ii) DUE PROCESS HEARING.—If the local educational agency has not resolved the complaint to the satisfaction of the parents within 30 days of the receipt of the complaint, the due process hearing shall occur in accordance with subparagraph (A).

''(iii) DEFINITION OF MEETING.—A meeting conducted pursuant to clause (i) shall not be considered—

''(I) a meeting convened as a result of an administrative hearing or judicial action; or

''(II) an administrative hearing or judicial action for purposes of subsection (h)(3).

''(2) DISCLOSURE OF EVALUATIONS AND RECOMMENDATIONS.—

''(A) IN GENERAL.—At least 5 business days prior to a hearing conducted pursuant to paragraph (1), each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

''(B) FAILURE TO DISCLOSE.—A hearing officer may bar any party that fails to comply with subparagraph (A) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

''(3) LIMITATION ON HEARING.—

''(A) HEARING OFFICER.—A hearing conducted pursuant to paragraph (1)(A) may not be conducted by—

''(i) an employee of the State educational agency or the local educational agency involved in the education or care of the child; or

''(ii) any person having a personal or professional interest that would conflict with his or her objectivity in the hearing.

''(B) SUBJECT MATTER OF HEARING.—No party shall be allowed to raise issues at the due process hearing that were not raised in the complaint, discussed during the meeting conducted pursuant to paragraph (1)(B), or properly disclosed pursuant to paragraph (2), unless both parties agree otherwise.''.

(g) APPEAL.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by striking subsection (g).

(h) SAFEGUARDS.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) by redesignating subsection (h) as subsection (g); and

(2) by amending subsection (g) (as redesignated) to read as follows:

''(g) SAFEGUARDS.—Any party to a hearing conducted pursuant to subsection (f) or (j) shall be accorded—

''(1) the right to be represented by counsel and by non-attorney advocates and to be accompanied and advised by individuals with special knowledge or training with respect to the problems of children with disabilities;

''(2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

''(3) the right to a written, or, at the option of the parents, electronic verbatim record of such hearing; and

''(4) the right to written, or, at the option of the parents, electronic findings of fact and decisions (which findings and decisions shall be made available to the public consistent with the requirements of section 617(d)) (relating to the confidentiality of data, information, and records).''.

(i) ADMINISTRATIVE PROCEDURES.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) by redesignating subsection (i) as subsection (h); and

(2) in subsection (h) (as redesignated)—

(A) in paragraph (1)—

(i) by striking ''IN GENERAL.—'' and all that follows through ''A decision made in a hearing'' and inserting ''IN GENERAL.—A decision made in a hearing'';

(ii) by striking ''(k)'' and inserting ''(j)'';

(iii) by striking ''subsection (g) and''; and

(iv) by striking subparagraph (B);

(B) in paragraph (2)(A), by striking ''subsection (f) or (k) who does not have the right to an appeal under subsection (g)'' and inserting ''subsection (f) or (j)''; and

(C) in paragraph (3), by amending subparagraph (C) to read as follows:

''(C) DETERMINATION OF AMOUNT OF ATTORNEYS' FEES.—

''(i) IN GENERAL.—Fees awarded under this paragraph shall be based on rates determined by the Governor of the State (or other appropriate State official) in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

''(ii) NOTICE.—The Governor of the State (or other appropriate State official) shall make available to the public on an annual basis the rates described in clause (i).''.

(j) MAINTENANCE OF CURRENT EDUCATIONAL PLACEMENT.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) by redesignating subsection (j) as subsection (i); and

(2) by amending subsection (i) (as redesignated) to read as follows:

''(i) MAINTENANCE OF CURRENT EDUCATIONAL PLACEMENT.—Except as provided in subsection (j)(4), during the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.''.

(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) by redesignating subsection (k) as subsection (j); and

(2) by amending subsection (j) (as redesignated) to read as follows:

''(j) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—

''(1) AUTHORITY OF SCHOOL PERSONNEL.—

''(A) IN GENERAL.—School personnel under this section may order a change in the placement of a child with a disability who violates a code of student conduct policy to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities).

''(B) ADDITIONAL AUTHORITY.—Subject to subparagraph (C), and notwithstanding any other provision of this Act, school personnel under this section may order a change in the placement of a child with a disability who violates a code of student conduct policy to an appropriate interim alternative educational setting selected so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP, for not more than 45 school days (to the extent such alternative and such duration would be applied to children without disabilities, and which may include consideration of unique circumstances on a case-by-case basis), except that the change in placement may last beyond 45 school days if required by State law or regulation for the violation in question, to ensure the safety and appropriate educational atmosphere in the schools under the jurisdiction of the local educational agency.

''(C) SERVICES.—A child with a disability who is removed from the child's current placement under subparagraph (B) shall—

''(i) continue to receive educational services selected so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and

''(ii) continue to receive behavioral intervention services designed to address the behavior violation so that it does not recur.

''(2) DETERMINATION OF SETTING.—The alternative educational setting described in paragraph (1)(B) shall be determined by the IEP Team.

''(3) PARENT APPEAL.—

''(A) IN GENERAL.—If the parent of a child with a disability disagrees with any decision regarding placement or punishment under this section, the parent may request a hearing.

''(B) AUTHORITY OF HEARING OFFICER.—If a parent of a child with a disability disagrees with a decision regarding placement of the child or punishment of the child under this

section, including duration of the punishment, the hearing officer may determine whether the decision regarding such action was appropriate.

''(4) PLACEMENT DURING APPEALS.—When a parent requests a hearing regarding a disciplinary action described in paragraph (1)(B) to challenge the interim alternative educational setting or the violation of the code of student conduct policy, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(B), whichever occurs first, unless the parent and the State or local educational agency agree otherwise.

''(5) PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.—

''(A) IN GENERAL.—A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violates a code of student conduct policy, may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

''(B) BASIS OF KNOWLEDGE.—A local educational agency shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred—

''(i) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services;

''(ii) the parent of the child has requested an evaluation of the child pursuant to section 614; or

''(iii) the teacher of the child, or other personnel of the local educational agency, has expressed concern in writing about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.

''(C) CONDITIONS THAT APPLY IF NO BASIS OF KNOWLEDGE.—

''(i) IN GENERAL.—If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B)) prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

''(ii) LIMITATIONS.—If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

''(6) REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES.—

''(A) IN GENERAL.—Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

''(B) TRANSMISSION OF RECORDS.—An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.''.

(l) RULE OF CONSTRUCTION.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by redesignating subsection (l) as subsection (k).

(m) TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY.—Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended—

(1) by redesignating subsection (m) as subsection (l); and

(2) by amending subsection (l) (as redesignated) to read as follows:

''(l) TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY.—

''(1) IN GENERAL.—A State that receives amounts from a grant under this part may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)—

''(A) the public agency shall provide any notice required by this section to both the individual and the parents;

''(B) all other rights accorded to parents under this part transfer to the child;

''(C) the agency shall notify the individual and the parents of the transfer of rights; and

''(D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

''(2) SPECIAL RULE.—If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.''.

SEC. 206. MONITORING, ENFORCEMENT, WITHHOLDING, AND JUDICIAL REVIEW.

Section 616 of the Individuals with Disabilities Education Act (20 U.S.C. 1416) is amended—

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

''SEC. 616. MONITORING, ENFORCEMENT, WITHHOLDING, AND JUDICIAL REVIEW.'';

(2) by redesignating subsections (a) through (c) as subsections (e) through (g), respectively; and

(3) by inserting before subsection (e) (as redesignated) the following:

''(a) FEDERAL MONITORING.—

''(1) IN GENERAL.—The Secretary shall monitor implementation of this Act.

''(2) FOCUSED MONITORING.—The primary focus of Federal monitoring activities shall be to improve educational results for all children with disabilities, while ensuring compliance with program requirements, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

''(b) INDICATORS.—

''(1) REQUIRED INDICATORS.—The Secretary shall examine relevant information and data related to States' progress on improving educational results for children with disabilities by reviewing—

''(A) achievement results of children with disabilities on State or district assessments, including children with disabilities taking State or district assessments with appropriate accommodations;

''(B) achievement results of children with disabilities on State or district alternate assessments;

''(C) graduation rates of children with disabilities and graduation rates of children with disabilities as compared to graduation rates of nondisabled children; and

''(D) dropout rates for children with disabilities and dropout rates of children with disabilities as compared to dropout rates of nondisabled children.

''(2) PERMISSIVE INDICATORS.—The Secretary also may establish other priorities for review of relevant information and data, including data provided by States under section 618, and also including the following:

''(A) PRIORITIES FOR THIS PART.—The Secretary may give priority to monitoring on the following areas under this part:

''(i) Provision of educational services in the least restrictive environment, including—

''(I) education of children with disabilities with nondisabled peers to the maximum extent appropriate;

''(II) provision of appropriate special education and related services;

''(III) access to the general curriculum with appropriate accommodations;

''(IV) provision of appropriate services to students whose behavior impedes learning; and

''(V) participation and performance of children with disabilities on State and local assessments, including alternate assessments.

''(ii) Secondary transition, including the extent to which youth exiting special education are prepared for post-secondary education, employment, and adult life, and are participants in appropriate transition planning while in school.

''(iii) State exercise of general supervisory authority, including effective monitoring and use of complaint resolution, mediation, and voluntary binding arbitration.

''(B) PRIORITIES FOR PART C.—The Secretary may give priority to monitoring on the following areas under part C:

''(i) Child find and public awareness to support the identification, evaluation and assessment of all eligible infants and toddlers, including the provision of culturally relevant materials to inform and promote referral.

''(ii) Provision of early intervention services in natural environments, evaluation and assessment to identify child needs and family needs related to enhancing the development of the child, and provision of appropriate early intervention services in natural environments to meet the needs of individual children.

''(iii) Effective early childhood transition to services under this part.

''(iv) State exercise of general supervisory authority, including—

''(I) effective monitoring and use of other mechanisms such as complaint resolution;

''(II) implementation of mediation and voluntary binding arbitration; and

''(III) coordination of parent and child protections.

''(3) DATA COLLECTION AND ANALYSIS.—The Secretary shall review the data collection and analysis capacity of States to ensure that data and information is collected, analyzed, and accurately reported to the Secretary. The Secretary may provide technical assistance to improve the capacity of States to meet data requirements.

''(c) ADDITIONAL PRIORITIES.—

''(1) IN GENERAL.—The Secretary may develop additional priorities for monitoring the effective implementation of this Act.

''(2) PUBLIC COMMENT.—The Secretary shall provide a public comment period of at least

30 days on any additional priority proposed under this part or part C.

''(3) DATE OF ENFORCEMENT.—The Secretary may not begin to enforce a new priority until one year from the date of publication of the priority in the Federal Register as a final rule.

''(d) COMPLIANCE.—

''(1) IN GENERAL.—The Secretary shall review State data to determine whether the State is in compliance with the provisions of this Act.

''(2) LACK OF PROGRESS.—If after examining data, as provided in section (b) or (c), the Secretary determines that a State is not making satisfactory progress in improving educational results for children with disabilities, the Secretary shall take one or more of the following actions:

''(A) Advise the State of available sources of technical assistance that may help the State address the lack of progress, which may include assistance from the Office of Special Education Programs, other offices of the Department of Education, other Federal agencies, technical assistance providers approved by the Secretary, and other federally funded nonprofit agencies. Such technical assistance may include—

''(i) the provision of advice by experts to address the areas of noncompliance, including explicit plans for ensuring compliance within a specified period of time;

''(ii) assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research;

''(iii) designating and using distinguished superintendents, principals, special education administrators, regular education teachers, and special education teachers to provide advice, technical assistance, and support; and

''(iv) devising additional approaches to providing technical assistance, such as collaborating with institutions of higher education, educational service agencies, national centers of technical assistance supported under part D, and private providers of scientifically based technical assistance.

''(B) Direct the use of State level funds for technical assistance on the area or areas of unsatisfactory performance.

''(C) Each year withhold at least 20 but no more than 50 percent of the State's funds under section 611(e), after providing the State the opportunity to show cause why the withholding should not occur, until the Secretary determines that sufficient progress has been made in improving educational results for children with disabilities.

''(3) SUBSTANTIAL NON-COMPLIANCE.—

''(A) INITIAL DETERMINATION.—When the Secretary determines that a State is not in substantial compliance with any provision of this part, the Secretary shall take one or more of the following actions:

''(i) Request that the State prepare a corrective action plan or improvement plan if the Secretary determines that the State should be able to correct the problem within one year.

''(ii) Identify the State as a high-risk grantee and impose special conditions on the State's grant.

''(iii) Require the State to enter into a compliance agreement under section 457 of the General Education Provisions Act, if the Secretary has reason to believe that the State cannot correct the problem within one year.

''(iv) Recovery of funds under section 452 of the General Education Provisions Act.

''(v)(I) Withholding of payments under subsection (e).

''(II) Pending the outcome of any hearing to withhold payments under subsection (e), the Secretary may suspend payments to a recipient, suspend the authority of the recipient to obligate Federal funds, or both, after such recipient has been given reasonable notice and an opportunity to show cause why future payments or authority to obligate Federal funds should not be suspended.

''(B) CONTINUED NON-COMPLIANCE.—

''(i) SECRETARIAL ACTION.—If the Secretary has imposed special conditions on a grant under subparagraph (A)(ii) for substantially the same compliance problems for three consecutive years, and at the end of the third year the State has not demonstrated that the violation has been corrected to the satisfaction of the Secretary, the Secretary shall take such additional enforcement actions as the Secretary determines to be appropriate from among those actions specified in clauses (iii) through (v) of subparagraph (A).

''(ii) REPORT TO CONGRESS.—The Secretary shall report to Congress within 30 days of taking enforcement action pursuant to this paragraph on the specific action taken and the reasons why enforcement action was taken.''.

SEC. 207. ADMINISTRATION.

Section 617 of the Individuals with Disabilities Education Act (20 U.S.C. 1417) is amended to read as follows:

''SEC. 617. ADMINISTRATION.

''(a) RESPONSIBILITIES OF SECRETARY.—In carrying out this part, the Secretary shall—

''(1) cooperate with, and (directly or by grant or contract) furnish technical assistance necessary to, the State in matters relating to—

''(A) the education of children with disabilities; and

''(B) carrying out this part; and

''(2) provide short-term training programs and institutes.

''(b) PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.—Nothing in this Act may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.

''(c) CONFIDENTIALITY.—The Secretary shall take appropriate action, in accordance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to this part.

''(d) PERSONNEL.—The Secretary is authorized to hire qualified personnel necessary to carry out the Secretary's duties under subsection (a) and under sections 618 and 661 without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, except that no more than twenty such personnel shall be employed at any time.

''(e) PILOT PROGRAM.—The Secretary is authorized to grant waivers of paperwork requirements under this part for a period of time not to exceed 4 years with respect to not more than 10 States based on proposals submitted by States for addressing reduction of paperwork and non-instructional time spent fulfilling statutory and regulatory requirements.

''(f) REPORT.—The Secretary shall include in the annual report to Congress under section 426 of the Department of Education Organization Act information related to the effectiveness of waivers granted under subsection (e)—

''(1) in reducing the paperwork burden on teachers, administrators, and related services providers and non-instructional time spent by teachers in complying with this part, including any specific recommendations for broader implementation; and

''(2) in enhancing longer-term educational planning, improving positive outcomes for children with disabilities, promoting collaboration between IEP Team members, and ensuring satisfaction of family members, including any specific recommendations for broader implementation.

''(g) MODEL FORMS.—Not later than the date on which the Secretary publishes final regulations to implement this part (as amended by the Improving Education Results for Children With Disabilities Act of 2003), the Secretary shall publish and disseminate widely to States, local educational agencies, and parent training and information centers—

''(1) a model individualized education program form;

''(2) a model form for the procedural safeguards notice described in section 615(d); and

''(3) a model form for the prior written notice described in section 615(b)(3);

that would be consistent with the requirements of this part and be deemed to be sufficient to meet such requirements.''.

SEC. 208. PROGRAM INFORMATION.

Section 618 of the Individuals with Disabilities Education Act (20 U.S.C. 1418) is amended to read as follows:

''SEC. 618. PROGRAM INFORMATION.

''(a) IN GENERAL.—Each State and local educational agency that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary—

''(1)(A) on—

''(i) the number and percentage of children with disabilities, by race, ethnicity, and disability category, who are receiving a free appropriate public education;

''(ii) the number and percentage of children with disabilities, by race and ethnicity, who are receiving early intervention services;

''(iii) the number and percentage of children with disabilities, by race, ethnicity, and disability category, who are participating in regular education;

''(iv) the number and percentage of children with disabilities, by race, ethnicity, and disability category, who are in separate classes, separate schools or facilities, or public or private residential facilities;

''(v) the number and percentage of children with disabilities, by race and ethnicity, and disability category who begin secondary school and graduate with a regular high school diploma, through the age of 21;

''(vi) the number and percentage of children with disabilities, by race, ethnicity, and disability category, who, for each year of age from age 14 to 21, stopped receiving special education and related services because of program completion or other reasons and the reasons why those children stopped receiving special education and related services;

''(vii) the number and percentage of children with disabilities, by race and ethnicity, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons;

''(viii)(I) the number and percentage of children with disabilities, by race, ethnicity, and disability category, who under subparagraph (A) or (B) of section 615(j)(1), are removed to an interim alternative educational setting;

''(II) the acts or items precipitating those removals;

''(III) the number of children with disabilities, by race, ethnicity, and disability category, who are subject to long-term suspensions or expulsions; and

''(IV) the incidence, duration, and type of disciplinary actions, by race and ethnicity, including suspension and expulsions;

''(ix) the number of complaints resolved through voluntary binding arbitration; and

''(x) the number of mediations held and the number of settlement agreements reached through mediation;

''(B) on the number and percentage of infants and toddlers, by race and ethnicity, who are at risk of having substantial developmental delays (as defined in section 632), and who are receiving early intervention services under part C; and

''(C) on the number of children served with funds under section 613(f); and

''(2) on any other information that may be required by the Secretary.

''(b) SAMPLING.—The Secretary may permit States and the Secretary of the Interior to obtain the data described in subsection (a) through sampling.

''(c) DISPROPORTIONALITY.—

''(1) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies of the State with respect to—

''(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3);

''(B) the placement in particular educational settings of such children; and

''(C) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

''(2) REVIEW AND REVISION OF POLICIES, PRACTICES, AND PROCEDURES.—In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be—

''(A) shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this Act;

''(B) shall require any local educational agency identified under paragraph (1) to reserve the maximum amount of funds under section 613(f) to provide comprehensive coordinated prereferral support services to serve children in the local educational agency, particularly children in those groups that were significantly overidentified under paragraph (1); and

''(C) shall require the local educational agency to publicly report on the revision of policies, practices, and procedures described under subparagraph (A).''.

SEC. 209. PRESCHOOL GRANTS.

Section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1419) is amended to read as follows:

''SEC. 619. PRESCHOOL GRANTS.

''(a) IN GENERAL.—The Secretary shall provide grants under this section to assist States to provide special education and related services, in accordance with this part—

''(1) to children with disabilities aged 3 through 5, inclusive; and

''(2) at the State's discretion, to 2-year-old children with disabilities who will turn 3 during the school year.

''(b) ELIGIBILITY.—A State shall be eligible for a grant under this section if such State—

''(1) is eligible under section 612 to receive a grant under this part; and

''(2) makes a free appropriate public education available to all children with disabilities, aged 3 through 5, residing in the State.

''(c) ALLOCATIONS TO STATES.—

''(1) IN GENERAL.—The Secretary shall allocate funds among the States in accordance with paragraph (2) or (3), as appropriate.

''(2) INCREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is equal to or greater than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

''(A)(i) Except as provided in subparagraph (B), the Secretary shall—

''(I) allocate to each State the amount it received for fiscal year 1997;

''(II) allocate 85 percent of any remaining funds to States on the basis of their relative populations of children aged 3 through 5; and

''(III) allocate 15 percent of those remaining funds to States on the basis of their relative populations of all children aged 3 through 5 who are living in poverty.

''(ii) For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

''(B) Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

''(i) No State's allocation shall be less than its allocation for the preceding fiscal year.

''(ii) No State's allocation shall be less than the greatest of—

''(I) the sum of—

''(aa) the amount it received for fiscal year 1997; and

''(bb) one third of one percent of the amount by which the amount appropriated under subsection (j) exceeds the amount appropriated under this section for fiscal year 1997;

''(II) the sum of—

''(aa) the amount it received for the preceding fiscal year; and

''(bb) that amount multiplied by the percentage by which the increase in the funds appropriated from the preceding fiscal year exceeds 1.5 percent; or

''(III) the sum of—

''(aa) the amount it received for the preceding fiscal year; and

''(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated from the preceding fiscal year.

''(iii) Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

''(I) the amount it received for the preceding fiscal year; and

''(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated.

''(C) If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

''(3) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

''(A) If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1997, each State shall be allocated the sum of—

''(i) the amount it received for fiscal year 1997; and

''(ii) an amount that bears the same relation to any remaining funds as the increase the State received for the preceding fiscal year over fiscal year 1997 bears to the total of all such increases for all States.

''(B) If the amount available for allocations is equal to or less than the amount allocated to the States for fiscal year 1997, each State shall be allocated the amount it received for that year, ratably reduced, if necessary.

''(d) RESERVATION FOR STATE ACTIVITIES.—

''(1) IN GENERAL.—Each State may retain not more than the amount described in paragraph (2) for administration and other State-level activities in accordance with subsections (e) and (f).

''(2) AMOUNT DESCRIBED.—For each fiscal year, the Secretary shall determine and report to the State educational agency an amount that is 25 percent of the amount the State received under this section for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of—

''(A) the percentage increase, if any, from the preceding fiscal year in the State's allocation under this section; or

''(B) the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(e) STATE ADMINISTRATION.—

''(1) IN GENERAL.—For the purpose of administering this section (including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities) a State may use not more than 20 percent of the maximum amount it may retain under subsection (d) for any fiscal year.

''(2) ADMINISTRATION OF PART C.—Funds described in paragraph (1) may also be used for the administration of part C of this Act, if the State educational agency is the lead agency for the State under that part.

''(f) OTHER STATE-LEVEL ACTIVITIES.—Each State shall use any funds it retains under subsection (d) and does not use for administration under subsection (e)—

''(1) for support services (including establishing and implementing the mediation and voluntary binding arbitration process required by section 615(e)), which may benefit children with disabilities younger than 3 or older than 5 as long as those services also benefit children with disabilities aged 3 through 5;

''(2) for direct services for children eligible for services under this section;

''(3) for activities at the State and local levels to meet the performance goals established by the State under section 612(a)(16) and to support implementation of the State plan under subpart 1 of part D if the State receives funds under that subpart; or

''(4) to supplement other funds used to develop and implement a Statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not to exceed one percent of the amount received by the State under this section for a fiscal year.

''(g) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

''(1) SUBGRANTS REQUIRED.—Each State that receives a grant under this section for any fiscal year shall distribute all of the grant funds that it does not reserve under subsection (d) to local educational agencies in the State that have established their eligibility under section 613, as follows:

''(A) BASE PAYMENTS.—The State shall first award each agency described in paragraph (1) the amount that agency would have received under this section for fiscal year 1997 if the State had distributed 75 percent of its grant for that year under section 619(c)(3), as then in effect.

''(B) ALLOCATION OF REMAINING FUNDS.—After making allocations under subparagraph (A), the State shall—

''(i) allocate 85 percent of any remaining funds to those agencies on the basis of the

relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction; and

''(ii) allocate 15 percent of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

''(2) REALLOCATION OF FUNDS.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities aged 3 through 5 residing in the area served by that agency with State and local funds, the State educational agency may reallocate any portion of the funds under this section that are not needed by that local agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities aged 3 through 5 residing in the areas they serve.

''(h) PART C INAPPLICABLE.—Part C of this Act does not apply to any child with a disability receiving a free appropriate public education, in accordance with this part, with funds received under this section.

''(i) DEFINITION.—For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated to the Secretary $500,000,000 for fiscal year 2004 and such sums as may be necessary for each subsequent fiscal year.''.

TITLE III—INFANTS AND TODDLERS WITH DISABILITIES

SEC. 301. SECTIONS 631 THROUGH 638 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Sections 631 through 638 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1438) are amended to read as follows:

"SEC. 631. FINDINGS AND POLICY.

''(a) FINDINGS.—The Congress finds that there is an urgent and substantial need—

''(1) to enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay;

''(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;

''(3) to minimize the likelihood of institutionalization of individuals with disabilities and maximize the potential for their independently living in society;

''(4) to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities; and

''(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of historically underrepresented populations, particularly minority, low-income, inner-city, and rural populations.

''(b) POLICY.—It is the policy of the United States to provide financial assistance to States—

''(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

''(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage);

''(3) to enhance their capacity to provide quality early intervention services and expand and improve existing early intervention services being provided to infants and toddlers with disabilities and their families; and

''(4) to encourage States to expand opportunities for children under 3 years of age who would be at risk of having substantial developmental delay if they did not receive early intervention services.

"SEC. 632. DEFINITIONS.

''As used in this part:

''(1) AT-RISK INFANT OR TODDLER.—The term 'at-risk infant or toddler' means an individual under 3 years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual.

''(2) COUNCIL.—The term 'council' means a State interagency coordinating council established under section 641.

''(3) DEVELOPMENTAL DELAY.—The term 'developmental delay', when used with respect to an individual residing in a State, has the meaning given such term by the State under section 635(a)(1).

''(4) EARLY INTERVENTION SERVICES.—The term 'early intervention services' means developmental services that—

''(A) are provided under public supervision;

''(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees;

''(C) are designed to address family-identified priorities and concerns that are determined by individualized family service plan team to relate to enhancing the child's development in any one or more of the following areas—

''(i) physical development;

''(ii) cognitive development;

''(iii) communication development;

''(iv) social or emotional development; or

''(v) adaptive development;

''(D) meet the standards of the State in which they are provided, including the requirements of this part;

''(E) include—

''(i) family training, family therapy, counseling, and home visits;

''(ii) special instruction;

''(iii) speech-language pathology and audiology services;

''(iv) occupational therapy;

''(v) physical therapy;

''(vi) psychological services;

''(vii) service coordination services;

''(viii) medical services only for diagnostic or evaluation purposes;

''(ix) early identification, screening, and assessment services;

''(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services;

''(xi) social work services;

''(xii) vision services;

''(xiii) assistive technology devices and assistive technology services; and

''(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive another service described in this paragraph;

''(F) are provided by qualified personnel, including—

''(i) special educators;

''(ii) speech-language pathologists and audiologists;

''(iii) occupational therapists;

''(iv) physical therapists;

''(v) psychologists;

''(vi) social workers;

''(vii) nurses;

''(viii) registered dietitians;

''(ix) family therapists;

''(x) vision specialists, including ophthalmologists and optometrists;

''(xi) orientation and mobility specialists; and

''(xii) pediatricians and other physicians;

''(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate; and

''(H) are provided in conformity with an individualized family service plan adopted in accordance with section 636.

''(5) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability'—

''(A) means an individual under 3 years of age who needs early intervention services because the individual—

''(i) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or

''(ii) has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay;

''(B) may also include, at a State's discretion, at-risk infants and toddlers; and

''(C) may also include, at a State's discretion, a child aged 3 through 5, who previously received services under this part and who is eligible for services under section 619, if—

''(i) services provided to this age group under this part include an educational component that promotes school readiness and incorporates scientifically based pre-literacy, language, and numeracy skills; and

''(ii) parents are provided a written notification of their rights and responsibilities in determining whether their child will continue to receive services under this part or participate in preschool programs assisted under section 619.

"SEC. 633. GENERAL AUTHORITY.

''The Secretary shall, in accordance with this part, make grants to States (from their allotments under section 643) to assist each State to maintain and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.

"SEC. 634. ELIGIBILITY.

''In order to be eligible for a grant under section 633, a State shall provide assurances to the Secretary that the State—

''(1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and

''(2) has in effect a statewide system that meets the requirements of section 635.

"SEC. 635. REQUIREMENTS FOR STATEWIDE SYSTEM.

''(a) IN GENERAL.—A statewide system described in section 633 shall include, at a minimum, the following components:

''(1) A definition of the term 'developmental delay' that will be used by the State in carrying out programs under this part.

''(2) A State policy that is in effect and that ensures that appropriate early intervention services based on scientifically based research are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers and their families residing on a reservation geographically located in the State.

''(3) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to appropriately assist in the development of the infant or toddler.

''(4) For each infant or toddler with a disability in the State, an individualized family

service plan in accordance with section 636, including service coordination services in accordance with such service plan.

''(5) A comprehensive child find system, consistent with part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources.

''(6) A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph (10) to all primary referral sources, especially hospitals and physicians, of information to be given to parents, especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications, on the availability of early intervention services under this part and of services under section 619 of this Act, and procedures for assisting such sources in disseminating such information to parents of infants and toddlers.

''(7) A central directory that includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State.

''(8) A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State that—

''(A) shall include—

''(i) implementing innovative strategies and activities for the recruitment and retention of early education service providers;

''(ii) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part; and

''(iii) training personnel to coordinate transition services for infants and toddlers served under this part from a program providing early intervention services under this part and under part B (other than section 619), to a preschool program receiving funds under section 619, or another appropriate program; and

''(B) may include—

''(i) training personnel to work in rural and inner-city areas; and

''(ii) training personnel in the emotional and social development of young children.

''(9) Subject to subsection (b), policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including the establishment and maintenance of standards that are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which such personnel are providing early intervention services.

''(10) A single line of responsibility in a lead agency designated or established by the Governor for carrying out—

''(A) the general administration and supervision of programs and activities receiving assistance under section 633, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 633, to ensure that the State complies with this part;

''(B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources;

''(C) the assignment of financial responsibility in accordance with section 637(a)(2) to the appropriate agencies;

''(D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers;

''(E) the resolution of intra- and interagency disputes; and

''(F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination.

''(11) A policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of this part, including the contents of the application used and the conditions of the contract or other arrangements.

''(12) A procedure for securing timely reimbursements of funds used under this part in accordance with section 640(a).

''(13) Procedural safeguards with respect to programs under this part, as required by section 639.

''(14) A system for compiling data requested by the Secretary under section 618 that relates to this part.

''(15) A State interagency coordinating council that meets the requirements of section 641.

''(16) Policies and procedures to ensure that, consistent with section 636(d)(5)—

''(A) to the maximum extent appropriate, early intervention services are provided in natural environments; and

''(B) the provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment or in a setting that is most appropriate, as determined by the parent and the individualized family service plan team.

''(b) POLICY.—In implementing subsection (a)(9), a State may adopt a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in subsection (a)(9), consistent with State law within 3 years.

''(c) TREATMENT OF CHILDREN AGED 3 THROUGH 5.—

''(1) IN GENERAL.—If a State includes children described in section 632(5)(C) in the system described in section 633, the State shall be considered to have fulfilled any obligation under part B with respect to the provision of a free appropriate public education to those children during the period in which they are receiving services under this part.

''(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to alter or diminish the rights and protections afforded under this part to children described in such paragraph.

''SEC. 636. INDIVIDUALIZED FAMILY SERVICE PLAN.

''(a) ASSESSMENT AND PROGRAM DEVELOPMENT.—A statewide system described in section 633 shall provide, at a minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive—

''(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs;

''(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and

''(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e), including a description of the appropriate transition services for the child's entrance in school.

''(b) PERIODIC REVIEW.—The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

''(c) PROMPTNESS AFTER ASSESSMENT.—The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parents' consent, early intervention services may commence prior to the completion of the assessment.

''(d) CONTENT OF PLAN.—The individualized family service plan shall be in writing and contain—

''(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria;

''(2) a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;

''(3) a statement of the major goals expected to be achieved for the infant or toddler and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the goals is being made and whether modifications or revisions of the goals or services are necessary;

''(4) a statement of specific early intervention services based on peer-reviewed research, to the extent practicable, necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;

''(5) a statement of the natural environments in which early intervention services will appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;

''(6) the projected dates for initiation of services and the anticipated length, duration, and frequency of the services;

''(7) the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons, including transition services; and

''(8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

''(e) PARENTAL CONSENT.—The contents of the individualized family service plan shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services described in such plan. If the parents do not provide consent with respect to a particular early intervention service, then only the early intervention services to which consent is obtained shall be provided.

"SEC. 637. STATE APPLICATION AND ASSURANCES.

''(a) APPLICATION.—A State desiring to receive a grant under section 633 shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall contain—

''(1) a designation of the lead agency in the State that will be responsible for the administration of funds provided under section 633;

''(2) a designation of an individual or entity responsible for assigning financial responsibility among appropriate agencies;

''(3) information demonstrating eligibility of the State under section 634, including a description of services to be provided to infants and toddlers with disabilities and their families through the system;

''(4) if the State provides services to at-risk infants and toddlers through the statewide system, a description of such services;

''(5) a description of the State policies and procedures requiring the referral of a child under the age 3 who is involved in a substantiated case of child abuse or neglect consistent with section 635(a)(5) or who is born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication, or neonatal physical or neurological harm resulting from prenatal drug exposure;

''(6) a description of the uses for which funds will be expended in accordance with this part;

''(7) a description of the procedure used to ensure that resources are made available under this part for all geographic areas within the State;

''(8) a description of State policies and procedures that ensure that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities;

''(9) a description of the policies and procedures to be used—

''(A) to ensure a smooth transition for toddlers receiving early intervention services under this part to preschool or other appropriate services, including a description of how—

''(i) the families of such toddlers will be included in the transition plans required by subparagraph (C); and

''(ii) the lead agency designated or established under section 635(a)(10) will—

''(I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law;

''(II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days (and at the discretion of all such parties, up to 6 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and

''(III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive;

''(B) to review the child's program options for the period from the child's third birthday through the remainder of the school year; and

''(C) to establish a transition plan;

''(10) a description of State efforts to promote collaboration between Early Head Start programs, child care, and services under part C of this Act; and

''(11) such other information and assurances as the Secretary may reasonably require.

''(b) ASSURANCES.—The application described in subsection (a)—

''(1) shall provide satisfactory assurance that Federal funds made available under section 643 to the State will be expended in accordance with this part;

''(2) shall contain an assurance that the State will comply with the requirements of section 640;

''(3) shall provide satisfactory assurance that the control of funds provided under section 643, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property;

''(4) shall provide for—

''(A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and

''(B) keeping such records and affording such access to them as the Secretary may find necessary to ensure the correctness and verification of those reports and proper disbursement of Federal funds under this part;

''(5) provide satisfactory assurance that Federal funds made available under section 643 to the State—

''(A) will not be commingled with State funds; and

''(B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds;

''(6) shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under section 643 to the State;

''(7) shall provide satisfactory assurance that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, and rural families, in the planning and implementation of all the requirements of this part; and

''(8) shall contain such other information and assurances as the Secretary may reasonably require by regulation.

''(c) STANDARD FOR DISAPPROVAL OF APPLICATION.—The Secretary may not disapprove such an application unless the Secretary determines, after notice and opportunity for a hearing, that the application fails to comply with the requirements of this section.

''(d) SUBSEQUENT STATE APPLICATION.—If a State has on file with the Secretary a policy, procedure, or assurance that demonstrates that the State meets a requirement of this section, including any policy or procedure filed under this part (as in effect before the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003), the Secretary shall consider the State to have met the requirement for purposes of receiving a grant under this part.

''(e) MODIFICATION OF APPLICATION.—An application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification of an application to the same extent and in the same manner as this section applies to the original application.

''(f) MODIFICATIONS REQUIRED BY THE SECRETARY.—The Secretary may require a State to modify its application under this section, but only to the extent necessary to ensure the State's compliance with this part, if—

''(1) an amendment is made to this Act, or a Federal regulation issued under this Act;

''(2) a new interpretation of this Act is made by a Federal court or the State's highest court; or

''(3) an official finding of noncompliance with Federal law or regulations is made with respect to the State.

"SEC. 638. USES OF FUNDS.

''In addition to using funds provided under section 633 to maintain and implement the statewide system required by such section, a State may use such funds—

''(1) for direct early intervention services for infants and toddlers with disabilities, and their families, under this part that are not otherwise funded through other public or private sources;

''(2) to expand and improve on services for infants and toddlers and their families under this part that are otherwise available;

''(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year; and

''(4) in any State that does not provide services for at-risk infants and toddlers under section 637(a)(4), to strengthen the statewide system by initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, and personnel for the purposes of—

''(A) identifying and evaluating at-risk infants and toddlers;

''(B) making referrals of the infants and toddlers identified and evaluated under subparagraph (A); and

''(C) conducting periodic followup on each such referral to determine if the status of the infant or toddler involved has changed with respect to the eligibility of the infant or toddler for services under this part.''.

SEC. 302. SECTIONS 641 THROUGH 645 OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Sections 641 through 645 of the Individuals with Disabilities Education Act (20 U.S.C. 1441–1445) are amended to read as follows:

"SEC. 641. STATE INTERAGENCY COORDINATING COUNCIL.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—A State that desires to receive financial assistance under this part shall establish a State interagency coordinating council.

''(2) APPOINTMENT.—The council shall be appointed by the Governor. In making appointments to the council, the Governor shall ensure that the membership of the council reasonably represents the population of the State.

''(3) CHAIRPERSON.—The Governor shall designate a member of the council to serve as the chairperson of the council, or shall require the council to so designate such a member. Any member of the council who is a representative of the lead agency designated under section 635(a)(10) may not serve as the chairperson of the council.

''(b) COMPOSITION.—

''(1) IN GENERAL.—The council shall be composed as follows:

''(A) PARENTS.—At least 20 percent of the members shall be parents of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

''(B) SERVICE PROVIDERS.—At least 20 percent of the members shall be public or private providers of early intervention services.

''(C) STATE LEGISLATURE.—At least one member shall be from the State legislature.

''(D) PERSONNEL PREPARATION.—At least one member shall be involved in personnel preparation.

''(E) AGENCY FOR EARLY INTERVENTION SERVICES.—At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

''(F) AGENCY FOR PRESCHOOL SERVICES.—At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

''(G) AGENCY FOR HEALTH INSURANCE.—At least one member shall be from the agency responsible for the State governance of health insurance.

''(H) HEAD START AGENCY.—At least one representative from a Head Start agency or program in the State.

''(I) CHILD CARE AGENCY.—At least one representative from a State agency responsible for child care.

''(J) MENTAL HEALTH AGENCY.—At least one representative from the State agency responsible for children's mental health.

''(K) CHILD WELFARE AGENCY.—At least one representative from the State agency responsible for child protective services.

''(L) OFFICE OF THE COORDINATOR FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.—At least one representative designated by the Office of the Coordinator.

''(2) OTHER MEMBERS.—The council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA-operated or BIA-funded school, from the Indian Health Service or the tribe or tribal council.

''(c) MEETINGS.—The council shall meet at least quarterly and in such places as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

''(d) MANAGEMENT AUTHORITY.—Subject to the approval of the Governor, the council may prepare and approve a budget using funds under this part to conduct hearings and forums, to reimburse members of the council for reasonable and necessary expenses for attending council meetings and performing council duties (including child care for parent representatives), to pay compensation to a member of the council if the member is not employed or must forfeit wages from other employment when performing official council business, to hire staff, and to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this part.

''(e) FUNCTIONS OF COUNCIL.—

''(1) DUTIES.—The council shall—

''(A) advise and assist the lead agency designated or established under section 635(a)(10) in the performance of the responsibilities set forth in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;

''(B) advise and assist the lead agency in the preparation of applications and amendments thereto;

''(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to preschool and other appropriate services; and

''(D) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

''(2) AUTHORIZED ACTIVITY.—The council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children from birth through age 5. The council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.

''(f) CONFLICT OF INTEREST.—No member of the council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

"SEC. 642. FEDERAL ADMINISTRATION.

''Sections 616, 617, and 618 shall, to the extent not inconsistent with this part, apply to the program authorized by this part, except that—

''(1) any reference in such sections to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

''(2) any reference in such sections to a local educational agency, educational service agency, or a State agency shall be considered to be a reference to an early intervention service provider under this part; and

''(3) any reference to the education of children with disabilities or the education of all children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

"SEC. 643. ALLOCATION OF FUNDS.

''(a) RESERVATION OF FUNDS FOR OUTLYING AREAS.—

''(1) IN GENERAL.—From the sums appropriated to carry out this part for any fiscal year, the Secretary may reserve up to one percent for payments to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands in accordance with their respective needs.

''(2) CONSOLIDATION OF FUNDS.—The provisions of Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds those areas receive under this part.

''(b) PAYMENTS TO INDIANS.—

''(1) IN GENERAL.—The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes, tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act), or consortia of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for such fiscal year.

''(2) ALLOCATION.—For each fiscal year, the Secretary of the Interior shall distribute the entire payment received under paragraph (1) by providing to each tribe, tribal organization, or consortium an amount based on the number of infants and toddlers residing on the reservation, as determined annually, divided by the total number of such children served by all tribes, tribal organizations, or consortia.

''(3) INFORMATION.—To receive a payment under this subsection, the tribe, tribal organization, or consortium shall submit such information to the Secretary of the Interior as is needed to determine the amounts to be distributed under paragraph (2).

''(4) USE OF FUNDS.—The funds received by a tribe, tribal organization, or consortium shall be used to assist States in child find, screening, and other procedures for the early identification of Indian children under 3 years of age and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. Such activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe, tribal organization, or consortium is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

''(5) REPORTS.—To be eligible to receive a grant under paragraph (2), a tribe, tribal organization, or consortium shall make an annual report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the year following the year in which the report is made. The Secretary of the Interior shall include a summary of this information on an annual basis to the Secretary of Education along with such other information as required under section 611(h)(3)(E). The Secretary of Education may require any additional information from the Secretary of the Interior.

''(6) PROHIBITED USES OF FUNDS.—None of the funds under this subsection may be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

''(c) STATE ALLOTMENTS.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

''(2) MINIMUM ALLOTMENTS.—Except as provided in paragraph (3) no State shall receive an amount under this section for any fiscal year that is less than the greater of—

''(A) one-half of one percent of the remaining amount described in paragraph (1); or

''(B) $500,000.

''(3) RATABLE REDUCTION.—

''(A) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allotments to such States for such year.

''(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under this subsection for a fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis they were reduced.

''(4) DEFINITIONS.—For the purpose of this subsection—

''(A) the terms 'infants' and 'toddlers' mean children under 3 years of age; and

''(B) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(d) REALLOTMENT OF FUNDS.—If a State elects not to receive its allotment under subsection (c), the Secretary shall reallot, among the remaining States, amounts from such State in accordance with such subsection.

"SEC. 644. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $447,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009.''.

TITLE IV—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

SEC. 401. NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES.

Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) is amended to read as follows:

"PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

"SEC. 651. FINDINGS.

''The Congress finds the following:

''(1) The Federal Government has an ongoing obligation to support activities that contribute to positive results for children with disabilities, enabling them to lead productive and independent adult lives.

''(2) Systemic change benefiting all students, including children with disabilities, requires the involvement of States, local educational agencies, parents, individuals with disabilities and their families, teachers and other service providers, and other interested individuals and organizations, to develop and implement comprehensive strategies that improve educational results for children with disabilities.

''(3) State educational agencies, in partnership with local educational agencies, parents of children with disabilities, and other individuals and organizations, are in the best position to improve education for children with disabilities and to address their special needs.

''(4) An effective educational system serving students with disabilities should—

''(A) maintain high academic standards and clear achievement goals for children, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that all children with disabilities have the opportunity to achieve those standards and goals;

''(B) clearly define, in objective, measurable terms, the school and post-school results that children with disabilities are expected to achieve; and

''(C) promote transition services, as described in section 602(31), and coordinate State and local education, social, health, mental health, and other services, to address the full range of student needs, particularly the needs of children with disabilities who need significant levels of support to participate and learn in school and the community.

''(5) The availability of an adequate number of qualified personnel is critical in order to serve effectively children with disabilities, fill leadership positions in administrative and direct-service capacities, provide teacher training, and conduct high-quality research to improve special education.

''(6) High-quality, comprehensive professional development programs are essential to ensure that the persons responsible for the education or transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children.

''(7) Models of professional development should be scientifically based and reflect successful practices, including strategies for recruiting, preparing, and retaining personnel.

''(8) Continued support is essential for the development and maintenance of a coordinated and high-quality program of research to inform successful teaching practices and model curricula for educating children with disabilities.

''(9) A comprehensive research agenda should be established and pursued to promote the highest quality and rigor in research on special education and related services, and to address the full range of issues facing children with disabilities, parents of children with disabilities, school personnel, and others.

''(10) Technical assistance, support, and dissemination activities are necessary to ensure that parts B and C are fully implemented and achieve quality early intervention, educational, and transitional results for children with disabilities and their families.

''(11) Parents, teachers, administrators, and related services personnel need technical assistance and information in a timely, coordinated, and accessible manner in order to improve early intervention, educational, and transitional services and results at the State and local levels for children with disabilities and their families.

''(12) Parent training and information activities assist parents of a child with a disability in dealing with the multiple pressures of parenting such a child and are of particular importance in—

''(A) creating and preserving constructive relationships between parents of children with disabilities and schools by facilitating open communication between such parents and schools, encouraging dispute resolution at the earliest point in time possible, and discouraging the escalation of an adversarial process between such parents and schools;

''(B) ensuring the involvement of such parents in planning and decision-making with respect to early intervention, educational, and transitional services;

''(C) achieving high-quality early intervention, educational, and transitional results for children with disabilities;

''(D) providing such parents information on their rights, protections, and responsibilities under this Act to ensure improved early intervention, educational, and transitional results for children with disabilities;

''(E) assisting such parents in the development of skills to participate effectively in the education and development of their children and in the transitions described in section 602(31);

''(F) supporting the roles of such parents as participants within partnerships seeking to improve early intervention, educational, and transitional services and results for children with disabilities and their families; and

''(G) supporting those parents who may have limited access to services and supports due to economic, cultural, or linguistic barriers.

''(13) Support is needed to improve technological resources and integrate technology into the lives of children with disabilities, parents of children with disabilities, school personnel, and others through curricula, services, and assistive technologies.

"Subpart 1—State Professional Development Grants

"SEC. 652. PURPOSE.

''The purpose of this subpart is to assist State educational agencies in reforming and improving their systems for professional development in early intervention, educational, and related and transition services in order to improve results for children with disabilities.

"SEC. 653. ELIGIBILITY AND COLLABORATIVE PROCESS.

''(a) ELIGIBLE APPLICANTS.—A State educational agency may apply for a grant under this subpart for a period of not less than 1 year and not more than 5 years.

''(b) PARTNERS.—

''(1) REQUIRED PARTNERS.—In order to be considered for a grant under this subpart, a State educational agency shall enter into a partnership agreement with local educational agencies, at least one institution of higher education in the State, and other State agencies involved in, or concerned with, the education of children with disabilities.

''(2) OPTIONAL PARTNERS.—In addition, a State educational agency may enter into a partnership agreement with any of the following:

''(A) The Governor.

''(B) Parents of children with disabilities ages birth through 26.

''(C) Parents of nondisabled children ages birth through 26.

''(D) Individuals with disabilities.

''(E) Organizations representing individuals with disabilities and their parents, such as parent training and information centers.

''(F) Community-based and other nonprofit organizations involved in the education and employment of individuals with disabilities.

''(G) The lead State agency for part C.

''(H) General and special education teachers, related services personnel, and early intervention personnel.

''(I) The State advisory panel established under part C.

''(J) The State interagency coordinating council established under part C.

''(K) Institutions of higher education within the State.

''(L) Individuals knowledgeable about vocational education.

''(M) The State agency for higher education.

''(N) The State vocational rehabilitation agency.

''(O) Public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice.

''(P) Other providers of professional development that work with students with disabilities.

''(Q) Other individuals.

"SEC. 654. APPLICATIONS.

''(a) IN GENERAL.—

''(1) SUBMISSION.—A State educational agency that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary may require.

''(2) STATE PLAN.—The application shall include a plan that addresses the State and local needs for the professional development of administrators, principals, teachers, related services personnel, and individuals who provide direct supplementary aids and services to children with disabilities, and that—

''(A) is integrated, to the maximum extent possible, with State plans under the Elementary and Secondary Education Act of 1965, the Rehabilitation Act of 1973, and the Higher Education Act of 1965, as appropriate; and

''(B) is designed to enable the State to meet the requirements of section 612(a)(15) of this Act.

''(b) ELEMENTS OF STATE PLAN.—Each State plan shall—

''(1) describe a partnership agreement that—

''(A) specifies—

''(i) the nature and extent of the partnership among the State educational agency, local educational agencies, and other State agencies involved in, or concerned with, the education of children with disabilities, and

the respective roles of each member of the partnership; and

''(ii) how such agencies will work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of these persons and organizations; and

''(B) is in effect for the period of the grant;

''(2) describe how grant funds, including part B funds retained for use at the State level under sections 611(e) and 619(d), and other Federal funds will be used to support activities conducted under this subpart;

''(3) describe the strategies the State will use to implement the plan to improve results for children with disabilities, including—

''(A) how the State will align its professional development plan with the plans submitted by the State under sections 1111 and 2112 of the Elementary and Secondary Education Act of 1965;

''(B) how the State will provide technical assistance to local educational agencies and schools to improve the quality of professional development available to meet the needs of personnel that serve children with disabilities; and

''(C) how the State will assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective in meeting the achievement goals and indicators in section 612(a)(16);

''(4) describe, as appropriate, how the strategies described in paragraph (3) will be coordinated with public and private sector resources; and

''(5) include an assurance that the State will use funds received under this subpart to carry out each of the activities specified in the plan.

''(c) COMPETITIVE AWARDS.—

''(1) IN GENERAL.—The Secretary shall make grants under this subpart on a competitive basis.

''(2) PRIORITY.—The Secretary may give priority to applications—

''(A) on the basis of need; and

''(B) that provide for the establishment of professional development programs regarding methods of early and appropriate identification of children with disabilities.

''(d) PEER REVIEW.—

''(1) IN GENERAL.—The Secretary shall evaluate applications under this subpart using a panel of experts who are qualified by virtue of their training, expertise, or experience.

''(2) COMPOSITION OF PANEL.—A majority of a panel described in paragraph (1) shall be composed of individuals who are not employees of the Federal Government.

''(3) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this subpart to pay the expenses and fees of panel members who are not employees of the Federal Government.

''(e) REPORTING PROCEDURES.—Each State educational agency that receives a grant under this subpart shall submit annual performance reports to the Secretary. The reports shall—

''(1) describe the progress of the State in implementing its plan;

''(2) analyze the effectiveness of the State's activities under this subpart and of the State's strategies for meeting its goals under section 612(a)(16); and

''(3) identify any changes in such strategies needed to improve its performance.

"SEC. 655. USE OF FUNDS.

''(a) IN GENERAL.—

''(1) ACTIVITIES.—A State educational agency that receives a grant under this subpart shall use the grant funds, subject to subsection (b), for the following:

''(A) PROFESSIONAL DEVELOPMENT.—

''(i) Carrying out programs that support the professional development of early intervention personnel, related services personnel, and both special education and regular education teachers of children with disabilities, such as programs that—

''(I) provide teacher mentoring, team teaching, reduced class schedules, and intensive professional development;

''(II) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement standards and with the definition of professional development in section 9101 of the Elementary and Secondary Education Act of 1965;

''(III) promote collaborative and consultive models of providing special education ad related services; and

''(IV) increase understanding as to the most appropriate placements and services for all students to reduce significant racial and ethnic disproportionality in eligibility, placement, and disciplinary actions.

''(ii) Encouraging and supporting the training of special education and regular education teachers and administrators to effectively integrate technology into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decision-making, school improvement efforts, and accountability.

''(iii) Providing professional development activities that improve the knowledge of special education and regular education teachers concerning—

''(I) the academic and developmental needs of students with disabilities; and

''(II) effective instructional strategies, methods, and skills, use of challenging State academic content standards and student academic achievement standards, and use of State assessments, to improve teaching practices and student academic achievement.

''(iv) Providing professional development activities that—

''(I) improve the knowledge of special education and regular education teachers and principals and, in appropriate cases, related services personnel and paraprofessionals, concerning effective instructional practices;

''(II) provide training in how to teach and address the needs of students with different learning styles;

''(III) involve collaborative groups of teachers and administrators;

''(IV) provide training in methods of—

''(aa) positive behavior interventions and supports to improve student behavior in the classroom;

''(bb) scientifically based reading instruction, including early literacy instruction; and

''(cc) early and appropriate interventions to identify and help students with disabilities;

''(V) provide training to enable special education and regular education teachers, related services personnel, and principals to involve parents in their child's education, especially parents of low-income and limited English proficient children with disabilities; or

''(VI) train administrators and other relevant school personnel in conducting facilitated individualized education program meetings.

''(v) Developing and implementing initiatives to promote retention of highly qualified special education teachers, including programs that provide—

''(I) teacher mentoring from exemplary special education teachers, principals, or superintendents;

''(II) induction and support for special education teachers during their first 3 years of employment as teachers; or

''(III) incentives, including financial incentives, to retain special education teachers who have a record of success in helping students with disabilities improve their academic achievement.

''(vi) Carrying out programs and activities that are designed to improve the quality of the teacher force that serves children with disabilities, such as—

''(I) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 9101 of the Elementary and Secondary Education Act of 1965, and are coordinated with activities carried out under this part; and

''(II) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.

''(B) STATE ACTIVITIES.—

''(i) Reforming special education and regular education teacher certification (including recertification) or licensing requirements to ensure that—

''(I) special education and regular education teachers have the training and information necessary, including an understanding of the latest scientifically valid education research and its applicability, to address the wide variety of needs of children with disabilities across disability categories;

''(II) special education and regular education teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach;

''(III) special education and regular education teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and

''(IV) special education and regular education teachers have the subject matter knowledge and teaching skills, including technology literacy, necessary to help students meet challenging State student academic achievement standards.

''(ii) Carrying out programs that establish, expand, or improve alternative routes for State certification of special education teachers for individuals who demonstrate the potential to become highly effective special education teachers, such as individuals with a baccalaureate or master's degree (including mid-career professionals from other occupations), paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction.

''(iii) Carrying out teacher advancement initiatives for special education teachers that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

''(iv) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified special education teachers.

''(v) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

''(vi) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified special education teachers.

''(vii) Funding projects to promote reciprocity of teacher certification or licensing

between or among States for special education teachers, except that no reciprocity agreement developed under this clause or developed using funds provided under this subpart may lead to the weakening of any State teaching certification or licensing requirement.

''(viii) Developing or assisting local educational agencies to serve children with disabilities through the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

''(ix) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for special education teachers.

''(x) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve the academic achievement of children with disabilities.

''(xi) Coordinating with, and expanding, centers established under section 2113(c)(18) of the Elementary and Secondary Education Act of 1965 to benefit special education teachers.

''(2) CONTRACTS AND SUBGRANTS.—Each such State educational agency—

''(A) shall, consistent with its partnership agreement under section 654(b)(1), award contracts or subgrants to local educational agencies, institutions of higher education, and parent training and information centers, as appropriate, to carry out its State plan under this subpart; and

''(B) may award contracts and subgrants to other public and private entities, including the lead agency under part C, to carry out such plan.

''(b) USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT.—A State educational agency that receives a grant under this subpart shall use—

''(1) not less than 90 percent of the funds it receives under the grant for any fiscal year for activities under subsection (a)(1)(A); and

''(2) not more than 10 percent of the funds it receives under the grant for any fiscal year for activities under subsection (a)(1)(B).

''(c) GRANTS TO OUTLYING AREAS.—Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds received under this subpart.

"SEC. 656. STATE GRANT AMOUNTS.

''(a) IN GENERAL.—The Secretary shall make a grant to each State educational agency whose application the Secretary has selected for funding under this subpart in an amount for each fiscal year that is—

''(1) not less than $500,000, nor more than $2,000,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

''(2) not less than $80,000, in the case of an outlying area.

''(b) FACTORS.—The Secretary shall set the amount of each grant under subsection (a) after considering—

''(1) the amount of funds available for making the grants;

''(2) the relative population of the State or outlying area; and

''(3) the types of activities proposed by the State or outlying area, including—

''(A) the alignment of proposed activities with paragraphs (14) and (15) of section 612(a);

''(B) the alignment of proposed activities with the plans submitted under sections 1111 and 2112 of the Elementary and Secondary Education Act of 1965; and

''(C) the use, as appropriate, of scientifically based research.

"SEC. 657. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $44,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009.

"Subpart 2—Scientifically Based Research; Technical Assistance; Model Demonstration Projects; Dissemination of Information; and Personnel Preparation Programs

"SEC. 661. PURPOSE.

''The purpose of this subpart is to provide Federal funding for scientifically based research, technical assistance, model demonstration projects, information dissemination, and personnel preparation programs to improve early intervention, educational, and transitional results for children with disabilities.

"SEC. 662. ADMINISTRATIVE PROVISIONS.

''(a) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The Secretary shall develop and implement a comprehensive plan for activities carried out under this subpart (other than section 663) in order to enhance the provision of educational, related, transitional, and early intervention services to children with disabilities under parts B and C. The plan shall include mechanisms to address educational, related services, transitional, and early intervention needs identified by State educational agencies in applications submitted under subpart 1.

''(2) PUBLIC COMMENT.—The Secretary shall provide a public comment period of at least 30 days on the plan.

''(3) DISTRIBUTION OF FUNDS.—In implementing the plan, the Secretary shall, to the extent appropriate, ensure that funds are awarded to recipients under this subpart to carry out activities that benefit, directly or indirectly, children with disabilities of all ages.

''(4) REPORTS TO CONGRESS.—The Secretary shall annually report to the Congress on the Secretary's activities under this subsection, including an initial report not later than the date that is 12 months after the date of the enactment of Improving Education Results for Children With Disabilities Act of 2003.

''(b) ELIGIBLE APPLICANTS.—

''(1) IN GENERAL.—Except as otherwise provided in this subpart, the following entities are eligible to apply for a grant, contract, or cooperative agreement under this subpart:

''(A) A State educational agency.

''(B) A local educational agency.

''(C) A public charter school that is a local educational agency under State law.

''(D) An institution of higher education.

''(E) Any other public agency.

''(F) A private nonprofit organization.

''(G) An outlying area.

''(H) An Indian tribe or a tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

''(I) A for-profit organization if the Secretary finds it appropriate given the specific purpose of the competition.

''(2) SPECIAL RULE.—The Secretary may limit the entities eligible for an award of a grant, contract, or cooperative agreement to one or more categories of eligible entities described in paragraph (1).

''(c) SPECIAL POPULATIONS.—

''(1) APPLICATION REQUIREMENT.—In making an award of a grant, contract, or cooperative agreement under this subpart, the Secretary shall, as appropriate, require an applicant to demonstrate how the applicant will address the needs of children with disabilities from minority backgrounds.

''(2) REQUIRED OUTREACH AND TECHNICAL ASSISTANCE.—Notwithstanding any other provision of this Act, the Secretary shall reserve at least two percent of the total amount of funds appropriated to carry out this subpart for either or both of the following activities:

''(A) Providing outreach and technical assistance to historically black colleges and universities, and to institutions of higher education with minority enrollments of at least 25 percent, to promote the participation of such colleges, universities, and institutions in activities under this subpart.

''(B) Enabling historically black colleges and universities, and the institutions described in subparagraph (A), to assist other colleges, universities, institutions, and agencies in improving educational and transitional results for children with disabilities, if such grant applicants meet the criteria established by the Secretary under this subpart.

''(d) PRIORITIES.—The Secretary, in making an award of a grant, contract, or cooperative agreement under this subpart, may, without regard to the rulemaking procedures under section 553 of title 5, United States Code, limit competitions to, or otherwise give priority to—

''(1) projects that address one or more—

''(A) age ranges;

''(B) disabilities;

''(C) school grades;

''(D) types of educational placements or early intervention environments;

''(E) types of services;

''(F) content areas, such as reading; or

''(G) effective strategies for helping children with disabilities learn appropriate behavior in the school and other community-based educational settings;

''(2) projects that address the needs of children based on the severity or incidence of their disability;

''(3) projects that address the needs of—

''(A) low-achieving students;

''(B) underserved populations;

''(C) children from low-income families;

''(D) children with limited English proficiency;

''(E) unserved and underserved areas;

''(F) rural or urban areas;

''(G) children whose behavior interferes with their learning and socialization;

''(H) children with intractable reading difficulties; and

''(I) children in public charter schools;

''(4) projects to reduce inappropriate identification of children as children with disabilities, particularly among minority children; and

''(5) any activity that is expressly authorized in this subpart or subpart 3.

''(e) APPLICANT AND RECIPIENT RESPONSIBILITIES.—

''(1) DEVELOPMENT AND ASSESSMENT OF PROJECTS.—The Secretary shall require that an applicant for, and a recipient of, a grant, contract, or cooperative agreement for a project under this subpart—

''(A) involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project; and

''(B) where appropriate, determine whether the project has any potential for replication and adoption by other entities.

''(2) ADDITIONAL RESPONSIBILITIES.—The Secretary may require a recipient of a grant, contract, or cooperative agreement for a project under this subpart—

''(A) to share in the cost of the project;

''(B) to prepare the research and evaluation findings and products from the project in formats that are useful for specific audiences, including parents, administrators, teachers, early intervention personnel, related services personnel, and individuals with disabilities;

''(C) to disseminate such findings and products; and

''(D) to collaborate with other such recipients in carrying out subparagraphs (B) and (C).

''(f) APPLICATION MANAGEMENT.—

''(1) STANDING PANEL.—

''(A) IN GENERAL.—The Secretary shall establish and use a standing panel of experts who are qualified, by virtue of their training, expertise, or experience, to evaluate applications under this subpart (other than section 663) that, individually, request more than $75,000 per year in Federal financial assistance.

''(B) MEMBERSHIP.—The standing panel shall include, at a minimum—

''(i) individuals who are representatives of institutions of higher education that plan, develop, and carry out high-quality programs of personnel preparation;

''(ii) individuals who design and carry out scientifically-based research targeted to the improvement of special education programs and services;

''(iii) individuals who have recognized experience and knowledge necessary to integrate and apply scientifically-based research findings to improve educational and transitional results for children with disabilities;

''(iv) individuals who administer programs at the State or local level in which children with disabilities participate;

''(v) individuals who prepare parents of children with disabilities to participate in making decisions about the education of their children;

''(vi) individuals who establish policies that affect the delivery of services to children with disabilities;

''(vii) individuals who are parents of children with disabilities ages birth through 26 who are benefiting, or have benefited, from coordinated research, personnel preparation, and technical assistance; and

''(viii) individuals with disabilities.

''(C) TERM.—No individual shall serve on the standing panel for more than 3 consecutive years.

''(2) PEER-REVIEW PANELS FOR PARTICULAR COMPETITIONS.—

''(A) COMPOSITION.—The Secretary shall ensure that each subpanel selected from the standing panel that reviews applications under this subpart (other than section 663) includes—

''(i) individuals with knowledge and expertise on the issues addressed by the activities authorized by the subpart; and

''(ii) to the extent practicable, parents of children with disabilities ages birth through 26, individuals with disabilities, and persons from diverse backgrounds.

''(B) FEDERAL EMPLOYMENT LIMITATION.—A majority of the individuals on each subpanel that reviews an application under this subpart (other than section 663) shall be individuals who are not employees of the Federal Government.

''(3) USE OF DISCRETIONARY FUNDS FOR ADMINISTRATIVE PURPOSES.—

''(A) EXPENSES AND FEES OF NON-FEDERAL PANEL MEMBERS.—The Secretary may use funds available under this subpart to pay the expenses and fees of the panel members who are not officers or employees of the Federal Government.

''(B) ADMINISTRATIVE SUPPORT.—The Secretary may use not more than 1 percent of the funds appropriated to carry out this subpart to pay non-Federal entities for administrative support related to management of applications submitted under this subpart.

''(g) PROGRAM EVALUATION.—The Secretary may use funds appropriated to carry out this subpart to evaluate activities carried out under the subpart.

''(h) MINIMUM FUNDING REQUIRED.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall ensure that, for each fiscal year, at least the following amounts are provided under this subpart to address the following needs:

''(A) $12,832,000 to address the educational, related services, transitional, and early intervention needs of children with deaf-blindness.

''(B) $4,000,000 to address the postsecondary, vocational, technical, continuing, and adult education needs of individuals with deafness.

''(C) $4,000,000 to address the educational, related services, and transitional needs of children with an emotional disturbance and those who are at risk of developing an emotional disturbance.

''(2) RATABLE REDUCTION.—If the total amount appropriated to carry out this subpart for any fiscal year is less than $130,000,000, the amounts listed in paragraph (1) shall be ratably reduced.

''(i) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—Effective for fiscal years for which the Secretary may make grants under section 619(b), no State or local educational agency or educational service agency or other public institution or agency may receive a grant under this subpart which relates exclusively to programs, projects, and activities pertaining to children aged 3 through 5, inclusive, unless the State is eligible to receive a grant under section 619(b).

''SEC. 663. RESEARCH TO IMPROVE RESULTS FOR CHILDREN WITH DISABILITIES.

''(a) NATIONAL CENTER FOR SPECIAL EDUCATION RESEARCH.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—There is established, in the Institute of Education Sciences established under section 111 of the Education Sciences Reform Act of 2002 (Public Law 107–279; 116 Stat. 1944) (hereinafter in this section referred to as 'the Institute'), the National Center for Special Education Research.

''(B) COMMISSIONER.—The National Center for Special Education Research shall be headed by a Commissioner for Special Education Research (hereinafter in this section referred to as 'the Commissioner'). The Commissioner shall be appointed by the Director of the Institute (hereinafter in this section referred to as 'the Director') in accordance with section 117 of the Education Sciences Reform Act of 2002. The Commissioner shall have substantial knowledge of the Center's activities, including a high level of expertise in the fields of research and research management.

''(2) APPLICABILITY OF EDUCATION SCIENCE REFORM ACT OF 2002.—Parts A and E of the Education Sciences Reform Act of 2002, as well as the standards for peer review of applications and for the conduct and evaluation of research under sections 133(a) and 134 of such Act, shall apply to the Secretary, the Director, and the Commissioner in carrying out this section.

''(b) COMPETITIVE GRANTS.—The Director shall make competitive grants to, or enter into contracts or cooperative agreements with, eligible entities to expand the fundamental knowledge and understanding of the education of infants, toddlers, and children with disabilities in order to improve educational results for such individuals, in accordance with the priorities determined under this section.

''(c) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this section include research activities—

''(1) to improve services provided under this Act in order to improve academic achievement for children with disabilities;

''(2) to investigate scientifically based educational practices that support learning and improve academic achievement and progress for all students with disabilities;

''(3) to examine the special needs of preschool-aged children and infants and toddlers with disabilities, including factors that may result in developmental delays;

''(4) to investigate scientifically based related services and interventions that promote participation and progress in the general education curriculum;

''(5) to improve the alignment, compatibility, and development of valid and reliable assessment methods for assessing adequate yearly progress, as described under section 1111(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B));

''(6) to improve the alignment, compatibility, and development of valid and reliable alternate assessment methods for assessing adequate yearly progress, as described under such section 1111(b)(2)(B);

''(7) to examine State content standards and alternate assessments for students with a significant cognitive impairment in terms of academic achievement, individualized instructional need, appropriate educational settings, and improved post-school results;

''(8) to examine the educational and developmental needs of children with high-incidence and low-incidence disabilities;

''(9) to examine the extent to which overidentification and underidentification of children with disabilities occurs, and the causes thereof;

''(10) to improve reading and literacy skills for children with disabilities;

''(11) to examine and improve secondary and postsecondary education and transitional needs of children with disabilities;

''(12) to examine methods of early intervention for children with disabilities who need significant levels of support;

''(13) to examine universal design concepts in the development of assessments, curricula, and instructional methods as a method to improve educational results for children with disabilities;

''(14) to improve the professional preparation for personnel who provide educational and related services to children with disabilities, including children with low-incidence disabilities, to increase academic achievement of children with disabilities;

''(15) to examine the excess costs of educating a child with a disability and expenses associated with high-cost special education and related services; and

''(16) to examine the special needs of limited English proficient children with disabilities.

''(d) PLAN.—The National Center for Special Education Research shall propose to the Director a research plan, with the advice of the Assistant Secretary for Special Education and Rehabilitative Services, that—

''(1) is consistent with the priorities and mission of the Institute of Educational Sciences and the mission of the Special Education Research Center and includes the activities described in paragraph (3);

''(2) shall be carried out pursuant to subsection (c) and, as appropriate, be updated and modified; and

''(3) carries out specific, long-term research activities that are consistent with the priorities and mission of the Institute of Educational Sciences, and are approved by the Director.

''(e) IMPLEMENTATION.—The National Center for Special Education Research shall implement the plan proposed under subsection (d) to carry out scientifically valid research that—

''(1) is consistent with the purposes of this Act;

''(2) reflects an appropriate balance across all age ranges of children with disabilities;

''(3) provides for research that is objective and that uses measurable indicators to assess its progress and results;

''(4) includes both basic research and applied research, which shall include research

conducted through field-initiated studies and which may include ongoing research initiatives;

''(5) ensures that the research conducted under this section is relevant to special education practice and policy;

''(6) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance as well as activities authorized under this part, the findings and results of education research conducted or supported by the National Center for Special Education Research; and

''(7) assist the Director in the preparation of a biennial report, as a described in section 119 of the Education Sciences Reform Act of 2003.

''(f) APPLICATIONS.—An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require.

''SEC. 664. TECHNICAL ASSISTANCE, DEMONSTRATION PROJECTS, DISSEMINATION OF INFORMATION, AND IMPLEMENTATION OF SCIENTIFICALLY BASED RESEARCH.

''(a) IN GENERAL.—The Secretary shall make competitive grants to, or enter into contracts or cooperative agreements with, eligible entities including regional resource centers and clearinghouses to provide technical assistance, support model demonstration projects, disseminate useful information, and implement activities that are supported by scientifically based research.

''(b) REQUIRED ACTIVITIES.—Funds received under this section shall be used to support activities to improve services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities, that promote academic achievement and improve results for children with disabilities through—

''(1) implementing effective strategies for addressing inappropriate behavior of students with disabilities in schools, including strategies to prevent children with emotional and behavioral problems from developing emotional disturbances that require the provision of special education and related services;

''(2) improving the alignment, compatibility, and development of valid and reliable assessments and alternate assessments for assessing adequate yearly progress, as described under section 1111(b)(2)(B) of the Elementary and Secondary Education Act of 1965;

''(3) providing training for both regular education teachers and special education teachers to address the needs of students with different learning styles;

''(4) identifying innovative, effective, and efficient curricula designs, instructional approaches, and strategies, and identifying positive academic and social learning opportunities, that—

''(A) provide effective transitions between educational settings or from school to post school settings; and

''(B) improve educational and transitional results at all levels of the educational system in which the activities are carried out and, in particular, that improve the progress of children with disabilities, as measured by assessments within the general education curriculum involved; and

''(5) demonstrating and applying scientifically based findings to facilitate systemic changes, related to the provision of services to children with disabilities, in policy, procedure, practice, and the training and use of personnel.

''(c) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this section include activities to improve services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities, that promote academic achievement and improve results for children with disabilities through—

''(1) applying and testing research findings in typical service settings to determine the usefulness, effectiveness, and general applicability of such research findings in such areas as improving instructional methods, curricula, and tools, such as textbooks and media;

''(2) supporting and promoting the coordination of early intervention and educational services for children with disabilities with services provided by health, rehabilitation, and social service agencies;

''(3) promoting improved alignment and compatibility of general and special education reforms concerned with curricular and instructional reform, and evaluation of such reforms;

''(4) enabling professionals, parents of children with disabilities, and other persons to learn about, and implement, the findings of scientifically based research, and successful practices developed in model demonstration projects, relating to the provision of services to children with disabilities;

''(5) conducting outreach, and disseminating information, relating to successful approaches to overcoming systemic barriers to the effective and efficient delivery of early intervention, educational, and transitional services to personnel who provide services to children with disabilities;

''(6) assisting States and local educational agencies with the process of planning systemic changes that will promote improved early intervention, educational, and transitional results for children with disabilities;

''(7) promoting change through a multistate or regional framework that benefits States, local educational agencies, and other participants in partnerships that are in the process of achieving systemic-change outcomes;

''(8) focusing on the needs and issues that are specific to a population of children with disabilities, such as the provision of single-State and multi-State technical assistance and in-service training—

''(A) to schools and agencies serving deaf-blind children and their families;

''(B) to programs and agencies serving other groups of children with low-incidence disabilities and their families;

''(C) addressing the postsecondary education needs of individuals who are deaf or hard-of-hearing; and

''(D) to schools and personnel providing special education and related services for children with autism spectrum disorders;

''(9) demonstrating models of personnel preparation to ensure appropriate placements and services for all students and reduce disproportionality in eligibility, placement, and disciplinary actions for minority and limited English proficient children; and

''(10) disseminating information on how to reduce racial and ethnic disproportionalities identified under section 618.

''(d) BALANCE AMONG ACTIVITIES AND AGE RANGES.—In carrying out this section, the Secretary shall ensure that there is an appropriate balance across all age ranges of children with disabilities.

''(e) LINKING STATES TO INFORMATION SOURCES.—In carrying out this section, the Secretary shall support projects that link States to technical assistance resources, including special education and general education resources, and shall make research and related products available through libraries, electronic networks, parent training projects, and other information sources, including through the activities of the National Center for Evaluation and Regional Assistance established under the Education Sciences Reform Act.

''(f) APPLICATIONS.—

''(1) IN GENERAL.—An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) STANDARDS.—To the maximum extent feasible, each applicant shall demonstrate that the project described in its application is supported by scientifically valid research that has been carried out in accordance with the standards for the conduct and evaluation of all relevant research and development established by the National Center for Education Research.

''(3) PRIORITY.—As appropriate, the Secretary shall give priority to applications that propose to serve teachers and school personnel directly in the school environment.

''SEC. 665. PERSONNEL PREPARATION PROGRAMS TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.

''(a) IN GENERAL.—The Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, eligible entities—

''(1) to help address State-identified needs for qualified personnel in special education, related services, early intervention, and regular education, to work with children with disabilities;

''(2) to ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined, through scientifically valid research, to be successful in serving those children;

''(3) to encourage increased focus on academics and core content areas in special education personnel preparation programs;

''(4) to ensure that regular education teachers have the necessary skills and knowledge to provide instruction to students with disabilities in the regular education classroom;

''(5) to provide high-quality professional development for principals, superintendents, and other administrators, including training in—

''(A) instructional leadership;

''(B) behavioral supports in the school and classroom;

''(C) paperwork reduction;

''(D) promoting improved collaboration between special education and general education teachers;

''(E) assessment and accountability;

''(F) ensuring effective learning environments; and

''(G) fostering positive relationships with parents; and

''(6) to ensure that all special education teachers teaching in core academic subjects are highly qualified.

''(b) PERSONNEL PREPARATION; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, including activities for high-incidence and low-incidence disabilities, consistent with the objectives described in subsection (a).

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include the following:

''(A) Promoting activities undertaken by institutions of higher education, local educational agencies, and other local entities—

''(i) to improve and reform their existing programs, and to support effective existing programs, to prepare teachers and related services personnel—

''(I) to meet the diverse needs of children with disabilities for early intervention, educational, and transitional services, including to train school safety personnel and first responders who work at qualified educational facilities; and

''(II) to work collaboratively in regular classroom settings; and

''(ii) to incorporate best practices and scientifically based research about preparing personnel—

''(I) so they will have the knowledge and skills to improve educational results for children with disabilities; and

''(II) so they can implement effective teaching strategies and interventions to ensure appropriate identification, and to prevent the misidentification or overidentification, of children as having a disability, especially minority and limited English proficient children.

''(B) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of highly qualified teachers to reduce shortages in personnel.

''(C) Developing and improving programs for paraprofessionals to assist in the provision of special education, related services, and early intervention services, including interdisciplinary training to enable them to improve early intervention, educational, and transitional results for children with disabilities.

''(D) Demonstrating models for the preparation of, and interdisciplinary training of, early intervention, special education, and general education personnel, to enable the personnel to acquire the collaboration skills necessary to work within teams to improve results for children with disabilities, particularly within the general education curriculum.

''(E) Promoting the transferability, across State and local jurisdictions, of licensure and certification of teachers and administrators working with such children.

''(F) Developing and disseminating models that prepare teachers with strategies, including behavioral interventions, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom.

''(G) Developing and improving programs to enhance the ability of general education teachers, principals, school administrators, and school board members to improve results for children with disabilities.

''(H) Supporting institutions of higher education with minority enrollments of at least 25 percent for the purpose of preparing personnel to work with children with disabilities.

''(I) Developing and improving programs to train special education teachers with an expertise in autism spectrum disorders, including to train school safety personnel and first responders who work at qualified educational facilities.

''(c) LOW-INCIDENCE DISABILITIES; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that benefit children with low-incidence disabilities.

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

''(A) Preparing persons who—

''(i) have prior training in educational and other related service fields; and

''(ii) are studying to obtain degrees, certificates, or licensure that will enable them to assist children with low-incidence disabilities to achieve the objectives set out in their individualized education programs described in section 614(d), or to assist infants and toddlers with low incidence disabilities to achieve the outcomes described in their individualized family service plans described in section 636.

''(B) Providing personnel from various disciplines with interdisciplinary training that will contribute to improvement in early intervention, educational, and transitional results for children with low-incidence disabilities.

''(C) Preparing personnel in the innovative uses and application of technology to enhance learning by children with low-incidence disabilities through early intervention, educational, and transitional services.

''(D) Preparing personnel who provide services to visually impaired or blind children to teach and use Braille in the provision of services to such children.

''(E) Preparing personnel who provide services to deaf and hard-of-hearing children by providing direct language and communication access to the general education curriculum through spoken or signed languages, or other modes of communication.

''(F) Preparing personnel to be qualified educational interpreters, to assist children with low-incidence disabilities, particularly deaf and hard-of-hearing children in school and school-related activities and deaf and hard-of-hearing infants and toddlers and preschool children in early intervention and preschool programs.

''(G) Preparing personnel who provide services to children with low-incidence disabilities with limited English proficiency.

''(3) DEFINITION.—As used in this section, the term 'low-incidence disability' means—

''(A) a visual or hearing impairment, or simultaneous visual and hearing impairments;

''(B) a significant cognitive impairment; or

''(C) any impairment for which a small number of personnel with highly specialized skills and knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education.

''(4) SELECTION OF RECIPIENTS.—In selecting recipients under this subsection, the Secretary may give preference to applications that propose to prepare personnel in more than one low-incidence disability, such as deafness and blindness.

''(5) PREPARATION IN USE OF BRAILLE.—The Secretary shall ensure that all recipients of assistance under this subsection who will use that assistance to prepare personnel to provide services to visually impaired or blind children that can appropriately be provided in Braille will prepare those individuals to provide those services in Braille.

''(d) LEADERSHIP PREPARATION; AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support leadership preparation activities that are consistent with the objectives described in subsection (a).

''(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include activities such as the following:

''(A) Preparing personnel at the graduate, doctoral, and postdoctoral levels of training to administer, enhance, or provide services to improve results for children with disabilities.

''(B) Providing interdisciplinary training for various types of leadership personnel, including teacher preparation faculty, related services faculty, administrators, researchers, supervisors, principals, and other persons whose work affects early intervention, educational, and transitional services for children with disabilities, including children with disabilities with limited English proficiency.

''(e) APPLICATIONS.—

''(1) IN GENERAL.—Any eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) IDENTIFIED STATE NEEDS.—

''(A) REQUIREMENT TO ADDRESS IDENTIFIED NEEDS.—Any application under subsection (b), (c), or (d) shall include information demonstrating to the satisfaction of the Secretary that the activities described in the application will address needs identified by the State or States the applicant proposes to serve.

''(B) COOPERATION WITH STATE EDUCATIONAL AGENCIES.—Any applicant that is not a local educational agency or a State educational agency shall include information demonstrating to the satisfaction of the Secretary that the applicant and one or more State educational agencies or local educational agencies will cooperate in carrying out and monitoring the project.

''(3) ACCEPTANCE BY STATES OF PERSONNEL PREPARATION REQUIREMENTS.—The Secretary may require applicants to provide assurances from one or more States that such States—

''(A) intend to accept successful completion of the proposed personnel preparation program as meeting State personnel standards or other requirements in State law or regulation for serving children with disabilities or serving infants and toddlers with disabilities; and

''(B) need personnel in the area or areas in which the applicant proposes to provide preparation, as identified in the States' comprehensive systems of personnel development under parts B and C.

''(f) SELECTION OF RECIPIENTS.—

''(1) IMPACT OF PROJECT.—In selecting recipients under this section, the Secretary shall consider the impact of the project proposed in the application in meeting the need for personnel identified by the States.

''(2) REQUIREMENT ON APPLICANTS TO MEET STATE AND PROFESSIONAL STANDARDS.—The Secretary shall make grants under this section only to eligible applicants that meet State and professionally recognized standards for the preparation of special education and related services personnel, if the purpose of the project is to assist personnel in obtaining degrees.

''(3) PREFERENCES.—In selecting recipients under this section, the Secretary may—

''(A) give preference to institutions of higher education that are educating regular education personnel to meet the needs of children with disabilities in integrated settings and educating special education personnel to work in collaboration with regular educators in integrated settings; and

''(B) give preference to institutions of higher education that are successfully recruiting and preparing individuals with disabilities and individuals from groups that are underrepresented in the profession for which they are preparing individuals.

''(g) SERVICE OBLIGATION.—

''(1) IN GENERAL.—Each application for funds under subsections (b) and (c) shall include an assurance that the applicant will ensure that individuals who receive a scholarship under the proposed project will subsequently provide special education and related services to children with disabilities for a period of 2 years for every year for which assistance was received or repay all or part of the cost of that assistance, in accordance with regulations issued by the Secretary.

''(2) LEADERSHIP PREPARATION.—Each application for funds under subsection (d) shall include an assurance that the applicant will

ensure that individuals who receive a scholarship under the proposed project will subsequently perform work related to their preparation for a period of 2 years for every year for which assistance was received or repay all or part of such costs, in accordance with regulations issued by the Secretary.

''(h) SCHOLARSHIPS.—The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards under subsections (b), (c), and (d).

"SEC. 666. STUDIES AND EVALUATIONS.

''(a) IN GENERAL.—

''(1) PROGRESS ASSESSMENT.—The Secretary shall, in accordance with the priorities determined under this section and in section 663, directly or through competitive grants, contracts, or cooperative agreements, assess the progress in the implementation of this Act, including the effectiveness of State and local efforts to provide—

''(A) a free appropriate public education to children with disabilities; and

''(B) early intervention services to infants and toddlers with disabilities and infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to them.

''(2) DELEGATION.—Notwithstanding any other provision of law, the Secretary shall designate the Director of the Institute for Education Sciences to carry out this section.

''(3) AUTHORIZED ACTIVITIES.—In carrying out this subsection, the Secretary may support objective studies, evaluations, and assessments, including studies that—

''(A) analyze issues identified in the research agenda in section 663(d);

''(B) meet the standards in section 663(c); and

''(C) undertake one or more of the following:

''(i) An analysis of the measurable impact, outcomes, and results achieved by State educational agencies and local educational agencies through their activities to reform policies, procedures, and practices designed to improve educational and transitional services and results for children with disabilities.

''(ii) An analysis of State and local needs for professional development, parent training, and other appropriate activities that can reduce the need for disciplinary actions involving children with disabilities.

''(iii) An assessment of educational and transitional services and results for children with disabilities from minority backgrounds or are limited English proficient, including—

''(I) data on—

''(aa) the number of such children who are referred for special education evaluation;

''(bb) the number of such children who are receiving special education and related services and their educational or other service placement;

''(cc) the number of such children who graduated from secondary programs with a regular diploma in the standard number of years; and

''(dd) the number of such children who drop out of the educational system without a regular diploma; and

''(II) the performance of such children with disabilities on State assessments and other performance indicators established for all students.

''(iv) A measurement of educational and transitional services and results of children with disabilities served under this Act, including longitudinal studies that—

''(I) examine educational and transitional services and results for children with disabilities who are 3 through 17 years of age and are receiving special education and related services under this Act, using a national, representative sample of distinct age cohorts and disability categories; and

''(II) examine educational results, transition services, postsecondary placement, and employment status of individuals with disabilities, 18 through 21 years of age, who are receiving or have received special education and related services under this Act.

''(v) An identification and report on the placement of children with disabilities by disability category.

''(b) NATIONAL ASSESSMENT.—

''(1) IN GENERAL.—The Secretary shall carry out a national assessment of activities carried out with Federal funds under this Act in order—

''(A) to determine the effectiveness of this Act in achieving its purposes;

''(B) to provide timely information to the President, the Congress, the States, local educational agencies, and the public on how to implement the Act more effectively; and

''(C) to provide the President and the Congress with information that will be useful in developing legislation to achieve the purposes of this Act more effectively.

''(2) PUBLIC COMMENT.—

''(A) PLAN.—Not later than 12 months after the date of enactment of the Improving Education Results for Children With Disabilities Act of 2003, the Secretary shall publish in the Federal Register for public comment a comprehensive plan for developing and conducting the national assessment.

''(B) COMMENT PERIOD.—The Secretary shall provide a public comment period of at least 30 days on such plan.

''(3) SCOPE OF ASSESSMENT.—The national assessment shall assess the—

''(A) implementation of programs assisted under this Act and the impact of such programs on addressing the developmental needs of, and improving the academic achievement of, children with disabilities to enable them to reach challenging developmental goals and challenging State academic content standards based on State academic assessments;

''(B) types of programs and services that have demonstrated the greatest likelihood of helping students reach the challenging State academic content standards and developmental goals;

''(C) implementation of the professional development activities assisted under this Act and the impact on instruction, student academic achievement, and teacher qualifications to enhance the ability of special education teachers and regular education teachers to improve results for children with disabilities; and

''(D) effectiveness of schools, local educational agencies, States, other recipients of assistance under this Act, and the Secretary in achieving the purposes of this Act by—

''(i) improving the academic achievement of children with disabilities and their performance on regular statewide assessments as compared to nondisabled children, and the performance of children with disabilities on alternate assessments;

''(ii) improving the participation of children with disabilities in the general education curriculum;

''(iii) improving the transitions of children with disabilities at natural transition points;

''(iv) placing and serving children with disabilities, including minority children, in the least restrictive environment appropriate;

''(v) preventing children with disabilities, especially children with emotional disturbances and specific learning disabilities, from dropping out of school;

''(vi) addressing the reading and literacy needs of children with disabilities;

''(vii) reducing the overidentification of children, especially minority and limited English proficient children, as having a disability;

''(viii) improving the participation of parents of children with disabilities in the education of their children; and

''(ix) resolving disagreements between education personnel and parents through alternate dispute resolution activities including mediation and voluntary binding arbitration.

''(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit to the President and the Congress—

''(A) an interim report that summarizes the preliminary findings of the assessment not later than 30 months after the date of the enactment of the Improving Education Results for Children With Disabilities Act of 2003; and

''(B) a final report of the findings of the assessment not later than 5 years after the date of the enactment of such Act.

''(c) ANNUAL REPORT.—The Secretary shall provide an annual report to the Congress that—

''(1) summarizes the research conducted under section 663;

''(2) analyzes and summarizes the data reported by the States and the Secretary of the Interior under section 618;

''(3) summarizes the studies and evaluations conducted under this section and the timeline for their completion;

''(4) describes the extent and progress of the national assessment; and

''(5) describes the findings and determinations resulting from reviews of State implementation of this Act.

"SEC. 667. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out sections 663, 664, and 666 $171,861,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009. There are authorized to be appropriated to carry out section 665 $90,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009.

"Subpart 3—Supports To Improve Results for Children With Disabilities

"SEC. 671. PURPOSES.

''The purposes of this subpart are to ensure that—

''(1) children with disabilities and their parents receive training and information on their rights, responsibilities, and protections under this Act, in order to develop the skills necessary to cooperatively and effectively participate in planning and decisionmaking relating to early intervention, educational, and transitional services;

''(2) parents, teachers, administrators, early intervention personnel, related services personnel, and transition personnel receive coordinated and accessible technical assistance and information to assist them in improving early intervention, educational, and transitional services and results for children with disabilities and their families; and

''(3) appropriate technology and media are researched, developed, and demonstrated, to improve and implement early intervention, educational, and transitional services and results for children with disabilities and their families.

"SEC. 672. PARENT TRAINING AND INFORMATION CENTERS.

''(a) PROGRAM AUTHORIZED.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, parent organizations to support parent training and information centers to carry out activities under this section.

''(b) REQUIRED ACTIVITIES.—Each parent and community training and information center that receives assistance under this section shall—

''(1) provide training and information that meets the needs of parents of children with disabilities living in the area served by the

center, including underserved parents and parents of children who may be inappropriately identified, to enable children with disabilities—

''(A) to meet developmental and challenging academic achievement goals that have been established for all children; and

''(B) to be prepared to lead productive independent adult lives to the maximum extent possible;

''(2) ensure that the training and information provided meets the needs of low-income parents and parents of children with limited English proficiency;

''(3) serve the parents of infants, toddlers, and children with the full range of disabilities;

''(4) assist parents—

''(A) to better understand the nature of their children's disabilities and their educational, developmental, and transitional needs;

''(B) to communicate effectively and work collaboratively with personnel responsible for providing special education, early intervention, transition services, and related services;

''(C) to participate in decisionmaking processes and the development of individualized education programs under part B and individualized family service plans under part C;

''(D) to obtain appropriate information about the range, type and quality of options, programs, services, and resources available to assist children with disabilities and their families in school and at home;

''(E) to understand the provisions of this Act for the education of, and the provision of early intervention services to, children with disabilities; and

''(F) to participate in activities at the school level which benefit their children;

''(5) assist parents in resolving disputes in the most expeditious way possible, including encouraging the use, and explaining the benefits, of alternative methods of dispute resolution, such as the use of individualized education program facilitators and mediation and voluntary binding arbitration processes described in section 615(e);

''(6) assist parents to understand the availability of, and how to effectively use, procedural safeguards under this Act;

''(7) network with appropriate clearinghouses, including organizations conducting national dissemination activities under subpart 2 and the Institute of Educational Sciences, and with other national, State, and local organizations and agencies, such as protection and advocacy agencies, that serve parents and families of children with the full range of disabilities; and

''(8) annually report to the Secretary on—

''(A) the number and demographics of parents to whom it provided information and training in the most recently concluded fiscal year; and

''(B) the effectiveness of strategies used to reach and serve parents, including underserved parents of children with disabilities.

''(c) OPTIONAL ACTIVITIES.—A parent training and community and information center that receives assistance under this section may—

''(1) provide information to teachers and other professionals to assist them in improving results for children with disabilities; and

''(2) assist students with disabilities to understand their rights and responsibilities under section 615(l) on reaching the age of majority.

''(d) APPLICATION REQUIREMENTS.—Each application for assistance under this section shall identify with specificity the special efforts that the applicant will undertake—

''(1) to ensure that the needs for training and information of underserved parents of children with disabilities in the area to be served are effectively met; and

''(2) to work with community-based organizations, including those that work with low-income parents and parents of children with limited English proficiency.

''(e) DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—The Secretary shall make at least 1 award to a parent organization in each State, unless the Secretary does not receive an application from such an organization in each State of sufficient quality to warrant approval.

''(2) SELECTION REQUIREMENT.—The Secretary shall select among applications submitted by parent organizations in a State in a manner that ensures the most effective assistance to parents, including parents in urban and rural areas, in the State.

''(f) QUARTERLY REVIEW.—

''(1) REQUIREMENTS.—

''(A) MEETINGS.—The board of directors or special governing committee of each organization that receives an award under this section shall meet at least once in each calendar quarter to review the activities for which the award was made.

''(B) ADVISING BOARD.—Each special governing committee shall directly advise the organization's governing board of its views and recommendations.

''(2) CONTINUATION AWARD.—When an organization requests a continuation award under this section, the board of directors or special governing committee shall submit to the Secretary a written review of the parent training and information program conducted by the organization during the preceding fiscal year.

''(g) DEFINITION OF PARENT ORGANIZATION.—As used in this section, the term 'parent organization' means a private nonprofit organization (other than an institution of higher education) that—

''(1) has a board of directors—

''(A) the majority of whom are parents of children with disabilities ages birth through 26;

''(B) that includes—

''(i) individuals working in the fields of special education, related services, and early intervention; and

''(ii) individuals with disabilities; and

''(C) the parent and professional members of which are broadly representative of the population to be served, including low-income and limited English proficient parents of children with disabilities; or

''(2) has—

''(A) a membership that represents the interests of individuals with disabilities and has established a special governing committee that meets the requirements of paragraph (1); and

''(B) a memorandum of understanding between the special governing committee and the board of directors of the organization that clearly outlines the relationship between the board and the committee and the decisionmaking responsibilities and authority of each.

"SEC. 673. COMMUNITY PARENT RESOURCE CENTERS.

''(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, local parent organizations to support parent training and information centers that will help ensure that underserved parents of children with disabilities, including low-income parents, parents of children with limited English proficiency, and parents with disabilities, have the training and information they need to enable them to participate effectively in helping their children with disabilities—

''(1) to meet developmental goals and, to the maximum extent possible, those challenging standards that have been established for all children; and

''(2) to be prepared to lead productive independent adult lives, to the maximum extent possible.

''(b) REQUIRED ACTIVITIES.—Each parent training and information center assisted under this section shall—

''(1) provide training and information that meets the training and information needs of parents of children with disabilities proposed to be served by the grant, contract, or cooperative agreement;

''(2) carry out the activities required of parent training and information centers under paragraphs (2) through (7) of section 672(b);

''(3) establish cooperative partnerships with the parent training and information centers funded under section 672; and

''(4) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support.

''(c) DEFINITION.—As used is this section, the term 'local parent organization' means a parent organization, as defined in section 672(g), that either—

''(1) has a board of directors the majority of whom are from the community to be served; or

''(2) has—

''(A) as a part of its mission, serving the interests of individuals with disabilities from such community; and

''(B) a special governing committee to administer the grant, contract, or cooperative agreement, a majority of the members of which are individuals from such community.

"SEC. 674. TECHNICAL ASSISTANCE FOR PARENT TRAINING AND INFORMATION CENTERS.

''(a) IN GENERAL.—The Secretary may, directly or through awards to eligible entities (as defined in section 662(b)), provide technical assistance for developing, assisting, and coordinating parent training and information programs carried out by parent training and information centers receiving assistance under sections 672 and 673.

''(b) AUTHORIZED ACTIVITIES.—The Secretary may provide technical assistance to a parent training and information center under this section in areas such as—

''(1) effective coordination of parent training efforts;

''(2) dissemination of scientifically based research and information;

''(3) promotion of the use of technology, including assistive technology devices and assistive technology services;

''(4) reaching underserved populations, including parents of low-income and limited English proficient children with disabilities;

''(5) including children with disabilities in general education programs;

''(6) facilitation of transitions from—

''(A) early intervention services to preschool;

''(B) preschool to elementary school;

''(C) elementary school to secondary school; and

''(D) secondary school to postsecondary environments; and

''(7) promotion of alternative methods of dispute resolution, including mediation and voluntary binding arbitration.

"SEC. 675. TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND UTILIZATION; AND MEDIA SERVICES.

''(a) IN GENERAL.—The Secretary shall competitively make grants to, and enter into contracts and cooperative agreements with, eligible entities (as defined in section 662(b)) to support activities described in subsections (b) and (c).

''(b) TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND UTILIZATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities to promote the development, demonstration, and utilization of technology.

''(2) AUTHORIZED ACTIVITIES.—The following activities may be carried out under this subsection:

''(A) Conducting research on, and promoting the demonstration and use of—

''(i) innovative and emerging technologies for children with disabilities; and

''(ii) improved transfer of technology from research and development to practice.

''(B) Supporting research, development, and dissemination of technology with universal-design features, so that the technology is accessible to individuals with disabilities without further modification or adaptation.

''(C) Demonstrating the use of systems to provide parents and teachers with information and training concerning early diagnosis of, intervention for, and effective teaching strategies for, young children with reading disabilities.

''(D) Supporting the implementation of research programs.

''(E) Communicating information on available technology and the uses of such technology to assist children with disabilities.

''(c) EDUCATIONAL MEDIA SERVICES; OPTIONAL ACTIVITIES.—In carrying out this section, the Secretary may support—

''(1) educational media activities that are designed to be of educational value in the classroom setting to children with disabilities;

''(2) providing video description, open captioning, or closed captioning of television programs, videos or other materials that would be appropriate for use in the classroom setting, or news (until the end of fiscal year 2006), when such services are not provided by the producer or distributor of such information, including programs and materials associated with new and emerging technologies such as CDs, DVDs, video streaming, and other forms of multimedia;

''(3) distributing materials described in paragraphs (1) and (2) through such mechanisms as a loan service; and

''(4) providing free educational materials, including textbooks, in accessible media for visually impaired and print-disabled students in elementary, secondary, postsecondary, and graduate schools.

''(d) APPLICATIONS.—Any eligible entity (as defined in section 662(b)) that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. For purposes of subsection (c)(4), such entity shall—

''(1) be a national, nonprofit entity with a track record of meeting the needs of students with print disabilities through services described in paragraph (4);

''(2) have the capacity to produce, maintain, and distribute in a timely fashion, up-to-date textbooks in digital audio formats to qualified students; and

''(3) have a demonstrated ability to significantly leverage Federal funds through other public and private contributions, as well as through the expansive use of volunteers.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out section 674 $32,710,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009. There are authorized to be appropriated to carry out sections 672 and 673 $26,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2009.''.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SENSE OF CONGRESS RELATING TO SAFE AND DRUG-FREE SCHOOLS.

(a) FINDINGS.—Congress finds the following:

(1) Providing children with disabilities with a safe, productive, and drug-free learning environment is a laudable goal for our Nation's schools.

(2) Schools are a refuge for students, not a place where drugs and violence are to be tolerated.

(3) Every child with a disability in the Nation deserves access to a quality education, including a safe and drug-free learning environment.

(4) Local educational agencies, school boards, schools, teachers, administrators, and students all have a responsibility to keep school facilities, including lockers, drug-free.

(5) Random searches of student lockers to seize any illegal drugs or drug paraphernalia has been known to work as an effective method to address the problem of such drugs and paraphernalia. The time of day in which lockers are to be searched should be left to the discretion of the local educational agency.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that safe and drug-free schools are essential for the learning and development of children with disabilities.

SEC. 502. STUDY AND REPORT ON STATE COSTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) STUDY.—The Secretary of Education shall conduct a study on the amount of cost to States to comply with the requirements of the Individuals with Disabilities Education Act.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that contains the results of the study conducted under subsection (a).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BURTON of Indiana, announced that the yeas had it.

Ms. WOOLSEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 251 / Nays 171

¶43.16 [Roll No. 154]

YEAS—251

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

NAYS—171

Abercrombie
Ackerman
Alexander
Allen
Baca
Baldwin
Ballance
Bartlett (MD)
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor

Paul	Sanchez, Loretta	Tierney
Payne	Sanders	Towns
Pelosi	Sandlin	Udall (CO)
Peterson (MN)	Schakowsky	Udall (NM)
Price (NC)	Schiff	Van Hollen
Rahall	Scott (GA)	Velazquez
Ramstad	Scott (VA)	Visclosky
Rangel	Serrano	Waters
Reyes	Sherman	Watson
Rodriguez	Solis	Watt
Ross	Spratt	Waxman
Rothman	Stark	Weiner
Roybal-Allard	Strickland	Wexler
Ruppersberger	Stupak	Woolsey
Rush	Tanner	Wynn
Ryan (OH)	Tauscher	
Sanchez, Linda T.	Thompson (CA)	
	Thompson (MS)	

NOT VOTING—12

Becerra	Gephardt	Owens
Combest	Honda	Slaughter
Dreier	Kingston	Snyder
Evans	McCarthy (MO)	Whitfield

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶43.17 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. BOEHNER, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

¶43.18 ORDER OF BUSINESS—SUSPENSION OF THE RULES

On motion of Mr. BOEHNER, by unanimous consent,

Ordered, That the Speaker may be permitted to entertain motions that the House suspend the rules on Wednesdays through June 25, 2003, as though under clause 1 of rule XV.

¶43.19 COMMITTEE ELECTION—MINORITY

Mr. MENENDEZ, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 209):

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON SMALL BUSINESS: Mr. Miller of North Carolina.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶43.20 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Mr. BURTON of Indiana, laid before the House a communication, which was read as follows:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, April 30, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed please find resolutions approved by the Committee on Transportation and Infrastructure on April 9, 2003, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,
Chairman.

Enclosures.

COMMITTEE RESOLUTIONS—LEASE—DEPARTMENT OF JUSTICE, 1401 H STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 116,064 rentable square feet of space for the Department of Justice currently located in leased space at 1401 H Street, NW, in Washington, DC, at a proposed total annual cost of $5,222,880 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF JUSTICE, 600 E STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 347,020 rentable square feet of space for the Department of Justice currently located in leased space at 600 E Street, NW, in Washington, DC, at a proposed total annual cost of $15,615,900 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 165,824 rentable square feet of space for the Department of Health and Human Services, Administration for Children and Families, currently located in leased space at 370 L'Enfant Promenade, SW, in Washington, DC, at a proposed total annual cost of $7,462,080 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—OFFICE OF GOVERNMENT ETHICS AND CORPORATION FOR NATIONAL SERVICE, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 118,754 rentable square feet of space for the Office of Government Ethics and Corporation for National Service currently located in leased space at 1201 and 1225 New York Avenue, in Washington, DC, at a proposed total annual cost of $5,343,930 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 251,527 rentable square feet of space for the Department of Health and Human Services Substance Abuse and Mental Health Services Administration currently located in leased space at 5515 Security Lane and 5600 Fishers Lane, Rockville, MD at a proposed total annual cost of $8,551,918 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF DEFENSE, 5600 COLUMBIA PIKE, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 162,696 rentable square feet of space for the Department of Defense, Defense Information Systems Agency currently located in leased space at 5600 Columbia Pike, in Falls Church, VA at a proposed total annual cost of $5,531,664 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF DEFENSE, CRYSTAL PLAZA V, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 153,560 rentable square feet of space for the Department of Defense currently located in leased space at Crystal Plaza V, 2211 South Clark Place, in Arlington, VA, at a proposed total annual cost of $5,221,040 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF DEFENSE, HOFFMAN BUILDING 2, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 403,734 rentable square feet of space at Hoffman Building 2, 200 Stoval Street, in Alexandria, VA at a proposed total annual cost of $13,726,956 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF DEFENSE, SECRETARY OF THE ARMY, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 524,867 rentable square feet of space for the Department of Defense, Secretary of the Army, Office of the Administrative Assistant currently located in leased space at the Pentagon and various leased locations, in Northern Virginia, at a proposed total annual cost of $17,845,478 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF THE INTERIOR, DEPARTMENT OF COMMERCE, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 134,237 rentable square feet of space for the Department of the Interior, and the Department of Commerce currently located in leased space at 381 Elden Street, in Fairfax, VA at a proposed total annual cost of $4,564,058 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF DEFENSE, MISSILE DEFENSE AGENCY, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 144,552 rentable square feet of space for the Department of Defense, Missile Defense Agency currently located in leased space at Wing 8 of Federal Office Building #2, Arlington Naval Annex in Arlington, VA at a proposed total annual cost of $4,914,768 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF THE TREASURY, FINANCIAL CRIMES ENFORCEMENT NETWORK, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 149,040 rentable square feet of space for the Department of the Treasury, Financial Crimes Enforcement Network currently located in leased space at Tycon Courthouse, 2070 Chain Bridge Road in Fairfax, VA at a proposed total annual cost of $5,067,360 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF STATE, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 281,558 rentable square feet of space for the Department of State currently located in leased space at 1701 N. Fort Myer Drive, in Arlington, VA at a proposed total annual cost of $9,572,972 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—LEASE—MULTIPLE AGENCIES, 999 18TH STREET, DENVER, CO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 231,981 rentable square feet of space for the Environmental Protection Agency Region VIII, GSA Federal Telecommunications Service, and the Department of Health and Human Services, Centers for Disease Control and Prevention, currently located in leased space at 999 18th Street, in Denver, CO, at a proposed total annual cost of $7,191,411 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION—AMENDMENT—BYRON G. ROGERS FEDERAL BUILDING, UNITED STATES COURTHOUSE, DENVER, COLORADO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized for the alteration of the Byron G. Rogers Federal Building and United States Courthouse, located in Denver, Colorado, at an additional construction cost for demolition and asbestos abatement of $9,000,000, a modified prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolution dated July 18, 2001, which authorized appropriations in the amount of $3,688,000 for advanced design.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration.

COMMITTEE RESOLUTION—AMENDMENT—UNITED STATES COURTHOUSE, LAS CRUCES, NEW MEXICO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized for the site acquisition for a 206,881 gross square foot United States courthouse, including 81 inside parking spaces, located in Las Cruces, New Mexico, at a cost of $600,000, a modified prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolution dated July 26, 2000, which authorized appropriations in the amount of $3,040,000 for design; and Committee resolution dated July 18, 2001, which authorized appropriations in the amount of $1,070,000 for additional design.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration.

COMMITTEE RESOLUTION—LEASE—DEPARTMENT OF TREASURY, INTERNAL REVENUE SERVICE, KANSAS CITY, MISSOURI

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 1,140,000 rentable square feet of space for the Department of Treasury, Internal Revenue Service, Service Center currently located at 2306 Bannister Road, 1500 East Bannister Road, and five leased locations in the Kansas City metropolitan area, at a proposed total annual cost of $34,200,000 for a lease term of fifteen years, a prospectus for which is attached to and included in this resolution.

The General Services Administration is further authorized to negotiate renewal options, provided, that no option shall be exercised by the General Services Administration without obtaining further authorization from the Committee.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶43.21 PROVIDING FOR THE CONSIDERATION OF H.R. 1298

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on

Rules, reported (Rept. No. 108–80) the resolution (H. Res. 210) providing for consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶43.22 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 39. Concurrent Resolution supporting the goals and ideals of St. Tammany Day on May 1, 2003, as a national day of recognition for Tamanend and the values he represented; to the Committee on Government Relations.

¶43.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KINGSTON, for today.

And then,

¶43.24 ADJOURNMENT

On motion of Ms. LEE, at 8 o'clock and 59 minutes p.m., the House adjourned.

¶43.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of January 2, 2003]

Mr. NUSSLE: Committee on the Budget. Activities and Summary Report of the Committee on the Budget During the 107th Congress (Rept. 107–811). Referred to the Committee of the Whole House on the State of the Union.

[Submitted April 30, 2003]

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 210. Resolution providing for consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 108–80). Referred to the House Calendar.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 100. A bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940; with an amendment (Rept. 108–81). Referred to the Committee of the Whole House on the State of the Union.

¶43.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself and Ms. VELAZQUEZ):

H.R. 1873. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for the health insurance costs of self-employed individuals be allowed in determining self-employment tax; to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mr. SMITH of New Jersey):

H.R. 1874. A bill to establish a demonstration project to clarify the definition of homebound for purposes of determining eligibility for home health services under the Medicare Program, and to conditionally authorize that clarification; referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. BERMAN, Mr. BEREUTER, and Mr. ACKERMAN):

H.R. 1875. A bill to strengthen the missile proliferation laws of the United States, and for other purposes; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 1876. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide, in the case of an employee welfare benefit plan providing benefits in the event of disability, an exemption from preemption under such title for State tort actions to recover damages arising from the failure of the plan to timely provide such benefits; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1877. A bill to amend chapter 89 of title 5, United States Code, to make available to Federal employees the option of obtaining health benefits coverage for dependent parents; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 1878. A bill to amend the Federal Election Campaign Act of 1971 to provide for public funding for House of Representatives elections, and for other purposes; to the Committee on House Administration.

By Mr. ANDREWS:

H.R. 1879. A bill to direct the National Highway Transportation Safety Administration to issue standards for the use of motorized skate boards; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 1880. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted; referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 1881. A bill to modify the provision of law which provides a permanent appropriation for the compensation of Members of Congress, and for other purposes; referred to the Committee on Rules, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida:

H.R. 1882. A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office''; to the Committee on Government Reform.

By Ms. CORRINE BROWN of Florida:

H.R. 1883. A bill to designate the facility of the United States Postal Service located at 1601–1 Main Street in Jacksonville, Florida, as the ''Eddie Mae Steward Post Office''; to the Committee on Government Reform.

By Mr. BURR:

H.R. 1884. A bill to amend the Internal Revenue Code of 1986 to provide that certain individuals under contract to perform fire fighting services for a local government shall be treated as employees of such government for pension plan purposes; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself and Mr. SKELTON):

H.R. 1885. A bill to amend title 37, United States Code, to ensure that military pay increases are comparable to private sector pay growth, as measured by the Employment Cost Index; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BALDWIN, Ms. BERKLEY, Mr. BERRY, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BOUCHER, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. COOPER, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FOLEY, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GORDON, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Ms. HART, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KING of New York, Mr. KLECZKA, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LOBIONDO, Mrs. LOWEY, Mr. LYNCH, Ms. MCCARTHY of Missouri, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCNULTY, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mr. MEEHAN, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Mr. REYES, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Mr. SIMMONS, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. VITTER, Ms. WATERS, Mr. WATT, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 1886. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer; referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration

of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ:

H.R. 1887. A bill to treat arbitration clauses which are unilaterally imposed on consumers as an unfair and deceptive trade practice and prohibit their use in consumer transactions, and for other purposes; to the Committee on Financial Services.

By Mr. KLECZKA:

H.R. 1888. A bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Mr. ABERCROMBIE, Mr. BOEHLERT, Mr. BOSWELL, Mr. CAPUANO, Mr. CASE, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORD, Mr. FROST, Mr. HOLDEN, Mrs. KELLY, Ms. KILPATRICK, Mr. KLECZKA, Mr. LEVIN, Mr. LOBIONDO, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. LARSEN of Washington, Ms. SOLIS, Mr. WEINER, Mr. GORDON, Mr. COSTELLO, Ms. ROYBAL-ALLARD, Mr. SANDLIN, Mr. GUTIERREZ, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. PALLONE, and Mr. THOMPSON of California):

H.R. 1889. A bill to amend title 49, United States Code, to improve the training requirements for and require the certification of cabin crew members, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCCRERY (for himself, Mr. CARDIN, Mr. SHAW, Mr. RANGEL, Mr. HOUGHTON, Mr. STARK, Mr. HERGER, Mr. MATSUI, Mr. CAMP, Mr. KLECZKA, Mr. RAMSTAD, Mr. LEWIS of Georgia, Mr. SAM JOHNSON of Texas, Mr. NEAL of Massachusetts, Ms. DUNN, Mr. BECERRA, Mr. PORTMAN, Mr. POMEROY, Mr. ENGLISH, Mr. SANDLIN, Mr. HAYWORTH, Mrs. JONES of Ohio, Mr. WELLER, Mr. MCINNIS, Mr. FOLEY, Mr. CANTOR, and Mr. LEVIN):

H.R. 1890. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1891. A bill to amend the Clean Air Act to prohibit liability for the effects of emissions, and emission byproducts, resulting from or caused by an act of nature, and for other purposes; referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE:

H.R. 1892. A bill to provide authorizations of appropriations for the global initiative to end the continuing menace of polio; referred to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mr. KIND, Mr. SENSENBRENNER, Mr. GREEN of Wisconsin, Ms. BALDWIN, and Mr. RYAN of Wisconsin):

H.R. 1893. A bill to amend the Age Discrimination in Employment Act of 1967 with respect to voluntary early retirement benefits and medical benefits; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. STARK, Mr. MATSUI, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. JEFFERSON, Mr. BECERRA, Mr. POMEROY, Mr. SANDLIN, Mrs. JONES of Ohio, and Ms. DELAURO):

H.R. 1894. A bill to prohibit the implementation of discriminatory precertification requirements for the earned income tax credit; to the Committee on Ways and Means.

By Mr. ROTHMAN (for himself, Mr. HOLT, Ms. NORTON, Mr. PALLONE, Ms. CORRINE BROWN of Florida, Mr. WEXLER, Ms. KILPATRICK, Ms. SLAUGHTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. MCNULTY, Ms. BALDWIN, Mrs. CAPPS, Mr. BROWN of Ohio, Mr. SERRANO, Mr. MCGOVERN, Mr. RANGEL, Ms. MCCOLLUM, Ms. MILLENDER-MCDONALD, Ms. LINDA T. SANCHEZ of California, Mr. DOGGETT, Mr. UDALL of New Mexico, and Mr. CUMMINGS):

H.R. 1895. A bill to amend Federal crime grant programs relating to domestic violence to encourage States and localities to implement gun confiscation policies, reform stalking laws, create integrated domestic violence courts, and hire additional personnel for entering protection orders, and for other purposes; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. MCINNIS, and Mrs. JONES of Ohio):

H.R. 1896. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 1897. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of social security benefits; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 1898. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to extend energy assistance to households headed by certain senior citizens; referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 1899. A bill to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes; to the Committee on Resources.

By Mr. NEAL of Massachusetts (for himself, Mr. KING of New York, Mr. FORD, Mr. BECERRA, Mr. TOWNS, Mr. MCDERMOTT, Mr. RUSH, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. WATT, Mr. WAXMAN, Mrs. CHRISTENSEN, Mr. RANGEL, Mr. OWENS, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Mr. UPTON, Mr. BROWN of Ohio, Mr. CAPUANO, Mr. OLVER, Mr. FERGUSON, Ms. LEE, Mr. NEY, Mr. BALLANCE, Ms. CORRINE BROWN of Florida, Mr. FATTAH, Ms. MAJETTE, Mr. MEEKS of New York, Mrs. CAPITO, Mr. MARKEY, Mr. BOEHLERT, Ms. NORTON, Mr. MEEHAN, Mr. SWEENEY, and Mr. JOHNSON of Illinois):

H.R. 1900. A bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson; to the Committee on Financial Services.

By Ms. WATERS:

H.R. 1901. A bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes; to the Committee on Government Reform.

By Ms. MILLENDER-MCDONALD (for herself, Ms. CARSON of Indiana, Ms. LEE, Mr. SNYDER, Mr. PAYNE, Mr. LANTOS, Mr. TOWNS, Ms. KILPATRICK, Mrs. MALONEY, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. KILDEE, Ms. SLAUGHTER, Mrs. JONES of Ohio, Ms. NORTON, Mr. GRIJALVA, Mrs. CAPPS, Mr. MCNULTY, Mr. RODRIGUEZ, Mr. MCGOVERN, Ms. WATERS, Mr. STARK, Mr. KENNEDY of Rhode Island, Ms. JACKSON-LEE of Texas, Mr. FARR, Mr. MCDERMOTT, Mr. CUMMINGS, Mrs. CHRISTENSEN, and Mr. WAXMAN):

H. Con. Res. 158. A concurrent resolution recognizing the importance of inheritance rights of women in Africa; to the Committee on International Relations.

By Mr. FOLEY (for himself, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DELAY, Mr. BLUNT, Mr. MARIO DIAZ-BALART of Florida, Ms. PRYCE of Ohio, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. FEENEY, Mr. KELLER, Mr. MILLER of Florida, Mr. PUTNAM, Mr. DEUTSCH, Mr. MICA, Mr. SHIMKUS, Mr. PAUL, Mr. GARRETT of New Jersey, Mr. MORAN of Kansas, Mr. NETHERCUTT, Mr. ISAKSON, Mr. REYNOLDS, and Ms. HARRIS):

H. Res. 208. A resolution expressing the sense of the House of Representatives regarding the systematic human rights violations in Cuba committed by the Castro regime and calling for the immediate removal of Cuba from the United Nations Commission on Human Rights; to the Committee on International Relations.

By Mr. MENENDEZ:

H. Res. 209. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, Mr. NETHERCUTT, Mr. SKELTON, Ms. DUNN, Mr. SMITH of Washington, Mr. HASTINGS of Washington, Mr. MCDERMOTT, Mr. BAIRD, and Mr. INSLEE):

H. Res. 211. A resolution recognizing and commending the members of the Navy and Marine Corps who served on the USS *Abraham Lincoln* and welcoming them home from their recent mission abroad; to the Committee on Armed Services.

¶43.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. YOUNG of Alaska, Mr. TANCREDO, Mr. MILLER of Florida, and Mr. GARY G. MILLER of California.

H.R. 33: Mr. OTTER.

H.R. 100: Mr. JONES of North Carolina and Mr. EDWARDS.

H.R. 102: Mr. FROST, Mr. ALLEN, Mr. ISRAEL, Mr. STARK, and Mr. EMANUEL.

H.R. 111: Mrs. DAVIS of California, Mr. YOUNG of Alaska, Mr. MARKEY, and Mr. NETHERCUTT.

H.R. 139: Mr. OSE.

H.R. 140: Mr. PETERSON of Minnesota.

H.R. 141: Mr. PICKERING and Mr. PETERSON of Minnesota.

H.R. 179: Mr. PITTS and Mr. SAM JOHNSON of Texas.

H.R. 198: Ms. GINNY BROWN-WAITE of Florida and Mr. SENSENBRENNER.

H.R. 278: Mr. ISAKSON.

H.R. 284: Mr. GREEN of Texas.

H.R. 303: Mrs. LOWEY and Mr. RYUN of Kansas.

H.R. 442: Mr. GOODE.
H.R. 463: Mr. POMEROY, Mr. RAMSTED, Mr. WELLER, Mr. BECERRA, Mrs. MUSGRAVE, Ms. DUNN, and Mrs. MYRICK.
H.R. 490: Mrs. NAPOLITANO and Mr. MCNULTY.
H.R. 491: Mr. ISAKSON.
H.R. 496: Mr. GORDON.
H.R. 527: Mr. BARRETT of South Carolina.
H.R. 531: Mr. BOUCHER, Ms. DEGETTE, and Ms. KAPTUR.
H.R. 573: Mr. RENZI.
H.R. 627: Mr. GORDON.
H.R. 660: Mr. MORAN of Virginia, Mr. SULLIVAN, Ms. HARRIS, Mr. FEENEY, Mr. SMITH of Michigan, Mr. THOMPSON of Mississippi, Mr. LAHOOD, Mr. MILLER of Florida, Mr. BONILLA, Mr. PITTS, and Mr. ISRAEL.
H.R. 684: Mr. LEWIS of Kentucky.
H.R. 716: Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. BELL, Mr. JENKINS, Mr. BALLANCE, Mr. PETERSON of Minnesota, Mr. DEUTSCH, Mr. FARR, Mr. BOEHLERT, and Mr. NETHERCUTT.
H.R. 737: Mr. INSLEE, Mr. SMITH of Washington, Mrs. DAVIS of California, and Ms. ESHOO.
H.R. 754: Mrs. EMERSON, Mr. LEWIS of Kentucky, Mr. BOOZMAN, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 759: Mr. TERRY and Mr. HOEKSTRA.
H.R. 765: Mr. KING of Iowa and Mr. RYAN of Ohio.
H.R. 766: Mr. WU.
H.R. 768: Mr. EHLERS.
H.R. 771: Mr. BOSWELL.
H.R. 772: Mr. HOUGHTON.
H.R. 791: Mr. ISAKSON and Mr. SHUSTER.
H.R. 823: Mr. EVANS and Ms. ESHOO.
H.R. 857: Mr. LARSEN of Washington.
H.R. 871: Mr. LEWIS of Kentucky and Mr. SKELTON.
H.R. 876: Mr. BOOZMAN, Mr. FRELINGHUYSEN, Mr. BAKER, Mr. SAXTON, Mr. ROGERS of Michigan, Mr. LEWIS of Kentucky, Mr. PETERSON of Minnesota, and Mr. POMEROY.
H.R. 898: Mr. DAVIS of Illinois, Mr. PETERSON of Minnesota, Ms. HARMAN, and Mr. DOGGETT.
H.R. 906: Mr. GARY G. MILLER of California, Mr. SKELTON, Mrs. KELLY, Mr. DUNCAN, and Mrs. CAPITO.
H.R. 919: Mr. TOWNS, Mr. POMEROY, Mr. BROWN of South Carolina, and Mrs. MYRICK.
H.R. 934: Mr. HINCHEY.
H.R. 936: Mr. BELL.
H.R. 937: Mr. ROSS, Mr. STRICKLAND, and Mr. PETERSON of Minnesota.
H.R. 941: Mr. HERGER.
H.R. 953: Mr. WELDON of Pennsylvania.
H.R. 972: Mr. UDALL of New Mexico.
H.R. 977: Mr. COLE.
H.R. 979: Mr. COSTELLO.
H.R. 996: Mr. MCHUGH, Mr. CARSON of Oklahoma, Mrs. EMERSON, Mr. MCINTYRE Mr. ALEXANDER, and Mr. BEREUTER.
H.R. 998: Mr. BROWN of Ohio.
H.R. 1013: Mr. HERGER.
H.R. 1019: Mr. HONDA.
H.R. 1022: Mr. MCNULTY.
H.R. 1024: Mr. ANDREWS.
H.R. 1032: Mr. CRANE.
H.R. 1046: Mr. GRIJALVA and Mr. RODRIGUEZ.
H.R. 1071: Mr. BONILLA.
H.R. 1105: Ms. WATERS, Mr. MENENDEZ, Mr. REYES, Mr. LYNCH, Mr. RODRIGUEZ, Ms. LOFGREN, Mr. RANGEL, Ms. WATSON, and Mr. LAMPSON.
H.R. 1111: Mr. INSLEE and Mr. PLATTS.
H.R. 1118: Mr. DOGGETT, Mr. BALLANCE, and Mr. RAMSTAD.
H.R. 1136: Ms. KAPTUR.
H.R. 1157: Mr. MORAN of Virginia.
H.R. 1163: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1202: Mr. PENCE, Mr. WICKER, Mr. KING of Iowa, Mr. MURPHY, Mr. JANKLOW, Mr. ENGLISH, Mr. WELDON of Florida, Mrs. MUSGRAVE, and Mr. COX.
H.R. 1205: Ms. ESHOO.
H.R. 1206: Mr. ENGLISH.
H.R. 1212: Mr. PALLONE, Mr. HOLT, and Mr. PASCRELL.03 00:42-Subformat:
H.R. 1220: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1229: Mr. KING of Iowa, Mr. GREEN of Wisconsin, Mr. ROGERS of Michigan, and Mr. DEMINT.
H.R. 1231: Mr. RAMSTAD, Mr. BOEHLERT, Mr. BISHOP of Utah, Mr. MILLER of Florida, Mrs. CHRISTENSEN, Ms. HARRIS, Mr. FRELINGHUYSEN, Mr. HASTINGS of Washington, Mr. PRICE of North Carolina, Mrs. MALONEY, Mr. HOEFFEL, Mr. SHERMAN, Mr. RENZI, Mr. DINGELL, and Mr. HONDA.
H.R. 1251: Mr. OWENS, Mr. MCDERMOTT, and Mr. MORAN of Virginia.
H.R. 1258: Ms. CARSON of Indiana, Mr. WALSH, Mr. THOMPSON of Mississippi, Mrs. MCCARTHY of New York, Mrs. CAPPS, and Mr. STUPAK.
H.R. 1267: Ms. SOLIS, Mr. BELL, and Mr. MARKEY.
H.R. 1275: Mr. HOYER and Mr. ACKERMAN.
H.R. 1276: Mr. BOOZMAN and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1294: Mr. HOLT, Mr. BISHOP of New York, and Mr. MCNULTY.
H.R. 1309: Mr. FARR.
H.R. 1315: Mr. SMITH of New Jersey, Mr. OBERSTAR, Mr. LIPINSKI, Mr. SIMMONS, Mr. DEFAZIO, Ms. HOOLEY of Oregon, Mr. ABERCROMBIE, Mr. CONYERS, Mr. GRIJALVA, Mr. SABO, Mr. MEEHAN, Ms. JACKSON-LEE of Texas, and Mr. FROST.
H.R. 1323: Mr. CUMMINGS and Mr. GOODE.
H.R. 1340: Mr. MEEHAN and Mr. OLVER.
H.R. 1367: Mr. ETHERIDGE.
H.R. 1372: Mr. INSLEE, Mr. BISHOP of Utah, Mr. DOOLITTLE, Mr. ROYCE, Mr. WALDEN of Oregon, and Mr. FLAKE.
H.R. 1373: Mr. PITTS, Mr. TANCREDO, and Mr. DOOLITTLE.
H.R. 1385: Ms. LEE, Mr. LUCAS of Kentucky, Mr. SCOTT of Georgia, Mr. QUINN, Ms. BALDWIN, Ms. BERKLEY, and Mr. STARK.
H.R. 1387: Ms. VELAQUEZ, Mr. FROST, Mr. ALLEN, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1414: Mr. BROWN of Ohio.
H.R. 1422: Mr. HOEFFEL, Mr. ENGEL, Mr. JEFFERSON, Ms. KAPTUR, Mr. GREEN of Wisconsin, Mr. DICKS, Mr. CRENSHAW, Mr. PAYNE, and Mr. PETERSON of Minnesota.
H.R. 1426: Mr. RENZI, Mr. STUPAK, Mr. TOWNS, Mr. PALLONE, and Mr. FALEOMAVAEGA.
H.R. 1442: Mr. DOOLITTLE, Mr. MORAN of Virginia, Ms. MILLENDER-MCDONALD, Mr. GILLMOR, Mr. CALVERT, Mr. FALEOMAVAEGA, Mrs. MCCARTHY of New York, Mr. LATOURETTE, Mr. KENNEDY of Rhode Island, Ms. KAPTUR, Mr. RUPPERSBERGER, Mr. DEUTSCH, Mr. DINGELL, Mr. MARKEY, Mr. FORD, Mr. GORDON, Mr. MCINNIS, Mr. MATHESON, Mr. NEY, Mr. SAXTON, and Mr. TANCREDO.
H.R. 1443: Mr. BOEHNER.
H.R. 1472: Ms. ROS-LEHTINEN, Mr. MCNULTY, Mr. UDALL of Colorado, and Mr. WHITFIELD.
H.R. 1473: Mr. GRIJALVA.
H.R. 1479: Mr. HERGER, Mr. GOODE, Mr. BONNER, and Mr. CUNNINGHAM.
H.R. 1493: Mr. UDALL of Colorado.
H.R. 1516: Mr. MURTHA, Mr. HOLDEN, Mr. PITTS, Mr. FATTAH, Mr. ENGLISH, Mr. BRADY of Pennsylvania, Mr. GREENWOOD, Mr. PLATTS, Ms. HART, Mr. KANJORSKI, and Mr. MURPHY.
H.R. 1536: Mr. NEAL of Massachusetts.
H.R. 1576: Mr. BELL and Ms. LEE.
H.R. 1582: Mr. UDALL of Colorado, Mrs. MUSGRAVE, Mr. LEACH, Mr. FRANKS of Arizona, and Mr. LATHAM.
H.R. 1615: Mr. CROWLEY.
H.R. 1617: Mrs. TAUSCHER and Ms. WATSON.
H.R. 1628: Mr. NEY, Mr. CUNNINGHAM, Mr. PALLONE, Mr. DOYLE, Mr. WICKER, and Mr. CARSON of Oklahoma.
H.R. 1634: Mr. JOHNSON of Illinois, Mr. MCHUGH, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. ANDREWS, Mr. TANCREDO, Mr. VITTER, Mr. JEFFERSON, Mr. NETHERCUTT, and Mr. CALVERT.
H.R. 1635: Mr. GUTIERREZ.
H.R. 1638: Mrs. JO ANN DAVIS of Virginia, Mr. SANDLIN, and Mr. RYAN of Ohio.
H.R. 1643: Mr. HOUGHTON and Mr. FRANK of Massachusetts.
H.R. 1652: Mr. BROWN of Ohio, Ms. CORRINE BROWN of Florida, Mr. KILDEE, Mr. GRIJALVA, Mr. MICHAUD, Ms. NORTON, Mr. OLVER, Mr. RYAN of Ohio, Ms. BALDWIN, Ms. KILPATRICK, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. OWENS, Mr. BLUMENAUER, Mr. WAXMAN, Mr. SHERMAN, Mr. DEUTSCH, Mr. BISHOP of New York, Mr. RODRIGUEZ, Mr. GORDON, Mr. COSTELLO, Ms. DELAURO, Mr. UDALL of Colorado, and Mr. CARDOZA.
H.R. 1675: Mr. KING of Iowa, Mr. HINOJOSA, Mr. GORDON, Mr. COSTELLO, Mr. CAMP, Mr. OTTER, Mr. CRAMER, Mrs. EMERSON, Mr. LATHAM, Mr. FROST, Mr. PETERSON of Minnesota, Mr. RAHALL, and Mr. TURNER of Texas.
H.R. 1676: Mr. DAVIS of Illinois and Mr. SANDLIN.
H.R. 1708: Mr. MATHESON, Mr. LANGEVIN, Mr. YOUNG of Alaska, Mr. NEY, Mr. BACA, Mr. HAYES, Mr. SIMMONS, Mr. MCHUGH, Ms. GINNY BROWN-WAITE of Florida, Mr. FARR, Mr. WALSH, and Mr. ROTHMAN.
H.R. 1723: Mr. FALEOMAVAEGA and Mr. OWENS.
H.R. 1725: Mr. TIBERI.
H.R. 1742: Mr. BRADY of Texas and Mr. EDWARDS.
H.R. 1749: Mr. TIBERI, Mr. KLECZKA, Mr. BOEHNER, Mr. BACHUS, Mr. EHLERS, Mr. OBERSTAR, Ms. HART, Mr. WILSON of South Carolina, and Mr. GOODE.
H.R. 1814: Mr. HONDA, Mr. SMITH of New Jersey, Mr. REYES, Mr. RODRIQUEZ, and Mr. EVANS.
H.R. 1861: Mr. HINCHEY and Ms. SOLIS.
H.J. Res. 4: Mr. LEWIS of Kentucky and Mr. COSTELLO.
H.J. Res. 36: Ms. ESHOO, Mr. MICHAUD, Mr. GRIJALVA, Mr. LEVIN, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Ms. WOOLSEY, and Mrs. CAPITO.
H. Con. Res. 56: Mr. TAYLOR of Mississippi and Mr. ENGEL.
H. Con. Res. 76: Mr. LATOURETTE, Mr. MCNULTY, Mr. LIPINSKI, Mr. WAMP, Mr. UDALL of Colorado, and Mr. LAHOOD.
H. Con. Res. 151: Mr. WILSON of South Carolina, Mr. STARK, Mr. FOSSELLA, Mr. REYNOLDS, Mr. EHLERS, and Mrs. JONES of Ohio.
H. Res. 136: Mr. LOBIONDO and Mr. WOLF.
H. Res. 157: Mr. DAVIS of Illinois and Mr. SCHIFF.
H. Res. 194: Mr. WAXMAN.

¶43.28 PETITIONS, ETC.

Under clause 3 of rule XII,

11. The SPEAKER presented a petition of Board of Supervisors of Rockingham County, Virginia, relative to a Resolution petitioning the United States Congress to recognize the sacrifices being made by our citizens to protect the cause of freedom throughout the world; which was referred to the Committee on Armed Services.

THURSDAY, MAY 1, 2003 (44)

The House was called to order by the SPEAKER.

¶44.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, April 30, 2003.

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

¶44.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

1976. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State Designations; California [Docket No. 03-005-1] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1977. A communication from the President of the United States, transmitting a request for FY 2004 budget amendments for the Department of Defense; (H. Doc. No. 108–67); to the Committee on Appropriations and ordered to be printed.

1978. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bishopville and Lamar, South Carolina) [MB Docket No. 02-197; RM-10509] received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1979. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Releasing Part of a Power Reactor Site or Facility for Unrestricted Use Before the NRC Approves the License Termination Plan (RIN: 3150-AG56) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1980. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV-092-FOR] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1981. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter I Fishery for Loligo Squid [Docket No. 021017239-2322-02; I.D. 032003B] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1982. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2003 Specifications [Docket No. 030227050-3082-02; I.D. 020603D] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1983. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 040203B] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1984. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel and Pacific Cod with Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 021212307-3037-02; I.D. 032803E] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1985. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Illinois Waterway, Illinois [CGD08-03-009] (RIN: 1625-AA09) received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1986. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone [CGD01-03-001] (RIN: 1625-AA00) (Formerly 2115-AA97) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1987. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Elizabeth River Southern Branch, AICWW, Virginia [CGD05-03-037] (RIN: 1625-AA09) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1988. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Wiscasset, ME, Maine Yankee Reactor Pressure Vessel Removal [CGD01-03-019] (RIN: 1625-AA00) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1989. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations; Miami Beach Super Boat Race, Miami Beach, Florida [CGD07-03-041] (RIN: 1625-AA08) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1990. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Olympic View Resource Area EPA Superfund Cleanup Site, Commencement Bay, Tacoma WA [CGD13-02-016] (RIN: 1625-AA11 [Formerly 2115-AA97]) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Emmetsburg, IA [Docket No. FAA-2003-14595; Airspace Docket No. 03-ACE-18] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hazen, ND [Docket No. FAA-2003-14352; Airspace Docket No. 00-AGL-25] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Keokuk, IA [Docket No. FAA-2003-14599; Airspace Docket No. 03-ACE-22] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fairmont, NE [Docket No. FAA-2003-14195; Airspace Docket No. 03-ACE-1] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Iraq [Docket No. FAA-2003-14766; SFAR 77] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1996. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2003-33) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1997. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Active Conduct of a Trade or Business (Rev. Rul. 2003-38) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1998. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gross Income (Rev. Rul. 2003-39) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1999. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in Accounting Periods and Methods of Accounting (Rev. Proc. 2003-34) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2000. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2003-23] received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2001. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 2003-42) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2002. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Offshore Deferred Compensation Arrangements [Notice 2003-22] received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2003. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice of Significant Reduction in the Rate of Future Benefit Accrual (RIN: 1545-BA08) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2004. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue All Industries Contingent Liabilities (UIL: 9300.17-00) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2005. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-45) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2006. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Industry Issue Resolution Program (Rev. Proc. 2003-36) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2007. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule—Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2002—received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2008. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Exclusions from Gross Income of Nonresident Alien Individuals (Rev. Rul.2001-48) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2009. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Effect of the Family and Medical Leave Act on the Operation of Cafeteria Plans [TD 8966] (RIN: 1545-AT47) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶44.3 MESSAGE FROM THE SENATE

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

H. Con. Res. 156. A concurrent resolution extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.

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

S. 196. An Act to establish a digital and wireless network technology program, and for other purposes.

¶44.4 PROVIDING FOR THE CONSIDERATION OF H.R. 1298

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 210):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Pending consideration of said resolution,

On motion of Mr. Lincoln DIAZ-BALART of Florida, by unanimous consent, the following modification to amendment numbered 8, by Ms. McCOLLUM, in H. Rept. 108-80, placed at the desk, was agreed to:

Page 83, line 14, strike ''For'' and insert ''(a) THERAPEUTIC MEDICAL CARE.—For''.

Page 83, after line 22, add the following new subsection:

(b) ORPHANS AND VULNERABLE CHILDREN.—For fiscal years 2006 through 2008, not less than 10 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for assistance for orphans and vulnerable children affected by HIV/AIDS, of which such amount at least 50 percent shall be provided through non-profit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level.

When said resolution was considered.

After debate,

On motion of Mr. Lincoln DIAZ-BALART of Florida, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶44.5 ASSISTANCE TO FOREIGN COUNTRIES TO COMBAT HIV/AIDS

The SPEAKER pro tempore, Mr. Lincoln DIAZ-BALART of Florida, pursuant to House Resolution 210 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

The SPEAKER pro tempore, Mr. Lincoln DIAZ-BALART of Florida, by unanimous consent, designated Mr. LATOURETTE as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. GREEN of Wisconsin, assumed the Chair.

When Mr. SWEENEY, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶44.6 ORDER OF BUSINESS—CONSIDERATION OF SMITH (MI) AMENDMENT NUMBERED 6

On motion of Mr. SMITH of Michigan, by unanimous consent,

Ordered, That it may be in order that amendment numbered 6 in House Report 108-80 may be considered out of sequence in the Committee of the Whole House on the state of the Union.

¶44.7 ASSISTANCE TO FOREIGN COUNTRIES TO COMBAT HIV/AIDS

The SPEAKER pro tempore, Mr. GREEN of Wisconsin, pursuant to House Resolution 210 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

Mr. SWEENEY, Acting Chairman, assumed the chair; and after some time spent therein,

¶44.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. STEARNS:

Page 36, after line 13, insert the following:

(iii) If, at any time during any of the fiscal years 2004 through 2008, the President determines that the salary of any individual employed by the Global Fund exceeds the salary of the Vice President of the United States (as determined under section 104 of title 3, United States Code) for that fiscal year, then the United States shall withhold from its contribution for the next fiscal year an amount equal to the aggregate amount by which the salary of each such individual exceeds the salary of the Vice President of the United States.

Page 36, line 14, strike ''(B)'' and insert ''(B)(i)''.

Page 36, beginning on each of lines 15 and 17, strike ''subparagraph (A)'' and insert ''subparagraph (A)(i)''.

Page 36, after line 19, insert the following:

(ii) Any amount made available under this subsection that is withheld by reason of clause (ii) or (iii) of subparagraph (A) is authorized to be made available to carry out section 104A of the Foreign Assistance Act of 1961 (as added by section 301 of this Act). Amounts made available under the preceding sentence are in addition to amounts appropriated pursuant to the authorization of appropriations under section 401 of this Act for HIV/AIDS assistance.

It was decided in the affirmative ..... { Yeas ..... 276 / Nays 145

¶44.9 [Roll No. 155]

AYES—276

Aderholt	Biggert	Brown-Waite, Ginny
Akin	Bilirakis	Burgess
Alexander	Bishop (UT)	Burns
Baca	Blackburn	Burr
Bachus	Blunt	Burton (IN)
Baker	Boehlert	Calvert
Ballenger	Boehner	Camp
Barrett (SC)	Bonilla	Cannon
Bartlett (MD)	Bonner	Cantor
Barton (TX)	Bono	Capito
Bass	Boozman	Cardoza
Beauprez	Boswell	Carter
Bell	Bradley (NH)	Castle
Bereuter	Brady (PA)	Chabot
Berkley	Brady (TX)	Chocola
Berry	Brown (SC)	

Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—145

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Crowley
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—13

Becerra
Boyd
Buyer
Combest
Conyers
Dreier
Gephardt
McCarthy (MO)
Ortiz
Owens
Sandlin
Slaughter
Whitfield

So the amendment was agreed to.

¶44.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SMITH of Michigan:

Page 81, beginning on line 22, strike ''$30,000,000,000 for each of the fiscal years 2004 through 2008'' and insert ''$2,000,000,000 for fiscal year 2004, $2,500,000,000 for fiscal year 2005, $3,000,000,000 for fiscal year 2006, $3,500,000,000 for fiscal year 2007, and $4,000,000,000 for fiscal year 2008''.

It was decided in the negative { Yeas ..... 130 / Nays ..... 288 }

¶44.11 [Roll No. 156]

AYES—130

Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonilla
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Ehlers
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kolbe
LaHood
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Norwood
Nussle
Otter
Paul
Pence
Petri
Pitts
Pombo
Putnam
Radanovich
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Smith (MI)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Wamp
Weldon (FL)
Wicker

NOES—288

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bell
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonner
Bono
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kline
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Oberstar
Obey
Olver
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez

Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Becerra
Boswell
Boyd
Buyer
Combest
Conyers
Cox
Dreier
Gephardt
McCarthy (MO)
Ortiz
Owens
Sandlin
Slaughter
Whitfield
Wilson (SC)

So the amendment was not agreed to.

After some further time,

¶44.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. PITTS:

Page 83, line 10, insert before the semicolon the following: ‘‘, of which such amount at least 33 percent should be expended for abstinence-until-marriage programs’’.

Page 83, line 22, add at the end the following new sentence: ‘‘For fiscal years 2006 through 2008, not less than 33 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS prevention consistent with section 104A(d) of the Foreign Assistance Act of 1961 (as added by section 301 of this Act) for each such fiscal year shall be expended for abstinence-until-marriage programs.’’.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 197

¶44.13 [Roll No. 157]

AYES—220

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

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ose
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Becerra
Boyd
Buyer
Combest
Dreier
Gephardt
Gibbons
Honda
McCarthy (MO)
McHugh
Obey
Ortiz
Owens
Ros-Lehtinen
Sandlin
Scott (VA)
Slaughter
Whitfield

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. SWEENEY, assumed the Chair.

When Mr. DUNCAN, Acting Chairman, pursuant to House Resolution 210, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘‘United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003’’.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Purpose.
Sec. 5. Authority to consolidate and combine reports.

TITLE I—POLICY PLANNING AND COORDINATION

Sec. 101. Development of a comprehensive, five-year, global strategy.
Sec. 102. HIV/AIDS Response Coordinator.

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS

Sec. 201. Sense of Congress on public-private partnerships.
Sec. 202. Participation in the Global Fund to Fight AIDS, Tuberculosis and Malaria.
Sec. 203. Voluntary contributions to international vaccine funds.

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

Sec. 301. Assistance to combat HIV/AIDS.
Sec. 302. Assistance to combat tuberculosis.
Sec. 303. Assistance to combat malaria.
Sec. 304. Pilot program for the placement of health care professionals in overseas areas severely affected by HIV/AIDS, tuberculosis, and malaria.
Sec. 305. Report on treatment activities by relevant executive branch agencies.
Sec. 306. Strategies to improve injection safety.
Sec. 307. Study on illegal diversions of prescription drugs.

Subtitle B—Assistance for Children and Families

Sec. 311. Findings.
Sec. 312. Policy and requirements.
Sec. 313. Annual reports on prevention of mother-to-child transmission of the HIV infection.
Sec. 314. Pilot program of assistance for children and families affected by HIV/AIDS.
Sec. 315. Pilot program on family survival partnerships.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Sense of Congress.
Sec. 403. Allocation of funds.
Sec. 404. Assistance from the United States private sector to prevent and reduce HIV/AIDS in sub-Saharan Africa.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During the last 20 years, HIV/AIDS has assumed pandemic proportions, spreading from the most severely affected regions, sub-Saharan Africa and the Caribbean, to all corners of the world, and leaving an unprecedented path of death and devastation.

(2) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), more than 65,000,000 individuals worldwide have been infected with HIV since the epidemic began, more than 25,000,000 of these individuals have lost their lives to the disease, and more than 14,000,000 children have been orphaned by the disease. HIV/AIDS is the fourth-highest cause of death in the world.

(3)(A) At the end of 2002, an estimated 42,000,000 individuals were infected with HIV or living with AIDS, of which more than 75 percent live in Africa or the Caribbean. Of these individuals, more than 3,200,000 were children under the age of fifteen and more than 19,200,000 were women.

(B) Women are four times more vulnerable to infection than are men and are becoming infected at increasingly high rates, in part because many societies do not provide poor women and young girls with the social, legal, and cultural protections against high risk activities that expose them to HIV/AIDS.

(C) Women and children who are refugees or are internally displaced persons are especially vulnerable to sexual exploitation and violence, thereby increasing the possibility of HIV infection.

(4) As the leading cause of death in sub-Saharan Africa, AIDS has killed more than 19,400,000 individuals (more than 3 times the number of AIDS deaths in the rest of the world) and will claim the lives of one-quarter of the population, mostly adults, in the next decade.

(5) An estimated 2,000,000 individuals in Latin America and the Caribbean and another 7,100,000 individuals in Asia and the Pacific region are infected with HIV or living with AIDS. Infection rates are rising alarmingly in Eastern Europe (especially in the Russian Federation), Central Asia, and China.

(6) HIV/AIDS threatens personal security by affecting the health, lifespan, and productive capacity of the individual and the social cohesion and economic well-being of the family.

(7) HIV/AIDS undermines the economic security of a country and individual businesses in that country by weakening the productivity and longevity of the labor force across a broad array of economic sectors and by reducing the potential for economic growth over the long term.

(8) HIV/AIDS destabilizes communities by striking at the most mobile and educated members of society, many of whom are responsible for security at the local level and governance at the national and subnational levels as well as many teachers, health care personnel, and other community workers vital to community development and the effort to combat HIV/AIDS. In some countries the overwhelming challenges of the HIV/AIDS epidemic are accelerating the outward migration of critically important health care professionals.

(9) HIV/AIDS weakens the defenses of countries severely affected by the HIV/AIDS crisis through high infection rates among members of their military forces and voluntary peacekeeping personnel. According to UNAIDS, in sub-Saharan Africa, many military forces have infection rates as much as five times that of the civilian population.

(10) HIV/AIDS poses a serious security issue for the international community by—

(A) increasing the potential for political instability and economic devastation, particularly in those countries and regions most severely affected by the disease;

(B) decreasing the capacity to resolve conflicts through the introduction of peacekeeping forces because the environments into which these forces are introduced pose a high risk for the spread of HIV/AIDS; and

(C) increasing the vulnerability of local populations to HIV/AIDS in conflict zones from peacekeeping troops with HIV infection rates significantly higher than civilian populations.

(11) The devastation wrought by the HIV/AIDS pandemic is compounded by the prevalence of tuberculosis and malaria, particularly in developing countries where the poorest and most vulnerable members of society, including women, children, and those individuals living with HIV/AIDS, become infected. According to the World Health Organization (WHO), HIV/AIDS, tuberculosis, and malaria accounted for more than 5,700,000 deaths in 2001 and caused debilitating illnesses in millions more.

(12) Together, HIV/AIDS, tuberculosis, malaria and related diseases are undermining agricultural production throughout Africa. According to the United Nations Food and Agricultural Organization, 7,000,000 agricultural workers throughout 25 African countries have died from AIDS since 1985. Countries with poorly developed agricultural systems, which already face chronic food shortages, are the hardest hit, particularly in sub-Saharan Africa, where high HIV prevalence rates are compounding the risk of starvation for an estimated 14,400,000 people.

(13) Tuberculosis is the cause of death for one out of every three people with AIDS worldwide and is a highly communicable disease. HIV infection is the leading threat to tuberculosis control. Because HIV infection so severely weakens the immune system, individuals with HIV and latent tuberculosis infection have a 100 times greater risk of developing active tuberculosis diseases thereby increasing the risk of spreading tuberculosis to others. Tuberculosis, in turn, accelerates the onset of AIDS in individuals infected with HIV.

(14) Malaria, the most deadly of all tropical parasitic diseases, has been undergoing a dramatic resurgence in recent years due to increasing resistance of the malaria parasite to inexpensive and effective drugs. At the same time, increasing resistance of mosquitoes to standard insecticides makes control of transmission difficult to achieve. The World Health Organization estimates that between 300,000,000 and 500,000,000 new cases of malaria occur each year, and annual deaths from the disease number between 2,000,000 and 3,000,000. Persons infected with HIV are particularly vulnerable to the malaria parasite. The spread of HIV infection contributes to the difficulties of controlling resurgence of the drug resistant malaria parasite.

(15) HIV/AIDS is first and foremost a health problem. Successful strategies to stem the spread of the HIV/AIDS pandemic will require clinical medical interventions, the strengthening of health care delivery systems and infrastructure, and determined national leadership and increased budgetary allocations for the health sector in countries affected by the epidemic as well as measures to address the social and behavioral causes of the problem and its impact on families, communities, and societal sectors.

(16) Basic interventions to prevent new HIV infections and to bring care and treatment to people living with AIDS, such as voluntary counseling and testing and mother-to-child transmission programs, are achieving meaningful results and are cost-effective. The challenge is to expand these interventions from a pilot program basis to a national basis in a coherent and sustainable manner.

(17) Appropriate treatment of individuals with HIV/AIDS can prolong the lives of such individuals, preserve their families, prevent children from becoming orphans, and increase productivity of such individuals by allowing them to lead active lives and reduce the need for costly hospitalization for treatment of opportunistic infections caused by HIV.

(18) Nongovernmental organizations, including faith-based organizations, with experience in health care and HIV/AIDS counseling, have proven effective in combating the HIV/AIDS pandemic and can be a resource in assisting indigenous organizations in severely affected countries in their efforts to provide treatment and care for individuals infected with HIV/AIDS.

(19) Faith-based organizations are making an important contribution to HIV prevention and AIDS treatment programs around the world. Successful HIV prevention programs in Uganda, Jamaica, and elsewhere have included local churches and faith-based groups in efforts to promote behavior changes to prevent HIV, to reduce stigma associated with HIV infection, to treat those afflicted with the disease, and to care for orphans. The Catholic Church alone currently cares for one in four people being treated for AIDS worldwide. Faith-based organizations possess infrastructure, experience, and knowledge that will be needed to carry out these programs in the future and should be an integral part of United States efforts.

(20)(A) Uganda has experienced the most significant decline in HIV rates of any country in Africa, including a decrease among pregnant women from 20.6 percent in 1991 to 7.9 percent in 2000.

(B) Uganda made this remarkable turnaround because President Yoweri Museveni spoke out early, breaking long-standing cultural taboos, and changed widespread perceptions about the disease. His leadership stands as a model for ways political leaders in Africa and other developing countries can mobilize their nations, including civic organizations, professional associations, religious institutions, business and labor to combat HIV/AIDS.

(C) Uganda's successful AIDS treatment and prevention program is referred to as the ABC model: ''Abstain, Be faithful, use Condoms'', in order of priority. Jamaica, Zambia, Ethiopia and Senegal have also successfully used the ABC model. Beginning in 1986, Uganda brought about a fundamental change in sexual behavior by developing a low-cost program with the message: ''Stop having multiple partners. Be faithful. Teenagers, wait until you are married before you begin sex.''.

(D) By 1995, 95 percent of Ugandans were reporting either one or zero sexual partners in the past year, and the proportion of sexually active youth declined significantly from the late 1980s to the mid-1990s. The greatest percentage decline in HIV infections and the greatest degree of behavioral change occurred in those 15 to 19 years old. Uganda's success shows that behavior change, through the use of the ABC model, is a very successful way to prevent the spread of HIV.

(21) The magnitude and scope of the HIV/AIDS crisis demands a comprehensive, long-term, international response focused upon addressing the causes, reducing the spread, and ameliorating the consequences of the HIV/AIDS pandemic, including—

(A) prevention and education, care and treatment, basic and applied research, and training of health care workers, particularly at the community and provincial levels, and other community workers and leaders needed to cope with the range of consequences of the HIV/AIDS crisis;

(B) development of health care infrastructure and delivery systems through cooperative and coordinated public efforts and public and private partnerships;

(C) development and implementation of national and community-based multisector strategies that address the impact of HIV/AIDS on the individual, family, community, and nation and increase the participation of at-risk populations in programs designed to encourage behavioral and social change and reduce the stigma associated with HIV/AIDS; and

(D) coordination of efforts between international organizations such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Health Organization (WHO), national governments, and private sector organizations, including faith-based organizations.

(22) The United States has the capacity to lead and enhance the effectiveness of the international community's response by—

(A) providing substantial financial resources, technical expertise, and training, particularly of health care personnel and community workers and leaders;

(B) promoting vaccine and microbicide research and the development of new treatment protocols in the public and commercial pharmaceutical research sectors;

(C) making available pharmaceuticals and diagnostics for HIV/AIDS therapy;

(D) encouraging governments and faith-based and community-based organizations to adopt policies that treat HIV/AIDS as a multisectoral public health problem affecting not only health but other areas such as agriculture, education, the economy, the family and society, and assisting them to develop and implement programs corresponding to these needs;

(E) promoting healthy lifestyles, including abstinence, delaying sexual debut, monogamy, marriage, faithfulness, use of condoms, and avoiding substance abuse; and

(F) encouraging active involvement of the private sector, including businesses, pharmaceutical and biotechnology companies, the medical and scientific communities, charitable foundations, private and voluntary organizations and nongovernmental organizations, faith-based organizations, community-based organizations, and other nonprofit entities.

(23) Prostitution and other sexual victimization are degrading to women and children and it should be the policy of the United States to eradicate such practices. The sex industry, the trafficking of individuals into such industry, and sexual violence are additional causes of and factors in the spread of the HIV/AIDS epidemic. One in nine South Africans is living with AIDS, and sexual assault is rampant, at a victimization rate of one in three women. Meanwhile in Cambodia, as many as 40 percent of prostitutes are infected with HIV and the country has the highest rate of increase of HIV infection in all of Southeast Asia. Victims of coercive sexual encounters do not get to make choices about their sexual activities.

(24) Strong coordination must exist among the various agencies of the United States to ensure effective and efficient use of financial and technical resources within the United States Government with respect to the provision of international HIV/AIDS assistance.

(25) In his address to Congress on January 28, 2003, the President announced the Administration's intention to embark on a five-year emergency plan for AIDS relief, to confront HIV/AIDS with the goals of preventing 7,000,000 new HIV/AIDS infections, treating at least 2,000,000 people with life-extending drugs, and providing humane care for millions of people suffering from HIV/AIDS, and for children orphaned by HIV/AIDS.

(26) In this address to Congress, the President stated the following: ''Today, on the continent of Africa, nearly 30,000,000 people have the AIDS virus—including 3,000,000 children under the age of 15. There are whole countries in Africa where more than one-third of the adult population carries the infection. More than 4,000,000 require immediate drug treatment. Yet across that continent, only 50,000 AIDS victims—only 50,000—are receiving the medicine they need.''.

(27) Furthermore, the President focused on care and treatment of HIV/AIDS in his address to Congress, stating the following: ''Because the AIDS diagnosis is considered a death sentence, many do not seek treatment. Almost all who do are turned away. A doctor in rural South Africa describes his frustration. He says, 'We have no medicines. Many hospitals tell people, you've got AIDS, we can't help you. Go home and die.' In an age of miraculous medicines, no person should have to hear those words. AIDS can be prevented. Anti-retroviral drugs can extend life for many years ... Ladies and gentlemen, seldom has history offered a greater opportunity to do so much for so many.''.

(28) Finally, the President stated that ''[w]e have confronted, and will continue to confront, HIV/AIDS in our own country'', proposing now that the United States should lead the world in sparing innocent people from a plague of nature, and asking Congress ''to commit $15,000,000,000 over the next five years, including nearly $10,000,000,000 in new money, to turn the tide against AIDS in the most afflicted nations of Africa and the Caribbean''.

SEC. 3. DEFINITIONS.

In this Act:

(1) AIDS.—The term ''AIDS'' means the acquired immune deficiency syndrome.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) GLOBAL FUND.—The term ''Global Fund'' means the public-private partnership known as the Global Fund to Fight AIDS, Tuberculosis and Malaria established pursuant to Article 80 of the Swiss Civil Code.

(4) HIV.—The term ''HIV'' means the human immunodeficiency virus, the pathogen that causes AIDS.

(5) HIV/AIDS.—The term ''HIV/AIDS'' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(6) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term ''relevant executive branch agencies'' means the Department of State, the United States Agency for International Development, and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or the Foreign Assistance Act of 1961.

SEC. 4. PURPOSE.

The purpose of this Act is to strengthen United States leadership and the effectiveness of the United States response to certain global infectious diseases by—

(1) establishing a comprehensive, integrated five-year, global strategy to fight HIV/AIDS that encompasses a plan for phased expansion of critical programs and improved coordination among relevant executive branch agencies and between the United States and foreign governments and international organizations;

(2) providing increased resources for multilateral efforts to fight HIV/AIDS;

(3) providing increased resources for United States bilateral efforts, particularly for technical assistance and training, to combat HIV/AIDS, tuberculosis, and malaria;

(4) encouraging the expansion of private sector efforts and expanding public-private sector partnerships to combat HIV/AIDS; and

(5) intensifying efforts to support the development of vaccines and treatment for HIV/AIDS, tuberculosis, and malaria.

SEC. 5. AUTHORITY TO CONSOLIDATE AND COMBINE REPORTS.

With respect to the reports required by this Act to be submitted by the President, to ensure an efficient use of resources, the President may, in his discretion and notwithstanding any other provision of this Act, consolidate or combine any of these reports, except for the report required by section 101 of this Act, so long as the required elements of each report are addressed and reported within a 90-day period from the original deadline date for submission of the report specified in this Act. The President may also enter into contracts with organizations with relevant expertise to develop, originate, or contribute to any of the reports required by this Act to be submitted by the President.

TITLE I—POLICY PLANNING AND COORDINATION

SEC. 101. DEVELOPMENT OF A COMPREHENSIVE, FIVE-YEAR, GLOBAL STRATEGY.

(a) STRATEGY.—The President shall establish a comprehensive, integrated, five-year strategy to combat global HIV/AIDS that strengthens the capacity of the United States to be an effective leader of the international campaign against HIV/AIDS. Such strategy shall maintain sufficient flexibility and remain responsive to the ever-changing nature of the HIV/AIDS pandemic and shall—

(1) include specific objectives, multisectoral approaches, and specific strategies to treat individuals infected with HIV/AIDS and to prevent the further spread of HIV infections, with a particular focus on the needs of families with children (including the prevention of mother-to-child transmission), women, young people, and children (such as unaccompanied minor children and orphans);

(2) as part of the strategy, implement a tiered approach to direct delivery of care and treatment through a system based on central facilities augmented by expanding circles of local delivery of care and treatment through local systems and capacity;

(3) assign priorities for relevant executive branch agencies;

(4) provide that the reduction of HIV/AIDS behavioral risks shall be a priority of all prevention efforts in terms of funding, educational messages, and activities by promoting abstinence from sexual activity and substance abuse, encouraging monogamy and faithfulness, promoting the effective use of condoms, and eradicating prostitution, the sex trade, rape, sexual assault and sexual exploitation of women and children;

(5) improve coordination and reduce duplication among relevant executive branch agencies, foreign governments, and international organizations;

(6) project general levels of resources needed to achieve the stated objectives;

(7) expand public-private partnerships and the leveraging of resources;

(8) maximize United States capabilities in the areas of technical assistance and training and research, including vaccine research;

(9) establish priorities for the distribution of resources based on factors such as the size and demographics of the population with HIV/AIDS, tuberculosis, and malaria and the needs of that population and the existing infrastructure or funding levels that may exist to cure, treat, and prevent HIV/AIDS, tuberculosis, and malaria; and

(10) include initiatives describing how the President will maximize the leverage of private sector dollars in reduction and treatment of HIV/AIDS, tuberculosis, and malaria.

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report setting forth the strategy described in subsection (a).

(2) REPORT CONTENTS.—The report required by paragraph (1) shall include a discussion of the elements described in paragraph (3) and may include a discussion of additional elements relevant to the strategy described in subsection (a). Such discussion may include an explanation as to why a particular element described in paragraph (3) is not relevant to such strategy.

(3) REPORT ELEMENTS.—The elements referred to in paragraph (2) are the following:

(A) The objectives, general and specific, of the strategy.

(B) A description of the criteria for determining success of the strategy.

(C) A description of the manner in which the strategy will address the fundamental elements of prevention and education, care, and treatment (including increasing access to pharmaceuticals and to vaccines), the promotion of abstinence, monogamy, avoidance of substance abuse, and use of condoms, research (including incentives for vaccine development and new protocols), training of health care workers, the development of health care infrastructure and delivery systems, and avoidance of substance abuse.

(D) A description of the manner in which the strategy will promote the development and implementation of national and community-based multisectoral strategies and programs, including those designed to enhance leadership capacity particularly at the community level.

(E) A description of the specific strategies developed to meet the unique needs of women, including the empowerment of women in interpersonal situations, young people and children, including those orphaned by HIV/AIDS and those who are victims of the sex trade, rape, sexual abuse, assault, and exploitation.

(F) a description of the specific strategies developed to encourage men to be responsible in their sexual behavior, child rearing and to respect women including the reduction of sexual violence and coercion;

(G) a description of the specific strategies developed to increase women's access to employment opportunities, income, productive resources, and microfinance programs;

(H) A description of the programs to be undertaken to maximize United States contributions in the areas of technical assistance, training (particularly of health care workers and community-based leaders in affected sectors), and research, including the promotion of research on vaccines and microbicides.

(I) An identification of the relevant executive branch agencies that will be involved and the assignment of priorities to those agencies.

(J) A description of the role of each relevant executive branch agency and the types of programs that the agency will be undertaking.

(K) A description of the mechanisms that will be utilized to coordinate the efforts of the relevant executive branch agencies, to avoid duplication of efforts, to enhance onsite coordination efforts, and to ensure that each agency undertakes programs primarily in those areas where the agency has the greatest expertise, technical capabilities, and potential for success.

(L) A description of the mechanisms that will be utilized to ensure greater coordination between the United States and foreign governments and international organizations including the Global Fund, UNAIDS, international financial institutions, and private sector organizations.

(M) The level of resources that will be needed on an annual basis and the manner in which those resources would generally be allocated among the relevant executive branch agencies.

(N) A description of the mechanisms to be established for monitoring and evaluating programs, promoting successful models, and for terminating unsuccessful programs.

(O) A description of the manner in which private, nongovernmental entities will factor into the United States Government-led effort and a description of the type of partnerships that will be created to maximize the capabilities of these private sector entities and to leverage resources.

(P) A description of the ways in which United States leadership will be used to enhance the overall international response to the HIV/AIDS pandemic and particularly to heighten the engagement of the member states of the G–8 and to strengthen key financial and coordination mechanisms such as the Global Fund and UNAIDS.

(Q) A description of the manner in which the United States strategy for combating HIV/AIDS relates to and supports other United States assistance strategies in developing countries.

(R) A description of the programs to be carried out under the strategy that are specifically targeted at women and girls to educate them about the spread of HIV/AIDS.

(S) A description of efforts being made to address the unique needs of families with children with respect to HIV/AIDS, including efforts to preserve the family unit.

(T) An analysis of the emigration of critically important medical and public health personnel, including physicians, nurses, and supervisors from sub-Saharan African countries that are acutely impacted by HIV/AIDS, including a description of the causes, effects, and the impact on the stability of health infrastructures, as well as a summary of incentives and programs that the United States could provide, in concert with other private and public sector partners and international organizations, to stabilize health institutions by encouraging critical personnel to remain in their home countries.

(U) A description of the specific strategies developed to promote sustainability of HIV/AIDS pharmaceuticals (including antiretrovirals) and the effects of drug resistance on HIV/AIDS patients.

(V) A description of the specific strategies to ensure that the extraordinary benefit of HIV/AIDS pharmaceuticals (especially antiretrovirals) are not diminished through the illegal counterfeiting of pharmaceuticals and black market sales of such pharmaceuticals.

(W) An analysis of the prevalence of Human Papilloma Virus (HPV) in sub-Saharan Africa and the impact that condom usage has upon the spread of HPV in sub-Saharan Africa.

(c) STUDY; DISTRIBUTION OF RESOURCES.—

(1) STUDY.—Not later than 3 years after the date of the enactment of this Act, the Institute of Medicine shall publish findings comparing the success rates of the various programs and methods used under the strategy described in subsection (a) to reduce, prevent, and treat HIV/AIDS, tuberculosis, and malaria.

(2) DISTRIBUTION OF RESOURCES.—In prioritizing the distribution of resources under the strategy described in subsection (a), the President shall consider the findings published by the Institute of Medicine under this subsection.

SEC. 102. HIV/AIDS RESPONSE COORDINATOR.

(a) ESTABLISHMENT OF POSITION.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 265(a)) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) HIV/AIDS RESPONSE COORDINATOR.—

''(1) IN GENERAL.—There shall be established within the Department of State in the immediate office of the Secretary of State a Coordinator of United States Government Activities to Combat HIV/AIDS Globally, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

''(2) AUTHORITIES AND DUTIES; DEFINITIONS.—

''(A) AUTHORITIES.—The Coordinator, acting through such nongovernmental organizations (including faith-based and community-based organizations) and relevant executive branch agencies as may be necessary and appropriate to effect the purposes of this section, is authorized—

''(i) to operate internationally to carry out prevention, care, treatment, support, capacity development, and other activities for combatting HIV/AIDS;

''(ii) to transfer and allocate funds to relevant executive branch agencies; and

''(iii) to provide grants to, and enter into contracts with, nongovernmental organizations (including faith-based and community-based organizations) to carry out the purposes of section.

''(B) DUTIES.—

''(i) IN GENERAL.—The Coordinator shall have primary responsibility for the oversight and coordination of all resources and international activities of the United States Government to combat the HIV/AIDS pandemic, including all programs, projects, and activities of the United States Government relating to the HIV/AIDS pandemic under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 or any amendment made by that Act.

''(ii) SPECIFIC DUTIES.—The duties of the Coordinator shall specifically include the following:

''(I) Ensuring program and policy coordination among the relevant executive branch agencies and nongovernmental organizations, including auditing, monitoring, and evaluation of all such programs.

''(II) Ensuring that each relevant executive branch agency undertakes programs primarily in those areas where the agency has the greatest expertise, technical capabilities, and potential for success.

''(III) Avoiding duplication of effort.

''(IV) Ensuring coordination of relevant executive branch agency activities in the field.

''(V) Pursuing coordination with other countries and international organizations.

''(VI) Resolving policy, program, and funding disputes among the relevant executive branch agencies.

''(VII) Directly approving all activities of the United States (including funding) relating to combatting HIV/AIDS in each of Botswana, Cote d'Ivoire, Ethiopia, Guyana, Haiti, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Tanzania, Uganda, Zambia, and other countries designated by the President, which other designated countries may include those countries in which the United States is implementing HIV/AIDS programs as of the date of the enactment of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

''(VIII) Establishing due diligence criteria for all recipients of funds section and all activities subject to the coordination and appropriate monitoring, evaluation, and audits carried out by the Coordinator necessary to assess the measurable outcomes of such activities.

''(C) DEFINITIONS.—In this paragraph:

''(i) AIDS.—The term 'AIDS' means acquired immune deficiency syndrome.

''(ii) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

''(iii) HIV/AIDS.—The term 'HIV/AIDS' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

''(iv) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term 'relevant executive branch agencies' means the Department of State, the United States Agency for International Development, the Department of Health and Human Services (including the Public Health Service), and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or this Act.''.

(b) RESOURCES.—Not later than 90 days after the date of enactment of this Act, the President shall specify the necessary financial and personnel resources, from funds appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, that shall be assigned to and under the direct control of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally to establish and maintain the duties and supporting activities assigned to the Coordinator by this Act and the amendments made by this Act.

(c) ESTABLISHMENT OF SEPARATE ACCOUNT.—There is established in the general fund of the Treasury a separate account which shall be known as the ''Activities to Combat HIV/AIDS Globally Fund'' and which shall be administered by the Coordinator of United States Government Activities to Combat HIV/AIDS Globally. There shall be deposited into the Fund all amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, except for amounts appropriated for United States contributions to the Global Fund.

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS

SEC. 201. SENSE OF CONGRESS ON PUBLIC-PRIVATE PARTNERSHIPS.

(a) FINDINGS.—Congress makes the following findings:

(1) Innovative partnerships between governments and organizations in the private sector (including foundations, universities, corporations, faith-based and community-based organizations, and other nongovernmental organizations) have proliferated in recent years, particularly in the area of health.

(2) Public-private sector partnerships multiply local and international capacities to strengthen the delivery of health services in developing countries and to accelerate research for vaccines and other pharmaceutical products that are essential to combat infectious diseases decimating the populations of these countries.

(3) These partnerships maximize the unique capabilities of each sector while combining financial and other resources, scientific knowledge, and expertise toward common goals which neither the public nor the private sector can achieve alone.

(4) Sustaining existing public-private partnerships and building new ones are critical to the success of the international community's efforts to combat HIV/AIDS and other infectious diseases around the globe.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the sustainment and promotion of public-private partnerships should be a priority element of the strategy pursued by the United States to combat the HIV/AIDS pandemic and other global health crises; and

(2) the United States should systematically track the evolution of these partnerships and work with others in the public and private sector to profile and build upon those models that are most effective.

SEC. 202. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA.

(a) FINDINGS.—The Congress finds as follows:

(1) The establishment of the Global Fund in January 2002 is consistent with the general principles for an international AIDS trust fund first outlined by the Congress in the Global AIDS and Tuberculosis Relief Act of 2000 (Public Law 106–264).

(2) Section 2, Article 5 of the bylaws of the Global Fund provides for the International Bank for Reconstruction and Development to serve as the initial collection trustee for the Global Fund.

(3) The trustee agreement signed between the Global Fund and the International Bank for Reconstruction and Development narrows the range of duties to include receiving and investing funds from donors, disbursing the funds upon the instruction of the Global Fund, reporting on trust fund resources to donors and the Global Fund, and providing an annual external audit report to the Global Fund.

(b) AUTHORITY FOR UNITED STATES PARTICIPATION.—

(1) UNITED STATES PARTICIPATION.—The United States is hereby authorized to participate in the Global Fund.

(2) PRIVILEGES AND IMMUNITIES.—The Global Fund shall be considered a public international organization for purposes of section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

(c) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Global Fund, the President shall submit to the appropriate congressional committees a report on the Global Fund, including contributions pledged to, contributions (including donations from the private sector) received by, and projects funded by the Global Fund, and the mechanisms established for transparency and accountability in the grant-making process.

(d) UNITED STATES FINANCIAL PARTICIPATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds authorized to be appropriated for bilateral or multilateral HIV/AIDS, tuberculosis, or malaria programs, of the amounts authorized to be appropriated under section 401, there are authorized to be appropriated to the President up to $1,000,000,000 for the period of fiscal year 2004 beginning on January 1, 2004, and such sums as may be necessary for the fiscal years 2005–2008, for contributions to the Global Fund.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.

(3) REPROGRAMMING OF FISCAL YEAR 2001 FUNDS.—Funds made available for fiscal year 2001 under section 141 of the Global AIDS and Tuberculosis Relief Act of 2000—

(A) are authorized to remain available until expended; and

(B) shall be transferred to, merged with, and made available for the same purposes as, funds made available for fiscal years 2004 through 2008 under paragraph (1).

(4) LIMITATION.—

(A)(i) At any time during fiscal years 2004 through 2008, no United States contribution to the Global Fund may cause the total amount of United States Government contributions to the Global Fund to exceed 33 percent of the total amount of funds contributed to the Global Fund from all other sources. Contributions to the Global Fund from the International Bank for Reconstruction and Development and the International Monetary Fund shall not be considered in determining compliance with this paragraph.

(ii) If, at any time during any of the fiscal years 2004 through 2008, the President determines that the Global Fund has provided assistance to a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism, then the United States shall withhold from its contribution for the next fiscal year an amount equal to the amount expended by the Fund to the government of each such country.

(iii) If at any time the President determines that the expenses of the Governing, Administrative, and Advisory Bodies (including the Partnership Forum, the Foundation Board, the Secretariat, and the Technical Review Board) of the Global Fund exceed 10 percent of the total expenditures of the Fund for any 2-year period, the United States shall withhold from its contribution for the next fiscal year an amount equal the to the average annual amount expended by the Fund for such 2-year period for the expenses of the Governing, Administrative, and Advisory Bodies in excess of 10 percent of the total expenditures of the Fund.

(iv) The President may waive the application of clause (iii) if the President determines that extraordinary circumstances warrant such a waiver. No waiver under this clause may be for any period that exceeds 1 year.

(v) If, at any time during any of the fiscal years 2004 through 2008, the President determines that the salary of any individual employed by the Global Fund exceeds the salary of the Vice President of the United States (as determined under section 104 of title 3, United States Code) for that fiscal year, then the United States shall withhold from its contribution for the next fiscal year an amount equal to the aggregate amount by which the salary of each such individual exceeds the salary of the Vice President of the United States.

(B)(i) Any amount made available under this subsection that is withheld by reason of subparagraph (A)(i) shall be contributed to the Global Fund as soon as practicable, subject to subparagraph (A)(i), after additional contributions to the Global Fund are made from other sources.

(ii) Any amount made available under this subsection that is withheld by reason of subparagraph (A)(iii) shall be transferred to the Activities to Combat HIV/AIDS Globally Fund and shall remain available under the same terms and conditions as funds appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance.

(iii) Any amount made available under this subsection that is withheld by reason of clause (ii) or (iii) of subparagraph (A) is authorized to be made available to carry out section 104A of the Foreign Assistance Act of 1961 (as added by section 301 of this Act). Amounts made available under the preceding sentence are in addition to amounts appropriated pursuant to the authorization of appropriations under section 401 of this Act for HIV/AIDS assistance.

(C)(i) The President may suspend the application of subparagraph (A) with respect to a fiscal year if the President determines that an international health emergency threatens the national security interests of the United States.

(ii) The President shall notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate not less than 5 days before making a determination under clause (i) with respect to the application of subparagraph (A)(i) and shall include in the notification—

(I) a justification as to why increased United States Government contributions to the Global Fund is preferable to increased United States assistance to combat HIV/AIDS, tuberculosis, and malaria on a bilateral basis; and

(II) an explanation as to why other government donors to the Global Fund are unable to provide adequate contributions to the Fund.

(e) INTERAGENCY TECHNICAL REVIEW PANEL.—

(1) ESTABLISHMENT.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally, established in section 1(f)(1) of the State Department Basic Authorities Act of 1956 (as added by section 102(a) of this Act), shall establish in the executive branch an interagency technical review panel.

(2) DUTIES.—The interagency technical review panel shall serve as a ''shadow'' panel to the Global Fund by—

(A) periodically reviewing all proposals received by the Global Fund; and

(B) providing guidance to the United States persons who are representatives on the panels, committees, and boards of the Global Fund, on the technical efficacy, suitability, and appropriateness of the proposals, and ensuring that such persons are fully informed of technical inadequacies or other aspects of the proposals that are inconsistent with the purposes of this or any other Act relating to the provision of foreign assistance in the area of AIDS.

(3) MEMBERSHIP.—The interagency technical review panel shall consist of qualified medical and development experts who are officers or employees of the Department of Health and Human Services, the Department of State, and the United States Agency for International Development.

(4) CHAIR.—The Coordinator referred to in paragraph (1) shall chair the interagency technical review panel.

(f) MONITORING BY COMPTROLLER GENERAL.—

(1) MONITORING.—The Comptroller General shall monitor and evaluate projects funded by the Global Fund.

(2) REPORT.—The Comptroller General shall on a biennial basis shall prepare and submit to the appropriate congressional committees a report that contains the results of the monitoring and evaluation described in paragraph (1) for the preceding 2-year period.

(g) PROVISION OF INFORMATION TO CONGRESS.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall make available to the Congress the following documents within 30 days of a request by the Congress for such documents:

(1) All financial and accounting statements for the Global Fund and the Activities to Combat HIV/AIDS Globally Fund, including administrative and grantee statements.

(2) Reports provided to the Global Fund and the Activities to Combat HIV/AIDS Globally Fund by organizations contracted to audit recipients of funds.

(3) Project proposals submitted by applicants for funding from the Global Fund and the Activities to Combat HIV/AIDS Globally Fund, but which were not funded.

(4) Progress reports submitted to the Global Fund and the Activities to Combat HIV/AIDS Globally Fund by grantees.

(h) SENSE OF THE CONGRESS REGARDING ENCOURAGEMENT OF PRIVATE CONTRIBUTIONS TO THE GLOBAL FUND.—It is the sense of the Congress that the President should—

(1) conduct an outreach campaign that is designed to—

(A) inform the public of the existence of—

(i) the Global Fund; and

(ii) any entity that will accept private contributions intended for use by the Global Fund; and

(B) encourage private contributions to the Global Fund; and

(2) encourage private contributions intended for use by the Global Fund by—

(A) establishing and operating an Internet website, and publishing information about the website; and

(B) making public service announcements on radio and television.

SEC. 203. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL VACCINE FUNDS.

(a) VACCINE FUND.—Section 302(k) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(k)) is amended—

(1) by striking ''$50,000,000 for each of the fiscal years 2001 and 2002'' and inserting ''such sums as may be necessary for each of the fiscal years 2004 through 2008''; and

(2) by striking ''Global Alliance for Vaccines and Immunizations'' and inserting ''Vaccine Fund''.

(b) INTERNATIONAL AIDS VACCINE INITIATIVE.—Section 302(l) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(l)) is amended by striking ''$10,000,000 for each of the fiscal years 2001 and 2002'' and inserting ''such sums as may be necessary for each of the fiscal years 2004 through 2008''.

(c) SUPPORT FOR THE DEVELOPMENT OF MALARIA VACCINE.—Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222)) is amended by adding at the end the following new subsection:

''(m) In addition to amounts otherwise available under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2004 through 2008 to be available for United States contributions to malaria vaccine development programs, including the Malaria Vaccine Initiative of the Program for Appropriate Technologies in Health (PATH).''.

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

SEC. 301. ASSISTANCE TO COMBAT HIV/AIDS.

(a) AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 104(c) (22 U.S.C. 2151b(c)), by striking paragraphs (4) through (7); and

(2) by inserting after section 104 the following new section:

''SEC. 104A. ASSISTANCE TO COMBAT HIV/AIDS.

''(a) FINDING.—Congress recognizes that the alarming spread of HIV/AIDS in countries in sub-Saharan Africa, the Caribbean, and other developing countries is a major global health, national security, development, and humanitarian crisis.

''(b) POLICY.—It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention, treatment, and control of HIV/AIDS. The United States and other developed countries should provide assistance to countries in sub-Saharan Africa, the Caribbean, and other countries and areas to control this crisis through HIV/AIDS prevention, treatment, monitoring, and related activities, particularly activities focused on women and youth, including strategies to protect women and prevent mother-to-child transmission of the HIV infection.

''(c) AUTHORIZATION.—

''(1) IN GENERAL.—Consistent with section 104(c), the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for HIV/AIDS, including to prevent, treat, and monitor HIV/AIDS, and carry out related activities, in countries in sub-Saharan Africa, the Caribbean, and other countries and areas.

''(2) ROLE OF NGOS.—It is the sense of Congress that the President should provide an appropriate level of assistance under paragraph (1) through nongovernmental organizations (including faith-based and community-based organizations) in countries in sub-Saharan Africa, the Caribbean, and other countries and areas affected by the HIV/AIDS pandemic.

''(3) COORDINATION OF ASSISTANCE EFFORTS.—The President shall coordinate the provision of assistance under paragraph (1) with the provision of related assistance by the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the United Nations Development Programme (UNDP), the Global Fund to Fight AIDS, Tuberculosis and Malaria and other appropriate international organizations (such as the International Bank for Reconstruction and Development), relevant regional multilateral development institutions, national, state, and local governments of foreign countries, appropriate governmental and nongovernmental organizations, and relevant executive branch agencies.

''(d) ACTIVITIES SUPPORTED.—Assistance provided under subsection (c) shall, to the maximum extent practicable, be used to carry out the following activities:

''(1) PREVENTION.—Prevention of HIV/AIDS through activities including—

''(A) programs and efforts that are designed or intended to impart knowledge with the exclusive purpose of helping individuals avoid behaviors that place them at risk of HIV infection, including integration of such programs into health programs and the inclusion in counseling programs of information on methods of avoiding infection of HIV, including delaying sexual debut, abstinence, fidelity and monogamy, reduction of casual sexual partnering, reducing sexual violence and coercion, including child marriage, widow inheritance, and polygamy, and where appropriate, use of condoms;

''(B) assistance to establish and implement culturally appropriate HIV/AIDS education and prevention programs that focus on helping individuals avoid infection of HIV/AIDS, implemented through nongovernmental organizations, including faith-based and community-based organizations, particularly those organizations that utilize both professionals and volunteers with appropriate skills, experience, and community presence;

''(C) assistance for the purpose of encouraging men to be responsible in their sexual behavior, child rearing, and to respect women;

''(D) assistance for the purpose of providing voluntary testing and counseling (including the incorporation of confidentiality protections with respect to such testing and counseling);

''(E) assistance for the purpose of preventing mother-to-child transmission of the HIV infection, including medications to prevent such transmission and access to infant formula and other alternatives for infant feeding;

''(F) assistance to ensure a safe blood supply and sterile medical equipment;

''(G) assistance to help avoid substance abuse and intravenous drug use that can lead to HIV infection; and

(H) assistance for the purpose of increasing women's access to employment opportunities, income, productive resources, and microfinance programs, where appropriate.

''(2) TREATMENT.—The treatment and care of individuals with HIV/AIDS, including—

''(A) assistance to establish and implement programs to strengthen and broaden indigenous health care delivery systems and the capacity of such systems to deliver HIV/AIDS pharmaceuticals and otherwise provide for the treatment of individuals with HIV/AIDS, including clinical training for indigenous organizations and health care providers;

''(B) assistance to strengthen and expand hospice and palliative care programs to assist patients debilitated by HIV/AIDS, their families, and the primary caregivers of such patients, including programs that utilize faith-based and community-based organizations; and

''(C) assistance for the purpose of the care and treatment of individuals with HIV/AIDS through the provision of pharmaceuticals, including antiretrovirals and other pharmaceuticals and therapies for the treatment of opportunistic infections, nutritional support, and other treatment modalities.

''(3) PREVENTATIVE INTERVENTION EDUCATION AND TECHNOLOGIES.—(A) With particular emphasis on specific populations that represent a particularly high risk of contracting or spreading HIV/AIDS, including those exploited through the sex trade, victims of rape and sexual assault, individuals already infected with HIV/AIDS, and in cases of occupational exposure of health care workers, assistance with efforts to reduce the risk of HIV/AIDS infection including post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

''(B) Bulk purchases of available test kits, condoms, and, when proven effective, microbicides that are intended to reduce the risk of HIV/AIDS transmission and for appropriate program support for the introduction and distribution of these commodities, as well as education and training on the use of the technologies.

''(4) MONITORING.—The monitoring of programs, projects, and activities carried out pursuant to paragraphs (1) through (3), including—

''(A) monitoring to ensure that adequate controls are established and implemented to provide HIV/AIDS pharmaceuticals and other appropriate medicines to poor individuals with HIV/AIDS;

''(B) appropriate evaluation and surveillance activities;

''(C) monitoring to ensure that appropriate measures are being taken to maintain the sustainability of HIV/AIDS pharmaceuticals (especially antiretrovirals) and ensure that drug resistance is not compromising the benefits of such pharmaceuticals; and

''(D) monitoring to ensure appropriate law enforcement officials are working to ensure that HIV/AIDS pharmaceuticals are not diminished through illegal counterfeiting or black market sales of such pharmaceuticals.

''(5) PHARMACEUTICALS.—

''(A) PROCUREMENT.—The procurement of HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines, including medicines to treat opportunistic infections.

''(B) MECHANISMS FOR QUALITY CONTROL AND SUSTAINABLE SUPPLY.—Mechanisms to ensure that such HIV/AIDS pharmaceuticals, antiretroviral therapies, and other appropriate medicines are quality-controlled and sustainably supplied.

''(C) DISTRIBUTION.—The distribution of such HIV/AIDS pharmaceuticals, antiviral therapies, and other appropriate medicines (including medicines to treat opportunistic infections) to qualified national, regional, or local organizations for the treatment of individuals with HIV/AIDS in accordance with appropriate HIV/AIDS testing and monitoring requirements and treatment protocols and for the prevention of mother-to-child transmission of the HIV infection.

''(6) RELATED ACTIVITIES.—The conduct of related activities, including—

''(A) the care and support of children who are orphaned by the HIV/AIDS pandemic, including services designed to care for orphaned children in a family environment which rely on extended family members;

''(B) improved infrastructure and institutional capacity to develop and manage education, prevention, and treatment programs, including training and the resources to collect and maintain accurate HIV surveillance data to target programs and measure the effectiveness of interventions; and

''(C) vaccine research and development partnership programs with specific plans of action to develop a safe, effective, accessible, preventive HIV vaccine for use throughout the world.

''(7) COMPREHENSIVE HIV/AIDS PUBLIC-PRIVATE PARTNERSHIPS.—The establishment and operation of public-private partnership entities within countries in sub-Saharan Africa, the Caribbean, and other countries affected by the HIV/AIDS pandemic that are dedicated to supporting the national strategy of such countries regarding the prevention, treatment, and monitoring of HIV/AIDS. Each such public-private partnership should—

''(A) support the development, implementation, and management of comprehensive HIV/AIDS plans in support of the national HIV/AIDS strategy;

''(B) operate at all times in a manner that emphasizes efficiency, accountability, and results-driven programs;

''(C) engage both local and foreign development partners and donors, including businesses, government agencies, academic institutions, nongovernmental organizations, foundations, multilateral development agencies, and faith-based organizations, to assist the country in coordinating and implementing HIV/AIDS prevention, treatment, and monitoring programs in accordance with its national HIV/AIDS strategy;

''(D) provide technical assistance, consultant services, financial planning, monitoring and evaluation, and research in support of the national HIV/AIDS strategy; and

''(E) establish local human resource capacities for the national HIV/AIDS strategy through the transfer of medical, managerial, leadership, and technical skills.

''(e) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than January 31 of each year, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the implementation of this section for the prior fiscal year.

''(2) REPORT ELEMENTS.—Each report shall include—

''(A) a description of efforts made by each relevant executive branch agency to implement the policies set forth in this section, section 104B, and section 104C;

''(B) a description of the programs established pursuant to such sections; and

''(C) a detailed assessment of the impact of programs established pursuant to such sections, including—

''(i)(I) the effectiveness of such programs in reducing the spread of the HIV infection, particularly in women and girls, in reducing mother-to-child transmission of the HIV infection, and in reducing mortality rates from HIV/AIDS; and

''(II) the number of patients currently receiving treatment for AIDS in each country that receives assistance under this Act.

''(ii) the progress made toward improving health care delivery systems (including the training of adequate numbers of staff) and infrastructure to ensure increased access to care and treatment;

''(iii) with respect to tuberculosis, the increase in the number of people treated and the increase in number of tuberculosis patients cured through each program, project, or activity receiving United States foreign assistance for tuberculosis control purposes; and

''(iv) with respect to malaria, the increase in the number of people treated and the increase in number of malaria patients cured through each program, project, or activity receiving United States foreign assistance for malaria control purposes.

''(f) FUNDING LIMITATION.—Of the funds made available to carry out this section in any fiscal year, not more than 7 percent may be used for the administrative expenses of the United States Agency for International Development in support of activities described in section 104(c), this section, section 104B, and section 104C. Such amount shall be in addition to other amounts otherwise available for such purposes.

''(g) DEFINITIONS.—In this section:

''(1) AIDS.—The term 'AIDS' means acquired immune deficiency syndrome.

''(2) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

''(3) HIV/AIDS.—The term 'HIV/AIDS' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

''(4) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term 'relevant executive branch agencies' means the Department of State, the United States Agency for International Development, the Department of Health and Human Services (including its agencies and offices), and any other department or agency of the United States that participates in international HIV/AIDS activities pursuant to the authorities of such department or agency or this Act.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) for such purpose or under any other provision of that Act, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out section 104A of the Foreign Assistance Act of 1961, as added by subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(3) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated by paragraph (1) for the fiscal years 2004 through 2008, such sums as may be necessary are authorized to be appropriated to carry out section 104A(d)(4) of the Foreign Assistance Act of 1961 (as added by subsection (a)), relating to the procurement and distribution of HIV/AIDS pharmaceuticals.

(c) RELATIONSHIP TO ASSISTANCE PROGRAMS TO ENHANCE NUTRITION.—In recognition of the fact that malnutrition may hasten the progression of HIV to AIDS and may exacerbate the decline among AIDS patients leading to a shorter life span, the Administrator of the United States Agency for International Development shall, as appropriate—

(1) integrate nutrition programs with HIV/AIDS activities, generally;

(2) provide, as a component of an antiretroviral therapy program, support for food and nutrition to individuals infected with and affected by HIV/AIDS; and

(3) provide support for food and nutrition for children affected by HIV/AIDS and to communities and households caring for children affected by HIV/AIDS.

(d) ELIGIBILITY FOR ASSISTANCE.—An organization that is otherwise eligible to receive assistance under section 104A of the Foreign Assistance Act of 1961 (as added by subsection (a)) or under any other provision of this Act (or any amendment made by this Act) to prevent, treat, or monitor HIV/AIDS shall not be required, as a condition of receiving the assistance, to endorse or utilize a multisectoral approach to combatting HIV/AIDS, or to endorse, utilize, or participate in a prevention method or treatment program to which the organization has a religious or moral objection.

(e) LIMITATION.—No funds made available to carry out this Act, or any amendment made by this Act, may be used to promote or advocate the legalization or practice of prostitution or sex trafficking. Nothing in the preceding sentence shall be construed to preclude the provision to individuals of palliative care, treatment, or post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

(f) LIMITATION.—No funds made available to carry out this Act, or any amendment made by this Act, may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking.

(g) SENSE OF CONGRESS RELATING TO FOOD ASSISTANCE FOR INDIVIDUALS LIVING WITH HIV/AIDS.—

(1) FINDINGS.—Congress finds the following:

(A) The United States provides more than 60 percent of all food assistance worldwide.

(B) According to the United Nations World Food Program and other United Nations agencies, food insecurity of individuals infected or living with HIV/AIDS is a major problem in countries with large populations of such individuals, particularly in African countries.

(C) Although the United States is willing to provide food assistance to these countries in need, a few of the countries object to part or all of the assistance because of fears of benign genetic modifications to the foods.

(D) Healthy and nutritious foods for individuals infected or living with HIV/AIDS are an important complement to HIV/AIDS medicines for such individuals.

(E) Individuals infected with HIV have higher nutritional requirements than individuals who are not infected with HIV, particularly with respect to the need for protein. Also, there is evidence to suggest that the full benefit of therapy to treat HIV/AIDS may not be achieved in individuals who are malnourished, particularly in pregnant and lactating women.

(2) SENSE OF CONGRESS.—It is therefore the sense of Congress that United States food assistance should be accepted by countries with large populations of individuals infected or living with HIV/AIDS, particularly African countries, in order to help feed such individuals.

SEC. 302. ASSISTANCE TO COMBAT TUBERCULOSIS.

(a) AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by section 301 of this Act, is further amended by inserting after section 104A the following new section:

"SEC. 104B. ASSISTANCE TO COMBAT TUBERCULOSIS.

''(a) FINDINGS.—Congress makes the following findings:

''(1) Congress recognizes the growing international problem of tuberculosis and the impact its continued existence has on those countries that had previously largely controlled the disease.

''(2) Congress further recognizes that the means exist to control and treat tuberculosis through expanded use of the DOTS (Directly Observed Treatment Short-course) treatment strategy, including DOTS-Plus to address multi-drug resistant tuberculosis, and adequate investment in newly created mechanisms to increase access to treatment, including the Global Tuberculosis Drug Facility established in 2001 pursuant to the Amsterdam Declaration to Stop TB and the Global Alliance for TB Drug Development.

''(b) POLICY.—It is a major objective of the foreign assistance program of the United States to control tuberculosis, including the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected, not later than December 31, 2005, in those countries classified by the World Health Organization as among the highest tuberculosis burden, and not later than December 31, 2010, in all countries in which the United States Agency for International Development has established development programs.

''(c) AUTHORIZATION.—To carry out this section and consistent with section 104(c), the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for the prevention, treatment, control, and elimination of tuberculosis.

''(d) COORDINATION.—In carrying out this section, the President shall coordinate with the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and other organizations with respect to the development and implementation of a comprehensive tuberculosis control program.

''(e) PRIORITY TO DOTS COVERAGE.—In furnishing assistance under subsection (c), the President shall give priority to activities that increase Directly Observed Treatment Short-course (DOTS) coverage and treatment of multi-drug resistant tuberculosis where needed using DOTS-Plus, including funding for the Global Tuberculosis Drug Facility, the Stop Tuberculosis Partnership, and the Global Alliance for TB Drug Development. In order to meet the requirement of the preceding sentence, the President should ensure that not less than 75 percent of the amount made available to carry out this section for a fiscal year should be expended for antituberculosis drugs, supplies, direct patient services, and training in diagnosis and treatment for Directly Observed Treatment Short-course (DOTS) coverage and treatment of multi-drug resistant tuberculosis using DOTS-Plus, including substantially increased funding for the Global Tuberculosis Drug Facility.

''(f) DEFINITIONS.—In this section:

''(1) DOTS.—The term 'DOTS' or 'Directly Observed Treatment Short-course' means the World Health Organization-recommended strategy for treating tuberculosis.

''(2) DOTS-PLUS.—The term 'DOTS-Plus' means a comprehensive tuberculosis management strategy that is built upon and works as a supplement to the standard DOTS strategy, and which takes into account specific issues (such as use of second line antituberculosis drugs) that need to be addressed in areas where there is high prevalence of multi-drug resistant tuberculosis.

''(3) GLOBAL ALLIANCE FOR TUBERCULOSIS DRUG DEVELOPMENT.—The term 'Global Alliance for Tuberculosis Drug Development' means the public-private partnership that brings together leaders in health, science, philanthropy, and private industry to devise new approaches to tuberculosis and to ensure that new medications are available and affordable in high tuberculosis burden countries and other affected countries.

''(4) GLOBAL TUBERCULOSIS DRUG FACILITY.—The term 'Global Tuberculosis Drug Facility (GDF)' means the new initiative of the Stop Tuberculosis Partnership to increase access to high-quality tuberculosis drugs to facilitate DOTS expansion.

''(5) STOP TUBERCULOSIS PARTNERSHIP.—The term 'Stop Tuberculosis Partnership' means the partnership of the World Health Organization, donors including the United States, high tuberculosis burden countries, multilateral agencies, and nongovernmental and technical agencies committed to short- and long-term measures required to control and eventually eliminate tuberculosis as a public health problem in the world.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) for such purpose or under any other provision of that Act, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out section 104B of the Foreign Assistance Act of 1961, as added by subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(3) TRANSFER OF PRIOR YEAR FUNDS.—Unobligated balances of funds made available for fiscal year 2001, 2002, or 2003 under section 104(c)(7) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(7) (as in effect immediately before the date of enactment of this Act) shall be transferred to, merged with, and made available for the same purposes as funds made available for fiscal years 2004 through 2008 under paragraph (1).

SEC. 303. ASSISTANCE TO COMBAT MALARIA.

(a) AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by sections 301 and 302 of this Act, is further amended by inserting after section 104B the following new section:

"SEC. 104C. ASSISTANCE TO COMBAT MALARIA.

''(a) FINDING.—Congress finds that malaria kills more people annually than any other communicable disease except tuberculosis, that more than 90 percent of all malaria cases are in sub-Saharan Africa, and that children and women are particularly at risk. Congress recognizes that there are cost-effective tools to decrease the spread of malaria and that malaria is a curable disease if promptly diagnosed and adequately treated.

''(b) POLICY.—It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention, control, and cure of malaria.

''(c) AUTHORIZATION.—To carry out this section and consistent with section 104(c), the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for the prevention, treatment, control, and elimination of malaria.

''(d) COORDINATION.—In carrying out this section, the President shall coordinate with the World Health Organization, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, the Department of Health and Human Services (the Centers for Disease Control and Prevention and the National Institutes of Health), and other organizations with respect to the development and implementation of a comprehensive malaria control program.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to funds available under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) for

such purpose or under any other provision of that Act, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for fiscal years 2004 through 2008 to carry out section 104C of the Foreign Assistance Act of 1961, as added by subsection (a), including for the development of anti-malarial pharmaceuticals by the Medicines for Malaria Venture.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(3) TRANSFER OF PRIOR YEAR FUNDS.—Unobligated balances of funds made available for fiscal year 2001, 2002, or 2003 under section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c) (as in effect immediately before the date of enactment of this Act) and made available for the control of malaria shall be transferred to, merged with, and made available for the same purposes as funds made available for fiscal years 2004 through 2008 under paragraph (1).

(c) CONFORMING AMENDMENT.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)), as amended by section 301 of this Act, is further amended by adding after paragraph (3) the following:

''(4) RELATIONSHIP TO OTHER LAWS.—Assistance made available under this subsection and sections 104A, 104B, and 104C, and assistance made available under chapter 4 of part II to carry out the purposes of this subsection and the provisions cited in this paragraph, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, except for the provisions of this subsection, the provisions of law cited in this paragraph, subsection (f), section 634A of this Act, and provisions of law that limit assistance to organizations that support or participate in a program of coercive abortion or involuntary sterilization included under the Child Survival and Health Programs Fund heading in the Consolidated Appropriations Resolution, 2003 (Public Law 108–7).''.

SEC. 304. PILOT PROGRAM FOR THE PLACEMENT OF HEALTH CARE PROFESSIONALS IN OVERSEAS AREAS SEVERELY AFFECTED BY HIV/AIDS, TUBERCULOSIS, AND MALARIA.

(a) IN GENERAL.—The President should establish a program to demonstrate the feasibility of facilitating the service of United States health care professionals in those areas of sub-Saharan Africa and other parts of the world severely affected by HIV/AIDS, tuberculosis, and malaria.

(b) REQUIREMENTS.—Participants in the program shall—

(1) provide basic health care services for those infected and affected by HIV/AIDS, tuberculosis, and malaria in the area in which they are serving;

(2) provide on-the-job training to medical and other personnel in the area in which they are serving to strengthen the basic health care system of the affected countries;

(3) provide health care educational training for residents of the area in which they are serving;

(4) serve for a period of up to three years; and

(5) meet the eligibility requirements in subsection (d).

(c) ELIGIBILITY REQUIREMENTS.—To be eligible to participate in the program, a candidate shall—

(1) be a national of the United States who is a trained health care professional and who meets the educational and licensure requirements necessary to be such a professional such as a physician, nurse, physician assistant, nurse practitioner, pharmacist, other type of health care professional, or other individual determined to be appropriate by the President; or

(2) be a retired commissioned officer of the Public Health Service Corps.

(d) RECRUITMENT.—The President shall ensure that information on the program is widely distributed, including the distribution of information to schools for health professionals, hospitals, clinics, and nongovernmental organizations working in the areas of international health and aid.

(e) PLACEMENT OF PARTICIPANTS.—

(1) IN GENERAL.—To the maximum extent practicable, participants in the program shall serve in the poorest areas of the affected countries, where health care needs are likely to be the greatest. The decision on the placement of a participant should be made in consultation with relevant officials of the affected country at both the national and local level as well as with local community leaders and organizations.

(2) COORDINATION.—Placement of participants in the program shall be coordinated with the United States Agency for International Development in countries in which that Agency is conducting HIV/AIDS, tuberculosis, or malaria programs. Overall coordination of placement of participants in the program shall be made by the Coordinator of United States Government Activities to Combat HIV/AIDS Globally (as described in section 1(f) of the State Department Basic Authorities Act of 1956 (as added by section 102(a) of this Act)).

(f) INCENTIVES.—The President may offer such incentives as the President determines to be necessary to encourage individuals to participate in the program, such as partial payment of principal, interest, and related expenses on government and commercial loans for educational expenses relating to professional health training and, where possible, deferment of repayments on such loans, the provision of retirement benefits that would otherwise be jeopardized by participation in the program, and other incentives.

(g) REPORT.—Not later than 18 months after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on steps taken to establish the program, including—

(1) the process of recruitment, including the venues for recruitment, the number of candidates recruited, the incentives offered, if any, and the cost of those incentives;

(2) the process, including the criteria used, for the selection of participants;

(3) the number of participants placed, the countries in which they were placed, and why those countries were selected; and

(4) the potential for expansion of the program.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 305. REPORT ON TREATMENT ACTIVITIES BY RELEVANT EXECUTIVE BRANCH AGENCIES.

(a) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the President shall submit to appropriate congressional committees a report on the programs and activities of the relevant executive branch agencies that are directed to the treatment of individuals in foreign countries infected with HIV or living with AIDS.

(b) REPORT ELEMENTS.—The report shall include—

(1) a description of the activities of relevant executive branch agencies with respect to—

(A) the treatment of opportunistic infections;

(B) the use of antiretrovirals;

(C) the status of research into successful treatment protocols for individuals in the developing world;

(D) technical assistance and training of local health care workers (in countries affected by the pandemic) to administer antiretrovirals, manage side effects, and monitor patients' viral loads and immune status;

(E) the status of strategies to promote sustainability of HIV/AIDS pharmaceuticals (including antiretrovirals) and the effects of drug resistance on HIV/AIDS patients; and

(F) the status of appropriate law enforcement officials working to ensure that HIV/AIDS pharmaceutical treatment is not diminished through illegal counterfeiting and black market sales of such pharmaceuticals;

(2) information on existing pilot projects, including a discussion of why a given population was selected, the number of people treated, the cost of treatment, the mechanisms established to ensure that treatment is being administered effectively and safely, and plans for scaling up pilot projects (including projected timelines and required resources); and

(3) an explanation of how those activities relate to efforts to prevent the transmission of the HIV infection.

SEC. 306. STRATEGIES TO IMPROVE INJECTION SAFETY.

Section 307 of the Public Health Service Act (42 U.S.C. 242l) is amended by adding at the end the following:

''(d) In carrying out immunization programs and other programs in developing countries for the prevention, treatment, and control of infectious diseases, including HIV/AIDS, tuberculosis, and malaria, the Director of the Centers for Disease Control and Prevention, in coordination with the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, the National Institutes of Health, national and local government, and other organizations, such as the World Health Organization and the United Nations Children's Fund, shall develop and implement effective strategies to improve injection safety, including eliminating unnecessary injections, promoting sterile injection practices and technologies, strengthening the procedures for proper needle and syringe disposal, and improving the education and information provided to the public and to health professionals.''.

SEC. 307. STUDY ON ILLEGAL DIVERSIONS OF PRESCRIPTION DRUGS.

Not later than 180 days after enactment of this Act, the Secretary of Health and Human Services, in coordination with other agencies, shall submit a report to the Congress that includes the following:

(1) A thorough accounting of evidence indicating illegal diversion into the United States of prescription drugs donated or sold for humanitarian efforts, and an estimate of the extent of such diversion.

(2) Recommendations to increase the administrative and enforcement powers of the United States to identify, monitor, and prevent the illegal diversion into the United States of prescription drugs donated or sold for humanitarian efforts.

(3) Recommendations and guidelines to advise and provide technical assistance to developing countries on how to implement a program that minimizes diversion into the United States of prescription drugs donated or sold for humanitarian efforts.

Subtitle B—Assistance for Children and Families

SEC. 311. FINDINGS.

Congress makes the following findings:

(1) Approximately 2,000 children around the world are infected each day with HIV

through mother-to-child transmission. Transmission can occur during pregnancy, labor, and delivery or through breast feeding. Over ninety percent of these cases are in developing nations with little or no access to public health facilities.

(2) Mother-to-child transmission is largely preventable with the proper application of pharmaceuticals, therapies, and other public health interventions.

(3) Certain antiretroviral drugs reduce mother-to-child transmission by nearly 50 percent. Universal availability of this drug could prevent up to 400,000 infections per year and dramatically reduce the number of AIDS-related deaths.

(4) At the United Nations Special Session on HIV/AIDS in June 2001, the United States committed to the specific goals with respect to the prevention of mother-to-child transmission, including the goals of reducing the proportion of infants infected with HIV by 20 percent by the year 2005 and by 50 percent by the year 2010, as specified in the Declaration of Commitment on HIV/AIDS adopted by the United Nations General Assembly at the Special Session.

(5) Several United States Government agencies including the United States Agency for International Development and the Centers for Disease Control are already supporting programs to prevent mother-to-child transmission in resource-poor nations and have the capacity to expand these programs rapidly by working closely with foreign governments and nongovernmental organizations.

(6) Efforts to prevent mother-to-child transmission can provide the basis for a broader response that includes care and treatment of mothers, fathers, and other family members who are infected with HIV or living with AIDS.

(7) HIV/AIDS has devastated the lives of countless children and families across the globe. Since the epidemic began, an estimated 13,200,000 children under the age of 15 have been orphaned by AIDS, that is they have lost their mother or both parents to the disease. The Joint United Nations Program on HIV/AIDS (UNAIDS) estimates that this number will double by the year 2010.

(8) HIV/AIDS also targets young people between the ages of 15 to 24, particularly young women, many of whom carry the burden of caring for family members living with HIV/AIDS. An estimated 10,300,000 young people are now living with HIV/AIDS. One-half of all new infections are occurring among this age group.

SEC. 312. POLICY AND REQUIREMENTS.

(a) POLICY.—The United States Government's response to the global HIV/AIDS pandemic should place high priority on the prevention of mother-to-child transmission, the care and treatment of family members and caregivers, and the care of children orphaned by AIDS. To the maximum extent possible, the United States Government should seek to leverage its funds by seeking matching contributions from the private sector, other national governments, and international organizations.

(b) REQUIREMENTS.—The 5-year United States Government strategy required by section 101 of this Act shall—

(1) provide for meeting or exceeding the goal to reduce the rate of mother-to-child transmission of HIV by 20 percent by 2005 and by 50 percent by 2010;

(2) include programs to make available testing and treatment to HIV-positive women and their family members, including drug treatment and therapies to prevent mother-to-child transmission; and

(3) expand programs designed to care for children orphaned by AIDS.

SEC. 313. ANNUAL REPORTS ON PREVENTION OF MOTHER-TO-CHILD TRANSMISSION OF THE HIV INFECTION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for a period of five years, the President shall submit to appropriate congressional committees a report on the activities of relevant executive branch agencies during the reporting period to assist in the prevention of mother-to-child transmission of the HIV infection.

(b) REPORT ELEMENTS.—Each report shall include—

(1) a statement of whether or not all relevant executive branch agencies have met the goal described in section 312(b)(1); and

(2) a description of efforts made by the relevant executive branch agencies to expand those activities, including—

(A) information on the number of sites supported for the prevention of mother-to-child transmission of the HIV infection;

(B) the specific activities supported;

(C) the number of women tested and counseled; and

(D) the number of women receiving preventative drug therapies.

(c) REPORTING PERIOD DEFINED.—In this section, the term ''reporting period'' means, in the case of the initial report, the period since the date of enactment of this Act and, in the case of any subsequent report, the period since the date of submission of the most recent report.

SEC. 314. PILOT PROGRAM OF ASSISTANCE FOR CHILDREN AND FAMILIES AFFECTED BY HIV/AIDS.

(a) IN GENERAL.—The President, acting through the United States Agency for International Development, should establish a program of assistance that would demonstrate the feasibility of the provision of care and treatment to orphans and other children and young people affected by HIV/AIDS in foreign countries.

(b) PROGRAM REQUIREMENTS.—The program should—

(1) build upon and be integrated into programs administered as of the date of enactment of this Act by the relevant executive branch agencies for children affected by HIV/AIDS;

(2) work in conjunction with indigenous community-based programs and activities, particularly those that offer proven services for children;

(3) reduce the stigma of HIV/AIDS to encourage vulnerable children infected with HIV or living with AIDS and their family members and caregivers to avail themselves of voluntary counseling and testing, and related programs, including treatments;

(4) ensure the importance of inheritance rights of women, particularly women in African countries, due to the exponential growth in the number of young widows, orphaned girls, and grandmothers becoming heads of households as a result of the HIV/AIDS pandemic;

(5) provide, in conjunction with other relevant executive branch agencies, the range of services for the care and treatment, including the provision of antiretrovirals and other necessary pharmaceuticals, of children, parents, and caregivers infected with HIV or living with AIDS;

(6) provide nutritional support and food security, and the improvement of overall family health;

(7) work with parents, caregivers, and community-based organizations to provide children with educational opportunities; and

(8) provide appropriate counseling and legal assistance for the appointment of guardians and the handling of other issues relating to the protection of children.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the President should submit a report on the implementation of this section to the appropriate congressional committees. Such report should include a description of activities undertaken to carry out subsection (b)(4).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program. A significant percentage of the amount appropriated pursuant to the authorization of appropriations under the preceding sentence for a fiscal year should be made available to carry out subsection (b)(4).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 315. PILOT PROGRAM ON FAMILY SURVIVAL PARTNERSHIPS.

(a) PURPOSE.—The purpose of this section is to authorize the President to establish a program, through a public-private partnership, for the provision of medical care and support services to HIV positive parents and their children identified through existing programs to prevent mother-to-child transmission of HIV in countries with or at risk for severe HIV epidemic with particular attention to resource constrained countries.

(b) GRANTS.—

(1) IN GENERAL.—The President is authorized to establish a program for the award of grants to eligible administrative organizations to enable such organizations to award subgrants to eligible entities to expand activities to prevent the mother-to-child transmission of HIV by providing medical care and support services to HIV infected parents and their children.

(2) USE OF FUNDS.—Amounts provided under a grant awarded under paragraph (1) shall be used—

(A) to award subgrants to eligible entities to enable such entities to carry out activities described in subsection (c);

(B) for administrative support and subgrant management;

(C) for administrative data collection and reporting concerning grant activities;

(D) for the monitoring and evaluation of grant activities;

(E) for training and technical assistance for subgrantees; and

(F) to promote sustainability.

(c) SUBGRANTS.—

(1) IN GENERAL.—An organization awarded a grant under subsection (b) shall use amounts received under the grant to award subgrants to eligible entities.

(2) ELIGIBILITY.—To be eligible to receive a subgrant under paragraph (1), an entity shall—

(A) be a local health organization, an international organization, or a partnership of such organizations; and

(B) demonstrate to the awarding organization that such entity—

(i) is currently administering a proven intervention to prevent mother-to-child transmission of HIV in countries with or at risk for severe HIV epidemic with particular attention to resource constrained countries, as determined by the President;

(ii) has demonstrated support for the proposed program from relevant government entities; and

(iii) is able to provide HIV care, including antiretroviral treatment when medically indicated, to HIV positive women, men, and children with the support of the project funding.

(3) LOCAL HEALTH AND INTERNATIONAL ORGANIZATIONS.—For purposes of paragraph (2)(A)—

(A) the term ''local health organization'' means a public sector health system, nongovernmental organization, institution of higher education, community-based organization, or nonprofit health system that provides directly, or has a clear link with a provider for the indirect provision of, primary health care services; and

(B) the term ''international organization'' means—

(i) a nonprofit international entity;

(ii) an international charitable institution;

(iii) a private voluntary international entity; or

(iv) a multilateral institution.

(4) PRIORITY REQUIREMENT.—In awarding subgrants under this subsection, the organization shall give priority to eligible applicants that are currently administering a program of proven intervention to HIV positive individuals to prevent mother-to-child transmission in countries with or at risk for severe HIV epidemic with particular attention to resource constrained countries, and who are currently administering a program to HIV positive women, men, and children to provide life-long care in family-centered care programs using non-Federal funds.

(5) SELECTION OF SUBGRANT RECIPIENTS.—In awarding subgrants under this subsection, the organization should—

(A) consider applicants from a range of health care settings, program approaches, and geographic locations; and

(B) if appropriate, award not less than 1 grant to an applicant to fund a national system of health care delivery to HIV positive families.

(6) USE OF SUBGRANT FUNDS.—An eligible entity awarded a subgrant under this subsection shall use subgrant funds to expand activities to prevent mother-to-child transmission of HIV by providing medical treatment and care and support services to parents and their children, which may include—

(A) providing treatment and therapy, when medically indicated, to HIV-infected women, their children, and families;

(B) the hiring and training of local personnel, including physicians, nurses, other health care providers, counselors, social workers, outreach personnel, laboratory technicians, data managers, and administrative support personnel;

(C) paying laboratory costs, including costs related to necessary equipment and diagnostic testing and monitoring (including rapid testing), complete blood counts, standard chemistries, and liver function testing for infants, children, and parents, and costs related to the purchase of necessary laboratory equipment;

(D) purchasing pharmaceuticals for HIV-related conditions, including antiretroviral therapies;

(E) funding support services, including adherence and psychosocial support services;

(F) operational support activities; and

(G) conducting community outreach and capacity building activities, including activities to raise the awareness of individuals of the program carried out by the subgrantee, other communications activities in support of the program, local advisory board functions, and transportation necessary to ensure program participation.

(d) REPORTS.—The President shall require that each organization awarded a grant under subsection (b)(1) to submit an annual report that includes—

(1) the progress of programs funded under this section;

(2) the benchmarks of success of programs funded under this section; and

(3) recommendations of how best to proceed with the programs funded under this section upon the expiration of funding under subsection (e).

(e) FUNDING.—There are authorized to be appropriated to the President, from amounts authorized to be appropriated under section 401, such sums as may be necessary for each of the fiscal years 2004 through 2008 to carry out the program.

(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—An organization shall ensure that not more than 7 percent of the amount of a grant received under this section by the organization is used for administrative expenses.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this Act and the amendments made by this Act $3,000,000,000 for each of the fiscal years 2004 through 2008.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) are authorized to remain available until expended.

(c) AVAILABILITY OF AUTHORIZATIONS.—Authorizations of appropriations under subsection (a) shall remain available until the appropriations are made.

SEC. 402. SENSE OF CONGRESS.

(a) INCREASE IN HIV/AIDS ANTIRETROVIRAL TREATMENT.—It is a sense of the Congress that an urgent priority of United States assistance programs to fight HIV/AIDS should be the rapid increase in distribution of antiretroviral treatment so that—

(1) by the end of fiscal year 2004, at least 500,000 individuals with HIV/AIDS are receiving antiretroviral treatment through United States assistance programs;

(2) by the end of fiscal year 2005, at least 1,000,000 such individuals are receiving such treatment; and

(3) by the end of fiscal year 2006, at least 2,000,000 such individuals are receiving such treatment.

(b) EFFECTIVE DISTRIBUTION OF HIV/AIDS FUNDS.—It is the sense of Congress that, of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance, an effective distribution of such amounts would be—

(1) 55 percent of such amounts for treatment of individuals with HIV/AIDS;

(2) 15 percent of such amounts for palliative care of individuals with HIV/AIDS;

(3) 20 percent of such amounts for HIV/AIDS prevention consistent with section 104A(d) of the Foreign Assistance Act of 1961 (as added by section 301 of this Act), of which such amount at least 33 percent should be expended for abstinence-until-marriage programs; and

(4) 10 percent of such amounts for orphans and vulnerable children.

SEC. 403. ALLOCATION OF FUNDS.

(a) THERAPEUTIC MEDICAL CARE.—For fiscal years 2006 through 2008, not less than 55 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for therapeutic medical care of individuals infected with HIV, of which such amount at least 75 percent should be expended for the purchase and distribution of antiretroviral pharmaceuticals and at least 25 percent should be expended for related care. For fiscal years 2006 through 2008, not less than 33 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS prevention consistent with section 104A(d) of the Foreign Assistance Act of 1961 (as added by section 301 of this Act) for each such fiscal year shall be expended for abstinence-until-marriage programs.

(b) ORPHANS AND VULNERABLE CHILDREN.—For fiscal years 2006 through 2008, not less than 10 percent of the amounts appropriated pursuant to the authorization of appropriations under section 401 for HIV/AIDS assistance for each such fiscal year shall be expended for assistance for orphans and vulnerable children affected by HIV/AIDS, of which such amount at least 50 percent shall be provided through non-profit, nongovernmental organizations, including faith-based organizations, that implement programs on the community level.

SEC. 404. ASSISTANCE FROM THE UNITED STATES PRIVATE SECTOR TO PREVENT AND REDUCE HIV/AIDS IN SUB-SAHARAN AFRICA.

It is the sense of Congress that United States businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS in sub-Saharan Africa. In providing such assistance, United States businesses should be encouraged to consider the establishment of an HIV/AIDS Response Fund in order to provide for coordination among such businesses in the collection and distribution of the assistance to sub-Saharan African countries.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. LANTOS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 375 / Nays 41

¶44.14 [Roll No. 158]

AYES—375

Abercrombie	Calvert	Deutsch
Ackerman	Camp	Diaz-Balart, L.
Aderholt	Cannon	Diaz-Balart, M.
Akin	Cantor	Dicks
Alexander	Capito	Dingell
Allen	Capps	Doggett
Andrews	Capuano	Dooley (CA)
Baca	Cardin	Doolittle
Bachus	Cardoza	Doyle
Baird	Carson (IN)	Dunn
Baker	Carson (OK)	Edwards
Baldwin	Case	Ehlers
Ballance	Castle	Emanuel
Ballenger	Chabot	Emerson
Barrett (SC)	Chocola	Engel
Bass	Clay	English
Beauprez	Clyburn	Eshoo
Bell	Coble	Etheridge
Bereuter	Cole	Evans
Berkley	Collins	Farr
Berry	Conyers	Fattah
Biggert	Cooper	Ferguson
Bilirakis	Costello	Filner
Bishop (GA)	Cox	Fletcher
Bishop (NY)	Cramer	Foley
Blackburn	Crane	Forbes
Blumenauer	Crenshaw	Ford
Blunt	Crowley	Fossella
Boehlert	Cubin	Frank (MA)
Boehner	Cummings	Frelinghuysen
Bonner	Cunningham	Frost
Bono	Davis (AL)	Gallegly
Boozman	Davis (CA)	Gerlach
Boswell	Davis (FL)	Gibbons
Boucher	Davis (IL)	Gilchrest
Bradley (NH)	Davis (TN)	Gillmor
Brady (PA)	Davis, Tom	Gingrey
Brady (TX)	DeFazio	Gonzalez
Brown (SC)	DeGette	Goodlatte
Brown, Corrine	Delahunt	Gordon
Burns	DeLauro	Goss
Burr	DeLay	Granger
Burton (IN)	DeMint	Green (WI)

Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Olver
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—41

Bartlett (MD)
Barton (TX)
Bishop (UT)
Bonilla
Brown-Waite, Ginny
Burgess
Carter
Culberson
Davis, Jo Ann
Deal (GA)
Duncan
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Goode
Graves
Hayes
Hostettler
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Miller (FL)
Miller, Gary
Musgrave
Norwood
Otter
Paul
Petri
Schrock
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns
Tancredo
Taylor (MS)

NOT VOTING—19

Becerra
Berman
Boyd
Brown (OH)
Buyer
Combest
Dreier
Gephardt
Green (TX)
McCarthy (MO)
McHugh
Obey
Ortiz
Owens
Ros-Lehtinen
Sandlin
Scott (VA)
Slaughter
Whitfield

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶44.15 ADJOURNMENT OVER

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, May 5, 2003; and further, when the House adjourns on Monday, May 5, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, May 6, 2003, for morning-hour debate.

¶44.16 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, May 7, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶44.17 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 196. An Act to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science, in addition to the Committee on Education and the Workforce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶44.18 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 162. An Act to provide for the use and distribution of certain funds awarded to the Gila River Prima-Maricopa Indian community, and for other purposes.

¶44.19 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. GREEN of Texas, for after 3 p.m. today;

To Mr. ORTIZ, for today; and

To Mr. SANDLIN, for today.

And then,

¶44.20 ADJOURNMENT

On motion of Mr. SOUDER, pursuant to the previous order of the House, at 5 o'clock and 21 minutes p.m., the House adjourned until 2 p.m. on Monday, May 5, 2003.

¶44.21 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1261. A bill to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes; with an amendment (Rept. 108–82). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1527. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes (Rept. 108–83). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 281. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse'' (Rept. 108–84). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1018. A bill to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building'' (Rept. 108–85). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 53. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; with an amendment (Rept. 108–86). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 96. Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rept. 108–87). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Concurrent Resolution 128. Resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run (Rept. 108–88). Referred to the House Calendar.

¶44.22 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOLEY (for himself, Mr. CAPUANO, Mr. ENGLISH, Mr. CAMP, Mr. ISRAEL, Mr. FOSSELLA, Mr. PAYNE, Mr. GOODLATTE, Mr. WAXMAN, Mr. UPTON, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. MCNULTY, Mr. WATT, Mr. ENGEL, Mr. WELDON of Florida, Mr. MICHAUD, Mr. SERRANO, Mrs. CHRISTENSEN, Mr. KENNEDY of Rhode Island, Mr. HOEFFEL, Mr. TOWNS, Mr. FROST, Mr. ALLEN, Mr. LYNCH, Mr. DOYLE, Ms. CORRINE BROWN of Florida, and Mr. SIMMONS):

H.R. 1902. A bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR:

H.R. 1903. A bill to amend the Defense Base Closure and Realignment Act of 1990 to improve the surplus property disposal process for closed or realigned military installations; to the Committee on Armed Services.

By Mr. MCINNIS (for himself, Mr. WALDEN of Oregon, Mr. POMBO, Mr. GOODLATTE, Mr. AKIN, Mr. ALEXANDER, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BEAUPREZ, Mr. BERRY, Mr. BISHOP of Utah, Mr. BLUNT, Mr. BOEHNER, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BURGESS, Mr. CALVERT, Mr. CANNON, Mr. COLE, Mr. CRAMER, Mrs. CUBIN, Mr. DAVIS of Alabama, Mr. DOOLITTLE, Mr. DOOLEY of California, Mr. DUNCAN, Mrs. EMERSON, Mr. EVERETT, Mr. FLAKE, Mr. GALLEGLY, Mr. GIBBONS, Mr. GILCHREST, Mr. GINGREY, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HUNTER, Mr. ISSA, Mr. JANKLOW, Mr. JOHN, Mr. JONES of North Carolina, Mr. KOLBE, Mr. LAHOOD, Mr. LEWIS of California, Mr. LINDER, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. MORAN of Kansas, Mrs. MUSGRAVE, Mr. NETHERCUTT, Mr. NORWOOD, Mr. NUNES, Mr. OBERSTAR, Mr. OTTER, Mr. OSBORNE, Mr. OSE, Mr. PEARCE, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. RADANOVICH, Mr. REHBERG, Mr. RENZI, Mr. ROGERS of Alabama, Mr. ROSS, Mr. RYUN of Kansas, Mr. SANDLIN, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHERWOOD, Mr. SIMPSON, Mr. SMITH of Michigan, Mr. SOUDER, Mr. STENHOLM, Mr. STUPAK, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. THOMAS, Mr. THOMPSON of Mississippi, Mr. THORNBERRY, Mr. TIAHRT, Mr. TURNER of Texas, Mr. TAUZIN, Mr. VITTER, Mr. WICKER, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, and Mr. YOUNG of Alaska):

H.R. 1904. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. ISRAEL, Ms. ROS-LEHTINEN, Mr. MARKEY, Mr. MCNULTY, Mr. FROST, and Mr. CROWLEY):

H.R. 1905. A bill to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on provision of information regarding Holocaust era insurance policies of the insurer and to establish a Federal cause of action for claims for payment of such insurance policies, and for other purposes; to the Committee on Financial Services.

By Mr. EVANS:

H.R. 1906. A bill to amend title 10, United States Code, to revise the Transition Assistance Program for persons separating from active duty in the Armed Forces to make that program mandatory for all separating members and to provide for the furnishing to such members of information about homelessness; to the Committee on Armed Services.

By Mr. LUCAS of Oklahoma (for himself and Mr. HOLDEN):

H.R. 1907. A bill to amend the Food Security Act of 1985 to ensure the availability of funds to provide technical assistance for certain conservation programs of the Department of Agriculture; to the Committee on Agriculture.

By Mr. DAVIS of Illinois (for himself, Mr. EVANS, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. CRANE, Ms. SCHAKOWSKY, Mr. KIRK, Mr. COSTELLO, Mrs. BIGGERT, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. LAHOOD, Mr. SHIMKUS, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. EDWARDS, Mr. MORAN of Virginia, Mr. FILNER, Mr. FROST, Mr. WYNN, Mr. KANJORSKI, Mr. FALEOMAVAEGA, Mr. OWENS, and Mr. WELLER):

H.R. 1908. A bill to name the health care facility of the Department of Veterans Affairs located at 820 South Damen Avenue in Chicago, Illinois, as the ''Jesse Brown Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. ISTOOK:

H.R. 1909. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Education and the Workforce.

By Ms. SLAUGHTER (for herself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BOSWELL, Mr. BOYD, Mr. BURTON of Indiana, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. COOPER, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. ENGEL, Mr. FARR, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GILCHREST, Mr. GILLMOR, Mr. GORDON, Ms. GRANGER, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HEFLEY, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HYDE, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KING of New York, Mr. KUCINICH, Mr. LANTOS, Mr. LATOURETTE, Mr. LEACH, Mr. LOBIONDO, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mr. MATSUI, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCNULTY, Mr. MEEHAN, Mr. MENENDEZ, Mr. MICA, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEY, Mrs. NORTHUP, Ms. NORTON, Mr. OBEY, Mr. OWENS, Ms. PELOSI, Mr. PLATTS, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SIMMONS, Mr. STARK, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. TIERNEY, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Mr. WALSH, Mr. WAMP, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 1910. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. SIMMONS, Mr. MILLER of Florida, and Mr. RODRIGUEZ):

H.R. 1911. A bill to amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mr. DOOLITTLE, Mr. HERGER, Mr. HAYWORTH, and Mr. ENGLISH):

H.R. 1912. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business taxable income rules; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama (for himself, Mr. LEACH, Mr. ROSS, Mr. HINOJOSA, and Mr. LUCAS of Kentucky):

H.R. 1913. A bill to amend the Internal Revenue Code of 1986 to allow a first time homebuyer credit for the purchase of principal residences located in rural areas; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. SCHROCK, Mr. SCOTT of Virginia, Mr. FORBES, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, Mr. TOM DAVIS of Virginia, Mr. ABERCROMBIE, and Mr. FARR):

H.R. 1914. A bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement; to the Committee on Financial Services.

By Mr. DEFAZIO (for himself and Mr. BELL):

H.R. 1915. A bill to waive the limitation on the use of funds appropriated for the Homeland Security Grant Program; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself, Mr. NETHERCUTT, Mr. WELDON of Pennsylvania, Mr. BECERRA, Ms. SOLIS, Mrs. CHRISTENSEN, Mr. WU, Mr. HONDA, Mr. KILDEE, Mr. BONILLA, Mr. DOYLE, Mr. KENNEDY of Rhode Island, Mr. GREEN of Texas, Mr. HINOJOSA, Ms. NORTON, Mr. LEWIS of Georgia, Mr. HOEFFEL, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. REYES, Mr. CARSON of Oklahoma, Mr. RODRIGUEZ, Mr. STENHOLM, Mr. SCOTT of Georgia, Mr. WYNN, Ms. LEE, Mr. KIND, Mr. LYNCH, Mr. PRICE of North Carolina, Mr. CROWLEY, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. MCINTYRE, Mr. HILL, Mr. BERMAN, Mr. BELL, Ms. KILPATRICK, Mr. PASTOR, Ms. WATSON, Ms. WATERS, Mr. LAMPSON, Mr. DEUTSCH, Mr. OLVER, Mr. POMEROY, Ms. MAJETTE, Mr. SERRANO, Mr. MCDERMOTT, Mr. FILNER, Ms. KAPTUR, Mr. CUMMINGS, Mr. MOLLOHAN, Mr. KANJORSKI, Ms.

DELAURO, Mr. KUCINICH, Mr. TOWNS, Mr. ETHERIDGE, Mr. FERGUSON, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. FORD, Mr. MURTHA, Mr. LEVIN, Mr. BISHOP of New York, and Mr. PALLONE):

H.R. 1916. A bill to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 1917. A bill to amend title 10, United States Code, to authorize military recreational facilities to be used by any veteran with a compensable service-connected disability; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 1918. A bill to amend title 10, United States Code, to extend commissary and exchange store privileges to veterans with a service-connected disability rated at 30 percent or more and to the dependents of such veterans; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 1919. A bill to amend title 10, United States Code, to authorize transportation on military aircraft on a space-available basis for veterans with a service-connected disability rated 50 percent or more; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 1920. A bill to require that contracts entered into by the Federal Government for reconstruction in Iraq include a condition that the contractor, when hiring employees to carry out the contract, provide a preference for the hiring of veterans; to the Committee on Government Reform.

By Mr. FILNER:

H.R. 1921. A bill to amend title 38, United States Code, to increase from one month to three months the quantity of supply of certain prescriptions furnished by the Department of Veterans Affairs to veterans with chronic conditions; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 1922. A bill to amend the Internal Revenue Code of 1986 to provide a one-time increase in the amount excludable from the sale of a principal residence by taxpayers who have attained age 50; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 1923. A bill to amend title II of the Social Security Act to reduce from 60 to 55 the age at which an individual who is otherwise eligible may be paid widow's or widower's insurance benefits; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 1924. A bill to amend title 38, United States Code, to extend the time limitation for use of eligibility and entitlement for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY (for himself, Mr. BOEHNER, Mr. GEORGE MILLER of California, Mr. HOEKSTRA, Mr. PORTER, Mr. GREENWOOD, Mr. NORWOOD, Mr. HINOJOSA, Mr. WILSON of South Carolina, and Mr. BURNS):

H.R. 1925. A bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HAYWORTH:

H.R. 1926. A bill to amend the Internal Revenue Code of 1986 to apply an excise tax to excessive attorneys fees for legal judgments, settlements, or agreements that operate as a tax; to the Committee on Ways and Means.

By Mr. HULSHOF (for himself and Mr. BECERRA):

H.R. 1927. A bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself and Mr. RANGEL):

H.R. 1928. A bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mr. PLATTS, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. FROST, Mr. FRANK of Massachusetts, Mr. OWENS, and Ms. KAPTUR):

H.R. 1929. A bill to amend the Public Health Service Act to authorize formula grants to States to provide access to affordable health insurance for certain child care providers and staff, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island:

H.R. 1930. A bill to adjust the immigration status of certain Liberian nationals who were provided refuge in the United States; to the Committee on the Judiciary.

By Mr. KLECZKA (for himself, Mr. FROST, Mr. STARK, Mr. KUCINICH, Mr. MCNULTY, Mr. FALEOMAVAEGA, and Mr. KINGSTON):

H.R. 1931. A bill to protect the privacy of the individual with respect to the Social Security number and other personal information, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 1932. A bill to designate the diplomacy center of the Department of State as the Colin Powell Center for American Diplomacy and to provide for appropriate museum visitor and educational outreach services at the center; to the Committee on International Relations.

By Ms. LOFGREN (for herself, Mr. DEFAZIO, Mr. FRANK of Massachusetts, and Ms. HARMAN):

H.R. 1933. A bill to reduce unsolicited commercial electronic mail and to protect children from sexually oriented advertisements; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. TOM DAVIS of Virginia, Mr. HOYER, Ms. NORTON, Mr. ABERCROMBIE, Mr. OWENS, Mr. WYNN, Mr. ACKERMAN, Mr. ENGEL, Mr. KILDEE, Mr. CUMMINGS, Mr. FILNER, Mr. MORAN of Virginia, Ms. LEE, Mrs. CAPPS, Ms. MCCARTHY of Missouri, Mr. LYNCH, Mr. DINGELL, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Ms. DELAURO, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. WAXMAN, and Mr. MCNULTY):

H.R. 1934. A bill to amend title 5, United States Code, to provide that, of the total amount of family leave available to a Federal employee based on the birth of a child or the placement of a child with the employee for adoption or foster care, at least one-half of that time shall be leave with pay; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. QUINN, Mr. SERRANO, Mrs. MCCARTHY of New York, Mr. FOSSELLA, Mr. ENGEL, Mr. OWENS, Mr. RUSH, Mr. SANDERS, Mr. GUTIERREZ, Mr. CUMMINGS, Mr. HOEFFEL, Mrs. JONES of Ohio, Mr. HOLDEN, Ms. MCCOLLUM, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. GRIJALVA, Mr. GILLMOR, Ms. WOOLSEY, Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, Mr. FROST, and Mr. WYNN):

H.R. 1935. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs.

By Mr. MOORE (for himself, Mr. HOLDEN, Mrs. TAUSCHER, Mr. KIND, Mr. ROSS, Mr. ABERCROMBIE, Mr. BOYD, Mr. TURNER of Texas, Mr. BERRY, Mr. STENHOLM, and Mr. SANDLIN):

H.R. 1936. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE:

H.R. 1937. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. SCOTT of Virginia, Mr. SCHROCK, and Mr. ABERCROMBIE):

H.R. 1938. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Resources.

By Mr. NEAL of Massachusetts:

H.R. 1939. A bill to amend the Internal Revenue Code of 1986 to provide a revenue-neutral simplification of the individual income tax; to the Committee on Ways and Means.

By Mr. OSE (for himself, Mr. THOMPSON of California, and Mr. OTTER):

H.R. 1940. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1941. A bill to enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections; to the Committee on House Administration.

By Mr. PETERSON of Minnesota (for himself and Mr. LUCAS of Kentucky):

H.R. 1942. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the use of biodiesel as a fuel; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:

H.R. 1943. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PITTS:

H.R. 1944. A bill to revise eligibility requirements applicable to essential air service subsidies; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of California (for himself, Mr. SIMPSON, Mr. CUNNINGHAM, Mrs. TAUSCHER, Mr. GREENWOOD, Mr. WU, Ms. WOOLSEY, Mr. FARR, Mrs. DAVIS of California, Mr. STARK, Mr. MATSUI, Mr. SMITH of Washington, and Mr. UDALL of Colorado):

H.R. 1945. A bill to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself, Mr. BLUMENAUER, and Mr. DICKS):

H.R. 1946. A bill to amend title 35, United States Code, to clarify the applicability of certain provisions relating to railroad cars; to the Committee on the Judiciary.

By Mr. WICKER (for himself, Mr. NORWOOD, Mr. MCGOVERN, Mr. SIMPSON, Mr. TOWNS, Mr. PICKERING, Mr. OSE, and Mr. GRIJALVA):

H.R. 1947. A bill to ensure that members of the Armed Forces who are married and have minor dependents are eligible for military family housing containing more than two bedrooms; to the Committee on Armed Services.

By Mr. MORAN of Kansas:

H. Con. Res. 159. Concurrent resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day; to the Committee on Veterans' Affairs.

By Mr. HINCHEY (for himself and Mr. BROWN of Ohio):

H. Res. 212. A resolution to express the sense of the House of Representatives that the Federal Communications Commission should not revise its media ownership rules without more extensive review and comment by the public; to the Committee on Energy and Commerce.

By Mr. DAVIS of Illinois (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. WAXMAN, Mr. TOM DAVIS of Virginia, Mr. OWENS, Ms. NORTON, Mr. VAN HOLLEN, Mr. TOWNS, Mr. WYNN, Mr. RUPPERSBERGER, and Mr. CUMMINGS):

H. Res. 213. A resolution expressing the sense of the House of Representatives that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. TOWNS, Mr. WYNN, Ms. KILPATRICK, and Ms. VELAZQUEZ):

H. Res. 214. A resolution expressing the sense of the House of Representatives that small and minority-owned businesses in the United States should be involved in rebuilding Iraq; to the Committee on Small Business, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINDER (for himself, Mr. KINGSTON, Mr. EVANS, Mr. GINGREY, Mr. SCOTT of Georgia, Mr. HOUGHTON, Mr. COLLINS, Ms. MAJETTE, Mr. KLINE, Mr. ISAKSON, Mr. BURNS, Mr. SNYDER, Mr. NORWOOD, Mr. LEWIS of Georgia, Mr. GILCHREST, Mr. DEAL of Georgia, Mr. BISHOP of Georgia, and Mr. MARSHALL):

H. Res. 215. A resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom to General Raymond G. Davis, United States Marine Corps (retired); to the Committee on Government Reform.

By Mr. OSBORNE:

H. Res. 216. A resolution congratulating the Hastings College women's basketball team for winning 2 consecutive National Association of Intercollegiate Athletics (NAIA) Division II national championships; to the Committee on Education and the Workforce.

By Mr. SABO (for himself, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Ms. MCCOLLUM, Mr. GUTKNECHT, Mr. KENNEDY of Minnesota, Mr. KLINE, and Mr. RAMSTAD):

H. Res. 217. A resolution commending the University of Minnesota Golden Gophers for winning the 2003 National Collegiate Athletic Association Division I Men's Ice Hockey Championship; to the Committee on Education and the Workforce.

¶44.23 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 1948) for the relief of Shigeru Yamada; which was referred to the Committee on the Judiciary.

¶44.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. GARRETT of New Jersey, Mr. TURNER of Ohio, Mr. PUTNAM, and Mr. LAHOOD.

H.R. 19: Mr. COOPER.

H.R. 20: Mr. DAVIS of Florida and Mr. MEEKS of New York.

H.R. 40: Mrs. JONES of Ohio.

H.R. 43: Mr. OSE.

H.R. 111: Ms. DELAURO, Ms. LINDA T. SANCHEZ of California, Mr. POMEROY, and Mr. HASTINGS of Florida.

H.R. 158: Mr. OSE.

H.R. 218: Mrs. BLACKBURN.

H.R. 223: Mr. GOODE, Mr. NORWOOD, Mr. HENSARLING, Mr. CHABOT, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. CHOCOLA, Mr. TOOMEY, Mrs. MYRICK, and Mr. PITTS.

H.R. 284: Mr. CARDIN, Mr. KNOLLENBERG, Mr. CUMMINGS, Mr. KLECZKA, Mr. PETERSON of Pennsylvania, Mr. WAMP, Mr. GREENWOOD, and Ms. HART.

H.R. 286: Mr. UDALL of Colorado.

H.R. 288: Mr. HOUGHTON, Mr. SMITH of Washington, Mr. OWENS, Mr. PALLONE, Mr. LARSEN of Washington, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. SANDERS, Ms. NORTON, Mr. MORAN of Virginia, Mr. GRIJALVA, and Ms. BORDALLO.

H.R. 290: Mr. OLVER and Mr. WELDON of Pennsylvania.

H.R. 296: Mr. KENNEDY of Rhode Island.

H.R. 303: Mr. PALLONE, Mr. FERGUSON, Mr. MURTHA, and Mr. BOUCHER.

H.R. 339: Mr. GALLEGLY, Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, Mr. GOODLATTE, and Mrs. BLACKBURN.

H.R. 348: Mr. DOYLE.

H.R. 375: Mr. GREEN of Texas.

H.R. 384: Mr. NETHERCUTT.

H.R. 391: Mrs. WILSON of New Mexico, Mr. HAYES, and Mr. ROYCE.

H.R. 463: Mr. TERRY.

H.R. 466: Mr. MICHAUD, Mr. MORAN of Virginia, Mr. LUCAS of Kentucky, Mr. RYUN of Kansas, Mr. GEORGE MILLER of California, Mr. BRADY of Texas, Ms. NORTON, Mr. HOYER, and Mr. PETERSON of Minnesota.

H.R. 476: Mr. RUPPERSBERGER and Mr. MCINTYRE.

H.R. 527: Mrs. KELLY and Mr. FOSSELLA.

H.R. 528: Mrs. NAPOLITANO and Ms. ESHOO.

H.R. 548: Mr. UPTON, Mr. KUCINICH, and Mr. STUPAK.

H.R. 570: Mr. BONILLA.

H.R. 571: Mr. PICKERING and Mr. GORDON.

H.R. 610: Mr. DEFAZIO.

H.R. 648: Mr. BARRETT of South Carolina.

H.R. 655: Mr. BARTLETT of Maryland.

H.R. 677: Mr. EMANUEL.

H.R. 728: Mr. BARRETT of South Carolina and Mr. SCHROCK.

H.R. 737: Ms. DEGETTE.

H.R. 781: Mr. SANDLIN, Mr. TERRY, Mr. KLECZKA, Mr. FROST, and Mr. MCCRERY.

H.R. 801: Mr. LEVIN.

H.R. 829: Mr. ABERCROMBIE, Mr. LEACH, and Mr. MCGOVERN.

H.R. 834: Mr. FALEOMAVAEGA.

H.R. 846: Ms. CORRINE BROWN of Florida, Mr. LIPINSKI, Mr. MILLER of North Carolina, Mr. RANGEL, Mr. KENNEDY of Rhode Island, Mr. SANDERS, and Ms. SLAUGHTER.

H.R. 857: Mr. DEAL of Georgia and Mr. OLVER.

H.R. 859: Ms. LINDA T. SANCHEZ of California.

H.R. 861: Mr. OSE.

H.R. 873: Mr. WAXMAN and Mr. LEWIS of Georgia.

H.R. 876: Mr. MURPHY, Mr. LAHOOD, Mr. BERRY, Mr. SHAYS, and Mr. PETERSON of Pennsylvania.

H.R. 883: Mr. CASE and Mr. WOLF.

H.R. 891: Mrs. LOWEY and Mr. DOGGETT.

H.R. 898: Mr. ANDREWS and Mrs. MUSGRAVE.

H.R. 918: Mr. RANGEL, Mr. RAMSTAD, Ms. KILPATRICK, Mr. PICKERING, Mr. CAPUANO, Mrs. CAPITO, Mr. MATSUI, Mr. FLETCHER, Mr. ISRAEL, Mr. GRIJALVA, and Mr. GREEN of Wisconsin.

H.R. 919: Mrs. JO ANN DAVIS of Virginia, Mr. MATSUI, and Mr. RAMSTAD.

H.R. 927: Mr. GORDON, Mr. EHLERS, Mr. BONILLA, Mr. LEWIS of Kentucky, and Mr. ROGERS of Kentucky.

H.R. 935: Mr. HONDA, Mr. SERRANO, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mr. SANDERS, Mr. ALLEN, and Mr. GRIJALVA.

H.R. 944: Mr. TERRY, Mr. CARSON of Oklahoma, Mr. BRADY of Texas, Mr. RENZI, and Ms. DELAURO.

H.R. 962: Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. HONDA, Mr. BISHOP of New York, Mr. ALLEN, Mr. GORDON, Mr. STARK, Mr. TIERNEY, Ms. KILPATRICK, Mr. ENGEL, and Ms. LOFGREN.

H.R. 995: Mr. FILNER.

H.R. 997: Mr. WAMP, Mr. GOODLATTE, and Mr. BOEHNER.

H.R. 1004: Mr. ACKERMAN.

H.R. 1022: Ms. MCCARTHY of Missouri.

H.R. 1049: Mr. GOODLATTE and Mr. OTTER.

H.R. 1052: Mr. CAPUANO.

H.R. 1066: Mr. HONDA.

H.R. 1070: Ms. WATSON.

H.R. 1071: Mr. GONZALEZ.

H.R. 1080: Mr. CALVERT, Ms. ESHOO, Mr. LARSON of Connecticut, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. BONNER, and Mr. JOHNSON of Illinois.

H.R. 1081: Mr. CALVERT, Ms. ESHOO, Mr. LARSON of Connecticut, Ms. SCHAKOWSKY, Mr. GRIJALVA, and Mr. BONNER.

H.R. 1096: Mr. UDALL of Colorado.
H.R. 1097: Mr. KUCINICH, Mr. MATSUI, Ms. MCCOLLUM, Mr. FALEOMAVAEGA, Mr. COOPER, Mr. BISHOP of New York, Mr. TIERNEY, Mr. MEEKS of New York, and Mr. ANDREWS.
H.R. 1110: Mr. THOMPSON of Mississippi, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. KILPATRICK.
H.R. 1125: Mr. JENKINS, Mr. PASTOR, Mr. SABO, Mr. LEVIN, Mr. MILLER of North Carolina, Ms. CARSON of Indiana, Mr. CAPUANO, Ms. LORETTA SANCHEZ of California, Mr. PRICE of North Carolina, Mr. NORWOOD, Mr. WICKER, Mr. BERRY, Mr. FLETCHER, Mr. SIMPSON, and Mr. KANJORSKI.
H.R. 1126: Ms. Hart.
H.R. 1154: Mr. BONILLA.
H.R. 1157: Mr. VAN HOLLEN and Ms. VELAZQUEZ.
H.R. 1160: Mr. BAKER, Mr. CONYERS, Mr. ALLEN, Mr. MOLLOHAN, Mr. OBERSTAR, Mr. CARDOZA, Mr. MATHESON, Mr. SAXTON, Mr. KIND, Mr. DEAL of Georgia, Mr. KING of New York, Mr. WICKER, Mr. GRAVES, Mr. UDALL of New Mexico, Mrs. MUSGRAVE, Mr. PEARCE, Mr. SKELTON, Mr. BAIRD, Mr. MCINTYRE, Mr. BURR, Mr. BALLANCE, Mr. COBLE, and Mr. MURPHY.
H.R. 1170: Mr. CASE.
H.R. 1179: Mr. NEY and Mr. GOODE.
H.R. 1196: Mr. GREENWOOD and Mr. WAXMAN.
H.R. 1202: Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. SULLIVAN, Mrs. EMERSON, Mrs. BLACKBURN, Mr. MARIO DIAZ-BALART of Florida, Mr. MCKEON, Mr. WAMP, Mr. COLE, Mr. TANCREDO, Mr. HENSARLING, and Mr. BOOZMAN.
H.R. 1210: Mr. MARKEY, Mr. MCGOVERN, and Mr. PALLONE.
H.R. 1212: Mr. LOBIONDO, Mr. PAYNE, and Mr. ANDREWS.
H.R. 1222: Mr. KELLER and Mr. ANDREWS.
H.R. 1229: Mr. KENNEDY of Minnesota and Mr. MANZULLO.
H.R. 1236: Mr. OTTER.
H.R. 1261: Mr. BEREUTER.
H.R. 1275: Mr. ISRAEL.
H.R. 1279: Mr. SAXTON, Mr. SNYDER, Mr. EVANS, and Mr. AKIN.
H.R. 1288: Mr. GUTIERREZ, Mr. MANZULLO, Mr. LEACH, Mr. TANNER, Mr. PRICE of North Carolina, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Ms. ROYBAL-ALLARD, Mr. DOOLEY of California, Mr. ANDREWS, Mr. JEFFERSON, Mr. PETERSON of Minnesota, Mr. CUNNINGHAM, and Mr. HOSTETTLER.
H.R. 1295: Ms. KAPTUR.
H.R. 1301: Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. REYES, Mr. ROGERS of Michigan, Mr. PLATTS, Mr. BERRY, and Mr. EVANS.
H.R. 1305: Mr. VITTER.
H.R. 1311: Mr. BAIRD, Mr. GREEN of Wisconsin, Mr. HILL, Mr. DELAHUNT, Mr. SIMMONS, Mr. PETERSON of Minnesota, Mr. LUCAS of Oklahoma, Mr. KILDEE, and Mrs. MCCARTHY of New York.
H.R. 1322: Mr. GRIJALVA.
H.R. 1328: Mr. FILNER and Mr. STENHOLM.
H.R. 1336: Mr. POMEROY, Mr. DAVIS of Illinois, Mr. MATSUI, Mr. DOOLITTLE, Mr. GORDON, Mr. EVANS, and Ms. HOOLEY of Oregon.
H.R. 1337: Mr. OTTER.
H.R. 1345: Mr. BRADY of Pennsylvania.
H.R. 1348: Mr. KUCINICH.
H.R. 1372: Mr. BLUMENAUER and Mr. DAVIS of Alabama.
H.R. 1376: Ms. LOFGREN.
H.R. 1415: Ms. ESHOO.
H.R. 1422: Mr. SANDLIN and Mr. FROST.
H.R. 1426: Mr. WELLER.
H.R. 1430: Mr. RANGEL, Mr. FILNER, and Mr. OLVER.
H.R. 1443: Mr. NADLER and Mr. DEFAZIO.
H.R. 1448: Mr. BRADY of Pennsylvania and Mr. BERMAN.
H.R. 1466: Mr. KENNEDY of Rhode Island.
H.R. 1472: Mr. PALLONE, Mrs. CHRISTENSEN, Mr. MARKEY, Mr. FALEOMAVAEGA, and Mr. KOLBE.
H.R. 1483: Mr. OLVER, Ms. WOOLSEY, and Mr. WEXLER.
H.R. 1502: Ms. CARSON of Indiana.
H.R. 1513: Mr. ISAKSON.
H.R. 1515: Mr. FRANKS of Arizona.
H.R. 1518: Mr. BISHOP of Utah.
H.R. 1523: Mr. LAHOOD, Mrs. JONES of Ohio, Mr. GERLACH, Mr. BRADY of Texas, Mr. PAUL, Mr. HOSTETTLER, Mr. WICKER, Mr. ENGLISH, Mr. PUTNAM, Mr. KINGSTON, Mr. FROST, Mr. BALLENGER, Mr. NETHERCUTT, and Mr. HOYER.
H.R. 1534: Mr. WAXMAN, Ms. WOOLSEY, Mr. WEXLER, Ms. ESHOO, Mr. MEEHAN, and Mr. CARDOZA.
H.R. 1554: Mr. PAUL and Mr. FALEOMAVAEGA.
H.R. 1580: Mr. BONILLA, Mr. BRADY of Pennsylvania, Mr. CHOCOLA, and Mr. FLETCHER.
H.R. 1582: Mr. FLAKE and Mr. BAIRD.
H.R. 1587: Mr. HONDA.
H.R. 1611: Mr. DAVIS of Alabama, Mr. WEXLER, Mr. STENHOLM, Mr. ABERCROMBIE, Mr. MCNULTY, and Mr. FILNER.
H.R. 1612: Mr. OSE and Mrs. CUBIN.
H.R. 1613: Mr. CROWLEY, Ms. DELAURO, Mr. SHIMKUS, Mr. LANTOS, Mr. SERRANO, and Mr. BROWN of Ohio.
H.R. 1622: Mr. BURR, Mr. HINOJOSA, Mr. MCNULTY, Mr. WELDON of Florida, Ms. SLAUGHTER, Mr. TOWNS, Ms. WOOLSEY, and Mr. FROST.
H.R. 1639: Ms. WOOLSEY.
H.R. 1652: Mr. SCHIFF and Mr. KUCINICH.
H.R. 1660: Mr. GILLMOR.
H.R. 1662: Mr. KING of Iowa, Mr. PICKERING, and Mr. MILLER of Florida.
H.R. 1663: Mr. OWENS and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1675: Mr. KENNEDY of Minnesota and Mr. SKELTON.
H.R. 1676: Mr. MICA.
H.R. 1677: Ms. LOFGREN.
H.R. 1710: Mr. SMITH of New Jersey.
H.R. 1714: Ms. GINNY BROWN-WAITE of Florida and Mr. KELLER.
H.R. 1717: Mr. KUCINICH and Mr. THOMPSON of California.
H.R. 1724: Mr. FALEOMAVAEGA, Mr. GOODE, and Mr. CUMMINGS.
H.R. 1725: Mr. JENKINS and Mr. MORAN of Kansas.
H.R. 1726: Mr. FOLEY, Mr. GORDON, and Mr. GREEN of Wisconsin.
H.R. 1733: Mr. ISRAEL.
H.R. 1734: Mr. PASCRELL and Ms. CORRINE BROWN of Florida.
H.R. 1738: Mr. MCDERMOTT, Mr. FROST, Ms. CORRINE BROWN of Florida, Mr. BISHOP of New York, Mr. MEEHAN, Mr. MARKEY, Mr. GEORGE MILLER of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MURTHA, Mr. ABERCROMBIE, Mr. BERMAN, Mr. ISRAEL, Mr. KUCINICH, and Mr. COSTELLO.
H.R. 1739: Mr. ACEVEDO-VILA.
H.R. 1742: Ms. LORETTA SANCHEZ of California.
H.R. 1746: Mr. RANGEL, Mr. BONILLA, Mr. DEUTSCH, Mr. SAXTON, and Mr. LAHOOD.
H.R. 1750: Mr. KENNEDY of Rhode Island.
H.R. 1751: Mr. HINCHEY, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Mr. FILNER, and Ms. LOFGREN.
H.R. 1759: Mr. BURR.
H.R. 1767: Mr. CULBERSON, Mrs. MUSGRAVE, Mr. BURGESS, Mr. BRADY of Texas, and Mr. KING of Iowa.
H.R. 1769: Mr. DEMINT and Mr. STARK.
H.R. 1778: Mr. CANTOR and Mr. RAMSTAD.
H.R. 1795: Mr. KENNEDY of Minnesota and Mr. RANGEL.
H.R. 1799: Mr. TOWNS, Mr. FRANK of Massachusetts, Mrs. MILLER of Michigan, Mr. SMITH of New Jersey, Mr. RYAN of Ohio, and Mr. COBLE.
H.R. 1828: Mr. BROWN of Ohio, Ms. GINNY BROWN-WAITE of Florida, Mr. CARTER, Mr. DAVIS of Alabama, Mr. DEUTSCH, Mr. EVERETT, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. HERGER, Mrs. KELLY, Mr. LEVIN, Mr. LINDER, Mr. MARKEY, Mr. OSE, Mr. OWENS, Mr. PLATTS, Mr. RENZI, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SHAW, Mr. SHAYS, Mr. TANCREDO, Mr. TIBERI, and Mr. WILSON of South Carolina.
H.R. 1859: Mrs. KELLY.
H.R. 1861: Mr. MCDERMOTT.
H.R. 1888: Mr. FRANK of Massachusetts, Mr. FROST, Mr. COSTELLO, Mr. DEFAZIO, Mr. BROWN of Ohio, and Mr. KUCINICH.
H.R. 1889: Mrs. MCCARTHY of New York, Mr. LAMPSON, Mrs. MALONEY, and Mr. CUMMINGS.
H.J. Res. 4: Ms. HART and Mr. GORDON.
H.J. Res. 22: Mr. KIRK, Mr. RAMSTAD, Mr. WILSON of South Carolina, and Mr. ALEXANDER.
H.J. Res. 48: Mr. GIBBONS.
H.J. Res. 50: Mr. BURGESS, Mrs. MUSGRAVE, Mr. BACHUS, and Mr. OSE.
H. Con. Res. 21: Mr. MOORE and Mr. RYUN of Kansas.
H. Con. Res. 61: Mr. ENGEL.
H. Con. Res. 93: Mr. BRADY of Texas, Mr. LEWIS of California, and Mr. GOODE.
H. Con. Res. 98: Mr. WATT and Mr. BERRY.
H. Con. Res. 111: Mr. KUCINICH.
H. Con. Res. 122: Mr. BROWN of Ohio, Mr. HASTINGS of Florida, Mr. DOOLEY of California, Ms. JACKSON-LEE of Texas, Ms. DEGETTE, Mr. STARK, and Mr. CASE.
H. Con. Res. 148: Mr. CUMMINGS, Mr. RODRIGUEZ, Mr. HONDA, Mr. GEORGE MILLER of California, Mr. FROST, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Mr. ACKERMAN, Mr. MCGOVERN, Ms. WOOLSEY, Mr. FARR, and Mr. ISRAEL.
H. Con. Res. 150: Mr. KELLER and Mr. AKIN.
H. Con. Res. 151: Ms. HARMAN, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. PRICE of North Carolina, Mr. RYAN of Ohio, Mr. MATHESON, Mr. RANGEL, Mr. TERRY, and Mr. KELLER.
H. Res. 21: Mr. FALEOMAVAEGA, Mr. RANGEL, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ANDREWS, Mr. EMANUEL, and Ms. MAJETTE.
H. Res. 103: Mr. FOSSELLA.
H. Res. 136: Mr. TERRY.
H. Res. 193: Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. NORWOOD, Mr. BUYER, Mr. THOMPSON of California, and Mr. WAXMAN.
H. Res. 208: Mr. WELDON of Florida.

¶44.25 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1119: Mr. PETRI.

MONDAY, MAY 5, 2003 (45)

¶45.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PETRI, who laid before the House the following communication:

WASHINGTON, DC,
May 5, 2003.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

¶45.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Thursday, May 1, 2003.

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

¶45.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2010. A letter from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Onions Grown in South Texas; Increased Assessment Rate [Docket No. FV03–959–1 FR] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2011. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Decreased Assessment Rate; Correction [Docket No. FV03–966–03 C] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2012. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Avalon, California) [MB Docket No. 02–223, RM–10520] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2013. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Bethlehem, Pennsylvania) [MB Docket No. 02–81, RM–10422] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2014. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Harrisburg, Pennsylvania) [MM Docket No. 01–208, RM–10205] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2015. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Lebanon and Speedway, Indiana) [MB Docket No. 02–143, RM–10392] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2016. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sparkman, Arkansas) [MM Docket No. 01–215, Rm–10228]; (Moberly, Missouri) [MM Docket No. 01–252, RM 10275]; (Kiowa, Oklahoma) [MM Docket No. 01–212, RM–10222]; (Crowell, Texas) [MM Docket No.01–210, RM–10225]; (Menard, Texas) [MM Docket No. 01–214, RM–10227]; (Menard, Texas) [MM Docket No. 01–304, RM–10309]; (San Isidro, Texas) [MM Docket No. 01–305, RM–10310] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2017. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Stuart, Oklahoma) [MB Docket No. 02–287, RM–10569] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2018. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Oak Grove, Louisiana) [MB Docket No. 02–321, RM–10583] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2019. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Miami, Florida) [MM Docket No. 00–125, RM–9908] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2020. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Department's final rule—Amendment of Section 73.622(b), Table of Allotments, Table of Allotments, Digital Television Broadcast Stations (Traverse City, Michigan) [MB Docket No. 02–20, RM–10368] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2021. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of A llotments, FM Broadcast Stations (Atoka, Haileyville and Clayton, Oklahoma) [MM Docket No. 01–254, RM–10264, RM–10375, RM–10376] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2022. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Genoa, Colorado) [MM Docket No. 01–21, RM–10050] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2023. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Presque Isle, Maine) [MB Docket No. 02–348, RM–10455] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2024. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Detroit Lakes and Barnesville, Minnesota, and Enderlin, North Dakota) [MM Docket No. 00–53, RM–9823, RM–9950] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2025. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations Tuscaloosa, Alabama) [MB Docket No. 02–273, RM–10562] received April 21, 2993, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2026. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Wailuku, Hawaii) [MB Docket No. 02–221, RM–10519] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2027. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Wilmington, North Carolina) [MB Docket No. 02–129, RM–10437] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2028. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ozona and Iraan, Texas) [MB Docket No. 02–261, RM–10503, RM–10607] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2029. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Macon, Georgia) [MB Docket No. 02–281, RM–10563] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2030. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Cheboygan, Michigan) [MB Docket No. 02–91, RM–10411] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2031. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Goliad, Texas) [MM Docket No. 01–155, RM–10176] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2032. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Jayton, Texas) [MM Docket No. 01–295, RM–10305, RM–10381] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2033. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Christiansted, Virgin Islands) [MB Docket No. 02–220, RM–10518] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2034. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Odessa, Texas) [MB Docket No. 02–95, RM–10421] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2035. A letter from the Senior Legal Advisor to theBureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Lawton, Oklahoma) [MB Docket No. 02–219, RM–10506] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2036. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Medical Use of Byproduct Material: Clarifying and Minor Amendments (RIN: 3150–AH08) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2037. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Change in the Survey Cycle for the Pennington, South Dakota, Nonappropriated Fund Wage Area (RIN: 3206–AJ30) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2038. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Pennsylvania Regulatory Program [PA–139–FOR] received April 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2039. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–241–FOR] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

¶45.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills, a concurrent resolution and a joint resolution of the following titles in which the concurrence of the House is requested:

S. 195. An Act to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

S. 243. An Act concerning participation of Taiwan in the World Health Organization.

S.J. Res. 3. A joint resolution expressing the sense of the Congress with respect to human rights in Central Asia.

S. Con. Res. 15. A concurrent resolution commemorating the 140th anniversary of the issuance of the Emancipation Proclamation.

¶45.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 5, 2003 at 10:26 a.m.

That the Senate passed without amendment H.R. 289.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶45.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 2, 2003 at 5:05 p.m. and said to contain a message from the President whereby he submits a 6-month periodic report in accordance with 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c) on the national emergency with respect to Sudan.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶45.7 NATIONAL EMERGENCY WITH RESPECT TO SUDAN

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I am providing herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 2, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–68).

¶45.8 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—UNITED STATES-CHINA REVIEW COMMISSION

The SPEAKER pro tempore, Mr. PETRI, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, May 2, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106–398), I hereby appoint Ms. Carolyn Bartholomew of the District of Columbia, for a term that expires December 31, 2003, to the United States-China Review Commission.

Best regards,

NANCY PELOSI.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶45.9 SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 243. An Act concerning participation of Taiwan in the World Health Organization; to the Committee on International Relations.

S.J. Res. 3. A joint resolution expressing the sense of the Congress with respect to human rights in Central Asia; to the Committee on International Relations.

And then,

¶45.10 ADJOURNMENT

The SPEAKER pro tempore, Mr. PETRI, by unanimous consent and pursuant to the special order of the House of May 1, 2003, at 2 o'clock and 6 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, May 6, 2003.

¶45.11 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 1949. A bill to amend title 38, United States Code, to reinstate minimum requirements with respect to the sale of vendee loans; to the Committee on Veterans' Affairs.

By Mr. HYDE (for himself, Mr. LANTOS, and Mr. BERMAN):

H.R. 1950. A bill to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; to the Committee on International Relations.

By Mr. LYNCH (for himself and Mr. QUINN):

H.R. 1951. A bill to amend title 38, United States Code, to improve patient care and working conditions at the Veterans Health Administration of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 1952. A bill to amend the Internal Revenue Code of 1986 to provide that the first-time homebuyer credit for the District of Columbia be made permanent, and for other purposes; to the Committee on Ways and Means.

¶45.12 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 185: Mr. OWENS.

H.R. 217: Mr. FOLEY, Mr. MENENDEZ, Mr. SMITH of Washington, Mr. ROTHMAN, Mr. SANDLIN, and Mr. RYAN of Ohio.

H.R. 241: Mr. JANKLOW.

H.R. 292: Mr. STRICKLAND.

H.R. 517: Mr. BERMAN.

H.R. 589: Mr. PEARCE, Mr. FERGUSON, Mr. DOOLEY of California, Mr. DAVIS of Florida, Mr. KLECZKA, and Mr. MARSHALL.

H.R. 594: Mr. HOLT, Mr. PASCRELL, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mr. MENENDEZ, Mr. HASTINGS of Florida, Mr. BOSWELL, Mr. SULLIVAN, and Mr. RUSH.

H.R. 717: Mr. STARK and Mr. KUCINICH.

H.R. 843: Ms. LEE.

H.R. 970: Mr. WILSON of South Carolina, Mr. EMANUEL, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. THOMPSON of Mississippi, Mr. BROWN of South Carolina, Mr. BONILLA, and Mr. KUCINICH.

H.R. 1034: Mr. SCHIFF.
H.R. 1043: Mr. SESSIONS.
H.R. 1077: Mr. JEFFERSON.
H.R. 1155: Mr. GUTIERREZ, Mr. ENGLISH, Mrs. MALONEY, Ms. SLAUGHTER, and Mr. ACKERMAN.
H.R. 1209: Mr. CONYERS, Mr. WYNN, Mr. REYES, Mr. WEXLER, and Mr. KENNEDY of Rhode Island.
H.R. 1212: Mr. GILLMOR.
H.R. 1285: Mr. ALLEN, Mr. CARDIN, Mr. CLAY, Ms. HARMAN, Mr. KUCINICH, Mr. GEORGE MILLER of California, and Ms. WATERS.
H.R. 1536: Mrs. JONES of Ohio.
H.R. 1614: Mr. SHAYS.
H.R. 1754: Mr. TOWNS.
H.R. 1812: Mr. ALLEN, Mr. LANTOS, Mr. FROST, Mr. CASE, Mr. MARKEY, Mr. BROWN of Ohio, Mr. RANGEL, Mr. BISHOP of New York, Ms. WOOLSEY, and Ms. MCCOLLUM.
H.R. 1894: Mr. EMANUEL.
H.J. Res. 4: Mr. HULSHOF.
H. Con. Res. 111: Mr. JACKSON of Illinois.
H. Res. 136: Mr. KLECZKA.

TUESDAY, MAY 6, 2003 (46)

¶46.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
May 6, 2003.

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

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

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶46.2 RECESS—1:13 P.M.

The SPEAKER pro tempore, Mr. ISSA, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 13 minutes p.m., until 2 p.m.

¶46.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mrs. EMERSON, called the House to order.

¶46.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. EMERSON, announced she had examined and approved the Journal of the proceedings of Monday, May 5, 2003.

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

¶46.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2040. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Eighty-Ninth Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 2002; to the Committee on Financial Services.

2041. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Singapore for defense articles and services (Transmittal No. 03-12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2042. A letter from the Inspector General, Department of Commerce, transmitting a report in response to the National Defense Authorization Act for FY 2000, pursuant to 22 U.S.C. 2778 Public Law 106—65, section 1402; to the Committee on International Relations.

2043. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed export license with Colombia [Transmittal No. DTC 030-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2044. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2003 Annual Report, pursuant to 22 U.S.C. 6412 Public Law 105—292 section 102; to the Committee on International Relations.

2045. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department's inventory of commercial activities for the year 2002 as required by OMB Circular A-76 and the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

2046. A letter from the Attorney/Advisor, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2047. A letter from the Acting Director, Selective Service System, transmitting the Performance Measurement Plan for FY 2004; to the Committee on Government Reform.

2048. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designations or Nondesignations of Critical Habitat for 101 Plant Species From the Island of Oahu, Hawaii (RIN: 1018-AI24) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2049. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Illinois Waterway System within the Ninth Coast Guard District [CGD09-03-209] (RIN: 1625-AA11) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2050. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Miles 1062.6 and 1064.0 at Fort Lauderdale, Broward County, FL [CGD07-03-048] (RIN: 1625-AA09) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2051. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mianus River, CT [CGD01-03-031] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2052. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Escorted Vessel Transits, Portland, Maine, Captain of the Port Zone [CGD01-03-028] (RIN: 1625-AA00) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2053. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District [CGD08-03-014] (RIN: 1625-AA11) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2054. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds and Security Zones; Oahu, Maui, Hawaii, and Kauai, HI [CGD14-03-001] (RIN: 1625-AA00) [Formerly 2115-AA97] (Formerly RIN:1625-AA01) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2055. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Croix, United States Virgin Islands [COTP San Juan-03-047] (RIN: 1625-AA00) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2056. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; General Electric Aircraft Engines CT7 Series Turboprop Engines [Docket No. 99-NE-48-AD; Amendment 39-13090; AD 2003-06-03] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2057. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2002-SW-54-AD; Amendment 39-13087; AD 2003-05-11] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2058. A letter from the Regulations Officer, Department of Transportation, transmitting the Department's ''Major'' final rule — Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations [Docket No. FMCSA-97-2350] (RIN: 2126-AA23) received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2059. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, ''2002 Findings on the Worst Forms of Child Labor''; to the Committee on Ways and Means.

¶46.6 AUTHORIZING PRINTING OF BROCHURES

Mr. MICA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 139):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. HOW OUR LAWS ARE MADE.

(a) IN GENERAL.—An edition of the brochure entitled ''How Our Laws Are Made'', as revised under the direction of the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate, shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the

House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $220,794, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 2. OUR AMERICAN GOVERNMENT.

(a) IN GENERAL.—The 2003 revised edition of the brochure entitled ''Our American Government'' shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $454,160, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. OUR FLAG.

(a) IN GENERAL.—The 2003 revised edition of the publication entitled ''Our Flag'' shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $198,108, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 4. DOCUMENT-SIZED, ANNOTATED UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 2003 edition of the document-sized, annotated version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $432,647, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 5. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 21st edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $126,729, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. MICA and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶46.7 BIOGRAPHICAL DIRECTORY OF THE UNITED STATES CONGRESS

Mr. MICA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 138):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF PRINTING.

(a) IN GENERAL.—There shall be printed as a House document a revised edition of the Biographical Directory of the United States Congress for the period ending with the 108th Congress.

(b) SPECIFICATIONS.—The document described in subsection (a) shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Clerk of the House of Representatives and the Secretary of the Senate. The Clerk of the House of Representatives and the Secretary of the Senate shall each provide appropriate biographical data and other material for the document, including data for—

(1) Senators and individuals who have served in both the Senate and the House of Representatives, to be provided by the Secretary of the Senate; and

(2) Members of the House of Representatives (including Delegates and Resident Commissioners to the Congress), to be provided by the Clerk of the House of Representatives.

(c) NUMBER OF COPIES.—In addition to the usual number, there shall be printed with suitable binding the lesser of—

(1) 1,280 copies of the document, of which 250 shall be for the use of the Senate, 930 copies shall be for the use of the House of Representatives, and 100 copies shall be for the use of the Joint Committee on Printing; or

(2) a number of copies that does not have a total production and printing cost of more than $96,500.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. MICA and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶46.8 TIMOTHY MICHAEL GAFFNEY POST OFFICE

Mr. TURNER of Ohio moved to suspend the rules and pass the bill (H.R. 1596) to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the ''Timothy Michael Gaffney Post Office Building''.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. TURNER of Ohio and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TURNER of Ohio demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶46.9 ROBERT P. HAMMER POST OFFICE

Mr. TURNER of Ohio moved to suspend the rules and pass the bill (H.R. 1625) to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building''.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. TURNER of Ohio and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TURNER of Ohio demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule

XX, announced that further proceedings on the motion were postponed.

¶46.10 DR. CAESAR A.W. CLARK, SR. POST OFFICE

Mr. TURNER of Ohio moved to suspend the rules and pass the bill (H.R. 1740) to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ''Dr. Caesar A.W. Clark, Sr. Post Office Building''.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. TURNER of Ohio and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TURNER of Ohio demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶46.11 ADMIRAL DONALD DAVIS POST OFFICE

Mr. TURNER of Ohio moved to suspend the rules and pass the bill (H.R. 1609) to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the ''Admiral Donald Davis Post Office Building''.

The SPEAKER pro tempore, Mrs. EMERSON, recognized Mr. TURNER of Ohio and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TURNER of Ohio demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Wednesday, May 7, 2003.

¶46.12 RECESS—3:02 P.M.

The SPEAKER pro tempore, Mrs. EMERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 2 minutes p.m., until approximately 6:30 p.m.

¶46.13 AFTER RECESS—6:35 P.M.

The SPEAKER pro tempore, Mr. FLAKE, called the House to order.

¶46.14 PROVIDING FOR THE CONSIDERATION OF H.R. 766

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 108–90) the resolution (H. Res. 219) providing for consideration of the bill (H.R. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶46.15 H.R. 1596—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1596) to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the ''Timothy Michael Gaffney Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 0

¶46.16 [Roll No. 159]

YEAS—405

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

NOT VOTING—29

Bishop (UT)
Bonner
Boyd
Buyer
Carson (IN)
Combest
Conyers
Crowley
Deal (GA)
DeGette
Diaz-Balart, L.
Dicks
Dingell
Gephardt
Hinojosa
Hyde
Inslee
John
Larsen (WA)
McCollum
Miller, Gary
Ose
Otter
Payne
Simpson
Sweeney
Tanner
Tauzin
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and

said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.17 H.R. 1625—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1625) to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 0

¶46.18 [Roll No. 160]

YEAS—405

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

NOT VOTING—29

Bishop (UT)
Bonner
Boyd
Buyer
Calvert
Carson (IN)
Combest
Crowley
Deal (GA)
DeGette
Diaz-Balart, L.
Dicks
Dingell
Frelinghuysen
Gephardt
Hinojosa
Hyde
Inslee
John
Larsen (WA)
Leach
McCollum
Miller, Gary
Otter
Payne
Simpson
Sweeney
Tanner
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.19 H.R. 1740—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1740) to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ''Dr. Caesar A.W. Clark, Sr. Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 0

¶46.20 [Roll No. 161]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)

Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Bishop (UT)
Bonner
Boswell
Boyd
Buyer
Carson (IN)
Collins
Combest
Crowley
Deal (GA)
DeGette
Diaz-Balart, L.
Dicks
Dingell
Gephardt
Hinojosa
Hyde
Inslee
John
Larsen (WA)
McCollum
Miller, Gary
Otter
Payne
Simpson
Sweeney
Tanner
Tauzin
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.21 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 148

On motion of Mr. LINDER, by unanimous consent,

Ordered, That it may be in order at any time on Wednesday, May 7, 2003, without intervention of any point of order to consider the resolution (H. Res. 148) providing for the expenses of certain committees of the House of Representatives in the One Hundred Eighth Congress; that the resolution shall be considered as read for amendment; that the amendment placed at the desk (which reflects the amendment ordered reported by the Committee on House Administration) shall be considered as adopted; that the resolution, as amended, shall be debatable for one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, and that the previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion.

¶46.22 UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore, Mr. FLAKE, announced that the Speaker, pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (22 United States Code 7002), amended by Division P of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7), and the order of the House of January 8, 2003, reappointed the following members on the part of the House to the United States-China Economic and Security Review Commission: Ms. June Teufel Dryer of Coral Gables, Florida, for a term to expire December 31, 2003; Mr. Larry Wortzel of Alexandria, Virginia, for a term to expire December 31, 2004, and Mr. Stephen D. Bryen of Silver Spring, Maryland, for a term to expire December 31, 2005.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶46.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BONNER, for today;

To Ms. CARSON of Indiana, for today;

To Mr. DINGELL, for today and May 7; and

To Mr. Gary G. MILLER of California, for today.

And then,

¶46.24 ADJOURNMENT

On motion of Mr. ROHRABACHER, at 10 o'clock and 47 minutes p.m., the House adjourned.

¶46.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHLERT: Committee on Science. H.R. 766. A bill to provide for a National Nanotechnology Research and Development Program, and for other purposes; with an amendment (Rept. 108–89). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. H. Res. 219. A resolution providing for consideration of the bill (H.R. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes (Rept. 108–90). Referred to the Whole House Calendar.

Mr. NEY: Committee on House Administration. H. Res. 148. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Eighth Congress, with an amendment (Rept. 108–91).

¶46.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HASTINGS of Washington:

H.R. 1953. A bill to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. COBLE, Mr. FLAKE, Mr. GUTIERREZ, Mr. HASTINGS of Washington, Mr. ISSA, Mr. JENKINS, Mr. JONES of North Carolina, Mr. KELLER, Mr. CONYERS, Ms. JACKSON-LEE of Texas, and Mr. BERMAN):

H.R. 1954. A bill to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes; to the Committee on the Judiciary.

By Mr. MCINTYRE (for himself, Mr. RYAN of Ohio, Mr. EVANS, Mr. WILSON of South Carolina, Mr. BOSWELL, and Mr. LEACH):

H.R. 1955. A bill to amend the Higher Education Act of 1965 to allow soldiers to serve their country without being disadvantaged financially by Federal student aid programs; to the Committee on Education and the Workforce.

By Mr. GREENWOOD (for himself, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, Mr. HOLT, Mr. FROST, Mr. MCNULTY, Mr. DOYLE, Mr. KILDEE, Mr. KENNEDY of Rhode Island, Mr. OWENS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. SANDERS, Mr. PALLONE, Mr. ISRAEL, Mr. COLLINS, Mr. FERGUSON, Mr. RANGEL, Mr. ENGEL, Mr. LEACH, Mr. NETHERCUTT, Mr. BISHOP of New York, and Mr. MORAN of Virginia):

H.R. 1956. A bill to amend part B of title XVIII of the Social Security Act to provide coverage of certain self-administered intramuscular and subcutaneous drugs under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1957. A bill to provide for renewal of project-based assisted housing contracts at reimbursement levels that are sufficient to sustain operations, and for other purposes; to the Committee on Financial Services.

By Mr. ANDREWS (for himself and Mr. SAXTON):

H.R. 1958. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of Korean immigration into the United States; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 1959. A bill to amend title 28, United States Code, to provide for individuals serving as Federal jurors to continue to receive their normal average wage or salary during such service; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 1960. A bill to provide benefits to public safety officers who die or become disabled as a result of certain injuries; to the Committee on the Judiciary.

By Mr. COSTELLO (for himself and Mr. CALVERT):

H.R. 1961. A bill to provide for the external regulation of nuclear safety and occupational safety and health at the Department of Energy; to the Committee on Science, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 1962. A bill to amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FOLEY (for himself, Mr. TANNER, Mr. HERGER, Mr. CAMP, Mr. GORDON, Ms. PRYCE of Ohio, Mr. FLETCHER, Mr. CRAMER, Mr. JOHN, Mr. BERRY, Mr. POMEROY, and Mrs. CAPPS):

H.R. 1963. A bill to amend title XVIII of the Social Security Act to provide for the fair treatment of certain physician pathology services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN (for himself, Mrs. KELLY, Mr. ANDREWS, Mr. HOEFFEL, Mr. ISRAEL, Mr. GARRETT of New Jersey, Mrs. MALONEY, Mr. PALLONE, Mr. PAYNE, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. WALSH, Mr. BOEHLERT, Mr. FERGUSON, Mr. GREENWOOD, Mr. HOLT, Mrs. JOHNSON of Connecticut, Mr. LOBIONDO, Mr. MENENDEZ, Mr. PASCRELL, Mr. ROTHMAN, Mr. SAXTON, and Mr. ENGEL):

H.R. 1964. A bill to establish the Highlands Stewardship Area in the States of Connecticut, New Jersey, New York, and Pennsylvania, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 1965. A bill to amend the Endangered Species Act of 1973 to limit the application of that Act with respect to actions on military land or private land and to provide incentives for voluntary habitat maintenance, and for other purposes; to the Committee on Resources.

By Mr. HYDE (for himself, Mr. GREEN of Wisconsin, and Ms. HARRIS):

H.R. 1966. A bill to establish the Millennium Challenge Account and the Millennium Challenge Corporation in order to reduce global poverty through increased economic growth by supporting a new compact for global development; to the Committee on International Relations.

By Ms. KAPTUR:

H.R. 1967. A bill to suspend temporarily the duty on Allyl Pentaerythritol (APE); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1968. A bill to suspend temporarily the duty on Butyl Ethyl Propanediol (BEPD); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1969. A bill to suspend temporarily the duty on BEPD70L; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1970. A bill to suspend temporarily the duty on Boltorn-1 (Bolt-1); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1971. A bill to suspend temporarily the duty on Boltorn-2 (Bolt-2); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1972. A bill to suspend temporarily the duty on Cyclic TMP Formal (CTF); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1973. A bill to suspend temporarily the duty on DiTMP; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1974. A bill to suspend temporarily the duty on Polyol DPP (DPP); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1975. A bill to suspend temporarily the duty on Hydroxypivalic Acid (HPA); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1976. A bill to suspend temporarily the duty on TMPDE; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1977. A bill to suspend temporarily the duty on TMPME; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1978. A bill to suspend temporarily the duty on TMP Oxetane (TMPO); to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1979. A bill to suspend temporarily the duty on TMPO Ethoxylate (TMPOE); to the Committee on Ways and Means.

By Ms. KILPATRICK:

H.R. 1980. A bill to require government agencies carrying out surface transportation projects to conduct a cost-benefit analysis before procuring architectural, engineering, and related services from a private contractor, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. CLYBURN, Mr. BISHOP of Georgia, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BAIRD, Ms. NORTON, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Mr. GONZALEZ, Mr. HINCHEY, Ms. VELAZQUEZ, Mr. MEEK of Florida, Mr. WEINER, Mr. COSTELLO, Mr. TOWNS, Ms. KAPTUR, Mr. MEEKS of New York, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. FROST, Ms. CARSON of Indiana, Mr. CLAY, Mr. WATT, Ms. WATERS, Mr. RODRIGUEZ, Mr. CAPUANO, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Mr. OWENS, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mr. CUMMINGS, Ms. KILPATRICK, Mr. WYNN, Ms. WATSON, Mr. PAYNE, Mr. BALLANCE, Mr. ENGEL, Ms. SOLIS, Mr. LEWIS of Georgia, Mrs. CAPPS, Mr. LYNCH, Ms. BALDWIN, Mr. SERRANO, Mr. SANDERS, Mr. CROWLEY, Mr. DAVIS of Alabama, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Mr. KUCINICH, Mr. HINOJOSA, Mr. ABERCROMBIE, Mr. CONYERS, Mr. SABO, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mr. DOYLE, and Mr. REYES):

H.R. 1981. A bill to reauthorize the public and assisted housing drug elimination program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mrs. MALONEY (for herself and Mr. SOUDER):

H.R. 1982. A bill to amend title III of the Federal Property and Administrative Services Act of 1949 to provide to contracting officers of the civilian agencies the same authorities available to Department of Defense contracting officers to competitively evaluate products offered by Federal Prison Industries, Inc., to assure that such products represent the best value for the taxpayer dollars being expended, and for other purposes; to the Committee on Government Reform.

By Ms. MILLENDER-MCDONALD (for herself, Ms. KILPATRICK, Mr. LARSON of Connecticut, Ms. JONES of Ohio, Mr. HONDA, Ms. NORTON, Mr. ABERCROMBIE, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. CASE, Mr. CROWLEY, Ms. WATSON, Mr. OLVER, Ms. BORDALLO, Mr. WYNN, Mr. MEEHAN, Mr. KUCINICH, Mr. FARR, Mrs. MALONEY, Mr. PAYNE, and Mr. MCDERMOTT):

H.R. 1983. A bill to amend the Immigration and Nationality Act to facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens; to the Committee on the Judiciary.

By Ms. MILLENDER-MCDONALD:

H.R. 1984. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GARY G. MILLER of California (for himself and Mr. FRANK of Massachusetts):

H.R. 1985. A bill to amend the National Housing Act to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily housing located in high-cost areas; to the Committee on Financial Services.

By Mr. NADLER:

H.R. 1986. A bill to extend the period for temporary mortgage and rental payments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act from 18 months to 24 months for victims of the terrorist attacks on the United States that occurred on September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. FRELINGHUYSEN, Mr. ANDREWS, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. HOLT, Mr. LOBIONDO, Mr. MENENDEZ, Mr. PALLONE, Mr. PASCRELL, Mr. ROTHMAN, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 1987. A bill to designate the air traffic control tower at Newark International Airport in Newark, New Jersey, as the ''William J. 'Whitey' Conrad Air Traffic Control Tower''; to the Committee on Transportation and Infrastructure.

By Mr. RAHALL:

H.R. 1988. A bill to amend the Black Lung Benefits Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RYAN of Wisconsin (for himself and Mr. SAXTON):

H.R. 1989. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mr. SANDERS (for himself and Mr. OBEY):

H.R. 1990. A bill to establish a counter-cyclical income support program for dairy producers; to the Committee on Agriculture.

By Mr. SCOTT of Georgia:

H.R. 1991. A bill to amend title 10, United States Code, to require a State to charge in-

State tuition rates to active-duty members of the Armed Forces domiciled or stationed on active duty in that State and to the dependents of such members; to the Committee on Armed Services.

By Ms. SOLIS:

H.R. 1992. A bill to amend and improve the workforce investment and adult education systems of the Nation; to the Committee on Education and the Workforce.

By Mr. STRICKLAND (for himself, Mr. HOLDEN, Mr. WAXMAN, Mr. CONYERS, Mr. RANGEL, Mr. CUMMINGS, Mr. FORD, Mr. GUTIERREZ, Mr. PALLONE, Mr. RYAN of Ohio, Mr. SCOTT of Georgia, and Mr. LEWIS of Georgia):

H.R. 1993. A bill to amend the Public Health Service Act to establish an Office of Correctional Health; to the Committee on Energy and Commerce.

By Mr. STRICKLAND (for himself, Mr. HOLDEN, Mr. WAXMAN, Mr. CUMMINGS, Ms. BALDWIN, Mr. MCNULTY, Mr. HOEFFEL, Mr. PALLONE, Mr. RYAN of Ohio, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, and Mr. BROWN of Ohio):

H.R. 1994. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

By Mr. UPTON:

H.R. 1995. A bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina (for himself and Mr. ANDREWS):

H.R. 1996. A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain computer professionals, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of Michigan (for himself, Mr. SMITH of New Jersey, Mrs. MILLER of Michigan, Mr. BARRETT of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. TERRY, Mr. BALLENGER, Mr. PENCE, and Mr. PITTS):

H. Con. Res. 160. Concurrent resolution expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition; to the Committee on International Relations.

By Mr. OSBORNE (for himself, Mr. BEREUTER, and Mr. TERRY):

H. Con. Res. 161. Concurrent resolution recognizing the outstanding efforts of the individuals and communities who volunteered or donated items to the North Platte Canteen in North Platte, Nebraska, during World War II from December 25, 1941, to April 1, 1946; to the Committee on Armed Services.

By Mr. TURNER of Ohio (for himself, Mr. CHABOT, Mr. PORTMAN, Mr. OXLEY, Mr. GILLMOR, Mr. STRICKLAND, Mr. HOBSON, Mr. BOEHNER, Ms. KAPTUR, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. TIBERI, Mr. BROWN of Ohio, Mr. LATOURETTE, Ms. PRYCE of Ohio, Mr. REGULA, Mr. RYAN of Ohio, and Mr. NEY):

H. Con. Res. 162. Concurrent resolution honoring the city of Dayton, Ohio, and its many partners, for hosting ''Inventing Flight: The Centennial Celebration'', a celebration of the centennial of Wilbur and Orville Wright's first flight; to the Committee on Government Reform.

By Mr. HINCHEY (for himself and Mr. BROWN of Ohio):

H. Res. 218. A resolution to express the sense of the House of Representatives that the Federal Communications Commission should not revise its media ownership rules without more extensive review and comment by the public; to the Committee on Energy and Commerce.

By Mr. WU (for himself, Mr. BOEHLERT, Mr. HALL, and Mr. GORDON):

H. Res. 220. A resolution expressing the sense of the House of Representatives relating to the achievements of the Expedition 6 Crew aboard the International Space Station; to the Committee on Science.

¶46.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. OSE.
H.R. 23: Mr. BLUNT.
H.R. 36. Mr. DEFAZIO.
H.R. 49: Mr. MICHAUD and Ms. LOFGREN.
H.R. 58: Mr. UDALL of Colorado, Mr. WALDEN of Oregon, Mr. PASCRELL, Mr. LARSON of Connecticut, and Ms. HOOLEY of Oregon.
H.R. 119: Mr. RENZI.
H.R. 153: Mr. BARTLETT of Maryland.
H.R. 182: Mr. ENGEL.
H.R. 188: Ms. SCHAKOWSKY.
H.R. 218: Mr. PETRI, Mr. BROWN of South Carolina, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. REGULA.
H.R. 220: Mr. HOEFFEL.
H.R. 223: Mr. BEAUPREZ.
H.R. 235: Mr. KELLER, Mr. MCCOTTER, Mr. BEAUPREZ, Mr. REYNOLDS, Mr. GRAVES, Mr. BILIRAKIS, Mr. GARRETT of New Jersey, and Mr. BACHUS.
H.R. 241: Mr. MILLER of Florida.
H.R. 250: Mr. KUCINICH, Mr. OWENS, and Ms. BALDWIN.
H.R. 303: Mr. BOEHLERT, Mr. ROGERS of Alabama, Mr. MENENDEZ, and Mr. TIERNEY.
H.R. 333: Ms. PELOSI.
H.R. 340: Mr. JANKLOW.
H.R. 367: Mr. SCHIFF.
H.R. 384: Mr. OTTER.
H.R. 391: Mr. BILIRAKIS.
H.R. 455: Ms. BALDWIN.
H.R. 463: Mr. DOYLE, Mr. NEAL of Massachusetts, and Mr. HOLT.
H.R. 466: Mr. PRICE of North Carolina and Mr. BAKER.
H.R. 496: Mr. TIAHRT.
H.R. 501: Mr. DOYLE.
H.R. 502: Mr. SHADEGG.
H.R. 527: Mr. GONZALEZ.
H.R. 528: Mr. ENGEL and Mr. ALLEN.
H.R. 545: Mrs. KELLY.
H.R. 577: Mr. SCHIFF, Mr. DAVIS of Tennessee, Mr. CUMMINGS, Mr. WEXLER, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. GRIJALVA.
H.R. 584: Mr. MANZULLO and Mr. BISHOP of New York.
H.R. 589: Mr. SENSENBRENNER, Mr. INSLEE, Ms. HARRIS, and Ms. MCCARTHY of Missouri.
H.R. 655: Mr. SHADEGG.
H.R. 660: Mr. NETHERCUTT, Mr. THOMAS, and Mr. TURNER of Texas.
H.R. 687: Mr. YOUNG of Alaska, Mr. PETERSON of Minnesota, Mr. MCKEON, Mr. ROYCE, and Mr. SHADEGG.
H.R. 719: Mrs. CUBIN.
H.R. 737: Mr. KANJORSKI, Mr. CUMMINGS, and Mr. DOYLE.
H.R. 765: Mr. UPTON, Mr. BEAUPREZ, Mr. MARIO DIAZ-BALART of Florida, and Mr. GOODLATTE.
H.R. 766: Mr. SESSIONS and Mr. HOLT.
H.R. 768: Mr. BALLANCE, Mr. CUMMINGS, Mr. ACEVEDO-VILA, and Mr. TANNER.
H.R. 781: Mr. ANDREWS and Ms. DELAURO.
H.R. 786: Mr. MCINNIS and Mr. HUNTER.
H.R. 792: Mr. JENKINS, Ms. LORETTA SANCHEZ of California, Mr. PRICE of North Carolina, Mr. SIMPSON, Mr. NEY, Mr. DAVIS of Alabama, Mr. CASE, and Mr. OBERSTAR.
H.R. 816: Mr. SIMMONS.
H.R. 817: Mr. SAXTON and Mr. ISRAEL.
H.R. 870: Mr. SCHROCK.
H.R. 872: Mr. MANZULLO.
H.R. 876: Mr. JOHNSON of Illinois, Mr. HAYWORTH, Mr. OSBORNE, Mr. HAYES, Mr. REHBERG, Mr. DOYLE, Mr. SMITH of New Jersey, Mr. JENKINS, and Mr. KELLER.
H.R. 883: Mr. RUSH.
H.R. 898: Mr. MENENDEZ, MS. PELOSI, and Mr. WU.
H.R. 906: Mr. TERRY and Mr. MICHAUD.
H.R. 919: Mr. GONZALES, Mr. CUMMINGS, Ms. SOLIS, Ms. WOOLSEY.
H.R. 936: Mr. VAN HOLLEN.
H.R. 937: Mr. OBERSTAR and Mr. SANDERS.
H.R. 946: Mr. BILIRAKIS.
H.R. 953: Mr. GONZALES.
H.R. 973: Mrs. JOHNSON of Connecticut and Mr. FOLEY.
H.R. 979: Ms. LINDA T. SANCHEZ of California.
H.R. 991: Mr. SAXTON.
H.R. 997: Mr. SESSIONS and Mr. BILIRAKIS.
H.R. 998: Mr. ACEVEDO-VILA and Mr. GREEN of Texas.
H.R. 1006: Mr. ROTHMAN, Mr. UDALL of Colorado, Mr. ISSA, Mr. GALLEGLY, Mrs. CAPPS, Mr. ISAKSON, Mr. MORAN of Virginia, Mr. MARKEY, and Mr. FRANK of Massachusetts.
H.R. 1046: Mr. STARK, Mr. ROTHMAN, and Mr. CUMMINGS.
H.R. 1056: Mrs. JO ANN DAVIS of Virginia.
H.R. 1061: Mr. UDALL of Colorado, Mrs. MUSGRAVE, and Ms. BORDALLO.
H.R. 1063: Mr. SESSIONS, Mr. DOOLITTLE, Mr. HEFLEY, and Mrs. LOFGREN.
H.R. 1068: Mr. WAMP, Mr. CUMMINGS, Mr. SULLIVAN, Mr. BROWN of Ohio, Mr. LARSON of Connecticut, Mr. PETERSON of Minnesota, and Mr. MARKEY.
H.R. 1070: Mr. DOYLE.
H.R. 1083: Mrs. MALONEY and Mr. DAVIS of Alabama.
H.R. 1093: Mrs. MUSGRAVE.
H.R. 1111: Mr. COLE.
H.R. 1117: Mr. COLE.
H.R. 1125: Mr. THORNBERRY, Mr. NEY, Mr. CASE, Mr. GILCHREST, Ms. ROS-LEHTINEN, and Mr. BRADLEY of New Hampshire.
H.R. 1137: Mr. BERRY and Mr. NETHERCUTT.
H.R. 1148: Mrs. LOWEY, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, and Mr. PASCRELL.
H.R. 1157: Ms. HOOLEY of Oregon, Mr. ALLEN, and Mr. STUPAK.
H.R. 1163: Mr. GARRETT of New Jersey.
H.R. 1168: Mr. BILIRAKIS.
H.R. 1170: Ms. MILLENDER-MCDONALD.
H.R. 1193: Mr. RYUN of Kansas.
H.R. 1196: Mr. KUCINICH, Mr. MARKEY, Mr. BISHOP of New York, Mr. UDALL of Colorado, Mr. GUTIERREZ, Mr. SMITH of Washington, Mr. HINCHEY, and Mr. ABERCROMBIE.
H.R. 1225: Mr. STRICKLAND, Mr. DICKS, Mr. PORTMAN, Mr. TOWNS, Mr. ROSS, Mr. GRIJALVA, Ms. BALDWIN, Mr. FORD, Mrs. JO ANN DAVIS of Virginia, Mr. QUINN, Mr. MOORE, Mr. SNYDER, Mr. STARK, Mr. FARR, Mr. JONES of North Carolina, Mr. ROGERS of Michigan, Mr. POMEROY, and Mr. WILSON of South Carolina.
H.R. 1244: Mr. CRENSHAW.
H.R. 1250: Mr. MANZULLO.
H.R. 1260: Mr. ROGERS of Michigan and Mr. PUTNAM.
H.R. 1264: Mr. HOLDEN.
H.R. 1267: Ms. ROYBAL-ALLARD, Mr. MEEHAN, Mr. GONZALEZ, Mr. CUMMINGS, Mr. STRICKLAND, Mr. WU, Mrs. CHRISTENSEN, Mr. SCHIFF, Mr. WYNN, and Mr. POMEROY.

H.R. 1276: Mr. CANTOR.
H.R. 1301: Mr. DUNCAN, Ms. DELAURO, Mr. MOLLOHAN, and Mr. GIBBONS.
H.R. 1309: Mr. GREEN of Texas.
H.R. 1329: Mr. PUTNAM, Ms. HARRIS, Mr. UPTON, and Mr. SESSIONS.
H.R. 1336: Mr. JONES of North Carolina, Mr. HENSARLING, and Mr. QUINN.
H.R. 1355: Mr. SABO and Mr. VAN HOLLEN.
H.R. 1358: Mr. DAVIS of Florida.
H.R. 1374: Mr. GUTIERREZ and Mr. DAVIS of Florida.
H.R. 1377: Mr. GOODE, Mr. SMITH of New Jersey, Mr. DEUTSCH, Mr. SANDERS, Mr. DAVIS of Alabama, and Ms. JACKSON-LEE of Texas.
H.R. 1385: Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. CASE, Mr. KILDEE, Mr. CUMMINGS, Mr. WOLF, Mr. TERRY, Mr. WEXLER, and Mr. BASS.
H.R. 1388: Mr. STRICKLAND, Ms. WOOLSEY, Mr. GRIJALVA, Mr. AKIN, and Mr. GALLEGLY.
H.R. 1409: Mrs. CUBIN and Ms. BORDALLO.
H.R. 1418: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1421: Mr. SIMMONS.
H.R. 1429: Mrs. MALONEY and Mr. OLVER.
H.R. 1430: Mr. LEACH, Mr. TIERNEY, and Mr. STARK.
H.R. 1442: Mr. SAM JOHNSON of Texas, Mrs. MALONEY, Mr. CUNNINGHAM, Mr. SWEENEY, Mr. NUNES, Mr. ISRAEL, Ms. GINNY BROWN-WAITE of Florida, and Mrs. MILLER of Michigan.
H.R. 1466: Mr. HOLT.
H.R. 1470: Mr. RYAN of Ohio, Ms. ESHOO, Mr. LEWIS of Georgia, and Mr. GUTIERREZ.
H.R. 1472: Mr. WELLER, Mr. BLUMENAUER, Mr. HEFLEY, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Mr. FERGUSON, Mr. ISAKSON, Mr. LEACH, Mr. LINDER, Mr. NEAL of Massachusetts, and Mr. SHERMAN.
H.R. 1478: Ms. LOFGREN.
H.R. 1510: Mr. CUMMINGS, Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, and Mr. GRIJALVA.
H.R. 1523: Mr. MCCRERY, Mr. DAVIS of Illinois, Mr. TANCREDO, Mr. ENGEL, and Mr. DAVIS of Tennessee.
H.R. 1532: Mr. FARR and Mr. KOLBE.
H.R. 1539: Mr. RANGEL and Mr. BERRY.
H.R. 1540: Mr. MARKEY.
H.R. 1580: Mr. OBERSTAR and Mr. HOEFFEL.
H.R. 1582: Mr. HEFLEY, Mr. LATOURETTE, and Ms. HOOLEY of Oregon.
H.R. 1606: Mr. BARRETT of South Carolina.
H.R. 1613: Mr. KUCINICH, Mr. GONZALEZ, Mr. WELDON of Pennsylvania, Mr. DICKS, Mr. MEEKS of New York, and Mr. WHITFIELD.
H.R. 1614: Mr. SIMMONS.
H.R. 1615: Mr. ENGLISH.
H.R. 1616: Ms. MAJETTE and Mr. SCOTT of Georgia.
H.R. 1638: Mr. WICKER and Mr. ACEVEDO-VILA.
H.R. 1643: Mrs. BIGGERT, Mrs. CAPITO, and Mr. BACA.
H.R. 1659: Mr. DOOLEY of California, Mr. FARR, Mr. THOMPSON of California, and Mr. THOMAS.
H.R. 1662: Mr. TURNER of Texas, Mr. HEFLEY, and Mr. ISSA.
H.R. 1673: Ms. NORTON.
H.R. 1675: Mr. NUNES, Mr. GRIJALVA, Mr. OBERSTAR, Mr. STUPAK, Mr. SANDERS, and Mr. DAVIS of Tennessee.
H.R. 1682: Mr. MCDERMOTT, Mr. JOHNSON of Illinois, Mr. MCGOVERN, Mr. ETHERIDGE, Mr. FROST, Mr. SCHROCK, Ms. GINNY BROWN-WAITE of Florida, Mr. MEEHAN, Mr. MCINTYRE, and Mr. MILLER of Florida.
H.R. 1685: Mr. DREIER and Mr. PASTOR.
H.R. 1690: Ms. MCCOLLUM and Mr. KILDEE.
H.R. 1692: Mr. ISRAEL.
H.R. 1700: Mr. MCGOVERN, Mr. SNYDER, Mr. SANDLIN, Mr. CASE, Mr. WOLF, Ms. LEE, and Mr. TERRY.
H.R. 1708: Mr. FROST, Mr. DUNCAN, Mr. BOEHLERT, Mr. CRAMER, Mr. DAVIS of Alabama, Mr. ALEXANDER, Ms. DELAURO, Mr. GONZALEZ, Ms. MCCARTHY of Missouri, Mr. MARKEY, Ms. LEE, Mr. CUMMINGS, Mr. ACEVEDO-VILA, Mr. SHAYS, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. CONYERS, Mr. COOPER, and Ms. LORETTA SANCHEZ of California.
H.R. 1710: Mr. MENENDEZ, Mr. OBERSTAR, Mr. HOEFFEL, Mr. KILDEE, Mr. SANDERS, Mr. PAUL, Mr. LEACH, and Mr. CAPUANO.
H.R. 1711: Mr. LIPINSKI and Mrs. KELLY.
H.R. 1713: Mr. GUTIERREZ and Mr. DAVIS of Florida.
H.R. 1714: Mr. TAYLOR of North Carolina, Mr. FOLEY, Mr. CASE, and Mr. GOSS.
H.R. 1718: Mr. FILNER.
H.R. 1721: Mr. BAIRD.
H.R. 1754: Mr. BARTLETT of Maryland, Mr. CARSON of Oklahoma, Mr. SHERMAN, and Mr. KENNEDY of Minnesota.
H.R. 1758: Mr. OWENS and Mr. LUCAS of Kentucky.
H.R. 1779: Mr. GOODE, Mr. JONES of North Carolina, Mr. SCHROCK, Ms. GINNY BROWN-WAITE of Florida, and Mr. ENGLISH.
H.R. 1780: Mr. GARRETT of New Jersey.
H.R. 1787: Mr. UPTON, Mr. LATOURETTE, Mr. HOUGHTON, Mr. WOLF, Mr. UDALL of Colorado, Mr. GREEN of Wisconsin, Mr. FROST, Mrs. KELLY, and Mr. BOEHLERT.
H.R. 1814: Ms. PELOSI, Mr. KENNEDY of Rhode Island, Mr. VAN HOLLEN, Ms. LOFGREN, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. ORTIZ, Mr. MENENDEZ, Mr. BACA, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. GUTIERREZ, Mr. SERRANO, Mr. CARDOZA, Mr. HOLT, Mr. ACEVEDO-VILA, Mrs. MALONEY, and Mr. SCHIFF.
H.R. 1819: Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1835: Mr. COLE.
H.R. 1838: Mr. FILNER, Mr. REYES, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, and Ms. LEE.
H.R. 1860: Mr. MCNULTY, Mr. STARK, Mr. ACEVEDO-VILA, Mr. KILDEE, and Mr. FROST.
H.R. 1873: Mr. GOODE, Mr. ACEVEDO-VILA, Mr. TERRY, and Mr. GRAVES.
H.R. 1874: Mr. NORWOOD, Mr. ISAKSON, and Mr. DINGELL.
H.R. 1886: Mr. RODRIGUEZ.
H.R. 1887: Mr. GREEN of Texas.
H.R. 1902: Mr. SMITH of Michigan, Mr. FRANK of Massachusetts, Ms. CARSON of Indiana, Mr. CUMMINGS, Mr. YOUNG of Alaska, Ms. MILLENDER-MCDONALD, Mr. WEINER, Mr. CONYERS, Mr. GRIJALVA, and Mr. KILDEE.
H.R. 1905: Mr. SCHIFF, Mr. GARRETT of New Jersey, Mr. MOORE.
H.R. 1906: Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. STRICKLAND, Mr. BROWN of Ohio, Mr. KILDEE, Mr. SERRANO, Mr. TOWNS, Mrs. CHRISTENSEN, Mrs. MCCARTHY of New York, Mr. HOLDEN, Mr. FROST, and Mr. ACEVEDO-VILA.
H.R. 1935: Mr. ISRAEL and Mr. EVANS.
H.J. Res. 4: Mr. RAMSTAD.
H.J. Res. 22: Ms. HARRIS.
H.J. Res. 36: Mr. ISRAEL, Mr. OSBORNE, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Mr. THOMPSON of California, Mrs. JO ANN DAVIS of Virginia, and Mr. CARSON of Oklahoma.
H.J. Res. 44: Mr. SHADEGG.
H.J. Res. 52: Ms. PRYCE of Ohio and Mr. PORTMAN.
H. Con. Res. 19: Mr. LARSEN of Washington.
H. Con. Res. 21: Mr. GOODE, Mr. HULSHOF, Mrs. MUSGRAVE, and Mr. SNYDER.
H. Con. Res. 56: Mr. KUCINICH and Mr. ACEVEDO-VILA.
H. Con. Res. 78: Mr. MORAN of Virginia.
H. Con. Res. 91: Ms. NORTON.
H. Con. Res. 99: Mr. RANGEL, Mr. RUSH, Mr. ALLEN, Mr. THOMPSON of Mississippi, Ms. WATERS, Ms. NORTON, Mr. BERMAN, Mrs. MALONEY, Mrs. JONES of Ohio, and Mr. FALEOMAVAEGA.
H. Con. Res. 117: Mr. WELLER, Mr. FORBES, Mr. WATT, Mr. SCHIFF, and Mrs. MUSGRAVE.
H. Con. Res. 130: Mr. GUTIERREZ.
H. Con. Res. 151: Mr. LATOURETTE, Mr. MORAN of Virginia, and Ms. SCHAKOWSKY.
H. Con. Res. 152: Mr. WELDON of Pennsylvania.
H. Con. Res. 154: Mr. ROYCE, Mr. LANTOS, Ms. LEE, and Mr. MEEKS of New York.
H. Con. Res. 158: Mr. KUCINICH and Mr. RANGEL.
H. Res. 60: Mr. LEACH, Mr. JENKINS, Mr. OLVER, Mr. BOSWELL, and Ms. CARSON of Indiana.
H. Res. 136: Mr. SAXTON and Mr. ABERCROMBIE.
H. Res. 141: Ms. SOLIS.
H. Res. 167: Mr. CARSON of Oklahoma, Mr. RAHALL, Ms. CORRINE BROWN of Florida, and Mr. MCINTYRE.
H. Res. 180: Mr. SIMMONS, Mr. BROWN of Ohio, Mr. FROST, Mr. BOEHLERT, Mr. BALLANCE, and Mr. OXLEY.
H. Res. 193: Mr. ALLEN, Mr. BACA, Mr. BASS, Mr. CUNNINGHAM, Mr. FOLEY, Mr. LIPINSKI, Mr. PETERSON of Minnesota, Mr. RUSH, Mr. SHIMKUS, Ms. HARMAN, Mr. COX, Ms. LOFGREN, Mr. GREEN of Wisconsin, Mr. GEPHARDT, Mr. GREENWOOD, and Mr. CONYERS.
H. Res. 208: Mr. SHAW.

WEDNESDAY, MAY 7, 2003 (47)

¶47.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. NETHERCUTT, who laid before the House the following communication:

WASHINGTON, DC,
May 7, 2003.

I hereby appoint the Honorable GEORGE R. NETHERCUTT, JR. to act as Speaker pro tempore on this day.

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

¶47.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. NETHERCUTT, announced he had examined and approved the Journal of the proceedings of Tuesday, May 6, 2003.

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

¶47.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2060. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill entitled, ''Rural Electrification Act Amendments of 2003''; to the Committee on Agriculture.

2061. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Paul G. Gaffney II, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2062. A letter from the Assistant Secretary, Department of Defense, transmitting an annual report on the STARBASE Program for FY 2002; to the Committee on Armed Services.

2063. A letter from the Program Manager, Pentagon Renovation Program, Department of Defense, transmitting the thirteenth annual report on the renovation of the Pentagon Reservation; to the Committee on Armed Services.

2064. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's STARBASE Program Management Report; to the Committee on Armed Services.

2065. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's report entitled, ''Review Of Active Duty And Reserve General and Flag Officer Authorizations''; to the Committee on Armed Services.

2066. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Examination Council's 2002 annual report, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

2067. A letter from the Executive Director, Federal Financial Institutions Examination Council, transmitting the 2002 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

2068. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Refrigerators and Refrigerator-Freezers [Docket No. EE-RM/TP-02-001] (RIN: 1904-AB12) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2069. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Final Monograph for Combination Drug Products; Correction [Docket No. 76N-052G] (RIN: 0910-AA01) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2070. A letter from the Inspector General, Environmental Protection Agency, transmitting the Agency's Annual Superfund Report to the Congress for Fiscal 2002; to the Committee on Energy and Commerce.

2071. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2072. A letter from the White House Liaison and Executive Director, White House Commission on the National Monument of Remembrance, transmitting the first Annual Report of the White House Commission on the National Moment of Remembrance, pursuant to 36 U.S.C.116 note Public Law 106—579, section 6 (b)(1); to the Committee on Government Reform.

2073. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2004 Annual Performance Plan; to the Committee on Government Reform.

2074. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2075. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's Annual Performance Plan for FY 2004 and the Program Performance Report for FY 2002; to the Committee on Government Reform.

2076. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's FY 2002 Performance Report; to the Committee on Government Reform.

2077. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the Board's 2002 FAIR Act Inventory; to the Committee on Government Reform.

2078. A letter from the Coordinator for the FEC Forms Committee, Federal Election Commission, transmitting the Commission's revised Forms and instructions, along with their Explanation and Justification, implementing the Bipartisan Campaign Reform Act; to the Committee on House Administration.

2079. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Wyoming Regulatory Program [WY-030-FOR] received May 01, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2080. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and by the USA PATRIOT Act of 2001; to the Committee on the Judiciary.

2081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Protection of Alaska Marine Highway System (AMHS) Vessels M/V Columbia, M/V Kennicott, M/V Malaspina, and M/V Matanuska, in Southeast Alaska Waters [COTP Southeast Alaska-03-001](RIN: 1625-AA00) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E surface area airspace and modification of Class E airspace; Jefferson City, MO [Docket No. FAA-2002-14129; Airspace Docket No. 02-ACE-14] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A Series Airplanes [Docket No. 2000-NM-420-AD; Amendment 39-13092; AD 2003-06-05] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP and 800 (Including Variant U-125A) Airplanes [Docket No. 2001-NM-18-AD; Amendment 39-13093; AD 2003-06-06] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes [Docket No. 2001-NM-378-AD; Amendment 39-13091; AD 2003-06-04] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, 757-200CB, and 757-200PF Series Airplanes [Docket No. 2002-NM-315-AD; Amendment 39-13104; AD 2003-07-08] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2087. A letter from the Chairman, Department of Veterans Affairs, transmitting the Department's report of the chairman; to the Committee on Veterans' Affairs.

2088. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Returns and Return Information to Designee of Taxpayer [TD 9054] (RIN: 1545-AX85) received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶47.4 MESSAGE FROM THE SENATE

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

S. Con. Res. 42. A concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore.

¶47.5 SOLDIERS' AND SAILORS' CIVIL RELIEF

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 100) to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940; as amended.

The SPEAKER pro tempore, Mr. NETHERCUTT, recognized Mr. SMITH of New Jersey and Mr. EVANS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. NETHERCUTT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMMONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. NETHERCUTT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶47.6 NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. LATOURETTE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 96):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The National Fraternal Order of Police and its auxiliary (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the 22nd annual National Peace Officers' Memorial Service (in this resolution jointly referred to as the ''event''), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2002.

(b) DATE OF EVENT.—The event shall be held on May 15, 2003, or on such other date as

the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore, Mr. NETHERCUTT, recognized Mr. LATOURETTE and Mr. DAVIS of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. NETHERCUTT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LATOURETTE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. NETHERCUTT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶47.7 GREATER WASHINGTON SOAP BOX DERBY

Mr. LATOURETTE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 53); as amended:

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the ''Association'') shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 21, 2003, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore, Mr. NETHERCUTT, recognized Mr. LATOURETTE and Mr. DAVIS of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LATOURETTE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶47.8 WASTEWATER TREATMENT WORKS SECURITY

Mr. DUNCAN moved to suspend the rules and pass the bill (H.R. 866) to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. DUNCAN and Mr. COSTELLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DUNCAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶47.9 MESSAGE FROM THE PRESIDENT

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

¶47.10 RAIL PASSENGER DISASTER FAMILY ASSISTANCE

Mr. QUINN moved to suspend the rules and pass the bill (H.R. 874) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. QUINN and Mr. COSTELLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. QUINN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, May 8, 2003.

¶47.11 MESSAGE FROM THE PRESIDENT—TERMINATION OF NATIONAL EMERGENCY WITH RESPECT TO ANGOLA

The SPEAKER pro tempore, Mr. BASS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to section 202 of the International Emergency Economic Powers Act, 50 U.S.C. 1622, I hereby report that I have issued an Executive Order (the ''Order''), that terminates the national emergency described and declared in Executive Order 12865 of September 26, 1993, with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA) and revokes that order, Executive Order 13069 of December 12, 1997, and Executive Order 13098 of August 18, 1998.

The Order will have the effect of lifting the sanctions imposed on UNITA in Executive Orders 12865, 13069, and 13098. These trade and financial sanctions were imposed to support international efforts to force UNITA to abandon armed conflict and return to the peace process outlined in the Lusaka Protocol, as reflected in United Nations Security Council Resolutions 864 (1993), 1127 (1997), and 1173 (1998).

The death of UNITA leader Jonas Savimbi in February 2002 enabled the Angolan government and UNITA to sign the Luena Memorandum of Understanding on April 4, 2002. This agreement established an immediate ceasefire and called for UNITA's return to the peace process laid out in the 1994 Lusaka Protocol. In accordance therewith, UNITA quartered all its military personnel in established reception areas and handed its remaining arms over to the Angolan government. In September 2002, the Angolan government and UNITA reestablished the

Lusaka Protocol's Joint Commission to resolve outstanding political issues. On November 21, 2002, the Angolan government and UNITA declared the provisions of the Lusaka Protocol fully implemented and called for the lifting of sanctions on UNITA imposed by the United Nations Security Council.

With the successful implementation of the Lusaka Protocol and the demilitarization of UNITA, the circumstances that led to the declaration of a national emergency on September 26, 1993, have been resolved. The actions and policies of UNITA no longer pose an unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 1448 (2002) lifted the measures imposed pursuant to prior U.N. Security Council resolutions related to UNITA. The continuation of sanctions imposed by Executive Orders 12865, 13069, and 13098 would have a prejudicial effect on the development of UNITA as an opposition political party, and therefore, on democratization in Angola. For these reasons, I have determined that it is necessary to terminate the national emergency with respect to UNITA and to lift the sanctions that have been used to apply economic pressure on UNITA.

I am enclosing a copy of the Executive Order I have issued. This Order is effective at 12:01 a.m. eastern daylight time on May 7, 2003.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 6, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–69).

¶47.12 COMMENDING PUBLIC SERVICE EMPLOYEES

Mr. MURPHY moved to suspend the rules and agree to the following resolution (H. Res. 213):

Whereas Public Service Recognition Week provides an opportunity to honor and celebrate the commitment of individuals who meet the needs of the Nation through work at all levels of government;

Whereas over 20,000,000 men and women work in government service in every city, county, and State across the Nation and in hundreds of locations abroad;

Whereas Federal, State, and local officials perform essential services that the Nation relies upon every day;

Whereas the United States is a great and prosperous nation, and public service employees have contributed significantly to its greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public service employees—

(1) help the Nation recover from natural disasters and terrorist attacks,

(2) fight fires and crime,

(3) deliver the mail,

(4) teach and work in our public schools,

(5) deliver Social Security and Medicare benefits,

(6) fight disease and promote better health,

(7) protect the environment and our national parks,

(8) defend and secure critical infrastructure,

(9) improve and secure transportation and the quality and safety of our food and water,

(10) build and maintain our roads and bridges,

(11) provide vital strategic and support functions to our military personnel,

(12) keep the Nation's economy stable,

(13) defend our freedom, and

(14) advance our Nation's interests around the world;

Whereas public service employees at the Federal, State, and local level are our first line of defense in maintaining homeland security;

Whereas public service employees at every level of government are hardworking individuals who are committed to doing a good job, regardless of the circumstances;

Whereas Federal, State, and local government employees have risen to the occasion and demonstrated professionalism, dedication, and courage while fighting the war against terrorism;

Whereas the men and women serving in the Armed Forces of the United States, as well as those Federal employees who provide support for their efforts, contribute greatly to the security of the Nation and of the world;

Whereas May 5 through 11, 2003, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week will be celebrated through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends America's Federal, State, and local government employees for their outstanding contributions to our country;

(2) salutes this Nation's public service employees for their unwavering dedication and spirit;

(3) honors those public service employees who have laid down their lives in service to this Nation;

(4) calls upon a new generation of workers to consider a career in public service; and

(5) encourages efforts to promote public service careers at all levels of government.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. MURPHY and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed, until Thursday, May 8, 2003.

¶47.13 H.R. 1609—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1609) to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the ''Admiral Donald Davis Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶47.14 [Roll No. 162]

YEAS—423

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

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

NOT VOTING—11

Blunt
Boehner
Carson (IN)
Conyers
DeGette
DeLay
Dingell
Gephardt
Hyde
Miller, Gary
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶47.15 H.R. 100—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 100) to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 425 / Nays ..... 0 }

¶47.16 [Roll No. 163]

YEAS—425

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

NOT VOTING—9

Carson (IN)
DeGette
DeLay
Dingell
Gephardt
Hyde
Miller, Gary
Tauzin
Walsh

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶47.17 H. CON. RES. 96—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 96) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays ..... 0 }

¶47.18 [Roll No. 164]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus

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

NOT VOTING—15

Boehner
Carson (IN)
DeGette
DeLay
Dingell
Emanuel
Gephardt
Hayes
Hinchey
Hyde
McKeon
Miller, Gary
Pomeroy
Simpson
Tauzin

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶47.19 PROVIDING FOR THE CONSIDERATION OF H.R. 766

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 219):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶47.20 NATIONAL NANOTECHNOLOGY RESEARCH

The SPEAKER pro tempore, Mr. LINDER, pursuant to House Resolution 219 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes.

The SPEAKER pro tempore, Mr. LINDER, by unanimous consent, designated Mr. TERRY as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. CULBERSON, assumed the Chair; and after some time spent therein,

¶47.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BELL:

In section 3(b)(5), strike ''environmental concerns'' and insert ''toxicological studies, environmental impact studies,''.

It was decided in the negative { Yeas ..... 209 / Nays ..... 214 }

¶47.22 [Roll No. 165]

AYES—209

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon

Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—214

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

NOT VOTING—11

Carson (IN)
DeLay
Dingell
Gephardt
Hyde
Issa
Miller, Gary
Reynolds
Rogers (MI)
Tauzin
Young (FL)

So the amendment was not agreed to.

¶47.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BELL:

In section 3(b)(1), insert ‘‘, including research on the potential of nanotechnology to produce or facilitate the production of clean, inexpensive energy,’’ after ‘‘nanotechnology research and development’’.

It was decided in the negative ..... { Yeas ..... 207 / Nays 217

¶47.24 [Roll No. 166]

AYES—207

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

NOES—217

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

NOT VOTING—10

Carson (IN)	Hyde	Tauzin
DeLay	Miller, Gary	Young (FL)
Dingell	Reynolds	
Gephardt	Rogers (MI)	

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. QUINN, assumed the Chair.

When Mr. OTTER, Acting Chairman, pursuant to House Resolution 219, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nanotechnology Research and Development Act of 2003''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''advanced technology user facility'' means a nanotechnology research and development facility supported, in whole or in part, by Federal funds that is open to all United States researchers on a competitive, merit-reviewed basis;

(2) the term ''Advisory Committee'' means the advisory committee established or designated under section 5;

(3) the term ''Director'' means the Director of the Office of Science and Technology Policy;

(4) the term ''Interagency Committee'' means the interagency committee established under section 3(c);

(5) the term ''nanotechnology'' means science and engineering aimed at creating materials, devices, and systems at the atomic and molecular level;

(6) the term ''Program'' means the National Nanotechnology Research and Development Program described in section 3; and

(7) the term ''program component area'' means a major subject area established under section 3(c)(2) under which is grouped related individual projects and activities carried out under the Program.

SEC. 3. NATIONAL NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The President shall implement a National Nanotechnology Research and Development Program to promote Federal nanotechnology research, development, demonstration, education, technology transfer, and commercial application activities as necessary to ensure continued United States leadership in nanotechnology research and development and to ensure effective coordination of nanotechnology research and development across Federal agencies.

(b) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

(1) provide sustained support for nanotechnology research and development through—

(A) grants to individual investigators and interdisciplinary teams of investigators;

(B) establishment of advanced technology user facilities; and

(C) establishment of interdisciplinary research centers, which shall—

(i) network with each other to foster the exchange of technical information and best practices;

(ii) involve academic institutions or national laboratories and other partners, which may include States and industry;

(iii) make use of existing expertise in nanotechnology in their regions and nationally;

(iv) make use of ongoing research and development at the micrometer scale to support their work in nanotechnology; and

(v) be capable of accelerating the commercial application of nanotechnology innovations in the private sector;

(2) ensure that solicitation and evaluation of proposals under the Program encourage interdisciplinary research;

(3) expand education and training of undergraduate and graduate students in interdisciplinary nanotechnology science and engineering;

(4) accelerate the commercial application of nanotechnology innovations in the private sector;

(5) ensure that societal and ethical concerns, including environmental concerns and the potential implications of human performance enhancement and the possible development of nonhuman intelligence, will be addressed as the technology is developed by—

(A) establishing a research program to identify societal and ethical concerns related to nanotechnology, and ensuring that the results of such research are widely disseminated;

(B) insofar as possible, integrating research on societal and ethical concerns with nanotechnology research and development, and ensuring that advances in nanotechnology bring about improvements in quality of life for all Americans;

(C) requiring that interdisciplinary research centers under paragraph (1)(C) include activities that address societal and ethical concerns; and

(D) ensure through the National Nanotechnology Coordination Office established under section 6 and through the agencies and departments that participate in the Program, that public input and outreach to the public are both integrated into nanotechnology research and development and research on societal and ethical concerns by the convening of regular and ongoing public discussions, through mechanisms such as citizens panels, consensus conferences, and educational events, as appropriate; and

(6) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations.

(c) INTERAGENCY COMMITTEE.—The President shall establish or designate an interagency committee on nanotechnology research and development, which shall include representatives from the Office of Science and Technology Policy, the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Institute of Standards and Technology, the Environmental Protection Agency, and any other agency that the President may designate. The Director shall select a chairperson from among the members of the Interagency Committee. The Interagency Committee, which shall also include a representative from the Office of Management and Budget, shall oversee the planning, management, and coordination of the Program. The Interagency Committee shall—

(1) establish goals and priorities for the Program;

(2) establish program component areas, with specific priorities and technical goals, that reflect the goals and priorities established for the Program;

(3) develop, within 6 months after the date of enactment of this Act, and update annually, a strategic plan to meet the goals and priorities established under paragraph (1) and to guide the activities of the program component areas established under paragraph (2);

(4) propose a coordinated interagency budget for the Program that will ensure the maintenance of a balanced nanotechnology research portfolio and ensure that each agency and each program component area is allocated the level of funding required to meet the goals and priorities established for the Program;

(5) develop a plan to utilize Federal programs, such as the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program, in support of the goal stated in subsection (b)(4); and

(6) in carrying out its responsibilities under paragraphs (1) through (5), take into consideration the recommendations of the Advisory Committee, suggestions or recommendations developed pursuant to section 3(b)(5)(D), and the views of academic, State, industry, and other appropriate groups conducting research on and using nanotechnology.

SEC. 4. ANNUAL REPORT.

The chairperson of the Interagency Committee shall prepare an annual report, to be submitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request to Congress, that includes—

(1) the Program budget, for the current fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to section 3(b)(5);

(2) the proposed Program budget, for the next fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to section 3(b)(5);

(3) an analysis of the progress made toward achieving the goals and priorities established for the Program;

(4) an analysis of the extent to which the Program has incorporated the recommendations of the Advisory Committee; and

(5) an assessment of how Federal agencies are implementing the plan described in section 3(c)(5), and a description of the amount of Small Business Innovative Research and Small Business Technology Transfer Research funds supporting the plan.

SEC. 5. ADVISORY COMMITTEE.

(a) IN GENERAL.—The President shall establish or designate an advisory committee on nanotechnology consisting of non-Federal members, including representatives of research and academic institutions and industry, who are qualified to provide advice and information on nanotechnology research, development, demonstration, education, technology transfer, commercial application, and societal and ethical concerns. The recommendations of the Advisory Committee shall be considered by Federal agencies in implementing the Program.

(b) ASSESSMENT.—The Advisory Committee shall assess—

(1) trends and developments in nanotechnology science and engineering;

(2) progress made in implementing the Program;

(3) the need to revise the Program;

(4) the balance among the components of the Program, including funding levels for the program component areas;

(5) whether the program component areas, priorities, and technical goals developed by

the Interagency Committee are helping to maintain United States leadership in nanotechnology;

(6) the management, coordination, implementation, and activities of the Program; and

(7) whether societal and ethical concerns, including concerns identified pursuant to section 3(b)(5)(D), are adequately addressed by the Program.

(c) REPORTS.—The Advisory Committee shall report not less frequently than once every 2 fiscal years to the President on its findings of the assessment carried out under subsection (b), its recommendations for ways to improve the Program, and the concerns assessed under subsection (b)(7). The first report shall be due within 1 year after the date of enactment of this Act.

(d) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 6. NATIONAL NANOTECHNOLOGY COORDINATION OFFICE.

The President shall establish a National Nanotechnology Coordination Office, with full-time staff, which shall—

(1) provide technical and administrative support to the Interagency Committee and the Advisory Committee;

(2) serve as a point of contact on Federal nanotechnology activities for government organizations, academia, industry, professional societies, and others to exchange technical and programmatic information; and

(3) conduct public outreach, including dissemination of findings and recommendations of the Interagency Committee and the Advisory Committee, as appropriate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the National Science Foundation for carrying out this Act—

(1) $350,000,000 for fiscal year 2004;

(2) $385,000,000 for fiscal year 2005; and

(3) $424,000,000 for fiscal year 2006.

(b) DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Secretary of Energy for carrying out this Act—

(1) $265,000,000 for fiscal year 2004;

(2) $292,000,000 for fiscal year 2005; and

(3) $322,000,000 for fiscal year 2006.

(c) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—There are authorized to be appropriated to the National Aeronautics and Space Administration for carrying out this Act—

(1) $31,000,000 for fiscal year 2004;

(2) $34,000,000 for fiscal year 2005; and

(3) $37,000,000 for fiscal year 2006.

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

(1) $62,000,000 for fiscal year 2004;

(2) $68,000,000 for fiscal year 2005; and

(3) $75,000,000 for fiscal year 2006.

(e) ENVIRONMENTAL PROTECTION AGENCY.—There are authorized to be appropriated to the Environmental Protection Agency for carrying out this Act—

(1) $5,000,000 for fiscal year 2004;

(2) $5,500,000 for fiscal year 2005; and

(3) $6,000,000 for fiscal year 2006.

SEC. 8. EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall enter into an agreement with the National Academy of Sciences to conduct periodic reviews of the Program. The reviews shall be conducted once every 3 years during the 10-year period following the enactment of this Act. The reviews shall include—

(1) an evaluation of the technical achievements of the Program;

(2) recommendations for changes in the Program;

(3) an evaluation of the relative position of the United States with respect to other nations in nanotechnology research and development;

(4) an evaluation of the Program's success in transferring technology to the private sector;

(5) an evaluation of whether the Program has been successful in fostering interdisciplinary research and development; and

(6) an evaluation of the extent to which the Program has adequately considered societal and ethical concerns.

(b) STUDY ON MOLECULAR MANUFACTURING.—Not later than 3 years after the date of enactment of this Act a review shall be conducted in accordance with subsection (a) that includes a study to determine the technical feasibility of the manufacture of materials and devices at the molecular scale. The study shall—

(1) examine the current state of the technology for enabling molecular manufacturing;

(2) determine the key scientific and technical barriers to achieving molecular manufacturing;

(3) review current and planned research activities that are relevant to advancing the prospects for molecular manufacturing; and

(4) develop, insofar as possible, a consensus on whether molecular manufacturing is technically feasible, and if found to be feasible—

(A) the estimated timeframe in which molecular manufacturing may be possible on a commercial scale; and

(B) recommendations for a research agenda necessary to achieve this result.

(c) STUDY ON SAFE NANOTECHNOLOGY.—Not later than 6 years after the date of enactment of this Act a review shall be conducted in accordance with subsection (a) that includes a study to assess the need for standards, guidelines, or strategies for ensuring the development of safe nanotechnology, including those applicable to—

(1) self-replicating nanoscale machines or devices;

(2) the release of such machines or devices in natural environments;

(3) distribution of molecular manufacturing development;

(4) encryption;

(5) the development of defensive technologies;

(6) the use of nanotechnology as human brain extenders; and

(7) the use of nanotechnology in developing artificial intelligence.

SEC. 9. SCIENCE AND TECHNOLOGY GRADUATE SCHOLARSHIP PROGRAMS.

(a) ESTABLISHMENT OF PROGRAMS.—

(1) IN GENERAL.—The agency heads shall each establish within their respective departments and agencies a Science and Technology Graduate Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Federal Government that require engineering, scientific, and technical training.

(2) COMPETITIVE PROCESS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(3) SERVICE AGREEMENTS.—To carry out the Programs the agency heads shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Federal Government, for the period described in subsection (f)(1), in positions needed by the Federal Government and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) SCHOLARSHIP ELIGIBILITY.—In order to be eligible to participate in a Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education in an academic field or discipline described in a list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be a Federal employee as defined in section 2105 of title 5 of the United States Code.

(c) APPLICATION REQUIRED.—An individual seeking a scholarship under this section shall submit an application to an agency head at such time, in such manner, and containing such information, agreements, or assurances as the agency head may require.

(d) ELIGIBLE ACADEMIC PROGRAMS.—The agency heads shall each make publicly available a list of academic programs and fields of study for which scholarships under their department's or agency's Program may be utilized, and shall update the list as necessary.

(e) SCHOLARSHIP REQUIREMENT.—

(1) IN GENERAL.—Agency heads may provide scholarships under their department's or agency's Program for an academic year if the individual applying for the scholarship has submitted to the agency head, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on a list made available under subsection (d).

(2) DURATION OF ELIGIBILITY.—An individual may not receive a scholarship under this section for more than 4 academic years, unless an agency head grants a waiver.

(3) SCHOLARSHIP AMOUNT.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the agency heads, but shall in no case exceed the cost of attendance.

(4) AUTHORIZED USES.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the agency heads by regulation.

(5) CONTRACTS REGARDING DIRECT PAYMENTS TO INSTITUTIONS.—Each agency head may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f) PERIOD OF OBLIGATED SERVICE.—

(1) DURATION OF SERVICE.—The period of service for which an individual shall be obligated to serve as an employee of the Federal Government is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2) SCHEDULE FOR SERVICE.—(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) An agency head may defer the obligation of an individual to provide a period of service under paragraph (1) if the agency head determines that such a deferral is appropriate. The agency head shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g) PENALTIES FOR BREACH OF SCHOLARSHIP AGREEMENT.—

(1) FAILURE TO COMPLETE ACADEMIC TRAINING.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the appropriate agency head by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the agency head when determined to be necessary, as established by regulation.

(2) FAILURE TO BEGIN OR COMPLETE THE SERVICE OBLIGATION OR MEET THE TERMS AND CONDITIONS OF DEFERMENT.—Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the appropriate agency head pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,

multiplied by 3.

(h) WAIVER OR SUSPENSION OF OBLIGATION.—

(1) DEATH OF INDIVIDUAL.—Any obligation of an individual incurred under a Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) IMPOSSIBILITY OR EXTREME HARDSHIP.—The agency heads shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under their department's or agency's Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

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

(1) AGENCY HEAD.—The term ''agency head'' means the Director of the National Science Foundation, the Secretary of Energy, the Administrator of the National Aeronautics and Space Administration, the Director of the National Institute of Standards and Technology, or the Administrator of the Environmental Protection Agency.

(2) COST OF ATTENDANCE.—The term ''cost of attendance'' has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) PROGRAM.—The term ''Program'' means a Science and Technology Graduate Scholarship Program established under this section.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Mr. BOEHLERT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 19

¶47.25 [Roll No. 167]

YEAS—405

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

NAYS—19

Cannon
Coble
Collins
Cubin
Deal (GA)
Duncan
Everett
Flake
Franks (AZ)
Hefley
Hostettler
Miller (FL)
Musgrave
Paul
Petri
Royce
Sensenbrenner
Shadegg
Tancredo

NOT VOTING—10

Carson (IN)
DeLay
Dingell
Gephardt
Hyde
Jackson-Lee (TX)
Miller, Gary
Miller, George
Reynolds
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶47.26 H. CON. RES. 53—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. QUINN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 53) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶47.27 [Roll No. 168]

YEAS—422

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

NOT VOTING—12

Carson (IN)
DeLay
Dingell
Gephardt
Hyde
Jackson-Lee (TX)
Kennedy (RI)
McDermott
Miller, Gary
Miller, George
Reynolds
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶47.28 H.R. 866—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. QUINN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 866) to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 2

¶47.29 [Roll No. 169]

YEAS—413

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

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

NAYS—2

Flake
Paul

NOT VOTING—19

Carson (IN)
Conyers
DeLay
Dingell
Gephardt
Hooley (OR)
Hunter
Hyde
Jackson-Lee (TX)
Kennedy (RI)
McCarthy (MO)
McDermott
Miller, Gary
Miller, George
Norwood
Reynolds
Sandlin
Shadegg
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶47.30 PROVIDING FOR THE CONSIDERATION OF H.R. 1261

Ms. PRYCE of Ohio, by direction of the Committee on Rules, reported (Rept. No. 108–92) the resolution (H. Res. 221) providing for consideration of the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶47.31 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 42. A concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on International Relations.

¶47.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. CARSON of Indiana, for today;

To Mr. Gary G. MILLER of California, for today and balance of the week;

To Mr. TANNER, for May 6; and

To Mr. YOUNG of Florida, for today after 2 p.m.

And then,

¶47.33 ADJOURNMENT

On motion of Mr. McINNIS, at 7 o'clock and 5 minutes p.m., the House adjourned.

¶47.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 221. Resolution providing for consideration of the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes (Rept. 108–92). Referred to the House Calendar.

¶47.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLUNT (for himself, Mr. FORD, Mr. HULSHOF, Mr. WYNN, Mr. HASTERT, Mr. GORDON, Mr. DELAY, Ms. NORTON, Ms. PRYCE of Ohio, Mr. MEEKS of New York, Mr. CANTOR, Mr. CRANE, Mr. RAMSTAD, Mr. ENGLISH, Mr. FOLEY, Mr. SHAYS, Mr. SMITH of Texas, Mr. UPTON, Mr. WOLF, Mr. GILLMOR, Mr. STEARNS, Mr. CAMP, Mr. KINGSTON, Mr. MCHUGH, Mr. BACHUS, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. MYRICK, Mr. NORWOOD, Mr. SOUDER, Mr. TIAHRT, Mr. WAMP, Mr. WICKER, Mr. DOOLITTLE, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. REYNOLDS, Mr. SESSIONS, Mr. SHIMKUS, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. ISAKSON, Mr. TERRY, Mr. AKIN, Mr. BOOZMAN, Mr. FORBES, Mr. GRAVES, Ms. HART, Mr. KELLER, Mr. PENCE, Mr. SCHROCK, Mr. SIMMONS, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CHOCOLA, Mr. GARRETT of New Jersey, Ms. HARRIS, Mr. JANKLOW, Mrs. MUSGRAVE, Mr. RENZI, and Mr. FOSSELLA):

H.R. 7. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes.

By Ms. HART (for herself, Mr. CHABOT, Mr. NEY, Mr. FORBES, Mr. ADERHOLT, Mr. AKIN, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BLUNT, Mr. BRADY of Texas, Mr. BURGESS, Mr. BURR, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMP, Mr. CANTOR, Mr. CARTER, Mr. COLE, Mr. COSTELLO, Mr. CRANE, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. DOOLITTLE, Mrs. EMERSON, Mr. ENGLISH, Mr. EVERETT, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HYDE, Mr. ISTOOK, Mr. JANKLOW, Mr. JOHN, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LAHOOD, Mr. MANZULLO, Mr. MCCOTTER, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NORWOOD, Mr. OBERSTAR, Mr. OTTER, Mr. OXLEY, Mr. PETERSON of Pennsylvania, Mr. PENCE, Mr. PICKERING, Mr. PITTS, Mr. RENZI, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STEARNS, Mr. STENHOLM, Mr. SULLIVAN, Mr. TERRY, Mr. TIAHRT, Mr. VITTER, Mr. WELDON of Florida, Mr. WELLER, Mr. WICKER, Mr. WILSON of South Carolina, Mr. WOLF, Mrs. CUBIN, Mr. LUCAS of Kentucky, Mr. TOOMEY, Mr. CUNNINGHAM, Ms. HARRIS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DELAY, Mr. ROGERS of Alabama, Mr. TURNER of Ohio, Mr. FEENEY, Mrs. BLACKBURN, Mr. BEAUPREZ, and Mr. GINGREY):

H.R. 1997. A bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. BROWN of Ohio, Mr. YOUNG of Florida, Mr. LANGEVIN, Mr. HOUGHTON, Mr. HOYER, Mr. GREENWOOD, Mr. WAXMAN, Mr. FOSSELLA, Mr. TOWNS, Mr. ENGEL, Mr. STRICKLAND, Mr. RUSH, Mr. EVANS, and Mr. FILNER):

H.R. 1998. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons

living with paralysis and other physical disabilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKY (for himself, Mr. ENGLISH, Mr. QUINN, Mr. KUCINICH, Mr. MURTHA, Mr. NEY, Mr. CARDIN, Mr. OBERSTAR, Mr. BROWN of Ohio, Mr. MOLLOHAN, Mr. LAHOOD, Mrs. JONES of Ohio, Ms. HART, Mr. STUPAK, Mr. STRICKLAND, Mr. LEVIN, Mr. DINGELL, Mr. DOYLE, Mr. RANGEL, Mr. RAHALL, Mr. LEWIS of Georgia, Mr. SPRATT, Ms. KAPTUR, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mr. JACKSON of Illinois, Mr. COSTELLO, Mr. LYNCH, Mr. MATSUI, Mr. HINCHEY, Mr. FROST, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mr. GRIJALVA, Mr. HOLDEN, Mr. TOWNS, Mr. THOMPSON of California, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. ABERCROMBIE, Mr. WYNN, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Ms. HOOLEY of Oregon, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. OLVER, Mr. BACA, Mr. LANGEVIN, Mr. MCNULTY, Mr. ENGEL, Ms. NORTON, Ms. BERKLEY, Mr. GREEN of Texas, Mrs. CHRISTENSEN, Mr. MATHESON, Ms. CARSON of Indiana, Mr. MICHAUD, Mr. KILDEE, Mr. REYES, Ms. MCCARTHY of Missouri, Mr. ALLEN, Ms. WOOLSEY, Mr. EVANS, Mr. CRAMER, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. GUTIERREZ, Ms. BALDWIN, Mr. BISHOP of Georgia, Mr. PAYNE, Ms. KILPATRICK, and Mr. THOMPSON of Mississippi):

H.R. 1999. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the refundable tax credit for health insurance costs of eligible individuals and to extend the steel import licensing and monitoring program; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. BOUCHER, Mr. PALLONE, Mr. TOWNS, Ms. MCCARTHY of Missouri, Mr. RUSH, Mr. MARKEY, Ms. SCHAKOWSKY, Mr. ALLEN, Mrs. CAPPS, Mr. STRICKLAND, Mr. GORDON, and Mr. ENGEL):

H.R. 2000. A bill to amend title XIX of the Social Security Act to provide fiscal relief and program simplification to States, to improve coverage and services to Medicaid beneficiaries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 2001. A bill to amend title 32, United States Code, to revise the matching funds requirements for States participating in the National Guard Challenge Program and to authorize appropriations for the program for fiscal year 2004 and thereafter; to the Committee on Armed Services.

By Ms. BERKLEY:

H.R. 2002. A bill to establish a pilot program for the promotion of travel and tourism in the United States through United States international broadcasting; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY:

H.R. 2003. A bill to clarify the criminal intent required to be established to prove a criminal violation for wrongful disclosure of individually identifiable health information; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself and Mrs. CHRISTENSEN):

H.R. 2004. A bill to amend title 10, United States Code, to increase the number of persons appointed to the military service academies from Guam and the Virgin Islands from nominations made by the Delegate in Congress from Guam and the Delegate in Congress from the Virgin Islands; to the Committee on Armed Services.

By Mr. COLLINS:

H.R. 2005. A bill to support the public educational programs of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, by amending title 32 of the United States Code to authorize the Army Aviation Heritage Foundation to receive National Guard services and assistance; to the Committee on Armed Services.

By Mr. COLLINS:

H.R. 2006. A bill to provide for the transfer of a Vietnam-era Cessna L-19D Bird Dog aircraft that is excess to the needs of the Department of State to Army Aviation Heritage Foundation; to the Committee on International Relations.

By Mr. DAVIS of Alabama:

H.R. 2007. A bill to increase the amount allowed as a child tax credit and to repeal the sunset imposed on the modifications to the child tax credit made by the Economic Growth and Tax Relief Reconciliation Act of 2001, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. PLATTS, and Ms. SLAUGHTER):

H.R. 2008. A bill to amend title XVIII of the Social Security Act to provide for expanded coverage of paramedic intercept services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself and Mr. LEACH):

H.R. 2009. A bill to provide for the recovery, restitution, and protection of the cultural heritage of Iraq; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 2010. A bill to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. RANGEL, Mr. WOLF, Mr. MATSUI, Mr. GOODE, Mr. SANDLIN, Mr. SAXTON, Mr. LYNCH, Mr. JONES of North Carolina, Mr. BOSWELL, Mrs. JO ANN DAVIS of Virginia, Mr. KLECZKA, Mr. TIBERI, Mr. JOHNSON of Illinois, Mr. FILNER, Mr. FROST, Mr. WYNN, Mr. PAUL, Mr. BROWN of Ohio, Mr. VAN HOLLEN, Mr. COSTELLO, Mr. HINCHEY, Mr. ROSS, Mr. DOGGETT, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. FARR, Mr. HOEFFEL, Mr. TURNER of Texas, Mr. WEINER, Mr. HASTINGS of Florida, Mr. DELAHUNT, Mr. GORDON, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. LAMPSON, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. RODRIGUEZ, Mr. PASCRELL, Ms. KAPTUR, Mr. SERRANO, Mr. STRICKLAND, Mr. WU, Ms. LORETTA SANCHEZ of California, Mr. WEXLER, Mr. GUTIERREZ, Mr. DOYLE, Mr. ISRAEL, Mr. SCHIFF, Mr. MCGOVERN, Mrs. MCCARTHY of New York, Mr. ALLEN, Mr. GONZALEZ, Mr. GRIJALVA, Mr. MICHAUD, Mrs. LOWEY, Mr. BISHOP of New York, Mr. ALEXANDER, Mr. CAPUANO, Ms. LINDA T. SANCHEZ of California, and Mr. EMANUEL):

H.R. 2011. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2012. A bill to require the Secretary of Defense to implement fully by September 30, 2004, requirements for additional Weapons of Mass Destruction Civil Support Teams; to the Committee on Armed Services.

By Mr. HASTINGS of Florida:

H.R. 2013. A bill to amend title II of the Social Security Act to increase to $1,000 the maximum amount of the lump-sum death benefit and to allow for payment of such a benefit, in the absence of an eligible surviving spouse or child, to the legal representative of the estate of the deceased individual; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 2014. A bill to prohibit the Department of Homeland Security from procuring certain items unless the items are grown, reprocessed, reused, or produced in the United States; to the Committee on Government Reform.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SHAYS, and Mr. SIMMONS):

H.R. 2015. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans enrolled in the health care system of that Department for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina (for himself and Mr. GALLEGLY):

H.R. 2016. A bill to provide that the Secretary of Defense may provide public identification of military casualties no sooner than 24 hours after notification of next-of-kin; to the Committee on Armed Services.

By Mr. KLECZKA (for himself and Mr. HINCHEY):

H.R. 2017. A bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Mr. HINCHEY, Mr. GREEN of Texas, Ms. NORTON, Ms. DELAURO, Mr. EMANUEL, Mrs. CHRISTENSEN, Mr. RANGEL, Mr. TOWNS, Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. KILDEE, Mr. ENGEL, Mr. CLYBURN, Mr. NADLER, Ms. SCHAKOWSKY, and Mr. DAVIS of Illinois):

H.R. 2018. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Energy and Commerce,

and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNULTY:

H.R. 2019. A bill to extend the existing temporary duty suspension on certain chemical compounds; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Mr. MARIO DIAZ-BALART of Florida, Ms. MCCARTHY of Missouri, Ms. HART, Mr. CARSON of Oklahoma, Mr. SNYDER, Mr. GRAVES, Mr. TANNER, Mr. RYUN of Kansas, Mr. SKELTON, Mr. LUCAS of Oklahoma, and Mr. MCINTYRE):

H.R. 2020. A bill to reduce the impacts of hurricanes, tornadoes, and related hazards through a program of research and development and technology transfer, and for other purposes; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PRYCE of Ohio (for herself, Mrs. MYRICK, Mrs. CAPPS, and Mr. ISRAEL):

H.R. 2021. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. MARKEY):

H.R. 2022. A bill to extend the registration and reporting requirements of the Federal securities laws to certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. STEARNS (for himself, Mr. KENNEDY of Rhode Island, Mr. TOWNS, Mr. BARTON of Texas, Mr. ISSA, Mrs. CHRISTENSEN, and Mr. SMITH of New Jersey):

H.R. 2023. A bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 2024. A bill to amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 2025. A bill to require providers of wireless telephone services to provide access to the universal emergency telephone number in subterranean subway stations located within their area of coverage; to the Committee on Energy and Commerce.

By Mr. WELDON of Pennsylvania (for himself, Mr. CASTLE, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. CARDIN, Mr. CUMMINGS, Mr. ENGLISH, Mr. FATTAH, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. LOBIONDO, Mr. BARTLETT of Maryland, Mr. GERLACH, Mr. GILCHREST, Mr. GREENWOOD, Ms. HART, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HOYER, Mr. SHERWOOD, Mr. MENENDEZ, Mr. MURPHY, Mr. MURTHA, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PITTS, Mr. PLATTS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. TOOMEY, Mr. WYNN, Mr. VAN HOLLEN, Mr. DOYLE, Mr. SAXTON, Mr. PETERSON of Pennsylvania, Mr. KANJORSKI, and Mr. FRELINGHUYSEN):

H.R. 2026. A bill to grant the consent of the Congress to the SMART Research and Development Compact; to the Committee on the Judiciary.

By Mr. CULBERSON:

H.J. Res. 55. A joint resolution proposing an amendment to the Constitution of the United States to require that Federal district court judges be reconfirmed every ten years by the executive and legislative authorities of the State in which they serve; to the Committee on the Judiciary.

By Mr. BACA (for himself, Ms. CARSON of Indiana, Mr. UDALL of New Mexico, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Mr. ACEVEDO-VILA, Mr. CONYERS, Mr. LANTOS, Mr. GONZALEZ, Mr. REYES, Mr. FROST, Mr. HINOJOSA, Mr. MENENDEZ, Mrs. CAPPS, Mr. RODRIGUEZ, and Mr. ORTIZ):

H. Con. Res. 163. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on International Relations.

By Mr. GRAVES (for himself, Mr. BRADY of Texas, and Mr. OBERSTAR):

H. Con. Res. 164. Concurrent resolution expressing the sense of Congress that there should be established a National Truck Safety Month to raise public awareness about the contributions, responsibilities, and needs of truck drivers to make the Nation's highways safer; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. BLUMENAUER, Mr. BILIRAKIS, Ms. BERKLEY, Mr. BERMAN, Ms. GINNY BROWN-WAITE of Florida, Mr. CROWLEY, Mr. DICKS, Mr. DOYLE, Ms. ESHOO, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOLT, Mr. KENNEDY of Minnesota, Mr. KNOLLENBERG, Mr. LANTOS, Ms. LEE, Mrs. MALONEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNULTY, Mr. MARKEY, Mr. PALLONE, Ms. ROS-LEHTINEN, Mrs. TAUSCHER, and Ms. WATSON):

H. Con. Res. 165. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

By Mr. VITTER:

H. Con. Res. 166. Concurrent resolution expressing the sense of Congress in support of Buckle Up America Week; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Pennsylvania (for himself and Mr. ORTIZ):

H. Con. Res. 167. Concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on International Relations.

By Mr. HALL (for himself, Mr. GREEN of Texas, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. EDWARDS, Mr. SESSIONS, Mr. REYES, Mr. CARTER, Mr. TURNER of Texas, Mr. BARTON of Texas, Mr. HINOJOSA, Mr. LAMPSON, Mr. BRADY of Texas, Mr. STENHOLM, and Mr. BOEHLERT):

H. Res. 222. A resolution commending those individuals who contributed to the debris collection effort following the Space Shuttle Columbia accident; to the Committee on Science.

By Mr. YOUNG of Alaska:

H. Res. 223. A resolution amending rule XXIII of the Rules of the House of Representatives to permit the employing office of an employee of the House who serves in a reserve component of the uniformed services to pay the employee an additional salary for any period during which the employee is on active duty; to the Committee on Rules.

¶47.36 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LATOURETTE introduced A bill (H.R. 2027) for the relief of Zdanko Lisak; which was referred to the Committee on the Judiciary.

¶47.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. BURR.

H.R. 43: Mr. BURR.

H.R. 97: Mr. DEFAZIO, Mr. PAUL, Mr. JENKINS, Mr. CARSON of Oklahoma, Mr. SHIMKUS, Ms. GINNY BROWN-WAITE of Florida, Mr. GALLEGLY, Mr. CRAMER, Mr. GUTKNECHT, Mrs. WILSON of New Mexico, Mr. ANDREWS, Mr. LARSON of Connecticut, Ms. WOOLSEY, and Mrs. JO ANN DAVIS of Virginia.

H.R. 107: Mr. CASE.

H.R. 109: Mrs. MUSGRAVE.

H.R. 119: Mr. FILNER.

H.R. 121: Mr. ANDREWS.

H.R. 126: Mr. DAVIS of Alabama and Ms. GINNY BROWN-WAITE of Florida.

H.R. 167: Mrs. MUSGRAVE.

H.R. 173: Mr. UDALL of New Mexico, Mr. BROWN of Ohio, and Mr. VITTER.

H.R. 284: Mr. TOOMEY, Mr. UPTON, Mr. WU, Mr. MARIO DIAZ-BALART of Florida, Mr. TOWNS, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. BILIRAKIS, and Mr. MICA.

H.R. 286: Mr. SCOTT of Georgia.

H.R. 288: Mr. STUPAK.

H.R. 290: Mr. SIMMONS, Mr. CAPUANO, and Mr. SHAW.

H.R. 296: Mr. TIBERI.

H.R. 328: Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Mr. BONILLA, Mr. NETHERCUTT, Mr. THOMPSON of California, Mr. FLETCHER, Mr. RUSH, Mr. JACKSON of Illinois, Mr. SANDLIN, Mr. TURNER of Texas, Mr. GOODE, and Mr. SANDERS.

H.R. 433: Mr. OSE.

H.R. 434: Mr. ISRAEL, Mr. SHAW, Mr. WICKER, Mr. HOBSON, Mr. KLINE, Mr. MILLER of Florida, and Mr. LOBIONDO.

H.R. 450: Mr. LEWIS of Kentucky.

H.R. 463: Mr. SANDLIN.

H.R. 466: Mr. VITTER and Mr. CONYERS.

H.R. 489: Ms. GINNY BROWN-WAITE of Florida.

H.R. 571: Mr. ROGERS of Alabama, Ms. GINNY BROWN-WAITE of Florida, and Ms. GRANGER.

H.R. 594: Mr. ROTHMAN, Mr. GARY G. MILLER of California, Mr. GALLEGLY, and Mrs. CAPITO.

H.R. 611: Mr. GARRETT of New Jersey.

H.R. 677: Mrs. DAVIS of California.

H.R. 684: Mr. CANNON.

H.R. 687: Mr. KINGSTON.

H.R. 728: Mr. TERRY, Ms. GINNY BROWN-WAITE of Florida, and Mr. FEENEY.

H.R. 728: Mr. ANDREWS and Mr. MOLLOHAN.
H.R. 740: Mr. GRIJALVA.
H.R. 745: Mr. CUMMINGS, Mr. MEEKS of New York, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, and Mr. THOMPSON of California.
H.R. 757: Mr. GUTIERREZ.
H.R. 761: Mr. BRADLEY of New Hampshire.
H.R. 775: Mr. SESSIONS, Mr. BONNER, Mr. BURTON of Indiana, Mr. KELLER, and Mr. BILIRAKIS.
H.R. 791: Mr. BONILLA, Mr. WHITFIELD, Mr. HAYWORTH, Mr. BECERRA, and Mr. MCINNIS.
H.R. 792: Mr. BRADLEY of New Hampshire, Mr. FRANK of Massachusetts, Ms. BERKLEY, Mr. BROWN of South Carolina, and Mr. OSBORNE.
H.R. 817: Mr. WYNN and Mr. WOLF.
H.R. 839: Mr. FILNER, Mr. SCOTT of Georgia, Mr. SULLIVAN, Ms. BERKLEY, Mr. BISHOP of New York, and Mr. CAMP.
H.R. 850: Mr. SIMMONS and Mr. MILLER of Florida.
H.R. 854: Mr. PALLONE.
H.R. 898: Mr. COOPER, Mr. TANNER, Mr. OWENS, and Mr. HILL.
H.R. 977: Mrs. MUSGRAVE.
H.R. 980: Mr. HAYWORTH.
H.R. 1022: Mr. GONZALEZ and Ms. LEE.
H.R. 1044: Ms. MAJETTE.
H.R. 1063: Mr. PAUL, Mr. WAMP, and Mr. THOMPSON of Mississippi.
H.R. 1077: Mr. KILDEE, Ms. MCCARTHY of Missouri, and Mr. GREEN of Texas.
H.R. 1102: Mr. LEVIN.
H.R. 1111: Mr. FALEOMAVAEGA.
H.R. 1125: Mr. BROWN of South Carolina, Mr. OSBORNE, Mr. PENCE, and Mr. HINOJOSA.
H.R. 1155: Mr. SERRANO, Mr. ENGEL, Mr. EMANUEL, Mr. RANGEL, Mr. GILCHREST, Mr. ISAKSON, Mr. BARTLETT of Maryland, and Mr. TOM DAVIS of Virginia.
H.R. 1175: Mr. GARRETT of New Jersey.
H.R. 1179: Mr. SCHROCK and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1206: Mr. LATOURETTE.
H.R. 1210: Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. OLVER, and Mr. COOPER.
H.R. 1222: Mr. KINGSTON and Mr. MILLER of Florida.
H.R. 1231: Mr. SANDLIN, Mr. HYDE, Mr. BERMAN, Mr. UPTON, Mr. BOYD, Mr. SESSIONS, Mr. SULLIVAN, Ms. MCCARTHY of Missouri, Mr. LARSEN of Washington, Mr. GREEN of Texas, Mr. JENKINS, and Mr. TIBERI.
H.R. 1251: Mr. FOSSELLA and Mr. GUTIERREZ.
H.R. 1275: Mr. CUMMINGS and Mr. KILDEE.
H.R. 1276: Mr. GERLACH.
H.R. 1288: Mr. PENCE, Mrs. TAUSCHER, Mr. BONILLA, Mr. KNOLLENBERG, Mr. CUMMINGS, Mr. OBERSTAR, Mr. MICHAUD, Mrs. MCCARTHY of New York, Mr. MENENDEZ, Mr. ABERCROMBIE, Mr. DINGELL, Mr. FRANKS of Arizona, Mr. WYNN, Mr. MCDERMOTT, Ms. LINDA T. SANCHEZ of California, Ms. SLAUGHTER, Ms. ESHOO, Mr. FRELINGHUYSEN, and Mr. LANTOS.
H.R. 1301: Mr. FILNER and Mr. THOMPSON of California.
H.R. 1313: Mr. WELLER, Mr. HAYWORTH, Mr. GREEN of Texas, Mr. POMBO, Mr. PORTER, and Mr. FROST.
H.R. 1323: Mr. FALEOMAVAEGA, Mr. DAVIS of Florida, and Mr. BISHOP of Georgia.
H.R. 1340: Mr. PRICE of North Carolina, Mr. CUMMINGS, Mr. GRIJALVA, and Mr. LUCAS of Kentucky.
H.R. 1345: Mr. DAVIS of Florida.
H.R. 1348: Mr. FILNER.
H.R. 1376: Mr. ENGLISH.
H.R. 1385: Mrs. MALONEY, Mr. KLECZKA, Mr. EVANS, Mr. MILLER of North Carolina, and Mr. GREEN of Texas.
H.R. 1415: Mr. HOEFFEL and Mr. ENGEL.
H.R. 1422: Ms. SCHAKOWSKY and Mr. WYNN.
H.R. 1426: Mr. REHBERG and Mr. FRANK of Massachusetts.
H.R. 1445: Mrs. JOHNSON of Connecticut and Mr. SHAYS.
H.R. 1472: Mr. SIMMONS, Mr. BEREUTER, Mr. JONES of North Carolina, and Mr. BILIRAKIS.
H.R. 1479: Mr. SCOTT of Virginia and Mr. JONES of North Carolina.
H.R. 1511: Mr. SCOTT of Georgia, Mrs. MYRICK, Mr. CULBERSON, Mr. CHOCOLA, Mr. CARSON of Oklahoma, Mr. MOORE, Mrs. KELLY, Mr. DAVIS of Alabama, Mr. MICA, Mr. CANTOR, Mr. UPTON, Mr. BOEHLERT, Mr. QUINN, Mr. REHBERG, Mr. WALDEN of Oregon, Mr. DELAY, Mr. SIMMONS, Mr. TANNER, Mr. BROWN of South Carolina, Mr. CAMP, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FERGUSON, Mr. GRAVES, Mr. HOBSON, Mr. JOHNSON of Illinois, Mr. LEWIS of California, Mr. PEARCE, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. SCHROCK, Mr. SHUSTER, Mr. SULLIVAN, Ms. PRYCE of Ohio, Mrs. JOHNSON of Connecticut, Mrs. BLACKBURN, Mr. PORTMAN, Mr. CHABOT, Mr. BASS, Mr. BILIRAKIS, Mr. BOEHNER, Mr. BONNER, Mr. BURGESS, Mr. EHLERS, Mr. GUTKNECHT, Mr. KELLER, Mr. KINGSTON, Mr. KLINE, Mr. MILLER of Florida, Mr. NUNES, Mr. NUSSLE, Mr. SHADEGG, Mr. TAUZIN, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, and Mr. YOUNG of Alaska.
H.R. 1513: Mr. PETRI, Mr. KLECZKA, Mr. PICKERING, Mr. CARTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SESSIONS, Ms. DUNN, Mr. LEWIS of Kentucky, and Mr. ENGLISH.
H.R. 1532: Mr. GREEN of Wisconsin, Mr. ISRAEL, Mr. DOYLE, Mr. PETERSON of Minnesota, Mr. ISAKSON, Mr. LINDER, Mr. THOMPSON of California, Mr. FRANK of Massachusetts, and Mr. SHERMAN.
H.R. 1534: Mr. FRANK of Massachusetts.
H.R. 1568: Mr. MEEKS of New York, Mr. WYNN, Mr. GONZALEZ, and Mr. BAIRD.
H.R. 1574: Mr. REHBERG.
H.R. 1582: Mr. GUTKNECHT, Mr. TIBERI, Mr. PEARCE, and Mr. KILDEE.
H.R. 1635: Mr. CUMMINGS and Mr. GRIJALVA.
H.R. 1643: Mr. FILNER, Mr. PORTER, and Mr. SIMPSON.
H.R. 1652: Mr. PRICE of North Carolina, Mr. GUTIERREZ, Mr. DOYLE, Mr. MCGOVERN, Mr. LANTOS, Mr. ACEVEDO-VILA, and Mr. MENENDEZ.
H.R. 1663: Mr. KUCINICH.
H.R. 1692: Mr. BRADY of Pennsylvania and Mr. ORTIZ.
H.R. 1708: Mr. HYDE, Mr. MILLER of North Carolina, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. BISHOP of Georgia, and Mr. WELDON of Pennsylvania.
H.R. 1709: Mr. FARR, Mr. SANDERS, and Mr. GREEN of Texas.
H.R. 1711: Mr. HOLDEN and Mrs. CAPITO.
H.R. 1725: Mr. HAYWORTH.
H.R. 1738: Ms. HOOLEY of Oregon, Mr. STUPAK, Mr. FARR, Ms. CARSON of Indiana, Mr. CUMMINGS, Mr. EVANS, Ms. MILLENDER-MCDONALD, Mr. TIERNEY, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. WAXMAN, Mr. FALEOMAVAEGA, and Mr. RANGEL.
H.R. 1746: Mr. STRICKLAND, Mr. BRADLEY of New Hampshire, Ms. CORRINE BROWN of Florida, Mrs. TAUSCHER, Mr. PENCE, Mr. SERRANO, Mr. MICHAUD, Mr. MENENDEZ, Mr. WYNN, Mr. DINGELL, Mr. THOMPSON of California, Mr. SCOTT of Virginia, Mr. BALLANCE, Mr. MCGOVERN, Mr. CUMMINGS, Mr. BACA, Ms. LEE, Mr. BALLENGER, Mr. MANZULLO, Mr. LANTOS, Ms. ESHOO, Mr. LOBIONDO, Mr. FILNER, Mr. MILLER of North Carolina, Ms. VELAZQUEZ, Mr. UPTON, and Mr. MORAN of Virginia.
H.R. 1754: Mr. SANDLIN.
H.R. 1758: Mr. MCINNIS.
H.R. 1775: Mr. KING of Iowa and Mr. PETERSON of Minnesota.
H.R. 1776: Mr. GOSS and Mr. FRELINGHUYSEN.
H.R. 1778: Mr. SANDERS and Mr. SOUDER.
H.R. 1786: Mr. OWENS, Mr. OLVER, Mrs. LOWEY, Mr. FROST, Mr. RANGEL, and Mr. KUCINICH.
H.R. 1787: Mr. ROGERS of Michigan.
H.R. 1799: Mr. FALEOMAVAEGA.
H.R. 1813: Ms. ROS-LEHTINEN, Mr. PAYNE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FRANK of Massachusetts, Mr. KUCINICH, Ms. LEE, and Mr. MCDERMOTT.
H.R. 1838: Mr. FROST.
H.R. 1873: Mr. AKIN.
H.R. 1874: Mr. LANGEVIN, Mr. INSLEE, and Mr. WAXMAN.
H.R. 1887: Mr. RANGEL.
H.R. 1933: Ms. ESHOO, Mr. BACA, and Mr. KIND.
H.R. 1949: Mr. MICHAUD.
H.R. 1964: Mr. TIERNEY and Mr. GERLACH.
H.R. 1994: Mr. GREEN of Texas.
H. J. Res. 4: Mr. HERGER, Mrs. NAPOLITANO, and Mr. RODRIQUEZ.
H.J. Res. 46: Mr. LAHOOD.
H. Con. Res. 39: Mr. CLYBURN, Mr. RANGEL, and Mr. PAYNE.
H. Con. Res. 49: Mr. AKIN, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. SHAW, Mr. DAVIS of Alabama, and Mr. KENNEDY of Rhode Island.
H. Con. Res. 93: Mr. LATOURETTE, Mr. ISAKSON, Mr. GARRETT of New Jersey, Mr. DREIER, and Mr. GINGREY.
H. Con. Res. 103: Mr. HOLT.
H. Con. Res. 116: Mr. FOLEY.
H. Con. Res. 148: Mr. ETHERIDGE and Ms. LEE.
H. Con. Res. 160: Mr. FLAKE and Mr. SOUDER.
H. Con. Res. 161: Mr. MORAN of Kansas.
H. Res. 103: Mr. PAUL.
H. Res. 133: Mr. GARRETT of New Jersey.
H. Res. 136: Mr. PENCE and Mr. GARRETT of New Jersey.
H. Res. 142: Mr. BLUMENAUER and Mr. BONILLA.
H. Res. 180: Mr. BISHOP of Georgia and Mr. RANGEL.
H. Res. 194: Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Florida, Mrs. TAUSCHER, and Mr. WAMP.

¶47.38 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2: Mrs. MUSGRAVE.
H.R. 898: Mr. CARSON of Oklahoma.

THURSDAY, MAY 8, 2003 (48)

The House was called to order by the SPEAKER.

¶48.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, May 7, 2003.

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

¶48.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2089. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Tobacco Payment Program (RIN: 0560-AG96) received May 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2090. A letter from the Directors, FinCEN, Department of the Treasury, transmitting the Department's final rule — Customer Identification Prorams for Banks, Savings Associations, Credit Unions and Certain Non-Federally Regulated Banks (RIN: 1506-

AA31) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2091. A letter from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Tenant Participation in State-Financed, HUD-Assisted Housing Developments [Docket No. FR-4611-F-02] (RIN: 2502-AH55) received May 2, 2003; to the Committee on Financial Services.

2092. A letter from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule — Customer Identification Programs for Mutual Funds [Release No. IC-26031; File No. S7-26-02] (RIN: 1506-AA33) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2093. A letter from the Directors, FinCEN, Securities and Exchange Commission, transmitting the Commission's final rule — Customer Identification Programs for Broker-Dealers [Release No. 34-47752, File No. S7-25-02] (RIN: 1506-AA32) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2094. A letter from the Directors, FinCEN, Securities and Exchange Commission, transmitting the Commission's final rule — Customer Identification Programs for Mutual Funds [Release No. IC-26031; File No. S7-26-02] (RIN: 1506-AA33) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2095. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Office of Special Education and Rehabilitative Services; National Institute on Disability and Rehabilitation Research -Rehabilitation Engineering Research Centers (RERCs) Program; Notice Inviting Applications for Fiscal Year (FY) 2003 [CFDANo.: 84.133E] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2096. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received May 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2097. A letter from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'') received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2098. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on entitled, ''Patterns of Global Terrorism: 2002,'' pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

2099. A letter from the Assistant Secretary, International Security Policy, Department of Defense, transmitting the Department's FY 2004 Cooperative Threat Reduction Annual Report; to the Committee on International Relations.

2100. A letter from the Deputy Chief of Mission, Embassy of the Russian Federation, transmitting the Statement of the State Duma on the situation around the Republic of Iraq of January 22, 2003; to the Committee on International Relations.

2101. A letter from the Director, Workforce Compensation and Performance Service, Office of Personnel Management, transmitting the Office's final rule — Locality Pay Areas (RIN: 3206-AJ62) received April 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2102. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-3037-02; I.D. 041503A] received April 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2103. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Gear Restricted Area (GRA) Exemption Program [Docket No. 021122284-3056-03; I.D. 110602A] (RIN: 0648-AQ30) received May 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2104. A letter from the Director, Regulations and Forms Services Division, Department of Homeland Security, transmitting the Department's final rule — Electronic Signature on Applications and Petitions for Immigration and Naturalization [CIS No. 2224-02] (RIN: 1615-AA83) received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2105. A letter from the Chief Legal Counselor, Department of Homeland Security, transmitting the Department's final rule — Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits [CIS No. 2224-02] (RIN: 1615-AA83) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2106. A letter from the Rules Administrator, Office of General Counsel, Department of Justice, transmitting the Department's final rule — Bureau of Prisons Emergencies [BOP-1117-I] (RIN: 1120-AB17) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2107. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — VISAS: Documentation of Nonimmigrants under the Immigration and Nationality Act, as amended: Student and Exchange Visitor Information System (SEVIS) — received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2108. A letter from the General Counsel, National Science Foundation, transmitting the Foundation's final rule — Antarctic Meteorites (RIN: 3145-AA40) received April 3,2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2109. A letter from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Tour Operators (RIN: 3245-AE98) received May 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2110. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Petroleum Refiners (RIN: 3245-AE84) received may 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2111. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Reasonable Charges for Medical Care or Services; 2003 Update (RIN: 2900-AL57) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2112. A letter from the Director, Regulations Management, Departyment of Veterans Affairs, transmitting the Department's final rule — Eligibility for Burial of Adult Children; Eligibility for Burial of Minor Children; Eligibility for Burial of Certain Filipino Veterans (RIN: 2900-AI95) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2113. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Return Preparers-Electronic Filing [TD 9053] (RIN: 1545-BC12) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2114. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definitions (Rev. Rul. 2003-46) received May 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2115. A letter from the Under Secretary, Department of Defense, transmitting the Defense Environmental Restoration Program report for FY 2002, pursuant to 10 U.S.C. 2706(a)(1); jointly to the Committees on Armed Services and Energy and Commerce.

2116. A letter from the Secretary, Federal Trade Commission, transmitting the Second Annual report pursuant to the College Scholarship Fraud Prevention Act of 2000; jointly to the Committees on Education and the Workforce and the Judiciary.

2117. A letter from the Administrator, Agency for International Development, transmitting a report required by Section 653(a) of the Foreign Assistance Act of 1961; jointly to the Committees on International Relations and Appropriations.

2118. A letter from the Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

2119. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's enclosed bill to amend the Railroad Retirement Act to solve several technical problems that have arisen in connection with the establishment of and actions by the National Railroad Retirement Investment Trust; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

2120. A letter from the General Counsel, Department of Defense, transmitting the Department's legislative initiatives as part of the National Defense Authorization Act for FY 2004; jointly to the Committees on Government Reform, the Judiciary, and Armed Services.

2121. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's proposed legislation to authorize appropriations to carry our its authorities and responsibilities in the conduct of foreign affairs for fiscal years 2004 and 2005; jointly to the Committees on International Relations, Government Reform, the Judiciary, and Armed Services.

¶48.3 PROVIDING FOR THE CONSIDERATION OF H.R. 1261

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 221):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Ms. PRYCE of Ohio moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 222 / Nays ..... 199 }

¶48.4 [Roll No. 170]

YEAS—222

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

NAYS—199

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

NOT VOTING—13

Andrews
Clyburn
Combest
DeLay
Dingell
Feeney
Fletcher
Gephardt
Gibbons
Hyde
Miller, Gary
Moran (VA)
Schrock

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays ..... 196 }

¶48.5 [Roll No. 171]

AYES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves

Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

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

NOT VOTING—17

Andrews
Clyburn
Combest
Cox
DeLay
Dingell
Feeney
Fletcher
Gephardt
Gibbons
Hyde
Miller, Gary
Ortiz
Reyes
Rodriguez
Schrock
Stark

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶48.6 H.R. 874—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 874) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 5

¶48.7 [Roll No. 172]

YEAS—414

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

NAYS—5

Flake	McDermott	Stark
Hinchey	Paul	

NOT VOTING—15

Andrews	Feeney	McCarthy (MO)
Clyburn	Fletcher	Miller, Gary
Combest	Gephardt	Pearce
DeLay	Gibbons	Schrock
Dingell	Hyde	Smith (TX)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶48.8 WORKFORCE REINVESTMENT AND ADULT EDUCATION

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to House Resolution 221 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes.

The SPEAKER pro tempore, Mr. ADERHOLT, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

¶48.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. VITTER:

Page 18, line 5, insert ‘‘, and how the centers ensure that such providers meet the employment needs of local employers and participants’’ after ‘‘partners’’.

Page 21, line 18, insert ‘‘how the centers ensure that such providers meet the needs of local employers and participants,’’ after ‘‘providers,’’.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶48.10 [Roll No. 173]

AYES—423

Abercrombie	Bereuter	Boyd
Ackerman	Berkley	Bradley (NH)
Aderholt	Berman	Brady (PA)
Akin	Berry	Brady (TX)
Alexander	Biggert	Brown (OH)
Allen	Bilirakis	Brown (SC)
Baca	Bishop (GA)	Brown, Corrine
Bachus	Bishop (NY)	Brown-Waite, Ginny
Baird	Bishop (UT)	Burgess
Baker	Blackburn	Burns
Baldwin	Blumenauer	Burr
Ballance	Blunt	Burton (IN)
Ballenger	Boehlert	Buyer
Barrett (SC)	Boehner	Calvert
Bartlett (MD)	Bonilla	Camp
Barton (TX)	Bonner	Cannon
Bass	Bono	Cantor
Beauprez	Boozman	Capito
Becerra	Boswell	Capps
Bell	Boucher	

Capuano	Hayworth	Menendez
Cardin	Hefley	Mica
Cardoza	Hensarling	Michaud
Carson (IN)	Herger	Millender-McDonald
Carson (OK)	Hill	Miller (FL)
Carter	Hinchey	Miller (MI)
Case	Hinojosa	Miller (NC)
Castle	Hobson	Miller, George
Chabot	Hoeffel	Mollohan
Chocola	Hoekstra	Moore
Clay	Holden	Moran (KS)
Clyburn	Holt	Moran (VA)
Coble	Honda	Murphy
Cole	Hooley (OR)	Murtha
Collins	Hostettler	Musgrave
Cooper	Houghton	Myrick
Costello	Hoyer	Nadler
Cox	Hulshof	Napolitano
Cramer	Hunter	Neal (MA)
Crane	Hyde	Nethercutt
Crenshaw	Inslee	Ney
Crowley	Isakson	Northup
Cubin	Israel	Norwood
Culberson	Issa	Nunes
Cummings	Istook	Nussle
Cunningham	Jackson (IL)	Oberstar
Davis (AL)	Jackson-Lee (TX)	Obey
Davis (CA)	Janklow	Olver
Davis (FL)	Jefferson	Ortiz
Davis (IL)	Jenkins	Osborne
Davis (TN)	John	Ose
Davis, Jo Ann	Johnson (CT)	Otter
Davis, Tom	Johnson (IL)	Owens
Deal (GA)	Johnson, E. B.	Oxley
DeFazio	Johnson, Sam	Pallone
DeGette	Jones (NC)	Pascrell
Delahunt	Jones (OH)	Pastor
DeLauro	Kanjorski	Paul
DeMint	Kaptur	Payne
Deutsch	Keller	Pearce
Diaz-Balart, L.	Kelly	Pelosi
Diaz-Balart, M.	Kennedy (MN)	Pence
Dicks	Kennedy (RI)	Peterson (MN)
Doggett	Kildee	Peterson (PA)
Dooley (CA)	Kilpatrick	Petri
Doolittle	Kind	Pickering
Doyle	King (IA)	Pitts
Dreier	King (NY)	Platts
Duncan	Kingston	Pombo
Dunn	Kirk	Pomeroy
Edwards	Kleczka	Porter
Ehlers	Kline	Portman
Emanuel	Knollenberg	Price (NC)
Emerson	Kolbe	Pryce (OH)
Engel	Kucinich	Putnam
English	LaHood	Quinn
Eshoo	Lampson	Radanovich
Etheridge	Langevin	Rahall
Evans	Lantos	Ramstad
Everett	Larsen (WA)	Rangel
Farr	Larson (CT)	Regula
Fattah	Latham	Rehberg
Ferguson	LaTourette	Renzi
Filner	Leach	Reyes
Flake	Lee	Reynolds
Fletcher	Levin	Rodriguez
Foley	Lewis (CA)	Rogers (AL)
Forbes	Lewis (GA)	Rogers (KY)
Ford	Lewis (KY)	Rogers (MI)
Fossella	Linder	Ros-Lehtinen
Frank (MA)	Lipinski	Ross
Franks (AZ)	LoBiondo	Rothman
Frelinghuysen	Lofgren	Roybal-Allard
Frost	Lowey	Royce
Gallegly	Lucas (KY)	Ruppersberger
Garrett (NJ)	Lucas (OK)	Rush
Gerlach	Lynch	Ryan (OH)
Gibbons	Majette	Ryan (WI)
Gilchrest	Maloney	Ryun (KS)
Gillmor	Manzullo	Sabo
Gingrey	Markey	Sanchez, Linda T.
Gonzalez	Marshall	Sanchez, Loretta
Goode	Matheson	Sanders
Goodlatte	Matsui	Sandlin
Gordon	McCarthy (MO)	Saxton
Granger	McCarthy (NY)	Schakowsky
Graves	McCollum	Schiff
Green (TX)	McCotter	Scott (GA)
Green (WI)	McCrery	Scott (VA)
Greenwood	McDermott	Sensenbrenner
Grijalva	McGovern	Serrano
Gutierrez	McHugh	Sessions
Gutknecht	McInnis	Shadegg
Hall	McIntyre	Shaw
Harman	McKeon	Shays
Harris	McNulty	Sherman
Hart	Meehan	Sherwood
Hastings (FL)	Meek (FL)	Shimkus
Hastings (WA)	Meeks (NY)	
Hayes		

Shuster	Tauzin	Walsh
Simmons	Taylor (MS)	Wamp
Simpson	Taylor (NC)	Waters
Skelton	Terry	Watson
Slaughter	Thomas	Watt
Smith (MI)	Thompson (CA)	Waxman
Smith (NJ)	Thompson (MS)	Weiner
Smith (TX)	Thornberry	Weldon (FL)
Smith (WA)	Tiahrt	Weldon (PA)
Snyder	Tiberi	Weller
Solis	Tierney	Wexler
Souder	Toomey	Whitfield
Spratt	Towns	Wicker
Stark	Turner (OH)	Wilson (NM)
Stearns	Turner (TX)	Wilson (SC)
Stenholm	Udall (CO)	Wolf
Strickland	Udall (NM)	Woolsey
Stupak	Upton	Wu
Sullivan	Van Hollen	Wynn
Sweeney	Velazquez	Young (AK)
Tancredo	Visclosky	Young (FL)
Tanner	Vitter	
Tauscher	Walden (OR)	

NOT VOTING—11

Andrews	Dingell	Miller, Gary
Combest	Feeney	Rohrabacher
Conyers	Gephardt	Schrock
DeLay	Goss	

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. LATOURETTE, assumed the Chair.

When Mr. LAHOOD, Chairman, pursuant to House Resolution 221, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Workforce Reinvestment and Adult Education Act of 2003’’.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998
Sec. 101. Definitions.
Sec. 102. Purpose.
Sec. 103. State workforce investment boards.
Sec. 104. State plan.
Sec. 105. Local workforce investment areas.
Sec. 106. Local workforce investment boards.
Sec. 107. Local plan.
Sec. 108. Establishment of one-stop delivery systems.
Sec. 109. Eligible providers of training services.
Sec. 110. Eligible providers of youth activities.
Sec. 111. Youth activities.
Sec. 112. Comprehensive program for adults.
Sec. 113. Performance accountability system.
Sec. 114. Authorization of appropriations.
Sec. 115. Job Corps.
Sec. 116. Native American programs.
Sec. 117. Youth challenge grants.
Sec. 118. Technical assistance.
Sec. 119. Demonstration, pilot, multiservice, research and multistate projects.
Sec. 120. Evaluations.
Sec. 121. Authorization of appropriations for national activities.

Sec. 122. Requirements and restrictions.
Sec. 123. Nondiscrimination.
Sec. 124. Administrative provisions.
Sec. 125. General program requirements.

TITLE II—ADULT EDUCATION

PART A—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

Sec. 201. Table of contents.
Sec. 202. Amendment.

PART B—NATIONAL INSTITUTE FOR LITERACY

Sec. 211. Short title; purpose.
Sec. 212. Establishment.
Sec. 213. Administration.
Sec. 214. Duties.
Sec. 215. Leadership in scientifically based reading instruction.
Sec. 216. National Institute for Literacy Advisory Board.
Sec. 217. Gifts, bequests, and devises.
Sec. 218. Mails.
Sec. 219. Applicability of certain civil service laws.
Sec. 220. Experts and consultants.
Sec. 221. Report.
Sec. 222. Definitions.
Sec. 223. Authorization of appropriations.
Sec. 224. Reservation.
Sec. 225. Authority to publish.

PART C—GENERAL PROVISIONS

Sec. 241. Transition.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

Sec. 301. Amendments to the Wagner-Peyser Act.

TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973

Sec. 401. Chairperson.
Sec. 402. Rehabilitation Services Administration.
Sec. 403. Director.
Sec. 404. State goals.
Sec. 405. Authorizations of appropriations.
Sec. 406. Helen Keller National Center Act.

TITLE V—TRANSITION AND EFFECTIVE DATE

Sec. 501. Transition provisions.
Sec. 502. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.).

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

SEC. 101. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) in paragraph (8)(C), by striking ''not less than 50 percent of the cost of the training'' and inserting ''a significant portion of the cost of training, as determined by the local board'';

(2) by striking paragraph (13) and redesignating paragraphs (1) through (12) as paragraphs (2) through (13) respectively;

(3) by inserting the following new paragraph after ''In this title:'':

''(1) ACCRUED EXPENDITURES.—The term 'accrued expenditures' includes the sum of actual cash disbursements for direct charges for goods and services, the net increase or decrease in the amounts owed by recipients, goods and other property received for services performed by employees, contractors, subgrantees, or other payees, and other amounts becoming owned for which no current service or performance is required.'';

(4) by striking paragraph (24) and redesignating paragraphs (25) through (32) as paragraphs (24) through (31), respectively;

(5) in paragraph (24) (as so redesignated)—

(A) in subparagraph (B), by striking ''higher of—'' and all that follows through such subparagraph and inserting ''poverty line for an equivalent period;''; and

(B) by redesignating subparagraphs (D) through (F) as subparagraph (E) through (G), respectively, and inserting after subparagraph (C) the following:

''(D) receives or is eligible to receive free or reduced price lunch;''; and

(6) by striking paragraph (33) and redesignating paragraphs (34) through (53) as paragraphs (32) through (51), respectively.

SEC. 102. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended by inserting at the end the following: ''It is also the purpose of this subtitle to provide workforce investment activities in a manner that promotes the informed choice of participants and actively involves participants in decisions affecting their participation in such activities.''.

SEC. 103. STATE WORKFORCE INVESTMENT BOARDS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—Section 111(b) (29 U.S.C. 2821(b)) is amended—

(A) by amending paragraph (1)(C) to read as follows:

''(C) representatives appointed by the Governor, who are—

''(i)(I) the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners;

''(II) in any case in which no lead State agency official has responsibility for such a program or activity, a representative in the State with expertise relating to such program or activity; and

''(III) if not included under subclause (I), the director of the State unit, defined in section 7(8)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 705(8)(B)) except that in a State that has established 2 or more designated State units to administer the vocational rehabilitation program, the board representative shall be the director of the designated State unit that serves the most individuals with disabilities in the State;

''(ii) the State agency officials responsible for economic development;

''(iii) representatives of business in the State who—

''(I) are owners of businesses, chief executive or operating officers of businesses, and other business executives or employers with optimum policy making or hiring authority, including members of local boards described in section 117(b)(2)(A)(i);

''(II) represent businesses with employment opportunities that reflect employment opportunities in the State; and

''(III) are appointed from among individuals nominated by State business organizations and business trade associations;

''(iv) chief elected officials (representing both cities and counties, where appropriate);

''(v) representatives of labor organizations, who have been nominated by State labor federations; and

''(vi) such other representatives and State agency officials as the Governor may designate.''; and

(B) in paragraph (3), by striking ''paragraph (1)(C)(i)'' and inserting ''paragraph (1)(C)(iii)''.

(2) CONFORMING AMENDMENT.—Section 111(c) (29 U.S.C 2811(c)) is amended by striking ''subsection (b)(1)(C)(i)'' and inserting ''subsection (b)(1)(C)(iii)''.

(b) FUNCTIONS.—Section 111(d) (29 U.S.C. 2811(d)) is amended—

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

''(3) development and review of statewide policies affecting the integrated provision of services through the one-stop delivery system described in section 121, including—

''(A) the development of criteria for, and the issuance of, certifications of one-stop centers;

''(B) the criteria for the allocation of one-stop center infrastructure funding under section 121(h), and oversight of the use of such funds;

''(C) approaches to facilitating equitable and efficient cost allocation in one-stop delivery systems; and

''(D) such other matters that may promote statewide objectives for, and enhance the performance of, one-stop delivery systems within the State;'';

(2) in paragraph (4), by inserting ''and the development of State criteria relating to the appointment and certification of local boards under section 117'' after ''section 116'';

(3) in paragraph (5), by striking ''sections 128(b)(3)(B) and 133(b)(3)(B)'' and inserting ''sections 128(b)(3) and 133(b)(3)''; and

(4) in paragraph (9), by striking ''section 503'' and inserting ''section 136(i)''.

(c) ELIMINATION OF ALTERNATIVE ENTITY AND PROVISION OF AUTHORITY TO HIRE STAFF.—Section 111(e) (29 U.S.C. 2821(e)) is amended to read as follows:

''(e) AUTHORITY TO HIRE STAFF.—The State board may hire staff to assist in carrying out the functions described in subsection (d).''.

SEC. 104. STATE PLAN.

(a) PLANNING CYCLE.—Section 112(a) (29 U.S.C. 2822(a)) is amended by striking ''5-year strategy'' and inserting ''2-year strategy''.

(b) CONTENTS.—Section 112(b)(17)(A) (29 U.S.C. 2822(b)(17)(A)) is amended—

(1) in clause (iii) by striking ''and'';

(2) by amending clause (iv) to read as follows:

''(iv) how the State will serve the employment and training needs of dislocated workers (including displaced homemakers and formerly self-employed and transitioning farmers, ranchers, and fisherman) low income individuals (including recipients of public assistance), homeless individuals, ex-offenders, individuals training for nontraditional employment, and other individuals with multiple barriers to employment (including older individuals);''; and

(3) by adding the following new clause after clause (iv):

''(v) how the State will serve the employment and training needs of individuals with disabilities, consistent with section 188 and Executive Order 13217 (relating to community-based alternatives for individuals with disabilities) including the provision of outreach, intake, assessments, and service delivery, the development of performance measures, and the training of staff; and''.

(c) MODIFICATION TO PLAN.—Section 112(d) (29 U.S.C. 2822(d)) is amended by striking ''5-year period'' and inserting ''2-year period''.

SEC. 105. LOCAL WORKFORCE INVESTMENT AREAS.

(a) DESIGNATION OF AREAS.—

(1) CONSIDERATIONS.—Section 116(a)(1)(B) (29 U.S.C. 2831(a)(1)(B)) is amended by adding at the end the following clause:

''(vi) The extent to which such local areas will promote efficiency in the administration and provision of services.''.

(2) AUTOMATIC DESIGNATION.—Section 116(a)(2) (29 U.S.C. 2831(a)(2)) is amended to read as follows:

''(2) AUTOMATIC DESIGNATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph and subsection (b), the Governor shall approve a request for designation as a local area from—

''(i) any unit of general local government with a population of 500,000 or more; and

''(ii) an area served by a rural concentrated employment program grant recipient that

served as a service delivery area or substate area under the Job training Partnership Act (29 U.S.C. 1501 et seq.),

for the 2-year period covered by a State plan under section 112 if such request is made not later than the date of the submission of the State plan.

''(B) CONTINUED DESIGNATION BASED ON PERFORMANCE.—The Governor may deny a request for designation submitted pursuant to subparagraph (A) if such unit of government was designated as a local area for the preceding 2-year period covered by a State plan and the Governor determines that such local area did not perform successfully during such period.''.

(b) REGIONAL PLANNING.—Section 116(c)(1) (29 U.S.C. 2831(c)(1)) is amended by adding at the end the following: ''The State may require the local boards for the designated region to prepare a single regional plan that incorporates the elements of the local plan under section 118 and that is submitted and approved in lieu of separate local plans under such section.''.

SEC. 106. LOCAL WORKFORCE INVESTMENT BOARDS.

(a) COMPOSITION.—Section 117(b)(2)(A) (29 U.S.C. 2832(b)(2)(A)) is amended—

(1) in clause (i)(II), by inserting '', businesses that are in the leading industries in the local area, and large and small businesses in the local area'' after ''local area'';

(2) by amending clause (ii) to read as follows:

''(ii) superintendents of the local secondary school systems, administrators of entities providing adult education and literacy activities, and the presidents or chief executive officers of postsecondary educational institutions (including community colleges, where such entities exist);'';

(3) in clause (iv), by striking the semicolon and inserting ''and faith-based organizations; and''; and

(4) by striking clause (vi).

(b) AUTHORITY OF BOARD MEMBERS.—Section 117(b)(3) (29 U.S.C. 2832(b) is amended—

(1) in the heading, by inserting ''AND REPRESENTATION'' after ''MEMBERS''; and

(2) by adding at the end the following: ''The members of the board shall represent diverse geographic sections within the local area.''.

(c) FUNCTIONS.—Section 117(d) (29 U.S.C. 2832(d)) is amended—

(1) in paragraph (2)(B), by striking ''local area'' and all that follows and inserting ''local area.''; and

(2) in paragraph (4) by inserting ''and ensure the appropriate use and management of the funds provided under this title for such programs, activities, and system'' after ''area''.

(d) AUTHORITY TO ESTABLISH COUNCILS AND ELIMINATION OF REQUIREMENT FOR YOUTH COUNCILS.—Section 117(h) (29 U.S.C. 2832(h)) is amended to read as follows:

''(h) ESTABLISHMENT OF COUNCILS.—The local board may establish councils to provide information and advice to assist the local board in carrying out activities under this title. Such councils may include a council composed of one-stop partners to advise the local board on the operation of the one-stop delivery system, a youth council composed of experts and stakeholders in youth programs to advise the local board on activities for youth, and such other councils as the local board determines are appropriate.''.

(e) REPEAL OF ALTERNATIVE ENTITY PROVISION.—Section 117 (29 U.S.C. 2832) is further amended by striking subsection (i).

SEC. 107. LOCAL PLAN.

(a) PLANNING CYCLE.—Section 118(a) (29 U.S.C. 2833(a)) is amended by striking ''5-year'' and inserting ''2-year''.

(b) CONTENTS.—Section 118(b) (29 U.S.C. 2833(b)) is amended—

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

''(2) a description of the one-stop delivery system to be established or designated in the local area, including a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meets the employment needs of local employers and participants.''; and

(2) in paragraph (4), by striking ''and dislocated worker''.

SEC. 108. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) ONE-STOP PARTNERS.—

(1) REQUIRED PARTNERS.—Section 121(b)(1) (29 U.S.C. 2841(b)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking clauses (ii) and (v)

(ii) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively, and by redesignating clauses (vi) through (xii) as clauses (iv) through (x), respectively;

(iii) in clause (ix) (as so redesignated), by striking ''and'';

(iv) in clause (x) (as so redesignated), by striking the period and inserting ''; and''; and

(v) by inserting after clause (x)(as so redesignated) the following:

''(xi) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et. seq.), subject to subparagraph (C).''; and

(B) by adding after subparagraph (B) the following:

''(C) DETERMINATION BY THE GOVERNOR.—The program referred to in clauses (xi) of subparagraph (B) shall be included as a required partner for purposes of this title in a State unless the Governor of the State notifies the Secretary and the Secretary of Health and Human Services in writing of a determination by the Governor not to include such programs as required partners for purposes of this title in the State.''.

(2) ADDITIONAL PARTNERS.—Section 121(b)(2)(B) (29 U.S.C. 2841(b)(2)(B)) is amended—

(A) by striking clause (i) and redesignating clauses (ii) through (v) as clauses (i) through (iv) respectively;

(B) in clause (iii) (as so redesignated) by striking ''and'' at the end;

(C) in clause (iv) (as so redesignated) by striking the period and inserting a semicolon; and

(D) by adding at the end the following new clauses:

''(v) employment and training programs administered by the Social Security Administration, including the Ticket to Work program (established by Public Law 106–170);

''(vi) programs under part D of title IV of the Social Security Act (42 U.S.C. 451 et seq.) (relating to child support enforcement); and

''(vii) programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental health, mental retardation, and developmental disabilities, State Medicaid agencies, State Independent Living Councils, and Independent Living Centers.''.

(b) PROVISION OF SERVICES.—Subtitle B of title I is amended—

(1) by striking subsection (e) of section 121;

(2) by moving subsection (c) of section 134 from section 134, redesignating such subsection as subsection (e), and inserting such subsection (as so redesignated) after subsection (d) of section 121; and

(3) by amending subsection (e) (as moved and redesignated by paragraph (2))—

(A) in paragraph (1)(A), by striking ''subsection (d)(2)'' and inserting ''section 134(c)(2)'';

(B) in paragraph (1)(B)—

(i) by striking ''subsection (d)'' and inserting ''section 134(c)''; and

(ii) by striking ''subsection (d)(4)(G)'' and inserting ''section 134(c)(4)(G)'';

(C) in paragraph (1)(C), by striking ''subsection (e)'' and inserting ''section 134(d)'';

(D) in paragraph (1)(D)—

(i) by striking ''section 121(b)'' and inserting ''subsection (b)''; and

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

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

''(E) shall provide access to the information described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49*l*–2(e)).''.

(c) CERTIFICATION AND FUNDING OF ONE-STOP CENTERS.—Section 121 (as amended by subsection (b)) is further amended by adding at the end the following new subsections:

''(g) CERTIFICATION OF ONE-STOP CENTERS.—

''(1) IN GENERAL.—The State board shall establish procedures and criteria for periodically certifying one-stop center for the purpose of awarding the one-stop infrastructure funding described in subsection (h).

''(2) CRITERIA.—The criteria for certification under this subsection shall include minimum standards relating to the scope and degree of service integration achieved by the centers involving the programs provided by the one-stop partners, and how the centers ensure that such providers meet the employment needs of local employers and participants.

''(3) EFFECT OF CERTIFICATION.—One-stop centers certified under this subsection shall be eligible to receive the infrastructure grants authorized under subsection (h).

''(h) ONE-STOP INFRASTRUCTURE FUNDING.—

''(1) PARTNER CONTRIBUTIONS.—

''(A) PROVISION OF FUNDS.—Notwithstanding any other provision of law, as determined under subparagraph (B), a portion of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the one-stop partner programs described in subsection (b)(1)(B) and participating additional partner programs described in (b)(2)(B) for a fiscal year shall be provided to the Governor by such programs to carry out this subsection.

''(B) DETERMINATION OF GOVERNOR.—Subject to subparagraph (C), the Governor, in consultation with the State board, shall determine the portion of funds to be provided under subparagraph (A) by each one-stop partner and in making such determination shall consider the proportionate use of the one-stop centers by each partner, the costs of administration for purposes not related to one-stop centers for each partner, and other relevant factors described in paragraph (3).

''(C) LIMITATIONS.—

''(i) PROVISION FROM ADMINISTRATIVE FUNDS.—The funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the limitations with respect to the portion of funds under such programs that may be used for administration.

''(ii) FEDERAL DIRECT SPENDING PROGRAMS.—Programs that are Federal direct spending under section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not, for purposes of this paragraph, be required to provide an amount in excess of the amount determined to be equivalent to the proportionate use of the one-stop centers by such programs in the State.

''(2) ALLOCATION BY GOVERNOR.—From the funds provided under paragraph (1), the Governor shall allocate funds to local areas in accordance with the formula established under paragraph (3) for the purposes of assisting in paying the costs of the infrastructure of One-Stop centers certified under subsection (g).

''(3) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds described in paragraph (1). The formula shall include such factors as the State board determines are appropriate, which may include factors such as the number of centers in the local area that have been certified, the population served by such centers, and the performance of such centers.

''(4) COSTS OF INFRASTRUCTURE.—For purposes of this subsection, the term 'costs of infrastructure' means the nonpersonnel costs that are necessary for the general operation of a one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including adaptive technology for individuals with disabilities), strategic planning activities for the center, and common outreach activities.

''(i) OTHER FUNDS.—

''(1) IN GENERAL.—In addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the one-stop partner programs described in subsection (b)(1)(B) and participating partner programs described in subsection (b)(2)(B), or the noncash resources available under such programs shall be used to pay the costs relating to the operation of the one-stop delivery system that are not paid for from the funds provided under subsection (h), to the extent not inconsistent with the Federal law involved including—

''(A) infrastructure costs that are in excess of the funds provided under subsection (h);

''(B) common costs that are in addition to the costs of infrastructure; and

''(C) the costs of the provision of core services applicable to each program.

''(2) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds to be provided by each program under paragraph (1) shall be determined as part of the memorandum of understanding under subsection (c). The State board shall provide guidance to facilitate the determination of appropriate funding allocation in local areas.''.

SEC. 109. ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

''SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

''(a) IN GENERAL.—The Governor shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(c)(4) to receive funds provided under section 133(b) for the provision of such training services.

''(b) CRITERIA.—

''(1) IN GENERAL.—The criteria established pursuant to subsection (a) shall take into account the performance of providers of training services with respect to the indicators described in section 136 or other appropriate indicators (taking into consideration the characteristics of the population served and relevant economic conditions), and such other factors as the Governor determines are appropriate to ensure the quality of services, the accountability of providers, how the centers ensure that such providers meet the needs of local employers and participants, and the informed choice of participants under chapter 5. Such criteria shall require that the provider submit appropriate, accurate and timely information to the State for purposes of carrying out subsection (d). The criteria shall also provide for periodic review and renewal of eligibility under this section for providers of training services. The Governor may authorize local areas in the State to establish additional criteria or to modify the criteria established by the Governor under this section for purposes of determining the eligibility of providers of training services to provide such services in the local area.

''(2) LIMITATION.—In carrying out the requirements of this subsection, no personally identifiable information regarding a student, including Social Security number, student identification number, or other identifier, may be disclosed without the prior written consent of the parent or eligible student in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

''(c) PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds under section 133(b), and identify the respective roles of the State and local areas in receiving and reviewing applications and in making determinations of eligibility based on the criteria established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

''(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—In order to facilitate and assist participants under chapter 5 in choosing providers of training services, the Governor shall ensure that an appropriate list or lists of providers determined eligible under this section in the State, accompanied by such information as the Governor determines is appropriate, is provided to the local boards in the State to be made available to such participants and to members of the public through the one-stop delivery system in the State.

''(e) AGREEMENTS WITH OTHER STATES.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept individual training accounts provided in another State.

''(f) RECOMMENDATIONS.—In developing the criteria, procedures, and information required under this section, the Governor shall solicit and take into consideration the recommendations of local boards and providers of training services within the State.

''(g) OPPORTUNITY TO SUBMIT COMMENTS.—During the development of the criteria, procedures, and information required under this section, the Governor shall provide an opportunity for interested members of the public, including representatives of business and labor organizations, to submit comments regarding such criteria, procedures, and information.''.

SEC. 110. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

Section 123 (29 U.S.C. 2843) is amended to read as follows:

''SEC. 123. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

''(a) IN GENERAL.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth activities identified based on the criteria in the State plan and shall conduct oversight with respect to such providers.

''(b) EXCEPTIONS.—A local board may award grants or contracts on a sole-source basis if such board determines there are an insufficient number of eligible providers of training services in the local area involved (such as rural areas) for grants to be awarded on a competitive basis under subsection (a).''.

SEC. 111. YOUTH ACTIVITIES.

(a) STATE ALLOTMENTS.—

(1) IN GENERAL.—Section 127(a) (29 U.S.C. 2852(a)) is amended to read as follows:

''(a) ALLOTMENT AMONG STATES.—

''(1) YOUTH ACTIVITIES.—

''(A) YOUTH CHALLENGE GRANTS.—

''(i) RESERVATION OF FUNDS.—Of the amount appropriated under section 137(a) for each fiscal year, the Secretary shall reserve 25 percent to provide youth challenge grants under section 169.

''(ii) LIMITATION.—Notwithstanding clause (i), if the amount appropriated under section 137(a) for a fiscal year exceeds $1,000,000,000, the Secretary shall reserve $250,000,000 to provide youth challenge grants under section 169.

''(B) OUTLYING AREAS AND NATIVE AMERICANS.—After determining the amount to be reserved under subparagraph (A), of the remainder of the amount appropriated under section 137(a) for each fiscal year the Secretary shall—

''(i) reserve not more than ¼ of one percent of such amount to provide assistance to the outlying areas to carry out youth activities and statewide workforce investment activities; and

''(ii) reserve not more than 1 and ½ percent of such amount to provide youth activities under section 166 (relating to Native Americans).

''(C) STATES.—

''(i) IN GENERAL.—Of the remainder of the amount appropriated under section 137(a) for a fiscal year that is available after determining the amounts to be reserved under subparagraphs (A) and (B), the Secretary shall allot—

''(I) the amount of the remainder that is less than or equal to the total amount that was allotted to States for fiscal year 2003 under section 127(b)(1)(C) of this Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) in accordance with the requirements of such section 127(b)(1)(C); and

''(II) the amount of the remainder, if any, in excess of the amount referred to in subclause (I) in accordance with clause (ii).

''(ii) FORMULAS FOR EXCESS FUNDS.—Subject to clauses (iii) and (iv), of the amounts described in clause (i)(II)—

''(I) 33 and ⅓ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16–19 in each State, compared to the total number of individuals in the civilian labor force who are ages 16–19 in all States;

''(II) 33 and ⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

''(III) 33 and ⅓ percent shall be allotted on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each State, compared to the total number of disadvantaged youth who are ages 16 through 21 in all States.

''(iii) MINIMUM AND MAXIMUM PERCENTAGES.—The Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than 90 percent or greater than 130 percent of the allotment percentage of that State for the preceding fiscal year.

''(iv) SMALL STATE MINIMUM ALLOTMENT.—Subject to clause (iii), the Secretary shall ensure that no State shall receive an allotment under this paragraph that is less than 3/10 of 1 percent of the amount available under subparagraph (A).

''(2) DEFINITIONS.—For the purposes of paragraph (1), the following definitions apply:

''(A) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received

through an allotment made under this subsection for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that is received by the State involved for fiscal year 2003.

''(B) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

''(3) SPECIAL RULE.—For purposes of the formulas specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.

(2) REALLOTMENT.—Section 127 (29 U.S.C. 2552) is further amended—

(A) by striking subsection (b);

(B) by redesignating subsection (c) as subsection (b);

(C) in subsection (b) (as so redesignated)

(i) by amending paragraph (2) to read as follows:

''(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the State under this section during such program year (including amounts allotted to the State in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.'';

(ii) in paragraph (3)—

(I) by striking ''for the prior program year'' and inserting ''for the program year in which the determination is made''; and

(II) by striking ''such prior program year'' and inserting ''such program year'';

(iii) by amending paragraph (4) to read as follows:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State which does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.''.

(b) WITHIN STATE ALLOCATIONS.—

(1) RESERVATION FOR STATEWIDE ACTIVITIES.—Section 128(a) is amended to read as follows:

''(a) RESERVATION FOR STATEWIDE ACTIVITIES.—

''(1) IN GENERAL.—The Governor of a State shall reserve not more than 10 percent of the amount allotted to the State under section 127(a)(1)(C) for a fiscal year for statewide activities.

''(2) USE OF FUNDS.—Regardless of whether the amounts are allotted under section 127(a)(1)(C) and reserved under paragraph (1) or allotted under section 132 and reserved under section 133(a), the Governor may use the reserved amounts to carry out statewide youth activities under section 129(b) or statewide employment and training activities under section 133.''.

(2) WITHIN STATE ALLOCATION.—Section 128(b) is amended to read as follows:

''(b) WITHIN STATE ALLOCATION.—

''(1) IN GENERAL.—Of the amounts allotted to the State under section 127(a)(1)(C) and not reserved under subsection (a)(1)—

''(A) 80 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (2); and

''(B) 20 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (3).

''(2) ESTABLISHED FORMULA.—

''(A) IN GENERAL.—Of the amounts described in paragraph (1)(A), the Governor shall allocate—

''(i) 33 and ⅓ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16–19 in each local area, compared to the total number of individuals in the civilian labor force who are ages 16–19 in all local areas in the State;

''(ii) 33 and ⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State; and

''(iii) 33 and ⅓ percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each local area, compared to the total number of disadvantaged youth who are ages 16 through 21 in all local areas in the State.

''(B) MINIMUM AND MAXIMUM PERCENTAGES.—The Governor shall ensure that no local area shall receive an allocation for a fiscal year under this paragraph that is less than 90 percent or greater than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

''(C) DEFINITIONS.—

''(i) ALLOCATION PERCENTAGE.—For purposes of this paragraph, the term 'allocation percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of amount described in paragraph(1)(A) that is received through an allocation made under this paragraph for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003) that is received by the local area involved for fiscal year 2003.

''(ii) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

''(3) YOUTH DISCRETIONARY ALLOCATION.—The Governor shall allocate to local areas the amounts described in paragraph (1)(B) in accordance with such demographic and economic factors as the Governor, after consultation with the State board and local boards, determines are appropriate.

''(4) LOCAL ADMINISTRATIVE COST LIMIT.—

''(A) IN GENERAL.—Of the amounts allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local boards for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 5.

''(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 5, regardless of whether the funds were allocated under this subsection or section 133(b).''.

(3) REALLOCATION.—Section 128(c) (29 U.S.C. 2853(c)) is amended—

(A) in paragraph (1), by striking ''paragraph (2)(A) or (3) of'';

(B) by amending paragraph (2) to read as follows:

''(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the local area under this section during such program year (including amounts allotted to the local area in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.'';

(C) by amending paragraph (3)—

(i) by striking ''subsection (b)(3)'' each place it appears and inserting ''subsection (b)'';

(ii) by striking ''the prior program year'' and inserting ''the program year in which the determination is made'';

(iii) by striking ''such prior program year'' and inserting ''such program year''; and

(iv) by striking the last sentence; and

(D) by amending paragraph (4) to read as follows:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area which does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.''.

(c) YOUTH PARTICIPANT ELIGIBILITY.—Section 129(a) (29 U.S.C. 2854(a)) is amended to read as follows:

''(a) YOUTH PARTICIPANT ELIGIBILITY.—

''(1) IN GENERAL.—The individuals participating in activities carried out under this chapter by a local area during any program year shall be individuals who, at the time the eligibility determination is made, are—

''(A) not younger than age 16 or older than age 24; and

''(B) one or more of the following:

''(i) school dropouts;

''(ii) recipients of a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities) who are deficient in basic skills;

''(iii) court-involved youth attending an alternative school;

''(iv) youth in foster care or who have been in foster care; or

''(v) in school youth who are low-income individuals and one or more of the following:

''(I) Deficient in literacy skills.

''(II) Homeless, runaway, or foster children.

''(III) Pregnant or parents.

''(IV) Offenders.

''(V) Individuals who require additional assistance to complete an educational program, or to secure and hold employment.

''(2) PRIORITY FOR SCHOOL DROPOUTS.—A priority in the provision of services under this chapter shall be given to individuals who are school dropouts.

''(3) LIMITATIONS ON ACTIVITIES FOR IN-SCHOOL YOUTH.—

''(A) PERCENTAGE OF FUNDS.—For any program year, not more than 30 percent of the funds available for statewide activities under subsection (b), and not more than 30 percent of funds available to local areas under subsection (c), may be used to provide activities for in-school youth meeting the requirements of paragraph (1)(B)(v).

''(B) NON-SCHOOL HOURS REQUIRED.—Activities carried out under this chapter for in-school youth meeting the requirements of paragraph (1)(B)(v) shall only be carried out in non-school hours or periods when school is not in session (such as before and after school or during summer recess.''.

(d) STATEWIDE YOUTH ACTIVITIES.—Section 129(b) (29 U.S.C. 2854(b)) is amended to read as follows:

''(b) STATEWIDE ACTIVITIES.—

''(1) IN GENERAL.—Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1) may be used for statewide activities including—

''(A) additional assistance to local areas that have high concentrations of eligible youth;

''(B) supporting the provision of core services described in section 134(c)(2) in the one-stop delivery system;

''(C) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172, research, and demonstration projects;

''(D) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this Act, and for exemplary performance by local areas on the local performance measures;

''(E) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures;

''(F) operating a fiscal and management accountability system under section 136(f); and

''(G) carrying out monitoring and oversight of activities under this chapter and chapter 5.

''(2) LIMITATION.—Not more than 5 percent of the funds allotted under section 127(b) shall be used by the State for administrative activities carried out under this subsection and section 133(a).

''(3) PROHIBITION.—No funds described in this subsection or in section 134(a) may be used to develop or implement education curricula for school systems in the State.''.

(e) LOCAL ELEMENTS AND REQUIREMENTS.——

(1) PROGRAM DESIGN.—Section 129(c)(1) (29 U.S.C. 2854(c) (1)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (2)(A) or (3), as appropriate, of'';

(B) in subparagraph (B), by inserting ''are directly linked to one or more of the performance outcomes relating to this chapter under section 136, and that'' after ''for each participant that''; and

(C) in subparagraph (C)—

(i) by redesignating clauses (i) through (iv) as clauses (ii) through (v), respectively;

(ii) by inserting before clause (ii) (as so redesignated) the following:

''(i) activities leading to the attainment of a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities);'';

(iii) in clause (ii) (as redesignated by this subparagraph), by inserting ''and advanced training'' after ''opportunities'';

(iv) in clause (iii) (as redesignated by this subparagraph), by inserting ''that lead to the attainment of recognized credentials'' after ''learning''; and

(v) by amending clause (v) (as redesignated by this subparagraph) to read as follows:

''(v) effective connections to employers in sectors of the local labor market experiencing high growth in employment opportunities.''.

(2) PROGRAM ELEMENTS.—Section 129(c)(2) (29 U.S.C. 2854(c)(2)) is amended—

(A) in subparagraph (A), by striking ''secondary school, including dropout prevention strategies'' and inserting ''secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities), including dropout prevention strategies'';

(B) in subparagraph (I), by striking ''and'' at the end;

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

(D) by adding at the end the following:

''(K) on-the-job training opportunities; and

''(L) financial literacy skills.''.

(3) ADDITIONAL REQUIREMENTS.—Section 129(c)(3)(A) (29 U.S.C. 2854(c)(3)(A)) is amended in the matter preceding clause (i) by striking ''or applicant who meets the minimum income criteria to be considered an eligible youth'';

(4) PRIORITY AND EXCEPTIONS.—Section 129(c) (29 U.S.C. 2854(c)) is further amended—

(A) by striking paragraphs (4) and (5);

(B) by redesignating paragraph (6) as paragraph (4);

(C) by redesignating paragraph (7) as paragraph (5), and in such redesignated paragraph (5) by striking ''youth councils'' and inserting ''local boards''; and

(D) by redesignating paragraph (8) as paragraph (6).

SEC. 112. COMPREHENSIVE PROGRAM FOR ADULTS.

(a) TITLE OF CHAPTER 5.—

(1) The title heading of chapter 5 is amended to read as follows:

''CHAPTER 5—COMPREHENSIVE EMPLOYMENT AND TRAINING ACTIVITIES FOR ADULTS''.

(2) CONFORMING AMENDMENT.—Table of contents in section 1(b) is amended by amending the item related to the heading for chapter 5 to read as follows:

''CHAPTER 5—COMPREHENSIVE EMPLOYMENT AND TRAINING ACTIVITIES FOR ADULTS''.

(b) GENERAL AUTHORIZATION.—Section 131 (29 U.S.C. 2861) is amended—

(1) by striking ''paragraphs (1)(B) and (2)(B) of''; and

(2) by striking '', and dislocated workers,''.

(c) STATE ALLOTMENTS.—

(1) IN GENERAL.—Section 132(a) (29 U.S.C. 2862(a)) is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall—

''(1) reserve 10 percent of the amount appropriated under section 137(b) for a fiscal year, of which—

''(A) not less than 75 percent shall be used for national dislocated worker grants under section 173;

''(B) not more than 20 percent may be used for demonstration projects under section 171; and

''(C) not more than 5 percent may be used to provide technical assistance under section 170; and

''(2) make allotments from 90 percent of the amount appropriated under section 137(b) for a fiscal year in accordance with subsection (b).''.

(2) ALLOTMENT AMONG STATES.—Section 132(b) (29 U.S.C. 2862(b)) is amended to read as follows:

''(b) ALLOTMENT AMONG STATES FOR ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—

''(1) RESERVATION FOR OUTLYING AREAS.—From the amount made available under subsection (a)(2) for a fiscal year, the Secretary shall reserve not more than ¼ of 1 percent to provide assistance to outlying areas to carry out employment and training activities for adults and statewide workforce investment activities.

''(2) STATES.—Subject to paragraph (5), of the remainder of the amount referred to under subsection (a)(2) for a fiscal year that is available after determining the amount to be reserved under paragraph (1), the Secretary shall allot to the States for employment and training activities for adults and for statewide workforce investment activities—

''(A) 26 percent in accordance with paragraph (3); and

''(B) 74 percent in accordance with paragraph (4).

''(3) BASE FORMULA.—

''(A) FISCAL YEAR 2004.—

''(i) IN GENERAL.—Subject to clause (ii), the amount referred to in paragraph (2)(A) shall be allotted for fiscal year 2004 on the basis of allotment percentage of each State under section 6 of the Wagner-Peyser Act for fiscal year 2003.

''(ii) EXCESS AMOUNTS.—If the amount referred to in paragraph (2)(A) for fiscal year 2004 exceeds the amount that was available for allotment to the States under the Wagner-Peyser Act for fiscal year 2003, such excess amount shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of individuals in the civilian labor force in all States, adjusted to ensure that no State receives less than 3/10 of one percent of such excess amount.

''(iii) DEFINITION.—For purposes of this subparagraph, the term 'allotment percentage' means the percentage of the amounts allotted to States under section 6 of the Wagner-Peyser Act that is received by the State involved for fiscal year 2003.

''(B) FISCAL YEARS 2005 AND THEREAFTER.—

''(i) IN GENERAL.—Subject to clause(ii), the amount referred to in paragraph(2)(A) shall be allotted for fiscal year 2005 and each fiscal year thereafter on the basis of the allotment percentage of each State under this paragraph for the preceding fiscal year.

''(ii) EXCESS AMOUNTS.—If the amount referred to in paragraph (2)(A) for fiscal year 2005 or any fiscal year thereafter exceeds the amount that was available for allotment under this paragraph for the prior fiscal year, such excess amount shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of individuals in the civilian labor force in all States, adjusted to ensure that no State receives less than 3/10 of one percent of such excess amount.

''(iii) DEFINITION.—For purposes of this subparagraph, the term 'allotment percentage' means the percentage of the amounts allotted to States under this paragraph in a fiscal year that is received by the State involved for such fiscal year.

''(4) CONSOLIDATED FORMULA.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), of the amount referred to in paragraph (2)(B)—

''(i) 60 percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States;

''(ii) 25 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

''(iii) 15 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States.

''(B) MINIMUM AND MAXIMUM PERCENTAGES.—

''(i) MINIMUM PERCENTAGE.—The Secretary shall ensure that no State shall receive an allotment under this paragraph for a fiscal year that is less than 90 percent of the allotment percentage of the State under this paragraph for the preceding fiscal year.

''(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Secretary shall ensure that no State shall receive an allotment for a fiscal year under this paragraph that is more than 130 percent of the allotment of the State under this paragraph for the preceding fiscal year.

''(C) SMALL STATE MINIMUM ALLOTMENT.—Subject to subparagraph (B), the Secretary shall ensure that no State shall receive an

allotment under this paragraph that is less than 2/10 of 1 percent of the amount available under subparagraph (A).

''(D) DEFINITIONS.—For the purposes of this paragraph:

''(i) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the amounts described in paragraph (2)(B) that is received through an allotment made under this paragraph for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) and under reemployment service grants received by the State involved for fiscal year 2003.

''(ii) DISADVANTAGED ADULT.—The term 'disadvantaged adult' means an individual who is age 22 through 72 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

''(iii) EXCESS NUMBER.—The term 'excess number' means, used with respect to the excess number of unemployed individuals within a State, the number that represents the number of unemployed individuals in excess of 4 and ½ percent of the civilian labor force in the State.

''(5) ADJUSTMENTS IN ALLOTMENTS BASED ON DIFFERENCES WITH UNCONSOLIDATED FORMULAS.—

''(A) IN GENERAL.—The Secretary shall ensure that for any fiscal year no State has an allotment difference, as defined in subparagraph (C), that is less than zero. The Secretary shall adjust the amounts allotted to the States under this subsection in accordance with subparagraph (B) if necessary to carry out this subparagraph..

''(B) ADJUSTMENTS IN ALLOTMENTS.—

''(i) REDISTRIBUTION OF EXCESS AMOUNTS.—

''(I) IN GENERAL.—If necessary to carry out subparagraph (A), the Secretary shall reduce the amounts that would be allotted under paragraphs (3) and (4) to States that have an excess allotment difference, as defined in subclause (II), by the amount of such excess, and use such amounts to increase the allotments to States that have an allotment difference less than zero.

''(II) EXCESS AMOUNTS.—For purposes of subclause (I), the term 'excess' allotment difference means an allotment difference for a State that is—

''(aa) in excess of 3 percent of the amount described in subparagraph (C)(i)(II); or

''(bb) in excess of a percentage established by the Secretary that is greater than 3 percent of the amount described in subparagraph (C)(i)(II) if the Secretary determines that such greater percentage is sufficient to carry out subparagraph (A).

''(ii) USE OF AMOUNTS AVAILABLE UNDER NATIONAL RESERVE ACCOUNT.—If the funds available under clause (i) are insufficient to carry out subparagraph (A), the Secretary shall use funds reserved under section 132(a) in such amounts as are necessary to increase the allotments to States to meet the requirements of subparagraph (A). Such funds shall be used in the same manner as the States use the other funds allotted under this subsection.

''(C) DEFINITION OF ALLOTMENT DIFFERENCE.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'allotment difference' means the difference between—

''(I) the total amount a State would receive of the amounts available for allotment under subsection (b)(2) for a fiscal year pursuant to paragraphs (3) and (4); and

''(II) the total amount the State would receive of the amounts available for allotment under subsection (b)(2) for the fiscal year if such amounts were allotted pursuant to the unconsolidated formulas (applied as described in clause (iii)) that were used in allotting funds for fiscal year 2003.

''(ii) UNCONSOLIDATED FORMULAS.—For purposes of clause (i), the unconsolidated formulas are:

''(I) The requirements for the allotment of funds to the States contained in section 132(b)(1)(B) of this Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that were applicable to the allotment of funds under such section for fiscal year 2003.

''(II) The requirements for the allotment of funds to the States contained in section 132(b)(2)(B) of this Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that were applicable to the allotment of funds under such section for fiscal year 2003.

''(III) The requirements for the allotment of funds to the States that were contained in section 6 of the Wagner-Peyser Act (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that were applicable to the allotment of funds under such Act for fiscal year 2003.

''(IV) The requirements for the allotment of funds to the States that were established by the Secretary for Reemployment Services Grants that were applicable to the allotment of funds for such grants for fiscal year 2003.

''(iii) PROPORTIONATE APPLICATION OF UNCONSOLIDATED FORMULAS BASED ON FISCAL YEAR 2003.—In calculating the amount under clause (i)(II), each of the unconsolidated formulas identified in clause (ii) shall be applied, respectively, only to the proportionate share of the total amount of funds available for allotment under subsection (b)(2) for a fiscal year that is equal to the proportionate share to which each of the unconsolidated formulas applied with respect to the total amount of funds allotted to the States under all of the unconsolidated formulas in fiscal year 2003.

''(iv) RULE OF CONSTRUCTION.—The amounts used to adjust the allotments to a State under subparagraph (B) for a fiscal year shall not be included in the calculation of the amounts under clause (i) for a subsequent fiscal year, including the calculation of allocation percentages for a preceding fiscal year applicable to paragraphs (3) and (4) and to the unconsolidated formulas described in clause (ii).''.

(3) REALLOTMENT.—Section 132(c) (29 U.S.C. 2862(c)) is amended—

(A) by amending paragraph (2) to read as follows:

''(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the State under this section during such program year (including amounts allotted to the State in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.'';

(B) in paragraph (3)—

(i) by striking ''for the prior program year'' and inserting ''for the program year in which the determination is made''; and

(ii) by striking ''such prior program year'' and inserting ''such program year''; and

(C) by amending paragraph (4) to read as follows:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.''.

(d) WITHIN STATE ALLOCATIONS.—

(1) RESERVATION FOR STATE ACTIVITIES.—Section 133(a) (29 U.S.C. 2863(a)) is amended to read as follows:

''(a) RESERVATION FOR STATEWIDE ACTIVITIES.—The Governor of a State may reserve up to 50 percent of the total amount allotted to the State under section 132 for a fiscal year to carry out the statewide activities described in section 134(a).''.

(2) ALLOCATIONS TO LOCAL AREAS.—Section 133(b) (29 U.S.C. 2863(b)) is amended to read as follows:

''(b) ALLOCATIONS TO LOCAL AREAS.—

''(1) IN GENERAL.—Of the amounts allotted to the State under section 132(b)(2) and not reserved under subsection (a)—

''(A) 85 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (2); and

''(B) 15 percent of such amounts shall be allocated by the Governor to local areas in accordance with paragraph (3).

''(2) ESTABLISHED FORMULA.—

''(A) IN GENERAL.—Of the amounts described in paragraph (1)(A), the Governor shall allocate—

''(i) 60 percent on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State;

''(ii) 25 percent on the basis of the relative excess number of unemployed individuals in each local area, compared to the total excess number of unemployed individuals in all local areas in the State; and

''(iii) 15 percent shall be allotted on the basis of the relative number of disadvantaged adults in each local area, compared to the total number of disadvantaged adults in all local areas in the State.

''(B) MINIMUM AND MAXIMUM PERCENTAGES.—The Governor shall ensure that no local area shall receive an allocation for a fiscal year under this paragraph that is less than 90 percent or greater than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

''(C) DEFINITIONS.—

''(i) ALLOCATION PERCENTAGE.—The term 'allocation percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of amount described in paragraph (1)(A) that is received through an allocation made under this paragraph for the fiscal year. The term, with respect to fiscal year 2003, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Reinvestment and Adult Education Act of 2003) that is received by the local area involved for fiscal year 2003.

''(ii) DISADVANTAGED ADULT.—The term 'disadvantaged adult' means an individual who is age 22 through 72 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

''(iii) EXCESS NUMBER.—The term 'excess number' means, used with respect to the excess number of unemployed individuals within a local area, the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the local area.

''(3) DISCRETIONARY ALLOCATION.—The Governor shall allocate to local areas the amounts described in paragraph (1)(B) based on a formula developed in consultation with the State board and local boards. Such formula shall be objective and geographically equitable and may include such demographic and economic factors as the Governor, after

consultation with the State board and local boards, determines are appropriate.

''(4) LOCAL ADMINISTRATIVE COST LIMIT.—

''(A) IN GENERAL.—Of the amounts allocated to a local area under this subsection and section 128(b) for a fiscal year, not more than 10 percent of the amount may be used by the local boards for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 4.

''(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 4, regardless of whether the funds were allocated under this subsection or section 128(b).''.

(3) REALLOCATION AMONG LOCAL AREAS.—Section 133(c) (29 U.S.C. 2863(c)) is amended—

(A) in paragraph (1), by striking ''paragraph (2)(A) or (3) of'';

(B) by amending paragraph (2) to read as follows:

''(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance, excluding accrued expenditures, at the end of such program year of the total amount of funds available to the local area under this section during such program year (including amounts allotted to the local area in prior program years that remain available during the program year for which the determination is made) exceeds 30 percent of such total amount.'';

(C) by amending paragraph (3)—

(i) by striking ''subsection (b)(3)'' each place it appears and inserting ''subsection (b)'';

(ii) by striking ''the prior program year'' and inserting ''the program year in which the determination is made'';

(iii) by striking ''such prior program year'' and inserting ''such program year''; and

(iv) by striking the last sentence; and

(D) by amending paragraph (4) to read as follows:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area which does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.''.

(e) USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) IN GENERAL.—Section 134(a)(1) (29 U.S.C. 2864(a)(1) is amended to read as follows:

''(1) IN GENERAL.—

''(A) REQUIRED USE OF FUNDS.—Not less than 50 percent of the funds reserved by a Governor under section 133(a) shall be used to support the provision of core services in local areas, consistent with the local plan, through one-stop delivery systems by distributing funds to local areas in accordance with subparagraph (B). Such funds may be used by States to employ State personnel to provide such services in designated local areas in consultation with local boards.

''(B) METHOD OF DISTRIBUTING FUNDS.—The method of distributing funds under this paragraph shall be developed in consultation with the State board and local boards. Such method of distribution, which may include the formula established under section 121(h)(3), shall be objective and geographically equitable, and may include factors such as the number of centers in the local area that have been certified, the population served by such centers, and the performance of such centers.

''(C) OTHER USE OF FUNDS.—Funds reserved by a Governor for a State—

''(i) under section 133(a) and not used under subparagraph (A), may be used for statewide activities described in paragraph (2); and

''(ii) under section 133(a) and not used under subparagraph (A), and under section 128(a) may be used to carry out any of the statewide employment and training activities described in paragraph (3).''.

(B) STATEWIDE RAPID RESPONSE ACTIVITIES.—Section 134(a)(2) (29 U.S.C. 2864(a)(2)) is amended to read as follows:

''(2) STATEWIDE RAPID RESPONSE ACTIVITIES.—A State shall carry out statewide rapid response activities using funds reserved as described in section 133(a). Such activities shall include—

''(A) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas; and

''(B) provision of additional assistance to local areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials in the local areas.''.

(C) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(3) (29 U.S.C. 2864(a)(3)) is amended to read as follows:

''(3) STATEWIDE ACTIVITIES.—Funds reserved by a Governor for a State as described in sections 133(a) and 128(a) may be used for statewide activities including—

''(A) supporting the provision of core services described in section 134(c)(2) in the one-stop delivery system;

''(B) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 4 in coordination with evaluations carried out by the Secretary under section 172, research, and demonstration projects;

''(C) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this Act, and for exemplary performance by local areas on the local performance measures;

''(D) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures;

''(E) operating a fiscal and management accountability system under section 136(f);

''(F) carrying out monitoring and oversight of activities carried out under this chapter and chapter 4;

''(G) implementing innovative programs, such as incumbent worker training programs, programs serving individuals with disabilities consistent with section 188;

''(H) developing strategies for effectively serving hard-to-serve populations and for integrating programs and services among one-stop partners;

''(I) implementing innovative programs for displaced homemakers, which for purposes of this subparagraph may include an individual who is receiving public assistance and is within 2 years of exhausting lifetime eligibility under Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

''(J) implementing programs to increase the number of individuals training for and placed in nontraditional employment.''.

(D) LIMITATION ON STATE ADMINISTRATIVE EXPENDITURES.—Section 134(a) is further amended by adding the following new paragraph:

''(4) LIMITATION.—Not more than 5 percent of the funds allotted under section 132(b) shall be used by the State for administrative activities carried out under this subsection and section 128(a).''.

(2) LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.— Section 134(b) (29 U.S.C. 2864(b)) is amended—

(A) by striking ''under paragraph (2)(A)'' and all that follows through ''section 133(b)(2)(B)'' and inserting ''under section 133(b)'';

(B) in paragraphs (1) and (2), by striking ''or dislocated workers, respectively'' both places it appears; and

(C) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(3) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) ALLOCATED FUNDS.—Section 134(c)(1) (29 U.S.C. 2864(c)(1)) (as redesignated by paragraph (2)) is amended to read as follows:

''(1) IN GENERAL.—Funds allocated to a local area for adults under section 133(b) shall be used—

''(A) to establish a one-stop delivery system as described in section 121(e);

''(B) to provide the core services described in paragraph (2) through the one-stop delivery system in accordance with such paragraph;

''(C) to provide the intensive services described in paragraph (3) to adults described in such paragraph; and

''(D) to provide training services described in paragraph (4) to adults described in such paragraph.''.

(B) CORE SERVICES.—Section 134(c)(2) (29 U.S.C. 2864(c)(2)) (as redesignated by paragraph (2)) is amended—

(i) by striking ''who are adults or dislocated workers'';

(ii) in subparagraph (A), by striking ''under this subtitle'' and inserting ''under the one-stop partner programs described in section 121(b)'';

(iii) by amending subparagraph (D) to read as follows:

''(D) labor exchange services, including—

''(i) job search and placement assistance, and where appropriate career counseling;

''(ii) appropriate recruitment services for employers; and

''(iii) reemployment services provided to unemployment claimants.'';

(iv) in subparagraph (I), by inserting ''and the administration of the work test for the unemployment compensation system'' after ''compensation''; and

(v) by amending subparagraph (J) to read as follows:

''(J) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area; and''.

(C) INTENSIVE SERVICES.—Section 134(c)(3) (29 U.S.C. 2864(c)(3) (as redesignated by paragraph (2) of this subsection) is amended—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—

''(i) ELIGIBILITY.—Funds allocated to a local area under section 133(b) shall be used to provide intensive services for adults who—

''(I) are unemployed and who have been determined by the one-stop operator to be—

''(aa) unlikely or unable to obtain suitable employment through core services; and

''(bb) in need of intensive services in order to obtain suitable employment; or

''(II) are employed, but who are determined by a one-stop operator to be in need of intensive services to obtain or retain suitable employment.

''(ii) DEFINITION.—The Governor shall define the term 'suitable employment' for purposes of this subparagraph.''; and

(ii) in subparagraph (C)—

(I) in clause (v), by striking ''for participants seeking training services under paragraph (4)''; and

(II) by adding the following clauses after clause (vi):

''(vii) Internships and work experience.

''(viii) Literacy activities relating to basic work readiness, and financial literacy activities.

''(ix) Out-of-area job search assistance and relocation assistance.''.

(D) TRAINING SERVICES.—Section 134(c)(4) (as redesignated by paragraph (2) of this subsection) is amended—

(i) by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—

''(i) ELIGIBILITY.—Funds allocated to a local area under section 133(b) shall be used to provide training services to adults who—

''(I) after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

''(aa) be unlikely or unable to obtain or retain suitable employment through intensive services under paragraph (3)(A);

''(bb) be in need of training services to obtain or retain suitable employment; and

''(cc) have the skills and qualifications to successfully participate in the selected program of training services;

''(II) select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults receiving such services are willing to commute or relocate;

''(III) who meet the requirements of subparagraph (B); and

''(IV) who are determined eligible in accordance with the priority system in effect under subparagraph (E).

''(ii) The Governor shall define the term 'suitable employment' for purposes of this subparagraph.'';

(ii) in subparagraph (B)(i), by striking ''Except'' and inserting ''Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except'';

(iii) by amending subparagraph (E) to read as follows:

''(E) PRIORITY.—

''(i) IN GENERAL.—A priority shall be given to unemployed individuals for the provision of intensive and training services under this subsection.

''(ii) ADDITIONAL PRIORITY.—If the funds in the local area, including the funds allocated under section 133(b), for serving recipients of public assistance and other low-income individuals, including single parents, displaced homemakers, and pregnant single women, is limited, the priority for the provision of intensive and training services under this subsection shall include such recipients and individuals.

''(iii) DETERMINATIONS.—The Governor and the appropriate local board shall direct the one-stop operators in the local area with regard to making determinations with respect to the priority of service under this subparagraph.'';

(iv) in subparagraph (F), by adding the following clause after clause (iii):

''(iv) ENHANCED INDIVIDUAL TRAINING ACCOUNTS.—Each local board may, through one-stop centers, assist individuals receiving individual training accounts through the establishment of such accounts that include, in addition to the funds provided under this paragraph, funds from other programs and sources that will assist the individual in obtaining training services.''; and

(v) in subparagraph (G)(iv), by redesignating subclause (IV) as subclause (V) and inserting after subclause (III) the following:

''(IV) Individuals with disabilities.''.

(4) PERMISSIBLE ACTIVITIES.—Section 134(d) (as redesignated by paragraph (2)) is amended—

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

''(1) DISCRETIONARY ONE-STOP DELIVERY ACTIVITIES.—

''(A) IN GENERAL.—Funds allocated to a local area under section 133(b) may be used to provide, through the one-stop delivery system—

''(i) customized screening and referral of qualified participants in training services to employers;

''(ii) customized employment-related services to employers on a fee-for-service basis;

''(iii) customer support to navigate among multiple services and activities for special participant populations that face multiple barriers to employment, including individuals with disabilities; and

''(iv) employment and training assistance provided in coordination with child support enforcement activities of the State agency carrying out subtitle D of title IV of the Social Security Act.

''(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

''(i) IN GENERAL.— Funds allocated to a local area under 133(b) may be used to provide, through the one-stop delivery system and in collaboration with the appropriate programs and resources of the one-stop partners, work support activities designed to assist low-wage workers in retaining and enhancing employment.

''(ii) ACTIVITIES.—The activities described in clause (i) may include assistance in accessing financial supports for which such workers may be eligible and the provision of activities available through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate, such as the provision of employment and training activities during nontraditional hours and the provision of on-site child care while such activities are being provided.''; and

(B) by adding after paragraph (3) the following new paragraph:

''(4) INCUMBENT WORKER TRAINING PROGRAMS.—

''(A) IN GENERAL.—The local board may use up to 10 percent of the funds allocated to a local area under section 133(b) to carry out incumbent worker training programs in accordance with this paragraph.

''(B) TRAINING ACTIVITIES.—The training programs for incumbent workers under this paragraph shall be carried out by the local area in conjunction with the employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment and avert layoffs.

''(C) EMPLOYER MATCH REQUIRED.—

''(i) IN GENERAL.—Employers participating in programs under this paragraph shall be required to pay a proportion of the costs of providing the training to the incumbent workers. The Governor shall establish, or may authorize the local board to establish, the required portion of such costs, which shall not be less than—

''(I) 10 percent of the costs, for employers with 50 or fewer employees;

''(II) 25 percent of the costs, for employers with more than 50 employees but fewer than 100 employees; and

''(III) 50 percent of the costs, for employers with 100 or more employees.

''(ii) CALCULATION OF MATCH.—The wages paid by an employer to a worker while they are attending training may be included as part of the requirement payment of the employer.''.

SEC. 113. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) STATE PERFORMANCE MEASURES.—

(1) IN GENERAL.—Section 136(b)(1) (29 U.S.C. 2871(b)(1)) is amended—

(A) in subparagraph (A)(i), by striking ''and the customer satisfaction indicator of performance described in paragraph (2)(B)''; and

(B) in subparagraph (A)(ii), by striking ''paragraph (2)(C)'' and inserting ''paragraph (2)(B)''.

(2) INDICATORS OF PERFORMANCE.—Section 136(b)(2) (29 U.S.C. 2871(b)(2)) is amended—

(A) in subparagraph (A)(i), by striking ''(except for self-service and information activities) and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129'';

(B) by amending subparagraph (A)(i)(IV) to read as follows:

''(IV) the efficiency of the program in obtaining the outcomes described in subclauses (I) through (III).'';

(C) by amending subparagraph (A)(ii) to read as follows:

''(ii) CORE INDICATORS FOR ELIGIBLE YOUTH.—The core indicators of performance for youth activities authorized under section 129 shall consist of—

''(I) entry into employment, education or advanced training, or military service;

''(II) attainment of secondary school diplomas or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities);

''(III) attainment of literacy or numeracy skills; and

''(IV) the efficiency of the program in obtaining the outcomes described in subclauses (I) through (III).'';

(D) by striking subparagraph (B);

(E) by redesignating subparagraph (C) as subparagraph (B), and by adding at the end of such subparagraph (as so redesignated) the following new sentence: ''Such indicators may include customer satisfaction of employers and participants with services received from the workforce investment activities authorized under this subtitle.''.

(3) LEVELS OF PERFORMANCE.—Section 136(b)(3)(A) (29 U.S.C. 2871(b)(3)(A)) is amended—

(A) in clause (i), by striking ''and the customer satisfaction indicator described in paragraph (2)(B)'';

(B) in clause (ii), by striking ''and the customer satisfaction indicator of performance, for the first 3'' and inserting ''for the 2'';

(C) in clause (iii)—

(i) in the heading, by striking ''FOR FIRST 3 YEARS''; and

(ii) by striking ''and the customer satisfaction indicator of performance, for the first 3'' and inserting ''for the 2'';

(D) in clause (iv)—

(i) by striking subclause (I);

(ii) by redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively; and

(iii) in subclause (I) (as so redesignated)—

(I) by striking ''taking into account'' and inserting ''which shall be adjusted based on'';

(II) by inserting ''such as unemployment rates and job losses or gains in particular industries'' after ''economic conditions''; and

(III) by inserting ''such as indicators of poor work history, lack of work experience, low levels of literacy or English proficiency, disability status, and welfare dependency'' after ''program'';

(E) by striking clause (v); and

(F) by redesignating clause (vi) as clause (v).

(4) ADDITIONAL INDICATORS.—Section 136(b)(3)(B) is amended by striking ''paragraph (2)(C)'' and inserting ''paragraph (2)(B)''.

(b) LOCAL PERFORMANCE MEASURES.—Section 136(c) (29 U.S.C 2871(c)) is amended—

(1) in paragraph (1)(A)(i), by striking ‘‘, and the customer satisfaction indicator of performance described in subsection (b)(2)(B),’’;

(2) in paragraph (1)(A)(ii), by striking ‘‘subsection (b)(2)(C)’’ and inserting ‘‘subsection (b)(2)(B)’’; and

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

‘‘(3) DETERMINATIONS.—In determining such local levels of performance, the local board, the chief elected official, and the Governor shall ensure such levels are adjusted based on the specific economic characteristics (such as unemployment rates and job losses or gains in particular industries), demographic characteristics, or other characteristics of the population to be served in the local area, such as poor work history, lack of work experience, low levels of literacy or English proficiency, disability status, and welfare dependency.’’.

(c) REPORT.—Section 136(d) (29 U.S.C. 2871(d)) is amended—

(1) in paragraph (1), by striking ‘‘and the customer satisfaction indicator’’ in both places that it appears;

(2) in paragraph (2)(E), by striking ‘‘(excluding participants who received only self-service and informational activities)’’; and

(3) by adding at the end the following:

‘‘(4) DATA VALIDATION.—In preparing the reports described in this subsection, the States shall establish procedures, consistent with guidelines issued by the Secretary, to ensure the information contained in the report is valid and reliable.’’.

(d) SANCTIONS FOR STATE.—Section 136(g) (29 U.S.C. 2871(g)) is amended—

(1) in paragraph (1)(A), by striking ‘‘or (B)’’; and

(2) in paragraph (2), by striking ‘‘section 503’’ and inserting ‘‘section 136(i)’’.

(e) SANCTIONS FOR LOCAL AREAS.—Section 136(h) (29 U.S.C. 2871(h)) is amended—

(1) in paragraph (1), by striking ‘‘or (B)’’; and

(2) by amending paragraph (2)(B) to read as follows:

‘‘(B) APPEAL TO GOVERNOR.—A local area that is subject to a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later than 30 days after the receipt of the appeal.’’.

(f) INCENTIVE GRANTS.—Section 136(i) (29 U.S.C. 2871(i)) is amended to read as follows:

‘‘(i) INCENTIVE GRANTS FOR STATES AND LOCAL AREAS.—

‘‘(1) INCENTIVE GRANTS FOR STATES.—

‘‘(A) IN GENERAL.—From funds appropriated under section 174, the Secretary may award grants to States for exemplary performance in carrying programs under this chapters 4 and 5 of this title. Such awards may be based on States meeting or exceeding the performance measures established under this section, on the performance of the State in serving special populations, including the levels of service provided and the performance outcomes, and such other factors relating to the performance of the State under this title as the Secretary determines is appropriate.

‘‘(B) USE OF FUNDS.—The funds awarded to a State under this paragraph may be used to carry out any activities authorized under chapters 4 and 5 of this title, including demonstrations and innovative programs for special populations.

‘‘(2) INCENTIVE GRANTS FOR LOCAL AREAS.—

‘‘(A) IN GENERAL.—From funds reserved under sections 128(a) and 133(a), the Governor may award incentive grants to local areas for exemplary performance with respect to the measures established under this section and with the performance of the local area in serving special populations, including the levels of service and the performance outcomes.

‘‘(B) USE OF FUNDS.—The funds awarded to a local area may be used to carry out activities authorized for local areas under chapters 4 and 5 of this title, and such demonstration or other innovative programs to serve special populations as may be approved by the Governor.’’.

(g) REPEAL OF DEFINITIONS.—Sections 502 and 503 (and the items related to such sections in the table of contents) are repealed.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

(a) YOUTH ACTIVITIES.— Section 137(a) (29 U.S.C. 2872(a)) is amended by striking ‘‘such sums as may be necessary for each of fiscal years 1999 through 2003’’ and inserting ‘‘$1,250,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2009’’.

(b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(b) (29 U.S.C. 2872(b)) is amended by striking ‘‘section 132(a)(1), such sums as may be necessary for each of fiscal years 1999 through 2003’’ and inserting ‘‘132(a), $3,079,800,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2009’’.

(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137 is further amended by striking subsection (c).

SEC. 115. JOB CORPS.

(a) COMMUNITY PARTICIPATION.—Section 153 (29 U.S.C. 2893) is amended—

(1) by amending subsection (a) to read as follows:

‘‘(a) BUSINESS AND COMMUNITY PARTICIPATION.—The director of each Job Corps center shall ensure the establishment and development of the business and community relationships and networks described in subsection (b) in order to enhance the effectiveness of such center.’’;

(2) in subsection (b)—

(A) in the heading, by striking ‘‘RESPONSIBILITIES’’ and inserting ‘‘NETWORKS’’; and

(B) by striking ‘‘The responsibilities of the Liaison’’ and inserting ‘‘The activities carried out by each Job Corps center under this section’’; and

(3) in subsection (c), by striking ‘‘The Liaison for’’ and inserting ‘‘The director of’’.

(b) INDUSTRY COUNCILS.—Section 154(b) (29 U.S.C. 2894(b)) is amended—

(1) in paragraph (1)(A), by striking ‘‘local and distant’’; and

(2) by adding after paragraph (2) the following:

‘‘(3) EMPLOYERS OUTSIDE OF LOCAL AREAS.—The industry council may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.’’.

(c) INDICATORS OF PERFORMANCE AND ADDITIONAL INFORMATION.—Section 159(c) (29 U.S.C. 2893(c)) is amended—

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

‘‘(1) CORE INDICATORS.—The Secretary shall annually establish expected levels of performance for Job Corps centers and the Job Corps program relating to each of the core indicators for youth identified in section 136(b)(2)(A)(ii).’’; and

(2) in paragraph (2), by striking ‘‘measures’’ each place it appears and inserting ‘‘indicators’’.

SEC. 116. NATIVE AMERICAN PROGRAMS.

(a) ADVISORY COUNCIL.—Section 166(h)(4)(C) (29 U.S.C. 2911(h)(4)(C)) is amended to read as follows:

‘‘(C) DUTIES.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section.’’.

(b) ASSISTANCE TO AMERICAN SAMOANS IN HAWAII.—Section 166 (29 U.S.C. 2911) is further amended by striking subsection (j).

(c) MIGRANT AND SEASONAL FARMWORKER PROGRAMS.—Section 167(d) is amended by inserting ‘‘(including permanent housing)’’ after ‘‘housing’’.

SEC. 117. YOUTH CHALLENGE GRANTS.

Section 169 (29 U.S.C. 2914) is amended to read as follows:

‘‘SEC. 169. YOUTH CHALLENGE GRANTS.

‘‘(a) IN GENERAL.—Of the amounts reserved by the Secretary under section 127(a)(1)(A) for a fiscal year—

‘‘(1) the Secretary shall use not less than 80 percent to award competitive grants under subsection (b); and

‘‘(2) the Secretary may use not more than 20 percent to award discretionary grants under subsection (c).

‘‘(b) COMPETITIVE GRANTS TO STATES AND LOCAL AREAS.—

‘‘(1) ESTABLISHMENT.—From the funds described in subsection (a)(1), the Secretary shall award competitive grants to eligible entities to carry out activities authorized under this section to assist eligible youth in acquiring the skills, credentials and employment experience necessary to succeed in the labor market.

‘‘(2) ELIGIBLE ENTITIES.—Grants under this subsection may be awarded to States, local boards, recipients of grants under section 166 (relating to Native American programs), and public or private entities (including consortia of such entities) applying in conjunction with local boards.

‘‘(3) GRANT PERIOD.—The Secretary may make a grant under this section for a period of 1 year and may renew the grants for each of the 4 succeeding years.

‘‘(4) AUTHORITY TO REQUIRE MATCH.—The Secretary may require that grantees under this subsection provide a non-Federal share of the cost of activities carried out under a grant awarded under this subsection.

‘‘(5) PARTICIPANT ELIGIBILITY.—Youth ages 14 through 19 as of the time the eligibility determination is made may be eligible to participate in activities provided under this subsection.

‘‘(6) USE OF FUNDS.—Funds under this subsection may be used for activities that are designed to assist youth in acquiring the skills, credentials and employment experience that are necessary to succeed in the labor market, including the activities identified in section 129. The activities may include activities such as—

‘‘(A) training and internships for out-of-school youth in sectors of economy experiencing or projected to experience high growth;

‘‘(B) after-school dropout prevention activities for in-school youth;

‘‘(C) activities designed to assist special youth populations, such as court-involved youth and youth with disabilities; and

‘‘(D) activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education, apprenticeships, and career-ladder employment.

‘‘(7) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

‘‘(A) a description of the activities the eligible entity will provide to eligible youth under this subsection;

‘‘(B) a description of the programs of demonstrated effectiveness on which the provision of the activities under subparagraph (A) are based, and a description of how such activities will expand the base of knowledge relating to the provision of activities for youth;

‘‘(C) a description of the private and public, and local and State resources that will

be leveraged to provide the activities described under subparagraph (A) in addition the funds provided under this subsection; and

''(D) the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for youth specified in section 136(b)(2)(A)(ii).

''(8) FACTORS FOR AWARD.—In awarding grants under this subsection the Secretary may consider the quality of the proposed project, the goals to be achieved, the likelihood of successful implementation, the extent to which the project is based on proven strategies or the extent to which the project will expand the knowledge base on activities for youth, and the additional State, local or private resources that will be provided.

''(9) EVALUATION.—The Secretary may reserve up to 5 percent of the funds described in subsection(a)(1) to provide technical assistance to, and conduct evaluations of the projects funded under this subsection (using appropriate techniques as described in section 172(c)).

''(c) DISCRETIONARY GRANTS FOR YOUTH ACTIVITIES.—

''(1) IN GENERAL.—From the funds described in subsection(a)(2), the Secretary may award grants to eligible entities to provide activities that will assist youth in preparing for, and entering and retaining, employment.

''(2) ELIGIBLE ENTITIES.—Grants under this subsection may be awarded to public or private entities that the Secretary determines would effectively carry out activities relating to youth under this subsection.

''(3) PARTICIPANT ELIGIBILITY.—Youth ages 14 through 19 at the time the eligibility determination is made may be eligible to participate in activities under this subsection.

''(4) USE OF FUNDS.—Funds provided under this subsection may be used for activities that will assist youth in preparing for, and entering and retaining, employment, including the activities described in section 129 for out-of-school youth, activities designed to assist in-school youth to stay in school and gain work experience, and such other activities that the Secretary determines are appropriate.

''(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(6) ADDITIONAL REQUIREMENTS.—The Secretary may require the provision of a non-Federal share for projects funded under this subsection and may require participation of grantees in evaluations of such projects, including evaluations using the techniques as described in section 172(c).''.

SEC. 118. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) by striking subsection (b);

(2) by striking ''(a) GENERAL TECHNICAL ASSISTANCE.—'';

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c) respectively, and moving such subsections 2 ems to the left;

(4) in subsection (a) (as redesignated by paragraph (3))—

(A) by inserting ''the training of staff providing rapid response services, the training of other staff of recipients of funds under this title, peer review activities under this title, assistance regarding accounting and program operation practices (when such assistance would not be duplicative to assistance provided by the State),'' after ''localities,''; and

(B) by striking ''from carrying out activities'' and all that follows up to the period and inserting ''to implement the amendments made by the Workforce Reinvestment and Adult Education Act of 2003''; and

(5) by inserting, after subsection (c) (as redesignated by paragraph (3)), the following:

''(d) BEST PRACTICES COORDINATION.—The Secretary shall establish a system whereby States may share information regarding best practices with regards to the operation of workforce investment activities under this Act.''.

SEC. 119. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH AND MULTISTATE PROJECTS.

(a) DEMONSTRATION AND PILOT PROJECTS.—Section 171(b) (29 U.S.C. 2916(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''Under a'' and inserting ''Consistent with the priorities specified in the'';

(B) by amending subparagraphs (A) through (D) to read as follows:

''(A) projects that assist national employers in connecting with the workforce investment system established under this title in order to facilitate the recruitment and employment of needed workers and to provide information to such system on skills and occupations in demand;

''(B) projects that promote the development of systems that will improve the effectiveness and efficiency of programs carried out under this title;

''(C) projects that focus on opportunities for employment in industries and sectors of industries that are experiencing or are likely to experience high rates of growth;

''(D) projects carried out by States and local areas to test innovative approaches to delivering employment-related services;'';

(C) by striking subparagraph (E);

(D) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(E) by inserting after subparagraph (F) (as so redesignated) the following:

''(G) projects that provide retention grants to qualified job training programs upon placement or retention of a low-income individual trained by that program in employment with a single employer for a period of 1 year, provided that such employment is providing to the low-income individual an income not less than twice the poverty line for that individual.''; and

(F) by striking subparagraph (H); and

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) MULTISERVICE PROJECTS.—Section 171(c)(2)(B) (29 U.S.C. 2916(c)(2)(B)) is amended to read as follows:

''(B) NET IMPACT STUDIES AND REPORTS.—The Secretary shall conduct studies to determine the net impacts of programs, services, and activities carried out under this title. The Secretary shall prepare and disseminate to the public reports containing the results of such studies.''.

(c) WAIVER AUTHORITY TO CARRY OUT DEMONSTRATIONS AND EVALUATIONS.—Section 171 (29 U.S.C. 2916(d)) is further amended by striking subsection (d).

SEC. 120. EVALUATIONS.

(a) IN GENERAL.—Section 173 (29 U.S.C. 2916) is amended—

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

''SEC. 173. NATIONAL DISLOCATED WORKER GRANTS.'';

and

(2) in subsection (a)—

(A) by striking ''national emergency grants'' in the matter preceding paragraph (1) and inserting ''national dislocated worker grants''; and

(B) in paragraph (1), by striking ''subsection (c)'' and inserting ''subsection (b)''.

(b) ADMINISTRATION.—Section 173 (29 U.S.C. 2918) is further amended—

(1) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(2) by striking subsection (e) and redesignating subsections (f) and (g) as subsection (d) and (e), respectively.

(c) ELIGIBLE ENTITIES.—Section 173(b)(1)(B) (29 U.S.C. 2918(b)(1)(B)) (as redesignated by subsection (b) of this section) is amended by striking '', and other entities'' and all that follows and inserting a period.

(d) CONFORMING AMENDMENT.—The table of contents in section 1(b) is amended by amending the item related to section 173 to read as follows:

''Sec. 173. National dislocated worker grants.''.

SEC. 121. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ACTIVITIES.

(a) IN GENERAL.—Section 174(a)(1) (29 U.S.C. 2919(a)(1)) is amended by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(b) RESERVATIONS.—Section 174(b) is amended to read as follows:

''(b) TECHNICAL ASSISTANCE; DEMONSTRATION AND PILOT PROJECTS; EVALUATIONS; INCENTIVE GRANTS.—There are authorized to be appropriated to carry out sections 170 through 172 and section 136 such sums as may be necessary for each of fiscal years 2004 through 2009.''.

SEC. 122. REQUIREMENTS AND RESTRICTIONS.

(a) IN GENERAL.—Section 181(c)(2)(A) (29 U.S.C. 2931(c)(2)(A)) is amended in the matter preceding clause (i) by striking ''shall'' and inserting ''may''.

(b) LIMITATIONS.—Section 181(e) is amended by striking the first sentence.

SEC. 123. NONDISCRIMINATION.

Section 188(a)(2) (29 U.S.C. 2931(a)(2)) is amended—

(1) by striking ''EMPLOYMENT.—No'' and inserting ''EMPLOYMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no''; and

(2) by adding at the end the following subparagraph:

''(B) EXEMPTION FOR RELIGIOUS ORGANIZATIONS.—Subparagraph (A) shall not apply to a recipient of financial assistance under this title that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities Such recipients shall comply with the other requirements contained in subparagraph (A).''.

SEC. 124. ADMINISTRATIVE PROVISIONS.

(a) PROGRAM YEAR.—Section 189(g)(1) (29 U.S.C. 2939(g)(1)) is amended to read as follows:

''(1) IN GENERAL.—Appropriations for any fiscal year for programs and activities carried out under this title shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.''.

(b) AVAILABILITY.—Section 189(g)(2) (29 U.S.C. 2939(g)(2)) is amended by striking ''each State'' and inserting ''each recipient''.

(c) GENERAL WAIVERS.—Section 189(i)(4) (29 U.S.C. 2939(i)(4)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting '', or in accordance with subparagraph (D),'' after ''subparagraph (B)''; and

(2) by adding the following subparagraph:

''(D) EXPEDITED PROCESS FOR EXTENDING APPROVED WAIVERS TO ADDITIONAL STATES.—In lieu of the requirements of subparagraphs (B) and (C), the Secretary may establish an expedited procedure for the purpose of extending to additional States the waiver of

statutory or regulatory requirements that have been approved for a State pursuant to a request under subparagraph (B). Such procedure shall ensure that the extension of such waivers to additional States are accompanied by appropriate conditions relating the implementation of such waivers.''.

SEC. 125. GENERAL PROGRAM REQUIREMENTS.

Section 195 (29 U.S.C. 2945) is amended by adding at the end the following new paragraph:

''(14) Funds provided under this title shall not be used to establish or operate standalone fee-for-service enterprises that compete with private sector employment agencies within the meaning of section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)). For purposes of this paragraph, such an enterprise does not include one-stop centers.''.

TITLE II—ADULT EDUCATION

PART A—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

SEC. 201. TABLE OF CONTENTS.

The table of contents in section 1(b) is amended by amending the items relating to title II to read as follows:

''TITLE II—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

''Sec. 201. Short title.
''Sec. 202. Purpose.
''Sec. 203. Definitions.
''Sec. 204. Home schools.
''Sec. 205. Authorization of appropriations.

''CHAPTER 1—FEDERAL PROVISIONS

''Sec. 211. Reservation of funds; grants to eligible agencies; allotments.
''Sec. 212. Performance accountability system.
''Sec. 213. Incentive grants for states.

''CHAPTER 2—STATE PROVISIONS

''Sec. 221. State administration.
''Sec. 222. State distribution of funds; matching requirement.
''Sec. 223. State leadership activities.
''Sec. 224. State plan.
''Sec. 225. Programs for corrections education and other institutionalized individuals.

''CHAPTER 3—LOCAL PROVISIONS

''Sec. 231. Grants and contracts for eligible providers.
''Sec. 232. Local application.
''Sec. 233. Local administrative cost limits.

''CHAPTER 4—GENERAL PROVISIONS

''Sec. 241. Administrative provisions.
''Sec. 242. National leadership activities.''.

SEC. 202. AMENDMENT.

Title II is amended to read as follows:

''TITLE II—ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION

''SEC. 201. SHORT TITLE.

''This title may be cited as the 'Adult Basic Skills and Family Literacy Education Act'.

''SEC. 202. PURPOSE.

''It is the purpose of this title to provide instructional opportunities for adults seeking to improve their basic reading, writing, speaking, and math skills, and support States and local communities in providing, on a voluntary basis, adult basic skills and family literacy programs, in order to—

''(1) increase the basic reading, writing, speaking, and math skills necessary for adults to obtain employment and self-sufficiency and to successfully advance in the workforce;

''(2) assist adults in the completion of a secondary school education (or its equivalent) and the transition to a postsecondary educational institution;

''(3) increase the basic reading, writing, speaking, and math skills of parents to enable them to support the educational development of their children and make informed choices regarding their children's education; and

''(4) assist immigrants who are not proficient in English in improving their reading, writing, speaking, and math skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.

''SEC. 203. DEFINITIONS.

''In this title:

''(1) ADULT BASIC SKILLS AND FAMILY LITERACY EDUCATION PROGRAMS.—The term 'adult basic skills and family literacy education programs' means a sequence of academic instruction and educational services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematical computations leading to a level of proficiency equivalent to secondary school completion that is provided for individuals—

''(A) who are at least 16 years of age;

''(B) who are not enrolled or required to be enrolled in secondary school under State law; and

''(C) who—

''(i) lack sufficient mastery of basic reading, writing, speaking, and math skills to enable the individuals to function effectively in society;

''(ii) do not have a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities), and have not achieved an equivalent level of education; or

''(iii) are unable to read, write, or speak the English language.

''(2) ELIGIBLE AGENCY.—The term 'eligible agency'—

''(A) means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult basic skills and family literacy education programs in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively; and

''(B) may be the State educational agency, the State agency responsible for administering workforce investment activities, or the State agency responsible for administering community or technical colleges.

''(3) ELIGIBLE PROVIDER.—The term 'eligible provider' means—

''(A) a local educational agency;

''(B) a community-based or faith-based organization of demonstrated effectiveness;

''(C) a volunteer literacy organization of demonstrated effectiveness;

''(D) an institution of higher education;

''(E) a public or private educational agency;

''(F) a library;

''(G) a public housing authority;

''(H) an institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult basic skills and family literacy education programs to adults and families; or

''(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).

''(4) ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term 'English language acquisition program' means a program of instruction designed to help individuals with limited English proficiency achieve competence in reading, writing, and speaking the English language.

''(5) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given to that term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(6) FAMILY LITERACY EDUCATION PROGRAMS.—The term 'family literacy education programs' means educational programs that—

''(A) assist parents and students, on a voluntary basis, in achieving the purposes of this title as described in section 202; and

''(B) are of sufficient intensity in terms of hours and of sufficient duration to make sustainable changes in a family, are based upon scientific research-based principles, and for the purpose of substantially increasing the ability of parents and children to read, write, and speak English integrate—

''(i) interactive literacy activities between parents and their children;

''(ii) training for parents regarding how to be the primary teacher for their children and full partners in the education of their children;

''(iii) parent literacy training that leads to economic self-sufficiency; and

''(iv) an age-appropriate education to prepare children for success in school and life experiences.

''(7) GOVERNOR.—The term 'Governor' means the chief executive officer of a State or outlying area.

''(8) INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

''(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than one individual with a disability.

''(9) INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY.—The term 'individual with limited English proficiency' means an adult or out-of-school youth who has limited ability in reading, writing, speaking, or understanding the English language, and—

''(A) whose native language is a language other than English; or

''(B) who lives in a family or community environment where a language other than English is the dominant language.

''(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given to that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(11) LITERACY.—The term 'literacy' means the ability to read, write, and speak the English language with competence, knowledge, and comprehension.

''(12) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(13) OUTLYING AREA.—The term 'outlying area' has the meaning given to that term in section 101 of this Act.

''(14) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term 'postsecondary educational institution' means—

''(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

''(B) a tribally controlled community college; or

''(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

''(15) READING.—The term 'reading' has the meaning given to that term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(16) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given to that term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(17) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(18) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(19) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(20) WORKPLACE LITERACY PROGRAM.—The term 'workplace literacy program' means an educational program that is offered in collaboration between eligible providers and employers or employee organizations for the purpose of improving the productivity of the workforce through the improvement of reading, writing, speaking, and math skills.

"SEC. 204. HOME SCHOOLS.

''Nothing in this title shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law, or to compel a parent engaged in home schooling to participate in an English language acquisition program, a family literacy education program, or an adult basic skills and family literacy education program.

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $584,300,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.

"CHAPTER 1—FEDERAL PROVISIONS

"SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

''(a) RESERVATION OF FUNDS.—From the sums appropriated under section 205 for a fiscal year, the Secretary—

''(1) shall reserve 1.75 percent to carry out the National Institute for Literacy Establishment Act;

''(2) shall reserve up to 1.72 percent for incentive grants under section 213; and

''(3) shall reserve up to 1.55 percent to carry out section 242.

''(b) GRANTS TO ELIGIBLE AGENCIES.—

''(1) IN GENERAL.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a State plan approved under section 224 in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g).

''(2) PURPOSE OF GRANTS.—The Secretary may award a grant under paragraph (1) only if the eligible agency involved agrees to expend the grant in accordance with the provisions of this title.

''(c) ALLOTMENTS.—

''(1) INITIAL ALLOTMENTS.—From the sums appropriated under section 205 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a State plan approved under section 224—

''(A) $100,000, in the case of an eligible agency serving an outlying area; and

''(B) $250,000, in the case of any other eligible agency.

''(2) ADDITIONAL ALLOTMENTS.—From the sums appropriated under section 205, not reserved under subsection (a), and not allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sums as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.

''(d) QUALIFYING ADULT.—For the purpose of subsection (c)(2), the term 'qualifying adult' means an adult who—

''(1) is at least 16 years of age;

''(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

''(3) does not have a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities); and

''(4) is not enrolled in secondary school.

''(e) SPECIAL RULE.—

''(1) IN GENERAL.—From amounts made available under subsection (c) for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this title in accordance with the provisions of this title as determined by the Secretary.

''(2) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall be eligible to receive a grant under this title until an agreement for the extension of United States education assistance under the Compact of Free Association for each of the Freely Associated States becomes effective.

''(3) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.

''(f) HOLD-HARMLESS PROVISIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (c), and subject to paragraphs (2) and (3), for fiscal year 2004 and each succeeding fiscal year, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this title.

''(2) EXCEPTION.—An eligible agency that receives for the preceding fiscal year only an initial allotment under subsection 211(c)(1) (and no additional allotment under 211(c)(2)) shall receive an allotment equal to 100 percent of the initial allotment.

''(3) RATABLE REDUCTION.—If for any fiscal year the amount available for allotment under this title is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

''(g) REALLOTMENT.—The portion of any eligible agency's allotment under this title for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this title, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this title for such year.

"SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

''(a) PURPOSE.—The purpose of this section is to establish a comprehensive performance accountability system, composed of the activities described in this section, to assess the effectiveness of eligible agencies in achieving continuous improvement of adult basic skills and family literacy education programs funded under this title, in order to optimize the return on investment of Federal funds in adult basic skills and family literacy education programs.

''(b) ELIGIBLE AGENCY PERFORMANCE MEASURES.—

''(1) IN GENERAL.—For each eligible agency, the eligible agency performance measures shall consist of—

''(A)(i) the core indicators of performance described in paragraph (2)(A); and

''(ii) employment performance indicators identified by the eligible agency under paragraph (2)(B); and

''(B) an eligible agency adjusted level of performance for each indicator described in subparagraph (A).

''(2) INDICATORS OF PERFORMANCE.—

''(A) CORE INDICATORS OF PERFORMANCE.—The core indicators of performance shall include the following:

''(i) Measurable improvements in basic skill levels in reading, writing, and speaking the English language and basic math, leading to proficiency in each skill.

''(ii) Receipt of a secondary school diploma or the General Equivalency Diploma (GED) (including recognized alternative standards for individuals with disabilities).

''(iii) Placement in postsecondary education or other training programs.

''(B) EMPLOYMENT PERFORMANCE INDICATORS.—Consistent with applicable Federal and State privacy laws, an eligible agency shall identify in the State plan the following individual participant employment performance indicators—

''(i) entry into employment;

''(ii) retention in employment; and

''(iii) increase in earnings.

''(3) LEVELS OF PERFORMANCE.—

''(A) ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS.—

''(i) IN GENERAL.—For each eligible agency submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the core indicators of performance described in paragraph (2)(A) for adult basic skills and family literacy education programs authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

''(I) be expressed in an objective, quantifiable, and measurable form; and

''(II) show the progress of the eligible agency toward continuously and significantly improving the agency's performance outcomes in an objective, quantifiable, and measurable form.

''(ii) IDENTIFICATION IN STATE PLAN.—Each eligible agency shall identify, in the State plan submitted under section 224, expected levels of performance for each of the core indicators of performance for the first 3 program years covered by the State plan.

''(iii) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 3 YEARS.—In order to ensure an optimal return on the investment of Federal funds in adult basic skills and family literacy education programs authorized under this title, the Secretary and each eligible agency shall reach agreement on levels of student proficiency for each of the core indicators of performance, for the first 3 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan prior to the approval of such plan.

''(iv) FACTORS.—The agreement described in clause (iii) or (v) shall take into account—

''(I) how the levels involved compare with the eligible agency's adjusted levels of performance, taking into account factors including the characteristics of participants when the participants entered the program; and

''(II) the extent to which such levels promote continuous and significant improvement in performance on the student proficiency measures used by such eligible agency and ensure optimal return on the investment of Federal funds.

''(v) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR SECOND 3 YEARS.—Prior to the fourth program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on levels of student proficiency for each of the core indicators of performance for the fourth, fifth, and sixth program years covered by the State plan, taking into account the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan.

''(vi) REVISIONS.—If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(I), the eligible agency may request that the eligible agency adjusted levels of performance agreed to under clause (iii) or (v) be revised.

''(B) LEVELS OF EMPLOYMENT PERFORMANCE.—The eligible agency shall identify, in the State plan, eligible agency levels of performance for each of the employment performance indicators described in paragraph (2)(B). Such levels shall be considered to be eligible agency adjusted levels of performance for purposes of this title.

''(c) REPORT.—

''(1) IN GENERAL.—Each eligible agency that receives a grant under section 211(b) shall annually prepare and submit to the Secretary, the Governor, the State legislature, eligible providers, and the general public within the State, a report on the progress of the eligible agency in achieving eligible agency performance measures, including the following:

''(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance and employment performance indicators.

''(B) The number and type of each eligible provider that receives funding under such grant.

''(2) INFORMATION DISSEMINATION.—The Secretary—

''(A) shall make the information contained in such reports available to the general public through publication and other appropriate methods;

''(B) shall disseminate State-by-State comparisons of the information; and

''(C) shall provide the appropriate committees of the Congress with copies of such reports.

''SEC. 213. INCENTIVE GRANTS FOR STATES.

''(a) IN GENERAL.—From funds appropriated under section 211(a)(2), the Secretary may award grants to States for exemplary performance in carrying out programs under this title. Such awards shall be based on States meeting or exceeding the core indicators of performance established under section 212(b)(2)(A) and may be based on the performance of the State in serving populations, such as those described in section 224(b)(10), including the levels of service provided and the performance outcomes, and such other factors relating to the performance of the State under this title as the Secretary determines appropriate.

''(b) USE OF FUNDS.—The funds awarded to a State under this paragraph may be used to carry out any activities authorized under this title, including demonstrations and innovative programs for hard-to-serve populations.

''CHAPTER 2—STATE PROVISIONS

''SEC. 221. STATE ADMINISTRATION.

''Each eligible agency shall be responsible for the following activities under this title:

''(1) The development, submission, implementation, and monitoring of the State plan.

''(2) Consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this title.

''(3) Coordination and avoidance of duplication with other Federal and State education, training, corrections, public housing, and social service programs.

''SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

''(a) STATE DISTRIBUTION OF FUNDS.—Each eligible agency receiving a grant under this title for a fiscal year—

''(1) shall use an amount not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 10 percent of such amount shall be available to carry out section 225;

''(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

''(3) shall use not more than 5 percent of the grant funds, or $75,000, whichever is greater, for the administrative expenses of the eligible agency.

''(b) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—In order to receive a grant from the Secretary under section 211(b), each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult basic skills and family literacy education programs for which the grant is awarded, a non-Federal contribution in an amount at least equal to—

''(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult basic skills and family literacy education programs in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

''(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult basic skills and family literacy education programs in the State.

''(2) NON-FEDERAL CONTRIBUTION.—An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult basic skills and family literacy education programs in a manner that is consistent with the purpose of this title.

''SEC. 223. STATE LEADERSHIP ACTIVITIES.

''(a) IN GENERAL.—Each eligible agency may use funds made available under section 222(a)(2) for any of the following adult basic skills and family literacy education programs:

''(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b), including instruction incorporating the essential components of reading instruction and instruction provided by volunteers or by personnel of a State or outlying area.

''(2) The provision of technical assistance to eligible providers of adult basic skills and family literacy education programs for development and dissemination of scientific research-based instructional practices in reading, writing, speaking, math, and English language acquisition programs.

''(3) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this title.

''(4) The provision of technology assistance, including staff training, to eligible providers of adult basic skills and family literacy education programs, including distance learning activities, to enable the eligible providers to improve the quality of such activities.

''(5) The development and implementation of technology applications or distance learning, including professional development to support the use of instructional technology.

''(6) Coordination with other public programs, including welfare-to-work, workforce development, and job training programs.

''(7) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult basic skills and family literacy education programs, for adults enrolled in such activities.

''(8) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education.

''(9) Activities to promote workplace literacy programs.

''(10) Activities to promote and complement local outreach initiatives described in section 242(7).

''(11) Other activities of statewide significance, including assisting eligible agencies in achieving progress in improving the skill levels of adults who participate in programs under this title.

''(b) COORDINATION.—In carrying out this section, eligible agencies shall coordinate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).

''(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being imposed by the State or outlying area.

''SEC. 224. STATE PLAN.

''(a) 6-YEAR PLANS.—

''(1) IN GENERAL.—Each eligible agency desiring a grant under this title for any fiscal year shall submit to, or have on file with, the Secretary a 6-year State plan.

''(2) COMPREHENSIVE PLAN OR APPLICATION.—The eligible agency may submit the State plan as part of a comprehensive plan or application for Federal education assistance.

''(b) PLAN CONTENTS.—The eligible agency shall include in the State plan or any revisions to the State plan—

''(1) an objective assessment of the needs of individuals in the State or outlying area for adult basic skills and family literacy education programs, including individuals most in need or hardest to serve;

''(2) a description of the adult basic skills and family literacy education programs that will be carried out with funds received under this title;

''(3) a description of how the eligible agency will evaluate and measure annually the effectiveness and improvement of the adult basic skills and family literacy education programs based on the performance measures described in section 212 including—

''(A) how the eligible agency will evaluate and measure annually such effectiveness on a grant-by-grant basis; and

''(B) how the eligible agency—

''(i) will hold eligible providers accountable regarding the progress of such providers

in improving the academic achievement of participants in adult education programs under this title and regarding the core indicators of performance described in section 212(b)(2)(A); and

''(ii) will use technical assistance, sanctions, and rewards (including allocation of grant funds based on performance and termination of grant funds based on nonperformance);

''(4) a description of the performance measures described in section 212 and how such performance measures have significantly improved adult basic skills and family literacy education programs in the State or outlying area;

''(5) an assurance that the eligible agency will, in addition to meeting all of the other requirements of this title, award not less than one grant under this title to an eligible provider that—

''(A) offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, or individuals with other special needs, to participate in adult basic skills and family literacy education programs; and

''(B) attempts to coordinate with support services that are not provided under this title prior to using funds for adult basic skills and family literacy education programs provided under this title for support services;

''(6) an assurance that the funds received under this title will not be expended for any purpose other than for activities under this title;

''(7) a description of how the eligible agency will fund local activities in accordance with the measurable goals described in section 231(d);

''(8) an assurance that the eligible agency will expend the funds under this title only in a manner consistent with fiscal requirements in section 241;

''(9) a description of the process that will be used for public participation and comment with respect to the State plan, which process—

''(A) shall include consultation with the State workforce investment board, the State board responsible for administering community or technical colleges, the Governor, the State educational agency, the State board or agency responsible for administering block grants for temporary assistance to needy families under title IV of the Social Security Act, the State council on disabilities, the State vocational rehabilitation agency, other State agencies that promote the improvement of adult basic skills and family literacy education programs, and direct providers of such programs; and

''(B) may include consultation with the State agency on higher education, institutions responsible for professional development of adult basic skills and family literacy education programs instructors, representatives of business and industry, refugee assistance programs, and faith-based organizations;

''(10) a description of the eligible agency's strategies for serving populations that include, at a minimum—

''(A) low-income individuals;

''(B) individuals with disabilities;

''(C) the unemployed;

''(D) the underemployed; and

''(E) individuals with multiple barriers to educational enhancement, including individuals with limited English proficiency;

''(11) a description of how the adult basic skills and family literacy education programs that will be carried out with any funds received under this title will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency;

''(12) a description of the steps the eligible agency will take to ensure direct and equitable access, as required in section 231(c)(1), including—

''(A) how the State will build the capacity of community-based and faith-based organizations to provide adult basic skills and family literacy education programs; and

''(B) how the State will increase the participation of business and industry in adult basic skills and family literacy education programs; and

''(13) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education that prepares students to enter postsecondary education without the need for remediation upon completion of secondary school equivalency programs.

''(c) PLAN REVISIONS.—When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions of the State plan to the Secretary.

''(d) CONSULTATION.—The eligible agency shall—

''(1) submit the State plan, and any revisions to the State plan, to the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, or outlying area for review and comment; and

''(2) ensure that any comments regarding the State plan by the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, and any revision to the State plan, are submitted to the Secretary.

''(e) PLAN APPROVAL.—A State plan submitted to the Secretary shall be approved by the Secretary only if the plan is consistent with the specific provisions of this title.

''SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

''(a) PROGRAM AUTHORIZED.—From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.

''(b) USES OF FUNDS.—The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for—

''(1) basic skills education;

''(2) special education programs as determined by the eligible agency;

''(3) reading, writing, speaking, and math programs; and

''(4) secondary school credit or diploma programs or their recognized equivalent.

''(c) PRIORITY.—Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.

''(d) DEFINITIONS.—For purposes of this section:

''(1) CORRECTIONAL INSTITUTION.—The term 'correctional institution' means any—

''(A) prison;

''(B) jail;

''(C) reformatory;

''(D) work farm;

''(E) detention center; or

''(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

''(2) CRIMINAL OFFENDER.—The term 'criminal offender' means any individual who is charged with, or convicted of, any criminal offense.

''CHAPTER 3—LOCAL PROVISIONS

''SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

''(a) GRANTS AND CONTRACTS.—From grant funds made available under section 211(b), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area that meet the conditions and requirements of this title to enable the eligible providers to develop, implement, and improve adult basic skills and family literacy education programs within the State.

''(b) LOCAL ACTIVITIES.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to establish or operate one or more programs of instruction that provide services or instruction in one or more of the following categories:

''(1) Adult basic skills and family literacy education programs (including proficiency in reading, writing, speaking, and math).

''(2) Workplace literacy programs.

''(3) English language acquisition programs.

''(4) Family literacy education programs.

''(c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS.—Each eligible agency receiving funds under this title shall ensure that—

''(1) all eligible providers have direct and equitable access to apply for grants or contracts under this section; and

''(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

''(d) MEASURABLE GOALS.—The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to demonstrate—

''(1) the eligible provider's measurable goals for participant outcomes to be achieved annually on the core indicators of performance and employment performance indicators described in section 212(b)(2);

''(2) the past effectiveness of the eligible provider in improving the basic academic skills of adults and, for eligible providers receiving grants in the prior year, the success of the eligible provider receiving funding under this title in meeting or exceeding its performance goals in the prior year;

''(3) the commitment of the eligible provider to serve individuals in the community who are the most in need of basic academic skills instruction services, including individuals who are low-income or have minimal reading, writing, speaking, and math skills, or limited English proficiency;

''(4) the program—

''(A) is of sufficient intensity and duration for participants to achieve substantial learning gains; and

''(B) uses instructional practices that include the essential components of reading instruction;

''(5) educational practices are based on scientifically based research;

''(6) the activities of the eligible provider effectively employ advances in technology, as appropriate, including the use of computers;

''(7) the activities provide instruction in real-life contexts, when appropriate and scientifically based, to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;

''(8) the activities are staffed by well-trained instructors, counselors, and administrators;

''(9) the activities are coordinated with other available resources in the community, such as through strong links with elementary schools and secondary schools, postsecondary educational institutions, one-stop centers, job training programs, community-

based and faith-based organizations, and social service agencies;

''(10) the activities offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

''(11) the activities include a high-quality information management system that has the capacity to report measurable participant outcomes and to monitor program performance against the performance measures established by the eligible agency;

''(12) the local communities have a demonstrated need for additional English language acquisition programs;

''(13) the capacity of the eligible provider to produce valid information on performance results, including enrollments and measurable participant outcomes;

''(14) adult basic skills and family literacy education programs offer rigorous reading, writing, speaking, and math content that are based on scientific research; and

''(15) applications of technology, and services to be provided by the eligible providers, are of sufficient intensity and duration to increase the amount and quality of learning and lead to measurable learning gains within specified time periods.

''(e) SPECIAL RULE.—Eligible providers may use grant funds under this title to serve children participating in family literacy programs assisted under this part, provided that other sources of funds available to provide similar services for such children are used first.

"SEC. 232. LOCAL APPLICATION.

''Each eligible provider desiring a grant or contract under this title shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—

''(1) a description of how funds awarded under this title will be spent consistent with the requirements of this title;

''(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult basic skills and family literacy education programs; and

''(3) each of the demonstrations required by section 231(d).

"SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

''(a) IN GENERAL.—Subject to subsection (b), of the amount that is made available under this title to an eligible provider—

''(1) at least 95 percent shall be expended for carrying out adult basic skills and family literacy education programs; and

''(2) the remaining amount shall be used for planning, administration, personnel and professional development, development of measurable goals in reading, writing, speaking, and math, and interagency coordination.

''(b) SPECIAL RULE.—In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider may negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

"CHAPTER 4—GENERAL PROVISIONS

"SEC. 241. ADMINISTRATIVE PROVISIONS.

''(a) SUPPLEMENT NOT SUPPLANT.—Funds made available for adult basic skills and family literacy education programs under this title shall supplement and not supplant other State or local public funds expended for adult basic skills and family literacy education programs.

''(b) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—

''(A) DETERMINATION.—An eligible agency may receive funds under this title for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for activities under this title, in the second preceding fiscal year, were not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult basic skills and family literacy education programs, in the third preceding fiscal year.

''(B) PROPORTIONATE REDUCTION.—Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary—

''(i) shall determine the percentage decreases in such effort or in such expenditures; and

''(ii) shall decrease the payment made under this title for such program year to the agency for adult basic skills and family literacy education programs by the lesser of such percentages.

''(2) COMPUTATION.—In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

''(3) DECREASE IN FEDERAL SUPPORT.—If the amount made available for adult basic skills and family literacy education programs under this title for a fiscal year is less than the amount made available for adult basic skills and family literacy education programs under this title for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

''(4) WAIVER.—The Secretary may waive the requirements of this subsection for not more than 1 fiscal year, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State or outlying area of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.

"SEC. 242. NATIONAL LEADERSHIP ACTIVITIES.

''The Secretary shall establish and carry out a program of national leadership activities that may include the following:

''(1) Technical assistance, on request, including assistance—

''(A) on requests to volunteer community- and faith-based organizations, including but not limited to, improving their fiscal management, research-based instruction, and reporting requirements, and the development of measurable objectives to carry out the requirements of this title;

''(B) in developing valid, measurable, and reliable performance data, and using performance information for the improvement of adult basic skills and family literacy education programs;

''(C) on adult education professional development; and

''(D) in using distance learning and improving the application of technology in the classroom.

''(2) Providing for the conduct of research on national literacy basic skill acquisition levels among adults, including the number of adults functioning at different levels of reading proficiency.

''(3) Improving the coordination, efficiency, and effectiveness of adult education and workforce development services at the national, State, and local levels.

''(4) Determining how participation in adult basic skills and family literacy education programs prepares individuals for entry into and success in postsecondary education and employment, and in the case of prison-based services, the effect on recidivism.

''(5) Evaluating how different types of providers, including community and faith-based organizations or private for-profit agencies measurably improve the skills of participants in adult basic skills and family literacy education programs.

''(6) Identifying model integrated basic and workplace skills education programs, coordinated literacy and employment services, and effective strategies for serving adults with disabilities.

''(7) Supporting the development of an entity that would produce and distribute technology-based programs and materials for adult basic skills and family literacy education programs using an intercommunication system, as that term is defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397), and expand the effective outreach and use of such programs and materials to adult education eligible providers.

''(8) Initiating other activities designed to improve the measurable quality and effectiveness of adult basic skills and family literacy education programs nationwide.''.

PART B—NATIONAL INSTITUTE FOR LITERACY

SEC. 211. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This part may be cited as the ''National Institute for Literacy Establishment Act''.

(b) PURPOSE.—The purpose of this part is to establish a National Institute for Literacy to provide national leadership in promoting reading research, reading instruction, and professional development in reading based on scientifically based research by—

(1) disseminating widely information on scientifically based reading research to improve academic achievement for children, youth, and adults;

(2) identifying and disseminating information about schools, local educational agencies, and State educational agencies that have effectively developed and implemented classroom reading programs that meet the requirements of subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.), including those State educational agencies, local educational agencies, and schools that are identified as effective through the External Evaluation of Reading First under section 1205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365);

(3) serving as a national resource for information on reading instruction programs that contain the essential components of reading instruction as supported by scientifically based reading research, and that can lead to improved reading outcomes for children, youth, and adults;

(4) developing print and electronic materials that describe and model the application of scientifically based reading research;

(5) providing national and regional reading leadership for State and local personnel for the application and implementation of scientifically based reading research;

(6) coordinating efforts among Federal agencies, especially the Department of Labor, the Department of Health and Human Services, and the National Institute of Child Health and Human Development, that provide reading programs, conduct research, and provide services to recipients of Federal financial assistance under titles I and III of the Elementary and Secondary Education Act of 1965, the Head Start Act, the Individuals with Disabilities Education Act, and the

Adult Basic Skills and Family Literacy Education Act, and each Bureau funded school (as defined in title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.)); and

(7) informing the Congress, Federal departments and agencies, schools of education, and the public of successful local, State, and Federal program activities in reading instruction that are determined to be effective based on the findings of scientifically based reading research.

SEC. 212. ESTABLISHMENT.

(a) IN GENERAL.—There is established the National Institute for Literacy. The Institute shall be administered, in accordance with this part, under the supervision and direction of a Director. There shall be an agreement between an Interagency Group (comprised of the Secretary of Education, the Secretary of Labor, and the Secretary of Health and Human Services) and the Institute on how the purposes of the Institute may be achieved effectively. Such agreement—

(1) shall be regularly reviewed, and modified as needed to remain current with any changes in the purposes of the Institute; and

(2) shall be updated no later than 1 year after the enactment of this part.

(b) DIRECTOR.—

(1) APPOINTMENT.—The Interagency Group shall appoint a Director of the Institute, who has an understanding of, supports, and is familiar with scientifically based reading research, instruction, and professional development applicable to children, youth, and adults. If a vacancy in the position of the Director of the Institute occurs, the Interagency Group shall appoint an Interim Director until such time as a new Director can be appointed.

(2) PAY.—The Director of the Institute shall receive the rate of basic pay for level IV of the Executive Schedule.

(3) TERM.—The Director of the Institute shall be appointed for an initial term of 3 years and may serve not more than 1 additional term of 3 years.

SEC. 213. ADMINISTRATION.

(a) IN GENERAL.—The Director of the Institute shall be responsible for administering the Institute. The Director of the Institute shall—

(1) provide leadership for the Institute, consistent with the purposes described in section 211(b);

(2) supervise all employees in the Institute;

(3) assign responsibility to carry out the duties of the Institute among officers ad employees, and offices of the Institute;

(4) prepare requests for appropriations for the Institute and submit those requests to the Interagency Group;

(5) oversee the expenditure of all funds allocated for the Institute to carry out the purposes under section 211(b); and

(6) ensure that the Institute's standards for research quality are consistent with those promulgated by the Institute for Education Sciences.

(b) OFFICES.—The Institute shall have separate offices from the Department of Education, the Department of Labor, and the Department of Health and Human Services, and shall have maximum flexibility in its operations to carry out the purposes of the Institute.

(c) ADMINISTRATIVE SUPPORT.—The Secretary of Education shall provide administrative support for the Institute, including the administration of grants, contracts and cooperative agreements, personnel, legal counsel, and payroll.

SEC. 214. DUTIES.

(a) IN GENERAL.—In order to provide leadership for the improvement and expansion of the system for delivery of scientifically based reading instructional practices, the Director of the Institute shall—

(1) establish a national electronic database of effective reading programs for children, youth, and adults that include the essential components of reading instruction, and disseminate such information to parents, teachers, State and Federal elected officials, and the public;

(2) develop print and electronic materials for professional development that provide applications of scientifically based reading research, and instructional practices in reading for children, youth, and adults;

(3) provide technical assistance to the Congress, school Boards, Federal agencies, State departments of education, adult education programs, local school districts, local public and private schools, and schools of education, on scientifically based reading instructional practices including diagnostic and assessment instruments and instructional materials;

(4) collaborate and support Federal research programs in reading instruction, including, where appropriate, those areas of study addressed by the National Institute of Child Health and Human Development, the Institute for Education Sciences, the National Science Foundation, the Department of Labor, and the National Research Council;

(5) coordinate with the Department of Education, the Department of Labor, the Department of Health and Human Services, and the National Institute of Child Health and Human Development on all programs that include improving reading instructional practices for children, youth, and adults, and teacher training in reading instructional practices;

(6) use and support the collection of the best possible information in carrying out this section, and where appropriate, including reviews of research on instruction using the criteria for quality identified by the Institute for Education Sciences;

(7) conduct reviews of research, including randomized field trials, on reading programs, and conduct reviews of Federal reading policies and reading program implementation using a board of visitors as described in subchapter 300 of the National Science Foundation Administrative Manual; and

(8) develop an Internet site that provides useful information to educators and the public on reading literacy that is consistent with the purposes described in section 211(b).

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Institute may award grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or other legal entities to carry out the activities of the Institute.

(c) RELATION TO OTHER LAWS.—The duties and powers of the Institute under this part are in addition to the duties and powers of the Institute under subparts 1, 2, and 3 of part B of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1201 et seq.) (commonly referred to as Reading First, Early Reading First, and the William F. Goodling Even Start Family Literacy Programs, respectively).

SEC. 215. LEADERSHIP IN SCIENTIFICALLY BASED READING INSTRUCTION.

(a) IN GENERAL.—The Director of the Institute may award fellowships, with such stipends and allowances as necessary, to outstanding individuals who are pursuing careers in scientifically based research in reading instruction or pre-service or in-service training in reading instruction, including teaching children and adults to read.

(b) FELLOWSHIPS.—Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education training, technical assistance, or other activities to advance the field of scientifically based reading instruction for children, youth, and adults, including the training of volunteers in such reading skills instruction.

(c) INTERNS AND VOLUNTEERS.—The Director of the Institute may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute deems necessary.

SEC. 216. NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There shall be a National Institute for Literacy Advisory Board, which shall consist of 10 individuals appointed by the President with the advice and consent of the Senate.

(2) COMPOSITION.—The Board shall be comprised of individuals who are not otherwise officers or employees of the Federal Government and who are knowledgeable about scientifically based reading instruction, and the findings of scientifically based reading research. The members of the Board may include—

(A) representatives from teacher training institutions where scientifically based reading instruction is a major component of preservice training;

(B) teachers who have been successful in teaching children to read proficiently;

(C) members of the business community who have developed successful employee reading instruction programs;

(D) volunteer tutors in reading who are using scientifically based reading instruction;

(E) reading researchers who have conducted scientifically based research; and

(F) other qualified individuals knowledgeable about scientifically based reading instruction, including adult education.

(b) DUTIES.—The Board shall—

(1) provide advice to the Director of the Institute to ensure that the purposes of the Institute under section 211 are carried out effectively; and

(2) approve the annual report to the Congress;

(c) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this part, the Board established by this section shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(d) APPOINTMENTS.—

(1) IN GENERAL.—Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation, in which ⅓ of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

(2) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(e) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board members present.

(f) ELECTION OF OFFICERS.—The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

(g) MEETINGS.—The Board shall meet at the call of the Chairperson, or a majority of

the members of the Board, but not less than quarterly.

SEC. 217. GIFTS, BEQUESTS, AND DEVISES.

(a) IN GENERAL.—The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

(b) RULES.—The Director of the Institute shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible, would reflect unfavorably upon the ability of the Institute or any employee to carry out the responsibilities of the Institute or employee, or official duties, in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of the Institute's programs or any official involved in those programs.

SEC. 218. MAILS.

The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 219. APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.

The Director of the Institute and the staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.

SEC. 220. EXPERTS AND CONSULTANTS.

The Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 221. REPORT.

(a) IN GENERAL.—The Institute shall submit a biennial report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Each report submitted under this section shall include—

(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in carrying out the purposes of the Institute as specified in section 211, for the period covered by the report; and

(2) a summary description of how the Institute will advance the purposes of the Institute for the next biennium.

(b) FIRST REPORT.—The Institute shall submit a report under this section not later than 1 year after the date of enactment of this part.

SEC. 222. DEFINITIONS.

For purposes of this part—

(1) the term ''Board'' means the National Institute for Literacy Advisory Board;

(2) the term ''Institute'' means the National Institute for Literacy;

(3) the term ''Interagency Group'' means the Secretary of Education, the Secretary of Labor, and the Secretary of Health and Human Services;

(4) the term ''literacy'' means the ability to read, write, and speak the English language with competence, knowledge, and comprehension; and

(5) the terms ''reading'', ''scientifically based reading research'', and ''essential components of reading instruction'' have the meanings given those terms in section 1208 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

SEC. 223. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to administer and carry out this part $6,700,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 224. RESERVATION.

From amounts appropriated to the Institute, the Director of the Institute may use not more than 5 percent of such amounts for the administration of information dissemination under section 1207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6367).

SEC. 225. AUTHORITY TO PUBLISH.

The Institute, including the Board, may prepare, publish, and present (including through oral presentations) such research-based information and research reports as needed to carry out the purposes and mission of the Institute.

PART C—GENERAL PROVISIONS

SEC. 241. TRANSITION.

The Secretary shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this title.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

SEC. 301. AMENDMENTS TO THE WAGNER-PEYSER ACT.

The Wagner-Peyser Act (29 U.S.C. 49 et. seq.) is amended—

(1) by striking sections 1 through 13;

(2) in section 14 by inserting ''of Labor'' after ''Secretary''; and

(3) by amending section 15 to read as follows:

"SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.

''(a) SYSTEM CONTENT.—

''(1) IN GENERAL.—The Secretary of Labor, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide workforce and labor market information system that includes—

''(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—

''(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

''(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

''(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and

''(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

''(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—

''(i) shall be current and comprehensive;

''(ii) shall meet the needs identified through the consultations described in subparagraphs (A) and (B) of subsection (e)(2); and

''(iii) shall meet the needs for the information identified in section 134(d);

''(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

''(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

''(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

''(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as—

''(i) national, State, and local policymaking;

''(ii) implementation of Federal policies (including allocation formulas);

''(iii) program planning and evaluation; and

''(iv) researching labor market dynamics;

''(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

''(H) programs of—

''(i) training for effective data dissemination;

''(ii) research and demonstration; and

''(iii) programs and technical assistance.

''(2) INFORMATION TO BE CONFIDENTIAL.—

''(A) IN GENERAL.—No officer or employee of the Federal Government or agent of the Federal Government may—

''(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes for which the submission is furnished;

''(ii) make any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means; or

''(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i); without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

''(B) IMMUNITY FROM LEGAL PROCESS.—Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

''(C) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

''(b) SYSTEM RESPONSIBILITIES.—

''(1) IN GENERAL.—The workforce and labor market information system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.

''(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of labor employment statistics for the system, shall carry out the following duties:

''(A) Assign responsibilities within the Department of Labor for elements of the workforce and labor market information system

described in subsection (a) to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.

''(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

''(C) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

''(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the workforce and labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

''(E) Establish procedures for the system to ensure that—

''(i) such data and information are timely;

''(ii) paperwork and reporting for the system are reduced to a minimum; and

''(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels, including ensuring the provision, to such States and localities, of budget information necessary for carrying out their responsibilities under subsection (e).

''(c) NATIONAL ELECTRONIC TOOLS TO PROVIDE SERVICES.—The Secretary is authorized to assist in the development of national electronic tools that may be used to facilitate the delivery of core services described in section 134 and to provide workforce information to individuals through the one-stop delivery systems descried in section 121 and through other appropriate delivery systems.

''(d) COORDINATION WITH THE STATES.—

''(1) IN GENERAL.—The Secretary, working through the Bureau of Labor Statistics and the Employment and Training Administration, shall regularly consult with representatives of State agencies carrying out workforce information activities regarding strategies for improving the workforce and labor market information system.

''(2) FORMAL CONSULTATIONS.—At least twice each year, the Secretary, working through the Bureau of Labor Statistics, shall conduct formal consultations regarding programs carried out by the Bureau of Labor Statistics with representatives of each of the 10 Federal regions of the Department of Labor, elected from the State directors affiliated with State agencies that perform the duties described in subsection (e)(2).

''(e) STATE RESPONSIBILITIES.—

''(1) DESIGNATION OF STATE AGENCY.—In order to receive Federal financial assistance under this section, the Governor of a State shall—

''(A) designate a single State agency to be responsible for the management of the portions of the workforce and labor market information system described in subsection (a) that comprise a statewide workforce and labor market information system and for the State's participation in the development of the annual plan; and

''(B) establish a process for the oversight of such system.

''(2) DUTIES.—In order to receive Federal financial assistance under this section, the State agency shall—

''(A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide workforce and labor market information system;

''(B) consult with State educational agencies and local educational agencies concerning the provision of employment statistics in order to meet the needs of secondary school and postsecondary school students who seek such information;

''(C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

''(D) maintain and continuously improve the statewide workforce and labor market information system in accordance with this section;

''(E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

''(F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide workforce and labor market information system;

''(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarity, compatibility, and usefulness of data;

''(H) participate in the development of the annual plan described in subsection (c); and

''(I) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 to assist the State and other States in measuring State progress on State performance measures.

''(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of a State agency to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

''(f) NONDUPLICATION REQUIREMENT.—None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2009.

''(h) DEFINITION.—In this section, the term 'local area' means the smallest geographical area for which data can be produced with statistical reliability.''.

TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973

SEC. 401. CHAIRPERSON.

Section 705(b)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

''(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.''.

SEC. 402. REHABILITATION SERVICES ADMINISTRATION.

Section 3(a) of the Rehabilitation Act of 1973 (29 U.S.C. 702(a)) is amended—

(1) by striking ''Office of the Secretary'' and inserting ''Department of Education'';

(2) by striking ''President by and with the advice and consent of the Senate'' and inserting ''Secretary, except that the current Commissioner appointed under the authority existing on the day prior to the date of enactment of this Act may continue to serve in the former capacity''; and

(3) by striking '', and the Commissioner shall be the principal officer,''.

SEC. 403. DIRECTOR.

(a) IN GENERAL.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by striking ''Commissioner'' each place it appears, except in section 21, and inserting ''Director''.

(b) EXCEPTION.—Section 21 of the Rehabilitation Act of 1973 (29 U.S.C. 718) is amended—

(1) in subsection (b)(1)—

(A) by striking ''Commissioner'' the first place it appears and inserting ''Director of the Rehabilitation Services Administration''; and

(B) by striking ''(referred to in this subsection as the 'Director')''; and

(2) by striking ''Commissioner and the Director'' each place it appears and inserting ''both such Directors''.

SEC. 404. STATE GOALS.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (11)(D)(i) by inserting '', which may be provided using alternative means of meeting participation (such as video conferences and conference calls)'' before the semicolon; and

(2) in paragraph (15)—

(A) in subparagraph (A), by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and inserting after clause (i) the following:

''(ii) include an assessment of the transition services provided under this Act, and coordinated with transition services under the Individuals with Disabilities Education Act, as to those services meeting the needs of individuals with disabilities.''; and

(B) by amending subparagraph (D)(i) to read as follows:

''(i) the methods to be used to expand and improve the services to individuals with disabilities including—

''(I) how a broad range of assistive technology services and assistive technology devices will be provided to such individuals at each stage of the rehabilitative process and how such services and devices will be provided to such individuals on a statewide basis; and

''(II) how transition services will be better coordinated with those services under the Individuals with Disabilities Education Act in order to improve transition services for individuals with disabilities served under this Act;''.

SEC. 405. AUTHORIZATIONS OF APPROPRIATIONS.

The Rehabilitation Act of 1973 is further amended—

(1) in section 100(b)(1) by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009'';

(2) in section 100(d)(1)(B) by striking ''fiscal year 2003'' and inserting ''fiscal year 2009'';

(3) in section 110(c) by amending paragraph (2) to read as follows:

''(2) The sum referred to in paragraph (1) shall be, as determined by the Secretary, not less than 1 percent and not more than 1.5 percent of the amount referred to in paragraph (1) for each of fiscal years 2003 through 2009.'';

(4) in section 112(h) by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009'';

(5) in section 201(a) by striking ''fiscal years 1999 through 2003'' each place it appears and inserting ''fiscal years 2004 through 2009'';

(6) in section 302(i) by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009'';

(7) in section 303(e) by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009'';

(8) in section 304(b) by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009'';

(9) in section 305(b) by striking ''fiscal years 1999 through 2003'' and insert ''fiscal years 2004 through 2009'';

(10) in section 405 by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009'';

(11) in section 502(j) by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009'';

(12) in section 509(l) by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009'';

(13) in section 612 by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009'';

(14) in section 628 by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009'';

(15) in section 714 by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009'';

(16) in section 727 by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''; and

(17) in section 753 by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 406. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of such Act (29 U.S.C. 1907(h)) is amended by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

TITLE V—TRANSITION AND EFFECTIVE DATE

SEC. 501. TRANSITION PROVISIONS.

The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this Act.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act, shall take effect on the date of enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. George MILLER of California moved to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House promptly with an amendment that will achieve the policy of providing direct spending for 26 weeks of income support for unemployed individuals who have exhausted regular unemployment benefits and an additional 13 weeks of income support for individuals who have exhausted their Federal extended unemployment benefits, through the Workforce Investment Act in a manner equivalent to the receipt of Federal extended unemployment insurance benefits.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the nays had it.

Mr. George MILLER of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 202 / Nays 223

¶48.11 [Roll No. 174]

YEAS—202

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

NAYS—223

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

NOT VOTING—9

Andrews
Combest
DeLay
Dingell
Feeney
Gephardt
Herger
Miller, Gary
Schrock

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. KILDEE demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 204

¶48.12 [Roll No. 175]

AYES—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham

Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—204

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

NOT VOTING—10

Andrews
Clyburn
Combest
DeLay
Dingell
Emanuel
Feeney
Gephardt
Miller, Gary
Schrock

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶48.13 H. RES. 213—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 213) expressing the sense of the House of Representatives that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶48.14 [Roll No. 176]

YEAS—418

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

Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Berman
Clyburn
Combest
DeLay
Dingell
Doolittle
Feeney
Gephardt
Greenwood
Kaptur
McCrery
Miller, Gary
Northup
Putnam
Schrock

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶48.15 CLERK TO CORRECT ENGROSSMENT—H.R. 1261

On motion of Mr. BOEHNER, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 1261) to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes, the Clerk be authorized to make technical corrections and conforming changes to the bill.

¶48.16 HOUR OF MEETING

On motion of Mr. BOEHNER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 9 a.m. on Friday, May 9, 2003.

¶48.17 FUNDING FOR THE COMMITTEE ON HOMELAND SECURITY FOR THE 108TH CONGRESS

Mr. NEY, by direction of the Committee on House Administration, reported (Rept. No. 108–93) the resolution (H. Res. 110) providing amounts for the expenses for the Committee on Homeland Security in the One Hundred Eighth Congress.

When said resolution and report were referred to the House Calendar and ordered printed.

¶48.18 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 148

On motion of Mr. NEY, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order to consider the resolution (H. Res. 148) providing for the expenses of certain committees of the House of Representatives in the One Hundred Eighth Congress; that the resolution shall be considered as read for amendment; that the amendment recommended by the Committee on House Administration now printed in the resolution, modified by the amendment placed at the desk, shall be considered as adopted; that the resolution, as amended, shall be debatable for one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration; and that the previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion.

¶48.19 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 110

On motion of Mr. NEY, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order to consider the resolution (H. Res. 110) providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Eighth Congress; that the resolution shall be considered as read for amendment; that the amendment recommended by the Committee on House Administration now printed in the resolution shall be considered as adopted; that the resolution, as amended, shall be debatable for one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration; and that the previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion.

¶48.20 RECESS—3:35 P.M.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 35 minutes p.m., subject to the call of the Chair.

¶48.21 AFTER RECESS—5:38 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶48.22 COMMITTEE FUNDING FOR 108TH CONGRESS

Mr. NEY, pursuant to the previous order of the House, called up the following resolution (H. Res. 148):

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED EIGHTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Eighth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $10,623,640; Committee on Armed Services, $12,377,680; Committee on the Budget, $11,869,572; Committee on Education and the Workforce, $14,922,183; Committee on Energy and Commerce, $19,117,623; Committee on Financial Services, $16,995,487; Committee on Government Reform, $20,400,000; Committee on Homeland Security, $11,028,787; Committee on House Administration, $10,374,974; Permanent Select Committee on Intelligence, $7,809,730; Committee on International Relations, $16,037,995; Committee on the Judiciary, $17,248,067; Committee on Resources, $14,910,527; Committee on Rules, $5,669,311; Committee on Science, $12,301,690; Committee on Small Business, $6,372,008; Committee on Standards of Official Conduct, $3,443,150; Committee on Transportation and Infrastructure, $17,682,505; Committee on Veterans' Affairs, $6,776,617; and Committee on Ways and Means, $16,521,319.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2003, and ending immediately before noon on January 3, 2004.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,292,225; Committee on Armed Services, $5,943,675; Committee on the Budget, $5,894,018; Committee on Education and the Workforce, $7,398,237; Committee on Energy and Commerce, $9,385,902; Committee on Financial Services, $8,144,280; Committee on Government Reform, $10,000,000; Committee on Homeland Security, $5,657,656; Committee on House Administration, $5,028,573; Permanent Select Committee on Intelligence, $3,773,567; Committee on International Relations, $7,693,249; Committee on the Judiciary, $8,422,720; Committee on Resources, $7,360,564; Committee on Rules, $2,816,332; Committee on Science, $6,072,465; Committee on Small Business, $3,080,591; Committee on Standards of Official Conduct, $1,636,825; Committee on Transportation and Infrastructure, $8,722,428; Committee on Veterans' Affairs, $3,225,344; and Committee on Ways and Means, $8,063,151.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2004, and ending immediately before noon on January 3, 2005.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,331,415; Committee on Armed Services, $6,434,005; Committee on the Budget, $5,975,554; Committee on Education and the Workforce, $7,523,946; Committee on Energy and Commerce, $9,731,721; Committee on Financial Services, $8,851,207; Committee on Government Reform, $10,400,000; Committee on Homeland Security, $5,371,131; Committee on House Administration, $5,346,401; Permanent Select Committee on Intelligence, $4,036,163; Committee on International Relations, $8,344,746; Committee on the Judiciary, $8,825,346; Committee on Resources, $7,549,963; Committee on Rules, $2,852,979; Committee on Science, $6,229,225; Committee on Small Business, $3,291,417; Committee on Standards of Official Conduct, $1,806,325; Committee on Transportation and Infrastructure, $8,960,077; Committee on Veterans' Affairs, $3,551,273; and Committee on Ways and Means, $8,458,168.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with

regulations prescribed by the Committee on House Administration.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

Pending consideration of said resolution.

Pursuant to the previous order of the House, the amendment recommended by the Committee on House Administration now printed in the resolution, as modified by the following amendment, was considered as agreed to:

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED EIGHTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Eighth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $10,327,531; Committee on Armed Services, $11,931,357; Committee on the Budget, $11,869,572; Committee on Education and the Workforce, $14,673,371; Committee on Energy and Commerce, $18,622,138; Committee on Financial Services, $13,696,487; Committee on Government Reform, $19,614,435; Committee on House Administration, $8,527,057; Permanent Select Committee on Intelligence, $7,809,730; Committee on International Relations, $14,552,695; Committee on the Judiciary, $14,048,616; Committee on Resources, $13,509,424; Committee on Rules, $5,669,311; Committee on Science, $11,690,845; Committee on Small Business, $5,120,301; Committee on Standards of Official Conduct, $3,071,250; Committee on Transportation and Infrastructure, $16,461,893; Committee on Veterans' Affairs, $5,486,795; and Committee on Ways and Means, $15,976,288.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2003, and ending immediately before noon on January 3, 2004.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,084,900; Committee on Armed Services, $5,871,876; Committee on the Budget, $5,856,333; Committee on Education and the Workforce, $7,047,896; Committee on Energy and Commerce, $9,101,042; Committee on Financial Services, $6,601,085; Committee on Government Reform, $9,740,963; Committee on House Administration, $4,122,092; Permanent Select Committee on Intelligence, $3,780,487; Committee on International Relations, $6,993,645; Committee on the Judiciary, $6,957,554; Committee on Resources, $6,492,029; Committee on Rules, $2,797,898; Committee on Science, $5,711,401; Committee on Small Business, $2,535,261; Committee on Standards of Official Conduct, $1,527,825; Committee on Transportation and Infrastructure, $7,982,558; Committee on Veterans' Affairs, $2,703,328; and Committee on Ways and Means, $7,828,037.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2004, and ending immediately before noon on January 3, 2005.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,242,632; Committee on Armed Services, $6,059,481; Committee on the Budget, $6,013,239; Committee on Education and the Workforce, $7,625,475; Committee on Energy and Commerce, $9,521,097; Committee on Financial Services, $7,095,402; Committee on Government Reform, $9,873,472; Committee on House Administration, $4,404,965; Permanent Select Committee on Intelligence, $4,029,243; Committee on International Relations, $7,559,050; Committee on the Judiciary, $7,091,062; Committee on Resources, $7,017,395; Committee on Rules, $2,871,413; Committee on Science, $5,979,444; Committee on Small Business, $2,585,041; Committee on Standards of Official Conduct, $1,543,425; Committee on Transportation and Infrastructure, $8,479,334; Committee on Veterans' Affairs, $2,783,466; and Committee on Ways and Means, $8,148,251.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

When said resolution was considered.

After debate,

Pursuant to the previous order of the House, the previous question was ordered on the resolution, as amended.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that the yeas had it.

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶48.23 COMMITTEE FUNDING ON HOMELAND SECURITY-108TH CONGRESS

Mr. NEY, pursuant to the previous order of the House, called up the following resolution (H. Res. 110):

Resolved,

SECTION 1. AMOUNTS FOR COMMITTEE EXPENSES.

For the expenses of the Committee on Homeland Security (hereafter in this resolution referred to as the ''Committee''), including the expenses of all staff salaries, there shall be paid, out of the applicable accounts of the House of Representatives for committee salaries and expenses, not more than $11,028,787 for the One Hundred Eighth Congress.

SEC. 2. SESSION LIMITATIONS.

Of the amount specified in section 1—

(1) not more than $5,657,656 shall be available for expenses incurred during the period beginning at noon on January 3, 2003, and ending immediately before noon on January 3, 2004; and

(2) not more than $5,371,131 shall be available for expenses incurred during the period beginning at noon on January 3, 2004, and ending immediately before noon on January 3, 2005.

SEC. 3. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Committee, signed by the Chairman of the Committee, and approved in the manner directed by the Committee on House Administration.

SEC. 4. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Pending consideration of said resolution.

Pursuant to the previous order of the House, the following amendment recommended by the Committee on House Administration printed in said resolution was considered as agreed to:

Resolved,

SECTION 1. EXPENSES FOR THE SELECT COMMITTEE ON HOMELAND SECURITY FOR THE ONE HUNDRED EIGHTH CONGRESS.

With respect to the One Hundred Eighth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than $10,952,787 for the expenses (including the expenses of all staff salaries) of the Select Committee on Homeland Security.

SEC. 2. FIRST SESSION LIMITATION.

Of the amount provided for in section 1, not more than $5,366,866 shall be available for expenses incurred during the period beginning at noon on January 3, 2003, and ending immediately before noon on January 3, 2004.

SEC. 3. SECOND SESSION LIMITATION.

Of the amount provided for in section 1, not more than $5,585,921 shall be available for expenses incurred during the period beginning at noon on January 3, 2004, and ending immediately before noon on January 3, 2005.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Select Committee on Homeland Security, signed by the chairman of such Committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in the amount under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

When said resolution was considered.

After debate,

Pursuant to the previous order of the House, the previous question was ordered on the resolution.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that the yeas had it.

So the resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution

providing amounts for the expenses of the Select Committee on Homeland Security.''.

A motion to reconsider the votes whereby said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶48.24 TICKET TO WORK AND WORK INCENTIVES ADVISORY PANEL

The SPEAKER pro tempore, Mr. CULBERSON, announced that the Speaker, pursuant to section 101(f)(3) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 United States Code 1320b-19), and the order of the House of January 8, 2003, appointed to the Ticket to Work and Work Incentives Advisory Panel, Mrs. Berthy De la Rosa-Aponte, Cooper City, Florida, to a four-year term.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶48.25 RECESS—9:32 P.M.

The SPEAKER pro tempore, Mr. HENSARLING, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 32 minutes p.m., subject to the call of the Chair.

¶48.26 AFTER RECESS—10:01 P.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶48.27 PROVIDING FOR THE CONSIDERATION OF H.R. 2

Mr. REYNOLDS, by direction of the Committee on Rules, reported (Rept. No. 108–95) the resolution (H. Res. 227) providing for the consideration of the bill (H.R. 2) to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth.

When said resolution and report were referred to the House Calendar and ordered printed.

¶48.28 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found a truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 289. An Act to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge.

¶48.29 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DINGELL, for today;

To Mr. FEENEY, for today and balance of the week; and

To Ms. JACKSON-LEE of Texas, for May 7 after 3 p.m.

And then,

¶48.30 ADJOURNMENT

On motion of Mr. REYNOLDS, pursuant to the previous order of the House, at 10 o'clock and 2 minutes p.m., the House adjourned until 9 a.m. on Friday, May 9, 2003.

¶48.31 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NEY: Committee on House Administration. House Resolution 110. Resolution providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Eighth Congress; with amendments (Rept. 108–93. Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. House Resolution 2. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth; with amendments (Rept. 108–94). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 227. Resolution providing for consideration of the bill (H.R. 2) to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth (Rept. 108–95). Referred to the House Calendar.

¶48.32 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. AKIN (for himself, Mr. DELAY, Mr. BLUNT, Mr. CANTOR, Ms. PRYCE of Ohio, Mr. ADERHOLT, Mr. BACHUS, Mr. BAKER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mrs. BLACKBURN, Mr. BEAUPREZ, Mr. BEREUTER, Mr. BISHOP of Utah, Mr. BOEHNER, Mr. BONILLA, Mrs. BONO, Mr. BONNER, Mr. BOOZMAN, Ms. BORDALLO, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURNS, Mr. BURR, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CHOCOLA, Mr. COLE, Mr. COLLINS, Mr. CRANE, Mr. CULBERSON, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEMINT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN, Mrs. EMERSON, Mr. FEENEY, Mr. FLAKE, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GIBBONS, Mr. GILLMOR, Mr. GINGREY, Mr. GOODE, Mr. GOODLATTE, Mr. GRAVES, Mr. GREEN of Texas, Mr. GUTKNECHT, Ms. HARRIS, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HULSHOF, Mr. HUNTER, Mr. ISSA, Mr. ISTOOK, Mr. JANKLOW, Mr. JENKINS, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LAHOOD, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. MCCRERY, Mr. MCHUGH, Mr. MCINNIS, Mr. MICA, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEY, Mrs. NORTHUP, Mr. NUNES, Mr. OSBORNE, Mr. OSE, Mr. OTTER, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PORTER, Mr. PLATTS, Mr. POMBO, Mr. PUTNAM, Mr. REGULA, Mr. REHBERG, Mr. RENZI, Mr. REYNOLDS, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SAXTON, Mr. SCHROCK, Mr. SESSIONS, Mr. SHADEGG, Mr. SHERWOOD, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TANCREDO, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. TIAHRT, Mr. TIBERI, Mr. TOOMEY, Mr. WALSH, Mr. WAMP, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WOLF, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska):

H.R. 2028. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance; to the Committee on the Judiciary.

By Mr. CAMP (for himself and Mr. BLUNT):

H.R. 2029. A bill to amend the Internal Revenue Code of 1986 to provide that long-term vehicle storage by tax-exempt organizations which conduct county and similar fairs shall not be treated as an unrelated trade or business; to the Committee on Ways and Means.

By Mr. CASE (for himself, Mr. ABERCROMBIE, Ms. PELOSI, Mrs. JONES of Ohio, Mr. GEORGE MILLER of California, Ms. LEE, Mr. HONDA, Mrs. NAPOLITANO, Mr. MCDERMOTT, Ms. WATSON, Mr. MORAN of Virginia, Mr. SERRANO, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of California, Mr. MATSUI, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mr. FROST, Mr. RODRIGUEZ, Ms. LOFGREN, Mr. GRIJALVA, Mr. ANDREWS, Mr. OWENS, Mr. KILDEE, Mr. PAYNE, Mr. SHAYS, Mr. SNYDER, Mr. STARK, Mr. HINOJOSA, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. WU, Ms. DELAURO, Mr. BECERRA, Mr. REYES, Mr. HASTINGS of Florida, Mr. MARKEY, Mr. THOMPSON of Mississippi, Mr. SANDERS, Mr. GUTIERREZ, Mr. KUCINICH, Mr. SCOTT of Virginia, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. SKELTON, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Ms. SLAUGHTER, Mr. DAVIS of Illinois, Mr. HOEFFEL, Ms. BERKLEY, Mr. TOWNS, Ms. BALDWIN, Mr. FALEOMAVAEGA, Mr. BALLENGER, Mr. EVANS, Ms. CARSON of Indiana, Mr. WATT, Mr. RYAN of Ohio, Mr. WEINER, Mr. MCKEON, Mr. MCNULTY, Mr. NADLER, Mr. WYNN, Mr. CROWLEY, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. SANDLIN, Ms. SOLIS, Mrs. LOWEY, Mrs. MALONEY, Mr. BACA, Ms. MCCOLLUM, Ms. WATERS, Ms. SCHAKOWSKY, Mr. FARR, Mr. UDALL of New Mexico, Mr. OBEY, Mr. ETHERIDGE, Mr. OSBORNE, Ms. BORDALLO, Mr. MCGOVERN, Ms. KILPATRICK, Mr. BERMAN, and Mr. CARDIN):

H.R. 2030. A bill to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''; to the Committee on Government Reform.

By Mr. COLE:

H.R. 2031. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion from gross income for

amounts received under qualified group legal services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, Mr. DOGGETT, Mr. UDALL of Colorado, Mr. MOORE, Mr. MCNULTY, Mr. ENGEL, Mr. RYUN of Kansas, Mr. HINOJOSA, Mr. MCHUGH, Mr. HOLDEN, Ms. LEE, Mr. DOYLE, Mr. HOYER, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. HINCHEY, Mr. SERRANO, Mr. PAYNE, Mr. GRIJALVA, Mr. KILDEE, Mr. BRADY of Pennsylvania, Mr. PALLONE, and Mrs. CHRISTENSEN):

H.R. 2032. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DUNN (for herself, Mr. MCDERMOTT, and Mr. RUSH):

H.R. 2033. A bill to amend title XVIII of the Social Security Act to increase the minimum percentage increase under the Medicare+Choice program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself and Mr. TANNER):

H.R. 2034. A bill to amend the Internal Revenue Code of 1986 to provide that an employer shall be liable for Social Security taxes on unreported tips paid to an employee only after the Internal Revenue Service establishes the amount of tips received by that employee; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon (for herself, Mr. LATOURETTE, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. BROWN of Ohio, Ms. NORTON, Mr. KENNEDY of Rhode Island, Mr. LARSON of Connecticut, Mr. BAIRD, Mr. FROST, Ms. LOFGREN, Ms. SLAUGHTER, Mr. KANJORSKI, Ms. CARSON of Indiana, Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. PLATTS, Mr. GILLMOR, Mr. BAKER, Mr. GUTIERREZ, Mr. CLAY, Ms. BERKLEY, Mrs. LOWEY, Mrs. MALONEY, Mr. UDALL of Colorado, Mr. KIND, Ms. LEE, Mr. MOORE, Mr. CAPUANO, Mr. LYNCH, Mr. HASTINGS of Florida, Mr. JONES of North Carolina, Mr. HINCHEY, Mr. EMANUEL, Mr. HOLDEN, Mr. KILDEE, Ms. WATSON, Mr. ACKERMAN, Ms. MILLENDER-MCDONALD, Ms. WATERS, Mr. SOUDER, Mr. TIBERI, and Mr. GONZALEZ):

H.R. 2035. A bill to prevent identity theft, and for other purposes; to the Committee on Financial Services.

By Mr. ISAKSON:

H.R. 2036. A bill to amend the Internal Revenue Code of 1986 to provide economic incentives for the preservation of open space and conservation of natural resources, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. LEACH, Ms. NORTON, Mr. OBERSTAR, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. TOWNS, Mr. HINCHEY, Mr. PAYNE, Mr. BROWN of Ohio, Ms. BALDWIN, Mr. OWENS, Mr. PAUL, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. DEFAZIO, Ms. WOOLSEY, Mr. FARR, Ms. HOOLEY of Oregon, Mr. HOEFFEL, Mr. SANDERS, Ms. CARSON of Indiana, Mr. MCGOVERN, Ms. ESHOO, and Mr. CLAY):

H.R. 2037. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for nonmilitary purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York (for herself, Mr. SHAYS, Mr. CONYERS, Mr. SMITH of New Jersey, Mr. NADLER, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Ms. LINDA T. SANCHEZ of California, Mr. EMANUEL, Mr. CASE, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Ms. WOOLSEY, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mr. HONDA, Mr. STARK, Ms. SOLIS, Ms. LEE, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. TOWNS, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Ms. CARSON of Indiana, Ms. NORTON, Mr. LIPINSKI, Mr. RUSH, Ms. WATSON, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. OWENS, Mr. BLUMENAUER, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Ms. LORETTA SANCHEZ of California, Mr. MORAN of Virginia, Mr. MARKEY, Mr. ANDREWS, Mr. HOLT, Mr. PAYNE, Mr. MCGOVERN, Mr. PASCRELL, Mr. FRANK of Massachusetts, Mrs. TAUSCHER, Ms. DELAURO, Mr. ENGEL, Mr. CAPUANO, Mr. HOEFFEL, Mrs. LOWEY, Mr. MENENDEZ, Ms. VELAZQUEZ, Mr. TIERNEY, Mr. BRADY of Pennsylvania, Mr. ROTHMAN, Mr. FATTAH, Ms. HARMAN, Mr. BISHOP of New York, and Mr. LANGEVIN):

H.R. 2038. A bill to reauthorize the assault weapons ban, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCRERY:

H.R. 2039. A bill to amend section 376 of title 28, United States Code, to allow a period of open enrollment for certain individuals who are elevated to the position of chief judge of a district; to the Committee on the Judiciary.

By Mr. OSBORNE:

H.R. 2040. A bill to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; to the Committee on Resources.

By Mr. PALLONE:

H.R. 2041. A bill to provide for grants to States for enacting statewide laws regulating public playgrounds consistent with playground safety guidelines established by the Consumer Product Safety Commission; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. BOEHLERT, Ms. SCHAKOWSKY, Mr. MCHUGH, Ms. VELAZQUEZ, Mr. GILCHREST, Mr. DOGGETT, Mrs. JOHNSON of Connecticut, Mr. GRIJALVA, Mrs. KELLY, Mr. ALLEN, Mr. LOBIONDO, Mr. PALLONE, Mr. SAXTON, Mr. BISHOP of New York, Mr. SHAYS, Mr. DAVIS of Florida, and Mr. WALSH):

H.R. 2042. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Ms. HOOLEY of Oregon):

H. Con. Res. 168. Concurrent resolution commending the Expedition-Six crew of the International Space Station, Commander Ken Bowersox, Flight Engineer Nikolai Budarin, and NASA ISS Science Officer Don Pettit, for their contributions in furthering scientific discovery for the world, and welcoming them back home to Earth; to the Committee on Science, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. LANGEVIN, and Mr. RAMSTAD):

H. Con. Res. 169. Concurrent resolution expressing the sense of Congress that the United States Government should support the human rights and dignity of all persons with disabilities by pledging support for the drafting and working toward the adoption of a thematic convention on the human rights and dignity of persons with disabilities by the United Nations General Assembly to augment the existing United Nations human rights system, and for other purposes; to the Committee on International Relations.

By Mr. OSE:

H. Con. Res. 170. Concurrent resolution supporting the goals and ideals of ''National Community Residential Care Month''; to the Committee on Government Reform.

By Mr. RAHALL (for himself and Mr. ROHRABACHER):

H. Con. Res. 171. Concurrent resolution expressing the thanks of Congress to the people of Qatar for their cooperation in supporting United States Armed Forces and the armed forces of coalition countries during the recent military action in Iraq and welcoming His Highness Sheikh Hamad bin Khalifah Al-Thani, Emir of the State of Qatar, to the United States; to the Committee on International Relations.

By Mr. HASTERT (for himself, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. REYNOLDS, Mr. WELLER, Mr. KINGSTON, Mr. RADANOVICH, Mr. POMBO, and Mr. PORTER):

H. Res. 224. A resolution expressing the sense of the House of Representatives that Congress should provide adequate funding to protect the integrity of the Frederick Douglass National Historic Site; to the Committee on Resources.

By Mr. ISRAEL:

H. Res. 225. A resolution providing for consideration of the bill (H.R. 1652) to provide extended unemployment benefits to displaced workers, and to make other improvements in the unemployment insurance system; to the Committee on Rules.

By Mr. KUCINICH:

H. Res. 226. A resolution recognizing the 140th anniversary of the founding of the Brotherhood of Locomotive Engineers, and congratulating the members and officers of the Brotherhood of Locomotive Engineers for the union's many achievements; to the Committee on Transportation and Infrastructure.

¶48.33 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

27. The SPEAKER presented a memorial of the Legislature of the State of North Dakota, relative to Senate Concurrent Resolution No. 4040 memorializing the United States Congress that the 58th Legislative Assembly supports and honors the personnel of the Armed Forces of the United States; to the Committee on Armed Services.

28. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 752 memorializing the United States Congress to

continue the funding for career and technical education in public secondary and postsecondary schools when authorizing the Perkins Vocational and Applied Technology Act in 2003; to the Committee on Education and the Workforce.

29. Also, a memorial of the General Assembly of the State of Iowa, relative to Senate Resolution No. 22 memorializing the United States Congress to urge the federal government to continue to fund the Best Buddies Iowa program; to the Committee on Education and the Workforce.

30. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 9 memorializing the United States Congress that we call for the creation of a Great Lakes Caucus; to the Committee on International Relations.

31. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 10 memorializing the United States Congress to encourage the International Joint Commission to maintain its participation in developing feasible and defensible strategies and policies that protect the Great Lakes water from out-of-basin diversions and to continue to support the Annex 2001 process in a deeply considered and scientifically informed manner; to the Committee on International Relations.

32. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1827 memorializing the United States Congress to seek a constitutional amendment to protect the pledge of allegiance and our national motto; to the Committee on the Judiciary.

33. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 424 memorializing the United States Congress to adopt legislation in support of funding for nitrogen reduction technology in the 108th Congress; to the Committee on Transportation and Infrastructure.

34. Also, a memorial of the House of Representatives of the State of Delaware, relative to House Concurrent Resolution No. 12 memorializing the United States Congress that the Bush Administration be encouraged to support a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

35. Also, a memorial of the General Assembly of the State of Iowa, relative to House Concurrent Resolution No. 19 memorializing the United States Congress and the President to eliminate trade barriers with Taiwan by negotiating and adopting a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

¶48.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. WICKER.
H.R. 33: Mr. DAVIS of Tennessee.
H.R. 54: Mr. BLUNT, Mr. ENGLISH, Mr. ROGERS of Michigan, Mr. WELLER, Mr. MCHUGH, and Mr. HERGER.
H.R. 125: Mr. DINGELL.
H.R. 135: Mr. GERLACH.
H.R. 176: Mr. NORWOOD and Mr. WELDON of Florida.
H.R. 276: Mr. WICKER.
H.R. 290: Mr. PRICE of North Carolina.
H.R. 375: Mr. ALEXANDER and Mr. BONNER.
H.R. 459: Mr. TOOMEY.
H.R. 467: Ms. SCHAKOWSKY, Mr. ROTHMAN, and Mr. KUCINICH.
H.R. 468: Ms. SCHAKOWSKY and Mr. KUCINICH.
H.R. 469: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 470: Ms. LOFGREN and Ms. DELAURO.
H.R. 471: Ms. LOFGREN and Ms. DELAURO.
H.R. 472: Ms. LOFGREN, Ms. DELAURO, and Mr. ABERCROMBIE.
H.R. 473: Ms. LOFGREN and Mr. GEORGE MILLER of California.
H.R. 474: Ms. LOFGREN and Ms. DELAURO.
H.R. 492: Mr. PETRI.
H.R. 569: Ms. ESHOO.
H.R. 720: Mr. TAUZIN.
H.R. 727: Mr. MARKEY.
H.R. 737: Mr. WU.
H.R. 754: Mr. MCHUGH and Mr. PICKERING.
H.R. 765: Mr. WICKER.
H.R. 781: Mr. GONZALEZ and Mr. BRADLEY of New Hampshire.
H.R. 785: Mr. TERRY, Mr. SIMPSON, Mr. BILIRAKIS, Mr. TIERNEY, Mrs. CAPPS, Mr. CHABOT, Mr. BOUCHER, and Mr. NADLER.
H.R. 786: Mr. MARIO DIAZ-BALART of Florida and Mr. FALEOMAVAEGA.
H.R. 816: Mr. HOEFFEL.
H.R. 817: Mr. CUMMINGS and Mr. ENGLISH.
H.R. 833: Mr. CANTOR.
H.R. 876: Mr. MICHAUD, Mr. PLATTS Mr. HOLT, Mr. SULLIVAN, and Mr. COLE.
H.R. 880: Mr. HONDA and Mr. FRANK of Massachusetts.
H.R. 898: Mr. HOYER, Mr. TANCREDO, Mr. PETERSON of Pennsylvania, Mr. VAN HOLLEN , Mrs. LOWEY, Mr. WYNN, Mr. RUPPERSBERGER, Mr. TAYLOR of Mississippi, Mr. FATTAH, and Mr. HINCHEY.
H.R. 920: Mr. MATSUI and Mr. HASTINGS of Florida.
H.R. 934: Mr. HASTINGS of Florida.
H.R. 935: Mr. PAYNE, Mr. CASE, and Ms. MCCOLLUM.
H.R. 936: Ms. SLAUGHTER.
H.R. 941: Mr. MARKEY.
H.R. 953: Mr. FERGUSON.
H.R. 954: Ms. CARSON of Indiana.
H.R. 965: Mr. GUTIERREZ and Mrs. MALONEY.
H.R. 980: Mr. WELLER.
H.R. 998: Mr. FROST.
H.R. 1003: Mr. CONYERS, Ms. LEE, and Mr. KUCINICH.
H.R. 1094: Mr. EMANUEL, Mr. STUPAK, Mr. UDALL of Colorado, Mr. DAVIS of Alabama, Mr. BOSWELL, Mr. BERMAN, Mrs. LOWEY, and Mr. DAVIS of Tennessee.
H.R. 1105: Mr. PRICE of North Carolina.
H.R. 1114: Mr. LEACH.
H.R. 1119: Mr. DOOLITTLE.
H.R. 1125: Mr. GIBBONS, Mr. LEWIS of Kentucky, and Mr. EMANUEL.
H.R. 1146: Mr. LUCAS of Oklahoma and Mr. NEY.
H.R. 1157: Mr. THOMPSON of California, Mr. RYAN of Ohio, Mr. BAIRD, and Ms. LINDA T. SANCHEZ of California.
H.R. 1227: Mr. OXLEY.
H.R. 1236: Mr. ROGERS of Michigan and Mr. SIMPSON.
H.R. 1266: Mr. BOSWELL.
H.R. 1275: Mr. RANGEL.
H.R. 1288: Mr. QUINN, Mr. JOHNSON of Illinois, Mr. MILLER of North Carolina, Ms. VELAZQUEZ, Mr. FILNER, Mr. BASS, Mr. BACA, Mr. MCHUGH, Mr. WAXMAN, and Mr. RODRIGUEZ.
H.R. 1306: Mr. WYNN.
H.R. 1316: Mr. GOODE and Mr. LYNCH.
H.R. 1317: Mr. BERRY.
H.R. 1321: Mr. RYAN of Ohio and Mr. CUMMINGS.
H.R. 1329: Mr. EHLERS.
H.R. 1336: Mr. PENCE and Mr. LEVIN.
H.R. 1348: Ms. LORETTA SANCHEZ of California.
H.R. 1375: Mr. CANTOR.
H.R. 1385: Mr. FALEOMAVAEGA, Ms. GINNY BROWN-WAITE of Florida, Mr. MARSHALL, Mr. NEY, Mr. MCNULTY, and Mr. SANDERS.
H.R. 1389: Mr. ISRAEL.
H.R. 1397: Mr. RYAN of Ohio.
H.R. 1460: Mr. KOLBE, Mr. BRADLEY of New Hampshire, Mr. GRIJALVA, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1512: Mr. KILDEE, Mr. DINGELL, and Mr. KNOLLENBERG.
H.R. 1515: Mr. KOLBE.
H.R. 1519: Mr. HOLDEN.
H.R. 1523: Mr. HULSHOF.
H.R. 1564: Mr. GRIJALVA.
H.R. 1567: Mr. BILIRAKIS, Mr. NORWOOD, Mr. BAKER, Mr. FORBES, Mr. BROWN of South Carolina, Mr. GOODE, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. BARTLETT of Maryland, Mr. TANCREDO, and Mr. SHADEGG.
H.R. 1568: Mr. BISHOP of New York and Mr. HOEFFEL.
H.R. 1577: Mr. CAMP, Mr. UPTON, Mr. EHLERS, Mr. ROGERS of Michigan, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, and Mr. FLAKE.
H.R. 1580: Mr. HOSTETTLER.
H.R. 1586: Mr. KELLER and Mr. SIMMONS.
H.R. 1613: Ms. LEE, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Tennessee, Mr. MILLER of North Carolina, Mr. BISHOP of Georgia, Mr. CLYBURN, Mr. WATT, Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Mr. LEWIS of Georgia, Mr. BALLANCE, Mr. JACKSON of Illinois, Mr. WYNN, Mr. CLAY, Mr. SCOTT of Virginia, Ms. WATSON, and Mr. MCNULTY.
H.R. 1614: Mr. GREEN of Texas.
H.R. 1615: Mr. HOEFFEL.
H.R. 1618: Mr. COLLINS.
H.R. 1641: Mr. ACEVEDO-VILA, Mr. SPRATT, and Mr. HYDE.
H.R. 1652: Mr. MILLER of North Carolina, Mr. STRICKLAND, and Ms. JACKSON-LEE of Texas.
H.R. 1662: Mr. ROSS, Mr. PUTNAM, and Mr. BISHOP of Georgia.
H.R. 1684: Mr. LEACH, Mr. GIBBONS, Ms. LOFGREN, Ms. SCHAKOWSKY, and Mr. SABO.
H.R. 1688: Mr. LEVIN, Mr. SCHIFF, Mr. GUTIERREZ, Mr. STRICKLAND, Mr. Bishop of New York, Mr. WU, and Mr. NADLER.
H.R. 1692: Ms. LORETTA SANCHEZ of California.
H.R. 1708: Mr. DAVIS of Illinois, Ms. KAPTUR, Mr. DINGELL, Mr. PAYNE, Mr. NADLER, Mr. PRICE of North Carolina, and Mr. BAIRD.
H.R. 1711: Mr. PASCRELL and Mr. JANKLOW.
H.R. 1719: Mr. FRANK of Massachusetts and Mr. MCDERMOTT.
H.R. 1749: Ms. JACKSON-LEE OF TEXAS, Mrs. MILLER of Michigan, Mr. FILNER, Mr. HYDE, Mr. JONES of North Carolina, and Mr. WOLF.
H.R. 1751: Mr. EMANUEL.
H.R. 1754: Mr. GOODLATTE, Mr. GUTKNECHT, and Mr. MCHUGH.
H.R. 1767: Mr. KLINE and Mr. BEAUPREZ.
H.R. 1769: Mr. SIMMONS, Mr. BAKER, Mr. FEENEY, Mr. POMEROY, Mr. INSLEE, Mrs. JONES of Ohio, Mr. BELL, Mr. NETHERCUTT, Ms. HART, Mr. HASTINGS of Washington, Mr. DICKS, Mr. MCNULTY, Mrs. TAUSCHER, Ms. HOOLEY of Oregon, Mr. KLECZKA, Mr. JEFFERSON, Mr. FROST, Mr. JONES of North Carolina, Mr. FRANKS of Arizona, Mr. MEEK of Florida, Mr. SPRATT, Mr. BAIRD, Mr. RYAN of Ohio, Mr. ADERHOLT, Mr. MICHAUD, Mr. LATOURETTE, Mr. BEAUPREZ, Mr. JOHNSON of Illinois, Mr. OTTER, Mr. BACA, Mr. TOOMEY, Mr. BARTLETT of Maryland, Mrs. BIGGERT, Mr. GOODE, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mr. SMITH of Michigan, Mr. NORWOOD, Mr. ETHERIDGE, Mr. LARSEN of Washington, and Mr. HAYES.
H.R. 1779: Mr. RANGEL, Mr. SOUDER, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, and Mr. FALEOMAVAEGA.
H.R. 1784: Mr. LINDER, Mr. NETHERCUTT, and Mr. HOEFFEL.
H.R. 1814: Mr. GIBBONS, Mr. RYUN of Kansas, Ms. LEE, Mr. BALLANCE, Mr. BERMAN, Mr. WU, Mr. ETHERIDGE, Mr. MORAN of Virginia, Mr. FALEOMAVAEGA, and Mr. SKELTON.
H.R. 1824: Mr. GORDON, Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. BISHOP of New York, Mr. LAMPSON, Mr. COOPER, Mr. HOEFFEL, Mr. UPTON, Mr. LARSON of Connecticut, Mr. TOWNS, Mr. KILDEE, Mr. SMITH

of Michigan, Mr. WYNN, and Mr. FALEOMAVAEGA.

H.R. 1828: Mr. WAXMAN, Mr. HOLDEN, Mrs. JONES of Ohio, Mr. LATOURETTE, Mr. HAYWORTH, Mr. CARSON of Oklahoma, Mr. SCHIFF, Mr. CARDOZA, Mr. GARRETT of New Jersey, Mr. ETHERIDGE, Mr. BOSWELL, Mr. MILLER of Florida, Mr. JOHNSON of Illinois, and Mr. GRAVES.

H.R. 1839: Mrs. BLACKBURN.

H.R. 1900: Mr. TIBERI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, Mr. BISHOP of New York, Mr. DAVIS of Alabama, Mr. LEWIS of Georgia, Mr. LEWIS of California, Mr. COLE, Mr. CLYBURN, and Mr. LAHOOD.

H.R. 1904: Mr. SCOTT of Georgia, Mr. BONNER, Mr. GOODE, Mr. BISHOP of Georgia, Mr. CANTOR, and Ms. PRYCE of Ohio.

H.R. 1906: Mr. GRIJALVA.

H.R. 1925: Mr. UPTON.

H.R. 1992: Mr. SERRANO and Mr. HINOJOSA.

H.R. 2017: Mr. KUCINICH, Mr. FRANK of Massachusetts, Mr. COSTELLO, Mr. FARR, Mr. FROST, Mr. DEFAZIO, and Mr. BROWN of Ohio.

H.R. 2021: Ms. NORTON.

H.R. 2023: Mr. WAXMAN and Ms. WATERS.

H. Con. Res. 151: Mr. GUTKNECHT.

H. Res. 220: Mr. MCDERMOTT, Mr. FROST, and Mr. SERRANO.

¶48.35 DELETIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 684: Ms. MAJETTE.

FRIDAY, MAY 9, 2003 (49)

¶49.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SIMPSON, who laid before the House the following communication:

WASHINGTON, DC,
May 9, 2003.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

¶49.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMPSON, announced he had examined and approved the Journal of the proceedings of Thursday, May 8, 2003.

Mr. MCNULTY, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. MCNULTY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶49.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2122. A communication from the President of the United States, transmitting requests for FY 2004 budget amendments for the Departments of Agriculture, Energy, Housing and Urban Development, the Interior, Justice, Labor, and Transportation; the Office of Personnel Mangement; and the Farm Credit Administration; (H. Doc. No. 108—70); to the Committee on Appropriations and ordered to be printed.

2123. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled, ''Distribution of DoD Depot Maintenance Workloads Fiscal Years 2003 and 2007''; to the Committee on Armed Services.

2124. A letter from the Director, Division of Scientific Planning and Policy Analysis, Department of Health and Human Services, transmitting the Department's enclosed ''Errata'' sheet regarding the FY 2001 National Institutesof Health Annual Report on Health Disparities Research; to the Committee on Energy and Commerce.

2125. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1—732 and 1—734(a)(1)(A); to the Committee on Government Reform.

2126. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Plant Species from the Northwestern Hawaiian Islands, Hawaii (RIN: 1018-AH09) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2127. A letter from the Secretary, Judicial Conference of the United States, transmitting recommendations for the uniform percentage adjustment of each dollar amount specified in Title 11 regarding bankruptcy administration and in 28 U.S.C. 1930 with respect to bankruptcy fees, pursuant to 11 U.S.C. 104 note; to the Committee on the Judiciary.

2128. A letter from the Chair, United States Sentencing Commission, transmitting a report required by section 225(c) of the Homeland Security Act of 2002, Pub. L. 107-296 entitled, ''Increased Penalties For Cyber Security Offenses''; to the Committee on the Judiciary.

2129. A letter from the Chair, United States Sentencing Commission, transmitting a report required by section 314 of the Bipartisan Campaign Reform Act of 2002, Pub. L. 107-155 entitled, ''Increased Penalties For Campaign Finance Offenses and Legislative Recommendations''; to the Committee on the Judiciary.

2130. A letter from the Chair, United States Sentencing Commission, transmitting the Commission's amendments to the sentencing guidelines, policy statements, and official commentary, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

2131. A letter from the Senior Attorney, Research and Special Program Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders; Response to Appeals and Extension of Compliance Dates [Docket No. RSPA-01-10373 (HM-220D)] (RIN: 2137-AD58) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2132. A letter from the Acting Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Job Corps Centers (RIN: 3245-AF02) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2133. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations (Rev. Proc. 2003-29) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2134. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Eligible Deferred Compensation Plans under Section 457 [Notice 2003-20] received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2135. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Amounts received Under Accident and Health Plans (Rev. Rul. 2003-43) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2136. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Deferred Compensation Plans of State and Local Governments and Tax Exempt Organizations (Rev. Rul. 2003-47) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2137. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 1502; Amendment of Waiver of Loss Carryovers from Separate Return Limitation Years received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2138. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Constructive transfers and transfers of property to a third party on behalf of a spouse [TD 9035] (1545-AX99) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Earnings Calculation for Returned or Recharacterized IRA Contributions [TD 9056] (RIN: 1545-BA82) received may 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2140. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Purpose and scope of exception of reorganization exchanges (Rev. Rul. 2003-48) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2141. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2003-44) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2142. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Gaming Industry Tip Compliance Agreement Program (Rev. Proc. 2003-35) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2143. A letter from the Secretary, Department of Energy, transmitting the 2002 Annual Report to Congress on activities of the Department of Energy in response to recommendations and other interactions with the Defense Nuclear Facilities Safety Board, pursuant to 42 U.S.C. 2286e(b); jointly to the Committees on Energy and Commerce and Armed Services.

2144. A letter from the Assistant Secretary for Economic Development, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2001, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and International Relations.

¶49.4 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Thursday, May 8, 2003.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McNULTY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 311 / Nays 72

¶49.5 [Roll No. 177]

YEAS—311

Abercrombie
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Collins
Cox
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Keller
Kelly
Kildee
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Payne
Pearce
Pelosi
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Weiner
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn

NAYS—72

Allen
Baird
Baldwin
Berry
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cooper
Costello
Crowley
DeFazio
Doggett
Engel
English
Fattah
Filner
Fletcher
Ford
Fossella
Gonzalez
Green (TX)
Gutierrez
Gutknecht
Hart
Hastings (FL)
Hefley
Holt
Hooley (OR)
Hulshof
Jackson-Lee (TX)
Johnson, E. B.
Kaptur
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kucinich
Larsen (WA)
Lipinski
LoBiondo
McDermott
McNulty
Miller, George
Moore
Neal (MA)
Oberstar
Olver
Pastor
Peterson (MN)
Ramstad
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Shadegg
Snyder
Spratt
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Weller
Wicker
Wu

NOT VOTING—51

Ackerman
Barton (TX)
Boyd
Burton (IN)
Capito
Clay
Cole
Combest
Conyers
Crane
Cubin
Delahunt
Diaz-Balart, L.
Feeney
Gephardt
Gillmor
Hinchey
Hyde
Istook
Jefferson
Johnson, Sam
Jones (OH)
King (IA)
Kleczka
Larson (CT)
Lewis (CA)
Maloney
Miller, Gary
Murtha
Nadler
Northup
Owens
Oxley
Paul
Pence
Pitts
Platts
Quinn
Rush
Sanders
Schrock
Smith (MI)
Stark
Tancredo
Watt
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Young (AK)
Young (FL)

So the Journal was approved.

¶49.6 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed, without amendment, concurrent resolutions of the House of the following titles:

H. Con. Res. 53. A concurrent Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 96. A concurrent Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

H. Con. Res. 138. A concurrent Resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774–2005.

The message also announced that the Senate has passed bills and concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 113. An Act to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group.

S. 165. An Act to improve air cargo security.

S. Con. Res. 26. A concurrent Resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1237(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, appoints the following individuals to the United States-China Economic Security Review Commission: 1Roger W. Robinson, Jr. of Maryland, for a term expiring December 31, 2005; Robert F. Ellsworth of California, for a term expiring December 31, 2004; and Michael A. Leden of Maryland, for a term expiring December 31, 2003.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the First Session of the One Hundred Eighth Congress, to be held in Canada, May 15–19, 2003: the Senator from Vermont [Mr. LEAHY]; and the Senator from Hawaii [Mr. AKAKA].

The message also announced that pursuant to the provisions of Senate Resolution 105 (adopted April 13, 1989), as amended by Senate Resolution 149 (adopted October 5, 1993), as amended by Public Law 105–275, further amended by Senate Resolution 75 (adopted March 25, 1999), and Senate Resolution 383 (adopted October 27, 2000), the Chair, on behalf of the Democratic Leader, announces the appointment of the following Senators to serve as members of the Senate National Security Working Group for the One Hundred Eighth Congress: the Senator from West Virginia [Mr. BYRD] (Democratic Administrative Co-Chairman); the Senator from Michigan [Mr. LEVIN] (Democratic Co-Chairman); the Senator from Delaware [Mr. BIDEN] (Democratic Co-Chairman); the Senator from

Massachusetts [Mr. KENNEDY]. the Senator from Maryland [Mr. SARBANES]; the Senator from Massachusetts [Mr. KERRY]l the Senator from North Dakota [Mr. DORGAN]; the Senator from Illinois [Mr. DURBIN]; and the Senator from Florida [Mr. NELSON].

The message also announced that pursuant to the provisions of Senate Resolution 105 (adopted April 13, 1989), as amended by Senate Resolution 149 (adopted October 5, 1993), as amended by Public Law 105–275, further amended by Senate Resolution 75 (adopted March 25, 1999), and Senate Resolution 383 (adopted October 27, 2000), the Chair announces, on behalf of the Majority Leader, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the One Hundred Eighth Congress: the Senator from Tennessee [Mr. FRIST], Majority Leader; the Senator from Alaska [Mr. STEVENS], President pro tempore (Co-Chairman); the Senator from Mississippi [Mr. COCHRAN], (Majority Administratve Co-Chairman); the Senator from Arizona [Mr. KYL] (Co-Chairman); the Senator from Mississippi [Mr. LOTT], (Co-Chairman); the Senator from Indiana [Mr. LUGAR]; the Senator from Virginia [Mr. WARNER]; the Senator from Colorado [Mr. ALLARD]; the Senator from Alabama [Mr. SESSIONS]; and the Senator from Oklahoma [Mr. NICKLES].

¶49.7 PROVIDING FOR THE CONSIDERATION OF H.R. 2

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 227):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2) to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. REYNOLDS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 219 / Nays ..... 203 }

¶49.8 [Roll No. 178]

YEAS—219

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

NAYS—203

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

NOT VOTING—12

Boyd
Brady (TX)
Cole
Combest
Conyers
Feeney
Gephardt
Herger
King (IA)
Miller, Gary
Northup
Schrock

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. MCGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays ..... 203 }

¶49.9 [Roll No. 179]

AYES—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Cox
Crane

Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—203

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

NOT VOTING—11

Boyd
Cole
Combest
Cramer
Feeney
Gephardt
Hunter
King (IA)
Miller, Gary
Northup
Schrock

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.10 JOBS AND GROWTH TAX RECONCILIATION

Mr. THOMAS, pursuant to House Resolution 227, called up the bill (H.R. 2) to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth.

Pending consideration of said bill.

Pursuant to House Resolution 227, the following amendment recommended by the Committee on Ways and Means, now printed in the bill, was considered as agreed to:

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

(a) SHORT TITLE.—This Act may be cited as the ''Jobs and Growth Reconciliation Tax Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

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

TITLE I—ACCELERATION OF CERTAIN PREVIOUSLY ENACTED TAX REDUCTIONS

Sec. 101. Acceleration of increase in child tax credit.
Sec. 102. Acceleration of 15-percent individual income tax rate bracket expansion for married taxpayers filing joint returns.
Sec. 103. Acceleration of increase in standard deduction for married taxpayers filing joint returns.
Sec. 104. Acceleration of 10-percent individual income tax rate bracket expansion.
Sec. 105. Acceleration of reduction in individual income tax rates.
Sec. 106. Minimum tax relief to individuals.

TITLE II—GROWTH INCENTIVES FOR BUSINESS

Sec. 201. Increase and extension of bonus depreciation.
Sec. 202. Increased expensing for small business.
Sec. 203. 5-year carryback of certain net operating losses.

TITLE III—REDUCTIONS IN TAXES ON DIVIDENDS AND CAPITAL GAINS

Sec. 301. Reduction in capital gains rates for individuals; repeal of 5-year holding period requirement.
Sec. 302. Dividends of individuals taxed at capital gain rates.
Sec. 303. Sunset of title.

TITLE IV—CORPORATE ESTIMATED TAX PAYMENTS FOR 2003

Sec. 401. Time for payment of corporate estimated taxes.

TITLE I—ACCELERATION OF CERTAIN PREVIOUSLY ENACTED TAX REDUCTIONS

SEC. 101. ACCELERATION OF INCREASE IN CHILD TAX CREDIT.

(a) IN GENERAL.—The items relating to calendar years 2001 through 2008 in the table contained in paragraph (2) of section 24(a) (relating to per child amount) are amended to read as follows:

''2003, 2004, 2005 ..... $1,000
2006, 2007, or 2008 ..... 700''.

(b) ADVANCE PAYMENT OF PORTION OF INCREASED CREDIT IN 2003.—

(1) IN GENERAL.—Subchapter B of chapter 65 (relating to abatements, credits, and refunds) is amended by inserting after section 6428 the following new section:

''SEC. 6429. ADVANCE PAYMENT OF PORTION OF INCREASED CHILD CREDIT FOR 2003.

''(a) IN GENERAL.—Each taxpayer who claimed a credit under section 24 on the return for the taxpayer's first taxable year beginning in 2002 shall be treated as having made a payment against the tax imposed by chapter 1 for such taxable year in an amount equal to the child tax credit refund amount (if any) for such taxable year.

''(b) CHILD TAX CREDIT REFUND AMOUNT.—For purposes of this section, the child tax credit refund amount is the amount by which the aggregate credits allowed under part IV of subchapter A of chapter 1 for such first taxable year would have been increased if—

''(1) the per child amount under section 24(a)(2) for such year were $1,000,

''(2) only qualifying children (as defined in section 24(c)) of the taxpayer for such year who had not attained age 17 as of December 31, 2003, were taken into account, and

''(3) section 24(d)(1)(B)(ii) did not apply.

''(c) TIMING OF PAYMENTS.—In the case of any overpayment attributable to this section, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible and, to the extent practicable, before October 1, 2003. No refund or credit shall be made or allowed under this section after December 31, 2003.

''(d) COORDINATION WITH CHILD TAX CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this subsection and section 26) be allowed under section 24 for the taxpayer's first taxable year beginning in 2003 shall be reduced (but not below zero) by the payments made to the taxpayer under this section. Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a payment under this section with respect to a joint return, half of such payment shall be treated as having been made to each individual filing such return.

''(e) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

''Sec. 6429. Advance payment of portion of increased child credit for 2003.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2002.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 102. ACCELERATION OF 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—The item relating to 2005 in the table contained in subparagraph (B) of section 1(f)(8) (relating to applicable percentage) is amended to read as follows:

''2003, 2004, and 2005 ..... 200''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1(f)(8)(A) is amended by striking ''2004'' and inserting ''2002''.

(2) Section 302(c) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''2004'' and inserting ''2002''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. ACCELERATION OF INCREASE IN STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—The item relating to 2005 in the table contained in paragraph (7) of section 63(c) (relating to applicable percentage) is amended to read as follows:

''2003, 2004, and 2005 ..... 200''.

(b) CONFORMING AMENDMENT.—Section 301(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''2004'' and inserting ''2002''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 104. ACCELERATION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(B) (relating to the initial bracket amount) is amended by striking ''($12,000 in the case of taxable years beginning before January 1, 2008)'' and inserting ''($12,000 in the case of taxable years beginning after December 31, 2005, and before January 1, 2008)''.

(b) INFLATION ADJUSTMENT.—Subparagraph (C) of section 1(i)(1) is amended to read as follows:

''(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f) which apply with respect to taxable years beginning in calendar years after 2000—

''(i) the Secretary shall make no adjustment to the $12,000 initial bracket amount for any taxable year,

''(ii)(I) the Secretary shall make no adjustment to the $14,000 initial bracket amount for any taxable year beginning before January 1, 2004,

''(II) the cost-of-living adjustment used in making adjustments to the $14,000 initial bracket amount for any taxable year beginning during 2004 or 2005 shall be determined under subsection (f)(3) by substituting '2002' for '1992' in subparagraph (B) thereof, and

''(III) the cost-of-living adjustment used in making adjustments to the $14,000 initial bracket amount for any taxable year beginning after December 31, 2008, shall be determined under subsection (f)(3) by substituting '2007' for '1992' in subparagraph (B) thereof, and

''(iii) the adjustments under clause (ii) shall not apply to the amount referred to in subparagraph (B)(iii).

If any amount after adjustment under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(2) TABLES FOR 2003.—The Secretary of the Treasury shall modify each table which has been prescribed under section 1(f) of the Internal Revenue Code of 1986 for taxable years beginning in 2003 and which relates to the amendment made by this section to reflect such amendment.

SEC. 105. ACCELERATION OF REDUCTION IN INDIVIDUAL INCOME TAX RATES.

(a) IN GENERAL.—The table in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended to read as follows:

''In the case of taxable years beginning during calendar year:	*The corresponding percentages shall be substituted for the following percentages:*			
	28%	*31%*	*36%*	*39.6%*
2001	*27.5%*	*30.5%*	*35.5%*	*39.1%*
2002	*27.0%*	*30.0%*	*35.0%*	*38.6%*
2003 and thereafter.	*25.0%*	*28.0%*	*33.0%*	*35.0%''.*

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 106. MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) IN GENERAL.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking ''$49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004'' and inserting ''$64,000 in the case of taxable years beginning in 2003, 2004, and 2005''.

(2) Subparagraph (B) of section 55(d)(1) is amended by striking ''$35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004'' and inserting ''$43,250 in the case of taxable years beginning in 2003, 2004, and 2005''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2002.

TITLE II—GROWTH INCENTIVES FOR BUSINESS

SEC. 201. INCREASE AND EXTENSION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k) (relating to special allowance for certain property acquired after September 10, 2001, and before September 11, 2004) is amended by adding at the end the following new paragraph:

''(4) 50-PERCENT BONUS DEPRECIATION FOR CERTAIN PROPERTY.—

''(A) IN GENERAL.—In the case of 50-percent bonus depreciation property—

''(i) paragraph (1)(A) shall be applied by substituting '50 percent' for '30 percent', and

''(ii) except as provided in paragraph (2)(C), such property shall be treated as qualified property for purposes of this subsection.

''(B) 50-PERCENT BONUS DEPRECIATION PROPERTY.—For purposes of this subsection, the term '50-percent bonus depreciation property' means property described in paragraph (2)(A)(i)—

''(i) the original use of which commences with the taxpayer after May 5, 2003,

''(ii) which is acquired by the taxpayer after May 5, 2003, and before January 1, 2006, but only if no written binding contract for the acquisition was in effect before May 6, 2003, and

''(iii) which is placed in service by the taxpayer before January 1, 2006, or, in the case of property described in paragraph (2)(B) (as modified by subparagraph (C) of this paragraph), before January 1, 2007.

''(C) SPECIAL RULES.—Rules similar to the rules of subparagraphs (B) and (D) of paragraph (2) shall apply for purposes of this paragraph; except that references to September 10, 2001, shall be treated as references to May 5, 2003.

''(D) AUTOMOBILES.—Paragraph (2)(E) shall be applied by substituting '$9,200' for '$4,600' in the case of 50-percent bonus depreciation property.

''(E) ELECTION OF 30 PERCENT BONUS.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, subparagraph (A)(i) shall not apply to all property in such class placed in service during such taxable year.''

(b) EXTENSION OF PLACED IN SERVICE DATES, ETC. FOR 30-PERCENT BONUS DEPRECIATION PROPERTY.—

(1) IN GENERAL.—Clause (iv) of section 168(k)(2)(A) is amended—

(A) by striking ''January 1, 2005'' and inserting ''January 1, 2006'', and

(B) by striking ''January 1, 2006'' (as in effect before the amendment made by subparagraph (A)) and inserting ''January 1, 2007''.

(2) PORTION OF BASIS TAKEN INTO ACCOUNT.—

(A) Subparagraphs (B)(ii) and (D)(i) of section 168(k)(2) are each amended by striking ''September 11, 2004'' each place it appears in the text and inserting ''January 1, 2006''.

(B) Clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-SEPTEMBER 11, 2004'' in the heading and inserting ''PRE-JANUARY 1, 2006''.

(3) ACQUISITION DATE.—Clause (iii) of section 168(k)(2)(A) is amended by striking ''September 11, 2004'' each place it appears and inserting ''January 1, 2006''.

(4) ELECTION.—Clause (iii) of section 168(k)(2)(C) is amended by adding at the end the following: ''The preceding sentence shall be applied separately with respect to property treated as qualified property by paragraph (4) and other qualified property.''

(c) CONFORMING AMENDMENTS.—

(1) The subsection heading for section 168(k) is amended by striking ''SEPTEMBER 11, 2004'' and inserting ''JANUARY 1, 2006''.

(2) The heading for clause (i) of section 1400L(b)(2)(C) is amended by striking ''30-PERCENT ADDITIONAL ALLOWABLE PROPERTY'' and inserting ''BONUS DEPRECIATION PROPERTY UNDER SECTION 168(k)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 202. INCREASED EXPENSING FOR SMALL BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

''(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2008).''.

(b) INCREASE IN QUALIFYING INVESTMENT AT WHICH PHASEOUT BEGINS.—Paragraph (2) of section 179(b) (relating to reduction in limitation) is amended by inserting ''($400,000 in the case of taxable years beginning after 2002 and before 2008)'' after ''$200,000''.

(c) OFF-THE-SHELF COMPUTER SOFTWARE.—Paragraph (1) of section 179(d) (defining section 179 property) is amended to read as follows:

''(1) SECTION 179 PROPERTY.—For purposes of this section, the term 'section 179 property' means property—

''(A) which is—

''(i) tangible property (to which section 168 applies), or

''(ii) computer software (as defined in section 197(e)(3)(B)) which is described in section 197(e)(3)(A)(i), to which section 167 applies, and which is placed in service in a taxable year beginning after 2002 and before 2008,

''(B) which is section 1245 property (as defined in section 1245(a)(3)), and

''(C) which is acquired by purchase for use in the active conduct of a trade or business.

Such term shall not include any property described in section 50(b) and shall not include air conditioning or heating units.''.

(d) ADJUSTMENT OF DOLLAR LIMIT AND PHASEOUT THRESHOLD FOR INFLATION.—Subsection (b) of section 179 (relating to limitations) is amended by adding at the end the following new paragraph:

''(5) INFLATION ADJUSTMENTS.—

''(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2003 and before 2008, the $100,000 and $400,000 amounts in paragraphs (1) and (2) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—

''(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(e) REVOCATION OF ELECTION.—Paragraph (2) of section 179(c) (relating to election irrevocable) is amended to read as follows:

''(2) REVOCATION OF ELECTION.—An election under paragraph (1) with respect to any taxable year beginning after 2002 and before 2008, and any specification contained in any such election, may be revoked by the taxpayer with respect to any property. Such revocation, once made, shall be irrevocable.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 203. 5-YEAR CARRYBACK OF CERTAIN NET OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) is amended—

(1) by inserting ''5-YEAR CARRYBACK OF CERTAIN LOSSES.—'' after ''(H)'', and

(2) by striking ''or 2002'' and inserting '', 2002, 2003, 2004 or 2005''.

(b) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS.—Subclause (I) of section 56(d)(1)(A)(ii) is amended—

(1) by striking ''or 2002'' and inserting '', 2002, 2003, 2004, or 2005'', and

(2) by striking ''and 2002'' and inserting '', 2002, 2003, 2004, or 2005''.

(c) TECHNICAL CORRECTIONS.—

(1) Subparagraph (H) of section 172(b)(1) is amended by striking ''a taxpayer which has''.

(2) Section 102(c)(2) of the Job Creation and Worker Assistance Act of 2002 (Public Law 107–147) is amended by striking ''before January 1, 2003'' and inserting ''after December 31, 1990''.

(3)(A) Subclause (I) of section 56(d)(1)(A)(i) is amended by striking ''attributable to carryovers''.

(B) Subclause (I) of section 56(d)(1)(A)(ii) is amended—

(i) by striking ''for taxable years'' and inserting ''from taxable years'', and

(ii) by striking ''carryforwards'' and inserting ''carryovers''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to net operating losses for taxable years ending after December 31, 2002.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by section 102 of the Job Creation and Worker Assistance Act of 2002.

(3) ELECTION.—In the case of a net operating loss for a taxable year ending during 2003—

(A) any election made under section 172(b)(3) of such Code may (notwithstanding such section) be revoked before November 1, 2003, and

(B) any election made under section 172(j) of such Code shall (notwithstanding such section) be treated as timely made if made before November 1, 2003.

TITLE III—REDUCTION IN TAXES ON DIVIDENDS AND CAPITAL GAINS

SEC. 301. REDUCTION IN CAPITAL GAINS RATES FOR INDIVIDUALS; REPEAL OF 5-YEAR HOLDING PERIOD REQUIREMENT.

(a) IN GENERAL.—

(1) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking ''10 percent'' and inserting ''5 percent''.

(2) The following sections are each amended by striking ''20 percent'' and inserting ''15 percent'':

(A) Section 1(h)(1)(C).

(B) Section 55(b)(3)(C).

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936.

(b) CONFORMING AMENDMENTS.—

(1) Section 1(h) is amended—

(A) by striking paragraphs (2) and (9),

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively, and

(C) by redesignating paragraphs (10), (11), and (12) as paragraphs (8), (9), and (10), respectively.

(2) Paragraph (3) of section 55(b) is amended by striking ''In the case of taxable years beginning after December 31, 2000, rules similar to the rules of section 1(h)(2) shall apply for purposes of subparagraphs (B) and (C).''.

(3) Paragraph (7) of section 57(a) is amended—

(A) by striking ''42 percent'' the first place it appears and inserting ''7 percent'', and

(B) by striking the last sentence.

(c) TRANSITIONAL RULES FOR TAXABLE YEARS WHICH INCLUDE MAY 6, 2003.—For purposes of applying section 1(h) of the Internal Revenue Code of 1986 in the case of a taxable year which includes May 6, 2003—

(1) The amount of tax determined under subparagraph (B) of section 1(h)(1) of such Code shall be the sum of—

(A) 5 percent of the lesser of—

(i) the net capital gain determined by taking into account only gain or loss properly taken into account for the portion of the taxable year on or after May 6, 2003 (determined without regard to collectibles gain or loss, gain described in section 1(h)(6)(A)(i) of such Code, and section 1202 gain), or

(ii) the amount on which a tax is determined under such subparagraph (without regard to this subsection),

(B) 8 percent of the lesser of—

(i) the qualified 5-year gain (as defined in section 1(h)(9) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act) properly taken into account for the portion of the taxable year before May 6, 2003, over

(ii) the excess (if any) of—

(I) the amount on which a tax is determined under such subparagraph (without regard to this subsection), over

(II) the amount on which a tax is determined under subparagraph (A), plus

(C) 10 percent of the excess (if any) of—

(i) the amount on which a tax is determined under such subparagraph (without regard to this subsection), over

(ii) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B).

(2) The amount of tax determined under subparagraph (C) of section (1)(h)(1) of such Code shall be the sum of—

(A) 15 percent of the lesser of—

(i) the excess (if any) of the amount of net capital gain determined under subparagraph (A)(i) of paragraph (1) of this subsection over the amount on which a tax is determined under subparagraph (A) of paragraph (1) of this subsection, or

(ii) the amount on which a tax is determined under such subparagraph (C) (without regard to this subsection), plus

(B) 20 percent of the excess (if any) of—

(i) the amount on which a tax is determined under such subparagraph (C) (without regard to this subsection), over

(ii) the amount on which a tax is determined under subparagraph (A) of this paragraph.

(3) For purposes of applying section 55(b)(3) of such Code, rules similar to the rules of paragraphs (1) and (2) of this subsection shall apply.

(4) In applying this subsection with respect to any pass-thru entity, the determination of when gains and loss are properly taken into account shall be made at the entity level.

(5) For purposes of applying section 1(h)(11) of such Code, as added by section 302 of this Act, to this subsection, dividends which are qualified dividend income shall be treated as gain properly taken into account for the portion of the taxable year on or after May 6, 2003.

(6) Terms used in this subsection which are also used in section 1(h) of such Code shall have the respective meanings that such terms have in such section.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to taxable years ending on or after May 6, 2003.

(2) WITHHOLDING.—The amendment made by subsection (a)(2)(C) shall apply to amounts paid after the date of the enactment of this Act.

(3) SMALL BUSINESS STOCK.—The amendments made by subsection (b)(3) shall apply to dispositions on or after May 6, 2003.

SEC. 302. DIVIDENDS OF INDIVIDUALS TAXED AT CAPITAL GAIN RATES.

(a) IN GENERAL.—Section 1(h) (relating to maximum capital gains rate), as amended by section 301, is amended by adding at the end the following new paragraph:

''(11) DIVIDENDS TAXED AS NET CAPITAL GAIN.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'net capital gain' means net capital gain (determined without regard to this paragraph), increased by qualified dividend income.

''(B) QUALIFIED DIVIDEND INCOME.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified dividend income' means dividends received during the taxable year from domestic corporations.

''(ii) CERTAIN DIVIDENDS EXCLUDED.—Such term shall not include—

''(I) any dividend from a corporation which for the taxable year of the corporation in which the distribution is made, or the preceding taxable year, is a corporation exempt from tax under section 501 or 521,

''(II) any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.), and

''(III) any dividend described in section 404(k).

''(iii) EXCLUSION OF CERTAIN DIVIDENDS.—Such term shall not include any dividend on any share of stock—

''(I) with respect to which the holding period requirements of section 246(c) are not met, or

''(II) to the extent that the taxpayer is under an obligation (whether pursuant to a short sale or otherwise) to make related payments with respect to positions in substantially similar or related property.

''(C) SPECIAL RULES.—

''(i) AMOUNTS TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—Qualified dividend income shall not include any amount which the taxpayer takes into account as investment income under section 163(d)(4)(B).

''(ii) EXTRAORDINARY DIVIDENDS.—If an individual receives, with respect to any share of stock, qualified dividend income from 1 or more dividends which are extraordinary dividends (within the meaning of section 1059(c)), any loss

on the sale or exchange of such share shall, to the extent of such dividends, be treated as long-term capital loss.

''(iii) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—A dividend received from a regulated investment company or a real estate investment trust shall be subject to the limitations prescribed in sections 854 and 857.''

(b) EXCLUSION OF DIVIDENDS FROM INVESTMENT INCOME.—Subparagraph (B) of section 163(d)(4) (defining net investment income) is amended by adding at the end the following flush sentence:

''Such term shall include qualified dividend income (as defined in section 1(h)(11)(B)) only to the extent the taxpayer elects to treat such income as investment income for purposes of this subsection.''

(c) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES.—

(1) Subsection (a) of section 854 (relating to dividends received from regulated investment companies) is amended by inserting ''section 1(h)(11) (relating to maximum rate of tax on dividends and interest) and'' after ''For purposes of''.

(2) Paragraph (1) of section 854(b) (relating to other dividends) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) MAXIMUM RATE UNDER SECTION 1(h).—

''(i) IN GENERAL.—If the aggregate dividends received by a regulated investment company during any taxable year are less than 95 percent of its gross income, then, in computing the maximum rate under section 1(h)(11), rules similar to the rules of subparagraph (A) shall apply.

''(ii) GROSS INCOME.—For purposes of clause (i), in the case of 1 or more sales or other dispositions of stock or securities, the term 'gross income' includes only the excess of—

''(I) the net short-term capital gain from such sales or dispositions, over

''(II) the net long-term capital loss from such sales or dispositions.''

(3) Subparagraph (C) of section 854(b)(1), as redesignated by paragraph (2), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A) or (B)''.

(4) Paragraph (2) of section 854(b) is amended by inserting ''the maximum rate under section 1(h)(11) and'' after ''for purposes of''.

(5) Subsection (b) of section 854 is amended by adding at the end the following new paragraph:

''(5) COORDINATION WITH SECTION 1(h)(11).—For purposes of paragraph (1)(B), an amount shall be treated as a dividend only if the amount is qualified dividend income (within the meaning of section 1(h)(11)(B)).''

(d) TREATMENT OF DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—Section 857(c) (relating to restrictions applicable to dividends received from real estate investment trusts) is amended to read as follows:

''(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

''(1) SECTION 243.—For purposes of section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered a dividend.

''(2) SECTION 1(h)(11).—For purposes of section 1(h)(11) (relating to maximum rate of tax on dividends), rules similar to the rules of section 854(b)(1)(B) shall apply to dividends received from a real estate trust which meets the requirements of this part.''

(e) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 1(h), as redesignated by section 301, is amended to read as follows:

''(3) ADJUSTED NET CAPITAL GAIN.—For purposes of this subsection, the term 'adjusted net capital gain' means the sum of—

''(A) net capital gain (determined without regard to paragraph (11)) reduced (but not below zero) by the sum of—

''(i) unrecaptured section 1250 gain, and

''(ii) 28-percent rate gain, plus

''(B) qualified dividend income (as defined in paragraph (11)).''

(2) Subsection (f) of section 301 is amended adding at the end the following new paragraph:

''(4) For taxation of dividends received by individuals at capital gain rates, see section 1(h)(11).''

(3) Paragraph (1) of section 306(a) is amended by adding at the end the following new subparagraph:

''(D) TREATMENT AS DIVIDEND.—For purposes of section l(h)(11), any amount treated as ordinary income under this paragraph shall be treated as a dividend received from the corporation.''

(4)(A) Subpart C of part II of subchapter C of chapter 1 (relating to collapsible corporations) is repealed.

(B)(i) Section 338(h) is amended by striking paragraph (14).

(ii) Sections 467(c)(5)(C), 1255(b)(2), and 1257(d) are each amended by striking '', 341(e)(12),''.

(iii) The table of subparts for part II of subchapter C of chapter 1 is amended by striking the item related to subpart C.

(5) Section 531 is amended by striking ''equal to'' and all that follows and inserting ''equal to 15 percent of the accumulated taxable income.''

(6) Section 541 is amended by striking ''equal to'' and all that follows and inserting ''equal to 15 percent of the undistributed personal holding company income.''

(7) Section 584(c) is amended by adding at the end the following new flush sentence:

''The proportionate share of each participant in the amount of dividends received by the common trust fund and to which section 1(h)(11) applies shall be considered for purposes of such paragraph as having been received by such participant.''

(8) Paragraph (5) of section 702(a) is amended to read as follows:

''(5) dividends with respect to which section 1(h)(11) or part VII of subchapter B applies,''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 303. SUNSET OF TITLE.

All provisions of, and amendments made by, this title shall not apply to taxable years beginning after December 31, 2012, and the Internal Revenue Code of 1986 shall be applied and administered to such years as if such provisions and amendments had never been enacted.

TITLE IV—CORPORATE ESTIMATED TAX PAYMENTS FOR 2003

SEC. 401. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, 52 percent of the amount of any required installment of corporate estimated tax which is otherwise due in September 2003 shall not be due until October 1, 2003.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 227, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. RANGEL moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the ''Jobs and Growth Reconciliation Tax Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

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

TITLE I—IMMEDIATE STIMULUS AND JOB CREATION

Subtitle A—Family Tax Relief

Sec. 101. Acceleration of increase in child tax credit.
Sec. 102. Increase in standard deduction for married taxpayers filing joint returns accelerated.
Sec. 103. Acceleration of 10-percent individual income tax rate bracket expansion.
Sec. 104. Acceleration of elimination of marriage penalty in earned income credit.

Subtitle B—Incentives to Hire the Long-Term Unemployed

Sec. 111. Incentives to hire the long-term unemployed.

Subtitle C—Extension of Unemployment Benefits

Sec. 121. Short title.

PART I—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION

Sec. 131. References.
Sec. 132. Extension of the Temporary Extended Unemployment Compensation Act of 2002.
Sec. 133. Entitlement to additional weeks of temporary extended unemployment compensation.
Sec. 134. Extended benefit periods.

PART II—UNEMPLOYMENT BENEFITS FOR INDIVIDUALS QUALIFYING BASED ON PART-TIME WORK OR AN ALTERNATIVE BASE PERIOD

Sec. 141. Federal-State agreements.
Sec. 142. Payments to States having agreements under this part.
Sec. 143. Financing provisions.
Sec. 144. Definitions.
Sec. 145. Applicability.

PART III—ENHANCED UNEMPLOYMENT BENEFITS

Sec. 151. Federal-State agreements.
Sec. 152. Payments to States having agreements under this part.
Sec. 153. Definitions.
Sec. 154. Applicability.

Subtitle D—Trust Fund to Meet Nation's Pressing Needs

Sec. 161. Trust fund to meet nation's pressing needs.

TITLE II—LONG-TERM JOB CREATION AND GROWTH

Sec. 201. Increase and extension of bonus depreciation.
Sec. 202. Increased expensing for small business.
Sec. 203. Deduction relating to income attributable to United States production activities.

TITLE III—FISCAL RESPONSIBILITY AND PROVISIONS ADDRESSING CORPORATE ABUSE

Subtitle A— General Provisions

Sec. 301. Freeze of top individual income tax rates.
Sec. 302. Restoration of phaseouts of deductions for personal exemptions and of itemized deductions.

Sec. 303. Repeal of exclusion for extraterritorial income.

Subtitle B—Abusive Tax Shelter Shutdown and Taxpayer Accountability

PART I—PROVISIONS DESIGNED TO CURTAIL TAX SHELTERS

Sec. 311. Clarification of economic substance doctrine.
Sec. 312. Penalty for failing to disclose reportable transaction.
Sec. 313. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 314. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 315. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 316. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 317. Disclosure of reportable transactions.
Sec. 318. Modifications to penalty for failure to register tax shelters.
Sec. 319. Modification of penalty for failure to maintain lists of investors.
Sec. 320. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 321. Understatement of taxpayer's liability by income tax return preparer.
Sec. 322. Penalty on failure to report interests in foreign financial accounts.
Sec. 323. Frivolous tax submissions.
Sec. 324. Regulation of individuals practicing before the department of treasury.
Sec. 325. Penalty on promoters of tax shelters.
Sec. 326. Statute of limitations for taxable years for which listed transactions not reported.
Sec. 327. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.

PART II—OTHER PROVISIONS

Sec. 331. Limitation on transfer or importation of built-in losses.
Sec. 332. Disallowance of certain partnership loss transfers.
Sec. 333. No reduction of basis under section 734 in stock held by partnership in corporate partner.
Sec. 334. Repeal of special rules for fasits.
Sec. 335. Expanded disallowance of deduction for interest on convertible debt.
Sec. 336. Expanded authority to disallow tax benefits under section 269.
Sec. 337. Modifications of certain rules relating to controlled foreign corporations.
Sec. 338. Basis for determining loss always reduced by nontaxed portion of dividends.
Sec. 339. Affirmation of consolidated return regulation authority.

Subtitle C—Prevention of Corporate Expatriation To Avoid United States Income Tax

Sec. 341. Prevention of corporate expatriation to avoid United States income tax.

Subtitle D—Inclusion in Gross Income of Funded Deferred Compensation of Corporate Insiders

Sec. 351. Inclusion in gross income of funded deferred compensation of corporate insiders.

TITLE I—IMMEDIATE STIMULUS AND JOB CREATION

Subtitle A—Family Tax Relief

SEC. 101. ACCELERATION OF INCREASE IN CHILD TAX CREDIT.

(a) IN GENERAL.—The items relating to calendar years 2001 through 2008 in the table contained in paragraph (2) of section 24(a) (relating to per child amount) are amended to read as follows:

''2003 thru 2009 ..... $ 800
2010 or thereafter ..... 1,000''.

(b) ACCELERATION OF INCREASE IN REFUNDABLE PORTION OF CREDIT.—

(1) IN GENERAL.—Clause (i) of section 24(d)(1)(B) is amended to read as follows:

''(i) 15 percent of so much of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds $7,500, or''.

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 24(d) is amended—

(A) by striking ''$10,000'' and inserting ''$7,500'', and

(B) by striking ''2000'' and inserting ''2002''.

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 102. INCREASE IN STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINT RETURNS ACCELERATED.

(a) IN GENERAL.—Subparagraph (A) of section 63(c)(2), as amended by the Economic Growth and Tax Relief Reconciliation Act of 2001, is amended by striking ''the applicable percentage of'' and inserting ''twice''.

(b) CONFORMING AMENDMENTS.—

(1) Section 301(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''2004'' and inserting ''2002''.

(2) Section 63(c) is amended by striking paragraph (7).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. ACCELERATION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(B) (relating to the initial bracket amount) is amended by striking ''($12,000 in the case of taxable years beginning before January 1, 2008)''.

(b) INFLATION ADJUSTMENT.—Subparagraph (C) of section 1(i)(1) is amended to read as follows:

''(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f)—

''(i) no adjustment shall be made in the $14,000 amount for any taxable year beginning before 2004, and

''(ii) the adjustment in such amount with respect to taxable years beginning after 2003 shall be determined under subsection (f)(3) by substituting '2003' for '1992' in subparagraph (B) thereof.''

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(2) TABLES FOR 2003.—The Secretary of the Treasury shall modify each table which has been prescribed under section 1(f) of the Internal Revenue Code of 1986 for taxable years beginning in 2003 and which relates to the amendment made by this section to reflect such amendment.

SEC. 104. ACCELERATION OF ELIMINATION OF MARRIAGE PENALTY IN EARNED INCOME CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 32(b)(2) is amended to read as follows:

''(B) JOINT RETURNS.—In the case of a joint return filed by an eligible individual and such individual's spouse, the phaseout amount determined under subparagraph (A) shall be increased by $3,000.''

(b) CONFORMING AMENDMENT.—Clause (ii) of section 32(j)(1)(B) is amended by striking ''2007'' and inserting ''2002''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

Subtitle B—Incentives to Hire the Long-Term Unemployed

SEC. 111. INCENTIVES TO HIRE THE LONG-TERM UNEMPLOYED.

(a) IN GENERAL.—Paragraph (1) of section 51(d) (relating to members of targeted groups) is amended by striking ''or'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', or'', and by adding at the end the following new subparagraph:

''(I) a qualified long-term unemployed individual.''

(b) QUALIFIED LONG-TERM UNEMPLOYED INDIVIDUAL.—Subsection (d) of section 51 is amended by redesignating paragraphs (10), (11), and (12) as paragraphs (11), (12), and (13), respectively, and by inserting after paragraph (9) the following new paragraph:

''(10) QUALIFIED LONG-TERM UNEMPLOYED INDIVIDUAL.—

''(A) IN GENERAL.—The term 'qualified long-term unemployed individual' means any individual who is certified by the designated local agency—

''(i) as having exhausted, during the 1-year period ending on the hiring date, all rights to regular unemployment compensation under State or Federal law, and

''(ii) as having a hiring date which is during the 1-year period beginning on the date of the enactment of this paragraph.

Subsection (c)(4) shall not apply to any qualified long-term unemployed individual.

''(B) EXHAUSTION OF BENEFITS.—For purposes of subparagraph (A), an individual shall be deemed to have exhausted such individual's rights to regular compensation when—

''(i) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period, or

''(ii) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle C—Extension of Unemployment Benefits

SEC. 121. SHORT TITLE.

This subtitle may be cited as the ''Unemployment Benefits Extension Act''.

PART I—TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 131. REFERENCES.

Except as otherwise expressly provided, whenever in this part an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 26 U.S.C. 3304 note).

SEC. 132. EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002.

(a) EXTENSION OF PROGRAM.—Section 208 is amended to read as follows:

''SEC. 208. APPLICABILITY.

''(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

''(1) beginning after the date on which such agreement is entered into; and

''(2) ending before March 1, 2004.

''(b) TRANSITION.—In the case of an individual who is receiving temporary extended unemployment compensation for the week which immediately precedes the first day of the week that includes March 1, 2004, temporary extended unemployment compensation shall continue to be payable to such individual for any week thereafter from the account from which such individual received compensation for the week immediately preceding that termination date. No compensation shall be payable by reason of the preceding sentence for any week beginning after October 31, 2004.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21).

SEC. 133. ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) WEEKS OF TEUC AMOUNTS.—Paragraph (1) of section 203(b) is amended to read as follows:

''(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 26 times the individual's weekly benefit amount for the benefit year.''.

(b) WEEKS OF TEUC–X AMOUNTS.—Section 203(c)(1) is amended by striking ''an amount equal to the amount originally established in such account (as determined under subsection (b)(1))'' and inserting ''7 times the individual's weekly benefit amount for the benefit year''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section—

(A) shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21); but

(B) shall apply only with respect to weeks of unemployment beginning on or after the date of enactment this Act, subject to paragraph (2).

(2) SPECIAL RULES.—In the case of an individual for whom a temporary extended unemployment account was established before the date of enactment of this Act, the Temporary Extended Unemployment Compensation Act of 2002 (as amended by this part) shall be applied subject to the following:

(A) Any amounts deposited in the individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as ''TEUC–X amounts'') before the date of enactment of this Act shall be treated as amounts deposited by reason of section 203(b) of such Act (commonly known as ''TEUC amounts''), as amended by subsection (a).

(B) For purposes of determining whether the individual is eligible for any TEUC–X amounts under such Act, as amended by this part—

(i) any determination made under section 203(c) of such Act before the application of the amendments made by this part shall be disregarded; and

(ii) any such determination shall instead be made by applying section 203(c) of such Act, as amended by this part—

(I) as of the time that all amounts established in such account in accordance with section 203(b) of such Act (as amended by this part, and including any amounts described in subparagraph (A)) are in fact exhausted, except that

(II) if such individual's account was both augmented by and exhausted of all TEUC–X amounts before the date of enactment of this Act, such determination shall be made as if exhaustion (as described in section 203(c)(1) of such Act) had not occurred until such date of enactment.

SEC. 134. EXTENDED BENEFIT PERIODS.

(a) APPLICATION OF REVISED RATE OF INSURED UNEMPLOYMENT.—Section 207 is amended—

(1) by striking ''In'' and inserting ''(a) IN GENERAL.—In''; and

(2) by adding at the end the following:

''(b) INSURED UNEMPLOYMENT RATE.—For purposes of carrying out section 203(c) with respect to weeks of unemployment beginning on or after the date of enactment of this subsection, the term 'rate of insured unemployment', as used in section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note), has the meaning given such term under section 203(e)(1) of such Act, except that individuals exhausting their right to regular compensation during the most recent 3 calendar months for which data are available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which such rate is being determined, and section 203(d)(1)(A) of such Act shall be applied by substituting 'either (or both)' for 'each'.''.

(b) ADDITIONAL EXTENDED BENEFIT PERIOD TRIGGER.—

(1) IN GENERAL.—Section 203(c) is amended by adding at the end the following:

''(3) ADDITIONAL EXTENDED BENEFIT PERIOD TRIGGER.—

''(A) IN GENERAL.—Effective with respect to compensation for weeks of unemployment beginning on or after the date of enactment of this paragraph, an agreement under this title shall provide that, in addition to any other extended benefit period trigger, for purposes of beginning or ending any extended benefit period under this section—

''(i) there is a State 'on' indicator for a week if—

''(I) the average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3 months for which data for all States are published before the close of such week equals or exceeds 6 percent; and

''(II) the average rate of total unemployment in such State (seasonally adjusted) for the 3-month period referred to in subclause (I) equals or exceeds 110 percent of such average rate for either (or both) of the corresponding 3-month periods ending in the 2 preceding calendar years; and

''(ii) there is a State 'off' indicator for a week if either the requirements of subclause (I) or (II) of clause (i) are not satisfied.

''(B) NO EFFECT ON OTHER DETERMINATIONS.—Notwithstanding the provisions of any agreement described in subparagraph (A), any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.

''(C) DETERMINATIONS MADE BY THE SECRETARY.—For purposes of this subsection, determinations of the rate of total unemployment in any State for any period (and of any seasonal adjustment) shall be made by the Secretary.''.

(2) CONFORMING AMENDMENT.—Section 203(c)(1) is amended by inserting ''or (3)'' after ''paragraph (2)''.

PART II—UNEMPLOYMENT BENEFITS FOR INDIVIDUALS QUALIFYING BASED ON PART-TIME WORK OR AN ALTERNATIVE BASE PERIOD

SEC. 141. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this part with the Secretary of Labor (hereinafter in this part referred to as the ''Secretary''). Any State which is a party to an agreement under this part may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) IN GENERAL.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law were applied with the modifications described in paragraph (2).

(2) MODIFICATIONS DESCRIBED.—The modifications described in this paragraph are as follows:

(A) In the case of an individual who is not eligible for regular compensation under the State law because of the use of a definition of base period that does not count wages earned in the most recently completed calendar quarter, eligibility for compensation under this part shall be determined by applying a base period ending at the close of the most recently completed calendar quarter.

(B) In the case of an individual who is not eligible for regular compensation under the State law because such individual does not meet requirements relating to availability for work, active search for work, or refusal to accept work, because such individual is seeking, or is available for, less than full-time work, compensation under this part shall not be denied by such State to an otherwise eligible individual who seeks less than full-time work or fails to accept full-time work.

(c) COORDINATION RULE.—The modifications described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

SEC. 142. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS PART.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this part an amount equal to—

(1) 100 percent of any regular compensation made payable to individuals by such State by virtue of the modifications which are described in section 141(b)(2) and deemed to be in effect with respect to such State pursuant to section 141(b)(1), and

(2) 100 percent of any regular compensation—

(A) which is paid to individuals by such State by reason of the fact that its State law contains provisions comparable to the modifications described in section 141(b)(2), but only

(B) to the extent that those amounts would, if such amounts were instead payable by virtue of the State law's being deemed to be so modified pursuant to section 141(b)(1), have been reimbursable under paragraph (1).

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this part shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this part for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE AND OTHER EXPENSES.—There is hereby appropriated out of the employment security administration account of the Unemployment Trust Fund (as established by section 901(a) of the Social Security Act) $500,000,000 to reimburse States

for the costs of the administration of agreements under this part (including any improvements in technology in connection therewith) and to provide reemployment services to unemployment compensation claimants in States having agreements under this part. Each State's share of the amount appropriated by the preceding sentence shall be determined by the Secretary according to the factors described in section 302(a) of the Social Security Act and certified by the Secretary to the Secretary of the Treasury.

SEC. 143. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act), and the Federal unemployment account (as established by section 904(g) of the Social Security Act), of the Unemployment Trust Fund shall be used, in accordance with subsection (b), for the making of payments (described in section 142(a)) to States having agreements entered into under this part.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 142(a) which are payable to such State under this part. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account) to the account of such State in the Unemployment Trust Fund.

SEC. 144. DEFINITIONS.

For purposes of this part:

(1) IN GENERAL.—The terms ''compensation'', ''regular compensation'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, subject to paragraph (2).

(2) STATE LAW AND REGULAR COMPENSATION.—In the case of a State entering into an agreement under this part—

(A) ''State law'' shall be considered to refer to the State law of such State, applied in conformance with the modifications described in section 201(b)(2), and

(B) ''regular compensation'' shall be considered to refer to such compensation, determined under its State law (applied in the manner described in subparagraph (A)),

except as otherwise provided or where the context clearly indicates otherwise.

SEC. 145. APPLICABILITY.

An agreement entered into under this part shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into, and

(2) ending before July 1, 2004.

PART III—ENHANCED UNEMPLOYMENT BENEFITS

SEC. 151. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this part with the Secretary of Labor (hereinafter in this part referred to as the ''Secretary''). Any State which is a party to an agreement under this part may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—

(1) IN GENERAL.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law were applied with the modification described in paragraph (2).

(2) MODIFICATION DESCRIBED.—The modification described in this paragraph is that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this paragraph), plus an additional—

(A) 15 percent, or

(B) $25,

whichever is greater.

(c) NONREDUCTION RULE.—Each agreement shall provide that such agreement shall not apply (or shall cease to apply) upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a way such that—

(1) the average weekly amount of regular compensation which will be payable during the period of the agreement (determined disregarding the modification described in subsection (b)(2)) will be less than

(2) the average weekly amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on September 11, 2001.

(d) COORDINATION RULE.—The modification described in subsection (b)(2) shall also apply in determining the amount of benefits payable under any Federal law to the extent that those benefits are determined by reference to regular compensation payable under the State law of the State involved.

SEC. 152. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS PART.

(a) GENERAL RULE.—There shall be paid to each State which has entered into an agreement under this part an amount equal to 100 percent of any regular compensation made payable to individuals by such State by virtue of the modification described in section 151(b)(2) and deemed to be in effect with respect to such State pursuant to section 151(b)(1).

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this part shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this part for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 153. DEFINITIONS.

For purposes of this part:

(1) IN GENERAL.—The terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, subject to paragraph (2).

(2) STATE LAW AND REGULAR COMPENSATION.—In the case of a State entering into an agreement under this part—

(A) ''State law'' shall be considered to refer to the State law of such State, applied in conformance with the modification described in section 151(b)(2), subject to section 151(c), and

(B) ''regular compensation'' shall be considered to refer to such compensation, determined under its State law (applied in the manner described in subparagraph (A)),

except as otherwise provided or where the context clearly indicates otherwise.

SEC. 154. APPLICABILITY.

(a) IN GENERAL.—An agreement entered into under this part shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into, and

(2) ending before January 1, 2004.

Subtitle D—Trust Fund to Meet Nation's Pressing Needs

SEC. 161. TRUST FUND TO MEET NATION'S PRESSING NEEDS.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Pressing Domestic Needs Trust Fund', consisting of such amounts as may be transferred to the Trust Fund as provided in this section.

(b) TRANSFERS TO FUND.—There are hereby transferred from the general Fund of the Treasury to the Pressing Domestic Needs Trust Fund so much of the additional amounts received in the Treasury by reason of the amendments made by title III of this Act as does not exceed—

(1) $18,000,000,000 to be used for increasing Federal matching funds under medicaid, and

(2) $26,000,000,000 to be used for infrastructure improvements, homeland security, community development, and education.

(c) EXPENDITURES.—Amounts in the Pressing Domestic Needs Trust Fund shall be available, as provided by appropriation Acts, for purposes and in the amount specified in subsection (b).

TITLE II—LONG-TERM JOB CREATION AND GROWTH

SEC. 201. INCREASE AND EXTENSION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k) (relating to special allowance for certain property acquired after September 10, 2001, and before September 11, 2004) is amended by adding at the end the following new paragraph:

''(4) 50-PERCENT BONUS DEPRECIATION FOR CERTAIN PROPERTY.—

''(A) IN GENERAL.—In the case of 50-percent bonus depreciation property—

''(i) paragraph (1)(A) shall be applied by substituting '50 percent' for '30 percent', and

''(ii) except as provided in paragraph (2)(C), such property shall be treated as qualified property for purposes of this subsection.

''(B) 50-PERCENT BONUS DEPRECIATION PROPERTY.—For purposes of this subsection, the term '50-percent bonus depreciation property' means property described in paragraph (2)(A)(i)—

''(i) the original use of which commences with the taxpayer after April 30, 2003,

''(ii) which is acquired by the taxpayer after April 30, 2003, and before May 1, 2004, but only if no written binding contract for the acquisition was in effect before May 1, 2003, and

''(iii) which is placed in service by the taxpayer before January 1, 2005, or, in the case of property described in paragraph (2)(B) (as modified by subparagraph (C) of this paragraph), before January 1, 2006.

''(C) SPECIAL RULES.—Rules similar to the rules of subparagraphs (B) and (D) of paragraph (2) shall apply for purposes of this paragraph; except that reference to September 10, 2001, shall be treated as references to April 30, 2003.

''(D) AUTOMOBILES.—Paragraph (2)(E) shall be applied by substituting '$9,200' for '$4,600' in the case of 50-percent bonus depreciation property.

''(E) ELECTION OF 30 PERCENT BONUS.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, subparagraph (A)(i) shall not apply to all property in such

class placed in service during such taxable year.''

(b) MODIFICATION TO 30-PERCENT BONUS DEPRECIATION PROPERTY.—

(1) PORTION OF BASIS TAKEN INTO ACCOUNT.—Subparagraphs (B)(ii) and (D)(i) of section 168(k)(2) are each amended by striking ''September 11, 2004'' each place it appears and inserting ''January 1, 2005''.

(2) ELECTION.—Clause (iii) of section 168(k)(2)(C) is amended by adding at the end the following: ''The preceding sentence shall be applied separately with respect to property treated as qualified property by paragraph (4) and other qualified property.''

(3) ACQUISITION DATE.—Clause (iii) of section 168(k)(2)(A) is amended by striking ''September 11, 2004'' each place it appears and inserting ''January 1, 2005''.

(c) CONFORMING AMENDMENTS.—

(1) The subsection heading for section 168(k) is amended by striking ''SEPTEMBER 11, 2004'' and inserting ''JANUARY 1, 2005''.

(2) The heading for clause (i) of section 1400L(b)(2)(C) is amended by striking ''30-PERCENT ADDITIONAL ALLOWABLE PROPERTY'' and inserting ''BONUS DEPRECIATION PROPERTY UNDER SECTION 168(K)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 202. INCREASED EXPENSING FOR SMALL BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

''(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000 ($75,000 in the case of taxable years beginning in 2003 or 2004).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 203. DEDUCTION RELATING TO INCOME ATTRIBUTABLE TO UNITED STATES PRODUCTION ACTIVITIES.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 (relating to special deductions for corporations) is amended by adding at the end the following new section:

''SEC. 250. INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.

''(a) IN GENERAL.—In the case of a corporation, there shall be allowed as a deduction an amount equal to 10 percent of the qualified production activities income of the corporation for the taxable year.

''(b) PHASEIN.—In the case of taxable years beginning in 2006, 2007, 2008 or 2009, subsection (a) shall be applied by substituting for the percentage contained therein the transition percentage determined under the following table:

''Taxable years beginning in:	The transition percentage is:
2006	1
2007	2
2008	4
2009	9

''(c) QUALIFIED PRODUCTION ACTIVITIES INCOME.—For purposes of this section, the term 'qualified production activities income' means the product of—

''(1) the portion of the modified taxable income of the taxpayer which is attributable to domestic production activities, and

''(2) the domestic/foreign fraction.

''(d) DETERMINATION OF INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES.—For purposes of this section—

''(1) IN GENERAL.—The portion of the modified taxable income which is attributable to domestic production activities is so much of the modified taxable income for the taxable year as does not exceed—

''(A) the taxpayer's domestic production gross receipts for such taxable year, reduced by

''(B) the sum of—

''(i) the costs of goods sold that are allocable to such receipts,

''(ii) other deductions, expenses, or losses directly allocable to such receipts, and

''(iii) a ratable portion of other deductions, expenses, and losses that are not directly allocable to such receipts or another class of income.

''(2) ALLOCATION METHOD.—Except as provided in regulations, allocations under clauses (ii) and (iii) of paragraph (1)(B) shall be made under the principles used in determining the portion of taxable income from sources within and without the United States.

''(3) SPECIAL RULE.—

''(A) For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States without a transfer price meeting the requirements of section 482 shall be treated as acquired by purchase, and its cost shall be treated as not less than its value when it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic production gross receipts.

''(B) In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost (or adjusted basis) under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

''(4) MODIFIED TAXABLE INCOME.—The term 'modified taxable income' means taxable income computed without regard to the deduction allowable under this section.

''(e) DOMESTIC PRODUCTION GROSS RECEIPTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'domestic production gross receipts' means the gross receipts of the taxpayer which are derived from—

''(A) any sale, exchange, or other disposition of, or

''(B) any lease, rental or license of,

qualifying production property which was manufactured, produced, grown, or extracted in whole or in significant part by the taxpayer within the United States.

''(2) SPECIAL RULE.—The term 'domestic production gross receipts' includes gross receipts of the taxpayer from the sale, exchange, or other disposition of replacement parts if—

''(A) such parts are sold by the taxpayer as replacement parts for qualified production property produced or manufactured in whole or significant part by the taxpayer in the United States, and

''(B) the taxpayer (or a related party) owns the designs for such parts.

''(3) RELATED PARTY.—The term 'related party' means any corporation which is a member of the taxpayer's expanded affiliated group.

''(f) QUALIFYING PRODUCTION PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualifying production property' means—

''(A) any tangible personal property,

''(B) any computer software, and

''(C) any films, tapes, records, or similar reproductions.

''(2) EXCLUSIONS FROM QUALIFYING PRODUCTION PROPERTY.—The term 'qualifying production property' shall not include—

''(A) consumable property that is sold, leased, or licensed by the taxpayer as an integral part of the provision of services,

''(B) oil or gas (or any primary product thereof),

''(C) electricity,

''(D) water supplied by pipeline to the consumer,

''(E) any unprocessed timber which is softwood,

''(F) utility services, or

''(G) any property (not described in paragraph (1)(B)) which is a film, tape, recording, book, magazine, newspaper, or similar property the market for which is primarily topical or otherwise essentially transitory in nature.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber.

''(g) DOMESTIC/FOREIGN FRACTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'domestic/foreign fraction' means a fraction—

''(A) the numerator of which is the value of the domestic production of the taxpayer, and

''(B) the denominator of which is the value of the worldwide production of the taxpayer.

''(2) VALUE OF DOMESTIC PRODUCTION.—The value of domestic production is the excess of—

''(A) the domestic production gross receipts, over

''(B) the cost of purchased inputs allocable to such receipts that are deductible under this chapter for the taxable year.

''(3) PURCHASED INPUTS.—

''(A) IN GENERAL.—Purchased inputs are any of the following items acquired by purchase:

''(i) Services (other than services of employees) used in manufacture, production, growth, or extraction activities.

''(ii) Items consumed in connection with such activities.

''(iii) Items incorporated as part of the property being manufactured, produced, grown, or extracted.

''(B) SPECIAL RULE.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of this subsection.

''(4) VALUE OF WORLDWIDE PRODUCTION.—

''(A) IN GENERAL.—The value of worldwide production shall be determined under the principles of paragraph (2), except that—

''(i) worldwide production gross receipts shall be taken into account, and

''(ii) paragraph (3)(B) shall not apply.

''(B) WORLDWIDE PRODUCTION GROSS RECEIPTS.—The worldwide production gross receipts is the amount that would be determined under subsection (e) if such subsection were applied without any reference to the United States.

''(5) SPECIAL RULE FOR AFFILIATED GROUPS.—

''(A) IN GENERAL.—In the case of a taxpayer that is a member of an expanded affiliated group, the domestic/foreign fraction shall be the amount determined under the preceding provisions of this subsection by treating all members of such group as a single corporation.

''(B) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

''(i) by substituting '50 percent' for '80 percent' each place it appears, and

''(ii) without regard to paragraphs (2), (3), and (4) of section 1504(b).

''(h) DEFINITIONS AND SPECIAL RULES.—

''(1) UNITED STATES.—For purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico and any other possession of the United States.

''(2) SPECIAL RULE FOR PARTNERSHIPS.—For purposes of this section, a corporation's distributive share of any partnership item shall be taken into account as if directly realized by the corporation.

''(3) COORDINATION WITH MINIMUM TAX.—The deduction under this section shall be allowed

for purposes of the tax imposed by section 55; except that for purposes of section 55, alternative minimum taxable income shall be taken into account in determining the deduction under this section.

''(4) ORDERING RULE.—The amount of any other deduction allowable under this chapter shall be determined as if this section had not been enacted.

''(5) COORDINATION WITH TRANSITION RULES.—For purposes of this section—

''(A) domestic production gross receipts shall not include gross receipts from any transaction if the binding contract transition relief of section 303(c)(2) of the Jobs and Growth Reconciliation Tax Act of 2003 applies to such transaction, and

''(B) any deduction allowed under section 2(e) of such Act shall be disregarded in determining the portion of the taxable income which is attributable to domestic production gross receipts.''.

(b) CLERICAL AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 250. Income attributable to domestic production activities.''.

(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after 2005.

''(2) APPLICATION OF SECTION 15.—Section 15 of the Internal Revenue Code of 1986 shall apply to the amendments made by this section as if they were changes in a rate of tax.

TITLE III—FISCAL RESPONSIBILITY AND PROVISIONS ADDRESSING CORPORATE ABUSE

Subtitle A— General Provisions

SEC. 301. FREEZE OF TOP INDIVIDUAL INCOME TAX RATES.

(a) FREEZE OF TOP INDIVIDUAL INCOME TAX RATES.—Paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) in the column for the highest rate—

(A) by striking ''37.6'' and inserting ''38.6'', and

(B) by striking ''35.0'' and inserting ''38.6'', and

(2) in the column for the next highest rate—

(A) by striking ''34.0'' and inserting ''35.0'', and

(B) by striking ''33.0'' and inserting ''35.0''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(c) RESTORATION OF RATE REDUCTIONS IF FUNDS NOT COMMITTED TO MEET NATION'S PRESSING NEEDS.—

(1) IN GENERAL.—On December 31, 2003, the Director of the Office of Management and Budget shall determine whether there is a noncommitted balance in the Pressing Domestic Needs Trust Fund (established by section 161 of this Act). If such a noncommitted balance is determined, the Secretary of the Treasury shall reduce the rates otherwise applicable under the amendment made by subsection (a) so that the total revenue raised by such amendment is reduced by the amount of such noncommitted balance.

(2) NONCOMMITTED BALANCE.—For purposes of paragraph (1), the noncommitted balance of the trust fund is the portion of the amounts in the trust fund which are not committed to meeting the pressing needs specified in section 161.

(d) RESTORATION OF RATE REDUCTIONS IF BALANCED BUDGET.—The amendments made by this section shall cease to apply to any taxable year beginning after a calendar year if there is no deficit in the Federal budget for the fiscal year ending in such calendar year.

SEC. 302. RESTORATION OF PHASEOUTS OF DEDUCTIONS FOR PERSONAL EXEMPTIONS AND OF ITEMIZED DEDUCTIONS.

(a) PHASEOUT OF PERSONAL EXEMPTIONS.—Paragraph (3) of section 151(d) is amended by striking subparagraphs (E) and (F).

(b) PHASEOUT OF ITEMIZED DEDUCTIONS.—Section 68 (relating to overall limitation on itemized deductions) is amended by striking subsections (f) and (g).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 303. REPEAL OF EXCLUSION FOR EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Section 114 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subpart E of part III of subchapter N of chapter 1 (relating to qualifying foreign trade income) is hereby repealed.

(2) The table of subparts for such part III is amended by striking the item relating to subpart E.

(3) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 114.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply to any transaction in the ordinary course of a trade or business which occurs pursuant to a binding contract—

(A) which is between the taxpayer and a person who is not a related person (as defined in section 943(b)(3) of such Code, as in effect on the day before the date of the enactment of this Act), and

(B) which is in effect on April 11, 2003, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract.

(d) REVOCATION OF SECTION 943(e) ELECTIONS.—

(1) IN GENERAL.—In the case of a corporation that elected to be treated as a domestic corporation under section 943(e) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act)—

(A) the corporation may revoke such election, effective as of the date of the enactment of this Act, and

(B) if the corporation does revoke such election—

(i) such corporation shall be treated as a domestic corporation transferring (as of the date of the enactment of this Act) all of its property to a foreign corporation in connection with an exchange described in section 354 of the Internal Revenue Code of 1986, and

(ii) no gain or loss shall be recognized on such transfer.

(2) EXCEPTION.—Subparagraph (B)(ii) of paragraph (1) shall not apply to gain on any asset held by the revoking corporation if—

(A) the basis of such asset is determined in whole or in part by reference to the basis of such asset in the hands of the person from whom the revoking corporation acquired such asset,

(B) the asset was acquired by transfer (not as a result of the election under section 943(e) of such Code) occurring on or after the 1st day on which its election under section 943(e) of such Code was effective, and

(C) a principal purpose of the acquisition was the reduction or avoidance of tax.

(e) GENERAL TRANSITION.—

(1) IN GENERAL.—In the case of a taxable year ending after the date of the enactment of this Act and beginning before January 1, 2009, for purposes of chapter 1 of such Code, each current FSC/ETI beneficiary shall be allowed a deduction equal to the transition amount determined under this subsection with respect to such beneficiary for such year.

(2) CURRENT FSC/ETI BENEFICIARY.—The term ''current FSC/ETI beneficiary'' means any corporation which entered into one or more transactions during its taxable year beginning in calendar year 2001 with respect to which FSC/ETI benefits were allowable.

(3) TRANSITION AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—The transition amount applicable to any current FSC/ETI beneficiary for any taxable year is the phaseout percentage of the adjusted base period amount.

(B) PHASEOUT PERCENTAGE.—

(i) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the phaseout percentage shall be determined under the following table:

"Years:	The phaseout percentage is:
2004 and 2005	100
2006	75
2007	75
2008	50
2009 and thereafter	0

(ii) SPECIAL RULE FOR 2003.—The phaseout percentage for 2003 shall be the amount that bears the same ratio to 100 percent as the number of days after the date of the enactment of this Act bears to 365.

(iii) SPECIAL RULE FOR FISCAL YEAR TAXPAYERS.—In the case of a taxpayer not using the calendar year as its taxable year, the phaseout percentage is the weighted average of the phaseout percentages determined under the preceding provisions of this paragraph with respect to calendar years any portion of which is included in the taxpayer's taxable year. The weighted average shall be determined on the basis of the respective portions of the taxable year in each calendar year.

(4) ADJUSTED BASE PERIOD AMOUNT.—For purposes of this subsection—

(A) IN GENERAL.—In the case of a taxpayer using the calendar year as its taxable year, the adjusted base period amount for any taxable year is the base period amount multiplied by the applicable percentage, as determined in the following table:

"Years:	The applicable percentage is:
2003	100
2004	100
2005	105
2006	110
2007	115
2008	120
2009 and thereafter	0

(B) BASE PERIOD AMOUNT.—The base period amount is the aggregate FSC/ETI benefits for the taxpayer's taxable year beginning in calendar year 2001.

(C) SPECIAL RULES FOR FISCAL YEAR TAXPAYERS, ETC.—Rules similar to rules of clauses (ii) and (iii) of paragraph (3)(B) shall apply for purposes of this paragraph.

(5) FSC/ETI BENEFIT.—For purposes of this subsection, the term 'FSC/ETI benefit' means—

(A) amounts excludable from gross income under section 114 of such Code, and

(B) the exempt foreign trade income of related foreign sales corporations from property acquired from the taxpayer (determined without regard to section 923(a)(5) of such Code (relating to special rule for military property), as in effect on the day before the date of the enactment of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000).

In determining the FSC/ETI benefit there shall be excluded any amount attributable to

a transaction with respect to which the taxpayer is the lessor unless the leased property was manufactured or produced in whole or in part by the taxpayer.

(6) SPECIAL RULE FOR FARM COOPERATIVES.—Under regulations prescribed by the Secretary, determinations under this subsection with respect to an organization described in section 943(g)(1) of such Code, as in effect on the day before the date of the enactment of this Act, shall be made at the cooperative level and the purposes of this subsection shall be carried out by excluding amounts from the gross income of its patrons.

(7) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 41(f) of such Code shall apply for purposes of this subsection.

(8) COORDINATION WITH BINDING CONTRACT RULE.—The deduction determined under paragraph (1) for any taxable year shall be reduced by the phaseout percentage of any FSC/ETI benefit realized for the taxable year by reason of subsection (c)(2). The preceding sentence shall not apply to any FSC/ETI benefit attributable to a transaction described in the last sentence of paragraph (5).

(9) SPECIAL RULE FOR TAXABLE YEAR WHICH INCLUDES DATE OF ENACTMENT.—In the case of a taxable year which includes the date of the enactment of this Act, the deduction allowed under this subsection to any current FSC/ETI beneficiary shall in no event exceed—

(A) 100 percent of such beneficiary's adjusted base period amount for calendar year 2003, reduced by

(B) the aggregate FSC/ETI benefits of such beneficiary with respect to transactions occurring during the portion of the taxable year ending on the date of the enactment of this Act.

Subtitle B—Abusive Tax Shelter Shutdown and Taxpayer Accountability

PART I—PROVISIONS DESIGNED TO CURTAIL TAX SHELTERS

SEC. 311. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects and, if there is any Federal tax effects, also apart from any foreign, State, or local tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) SUBSTANTIAL NONTAX PURPOSE.—In applying subclause (II) of paragraph (1)(B)(i), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(D) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(E) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 312. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

''SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

''(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

''(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

''(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

''(A) IN GENERAL.—In the case of a failure under subsection (a) by—

''(i) a large entity, or

''(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

''(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

''(C) HIGH NET WORTH INDIVIDUAL.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

''(c) DEFINITIONS.—For purposes of this section—

''(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

''(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

''(d) AUTHORITY TO RESCIND PENALTY.—

''(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

''(A) the violation is with respect to a reportable transaction other than a listed transaction,

''(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

''(C) it is shown that the violation is due to an unintentional mistake of fact;

''(D) imposing the penalty would be against equity and good conscience, and

''(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

''(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax

Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

''(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

''(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

''(A) the facts and circumstances of the transaction,

''(B) the reasons for the rescission, and

''(C) the amount of the penalty rescinded.

''(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

''(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

''(B) a description of each penalty rescinded under this subsection and the reasons therefore.

''(e) PENALTY REPORTED TO SEC.—In the case of a person—

''(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

''(2) which—

''(A) is required to pay a penalty under this section with respect to a listed transaction,

''(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

''(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title.''

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

''Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 313. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

''SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

''(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable transaction understatement' means the sum of—

''(A) the product of—

''(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

''(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

''(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

''(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

''(A) any listed transaction, and

''(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

''(c) HIGHER PENALTY FOR NONDISCLOSED LISTED AND OTHER AVOIDANCE TRANSACTIONS.—

''(1) IN GENERAL.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

''(2) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(A) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which paragraph (1) applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(B) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

''(d) DEFINITIONS OF REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH PENALTIES, ETC., ON OTHER UNDERSTATEMENTS.—In the case of an understatement (as defined in section 6662(d)(2))—

''(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

''(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) APPLICATION OF FRAUD PENALTY.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

''(B) NO DOUBLE PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

''(5) CROSS REFERENCE.—

''For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e).''

(b) DETERMINATION OF OTHER UNDERSTATEMENTS.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

''The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.''

(c) REASONABLE CAUSE EXCEPTION.—

(1) IN GENERAL.—Section 6664 is amended by adding at the end the following new subsection:

''(d) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—

''(1) IN GENERAL.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

''(2) SPECIAL RULES.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

''(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

''(B) there is or was substantial authority for such treatment, and

''(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

''(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

''(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

''(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

''(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

''(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

''(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

''(I) the tax advisor is described in clause (ii), or

''(II) the opinion is described in clause (iii).

''(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor—

''(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

''(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

''(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

''(IV) as determined under regulations prescribed by the Secretary, has a continuing financial interest with respect to the transaction.

''(iii) DISQUALIFIED OPINIONS.—For purposes of clause (i), an opinion is disqualified if the opinion—

''(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

''(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

''(III) does not identify and consider all relevant facts, or

''(IV) fails to meet any other requirement as the Secretary may prescribe.''

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 6664 is amended by inserting ''FOR UNDERPAYMENTS'' after ''EXCEPTION''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking ''(as defined in section 6662(d)(2)(C)(iii))'' in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

''(C) TAX SHELTER.—For purposes of subparagraph (B), the term 'tax shelter' means—

''(i) a partnership or other entity,

''(ii) any investment plan or arrangement, or

''(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.''

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking ''this part'' and inserting ''section 6662 or 6663''.

(5) Subsection (b) of section 7525 is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(6)(A) The heading for section 6662 is amended to read as follows:

''SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS.''

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

''Sec. 6662. Imposition of accuracy-related penalty on underpayments.

''Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 314. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed tax benefit or the transaction was not respected under section 7701(m)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 315. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

''(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

''(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

''(ii) $10,000,000.''

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

''(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or''.

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

''(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 316. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

''(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

''(1) between a federally authorized tax practitioner and—

''(A) any person,

''(B) any director, officer, employee, agent, or representative of the person, or

''(C) any other person holding a capital or profits interest in the person, and

''(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 317. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

''SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

''(1) information identifying and describing the transaction,

''(2) information describing any potential tax benefits expected to result from the transaction, and

''(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

''(b) DEFINITIONS.—For purposes of this section—

''(1) MATERIAL ADVISOR.—

''(A) IN GENERAL.—The term 'material advisor' means any person—

''(i) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

''(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

''(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

''(ii) $250,000 in any other case.

''(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

''(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

''(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

''(2) exemptions from the requirements of this section, and

''(3) such rules as may be necessary or appropriate to carry out the purposes of this section.''

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6111. Disclosure of reportable transactions.''

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

''SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

''(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

''(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

''(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.''

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting ''written'' before ''request'' in paragraph (1)(A), and

(ii) by striking ''shall prescribe'' in paragraph (2) and inserting ''may prescribe''.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.''

(3)(A) The heading for section 6708 is amended to read as follows:

''SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS.''

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

''Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 318. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

''SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

''(1) fails to file such return on or before the date prescribed therefor, or

''(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

''(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

''(A) $200,000, or

''(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

''(c) RESCISSION AUTHORITY.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

''(d) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).''.

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''tax shelters'' and inserting ''reportable transactions''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 319. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) IN GENERAL.—Subsection (a) of section 6708 is amended to read as follows:

''(a) IMPOSITION OF PENALTY.—

''(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

''(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 320. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY TO SEEK INJUNCTION.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

''(b) ADJUDICATION AND DECREE.—In any action under subsection (a), if the court finds—

''(1) that the person has engaged in any specified conduct, and

''(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

''(c) SPECIFIED CONDUCT.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708.''

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7408 is amended to read as follows:

''SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.''

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

''Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions.''

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 321. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) STANDARDS CONFORMED TO TAXPAYER STANDARDS.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking ''realistic possibility of being sustained on its merits'' in paragraph (1) and inserting ''reasonable belief that the tax treatment in such position was more likely than not the proper treatment'',

(2) by striking ''or was frivolous'' in paragraph (3) and inserting ''or there was no reasonable basis for the tax treatment of such position'', and

(3) by striking ''UNREALISTIC'' in the heading and inserting ''IMPROPER''.

(b) AMOUNT OF PENALTY.—Section 6694 is amended—

(1) by striking ''$250'' in subsection (a) and inserting ''$1,000'', and

(2) by striking ''$1,000'' in subsection (b) and inserting ''$5,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 322. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

''(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

''(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

''(B) AMOUNT OF PENALTY.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

''(ii) REASONABLE CAUSE EXCEPTIONNo penalty shall be imposed under subparagraph (A) with respect to any violation if—

''(I) such violation was due to reasonable cause, and

''(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

''(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

''(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

''(I) $25,000, or

''(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

''(ii) subparagraph (B)(ii) shall not apply.

''(D) AMOUNT.—The amount determined under this subparagraph is—

''(i) in the case of a violation involving a transaction, the amount of the transaction, or

''(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 323. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

''SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 324. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) CENSURE; IMPOSITION OF PENALTY.—

(1) IN GENERAL.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting '', or censure,'' after ''Department'', and

(B) by adding at the end the following new flush sentence:

''The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure.''

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) TAX SHELTER OPINIONS, ETC.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

''(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.''

SEC. 325. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—Section 6700(a) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 326. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH LISTED TRANSACTIONS NOT REPORTED.

(a) IN GENERAL.—Section 6501(e)(1) (relating to substantial omission of items for income taxes) is amended by adding at the end the following new subparagraph:

''(C) LISTED TRANSACTIONS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the tax for such taxable year may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the time the return is filed. This subparagraph shall not apply to any taxable year if the time for assessment or beginning the proceeding in court has expired before the time a transaction is treated as a listed transaction under section 6011.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 327. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) INTEREST ON UNPAID TAXES ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS AND NONECONOMIC SUBSTANCE TRANSACTIONS.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

PART II—OTHER PROVISIONS

SEC. 331. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) IN GENERAL.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

''(e) LIMITATIONS ON BUILT-IN LOSSES.—

''(1) LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.—

''(A) IN GENERAL.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

''(B) PROPERTY DESCRIBED.—For purposes of subparagraph (A), property is described in this paragraph if—

''(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

''(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

''(C) IMPORTATION OF NET BUILT-IN LOSS.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.''

''(2) LIMITATION ON TRANSFER OF BUILT-IN LOSSES IN SECTION 351 TRANSACTIONS.—

''(A) IN GENERAL.—If—

''(i) property is transferred in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

''(ii) the transferee's aggregate adjusted bases of the property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

''(B) ALLOCATION OF BASIS REDUCTION.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

''(C) EXCEPTION FOR TRANSFERS WITHIN AFFILIATED GROUP.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.''

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) (relating to liquidation of subsidiary) is amended to read as follows:

''(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

''(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

''(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

SEC. 332. DISALLOWANCE OF CERTAIN PARTNERSHIP LOSS TRANSFERS.

(a) TREATMENT OF CONTRIBUTED PROPERTY WITH BUILT-IN LOSS.—Paragraph (1) of section 704(c) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) if any property so contributed has a built-in loss—

''(i) such built-in loss shall be taken into account only in determining the amount of items allocated to the contributing partner, and

''(ii) except as provided in regulations, in determining the amount of items allocated to other partners, the basis of the contributed property in the hands of the partnership shall be treated as being equal to its fair market value immediately after the contribution.

For purposes of subparagraph (C), the term 'built-in loss' means the excess of the adjusted basis of the property (determined without regard to subparagraph (C)(ii)) over its fair market value immediately after the contribution.''

(b) ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY ON TRANSFER OF PARTNERSHIP INTEREST IF THERE IS SUBSTANTIAL BUILT-IN LOSS.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 743 (relating to optional adjustment to basis of partnership property) is amended by inserting before the period ''or unless the partnership has a substantial built-in loss immediately after such transfer''.

(2) ADJUSTMENT.—Subsection (b) of section 743 is amended by inserting ''or with respect to which there is a substantial built-in loss immediately after such transfer'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BUILT-IN LOSS.—Section 743 is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BUILT-IN LOSS.—

''(1) IN GENERAL.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in a partnership if the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds by more than $250,000 the basis of such partner's interest in the partnership.

''(2) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of paragraph (1) and section 734(d), including regulations aggregating related partnerships and disregarding property acquired by the partnership in an attempt to avoid such purposes.''

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 743 is amended to read as follows:

"SEC. 743. ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BUILT-IN LOSS."

(B) The table of sections for subpart C of part II of subchapter K of chapter 1 is amended by striking the item relating to section 743 and inserting the following new item:

''Sec. 743. Adjustment to basis of partnership property where section 754 election or substantial built-in loss.''

(c) ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY IF THERE IS SUBSTANTIAL BASIS REDUCTION.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 734 (relating to optional adjustment to basis of undistributed partnership property) is amended by inserting before the period ''or unless there is a substantial basis reduction''.

(2) ADJUSTMENT.—Subsection (b) of section 734 is amended by inserting ''or unless there is a substantial basis reduction'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BASIS REDUCTION.—Section 734 is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BASIS REDUCTION.—

''(1) IN GENERAL.—For purposes of this section, there is a substantial basis reduction with respect to a distribution if the sum of

the amounts described in subparagraphs (A) and (B) of subsection (b)(2) exceeds $250,000.

''(2) REGULATIONS.—

"For regulations to carry out this subsection, see section 743(d)(2)."

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 734 is amended to read as follows:

"SEC. 734. ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BASIS REDUCTION."

(B) The table of sections for subpart B of part II of subchapter K of chapter 1 is amended by striking the item relating to section 734 and inserting the following new item:

''Sec. 734. Adjustment to basis of undistributed partnership property where section 754 election or substantial basis reduction.''

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to transfers after the date of the enactment of this Act.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to distributions after the date of the enactment of this Act.

SEC. 333. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 is amended by adding at the end the following new subsection:

''(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

''(1) no allocation may be made to stock in a corporation which is a partner in the partnership, and

''(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 334. REPEAL OF SPECIAL RULES FOR FASITS.

(a) IN GENERAL.—Part V of subchapter M of chapter 1 (relating to financial asset securitization investment trusts) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 56(g) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(2) Clause (ii) of section 382(l)(4)(B) is amended by striking ''a REMIC to which part IV of subchapter M applies, or a FASIT to which part V of subchapter M applies,'' and inserting ''or a REMIC to which part IV of subchapter M applies,''.

(3) Paragraph (1) of section 582(c) is amended by striking '', and any regular interest in a FASIT,''.

(4) Subparagraph (E) of section 856(c)(5) is amended by striking the last sentence.

(5) Paragraph (5) of section 860G(a) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(6) Subparagraph (C) of section 1202(e)(4) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(7) Subparagraph (C) of section 7701(a)(19) is amended by adding ''and'' at the end of clause (ix), by striking '', and'' at the end of clause (x) and inserting a period, and by striking clause (xi).

(8) The table of parts for subchapter M of chapter 1 is amended by striking the item relating to part V.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(2) EXCEPTION FOR EXISTING FASITS.—

(A) IN GENERAL.—Paragraph (1) shall not apply to any FASIT in existence on the date of the enactment of this Act.

(B) TRANSFER OF ADDITIONAL ASSETS NOT PERMITTED.—Except as provided in regulations prescribed by the Secretary of the Treasury or the Secretary's delegate, subparagraph (A) shall cease to apply as of the earliest date after the date of the enactment of this Act that any property is transferred to the FASIT.

SEC. 335. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) IN GENERAL.—Paragraph (2) of section 163(l) is amended by striking ''or a related party'' and inserting ''or equity held by the issuer (or any related party) in any other person''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 163(l) is amended by striking ''or a related party'' in the material preceding subparagraph (A) and inserting ''or any other person''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued after the date of the enactment of this Act.

SEC. 336. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) IN GENERAL.—Subsection (a) of section 269 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

''(a) IN GENERAL.—If—

''(1)(A) any person acquires stock in a corporation, or

''(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

''(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax by securing the benefit of a deduction, credit, or other allowance,

then the Secretary may disallow such deduction, credit, or other allowance.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock and property acquired after February 13, 2003.

SEC. 337. MODIFICATIONS OF CERTAIN RULES RELATING TO CONTROLLED FOREIGN CORPORATIONS.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) (relating to passive investment company) is amended by adding at the end the following flush sentence:

''Such term shall not include any period if there is only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i) of subpart F income of such corporation for such period.''

(b) DETERMINATION OF PRO RATA SHARE OF SUBPART F INCOME.—Subsection (a) of section 951 (relating to amounts included in gross income of United States shareholders) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR DETERMINING PRO RATA SHARE OF SUBPART F INCOME.—The pro rata share under paragraph (2) shall be determined by disregarding—

''(A) any rights lacking substantial economic effect, and

''(B) stock owned by a shareholder who is a tax-indifferent party (as defined in section 7701(m)(3)) if the amount which would (but for this paragraph) be allocated to such shareholder does not reflect such shareholder's economic share of the earnings and profits of the corporation.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years on controlled foreign corporation beginning after February 13, 2003, and to taxable years of United States shareholder in which or with which such taxable years of controlled foreign corporations end.

SEC. 338. BASIS FOR DETERMINING LOSS ALWAYS REDUCED BY NONTAXED PORTION OF DIVIDENDS.

(a) IN GENERAL.—Section 1059 (relating to corporate shareholder's basis in stock reduced by nontaxed portion of extraordinary dividends) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) BASIS FOR DETERMINING LOSS ALWAYS REDUCED BY NONTAXED PORTION OF DIVIDENDS.—The basis of stock in a corporation (for purposes of determining loss) shall be reduced by the nontaxed portion of any dividend received with respect to such stock if this section does not otherwise apply to such dividend.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received after the date of the enactment of this Act.

SEC. 339. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) IN GENERAL.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: ''In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns.''

(b) RESULT NOT OVERTURNED.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation §1.1502–20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

Subtitle C—Prevention of Corporate Expatriation To Avoid United States Income Tax

SEC. 341. PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—Paragraph (4) of section 7701(a) (defining domestic) is amended to read as follows:

''(4) DOMESTIC.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

''(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

''(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

''(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

''(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

''(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

''(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

''(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

''(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

''(v) SPECIAL RULES.—For purposes of this subparagraph—

''(I) a series of related transactions shall be treated as 1 transaction, and

''(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

''(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

''(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

''(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).

''(III) RELATED FOREIGN PARTNERSHIP.—A foreign partnership is related to a domestic partnership if they are under common control (within the meaning of section 482), or they shared the same trademark or tradename.''

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply to corporate expatriation transactions completed after September 11, 2001.

(2) SPECIAL RULE.—The amendment made by this section shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

Subtitle D—Inclusion in Gross Income of Funded Deferred Compensation of Corporate Insiders

SEC. 351. INCLUSION IN GROSS INCOME OF FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 is amended by adding at the end the following new section:

''SEC. 409A. INCLUSION IN GROSS INCOME OF FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS.

''(a) IN GENERAL.—If an employer maintains a funded deferred compensation plan—

''(1) compensation of any disqualified individual which is deferred under such funded deferred compensation plan shall be included in the gross income of the disqualified individual or beneficiary for the 1st taxable year in which there is no substantial risk of forfeiture of the rights to such compensation, and

''(2) the tax treatment of any amount made available under the plan to a disqualified individual or beneficiary shall be determined under section 72 (relating to annuities, etc.).

''(b) FUNDED DEFERRED COMPENSATION PLAN.—For purposes of this section—

''(1) IN GENERAL.—The term 'funded deferred compensation plan' means any plan providing for the deferral of compensation unless—

''(A) the employee's rights to the compensation deferred under the plan are no greater than the rights of a general creditor of the employer, and

''(B) all amounts set aside (directly or indirectly) for purposes of paying the deferred compensation, and all income attributable to such amounts, remain (until made available to the participant or other beneficiary) solely the property of the employer (without being restricted to the provision of benefits under the plan), and

''(C) the amounts referred to in subparagraph (B) are available to satisfy the claims of the employer's general creditors at all times (not merely after bankruptcy or insolvency).

Such term shall not include a qualified employer plan.

''(2) SPECIAL RULES.—

''(A) EMPLOYEE'S RIGHTS.—A plan shall be treated as failing to meet the requirements of paragraph (1)(A) unless—

''(i) the compensation deferred under the plan is payable only upon separation from service, death, or at a specified time (or pursuant to a fixed schedule), and

''(ii) the plan does not permit the acceleration of the time such deferred compensation is payable by reason of any event.

If the employer and employee agree to a modification of the plan that accelerates the time for payment of any deferred compensation, then all compensation previously deferred under the plan shall be includible in gross income for the taxable year during which such modification takes effect and the taxpayer shall pay interest at the underpayment rate on the underpayments that would have occurred had the deferred compensation been includible in gross income on the earliest date that there is no substantial risk of forfeiture of the rights to such compensation.

''(B) CREDITOR'S RIGHTS.—A plan shall be treated as failing to meet the requirements of paragraph (1)(B) with respect to amounts set aside in a trust unless—

''(i) the employee has no beneficial interest in the trust,

''(ii) assets in the trust are available to satisfy claims of general creditors at all times (not merely after bankruptcy or insolvency), and

''(iii) there is no factor that would make it more difficult for general creditors to reach the assets in the trust than it would be if the trust assets were held directly by the employer in the United States.

Except as provided in regulations prescribed by the Secretary, such a factor shall include the location of the trust outside the United States.

''(c) DISQUALIFIED INDIVIDUAL.—For purposes of this section, the term 'disqualified individual' means, with respect to a corporation, any individual—

''(1) who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation, or

''(2) who would be subject to such requirements if such corporation were an issuer of equity securities referred to in such section.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED EMPLOYER PLAN.—The term 'qualified employer plan' means—

''(A) any plan, contract, pension, account, or trust described in subparagraph (A) or (B) of section 219(g)(5), and

''(B) any other plan of an organization exempt from tax under subtitle A.

''(2) PLAN INCLUDES ARRANGEMENTS, ETC.—The term 'plan' includes any agreement or arrangement.

''(3) SUBSTANTIAL RISK OF FORFEITURE.—The rights of a person to compensation are subject to a substantial risk of forfeiture if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

''(4) TREATMENT OF EARNINGS.—Except for purposes of subsection (a)(1) and the last sentence of (b)(2)(A), references to deferred compensation shall be treated as including references to income attributable to such compensation or such income.''

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by adding at the end the following new item:

''Sec. 409A. Inclusion in gross income of funded deferred compensation of corporate insiders.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts deferred after July 10, 2002.

Pending consideration of said motion,

¶49.11 POINT OF ORDER

Mr. THOMAS made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, as is made imminently clear by the reading of the table of contents, the motion to recommit is not germane. It is in violation of clause 7 of rule XVI of the House because the motion to recommit relates to subject matter not contained in the underlying bill. The underlying bill only relates to reducing income taxation. Therefore, the amendment is not germane and, therefore, is out of order.''

Mr. RANGEL was recognized to speak to the point of order and said:

''Mr. Speaker, the gentleman from California said yesterday that he wanted an equality in the rule that was before this House. He said that he would not be supporting anything that would not allow us to be heard, and that he would also not ask for points of order to be waived on the majority's bill.

''It seems to me that if what they are saying is true, that this is supposed to be a jobs bill, how can anyone in this country, anyone in this Congress, say

that giving some assistance to the millions of people that have lost their jobs during this administration, that giving some relief, giving some unemployment compensation, is out of order and not relevant?

''How can we say that the working people who do not see any of the benefits of this tax cut, when we are talking about giving them benefits, giving them the opportunity to buy, to purchase, and to stimulate the economy, how can we say that it is not relevant? How can we say that Medicaid and giving assistance to our States that are in economic dire need, what kind of rule could they come up with, call it fair, call it equitable, and not give us a chance to express ourselves?

''I suggest to my colleagues that what we are trying to do is to have an alternative. That is not the Republican way, that is not the Democratic way, that is the American way, that we be allowed to be heard.

''Mr. Speaker, we made an appeal to the Committee on Rules. The Chairman of the Committee on Ways and Means admitted this morning that he asked to have the same type of treatment for us as they were asking for themselves. True, he said, he was not going to ask for a waiver of the rules; but that is not the case. Somehow, between a nod and a blink, he got a waiver of the rules. We picked out five violations of the budget; and yet they say that they got a waiver of the rules that we control ourselves by.

''So the only thing I am saying is this: they have got the votes. They have held this bill until they can get the votes. They have kept every Republican's foot to the fire in order to give tax relief for the richest people in the United States of America. We are not asking to win; we are merely asking to be heard. We are asking for the opportunity, using the same rules that they have had for themselves, for ourselves.

''Mr. Speaker, I hope that you allow this substitute to be heard, to be argued, and to be voted on.''

The SPEAKER pro tempore, Mr. SIMPSON, sustained the point of order, and said:

''The gentleman from California, [Mr. THOMAS], makes a point of order that the motion to recommit is not germane.

''The motion to recommit instructs the Committee on Ways and Means to report forthwith the bill to the House with an amendment that provides, in pertinent part, for an extension of unemployment benefits under the Temporary Extended Unemployment Compensation Act of 2002.

''The bill, H.R. 2, amends the Internal Revenue Code to provide various economic growth incentives. The changes to the Code proposed by the bill are confined to the revenue jurisdiction of the Committee on Ways and Means.

''Clause 7 of rule 16 provides that no proposition on a ''subject different from that under consideration shall be admitted under the color of amendment.'' As recorded on page 678 of the House Rules and Manual, a general principle of the germaneness rule is that an amendment must relate to the subject matter under consideration. The amendment proposed in the motion to recommit would, in pertinent part, extend unemployment insurance benefits, a matter not addressed by the underlying bill and falling outside the revenue jurisdiction of the Committee on Ways and Means.

''Accordingly, the motion is not germane and the point of order is sustained.''

Mr. RANGEL appealed the ruling of the Chair.

The question being put, viva voce,

Shall the decision of the Chair stand as the judgment of the House?

Mr. THOMAS moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. RANGEL demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 222 / Nays ..... 202 }

¶49.12 [Roll No. 180]

AYES—222

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

NOES—202

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

NOT VOTING—11

Boyd
Clyburn
Cole
Combest
Conyers
Feeney
Gephardt
King (IA)
Miller, Gary
Northup
Schrock

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. MOORE moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House promptly with an amendment that provides that the bill's provisions will not take effect until the Federal budget is in balance.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. MOORE demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 202 / Nays 218

¶49.13 [Roll No. 181]

AYES—202

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

NOES—218

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

NOT VOTING—15

Boyd
Cannon
Clyburn
Cole
Combest
Cox
Dunn
Feeney
Fossella
Gephardt
King (IA)
LaHood
Miller, Gary
Northup
Schrock

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. RANGEL demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 / Nays 203

¶49.14 [Roll No. 182]

AYES—222

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

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—203

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

NOT VOTING—10

Boyd
Clyburn
Cole
Combest
Feeney
King (IA)
LaHood
Miller, Gary
Northup
Schrock

So the bill was passed.

By unanimous consent, the title was amended so as to read: ''An Act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.''.

A motion to reconsider the votes whereby said bill was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶49.15 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday, May 13, 2003, at 12:30 p.m. for morning-hour debate.

¶49.16 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, May 14, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶49.17 ORDER OF BUSINESS—FORMER MEMBERS OF CONGRESS

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns on Wednesday, May 14, 2003, it adjourn to meet at 9 a.m. on Thursday, May 15, 2003, for the purpose of receiving in this Chamber former Members of Congress.

¶49.18 ORDER OF BUSINESS—RECESS

On motion of Mr. DELAY, by unanimous consent,

Ordered, That it may be in order on Thursday, May 15, 2003, for the Speaker to declare a recess subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of congress.

¶49.19 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—ABRAHAM LINCOLN BICENTENNIAL COMMISSION FOR THE 108TH CONGRESS

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, May 9, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note), I hereby appoint Representative LOUISE SLAUGHTER of New York and Representative JESSE JACKSON, Jr. of Illinois, to the Abraham Lincoln Bicentennial Commission for the 108th Congress.

Best regards,

NANCY PELOSI.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶49.20 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 113. An Act to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group; to the Committee on the Judiciary, in addition to the Permanent Select Committee on Intelligence for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 165. An Act to improve air cargo security; to the Committee on Transportation and Infrastructure.

¶49.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CLYBURN, for today after 12 p.m.;

To Mr. COLE, for today; and

To Mr. KING of Iowa, for today.

And then,

¶49.22 ADJOURNMENT

On motion of Mr. PALLONE, pursuant to the previous order of the House, at 4 o'clock and 44 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, May 13, 2003.

¶49.23 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1904. Referral to the Committee on Resources extended for a period ending not later than May 9, 2003.

¶49.24 REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GOODLATTE: Committee on Agriculture. H.R. 1904. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes; referred to the Committee on Judiciary for a period ending not later than May 16, 2003, for consideration for such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–96, Pt 1).

¶49.25 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1000. The Committee on Ways and Means discharged. Referred to the Committeee on the Whole House on the state of the Union.

H.R. 1904. The Committee on Resources discharged.

¶49.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BACHUS (for himself, Mrs. MALONEY, Mr. OXLEY, and Mr. FRANK of Massachusetts):

H.R. 2043. A bill to establish a mechanism for developing uniform United States positions on issues before the Basel Committee on Banking Supervision at the Bank for International Settlements, to require a review on the most recent recommendation of the Basel Committee for an accord on capital standards, and for other purposes; to the Committee on Financial Services.

By Mr. RUSH (for himself, Mr. STUPAK, Mr. GORDON, Mr. GREEN of Texas, Mr.

ENGEL, Ms. LEE, Mr. TOWNS, Mr. WYNN, Mr. CUMMINGS, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. WALDEN of Oregon, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. CLAY, Mr. JACKSON of Illinois, Mr. OWENS, Mr. DAVIS of Illinois, Mr. DINGELL, Ms. MILLENDER-MCDONALD, Mr. MEEKS of New York, Ms. DEGETTE, Ms. ESHOO, Mr. CONYERS, Mr. SHIMKUS, Mr. GONZALEZ, and Mr. UPTON):

H.R. 2044. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Ways and Means.

By Mr. ADERHOLT (for himself, Mr. AKIN, Mr. BACHUS, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mrs. BLACKBURN, Mr. BONNER, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Mr. BURGESS, Mr. CANNON, Mr. CANTOR, Mr. CHOCOLA, Mr. CRANE, Mr. DELAY, Mr. DEMINT, Mr. DOOLITTLE, Mr. FEENEY, Mr. GOODE, Mr. GOODLATTE, Ms. HART, Mr. HAYES, Mr. HAYWORTH, Mr. HERGER, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KLINE, Mr. LEWIS of Kentucky, Mr. LUCAS of Kentucky, Mr. MCINTYRE, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. OTTER, Mr. OXLEY, Mr. PENCE, Mr. PITTS, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STENHOLM, Mr. TERRY, Mr. TIAHRT, Mr. TIBERI, Mr. VITTER, Mr. WAMP, Mr. WHITFIELD, Mr. WICKER, and Mr. WILSON of South Carolina):

H.R. 2045. A bill to defend the Ten Commandments; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. ANDREWS, Mr. BACA, Mr. BELL, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. DELAURO, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. GUTIERREZ, Mr. HILL, Mr. HOLT, Mr. HONDA, Mr. HOYER, Mr. LANTOS, Ms. LEE, Mr. LEVIN, Mr. MCGOVERN, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. ORTIZ, Mr. PALLONE, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. ROTHMAN, Mr. RYAN of Ohio, Mr. SABO, Mr. SANDLIN, Ms. SLAUGHTER, Mrs. JONES of Ohio, Ms. WATERS, Mr. WAXMAN, and Mr. BALLANCE):

H.R. 2046. A bill to amend the Internal Revenue Code of 1986 to rebuild America through job creation; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mr. RANGEL):

H.R. 2047. A bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit; to the Committee on Ways and Means.

By Mr. GILCHREST:

H.R. 2048. A bill to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Restoration and Enhancement Fund; to the Committee on Resources.

By Mr. ACKERMAN (for himself, Mr. WELDON of Florida, Mr. HINCHEY, Mr. MCNULTY, Mr. WYNN, Mr. RANGEL, Mr. TERRY, Mr. FROST, Mr. TAYLOR of Mississippi, and Mr. THOMPSON of Mississippi):

H.R. 2049. A bill to amend the Public Health Service Act with respect to testing pregnant women and newborn infants for infection with the human immunodeficiency virus; to the Committee on Energy and Commerce.

By Mr. ACKERMAN (for himself and Mr. WEXLER):

H.R. 2050. A bill to prohibit cooperation with or assistance to any investigation or prosecution under a universal jurisdiction statute; to the Committee on International Relations.

By Mr. BERRY:

H.R. 2051. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. BURR (for himself, Mr. DINGELL, Mr. DEAL of Georgia, Mr. PRICE of North Carolina, and Mr. MARKEY):

H.R. 2052. A bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations; to the Committee on Energy and Commerce.

By Mr. CAPUANO (for himself, Mr. FLETCHER, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Mr. FROST, Mr. ENGEL, Ms. LEE, Mr. REYES, Ms. DELAURO, Mr. SERRANO, Mr. SIMMONS, Mr. MARKEY, and Mr. BACA):

H.R. 2053. A bill to authorize the Secretary of Health and Human Services to award grants to associate degree schools of nursing and professional nursing organizations to improve nursing education, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JOHN:

H.R. 2054. A bill to amend the Bill Emerson Humanitarian Trust Act to provide clarification with respect to the period of time for which funds may be held in the trust established under that Act; to the Committee on Agriculture.

By Mr. JONES of North Carolina:

H.R. 2055. A bill to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore; to the Committee on Resources.

By Mr. MCINNIS:

H.R. 2056. A bill to amend the Trade Act of 1974 to include certain specialty metals as import-sensitive articles that are ineligible for duty-free treatment under the generalized system of preferences program under title V of that Act; to the Committee on Ways and Means.

By Mr. MCINNIS (for himself, Mr. GREEN of Wisconsin, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. PETRI, and Mrs. MUSGRAVE):

H.R. 2057. A bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 2058. A bill to authorize the Secretary of the Interior to provide a grant to the State of New Jersey for the construction of a memorial to the New Jersey victims of the terrorist attacks of September 11, 2001; to the Committee on Resources.

By Mr. PEARCE (for himself, Mr. UDALL of New Mexico, and Mrs. WILSON of New Mexico):

H.R. 2059. A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes; to the Committee on Resources.

By Mr. PLATTS:

H.R. 2060. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Government Reform.

By Mr. PORTMAN (for himself and Mr. CUMMINGS):

H.R. 2061. A bill to make improvements with respect to the Drug-Free Media Campaign Act of 1998 and to authorize such Campaign through fiscal year 2008; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California (for herself, Ms. HARMAN, Mr. ABERCROMBIE, Mr. BACA, Mr. BERMAN, Mr. CAPUANO, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DELAHUNT, Mr. ENGEL, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. HOLT, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Mr. LANTOS, Mrs. MALONEY, Mr. OLVER, Mr. RODRIGUEZ, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mrs. TAUSCHER, Ms. VELAZQUEZ, Mr. WAXMAN, and Mr. WEXLER):

H.R. 2062. A bill to restore freedom of choice to women in the uniformed services serving outside the United States; to the Committee on Armed Services.

By Mr. SCHIFF (for himself, Mr. DINGELL, Mr. FROST, Mr. LARSEN of Washington, Mr. SPRATT, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. CASE, Ms. WATSON, Mr. BROWN of Ohio, and Mr. WEXLER):

H.R. 2063. A bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. RENZI, and Mr. GARRETT of New Jersey):

H.R. 2064. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payments from gross income for employees who are laid off; to the Committee on Ways and Means.

By Mr. TIBERI (for himself, Mr. ANDREWS, Mr. WICKER, and Mr. MATHESON):

H.R. 2065. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors and licensed embalmers from the minimum wage and overtime compensation requirements of that Act; to the Committee on Education and the Workforce.

By Ms. WATERS:

H.R. 2066. A bill to amend title 38, United States Code, to increase the allowance for burial expenses of certain veterans buried in private or State-owned cemeteries; to the Committee on Veterans' Affairs.

By Mr. WU:

H.R. 2067. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income to individuals who do not itemize deductions; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. FARR, Mr. BLUNT, Mr. GIBBONS, Mr. MCHUGH, Mr. TANNER, Mr. MORAN of Virginia, Mr. UDALL of New Mexico, Mr. BOYD, Mr. DEMINT, Mr. SHAW, Mr. LANTOS, Mr. KENNEDY of Rhode Island, Ms. HARRIS, Mr. DEUTSCH, Mr. ENGEL, Mr. PORTER, Mr. DELAHUNT, Mr. RANGEL, Mr. BOEHLERT, Ms. NORTON, Mr. ABERCROMBIE, Mr. UPTON, Mr. SMITH of New Jersey, Ms. BORDALLO, Mr. RYAN of Ohio, Ms. BERKLEY, Mrs. CHRISTENSEN, and Mr. CASE):

H. Con. Res. 172. Concurrent resolution supporting the 20th Annual National Tourism Week; to the Committee on Government Reform.

By Mr. FOLEY (for himself and Mr. LANTOS):

H. Con. Res. 173. Concurrent resolution recognizing the historic significance of the 55th anniversary of the founding of the state of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Con. Res. 174. Concurrent resolution calling on the President to request former President Jimmy Carter, and members of the Carter Center, to assist the Office of Reconstruction and Humanitarian Assistance for Post-War Iraq (ORHA); to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. BLUMENAUER, Mr. BILIRAKIS, Ms. BERKLEY, Mr. BERMAN, Ms. GINNY BROWN-WAITE of Florida, Mr. CROWLEY, Mr. DICKS, Mr. DOYLE, Ms. ESHOO, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOLT, Mr. KENNEDY of Minnesota, Mr. KNOLLENBERG, Mr. LANTOS, Ms. LEE, Mrs. MALONEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNULTY, Mr. MARKEY, Mr. PALLONE, Ms. ROS-LEHTINEN, Mrs. TAUSCHER, and Ms. WATSON):

H. Con. Res. 175. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

By Mr. PLATTS:

H. Con. Res. 176. Concurrent resolution supporting the goals and ideals of Financial Planning Week, recognizing the significant impact of sound financial planning on achieving life's goals, and honoring American families and the financial planning profession for their adherence and dedication to the financial planning process; to the Committee on Government Reform.

By Mr. WU (for himself, Mr. ROHRABACHER, Mr. WEXLER, Mr. BROWN of Ohio, and Mr. CHABOT):

H. Res. 228. A resolution declaring that the warm relations and bilateral exchanges between the people of the United States and the people of Taiwan should continue and grow deeper, recognizing the important contributions of Taiwanese-Americans to the United States, and supporting the goals and ideals of Taiwanese-American Heritage Week; to the Committee on International Relations.

¶49.27 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

36. The SPEAKER presented a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Resolution No. 1026 memorializing the United States Congress to express support for the President and Armed Forces of the United States of America; to the Committee on Armed Services.

37. Also, a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution No. 26 memorializing the United States Congress to appropriate just compensation to the State for the impact of federal land ownership on the State's ability to fund public education; to the Committee on Education and the Workforce.

38. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Memorial No. 56 memorializing the United States Congress that the Federal Energy Regulatory Commission be requested to withdraw its current standard market design for the nation's wholesale electricity markets; to the Committee on Energy and Commerce.

39. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 1 memorializing the United States Congress that the Legislature designates April 24, 2003, as the ''California Day of Remembrance for the Armenian Genocide of 1915-1923''; to the Committee on Government Reform.

40. Also, a memorial of the Legislature of the State of Wyoming, relative to Enrolled Joint Resolution No. 3 memorializing the United States Congress that the legislature declares the existence of a state of emergency due to a shortage of water available to Wyoming caused in significant part by the deteriorating conditions of the state's watersheds located on federal lands; to the Committee on Resources.

41. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Resolution No. 1022 memorializing the United States Congress to rescind all of the state's previous calls for a constitutional convention to amend the constitution of the United States; to the Committee on the Judiciary.

42. Also, a memorial of the Legislature of the State of Arizona, relative to House Memorial No. 2001 memorializing the United States Congress to consider legislation that would provide greater federal resources to border states for border enforcement; to the Committee on the Judiciary.

43. Also, a memorial of the Legislature of the State of Wyoming, relative to Enrolled Joint Resolution No. 1 memorializing the United States Congress to equalize the tax treatment of employer-provided and individually purchased health insurance by creating a tax credit for the full amount of insurance purchased by individuals; to the Committee on Ways and Means.

44. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 13 memorializing the United States Congress to amend federal selective service and immigration laws to grant the right of citizenship to any and all immigrants who honorably serve in the military; jointly to the Committees on Armed Services and the Judiciary.

¶49.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Ms. LINDA T. SANCHEZ of California.

H.R. 58: Mr. KLINE, Mr. SAXTON, and Mr. BRADLEY of New Hampshire.

H.R. 102: Ms. GINNY BROWN-WAITE of Florida and Mr. ORTIZ.

H.R. 111: Mr. RENZI, Mr. FALEOMAVAEGA, Mr. PETRI, and Mr. COLLINS.

H.R. 176: Mr. ROHRABACHER.

H.R. 192: Ms. HARRIS.

H.R. 195: Mr. WICKER.

H.R. 235: Mr. COBLE, Mr. MCINNIS, Mr. TERRY, Mr. YOUNG of Alaska, Mr. SIMPSON, Mr. PETERSON of Pennsylvania, and Mr. ROHRABACHER.

H.R. 266: Mr. MATHESON, and Mrs. MILLER of Michigan.

H.R. 284: Mr. ROGERS of Kentucky, Mr. GILCHREST, Mr. HOBSON, Mr. VAN HOLLEN, and Mrs. BLACKBURN.

H.R. 296: Mr. BISHOP of New York, Mr. WEINER, Mr. CAPUANO, and Mr. TOOMEY.

H.R. 300: Mr. HEFLEY.

H.R. 303: Mr. CUNNINGHAM: Mr. RADANOVICH, Mr. ROTHMAN, Mr. WELDON of Florida, and Mr. GALLEGLY.

H.R. 331: Mr. FALEOMAVAEGA and Mr. GOODE.

H.R. 348: Mr. FOSSELLA.

H.R. 438: Mr. KOLBE.

H.R. 442: Mr. MORAN of Kansas and Mr. BELL.

H.R. 450: Mrs. JO ANN DAVIS of Virginia.

H.R. 466: Mr. COLLINS and Mr. KILDEE.

H.R. 476: Mr. GRIJALVA, Mrs. MCCARTHY of New York, and Mr. PLATTS.

H.R. 515: Ms. LINDA T. SANCHEZ of California.

H.R. 548: Mr. CARTER, Mr. LARSON of Connecticut, Mr. TAYLOR of Mississippi, Mr. BALLANCE, and Ms. LORETTA SANCHEZ of California.

H.R. 569: Mr. MARKEY.

H.R. 571: Mrs. MYRICK, Mr. BAIRD, Mr. GARY G. MILLER of California, and Mr. ISAKSON.

H.R. 583: Mr. RYUN of Kansas, Mr. COLE, Mr. EMANUEL, Mr. BALLENGER, Mr. SCOTT of Georgia, and Mr. THOMPSON of Mississippi.

H.R. 593: Ms. LORETTA SANCHEZ of California.

H.R. 648: Mr. MANZULLO.

H.R. 709: Mr. GUTKNECHT.

H.R. 713: Mr. FARR.

H.R. 716: Mr. MCGOVERN, Mrs. KELLY, Mr. SPRATT, Mr. PASCRELL, Mr. CASE, Ms. WOOLSEY, Mr. LANGEVIN, Mr. DAVIS of Tennessee, Ms. ESHOO, Mr. MATHESON, and Mr. WELDON of Pennsylvania.

H.R. 717: Mr. ENGEL, Ms. MCCULLUM, Ms. BERKLEY, Mr. MORAN of Virginia, Mr. FILNER, Mr. BROWN of Ohio, Ms. CORRINE BROWN of Florida, Mr. HOEFFEL, Mr. BISHOP of New York, Mr. LEVIN, Mr. FROST, Mr. MCGOVERN, Ms. MCCARTHY of Missouri, and Mr. NADLER.

H.R. 728: Mr. BRADLEY of New Hampshire.

H.R. 737: Mr. ROTHMAN and Mr. LARSEN of Washington.

H.R. 742: Mr. FERGUSON, Mr. PAYNE, Mr. LARSON of Connecticut, Mr. CUMMINGS, Ms. SCHAKOWSKY, Mr. PICKERING, Mr. FRELINGHUYSEN, and Mr. RYAN of Ohio.

H.R. 761: Ms. GINNY BROWN-WAITE of Florida.

H.R. 767: Mr. BUYER, Mr. RYAN of Wisconsin, Mr. TERRY, Mr. GUTKNECHT, and Mr. GREEN of Wisconsin.

H.R. 770: Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, and Ms. WATERS.

H.R. 785: Mr. LOBIONDO, and Ms. LORETTA SANCHEZ of California.

H.R. 792: Mr. RENZI and Mr. CARDOZA.

H.R. 796: Mr. ISRAEL.

H.R. 800: Mr. WALDEN of Oregon and Mr. FOLEY.

H.R. 806: Mr. HOEFFEL and Ms. BALDWIN.

H.R. 837: Mr. MCHUGH, Mr. LAHOOD, and Mr. SOUDER.

H.R. 839: Mr. LAHOOD, Mr. HULSHOF, Mrs. MYRICK, Mr. SIMPSON, Mr. MATHESON, Mr. GRAVES, Mr. BRADLEY of New Hampshire, Mr. POMEROY, Mr. BONNER, Mr. OTTER, and Mr. WOLF.

H.R. 871: Mr. DEAL of Georgia.

H.R. 873: Mr. WEXLER, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. CARSON of Oklahoma, Mr. SHAYS, Mr. MCGOVERN, and Mr. COSTELLO.

H.R. 876: Mr. PALLONE, Mr. BISHOP of Georgia, Mr. POMBO, and Ms. CARSON of Indiana.
H.R. 882: Mr. FERGUSON.
H.R. 887: Mr. VAN HOLLEN.
H.R. 898: Ms. BORDALLO, Mr. AKIN, Mr. MCNULTY, Mr. CARDIN, Mrs. TAUSCHER, Mr. MEEK of Florida, Ms. VELAZQUEZ, and Mrs. JONES of Ohio.
H.R. 919: Mr. HOEFFEL, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, and Mr. NEY.
H.R. 927: Mr. MCCOTTER.
H.R. 935: Mr. EMANUEL and Mr. SCHIFF.
H.R. 941: Mrs. SLAUGHTER.
H.R. 962: Mr. PALLONE, Mrs. LOWEY, Mr. DOYLE, Mr. OWENS, and Ms. DELAURO.
H.R. 976: Mr. RYAN of Ohio.
H.R. 980: Mr. TAYLOR of Mississippi and Mr. TOWNS.
H.R. 983: Mr. CALVERT and Ms. SOLIS.
H.R. 996: Mr. LINDER, Mr. DEAL of Georgia, and Mr. OSBORNE.
H.R. 1031: Mr. RUSH, Mr. CUMMINGS, and Ms. WATERS.
H.R. 1046: Mr. GOODE and Mr. MCNULTY.
H.R. 1049: Ms. LOFGREN.
H.R. 1063: Mr. LUCAS of Kentucky and Mr. POMBO.
H.R. 1083: Mr. KING of New York, Mr. CARSON of Oklahoma, Mr. STARK, Mr. MORAN of Virginia, Mr. ORTIZ, Ms. CARSON of Indiana, Mr. BOEHLERT, and Ms. Slaughter.
H.R. 1108: Mr. BROWN of Ohio, and Mr. CUMMINGS.
H.R. 1110: Mr. BISHOP of Georgia.
H.R. 1115: Mr. CHABOT, Mr. MCHUGH, and Mrs. NORTHUP.
H.R. 1119: Mr. CRENSHAW, Mr. OXLEY, Mr. ISSA, and Mr. KING of Iowa.
H.R. 1125: Mrs. JO ANN DAVIS of Virginia, Mr. TIERNEY, Mr. ROTHMAN, Mr. CARDOZA, and Mr. MATSUI.
H.R. 1137: Mr. PETERSON of Pennsylvania.
H.R. 1155: Mr. YOUNG of Alaska, Mr. LIPINSKI, Mr. MCHUGH, Mr. HOLT, Mr. BOYD, Mr. MANZULLO, Mr. PAUL, and Mr. HINCHEY.
H.R. 1160: Ms. WOOLSEY, Mr. KILDEE, Mr. RYAN of Ohio, Mr. GREEN of Texas, Mr. COSTELLO, Mr. MILLER of North Carolina, Mr. LUCAS of Kentucky, Mr. EDWARDS, Mr. BISHOP of Georgia, and Mr. CLAY.
H.R. 1162: Mr. JEFFERSON.
H.R. 1185: Mr. UDALL of Colorado.
H.R. 1196: Mr. TIERNEY and Mr. FARR.
H.R. 1202: Mr. OXLEY.
H.R. 1225: Mr. RYAN of Ohio, Mr. ROGERS of Kentucky, Mr. MICHAUD, Ms. ROYBALL-ALLARD, Mr. VAN HOLLEN, and Mr. ENGEL.
H.R. 1226: Mr. WEXLER.
H.R. 1229: Mr. GARRETT of New Jersey and Mrs. NORTHUP.
H.R. 1231: Mr. GALLEGLY, Mr. RYAN of Wisconsin, Mr. FORD, Mr. THOMPSON of California, Mr. MORAN of Kansas, and Mr. GARRETT of New Jersey.
H.R. 1238: Ms. SLAUGHTER.
H.R. 1257: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1267: Mr. HOEFFEL, Mr. EMANUEL, and Ms. JACKSON-LEE of Texas.
H.R. 1276: Mr. BONNER and Ms. PRYCE of Ohio.
H.R. 1279: Mr. BALLANCE, Mr. KINGSTON, and Mr. HYDE.
H.R. 1294: Ms. HARMAN.
H.R. 1295: Mr. GRIJALVA, Mr. LANTOS, and Mr. SMITH of New Jersey.
H.R. 1301: Mr. LAHOOD, Ms. CARSON of Indiana, Mr. GORDON, Mr. CAPUANO, and Mr. MARKEY.
H.R. 1309: Mr. SANDLIN.
H.R. 1310: Mr. DUNCAN, Mr. OTTER, and Mrs. NORTHUP.
H.R. 1359: Mr. FROST.
H.R. 1381: Mr. SANDERS, Mr. LIPINSKI, Mr. COSTELLO, and Mr. ROSS.
H.R. 1386: Mr. ABERCROMBIE and Mr. SMITH of New Jersey.
H.R. 1388: Mr. FROST, Mr. HALL, Mr. MORAN of Virginia, Mr. UPTON, and Ms. SLAUGHTER.
H.R. 1426: Mr. POMBO.
H.R. 1429: Mr. GRIJALVA.
H.R. 1430: Mr. WEXLER, Ms. LOFGREN, and Ms. LINDA T. SANCHEZ of California.
H.R. 1440: Mr. LANTOS.
H.R. 1443: Mr. LUCAS of Kentucky and Mr. GILLMOR.
H.R. 1472: Mr. KLECZKA, Mr. WELDON of Pennsylvania, Mr. LAHOOD, and Ms. LOFGREN.
H.R. 1473: Mr. ANDREWS.
H.R. 1478: Mrs. MUSGRAVE.
H.R. 1479: Mr. FORBES.
H.R. 1511: Mr. HASTERT, Mr. SMITH of New Jersey, Mrs. CUBIN, Mr. BUYER, Mr. CROWLEY, Mr. WEINER, Mrs. EMERSON, Mr. GOSS, Mr. HOUGHTON, Mr. LEWIS of Kentucky, Mr. MORAN of Kansas, Mr. PETRI, Mr. WHITFIELD, Mr. YOUNG of Florida, Mr. OSBORNE, Mr. CARTER, Mr. ROYCE, Mr. GOODLATTE, Mr. MCHUGH, Mr. LAHOOD, Mr. TANCREDO, Mr. PETERSON of Pennsylvania, Mr. LEACH, Mr. TERRY, Mr. MCINNIS, Mr. MCCRERY, Mr. SHERWOOD, Mr. SMITH of Michigan, Mr. TIAHRT, Mr. TURNER of Ohio, Mr. VITTER, Mr. ISSA, Mr. THORNBERRY, Mr. DREIER, Mr. SOUDER, and Mr. BURTON of Indiana.
H.R. 1517: Mr. TERRY, Mr. HAYWORTH, and Mr. PETERSON of Pennsylvania.
H.R. 1536: Mr. MCNULTY and Mr. CAMP.
H.R. 1540: Mr. VAN HOLLEN.
H.R. 1568: Mr. BELL, Mr. WAMP, Mr. CUMMINGS and Mr. FATTAH.
H.R. 1638: Mr. CARDOZA and Mr. MILLER of Florida.
H.R. 1652: Ms. MCCOLLUM, Mr. WATT, Mr. ACKERMAN, and Mr. HINCHEY.
H.R. 1691: Mr. POMBO, Mr. ISRAEL, Ms. GINNEY BROWN-WAITE of Florida, Mr. FROST, and Mrs. MILLER of Michigan.
H.R. 1694: Mr. FRANK of Massachusetts and Mr. GRIJALVA.
H.R. 1704: Mr. LIPINSKI, Ms. Corrine Brown of Florida, Mr. FROST, Ms. KILPATRICK, Ms. Loretta Sanchez of California, Mr. OWENS, Mr. Grijalva, and Mr. BOSWELL.
H.R. 1708: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MURTHA, and Mr. BILIRAKIS.
H.R. 1710: Mr. ROSS, Mr. GOODE, Mr. LEVIN, Mr. CLAY, Mr. LANGEVIN, Ms. SLAUGHTER, Mr. ENGEL, Mr. SCHIFF, and Mr. SMITH of Washington.
H.R. 1714: Mr. LINDER, Mr. FALEOMAVAEGA, Mr. LARSEN of Washington, Mr. PASTOR, and Mr. SMITH of Washington.
H.R. 1717: Ms. BERKLEY.
H.R. 1734: Ms. BALDWIN, Mr. GARRETT of New Jersey, and Mr. HINCHEY.
H.R. 1735: Mr. CUMMINGS, Mr. ACEVEDO-VILA, Mr. CUNNINGHAM, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. BEREUTER, Mr. GILLMOR, and Mr. RANGEL.
H.R. 1738: Ms. WATERS, Mr. PALLONE, and Ms. LORETTA SANCHEZ of California.
H.R. 1767: Mrs. MYRICK, Mr. GUTKNECHT, Mr. PETERSON of Minnesota, Mr. DOOLEY of California, and Mr. TANCREDO.
H.R. 1769: Mr. SMITH of Washington, Mr. MCINTYRE, Mr. COBLE, Mr. GILLMOR, and Mr. FORBES.
H.R. 1776: Mr. LEWIS of Kentucky.
H.R. 1795: Mr. CUMMINGS.
H.R. 1796: Mr. JOHNSON of Illinois.
H.R. 1803: Mr. GONZALEZ, Mr. CONYERS, Ms. SCHAKOWSKY, and Mr. SCHIFF.
H.R. 1807: Mr. GOODE and Mr. ENGLISH.
H.R. 1808: Mr. GARRETT of New Jersey.
H.R. 1812: Mr. GUTIERREZ, Mr. CUMMINGS, and Mr. SANDERS.
H.R. 1814: Mr. PASTOR and Mr. HASTINGS of Florida.
H.R. 1819: Mr. NETHERCUTT.
H.R. 1839: Mr. FEENEY.
H.R. 1868: Mr. FROST, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. OWENS, Mr. CUMMINGS, Mr. GUTIERREZ, Mr. KILDEE, Mr. WYNN, and Mr. RANGEL.
H.R. 1873: Mr. MCHUGH, Mr. NEY, and Mr. FROST.
H.R. 1890: Mr. CRANE and Mr. HULSHOF.
H.R. 1894: Mr. WOOLSEY.
H.R. 1902: Mr. COOPER, Mr. FILNER, Ms. LORETTA SANCHEZ of California, and Mr. WYNN.
H.R. 1904: Mr. BROWN of South Carolina, Mr. BARRETT of South Carolina, Mr. BURNS, Mr. SCOTT of Virginia, Mr. SWEENEY, and Mrs. JO ANN DAVIS of Virginia.
H.R. 1905: Ms. BERKLEY, Mr. WEXLER, and Mrs. MCCARTHY of New York.
H.R. 1908: Mr. KILDEE.
H.R. 1910: Mr. WICKER, Mr. VITTER, Mr. RODRIGUEZ, Mrs. JO ANN DAVIS of Virginia, Mr. MCGOVERN, Mr. OBERSTAR, Mr. THOMPSON of California, Ms. ESHOO, Mr. WOLF, Mr. FILNER, Ms. LEE, Mr. LAHOOD, Mr. GRIJALVA, Mr. WYNN, Mr. PALLONE, Mr. KLECZKA, Mr. LANGEVIN, Ms. MCCOLLUM, and Mr. PASTOR.
H.R. 1927: Mrs. JOHNSON of Connecticut, Mr. NEAL of Massachusetts, and Mr. HERGER.
H.R. 1933: Ms. SLAUGHTER, Mr. HONDA, Ms. LINDA T. SANCHEZ of California, and Mr. CASE.
H.R. 1934: Mr. DAVIS of Illinois.
H.R. 1954: Ms. SOLIS and Mr. DREIER.
H.R. 1963: Mr. WAMP, Mr. TURNER of Texas, Mr. ROGERS of Michigan, and Mr. JANKLOW.
H.R. 1981: Ms. MCCOLLUM and Mr. MCNULTY.
H.R. 1999: Ms. DELAURO, Mr. FARR, Mr. GERLACH, Mr. MCHUGH, Mr. LANTOS, and Mr. CLAY.
H.R. 2009: Mr. FROST, Mr. MCDERMOTT, Mr. SHAW, Mr. HOUGHTON, Mr. HERGER, Mr. NUSSLE, Mr. BLUNT, Mr. MURPHY, Mr. GERLACH, Ms. DUNN, Mr. FOLEY, Mr. WELLER, Mr. COLLINS, Mr. JANKLOW, Mr. KLINE, Mr. ISAKSON, Mr. DEMINT, Mr. JENKINS, Mr. HAYWORTH, Mr. GOSS, Ms. HART, Mr. GUTKNECHT, Mr. COBLE, Mrs. JOHNSON of Connecticut, Mr. WELDON of Pennsylvania, Mr. RAMSTAD, and Mr. CANTOR.
H.R. 2023: Mr. BASS, Mr. MCNULTY, and Mr. ENGEL.
H.R. 2030: Mr. KANJORSKI, Ms. HARMAN, Mr. JEFFERSON, Mr. LANTOS, Ms. NORTON, Mr. FORD, Ms. LORETTA SANCHEZ of California, Mr. FILNER, Mr. ACEVEDO-VILA, Mr. MOLLOHAN, and Mrs. CHRISTENSEN.
H.R. 2039: Mr. BAKER.
H.J. Res. 4: Mr. TOM DAVIS of Virginia, Mr. GUTKNECHT, Mr. LOBIONDO, Mr. STEARNS, Mr. BONILLA, Mr. HOUGHTON, Mr. BACHUS, Mr. CHABOT, and Mr. SMITH of Washington.
H.J. Res. 8: Mr. LOBIONDO.
H.J. Res. 36: Mr. HOEFFEL.
H.J. Res. 37: Mr. WALSH.
H. Con. Res. 93: Mrs. BONO.
H. Con. Res. 116: Mr. NEY.
H. Con. Res. 121: Mr. HOEFFEL.
H. Con. Res. 143: Ms. GINNY BROWN-WAITE of Florida.
H. Con. Res. 152: Mr. ACKERMAN, Mr. RODRIGUEZ, Mr. CRAMER, Mr. SAM JOHNSON of Texas, Mr. SMITH of Washington, Mr. FROST, Mr. MILLER of North Carolina, and Mr. MCINTYRE.
H. Con. Res. 164: Mr. COLLINS.
H. Res. 20: Mr. ANDREWS, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. COOPER, Mr. CUMMINGS, Mr. HINCHEY, Ms. NORTON, Mr. JACKSON of Illinois, Mr. KILDEE, Mr. KIRK, Mr. LANTOS, Ms. LEE, Mr. MCDERMOTT, Mr. MCNULTY, Mr. OWENS, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. STARK, Mr. TOWNS, Mr. WAXMAN, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mrs. JONES of Ohio, Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Mr. HASTINGS of Florida, Ms. WATSON, Mr. DELAHUNT, Mr. FORD, Mr. MENENDEZ, Mr. JEFFERSON, Mr. ROYCE, Mr. WOLF, Mr. MATSUI, Mr. GEORGE MILLER of California, Ms. WATERS, and Mr. HONDA.
H. Res. 45: Mrs. MUSGRAVE.
H. Res. 137: Mr. LEVIN, Mr. OWENS, Mr. EMANUEL, and Mr. FRANK of Massachusetts.
H. Res. 142: Mr. RYAN of Ohio.
H. Res. 157: Mr. MARKEY, Mr. KUCINICH, and Mr. WEXLER.

H. Res. 193: Mr. SENSENBRENNER and Mr. GUTIERREZ.

H. Res. 199: Mr. VAN HOLLEN, Mr. WOLF, Mr. ISAKSON, and Mr. MCNULTY.

H. Res. 211: Mr. AKIN and Mrs. MILLER of Michigan.

H. Res. 222: Mr. BONILLA, Mr. SAM JOHNSON of Texas, and Mr. DELAY.

¶49.29 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 20: Mr. CHOCOLA.

TUESDAY, MAY 13, 2003 (50)

¶50.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. MURPHY, who laid before the House the following communication:

WASHINGTON, DC,
May 13, 2003.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶50.2 RECESS—12:54 P.M.

The SPEAKER pro tempore, Mr. MURPHY, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 54 minutes p.m., until 2 p.m.

¶50.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. STEARNS, called the House to order.

¶50.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. STEARNS, announced he had examined and approved the Journal of the proceedings of Friday, May 9, 2003.

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

¶50.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2145. A letter from the Directors, FinCEN, Department of the Treasury, transmitting the Department's final rule—Customer Identification Programs for Futures Commission Merchants and Introducing Brokers (RIN: 1506–AA34) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2146. A letter from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Fees for Rice Inspection Services (RIN: 0580–AA82) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2147. A letter from the Administrator, Rural UtilitiesService, Department of Agriculture, transmitting the Department's final rule—Useful Life of Facility Determination (RIN: 0572–AB80) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2148. A letter from the Under Secretary, Food Stamp Program, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Anticipating Income and Reporting Changes [Amendment No. 376] (RIN: 0584–AB57) received May 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2149. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bacillus Thuringiensis Cry1F Protein in Cotton; Temporary Exemption from the Requirement of a Tolerance [OPP–2003–0147; FRL–7302–4] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2150. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 00–04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2151. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–08; to the Committee on Appropriations.

2152. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting the Annual Report of the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

2153. A letter from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Mandated Electronic Filing and Website Posting for Forms 3, 4 and 5 [Release Nos. 33–8230, 34–47809, 35–27674, IC–26044; File No. S7–52–02] (RIN: 3235–AI26) received May 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2154. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Head Start Program (RIN: 0970–AB54) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2155. A letter from the Director, Division of Acquisition Management Services, Department of Labor, transmitting the Department's final rule—Audit Requirements for Grants, Contracts, and Other Agreements (RIN: 1291–AA26) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2156. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; Total Reduced Sulfur from Kraft Paper Mills [ME–062–7011a; A–1–FRL–7491–7] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2157. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to Regulation for Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations [MD139–3098a; FRL–7478–1] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2158. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Florida: Martin Gas Sales, Inc. Variance [FL–93–200318 (a); FRL–7491–5] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2159. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Louisiana; Rescission of the Section 182(f) and 182(b)(1) Exemptions to the Nitrogen Oxides Control Requirements for the Baton Rouge Ozone Nonattainment Area [LA–60–1–7562; FRL–7492–9] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2160. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Alternative Compliance Periods under the Anti-Dumping Program [FRL–7492–1] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2161. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–7490–3] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2162. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–7491–1] received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2163. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended [WT Docket No. 99–87]; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies [RM–9332] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2164. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450–470 MHz Band [WT Docket No. 01–146, RM–9966] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2165. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Canada for defense articles and services (Transmittal No. 03–16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2166. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 07–03 which informs of an intent to sign a Memorandum of Understanding (MOU) between the United States and the United Kingdom for Ballistic Missile Defense, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2167. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective March 23, 2003 a 15% danger pay allowance has been established for Syria, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

2168. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: March 2003 Reports, Testimony, Correspondence, and Other Publications, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

2169. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2170. A letter from the Executive Director, Marine Mammal Commission, transmitting the Commission's Commercial Activities Inventory Report, as required by the Federal Activities Inventory Reform Act of 1998 and detailed in OMB Circular No. A–87 (revised); to the Committee on Government Reform.

2171. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the eighth annual report on amounts paid to telecommunications carriers and manufacturers during FY 2002, and estimates of amounts expected to be paid in the current fiscal year; to the Committee on the Judiciary.

2172. A letter from the Attorney, Office of Chief Counsel, Department of Homeland Security, transmitting the Department's final rule—Security Treat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License [Docket No. TSA–2003–14610; Amendment No. 1572–1] (RIN: 1652–AA17) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2173. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; San Diego Bay, CA [COTP San Diego 03–010] (RIN: 1625–AA00 [Formerly RIN: 2115–AA97]) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2174. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zones; Captain of the Port Houston-Galveston Zone [COTP Houston-Galveston-02–009] (RIN: 1625–AA00 [Formerly RIN: 2115–AA97] received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2175. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security and Safety Zone: Protection of Large Passenger Vessels, Portland, OR [CGD13–03–012] (RIN: 1625–AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2176. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Dragon Boat Race, Willamette River, Portland, OR [CGD13–03–014] (RIN: 1625–AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2177. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake Bay, Norfolk, Virginia [CGD05–03–040] (RIN: 1625–AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2178. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Colorado River, Between Laughlin Bridge and Harrah's Hotel and Casino (This Section of the Colorado River divides Arizona and Nevada) [COTP San Diego 03–018] (RIN:1625–AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2179. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Oceanside, California [COTP San Diego 03–017] (RIN: 1625–AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2180. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone, Bayou Casotte, Pascagoula, MS [COTP Mobile-03–009] (RIN: 1625–AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2181. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Amtrak Railroad Bridge, Susquehanna River, Havrede Grace, Maryland [CGD05–03–043] (RIN: 1625–AA00) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2182. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Construction or Alteration in the Vicinity of the Private Residence of the President of the United States [Docket No. FAA–2003–14973; Special Federal Aviation Regulation No.98] (RIN: 2120–AH83) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2183. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Under Section 817A Regarding Modified Guaranteed Contracts [TD 9058] (RIN: 1545–AY48) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2184. A letter from the Secretary, Department of Energy, transmitting notification that the Department of Energy requires an additional 45 days to transmit the implementation plan for addressing the issues raised in the Defense Nuclear Facilities Safety Board's Recommendation 2002–2, Weapons Laboratory Support of the Defense Nuclear Complex, pursuant to 42 U.S.C. 2286d(e); jointly to the Committees on Armed Services and Energy and Commerce.

2185. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that shrimp harvested with technology that may adversely affect certain sea turtles may not be imported into the United States unless the President makes specific certifications to the Congress by May 1; jointly to the Committees on Resources and Appropriations.

¶50.6 COAST GUARD CUTTER BRAMBLE

Mr. BURGESS moved to suspend the rules and pass the bill (H.R. 517) to direct the Commandant of the Coast Guard to convey the Coast Guard Cutter BRAMBLE, upon its scheduled decommissioning, to the Port Huron Museum of Arts and History located in Port Huron, Michigan, for use for education and historical display; as amended.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. BURGESS and Mr. MICHAUD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to direct the Commandant of the Coast Guard to convey 2 Coast Guard cutters.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.7 TONY HALL FEDERAL BUILDING

Mr. BURGESS moved to suspend the rules and pass the bill (H.R. 281) to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. BURGESS and Mr. MICHAUD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BURGESS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. STEARNS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶50.8 D.C. SPECIAL OLYMPICS TORCH RUN

Mr. BURGESS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 128):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 6, 2003, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2003 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in

section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. BURGESS and Mr. MICHAUD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶50.9 DELBERT L. LATTA POST OFFICE BUILDING

Mr. MURPHY moved to suspend the rules and pass the bill (H.R. 985) to designate the facility of the United States Post at 111 West Washington Street in Bowling Green, Ohio, as the ''Delbert L. Latta Post Office Building''.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. MURPHY and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.10 CONDOLENCES ON THE DEATH OF MATTHEW J. RYAN

Mr. MURPHY moved to suspend the rules and agree to the following resolution (H. Res. 178):

Whereas Matthew J. Ryan, born in Philadelphia, Pennsylvania, led a distinguished career of public service devoted to the United States and the State of Pennsylvania;

Whereas Matthew J. Ryan served as a First Lieutenant in the United States Marine Corps from 1954 to 1956;

Whereas Matthew J. Ryan began his service to the 168th District of Pennsylvania in the Pennsylvania House of Representatives in 1962;

Whereas Matthew J. Ryan was elected Speaker of the Pennsylvania House of Representatives in 1981, 1995, 1997, 1999, 2001, and 2003;

Whereas Matthew J. Ryan was the second longest serving Member and the third longest serving Speaker of the Pennsylvania House of Representatives in its 321 year history;

Whereas Speaker Ryan's ability to negotiate with and unite Members possessing differing viewpoints in the Pennsylvania House of Representatives contributed to the betterment of Pennsylvania throughout his six terms as Speaker;

Whereas Speaker Ryan will be remembered for his quick wit and gracious demeanor, attributes which endeared him to colleagues and citizens alike;

Whereas Speaker Ryan received hundreds of awards and commendations during his four decades of service, including the National Conference of State Legislators' ''Legislator of the Year Award'' and the Delaware County Chamber of Commerce's ''Citizen of the Year Award''; and

Whereas the ''Speaker Matthew J. Ryan Building'' of the Pennsylvania Capitol complex will forever serve as a testament to Speaker Ryan's faithful service to the State and as a reminder of his unwavering leadership in the Pennsylvania House of Representatives: Now, therefore, be it

Resolved, That the United States House of Representatives honors the outstanding life and work of former Speaker of the Pennsylvania House of Representatives Matthew J. Ryan and offers its deepest condolences to his wife and family on his death.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. MURPHY and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶50.11 REMOVAL OF ECONOMIC SANCTIONS AGAINST IRAQ

Mr. SMITH of Michigan moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 160); as amended:

Whereas United Nations Security Council Resolution 661 established sanctions as a result of Saddam Hussein's unprovoked, illegal aggression against the sovereign Arab State of Kuwait;

Whereas United Nations Security Council Resolution 687 continued the sanctions, which were intended to deprive the government of Saddam Hussein of maintaining or acquiring the means to threaten other states or peoples, or to continue to oppress his own people;

Whereas the United Nations Security Council, through the Oil-for-Food program, allowed for humanitarian goods to flow to Iraq while maintaining the sanctions regime and control over Iraq's oil revenue;

Whereas the Coalition that liberated Iraq poses no risk to other states or peoples, and there is no reason to believe that the people of Iraq, liberated from the tyrant Saddam Hussein, pose such a risk;

Whereas the Coalition is providing for the humanitarian needs of the Iraqi people;

Whereas the people of Iraq are now ready to rebuild their nation after over 30 years of tyranny;

Whereas the sanctions established by United Nations Security Council Resolutions 661 and 687 prohibit the importation of goods necessary for the Iraqi people to rebuild their country;

Whereas these sanctions restrict the trade of Iraqi goods, by and on behalf of the Iraqi people, necessary to allow expeditious rebuilding of Iraq and recovery from the tyranny of Saddam Hussein; and

Whereas continuing the sanctions imposed on the government of Saddam Hussein punishes the people of Iraq for the actions of a brutal tyrant who no longer rules them: Now, therefore, be it:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United Nations should immediately act to lift the economic sanctions imposed by United Nations Security Council Resolutions 661 and 687; and

(2) member states of the United Nations should allow and encourage their nationals to trade with Iraq.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. SMITH of Michigan and Mr. FALEOMAVAEGA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of Michigan demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶50.12 SPACE SHUTTLE COLUMBIA ACCIDENT

Mr. BURGESS moved to suspend the rules and agree to the following resolution (H. Res. 222):

Whereas on February 1, 2003, the Space Shuttle Columbia and its crew of seven heroic astronauts were lost in a tragic accident;

Whereas the breakup of Columbia scattered debris over a large area of Texas, as well as Louisiana, Nevada, California, and possibly other States;

Whereas the Federal Emergency Management Agency was designated the lead agency for directing other Federal agencies in the recovery of the Space Shuttle Columbia debris;

Whereas personnel from the Federal Emergency Management Agency, the National Aeronautics and Space Administration, the United States Forest Service, the Environmental Protection Agency, and other agencies assisted in the recovery of the Columbia debris;

Whereas personnel from State and local agencies assisted in the recovery of the Columbia debris;

Whereas many citizens, including National Aeronautics and Space Administration contractor personnel from multiple States, volunteered their time to assist in the recovery of the Columbia debris;

Whereas two searchers perished and three others were injured in a helicopter crash while searching for Columbia debris;

Whereas citizens of eastern Texas offered their whole-hearted support, both physical and emotional, to the debris search teams; and

Whereas the combined efforts of all of these individuals and organizations resulted in the collection of more than seventy thousand pieces of debris, far more than was originally thought possible, providing accident investigators with vital evidence that will assist in determining the cause of the accident: Now, therefore, be it

Resolved, That the House of Representatives does offer its gratitude on behalf of the American people to the thousands of individuals who worked tirelessly to recover the Space Shuttle Columbia debris.

The SPEAKER pro tempore, Mrs. CAPITO, recognized Mr. BURGESS and Mr. HALL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. CAPITO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BURGESS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶50.13 RECESS—3:46 P.M.

The SPEAKER pro tempore, Mrs. CAPITO, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 46 minutes p.m., until approximately 6:30 p.m.

¶50.14 AFTER RECESS—6:33 P.M.

The SPEAKER pro tempore, Mr. GILCHREST, called the House to order.

¶50.15 H.R. 281—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 281) to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 / Nays ..... 0 }

¶50.16 [Roll No. 183]

YEAS—407

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

NOT VOTING—27

Blunt
Boyd
Brown, Corrine
Buyer
Capps
Case
Conyers
Cox
Edwards
Forbes
Gephardt
Granger
Greenwood
Gutierrez
Hulshof
Issa
Lantos
Lewis (CA)
Lipinski
Miller, Gary
Moran (VA)
Price (NC)
Rush
Schrock
Sweeney
Terry
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.17 H. CON. RES. 160—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 160) expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays ..... 0 }

¶50.18 [Roll No. 184]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)

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

NOT VOTING—25

Blunt
Boyd
Brown, Corrine
Buyer
Capps
Carter
Case
Conyers
Cox
Edwards
Forbes
Gephardt
Granger
Gutierrez
Hulshof
Johnson (CT)
Lipinski
Miller, Gary
Moran (VA)
Price (NC)
Rush
Schrock
Sweeney
Terry
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶50.19 H. RES. 222—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 222) commending those individuals who contributed to the debris collection effort following the Space Shuttle Columbia accident.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays ..... 0 }

¶50.20 [Roll No. 185]

YEAS—411

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

Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—23

Ballenger
Boyd
Brown, Corrine
Buyer
Case
Conyers
Cox
Edwards
Forbes
Gephardt
Granger
Gutierrez
Hulshof
Lipinski
Miller, Gary
Moran (VA)
Murtha
Price (NC)
Rush
Schrock
Sweeney
Terry
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶50.21 PROVIDING FOR THE CONSIDERATION OF H.R. 1527

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–97) the resolution (H. Res. 229) providing for consideration of the bill (H.R. 1527) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶50.22 PROVIDING FOR THE CONSIDERATION OF H.R. 1000

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–98) the resolution (H. Res. 230) providing for consideration of the bill (H.R. 1000) to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets.

When said resolution and report were referred to the House Calendar and ordered printed.

¶50.23 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 9, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 289. An Act to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge.

¶50.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CASE, for today; and

To Mr. Gary G. MILLER of California, for today and balance of the week.

And then,

¶50.25 ADJOURNMENT

On motion of Mr. CANNON, at 9 o'clock and 20 minutes p.m., the House adjourned.

¶50.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 229. Resolution providing for consideration of the bill (H.R. 1527) to amend title 49, United states Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes (Rept. 108–97). referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 230. Resolution providing for the consideration of the bill (H.R. 1000) to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets (Rept. 108–98). Referred to the House Calendar.

¶50.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BROWN of Ohio (for himself and Mrs. WILSON of New Mexico):

H.R. 2068. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio (for himself and Mrs. WILSON of New Mexico):

H.R. 2069. A bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. ISRAEL, and Mr. FOSSELLA):

H.R. 2070. A bill to amend title XVIII of the Social Security Act to revitalize and improve the Medicare+Choice program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. DELAHUNT, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BERMAN, Mr. BERRY, Mrs. BIGGERT, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. PETERSON of Minnesota, Mr. CAMP, Mr. CLAY, Mr. COSTELLO, Mr. DEFAZIO, Ms. DELAURO, Mr. DOOLEY of California, Mr. DOYLE, Mrs. EMERSON, Mr. FARR, Mr. GRAVES, Mr. GREENWOOD, Mr. HERGER, Mr. HINCHEY, Mr. HOUGHTON, Mr. JOHNSON of Illinois, Mr. KLECZKA, Mr. LAHOOD, Mr. LAMPSON, Mr. LEACH, Mr. LYNCH, Mr. MANZULLO, Mr. MCGOVERN, Mr. MOORE, Mr. MORAN of Kansas, Mr. SMITH of Michigan, Mr. NETHERCUTT, Mr. OSBORNE, Mr. OTTER, Mr. PAUL, Mr. RAMSTAD, Mr. RANGEL, Mr. REHBERG, Mr. ROSS, Mr. RYAN of Wisconsin, Mr. SHAYS, Mr. SHIMKUS, Mr. SNYDER, Ms. SOLIS, Mr. STENHOLM, Mr. TANNER, Mr. THOMPSON of California, Mr. TIBERI, Mr. TOWNS, Mr. VAN HOLLEN, and Mr. WHITFIELD):

H.R. 2071. A bill to allow travel between the United States and Cuba; to the Committee on International Relations.

By Mr. FOLEY (for himself, Mr. TANCREDO, Mr. PAUL, Mr. GREEN of Wisconsin, Mr. BACHUS, Mr. LATOURETTE, Mr. ISTOOK, Mr. NEY, Mr. ENGLISH, Mr. PLATTS, Mr. MCHUGH, Mrs. WILSON of New Mexico, Mr. SOUDER, Mr. NETHERCUTT, Ms. ROS-LEHTINEN, Mr. HAYWORTH, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2072. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in the computation of the income tax on Social Security benefits; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2073. A bill to amend title 32, United States Code, to provide assistance to States for the discharge of homeland security activities by the National Guard, and for other purposes; to the Committee on Armed Services.

By Mr. GUTIERREZ (for himself and Mr. FRANK of Massachusetts):

H.R. 2074. A bill to require certain disclosures in connection with any international money transfer, and for other purposes; to the Committee on Financial Services.

By Mr. HASTINGS of Florida:

H.R. 2075. A bill to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rodgers Post Office Building''; to the Committee on Government Reform.

By Mr. JOHN:

H.R. 2076. A bill to further the protection and recognition of veterans' memorials, to amend title 38, United States Code, to provide for grants to repair veterans memorials, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. REHBERG, Mr. BOOZMAN, Mr. SHUSTER, Mr. JOHNSON of Illinois, Mr. UDALL of New Mexico, Mr. PETERSON of Pennsylvania, Mr. MICHAUD, and Mr. PEARCE):

H.R. 2077. A bill to amend title 49, United States Code, to enhance essential air service; to the Committee on Transportation and Infrastructure.

By Mr. OSE:

H.R. 2078. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require equitable funding of pension plans maintained by corporations which also maintain executive pension plans; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself, Mr. JOHN, Mr. BERRY, Mr. THOMPSON of

Mississippi, Mr. TOWNS, Mr. ALEXANDER, Mr. ROSS, Mr. GREENWOOD, Ms. BORDALLO, Mr. OTTER, Mr. UPTON, Mr. LIPINSKI, Mr. BOSWELL, Mr. GOODE, Mr. BONNER, Mr. ADERHOLT, Mr. BACHUS, Mr. DAVIS of Alabama, Mr. BONILLA, Mr. EVERETT, Mr. PUTNAM, Mr. EDWARDS, and Mr. SIMPSON):

H.R. 2079. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SAXTON:

H.R. 2080. A bill to prevent International Monetary Fund loans for Iraq from being used to pay off Iraq's creditors; to the Committee on Financial Services.

By Mr. WU:

H.R. 2081. A bill to amend the Internal Revenue Code of 1986 to reduce to 5 percent the maximum rate of tax on net capital gain on assets held for more than 5 years; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. SKELTON, Mr. SIMMONS, Mr. BRADLEY of New Hampshire, Mr. WILSON of South Carolina, Mr. BISHOP of Utah, Mr. WELDON of Pennsylvania, Mr. HAYES, Mr. CALVERT, Mr. ALEXANDER, Mr. GINGREY, Mr. MCKEON, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. SCHROCK, Mrs. MILLER of Michigan, Mr. REYES, Mrs. JO ANN DAVIS of Virginia, Mr. AKIN, Mr. KLINE, Mr. LOBIONDO, Mr. THORNBERRY, Mr. EVERETT, Mr. LARSEN of Washington, Mr. ROGERS of Alabama, Mr. GIBBONS, Mr. SAXTON, Mr. TURNER of Ohio, Mr. BRADY of Pennsylvania, and Mr. MCHUGH):

H. Con. Res. 177. Concurrent resolution recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Ms. PRYCE of Ohio, Mr. BARTLETT of Maryland, Mr. BOEHLERT, Mr. BOSWELL, Mr. BOYD, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. DAVIS of Florida, Mr. DINGELL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. GIBBONS, Mr. GOODE, Mr. GOODLATTE, Mr. HOLT, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Minnesota, Mr. KIND, Mr. KING of New York, Mr. KLECZKA, Ms. LOFGREN, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MENENDEZ, Mrs. MYRICK, Mrs. NORTHUP, Mr. OSBORNE, Mr. POMEROY, Mr. RODRIGUEZ, Mr. ROSS, Mr. SANDLIN, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SKELTON, Mr. SPRATT, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. WEXLER, and Mr. WILSON of South Carolina):

H. Con. Res. 178. Concurrent resolution expressing support for the goals of Veterans Educate Today's Students (VETS) Day, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HEFLEY (for himself, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Illinois, Mr. RAMSTAD, and Mr. STUPAK):

H. Res. 231. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on Government Reform.

By Mr. MICHAUD:

H. Res. 232. A resolution providing for consideration of the bill (H.R. 17) to provide economic security for America's workers; to the Committee on Rules.

By Mr. STEARNS (for himself, Mrs. MUSGRAVE, Mr. RENZI, Mrs. JO ANN DAVIS of Virginia, Mr. SHIMKUS, Mr. PITTS, Mr. WICKER, Mr. RYUN of Kansas, Mr. GOODE, Mr. WALSH, Mr. WOLF, Mr. BARTLETT of Maryland, Mr. SULLIVAN, Mr. TERRY, Mr. KENNEDY of Minnesota, Mr. ENGLISH, Mr. ROGERS of Michigan, Mr. TANCREDO, Mr. HOEKSTRA, Mr. RYAN of Wisconsin, Mr. SOUDER, Mr. HAYES, Mrs. BLACKBURN, Mr. KLINE, Mr. HOSTETTLER, Mr. CHABOT, Ms. ROS-LEHTINEN, Mrs. MYRICK, Mr. GRAVES, Mr. GUTKNECHT, Mr. BUYER, Mr. MANZULLO, and Mr. ALEXANDER):

H. Res. 233. A resolution expressing the sense of the House of Representatives with respect to pregnancy resource centers; to the Committee on Energy and Commerce.

¶50.28 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

45. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 49 memorializing the United States Congress and the Department of Agriculture to provide assistance, including financial assistance, in the effort to deal with the infestation of the emerald ash borer; to the Committee on Agriculture.

46. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4021 memorializing the United States Congress requesting for the Bonneville Power Administration to refrain from adopting rate increases at this time; to the Committee on Resources.

47. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 17 memorializing the United States Congress to pursue and support fuel cell research projects in Michigan; to the Committee on Science.

48. Also, a memorial of the Legislature of the State of Washington, relative to Substitute House Joint Memorial No. 4004 memorializing the United States Congress to amend the United States Code to expressly provide for the itemized deduction of state and local retail sales taxes for federal income tax purposes; to the Committee on Ways and Means.

¶50.29 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LATOURETTE:

H.R. 2082. A bill for the relief of Michael Dvorkin; to the Committee on the Judiciary.

By Ms. LEE:

H.R. 2083. A bill for the relief of Geert Botzen; to the Committee on the Judiciary.

¶50.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 107: Ms. NORTON.

H.R. 122: Ms. JACKSON-LEE of Texas, Mr. CASE, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mr. MATHESON, Ms. SLAUGHTER, Mr. KIND, Ms. DELAURO, and Mr. SHERMAN.

H.R. 176: Mr. JANKLOW.

H.R. 192: Mr. ROTHMAN.

H.R. 217: Mr. GRIJALVA.

H.R. 218: Ms. CARSON of Indiana.

H.R. 221: Ms. LINDA T. SANCHEZ of California.

H.R. 223: Mr. OTTER.

H.R. 240: Mr. DAVIS of Florida.

H.R. 241: Mr. WILSON of South Carolina and Mr. ACEVEDO-VILA.

H.R. 290: Mr. WEXLER.

H.R. 296: Mr. PAYNE.

H.R. 303: Mr. KNOLLENBERG.

H.R. 339: Mr. YOUNG of Florida.

H.R. 347: Ms. SCHAKOWSKY.

H.R. 371: Mr. TURNER of Texas, Mr. HINCHEY, Mr. ORTIZ, Mr. BACA, Mr. GREEN of Texas, Mr. DEAL of Georgia, Mr. ALLEN, Mr. THOMPSON of Mississippi, and Mrs. MALONEY.

H.R. 375: Mr. RUPPERSBERGER.

H.R. 391: Mr. BARTLETT of Maryland, Mr. HAYWORTH, and Mr. MCINNIS.

H.R. 438: Mr. SIMMONS.

H.R. 440: Mr. ENGEL.

H.R. 466: Mr. UDALL of New Mexico, Mr. STUPAK, and Mr. NEAL of Massachusetts.

H.R. 504: Ms. SCHAKOWSKY.

H.R. 528: Mr. SHERMAN.

H.R. 571: Mr. HOEKSTRA.

H.R. 591: Mr. GOODE.

H.R. 673: Mr. SHUSTER.

H.R. 687: Ms. HARRIS, Mr. GILCHREST, Mr. GUTKNECHT, Mr. SAM JOHNSON of Texas, and Mr. PUTNAM.

H.R. 692: Mr. BLUMENAUER.

H.R. 709: Mr. MILLER of Florida.

H.R. 713: Mr. TOWNS.

H.R. 714: Mr. BARTLETT of Maryland.

H.R. 720: Mr. MILLER of Florida.

H.R. 731: Mr. TANCREDO.

H.R. 737: Mr. WEINER.

H.R. 759: Mr. OSE.

H.R. 785: Mr. SAXTON, Mr. GREENWOOD, Mr. ISRAEL, Mr. LEACH, and Mr. CANTOR.

H.R. 792: Mr. Meehan and Ms. Kilpatrick.

H.R. 800: Mr. WELDON of Florida.

H.R. 804: Mr. MICHAUD.

H.R. 813: Ms. DELAURO.

H.R. 816: Ms. ESHOO.

H.R. 817: Ms. ESHOO.

H.R. 872: Mr. UPTON and Mr. HOEKSTRA.

H.R. 876: Mr. PAYNE, Mr. FEENEY, Mr. HILL, Mr. SHIMKUS, Mr. GERLACH, and Mr. PICKERING.

H.R. 879: Mr. HAYES and Mr. KNOLLENBERG.

H.R. 883: Mr. DAVIS of Illinois.

H.R. 898: Mr. LANGEVIN.

H.R. 919: Ms. LEE, Mr. LEWIS of Georgia, Mr. CAMP, Mr. DAVIS of Illinois, Mr. FARR, Mr. TANNER, Mr. CARDIN, Mr. DELAHUNT, Mr. BACA, Mr. MOORE, Mr. FORD, and Mr. MENENDEZ.

H.R. 931: Mr. BARRETT of South Carolina.

H.R. 936: Ms. LINDA T. SANCHEZ of California.

H.R. 970: Mr. BOUCHER, Mr. CASE, Ms. WOOLSEY, Mr. SCHIFF, Mr. SHIMKUS, Mr. SHAYS, and Ms. WATSON.

H.R. 980: Mr. FRANK of Massachusetts and Ms. ESHOO.

H.R. 1006: Mr. SIMMONS, Mr. MCNULTY, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mrs. NAPOLITANO, and Mr. KILDEE.

H.R. 1085: Mr. SCHROCK and Mr. BAKER.

H.R. 1115: Mr. COBLE, Mr. CUNNINGHAM, Mr. CANNON, and Ms. HART.

H.R. 1118: Mr. UDALL of Colorado and Mr. GERLACH.

H.R. 1120: Mr. FROST.

H.R. 1125: Mr. RAHALL, Ms. KILPATRICK, Mr. MEEHAN, Mr. MURPHY, and Mr. BLUMENAUER.

H.R. 1137: Mr. CARSON of Oklahoma and Mr. MORAN of Kansas.

H.R. 1174: Mr. CUMMINGS.

H.R. 1207: Mr. SWEENEY.

H.R. 1209: Mr. HASTINGS of Florida, Mrs. MALONEY, Mr. ABERCROMBIE, Mr. BOYD, Ms. CORRINE BROWN of Florida, Mr. MCNULTY, Mr. DINGELL, Mr. GUTIERREZ, Mr. CLAY, Mr. MARKEY, Mr. HINCHEY, Ms. KAPTUR, Mr. HINOJOSA, Mr. FATTAH, Ms. CARSON of Indiana, Mrs. LOWEY, Mr. NADLER, Ms. LOFGREN, Mr. MOORE, Mr. BLUMENAUER, and Mr. COOPER.

H.R. 1222: Mr. ROSS.

H.R. 1257: Mr. SMITH of New Jersey.

H.R. 1276: Mr. NUNES and Mr. COOPER.

H.R. 1288: Mr. MARKEY, Mr. LANGEVIN, Mr. PAUL, Ms. MCCOLLUM, Mr. PASTOR, Mr. ENGEL, Mr. BEAUPREZ, Mr. DAVIS of Tennessee, Mr. PLATTS, Mr. RYUN of Kansas, Mr. ROGERS of Michigan, Mr. JENKINS, Mr. SWEENEY, Mr. DAVIS of Illinois, Mr. KILDEE, and Mr. EVANS.

H.R. 1301: Mr. PASTOR, Mr. FRELINGHUYSEN, Mr. KOLBE, Mr. LOBIONDO, Mr. KLINE, and Mr. SWEENEY.

H.R. 1305: Ms. LINDA T. SANCHEZ of California.

H.R. 1309: Mr. MCGOVERN.

H.R. 1315: Mr. CUMMINGS, Ms. BERKLEY, and Mr. BROWN of Ohio.

H.R. 1322: Mr. OLVER, Mr. ANDREWS, Mr. ROTHMAN, Mr. FILNER, Mr. RYAN of Ohio, and Mrs. MCCARTHY of New York.

H.R. 1348: Mr. PETERSON of Minnesota and Mrs. MALONEY.

H.R. 1359: Ms. LINDA T. SANCHEZ of California and Ms. LOFGREN.

H.R. 1376: Mrs. JONES of Ohio.

H.R. 1421: Mr. GRIJALVA.

H.R. 1459: Mr. WOLF.

H.R. 1460: Ms. KILPATRICK, Mr. WILSON of South Carolina, and Mr. ACEVEDO-VILA.

H.R. 1462: Mr. SANDERS and Mr. MCGOVERN.

H.R. 1502: Ms. LINDA T. SANCHEZ of California.

H.R. 1508: Ms. LINDA T. SANCHEZ of California.

H.R. 1512: Mr. HOEKSTRA.

H.R. 1574: Mr. DAVIS of Tennessee and Mr. PUTNAM.

H.R. 1577: Mr. KOLBE, Mr. RENZI, Mr. STUPAK, and Mr. GRIJALVA.

H.R. 1615: Mr. HINCHEY.

H.R. 1621: Mr. FARR, Mr. RODRIGUEZ, Ms. LEE, Mr. LANTOS, and Mr. GRIJALVA.

H.R. 1628: Mr. GUTIERREZ.

H.R. 1659: Mr. FILNER.

H.R. 1677: Mr. MORAN of Virginia, Mr. JACKSON of Illinois, Mr. WAXMAN, and Ms. CORRINE BROWN of Florida.

H.R. 1683: Mr. WILSON of South Carolina and Mr. ACEVEDO-VILA.

H.R. 1693: Mr. EMANUEL.

H.R. 1698: Mr. RAMSTAD and Mr. RUSH.

H.R. 1700: Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, and Mr. DEUTSCH.

H.R. 1708: Ms. CARSON of Indiana, Mr. BUYER, Mr. DOOLEY of California, Mr. DOYLE, Mr. UPTON, Mr. DAVIS of Florida, and Ms. LINDA T. SANCHEZ of California.

H.R. 1709: Ms. JACKSON-LEE of Texas and Ms. LEE.

H.R. 1713: Mr. LEVIN and Mr. SHERMAN.

H.R. 1721: Mr. CAMP.

H.R. 1736: Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. RANGEL, Ms. KILPATRICK, Mr. BRADY of Texas, Mrs. MALONEY, Mr. PAYNE, Mr. OWENS, Mr. TOWNS, Ms. MILLENDER-MCDONALD, and Mr. JEFFERSON.

H.R. 1742: Mr. SMITH of Texas and Mr. BERMAN.

H.R. 1769: Mr. TERRY, Mr. GREEN of Wisconsin, Mrs. MYRICK, Mr. BARRETT of South Carolina, Mrs. JO ANN DAVIS of Virginia, and Mr. DOOLITTLE.

H.R. 1771: Mr. RENZI, Mr. JONES of North Carolina, Mr. REYES, Mrs. MILLER of Michigan, Mr. MCGOVERN, Mr. NEY, Mr. DUNCAN, Mr. UPTON, Mr. BUYER, and Mr. EHLERS.

H.R. 1784: Mr. DEUTSCH, Mr. POMEROY, Mr. MARKEY, Mr. SMITH of Washington, and Mr. ENGEL.

H.R. 1807: Mr. GILLMOR and Mr. MICHAUD.

H.R. 1814: Mr. RANGEL, Mr. HINOJOSA, and Ms. BORDALLO.

H.R. 1850: Mr. RANGEL.

H.R. 1886: Mr. ALLEN.

H.R. 1887: Ms. WATSON.

H.R. 1904: Mr. SAM JOHNSON of Texas.

H.R. 1910: Mr. KIND, Mr. RYUN of Kansas, Mrs. BONO, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. EVANS, Ms. BALDWIN, and Mr. GREENWOOD.

H.R. 1931: Mr. MURTHA and Mr. GILLMOR.

H.R. 1933: Mr. HOLDEN and Ms. NORTON.

H.R. 1935: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1944: Mr. LEACH.

H.R. 1981: Ms. ROYBAL-ALLARD, Ms. DELAURO, Mr. BERMAN, and Mr. DEFAZIO.

H.R. 2012: Ms. BORDALLO, Mr. LANGEVIN, and Mr. LOBIONDO.

H.R. 2017: Mr. WEXLER and Mr. MCDERMOTT.

H.R. 2020: Mr. HOYER, Mr. MORAN of Kansas, Mr. TIAHRT, Mr. BOSWELL, Mr. BACHUS, Mr. HILL, Mr. ISRAEL, and Mr. BISHOP of New York.

H.R. 2028: Mr. SKELTON, Mr. TAYLOR of Mississippi, Mr. COSTELLO, Mr. HYDE, and Mr. COBLE.

H.R. 2047: Mr. LEWIS of Kentucky.

H.J. Res. 48: Mr. MARIO DIAZ-BALART of Florida.

H. Con. Res. 56: Ms. ROS-LEHTINEN.

H. Con. Res. 98: Mrs. MUSGRAVE, Mr. FALEOMAVAEGA, and Mr. BONNER.

H. Con. Res. 111: Mr. KIND and Mr. MORAN of Virginia.

H. Con. Res. 130: Ms. CARSON of Indiana.

H. Con. Res. 160: Mr. UPTON.

H. Con. Res. 161: Mr. BEAUPREZ, Mr. MOORE, and Mrs. MUSGRAVE.

H. Con. Res. 176: Mrs. CAPITO.

H. Res. 28: Mr. NADLER, Mr. BROWN of Ohio, Mr. MCGOVERN, Mr. JOHNSON of Illinois, Mr. LAMPSON, Mr. CROWLEY, and Mr. TANCREDO.

H. Res. 59: Mr. BURTON of Indiana.

H. Res. 66: Mr. PITTS.

H. Res. 136: Mr. STUPAK and Mr. PAUL.

H. Res. 140: Mr. ISRAEL, Mr. SHERMAN, Mr. WEINER, Mr. ENGEL, Mr. WEXLER, Mr. CARDOZA, Mr. MCNULTY, Mr. LIPINSKI, Ms. BERKLEY, Mr. FOLEY, and Mrs. JO ANN DAVIS of Virginia.

H. Res. 167: Ms. JACKSON-LEE of Texas and Mr. GRIJALVA.

H. Res. 199: Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Ms. WATSON, and Mr. FARR.

H. Res. 214: Ms. SLAUGHTER, Mr. LANGEVIN, Mr. FROST, and Mr. CASE.

H. Res. 222: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BELL, Ms. JACKSON-LEE of Texas, Mr. MOORE, Mr. GORDON, Mr. WU, Mr. WEINER, Mr. DAVIS of Tennessee, Ms. LOFGREN, Mr. HENSARLING, Mr. UDALL of Colorado, and Mr. COMBEST.

¶50.31 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

12. The SPEAKER presented a petition of the Common Council of the City of Michigan City, Indiana, relative to Resolution No. 4173 petitioning the United States Congress that the Council supports the men and women serving in the armed forces and honors their commitment to our Nation's safety, security and freedom; to the Committee on Armed Services.

13. Also, a petition of the Hennepin County Board of Commissioners, Minnesota, relative to Resolution No. 03-4-232S1R2 petitioning the United States Congress that the Board urges federal, state, and local government agencies, religious institutions, employers, schools, charitable organizations, and all of our citizens to do all that is humanly possible to assist the families and loved ones of our Armed Forces; to the Committee on Armed Services.

14. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 127 of 2003 petitioning the United States Congress to request that the United States Postal Service issue a stamp honoring Helen Hayes; to the Committee on Government Reform.

15. Also, a petition of the City Commission of the City of Hollywood, Florida, relative to Resolution No. R-2003-110 petitioning the United States Congress that the City Commission supports SCR1166, a concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women and encourages the Florida State Legislature to authorize the resolution; to the Committee on the Judiciary.

16. Also, a petition of the Orange County Fire Authority Board of Directors, California, relative to Resolution No. 2003-24 petitioning the United States Congress that the Board urges the Legislature of the State of California to reaffirm its commitment to strengthening our cities and counties as the first line of defense of our people; to the Committee on Transportation and Infrastructure.

¶50.32 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 660: Mr. SOUDER.

WEDNESDAY, MAY 14, 2003 (51)

¶51.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. COLLINS, who laid before the House the following communication:

WASHINGTON, DC,
May 14, 2003.

I hereby appoint the Honorable MAC COLLINS to act as Speaker pro tempore on this day.

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

¶51.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. COLLINS, announced he had examined and approved the Journal of the proceedings of Tuesday, May 13, 2003.

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

¶51.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2186. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Processing Fees; Annual Adjustment [OPP-2003-0140; FRL-7302-7] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2187. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Indoxacarb; Time-Limited Pesticide Tolerance [OPP-2003-0173; FRL-7307-6] received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2188. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Sapote Fruit Fly [Docket No. 03-032-1] received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2189. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Additions to Quarantined Areas [Docket No. 02-114-2] received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2190. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Cottonseed Payment Program (RIN: 0560-AG97) received May 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2191. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Prohibition of Property Flipping in HUD's Single Family Mortgage Insurance Programs [Doc. No. FR-4615-F-02] (RIN: 2502-AH57) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2192. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to Stage II Vapor Recovery at Gasoline Dispensing Facilities [MD136-3091a; FRL-7483-9] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2193. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN152-1a; FRL-7481-1] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2194. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 181-1181; FRL-7494-6] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2195. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plan; Illinois New Source Review Amendments [IL 184-1a; FRL-7481-3] received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2196. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Illinois Emission Test Averaging [IL207-3; FRL-7487-5] received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2197. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clarification to Interim Standards and Practices for All Appropriate Inquiry Under CERCLA [FRL-7496-2] (RIN: 2050-AF05) received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2198. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plan for Designated Facilities and Pollutants: Mississippi [MS-200326a; FRL-7497-3] received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2199. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's ''Major'' final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA 03-15067] (RIN: 2127-AI71) received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2200. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment of Ozone Standard, St. Louis Area; Approval and Promulgation of Implementation Plans, and Redesignation of Areas for Air Quality Planning Purposes, State of Missouri [MO 182-1182; FRL-7494-5] received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2201. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [OAR-2002-0045 — FRL-7495-6] (RIN: 2060-AK53) received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2202. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans, and Designation of Areas for Air Quality Planning Purposes; State of Illinois [IL 216-2;FRL-7496-4] received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2203. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2204. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2003 Management Measures [Docket No. 030430108-3108-01; I.D. 042503A] (RIN: 0648-AQ17) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Vessel Movement Reporting System; Prince William Sound, Alaska [CGD17-03-001] (RIN: 1625-AA11) received May 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Anchorage, Knik Arm, Alaska [COTP Western Alaska 03-001] (RIN: 1625-AA00) received May 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-03-041] received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Hackensack River, NJ [CGD01-03-038] received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Lower Grand River (Alternate Route), Grosse Tete, LA [CGD08-03-020] received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation: Harvard-Yale Regatta, Thames River, New London, CT [CGD01-03-030] received May 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2211. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Severn River, College Creek, and Weems Creek, Annapolis, Maryland [CGD05-03-038] (RIN: 1625-AA08) received May 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2212. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Corpus Christi — Port Aransas Channel — Tule Lake, Corpus Christi, TX [CGD08-03-021] received May 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2213. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Cape Cod Canal, MA [CGD01-03-040] received May 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2214. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Port Neches Riverfest, Neches River, Port Neches, TX [COTP Port Arthur 03-002] (RIN: 1625-AA00) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2215. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulation; Bolivar Roads, Galveston, TX [CGD08-02-018] (RIN: 1625-AA01 [Fomerly RIN: 2115-AA98]) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2216. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Port Everglades Harbor, Fort Lauderdale, Florida [CGD07-03-069] (RIN: 1625-AA11) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2217. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, California [COTP San Francisco Bay 03-008] (RIN: 1625-AA00) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2218. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Agency's final rule — Last-in, First-out Inventories (Rev. Rul. 2003-50) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2219. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule — Property held for productive use in trade or business or for investment; 1.1031(K)-1: Treatment of deferred exchanges (Rev. Proc. 2003-39) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2220. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule — Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 2003 [Notice 2003-29] received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2221. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule — Action on Decision [Docket No. 8246-97] received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2222. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 20903-37) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2223. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule — Simplified Service Cost Method; Simplified Production Method [Notice 2003-36] received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2224. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule — Transfer to corporation controlled by transferor (Rev. Rul. 2003-51) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2225. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule — Gasoline Station Gas Pump Canopies (Rev. Rule 2003-54) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶51.4 RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH PROGRAM

Mr. BOEHNER moved to suspend the rules and pass the bill of the Senate (S. 870) to amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program.

The SPEAKER pro tempore, Mr. COLLINS, recognized Mr. BOEHNER and Mr. KILDEE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. COLLINS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶51.5 KRIS EGGLE MEMORIAL VISITORS' CENTER

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 1577) to designate the visitors' center in Organ Pipe National Monument in Arizona as the ''Kris Eggle Memorial Visitors' Center'', and for other purposes; as amended.

The SPEAKER pro tempore, Mr. COLLINS, recognized Mr. RADANOVICH and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the 'Kris Eggle Visitor Center', and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶51.6 LEWIS AND CLARK INTERPRETIVE CENTER

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 255) to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska; as amended.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. RADANOVICH and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶51.7 CARTER G. WOODSON HOME NATIONAL HISTORIC SITE

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 1012) to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. RADANOVICH and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶51.8 TOM GREEN COUNTY WATER CONTROL AND IMPROVEMENT

Mr. RADANOVICH moved to suspend the rules and pass the bill (H.R. 856) to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and for other purposes.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. RADANOVICH and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶51.9 MICROENTERPRISE ASSISTANCE PROGRAMS

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 192) to amend the Microenterprise for Self-reliance Act of 2000 and the foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶51.10 PROVIDING FOR THE CONSIDERATION OF H.R. 1000

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 230):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1000) to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour and 20 minutes of debate on the bill, as amended, equally divided among and controlled by the chairmen and ranking minority members of the Committee on Education and the Workforce and the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative George Miller of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. LINDER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 218 / Nays ..... 201 }

¶51.11 [Roll No. 186]

YEAS—218

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

NAYS—201

Abercrombie	Clyburn	Frost
Ackerman	Conyers	Gephardt
Alexander	Cooper	Gonzalez
Allen	Costello	Gordon
Andrews	Cramer	Green (TX)
Baca	Crowley	Grijalva
Baird	Cummings	Gutierrez
Baldwin	Davis (AL)	Hall
Ballance	Davis (CA)	Harman
Becerra	Davis (FL)	Hastings (FL)
Bell	Davis (IL)	Hill
Berkley	Davis (TN)	Hinchey
Berman	DeFazio	Hinojosa
Berry	DeGette	Hoeffel
Bishop (GA)	Delahunt	Holden
Bishop (NY)	DeLauro	Holt
Blumenauer	Deutsch	Honda
Boswell	Dicks	Hooley (OR)
Boucher	Dingell	Hoyer
Boyd	Doggett	Inslee
Brady (PA)	Dooley (CA)	Israel
Brown (OH)	Edwards	Jackson (IL)
Brown, Corrine	Emanuel	Jackson-Lee (TX)
Capps	Engel	Jefferson
Capuano	Eshoo	John
Cardin	Etheridge	Johnson, E. B.
Cardoza	Evans	Jones (OH)
Carson (IN)	Farr	Kanjorski
Carson (OK)	Filner	Kaptur
Case	Ford	Kennedy (RI)
Clay	Frank (MA)	Kildee
	Miller (NC)	Schakowsky
	Miller, George	Schiff
	Mollohan	Scott (GA)
	Moore	Scott (VA)
	Moran (VA)	Serrano
	Murtha	Sherman
	Nadler	Skelton
	Napolitano	Slaughter
	Neal (MA)	Smith (WA)
	Oberstar	Snyder
	Obey	Solis
	Olver	Spratt
	Ortiz	Stark
	Owens	Stenholm
	Pallone	Strickland
	Pascrell	Stupak
	Pastor	Tanner
	Payne	Tauscher
	Pelosi	Taylor (MS)
	Peterson (MN)	Thompson (CA)
	Pomeroy	Thompson (MS)
	Price (NC)	Tierney
	Rahall	Towns
	Rangel	Udall (CO)
	Reyes	Udall (NM)
	Rodriguez	Van Hollen
	Ross	Velazquez
	Roybal-Allard	Visclosky
	Ruppersberger	Waters
	Rush	Watson
	Ryan (OH)	Watt
	Sabo	Waxman
	Sanchez, Linda T.	Weiner
	Sanchez, Loretta	Wexler
	Sanders	Woolsey
	Sandlin	Wu
		Wynn

NOT VOTING—15

Combest	McGovern	Radanovich
Cox	Miller, Gary	Rothman
Doyle	Oxley	Schrock
Fattah	Peterson (PA)	Turner (TX)
Istook	Petri	Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶51.12 PENSION SECURITY

Mr. BOEHNER, pursuant to House Resolution 230, called up the bill (H.R. 1000) to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets.

Pending consideration of the bill.

Pursuant to House Resolution 230, the following amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill was considered as agreed to:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pension Security Act of 2003''.

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

Sec. 1. Short title and table of contents.

TITLE I—IMPROVEMENTS IN PENSION SECURITY

Sec. 101. Periodic pension benefits statements.

Sec. 102. Inapplicability of relief from fiduciary liability during blackout periods.
Sec. 103. Informational and educational support for pension plan fiduciaries.
Sec. 104. Diversification requirements for defined contribution plans that hold employer securities.
Sec. 105. Prohibited transaction exemption for the provision of investment advice.
Sec. 106. Study regarding impact on retirement savings of participants and beneficiaries by requiring consultants to advise plan fiduciaries of individual account plans.
Sec. 107. Treatment of qualified retirement planning services.
Sec. 108. Effective dates and related rules.

TITLE II—OTHER PROVISIONS RELATING TO PENSIONS

Sec. 201. Amendments to Retirement Protection Act of 1994.
Sec. 202. Reporting simplification.
Sec. 203. Improvement of employee plans compliance resolution system.
Sec. 204. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 205. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 206. Notice and consent period regarding distributions.
Sec. 207. Annual report dissemination.
Sec. 208. Technical corrections to Saver Act.
Sec. 209. Missing participants and beneficiaries.
Sec. 210. Reduced PBGC premium for new plans of small employers.
Sec. 211. Reduction of additional PBGC premium for new and small plans.
Sec. 212. Authorization for PBGC to pay interest on premium overpayment refunds.
Sec. 213. Substantial owner benefits in terminated plans.
Sec. 214. Benefit suspension notice.
Sec. 215. Studies.
Sec. 216. Interest rate range for additional funding requirements.

TITLE III—GENERAL PROVISIONS

Sec. 301. Provisions relating to plan amendments.

TITLE I—IMPROVEMENTS IN PENSION SECURITY

SEC. 101. PERIODIC PENSION BENEFITS STATEMENTS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)) is amended to read as follows:

''(a)(1)(A) The administrator of an individual account plan shall furnish a pension benefit statement—

''(i) to each plan participant at least annually,

''(ii) to each plan beneficiary upon written request, and

''(iii) in the case of an applicable individual account plan, to each individual who is a plan participant or beneficiary and who has a right to direct investments, at least quarterly.

''(B) The administrator of a defined benefit plan shall furnish a pension benefit statement—

''(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

''(ii) to a plan participant or plan beneficiary of the plan upon written request.

Information furnished under clause (i) to a participant may be based on reasonable estimates determined under regulations prescribed by the Secretary, in consultation with the Pension Benefit Guaranty Corporation.

''(2) A pension benefit statement under paragraph (1)—

''(A) shall indicate, on the basis of the latest available information—

''(i) the total benefits accrued, and

''(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

''(B) shall be written in a manner calculated to be understood by the average plan participant, and

''(C) may be provided in written form or in electronic or other appropriate form to the extent that such form is reasonably accessible to the recipient.

''(3)(A) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator, at least once each year, provides the participant with notice, at the participant's last known address, of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.

''(B) The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i).''.

(B) CONFORMING AMENDMENTS.—

(i) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(ii) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

''(b) In no case shall a participant or beneficiary of a plan be entitled to more than one statement described in clause (i) or (ii) of subsection (a)(1)(A) or clause (i) or (ii) of subsection (a)(1)(B), whichever is applicable, in any 12-month period. If such report is required under subsection (a) to be furnished at least quarterly, the requirements of the preceding sentence shall be applied with respect to each quarter in lieu of the 12-month period.''.

(2) INFORMATION REQUIRED FROM APPLICABLE INDIVIDUAL ACCOUNT PLANS.—Section 105 of such Act (as amended by paragraph (1)) is amended further by adding at the end the following new subsection:

''(d)(1) The statements required to be provided at least quarterly under subsection (a)(1)(A)(iii) in the case of applicable individual account plans shall include (together with the information required in subsection (a)) the following:

''(A) the value of each investment to which assets in the individual account have been allocated, determined as of the most recent valuation date under the plan, including the value of any assets held in the form of employer securities, without regard to whether such securities were contributed by the plan sponsor or acquired at the direction of the plan or of the participant or beneficiary,

''(B) an explanation, written in a manner calculated to be understood by the average plan participant, of any limitations or restrictions on the right of the participant or beneficiary to direct an investment, and

''(C) an explanation, written in a manner calculated to be understood by the average plan participant, of the importance, for the long-term retirement security of participants and beneficiaries, of a well-balanced and diversified investment portfolio, including a discussion of the risk of holding more than 25 percent of a portfolio in the security of any one entity, such as employer securities.

''(2) The Secretary shall issue guidance and model notices which meet the requirements of this subsection.''.

(3) DEFINITION OF APPLICABLE INDIVIDUAL ACCOUNT PLAN.—Section 3 of such Act (29 U.S.C. 1002) is amended by adding at the end the following new paragraph:

''(42)(A) The term 'applicable individual account plan' means any individual account plan, except that such term does not include an employee stock ownership plan (within the meaning of section 4975(e)(7) of the Internal Revenue Code of 1986) unless there are any contributions to such plan (or earnings thereunder) held within such plan that are subject to subsection (k)(3) or (m)(2) of section 401 of the Internal Revenue Code of 1986. Such term shall not include a one-participant retirement plan.

''(B) The term 'one-participant retirement plan' means a pension plan with respect to which the following requirements are met:

''(i) on the first day of the plan year—

''(I) the plan covered only one individual (or the individual and the individual's spouse) and the individual owned 100 percent of the plan sponsor (whether or not incorporated), or

''(II) the plan covered only one or more partners (or partners and their spouses) in the plan sponsor;

''(ii) the plan meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 (as in effect on the date of the enactment of this paragraph) without being combined with any other plan of the business that covers the employees of the business;

''(iii) the plan does not provide benefits to anyone except the individual (and the individual's spouse) or the partners (and their spouses);

''(iv) the plan does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

''(v) the plan does not cover a business that leases employees.''.

(4) CIVIL PENALTIES FOR FAILURE TO PROVIDE QUARTERLY BENEFIT STATEMENTS.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(A) in subsection (a)(6), by striking ''(6), or (7)'' and inserting ''(6), (7), or (8)'';

(B) by redesignating paragraph (8) of subsection (c) as paragraph (9); and

(C) by inserting after paragraph (7) of subsection (c) the following new paragraph:

''(8) The Secretary may assess a civil penalty against any plan administrator of up to $1,000 a day for each day on which the plan administrator has failed to comply with the requirements of clause (iii) of section 105(a)(1)(A) and has not corrected such failure by providing the required pension benefit statements to the affected participants and beneficiaries.''.

(5) MODEL STATEMENTS.—The Secretary of Labor shall, not later than 180 days after the date of the enactment of this Act, issue initial guidance and a model benefit statement, written in a manner calculated to be understood by the average plan participant, that may be used by plan administrators in complying with the requirements of section 105 of the Employee Retirement Income Security Act of 1974. Not later than 75 days after the date of the enactment of this Act, the Secretary shall promulgate interim final rules necessary to carry out the amendments made by this subsection.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) PROVISION OF INVESTMENT EDUCATION NOTICES TO PARTICIPANTS IN CERTAIN PLANS.—Section 414 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:

''(w) PROVISION OF INVESTMENT EDUCATION NOTICES TO PARTICIPANTS IN CERTAIN PLANS.—

''(1) IN GENERAL.—The plan administrator of an applicable pension plan shall provide to each applicable individual an investment education notice described in paragraph (2) at the time of the enrollment of the applicable individual in the plan and not less often than annually thereafter.

''(2) INVESTMENT EDUCATION NOTICE.—An investment education notice is described in this paragraph if such notice contains—

''(A) an explanation, for the long-term retirement security of participants and beneficiaries, of generally accepted investment principles, including principles of risk management and diversification, and

''(B) a discussion of the risk of holding substantial portions of a portfolio in the security of any one entity, such as employer securities.

''(3) UNDERSTANDABILITY.—Each notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with guidance provided by the Secretary) to allow recipients to understand such notice.

''(4) FORM AND MANNER OF NOTICES.—The notices required by this subsection shall be in writing, except that such notices may be in electronic or other form (or electronically posted on the plan's website) to the extent that such form is reasonably accessible to the applicable individual.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means—

''(i) any participant in the applicable pension plan,

''(ii) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under a qualified domestic relations order (within the meaning of section 414(p)(1)(A)), and

''(iii) any beneficiary of a deceased participant or alternate payee.

''(B) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

''(i) a plan described in clause (i), (ii), or (iv) of section 219(g)(5)(A), and

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A),

which permits any participant to direct the investment of some or all of his account in the plan or under which the accrued benefit of any participant depends in whole or in part on hypothetical investments directed by the participant. Such term shall not include a one-participant retirement plan or a plan to which section 105 of the Employee Retirement Income Security Act of 1974 applies.

''(C) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—The term 'one-participant retirement plan' means a retirement plan with respect to which the following requirements are met:

''(i) on the first day of the plan year—

''(I) the plan covered only one individual (or the individual and the individual's spouse) and the individual owned 100 percent of the plan sponsor (whether or not incorporated), or

''(II) the plan covered only one or more partners (or partners and their spouses) in the plan sponsor;

''(ii) the plan meets the minimum coverage requirements of 410(b) without being combined with any other plan of the business that covers the employees of the business;

''(iii) the plan does not provide benefits to anyone except the individual (and the individual's spouse) or the partners (and their spouses);

''(iv) the plan does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

''(v) the plan does not cover a business that leases employees.

''(6) CROSS REFERENCE.—

"For provisions relating to penalty for failure to provide the notice required by this section, see section 6652(m).".

(2) PENALTY FOR FAILURE TO PROVIDE NOTICE.—Section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) FAILURE TO PROVIDE INVESTMENT EDUCATION NOTICES TO PARTICIPANTS IN CERTAIN PLANS.—In the case of each failure to provide a written explanation as required by section 414(w) with respect to an applicable individual (as defined in such section), at the time prescribed therefore, unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such notice, an amount equal to $100 for each such failure, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $50,000.''.

SEC. 102. INAPPLICABILITY OF RELIEF FROM FIDUCIARY LIABILITY DURING BLACKOUT PERIODS.

(a) IN GENERAL.—Section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)) is amended by adding at the end the following new paragraph:

''(4)(A) Paragraph (1)(B) shall not apply in connection with the direction or diversification of assets credited to the account of any participant or beneficiary during a blackout period if, by reason of the imposition of such blackout period, the ability of such participant or beneficiary to direct or diversify such assets is suspended, limited, or restricted.

''(B) If the fiduciary authorizing a blackout period meets the requirements of this title in connection with authorizing such blackout period, no person who is a fiduciary shall be liable under this title for any loss occurring during the blackout period as a result of any exercise by the participant or beneficiary of control over assets in his or her account prior to the blackout period. Matters to be considered in determining whether a fiduciary has met the requirements of this title include whether such fiduciary—

''(i) has considered the reasonableness of the expected length of the blackout period,

''(ii) has provided the notice required under section 101(i)(2), and

''(iii) has acted in accordance with the requirements of subsection (a) in determining whether to enter into the blackout period.

''(C) If a blackout period arises in connection with a change in the investment options offered under the plan, a participant or beneficiary shall be deemed to have exercised control over the assets in his or her account prior to the blackout period, if, after reasonable notice of the change in investment options is given to such participant or beneficiary before such blackout period, assets in the account of the participant or beneficiary are transferred—

''(i) to plan investment options in accordance with the affirmative election of the participant or beneficiary, or

''(ii) in any case in which there is no such election, in the manner set forth in such notice.

''(D) Any imposition of any limitation or restriction that may govern the frequency of transfers between investment vehicles shall not be treated as the imposition of a blackout period to the extent such limitation or restriction is disclosed to participants or beneficiaries through the summary plan description or materials describing specific investment alternatives under the plan.

''(E) For purposes of this paragraph, the term 'blackout period' has the meaning given such term by section 101(i)(7).''.

(b) GUIDANCE.—The Secretary of Labor shall, on or before December 31, 2004, issue interim final regulations providing guidance on how plan sponsors or any other affected fiduciaries can satisfy their fiduciary responsibilities during any blackout period during which the ability of a participant or beneficiary to direct the investment of assets in his or her individual account is suspended.

SEC. 103. INFORMATIONAL AND EDUCATIONAL SUPPORT FOR PENSION PLAN FIDUCIARIES.

Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

''(e) The Secretary shall establish a program under which information and educational resources shall be made available on an ongoing basis to persons serving as fiduciaries under employee pension benefit plans so as to assist such persons in diligently and effectively carrying out their fiduciary duties in accordance with this part. Such program shall provide information concerning the practices that define prudent investment procedures for plan fiduciaries. Information provided under the program shall address the relevant investment considerations for defined benefit and defined contribution plans, including investment in employer securities by such plans. In developing such program, the Secretary shall solicit information from the public, including investment education professionals.''.

SEC. 104. DIVERSIFICATION REQUIREMENTS FOR DEFINED CONTRIBUTION PLANS THAT HOLD EMPLOYER SECURITIES.

(a) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

''(j) DIVERSIFICATION REQUIREMENTS FOR INDIVIDUAL ACCOUNT PLANS THAT HOLD EMPLOYER SECURITIES.—

''(1) IN GENERAL.—An applicable individual account plan shall meet the requirements of paragraphs (2) and (3).

''(2) EMPLOYEE CONTRIBUTIONS AND ELECTIVE DEFERRALS INVESTED IN EMPLOYER SECURITIES.—In the case of the portion of the account attributable to employee contributions and elective deferrals which is invested in employer securities, a plan meets the requirements of this paragraph if each applicable individual may elect to direct the plan to divest any such securities in the individual's account and to reinvest an equivalent amount in other investment options which meet the requirements of paragraph (4).

''(3) EMPLOYER CONTRIBUTIONS INVESTED IN EMPLOYER SECURITIES.—

''(A) IN GENERAL.—In the case of the portion of the account attributable to employer contributions (other than elective deferrals to which paragraph (2) applies) which is invested in employer securities, a plan meets the requirements of this paragraph if, under the plan—

''(i) each applicable individual with a benefit based on 3 years of service may elect to direct the plan to divest any such securities in the individual's account and to reinvest an equivalent amount in other investment options which meet the requirements of paragraph (4), or

''(ii) with respect to any employer security allocated to an applicable individual's account during any plan year, such applicable individual may elect to direct the plan to divest such employer security after a date which is not later than 3 years after the end of such plan year and to reinvest an equivalent amount in other investment options which meet the requirements of paragraph (4).

''(B) APPLICABLE INDIVIDUAL WITH BENEFIT BASED ON 3 YEARS OF SERVICE.—For purposes of subparagraph (A), an applicable individual has a benefit based on 3 years of service if such individual would be an applicable individual if only participants in the plan who have completed at least 3 years of service (as determined under section 203(b)) were referred to in paragraph (5)(B)(i).

''(4) INVESTMENT OPTIONS.—The requirements of this paragraph are met if—

''(A) the plan offers not less than 3 investment options, other than employer securities, to which an applicable individual may direct the proceeds from the divestment of employer securities pursuant to this subsection, each of which is diversified and has materially different risk and return characteristics, and

''(B) the plan permits the applicable individual to choose from any of the investment options made available under the plan to which

such proceeds may be so directed, subject to such restrictions as may be provided by the plan limiting such choice to periodic, reasonable opportunities occurring no less frequently than on a quarterly basis.

''(5) DEFINITIONS AND RULES.—For purposes of this subsection—

''(A) APPLICABLE INDIVIDUAL ACCOUNT PLAN.—The term 'applicable individual account plan' means any individual account plan, except that such term does not include an employee stock ownership plan (within the meaning of section 4975(e)(7) of the Internal Revenue Code of 1986) unless there are any contributions to such plan (or earnings thereon) held within such plan that are subject to subsection (k)(3) or (m)(2) of section 401 of the Internal Revenue Code of 1986.

''(B) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means—

''(i) any participant in the plan, and

''(ii) any beneficiary of a participant referred to in clause (i) who has an account under the plan with respect to which the beneficiary is entitled to exercise the rights of the participant.

''(C) ELECTIVE DEFERRAL.—The term 'elective deferral' means an employer contribution described in section 402(g)(3)(A) of the Internal Revenue Code of 1986 (as in effect on the date of the enactment of this subsection).

''(D) EMPLOYER SECURITY.—The term 'employer security' shall have the meaning given such term by section 407(d)(1) of this Act (as in effect on the date of the enactment of this subsection).

''(E) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' shall have the same meaning given to such term by section 4975(e)(7) of the Internal Revenue Code of 1986 (as in effect on the date of the enactment of this subsection).

''(F) ELECTIONS.—Elections under this subsection may be made not less frequently than quarterly.

''(6) EXCEPTION WHERE THERE IS NO READILY TRADABLE STOCK.—This subsection shall not apply if there is no class of stock issued by the employer (or by a corporation which is an affiliate of the employer (as defined in section 407(d)(7))) that is readily tradable on an established securities market (or in such other circumstances as may be determined jointly by the Secretary of Labor and the Secretary of the Treasury in regulations).

''(7) TRANSITION RULE.—

''(A) IN GENERAL.—In the case of any individual account plan which, on the first day of the first plan year to which this subsection applies, holds employer securities of any class that were acquired before such date and on which there is a restriction on diversification otherwise precluded by this subsection, this subsection shall apply to such securities of such class held in any plan year only with respect to the number of such securities equal to the applicable percentage of the total number of such securities of such class held on such date.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be as follows:

''Plan years for which provisions are effective:	*Applicable percentage:*
1st plan year	*20 percent.*
2nd plan year	*40 percent.*
3rd plan year	*60 percent.*
4th plan year	*80 percent.*
5th plan year or thereafter	*100 percent.*

''(C) ELECTIVE DEFERRALS TREATED AS SEPARATE PLAN NOT INDIVIDUAL ACCOUNT PLAN.—For purposes of subparagraph (A), the applicable percentage shall be 100 percent with respect to—

''(i) employee contributions to a plan under which any portion attributable to elective deferrals is treated as a separate plan under section 407(b)(2) as of the date of the enactment of this paragraph, and

''(ii) such elective deferrals.

''(D) COORDINATION WITH PRIOR ELECTIONS.—In any case in which a divestiture of investment in employer securities of any class held by an employee stock ownership plan prior to the effective date of this subsection was undertaken pursuant to other applicable Federal law prior to such date, the applicable percentage (as determined without regard to this subparagraph) in connection with such securities shall be reduced to the extent necessary to account for the amount to which such election applied.

''(8) REGULATIONS.—The Secretary of the Treasury shall prescribe regulations under this subsection in consultation with the Secretary of Labor.''.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Section 401(a) of the Internal Revenue Code of 1986 (relating to requirements for qualification) is amended by inserting after paragraph (34) the following new paragraph:

''(35) DIVERSIFICATION REQUIREMENTS FOR DEFINED CONTRIBUTION PLANS THAT HOLD EMPLOYER SECURITIES.—

''(A) IN GENERAL.—An applicable defined contribution plan shall meet the requirements of subparagraphs (B) and (C).

''(B) EMPLOYEE CONTRIBUTIONS AND ELECTIVE DEFERRALS INVESTED IN EMPLOYER SECURITIES.—In the case of the portion of the account attributable to employee contributions and elective deferrals which is invested in employer securities, a plan meets the requirements of this subparagraph if each applicable individual in such plan may elect to direct the plan to divest any such securities in the individual's account and to reinvest an equivalent amount in other investment options which meet the requirements of subparagraph (D).

''(C) EMPLOYER CONTRIBUTIONS INVESTED IN EMPLOYER SECURITIES.—

''(i) IN GENERAL.—In the case of the portion of the account attributable to employer contributions (other than elective deferrals to which subparagraph (B) applies) which is invested in employer securities, a plan meets the requirements of this subparagraph if, under the plan—

''(I) each applicable individual with a benefit based on 3 years of service may elect to direct the plan to divest any such securities in the individual's account and to reinvest an equivalent amount in other investment options which meet the requirements of subparagraph (D), or

''(II) with respect to any employer security allocated to an applicable individual's account during any plan year, such applicable individual may elect to direct the plan to divest such employer security after a date which is not later than 3 years after the end of such plan year and to reinvest an equivalent amount in other investment options which meet the requirements of subparagraph (D).

''(ii) APPLICABLE INDIVIDUAL WITH BENEFIT BASED ON 3 YEARS OF SERVICE.—For purposes of clause (i), an applicable individual has a benefit based on 3 years of service if such individual would be an applicable individual if only participants in the plan who have completed at least 3 years of service (as determined under section 411(a)) were referred to in subparagraph (E)(ii)(I).

''(D) INVESTMENT OPTIONS.—The requirements of this subparagraph are met if—

''(i) the plan offers not less than 3 investment options, other than employer securities, to which an applicable individual may direct the proceeds from the divestment of employer securities pursuant to this paragraph, each of which is diversified and has materially different risk and return characteristics, and

''(ii) the plan permits the applicable individual to choose from any of the investment options made available under the plan to which such proceeds may be so directed, subject to such restrictions as may be provided by the plan limiting such choice to periodic, reasonable opportunities occurring no less frequently than on a quarterly basis.

''(E) DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term 'applicable defined contribution plan' means any defined contribution plan, except that such term does not include an employee stock ownership plan (within the meaning of section 4975(e)(7)) unless there are any contributions to such plan (or earnings thereon) held within such plan that are subject to subsection (k)(3) or (m)(2).

''(ii) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means—

''(I) any participant in the plan, and

''(II) any beneficiary of a participant referred to in clause (i) who has an account under the plan with respect to which the beneficiary is entitled to exercise the rights of the participant.

''(iii) ELECTIVE DEFERRAL.—The term 'elective deferral' means an employer contribution described in section 402(g)(3)(A) (as in effect on the date of the enactment of this paragraph).

''(iv) EMPLOYER SECURITY.—The term 'employer security' shall have the meaning given such term by section 407(d)(1) of the Employee Retirement Income Security Act of 1974 (as in effect on the date of the enactment of this paragraph).

''(v) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' shall have the same meaning given to such term by section 4975(e)(7) of the Internal Revenue Code of 1986 (as in effect on the date of the enactment of this paragraph).

''(vi) ELECTIONS.—Elections under this paragraph may be made not less frequently than quarterly.

''(F) EXCEPTION WHERE THERE IS NO READILY TRADABLE STOCK.—This paragraph shall not apply if there is no class of stock issued by the employer that is readily tradable on an established securities market (or in such other circumstances as may be determined jointly by the Secretary of the Treasury and the Secretary of Labor in regulations).

''(G) TRANSITION RULE.—

''(i) IN GENERAL.—In the case of any defined contribution plan which, on the effective date of this subsection, holds employer securities of any class that were acquired before such date and on which there is a restriction on diversification otherwise precluded by this paragraph, this paragraph shall apply to such securities of such class held in any plan year only with respect to the number of such securities equal to the applicable percentage of the total number of such securities of such class held on such date.

''(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be as follows:

"Plan years for which provisions are effective:	*Applicable percentage:*
1st plan year	*20 percent.*
2nd plan year	*40 percent.*
3rd plan year	*60 percent.*
4th plan year	*80 percent.*
5th plan year or thereafter	*100 percent.*

''(iii) ELECTIVE DEFERRALS TREATED AS SEPARATE PLAN NOT INDIVIDUAL ACCOUNT PLAN.—For purposes of clause (i), the applicable percentage shall be 100 percent with respect to—

''(I) employee contributions to a plan under which any portion attributable to elective deferrals is treated as a separate plan under section 407(b)(2) of the Employee Retirement Income Security Act of 1974 as of the date of the enactment of this paragraph, and

''(II) such elective deferrals.

''(iv) CONTRIBUTIONS HELD WITHIN AN ESOP.—In the case of contributions (other than elective deferrals and employee contributions) held within an employee stock ownership plan, in the case of the 1st and 2nd plan years referred to in the table in clause (ii), the applicable percentage shall be the greater of the amount determined under clause (ii) or the percentage determined under paragraph (28) (determined as if paragraph (28) applied to a plan described in this paragraph).

''(v) COORDINATION WITH PRIOR ELECTIONS UNDER PARAGRAPH (28).—In any case in which a divestiture of investment in employer securities

of any class held by an employee stock ownership plan prior to the effective date of this paragraph was undertaken pursuant to an election under paragraph (28) prior to such date, the applicable percentage (as determined without regard to this clause) in connection with such securities shall be reduced to the extent necessary to account for the amount to which such election applied.

''(H) REGULATIONS.—The Secretary shall prescribe regulations under this paragraph in consultation with the Secretary of Labor.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 401(a)(28) of such Code is amended by adding at the end the following new subparagraph:

''(D) APPLICATION.—This paragraph shall not apply to a plan to which paragraph (35) applies.''.

(B) Section 409(h)(7) of such Code is amended by inserting before the period at the end ''or subparagraph (B) or (C) of section 401(a)(35)''.

(C) Section 4980(c)(3)(A) of such Code is amended by striking ''if—'' and all that follows and inserting ''if the requirements of subparagraphs (B), (C), and (D) are met.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) and section 108, the amendments made by this section shall apply to plan years beginning after December 31, 2003, and with respect to employer securities allocated to accounts before, on, or after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply to employer securities held by an employee stock ownership plan which are acquired before January 1, 1987.

SEC. 105. PROHIBITED TRANSACTION EXEMPTION FOR THE PROVISION OF INVESTMENT ADVICE.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

''(14)(A) Any transaction described in subparagraph (B) in connection with the provision of investment advice described in section 3(21)(A)(ii), in any case in which—

''(i) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

''(ii) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

''(iii) the requirements of subsection (g) are met in connection with the provision of the advice.

''(B) The transactions described in this subparagraph are the following:

''(i) the provision of the advice to the plan, participant, or beneficiary;

''(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

''(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.''.

(2) REQUIREMENTS.—Section 408 of such Act is amended further by adding at the end the following new subsection:

''(g) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—

''(1) IN GENERAL.—The requirements of this subsection are met in connection with the provision of investment advice referred to in section 3(21)(A)(ii), provided to an employee benefit plan or a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

''(A) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

''(i) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

''(ii) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

''(iii) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

''(iv) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

''(v) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

''(vi) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

''(B) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

''(C) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

''(D) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

''(E) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

''(2) STANDARDS FOR PRESENTATION OF INFORMATION.—

''(A) IN GENERAL.—The notification required to be provided to participants and beneficiaries under paragraph (1)(A) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

''(B) MODEL FORM FOR DISCLOSURE OF FEES AND OTHER COMPENSATION.—The Secretary shall issue a model form for the disclosure of fees and other compensation required in paragraph (1)(A)(i) which meets the requirements of subparagraph (A).

''(3) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of paragraph (1)(A) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in paragraph (1) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in clauses (i) through (iv) of subparagraph (A) in currently accurate form and in the manner described in paragraph (2) or fails—

''(A) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

''(B) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

''(C) in the event of a material change to the information described in clauses (i) through (iv) of paragraph (1)(A), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

''(4) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

''(5) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—

''(A) IN GENERAL.—Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this part solely by reason of the provision of investment advice referred to in section 3(21)(A)(ii) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

''(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

''(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this subsection, and

''(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice.

''(B) CONTINUED DUTY OF PRUDENT SELECTION OF ADVISER AND PERIODIC REVIEW.—Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii). The plan sponsor or other person who is a fiduciary has no duty under this part to monitor the specific investment advice given by the fiduciary adviser to any particular recipient of the advice.

''(C) AVAILABILITY OF PLAN ASSETS FOR PAYMENT FOR ADVICE.—Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing investment advice referred to in section 3(21)(A)(ii).

''(6) DEFINITIONS.—For purposes of this subsection and subsection (b)(14)—

''(A) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

''(i) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

''(ii) a bank or similar financial institution referred to in section 408(b)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

''(iii) an insurance company qualified to do business under the laws of a State,

''(iv) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

''(v) an affiliate of a person described in any of clauses (i) through (iv), or

''(vi) an employee, agent, or registered representative of a person described in any of clauses (i) through (v) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

''(B) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

''(C) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).''.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions) is amended—

(A) in paragraph (14), by striking ''or'' at the end;

(B) in paragraph (15), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(16) any transaction described in subsection (f)(7)(A) in connection with the provision of investment advice described in subsection (e)(3)(B)(i), in any case in which—

''(A) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

''(B) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

''(C) the requirements of subsection (f)(7)(B) are met in connection with the provision of the advice.''.

(2) ALLOWED TRANSACTIONS AND REQUIREMENTS.—Subsection (f) of such section 4975 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(7) PROVISIONS RELATING TO INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

''(A) TRANSACTIONS ALLOWABLE IN CONNECTION WITH INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—The transactions referred to in subsection (d)(16), in connection with the provision of investment advice by a fiduciary adviser, are the following:

''(i) the provision of the advice to the plan, participant, or beneficiary;

''(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

''(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.

''(B) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—The requirements of this subparagraph (referred to in subsection (d)(16)(C)) are met in connection with the provision of investment advice referred to in subsection (e)(3)(B), provided to a plan or a participant or beneficiary of a plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

''(i) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

''(I) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

''(II) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

''(III) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

''(IV) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

''(V) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

''(VI) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

''(ii) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

''(iii) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

''(iv) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

''(v) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

''(C) STANDARDS FOR PRESENTATION OF INFORMATION.—The notification required to be provided to participants and beneficiaries under subparagraph (B)(i) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

''(D) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of subparagraph (B)(i) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in subparagraph (B) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in subclauses (I) through (IV) of subparagraph (B)(i) in currently accurate form and in the manner required by subparagraph (C), or fails—

''(i) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

''(ii) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

''(iii) in the event of a material change to the information described in subclauses (I) through (IV) of subparagraph (B)(i), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

''(E) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in subparagraph (B) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this paragraph and of subsection (d)(16) have been met. A transaction prohibited under subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

''(F) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—A plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this section solely by reason of the provision of investment advice referred to in subsection (e)(3)(B) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

''(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

''(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this paragraph,

''(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice, and

''(iv) the requirements of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are met in connection with the provision of such advice.

''(G) DEFINITIONS.—For purposes of this paragraph and subsection (d)(16)—

''(i) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

''(I) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

''(II) a bank or similar financial institution referred to in subsection (d)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

''(III) an insurance company qualified to do business under the laws of a State,

''(IV) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

''(V) an affiliate of a person described in any of subclauses (I) through (IV), or

''(VI) an employee, agent, or registered representative of a person described in any of subclauses (I) through (V) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

''(ii) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

''(iii) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).''.

SEC. 106. STUDY REGARDING IMPACT ON RETIREMENT SAVINGS OF PARTICIPANTS AND BENEFICIARIES BY REQUIRING CONSULTANTS TO ADVISE PLAN FIDUCIARIES OF INDIVIDUAL ACCOUNT PLANS.

(a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor shall undertake a study of the costs and benefits to participants and beneficiaries of requiring independent consultants to advise plan fiduciaries in connection with individual account plans. In conducting such study, the Secretary shall consider—

(1) the benefits to plan participants and beneficiaries of engaging independent advisers to provide investment and other advice regarding the assets of the plan to persons who have fiduciary duties with respect to the management or disposition of such assets,

(2) the extent to which independent advisers are currently retained by plan fiduciaries,

(3) the availability of assistance to fiduciaries from appropriate Federal agencies,

(4) the availability of qualified independent consultants to serve the needs of individual account plan fiduciaries in the United States,

(5) the impact of the additional fiduciary duty of an independent advisor on the strict fiduciary obligations of plan fiduciaries,

(6) the impact of new requirements (consulting fees, reporting requirements, and new plan duties to prudently identify and contract with qualified independent consultants) on the availability of individual account plans, and

(7) the impact of a new requirement on the plan administration costs per participant for small and mid-size employers and the pension plans they sponsor.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall report the results of the study undertaken pursuant to this section, together with any recommendations for legislative changes, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 107. TREATMENT OF QUALIFIED RETIREMENT PLANNING SERVICES.

(a) IN GENERAL.—Subsection (m) of section 132 of the Internal Revenue Code of 1986 (defining qualified retirement services) is amended by adding at the end the following new paragraph:

''(4) NO CONSTRUCTIVE RECEIPT.—No amount shall be included in the gross income of any employee solely because the employee may choose between any qualified retirement planning services provided by a qualified investment advisor and compensation which would otherwise be includible in the gross income of such employee. The preceding sentence shall apply to highly compensated employees only if the choice described in such sentence is available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 403(b)(3)(B) of such Code is amended by inserting ''132(m)(4),'' after ''132(f)(4),''.

(2) Section 414(s)(2) of such Code is amended by inserting ''132(m)(4),'' after ''132(f)(4),''.

(3) Section 415(c)(3)(D)(ii) of such Code is amended by inserting ''132(m)(4),'' after ''132(f)(4),''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 108. EFFECTIVE DATES AND RELATED RULES.

(a) IN GENERAL.—Except as otherwise provided in the preceding provisions of this title or in subsections (c) and (d), the amendments made by this Act shall apply with respect to plan years beginning on or after the general effective date.

(b) GENERAL EFFECTIVE DATE.—For purposes of this section, the term ''general effective date'' means the date which is 1 year after the date of the enactment of this Act.

(c) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, subsection (a) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for ''the general effective date'' the date of the commencement of the first plan year beginning on or after the earlier of—

(1) the later of—

(A) the date which is 1 year after the general effective date, or

(B) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(2) the date which is 2 years after the general effective date.

(d) AMENDMENTS RELATING TO INVESTMENT ADVICE.—The amendments made by section 105 shall apply with respect to advice referred to in section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974 or section 4975(c)(3)(B) of the Internal Revenue Code of 1986 provided on or after January 1, 2005.

TITLE II—OTHER PROVISIONS RELATING TO PENSIONS

SEC. 201. AMENDMENTS TO RETIREMENT PROTECTION ACT OF 1994.

(a) TRANSITION RULE MADE PERMANENT.—Section 769(c) of the Retirement Protection Act of 1994 (26 U.S.C. 412 note) is amended—

(1) in the heading, by striking ''TRANSITION''; and

(2) in paragraph (1), by striking ''transition'' and by striking ''for any plan year beginning after 1996 and before 2010''.

(b) SPECIAL RULES.—Paragraph (2) of section 769(c) of the Retirement Protection Act of 1994 is amended to read as follows:

''(2) SPECIAL RULES.—The rules described in this paragraph are as follows:

''(A) For purposes of section 412(l)(9)(A) of the Internal Revenue Code of 1986 and section 302(d)(9)(A) of the Employee Retirement Income Security Act of 1974, the funded current liability percentage for any plan year shall be treated as not less than 90 percent.

''(B) For purposes of section 412(m) of the Internal Revenue Code of 1986 and section 302(e) of the Employee Retirement Income Security Act of 1974, the funded current liability percentage for any plan year shall be treated as not less than 100 percent.

''(C) For purposes of determining unfunded vested benefits under section 4006(a)(3)(E)(iii) of the Employee Retirement Income Security Act of 1974, the mortality table shall be the mortality table used by the plan.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SEC. 202. REPORTING SIMPLIFICATION.

(a) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR OWNERS AND THEIR SPOUSES.—

(1) IN GENERAL.—The Secretary of the Treasury and the Secretary of Labor shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term ''one-participant retirement plan'' means a retirement plan with respect to which the following requirements are met:

(A) on the first day of the plan year—

(i) the plan covered only one individual (or the individual and the individual's spouse) and the individual owned 100 percent of the plan sponsor (whether or not incorporated), or

(ii) the plan covered only one or more partners (or partners and their spouses) in the plan sponsor;

(B) the plan meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) the plan does not provide benefits to anyone except the individual (and the individual's spouse) or the partners (and their spouses);

(D) the plan does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) the plan does not cover a business that leases employees.

(3) OTHER DEFINITIONS.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(4) EFFECTIVE DATE.—The provisions of this subsection shall apply to plan years beginning on or after January 1, 2003.

(b) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR PLANS WITH FEWER THAN 25 EMPLOYEES.—In the case of plan years beginning after December 31, 2004, the Secretary of the Treasury and the Secretary of Labor shall provide for the filing of a simplified annual return for any retirement plan which covers less than 25 employees on the first day of a plan year and which meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2).

SEC. 203. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Self-Correction Program for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Self-Correction Program during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

The Secretary of the Treasury shall have full authority to effectuate the foregoing with respect to the Employee Plans Compliance Resolution System (or any successor program) and any other employee plans correction policies, including the authority to waive income, excise, or other taxes to ensure that any tax, penalty, or sanction is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 204. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) EFFECTIVE DATES.—

(A) REGULATIONS.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2004.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) COVERAGE TEST.—

(1) IN GENERAL.—Section 410(b)(1) of the Internal Revenue Code of 1986 (relating to minimum coverage requirements) is amended by adding at the end the following:

''(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

''(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

''(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

''(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.''.

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2004.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) LINE OF BUSINESS RULES.—The Secretary of the Treasury shall, on or before December 31, 2004, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 205. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) IN GENERAL.—

(1) Subparagraph (G) of section 401(a)(5) of the Internal Revenue Code of 1986 and subparagraph (H) of section 401(a)(26) of such Code are each amended by striking ''section 414(d))'' and all that follows and inserting ''section 414(d)).''.

(2) Subparagraph (G) of section 401(k)(3) of the Internal Revenue Code of 1986 and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 (26 U.S.C. 401 note) are each amended by striking ''maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subparagraph (G) of section 401(a)(5) of such Code is amended to read as follows: ''GOVERNMENTAL PLANS.—''.

(2) The heading for subparagraph (H) of section 401(a)(26) of such Code is amended to read as follows: ''EXCEPTION FOR GOVERNMENTAL PLANS.—''.

(3) Subparagraph (G) of section 401(k)(3) of such Code is amended by inserting ''GOVERNMENTAL PLANS.—'' after ''(G)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2003.

SEC. 206. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) EXPANSION OF PERIOD.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—

(A) IN GENERAL.—Subparagraph (A) of section 417(a)(6) of the Internal Revenue Code of 1986 is amended by striking ''90-day'' and inserting ''180-day''.

(B) MODIFICATION OF REGULATIONS.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute ''180 days'' for ''90 days'' each place it appears in Treasury Regulations sections 1.402(f)–1, 1.411(a)–11(c), and 1.417(e)–1(b).

(2) AMENDMENT OF ERISA.—

(A) IN GENERAL.—Section 205(c)(7)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(7)(A)) is amended by striking ''90-day'' and inserting ''180-day''.

(B) MODIFICATION OF REGULATIONS.—The Secretary of the Treasury shall modify the regulations under part 2 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to the extent that they relate to sections 203(e) and 205 of such Act to substitute ''180 days'' for ''90 days'' each place it appears.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1)(A) and (2)(A) and the modifications required by paragraphs (1)(B) and (2)(B) shall apply to years beginning after December 31, 2003.

(b) CONSENT REGULATION INAPPLICABLE TO CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 and under section 205 of the Employee Retirement Income Security Act of 1974 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2003.

(B) REASONABLE NOTICE.—In the case of any description of such consequences made before the date that is 90 days after the date on which the Secretary of the Treasury issues a safe harbor description under paragraph (1), a plan shall not be treated as failing to satisfy the requirements of section 411(a)(11) of such Code or section 205 of such Act by reason of the failure to provide the information required by the modifications made under paragraph (1) if the Administrator of such plan makes a reasonable attempt to comply with such requirements.

SEC. 207. ANNUAL REPORT DISSEMINATION.

(a) REPORT AVAILABLE THROUGH ELECTRONIC MEANS.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended by adding at the end the following new sentence: ''The requirement to furnish information under the previous sentence with respect to an employee pension benefit plan shall be satisfied if the administrator makes such information reasonably available through electronic means or other new technology.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to reports for years beginning after December 31, 2003.

SEC. 208. TECHNICAL CORRECTIONS TO SAVER ACT.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking ''2001 and 2005 on or after September 1 of each year involved'' and inserting ''2006 and 2010'';

(2) in subsection (e)(2)—

(A) by striking ''Committee on Labor and Human Resources'' in subparagraph (D) and inserting ''Committee on Health, Education, Labor, and Pensions'';

(B) by striking subparagraph (F) and inserting the following:

''(F) the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;'';

(C) by redesignating subparagraph (G) as subparagraph (J); and

(D) by inserting after subparagraph (F) the following new subparagraphs:

''(G) the Chairman and Ranking Member of the Committee on Finance of the Senate;

''(H) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

''(I) the Chairman and Ranking Member of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and'';

(3) in subsection (e)(3)(B), by striking ''January 31, 1998'' and inserting ''2 months before the convening of each summit'';

(4) in subsection (f)(1)(C), by inserting '', no later than 60 days prior to the date of the commencement of the National Summit,'' after ''comment'';

(5) in subsection (i)—

(A) by striking ''for fiscal years beginning on or after October 1, 1997,''; and

(B) by adding at the end the following new paragraph:

''(3) RECEPTION AND REPRESENTATION AUTHORITY.—The Secretary is hereby granted reception and representation authority limited specifically to the events at the National Summit. The Secretary shall use any private contributions accepted in connection with the National Summit prior to using funds appropriated for purposes of the National Summit pursuant to this paragraph.''; and

(6) in subsection (k)—

(A) by striking ''shall enter into a contract on a sole-source basis'' and inserting ''may enter into a contract on a sole-source basis''; and

(B) by striking ''in fiscal year 1998''.

SEC. 209. MISSING PARTICIPANTS AND BENEFICIARIES.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

''(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

''(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

''(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer the benefits of a missing participant or beneficiary to the corporation upon termination of the plan.

''(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant or beneficiary if the plan transfers such benefits—

''(A) to the corporation, or

''(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

''(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant or beneficiary were

transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

''(A) in a single sum (plus interest), or

''(B) in such other form as is specified in regulations of the corporation.

''(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

''(A) the plan is a pension plan (within the meaning of section 3(2))—

''(i) to which the provisions of this section do not apply (without regard to this subsection), and

''(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

''(B) at the time the assets are to be distributed upon termination, the plan—

''(i) has one or more missing participants or beneficiaries, and

''(ii) has not provided for the transfer of assets to pay the benefits of all missing participants and beneficiaries to another pension plan (within the meaning of section 3(2)).

''(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).''.

(b) CONFORMING AMENDMENTS.—Section 206(f) of such Act (29 U.S.C. 1056(f)) is amended—

(1) by striking ''title IV'' and inserting ''section 4050''; and

(2) by striking ''the plan shall provide that,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 210. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting ''other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined),'' after ''single-employer plan,'',

(2) in clause (iii), by striking the period at the end and inserting '', and'', and

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

''(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.''.

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

''(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

''(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

''(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans first effective after December 31, 2003.

SEC. 211. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

''(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

''(I) 0 percent, for the first plan year.

''(II) 20 percent, for the second plan year.

''(III) 40 percent, for the third plan year.

''(IV) 60 percent, for the fourth plan year.

''(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.''.

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 210(b), is amended—

(1) by striking ''The'' in subparagraph (E)(i) and inserting ''Except as provided in subparagraph (G), the'', and

(2) by inserting after subparagraph (F) the following new subparagraph:

''(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

''(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined by taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans first effective after December 31, 2003.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2003.

SEC. 212. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) IN GENERAL.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)'', and

(2) by inserting at the end the following new paragraph:

''(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accruing for periods beginning not earlier than the date of the enactment of this Act.

SEC. 213. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

''(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

''(i) owns the entire interest in an unincorporated trade or business,

''(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

''(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

''(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

''(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

''(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.''.

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking ''section 4022(b)(5)'' and inserting ''section 4022(b)(5)(B)''.

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking ''(5)'' in paragraph (2) and inserting ''(4), (5),'', and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking ''as defined in section 4022(b)(6)'', and

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

''(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

''(1) owns the entire interest in an unincorporated trade or business,

''(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

''(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).''.

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking ''section 4022(b)(6)'' and inserting ''section 4021(d)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2003, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on January 1, 2004.

SEC. 214. BENEFIT SUSPENSION NOTICE.

(a) MODIFICATION OF REGULATION.—The Secretary of Labor shall modify the regulation under subparagraph (B) of section 203(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation in connection with any suspension of benefits described in such subparagraph—

(1) in the case of an employee who returns to service described in section 203(a)(3)(B)(i) or (ii) of such Act after commencement of payment of benefits under the plan, shall be made during the first calendar month or the first 4 or 5-week payroll period ending in a calendar month in which the plan withholds payments, and

(2) in the case of any employee who is not described in paragraph (1)—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) EFFECTIVE DATE.—The modification made under this section shall apply to plan years beginning after December 31, 2003.

SEC. 215. STUDIES.

(a) MODEL SMALL EMPLOYER GROUP PLANS STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall conduct a study to determine—

(1) the most appropriate form or forms of—

(A) employee pension benefit plans which would—

(i) be simple in form and easily maintained by multiple small employers, and

(ii) provide for ready portability of benefits for all participants and beneficiaries,

(B) alternative arrangements providing comparable benefits which may be established by employee or employer associations, and

(C) alternative arrangements providing comparable benefits to which employees may contribute in a manner independent of employer sponsorship, and

(2) appropriate methods and strategies for making pension plan coverage described in paragraph (1) more widely available to American workers.

(b) MATTERS TO BE CONSIDERED.—In conducting the study under subsection (a), the Secretary of Labor shall consider the adequacy and availability of existing employee pension benefit plans and the extent to which existing models may be modified to be more accessible to both employees and employers.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall report the results of the study under subsection (a), together with the Secretary's recommendations, to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate. Such recommendations shall include one or more model plans described in subsection (a)(1)(A) and model alternative arrangements described in subsections (a)(1)(B) and (a)(1)(C) which may serve as the basis for appropriate administrative or legislative action.

(d) STUDY ON EFFECT OF LEGISLATION.—Not later than 5 years after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the effect of the provisions of this Act and title VI of the Economic Growth and Tax Relief Reconciliation Act of 2001 on pension plan coverage, including any change in—

(1) the extent of pension plan coverage for low and middle-income workers,

(2) the levels of pension plan benefits generally,

(3) the quality of pension plan coverage generally,

(4) workers' access to and participation in pension plans, and

(5) retirement security.

SEC. 216. INTEREST RATE RANGE FOR ADDITIONAL FUNDING REQUIREMENTS.

(a) IN GENERAL.—Subclause (III) of section 412(l)(7)(C)(i) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2002 or 2003'' in the text and inserting ''2001, 2002, or 2003'', and

(2) by striking ''2002 AND 2003'' in the heading and inserting ''2001, 2002, AND 2003''.

(b) SPECIAL RULE.—Subclause (III) of section 302(d)(7)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(d)(7)(C)(i)) is amended—

(1) by striking ''2002 or 2003'' in the text and inserting ''2001, 2002, or 2003'', and

(2) by striking ''2002 AND 2003'' in the heading and inserting ''2001, 2002, AND 2003''.

(c) PBGC.—Subclause (IV) of section 4006(a)(3)(E)(iii) of such Act (29 U.S.C. 1306(a)(3)(E)(iii)) is amended to read as follows—

''(IV) In the case of plan years beginning after December 31, 2001, and before January 1, 2004, subclause (II) shall be applied by substituting '100 percent' for '85 percent' and by substituting '115 percent' for '100 percent'. Subclause (III) shall be applied for such years without regard to the preceding sentence. Any reference to this clause or this subparagraph by any other sections or subsections (other than sections 4005, 4010, 4011 and 4043) shall be treated as a reference to this clause or this subparagraph without regard to this subclause.''.

(d) EFFECTIVE DATE.—

(1) GENERAL RULE.—Subject to paragraph (2), the amendments made by this section shall take effect as if included in the amendments made by section 405 of the Job Creation and Worker Assistance Act of 2002.

(2) ELECTION.—The plan sponsor or plan administrator of a plan may elect whether to have the amendments made by subsections (a) and (b) apply. Such election shall be made in such manner and at such time as the Secretary of the Treasury or his delegate may prescribe and, once made, may not be revoked. An election to apply such amendments shall not be treated as a prohibited change in actuarial assumptions for purposes of reports required to be filed with the Secretary of Labor, the Secretary of Treasury, or the Pension Benefit Guaranty Corporation.

TITLE III—GENERAL PROVISIONS

SEC. 301. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) IN GENERAL.—If this section applies to any pension plan or contract amendment—

(1) such pension plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) except as provided by the Secretary of the Treasury, such pension plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any pension plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act or by title VI of the Economic Growth and Tax Relief Reconciliation Act of 2001, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this Act or such title VI, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2006.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting ''2008'' for ''2006''.

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

When said bill, as amended, was considered and read twice.

Pursuant to House Resolution 230, Messrs. BOEHNER, George MILLER of California, THOMAS, and MATSUI, were recognized for 20 minutes each.

After debate,

Pursuant to House Resolution 230, Mr. ANDREWS submitted the following further amendment in the nature of a substitute printed in House Report 108-98:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pension Fairness Act of 2003''.

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

Sec. 1. Short title and table of contents.

TITLE I—IMPROVEMENTS IN DISCLOSURE

Sec. 101. Pension benefit information.
Sec. 102. Immediate warning of excessive stock holdings.
Sec. 103. Report to participants and beneficiaries of trades in employer securities.
Sec. 104. Enforcement of information and disclosure requirements.

TITLE II—FREEDOM TO MAKE INVESTMENT DECISIONS WITH PLAN ASSETS.

Sec. 201. Amendments to the Internal Revenue Code of 1986.
Sec. 202. Amendments to the Employee Retirement Income Security Act of 1974.
Sec. 203. Recommendations relating to nonpublicly traded stock.
Sec. 204. Effective date of title.

TITLE III—EMPLOYEE REPRESENTATION

Sec. 301. Participation of participants in trusteeship of individual account plans.

TITLE IV—INCREASED ACCOUNTABILITY

Sec. 401. Bonding or insurance adequate to protect interest of participants and beneficiaries.

Sec. 402. Liability for breach of fiduciary duty.
Sec. 403. Preservation of rights or claims.
Sec. 404. Office of pension participant advocacy.
Sec. 405. Study regarding insurance system for individual account plans.
Sec. 406. Excise tax on failure of pension plans to provide notice of transaction restriction periods.

TITLE V—INVESTMENT ADVICE FOR PARTICIPANTS AND BENEFICIARIES

Sec. 501. Independent investment advice.
Sec. 502. Tax treatment of qualified retirement planning services.

TITLE VI—PARITY IN EMPLOYEE BENEFITS

Sec. 601. Inclusion in gross income of funded deferred compensation of corporate insiders if corporation funds defined contribution plan with employer stock.
Sec. 602. Performance-based compensation exception to $1,000,000 limitation on deductible compensation not to apply in certain cases.

TITLE VII—PROTECTION OF RETIREMENT EXPECTATIONS

Sec. 701. Protection of participants from conversions to hybrid defined benefit plans.

TITLE VIII—TREATMENT OF CORPORATE INSIDERS

Sec. 801. Special rules for executive perks and retirement benefits.
Sec. 802. Golden parachute excise tax to apply to deferred compensation paid by corporation after major decline in stock value or corporation declares bankruptcy.
Sec. 803. Adequate disclosure regarding executive compensation packages.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. Corporate deduction for reinvested ESOP dividends subject to deductible limits.
Sec. 902. Credit for elective deferrals and IRA contributions by certain individuals made permanent (saver's tax credit).
Sec. 903. Authority to rescind transfers to plans made for the benefit of highly compensated employees.

TITLE X—GENERAL PROVISIONS

Sec. 1001. General effective date.
Sec. 1002. Plan amendments.

TITLE I—IMPROVEMENTS IN DISCLOSURE

SEC. 101. PENSION BENEFIT INFORMATION.

(a) PENSION BENEFIT STATEMENTS REQUIRED ON PERIODIC BASIS.—

(1) IN GENERAL.—Subsection (a) of section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended—

(A) by striking ''shall furnish to any plan participant or beneficiary who so requests in writing,'' and inserting ''shall furnish at least once every 3 years, in the case of a participant in a defined benefit plan who has attained age 35, and annually, in the case of an individual account plan, to each plan participant, and shall furnish to any plan participant or beneficiary who so requests,'', and

(B) by adding at the end the following flush sentence:

''Information furnished under the preceding sentence to a participant in a defined benefit plan (other than at the request of the participant) may be based on reasonable estimates determined under regulations prescribed by the Secretary.''.

(2) MODEL STATEMENT.—Section 105 of such Act (29 U.S.C. 1025) is amended by adding at the end the following new subsection:

''(e)(1) The Secretary of Labor shall develop a model benefit statement which shall be used by plan administrators in complying with the requirements of subsection (a). Such statement shall include—

''(A) the amount of nonforfeitable accrued benefits as of the statement date which is payable at normal retirement age under the plan,

''(B) the amount of accrued benefits which are forfeitable but which may become nonforfeitable under the terms of the plan,

''(C) the amount or percentage of any reduction due to integration of the benefit with the participant's Social Security benefits or similar governmental benefits,

''(D) information on early retirement benefit and joint and survivor annuity reductions, and

''(E) in the case of an individual account plan, the percentage of the net return on investment of plan assets for the preceding plan year (or, with respect to investments directed by the participant, the net return on investment of plan assets for such year so directed), itemized with respect to each type of investment, and, stated separately, the administrative and transaction fees incurred in connection with each such type of investment, and

''(F) in the case of an individual account plan, the amount and percentage of assets in the individual account that consists of employer securities and employer real property (as defined in paragraphs (1) and (2), respectively, of section 407(d)), as determined as of the most recent valuation date of the plan.

''(2) The Secretary shall also develop a separate notice, which shall be included by the plan administrator with the information furnished pursuant to subsection (a), which advises participants and beneficiaries of generally accepted investment principles, including principles of risk management and diversification for long-term retirement security and the risks of holding substantial assets in a single asset such as employer securities.''.

(3) RULE FOR MULTIEMPLOYER PLANS.—Subsection (d) of section 105 of such Act (29 U.S.C. 1025) is amended to read as follows:

''(d) Each administrator of a plan to which more than 1 unaffiliated employer is required to contribute shall furnish to any plan participant or beneficiary who so requests in writing, a statement described in subsection (a).''.

(b) DISCLOSURE OF BENEFIT CALCULATIONS.—

(1) IN GENERAL.—Section 105 of such Act (as amended by subsection (a)) is amended further—

(A) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(B) by inserting after subsection (a) the following new subsection:

''(b)(1) In the case of a participant or beneficiary who is entitled to a distribution of a benefit under an employee pension benefit plan, the administrator of such plan shall provide to the participant or beneficiary the information described in paragraph (2) upon the written request of the participant or beneficiary.

''(2) The information described in this paragraph includes—

''(A) a worksheet explaining how the amount of the distribution was calculated and stating the assumptions used for such calculation,

''(B) upon written request of the participant or beneficiary, any documents relating to the calculation (if available), and

''(C) such other information as the Secretary may prescribe.

Any information provided under this paragraph shall be in a form calculated to be understood by the average plan participant.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 101(a)(2) of such Act (29 U.S.C. 1021(a)(2)) is amended by striking ''105(a) and (c)'' and inserting ''105(a), (b), and (d)''.

(B) Section 105(c) of such Act (as redesignated by paragraph (1)(A) of this subsection) is amended by inserting ''or (b)'' after ''subsection (a)''.

(C) Section 106(b) of such Act (29 U.S.C. 1026(b)) is amended by striking ''sections 105(a) and 105(c)'' and inserting ''subsections (a), (b), and (d) of section 105''.

(c) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

''SEC. 4980G. FAILURE OF APPLICABLE PLANS TO PROVIDE NOTICE OF GENERALLY ACCEPTED INVESTMENT PRINCIPLES.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

''(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

''(c) LIMITATIONS ON AMOUNT OF TAX.—

''(1) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

''(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

''(B) such person provides the notice described in subsection (e) during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence should have known, that such failure existed.

''(2) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

''(A) IN GENERAL.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e) and paragraph (1) is not otherwise applicable, the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

''(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

''(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

''(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

''(1) In the case of a plan other than a multiemployer plan, the employer.

''(2) In the case of a multiemployer plan, the plan.

''(e) NOTICE OF GENERALLY ACCEPTED INVESTMENT PRINCIPLES.—

''(1) IN GENERAL.—The plan administrator of an applicable pension plan shall provide notice of generally accepted investment

principles, including principles of risk management and diversification, to each applicable individual.

''(2) NOTICE.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with rules or other guidance adopted by the Secretary) to allow applicable individuals to understand generally accepted investment principles, including principles of risk management and diversification.

''(3) TIMING OF NOTICE.—The notice required by paragraph (1) shall be provided upon enrollment of the applicable individual in such plan and at least once per plan year thereafter.

''(4) FORM AND MANNER OF NOTICE.—The notice required by paragraph (1) shall be in writing, except that such notice may be in electronic or other form to the extent that such form is reasonably accessible to the applicable individual.

''(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means with respect to an applicable pension plan—

''(A) any participant in the applicable pension plan,

''(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)), and

''(C) any beneficiary of a deceased participant or alternate payee described in subparagraph (A) or (B), as the case may be,

who has an accrued benefit under the plan and who is entitled to direct the investment (or hypothetical investment) of some or all of such accrued benefit.

''(2) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

''(A) a plan described in section 219(g)(5)(A) (other than in clause (iii) thereof), and

''(B) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A),

which permits any participant to direct the investment of some or all of his account in the plan or under which the accrued benefit of any participant depends in whole or in part on hypothetical investments directed by the participant.''.

(1) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

''Sec. 4980G. Failure of applicable plans to provide notice of generally accepted investment principles.''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall take effect 60 days after the adoption of rules or other guidance to carry out the amendments made by this subsection, which shall include a model notice of generally accepted investment principles, including principles of risk management and diversification.

(B) MODEL INVESTMENT PRINCIPLES.—For purposes of subparagraph (A), not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Labor, shall issue rules or other guidance and a model notice which meets the requirements of section 4980G of the Internal Revenue Code of 1986 (as added by this section).

SEC. 102. IMMEDIATE WARNING OF EXCESSIVE STOCK HOLDINGS.

Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) (as amended by section 101 of this Act) is amended further by adding at the end the following new subsection:

''(g)(1) Upon receipt of information by the plan administrator of an individual account plan indicating that the individual account of any participant which had not been excessively invested in employer securities is excessively invested in such securities (or that such account, as initially invested, is excessively invested in employer securities), the plan administrator shall immediately provide to the participant a separate, written statement—

''(A) indicating that the participant's account has become excessively invested in employer securities,

''(B) setting forth the notice described in subsection (e)(7), and

''(C) referring the participant to investment education materials and investment advice which shall be made available by or under the plan.

In any case in which such a separate, written statement is required to be provided to a participant under this paragraph, each statement issued to such participant pursuant to subsection (a) thereafter shall also contain such separate, written statement until the plan administrator is made aware that such participant's account has ceased to be excessively invested in employer securities or the employee, in writing, waives the receipt of the notice and acknowledges understanding the importance of diversification.

''(2) Each notice required under this subsection shall be provided in a form and manner which shall be prescribed in regulations of the Secretary. Such regulations shall provide for inclusion in the notice a prominent reference to the risks of large losses in assets available for retirement from excessive investment in employer securities.

''(3) For purposes of paragraph (1), a participant's account is 'excessively invested' in employer securities if more than 10 percent of the balance in such account is invested in employer securities (as defined in section 407(d)(1)).''.

SEC. 103. REPORT TO PARTICIPANTS AND BENEFICIARIES OF TRADES IN EMPLOYER SECURITIES.

(a) IN GENERAL.—Section 104 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d)(1) In any case in which assets in the individual account of a participant or beneficiary under an individual account plan include employer securities, if any person engages in a transaction constituting a direct or indirect purchase or sale of employer securities and—

''(A) such transaction is required under section 16 of the Securities Exchange Act of 1934 to be reported by such person to the Securities and Exchange Commission, or

''(B) such person is a named fiduciary of the plan,

such person shall comply with the requirements of paragraph (2).

''(2) A person described in paragraph (1) complies with the requirements of this paragraph in connection with a transaction described in paragraph (1) if such person provides to the plan administrator of the plan a written notification of the transaction not later than 1 business day after the date of the transaction.

''(3)(A) If the plan administrator is made aware, on the basis of notifications received pursuant to paragraph (2) or otherwise, that the proceeds from any transaction described in paragraph (1), constituting direct or indirect sales of employer securities by any person described in paragraph (1), exceed $100,000, the plan administrator of the plan shall provide to each participant and beneficiary a notification of such transaction. Such notification shall be in writing, except that such notification may be in electronic or other form to the extent that such form is reasonably accessible to the participant or beneficiary.

''(B) In any case in which the proceeds from any transaction described in paragraph (1) (with respect to which a notification has not been provided pursuant to this paragraph), together with the proceeds from any other such transaction or transactions described in paragraph (1) occurring during the preceding one-year period, constituting direct or indirect sales of employer securities by any person described in paragraph (1), exceed (in the aggregate) $100,000, such series of transactions by such person shall be treated as a transaction described in subparagraph (A) by such person.

''(C) Each notification required under this paragraph shall be provided as soon as practicable, but not later than 3 business days after receipt of the written notification or notifications indicating that the transaction (or series of transactions) requiring such notice has occurred.

''(4) Each notification required under paragraph (2) or (3) shall be made in such form and manner as may be prescribed in regulations of the Secretary and shall include the number of shares involved in each transaction and the price per share, and the notification required under paragraph (3) shall be written in language designed to be understood by the average plan participant. The Secretary may provide by regulation, in consultation with the Securities and Exchange Commission, for exemptions from the requirements of this subsection with respect to specified types of transactions to the extent that such exemptions are consistent with the best interests of plan participants and beneficiaries. Such exemptions may relate to transactions involving reinvestment plans, stock splits, stock dividends, qualified domestic relations orders, and similar matters.

''(5) For purposes of this subsection, the term 'employer security' has the meaning provided in section 407(d)(1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transactions occurring after 90 days after the date of the enactment of this Act.

SEC. 104. ENFORCEMENT OF INFORMATION AND DISCLOSURE REQUIREMENTS.

(a) IN GENERAL.—Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) The Secretary may assess a civil penalty against any person required to provide any notification under the provisions of section 104(d), any statement under the provisions of subsection (a), (d), or (f) of section 105, any information under the provisions of section 404(c)(4), or any notice under the provisions of section 404(e)(1) of up to $1,000 a day from the date of any failure by such person to provide such notification, statement, information, or notice in accordance with such provisions.''.

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of such Act (29 U.S.C. 1132(a)(6)) (as amended by section 102(b)) is amended further by striking ''(5), or (6)'' and inserting ''(5), (6), or (7)''.

TITLE II—FREEDOM TO MAKE INVESTMENT DECISIONS WITH PLAN ASSETS

SEC. 201. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Subsection (a) of section 401 of the Internal Revenue Code of 1986 (relating to requirements for qualification) is amended by adding at the end the following new paragraph:

''(35) DIVERSIFICATION REQUIREMENTS FOR DEFINED CONTRIBUTION PLANS THAT HOLD EMPLOYER SECURITIES.—

''(A) IN GENERAL.—In the case of a defined contribution plan described in this subsection that includes a trust which is exempt from tax under section 501(a) and which holds employer securities that are readily tradable on an established securities market, such trust shall not constitute a qualified trust under this section unless such plan meets the requirements of subparagraphs (B) and (C).

''(B) ELECTIVE DEFERRALS INVESTED IN EMPLOYER SECURITIES.—

''(i) IN GENERAL.—In the case of the portion of the account attributable to elective deferrals which is invested in employer securities, a plan meets the requirements of this subparagraph if each applicable individual in such plan may elect to direct the plan to divest any portion of such securities in the individual's account and to reinvest an equivalent amount in other investment options which meet the requirements of subparagraph (D). The preceding sentence shall apply to the extent that the amount attributable to reinvested portion exceeds the amount to which a prior election under this subparagraph or paragraph (28) applies.

''(ii) APPLICABLE INDIVIDUAL.—For purposes of this subparagraph, the term 'applicable individual' means—

''(I) any participant in the plan,

''(II) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)), and

''(III) any beneficiary of a deceased participant or alternate payee.

''(C) OTHER EMPLOYER CONTRIBUTIONS.—

''(i) IN GENERAL.—In the case of the portion of the account attributable to employer contributions (other than elective deferrals) which is invested in employer securities, a plan meets the requirements of this subparagraph if each qualified participant in the plan may elect to direct the plan to divest any portion of such securities in the participant's account and to reinvest an equivalent amount in other investment options which meet the requirements of subparagraph (E). The preceding sentence shall apply to the extent that the amount attributable to such reinvested portion exceeds the amount to which a prior election under this subparagraph or paragraph (28) applies.

''(ii) QUALIFIED PARTICIPANT.—For purposes of this subparagraph, the term 'qualified participant' means—

''(I) any participant in the plan who has completed at least 3 years of service (as determined under section 411(a)) under the plan,

''(II) any beneficiary who, with respect to a participant who met the service requirement in subclause (I), is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)), and

''(III) any beneficiary of a deceased participant who met the service requirement in subclause (I) or alternate payee described in subclause (II).

''(D) INVESTMENT OPTIONS.—The requirements of this subparagraph are met if the plan offers not less than 3 investment options (not inconsistent with regulations prescribed by the Secretary) other than employer securities.

''(E) PRESERVATION OF AUTHORITY OF PLAN TO LIMIT INVESTMENT.—Nothing in this paragraph shall be construed to limit the authority of a plan to impose limitations on the portion of plan assets in any account which may be invested in employer securities.

''(E) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) EMPLOYER SECURITIES.—The term 'employer securities' shall have the meaning given such term by section 407(d)(1) of the Employee Retirement Income Security Act of 1974.

''(ii) ELECTIVE DEFERRALS.—For purposes of this subparagraph, the term 'elective deferrals' means an employer contribution described in section 402(g)(3)(A) and any employee contribution.

''(iii) ELECTION.—Elections under this paragraph shall be not less frequently than quarterly.

''(iv) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' shall have the same meaning given to such term by section 4975(e)(7).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 401(a)(28) of such Code is amended by adding at the end the following new subparagraph:

''(D) APPLICATION.—This paragraph shall not apply with respect to employer securities which are readily tradable on an established securities market.''.

(2) Section 409(h)(7) of such Code is amended by inserting at the end ''or subparagraph (B) or (C) of section 401(a)(35)''.

(3) Section 4975(e)(7) of such Code is amended by adding at the end the following new sentence: ''A plan shall not fail to be treated as an employee stock ownership plan merely because the plan meets the requirements of section 401(a)(35) (or provides greater diversification rights) or because participants in such plan exercise diversification rights under such section (or greater diversification rights available under the plan).''.

(4) Section 4980(c)(3)(A) of such Code is amended by striking ''if—'' and all that follows and inserting ''if the requirements of subparagraphs (B) and (C) are met.''.

(5) Section 407 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107) is amended by adding at the end the following new subsection:

''(g) Notwithstanding section 408(e) or any other provision of this title, an individual account plan may not include provisions that do not meet the requirements of section 401(a)(35)(B) of the Internal Revenue Code of 1986.''.

SEC. 202. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104) is amended by adding at the end the following new subsection:

''(e) DIVERSIFICATION OF INVESTMENT OF ACCOUNT ASSETS HELD UNDER INDIVIDUAL ACCOUNT PLANS.—

''(1) IN GENERAL.—In the case of an individual account plan under which a participant or beneficiary is permitted to exercise control over assets in his or her account, with respect to the assets in the account to which the participant or beneficiary has a nonforfeitable right and which consist of employer securities which are readily tradable on an established securities market, the plan shall meet the requirements of paragraphs (2), (3), (4), (5), (6), and (7).

''(2) ASSETS ATTRIBUTABLE TO EMPLOYEE CONTRIBUTIONS.—In the case of any portion of the account assets described in paragraph (1) which is attributable to employee contributions, there shall be no restrictions on the right of a participant or beneficiary to allocate the assets in such portion to any investment option provided under the plan.

''(3) ELECTIVE DEFERRALS INVESTED IN EMPLOYER SECURITIES.—

''(A) IN GENERAL.—In the case of the portion of the account assets described in paragraph (1) which is attributable to elective deferrals and is invested in employer securities, a plan meets the requirements of this paragraph if each applicable individual in such plan may elect to direct the plan to divest any portion of such securities in the individual's account and to reinvest an equivalent amount in other investment options which meet the requirements of paragraph (5). The preceding sentence shall apply to the extent that the amount attributable to such reinvested portion exceeds the amount to which a prior election under this paragraph or section 401(a)(28) of the Internal Revenue Code of 1986 applies.

''(B) APPLICABLE INDIVIDUAL.—For purposes of this paragraph, the term 'applicable individual' means—

''(i) any participant in the plan,

''(ii) any beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)), and

''(iii) any beneficiary of a deceased participant or alternate payee.

''(4) OTHER EMPLOYER CONTRIBUTIONS.—

''(A) IN GENERAL.—In the case of the portion of the account assets described in paragraph (1) which is attributable employer contributions (other than elective deferrals) and is invested in employer securities, a plan meets the requirements of this paragraph if each qualified participant in the plan may elect to direct the plan to divest any portion of such securities in the participant's account and to reinvest an equivalent amount in other investment options which meet the requirements of paragraph (6). The preceding sentence shall apply to the extent that the amount attributable to such reinvested portion exceeds the amount to which a prior election under this paragraph or section 401(a)(28) of such Code applies.

''(B) QUALIFIED PARTICIPANT.—For purposes of this paragraph, the term 'qualified participant' means—

''(i) any participant in the plan who has completed at least 3 years of service (as determined under section 203(a)) under the plan,

''(ii) any beneficiary who, with respect to a participant who met the service requirement in clause (i), is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)(i)), and

''(iii) any beneficiary of a deceased participant who met the service requirement in clause (i) or alternate payee described in clause (ii).

''(5) INVESTMENT OPTIONS.—The requirements of this paragraph are met if, with respect to the account assets described in paragraph (1), the plan offers not less than 3 investment options (not inconsistent with regulations prescribed by the Secretary) other than employer securities.

''(6) PROMPT COMPLIANCE WITH DIRECTIONS TO ALLOCATE INVESTMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a plan meets the requirements of this paragraph with respect to plan assets described in paragraph (1) if the plan provides that, within 5 days after the date of any election by a participant or beneficiary allocating any such assets to any investment option provided under the plan, the plan administrator shall take such actions as are necessary to effectuate such allocation.

''(B) SPECIAL RULE FOR PERIODIC ELECTIONS.—In any case in which the plan provides for elections periodically during prescribed periods, the 5-day period described in subparagraph (A) shall commence at the end of each such prescribed period.

''(7) NOTICE OF RIGHTS AND OF IMPORTANCE OF DIVERSIFICATION.—A plan meets the requirements of this paragraph if the plan provides that, not later than 30 days prior to the date on which the right of a participant under the plan to his or her accrued benefit becomes nonforfeitable, the plan administrator shall provide to such participant and his or her beneficiaries a written notice—

''(A) setting forth their rights under this section with respect to the accrued benefit, and

''(B) describing the importance of diversifying the investment of account assets.

''(8) PRESERVATION OF AUTHORITY OF PLAN TO LIMIT INVESTMENT.—Nothing in this subsection shall be construed to limit the authority of a plan to impose limitations on the portion of plan assets in any account which may be invested in employer securities.

''(9) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

''(A) EMPLOYER SECURITIES.—The term 'employer securities' shall have the meaning given such term by section 407(d)(1) of the Employee Retirement Income Security Act of 1974.

''(B) ELECTIVE DEFERRALS.—The term 'elective deferrals' means an employer contribution described in section 402(g)(3)(A) of such Code and any employee contribution.

''(C) ELECTION.—Elections under this subsection shall be not less frequently than quarterly.

''(D) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' shall have the same meaning given to such term by section 4975(e)(7) of such Code.

SEC. 203. RECOMMENDATIONS RELATING TO NON-PUBLICLY TRADED STOCK.

Within 1 year after the date of the enactment of this Act, the Secretary of Labor and the Secretary of the Treasury shall jointly transmit to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate their recommendations regarding legislative changes relating to treatment, under section 404(e) of the Employee Retirement Income Security Act of 1974 and section 401(a)(35) of the Internal Revenue Code of 1986 (as added by this title), of individual account plans under which a participant or beneficiary is permitted to exercise control over assets in his or her account, in cases in which such assets do not include employer securities which are readily tradable under an established securities market.

SEC. 204. EFFECTIVE DATE OF TITLE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall apply with respect to plan years beginning after December 31, 2003.

(b) EXCEPTION.—The amendments made by this section shall not apply to employer securities held by an employee stock ownership plan which are not subject to section 401(a)(28) of the Internal Revenue Code of 1986 by reason of section 1175(a)(2) of the Tax Reform Act of 1986 (100 Stat. 2519).

(c) DELAYED EFFECTIVE DATE OF EXISTING HOLDINGS.—In any case in which a portion of the nonforfeitable accrued benefit of a participant or beneficiary is held in the form of employer securities (as defined in section 407(d)(1) of the Employee Retirement Income Security Act of 1974) immediately before the first date of the first plan year to which the amendments made by this title apply, such portion shall be taken into account only with respect to plan years beginning on or after January 1, 2005.

TITLE III—EMPLOYEE REPRESENTATION

SEC. 301. PARTICIPATION OF PARTICIPANTS IN TRUSTEESHIP OF INDIVIDUAL ACCOUNT PLANS.

(a) IN GENERAL.—Section 403(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1103(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' after ''(a)''; and

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

''(2)(A) The assets of a single-employer plan which is an individual account plan and under which some or all of the assets are derived from employee contributions shall be held in trust by a joint board of trustees, which shall consist of two or more trustees representing on an equal basis the interests of the employer or employers maintaining the plan and the interests of the participants and their beneficiaries and having equal voting rights.

''(B)(i) Except as provided in clause (ii), in any case in which the plan is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and one or more employers, the trustees representing the interests of the participants and their beneficiaries shall be designated by such employee organizations.

''(ii) Clause (i) shall not apply with respect to a plan described in such clause if the employee organization (or all employee organizations, if more than one) referred to in such clause file with the Secretary, in such form and manner as shall be prescribed in regulations of the Secretary, a written waiver of their rights under clause (i).

''(iii) In any case in which clause (i) does not apply with respect to a single-employer plan because the plan is not described in clause (i) or because of a waiver filed pursuant to clause (ii), the trustee or trustees representing the interests of the participants and their beneficiaries shall be selected by the plan participants in accordance with regulations of the Secretary.

''(C) An individual shall not be treated as ineligible for selection as trustee solely because such individual is an employee of the plan sponsor, except that the employee so selected may not be a highly compensated employee (as defined in section 414(q) of the Internal Revenue Code of 1986).

''(D) The Secretary shall provide by regulation for the appointment of a neutral individual, in accordance with the procedures under section 203(f) of the Labor Management Relations Act, 1947 (29 U.S.C. 173(f)), to cast votes as necessary to resolve tie votes by the trustees.''.

(b) REGULATIONS.—The Secretary of Labor shall prescribe the initial regulations necessary to carry out the provisions of the amendments made by this section not later than 90 days after the date of the enactment of this Act.

TITLE IV—INCREASED ACCOUNTABILITY

SEC. 401. BONDING OR INSURANCE ADEQUATE TO PROTECT INTEREST OF PARTICIPANTS AND BENEFICIARIES.

Section 412 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1112) is amended by adding at the end the following new subsection:

''(f) Notwithstanding the preceding provisions of this section, each fiduciary of an individual account plan shall be bonded or insured, in accordance with regulations which shall be prescribed by the Secretary, in an amount sufficient to ensure coverage by the bond or insurance of financial losses due to any failure to meet the requirements of this part.''.

SEC. 402. LIABILITY FOR BREACH OF FIDUCIARY DUTY.

(a) ADDITIONAL EQUITABLE OR REMEDIAL RELIEF.—Section 409 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1109) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a), by striking '', including removal of such fiduciary''; and

(3) by inserting after subsection (a) the following new subsection:

''(b) The equitable or remedial relief referred to in subsection (a) may include (but is not limited to) a court order removing the fiduciary from the plan referred to in subsection (a) and a court order prohibiting, conditionally or unconditionally, and permanently or for such period of time as the court shall determine, the fiduciary from serving—

''(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

''(2) as a consultant or adviser to an employee benefit plan, including but not limited to any entity whose activities are in whole or substantial part devoted to providing goods or services to any employee benefit plan, or

''(3) in any capacity that involves decision-making authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan.''.

(b) LIABILITY FOR PARTICIPATING IN OR CONCEALING FIDUCIARY BREACH IN CONNECTION WITH INDIVIDUAL ACCOUNT PLANS.—

(1) APPLICATION TO PARTICIPANTS AND BENEFICIARIES OF 401(k) PLANS.—

(A) IN GENERAL.—Part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1101 et seq.) is amended by adding after section 409 the following new section:

''SEC. 409A. LIABILITY FOR BREACH OF FIDUCIARY DUTY IN 401(k) PLANS.

''(a) Any person who is a fiduciary with respect to an individual account plan that includes a qualified cash or deferred arrangement under section 401(k) of the Internal Revenue Code of 1986 who breaches any of the responsibilities, obligations, or duties imposed upon fiduciaries by this title shall be personally liable to make good to each participant and beneficiary of the plan any losses to such participant or beneficiary resulting from each such breach, and to restore to such participant or beneficiary any profits of such fiduciary which have been made through use of assets of the plan by the fiduciary, and shall be subject to such other equitable or remedial relief as the court may deem appropriate, including removal of such fiduciary. A fiduciary may also be removed for a violation of section 411 of this Act.

''(b) The right of participants and beneficiaries under subsection (a) to sue for breach of fiduciary duty with respect to an individual account plan that includes a qualified cash or deferred arrangement under section 401(k) of such Code shall be in addition to all existing rights that participants and beneficiaries have under section 409, section 502, and any other provision of this title, and shall not be construed to give rise to any inference that such rights do not already exist under section 409, section 502, or any other provision of this title.

''(c) No fiduciary shall be liable with respect to a breach of fiduciary duty under this title if such breach was committed before he or she became a fiduciary or after he or she ceased to be a fiduciary.''

(B) CONFORMING AMENDMENT.—The table of contents for part 4 of subtitle B of title I of such Act is amended by inserting the following new item after the item relating to section 409:

''Sec. 409A. Liability for breach of fiduciary duty in 401(k) plans.''

(2) INSIDER LIABILITY.—

(A) IN GENERAL.—Section 409 of the Employee Retirement Income Security Act of

1974 (29 U.S.C. 1109) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

''(b)(1)(A) If an insider with respect to the plan sponsor of an individual account plan that holds employer securities that are readily tradable on an established securities market—

''(i) knowingly participates in a breach of fiduciary responsibility to which subsection (a) applies, or

''(ii) knowingly undertakes to conceal such a breach,

such insider shall be personally liable under this subsection for such breach in the same manner as the fiduciary who commits such breach.

''(B) For purposes of subparagraph (A), the term 'insider' means, with respect to any plan sponsor of a plan to which subparagraph (A) applies—

''(i) any officer or director with respect to the plan sponsor, or

''(ii) any independent qualified public accountant of the plan or of the plan sponsor.

''(3) Any relief provided under this subsection or section 409A—

''(A) if provided to an individual account plan, shall inure to the individual accounts of the affected participants or beneficiaries, and

''(B) if provided to a participant or beneficiary, shall be payable to the individual account plan on behalf of such participant or beneficiary unless such plan has been terminated.''

(B) CONFORMING AMENDMENT.—Section 409(c) of such Act (29 U.S.C. 1109(c)), as redesignated by subparagraph (A), is amended by inserting before the period the following: '', unless such liability arises under subsection (b)''.

(c) MAINTENANCE OF FIDUCIARY LIABILITY.—Section 404(c)(1)(B) of such Act (29 U.S.C. 1104(c)(1)(B)) is amended by inserting before the period the following: '', except that this subparagraph shall not be construed to exempt any fiduciary from liability for any violation of subsection (e)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to breaches occurring on or after the date of the enactment of this Act.

SEC. 403. PRESERVATION OF RIGHTS OR CLAIMS.

Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n)(1) The rights under this title (including the right to maintain a civil action) may not be waived, deferred, or lost pursuant to any agreement not authorized under this title with specific reference to this subsection.

''(2) Paragraph (1) shall not apply to an agreement providing for arbitration or participation in any other nonjudicial procedure to resolve a dispute if the agreement is entered into knowingly and voluntarily by the parties involved after the dispute has arisen or is pursuant to the terms of a collective bargaining agreement.''.

SEC. 404. OFFICE OF PENSION PARTICIPANT ADVOCACY.

(a) IN GENERAL.—Subtitle A of title III of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 3001 et seq.) is amended by inserting after section 3004 the following new section:

''OFFICE OF PENSION PARTICIPANT ADVOCACY

''SEC. 3005. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established in the Department of Labor an office to be known as the 'Office of Pension Participant Advocacy'.

''(2) PENSION PARTICIPANT ADVOCATE.—The Office of Pension Participant Advocacy shall be under the supervision and direction of an official to be known as the 'Pension Participant Advocate' who shall—

''(A) have demonstrated experience in the area of pension participant assistance, and

''(B) be selected by the Secretary after consultation with pension participant advocacy organizations.

The Pension Participant Advocate shall report directly to the Secretary and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

''(b) FUNCTIONS OF OFFICE.—It shall be the function of the Office of Pension Participant Advocacy to—

''(1) evaluate the efforts of the Federal Government, business, and financial, professional, retiree, labor, women's, and other appropriate organizations in assisting and protecting pension plan participants, including—

''(A) serving as a focal point for, and actively seeking out, the receipt of information with respect to the policies and activities of the Federal Government, business, and such organizations which affect such participants,

''(B) identifying significant problems for pension plan participants and the capabilities of the Federal Government, business, and such organizations to address such problems, and

''(C) developing proposals for changes in such policies and activities to correct such problems, and communicating such changes to the appropriate officials,

''(2) promote the expansion of pension plan coverage and the receipt of promised benefits by increasing the awareness of the general public of the value of pension plans and by protecting the rights of pension plan participants, including—

''(A) enlisting the cooperation of the public and private sectors in disseminating information, and

''(B) forming private-public partnerships and other efforts to assist pension plan participants in receiving their benefits,

''(3) advocating for the full attainment of the rights of pension plan participants, including by making pension plan sponsors and fiduciaries aware of their responsibilities,

''(4) giving priority to the special needs of low and moderate income participants,

''(5) developing needed information with respect to pension plans, including information on the types of existing pension plans, levels of employer and employee contributions, vesting status, accumulated benefits, benefits received, and forms of benefits, and

''(6) pursuing claims on behalf of participants and beneficiaries and providing appropriate assistance in the resolution of disputes between participants and beneficiaries and pension plans, including assistance in obtaining settlement agreements.

''(c) REPORTS.—

''(1) ANNUAL REPORT.—Not later than December 31 of each calendar year, the Pension Participant Advocate shall report to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate on its activities during the fiscal year ending in the calendar year. Such report shall—

''(A) identify significant problems the Advocate has identified,

''(B) include specific legislative and regulatory changes to address the problems, and

''(C) identify any actions taken to correct problems identified in any previous report.

The Advocate shall submit a copy of such report to the Secretary and any other appropriate official at the same time it is submitted to the committees of Congress.

''(2) SPECIFIC REPORTS.—The Pension Participant Advocate shall report to the Secretary or any other appropriate official any time the Advocate identifies a problem which may be corrected by the Secretary or such official.

''(3) REPORTS TO BE SUBMITTED DIRECTLY.—The report required under paragraph (1) shall be provided directly to the committees of Congress without any prior review or comment by the Secretary or any other Federal officer or employee.

''(d) SPECIFIC POWERS.—

''(1) RECEIPT OF INFORMATION.—Subject to such confidentiality requirements as may be appropriate, the Secretary and other Federal officials shall, upon request, provide such information (including plan documents) as may be necessary to enable the Pension Participant Advocate to carry out the Advocate's responsibilities under this section.

''(2) APPEARANCES.—The Pension Participant Advocate may represent the views and interests of pension plan participants before any Federal agency, including, upon request of a participant, in any proceeding involving the participant.

''(3) CONTRACTING AUTHORITY.—In carrying out responsibilities under subsection (b)(5), the Pension Participant Advocate may, in addition to any other authority provided by law—

''(A) contract with any person to acquire statistical information with respect to pension plan participants, and

''(B) conduct direct surveys of pension plan participants.''

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 3004 the following new item:

''Sec. 3051. Office of Pension Participant Advocacy.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2004.

SEC. 405. STUDY REGARDING INSURANCE SYSTEM FOR INDIVIDUAL ACCOUNT PLANS.

(a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Pension Benefit Guaranty Corporation shall contract to carry out a study relating to the establishment of an insurance system for individual account plans. In conducting such study, the Corporation shall consider—

(1) the feasibility and impact of such a system, and

(2) options for developing such a system.

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Corporation shall report the results of its study, together with any recommendations for legislative changes, to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate.

SEC. 406. EXCISE TAX ON FAILURE OF PENSION PLANS TO PROVIDE NOTICE OF TRANSACTION RESTRICTION PERIODS.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

''SEC. 4980H. FAILURE OF APPLICABLE PLANS TO PROVIDE NOTICE OF TRANSACTION RESTRICTION PERIODS.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

''(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) on any failure

with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

''(c) LIMITATIONS ON AMOUNT OF TAX.—

''(1) TAX NOT TO APPLY TO FAILURES CORRECTED AS SOON AS REASONABLY PRACTICABLE.—No tax shall be imposed by subsection (a) on any failure if—

''(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

''(B) such person provides the notice described in subsection (e) as soon as reasonably practicable after the first date such person knew, or exercising reasonable diligence should have known, that such failure existed.

''(2) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

''(A) IN GENERAL.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e) and paragraph (1) is not otherwise applicable, the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

''(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

''(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

''(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

''(1) In the case of a plan other than a multiemployer plan, the employer.

''(2) In the case of a multiemployer plan, the plan.

''(e) NOTICE OF TRANSACTION RESTRICTION PERIODS.—

''(1) DUTIES OF PLAN ADMINISTRATOR.—In advance of the commencement of any transaction restriction period with respect to an applicable pension plan, the plan administrator shall notify the plan participants and beneficiaries who are affected by such action in accordance with this subsection.

''(2) NOTICE REQUIREMENTS.—

''(A) IN GENERAL.—The notices described in paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall include—

''(i) the reasons for the transaction restriction period,

''(ii) an identification of the investments and other rights affected,

''(iii) the expected beginning date and length of the transaction restriction period,

''(iv) in the case of investments affected, a statement that the applicable individual should evaluate the appropriateness of their current investment decisions in light of their inability to direct or diversify assets credited to their accounts during the transaction restriction period, and

''(v) such other matters as the Secretary may require by regulation.

''(B) NOTICE TO PARTICIPANTS AND BENEFICIARIES.—Except as otherwise provided in this subsection, notices described in paragraph (1) shall be furnished to all participants and beneficiaries under the plan to whom the transaction restriction period applies at least 30 days in advance of the transaction restriction period.

''(C) EXCEPTION TO 30-DAY NOTICE REQUIREMENT.—In any case in which—

''(i) a deferral of the transaction restriction period would violate the requirements of subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974, and a fiduciary (within the meaning of section 3(21) of such Act) of the plan reasonably so determines in writing, or

''(ii) the inability to provide the 30-day advance notice is due to events that were unforeseeable or circumstances beyond the reasonable control of the plan administrator, and a fiduciary of the plan reasonably so determines in writing,

subparagraph (B) shall not apply, and the notice shall be furnished to all participants and beneficiaries under the plan to whom the transaction restriction period applies as soon as reasonably possible under the circumstances unless such a notice in advance of the termination of the transaction restriction period is impracticable.

''(D) WRITTEN NOTICE.—The notice required to be provided under this subsection shall be in writing, except that such notice may be in electronic or other form to the extent that such form is reasonably accessible to the recipient.

''(E) NOTICE TO ISSUERS OF EMPLOYER SECURITIES SUBJECT TO TRANSACTION RESTRICTION PERIOD.—In the case of any transaction restriction period in connection with an applicable pension plan, the plan administrator shall provide timely notice of such transaction restriction period to the issuer of any employer securities subject to such transaction restriction period.

''(3) EXCEPTION FOR TRANSACTION RESTRICTION PERIODS WITH LIMITED APPLICABILITY.—In any case in which the transaction restriction period applies to 1 or more participants or beneficiaries in connection with a merger, acquisition, divestiture, or similar transaction involving the plan or plan sponsor and occurs solely in connection with becoming or ceasing to be an applicable individual under the plan by reason of such merger, acquisition, divestiture, or transaction, the requirement of this subsection that the notice be provided to all participants and beneficiaries shall be treated as met if the notice required under paragraph (1) is provided to such participants or beneficiaries to whom the transaction restriction period applies as soon as reasonably practicable.

''(4) CHANGES IN LENGTH OF TRANSACTION RESTRICTION PERIOD.—If, following the furnishing of the notice pursuant to this subsection, there is a change in the beginning date or length of the transaction restriction period (specified in such notice pursuant to paragraph (2)(A)(iii)), the administrator shall provide affected participants and beneficiaries notice of the change as soon as reasonably practicable. In relation to the extended transaction restriction period, such notice shall meet the requirements of paragraph (2)(D) and shall specify any material change in the matters referred to in clauses (i) through (v) of paragraph (2)(A).

''(5) REGULATORY EXCEPTIONS.—The Secretary may provide by regulation for additional exceptions to the requirements of this subsection which the Secretary determines are in the interests of participants and beneficiaries.

''(6) GUIDANCE AND MODEL NOTICES.—The Secretary shall issue guidance and model notices which meet the requirements of this subsection.

''(7) TRANSACTION RESTRICTION PERIOD.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'transaction restriction period' means, in connection with an applicable pension plan, any period for which any ability of participants or beneficiaries under the plan, which is otherwise available under the terms of such plan, to direct or diversify assets credited to their accounts, to obtain loans from the plan, or to obtain distributions from the plan is temporarily suspended, limited, or restricted, if such suspension, limitation, or restriction is for any period of more than 3 consecutive business days.

''(B) EXCLUSIONS.—The term 'transaction restriction period' does not include a suspension, limitation, or restriction—

''(i) which occurs by reason of the application of the securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934),

''(ii) which is a change to the plan which provides for a regularly scheduled suspension, limitation, or restriction which is disclosed to participants or beneficiaries through any summary of material modifications, any materials describing specific investment alternatives under the plan, or any changes thereto, or

''(iii) which applies to 1 or more individuals, each of whom is the participant, an alternate payee (as defined in section 414(p)(8)), or any other beneficiary pursuant to a qualified domestic relations order (as defined in section 414(p)(1)).

''(8) APPLICABLE INDIVIDUAL.—For purposes of this section, the term 'applicable individual' means—

''(A) any participant in the applicable pension plan,

''(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)), and

''(C) any beneficiary of a deceased participant or alternate payee,

who has an accrued benefit under the plan and who is entitled to direct the investment (or hypothetical investment) of some or all of such accrued benefit.

''(9) APPLICABLE PENSION PLAN.—For purposes of this subsection, the term 'applicable pension plan' means—

''(A) a plan described in section 219(g)(5)(A) (other than in clause (iii) thereof), and

''(B) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A),

which permits any participant to direct the investment of some or all of his account in the plan or under which the accrued benefit of any participant depends in whole or in part on hypothetical investments directed by the participant.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

''Sec. 4980H. Failure of applicable plans to provide notice of transaction restriction periods.''.

(c) EFFECTIVE DATE AND RELATED RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act. Good faith compliance with the requirements of such amendments in advance of the issuance of applicable regulations thereunder shall be treated as compliance with such provisions.

(2) ISSUANCE OF INITIAL GUIDANCE AND MODEL NOTICE.—The Secretary of the Treasury shall, in consultation with the Secretary of Labor, issue initial guidance and a model notice pursuant to section 4980H(e)(6) of the Internal Revenue Code of 1986 (as added by this section) not later than January 1, 2005. Not later than 75 days after the date of the

enactment of this Act, the Secretary shall promulgate interim final rules necessary to carry out the amendments made by this section.

(3) PLAN AMENDMENTS.—If any amendment made by this section requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after the effective date of this section, if—

(A) during the period after such amendment made by this section takes effect and before such first plan year, the plan is operated in good faith compliance with the requirements of such amendment made by this section, and

(B) such plan amendment applies retroactively to the period after such amendment made by this section takes effect and before such first plan year.

TITLE V—INVESTMENT ADVICE FOR PARTICIPANTS AND BENEFICIARIES

SEC. 501. INDEPENDENT INVESTMENT ADVICE.

(a) IN GENERAL.—Section 404(c)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)(1)) (as amended by section 102(c)) is amended further—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by inserting ''(A)'' after ''(c)(1)''; and

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

''(B)(i) In the case of a pension plan described in subparagraph (A) which provides investment in employer securities as at least one option for investment of plan assets at the direction of the participant or beneficiary, such plan shall make available to the participant or beneficiary the services of a qualified fiduciary adviser for purposes of providing investment advice described in section 3(21)(A)(ii) regarding investment in such securities.

''(ii) No person who is otherwise a fiduciary shall be liable by reason of any investment advice provided by a qualified fiduciary adviser pursuant to a request under clause (i) if—

''(I) the plan provides for selection and monitoring of such adviser in a prudent and effective manner,

''(II) such adviser is a named fiduciary under the plan in connection with the provision of such advice, and

''(III) in the provision of the advice, such adviser is not conflicted in connection with the provision of the advice, in accordance with subparagraph (C).

''(C) A qualified fiduciary adviser is not conflicted in the provision of investment advice if, with respect to any product taken into account in determining the asset allocation with respect to which such advice is provided—

''(i) the adviser has no material interest in such product, or

''(ii) the adviser discloses any material interest the adviser has in such product to the recipient of the advice and refers the recipient to an alternative qualified fiduciary adviser made available by the plan under subparagraph (B)(i) who has no material interest in any product taken into account in the recommended asset allocation.

''(D) For purposes of subparagraph (B)—

''(i) The term 'qualified fiduciary adviser' means, with respect to a plan, a person who—

''(I) is a fiduciary of the plan by reason of the provision of qualified investment advice by such person to a participant or beneficiary,

''(II) has no material interest in, and no material affiliation or contractual relationship with any third party having a material interest in, the employer (other than such person's relationship with the employer in the capacity of a qualified fiduciary adviser),

''(III) meets the independence requirements of clause (ii) in connection with investment advice provided by such person pursuant to services rendered pursuant to clause (i),

''(IV) meets the qualifications of clause (iii), and

''(V) meets the additional requirements of clause (iv).

''(ii) A person meets the independence requirements of this clause if—

''(I) the amount of compensation payable to any entity in connection with the provision of the advice is not dependent on any particular product with respect to which the advice is rendered or the value of any such product,

''(II) no recordkeeping is maintained by such person, the plan, the plan sponsor, or any other fiduciary with respect to the plan with respect to which products are recommended by such person,

''(III) such person has no material interest in, and no material affiliation or contractual relationship with any third party having a material interest in, any other person whose analysis, with respect to any security or other property with respect to which the advice is being provided, is employed in developing recommendations included in such advice, and

''(IV) the plan provides for prompt disclosure of material interests and for the services of alternative qualified fiduciary advisers, sufficient to meet the requirements of subparagraph (C).

''(iii) A person meets the qualifications of this subparagraph if such person—

''(I) is registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.),

''(II) if not registered as an investment adviser under such Act by reason of section 203A(a)(1) of such Act (15 U.S.C. 80b–3a(a)(1)), is registered under the laws of the State in which the fiduciary maintains its principal office and place of business, and, at the time the fiduciary last filed the registration form most recently filed by the fiduciary with such State in order to maintain the fiduciary's registration under the laws of such State, also filed a copy of such form with the Secretary,

''(III) is registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

''(IV) is a bank or similar financial institution referred to in section 408(b)(4),

''(V) is an insurance company qualified to do business under the laws of a State, or

''(VI) is any other comparable entity which satisfies such criteria as the Secretary determines appropriate.

''(iv) A person meets the additional requirements of this clause if every individual who is employed (or otherwise compensated) by such person and whose scope of duties includes the provision of qualified investment advice on behalf of such person to any participant or beneficiary is—

''(I) a registered representative of such person,

''(II) an individual described in subclause (I), (II), or (III) of clause (i), or

''(III) such other comparable qualified individual as may be designated in regulations of the Secretary.''.

(b) MAINTENANCE OF FIDUCIARY LIABILITY.—Section 404(c)(1)(B) of such Act (29 U.S.C. 1104(c)(1)(B)) is amended by inserting before the period the following: '', except that this subparagraph shall not be construed to exempt any fiduciary from liability for any violation of this section''.

SEC. 502. TAX TREATMENT OF QUALIFIED RETIREMENT PLANNING SERVICES.

(a) IN GENERAL.—Subsection (m) of section 132 of the Internal Revenue Code of 1986 (defining qualified retirement services) is amended by adding at the end the following new paragraph:

''(4) NO CONSTRUCTIVE RECEIPT.—No amount shall be included in the gross income of any employee solely because the employee may choose between any qualified retirement planning services provided by a qualified investment advisor and compensation which would otherwise be includible in the gross income of such employee. The preceding sentence shall apply to highly compensated employees only if the choice described in such sentence is available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 403(b)(3)(B) of such Code is amended by inserting ''132(m)(4),'' after ''132(f)(4),''.

(2) Section 414(s)(2) of such Code is amended by inserting ''132(m)(4),'' after ''132(f)(4),''.

(3) Section 415(c)(3)(D)(ii) of such Code is amended by inserting ''132(m)(4),'' after ''132(f)(4),''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE VI—PARITY IN EMPLOYEE BENEFITS

SEC. 601. INCLUSION IN GROSS INCOME OF FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS IF CORPORATION FUNDS DEFINED CONTRIBUTION PLAN WITH EMPLOYER STOCK.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 409A. DENIAL OF DEFERRAL FOR FUNDED DEFERRED COMPENSATION OF CORPORATE INSIDERS IF CORPORATION FUNDS DEFINED CONTRIBUTION PLAN WITH EMPLOYER STOCK.

''(a) IN GENERAL.—If an employer maintains a defined contribution plan to which employer contributions are made in the form of employer stock and such employer maintains a funded deferred compensation plan—

''(1) compensation of any corporate insider which is deferred under such funded deferred compensation plan shall be included in the gross income of the insider or beneficiary for the 1st taxable year in which there is no substantial risk of forfeiture of the rights to such compensation, and

''(2) the tax treatment of any amount made available under the plan to a corporate insider or beneficiary shall be determined under section 72 (relating to annuities, etc.).

''(b) FUNDED DEFERRED COMPENSATION PLAN.—For purposes of this section—

''(1) IN GENERAL.—The term 'funded deferred compensation plan' means any plan providing for the deferral of compensation unless—

''(A) the employee's rights to the compensation deferred under the plan are no greater than the rights of a general creditor of the employer, and

''(B) all amounts set aside (directly or indirectly) for purposes of paying the deferred compensation, and all income attributable to such amounts, remain (until made available to the participant or other beneficiary) solely the property of the employer (without being restricted to the provision of benefits under the plan), and

''(C) the amounts referred to in subparagraph (B) are available to satisfy the claims of the employer's general creditors at all times (not merely after bankruptcy or insolvency).

Such term shall not include a qualified employer plan.

''(2) SPECIAL RULES.—

''(A) EMPLOYEE'S RIGHTS.—A plan shall be treated as failing to meet the requirements of paragraph (1)(A) unless, under the written terms of the plan—

''(i) the compensation deferred under the plan is paid only upon separation from service, death, or at a specified time (or pursuant to a fixed schedule), and

''(ii) the plan does not permit the acceleration of the time such deferred compensation is paid by reason of any event.

If the employer and employee agree to a modification of the plan that accelerates the time for payment of any deferred compensation, then all compensation previously deferred under the plan shall be includible in gross income for the taxable year during which such modification takes effect and the taxpayer shall pay interest at the underpayment rate on the underpayments that would have occurred had the deferred compensation been includible in gross income in the taxable years deferred.

''(B) CREDITOR'S RIGHTS.—A plan shall be treated as failing to meet the requirements of paragraph (1)(B) with respect to amounts set aside in a trust unless—

''(i) the employee has no beneficial interest in the trust,

''(ii) assets in the trust are available to satisfy claims of general creditors at all times (not merely after bankruptcy or insolvency), and

''(iii) there is no factor (such as the location of the trust outside the United States) that would make it more difficult for general creditors to reach the assets in the trust than it would be if the trust assets were held directly by the employer in the United States.

''(c) CORPORATE INSIDER.—For purposes of this section, the term 'corporate insider' means, with respect to a corporation, any individual who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) PLAN INCLUDES ARRANGEMENTS, ETC.—The term 'plan' includes any agreement or arrangement.

''(2) SUBSTANTIAL RISK OF FORFEITURE.—The rights of a person to compensation are subject to a substantial risk of forfeiture if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.''

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by adding at the end the following new item:

''Sec. 409A. Denial of deferral for funded deferred compensation of corporate insiders if corporation funds defined contribution plan with employer stock.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts deferred after the date of the enactment of this Act.

SEC. 602. PERFORMANCE-BASED COMPENSATION EXCEPTION TO $1,000,000 LIMITATION ON DEDUCTIBLE COMPENSATION NOT TO APPLY IN CERTAIN CASES.

(a) IN GENERAL.—Paragraph (4) of section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(G) CERTAIN FACTORS NOT PERMITTED TO BE TAKEN INTO ACCOUNT IN DETERMINING WHETHER PERFORMANCE GOALS ARE MET.—Subparagraph (C) shall not apply if, in determining whether the performance goals are met, any of the following are taken into account:

''(i) Cost savings as a result of changes to any qualified employer plan (as defined in section 4972(d)).

''(ii) Excess assets of such a plan or earnings thereon.

''(iii) Any excess of the amount assumed to be the return on the assets of such a plan over the actual return on such assets.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE VII—PROTECTION OF RETIREMENT EXPECTATIONS

SEC. 701. PROTECTION OF PARTICIPANTS FROM CONVERSIONS TO HYBRID DEFINED BENEFIT PLANS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) ELECTION TO MAINTAIN RATE OF ACCRUAL IN EFFECT BEFORE PLAN AMENDMENT.—Section 204(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)) is amended by adding at the end the following new subparagraph:

''(I)(i) Notwithstanding the preceding subparagraphs, in the case of a plan amendment to a defined benefit plan—

''(I) which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or which has a similar effect as determined under regulations issued under clause (iii)), and

''(II) which has the effect of reducing the rate of future benefit accrual of 1 or more participants,

such plan shall be treated as not satisfying the requirements of this paragraph unless such plan meets the requirements of clause (ii).

''(ii) A plan meets the requirements of this clause if the plan provides each participant who has attained 10 years of service (as determined under section 203) under the plan at the time such amendment takes effect with—

''(I) notice of the plan amendment indicating that it has such effect, including a comparison of the present and projected values of the accrued benefit determined both with and without regard to the plan amendment, and

''(II) an election, on the date of the conversion, to either receive benefits under the terms of the plan as in effect on or after the effective date of such plan amendment or to receive benefits under the terms of the plan as in effect immediately before the effective date of such plan amendment (taking into account all benefit accruals under such terms since such date).

''(iii) The Secretary shall issue regulations under which any plan amendment which has an effect similar to the effect described in clause (i)(I) shall be treated as a plan amendment described in clause (i)(I). Such regulations may provide that if a plan sponsor represents in communications to participants and beneficiaries that a plan amendment has an effect described in the preceding sentence, such plan amendment shall be treated as a plan amendment described in clause (i)(I).''.

(2) EARLY RETIREMENT SUBSIDY TAKEN INTO ACCOUNT FOR PURPOSES OF OPENING BALANCE OF HYBRID DEFINED BENEFIT PLAN.—Section 204(g) of such Act (29 U.S.C. 1054(g)) is amended by adding at the end the following new paragraph:

''(6) In the case of a plan amendment to a defined benefit plan which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or a plan amendment to such plan having a similar effect as determined under regulations issued under subsection (b)(1)(I)(iii)), such amendment shall not be treated as reducing accrued benefits merely because under such amendment any early retirement benefit or retirement-type subsidy (within the meaning of paragraph (2)(A)) is taken into account for purposes of the opening balance of the amended plan.''.

(3) INTEREST RATE FOR DETERMINATIONS RELATING TO PLAN CONVERSIONS.—Section 204(g) of such Act (as amended by paragraph (2)) is amended further by adding at the end the following new paragraph:

''(7) INTEREST RATE.—For purposes of this paragraph—

''(A) in the case of an amendment described in paragraph (1) which takes effect on or after the enactment of this paragraph, the interest rate and mortality tables to be used in determining the present value of the accrued benefit under such amendment shall be the applicable rate and tables under section 417(e)(3) of the Internal Revenue Code of 1986 as of the date on which such amendment takes effect, and

''(B) in the case of amendments described in paragraph (1) which took effect before the enactment of this paragraph, the interest rate and mortality tables to be used in determining the present value of the accrued benefit under such amendments shall be the applicable rate and tables which were in effect under section 412(l) of the Internal Revenue Code of 1986 as of the effective date of the respective amendment.''.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) ELECTION TO MAINTAIN RATE OF ACCRUAL IN EFFECT BEFORE PLAN AMENDMENT.—Section 411(b)(1) of the Internal Revenue Code of 1986 (relating to accrued benefit requirements for defined benefit plans) is amended by adding at the end the following new subparagraph:

''(I) ELECTION TO MAINTAIN RATE OF ACCRUAL IN EFFECT BEFORE CERTAIN PLAN AMENDMENTS.—

''(i) IN GENERAL.—Notwithstanding the preceding subparagraphs, in the case of a plan amendment to a defined benefit plan—

''(I) which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or which has a similar effect as determined under regulations issued under clause (iii)), and

''(II) which has the effect of reducing the rate of future benefit accrual of 1 or more participants,

such plan shall be treated as not satisfying the requirements of this paragraph unless such plan meets the requirements of clause (ii).

''(ii) REQUIREMENTS.—A plan meets the requirements of this clause if the plan provides each participant who has attained 10 years of service (as determined under section 203) under the plan at the time such amendment takes effect with—

''(I) notice of the plan amendment indicating that it has such effect, including a comparison of the present and projected values of the accrued benefit determined both with and without regard to the plan amendment, and

''(II) an election, on the date of the conversion, to either receive benefits under the terms of the plan as in effect on or after the effective date of such plan amendment or to receive benefits under the terms of the plan as in effect immediately before the effective date of such plan amendment (taking into account all benefit accruals under such terms since such date).

''(iii) REGULATIONS.—The Secretary shall issue regulations under which any plan amendment which has an effect similar to the effect described in clause (i)(I) shall be treated as a plan amendment described in clause (i)(I). Such regulations may provide that if a plan sponsor represents in communications to participants and beneficiaries

that a plan amendment has an effect described in the preceding sentence, such plan amendment shall be treated as a plan amendment described in clause (i)(I).''.

(2) EARLY RETIREMENT SUBSIDY TAKEN INTO ACCOUNT FOR PURPOSES OF OPENING BALANCE OF HYBRID DEFINED BENEFIT PLAN.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following new subparagraph:

''(F) EARLY RETIREMENT SUBSIDY TAKEN INTO ACCOUNT FOR PURPOSES OF OPENING BALANCE OF HYBRID DEFINED BENEFIT PLAN.—In the case of a plan amendment to a defined benefit plan which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or a plan amendment to such plan having a similar effect as determined under regulations issued under subsection (b)(1)(I)(iii)), such amendment shall not be treated as reducing accrued benefits merely because under such amendment any early retirement benefit or retirement-type subsidy (within the meaning of section subparagraph (B)(i)) is taken into account for purposes of the opening balance of the amended plan.''.

(3) INTEREST RATE FOR DETERMINATIONS RELATING TO PLAN CONVERSIONS.—

Paragraph (6) of section 411(d) of such Code (as amended by paragraph (2)) is amended further by adding at the end the following new subparagraph:

''(G) INTEREST RATE.—For purposes of this paragraph—

''(i) in the case of an amendment described in subparagraph (A) which takes effect on or after the enactment of this subparagraph, the interest rate and mortality tables to be used in determining the present value of the accrued benefit under such amendment shall be the applicable rate and tables under section 417(e)(3) as of the date on which such amendment takes effect, and

''(ii) in the case of amendments described in subparagraph (A) which took effect before the enactment of this subparagraph, the interest rate and mortality tables to be used in determining the present value of the accrued benefit under such amendments shall be the applicable rate and tables which were in effect under section 412(l) as of the effective date of the respective amendment.''.

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect after the date of the enactment of this Act.

(2) PLAN AMENDMENTS SUBJECT TO LITIGATION.—The amendments made by this section also shall apply to any plan amendment taking effect on or before such date if—

(A) no determination letter is issued on or before such date by the Internal Revenue Service which has the effect of approving the plan amendment, and

(B) such plan amendment is, on April 8, 2003, subject to a court action based on age discrimination.

(3) SPECIAL RULE.—In the case of a plan amendment taking effect before 90 days after the date of the enactment of this Act, the requirements of section 204(b)(1)(I) of the Employee Retirement Income Security Act of 1974 (as added by this section) and section 411(b)(1)(I) of the Internal Revenue Code of 1986 (as added by this section) shall be treated as satisfied in connection with such plan amendment, in the case of any participant described in such sections 204(b)(1)(I) and 411(b)(1)(I) in connection with such plan amendment, if, as of the end of such 90-day period—

(A) the notice described in clause (i)(I) of such section 204(b)(1)(I) and clause (i)(I) of such section 411(b)(1)(I) in connection with such plan amendment has been provided to such participant, and

(B) the plan provides for the election described in clause (i)(II) of such section 204(b)(1)(I) and clause (i)(II) of such section 411(b)(1)(I) in connection with such participant's retirement under the plan.

TITLE VIII—TREATMENT OF CORPORATE INSIDERS

SEC. 801. SPECIAL RULES FOR EXECUTIVE PERKS AND RETIREMENT BENEFITS.

(a) IN GENERAL.—Part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by adding at the end the following new subpart:

''SUBPART F—SPECIAL RULES FOR EXECUTIVE PERKS AND RETIREMENT BENEFITS

''Sec. 420A. Holding period requirement for stock acquired through exercise of option.

''Sec. 420B. Additional tax on nondisclosed retirement perks.

''Sec. 420C. Definitions and special rule.

''SEC. 420A. HOLDING PERIOD REQUIREMENT FOR STOCK ACQUIRED THROUGH EXERCISE OF OPTION.

''(a) IN GENERAL.—In the case of a corporate insider with respect to a corporation, the tax imposed by this chapter on a corporate insider for any taxable year shall be increased by 50 percent of the amount realized by such insider from the disqualified disposition during such year of stock acquired by the corporate insider upon the exercise of a stock option granted by the corporation with respect to which such individual is a corporate insider.

''(b) DISQUALIFIED DISPOSITION OF STOCK.—

''(1) IN GENERAL.—For purposes of subsection (a), the term 'disqualified disposition of stock' means any sale, exchange, or other disposition of stock which, if such stock were employer securities held in a qualified cash or deferred arrangement (as defined in section 401(k)(2)), would violate any restriction imposed on the sale or other disposition of such securities by the plan of which such arrangement is a part.

''(2) SPECIAL RULE FOR 2 OR MORE CASH OR DEFERRED ARRANGEMENTS.—If a corporation has more than 1 qualified cash or deferred arrangement (as so defined), the restrictions which apply for purposes of paragraph (1) shall be the most restrictive provisions relating to the disposition of employer securities held pursuant to any such arrangements.

''SEC. 420B. ADDITIONAL TAX ON NONDISCLOSED RETIREMENT PERKS.

''(a) IN GENERAL.—In the case of a publicly traded corporation, the tax imposed by this chapter for the taxable year shall be increased by 50 percent of the net cost to the corporation for the taxable year of personal perks provided to a retired executive of the corporation.

''(b) WAIVER IF PERKS PROVIDED PURSUANT TO SHAREHOLDER APPROVAL.—Subsection (a) shall not apply with respect to any personal perks provided pursuant to a contract if—

''(1) all of the material terms of such contract (including a description of the benefits to be provided to the executive and the extent of such benefits) are disclosed to shareholders, and

''(2) such contract is approved by a majority of the vote in a separate shareholder vote before any benefits are provided under the contract.

''(c) NET COST OF PERSONAL PERKS.—

''(1) IN GENERAL.—For purposes of subsection (a), the net cost of personal perks provided to a retired executive is the excess of—

''(A) the cost to the corporation of such perks, over

''(B) the amount paid in cash during the taxable year by the executive to reimburse the corporation for the cost of such perks.

''(2) PERSONAL PERKS.—For purposes of paragraph (1), the term 'personal perks' means—

''(A) the use of corporate-owned property,

''(B) travel expenses, including meals and lodging, unless such expenses are directly related to the performance of services by the executive for the corporation and the business relationship of such expenses is substantiated under the requirements of section 274,

''(C) tickets to sporting or other entertainment events,

''(D) amounts paid or incurred for membership in any club organized for business, pleasure, recreation, or other social purpose, and

''(E) other personal services, including services related to maintenance or protection of any personal residence of the executive.

''(3) COST RELATING TO USE OF CORPORATE-OWNED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The cost taken into account with respect to the use of corporate-owned property shall be the allocable portion of the total cost of operating such property.

''(B) ALLOCABLE PORTION.—For purposes of subparagraph (A), the allocable portion of total cost is—

''(i) the portion of the total cost (including depreciation) incurred by the corporation for operating and maintaining such property during the corporation's taxable year in which such use occurred,

''(ii) which is allocable to the use (determined on the basis of the relationship of such use to the total use of the property during the taxable year).

''SEC. 420C. DEFINITIONS AND SPECIAL RULE.

''(a) DEFINITIONS.—For purposes of this subpart—

''(1) CORPORATE INSIDER.—The term 'corporate insider' means, with respect to a corporation, any individual—

''(A) who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation, or

''(B) who would be subject to such requirements if such corporation were an issuer of equity securities referred to in such section.

''(2) RETIRED EXECUTIVE.—The term 'retired executive' means any corporate insider who is no longer performing services on a substantially full time basis in the capacity that resulted in being subject to the requirements of section 16(a) of the Securities Exchange Act of 1934.

''(3) PUBLICLY TRADED CORPORATION.—The term 'publicly traded corporation' means any corporation issuing any class of securities required to be registered under section 12 of the Securities Exchange Act of 1934.

''(4) CORPORATE-OWNED PROPERTY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'corporate-owned property' means any of the following property owned by a corporation—

''(i) planes,

''(ii) apartments or other residences,

''(iii) vacation, sports, and entertainment facilities, and

''(iv) cars.

Such term includes any such property which is leased or chartered by the corporation.

''(B) EXCEPTIONS.—Such term does not include any property used directly by the corporation in providing transportation, lodging, or entertainment services to the general public.

''(b) ADDITIONS TO TAX NOT TREATED AS TAX FOR CERTAIN PURPOSES.—The tax imposed by sections 420A and 420B shall not be treated as a tax imposed by this chapter for purposes of determining—

''(1) the amount of any credit allowable under this chapter, or

''(2) the amount of the minimum tax imposed by section 55.''.

(b) CLERICAL AMENDMENT.—The table of subparts for part I of subchapter D of chapter 1 of such Code is amended by adding at the end the following new item:

''Subpart F. Special Rules for Executive Perks and Retirement Benefits.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as follows:

(1) Section 420A of the Internal Revenue Code of 1986 (as added by this section) shall apply to stock acquired pursuant to the exercise of an option after the date of the enactment of this Act.

(2)(A) Except as provided by subparagraph (B), section 420B of such Code (as so added) shall apply to perks provided after the date of the enactment of this Act.

(B) In the case of perks provided pursuant to a contract in existence on the date of the enactment of this Act, such section 420B shall apply to such perks after the date of the first annual shareholders meeting after the date of the enactment of this Act.

SEC. 802. GOLDEN PARACHUTE EXCISE TAX TO APPLY TO DEFERRED COMPENSATION PAID BY CORPORATION AFTER MAJOR DECLINE IN STOCK VALUE OR CORPORATION DECLARES BANKRUPTCY.

(a) IN GENERAL.—Section 4999 of the Internal Revenue Code of 1986 (relating to golden parachute payments) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) TAX TO APPLY TO DEFERRED COMPENSATION PAID AFTER MAJOR STOCK VALUE DECLINE OR BANKRUPTCY.—

''(1) IN GENERAL.—For purposes of this section, the term 'excess parachute payment' includes severance pay, and any other payment of deferred compensation, which is received by a corporate insider after the date that the insider ceases to be employed by the corporation if—

''(A) there is at least a 75-percent decline in the value of the stock in such corporation during the 1-year period ending on such date, or

''(B) such corporation becomes a debtor in a title 11 or similar case (as defined in section 368(a)(3)(A)) during the 180-day period beginning 90 days before such date.

Such term shall not include any payment from a qualified employer plan.

''(2) CORPORATE INSIDER.—For purposes of paragraph (1), the term 'corporate insider' means, with respect to a corporation, any individual who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to cessations of employment after the date of the enactment of this Act.

SEC. 803. ADEQUATE DISCLOSURE REGARDING EXECUTIVE COMPENSATION PACKAGES.

(a) IN GENERAL.—Section 402 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1102) is amended by inserting after subsection (c) the following new subsection:

''(d) DISCLOSURE REGARDING EXECUTIVE COMPENSATION PACKAGES.—

''(1) IN GENERAL.—In any case in which an employer takes any action to establish or substantially improve an executive compensation package with respect to any employee, such action may not take effect unless the employer has met the requirements of paragraph (2).

''(2) REQUIREMENTS.—An employer meets the requirements of this paragraph if—

''(A) not less than 100 days prior to the effective date of the action described in paragraph (1), the employer provides written notification of the action to—

''(i) each employee of the employer,

''(ii) each employee organization representing employees of the employer (if any), and

''(iii) in the case of an employer that is a corporation, the board of directors, and

''(B) in the case of an employer that is a corporation, the board of directors has approved such action.

Any such written notification shall be written in language calculated to be understood by the average plan participant.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) EXECUTIVE COMPENSATION PACKAGE.—The term 'executive compensation package' means a combination of pay, benefits under employee benefit plans, and other forms of compensation provided by an employer primarily for employees who are members of a select group of management or highly compensated employees.

''(B) SUBSTANTIAL IMPROVEMENT.—An executive compensation package is 'substantially improved' if the present value of such package is increased by not less than 10 percent.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to actions taken after the date of the enactment of this Act.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. CORPORATE DEDUCTION FOR REINVESTED ESOP DIVIDENDS SUBJECT TO DEDUCTIBLE LIMITS.

(a) IN GENERAL.—Subsection (a) of section 404 of the Internal Revenue Code of 1986 (relating to general rule) is amended by adding at the end the following new paragraph:

''(13) CERTAIN DIVIDENDS REINVESTED IN EMPLOYEE STOCK OWNERSHIP PLANS SUBJECT TO DEDUCTIBLE LIMITS.—For purposes of this subsection, an applicable dividend described in subsection (k)(2)(A)(iii)(I) shall be treated as compensation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 902. CREDIT FOR ELECTIVE DEFERRALS AND IRA CONTRIBUTIONS BY CERTAIN INDIVIDUALS MADE PERMANENT (SAVER'S TAX CREDIT).

Section 25B of the Internal Revenue Code of 1986 is amended by striking subsection (h) (relating to termination).

SEC. 903. AUTHORITY TO RESCIND TRANSFERS TO PLANS MADE FOR THE BENEFIT OF HIGHLY COMPENSATED EMPLOYEES.

Section 403 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1103) is amended by adding at the end the following new subsection:

''(e) The plan administrator or any person acting as the plan administrator may avoid a transfer of an interest in property to any trust or similar arrangement for the benefit of any insider or other management employee to fund supplemental retirement benefits or other deferred compensation.''.

TITLE X—GENERAL PROVISIONS

SEC. 1001. GENERAL EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to plan years beginning on or after January 1, 2004.

(b) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, subsection (a) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for ''January 1, 2004'' the date of the commencement of the first plan year beginning on or after the earlier of—

(1) the later of—

(A) January 1, 2005, or

(B) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(2) January 1, 2006.

SEC. 1002. PLAN AMENDMENTS.

If any amendment made by this Act requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after the effective date specified in section 601, if—

(1) during the period after such amendment made by this Act takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this Act, and

(2) such plan amendment applies retroactively to the period after such amendment made by this Act takes effect and before such first plan year.

After debate,

Pursuant to House Resolution 230, the previous question was ordered on the bill, as amended, and on the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. QUINN, announced that the nays had it.

Mr. ANDREWS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 193 / Nays ..... 236 }

¶51.13 [Roll No. 187]

YEAS—193

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

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

NAYS—236

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

NOT VOTING—5

Aderholt
Gephardt
Miller, Gary
Schrock
Young (FL)

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. George MILLER of California moved to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendment:

Page 92, insert after line 21 the following new section:

SEC. 217. PROTECTION OF PARTICIPANTS FROM CONVERSIONS TO HYBRID DEFINED BENEFIT PLANS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) ELECTION TO MAINTAIN RATE OF ACCRUAL IN EFFECT BEFORE PLAN AMENDMENT.—Section 204(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)) is amended by adding at the end the following new subparagraph:

''(I)(i) Notwithstanding the preceding subparagraphs, in the case of a plan amendment to a defined benefit plan—

''(I) which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or which has a similar effect as determined under regulations issued under clause (iii)), and

''(II) which has the effect of reducing the rate of future benefit accrual of 1 or more participants,

such plan shall be treated as not satisfying the requirements of this paragraph unless such plan meets the requirements of clause (ii).

''(ii) A plan meets the requirements of this clause if the plan provides each participant who has attained 10 years of service (as determined under section 203) under the plan at the time such amendment takes effect with—

''(I) notice of the plan amendment indicating that it has such effect, including a comparison of the present and projected values of the accrued benefit determined both with and without regard to the plan amendment, and

''(II) an election, on the date of the conversion, to either receive benefits under the terms of the plan as in effect on or after the effective date of such plan amendment or to receive benefits under the terms of the plan as in effect immediately before the effective date of such plan amendment (taking into account all benefit accruals under such terms since such date).

''(iii) The Secretary shall issue regulations under which any plan amendment which has an effect similar to the effect described in clause (i)(I) shall be treated as a plan amendment described in clause (i)(I). Such regulations may provide that if a plan sponsor represents in communications to participants and beneficiaries that a plan amendment has an effect described in the preceding sentence, such plan amendment shall be treated as a plan amendment described in clause (i)(I).''.

(2) EARLY RETIREMENT SUBSIDY TAKEN INTO ACCOUNT FOR PURPOSES OF OPENING BALANCE OF HYBRID DEFINED BENEFIT PLAN.—Section 204(g) of such Act (29 U.S.C. 1054(g)) is amended by adding at the end the following new paragraph:

''(6) In the case of a plan amendment to a defined benefit plan which has the effect of converting the plan to a plan under which the accrued benefit is expressed to participants and beneficiaries as an amount other than an annual benefit commencing at normal retirement age (or a plan amendment to such plan having a similar effect as determined under regulations issued under subsection (b)(1)(I)(iii)), such amendment shall not be treated as reducing accrued benefits merely because under such amendment any early retirement benefit or retirement-type subsidy (within the meaning of paragraph (2)(A)) is taken into account for purposes of the opening balance of the amended plan.''.

(3) INTEREST RATE FOR DETERMINATIONS RELATING TO PLAN CONVERSIONS.—Section 204(g) of such Act (as amended by paragraph (2)) is amended further by adding at the end the following new paragraph:

''(7) For purposes of this subsection—

''(A) in the case of an amendment described in paragraph (1) which takes effect on or after the enactment of this paragraph, the interest rate and mortality tables to be used in determining the present value of the accrued benefit under such amendment shall be the applicable rate and tables under section 417(e)(3) of the Internal Revenue Code of 1986 as of the date on which such amendment takes effect, and

''(B) in the case of amendments described in paragraph (1) which took effect before the enactment of this paragraph, the interest rate and mortality tables to be used in determining the present value of the accrued benefit under such amendments shall be the applicable rate and tables which were in effect under section 412(l) of the Internal Revenue Code of 1986 as of the effective date of the respective amendment.''.

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect after the date of the enactment of this Act.

(2) PLAN AMENDMENTS SUBJECT TO LITIGATION.—The amendments made by this section also shall apply to any plan amendment taking effect on or before the date of the enactment of this Act if—

(A) no determination letter is issued on or before such date by the Internal Revenue Service which has the effect of approving the plan amendment, and

(B) such plan amendment is, on April 8, 2003, subject to a court action based on age discrimination.

(3) SPECIAL RULE.—In the case of a plan amendment taking effect before 90 days after the date of the enactment of this Act, the requirements of section 204(b)(1)(I) of the Employee Retirement Income Security Act of 1974 (as added by this section) shall be treated as satisfied in connection with such plan amendment, in the case of any participant described in such section 204(b)(1)(I) in connection with such plan amendment, if, as of the end of such 90-day period—

(A) the notice described in clause (i)(I) of such section 204(b)(1)(I) in connection with such plan amendment has been provided to such participant, and

(B) the plan provides for the election described in clause (i)(II) of such section 204(b)(1)(I) in connection with such participant's retirement under the plan.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. QUINN, announced that the nays had it.

Mr. George MILLER of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 202 / Nays 226

¶51.14 [Roll No. 188]

YEAS—202

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

NAYS—226

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

NOT VOTING—6

Gephardt
Jefferson
Miller, Gary
Schrock
Towns
Young (FL)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Mr. George MILLER of California demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 271 / Nays 157

¶51.15 [Roll No. 189]

YEAS—271

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

NAYS—157

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Clay
Clyburn
Conyers
Cooper
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gordon
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—6

Blunt
Gephardt
Graves
Miller, Gary
Schrock
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶51.16 MESSAGE FROM THE PRESIDENT

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

¶51.17 PARTICIPATION BY TAIWAN IN THE WORLD HEALTH ORGANIZATION

On motion of Mr. ROHRABACHER, by unanimous consent, the Committee on International Relations was discharged from further consideration of the bill of the Senate (S. 243) concerning participation of Taiwan in the World Health Organization.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶51.18 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAN

The SPEAKER pro tempore, Ms. Ginny BROWN-WAITE of Florida, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Iran that was declared in Executive order 12170 of November 14, 1979.

GEORGE W. BUSH.

The White House, *May 14, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–71).

¶51.19 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 142

Whereas Russell B. Long served in the United States Navy from 1942 to 1945;

Whereas Russell B. Long succeeded both his parents as members of the United States Senate;

Whereas Russell B. Long served the people of Louisiana with distinction for 38 years in the United States Senate;

Whereas Russell B. Long served as Chairman of the Committee on Finance of the United States Senate form 1965 to 1981; and

Whereas Russell B. Long was a tireless and effective champion for the poor, the disabled, and the elderly: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Russell B. Long, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Russell B. Long.

The message also announced that, pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as a member of the Senate Delegation to the Canada-United States Interparliamentary Group during the First Session of the One Hundred Eighth Congress, to be held in Canada, May 15–19, 2003: The Senator from Ohio [Mr. VOINOVICH].

¶51.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. SCHROCK, for May 8 through May 16; and

To Mr. YOUNG of Florida, for today.

And then,

¶51.21 ADJOURNMENT

On motion of Mr. PALLONE, pursuant to the previous order of the House of May 9, 2003, at 9 o'clock and 54 minutes p.m., the House adjourned until 9 a.m. on Thursday, May 15, 2003.

¶51.22 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1835. A bill to amend the Endangered Species Act of 1973 to limit designation as critical habitat of areas owned or controlled by the Department of Defense, and for other purposes; with an amendment (Rept. 108–99 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 1497. A bill to reauthorize title I of the Sikes Act; with an amendment (Rept. 108–100 Pt. 1). Ordered to be printed.

¶51.23 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1497. Referral to the Committee on Armed Services extended for a period ending not later than June 13, 2003.

H.R. 1835. Referral to the Committee on Armed Services extended for a period ending not later than June 13, 2003.

¶51.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KUCINICH:

H.R. 2084. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for prompt compliance with annual reporting requirements thereunder and prompt enforcement of such requirements; to the Committee on Education and the Workforce.

By Mr. DEFAZIO (for himself and Mr. BURTON of Indiana):

H.R. 2085. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SOUDER (for himself and Mr. TOM DAVIS of Virginia):

H.R. 2086. A bill to reauthorize the Office of National Drug Control Policy; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Energy and Commerce, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX (for himself and Mr. TOM DAVIS of Virginia):

H.R. 2087. A bill to establish the Bob Hope American Patriot Award; to the Committee on Government Reform.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. LIPINSKI) (all by request):

H.R. 2088. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, the Budget,

Science, Resources, the Judiciary, Energy and Commerce, Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURNS:

H.R. 2089. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; to the Committee on Education and the Workforce.

By Ms. WATERS (for herself, Mr. DAVIS of Illinois, Mr. OWENS, Mr. LEWIS of Georgia, Ms. CARSON of Indiana, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, Mr. PAYNE, Mr. JEFFERSON, Mr. CLYBURN, and Ms. LEE):

H.R. 2090. A bill to limit the redistricting that States may do after an apportionment of Representatives; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H.R. 2091. A bill to authorize the Secretary of the Army to carry out a project for water supply, Bastrop-Morehouse Parish, Louisiana; to the Committee on Transportation and Infrastructure.

By Mr. BERRY (for himself, Mr. BROWN of South Carolina, Mr. ENGLISH, Mr. HAYES, Mr. GRIJALVA, Mr. EVANS, Mr. CRAMER, Mr. STUPAK, Mrs. MYRICK, Mr. SPRATT, Mr. TURNER of Texas, Ms. KAPTUR, Mr. WILSON of South Carolina, Mr. BACHUS, Mr. PICKERING, Mr. BEREUTER, and Mr. ADERHOLT):

H.R. 2092. A bill to amend the Tariff Act of 1930 to provide for an expedited antidumping investigation when imports increase materially from new suppliers after an antidumping order has been issued, and to amend the provision relating to adjustments to export price and constructed export price; to the Committee on Ways and Means.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 2093. A bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the Old Man of the Mountain, the symbol of New Hampshire that passed on to its granite roots in the dawn of May, 2003; to the Committee on Financial Services.

By Mr. FOLEY:

H.R. 2094. A bill to amend the Internal Revenue Code of 1986 to restore the 80-percent deduction for meal and entertainment expenses; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. QUINN, Mr. PALLONE, Mr. BERMAN, Mr. MCDERMOTT, Mr. SANDLIN, Mr. EVANS, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mr. FROST, Mr. GORDON, and Mr. BELL):

H.R. 2095. A bill to amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. POMEROY, Mr. BILIRAKIS, Mr. SERRANO, Mr. MCINTYRE, Mr. CASE, Mr. DAVIS of Florida, Mr. FARR, Mr. SANDERS, Mr. GILCHREST, and Mr. FROST):

H.R. 2096. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 2097. A bill to amend the Internal Revenue Code of 1986 to change certain threshold and other tests in order to decrease the amount of farm labor wages that are subject to Social Security and Medicare taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. MCNULTY:

H.R. 2098. A bill to amend title 38, United States Code, to provide for the payment of a monthly stipend to the surviving parents (known as ''Gold Star parents'') of members of the Armed Forces who die during a period of war; to the Committee on Veterans' Affairs.

By Mr. MCNULTY:

H.R. 2099. A bill to extend the existing temporary duty suspension on 2,4-Dicumylphenol; to the Committee on Ways and Means.

By Mr. MCNULTY:

H.R. 2100. A bill to extend the existing temporary duty suspension on o-Cumyl-octylphenol; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Ms. DELAURO, Mr. KILDEE, Mr. BISHOP of New York, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. KUCINICH, Mr. OWENS, Mr. TIERNEY, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. CASE, Mr. PAYNE, Mr. BELL, Mr. LYNCH, Ms. BALDWIN, Mrs. MALONEY, Mr. MEEHAN, Mr. SCOTT of Georgia, Mr. STARK, Ms. WOOLSEY, Ms. LEE, Ms. SOLIS, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mr. FARR, Mr. VAN HOLLEN, Ms. NORTON, Mr. MILLER of North Carolina, Ms. SCHAKOWSKY, and Ms. ROYBAL-ALLARD):

H.R. 2101. A bill to provide additional protections for participants and beneficiaries under employee pension benefit plans; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE (for herself and Mr. MCINNIS):

H.R. 2102. A bill to provide a cost-sharing requirement for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Resources.

By Mr. NEAL of Massachusetts (for himself, Mr. CAPUANO, Mr. DELAHUNT, Mr. FRANK of Massachusetts, and Mr. MARKEY):

H.R. 2103. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain real property tax reduction vouchers received by senior citizens who provide volunteer services under a State program; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. CAPUANO, Mr. DELAHUNT, and Mr. MARKEY):

H.R. 2104. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain stipends paid as part of a State program under which individuals who have attained age 60 perform essentially volunteer services specified by the program; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. CAPUANO, Mr. DELAHUNT, Mr. FRANK of Massachusetts, and Mr. MARKEY):

H.R. 2105. A bill to amend the Internal Revenue Code of 1986 to clarify that employees of a political subdivision of a State shall not lose their exemption from the hospital insurance tax by reason of the consolidation of the subdivision with the State; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself, Mr. FROST, and Mr. BISHOP of Georgia):

H.R. 2106. A bill to permit Members of the House of Representatives to use funds provided in Member's Representational Allowances to obtain POW/MIA flags and distribute them to constituents; to the Committee on House Administration.

By Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KIND, Mr. KUCINICH, Mr. WU, Mr. HOLT, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. CASE, Mr. GRIJALVA, Ms. MAJETTE, Mr. RYAN of Ohio, and Mr. BISHOP of New York):

H.R. 2107. A bill to require full funding of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, and the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELAZQUEZ:

H.R. 2108. A bill to amend the Higher Education Act of 1965 to expand and extend the eligibility of Hispanic-serving institutions for assistance under title V of that Act; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 2109. A bill to authorize reference to the National D-Day Museum in New Orleans, Louisiana, as ''America's National World War II Museum''; to the Committee on Armed Services.

By Mr. VITTER:

H.R. 2110. A bill to give priority funding for DNA Backlog Elimination and Self Defense training, prioritizing for States and municipalities that are in the midst of combating a serial killer; to the Committee on the Judiciary.

By Mr. WU:

H.R. 2111. A bill to extend and to provide for an alternative trigger for second-tier benefits under the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Ways and Means.

By Mr. JOHN (for himself and Mr. STEARNS):

H. Con. Res. 179. Concurrent resolution expressing the sense of Congress with respect to the Second Amendment; to the Committee on the Judiciary.

By Ms. LEE:

H. Con. Res. 180. Concurrent resolution calling on the President to urge the other members of the Group of Eight (G-8) at the upcoming G-8 meeting from June 1-3, 2003, in Evian, France, to pledge and contribute a substantial amount of new resources to the fight against HIV/AIDS, tuberculosis, and malaria; to the Committee on International Relations.

By Mr. ORTIZ (for himself, Mr. BONILLA, Mr. HINOJOSA, Mr. GREEN of Texas, Mrs. NAPOLITANO, Mr. RODRIGUEZ, and Mr. GONZALEZ):

H. Con. Res. 181. Concurrent resolution expressing the sense of the Congress regarding the obligations of Mexico under the Treaty Between the United States of America and Mexico of 1944 relating to the use of the Colorado, Rio Grande, and Tijuana Rivers; to the Committee on International Relations.

By Mr. WU (for himself, Mr. ABERCROMBIE, Mr. HONDA, Mr. CASE, Mr.

MATSUI, Mr. INSLEE, Mr. BECERRA, Ms. BORDALLO, Mr. SANDLIN, Mr. FALEOMAVAEGA, Ms. SOLIS, Ms. MILLENDER-MCDONALD, Mr. SCHIFF, and Ms. LEE):

H. Con. Res. 182. Concurrent resolution recognizing that the United States draws its strength from its incredible diversity of racial and ethnic groups, recognizing that the Asian Pacific American community is a thriving and integral part of American society and culture, supporting the goals and ideals of Asian Pacific American Heritage Month, and recognizing the contributions of Asian Pacific Americans to the United States; to the Committee on Government Reform.

By Mr. ISSA (for himself, Ms. KAPTUR, Mr. LAHOOD, Mr. CONYERS, Mr. DINGELL, Mr. RAHALL, and Mr. HONDA):

H. Res. 234. A resolution condemning bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans; to the Committee on the Judiciary.

By Mr. HINCHEY (for himself, Mr. ACKERMAN, Mr. BELL, Ms. CARSON of Indiana, Mr. CASE, Mr. DEUTSCH, Mr. DOYLE, Mr. FILNER, Mr. FROST, Mr. GONZALEZ, Mr. HASTINGS of Florida, Mr. HONDA, Mr. ISRAEL, Mrs. MALONEY, Mr. MCNULTY, Mr. NADLER, Mr. RODRIGUEZ, Mr. SHAYS, Mrs. TAUSCHER, Ms. WATSON, Mr. WAXMAN, Mr. WEXLER, and Mr. WYNN):

H. Res. 235. A resolution urging the Government of Argentina to build upon the steps it has taken to shed light on the relocation to Argentina of Nazis and other war criminals following the defeat of Nazi Germany in 1945 and the subsequent end of World War II and release all official records pertaining to the relocation to Argentina of Nazis and other war criminals following these events; to the Committee on International Relations.

¶51.25 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. HOUGHTON and Mr. PAYNE.

H.R. 102: Mr. DOYLE and Mr. ROSS.

H.R. 111: Ms. BERKLEY, Mr. BURGESS, and Mr. DAVIS of Florida.

H.R. 122: Mr. MARKEY.

H.R. 126: Mr. MILLER of North Carolina.

H.R. 135: Mr. MCINNIS.

H.R. 199: Mr. KIRK.

H.R. 218: Mr. PITTS and Mr. BOOZMAN.

H.R. 241: Ms. GINNY BROWN-WAITE of Florida.

H.R. 284: Ms. MILLENDER-MCDONALD, Mr. GINGREY, Mr. ACEVEDO-VILA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JENKINS, Mr. HOEKSTRA, Mr. HOLT, Mr. OSBORNE, Mr. KUCINICH, and Ms. LOFGREN.

H.R. 328: Mr. EMANUEL, Mr. CLAY, Mr. LANGEVIN, Mr. DOGGETT, Ms. SLAUGHTER, Mrs. MALONEY, Mr. LARSEN of Washington, Mr. DICKS, and Mr. CARDOZA.

H.R. 368: Mr. SMITH of New Jersey.

H.R. 391: Mr. RAMSTAD and Mr. COLLINS.

H.R. 419: Ms. HART.

H.R. 423: Mr. HENSARLING.

H.R. 463: Mr. HAYES and Mr. JANKLOW.

H.R. 466: Mr. UDALL of Colorado.

H.R. 475: Mr. BAIRD.

H.R. 476: Mr. PASTOR and Mr. BALLANCE.

H.R. 501: Mr. HASTINGS of Florida and Mr. CLAY.

H.R. 528: Mr. ROYCE, Ms. WOOLSEY, and Mr. FOLEY.

H.R. 548: Ms. MAJETTE, Mr. PRICE of North Carolina, and Mr. SHERMAN.

H.R. 594: Mr. HOBSON and Mr. TOOMEY.

H.R. 623: Mr. SCHIFF.

H.R. 627: Mr. SHERMAN.

H.R. 660: Mr. TAYLOR of North Carolina.

H.R. 669: Mr. WOLF.

H.R. 732: Ms. MCCOLLUM.

H.R. 761: Mr. ACEVEDO-VILA.

H.R. 792: Mr. BLUMENAUER, Ms. WOOLSEY, and Mr. JANKLOW.

H.R. 800: Mr. JANKLOW.

H.R. 811: Mr. KENNEDY of Rhode Island.

H.R. 898: Mr. JACKSON of Illinois, Mr. GIBBONS, and Ms. CARSON of Indiana.

H.R. 919: Mr. MICHAUD, Ms. BERKLEY, Mr. MEEKS of New York, Mr. HONDA, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. RODRIGUEZ, Mr. COOPER, Mr. MEEHAN, Mr. UDALL of New Mexico, Mr. HOLT, Ms. DEGETTE, Ms. MILLENDER-MCDONALD, Ms. ROYBAL-ALLARD, Ms. WATERS, Mr. THOMPSON of California, Mr. VAN HOLLEN, Mr. ANDREWS, Mr. HINOJOSA, Mr. GUTIERREZ, Mr. BECERRA, Mr. DAVIS of Tennessee, Mr. DICKS, Mr. RUSH, Mrs. DAVIS of California, Mr. JOHN, Mr. COSTELLO, Mr. PASTOR, Mr. ABERCROMBIE, Mr. BOUCHER, Mr. CLAY, Ms. MAJETTE, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. DAVIS of Florida, Mr. SCOTT of Georgia, and Mr. SMITH of Washington.

H.R. 941: Mr. DEAL of Georgia.

H.R. 972: Mr. LATOURETTE and Mr. WAXMAN.

H.R. 983: Mrs. NAPOLITANO and Mrs. BONO.

H.R. 998: Mr. CAPUANO.

H.R. 1077: Mr. FROST, Ms. DELAURO, and Mr. VISCLOSKY.

H.R. 1101: Ms. LORETTA SANCHEZ of California and Mr. BERMAN.

H.R. 1102: Mr. RAMSTAD.

H.R. 1157: Mr. LAHOOD, Mr. LEACH, Mr. FILNER, Ms. SOLIS, Mr. HINOJOSA, Ms. DEGETTE, Mr. FROST, Mr. GUTIERREZ, Mr. RUSH, and Mrs. MALONEY.

H.R. 1179: Mr. DEMINT and Mr. COLLINS.

H.R. 1191: Mr. PRICE of North Carolina.

H.R. 1209: Mr. PAYNE, Mr. KILDEE, Mr. TOWNS, and Mr. JACKSON of Illinois.

H.R. 1252: Mr. GARRETT of New Jersey.

H.R. 1257: Mr. ACEVEDO-VILA.

H.R. 1264: Ms. MILLENDER-MCDONALD.

H.R. 1285: Mr. BISHOP of Georgia, Mr. CLYBURN, Mr. CUMMINGS, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. LANTOS, Mr. OWENS, Mr. RODRIGUEZ, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Ms. SLAUGHTER, Mr. STARK, Mr. TOWNS, and Mr. WAXMAN.

H.R. 1336: Mr. GARRETT of New Jersey and Mr. GERLACH.

H.R. 1351: Mr. RANGEL, Mr. CASE, Mr. GUTIERREZ, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. PASTOR, Mr. BACA, and Ms. VELAZQUEZ.

H.R. 1367: Mr. PUTNAM.

H.R. 1385: Ms. JACKSON-LEE of Texas, Mr. OSE, Mrs. MILLER of Michigan, Mrs. CAPPS, Mr. HINCHEY, Mr. BERMAN, Mr. ISRAEL, Mr. UPTON, Ms. WOOLSEY.

H.R. 1388: Mrs. MALONEY.

H.R. 1448: Mr. CUMMINGS, Mr. ISRAEL, Mr. GRIJALVA, Mr. MORAN of Virginia, and Mr. DOYLE.

H.R. 1472: Ms. BORDALLO, Mrs. JOHNSON of Connecticut, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SOUDER, Mr. DUNCAN, Mr. WOLF.

H.R. 1479: Mr. ENGLISH.

H.R. 1489: Mr. DEMINT, Mr. HERGER, Mr. SESSIONS, Mr. AKIN, Mr. FRANKS of Arizona, Mr. BARTLETT of Maryland, Mr. KENNEDY of Minnesota, Mr. SOUDER, Mr. WICKER, Mrs. BLACKBURN, Mr. ISTOOK, Mr. BURGESS, Mr. RYAN of Wisconsin, Mr. ADERHOLT, Mr. MILLER of Florida, Mr. GUTKNECHT, Mr. TOOMEY, Mrs. MYRICK, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. CHOCOLA, Mr. BEAUPREZ, Mr. SHADEGG, Mr. HOSTETTLER, Mr. HEFLEY, Mr. RYUN of Kansas, Mr. OSBORNE, Mr. MCKEON, Mr. FLAKE, Mr. WAMP, Mr. WELDON of Florida, Mr. EHLERS, Mrs. MILLER of Michigan, Mr. PEARCE, Mr. BROWN of South Carolina, Mr. RENZI, Mr. GOODE, Mr. CANTOR, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BISHOP of Utah, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, Mr. SMITH of New Jersey, Mr. HYDE, Mr. PITTS, Mr. JENKINS, Mr. TANCREDO, Mrs. CUBIN, Mr. CAMP, Mr. MCCOTTER, Mr. HALL, Mr. DELAY, and Mr. BARRETT of South Carolina.

H.R. 1511: Mr. FORBES, Mr. PENCE, Mr. GOODE, Mr. PITTS, Mr. NETHERCUTT, Mr. SIMPSON, and Mr. ANDREWS.

H.R. 1523: Mr. COOPER, Mr. BELL, Mr. OXLEY, Mr. MORAN of Kansas, and Mr. GILLMOR.

H.R. 1532: Mr. PRICE of North Carolina, Mr. SAXTON, Mr. QUINN, Mr. GEORGE MILLER of California, Mrs. JOHNSON of Connecticut, Mr. MCDERMOTT, Mr. INSLEE, and Mr. MOORE.

H.R. 1534: Mr. EMANUEL, Mr. MATSUI, and Mr. BERMAN.

H.R. 1539: Mr. DICKS.

H.R. 1565: Mr. KUCINICH.

H.R. 1582: Mr. EHLERS and Mr. REHBERG.

H.R. 1621: Ms. JACKSON-LEE of Texas.

H.R. 1626: Mr. SMITH of New Jersey and Mr. HOLT.

H.R. 1628: Mr. HOLDEN, Mr. DOOLITTLE, Mr. REHBERG, Mr. KILDEE, and Mr. HAYWORTH.

H.R. 1631: Mr. GARRETT of New Jersey.

H.R. 1652: Mr. PAYNE, Mrs. MALONEY, Mr. SERRANO, Mr. BACA, and Mr. CONYERS.

H.R. 1662: Mr. PETERSON of Pennsylvania and Mr. PITTS.

H.R. 1677: Mr. BALLANCE and Mr. DAVIS of Alabama.

H.R. 1683: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1698: Mr. FRANK of Massachusetts.

H.R. 1708: Mr. GREEN of Wisconsin, Mr. LUCAS of Kentucky, Mr. HOEFFEL, and Mr. HOYER.

H.R. 1709: Ms. KAPTUR, Mr. FRANK of Massachusetts, Mr. EVANS, and Mr. KILDEE.

H.R. 1713: Mr. BLUMENAUER.

H.R. 1738: Ms. KILPATRICK, Mr. KILDEE, Mr. OLVER, and Ms. NORTON.

H.R. 1758: Mr. PORTER.

H.R. 1771: Mr. KNOLLENBERG.

H.R. 1778: Mr. SMITH of Michigan and Mr. HOEFFEL.

H.R. 1814: Mr. TERRY.

H.R. 1874: Mr. LOBIONDO.

H.R. 1889: Mr. LANTOS, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. LATOURETTE, Mrs. TAUSCHER, Mr. KILDEE, Mr. MARKEY, Ms. ESHOO, Mr. GRIJALVA, Mr. EMANUEL, Mr. FILNER, Mr. MCHUGH, Mr. DAVIS of Tennessee, Mr. MCNULTY, Ms. MCCOLLUM, Mr. KING of New York, Mr. WALSH, Mr. ALLEN, Mr. HOLT, Mr. BLUMENAUER, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mr. LYNCH, and Mr. UDALL of Colorado.

H.R. 1901: Mr. HINCHEY, Mr. KLECZKA, Mr. TOWNS, Ms. LEE, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. OWENS, Mr. LEWIS of Georgia, Mr. RUSH, Ms. CARSON of Indiana, Mrs. JONES of Ohio, Mr. THOMPSON of Mississippi, Mr. SCOTT of Virginia, Mr. WATT, Mr. PAYNE, and Mr. JEFFERSON.

H.R. 1904: Mr. PITTS, Ms. GRANGER, Mr. KLINE, Mr. CHOCOLA, Mrs. MILLER of Michigan, Mr. WAMP, Mr. TIBERI, Mr. FOLEY, Mrs. MYRICK, Mr. LEWIS of Kentucky, Mr. HOUGHTON, Mr. ROHRABACHER, Mr. SHUSTER, Mr. CUNNINGHAM, Mrs. BLACKBURN, Mr. REYNOLDS, Mr. KNOLLENBERG, and Mr. CARTER.

H.R. 1911: Mr. ACEVEDO-VILA.

H.R. 1949: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1954: Mr. PEARCE and Mr. PUTNAM.

H.R. 1999: Mr. BOSWELL, Mr. MEEHAN, Mr. MURPHY, Mr. MEEK of Florida, Mr. SANDLIN, Mr. ROTHMAN, and Mr. GEORGE MILLER of California.

H.R. 2008: Mr. SIMMONS, Mr. HINCHEY, Mr. MCNULTY, Mr. LANTOS, Mr. SERRANO, Mr. FROST, and Mr. KILDEE.

H.R. 2009: Mr. PETERSON of Pennsylvania, Mr. CUMMINGS, Mr. TOWNS, Mr. CLAY, Mr. NEY, Mr. UDALL of Colorado, Mr. EHLERS, and Mr. PASTOR.

H.R. 2011: Mr. RYAN of Ohio, Ms. LOFGREN, Mr. GOODLATTE, Mr. PRICE of North Carolina, and Mrs. DAVIS of California.

H.R. 2023: Mr. VAN HOLLEN.

H.R. 2028: Mr. EVERETT. Mr. MCKEON, Mr. THORNBERRY, Mr. SIMMONS, Mr. CARTER, and Mr. TURNER of Ohio.

H.R. 2030: Mr. LYNCH, Mr. WAXMAN, Mr. BELL, Mr. VAN HOLLEN, Mr. COOPER, Mr. CLAY, Mr. TOM DAVIS of Virginia, and Ms. LINDA T. SANCHEZ of California.

H.R. 2032: Mr. HOEFFEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Ms. SLAUGHTER, Mr. COOPER, Mr. CLAY, Mr. MORAN of Kansas, and Mr. COSTELLO.

H.R. 2035: Mr. LANTOS and Ms. ROYBAL-ALLARD.

H.R. 2053: Mr. OWENS, Mr. MCHUGH, Mr. FRANK of Massachusetts, Mr. WOLF, and Mr. PAYNE.

H.J. Res. 4: Mr. HUNTER, Mr. BEREUTER, Mr. CANTOR, Mr. DOOLITTLE, Mr. WALDEN of Oregon, Mr. LAHOOD, Mr. SANDLIN, Mr. PICKERING, Mr. NORWOOD, Mr. HYDE, Mr. COLLINS, Mr. JOHNSON of Illinois, Mr. COBLE, Mr. TURNER of Texas, Ms. KAPTUR, Mr. BOEHNER, Mr. CRANE, Mr. REYES, Mr. REYNOLDS, Mr. MENENDEZ, Mr. STUPAK, Mr. ISAKSON, Mr. SAXTON, Mr. RAHALL, and Mr. BARTON of Texas.

H.J. Res. 45: Mr. NUNES and Ms. MCCOLLUM.

H. Con. Res. 119: Mr. PORTER and Mr. GARRETT of New Jersey.

H. Con. Res. 152: Mr. OSBORNE and Mr. KOLBE.

H. Con. Res. 155: Mr. SHIMKUS, Mr. HINCHEY, Mr. GILLMOR, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. FROST, Mr. EHLERS, Mrs. TAUSCHER, Ms. LORETTA SANCHEZ of California, Mr. ORTIZ, Mr. HILL, Mrs. DAVIS of California, Mr. ALEXANDER, Mr. SNYDER, Mr. MARSHALL, Mr. MEEK of Florida, Mr. COOPER, Mr. ISRAEL, Mr. TAYLOR of Mississippi, and Mr. MCINTYRE.

H. Con. Res. 164: Mr. BURTON of Indiana and Mr. MORAN of Virginia.

H. Res. 121: Mr. CONYERS.

H. Res. 136: Mr. JOHNSON of Illinois.

H. Res. 194: Mr. DOYLE.

H. Res. 198: Mr. KINGSTON.

H. Res. 218: Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. MCDERMOTT, Mr. HOEFFEL, Mr. OBERSTAR, Mr. WAXMAN, Ms. WATERS, Mr. SANDERS, Mr. SABO, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Ms. LEE, Mr. GRIJALVA, Ms. CARSON of Indiana, Mr. WEINER, Ms. SLAUGHTER, Mr. RYAN of Ohio, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. CASE, Mr. CAPUANO, Mr. MENENDEZ, Mr. SCOTT of Virginia, Mr. INSLEE, Mr. ALLEN, Mr. KILDEE, Mr. MORAN of Virginia, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. DEFAZIO, Mr. SPRATT, Mr. TIERNEY, Ms. SOLIS, Ms. DELAURO, Mr. WATT, Ms. JACKSON-LEE of Texas, Ms. VELAZQUEZ, Mr. ABERCROMBIE, Mr. NADLER, Mr. UDALL of New Mexico, Mr. CROWLEY, Mr. KUCINICH, Mr. COSTELLO, Mr. ROTHMAN, Mr. RODRIGUEZ, Mr. OWENS, Mr. BECERRA, Mrs. NAPOLITANO, Mr. MICHAUD, Mr. PETERSON of Minnesota, Mr. DELAHUNT, Mr. ACKERMAN, Mr. MCNULTY, Ms. DEGETTE, Mr. PRICE of North Carolina, Mr. FARR, Mr. FILNER, Ms. MILLENDER-MCDONALD, Ms. KILPATRICK, Ms. LINDA T. SANCHEZ of California, Mr. HOYER, Mr. ETHERIDGE, Mr. KIND, Mr. HOLT, Mrs. LOWEY, Mr. GREEN of Texas, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. OLVER, and Ms. MCCARTHY of Missouri.

H. Res. 220: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 226: Mr. LATOURETTE.

THURSDAY, MAY 15, 2003 (52)

The House was called to order by the SPEAKER.

¶52.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, May 14, 2003.

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

¶52.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2226. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisin Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2002-03 Crop Natural (Sun-Dried) Seedless and Zante Currant Raisins [Docket No. FV03-989-4 IFR] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2227. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Sweet Cherries Grown in Designated Counties in Washington; Established of Procedures to Allow the Grading or Packing of Sweet Cherries Outside the Production Area [Docket No. FV02-923-1 IFR] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2228. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Revising the Regulations Concerning Compensation Rates for Handlers' Services Performed Regarding Reserve Prunes Covered Under the California Dried Prune Marketing Order [Docket No. FV02-993-2 FR] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2229. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV03-916-2 IFR] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2230. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Increased Assessment Rate [Docket No. FV03-932-1 FR] received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2231. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in a Designated Area of Southeastern California; Establishment of Safeguards and Procedures for Suspension of Packing Holidays [Docket No. FV03-925-2 IFR] received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2232. A letter from the Administrator, Agricultural Marketing Service, PACA Branch, Department of Agriculture, transmitting the Department's final rule—Perishable Agricultural Commodities Act (PACA): Amending Regulations to Extend PACA Coverage to Fresh and Frozen Fruits and Vegetables that are Coated or Battered [Docket No. FV02-369] (RIN: 0581-AC21) received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2233. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Winter Pears Grown in Oregon and Washington; Order Amending Marketing Order No. 927 [Docket No. FV00-927-3] received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2234. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Exotic Newcastle Disease; Additions to Quarantined Area [Docket No. 02-117-5] received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2235. A letter from the Chairman, National Endowment for the Arts and Member Federal Council on the Arts and the Humanities, National Foundation on the Arts and the transmitting the Federal Council on the Arts and the Humanities' twenty-seventh annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 2002, pursuant to 20 U.S.C. 959(c); to the Committee on Education and the Workforce.

2236. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the Developmental Disabilities Programs for Fiscal Year 2000, pursuant to 42 U.S.C. 15005 Public Law 106—402, section 105; to the Committee on Energy and Commerce.

2237. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Metal-Cored Candlewicks Containing Lead and Candles with such Wicks—received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2238. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Grants to States for Operation of Qualified High Risk Pools [CMS-2179-FC] (RIN: 0938-AM42) received May 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2239. A letter from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule—Rules and Regulations Under the Textile Fiber Products Identification Act—received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2240. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Availability of Official Records (RIN: 3150-AC07) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2241. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective March 23, 2003 a 15% danger pay allowance has been established for Jordan, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

2242. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning Cuban emigration policies; to the Committee on International Relations.

2243. A letter from the Secretary, Department of Energy, transmitting a letter regarding the Yucca Mountain for the development of a geologic repository for spent nuclear fuel and high level radioactive waste; to the Committee on Government Reform.

2244. A letter from the Secretary, Department of State, transmitting the Department's FY 2004 Performance Plan; to the Committee on Government Reform.

2245. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled, ''Help Wanted: A Rewiew of Federal Vacancy Announcements,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

2246. A letter from the Director, Office of Government Ethics, transmitting the Annual Program Performance Report for FY 2002; to the Committee on Government Reform.

2247. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Application Procedures [WO-850-1820-XZ-24-1A] (RIN: 1004-AD34) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2248. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Fire-Suppression Systems and Voyage Planning for Towing Vessels [USCG-2000-6931] (RIN: 1625-AA60 [Formerly RIN: 2115-AF53]) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2249. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mission Creek Waterway, China Basin, San Francisco Bay, California [COTP San Francisco Bay 03-004] (RIN: 1625-AA00) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2250. A letter from the Chief Counsel, St. Lawrence Seaway Developement Corporation, Department of Transportation, transmitting the Department's final rule—Tarriff of Tolls [Docket No. SLSDC 2003-14687] (RIN: 2135-AA17) received April 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2251. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Enhancing Hazardous Materials Transportation Security [Docket No. RSPA-03-14982 (HM-232C)] (RIN: 2137-AD79) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2252. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Regulations Governing Treasury Securities, New Treasury Direct System—received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2253. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Child Support Enforcement Program; State Plan Approval and Grant Procedures, State Plan Requirements, Standards for Program Operations, Federal Financial Participation, Computerized Support Enforcement Systems (RIN: 0970-AB81) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2254. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the proposed free trade agreement between the United States and the Republic of Singapore, pursuant to Section 2104 (e) of the Trade Act of 2002 and Section 135 (e) of the Trade Act of 1974; to the Committee on Ways and Means.

2255. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the proposed free trade agreement between the United States andthe Republic of Chile, pursuant to Section 2104 (e) of the Trade Act of 2002 and Section 135 (e) of the Trade Act of 1974; to the Committee on Ways and Means.

2256. A letter from the Regulations Officer, Office of Regulations, Social Security Administration, transmitting the Administration's final rule—Claimant Identification Pilot Projects [Regulations No. 4 and 16] (RIN: 0960-AF79) received May 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2257. A letter from the Regulations Coordinator, Centers for Medicare Management, Department of Health and Medicaid Services, transmitting the Department's final rule—Medicare Program; Notice of Ambulance Fee Schedule in Accordance with Federal District Court Order [CMS-1256-N] (RIN: 0938-AM60) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶52.3 RECESS FOR RECEPTION OF FORMER MEMBERS—9:08 A.M.

The SPEAKER, pursuant to the to the special order agreed to on May 9, 2003, declared the House in recess at 9 o'clock and 8 minutes a.m., subject to the call of the Chair.

¶52.4 AFTER RECESS—11:07 A.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶52.5 PROCEEDINGS DURING RECESS

On motion of Mr. Lincoln DIAZ-BALART of Florida, by unanimous consent, the proceedings had during the recess to receive former Members were ordered to be printed in the Record.

¶52.6 PROVIDING FOR THE CONSIDERATION OF H.R. 1527

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 229):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1527) to amend title 49, United States Code to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. Lincoln DIAZ-BALART of Florida moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. UPTON, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 220 / Nays ..... 205 }

¶52.7 [Roll No. 190]

YEAS—220

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

Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—205

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

NOT VOTING—9

Cunningham
English
Gephardt
Hyde
Knollenberg
Miller, Gary
Quinn
Schrock

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶52.8 NATIONAL TRANSPORTATION SAFETY BOARD

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to House Resolution 229 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1527) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003 through 2006, and other purposes.

The SPEAKER pro tempore, Mrs. BIGGERT, by unanimous consent, designated Mr. TERRY as Chairman of the Committee of the Whole; and after some time spent therein,

¶52.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the question raised by an appeal in the Committee, to wit: ''Shall the decision of the Chair stand as the judgment of the Committee?''.

It was decided in the affirmative { Yeas ..... 225 / Nays ..... 200 }

¶52.10 [Roll No. 191]

AYES—225

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

NOES—200

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

NOT VOTING—9

Brown, Corrine
Dunn
Gephardt
Jones (OH)
Knollenberg
Miller, Gary
Pastor
Schrock
Young (FL)

So the decision of the Chair stood as the judgment of the Committee.

After some further time,

The SPEAKER pro tempore, Mr. TERRY, assumed the Chair.

When Mr. LAHOOD, Acting Chairman, pursuant to House Resolution 229, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Page 5, line 2, before the period insert the following:
and any recommendation concerning 15-passenger van safety, railroad grade crossing safety, and medical certifications for a commercial driver's license

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶52.11 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, May 19, 2003, at 12:30 p.m. for morning-hour debate.

¶52.12 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, May 21, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶52.13 PERMISSION TO FILE REPORT

On motion of Mr. DELAY, by unanimous consent, the Committee on International Relations was granted permission until midnight on Friday, May 16, 2003, to file a report (Rept. No. 108–105, Part I) on the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

¶52.14 MESSAGE FROM THE SENATE

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

S. 709. An Act to award a congressional gold medal to Prime Minister Tony Blair.

¶52.15 CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore, Mr. COLE, announced that the Speaker, pursuant to 22 United States Code 276d, clause 10 of Rule I, and the order of the House of January 8, 2003, appointed to the United States Delegation of the Canada-United States Interparliamentary Group, in addition to Mr. HOUGHTON, Chairman, appointed on March 13, 2003: Messrs. OBERSTAR, DREIER, SHAW, Ms. SLAUGHTER, Messrs. STEARNS, PETERSON of Minnesota, MANZULO, SMITH of Michigan, ENGLISH and SOUDER.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶52.16 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 195. An Act to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes; to the Committee on Energy and Commerce.

S. 709. An Act to award a congressional gold medal to Prime Minister Tony Blair; to the Committee on Financial Services.

¶52.17 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. YOUNG of Florida, for today.

And then,

¶52.18 ADJOURNMENT

On motion of Mr. TANCREDO, pursuant to the special order heretofore agreed to, at 6 o'clock and 58 minutes p.m., the House adjourned until 12:30 p.m. on Monday, May 19, 2003.

¶52.19 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary, H. Res. 180. A resolution supporting the goals and ideals of "National Correctional Officers and Employees Week" and honoring the service of correctional officers and employees (Rept. 108–101). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary H.R. 982. A bill to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa (Rept. 108–102, Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1437. A bill to improve the United States Code (Rept. 108–103). Referred to the House Calendar.

Mr. COX: Select Committee on Homeland Security. H.R. 1416. A bill to make technical corrections to the Homeland Security Act of 2002; with an amendment (Rept. 108–104). Referred to the Committee of the Whole House on the State of the Union.

¶52.20 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. BEREUTER, Mr. WEXLER, Mr. FALEOMAVAEGA, Mr. HOEFFEL, Mr. SCHIFF, and Mr. ACKERMAN):

H.R. 2112. A bill to provide support for North Atlantic Treaty Organization (NATO) peacekeeping within Iraq; to the Committee on International Relations.

By Mr. TERRY (for himself, Mr. ENGEL, Mr. GRAVES, Ms. KILPATRICK, Mr. BILIRAKIS, Mr. SANDERS, and Mr. TOWNS):

H.R. 2113. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy efficient property placed in service or installed in an existing principal residence or property used by businesses; to the Committee on Ways and Means.

By Mr. BURGESS (for himself and Mr. SCOTT of Georgia):

H.R. 2114. A bill to amend the Internal Revenue Code of 1986 to expand medical savings accounts and to amend title XIX of the Social Security Act to provide for medical freedom accounts under the Medicaid and State children's health insurance programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. MICA, Mr. OBERSTAR, and Mr. DEFAZIO):

H.R. 2115. A bill to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARSON of Oklahoma:

H.R. 2116. A bill to direct the Administrator of the Environmental Protection Agency to provide relocation and other assistance for residents at the Tar Creek Superfund site; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2117. A bill to amend the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act to remove certain competitive advantages granted to the housing-related government-sponsored enterprises relative to other secondary mortgage market enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. HYDE (for himself and Mr. CONYERS):

H.R. 2118. A bill to increase the annual salaries of justices and judges of the United States; to the Committee on the Judiciary.

By Mr. BALLANCE:

H.R. 2119. A bill to provide for the use by the State of North Carolina of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina; to the Committee on Agriculture, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself, Mr. OXLEY, Mr. KANJORSKI, Mr. LEACH, Mr. BAKER, Mr. BACHUS, Mr. SHERMAN, Mrs. MALONEY, Mr. SHAYS, Mrs. BIGGERT, Ms. HART, Mrs. KELLY, Mr. NEY, Mr. ACKERMAN, Mr. CROWLEY, Mr. MURPHY, Mr. SESSIONS, Mr. FOSSELLA, Mr. EMANUEL, and Mr. ISRAEL):

H.R. 2120. A bill to revise the banking and bankruptcy insolvency laws with respect to

the termination and netting of financial contracts, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. RYUN of Kansas, Mr. MORAN of Kansas, and Mr. MOORE):

H.R. 2121. A bill to amend the Eisenhower Exchange Fellowship Act of 1990 to authorize additional appropriations for the Eisenhower Exchange Fellowship Program Trust Fund, and for other purposes; to the Committee on International Relations.

By Mr. TAUZIN (for himself, Mr. DINGELL, Mr. COX, Mr. TOM DAVIS of Virginia, Mr. MARKEY, Mr. BILIRAKIS, Mr. DAVIS of Florida, Mr. UPTON, Mr. STEARNS, Mr. GREENWOOD, Mr. SHADEGG, Mr. ISSA, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. ESHOO):

H.R. 2122. A bill to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Government Reform, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. BISHOP of New York, Ms. LOFGREN, Mr. HONDA, Mr. BEREUTER, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. MCGOVERN, Mrs. DAVIS of California, Mr. SANDERS, Ms. LEE, Mrs. MALONEY, Mr. THOMPSON of California, Ms. MCCOLLUM, Mr. LANTOS, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LINDA T. SANCHEZ of California, and Ms. JACKSON-LEE of Texas):

H.R. 2123. A bill to amend the Safe Drinking Water Act and the Federal Water Pollution Control Act concerning water pollution resulting from discharges of perchlorate; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 2124. A bill to establish a Foster Care Reform Commission to study the foster care crisis in the United States; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. SHAYS, Mr. FORD, Mr. PLATTS, Ms. BALDWIN, Ms. WOOLSEY, Mr. FROST, Ms. SCHAKOWSKY, Mr. OLVER, Ms. MCCARTHY of Missouri, Ms. LEE, Mr. MCNULTY, Ms. NORTON, Mr. CASE, Mr. DEUTSCH, Mr. CLAY, Mr. ACEVEDO-VILA, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. WEXLER, Mr. BROWN of Ohio, Mr. KUCINICH, and Mr. FARR):

H.R. 2125. A bill to amend the National and Community Service Act of 1990 to create the Rite of Passage Community Service Program; to the Committee on Education and the Workforce.

By Mr. EDWARDS (for himself, Mr. JENKINS, Mr. RAHALL, and Mr. HOBSON):

H.R. 2126. A bill to recognize the importance of the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972 in addressing shortfalls in the number of physicians and other health care professionals employed in the health care system of the Department of Veterans Affairs, to reauthorize the program of grants to medical schools affiliated with the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. EMANUEL (for himself, Mr. FRANKS of Arizona, Mr. GREEN of Texas, Mr. HINCHEY, Mr. PAYNE, Mr. RYAN of Ohio, Mr. GRIJALVA, Mr. MARKEY, Ms. DELAURO, Mr. FROST, Mr. LANTOS, Ms. KILPATRICK, Mr. DEFAZIO, Ms. LEE, and Mr. SMITH of Washington):

H.R. 2127. A bill to amend the Internal Revenue Code of 1986 to repeal tax benefits relating to company-owned life insurance; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Mr. WALDEN of Oregon, and Mr. GRIJALVA):

H.R. 2128. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself and Mr. LYNCH):

H.R. 2129. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. GARRETT of New Jersey:

H.R. 2130. A bill to redesignate the facility of the United States Postal Service located at 650 Kinderkamack Road in River Edge, New Jersey, as the ''New Bridge Landing Post Office''; to the Committee on Government Reform.

By Mr. GIBBONS (for himself, Mr. REYES, Mr. MCNULTY, Mr. BEREUTER, Mr. ENGLISH, Mr. WYNN, and Mr. WILSON of South Carolina):

H.R. 2131. A bill to award a congressional gold medal to President Jose Maria Aznar of Spain; to the Committee on Financial Services.

By Mr. JANKLOW:

H.R. 2132. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal and industrial and fish and wildlife purposes; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut (for herself, Mr. LEWIS of Kentucky, Mr. HAYWORTH, Mr. FROST, Mr. DOOLITTLE, and Mr. RAMSTAD):

H.R. 2133. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. WEXLER, Mr. BAIRD, Mr. BASS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. CARSON of Oklahoma, Mr. CONYERS, Mr. DAVIS of Florida, Mr. DEUTSCH, Mr. ENGLISH, Mr. FEENEY, Mr. HONDA, Mr. ISSA, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MICA, Mr. NADLER, Mr. PASCRELL, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. CHABOT, Ms. HART, Mr. GARRETT of New Jersey, Mr. OTTER, Mr. MURPHY, Mr. LAMPSON, and Mr. FOLEY):

H.R. 2134. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

By Mr. KELLER (for himself, Mr. HAYES, Mr. MILLER of North Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. WILSON of South Carolina, Mr. BRADY of Texas, Mr. LEWIS of Georgia, Mrs. NORTHUP, Mr. BISHOP of Georgia, Mr. CRAMER, and Mrs. MYRICK):

H.R. 2135. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agency are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

By Mr. KING of New York (for himself and Mr. ENGEL):

H.R. 2136. A bill to amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether as a gasoline additive and to repeal the oxygenate requirement for reformulated gasoline, to provide funding for the clean up of underground storage tanks, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MEEK of Florida (for himself, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. TOWNS, Mr. SERRANO, Ms. LEE, Mr. CUMMINGS, Mr. BALLANCE, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. FATTAH, Mr. DAVIS of Illinois, Mr. MORAN of Virginia, Mr. WYNN, Mr. RANGEL, Ms. CARSON of Indiana, Mr. DAVIS of Alabama, and Mr. MEEKS of New York):

H.R. 2137. A bill to amend the Homeland Security Act of 2002 with respect to the release of alien children in custody; to the Committee on the Judiciary.

By Mr. OSE:

H.R. 2138. A bill to elevate the Environmental Protection Agency to cabinet-level status and redesignate such agency as the Department of Environmental Protection; to the Committee on Government Reform.

By Mr. PAUL:

H.R. 2139. A bill to repeal the National Voter Registration Act of 1993; to the Committee on House Administration.

By Mr. PAUL:

H.R. 2140. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received as damages (including punitive damages) on account of age discrimination; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. SHAYS, Mr. INSLEE, Mr. BLUMENAUER, Mr. BAIRD, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. GEORGE MILLER of California, Mr. LIPINSKI, Mr. UDALL of Colorado, Mr. KIND, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Mr. FALEOMAVAEGA, Mr. GRIJALVA, Ms. SOLIS, Ms. MCCOLLUM, Mr. SCHIFF, and Mr. MCDERMOTT):

H.R. 2141. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 2142. A bill to amend the Marine Mammal Protection Act of 1972 to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings; to the Committee on Resources.

By Mr. SHIMKUS (for himself and Mr. PICKERING):

H. Con. Res. 183. Concurrent resolution supporting National Funeral Service Education Week; to the Committee on Government Reform.

By Mr. WALSH (for himself, Mr. MOLLOHAN, Mr. LEWIS of California, Mr. BOEHNER, Mr. BISHOP of Georgia, Mr. PRICE of North Carolina, and Ms. HARRIS):

H. Con. Res. 184. Concurrent resolution expressing the sense of Congress that Congress should participate in and support activities to provide decent homes for the people of the United States; to the Committee on Financial Services.

By Mr. HONDA (for himself and Mrs. TAUSCHER):

H. Res. 236. A resolution expressing the sense of the House of Representatives that United States air carriers should establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. LEE (for herself, Mr. LANTOS, Mr. PAYNE, and Mr. MEEKS of New York):

H. Res. 237. A resolution honoring the life and work of Walter Sisulu, a critical leader in the movement to free South Africa of apartheid, on the occasion of his death; to the Committee on International Relations.

By Mr. PAYNE (for himself and Mr. HOLT):

H. Res. 238. A resolution expressing support for the Head Start Program, which has had a positive impact on the lives of low income children and families since its inception and endorsing its administrative structure and program content; to the Committee on Education and the Workforce.

¶52.21 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 52: Mr. GARRETT of New Jersey, Ms. LORETTA SANCHEZ● of California, and Mr. ROHRABACHER.

H.R. 57: Mr. LAHOOD, Mr. SANDLIN, Mr. COLLINS, and Mr. RYUN of Kansas.

H.R. 102: Ms. WOOLSEY and Mr. LANTOS.

H.R. 122: Mrs. JONES of Ohio and Mr. FOSSELLA.

H.R. 125: Mr. DOGGETT, Mr. KUCINICH, and Mr. MCNULTY.

H.R. 208: Mr. MCNULTY.

H.R. 235: Mr. HUNTER, Mr. MARIO DIAZ-BALART of Florida, Mr. ISSA, Ms. HARRIS, Mr. REHBERG, Mr. ROGERS of Alabama, Mr. NUSSLE, and Mr. CAMP.

H.R. 277: Mr. BAKER and Mr. GREEN of Wisconsin.

H.R. 286: Mrs. MUSGRAVE.

H.R. 328: Mrs. TAUSCHER, Mr. MOORE, Mr. LATOURETTE, Mr. OWENS, Mr. NUNES, and Mrs. JONES of Ohio.

H.R. 445: Mr. DAVIS of Alabama.

H.R. 466: Mr. GRIJALVA, Mrs. MILLER of Michigan, and Mr. OLVER.

H.R. 477: Mr. FILNER.

H.R. 527: Mr. SANDLIN.

H.R. 528: Mr. PETERSON of Minnesota.

H.R. 548: Mr. HASTINGS of Washington.

H.R. 571: Mr. BOOZMAN, Mr. COOPER, Mr. ISRAEL, Mr. INSLEE, and Mr. RAMSTAD.

H.R. 583: Mr. SMITH of New Jersey, Mr. JOHNSON of Illinois, and Ms. ROS-LEHTINEN.

H.R. 588: Mr. ROTHMAN.

H.R. 594: Mr. WALDEN of Oregon, Mr. BISHOP of New York, and Mr. CUMMINGS.

H.R. 684: Mr. DEMINT.

H.R. 693: Mr. HILL.

H.R. 707: Mr. EVANS.

H.R. 709: Mr. PASCRELL.

H.R. 716: Mr. ALLEN, Mr. SANDERS, and Mr. ANDREWS.

H.R. 719: Mr. KUCINICH.

H.R. 728: Mr. MICA.

H.R. 745: Mr. RYAN of Ohio, Mr. HASTINGS of Florida, Mr. SHAYS, Mr. HOLDEN, Ms. LINDA T. SANCHEZ of California, Ms. BALDWIN, and Mr. STUPAK.

H.R. 752: Mrs. LOWEY.

H.R. 756: Mr. UPTON, Mr. CRAMER, and Mr. ACEVEDO-VILA.

H.R. 765: Mr. BARTLETT of Maryland, Mrs. NORTHUP, and Mr. SWEENEY.

H.R. 781: Mr. SKELTON and Mr. BEREUTER.

H.R. 806: Mr. HOLT and Mr. FRANK of Massachusetts.

H.R. 816: Mr. HAYES.

H.R. 817: Mr. JANKLOW, Mr. BONNER, Mr. JENKINS, Mr. WATT, Mr. TIAHRT, and Ms. MCCOLLUM.

H.R. 834: Mr. BAIRD and Mr. REHBERG.

H.R. 839: Mr. WICKER, Mr. BOOZMAN, Mr. KING of New York, Mr. MCGOVERN, Mr. BOYD, Mr. PICKERING, Mrs. NORTHUP, Mr. SHAYS, Mr. KILDEE, Mr. BISHOP of Utah, Mrs. CAPITO, Mr. TIBERI, Mr. ISAKSON, Mr. LUCAS of Kentucky, Mr. COOPER, Mr. ROGERS of Michigan, Mr. MOORE, Mr. DUNCAN, Mr. SANDLIN, Mr. UPTON, and Mr. LATHAM.

H.R. 847: Mr. KILDEE.

H.R. 857: Mr. NEAL of Massachusetts.

H.R. 860: Mr. HENSARLING.

H.R. 873: Mr. TIBERI, Mr. MARKEY, and Mr. ETHERIDGE.

H.R. 876: Mr. FROST, Mrs. JOHNSON of Connecticut, Mr. MCINNIS, Mr. JANKLOW, Mr. DOOLITTLE, Mr. DEFAZIO, Mr. ANDREWS, and Mr. RYUN of Kansas.

H.R. 880: Ms. LINDA T. SANCHEZ of California.

H.R. 882: Ms. HART, Mr. PLATTS, Mr. BURR, and Mr. PETRI.

H.R. 898: Ms. MCCARTHY of Missouri.

H.R. 919: Mr. BLUMENAUER, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STENHOLM, Mr. CAPUANO, Mr. LATHAM, Mr. ALEXANDER, Mr. HILL, Mr. ORTIZ, Mr. CRAMER, Mr. STARK, Mr. ENGEL, Ms. VELAZQUEZ, Ms. SLAUGHTER, Mr. NADLER, Mr. KUCINICH, Mr. FATTAH, Mr. GOODE, Ms. LORETTA SANCHEZ of California, Mr. MOLLOHAN, Mr. FILNER, Mr. LIPINSKI, Mr. SANDERS, Mr. LYNCH, and Mrs. JONES of Ohio.

H.R. 935: Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. EVANS, and Mr. LYNCH.

H.R. 937: Mr. RENZI, Mr. WALDEN of Oregon, and Mr. JOHNSON of Illinois.

H.R. 941: Mr. FOLEY, Mr. LEWIS of Kentucky, and Mr. TANNER.

H.R. 965: Ms. HARMAN.

H.R. 967: Mr. SNYDER, Mr. ROSS, and Ms. ESHOO.

H.R. 972: Mrs. MCCARTHY of New York.

H.R. 983: Mr. LANTOS.

H.R. 997: Mr. HOEKSTRA and Mr. PETRI.

H.R. 998: Mr. PLATTS and Mr. FRANK of Massachusetts.

H.R. 1004: Mr. FILNER and Mr. KILDEE.

H.R. 1027: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1032: Mr. MCINNIS.

H.R. 1043: Mr. BARRETT of South Carolina.

H.R. 1046: Mr. ANDREWS and Ms. KAPTUR.

H.R. 1048: Mr. MILLER of Florida.

H.R. 1057: Ms. HART, Mr. BLUMENAUER, and Mr. ROSS.

H.R. 1063: Ms. JACKSON-LEE of Texas.

H.R. 1076: Mr. PAUL, Mr. PETERSON of Pennsylvania, and Mr. PLATTS.

H.R. 1096: Mr. BONILLA.

H.R. 1097: Mr. BOEHLERT, Mr. LANTOS, Mr. DAVIS of Florida, and Mr. KILDEE.

H.R. 1102: Mr. EDWARDS and Mr. SMITH of New Jersey.

H.R. 1115: Mr. BARRETT of South Carolina.

H.R. 1117: Mr. JANKLOW.

H.R. 1119: Mr. CANTOR, Mr. JANKLOW, Mr. HEFLEY, Mr. PICKERING, Mr. PENCE, and Mr. HOSTETTLER.

H.R. 1125: Ms. HOOLEY of Oregon, Mr. MATHESON, Mr. FROST, and Mr. MARSHALL.

H.R. 1157: Mr. KLECZKA.

H.R. 1160: Mr. CAMP, Mr. GERLACH, Mr. RADANOVICH, Ms. SLAUGHTER, and Mr. FROST.

H.R. 1177: Mr. GOODE, Mr. MCHUGH, Mr. PENCE, Mr. SENSENBRENNER, Mr. TAYLOR of North Carolina, and Mr. WILSON of South Carolina.

H.R. 1196: Ms. MILLENDER-MCDONALD, Mr. ENGEL, Mr. INSLEE, and Mr. EVANS.

H.R. 1199: Ms. VELAZQUEZ.

H.R. 1209: Mr. KLECZKA, Mr. NEY, Mr. ROSS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RAHALL, Mr. KUCINICH, Mr. GREEN of Texas, Mr. WALSH, and Mr. STARK.

H.R. 1222: Mr. HOLT.

H.R. 1225: Mrs. MALONEY, Mr. TIERNEY, Mr. EMANUEL, Mr. MURPHY, Mr. BROWN of Ohio, and Mr. BURR.

H.R. 1229: Mr. DEAL of Georgia.

H.R. 1250: Mr. KIND.

H.R. 1251: Mr. FARR.

H.R. 1258: Mr. BISHOP of New York, Mr. TIERNEY, Mr. MATSUI, and Ms. LINDA T. SANCHEZ of California.

H.R. 1260: Mr. DEAL of Georgia and Mr. SOUDER.

H.R. 1276: Mr. ROSS, Mr. WOLF, Mr. DUNCAN, Mr. BOYD, Mr. WELLER, Mr. PICKERING, Mr. LUCAS of Kentucky, Mr. ANDREWS, Mr. RYAN of Wisconsin, Mr. BELL, Mr. BRADLEY of New Hampshire, Mr. BISHOP of Utah, Mr. WICKER, Mr. SHERMAN, Mr. TANCREDO, Mrs. MYRICK, Mr. ISRAEL, Mr. PALLONE, Mr. HOLT, Mr. SIMMONS, Mr. FOLEY, Mr. BRADY of Texas, and Mrs. BLACKBURN.

H.R. 1288: Mr. ALLEN, Mr. GREEN of Wisconsin, Mr. DEAL of Georgia, Mr. UDALL of Colorado, Mr. KUCINCH, Mr. KIRK, Mr. FOLEY, and Mr. FARR.

H.R. 1295: Mr. RANGEL and Mrs. MCCARTHY of New York.

H.R. 1309: Mr. KUCINICH and Mr. COSTELLO.

H.R. 1310: Mr. SIMMONS, Mr. BROWN of South Carolina, Mr. JANKLOW, Mr. BOOZMAN, and Mr. WALDEN of Oregon.

H.R. 1313: Ms. BERKLEY.

H.R. 1323: Mr. VAN HOLLEN and Mr. ACKERMAN.

H.R. 1336: Mr. KUCINICH and Mr. BONILLA.

H.R. 1340: Mr. EMANUEL, Mrs. MALONEY, Ms. LINDA T. SANCHEZ of California, Mr. Gutierrez, Ms. KAPTUR, Mr. EVANS, Mr. STUPAK and Mr. ROSS.

H.R. 1380: Mr. WILSON of South Carolina and Mr. CASE.

H.R. 1400: Mr. LANGEVIN, Mr. CLAY, Ms. MCCOLLUM, Mr. STRICKLAND, Mr. OBEY, Mr. OLVER, and Mr. WEINER.

H.R. 1409: Mr. ORTIZ and Mr. BACA.

H.R. 1422: Mr. LANTOS and Mr. DOYLE.

H.R. 1425: Mr. ANDREWS.

H.R. 1430: Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. FARR, Ms. DELAURO, and Mr. HOEFFEL.

H.R. 1442: Mr. DAVIS of Tennessee, Mr. GUTKNECHT, Mrs. CAPPS, and Ms. JACKSON-LEE of Texas.

H.R. 1464: Mr. PALLONE.

H.R. 1472: Mr. ABERCROMBIE.

H.R. 1474: Mr. KENNEDY of Minnesota, Mr. RODRIGUEZ, Mr. CUNNINGHAM, Mr. KING of New York, and Mr. MURPHY.

H.R. 1480: Ms. HARMAN and Mr. ETHERIDGE.

H.R. 1483: Mr. FRANK of Massachusetts and Mr. PASTOR.

H.R. 1499: Mr. BERRY.

H.R. 1523: Mr. REHBERG.

H.R. 1536: Mr. MATSUI.

H.R. 1552: Mrs. BLACKBURN, Mr. OWENS, Mr. CUNNINGHAM, Mr. ISAKSON, Mr. PICKERING, Ms. ROS-LEHTINEN, Mr. BISHOP of Utah, Mr. SHERMAN, Mr. TANCREDO, Mr. BOYD, and Mr. PALLONE.

H.R. 1569: Mr. SMITH of New Jersey, Mr. SAXTON, and Mr. MENENDEZ.

H.R. 1580: Mr. LUCAS of Kentucky and Mr. ROGERS of Kentucky.

H.R. 1613: Mr. BELL, Mr. GILLMOR, Ms. MILLENDER-MCDONALD, Ms. CARSON of Indiana, and Mr. LANGEVIN.

H.R. 1622: Mr. GORDON, Mr. LEACH, Mr. SESSIONS, Mrs. JO ANN DAVIS of Virginia, Mr. WYNN, Mr. GONZALEZ, Mr. CLAY, Mr. ANDREWS, Mr. FORD, Mr. DOYLE, and Ms. ROS-LEHTINEN.

H.R. 1626: Mr. CARSON of Oklahoma.

H.R. 1634: Mr. BOEHNER, Mr. PASTOR, Mr. WAMP, Mr. KILDEE, and Mr. ROTHMAN.

H.R. 1635: Mr. EVANS and Mr. RANGEL.

H.R. 1659: Mr. SESSIONS.

H.R. 1675: Mr. ROSS, Mr. LEACH, Mr. TERRY, Mr. DICKS, Mr. BAIRD, Mr. SHIMKUS, Mr. PICKERING, and Mr. LUCAS of Kentucky.

H.R. 1676: Mr. SIMMONS and Mr. GREEN of Texas.

H.R. 1677: Ms. WATERS.

H.R. 1700: Mr. GARRETT of New Jersey.

H.R. 1707: Mr. FRANK of Massachusetts, Mr. SANDERS, Mr. BARTLETT of Maryland, Mr. ENGLISH, Mr. MCDERMOTT, Mr. FILNER, Mr. GONZELEZ, and Mr. RANGEL.

H.R. 1708: Mr. PLATTS, Mr. KUCINICH, and Mr. BROWN of Ohio.

H.R. 1710: Mr. LARSEN of Washington, Mr. DICKS, Mrs. KELLY, Mr. MCHUGH, Mrs. MALONEY, Ms. BALDWIN, Mr. ACKERMAN, Mr. KING of New York, Mr. MCNULTY, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. BISHOP of New York, Mr. DOYLE, Mr. FARR, Mr. ISRAEL, and Mr. OWENS.

H.R. 1713: Mr. KUCHINCH and Ms. ROYBAL-ALLARD.

H.R. 1723: Mr. MCNULTY.

H.R. 1726: Ms. LOFGREN and Mr. ACEVEDO-VILA.

H.R. 1730: Mr. HOBSON and Mr. PETERSON of Pennsylvania.

H.R. 1734: Mr. TOM DAVIS of Virginia, Mr. BISHOP of Georgia, and Mrs. CHRISTENSEN.

H.R. 1746: Mr. GRIJALVA, Mr. MATHESON, Mr. COSTELLO, Mr. CAMP, Mr. PALLONE, Mr. MARKEY, Mr. PASTOR, Mr. HOEFFEL, Ms. MCCOLLUM, Mr. ENGEL, Mr. PLATTS, Mr. LIPINSKI, Ms. LINDA T. SANCHEZ of California, Ms. BALDWIN, Mr. CARDIN, Mr. CLAY, Mr. SPRATT, Mr. GREENWOOD, Mr. GREEN of Wisconsin, Mr. FARR, Mr. GARRETT of New Jersey, and Mr. FOLEY.

H.R. 1749: Ms. LINDA T. SANCHEZ of California, Mr. ISSA, Mr. SWEENEY, Mr. COLE, and Mr. NUNES.

H.R. 1751: Mr. ACKERMAN.

H.R. 1755: Mr. HAYWORTH, Mr. GARRETT of New Jersey, Mr. WAMP, Mr. SHIMKUS, Ms. HARRIS, Mr. STENHOLM, Mr. MANZULLO, Mr. JONES of North Carolina, Mr. COLE, Mr. BURR, Mr. PETRI, Mr. TIBERI, Mr. HOSTETTLER, Mr. WICKER, Mr. PLATTS, Mr. KLINE, Mr. STEARNS, Mr. GUTKNECHT, and Mr. HOEKSTRA.

H.R. 1764: Mrs. MALONEY, Mr. ABERCROMBIE, Mr. FROST, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. MCINTYRE, Mr. HOLT, Mr. MCNULTY, Mr. ENGLISH, Mr. VAN HOLLEN, and Mr. ALLEN.

H.R. 1769: Ms. MILLENDER-MCDONALD and Mr. SOUDER.

H.R. 1776: Mr. REHBERG.

H.R. 1779: Mr. GIBBONS, Mr. GILLMOR, and Mr. DOYLE.

H.R. 1780: Mr. MILLER of Florida.

H.R. 1793: Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Mr. GOODE, Mr. ISTOOK, Mrs. NORTHUP, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. WELDON of Florida, Mr. WILSON of South Carolina, and Mr. DAVIS of Florida.

H.R. 1818: Mr. WAMP, Mr. DAVIS of Illinois, Mrs. CAPITO, Mr. MANZULLO, and Mr. GERLACH.

H.R. 1828: Mr. MCGOVERN, Mr. KENNEDY of Minnesota, Mr. RYAN of Wisconsin, Mr. KING of Iowa, Mr. MCINNIS, Mrs. LOWEY, Mr. FERGUSON, Mr. BEAUPREZ, Mr. BAKER, Ms. DEGETTE, Mr. UDALL of Colorado, and Mr. ISAKSON.

H.R. 1829: Mr. KING of Iowa, Mr. FROST, Mrs. BLACKBURN, Mr. WEINER, Mr. JENKINS, Mr. STENHOLM, Mr. MCINNIS, Mr. GUTIERREZ, Mr. LANTOS, Mr. UDALL of Colorado, Mr. GORDON, Mr. ISRAEL, Ms. LORETTA SANCHEZ of California, Mr. GONZALEZ, Mr. MILLER of North Carolina, and Mr. LATHAM.

H.R. 1839: Mr. CARTER.

H.R. 1861: Mr. ROTHMAN.

H.R. 1863: Mr. WILSON of South Carolina, Mr. LARSON of Connecticut, Mr. FROST, Mr. TIBERI, Mr. LANTOS, Mr. WEXLER, and Mrs. MALONEY.

H.R. 1873: Mrs. BLACKBURN and Mr. COLE.

H.R. 1886: Mr. SOUDER.

H.R. 1896: Mr. POMEROY.

H.R. 1902: Mr. HOUGHTON, Mr. KING of New York, Mr. BROWN of Ohio, Ms. WATSON, Mr. MARKEY, Mr. BOEHLERT, Mr. WOLF, Mr. BRADY of Pennsylvania, Mrs. MCCARTHY of New York, Mr. KUCINICH, Mr. LANTOS, and Mr. GREENWOOD.

H.R. 1904: Mr. COX, Mr. HOEKSTRA, Mr. CAMP, Mr. PUTNAM, Mr. BURTON of Indiana, Mr. COBLE, Mr. COLLINS, Mr. CULBERSON, Mr. DEAL of Georgia, Mr. FORBES, Mr. ROGERS of Kentucky, Mr. PAUL, and Mr. WHITFIELD.

H.R. 1905: Mr. GRIJALVA.

H.R. 1910: Mr. NORWOOD and Mr. LUCAS of Kentucky.

H.R. 1916: Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, Mr. CRAMER, Mr. FALEOMAVAEGA, Mr. HINCHEY, and Ms. SLAUGHTER.

H.R. 1934: Mr. KUCINICH.

H.R. 1936: Ms. LORETTA SANCHEZ of California.

H.R. 1956: Ms. DELAURO, Mr. THORNBERRY, Mr. SCHIFF, Mr. COOPER, Mr. LANGEVIN, Mr. BOEHLERT, Mr. STARK, Mr. NORWOOD, Mr. DEAL of Georgia, and Mr. HINCHEY.

H.R. 1963: Mr. BELL, Mr. SANDLIN, Mr. HOBSON, Mr. LATHMAN, and Mr. HINCHEY.

H.R. 1964: Mrs. LOWEY.

H.R. 1997: Mr. CANNON, Mr. LEWIS of Kentucky, Mr. SIMPSON, Mr. HUNTER, Mr. TANCREDO, Mr. BARRETT of South Carolina, Mr. GARY G. MILLER of California, Mr. NUNES, Mrs. NORTHUP, Mr. MURPHY, Mr. WAMP, and Mr. CHOCOLA.

H.R. 2012: Mr. SMITH of New Jersey, Mr. ACEVEDO-VILA, and Mr. SENSENBRENNER.

H.R. 2017: Ms. WATERS.

H.R. 2018: Ms. JACKSON-LEE of Texas.

H.R. 2020: Mr. ROSS, Mr. KENNEDY of Rhode Island, Mr. CASE, Mr. FOLEY, Mr. FROST, Mr. JEFFERSON, Mr. COOPER, Mr. VAN HOLLEN, Mr. SANDLIN, Mr. HOEFFEL, and Ms. HARRIS.

H.R. 2023: Mr. FOLEY.

H.R. 2028: Mr. PAUL, Mr. PICKERING, Mr. EHLERS, Mrs. BIGGERT, Mr. BOEHLERT, Mr. CASTLE, Mr. NORWOOD, Mr. WICKER, and Mrs. WILSON of New Mexico.

H.R. 2032: Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mr. GEORGE MILLER of California, Ms. BALDWIN, Mr. ENGLISH, Mr. MURTHA, Mr. PASTOR, and Mr. GREEN of Texas.

H.R. 2045: Mr. PICKERING, Mr. BARRETT of South Carolina, and Mrs. JO ANN DAVIS of Virginia.

H.R. 2047: Mr. ENGLISH, Mr. FROST, and Mr. MCNULTY.

H.R. 2075: Ms. CORRINE BROWN of Florida.

H.R. 2077: Mr. RAHALL, Mr. OSBORNE, Mr. LEACH, Mr. BEREUTER, and Mr. CASE.

H.J. Res. 4: Mr. PETERSON of Pennsylvania, Mr. DAVIS of Florida, Mr. PORTMAN, Mr. FERGUSON, Mr. LATHAM, Mrs. EMERSON, Mr. ISTOOK, Mr. GOODLATTE, Mr. ROGERS of Michigan, Mrs. BLACKBURN, Mr. SOUDER, Mr. DOYLE, Mrs. BONO, Mr. GARRETT of New Jersey, Mr. ROYCE, and Mr. GRAVES.

H.J. Res. 7: Mr. BARTLETT of Maryland.

H.J. Res. 36: Ms. LOFGREN, Mr. GORDON, Mr. ROTHMAN, Mr. MATSUI, and Mr. OLVER.

H.J. Res. 50: Mr. BARRETT of South Carolina and Mr. HOEKSTRA.

H. Con. Res. 56: Mr. BROWN of South Carolina.

H. Con. Res. 78: Ms. DELAURO, Mr. FILNER, and Mr. JEFFERSON.

H. Con. Res. 98: Mr. HOEFFEL, Ms. BERKLEY, Mr. FLAKE, and Mr. BURTON of Indiana.

H. Con. Res. 99: Ms. WOOLSEY, Mr. VAN HOLLEN, Ms. SLAUGHTER, Mr. PASTOR, and Ms. KAPTUR.

H. Con. Res. 107: Mrs. MALONEY.

H. Con. Res. 111: Ms. BALDWIN and Mr. UDALL of Colorado.

H. Con. Res. 116: Mr. GINGREY, Mr. SWEENEY, and Mr. CALVERT.

H. Con. Res. 148: Ms. SCHAKOWSKY and Mr. EVANS.

H. Con. Res. 151: Mr. HEFLEY, Mr. JANKLOW, and Mrs. BIGGERT.

H. Con. Res. 166: Mrs. JONES of Ohio, Mr. ROSS, and Mr. HOLDEN.

H. Con. Res. 173: Mr. PORTER.

H. Con. Res. 180: Mr. LANTOS.

H. Res. 195: Mrs. BIGGERT.

H. Res. 199: Mr. BROWN of Ohio.

H. Res. 207: Mr. RODRIGUEZ, Mr. BURGESS, Mr. REYES, Mr. EDWARDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BELL, Mr. SAM JOHNSON of Texas, Mr. GONZALEZ, Mr. BARTON of Texas, Mr. SANDLIN, Mr. HINOJOSA, Mr. LAMPSON, Mr. THORNBERRY, Mr. BONILLA, Mr. TURNER of Texas, Ms. GRANGER, Mr. GREEN of Texas, Mr. HALL, Mr. ORTIZ, and Mr. HENSARLING.

H. Res. 218: Mr. STARK, Ms. BALDWIN, Mrs. MALONEY, Mrs. JONES of Ohio, Mr. DINGELL, Mr. CARDIN, Mr. LEACH, Mr. POMEROY, Mr. GORDON, and Ms. WATSON.

H. Res. 220: Mrs. JONES of Ohio.

H. Res. 233: Mr. DEMINT.

MONDAY, MAY 19, 2003 (53)

¶53.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. ADERHOLT, who laid before the House the following communication:

WASHINGTON, DC,
May 19, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

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

¶53.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested.

S. 459. An Act to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public officer survivor benefits.

S. 535. An Act to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty.

¶53.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶53.4 RECESS—12:54 P.M.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 54 minutes p.m., until 2 p.m.

¶53.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶53.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr, CULBERSON, announced he had examined and approved the Journal of the proceedings of Thursday, May 15, 2003.

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

¶53.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2258. A letter from the Under Secretary, Department of Defense, transmitting a report on the retirement of Lieutenant General Robert C. Hinson, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2259. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, ''Capabilities of the Test and Evaluation Workforce of the Department of Defense''; to the Committee on Armed Services.

2260. A letter from the Deputy Congressional Liaison, Department of the Treasury, transmitting the Department's final rule — Customer Identification Programs for Banks, Savings Associations, Credit Unions and Certain Non-Federally Regulated Banks (RIN: 1506-AA31) received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2261. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Electronic Storage of Broker-Dealer Records [Release No. 34-47806] received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2262. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the 2002 Annual Report of the Federal Energy Regulatory Commission, pursuant to 16 U.S.C. 797(d); to the Committee on Energy and Commerce.

2263. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Metal-Cored Candlewicks Containing Lead and Candles with Such Wickes — received May 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2264. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Exemption From Premarket Notification; Class II Devices; Optical Impression Systems for Computer Assisted D4sign and Manufacturing [Docket No. 02P-0494] received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2265. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2266. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act; to the Committee on International Relations.

2267. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 1212 of the Foreign Relations Authorization Act, FY 2003; to the Committee on International Relations.

2268. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Stolen Property under Treaty with Mexico — received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2269. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the Board's Annual Report for Fiscal Year 2002, pursuant to D.C. Code section 1—732 and 1—734(a)(1)(A); to the Committee on Government Reform.

2270. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2271. A letter from the Director, Employment Service, Office of Personnel Management, transmitting the Office's final rule — Excepted Service-Temporary Organizations (RIN: 3206-AJ70) received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2272. A letter from the Assistant Secretary, Department of the Interior, transmitting a copy of the Final Engineering Report for the Fort Peck Assiniboine and Sioux Water Supply System and the Dry Prairie Water System, pursuant to Public Law 106—382, section 4(g)(2) (114 Stat. 1453); to the Committee on Resources.

2273. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulfur Operations in the Outer Continental Shelf (OCS), Document Incorporated by Reference for Fixed Platforms (RIN: 1010-AD03) received May 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2274. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended — Victims of Severe Forms of Trafficking in Persons (RIN: 1400-AB23) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2275. A letter from the Director, Federal Judicial Center, transmitting the Federal Judicial Center's Annual Report for 2002, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

2276. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Definitions (RIN: 2700-AC33) received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2277. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Offshore Entities Investing in Hedge Funds [Notice 2003-34] received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2278. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Supervisory Goodwill [Uil No. 597.01-00] received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2279. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Organizations exempt under section 501(c)(15) [Notice 2003-35] received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2280. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Percentage of Completion Timing of Cost Recognition [Uil No. 460.03-09] received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2281. A letter from the General Counsel, Department of Defense, transmitting the Department's bill entitled, ''The Defense Transformation for the 21st Century Act''; jointly to the Committees on Armed Services, Government Reform, Resources, Education and the Workforce, and Energy and Commerce.

2282. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's March 2003 ''Treasury Bulletin,'' pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Energy and Commerce, Transportation and Infrastructure, Resources, Education and the Workforce, and Agriculture.

2283. A letter from the Director, Executive Office of the President, transmitting a bill to reauthorize the Office of National Drug Control Policy; jointly to the Committees on Government Reform, the Judiciary, Energy and Commerce, Intelligence (Permanent Select), Agriculture, Resources, Armed Services, and International Relations.

¶53.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 16, 2003 at 2:50 p.m.:

That the Senate passed without amendment H. Con. Res. 58.

That the Senate passed without amendment H. Con. Res. 128.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk.

¶53.9 COMMUNICATION FROM THE CLERK—MESSAGES FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House on May 16, 2003, at 12:15 p.m. and said to contain messages from the President whereby he submits a copy of a notice filed earlier with the *Federal Register*, continuing the emergency with Burma first declared in Executive Order 13407 of May 20, 1997, and whereby he submits a 6-month periodic report in accordance with 50 USC 1641(c) and 50 USC 1703(c) on the national emergency with respect to Burma.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk.

¶53.10 NATIONAL EMERGENCY WITH RESPECT TO BURMA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 17, 2002.

The crisis between the United States and Burma that led to the declaration of a national emergency on May 20, 1997, has not been resolved. The actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 16, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–72).

¶53.11 NATIONAL EMERGENCY WITH RESPECT TO BURMA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I am providing a report prepared by my Administration, covering the 6-month period since November 20, 2002, on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 16, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–73).

¶53.12 BUCKLE UP AMERICA WEEK

Mr. PETRI moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 166):

Whereas Buckle Up America is a national campaign that promotes and encourages safety belt and child safety seat use;

Whereas failure to wear safety belts and use child safety seats contributes to more fatalities than any other single traffic safety-related behavior;

Whereas, in 2002, 42,850 people were killed in automobile accidents and 2,914,000 people were injured in such accidents;

Whereas the economic cost to society is estimated at annual cost of non-use at current safety belt usage rates is $26 billion per year;

Whereas most passenger vehicle occupants killed in motor vehicle crashes continue to be those not restrained by safety belts or child safety seats;

Whereas crashes are the leading killer of all children, including African-American and Hispanic children;

Whereas car crashes are the second leading killer of African-American young men,

Whereas according to the National Highway Traffic Safety Administration, safety belts saved over 11,000 lives in the United States in 2000; and

Whereas educational programs like Buckle Up America Week have increased seat belt usage: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) all people throughout the Nation should talk to family and friends about the importance of wearing a safety belt;

(2) law enforcement agencies should be commended for their commitment to enforce safety belt usage laws;

(3) national and community agencies and organizations should be recognized and applauded for their work in promoting awareness about Buckle Up America Week;

(4) all legislative leaders should participate in Buckle Up America events; and

(5) drivers and passengers should insist their fellow automobile passengers wear their safety belt and that all children in the car are buckled up in the appropriate restraint for their age, height, and weight.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. PETRI and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PETRI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶53.13 JAMES L. WATSON UNITED STATES COURT OF INTERNATIONAL TRADE BUILDING

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 1018) to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. LATOURETTE and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LATOURETTE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶53.14 20TH ANNIVERSARY OF THE ORPHAN DRUG ACT

Mr. BILIRAKIS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 147); as amended:

Whereas Congress passed, and President Ronald Reagan signed into law on January 4, 1983, the Orphan Drug Act;

Whereas there are many diseases and conditions, such as Huntington's disease, myoclonus, ALS (Lou Gehrig's disease), Tourette syndrome, and muscular dystrophy, that affect such small numbers of individuals—populations under 200,000—residing in the United States that the diseases and conditions are considered rare;

Whereas there are 6,000 known rare diseases and conditions, affecting approximately 25,000,000 Americans;

Whereas these rare diseases and conditions are sometimes referred to as ''orphan'' diseases and conditions, and drugs (including biological products) to treat them are sometimes referred to as ''orphan drugs'';

Whereas, prior to 1983, because so few individuals were affected by any one orphan disease or condition, a pharmaceutical company that developed an orphan drug may have reasonably expected the drug to generate relatively small sales in comparison to the cost of developing the drug and, therefore, to incur a financial loss;

Whereas the object of the Orphan Drug Act was to stimulate the development of orphan drugs;

Whereas the Orphan Drug Act is one of the most successful Federal laws enacted in the last 20 years;

Whereas, prior to 1983, less than 40 therapies existed to treat orphan diseases and conditions as compared today to the more than 238 drugs, foods, and devices that now exist to treat an estimated 11,000,000 patients in the United States;

Whereas 85 percent of orphan drugs are being used to treat serious or life-threatening diseases, 31 percent treat rare forms of cancer, and approximately 50 percent are approved for pediatric uses;

Whereas the National Organization for Rare Disorders, established in 1983, is a federation of voluntary health organizations dedicated to helping people with orphan diseases and conditions and assisting the organizations that serve them; and

Whereas the National Organization for Rare Disorders is committed to the identification, treatment, and cure of orphan diseases and conditions through programs of education, advocacy, research, and service: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress celebrates the 20th anniversary of the Orphan Drug Act and the National Organization for Rare Disorders, and recognizes the great contributions the Orphan Drug Act has made to the rare disease community.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. BILIRAKIS and Mr. ALLEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BILIRAKIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶53.15 RECESS—2:32 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 32 minutes p.m., until approximately 6:30 p.m.

¶53.16 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. MILLER of Florida, called the House to order.

¶53.17 H. CON. RES. 166—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 166) expressing the sense of Congress in support of Buckle Up America Week.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 377 / Nays 2

¶53.18 [Roll No. 192]

YEAS—377

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

NAYS—2

Paul
Smith (MI)

NOT VOTING—55

Baker
Boswell
Burns
Burr
Case
Conyers
Deal (GA)
Delahunt
DeLay
Dicks
Dingell
Doyle
Ehlers
English
Everett
Fattah
Feeney
Fletcher
Gallegly
Gephardt
Graves
Gutierrez
Holden
Hyde
Jefferson
Jenkins
Kanjorski
Lipinski
Lynch
McCarthy (NY)
Miller (NC)
Miller, Gary
Mollohan
Nadler
Neal (MA)
Owens
Pelosi
Peterson (PA)
Rogers (KY)
Sessions
Shadegg
Sherwood
Shuster
Souder
Stark
Stupak
Tauzin
Taylor (NC)
Tiahrt
Toomey
Udall (CO)
Velazquez
Walsh
Waters
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶53.19 H.R. 1018—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1018) to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States International Trade Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 380 / Nays 0

¶53.20 [Roll No. 193]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart, L.

Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—54

Baker
Boswell
Burns
Burr
Case
Conyers
Deal (GA)
Delahunt
DeLay
Dicks
Dingell
Doyle
Ehlers
English
Everett
Fattah
Feeney
Fletcher
Gallegly
Gephardt
Graves
Gutierrez
Holden
Honda
Hyde
Jefferson
Jenkins
Kanjorski
Lipinski
Lynch
McCarthy (NY)
Miller (NC)
Miller, Gary
Mollohan
Nadler
Neal (MA)
Peterson (PA)
Rogers (KY)
Sessions
Shadegg
Sherwood
Shuster
Souder
Stark
Stupak
Tauzin
Taylor (NC)
Tiahrt
Toomey
Udall (CO)
Velazquez
Walsh
Waters
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶53.21 H. CON. RES. 147—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res 147) commemorating the 20th Anniversary of the Orphan Drug Act and the National Organization for Rare Disorders; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 386 / Nays 0

¶53.22 [Roll No. 194]

YEAS—386

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

NOT VOTING—48

Boswell
Burr
Case
Conyers
Deal (GA)
Delahunt
DeLay
Dicks
Dingell
Doyle
English
Everett
Fattah
Feeney
Fletcher
Gallegly
Gephardt
Graves
Gutierrez
Holden
Hyde

Jefferson	Nadler	Tauzin
Jenkins	Neal (MA)	Taylor (NC)
Kanjorski	Peterson (PA)	Tiahrt
Lipinski	Sessions	Toomey
Lynch	Shadegg	Udall (CO)
McCarthy (NY)	Shuster	Velazquez
Miller (NC)	Souder	Walsh
Miller, Gary	Stark	Waters
Mollohan	Stupak	Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution commemorating the 20th anniversary of the Orphan Drug Act and the National Organization for Rare Disorders.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶53.23 FURTHER MESSAGE FROM THE SENATE

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

H.R. 1298. An Act to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

¶53.24 COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore, Mr. MILLER of Florida, announced that the Speaker, pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 United States Code 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, fiscal year 2003 (22 United States Code 2651 note), the order of the House of January 8, 2003, and upon the recommendation of the Minority Leader, reappointed to the Commission on International Religious Freedom for a two-year term ending May 14, 2005: Ms. Felice Gaer of Paramus, New Jersey, to succeed herself.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶53.25 PROVIDING FOR THE CONSIDERATION OF H.R. 1904

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–109) the resolution (H. Res. 239) providing for consideration of the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest Systems lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶53.26 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 459. An act to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits; to the Committee on the Judiciary.

S. 535. An act to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty, to the Committee on House Administration.

¶53.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CASE, for today and before 4 p.m. on May 20;

To Mr. ENGLISH, for today;

To Mr. EVERETT, for today;

To Mr. JEFFERSON, for today;

To Mr. KANJORSKI, for today and before 12 noon on May 20;

To Mr. Gary G. MILLER of California, for today;

To Mr. STUPAK, for today;

To Mr. TAYLOR of North Carolina, for today;

To Mr. TIAHRT, for today;

To Mr. TOOMEY, for today; and

To Ms. WATERS, for today.

And then,

¶53.28 ADJOURNMENT

On motion of Ms. JACKSON-LEE of Texas, at 11 o'clock and 4 minutes p.m., the House adjourned.

¶53.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on May 16, 2003]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1904. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes (Rept. 108–96, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNTER. Committee on Armed Services. H.R. 1588. A bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes; with an amendment (Rept. 108–106). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 19, 2003]

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1257. A bill to amend title 38, United States Code, to make permanent the authority for qualifying members of the Selected Reserve to have access to home loans guaranteed by the Secretary of Veterans Affairs and to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for such home loans (Rept. 108–107). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1683. A bill to increase, effective as of December 1, 2003, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes (Rept. 108–108). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 239. Resolution providing for consideration of the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes (Rept. 108–109). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1529. A bill to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases (Rept. No. 108–110). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1954. A bill to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes; with an amendment (Rept. No. 108–111). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. S. 330. An act to further the protection and recognition of veterans' memorials, and for other purposes (Rept. No. 108–112, Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. Senate Joint Resolution 8. An act expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month (Rept. No. 108–113). Referred to the House Calendar.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1911. A bill to amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense (Rept. 108–115 Pt. 1). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1836. A bill to make changes to certain areas of the Federal civil service in order to improve the flexibility and competitiveness of Federal human resources management; with an amendment (Rept. 108–116 Pt. 1). Ordered to be printed.

¶53.30 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on May 16, 2003]

H.R. 21. Referral to the Committee on the Judiciary extended for a period ending not later than June 2, 2003.

[Submitted May 19, 2003]

H.R. 1836. Referral to the Committee on Armed Services extended for a period ending not later than May 20, 2003. Referral to the Committee on Science extended for a period ending not later than July 25, 2003.

H.R. 1837. Referral to the Committee on Armed Services extended for a period ending not later than May 20, 2003.

H.R. 1911. Referral to the Committee on Armed Services extended for a period ending not later than May 19, 2003.

S. 330. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than May 19, 2003.

¶53.31 REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on May 15, 2003 the following report was filed on May 16, 2003]

Mr. HYDE: Committee on International Relations. H.R. 1950. A bill to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; with an amendment; referred to the Committees on Armed Services, Energy and Commerce, and the Judiciary for a period ending not later than June 13, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1 of rule X (Rept. No. 108–105, Pt. I).

[Submitted May 19, 2003]

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1562. A bill to amend title 38, United States Code, to enhance the authority of the Department of Veterans Affairs to recover costs of medical care furnished to veterans and other persons by the Department from third parties that provide health insurance coverage to such veterans and other persons, with amendments; referred to the Committee on Ways and Means for a period ending not later than May 23, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X (Rept. No. 108–114, Pt. 1).

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1837. A bill to improve the Federal acquisition workforce and the process for the acquisition of services by the Federal Government, and for other purposes, with an amendment; referred to the Committee on Judiciary for a period ending not later than May 20, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. No. 108–117, Pt. 1).

¶53.32 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 1911 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. S. 330 referred to the Committee on the Whole House on the State of the Union.

¶53.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BACHUS (for himself, Mr. OXLEY, and Ms. HOOLEY of Oregon):

H.R. 2143. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself, Mr. MICA, Mr. OBERSTAR, and Mr. DEFAZIO):

H.R. 2144. A bill to amend title 49, United States Code, to make technical corrections and improvements relating to aviation security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 2145. A bill to condition the minimum-wage-exempt status of organized camps under the Fair Labor Standards Act of 1938 on compliance with certain safety standards, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2146. A bill to amend the National Labor Relations Act to ensure that certain orders of the National Labor Relations Board are enforced to protect the rights of employees; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2147. A bill to amend the Elementary and Secondary Education Act of 1965 to require States, in awarding subgrants under the State charter school grant program, to give priority to charter schools that will provide a racially integrated educational experience; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2148. A bill to amend title 23, United States Code, to require the allocation of surface transportation program funds for the purchase of recycled materials; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 2149. A bill to authorize the Secretary of Transportation to require the use of recycled materials in the construction of Federal-aid highway projects; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 2150. A bill to amend the Internal Revenue Code of 1986 to make the Hope and Lifetime Learning Credits refundable, and to allow taxpayers to obtain short-term student loans by using the future refund of such credits as collateral for the loans; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. SESSIONS, and Mr. GREEN of Texas):

H.R. 2151. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 2152. A bill to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; to the Committee on the Judiciary.

By Mr. GEPHARDT (for himself, Mr. MEEKS of New York, Mr. RANGEL, Mr. MARKEY, Mr. SHERMAN, Mr. SANDERS, Mr. BROWN of Ohio, Mr. UDALL of Colorado, Mr. FROST, Mr. WAXMAN, Mr. FILNER, Mrs. MALONEY, Mr. HOEFFEL, Mr. ISRAEL, Mr. SCOTT of Virginia, Mr. STUPAK, Ms. DELAURO, and Mr. KENNEDY of Rhode Island):

H.R. 2153. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Government Reform, and in addition to the Committees on Ways and Means, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA:

H.R. 2154. A bill to amend the Immigration and Nationality Act to prevent an employer from placing a nonimmigrant who is an intracompany transferee with another employer; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois (for himself, Mr. BONILLA, Mr. BILIRAKIS, and Mr. CAPUANO):

H. Res. 240. A resolution expressing the sense of the House of Representatives that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes; to the Committee on Government Reform.

By Mr. MEEK of Florida (for himself, Ms. JACKSON-LEE of Texas, Mr. PAYNE, and Mr. DEUTSCH):

H. Res. 241. A resolution expressing the sense of the House of Representatives that there should be established a ''Haitian-American Heritage Month''; to the Committee on Government Reform.

¶53.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. MORAN of Kansas, Mr. BROWN of South Carolina, Mr. FEENEY, and Mr. EMANUEL.

H.R. 23: Mr. WELDON of Florida.

H.R. 49: Mr. GIBBONS.

H.R. 102: Mr. HINCHEY, Mr. WAXMAN, and Mr. WEXLER.

H.R. 133: Mr. THORNBERRY.

H.R. 151: Mr. BLUMENAUER.

H.R. 167: Mr. PORTER and Mr. ANDREWS.

H.R. 173: Mr. OLVER.

H.R. 199: Mr. DAVIS of Alabama.

H.R. 218: Mrs. MILLER of Michigan and Ms. PRYCE of Ohio.

H.R. 288: Mr. MILLER of North Carolina.

H.R. 296: Mr. ACEVEDO-VILA and Ms. SLAUGHTER.

H.R. 303: Ms. ROYBAL-ALLARD and Mr. DINGELL.

H.R. 401: Mr. SMITH of New Jersey and Mrs. JO ANN DAVIS of Virginia.

H.R. 466: Mr. GILCHREST and Mr. BOYD.

H.R. 527: Mr. ISRAEL, Mr. COLE, Mr. ROSS, and Mrs. JONES of Ohio.

H.R. 528: Mr. RYAN of Wisconsin.

H.R. 568: Mr. CANTOR.

H.R. 594: Mrs. JO ANN DAVIS of Virginia and Ms. VELAZQUEZ.

H.R. 627: Ms. ROYBAL-ALLARD.

H.R. 643: Ms. CARSON of Indiana.

H.R. 713: Ms. JACKSON-LEE of Texas.

H.R. 717: Mr. VAN HOLLEN, Mr. EMANUEL, and Mr. FATTAH.

H.R. 721: Mr. PRICE of North Carolina.
H.R. 731: Mr. BALLANCE and Mrs. MALONEY.
H.R. 785: Mr. UPTON, Mr. DEMINT, Mr. BLUMENAUER, and Mr. WU.
H.R. 786: Mr. GARRETT of New Jersey.
H.R. 816: Mrs. TAUSCHER and Mr. LARSON of Connecticut.
H.R. 817: Mr. GRIJALVA, Mr. BALLENGER, Mr. DOYLE, Mr. ROSS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. VAN HOLLEN.
H.R. 832: Mr. MEEKS of New York and Mr. LANGEVIN.
H.R. 833: Mr. THOMPSON of Mississippi.
H.R. 857: Mr. DOYLE and Mr. HAYWORTH.
H.R. 872: Mr. BOOZMAN and Mr. TERRY.
H.R. 876: Mr. MCINTYRE, Mr. TANNER, Mr. SHAW, Mr. SIMPSON, Mr. PENCE, and Mr. MENENDEZ.
H.R. 898: Ms. WATSON, Mr. DAVIS of Alabama, Mr. BERMAN, Mr. HUNTER, and Ms. JACKSON-LEE of Texas.
H.R. 919: Mr. ISAKSON, Mr. NETHERCUTT, Mr. SKELTON, Mr. BOYD, Mr. DAVIS of Alabama, Mr. MARSHALL, Mr. CLYBURN, Mr. LANTOS, Mrs. TAUSCHER, Ms. HARMAN, Ms. ESHOO, Mr. CARDOZA, and Mr. PAYNE.
H.R. 953: Mr. ALEXANDER.
H.R. 965: Mr. MCDERMOTT.
H.R. 980: Mr. SHAW.
H.R. 997: Mr. RAMSTAD and Mr. TIBERI.
H.R. 1068: Mr. VAN HOLLEN, Mr. GALLEGLY, Mr. CALVERT, and Mr. HASTINGS of Washington.
H.R. 1115: Mr. BAKER and Mr. FEENEY.
H.R. 1117: Mr. EHLERS, Mr. FRANKS of Arizona, and Mr. SESSIONS.
H.R. 1155: Mr. SHIMKUS, Mr. MORAN of Virginia, Mr. QUINN, Mr. BAIRD, Mr. ISRAEL, Mr. FATTAH, Mr. SWEENEY, Mr. KIRK, and Mr. GARRETT of New Jersey.
H.R. 1157: Mrs. MCCARTHY of New York, Mr. MATSUI, Mr. PAYNE, and Mr. WATT.
H.R. 1168: Mr. BERMAN.
H.R. 1170: Mr. GOODLATTE.
H.R. 1179: Mr. BOSWELL and Mr. GRAVES.
H.R. 1191: Mr. FARR.
H.R. 1209: Mr. HOLT, Ms. MCCOLLUM, and Mr. SCOTT of Virginia.
H.R. 1245: Ms. LINDA T. SANCHEZ of California.
H.R. 1259: Mr. GIBBONS, Ms. GINNY BROWN-WAITE of Florida, Mr. CHABOT, Mr. PEARCE, Mrs. MYRICK, and Mr. TERRY.
H.R. 1260: Mr. TERRY and Mr. BOUCHER.
H.R. 1294: Ms. LINDA T. SANCHEZ of California.
H.R. 1348: Mr. OWENS.
H.R. 1377: Mr. GREEN of Texas, Ms. ESHOO, Mr. BONILLA, Mr. DOGGETT, Mr. SANDLIN, Mr. NETHERCUTT, Ms. NORTON, Mr. SERRANO, Mr. TURNER of Texas, Mr. SCHIFF, Mr. SHAW, Mr. SAXTON, Ms. VELAZQUEZ, and Mrs. NORTHUP.
H.R. 1385: Mr. KIRK, Mr. MURPHY, Mr. FILNER, Mr. PLATTS, Mr. OWENS, Mr. NEAL of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Ms. KILPATRICK, Mr. BELL, Mr. LANTOS, Mr. RUPPERSBERGER, and Mr. DAVIS of Alabama.
H.R. 1418: Mr. PLATTS, Mr. MARSHALL, and Mr. OWENS.
H.R. 1421: Mr. KILDEE, Mr. FROST, Mr. NEY, and Mr. SOUDER.
H.R. 1472: Mr. WAMP, Mr. MENENDEZ, and Mr. ENGLISH.
H.R. 1499: Mr. FROST.
H.R. 1519: Mr. CALVERT.
H.R. 1532: Mr. SHAYS, Mr. LEACH, Mr. HOEFFEL, Mrs. JONES of Ohio, Mr. TERRY, and Mr. MENENDEZ.
H.R. 1536: Mr. SANDLIN.
H.R. 1643: Mr. HOLT, Mr. EMANUEL, and Mr. ROSS.
H.R. 1652: Mr. ALLEN, Mr. HOEFFEL, Mr. ABERCROMBIE, Mr. MARKEY, Mr. MOORE, Mr. HOLT, Mr. MORAN of Virginia, Mr. SCOTT of Georgia, Ms. WATSON, Mr. WEINER, Mr. HASTINGS of Florida, Mr. LANGEVIN, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Ms. WATERS, Mr. INSLEE, Mr. BECERRA, Mr. REYES, Mr. WEXLER, Mr. LYNCH, and Mr. NADLER.
H.R. 1676: Ms. LOFGREN.
H.R. 1683: Mr. LEWIS of California, and Mrs. JO ANN DAVIS of Virginia.
H.R. 1685: Mr. OWENS.
H.R. 1687: Mr. JONES of North Carolina.
H.R. 1708: Ms. DEGETTE, Mr. BAKER, Mr. SCOTT of Georgia, and Mr. SPRATT.
H.R. 1709: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ABERCROMBIE, and Mr. HINCHEY.
H.R. 1749: Mr. TERRY, Mrs. NORTHUP, Ms. LEE, and Mr. GRIJALVA.
H.R. 1769: Mr. PRICE of North Carolina, Mr. BURR, Mr. TAYLOR of North Carolina, Mr. OWENS, Ms. DELAURO, and Mr. CAPUANO.
H.R. 1771: Mr. ISAKSON.
H.R. 1775: Mr. SAXTON.
H.R. 1778: Mr. GOODE and Mr. PAUL.
H.R. 1787: Mr. ROGERS of Kentucky and Mr. BROWN of South Carolina.
H.R. 1812: Mr. ENGEL, Mr. ACKERMAN, Mr. BERMAN, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. HOLT, Mr. FILNER, Ms. HARMAN, Mr. OWENS, Ms. LOFGREN, and Mrs. KELLY.
H.R. 1814: Mr. KUCINICH, Mr. GREEN of Texas, Mr. OWENS, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, and Ms. SCHAKOWSKY.
H.R. 1868: Mr. DOYLE.
H.R. 1894: Ms. CARSON of Indiana, Ms. SCHAKOWSKY, and Mr. GUTIERREZ.
H.R. 1901: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1913: Mr. PAUL.
H.R. 1935: Mr. KUCINICH.
H.R. 1944: Mr. GOODE.
H.R. 1954: Mr. LEWIS of California and Mr. GREEN of Texas.
H.R. 1981: Mr. SCOTT of Georgia and Mr. FATTAH.
H.R. 1999: Ms. LEE, Ms. WATERS, Mr. WAXMAN, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, and Ms. ESHOO.
H.R. 2009: Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mrs. DAVIS of California, Mr. MARKEY, Mr. WEXLER, Ms. LEE, and Mr. MCINNIS.
H.R. 2028: Mr. RAMSTAD, Mr. SHAW, Mr. CRENSHAW, and Mr. ISAKSON.
H.R. 2032: Ms. NORTON, Mr. FORD, Mr. HOLT, Mr. LANGEVIN, and Mr. LANTOS.
H.R. 2038: Mr. MEEKS of New York, Mrs. CAPPS, Mr. DEUTSCH, Mr. KUCINICH, and Mr. GEORGE MILLER of California.
H.R. 2050: Mr. SHERMAN.
H.R. 2095: Mr. WEXLER.
H.R. 2101: Mr. CARDIN, Mr. RANGEL, Mr. CONYERS, Mr. MATSUI, Mr. POMEROY, and Mr. ANDREWS.
H.R. 2108: Ms. KAPTUR and Mr. STRICKLAND.
H.R. 2119: Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Mr. BURR, Mr. COBLE, Mr. MCINTYRE, Mr. HAYES, Mrs. MYRICK, Mr. BALLENGER, **Mr.** TAYLOR of North Carolina, Mr. WATT, and Mr. MILLER of North Carolina.
H.R. 2120: Mr. HINOJOSA.
H.R. 2122: Mr. BURR and Mr. HALL.
H.J. Res. 4: Mr. FROST, Mr. FEENEY, Mr. LAMPSON, and Mr. OSBORNE.
H. Con. Res. 78: Mr. BALLANCE and Mr. LEWIS of Georgia.
H. Con. Res. 93: Mr. DUNCAN, Mr. DEAL of Georgia, Mr. SCHIFF, Mr. CALVERT, and Mr. CUNNINGHAM.
H. Con. Res. 116: Mr. HERGER and Mr. PEARCE.
H. Con. Res. 155: Mr. MCNULTY and Ms. MCCARTHY of Missouri.
H. Con. Res. 164: Mr. TERRY.
H. Res. 38: Mr. HOLT.
H. Res. 136: Mrs. DAVIS of California and Mr. DOOLITTLE.
H. Res. 167: Mr. CONYERS, Mr. BLUMENAUER, MR. MCNULTY, Mr. WOLF, and Ms. NORTON.
H. Res. 198: Mr. PITTS.
H. Res. 233: Mr. WELDON of Florida, Mr. BACHUS, Mr. WILSON of South Carolina, Mr. BURGESS, Mr. LIPINSKI, Mr. FORBES, Mr. AKIN, Mr. GARRETT of New Jersey, and Ms. HART.
H. Res. 234: Mr. MCDERMOTT, Mr. MORAN of Virgina, Mr. KILDEE, and Ms. JACKSON-LEE of Texas.
H. Res. 237: Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Mr. RUSH, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Ms. CARSON of Indiana, Mrs. JONES of Ohio, and Mrs. CHRISTENSEN.

TUESDAY, MAY 20, 2003 (54)

¶54.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
May 20, 2003.

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

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

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶54.2 RECESS—9:42 A.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 42 minutes a.m., until 10 a.m.

¶54.3 AFTER RECESS—10 A.M.

The SPEAKER called the House to order.

¶54.4 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, May 19, 2003.

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

¶54.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2284. A letter from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Exceptions to Geographic Areas for Official Agencies Under the USGSA [Docket No. FGIS 2003–003] (RIN: 0580–AA76) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2285. A letter from the Director, Regulatory Review and Foreign Investment Disclosure Group, Department of Agriculture, transmitting the Department's final rule—Acreage Reporting and Common Provisions (RIN: 0560–AG79) received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2286. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Minimal Risk Tolerance Exemptions [OPP–2003–0126; FRL–7302–6] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2287. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the

Agency's final rule—Indoxacarb; Pesticide Tolerances for Emergency Exemptions [OPP–2003–0151; FRL–7305–2] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2288. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerances [OPP–2003–0109; FRL–7305–9] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2289. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyraflufen-ethyl; Pesticide Tolerance [OPP–2003–0163; FRL–7306–1] Receive May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2290. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, ''Federally Funded Research and Development Center's Estimated FY 2004 Staff-years of Technical Effort,'' pursuant to Public Law 107—248, section 8029(e); to the Committee on Armed Services.

2291. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin [WI114–01–7344a, FRL–7484–2] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2292. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstrations [DC052–7007, MD143–3102, VA129–5065; FRL–7484–6] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2293. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Louisiana: Revision to the Ozone Maintenance Plans for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans Consolidated Metropolitan Statistical Area [LA–56–1–7491a; FRL–7485–6] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2294. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans and Designation of Areas for Air Quality Planning Purposes; California—Coachella Valley [CA–274–0372; FRL–7473–4] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2295. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California—South Coast [CA–274–0371; FRL–7473–3] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2296. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval of Operating Permits Program Revisions; District of Columbia [DC–T5–2003–01a; FRL–7483–6] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2297. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–7482–3] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2298. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan and California State Implementation Plan, Maricopa Country Environmental Services Department and Bay Area Air Quality Management District [CA 241–0392; FRL–7471–4] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2299. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstrations; Correction [DC052–7007, MD143–3102, VA129–5065; FRL–7499–9] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2300. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Billings/Laurel Sulfur Dioxide State Implementation Plan [MT–001–0010; MT–001–0028; FRL–7489–5] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2301. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Revisions to Tennessee State Implementation Plan: Transportation Conformity Rule [TN–248–2003217(a); FRL–7498–6] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2302. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Continuous Emission Monitoring Program [SIP No. UT–001–0052a; FRL–7483–4] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2303. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Aspen [CO–001–0070a; FRL–7489–4] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2304. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to the Visible Emissions Regulation Within the North Carolina State Implementation Plan [NC 97–200319b; FRL–7498–1] Receive May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2305. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to Federal Operating Permits Program Fee Payment Deadlines for California Agricultural Sources [FRL–7497–4] received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2306. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DDTC 013–03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2307. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada and the United Kingdom [Transmittal No. DDTC 015–03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2308. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Norway [Transmittal No. DDTC 019–03], pursuant to 22 U.S.C. 2776(d) and 22 U.S.C. 2776(c); to the Committee on International Relations.

2309. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DDTC 020–03], pursuant to 22 U.S.C. 2776(d) and 22 U.S.C. 2776(c); to the Committee on International Relations.

2310. A letter from the Acting Associate Attorney General, Department of Justice, transmitting the annual report of activities under the Freedom of Information Act for 2002, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

2311. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Native American Graves Protection and Repatriation Act Regulations—Civil Penalties (RIN: 1024–AC84) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2312. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Personal Watercraft Use at Lake Mead National Recreation Area (RIN: 1024–AC91) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2313. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's Community Relations Service FY 2002 Annual Report; to the Committee on the Judiciary.

2314. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Oil Pollution Prevention and Response; Non-Transportation-Related Onshore and Offshore Facilities [FRN–7484–7] (RIN: 2050–AC62) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2315. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Mental Health Parity (RIN: 1210–AA62) received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2316. A letter from the Acting Assistant Administrator for Human Resources, National Aeronautics and Space Administration, transmitting the Administration's final rule—Amending the NASA Regulations Governing the NASA Astronaut Candidate Recruitment and Selection Program (RIN: 2700–

AC56) received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2317. A letter from the Under Secretary, Department of Defense, transmitting notification to transfer funds appropriated to the Defense Working Capital Fund, pursuant to Public Law 107—248; jointly to the Committees on Armed Services and Appropriations.

2318. A letter from the Assistant Secretary of State for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003–20 entitled, ''Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization''; jointly to the Committees on International Relations and Appropriations.

2319. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''First Interim Report on the Informatics for Diabetes Education and Telemedicine (IDEATel) Demonstration,'' pursuant to 42 U.S.C. 1395a note. Public Law 105—33 section 4507(b) (111 Stat. 441); jointly to the Committees on Ways and Means and Energy and Commerce.

¶54.6 MESSAGE FROM THE SENATE

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

S. Con. Res. 44. A concurrent Resolution recognizing the contributions of Asian Pacific Americans to our Nation.

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the First Session of the One Hundred Eighth Congress, to be held in Prague, Czech Republic, May 23–26, 2003: the Senator from South Carolina [Mr. HOLLINGS]; and the Senator from Connecticut [Mr. DODD].

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the First Session of the One Hundred Eighth Congress, to be held in Prague, Czech Republic, May 23–26, 2003: the Senator from Alabama [Mr. SESSIONS]; the Senator from Ohio [Mr. VOINOVICH]; and the Senator from Texas [Mr. CORNYN].

¶54.7 VETERANS' MEMORIAL PRESERVATION AND RECOGNITION

Mr. SENSENBRENNER moved to suspend the rules and pass the bill of the Senate (S. 330) to further the protection and recognition of veterans' memorials, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. SENSENBRENNER and Mr. SCOTT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶54.8 CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. SENSENBRENNER moved to suspend the rules and agree to the following resolution (H. Res. 180):

Whereas the operation of correctional facilities represents a crucial component of the criminal justice system of the United States;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care;

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives; and

Whereas S. Res. 24 of the 108th Congress, as agreed to on March 12, 2003, designates the week beginning May 4, 2003, as ''National Correctional Officers and Employees Week'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''National Correctional Officers and Employees Week''; and

(2) honors all correctional officers and employees for their service to their communities, States, and the Nation.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. SENSENBRENNER and Mr. SCOTT, each for 20 minutes.D10

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶54.9 RUN AWAY, HOMELESS, AND MISSING CHILDREN PROTECTION

Mr. GINGREY moved to suspend the rules and pass the bill (H.R. 1925) to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GINGREY and Mr. HINOJOSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GINGREY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶54.10 UNIVERSITY OF MINNESOTA GOLDEN GOPHERS

Mr. KLINE moved to suspend the rules and agree to the following resolution (H. Res. 217):

Whereas on Saturday, April 12, 2003, the defending NCAA Division I Men's Ice Hockey champions, the University of Minnesota Golden Gophers, won the National Championship for the second straight year;

Whereas the University of Minnesota defeated the University of New Hampshire in the championship game by the score of 5–1, having defeated the University of Michigan 3–2 in overtime in the semifinals;

Whereas the Golden Gophers reached the 56th Annual Frozen Four by defeating Mercyhurst College 9–2 and Ferris State University 7–4;

Whereas the University of Minnesota received an automatic bid to the 2003 NCAA Division I Men's Ice Hockey National Championship Tournament by defeating Colorado College 4–2 in the Western Collegiate Hockey Association Tournament championship game;

Whereas the Golden Gophers became the first repeat NCAA Men's Ice Hockey champions in 31 years;

Whereas the University of Minnesota won their fifth NCAA Men's Ice Hockey title;

Whereas the team displayed academic excellence by maintaining an average grade point average above the university-wide average; and

Whereas all the team's players showed dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Minnesota Golden Gophers for winning the 2003 NCAA Division I Men's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the team's accomplishment, and invite them to the White House for a ceremony in their honor; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Minnesota for appropriate display, and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I Men's Ice Hockey Championship team.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. KLINE and Mr. HINOJOSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of

the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶54.11 SHARING RESOURCES BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE

Mr. BOOZMAN moved to suspend the rules and pass the bill (H.R. 1911) to amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. BOOZMAN and Mr. EVANS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BOOZMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, May 21, 2003.

¶54.12 VETERANS' COMPENSATION

Mr. BOOZMAN moved to suspend the rules and pass the bill (H.R. 1683) to increase, effective as of December 1, 2003, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. BOOZMAN and Mr. EVANS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BOOZMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, May 21, 2003.

¶54.13 HOME LOAN EQUITY

Mr. BOOZMAN moved to suspend the rules and pass the bill (H.R. 1257) to amend title 38, United States Code, to make permanent the authority for qualifying members of the Selected Reserve to have access to home loans guaranteed by the Secretary of Veterans Affairs and to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for such home loans.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. BOOZMAN and Mr. EVANS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BOOZMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, May 21, 2003.

¶54.14 PROVIDING FOR THE CONSIDERATION OF H.R. 1904

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 239):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risks lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes. The bill shall be considered as read for amendment. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative George Miller of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

Mr. HASTINGS of Florida objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 234 / Nays ..... 179 }

¶54.15 [Roll No. 195]

YEAS—234

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

Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—179

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

NOT VOTING—21

Abercrombie
Ackerman
Bell
Bishop (GA)
Boswell
Brady (PA)
Brown (OH)
Burns
Case
Combest
Conyers
Cox
Davis (TN)
Doyle
Istook
Miller, Gary
Moran (VA)
Nadler
Northup
Spratt
Stupak

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶54.16 S. 330—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 330) to further the protection and recognition of veterans' memorials, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 419 / Nays ..... 0 }

¶54.17 [Roll No. 196]

YEAS—419

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

NOT VOTING—15

Abercrombie
Ackerman
Bell
Boswell
Brady (PA)
Case
Combest
Conyers
Doyle
Gephardt
Istook
Miller, Gary
Moran (VA)
Nadler
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶54.18 H.R. 1925—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1925) to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 14

¶54.19 [Roll No. 197]

YEAS—404

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

NAYS—14

Akin
Bartlett (MD)
Blackburn
Coble
Flake
Franks (AZ)
Hart
Hostettler
Manzullo
Miller (FL)
Musgrave
Paul
Pence
Smith (MI)

NOT VOTING—16

Abercrombie
Ackerman
Boswell
Brady (PA)
Case
Combest
Conyers
Doyle
Ford
Gephardt
Istook
Larson (CT)
Miller, Gary
Moran (VA)
Nadler
Stupak

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶54.20 HEALTHY FORESTS RESTORATION

Mr. GOODLATTE, pursuant to House Resolution 239, called up the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest Systems lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 239, the following amendment printed in part A of House Report 108-109 was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Healthy Forests Restoration Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

Sec. 101. Definitions.
Sec. 102. Authorized hazardous fuels reduction projects.
Sec. 103. Prioritization for communities and watersheds.
Sec. 104. Environmental analysis.
Sec. 105. Special Forest Service administrative review process.
Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.
Sec. 107. Injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.
Sec. 108. Rules of construction.

TITLE II—BIOMASS

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and petroleum-based product substitutes.
Sec. 204. Reporting requirement.

TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purpose.
Sec. 302. Establishment of watershed forestry assistance program.

TITLE IV—INSECT INFESTATIONS

Sec. 401. Definitions, findings, and purpose.
Sec. 402. Accelerated information gathering regarding bark beetles, including Southern pine beetles, hemlock woolly adelgid, emerald ash borers, red oak borers, and white oak borers.
Sec. 403. Applied silvicultural assessments.
Sec. 404. Relation to other laws.
Sec. 405. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

Sec. 501. Establishment of healthy forests reserve program.
Sec. 502. Eligibility and enrollment of lands in program.
Sec. 503. Conservation plans.
Sec. 504. Financial assistance.
Sec. 505. Technical assistance.
Sec. 506. Safe harbor.
Sec. 507. Authorization of appropriations.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

SEC. 2. PURPOSE.

The purpose of this Act is—

(1) to reduce the risks of damage to communities, municipal water supplies, and some at-risk Federal lands from catastrophic wildfires;

(2) to authorize grant programs to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes and other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic information gathering to address the impact of insect infestations on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance degraded forest ecosystem types in order to promote the recovery of threatened and endangered species as well as improve biological diversity and enhance carbon sequestration.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

SEC. 101. DEFINITIONS.

In this title:

(1) AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECT.—The term ''authorized hazardous fuels reduction project'' means a hazardous fuels reduction project described in subsection (a) of section 102, subject to the remainder of such section, that is planned and conducted using the process authorized by section 104.

(2) CONDITION CLASS 2.—The term ''condition class 2'', with respect to an area of Federal lands, refers to the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled ''Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management'' (RMRS–87), dated April 2000, under which—

(A) fire regimes on the lands have been moderately altered from their historical range;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have departed (either increased or decreased) from historical frequencies by one or more return interval, which results in moderate changes to fire size, frequency, intensity, severity, or landscape patterns; and

(D) vegetation attributes have been moderately altered from their historical range.

(3) CONDITION CLASS 3.—The term ''condition class 3'', with respect to an area of Federal lands, refers to the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (2), under which—

(A) fire regimes on the lands have been significantly altered from their historical range

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, which results in dramatic changes to fire size, frequency, intensity, severity, or landscape patterns; and

(D) vegetation attributes have been significantly altered from their historical range.

(4) DAY.—The term ''day'' means a calendar day, except that, if a deadline imposed by this title would expire on a nonbusiness day, the deadline will be extended to the end of the next business day.

(5) DECISION DOCUMENT.—The term ''decision document'' means a decision notice or a record of decision, as those terms are used in applicable regulations of the Council on Environmental Quality and the Forest Service Handbook.

(6) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

(7) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' refers to the measures and methods described in the definition of ''appropriate tools'' contained in the glossary of the Implementation Plan.

(8) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(9) INTERFACE COMMUNITY AND INTERMIX COMMUNITY.—The terms ''interface community'' and ''intermix community'' have the meanings given those terms on page 753 of volume 66 of the Federal Register, as published on January 4, 2001.

(10) MUNICIPAL WATER SUPPLY SYSTEM.—The term ''municipal water supply system'' means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other surface facilities and systems constructed or installed for the impoundment, storage, transportation, or distribution of drinking water for a community.

(11) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the Secretary of Agriculture with respect to National Forest System lands and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management. Any reference in this title to the ''Secretary concerned'', the ''Secretary of Agriculture'', or the ''Secretary of the Interior'' includes the designee of the Secretary concerned.

(12) THREATENED AND ENDANGERED SPECIES HABITAT.—The term ''threatened and endangered species habitat'' means Federal lands identified in the listing decision or critical habitat designation as habitat for a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) AUTHORIZED PROJECTS.—Subject to the remainder of this section, the Secretary concerned may utilize the process authorized by section 104 to plan and conduct hazardous fuels reduction projects on any of the following Federal lands:

(1) Federal lands located in an interface community or intermix community.

(2) Federal lands located in such proximity to an interface community or intermix community that there is a significant risk that the spread of a fire disturbance event from those lands would threaten human life and property in the interface community or intermix community.

(3) Condition class 3 or condition class 2 Federal lands located in such proximity to a municipal water supply system, or to a perennial stream feeding a municipal water supply system, that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply, including the risk to water quality posed by erosion following such a fire disturbance event.

(4) Condition class 3 or condition class 2 Federal lands identified by the Secretary concerned as an area where windthrow or blowdown, or the existence or threat of disease or insect infestation, pose a significant threat to forest or rangeland health or adjacent private lands.

(5) Federal lands not covered by paragraph (1), (2), (3), or (4) that contain threatened and endangered species habitat, but only if—

(A) natural fire regimes on such lands are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or its habitat in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or in a decision document under such section determining a species to be an endangered species or a threatened species or designating critical habitat;

(B) the project will provide enhanced protection from catastrophic wildfire for the species or its habitat; and

(C) the Secretary complies with any applicable guidelines specified in the species recovery plan prepared under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) RELATION TO AGENCY PLANS.—An authorized hazardous fuels reduction project shall be planned and conducted in a manner consistent with the land and resource management plan or land use plan applicable to the Federal lands covered by the project.

(c) ACREAGE LIMITATION.—Not more than a total of 20,000,000 acres of Federal lands may be included in authorized hazardous fuels reduction projects.

(d) EXCLUSION OF CERTAIN FEDERAL LANDS.—The Secretary concerned may not plan or conduct an authorized hazardous fuels reduction project that would occur on any of the following Federal lands:

(1) A component of the National Wilderness Preservation System.

(2) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is prohibited or restricted.

(3) Wilderness Study Areas.

SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATERSHEDS.

As provided for in the Implementation Plan, the Secretary concerned shall give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds.

SEC. 104. ENVIRONMENTAL ANALYSIS.

(a) IN GENERAL.—Except as otherwise provided in this title, the Secretary concerned shall plan and conduct authorized hazardous fuels reduction projects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) and any other applicable laws. The Secretary concerned shall prepare an environmental assessment or an environmental impact statement for each authorized hazardous fuels reduction project.

(b) DISCRETIONARY AUTHORITY TO ELIMINATE ALTERNATIVES.—In the case of an authorized hazardous fuels reduction project, the Secretary concerned is not required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared for the proposed agency action pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(c) PUBLIC NOTICE AND MEETING.—

(1) PUBLIC NOTICE.—The Secretary concerned shall provide notice of each authorized hazardous fuels reduction project in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC MEETING.—During the planning stage of each authorized hazardous fuels reduction project, the Secretary concerned shall conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal lands in which the authorized hazardous fuels reduction project will be conducted. The Secretary concerned shall provide advance notice of the date and time of the meeting.

(d) PUBLIC COLLABORATION.—In order to encourage meaningful public participation in the identification and development of authorized hazardous fuels reduction projects, the Secretary concerned shall facilitate collaboration among governments and interested persons during the formulation of each authorized fuels reduction project in a manner consistent with the Implementation Plan.

(e) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines in effect on the date of the enactment of this Act,

the Secretary concerned shall provide an opportunity for public input during the preparation of any environmental assessment or environmental impact statement for proposed agency action for an authorized hazardous fuels reduction project.

(f) DECISION DOCUMENT.—The Secretary concerned shall sign a decision document for each authorized hazardous fuels reduction project and provide notice of the decision document.

(g) PROJECT MONITORING.—As provided for in the Implementation Plan, the Secretary concerned shall monitor the implementation of authorized hazardous fuels reduction projects.

SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE REVIEW PROCESS.

(a) DEVELOPMENT OF ADMINISTRATIVE PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue final regulations to establish an administrative process that will serve as the sole means by which a person described in subsection (b) can seek administrative redress regarding an authorized hazardous fuels reduction project.

(b) ELIGIBLE PERSONS.—To be eligible to participate in the administrative process developed pursuant to subsection (a) regarding an authorized hazardous fuels reduction project, a person must have submitted specific and substantive written comments during the preparation stage of that authorized hazardous fuels reduction project. The Secretary of Agriculture shall ensure that, during the preparation stage of each authorized hazardous fuels reduction project, notice and comment is provided in a manner sufficient to permit interested persons a reasonable opportunity to satisfy the requirements of this subsection.

(c) RELATION TO APPEALS REFORM ACT.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), does not apply to an authorized hazardous fuels reduction project.

SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL REVIEW OF AUTHORIZED HAZARDOUS FUELS REDUCTION PROJECTS.

(a) FILING DEADLINE.—

(1) TIME LIMIT ESTABLISHED FOR FILING.—Notwithstanding any other provision of law, to be timely, an action in a court of the United States challenging an authorized hazardous fuels reduction project shall be filed in the court before the end of the 15-day period beginning on the date on which the Secretary concerned publishes, in the local paper of record, notice of the final agency action regarding the authorized hazardous fuels reduction project. This time limitation supersedes any notice of intent to file suit requirement or filing deadline otherwise applicable to a challenge under any provision of law.

(2) WAIVER PROHIBITED.—The Secretary concerned may not agree to, and a district court may not grant, a waiver of the requirements of this subsection.

(b) DURATION OF PRELIMINARY INJUNCTION.—

(1) DURATION; EXTENSION.—Any preliminary injunction granted regarding an authorized hazardous fuels reduction project shall be limited to 45 days. A court may renew the preliminary injunction, taking into consideration the goal expressed in subsection (c) for the expeditious resolution of cases regarding authorized hazardous fuels reduction projects.

(2) SUBMISSION OF INFORMATION.—As part of a request to renew a preliminary injunction granted regarding an authorized hazardous fuels reduction project, the parties shall present the court with an update on any changes that may have occurred during the period of the injunction to the forest or rangeland conditions that the authorized hazardous fuels reduction project is intended to address.

(3) CONGRESSIONAL NOTIFICATION.—In the event of the renewal of a preliminary injunction regarding an authorized hazardous fuels reduction project, the Secretary concerned shall submit notice of the renewal to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—Congress intends and encourages any court in which is filed a lawsuit or appeal of a lawsuit concerning an authorized hazardous fuels reduction project to expedite, to the maximum extent practicable, the proceedings in such lawsuit or appeal with the goal of rendering a final determination on jurisdiction, and if jurisdiction exists, a final determination on the merits, within 100 days from the date the complaint or appeal is filed.

SEC. 107. INJUNCTIVE RELIEF FOR AGENCY ACTION TO RESTORE FIRE-ADAPTED FOREST OR RANGELAND ECOSYSTEMS.

(a) COVERED PROJECTS.—This section applies with respect to a motion for an injunction in an action brought against the Secretary concerned under section 703 of title 5, United States Code, that involves an agency action on Federal lands, including an authorized hazardous fuels reduction project, that is necessary to restore a fire-adapted forest or rangeland system.

(b) INJUNCTIVE RELIEF.—When considering a motion described in subsection (a), in determining whether there would be harm to the defendant from the injunction and whether the injunction would be in the public interest, the court reviewing the agency action shall—

(1) balance the impact to the ecosystem of the short-term and long-term effects of undertaking the agency action agains the short-term and long-term effects of not undertaking the agency action; and

(2) give weight to a finding by the Secretary concerned in the administrative record of the agency action concerning the short-term and long-term effects of undertaking the agency action and of not undertaking the agency action, unless the court finds that the finding was arbitrary and capricious.

SEC. 108. RULES OF CONSTRUCTION.

(a) RELATION TO OTHER AUTHORITY.—Nothing in this title shall be construed to affect, or otherwise bias, the use by the Secretary concerned of other statutory or administrative authorities to plan or conduct a hazardous fuels reduction project on Federal lands, including Federal lands identified in section 102(e), that is not planned or conducted using the process authorized by section 104.

(b) RELATION TO LEGAL ACTION.—Nothing in this title shall be construed to prejudice or otherwise affect the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule, part 294 of title 36, Code of Federal Regulations, as amended in the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

TITLE II—BIOMASS

SEC. 201. FINDINGS.

Congress finds the following:

(1) Thousands of communities in the United States, many located near Federal lands, are at risk to wildfire. Approximately 190,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future. The accumulation of heavy forest and rangeland fuel loads continues to increase as a result of disease, insect infestations, and drought, further raising the risk of fire each year.

(2) In addition, more than 70,000,000 acres across all land ownerships are at risk to higher than normal mortality over the next 15 years from insect infestation and disease. High levels of tree mortality from insects and disease result in increased fire risk, loss of old growth, degraded watershed conditions, and changes in species diversity and productivity, as well as diminished fish and wildlife habitat and decreased timber values.

(3) Preventive treatments such as removing fuel loading, ladder fuels, and hazard trees, planting proper species mix and restoring and protecting early successional habitat, and other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health by creating a mosaic of species-mix and age distribution. Such prevention treatments are widely acknowledged to be more successful and cost effective than suppression treatments in the case of insects, disease, and fire.

(4) The by-products of preventive treatment (wood, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangelands represent an abundant supply of biomass for biomass-to-energy facilities and raw material for business. There are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities.

(5) The United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through preventive treatment activities related to hazardous fuels reduction, disease, and insect infestation; and

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities.

SEC. 202. DEFINITIONS.

In this title:

(1) BIOMASS.—The term ''biomass'' means trees and woody plants, including limbs, tops, needles, and other woody parts, and by-products of preventive treatment, such as wood, brush, thinnings, chips, and slash, that are removed—

(A) to reduce hazardous fuels; or

(B) to reduce the risk of or to contain disease or insect infestation.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) PERSON.—The term ''person'' includes—

(A) an individual;

(B) a community (as determined by the Secretary concerned);

(C) an Indian tribe;

(D) a small business, micro-business, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(4) PREFERRED COMMUNITY.—The term ''preferred community'' means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary concerned) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of

catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation; or

(B) any county that—

(i) is not contained within a metropolitan statistical area; and

(ii) the Secretary concerned, in the sole discretion of the Secretary concerned, determines contains or is located near land, the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation or which suffers from disease or insect infestation.

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture with respect to National Forest System lands; and

(B) the Secretary of the Interior with respect to Federal lands under the jurisdiction of the Secretary of the Interior and Indian lands.

SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.

(a) BIOMASS COMMERCIAL USE GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, or substitutes for petroleum-based products to offset the costs incurred to purchase biomass for use by such facility.

(2) GRANT AMOUNTS.—A grant under this subsection may not exceed $20 per green ton of biomass delivered.

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary concerned may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass. Upon notice by a representative of the Secretary concerned, the grant recipient shall afford the representative reasonable access to the facility that purchases or uses biomass and an opportunity to examine the inventory and records of the facility.

(b) VALUE ADDED GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary concerned may make grants to persons to offset the cost of projects to add value to biomass. In making such grants, the Secretary concerned shall give preference to persons in preferred communities.

(2) SELECTION.—The Secretary concerned shall select a grant recipient under paragraph (1) after giving consideration to the anticipated public benefits of the project, opportunities for the creation or expansion of small businesses and micro-businesses, and the potential for new job creation.

(3) GRANT AMOUNT.—A grant under this subsection may not exceed $100,000.

(c) RELATION TO OTHER ENDANGERED SPECIES AND RIPARIAN PROTECTIONS.—The Secretary concerned shall comply with applicable endangered species and riparian protections in making grants under this section. Projects funded using grant proceeds shall be required to comply with such protections.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for each of the fiscal years 2004 through 2008 to carry out this section.

SEC. 204. REPORTING REQUIREMENT.

(a) REPORT REQUIRED.—Not later than October 1, 2010, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

(b) CONTENTS OF REPORT.—The report shall include the following:

(1) An identification of the size, type, and the use of biomass by persons that receive grants under section 203.

(2) The distance between the land from which the biomass was removed and the facility that used the biomass.

(3) The economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations.

TITLE III—WATERSHED FORESTRY ASSISTANCE

SEC. 301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) There has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management.

(2) It is commonly recognized that the proper stewardship of forest lands is essential to sustaining and restoring the health of watersheds.

(3) Forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes its restoration worthy of special focus.

(4) Strengthened education, technical assistance, and financial assistance to nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) PURPOSE.—The purpose of this title is to—

(1) improve landowner and public understanding of the connection between forest management and watershed health;

(2) encourage landowners to maintain tree cover on their property and to utilize tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) enhance and complement forest management and buffer utilization for watersheds, with an emphasis on urban watersheds;

(4) establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, as well as conserves and improves forested lands and potentially forested lands through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) maximize the proper management and conservation of wetland forests and to assist in their restoration as necessary.

SEC. 302. ESTABLISHMENT OF WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 the following new section:

"SEC. 6. WATERSHED FORESTRY ASSISTANCE.

''(a) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Forest Service, may provide technical, financial, and related assistance to State foresters and equivalent State officials for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested lands and potentially forested lands.

''(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

''(1) IN GENERAL.—The Secretary, in cooperation with State foresters or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality, as described in paragraph (2).

''(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

''(A) to build and strengthen watershed partnerships that focus on forested landscapes at the local, State, and regional levels;

''(B) to provide State forestry best-management practices and water quality technical assistance directly to nonindustrial private forest landowners;

''(C) to provide technical guidance to land managers and policy makers for water quality protection through forest management;

''(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

''(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

''(3) IMPLEMENTATION.—The program of technical assistance shall be implemented by State foresters or equivalent State officials.

''(c) WATERSHED FORESTRY COST-SHARE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program to be administered by the Forest Service and implemented by State foresters or equivalent State officials. Funds or other support provided under such program shall be made available for State forestry best-management practices programs and watershed forestry projects.

''(2) WATERSHED FORESTRY PROJECTS.—The State forester or equivalent State official of a State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) for that State, shall annually make awards to communities, nonprofit groups, and nonindustrial private forest landowners under the program for watershed forestry projects described in paragraph (3).

''(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

''(A) the use of trees as solutions to water quality problems in urban and rural areas;

''(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

''(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

''(D) watershed-scale forest management activities and conservation planning; and

''(E) the restoration of wetland (as defined by the States) and stream-side forests and the establishment of riparian vegetative buffers.

''(4) COST-SHARING.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project. Other Federal funding sources may be used to cover a portion of the remaining project costs, but the total Federal share of the costs may not exceed 90 percent. The non-Federal share of the costs of a project may be in the form of cash, services, or other in-kind contributions.

''(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State shall prioritize watersheds in that

State to target watershed forestry projects funded under this subsection.

''(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State best-management practice forester to lead statewide programs and coordinate small watershed-level projects.

''(d) DISTRIBUTION.—

''(1) IN GENERAL.—The Secretary shall devote at least 75 percent of the funds appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (e) to the cost-share program under subsection (c) and the remainder to the task of delivering technical assistance, education, and planning on the ground through the State Forester or equivalent State official.

''(2) SPECIAL CONSIDERATIONS.—Distribution of these funds by the Secretary among the States shall be made only after giving appropriate consideration to—

''(A) the acres of nonindustrial private forestland and highly erodible land in each State;

''(B) each State's efforts to conserve forests;

''(C) the acres of forests in each State that have been lost or degraded or where forests can play a role in restoring watersheds; and

''(D) the number of nonindustrial private forest landowners in each State.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of the fiscal years 2004 through 2008.''.

TITLE IV—INSECT INFESTATIONS

SEC. 401. DEFINITIONS, FINDINGS, AND PURPOSE.

(a) DEFINITIONS.—In this title:

(1) APPLIED SILVICULTURAL ASSESSMENT.—The term ''applied silvicultural assessment'' means any vegetative or other treatment, for the purposes described in section 402, including timber harvest, thinning, prescribed burning, and pruning, as single treatment or any combination of these treatments.

(2) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System lands; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

(4) 1890 INSTITUTIONS.—The term ''1890 Institution'' means a college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

(b) FINDINGS.—Congress finds the following:

(1) High levels of tree mortality due to insect infestation result in—

(A) increased fire risk;

(B) loss of old growth;

(C) loss of threatened and endangered species;

(D) loss of species diversity;

(E) degraded watershed conditions;

(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values.

(2) Bark beetles destroy hundreds of thousands of acres of trees each year. In the West, over 21,000,000 acres are at high risk of bark beetle infestation and in the South over 57,000,000 acres are at risk across all land ownerships. Severe drought conditions in many areas of the South and West will increase risk of bark beetle infestations.

(3) The hemlock woolly adelgid is destroying streamside forests throughout the mid-Atlantic and Appalachian region, threatening water quality and sensitive aquatic species, and posing a potential threat to valuable commercial timber lands in Northern New England.

(4) The emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests as a emerald ash borer infestation is almost always fatal to the affected trees. This pest threatens to destroy over 692,000,000 ash trees in forests in Michigan and Ohio alone, and between five and ten percent of urban street trees in the Upper Midwest.

(5) Epidemic populations of Southern pine beetle are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. In 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in beetle populations.

(6) These epidemic outbreaks of Southern pine beetle have forced private landowners to harvest dead and dying trees, in both rural areas and increasingly urbanized settings.

(7) According to the Forest Service, recent outbreaks of the red oak borer in Arkansas have been unprecedented, with almost 800,000 acres infested at population levels never seen before.

(8) Much of the damage from the red oak borer has taken place in National forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources.

(9) Previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application, and there has not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments.

(10) Only through the rigorous funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests.

(11) Funding and implementation of an initiative to combat forest pest infestations should not come at the expense of supporting other programs and initiatives of the Secretary concerned.

(c) PURPOSE.—It is the purpose of this title—

(1) to require the Secretary concerned to develop an accelerated basic and applied assessment program to combat infestations by bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

(2) to enlist the assistance of universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to carry out the program; and

(3) to carry out applied silvicultural assessments.

SEC. 402. ACCELERATED INFORMATION GATHERING REGARDING BARK BEETLES, INCLUDING SOUTHERN PINE BEETLES, HEMLOCK WOOLLY ADELGIDS, EMERALD ASH BORERS, RED OAK BORERS, AND WHITE OAK BORERS.

(a) INFORMATION GATHERING.—The Secretary concerned shall establish, acting through the Forest Service and United States Geological Survey, as appropriate, an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers, including an evaluation of—

(A) infestation prevention and control methods;

(B) effects of infestations on forest ecosystems;

(C) restoration of the forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers on Federal lands and State and private lands; and

(3) to disseminate the results of such information gathering, treatments, and strategies.

(b) COOPERATION AND ASSISTANCE.—The Secretary concerned shall establish and carry out the program in cooperation with scientists from universities and forestry schools, State agencies, and private and industrial land owners. The Secretary concerned shall designate universities and forestry schools, including Land Grant Colleges and Universities and 1890 Institutions, to assist in carrying out the program.

SEC. 403. APPLIED SILVICULTURAL ASSESSMENTS.

(a) ASSESSMENT EFFORTS.—For information gathering purposes, the Secretary concerned may conduct applied silvicultural assessments on Federal lands that the Secretary concerned determines, in the discretion of the Secretary concerned, is at risk of infestation by, or is infested with, bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers. Any applied silvicultural assessments carried out under this section shall be conducted on not more than 1,000 acres per assessment.

(b) LIMITATIONS.—

(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) Federal lands where, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or

(C) congressionally designated wilderness study areas.

(2) CERTAIN TREATMENT PROHIBITED.—Subsection (a) does not authorize the application of insecticides in municipal watersheds and associated riparian areas.

(3) ACREAGE LIMITATION.—Applied silvicultural assessments may be implemented on not more than 250,000 acres using the authorities provided by this title.

(4) PEER REVIEW.—Each applied silvicultural assessment under this title, prior to being carried out, shall be peer reviewed by scientific experts selected by the Secretary concerned, which shall include non-Federal experts. The Secretary concerned may use existing peer review processes to the extent they comply with the preceding sentence.

(c) PUBLIC NOTICE AND COMMENT.—

(1) PUBLIC NOTICE.—The Secretary concerned shall provide notice of each applied silvicultural assessment proposed to be carried out under this section in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC COMMENT.—During the planning stage of each applied silvicultural assessment proposed to be carried out under this section, the Secretary concerned shall provide an opportunity for public input.

(d) CATEGORICAL EXCLUSION.—Applied silvicultural assessments carried out under this section are deemed to be categorically excluded from further analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment.

SEC. 404. RELATION TO OTHER LAWS.

The authorities provided to the Secretary concerned by this title are supplemental to their respective authorities provided in any other law.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal years 2004 through 2008 such sums as may be necessary to carry out this title.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program as a program within the Forest Service for the purpose of protecting, restoring, and enhancing degraded forest ecosystems to promote the recovery of threatened and endangered species as well as improve biodiversity and enhance carbon sequestration.

(b) COOPERATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in cooperation with the Secretary of the Interior, acting through the United States Fish and Wildlife Service.

SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.

(a) ELIGIBLE LANDS.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall designate rare forest ecosystems to be eligible for the healthy forests reserve program. The following lands are eligible for enrollment in the healthy forests reserve program:

(1) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of recovery of an endangered species or threatened species in the wild.

(2) Private lands whose enrollment will protect, restore, enhance, or otherwise measurably increase the likelihood of the recovery of an animal or plant species before the species reaches threatened or endangered status, such as candidate, State-listed species, rare, peripheral, and special concern species.

(b) OTHER CONSIDERATIONS.—In enrolling lands that satisfy the criteria in paragraph (1) or (2) of subsection (a), the Secretary of Agriculture shall give additional consideration to those lands whose enrollment will also improve biological diversity and increase carbon sequestration.

(c) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll lands in the healthy forests reserve program only with the consent of the owner of the lands.

(d) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 1,000,000 acres.

(e) METHODS OF ENROLLMENT.—Lands may be enrolled in the healthy forests reserve program pursuant to a 10-year cost-share agreement, a 30-year easement, or a permanent easement with buyback option. The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(f) ENROLLMENT PRIORITY.—The Secretary of Agriculture shall give priority to the enrollment of lands that, in the sole discretion of the Secretary, will provide the best opportunity to resolve conflicts between the presence of an animal or plant species referred to in paragraph (1) or (2) of subsection (a) and otherwise lawful land use activities.

SEC. 503. CONSERVATION PLANS.

(a) PLAN REQUIRED.—Lands enrolled in the healthy forests reserve program shall be subject to a conservation plan, to be developed jointly by the land owner and the United States Fish and Wildlife Service. The conservation plan shall include a description of the land-use activities that are permissible on the enrolled lands.

(b) INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.—A State fish and wildlife agency, State forestry agency, State environmental quality agency, and other State conservation agencies and nonprofit conservation organizations may assist in providing technical or financial assistance, or both, for the development and implementation of conservation plans.

(c) COST EFFECTIVENESS.—The conservation plan shall maximize the environmental benefits per dollar expended.

SEC. 504. FINANCIAL ASSISTANCE.

(a) PERMANENT EASEMENT WITH BUYBACK OPTION.—

(1) PAYMENT AMOUNT.—In the case of land enrolled in the healthy forests reserve program using a permanent easement with a buyback option, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(A) the fair market value of the enrolled land less the fair market value of the land encumbered by the easement; plus

(B) the actual costs of the approved conservation practices or the average cost of approved practices, as established by the Secretary.

(2) BUYBACK OPTION.—Beginning on the 50th anniversary of the enrollment of the land, and every 10th-year thereafter, the owner shall be able to purchase the easement back from the United States at a rate equal to the fair market value of the easement plus the costs, adjusted for inflation, of the approved conservation practices.

(b) 30-YEAR EASEMENT.—In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(1) 75 percent of the fair market value of the land less the fair market value of the land encumbered by the easement; plus

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices, as established by the Secretary.

(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to—

(1) 75 percent of the actual costs of the approved conservation practices; or

(2) 75 percent of the average cost of approved practices, as established by the Secretary.

(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

SEC. 505. TECHNICAL ASSISTANCE.

The Forest Service and the United States Fish and Wildlife Service shall provide landowners with technical assistance to comply with the terms of agreements and easements under the healthy forests reserve program and conservation plans.

SEC. 506. SAFE HARBOR.

In implementing the healthy forests reserve program, the Secretary of the Interior shall provide safe harbor or similar assurances, through section 7 or other authorities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), consistent with the implementing regulations of the United States Fish and Wildlife Service, to landowners who enroll land in the healthy forests reserve program when such enrollment will result in a net conservation benefit for listed species.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2004 through 2008 to carry out this title.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. FOREST STANDS INVENTORY AND MONITORING PROGRAM TO IMPROVE DETECTION OF AND RESPONSE TO ENVIRONMENTAL THREATS.

(a) IN GENERAL.—The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—

(1) in units of the National Forest System (other than those units created from the public domain); and

(2) on private forest land, with the consent of the owner of the land.

(b) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);

(2) loss or degradation of forests;

(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

(4) quantification of carbon uptake rates; and

(5) management practices that focus on preventing further forest degradation.

(c) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

(1) isolate and treat a threat before the threat gets out of control; and

(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2004 through 2008.

The Speaker pro tempore, Mr. PETRI, pursuant to House Resolution 239, recognized Messrs. GOODLATTE and STENHOLM for 15 minutes each; Messrs. POMBO and RAHALL for 10 minutes each; and Mr. GOODLATTE and Ms. BALDWIN for 5 minutes each.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 239, Mr. George MILLER of California submitted the following further amendment in the nature of substitute as printed in part B of House Report 108-109:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Hazardous Fuels Reduction Act of 2003''.

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

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Hazardous fuels reduction projects authorized.
Sec. 4. Collaboration and public input process.
Sec. 5. Expedited planning and implementation process.
Sec. 6. Development of definitions of old and large trees.
Sec. 7. Ongoing projects and existing authorities.
Sec. 8. Preference to communities with fire prevention ordinances.
Sec. 9. Sunset.
Sec. 10. Authorization of appropriations.

SEC. 2. DEFINITIONS.

(a) LAND TYPE AND FIRE REGIME DEFINITIONS FROM FOREST SERVICE ROCKY MOUNTAIN RESEARCH STATION.—In this Act:

(1) CONDITION CLASS 2.—The term ''condition class 2'' refers to lands on which—

(A) fire regimes have been moderately altered from their historical fire return intervals;

(B) there exists a moderate risk of losing key ecosystem components; and

(C) vegetation attributes have been moderately altered from their historical range.

(2) CONDITION CLASS 3.—The term ''condition class 3'' refers to lands on which—

(A) fire regimes have been significantly altered from their historical fire return intervals; and

(B) there exists a high risk of losing key ecosystem components.

(3) FIRE REGIME I.—The term ''fire regime I'' refers to lands—

(A) on which historically there are low severity fires with a frequency of 0–35 years; and

(B) are located primarily in low elevation forests of pine, oak, and pinyon-juniper.

(4) FIRE REGIME II.—The term ''fire regime II'' refers to lands—

(A) on which historically there are stand replacement severity fires with a frequency of 0–35 years; and

(B) are located primarily in low- to mid-elevation forests, rangelands, grasslands, or shrublands.

(5) FIRE REGIME III.—The term ''fire regime III'' refers to lands—

(A) on which historically there are mixed severity fires with a frequency of 35–100 years; and

(B) are located primarily in forests of mixed conifer, dry Douglas Fir, and wet Ponderosa pine.

(b) OTHER DEFINITIONS.—In this Act:

(1) ADMINISTRATIVE UNIT.—The term ''administrative unit'', with respect to Federal lands, means a unit of the National Forest System or a land management district of the Bureau of Land Management

(2) AT-RISK COMMUNITY.—The term ''at-risk community'' means a geographic area designated by the Secretary concerned as any area—

(A) defined as an interface community on page 753 of volume 66 of the Federal Register, as published on January 4, 2001, or consisting of a collection of homes or other structures with basic infrastructure and services, such as utilities, collectively maintained transportation routes, and emergency services;

(B) on which conditions are conducive to large-scale fire disturbance events; and

(C) for which a significant risk exists of a resulting spread of the fire disturbance event, after ignition, which would threaten human life and property.

(3) BEST VALUE CONTRACTING.—The term ''best value contracting'' means the contracting process described in section 15.101 of title 48, Code of Federal Regulations, which allows the inclusion of non-cost factors in the contract process.

(4) COMPREHENSIVE STRATEGY.—The term ''Comprehensive Strategy'' means the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).

(5) FEDERAL LANDS.—Except as provided in subsection (c), the term ''Federal lands'' means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior acting through the Bureau of Land Management.

(6) GOODS FOR SERVICE CONTRACTING.—The term ''goods for service contracting'' means the contracting process described in section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note).

(7) HAZARDOUS FUELS REDUCTION PROJECT.—The term ''hazardous fuels reduction project'' means a project—

(A) undertaken for the purpose of reducing the amount of hazardous fuels resulting from alteration of a natural fire regime as a result of fire suppression or other activities; and

(B) accomplished through the use of prescribed burning or mechanical treatment, or combination thereof.

(8) INVENTORIED ROADLESS AREA.—The term ''inventoried roadless area'' means one of the areas identified in the set of inventoried roadless areas maps contained in the Forest Service Roadless Areas Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000.

(9) LOCAL PREFERENCE CONTRACTING.—The term ''local preference contracting'' means the contracting process described in section 333 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (division F of Public Law 108–7; 117 Stat. 277), that gives preference to local businesses.

(10) MUNICIPAL WATER SUPPLY SYSTEM.—The term ''municipal water supply'' means reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other surface facilities and systems constructed or installed for the impoundment, storage, transportation, or distribution of drinking water for a community.

(11) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture (or the designee of the Secretary) with respect to National Forest System lands; and

(B) the Secretary of the Interior (or the designee of the Secretary) with respect to public lands administered by the Secretary through the Bureau of Land Management.

(c) EXCLUDED FEDERAL LANDS.—This Act, including the expedited process described in section 5, does not apply to any Federal lands—

(1) included as a component of the National Wilderness Preservation System;

(2) where logging is prohibited or restricted by Act of Congress, presidential proclamation, or agency determination;

(3) included in a wilderness study area; or

(4) included in an inventoried roadless area.

SEC. 3. HAZARDOUS FUELS REDUCTION PROJECTS AUTHORIZED.

(a) CONSISTENCY WITH IMPLEMENTATION PLAN.—The processes authorized or required by this Act shall be consistent with the implementation plan for the Comprehensive Strategy to reduce hazardous fuels on Federal lands.

(b) PRIORITY HAZARDOUS FUELS REDUCTION PROJECTS.—

(1) PROJECTS ON CERTAIN LANDS.—In implementing hazardous fuels reduction projects under this Act, the Secretary concerned shall give priority to projects on the following Federal lands and other lands:

(A) Lands that are located within one-half mile of an at-risk community where fire regime I, fire regime II, or fire regime III exists and that are in condition class 2 or condition class 3.

(B) Lands where fire regime I, fire regime II, or fire regime III exists that are in condition class 3, or condition class 2 if the lands are intermingled with condition class 3 lands, and that are located in such proximity to a municipal water supply system that a hazardous fuels reduction project should be carried out in order to reduce the risk of harm to such system or the quality of a municipal water supply resulting from an unusually severe wildfire.

(2) LIMITATION ON OTHER PROJECTS PENDING COMPLETION OF PRIORITY PROJECTS.—With respect to projects on Federal lands in a State, the Secretary concerned shall complete all projects on Federal lands identified in paragraph (1) in that State before carrying out projects in areas outside of those Federal lands in that State.

(c) COMPLIANCE WITH LAND MANAGEMENT PLANS.—A hazardous fuels reduction project planned and conducted under this Act must be consistent with the land and resource management plan, land use plan, and other agency plans and regulations applicable to the Federal lands covered by the project.

(d) PROJECT CONTRACTING.—To conduct a hazardous fuels reduction project under this Act, the Secretary concerned shall use local preference contracting and best value contracting. Payments under a contract entered into to implement a project under this Act shall only be made on a fee-for-service basis. The Secretary concerned shall not use goods-for-service contracting to implement a project under this Act.

(e) OLD GROWTH AND OTHER LIMITATIONS.—In conducting a hazardous fuels reduction project under this Act, the Secretary concerned—

(1) shall not construct new permanent or temporary roads;

(2) shall maintain all old and large trees and the structure, function, and composition of late-successional forest stands appropriate for each ecosystem type, until the process required by section 6 is complete and Congress formally adopts or rejects the recommendations by Act of Congress;

(3) shall focus on thinning from below when using mechanical treatment.

(f) ACREAGE LIMITATION.—Not more than 20,000,000 acres of Federal land may be treated using the authorities provided by this Act.

(g) FUNDING PRIORITY.—Of funds expended for hazardous fuels reduction projects under this Act, at least 85 percent shall be expended on projects on lands described in subparagraphs (A) and (B) of subsection (b)(1). Upon forming cooperative agreements with the appropriate parties, the Secretary concerned may use these funds for treatment of non-Federal lands.

(h) MONITORING.—

(1) MONITORING REQUIRED.—The Secretary concerned shall establish a balanced multiparty monitoring process in order for Congress to assess a representative sampling of the hazardous fuels reduction projects implemented under this Act.

(2) REPORT REQUIRED.—Not later than one year after the expiration of this Act, as provided in section 9, the Secretary concerned shall submit to Congress a report containing, at a minimum, the following:

(A) An assessment of the cumulative accomplishments or adverse impacts of the fuels reduction projects conducted under this Act.

(B) A description of the ecological effects of the projects conducted under this Act.

(C) A description of the economic viability, impacts, and costs of the projects conducted under this Act.

SEC. 4. COLLABORATION AND PUBLIC INPUT PROCESS.

(a) PROCESS REQUIRED.—

(1) DEVELOPMENT.—As a condition on the selection of hazardous fuels reduction projects under section 3, the Secretary of Agriculture and the Secretary of the Interior shall jointly develop a collaborative process with interested parties, consistent with the implementation plan for the Comprehensive Strategy. The collaborative process developed by the Secretaries may be the process set forth in title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note).

(2) REQUIRED MAPS AND PUBLIC MEETINGS.—As part of the process developed under subsection (a), the Secretaries shall—

(A) produce maps, at the appropriate landscape scale, designating the condition class of Federal lands and other lands and including a fire risk assessment based on natural and human-caused factors, including insect and disease mortality, associated with those lands;

(B) make such maps readily available for public inspection; and

(C) hold a public meeting by administrative unit to discuss condition class and associated fire risk factors and to identify priority areas for the hazardous fuels reduction projects.

(b) PUBLIC NOTICE.—

(1) QUARTERLY NOTICE.—The Secretary concerned shall provide quarterly notice of each hazardous fuels reduction project proposed to be conducted using the expedited process described in section 5. The quarterly notice shall be provided in the Federal Register, in a local paper of record, and on an agency website. The Secretary concerned may combine this quarterly notice with other quarterly notices otherwise issued regarding Federal land management.

(2) CONTENT.—The notice required by paragraph (1) shall include, at a minimum, the following information regarding each hazardous fuels reduction project contained in the notice:

(A) Specific identification that the project is a hazardous fuels reduction project for which the expedited process described in section 5 will be used, including a clear statement whether the agency intends to use a categorical exclusion or to prepare an environmental assessment or environmental impact statement.

(B) A description of the project, including as much information on its geographic location as practicable.

(C) The approximate date on which scoping for the project will begin.

(D) Information regarding how interested members of the public can take part in the development of the project pursuant to the expedited process described in section 5.

(c) PUBLIC MEETING.—Following publication of each quarterly notice under subsection (b), but before the beginning of scoping for the project pursuant to the expedited process described in section 5, the Secretary concerned shall conduct a public meeting at an appropriate location in each administrative unit of the Federal lands regarding those hazardous fuels reduction projects contained in the quarterly notice that are proposed to be conducted in that administrative unit. The Secretary concerned shall provide advance notice of the date and time of the meeting in the quarterly notice or using the same means described in subsection (b)(1).

(d) FINAL AGENCY ACTION.—The Secretary concerned shall provide notice in the local paper of record and on an agency website of any final agency action regarding a hazardous fuels reduction project for which the expedited process described in section 5 are used.

(e) PUBLIC PETITIONS FOR INCLUSION OR EXCLUSION OF LANDS.—

(1) RIGHT TO PETITION.—An entity referred to in paragraph (4) may submit to the Secretary concerned a petition, with supporting evidence, that requests the inclusion or exclusion of an area of Federal lands in subsection (a) with regard to condition class.

(2) EVALUATION.—The Secretary concerned shall respond to a petition under paragraph (1) by public notice of a public viewing of the area in question, within 90 days of receipt the petition, with the petitioner and any other interested parties.

(3) RESPONSE.—The Secretary concerned shall accept or deny the petition within 180 days of its receipt, based on the site evaluation under paragraph (2) and a specific review of the historical conditions, forest type, and present fuel loads of the Federal lands covered by the petition.

(4) AUTHORIZED PETITIONERS.—A petition under paragraph (1) may be submitted by any of the following:

(A) A political subdivision of a State.

(B) A federally formed resource advisory council or provincial advisory committee.

(C) A resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note).

SEC. 5. EXPEDITED PLANNING AND IMPLEMENTATION PROCESS.

(a) SCOPING.—The Secretary concerned shall conduct scoping with respect to each hazardous fuels reduction project for which the expedited process established by this section are to be used.

(b) CATEGORICAL EXCLUSIONS.—

(1) PRESUMPTION NEAR COMMUNITIES.—If a hazardous fuels reduction project covered by section 3, for which the collaborative and public input process required by section 4 is used, covers Federal lands located within one-half mile of an at-risk community, the project is deemed to be categorically excluded from further analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment. However, within one-half mile of an at-risk community, the Secretary concerned shall vary the treatments used to achieve heterogeneity of forest conditions and to ensure forest health.

(2) EXTRAORDINARY CIRCUMSTANCES EXCEPTION.—Paragraph (1) shall not apply to Federal lands located within one-half mile of an at-risk community if extraordinary circumstances exist with respect to the lands.

(3) EXTRAORDINARY CIRCUMSTANCES.—In the case of a hazardous fuels reduction project for which a categorical exclusion applies under paragraph (1), if extraordinary circumstances exist with respect to the project, the Secretary concerned shall follow agency procedures (as contained in CEQ regulation 1508.4, Forest Service Handbook 1909.15, chapters 30–33, as of August 22, 2002, and Bureau of Land Management Handbook H–1790–1, 516 DM 2.1–2.10) related to categorical exclusions and extraordinary circumstances.

(4) APPEALS.—Hazardous fuels reduction projects implemented using a categorical exclusion under paragraph (1) are not subject to appeal requirements imposed by section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), or the Department of the Interior Office of Hearings and Appeals.

(c) ENVIRONMENTAL ASSESSMENTS.—

(1) IN GENERAL.—With respect to priority lands identified in section 3(b), if a categorical exclusion does not apply under subsection (b) to a hazardous fuels reduction project under section 3 for the lands, the Secretary concerned shall determine, consistent with the National Environmental Policy Act of 1969, whether an environmental assessment will be sufficient to meet the requirements for the project under such Act.

(2) CONTENT.—An environmental assessment prepared for a hazardous fuels reduction project under section 3 shall—

(A) be concise, if possible not more than 10–15 pages;

(B) describe sufficient information and analyses for determining whether to prepare an environmental impact statement or a finding of no significant impact;

(C) state the need for the proposed action;

(D) describe alternative actions, as required by section 102(2)(E) of the National Environmental Policy Act of 1969;

(E) briefly describe the environmental impacts of the proposed action and alternatives;

(F) list the agencies and persons consulted, as required by section 1508.9 of title 40, Code of Federal Regulations, with respect to National Forest System lands;

(G) reference supporting data, inventories and other documents on which the Secretary concerned relied to make the decision; and

(H) involve interested agencies and the public in the preparation of the environmental assessment.

(3) AVAILABILITY OF DECISION DOCUMENT.—When the decision document is complete for a hazardous fuels reduction project under section 3 for which an environmental assessment or categorical exclusion memo is prepared, the Secretary concerned shall—

(A) provide notice of the decision document in the Federal Register, the local paper of record, and an agency website, including notice stating how the documentation listed in subparagraph (B) will be available; and

(B) make the environmental analysis document, administrative record, and decision document or memo for the project, pursuant to section 215.2 of title 36, Code of Federal Regulations, readily available for public review.

(4) APPEALS.—Notwithstanding the appeal requirements imposed by section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), or the Department of the Interior Office of Hearings and Appeals—

(A) persons must file any administrative appeal of a project under this subsection within 30 days after the date of issuance of the decision document for the project;

(B) the Secretary concerned shall resolve any appeal not later than 20 days after the closing date for filing an appeal; and

(C) the Secretary concerned shall stay implementation of the project until the end of the 15-day period beginning on date on which the Secretary concerned resolves any administrative appeal that complies with the requirements in subsection (d).

(d) ADDITIONAL LIMITATION ON ADMINISTRATIVE APPEALS.—Notwithstanding section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), if a draft document prepared pursuant to the National Environmental Policy Act of 1969 for a hazardous fuels reduction project covered by section 3 was available for public comment, the Secretary of Agriculture may require that a person filing an administrative appeal with respect to the project must have been involved in the public comment process for the project by submitting written comments

raising specific issues with regard to the project.

(e) STATEMENT OF COMPLIANCE.—A catagorical exclusion memo or environmental assessment decision document prepared under this section shall include a short statement as to how the hazardous fuels reduction project complies with the requirement of section 3(c).

SEC. 6. DEVELOPMENT OF DEFINITIONS OF OLD AND LARGE TREES.

(a) USE OF NATIONAL ACADEMY OF SCIENCES.—The Secretary of Agriculture and the Secretary of the Interior shall jointly enter into a contract with the National Academy of Sciences for the preparation of recommended definitions of old and large trees appropriate for each ecosystem type to be used for purposes of this Act.

(b) QUALIFICATIONS.—To be eligible to serve on the panel of the National Academy of Sciences used to prepare the recommended definitions of old and large trees, a member of the panel shall have scientific expertise in the characteristics of old growth and the seral stages of forest types.

(c) SUBMISSION OF RECOMMENDED DEFINITIONS.—Not later than one year after the date of the enactment of this Act, the National Academy of Sciences shall submit to the Secretary of Agriculture, the Secretary of the Interior, and Congress the recommended definitions of old and large trees appropriate for each ecosystem type.

SEC. 7. ONGOING PROJECTS AND EXISTING AUTHORITIES.

Nothing in this Act shall affect a hazardous fuels reduction projects for which scoping has begun before the date of the enactment of this Act or affect authorities otherwise granted to the Secretary concerned under existing law.

SEC. 8. PREFERENCE TO COMMUNITIES WITH FIRE PREVENTION ORDINANCES.

In determining the allocation of funding for the Community and Private Land Fire Assistance program under section 10A(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C 2106c(b)), the Secretary of Agriculture shall prioritize funding to those communities that have taken proactive steps through the enactment of ordinances and other means to encourage property owners to reduce fire risk on private property.

SEC. 9. SUNSET.

The provisions of this Act shall expire at the end of the five-year period beginning on the date of the enactment of this Act, except that a hazardous fuels reduction project for which a decision notice, or memo in the case of a categorical exclusion, has been issued before the end of such period may continue to be implemented using the provisions of this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL FOREST SYSTEM LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on National Forest System Lands, there are authorized to be appropriated to the Secretary of Agriculture $1,943,100,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

(b) BLM LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on Federal lands described in section 2(b)(2)(B), there are authorized to be appropriated to the Secretary of the Interior $1,888,000,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

(c) OTHER LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on tribal lands, nonindustrial private lands, and State lands, there are authorized to be appropriated to the Secretary of the Interior $500,000,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

After debate,

Pursuant to House Resolution 239, the previous question was ordered on the bill, as amended, and on the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. LATHAM, announced that the nays had it.

Mr. George MILLER of California demanded a recorded vote on the further amendment in the nature of a substitute, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 184 / Nays 239

¶54.21 [Roll No. 198]

YEAS—184

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

NAYS—239

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

NOT VOTING—11

Boswell
Brady (PA)
Case
Conyers
Davis (TN)
Davis, Tom
Gephardt
Larson (CT)
Manzullo
Miller, Gary
Stupak

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. UDALL of New Mexico moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike Sections 106 and 107.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LATHAM, announced that the nays had it.

Mr. UDALL of New Mexico demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 176 / Nays 250

¶54.22 [Roll No. 199]

AYES—176

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

NOES—250

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

NOT VOTING—8

Boswell
Brady (PA)
Conyers
Delahunt
Gephardt
Miller, Gary
Nussle
Stupak

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

Mr. GOODLATTE demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 256 / Nays 170

¶54.23 [Roll No. 200]

AYES—256

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—170

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Tauscher
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Bilirakis
Boswell
Brady (PA)
Conyers
Delahunt
Gephardt
Miller, Gary
Stupak

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶54.24 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. GOODLATTE, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

¶54.25 MESSAGE FROM THE PRESIDENT

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

¶54.26 ORDER OF BUSINESS—AMENDMENTS OF THE SENATE TO H.R. 1298

On motion of Mr. HASTINGS of Washington, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order to consider a motion to take the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; from the Speaker's table with the amendments of the Senate thereto, and to concur in the amendments of the Senate; that the motion be debatable for 60 minutes, equally divided between Mr. Hyde and Mr. Lantos, or their designees; that the amendments of the Senate be considered as read; and that the previous question be considered as ordered on the motion to final adoption without intervening motion.

¶54.27 MESSAGE FROM THE PRESIDENT—SUB-SAHARAN AFRICA TRADE AND INVESTMENT POLICY

The SPEAKER pro tempore, Mr. LATHAM, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with title I of the Trade and Development Act of 2000, I am providing a report prepared by my Administration entitled "2003 Comprehensive Report on U.S. Trade and Investment Policy for Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act."

GEORGE W. BUSH.
THE WHITE HOUSE, *May 19, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 108-74).

¶54.28 COMMISSION ON INTERNATIONAL RELIGOUS FREEDOM

The SPEAKER pro tempore, Mr. LATHAM, announced that the Speaker, pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 United States Code 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, fiscal year 2003 (22 United States Code 2651 note), and the order of the House of January 8, 2003, reappointed the following member on the part of the House to the Commission on International Religious Freedom for a two-year term ending May 14, 2005: Ms. Nina Shea of Washington, D.C., to succeed herself.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶54.29 FURTHER MESSAGE FROM THE SENATE

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

H.R. 2. An Act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2) "An Act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for the fiscal year 2004," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. HATCH, Mr. NICKLES, Mr. LOTT, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. BREAUX, to be the conferees on the part of the Senate.

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

S. Con. Res. 46. A concurrent resolution to correct the enrollment of H.R. 1298.

¶54.30 PROVIDING FOR THE CONSIDERATION OF H.R. 1588

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 108–120) the resolution (H. Res. 245) providing for consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶54.31 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 44. A concurrent resolution recognizing the contributions of Asian Pacific Americans to our Nation; to the Committee on Government Reform.

¶54.32 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 243. An Act concerning participation of Taiwan in the World Health Organization.

S. 870. An Act to amend the Richard B. Russell National School Lunch Act to extend the availability of funds to carry out the fruit and vegetable pilot program.

¶54.33 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BOSWELL, for today; and

To Mr. STUPAK, for today.

And then,

¶54.34 ADJOURNMENT

On motion of Mr. HOEKSTRA, at 10 o'clock and 34 minutes p.m., the House adjourned.

¶54.35 REPORTS OF COMMITTEES ON PUBLIC BILL SAND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1925. A bill to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes; with an amendment (Rept. 108–118). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1189. A bill to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and for other purposes (Rept. 108–119). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 245. Resolution providing for consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes (Rept. 108–120). Referred to the House Calendar.

¶54.36 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 361. Referral to the Committee on the Judiciary extended for a period ending not later than June 2, 2003.

H.R. 1836. Referral to the Committee on Armed Services extended for a period ending not later than July 25, 2003.

H.R. 1837. Referral to the Committee on Armed Services and the Judiciary extended for a period ending not later than July 25, 2003.

¶54.37 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT (for himself and Mr. DELAHUNT):

H.R. 2155. A bill to allow media coverage of court proceedings; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 2156. A bill to provide for a temporary increase in the public debt limit; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JONES of Ohio:

H.R. 2157. A bill to provide for uterine fibroid research and education, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS:

H.R. 2158. A bill to amend title 11, United States Code, to provide an additional bankruptcy judge for the eastern district of California, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 2159. A bill to amend the Public Health Service Act with respect to the participation of the public in governmental decisions regarding the location of group homes established pursuant to the program of block grants for the prevention and treatment of substance abuse; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2160. A bill to amend title 18, United States Code, to increase to 5 years the period during which former Members of Congress may not engage in certain lobbying activities; to the Committee on the Judiciary.

By Mr. BEREUTER:

H.R. 2161. A bill to require the Agency for Healthcare Research and Quality to collect and assess scientific evidence regarding prescription drugs frequently used by Medicare or Medicaid beneficiaries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOUCHER (for himself, Mr. HOLDEN, Mr. SCHIFF, and Mr. FROST):

H.R. 2162. A bill to provide for protection of the flag of the United States; to the Committee on the Judiciary.

By Mr. BRADLEY of New Hampshire (for himself and Mr. MICHAUD):

H.R. 2163. A bill to amend title 38, United States Code, to exclude the proceeds of life insurance from consideration as income for purposes of determining veterans' pension benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADLEY of New Hampshire (for himself and Mr. MICHAUD):

H.R. 2164. A bill to amend title 38, United States Code, to provide for an extension in the period of eligibility for survivors' and dependents' education benefits for members of the National Guard who are involuntarily ordered to full-time National Guard duty; to the Committee on Veterans' Affairs.

By Mr. COX (for himself and Mr. CALVERT):

H.R. 2165. A bill to prohibit the use of Federal funds for double tracking of the Pacific Surfliner corridor through the Historic Mission District and downtown area of San Juan Capistrano and along the coastal beaches of Dana Point and San Clemente; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself, Mr. SOUDER, Mr. RANGEL, Ms. NORTON, Mr. FILNER, Mr. CUMMINGS, Mr. JEFFERSON, Mr. JACKSON of Illinois, Ms. LEE, Mr. OWENS, Ms. JACKSON-LEE of Texas, and Mrs. JONES of Ohio):

H.R. 2166. A bill to amend the Internal Revenue Code of 1986 to provide for a temporary ex-offender low-income housing credit to encourage the provision of housing, job training, and other essential services to ex-offenders through a structured living environment designed to assist the ex-offenders in becoming self-sufficient; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2167. A bill to amend title XVIII of the Social Security Act to permit the disabled surviving spouse of an individual to elect to retain private health insurance as the primary payor of health insurance benefits under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 2168. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BALDWIN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Ms. CARSON of Indiana, Mr. CASE, Mr. CLAY, Mr. CUMMINGS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAURO, Mr. ENGEL, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Mr. KUCINICH, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY, Mr. MARKEY, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. TOWNS, Mrs. JONES of Ohio, Mr. VAN HOLLEN, Mr. WALSH, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H.R. 2169. A bill to save taxpayers money, reduce the deficit, cut corporate welfare, protect communities from wildfires, encourage Federal land management agency reform and accountability, and protect and restore America's natural heritage by eliminating the fiscally wasteful and ecologically destructive commercial logging program on Federal public lands, restoring native biodiversity in our Federal public forests, and facilitating the economic recovery and diversification of communities affected by the Federal logging program; to the Committee on Resources, and in addition to the Committees on Agriculture, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. ENGEL, Mrs. KELLY, Mrs. MALONEY, Mr. ISRAEL, Mr. MCNULTY, and Mr. OWENS):

H.R. 2170. A bill to amend title 18, United States Code, to prohibit desecration of Veterans' memorials; to the Committee on the Judiciary.

By Mrs. MALONEY:

H.R. 2171. A bill to provide that Federal reserve banks and the Board of Governors of the Federal Reserve System be covered under chapter 71 of title 5, United States Code, relating to labor-management relations; to the Committee on Government Reform.

By Mr. MCCOTTER (for himself, Mr. KNOLLENBERG, Mr. MANZULLO, Mr. HOEKSTRA, and Mr. ROGERS of Michigan):

H.R. 2172. A bill to establish the position of Under Secretary of Commerce for Manufacturing in the Department of Commerce; to the Committee on Energy and Commerce.

By Mr. PASCRELL:

H.R. 2173. A bill to establish a grant program to provide comprehensive eye examinations to children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RODRIGUEZ:

H.R. 2174. A bill to amend title 38, United States Code, to provide for any servicemember who did not enroll for the program of educational assistance under the Montgomery GI Bill an opportunity to enroll for that program; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDLIN (for himself, Mr. BERRY, Mr. MCINTYRE, Mr. ROSS, and Mr. TURNER of Texas):

H.R. 2175. A bill to amend title XVIII of the Social Security Act to enhance beneficiary access in rural areas to quality health care services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Ohio (for himself, Mr. HOBSON, and Ms. KAPTUR):

H.R. 2176. A bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT (for himself and Mr. LAMPSON):

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued as a testimonial to the Nation's tireless commitment to reuniting America's missing children with their families, and to honor the memories of those children who were victims of abduction and murder; to the Committee on Government Reform.

By Mr. NETHERCUTT (for himself, Ms. DEGETTE, Mrs. CAPITO, and Ms. SLAUGHTER):

H. Con. Res. 186. Concurrent resolution expressing the sense of Congress that the proposed recommendations of the National Public Health Initiative on Diabetes and Women's Health should be funded and implemented by the appropriate agencies and organizations; to the Committee on Energy and Commerce.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. TANNER, Mr. ENGLISH, and Mr. JOHN):

H. Res. 242. A resolution expressing the condolences of the House of Representatives to the families of the victims of the terrorist suicide bombing attacks that occurred on May 16, 2003, in Casablanca, Morocco; to the Committee on International Relations.

By Mr. FOSSELLA:

H. Res. 243. A resolution providing that Saudi Arabia should cooperate fully to find and bring to justice those involved in the terrorist attack of May 13, 2003, and for other purposes; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, Mr. PALLONE, Ms. WATSON, Mr. MCGOVERN, Mr. LEVIN, Mr. RUSH, Mr. MCNULTY, Mr. DOYLE, Mr. ISRAEL, Mr. LANTOS, and Mr. TIERNEY):

H. Res. 244. A resolution to recognize and appreciate the historical significance and the heroic human endeavor and sacrifice of the people of Crete during World War II and commend the PanCretan Association of America; to the Committee on International Relations.

¶54.38 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BROWN of Ohio introduced A bill (H.R. 2177) for the relief of Shwa-Chen Chai; which was referred to the Committee on the Judiciary.

¶54.39 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. CARTER.
H.R. 51: Mr. OSE.
H.R. 52: Mr. ABERCROMBIE.
H.R. 106: Mr. DOOLITTLE and Mr. TANCREDO.
H.R. 107: Mr. MCHUGH.
H.R. 111: Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANKS of Arizona, Mr. PEARCE, Mr. MEEK of Florida, Mr. ACEVEDO-VILA, and Mr. BONNER.
H.R. 122: Mr. KENNEDY of Rhode Island and Mr. MICHAUD.
H.R. 135: Mr. BEAUPREZ.
H.R. 241: Mrs. JO ANN DAVIS of Virginia.
H.R. 303: Ms. LINDA T. SANCHEZ of California.
H.R. 369: Mr. ROGERS of Michigan and Mr. STRICKLAND.
H.R. 391: Mr. GOSS, Mr. MCCRERY, Mr. CAMP, Mr. HERGER, Mr. OXLEY, and Mr. ISAKSON.
H.R. 438: Mr. HOBSON.
H.R. 466: Mr. MARIO DIAZ-BALART of Florida, Mr. RENZI, and Mr. RYAN of Wisconsin.
H.R. 527: Mr. TERRY.
H.R. 571: Mr. RENZI, Mr. SCOTT of Georgia, Mr. JENKINS, Mr. CARSON of Oklahoma, and Mr. DICKS.
H.R. 577: Mrs. MALONEY, Mr. ANDREWS, and Mr. ACKERMAN.
H.R. 589: Mr. EDWARDS, Mr. DOGGETT, Mrs. TAUSCHER, Mr. TURNER of Texas, Mr. ORTIZ, Mr. CARDIN, Mr. HILL, Mr. GEPHARDT, Mr. OLVER, Mr. STUPAK, Mr. MOLLOHAN, MR. PRICE of North Carolina, Mr. TANNER, Mr. ACEVEDO-VILA, Mr. ALEXANDER, Mr. BERRY, Mr. BROWN of Ohio, Ms. DEGETTE, Mr. HALL, Ms. HARMAN, Mr. HINOJOSA, Ms. HOOLEY or Oregon, Mr. JOHN, Mr. LARSEN of Washington, Mr. LEVIN, Mr. MATHESON, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mr. STARK, Mr. WU, Mr. LUCAS of Kentucky, Mr. CRAMER, Mr. RAHALL, Mr. KIND, Mrs. NAPOLITANO, Mr. ENGEL, Mr. ROTHMAN, and Mr. PETERSON of Minnesota.
H.R. 594: Mr. ENGLISH, Mr. SMITH of New Jersey, and Mr. SANDERS.
H.R. 648: Mr. GINGREY, Mr. RENZI, Mr. SANDLIN, Mr. ROGERS of Kentucky, Mr. HAYWORTH, and Mr. JANKLOW.
H.R. 660: Mr. CRENSHAW.
H.R. 669: Mr. GRIJALVA, Mr. MOORE, Mr. FORD, Mr. DAVIS of Alabama, Mr. CARDOZA, Mr. BERRY, Mr. LUCAS of Kentucky, Mr. REYES, Mr. STENHOLM, Mr. HALL, Mr. BELL, MR. GREEN of Texas, Mr. KIND, Mr. MORAN of Virginia, Mr. EDWARDS, Mr. MURTHA, Mr. POMEROY, Mr. BAIRD, Mr. LARSEN of Washington, and Mr. TURNER of Texas.
H.R. 703: Mr. ENGLISH.
H.R. 713: Mr. ISRAEL, Mr. BARTLETT of Maryland, and Mr. SHAW.
H.R. 717: Mr. HOLT.
H.R. 719: Mr. HILL.
H.R. 728: Mr. CAMP.
H.R. 754: Mr. FORD.
H.R. 791: Mr. JOHN and Mr. NUNES.
H.R. 804: Mr. LEACH.
H.R. 811: Mr. WYNN.
H.R. 814: Mr. UDALL of Colorado, Ms. DELAURO, Mr. HOEFFEL, Mr. FROST, Mr. CHOCOLA, and Mr. BELL.
H.R. 817: Mr. DUNCAN and Mr. MOORE.
H.R. 898: Mr. TIERNEY, Mr. CAPUANO, Ms. SLAUGHTER, Mr. LEVIN, Mr. STARK, and Mr. DAVIS of Florida.
H.R. 906: Mr. SHUSTER, Mr. ISAKSON, Mr. MICA, and Mr. LATOURETTE.
H.R. 919: Mr. WYNN, Mr. SABO, Mr. EVANS, Mr. KANJORSKI, Mr. LEVIN, Mr. KLECZKA, Mr. TAYLOR of Mississippi, and Mr. TIERNEY.
H.R. 941: Mr. JEFFERSON and Mr. HOUGHTON.
H.R. 969: Mr. ABERCROMBIE.
H.R. 972: Mr. MEEKS of New York.
H.R. 998: Mr. OWENS.
H.R. 1049: Mr. PLATTS, Mr. CALVERT, Mr. HAYWORTH, and Mr. PAUL.
H.R. 1052: Mr. KUCINICH.
H.R. 1088: Mr. WEXLER, Mr. GREEN of Texas, Mr. GRIJALVA, and Mr. RODRIGUEZ.
H.R. 1101: Mr. PETERSON of Minnesota, Mrs. CAPPS, and Mrs. DAVIS of California.
H.R. 1117: Mr. AKIN.
H.R. 1118: Mr. GINGREY and Mr. GUTKNECHT.
H.R. 1125: Mr. SPRATT, Mr. MOLLOHAN, and Mr. PETERSON of Minnesota.
H.R. 1130: Mr. SMITH of New Jersey.
H.R. 1144: Mr. RYAN of Ohio.
H.R. 1149: Mr. RANGEL.
H.R. 1157: Ms. WATSON.
H.R. 1212: Mrs. JO ANN DAVIS of Virginia.
H.R. 1231: Mr. GREENWOOD, Mr. RUPPERSBERGER, Mr. ACKERMAN, Mr. TIERNEY, Mr. WALDEN of Oregon, Mr. SHUSTER, Mrs. DAVIS of California, Mr. ROSS, Mr. STUPAK, Mr. MURPHY, and Mr. ROGERS of Alabama.
H.R. 1236: Mr. MEEKS of New York.
H.R. 1276: Mr. ABERCROMBIE, Mr. MEEK of Florida, Mr. WALDEN of Oregon, Mr. CARDOZA, Mr. MILLER of Florida, Mr. MCNULTY, Mr. HALL, and Mr. TURNER of Texas.
H.R. 1285: Mr. ANDREWS, Ms. BALDWIN, Mr. BALLANCE, Mr. BERMAN, Mr. DAVIS of Alabama, Mr. FATTAH, and Ms. MAJETTE.
H.R. 1288: Mr. KIND, Mr. BISHOP of New York, Mr. TERRY, Mr. LARSON of Connecticut, and Mr. SULLIVAN.
H.R. 1309: Mr. SANDERS.
H.R. 1359: Mr. HOLDEN and Mr. SANDERS.
H.R. 1386: Mr. OWENS.
H.R. 1401: Mr. MEEKS of New York.
H.R. 1442: Mr. JONES of North Carolina, Mr. ACEVEDO-VILA, Mr. UDALL of New Mexico, and Mr. FATTAH.
H.R. 1449: Mr. MCGOVERN, Ms. KILPATRICK, and Mr. CLAY.
H.R. 1460: Mrs. JO ANN DAVIS of Virginia.
H.R. 1472: Mr. TANCREDO, Ms. HOOLEY of Oregon, and Mr. RANGEL.
H.R. 1508: Mr. PAYNE, Mr. LANGEVIN, and Ms. SCHAKOWSKY.
H.R. 1513: Mr. PLATTS, Mr. WILSON of South Carolina, Mr. SAXTON, and Mr. DAVIS of Tennessee.
H.R. 1539: Mr. OWENS.
H.R. 1543: Mr. MCGOVERN.
H.R. 1614: Mr. FROST, Ms. KAPTUR, Mr. MCGOVERN, and Mr. CASTLE.
H.R. 1626: Ms. CARSON of Indiana.
H.R. 1639: Mr. HOLT.
H.R. 1652: Mr. GEORGE MILLER of California, Mr. GREEN of Texas, Ms. LEE, Mr. MEEKS of New York, and Ms. VELAQUEZ.
H.R. 1661: Mr. MEEKS of New York.
H.R. 1666: Mr. PAUL.
H.R. 1678: Mr. ACKERMAN.
H.R. 1700: Mr. LANTOS, Mrs. DAVIS of California, and Mr. HOLT.
H.R. 1714: Mr. REYNOLDS, Mr. OWENS, and Mr. KLECZKA.
H.R. 1715: Mrs. JO ANN DAVIS of Virginia.
H.R. 1716: Mrs. JO ANN DAVIS of Virginia.

H.R. 1725: Mr. HOSTETTLER.
H.R. 1736: Ms. LEE, Mr. CLAY, Mr. SCOTT of Virginia, Mr. CLYBURN, Ms. WATSON, Mr. CUMMINGS, and Ms. JACKSON-LEE of Texas.
H.R. 1738: Mr. GREEN of Texas, Mr. OWENS, and Mr. CROWLEY.
H.R. 1742: Mr. BARTON of Texas and Mr. GEORGE MILLER of California.
H.R. 1746: Mr. KIND, Mr. LARSON of Connecticut, Mr. LARSEN of Washington, and Mrs. NORTHUP.
H.R. 1754: Mr. GARRETT of New Jersey and Mr. EHLERS.
H.R. 1769: Mr. BALLANCE, Mr. KIRK, Mr. SENSENBRENNER, Mr. FRANK of Massachusetts, and Mr. DELAHUNT.
H.R. 1828: Mr. BURNS, Mr. SANDLIN, Mr. MICHAUD, Mr. CALVERT, Mr. HASTINGS of Florida, Mr. LANGEVIN, Mr. FRANKS of Arizona, Mr. EMANUEL, Mr. ALEXANDER, Mr. KLINE, Mr. BONILLA, Mr. NEAL of Massachusetts, Ms. WOOLSEY, Ms. HARRIS, Mr. LATHAM, Mr. HOLT, Mr. BURGESS, and Mr. SKELTON.
H.R. 1870: Mr. BARRETT of South Carolina.
H.R. 1873: Mr. OWENS.
H.R. 1887: Mr. OWENS.
H.R. 1893: Mr. EMANUEL.
H.R. 1894: Mr. DOYLE.
H.R. 1925: Mr. OSBORNE.
H.R. 1930: Mr. LANGEVIN, Mr. SERRANO, Ms. CORRINE BROWN of Florida, Ms. WATSON, Ms. JACKSON-LEE of Texas.
H.R. 1933: Mrs. LOWEY and Mr. TIERNEY.
H.R. 1994: Mr. HINCHEY.
H.R. 2009: Mr. HOSTETTLER, Mr. POMEROY and Ms. BORDALLO.
H.R. 2023: Ms. JACKSON-LEE of Texas.
H.R. 2028: Mr. FERGUSON, Mr. KIRK, and Mr. BUYER.
H.R. 2053: Mr. ROSS, Mr. WYNN and Mr. SANDERS.
H.R. 2054: Mr. ALEXANDER.
H.R. 2066: Mr. MCGOVERN, Mr. STRICKLAND, Mr. RAHALL, and Mrs. CHRISTENSEN.
H.R. 2090: Mr. CONYERS and Mr. CLAY.
H.R. 2106: Ms. KAPTUR and Mr. STRICKLAND.
H.R. 2118: Mr. FORD and Mr. WICKER.
H.J. Res. 22: Mr. CAMP.
H. Con. Res. 111: Mr. DAVIS of Illinois and Mr. SABO.
H. Con. Res. 119: Mr. CALVERT.
H. Con. Res. 155: Mr. WILSON of South Carolina and Mr. HOEKSTRA.
H. Con. Res. 169: Mr. MCNULTY, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Mr. RAHALL, Ms. DELAURO, Mr. FALEOMAVAEGA, Mr. BELL, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, and Mr. ENGEL.
H. Res. 38: Ms. JACKSON-LEE of Texas and Mr. FROST.
H. Res. 60: Mr. MATSUI, Mr. BLUMENAUER, Mr. CALVERT, Mr. BERRY, and Mr. WILSON of South Carolina.
H. Res. 86: Mr. TURNER of Ohio.
H. Res. 142: Mr. MEEKS of New York.
H. Res. 193: Ms. WATERS.
H. Res. 194: Ms. LEE.
H. Res. 218: Mrs. DAVIS of California, Mr. ACEVEDO-VILA, Mr. CLAY, Mr. BACA, Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mr. GONZALEZ, Mr. WYNN, Mr. REYES, Mrs. CAPPS, Mr. VAN HOLLEN, Mr. DAVIS of Illinois, Mr. LANTOS, Mr. THOMPSON of California, Mr. PASTOR, Ms. ROYBAL-ALLARD, and Mr. MILLER of North Carolina.
H. Res. 238: Mr. OWENS, Mr. GEORGE MILLER of California, and Mr. ANDREWS.

WEDNESDAY, MAY 21, 2003 (55)

¶55.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. QUINN, who laid before the House the following communication:

WASHINGTON, DC,
May 21, 2003.

I hereby appoint the Honorable JACK QUINN to act as Speaker pro tempore on this day.

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

¶55.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. QUINN, announced he had examined and approved the Journal of the proceedings of Tuesday, May 20, 2003.

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

¶55.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2320. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — [alpha]-Hydro-[omega]-Hydroxypoly (oxythylene) C8-C18-Alkyl Ether Citrates, Poly(oxyethylene) content is 4-12 moles Tolerance Exemption [OPP-2003-0023; FRL-7290-8] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2321. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenthrin; Pesticide Tolerance [OPP-2002-0358; FRL-7304-4] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2322. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mefenpyr-Diethyl; Pesticide Tolerance [OPP-2003-0077; FRL-7297-9] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2323. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyraflufen-ethyl; Pesticide Tolerance [OPP-2003-0110; FRL-7300-9] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2324. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's Evaluation of the Tricare Program FY 2003 Report to Congress, pursuant to 10 U.S.C. 1073 note; to the Committee on Armed Services.

2325. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's report entitled, ''Health Information Privacy Regulation''; to the Committee on Armed Services.

2326. A letter from the Chairman, Federal Trade Commission, transmitting the Twenty-Fifth Annual Report to Congress on the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

2327. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2002 Performance Report for the Prescription Drug User Fee Act of 1992, pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

2328. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Withdrawal of October 2, 2002, Attainment Date Extension, Determination of Nonattainment as of November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area [LA-58-1-7522; FRL-7487-4] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2329. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Florida: Revision to Jacksonville, Florida Ozone Air Quality Maintenance Plan [FL-88-200227(a); FRL-7486-7] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2330. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Revisions to the Alabama State Implementation Plan [AL-060-200320(a); FRL-7487-1] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2331. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Prevention of Significant Deterioration (PSD); Idaho and Oregon [OR-03-004a and ID-03-001a; FRL-7487-2] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2332. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Minnesota: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7486-4] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2333. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the activities of the Multinational Force and Observers (MFO) and certain financial information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3425; to the Committee on International Relations.

2334. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with South Africa [Transmittal No. DDTC 18-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2335. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Germany [Transmittal No. DDTC 009-03], pursuant to 22 U.S.C. 2776(d) and 22 U.S.C. 2776(c); to the Committee on International Relations.

2336. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 204 of the United States Macau Policy Act, covering the period from April 2, 2001, to April 1, 2002; to the Committee on International Relations.

2337. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 15-86, ''Sense of the Council on Maintaining Open Spaces for Demonstrations in the District of Columbia Emergency Resolution of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

2338. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2339. A letter from the Administrator, General Services Administration, transmitting a report on agency programs undertaken in support of Public Law 103-172, the Federal

Employees Clean Air Incentives Act; to the Committee on Government Reform.

2340. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2341. A letter from the Director, Financial Services, Library of Congress, transmitting the United States Capitol Preservation Commission Annual Report for the fiscal years ended September 30, 2002; to the Committee on House Administration.

2342. A letter from the Clerk of the Court, United States Court of Appeals for the Second Circuit, transmitting the Court's summary order for USA v. Santiago, et al; to the Committee on the Judiciary.

2343. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines on Awarding Section 319 Grants to Indi an Tribes in FY 2003 — received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶55.4 U.S. LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA

On motion of Mr. HYDE, pursuant to the order of the House of May 20, 2003, the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; together with the following amendments of the Senate thereto, was taken from the Speaker's table:

Page 3, before line 1 insert:

TITLE V—INTERNATIONAL FINANCIAL INSTITUTIONS

Sec. 501. Modification of the Enhanced HIPC Initiative.

Sec. 502. Report on expansion of debt relief to non-HIPC countries.

Sec. 503. Authorization of appropriations.

Page 96, after line 14, insert:

TITLE V—INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 501. MODIFICATION OF THE ENHANCED HIPC INITIATIVE.

Title XVI of the International Financial Institutions Act (22 U.S.C. 262p—262p–7) is amended by adding at the end the following new section:

"SEC. 1625. MODIFICATION OF THE ENHANCED HIPC INITIATIVE.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary of the Treasury should immediately commence efforts within the Paris Club of Official Creditors, the International Bank for Reconstruction and Development, the International Monetary Fund, and other appropriate multilateral development institutions to modify the Enhanced HIPC Initiative so that the amount of debt stock reduction approved for a country eligible for debt relief under the Enhanced HIPC Initiative shall be sufficient to reduce, for each of the first 3 years after the date of enactment of this section or the Decision Point, whichever is later—

''(A) the net present value of the outstanding public and publicly guaranteed debt of the country—

''(i) as of the decision point if the country has already reached its decision point, or

''(ii) as of the date of enactment of this Act, if the country has not reached its decision point,

to not more than 150 percent of the annual value of exports of the country for the year preceding the Decision Point; and

''(B) the annual payments due on such public and publicly guaranteed debt to not more than—

''(i) 10 percent or, in the case of a country suffering a public health crisis (as defined in subsection (e)), not more than 5 percent, of the amount of the annual current revenues received by the country from internal resources; or

''(ii) a percentage of the gross national product of the country, or another benchmark, that will yield a result substantially equivalent to that which would be achieved through application of subparagraph (A).

''(2) LIMITATION.—In financing the objectives of the Enhanced HIPC Initiative, an international financial institution shall give priority to using its own resources.

''(b) RELATION TO POVERTY AND THE ENVIRONMENT.—Debt cancellation under the modifications to the Enhanced HIPC Initiative described in subsection (a) should not be conditioned on any agreement by an impoverished country to implement or comply with policies that deepen poverty or degrade the environment, including any policy that—

''(1) implements or extends user fees on primary education or primary health care, including prevention and treatment efforts for HIV/AIDS, tuberculosis, malaria, and infant, child, and maternal well-being;

''(2) provides for increased cost recovery from poor people to finance basic public services such as education, health care, clean water, or sanitation;

''(3) reduces the country's minimum wage to a level of less than $2 per day or undermines workers' ability to exercise effectively their internationally recognized worker rights, as defined under section 526(e) of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1995 (22 U.S.C. 262p–4p); or

''(4) promotes unsustainable extraction of resources or results in reduced budget support for environmental programs.

''(c) CONDITIONS.—A country shall not be eligible for cancellation of debt under modifications to the Enhanced HIPC Initiative described in subsection (a) if the government of the country—

''(1) has an excessive level of military expenditures;

''(2) has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) or section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

''(3) is failing to cooperate on international narcotics control matters; or

''(4) engages in a consistent pattern of gross violations of internationally recognized human rights (including its military or other security forces).

''(d) PROGRAMS TO COMBAT HIV/AIDS AND POVERTY.—A country that is otherwise eligible to receive cancellation of debt under the modifications to the Enhanced HIPC Initiative described in subsection (a) may receive such cancellation only if the country has agreed—

''(1) to ensure that the financial benefits of debt cancellation are applied to programs to combat HIV/AIDS and poverty, in particular through concrete measures to improve basic services in health, education, nutrition, and other development priorities, and to redress environmental degradation;

''(2) to ensure that the financial benefits of debt cancellation are in addition to the government's total spending on poverty reduction for the previous year or the average total of such expenditures for the previous 3 years, whichever is greater;

''(3) to implement transparent and participatory policymaking and budget procedures, good governance, and effective anticorruption measures; and

''(4) to broaden public participation and popular understanding of the principles and goals of poverty reduction.

''(e) DEFINITIONS.—In this section:

''(1) COUNTRY SUFFERING A PUBLIC HEALTH CRISIS.—The term 'country suffering a public health crisis' means a country in which the HIV/AIDS infection rate, as reported in the most recent epidemiological data for that country compiled by the Joint United Nations Program on HIV/AIDS, is at least 5 percent among women attending prenatal clinics or more than 20 percent among individuals in groups with high-risk behavior.

''(2) DECISION POINT.—The term 'Decision Point' means the date on which the executive boards of the International Bank for Reconstruction and Development and the International Monetary Fund review the debt sustainability analysis for a country and determine that the country is eligible for debt relief under the Enhanced HIPC Initiative.

''(3) ENHANCED HIPC INITIATIVE.—The term 'Enhanced HIPC Initiative' means the multilateral debt initiative for heavily indebted poor countries presented in the Report of G–7 Finance Ministers on the Cologne Debt Initiative to the Cologne Economic Summit, Cologne, June 18–20, 1999.''.

SEC. 502. REPORT ON EXPANSION OF DEBT RELIEF TO NON-HIPC COUNTRIES.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on—

(1) the options and costs associated with the expansion of debt relief provided by the Enhanced HIPC Initiative to include poor countries that were not eligible for inclusion in the Enhanced HIPC Initiative;

(2) options for burden-sharing among donor countries and multilateral institutions of costs associated with the expansion of debt relief; and

(3) options, in addition to debt relief, to ensure debt sustainability in poor countries, particularly in cases when the poor country has suffered an external economic shock or a natural disaster.

(b) SPECIFIC OPTIONS TO BE CONSIDERED.—Among the options for the expansion of debt relief provided by the Enhanced HIPC Initiative, consideration should be given to making eligible for that relief poor countries for which outstanding public and publicly guaranteed debt requires annual payments in excess of 10 percent or, in the case of a country suffering a public health crisis (as defined in section 1625(e) of the Financial Institutions Act, as added by section 501 of this Act), not more than 5 percent, of the amount of the annual current revenues received by the country from internal resources.

(c) ENHANCED HIPC INITIATIVE DEFINED.—In this section, the term ''Enhanced HIPC Initiative'' means the multilateral debt initiative for heavily indebted poor countries presented in the Report of G–7 Finance Ministers on the Cologne Debt Initiative to the Cologne Economic Summit, Cologne, June 18–20, 1999.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the fiscal year 2004 and each fiscal year thereafter to carry out section 1625 of the International Financial Institutions Act, as added by section 501 of this Act.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

When said moton was considered.

After debate,

Pursuant to the order of the House of May 20, 2003, the previous question was considered as ordered.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the motion was agreed to.

A motion to reconsider the vote whereby said amendments of the Senate were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶55.5 ENROLLMENT CORRECTION—H.R. 1298

On motion of Mr. HYDE, by unanimous consent, the following concurrent resolution of the Senate was taken from the Speaker's table (S. Con. Res. 46):

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, shall make the following correction: In section 202(d)(4)(A)(i), strike ''from all other sources'' and insert ''from all sources''.

By unanimous consent, the previous question was ordered on the concurrent resolution to its adoption or rejection and, under the operation thereof, the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶55.6 CHILD MEDICATION SAFETY

Mr. BURNS moved to suspend the rules and pass the bill (H.R. 1170) to protect children and their parents from being coerced into administering psychotropic medication in order to attend school, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. BURNS and Ms. WOOLSEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BURNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶55.7 PROVIDING FOR THE CONSIDERATION OF H.R. 1588

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 245):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and those made in order by a subsequent order of the House. Each amendment printed in the report of the Committee on Rules may be offered only in the order printed in the report (except as specified in section 2 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment), and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived. After disposition of the amendments printed in the report, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except by a subsequent order of the House.

SEC. 2. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 3. During consideration of the bill under this resolution or by a subsequent order of the House—

(1) after a motion that the Committee rise has been rejected on a legislative day, the Chairman of the Committee of the Whole may entertain another such motion on that day only if offered by the chairman of the Committee on Armed Services or the Majority Leader or a designee; and

(2) after a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chairman may not entertain another such motion.

When said resolution was considered.

After debate,

Mrs. MYRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 225 / Nays ..... 203 }

¶55.8 [Roll No. 201]

YEAS—225

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

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt

DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Becerra
Cox
Gephardt
Levin
Sherwood
Simmons

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution.

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224 / Nays 200

¶55.9 [Roll No. 202]

AYES—224

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

NOES—200

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

NOT VOTING—10

Becerra
Combest
Conyers
Gephardt
Hefley
Levin
Peterson (PA)
Sherwood
Simmons
Watson

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶55.10 H.R. 1170—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1170) to protect children and their parents from being coerced into administering psychotropic medication in order to attend school, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 425 / Nays 1

¶55.11 [Roll No. 203]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley

Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Davis (CA)

NOT VOTING—8

Becerra
Gephardt
Levin
McInnis
Peterson (PA)
Simmons
Smith (NJ)
Spratt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.12 H.R. 1911—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1911) to amend title 38, United States Code, to enhance cooperation and the sharing of resources between the Department of Veterans Affairs and the Department of Defense.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 0

¶55.13 [Roll No. 204]

YEAS—426

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

Strickland	Tierney	Watt
Stupak	Toomey	Waxman
Sullivan	Towns	Weiner
Sweeney	Turner (OH)	Weldon (FL)
Tancredo	Turner (TX)	Weldon (PA)
Tanner	Udall (CO)	Weller
Tauscher	Udall (NM)	Wexler
Tauzin	Upton	Whitfield
Taylor (MS)	Van Hollen	Wicker
Taylor (NC)	Velazquez	Wilson (NM)
Terry	Visclosky	Wilson (SC)
Thomas	Vitter	Wolf
Thompson (CA)	Walden (OR)	Woolsey
Thompson (MS)	Walsh	Wu
Thornberry	Wamp	Wynn
Tiahrt	Waters	Young (AK)
Tiberi	Watson	Young (FL)

NOT VOTING—8

Becerra	Levin	Sanchez, Linda T.
Bereuter	McInnis	
Gephardt	Peterson (PA)	Simmons

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.14 100TH ANNIVERSARY OF FORD MOTOR COMPANY

On motion of Mr. UPTON, by unanimous consent, the Committee on Energy and Commerce was discharged from further consideration of the following resolution (H. Res. 100):

Whereas on June 16, 1903, then 39 year old Henry Ford and 11 associates, armed with little cash, some tools, a few blueprints, and unbounded faith, submitted incorporation papers to Michigan's capital, Lansing, launching the Ford Motor Company;

Whereas Ford began operations in a leased, small converted wagon factory on a spur of the Michigan Central Railroad in Detroit;

Whereas the first commercial automobile to emerge from Ford was the original 8-horsepower, two-cylinder Model A vehicle in 1903, which was advertised as the ''Fordmobile'' and had a two speed transmission, 28 inch wheels with wooden spokes, and 3 inch tires;

Whereas between 1903 and 1908, Ford and his engineers went through 19 letters of the alphabet, creating Models A through S, with some of these cars being experimental models only and not available to the public;

Whereas on October 1, 1908, Ford introduced its ''universal car'', the Model T (sometimes affectionately called the ''Tin Lizzie''), which could be reconfigured by buyers to move cattle, haul freight, herd horses, and even mow lawns, and Ford produced 10,660 Model T vehicles its first year, an industry record;

Whereas, while in the early days all automakers built one car at a time, the idea of moving the work to the worker became a reality when parts, components, and 140 assemblers stationed at different intervals inaugurated the first moving assembly line at Ford in 1913, and a new era of industrial progress and growth began;

Whereas Henry Ford surprised the world in 1914 in setting Ford's minimum wage at $5.00 per an 8-hour day, which replaced the prior $2.34 wage for a 9-hour day and was a truly great social revolution for its time;

Whereas that same year, 1914, Henry Ford, with an eye to simplicity, efficiency, and affordability, ordered that the Model T use black paint exclusively because it dried faster than other colors, which meant more cars could be built daily at a lower cost, and Ford said the vehicle will be offered in ''any color so long as it is black'';

Whereas, upon its completion in 1925, Ford's self-contained Rouge Complex on the Rouge River encompassed diverse industries that allowed for the complete production of vehicles, from raw materials processing to final assembly, and was an icon of the 20th century and, with its current revitalization and redevelopment, will remain an icon in the 21st century;

Whereas, in 1925, the company built the first of 196 Ford Tri-Motor airplanes, nicknamed the ''Tin Goose'' and the ''Model T of the Air'';

Whereas consumer demand for more luxury and power pushed aside the Model A, and on March 9, 1932, the Ford car, with the pioneering Ford single V-8 engine block, rolled off the production line;

Whereas, while Ford offered only two models through 1937 (Ford and Lincoln), due to increased competition, the first Mercury was introduced in 1938, with a distinctive streamlined body style, a V-8 engine with more horsepower than a Ford, and hydraulic brakes, thus filling the void between the low-priced Ford and the high-priced Lincoln;

Whereas one of the largest labor unions in the Nation was formed as the United Automobile Workers (UAW) in 1935, and after a rather tumultuous beginning, won acceptance in the late 1930s by the auto industry and became a potent and forceful leader for auto workers, with Ford building a strong relationship with the union through its policies and programs;

Whereas by government decree all civilian auto production in the United States ceased on February 10, 1942, and Ford, under the control of the War Production Board, produced an extensive array of bombers, tanks, armored cars, amphibious craft, gliders, and other materials for the World War II war effort;

Whereas on September 21, 1945, Henry Ford II assumed the presidency of Ford and on April 7, 1947, Ford's founder, Henry Ford passed away;

Whereas a revitalized Ford met the postwar economic boom with Ford's famed F-Series trucks making their debut in 1948 for commercial and personal use, and the debut of the 1949 Ford sedan, with the first change in a Ford body since 1922, the first change in a chassis since 1932, and the first integration of body and fenders which would set the standard for auto design in the future;

Whereas these new models were followed by such well-known cars as the Mercury Turnpike Cruiser, the Ford Sunliner Convertible, the high performing Thunderbird, introduced in 1955, the Ford Galaxy, introduced in 1959, and the biggest success story of the 1960s, the Mustang, which has been a part of the American scene for almost 40 years;

Whereas the Thunderbird wowed the NASCAR circuit in 1959, winning more than 150 races in NASCAR's top division;

Whereas in 1953 President Dwight D. Eisenhower christened the new Ford Research and Engineering Center, which was a milestone in the company's dedication to automotive science and which houses some of the most modern facilities for automotive research;

Whereas Ford's innovation continued in the 1980s with the introduction of the Taurus, named the 1986 Car of the Year, which resulted in a new commitment to quality throughout Ford and future aerodynamic design trends in the industry;

Whereas this innovation continued in the 1990s with the debut in 1993 of the Ford Mondeo, European Car of the Year, the redesigned 1994 Mustang, and the introduction in 1990 of the Ford Explorer, which redefined the sports utility segment and remains the best selling SUV in the world;

Whereas as the 21st century begins, Ford continues its marvelous record for fine products with the best-selling car in the world, the Ford Focus, and the best-selling truck in the world, the Ford F-Series;

Whereas the Ford Motor Company is the world's second largest automaker, and includes Ford, Lincoln, Mercury, Aston Martin, Jaguar, Land Rover, Volvo, and Mazda, as well as other diversified subsidiaries in finance and other domestic and international business areas; and

Whereas on October 1, 2001, William Clay Ford, Jr., the great-grandson of Henry Ford, became Chairman and Chief Executive Officer of Ford, concentrating on the fundamentals that have powered Ford to greatness over the last century and made it a world-class auto and truck manufacturer, and that will propel it in the 21st century to develop even better products and innovations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the truly wondrous achievements of the Ford Motor Company, as its employees, retirees, suppliers, dealers, its many customers, automotive enthusiasts, and friends worldwide, commemorate and celebrate its 100th anniversary milestone;

(2) recognizes the great impact that Ford has had on the lives of Americans and people of all nations; and

(3) congratulates the Ford Motor Company for this achievement and trusts that Ford will continue to have an even greater impact in the 21st century and beyond in providing innovative products that are affordable and environmentally sustainable, and that will enhance personal mobility for generations to come.

When said concurrent resolution was considered.

After debate,

Mr. UPTON submitted the following amendment to the preamble, which was agreed to:

Strike the preamble and insert:

Whereas, on June 16, 1903, then 39 year old Henry Ford and 11 associates, armed with little cash, some tools, a few blueprints, and unbounded faith, submitted incorporation papers to Michigan's capital, Lansing, launching the Ford Motor Company;

Whereas the Ford Motor Company began operations in a leased, small converted wagon factory on a spur of the Michigan Central Railroad in Detroit;

Whereas the first commercial automobile to emerge from the Ford Motor Company in 1903 was the original 8-horsepower, two-cylinder Model A vehicle with a two speed transmission, 28 inch wheels with wooden spokes, and 3 inch tires;

Whereas, between 1903 and 1908, Henry Ford and his engineers went through 19 letters of the alphabet, creating Models A through S, with some of these cars being experimental models only and not available to the public;

Whereas, on October 1, 1908, the Ford Motor Company introduced its ''universal car'', the Model T (sometimes affectionately called the ''Tin Lizzie''), which could be reconfigured by buyers to move cattle, haul freight, herd horses, and even mow lawns, and Ford produced 10,660 Model T vehicles its first year, an industry record;

Whereas the Ford Motor Company inaugurated the first automotive integrated assembly line in 1913, changing the old manner of building one car at a time through moving the work to the worker by having parts, components, and assemblers stationed at different intervals, and beginning a new era of industrial progress and growth;

Whereas Henry Ford surprised the world in 1914 by setting Ford's minimum wage at $5.00

per an 8-hour day, which replaced the prior $2.34 wage for a 9-hour day and was a truly great social revolution for its time;

Whereas that same year, 1914, Henry Ford, with an eye to simplicity, efficiency, and affordability, ordered that the Model T use black paint exclusively because it dried faster than other colors, which meant more cars could be built daily at a lower cost, and Ford said the vehicle will be offered in ''any color so long as it is black'';

Whereas Ford's self-contained Rouge Manufacturing Complex on the Rouge River encompassed diverse industries, including suppliers, that allowed for the complete production of vehicles, from raw materials processing to final assembly, was an icon of the 20th century, and, with its current revitalization and redevelopment, will remain an icon in the 21st century;

Whereas, in 1925, the company built the first of 199 Ford Tri-Motor airplanes, nicknamed the ''Tin Goose'' and the ''Model T of the Air'';

Whereas consumer demand for more luxury and power pushed aside the then current model, and on March 9, 1932, a Ford vehicle with the pioneering Ford V–8 engine block rolled off the production line;

Whereas, while Ford offered only two brands through 1937 (Ford and Lincoln), due to increased competition, the first Mercury was introduced in 1938, a car with a distinctive streamlined body style, a V–8 engine with more horsepower than a Ford, and hydraulic brakes, thus filling the void between the low-priced Ford and the high-priced Lincoln brands;

Whereas one of the largest labor unions in the Nation was formed as the United Automobile Workers (UAW) in 1935, and after a rather tumultuous beginning, won acceptance by the auto industry and became a potent and forceful leader for auto workers, with Ford building a strong relationship with the union through its policies and programs;

Whereas by government decree all civilian auto production in the United States ceased on February 10, 1942, and Ford, under the control of the War Production Board, produced an extensive array of tanks, B–24 aircraft, armored cars, amphibious craft, gliders, and other materials for the World War II war effort;

Whereas Ford dealers rallied to aid the Ford Motor Company in its postwar comeback, proving their merit as the public's main point of contact with the company;

Whereas, on September 21, 1945, Henry Ford II assumed the presidency of Ford and on April 7, 1947, Ford's founder, Henry Ford passed away;

Whereas a revitalized Ford met the postwar economic boom with Ford's famed F-Series trucks making their debut in 1948 for commercial and personal use, and the debut of the 1949 Ford sedan, with the first change in a chassis since 1932, and the first integration of body and fenders which would set the standard for auto design in the future;

Whereas these new models were followed by such well-known cars as the Mercury Turnpike Cruiser, the retractable hardtop convertible Ford Skyliner, the high performing Thunderbird, introduced in 1955, the Ford Galaxie, introduced in 1959, and the biggest success story of the 1960s, the Ford Mustang, which has been a part of the American scene for almost 40 years;

Whereas, in 1953, President Dwight D. Eisenhower christened the new Ford Research and Engineering Center, which was a milestone in the company's dedication to automotive science and which houses some of the most modern facilities for automotive research;

Whereas Ford's innovation continued through the 1980s with the introduction of the Ford Taurus, which was named the 1986 Motor Trend Car of the Year, and which resulted in future aerodynamic design trends throughout the industry;

Whereas this innovation continued through the 1990s with the debut in 1993 of the Ford Mondeo, European Car of the Year, the redesigned 1994 Ford Mustang, and the introduction in 1990 of the Ford Explorer, which defined the sports utility vehicle (SUV) segment and remains the best selling SUV in the world;

Whereas, as the 21st century begins, Ford continues its marvelous record for fine products with the best-selling car in the world, the Ford Focus, and the best-selling truck in the world, the Ford F-Series;

Whereas the Ford Motor Company is the world's second largest automaker, and includes Ford, Lincoln, Mercury, Aston Martin, Jaguar, Land Rover, Volvo, and Mazda automotive brands, as well as other diversified subsidiaries in finance and other domestic and international business areas; and

Whereas, on October 30, 2001, William Clay Ford, Jr., the great-grandson of Henry Ford, became Chairman and Chief Executive Officer of the Ford Motor Company, and as such is concentrating on the fundamentals that have powered the Ford Motor Company to greatness over the last century and made it a world-class auto and truck manufacturer, and that will continue to carry the company through the 21st century to develop even better products and innovations: Now, therefore, be it

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the 100th anniversary year of the founding of the Ford Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a revolutionary industrial and global institution, and congratulating the Ford Motor Company for its achievements.''.

A motion to reconsider the votes whereby said resolution was agreed to and the preamble and the title were amended was, by unanimous consent, laid on the table.

¶55.15 PERMISSION TO FILE REPORT

On motion of Mr. HUNTER, by unanimous consent, the Committee on Armed Services was granted permission to file a supplemental report on the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes.

¶55.16 DEFENSE AUTHORIZATION FY 2004

The SPEAKER pro tempore, Mr. UPTON, pursuant to House Resolution 245 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes.

The SPEAKER pro tempore, Mr. UPTON, by unanimous consent, designated Mr. BONILLA as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. SWEENEY assumed the Chair; and after some time spent therein,

¶55.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HUNTER:

Page 34, line 15, strike the first period.

Page 90, line 17, insert open quotation marks before ''subparagraph''.

Page 99, line 7, strike the open quotation marks.

Page 125, line 5, strike ''551'' and insert ''991''.

Page 136, beginning on line 4, strike ''chapter'' and insert ''subchapter''.

Strike section 617(b)(2) (page 165, line 19, through the matter following line 6 on page 166) and insert the following:

(2) The heading of such section, and the item relating to such section in the table of sections at the beginning of chapter 40 of such title, are each amended by striking the sixth word.

Page 210, line 12, strike the single open and close quotation marks and insert double open and close quotation marks.

Page 213, line 25, insert ''of such section'' after ''Subsection (c)''.

Page 219, beginning on line 18, strike ''the end''.

Page 220, line 8, strike ''adding at the end'' and insert ''inserting after the item relating to section 2435''.

Page 227, line 5, strike ''(d)'' and insert ''(d)(3)''.

Page 229, line 14, strike ''**Unites**'' and insert ''**United**''.

Page 231, line 14, strike ''Department of'' and all that follows through ''amounts'' on line 15 and insert ''Department of Defense such amounts''.

Page 231, line 18, strike ''; and'' and insert a period.

Page 231, strike lines 19 and 20.

Page 232, in the matter after line 16, strike ''Unites'' and insert ''United''.

In section 1012(b)(1) (page 253, line 13), insert ''the end of such subsection'' after ''through''.

In section 1014(b)(1) (page 257, line 2), strike ''this title'' and insert ''title XXXV''.

Page 262, line 20, insert a one-em dash after the period.

Page 264, line 11, strike ''2216(a)'' and insert ''2216(i)''.

Page 264, line 15, insert ''(1)'' before ''Not later than''.

Page 271, line 11, strike ''striking 'by''.

Page 275, line 19, strike ''2868'' and insert ''2868(a)''.

In section 1031(d), strike paragraph (2) (page 290, lines 13-15) and insert the following:

(2) Nothing in this section shall be construed to authorize the Secretary to acquire, lease, construct, improve, renovate, remodel, repair, operate, or maintain facilities having general utility.

Page 299, line 6, strike ''after section 425'' and insert ''at the end of subchapter I (after the section added by section 805(b)(1) of this Act)''.

Page 299, line 8, strike ''**426**'' and insert ''**427**''.

Page 301, line 20, after ''at the end'' insert ''(after the item added by section 805(b)(2) of this Act''.

Page 301, in the matter after line 21, strike ''426'' and insert ''427''.

Page 303, beginning on line 11, strike ''such subchapter'' and insert ''subchapter I of such chapter''.

In section 1045(a)(7), strike ''7503(d)'' (page 310, line 16) and insert ''7305(d)''.

In section 1045(e), strike ''819'' (page 311, line 25) and insert ''819(a)''.

In section 317, strike subsection (a) (page 59, lines 18 through 21) and redesignate subsequent subsections accordingly.

In section 318, strike subsection (a) (page 61, lines 3 through 18) and insert the following new subsection:

(a) DEFINITION OF HARASSMENT FOR MILITARY READINESS ACTIVITIES.—Section 3(18) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(18)) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraphs:

''(B) In the case of a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note), the term 'harassment' means—

''(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild; or

''(ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered.

''(C) The term 'Level A harassment' means harassment described in subparagraph (A)(i) or, in the case of a military readiness activity, harassment described in subparagraph (B)(i).

''(D) The term 'Level B harassment' means harassment described in subparagraph (A)(ii) or, in the case of a military readiness activity, harassment described in subparagraph (B)(ii).''.

It was decided in the affirmative { Yeas ..... 252 / Nays 175

¶55.18 [Roll No. 205]

AYES—252

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

NOES—175

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

NOT VOTING—7

Abercrombie
Burr
Gephardt
Hinojosa
LaTourette
Lewis (GA)
Sweeney

So the amendment was agreed to.

¶55.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GOODE:

At the end of title X (page ____, after line ____), insert the following new section:

SEC. ____. ASSIGNMENT OF MEMBERS TO ASSIST BUREAU OF BORDER SECURITY AND BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

''§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

''(1) the Bureau of Border Security of the Department of Homeland Security in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

''(2) the United States Customs Service of the Department of Homeland Security in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

''(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

''(1) the assignment is at the request of the Secretary of Homeland Security; and

''(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

''(c) TRAINING PROGRAM REQUIRED.—The Secretary of Homeland Security and the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Border Security or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

''(2) Nothing in this section shall be construed to—

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Secretary of Homeland Security may establish ongoing joint

task forces if the Secretary of Homeland Security determines that the joint task force, and the assignment of members to the joint task force, is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

''(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

''(f) NOTIFICATION REQUIREMENTS.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

''(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

''(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2005.''.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

''374a. Assignment of members to assist border patrol and control.''.

It was decided in the affirmative ..... { Yeas ..... 250 / Nays 179

¶55.20 [Roll No. 206]

AYES—250

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Duncan
Dunn
Emerson
Engel
English
Etheridge
Everett
Feeney
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Spratt
Stearns
Strickland
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—179

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Buyer
Capps
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hastings (WA)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lipinski
Lofgren
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Price (NC)
Putnam
Rahall
Rangel
Reyes
Rodriguez
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Stark
Stenholm
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—5

Gephardt
Hinojosa
Lewis (GA)
Rothman
Sweeney

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. EVERETT, assumed the Chair.

When Mr. OSE, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶55.21 ORDER OF BUSINESS—POSTPONEMENT OF VOTES

The SPEAKER pro tempore, Mr. EVERETT, pursuant to clause 8 of rule XX, redesignated Thursday, May 22, 2003, as the time for further proceedings on the following motions to suspend the rules which were debated on Tuesday, May 20, 2003, and on which further proceedings were postponed: (H.R. 1683) to increase, effective as of December 1, 2003, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; and (H.R. 1257) to amend title 38, United States Code, to make permanent the authority for qualifying members of the Selected Reserve to have access to home loans guaranteed by the Secretary of Veterans Affairs and to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for such home loans.

¶55.22 ORDER OF BUSINESS—RECONSIDERATION OF S. CON. RES. 46

On motion of Mr. HUNTER, by unanimous consent,

Ordered, That the action of the House adopting the concurrent resolution of the Senate (S. Con. Res. 46) welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Counsel Resolution 1441, be vacated to the end that the House hereby (1) amend the concurrent resolution by striking ''Secretary of the Senate'' and inserting in lieu thereof ''Clerk of the House''; and (2) adopt the concurrent resolution, as so amended.

¶55.23 RECESS—9:08 P.M.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 8 minutes p.m., subject to the call of the Chair.

¶55.24 AFTER RECESS—11:45 P.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶55.25 PROVIDING FOR THE FURTHER CONSIDERATION OF H.R. 1588

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–122) the resolution (H. Res. 247) providing for further consideration of the bill (H.R. 1588) to authorize appropriations for

fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶55.26 PROVIDING FOR THE CONSIDERATION OF H.R. 2185

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–123) the resolution (H. Res. 248) providing for consideration of the bill (H.R. 2185) to extend the Temporary Extended Unemployment Compensation Act of 2002.

When said resolution and report were referred to the House Calendar and ordered printed.

¶55.27 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–124) the resolution (H. Res. 249) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

And then,

¶55.28 ADJOURNMENT

On motion of Mr. Lincoln DIAZ-BALART Florida, at 11 o'clock and 46 minutes p.m., the House adjourned.

¶55.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNTER: Committee on Armed Services. Supplemental report on H.R. 1588. A bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes (Rept. 108–106, Pt. 2).

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1170. A bill to protect children and their parents from being coerced into administering psychotropic medication in order to attend school, and for other purposes; with an amendment (Rept. 108–121). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 247. Resolution providing for further consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes (Rept. 108–122). Referred to the House Calendar.

Mr. Lincoln DIAZ-BALART of Florida: Committee on Rules. House Resolution 248. Resolution providing for consideration of the bill (H.R. 2185) to extend the Temporary Extended Unemployment Compensation Act of 2002 (Rept. 108–123). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 249. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–124). Referred to the House Calendar.

¶55.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PORTMAN (for himself and Mr. CARDIN):

H.R. 2178. A bill to amend the Internal Revenue Code of 1986 to clarify the status of professional employer organizations and to promote and protect the interests of professional employer organizations, their customers, and workers; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. OXLEY, Mr. TIBERI, Mr. OSE, and Mrs. KELLY):

H.R. 2179. A bill to enhance the authority of the Securities and Exchange Commission to investigate, punish, and deter securities laws violations, and to improve its ability to return funds to defrauded investors, and for other purposes; to the Committee on Financial Services.

By Mr. MCGOVERN (for himself, Mr. OBERSTAR, Mr. LATOURETTE, Ms. DELAURO, Mr. BLUMENAUER, Mrs. TAUSCHER, Mr. WOLF, Ms. BERKLEY, Mr. SMITH of New Jersey, Mr. HONDA, Mr. CAPUANO, Mr. WELDON of Florida, Mr. MENENDEZ, Ms. CORRINE BROWN of Florida, Mr. BOEHLERT, Mr. LIPINSKI, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. SHIMKUS, Mr. BISHOP of New York, Mr. PLATTS, Mr. PASCRELL, Mr. COSTELLO, Mr. FILNER, Mr. SABO, Mr. TAYLOR of Mississippi, Mr. LAMPSON, Mr. NADLER, Mr. HOEFFEL, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. STARK, Mr. WEXLER, Mr. DUNCAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEINER, Mr. SANDERS, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. JOHNSON of Illinois, Mr. WAXMAN, Mr. DINGELL, Mr. MARKEY, Mr. GILCHREST, Mr. DICKS, Mr. FORD, Mr. EHLERS, Mr. CROWLEY, Mr. DAVIS of Florida, Mr. COLE, Mr. WATT, Mr. RODRIGUEZ, Mr. TOM DAVIS of Virginia, Mr. INSLEE, Mr. FATTAH, Mr. GRIJALVA, Mr. STEARNS, Mrs. NAPOLITANO, Mr. ETHERIDGE, Mr. KIRK, Mr. KILDEE, Mr. ANDREWS, Ms. MCCARTHY of Missouri, Mr. EVANS, Mr. CULBERSON, Mr. OLVER, Ms. MCCOLLUM, Mr. VAN HOLLEN, Ms. ROYBAL-ALLARD, Mr. HINCHEY, Mr. KUCINICH, Mr. DOYLE, Mr. GORDON, Mrs. BONO, Mrs. MALONEY, Mr. BROWN of Ohio, Mr. AKIN, Mr. FARR, Mr. DELAHUNT, Mr. HASTINGS of Florida, Mr. HOLT, Mr. RAMSTAD, Mr. LEVIN, Mr. COOPER, Mr. HOLDEN, Mr. ISRAEL, Mr. MEEHAN, Mr. CLAY, Mr. PAYNE, Mr. NEAL of Massachusetts, Mr. WYNN, Mr. ORTIZ, Mr. GONZALEZ, Mr. FROST, Mr. BELL, Mr. REYES, Mr. GREEN of Texas, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. RUSH, Ms. SCHAKOWSKY, Mr. EMANUEL, Mr. GUTIERREZ, Mr. LANTOS, Ms. LOFGREN, Ms. WOOLSEY, Mr. BACA, Mr. GEORGE MILLER of California, Mr. BERMAN, Mrs. DAVIS of California, Mrs. CAPPS, Mr. BECERRA, Ms. LEE, Ms. LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Ms. WATSON, Mr. SHAYS, and Mr. TIERNEY):

H.R. 2180. A bill to amend titles 23 and 49, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PENCE:

H.R. 2181. A bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability of oilseed producers to use oilseed base acres for the production of fruits and vegetables; to the Committee on Agriculture.

By Mr. FERGUSON (for himself and Mr. HOYER):

H.R. 2182. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B for medically necessary dental procedures; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 2183. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Ms. BALDWIN, Mr. CROWLEY, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. FILNER, Mr. FROST, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KLECZKA, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MATSUI, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Mr. PALLONE, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SOLIS, Ms. SLAUGHTER, Mr. STARK, Mr. TIERNEY, and Mr. WAXMAN):

H.R. 2184. A bill to amend the Internal Revenue Code of 1986 to prevent corporations from exploiting tax treaties to evade taxation of United States income and to prevent manipulation of transfer prices by deflection of income to tax havens; to the Committee on Ways and Means.

By Ms. DUNN (for herself, Mr. ENGLISH, Mr. QUINN, Mr. SIMMONS, Mr. CASTLE, Mrs. BIGGERT, Mr. MURPHY, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. WALSH, Mr. GILLMOR, Mr. KING of New York, Mr. BOEHLERT, Mr. HASTINGS of Washington, Mr. LAHOOD, Mr. WELLER, and Mr. NETHERCUTT):

H.R. 2185. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself and Mrs. CHRISTENSEN):

H.R. 2186. A bill to amend the Internal Revenue Code of 1986 to cover over to a possession of the United States whose income tax laws mirror such Code the refundable portions of the child tax credit and earned income tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN (for himself, Mr. RANGEL, Mr. STARK, Mr. LEVIN, and Mr. MCDERMOTT):

H.R. 2187. A bill to update the supplemental security income program, and to increase incentives for working, saving, and pursuing an education; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 2188. A bill to provide for additional benefits under the Temporary Extended Unemployment Compensation Act of 2002, to extend the Federal unemployment benefits system, and for other purposes; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 2189. A bill to amend the Solid Waste Disposal Act to assist homeowners with properties contaminated by leaking underground storage tanks in moving from such properties on a temporary or permanent basis by authorizing the Secretary of Housing and Urban Development to guarantee loans to such homeowners; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCRERY:

H.R. 2190. A bill to expand the use of Capital Construction Funds to expand the United States maritime industry and promote construction by domestic shipbuilders; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mr. HOYER, Mr. WOLF, Mr. WYNN, and Ms. NORTON):

H.R. 2191. A bill to amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based on part-time service, and for other purposes; to the Committee on Government Reform.

By Mr. OBERSTAR:

H.R. 2192. A bill to authorize appropriations for the Surface Transportation Board, to enhance railroad competition, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OSE (for himself, Mr. TIERNEY, Mr. JANKLOW, Ms. HARMAN, Mr. LEWIS of California, and Mr. SCHROCK):

H.R. 2193. A bill to provide funding for port security enhancements, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mr. OSBORNE):

H.R. 2194. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. SAM JOHNSON of Texas, and Mr. MATSUI):

H.R. 2195. A bill to provide for additional space and resources for national collections held by the Smithsonian Institution, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.R. 2196. A bill to improve the quality, availability, diversity, personal privacy, and innovation of health care in the United States; to the Committee on Ways and Means, and in addition to the Committees on Government Reform, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself, Mr. ACEVEDO-VILA, Mr. BOUCHER, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. HOLDEN, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. McGOVERN, Mr. PAYNE, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. STRICKLAND, and Mr. WAXMAN):

H.R. 2197. A bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Georgia (for himself, Mr. LEWIS of Georgia, and Mr. WAMP):

H.R. 2198. A bill to provide funding for student loan repayment for public attorneys; to the Committee on Education and the Workforce.

By Mr. STARK:

H.R. 2199. A bill to amend title XVIII of the Social Security Act to provide for a voluntary program for limiting maximum out-of-pocket expenditures for beneficiaries under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Ms. SOLIS):

H.R. 2200. A bill to require Federal agencies to develop and implement policies and practices that promote environmental justice, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 2201. A bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans; to the Committee on Resources, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 2202. A bill to amend the Internal Revenue Code of 1986 to provide for the ratable inclusion of citrus canker tree payments over a period of 10 years, and for other purposes; to the Committee on Ways and Means.

By Mrs. MUSGRAVE (for herself, Mr. HALL, Mr. McINTYRE, Mr. PETERSON of Minnesota, Mrs. JO ANN DAVIS of Virginia, and Mr. VITTER):

H.J. Res. 56. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. CUMMINGS:

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Hattie McDaniel, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. SHAW:

H. Con. Res. 188. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service in honor of Marjory Stoneman Douglas, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. UDALL of Colorado (for himself and Mr. EHLERS):

H. Con. Res. 189. Concurrent resolution celebrating the 50th anniversary of the International Geophysical Year (IGY) and supporting an International Geophysical Year-2 (IGY-2) in 2007-08; to the Committee on Science.

By Mr. ALLEN:

H. Res. 246. A resolution commemorating the 53rd anniversary of Senator Margaret Chase Smith's ''Declaration of Conscience'' speech in which she defended the American rights to free speech and dissent; to the Committee on Government Reform.

¶55.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. MOLLOHAN and Mr. DOOLEY of California.

H.R. 20: Mr. SMITH of New Jersey.

H.R. 36: Ms. KILPATRICK.

H.R. 40: Mr. LEWIS of Georgia.

H.R. 52: Mr. NETHERCUTT and Ms. HART.

H.R. 105: Mr. BELL.

H.R. 111: Ms. MAJETTE, Mr. OLVER, and Mr. DAVIS of Alabama.

H.R. 218: Mr. NETHERCUTT and Mr. McCOTTER.

H.R. 240: Mr. WEXLER.

H.R. 303: Mr. COOPER.

H.R. 391: Mr. TAYLOR of North Carolina.

H.R. 463: Mr. ETHERIDGE and Mr. MICHAUD.

H.R. 466: Mr. MATHESON.

H.R. 527: Mr. COSTELLO and Mr. LANTOS.

H.R. 580: Mr. NADLER.

H.R. 589: Mr. TAYLOR of Mississippi.

H.R. 591: Mrs. MILLER of Michigan.

H.R. 594: Mr. BECERRA, Mr. TOWNS, Mr. BLUNT, and Mr. DAVIS of Illinois.

H.R. 624: Ms. LINDA T. SANCHEZ of California.

H.R. 643: Mr. CAPUANO, Ms. NORTON, Mrs. CHRISTENSEN, Mr. SANDERS, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. TOWNS, Mr. RUSH, Mr. PAYNE, Mr. DAVIS of Alabama, Mr. BROWN of Ohio, and Mr. SERRANO.

H.R. 660: Mr. LIPINSKI, Mr. DOOLITTLE, and Mr. HENSARLING.

H.R. 713: Mr. DUNCAN.

H.R. 745: Ms. VELAZQUEZ.

H.R. 781: Mr. FORD and Ms. DEGETTE.

H.R. 784: Mrs. JO ANN DAVIS of Virginia.

H.R. 785: Mr. HONDA, Mr. HOBSON, and Mr. McINNIS.

H.R. 786: Mr. BISHOP of Georgia.

H.R. 792: Mr. MILLER of North Carolina and Mr. TOOMEY.

H.R. 809: Mr. LEVIN.

H.R. 811: Ms. MILLENDER-McDONALD.

H.R. 817: Ms. BALDWIN and Ms. VELAZQUEZ.

H.R. 830: Mr. McINTYRE.

H.R. 839: Mr. HAYES, Mr. McNULTY, Mr. WALDEN of Oregon, Mr. CARDOZA, Mr. WALSH, Mr. GARRETT of New Jersey, Mr. DAVIS of Florida, Mr. MURPHY, Mr. YOUNG of Alaska, Mr. MEEHAN, Mr. HALL, Mr. THOMPSON of California, Mr. MEEK of Florida, Mr. PAUL,

Mr. FROST, Mrs. BLACKBURN, Mr. TURNER of Texas, Mr. NETHERCUTT, Mr. BEREUTER, Ms. HARMAN, and Mr. HOLT.

H.R. 857: Mr. MARKEY and Ms. BALDWIN.

H.R. 876: Mr. LOBIONDO.

H.R. 879: Mr. HOEKSTRA.

H.R. 880: Mr. MARKEY.

H.R. 887: Mr. MATSUI.

H.R. 898: Mr. ALEXANDER, Mr. DAVIS of Tennessee, Mr. ISRAEL, Mr. MICHAUD, Mr. DELAHUNT, Mr. BERRY, Mr. HOLDEN, Mr. BOYD, Mr. HALL, and Mr. MCGOVERN.

H.R. 914: Mr. CALVERT, Ms. HARMAN, Mr. LUCAS of Oklahoma, and Mr. WELDON of Florida.

H.R. 919: Mr. HALL, Mr. CASE, and Ms. PELOSI.

H.R. 927: Mr. DEUTSCH, Mr. CANNON, Mr. WELDON of Florida, Mr. MURPHY, Mr. BISHOP of Utah, Mr. DAVIS of Florida.

H.R. 973: Mr. STARK.

H.R. 976: Mr. MEEKS of New York and Mr. BRADLEY of New Hampshire.

H.R. 1007: Mr. MEEKS of New York.

H.R. 1008: Mr. BOOZMAN.

H.R. 1038: Mr. RADANOVICH.

H.R. 1046: Mrs. CAPPS, Mr. SCOTT of Georgia, Ms. MILLENDER-MCDONALD, and Ms. VELAZQUEZ.

H.R. 1077: Mr. OWENS.

H.R. 1083: Mr. SANDERS, Ms. LINDA T. SANCHEZ of California, Mr. PETERSON of Minnesota, and Mr. SNYDER.

H.R. 1101: Mr. BELL.

H.R. 1102: Mrs. EMERSON.

H.R. 1103: Mr. CANNON.

H.R. 1110: Mr. BELL and Ms. JACKSON-LEE of Texas.

H.R. 1115: Mr. KELLER, Mr. PENCE, Mr. GALLEGLY, and Mr. FORBES.

H.R. 1117: Mr. VITTER.

H.R. 1118: Mr. BELL.

H.R. 1119: Mr. BARTLETT of Maryland.

H.R. 1122: Ms. WOOLSEY.

H.R. 1123: Mr. WOLF.

H.R. 1137: Mr. CHOCOLA.

H.R. 1157: Mr. KIND, Mr. BISHOP of New York, and Mr. PRICE of North Carolina.

H.R. 1162: Mr. BLUMENAUER.

H.R. 1168: Mr. GOODE.

H.R. 1170: Mr. MURPHY.

H.R. 1179: Mrs. EMERSON and Mr. BROWN of South Carolina.

H.R. 1191: Mr. WICKER.

H.R. 1196: : Mr. LARSEN of Washington and Mr. GONZALEZ.

H.R. 1209: Mr. DELAHUNT, Ms. ROYBAL-ALLARD, Mr. MORAN of Virginia, Mr. WAXMAN, Mr. ALLEN, Mr. BERMAN, and Mr. SNYDER.

H.R. 1225: Mr. HONDA.

H.R. 1229: Mr. WOLF.

H.R. 1243: Mr. MEEKS of New York and Mr. FROST.

H.R. 1244: Mr. SCOTT of Georgia.

H.R. 1251: Mr. CRENSHAW and Ms. ESHOO.

H.R. 1264: Mr. SCHIFF and Mr. SANDLIN.

H.R. 1267: Mr. EVANS, Mr. DAVIS of Alabama, and Ms. VELAZQUEZ.

H.R. 1276: Mr. DAVIS of Florida and Mr. YOUNG of Alaska.

H.R. 1279: Mr. DAVIS of Illinois and Mr. HOLT.

H.R. 1295: Mr. BACA, Mr. HINCHEY, Mr. LIPINSKI, Mr. ENGEL, Mr. HOLDEN, and Mr. REYES.

H.R. 1301: Mrs. DAVIS of California, Mr. MEEHAN, and Mr. HEFLEY.

H.R. 1305: Mr. SENSENBRENNER, Ms. BERKLEY, and Mr. MCCOTTER.

H.R. 1316: Mr. RAMSTAD and Mr. KILDEE.

H.R. 1334: Mr. MCNULTY.

H.R. 1336: Mr. HERGER, Mrs. JOHNSON of Connecticut, and Mr. FORBES.

H.R. 1340: Ms. ESHOO and Mr. WEXLER.

H.R. 1351: Mr. REYES, Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. RODRIGUEZ, Mrs. NAPOLITANO, Mr. GONZALEZ, and Mr. HINOJOSA.

H.R. 1385: Ms. CARSON of Indiana, Mr. GARRETT of New Jersey, Mr. RODRIGUEZ, Ms. MAJETTE, Mr. UDALL of New Mexico, Mr. MICHAUD, Mr. UDALL of Colorado, Ms. NORTON, Mr. GILCHREST, Mr. SHIMKUS, Mr. WYNN, Mr. TOOMEY, and Ms. HARMAN.

H.R. 1388: Mr. PETERSON of Minnesota.

H.R. 1428: Mr. ANDREWS, Mr. DAVIS of Alabama, and Mr. WILSON of South Carolina.

H.R. 1464: Mr. GREEN of Texas, Mr. RODRIGUEZ, and Mr. HINOJOSA.

H.R. 1470: Mr. MEEKS of New York.

H.R. 1472: Mr. ROTHMAN.

H.R. 1479: Ms. KILPATRICK and Mr. VITTER.

H.R. 1482: Mr. WAMP.

H.R. 1489: Mr. HAYES, Mrs. EMERSON, Ms. ROS-LEHTINEN, Mr. OTTER, Mr. SMITH of Michigan, Mr. JANKLOW, and Mr. COLE.

H.R. 1500: Mr. DICKS.

H.R. 1523: Mr. BURR.

H.R. 1530: Mr. MANZULLO, Mr. GORDON, Mr. TIBERI, and Mrs. EMERSON.

H.R. 1532: Mr. MORAN of Virginia, Ms. GINNY BROWN-WAITE of Florida, Mr. COSTELLO, Mr. HOBSON, Ms. HOOLEY of Oregon, Mr. RANGEL, Mr. MARKEY, Ms. DELAURO, and Mrs. LOWEY.

H.R. 1535: Mr. MATSUI and Mr. RAMSTAD.

H.R. 1553: Ms. MILLENDER-MCDONALD.

H.R. 1563: Mr. FARR, Ms. CARSON of Indiana, Mr. KUCINICH, Ms. WATSON, Mrs. CAPPS, and Mrs. MALONEY.

H.R. 1635: Mr. WEXLER.

H.R. 1652: Mr. EVANS, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, and Ms. LORETTA SANCHEZ of California.

H.R. 1662: Mr. CALVERT and Mr. LINCOLN DIAL-BALART of Florida.

H.R. 1689: Mr. DEUTSCH and Ms. LOFGREN.

H.R. 1700: Mr. MURPHY.

H.R. 1708: Mr. OXLEY.

H.R. 1723: Mr. MARKEY.

H.R. 1725: Mrs. JO ANN DAVIS of Virginia.

H.R. 1734: Mr. PICKERING and Mr. MEEKS of New York.

H.R. 1736: Ms. NORTON, Mr. NORWOOD, Mr. ENGEL, Mr. WYNN, Mr. DEUTSCH, and Mr. GREEN of Texas.

H.R. 1746: Mr. WALSH and Mr. MEEKS of New York.

H.R. 1755: Mr. FORBES and Mr. MCCOTTER.

H.R. 1767: Mr. SMITH of Michigan and Mr. TIBERI.

H.R. 1769: Mr. WHITFIELD, Mr. DEAL of Georgia, Mr. GERLACH, Mr. GOODLATTE, Mr. QUINN, Mr. TOM DAVIS of Virginia, Mr. KING of New York, and Mr. BALLENGER.

H.R. 1776: Mr. JANKLOW.

H.R. 1778: Mr. WALSH.

H.R. 1799: Mr. ENGEL.

H.R. 1819: Mr. ENGEL.

H.R. 1886: Mr. WYNN and Mr. SANDERS.

H.R. 1901: Mr. CUMMINGS.

H.R. 1910: Mr. LYNCH, Mr. LARSON of Connecticut, Mr. WELDON of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. PETERSON of Minnesota, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. FORD, Mr. GONZALEZ, Mr. DELAHUNT, Mr. HOLDEN, Mr. JEFFERSON, Mr. PASCRELL, Mr. NEAL of Massachusetts, Mr. SMITH of Washington, Mr. SPRATT, Mr. SWEENEY, Mr. TAYLOR of Mississippi, and Mr. EMANUEL.

H.R. 1912: Mr. SOUDER.

H.R. 1914: Mr. FROST, Mr. CRANE, and Mr. SKELTON.

H.R. 1926: Mr. GOODE, Mr. MCINNIS, Mr. GUTKNECHT, Mr. SESSIONS, and Mr. FEENEY.

H.R. 1951: Mr. STRICKLAND and Mr. MILLER of Florida.

H.R. 1981: Mr. MCDERMOTT.

H.R. 1999: Mr. BERRY, Mr. LIPINSKI, Mr. LAMPSON, Mr. HOLT, and Ms. JACKSON-LEE of Texas.

H.R. 2023: Mrs. DAVIS of California.

H.R. 2028: Mrs. JOHNSON of Connecticut, Mrs. CAPITO, Mr. FLETCHER, Mrs. CUBIN, Mr. QUINN, and Mr. VITTER.

H.R. 2030: Mr. COSTELLO and Mr. RUPPERSBERGER.

H.R. 2038: Mr. SHERMAN, Ms. DEGETTE, Mr. OLVER, and Mr. LANTOS.

H.R. 2045: Mr. TURNER of Texas.

H.R. 2074: Mr. GONZALEZ.

H.R. 2075: Mr. WELDON of Florida, Mr. FEENEY, Mr. MILLER of Florida, and Ms. HARRIS.

H.R. 2077: Mr. PETERSON of Minnesota.

H.R. 2090: Ms. JACKSON-LEE of Texas, Mr. UDALL of Colorado, and Mr. ENGEL.

H.R. 2123: Mr. SCHIFF, Ms. ESHOO, Mr. COOPER, and Ms. SCHAKOWSKY.

H.R. 2125: Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. ESHOO, Mr. SANDERS, and Mr. ALLEN.

H.R. 2133: Mr. MATSUI.

H.R. 2157: Ms. BALDWIN, Mr. BALLANCE, Mr. BELL, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mrs. BONO, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPITO, Mrs. CAPPS, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DINGELL, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. HOEFFEL, Mr. HOLT, Mr. INSLEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. KILPATRICK, Mr. KUCINICH, Ms. LEE, Ms. JACKSON-LEE of Texas, Mrs. MALONEY, Mr. MEEK of Florida, Mr. MEEKS of New York, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Mrs. NAPOLITANO, Ms. NORTON, Mr. OWENS, Mr. KILDEE, Mr. LANTOS, Mr. RANGEL, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Ms. SLAUGHTER, Ms. SOLIS, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Ms. WOOLSEY, and Mr. WYNN.

H.R. 2169: Mr. EVANS and Mr. ANDREWS.

H.R. 2172: Mr. EHLERS and Mr. QUINN.

H.R. 2176: Mr. RYAN of Ohio and Mr. WILSON of South Carolina.

H.J. Res. 4: Mr. SESSIONS, Mr. MCCRERY, Ms. GRANGER, Mr. WELDON of Florida, Mr. HENSARLING, and Mr. TAYLOR of Mississippi.

H.J. Res. 36: Mr. WU, Mr. INSLEE, Mr. GONZALEZ, and Mr. LEACH.

H. Con. Res. 39: Mr. MEEKS of New York.

H. Con. Res. 76: Mr. BISHOP of New York.

H. Con. Res. 78: Mr. WATT.

H. Con. Res. 93: Mr. OSE.

H. Con. Res. 111: Mr. DOGGETT.

H. Con. Res. 114: Ms. CARSON of Indiana and Ms. GRANGER.

H. Con. Res. 116: Mr. BARRETT of South Carolina.

H. Con. Res. 151: Mr. OWENS.

H. Con. Res. 155: Mr. HINOJOSA, Mr. LANTOS, and Mr. MOORE.

H. Con. Res. 164: Mr. BLUNT and Mr. DAVIS of Illinois.

H. Con. Res. 178: Ms. BERKLEY, Mr. SESSIONS, and Mrs. CAPPS.

H. Con. Res. 185: Mr. TOWNS, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. MEEKS of New York, Mr. SERRANO, Mr. KING of New York, Mr. HOUGHTON, Mr. RANGEL, Mr. FOSSELLA, Mr. MCNULTY, Mr. BISHOP of New York, Mrs. MALONEY, Mr. MCHUGH, Mr. OWENS, Mr. QUINN, Mr. ISRAEL, Mr. WALSH, Mr. SWEENEY, Mr. ENGEL, Mrs. LOWEY, Ms. LOFGREN, Mr. NADLER, Ms. SLAUGHTER, Mr. REYNOLDS, Mrs. KELLY, Mr. CROWLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WELDON of Pennsylvania, Mr. GORDON, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. NORTON, Mr. PALLONE, Mr. FOLEY, Ms. DELAURO, Mr. GREEN of Texas, Mr. BRADLEY of New Hampshire, Mr. FROST, Mr. LANGEVIN, Mr. WAMP, Mr. PAYNE, Ms. DUNN, Mr. SANDLIN, Mr. ROSS, Mr. ACEVEDO-VILA, Mr. LATOURETTE, Mrs. JOHNSON of Connecticut, Mr. MORAN of Virginia, and Mr. TERRY.

H. Res. 45: Mr. BILIRAKIS.

H. Res. 118: Mr. FRANK of Massachusetts.

H. Res. 136: Mr. BOSWELL.

H. Res. 167: Mr. KENNEDY of Rhode Island.
H. Res. 193: Mr. GALLEGLY and Ms. JACKSON-LEE of Texas.
H. Res. 199: Mr. GRIJALVA, Mr. CALVERT, Mr. LYNCH, Mr. ANDREWS, Ms. KAPTUR, and Mr. GARRETT of New Jersey.
H. Res. 218: Mr. HINOJOSA, Mr. DOYLE, and Mr. LEWIS of Georgia.
H. Res. 237: Mr. CUMMINGS, Ms. WATSON, Mr. OWENS, Mr. SCOTT of Virginia, Ms. MCCOLLUM, and Mr. GRIJALVA.
H. Res. 242: Mr. MCCOTTER.

THURSDAY, MAY 22, 2003 (56)

The House was called to order by the SPEAKER.

¶56.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, May 21, 2003.

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

¶56.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XIV, were referred as follows:

2344. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Bill — Conservation Reserve Program — Long-Term Policy (RIN: 0560-AG74) received May 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2345. A communication from the President of the United States, transmitting a request to make available funds for the disaster relief program of the Department of Homeland Security; (H. Doc. No. 108—75); to the Committee on Appropriations and ordered to be printed.

2346. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve, covering calendar year 2002, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

2347. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2003 Annual Report, pursuant to 22 U.S.C. 6412 Public Law 105—292 section 102; to the Committee on International Relations.

2348. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities; to the Committee on International Relations.

2349. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2350. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-92, ''Fiscal Year 2003 Budget Support Temporary Act of 2003'' received May 22, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

2351. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-91, ''Disposal of District Owned Surplus Real Property Temporary Amendment Act of 2003'' received May 22, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

2352. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-90, ''Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2003'' received May 22, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

2353. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-81, ''Central Detention Facility Monitoring Temporary Amendment Act of 2003'' received May 22, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

2354. A letter from the Director of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2355. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2002 Report on Performance and Accountability; to the Committee on Government Reform.

2356. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2357. A letter from the Human Resources Officer, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2358. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of Nonessential Experimental Population Status and Reintroduction of Black-Footed Ferrets in South-Central South Dakota (RIN: 1018-AI60) received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2359. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures Correction [Docket No. 020718172-3062-03; I. D. 051402C] (RIN: 0648-AQ08) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2360. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod by Catcher Vessels less than 60 Feet Length Overall Using Hook-and-line or Pot Gear in the Bering Sea and Aleutian Islands [Docket No. 021212307-3037-02; I.D. 041803C] received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2361. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 042203A] received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2362. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan; Correction [Docket No. 030124019-3040-02; I.D. 010703B] (RIN: 0648-AQ67) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2363. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307 3037-02; I.D. 042903A] received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2364. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the 2002 report on the Status of Fisheries of the United States; to the Committee on Resources.

2365. A letter from the Director, Administrative Office of the U.S. Courts, transmitting two reports on the 2002 Activities of the Administrative Office of the United States Courts and the 2002 Judicial Business of the United States Courts, pursuant to 28 U.S.C. 604(a)(4), (h)(2), and 2412(d)(5); to the Committee on the Judiciary.

2366. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report pursuant to the Assets for Independence Act of the Community Opportunities, Accountability, and Training and Educational Services Act of 1998, Pub. L. 105-285, as amended; to the Committee on Ways and Means.

¶56.3 MESSAGE FROM THE SENATE

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

H. Con. Res. 160. A concurrent resolution expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition.

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

S. 515. An Act to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency.

The message also announced that pursuant to the provisions of Public Law 107–306, the Chair, on behalf of the Majority Leader, after consultation with the Chairman of the Select Committee on Intelligence of the Senate, announces the appointment of the following individuals to serve as members of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: The Honorable Fred Thompson of Tennessee. Bran Ferren of California.

The message also announced that pursuant to Public Law 99–498, the Chair, on behalf of the President pro tempore, appoints Claude O. Pressnell, Jr. of Tennessee, to the Advisory Committee on Student Financial Assistance for a three-year term.

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, the Chair, on behalf of the President pro tempore, upon the recommendation of

the Majority Leader, appoints the following individual to the United States Commission on International Religious Freedom: Michael K. Young of Washington, D.C.

¶56.4 JOBS AND GROWTH TAX RECONCILIATION

On motion of Mr. THOMAS, by unanimous consent, the bill (H.R. 2) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. THOMAS, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶56.5 MOTION TO INSTRUCT CONFEREES—H.R. 2

Mr. STENHOLM moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 2, be instructed (1) to include in the conference report the fiscal relief provided to States by section 371 of the Senate amendment, and (2) to the maximum extent possible within the scope of conference to agree to a conference report that will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶56.6 APPOINTMENT OF CONFEREES—H.R. 2

Thereupon, the SPEAKER pro tempore, Mr. LATOURETTE, by unanimous consent, appointed Messrs. THOMAS, DELAY, and RANGEL as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶56.7 PROVIDING FOR THE FURTHER CONSIDERATION OF H.R. 1588

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 247):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes. No further amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2. Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 3), may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Each amendment printed in the report shall be debatable for 10 minutes (unless otherwise specified in the report) equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment). All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 2 are waived.

Sec. 2. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional RECORD immediately before the disposition of the amendments en bloc.

Sec. 3. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Sec. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

It was decided in the affirmative .....

Yeas	224
Nays	198
Answered present	1

¶56.8 [Roll No. 207]

YEAS—224

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

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

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

ANSWERED ''PRESENT''—1

Farr

NOT VOTING—11

Bonilla
Combest
Gephardt
Lewis (GA)
Meek (FL)
Portman
Quinn
Rangel
Solis
Udall (CO)
Watson

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

It was decided in the affirmative ..... { Yeas ..... 222; Nays ..... 199; Answered present 2 }

¶56.9 [Roll No. 208]

AYES—222

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

NOES—199

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

ANSWERED ''PRESENT''—2

Farr
Lofgren

NOT VOTING—11

Bonilla
Combest
Cunningham
Gephardt
Lewis (GA)
Meek (FL)
Oxley
Quinn
Rangel
Solis
Udall (CO)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶56.10 H.R. 1683—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1683) to increase, effective as of December 1, 2003, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 0

¶56.11 [Roll No. 209]

YEAS—426

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

NOT VOTING—8

Bonilla
Combest
Gephardt
Lewis (GA)
Oxley
Quinn
Sabo
Stearns

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶56.12 H.R. 1257—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTKNECHT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1257) to amend title 38, United States Code, to make permanent the authority for qualifying members of the Selected Reserve to have access to home loans guaranteed by the Secretary of Veterans Affairs and to provide for uniformity in fees charged qualifying members of the Selected Reserve and active duty veterans for such home loans.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 428 / Nays 0

¶56.13 [Roll No. 210]

YEAS—428

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

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

NOT VOTING—6

Bonilla
Combest
Gephardt
Lewis (GA)
Oxley
Quinn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶56.14 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 249):

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of May 22, 2003, providing for consideration or disposition of the bill (H.R. 2) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

When said resolution was considered.

After debate,

Mr. Lincoln DIAZ-BALART moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. GUTKNECHT, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 221 / Nays ..... 202 }

¶56.15 [Roll No. 211]

YEAS—221

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

NAYS—202

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

NOT VOTING—11

Bonilla
Combest
Cunningham
Foley
Gephardt
Hyde
Kennedy (RI)
Lewis (GA)
Oxley
Quinn
Weldon (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 218 / Nays ..... 202 }

¶56.16 [Roll No. 212]

AYES—218

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)

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

NOES—202

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

NOT VOTING—14

Bilirakis
Bonilla
Brown-Waite, Ginny
Combest
Cunningham
DeGette
Foley
Gephardt
Hunter
Hyde
Lewis (GA)
Nadler
Oxley
Quinn

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶56.17 PROVIDING FOR CONSIDERATION OF H.R. 2185

Mr. Lincoln DIAZ-BALART, by direction of the Committee on Rules, called up the following resolution (H. Res. 248):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2185) to extend the Temporary Extended Unemployment Compensation Act of 2002. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

When said resolution was considered.

After debate,

Mr. Lincoln DIAZ-BALART moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. MCGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 217
Nays 203

¶56.18 [Roll No. 213]

YEAS—217

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

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)

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

NOT VOTING—14

Bonilla
Combest
Conyers
Cunningham
Gephardt
Gingrey
Hunter
Issa
Lewis (GA)
Napolitano
Norwood
Oxley
Quinn
Tauzin

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 216 / Nays 201

¶56.19 [Roll No. 214]

AYES—216

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

NOES—201

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

NOT VOTING—17

Barton (TX)
Bereuter
Bonilla
Combest
Conyers
Cunningham
Gephardt
Hall
Issa
Lewis (GA)
Lynch
Norwood
Oxley
Portman
Quinn
Walden (OR)
Wilson (SC)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶56.20 DEFENSE AUTHORIZATION FY 2004

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 245 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes.

Mr. LAHOOD, Acting Chairman, assumed the chair.

¶56.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. Loretta SANCHEZ of California:

At the end of title VII (page 196, after line 12), add the following new section:

SEC. 708. LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting ''in the United States'' after ''Defense''.

It was decided in the negative ..... { Yeas ..... 201 / Nays 227

¶56.22 [Roll No. 215]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Biggert

Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lofgren
Lowey
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bonilla
Combest
Gephardt
Issa
Lewis (GA)
Oxley
Quinn

So the amendment was not agreed to.

¶56.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. TAUSCHER:

At the end of subtitle A of title II (page 30, after line 7), insert the following new section:

SEC. 2___. FUNDING REDUCTIONS AND INCREASES.

(a) INCREASE.—The amount provided in section 201 for research, development, test, and evaluation is hereby increased by $21,000,000, of which—

(1) $5,000,000 shall be available for Program Element 0603910D8Z, strategic capability modernization;

(2) $6,000,000 shall be available for Program Element 0602602F, conventional munitions; and

(3) $10,000,000 shall be available for Program Element 0603601F, conventional weapons technology.

(b) REDUCTION.—The amount provided in section 3101 for stockpile research and development is hereby reduced by $21,000,000, of which—

(1) $15,000,000 shall be derived from the feasibility and cost study of the Robust Nuclear Earth Penetrator; and

(2) $6,000,000 shall be derived from advanced concepts initiative activities.

It was decided in the negative { Yeas ..... 199 / Nays ..... 226 }

¶56.24 [Roll No. 216]

AYES—199

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

NOES—226

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
John

Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Bonilla
Combest
Emerson
Gephardt
Herger
Issa
Lewis (GA)
Oxley
Quinn

So the amendment was not agreed to.

¶56.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GOSS:

At the end of title XII (page 384, after line 3), insert the following new section:

SEC. ___. REPORT ON ACTIONS THAT COULD BE TAKEN REGARDING COUNTRIES THAT INITIATE CERTAIN LEGAL ACTIONS AGAINST UNITED STATES OFFICIALS.

(a) FINDING.—Congress finds that actions for or on behalf of a foreign government that constitute attempts to commence legal proceedings against, or attempts to compel the appearance of or production of documents from, any current or former official or employee of the United States or member of the Armed Forces of the United States relating to the performance of official duties constitutes a threat to the ability of the United States to take necessary and timely military action.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on appropriate steps that could be taken by the Department of Defense (including restrictions on military travel and limitations on military support and exchange programs) to respond to any action by a foreign government described in subsection (a).

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 11

¶56.26 [Roll No. 217]

AYES—412

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

NOES—11

Conyers
Filner
Hinchey
Kucinich
Lee
McDermott
Olver
Payne
Stark
Waters
Woolsey

NOT VOTING—11

Bonilla
Burton (IN)
Combest
Cox
Emerson
Gephardt
Issa
Lewis (GA)
Oxley
Quinn
Turner (TX)

So the amendment was agreed to.

¶56.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SAXTON:

At the end of subtitle B of title V (page 91, after line 16), insert the following new section:

SEC. 514. REPEAL OF REQUIRED GRADE OF DEFENSE ATTACHE IN FRANCE.

(a) IN GENERAL.—Section 714 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 714.

It was decided in the affirmative ..... { Yeas ..... 302 / Nays 123

¶56.28 [Roll No. 218]

AYES—302

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio

DeLay
DeMint
Deutsch
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Etheridge
Evans
Everett
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—123

Abercrombie
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capuano
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Eshoo
Farr
Fattah
Ford
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Harman
Hinchey
Hoeffel
Holt
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kleczka
Kolbe
Kucinich
Lampson
Larsen (WA)
Lee
Lowey
Majette
Markey
Matsui
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rahall
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—9

Bonilla
Combest
Diaz-Balart, L.
Emerson
Gephardt
Issa
Lewis (GA)
Oxley
Quinn

So the amendment was agreed to.

After some further time,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

¶56.29 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶56.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DREIER:

At the end of title X (page 333, after line 21), insert the following new section:

SEC. ____. REPEAL OF MTOPS REQUIREMENT FOR COMPUTER EXPORT CONTROLS.

(a) REPEAL.—Effective 120 days after the date of the enactment of this Act, subtitle B of title XII and section 3157 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) are repealed.

(b) CONSULTATION REQUIRED.—During the 120–day period beginning on the date of the enactment of this Act and before implementing any new regulations relating to an export administration system for high-performance computers, the President shall consult with the following congressional committees:

(1) The Select Committee on Homeland Security, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(c) REPORT.—Not later than 30 days after implementing any regulations described in subsection (b), the President shall submit to Congress a report that—

(1) identifies the functions of the Secretary of Commerce, Secretary of Defense, Secretary of Energy, Secretary of State, the Secretary of Homeland Security, and any other relevant national security or intelligence agencies under the export administration system embraced by those regulations; and

(2) explains how the export administration system will effectively advance the national security objectives of the United States.

(d) NEW REGULATIONS.—If the President finds that it is in the national security interest of the United States, the President may, after consultation with the Secretary of Commerce, Secretary of Defense, Secretary of Energy, Secretary of State, Secretary of Homeland Security, the Director of Central Intelligence, and other relevant national security and intelligence agencies, issue regulations that replace the current MTOPS-based method for controlling computer exports, after considering other means of controlling such exports, including controls that may incorporate accepted and accurate measurements of computer performance (including the performance of clustered computers).

It was decided in the negative ..... { Yeas ..... 207 / Nays 217

¶56.31 [Roll No. 219]

AYES—207

Ackerman
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bereuter
Berkley
Biggert
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Brady (TX)
Brown (SC)
Burr
Camp
Cannon
Cantor
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chocola
Clay
Conyers
Cooper
Cox
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Dingell
Doggett
Dooley (CA)
Dreier
Dunn
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Flake
Fletcher
Foley
Fossella
Frank (MA)
Frost
Gallegly
Gonzalez
Goodlatte
Goss
Granger
Greenwood
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Herger
Hill
Hinojosa
Hoekstra
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kind
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lee
Lewis (GA)
Linder
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Moore
Moran (VA)
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Oberstar
Olver
Osborne
Ose
Otter
Pallone
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Pitts
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reynolds
Roybal-Allard
Rush
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Sessions
Shays
Shimkus
Smith (TX)
Smith (WA)
Snyder
Solis
Sullivan
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Walden (OR)
Walsh
Waters
Watson
Watt
Weiner
Weller
Wexler
Wilson (NM)

NOES—217

Abercrombie
Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass

Beauprez
Bell
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Bonner
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burns
Burton (IN)
Buyer
Calvert
Capito
Carson (IN)
Carson (OK)
Carter
Chabot
Clyburn
Coble
Cole
Collins
Costello
Cramer
Crenshaw
Culberson
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Doyle
Duncan
Edwards
English
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Forbes
Ford
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Graves
Green (TX)
Green (WI)
Hall
Hayes
Hayworth
Hefley
Hinchey
Hobson
Hoeffel
Holden
Hostettler
Hunter
Hyde
Isakson
Istook
Jackson-Lee (TX)
Janklow
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kildee
King (IA)
King (NY)
Kingston
Kleczka
Kline
Lantos
Larson (CT)
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (OK)
Lynch
Marshall
McCarthy (MO)
McCotter
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Nethercutt
Ney
Norwood
Nussle
Obey
Ortiz
Owens
Pascrell
Payne
Pearce
Pence
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Visclosky
Vitter
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Bonilla
Brown-Waite, Ginny
Combest
Doolittle
Emerson
Gephardt
Gordon
Langevin
Oxley
Whitfield

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. HASTINGS of Washington, Acting Chairman, pursuant to House Resolution 247, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2004''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

Sec. 1. Short title; findings.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Stryker vehicle program.
Sec. 112. Configuration of Fourth Stryker Brigade Combat Team.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for F/A–18 aircraft program.
Sec. 122. Multiyear procurement authority for Tactical Tomahawk cruise missile program.
Sec. 123. Multiyear procurement authority for Virginia class submarine program.
Sec. 124. Multiyear procurement authority for E–2C aircraft program.
Sec. 125. LPD–17 class vessel.

Subtitle D—Air Force Programs

Sec. 131. Air Force air refueling transfer account.
Sec. 132. Increase in number of aircraft authorized to be procured under multiyear procurement authority for Air Force C–130J aircraft program.
Sec. 133. Limitation on retiring C–5 aircraft.
Sec. 134. Limitation on obligation of funds for procurement of F/A–22 aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.
Sec. 203. Program increases.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Collaborative program for development of electromagnetic gun technology.
Sec. 212. Authority to select civilian employee of Department of Defense as director of Department of Defense Test Resource Management Center.
Sec. 213. Development of the Joint Tactical Radio System.
Sec. 214. Future Combat Systems.
Sec. 215. Army program to pursue technologies leading to the enhanced production of titanium by the United States.
Sec. 216. Extension of reporting requirement for RAH–66 Comanche aircraft program.
Sec. 217. Studies of fleet platform architectures for the Navy.

Subtitle C—Ballistic Missile Defense

Sec. 221. Enhanced flexibility for ballistic missile defense systems.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense programs.
Sec. 304. Counterexploitation initiative.
Sec. 305. Reduction in authorization for Air Force operation and maintenance account.

Subtitle B—Environmental Provisions

Sec. 311. Reauthorization and modification of title I of Sikes Act.
Sec. 312. Authorization for defense participation in wetland mitigation banks.
Sec. 313. Inclusion of environmental response equipment and services in Navy definitions of salvage facilities and salvage services.
Sec. 314. Clarification of Department of Defense response to environmental emergencies.
Sec. 315. Requirements for restoration advisory boards and exemption from Federal Advisory Committee Act.
Sec. 316. Report regarding impact of civilian community encroachment and certain legal requirements on military installations and ranges.
Sec. 317. Military readiness and conservation of protected species.
Sec. 318. Military readiness and marine mammal protection.
Sec. 319. Limitation on Department of Defense responsibility for civilian water consumption impacts related to Fort Huachuca, Arizona.
Sec. 320. Construction of wetland crossings, Camp Shelby Combined Arms Maneuver Area, Camp Shelby, Mississippi.

Subtitle C—Workplace and Depot Issues

Sec. 321. Exclusion of certain expenditures from percentage limitation on contracting for performance of depot-level maintenance and repair workloads.
Sec. 322. High-performing organization business process reengineering pilot program.
Sec. 323. Delayed implementation of revised Office of Management and Budget Circular A-76 by Department of Defense pending report.
Sec. 324. Naval Aviation Depots multi-trades demonstration project.

Subtitle D—Information Technology

Sec. 331. Performance-based and results-based management requirements for Chief Information Officers of Department of Defense.

Subtitle E—Other Matters

Sec. 341. Cataloging and standardization for defense supply management.
Sec. 342. Space-available transportation for dependents of members assigned to overseas duty locations for continuous period in excess of one year.
Sec. 343. Preservation of Air Force Reserve weather reconnaissance mission.
Sec. 344. Expansion of Department of Defense excess personal property disposal program to include health agencies in addition to law enforcement and fire-fighting agencies.
Sec. 345. Department of Defense public health assessment of exposure to perchlorate.

Sec. 346. Permanent authority for purchase of certain municipal services at installations in Monterey County, California.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2004 limitation on non-dual status technicians.
Sec. 415. Permanent limitations on number of non-dual status technicians.

Subtitle C—Authorizations of Appropriations

Sec. 421. Military personnel.
Sec. 422. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General and Flag Officer Matters

Sec. 501. Standardization of qualifications for appointment as service chief.

Subtitle B—Other Officer Personnel Policy Matters

Sec. 511. Repeal of prohibition on transfer between line of the Navy and Navy staff corps applicable to regular Navy officers in grades above lieutenant commander.
Sec. 512. Retention of health professions officers to fulfill active-duty service commitments following promotion nonselection.
Sec. 513. Increased flexibility for voluntary retirement for military officers.
Sec. 514. Repeal of required grade of defense attaché in France.

Subtitle C—Reserve Component Matters

Sec. 521. Streamlined process for continuation of officers on the reserve active-status list.
Sec. 522. Consideration of reserve officers for position vacancy promotions in time of war or national emergency.
Sec. 523. Simplification of determination of annual participation for purposes of Ready Reserve training requirements.
Sec. 524. Authority for delegation of required secretarial special finding for placement of certain retired members in Ready Reserve.
Sec. 525. Authority to provide expenses of Army and Air Staff personnel and National Guard Bureau personnel attending national conventions of certain military associations.

Subtitle D—Military Education and Training

Sec. 531. Authority for the Marine Corps University to award the degree of master of operational studies.
Sec. 532. Expanded educational assistance authority for cadets and midshipmen receiving ROTC scholarships.
Sec. 533. Increase in allocation of scholarships under Army Reserve ROTC scholarship program to students at military junior colleges.
Sec. 534. Inclusion of accrued interest in amounts that may be repaid under Selected Reserve critical specialties education loan repayment program.
Sec. 535. Authority for nonscholarship senior ROTC sophomores to voluntarily contract for and receive subsistence allowance.
Sec. 536. Appointments to military service academies from nominations made by delegates from Guam, Virgin Islands, and American Samoa.
Sec. 537. Readmission to service academies of certain former cadets and midshipmen.
Sec. 538. Authorization for Naval Postgraduate School to provide instruction to enlisted members participating in certain programs.
Sec. 539. Defense task force on sexual harassment and violence at the military service academies.

Subtitle E—Administrative Matters

Sec. 541. Enhancements to high-tempo personnel program.
Sec. 542. Enhanced retention of accumulated leave for high-deployment members.
Sec. 543. Standardization of time-in-service requirements for voluntary retirement of members of the Navy and Marine Corps with Army and Air Force requirements.
Sec. 544. Standardization of statutory authorities for exemptions from requirement for access to secondary schools by military recruiters.
Sec. 545. Procedures for consideration of applications for award of the Purple Heart medal to veterans held as prisoners of war before April 25, 1962.
Sec. 546. Authority for reserve and retired regular officers to hold State and local elective office notwithstanding call to active duty.
Sec. 547. Clarification of offense under the Uniform Code of Military Justice relating to drunken or reckless operation of a vehicle, aircraft, or vessel.
Sec. 548. Public identification of casualties no sooner than 24 hours after notification of next-of-kin.

Subtitle F—Benefits

Sec. 551. Additional classes of individuals eligible to participate in the Federal long-term care insurance program.
Sec. 552. Authority to transport remains of retirees and retiree dependents who die in military treatment facilities outside the United States.
Sec. 553. Eligibility for dependents of certain mobilized reservists stationed overseas to attend defense dependents schools overseas.

Subtitle G—Other Matters

Sec. 561. Extension of requirement for exemplary conduct by commanding officers and others in authority to include civilians in authority in the Department of Defense.
Sec. 562. Recognition of military families.
Sec. 563. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 564. Permanent authority for support for certain chaplain-led military family support programs.
Sec. 565. Department of Defense-Department of Veterans Affairs Joint Executive Committee.
Sec. 566. Limitation on aviation force structure changes in the Department of the Navy.
Sec. 567. Impact-aid eligibility for heavily impacted local educational agencies affected by privitization of military housing.
Sec. 568. Investigation into the 1991 death of Marine Corps Colonel James E. Sabow.

Subtitle H—Domestic Violence

Sec. 571. Travel and transportation for dependents relocating for reasons of personal safety.
Sec. 572. Commencement and duration of payment of transitional compensation.
Sec. 573. Flexibility in eligibility for transitional compensation.
Sec. 574. Types of administrative separations triggering coverage.
Sec. 575. On-going review group.
Sec. 576. Resources for Department of Defense implementation organization.
Sec. 577. Fatality reviews.
Sec. 578. Sense of Congress.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2004.
Sec. 602. Computation of basic pay rate for commissioned officers with prior enlisted or warrant officer service.
Sec. 603. Special subsistence allowance authorities for members assigned to high-cost duty location or under other unique and unusual circumstances.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of other bonus and special pay authorities.
Sec. 615. Computation of hazardous duty incentive pay for demolition duty and parachute jumping by members of reserve components entitled to compensation under section 206 of title 37.
Sec. 616. Availability of hostile fire and imminent danger pay for reserve component members on inactive duty.
Sec. 617. Expansion of overseas tour extension incentive program to officers.
Sec. 618. Eligibility of appointed warrant officers for accession bonus for new officers in critical skills.
Sec. 619. Incentive pay for duty on ground in Antarctica or on Arctic icepack.
Sec. 620. Special pay for service as member of Weapons of Mass Destruction Civil Support Team.
Sec. 621. Incentive bonus for agreement to serve in critically short military occupational specialty.
Sec. 622. Increase in rate for imminent danger pay and family separation allowance related to service in Operation Iraqi Freedom or Operation Enduring Freedom.

Sec. 623. Availability of hostile fire and imminent danger pay for reserve component members serving in response to certain domestic terrorist attacks.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Shipment of privately owned motor vehicle within continental United States.
Sec. 632. Payment or reimbursement of student baggage storage costs for dependent children of members stationed overseas.
Sec. 633. Reimbursement for lodging expenses of certain reserve component and retired members during authorized leave from temporary duty location.

Subtitle D—Retired Pay and Survivors Benefits

Sec. 641. Funding for special compensation authorities for Department of Defense retirees.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 651. Expanded commissary access for Selected Reserve members, reserve retirees under age 60, and their dependents.
Sec. 652. Defense commissary system and exchange stores system.
Sec. 653. Limitations on private operation of defense commissary store functions.
Sec. 654. Use of appropriated funds to operate defense commissary system.
Sec. 655. Recovery of nonappropriated fund instrumentality and commissary store investments in real property at military installations closed or realigned.
Sec. 656. Commissary shelf-stocking pilot program.

Subtitle F—Other Matters

Sec. 661. Repeal of congressional notification requirement for designation of critical military skills for retention bonus.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. Revision of Department of Defense medicare-eligible retiree health care fund to permit more accurate actuarial valuations.
Sec. 702. Transfer of certain members from pharmacy and therapeutics committee to Uniform Formulary Beneficiary Advisory Panel under the pharmacy benefits program.
Sec. 703. Permanent extension of authority to enter into personal services contracts for the performance of health care responsibilities at locations other than military medical treatment facilities.
Sec. 704. Plan for providing health coverage information to members, former members, and dependents eligible for certain health benefits.
Sec. 705. Working group on military health care for persons reliant on health care facilities at military installations to be closed or realigned.
Sec. 706. Acceleration of implementation of chiropractic health care for members on active duty.
Sec. 707. Medical and dental screening for members of selected reserve units alerted for mobilization.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 801. Extension of authority to carry out certain prototype projects.
Sec. 802. Elimination of certain subcontract notification requirements.
Sec. 803. Elimination of requirement to furnish written assurances of technical data conformity.
Sec. 804. Limitation period for task and delivery order contracts.
Sec. 805. Additional authorities relating to obtaining personal services.
Sec. 806. Evaluation of prompt payment provisions.

Subtitle B—United States Defense Industrial Base Provisions

PART I—CRITICAL ITEMS IDENTIFICATION AND DOMESTIC PRODUCTION CAPABILITIES IMPROVEMENT PROGRAM

Sec. 811. Assessment of United States defense industrial base capabilities.
Sec. 812. Identification of critical items: military system breakout list.
Sec. 813. Procurement of certain critical items from American sources.
Sec. 814. Production capabilities improvement for certain critical items using Defense Industrial Base Capabilities Fund.

PART II—REQUIREMENTS RELATING TO SPECIFIC ITEMS

Sec. 821. Domestic source limitation for certain additional items.
Sec. 822. Requirements relating to buying commercial items containing specialty metals from American sources.
Sec. 823. Elimination of unreliable sources of defense items and components.
Sec. 824. Congressional notification required before exercising exception to requirement to buy specialty metals from American sources.
Sec. 825. Repeal of authority for foreign procurement of para-aramid fibers and yarns.
Sec. 826. Requirement for major defense acquisition programs to use machine tools entirely produced within the United States.
Sec. 827. Data collection and technical assistance center relating to machine tools.
Sec. 828. Buy American enhancement.
Sec. 829. Requirement relating to purchases by Department of Defense subject to Buy American Act.

PART III—GENERAL PROVISIONS

Sec. 831. Definitions.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Change in title of Secretary of the Navy to Secretary of the Navy and Marine Corps.
Sec. 902. Redesignation of National Imagery and Mapping Agency as National Geospatial-intelligence Agency.
Sec. 903. Pilot program for provision of space surveillance network services to non-United States governmental entities.
Sec. 904. Clarification of responsibility of military departments to support combatant commands.
Sec. 905. Biennial review of national military strategy by Chairman of the Joint Chiefs of Staff.
Sec. 906. Authority for acceptance by Asia-Pacific Center for Security Studies of gifts and donations from nonforeign sources.
Sec. 907. Repeal of rotating chairmanship of Economic Adjustment Committee.
Sec. 908. Pilot program for improved civilian personnel management.
Sec. 909. Extension of certain authorities applicable to the Pentagon Reservation to include designated Pentagon continuity-of-government locations.
Sec. 910. Defense acquisition workforce reductions.
Sec. 911. Required force structure.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Authorization of supplemental appropriations for fiscal year 2003.
Sec. 1003. Authority to transfer procurement funds for a major defense acquisition program for continued development work on that program.
Sec. 1004. Restoration of authority to enter into 12-month leases at any time during the fiscal year.
Sec. 1005. Authority for retention of additional amounts realized from energy cost savings.
Sec. 1006. Repeal of requirement for two-year budget cycle for the Department of Defense.
Sec. 1007. Authority to provide reimbursement for use of personal cellular telephones when used for official government business.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Repeal of requirement regarding preservation of surge capability for naval surface combatants.
Sec. 1012. Enhancement of authority relating to use for experimental purposes of vessels stricken from Naval Vessel Register.
Sec. 1013. Authorization for transfer of vessels stricken from Naval Vessel Register for use as artificial reefs.
Sec. 1014. Pilot program for sealift ship construction.

Subtitle C—Reports

Sec. 1021. Repeal and modification of various reporting requirements applicable to the Department of Defense.
Sec. 1022. Report on Operation Iraqi Freedom.
Sec. 1023. Report on Department of Defense post-conflict activities in Iraq.
Sec. 1024. Report on development of mechanisms to better connect Department of Defense space capabilities to the war fighter.

Subtitle D—Procurement of Defense Biomedical Countermeasures

Sec. 1031. Research and development of defense biomedical countermeasures.
Sec. 1032. Procurement of defense biomedical countermeasures.
Sec. 1033. Authorization for use of medical products in emergencies.

Subtitle E—Other Matters

Sec. 1041. Codification and revision of defense counterintelligence polygraph program authority.
Sec. 1042. Codification and revision of limitation on modification of major items of equipment scheduled for retirement or disposal.
Sec. 1043. Additional definitions for purposes of title 10, United States Code.

Sec. 1044. Inclusion of annual military construction authorization request in annual defense authorization request.
Sec. 1045. Technical and clerical amendments.
Sec. 1046. Authority to provide living quarters for certain students in cooperative and summer education programs of the National Security Agency.
Sec. 1047. Use of drug interdiction and counter-drug funds to support activities of the Government of Colombia.
Sec. 1048. Authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1049. Use of National Driver Register for personnel security investigations and determinations.
Sec. 1050. Protection of operational files of the National Security Agency.
Sec. 1051. Assistance for study of feasibility of biennial international air trade show in the United States and for initial implementation.
Sec. 1052. Continuation of reasonable access to military installations for personal commercial solicitation.
Sec. 1053. Commission on Nuclear Strategy of the United States.
Sec. 1054. Extension of Counterproliferation Program Review Committee.
Sec. 1055. Assignment of members to assist Bureau of Border Security and Bureau of Citizenship and Immigration Services of the Department of Homeland Security.
Sec. 1056. Report concerning strategic nuclear warheads dismantled pursuant to the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions.
Sec. 1057. Pilot program to improve use of Air Force and Air National Guard Modular Airborne Fire-Fighting Systems to fight wildfires.
Sec. 1058. Study on feasibility of use of small businesses, minority-owned businesses, and women-owned businesses in efforts to rebuild Iraq.
Sec. 1059. Sense of Congress regarding continuation of mission and functions of Army Peacekeeping Institute.
Sec. 1060. Assessment of effects of specified statutory limitations on the granting of security clearances.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Subtitle A—Department of Defense Civilian Personnel Generally

Sec. 1101. Modification of the overtime pay cap.
Sec. 1102. Military leave for mobilized Federal civilian employees.
Sec. 1103. Common occupational and health standards for differential payments as a consequence of exposure to asbestos.
Sec. 1104. Increase in annual student loan repayment authority.
Sec. 1105. Authorization for cabinet secretaries, secretaries of military departments, and heads of executive agencies to be paid on a biweekly basis.
Sec. 1106. Senior executive service and performance.
Sec. 1107. Design elements of pay-for-performance systems in demonstration projects.
Sec. 1108. Federal flexible benefits plan administrative costs.
Sec. 1109. Clarification to Hatch Act; limitation on disclosure of certain records.
Sec. 1110. Employee surveys.
Sec. 1111. Human Capital Performance Fund.

Subtitle B—Department of Defense National Security Personnel System

Sec. 1121. Department of Defense national security personnel system.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Expansion of authority to provide administrative support and services and travel and subsistence expenses for certain foreign liaison officers.
Sec. 1202. Recognition of superior noncombat achievements or performance by members of friendly foreign forces and other foreign nationals.
Sec. 1203. Expansion of authority to waive charges for costs of attendance at George C. Marshall European Center for Security Studies.
Sec. 1204. Identification of goods and technologies critical for military superiority.
Sec. 1205. Report on acquisition by Iraq of advanced weapons.
Sec. 1206. Authority for check cashing and currency exchange services to be provided to foreign military members participating in certain activities with United States forces.
Sec. 1207. Requirements for transfer to foreign countries of certain specified types of excess aircraft.
Sec. 1208. Limitation on number of United States military personnel in Colombia.
Sec. 1209. Assessment and report concerning the location of NATO headquarters.
Sec. 1210. Sense of Congress on redeployment of United States forces in Europe.
Sec. 1211. Report on actions that could be taken regarding countries that initiate certain legal actions against United States officials.
Sec. 1212. Sense of Congress concerning Navy port calls in Israel.
Sec. 1213. Assistance to Iraqi children injured during Operation Iraqi Freedom.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Limitation on use of funds until certain permits obtained.
Sec. 1304. Limitation on use of funds for biological research in the former Soviet Union.
Sec. 1305. Authority and funds for nonproliferation and disarmament.
Sec. 1306. Requirement for on-site managers.
Sec. 1307. Provisions relating to funding for chemical weapons destruction facility in Russia.
Sec. 1308. Study relating to ex-Soviet uranium and plutonium.

TITLE XIV—SERVICES ACQUISITION REFORM

Sec. 1401. Short title.
Sec. 1402. Executive agency defined.

Subtitle A—Acquisition Workforce and Training

Sec. 1411. Definition of acquisition.
Sec. 1412. Acquisition workforce training fund.
Sec. 1413. Acquisition workforce recruitment program.
Sec. 1414. Architectural and engineering acquisition workforce.

Subtitle B—Adaptation of Business Acquisition Practices

Part I—Adaptation of Business Management Practices

Sec. 1421. Chief Acquisition Officers.
Sec. 1422. Chief Acquisition Officers Council.
Sec. 1423. Statutory and regulatory review.

Part II—Other Acquisition Improvements

Sec. 1426. Extension of authority to carry out franchise fund programs.
Sec. 1427. Agency acquisition protests.
Sec. 1428. Improvements in contracting for architectural and engineering services.
Sec. 1429. Authorization of telecommuting for Federal contractors.

Subtitle C—Contract Incentives

Sec. 1431. Incentives for contract efficiency.

Subtitle D—Acquisitions of Commercial Items

Sec. 1441. Preference for performance-based contracting.
Sec. 1442. Authorization of additional commercial contract types.
Sec. 1443. Clarification of commercial services definition.
Sec. 1444. Designation of commercial business entities.

Subtitle E—Other Matters

Sec. 1451. Authority to enter into certain procurement-related transactions and to carry out certain prototype projects.
Sec. 1452. Authority to make inflation adjustments to simplified acquisition threshold.
Sec. 1453. Technical corrections related to duplicative amendments.
Sec. 1454. Prohibition on use of quotas.
Sec. 1455. Applicability of certain provisions to sole source contracts for goods and services treated as commercial items.
Sec. 1456. Public disclosure of noncompetitive contracting for the reconstruction of infrastructure in Iraq.

TITLE XV—HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS

Sec. 1501. Short title; reference.
Sec. 1502. Waiver authority for response to military contingencies and national emergencies.
Sec. 1503. Tuition refunds or credits for members of Armed Forces.
Sec. 1504. Use of professional judgment.
Sec. 1505. Definitions.
Sec. 1506. Termination of authority.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2002 projects.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family housing.
Sec. 2403. Improvements to military family housing units.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorization of certain fiscal year 2001 project.
Sec. 2703. Extension of authorizations of certain fiscal year 2000 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in maximum amount of authorized annual emergency construction.
Sec. 2802. Authority to lease military family housing units in Italy.
Sec. 2803. Changes to alternative authority for acquisition and improvement of military housing.
Sec. 2804. Additional material for annual report on housing privatization program.
Sec. 2805. Authority to convey property at military installations closed or to be closed in exchange for military construction activities.
Sec. 2806. Congressional notification and reporting requirements and limitations regarding use of operation and maintenance funds for construction.
Sec. 2807. Increase in authorized maximum lease term for family housing and other facilities in certain foreign countries.
Sec. 2808. Annual report on military construction requirements to support homeland defense missions of the Armed Forces.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Real property transactions.
Sec. 2812. Sense of Congress on demolition of Army Tacony Warehouse Depot site, Philadelphia, Pennsylvania.

Subtitle C—Land Conveyances

Sec. 2821. Termination of lease and conveyance of Army Reserve facility, Conway, Arkansas.
Sec. 2822. Actions to quiet title, Fallin Waters Subdivision, Eglin Air Force Base, Florida.
Sec. 2823. Modification of land conveyance, Eglin Air Force Base, Florida.
Sec. 2824. Land conveyance, Fort Campbell, Kentucky and Tennessee.
Sec. 2825. Land conveyance, Army and Air Force Exchange Service Property, Dallas, Texas.
Sec. 2826. Land conveyance, Naval Reserve Center, Orange, Texas.
Sec. 2827. Land conveyance, Fort Belvoir, Virginia.
Sec. 2828. Land conveyance, Puget Sound Naval Shipyard, Bremerton, Washington.

Subtitle D—Other Matters

Sec. 2841. Redesignation of Yuma Training Range Complex as Bob Stump Training Range Complex.
Sec. 2842. Modification of authority to conduct a round of realignments and closures of military installations in 2005.
Sec. 2843. Use of force-structure plan for the Armed Forces in preparation of selection criteria for base closure round.
Sec. 2844. Requirement for unanimous vote of Defense Base Closure and Realignment Commission to recommend closure of military installations not recommended for closure by Secretary of Defense.
Sec. 2845. Consideration of public-access-road issues related to disposal of property at military installations under base closure process.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy supply.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Modification of prohibition relating to low-yield nuclear weapons.
Sec. 3112. Termination of requirement for annual updates of long-term plan for nuclear weapons stockpile life extension program.
Sec. 3113. Extension to all DOE facilities of authority to prohibit dissemination of certain unclassified information.
Sec. 3114. Department of Energy project review groups not subject to Federal Advisory Committee Act by reason of inclusion of employees of Department of Energy management and operating contractors.
Sec. 3115. Availability of funds.
Sec. 3116. Limitation on obligation of funds for Nuclear Test Readiness program.
Sec. 3117. Requirement for on-site managers.

Subtitle C—Consolidation of National Security Provisions

Sec. 3121. Transfer and consolidation of recurring and general provisions on Department of Energy national security programs.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.
Sec. 3302. Revisions to objectives for receipts for fiscal year 2000 disposals.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Subtitle A—General Provisions

Sec. 3501. Short title.
Sec. 3502. Definitions.

Subtitle B—Maritime Security Fleet

Sec. 3511. Establishment of Maritime Security Fleet.
Sec. 3512. Award of operating agreements.
Sec. 3513. Effectiveness of operating agreements.
Sec. 3514. Obligations and rights under operating agreements.
Sec. 3515. Payments.
Sec. 3516. National security requirements.
Sec. 3517. Regulatory relief.
Sec. 3518. Special rule regarding age of former participating fleet vessel.
Sec. 3519. Authorization of appropriations.
Sec. 3520. Amendment to Shipping Act, 1916.
Sec. 3521. Regulations.
Sec. 3522. Repeals and conforming amendments.
Sec. 3523. Effective dates.

Subtitle C—National Defense Tank Vessel Construction Assistance

Sec. 3531. National defense tank vessel construction program.
Sec. 3532. Application procedure.
Sec. 3533. Award of assistance.
Sec. 3534. Priority for title XI assistance.
Sec. 3535. Authorization of appropriations.

Subtitle D—Maritime Administration Authorization

Sec. 3541. Authorization of appropriations for Maritime Administration for fiscal year 2004.
Sec. 3542. Authority to convey vessel USS HOIST (ARS–40).
Sec. 3543. Authority to convey NDRF vessels and vessel contents.

TITLE XXXVI—NUCLEAR SECURITY INITIATIVE

Sec. 3601. Short title.

Subtitle A—Nonproliferation Program Enhancements

Sec. 3611. Establishment of International Nuclear Materials Protection and Cooperation Program in Department of State.

Subtitle B—Administration and Oversight of Threat Reduction and Nonproliferation Programs

Sec. 3621. Analysis of effect on threat reduction and nonproliferation programs of congressional oversight measures with respect to such programs.
Sec. 3622. Annual report on the use of funds appropriated for threat reduction and nonproliferation in states of the former Soviet Union.
Sec. 3623. Plan for and coordination of chemical and biological weapons nonproliferation programs with states of the former Soviet Union.

Subtitle C—United States—Russia Relations

Sec. 3631. Comprehensive inventories and data exchanges on nuclear weapons-grade material and nuclear weapons.
Sec. 3632. Establishment of Duma-Congress nuclear threat reduction working group.

Sec. 3633. Joint United States/North Atlantic Treaty Organization cooperation with Russia on theater-level ballistic missile defenses.
Sec. 3634. Encouragement of enhanced collaboration to achieve more reliable Russian early warning systems.
Sec. 3635. Teller-Kurchatov Alliance for Peace.
Sec. 3636. Nonproliferation fellowships.

Subtitle D—Other Matters

Sec. 3641. Promotion of discussions on nuclear and radiological security and safety between the International Atomic Energy Agency and the Organization for Economic Cooperation and Development.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Army as follows:

(1) For aircraft, $2,194,585,000.

(2) For missiles, $1,594,662,000.

(3) For weapons and tracked combat vehicles, $2,197,404,000.

(4) For ammunition, $1,428,966,000.

(5) For other procurement, $4,321,496,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Navy as follows:

(1) For aircraft, $9,050,048,000.

(2) For weapons, including missiles and torpedoes, $2,529,821,000.

(3) For ammunition, $963,355,000.

(4) For shipbuilding and conversion, $11,472,384,000.

(5) For other procurement, $4,614,892,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Marine Corps in the amount of $1,154,299,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Air Force as follows:

(1) For aircraft, $12,604,451,000.

(2) For ammunition, $1,324,725,000.

(3) For missiles, $4,348,039,000.

(4) For other procurement, $11,376,059,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2004 for Defense-wide procurement in the amount of $3,734,821,000.

Subtitle B—Army Programs

SEC. 111. STRYKER VEHICLE PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated under section 101 for procurement for the Army for fiscal year 2004 that are available for the Stryker vehicle program, not more than $655,000,000 may be obligated until—

(1) the Secretary of the Army has submitted to the Deputy Secretary of Defense the report specified in subsection (b);

(2) the Secretary of Defense has submitted to the congressional defense committees the report and certification referred to in subsection (c); and

(3) a period of 30 days has elapsed after the date of the receipt by those committees of the report and certification under paragraph (2).

(b) SECRETARY OF THE ARMY REPORT.—The report referred to in subsection (a)(1) is the report required to be submitted by the Secretary of the Army to the Deputy Secretary of Defense not later than July 8, 2003, that identifies options for modifications to the equipment and configuration of the Army brigade designated as ''Stryker brigades'' to assure that those brigades, after incorporating such modifications, provide—

(1) a higher level of combat capability and sustainability;

(2) a capability across a broader spectrum of combat operations; and

(3) a capability to be employed independently of higher-level command formations and support.

(c) SECRETARY OF DEFENSE REPORT AND CERTIFICATION.—The Secretary of Defense shall transmit to the congressional defense committees not later than 30 days after the date of the receipt by the Deputy Secretary of Defense of the report of the Secretary of the Army referred to in subsection (b), the modification options identified by the Secretary of the Army for purposes of that report. The Secretary of Defense shall include any comments that may be applicable to the analysis of the Secretary of the Army's report and shall certify to the committees whether in the Secretary's judgment fielding the fourth Stryker brigade as planned by the Army in a different configuration from the first three such brigades will fulfill the three objectives set forth in subsection (b).

(d) AUTHORIZED USE OF REMAINDER OF FUNDS.—The funds authorized to be appropriated for procurement for the Army for fiscal year 2004 that are available for the Stryker vehicle program and that become available for obligation upon the conditions of subsection (a) being met shall be obligated either—

(1) to develop, procure, and field equipment and capabilities for the fourth Stryker brigade combat team that would accelerate the options for modifications to enhance Stryker brigades identified in subsection (b); or

(2) for the equipment identified in the fiscal year 2004 budget request to be procured for the fourth Stryker brigade, if the Secretary of Defense, after reviewing the Secretary of Army's report under subsection (b), determines that the current configuration of the fourth Stryker brigade meets the criteria in paragraphs (1) through (3) of subsection (b) and certifies to the congressional defense committees that the equipment identified in the fiscal year 2004 budget request to be procured for the fourth Stryker brigade provides those capabilities.

(e) LIMITATIONS.—(1) In obligating funds in accordance with either paragraph (1) or paragraph (2) of subsection (d), no action may be taken that would delay, hinder, or otherwise disrupt the current production and fielding schedule for the fourth Stryker brigade.

(2) Notwithstanding any other provision of this section, all funds authorized to be appropriated under section 101 for procurement for the Army for fiscal year 2004 that are available for the Stryker vehicle program shall be used exclusively to develop, procure, and field Stryker combat vehicles.

SEC. 112. CONFIGURATION OF FOURTH STRYKER BRIGADE COMBAT TEAM.

(a) CONFIGURATION, LETHALITY ENHANCEMENTS, AND SUSTAINABILITY.—The Secretary of the Army shall configure the fourth Stryker brigade combat team so that that brigade combat team provides the commanders of combatant commands with enhanced combat capability and sustainability well beyond the combat and sustainment capabilities provided by any one of the first three fielded Stryker brigade combat teams.

(b) FUNDS.—The amount provided in section 101(3) is hereby increased by $100,000,000, to be available for procurement of additional lethality and sustainability enhancements for the fourth Stryker brigade combat team.

(c) OPTIONS FOR CONSIDERATION.—In the execution of the funds provided pursuant to subsection (b)(1), the Secretary of the Army shall include among the enhancements considered for the configuration of the fourth Stryker brigade combat team enhancement with heavy armored vehicles, with additional heavy attack helicopters, with additional reconnaissance and attack helicopters, and with indirect fire artillery capabilities, or with any combination thereof.

(d) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report that details the additional types of lethality and sustainability enhancements that will be fielded as part of the new configuration of the fourth Stryker brigade combat team.

Subtitle C—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18 AIRCRAFT PROGRAM.

The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2005 program year, for procurement of aircraft in the F/A–18E, F/A–18F, and EA–18G configurations. The total number of aircraft procured through a multiyear contract under this section may not exceed 234.

SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR TACTICAL TOMAHAWK CRUISE MISSILE PROGRAM.

The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2004 program year, for procurement of Tactical Tomahawk cruise missiles. The total number of missiles procured through a multiyear contract under this section shall be determined by the Secretary of the Navy, based upon the funds available, but not to exceed 900 in any year.

SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2004 program year, for procurement of seven Virginia-class submarines.

(b) LIMITATION.—The Secretary of the Navy may not enter into a contract authorized by subsection (a) until—

(1) the Secretary submits to the congressional defense committees a certification that the Secretary has made each of the findings with respect to such contract specified in subsection (a) of section 2306b of title 10, United States Code; and

(2) a period of 30 days has elapsed after the date of the transmission of such certification.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR E–2C AIRCRAFT PROGRAM.

(a) AIRCRAFT.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2004 program year, for procurement of four E–2C and four TE–2C aircraft.

(b) ENGINES.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal

year 2004 program year, for procurement of 16 engines for aircraft in the E–2C or TE–2C configuration.

(c) LIMITATION ON TERM OF CONTRACTS.—Notwithstanding subsection (k) of section 2306b of title 10, United States Code, a contract under this section may not be for a period in excess of four program years.

SEC. 125. LPD–17 CLASS VESSEL.

If after May 7, 2003, there is enacted an Act making supplemental appropriations for the Department of Defense for fiscal year 2003 that includes appropriation of an amount for procurement of Tomahawk cruise missiles for the Navy, then—

(1) the amount provided in section 102 for procurement of weapons for the Navy is reduced by the amount so appropriated or by $200,000,000, whichever is less, with such reduction to be derived from amounts authorized for procurement of Tomahawk cruise missiles; and

(2) the amount provided in section 102 for shipbuilding and conversion is increased by the amount of the reduction under paragraph (1), with the amount of such increase to be available for advance procurement of long-lead items, including the advance fabrication of components, for one LPD–17 class vessel.

Subtitle D—Air Force Programs

SEC. 131. AIR FORCE AIR REFUELING TRANSFER ACCOUNT.

(a) TRANSFER ACCOUNT.—There is hereby established an account for the Department of the Air Force to be known as the Air Force Air Refueling Transfer Account. Amounts in such account may be used in accordance with subsection (c).

(b) AUTHORIZATION OF APPROPRIATIONS.—Within the amount provided in section 103(1), there is authorized to be appropriated to the Air Force Air Refueling Transfer Account for fiscal year 2004 the amount of $229,200,000.

(c) AUTHORIZED USE OF FUNDS.—Amounts in the Air Force Air Refueling Transfer Account may be used for any of the following purposes, as determined by the Secretary of the Air Force:

(1) Necessary expenses for fiscal year 2004 to prepare for leasing of tanker aircraft under section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2284; 10 U.S.C. 2401a note).

(2) Necessary expenses for fiscal year 2004 to prepare for purchase of tanker aircraft for the Air Force.

(3) Retaining in active service (rather than retiring) KC–135E aircraft.

(4) Maintenance of equipment for KC–135 aircraft that was purchased through a depot.

(d) AUTHORIZED TRANSFERS.—Subject to subsections (e) and (f), the Secretary of the Air Force may transfer funds in the Air Force Air Refueling Transfer Account to appropriations of the Air Force available for purposes set forth in subsection (c), including appropriations available for procurement, for research, development, test, and evaluation, for operation and maintenance, and for military personnel (in the case of retaining KC–135E aircraft in active service), in such amounts as the Secretary determines necessary for such purpose.

(e) LIMITATION.—Amounts appropriated to the Air Force Air Refueling Transfer Account pursuant to the authorization of appropriations in subsection (b) may not be used to enter into a lease for tanker aircraft or to enter into a contract for procurement of tanker aircraft.

(f) NOTICE TO CONGRESS.—A transfer of funds under subsection (d) may not be made until—

(1) the Secretary of the Air Force notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer, including each account to which the transfer is to be made; and

(2) a period of 30 days has elapsed after the date on which the notice is received by those committees.

SEC. 132. INCREASE IN NUMBER OF AIRCRAFT AUTHORIZED TO BE PROCURED UNDER MULTIYEAR PROCUREMENT AUTHORITY FOR AIR FORCE C–130J AIRCRAFT PROGRAM.

Section 131(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2475) is amended by striking ''40 C–130J aircraft'' and inserting ''42 C–130J aircraft''.

SEC. 133. LIMITATION ON RETIRING C–5 AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not proceed with a decision to retire C–5A aircraft from the active inventory of the Air Force in any number that which would reduce the total number of such aircraft in the active inventory below 112 until—

(1) the Air Force has modified a C–5A aircraft to the configuration referred to as the Reliability Enhancement and Reengining Program (RERP) configuration, as planned under the C–5 System Development and Demonstration program as of May 1, 2003; and

(2) the Director of Operational Test and Evaluation of the Department of Defense—

(A) conducts an operational evaluation of that aircraft, as so modified; and

(B) provides to the Secretary of Defense and the congressional defense committees an operational assessment.

(b) OPERATIONAL EVALUATION.—An operational evaluation for purposes of paragraph (2)(A) of subsection (a) is an evaluation, conducted during operational testing and evaluation of the aircraft, as so modified, of the performance of the aircraft with respect to reliability, maintainability, and availability and with respect to critical operational issues.

(c) OPERATIONAL ASSESSMENT.—An operational assessment for purposes of paragraph (2)(B) of subsection (a) is an operational assessment of the program to modify C–5A aircraft to the configuration referred to in subsection (a)(1) regarding both overall suitability and deficiencies of the program to improve performance of the C–5A aircraft relative to requirements and specifications for reliability, maintainability, and availability of that aircraft as in effect on May 1, 2003.

SEC. 134. LIMITATION ON OBLIGATION OF FUNDS FOR PROCUREMENT OF F/A–22 AIRCRAFT.

(a) LIMITATION.—Of the amount appropriated for fiscal year 2004 for procurement of F/A–22 aircraft, $136,000,000 may not be obligated until the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees the Under Secretary's certification that—

(1) the four primary aircraft designated to participate in the dedicated initial operational test and evaluation program for the F/A–22 aircraft have each been equipped with the version of the avionics software operational flight program that is designated as version 3.1.2 or a later version; and

(2) before the commencement of that dedicated initial operational test and evaluation program, those four aircraft (as so equipped) demonstrate, on average, an avionics software mean time between instability events of at least 20 hours.

(b) CONTINGENCY WAIVER AUTHORITY.—If the Under Secretary notifies the Secretary of Defense that the Under Secretary is unable to make the certification described in subsection (a), the Secretary may waive the limitation under that subsection. Upon making such a waiver—

(1) the Secretary of Defense shall notify the congressional defense committees of the waiver and of the reasons therefor; and

(2) the funds described in subsection (a) may then be obligated, by reason of such waiver, after the end of the 30-day period beginning on the date on which the Secretary's notification is received by those committees.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $9,332,382,000.

(2) For the Navy, $14,343,360,000.

(3) For the Air Force, $20,548,867,000.

(4) For Defense-wide activities, $18,461,046,000, of which $286,661,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2004.—Of the amounts authorized to be appropriated by section 201, $10,893,077,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in program elements for defense research and development under Department of Defense category 6.1, 6.2, or 6.3.

SEC. 203. PROGRAM INCREASES.

(a) COMPUTER-ASSISTED MEDICAL DIAGNOSTIC TECHNOLOGY.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $3,000,000, to be available for Medical Advanced Technology in Program Element 0603002A for evaluation for potential use by Department of Defense medical treatment facilities of commercially available medical diagnostic technology that, using a digital chemical library and decision support software, can be used for diagnosis of dermatological diseases.

(b) LIGHTWEIGHT CARTRIDGE CASES FOR AMMUNITION.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $3,000,000, to be available for Weapons and Munitions Advanced Technology in Program Element 0603004A for advanced technology development for lightweight cartridge cases for ammunition.

(c) AVIATION-SHIPBOARD INFORMATION TECHNOLOGY.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $6,500,000, to be available for Shipboard Aviation Systems in Program Element 0604512N to complete research and development for the Aviation-Shipboard Information Technology Initiative.

(d) AUTOREAD.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $1,400,000, to be available for Shipboard Aviation Systems in Program Element 0604512N to complete research and development for the AutoREAD system for improving the accuracy and reducing the workload of collecting preventive maintenance data on aircraft launch and recovery systems.

(e) SPIKE URBAN WARFARE SYSTEM.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $5,000,000, to be available for the Marine Corps Advanced

Technology Demonstrations in Program Element 0603640M for development and demonstration of the SPIKE urban warfare system.

(f) RESEARCH IN HYDROGRAPHIC SCIENCES.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $3,250,000, to be available for Air/Ocean Tactical Applications advanced component development and prototyping in Program Element 0603207N for hydrographic sciences research.

(g) SHIPBOARD ELECTRONIC WARFARE IMPROVEMENTS.—The amount provided in section 201(2) for research, development, test, and evaluation, Navy, is hereby increased by $5,000,000, to be available for system development and demonstration for Tactical Command Systems in Program Element 0604231N for an at-sea demonstration for shipboard use of a variant of the F/A-22 digital electronic warfare product improvement program.

(h) AEROSPACE SENSORS.—The amount provided in section 201(3) for research, development, test, and evaluation, Air Force, is hereby increased by $4,000,000, to be available for Aerospace Sensors in Program Element 0602204F for development of general purpose reconfigurable signal processors suitable for time critical sensor processing for broad military intelligence, surveillance, and reconnaissance applications.

(i) ELEMENTAL DETECTOR TECHNOLOGY APPRAISAL.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-Wide, is hereby increased by $2,000,000, to be available for Program Element 0603750D8Z, Advanced Concept Technology Demonstrations, to evaluate the capability of an elemental detector to provide directional cueing to concentrations of specific elements and compounds.

(j) MUSTARD GAS ANTIDOTE.—The amount provided in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $5,000,000, to be available for Chemical-Biological Defense Applied Research in Program Element 0603284BP for continuing applied research on an antidote for mustard gas.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COLLABORATIVE PROGRAM FOR DEVELOPMENT OF ELECTROMAGNETIC GUN TECHNOLOGY.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish and carry out a collaborative program for evaluation and demonstration of advanced technologies and concepts for advanced gun systems that use electromagnetic propulsion for direct and indirect fire applications.

(b) DESCRIPTION OF PROGRAM.—The program under subsection (a) shall be carried out collaboratively pursuant to a memorandum of agreement to be entered into among the Secretary of the Army, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency. The program shall include the following activities:

(1) Identification of technical objectives, quantified technical barriers, and enabling technologies associated with development of the objective electromagnetic gun systems envisioned to meet the needs of each of the Armed Forces and, in so doing, identification of opportunities for development of components or subsystems common to those envisioned gun systems.

(2) Preparation of a time-based plan for development of electromagnetic gun systems for direct fire applications, indirect fire applications, or both direct and indirect fire applications (in the case of the Army and Marine Corps) and for indirect fire applications (in the case of the Navy), which—

(A) includes the programs currently planned by the Army and by the Navy and demonstrates how the enabling technologies common to such Army and Navy programs are used; and

(B) provides estimated dates for decision points, prototype demonstrations, and transitions of successful cases from the collaborative program under this section to an acquisition program.

(3) For each of the enabling technologies common to the Army and Navy programs, identification of whether lead responsibility for developing that technology should be assigned to the Secretary of the Army, the Secretary of the Navy, or the Director, with the Director favored in cases in which the technology is highly challenging or high risk, high reward, and with each such Secretary favored in cases in which that Secretary's military department possesses superior expertise or experience with the technology.

(4) Identification of a strategy for the participation of industry in the program.

(c) MATTERS INCLUDED.—The advanced technologies and concepts included under the program may include, but are not limited to, the following:

(1) Advanced electrical power, energy storage, and switching systems.

(2) Electromagnetic launcher materials and construction techniques for long barrel life.

(3) Guidance and control systems for electromagnetically launched projectiles.

(4) Advanced projectiles and other munitions for electromagnetic gun systems.

(5) Hypervelocity terminal effects.

(d) RELATIONSHIP TO SEPARATE PROGRAMS OF MILITARY DEPARTMENTS.—The Secretary of the Army and the Secretary of the Navy shall carry out separate programs for the evaluation and demonstration of advanced technologies and concepts for, and for the further development and acquisition of, advanced gun systems referred to in subsection (a). Each such Secretary shall incorporate in that Secretary's program the most promising of the technology products matured under the program under subsection (a).

(e) REPORT.—Not later than March 31, 2004, the Secretary of the Army, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency shall jointly submit a report to the congressional defense committees on the implementation of the program under subsection (a). The report shall include the following:

(1) A description of the memorandum of agreement entered into under subsection (b).

(2) The time-based plan required by subsection (b)(2).

(3) A description of the goals and objectives of the program.

(4) Identification of funding required for fiscal year 2004 and for the future years defense program to carry out the program.

(5) A description of a plan for industry participation in the program.

SEC. 212. AUTHORITY TO SELECT CIVILIAN EMPLOYEE OF DEPARTMENT OF DEFENSE AS DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 196(b)(1) of title 10, United States Code, is amended—

(1) in the first sentence, by inserting before the period at the end the following: ''or from among senior civilian officials or employees of the Department of Defense who have substantial experience in the field of test and evaluation''; and

(2) in the second sentence, by striking ''vice admiral'' and inserting ''the grade of vice admiral, or, in the case of a civilian official or employee, an equivalent level''.

SEC. 213. DEVELOPMENT OF THE JOINT TACTICAL RADIO SYSTEM.

(a) JOINT PROGRAM OFFICE.—The Secretary of Defense shall designate a single joint program office within the Department of Defense for management of the Joint Tactical Radio System development program. The Secretary shall provide for the head of that office to be selected on a rotating basis from among officers of different Armed Forces.

(b) CONSOLIDATED PROGRAM ELEMENTS.—The Secretary shall provide that all funds for development and procurement of the Joint Tactical Radio System program shall be consolidated under and managed by the head of the joint program office designated under subsection (a).

(c) PROGRAM DEVELOPMENT.—The Secretary shall provide that, subject to the authority, direction, and control of the Secretary, the head of the joint program office designated under subsection (a) shall—

(1) establish and control the performance specifications for the Joint Tactical Radio System;

(2) establish and control the standards for development of the software and equipment for that system;

(3) establish and control the standards for operation of that system; and

(4) develop a single, unified concept of operations for all users of that system.

SEC. 214. FUTURE COMBAT SYSTEMS.

(a) LIMITATION.—None of the funds authorized to be appropriated under section 201(1) for development and demonstration of systems for the Future Combat Systems program may be obligated or expended until 30 days after the Secretary of the Army submits to the congressional defense committees a report on such program. The report shall include the following:

(1) The findings and conclusions of—

(A) the review of the Future Combat Systems program carried out by the independent panel at the direction of the Secretary of Defense; and

(B) the milestone B review of the Future Combat Systems program carried out by the defense acquisition board.

(2) For each of the key performance parameters relating to the Future Combat Systems program, the threshold value at which the utility of the individual systems comprising the Future Combat Systems program become questionable.

(3) For each of the three projects requested under program element 64645A, Armored Systems Modernization, a completed analysis of alternatives.

(b) SEPARATE PROGRAM ELEMENTS.—For fiscal years beginning with 2004, the Secretary of Defense shall ensure that—

(1) each project under the Army's Future Combat Systems program (whether in existence before, on, or after the date of the enactment of this Act) is assigned a separate, dedicated program element; and

(2) before such a program element is assigned to such a project, an analysis of alternatives for such project is completed.

SEC. 215. ARMY PROGRAM TO PURSUE TECHNOLOGIES LEADING TO THE ENHANCED PRODUCTION OF TITANIUM BY THE UNITED STATES.

(a) EFFORTS REQUIRED.—The Secretary of Defense shall—

(1) assess promising technologies leading to the enhanced production of titanium by the United States; and

(2) select, on a competitive basis, the most viable such technologies for research, development, and production.

(b) EXECUTIVE AGENT.—The Secretary of the Army shall serve as executive agent in carrying out subsection (a).

(c) FUNDING.—Of the funds authorized to be appropriated by section 201(1) for research, development, test, and evaluation,

Army, for fiscal year 2004, $8,000,000 shall be available in program element 62624A to carry out this section.

SEC. 216. EXTENSION OF REPORTING REQUIREMENT FOR RAH–66 COMANCHE AIRCRAFT PROGRAM.

Section 211 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2479) is amended in subsection (a) by inserting ''and fiscal year 2004'' after ''fiscal year 2003''.

SEC. 217. STUDIES OF FLEET PLATFORM ARCHITECTURES FOR THE NAVY.

(a) INDEPENDENT STUDIES.—(1) The Secretary of Defense shall provide for the performance of eight independent studies on alternative future fleet platform architectures for the Navy.

(2) The Secretary shall forward the results of each study to the congressional defense committees not later than March 1, 2004.

(3) Each such study shall be submitted both in unclassified, and to the extent necessary, in classified versions.

(b) ENTITIES TO PERFORM STUDIES.—The Secretary of Defense shall provide for the studies under subsection (a) to be performed as follows:

(1) One shall be performed by the Secretary of the Navy, using Department of the Navy personnel.

(2) Four shall be performed by qualified analytical organizations external to Department of Defense.

(3) Three shall be performed by defense firms, or teams of defense firms, in the private sector.

(c) PERFORMANCE OF STUDIES.—(1) The Secretary of Defense shall require each entity undertaking one of the studies under this section to commit to performing the study independently from the other studies and, in the case of the entities selected under paragraphs (2) and (3) of subsection (b), independently from the Navy, so as to ensure independent analysis.

(2) In performing a study under this section, the entity performing the study shall consider the following:

(A) The National Security Strategy of the United States.

(B) Potential future threats to the United States and to United States naval forces.

(C) The traditional roles and missions of United States naval forces.

(D) Alternative roles and missions.

(E) The role of evolving technology on future naval forces.

(F) Opportunities for reduced manning and unmanned ships and vehicles in future naval forces.

(3) Each entity performing a study under this section, while cognizant of current overall fleet platform architecture, shall not allow the current features of fleet platform architecture to constrain the analysis for purposes of that study.

(d) NAVAL STUDIES.—Each study under this section shall present one or two possible overall fleet platform architectures. For each such architecture presented, the study shall include the following:

(1) The numbers, kinds, and sizes of vessels, the numbers and types of associated manned and unmanned vehicles, and the basic capabilities of each of those platforms.

(2) Other information needed to understand that architecture in basic form and the supporting analysis.

(e) COSTS.—Within the amount provided in section 201(2), the amount of $1,600,000 is authorized, within Program Element 65154N, for the purposes of this section.

Subtitle C—Ballistic Missile Defense

SEC. 221. ENHANCED FLEXIBILITY FOR BALLISTIC MISSILE DEFENSE SYSTEMS.

(a) FLEXIBILITY FOR SPECIFICATION OF PROGRAM ELEMENTS.—Subsection (a) of section 223 of title 10, United States Code, is amended—

(1) by inserting ''BY PRESIDENT'' in the subsection heading after ''SPECIFIED'';

(2) by striking ''program elements governing functional areas as follows:'' and inserting ''such program elements as the President may specify.''; and

(3) by striking paragraphs (1) through (6).

(b) CONFORMING AMENDMENTS.—(1) Subsection (c) of such section is amended by striking ''for each program element specified in subsection (a)'' and inserting ''for a fiscal year for any program element specified for that fiscal year pursuant to subsection (a)''.

(2) Subsection (c)(3) of section 232 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1037; 10 U.S.C. 2431 note) is amended by striking ''each functional area'' and all that follows through ''subsection (b),'' and inserting ''each then-current program element for ballistic missile defense systems in effect pursuant to subsection (a) or (b)''.

(c) AMENDMENTS RELATING TO CHANGES IN ACQUISITION TERMINOLOGY.—(1) Section 223(b)(2) of title 10, United States Code, is amended by striking ''means the development phase whose'' and inserting ''means the period in the course of an acquisition program during which the''.

(2) Subsection (d)(1) of section 232 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1037; 10 U.S.C. 2431 note) is amended by striking '', as added by subsection (b)''.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $25,050,587,000.

(2) For the Navy, $27,901,790,000.

(3) For the Marine Corps, $3,517,756,000.

(4) For the Air Force, $25,434,460,000.

(5) For Defense-wide activities, $16,134,047,000.

(6) For the Army Reserve, $1,954,009,000.

(7) For the Naval Reserve, $1,171,921,000.

(8) For the Marine Corps Reserve, $199,452,000.

(9) For the Air Force Reserve, $2,170,188,000.

(10) For the Army National Guard, $4,194,331,000.

(11) For the Air National Guard, $4,404,646,000.

(12) For the United States Court of Appeals for the Armed Forces, $10,333,000.

(13) For Environmental Restoration, Army, $396,018,000.

(14) For Environmental Restoration, Navy, $256,153,000.

(15) For Environmental Restoration, Air Force, $384,307,000.

(16) For Environmental Restoration, Defense-wide, $24,081,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $212,619,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $59,000,000.

(19) For Cooperative Threat Reduction programs, $450,800,000.

(20) United States Industrial Base Capabilities Fund, $100,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $632,261,000.

(2) For the National Defense Sealift Fund, $1,102,762,000.

(3) For the Defense Commissary Agency Working Capital Fund, $1,089,246,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2004 for expenses, not otherwise provided for, for the Defense Health Program, $15,317,063,000, of which—

(1) $14,923,441,000 is for Operation and Maintenance;

(2) $65,796,000 is for Research, Development, Test, and Evaluation; and

(3) $327,826,000 is for Procurement.

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2004 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, $1,580,261,000, of which—

(A) $1,249,168,000 is for Operation and Maintenance;

(B) $251,881,000 is for Research, Development, Test, and Evaluation; and

(C) $79,212,000 is for Procurement.

(2) Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2004 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, $817,371,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2004 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, $162,449,000.

SEC. 304. COUNTEREXPLOITATION INITIATIVE.

Within the amount authorized to be appropriated by section 301(5) for operations and maintenance, Defense-wide, the amount for the United States Special Operations Command is hereby increased by $1,100,000, to be made available for the initiative for accurately tracing portable, sensitive items exported beyond the borders of the United States.

SEC. 305. REDUCTION IN AUTHORIZATION FOR AIR FORCE OPERATION AND MAINTENANCE ACCOUNT.

The amount authorized to be appropriated in section 301(4) is hereby reduced by $135,500,000.

Subtitle B—Environmental Provisions

SEC. 311. REAUTHORIZATION AND MODIFICATION OF TITLE I OF SIKES ACT.

(a) REAUTHORIZATION.—Section 108 of the Sikes Act (16 U.S.C. 670f) is amended by striking ''fiscal years 1998 through 2003'' each place it appears and inserting ''fiscal years 2004 through 2008''.

(b) SENSE OF CONGRESS REGARDING SECTION 107.—(1) Congress finds the following:

(A) The Department of Defense maintains over 25,000,000 acres of valuable fish and wildlife habitat on approximately 400 military installations nationwide.

(B) These lands contain a wealth of plant and animal life, vital wetlands for migratory birds, and nearly 300 federally listed threatened species and endangered species.

(C) Increasingly, land surrounding military bases are being developed with residential and commercial infrastructure that fragments fish and wildlife habitat and decreases its ability to support a diversity of species.

(D) Comprehensive conservation plans, such as integrated natural resource management plans under the Sikes Act (16 U.S.C. 670 et seq.), can ensure that these ecosystem values can be protected and enhanced while allowing these lands to meet the needs of military operations.

(E) Section 107 of the Sikes Act (16 U.S.C. 670e–2) requires sufficient numbers of professionally trained natural resources management personnel and natural resources law enforcement personnel to be available and assigned responsibility to perform tasks necessary to carry out title I of the Sikes Act, including the preparation and implementation of integrated natural resource management plans.

(F) Managerial and policymaking functions performed by Department of Defense on-site professionally trained natural resource management personnel on military installations are appropriate governmental functions.

(G) Professionally trained civilian biologists in permanent Federal Government career managerial positions are essential to oversee fish and wildlife and natural resource conservation programs are essential to the conservation of wildlife species on military land.

(2) It is the sense of Congress that the Secretary of Defense should take whatever steps are necessary to ensure that section 107 of the Sikes Act (16 U.S.C. 670e–2) is fully implemented consistent with the findings made in paragraph (1).

(c) PILOT PROGRAM FOR INVASIVE SPECIES MANAGEMENT FOR MILITARY INSTALLATIONS.—(1) Section 101(b)(1) of the Sikes Act (16 U.S.C. 670a(b)(1)) is amended by redesignating subparagraphs (D) through (J) in order as subparagraphs (E) through (K), and by inserting after subparagraph (C) the following:

''(D) during fiscal years 2004 through 2008, in the case of a plan for a military installation in Guam, management, control, and eradication of invasive species that are not native to the ecosystem of the military installation and the introduction of which cause or may cause harm to military readiness, the environment, the economy, or human health and safety;''.

(2) The amendment made by paragraph (1) shall apply—

(A) to any integrated natural resources management plan prepared for a military installation in Guam under section 101(a)(1) of the Sikes Act (16 U.S.C. 670a(a)(1)) on or after the date of the enactment of this Act; and

(B) to any integrated natural resources management plan prepared for a military installation in Guam under section 101(a)(1) of the Sikes Act (16 U.S.C. 670a(a)(1)) before the date of the enactment of this Act, effective March 1, 2004.

SEC. 312. AUTHORIZATION FOR DEFENSE PARTICIPATION IN WETLAND MITIGATION BANKS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694a the following new section:

"§ 2694b. Participation in wetland mitigation banks

''(a) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged in an authorized activity that may or will result in the destruction of, or an adverse impact to, a wetland, may make payments to a wetland mitigation banking program or 'in-lieu-fee' mitigation sponsor approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995) or the Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation Under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act (65 Fed. Reg. 66913; November 7, 2000), or any successor administrative guidance.

''(b) ALTERNATIVE TO CREATION OF WETLAND.—Participation in a wetland mitigation banking program or consolidated user site under subsection (a) shall be in lieu of mitigating wetland impacts through the creation of a wetland on Federal property.

''(c) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a wetland mitigation banking program or consolidated user site may be treated as eligible project costs for military construction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694a the following new item:

''2694b. Participation in wetland mitigation banks.''.

SEC. 313. INCLUSION OF ENVIRONMENTAL RESPONSE EQUIPMENT AND SERVICES IN NAVY DEFINITIONS OF SALVAGE FACILITIES AND SALVAGE SERVICES.

(a) SALVAGE FACILITIES.—Section 7361 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) SALVAGE FACILITIES DEFINED.—In this section, the term 'salvage facilities' includes equipment and gear utilized to prevent, abate, or minimize damage to the environment in connection with a marine salvage operation.''.

(b) SETTLEMENT OF CLAIMS FOR SALVAGE SERVICES.—Section 7363 of such title is amended—

(1) by inserting ''(a) AUTHORITY TO SETTLE CLAIM.—'' before ''The Secretary''; and

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

''(b) SALVAGE SERVICES DEFINED.—In this section, the term 'salvage services' includes services performed in connection with a marine salvage operation that are intended to prevent, abate, or minimize damage to the environment.''.

SEC. 314. CLARIFICATION OF DEPARTMENT OF DEFENSE RESPONSE TO ENVIRONMENTAL EMERGENCIES.

(a) TRANSPORTATION OF HUMANITARIAN RELIEF SUPPLIES TO RESPOND TO ENVIRONMENTAL EMERGENCIES.—Section 402 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) RESPONSE TO ENVIRONMENTAL EMERGENCIES.—The authority of the Secretary of Defense to transport humanitarian relief supplies under this section includes the authority to transport supplies intended for use to respond to, or mitigate the effects of, an event or condition, such as an oil spill, that threatens serious harm to the environment.''.

(b) CONDITIONS ON PROVISION OF TRANSPORTATION.—Subsection (b) of such section is amended—

(1) in paragraph (1)(C), by inserting ''or entity'' after ''people'';

(2) in paragraph (1)(E), by inserting ''or use'' after ''distribution''; and

(3) in paragraph (3), by striking ''donor to ensure that supplies to be transported under this section'' and inserting ''entity requesting the transport of supplies under this section to ensure that the supplies''.

(c) PROVISION OF DISASTER ASSISTANCE.—Section 404 of such title is amended—

(1) in subsection (a), by inserting ''or serious harm to the environment'' after ''loss of lives''; and

(2) in subsection (c)(2), by inserting ''or the environment'' after ''human lives''.

(d) PROVISION OF HUMANITARIAN ASSISTANCE.—Section 2561(a) of such title is amended—

(1) by inserting ''(1)'' before ''To the extent''; and

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

''(2) The authority of the Department of Defense to provide humanitarian assistance under this section includes the authority to transport supplies or provide assistance intended for use to respond to, or mitigate the effects of, an event or condition, such as an oil spill, that threatens serious harm to the environment.''.

SEC. 315. REQUIREMENTS FOR RESTORATION ADVISORY BOARDS AND EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

(a) MEMBERSHIP AND MEETING REQUIREMENTS FOR RESTORATION ADVISORY BOARDS.—The Secretary of Defense shall amend the regulations required by section 2705(d)(2) of title 10, United States Code, relating to the establishment, characteristics, composition, and funding of restoration advisory boards to ensure that each restoration advisory board complies with the following requirements:

(1) Each restoration advisory board shall be fairly balanced in its membership in terms of the points of view represented and the functions to be performed.

(2) Unless a closed or partially closed meeting is determined to be proper in accordance with one or more of the exceptions listed in the section 552b(c) of title 5, United States Code, each meeting of a restoration advisory board shall be—

(A) held at a reasonable time and in a manner or place reasonably accessible to the public, including individuals with disabilities; and

(B) open to the public.

(3) Timely notice of each meeting of a restoration advisory board shall be published in a local newspaper of general circulation.

(4) Interested persons may appear before or file statements with a restoration advisory board, subject to such reasonable restrictions as the Secretary may prescribe.

(5) Subject to section 552 of title 5, United States Code, the records, reports, minutes, appendixes, working papers, drafts, studies, agenda, or other documents that were made available to, prepared for, or prepared by each restoration advisory board shall be available for public inspection and copying at a single, publicly accessible location, such as a public library or an appropriate office of the military installation for which the restoration advisory board is established, at least until the restoration advisory board is terminated.

(6) Detailed minutes of each meeting of each restoration advisory board shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the restoration advisory board. The accuracy of the minutes of a restoration advisory board shall be certified by the chairperson of the board.

(b) FACA EXEMPTION.—Section 2705(d)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a restoration advisory board established under this subsection.''.

SEC. 316. REPORT REGARDING IMPACT OF CIVILIAN COMMUNITY ENCROACHMENT AND CERTAIN LEGAL REQUIREMENTS ON MILITARY INSTALLATIONS AND RANGES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the impact, if any, of the following types of activities at military installations and operational ranges:

(1) Civilian community encroachment on those military installations and ranges whose operational training activities, research, development, test, and evaluation activities, or other operational, test and evaluation, maintenance, storage, disposal, or other support functions require, or in the future reasonably may require, safety or operational buffer areas. The requirement for such a buffer area may be due to a variety of factors, including air operations, ordnance operations and storage, or other activities that generate or might generate noise, electro-magnetic interference, ordnance arcs, or environmental impacts that require or may require safety or operational buffer areas.

(2) Compliance by the Department of Defense with State Implementation Plans for Air Quality under section 110 of the Clean Air Act (42 U.S.C. 7410).

(3) Compliance by the Department of Defense with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) MATTERS TO BE INCLUDED WITH RESPECT TO CIVILIAN ENCROACHMENTS.—With respect to paragraph (1) of subsection (a), the study shall include the following:

(1) A list of all military installations described in subsection (a)(1) at which civilian community encroachment is occurring.

(2) A description and analysis of the types and degree of such civilian community encroachment at each military installation included on the list.

(3) An analysis, including views and estimates of the Secretary of Defense, of the current and potential future impact of such civilian community encroachment on operational training activities, research, development, test, and evaluation activities, and other significant operational, test and evaluation, maintenance, storage, disposal, or other support functions performed by military installations included on the list. The analysis shall include the following:

(A) A review of training and test ranges at military installations, including laboratories and technical centers of the military departments, included on the list.

(B) A description and explanation of the trends of such encroachment, as well as consideration of potential future readiness problems resulting from unabated encroachment.

(4) An estimate of the costs associated with current and anticipated partnerships between the Department of Defense and non-Federal entities to create buffer zones to preclude further development around military installations included on the list, and the costs associated with the conveyance of surplus property around such military installations for purposes of creating buffer zones.

(5) Options and recommendations for possible legislative or budgetary changes necessary to mitigate current and anticipated future civilian community encroachment problems.

(c) MATTERS TO BE INCLUDED WITH RESPECT TO SPECIFIED LAWS.—With respect to paragraphs (2) and (3) of subsection (a), the study shall include the following:

(1) A list of all military installations and other locations at which the Armed Forces are encountering problems related to compliance with the laws specified in such paragraphs.

(2) A description and analysis of the types and degree of compliance problems encountered.

(3) An analysis, including views and estimates of the Secretary of Defense, of the current and potential future impact of such compliance problems on the following functions performed at military installations:

(A) Operational training activities.

(B) Research, development, test, and evaluation activities.

(C) Other significant operational, test and evaluation, maintenance, storage, disposal, or other support functions.

(4) A description and explanation of the trends of such compliance problems, as well as consideration of potential future readiness problems resulting from such compliance problems.

(d) REPORT.—Not later than January 31, 2004, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the study conducted under subsection (a), including the specific matters required to be addressed by paragraphs (1) through (5) of subsection (b) and paragraphs (1) through (4) of subsection (c).

SEC. 317. MILITARY READINESS AND CONSERVATION OF PROTECTED SPECIES.

(a) LIMITATION ON DESIGNATION OF CRITICAL HABITAT.—Section 4(a)(3) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting ''(A)'' after ''(3)''; and

(3) by adding at the end the following:

''(B)(i) The Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines that such plan addresses special management considerations or protection (as those terms are used in section 3(5)(A)(i)).

''(ii) Nothing in this paragraph affects the requirement to consult under section 7(a)(2) with respect to an agency action (as that term is defined in that section).

''(iii) Nothing in this paragraph affects the obligation of the Department of Defense to comply with section 9, including the prohibition preventing extinction and taking of endangered species and threatened species.''.

(b) CONSIDERATION OF EFFECTS OF DESIGNATION OF CRITICAL HABITAT.—Section 4(b)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(2)) is amended by inserting ''the impact on national security,'' after ''the economic impact,''.

SEC. 318. MILITARY READINESS AND MARINE MAMMAL PROTECTION.

(a) DEFINITION OF HARASSMENT FOR MILITARY READINESS ACTIVITIES.—Section 3(18) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(18)) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraphs:

''(B) In the case of a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note), the term 'harassment' means—

''(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild; or

''(ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered.

''(C) The term 'Level A harassment' means harassment described in subparagraph (A)(i) or, in the case of a military readiness activity, harassment described in subparagraph (B)(i).

''(D) The term 'Level B harassment' means harassment described in subparagraph (A)(ii) or, in the case of a military readiness activity, harassment described in subparagraph (B)(ii).''.

(b) EXEMPTION OF ACTIONS NECESSARY FOR NATIONAL DEFENSE.—Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by inserting after subsection (e) the following:

''(f) EXEMPTION OF ACTIONS NECESSARY FOR NATIONAL DEFENSE.—(1) The Secretary of Defense, after conferring with the Secretary of Commerce, the Secretary of the Interior, or both, as appropriate, may exempt any action or category of actions undertaken by the Department of Defense or its components from compliance with any requirement of this Act, if the Secretary determines that it is necessary for national defense.

''(2) An exemption granted under this subsection—

''(A) subject to subparagraph (B), shall be effective for a period specified by the Secretary of Defense; and

''(B) shall not be effective for more than 2 years.

''(3)(A) The Secretary of Defense may issue additional exemptions under this subsection for the same action or category of actions, after—

''(i) conferring with the Secretary of Commerce, the Secretary of the Interior, or both as appropriate; and

''(ii) making a new determination that the additional exemption is necessary for national defense.

''(B) Each additional exemption under this paragraph shall be effective for a period specified by the Secretary of Defense, of not more than 2 years.''.

(c) INCIDENTAL TAKINGS OF MARINE MAMMALS IN MILITARY READINESS ACTIVITIES.—Section 101(a)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)) is amended—

(1) in subparagraph (A), by adding at the end the following:

''Notwithstanding the preceding sentence, the Secretary is not required to publish notice under this subparagraph with respect to incidental takings while engaged in a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense, except in the Federal Register.'';

(2) in subparagraph (D), by adding at the end the following new clause:

''(vi) Notwithstanding clause (iii), the Secretary is not required to publish notice under this subparagraph with respect to an authorization under clause (i) of incidental takings while engaged in a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense, except in the Federal Register.''; and

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

''(F) In determining whether a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note) authorized by the Secretary of Defense is in compliance with the requirements of subparagraphs (A), (B), and (D), the following references shall not apply:

''(i) In subparagraph (A), 'within a specified geographical region' and 'within that region of small numbers'.

''(ii) In subparagraph (B), 'within a specified geographical region' and 'within one or more regions'.

''(iii) In subparagraph (D), 'within a specific geographic region', 'of small numbers', and 'within that region'.''.

SEC. 319. LIMITATION ON DEPARTMENT OF DEFENSE RESPONSIBILITY FOR CIVILIAN WATER CONSUMPTION IMPACTS RELATED TO FORT HUACHUCA, ARIZONA.

(a) RULE OF CONSTRUCTION.—For purposes of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), in the case of Fort Huachuca, Arizona, the Secretary of the Army may be held responsible for water consumption that occurs on that military installation (or outside of that installation but under the direct authority and control of the Secretary). The Secretary of the Army is not responsible for water consumption that occurs outside of Fort Huachuca and is beyond the direct authority and control of the Secretary even though the water is derived from a watershed basin shared by that military installation and the water consumption outside of that installation may impact a critical habitat or endangered species outside the installation.

(b) VOLUNTARY EFFORTS.—Nothing in this section shall prohibit the Secretary of the Army from voluntarily undertaking efforts to mitigate water consumption related to Fort Huachuca.

(c) DEFINITION OF WATER CONSUMPTION.—In this section, the term ''water consumption'' means the consumption of water, from any source, for human purposes of any kind, including household or industrial use, irrigation, or landscaping.

(d) EFFECTIVE DATE.—This section applies only to Department of Defense actions regarding which consultation or reconsultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) is first required with regard to Fort Huachuca on or after the date of the enactment of this Act.

SEC. 320. CONSTRUCTION OF WETLAND CROSSINGS, CAMP SHELBY COMBINED ARMS MANEUVER AREA, CAMP SHELBY, MISSISSIPPI.

Amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army shall be available to the Secretary of the Army to construct wetlands crossings at the Camp Shelby Combined Arms Maneuver Area at Camp Shelby, Mississippi, for the purpose of ensuring that combat arms training performed at that area is conducted in conformance with the spirit and intent of applicable environmental laws.

Subtitle C—Workplace and Depot Issues

SEC. 321. EXCLUSION OF CERTAIN EXPENDITURES FROM PERCENTAGE LIMITATION ON CONTRACTING FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

Section 2474(f)(1) of title 10, United States Code, is amended by striking ''entered into during fiscal years 2003 through 2006''.

SEC. 322. HIGH-PERFORMING ORGANIZATION BUSINESS PROCESS REENGINEERING PILOT PROGRAM.

(a) PILOT PROGRAM.—(1) The Secretary of Defense shall establish a pilot program under which the Secretary of each military department shall administer, or continue the implementation of, high-performing organizations at military installations through the conduct of a Business Process Reengineering initiative.

(2) The implementation and management of a Business Process Reengineering initiative under the pilot program shall be the responsibility of the commander of the military installation at which the Business Process Reengineering initiative is carried out.

(b) ELIGIBLE ORGANIZATIONS.—Two types of organizations are eligible for selection to participate in the pilot program:

(1) Organizations that underwent a Business Process Reengineering initiative within the preceding five years, achieved major performance enhancements under the initiative, and will be able to sustain previous or achieve new performance goals through the continuation of its existing or completed Business Process Reengineering plan.

(2) Organizations that have not undergone or have not successfully completed a Business Process Reengineering initiative, but which propose to achieve, and reasonably could reach, enhanced performance goals through implementation of a Business Process Reengineering initiative.

(c) ADDITIONAL ELIGIBILITY REQUIREMENTS.—(1) To be eligible for selection to participate in the pilot program under subsection (b)(1), an organization described in such subsection must be able to demonstrate the completion of a total organizational assessment that resulted in enhanced performance measures at least comparable to those that might be achieved through competitive sourcing.

(2) To be eligible for selection to participate in the pilot program under subsection (b)(2), an organization described in such subsection must be able to identify—

(A) functions, processes, and measures to be studied under the Business Process Reengineering initiative;

(B) adequate resources for assignment to carry out the Business Process Reengineering initiative; and

(C) labor/management agreements in place to ensure effective implementation of the Business Process Reengineering initiative.

(d) PILOT PROGRAM LIMITATIONS.—The pilot program shall be subject to the following limitations:

(1) Total participants is limited to 15 military installations, with some participants to be drawn from organizations described in subsection (b)(1) and some participants drawn from organizations described in subsection (b)(2).

(2) During the implementation period for the Business Process Reengineering initiative, but not to exceed one year, a participating organization shall not be subject to any Office of Management and Budget Circular A–76 competition or other public-private competition involving any function covered by the Business Process Reengineering initiative.

(e) EFFECT OF SUCCESSFUL IMPLEMENTATION.—An organization designated as a high-performing organization as a result of successful implementation of a Business Process Reengineering initiative under the pilot program shall be exempt, during the five-year period following such designation, from any Office of Management and Budget Circular A–76 competition or other public-private competition involving any function that was studied under the Business Process Reengineering initiative.

(f) REVIEWS AND REPORTS.—The Secretaries of the military departments shall conduct annual performance reviews of the participating organizations or functions within their respective departments. Reviews and reports shall evaluate organizational performance measures or functional performance measures and determine whether organizations are performing satisfactorily for purposes of continuing participation in the pilot program.

(g) PERFORMANCE MEASURES.—Performance measures should include the following, which shall be measured against organizational baselines determined before participation in the pilot program:

(1) Costs, savings, and overall financial performance of the organization.

(2) Organic knowledge, skills or expertise.

(3) Efficiency and effectiveness of key functions or processes.

(4) Efficiency and effectiveness of the overall organization.

(5) General customer satisfaction.

(h) DEFINITIONS.—In this section

(1) The term ''high-performing organization'' means an organization whose performance exceeds that of comparable providers, whether public or private.

(2) The term ''Business Process Reengineering'' refers to an organization's complete and thorough analysis and reengineering of mission and support functions and processes to achieve improvements in performance, including a fundamental reshaping of the way work is done to better support an organization's mission and reduce costs.

SEC. 323. DELAYED IMPLEMENTATION OF REVISED OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-76 BY DEPARTMENT OF DEFENSE PENDING REPORT.

(a) LIMITATION PENDING REPORT.—No studies or competitions may be conducted under the policies and procedures contained in any revisions to Office of Management and Budget Circular A–76, as the circular exists as of May 1, 2003, for possible contracting out of work being performed, as of such date, by employees of the Department of Defense, until the end of the 45-day period beginning on the date on which the Secretary of Defense submits to Congress a report on the impacts and effects of the revisions.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall contain, at a minimum, specific information regarding the following:

(1) The extent to which the revisions will ensure that employees of the Department of Defense have the opportunity to compete to retain their jobs.

(2) The extent to which the revisions will provide appeal and protest rights to employees of the Department of Defense that are equivalent to those available to contractors.

(3) Identify safeguards in the revisions to ensure that all public-private competitions are fair, appropriate, and comply with requirements of full and open competition.

(4) The plans and strategies of the Department to ensure an appropriate phase-in period for the revisions, as recommended by the Commercial Activities Panel of the Government Accounting Office in its April 2002 report to Congress, including recommendations for any legislative changes that may be required to ensure a smooth and efficient phase-in period.

(5) The plans and strategies of the Department to collect and analyze data on the costs and quality of work contracted out or retained in-house as a result of a sourcing process conducted under the revised Office of Management and Budget circular A–76.

SEC. 324. NAVAL AVIATION DEPOTS MULTI-TRADES DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—In accordance with section 4703 of title 5, United States Code, the Secretary of the Navy shall establish a demonstration project under which three Naval Aviation Depots are given the flexibility to promote by one grade level workers who are certified at the journey level as able to perform multiple trades.

(b) SELECTION REQUIREMENTS.—As a condition on eligibility for selection to participate in the demonstration project, a Naval Aviation Depot shall submit to the Secretary a business case analysis and concept plan—

(1) that, on the basis of the results of analysis of work processes, demonstrate that process improvements would result from the trade combinations proposed to be implemented under the demonstration project; and

(2) that describes the resulting improvements in cost, quality, or schedule.

(c) PARTICIPATING WORKERS.—(1) Actual worker participation in the demonstration project shall be determined through competitive selection. Not more than 15 percent

of the wage grade journeyman at a demonstration project location may be selected to participate.

(2) Job descriptions and competency-based training plans must be developed for each worker while in training under the demonstration project and once certified as a multi-trade worker. A certified multi-trade worker who receives a pay grade promotion under the demonstration project must use each new skill during at least 25 percent of the worker's work week.

(d) FUNDING SOURCE.—Amounts appropriated for operation and maintenance of the Naval Aviation Depots selected to participate in the demonstration project shall be used as the source of funds to carry out the demonstration project, including the source of funds for pay increases made under the project.

(e) DURATION.—The demonstration project shall be conducted during fiscal years 2004 through 2006.

(f) REPORT.—Not later than January 15, 2007, the Secretary shall submit a report to Congress describing the results of the demonstration project.

(g) GAO EVALUATION.—The Secretary shall transmit a copy the report to the Comptroller General. Within 90 days after receiving a report, the Comptroller General shall submit to Congress an evaluation of the report.

Subtitle D—Information Technology

SEC. 331. PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT REQUIREMENTS FOR CHIEF INFORMATION OFFICERS OF DEPARTMENT OF DEFENSE.

(a) ACCOUNTABILITY.—Section 2223 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsection:

''(c) PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT.—In addition to the responsibilities provided for in subsections (a) and (b), the Chief Information Officer of the Department of Defense and the Chief Information Officer of a military department shall—

''(1) encourage the use of performance-based and results-based management in fulfilling the responsibilities provided for in subsections (a) and (b), as applicable;

''(2) evaluate the information resources management practices of the department concerned with respect to the performance and results of the investments made by the department in information technology;

''(3) establish effective and efficient capital planning processes for selecting, managing, and evaluating the results of all of the department's major investments in information systems;

''(4) ensure that any analysis of the missions of the department is adequate and make recommendations, as appropriate, on the department's mission-related processes, administrative processes, and any significant investments in information technology to be used in support of those missions; and

''(5) ensure that information security policies, procedures, and practices are adequate.''.

(b) DEFENSE AGENCY RESPONSIBILITIES.—Section 2223 of title 10, United States Code, is further amended by inserting after subsection (c), as added by subsection (a), the following new subsection:

''(d) DEFENSE AGENCIES AND FIELD ACTIVITIES.—The Secretary of Defense shall require the Director of each Defense Agency and Department of Defense Field Activity to ensure that the responsibilities set forth in subsections (b) and (c) for Chief Information Officers of military departments are carried out within the Agency or Field Activity by any officer or employee acting as a chief information officer or carrying out duties similar to a chief information officer.''.

Subtitle E—Other Matters

SEC. 341. CATALOGING AND STANDARDIZATION FOR DEFENSE SUPPLY MANAGEMENT.

(a) STANDARDIZATION METHODS.—Section 2451 of title 10, United States Code, is amended to read as follows:

''§ 2451. Defense supply management

''(a) SINGLE CATALOG SYSTEM.—The Secretary of Defense shall adopt, implement and maintain a single catalog system for standardizing supplies for the Department of Defense. The single catalog system shall be used for each supply the Department uses, buys, stocks, or distributes.

''(b) STANDARDIZATION REQUIREMENTS.—To the highest degree practicable, the Secretary of Defense shall—

''(1) adopt and use single commercial standards or voluntary standards, in consultation with industry advisory groups, in order to eliminate overlapping and duplicate specifications for supplies for the Department of Defense and to reduce the number of sizes and kind of supplies that are generally similar;

''(2) standardize the methods of packing, packaging, and preserving supplies; and

''(3) make efficient use of the services and facilities for inspecting, testing, and accepting supplies.

''(c) CONSULTATION AND COOPERATION.—The Secretary of Defense shall maintain liaison with industry advisory groups to coordinate the development of the supply catalog and the standardization program with the best practices of industry and to obtain the fullest practicable cooperation and participation of industry in developing the supply catalog and the standardization program.''.

(b) EQUIPMENT STANDARDIZATION WITH NATO MEMBERS.—Section 2457 of such title is amended by striking subsection (d).

(c) CONFORMING REPEALS.—(1) Chapter 145 of such title is amended by striking sections 2452, 2453, and 2454.

(2) The table of sections at the beginning of such chapter is amended by striking the items related to sections 2452, 2453, and 2454.

SEC. 342. SPACE-AVAILABLE TRANSPORTATION FOR DEPENDENTS OF MEMBERS ASSIGNED TO OVERSEAS DUTY LOCATIONS FOR CONTINUOUS PERIOD IN EXCESS OF ONE YEAR.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2648. Dependents of members assigned to overseas duty locations for continuous period in excess of one year: space-available transportation

''(a) AUTHORITY.—The Secretary of Defense shall authorize travel on Government aircraft on a space-available basis for dependents of members on active duty assigned to duty at an overseas location as described in subsection (b) to the same extent as such travel is authorized for a dependent of a member assigned to that duty location in a permanent change of station status.

''(b) DUTY STATUS COVERED.—Duty at an overseas location described in this subsection is duty for a continuous period in excess of one year that is in a temporary duty status or that is in a permanent duty status without change of station.

''(c) TYPES OF TRANSPORTATION AUTHORIZED.—If authorized for other members at that duty location, travel provided under this section may include (1) travel between the overseas duty location and the United States and return, and (2) travel between the overseas duty location and another overseas location and return.

''(d) ALASKA AND HAWAII.—For purposes of this section, duty in Alaska or Hawaii shall be considered to be duty at an overseas location.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2648. Dependents of members assigned to overseas duty locations for continuous period in excess of one year: space-available transportation.''.

SEC. 343. PRESERVATION OF AIR FORCE RESERVE WEATHER RECONNAISSANCE MISSION.

The Secretary of Defense shall not disestablish, discontinue, or transfer the weather reconnaissance mission of the Air Force Reserve unless the Secretary determines that another organization or entity can demonstrate that it has the capability to perform the same mission with the same capability as the Air Force Reserve.

SEC. 344. EXPANSION OF DEPARTMENT OF DEFENSE EXCESS PERSONAL PROPERTY DISPOSAL PROGRAM TO INCLUDE HEALTH AGENCIES IN ADDITION TO LAW ENFORCEMENT AND FIREFIGHTING AGENCIES.

(a) INCLUSION OF HEALTH AGENCIES.—Section 2576b of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) TRANSFER AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may transfer to a firefighting agency or health agency in a State any personal property of the Department of Defense that the Secretary determines is—

''(1) excess to the needs of the Department of Defense; and

''(2) suitable for use in providing fire and emergency medical services or responding to health or environmental emergencies, including personal protective equipment and equipment for communication and monitoring.''; and

(2) in subsection (b)(2) and (c), by striking ''firefighting'' both places it appears.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2576b. Excess personal property: sale or donation to assist firefighting agencies and health agencies

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576b and inserting the following new item:

''2576b. Excess personal property: sale or donation to assist firefighting agencies and health agencies.''.

SEC. 345. DEPARTMENT OF DEFENSE PUBLIC HEALTH ASSESSMENT OF EXPOSURE TO PERCHLORATE.

(a) EPIDEMIOLOGICAL STUDY OF EXPOSURE TO PERCHLORATE.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent epidemiological study of exposure to perchlorate in drinking water.

(2) PERFORMANCE OF STUDY.—The Secretary shall provide for the performance of the study under this subsection through the Centers for Disease Control, the National Institutes of Health, or another Federal entity with experience in environmental toxicology selected by the Secretary for purposes of the study.

(3) MATTERS TO BE INCLUDED IN STUDY.—In providing for the study under this subsection, the Secretary shall require the Federal entity conducting the study—

(A) to assess the incidence of thyroid disease and measurable effects of thyroid function in relation to exposure to perchlorate;

(B) to ensure that the study is of sufficient scope and scale to permit the making of meaningful conclusions of the measurable public health threat associated with exposure to perchlorate, especially the threat to sensitive subpopulations; and

(C) to study thyroid function, including measurements of urinary iodine and thyroid hormone levels, in a sufficient number of pregnant women, neonates, and infants exposed to perchlorate in drinking water and match measurements of perchlorate levels in the drinking water of each study participant in order to permit the development of meaningful conclusions on the public health threat to individuals exposed to perchlorate.

(4) REPORT ON STUDY.—The Secretary shall require the Federal entity conducting the study under this subsection to submit to the Secretary a report on the study not later than June 1, 2005.

(b) REVIEW OF EFFECTS OF PERCHLORATE ON ENDOCRINE SYSTEM.—

(1) IN GENERAL.—The Secretary shall provide for an independent review of the effects of perchlorate on the human endocrine system.

(2) PERFORMANCE OF REVIEW.—The Secretary shall provide for the performance of the review under this subsection through the Centers for Disease Control, the National Institutes of Health, or another appropriate Federal research entity with experience in human endocrinology selected by the Secretary for purposes of the review. The Secretary shall ensure that the panel conducting the review is composed of individuals with expertise in human endocrinology.

(3) MATTERS TO BE INCLUDED IN REVIEW.—In providing for the review under this subsection, the Secretary shall require the Federal entity conducting the review to assess—

(A) available data on human exposure to perchlorate, including clinical data and data on exposure of sensitive subpopulations, and the levels at which health effects were observed; and

(B) available data on other substances that have endocrine effects similar to perchlorate to which the public is frequently exposed.

(4) REPORT ON REVIEW.—The Secretary shall require the Federal entity conducting the review under this subsection to submit to the Secretary a report on the review not later than June 1, 2005.

SEC. 346. PERMANENT AUTHORITY FOR PURCHASE OF CERTAIN MUNICIPAL SERVICES AT INSTALLATIONS IN MONTEREY COUNTY, CALIFORNIA.

(a) AUTHORITY.—Subject to subsection (b), public works, utility, and other municipal services needed for the operation of any Department of Defense asset in Monterey County, California, may be purchased from government agencies located in that county.

(b) PROHIBITION ON PURCHASE OF CERTAIN SERVICES.—Section 2465 of title 10, United States Code, relating to the purchase of firefighting or security-guard services at a military installation, applies with respect to the authority provided by subsection (a).

(c) CONFORMING AMENDMENT.—Section 816 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820) is repealed.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2004, as follows:

(1) The Army, 482,375.

(2) The Navy, 375,700.

(3) The Marine Corps, 175,000.

(4) The Air Force, 361,268.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Effective October 1, 2003, section 691(b) of title 10, United States Code, is amended as follows:

(1) ARMY.—Paragraph (1) is amended by striking ''480,000'' and inserting ''482,375''.

(2) AIR FORCE.—Paragraph (4) is amended by striking ''359,000'' and inserting ''361,268''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2004, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 85,900.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 107,000.

(6) The Air Force Reserve, 75,800.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2004, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 25,386.

(2) The Army Reserve, 14,374.

(3) The Naval Reserve, 14,384.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 12,140.

(6) The Air Force Reserve, 1,660.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2004 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 24,589.

(2) For the Army Reserve, 7,844.

(3) For the Air National Guard of the United States, 22,806.

(4) For the Air Force Reserve, 9,991.

SEC. 414. FISCAL YEAR 2004 LIMITATION ON NONDUAL STATUS TECHNICIANS.

The number of non-dual status technicians of a reserve component of the Army or the Air Force as of September 30, 2004, may not exceed the following:

(1) For the Army Reserve, 910.

(2) For the Army National Guard of the United States, 1,600.

(3) For the Air Force Reserve, 90.

(4) For the Air National Guard of the United States, 350.

SEC. 415. PERMANENT LIMITATIONS ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

Section 10217(c) of title 10, United States Code, is amended by striking ''and Air Force Reserve may not exceed 175'' and inserting ''may not exceed 595 and by the Air Force Reserve may not exceed 90''.

Subtitle C—Authorizations of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2004 a total of $98,634,511,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2004.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2004 from the Armed Forces Retirement Home Trust Fund the sum of $65,279,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General and Flag Officer Matters

SEC. 501. STANDARDIZATION OF QUALIFICATIONS FOR APPOINTMENT AS SERVICE CHIEF.

(a) CHIEF OF NAVAL OPERATIONS.—Section 5033(a)(1) of title 10, United States Code, is amended by striking ''from officers on the active-duty list in the line of the Navy who are eligible to command at sea and who hold the grade of rear admiral or above'' and inserting ''flag officers of the Navy''.

(b) COMMANDANT OF THE MARINE CORPS.—Section 5043(a)(1) of title 10, United States Code, is amended by striking ''from officers on the active-duty list of the Marine Corps not below the grade of colonel'' and inserting ''general officers of the Marine Corps''.

Subtitle B—Other Officer Personnel Policy Matters

SEC. 511. REPEAL OF PROHIBITION ON TRANSFER BETWEEN LINE OF THE NAVY AND NAVY STAFF CORPS APPLICABLE TO REGULAR NAVY OFFICERS IN GRADES ABOVE LIEUTENANT COMMANDER.

(a) REPEAL.—Section 5582 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 539 of such title is amended by striking the item relating to section 5582.

SEC. 512. RETENTION OF HEALTH PROFESSIONS OFFICERS TO FULFILL ACTIVE-DUTY SERVICE COMMITMENTS FOLLOWING PROMOTION NONSELECTION.

(a) IN GENERAL.—Section 632 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by inserting ''except as provided in paragraph (3) and in subsection (c),'' before ''be discharged''; and

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

''(c)(1) If a health professions officer described in paragraph (2) is subject to discharge under subsection (a)(1) and, as of the date on which the officer is to be discharged under that paragraph, the officer has not completed a period of active duty service obligation that the officer incurred under section 2005, 2114, 2123, or 2603 of this title, the officer shall be retained on active duty until completion of such active duty service obligation, and then be discharged under that subsection, unless sooner retired or discharged under another provision of law.

''(2) The Secretary concerned may waive the applicability of paragraph (1) to any officer if the Secretary determines that completion of the active duty service obligation of that officer is not in the best interest of the service.

''(3) This subsection applies to a medical officer or dental officer or an officer appointed in a medical skill other than as a medical officer or dental officer (as defined in regulations prescribed by the Secretary of Defense).''.

(b) TECHNICAL AMENDMENTS.—Sections 630(2), 631(a)(3), and 632(a)(3) of such title are amended by striking ''clause'' and inserting ''paragraph''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall not apply in the case of an officer who as of the date of the enactment of this Act is required to be discharged under section 632(a)(1) of title 10, United States Code, by reason of having failed of selection for promotion to the next higher regular grade a second time.

SEC. 513. INCREASED FLEXIBILITY FOR VOLUNTARY RETIREMENT FOR MILITARY OFFICERS.

(a) IN GENERAL.—Section 1370 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''except as provided in paragraph (2)'' and inserting ''subject to paragraphs (2) and (3)''; and

(ii) by striking '', for not less than six months'';

(B) by redesignating paragraph (3) as paragraph (4); and

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

''(2) In order to be eligible for voluntary retirement under this title in a grade below the grade of lieutenant colonel or commander, a commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than six months.

''(3)(A) In order to be eligible for voluntary retirement in a grade above major or lieutenant commander and below brigadier general or rear admiral (lower half), a commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than three years, except that the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period not less than two years.

''(B) In order to be eligible for voluntary retirement in a grade above colonel or captain, in the case of the Navy, a commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than one year.

''(C) An officer in a grade above major general or rear admiral may be retired in the highest grade in which the officer served on active duty satisfactorily for not less than one year, upon approval by the Secretary of the military department concerned and concurrence by the Secretary of Defense. The function of the Secretary of Defense under the preceding sentence may only be delegated to a civilian official in the Office of the Secretary of Defense appointed by the President, by and with the advice and consent of the Senate.

''(D) The President may waive subparagraph (A), (B) or (C) in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under the preceding sentence may not be delegated.'';

(2) in subsection (b), by inserting ''or whose service on active duty in that grade was not determined to be satisfactory by the Secretary of the military department concerned'' after ''specified in subsection (a)'';

(3) by striking subsection (c); and

(4) by redesignating subsection (d) as subsection (c) and in that subsection—

(A) in paragraph (3)—

(i) in subparagraph (A)—

(I) by inserting ''(i)'' after ''(3)(A)'';

(II) by inserting ''and below brigadier general or rear admiral (lower half)'' after ''lieutenant commander'';

(III) by inserting '', except that the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period not less than two years'' after ''three years''; and

(IV) by adding at the end the following new clauses:

''(ii) In order to be credited with satisfactory service in a grade above colonel or captain, in the case of the Navy, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in active status, or in a retired status on active duty, for not less than one year.

''(iii) An officer covered by paragraph (1) who is in a grade above the grade of major general or rear admiral may be retired in the highest grade in which the officer served satisfactorily for not less than one year, upon approval by the Secretary of the military department concerned and concurrence by the Secretary of Defense. The function of the Secretary of Defense under the preceding sentence may only be delegated to a civilian official in the Office of the Secretary of Defense appointed by the president, by and with the advice and consent of the Senate.'';

(ii) in subparagraphs (D) and (E), by striking ''subparagraph (A)'' and inserting ''subparagraph (A)(i)''; and

(iii) by striking subparagraph (F); and

(B) by striking paragraphs (5) and (6); and

(5) by striking subsection (e).

(b) CONFORMING AMENDMENTS.—Section 1406(i)(2) of such title is amended—

(1) in the paragraph heading, by striking ''MEMBERS'' and all that follows through ''SATISFACTORILY'' and inserting ''ENLISTED MEMBERS REDUCED IN GRADE'';

(2) by striking ''a member'' and inserting ''an enlisted member'';

(3) by striking ''1998—'' and all that follows through ''is reduced in'' and inserting ''1998, is reduced in'';

(4) by striking ''; or'' and inserting a period; and

(5) by striking subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the determination of the retired grade of members of the Armed Forces retiring on or after the date of the enactment of this Act.

SEC. 514. REPEAL OF REQUIRED GRADE OF DEFENSE ATTACHÉ IN FRANCE.

(a) IN GENERAL.—Section 714 of title 10, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 714.

Subtitle C—Reserve Component Matters

SEC. 521. STREAMLINED PROCESS FOR CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST.

(a) REPEAL OF REQUIREMENT FOR USE OF SELECTION BOARDS.—Section 14701 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''by a selection board convened under section 14101(b) of this title'' and inserting ''under regulations prescribed by the Secretary of Defense; and

(B) in paragraph (6), by striking ''as a result of the convening of a selection board under section 14101(b) of this title'' and inserting ''under regulations prescribed under paragraph (1)'';

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(b) CONFORMING AMENDMENTS.—(1) Section 14101(b) of such title is amended—

(A) by striking ''CONTINUATION BOARDS'' and inserting ''SELECTIVE EARLY SEPARATION BOARDS'';

(B) by striking paragraph (1);

(C) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(D) by striking the last sentence.

(2) Section 14102(a) of such title is amended by striking ''Continuation boards'' and inserting ''Selection boards convened under section 14101(b) of this title''.

(3) Section 14705(b)(1) of such title is amended by striking ''continuation board'' and inserting ''selection board''.

SEC. 522. CONSIDERATION OF RESERVE OFFICERS FOR POSITION VACANCY PROMOTIONS IN TIME OF WAR OR NATIONAL EMERGENCY.

(a) PROMOTION CONSIDERATION WHILE ON ACTIVE-DUTY LIST.—(1) Subsection (d) of section 14317 of title 10, United States Code, is amended by striking ''If a reserve officer'' and inserting ''Except as provided in subsection (e), if a reserve officer''.

(2) Subsection (e) of such section is amended to read as follows:

''(e) OFFICERS ORDERED TO ACTIVE DUTY IN TIME OF WAR OR NATIONAL EMERGENCY.—(1) A reserve officer who is not on the active-duty list and who is ordered to active duty in time of war or national emergency may, if eligible, be considered for promotion—

''(A) by a mandatory promotion board convened under section 14101(a) of this title or a special selection board convened under section 14502 of this title; or

''(B) in the case of an officer who has been ordered to or is serving on active duty in support of a contingency operation, by a vacancy promotion board convened under section 14101(a) of this title.

''(2) An officer may not be considered for promotion under this subsection after the end of the two-year period beginning on the date on which the officer is ordered to active duty.

''(3) An officer may not be considered for promotion under this subsection during a period when the operation of this section has been suspended by the President under the provisions of section 123 or 10213 of this title.

''(4) Consideration of an officer for promotion under this subsection shall be under regulations prescribed by the Secretary of the military department concerned.''.

(b) CONFORMING AMENDMENT.—Section 14315(a)(1) of such title is amended by striking ''as determined by the Secretary concerned, is available'' and inserting ''under regulations prescribed by the Secretary concerned, has been recommended''.

SEC. 523. SIMPLIFICATION OF DETERMINATION OF ANNUAL PARTICIPATION FOR PURPOSES OF READY RESERVE TRAINING REQUIREMENTS.

Subsection (a) of section 10147 of title 10, United States Code, is amended to read as follows:

''(a)(1) Except as provided pursuant to paragraph (2), each person who is enlisted, inducted, or appointed in an armed force and who becomes a member of the Ready Reserve under any provision of law other than section 513 or 10145(b) of this title shall be required, while in the Ready Reserve, to participate in a combination of drills, training periods, and active duty equivalent to 38 days (exclusive of travel) during each year.

''(2) The Secretary of Defense, and the Secretary of Homeland Security with respect

to the Coast Guard when it is not operating as a service in the Navy, may prescribe regulations providing specific exceptions for the requirements of paragraph (1).''.

SEC. 524. AUTHORITY FOR DELEGATION OF REQUIRED SECRETARIAL SPECIAL FINDING FOR PLACEMENT OF CERTAIN RETIRED MEMBERS IN READY RESERVE.

The last sentence of section 10145(d) of title 10, United States Code, is amended to read as follows: ''The authority of the Secretary concerned under the preceding sentence may not be delegated—

''(1) to a civilian officer or employee of the military department concerned below the level of the Assistant Secretary of the military department concerned; or

''(2) to a member of the armed forces below the level of the lieutenant general or vice admiral in an armed force with responsibility for military personnel policy in that armed force.''.

SEC. 525. AUTHORITY TO PROVIDE EXPENSES OF ARMY AND AIR STAFF PERSONNEL AND NATIONAL GUARD BUREAU PERSONNEL ATTENDING NATIONAL CONVENTIONS OF CERTAIN MILITARY ASSOCIATIONS.

(a) AUTHORITY.—Section 107(a)(2) of title 32, United States Code, is amended—

(1) by striking ''officers'' and inserting ''members'';

(2) by striking ''Army General Staff'' and inserting ''Army Staff''; and

(3) by striking ''National Guard Association of the United States'' and inserting '', Enlisted Association of the National Guard of the United States, National Guard Association of the United States,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall not apply with respect to funds appropriated for a fiscal year before fiscal year 2004.

Subtitle D—Military Education and Training

SEC. 531. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD THE DEGREE OF MASTER OF OPERATIONAL STUDIES.

(a) AUTHORITY.—Section 7102 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) COMMAND AND STAFF COLLEGE OF THE MARINE CORP UNIVERSITY.—Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of operational studies upon graduates of the Command and Staff College's School of Advanced Warfighting who fulfill the requirements for that degree.''.

(b) EFFECTIVE DATE.—The authority to confer the degree of master of operational studies under section 7102(c) of title 10, United States Code (as added by subsection (a)) may not be exercised until the Secretary of Education determines, and certifies to the President of the Marine Corps University, that the requirements established by the Command and General Staff College of the Marine Corps University for that degree are in accordance with generally applicable requirements for a degree of master of arts. Upon receipt of such a certification, the President of the University shall promptly transmit a copy of the certification to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives.

SEC. 532. EXPANDED EDUCATIONAL ASSISTANCE AUTHORITY FOR CADETS AND MIDSHIPMEN RECEIVING ROTC SCHOLARSHIPS.

(a) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE ON ACTIVE DUTY.—Section 2107(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(3) In the case of a cadet or midshipman eligible to receive financial assistance under paragraph (1) or (2), the Secretary of the military department concerned may, in lieu of all or part of the financial assistance described in paragraph (1), provide financial assistance in the form of room and board expenses for the cadet or midshipman and other expenses required by the educational institution.

''(4) The total amount of financial assistance, including the payment of room and board and other educational expenses, provided to a cadet or midshipman in an academic year under this subsection may not exceed an amount equal to the amount that could be provided as financial assistance for such cadet or midshipman under paragraph (1) or (2), or other amount determined by the Secretary concerned, without regard to whether room and board and other educational expenses for such cadet or midshipman are paid under paragraph (3).''.

(b) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE IN TROOP PROGRAM UNITS.—Section 2107a(c) of such title is amended—

(1) by inserting ''(1)'' after ''(c)''; and

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

''(2) In the case of a cadet eligible to receive financial assistance under paragraph (1), the Secretary of the military department concerned may, in lieu of all or part of the financial assistance described in paragraph (1), provide financial assistance in the form of room and board expenses for such cadet and other expenses required by the educational institution.

''(3) The total amount of financial assistance, including the payment of room and board and any other educational expenses, provided to a cadet in an academic year under this subsection may not exceed an amount equal to the amount that could be provided as financial assistance for such cadet under paragraph (1), or other amount determined by the Secretary of the Army, without regard to whether the room and board and other educational expenses for such cadet are paid under paragraph (2).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payment of expenses of cadets and midshipmen of the Senior Reserve Officers' Training Corps program that are due after the date of the enactment of this Act.

SEC. 533. INCREASE IN ALLOCATION OF SCHOLARSHIPS UNDER ARMY RESERVE ROTC SCHOLARSHIP PROGRAM TO STUDENTS AT MILITARY JUNIOR COLLEGES.

Section 2107a(h) of title 10, United States Code, is amended by striking ''10'' each place it appears and inserting ''17''.

SEC. 534. INCLUSION OF ACCRUED INTEREST IN AMOUNTS THAT MAY BE REPAID UNDER SELECTED RESERVE CRITICAL SPECIALTIES EDUCATION LOAN REPAYMENT PROGRAM.

Section 16301 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end the following: '', plus the amount of any interest that may accrue during the current year''; and

(2) in subsection (c), by adding at the end the following new sentence: ''For the purposes of this section, any interest that has accrued on the loan for periods before the current year shall be considered as within the total loan amount that shall be repaid.''.

SEC. 535. AUTHORITY FOR NONSCHOLARSHIP SENIOR ROTC SOPHOMORES TO VOLUNTARILY CONTRACT FOR AND RECEIVE SUBSISTENCE ALLOWANCE.

(a) AUTHORITY FOR ALLOWANCE.—Section 209 of title 37, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) NONSCHOLARSHIP SENIOR ROTC MEMBERS NOT IN ADVANCED TRAINING.—A member of the Selected Reserve Officers' Training Corps who has entered into an agreement under section 2103a of title 10 is entitled to a monthly subsistence allowance at a rate prescribed under subsection (a). The allowance may be paid to the member for a maximum of 20 months.''.

(b) AUTHORITY TO ACCEPT ENROLLMENT.—(1) Chapter 103 of title 10, United States Code, is amended by inserting after section 2103 the following new section:

''§ 2103a. Students not eligible for advanced training: commitment to military service

''(a) A member of the program who has completed successfully the first year of a four-year Senior Reserve Officers' Training Corps course and who is not eligible for advanced training under section 2104 of this title and is not a cadet or midshipman appointed under section 2107 of this title may—

''(1) contract with the Secretary of the military department concerned, or the Secretary's designated representative, to serve for the period required by the program; and

''(2) agree in writing to accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and to serve in the armed forces for the period prescribed by the Secretary.

''(b) A member of the program may enter into a contract and agreement under this section (and receive a subsistence allowance under section 209(c) of title 37) only if the person—

''(1) is a citizen of the United States;

''(2) enlists in an armed force under the jurisdiction of the Secretary of the military department concerned for the period prescribed by the Secretary; and

''(3) executes a certificate of loyalty in such form as the Secretary of Defense prescribes or take a loyalty oath as prescribed by the Secretary.

''(c) A member of the program who is a minor may enter into a contract under subsection (a)(1) only with the consent of the member's parent or guardian.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2103a. Students not eligible for advanced training: commitment to military service.''.

SEC. 536. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY DELEGATES FROM GUAM, VIRGIN ISLANDS, AND AMERICAN SAMOA.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended—

(1) in paragraphs (6) and (8), by striking ''Two'' and inserting ''Three''; and

(2) in paragraph (9), by striking ''One'' and inserting ''Two''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a) of such title is amended—

(1) in paragraphs (6) and (8), by striking ''Two'' and inserting ''Three''; and

(2) in paragraph (9), by striking ''One'' and inserting ''Two''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a) of such title is amended—

(1) in paragraphs (6) and (8), by striking ''Two'' and inserting ''Three''; and

(2) in paragraph (9), by striking ''One'' and inserting ''Two''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the nomination of candidates for appointment to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy for classes entering those academies after the date of the enactment of this Act.

SEC. 537. READMISSION TO SERVICE ACADEMIES OF CERTAIN FORMER CADETS AND MIDSHIPMEN.

(a) INSPECTOR GENERAL REPORT AS BASIS FOR READMISSION.—(1) When a formal report by an Inspector General within the Department of Defense concerning the circumstances of the separation of a cadet or midshipman from one of the service academies contains a specific finding specified in paragraph (2), the Secretary of the military department concerned may use that report as the sole basis for readmission of the former cadet or midshipman to the respective service or service academy.

(2) A finding specified in this paragraph is a finding that substantiates that a former service academy cadet or midshipman, while attending the service academy—

(A) received administrative or punitive action or nonjudicial punishment as a result of reprisal;

(B) resigned in lieu of disciplinary, administrative, or other action that the formal report concludes constituted a threat of reprisal; or

(C) otherwise suffered an injustice that contributed to the resignation of the cadet or midshipman.

(b) READMISSION.—In the case of a formal report by an Inspector General described in subsection (a), the Secretary concerned shall offer the former cadet or midshipman an opportunity for readmission to the service academy from which the former cadet or midshipman resigned, if the former cadet or midshipman is otherwise eligible for such readmission.

(c) APPLICATIONS FOR READMISSION.—A former cadet or midshipman described in a report referred to in subsection (a) may apply for readmission to the service academy on the basis of that report and shall not be required to submit the request for readmission through a board for the correction of military records.

(d) REGULATIONS TO MINIMIZE ADVERSE IMPACT UPON READMISSION.—The Secretary of each military department shall prescribe regulations for the readmission of a former cadet or midshipman described in subsections (a), with the goal, to the maximum extent practicable, of readmitting the former cadet or midshipman at no loss of the academic or military status held by the former cadet at the time of resignation.

(e) CONSTRUCTION WITH OTHER REMEDIES.—This section does not preempt or supercede any other remedy that may be available to a former cadet or midshipman.

(f) SERVICE ACADEMIES.—In this section, the term ''service academy'' means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

SEC. 538. AUTHORIZATION FOR NAVAL POSTGRADUATE SCHOOL TO PROVIDE INSTRUCTION TO ENLISTED MEMBERS PARTICIPATING IN CERTAIN PROGRAMS.

(a) INSTRUCTION OF ENLISTED MEMBERS.—Subsection (a) of section 7045 of title 10, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) The Secretary may permit enlisted members of the armed forces to receive instruction at the Naval Postgraduate School for the purpose of attending—

''(A) executive level seminars; or

''(B) the information security scholarship program under chapter 112 of this title.

''(3) In addition to instruction authorized under paragraph (2), the Secretary may, on a space-available basis, permit an enlisted member of any of the armed forces to receive instruction at the Naval Postgraduate School if the member is assigned permanently to the staff of the Naval Postgraduate School or to a nearby command.''.

(b) REIMBURSEMENT.—Subsection (b) of such section is amended—

(1) by striking ''The Department'' and inserting ''(1) Except as provided under paragraph (3), the Department'';

(2) by striking ''officers'' in the first sentence and inserting ''members'';

(3) by designating the second sentence as paragraph (2) and in that sentence—

(A) by inserting ''under subsection (a)(3)'' after ''permitted'';

(B) by inserting ''on a space-available basis'' after ''instruction at the Postgraduate School''; and

(C) by striking ''(taking into consideration the admission of enlisted members on a space-available basis)''; and

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

''(3) The Secretary of Defense may prescribe exceptions to the requirements of paragraph (1) with regard to attendance at the Postgraduate School pursuant to chapter 112 of this title.''.

SEC. 539. DEFENSE TASK FORCE ON SEXUAL HARASSMENT AND VIOLENCE AT THE MILITARY SERVICE ACADEMIES.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Department of Defense task force to examine matters relating to sexual harassment and violence at the United States Military Academy and the United States Naval Academy.

(b) RECOMMENDATIONS.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary of Defense a report recommending ways by which the Department of Defense and the military services may more effectively address matters relating to sexual harassment and violence at the United States Military Academy and the United States Naval Academy. The report shall include an assessment of, and recommendations (including changes in law) for measures to improve, the following with respect to sexual harassment and violence at those academies:

(1) Victims' safety programs.

(2) Offender accountability.

(3) Effective prevention of sexual harassment and violence.

(4) Collaboration among military organizations with responsibility or jurisdiction with respect to sexual harassment and violence.

(5) Coordination between military and civilian communities, including local support organizations, with respect to sexual harassment and violence.

(6) Coordination between military and civilian communities, including civilian law enforcement relating to acts of sexual harassment and violence.

(7) Data collection and case management and tracking.

(8) Curricula and training, including standard training programs for cadets at the United States Military Academy and midshipmen at the United States Naval Academy and for permanent personnel assigned to those academies.

(9) Responses to sexual harassment and violence at those academies, including standard guidelines.

(10) Other issues identified by the task force relating to sexual harassment and violence at those academies.

(c) METHODOLOGY.—The task force shall consider the findings and recommendations of previous reviews and investigations of sexual harassment and violence conducted for those academies as one of the bases for its assessment.

(d) REPORT.—(1) The task force shall submit to the Secretary of Defense and the Secretaries of the Army and the Navy a report on the activities of the task force and on the activities of the United States Military Academy and the United States Naval Academy to respond to sexual harassment and violence at those academies.

(2) The report shall include the following:

(A) Any barriers to implementation of improvements as a result of those efforts.

(B) Other areas of concern not previously addressed in prior reports.

(C) The findings and conclusions of the task force.

(D) Any recommendations for changes to policy and law as the task force considers appropriate, including whether cases of sexual assault at those academies should be included in the Department of Defense database known as the Defense Incident-Based Reporting System.

(3) Within 90 days of receipt of the report under paragraph (1) the Secretary of Defense shall submit the report, together with the Secretary's evaluation of the report, to the Committees on Armed Services of the Senate and House of Representatives.

(e) REPORT ON AIR FORCE ACADEMY.—Simultaneously with the submission of the report under subsection (d)(3), the Secretary of Defense, in coordination with the Secretary of the Air Force, shall submit to the committees specified in that subsection the Secretary's assessment of the effectiveness of corrective actions being taken at the United States Air Force Academy as a result of various investigations conducted at that Academy into matters involving sexual assault and harassment.

(f) COMPOSITION.—(1) The task force shall consist of not more than 14 members, to be appointed by the Secretary of Defense. Members shall be appointed from each of the Army, Navy, Air Force, and Marine Corps, and shall include an equal number of personnel of the Department of Defense (military and civilian) and persons from outside the Department of Defense. Members appointed from outside the Department of Defense may be appointed from other Federal departments and agencies, from State and local agencies, or from the private sector.

(2) The Secretary shall ensure that the membership of the task force appointed from the Department of Defense includes at least one judge advocate.

(3) In appointing members to the task force, the Secretary may—

(A) consult with the Attorney General regarding a representative from the Office of Violence Against Women of the Department of Justice; and

(B) consult with the Secretary of Health and Human Services regarding a representative from the Women's Health office of the Department of Health and Human Services.

(4) Each member of the task force appointed from outside the Department of Defense shall be an individual who has demonstrated expertise in the area of sexual harassment and violence or shall be appointed from one of the following:

(A) A representative from the Office of Civil Right in the Department of Education.

(B) A representative from the Center for Disease Control.

(C) A sexual assault policy and advocacy organization.

(D) A civilian law enforcement agency.

(E) A judicial policy organization.

(F) A national crime victim policy organization.

(5) The members of the task force shall be appointed not later than 120 days after the date of the enactment of this Act.

(g) CO-CHAIRS OF THE TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel on the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by those members.

(h) ADMINISTRATIVE SUPPORT.—(1) Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be appointed in accordance with, and subject to, section 3161 of title 5, United States Code.

(2) The Deputy Under Secretary of Defense for Personnel and Readiness, under the direction of the Under Secretary of Defense for Personnel and Readiness, shall provide oversight of the task force. The Washington Headquarters Service of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the task force's duties.

(3) The Deputy Under Secretary shall coordinate with the Secretary of the Army to provide visits of the task force to the United States Military Academy and with the Secretary of the Navy to provide visits of the task force to the United States Naval Academy.

(i) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to the Committees on Armed Services of the Senate and House of Representatives pursuant to subsection (d)(3).

Subtitle E—Administrative Matters

SEC. 541. ENHANCEMENTS TO HIGH-TEMPO PERSONNEL PROGRAM.

(a) REVISIONS TO DEPLOYMENT LIMITS AND AUTHORITY TO AUTHORIZE EXEMPTIONS.—Subsection (a) of section 991 of title 10, United States Code, is amended to read as follows:

''(a) SERVICE AND GENERAL OR FLAG OFFICER RESPONSIBILITIES.—(1) Subject to paragraph (3), the deployment (or potential deployment) of members of the armed forces shall be managed to ensure that a member is not deployed, or continued in a deployment, on any day on which the total number of days on which the member has been deployed out of the preceding 730 days would exceed the high-deployment threshold.

''(2) In this subsection, the term 'high-deployment threshold' means—

''(A) 400 days; or

''(B) a lower number of days prescribed by the Secretary of Defense.

''(3) A member may be deployed, or continued in a deployment, without regard to paragraph (1) if the deployment, or continued deployment, is approved by the Secretary of Defense. The authority of the Secretary under the preceding sentence may only be delegated to—

''(A) a civilian officer of the Department of Defense appointed by the President, by and with the advise and consent of the Senate, or a member of the Senior Executive Service; or

''(B) a general or flag officer in that member's chain of command (including an officer in the grade of colonel, or in the case of the Navy, captain, serving an in a general or flag officer position who has been selected for promotion to the grade of brigadier general or rear admiral (lower half)).''.

(b) CHANGES FROM PER DIEM TO HIGH-DEPLOYMENT ALLOWANCE.—(1) Subsection (a) of section 436 of title 37, United States Code, is amended to read as follows:

''(a) MONTHLY ALLOWANCE.—The Secretary of the military department concerned shall pay a high-deployment allowance to a member of the armed forces under the Secretary's jurisdiction for each month during which the member—

''(1) is deployed; and

''(2) at any time during that month—

''(A) has been deployed for 191 or more consecutive days (or a lower number of consecutive days prescribed by the Secretary of Defense);

''(B) has been deployed, out of the preceding 730 days, for a total of 401 or more days (or a lower number of days prescribed by the Secretary of Defense); or

''(C) in the case of a member of a reserve component, is on active duty under a call or order to active duty for a period of more than 30 days that is the second (or later) such call or order to active duty (whether voluntary or involuntary) for that member in support of the same contingency operation.''.

(2) Subsection (c) of such section is amended to read as follows:

''(c) RATE.—The monthly rate of the allowance payable to a member under this section shall be determined by the Secretary concerned, not to exceed $1,000 per month.''.

(3) Such section is further amended—

(A) in subsection (d), by striking ''per diem'';

(B) in subsection (e), by striking ''per diem'' and inserting ''allowance'';

(C) in subsection (f)—

(i) by striking ''per diem'' and inserting ''allowance''; and

(ii) by striking ''day on'' and inserting ''month during''; and

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

''(g) AUTHORITY TO EXCLUDE CERTAIN DUTY ASSIGNMENTS.—The Secretary concerned may exclude members serving in specified duty assignments from eligibility for the high-deployment allowance while serving in those assignments. Any such specification of duty assignments may only be made with the approval of the Secretary of Defense. Specification of a particular duty assignment for purposes of this subsection may not be implemented so as to apply to the member serving in that position at the time of such specification.''.

(4)(A) The heading of such section is amended to read as follows:

''§ 436. Monthly high-deployment allowance for lengthy or numerous deployments''.

(B) The item relating to that section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''436. Monthly high-deployment allowance for lengthy or numerous deployments.''.

(c) CHANGES TO REPORTING REQUIREMENT.—Section 487(b)(5) of title 10, United States Code, is amended to read as follows:

''(5) For each of the armed forces, the description shall indicate, for the period covered by the report—

''(A) the number of members who received the high-deployment allowance under section 436 of title 37;

''(B) the number of members who received each rate of allowance paid;

''(C) the number of members who received the allowance for one month, for two months, for three months, for four months, for five months, for six months, and for more than six months; and

''(D) the total amount spent on the allowance.''.

SEC. 542. ENHANCED RETENTION OF ACCUMULATED LEAVE FOR HIGH-DEPLOYMENT MEMBERS.

(a) ENHANCED AUTHORITY TO RETAIN ACCUMULATED LEAVE.—Paragraph (1) of section 701(f) of title 10, United States Code, is amended to read as follows:

''(f)(1)(A) The Secretary concerned, under uniform regulations to be prescribed by the Secretary of Defense, may authorize a member described in subparagraph (B) who, except for this paragraph, would lose any accumulated leave in excess of 60 days at the end of the fiscal year, to retain an accumulated total of 120 days leave.

''(B) This subsection applies to a member who serves on active duty for a continuous period of at least 120 days—

''(i) in an area in which the member is entitled to special pay under section 310(a) of title 37; or

''(ii) while assigned to a deployable ship or mobile unit or to other duty comparable to that specified in clause (i) that is designated for the purpose of this subsection.

''(C) Except as provided in paragraph (2), Leave in excess of 60 days accumulated under this paragraph is lost unless it is used by the member before the end of the third fiscal year after the fiscal year in which the continuous period of service referred to in subparagraph (B) terminated.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003, or the date of the enactment of this Act, whichever is later.

SEC. 543. STANDARDIZATION OF TIME-IN-SERVICE REQUIREMENTS FOR VOLUNTARY RETIREMENT OF MEMBERS OF THE NAVY AND MARINE CORPS WITH ARMY AND AIR FORCE REQUIREMENTS.

(a) OFFICERS IN REGULAR NAVY OR MARINE CORPS WHO COMPLETED 40 YEARS OF ACTIVE SERVICE.—Section 6321(a) of title 10, United States Code, is amended by striking ''after completing 40 or more years'' and inserting ''and has at least 40 years''.

(b) OFFICERS IN REGULAR NAVY OR MARINE CORPS WHO COMPLETED 30 YEARS OF ACTIVE SERVICE.—Section 6322(a) of such title is amended by striking ''after completing 30 or more years'' and inserting ''and has at least 30 years''.

(c) OFFICERS IN NAVY OR MARINE CORPS WHO COMPLETED 20 YEARS OF ACTIVE SERVICE.—Section 6323(a)(1) of such title is amended by striking ''after completing more than 20 years'' and inserting ''and has at least 20 years''.

(d) ENLISTED MEMBERS IN REGULAR NAVY OR MARINE CORPS WHO COMPLETED 30 YEARS OF ACTIVE SERVICE.—Section 6326(a) of such title is amended by striking ''after completing 30 or more years'' and inserting ''and has at least 30 years''.

(e) TRANSFER OF ENLISTED MEMBERS TO THE FLEET RESERVE AND FLEET MARINE CORPS RESERVE.—Section 6330(b) of such title is amended by striking ''who has completed 20 or more years'' both places it appears and inserting ''who has at least 20 years''.

(f) TRANSFER OF MEMBERS OF THE FLEET RESERVE AND FLEET MARINE CORPS RESERVE TO THE RETIRED LIST.—Section 6331(a) of such title is amended by striking ''completed 30 years'' and inserting ''has at least 30 years''.

(g) EFFECTIVE DATE.—The Secretary of the Navy shall prescribe the date on which the amendments made by this section shall take effect. The Secretary shall publish such date, when prescribed, in the Federal Register.

SEC. 544. STANDARDIZATION OF STATUTORY AUTHORITIES FOR EXEMPTIONS FROM REQUIREMENT FOR ACCESS TO SECONDARY SCHOOLS BY MILITARY RECRUITERS.

(a) CONSISTENCY WITH ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Paragraph (5) of section 503(c) of title 10, United States Code, is amended by striking ''apply to—'' and all that follows through ''school which'' and inserting ''apply to a private secondary school that''.

(b) CORRECTION OF CROSS REFERENCE.—Paragraph (6)(A)(i) of such section is amended by striking ''14101'' and ''8801'' and inserting ''9101'' and ''7801'', respectively.

SEC. 545. PROCEDURES FOR CONSIDERATION OF APPLICATIONS FOR AWARD OF THE PURPLE HEART MEDAL TO VETERANS HELD AS PRISONERS OF WAR BEFORE APRIL 25, 1962.

Subsection (b) of section 521 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 309; 10 U.S.C. 1129 note) is amended to read as follows:

''(b) STANDARDS AND PROCEDURES FOR AWARD.—In determining whether a former prisoner of war is eligible for the award of the Purple Heart under subsection (a), the Secretary concerned shall apply the following procedures:

''(1) The standard to be used by the Secretary concerned for awarding the Purple Heart under this section shall be to award the Purple Heart in any case in which a prisoner of war (A) was wounded while in captivity, or (B) while in captivity was subjected to systematic and prolonged deprivation of food, medical treatment, and other forms of deprivation or mistreatment likely to have prolonged aftereffects on the individual concerned.

''(2) When a former prisoner of war applies for the Purple Heart under subsection (a), the Secretary concerned may request the former prisoner of war to provide any documentation that the Secretary would otherwise require, but failure of the former prisoner of war to provide such documentation shall not by itself be a disqualification for award of the Purple Heart.

''(3) The Secretary concerned shall inform the former prisoner of war that historical information as to the prison camp or other circumstances in which the former prisoner of war was held captive and other information as to the circumstances of the former prisoner of war's captivity may be considered by the Secretary in evaluating the application for the award of the Purple Heart and that the former prisoner of war may submit such information.

''(4) The Secretary concerned shall provide assistance to the applicant for the Purple Heart in obtaining information referred to in paragraph (3).

''(5) The Secretary shall review a completed application under this section based upon the totality of the evidence presented and shall take into account the length of time between the period during which the applicant was held as a prisoner of war and the date of the application.

''(6) In considering an application under this section, the Secretary shall take into account the length of time that the applicant was held in captivity, which while not in itself establishing entitlement of the applicant to award of the Purple Heart, can and should be a factor in determining whether a former prisoner of war was likely to have been wounded, starved, or denied medical treatment to the extent likely to have prolonged aftereffects on the individual concerned.''.

SEC. 546. AUTHORITY FOR RESERVE AND RETIRED REGULAR OFFICERS TO HOLD STATE AND LOCAL ELECTIVE OFFICE NOTWITHSTANDING CALL TO ACTIVE DUTY.

Section 973(b)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following:

''(B) The prohibition in subparagraph (A) does not apply to the functions of a civil office held by election, in the case of an officer to whom this subsection applies by reason of subparagraph (B) or (C) of paragraph (1).''.

SEC. 547. CLARIFICATION OF OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE RELATING TO DRUNKEN OR RECKLESS OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.

Section 991 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(2) by striking ''in excess of'' and inserting ''at, or in excess of,''; and

(2) in subsection (b)(4), by striking ''maximum permissible'' and all that follows through the period at the end and inserting ''amount of alcohol concentration in a person's blood or breath at which operation or control of a vehicle, aircraft, or vessel is prohibited.''.

SEC. 548. PUBLIC IDENTIFICATION OF CASUALTIES NO SOONER THAN 24 HOURS AFTER NOTIFICATION OF NEXT-OF-KIN.

The Secretary of Defense may not publicly release the name or other personally identifying information of any member of the Army, Navy, Air Force, or Marine Corps who while on active duty or performing inactive duty training is killed or injured, whose duty status becomes unknown, or who is otherwise considered to be a casualty until a period of 24 hours has elapsed after the notification of the next-of-kin of such member.

Subtitle F—Benefits

SEC. 551. ADDITIONAL CLASSES OF INDIVIDUALS ELIGIBLE TO PARTICIPATE IN THE FEDERAL LONG-TERM CARE INSURANCE PROGRAM.

(a) CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA GOVERNMENT.—Section 9001(1) of title 5, United States Code, is amended by striking ''2105(c),'' and all that follows and inserting ''2105(c).''.

(b) FORMER FEDERAL EMPLOYEES WHO WOULD BE ELIGIBLE TO BEGIN RECEIVING AN ANNUITY UPON ATTAINING THE REQUISITE MINIMUM AGE.—Section 9001(2) of title 5, United States Code, is amended—

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

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) any former employee who, on the basis of his or her service, would meet all requirements for being considered an 'annuitant' within the meaning of subchapter III of chapter 83, chapter 84, or any other retirement system for employees of the Government, but for the fact that such former employee has not attained the minimum age for title to annuity.''.

(c) RESERVISTS TRANSFERRED TO THE RETIRED RESERVE WHO ARE UNDER AGE 60.—Section 9001(4) of title 5, United States Code, is amended by striking ''including'' and all that follows through ''who has'' and inserting ''and a member who has been transferred to the Retired Reserve and who would be entitled to retired pay under chapter 1223 of title 10 but for not having''.

SEC. 552. AUTHORITY TO TRANSPORT REMAINS OF RETIREES AND RETIREE DEPENDENTS WHO DIE IN MILITARY TREATMENT FACILITIES OUTSIDE THE UNITED STATES.

(a) AUTHORIZED TRANSPORTATION.—Section 1490 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''located in the United States''; and

(2) in subsection (b)(1), by striking ''outside the United States or to a place''.

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended to read as follows:

''(c) DEFINITION OF DEPENDENT.—In this section, the term 'dependent' has the meaning given such term in section 1072(2) of this title.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to persons dying on or after the date of the enactment of this Act.

SEC. 553. ELIGIBILITY FOR DEPENDENTS OF CERTAIN MOBILIZED RESERVISTS STATIONED OVERSEAS TO ATTEND DEFENSE DEPENDENTS SCHOOLS OVERSEAS.

(a) TUITION-FREE STATUS PARITY WITH DEPENDENTS OF OTHER RESERVISTS.—Section 1404(c) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923(c)) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

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

''(2)(A) The Secretary shall include in the regulations prescribed under this subsection a requirement that children in the class of children described in subparagraph (B) shall be subject to the same tuition requirements, or waiver of tuition requirements, as children in the class of children described in subparagraph (C).

''(B) The class of children described in this subparagraph are children of members of reserve components of the Armed Forces who—

''(i) are on active duty under an order to active duty under section 12301 or 12302 of title 10, United States Code;

''(ii) were ordered to active duty from a location in the United States (other than in Alaska or Hawaii); and

''(iii) are serving on active duty outside the United States or in Alaska or Hawaii in a tour of duty that (voluntarily or involuntarily) has been extended to a period in excess of one year.

''(C) The class of children described in this subparagraph are children of members of reserve components of the Armed Forces who—

''(i) are on active duty under an order to active duty under section 12301 or 12302 of title 10, United States Code;

''(ii) were ordered to active duty from a location outside the United States (or in Alaska or Hawaii); and

''(iii) are serving on active duty outside the United States or in Alaska or Hawaii.''.

(b) CLERICAL AMENDMENT.—The heading of such section is amended to read as follows:

''SPACE-AVAILABLE ENROLLMENT OF STUDENTS; TUITION''.

(c) IMPLEMENTATION OF REQUIRED NEW REGULATIONS.—Regulations required by paragraph (2) of section 1404(c) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923(c)), as added by subsection (a), shall be prescribed as soon as practicable after the date of the enactment of this Act in order to provide the earliest opportunity for dependents covered by that paragraph to enroll in Department of Defense dependents' schools, and in no event later than the beginning of the first school term beginning after the date of the enactment of this Act.

Subtitle G—Other Matters

SEC. 561. EXTENSION OF REQUIREMENT FOR EXEMPLARY CONDUCT BY COMMANDING OFFICERS AND OTHERS IN AUTHORITY TO INCLUDE CIVILIANS IN AUTHORITY IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 992. Requirement of exemplary conduct: commanding officers and others in authority

"All commanding officers and others in authority in the Department of Defense are required—

"(1) to show in themselves a good example of virtue, honor, patriotism, and subordination;

"(2) to be vigilant in inspecting the conduct of all persons who are placed under their command or charge;

"(3) to guard against and to suppress all dissolute and immoral practices and to correct, according to applicable laws and regulations, all persons who are guilty of them; and

"(4) to take all necessary and proper measures, under the laws, regulations, and customs applicable to the armed forces, to promote and safeguard the morale, the physical well-being, and the general welfare of all under their command or charge.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"992. Requirement of exemplary conduct: commanding officers and others in authority.".

(b) CONFORMING REPEALS.—Title 10, United States Code, is further amended as follows:

(1) Section 3583, 5947, and 8583 are repealed.

(2)(A) The table of sections at the beginning of chapter 345 is amended by striking the item relating to section 3583.

(B) The table of sections at the beginning of chapter 551 is amended by striking the item relating to section 5947.

(C) The table of sections at the beginning of chapter 845 is amended by striking the item relating to section 8583.

SEC. 562. RECOGNITION OF MILITARY FAMILIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The families of both active and reserve component military personnel, through their sacrifices and their dedication to the Nation and its values, contribute immeasurably to the readiness of the Nation's Armed Forces.

(2) Without the continued support of military families, the Nation's ability to sustain a high quality all-volunteer military force would be undermined.

(3) In these perilous and challenging times, with hundreds of thousands of active and reserve military personnel deployed overseas in places of combat and imminent danger, military families are making extraordinary sacrifices and will be required to do so for the foreseeable future.

(4) Beginning in 1997, military family service and support centers have received materials from private, non-profit organizational sources which are designed to encourage and assist those centers in conducting activities to celebrate the American military family during the Thanksgiving period each November.

(b) MILITARY FAMILY RECOGNITION.— In view of the findings in subsection (a), Congress determines that it is appropriate that special measures be taken annually to recognize and honor the American military family.

(c) DEPARTMENT OF DEFENSE PROGRAMS AND ACTIVITIES.—The Secretary of Defense shall—

(1) implement and sustain programs, including appropriate ceremonies and activities, to celebrate the contributions and sacrifices of the American military family, including both families of both active and reserve component military personnel;

(2) focus the celebration of the American military family during a specific period of each year to give full and proper highlight to those families; and

(3) seek the assistance and support of appropriate civilian organizations, associations, and other entities in carrying out not only the annual celebration of the American military family, but also in sustaining longer-term efforts.

SEC. 563. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2004.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2004, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2004 of—

(1) that agency's eligibility for the assistance; and

(2) the amount of the assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term "educational agencies assistance" means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 564. PERMANENT AUTHORITY FOR SUPPORT FOR CERTAIN CHAPLAIN-LED MILITARY FAMILY SUPPORT PROGRAMS.

(a) IN GENERAL.—(1) Chapter 88 of title 10, United States Code, is amended by inserting at the end of subchapter I the following new section:

"§ 1789. Chaplain-led programs: authorized support

"(a) AUTHORITY.—The Secretary of a military department may provide support services described in subsection (b) to support chaplain-led programs to assist members of the armed forces on active duty and their immediate family members, and members of reserve components in an active status and their immediate family members, in building and maintaining a strong family structure.

"(b) AUTHORIZED SUPPORT SERVICES.—The support services referred to in subsection (a) are costs of transportation, food, lodging, child care, supplies, fees, and training materials for members of the armed forces and their family members while participating in programs referred to in that subsection, including participation at retreats and conferences.

"(c) IMMEDIATE FAMILY MEMBERS.—In this section, the term 'immediate family members', with respect to a member of the armed forces, means—

"(1) the member's spouse; and

"(2) any child (as defined in section 1072(6) of this title) of the member who is described in subparagraph (D) of section 1072(2) of this title.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1788 the following new item:

"1789. Chaplain-led programs: authorized support.".

(b) EFFECTIVE DATE.—Section 1789 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 565. DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS JOINT EXECUTIVE COMMITTEE.

(a) ESTABLISHMENT OF JOINT COMMITTEE.—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 320. Department of Veterans Affairs-Department of Defense Joint Executive Committee

"(a) JOINT EXECUTIVE COMMITTEE.—(1) There is established an interagency committee to be known as the Department of Veterans Affairs-Department of Defense Joint Executive Committee (hereinafter in this section referred to as the 'Committee').

"(2) The Committee is composed of—

"(A) the Deputy Secretary of Veterans Affairs and such other officers and employees of the Department of Veterans Affairs as the Secretary of Veterans Affairs may designate; and

"(B) the Under Secretary of Defense for Personnel and Readiness and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

"(b) ADMINISTRATIVE MATTERS.—(1) The Deputy Secretary of Veterans Affairs and the Under Secretary of Defense shall determine the size and structure of the Committee, as well as the administrative and procedural guidelines for the operation of the Committee.

"(2) The two Departments shall supply appropriate staff and resources to provide administrative support and services. Support for such purposes shall be provided at a level sufficient for the efficient operation of the Committee, including a subordinate Health Executive Committee, a subordinate Benefits Executive Committee, and such other committees or working groups as considered necessary by the Deputy Secretary and Under Secretary.

"(c) RECOMMENDATIONS.—(1) The Committee shall recommend to the Secretaries strategic direction for the joint coordination and sharing efforts between and within the two Departments under section 8111 of this title and shall oversee implementation of those efforts.

"(2) The Committee shall submit to the two Secretaries and to Congress an annual report containing such recommendations as the Committee considers appropriate.

"(d) FUNCTIONS.—In order to enable the Committee to make recommendations in its annual report under subsection (c)(2), the Committee shall do the following:

"(1) Review existing policies, procedures, and practices relating to the coordination and sharing of resources between the two Departments.

"(2) Identify changes in policies, procedures, and practices that, in the judgment of the Committee, would promote mutually beneficial coordination, use, or exchange of use of services and resources of the two Departments, with the goal of improving the quality, efficiency and effectiveness of the delivery of benefits and services to veterans,

service members, military retirees and their families through an enhanced Department of Veterans Affairs and Department of Defense partnership.

''(3) Identify and assess further opportunities for the coordination and collaboration between the Departments that, in the judgment of the Committee, would not adversely affect the range of services, the quality of care, or the established priorities for benefits provided by either Department.

''(4) Review the plans of both Departments for the acquisition of additional resources, especially new facilities and major equipment and technology, in order to assess the potential effect of such plans on further opportunities for the coordination and sharing of resources.

''(5) Review the implementation of activities designed to promote the coordination and sharing of resources between the Departments.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''320. Department of Veterans Affairs-Department of Defense Joint Executive Committee.''.

(b) CONFORMING AMENDMENTS.—(1) Subsection (c) of section 8111 of such title is repealed.

(2) Such section is further amended—

(A) in subsection (b)(2), by striking ''subsection (c)'' and inserting ''section 320 of this title'';

(B) in subsection (d)(1), by striking ''Committee established in subsection (c)'' and inserting ''Department of Veterans Affairs-Department of Defense Joint Executive Committee'';

(C) in subsection (e)(1), by striking ''Committee under subsection (c)(2)'' and inserting ''Department of Veterans Affairs-Department of Defense Joint Executive Committee with respect to health care resources''; and

(D) in subsection (f)(2), by striking subparagraphs (B) and (C) and inserting the following:

''(B) The assessment of further opportunities identified by the Department of Veterans Affairs-Department of Defense Joint Executive Committee under subsection (d)(3) of section 320 of this title for the sharing of health-care resources between the two Departments.

''(C) Any recommendation made by that committee under subsection (c)(2) of that section during that fiscal year.''.

(c) TECHNICAL AMENDMENTS.—Subsection (f) of such section is further amended by inserting ''(Public Law 107–314)'' in paragraphs (3), (4)(A), (4)(B), and (5) after ''for Fiscal Year 2003''.

(d) EFFECTIVE DATE.—(1) If this Act is enacted before October 1, 2003—

(A) section 320 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2003; and

(B) the amendments made by subsections (b) and (c) shall take effect on October 1, 2003, immediately after the amendment made by section 721(a)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 2589).

(2) If this Act is enacted on or after October 1, 2003, the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 566. LIMITATION ON AVIATION FORCE STRUCTURE CHANGES IN THE DEPARTMENT OF THE NAVY.

(a) LIMITATION.—The Secretary of the Navy shall ensure that no reductions are made in the active and reserve force structure of the Navy and Marine Corps for fixed- and rotary-wing aircraft until 90 days have elapsed after the date as of which both of the reports required by subsections (b) and (c) have been received by the committees named in those subsections.

(b) NAVAL AVIATION FORCE STRUCTURE PLAN.—The Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the changes to the active and reserve aviation force structure in the Department of the Navy that are proposed for fiscal years 2004 through 2009. The report shall include the following:

(1) The numbers of aircraft and helicopter force structure planned for retirement.

(2) The amounts of planned budget authority to be saved, shown by year and by appropriation, compared to the May 1, 2003, force structure.

(3) An assessment by the Chief of Naval Operations comparing the future force structure plan with capabilities of the Department of the Navy's aviation force structure on May 1, 2003.

(4) A risk assessment of the planned force structure to carry out the National Security Strategy of the United States, dated September 2002.

(5) A risk assessment of the planned force based on the assumptions applied in the September 30, 2001, Quadrennial Defense Review Report.

(c) ACTIVE AND RESERVE COMPONENT INTEGRATION PLAN.—The Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a concept of operations for increasing the integration and use of Naval Reserve surface, aviation, and other units and personnel with active component forces in carrying out operational missions across the peacetime and wartime spectrum of naval operations during the period of 2004 through 2009.

SEC. 567. IMPACT AID ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVITIZATION OF MILITARY HOUSING.

Section 8003(b)(2)(H) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(H)) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) ELIGIBILITY.—For any fiscal year beginning with fiscal 2003, a heavily impacted local educational agency that received a basic support payment under paragraph (b)(2) for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B), (C), (D), or (E), as the case may be, by reason of the conversion of military housing units to private housing described in clause (iii), shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may be for the period during which the housing units are undergoing such conversion.

''(ii) AMOUNT OF PAYMENT.—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (D) or (E), as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph (D) or (E) under which the agency was paid during the prior fiscal year.''.

SEC. 568. INVESTIGATION INTO THE 1991 DEATH OF MARINE CORPS COLONEL JAMES E. SABOW.

(a) INVESTIGATION REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall commence a new investigation into the death of Colonel James S. Sabow, United States Marine Corps, who died on January 22, 1991, at the Marine Corps Air Station, El Toro, California.

(b) FOCUS OF INVESTIGATION.—The principal focus of the investigation under subsection (a) shall be to determine the cause of Colonel Sabow's death, given the medical and forensic factors associated with that death.

(c) REVIEW BY OUTSIDE EXPERTS.—The Secretary of Defense shall provide that the evidence concerning the cause of Colonel Sabow's death and the medical and forensic factors associated with his death shall be reviewed by medical and forensic experts outside the Department of Defense.

(d) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a written report on the findings of the investigation under subsection (a). The Secretary shall include in the report (1) the Secretary's conclusions as a result of the investigation, including the Secretary's conclusions regarding the cause of death of Colonel Sabow, and (2) the conclusions of the experts reviewing the matter under subsection (c).

Subtitle H—Domestic Violence

SEC. 571. TRAVEL AND TRANSPORTATION FOR DEPENDENTS RELOCATING FOR REASONS OF PERSONAL SAFETY.

Section 406(h) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) The Secretary concerned shall provide to the dependents of a member the travel and transportation allowances described in paragraphs (1) and (3) in a case in which—

''(i) a commander has substantiated that the member has committed dependent abuse, as defined in section 1059(c) of title 10;

''(ii) a safety plan and counseling have been provided;

''(iii) there has been a determination that the victim's safety is at stake and that relocation is the best course of action; and

''(iv) the abused dependent, or parent of the abused dependent if the abused dependent is a child, requests relocation.

''(B) In the case of allowances paid under subparagraph (A), any monetary allowances shall accrue to the dependents in lieu of the member and may be paid to the dependents.

''(C) Shipment of the dependent's baggage and household effects, and of any motor vehicle, may not be provided until there is a property division established by written agreement with the member or by order of a court of competent jurisdiction.''.

SEC. 572. COMMENCEMENT AND DURATION OF PAYMENT OF TRANSITIONAL COMPENSATION.

(a) COMMENCEMENT.—Paragraph (1)(A) of section 1059(e) of title 10, United States Code, is amended by striking ''shall commence'' and all that follows and inserting ''shall commence—

''(i) as of the date the court martial sentence is adjudged if the sentence, as adjudged, includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances; or

''(ii) if there is a pretrial agreement that includes disapproval or suspension of the dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances, as of the date of the approval of the court-martial sentence by the person acting under section 860(c) of this title (article 60(c) of the Uniform Code of Military Justice) if the sentence, as approved, includes an unsuspended dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances;''.

(b) DURATION.—Paragraph (2) of such section is amended by striking '', except that'' and all that follows through ''12 months''.

(c) TERMINATION.—Paragraph (3)(A) of such section is amended by striking ''punishment applicable to the member under the sentence is remitted, set aside, or mitigated'' and inserting ''conviction is disapproved by the person acting under section 860(c) of this title (article 60(c) of the Uniform Code of Military Justice) or set aside, or each such punishment applicable to the member under the sentence is disapproved by the person acting under section 860(c) of this title, remitted, set aside, suspended, or mitigated''.

SEC. 573. FLEXIBILITY IN ELIGIBILITY FOR TRANSITIONAL COMPENSATION.

(a) AUTHORITY.—Section 1059 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(m) ADDITIONAL ELIGIBILITY.—The Secretary concerned, under regulations prescribed under subsection (k), may authorize eligibility for benefits under this section to dependents of a member or former member of the armed forces not covered by subsection (b) if the Secretary concerned determines that there are extenuating circumstances such that granting benefits under this section is consistent with the intent of this section.''.

(b) EFFECTIVE DATE.—The authority under subsection (m) of section 1059 of title 10, United States Code, as added by subsection (a), may only be exercised with respect to eligibility for benefits under such section by reason of conduct on or after the date of the enactment of this Act.

SEC. 574. TYPES OF ADMINISTRATIVE SEPARATIONS TRIGGERING COVERAGE.

Section 1059(b)(2) of title 10, United States Code, is amended by inserting '', voluntarily or involuntarily,'' after ''administratively separated''.

SEC. 575. ON-GOING REVIEW GROUP.

Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall convene a working group of not less than 12 members, composed in the same manner as the Defense Task Force on Domestic Violence established pursuant to section 591 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65). The purpose of the working group shall be to review and assess the progress of the Department of Defense in implementation of the recommendations of the Defense Task Force on Domestic Violence. In reviewing the status of the Department's efforts, the group should specifically focus on the Department's efforts to ensure confidentiality for victims and accountability and education of commanding officers and chaplains.

SEC. 576. RESOURCES FOR DEPARTMENT OF DEFENSE IMPLEMENTATION ORGANIZATION.

The Secretary of Defense shall ensure that necessary resources, including personnel, facilities, and other administrative support, are provided to the organization within the Office of the Secretary of Defense with direct responsibility for oversight of implementation by the military departments of recommendations of the Task Force in order for that organization to carry out its duties and responsibilities.

SEC. 577. FATALITY REVIEWS.

(a) REVIEW OF FATALITIES.—The Secretary of Defense shall conduct a multidisciplinary, impartial review (referred to as a ''fatality review'') in the case of each fatality known or suspected to have resulted from domestic violence or child abuse against—

(1) a member of the Armed Forces;

(2) a current or former dependent of a member of the Armed Forces; or

(3) a current or former intimate partner who has a child in common or has shared a common domicile with a member of the Armed Forces.

(b) MATTERS TO BE INCLUDED.—The report of a fatality review under subsection (a) shall, at a minimum, include the following:

(1) An executive summary.

(2) Data setting forth victim demographics, injuries, autopsy findings, homicide or suicide methods, weapons, police information, assailant demographics, and household and family information.

(3) Legal disposition.

(4) System intervention and failures within the Department of Defense.

(5) A discussion of significant findings.

(6) Recommendations for systemic changes within the Department of Defense.

SEC. 578. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of Defense should adopt the strategic plan proposed by the Defense Task Force on Domestic Violence in its Third Year Report, as required by section 591(a) of the Department of Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65); and

(2) the Secretary of each military department should establish and support a Victim Advocate Protocol and provide for nondisclosure to ensure confidentiality for victims who come forward to receive advocacy, support, information, and resources, as recommended by the Defense Task Force on Domestic Violence.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2004.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2004 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY FOR MEMBERS OF ARMED FORCES.—Effective on January 1, 2004, the rates of monthly basic pay for members of the Armed Forces within each pay grade are as follows:

COMMISSIONED OFFICERS [1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
0–10 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
0–9	0.00	0.00	0.00	0.00	0.00
0–8	7,751.10	8,004.90	8,173.20	8,220.60	8,430.30
0–7	6,440.70	6,739.80	6,878.40	6,988.50	7,187.40
0–6	4,773.60	5,244.30	5,588.40	5,588.40	5,609.70
0–5	3,979.50	4,482.90	4,793.40	4,851.60	5,044.80
0–4	3,433.50	3,974.70	4,239.90	4,299.00	4,545.30
0–3 [3] ...	3,018.90	3,422.40	3,693.90	4,027.20	4,220.10
0–2 [3] ...	2,595.60	2,956.50	3,405.00	3,519.90	3,592.50
0–1 [3] ...	2,253.60	2,345.10	2,834.70	2,834.70	2,834.70
	Over 8	Over 10	Over 12	Over 14	Over 16
0–10 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
0–9	0.00	0.00	0.00	0.00	0.00
0–8	8,781.90	8,863.50	9,197.10	9,292.80	9,579.90
0–7	7,384.20	7,611.90	7,839.00	8,066.70	8,781.90
0–6	5,850.00	5,882.10	5,882.10	6,216.30	6,807.30
0–5	5,161.20	5,415.90	5,602.80	5,844.00	6,213.60
0–4	4,809.30	5,137.80	5,394.00	5,571.60	5,673.60
0–3 [3] ...	4,431.60	4,568.70	4,794.30	4,911.30	4,911.30
0–2 [3] ...	3,592.50	3,592.50	3,592.50	3,592.50	3,592.50
0–1 [3] ...	2,834.70	2,834.70	2,834.70	2,834.70	2,834.70
	Over 18	Over 20	Over 22	Over 24	Over 26
0–10 [2]	$0.00	$12,524.70	$12,586.20	$12,847.80	$13,303.80
0–9	0.00	10,954.50	11,112.30	11,340.30	11,738.40
0–8	9,995.70	10,379.10	10,635.30	10,635.30	10,635.30
0–7	9,386.10	9,386.10	9,386.10	9,386.10	9,433.50
0–6	7,154.10	7,500.90	7,698.30	7,897.80	8,285.40
0–5	6,389.70	6,563.40	6,760.80	6,760.80	6,760.80
0–4	5,733.00	5,733.00	5,733.00	5,733.00	5,733.00
0–3 [3] ...	4,911.30	4,911.30	4,911.30	4,911.30	4,911.30
0–2 [3] ...	3,592.50	3,592.50	3,592.50	3,592.50	3,592.50
0–1 [3] ...	2,834.70	2,834.70	2,834.70	2,834.70	2,834.70

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, the rate of basic pay for an officer in this grade while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, is $14,679.30, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in pay grade O–1, O–2, or O–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–3E ...	$0.00	$0.00	$0.00	$4,027.20	$4,220.10
O–2E ...	0.00	0.00	0.00	3,537.00	3,609.90
O–1E ...	0.00	0.00	0.00	2,848.50	3,042.30
	Over 8	Over 10	Over 12	Over 14	Over 16
O–3E ...	$4,431.60	$4,568.70	$4,794.30	$4,984.20	$5,092.80
O–2E ...	3,724.80	3,918.60	4,068.60	4,180.20	4,180.20
O–1E ...	3,154.50	3,269.40	3,382.20	3,537.00	3,537.00
	Over 18	Over 20	Over 22	Over 24	Over 26
O–3E ...	$5,241.30	$5,241.30	$5,241.30	$5,241.30	$5,241.30
O–2E ...	4,180.20	4,180.20	4,180.20	4,180.20	4,180.20
O–1E ...	3,537.00	3,537.00	3,537.00	3,537.00	3,537.00

WARRANT OFFICERS [1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,119.40	3,355.80	3,452.40	3,547.20	3,710.40
W–3	2,848.80	2,967.90	3,089.40	3,129.30	3,257.10
W–2	2,505.90	2,649.00	2,774.10	2,865.30	2,943.30
W–1	2,212.80	2,394.00	2,515.20	2,593.50	2,802.30
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,871.50	4,035.00	4,194.30	4,359.00	4,617.30
W–3	3,403.20	3,595.80	3,786.30	3,988.80	4,140.60
W–2	3,157.80	3,321.60	3,443.40	3,562.20	3,643.80
W–1	2,928.30	3,039.90	3,164.70	3,247.20	3,321.90
	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$5,360.70	$5,544.30	$5,728.80	$5,914.20
W–4	4,782.60	4,944.30	5,112.00	5,277.00	5,445.90
W–3	4,291.80	4,356.90	4,424.10	4,570.20	4,716.30
W–2	3,712.50	3,843.00	3,972.60	4,103.70	4,103.70
W–1	3,443.70	3,535.80	3,535.80	3,535.80	3,535.80

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS [1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9 [2] ...	$0.00	$0.00	$0.00	$0.00	$0.00
E–8	0.00	0.00	0.00	0.00	0.00
E–7	2,145.00	2,341.20	2,430.60	2,549.70	2,642.10
E–6	1,855.50	2,041.20	2,131.20	2,218.80	2,310.00
E–5	1,700.10	1,813.50	1,901.10	1,991.10	2,130.60
E–4	1,558.20	1,638.30	1,726.80	1,814.10	1,891.50
E–3	1,407.00	1,495.50	1,585.50	1,585.50	1,585.50
E–2	1,331.40	1,331.40	1,331.40	1,331.40	1,331.40
E–1 [3] ...	1,173.90	1,173.90	1,173.90	1,173.90	1,173.90
	Over 8	Over 10	Over 12	Over 14	Over 16
E–9 [2] ...	$0.00	$3,769.20	$3,854.70	$3,962.40	$4,089.30
E–8	3,085.50	3,222.00	3,306.30	3,407.70	3,517.50
E–7	2,801.40	2,891.10	2,980.20	3,139.80	3,219.60
E–6	2,516.10	2,596.20	2,685.30	2,763.30	2,790.90
E–5	2,250.90	2,339.70	2,367.90	2,367.90	2,367.90
E–4	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E–3	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E–2	1,331.40	1,331.40	1,331.40	1,331.40	1,331.40
E–1 [3] ...	1,173.90	1,173.90	1,173.90	1,173.90	1,173.90
	Over 18	Over 20	Over 22	Over 24	Over 26
E–9 [2] ...	$4,216.50	$4,421.10	$4,594.20	$4,776.60	$5,054.70
E–8	3,715.50	3,815.70	3,986.40	4,081.20	4,314.30
E–7	3,295.50	3,341.70	3,498.00	3,599.10	3,855.00
E–6	2,809.80	2,809.80	2,809.80	2,809.80	2,809.80
E–5	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90
E–4	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E–3	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E–2	1,331.40	1,331.40	1,331.40	1,331.40	1,331.40
E–1 [3] ...	1,173.90	1,173.90	1,173.90	1,173.90	1,173.90

[1] Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, the rate of basic pay for an enlisted member in this grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, is $6,090.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is $1,086.00.

(c) INCREASE IN BASIC PAY FOR OTHER MEMBERS OF UNIFORMED SERVICES.—Effective on January 1, 2004, the rates of monthly basic pay for members of the National Oceanic and Atmospheric Administration and the Public Health Service are increased by 2 percent.

(d) DEFINITIONS.—In this section, the terms ''armed forces'' and ''uniformed services'' have the meanings given such terms in section 101 of title 37, United States Code.

SEC. 602. COMPUTATION OF BASIC PAY RATE FOR COMMISSIONED OFFICERS WITH PRIOR ENLISTED OR WARRANT OFFICER SERVICE.

Section 203(d)(2) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking ''enlisted member,'' and all that follows through the period and inserting ''enlisted member.''; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) Service as a warrant officer, as an enlisted member, or as a warrant officer and an enlisted member, for which at least 1,460 points have been credited to the officer for the purposes of section 12732(a)(2) of title 10.''.

SEC. 603. SPECIAL SUBSISTENCE ALLOWANCE AUTHORITIES FOR MEMBERS ASSIGNED TO HIGH-COST DUTY LOCATION OR UNDER OTHER UNIQUE AND UNUSUAL CIRCUMSTANCES.

(a) IN GENERAL.—Section 402 of title 37, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

''(f) SPECIAL RULE FOR HIGH-COST DUTY LOCATIONS AND OTHER UNIQUE AND UNUSUAL CIRCUMSTANCES.—The Secretary of Defense may authorize a member of the armed forces who is assigned to duty in a high-cost duty location or under other unique and unusual circumstances, but is not entitled to the meals portion of the per diem in connection with that duty, to receive any or all of the following:

''(1) Meals at no cost to the member, regardless of the entitlement of the member to a basic allowance for subsistence under subsection (a).

''(2) A basic allowance for subsistence at the standard rate, regardless of the entitlement of the member for all meals or select meals during the duty day.

''(3) A supplemental subsistence allowance at a rate higher than the basic allowance for subsistence rates in effect under this section, regardless of the entitlement of the member for all meals or select meals during the duty day.''.

(b) RETROACTIVE AND PROSPECTIVE APPLICATION.—Subsection (f) of section 402 of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces assigned to duty in a high-cost duty location or under other unique and unusual circumstances, as determined pursuant to regulations prescribed pursuant to subsection (c), after September 11, 2001.

(c) REGULATIONS; TIME LIMITS.—Final regulations to carry out subsection (f) of section 402 of title 37, United States Code, as added by subsection (a), shall be prescribed not later than 180 days after the date of the enactment of this Act. The regulations shall provide a method by which a member of the Armed Forces covered by such subsection (f) may obtain reimbursement for subsistence expenses incurred by the member during the period beginning on September 11, 2001, and ending on the date the regulations take effect.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(d) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(f) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2004'' and inserting ''January 1, 2005''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(d) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

SEC. 615. COMPUTATION OF HAZARDOUS DUTY INCENTIVE PAY FOR DEMOLITION DUTY AND PARACHUTE JUMPING BY MEMBERS OF RESERVE COMPONENTS ENTITLED TO COMPENSATION UNDER SECTION 206 OF TITLE 37.

(a) IN GENERAL.—Section 301(f) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(3) Notwithstanding paragraphs (1) or (2), if a member described in paragraph (1) performs the duty described in clauses (3) or (4) of subsection (a) in any month, the member shall be entitled for that month to the full amount specified in the first sentence of subsection (c)(1), in the case of the duty described in clause (4) of subsection (a) or parachute jumping involving the use of a static line, or the full amount specified in the second sentence of subsection (c)(1), in the case of parachute jumping in military free fall operations.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2003.

SEC. 616. AVAILABILITY OF HOSTILE FIRE AND IMMINENT DANGER PAY FOR RESERVE COMPONENT MEMBERS ON INACTIVE DUTY.

(a) EXPANSION AND CLARIFICATION OF CURRENT LAW.—Section 310 of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following new subsections:

''(a) ELIGIBILITY AND SPECIAL PAY AMOUNT.—Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of $150 for any month in which—

''(1) the member was entitled to basic pay or compensation under section 204 or 206 of this title; and

''(2) the member—

''(A) was subject to hostile fire or explosion of hostile mines;

''(B) was on duty in an area in which the member was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period the member was on duty in the area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines;

''(C) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

''(D) was on duty in a foreign area in which the member was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

''(b) CONTINUATION DURING HOSPITALIZATION.—A member covered by subsection (a)(2)(C) who is hospitalized for the treatment of the injury or wound may be paid special pay under this section for not more than three additional months during which the member is so hospitalized.''.

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (c), as redesignated by subsection (a)(1), by inserting ''LIMITATIONS AND ADMINISTRATION.—'' before ''(1)''; and

(2) in subsection (d), as redesignated by subsection (a)(1), by inserting ''DETERMINATIONS OF FACT.—'' before ''Any''.

SEC. 617. EXPANSION OF OVERSEAS TOUR EXTENSION INCENTIVE PROGRAM TO OFFICERS.

(a) SPECIAL PAY OR BONUS FOR EXTENDING OVERSEAS TOUR OF DUTY.—(1) Subsections (a) and (b) of section 314 of title 37, United States Code, are amended by striking ''an enlisted member'' and inserting ''a member''.

(2)(A) The heading of such section is amended to read as follows:

''§ 314. Special pay or bonus: qualified members extending duty at designated locations overseas''.

(B) The item relating to such section in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

''314. Special pay or bonus: qualified members extending duty at designated locations overseas.''.

(b) REST AND RECUPERATIVE ABSENCE IN LIEU OF PAY OR BONUS.—(1) Subsection (a) of section 705 of title 10, United States Code, is amended by striking ''an enlisted member'' and inserting ''a member''.

(2) The heading of such section, and the item relating to such section in the table of sections at the beginning of chapter 40 of such title, are each amended by striking the sixth word.

SEC. 618. ELIGIBILITY OF APPOINTED WARRANT OFFICERS FOR ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.

Section 324 of title 37, United States Code, is amended in subsections (a) and (f)(1) by inserting ''or an appointment'' after ''commission''.

SEC. 619. INCENTIVE PAY FOR DUTY ON GROUND IN ANTARCTICA OR ON ARCTIC ICEPACK.

(a) IN GENERAL.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section:

''§ 301f. Incentive pay: duty on ground in Antarctica or on Arctic icepack

''(a) AVAILABILITY OF INCENTIVE PAY.—A member of the uniformed services who performs duty at a location described in subsection (b) is entitled to special pay under this section at a rate of $5 for each day of that duty.

''(b) COVERED LOCATIONS.—Subsection (a) applies with respect to duty performed on the ground in Antarctica or on the Arctic icepack.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 301e the following new item:

''301f. Incentive pay: duty on ground in Antarctica or on Arctic icepack.''.

(b) EFFECTIVE DATE.—Section 301f of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 620. SPECIAL PAY FOR SERVICE AS MEMBER OF WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM.

(a) IN GENERAL.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 305a the following new section:

''§ 305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team

''(a) AVAILABILITY OF SPECIAL PAY.—The Secretary of a military department may pay special pay under this section to a member of the armed forces under the jurisdiction of that Secretary who is entitled to basic pay under section 204 and is assigned by orders to

duty as a member of a Weapons of Mass Destruction Civil Support Team.

''(b) MONTHLY RATE.—Special pay payable under subsection (a) shall be paid at a rate equal to $150 a month.

''(c) ELIGIBILITY OF RESERVE COMPONENT MEMBERS WHEN PERFORMING INACTIVE DUTY TRAINING.—Under regulations prescribed by the Secretary concerned and to the extent provided for in appropriation Acts, when a member of a reserve component of the armed forces who is entitled to compensation under section 206 of this title performs duty under orders as a member of a Weapons of Mass Destruction Civil Support Team, the member may be paid an increase in compensation equal to 1/30 of the monthly special pay specified in subsection (b) for each day on which the member performs such duty.

''(d) DEFINITION.—In this section, the term 'Weapons of Mass Destruction Civil Support Team' means a team of members of the reserve components of the armed forces that is established under section 12310(c) of title 10 in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 305a the following new item:

''305b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team.''.

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 326. Incentive bonus: lateral conversion bonus for service in critically short military occupational speciality

''(a) INCENTIVE BONUS AUTHORIZED.—The Secretary concerned may pay a bonus under this section to a member of the armed forces who executes a written agreement to convert to, and serve for a period of not less than two years in, a critically short military occupational specialty.

''(b) ELIGIBLE MEMBERS.—A bonus may only be paid under this section only to a member who—

''(1) is entitled to basic pay; and

''(2) is serving in pay grade E–6 (with less than 10 years of service computed under section 205 of this title) or pay grade E–5 or below (regardless of years of service) at the time the agreement under subsection (a) is executed.

''(c) AMOUNT AND PAYMENT OF BONUS.—(1) A bonus under this section may not exceed $4,000.

''(2) A bonus payable under this section shall be disbursed in one lump sum payment when the member's conversion to the critically short military occupational specialty is approved by the personnel chief of the member's armed force.

''(d) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

''(e) REPAYMENT OF BONUS.—(1) A member who receives a bonus under this section and who, voluntarily or because of misconduct, fails to serve in the critically short military occupational specialty for the period specified in the agreement shall refund to the United States an amount that bears the same ratio to the bonus amount paid to the member as the unserved part of such period bears to the total period agreed to be served.

''(2) An obligation to reimburse the United States imposed under paragraph (1) is, for all purposes, a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of the agreement for which a bonus was paid under this section shall not discharge the person signing such agreement from the debt arising under paragraph (1).

''(4) Under regulations prescribed pursuant to subsection (f), the Secretary concerned may waive, in whole in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(f) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

''(g) DEFINITION.—In this section, the term 'critically short military occupational specialty' means a military occupational specialty, military rating, or other military speciality designated by the Secretary concerned as undermanned for purposes of this section.

''(h) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2004.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''326. Incentive bonus: lateral conversion bonus for service in critically short military occupational speciality.''.

SEC. 622. INCREASE IN RATE FOR IMMINENT DANGER PAY AND FAMILY SEPARATION ALLOWANCE RELATED TO SERVICE IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) SPECIAL PAYMENT RATES.—Effective October 1, 2003, in the case of a member of the uniformed services who serves, for any period of time during a month, in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom, the monthly rate for imminent danger pay under section 310 of title 37, United States Code, shall be deemed to be $225 and the monthly rate for the family separation allowance under section 427 of such title shall be deemed to be $250.

(b) DURATION.—The special rates for imminent danger pay and the family separation allowance in effect under subsection (a) for an operation referred to in such subsection expire on the date the President terminates the operation.

SEC. 623. AVAILABILITY OF HOSTILE FIRE AND IMMINENT DANGER PAY FOR RESERVE COMPONENT MEMBERS SERVING IN RESPONSE TO CERTAIN DOMESTIC TERRORIST ATTACKS.

(a) AVAILABILITY OF SPECIAL PAY.—Subsection (a)(2) of section 310 of title 37, United States Code, as amended by section 616 of this Act, is amended—

(1) by striking ''or'' at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D) was on duty as a first responder, or as a member assigned to accompany or protect first responders, to a terrorist attack on the United States regarding which there is an immediate threat of physical harm or imminent danger as a result of direct or residual effects of the attack or potential secondary attacks; or''.

(b) FIRST RESPONDER DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(e) FIRST RESPONDER DEFINED.—In this section, the term 'first responder' means a member of the uniformed services who, as part of the member's assigned duties, is expected to arrive at the site of a terrorist attack within 12 hours after the attack.''.

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF PRIVATELY OWNED MOTOR VEHICLE WITHIN CONTINENTAL UNITED STATES.

(a) AUTHORITY TO PROCURE CONTRACT FOR TRANSPORTATION OF MOTOR VEHICLE.—Section 2634 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) In the case of a change of permanent station described in subparagraph (A) or (B) of subsection (i)(1), the Secretary concerned may authorize the member to arrange for the shipment of the motor vehicle in lieu of transportation at the expense of the United States under this section. The Secretary concerned may pay the member a monetary allowance in lieu of transportation, as established under section 404(d)(1) of title 37, and the member shall be responsible for any transportation costs in excess of such allowance.''.

(b) ALLOWANCE FOR SELF-PROCUREMENT OF TRANSPORTATION OF MOTOR VEHICLE.—Section 406(b)(1)(B) of title 37, United States Code, is amended by adding at the end the following new sentence: ''In the case of the transportation of a motor vehicle arranged by the member under section 2634(h) of title 10, the Secretary concerned may pay the member, upon proof of shipment, a monetary allowance in lieu of transportation, as established under section 404(d)(1) of this title.''.

SEC. 632. PAYMENT OR REIMBURSEMENT OF STUDENT BAGGAGE STORAGE COSTS FOR DEPENDENT CHILDREN OF MEMBERS STATIONED OVERSEAS.

Section 430(b)(2) of title 37, United States Code, is amended in the first sentence by inserting before the period at the end the following: ''or during a different period in the same fiscal year selected by the member''.

SEC. 633. REIMBURSEMENT FOR LODGING EXPENSES OF CERTAIN RESERVE COMPONENT AND RETIRED MEMBERS DURING AUTHORIZED LEAVE FROM TEMPORARY DUTY LOCATION.

(a) REIMBURSEMENT AUTHORIZED.—The Secretary concerned (as defined in section 101 of title 37, United States Code) may reimburse a member of the Armed Forces described in subsection (b) for lodging expenses incurred by the member at the member's duty location while the member is in an authorized leave status.

(b) COVERED MEMBERS.—Subsection (a) applies with respect to a member of a reserve component who is called or ordered to active duty for a period of more than 30 days, or a retired member who is ordered to active duty under section 688(a) of title 10, United States Code, if the member—

(1) immediately before taking authorized leave was performing duty at a location away from the member's home;

(2) was receiving a per diem allowance under section 404(a)(4) of title 37, United States Code, to cover lodging and subsistence expenses incurred at the duty location because quarters of the United States were not available for assignment to the member at that location; and

(3) immediately after completing the authorized leave, returned to the duty location.

(c) AMOUNT OF REIMBURSEMENT.—The amount of the reimbursement provided to a member under subsection (a) may not exceed the lesser of—

(1) the actual daily cost of lodging incurred by the member at the duty location while the member was in an authorized leave status; and

(2) the lodging portion of the applicable daily per diem rate for that duty location.

(d) RETROACTIVE APPLICATION.—This section applies with respect to members of the reserve components described in subsection (b) who, since September 11, 2001, were or are called or ordered to active duty for a period of more than 30 days and retired members described in such subsection who, since that date, were or are ordered to active duty under section 688(a) of title 10, United States Code.

Subtitle D—Retired Pay and Survivors Benefits

SEC. 641. FUNDING FOR SPECIAL COMPENSATION AUTHORITIES FOR DEPARTMENT OF DEFENSE RETIREES.

(a) SOURCE OF PAYMENTS.—

(1) Section 1413(g) of title 10, United States Code, is amended—

(A) by inserting before ''Payments under'' the following new sentence: ''Payments under this section for a member of the Army, Navy, Air Force, or Marine Corps shall be paid from the Department of Defense Military Retirement Fund.''; and

(B) by inserting ''for any other member'' before ''for any fiscal year''.

(2) Section 1413a(h) of such title is amended—

(A) by inserting before ''Payments under'' the following new sentence: ''Payments under this section for a member of the Army, Navy, Air Force, or Marine Corps shall be paid from the Department of Defense Military Retirement Fund.''; and

(B) by inserting ''for any other member'' before ''for any fiscal year''.

(b) PAYMENT OF INCREASED RETIREMENT TRUST FUND COSTS DUE TO CONCURRENT RECEIPT OR ENHANCED SPECIAL DISABILITY COMPENSATION PAYMENTS.—

(1) Section 1463(a)(1) of this title is amended by inserting before the semicolon the following: ''and payments under section 1413, 1413a, or 1414 of this title paid to such members''.

(2) Section 1465(b) of such title is amended by adding at the end the following new paragraph:

''(3) At the same time that the Secretary of Defense makes the determination required by paragraph (1) for any fiscal year, the Secretary shall determine the amount of the Treasury contribution to be made to the Fund for the next fiscal year under section 1466(b)(2)(D) of this title. That amount shall be determined in the same manner as the determination under paragraph (1) of the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1466(a) of this title, except that for purposes of this paragraph the Secretary, in making the calculations required by subparagraphs (A) and (B) of that paragraph, shall use the single level percentages determined under subsection (c)(4), rather than those determined under subsection (c)(1).''.

(3) Section 1465(c) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting before the semicolon at the end the following: '', to be determined without regard to section 1413, 1413a, or 1414 of this title'';

(ii) in subparagraph (B), by inserting before the period at the end the following: '', to be determined without regard to section 1413, 1413a, or 1414 of this title''; and

(iii) in the sentence following subparagraph (B), by striking ''subsection (b)'' and inserting ''subsection (b)(1)'';

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

''(4) Whenever the Secretary carries out an actuarial valuation under paragraph (1), the Secretary shall include as part of such valuation the following:

''(A) A determination of a single level percentage determined in the same manner as applies under subparagraph (A) of paragraph (1), but based only upon the provisions of section 1413, 1413a, or 1414 of this title (whichever is in effect).

''(B) A determination of a single level percentage determined in the same manner as applies under subparagraph (B) of paragraph (1), but based only upon the provisions of section 1413, 1413a, or 1414 of this title (whichever is in effect).

Such single level percentages shall be used for the purposes of subsection (b)(3).''.

(4) Section 1466(b) of such title is amended—

(A) in paragraph (1), by striking ''sections 1465(a) and 1465(c)'' and inserting ''sections 1465(a), 1465(b)(3), 1465(c)(2), and 1465(c)(3)''; and

(B) by adding at the end of paragraph (2) the following new subparagraph:

''(D) The amount for that year determined by the Secretary of Defense under section 1465(b)(3) of this title for the cost to the Fund arising from increased amounts payable from the Fund by reason of section 1413, 1413a, or 1414 of this title.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

SEC. 651. EXPANDED COMMISSARY ACCESS FOR SELECTED RESERVE MEMBERS, RESERVE RETIREES UNDER AGE 60, AND THEIR DEPENDENTS.

(a) ACCESS TO MILITARY COMMISSARIES.—Section 1065 of title 10, United States Code, is amended—

(1) in subsections (a), (b), and (c), by inserting ''commissary stores and'' after ''use'' each place it appears; and

(2) in subsection (d)—

(A) by inserting ''commissary stores and'' after ''use'' the first and third places it appears; and

(B) by inserting ''stores and'' after ''use'' the second and fourth places it appears.

(b) CONFORMING AMENDMENTS; TRANSFER OF SECTION.—Chapter 54 of such title is amended—

(1) by striking sections 1063 and 1064;

(2) in section 1063a(c)(2), by striking ''section 1065(e)'' and inserting ''section 1063(e)'';

(3) by redesignating section 1063a, as amended by paragraph (2), as section 1064;

(4) by transferring section 1065, as amended by subsection (a), so as to appear after section 1062; and

(5) by striking the heading of such section, as amended by subsection (a) and transferred by paragraph (4), and inserting the following new heading:

''§ 1063. Use of commissary stores and MWR retail facilities: members of reserve components and reserve retirees under age 60''.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 1063, 1063a, 1064, and 1065 and inserting the following new items:

''1063. Use of commissary stores and MWR retail facilities: members of reserve components and reserve retirees under age 60.

''1064. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency.''.

SEC. 652. DEFENSE COMMISSARY SYSTEM AND EXCHANGE STORES SYSTEM.

(a) EXISTENCE OF SYSTEMS.—Chapter 147 of title 10, United States Code, is amended by inserting before section 2482 the following new section:

''§ 2481. Existence of defense commissary system and exchange stores system

''(a) IN GENERAL.—The Secretary of Defense shall operate a defense commissary system and an exchange stores system in the manner provided by this chapter and other provisions of law.

''(b) SEPARATE SYSTEMS.—Except as authorized by section 2490a of this title, the defense commissary system and the exchange stores system shall be operated as separate systems of the Department of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2482 the following new item:

''2481. Existence of defense commissary system and exchange stores system.''.

SEC. 653. LIMITATIONS ON PRIVATE OPERATION OF DEFENSE COMMISSARY STORE FUNCTIONS.

Section 2482(a) of title 10, United States Code, is amended—

(1) by striking the first and second sentences and inserting the following: ''(1) Under such regulations as the Secretary of Defense may approve, private persons may operate selected commissary store functions, except that such functions may not include functions relating to the procurement of products to be sold in a commissary store or functions relating to the overall management of a commissary system or the management of a commissary store.''; and

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

''(2) Any change to private operation of a commissary store function shall not take effect until the Secretary of Defense submits written notice of the proposed change to Congress and a period of 90 days of continuous session of Congress expires following the date on which notice was received, determined as provided in section 2486(d)(2) of this title.''.

SEC. 654. USE OF APPROPRIATED FUNDS TO OPERATE DEFENSE COMMISSARY SYSTEM.

(a) REQUIREMENT THAT COMMISSARY OPERATING EXPENSES BE PAID FROM APPROPRIATED FUNDS.—Section 2484 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall''; and

(2) in subsection (b), by striking ''may'' in the first sentence and inserting ''shall''.

(b) SUPPLEMENTAL FUNDS FOR COMMISSARY OPERATIONS.—Such section is further amended by adding at the end the following new subsection:

''(c) SUPPLEMENTAL FUNDS FOR COMMISSARY OPERATIONS.—Amounts appropriated to cover the expenses of operating the Defense Commissary Agency and the defense commissary system may be supplemented with additional funds from manufacturers' coupon redemption fees, handling fees for tobacco products, and other amounts received as reimbursement for other support activities provided by commissary activities.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 655. RECOVERY OF NONAPPROPRIATED FUND INSTRUMENTALITY AND COMMISSARY STORE INVESTMENTS IN REAL PROPERTY AT MILITARY INSTALLATIONS CLOSED OR REALIGNED.

(a) 1988 LAW.—Section 204(b)(7)(C)(i) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended in the second sentence by striking ''The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts)'' and inserting ''Amounts in the account shall be available to the Secretary, without appropriation and until expended,''.

(b) 1990 LAW.—Section 2906(d)(3) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking ''The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts)'' and inserting ''Amounts in the account shall be available to the Secretary, without appropriation and until expended,''.

SEC. 656. COMMISSARY SHELF-STOCKING PILOT PROGRAM.

(a) PILOT PROGRAM AUTHORITY.—Subject to subsection (c), the Secretary of Defense may conduct a pilot program under which the stocking of shelves at three defense commissary stores operated by the Defense Commissary Agency shall be the sole responsibility of Federal employees of the Agency or employees contracted by the agency.

(b) IMPLEMENTATION PLAN.—(1) The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for the conduct of the pilot program. The plan shall be submitted not later than six months after the date of the enactment of this Act.

(2) The plan shall include the following:

(A) The financial structure of the pilot program and expected costs.

(B) The Secretary's request to the Office of Personnel Management to conduct the pilot program as a Federal civilian personnel demonstration project under chapter 47 of title 5, United States Code, or a plan to provide otherwise a sufficiently flexible Federal civilian workforce for the pilot program through another authority.

(C) Specification of the three sites for the conduct of the pilot program and the criteria used to select those sites.

(D) Proposed duration of the pilot program and the expected timing for providing to Congress the results of the pilot program and recommendations of the Secretary.

(E) Other observations and recommendations of the Secretary.

(c) IMPLEMENTATION.—The Secretary of Defense may not begin to conduct the pilot program until a period of 30 days has elapsed after the date of the submission of the plan for the pilot program under subsection (b).

Subtitle F—Other Matters

SEC. 661. REPEAL OF CONGRESSIONAL NOTIFICATION REQUIREMENT FOR DESIGNATION OF CRITICAL MILITARY SKILLS FOR RETENTION BONUS.

Section 323(b) of title 37, United States Code, is amended—

(1) by striking ''(1)''; and

(2) by striking paragraph (2).

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. REVISION OF DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND TO PERMIT MORE ACCURATE ACTUARIAL VALUATIONS.

Section 1115(c) of title 10, United States Code, is amended by adding at the end of paragraph (1) the following: ''In determining single level dollar amounts under subparagraphs (A) and (B) of this paragraph, the Secretary of Defense may determine a separate single level dollar amount under either or both subparagraphs for any participating uniformed service, if, in the judgment of the Secretary, such a determination would produce a more accurate and appropriate actuarial valuation for that uniformed service.''.

SEC. 702. TRANSFER OF CERTAIN MEMBERS FROM PHARMACY AND THERAPEUTICS COMMITTEE TO UNIFORM FORMULARY BENEFICIARY ADVISORY PANEL UNDER THE PHARMACY BENEFITS PROGRAM.

Section 1074g of title 10, United States Code, is amended—

(1) in subsection (b)(1) in the second sentence, by striking ''facilities,'' and all that follows through the end of the sentence and inserting ''facilities and representatives of providers in facilities of the uniformed services.''; and

(2) in subsection (c)(2)—

(A) by striking ''represent nongovernmental'' and inserting the following: ''represent—

''(A) nongovernmental'';

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

(C) by adding at the end the following new subparagraphs:

''(B) contractors responsible for the TRICARE retail pharmacy program;

''(C) contractors responsible for the national mail-order pharmacy program; and

''(D) TRICARE network providers.''.

SEC. 703. PERMANENT EXTENSION OF AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS FOR THE PERFORMANCE OF HEALTH CARE RESPONSIBILITIES AT LOCATIONS OTHER THAN MILITARY MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking ''The Secretary may not enter into a contract under this paragraph after December 31, 2003.''.

SEC. 704. PLAN FOR PROVIDING HEALTH COVERAGE INFORMATION TO MEMBERS, FORMER MEMBERS, AND DEPENDENTS ELIGIBLE FOR CERTAIN HEALTH BENEFITS.

(a) HEALTH INFORMATION PLAN REQUIRED.—The Secretary of Defense shall develop a plan to—

(1) ensure that each household that includes one or more eligible persons is provided information concerning—

(A) the extent of health coverage provided by sections 1079 or 1086 of title 10, United States Code, for each such person;

(B) the costs, including the limits on such costs, that each such person is required to pay for such health coverage;

(C) sources of information for locating TRICARE-authorized providers in the household's locality; and

(D) methods to obtain assistance in resolving difficulties encountered with billing, payments, eligibility, locating TRICARE-authorized providers, collection actions, and such other issues as the Secretary considers appropriate;

(2) provide mechanisms to ensure that each eligible person has access to information identifying TRICARE-authorized providers in the person's locality who have agreed to accept new patients under section 1079 or 1086 of title 10, United States Code, and to ensure that such information is periodically updated;

(3) provide mechanisms to ensure that each eligible person who requests assistance in locating a TRICARE-authorized provider is provided such assistance;

(4) provide information and recruitment materials and programs aimed at attracting participation of health care providers as necessary to meet health care access requirements for all eligible persons; and

(5) provide mechanisms to allow for the periodic identification by the Department of Defense of the number and locality of eligible persons who may intend to rely on TRICARE-authorized providers for health care services.

(b) IMPLEMENTATION OF PLAN.—The Secretary of Defense shall implement the plan required by subsection (a) with respect to any contract entered into by the Department of Defense after May 31, 2003, for managed health care.

(c) DEFINITIONS.—In this section:

(1) The term ''eligible person'' means a person eligible for health benefits under section 1079 or 1086 of title 10, United States Code.

(2) The term ''TRICARE-authorized provider'' means a facility, doctor, or other provider of health care services—

(A) that meets the licensing and credentialing certification requirements in the State where the services are rendered;

(B) that meets requirements under regulations relating to TRICARE for the type of health care services rendered; and

(C) that has accepted reimbursement by the Secretary of Defense as payment for services rendered during the 12-month period preceding the date of the most recently updated provider information provided to households under the plan required by subsection (a).

(d) SUBMISSION OF PLAN.—Not later than March 31, 2004, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives the plan required by subsection (a), together with a schedule for implementation of the plan.

SEC. 705. WORKING GROUP ON MILITARY HEALTH CARE FOR PERSONS RELIANT ON HEALTH CARE FACILITIES AT MILITARY INSTALLATIONS TO BE CLOSED OR REALIGNED.

Section 722 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1073 note) is amended by striking subsections (a), (b), (c), and (d) and inserting the following new subsections:

''(a) ESTABLISHMENT.—Not later than December 31, 2003, the Secretary of Defense shall establish a working group on the provision of military health care to persons who rely for health care on health care facilities located at military installations—

''(1) inside the United States that are selected for closure or realignment in the 2005 round of realignments and closures authorized by sections 2912, 2913, and 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by title XXX of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 155 Stat. 1342); or

''(2) outside the United States that are selected for closure or realignment as a result of force posture changes.

''(b) MEMBERSHIP.—The members of the working group shall include, at a minimum, the following:

''(1) The Assistant Secretary of Defense of Health Affairs, or the designee of the Assistant Secretary.

''(2) The Surgeon General of the Army, or the designee of that Surgeon General.

''(3) The Surgeon General of the Navy, or the designee of that Surgeon General.

''(4) The Surgeon General of the Air Force, or the designee of that Surgeon General.

''(5) At least one independent member from each TRICARE region, but not to exceed a total of 12 members appointed under this paragraph, whose experience in matters

within the responsibility of the working group qualify that person to represent persons authorized health care under chapter 55 of title 10, United States Code.

''(c) DUTIES.—(1) In developing the selection criteria and recommendations for the 2005 round of realignments and closures required by sections 2913 and 2914 of the Defense Base Closure and Realignment Act of 1990, the Secretary of Defense shall consult with the working group.

''(2) The working group shall be available to provide assistance to the Defense Base Closure and Realignment Commission.

''(3) In the case of each military installation referred to in paragraph (1) or (2) of subsection (a) whose closure or realignment will affect the accessibility to health care services for persons entitled to such services under chapter 55 of title 10, United States Code, the working group shall provide to the Secretary of Defense a plan for the provision of the health care services to such persons.

''(d) SPECIAL CONSIDERATIONS.—In carrying out its duties under subsection (c), the working group—

''(1) shall conduct meetings with persons entitled to health care services under chapter 55 of title 10, United States Code, or representatives of such persons;

''(2) may use reliable sampling techniques;

''(3) may visit the areas where closures or realignments of military installations will adversely affect the accessibility of health care for such persons and may conduct public meetings; and

''(4) shall ensure that members of the uniformed services on active duty, members and former members of the uniformed services entitled to retired or retainer pay, and dependents and survivors of such members and retired personnel are afforded the opportunity to express their views.''.

SEC. 706. ACCELERATION OF IMPLEMENTATION OF CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

The Secretary of Defense shall accelerate the implementation of the plan required by section 702 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398) (relating to chiropractic health care services and benefits), with a goal of completing implementation of the plan by October 1, 2005.

SEC. 707. MEDICAL AND DENTAL SCREENING FOR MEMBERS OF SELECTED RESERVE UNITS ALERTED FOR MOBILIZATION.

Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) The Department of Defense may provide medical and dental screening and care to members of the Selected Reserve who are assigned to a unit that has been alerted that the unit will be mobilized for active duty in support of an operational mission or contingency operation, during a national emergency, or in a time of war.

''(2) The medical and dental screening and care that may be provided under this subsection is screening and care necessary to ensure that a member meets the medical and dental standards for required deployment.

''(3) The services provided under this subsection shall be provided to a member at no cost to the member and at any time after the unit to which the member is assigned is alerted or otherwise notified that the unit will be mobilized.''.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 801. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended in subsection (g) by striking ''September 30, 2004'' and inserting ''September 30, 2008''.

SEC. 802. ELIMINATION OF CERTAIN SUBCONTRACT NOTIFICATION REQUIREMENTS.

Subsection (e) of section 2306 of title 10, United States Code, is amended—

(1) by striking ''(A)'' and ''(B)'' and inserting ''(i)'' and ''(ii)'', respectively;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking ''Each'' and inserting ''(1) Except as provided in paragraph (2), each''; and

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

''(2) Paragraph (1) shall not apply to a prime contract with a contractor that maintains a purchasing system approved by the contracting officer for the contract.''.

SEC. 803. ELIMINATION OF REQUIREMENT TO FURNISH WRITTEN ASSURANCES OF TECHNICAL DATA CONFORMITY.

Section 2320(b) of title 10, United States Code, is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

SEC. 804. LIMITATION PERIOD FOR TASK AND DELIVERY ORDER CONTRACTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended—

(1) in section 2304a—

(A) in subsection (e)—

(i) by inserting ''(1)'' before ''A task''; and

(ii) by adding at the end the following new paragraphs:

''(2) Unless use of procedures other than competitive procedures is authorized by an exception in subsection (c) of section 2304 of this title and approved in accordance with subsection (f) of such section, competitive procedures shall be used for making such a modification.

''(3) Notice regarding the modification shall be provided in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).''; and

(B) by striking subsection (f) and inserting the following:

''(f) LIMITATION ON CONTRACT PERIOD.—The base period of a task order contract or delivery order contract entered into under this section may not exceed five years unless a longer period is specifically authorized in a law that is applicable to such contract. The contract may be extended for an additional 5 years (for a total contract period of not more than 10 years) through modifications, options, or otherwise.''; and

(2) in section 2304b—

(A) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—A task order contract (as defined in section 2304d of this title) for procurement of advisory and assistance services shall be subject to the requirements of this section, sections 2304a and 2304c of this title, and other applicable provisions of law.'';

(B) by striking subsections (b), (f), and (g) and redesignating subsections (c), (d), (e), (h), and (i) as subsections (b) through (f);

(C) by amending subsection (c) (as redesignated by subparagraph (B)) to read as follows:

''(c) REQUIRED CONTENT OF CONTRACT.—A task order contract described in subsection (a) shall contain the same information that is required by section 2304a(b) to be included in the solicitation of offers for that contract.''; and

(D) in subsection (d) (as redesignated by subparagraph (B))—

(i) in paragraph (1), by striking ''under this section'' and inserting ''described in subsection (a)''; and

(ii) in paragraph (2), by striking ''under this section''.

(b) REPEALS.—(1) Subsection (g) of section 2306c of title 10, United States Code, is repealed.

(2) Subsection (c) of section 811 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2608) is repealed.

SEC. 805. ADDITIONAL AUTHORITIES RELATING TO OBTAINING PERSONAL SERVICES.

(a) IN GENERAL.—Section 129b of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''in accordance with section 3109 of title 5''; and

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

''(d) ADDITIONAL AUTHORITY.—(1) In addition to the authority provided under subsection (a), the Secretary of Defense may enter into personal services contracts with individuals, regardless of their nationality, outside of the United States.

''(2) The contracting officer for a personal services contract shall be responsible for ensuring that a personal services contract is the appropriate vehicle for carrying out the purpose of the contract.''.

(b) INTELLIGENCE COMPONENTS.—(1) Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 426. Personal services contracts: authority and limitations

''(a) PERSONAL SERVICES.—(1) The Secretary of Defense may, notwithstanding section 3109 of title 5, enter into personal services contracts in the United States if the personal services directly support the mission of a defense intelligence component or counter-intelligence organization.

''(2) The contracting officer for a personal services contract shall be responsible for ensuring that a personal services contract is the appropriate vehicle for carrying out the purpose of the contract.

''(b) DEFINITION.—In this section, the term 'defense intelligence component' means a component of the Department of Defense that is an element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''426. Personal services contracts: authority and limitations.''.

(c) SPECIAL OPERATIONS COMMAND.—Section 167 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(l) PERSONAL SERVICES CONTRACTS.—(1) The Secretary of Defense may, notwithstanding section 3109 of title 5, enter into personal services contracts in the United States if the personal services directly support the mission of the special operations command.

''(2) The contracting officer for a personal services contract shall be responsible for ensuring that a personal services contract is the appropriate vehicle for carrying out the purpose of the contract.''.

SEC. 806. EVALUATION OF PROMPT PAYMENT PROVISIONS.

(a) EVALUATION REQUIREMENT.—The Secretary of Defense shall evaluate provisions of law and regulation relating to the prompt payment of amounts due contractors under contracts with the Department of Defense.

(b) MATTERS COVERED.—In carrying out such evaluation, the Secretary shall focus in particular on the implementation of prompt payment provisions with respect to small businesses, including—

(1) an analysis of compliance by the Department of Defense with chapter 39 of title 31, United States Code, and regulations applicable to the Department of Defense under that chapter, with respect to small business contractors;

(2) a determination of the number of Department of Defense contracts with small businesses that are not in compliance with prompt payment requirements; and

(3) a determination of the average length of time that elapses between performance of work by small business contractors under Department of Defense contracts and payment for such work.

Subtitle B—United States Defense Industrial Base Provisions

Part I—Critical Items Identification and Domestic Production Capabilities Improvement Program

SEC. 811. ASSESSMENT OF UNITED STATES DEFENSE INDUSTRIAL BASE CAPABILITIES.

(a) ASSESSMENT PROGRAM.—The Secretary of Defense, in coordination with the Secretary of each military department, shall establish a program to assess the capabilities of the United States defense industrial base to produce military systems necessary to support national security requirements.

(b) DESIGNEE.—The Secretary of each military department shall designate a position to be responsible for assisting in carrying out the program under subsection (a) with respect to the military department concerned. The person designated to serve in such position shall do the following:

(1) Report to the Service Acquisition Executive of the military department concerned on defense industrial base matters affecting the acquisition and production of military systems.

(2) Provide information to assist the Secretary of Defense in carrying out the Secretary's duties as a member of the National Defense Technology and Industrial Base Council (as established under section 2502 of title 10, United States Code).

(3) Oversee the collection of data to assist the Secretary of Defense in carrying out subsection (c).

(4) Oversee the process for identifying and determining critical items to assist the Secretary of Defense in carrying out section 812.

(c) COLLECTION OF DATA.—The Secretary of Defense shall collect data in support of the program. At a minimum, with respect to each procurement for a covered military system, the following information shall be collected:

(1) With respect to the contractor awarded the contract:

(A) An identification of the critical item or items included in the covered military system and whether the item is of a domestic or foreign source.

(B) Whether the contractor is a foreign contractor, and, if so—

(i) whether the contract was awarded on a sole source basis because of the unavailability of responsible offerors with United States production capabilities; or

(ii) whether the contract was awarded after receipt of offers from responsible offerors with United States production capabilities.

(C) Whether the contractor is a United States contractor, and, if the contractor plans to perform work under the contract outside the United States, an identification of the locations where the work (including research, development, and manufacturing) will be performed, an explanation of the business rationale for why the decision was made to transfer the work outside the United States, and a certification of the specific percentage of the total contract to be performed outside the United States.

(2) With respect to the offerors submitting bids or proposals (other than the offeror awarded the contract):

(A) An identification of the critical item or items included in the covered military system and whether the item is of a domestic or foreign source.

(B) An identification of the domestic and foreign offerors and the locations where the work (including research, development, and manufacturing) was proposed to be performed under the contract.

(C) A statement of whether there were no offerors or whether there was only one offeror.

(d) CONFIDENTIALITY.—The Secretary of Defense shall make every effort to ensure that the information collected under this section from private sector entities remains confidential.

(e) ASSESSMENT.—The Secretary of Defense shall prepare an assessment of the data compiled under this section during every two-year period and shall submit the results of the assessment to the Committees on Armed Services of the Senate and the House of Representatives, including the recommendations of the Secretary regarding how procurement from the United States defense industrial base can be maximized. The first such assessment shall cover the period of fiscal Year 2002 and fiscal Year 2003 and shall be submitted to the Committees no later than November 1, 2004.

SEC. 812. IDENTIFICATION OF CRITICAL ITEMS: MILITARY SYSTEM BREAKOUT LIST.

(a) IDENTIFICATION PROCESS.—The Secretary of Defense shall establish a process to identify, with respect to each military system—

(1) the items and components within the military system;

(2) the items and components within the military system that are essential, in accordance with subsection (c); and

(3) the items and components within the military system that are critical, in accordance with subsection (d).

(b) MILITARY SYSTEM BREAKOUT LIST.—The Secretary of Defense shall produce a list, to be known as the ''military system breakout list'', consisting of the items and components identified under the process established under subsection (a).

(c) ESSENTIAL ITEMS AND COMPONENTS.—For purposes of determining whether an item or component is essential, the Secretary shall include only an item or component that—

(1) is essential for the proper functioning and performance of the military system of which the item or component is a part; or

(2) involves a critical technology (as defined in section 2500 of title 10, United States Code).

(d) CRITICAL ITEMS OR COMPONENTS.—(1) For purposes of determining whether an item or component is critical, the Secretary shall include only an item or component that—

(A) is essential, as determined under subsection (c); and

(B) with respect to which there is a high barrier to entry for the production of the item or component.

(2) For purposes of paragraph (1)(B), a high barrier to entry for the production of an item or component means that—

(A) there would be a significant period of time required to reestablish United States production capabilities; and

(B) the level of investment necessary to reestablish United States production capabilities that are able to meet surge and sustained production rates for wartime requirements is significant.

(e) REPORT.—Not later than November 1 of each year, beginning with November 1, 2004, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section. The report shall include the following:

(1) A list of each military system covered by the process established under subsection (a).

(2) A list of items and components determined to be essential.

(3) A list of items and components determined to be critical.

(4) A list of the items and components contained in the lists provided under paragraphs (2) and (3) that are manufactured or produced outside the United States.

SEC. 813. PROCUREMENT OF CERTAIN CRITICAL ITEMS FROM AMERICAN SOURCES.

(a) REQUIREMENT FOR PROCUREMENT OF CERTAIN CRITICAL ITEMS PRODUCED IN UNITED STATES.—With respect to items that meet the criteria set forth in subsection (b), the Secretary of Defense may procure such items only if the items are entirely produced in the United States.

(b) CRITERIA.—For purposes of subsection (a), an item meets the criteria of this subsection if—

(1) it is a critical item; and

(2) there are limited sources of production capability of the item in the United States.

(c) EXCEPTION.—Subsection (a) does not apply to a procurement of an item when the Secretary of Defense determines in writing that the Department of Defense's need for the item is of such an unusual and compelling urgency that the United States would be seriously injured unless the Department is permitted to procure the item from sources outside the United States.

(d) APPLICABILITY.—Subsection (a) shall apply to contracts for the procurement of covered military systems and subcontracts under such contracts.

SEC. 814. PRODUCTION CAPABILITIES IMPROVEMENT FOR CERTAIN CRITICAL ITEMS USING DEFENSE INDUSTRIAL BASE CAPABILITIES FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate fund to be known as the Defense Industrial Base Capabilities Fund (hereafter in this section referred to as the ''Fund'').

(b) MONEYS IN FUND.—There shall be credited to the Fund amounts appropriated to it.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $100,000,000 for fiscal year 2004.

(d) USE OF FUND.—The Secretary of Defense is authorized to use all amounts in the Fund, subject to appropriation, for the purposes of establishing capabilities within the United States to produce critical items that meet any of the following criteria:

(1) The item is available only from foreign contractors.

(2) The item is available only from a limited number of United States contractors.

(e) LIMITATION ON USE OF FUND.—Before the obligation of any amounts in the Fund, the Secretary of Defense shall submit to Congress a report describing the Secretary's plans for implementing the Fund established in subsection (a), including the priorities for the obligation of amounts in the Fund, the criteria for determining the recipients of

such amounts, and the mechanisms through which such amounts may be provided to the recipients.

(f) AVAILABILITY OF FUNDS.—Amounts in the Fund shall remain available until expended.

(g) FUND MANAGER.—The Secretary of Defense shall designate a Fund manager. The duties of the Fund manager shall include—

(1) ensuring the visibility and accountability of transactions engaged in through the Fund; and

(2) reporting to Congress each year regarding activities of the Fund during the previous fiscal year.

Part II—Requirements Relating to Specific Items

SEC. 821. DOMESTIC SOURCE LIMITATION AMENDMENTS.

(a) ADDITIONAL ITEMS.—Section 2534(a) of title 10, United States Code, is amended by adding at the end of the following new paragraphs:

''(6) Fuzes used for ordnance.

''(7) Microwave power tubes or traveling wave tubes.

''(8) PAN carbon fiber.

''(9) Aircraft tires.

''(10) Ground vehicle tires.

''(11) Tank track assemblies.

''(12) Tank track components.

''(13) Pre-formed retort packaging in direct contact with main entree meals within meals ready-to-eat listed in Federal Supply Class 8970.''.

(b) AMENDMENT OF NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Paragraph (1) of section 2500 of title 10, United States Code, is amended—

(1) by striking all that follows after ''States'' to the end of the paragraph and inserting a period; and

(2) by striking ''production, or maintenance'' and inserting ''production, and maintenance''.

(c) AMENDMENT OF WAIVER AUTHORITY.—Section 2534(d) of title 10, United States Code, is amended—

(1) in the text before paragraph (1), by inserting ''in writing'' after ''determines'';

(2) by striking paragraphs (1), (2), (3), (6), (7), and (8);

(3) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively, and in such paragraph (3), as so redesignated, by adding at the end the following: ''This exception shall not apply to items determined to be critical by the Secretary of Defense under section 812 of the National Defense Authorization Act for Fiscal Year 2004.''; and

(4) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

''(1) The Department of Defense's need for the item is of such an unusual and compelling urgency that the United States would be seriously injured unless the Department is permitted to procure the item from sources outside the United States.''.

SEC. 822. REQUIREMENTS RELATING TO BUYING COMMERCIAL ITEMS CONTAINING SPECIALTY METALS FROM AMERICAN SOURCES.

(a) SPECIALTY METALS AND OTHER INDUSTRIAL BASE PROTECTION MEASURES.—(1) Subsection (b) of section 2533a of title 10, United States Code, is amended—

(A) in paragraph (1)(B), by inserting before the semicolon the following: ''and the materials and components thereof''; and

(B) in paragraph (2), by inserting before the period the following: '' and any specialty metal that may be part of another item''.

(2) Subsection (c) of such section is amended—

(A) by striking ''or the Secretary of the military department concerned''; and

(B) by adding at the end the following: ''For each such determination, the Secretary of Defense shall notify Congress in writing of the factors supporting the determination.''.

(3) Section 2533a of such title is amended by adding at the end the following new subsection:

''(l) AUTHORITY NOT DELEGABLE.—The Secretary may not delegate any authority under this section to anyone other than the Under Secretary of Defense for Acquisition, Technology, and Logistics.''.

(b) EXCEPTION TO BERRY AMENDMENT FOR COMMERCIAL ITEMS CONTAINING SPECIALTY METALS.—Section 2533a of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection:

''(i) EXCEPTION FOR COMMERCIAL ITEMS CONTAINING SPECIALTY METALS.—

''(1) IN GENERAL.—Subsection (a) does not apply to the procurement of a commercial item containing specialty metals if—

''(A) the contractor agrees to comply with the requirement set forth in paragraph (2); or

''(B) the Secretary of Defense determines in writing that the Department of Defense's need for the commercial item containing specialty metal is of such an unusual and compelling urgency that the United States would be seriously injured unless the Department is permitted to procure the item containing specialty metal from outside the United States.

''(2) REQUIREMENT TO PURCHASE EQUIVALENT AMOUNT OF DOMESTIC METAL.—For purposes of paragraph (1)(A), the requirement set forth in this paragraph is that the contractor for each contract entered into by the Secretary for the procurement of a commercial item containing specialty metal agrees to purchase, over the 18-month period beginning on the date of award of the contract, an amount of specialty metal that is—

''(A) produced, including such functions as melting and smelting, in the United States; and

''(B) equivalent to—

''(i) the amount of specialty metal (measured by factors including volume, type, and grade) purchased to carry out the work under the contract (including the work under each subcontract at any tier under the contract); plus

''(ii) 10 percent of the amount referred to in clause (i).

''(3) RELATIONSHIP TO OTHER EXCEPTIONS.—The exceptions under subsections (c), (d), and (h) of this section shall not apply to the procurement of a commercial item containing specialty metals.

''(4) NOTICE TO CONGRESS.—The Secretary of Defense shall not enter into a contract to procure a commercial item containing specialty metal pursuant to the exception in subsection (a) until Congress is notified that the Secretary has applied the exception and a period of 15 days has expired after such notification is made.

''(5) NOTICE TO INDUSTRY.—The Secretary of Defense shall publish a notice in the Federal Register on the method that the Department of Defense will use to measure an equivalent amount of specialty metal for purposes of this subsection. Such a method shall consider factors such as volume, type, and grade of specialty metal that otherwise would be produced from United States sources.''.

(c) REMOVAL OF SPECIALTY METAL FROM SUBSECTION (e) EXCEPTION.—Subsection (e) of such section is amended—

(1) in the heading, by striking ''SPECIALTY METALS AND''; and

(2) by striking ''specialty metals or''.

(d) CONFORMING AMENDMENT.—Subsection (a) of section 2533a of such title is amended by striking ''through (h)'' and inserting ''through (i)''.

(e) EFFECTIVE DATE.—Section 2533a(i) of title 10, United States Code, as added by subsection (a), shall apply to each contract for the procurement of a commercial item containing specialty metal entered into before, on, or after the date of the enactment of this Act.

SEC. 823. ELIMINATION OF UNRELIABLE SOURCES OF DEFENSE ITEMS AND COMPONENTS.

(a) IDENTIFICATION OF CERTAIN COUNTRIES.—The Secretary of Defense shall identify foreign countries that, by law, policy, or regulation, restricted the provision or sale of military goods or services to the United States because of United States policy toward, or military operations in, Iraq since September 12, 2002.

(b) PROHIBITION ON PROCUREMENT OF CERTAIN ITEMS FROM IDENTIFIED COUNTRIES.—The Secretary of Defense may not procure any items or components contained in military systems if the items or components, or the systems, are manufactured in any foreign country identified under subsection (a).

(c) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation in subsection (b) if the Secretary determines in writing and notifies Congress that the Department of Defense's need for the item is of such an unusual and compelling urgency that the United States would be seriously injured unless the Department is permitted to procure the item from the sources identified in subsection (a).

(d) EFFECTIVE DATE.—(1) Subject to paragraph (2), subsection (b) applies to contracts in existence on the date of the enactment of this Act or entered into after such date.

(2) With respect to contracts in existence on the date of the enactment of this Act, the Secretary of Defense shall take such action as is necessary to ensure that such contracts are in compliance with subsection (b) not later than 24 months after such date.

SEC. 824. CONGRESSIONAL NOTIFICATION REQUIRED BEFORE EXERCISING EXCEPTION TO REQUIREMENT TO BUY SPECIALTY METALS FROM AMERICAN SOURCES.

Section 2533a(c) of title 10, United States Code, is amended by adding at the end the following new sentence: ''The Secretary of Defense or the Secretary of the military department concerned may not procure specialty metals pursuant to the exception authorized by this subsection until the Secretary submits to Congress and publishes in the Federal Register notice of the determination made under this subsection and a period of 15 days expires after the date such notification is submitted.''.

SEC. 825. REPEAL OF AUTHORITY FOR FOREIGN PROCUREMENT OF PARA-ARAMID FIBERS AND YARNS.

Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2084) is repealed.

SEC. 826. REQUIREMENT FOR MAJOR DEFENSE ACQUISITION PROGRAMS TO USE MACHINE TOOLS ENTIRELY PRODUCED WITHIN THE UNITED STATES.

(a) IN GENERAL.—(1) Chapter 144 of title 10, United States Code, is amended by inserting after section 2435 the following new section:

''§ 2436. Major defense acquisition programs: requirement for certain items to be entirely produced in United States

''The Secretary of Defense shall require that, for any procurement of a major defense acquisition program—

''(1) the contractor for the procurement shall use only machine tools entirely produced within the United States to carry out the contract; and

''(2) any subcontractor under the contract shall comply with paragraph (1) in the case of any contract in an amount that is $5,000,000 or greater.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2435 the following new item:

''2436. Major defense acquisition programs: requirement for certain items to be entirely produced in United States.''.

(b) EFFECTIVE DATE.—Section 2436 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date occurring four years after the date of the enactment of this Act.

SEC. 827. DATA COLLECTION AND TECHNICAL ASSISTANCE CENTER RELATING TO MACHINE TOOLS.

(a) COLLECTION OF DATA ON CONTRACTS USING MACHINE TOOLS.—The Secretary of Defense shall collect data in order to identify all contractors and subcontractors that use machine tools in carrying out any defense contract in an amount that is $5,000,000 or greater.

(b) TECHNICAL ASSISTANCE CENTER.—The Secretary of Defense shall establish a center to provide technical assistance to machine tool companies in the United States, and entities that use machine tools, to seek guidance with respect to government contracting regulations, including compliance procedures, and opportunities for contracting with the Department of Defense. As part of the assistance provided through the center, the Secretary may provide information about defense contracts that are expected to be carried out through the use of machine tools.

(c) DEFINITION.—In this section the term ''machine tools'' includes machine tools in the North American Industry Classification System (NAICS) codes 333511, 333512, 333513, 333514, and 333515.

SEC. 828. BUY AMERICAN ENHANCEMENT.

Section 2533 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) In determining under section 2 of the Buy American Act (41 U.S.C. 10a et seq.) whether application of such Act is inconsistent with the public interest, the Secretary of Defense shall not consider the provisions of any trade agreement between the United States and a foreign country that is in effect at the time of the determination.''.

SEC. 829. REQUIREMENT RELATING TO PURCHASES BY DEPARTMENT OF DEFENSE SUBJECT TO BUY AMERICAN ACT.

In applying section 2 of the Buy American Act (41 U.S.C. 10a) to acquisitions by the Department of Defense, the term ''substantially all'' shall mean at least 65 percent.

Part III—General Provisions

SEC. 831. DEFINITIONS.

In this subtitle:

(1) COVERED MILITARY SYSTEM.—The term ''covered military system'' means a military system that includes one or more critical items.

(2) MILITARY SYSTEM.—The term ''military system'' means a military system necessary to support national security requirements, as determined by the Secretary of Defense, and which costs more than $25,000. At a minimum, the term includes the following:

(A) Weapons listed in Federal Supply Group 10.

(B) Nuclear ordnance listed in Federal Supply Group 11.

(C) Fire control equipment listed in Federal Supply Group 12.

(D) Ammunition and explosives listed in Federal Supply Group 13.

(E) Guided missiles listed in Federal Supply Group 14.

(F) Aircraft and related components, accessories, and equipment listed in Federal Supply Groups 15, 16, and 17.

(G) Space vehicles listed in Federal Supply Group 18.

(H) Ships, small craft, pontoons, and floating docks listed in Federal Supply Group 19.

(I) Ship and marine equipment listed in Federal Supply Group 20.

(J) Tracked combat vehicles listed in Federal Supply Class 2350.

(K) Engines, turbines, and components listed in Federal Supply Group 28.

(3) CRITICAL ITEM.—The term ''critical item'' means an item or component determined to be critical by the Secretary of Defense under section 812.

(4) ITEM.—The term ''item'' means an end item.

(5) COMPONENT.—The term ''component'' means an article, material, or supply incorporated into an end item. The term includes software and subassemblies.

(6) FOREIGN CONTRACTOR.—The term ''foreign contractor'' means a contractor or subcontractor organized or existing under the laws of a country other than the United States.

(7) UNITED STATES CONTRACTOR.—The term ''United States contractor'' means a contractor or subcontractor organized or existing under the laws of the United States.

(8) UNITED STATES PRODUCTION CAPABILITIES.—The term ''United States production capabilities'' means, with respect to an item or component, facilities located in the United States to design, develop, or manufacture the item or component.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. CHANGE IN TITLE OF SECRETARY OF THE NAVY TO SECRETARY OF THE NAVY AND MARINE CORPS.

(a) CHANGE IN TITLE.—The position of the Secretary of the Navy is hereby redesignated as the Secretary of the Navy and Marine Corps.

(b) REFERENCES.—Any reference to the Secretary of the Navy in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the Secretary of the Navy and Marine Corps.

SEC. 902. REDESIGNATION OF NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) REDESIGNATION.—The National Imagery and Mapping Agency of the Department of Defense is hereby redesignated as the National Geospatial-Intelligence Agency.

(b) DEFINITION OF GEOSPATIAL INTELLIGENCE.—Section 467 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) The term 'geospatial intelligence' means the exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth. Geospatial intelligence consists of imagery, imagery intelligence, and geospatial information.''.

(c) AGENCY MISSIONS.—(1) Section 442(a) of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting ''geospatial intelligence consisting of'' after ''provide''; and

(B) in paragraph (2), by striking ''Imagery, intelligency, and information'' and inserting ''Geospatial intelligence''.

(2) Section 110(a) of the National Security Act of 1947 (50 U.S.C. 404e(a)) is amended by striking ''imagery'' and inserting ''geospatial intelligence''.

(d) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The heading of chapter 22 is amended to read as follows:

''CHAPTER 22—NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY''.

(2) Chapter 22 is amended—

(A) by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''; and

(B) in section 453(b), by striking ''NIMA'' in paragraphs (1) and (2) and inserting ''NGA''.

(3) Section 193 is amended—

(A) by striking ''National Imagery and Mapping Agency'' in subsections (d)(1), (d)(2), (e), and (f)(4) and inserting ''National Geospatial-Intelligence Agency'';

(B) in the heading for subsection (d), by striking ''NATIONAL IMAGERY AND MAPPING AGENCY'' and inserting ''NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY''; and

(C) in the heading for subsection (e), by striking ''NIMA'' and inserting ''NGA''.

(4) Section 201 is amended by striking ''National Imagery and Mapping Agency'' in subsections (b)(2)(C) and (c)(2)(C) and inserting ''National Geospatial-Intelligence Agency''.

(5)(A) Section 424 is amended by striking ''National Imagery and Mapping Agency'' in subsection (b)(3) and inserting ''National Geospatial-Intelligence Agency''.

(B)(i) The heading of such section is amended to read as follows:

''§ 424. Disclosure of organizational and personnel information: exemption for specified intelligence agencies''.

(ii) The item relating to that section in the table of sections at the beginning of subchapter I of chapter 21 is amended to read as follows:

''424. Disclosure of organizational and personnel information: exemption for specified intelligence agencies.''.

(6) Section 425(a) is amended by adding at the end the following new paragraph:

''(5) The words 'National Geospatial-Intelligence Agency', the initials 'NGA,' or the seal of the National Geospatial-Intelligence Agency.''.

(7) Section 1614(2)(C) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(8) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are each amended by striking ''Imagery and Mapping'' in the item relating to chapter 22 and inserting ''Geospatial-Intelligence''.

(e) CONFORMING AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—The National Security Act of 1947 is amended as follows:

(1) Section 3 (50 U.S.C. 401a) is amended by striking ''National Imagery and Mapping Agency'' in paragraph (4)(E) and inserting ''National Geospatial- Intelligence Agency''.

(2) Section 105 (50 U.S.C. 403–5) is amended by striking ''National Imagery and Mapping Agency'' in subsections (b)(2) and (d)(3) and inserting ''National Geospatial-Intelligence Agency''.

(3) Section 105A (50 U.S.C. 403–5a) is amended by striking ''National Imagery and Mapping Agency'' in subsection (b)(1)(C) and inserting ''National Geospatial-Intelligence Agency''.

(4) Section 105C (50 U.S.C. 403-5c) is amended—

(A) by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency'';

(B) by striking ''NIMA'' each place it appears and inserting ''NGA''; and

(C) by striking ''NATIONAL IMAGERY AND MAPPING AGENCY'' in the section heading and inserting ''NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY''.

(5) Section 106 (50 U.S.C. 403–6) is amended by striking ''National Imagery and Mapping Agency'' in subsection (a)(2)(C) and inserting ''National Geospatial-Intelligence Agency''.

(6) Section 110 (50 U.S.C. 404e) is amended—

(A) by striking ''National Imagery and Mapping Agency'' in subsections (a), (b), and (c) and inserting ''National Geospatial-Intelligence Agency''; and

(B) by striking ''NATIONAL IMAGERY AND MAPPING AGENCY'' in the section heading and inserting ''NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY''.

(7) The table of contents in the first section is amended—

(A) by striking the item relating to section 105C and inserting the following:

''Sec. 105C. Protection of operational files of National Geospatial-Intelligence Agency.'';

and

(B) by striking the item relating to section 110 and inserting the following:

''Sec. 110. National mission of National Geospatial-Intelligence Agency.''.

(f) CROSS REFERENCE CORRECTION.—Section 442(d) of title 10, United States Code, is by striking ''section 120(a) of the National Security Act of 1947'' and inserting ''section 110(a) of the National Security Act of 1947 (50 U.S.C. 404e(a))''.

(g) REFERENCES.—Any reference to the National Imagery and Mapping Agency in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the National Geospatial-Intelligence Agency.

SEC. 903. PILOT PROGRAM FOR PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENTAL ENTITIES.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2272. Space surveillance network: pilot program for provision of satellite tracking support to entities outside United States Government

''(a) PILOT PROGRAM.—The Secretary of Defense may carry out a pilot program to determine the feasibility and desirability of providing to non-United States Governmental entities space surveillance data support described in subsection (b).

''(b) SPACE SURVEILLANCE DATA SUPPORT.—Under such a pilot program, the Secretary may provide to a non-United States Governmental entity, subject to an agreement described in subsection (c), the following:

''(1) Satellite tracking services from assets owned or controlled by the Department of Defense, but only if the Secretary determines, in the case of any such agreement, that providing such services to that entity is in the national security interests of the United States.

''(2) Space surveillance data and the analysis of space surveillance data, but only if the Secretary determines, in the case of any such agreement, that providing such data and analysis to that entity is in the national security interests of the United States.

''(c) REQUIRED AGREEMENT.—The Secretary may not provide space surveillance data support to a non-United States Governmental entity under the pilot program unless that entity enters into an agreement with the Secretary under which the entity—

''(1) agrees to pay an amount that may be charged by the Secretary under subsection (f); and

''(2) agrees not to transfer any data or technical information received under the agreement, including the analysis of tracking data, to any other entity without the Secretary's express approval.

''(d) REQUIREMENTS WITH RESPECT TO FOREIGN TRANSACTIONS.—(1) The Secretary may enter into an agreement under subsection (c) to provide space surveillance data support to a foreign government or other foreign entity only with the concurrence of the Secretary of State.

''(2) In the case of such an agreement that is entered into with a foreign government or other foreign entity, the Secretary of Defense may provide approval under subsection (c)(2) for a transfer of data or technical information only with the concurrence of the Secretary of State.

''(e) PROHIBITION CONCERNING PROVISION OF INTELLIGENCE ASSETS OR DATA.—Nothing in this section shall be considered to authorize the provision of services or information concerning, or derived from, United States intelligence assets or data.

''(f) CHARGES.—As a condition of an agreement under subsection (c), the Secretary of Defense may require the non-United States Governmental entity entering into the agreement to pay to the Department of Defense such amounts as the Secretary determines to be necessary to reimburse the Department of Defense for the costs to the Department of providing space surveillance data support under the agreement.

''(g) CREDITING OF FUNDS RECEIVED.—Funds received pursuant to an agreement under this section shall be credited to accounts of the Department of Defense that are current when the proceeds are received and that are available for the same purposes as the accounts originally charged to perform the services. Funds so credited shall merge with and become available for obligation for the same period as the accounts to which they are credited.

''(h) PROCEDURES.—The Secretary shall establish procedures for the conduct of the pilot program. As part of those procedures, the Secretary may allow space surveillance data and analytical support to be provided through a contractor of the Department of Defense.

''(i) DURATION OF PILOT PROGRAM.—The pilot program under this section shall be conducted during the three-year period beginning on a date specified by the Secretary of Defense, which date shall be not later than 180 days after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2272. Space surveillance network: pilot program for provision of satellite tracking services and data to entities outside United States Government.''.

SEC. 904. CLARIFICATION OF RESPONSIBILITY OF MILITARY DEPARTMENTS TO SUPPORT COMBATANT COMMANDS.

Sections 3013(c)(4), 5013(c)(4), and 8013(c)(4) of title 10, United States Code, are each amended by striking ''(to the maximum extent practicable)''.

SEC. 905. BIENNIAL REVIEW OF NATIONAL MILITARY STRATEGY BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) BIENNIAL REVIEW.—Section 153 of title 10, United States Code, by adding at the end the following new subsection:

''(d) BIENNIAL REVIEW OF NATIONAL MILITARY STRATEGY.—(1) Not later then February 15 of each even-numbered year, the Chairman shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of a comprehensive examination of the national military strategy. Each such examination shall be conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified commands.

''(2) Each report on the examination of the national military strategy under paragraph (1) shall include the following:

''(A) Delineation of a national military strategy consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) and the most recent Quadrennial Defense Review prescribed by the Secretary of Defense pursuant to section 118 of this title.

''(B) A description of the strategic environment and the opportunities and challenges that affect United States national interests and United States national security.

''(C) A description of the regional threats to United States national interests and United States national security.

''(D) A description of the international threats posed by terrorism, weapons of mass destruction, and asymmetric challenges to United States national security.

''(E) Identification of United States national military objectives and the relationship of those objectives to the strategic environment, regional, and international threats.

''(F) Identification of the strategy, underlying concepts, and component elements that contribute to the achievement of United States national military objectives.

''(G) Assessment of the capabilities and adequacy of United States forces (including both active and reserve components) to successfully execute the national military strategy.

''(H) Assessment of the capabilities, adequacy, and interoperability of regional allies of the United States and or other friendly nations to support United States forces in combat operations and other operations for extended periods of time.

''(I) Assessment of the resources, basing requirements, and support structure needed to provide the capabilities necessary to be assured United States forces can successfully achieve national military objectives and to assess what resources and support might be required to sustain allies or friendly nation forces during combat operations.

''(3)(A) As part of the assessment under this subsection, the Chairman, in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified commands, shall undertake an assessment of the nature and magnitude of the strategic and military risks associated with successfully executing the missions called for under the current National Military Strategy.

''(B) In preparing the assessment of risk, the Chairman should assume the existence of those threats described in subparagraphs (C) and (D) of paragraph (2) and should assess the risk associated with two regional threats occurring nearly simultaneously.

''(C) In addition to the assumptions to be made under subparagraph (B), the Chairman should make other assumptions pertaining to the readiness of United States forces (in

both the active and reserve components), the length of conflict and the level of intensity of combat operations, and the levels of support from allies and other friendly nations.

''(4) Before submitting a report under this subsection to the Committees on Armed Services of the Senate and House of Representatives, the Chairman shall provide the report to the Secretary of Defense. The Secretary's assessment and comments thereon (if any) shall be included with the report. If the Chairman's assessment in such report in any year is that the risk associated with executing the missions called for under the National Military Strategy is significant, the Secretary shall include with the report as submitted to those committees the Secretary's plan for mitigating the risk.''.

(b) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking ''each year'' and inserting ''of each odd-numbered year''.

SEC. 906. AUTHORITY FOR ACCEPTANCE BY ASIA-PACIFIC CENTER FOR SECURITY STUDIES OF GIFTS AND DONATIONS FROM NONFOREIGN SOURCES.

(a) AUTHORITY.—Subsection (a) of section 2611 of title 10, United States Code, is amended—

(1) by striking ''FOREIGN'' in the subsection caption;

(2) by striking ''foreign'' in paragraph (1) after ''Center,''; and

(3) by adding at the end of paragraph (1) the following sentence: ''Such gifts and donations may be accepted from any agency of the United States, any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking ''foreign'' in subsection (c); and

(2) in subsection (f)—

(A) by striking ''FOREIGN'' in the subsection caption;

(B) by striking ''foreign'' after ''section, a''; and

(C) by striking ''from a foreign'' and all that follows through ''country.'' and inserting a period.

(c) CLERICAL AMENDMENTS.— The heading of such section, and the item relating to such section in the table of sections at the beginning of chapter 155 of such title, are each amended by striking the third word after the colon.

SEC. 907. REPEAL OF ROTATING CHAIRMANSHIP OF ECONOMIC ADJUSTMENT COMMITTEE.

Section 4004(b) of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101–510; 10 U.S.C. 2391 note) is amended—

(1) by striking ''Until October 1, 1997, the'' and inserting ''The''; and

(2) by striking the second sentence.

SEC. 908. PILOT PROGRAM FOR IMPROVED CIVILIAN PERSONNEL MANAGEMENT.

(a) PILOT PROGRAM.—(1) The Secretary of Defense may carry out a pilot program using an automated workforce management system to demonstrate improved efficiency in the performance of civilian personnel management.

(2) Under the pilot program, the Secretary of Defense shall provide the Secretary of each military department with the authority for the following:

(A) To use an automated workforce management system for its civilian workforce to assess its potential to substantially reduce hiring cycle times, lower labor costs, increase efficiency, improve performance management, provide better management reporting, and enable it to make operational new personnel management flexibilities granted under the civilian personnel transformation program.

(B) Identify one regional civilian personnel center (or equivalent) in each military department for participation in the pilot program.

(3) The Secretary may carry out the pilot program under this subsection at each selected regional civilian personnel center for a period of two years beginning not later than March 1, 2004.

(b) PILOT PROGRAM CHARACTERISTICS.—The pilot program civilian personnel management system shall have at a minimum the following characteristics:

(1) Currently in use by Federal Government agencies outside the Department of Defense.

(2) Able to be purchased on an annual subscription basis.

(3) Requires no capital investment, software license fees, transaction charges, or ''per seat'' or ''concurrent user'' restrictions.

(4) Capable of automating the workforce management functions of job definition, position management, recruitment, staffing, and performance management using integrated vendor-supplied and supported data, expert system rules engines, and software functionality across those functions.

(5) Has a ''native web'' technical architecture and an Oracle database.

(6) Fully hosted by the vendor so that the customer requires only Internet access and an Internet browser to use the system.

(7) Capable of operating completely ''server side'' so that no software is required on the client system and no invasive elements are used.

(c) IMPLEMENTATION PLAN.—(1) The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for the implementation of the pilot program. The plan shall be submitted no later than six months after the date of the enactment of this Act.

(2) The plan shall include the following:

(A) The Secretary's request to the Office of Personnel Management to conduct the pilot program as a Federal civilian personnel demonstration project under chapter 47 of title 5, United States Code, or a plan to provide for the pilot program through another plan.

(B) The expected cost of the pilot program.

(C) Identification of the regional civilian personnel centers for participation in the pilot program and the criteria used to select them.

(D) Expected timing for providing to Congress the results of the pilot program and recommendations of the Secretary.

(d) IMPLEMENTATION.—The Secretary may not begin to implement the pilot program until a period of 30 days has elapsed after the date of the submission of the plan for the pilot program under subsection (c).

SEC. 909. EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO THE PENTAGON RESERVATION TO INCLUDE DESIGNATED PENTAGON CONTINUITY-OF-GOVERNMENT LOCATIONS.

Section 2674 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) For purposes of subsections (b), (c), (d), and (e), the terms 'Pentagon Reservation' and 'National Capital Region' shall be treated as including the land and physical facilities at the Raven Rock Mountain Complex and such other areas of land, locations, and physical facilities of the Department of Defense within 100 miles of the District of Columbia as the Secretary of Defense determines are necessary to meet the needs of the Department of Defense directly relating to continuity of operations and continuity of government.''.

SEC. 910. DEFENSE ACQUISITION WORKFORCE REDUCTIONS.

(a) REVISED LIMITATION.—Subchapter V of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1765. Defense acquisition workforce: limitation

''(a) LIMITATION.—Effective October 1, 2008, the number of defense acquisition and support personnel in the Department of Defense may not exceed 75 percent of the baseline number.

''(b) PHASED REDUCTION.—The number of defense acquisition and support personnel in the Department of Defense—

''(1) as of October 1, 2004, may not exceed 95 percent of the baseline number;

''(2) as of October 1, 2005, may not exceed 90 percent of the baseline number;

''(3) as of October 1, 2006, may not exceed 85 percent of the baseline number; and

''(4) as of October 1, 2007, may not exceed 80 percent of the baseline number.

''(c) BASELINE NUMBER.—In this section, the term 'baseline number' means the number of defense acquisition and support personnel in the Department of Defense as of October 1, 2003.

''(d) DEFENSE ACQUISITION AND SUPPORT PERSONNEL DEFINED.—In this section, the term 'defense acquisition and support personnel' means military and civilian personnel (other than civilian personnel who are employed at a maintenance depot) who are assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992), and any other organizations which the Secretary may determine to have a predominantly acquisition mission.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''1765. Defense acquisition workforce: limitation.''.

SEC. 911. REQUIRED FORCE STRUCTURE.

(a) ARMY.—Section 3062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) The Army shall be so organized as to include not less than—

''(1) 10 active and eight National Guard combat divisions or their equivalents;

''(2) one active armored cavalry regiment and one light cavalry regiment or their equivalents;

''(3) 15 National Guard enhanced brigades or their equivalents; and

''(4) such other active and reserve component land combat, rotary-wing aviation, and other services as may be required to support forces specified in paragraphs (1) through (3).''.

(b) NAVY.—Section 5062 of such title is amended by adding at the end the following new subsection:

''(d) The Navy, within the Department of the Navy, shall be so organized as to include—

''(1) not less than 305 vessels in active service;

''(2) not less than 12 aircraft carrier battle groups or their equivalents, not less than 12 amphibious ready groups or their equivalents, not less than 55 attack submarines, not less than 108 active surface combatant vessels, and not less than 8 reserve combatant vessels; and

''(3) such other active and reserve naval combat, naval aviation, and service forces as

may be required to support forces specified in paragraphs (1) and (2).''.

(c) AIR FORCE.—Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) Notwithstanding subsection (e), the Air Force shall be so organized as to include not less than—

''(1) 46 active fighter squadrons or their equivalents;

''(2) 38 National Guard and Reserve squadrons or their equivalents;

''(3) 96 combat-coded bomber aircraft in active service; and

''(4) such other squadrons, reserve groups, and supporting auxiliary and reserve units as may be required to support forces specified in paragraphs (1) through (3).''.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2004 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2003.

(a) DOD AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2003 in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to the following:

(1) Chapters 3 and 8 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11).

(2) Any Act enacted after May 23, 2003, making supplemental appropriations for fiscal year 2003 for the military functions of the Department of Defense.

(b) NNSA AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Energy for fiscal year 2003 in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to the following:

(1) Chapter 4 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11).

(2) Any Act enacted after May 23, 2003, making supplemental appropriations for fiscal year 2003 for the atomic energy defense activities of the Department of Energy.

SEC. 1003. AUTHORITY TO TRANSFER PROCUREMENT FUNDS FOR A MAJOR DEFENSE ACQUISITION PROGRAM FOR CONTINUED DEVELOPMENT WORK ON THAT PROGRAM.

(a) AUTHORITY.—Section 2214 of title 10, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) TRANSFER OF PROCUREMENT FUNDS FOR DEVELOPMENT ACTIVITIES FOR MAJOR DEFENSE ACQUISITION SYSTEMS.—(1) In the case of a major defense acquisition program (as defined in section 2430 of this title) for which funds are currently available both for procurement and for research, development, test, and evaluation, if the Secretary concerned determines that funds are required for further research, development, test, and evaluation activities for that program in excess of the funds currently available for that purpose, the Secretary may (subject to paragraph (2)) transfer funds available for that program for procurement to funds available for that program for research, development, test, and evaluation for the purpose of continuing research, development, test, and evaluation activities for that program.

''(2)(A) The total amount transferred under the authority of paragraph (1) for any acquisition program may not exceed $20,000,000.

''(B) The total amount transferred under the authority of paragraph (1) from amounts made available for any fiscal year may not exceed $250,000,000.

''(3) The authority provided by paragraph (1) is in addition to any other transfer authority that may be provided by law.

''(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary for the purpose for which the transfer was made, such amounts may be transferred back to a Procurement appropriation for the purpose of procurement of the acquisition program for which funds were transferred.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall not apply with respect to funds appropriated for a fiscal year before fiscal year 2004.

SEC. 1004. RESTORATION OF AUTHORITY TO ENTER INTO 12-MONTH LEASES AT ANY TIME DURING THE FISCAL YEAR.

Section 2410a(a) of title 10, United States Code, is amended by inserting after ''severable services'' the following: ''and the lease of real or personal property, including the maintenance of such property when contracted for as part of the lease agreement,''.

SEC. 1005. AUTHORITY FOR RETENTION OF ADDITIONAL AMOUNTS REALIZED FROM ENERGY COST SAVINGS.

(a) INCREASE IN AMOUNT OF ENERGY COST SAVINGS RETAINED.—Section 2865(b)(1) of title 10, United States Code, is amended by striking ''Two-thirds of the portion of the funds appropriated to Department of Defense for a fiscal year that is'' and inserting ''Funds appropriated to the Department of Defense for a fiscal year that are''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply to funds appropriated for a fiscal year before fiscal year 2004.

SEC. 1006. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE.

Section 1405 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 31 U.S.C. 1105 note), is repealed.

SEC. 1007. AUTHORITY TO PROVIDE REIMBURSEMENT FOR USE OF PERSONAL CELLULAR TELEPHONES WHEN USED FOR OFFICIAL GOVERNMENT BUSINESS.

(a) IN GENERAL.—(1) Chapter 134 of title 10, United States Code, is amended by inserting after section 2257 the following new section:

''§ 2258. Personal cellular telephones: reimbursement when used for Government business

''(a) GENERAL AUTHORITY.—The Secretary of Defense may reimburse members of the Army, Navy, Air Force, and Marine Corp, and civilian officers and employees of the Department of Defense, for cellular telephone use on a privately owned cellular telephone when used on official Government business. Such reimbursement shall be on a flat-rate basis.

''(b) REIMBURSEMENT RATE.—The Secretary of Defense may prescribe the reimbursement rate for purposes of subsection (a). That reimbursement rate may not exceed the equivalent Government costs of providing a cellular telephone to employees on official Government business.''.

(2) The table of sections at the beginning of subchapter II of such chapter is amended by inserting after the item relating to section 2257 the following new item:

''2258. Personal cellular telephones: reimbursement when used for Government business.''.

(b) EFFECTIVE DATE.—Section 2258 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2003, and shall apply with respect to the use of cellular phones on or after that date.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. REPEAL OF REQUIREMENT REGARDING PRESERVATION OF SURGE CAPABILITY FOR NAVAL SURFACE COMBATANTS.

(a) REPEAL.—Section 7296 of title 10, United States Code, is amended by striking subsection (b).

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) by striking ''(3) Any notification under paragraph (1)(A)'' and inserting ''(b) CONTENT OF NOTIFICATION.—Any notification under subsection (a)(1)(A)'';

(2) by redesignating subparagraphs (A), (B), and (C) of subsection (b) (as redesignated by paragraph (1)) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''subparagraph (B)'' in subsection (b)(3) (as redesignated by paragraphs (1) and (2)) and inserting ''paragraph (2)''.

SEC. 1012. ENHANCEMENT OF AUTHORITY RELATING TO USE FOR EXPERIMENTAL PURPOSES OF VESSELS STRICKEN FROM NAVAL VESSEL REGISTER.

(a) SALE OF MATERIAL AND EQUIPMENT STRIPPED FROM VESSEL.—Subsection (b)(1) of section 7306a of title 10, United States Code, is amended by adding at the end the following new sentence: ''Material and equipment stripped from the vessel may be sold by a contractor or a designated sales agent on behalf of the Navy.''.

(b) USE OF PROCEEDS.—(1) Subsection (b)(2) of such section is amended by striking ''scrapping services'' and all that follows through the end of such subsection and inserting ''services needed for such stripping and for environmental remediation required for the use of the vessel for experimental

purposes. Amounts received in excess of amounts needed for reimbursement of those costs shall be deposited into the account from which the stripping and environmental remediation expenses were incurred and shall be available for stripping and environmental remediation of other vessels to be used for experimental purposes.''.

(2) The amendment made by paragraph (1) shall not apply with respect to proceeds from the stripping of a vessel under any vessel stripping contract entered into before the date of the enactment of this Act.

(c) CLARIFICATION OF COVERED EXPERIMENTAL PURPOSES.—Such section is further amended by adding at the end the following new subsection:

''(c) USE FOR EXPERIMENTAL PURPOSES DEFINED.—In this section, the term 'use for experimental purposes' includes use of a vessel in a Navy sink exercise or for target purposes.''.

SEC. 1013. AUTHORIZATION FOR TRANSFER OF VESSELS STRICKEN FROM NAVAL VESSEL REGISTER FOR USE AS ARTIFICIAL REEFS.

(a) AUTHORITY.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7306a the following new section:

''§ 7306b. Vessels stricken from Naval Vessel Register: transfer by gift or otherwise for use as artificial reefs

''(a) AUTHORITY TO MAKE TRANSFER.—The Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register to any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof for use as an artificial reef as provided in subsection (b).

''(b) VESSEL TO BE USED AS ARTIFICIAL REEF.—An agreement for the transfer of a vessel under subsection (a) shall require that—

''(1) the transferee use, site, construct, monitor, and manage the vessel only as an artificial reef in accordance with the requirements of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2101 et seq.), except that the transferee also may use the artificial reef to enhance diving opportunities if that use does not have an adverse effect on fishery resources; and

''(2) the transferee shall obtain, and bear all of the responsibility for complying with, all applicable Federal, State, interstate, and local permits for siting, constructing, monitoring, and managing a vessel as an artificial reef.

''(c) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with a conveyance authorized by this section as the Secretary considers appropriate.

''(d) COST SHARING ON TRANSFERS.—The Secretary of the Navy may share with the recipient any of the costs associated with transferring a vessel under this section.

''(e) APPLICATION FOR MORE THAN ONE VESSEL.—A State, Commonwealth, or possession of the United States, or any municipal corporation or political subdivision thereof, may apply for more than one vessel under this section.

''(f) DEFINITION.—In this section, the term 'fishery resources' has the meaning given such term in section 3(14) of the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. 1802(14)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7306a the following new item:

''7306b. Vessels stricken from Naval Vessel Register: transfer by gift or otherwise for use as artificial reefs.''.

SEC. 1014. PILOT PROGRAM FOR SEALIFT SHIP CONSTRUCTION.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of the Navy may establish a pilot program, under which the Secretary of the Navy, subject to the availability of appropriations, may guarantee loans for—

(1) the construction in a United States shipyard of two qualified sealift ships that are to be documented under the laws of the United States for use in United States-flag commercial service; and

(2) the acquisition of facilities or equipment pertaining to the marine operations of those ships, which may include specialized loading equipment.

(b) CONDITIONS OF GUARANTEE.—A guarantee under this section is subject to the following conditions:

(1) MSP.—The owner of the ships for which guarantees are issued shall apply for an operating agreement with the Secretary of Transportation under subtitle B of title XXXV.

(2) NDF; CHARTER.—If the Secretary of the Navy requests, the owner of the ships shall engage in negotiations on reasonable terms and conditions for—

(A) installation and maintenance of defense features for national defense purposes on one or both ships under section 2218 of title 10, United States Code; and

(B) a short-term charter to the United States Government of at least one ship for which a guarantee is issued, for a period of at least 60 days prior to entry into commercial service, for the purpose of demonstrating the military capabilities of the ships.

(c) PAYMENT OF COST.—The cost of a guarantee under this section shall be paid for with amounts made available in appropriations Acts.

(d) PERCENTAGE LIMITATION; TERM.—A guarantee under this section may apply—

(1) to up to 87.5 percent of the loan principal; and

(2) for a term ending up to 25 years after delivery of the second ship.

(e) AUTHORITIES, PROCEDURES, REQUIREMENTS, AND RESTRICTIONS.—The Secretary of the Navy, subject to the other provisions of this section—

(1) in implementing this section, may exercise authorities that are substantially the same as the authorities available to the Secretary of Transportation under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) with respect to loan guarantees under that title;

(2) shall implement this section under procedures, requirements, and restrictions that are substantially the same as those under which loan guarantees are made under that title, including the regulations implementing that title; and

(3) may establish such additional requirements for loan guarantees under this section as the Secretary determines to be necessary to minimize the cost of such guarantees.

(f) INTERAGENCY AGREEMENT.—The Secretary of Transportation shall enter into an interagency agreement or other appropriate arrangement with the Secretary of the Navy to make available to the Department of the Navy such Maritime Administration personnel with expertise in vessel construction financing as are necessary to carry out the program under this section.

(g) DEFINITIONS.—In this section:

(1) COST.—The term ''cost'', with respect to a loan guarantee under this section, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a).

(2) QUALIFIED SEALIFT SHIP.—The term ''qualified sealift ship'' means a roll-on, roll-off vessel that is—

(A) militarily useful for additional medium- to long-haul strategic sealift capacity;

(B) designed to carry at least 10,000 tons of cargo; and

(C) capable of operating commercially in the foreign commerce of the United States.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Navy to carry out this section $40,000,000.

Subtitle C—Reports

SEC. 1021. REPEAL AND MODIFICATION OF VARIOUS REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 113 is amended by striking subsection (m).

(2) Section 117(e) is amended by striking ''each month'' and all that follows through ''subsection (d)'' and inserting ''each quarter submit to the congressional defense committees a report in writing containing the results of the most recent joint readiness review under subsection (d)(1)(A)''.

(3) Section 127(d) is amended to read as follows:

''(d) ANNUAL REPORT.—Not later than December 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on expenditures during the preceding fiscal year under subsections (a) and (b).''.

(4) Section 127a is amended—

(A) in subsection (a)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraph (4) as paragraph (3); and

(B) by striking subsection (d).

(5) Section 128 is amended by striking subsection (d).

(6) Section 184 is amended by striking subsection (b).

(7) Section 226(a) is amended—

(A) by striking ''December 15'' and inserting ''January 15''; and

(B) by striking ''in the following year'' in paragraph (1) and inserting ''in that year''.

(8)(A) Section 228 is amended—

(i) in subsection (a)—

(I) by striking ''MONTHLY'' in the subsection heading and inserting ''QUARTERLY'';

(II) by striking ''monthly'' and inserting ''quarterly''; and

(III) by striking ''month'' and inserting ''fiscal-year quarter''; and

(ii) in subsection (c), by striking ''month'' each place it appears and inserting ''quarter''.

(B)(i) The heading of such section is amended to read as follows:

''§ 228. Quarterly reports on allocation of funds within operation and maintenance budget subactivities''.

(ii) The item relating to section 228 in the table of sections at the beginning of chapter 9 is amended to read as follows:

''228. Quarterly reports on allocation of funds within operation and maintenance budget subactivities.''.

(9)(A) Section 484 is repealed.

(B) The table of sections at the beginning of such chapter is amended by striking the item relating to section 484.

(10)(A) Section 520c is amended—

(i) by striking subsection (b);

(ii) by striking ''(a) PROVISION OF MEALS AND REFRESHMENTS.—''; and

(iii) by striking the heading for such section and inserting the following:

"§ 520c. Recruiting functions: provision of meals and refreshments".

(B) The item relating to such section in the table of sections at the beginning of chapter 31 is amended to read as follows:

"520c. Recruiting functions: provision of meals and refreshments.".

(11) Section 983(e)(1) is amended by striking "and to Congress".

(12) Section 1060 is amended by striking subsection (d).

(13) Section 1130 is amended—

(A) in subsection (a), by striking "the other determinations necessary to comply with subsection (b)" and inserting "respond with a detailed description of the rationale supporting the determination"; and

(B) by striking subsection (b).

(14) Section 1557 is amended by striking subsection (e).

(15) Section 1563 is amended—

(A) in subsection (a), by striking "the other determinations necessary to comply with subsection (b)" and inserting "respond with a detailed description of the rationale supporting the determination"; and

(B) by striking subsection (b).

(16) Section 2010 is amended by striking subsection (b).

(17) Section 2166 is amended—

(A) in subsection (e)(5), by inserting "and to Congress" after "to the Secretary of Defense"; and

(B) by striking subsection (i).

(18) Section 2208(j)(2) is amended by striking "and notifies Congress regarding the reasons for the waiver".

(19) Section 2216(i) is amended—

(A) by striking "QUARTERLY REPORTS.—(1) Not later than 15 days after the end of each calendar quarter" and inserting "ANNUAL REPORT.—(1) Not later than 60 days after the end of each fiscal year"; and

(B) by striking "quarter" in subparagraphs (A), (B), and (C) of paragraph (1) and inserting "fiscal year".

(20) Section 2224(e) is amended by inserting "through 2007" after "Each year".

(21) Section 2255(b)—

(A) by striking paragraph (2); and

(B) by striking "(1)" after "(b) EXCEPTION.—".

(22) Section 2281 is amended by striking subsection (d).

(23)(A) Section 2282 is repealed.

(B) The table of sections at the beginning of chapter 136 is amended by striking the item relating to section 2282.

(24) Section 2323 is amended—

(A) in subsection (d)—

(i) by striking "Defense—" and all that follows through "the extent" and inserting "Defense to the extent";

(ii) by striking "; and" and inserting a period; and

(iii) by striking paragraph (2); and

(B) by striking subsection (i).

(25) Section 2327(c)(1) is amended—

(A) in subparagraph (A), by striking "after the date on which such head of an agency submits to Congress a report on the contract" and inserting "if in the best interests of the Government";

(B) in subparagraph (B), by striking "A report under subparagraph (A)" and inserting "The Secretary shall maintain records of each contract entered into by reason of subparagraph (A). Such records"; and

(C) by striking subparagraph (C).

(26) Section 2350j is amended by striking subsections (e) and (g).

(27) Section 2367 is amended by striking subsection (d).

(28) Section 2371 is amended by striking subsection (h).

(29) Section 2374a is amended by striking subsection (e).

(30) Section 2410m(c) is amended—

(A) by striking "REPORTING REQUIREMENT.—Each year" and inserting "ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year";

(B) by inserting "at the end of such fiscal year" in paragraph (1) before the period;

(C) by striking "during the year preceding the year in which the report is submitted" in paragraph (2) and inserting "under this section during that fiscal year";

(D) by striking "in such preceding year" in paragraph (3) and inserting "under this section during that fiscal year"; and

(E) by striking "in such preceding year" in paragraph (4) and inserting "under this section during that fiscal year".

(31) Section 2433 is amended—

(A) in subsection (d)—

(i) in paragraphs (1) and (2), by striking ", or by at least 25 percent,"; and

(ii) in paragraph (3)—

(I) by striking "or by at least 25 percent," both places it appears; and

(II) by inserting a comma after "paragraph (1)"; and

(B) in subsection (e)—

(i) by striking paragraph (2);

(ii) by redesignating paragraph (3) as paragraph (2);

(iii) in paragraph (2), as so redesignated, by striking "or if a" in the first sentence and all that follows through "paragraph (2),"; and

(iv) by designating the second sentence of such paragraph as paragraph (3) and in that paragraph—

(I) by inserting "under paragraph (2)" after "The prohibition"; and

(II) by striking "the date—" and all that follows through "subsection (d)." and inserting "the date on which Congress receives the Selected Acquisition Report under paragraph (1) with respect to that program.".

(32) Section 2457 is amended by striking subsection (d).

(33) Section 2493 is amended by striking subsection (g).

(34) Section 2515 is amended by striking subsection (d).

(35) Section 2521 is amended by striking subsection (e).

(36) Section 2536 is amended—

(A) in subsection (b)(2)—

(i) by striking "notify Congress" in the first sentence and inserting "maintain a record"; and

(ii) by striking the second sentence and inserting the following: "The records maintained under the preceding sentence with respect to a waiver shall include a justification in suport of the decision to grant the waiver and shall be retrievable for any particular waiver or for waivers during any period of time."; and

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

"(d) The Secretary of Defense shall maintain an account of actions relating to the award of contracts to a prime contractor. The Secretary of Defense shall include in such accounts the reasons for exercising the awards and the work expected to be performed.".

(37) Section 2541d is amended—

(A) by striking subsection (b); and

(B) in subsection (a), by striking "(a)" and all that follows through "The Secretary of Defense" and inserting "The Secretary of Defense".

(38) Section 2561 is amended by striking subsections (c), (d) and (f).

(39) Section 2563(c)(2) is amended by striking "and notifies Congress regarding the reasons for the waiver".

(40) Section 2645 is amended by striking subsections (d) and (g).

(41) Section 2667a(c)(2) is amended by striking "45 days" and inserting "14 days".

(42) Section 2676(d) is amended by striking "21 days" and inserting "14 days".

(43) Section 2680 is amended by striking subsection (e).

(44) Section 2696 is amended by striking subsections (c) and (d).

(45) Section 2703(c)(2) is amended—

(A) by striking subparagraph (B);

(B) by striking "unless the Secretary—" and all that follows through "determines that" and inserting "unless the Secretary determines that"; and

(C) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and realigning such subparagraphs (as so redesignated) two ems from the left margin.

(46)(A) Section 2723 is repealed.

(B) The table of sections at the beginning of chapter 161 is amended by striking the item relating to section 2723.

(47) Section 2803(b) is amended by striking "21–day period" and inserting "seven-day period".

(48) Section 2804(b) is amended by striking "21–day period" and inserting "14–day period".

(49) Section 2805(b) is amended—

(A) in paragraph (1), by striking "$750,000" and inserting "$1,000,000"; and

(B) in paragraph (2), by striking "21–day period" and inserting "seven-day period"'.

(50) Section 2807 is amended—

(A) in subsection (b)—

(i) by striking "$500,000" and inserting "$1,000,000"; and

(ii) by striking "not less than 21 days"; and

(B) in subsection (c)(2), by striking "21 days" and inserting "14 days".

(51) Section 2809(f)(2) is amended by striking "21 calendar days" and inserting "14 days".

(52) Section 2812(c)(1)(B) is amended by striking "21 days" and inserting "14 days".

(53) Section 2813(c) is amended by striking "30–day period" and inserting "21–day period".

(54) Section 2825 is amended—

(A) by striking "21 days" in the last sentence of subsection (b)(1)(B) and inserting "14 days"; and

(B) by striking "21 days" in subsection (c)(1)(D) and inserting "14 days".

(55) Section 2826 is amended—

(A) by striking "(a) LOCAL COMPARABILITY.—"; and

(B) by striking subsection (b).

(56) Section 2827(b)(2) is amended by striking "21 days" and inserting "14 days".

(57) Section 2836(f)(2) is amended by striking "21 calendar days" and inserting "14 days".

(58) Section 2837(c)(2) is amended by striking "21–day period" and inserting "14–day period".

(59) Section 2854(b) is amended by striking "21–day period" and inserting "seven-day period".

(60) Section 2854a(c)(2) is amended by striking "21 calendar days" and inserting "14 days".

(61) Section 2865 is amended—

(A) in subsection (e)—

(i) by striking "(1)" before "The Secretary"; and

(ii) by striking paragraph (2); and

(B) by striking subsection (f).

(62) Section 2866(c) is amended—

(A) by striking "(1)" before "The Secretary"; and

(B) by striking paragraph (2).

(63) Section 2867(c) is amended by striking "21–day period" and inserting "14–day period".

(64) Section 2875(e) is amended by striking "30–day period" and inserting "14–day period".

(65) Section 2883(f) is amended by striking ''30–day period'' and inserting ''14–day period''.

(66) Section 2902(g) is amended—

(A) by striking paragraph (2); and

(B) by striking ''(1)'' after ''(g)''.

(67) Section 4342(h) is amended by striking ''Secretary of the Army'' and inserting ''Superintendent''.

(68) Section 4357(c) is amended is amended by striking ''the expiration of 30 days following''.

(69) Section 6954(f) is amended by striking ''Secretary of the Navy'' and inserting ''Superintendent of the Naval Academy''.

(70) Section 6975(c) is amended is amended by striking ''the expiration of 30 days following''.

(71) Section 7049(c) is amended—

(A) by striking ''CERTIFICATION'' in the subsection heading and inserting ''DETERMINATION''; and

(B) by striking '', and certifies to'' and all that follows through ''House of Representatives,''.

(72) Section 9342(h) is amended by striking ''Secretary of the Air Force'' and inserting ''Superintendent''.

(73) Section 9356(c) is amended is amended by striking ''the expiration of 30 days following''.

(74) Section 12302—

(A) in subsection (b), by striking the last sentence; and

(B) by striking subsection (d).

(75)(A) Section 16137 is repealed.

(B) The table of sections at the beginning of chapter 1606 is amended by striking the item relating to section 16137.

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991.—Part B of title XXIX of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended as follows:

(1) Section 2921 is amended—

(A) in subsection (f)(1), by striking ''30 days'' and inserting ''14 days''; and

(B) in subsection (g), by striking ''30 days'' in paragraphs (1) and (2) and inserting ''14 days''.

(2) Section 2926 is amended by striking subsection (g).

(c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993.—The National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) is amended as follows:

(1) Section 734 (10 U.S.C. 1074 note) is amended by striking subsection (c).

(2) Section 2868(a) (10 U.S.C. 2802 note) is amended by striking ''The Secretary of Defense'' and all that follows through ''is to be authorized'' and inserting ''Not later than 30 days after the date on which a decision is made selecting the site or sites for the permanent basing of a new weapon system, the Secretary of Defense shall submit to Congress''.

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(1) Section 324 (10 U.S.C. 2701 note) is amended—

(A) by striking ''(a) SENSE OF CONGRESS.—''; and

(B) by striking subsection (b).

(2) Section 1082(b)(1) (10 U.S.C. 113 note) is amended by striking ''the Secretary of Defense—'' and all that follows and inserting ''the Secretary of Defense determines that it is in the national security interests of the United States for the military departments to do so.''.

(e) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995.—Section 721 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note) is amended by striking subsection (h).

(f) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997.—The National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) is amended as follows:

(1) Section 324 (10 U.S.C. 2706 note) is amended by striking subsection (c).

(2) Section 1065(b) (10 U.S.C. 113 note) is amended—

(A) by striking ''(1)'' before ''Notwithstanding''; and

(B) by striking paragraph (2).

(g) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997.—Section 8009 of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208; 110 Stat. 3009-89), is amended by striking '', unless the congressional defense committees have been notified at least thirty days in advance of the proposed contract award''.

(h) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998.— Section 349 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2702 note) is amended by striking subsection (e).

(i) STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999.—The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) is amended as follows:

(1) Section 745(e) (10 U.S.C. 1071 note) is amended—

(A) by striking ''(1)'' before ''The Secretary of Defense''; and

(B) by striking paragraph (2).

(2) Section 1223 (22 U.S.C. 1928 note) is repealed.

(j) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) is amended as follows:

(1) Section 212 (10 U.S.C. 2501 note) is amended by striking subsection (c).

(2) Section 724 (10 U.S.C. 1092 note) is amended by striking subsection (e).

(4) Section 1039 (10 U.S.C. 113 note) is amended by striking subsection (b).

(k) MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001.—Section 125 of the Military Construction Appropriations Act, 2001 (division A of Public Law 106–246; 114 Stat. 517), is repealed.

(l) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001.—Section 8019 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 678; 10 U.S.C. 2687 note), is amended by striking ''of Congress:'' and all that follows through ''this provision'' and inserting ''of Congress''.

(m) FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001.—Section 1006 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–247; 10 U.S.C. 2226 note), is amended by striking subsection (c).

(n) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2002.—Section 8009 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2249; 10 U.S.C. 401 note), is amended by striking '', and these obligations shall be reported to the Congress''.

SEC. 1022. REPORT ON OPERATION IRAQI FREEDOM.

(a) REPORT REQUIRED.—Not later than June 15, 2004, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on Operation Iraqi Freedom. The Secretary shall submit to those committees a preliminary report on the conduct of those hostilities not later than January 15, 2004.

(b) DISCUSSION OF ACCOMPLISHMENTS AND SHORTCOMINGS.—The report (and the preliminary report, to the extent feasible) shall contain a discussion, with a particular emphasis on accomplishments and shortcomings, of the following matters:

(1) The military objectives of the multinational coalition.

(2) The military strategy of the multinational coalition to achieve those military objectives and how the military strategy contributed to the achievement of those objectives.

(3) The deployment of United States forces and the transportation of supplies to the theater of operations, including an assessment of airlift, sealift, afloat prepositioning ships, and Maritime Prepositioning Squadron ships.

(4) The conduct of military operations.

(5) The use of special operations forces, including operational and intelligence uses classified under special access procedures.

(6) The use and performance of United States military equipment, weapon systems, and munitions (including items classified under special access procedures) and an analysis of—

(A) any equipment or capabilities that were in research and development and if available could have been used in the theater of operations; and

(B) any equipment or capabilities that were available and could have been used but were not introduced into the theater of operations.

(7) The scope of logistics support, including support from other nations.

(8) The acquisition policies and processes used to support the forces in the theater of operations.

(9) The personnel management actions taken to support the forces in the theater of operations.

(10) The effectiveness of reserve component forces, including a discussion of each of the following matters:

(A) The readiness and activation of such forces.

(B) The decisionmaking process regarding both activation of reserve component forces and deployment of those forces to the theater of operations.

(C) The post-activation training received by such forces.

(D) The integration of forces and equipment of reserve component forces into the active component forces.

(E) The use and performance of the reserve component forces in operations in the theater of operations.

(F) The use and performance of such forces at duty stations outside the theater of operations.

(11) The role of the law of armed conflict in the planning and execution of military operations by United States forces and the other coalition forces and the effects on operations of Iraqi compliance or noncompliance with the law of armed conflict, including a discussion regarding each of the following matters:

(A) Use of Iraqi civilians as human shields.

(B) Collateral damage and civilian casualties.

(C) Treatment of prisoners of war.

(D) Repatriation of prisoners of war.

(E) Use of ruses and acts of perfidy.

(F) War crimes.

(G) Environmental terrorism.

(H) Conduct of neutral nations.

(12) The actions taken by the coalition forces in anticipation of, and in response to, Iraqi acts of environmental terrorism.

(13) The actions taken by the coalition forces in anticipation of possible Iraqi use of weapons of mass destruction.

(14) Evidence of Iraqi weapons of mass destruction programs and Iraqi preparations for the use of such weapons.

(15) The contributions of United States and coalition intelligence and counterintelligence systems and personnel, including contributions regarding bomb damage assessments and particularly including United States tactical intelligence and related activities (TIARA) programs and the Joint Military Intelligence Program (JMIP).

(16) Command, control, communications, and operational security of the coalition forces as a whole, and command, control, communications, and operational security of the United States forces.

(17) The rules of engagement for the coalition forces.

(18) The actions taken to reduce the casualties among coalition forces caused by the fire of such forces.

(19) The role of supporting combatant commands and Defense Agencies of the Department of Defense.

(20) The policies and procedures relating to the media, including the use of embedded media.

(21) The assignment of roles and missions to the United States forces and other coalition forces and the performance of those forces in carrying out their assigned roles and missions.

(22) The preparedness, including doctrine and training, of the United States forces.

(23) The acquisition of foreign military technology from Iraq, and any compromise of military technology of the United States or other countries in the multinational coalition.

(24) The problems posed by Iraqi possession and use of equipment produced in the United States and other coalition nations.

(25) The use of deception by Iraqi forces and by coalition forces.

(26) The military criteria used to determine when to progress from one phase of military operations to another phase of military operations.

(27) The role, if any, of the Status of Resources and Training System (SORTS) in determining which units would be employed during the operation.

(28) The role of the Coast Guard.

(29) The direct and indirect cost of military operations, including an assessment of the total incremental expenditures made by the Department of Defense as a result of Operation Iraqi Freedom.

(c) CASUALTY STATISTICS.—The report (and the preliminary report, to the extent feasible) shall also contain—

(1) the number of military and civilian casualties sustained by coalition nations; and

(2) estimates of such casualties sustained by Iraq and by nations not directly participating in hostilities during Operation Iraqi Freedom.

(d) CLASSIFICATION OF REPORTS.—The Secretary of Defense shall submit both the report and the preliminary report in a classified form and an unclassified form.

SEC. 1023. REPORT ON DEPARTMENT OF DEFENSE POST-CONFLICT ACTIVITIES IN IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the activities of the Department of Defense in post-conflict Iraq.

(b) REPORT ELEMENTS.—The report shall discuss the range of infrastructure reconstruction, civil administration, humanitarian assistance, interim governance, and political development activities undertaken in Iraq by officials of the Department and by those civilians reporting to the Secretary of Defense and the missions undertaken in Iraq by United States military forces during the post-conflict period. In particular, the report shall include a discussion of the following:

(1) The evolution of the organizational structure of the civilian groups reporting to the Secretary, including the Office of Reconstruction and Humanitarian Assistance, on issues of Iraqi post-conflict administration and reconstruction and the factors influencing that evolution.

(2) The relationship of the Department of Defense with other United States departments and agencies involved in post-conflict administration and reconstruction planning and execution in Iraq.

(3) The relationship of Department of Defense entities, including the Office of Reconstruction and Humanitarian Assistance, with intergovernmental and nongovernmental organizations contributing to the reconstruction and governance efforts.

(4) Progress made to the date of the report in—

(A) rebuilding Iraqi infrastructure;

(B) providing for the humanitarian needs of the Iraqi people;

(C) reconstituting the Iraqi governmental bureaucracy and its provision of services; and

(D) developing mechanisms of fully transitioning Iraq to representative self-government.

(5) Progress made to the date of the report by Department of Defense civilians and military personnel in accounting for any Iraqi weapons of mass destruction and associated weapons capabilities.

(6) Progress made to the date of the report by United States military personnel in providing security in Iraq and in transferring security functions to a reconstituted Iraqi police force and military.

(7) The Secretary's assessment of the scope of the ongoing needed commitment of United States military forces and of the remaining tasks to be completed by Department of Defense civilian personnel in the governance and reconstruction areas, including an estimate of the total expenditures the Department of Defense expects to make for activities in post-conflict Iraq.

SEC. 1024. REPORT ON DEVELOPMENT OF MECHANISMS TO BETTER CONNECT DEPARTMENT OF DEFENSE SPACE CAPABILITIES TO THE WAR FIGHTER.

Not later than March 15, 2004, the Secretary of Defense shall submit to the congressional defense committees a report on development and implementation of systematic mechanisms to provide for integrating into activities of the United States Strategic Command planning and requirements for connecting space capabilities of that command with the war fighter.

Subtitle D—Procurement of Defense Biomedical Countermeasures

SEC. 1031. RESEARCH AND DEVELOPMENT OF DEFENSE BIOMEDICAL COUNTERMEASURES.

(a) IN GENERAL.—The Secretary of Defense (in this section referred to as the ''Secretary'') shall carry out a program to accelerate the research, development and procurement of biomedical countermeasures, including but not limited to therapeutics and vaccines, for the protection of the Armed Forces from attack by one or more biological, chemical, radiological, or nuclear agents.

(b) INTERAGENCY COOPERATION.—(1) In carrying out the program under subsection (a), the Secretary may enter into interagency agreements and other collaborative undertakings with other Federal agencies. Under such agreements and undertakings, the participating agencies are authorized to provide funds and receive funds from other participating agencies.

(2) The Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall ensure that the activities of the Department of Defense in carrying out the program are coordinated with, complement, and do not unnecessarily duplicate activities of the Department of Health and Human Services or the Department of Homeland Security.

(c) EXPEDITED PROCUREMENT AUTHORITY.—(1)(A) For any procurement by the Secretary, of property or services for use (as determined by the Secretary) in performing, administering, or supporting biomedical countermeasures research or development, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of sections 302A(b) (41 U.S.C. 252a(b)) and 303(g)(1)(A) (42 U.S.C. 253(g)(1)(A)) of the Federal Property and Administrative Services Act of 1949 and the regulations implementing those sections.

(B) The Secretary shall institute appropriate internal controls for use of the authority under subparagraph (A), including requirements for documenting the justification for each use of such authority.

(2)(A) For a procurement described in paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

(B) The Secretary shall institute appropriate internal controls for each use of the authority under subparagraph (A) for a procurement greater than $2,500.

(d) FACILITIES AUTHORITY.—(1) The Secretary may acquire, lease, construct, improve, renovate, remodel, repair, operate, and maintain laboratories, other research facilities and equipment, and other real or personal property that the Secretary determines necessary for carrying out the program under this section. The authority under this paragraph is in addition to any other authority under law.

(2) Nothing in this section shall be construed to authorize the Secretary to acquire, lease, construct, improve, renovate, remodel, repair, operate, or maintain facilities having general utility.

(e) AUTHORITY FOR PERSONAL SERVICES CONTRACTS.—The authority provided by section 1091 of title 10, United States Code, for personal services contracts to carry out health care responsibilities in medical treatment facilities of the Department of Defense shall also be available, subject to the same terms and conditions, for personal services contracts to carry out research and development activities under this section. The number of individuals whose personal services are obtained under this subsection may not exceed 30 at any time.

(f) STREAMLINED PERSONNEL AUTHORITY.—(1) Without regard to any provision of title 5, United States Code, governing appointments in the competitive service, and without regard to any provision of chapter 51, or subchapter III of chapter 43, of such title relating to classification and General Schedule pay rates, the Secretary may appoint professional and technical employees, not to exceed 30 such employees at any time, to positions in the Department of Defense to carry out research and development under the program under this section. The authority under this paragraph is in addition to any other authority under law.

(2) The Secretary may use the authority under paragraph (1) only upon a determination by the Secretary that use of such authority is necessary to accelerate the research and development under the program.

(3) The Secretary shall institute appropriate internal controls for each use of the authority under paragraph (1).

SEC. 1032. PROCUREMENT OF DEFENSE BIOMEDICAL COUNTERMEASURES.

(a) DETERMINATION OF MATERIAL THREATS.—(1) The Secretary of Defense (in this section referred to as the ''Secretary''), in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security shall on an ongoing basis—

(A) assess current and emerging threats of use of biological, chemical, radiological, and nuclear agents; and

(B) identify, on the basis of such assessment, those agents that present a material risk of use against the Armed Forces.

(2) The Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall on an ongoing basis—

(A) assess the potential consequences to the health of members of the Armed Forces of use against the Armed Forces of the agents identified under paragraph (1)(B); and

(B) identify, on the basis of such assessment, those agents for which countermeasures are necessary to protect the health of members of the Armed Forces.

(b) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES.—The Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall on an ongoing basis assess the availability and appropriateness of specific countermeasures to address specific threats identified under subsection (a).

(c) SECRETARY'S DETERMINATION OF COUNTERMEASURES APPROPRIATE FOR PROCUREMENT.—(1) The Secretary, in accordance with paragraph (2), shall on an ongoing basis identify specific countermeasures that the Secretary determines to be appropriate for procurement for the Department of Defense stockpile of biomedical countermeasures.

(2) The Secretary may not identify a specific countermeasure under paragraph (1) unless the Secretary determines that—

(A) the countermeasure is a qualified countermeasure; and

(B) it is reasonable to expect that producing and delivering, within 5 years, the quantity of that countermeasure required to meet the needs of the Department (as determined by the Secretary) is feasible.

(d) DEFINITIONS.—In this section:

(1) The term ''qualified countermeasure'' means a biomedical countermeasure—

(A) that is approved under section 505(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or licensed under section 351 of the Public Health Service Act (42 U.S.C. 262), or that is approved under section 515 or cleared under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e and 360) for use as such a countermeasure to a biological, chemical, radiological, or nuclear agent identified as a material threat under subsection (a); or

(B) with respect to which the Secretary, in consultation with the Secretary of Health and Human Services, makes a determination that sufficient and satisfactory clinical experience or research data (including data, if available, from preclinical and clinical trials) exists to support a reasonable conclusion that the product will, not later than 5 years after the date on which the Secretary identifies the product under subsection (c)(1), qualify for such approval or licensing for use as such a countermeasure.

(2) The term ''biomedical countermeasure'' means a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), device (as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), or biological product (as defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)) that is—

(A) used to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent that may cause a military health emergency affecting the Armed Forces; or

(B) used to treat, identify, or prevent harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug or biological product that is used as described in subparagraph (A).

(e) FUNDING.—(1) Of the amount authorized to be appropriated for the Department of Defense and available within the transfer authority established under section 1001 of this Act for fiscal year 2004 and for each fiscal year thereafter, such sums are authorized as may be necessary for the costs incurred by the Secretary in the procurement of countermeasures under this section, subject to paragraph (2).

(2) Amounts authorized to be appropriated under paragraph (1) shall not be available to pay—

(A) costs for the purchase of vaccines under procurement contracts entered into before January 1, 2003;

(B) costs under new contracts, or costs of new obligations under contracts previously entered into, for procurement of a countermeasure after the date of a determination under subsection (c)(2)(D) that the countermeasure does have a significant commercial market other than as a biomedical countermeasure; or

(C) administrative costs.

SEC. 1033. AUTHORIZATION FOR USE OF MEDICAL PRODUCTS IN EMERGENCIES.

(a) USE OF MEDICAL PRODUCTS AUTHORIZED.—During the period in which a declaration of emergency under subsection (b) is in effect, the Secretary of Defense, in accordance with this section, may authorize the use on members of the Armed Forces of a drug or device intended solely for use in an actual or potential emergency.

(b) DECLARATION OF EMERGENCY.—(1) A declaration of emergency referred to in subsection (a) is a declaration by the Secretary of Defense that there exists a military emergency, or a significant potential for a military emergency, involving a heightened risk to the Armed Forces of attack by one or more biological, chemical, radiological, or nuclear agents.

(2) Subject to paragraph (3), the period during which a declaration of emergency under this subsection is in effect begins upon the making of the declaration and ends upon the first to occur of the following events:

(A) The making of a determination by the Secretary that the military emergency, or the significant potential for a military emergency, has ceased to exist.

(B) The expiration of the one-year period beginning on the date on which the declaration of emergency is made.

(3) Before the expiration of the period during which a declaration of emergency is in effect, the Secretary may declare one or more extensions of that declaration of emergency. In such a case, the date on which the most recent extension was declared shall be treated for purposes of subsection (2)(B) as the date on which the declaration of emergency is made.

(c) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—The Secretary, in consultation with the Secretary of Health and Human Services, may use the authority under subsection (a) with respect to a biomedical countermeasure only if the Secretary make a determination that—

(1) an agent to which a declaration of emergency under subsection (b) relates can cause a serious or life-threatening disease or condition;

(2) based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

(A) such countermeasure may be effective in detecting, diagnosing, treating, or preventing such disease or condition; or

(B) the known and potential benefits of such countermeasure, when used to detect, diagnose, treat, or prevent such disease or condition, outweigh the known and potential risks of such countermeasure;

(3) no adequate, approved, and available alternative exists to such countermeasure for detecting, diagnosing, treating, or preventing such disease or condition; and

(4) such other criteria as the Secretary may by regulation prescribe are satisfied.

(d) SCOPE OF AUTHORIZATION.—For each use of the authority under subsection (a), the Secretary, in consultation with the Secretary of Health and Human Services, shall—

(1) specify each disease or condition that the biological countermeasure may be used to detect, diagnose, treat, or prevent; and

(2) set forth each determination under subsection (c) with respect to that countermeasure and the basis for each such determination.

(e) CONDITION.—In carrying out this section, the Secretary shall ensure compliance with section 1107 of title 10, United States Code, and section 731(a)(3) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2071; 10 U.S.C. 1107 note).

Subtitle E—Other Matters

SEC. 1041. CODIFICATION AND REVISION OF DEFENSE COUNTERINTELLIGENCE POLYGRAPH PROGRAM AUTHORITY.

(a) CODIFICATION.—(1) Chapter 21 of title 10, United States Code, is amended by inserting at the end of subchapter I (after the section added by section 805(b)(1) of this Act) the following new section:

''§ 427. Counterintelligence polygraph program

''(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense may carry out a program for the administration of counterintelligence polygraph examinations to persons described in subsection (b). The program shall be based on Department of Defense Directive 5210.48, dated December 24, 1984.

''(b) PERSONS COVERED.—Except as provided in subsection (c), the following persons whose duties involve access to information that has been classified at the level of top secret or designated as being within a special access program under section 4.4(a) of Executive Order 12958 (or a successor Executive order) are subject to this section:

''(1) Military and civilian personnel of the Department of Defense.

''(2) Personnel of defense contractors.

''(3) A person assigned or detailed to the Department of Defense.

''(4) An applicant for a position in the Department of Defense.

''(c) EXCEPTIONS FROM COVERAGE FOR CERTAIN INTELLIGENCE AGENCIES AND FUNCTIONS.—This section does not apply to the following persons:

''(1) A person assigned or detailed to the Central Intelligence Agency or to an expert or consultant under a contract with the Central Intelligence Agency.

''(2) A person who is—

''(A) employed by or assigned or detailed to the National Security Agency;

''(B) an expert or consultant under contract to the National Security Agency;

''(C) an employee of a contractor of the National Security Agency; or

''(D) a person applying for a position in the National Security Agency.

''(3) A person assigned to a space where sensitive cryptographic information is produced, processed, or stored.

''(4) A person employed by, or assigned or detailed to, an office within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs or a contractor of such an office.

''(d) OVERSIGHT.—(1) The Secretary shall establish a process to monitor responsible and effective application of polygraphs within the Department of Defense.

''(2) The Secretary shall make information on the use of polygraphs within the Department of Defense available to the congressional defense committees.

''(e) POLYGRAPH RESEARCH PROGRAM.—The Secretary of Defense shall carry out a continuing research program to support the polygraph activities of the Department of Defense. The program shall include—

''(1) an on-going evaluation of the validity of polygraph techniques used by the Department;

''(2) research on polygraph countermeasures and anti-countermeasures; and

''(3) developmental research on polygraph techniques, instrumentation, and analytic methods.''.

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end (after the item added by section 805(b)(2) of this Act) the following new item:

''427. Counterintelligence polygraph program.''.

(b) CONFORMING REPEAL.—Section 1121 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (10 U.S.C. 113 note), is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 1042. CODIFICATION AND REVISION OF LIMITATION ON MODIFICATION OF MAJOR ITEMS OF EQUIPMENT SCHEDULED FOR RETIREMENT OR DISPOSAL.

(a) IN GENERAL.—(1) Chapter 134 of title 10, United States Code, is amended by inserting after section 2244 the following new section:

''§ 2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications

''(a) PROHIBITION.—Except as otherwise provided in this section, the Secretary of a military department may not carry out a significant modification of an aircraft, weapon, vessel, or other item of equipment that the Secretary plans to retire or otherwise dispose of within five years after the date on which the modification, if carried out, would be completed.

''(b) SIGNIFICANT MODIFICATIONS DEFINED.—For purposes of this section, a significant modification is any modification for which the cost is in an amount equal to or greater than $1,000,000.

''(c) EXCEPTION FOR SAFETY MODIFICATIONS.—The prohibition in subsection (a) does not apply to a safety modification.

''(d) WAIVER AUTHORITY.—The Secretary concerned may waive the prohibition in subsection (a) in the case of any modification otherwise subject to that subsection if the Secretary determines that carrying out the modification is in the national security interest of the United States. Whenever the Secretary issues such a waiver, the Secretary shall notify the congressional defense committees in writing.''.

(2) The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2244 the following new item:

''2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications.''.

(b) CONFORMING REPEAL.—Section 8053 of the Department of Defense Appropriations Act, 1998 (10 U.S.C. 2241 note), is repealed.

SEC. 1043. ADDITIONAL DEFINITIONS FOR PURPOSES OF TITLE 10, UNITED STATES CODE.

(a) GENERAL DEFINITIONS.—Section 101(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(16) The term 'congressional defense committees' means—

''(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

''(17) The term 'base closure law' means the following:

''(A) Section 2687 of this title.

''(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

''(C) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).''.

(b) REFERENCES TO CONGRESSIONAL DEFENSE COMMITTEES.—Title 10, United States Code, is further amended as follows:

(1) Section 135(e) is amended—

(A) by striking ''(1)'';

(B) by striking ''each congressional committee specified in paragraph (2)'' and inserting ''each of the congressional defense committees''; and

(C) by striking paragraph (2).

(2) Section 153(c) is amended—

(A) by striking ''committees of Congress named in paragraph (2)'' and inserting ''congressional defense committees'';

(B) by striking paragraph (2); and

(C) by designating the second sentence of paragraph (1) as paragraph (2) and in that paragraph (as so designated) by striking ''The report'' and inserting ''Each report under paragraph (1)''.

(3) Section 181(d)(2) is amended—

(A) by striking ''subsection:'' and all that follows through ''oversight'' and inserting ''subsection, the term 'oversight''; and

(B) by striking subparagraph (B).

(4) Section 224 is amended by striking subsection (f).

(5) Section 228(e) is amended—

(A) by striking ''DEFINITIONS'' and all that follows through ''(1) The term'' and inserting ''O&M BUDGET ACTIVITY DEFINED.—In this section, the term''; and

(B) by striking paragraph (2).

(6) Section 229 is amended by striking subsection (f).

(7) Section 1107(f)(4) is amended by striking subparagraph (C).

(8) Section 2216(j) is amended by striking paragraph (3).

(9) Section 2218(l) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(10) Section 2306b(l) is amended—

(A) by striking paragraph (9); and

(B) by redesignating paragraph (10) as paragraph (9).

(11) Section 2308(e)(2) is amended—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(12) Section 2366(e) is amended—

(A) by striking paragraph (7); and

(B) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(13) Section 2399(h) is amended—

(A) by striking ''DEFINITIONS.—'' and all that follows through ''(1) The term'' and inserting ''OPERATIONAL TEST AND EVALUATION DEFINED.—In this section, the term'';

(B) by striking paragraph (2);

(C) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(D) by realigning those paragraphs (as so redesignated) so as to be indented two ems from the left margin.

(14) Section 2667(h) is amended by striking paragraph (1).

(15) Section 2688(e)(1) is amended by striking ''the Committee on'' the first place it appears and all that follows through ''House of Representatives'' and inserting ''the congressional defense committees''.

(16) Section 2801(c)(4) is amended by striking ''the Committee on'' the first place it appears and all that follows through ''House of Representatives'' and inserting ''the congressional defense committees''.

(c) REFERENCES TO BASE CLOSURE LAWS.—Title 10, United States Code, is further amended as follows:

(1) Section 2306c(h) is amended by striking ''ADDITIONAL'' and all that follows through ''(2) The term'' and inserting ''MILITARY INSTALLATION DEFINED.—In this section, the term''.

(2) Section 2490a(f) is amended—

(A) by striking ''DEFINITIONS.—'' and all that follows through ''(1) The term'' and inserting ''NONAPPROPRIATED FUND INSTRUMENTALITY DEFINED.—In this section, the term''; and

(B) by striking paragraph (2).

(3) Section 2667(h), as amended by subsection (b)(13), is further amended by striking ''section:'' and all that follows through ''(3) The term'' and inserting ''section, the term''.

(4) Section 2696(e) is amended—

(A) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

''(1) A base closure law.''; and

(B) by redesignating paragraph (6) as paragraph (2).

(5) Section 2705 is amended by striking subsection (h).

(6) Section 2871 is amended by striking paragraph (2).

SEC. 1044. INCLUSION OF ANNUAL MILITARY CONSTRUCTION AUTHORIZATION REQUEST IN ANNUAL DEFENSE AUTHORIZATION REQUEST.

(a) INCLUSION OF MILITARY CONSTRUCTION REQUEST.—Section 113a(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) Authority to carry out military construction projects, as required by section 2802 of this title.''.

(b) REPEAL OF SEPARATE TRANSMISSION OF REQUEST.—(1) Section 2859 of such title is repealed.

(2) The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2859.

SEC. 1045. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, are amended by striking ''2701'' in the item relating to chapter 160 and inserting ''2700''.

(2) Section 101(a)(9)(D) is amended by striking ''Transportation'' and inserting ''Homeland Security''.

(3) Section 2002(a)(2) is amended by striking ''Foreign Service Institute'' and inserting ''George P. Schultz National Foreign Affairs Training Center''.

(4)(A) Section 2248 is repealed.

(B) The table of sections at the beginning of chapter 134 is amended by striking the item relating to section 2248.

(5) Section 2305a(c) is amended by striking ''the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.)'' and inserting ''chapter 11 of title 40''.

(6) Section 2432(h)(1) is amended by inserting ''program'' in the first sentence after ''for such''.

(7) Section 7305(d) is amended by inserting ''such'' before ''title III''.

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 323(a) is amended by striking ''1 year'' in paragraphs (1) and (2) and inserting ''one year''.

(2) Section 402(b) is amended—

(A) by striking paragraph (1); and

(B) in paragraph (2), by striking ''On and after January 1, 2002, the'' and inserting ''The''.

(c) FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATON ACT FOR FISCAL YEAR 2001.—The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is amended as follows:

(1) Section 1308(c) (22 U.S.C. 5959) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by redesignating the second paragraph (6) as paragraph (7).

(2) Section 814 (10 U.S.C. 1412 note) is amended in subsection (d)(1) by striking ''the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106)'' and inserting ''subtitle III of title 40, United States Code''.

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is amended by striking the second period at the end.

(e) STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999.—Section 819(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2089) is amended by striking ''section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)),'' and inserting ''section 503 of title 40, United States Code,''.

(f) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997.—Section 1084(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2675) is amended by striking ''98–515'' and inserting ''98–525''. The amendment made by the preceding sentence shall take effect as if included in Public Law 104–201.

(g) FEDERAL ACQUISITION STREAMLINING ACT OF 1994.—Subsection (d) of section 1004 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat, 3253) is amended by striking ''under—'' and all that follows through the end of paragraph (2) and inserting ''under chapter 11 of title 40, United States Code.''.

(h) ARMED FORCES RETIREMENT HOME ACT OF 1991.—Section 1520(b)(1)(C) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 420(b)(1)(C)) is amended by inserting ''Armed Forces'' before ''Retirement Home Trust Fund''.

SEC. 1046. AUTHORITY TO PROVIDE LIVING QUARTERS FOR CERTAIN STUDENTS IN COOPERATIVE AND SUMMER EDUCATION PROGRAMS OF THE NATIONAL SECURITY AGENCY.

Section 2195 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Director of the National Security Agency may provide a qualifying employee of a defense laboratory of that Agency with living quarters at no charge, or at a rate or charge prescribed by the Director by regulation, without regard to section 5911(c) of title 5.

''(2) In this subsection, the term 'qualifying employee' means a student who is employed at the National Security Agency under—

''(A) a Student Educational Employment Program of the Agency conducted under this section or any other provision of law; or

''(B) a similar cooperative or summer education program of the Agency that meets the criteria for Federal cooperative or summer education programs prescribed by the Office of Personnel Management.''.

SEC. 1047. USE OF DRUG INTERDICTION AND COUNTER-DRUG FUNDS TO SUPPORT ACTIVITIES OF THE GOVERNMENT OF COLOMBIA.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—During fiscal years 2004 and 2005, the Secretary of Defense may use funds made available to the Department of Defense for drug interdiction and counter-drug activities to provide assistance to the Government of Colombia—

(1) to support a unified campaign against narcotics trafficking in Colombia;

(2) to support a unified campaign against activities by designated terrorist organizations, such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC); and

(3) to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

(b) RELATION TO OTHER ASSISTANCE AUTHORITY.—The authority provided by subsection (a) is in addition to other provisions of law authorizing the provision of assistance to the Government of Colombia.

SEC. 1048. AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) AUTHORITY.—A joint task force of the Department of Defense that provides support to law enforcement agencies conducting counter-drug activities may also provide, consistent with all applicable laws and regulations, support to law enforcement agencies conducting counter-terrorism activities.

(b) CONDITIONS.—Any support provided under subsection (a) may only be provided in the geographic area of responsibility of the joint task force.

SEC. 1049. USE OF NATIONAL DRIVER REGISTER FOR PERSONNEL SECURITY INVESTIGATIONS AND DETERMINATIONS.

Section 30305(b) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (9) through (11) as paragraphs (10) through (12), respectively; and

(2) by inserting after paragraph (8) the following new paragraph:

''(9) An individual who is being investigated for—

''(A) eligibility for access to a particular level of classified information for purposes of Executive Order No. 12968, or any successor Executive order; or

''(B) Federal employment under authority of Executive Order No. 10450, or any successor Executive order,

may request the chief driver licensing official of a State to provide information about the individual pursuant to subsection (a) of this section to a Federal department or agency that is authorized to investigate the individual for the purpose of assisting in the determination of the eligibility of the individual for access to classified information or for Federal employment. A Federal department or agency that receives such information about an individual may use it in accordance with applicable law. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.''.

SEC. 1050. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 19. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) The Director of the National Security Agency, with the coordination of the Director of Central Intelligence, may exempt operational files of the National Security Agency from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

''(2)(A) Subject to subparagraph (B), for the purposes of this section, the term 'operational files' means files of the National Security Agency that document the means by which foreign intelligence or counterintelligence is collected through technical systems.

''(B) Files that contain disseminated intelligence are not operational files.

''(3) Notwithstanding paragraph (1), exempted operational files shall continue to be subject to search and review for information concerning—

''(A) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 of title 5 or section 552a of title 5, United States Code;

''(B) any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code; or

''(C) the specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(i) The Permanent Select Committee on Intelligence of the House of Representatives.

''(ii) The Select Committee on Intelligence of the Senate.

''(iii) The Intelligence Oversight Board.

''(iv) The Department of Justice.

''(v) The Office of General Counsel of the National Security Agency.

''(vi) The Office of the Director of the National Security Agency.

''(4)(A) Files that are not exempted under paragraph (1) which contain information derived or disseminated from exempted operational files shall be subject to search and review.

''(B) The inclusion of information from exempted operational files in files that are not exempted under paragraph (1) shall not affect the exemption under paragraph (1) of the originating operational files from search, review, publication, or disclosure.

''(C) The declassification of some of the information contained in exempted operational files shall not affect the status of the operational file as being exempt from search, review, publication, or disclosure.

''(D) Records from exempted operational files which have been disseminated to and

referenced in files that are not exempted under paragraph (1) and which have been returned to exempted operational files for sole retention shall be subject to search and review.

''(5) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of the enactment of this section, and which specifically cites and repeals or modifies its provisions.

''(6)(A) Except as provided in subparagraph (B), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the National Security Agency has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(B) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

''(i) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations which is filed with, or produced for, the court by the National Security Agency, such information shall be examined ex parte, in camera by the court.

''(ii) The court shall, to the fullest extent practicable, determine the issues of fact based on sworn written submissions of the parties.

''(iii) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

''(iv)(I) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the National Security Agency shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsive records currently perform the functions set forth in paragraph (2).

''(II) The court may not order the National Security Agency to review the content of any exempted operational file or files in order to make the demonstration required under subclause (I), unless the complainant disputes the National Security Agency's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(v) In proceedings under clauses (iii) and (iv), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admission may be made pursuant to rules 26 and 36.

''(vi) If the court finds under this paragraph that the National Security Agency has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order the Agency to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this subsection.

''(vii) If at any time following the filing of a complaint pursuant to this paragraph the National Security Agency agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

''(viii) Any information filed with, or produced for the court pursuant to clauses (i) and (iv) shall be coordinated with the Director of Central Intelligence prior to submission to the court.

''(b) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of the National Security Agency and the Director of Central Intelligence shall review the exemptions in force under subsection (a)(1) to determine whether such exemptions may be removed from the category of exempted files or any portion thereof. The Director of Central Intelligence must approve any determination to remove such exemptions.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that the National Security Agency has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the National Security Agency has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of this section or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the National Security Agency, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.''.

SEC. 1051. ASSISTANCE FOR STUDY OF FEASIBILITY OF BIENNIAL UNITED STATES INTERNATIONAL AIR TRADE SHOW AND FOR INITIAL IMPLEMENTATION.

(a) ASSISTANCE FOR FEASIBILITY STUDY.—(1) The Secretary of Defense shall provide assistance to the nonprofit organization named United States Air and Trade Show Inc. for expenses of a study by that organization of the feasibility of the establishment and operation of a biennial United States international air trade show.

(2) The Secretary shall provide for the organization specified in paragraph (1) to submit to the Secretary a report containing the results of the study not later than September 30, 2004. The Secretary shall promptly submit the report to Congress, together with such comments on the report as the Secretary considers appropriate.

(b) ASSISTANCE FOR IMPLEMENTATION.—If the organization conducting the study under subsection (a) determines that the establishment and operation of such an air show is feasible and should be implemented, the Secretary shall provide assistance to that organization for the initial expenses of implementing such an air show.

(c) AMOUNT OF ASSISTANCE.—The amount of assistance provided by the Secretary under subsections (a) and (b)—

(1) may not exceed a total of $1,000,000, to be derived from amounts available for operation and maintenance for the Air Force for fiscal year 2004; and

(2) may not exceed one-half of the cost of the study and may not exceed one-half the cost of such initial implementation.

SEC. 1052. CONTINUATION OF REASONABLE ACCESS TO MILITARY INSTALLATIONS FOR PERSONAL COMMERCIAL SOLICITATION.

(a) CONTINUED ACCESS TO MEMBERS.—Section 2679 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''ACCESS BY REPRESENTATIVES OF VETERANS' ORGANIZATIONS.—(1)'' before ''Upon certification'';

(2) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively;

(3) in paragraph (2), as so redesignated, by striking ''subsection (a)'' and inserting ''paragraph (1)'';

(4) in paragraph (3), as so redesignated, by striking ''section'' and inserting ''subsection'';

(5) by redesignating subsection (d) as subsection (c); and

(6) by inserting before such subsection the following new subsection (b):

''(b) ACCESS FOR PERSONAL COMMERCIAL SOLICITATION.—An amendment or other revision to a Department of Defense directive relating to access to military installations for the purpose of conducting limited personal commercial solicitation shall not take effect until the end of the 90-day period beginning on the date the Secretary of Defense submits to Congress notice of the amendment or revision and the reasons therefor.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2679. Access to and use of space and equipment at military installations: representatives of veterans' organizations and other persons''.

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2679. Access to and use of space and equipment at military installations: representatives of veterans' organizations and other persons.''.

SEC. 1053. COMMISSION ON NUCLEAR STRATEGY OF THE UNITED STATES.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Nuclear Strategy of the United States'' (hereinafter this this section referred to as the ''Commission''). The Secretary of Defense, in consultation with the Secretary of Energy, shall enter into a contract with a federally funded research and development center to provide for the organization, management, and suport of the Commission.

(2) COMPOSITION.—(A) The Commission shall be composed of 12 members appointed by the Secretary of Defense. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairman and ranking minority member of the Committee on Armed Services of the Senate and the chairman and ranking minority member of the Committee on Armed Services of the House of Representatives.

(B) Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political, military, operational, and technical aspects of nuclear strategy.

(3) CHAIRMAN OF THE COMMISSION.—The Secretary of Defense shall designate one of the members of the Commission to serve as chairman of the Commission.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(b) DUTIES OF COMMISSION.—

(1) REVIEW OF NUCLEAR STRATEGY.—The Commission shall consider all matters of policy, force structure, nuclear stockpile stewardship, estimates of threats and force

requirements, and any other issue the Commission may consider necessary in order to assess and make recommendations about current United States nuclear strategy as envisioned in the National Security Strategy of the United States and the Nuclear Posture Review, as well as possible alternative future strategies.

(2) ASSESSMENT OF RANGE OF NUCLEAR STRATEGIES.—The Commission shall assess possible future nuclear strategies for the United States that could be pursued over the next 20 years.

(3) RELATIONS WITH RUSSIA.—The Commission shall give special attention to assessing how the United States goal of strengthening partnership with Russia may be advanced or adversely affected by each of the possible nuclear strategies considered. The Commission shall also assess how relations with China, and the overall global security environment, may be affected by each of those possible nuclear strategies.

(4) OTHER MATTERS TO BE INCLUDED.—For each of the possible nuclear strategies considered, the Commission shall include in its report under subsection (c)(1), at a minimum, the following:

(A) A discussion of the policy defining the deterrence and military-political objectives of the United States against potential adversaries.

(B) A discussion of the military requirements for United States forces, the force structure and capabilities necessary to meet those requirements, and how they relate to the achievement of the objectives identified under subparagraph (A).

(C) Appropriate quantitative and qualitative analysis, including force-on-force exchange modeling, to calculate the effectiveness of the strategy under various scenario conditions, including scenarios of strategic and tactical surprise.

(D) An assessment of the role of missile defenses in the strategy, the dependence of the strategy on missile defense effectiveness, and the effect of missile defenses on the threat environment.

(E) An assessment of the implications of the proliferation of missiles and weapons of mass destruction, the proliferation of underground facilities and mobile launch platforms, and China's modernization of strategic forces.

(F) An assessment of the implications of asymmetries between the United States and Russia, including doctrine, nonstrategic nuclear weapons, and active and passive defenses.

(G) An assessment of strategies or options for dealing with nuclear capable nations that may provide nuclear weapons to terrorist or transnational groups.

(H) An assessment of the contribution of non-proliferation strategies and programs to the overall security of the United States and how those strategies and programs may affect the overall requirements of future nuclear strategy.

(I) An assessment of the effect of the strategy on the nuclear programs of emerging nuclear weapons states, including North Korea, Iran, Pakistan, and India.

(5) RECOMMENDATIONS.—The Commission shall include in its report recommendations for any continuities or changes in nuclear strategy it believes should be taken to enhance the national security of the United States.

(6) COOPERATION FROM GOVERNMENT OFFICIALS.—(A) In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other United States Government official in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(B) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission. The Director of Central Intelligence may designate at least one officer or employee of the Central Intelligence Agency to serve as a liaison officer between that agency and the Commission.

(c) REPORTS.—

(1) COMMISSION REPORT.—The Commission shall submit to the Secretary of Defense and to the Committees on Armed Services of the Senate and House of Representatives a report on the Commission's findings and conclusions not later than 18 months after the date of its first meeting.

(2) SECRETARY OF DEFENSE RESPONSE.—Not later than one year after the date on which the Commission submits its report under paragraph (1), the Secretary of Defense shall submit to Congress a report—

(A) commenting on the Commission's findings and conclusions; and

(B) explaining what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and, with respect to each such recommendation, the Secretary's reasons for implementing, or not implementing, the recommendation.

(d) HEARINGS AND PROCEDURES.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out the purposes of this section, hold hearings and take testimony.

(2) PROCEDURES.—The federally funded research and development center referred to in subsection (a)(1) shall be responsible for establishing appropriate procedures for the Commission.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) FUNDING.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense.

(f) TERMINATION OF COMMISSION.—The Commission shall terminate 60 days after the date of the submission of its report under subsection (c)(1).

(g) IMPLEMENTATION.—

(1) FFRDC CONTRACT.—The Secretary of Defense shall enter into the contract required under subsection (a)(1) not later than 60 days after the date of the enactment of this Act.

(2) FIRST MEETING.—The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

SEC. 1054. EXTENSION OF COUNTERPROLIFERATION PROGRAM REVIEW COMMITTEE.

Section 1605(f) of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended by striking ''September 30, 2004'' and inserting ''September 30, 2008''.

SEC. 1055. ASSIGNMENT OF MEMBERS TO ASSIST BUREAU OF BORDER SECURITY AND BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

''§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

''(1) the Bureau of Border Security of the Department of Homeland Security in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

''(2) the United States Customs Service of the Department of Homeland Security in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

''(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

''(1) the assignment is at the request of the Secretary of Homeland Security; and

''(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

''(c) TRAINING PROGRAM REQUIRED.—The Secretary of Homeland Security and the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Border Security or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

''(2) Nothing in this section shall be construed to—

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Secretary of Homeland Security may establish ongoing joint task forces if the Secretary of Homeland Security determines that the joint task force, and the assignment of members to the joint task force, is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

''(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

''(f) NOTIFICATION REQUIREMENTS.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

''(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

''(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2005.''.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10,

United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

''374a. Assignment of members to assist border patrol and control.''.

SEC. 1056. REPORT CONCERNING STRATEGIC NUCLEAR WARHEADS DISMANTLED PURSUANT TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE RUSSIAN FEDERATION ON STRATEGIC OFFENSIVE REDUCTIONS.

Not later than 60 days after the exchange of instruments of ratification of the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions or 60 days after the date of the enactment of this Act, whichever occurs last, and on February 15 of each subsequent year, the President shall submit to Congress a report concerning any strategic nuclear warheads dismantled within the boundaries of the treaty during the preceding calendar year and any such warheads to be dismantled in that calendar year, pursuant to such treaty. During the one-year period beginning on the date of the exchange of instruments of ratification of such treaty, any such report shall not include information concerning any dismantling of warheads during the preceding calendar year.

SEC. 1057. PILOT PROGRAM TO IMPROVE USE OF AIR FORCE AND AIR NATIONAL GUARD MODULAR AIRBORNE FIRE-FIGHTING SYSTEMS TO FIGHT WILDFIRES.

(a) TEMPORARY EXCEPTION TO ECONOMY ACT REQUIREMENT.—Notwithstanding section 1535(a)(4) of title 31, United States Code, the Secretary of the Interior and the Secretary of Agriculture may procure the services of military aircraft (and personnel of the Armed Forces to operate and maintain such aircraft) of Air Force and Air National Guard Modular Airborne Fire-Fighting Systems units in California, Colorado, North Carolina, and Wyoming to fight a wildfire without first comparing the cost and convenience of procuring such services from such source to the cost of procuring the same services from a commercial enterprise.

(b) DURATION OF PILOT PROGRAM.—The authority provided by subsection (a) expires December 31, 2005.

(c) REPORTING REQUIREMENT.—Not later than February 1, 2005, the Secretary of the Interior and the Secretary of Agriculture shall submit to Congress a report describing—

(1) the use of the exception provided in subsection (a) to expedite the procurement of the services of Air Force and Air National Guard Modular Airborne Fire-Fighting Systems units to fight wildfires; and

(2) the ability of these units in responding to wildfires in a timely and effective manner.

SEC. 1058. STUDY ON FEASIBILITY OF USE OF SMALL BUSINESSES, MINORITY-OWNED BUSINESSES, AND WOMEN-OWNED BUSINESSES IN EFFORTS TO REBUILD IRAQ.

The Secretary of Defense shall commission a study of the feasibility of using small businesses, minority-owned businesses, and women-owned businesses in the United States' efforts to rebuild Iraq. The study shall include the development of outreach procedures to provide, to small businesses, minority-owned businesses, and women-owned businesses, information on participating in rebuilding Iraq.

SEC. 1059. SENSE OF CONGRESS REGARDING CONTINUATION OF MISSION AND FUNCTIONS OF ARMY PEACE-KEEPING INSTITUTE.

It is the sense of Congress that the Secretary of Defense should maintain the functions and missions of the Army Peace-keeping Institute at the Army War College in Carlisle, Pennsylvania, or within a joint entity of the Department of Defense, such as the National Defense University or the Joint Forces Command, to ensure that members of the Armed Forces continue to study the strategic challenges and uses of peace-keeping missions and to prepare the Armed Forces for conducting such missions.

SEC. 1060. ASSESSMENT OF EFFECTS OF SPECIFIED STATUTORY LIMITATIONS ON THE GRANTING OF SECURITY CLEARANCES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an assessment of the effects of the provisions of section 986 of title 10, United States Code (relating to limitations on security clearances), on the granting (or renewal) of security clearances for Department of Defense personnel and defense contractor personnel. The assessment shall review the affects of the disqualification factors specified in subsection (c) of that section and shall include such recommendations for legislation or administrative steps as the Secretary considers necessary.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Subtitle A—Department of Defense Civilian Personnel Generally

SEC. 1101. MODIFICATION OF THE OVERTIME PAY CAP.

Section 5542(a)(2) of title 5, United States Code, is amended—

(1) by inserting ''the greater of'' before ''one and one-half''; and

(2) by inserting ''or the hourly rate of basic pay of the employee'' after ''law)'' the second place it appears.

SEC. 1102. MILITARY LEAVE FOR MOBILIZED FEDERAL CIVILIAN EMPLOYEES.

(a) IN GENERAL.—Subsection (b) of section 6323 of title 5, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and at the end of clause (ii), as so redesignated, by inserting ''or''; and

(B) by inserting ''(A)'' after ''(2)''; and

(2) by inserting the following before the text beginning with ''is entitled'':

''(B) performs full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10;''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to military service performed on or after the date of the enactment of this Act.

SEC. 1103. COMMON OCCUPATIONAL AND HEALTH STANDARDS FOR DIFFERENTIAL PAYMENTS AS A CONSEQUENCE OF EXPOSURE TO ASBESTOS.

(a) PREVAILING RATE SYSTEMS.—Section 5343(c)(4) of title 5, United States Code, is amended by inserting before the semicolon at the end the following: '', and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970''.

(b) GENERAL SCHEDULE PAY RATES.—Section 5545(d) of such title is amended by inserting before the period at the end of the first sentence the following: '', and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970''.

(c) APPLICABILITY.—Subject to any vested constitutional property rights, any administrative or judicial determination after the date of enactment of this Act concerning backpay for a differential established under sections 5343(c)(4) or 5545(d) of such title shall be based on occupational safety and health standards described in the amendments made by subsections (a) and (b).

SEC. 1104. INCREASE IN ANNUAL STUDENT LOAN REPAYMENT AUTHORITY.

Section 5379(b)(2)(A) of title 5, United States Code, is amended by striking ''$6,000'' and inserting ''$10,000''.

SEC. 1105. AUTHORIZATION FOR CABINET SECRETARIES, SECRETARIES OF MILITARY DEPARTMENTS, AND HEADS OF EXECUTIVE AGENCIES TO BE PAID ON A BIWEEKLY BASIS.

(a) AUTHORIZATION.—Section 5504 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by striking the last sentence of both subsection (a) and subsection (b); and

(3) by inserting after subsection (b) the following:

''(c) For the purposes of this section:

''(1) The term 'employee' means—

''(A) an employee in or under an Executive agency;

''(B) an employee in or under the Office of the Architect of the Capitol, the Botanic Garden, and the Library of Congress, for whom a basic administrative workweek is established under section 6101(a)(5) of this title; and

''(C) an individual employed by the government of the District of Columbia.

''(2) The term 'employee' does not include—

''(A) an employee on the Isthmus of Panama in the service of the Panama Canal Commission; or

''(B) an employee or individual excluded from the definition of employee in section 5541(2) of this title other than an employee or individual excluded by clauses (ii), (iii), and (xiv) through (xvii) of such section.

''(3) Notwithstanding paragraph (2), an individual who otherwise would be excluded from the definition of employee shall be deemed to be an employee for purposes of this section if the individual's employing agency so elects, under guidelines in regulations promulgated by the Office of Personnel Management under subsection (d)(2).''.

(b) GUIDELINES.—Subsection (d) of section 5504 of such title, as redesignated by subsection (a), is amended—

(1) by inserting ''(1)'' after ''(d)''; and

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

''(2) The Office of Personnel Management shall provide guidelines by regulation for exemptions to be made by the heads of agencies under subsection (c)(3). Such guidelines shall provide for such exemptions only under exceptional circumstances.''.

SEC. 1106. SENIOR EXECUTIVE SERVICE AND PERFORMANCE.

(a) SENIOR EXECUTIVE PAY.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5304—

(A) in subsection (g)(2)—

(i) in subparagraph (A) by striking ''subparagraphs (A)–(E)'' and inserting ''subparagraphs (A)–(D)''; and

(ii) in subparagraph (B) by striking ''subsection (h)(1)(F)'' and inserting ''subsection (h)(1)(D)'';

(B) in subsection (h)(1)—

(i) by striking subparagraphs (B) and (C);

(ii) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (B), (C), and (D), respectively;

(iii) in clause (ii) by striking ''or'' at the end;

(iv) in clause (iii) by striking the period and inserting a semicolon; and

(v) by adding at the end the following new clauses:

''(iv) a Senior Executive Service position under section 3132;

''(v) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service under section 3151; or

''(vi) a position in a system equivalent to the system in clause (iv), as determined by the President's Pay Agent designated under subsection (d).''; and

(C) in subsection (h)(2)(B)—

(i) in clause (i)—

(I) by striking ''subparagraphs (A) through (E)'' and inserting ''subparagraphs (A) through (C)''; and

(II) by striking ''clause (i) or (ii)'' and inserting ''clause (i), (ii), (iii), (iv), (v), or (vii)''; and

(ii) in clause (ii)—

(I) by striking ''paragraph (1)(F)'' and inserting ''paragraph (1)(D)''; and

(II) by striking ''clause (i) or (ii)'' and inserting ''clause (i), (ii), (iii), (iv), (v), or (vi)'';

(2) by amending section 5382 to read as follows:

''§ 5382. Establishment of rates of pay for the Senior Executive Service

''(a) Subject to regulations prescribed by the Office of Personnel Management, there shall be established a range of rates of basic pay for the Senior Executive Service, and each senior executive shall be paid at one of the rates within the range, based on individual performance, contribution to the agency's performance, or both, as determined under a rigorous performance management system. The lowest rate of the range shall not be less than the minimum rate of basic pay payable under section 5376, and the highest rate, for any position under this system or an equivalent system as determined by the President's Pay Agent designated under section 5304(d), shall not exceed the rate for level III of the Executive Schedule. The payment of the rates shall not be subject to the pay limitation of section 5306(e) or 5373.

''(b) Notwithstanding the provisions of subsection (a), the applicable maximum shall be level II of the Executive Schedule for any agency that is certified under section 5307 as having a performance appraisal system which, as designed and applied, makes meaningful distinctions based on relative performance.

''(c) No employee may suffer a reduction in pay by reason of transfer from an agency with an applicable maximum rate of pay prescribed under subsection (b) to an agency with an applicable maximum rate of pay prescribed under subsection (a).''; and

(3) in section 5383—

(A) in subsection (a) by striking ''which of the rates established under section 5382 of this title'' and inserting ''which of the rates within a range established under section 5382''; and

(B) in subsection (c) by striking ''for any pay adjustment under section 5382 of this title'' and inserting ''as provided in regulations prescribed by the Office under section 5385''.

(b) POST-EMPLOYMENT RESTRICTIONS.—(1) Clause (ii) of section 207(c)(2)(A) of title 18, United States Code is amended to read as follows:

''(ii) employed in a position which is not referred to in clause (i) and for which that person is paid at a rate of basic pay which is equal to or greater than 96 percent of the rate of basic pay for level II of the Executive Schedule, or, for a period of 2 years following the enactment of the National Defense Authorization Act for Fiscal Year 2004, a person who, on the day prior to the enactment of that Act, was employed in a position which is not referred to in clause (i) and for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5304 or section 5304a of title 5, was equal to or greater than the rate of basic pay payable for level 5 of the Senior Executive Service on the day prior to the enactment of that Act,''.

(2) Subchapter I of chapter 73 of title 5, United States Code, is amended by inserting at the end the following new section:

''§ 7302. Post-employment notification

''(a) Not later than the effective date of the amendments made by section 1106 of the National Defense Authorization Act for Fiscal Year 2004, or 180 days after the date of enactment of that Act, whichever is later, the Office of Personnel Management shall, in consultation with the Attorney General and the Office of Government Ethics, promulgate regulations requiring that each Executive branch agency notify any employee of that agency who is subject to the provisions of section 207(c)(1) of title 18, as a result of the amendment to section 207(c)(2)(A)(ii) of that title by that Act.

''(b) The regulations shall require that notice be given before, or as part of, the action that affects the employee's coverage under section 207(c)(1) of title 18, by virtue of the provisions of section 207(c)(2)(A)(ii) of that title, and again when employment or service in the covered position is terminated.''.

(3) The table of sections for chapter 73 of title 5, United States Code, is amended by adding after the item relating to section 7301 the following:

''7302. Post-employment notification.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the first January 1 following the date of enactment of this section.

(2) The amendments made by subsection (a) may not result in a reduction in the rate of basic pay for any senior executive during the first year after the effective date of those amendments.

(3) For the purposes of paragraph (2), the rate of basic pay for a senior executive shall be deemed to be the rate of basic pay set for the senior executive under section 5383 of title 5, United States Code, plus applicable locality pay paid to that senior executive, as of the date of enactment of this Act.

SEC. 1107. DESIGN ELEMENTS OF PAY-FOR-PERFORMANCE SYSTEMS IN DEMONSTRATION PROJECTS.

A pay-for-performance system may not be initiated under chapter 47 of title 5, United States Code, after the date of enactment of this Act, unless it incorporates the following elements:

(1) adherence to merit principles set forth in section 2301 of such title;

(2) a fair, credible, and transparent employee performance appraisal system;

(3) a link between elements of the pay-for-performance system, the employee performance appraisal system, and the agency's strategic plan;

(4) a means for ensuring employee involvement in the design and implementation of the system;

(5) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the pay-for-performance system;

(6) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review;

(7) effective safeguards to ensure that the management of the system is fair and equitable and based on employee performance; and

(8) a means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the pay-for-performance system.

SEC. 1108. FEDERAL FLEXIBLE BENEFITS PLAN ADMINISTRATIVE COSTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an agency or other employing entity of the Government which provides or plans to provide a flexible spending account option for its employees shall not impose any fee with respect to any of its employees in order to defray the administrative costs associated therewith.

(b) OFFSET OF ADMINISTRATIVE COSTS.—Each such agency or employing entity that offers a flexible spending account option under a program established or administered by the Office of Personnel Management shall periodically forward to such Office, or entity designated by such Office, the amount necessary to offset the administrative costs of such program which are attributable to such agency.

(c) REPORTS.—(1) The Office shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate no later than March 31, 2004, specifying the administrative costs associated with the Governmentwide program (referred to in subsection (b)) for fiscal year 2003, as well as the projected administrative costs of such program for each of the 5 fiscal years thereafter.

(2) At the end of each of the first 3 calendar years in which an agency or other employing entity offers a flexible spending account option under this section, such agency or entity shall submit a report to the Office of Management and Budget showing the amount of its employment tax savings in such year which are attributable to such option, net of administrative fees paid under section (b).

SEC. 1109. CLARIFICATION OF HATCH ACT.

No Federal employee or individual who, before the date of the enactment of this Act, was employed in the Office of the Department of Defense Inspector General and transferred to a Special Court sponsored by the United Nations pursuant to the authority described in section 3582(a) of title 5, United States Code, shall be subject to enforcement of the provisions of section 7326 of such title, except that this section shall not apply in the event that such employee or individual subsequently becomes reemployed in the civil service.

SEC. 1110. EMPLOYEE SURVEYS.

(a) IN GENERAL.—Each agency shall conduct an annual survey of its employees (including survey questions unique to the agency and questions prescribed under subsection (b)) to assess—

(1) leadership and management practices that contribute to agency performance; and

(2) employee satisfaction with—

(A) leadership policies and practices;

(B) work environment;

(C) rewards and recognition for professional accomplishment and personal contributions to achieving organizational mission;

(D) opportunity for professional development and growth; and

(E) opportunity to contribute to achieving organizational mission.

(b) REGULATIONS.—The Office of Personnel Management shall issue regulations

prescribing survey questions that should appear on all agency surveys under subsection (a) in order to allow a comparison across agencies.

(c) AVAILABILITY OF RESULTS.—The results of the agency surveys under subsection (a) shall be made available to the public and posted on the website of the agency involved, unless the head of such agency determines that doing so would jeopardize or negatively impact national security.

(d) AGENCY DEFINED.—For purposes of this section, the term ''agency'' means an Executive agency (as defined by section 105 of title 5, United States Code).

SEC. 1111. HUMAN CAPITAL PERFORMANCE FUND.

(a) IN GENERAL.—Subpart D of part III of title 5, United States Code, is amended by inserting after chapter 53 the following:

''CHAPTER 54—HUMAN CAPITAL PERFORMANCE FUND

''Sec.
''5401. Purpose.
''5402. Definitions.
''5403. Human Capital Performance Fund.
''5404. Human capital performance payments.
''5405. Regulations.
''5406. Agency plan.
''5407. Nature of payment.
''5408. Appropriations.

''§ 5401. Purpose

''The purpose of this chapter is to promote, through the creation of a Human Capital Performance Fund, greater performance in the Federal Government. Monies from the Fund will be used to reward agencies' highest performing and most valuable employees. This Fund will offer Federal managers a new tool to recognize employee performance that is critical to the achievement of agency missions.

''§ 5402. Definitions

''For the purpose of this chapter—

''(1) 'agency' means an Executive agency under section 105, but does not include the General Accounting Office;

''(2) 'employee' includes—

''(A) an individual paid under a statutory pay system defined in section 5302(1);

''(B) a prevailing rate employee, as defined in section 5342(a)(2); and

''(C) a category of employees included by the Office of Personnel Management following the review of an agency plan under section 5403(b)(1);

but does not include—

''(i) an individual paid at an annual rate of basic pay for a level of the Executive Schedule, under subchapter II of chapter 53, or at a rate provided for one of those levels under another provision of law;

''(ii) a member of the Senior Executive Service paid under subchapter VIII of chapter 53, or an equivalent system;

''(iii) an administrative law judge paid under section 5372;

''(iv) a contract appeals board member paid under section 5372a;

''(v) an administrative appeals judge paid under section 5372b; and

''(vi) an individual in a position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; and

''(3) 'Office' means the Office of Personnel Management.

''§ 5403. Human Capital Performance Fund

''(a) There is hereby established the Human Capital Performance Fund, to be administered by the Office for the purpose of this chapter.

''(b)(1)(A) An agency shall submit a plan as described in section 5406 to be eligible for consideration by the Office for an allocation under this section. An allocation shall be made only upon approval by the Office of an agency's plan.

''(B)(i) After the reduction for training required under section 5408, ninety percent of the remaining amount appropriated to the Fund may be allocated by the Office to the agencies. Of the amount to be allocated, an agency's pro rata distribution may not exceed its pro rata share of Executive branch payroll.

''(ii) If the Office does not allocate an agency's full pro rata share, the undistributed amount remaining from that share will become available for distribution to other agencies, as provided in subparagraph (C).

''(C)(i) After the reduction for training under section 5408, ten percent of the remaining amount appropriated to the Fund, as well as the amount of the pro rata share not distributed because of an agency's failure to submit a satisfactory plan, shall be allocated among agencies with exceptionally high-quality plans.

''(ii) An agency with an exceptionally high-quality plan is eligible to receive an additional distribution in addition to its full pro rata distribution.

''(2) Each agency is required to provide to the Office such payroll information as the Office specifies necessary to determine the Executive branch payroll.

''§ 5404. Human capital performance payments

''(a)(1) Notwithstanding any other provision of law, the Office may authorize an agency to provide human capital performance payments to individual employees based on exceptional performance contributing to the achievement of the agency mission.

''(2) The number of employees in an agency receiving payments from the Fund, in any year, shall not be more than the number equal to 15 percent of the agency's average total civilian full- and part-time permanent employment for the previous fiscal year.

''(b)(1) A human capital performance payment provided to an individual employee from the Fund, in any year, shall not exceed 10 percent of the employee's rate of basic pay.

''(2) The aggregate of an employee's rate of basic pay, adjusted by any locality-based comparability payments, and human capital performance pay, as defined by regulation, may not exceed the rate of basic pay for Executive Level IV in any year.

''(3) Any human capital performance payment provided to an employee from the Fund is in addition to any annual pay adjustment (under section 5303 or any similar provision of law) and any locality-based comparability payment that may apply.

''(c) No monies from the Human Capital Performance Fund may be used to pay for a new position, for other performance-related payments, or for recruitment or retention incentives paid under sections 5753 and 5754.

''(d)(1) An agency may finance initial human capital performance payments using monies from the Human Capital Performance Fund, as available.

''(2) In subsequent years, continuation of previously awarded human capital performance payments shall be financed from other agency funds available for salaries and expenses.

''§ 5405. Regulations

''The Office shall issue such regulations as it determines to be necessary for the administration of this chapter, including the administration of the Fund. The Office's regulations shall include criteria governing—

''(1) an agency plan under section 5406;

''(2) the allocation of monies from the Fund to agencies;

''(3) the nature, extent, duration, and adjustment of, and approval processes for, payments to individual employees under this chapter;

''(4) the relationship to this chapter of agency performance management systems;

''(5) training of supervisors, managers, and other individuals involved in the process of making performance distinctions; and

''(6) the circumstances under which funds may be allocated by the Office to an agency in amounts below or in excess of the agency's pro rata share.

''§ 5406. Agency plan

''(a) To be eligible for consideration by the Office for an allocation under this section, an agency shall—

''(1) develop a plan that incorporates the following elements:

''(A) adherence to merit principles set forth in section 2301;

''(B) a fair, credible, and transparent employee performance appraisal system;

''(C) a link between the pay-for-performance system, the employee performance appraisal system, and the agency's strategic plan;

''(D) a means for ensuring employee involvement in the design and implementation of the system;

''(E) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the pay-for-performance system;

''(F) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review;

''(G) effective safeguards to ensure that the management of the system is fair and equitable and based on employee performance; and

''(H) a means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the pay-for-performance system;

''(2) upon approval, receive an allocation of funding from the Office;

''(3) make payments to individual employees in accordance with the agency's approved plan; and

''(4) provide such information to the Office regarding payments made and use of funds received under this section as the Office may specify.

''(b) The Office, in consultation with the Chief Human Capital Officers Council, shall review and approve an agency's plan before the agency is eligible to receive an allocation of funding from the Office.

''(c) The Chief Human Capital Officers Council shall include in its annual report to Congress under section 1303(d) of the Homeland Security Act of 2002 an evaluation of the formulation and implementation of agency performance management systems.

''§ 5407. Nature of payment

''Any payment to an employee under this section shall be part of the employee's basic pay for the purposes of subchapter III of chapter 83, and chapters 84 and 87, and for such other purposes (other than chapter 75) as the Office shall determine by regulation.

''§ 5408. Appropriations

''There is authorized to be appropriated $500,000,000 for fiscal year 2004, and, for each subsequent fiscal year, such sums as may be necessary to carry out the provisions of this chapter. In the first year of implementation, up to 10 percent of the amount appropriated to the Fund shall be available to participating agencies to train supervisors, managers, and other individuals involved in the appraisal process on using performance management systems to make meaningful distinctions in employee performance and on the use of the Fund.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 53 the following:

''54. Human Capital Performance Fund .... 5401''.

Subtitle B—Department of Defense National Security Personnel System

SEC. 1121. DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) IN GENERAL.—(1) Subpart I of part III of title 5, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 99—DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM

''Sec.
''9901. Definitions.
''9902. Establishment of human resources management system.
''9903. Attracting highly qualified experts.
''9904. Employment of older Americans.
''9905. Special pay and benefits for certain employees outside the United States.

''§ 9901. Definitions

''For purposes of this chapter—

''(1) the term 'Director' means the Director of the Office of Personnel Management; and

''(2) the term 'Secretary' means the Secretary of Defense.

''§ 9902. Establishment of human resources management system

''(a) IN GENERAL.—Notwithstanding any other provision of this part, the Secretary may, in regulations prescribed jointly with the Director, establish, and from time to time adjust, a human resources management system for some or all of the organizational or functional units of the Department of Defense. If the Secretary certifies that issuance or adjustment of a regulation, or the inclusion, exclusion, or modification of a particular provision therein, is essential to the national security, the Secretary may, subject to the decision of the President, waive the requirement in the preceding sentence that the regulation or adjustment be issued jointly with the Director.

''(b) SYSTEM REQUIREMENTS.—Any system established under subsection (a) shall—

''(1) be flexible;

''(2) be contemporary;

''(3) not waive, modify, or otherwise affect—

''(A) the public employment principles of merit and fitness set forth in section 2301, including the principles of hiring based on merit, fair treatment without regard to political affiliation or other nonmerit considerations, equal pay for equal work, and protection of employees against reprisal for whistleblowing;

''(B) any provision of section 2302, relating to prohibited personnel practices;

''(C)(i) any provision of law referred to in section 2302(b)(1), (8), and (9); or

''(ii) any provision of law implementing any provision of law referred to in section 2302(b)(1), (8), and (9) by—

''(I) providing for equal employment opportunity through affirmative action; or

''(II) providing any right or remedy available to any employee or applicant for employment in the public service;

''(D) any other provision of this part (as described in subsection (c)); or

''(E) any rule or regulation prescribed under any provision of law referred to in this paragraph;

''(4) ensure that employees may organize, bargain collectively as provided for in this chapter, and participate through labor organizations of their own choosing in decisions which affect them, subject to the provisions of this chapter and any exclusion from coverage or limitation on negotiability established pursuant to law;

''(5) not be limited by any specific law or authority under this title that is waivable under this chapter or by any provision of this chapter or any rule or regulation prescribed under this title that is waivable under this chapter, except as specifically provided for in this section; and

''(6) include a performance management system that incorporates the following elements:

''(A) adherence to merit principles set forth in section 2301;

''(B) a fair, credible, and transparent employee performance appraisal system;

''(C) a link between the performance management system and the agency's strategic plan;

''(D) a means for ensuring employee involvement in the design and implementation of the system;

''(E) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the performance management system;

''(F) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review;

''(G) effective safeguards to ensure that the management of the system is fair and equitable and based on employee performance; and

''(H) a means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the performance management system.

''(c) OTHER NONWAIVABLE PROVISIONS.—The other provisions of this part referred to in subsection (b)(3)(D) are (to the extent not otherwise specified in this title)—

''(1) subparts A, B, E, G, and H of this part; and

''(2) chapters 41, 45, 47, 55 (except subchapter V thereof), 57, 59, 72, 73, and 79, and this chapter.

''(d) LIMITATIONS RELATING TO PAY.—(1) Nothing in this section shall constitute authority to modify the pay of any employee who serves in an Executive Schedule position under subchapter II of chapter 53 of this title.

''(2) Except as provided for in paragraph (1), the total amount in a calendar year of allowances, differentials, bonuses, awards, or other similar cash payments paid under this title to any employee who is paid under section 5376 or 5383 of this title or under title 10 or under other comparable pay authority established for payment of Department of Defense senior executive or equivalent employees may not exceed the total annual compensation payable to the Vice President under section 104 of title 3.

''(3) To the maximum extent practicable, the rates of compensation for civilian employees at the Department of Defense shall be adjusted at the same rate, and in the same proportion, as are rates of compensation for members of the uniformed services.

''(e) PROVISIONS TO ENSURE COLLABORATION WITH EMPLOYEE REPRESENTATIVES.—(1) In order to ensure that the authority of this section is exercised in collaboration with, and in a manner that ensures the participation of, employee representatives in the planning, development, and implementation of any human resources management system or adjustments to such system under this section, the Secretary and the Director shall provide for the following:

''(A) The Secretary and the Director shall, with respect to any proposed system or adjustment—

''(i) provide to the employee representatives representing any employees who might be affected a written description of the proposed system or adjustment (including the reasons why it is considered necessary);

''(ii) give such representatives at least 30 calendar days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the proposal; and

''(iii) give any recommendations received from such representatives under clause (ii) full and fair consideration in deciding whether or how to proceed with the proposal.

''(B) Following receipt of recommendations, if any, from such employee representatives with respect to a proposal described in subparagraph (A), the Secretary and the Director shall accept such modifications to the proposal in response to the recommendations as they determine advisable and shall, with respect to any parts of the proposal as to which they have not accepted the recommendations—

''(i) notify Congress of those parts of the proposal, together with the recommendations of the employee representatives;

''(ii) meet and confer for not less than 30 calendar days with the employee representatives, in order to attempt to reach agreement on whether or how to proceed with those parts of the proposal; and

''(iii) at the Secretary's option, or if requested by a majority of the employee representatives participating, use the services of the Federal Mediation and Conciliation Service during such meet and confer period to facilitate the process of attempting to reach agreement.

''(C)(i) Any part of the proposal as to which the representatives do not make a recommendation, or as to which the recommendations are accepted by the Secretary and the Director, may be implemented immediately.

''(ii) With respect to any parts of the proposal as to which recommendations have been made but not accepted by the Secretary and the Director, at any time after 30 calendar days have elapsed since the initiation of the congressional notification, consultation, and mediation procedures set forth in subparagraph (B), if the Secretary, in his discretion, determines that further consultation and mediation is unlikely to produce agreement, the Secretary may implement any or all of such parts (including any modifications made in response to the recommendations as the Secretary determines advisable), but only after 30 days have elapsed after notifying Congress of the decision to implement the part or parts involved (as so modified, if applicable).

''(iii) The Secretary shall notify Congress promptly of the implementation of any part of the proposal and shall furnish with such notice an explanation of the proposal, any changes made to the proposal as a result of recommendations from the employee representatives, and of the reasons why implementation is appropriate under this subparagraph.

''(D) If a proposal described in subparagraph (A) is implemented, the Secretary and the Director shall—

''(i) develop a method for the employee representatives to participate in any further planning or development which might become necessary; and

''(ii) give the employee representatives adequate access to information to make that participation productive.

''(2) The Secretary may, at the Secretary's discretion, engage in any and all collaboration activities described in this subsection at an organizational level above the level of exclusive recognition.

''(3) In the case of any employees who are not within a unit with respect to which a labor organization is accorded exclusive recognition, the Secretary and the Director

may develop procedures for representation by any appropriate organization which represents a substantial percentage of those employees or, if none, in such other manner as may be appropriate, consistent with the purposes of this subsection.

''(f) PROVISIONS REGARDING NATIONAL LEVEL BARGAINING.—(1) Any human resources management system implemented or modified under this chapter may include employees of the Department of Defense from any bargaining unit with respect to which a labor organization has been accorded exclusive recognition under chapter 71 of this title.

''(2) For any bargaining unit so included under paragraph (1), the Secretary may bargain at an organizational level above the level of exclusive recognition. Any such bargaining shall—

''(A) be binding on all subordinate bargaining units at the level of recognition and their exclusive representatives, and the Department of Defense and its subcomponents, without regard to levels of recognition;

''(B) supersede all other collective bargaining agreements, including collective bargaining agreements negotiated with an exclusive representative at the level of recognition, except as otherwise determined by the Secretary;

''(C) not be subject to further negotiations for any purpose, including bargaining at the level of recognition, except as provided for by the Secretary; and

''(D) except as otherwise specified in this chapter, not be subject to review or to statutory third-party dispute resolution procedures outside the Department of Defense.

''(3) The National Guard Bureau and the Army and Air Force National Guard are excluded from coverage under this subsection.

''(4) Any bargaining completed pursuant to this subsection with a labor organization not otherwise having national consultation rights with the Department of Defense or its subcomponents shall not create any obligation on the Department of Defense or its subcomponents to confer national consultation rights on such a labor organization.

''(g) PROVISIONS RELATING TO APPELLATE PROCEDURES.—(1) The Secretary shall—

''(A) establish an appeals process that provides that employees of the Department of Defense are entitled to fair treatment in any appeals that they bring in decisions relating to their employment; and

''(B) in prescribing regulations for any such appeals process—

''(i) ensure that employees of the Department of Defense are afforded the protections of due process; and

''(ii) toward that end, be required to consult with the Merit Systems Protection Board before issuing any such regulations.

''(2) Any regulations establishing the appeals process required by paragraph (1) that relate to any matters within the purview of chapter 77 shall—

''(A) provide for an independent review panel, appointed by the President, which shall not include the Secretary or the Deputy Secretary of Defense or any of their subordinates;

''(B) be issued only after—

''(i) notification to the appropriate committees of Congress; and

''(ii) consultation with the Merit Systems Protection Board and the Equal Employment Opportunity Commission;

''(C) ensure the availability of procedures that—

''(i) are consistent with requirements of due process; and

''(ii) provide, to the maximum extent practicable, for the expeditious handling of any matters involving the Department of Defense; and

''(D) modify procedures under chapter 77 only insofar as such modifications are designed to further the fair, efficient, and expeditious resolution of matters involving the employees of the Department of Defense.

''(h) PROVISIONS RELATED TO SEPARATION AND RETIREMENT INCENTIVES.—(1) The Secretary may establish a program within the Department of Defense under which employees may be eligible for early retirement, offered separation incentive pay to separate from service voluntarily, or both. This authority may be used to reduce the number of personnel employed by the Department of Defense or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. This authority is in addition to, and notwithstanding, any other authorities established by law or regulation for such programs.

''(2) For purposes of this section, the term 'employee' means an employee of the Department of Defense, serving under an appointment without time limitation, except that such term does not include—

''(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of this title, or another retirement system for employees of the Federal Government;

''(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in paragraph (1); or

''(C) for purposes of eligibility for separation incentives under this section, an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(3) An employee who is at least 50 years of age and has completed 20 years of service, or has at least 25 years of service, may, pursuant to regulations promulgated under this section, apply and be retired from the Department of Defense and receive benefits in accordance with chapter 83 or 84 if the employee has been employed continuously within the Department of Defense for more than 30 days before the date on which the determination to conduct a reduction or restructuring within 1 or more Department of Defense components is approved pursuant to the program established under subsection (a).

''(4)(A) Separation pay shall be paid in a lump sum or in installments and shall be equal to the lesser of—

''(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of this title, if the employee were entitled to payment under such section; or

''(ii) $25,000.

''(B) Separation pay shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit. Separation pay shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of this title, based on any other separation.

''(C) Separation pay, if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract as described in paragraph (5).

''(5)(A) An employee who receives separation pay under such program may not be reemployed by the Department of Defense for a 12-month period beginning on the effective date of the employee's separation, unless this prohibition is waived by the Secretary on a case-by-case basis.

''(B) An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1994 (Public Law 103–236; 108 Stat. 111) and accepts employment with the Government of the United States, or who commences work through a personal services contract with the United States within 5 years after the date of the separation on which payment of the separation pay is based, shall be required to repay the entire amount of the separation pay to the Department of Defense. If the employment is with an Executive agency (as defined by section 105 of this title) other than the Department of Defense, the Director may, at the request of the head of that agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is within the Department of Defense, the Secretary may waive the repayment if the individual involved is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(6) Under this program, early retirement and separation pay may be offered only pursuant to regulations established by the Secretary, subject to such limitations or conditions as the Secretary may require.

''(i) PROVISIONS RELATING TO REEMPLOYMENT.—If annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Department of Defense, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

''(j) ADDITIONAL PROVISIONS RELATING TO PERSONNEL MANAGEMENT.—Notwithstanding subsection (c), the Secretary may exercise authorities that would otherwise be available to the Secretary under paragraphs (1), (3), and (8) of section 4703(a) of this title.

"§ 9903. Attracting highly qualified experts

''(a) IN GENERAL.—The Secretary may carry out a program using the authority provided in subsection (b) in order to attract highly qualified experts in needed occupations, as determined by the Secretary.

''(b) AUTHORITY.—Under the program, the Secretary may—

''(1) appoint personnel from outside the civil service and uniformed services (as such terms are defined in section 2101 of this title) to positions in the Department of Defense without regard to any provision of this title governing the appointment of employees to positions in the Department of Defense;

''(2) prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of this title, as increased by locality-based comparability payments under section 5304 of this title, notwithstanding any provision of this title governing the rates of pay or classification of employees in the executive branch; and

''(3) pay any employee appointed under paragraph (1) payments in addition to basic pay within the limits applicable to the employee under subsection (d).

''(c) LIMITATION ON TERM OF APPOINTMENT.—(1) Except as provided in paragraph (2), the service of an employee under an appointment made pursuant to this section may not exceed 5 years.

''(2) The Secretary may, in the case of a particular employee, extend the period to which service is limited under paragraph (1)

by up to 1 additional year if the Secretary determines that such action is necessary to promote the Department of Defense's national security missions.

''(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) The total amount of the additional payments paid to an employee under this section for any 12-month period may not exceed the lesser of the following amounts:

''(A) $50,000 in fiscal year 2004, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year.

''(B) The amount equal to 50 percent of the employee's annual rate of basic pay.

For purposes of this paragraph, the term 'base quarter' has the meaning given such term by section 5302(3).

''(2) An employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service except for payments authorized under this section.

''(3) Notwithstanding any other provision of this subsection or of section 5307, no additional payments may be paid to an employee under this section in any calendar year if, or to the extent that, the employee's total annual compensation will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.

''(e) SAVINGS PROVISIONS.—In the event that the Secretary terminates this program, in the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under this section—

''(1) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

''(A) the period for which the employee was appointed; or

''(B) the period to which the employee's service is limited under subsection (c), including any extension made under this section before the termination of the program; and

''(2) the rate of basic pay prescribed for the position under this section may not be reduced as long as the employee continues to serve in the position without a break in service.

''§ 9904. Employment of older Americans

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may appoint older Americans into positions in the excepted service for a period not to exceed 2 years, provided that—

''(1) any such appointment shall not result in—

''(A) the displacement of individuals currently employed by the Department of Defense (including partial displacement through reduction of nonovertime hours, wages, or employment benefits); or

''(B) the employment of any individual when any other person is in a reduction-in-force status from the same or substantially equivalent job within the Department of Defense; and

''(2) the individual to be appointed is otherwise qualified for the position, as determined by the Secretary.

''(b) EFFECT ON EXISTING RETIREMENT BENEFITS.—Notwithstanding any other provision of law, an individual appointed pursuant to subsection (a) who otherwise is receiving an annuity, pension, retired pay, or other similar payment shall not have the amount of said annuity, pension, or other similar payment reduced as a result of such employment.

''(c) EXTENSION OF APPOINTMENT.—Notwithstanding subsection (a), the Secretary may extend an appointment made pursuant to this section for up to an additional 2 years if the individual employee possesses unique knowledge or abilities that are not otherwise available to the Department of Defense.

''(d) DEFINITION.—For purposes of this section, the term 'older American' means any citizen of the United States who is at least 55 years of age.

''§ 9905. Special pay and benefits for certain employees outside the United States

''The Secretary may provide to certain civilian employees of the Department of Defense assigned to activities outside the United States as determined by the Secretary to be in support of Department of Defense activities abroad hazardous to life or health or so specialized because of security requirements as to be clearly distinguishable from normal Government employment—

''(1) allowances and benefits—

''(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (Public Law 96–465, 22 U.S.C. 4081 et seq.) or any other provision of law; or

''(B) comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency; and

''(2) special retirement accrual benefits and disability in the same manner provided for by the Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) and in section 18 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403r).''.

(2) The table of chapters for part III of such title is amended by adding at the end of subpart I the following new item:

''99. Department of Defense National Security Personnel System ..... 9901''.

(b) IMPACT ON DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.—(1) Any exercise of authority under chapter 99 of such title (as added by subsection (a)), including under any system established under such chapter, shall be in conformance with the requirements of this subsection.

(2) No other provision of this Act or of any amendment made by this Act may be construed or applied in a manner so as to limit, supersede, or otherwise affect the provisions of this section, except to the extent that it does so by specific reference to this section.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. EXPANSION OF AUTHORITY TO PROVIDE ADMINISTRATIVE SUPPORT AND SERVICES AND TRAVEL AND SUBSISTENCE EXPENSES FOR CERTAIN FOREIGN LIAISON OFFICERS.

(a) ADMINISTRATIVE SUPPORT AND SERVICES.—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking ''involved in a coalition with the United States'';

(2) by striking ''temporarily''; and

(3) by striking '' in connection with the planning for, or conduct of, a coalition operation''.

(b) TRAVEL, SUBSISTENCE, AND OTHER EXPENSES.—Subsection (b) of such section is amended—

(1) by striking ''(1)'';

(2) by striking ''expenses specified in paragraph (2)'' and inserting ''travel, subsistence, and similar personal expenses'';

(3) by striking ''developing country'' and inserting ''developing nation'';

(4) by striking ''in connection with the assignment of that officer to the headquarters of a combatant command as described in subsection (a)'' and inserting ''involved in a coalition while the liaison officer is assigned temporarily to a headquarters described in subsection (a) in connection with the planning for, or conduct of, a coalition operation''; and

(5) by striking paragraph (2).

(c) REIMBURSEMENT.—Subsection (c) of such section is amended by striking ''by'' before ''subsection (a)'' and inserting ''under''.

(d) CLERICAL AMENDMENTS.—(1) The heading for section 1051a of such title is amended to read as follows:

''§ 1051a. Foreign officers: administrative services and support; travel, subsistence, and other personal expenses''.

(2) The subsection heading for subsection (a) of such section is amended by striking ''AUTHORITY'' and inserting ''ADMINISTRATIVE SERVICES AND SUPPORT''.

(3) The item relating to such section in the table of sections at the beginning of chapter 53 of such title is amended to read as follows:

''1051a. Foreign officers: administrative services and support; travel, subsistence, and other personal expenses.''.

SEC. 1202. RECOGNITION OF SUPERIOR NONCOMBAT ACHIEVEMENTS OR PERFORMANCE BY MEMBERS OF FRIENDLY FOREIGN FORCES AND OTHER FOREIGN NATIONALS.

(a) AUTHORITY.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1051a the following new section:

''§ 1051b. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance

''(a) GENERAL AUTHORITY.—The Secretary of Defense may present awards and mementos purchased with funds appropriated for operation and maintenance of the armed forces to recognize superior noncombat achievements or performance by members of friendly foreign forces and other foreign nationals that significantly enhance or support the National Security Strategy of the United States.

''(b) ACTIVITIES THAT MAY BE RECOGNIZED.—Activities that may be recognized under subsection (a) include superior achievement or performance that—

''(1) plays a crucial role in shaping the international security environment in ways that protect and promote United States interests;

''(2) supports or enhances United States overseas presence and peacetime engagement activities, including defense cooperation initiatives, security assistance training and programs, and training and exercises with the armed forces;

''(3) helps to deter aggression and coercion, build coalitions, and promote regional stability; or

''(4) serves as a role model for appropriate conduct by military forces in emerging democracies.

''(c) LIMITATION.—Expenditures for the purchase or production of mementos for award under this section may not exceed the 'minimal value' established in accordance with section 7342(a)(5) of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1051a the following new item:

''1051b. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance.''.

SEC. 1203. EXPANSION OF AUTHORITY TO WAIVE CHARGES FOR COSTS OF ATTENDANCE AT GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

Section 1306(b)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2892) is amended by striking ''of cooperation partner states of the North Atlantic Council or the Partnership for Peace'' and inserting ''from states located in Europe or the territory of the former Soviet Union''.

SEC. 1204. IDENTIFICATION OF GOODS AND TECHNOLOGIES CRITICAL FOR MILITARY SUPERIORITY.

(a) IN GENERAL.—(1) Subchapter II of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2508. Goods and technologies critical for military superiority: list

''(a) REQUIREMENT TO MAINTAIN LIST.—(1) The Secretary of Defense shall maintain a list of any goods or technology that, if obtained by a potential adversary, could undermine the military superiority or qualitative military advantage of the United States over potential adversaries.

''(2) In this section, the term 'goods or technology' means—

''(A) any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment; and

''(B) any information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data.

''(b) MATTERS TO BE INCLUDED ON LIST.—The Secretary shall include on the list the following:

''(1) Any technology or developing critical technology (including conventional weapons, weapons of mass destruction, and delivery systems) that could enhance a potential adversary's military capabilities or that is critical to the United States maintaining its military superiority and qualitative military advantage.

''(2) Any dual-use good, material, or know-how that could enhance a potential adversary's military capabilities or that is critical to the United States maintaining its military superiority and qualitative military advantage, including those used to manufacture weapons of mass destruction and their associated delivery systems.

''(c) REQUIREMENTS.—The Secretary shall ensure that—

''(1) the list is subject to a systematic, ongoing assessment and analysis of dual-use technologies; and

''(2) the list is updated not less often than every two months.

''(d) AVAILABILITY.—The list shall be made available—

''(1) in unclassified form on the Department of Defense public website, in a usable form; and

''(2) in classified form to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.''.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2508. Goods and technologies critical for military superiority: list.''.

(b) DEADLINE FOR ESTABLISHMENT.—The list required by section 2508 of title 10, United States Code, as added by subsection (a), shall be established not later than 180 days after the enactment of this Act.

SEC. 1205. REPORT ON ACQUISITION BY IRAQ OF ADVANCED WEAPONS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report on the acquisition by Iraq of weapons of mass destruction and associated delivery systems and the acquisition by Iraq of advanced conventional weapons.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) A description of how Iraq was able to obtain any materials, technology, and know-how for its nuclear, chemical, biological, ballistic missile, and unmanned aerial vehicle programs, and advanced conventional weapons programs, from 1979 through April 2003 from entities (including Iraqi citizens) outside of Iraq.

(2) An assessment of the degree to which United States, foreign, and multilateral export control regimes prevented acquisition by Iraq of weapons of mass destruction-related technology and materials and advanced conventional weapons and delivery systems since the commencement of international inspections in Iraq.

(3) An assessment of the effectiveness of United Nations sanctions at halting the flow of militarily-useful contraband to Iraq from 1991 until the end of Operation Iraqi Freedom.

(4) An assessment of how Iraq was able to evade International Atomic Energy Agency and United Nations inspections regarding chemical, nuclear, biological, and missile weapons and related capabilities.

(5) Identification and a catalogue of the entities and countries that transferred militarily useful contraband to Iraq between 1991 and the end of Operation Iraqi Freedom, and the nature of that contraband.

(c) FORM OF REPORT.—The report shall be submitted in unclassified form with a classified annex, if necessary.

SEC. 1206. AUTHORITY FOR CHECK CASHING AND CURRENCY EXCHANGE SERVICES TO BE PROVIDED TO FOREIGN MILITARY MEMBERS PARTICIPATING IN CERTAIN ACTIVITIES WITH UNITED STATES FORCES.

(a) AUTHORITY.—Subsection (b) of section 3342 of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(8) A member of the military forces of an allied or coalition nation who is participating in a joint operation, joint exercise, humanitarian mission, or peacekeeping mission with the Armed Forces of the United States, but—

''(A) only if—

''(i) such disbursing official action for members of the military forces of that nation is approved by the senior United States military commander assigned to that operation or mission; and

''(ii) that nation has guaranteed payment for any deficiency resulting from such disbursing official action; and

''(B) in the case of negotiable instruments, only for a negotiable instrument drawn on a financial institution located in the United States or on a foreign branch of such an institution.''.

(b) TECHNICAL AMENDMENTS.—That subsection is further amended—

(1) by striking ''only for—'' in the matter preceding paragraph (1) and inserting ''only for the following:'';

(2) by striking ''an'' at the beginning of paragraph (1) and inserting ''An'';

(3) by striking ''personnel'' in paragraphs (2) and (6) and inserting ''Personnel'';

(4) by striking ''a'' at the beginning of paragraphs (3), (4), (5), and (7) and inserting ''A'';

(5) by striking the semicolon at the end of paragraphs (1) through (5) and inserting a period;

(6) by striking ''; or'' at the end of paragraph (6) and inserting a period; and

(7) by striking ''1752(1))'' in paragraph (7) and inserting ''1752(1)))''.

SEC. 1207. REQUIREMENTS FOR TRANSFER TO FOREIGN COUNTRIES OF CERTAIN SPECIFIED TYPES OF EXCESS AIRCRAFT.

(a) EXPANSION OF TRANSFER REQUIREMENT.—Section 2581 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''UH–1 Huey helicopter or AH–1 Cobra helicopter'' and inserting ''UH–1 Huey aircraft, AH–1 Cobra aircraft, T–2 Buckeye aircraft, or T–37 Tweet aircraft''; and

(2) by striking ''helicopter'' each subsequent place it appears in such section and inserting ''aircraft''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2581. Specified excess aircraft: requirements for transfer to foreign countries''.

(2) The item relating to such section in the table of sections at the beginning of chapter 153 of such title is amended to read as follows:

''2581. Specified excess aircraft: requirements for transfer to foreign countries.''.

SEC. 1208. LIMITATION ON NUMBER OF UNITED STATES MILITARY PERSONNEL IN COLOMBIA.

(a) LIMITATION.—None of the funds available to the Department of Defense for any fiscal year may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) EXCLUSION OF CERTAIN MEMBERS.—For purposes of determining compliance with the limitation in subsection (a), the Secretary of Defense may exclude the following military personnel:

(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché, as a member of the security assistance office, or as a member of the Marine Corps security contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military personnel.

(5) A member of the Armed Forces making a port call from a military vessel in Colombia.

(c) NATIONAL SECURITY WAIVER.—(1) The Secretary of Defense may waive the limitation in subsection (a) if the Secretary determines that such waiver is in the national security interest of the United States.

(2) The Secretary shall notify the congressional defense committees not later 15 days after the date of the exercise of the waiver authority under paragraph (1).

SEC. 1209. ASSESSMENT AND REPORT CONCERNING THE LOCATION OF NATO HEADQUARTERS.

(a) ASSESSMENT.—The Secretary of Defense shall conduct a full and complete assessment of costs to the United States associated with the location of the headquarters

of the North Atlantic Treaty Organization (NATO) in Brussels, Belgium, and the costs and benefits of relocating that headquarters to a suitable location in another NATO member country, including those nations invited to join NATO at the Prague summit in 2002. The Secretary shall conduct such assessment in consultation with the Secretary of State.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report of the findings of the assessment under subsection (a).

SEC. 1210. SENSE OF CONGRESS ON REDEPLOYMENT OF UNITED STATES FORCES IN EUROPE.

(a) FINDINGS.—Congress makes the following findings:

(1) In March 1999, in its initial round of expansion, the North Atlantic Treaty Organization (NATO) admitted Poland, the Czech Republic, and Hungary to the Alliance.

(2) At the Prague Summit on November 21–22, 2002, the NATO heads of state and government invited the countries of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to join the Alliance.

(3) The countries admitted in the initial round of expansion referred to in paragraph (1) and the seven new invitee nations referred to in paragraph (2) will in combination significantly alter the nature of the Alliance.

(4) During the first 50 years of the Alliance, NATO materially contributed to the security and stability of Western Europe, brining peace and prosperity to the member nations.

(5) The expansion of NATO is an opportunity to assist the invitee nations in gaining the capabilities to ensure peace, prosperity, and democracy for themselves during the next 50 years of the Alliance.

(6) The military structure and mission of NATO has changed, no longer being focused on the threat of a Soviet invasion, but evolving to handle new missions in the area of crisis management, peacekeeping, and peace-support in the Euro-Atlantic area of operations.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—

(1) the expansion of the North Atlantic Treaty Organization Alliance and the evolution of the military mission of that Alliance requires a fundamental reevaluation of the current posture of United States forces stationed in Europe; and

(2) the President should—

(A) initiate a reevaluation referred to in paragraph (1); and

(B) in carrying out such a reevaluation, consider a military posture that takes maximum advantage of basing and training opportunities in the newly admitted and invitee states referred to in paragraphs (1) and (2), respectively, of subsection (a).

SEC. 1211. REPORT ON ACTIONS THAT COULD BE TAKEN REGARDING COUNTRIES THAT INITIATE CERTAIN LEGAL ACTIONS AGAINST UNITED STATES OFFICIALS.

(a) FINDING.—Congress finds that actions for or on behalf of a foreign government that constitute attempts to commence legal proceedings against, or attempts to compel the appearance of or production of documents from, any current or former official or employee of the United States or member of the Armed Forces of the United States relating to the performance of official duties constitutes a threat to the ability of the United States to take necessary and timely military action.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on appropriate steps that could be taken by the Department of Defense (including restrictions on military travel and limitations on military support and exchange programs) to respond to any action by a foreign government described in subsection (a).

SEC. 1212. SENSE OF CONGRESS CONCERNING NAVY PORT CALLS IN ISRAEL.

(a) FINDINGS.—Congress finds the following:

(1) The United States Sixth Fleet has not conducted regular visits to the port of Haifa, Israel, since the attack on the U.S.S. Cole in Aden, Yemen, on October 12, 2000, but previously visited that port on a regular basis, with an average of 90 United States warships visiting Haifa each year.

(2) The United States Navy has invested millions of dollars in expanding the capacity and capability of the port of Haifa to accommodate United States Navy requirements and the port of Haifa is among the most secure harbors in the world and offers reliable and efficient repair facilities with close proximity to capable air transport and communications.

(3) The forward presence of United States Navy ships is a powerful deterrent to aggression and a tangible expression of American national interests.

(4) The visits of the United States Sixth Fleet to Haifa demonstrate the historic friendship of the American and Israeli people and the commitment of the United States to the security and survival of the State of Israel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense and the United States Navy should engage with the Government of Israel and the Israel Defense Forces to establish appropriate and effective arrangements to ensure the safety of United States Navy vessels and personnel; and

(2) upon such arrangements being made, the Sixth Fleet should resume regular port visits to Haifa, Israel.

SEC. 1213. ASSISTANCE TO IRAQI CHILDREN INJURED DURING OPERATION IRAQI FREEDOM.

(a) ASSISTANCE.—The Secretary of Defense shall, to the maximum extent practicable, provide all necessary support in an expeditious manner to assist Iraqi children who were injured during Operation Iraqi Freedom.

(b) ADDITIONAL REQUIREMENTS.—Assistance described in subsection (a) may be provided to a child only if adequate treatment from other sources in Iraq or neighboring countries is not available and only after completion of an evaluation by a physician or other appropriate medical personnel of the United States Armed Forces. In addition, assistance described in subsection (a) may be provided only if it would not adversely affect military operations of the United States.

(c) DEFINITION.—In this section, the term ''Operation Iraqi Freedom'' means operations of the United States Armed Forces, the armed forces of the United Kingdom, and the armed forces of other coalition member countries initiated on or about March 19, 2003—

(1) to disarm Iraq of its weapons of mass destruction;

(2) to enforce United Nations Security Council Resolution 1441 (November 8, 2002) and other relevant Security Council resolutions with respect to Iraq; and

(3) to liberate the people of Iraq from the regime of Saddam Hussein.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2004 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2004 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $450,800,000 authorized to be appropriated to the Department of Defense for fiscal year 2004 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $86,400,000.

(2) For strategic nuclear arms elimination in Ukraine, $3,900,000.

(3) For nuclear weapons transportation security in Russia, $23,200,000.

(4) For nuclear weapons storage security in Russia, $48,000,000.

(5) For activities designated as Other Program Support, $13,100,000.

(6) For defense and military contacts, $11,100,000.

(7) For chemical weapons destruction in Russia, $171,500,000.

(8) For biological weapons proliferation prevention in the former Soviet Union, $54,200,000.

(9) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $39,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2004 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2004 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2004 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together

with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (5) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. LIMITATION ON USE OF FUNDS UNTIL CERTAIN PERMITS OBTAINED.

(a) LIMITATION ON USE OF FUNDS.—With respect to a new project or an incomplete project carried out by the Department of Defense under Cooperative Threat Reduction programs, not more than 35 percent of the total costs of the project may be obligated or expended from Cooperative Threat Reduction funds for any fiscal year until—

(1) the Secretary of Defense determines—

(A) in the case of a new project, the number and type of permits that may be required for the lifetime of the project in the proposed location or locations of the project; and

(B) in the case of an incomplete project, the number and type of permits that may be required for the remaining lifetime of the project; and

(2) the government of the state of the former Soviet Union in which the project is being or is proposed to be carried out obtains and transmits copies of all such permits to the Department of Defense.

(b) DEFINITIONS.—In this section, with respect to a project under Cooperative Threat Reduction programs:

(1) NEW PROJECT.—The term ''new project'' means a project for which no funds have been obligated or expended as of the date of the enactment of this Act.

(2) INCOMPLETE PROJECT.—The term ''incomplete project'' means a project for which funds have been obligated or expended before the date of the enactment of this Act and which is not completed as of such date.

(3) PERMIT.—The term ''permit'' means any local or national permit for development, general construction, environmental, land use, or other purposes that is required in the state of the former Soviet Union in which the project is being or is proposed to be carried out.

SEC. 1304. LIMITATION ON USE OF FUNDS FOR BIOLOGICAL RESEARCH IN THE FORMER SOVIET UNION.

Of the funds authorized to be appropriated for biological weapons proliferation prevention pursuant to section 1302, no funds may be obligated for cooperative biodefense research or bioattack early warning and preparedness under a Cooperative Threat Reduction program at a site in a state of the former Soviet Union until the Secretary of Defense notifies Congress that—

(1) the Secretary has determined, through access to the site, that no biological weapons research prohibited by international law is being conducted at the site;

(2) the Secretary has assessed the vulnerability of the site to external or internal attempts to exploit or obtain dangerous pathogens illicitly; and

(3) the Secretary has begun to implement appropriate security measures at the site to reduce that vulnerability and to prevent the diversion of dangerous pathogens from legitimate research.

SEC. 1305. AUTHORITY AND FUNDS FOR NONPROLIFERATION AND DISARMAMENT.

The Secretary of Defense is authorized to transfer $78,000,000 in prior year Cooperative Threat Reduction funds from the Department of Defense to the Department of State Nonproliferation and Disarmament Fund for disarmament and nonproliferation purposes outside the territory of the former Soviet Union.

SEC. 1306. REQUIREMENT FOR ON-SITE MANAGERS.

(a) ON-SITE MANAGER REQUIREMENT.—Before obligating any Cooperative Threat Reduction funds for a project described in subsection (b), the Secretary of Defense shall appoint a United States Federal Government employee as an on-site manager.

(b) PROJECTS COVERED.—Subsection (a) applies to a project—

(1) to be located in a state of the former Soviet Union;

(2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and

(3) with respect to which the total contribution by the Department of Defense is expected to exceed $25,000,000.

(c) DUTIES OF ON-SITE MANAGER.—The on-site manager appointed under subsection (a) shall—

(1) develop, in cooperation with representatives from governments of countries participating in the project, a list of those steps or activities critical to achieving the project's disarmament or nonproliferation goals;

(2) establish a schedule for completing those steps or activities;

(3) meet with all participants to seek assurances that those steps or activities are being completed on schedule; and

(4) suspend United States participation in a project when a non-United States participant fails to complete a scheduled step or activity on time, unless directed by the Secretary of Defense to resume United States participation.

(d) STEPS OR ACTIVITIES.—Steps or activities referred to in subsection (c)(1) are those activities that, if not completed, will prevent a project from achieving its disarmament or nonproliferation goals, including, at a minimum, the following:

(1) Identification and acquisition of permits (as defined in section 1303(b)).

(2) Verification that the items, substances, or capabilities to be dismantled, secured, or otherwise modified are available for dismantlement, securing, or modification.

(3) Timely provision of financial, personnel, management, transportation, and other resources.

(e) NOTIFICATION TO CONGRESS.—In any case in which the Secretary of Defense directs an on-site manager to resume United States participation in a project under subsection (c)(4), the Secretary shall concurrently notify Congress of such direction.

(f) EFFECTIVE DATE.—This section shall take effect six months after the date of the enactment of this Act.

SEC. 1307. PROVISIONS RELATING TO FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.

(a) INAPPLICABILITY OF LIMITATION ON USE OF FUNDS.—(1) The conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) shall not apply to the obligation and expenditure of funds available for obligation during fiscal year 2004 for the planning, design, or construction of a chemical weapons destruction facility in Russia if the President submits to Congress a written certification that includes—

(A) a statement as to why waiving the conditions is important to the national security interests of the United States;

(B) a full and complete justification for exercising this waiver; and

(C) a plan to promote a full and accurate disclosure by Russia regarding the size, content, status, and location of its chemical weapons stockpile.

(2) The authority under paragraph (1) shall expire on September 30, 2004.

(b) AVAILABILITY OF FUNDS.—(1) Except as provided in paragraph (2), of the funds that may be obligated for a chemical weapons destruction facility in Russia as specified in section 1302(a)(7), the Secretary of Defense may not obligate an amount greater than two times the amount obligated by Russia and any other state for the planning, design, construction, or operation of a chemical weapons destruction facility in Russia.

(2) Of the funds that may be obligated for a chemical weapons destruction facility in Russia as specified in section 1302(a)(7), $71,500,000 shall be available for obligation on and after October 1, 2003.

SEC. 1308. STUDY RELATING TO EX-SOVIET URANIUM AND PLUTONIUM.

The Secretary of Defense shall submit a study to Congress not later than one year after the date of the enactment of this Act, examining the costs and benefits of purchasing all the ex-Soviet weapons-grade uranium and plutonium in fiscal year 2005, and safeguarding it from smuggling or theft until it can be rendered unusable for weapons.

TITLE XIV—SERVICES ACQUISITION REFORM

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Services Acquisition Reform Act of 2003''.

SEC. 1402. EXECUTIVE AGENCY DEFINED.

In this title, the term ''executive agency'' has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)), unless specifically stated otherwise.

Subtitle A—Acquisition Workforce and Training

SEC. 1411. DEFINITION OF ACQUISITION.

Section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) is amended by adding at the end the following:

''(16) The term 'acquisition'—

''(A) means the process of acquiring, with appropriated funds, by contract for purchase or lease, property or services (including construction) that support the missions and goals of an executive agency, from the point at which the requirements of the executive agency are established in consultation with the chief acquisition officer of the executive agency; and

''(B) includes—

''(i) the process of acquiring property or services that are already in existence, or that must be created, developed, demonstrated, and evaluated;

''(ii) the description of requirements to satisfy agency needs;

''(iii) solicitation and selection of sources;

''(iv) award of contracts;

''(v) contract performance;

''(vi) contract financing:

''(vii) management and measurement of contract performance through final delivery and payment; and

''(viii) technical and management functions directly related to the process of fulfilling agency requirements by contract.''.

SEC. 1412. ACQUISITION WORKFORCE TRAINING FUND.

(a) PURPOSES.—The purposes of this section are to ensure that the Federal acquisition workforce—

(1) adapts to fundamental changes in the nature of Federal Government acquisition of property and services associated with the changing roles of the Federal Government; and

(2) acquires new skills and a new perspective to enable it to contribute effectively in the changing environment of the 21st century.

(b) ESTABLISHMENT OF FUND.—Section 37 of the Office of Federal Procurement Policy

Act (41 U.S.C. 433) is amended by adding at the end of subsection (h) the following new paragraph:

''(3) ACQUISITION WORKFORCE TRAINING FUND.—(A) The Administrator of General Services shall establish an acquisition workforce training fund. The Administrator shall manage the fund through the Federal Acquisition Institute to support the training of the acquisition workforce of the executive agencies other than the Department of Defense. The Administrator shall consult with the Administrator for Federal Procurement Policy in managing the fund.

''(B) There shall be credited to the acquisition workforce training fund 5 percent of the fees collected by executive agencies (other than the Department of Defense) under the following contracts:

''(i) Governmentwide task and delivery-order contracts entered into under sections 303H and 303I of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h and 253i).

''(ii) Governmentwide contracts for the acquisition of information technology as defined in section 11101 of title 40, United States Code, and multiagency acquisition contracts for such technology authorized by section 11314 of such title.

''(iii) Multiple-award schedule contracts entered into by the Administrator of General Services.

''(C) The head of an executive agency that administers a contract described in subparagraph (B) shall remit to the General Services Administration the amount required to be credited to the fund with respect to such contract at the end of each quarter of the fiscal year.

''(D) The Administrator of General Services, through the Office of Federal Acquisition Policy, shall ensure that funds collected for training under this section are not used for any purpose other than the purpose specified in subparagraph (A).

''(E) Amounts credited to the fund shall be in addition to funds requested and appropriated for education and training referred to in paragraph (1).

''(F) Amounts credited to the fund shall remain available until expended.''.

(c) EXCEPTION.—This section and the amendments made by this section shall not apply to the acquisition workforce of the Department of Defense.

SEC. 1413. ACQUISITION WORKFORCE RECRUITMENT PROGRAM.

(a) AUTHORITY TO CARRY OUT PROGRAM.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the head of a department or agency of the United States (including the Secretary of Defense) may determine that certain Federal acquisition positions are ''shortage category'' positions in order to recruit and appoint directly to positions of employment in the department or agency highly qualified persons, such as any person who—

(1) holds a bachelor's degree from an accredited institution of higher education;

(2) holds, from an accredited law school or an accredited institution of higher education—

(A) a law degree; or

(B) a masters or equivalent degree in business administration, public administration, or systems engineering; or

(3) has significant experience with commercial acquisition practices, terms, and conditions.

(b) REQUIREMENTS.—The exercise of authority to take a personnel action under this section shall be subject to policies prescribed by the Office of Personnel Management that govern direct recruitment, including policies requiring appointment of a preference eligible who satisfies the qualification requirements.

(c) TERMINATION OF AUTHORITY.—The head of a department or agency may not appoint a person to a position of employment under this section after September 30, 2007.

(d) REPORT.—Not later than March 31, 2007, the Administrator for Federal Procurement Policy shall submit to Congress a report on the implementation of this section. The report shall include—

(1) the Administrator's assessment of the efficacy of the exercise of the authority provided in this section in attracting employees with unusually high qualifications to the acquisition workforce; and

(2) any recommendations considered appropriate by the Administrator on whether the authority to carry out the program should be extended.

SEC. 1414. ARCHITECTURAL AND ENGINEERING ACQUISITION WORKFORCE.

The Administrator for Federal Procurement Policy, in consultation with the Secretary of Defense, the Administrator of General Services, and the Director of the Office of Personnel Management, shall develop and implement a plan to ensure that the Federal Government maintains the necessary capability with respect to the acquisition of architectural and engineering services to—

(1) ensure that Federal Government employees have the expertise to determine agency requirements for such services;

(2) establish priorities and programs (including acquisition plans);

(3) establish professional standards;

(4) develop scopes of work; and

(5) award and administer contracts for such services.

Subtitle B—Adaptation of Business Acquisition Practices

PART I—ADAPTATION OF BUSINESS MANAGEMENT PRACTICES

SEC. 1421. CHIEF ACQUISITION OFFICERS.

(a) APPOINTMENT OF CHIEF ACQUISITION OFFICERS.—(1) Section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended to read as follows:

''SEC. 16. CHIEF ACQUISITION OFFICERS.

''(a) ESTABLISHMENT OF AGENCY CHIEF ACQUISITION OFFICERS.—The head of each executive agency (other than the Department of Defense) shall appoint or designate a noncareer employee as Chief Acquisition Officer for the agency, who shall—

''(1) have acquisition management as that official's primary duty; and

''(2) advise and assist the head of the executive agency and other agency officials to ensure that the mission of the executive agency is achieved through the management of the agency's acquisition activities.

''(b) AUTHORITY AND FUNCTIONS OF AGENCY CHIEF ACQUISITION OFFICERS.—The functions of each Chief Acquisition Officer shall include—

''(1) monitoring the performance of acquisition activities and acquisition programs of the executive agency, evaluating the performance of those programs on the basis of applicable performance measurements, and advising the head of the executive agency regarding the appropriate business strategy to achieve the mission of the executive agency;

''(2) increasing the use of full and open competition in the acquisition of property and services by the executive agency by establishing policies, procedures, and practices that ensure that the executive agency receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements (including performance and delivery schedules) at the best value considering the nature of the property or service procured;

''(3) making acquisition decisions consistent with all applicable laws and establishing clear lines of authority, accountability, and responsibility for acquisition decisionmaking within the executive agency;

''(4) managing the direction of acquisition policy for the executive agency, including implementation of the unique acquisition policies, regulations, and standards of the executive agency;

''(5) developing and maintaining an acquisition career management program in the executive agency to ensure that there is an adequate professional workforce; and

''(6) as part of the strategic planning and performance evaluation process required under section 306 of title 5, United States Code, and sections 1105(a)(28), 1115, 1116, and 9703 of title 31, United States Code—

''(A) assessing the requirements established for agency personnel regarding knowledge and skill in acquisition resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

''(B) in order to rectify any deficiency in meeting such requirements, developing strategies and specific plans for hiring, training, and professional development; and

''(C) reporting to the head of the executive agency on the progress made in improving acquisition management capability.''.

(2) The item relating to section 16 in the table of contents in section 1(b) of such Act is amended to read as follows:

''Sec. 16. Chief Acquisition Officers.''.

(b) REFERENCES TO SENIOR PROCUREMENT EXECUTIVE.—

(1) AMENDMENT TO THE OFFICE OF FEDERAL POLICY ACT.—

(A) Subsections (a)(2)(A) and (b) of section 20 of the Office of Federal Procurement Policy Act (41 U.S.C. 418(a)(2)(A), (b)) are amended by striking ''senior procurement executive'' each place it appears and inserting ''Chief Acquisition Officer''.

(B) Subsection (c)(2)(A)(ii) of section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425(c)(2)(A)(ii)) is amended by striking ''senior procurement executive'' and inserting ''Chief Acquisition Officer''.

(C) Subsection (c) of section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433(c)) is amended—

(i) by striking ''SENIOR PROCUREMENT EXECUTIVE'' in the heading and inserting ''CHIEF ACQUISITION OFFICER''; and

(ii) by striking ''senior procurement executive'' each place it appears and inserting ''Chief Acquisition Officer''.

(2) AMENDMENT TO TITLE III OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Sections 302C(b) and 303(f)(1)(B)(iii) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252c, 253) are amended by striking ''senior procurement executive'' each place it appears and inserting ''Chief Acquisition Officer''.

(3) AMENDMENT TO TITLE 10, UNITED STATES CODE.—The following sections of title 10, United States Code are amended by striking ''senior procurement executive'' each place it appears and inserting ''Chief Acquisition Officer'':

(A) Section 133(c)(1).

(B) Subsections (d)(2)(B) and (f)(1) of section 2225.

(C) Section 2302c(b).

(D) Section 2304(f)(1)(B)(iii).

(E) Section 2359a(i).

(4) REFERENCES.—Any reference to a senior procurement executive of a department or agency of the United States in any other provision of law or regulation, document, or record of the United States shall be deemed to be a reference to the Chief Acquisition Officer of the department or agency.

(c) TECHNICAL CORRECTION.—Section 1115(a) of title 31, United States Code, is

amended by striking ''section 1105(a)(29)'' and inserting ''section 1105(a)(28)''.

SEC. 1422. CHIEF ACQUISITION OFFICERS COUNCIL.

(a) ESTABLISHMENT OF COUNCIL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by inserting after section 16 the following new section:

''SEC. 16A. CHIEF ACQUISITION OFFICERS COUNCIL.

''(a) ESTABLISHMENT.—There is established in the executive branch a Chief Acquisition Officers Council.

''(b) MEMBERSHIP.—The members of the Council shall be as follows:

''(1) The Deputy Director for Management of the Office of Management and Budget, who shall act as Chairman of the Council.

''(2) The Administrator for Federal Procurement Policy.

''(3) The chief acquisition officer of each executive agency.

''(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(5) Any other officer or employee of the United States designated by the Chairman.

''(c) LEADERSHIP; SUPPORT.—(1) The Administrator for Federal Procurement Policy shall lead the activities of the Council on behalf of the Deputy Director for Management.

''(2)(A) The Vice Chairman of the Council shall be selected by the Council from among its members.

''(B) The Vice Chairman shall serve a 1-year term, and may serve multiple terms.

''(3) The Administrator of General Services shall provide administrative and other support for the Council.

''(d) PRINCIPAL FORUM.—The Council is designated the principal interagency forum for monitoring and improving the Federal acquisition system.

''(e) FUNCTIONS.—The Council shall perform functions that include the following:

''(1) Develop recommendations for the Director of the Office of Management and Budget on Federal acquisition policies and requirements.

''(2) Share experiences, ideas, best practices, and innovative approaches related to Federal acquisition.

''(3) Assist the Administrator in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Federal acquisition.

''(4) Promote effective business practices that ensure the timely delivery of best value products to the Federal Government and achieve appropriate public policy objectives.

''(5) Further integrity, fairness, competition, openness, and efficiency in the Federal acquisition system.

''(6) Work with the Office of Personnel Management to assess and address the hiring, training, and professional development needs of the Federal Government related to acquisition.

''(7) Work with the Administrator and the Federal Acquisition Regulatory Council to promote the business practices referred to in paragraph (4) and other results of the functions carried out under this subsection.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 16 the following new item:

''Sec. 16A. Chief Acquisition Officers Council.''.

SEC. 1423. STATUTORY AND REGULATORY REVIEW.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall establish an advisory panel to review laws and regulations regarding the use of commercial practices, performance-based contracting, the performance of acquisition functions across agency lines of responsibility, and the use of Governmentwide contracts.

(b) MEMBERSHIP.—The panel shall be composed of at least nine individuals who are recognized experts in acquisition law and Government acquisition policy. In making appointments to the panel, the Administrator shall—

(1) consult with the Secretary of Defense, the Administrator of General Services, the Committees on Armed Services and Government Reform of the House of Representatives, and the Committees on Armed Services and Governmental Affairs of the Senate, and

(2) ensure that the members of the panel reflect the diverse experiences in the public and private sectors.

(c) DUTIES.—The panel shall—

(1) review all Federal acquisition laws and regulations with a view toward ensuring effective and appropriate use of commercial practices and performance-based contracting; and

(2) make any recommendations for the repeal or amendment of such laws or regulations that are considered necessary as a result of such review—

(A) to eliminate any provisions in such laws or regulations that are unnecessary for the effective, efficient, and fair award and administration of contracts for the acquisition by the Federal Government of goods and services;

(B) to ensure the continuing financial and ethical integrity of acquisitions by the Federal Government; and

(C) to protect the best interests of the Federal Government.

(d) REPORT.—Not later than one year after the establishment of the panel, the panel shall submit to the Administrator and to the Committees on Armed Services and Government Reform of the House of Representatives and the Committees on Armed Services and Governmental Affairs of the Senate a report containing a detailed statement of the findings, conclusions, and recommendations of the panel.

PART II—OTHER ACQUISITION IMPROVEMENTS

SEC. 1426. EXTENSION OF AUTHORITY TO CARRY OUT FRANCHISE FUND PROGRAMS.

Section 403(f) of the Federal Financial Management Act of 1994 (Public Law 103–356; 31 U.S.C. 501 note) is amended by striking ''October 1, 2003'' and inserting ''October 1, 2006''.

SEC. 1427. AGENCY ACQUISITION PROTESTS.

(a) DEFENSE CONTRACTS.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2305a the following new section:

''§ 2305b. Protests

''(a) IN GENERAL.—An interested party may protest an acquisition of supplies or services by an agency based on an alleged violation of an acquisition law or regulation, and a decision regarding such alleged violation shall be made by the agency in accordance with this section.

''(b) RESTRICTION ON CONTRACT AWARD PENDING DECISION.—(1) Except as provided in paragraph (2), a contract may not be awarded by an agency after a protest concerning the acquisition has been submitted under this section and while the protest is pending.

''(2) The head of the acquisition activity responsible for the award of the contract may authorize the award of a contract, notwithstanding pending protest under this section, upon making a written finding that urgent and compelling circumstances do not allow for waiting for a decision on the protest.

''(c) RESTRICTION ON CONTRACT PERFORMANCE PENDING DECISION.—(1) Except as provided in paragraph (2), performance of a contract may not be authorized (and performance of the contract shall cease if performance has already begun) in any case in which a protest of the contract award is submitted under this section before the later of—

''(A) the date that is 10 days after the date of contract award; or

''(B) the date that is five days after an agency debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required, under section 2305(b)(5) of this title.

''(2) The head of the acquisition activity responsible for the award of a contract may authorize performance of the contract notwithstanding a pending protest under this section upon making a written finding that urgent and compelling circumstances do not allow for waiting for a decision on the protest.

''(d) DEADLINE FOR DECISION.—The head of an agency shall issue a decision on a protest under this section not later than the date that is 20 working days after the date on which the protest is submitted to such head of an agency.

''(e) CONSTRUCTION.—Nothing in this section shall affect the right of an interested party to file a protest with the Comptroller General under subchapter V of chapter 35 of title 31 or in the United States Court of Federal Claims.

''(f) DEFINITIONS.—In this section, the terms 'protest' and 'interested party' have the meanings given such terms in section 3551 of title 31.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305a the following new item:

''2305b. Protests.''.

(b) OTHER AGENCIES.—Title III of the Federal Property and Administrative Services Act of 1949 is amended by inserting after section 303M (41 U.S.C. 253m) the following new section:

''SEC. 303N. PROTESTS.

''(a) IN GENERAL.—An interested party may protest an acquisition of supplies or services by an executive agency based on an alleged violation of an acquisition law or regulation, and a decision regarding such alleged violation shall be made by the agency in accordance with this section.

''(b) RESTRICTION ON CONTRACT AWARD PENDING DECISION.—(1) Except as provided in paragraph (2), a contract may not be awarded by an agency after a protest concerning the acquisition has been submitted under this section and while the protest is pending.

''(2) The head of the acquisition activity responsible for the award of a contract may authorize the award of the contract, notwithstanding a pending protest under this section, upon making a written finding that urgent and compelling circumstances do not allow for waiting for a decision on the protest.

''(c) RESTRICTION ON CONTRACT PERFORMANCE PENDING DECISION.—(1) Except as provided in paragraph (2), performance of a contract may not be authorized (and performance of the contract shall cease if performance has already begun) in any case in which a protest of the contract award is submitted under this section before the later of—

''(A) the date that is 10 days after the date of contract award; or

''(B) the date that is five days after an agency debriefing date offered to an unsuccessful offeror for any debriefing that is requested and, when requested, is required, under section 303B(e) of this title.

''(2) The head of the acquisition activity responsible for the award of a contract may

authorize performance of the contract notwithstanding a pending protest under this section upon making a written finding that urgent and compelling circumstances do not allow for waiting for a decision on the protest.

''(d) DEADLINE FOR DECISION.—The head of an executive agency shall issue a decision on a protest under this section not later than the date that is 20 working days after the date on which the protest is submitted to the executive agency.

''(e) CONSTRUCTION.—Nothing in this section shall affect the right of an interested party to file a protest with the Comptroller General under subchapter V of chapter 35 of title 31, United States Code, or in the United States Court of Federal Claims.

''(f) DEFINITIONS.—In this section, the terms 'protest' and 'interested party' have the meanings given such terms in section 3551 of title 31, United States Code.''.

(c) CONFORMING AMENDMENT.—Section 3553(d)(4) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

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

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

''(C) in the case of a protest of the same matter regarding such contract that is submitted under section 2305b of title 10 or section 303N of the Federal Property and Administrative Services Act of 1949, the date that is 5 days after the date on which a decision on that protest is issued.''.

SEC. 1428. IMPROVEMENTS IN CONTRACTING FOR ARCHITECTURAL AND ENGINEERING SERVICES.

(a) TITLE 10.—Section 2855(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''$85,000'' and inserting ''$300,000''; and

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

''(4) The selection and competition requirements described in subsection (a) shall apply to any contract for architectural and engineering services (including surveying and mapping services) that is entered into by the head of an agency (as such term is defined in section 2302 of this title).''.

(b) ARCHITECTURAL AND ENGINEERING SERVICES.—Architectural and engineering services (as defined in section 1102 of title 40, United States Code) shall not be offered under multiple-award schedule contracts entered into by the Administrator of General Services or under Governmentwide task and delivery-order contracts entered into under sections 2304a and 2304b of title 10, United States Code, or sections 303H and 303I of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h and 253i) unless such services—

(1) are performed under the direct supervision of a professional engineer licensed in a State; and

(2) are awarded in accordance with the selection procedures set forth in chapter 11 of title 40, United States Code.

SEC. 1429. AUTHORIZATION OF TELECOMMUTING FOR FEDERAL CONTRACTORS.

(a) AMENDMENT TO THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) to permit telecommuting by employees of Federal Government contractors in the performance of contracts entered into with executive agencies.

(b) CONTENT OF AMENDMENT.—The regulation issued pursuant to subsection (a) shall, at a minimum, provide that solicitations for the acquisition of property or services may not set forth any requirement or evaluation criteria that would—

(1) render an offeror ineligible to enter into a contract on the basis of the inclusion of a plan of the offeror to permit the offeror's employees to telecommute; or

(2) reduce the scoring of an offer on the basis of the inclusion in the offer of a plan of the offeror to permit the offeror's employees to telecommute, unless the contracting officer concerned first—

(A) determines that the requirements of the agency, including the security requirements of the agency, cannot be met if the telecommuting is permitted; and

(B) documents in writing the basis for that determination.

(c) GAO REPORT.—Not later than one year after the date on which the regulation required by subsection (a) is published in the Federal Register, the Comptroller General shall submit to Congress—

(1) an evaluation of—

(A) the conformance of the regulations with law; and

(B) the compliance by executive agencies with the regulations; and

(2) any recommendations that the Comptroller General considers appropriate.

(d) DEFINITION.—In this section, the term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

Subtitle C—Contract Incentives

SEC. 1431. INCENTIVES FOR CONTRACT EFFICIENCY.

(a) INCENTIVES FOR CONTRACT EFFICIENCY.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 41. INCENTIVES FOR EFFICIENT PERFORMANCE OF SERVICES CONTRACTS.

''(a) OPTIONS FOR SERVICES CONTRACTS.—An option included in a contract for services to extend the contract by one or more periods may provide that it be exercised on the basis of exceptional performance by the contractor. A contract that contains such an option provision shall include performance standards for measuring performance under the contract, and to the maximum extent practicable be performance-based. Such option provision shall only be exercised in accordance with applicable provisions of law or regulation that set forth restrictions on the duration of the contract containing the option.

''(b) DEFINITION OF PERFORMANCE-BASED.—In this section, the term 'performance-based', with respect to a contract, task order, or contracting, means that the contract, task order, or contracting, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.''.

(b) CLERICAL AND TECHNICAL AMENDMENTS.—(1) The table of contents in section 1(b) of such Act is amended by striking the last item and inserting the following:

''Sec. 40. Protection of constitutional rights of contractors.
''Sec. 41. Incentives for efficient performance of services contracts.''.

(2) The section before section 41 of such Act (as added by subsection (a)) is redesignated as section 40.

Subtitle D—Acquisitions of Commercial Items

SEC. 1441. ADDITIONAL INCENTIVE FOR USE OF PERFORMANCE-BASED CONTRACTING FOR SERVICES.

(a) OTHER CONTRACTS.—Section 41 of the Office of Federal Procurement Policy Act, as added by section 1431, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b) INCENTIVE FOR USE OF PERFORMANCE-BASED SERVICES CONTRACTS.—(1) A performance-based contract for the procurement of services entered into by an executive agency or a performance-based task order for services issued by an executive agency may be treated as a contract for the procurement of commercial items if—

''(A) the contract or task order sets forth specifically each task to be performed and, for each task—

''(i) defines the task in measurable, mission-related terms; and

''(ii) identifies the specific end products or output to be achieved; and

''(B) the source of the services provides similar services to the general public under terms and conditions similar to those offered to the Federal Government.

''(2) The regulations implementing this subsection shall require agencies to collect and maintain reliable data sufficient to identify the contracts or task orders treated as contracts for commercial items using the authority of this subsection. The data may be collected using the Federal Procurement Data System or other reporting mechanism.

''(3) Not later than two years after the date of the enactment of this subsection, the Director of the Office of Management and Budget shall prepare and submit to the Committees on Governmental Affairs and on Armed Services of the Senate and the Committees on Government Reform and on Armed Services of the House of Representatives a report on the contracts or task orders treated as contracts for commercial items using the authority of this subsection. The report shall include data on the use of such authority both government-wide and for each department and agency.

''(4) The authority under this subsection shall expire 10 years after the date of the enactment of this subsection.''.

(b) CENTER OF EXCELLENCE IN SERVICE CONTRACTING.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall establish a center of excellence in contracting for services. The center of excellence shall assist the acquisition community by identifying, and serving as a clearinghouse for, best practices in contracting for services in the public and private sectors.

(c) REPEAL OF SUPERSEDED PROVISION.—Subsection (b) of section 821 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–218) is repealed.

SEC. 1442. AUTHORIZATION OF ADDITIONAL COMMERCIAL CONTRACT TYPES.

Section 8002(d) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3387; 41 U.S.C. 264 note) is amended—

(1) in paragraph (1), by striking ''and'';

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

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

''(3) authority for use of a time and materials contract or a labor-hour contract for the procurement of commercial services that are commonly sold to the general public through such contracts.''.

SEC. 1443. CLARIFICATION OF COMMERCIAL SERVICES DEFINITION.

Subparagraph (F) of section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F)) is amended—

(1) by striking ''catalog or''; and

(2) by inserting ''or specific outcomes to be achieved'' after ''performed''.

SEC. 1444. DESIGNATION OF COMMERCIAL BUSINESS ENTITIES.

(a) IN GENERAL.—Section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403), as amended by section 1411, is further amended—

(1) by adding at the end of paragraph (12) the following new subparagraph:

''(I) Items or services produced or provided by a commercial entity.''; and

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

''(17) The term 'commercial entity' means any enterprise whose primary customers are other than the Federal Government. In order to qualify as a commercial entity, at least 90 percent (in dollars) of the sales of the enterprise over the past three business years must have been made to private sector entities.''.

(b) COLLECTION OF DATA.—Regulations implementing the amendments made by subsection (a) shall require agencies to collect and maintain reliable data sufficient to identify the contracts entered into or task orders awarded for items or services produced or provided by a commercial entity. The data may be collected using the Federal Procurement Data System or other reporting mechanism.

(c) OMB REPORT.—Not later than two years after the date of the enactment of this subsection, the Director of the Office of Management and Budget shall prepare and submit to the Committees on Governmental Affairs and on Armed Services of the Senate and the Committees on Government Reform and on Armed Services of the House of Representatives a report on the contracts entered into or task orders awarded for items or services produced or provided by a commercial entity. The report shall include data on the use of such authority both government-wide and for each department and agency.

(d) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the implementation of the amendments made by subsection (a) to evaluate the effectiveness of such implementation in increasing the availability of items and services to the Federal Government at fair and reasonable prices.

Subtitle E—Other Matters

SEC. 1451. AUTHORITY TO ENTER INTO CERTAIN PROCUREMENT-RELATED TRANSACTIONS AND TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by adding at the end the following new section:

''SEC. 318. AUTHORITY TO ENTER INTO CERTAIN TRANSACTIONS FOR DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The head of an executive agency who engages in basic research, applied research, advanced research, and development projects that—

''(A) are necessary to the responsibilities of such official's executive agency in the field of research and development, and

''(B) have the potential to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack,

may exercise the same authority (subject to the same restrictions and conditions) with respect to such research and projects as the Secretary of Defense may exercise under section 2371 of title 10, United States Code, except for subsections (b) and (f) of such section 2371.

''(2) PROTOTYPE PROJECTS.—The head of an executive agency may, under the authority of paragraph (1), carry out prototype projects that meet the requirements of subparagraphs (A) and (B) of paragraph (1) in accordance with the requirements and conditions provided for carrying out prototype projects under section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note). In applying the requirements and conditions of that section 845—

''(A) subsection (c) of that section shall apply with respect to prototype projects carried out under this paragraph; and

''(B) the Director of the Office of Management and Budget shall perform the functions of the Secretary of Defense under subsection (d) of that section.

''(3) APPLICABILITY TO SELECTED EXECUTIVE AGENCIES.—

''(A) OMB AUTHORIZATION REQUIRED.—The head of an executive agency may exercise authority under this subsection only if authorized by the Director of the Office of Management and Budget to do so.

''(B) RELATIONSHIP TO AUTHORITY OF DEPARTMENT OF HOMELAND SECURITY.—The authority under this subsection shall not apply to the Secretary of Homeland Security while section 831 of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2224) is in effect.

''(b) ANNUAL REPORT.—The annual report of the head of an executive agency that is required under subsection (h) of section 2371 of title 10, United States Code, as applied to the head of the executive agency by subsection (a), shall be submitted to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

''(c) REGULATIONS.—The Director of the Office of Management and Budget shall prescribe regulations to carry out this section.''.

SEC. 1452. AUTHORITY TO MAKE INFLATION ADJUSTMENTS TO SIMPLIFIED ACQUISITION THRESHOLD.

Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) is amended by inserting before the period at the end the following: '', except that such amount may be adjusted by the Administrator every five years to the amount equal to $100,000 in constant fiscal year 2003 dollars (rounded to the nearest $10,000)''.

SEC. 1453. PROHIBITION ON USE OF QUOTAS.

(a) IN GENERAL.—After the date of enactment of this Act, the Office of Management and Budget may not establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of a department or agency of the Government to public-private competitions or converting such employees or the work performed by such employees to contractor performance under Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the department or agency.

(b) LIMITATIONS.—Subsection (a) shall not—

(1) otherwise affect the implementation or enforcement of the Government Performance and Results Act of 1993 (107 Stat. 285); or

(2) prevent any agency of the Executive branch from subjecting work performed by Federal employees or private contractors to public-private competition or conversions.

SEC. 1454. APPLICABILITY OF CERTAIN PROVISIONS TO SOLE SOURCE CONTRACTS FOR GOODS AND SERVICES TREATED AS COMMERCIAL ITEMS.

(a) IN GENERAL.—No contract awarded on a sole source basis for the procurement of items or services that are treated as or deemed to be commercial items pursuant to the amendments made by section 1441, 1444, or 1457 of this Act shall be exempt from—

(1) cost accounting standards promulgated pursuant to section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422); and

(2) cost or pricing data requirements (commonly referred to as truth in negotiating) under section 2306a of title 10, United States Code, and section 304A of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b).

(b) LIMITATION.—This section shall not apply to any contract in an amount not greater than $15,000,000.

SEC. 1455. PUBLIC DISCLOSURE OF NONCOMPETITIVE CONTRACTING FOR THE RECONSTRUCTION OF INFRASTRUCTURE IN IRAQ.

(a) DISCLOSURE REQUIRED.—

(1) PUBLICATION AND PUBLIC AVAILABILITY.—The head of an executive agency of the United States that enters into a contract for the repair, maintenance, or construction of infrastructure in Iraq without full and open competition shall publish in the Federal Register or Commerce Business Daily and otherwise make available to the public, not later than 30 days after the date on which the contract is entered into, the following information:

(A) The amount of the contract.

(B) A brief description of the scope of the contract.

(C) A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(D) The justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) INAPPLICABILITY TO CONTRACTS AFTER FISCAL YEAR 2013.—Paragraph (1) does not apply to a contract entered into after September 30, 2013.

(b) CLASSIFIED INFORMATION.—

(1) AUTHORITY TO WITHHOLD.—The head of an executive agency may—

(A) withhold from publication and disclosure under subsection (a) any document that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy; and

(B) redact any part so classified that is in a document not so classified before publication and disclosure of the document under subsection (a).

(2) AVAILABILITY TO CONGRESS.—In any case in which the head of an executive agency withholds information under paragraph (1), the head of such executive agency shall make available an unredacted version of the document containing that information to the chairman and ranking member of each of the following committees of Congress:

(A) The Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(B) The Committees on Appropriations of the Senate and House of Representatives.

(C) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of such department or agency to which the information relates.

(c) FISCAL YEAR 2003 CONTRACTS.—This section shall apply to contracts entered into on or after October 1, 2002, except that, in the case of a contract entered into before the date of the enactment of this Act, subsection (a) shall be applied as if the contract had been entered into on the date of the enactment of this Act.

(d) RELATIONSHIP TO OTHER DISCLOSURE LAWS.—Nothing in this section shall be construed as affecting obligations to disclose United States Government information under any other provision of law.

(e) DEFINITIONS.—In this section, the terms ''executive agency'' and ''full and open competition'' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 1456. AMENDMENTS RELATING TO FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY.

(a) REPEAL OF SUNSET FOR AUTHORITIES APPLICABLE TO PROCUREMENTS FOR DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.—Section 852 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2235) is amended by striking '', but only if a solicitation of offers for the procurement is issued during the 1-year period beginning on the date of the enactment of this Act''.

(b) APPLICABILITY OF INCREASED SIMPLIFIED ACQUISITION THRESHOLD.—(1) The matter preceding paragraph (1) of section 853(a) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2235) is amended to read as follows:

''(a) THRESHOLD AMOUNTS.—For a procurement referred to in section 852, the simplified acquisition threshold referred to in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) is deemed to be—''.

(2) Subsections (b) and (c) of section 853 of such Act are repealed.

(3) The heading of section 853 of such Act is amended to read as follows:

''SEC. 853. INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR CERTAIN PROCUREMENTS.''.

(4) The table of contents in section 1(b) of such Act is amended by striking the item relating to section 853 and inserting the following:

''Sec. 853. Increased simplified acquisition threshold for certain procurements.''.

(5) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)) is amended—

(A) by striking ''or'' at the end of subparagraph (G);

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

(C) by adding at the end the following:

''(I) the procurement is by the head of an executive agency pursuant to the special procedures provided in section 853 of the Homeland Security Act of 2002 (Public Law 107–296).''.

(c) APPLICABILITY OF CERTAIN COMMERCIAL ITEMS AUTHORITIES.—(1) Subsection (a) of section 855 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2236) is amended to read as follows:

''(a) AUTHORITY.—With respect to a procurement referred to in section 852, the head of an executive agency may deem any item or service to be a commercial item for the purpose of Federal procurement laws.''.

(2) Subsection (b)(1) of section 855 of such Act is amended by striking ''to which any of the provisions of law referred to in subsection (a) are applied''.

(d) EXTENSION OF DEADLINE FOR REVIEW AND REPORT.—Section 857(a) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2237) is amended by striking ''2004'' and inserting ''2006''.

TITLE XV—HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS

SEC. 1501. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This title may be cited as the ''Higher Education Relief Opportunities for Students Act of 2003''.

(b) REFERENCE.—References in this title to ''the Act'' are references to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 1502. WAIVER AUTHORITY FOR RESPONSE TO MILITARY CONTINGENCIES AND NATIONAL EMERGENCIES.

(a) WAIVERS AND MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this title as the ''Secretary'') may waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Act as the Secretary deems necessary in connection with a war or other military operation or national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) recipients of student financial assistance under title IV of the Act who are affected individuals are not placed in a worse position financially in relation to that financial assistance because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are recipients of student financial assistance are minimized, to the extent possible without impairing the integrity of the student financial assistance programs, to ease the burden on such students and avoid inadvertent, technical violations or defaults;

(C) the calculation of ''annual adjusted family income'' and ''available income'', as used in the determination of need for student financial assistance under title IV of the Act for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family;

(D) the calculation under section 484B(b)(2) of the Act (20 U.S.C. 1091b(b)(2)) of the amount a student is required to return in the case of an affected individual may be modified so that no overpayment will be required to be returned or repaid if the institution has documented (i) the student's status as an affected individual in the student's file, and (ii) the amount of any overpayment discharged; and

(E) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance programs under title IV of the Act that are located in areas that are declared disaster areas by any Federal, State or local official in connection with a national emergency, or whose operations are significantly affected by such a disaster, may be granted temporary relief from requirements that are rendered infeasible or unreasonable by a national emergency, including due diligence requirements and reporting deadlines.

(b) NOTICE OF WAIVERS OR MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) TERMS AND CONDITIONS.—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) CASE-BY-CASE BASIS.—The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) IMPACT REPORT.—The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a) on affected individuals and the programs under title IV of the Act, and the basis for such determination, and include in such report the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

(d) NO DELAY IN WAIVERS AND MODIFICATIONS.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the waivers and modifications authorized or required by this title.

SEC. 1503. TUITION REFUNDS OR CREDITS FOR MEMBERS OF ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all institutions offering postsecondary education should provide a full refund to students who are affected individuals for that portion of a period of instruction such student was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for active duty or active service; and

(2) if affected individuals withdraw from a course of study as a result of such active duty or active service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

(b) DEFINITION OF FULL REFUND.—For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

SEC. 1504. USE OF PROFESSIONAL JUDGMENT.

A financial aid administrator shall be considered to be making a necessary adjustment in accordance with section 479A(a) of the Act if the administrator makes adjustments with respect to the calculation of the expected student or parent contribution (or both) of an affected individual, and adequately documents the need for the adjustment.

SEC. 1505. DEFINITIONS.

In this title:

(1) ACTIVE DUTY.—The term ''active duty'' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

(2) AFFECTED INDIVIDUAL.—The term ''affected individual'' means an individual who—

(A) is serving on active duty during a war or other military operation or national emergency;

(B) is performing qualifying National Guard duty during a war or other military operation or national emergency;

(C) resides or is employed in an area that is declared a disaster area by any Federal, State, or local official in connection with a national emergency; or

(D) suffered direct economic hardship as a direct result of a war or other military operation or national emergency, as determined by the Secretary.

(3) MILITARY OPERATION.—The term ''military operation'' means a contingency operation as such term is defined in section 101(a)(13) of title 10, United States Code.

(4) NATIONAL EMERGENCY.—The term ''national emergency'' means a national emergency declared by the President of the United States.

(5) SERVING ON ACTIVE DUTY.—The term ''serving on active duty during a war or other military operation or national emergency'' shall include service by an individual who is—

(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

(B) any other member of an Armed Force on active duty in connection with such war, operation, or emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

(6) QUALIFYING NATIONAL GUARD DUTY.—The term ''qualifying National Guard duty during a war or other military operation or national emergency'' means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, another military operation, or a national emergency declared by the President and supported by Federal funds.

SEC. 1506. TERMINATION OF AUTHORITY.

The provisions of this title shall cease to be effective at the close of September 30, 2005.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2004''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	$5,500,000
Alaska	Fort Wainwright	$138,800,000
California	Fort Irwin	$3,350,000
Colorado	Fort Carson	$2,150,000
Georgia	Fort Benning	$34,500,000
	Fort Stewart/Hunter Army Air Field	$138,550,000
Hawaii	Helemano Military Reservation	$1,400,000
	Schofield Barracks	$128,100,000
Kansas	Fort Leavenworth	$115,000,000
	Fort Riley	$40,000,000
Kentucky	Fort Knox	$5,500,000
Louisiana	Fort Polk	$72,000,000
Maryland	Fort Meade	$9,600,000
Massachusetts	Soldier Systems Center, Natick	$5,500,000
Missouri	Fort Leonard Wood	$5,900,000
New Jersey	Naval Air Engineering Center, Lakehurst	$2,250,000
	Picatinny Arsenal	$11,800,000
New York	Fort Drum	$139,300,000
North Carolina	Fort Bragg	$163,400,000
Oklahoma	Fort Sill	$5,500,000
Texas	Fort Bliss	$5,400,000
	Fort Hood	$56,700,000
Virginia	Fort Belvoir	$7,000,000
	Fort Lee	$3,850,000
	Fort Myer	$9,000,000
Washington	Fort Lewis	$3,900,000
	Total	$1,108,500,000

(b) OUTSIDE THE UNITED STATES.—Subject to subsection (c), using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Grafenwoehr	$76,000,000
	Heidelberg	$17,000,000
	Hohenfels	$13,200,000
	Vilseck	$31,000,000
Italy	Aviano Air Base	$28,500,000
	Livorno	$22,000,000
Korea	Camp Humphreys	$191,150,000
Kwajalein	Kwajalein	$9,400,000
	Total	$388,250,000

(c) CONDITION ON PROJECTS AUTHORIZATION.—The authority of the Secretary of the Army to proceed with the projects at Camp Humphreys, Korea, referred to in the table in subsection (b), and to obligate amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2) in connection with such project, is subject to the condition that the Secretary submit to the congressional defense committees written notice in advance that the United States and the Republic of Korea have entered into an agreement to ensure the availability and use of land sufficient for such projects.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	140 Units	$64,000,000
Arizona	Fort Huachuca	220 Units	$41,000,000
Kansas	Fort Riley	62 Units	$16,700,000
Kentucky	Fort Knox	178 Units	$41,000,000
New Mexico	White Sands Missile Range	58 Units	$14,600,000
Oklahoma	Fort Sill	120 Units	$25,373,000
Virginia	Fort Lee	90 Units	$18,000,000
		Total:	$220,673,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $34,488,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $156,030,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,056,697,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $902,000,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $359,350,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $22,550,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $128,580,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $409,191,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,043,026,000.

(6) For the construction of phase 3 of a barracks complex, D Street, at Fort Richardson, Alaska, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), as amended by section 2105 of this Act, $33,000,000.

(7) For the construction of phase 3 of a barracks complex, 17th and B Streets, at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), $48,000,000.

(8) For the construction of phase 2 of a barracks complex, Capron Road, at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $49,000,000.

(9) For the construction of phase 2 of a barracks complex, Range Road, at Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $49,000,000.

(10) For the construction of phase 2 of a consolidated maintenance complex at Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $13,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $32,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks, Fort Stewart/Hunter Army Airfield, Georgia).

(3) $87,000,000 (the balance of the amount authorized under section 2101(a) for construction of the Lewis and Clark Instructional Facility, Fort Leavenworth, Kansas).

(4) $43,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Wheeler Army Airfield, Fort Drum, New York).

(5) $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Bastogne Drive, Fort Bragg, North Carolina).

(6) $18,900,000 (the balance of the amount authorized under section 2101(b) for construction of a barracks complex, Vilseck, Germany).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECTS.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1281), as amended by section 2105 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2689), is further amended—

(1) in the item relating to Fort Richardson, Alaska, by striking ''$115,000,000'' in the amount column and inserting ''$117,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,364,750,000''.

(b) CONFORMING AMENDMENT.—Section 2104(b)(2) of that Act (115 Stat. 1284) is amended by striking ''$52,000,000'' and inserting ''$54,000,000''.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$22,230,000
California	Marine Corps Air-Ground Task Force Training Center, Twentynine Palms	$42,090,000
	Marine Corps Air Station, Miramar	$7,640,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Marine Corps Base, Camp Pendleton	$73,580,000
	Naval Air Facility, San Clemente Island	$18,940,000
	Naval Air Station, Lemoore	$34,510,000
	Naval Air Station, North Island	$49,240,000
	Naval Air Warfare Center, China Lake	$12,230,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	$6,150,000
	Naval Postgraduate School, Monterey	$42,560,000
	Naval Station, San Diego	$49,710,000
Connecticut	Naval Submarine Base, New London	$3,120,000
District of Columbia	Marine Corps Barracks	$1,550,000
Florida	Blount Island (Jacksonville)	$115,711,000
	Naval Air Station, Jacksonville	$9,190,000
	Naval Air Station, Whiting Field, Milton	$4,830,000
	Naval Surface Warfare Center, Coastal Systems Station, Panama City	$9,550,000
Georgia	Strategic Weapons Facility Atlantic, Kings Bay	$11,510,000
Hawaii	Fleet and Industrial Supply Center, Pearl Harbor	$32,180,000
	Naval Magazine, Lualualei	$6,320,000
	Naval Shipyard, Pearl Harbor	$7,010,000
Illinois	Naval Training Center, Great Lakes	$137,120,000
Indiana	Naval Surface Warfare Center, Crane	$11,400,000
Maryland	Naval Air Warfare Center, Patuxent River	$28,270,000
	Naval Surface Warfare Center, Indian Head	$14,850,000
Mississippi	Naval Air Station, Meridian	$4,570,000
	Naval Station, Pascagoula	$6,100,000
Nevada	Naval Air Station, Fallon	$4,700,000
New Jersey	Naval Air Warfare Center, Lakehurst	$20,681,000
	Naval Weapons Station, Earle	$123,720,000
North Carolina	Marine Corps Air Station, New River	$6,240,000
	Marine Corps Base, Camp Lejeune	$29,450,000
Rhode Island	Naval Station, Newport	$16,140,000
	Naval Undersea Warfare Center, Newport	$10,890,000
South Carolina	Naval Weapons Station, Charleston	$2,350,000
Texas	Naval Air Station, Corpus Christi	$5,400,000
Virginia	Henderson Hall, Arlington	$1,970,000
	Marine Corps Combat Development Command, Quantico	$3,700,000
	Naval Air Station, Oceana	$10,000,000
	Naval Amphibious Base, Little Creek	$3,810,000
	Naval Space Command Center, Dahlgren	$24,020,000
	Naval Station, Norfolk	$182,240,000
	Norfolk Naval Shipyard, Portsmouth	$17,770,000
Washington	Naval Air Station, Whidbey Island	$4,350,000
	Naval Magazine, Indian Island	$2,240,000
	Naval Shipyard, Puget Sound	$12,120,000
	Naval Submarine Base, Bangor	$33,820,000
	Strategic Weapons Facility Pacific, Bangor	$6,530,000
Various Locations	Various Locations, CONUS	$56,360,000
	Total	$1,340,662,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Naval Support Activity, Bahrain	$18,030,000
Guam	Commander, United States Naval Forces, Marianas	$1,700,000
Italy	Naval Air Station, Sigonella	$48,749,000
	Naval Support Activity, La Maddalena	$39,020,000
United Kingdom	Joint Maritime Facility, St. Mawgan	$7,070,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
	Total	$114,569,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State or Country	Installation or location	Purpose	Amount
California	Naval Air Station, Lemoore	187 Units	$41,585,000
Florida	Naval Air Station, Pensacola	25 Units	$4,447,000
North Carolina	Marine Corps Air Station, Cherry Point	339 Units	42,803,000
	Marine Corps Base, Camp Lejeune	519 Units	$68,531,000
		Total	$157,366,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,381,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $20,446,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,288,917,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,005,882,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $114,569,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $13,624,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $71,141,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $184,193,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $852,778,000.

(6) For construction of a bachelors enlisted quarters shipboard ashore at Naval Shipyard Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2687), $46,730,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $25,690,000 (the balance of the amount authorized under section 2101(a) for construction of a tertiary sewage treatment facility, Marine Corp Base, Camp Pendleton, California).

(3) $58,190,000 (the balance of the amount authorized under section 2101(a) for construction of a battle station training facility, Naval Training Center, Great Lakes, Illinois).

(4) $96,980,000 (the balance of the amount authorized under section 2101(a) for construction of a general purpose berthing pier, Naval Weapons Station Earle, New Jersey).

(5) $118,170,000 (the balance of the amount authorized under section 2101(a) for construction of the Pier 11 replacement, Naval Station, Norfolk, Virginia).

(6) $28,750,000 (the balance of the amount authorized under section 2101(a) for construction of outlying landing field facilities, various locations in the continental United States).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$26,000,000
Alaska	Eielson Air Force Base	$33,261,000
	Elmendorf Air Force Base	$2,000,000
Arizona	Davis-Monthan Air Force Base	$10,062,000
Arkansas	Little Rock Air Force Base	$7,445,000
California	Beale Air Force Base	$22,750,000
	Edwards Air Force Base	$26,744,000
	Vandenberg Air Force Base	$16,500,000
Colorado	Buckley Air Force Base	$7,019,000
District of Columbia	Bolling Air Force Base	$9,300,000
Florida	Hurlburt Field	$27,200,000
	Tyndall Air Force Base	$20,720,000
Georgia	Robins Air Force Base	$37,164,000
Hawaii	Hickam Air Force Base	$73,296,000
Idaho	Mountain Home Air Force Base	$5,445,000
Illinois	Scott Air Force Base	$1,900,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Mississippi	Columbus Air Force Base	$2,200,000
	Keesler Air Force Base	$2,900,000
Missouri	Whiteman Air Force Base	$11,600,000
New Jersey	McGuire Air Force Base	$11,861,000
New Mexico	Kirtland Air Force Base	$11,247,000
	Tularosa Radar Test Site	$3,600,000
North Carolina	Pope Air Force Base	$24,499,000
	Seymour Johnson Air Force Base	$23,022,000
North Dakota	Minot Air Force Base	$3,190,000
Ohio	Wright-Patterson Air Force Base	$21,100,000
Oklahoma	Altus Air Force Base	$1,167,000
	Tinker Air Force Base	$19,444,000
South Carolina	Charleston Air Force Base	$9,042,000
	Shaw Air Force Base	$8,500,000
Texas	Goodfellow Air Force Base	$20,335,000
	Lackland Air Force Base	$57,360,000
	Laughlin Air Force Base	$12,400,000
	Sheppard Air Force Base	$38,167,000
Utah	Hill Air Force Base	$15,848,000
Virginia	Langley Air Force Base	$25,474,000
Washington	McChord Air Force Base	$19,000,000
	Total	$668,762,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Base	$41,866,000
	Spangdahlem Air Base	$5,411,000
Italy	Aviano Air Base	$14,025,000
Korea	Kunsan Air Base	$7,059,000
	Osan Air Base	$16,638,000
Portugal	Lajes Field, Azores	$4,086,000
Turkey	Incirlik Air Base	$3,262,000
United Kingdom	Royal Air Force, Lakenheath	$42,487,000
	Royal Air Force, Mildenhall	$10,558,000
Wake Island	Wake Island	$24,000,000
	Total	$169,392,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or location	Amount
Unspecified Worldwide	Classified Location	$29,501,000
	Total	$29,501,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	93 Units	$19,357,000
California	Travis Air Force Base	56 Units	$12,723,000

Air Force: Family Housing—Continued

State or Country	Installation or location	Purpose	Amount
Delaware	Dover Air Force Base	112 Units	$19,601,000
Florida	Eglin Air Force Base	279 Units	$32,166,000
Idaho	Mountain Home Air Force Base	186 Units	$37,126,000
Maryland	Andrews Air Force Base	50 Units	$20,233,000
Missouri	Whiteman Air Force Base	100 Units	$18,221,000
Montana	Malmstrom Air Force Base	94 Units	$19,368,000
North Carolina	Seymour Johnson Air Force Base	138 Units	$18,336,000
North Dakota	Grand Forks Air Force Base	144 Units	$29,550,000
	Minot Air Force Base	200 Units	$41,117,000
South Dakota	Ellsworth Air Force Base	75 Units	$16,240,000
Texas	Dyess Air Force Base	116 Units	$19,973,000
	Randolph Air Force Base	96 Units	$13,754,000
Korea	Osan Air Base	111 Units	$44,765,000
Portugal	Lajes Field, Azores	42 Units	$13,428,000
United Kingdom	Royal Air Force, Lakenheath	89 Units	$23,640,000
		Total	$399,598,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $33,488,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $227,979,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,477,609,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $660,282,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $169,392,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2301(c), $28,981,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $115,421,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $657,065,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $834,468,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Education Activity	Marine Corps Base, Camp Lejeune, North Carolina	$15,259,000
Defense Logistics Agency	Defense Distribution Depot, New Cumberland, Pennsylvania	$27,700,000
	Eglin Air Force Base, Florida	$4,800,000
	Eielson Air Force Base, Alaska	$17,000,000
	Hickam Air Force Base, Hawaii	$14,100,000
	Hurlburt Field, Florida	$4,100,000
	Offutt Air Force Base, Nebraska	$13,400,000
	Langley Air Force Base, Virginia	$13,000,000
	Laughlin Air Force Base, Texas	$4,688,000
	McChord Air Force Base, Washington	$8,100,000
	Naval Air Station, Kingsville, Texas	$9,200,000
	Nellis Air Force Base, Nevada	$12,800,000
National Security Agency	Fort Meade, Maryland	$1,842,000
Special Operations Command	Dam Neck, Virginia	$15,281,000
	Fort Benning, Georgia	$2,100,000
	Fort Bragg, North Carolina	$36,300,000
	Fort Campbell, Kentucky	$7,800,000
	Harrisburg International Airport, Pennsylvania	$3,000,000
	Hurlburt Field, Florida	$6,000,000
	MacDill, Air Force Base, Florida	$25,500,000
	Naval Amphibious Base, Coronado, California	$2,800,000
TRICARE Management Activity	Fort Hood, Texas	$9,400,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Naval Station, Anacostia, District of Columbia	$15,714,000
	Naval Submarine Base, New London, Connecticut	$6,700,000
	United States Air Force Academy, Colorado	$22,100,000
	Walter Reed Medical Center, District of Columbia	$9,000,000
Washington Headquarters Services	Arlington, Virginia	$38,086,000
	Total	$345,770,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity	Grafenwoehr, Germany	$36,247,000
	Heidelberg, Germany	$3,086,000
	Vilseck, Germany	$1,773,000
	Sigonella, Italy	$30,234,000
	Vicenza, Italy	$16,374,000
	Camp Humphreys, Korea	$31,683,000
Special Operations Command	Stuttgart, Germany	$11,400,000
TRICARE Management Activity	Anderson Air Force Base, Guam	$26,000,000
	Grafenwoehr, Germany	$12,585,000
	Total	$169,382,000

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $300,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $69,500,000.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,223,066,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $343,570,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $152,017,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,153,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $8,960,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $66,834,000.

(6) For energy conservation projects authorized by section 2404, $69,500,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $370,427,000.

(8) For military family housing functions:

(A) For planning, design, and improvement of military family housing and facilities, $350,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,440,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $300,000.

(9) For construction of the Defense Threat Reduction Center at Fort Belvoir, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2695), $25,700,000.

(10) For the construction of phase 5 of an ammunition demilitarization facility at Pueblo Depot Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $88,388,000.

(11) For the construction of phase 6 of an ammunition demilitarization facility at Newport Army Ammunition Plant, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $15,207,000.

(12) For the construction of phase 4 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $16,220,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and

the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $169,300,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2003, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $253,788,000; and

(B) for the Army Reserve, $89,840,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $45,762,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $123,408,000; and

(B) for the Air Force Reserve, $61,143,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects, and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2007 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2001 PROJECT.

(a) EXTENSION OF CERTAIN PROJECT.—Notwithstanding section 2701 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–407), the authorization set forth in the table in subsection (b), as provided in section 2102 of that Act, shall remain in effect until October 1, 2004, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2001 Project Authorization

State	Installation or location	Project	Amount
South Carolina	Fort Jackson	New Construction—GFOQ	$250,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 841), the authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2700), shall remain in effect until October 1, 2004, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) is as follows:

Air Force: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Oklahoma	Tinker Air Force Base	Replace Family Housing (41 Units)	$6,000,000

Army National Guard: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Virginia	Fort Pickett	Multi-purpose Range-Heavy	$13,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2003; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN MAXIMUM AMOUNT OF AUTHORIZED ANNUAL EMERGENCY CONSTRUCTION.

Section 2803(c)(1) of title 10, United States Code, is amended by striking ''$30,000,000'' and inserting ''$45,000,000''.

SEC. 2802. AUTHORITY TO LEASE MILITARY FAMILY HOUSING UNITS IN ITALY.

Section 2828(e)(2) of title 10, United States Code, is amended by striking ''2,000 units'' and inserting ''2,800 units''.

SEC. 2803. CHANGES TO ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) SPACE LIMITATIONS BY PAY GRADE.—Section 2880(b)(2) of title 10, United States Code, is amended by striking ''unless the unit is located on a military installation''.

(b) DEPARTMENT OF DEFENSE HOUSING FUND.—(1) Section 2883 of such title is amended by striking subsections (a), (b), and (c) and inserting the following new subsections (a) and (b):

''(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Department of Defense Housing Improvement Fund (in this section referred to as the 'Fund').

''(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

''(1) Amounts authorized for and appropriated to the Fund.

''(2) Subject to subsection (e), any amounts that the Secretary of Defense transfers, in such amounts as are provided for in appropriation Acts, to the Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing or military unaccompanied housing.

''(3) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military family housing or military unaccompanied housing.

''(4) Income derived from any activities under this subchapter with respect to military family housing or military unaccompanied housing, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

''(5) Any amounts that the Secretary of the Navy transfers to the Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.''.

(2) Such section is further amended—

(A) by redesignating subsections (d) through (g) as subsections (c) through (f), respectively;

(B) in subsection (c), as so redesignated—

(i) in the subsection heading, by striking ''FUNDS'' and inserting ''FUND'';

(ii) in paragraph (1)—

(I) by striking ''subsection (e)'' and inserting ''subsection (d)''; and

(II) by striking ''Department of Defense Family Housing Improvement Fund'' and inserting ''Fund'';

(iii) by striking paragraph (2); and

(iv) by redesignating paragraph (3) as paragraph (2);

(C) in subsection (e), as so redesignated, by striking ''a Fund under paragraph (1)(B) or (2)(B) of subsection (c)'' and inserting ''the Fund under subsection (b)(2)''; and

(D) in subsection (f), as so redesignated, by striking ''$850,000,000'' in paragraph (1) and inserting ''$900,000,000''.

(c) TRANSFER OF UNOBLIGATED AMOUNTS.—(1) The Secretary of Defense shall transfer to the Department of Defense Housing Improvement Fund established under section 2883(a) of title 10, United States Code (as amended by subsection (b)), any amounts in the Department of Defense Family Housing Improvement Fund and the Department of Defense Military Unaccompanied Housing Improvement that remain available for obligation as of the date of the enactment of this Act.

(2) Amounts transferred to the Department of Defense Housing Improvement Fund under paragraph (1) shall be merged with amounts in that Fund, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that Fund.

(d) CONFORMING AMENDMENTS.—(1) Paragraph (3) of section 2814(i) of such title is amended—

(A) by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) The Secretary may transfer funds from the Ford Island Improvement Account to the Department of Defense Housing Improvement Fund established by section 2883(a) of this title.''; and

(B) in subparagraph (B), by striking ''a fund'' and inserting ''the Fund''.

(2) Section 2871(6) of such title is amended by striking ''Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund'' and inserting ''Department of Defense Housing Improvement Fund''.

(3) Section 2875(e) of such title is amended by striking ''Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund'' and inserting ''Department of Defense Housing Improvement Fund''.

(e) CLERICAL AMENDMENTS.—(1) The section heading for section 2883 of such title is amended to read as follows:

''§ 2883. Department of Defense Housing Improvement Fund''.

(2) The table of sections at the beginning subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2883 and inserting the following new item:

''2883. Department of Defense Housing Improvement Fund.''.

SEC. 2804. ADDITIONAL MATERIAL FOR ANNUAL REPORT ON HOUSING PRIVATIZATION PROGRAM.

Section 2884(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting before the period at the end the following: '', and such recommendations as the Secretary considers necessary for improving the extent and effectiveness of the use of such authorities in the future''; and

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

''(3) A review of activities of the Secretary under this subchapter during such preceding fiscal year, shown for military family housing, military unaccompanied housing, dual military family housing and military unaccompanied housing, and ancillary supporting facilities.

''(4) If a contract for the acquisition or construction of military family housing, military unaccompanied housing, or dual military family housing and military unaccompanied housing entered into during the preceding fiscal year did not include the acquisition or construction of the types of ancillary supporting facilities specifically referred to in section 2871(1) of this title, a explanation of the reasons why such ancillary supporting facilities were not included.

''(5) A description of the Secretary's plans for housing privatization activities under this subchapter (A) during the fiscal year for which the budget is submitted, and (B) during the period covered by the then-current future-years defense plan under section 221 of this title.''.

SEC. 2805. AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS CLOSED OR TO BE CLOSED IN EXCHANGE FOR MILITARY CONSTRUCTION ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2869. Conveyance of property at military installations closed or to be closed in exchange for military construction activities

''(a) CONVEYANCE AUTHORIZED; CONSIDERATION.—The Secretary of Defense may enter into an agreement to convey real property, including any improvements thereon, located on a military installation that is closed or realigned under a base closure law to any person who agrees, in exchange for the real property—

''(1) to carry out, or provide services in connection with, an authorized military construction project; or

''(2) to transfer to the Secretary of Defense housing that is constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable military family housing or military unaccompanied housing (or both).

''(b) CONDITIONS ON CONVEYANCE AUTHORITY.—A conveyance of real property may be made under subsection (a) only if—

''(1) the fair market value of the consideration to be received in exchange for the real property conveyed under subsection (a) is equal to or greater than the fair market value of the property, including any improvements thereon, as determined by the Secretary concerned; and

''(2) in the event the fair market value of the consideration to be received is equal to at least 90 percent, but less than 100 percent, of the fair market value of the real property to be conveyed, including any improvements thereon, the recipient of the property agrees to pay to the Secretary of Defense an amount equal to the difference in the fair market values.

''(c) USE OF AUTHORITY.—(1) To the maximum extent practicable, the Secretary of Defense shall use the authority provided by subsection (a) to convey at least 20 percent of the total acreage conveyed each fiscal year at military installations closed or realigned under the base closure laws. Notice of the proposed use of this authority shall be provided in such manner as the Secretary may prescribe, including publication in the Federal Register and otherwise. In determining such total acreage for a fiscal year, the Secretary shall exclude real property identified in a redevelopment plan as property essential to the reuse or redevlopment of a military installation closed or to be closed under a base closure law.

''(2) To the maximum extent practicable, the Secretary of Defense shall endeavor to use the authority provided by subsection (a) to obtain military construction and military housing services having a total value of at least $200,000,000 each fiscal year for each of the military departments.

''(3) The Secretary concerned shall utilize the authority provided in subsection (a) in lieu of obligating and expending funds appropriated for military construction and military housing projects that are authorized by law.

''(d) DEPOSIT OF FUNDS.—The Secretary of Defense may deposit funds received under subsection (b)(2) in the Department of Defense Housing Improvement Fund established under section 2883(a) of this title.

''(e) ANNUAL REPORT.—The Secretary of Defense shall include each year in the materials that the Secretary submits to Congress in support of the budget submitted by the President pursuant to section 1105 of title 31 a report detailing the extent to which the Secretary used the authority provided by subsection (a) to convey real property in exchange for military construction and military housing and plans for the use of such authority for the future. The report shall include the following:

''(1) The total value of the real property that was actually conveyed during the preceding fiscal year using the authority provided by subsection (a).

''(2) The total value of the military construction and military housing services obtained in exchange, and, if the dollar goal specified in subsection (c)(2) was not achieved for a military department, an explanation regarding the reasons why the goal was not achieved.

''(3) The current inventory of unconveyed lands at military installations closed or realigned under a base closure law.

''(4) A description of the results of conveyances under subsection (a) during the preceding fiscal year and plans for such conveyances for the current fiscal year, the fiscal year covered by the budget, and the period covered by the current future-years defense program under section 221 of this title.

''(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of real property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary of Defense.

''(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such additional terms and conditions in connection with a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.''.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2869. Conveyance of property at military installations closed or to be closed in exchange for military construction activities.''.

(b) EXCEPTION TO REQUIREMENT FOR AUTHORIZATION OF NUMBER OF HOUSING UNITS.—Section 2822(b) of such title is amended by adding at the end the following new paragraph:

''(6) Housing units constructed or provided under section 2869 of this title.''.

(c) CONFORMING AMENDMENT TO DEPARTMENT OF DEFENSE HOUSING IMPROVEMENT FUND.—Section 2883(b) of such title, as amended by section 2803, is further amended by adding at the end the following new paragraph:

''(6) Any amounts that the Secretary concerned transfers to the Fund pursuant to section 2869 of this title.''.

(d) CONFORMING REPEALS TO BASE CLOSURE LAWS.—(1) Section 204(e) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is repealed.

(2) Section 2905(f) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is repealed.

SEC. 2806. CONGRESSIONAL NOTIFICATION AND REPORTING REQUIREMENTS AND LIMITATIONS REGARDING USE OF OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by inserting after section 2809 the following new section:

''§ 2810. Use of operation and maintenance funds for construction: notification and reporting requirements and limitations

''(a) ADVANCE NOTIFICATION OF OBLIGATION OF FUNDS.—(1) The Secretary concerned shall submit to the appropriate committees of Congress advance written notice before appropriations available for operation and maintenance are obligated for construction described in paragraph (2). The notice shall be submitted not later than 14 days before the date on which appropriations available for operation and maintenance are first obligated for that construction and shall contain the information required by subsection (c).

''(2) Paragraph (1) applies with respect to any construction having an estimated total cost of more than $1,500,000, but not more than $5,000,000, which is paid for in whole or in part using appropriations available for operation and maintenance, if—

''(A) the construction is necessary to meet urgent military operational requirements of a temporary nature;

''(B) the construction was not carried out at a military installation where the United States is reasonably expected to have a long-term interest or presence;

''(C) the United States has no intention of using the construction after the operational requirement has been satisfied; and

''(D) the level of construction is the minimum necessary to meet the temporary operational need.

''(b) WAIVER AUTHORITY; CONGRESSIONAL NOTIFICATION.—(1) The Secretary concerned may waive the advance notice requirement under subsection (a) on a case-by-case basis if the Secretary determines that—

''(A) the project is vital to the national security or to the protection of health, safety, or the quality of the environment; and

''(B) the requirement for the construction is so urgent that deferral of the construction during the period specified in subsection (a)(1) would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be.

''(2) Not later than five days after the date on which a waiver is granted under paragraph (1), the Secretary concerned shall provide to the appropriate committees of Congress written notice containing the reasons for the waiver and the information required by subsection (c) with regard to the construction for which the waiver was granted.

''(c) CONTENT OF NOTICE.—The notice provided under subsection (a) or (b) with regard to construction funded using appropriations available for operation and maintenance shall include the following:

''(1) A description of the purpose for which the funds are being obligated.

''(2) An estimate of the total amount to be obligated for the construction.

''(3) The reasons appropriations available for operation and maintenance are being used.

''(d) LIMITATIONS ON USE OF OPERATION AND MAINTENANCE FUNDS.—(1) The Secretary concerned shall not use appropriations available for operation and maintenance to carry out any construction having an estimated total cost of more than $5,000,000.

''(2) The total cost of construction carried out by the Secretaries concerned in whole or in part using appropriations available for operation and maintenance shall not exceed $200,000,000 in any fiscal year.

''(e) QUARTERLY REPORT.—The Secretary concerned shall submit to the appropriate committees of Congress a quarterly report on the worldwide obligation and expenditure of appropriations available for operation and maintenance by the Secretary concerned for construction during the preceding quarter.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2809 the following new item:

''2810. Use of operation and maintenance funds for construction: notification and reporting requirements and limitations.''.

SEC. 2807. INCREASE IN AUTHORIZED MAXIMUM LEASE TERM FOR FAMILY HOUSING AND OTHER FACILITIES IN CERTAIN FOREIGN COUNTRIES.

(a) LEASE OF MILITARY FAMILY HOUSING.—Section 2828(d)(1) of title 10, United States Code, is amended by striking ''ten years,'' and inserting ''10 years, or 15 years in the case of leases in Korea,''.

(b) LEASES OF OTHER FACILITIES.—Section 2675 of such title is amended by inserting after ''five years,'' the following: ''or 15 years in the case of a lease in Korea,''.

SEC. 2808. ANNUAL REPORT ON MILITARY CONSTRUCTION REQUIREMENTS TO SUPPORT HOMELAND DEFENSE MISSIONS OF THE ARMED FORCES.

As part of the annual defense authorization request required by section 113a(b) of title 10, United States Code, the Secretary of Defense shall include an assessment of the military construction requirements anticipated to be necessary to support the homeland defense missions of the Armed Forces for the fiscal year for which the defense authorization request is submitted, for the fiscal years covered by the then-current future-years defense plan under section 221 of such title, and for subsequent fiscal years.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. REAL PROPERTY TRANSACTIONS.

(a) INCREASE IN LAND ACQUISITION AUTHORITY COST THRESHOLD.—Section 2672 of title 10, United States Code, is amended by striking ''$500,000'' both places it appears and inserting ''$1,500,000''.

(b) PROMPT NOTIFICATION OF CERTAIN LAND ACQUISITIONS.—Section 2672a of such title is amended—

(1) in subsection (a)(1), by striking ''he or his designee'' and inserting ''the Secretary'';

(2) in subsection (b), by striking the last sentence; and

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

''(c) Not later than 10 days after the determination is made under subsection (a)(1) that acquisition of an interest in land is needed in the interest of the national defense, the Secretary of the military department making that determination shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives written notice containing a description of the property and interest to be acquired and the reasons for the acquisition.''.

(c) MODIFICATION OF RELATED NOTIFICATION REQUIREMENTS.—Section 2662 of such title is amended—

(1) in subsection (a)—

(A) by striking ''30 days'' and all that follows through ''is submitted'' and inserting ''14 days after the beginning of the month with respect to which a single report containing the facts concerning such transaction and all other such proposed transactions for that month is submitted, not later than the first day of that month,''; and

(B) by striking ''$500,000'' each place it appears and inserting ''$1,500,000'';

(2) in subsection (b), by striking ''more than'' and all that follows through ''$500,000'' and inserting ''more than $250,000 but not more than $1,500,000'';

(3) in subsection (e)—

(A) by striking ''$500,000'' and inserting ''$1,000,000''; and

(B) by striking ''thirty days'' and inserting ''14 days''; and

(4) in subsection (g)(3), by striking ''30 days'' and inserting ''14 days''.

(d) CLERICAL AMENDMENTS.—(1) The heading of section 2672 of such title is amended to read as follows:

''§ 2672. Authority to acquire low-cost interests in land''.

(2) The item relating to section 2672 in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2672. Authority to acquire low-cost interests in land.''.

SEC. 2812. SENSE OF CONGRESS ON DEMOLITION OF ARMY TACONY WAREHOUSE DEPOT SITE, PHILADELPHIA, PENNSYLVANIA.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 656), appropriated $5,000,000 for the demolition of the Army Tacony Warehouse depot site in Philadelphia, Pennsylvania, operated by Fort Dix.

(2) The Secretary of the Army has yet to implement plans to demolish the Tacony warehouse.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Army should take swift action to finally demolish the Tacony warehouse, as previously required by Act of Congress.

Subtitle C—Land Conveyances

SEC. 2821. TERMINATION OF LEASE AND CONVEYANCE OF ARMY RESERVE FACILITY, CONWAY, ARKANSAS.

(a) TERMINATION OF LEASE.—Upon the completion of the replacement facility authorized for the Army Reserve facility located in Conway, Arkansas, the Secretary of the Army may terminate the 99-year lease between the Secretary and the University of Central Arkansas for the property on which the old facility is located.

(b) CONVEYANCE OF FACILITY.—As part of the termination of the lease under subsection (a), the Secretary may convey, without consideration, to the University of Central Arkansas all right, title, and interest of the United States in and to the Army Reserve facility located on the leased property.

(c) ASSUMPTION OF LIABILITY.—The University of Central Arkansas shall expressly accept any and all liability pertaining to the physical condition of the Army Reserve facility conveyed under subsection (b) and shall hold the United States harmless from any and all liability arising from the facility's physical condition.

SEC. 2822. ACTIONS TO QUIET TITLE, FALLIN WATERS SUBDIVISION, EGLIN AIR FORCE BASE, FLORIDA.

(a) AUTHORITY TO QUIET TITLE.—(1) Notwithstanding the restoration provisions under the heading ''QUARTERMASTER CORPS'' in the Second Deficiency Appropriation Act, 1940 (Act of June 27, 1940; chapter 437; 54 Stat. 655), the Secretary of the Air Force may take appropriate action to quiet title to tracts of land referred to in paragraph (2) on, at, adjacent, adjoining, or near Eglin Air Force Base, Florida. The Secretary may take such action in order to resolve encroachments upon private property by the United States and upon property of the United States by private parties, which resulted from reliance on inaccurate surveys.

(2) The tracts of land referred to in paragraph (1) are generally described as south of United States Highway 98 and bisecting the north/south section line of sections 13 and 14, township 2 south, range 25 west, located in the platted subdivision of Fallin Waters, Okaloosa County, Florida. The exact acreage and legal description of such tracts of land shall be determined by a survey satisfactory to the Secretary.

(b) AUTHORIZED ACTIONS.—In carrying out subsection (a), appropriate action by the Secretary may include any of the following:

(1) Disclaiming, on behalf of the United States, any intent by the United States to acquire by prescription any property at or in the vicinity of Eglin Air Force Base.

(2) Disposing of tracts of land owned by the United States.

(3) Acquiring tracts of land by purchase, by donation, or by exchange for tracts of land owned by the United States at or adjacent to Eglin Air Force Base.

(c) ACREAGE LIMITATIONS.—Individual tracts of land acquired or conveyed by the Secretary under paragraph (2) or (3) of subsection (a) may not exceed .10 acres. The total acreage so acquired may not exceed two acres.

(d) CONSIDERATION.—Any conveyance by the Secretary under this section may be made, at the discretion of the Secretary, without consideration, or by exchange for tracts of land adjoining Eglin Air Force Base in possession of private parties who mistakenly believed that they had acquired title to such tracts.

SEC. 2823. MODIFICATION OF LAND CONVEYANCE, EGLIN AIR FORCE BASE, FLORIDA.

(a) MODIFICATION.—Public Law 91–347 (84 Stat. 447) is amended—

(1) in the first section, by inserting ''or for other public purposes'' before the period at the end; and

(2) in section 3(1)—

(A) by inserting ''or for other public purposes'' after ''schools''; and

(B) by striking ''such purpose'' and inserting ''such a purpose''.

(b) ALTERATION OF LEGAL INSTRUMENT.—The Secretary of the Air Force shall execute and file in the appropriate office an amended deed or other appropriate instrument effectuating the modification of the reversionary interest retained by the United States in connection with the conveyance made pursuant to Public Law 91–347.

SEC. 2824. LAND CONVEYANCE, FORT CAMPBELL, KENTUCKY AND TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the department of transportation of the State of Tennessee (in this section referred to as the ''department'') all right, title, and interest of the United States in and to a parcel of real property (right-of-way), including any improvements thereon, located at Fort Campbell, Kentucky and Tennessee, for the purpose of realigning and upgrading United States Highway 79 from a two-lane highway to a four-lane highway.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the department shall pay from any source (including Federal funds made available to the State from the Highway Trust Fund) all of the costs of the Secretary incurred—

(A) to convey the property, including costs related to the preparation of documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), surveys (including all surveys required under subsection (c)), cultural reviews, and administrative oversight;

(B) to relocate a cemetery to permit the highway realignment and upgrading;

(C) to acquire approximately 200 acres of mission-essential replacement property required to support the training mission at Fort Campbell; and

(D) to dispose of residual Federal property located south of the realigned highway.

(2) The Secretary may accept funds under this subsection from the Federal Highway Administration or the State of Tennessee to pay costs described in paragraph (1) and credit them to the appropriate Department of the Army accounts for the purpose of paying such costs.

(3) All funds accepted by the Secretary under this subsection shall remain available until expended.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) or acquired and disposed of under section (b) shall be determined by surveys satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2825. LAND CONVEYANCE, ARMY AND AIR FORCE EXCHANGE SERVICE PROPERTY, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the Army and Air Force Exchange Service, a nonappropriated fund instrumentality of the United States, to convey, by sale, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, located at 1515 Roundtable Drive in Dallas, Texas.

(b) CONSIDERATION.—As consideration for conveyance under subsection (a), the purchaser shall pay to the Secretary, in a single lump sum payment, an amount equal to the fair market value of the real property conveyed, as determined by the Secretary. Section 574(a) of title 40, United States Code, shall apply with respect to the amounts received by the Secretary under this subsection.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2826. LAND CONVEYANCE, NAVAL RESERVE CENTER, ORANGE, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Orange, Texas (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 2.5 acres at Naval Reserve Center, Orange, Texas for the purpose of permitting the City to use the property for road construction, economic development, and other public purposes.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by the Secretary, of the property conveyed under such subsection.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a)

shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2827. LAND CONVEYANCE, FORT BELVOIR, VIRGINIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Army shall convey, without consideration, to Fairfax County, Virginia (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10 acres at Fort Belvoir and known as the John McNaughton Memorial baseball fields for the purpose of permitting the County to use the property for recreational purposes.

(b) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2828. LAND CONVEYANCE, PUGET SOUND NAVAL SHIPYARD, BREMERTON, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Bremerton, Washington (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.8 acres at the eastern end of the Puget Sound Naval Shipyard, Bremerton, Washington, immediately adjacent to the Bremerton Transportation Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City, directly or through an agreement with another entity, shall replace administrative space on the parcel to be conveyed by renovating for new occupancy approximately 7,500 square feet of existing space in Building 433 at Naval Station, Bremerton, Washington, at no cost to the United States, in accordance with plans and specifications acceptable to the Secretary. In lieu of any portion of such renovation, the Secretary may accept other facility alteration or repair of not less than equal value.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) ENVIRONMENTAL CONDITIONS.—The Secretary may use funds available in the Environmental Restoration Account, Navy to carry out the environmental remediation of the real property to be conveyed under subsection (a). Such environmental remediation shall be conducted in a manner consistent with section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), including the requirement to consider the anticipated future land use of the parcel.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Other Matters

SEC. 2841. REDESIGNATION OF YUMA TRAINING RANGE COMPLEX AS BOB STUMP TRAINING RANGE COMPLEX.

The military aviation training facility located in southwestern Arizona and southeastern California and known as the Yuma Training Range Complex shall be known and designated as the ''Bob Stump Training Range Complex''. Any reference to such training range complex in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Bob Stump Training Range Complex.

SEC. 2842. MODIFICATION OF AUTHORITY TO CONDUCT A ROUND OF REALIGNMENTS AND CLOSURES OF MILITARY INSTALLATIONS IN 2005.

(a) REVISION TO FORCE STRUCTURE PLAN FOR 2005 ROUND.—Section 2912(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3001 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1342), is amended—

(1) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) A force-structure plan for the Armed Forces that—

''(i) at a minimum, assumes the force structure under the 1991 Base Force force structure (as defined in paragraph (5)) that is also known as the 'Cheney-Powell force structure'; and

''(ii) includes such consideration as the Secretary considers appropriate of an assessment by the Secretary of—

''(I) the probable threats to the national security during the 20-year period beginning with fiscal year 2005;

''(II) the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats; and

''(III) the anticipated levels of funding that will be available for national defense purposes during such period.'';

(2) in paragraph (2)(A), by inserting before the period at the end the following: '', based upon an assumption that there are no installations available outside the United States for the permanent basing of elements of the Armed Forces'';

(3) in paragraph (4), by inserting after the first sentence the following new sentence: ''Any such revision shall be consistent with this subsection.''; and

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

''(5) BASE FORCE.—In this subsection, the term '1991 Base Force force structure' means the force structure plan for the Armed Forces, known as the 'Base Force', that was adopted by the Secretary of Defense in November 1990 based upon recommendations of the Chairman of the Joint Chiefs of Staff and as incorporated in the President's budget for fiscal year 1992, as submitted to Congress in February 1991 and that assumed the following force structure:

''(A) For the Department of Defense, 1,600,000 members of the Armed Forces on active duty and 900,000 members in an active status in the reserve components.

''(B) For the Army, 12 active divisions, six National Guard divisions, and two cadre divisions or their equivalents.

''(C) For the Navy, 12 aircraft carrier battle groups or their equivalents and 451 naval vessels, including 85 attack submarines.

''(D) For the Marine Corps, three active and one Reserve divisions and three active and one Reserve air wings.

''(E) For the Air Force, 15 active fighter wings and 11 National Guard fighter wings or their equivalents.''.

(b) PREPARATION OF LIST OF MILITARY INSTALLATIONS EXCLUDED FROM CONSIDERATION IN 2005 ROUND.—Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3002 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1344), is amended by adding at the end the following new subsections:

''(g) BASE EXCLUSION CRITERIA.—In preparing the selection criteria required by this section that will be used in making recommendations for the closure or realignment of military installations inside the United States, the Secretary shall ensure that the final criteria reflect the requirement to develop a list of those military installations to be excluded from the base closure and realignment process, as provided in subsection (h).

''(h) LIST OF INSTALLATIONS EXCLUDED FROM CONSIDERATION FOR CLOSURE OR REALIGNMENT.—(1) Before preparing the list required by section 2914(a) of the military installations inside the United States that the Secretary recommends for closure or realignment, the Secretary shall prepare a list of core military installations that the Secretary considers absolutely essential to the national defense and that should not be considered for closure.

''(2) Not later than April 1, 2005, the Secretary shall submit to the congressional defense committees, publish in the Federal Register, and send to the Commission the list required by paragraph (1). The list shall contain at least 50 percent of the total number of military installations located inside the United States as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004.

''(3) The Commission shall consider the list based on the final criteria developed under subsection (e). The Commission may modify this list, in the manner provided in section 2903(d) and section 2914(d), if the Commission finds that the inclusion of a military installation on the list substantially violates the criteria. The Commission shall forward to the President, not later than April 30, 2005, a report containing its recommendations regarding the list, which must comply with the percentages specified in paragraph (2). The Comptroller General shall also comply with section 2903(d)(5) by that date.

''(4) If the Commission submits a report to the President under paragraph (3), the President shall notify Congress, not later than May 10, 2005, regarding whether the President approves or disapproves the report. If the President disapproves the report, the Commission shall be dissolved, and the process by which military installations may be selected for closure or realignment under this part in 2005 shall be terminated.

''(5) A military installation included on the exclusion list approved under this subsection may not be included on the closure and realignment list prepared under section 2914(a) or otherwise considered for closure or realignment as part of the base closure process in 2005.''.

SEC. 2843. USE OF FORCE-STRUCTURE PLAN FOR THE ARMED FORCES IN PREPARATION OF SELECTION CRITERIA FOR BASE CLOSURE ROUND.

Section 2913(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3002 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1344), is amended by adding at the end the following new paragraph:

''(3) USE OF FORCE-STRUCTURE PLAN.—In preparing the proposed and final criteria to be used by the Secretary in making recommendations under section 2914 for the closure or realignment of military installations inside the United States, the Secretary shall use the force-structure plan for the Armed Forces prepared under section 2912(a).''.

SEC. 2844. REQUIREMENT FOR UNANIMOUS VOTE OF DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION TO RECOMMEND CLOSURE OF MILITARY INSTALLATION NOT RECOMMENDED FOR CLOSURE BY SECRETARY OF DEFENSE.

Section 2914(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3003 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 155 Stat, 1346) and amended by section 2854 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2728), is amended—

(1) in paragraph (3), by striking ''TO ADD'' and inserting ''TO CONSIDER ADDITIONS''; and

(2) in paragraph (5)—

(A) by inserting ''AND UNANIMOUS VOTE'' after ''SITE VISIT''; and

(B) by inserting before the period at the end the following: ''and the decision of the Commission to recommend the closure of the installation is unanimous''.

SEC. 2845. CONSIDERATION OF PUBLIC-ACCESS-ROAD ISSUES RELATED TO DISPOSAL OF PROPERTY AT MILITARY INSTALLATIONS UNDER BASE CLOSURE PROCESS.

(a) 1988 LAW.—Section 204(b)(2)(E) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: ''If a military installation to be closed or placed in an inactive status under this title includes a road used for public access through, into, or around the installation, the consultation required by this subparagraph shall include a discussion of measures to ensure the continued availability of the road for public use after the installation is closed or placed in an inactive status.''.

(b) 1990 LAW.—Section 2905(b)(2)(D) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: ''If a military installation to be closed or placed in an inactive status under this part includes a road used for public access through, into, or around the installation, the consultation required by this subparagraph shall include a discussion of measures to ensure the continued availability of the road for public use after the installation is closed or placed in an inactive status.''.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $8,822,075,000, to be allocated as follows:

(1) For weapons activities, $6,393,000,000.

(2) For defense nuclear nonproliferation activities, $1,312,695,000.

(3) For naval reactors, $768,400,000.

(4) For the Office of the Administrator for Nuclear Security, $347,980,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for weapons activities, the following new plant projects:

Project 04–D–101, test capabilities revitalization, Sandia National Laboratories, Albuquerque, New Mexico, $36,450,000.

Project 04–D–102, exterior communications infrastructure modernization, Sandia National Laboratories, Albuquerque, New Mexico, $20,000,000.

Project 04–D–103, project engineering and design, various locations, $2,000,000.

Project 04–D–104, national security sciences building, Los Alamos National Laboratory, Los Alamos, New Mexico, $38,000,000.

Project 04–D–125, chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,500,000.

Project 04–D–126, Building 12-44 production cells upgrade, Pantex plant, Amarillo, Texas, $8,780,000.

Project 04–D–127, cleaning and loading modifications, Savannah River Site, Aiken, South Carolina, $2,750,000.

Project 04–D–128, TA–18 Mission relocation project, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,820,000.

Project 04–D–203, facilities and infrastructure recapitalization program, project engineering and design, various locations, $3,719,000.

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for environmental management activities in carrying out programs necessary for national security in the amount of $6,819,314,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,824,135,000.

(2) For defense environmental services, $995,179,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense site acceleration completion, the following new plant projects:

Project 04–D–408, glass waste storage building #2, Savannah River Site, Aiken, South Carolina, $20,259,000.

Project 04–D–414, project engineering and design, various locations, $23,500,000.

Project 04–D–423, 3013 container surveillance capability in 235-F, Savannah River Site, Aiken, South Carolina, $1,134,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for other defense activities in carrying out programs necessary for national security in the amount of $497,331,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $430,000,000.

SEC. 3105. ENERGY SUPPLY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for energy supply activities in carrying out programs necessary for national security in the amount of $110,473,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. MODIFICATION OF PROHIBITION RELATING TO LOW-YIELD NUCLEAR WEAPONS.

Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note) is amended—

(1) in the section heading, by striking ''research and development'' and inserting ''development and production'';

(2) in subsection (a), by striking ''conduct research and development which could lead to the production by the United States of'' and insert ''develop or produce'';

(3) in subsection (b)—

(A) by striking ''conduct, or provide for the conduct of, research and development which could lead to the production by the United States of'' and insert ''develop, produce, or provide for the development or production of,''; and

(B) by striking ''the date of the enactment of this Act,'' and inserting ''November 30, 1993,'';

(4) in subsection (c)—

(A) by striking ''RESEARCH AND'' in the subsection heading;

(B) by striking ''research and'' in the matter preceding paragraph (1); and

(C) by inserting '', including assessment of low-yield nuclear weapons development by other nations that may pose a national security risk to the United States'' before the period at the end of paragraph (3);

(5) by redesignating subsection (d) as subsection (e); and

(6) by inserting after subsection (c) the following new subsection (d):

''(d) EFFECT ON STUDIES AND DESIGN WORK.—Nothing in this section shall prohibit the Secretary of Energy from conducting, or providing for the conduct of, concept definition studies, feasibility studies, or detailed engineering design work.''.

SEC. 3112. TERMINATION OF REQUIREMENT FOR ANNUAL UPDATES OF LONG-TERM PLAN FOR NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

Section 3133 of the National Defense Authorization Act for Fiscal Year 2000 (42 U.S.C. 2121 note) is amended by adding at the end the following new subsection:

''(g) TERMINATION OF ANNUAL UPDATES.—Effective December 31, 2004, the requirements of subsections (c), (d), (e), and (f) shall terminate.''.

SEC. 3113. EXTENSION TO ALL DOE FACILITIES OF AUTHORITY TO PROHIBIT DISSEMINATION OF CERTAIN UNCLASSIFIED INFORMATION.

Subsection a. of section 148 of the Atomic Energy Act of 1954 (42 U.S.C. 2168) is amended in paragraph (1)—

(1) in the matter preceding subparagraph (A), by striking '', with respect to atomic energy defense programs,'';

(2) in subparagraph (A), by striking ''production facilities or utilization facilities'' and inserting ''production facilities, utilization facilities, nuclear waste storage facilities, or uranium enrichment facilities, or any other facilities at which activities relating to nuclear weapons or nuclear materials are carried out, that are under the control or jurisdiction of the Secretary of Energy''; and

(3) in subparagraph (B), by striking ''production or utilization facilities'' and inserting ''such facilities''.

SEC. 3114. DEPARTMENT OF ENERGY PROJECT REVIEW GROUPS NOT SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT BY REASON OF INCLUSION OF EMPLOYEES OF DEPARTMENT OF ENERGY MANAGEMENT AND OPERATING CONTRACTORS.

An officer or employee of a management and operating contractor of the Department of Energy, when serving as a member of a group reviewing or advising on matters related to any one or more management and operating contracts of the Department, shall be treated as an officer or employee of the Department for purposes of determining whether the group is an advisory committee within the meaning of section 3 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 3115. AVAILABILITY OF FUNDS.

Section 3628 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2760; 42 U.S.C. 7386h) is amended to read as follows:

''SEC. 3628. AVAILABILITY OF FUNDS.

''(a) IN GENERAL.—Except as provided in subsection (b), amounts appropriated pursuant to a DOE national security authorization for a fiscal year—

''(1) shall remain available to be expended only in that fiscal year and the two succeeding fiscal years, in the case of amounts for the National Nuclear Security Administration; and

''(2) may, when so specified in an appropriations Act, remain available until expended, in all other cases.

''(b) PROGRAM DIRECTION.—Amounts appropriated pursuant to a DOE national security authorization for a fiscal year for program direction shall remain available to be obligated only until the end of that fiscal year.''.

SEC. 3116. LIMITATION ON OBLIGATION OF FUNDS FOR NUCLEAR TEST READINESS PROGRAM.

Not more than 40 percent of the funds made available to the Secretary of Energy for fiscal year 2004 for the Nuclear Test Readiness program of the Department of Energy may be obligated until—

(1) the Secretary of Energy submits to the Committees on Armed Services of the Senate and the House of Representatives the report required by section 3142(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2733), relating to plans for achieving enhanced readiness postures for resumption by the United States of underground nuclear weapons tests; and

(2) a period of 30 days has passed after the date on which such report is received by those committees.

SEC. 3117. REQUIREMENT FOR ON-SITE MANAGERS.

(a) ON-SITE MANAGER REQUIREMENT.—Before obligating any defense nuclear nonproliferation funds for a project described in subsection (b), the Secretary of Energy shall appoint a United States Federal Government employee as an on-site manager.

(b) PROJECTS COVERED.—Subsection (a) applies to a project—

(1) to be located in a state of the former Soviet Union;

(2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and

(3) with respect to which the total contribution by the Department of Energy is expected to exceed $25,000,000.

(c) DUTIES OF ON-SITE MANAGER.—The on-site manager appointed under subsection (a) shall—

(1) develop, in cooperation with representatives from governments of countries participating in the project, a list of those steps or activities critical to achieving the project's disarmament or nonproliferation goals;

(2) establish a schedule for completing those steps or activities;

(3) meet with all participants to seek assurances that those steps or activities are being completed on schedule; and

(4) suspend United States participation in a project when a non-United States participant fails to complete a scheduled step or activity on time, unless directed by the Secretary of Energy to resume United States participation.

(d) STEPS OR ACTIVITIES.—Steps or activities referred to in subsection (c)(1) are those activities that, if not completed, will prevent a project from achieving its disarmament or nonproliferation goals, including, at a minimum, the following:

(1) Identification and acquisition of permits (as defined in subsection (f)).

(2) Verification that the items, substances, or capabilities to be dismantled, secured, or otherwise modified are available for dismantlement, securing, or modification.

(3) Timely provision of financial, personnel, management, transportation, and other resources.

(e) NOTIFICATION TO CONGRESS.—In any case in which the Secretary of Energy directs an on-site manager to resume United States participation in a project under subsection (c)(4), the Secretary shall concurrently notify Congress of such direction.

(f) PERMIT DEFINED.—In this section, the term ''permit'' means any local or national permit for development, general construction, environmental, land use, or other purposes that is required in the state of the former Soviet Union in which the project is being or is proposed to be carried out.

(g) EFFECTIVE DATE.—This section shall take effect six months after the date of the enactment of this Act.

Subtitle C—Consolidation of National Security Provisions

SEC. 3121. TRANSFER AND CONSOLIDATION OF RECURRING AND GENERAL PROVISIONS ON DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) PURPOSE.—

(1) IN GENERAL.—The purpose of this section is to assemble together, without substantive amendment but with technical and conforming amendments of a non-substantive nature, recurring and general provisions of law on Department of Energy national security programs that remain in force in order to consolidate and organize such provisions of law into a single Act intended to comprise general provisions of law on such programs.

(2) CONSTRUCTION OF TRANSFERS.—The transfer of a provision of law by this section shall not be construed as amending, altering, or otherwise modifying the substantive effect of such provision.

(3) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately after the other provisions of this Act.

(4) TREATMENT OF SATISFIED REQUIREMENTS.—Any requirement in a provision of law transferred under this section (including a requirement that an amendment to law be executed) that has been fully satisfied in accordance with the terms of such provision of law as of the date of transfer under this section shall be treated as so fully satisfied, and shall not be treated as being revived solely by reason of transfer under this section.

(5) CLASSIFICATION.—The provisions of the Atomic Energy Defense Act, as amended by this section, shall be classified to the United States Code as a new chapter of title 50, United States Code.

(b) DIVISION HEADING.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) is amended by adding at the end the following new division heading:

''DIVISION D—ATOMIC ENERGY DEFENSE PROVISIONS''.

(c) SHORT TITLE; DEFINITION.—

(1) SHORT TITLE.—Section 3601 of the Atomic Energy Defense Act (title XXXVI of Public Law 107–314; 116 Stat. 2756) is—

(A) transferred to the end of the Bob Stump National Defense Authorization Act for Fiscal Year 2003;

(B) redesignated as section 4001;

(C) inserted after the heading for division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by subsection (b); and

(D) amended by striking ''title'' and inserting ''division''.

(2) DEFINITION.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new section:

''SEC. 4002. DEFINITION.

''In this division, the term 'congressional defense committees' means—

''(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.''.

(d) ORGANIZATIONAL MATTERS.—

(1) TITLE HEADING.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following:

"TITLE XLI—ORGANIZATIONAL MATTERS".

(2) NAVAL NUCLEAR PROPULSION PROGRAM.—Section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2649) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) inserted after the title heading for such title, as so added; and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4101. NAVAL NUCLEAR PROPULSION PROGRAM.";

and

(ii) by striking "SEC. 1634.".

(3) MANAGEMENT STRUCTURE FOR FACILITIES AND LABORATORIES.—Section 3140 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2833) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4102;

(C) inserted after section 4101, as added by paragraph (2); and

(D) amended in subsection (d)(2), by striking "120 days after the date of the enactment of this Act," and inserting "January 21, 1997,".

(4) RESTRICTION ON LICENSING REQUIREMENTS FOR CERTAIN ACTIVITIES AND FACILITIES.—Section 210 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540; 94 Stat. 3202) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4102, as added by paragraph (3); and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4103. RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES.";

(ii) by striking "SEC. 210."; and

(iii) by striking "this or any other Act" and inserting "the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540) or any other Act".

(e) NUCLEAR WEAPONS STOCKPILE MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLII—NUCLEAR WEAPONS STOCKPILE MATTERS

"Subtitle A—Stockpile Stewardship and Weapons Production".

(2) STOCKPILE STEWARDSHIP PROGRAM.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946), as amended by section 3152(e) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2042), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4201; and

(C) inserted after the heading for subtitle A of such title, as so added.

(3) STOCKPILE STEWARDSHIP CRITERIA.—Section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2257), as amended, is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4202; and

(C) inserted after section 4201, as added by paragraph (2).

(4) PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN STOCKPILE.—Section 3151 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2041) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4203; and

(C) inserted after section 4202, as added by paragraph (3).

(5) STOCKPILE LIFE EXTENSION PROGRAM.—Section 3133 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 926), as amended by section 3112, is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4204;

(C) inserted after section 4203, as added by paragraph (4); and

(D) amended in subsection (c)(1) by striking "the date of the enactment of this Act" and inserting "October 5, 1999".

(6) ANNUAL ASSESSMENTS AND REPORTS ON CONDITION OF STOCKPILE.—Section 3141 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2730) is—

(A) transferred to title XLII of division D of such Act, as amended by this subsection;

(B) redesignated as section 4205;

(C) inserted after section 4204, as added by paragraph (5); and

(D) amended in subsection (d)(3)(B) by striking "section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (42 U.S.C. 2121 note)" and inserting "section 4212".

(7) FORM OF CERTAIN CERTIFICATIONS REGARDING STOCKPILE.—Section 3194 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–481) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4206; and

(C) inserted after section 4205, as added by paragraph (6).

(8) NUCLEAR TEST BAN READINESS PROGRAM.—Section 1436 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2075) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4207;

(C) inserted after section 4206, as added by paragraph (7); and

(D) amended in the section heading by adding a period at the end.

(9) STUDY ON NUCLEAR TEST READINESS POSTURES.—Section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 623), as amended by section 3192 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–480), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4208; and

(C) inserted after section 4207, as added by paragraph (8).

(10) REQUIREMENTS FOR REQUESTS FOR NEW OR MODIFIED NUCLEAR WEAPONS.—Section 3143 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2733) is—

(A) transferred to title XLII of division D of such Act, as amended by this subsection;

(B) redesignated as section 4209; and

(C) inserted after section 4208, as added by paragraph (9).

(11) LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS.—Subsection (f) of section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–337; 106 Stat. 1345) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4209, as added by paragraph (10); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4210. LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS.";

and

(ii) by striking "(f)".

(12) TESTING OF NUCLEAR WEAPONS.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4211;

(C) inserted after section 4210, as added by paragraph (11); and

(D) amended—

(i) in subsection (a), by inserting "of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160)" after "section 3101(a)(2)"; and

(ii) in subsection (b), by striking "this Act" and inserting "the National Defense Authorization Act for Fiscal Year 1994".

(13) MANUFACTURING INFRASTRUCTURE FOR STOCKPILE.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 620), as amended by section 3132 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2829), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4212;

(C) inserted after section 4211, as added by paragraph (12); and

(D) amended in subsection (d) by inserting "of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106)" after "section 3101(b)".

(14) REPORTS ON CRITICAL DIFFICULTIES AT LABORATORIES AND PLANTS.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2842), as amended by section 1305 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1954) and section 3163 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 944), is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4213; and

(C) inserted after section 4212, as added by paragraph (13).

(15) SUBTITLE HEADING ON TRITIUM.—Title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is

further amended by adding at the end the following new subtitle heading:

"Subtitle B—Tritium".

(16) TRITIUM PRODUCTION PROGRAM.—Section 3133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 618) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4231;

(C) inserted after the heading for subtitle B of such title XLII, as added by paragraph (15); and

(D) amended—

(i) by striking ''the date of the enactment of this Act'' each place it appears and inserting ''February 10, 1996''; and

(ii) in subsection (b), by inserting ''of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106)'' after ''section 3101''.

(17) TRITIUM RECYCLING.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 620) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4232; and

(C) inserted after section 4231, as added by paragraph (16).

(18) TRITIUM PRODUCTION.—Subsections (c) and (d) of section 3133 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2830) are—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4232, as added by paragraph (17); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4233. TRITIUM PRODUCTION.";

(ii) by redesignating such subsections as subsections (a) and (b), respectively; and

(iii) in subsection (a), as so redesignated, by inserting ''of Energy'' after ''The Secretary''.

(19) MODERNIZATION AND CONSOLIDATION OF TRITIUM RECYCLING FACILITIES.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2830) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4234;

(C) inserted after section 4233, as added by paragraph (18); and

(D) amended in subsection (b) by inserting ''of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201)'' after ''section 3101''.

(20) PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.—Section 3134 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 927) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4235; and

(C) inserted after section 4234, as added by paragraph (19).

(f) PROLIFERATION MATTERS.—

(1) TITLE HEADING.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new title heading:

"TITLE XLIII—PROLIFERATION MATTERS".

(2) INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.—Section 3133 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2036), as amended by sections 1069 and 3131 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2136, 2246), is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4301;

(C) inserted after the heading for such title, as so added; and

(D) amended in subsection (b)(3) by striking ''of this Act'' and inserting ''of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85)''.

(3) NONPROLIFERATION INITIATIVES AND ACTIVITIES.—Section 3136 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 927) is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4302;

(C) inserted after section 4301, as added by paragraph (2); and

(D) amended in subsection (b)(1) by striking ''this title'' and inserting ''title XXXI of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65)''.

(4) ANNUAL REPORT ON MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.—Section 3171 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1645A–475) is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4303;

(C) inserted after section 4302, as added by paragraph (3); and

(D) amended in subsection (c)(1) by striking ''this Act'' and inserting ''the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398)''.

(5) NUCLEAR CITIES INITIATIVE.—Section 3172 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1645A–476) is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4304; and

(C) inserted after section 4303, as added by paragraph (4).

(6) PROGRAMS ON FISSILE MATERIALS.—Section 3131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 617), as amended by section 3152 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2738), is—

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4305; and

(C) inserted after section 4304, as added by paragraph (5).

(g) ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLIV—ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT MATTERS

"Subtitle A—Environmental Restoration and Waste Management".

(2) DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACCOUNT.—Section 3134 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1575) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4401; and

(C) inserted after the heading for subtitle A of such title, as so added.

(3) FUTURE USE PLANS FOR ENVIRONMENTAL MANAGEMENT PROGRAM.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2839) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4402;

(C) inserted after section 4401, as added by paragraph (2); and

(D) amended—

(i) in subsection (d), by striking ''the date of the enactment of this Act'' and inserting ''September 23, 1996,''; and

(ii) in subsection (h)(1), by striking ''the date of the enactment of this Act'' and inserting ''September 23, 1996''.

(4) INTEGRATED FISSILE MATERIALS MANAGEMENT PLAN.—Section 3172 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 948) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4403; and

(C) inserted after section 4402, as added by paragraph (3).

(5) BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1950), as amended by section 3160 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3094), section 3152 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2839), and section 3160 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2048), is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4404; and

(C) inserted after section 4403, as added by paragraph (4).

(6) ACCELERATED SCHEDULE OF ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 625) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4405;

(C) inserted after section 4404, as added by paragraph (5); and

(D) amended in subsection (b)(2) by inserting before the period the following: '', the predecessor provision to section 4404 of this Act''.

(7) DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM.—Section 3141 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1679) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4406;

(C) inserted after section 4405, as added by paragraph (6); and

(D) amended in the section heading by adding a period at the end.

(8) REPORT ON ENVIRONMENTAL RESTORATION EXPENDITURES.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1833) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4407;

(C) inserted after section 4406, as added by paragraph (7); and

(D) amended in the section heading by adding a period at the end.

(9) PUBLIC PARTICIPATION IN PLANNING FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.—Subsection (e) of section 3160 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4407, as added by paragraph (8); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4408. PUBLIC PARTICIPATION IN PLANNING FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT AT DEFENSE NUCLEAR FACILITIES.";

and

(ii) by striking "(e) PUBLIC PARTICIPATION IN PLANNING.—".

(10) SUBTITLE HEADING ON CLOSURE OF FACILITIES.—Title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Closure of Facilities".

(11) PROJECTS TO ACCELERATE CLOSURE ACTIVITIES AT DEFENSE NUCLEAR FACILITIES.—Section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4421;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (10); and

(D) amended in subsection (i), by striking "the expiration of the 15-year period beginning on the date of the enactment of this Act" and inserting "September 23, 2011".

(12) REPORTS IN CONNECTION WITH PERMANENT CLOSURE OF DEFENSE NUCLEAR FACILITIES.—Section 3156 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1683) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4422;

(C) inserted after section 4421, as added by paragraph (11); and

(D) amended in the section heading by adding a period at the end.

(13) SUBTITLE HEADING ON PRIVATIZATION.—Title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Privatization".

(14) DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034) is—

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4431;

(C) inserted after the heading for subtitle C of such title, as added by paragraph (13); and

(D) amended—

(i) in subsections (a), (c)(1)(B)(i), and (d), by inserting "of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85)" after "section 3102(i)"; and

(ii) in subsections (c)(1)(B)(ii) and (f), by striking "the date of enactment of this Act" and inserting "November 18, 1997".

(h) SAFEGUARDS AND SECURITY MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLV—SAFEGUARDS AND SECURITY MATTERS

"Subtitle A—Safeguards and Security".

(2) PROHIBITION ON INTERNATIONAL INSPECTIONS OF FACILITIES WITHOUT PROTECTION OF RESTRICTED DATA.—Section 3154 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 624) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4501;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) by striking "(1) The" and inserting "The"; and

(ii) by striking "(2) For purposes of paragraph (1)," and inserting "(c) RESTRICTED DATA DEFINED.—In this section,".

(3) RESTRICTIONS ON ACCESS TO LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.—Section 3146 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 935) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4502;

(C) inserted after section 4501, as added by paragraph (2); and

(D) amended—

(i) in subsection (b)(2)—

(I) in the matter preceding subparagraph (A), by striking "30 days after the date of the enactment of this Act" and inserting "on November 4, 1999,"; and

(II) in subparagraph (A), by striking "The date that is 90 days after the date of the enactment of this Act" and inserting "January 3, 2000";

(ii) in subsection (d)(1), by striking "the date of the enactment of this Act," and inserting "October 5, 1999,"; and

(iii) in subsection (g), by adding at the end the following new paragraphs:

"(3) The term 'national laboratory' means any of the following:

"(A) Lawrence Livermore National Laboratory, Livermore, California.

"(B) Los Alamos National Laboratory, Los Alamos, New Mexico.

"(C) Sandia National Laboratories, Albuquerque, New Mexico and Livermore, California.

"(4) The term 'Restricted Data' has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).".

(4) BACKGROUND INVESTIGATIONS ON CERTAIN PERSONNEL.—Section 3143 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 934) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4503;

(C) inserted after section 4502, as added by paragraph (3); and

(D) amended—

(i) in subsection (b), by striking "the date of the enactment of this Act" and inserting "October 5, 1999,"; and

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

"(c) DEFINITIONS.—In this section, the terms 'national laboratory' and 'Restricted Data' have the meanings given such terms in section 4502(g).".

(5) COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—

(A) DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—Section 3152 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1376) is—

(i) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4504;

(iii) inserted after section 4503, as added by paragraph (4); and

(iv) amended in subsection (c) by striking "section 3154 of the Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999 (subtitle D of title XXXI of Public Law 106–65; 42 U.S.C. 7383h)" and inserting "section 4504A".

(B) COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—Section 3154 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 941), as amended by section 3135 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–456), is—

(i) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4504A;

(iii) inserted after section 4504, as added by subparagraph (A); and

(iv) amended in subsection (h) by striking "180 days after the date of the enactment of this Act," and inserting "April 5, 2000,".

(6) NOTICE OF SECURITY AND COUNTERINTELLIGENCE FAILURES.—Section 3150 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 939) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4505; and

(C) inserted after section 4504A, as added by paragraph (5)(B).

(7) ANNUAL REPORT ON SECURITY FUNCTIONS AT NUCLEAR WEAPONS FACILITIES.—Section 3162 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2049) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4506;

(C) inserted after section 4505, as added by paragraph (6); and

(D) amended in subsection (b) by inserting ''of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2048; 42 U.S.C. 7251 note)'' after ''section 3161''.

(8) REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT LABORATORIES.—Section 3152 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 940) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4507;

(C) inserted after section 4506, as added by paragraph (7); and

(D) amended by adding at the end the following new subsection:

''(c) NATIONAL LABORATORY DEFINED.—In this section, the term 'national laboratory' has the meaning given that term in section 4502(g)(3).''.

(9) REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.—Section 3153 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 940) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4508;

(C) inserted after section 4507, as added by paragraph (8); and

(D) amended by adding at the end the following new subsection:

''(f) NATIONAL LABORATORY DEFINED.—In this section, the term 'national laboratory' has the meaning given that term in section 4502(g)(3).''.

(10) SUBTITLE HEADING ON CLASSIFIED INFORMATION.—Title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

''Subtitle B—Classified Information''.

(11) REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 625) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4521; and

(C) inserted after the heading for subtitle B of such title, as added by paragraph (10).

(12) PROTECTION AGAINST INADVERTENT RELEASE OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.—Section 3161 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2259), as amended by section 1067(3) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 774) and section 3193 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–480), is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4522;

(C) inserted after section 4521, as added by paragraph (11); and

(D) amended—

(i) in subsection (c)(1), by striking ''the date of the enactment of this Act'' and inserting ''October 17, 1998,'';

(ii) in subsection (f)(1), by striking ''the date of the enactment of this Act'' and inserting ''October 17, 1998''; and

(iii) in subsection (f)(2), by striking ''The Secretary'' and inserting ''Commencing with inadvertent releases discovered on or after October 30, 2000, the Secretary''.

(13) SUPPLEMENT TO PLAN FOR DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.—Section 3149 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 938) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4523;

(C) inserted after section 4522, as added by paragraph (12); and

(D) amended—

(i) in subsection (a), by striking ''subsection (a) of section 3161 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note)'' and inserting ''subsection (a) of section 4522'';

(ii) in subsection (b)—

(I) by striking ''section 3161(b)(1) of that Act'' and inserting ''subsection (b)(1) of section 4522''; and

(II) by striking ''the date of the enactment of that Act'' and inserting ''October 17, 1998,'';

(iii) in subsection (c)—

(I) by striking ''section 3161(c) of that Act'' and inserting ''subsection (c) of section 4522''; and

(II) by striking ''section 3161(a) of that Act'' and inserting ''subsection (a) of such section''; and

(iv) in subsection (d), by striking ''section 3161(d) of that Act'' and inserting ''subsection (d) of section 4522''.

(14) PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.—Section 3145 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 935) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4524; and

(C) inserted after section 4523, as added by paragraph (13).

(15) IDENTIFICATION IN BUDGETS OF AMOUNT FOR DECLASSIFICATION ACTIVITIES.—Section 3173 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 949) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4525;

(C) inserted after section 4524, as added by paragraph (14); and

(D) amended in subsection (b) by striking ''the date of the enactment of this Act'' and inserting ''October 5, 1999,''.

(16) SUBTITLE HEADING ON EMERGENCY RESPONSE.—Title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

''Subtitle C—Emergency Response''.

(17) RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.—Section 3158 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 626) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4541; and

(C) inserted after the heading for subtitle C of such title, as added by paragraph (16).

(i) PERSONNEL MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

''TITLE XLVI—PERSONNEL MATTERS

''Subtitle A—Personnel Management''.

(2) AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3095), as amended by section 3139 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2040), sections 3152 and 3155 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2253, 2257), and section 3191 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–480), is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4601; and

(C) inserted after the heading for subtitle A of such title, as so added.

(3) WHISTLEBLOWER PROTECTION PROGRAM.—Section 3164 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 946) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4602;

(C) inserted after section 4601, as added by paragraph (2); and

(D) amended in subsection (n) by striking ''60 days after the date of the enactment of this Act,'' and inserting ''December 5, 1999,''.

(4) EMPLOYEE INCENTIVES FOR WORKERS AT CLOSURE PROJECT FACILITIES.—Section 3136 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–458) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4603;

(C) inserted after section 4602, as added by paragraph (3); and

(D) amended—

(i) in subsections (c) and (i)(1)(A), by striking ''section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)'' and inserting ''section 4421''; and

(ii) in subsection (g), by striking ''section 3143(h) of the National Defense Authorization Act for Fiscal Year 1997'' and inserting ''section 4421(h)''.

(5) DEFENSE NUCLEAR FACILITY WORKFORCE RESTRUCTURING PLAN.—Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644), as amended by section 1070(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2857), Public Law 105–277 (112 Stat. 2681–419, 2681–430), and section 1048(h)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1229), is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4604;

(C) inserted after section 4603, as added by paragraph (4); and

(D) amended—

(i) in subsection (a), by striking ''(hereinafter in this subtitle referred to as the 'Secretary')''; and

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

''(g) DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITY DEFINED.—In this section, the term 'Department of Energy defense nuclear facility' means—

''(1) a production facility or utilization facility (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina; and the Mound Laboratory, Ohio), but the term does not include any facility that does not conduct atomic energy defense activities and does not include any facility or activity covered by Executive Order Number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program;

''(2) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary;

''(3) a testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the Nevada Test Site, Nevada; the Pinnellas Plant, Florida; and the Pantex facility, Texas);

''(4) an atomic weapons research facility that is under the control or jurisdiction of the Secretary (including Lawrence Livermore, Los Alamos, and Sandia National Laboratories); or

''(5) any facility described in paragraphs (1) through (4) that—

''(A) is no longer in operation;

''(B) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration; and

''(C) was operated for national security purposes.''.

(6) AUTHORITY TO PROVIDE CERTIFICATE OF COMMENDATION TO EMPLOYEES.—Section 3195 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–481) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4605; and

(C) inserted after section 4604, as added by paragraph (5).

(7) SUBTITLE HEADING ON TRAINING AND EDUCATION.—Title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Education and Training".

(8) EXECUTIVE MANAGEMENT TRAINING.—Section 3142 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1680) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4621;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (7); and

(D) amended in the section heading by adding a period at the end.

(9) STOCKPILE STEWARDSHIP RECRUITMENT AND TRAINING PROGRAM.—Section 3131 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3085) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4622;

(C) inserted after section 4621, as added by paragraph (8); and

(D) amended—

(i) in subsection (a)(1), by striking ''section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946; 42 U.S.C. 2121 note)'' and inserting ''section 4201''; and

(ii) in subsection (b)(2), by inserting ''of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)'' after ''section 3101(a)(1)''.

(10) FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO NUCLEAR WEAPONS COMPLEX.—Section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat 621), as amended by section 3162 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 943), is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4623; and

(C) inserted after section 4622, as added by paragraph (9).

(11) SUBTITLE HEADING ON WORKER SAFETY.—Title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Worker Safety".

(12) WORKER PROTECTION AT NUCLEAR WEAPONS FACILITIES.—Section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1571) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4641;

(C) inserted after the heading for subtitle C of such title, as added by paragraph (11); and

(D) amended in subsection (e) by inserting ''of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190)'' after ''section 3101(9)(A)''.

(13) SAFETY OVERSIGHT AND ENFORCEMENT AT DEFENSE NUCLEAR FACILITIES.—Section 3163 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3097) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4642;

(C) inserted after section 4641, as added by paragraph (12); and

(D) amended in subsection (b) by striking ''90 days after the date of the enactment of this Act,'' and inserting ''January 5, 1995,''.

(14) PROGRAM TO MONITOR WORKERS AT DEFENSE NUCLEAR FACILITIES EXPOSED TO HAZARDOUS OR RADIOACTIVE SUBSTANCES.—Section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2646) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4643;

(C) inserted after section 4642, as added by paragraph (13); and

(D) amended—

(i) in subsection (b)(6), by striking ''1 year after the date of the enactment of this Act'' and inserting ''October 23, 1993'';

(ii) in subsection (c), by striking ''180 days after the date of the enactment of this Act,'' and inserting ''April 23, 1993,''; and

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

''(d) DEFINITIONS.—In this section:

''(1) The term 'Department of Energy defense nuclear facility' has the meaning given that term in section 4604(g).

''(2) The term 'Department of Energy employee' means any employee of the Department of Energy employed at a Department of Energy defense nuclear facility, including any employee of a contractor of subcontractor of the Department of Energy employed at such a facility.''.

(j) BUDGET AND FINANCIAL MANAGEMENT MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLVII—BUDGET AND FINANCIAL MANAGEMENT MATTERS

"Subtitle A—Recurring National Security Authorization Provisions".

(2) RECURRING NATIONAL SECURITY AUTHORIZATION PROVISIONS.—Sections 3620 through 3631 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2756) are—

(A) transferred to title XLVII of division D of such Act, as added by paragraph (1);

(B) redesignated as sections 4701 through 4712, respectively;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) in section 4702, as so redesignated, by striking ''sections 3629 and 3630'' and inserting ''sections 4710 and 4711'';

(ii) in section 4706(a)(3)(B), as so redesignated, by striking ''section 3626'' and inserting ''section 4707'';

(iii) in section 4707(c), as so redesignated, by striking ''section 3625(b)(2)'' and inserting ''section 4706(b)(2)'';

(iv) in section 4710(c), as so redesignated, by striking ''section 3621'' and inserting ''section 4702'';

(v) in section 4711(c), as so redesignated, by striking ''section 3621'' and inserting ''section 4702''; and

(vi) in section 4712, as so redesignated, by striking ''section 3621'' and inserting ''section 4702''.

(3) SUBTITLE HEADING ON PENALTIES.—Title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Penalties".

(4) RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER ENVIRONMENTAL LAWS.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 4063) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4721;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (3); and

(D) amended in the section heading by adding a period at the end.

(5) RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT.—Section 211 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540; 94 Stat. 3203) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4721, as added by paragraph (4); and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4722. RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT.";

(ii) by striking "SEC. 211."; and

(iii) by striking "this or any other Act" and inserting "the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540) or any other Act".

(6) SUBTITLE HEADING ON OTHER MATTERS.—Title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Other Matters".

(7) SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS.—Section 208 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1979 (Public Law 95–509; 92 Stat. 1779) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after the heading for subtitle C of such title, as added by paragraph (6); and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4731. SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS.";

and

(ii) by striking "SEC. 208.".

(k) ADMINISTRATIVE MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLVIII—ADMINISTRATIVE MATTERS

"Subtitle A—Contracts".

(2) COSTS NOT ALLOWED UNDER CERTAIN CONTRACTS.—Section 1534 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 774), as amended by section 3131 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1238), is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4801;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) in the section heading, by adding a period at the end; and

(ii) in subsection (b)(1), by striking "the date of the enactment of this Act," and inserting "November 8, 1985,".

(3) PROHIBITION ON BONUSES TO CONTRACTORS OPERATING DEFENSE NUCLEAR FACILITIES.—Section 3151 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1682) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4802;

(C) inserted after section 4801, as added by paragraph (2); and

(D) amended—

(i) in the section heading, by adding a period at the end;

(ii) in subsection (a), by striking "the date of the enactment of this Act" and inserting "November 29, 1989";

(iii) in subsection (b), by striking "6 months after the date of the enactment of this Act," and inserting "May 29, 1990,"; and

(iv) in subsection (d), by striking "90 days after the date of the enactment of this Act" and inserting "March 1, 1990".

(4) CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING FROM ATOMIC WEAPONS TESTING PROGRAMS.—Section 3141 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1837) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4803;

(C) inserted after section 4802, as added by paragraph (3); and

(D) amended—

(i) in the section heading, by adding a period at the end; and

(ii) in subsection (d), by striking "the date of the enactment of this Act" each place it appears and inserting "November 5, 1990,".

(5) SUBTITLE HEADING ON RESEARCH AND DEVELOPMENT.—Title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Research and Development".

(6) LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1832) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4811;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (5); and

(D) amended in the section heading by adding a period at the end.

(7) LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—

(A) LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038) is—

(i) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4812;

(iii) inserted after section 4811, as added by paragraph (6); and

(iv) amended—

(I) in subsection (b), by striking "section 3136(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2831; 42 U.S.C. 7257b)" and inserting "section 4812A(b)";

(II) in subsection (d)—

(aa) by striking "section 3136(b)(1)" and inserting "section 4812A(b)(1)"; and

(bb) by striking "section 3132(c) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(c))" and inserting "section 4811(c)"; and

(III) in subsection (e), by striking "section 3132(d) of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a(d))" and inserting "section 4811(d)".

(B) LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2830), as amended by section 3137 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038), is—

(i) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4812A;

(iii) inserted after section 4812, as added by paragraph (7); and

(iv) amended in subsection (a) by inserting "of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201)" after "section 3101".

(8) CRITICAL TECHNOLOGY PARTNERSHIPS.—Section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1577), as amended by section 203(b)(3) of Public Law 103–35 (107 Stat. 102), is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4813; and

(C) inserted after section 4812A, as added by paragraph (7)(B).

(9) UNIVERSITY-BASED RESEARCH COLLABORATION PROGRAM.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2044) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4814;

(C) inserted after section 4813, as added by paragraph (8); and

(D) amended in subsection (c) by striking "this title" and inserting "title XXXI of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85)".

(10) SUBTITLE HEADING ON FACILITIES MANAGEMENT.—Title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Facilities Management".

(11) TRANSFERS OF REAL PROPERTY AT CERTAIN FACILITIES.—Section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2046) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4831; and

(C) inserted after the heading for subtitle C of such title, as added by paragraph (10).

(12) ENGINEERING AND MANUFACTURING RESEARCH, DEVELOPMENT, AND DEMONSTRATION AT CERTAIN NUCLEAR WEAPONS PRODUCTION PLANTS.—Section 3156 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–467) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4832; and

(C) inserted after section 4831, as added by paragraph (11).

(13) PILOT PROGRAM ON USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN ASSETS.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2039) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4833;

(C) inserted after section 4832, as added by paragraph (12); and

(D) amended in subsection (d) by striking ''sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j))'' and inserting ''subchapter II of chapter 5 and section 549 of title 40, United States Code,''.

(14) SUBTITLE HEADING ON OTHER MATTERS.—Title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle D—Other Matters".

(15) SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.—Subsection (f) of section 3153 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2044) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after the heading for subtitle D of such title, as added by paragraph (14); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4851. SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.";

(ii) by striking ''(f) SEMIANNUAL REPORTS TO CONGRESS OF LOCAL IMPACT ASSISTANCE.—''; and

(iii) by striking ''section 3161(c)(6) of the National Defense Authorization Act of 1993 (42 U.S.C. 7274h(c)(6))'' and inserting ''section 4604(c)(6)''.

(l) MATTERS RELATING TO PARTICULAR FACILITIES.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLIX—MATTERS RELATING TO PARTICULAR FACILITIES

"Subtitle A—Hanford Reservation, Washington".

(2) SAFETY MEASURES FOR WASTE TANKS.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1833) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4901;

(C) inserted after the heading for subtitle A of such title, as so added; and

(D) amended—

(i) in the section heading, by adding a period at the end;

(ii) in subsection (a), by striking ''Within 90 days after the date of the enactment of this Act,'' and inserting ''Not later than February 3, 1991,'';

(iii) in subsection (b), by striking ''Within 120 days after the date of the enactment of this Act,'' and inserting ''Not later than March 5, 1991,'';

(iv) in subsection (c), by striking ''Beginning 120 days after the date of the enactment of this Act,'' and inserting ''Beginning March 5, 1991,''; and

(v) in subsection (d), by striking ''Within six months after the date of the enactment of this Act,'' and inserting ''Not later than May 5, 1991,''.

(3) PROGRAMS FOR PERSONS WHO MAY HAVE BEEN EXPOSED TO RADIATION RELEASED FROM HANFORD RESERVATION.—Section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1834), as amended by section 3138 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3087), is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4902;

(C) inserted after section 4901, as added by paragraph (2); and

(D) amended—

(i) in the section heading, by adding a period at the end;

(ii) in subsection (a), by striking ''this title'' and inserting ''title XXXI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510)''; and

(iii) in subsection (c)—

(I) in paragraph (2), by striking ''six months after the date of the enactment of this Act,'' and inserting ''May 5, 1991,''; and

(II) in paragraph (3), by striking ''18 months after the date of the enactment of this Act,'' and inserting ''May 5, 1992,''.

(4) WASTE TANK CLEANUP PROGRAM.—Section 3139 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2250), as amended by section 3141 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–463) and section 3135 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1368), is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4903;

(C) inserted after section 4902, as added by paragraph (3); and

(D) amended in subsection (d) by striking ''30 days after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001,'' and inserting ''November 29, 2000,''.

(5) RIVER PROTECTION PROJECT.—Subsection (a) of section 3141 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–462) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4903, as added by paragraph (4); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4904. RIVER PROTECTION PROJECT.";

and

(ii) by striking ''(a) REDESIGNATION OF PROJECT.—''.

(6) FUNDING FOR TERMINATION COSTS OF RIVER PROTECTION PROJECT.—Section 3131 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–454) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4905;

(C) inserted after section 4904, as added by paragraph (5); and

(D) amended—

(i) by striking ''section 3141'' and inserting ''section 4904''; and

(ii) by striking ''the date of the enactment of this Act'' and inserting ''October 30, 2000''.

(7) SUBTITLE HEADING ON SAVANNAH RIVER SITE, SOUTH CAROLINA.—Title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle B—Savannah River Site, South Carolina".

(8) ACCELERATED SCHEDULE FOR ISOLATING HIGH-LEVEL NUCLEAR WASTE AT DEFENSE WASTE PROCESSING FACILITY.—Section 3141 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2834) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as 4911; and

(C) inserted after the heading for subtitle B of such title, as added by paragraph (7).

(9) MULTI-YEAR PLAN FOR CLEAN-UP.—Subsection (e) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2834) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4911, as added by paragraph (8); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4912. MULTI-YEAR PLAN FOR CLEAN-UP.";

and

(ii) by striking ''(e) MULTI-YEAR PLAN FOR CLEAN-UP AT SAVANNAH RIVER SITE.—The Secretary'' and inserting ''The Secretary of Energy''.

(10) CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.—

(A) FISCAL YEAR 2001.—Subsection (a) of section 3137 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat 1654A–460) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4912, as added by paragraph (9); and

(iii) amended—

(I) by inserting before the text the following new section heading:

"SEC. 4913. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.";

and

(II) by striking ''(a) CONTINUATION.—''.

(B) FISCAL YEAR 2000.—Section 3132 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 924) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4913A; and

(iii) inserted after section 4913, as added by subparagraph (A).

(C) FISCAL YEAR 1999.—Section 3135 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2248) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4913B; and

(iii) inserted after section 4913A, as added by subparagraph (B).

(D) FISCAL YEAR 1998.—Subsection (b) of section 3136 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4913B, as added by subparagraph (C); and

(iii) amended—

(I) by inserting before the text the following new section heading:

"SEC. 4913C. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.";

and

(II) by striking "(b) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—".

(E) FISCAL YEAR 1997.—Subsection (f) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) inserted after section 4913C, as added by subparagraph (D); and

(iii) amended—

(I) by inserting before the text the following new section heading:

"SEC. 4913D. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.";

(II) by striking "(f) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—The Secretary" and inserting "The Secretary of Energy"; and

(III) by striking "subsection (e)" and inserting "section 4912".

(11) LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.—Subsection (b) of section 3137 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–460) is—

(A) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4913D, as added by paragraph (10)(E); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4914. LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.";

(ii) by striking "(b) LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.—";

(iii) by striking "this or any other Act" and inserting "the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) or any other Act"; and

(iv) by striking "the Secretary" in the matter preceding paragraph (1) and inserting "the Secretary of Energy".

(12) DISPOSITION OF PLUTONIUM.—

(A) DISPOSITION OF WEAPONS USABLE PLUTONIUM.—Section 3182 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2747) is—

(i) transferred to title XLIX of division D of such Act, as amended by this subsection;

(ii) redesignated as section 4915; and

(iii) inserted after section 4914, as added by paragraph (11).

(B) DISPOSITION OF SURPLUS DEFENSE PLUTONIUM.—Section 3155 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1378) is—

(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4915A; and

(iii) inserted after section 4915, as added by subparagraph (A).

(13) SUBTITLE HEADING ON OTHER FACILITIES.—Title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Other Facilities".

(14) PAYMENT OF COSTS OF OPERATION AND MAINTENANCE OF INFRASTRUCTURE AT NEVADA TEST SITE.—Section 3144 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2838) is—

(A) transferred to title XLIX of division D of such Act, as amended by this subsection;

(B) redesignated as section 4921; and

(C) inserted after the heading for subtitle C of such title, as added by paragraph (13).

(m) CONFORMING AMENDMENTS.—(1) Title XXXVI of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 1756) is repealed.

(2) Subtitle E of title XXXI of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h et seq.) is repealed.

(3) Section 8905a(d)(5)(A) of title 5, United States Code, is amended by striking "section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)" and inserting "section 4421 of the Atomic Energy Defense Act".

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2004, $19,559,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2004, the National Defense Stockpile Manager may obligate up to $69,701,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. REVISIONS TO OBJECTIVES FOR RECEIPTS FOR FISCAL YEAR 2000 DISPOSALS.

(a) IN GENERAL.—Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 972; 50 U.S.C. 98d note) is amended—

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

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

"(3) $310,000,000 before the end of fiscal year 2008; and

"(4) $320,000,000 before the end of fiscal year 2009.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2003, or the date of the enactment of this Act, whichever is later.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $16,500,000 for fiscal year 2004 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Subtitle A—General Provisions

SEC. 3501. SHORT TITLE.

This title may be cited as the "Maritime Security Act of 2003".

SEC. 3502. DEFINITIONS.

In this subtitle:

(1) BULK CARGO.—The term "bulk cargo" means cargo that is loaded and carried in bulk without mark or count.

(2) CONTRACTOR.—The term "contractor" means an owner or operator of a vessel that enters into an operating agreement for the vessel with the Secretary under section 3512.

(3) FLEET.—The term "Fleet" means the Maritime Security Fleet established under section 3511(a).

(4) FOREIGN COMMERCE.—The term "foreign commerce"—

(A) subject to subparagraph (B), means commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

(B) includes, in the case of liquid and dry bulk cargo carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in such manner as will permit United States-documented vessels freely to compete with foreign-flag bulk carrying vessels in their operation or in competing for charters, subject to rules and regulations promulgated by the Secretary of Transportation pursuant to subtitle B or C.

(5) FORMER PARTICIPATING FLEET VESSEL.—The term "former participating fleet vessel" means—

(A) any vessel that—

(i) on October 1, 2005—

(I) will meet the requirements of paragraph (1), (2), (3), or (4) of section 3511(c); and

(II) will be less than 25 years of age, or less than 30 years of age in the case of a LASH vessel; and

(ii) on December 31, 2003, is covered by an operating agreement under subtitle B of title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1187 et seq.); and

(B) any vessel that—

(i) is a replacement for a vessel described in subparagraph (A);

(ii) is controlled by the person that controls such replaced vessel;

(iii) is eligible to be included in the Fleet under section 3511(b);

(iv) is approved by the Secretary and the Secretary of Defense; and

(v) begins operation under an operating agreement under subtitle B by not later than the end of the 30-month period beginning on the date the operating agreement is entered into by the Secretary.

(6) LASH VESSEL.—The term "LASH vessel" means a lighter aboard ship vessel.

(7) PERSON.—The term "person" includes corporations, partnerships, and associations

existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

(8) PRODUCT TANK VESSEL.—The term ''product tank vessel'' means a double hulled tank vessel capable of carrying simultaneously more than 2 separated grades of refined petroleum products.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(10) UNITED STATES.—The term ''United States'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands.

(11) UNITED STATES-DOCUMENTED VESSEL.—The term ''United States-documented vessel'' means a vessel documented under chapter 121 of title 46, United States Code.

Subtitle B—Maritime Security Fleet

SEC. 3511. ESTABLISHMENT OF MARITIME SECURITY FLEET.

(a) IN GENERAL.—The Secretary of Transportation shall establish a fleet of active, militarily useful, privately owned vessels to meet national defense and other security requirements and maintain a United States presence in international commercial shipping. The Fleet shall consist of privately owned, United States-documented vessels for which there are in effect operating agreements under this subtitle, and shall be known as the Maritime Security Fleet.

(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

(3) the vessel is self-propelled and is—

(A) a roll-on/roll-off vessel with a carrying capacity of at least 80,000 square feet or 500 twenty-foot equivalent units and that is 15 years of age or less on the date the vessel is included in the Fleet;

(B) a tank vessel that is constructed in the United States after the date of the enactment of this subtitle;

(C) a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet;

(D) a LASH vessel that is 25 years of age or less on the date the vessel is included in the Fleet; or

(E) any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

except that the Secretary of Transportation shall waive the application of an age restriction under this paragraph if the waiver is requested by the Secretary of Defense;

(4) the vessel is determined by the Secretary of Defense to be suitable for use by the United States for national defense or military purposes in time of war or national emergency; and

(5) the vessel—

(A) is a United States-documented vessel; or

(B) is not a United States-documented vessel, but—

(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of title 46, United States Code, if it is included in the Fleet; and

(ii) at the time an operating agreement for the vessel is entered into under this subtitle, the vessel is eligible for documentation under chapter 121 of title 46, United States Code.

(c) REQUIREMENTS REGARDING CITIZENSHIP OF OWNERS AND CHARTERERS.—

(1) VESSEL OWNED AND OPERATED BY SECTION 2 CITIZENS.—A vessel meets the requirements of this paragraph if, during the period of an operating agreement under this subtitle that applies to the vessel, the vessel will be owned and operated by persons one or more persons that are citizens of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802).

(2) VESSEL OWNED BY SECTION 2 CITIZEN AND CHARTERED TO DOCUMENTATION CITIZEN.—A vessel meets the requirements of this paragraph if—

(A) during the period of an operating agreement under this subtitle that applies to the vessel, the vessel will be—

(i) owned by a person that is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802); and

(ii) demise chartered to a person—

(I) that is eligible to document the vessel under chapter 121 of title 46, United States Code;

(II) the chairman of the board of directors, chief executive officer, and a majority of the members of the board of directors of which are citizens of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), and are appointed and subjected to removal only upon approval by the Secretary; and

(III) that certifies that there are no treaties, statutes, regulations, or other laws that would prohibit the contractor for the vessel from performing its obligations under an operating agreement under this subtitle; and

(B) in the case of a vessel that will be chartered to a person that is owned or controlled by another person that is not a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), the other person enters into an agreement with the Secretary not to influence the operation of the vessel in a manner that will adversely affect the interests of the United States.

(3) VESSEL OWNED AND OPERATED BY DEFENSE CONTRACTOR.—A vessel meets the requirements of this paragraph if, during the period of an operating agreement under this subtitle that applies to the vessel, the vessel will be owned and operated by one or more persons that—

(A) are eligible to document a vessel under chapter 121 of title 46, United States Code;

(B) operates or manages other United States-documented vessels for the Secretary of Defense, or charters other vessels to the Secretary of Defense;

(C) has entered into a Special Security Agreement for purposes of this paragraph with the Secretary of Defense;

(D) makes the certification described in paragraph (2)(A)(ii)(III); and

(E) in the case of a vessel described in paragraph (2)(B), enters into an agreement referred to in that paragraph.

(4) VESSEL OWNED BY DOCUMENTATION CITIZEN AND CHARTERED TO SECTION 2 CITIZEN.—A vessel meets the requirements of this paragraph if, during the period of an operating agreement under this subtitle that applies to the vessel, the vessel will be—

(A) owned by a person that is eligible to document a vessel under chapter 121 of title 46, United States Code; and

(B) demise chartered to a person that is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802).

(d) REQUEST BY SECRETARY OF DEFENSE.—The Secretary of Defense shall request the Secretary of Homeland Security to issue any waiver under the first section of Public Law 81–891 (64 Stat. 1120; 46 App. U.S.C. note prec. 3) that is necessary for purposes of this subtitle.

SEC. 3512. AWARD OF OPERATING AGREEMENTS.

(a) IN GENERAL.—The Secretary shall require, as a condition of including any vessel in the Fleet, that the person that is the owner or charterer of the vessel for purposes of section 3511(c) enter into an operating agreement with the Secretary under this section.

(b) PROCEDURE FOR APPLICATIONS.—

(1) ACCEPTANCE OF APPLICATIONS.—Beginning no later than 30 days after the effective date of this subtitle, the Secretary shall accept applications for enrollment of vessels in the Fleet.

(2) ACTION ON APPLICATIONS.—Within 90 days after receipt of an application for enrollment of a vessel in the Fleet, the Secretary shall enter into an operating agreement with the applicant or provide in writing the reason for denial of that application.

(c) PRIORITY FOR AWARDING AGREEMENTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall enter into operating agreements according to the following priority:

(A) NEW TANK VESSELS.—First, for any tank vessel that—

(i) is constructed in the United States after the effective date of this subtitle;

(ii) is eligible to be included in the Fleet under section 3511(b); and

(iii) during the period of an operating agreement under this subtitle that applies to the vessel, will be owned and operated by one or more persons that are citizens of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802),

except that the Secretary shall not enter into operating agreements under this subparagraph for more than 5 such vessels.

(B) FORMER PARTICIPATING VESSELS.—Second, to the extent amounts are available after applying subparagraphs (A), for any former participating fleet vessel, except that the Secretary shall not enter into operating agreements under this subparagraph for more than 47 vessels.

(C) CERTAIN VESSELS OPERATED BY SECTION 2 CITIZENS.—Third, to the extent amounts are available after applying subparagraphs (A) and (B), for any other vessel that is eligible to be included in the Fleet under section 3511(b), and that, during the period of an operating agreement under this subtitle that applies to the vessel, will be—

(i) owned and operated by one or more persons that are citizens of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802); or

(ii) owned by a person that is eligible to document the vessel under chapter 121 of title 46, United States Code, and operated by a person that is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802).

(D) OTHER ELIGIBLE VESSELS.—Fourth, to the extent amounts are available after applying subparagraphs (A), (B), and (C), for any other vessel that is eligible to be included in the Fleet under section 3511(b).

(2) REDUCTION IN NUMBER OF SLOTS FOR FORMER PARTICIPATING FLEET VESSELS.—The number in paragraph (1)(B) shall be reduced by 1—

(A) for each former participating fleet vessel for which an application for enrollment in the Fleet is not received by the Secretary within the 90-day period beginning on the effective date of this subtitle; and

(B) for each former participating fleet vessel for which an application for enrollment in the Fleet received by the Secretary is not approved by the Secretary of Defense within the 90-day period beginning on the date of such receipt.

(3) DISCRETION WITHIN PRIORITY.—The Secretary—

(A) subject to subparagraph (B), may award operating agreements within each priority under paragraph (1) as the Secretary considers appropriate; and

(B) shall award operating agreement within a priority—

(i) in accordance with operational requirements specified by the Secretary of Defense; and

(ii) subject to the approval of the Secretary of Defense.

(4) TREATMENT OF TANK VESSEL TO BE REPLACED.—(A) For purposes of the application of paragraph (1)(A) with respect to the award of an operating agreement, the Secretary may treat an existing tank vessel that is eligible to be included in the Fleet under section 3511(b) as a vessel that is constructed in the United States after the effective date of this subtitle, if—

(i) a binding contract for construction in the United States of a replacement vessel to be operated under the operating agreement is executed by not later than 9 months after the first date amounts are available to carry out this subtitle; and

(ii) the replacement vessel is eligible to be included in the Fleet under section 3511(b).

(B) No payment under this subtitle may be made for an existing tank vessel for which an operating agreement is awarded under this paragraph after the earlier of—

(i) 4 years after the first date amounts are available to carry out this subtitle; or

(ii) the date of delivery of the replacement tank vessel.

(d) LIMITATION.—The Secretary may not award operating agreements under this subtitle that require payments under section 3515 for a fiscal year for more than 60 vessels.

SEC. 3513. EFFECTIVENESS OF OPERATING AGREEMENTS.

(a) EFFECTIVENESS, GENERALLY.—The Secretary may enter into an operating agreement under this subtitle for fiscal year 2006. Except as provided in subsection (b), the agreement shall be effective only for 1 fiscal year, but shall be renewable, subject to the availability of appropriations, for each subsequent fiscal year through the end of fiscal year 2015.

(b) VESSELS UNDER CHARTER TO U.S.—Unless an earlier date is requested by the applicant, the effective date for an operating agreement with respect to a vessel that is, on the date of entry into an operating agreement, on charter to the United States Government, other than a charter pursuant to an Emergency Preparedness Agreement under section 3516, shall be the expiration or termination date of the Government charter covering the vessel, or any earlier date the vessel is withdrawn from that charter.

(c) TERMINATION.—

(1) IN GENERAL.—If the contractor with respect to an operating agreement fails to comply with the terms of the agreement—

(A) the Secretary shall terminate the operating agreement; and

(B) any budget authority obligated by the agreement shall be available to the Secretary to carry out this subtitle.

(2) EARLY TERMINATION.—An operating agreement under this subtitle shall terminate on a date specified by the contractor if the contractor notifies the Secretary, by not later than 60 days before the effective date of the termination, that the contractor intends to terminate the agreement.

(d) NONRENEWAL FOR LACK OF FUNDS.—

(1) NOTIFICATION OF CONGRESS.—If, by the first day of a fiscal year, sufficient funds have not been appropriated under the authority provided by this subtitle for that fiscal year, then the Secretary shall notify the Congress that operating agreements authorized under this subtitle for which sufficient funds are not available will not be renewed for that fiscal year if sufficient funds are not appropriated by the 60th day of that fiscal year.

(2) RELEASE OF VESSELS FROM OBLIGATIONS.—If funds are not appropriated under the authority provided by this subtitle for any fiscal year by the 60th day of that fiscal year, then each vessel covered by an operating agreement under this subtitle for which funds are not available—

(A) is thereby released from any further obligation under the operating agreement;

(B) the owner or operator of the vessel may transfer and register such vessel under a foreign registry that is acceptable to the Secretary of Transportation and the Secretary of Defense, notwithstanding section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808); and

(C) if section 902 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1242) is applicable to such vessel after registration of the vessel under such a registry, then the vessel is available to be requisitioned by the Secretary of Transportation pursuant to section 902 of such Act.

SEC. 3514. OBLIGATIONS AND RIGHTS UNDER OPERATING AGREEMENTS.

(a) OPERATION OF VESSEL.—An operating agreement under this subtitle shall require that, during the period a vessel is operating under the agreement—

(1) the vessel—

(A) shall be operated exclusively in the foreign commerce or in mixed foreign commerce and domestic trade allowed under a registry endorsement issued under section 12105 of title 46, United States Code; and

(B) shall not otherwise be operated in the coastwise trade; and

(2) the vessel shall be documented under chapter 121 of title 46, United States Code.

(b) ANNUAL PAYMENTS BY SECRETARY.—

(1) IN GENERAL.—An operating agreement under this subtitle shall require, subject to the availability of appropriations, that the Secretary make a payment each fiscal year to the contractor in accordance with section 3515.

(2) OPERATING AGREEMENT IS OBLIGATION OF UNITED STATES GOVERNMENT.—An operating agreement under this subtitle constitutes a contractual obligation of the United States Government to pay the amounts provided for in the agreement to the extent of actual appropriations.

(c) DOCUMENTATION REQUIREMENT.—Each vessel covered by an operating agreement (including an agreement terminated under section 3513(c)(2)) shall remain documented under chapter 121 of title 46, United States Code, until the date the operating agreement would terminate according to its terms.

(d) NATIONAL SECURITY REQUIREMENTS.—

(1) IN GENERAL.—A contractor with respect to an operating agreement (including an agreement terminated under section 3513(c)(2)) shall continue to be bound by the provisions of section 3516 until the date the operating agreement would terminate according to its terms.

(2) EMERGENCY PREPAREDNESS AGREEMENT.—All terms and conditions of an Emergency Preparedness Agreement entered into under section 3516 shall remain in effect until the date the operating agreement would terminate according to its terms, except that the terms of such Emergency Preparedness Agreement may be modified by the mutual consent of the contractor and the Secretary of Transportation and the Secretary of Defense.

(e) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the agreement) to any person that is eligible to enter into that operating agreement under this subtitle, if the transfer is approved by the Secretary and the Secretary of Defense.

SEC. 3515. PAYMENTS.

(a) ANNUAL PAYMENT.—

(1) IN GENERAL.—The Secretary, subject to the availability of appropriations and the other provisions of this section, shall pay to the contractor for an operating agreement, for each vessel that is covered by the operating agreement, an amount equal to—

(A) $2,600,000 for each of fiscal years 2006 and 2007, and

(B) such amount, not less than $2,600,000, for each fiscal year thereafter for which the agreement is in effect as the Secretary, with the concurrence of the Secretary of Defense, considers to be necessary to meet the operational requirements of the Secretary of Defense.

(2) TIMING.—The amount shall be paid in equal monthly installments at the end of each month. The amount shall not be reduced except as provided by this section.

(b) CERTIFICATION REQUIRED FOR PAYMENT.—As a condition of receiving payment under this section for a fiscal year for a vessel, the contractor for the vessel shall certify, in accordance with regulations issued by the Secretary, that the vessel has been and will be operated in accordance with section 3514(a)(1) for at least 320 days in the fiscal year. Days during which the vessel is drydocked, surveyed, inspected, or repaired shall be considered days of operation for purposes of this subsection.

(c) LIMITATIONS.—The Secretary of Transportation shall not make any payment under this subtitle for a vessel with respect to any days for which the vessel is—

(1) under a charter to the United States Government, other than a charter pursuant to an Emergency Preparedness Agreement under section 3516;

(2) not operated or maintained in accordance with an operating agreement under this subtitle; or

(3) more than—

(A) 25 years of age, except as provided in subparagraph (B) or (C);

(B) 20 years of age, in the case of a tank vessel; or

(C) 30 years of age, in the case of a LASH vessel.

(d) REDUCTIONS IN PAYMENTS.—With respect to payments under this subtitle for a vessel covered by an operating agreement, the Secretary—

(1) except as provided in paragraph (2), shall not reduce any payment for the operation of the vessel to carry military or other preference cargoes under section 2631 of title 10, United States Code, the Act of March 26, 1934 (46 App. U.S.C. 1241–1), section 901(a), 901(b), or 901b of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(a), 1241(b), or 1241f), or any other cargo preference law of the United States;

(2) shall not make any payment for any day that the vessel is engaged in transporting more than 7,500 tons of civilian bulk preference cargoes pursuant to section 901(a), 901(b), or 901b of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(a), 1241(b), or 1241f), that is cargo; and

(3) shall make a pro rata reduction in payment for each day less than 320 in a fiscal year that the vessel is not operated in accordance with section 3514(a)(1), with days during which the vessel is drydocked or undergoing survey, inspection, or repair considered to be days on which the vessel is operated.

SEC. 3516. NATIONAL SECURITY REQUIREMENTS.

(a) EMERGENCY PREPAREDNESS AGREEMENT REQUIRED.—The Secretary shall establish an Emergency Preparedness Program under this section that is approved by the Secretary of Defense. Under the program, the Secretary shall include in each operating agreement under this subtitle a requirement that the contractor enter into an Emergency Preparedness Agreement under this section

with the Secretary. The Secretary shall negotiate and enter into an Emergency Preparedness Agreement with each contractor as promptly as practicable after the contractor has entered into an operating agreement under this subtitle.

(b) TERMS OF AGREEMENT.—

(1) IN GENERAL.—An Emergency Preparedness Agreement under this section shall require that upon a request by the Secretary of Defense during time of war or national emergency, or whenever determined by the Secretary of Defense to be necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code), a contractor for a vessel covered by an operating agreement under this subtitle shall make available commercial transportation resources (including services).

(2) BASIC TERMS.—(A) The basic terms of the Emergency Preparedness Agreement shall be established (subject to subparagraph (B)) pursuant to consultations among the Secretary and the Secretary of Defense.

(B) In any Emergency Preparedness Agreement, the Secretary and a contractor may agree to additional or modifying terms appropriate to the contractor's circumstances if those terms have been approved by the Secretary of Defense.

(c) PARTICIPATION AFTER EXPIRATION OF OPERATING AGREEMENT.—Except as provided by section 3514(c), the Secretary may not require, through an Emergency Preparedness Agreement or operating agreement, that a contractor continue to participate in an Emergency Preparedness Agreement after the operating agreement with the contractor has expired according to its terms or is otherwise no longer in effect. After expiration of an Emergency Preparedness Agreement, a contractor may volunteer to continue to participate in such an agreement.

(d) RESOURCES MADE AVAILABLE.—The commercial transportation resources to be made available under an Emergency Preparedness Agreement shall include vessels or capacity in vessels, intermodal systems and equipment, terminal facilities, intermodal and management services, and other related services, or any agreed portion of such nonvessel resources for activation as the Secretary of Defense may determine to be necessary, seeking to minimize disruption of the contractor's service to commercial shippers.

(e) COMPENSATION.—

(1) IN GENERAL.—The Secretary shall include in each Emergency Preparedness Agreement provisions approved by the Secretary of Defense under which the Secretary of Defense shall pay fair and reasonable compensation for all commercial transportation resources provided pursuant to this section.

(2) SPECIFIC REQUIREMENTS.—Compensation under this subsection—

(A) shall not be less than the contractor's commercial market charges for like transportation resources;

(B) shall be fair and reasonable considering all circumstances;

(C) shall be provided from the time that a vessel or resource is required by the Secretary of Defense until the time that it is redelivered to the contractor and is available to reenter commercial service; and

(D) shall be in addition to and shall not in any way reflect amounts payable under section 3515.

(f) TEMPORARY REPLACEMENT VESSELS.—Notwithstanding section 2631 of title 10, United States Code, the Act of March 26, 1934 (46 App. U.S.C. 1241–1), section 901(a), 901(b), or 901b of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(a), 1241(b), or 1241f), or any other cargo preference law of the United States—

(1) a contractor may operate or employ in foreign commerce a foreign-flag vessel or foreign-flag vessel capacity as a temporary replacement for a United States-documented vessel or United States-documented vessel capacity that is activated by the Secretary of Defense under an Emergency Preparedness Agreement or under a primary Department of Defense-approved sealift readiness program; and

(2) such replacement vessel or vessel capacity shall be eligible during the replacement period to transport preference cargoes subject to section 2631 of title 10, United States Code, the Act of March 26, 1934 (46 App. U.S.C. 1241–1), and sections 901(a), 901(b), and 901b of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(a), 1241(b), and 1241b) to the same extent as the eligibility of the vessel or vessel capacity replaced.

(g) REDELIVERY AND LIABILITY OF UNITED STATES FOR DAMAGES.—

(1) IN GENERAL.—All commercial transportation resources activated under an Emergency Preparedness Agreement shall, upon termination of the period of activation, be redelivered to the contractor in the same good order and condition as when received, less ordinary wear and tear, or the Secretary of Defense shall fully compensate the contractor for any necessary repair or replacement.

(2) LIMITATION ON LIABILITY OF U.S.—Except as may be expressly agreed to in an Emergency Preparedness Agreement, or as otherwise provided by law, the Government shall not be liable for disruption of a contractor's commercial business or other consequential damages to a contractor arising from activation of commercial transportation resources under an Emergency Preparedness Agreement.

SEC. 3517. REGULATORY RELIEF.

(a) OPERATION IN FOREIGN COMMERCE.—A contractor for a vessel included in an operating agreement under this subtitle may operate the vessel in the foreign commerce of the United States without restriction.

(b) OTHER RESTRICTIONS.—The restrictions of section 901(b)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(b)(1)) concerning the building, rebuilding, or documentation of a vessel in a foreign country shall not apply to a vessel for any day the operator of that vessel is receiving payments for operation of that vessel under an operating agreement under this subtitle.

(c) TELECOMMUNICATIONS EQUIPMENT.—The telecommunications and other electronic equipment on an existing vessel that is redocumented under the laws of the United States for operation under an operating agreement under this subtitle shall be deemed to satisfy all Federal Communications Commission equipment certification requirements, if—

(1) such equipment complies with all applicable international agreements and associated guidelines as determined by the country in which the vessel was documented immediately before becoming documented under the laws of the United States;

(2) that country has not been identified by the Secretary as inadequately enforcing international regulations as to that vessel; and

(3) at the end of its useful life, such equipment will be replaced with equipment that meets Federal Communications Commission equipment certification standards.

SEC. 3518. SPECIAL RULE REGARDING AGE OF FORMER PARTICIPATING FLEET VESSEL.

Sections 3511(b)(3) and 3515(c)(3) shall not apply to a former participating fleet vessel described in section 3502(5)(A), during the 30-month period referred to in section 3502(5)(B)(v) with respect to the vessel, if the Secretary determines that the contractor for the vessel has entered into an arrangement to obtain and operate under the operating agreement for the former participating fleet vessel a replacement vessel that, upon commencement of such operation, will be eligible to be included in the Fleet under section 3511(b).

SEC. 3519. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for payments under section 3515, to remain available until expended, $156,000,000 for each of fiscal years 2006 and 2007, and such sums as may be necessary for each fiscal year thereafter through fiscal year 2015.

SEC. 3520. AMENDMENT TO SHIPPING ACT, 1916.

Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is amended by redesignating the second subsection (e) as subsection (f), and by adding at the end the following:

''(g) Notwithstanding subsection (c)(2), the Merchant Marine Act, 1936, or any contract entered into with the Secretary of Transportation under that Act, a vessel may be placed under a foreign registry, without approval of the Secretary, if—

''(1)(A) the Secretary, with the concurrence of the Secretary of Defense, determines that at least one replacement vessel of like capability and of a capacity that is equivalent or greater, as measured by deadweight tons, gross tons, or container equivalent units, as appropriate, is documented under chapter 121 of title 46, United States Code, by the owner of the vessel placed under the foreign registry; and

''(B) the replacement vessel is not more than 10 years of age on the date of that documentation; and

''(2) an operating agreement covering the vessel under the Maritime Security Act of 2003 has expired.''.

SEC. 3521. REGULATIONS.

(a) IN GENERAL.—The Secretary of Transportation and the Secretary of Defense may each prescribe rules as necessary to carry out this subtitle and the amendments made by this subtitle.

(b) INTERIM RULES.—The Secretary of Transportation and the Secretary of Defense may each prescribe interim rules necessary to carry out this subtitle and the amendments made by this subtitle. For this purpose, the Secretaries are excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All interim rules prescribed under the authority of this subsection that are not earlier superseded by final rules shall expire no later than 270 days after the effective date of this subtitle.

SEC. 3522. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions are repealed:

(1) Subtitle B of title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1187 et seq.).

(2) Section 804 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1222).

(b) CONFORMING AMENDMENT.—Section 12102(d)(4) of title 46, United States Code, is amended by inserting ''or section 3511(b) of the Maritime Security Act of 2003'' after ''Merchant Marine Act, 1936''.

SEC. 3523. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), this subtitle shall take effect October 1, 2004.

(b) REPEALS AND CONFORMING AMENDMENTS.—Section 3522 shall take effect October 1, 2005.

(c) REGULATIONS.—Section 3521 and this section shall take effect on the date of the enactment of this Act.

Subtitle C—National Defense Tank Vessel Construction Assistance

SEC. 3531. NATIONAL DEFENSE TANK VESSEL CONSTRUCTION PROGRAM.

The Secretary of Transportation shall establish a program for the provision of financial assistance for the construction in the

United States of a fleet of up to 5 privately owned product tank vessels—

(1) to be operated in commercial service in foreign commerce; and

(2) to be available for national defense purposes in time of war or national emergency pursuant to an Emergency Preparedness Plan approved by the Secretary of Defense pursuant to section 3533(e) of this subtitle.

SEC. 3532. APPLICATION PROCEDURE. –

(a) REQUEST FOR PROPOSALS.—Within 90 days after the date of the enactment of this subtitle, and on an as-needed basis thereafter, the Secretary, in consultation with the Secretary of Defense, shall publish in the Federal Register a request for competitive proposals for the construction of new product tank vessels necessary to meet the commercial and national security needs of the United States and to be built with assistance under this subtitle.

(b) QUALIFICATION.—Any citizen of the United States or any shipyard in the United States may submit a proposal to the Secretary of Transportation for purposes of constructing a product tank vessel with assistance under this subtitle.

(c) REQUIREMENT.—The Secretary, with the concurrence of the Secretary of Defense, may enter into an agreement with the submitter of a proposal for assistance under this subtitle if the Secretary determines that—

(1) the plans and specifications call for construction of a new product tank vessel of not less than 35,000 deadweight tons and not greater than 60,000 deadweight tons, that—

(A) will meet the requirements of foreign commerce;

(B) is capable of carrying militarily useful petroleum products, and will be suitable for national defense or military purposes in time of war, national emergency, or other military contingency; and

(C) will meet the construction standards necessary to be documented under the laws of the United States;

(2) the shipyard in which the vessel will be constructed has the necessary capacity and expertise to successfully construct the proposed number and type of product tank vessels in a reasonable period of time as determined by the Secretary of Transportation, taking into consideration the recent prior commercial shipbuilding history of the proposed shipyard in delivering a vessel or series of vessels on time and in accordance with the contract price and specifications; and

(3) the person proposed to be the operator of the proposed vessel possesses the ability, experience, financial resources, and any other qualifications determined to be necessary by the Secretary for the operation and maintenance of the vessel.

(d) PRIORITY.—The Secretary—

(1) subject to paragraph (2), shall give priority consideration to a proposal submitted by a person that is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802); and

(2) may give priority to consideration of proposals that provide the best value to the Government, taking into consideration—

(A) the costs of vessel construction; and

(B) the commercial and national security needs of the United States.

SEC. 3533. AWARD OF ASSISTANCE.

(a) IN GENERAL.—If after review of a proposal, the Secretary determines that the proposal fulfills the requirements under this subtitle, the Secretary may enter into a contract with the proposed purchaser and the proposed shipyard for the construction of a product tank vessel with assistance under this subtitle.

(b) AMOUNT OF ASSISTANCE.—The contract shall provide that the Secretary shall pay, subject to the availability of appropriations, up to 75 percent of the actual construction cost of the vessel, but in no case more than $50,000,000 per vessel.

(c) CONSTRUCTION IN UNITED STATES.—A contract under this section shall require that construction of a vessel with assistance under this subtitle shall be performed in a shipyard in the United States.

(d) DOCUMENTATION OF VESSEL.—

(1) CONTRACT REQUIREMENT.—A contract under this section shall require that, upon delivery of a vessel constructed with assistance under the contract, the vessel shall be documented under chapter 121 of title 46, United States Code with a registry endorsement only.

(2) RESTRICTION ON COASTWISE ENDORSEMENT.—A vessel constructed with assistance under this subtitle shall not be eligible for a certificate of documentation with a coastwise endorsement.

(3) AUTHORITY TO REFLAG NOT APPLICABLE.—Section 9(g) of the Shipping Act, 1916, (46 App. U.S.C. 808(g)) shall not apply to a vessel constructed with assistance under this subtitle.

(e) EMERGENCY PREPAREDNESS AGREEMENT.—

(1) IN GENERAL.—A contract under this section shall require that the person who will be the operator of a vessel constructed with assistance under the contract shall enter into an Emergency Preparedness Agreement for the vessel under section 3516.

(2) TREATMENT AS CONTRACTOR.—For purposes of the application, under paragraph (1), of section 3516 to a vessel constructed with assistance under this subtitle, the term ''contractor'' as used in section 3516 means the person who will be the operator of a vessel constructed with assistance under this subtitle.

(f) ADDITIONAL TERMS.—The Secretary shall incorporate in the contract the requirements set forth in this subtitle, and may incorporate in the contract any additional terms the Secretary considers necessary.

SEC. 3534. PRIORITY FOR TITLE XI ASSISTANCE.

Section 1103 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273) is amended by adding at the end the following:

''(i) PRIORITY.—In guaranteeing and entering commitments to guarantee under this section, the Secretary shall give priority to guarantees and commitments for vessels that are otherwise eligible for a guarantee under this section and that are constructed with assistance under subtitle C of the Maritime Security Act of 2003.''.

SEC. 3535. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle a total of $250,000,000 for fiscal years after fiscal year 2004.

Subtitle D—Maritime Administration Authorization

SEC. 3541. AUTHORIZATION OF APPROPRIATIONS FOR MARITIME ADMINISTRATION FOR FISCAL YEAR 2004.

Funds are hereby authorized to be appropriated for fiscal year 2004, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $104,400,000, of which $13,000,000 is for capital improvements at the United States Merchant Marine Academy.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $39,498,000, of which—

(A) $35,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $4,498,000 is for administrative expenses related to loan guarantee commitments under the program.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $20,000,000.

SEC. 3542. AUTHORITY TO CONVEY VESSEL USS HOIST (ARS–40).

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey the right, title, and interest of the United States Government in and to the vessel USS HOIST (ARS–40), to the Last Patrol Museum, located in Toledo, Ohio (a not-for-profit corporation, in this section referred to as the ''recipient''), for use as a military museum, if—

(1) the recipient agrees to use the vessel as a nonprofit military museum;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government when the Secretary requires use of the vessel by the Government;

(4) the recipient agrees that when the recipient no longer requires the vessel for use as a military museum—

(A) the recipient will, at the discretion of the Secretary, reconvey the vessel to the Government in good condition except for ordinary wear and tear; or

(B) if the Board of Trustees of the recipient has decided to dissolve the recipient according to the laws of the State of New York, then—

(i) the recipient shall distribute the vessel, as an asset of the recipient, to a person that has been determined exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code, or to the Federal Government or a State or local government for a public purpose; and

(ii) the vessel shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the recipient is located, for such purposes as the court shall determine, or to such organizations as the court shall determine are organized exclusively for public purposes;

(5) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos, polychlorinated biphenyls, or lead paint after conveyance of the vessel, except for claims arising from use by the Government under paragraph (3) or (4); and

(6) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(b) DELIVERY OF VESSEL.—If a conveyance is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of enactment of this Act, in its present condition, and without cost to the Government.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may also convey any unneeded equipment from other vessels in the National Defense Reserve Fleet in order to restore the USS HOIST (ARS–40) to museum quality.

(d) RETENTION OF VESSEL IN NDRF.—

(1) IN GENERAL.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under subsection (a), until the earlier of—

(A) 2 years after the date of the enactment of this Act; or

(B) the date of conveyance of the vessel under subsection (a).

(2) LIMITATION.—Paragraph (1) does not require the Secretary to retain the vessel in the National Defense Reserve Fleet if the Secretary determines that retention of the vessel in the fleet will pose an unacceptable risk to the marine environment.

SEC. 3543. AUTHORITY TO CONVEY NDRF VESSELS AND VESSEL CONTENTS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey the right, title, and interest of the United States Government in and to any or all of the vessels USS ORION (AS–18), USS HOWARD W. GILMORE (AS–16), USS SPERRY (AS–12), USS NEREUS (AS–17), USS PROTEUS (XAS–19), and S.S. HATTIESBURG VICTORY (number 248651), a barge and its inventoried contents (YFNB 4, also known as SSE–512), and the contents (Victory class spares) that have been removed from the S.S. CATAWBA VICTORY, to Beauchamp Tower Corporation (a not-for-profit corporation, in this section referred to as the ''recipient'') for use as moored support ships for the corporation and as memorials to the Fulton class ships and the Victory class ships, if—

(1) the vessel is not used for commercial transportation purposes;

(2) the recipient agrees to make the vessel available to the Government when the Secretary requires use of the vessel by the Government;

(3) the recipient agrees that when the recipient no longer requires the vessel for use as a moored support ship for the corporation and as a memorial to the Fulton class ships and the Victory class ships—

(A) the recipient shall, at the discretion of the Secretary, reconvey the vessel to the Government in good condition except for ordinary wear and tear; or

(B) if the Board of Trustees of the recipient has decided to dissolve the recipient according to the laws of the State of Florida, then—

(i) the recipient shall distribute the vessel, as an asset of the recipient, to a person that has been determined exempt from taxation under section 501(c)(3) of the Internal Revenue Code, or to the Federal Government or a State or local government for a public purpose; and

(ii) the vessel shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the recipient is located, for such purposes as the court shall determine, or to such organizations as the court shall determine are organized exclusively for public purposes;

(4) the recipient agrees to hold the Government harmless for any claims arising from exposure to asbestos after conveyance of the vessel, except for claims arising from use by the Government under paragraph (2) or (3); and

(5) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, a written loan commitment, or financial resources—

(A) except as provided in subparagraph (B), of at least $1,500,000 for each vessel conveyed; and

(B) at least $50,000 for each barge with contents conveyed.

(b) DELIVERY OF VESSEL.—If a conveyance of a vessel is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of the enactment of this Act, in its present condition, without cost to the Government.

(c) MANAGEMENT OF VESSELS PENDING CONVEYANCE.—

(1) 2-YEAR HOLDING PERIOD.—The Secretary shall remove all vessels authorized to be conveyed under this section from the scrapping disposal list for a period of 2 years.

(2) DISPOSAL AT END OF HOLDING PERIOD.—If a vessel has not been received and transported from its conveyance location by the recipient before the end of such 2-year period, the Secretary may dispose of the vessel as the Secretary determines to be appropriate.

(3) DISPOSAL DURING HOLDING PERIOD.—Notwithstanding paragraph (1), the Secretary may dispose of a vessel authorized to be conveyed under this section during the 2-year period provided for in paragraph (1), if it is determined that the vessel is in danger of sinking or presents an immediate critical hazard to the National Defense Reserve Fleet or environmental safety.

(d) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient any unneeded equipment, materials, and spares from other vessels or in storage with the Maritime Administration and the National Defense Reserve Fleet, for the recipient's use, including the restoration and refit of the vessels conveyed under this section and to assist other vessel museums.

(e) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet each vessel authorized to be conveyed under subsection (a), until the earlier of—

(1) 2 years after the date of the enactment of this Act; or

(2) the date of conveyance of the vessel under subsection (a).

TITLE XXXVI—NUCLEAR SECURITY INITIATIVE

SEC. 3601. SHORT TITLE.

This title may be cited as the ''Nuclear Security Initiative Act of 2003''.

Subtitle A—Nonproliferation Program Enhancements

SEC. 3611. ESTABLISHMENT OF INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM IN DEPARTMENT OF STATE.

(a) POLICY WITH RESPECT TO FORMER SOVIET UNION.—It is the policy of the United States to seek to cooperate with the Russian Federation and each other independent state of the former Soviet Union to effect as quickly as is reasonably practical basic security measures (such as the replacement of doors, the bricking of or placement of bars in windows, the clearing of underbrush from facility perimeters, and the erection of fences) at each facility in the Russian Federation and each such state that is used for storing nuclear weapons or nuclear materials and is not yet protected by such measures.

(b) POLICY WORLDWIDE.—It is the policy of the United States to seek to cooperate with all appropriate nations—

(1) to attempt to ensure that all nuclear weapons and nuclear materials worldwide are secure and accounted for according to stringent standards; and

(2) to minimize the number of facilities worldwide at which separated plutonium and highly enriched uranium are present, so as to achieve the highest and most sustainable levels of security for such facilities in the most cost-effective manner.

(c) EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES AUTHORIZED.—(1) The Secretary of State may establish an international nuclear materials protection and cooperation program with respect to countries other than the Russian Federation and the other independent states of the former Soviet Union.

(2) In carrying out such program, the Secretary of State may provide such funds as are needed to remove nuclear materials from potentially vulnerable facilities, including funds to cover the costs of—

(A) transporting such materials from those facilities to secure facilities;

(B) purchasing such materials;

(C) converting those facilities to a use that no longer requires nuclear materials; and

(D) providing incentives to facilitate the removal of such materials from such facilities.

(3)(A) The Secretary of Energy may provide technical assistance to the Secretary of State in the efforts of the Secretary of State, in carrying out the program, to assist such countries to review and improve their security programs with respect to nuclear weapons and nuclear materials.

(B) The technical assistance provided under subparagraph (A) may, where consistent with the treaty obligations of the United States, include the sharing of technology or methodologies to the countries referred to in that subparagraph. Any such sharing shall take into account the sovereignty of the country concerned and the nuclear weapons programs of such country, as well as the sensitivity of any information involved regarding United States nuclear weapons or nuclear weapons systems.

(C) The Secretary of State may include the Russian Federation in activities under this paragraph if the Secretary determines that the experience of the Russian Federation under the International Nuclear Materials Protection and Cooperation program of the Department of Energy would make the participation of the Russian Federation in those activities useful in providing technical assistance under subparagraph (A).

Subtitle B—Administration and Oversight of Threat Reduction and Nonproliferation Programs

SEC. 3621. ANALYSIS OF EFFECT ON THREAT REDUCTION AND NONPROLIFERATION PROGRAMS OF CONGRESSIONAL OVERSIGHT MEASURES WITH RESPECT TO SUCH PROGRAMS.

(a) ANALYSIS OF AND REPORT ON CONGRESSIONAL OVERSIGHT MEASURES.—(1) The National Academy of Sciences shall carry out an analysis of the effect on threat reduction and nonproliferation programs of applicable congressional oversight measures. The analysis shall take into account—

(A) the national security interests of the United States;

(B) the need for accountability in the expenditure of funds by the United States;

(C) the effect of such congressional oversight measures on the continuity and effectiveness of such programs; and

(D) the oversight responsibilities of Congress with respect to such programs.

(2) In carrying out the analysis, the National Academy of Sciences shall consult with the chairs and ranking minority members of the Committees on Armed Services of the Senate and the House of Representatives.

(b) REPORT.—Not later than November 1, 2004, the National Academy of Sciences shall submit to Congress a report on the analysis required by subsection (a). The report shall—

(1) identify, and describe the purpose of, each congressional oversight measure; and

(2) set forth such recommendations as the National Academy of Sciences considers appropriate as to whether the measure should be retained, amended, or repealed, together with the reasoning underlying that determination.

(c) DEFINITIONS.—In this section:

(1) the term ''congressional oversight measure'' means—

(A) the restrictions in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952);

(B) the eligibility requirements in paragraphs (1) through (4) of section 502 of the FREEDOM Support Act (22 U.S.C. 5852);

(C) the prohibition in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 512; 22 U.S.C. 5952 note); and

(D) any restriction or prohibition on the use of funds otherwise available for threat reduction and nonproliferation programs that applies absent the submission to Congress (or any one or more officers or committees of Congress) of a report, certification, or other matter.

(2) The term ''threat reduction and nonproliferation programs'' means—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note); and

(B) any programs for which funds are made available under the defense nuclear nonproliferation account of the Department of Energy.

SEC. 3622. ANNUAL REPORT ON THE USE OF FUNDS APPROPRIATED FOR THREAT REDUCTION AND NONPROLIFERATION IN STATES OF THE FORMER SOVIET UNION.

(a) REPORT.—Not later than December 31 of each year, the Secretary of Energy shall submit to Congress a report on the use, during the fiscal year ending September 30 of that year, of funds appropriated for threat reduction and nonproliferation programs in the Russian Federation and the other independent states of the former Soviet Union. The report shall be prepared in consultation with the Secretary of Defense and shall include the following:

(1) A description of the use of such funds and the manner in which such funds are being monitored and accounted for, including—

(A) the amounts obligated, and the amounts expended, for such activities;

(B) the purposes for which such amounts were obligated and expended;

(C) the forms of assistance provided, and the justification for each form of assistance provided;

(D) the success of each such activity, including the purposes achieved for each such activity;

(E) a description of the participation in such activities by private sector entities in the United States and by Federal agencies; and

(F) any other information that the Secretary of Energy considers appropriate to provide a complete description of the operation and success of such activities.

(2) An accounting of the financial commitment made by the Russian Federation, as of the date of the end of the fiscal year covered by the report, to the destruction of its weapons of mass destruction and to threat reduction and nonproliferation programs.

(3) A description of the efforts made by the United States to encourage the Russian Federation to continue to maintain its current level of financial commitment at a level not less than the level of its commitment for fiscal year 2003, and the response of the Russian Federation to such efforts.

(4) A description of the access provided by the Russian Federation to the United States during the fiscal year covered by the report to the facilities with respect to which the United States is providing assistance under threat reduction and nonproliferation programs.

(b) CONSULTATION REQUIRED.—In preparing the report, the Secretary of Energy shall consult with the chairs and ranking minority members of the following congressional committees:

(1) The Committee on Armed Services, Committee on Appropriations, and Committee on International Relations of the House of Representatives.

(2) The Committee on Armed Services, Committee on Appropriations, and Committee on Foreign Relations of the Senate.

(c) INFORMATION FROM RUSSIAN FEDERATION.—In the case of activities covered by the report that are carried out in the Russian Federation, the Secretary of Energy shall, in preparing the report, include information provided by the Russian Federation with respect to those activities.

(d) DEFINITION.—In this section, the term ''threat reduction and nonproliferation programs'' has the meaning given such term in section 3621.

SEC. 3623. PLAN FOR AND COORDINATION OF CHEMICAL AND BIOLOGICAL WEAPONS NONPROLIFERATION PROGRAMS WITH STATES OF THE FORMER SOVIET UNION.

(a) CHEMICAL AND BIOLOGICAL WEAPONS PLAN.—Section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247), as amended by section 1205 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2664) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) CHEMICAL AND BIOLOGICAL WEAPONS.—(1) Not later than June 1, 2004, the President shall develop with the President of the Russian Federation and submit to Congress a comprehensive, detailed plan—

''(A) to account for, secure, and destroy all chemical and biological weapons, and the chemical and biological materials designed for use in such weapons, that are located in Russia and the independent states of the former Soviet Union; and

''(B) to prevent the outflow from those states of the technology and scientific expertise that could be used for developing those weapons, including delivery systems.

''(2) The plan required by paragraph (1) shall include the following:

''(A) Specific goals and measurable objectives for the programs that are designed to carry out the objectives specified in subparagraphs (A) and (B) of paragraph (1).

''(B) Identification of all significant obstacles to achieving those objectives and the means for overcoming those obstacles.

''(C) Criteria for success for those programs and a strategy for eventual termination of United States contributions to those programs and assumption of the ongoing support of those programs by the Russian Federation.

''(D) Specification of the fiscal and other resources necessary in each of the eight fiscal years after fiscal year 2003 to achieve those objectives, including contributions from the international community.

''(E) Arrangements for United States oversight and access to sites.

''(F) Recommendations for any changes—

''(i) in the structure or organization of the programs for carrying out those objectives; and

''(ii) in regulations or legislation that would increase the efficiency and coordination of those programs or would otherwise contribute to the achievement of those objectives.

''(3) In developing the plan required by paragraph (1), the President shall consult with—

''(A) the majority and minority leadership of the appropriate committees of Congress; and

''(B) appropriate officials of the states of the former Soviet Union.

''(4)(A) The President, after consultation with the majority and minority leadership of the appropriate committees of Congress, shall designate a senior official of the Executive Branch, and provide that official with sufficient authority and staffing and other resources, to coordinate the programs referred to in paragraph (2)(A).

''(B) The President shall designate that official not later than 12 months after the date of the enactment of this subsection.''.

(b) REPORT REQUIRED TO COVER BOTH PLANS.—Subsection (e) of section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247), as redesignated by subsection (a), is amended—

(1) in the subsection heading, by striking ''PLAN.—'' and inserting ''PLANS.—'';

(2) in paragraph (1)—

(A) by striking ''January 31, 2003,'' and inserting ''January 31, 2005,''; and

(B) by striking ''plan required by subsection (a)'' and inserting ''plans required by subsections (a) and (d)(1)''; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking ''plan required by subsection (a)'' and inserting ''plans required by subsections (a) and (d)(1)''; and

(B) in subparagraphs (B), (C), and (D) by striking ''plan'' each place it appears and inserting ''plans''.

(c) CONFORMING AMENDMENT.—The heading of section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1247) is amended to read as follows:

''SEC. 1205. PLANS FOR SECURING NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE OF, AND FOR COORDINATING CHEMICAL AND BIOLOGICAL WEAPONS NONPROLIFERATION PROGRAMS WITH, STATES OF THE FORMER SOVIET UNION.''.

(d) EFFECTIVE DATE FOR FIRST REPORT COVERING BOTH PLANS.—The amendments made by subsection (b) shall apply with respect to the first report due after January 31, 2004.

Subtitle C—United States—Russia Relations

SEC. 3631. COMPREHENSIVE INVENTORIES AND DATA EXCHANGES ON NUCLEAR WEAPONS-GRADE MATERIAL AND NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that inventories of nuclear weapons-grade material and nuclear weapons should be tracked in order, among other things—

(1) to make it more likely that the Russian Federation can fully account for its entire inventory of nuclear weapons-grade material and nuclear weapons; and

(2) to make it more likely that the sources of any such material or weapons possessed or used by any foreign state or terrorist organization can be identified.

(b) STATEMENT OF POLICY.—To the extent that the President considers prudent, it is the policy of the United States to seek to establish jointly with the Russian Federation comprehensive inventories and data exchanges of Russian Federation and United States nuclear weapons-grade material and nuclear weapons, with particular attention to tactical warheads and warheads that are no longer operationally deployed.

(c) ASSISTANCE IN DEVELOPING COMPREHENSIVE INVENTORIES.—Notwithstanding any other provision of law, the United States should seek to work with the Russian Federation to develop comprehensive inventories of Russian highly enriched uranium, weapons-grade plutonium, and assembled warheads, with special attention to be focused on tactical warheads and warheads that are no longer operationally deployed.

(d) DATA EXCHANGES.—As part of the development of inventories under subsection (c), to the maximum extent practicable and without jeopardizing United States national security interests, the United States may exchange data with the Russian Federation on categories of material and weapons described in subsection (c).

(e) REPORT.—Not later than 12 months after the date of the enactment of this Act, and annually thereafter until a comprehensive inventory is created and the information collected from the inventory is exchanged between the United States and the Russian Federation, the President shall submit to Congress a report, in both classified and unclassified form as necessary, describing the progress that has been made toward creating an inventory and exchanging the information.

SEC. 3632. ESTABLISHMENT OF DUMA-CONGRESS NUCLEAR THREAT REDUCTION WORKING GROUP.

(a) ESTABLISHMENT OF WORKING GROUP.—There is hereby established a working group to be known as the ''Nuclear Threat Reduction Working Group'' as an interparliamentary group of the United States and the Russian Federation.

(b) PURPOSE OF WORKING GROUP.—The purpose of the Working Group established by subsection (a) shall be to explore means to enhance cooperation between the United States and the Russian Federation with respect to nuclear nonproliferation and security, and such other issues related to reducing nuclear weapons dangers as the delegations from the two legislative bodies may consider appropriate.

(c) MEMBERSHIP.—(1) The majority leader of the Senate, after consultation with the minority leader of the Senate, shall appoint 10 Senators to the Working Group established by subsection (a).

(2) The Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives, shall appoint 30 Representatives to the Working Group.

SEC. 3633. JOINT UNITED STATES/NORTH ATLANTIC TREATY ORGANIZATION COOPERATION WITH RUSSIA ON THEATER-LEVEL BALLISTIC MISSILE DEFENSES.

(a) POLICY.—It is the policy of the United States that the President should seek to ensure that the United States takes the lead in arranging for the United States, in conjunction with the North Atlantic Treaty Organization, to enter into appropriate cooperative relationships with the Russian Federation with respect to the development and deployment of theater-level ballistic missile defenses.

(b) PURPOSE OF COOPERATIVE RELATIONSHIPS.—It is the policy of the United States—

(1) that the purpose of the cooperative relationships described in subsection (a) is to increase transparency and confidence with the Russian Federation;

(2) that United States defense and security cooperation with the Russian Federation should contribute to defining a new bilateral strategic framework that is not rooted in the concept of ''mutual assured destruction''; and

(3) that that new bilateral strategic framework should be based upon improving the security of the United States and the Russian Federation by promoting transparency and confidence between the two countries.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the President shall transmit to Congress a report (in unclassified or classified form as necessary) on the feasibility of increasing cooperation with the Russian Federation on the subject of theater-level ballistic missile defenses and on the purposes and objectives set forth in subsection (b). The report shall include—

(1) recommendations from the Department of Defense and Missile Defense Agency;

(2) a threat assessment; and

(3) an assessment of possible benefits to missile defense programs of the United States.

SEC. 3634. ENCOURAGEMENT OF ENHANCED COLLABORATION TO ACHIEVE MORE RELIABLE RUSSIAN EARLY WARNING SYSTEMS.

(a) FINDINGS.—Congress finds that—

(1) the innovative United States-Russian space-based remote sensor research and development program known as the Russian-American Observation Satellite (RAMOS) program addresses a variety of defense concerns while promoting enhanced transparency and confidence between the United States and the Russian Federation; and

(2) an initial concept of co-orbiting United States and Russian satellites for simultaneous stereo observations is complete and should be continued.

(b) POLICY.—To the exent that the President considers prudent, it is the policy of the United States—

(1) to encourage joint efforts by the United States and the Russian Federation to reduce the chances of a Russian nuclear attack anywhere in the world as the result of misinformation or miscalculation by developing the capabilities and increasing the reliability of Russian ballistic missile early-warning systems, including the Russian-American Observation Satellite (RAMOS) program; and

(2) to encourage other United States-Russian programs to ensure that the Russia Federation has reliable information, including real-time data, regarding launches of ballistic missiles anywhere in the world.

(c) INTERIM RAMOS FUNDING.—To the extent that the Secretary of Defense considers prudent, the Secretary of Defense shall ensure that, pending the execution of a new agreement between the United States and the Russian Federation providing for the conduct of the RAMOS program, sufficient amounts of funds appropriated for that program are used in order to ensure the satisfactory continuation of that program during fiscal years 2004 and 2005.

SEC. 3635. TELLER-KURCHATOV ALLIANCE FOR PEACE.

(a) FINDINGS.—Congress finds that—

(1) Edward Teller of the United States and Igor Kurchatov of the former Soviet Union were architects of the nuclear weapons programs in their respective countries;

(2) these outstanding individuals both expressed a longing for peace and opposition to war; and

(3) as the United States and the Russian Federation work together to redirect the nations of the world towards the peaceful use of nuclear energy, seeking to improve the quality of life for all human beings, it is appropriate to establish an alliance for peace in the names of Edward Teller and Igor Kurchatov.

(b) TELLER-KURCHATOV ALLIANCE FOR PEACE.—(1) To the extent that the Secretary of Energy considers prudent, the Secretary shall seek to enter into an agreement with the Minister of Atomic Energy of the Russian Federation to carry out a cooperative venture, to be known as the Teller-Kurchatov Alliance for Peace, to develop and promote peaceful, safe, and environmentally sensitive uses of nuclear energy.

(2) The cooperative venture referred to in paragraph (1) shall involve the national security laboratories of the National Nuclear Security Administration and the laboratories of the Ministry of Atomic Energy and the Kurchatov Institute of the Russian Federation.

(3) The cooperative venture shall be directed by two co-chairs, one each from the United States and the Russian Federation. The co-chair from the United States shall serve for a term of two years and shall be designated by the Administrator for Nuclear Security from among officials of the three national security laboratories, with each laboratory represented on a rotating basis.

SEC. 3636. NONPROLIFERATION FELLOWSHIPS.

(a) IN GENERAL.—(1) From amounts made available to carry out this section, the Administrator for Nuclear Security may carry out a program under which the Administrator awards, to scientists employed at the Kurchatov Institute of the Russian Federation and Lawrence Livermore National Laboratory, international exchange fellowships, to be known as Teller-Kurchatov Fellowships, in the nuclear nonproliferation sciences.

(2) The purpose of the program shall be to provide opportunities for advancement in the field of nuclear nonproliferation to scientists who, as demonstrated by their academic or professional achievements, show particular promise of making significant contributions in that field.

(3) A fellowship awarded to a scientist under the program shall be for study and training at (and, where appropriate, at an institution of higher education in the vicinity of)—

(A) the Kurchatov Institute, in the case of a scientist employed at Lawrence Livermore National Laboratory; and

(B) Lawrence Livermore National Laboratory, in the case of a scientist employed at the Kurchatov Institute.

(4) The duration of a fellowship under the program may not exceed two years. The Administrator may provide for a longer duration in an individual case to the extent warranted by extraordinary circumstances, as determined by the Administrator.

(5) In a calendar year, the Administrator may not award more than—

(A) one fellowship to a scientist employed at the Kurchatov Institute; and

(B) one fellowship to a scientist employed at Lawrence Livermore National Laboratory.

(6) A fellowship under the program shall include—

(A) travel expenses;

(B) any tuition and fees at an institution of higher education for study or training under the fellowship; and

(C) any other expenses that the Administrator considers appropriate, such as room and board.

(b) FUNDING.—Amounts available to the Department of Energy for defense nuclear nonproliferation activities shall be available for the fellowships authorized by subsection (a).

(c) DEFINITIONS.—In this section—

(1) the term ''institution of higher education'' means a college, university, or other educational institution that is empowered by an appropriate authority, as determined by the Administrator, to award degrees higher than the baccalaureate level;

(2) the term ''nuclear nonproliferation sciences'' means bodies of scientific knowledge relevant to developing or advancing the means to prevent or impede the proliferation of nuclear weaponry; and

(3) the term ''scientist'' means an individual who has a degree from an institution of higher education in a science that has practical application in the field of nuclear nonproliferation.

Subtitle D—Other Matters

SEC. 3641. PROMOTION OF DISCUSSIONS ON NUCLEAR AND RADIOLOGICAL SECURITY AND SAFETY BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY AND THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT.

(a) FINDINGS.—Congress finds that—

(1) cooperative programs to control potential threats from any fissile and radiological materials, whatever and wherever their sources, should be expanded to include additional states and international organizations; and

(2) addressing issues of nuclear weapons and materials, as well as the issue of radiological dispersal bombs, in new forums around the world is crucial to the generation of innovative mechanisms directed at addressing the threats.

(b) SENSE OF CONGRESS REGARDING INITIATION OF DIALOGUE BETWEEN THE IAEA AND THE OECD.—It is the sense of Congress that—

(1) the United States should seek to initiate discussions between the International Atomic Energy Agency and the Organization for Economic Cooperation and Development for the purpose of exploring issues of nuclear and radiological security and safety, including the creation of new sources of revenue (including debt reduction) for states to provide nuclear security; and

(2) the discussions referred to in paragraph (1) should also provide a forum to explore possible sources of funds in support of the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the President shall submit to Congress a report on—

(1) the efforts made by the United States to initiate the discussions described in subsection (b);

(2) the results of those efforts; and

(3) any plans for further discussions and the purposes of such discussions.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. COOPER moved to recommit the bill to the Committee on Armed Services with instructions to report the bill back to the House forthwith with the following amendments:

In section 9902 of title 5, United States Code (as proposed to be added by section 1111 of the bill), after subsection (b) (page 353, after line 12) insert the following new subsection:

''(c) EMPLOYEE BILL OF RIGHTS.—

''(1) SENSE OF CONGRESS.—It is the sense of Congress that—

''(A) the Department of Defense should have flexibilities in personnel decisions, including pay and promotion, in order to provide the strongest possible national defense; and

''(B) the Department of Defense should protect fundamental civil service protections of civilian employees at the Department.

''(2) CIVIL SERVICE PROTECTIONS.—

''(A) The right of an employee to receive a veterans preference in hiring and a reduction in force, as in effect on the date of the enactment of this subsection, shall not be abridged.

''(B) An employee shall have the right to be free from favoritism, nepotism, or discrimination in connection with hiring, tenure, promotion, or other conditions of employment due to the employee's political opinion or affiliation.

''(C) The Secretary shall not refuse to bargain in good faith with a labor organization, except as provided in section 9902(f) (relating to bargaining at the national rather than local level), and shall submit negotiation impasses to—

''(i) an impartial panel; or

''(ii) an alternative dispute resolution procedure agreed upon by the parties;

''(D) An employee shall have the right to full and fair compensation for overtime, other time worked that is not part of a regular workweek schedule, and pay for hazardous work assignments.

''(E) An employee shall have the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal. Such right includes the right to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees.

''(F) An employee against whom removal or suspension for more than 14 days is proposed shall have a right to—

''(i) reasonable advance notice stating specific reasons for the proposed action, unless there is reasonable cause to believe that such employee has committed a crime or immediate action is necessary in the interests of national security;

''(ii) reasonable time to answer orally or in writing; and

''(iii) representation by an attorney or other representative.

''(G) An employee shall have a right to appeal actions involving alleged discrimination to the Equal Employment Opportunity Commission.

(H) An employee shall have a right to back pay and attorney fees if the employee is the prevailing party in an appeal of a removal or suspension.

Page 359, line 5, insert ''and'' after ''Secretary;''.

Page 359, line 8, strike ''; and'' and insert a period.

Page 359, strike lines 9 through 12.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

Mr. COOPER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 204 / Nays 224

¶56.32 [Roll No. 220]

AYES—204

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

NOES—224

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

NOT VOTING—6

Bonilla	Doolittle	Gephardt
Combest	Emerson	Greenwood

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. HUNTER demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 361 / Nays 68

¶56.33 [Roll No. 221]

AYES—361

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

NOES—68

Baird	Grijalva	Paul
Baldwin	Hinchey	Payne
Ballance	Holt	Rush
Becerra	Honda	Sabo
Blumenauer	Jackson (IL)	Sanchez, Linda T.
Brown (OH)	Kanjorski	Sanders
Capps	Kilpatrick	Schakowsky
Capuano	Kleczka	Serrano
Case	Kucinich	Solis
Clay	Larson (CT)	Stark
Conyers	Lee	Tierney
Crowley	Lewis (GA)	Towns
Davis (IL)	Lofgren	Udall (CO)
DeFazio	Markey	Udall (NM)
DeGette	McCollum	Velazquez
Delahunt	McDermott	Waters
Dingell	McGovern	Watson
Doggett	Miller, George	Watt
Eshoo	Nadler	Waxman
Farr	Oberstar	Weiner
Fattah	Obey	Woolsey
Filner	Olver	Wu
Frank (MA)	Owens	

NOT VOTING—5

Bonilla	Doolittle	Gephardt
Combest	Emerson	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the committee amendment to the title was adopted so as to read: ''An Act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶56.34 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. HUNTER, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, punctuation, cross references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

¶56.35 UNEMPLOYMENT INSURANCE

Ms. DUNN, pursuant to House Resolution 248, called up bill (H.R. 2185) to extend the Temporary Extended Unemployment Compensation Act of 2002.

When said bill was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CARDIN moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following:

SEC. 3. ENTITLEMENT TO ADDITIONAL WEEKS OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) WEEKS OF TEUC AMOUNTS.—Paragraph (1) of section 203(b) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended to read as follows:

''(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 26 times the individual's weekly benefit amount for the benefit year.''.

(b) WEEKS OF TEUC–X AMOUNTS.—Section 203(c)(1) of the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 28) is amended by striking ''an amount equal to the amount originally established in such account (as determined under subsection (b)(1))'' and inserting ''7 times the individual's weekly benefit amount for the benefit year''.

(c) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002; but

(2) shall apply only with respect to weeks of unemployment beginning on or after the date of enactment this Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the nays had it.

Mr. CARDIN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 205 / Nays ..... 222 }

¶56.36 [Roll No. 222]

YEAS—205

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

NAYS—222

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

NOT VOTING—7

Berman
Bonilla
Combest
Doolittle
Emerson
Gephardt
Jones (NC)

So the motion to recommit with instructions was not agreed to.

The question being put viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the yeas had it.

Mr. QUINN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays ..... 19 }

¶56.37 [Roll No. 223]

AYES—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus

Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—19

Bartlett (MD)
Burgess
Crane
Cubin
Culberson
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Hensarling
Hostettler
Johnson, Sam
King (IA)
Miller (FL)
Musgrave
Paul
Shadegg
Smith (MI)
Tancredo

NOT VOTING—6

Bonilla
Combest
Doolittle
Emerson
Gephardt
Lewis (CA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶56.38 SUBMISSION OF CONFERENCE REPORT—H.R. 2

Mr. THOMAS submitted a conference report (Rept. No. 108–126) on the bill (H.R. 2) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004; together with a statement thereon, for printing in the RECORD under the rule.

¶56.39 RECESS—9:21 P.M.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 21 minutes p.m., subject to the call of the Chair.

¶56.40 AFTER RECESS—10:39 P.M.

The SPEAKER pro tempore, Mr. LAHOOD, called the House to order.

¶56.41 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 2

Mr. REYNOLDS, by direction of the Committee on Rules, reported (Rept. No. 108–129) the resolution (H. Res. 253) waiving points of order against the conference report to accompany the bill (H.R. 2) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

When said resolution and report were referred to the House Calendar and ordered printed.

¶56.42 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 2

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 253):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit. The yeas and nays shall be considered as ordered on the question of adoption of the conference report. Clause 5(b) of rule XXI shall not apply to the conference report.

When said resolution was considered.

After debate,

On motion of Mr. REYNOLDS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 221
Nays 205

¶56.43 [Roll No. 224]

YEAS—221

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

NAYS—205

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

NOT VOTING—9

Boehner	Combest	Gillmor
Bonilla	Cox	Peterson (PA)
Boucher	Emerson	Stearns

So the previous question on the resolution was ordered.

FRIDAY, MAY 23 (LEGISLATIVE DAY OF THURSDAY, MAY 22), 2003

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶56.44 JOBS AND GROWTH TAX RECONCILIATION

Mr. THOMAS, pursuant to House Resolution 253, called up the following conference report (Rept. No. 108–126):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2), to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the ''Jobs and Growth Tax Relief Reconciliation Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

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

TITLE I—ACCELERATION OF CERTAIN PREVIOUSLY ENACTED TAX REDUCTIONS

Sec. 101. Acceleration of increase in child tax credit.

Sec. 102. Acceleration of 15-percent individual income tax rate bracket expansion for married taxpayers filing joint returns.

Sec. 103. Acceleration of increase in standard deduction for married taxpayers filing joint returns.

Sec. 104. Acceleration of 10-percent individual income tax rate bracket expansion.

Sec. 105. Acceleration of reduction in individual income tax rates.

Sec. 106. Minimum tax relief to individuals.

Sec. 107. Application of EGTRRA sunset to this title.

TITLE II—GROWTH INCENTIVES FOR BUSINESS

Sec. 201. Increase and extension of bonus depreciation.

Sec. 202. Increased expensing for small business.

TITLE III—REDUCTION IN TAXES ON DIVIDENDS AND CAPITAL GAINS

Sec. 301. Reduction in capital gains rates for individuals; repeal of 5-year holding period requirement.

Sec. 302. Dividends of individuals taxed at capital gain rates.

Sec. 303. Sunset of title.

TITLE IV—TEMPORARY STATE FISCAL RELIEF

Sec. 401. Temporary State fiscal relief.

TITLE V—CORPORATE ESTIMATED TAX PAYMENTS FOR 2003

Sec. 501. Time for payment of corporate estimated taxes.

TITLE I—ACCELERATION OF CERTAIN PREVIOUSLY ENACTED TAX REDUCTIONS

SEC. 101. ACCELERATION OF INCREASE IN CHILD TAX CREDIT.

(a) IN GENERAL.—The item relating to calendar years 2001 through 2004 in the table contained in paragraph (2) of section 24(a) (relating to per child amount) is amended to read as follows:

''2003 or 2004 ..... $1,000''.

(b) ADVANCE PAYMENT OF PORTION OF INCREASED CREDIT IN 2003.—

(1) IN GENERAL.—Subchapter B of chapter 65 (relating to abatements, credits, and refunds) is amended by inserting after section 6428 the following new section:

''SEC. 6429. ADVANCE PAYMENT OF PORTION OF INCREASED CHILD CREDIT FOR 2003.

''(a) IN GENERAL.—Each taxpayer who was allowed a credit under section 24 on the return for the taxpayer's first taxable year beginning in 2002 shall be treated as having made a payment against the tax imposed by chapter 1 for such taxable year in an amount equal to the child tax credit refund amount (if any) for such taxable year.

''(b) CHILD TAX CREDIT REFUND AMOUNT.—For purposes of this section, the child tax credit refund amount is the amount by which the aggregate credits allowed under part IV of subchapter A of chapter 1 for such first taxable year would have been increased if—

''(1) the per child amount under section 24(a)(2) for such year were $1,000,

''(2) only qualifying children (as defined in section 24(c)) of the taxpayer for such year who had not attained age 17 as of December 31, 2003, were taken into account, and

''(3) section 24(d)(1)(B)(ii) did not apply.

''(c) TIMING OF PAYMENTS.—In the case of any overpayment attributable to this section, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible and, to the extent practicable, before October 1, 2003. No refund or credit shall be made or allowed under this section after December 31, 2003.

''(d) COORDINATION WITH CHILD TAX CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this subsection and section 26) be allowed under section 24 for the taxpayer's first taxable year beginning in 2003 shall be reduced (but not below zero) by the payments made to the taxpayer under this section. Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a payment under this section with respect to a joint return, half of such payment shall be treated as having been made to each individual filing such return.

''(e) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

''Sec. 6429. Advance payment of portion of increased child credit for 2003.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 102. ACCELERATION OF 15-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—The table contained in subparagraph (B) of section 1(f)(8) (relating to applicable percentage) is amended by inserting before the item relating to 2005 the following new item:

''2003 and 2004 ..... 200''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1(f)(8)(A) is amended by striking ''2004'' and inserting ''2002''.

(2) Section 302(c) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''2004'' and inserting ''2002''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. ACCELERATION OF INCREASE IN STANDARD DEDUCTION FOR MARRIED TAXPAYERS FILING JOINT RETURNS.

(a) IN GENERAL.—The table contained in paragraph (7) of section 63(c) (relating to applicable percentage) is amended by inserting before the item relating to 2005 the following new item:

''2003 and 2004 ..... 200''.

(b) CONFORMING AMENDMENT.—Section 301(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''2004'' and inserting ''2002''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 104. ACCELERATION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET EXPANSION.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(B) (relating to the initial bracket amount) is amended by striking ''($12,000 in the case of taxable years beginning before January 1, 2008)'' and inserting ''($12,000 in the case of taxable years beginning after December 31, 2004, and before January 1, 2008)''.

(b) INFLATION ADJUSTMENT.—Subparagraph (C) of section 1(i)(1) is amended to read as follows:

''(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f) which apply with respect to taxable years beginning in calendar years after 2000—

''(i) except as provided in clause (ii), the Secretary shall make no adjustment to the initial bracket amounts for any taxable year beginning before January 1, 2009,

''(ii) there shall be an adjustment under subsection (f) of such amounts which shall apply only to taxable years beginning in 2004, and such adjustment shall be determined under subsection (f)(3) by substituting '2002' for '1992' in subparagraph (B) thereof,

''(iii) the cost-of-living adjustment used in making adjustments to the initial bracket amounts for any taxable year beginning after December 31, 2008, shall be determined under subsection (f)(3) by substituting '2007' for '1992' in subparagraph (B) thereof, and

''(iv) the adjustments under clauses (ii) and (iii) shall not apply to the amount referred to in subparagraph (B)(iii).

If any amount after adjustment under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(2) TABLES FOR 2003.—The Secretary of the Treasury shall modify each table which has been prescribed under section 1(f) of the Internal Revenue Code of 1986 for taxable years beginning in 2003 and which relates to the amendment made by subsection (a) to reflect such amendment.

SEC. 105. ACCELERATION OF REDUCTION IN INDIVIDUAL INCOME TAX RATES.

(a) IN GENERAL.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	*The corresponding percentages shall be substituted for the following percentages:*			
	28%	*31%*	*36%*	*39.6%*
2001	*27.5%*	*30.5%*	*35.5%*	*39.1%*
2002	*27.0%*	*30.0%*	*35.0%*	*38.6%*
2003 and thereafter	*25.0%*	*28.0%*	*33.0%*	*35.0%".*

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 106. MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) IN GENERAL.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking "$49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004" and inserting "$58,000 in the case of taxable years beginning in 2003 and 2004".

(2) Subparagraph (B) of section 55(d)(1) is amended by striking "$35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004" and inserting "$40,250 in the case of taxable years beginning in 2003 and 2004".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2002.

SEC. 107. APPLICATION OF EGTRRA SUNSET TO THIS TITLE.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

TITLE II—GROWTH INCENTIVES FOR BUSINESS

SEC. 201. INCREASE AND EXTENSION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k) (relating to special allowance for certain property acquired after September 10, 2001, and before September 11, 2004) is amended by adding at the end the following new paragraph:

"(4) 50-PERCENT BONUS DEPRECIATION FOR CERTAIN PROPERTY.—

"(A) IN GENERAL.—In the case of 50-percent bonus depreciation property—

"(i) paragraph (1)(A) shall be applied by substituting '50 percent' for '30 percent', and

"(ii) except as provided in paragraph (2)(C), such property shall be treated as qualified property for purposes of this subsection.

"(B) 50-PERCENT BONUS DEPRECIATION PROPERTY.—For purposes of this subsection, the term '50-percent bonus depreciation property' means property described in paragraph (2)(A)(i)—

"(i) the original use of which commences with the taxpayer after May 5, 2003,

"(ii) which is acquired by the taxpayer after May 5, 2003, and before January 1, 2005, but only if no written binding contract for the acquisition was in effect before May 6, 2003, and

"(iii) which is placed in service by the taxpayer before January 1, 2005, or, in the case of property described in paragraph (2)(B) (as modified by subparagraph (C) of this paragraph), before January 1, 2006.

"(C) SPECIAL RULES.—Rules similar to the rules of subparagraphs (B) and (D) of paragraph (2) shall apply for purposes of this paragraph; except that references to September 10, 2001, shall be treated as references to May 5, 2003.

"(D) AUTOMOBILES.—Paragraph (2)(E) shall be applied by substituting '$7,650' for '$4,600' in the case of 50-percent bonus depreciation property.

"(E) ELECTION OF 30-PERCENT BONUS.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, subparagraph (A)(i) shall not apply to all property in such class placed in service during such taxable year.".

(b) EXTENSION OF CERTAIN DATES FOR 30-PERCENT BONUS DEPRECIATION PROPERTY.—

(1) PORTION OF BASIS TAKEN INTO ACCOUNT.—

(A) Subparagraphs (B)(ii) and (D)(i) of section 168(k)(2) are each amended by striking "September 11, 2004" each place it appears in the text and inserting "January 1, 2005".

(B) Clause (ii) of section 168(k)(2)(B) is amended by striking "PRE-SEPTEMBER 11, 2004" in the heading and inserting "PRE-JANUARY 1, 2005".

(2) ACQUISITION DATE.—Clause (iii) of section 168(k)(2)(A) is amended by striking "September 11, 2004" each place it appears and inserting "January 1, 2005".

(3) ELECTION.—Clause (iii) of section 168(k)(2)(C) is amended by adding at the end the following: "The preceding sentence shall be applied separately with respect to property treated as qualified property by paragraph (4) and other qualified property.".

(c) CONFORMING AMENDMENTS.—

(1) The subsection heading for section 168(k) is amended by striking "SEPTEMBER 11, 2004" and inserting "JANUARY 1, 2005".

(2) The heading for clause (i) of section 1400L(b)(2)(C) is amended by striking "30-PERCENT ADDITIONAL ALLOWANCE PROPERTY" and inserting "BONUS DEPRECIATION PROPERTY UNDER SECTION 168(k)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 5, 2003.

SEC. 202. INCREASED EXPENSING FOR SMALL BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2006).".

(b) INCREASE IN QUALIFYING INVESTMENT AT WHICH PHASEOUT BEGINS.—Paragraph (2) of section 179(b) (relating to reduction in limitation) is amended by inserting "($400,000 in the case of taxable years beginning after 2002 and before 2006)" after "$200,000".

(c) OFF-THE-SHELF COMPUTER SOFTWARE.—Paragraph (1) of section 179(d) (defining section 179 property) is amended to read as follows:

"(1) SECTION 179 PROPERTY.—For purposes of this section, the term 'section 179 property' means property—

"(A) which is—

"(i) tangible property (to which section 168 applies), or

"(ii) computer software (as defined in section 197(e)(3)(B)) which is described in section 197(e)(3)(A)(i), to which section 167 applies, and which is placed in service in a taxable year beginning after 2002 and before 2006,

"(B) which is section 1245 property (as defined in section 1245(a)(3)), and

"(C) which is acquired by purchase for use in the active conduct of a trade or business.

Such term shall not include any property described in section 50(b) and shall not include air conditioning or heating units.".

(d) ADJUSTMENT OF DOLLAR LIMIT AND PHASEOUT THRESHOLD FOR INFLATION.—Subsection (b) of section 179 (relating to limitations) is amended by adding at the end the following new paragraph:

"(5) INFLATION ADJUSTMENTS.—

"(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2003 and before 2006, the $100,000 and $400,000 amounts in paragraphs (1) and (2) shall each be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING.—

"(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.".

(e) REVOCATION OF ELECTION.—Paragraph (2) of section 179(c) (relating to election irrevocable) is amended by adding at the end the following new sentence: "Any such election or specification with respect to any taxable year beginning after 2002 and before 2006 may be revoked by the taxpayer with respect to any property, and such revocation, once made, shall be irrevocable.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

TITLE III—REDUCTION IN TAXES ON DIVIDENDS AND CAPITAL GAINS

SEC. 301. REDUCTION IN CAPITAL GAINS RATES FOR INDIVIDUALS; REPEAL OF 5-YEAR HOLDING PERIOD REQUIREMENT.

(a) IN GENERAL.—

(1) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking "10 percent" and inserting "5 percent (0 percent in the case of taxable years beginning after 2007)".

(2) The following sections are each amended by striking "20 percent" and inserting "15 percent":

(A) Section 1(h)(1)(C).

(B) Section 55(b)(3)(C).

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936.

(b) CONFORMING AMENDMENTS.—

(1) Section 1(h) is amended—

(A) by striking paragraphs (2) and (9),

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively, and

(C) by redesignating paragraphs (10), (11), and (12) as paragraphs (8), (9), and (10), respectively.

(2) Paragraph (3) of section 55(b) is amended by striking "In the case of taxable years beginning after December 31, 2000, rules similar to the rules of section 1(h)(2) shall apply for purposes of subparagraphs (B) and (C).".

(3) Paragraph (7) of section 57(a) is amended—

(A) by striking "42 percent" the first place it appears and inserting "7 percent", and

(B) by striking the last sentence.

(c) TRANSITIONAL RULES FOR TAXABLE YEARS WHICH INCLUDE MAY 6, 2003.—For purposes of applying section 1(h) of the Internal Revenue Code of 1986 in the case of a taxable year which includes May 6, 2003—

(1) The amount of tax determined under subparagraph (B) of section 1(h)(1) of such Code shall be the sum of—

(A) 5 percent of the lesser of—

(i) the net capital gain determined by taking into account only gain or loss properly taken into account for the portion of the taxable year on or after May 6, 2003 (determined without regard to collectibles gain or loss, gain described

in section 1(h)(6)(A)(i) of such Code, and section 1202 gain), or

(ii) the amount on which a tax is determined under such subparagraph (without regard to this subsection),

(B) 8 percent of the lesser of—

(i) the qualified 5-year gain (as defined in section 1(h)(9) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act) properly taken into account for the portion of the taxable year before May 6, 2003, or

(ii) the excess (if any) of—

(I) the amount on which a tax is determined under such subparagraph (without regard to this subsection), over

(II) the amount on which a tax is determined under subparagraph (A), plus

(C) 10 percent of the excess (if any) of—

(i) the amount on which a tax is determined under such subparagraph (without regard to this subsection), over

(ii) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B).

(2) The amount of tax determined under subparagraph (C) of section (1)(h)(1) of such Code shall be the sum of—

(A) 15 percent of the lesser of—

(i) the excess (if any) of the amount of net capital gain determined under subparagraph (A)(i) of paragraph (1) of this subsection over the amount on which a tax is determined under subparagraph (A) of paragraph (1) of this subsection, or

(ii) the amount on which a tax is determined under such subparagraph (C) (without regard to this subsection), plus

(B) 20 percent of the excess (if any) of—

(i) the amount on which a tax is determined under such subparagraph (C) (without regard to this subsection), over

(ii) the amount on which a tax is determined under subparagraph (A) of this paragraph.

(3) For purposes of applying section 55(b)(3) of such Code, rules similar to the rules of paragraphs (1) and (2) of this subsection shall apply.

(4) In applying this subsection with respect to any pass-thru entity, the determination of when gains and losses are properly taken into account shall be made at the entity level.

(5) For purposes of applying section 1(h)(11) of such Code, as added by section 302 of this Act, to this subsection, dividends which are qualified dividend income shall be treated as gain properly taken into account for the portion of the taxable year on or after May 6, 2003.

(6) Terms used in this subsection which are also used in section 1(h) of such Code shall have the respective meanings that such terms have in such section.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to taxable years ending on or after May 6, 2003.

(2) WITHHOLDING.—The amendment made by subsection (a)(2)(C) shall apply to amounts paid after the date of the enactment of this Act.

(3) SMALL BUSINESS STOCK.—The amendments made by subsection (b)(3) shall apply to dispositions on or after May 6, 2003.

SEC. 302. DIVIDENDS OF INDIVIDUALS TAXED AT CAPITAL GAIN RATES.

(a) IN GENERAL.—Section 1(h) (relating to maximum capital gains rate), as amended by section 301, is amended by adding at the end the following new paragraph:

''(11) DIVIDENDS TAXED AS NET CAPITAL GAIN.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'net capital gain' means net capital gain (determined without regard to this paragraph) increased by qualified dividend income.

''(B) QUALIFIED DIVIDEND INCOME.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified dividend income' means dividends received during the taxable year from—

''(I) domestic corporations, and

''(II) qualified foreign corporations.

''(ii) CERTAIN DIVIDENDS EXCLUDED.—Such term shall not include—

''(I) any dividend from a corporation which for the taxable year of the corporation in which the distribution is made, or the preceding taxable year, is a corporation exempt from tax under section 501 or 521,

''(II) any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.), and

''(III) any dividend described in section 404(k).

''(iii) COORDINATION WITH SECTION 246(C).—Such term shall not include any dividend on any share of stock—

''(I) with respect to which the holding period requirements of section 246(c) are not met (determined by substituting in section 246(c)(1) '60 days' for '45 days' each place it appears and by substituting '120-day period' for '90-day period'), or

''(II) to the extent that the taxpayer is under an obligation (whether pursuant to a short sale or otherwise) to make related payments with respect to positions in substantially similar or related property.

''(C) QUALIFIED FOREIGN CORPORATIONS.—

''(i) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'qualified foreign corporation' means any foreign corporation if—

''(I) such corporation is incorporated in a possession of the United States, or

''(II) such corporation is eligible for benefits of a comprehensive income tax treaty with the United States which the Secretary determines is satisfactory for purposes of this paragraph and which includes an exchange of information program.

''(ii) DIVIDENDS ON STOCK READILY TRADABLE ON UNITED STATES SECURITIES MARKET.—A foreign corporation not otherwise treated as a qualified foreign corporation under clause (i) shall be so treated with respect to any dividend paid by such corporation if the stock with respect to which such dividend is paid is readily tradable on an established securities market in the United States.

''(iii) EXCLUSION OF DIVIDENDS OF CERTAIN FOREIGN CORPORATIONS.—Such term shall not include any foreign corporation which for the taxable year of the corporation in which the dividend was paid, or the preceding taxable year, is a foreign personal holding company (as defined in section 552), a foreign investment company (as defined in section 1246(b)), or a passive foreign investment company (as defined in section 1297).

''(iv) COORDINATION WITH FOREIGN TAX CREDIT LIMITATION.—Rules similar to the rules of section 904(b)(2)(B) shall apply with respect to the dividend rate differential under this paragraph.

''(D) SPECIAL RULES.—

''(i) AMOUNTS TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—Qualified dividend income shall not include any amount which the taxpayer takes into account as investment income under section 163(d)(4)(B).

''(ii) EXTRAORDINARY DIVIDENDS.—If an individual receives, with respect to any share of stock, qualified dividend income from 1 or more dividends which are extraordinary dividends (within the meaning of section 1059(c)), any loss on the sale or exchange of such share shall, to the extent of such dividends, be treated as long-term capital loss.

''(iii) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—A dividend received from a regulated investment company or a real estate investment trust shall be subject to the limitations prescribed in sections 854 and 857.''.

(b) EXCLUSION OF DIVIDENDS FROM INVESTMENT INCOME.—Subparagraph (B) of section 163(d)(4) (defining net investment income) is amended by adding at the end the following flush sentence:

''Such term shall include qualified dividend income (as defined in section 1(h)(11)(B)) only to the extent the taxpayer elects to treat such income as investment income for purposes of this subsection.''.

(c) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES.—

(1) Subsection (a) of section 854 (relating to dividends received from regulated investment companies) is amended by inserting ''section 1(h)(11) (relating to maximum rate of tax on dividends) and'' after ''For purposes of''.

(2) Paragraph (1) of section 854(b) (relating to other dividends) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) MAXIMUM RATE UNDER SECTION 1(h).—

''(i) IN GENERAL.—If the aggregate dividends received by a regulated investment company during any taxable year are less than 95 percent of its gross income, then, in computing the maximum rate under section 1(h)(11), rules similar to the rules of subparagraph (A) shall apply.

''(ii) GROSS INCOME.—For purposes of clause (i), in the case of 1 or more sales or other dispositions of stock or securities, the term 'gross income' includes only the excess of—

''(I) the net short-term capital gain from such sales or dispositions, over

''(II) the net long-term capital loss from such sales or dispositions.

''(iii) DIVIDENDS FROM REAL ESTATE INVESTMENT TRUSTS.—For purposes of clause (i)—

''(I) paragraph (3)(B)(ii) shall not apply, and

''(II) in the case of a distribution from a trust described in such paragraph, the amount of such distribution which is a dividend shall be subject to the limitations under section 857(c).

''(iv) DIVIDENDS FROM QUALIFIED FOREIGN CORPORATIONS.—For purposes of clause (i), dividends received from qualified foreign corporations (as defined in section 1(h)(11)) shall also be taken into account in computing aggregate dividends received.''.

(3) Subparagraph (C) of section 854(b)(1), as redesignated by paragraph (2), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A) or (B)''.

(4) Paragraph (2) of section 854(b) is amended by inserting ''the maximum rate under section 1(h)(11) and'' after ''for purposes of''.

(5) Subsection (b) of section 854 is amended by adding at the end the following new paragraph:

''(5) COORDINATION WITH SECTION 1(h)(11).—For purposes of paragraph (1)(B), an amount shall be treated as a dividend only if the amount is qualified dividend income (within the meaning of section 1(h)(11)(B)).''.

(d) TREATMENT OF DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—Section 857(c) (relating to restrictions applicable to dividends received from real estate investment trusts) is amended to read as follows:

''(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

''(1) SECTION 243.—For purposes of section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered a dividend.

''(2) SECTION 1(h)(11).—For purposes of section 1(h)(11) (relating to maximum rate of tax on dividends)—

''(A) rules similar to the rules of subparagraphs (B) and (C) of section 854(b)(1) shall apply to dividends received from a real estate investment trust which meets the requirements of this part, and

''(B) for purposes of such rules, such a trust shall be treated as receiving qualified dividend income during any taxable year in an amount equal to the sum of—

''(i) the excess of real estate investment trust taxable income computed under section 857(b)(2) for the preceding taxable year over the tax payable by the trust under section 857(b)(1) for such preceding taxable year, and

''(ii) the excess of the income subject to tax by reason of the application of the regulations under section 337(d) for the preceding taxable year over the tax payable by the trust on such income for such preceding taxable year.''.

(e) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 1(h), as redesignated by section 301, is amended to read as follows:

''(3) ADJUSTED NET CAPITAL GAIN.—For purposes of this subsection, the term 'adjusted net capital gain' means the sum of—

''(A) net capital gain (determined without regard to paragraph (11)) reduced (but not below zero) by the sum of—

''(i) unrecaptured section 1250 gain, and

''(ii) 28-percent rate gain, plus

''(B) qualified dividend income (as defined in paragraph (11)).''.

(2) Subsection (f) of section 301 is amended adding at the end the following new paragraph:

''(4) For taxation of dividends received by individuals at capital gain rates, see section 1(h)(11).''.

(3) Paragraph (1) of section 306(a) is amended by adding at the end the following new subparagraph:

''(D) TREATMENT AS DIVIDEND.—For purposes of section 1(h)(11) and such other provisions as the Secretary may specify, any amount treated as ordinary income under this paragraph shall be treated as a dividend received from the corporation.''.

(4)(A) Subpart C of part II of subchapter C of chapter 1 (relating to collapsible corporations) is repealed.

(B)(i) Section 338(h) is amended by striking paragraph (14).

(ii) Sections 467(c)(5)(C), 1255(b)(2), and 1257(d) are each amended by striking '', 341(e)(12),''.

(iii) The table of subparts for part II of subchapter C of chapter 1 is amended by striking the item related to subpart C.

(5) Section 531 is amended by striking ''equal to'' and all that follows and inserting ''equal to 15 percent of the accumulated taxable income.''.

(6) Section 541 is amended by striking ''equal to'' and all that follows and inserting ''equal to 15 percent of the undistributed personal holding company income.''.

(7) Section 584(c) is amended by adding at the end the following new flush sentence:

''The proportionate share of each participant in the amount of dividends received by the common trust fund and to which section 1(h)(11) applies shall be considered for purposes of such paragraph as having been received by such participant.''.

(8) Paragraph (5) of section 702(a) is amended to read as follows:

''(5) dividends with respect to which section 1(h)(11) or part VIII of subchapter B applies,''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(2) REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—In the case of a regulated investment company or a real estate investment trust, the amendments made by this section shall apply to taxable years ending after December 31, 2002; except that dividends received by such a company or trust on or before such date shall not be treated as qualified dividend income (as defined in section 1(h)(11)(B) of the Internal Revenue Code of 1986, as added by this Act).

SEC. 303. SUNSET OF TITLE.

All provisions of, and amendments made by, this title shall not apply to taxable years beginning after December 31, 2008, and the Internal Revenue Code of 1986 shall be applied and administered to such years as if such provisions and amendments had never been enacted.

TITLE IV—TEMPORARY STATE FISCAL RELIEF

SEC. 401. TEMPORARY STATE FISCAL RELIEF.

(a) $10,000,000,000 FOR A TEMPORARY INCREASE OF THE MEDICAID FMAP.—

(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for the third and fourth calendar quarters of fiscal year 2003, before the application of this subsection.

(2) PERMITTING MAINTENANCE OF FISCAL YEAR 2003 FMAP FOR FIRST 3 QUARTERS OF FISCAL YEAR 2004.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for the State for fiscal year 2003 shall be substituted for the State's FMAP for the first, second, and third calendar quarters of fiscal year 2004, before the application of this subsection.

(3) GENERAL 2.95 PERCENTAGE POINTS INCREASE FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003 AND FIRST 3 CALENDAR QUARTERS OF FISCAL YEAR 2004.—Subject to paragraphs (5), (6), and (7), for each State for the third and fourth calendar quarters of fiscal year 2003 and for the first, second, and third calendar quarters of fiscal year 2004, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 2.95 percentage points.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to paragraphs (6) and (7), with respect to the third and fourth calendar quarters of fiscal year 2003 and the first, second, and third calendar quarters of fiscal year 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 5.90 percent of such amounts.

(5) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(B) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(C) any payments under XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(6) STATE ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after September 2, 2003, is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State shall not require that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for the third and fourth calendar quarters of fiscal year 2003 and the first, second and third calendar quarters of fiscal year 2004, than the percentage that was required by the State under such plan on April 1, 2003, prior to application of this subsection.

(8) DEFINITIONS.—In this subsection:

(A) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(9) REPEAL.—Effective as of October 1, 2004, this subsection is repealed.

(b) $10,000,000,000 TO ASSIST STATES IN PROVIDING GOVERNMENT SERVICES.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

''TITLE VI—TEMPORARY STATE FISCAL RELIEF

''SEC. 601. TEMPORARY STATE FISCAL RELIEF.

''(a) APPROPRIATION.—There is authorized to be appropriated and is appropriated for making payments to States under this section, $5,000,000,000 for each of fiscal years 2003 and 2004.

''(b) PAYMENTS.—

''(1) FISCAL YEAR 2003.—From the amount appropriated under subsection (a) for fiscal year 2003, the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this Act or the date that a State provides the certification required by subsection (e) for fiscal year 2003, pay each State the amount determined for the State for fiscal year 2003 under subsection (c).

''(2) FISCAL YEAR 2004.—From the amount appropriated under subsection (a) for fiscal year 2004, the Secretary of the Treasury shall, not later than the later of October 1, 2003, or the date that a State provides the certification required by subsection (e) for fiscal year 2004, pay each State the amount determined for the State for fiscal year 2004 under subsection (c).

''(c) PAYMENTS BASED ON POPULATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the amount appropriated under subsection (a) for each of fiscal years 2003 and 2004 shall be used to pay each State an amount equal to the relative population proportion amount described in paragraph (3) for such fiscal year.

''(2) MINIMUM PAYMENT.—

''(A) IN GENERAL.—No State shall receive a payment under this section for a fiscal year that is less than—

''(i) in the case of 1 of the 50 States or the District of Columbia, ½ of 1 percent of the amount appropriated for such fiscal year under subsection (a); and

''(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, 1/10 of 1 percent of the amount appropriated for such fiscal year under subsection (a).

''(B) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to States determined under this section without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

''(3) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion

amount described in this paragraph is the product of—

''(A) the amount described in subsection (a) for a fiscal year; and

''(B) the relative State population proportion (as defined in paragraph (4)).

''(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term ''relative State population proportion'' means, with respect to a State, the amount equal to the quotient of—

''(A) the population of the State (as reported in the most recent decennial census); and

''(B) the total population of all States (as reported in the most recent decennial census).

''(d) USE OF PAYMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), a State shall use the funds provided under a payment made under this section for a fiscal year to—

''(A) provide essential government services; or

''(B) cover the costs to the State of complying with any Federal intergovernmental mandate (as defined in section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the State, and the Federal Government has not provided funds to cover the costs.

''(2) LIMITATION.—A State may only use funds provided under a payment made under this section for types of expenditures permitted under the most recently approved budget for the State.

''(e) CERTIFICATION.—In order to receive a payment under this section for a fiscal year, the State shall provide the Secretary of the Treasury with a certification that the State's proposed uses of the funds are consistent with subsection (d).

''(f) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

''(g) REPEAL.—Effective as of October 1, 2004, this title is repealed.''.

TITLE V—CORPORATE ESTIMATED TAX PAYMENTS FOR 2003

SEC. 501. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, 25 percent of the amount of any required installment of corporate estimated tax which is otherwise due in September 2003 shall not be due until October 1, 2003.

And the Senate agree to the same.

WILLIAM M. THOMAS,
TOM DELAY,
Managers on the Part of the House.

CHUCK GRASSLEY,
ORRIN HATCH,
DON NICKLES,
TRENT LOTT,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

Pursuant to House Resolution 253, the previous question was ordered on the conference report to its adoption or rejection.

The SPEAKER pro tempore, Mr. LAHOOD, announced that, pursuant to House Resolution 253, the yeas and nays were considered as ordered on the question of adoption of the conference report.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 231 / Nays 200

¶56.45 [Roll No. 225]

YEAS—231

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

NAYS—200

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

NOT VOTING—4

Boehner
Bonilla
Combest
Emerson

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶56.46 PROVIDING FOR ADJOURNMENT OF THE HOUSE AND RECESS OR ADJOURNMENT OF THE SENATE

Mr. DELAY submitted the following privileged concurrent resolution (H. Con. Res. 191):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 22, 2003, Friday, May 23, 2003, or Saturday, May 24, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, June 2, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, May 23, 2003, or Saturday, May 24, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 2, 2003, or at such other time on that day as may be specified by it Majority Leader or his designee in the

motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered.

The question being put, viva voce

Will the House agree to said concurrent resolution?

The SPEAKER announced that the yeas had it.

Mr. HOYER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 213 / Nays 195

¶56.47 [Roll No. 226]

YEAS—213

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

NAYS—195

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

NOT VOTING—27

Baker
Bonilla
Clay
Combest
Dicks
Dooley (CA)
Doolittle
Emerson
Fossella
Gutierrez
Jones (NC)
Lantos
Lipinski
Matsui
Murtha
Neal (MA)
Paul
Pitts
Pryce (OH)
Radanovich
Schrock
Smith (WA)
Stark
Tiahrt
Velazquez
Waxman
Young (FL)

So the concurrent resolution was agreed to.

A motion to reconsider the votes whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶56.48 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 4, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶56.49 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday, May 27, 2003, at 2 p.m., unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 191, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶56.50 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
May 23, 2003.

I hereby appoint the Honorable TOM DAVIS or, if not available to perform this duty, the Honorable MIKE PENCE to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 2, 2003.

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

By unanimous consent, the appointments were approved.

¶56.51 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAQ PETROLEUM AND PETROLEUM PRODUCTS

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House a message from the President, which was read as follows:

To the Congress of The United States:

Consistent with section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), section 5 of the United Nations Participation Act (22 U.S.C. 287c) (UNPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my authority to declare a national emergency to deal with the unusual and extraordinary threat posed to the national security and foreign policy of the United States by the threat of attachment or other judicial process against the Development Fund for Iraq, Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein.

A major national security and foreign policy goal of the United States is to ensure that the newly established Development Fund for Iraq and other

Iraqi resources, including Iraqi petroleum and petroleum products, are dedicated for the well-being of the Iraqi people, for the orderly reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, for the costs of indigenous civilian administration, and for other purposes benefiting the people of Iraq. The Development Fund for Iraq and other property in which Iraq has an interest may be subject to attachment, judgment, decree, lien, execution, garnishment, or other judicial process, thereby jeopardizing the full dedication of such assets to purposes benefiting the people of Iraq. To protect these assets, I have ordered that, unless licensed or otherwise authorized pursuant to my order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is prohibited, and shall be deemed null and void, with respect to the following:

(a) the Development Fund for Iraq, and

(b) all Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale and marketing thereof, and interests therein, in which any foreign country or a national thereof has any interest, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons.

In addition, by my memorandum to the Secretary of State and Secretary of Commerce of May 7, 2003 (Presidential Determination 2003–23), I made inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961, Public Law 87–195, as amended, and any other provision of law that applies to countries that have supported terrorism. Such provisions of law that apply to countries that have supported terrorism include, but are not limited to, 28 U.S.C. 1605(a)(7), 28 U.S.C. 1610, and section 201 of the Terrorism Risk Insurance Act.

I also have ordered that Executive Order 12722 of August 2, 1990, and Executive Order 12724 of August 9, 1990, which blocked property and interests in property of the Government of Iraq, its agencies, instrumentalities and controlled entities and the Central Bank of Iraq that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, and Executive Order 13290 of March 20, 2003, which confiscated and vested certain Government of Iraq accounts, shall not apply to the Development Fund for Iraq or to Iraqi petroleum or petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale and marketing thereof, and interests therein.

I have delegated to the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, the authority to take such actions as may be necessary to carry out the purposes of the Executive Order, including the promulgation of rules and regulations. I have also authorized the Secretary of the Treasury to employ all powers granted to the President by IEEPA and UNPA to carry out the purposes of the Executive Order. I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 22, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–76).

¶56.52 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 515. An Act to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency; to the Committee on Energy and Commerce.

¶56.53 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1298. An Act to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

¶56.54 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 330. An Act to further the protection and recognition of veterans' memorials, and for other purposes.

¶56.55 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BONILLA, for today and balance of the week; and

To Mrs. EMERSON, for today after 4:30 p.m.

And then,

¶56.56 ADJOURNMENT

On motion of Mr. ROHRABACHER, by unanimous consent, at 2 o'clock and 17 minutes a.m., Friday, May 23 (legislative day of Thursday, May 22) 2003, the House adjourned to meet on Tuesday, May 27, 2003, at 2 p.m. pursuant to the previous order of the House heretofore agreed to, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 191, in which case the House shall stand adjourned pursuant to the provisions of that concurrent resolution until 2 o'clock, p.m. on Monday, June 2, 2003.

¶56.57 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1086. A bill to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes (Rept. 108–125). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee of Conference. Conference report on H.R. 2. A billion to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth (Rept. 108–126). Ordered to be printed.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1119. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector (Rept. 108–127). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 238. A bill to provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes; with an amendment (Rept. 108–128 Pt. 1). Ordered to be printed.

Mr. REYNOLDS: Committee on Rules. House Resolution 253. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004 (Rept. 108–129). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 21. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; with an amendment (Rept. 108–51 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 193. Resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003 (Rept. 108–130). Referred to the House Calendar.

¶56.58 SUBSEQUENT ACTION ON BILLS INITIALLY REFERRED UNDER TIME LIMITATION

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 238. Referral to the Committee on Resources extended for a period ending not later than June 27, 2003.

¶56.59 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. ESHOO (for herself, Mr. ENGLISH, Ms. DELAURO, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. BALDWIN, Mr. UDALL of New Mexico, Ms. SLAUGHTER, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, and Mr. WAXMAN):

H.R. 2203. A bill to clarify the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO:

H.R. 2204. A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, and administrative settlement offers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself and Mr. KINGSTON):

H.R. 2205. A bill to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. LEWIS of California, Mrs. BONO, Mr. ISSA, and Mr. BACA):

H.R. 2206. A bill to designate a Prisoner of War/Missing in Action National Memorial at Riverside National Cemetery in Riverside, California; to the Committee on Veterans' Affairs.

By Mr. MARKEY (for himself, Mr. GEORGE MILLER of California, Mr. PASCRELL, Mr. FRANK of Massachusetts, Mr. PALLONE, Mr. NEAL of Massachusetts, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mrs. MALONEY, and Mr. TIERNEY):

H.R. 2207. A bill to restore the jurisdiction of the Consumer Product Safety Commission over amusement park rides which are at a fixed site, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DELAY (for himself, Mr. HILL, Mr. ALEXANDER, Mr. BALLENGER, Mr. BALLANCE, Mr. BARRETT of South Carolina, Mr. BARTON of Texas, Mr. BEAUPREZ, Mr. BELL, Mr. BILIRAKIS, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BOUCHER, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURR, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMP, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. CARTER, Mr. CHOCOLA, Mr. COBLE, Mr. COLLINS, Mr. COMBEST, Mr. CONYERS, Mr. CULBERSON, Mr. DAVIS of Florida, Mr. DAVIS of Tennessee, Mr. DEAL of Georgia, Mr. DEMINT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DINGELL, Mr. DOGGETT, Mr. EDWARDS, Mr. EHLERS, Mr. ETHERIDGE, Mr. FEENEY, Mr. FERGUSON, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FROST, Mr. FRANKS of Arizona, Mr. GILLMOR, Mr. GINGREY, Mr. GOODE, Mr. GORDON, Mr. GOSS, Mr. GREEN of Texas, Mr. HALL, Ms. HARRIS, Mr. HASTINGS of Florida, Mr. HAYES, Mr. HENSARLING, Mr. HINOJOSA, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. ISAKSON, Mr. JEFFERSON, Mr. JENKINS, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KILDEE, Ms. KILPATRICK, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAMPSON, Mr. LATOURETTE, Mr. LEVIN, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. MCCOTTER, Mr. MCINTYRE, Ms. MAJETTE, Mr. MARSHALL, Mr. MEEK of Florida, Mr. MILLER of North Carolina, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. ORTIZ, Mr. OXLEY, Mr. PAUL, Mr. PENCE, Mr. PORTMAN, Mr. PRICE of North Carolina, Mr. PUTNAM, Mr. RODRIGUEZ, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. SANDLIN, Mr. SCHROCK, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. SHAW, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SPRATT, Mr. STENHOLM, Mr. STEARNS, Mr. STRICKLAND, Mr. STUPAK, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIBERI, Mr. TURNER of Texas, Mr. TURNER of Ohio, Mr. UPTON, Mr. VISCLOSKY, Mr. WAMP, Mr. WATT, Mr. WEXLER, Mr. WILSON of South Carolina, and Mr. WOLF):

H.R. 2208. A bill to amend title 23, United States Code, relating to the minimum guarantee program; to the Committee on Transportation and Infrastructure.

By Mr. DINGELL:

H.R. 2209. A bill to require that diesel fuel sold in the United States meet specifications designed to facilitate the widespread introduction of clean diesel vehicles in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself, Mr. BOEHNER, Mr. REGULA, Mr. WILSON of South Carolina, Mr. CUNNINGHAM, Mr. MURPHY, Mr. ISAKSON, Mr. MCKEON, and Mr. BROWN of South Carolina):

H.R. 2210. A bill to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GINGREY (for himself, Mr. BOEHNER, Mr. MCKEON, and Mr. WILSON of South Carolina):

H.R. 2211. A bill to reauthorize title II of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mr. CASE, Ms. SLAUGHTER, Ms. LEE, Mr. FILNER, Ms. WATSON, Ms. SOLIS, Mr. MICHAUD, Mr. MCDERMOTT, Mr. PETERSON of Minnesota, Mrs. JONES of Ohio, and Mr. WATT):

H.R. 2212. A bill to require the Federal Communications Commission to comply with the Administrative Procedures Act and to adhere to the policies and purposes of Communications Act of 1934 favoring diversity of media voices, vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. DELAHUNT, Mr. WATT, Ms. WATERS, Ms. JACKSON-LEE of Texas, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Ms. LEE, Mr. MCDERMOTT, Mr. FILNER, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, and Mr. HONDA):

H.R. 2213. A bill to study the incidence of downward departures in criminal cases and repeal provisions of the PROTECT Act that do not specifically deal with the prevention of the exploitation of children; to the Committee on the Judiciary.

By Mr. BURR (for himself, Mr. SENSENBRENNER, Mr. TAUZIN, Mr. GOODLATTE, Mr. UPTON, Ms. HART, Mr. STEARNS, and Mr. CANNON):

H.R. 2214. A bill to prevent unsolicited commercial electronic mail; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mr. GRIJALVA, Mrs. MALONEY, Mr. ISRAEL, Mr. ACEVEDO-VILA, Mrs. MCCARTHY of New York, Mr. PALLONE, Mr. LANTOS, Ms. LEE, Mr. CONYERS, and Mr. MARKEY):

H.R. 2215. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BACA:

H.R. 2216. A bill to provide for greater recognition of Veterans Day each year; to the Committee on Veterans' Affairs.

By Ms. BERKLEY:

H.R. 2217. A bill to amend title 38, United States Code, to increase burial benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOOZMAN (for himself, Mr. WAXMAN, Mr. NORWOOD, Mr. SNYDER, Mr. FLETCHER, Mr. WELDON of Florida, Mr. BURGESS, and Mr. BILIRAKIS):

H.R. 2218. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of noncorrective contact lens as medical devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOSWELL:

H.R. 2219. A bill to amend title 38, United States Code, to permit Department of Veterans Affairs pharmacies to dispense medications on prescriptions written by private practitioners to veterans who are currently awaiting their first appointment with the Department for medical care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURGESS (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2220. A bill to amend the Transportation Equity Act for the 21st Century with respect to NAFTA corridor planning and development and coordinated border infrastructure and safety; to the Committee on Transportation and Infrastructure.

By Mr. BURR (for himself, Mr. TAUZIN, Mr. SENSENBRENNER, and Mr. MATHESON):

H.R. 2221. A bill to provide for availability of contact lens prescriptions to patients, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER:

H.R. 2222. A bill to amend title I of the Employee Retirement Income Security Act and the Internal Revenue Code to allow for alienation of benefits to satisfy court judgments, decrees, or orders requiring restitution for embezzlement of State or local government funds; to the Committee on Education and

the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP:

H.R. 2223. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received an organ transplant; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO (for herself, Mr. GOODE, and Mr. CAMP):

H.R. 2224. A bill to provide for the payment of claims of United States prisoners of war in the First Gulf War, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. WAXMAN, Mr. TURNER of Ohio, Ms. WOOLSEY, Mr. RYAN of Ohio, Ms. DELAURO, Mr. SCHIFF, Ms. LOFGREN, Mr. WYNN, Mr. ISRAEL, Mr. MCNULTY, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, Mr. HINCHEY, Ms. NORTON, Mr. ABERCROMBIE, and Mr. KUCINICH):

H.R. 2225. A bill to authorize the Director of the Centers for Disease Control and Prevention to make grants to local educational agencies to support the purchase or lease and use of vending machines that offer for sale healthy foods and beverages in schools; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE (for himself and Mr. ABERCROMBIE):

H.R. 2226. A bill to amend title XVIII of the Social Security Act to permit reasonable cost reimbursement for emergency room services provided by Federally qualified health centers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 2227. A bill to encourage innovative school-based activities to help reduce and prevent obesity among children, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. MATSUI, Mr. SHAW, Mr. RANGEL, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. RAMSTAD, Mr. SAM JOHNSON of Texas, Mr. COLLINS, Mr. PORTMAN, Mr. ENGLISH, Mr. HULSHOF, Mr. MCINNIS, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, Mr. MCNULTY, Mr. BECERRA, and Mr. POMEROY):

H.R. 2228. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 2229. A bill to amend the Internal Revenue Code of 1986 to allow nonitemizers a deduction for a portion of their charitable contributions; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 2230. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 2231. A bill to amend the Internal Revenue Code of 1986 to exempt the deduction for charitable contributions from the phase-out of itemized deductions; to the Committee on Ways and Means.

By Mrs. EMERSON (for herself and Mr. BERRY):

H.R. 2232. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to the distribution chain of prescription drugs; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself, Mr. PAUL, Mr. ROHRABACHER, Ms. SCHAKOWSKY, Mr. ANDREWS, Ms. BALDWIN, Mr. BLUMENAUER, Mr. CAPUANO, Mr. CASE, Mr. CONYERS, Mr. DELAHUNT, Ms. ESHOO, Mr. FARR, Mr. HINCHEY, Mr. HONDA, Ms. LEE, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. NADLER, Ms. NORTON, Mr. SANDERS, Mr. STARK, Mr. THOMPSON of California, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 2233. A bill to provide for the medical use of marijuana in accordance with the laws of the various States; to the Committee on Energy and Commerce.

By Mr. FRANKS of Arizona (for himself, Mr. BOEHNER, Mrs. MUSGRAVE, Mr. DOOLITTLE, Mr. KING of Iowa, Mr. CANTOR, Mr. FEENEY, Mr. AKIN, Mr. TANCREDO, Mr. VITTER, Mr. HOEKSTRA, Mr. DEMINT, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mr. PAUL, Mr. PITTS, Mr. RENZI, Mr. HAYWORTH, and Mrs. MYRICK):

H.R. 2234. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of State qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance for elementary and secondary education; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 2235. A bill to suspend certain nonessential visas, in order to provide temporary workload relief critical to the successful reorganization of the immigration and naturalization functions of the Department of Homeland Security, to ensure that the screening and monitoring of arriving immigrants and nonimmigrants, and the deterrence of entry and settlement by illegal or unauthorized aliens, is sufficient to maintain the integrity of the sovereign borders of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Texas (for himself, Mr. FLETCHER, Mr. WAXMAN, Mr. SERRANO, Mr. RODRIGUEZ, Mr. BELL, Mr. WELDON of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. TOWNS, Mr. HINOJOSA, Mr. GUTIERREZ, Ms. KAPTUR, Mr. KILDEE, Mr. ACKERMAN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. HOEFFEL, Ms. SLAUGHTER, Mr. HALL, Mr. PAUL, Mr. NETHERCUTT, Ms. ESHOO, Mr. BECERRA, Mr. REYES, Mr. BURGESS, Mr. WYNN, Mr. MENENDEZ, Ms. LEE, Mr. BOSWELL, Mr. SANDERS, Mr. BOOZMAN, Ms. DEGETTE, and Mr. KENNEDY of Rhode Island):

H.R. 2236. A bill to amend title XVIII of the Social Security Act to provide coverage under the Medicare Program for diabetes laboratory diagnostic tests and other services to screen for diabetes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. NEAL of Massachusetts, Mr. BOEHLERT, Mr. MCNULTY, and Mrs. JO ANN DAVIS of Virginia):

H.R. 2237. A bill to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative program, and for other purposes; to the Committee on Resources.

By Mr. HINOJOSA (for himself, Mr. ACEVEDO-VILA, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. PASTOR, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. SOLIS, Ms. VELAZQUEZ, Mr. ALLEN, Mr. ANDREWS, Mr. BELL, Mr. BISHOP of New York, Mr. BONILLA, Mr. CAPUANO, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. GREEN of Texas, Mr. FILNER, Mr. FROST, Mr. HOEFFEL, Mr. HOLT, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. LANGEVIN, Ms. LOFGREN, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. PAYNE, Ms. ROS-LEHTINEN, Ms. SCHAKOWSKY, Mr. TIERNEY, Mr. UDALL of New Mexico, Ms. WATERS, Mrs. WILSON of New Mexico, Ms. WOOLSEY, Mr. VAN HOLLEN, Mr. SCHIFF, Mr. ROTHMAN, Mr. UDALL of Colorado, Mr. WU, Mr. SHERMAN, Mr. SNYDER, Mrs. CAPPS, Mr. BERMAN, Mr. CROWLEY, Mr. MORAN of Virginia, Mr. NADLER, Mr. LARSON of Connecticut, Mr. FARR, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Ms. MCCARTHY of Missouri, Mr. WAXMAN, Mrs. MALONEY, Mr. OWENS, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, Mr. MEEK of Florida, Mr. BOSWELL, Mr. THOMPSON of California, Mr. CRAMER, and Mr. COSTELLO):

H.R. 2238. A bill to expand and enhance post-baccalaureate opportunities at Hispanic-Serving Institutions, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOLT:

H.R. 2239. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes; to the Committee on House Administration.

By Ms. HOOLEY of Oregon (for herself and Mr. WALDEN of Oregon):

H.R. 2240. A bill to amend the Internal Revenue Code of 1986 to assist individuals who have lost their 401(k) savings to make additional retirement savings through individual retirement account contributions, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mr. HOYER, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. WYNN, Mrs. NAPOLITANO, Mr.

FROST, Mr. MCNULTY, Mr. ACEVEDO-VILA, Mr. LIPINSKI, Ms. LEE, Mr. MENENDEZ, and Mr. WAXMAN):

H.R. 2241. A bill to amend the Public Health Service Act with respect to mental health services for elderly individuals; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island (for himself, Mr. CAMP, Mr. KILDEE, Mr. PALLONE, Mr. BACA, Ms. NORTON, Mr. CARSON of Oklahoma, Mr. FOLEY, Mr. HAYWORTH, Mr. FROST, Mr. UDALL of New Mexico, Mr. RANGEL, Mr. FILNER, Ms. LEE, Mr. GEORGE MILLER of California, Ms. BORDALLO, Mr. FALEOMAVAEGA, and Mr. FRANK of Massachusetts):

H.R. 2242. A bill to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security, and for other purposes; to the Committee on Resources, and in addition to the Committees on the Judiciary, the Budget, Intelligence (Permanent Select), and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself and Mrs. MALONEY):

H.R. 2243. A bill to provide for the participation of the United States in the thirteenth replenishment of the resources of the International Development Association, the seventh replenishment of the resources of the Asian Development Fund, and the ninth replenishment of the resources of the African Development Fund, and for other purposes; to the Committee on Financial Services.

By Mr. LOBIONDO (for himself, Mr. FERGUSON, Mr. SMITH of New Jersey, and Mr. SAXTON):

H.R. 2244. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on portions of the Outer Continental Shelf located off the coast of New Jersey; to the Committee on Resources.

By Mr. LOBIONDO (for himself and Mr. LAMPSON):

H.R. 2245. A bill to amend the Water Resources Development Act of 1986 to limit the non-Federal share of the cost of shore protection projects; to the Committee on Transportation and Infrastructure.

By Mr. LOBIONDO (for himself, Mr. FROST, Mr. SAXTON, Mr. BRADLEY of New Hampshire, Mr. MCNULTY, Mr. PALLONE, Mr. PAYNE, Mr. SMITH of New Jersey, Mr. MENENDEZ, Mr. GARRETT of New Jersey, Mr. ANDREWS, and Mr. NEAL of Massachusetts):

H.R. 2246. A bill to direct the Secretary of Health and Human Services to modify treatment categories for qualification as a rehabilitation hospital or unit for purposes of reimbursement under the Medicare prospective payment system for inpatient rehabilitation facilities; to the Committee on Ways and Means.

By Ms. LOFGREN (for herself, Mr. ROTHMAN, Mr. CONYERS, Ms. SLAUGHTER, Mr. TOWNS, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. FROST, Mr. FRANK of Massachusetts, Mr. OLVER, Ms. CARSON of Indiana, and Ms. LORETTA SANCHEZ of California):

H.R. 2247. A bill to provide additional punishment for certain crimes against women when the crimes cause an interruption in the normal course of their pregnancies, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM (for herself, Mr. ABERCROMBIE, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mrs. DAVIS of California, Mr. HINOJOSA, Mr. HOEKSTRA, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MENENDEZ, Mr. NADLER, Mr. SABO, and Ms. SLAUGHTER):

H.R. 2248. A bill to expand coverage under the Arts and Artifacts Indemnity Act; to the Committee on Education and the Workforce.

By Mr. MCHUGH (for himself, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mr. BURTON of Indiana, Mr. VAN HOLLEN, Mr. MANZULLO, Mr. PETERSON of Minnesota, Mr. TERRY, Mr. ENGLISH, Mr. TANCREDO, Mr. LARSEN of Washington, Mr. LOBIONDO, Mrs. MALONEY, Mrs. MILLER of Michigan, Mr. JANKLOW, Mr. MURPHY, Mr. SCHROCK, Mr. OWENS, and Mr. CLAY):

H.R. 2249. A bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service, and for other purposes; to the Committee on Government Reform.

By Mr. MEEK of Florida (for himself, Mr. TURNER of Texas, Mr. THOMPSON of Mississippi, Ms. ROS-LEHTINEN, Mr. REYES, Mrs. LOWEY, Ms. NORTON, and Ms. LEE):

H.R. 2250. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to develop and implement the READICall emergency alert system; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas:

H.R. 2251. A bill to amend the Internal Revenue Code of 1986 to treat as a qualified use for purposes of section 2032A land rented on a net cash basis to any member of the decedent's family; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 2252. A bill to amend the Internal Revenue Code of 1986 to increase the taxes on certain alcoholic beverages and to provide additional funds for alcohol abuse prevention programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO:

H.R. 2253. A bill to amend section 211 of the Clean Air Act to prohibit the use of certain fuel additives; to the Committee on Energy and Commerce.

By Mr. PORTER (for himself, Mr. GIBBONS, and Ms. BERKLEY):

H.R. 2254. A bill to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office Building''; to the Committee on Government Reform.

By Mr. PRICE of North Carolina:

H.R. 2255. A bill to extend the suspension of certain payments to be made by noncommercial webcasters under sections 112 and 114 of title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H.R. 2256. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG:

H.R. 2257. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant Irrigation Districts; to the Committee on Resources.

By Mr. RODRIGUEZ (for himself, Ms. SOLIS, Mr. GONZALEZ, Mr. BACA, Mr. PASTOR, Mr. GUTIERREZ, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. ORTIZ, Mr. BECERRA, Mr. CARDOZA, Mr. REYES, Mr. ACEVEDO-VILA, Mr. SERRANO, Ms. VELAZQUEZ, Mr. HINOJOSA, Ms. LINDA T. SANCHEZ of California, Mr. MENENDEZ, Ms. DEGETTE, Mr. PALLONE, Mrs. CHRISTENSEN, and Mr. ISRAEL):

H.R. 2258. A bill to provide for programs and activities to improve the health of Hispanic individuals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H.R. 2259. A bill to prohibit funds appropriated for the Export-Import Bank of the United States, any international financial institution, or the North American Development Bank from being used for loans to a country, or for a project or activity in a country, and to prohibit the Overseas Private Investment Corporation from supporting projects in a country, until the government of the country has honored all United States requests to extradite criminals who have committed a crime punishable by life imprisonment or death; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. JONES of Ohio, Mr. LATOURETTE, Mr. LYNCH, Mr. MATHESON, Mr. MEEK of Florida, Mrs. NAPOLITANO, Mr. POMEROY, Mr. SESSIONS, Mr. WELLER, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 2260. A bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include assistant United States attorneys within the definition of a law enforcement officer, and for other purposes; to the Committee on Government Reform.

By Ms. LINDA T. SANCHEZ of California:

H.R. 2261. A bill to amend the Small Business Act to increase the maximum amount for which a loan can be made under the Microloan Program; to the Committee on Small Business.

By Mr. SANDERS (for himself, Mr. NEY, Mr. HOLDEN, Mrs. EMERSON, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. BOSWELL, Mr. RODRIGUEZ, Mr. MCNULTY, Mr. HOEFFEL, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Ms. CORRINE BROWN of Florida, Mr. FRANK of Massachusetts, Mr. COSTELLO, Mrs. MCCARTHY of New York, Mr. GREEN of Texas, Mr. INSLEE, Ms. KAPTUR, Ms. NORTON, Mr. FARR, Mr. LYNCH, Mr. LATOURETTE, Ms. WATSON, Mr. STARK, Mr. ISRAEL,

Mr. ENGLISH, Mr. KILDEE, Mr. KANJORSKI, Mr. ROSS, Mr. FROST, Mr. PALLONE, Mr. OLVER, Mr. MCHUGH, Ms. SOLIS, Mr. WEXLER, Mr. LUCAS of Kentucky, Mr. KUCINICH, Mr. DEFAZIO, Mr. DEUTSCH, Mr. ROTHMAN, Mr. WAXMAN, Mr. OBERSTAR, Mr. MCINTYRE, Mr. MARKEY, Ms. SLAUGHTER, Mr. HOLT, Ms. LEE, Mrs. LOWEY, Mr. SIMMONS, Ms. JACKSON-LEE of Texas, Mr. DOYLE, Ms. SCHAKOWSKY, Mr. PASCRELL, Mr. MURTHA, Mr. GORDON, Mrs. NAPOLITANO, Mr. TOWNS, Mrs. JO ANN DAVIS of Virginia, Mr. LANTOS, Ms. MCCOLLUM, Ms. LORETTA SANCHEZ of California, Mr. DUNCAN, Mr. PAYNE, Mr. ABERCROMBIE, Mr. HALL, Mr. DAVIS of Illinois, Mr. CROWLEY, Mr. RYAN of Ohio, Ms. KILPATRICK, Ms. WOOLSEY, Mr. JACKSON of Illinois, Mr. MARSHALL, Mr. THOMPSON of Mississippi, Mr. WEINER, Mr. GONZALEZ, Mr. CUMMINGS, Ms. LINDA T. SANCHEZ of California, and Mr. MCGOVERN):

H.R. 2262. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security and Medicare benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H.R. 2263. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from minimum wage and maximum hours requirements for certain seasonal fireworks employees; to the Committee on Education and the Workforce.

By Mr. SHAW (for himself, Mr. ROYCE, and Mr. HOUGHTON):

H.R. 2264. A bill to authorize appropriations for fiscal years 2004 and 2005 to carry out the Congo Basin Forest Partnership (CBFP) program, and for other purposes; to the Committee on International Relations.

By Mr. SHAW (for himself, Mr. TANNER, Mr. SANDLIN, Mr. FOLEY, Mr. LOBIONDO, Mr. ENGLISH, Mrs. JONES of Ohio, Mrs. MUSGRAVE, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. KLECZKA, Mr. STARK, Mr. LEVIN, Mr. MATSUI, Mr. GRIJALVA, Mr. COLLINS, Mr. DEUTSCH, and Mr. RAMSTAD):

H.R. 2265. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Ways and Means.

By Mr. SIMPSON (for himself and Mr. OTTER):

H.R. 2266. A bill to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River; to the Committee on Resources.

By Mr. SMITH of Washington (for himself and Mr. DOOLEY of California):

H.R. 2267. A bill to extend certain trade benefits to countries of the greater Middle East; to the Committee on Ways and Means.

By Mr. STRICKLAND (for himself, Mr. NEY, Mrs. NAPOLITANO, Mr. TOWNS, Mrs. CHRISTENSEN, Mr. MCNULTY, and Mr. FARR):

H.R. 2268. A bill to amend titles XIX and XXI of the Social Security Act to expand or add coverage of pregnant women under the Medicaid and State children's health insurance program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN:

H.R. 2269. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Government Reform.

By Mr. THORNBERRY:

H.R. 2270. A bill to amend the Agricultural Marketing Act of 1946 to extend the country of origin labeling requirements of such Act to additional agricultural commodities, to provide for the implementation of such requirements to certain covered commodities, and for other purposes; to the Committee on Agriculture.

By Mr. TIAHRT (for himself and Mr. BOSWELL):

H.R. 2271. A bill to enable the United States to maintain its leadership in aeronautics and aviation; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Ms. WATSON, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. DAVIS of Illinois, and Ms. MILLENDER-MCDONALD):

H.R. 2272. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, Mr. RYAN of Ohio, and Mr. GEORGE MILLER of California):

H.R. 2273. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe; to the Committee on Agriculture.

By Mr. UDALL of New Mexico (for himself, Mr. SERRANO, Mr. GRIJALVA, Mr. REYES, Mr. MENENDEZ, Ms. SOLIS, Mr. RODRIGUEZ, and Mr. PASTOR):

H.R. 2274. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. VAN HOLLEN (for himself and Mrs. MCCARTHY of New York):

H.R. 2275. A bill to reinstate the requirement that firearms dealers comply with the Freedom of Information Act by providing information about firearms purchasers; to the Committee on Government Reform.

By Mr. VAN HOLLEN (for himself, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Illinois, Ms. NORTON, Mr. WYNN, Mr. CARDIN, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. FROST, Mr. KILDEE, and Mr. BISHOP of New York):

H.R. 2276. A bill to provide for the establishment of the National Institutes of Health Police, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself and Ms. SCHAKOWSKY):

H.R. 2277. A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 2278. A bill to establish the Kenai Mountains-Turnagain Arm National Heritage Corridor in the State of Alaska, and for other purposes; to the Committee on Resources.

By Ms. ROYBAL-ALLARD (for herself, Mr. ROHRABACHER, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. BONO, Mr. CALVERT, Mrs. CAPPS, Mr. CARDOZA, Mr. COX, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Mr. LANTOS, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. MATSUI, Mr. MCKEON, Ms. MILLENDER-MCDONALD, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NUNES, Mr. OSE, Ms. PELOSI, Mr. POMBO, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. RADANOVICH, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMAS, Mr. THOMPSON of California, Mr. ROYCE, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, and Ms. WOOLSEY):

H.J. Res. 57. A joint resolution expressing the sense of the Congress in recognition of the contributions of the seven Columbia astronauts by supporting establishment of a Columbia Memorial Space Science Learning Center; to the Committee on Science.

By Mr. TANCREDO:

H.J. Res. 58. A joint resolution disapproving the rules submitted by the Secretary of the Treasury relating to section 326(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001; to the Committee on Financial Services.

By Mr. DREIER (for himself and Mr. FROST):

H. Con. Res. 190. Concurrent resolution to establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and congressional operations for the American people; to the Committee on Rules.

By Mr. DELAY:

H. Con. Res. 191. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. BOEHLERT (for himself, Mr. LAMPSON, Mr. TOWNS, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. MEEKS of New York, Mr. SERRANO, Mr. KING of New York, Mr. HOUGHTON, Mr. RANGEL, Mr. FOSSELLA, Mr. MCNULTY, Mr. BISHOP of New York, Mrs. MALONEY, Mr. MCHUGH, Mr. OWENS, Mr. QUINN, Mr. ISRAEL, Mr. WALSH, Mr. SWEENEY, Mr. ENGEL, Mrs. LOWEY, Mr. NADLER, Ms. SLAUGHTER, Mr. REYNOLDS, Mrs. KELLY, Mr. CROWLEY, Ms. VELAZQUEZ, Mr. WEINER, Ms. LOFGREN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WELDON of Pennsylvania, Mr. GORDON, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. NORTON, Mr. PALLONE, Mr. FOLEY, Ms. DELAURO, Mr. GREEN of Texas, Mr. BRADLEY of New Hampshire, Mr. FROST, Mr. LANGEVIN, Mr. WAMP, Mr. PAYNE, Ms. DUNN, Mr.

SANDLIN, Mr. ROSS, Mr. ACEVEDO-VILA, Mr. LATOURETTE, Mrs. JOHNSON of Connecticut, Mr. MORAN of Virginia, Mr. TERRY, and Mr. GUTIERREZ):

H. Con. Res. 192. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued as a testimonial to the Nation's tireless commitment to reuniting America's missing children with their families, and to honor the memories of those children who were victims of abduction and murder; to the Committee on Government Reform.

By Mr. BROWN of South Carolina (for himself, Mr. DEMINT, Mr. WILSON of South Carolina, and Mr. BARRETT of South Carolina):

H. Con. Res. 193. Concurrent resolution encouraging employers who employ members of the National Guard and Reserve components of the Armed Forces to provide a pay differential benefit and an extension of employee benefits to such members while they serve on active duty, and commending employers who already provide such benefits; to the Committee on Education and the Workforce.

By Ms. CORRINE BROWN of Florida (for herself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BISHOP of New York, Mr. BOEHLERT, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. EMANUEL, Mr. ENGEL, Mr. ETHERIDGE, Mr. FOLEY, Mr. FROST, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HAYWORTH, Mr. HOLDEN, Mr. HOYER, Mr. HYDE, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. LAHOOD, Mr. LANTOS, Ms. LEE, Mrs. MALONEY, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. NEY, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. SANDLIN, Mr. STARK, Mr. TOWNS, and Mr. WAXMAN):

H. Con. Res. 194. Concurrent resolution supporting the goals and ideals of ''National Epilepsy Awareness Month'' and urging funding for epilepsy research and service programs; to the Committee on Energy and Commerce.

By Mr. CLAY (for himself, Mr. ACEVEDO-VILA, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. PALLONE, Mr. OBERSTAR, Mr. COSTELLO, Mrs. EMERSON, Ms. LINDA T. SANCHEZ of California, Ms. KAPTUR, Mr. BERRY, Mr. FROST, Mr. SANDLIN, Mr. ROSS, Mr. GRAVES, Ms. JACKSON-LEE of Texas, and Mr. STRICKLAND):

H. Con. Res. 195. Concurrent resolution expressing the sense of Congress that a minute of silence should be observed annually at 11:00 a.m. on Veterans Day, November 11, in honor of the veterans of all United States wars and to memorialize those members of the Armed Forces who gave their lives in the defense of the United States; to the Committee on Veterans' Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. HOBSON):

H. Con. Res. 196. Concurrent resolution expressing the sense of Congress that the United States should provide assistance for women and women's organizations in Iraq in order to strengthen and stabilize the emerging Iraqi democracy; to the Committee on International Relations.

By Mr. KOLBE (for himself, Mr. NEAL of Massachusetts, Mr. DAVIS of Florida, Mr. DOOLEY of California, Mr. FROST, Mr. HOYER, Mr. GARY G. MILLER of California, Mr. MOORE, Mr. GREEN of Texas, Mr. DREIER, Mr. BASS, Mr. BILIRAKIS, Mrs. BONO, Mr. BRADY of Texas, Mr. CUNNINGHAM, Mrs. KELLY, Mr. KNOLLENBERG, Mr. MANZULLO, Mr. PRICE of North Carolina, Mr. RAMSTAD, Mr. TERRY, and Mr. WELLER):

H. Con. Res. 197. Concurrent resolution expressing the sense of Congress regarding housing affordability and urging fair and expeditious review by international trade panels to ensure a competitive North American market for softwood lumber; to the Committee on Ways and Means.

By Mrs. LOWEY:

H. Con. Res. 198. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Helen Hayes; to the Committee on Government Reform.

By Mr. ROGERS of Michigan (for himself, Mr. QUINN, Mr. UPTON, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. EHLERS, Mr. CAMP, and Mr. REYNOLDS):

H. Con. Res. 199. Concurrent resolution recognizing and affirming the efforts of the Great Lakes Governors and Premiers in developing a common standard for decisions relating to withdrawal of water from the Great Lakes and urging that management authority over the Great Lakes should remain vested with the Governors and Premiers; to the Committee on International Relations.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. BECERRA, Mr. REYES, Mr. RODRIGUEZ, Mr. FROST, Mr. CASE, Mr. CAPUANO, Ms. LINDA T. SANCHEZ of California, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, Mr. GONZALEZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HINOJOSA, Mr. BROWN of Ohio, Mr. LARSON of Connecticut, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. ORTIZ, Mr. GRIJALVA, Mr. PASTOR, Ms. SOLIS, Mr. KIND, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Ms. MILLENDER-MCDONALD, Mr. SERRANO, Mr. FARR, Mr. GEORGE MILLER of California, Mr. HINCHEY, Ms. MAJETTE, Ms. KAPTUR, Mr. DELAHUNT, Mr. SANDLIN, Mr. FORD, and Mr. SCOTT of Virginia):

H. Con. Res. 200. Concurrent resolution recognizing Gonzalo and Felicitas Mendez for ending segregation in schools in Orange County, California, and for setting the precedent for the historic Brown v. Board of Education case, which ended segregation in schools across the United States; to the Committee on the Judiciary.

By Mr. WELDON of Pennsylvania (for himself and Mr. WILSON of South Carolina):

H. Con. Res. 201. Concurrent resolution congratulating the Russian Federation and the citizens of St. Petersburg on the 300th anniversary of the founding of the city; to the Committee on International Relations.

By Mr. LANTOS (for himself and Mr. BLUNT):

H. Res. 250. A resolution condemning the terrorist bombings in Saudi Arabia, Morocco, and Israel, urging strengthened efforts in the fight against terrorism, and calling upon the Palestinian Authority to take effective action against terrorism; to the Committee on International Relations.

By Mr. MARSHALL:

H. Res. 251. A resolution providing for consideration of the bill (H.R. 303) to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability; to the Committee on Rules.

By Mr. BLUNT (for himself, Mr. HASTERT, Mr. DELAY, Ms. PRYCE of Ohio, Mr. GOODLATTE, Mr. STENHOLM, and Mr. CARDOZA):

H. Res. 252. A resolution expressing the sense of the House of Representatives supporting the United States in its efforts within the World Trade Organization (WTO) to end the European Union's protectionist and discriminatory trade practices of the past five years regarding agriculture biotechnology; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. LAMPSON, Mr. FOLEY, Mr. ACEVEDO-VILA, Ms. CORRINE BROWN of Florida, Mr. FROST, Ms. MILLENDER-MCDONALD, Ms. KAPTUR, Mr. PAYNE, Mr. ROTHMAN, Mr. SCHIFF, Mr. WILSON of South Carolina, and Mr. WEXLER):

H. Res. 254. A resolution recognizing the ''Code Adam'' child safety program, commending retail businesses and public establishments that have implemented programs to protect children from an abduction or lost scenario, and urging retail businesses and public establishments that have not implemented such programs to consider doing so; to the Committee on Energy and Commerce.

¶56.60 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 2279. A bill for the relief of Mohammed Manir Hossain, Ferdous Ara Manir, and Maish Samiha Manir; to the Committee on the Judiciary.

By Ms. ESHOO:

H.R. 2280. A bill for the relief of Yevgeniya Dobrovolska and Mykola Dobrovolskyy; to the Committee on the Judiciary.

By Mr. MCNULTY:

H.R. 2281. A bill for the relief of Asad Mohamed Alkurabi; to the Committee on the Judiciary.

¶56.61 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mrs. JOHNSON of Connecticut.

H.R. 25: Mr. WILSON of South Carolina.

H.R. 44: Mr. LATHAM and Mr. WILSON of South Carolina.

H.R. 57: Mr. RAMSTAD, Mr. GILCHREST, Mr. LAMPSON, Mrs. BLACKBURN, Mr. NUNES, Mr. HYDE, Mr. OSE, Mr. GOODLATTE, Mrs. BIGGERT, Mr. CHABOT, and Mr. DELAY.

H.R. 91: Mr. BARTON of Texas, Mr. BELL, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. CULBERSON, Mr. DOGGETT, Mr. EDWARDS, Mr. FROST, Mr. GONZALEZ, Ms. GRANGER, Mr. GREEN of Texas, Mr. HALL, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. LAMPSON, Mr. PAUL, Mr. REYES, Mr. RODRIGUEZ, Mr. SESSIONS, Mr. SANDLIN, Mr. SMITH of Texas, Mr. STENHOLM, Mr. THORNBERRY, Mr. TURNER of Texas, Mr. ORTIZ, and Mr. HENSARLING.

H.R. 106: Mr. BISHOP of Utah.

H.R. 107: Mr. PRICE of North Carolina.

H.R. 120: Mr. GARRETT of New Jersey and Mr. FRANKS of Arizona.

H.R. 125: Ms. WATSON, Ms. NORTON, Mr. INSLEE, Mr. LEWIS of Georgia, Mr. BERMAN, and Mr. STARK.

H.R. 130: Mr. ANDREWS, Ms. LINDA T. SANCHEZ of California, and Mr. THOMPSON of Mississippi.

H.R. 148: Mr. MEEKS of New York.

H.R. 149: Mr. PETERSON of Minnesota.

H.R. 208: Ms. SLAUGHTER and Mr. EMANUEL.

H.R. 218: Mr. GARRETT of New Jersey and Mr. MARIO DIAZ-BALART of Florida.

H.R. 223: Mr. FRANKS of Arizona.

H.R. 235: Mr. ROGERS of Michigan, Mr. LAHOOD, Mr. FLAKE, Mr. WELDON of Pennsylvania, and Mr. NEY.

H.R. 277: Mr. CALVERT, Ms. GINNY BROWN-WAITE of Florida, and Mr. BARRETT of South Carolina.
H.R. 278: Mr. CHABOT.
H.R. 282: Mr. LUCAS of Kentucky and Mr. FRANKS of Arizona.
H.R. 284: Mr. EHLERS, Mrs. LOWEY, Mr. FRANK of Massachusetts, Mr. CROWLEY, Mr. QUINN, Mr. ANDREWS, Mr. TAYLOR of North Carolina, Mr. MATHESON, Mr. BARRETT of South Carolina, and Mr. GREEN of Wisconsin.
H.R. 290: Mr. CARDIN.
H.R. 296: Mr. PALLONE.
H.R. 300: Mr. CHOCOLA.
H.R. 303: Mr. KIND and Mr. SWEENEY.
H.R. 328: Mr. SHERMAN, Mr. DINGELL, Mr. HAYES, Mr. COLLINS, Ms. MCCOLLUM, and Mr. HINOJOSA.
H.R. 336: Mr. MCCOTTER and Mr. ABERCROMBIE.
H.R. 347: Mr. GREEN of Texas.
H.R. 348: Mr. GREEN of Texas and Mr. PALLONE.
H.R. 375: Ms. KILPATRICK.
H.R. 401: Mr. RYUN of Kansas.
H.R. 414: Mr. RYAN of Ohio, Mr. DEFAZIO, Ms. KILPATRICK, Mr. PASCRELL, Mr. BROWN of Ohio, and Ms. WOOLSEY.
H.R. 424: Mr. SOUDER and Mr. WEXLER.
H.R. 433: Mr. HONDA.
H.R. 434: Mr. CULBERSON, Ms. GINNY BROWN-WAITE of Florida, Mr. HENSARLING, and Ms. PRYCE of Ohio.
H.R. 438: Ms. GINNY BROWN-WAITE of Florida.
H.R. 442: Mr. BOUCHER.
H.R. 466: Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. BASS, Mr. DOOLEY of California, Mr. VAN HOLLEN, Mr. MEEK of Florida, and Mr. DAVIS of Florida.
H.R. 490: Mr. MORAN of Virginia.
H.R. 502: Mr. OTTER.
H.R. 513: Mrs. NORTHUP.
H.R. 527: Mr. BERMAN.
H.R. 528: Mr. GARRETT of New Jersey.
H.R. 548: Ms. ROYBAL-ALLARD, Mr. CANTOR, Mr. BISHOP of Utah, Mr. KIRK, Mr. COOPER, and Mr. KIND.
H.R. 574: Mr. WILSON of South Carolina.
H.R. 583: Mr. WHITFIELD.
H.R. 586: Mr. GINGREY, Mr. HALL, Mr. GORDON, and Mr. MICHAUD.
H.R. 589: Mr. VISCLOSKY.
H.R. 591: Mr. FROST.
H.R. 594: Ms. DEGETTE, Mr. CROWLEY, and Mr. QUINN.
H.R. 615: Mr. BARRETT of South Carolina.
H.R. 645: Mr. LEACH, Mr. PETERSON of Minnesota, Mr. BAKER, Mr. TANNER, and Mr. SIMPSON.
H.R. 660: Mr. DELAY, Mr. BRADY of Texas, Mr. BARTON of Texas, Mr. THORNBERRY, Mr. CULBERSON, Mr. PAUL, and Mr. RENZI.
H.R. 661: Ms. BALDWIN.
H.R. 664: Mrs. DAVIS of California and Mr. MCDERMOTT.
H.R. 669: Mr. MCINTYRE, Mr. CRAMER, Mr. HILL, Mr. DICKS, and Mr. GALLEGLY.
H.R. 687: Mr. TANCREDO.
H.R. 713: Mr. REHBERG.
H.R. 714: Mr. VITTER.
H.R. 720: Mr. COX.
H.R. 721: Mr. PAUL.
H.R. 736: Mr. PASCRELL.
H.R. 742: Mr. OSE, Mr. ISAKSON, Mr. GRIJALVA, Mr. WALDEN of Oregon, Mr. CANNON, Mr. VITTER, Mr. GINGREY, and Mr. KIND.
H.R. 806: Mr. SIMPSON, Mr. DAVIS of Illinois, and Mrs. DAVIS of California.
H.R. 819: Mr. HINOJOSA.
H.R. 834: Ms. LINDA T. SANCHEZ of California and Ms. SOLIS.
H.R. 839: Mr. GIBBONS, Mr. CARSON of Oklahoma, Mrs. BIGGERT, Mr. JOHNSON of Illinois, Mr. CUNNINGHAM, and Mr. WHITFIELD.
H.R. 847: Mr. PETERSON of Minnesota and Mr. JANKLOW.
H.R. 871: Mr. BOOZMAN.
H.R. 876: Mr. COBLE.
H.R. 882: Mr. HALL and Mr. WILSON of South Carolina.
H.R. 898: Mr. PAYNE, Mr. OLVER, Mr. SCHIFF, Mr. RYAN of Ohio, Mr. MURTHA, Mr. PASCRELL, Mr. JEFFERSON, Mr. FRANKS of Arizona, Mr. SABO, Mr. ACKERMAN, Mr. SHERMAN, Mr. BOOZMAN, Mr. GEPHARDT, and Ms. WATERS.
H.R. 919: Mr. VISCLOSKY, Mr. BOEHLERT, Mr. MURTHA, Mr. SNYDER, Mr. BRADY of Texas, Mr. BURNS, Mr. BRADY of Pennsylvania, and Mr. DINGELL.
H.R. 926: Mr. BARRETT of South Carolina.
H.R. 932: Mr. REHBERG.
H.R. 937: Mr. BISHOP of Georgia.
H.R. 956: Ms. LINDA T. SANCHEZ of California.
H.R. 970: Mr. MICHAUD and Mr. ALLEN.
H.R. 977: Mr. DOOLEY of California.
H.R. 983: Mr. LEWIS of California.
H.R. 990: Mr. WICKER, Mr. BONILLA, Mr. FRANKS of Arizona, Mr. BILIRAKIS, Mr. ROSS, Mr. JONES of North Carolina, Mr. YOUNG of Alaska, and Mr. ALEXANDER.
H.R. 996: Mr. SANDLIN, Mr. BONILLA, Mr. WAMP, Mr. VITTER, Mr. SHIMKUS, Mr. BALLENGER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. NETHERCUTT, Mr. HULSHOF, Mr. ENGLISH, Mr. BURGESS, Mr. COOPER, Mr. LEACH, and Mr. HALL.
H.R. 1008: Mrs. EMERSON.
H.R. 1031: Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OBERSTAR, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1032: Mr. CASE.
H.R. 1043: Mr. WYNN.
H.R. 1046: Ms. HARMAN and Mr. COBLE.
H.R. 1059: Mr. GARRETT of New Jersey.
H.R. 1063: Mr. THORNBERRY, Mr. HOSTETTLER, and Mr. JONES of North Carolina.
H.R. 1068: Mr. LYNCH, Mrs. NORTHUP, and Mr. WEXLER.
H.R. 1096: Mr. NETHERCUTT.
H.R. 1102: Mr. PICKERING, Ms. LORETTA SANCHEZ of California, Ms. MAJETTE, Mr. VISCLOSKY, and Mr. WU.
H.R. 1105: Mr. GONZALEZ, Mr. COOPER, and Mr. DAVIS of Florida.
H.R. 1111: Mr. WAMP.
H.R. 1119: Mr. COX, Mrs. CUBIN, Mr. GIBBONS, Mr. BURR, Mr. COBLE, Mr. GOSS, Mr. HERGER, Mr. KNOLLENBERG, Mr. TURNER of Ohio, Mr. FOLEY, Mr. SESSIONS, Mr. GARY G. MILLER of California, Mr. RADANOVICH, Mr. BEREUTER, Mr. SHAW, Mr. SMITH of Texas, and Ms. HARRIS.
H.R. 1120: Mr. MEEKS of New York, Mr. GOODE, and Mr. KINGSTON.
H.R. 1130: Mr. KILDEE.
H.R. 1157: Mr. YOUNG of Alaska.
H.R. 1162: Mr. HONDA.
H.R. 1196: Ms. LINDA T. SANCHEZ of California.
H.R. 1209: Ms. LORETTA SANCHEZ of California and Mr. MCGOVERN.
H.R. 1210: Mr. BAIRD.
H.R. 1213: Mr. HOLDEN.
H.R. 1229: Mr. LIPINSKI.
H.R. 1250: Mr. CRANE.
H.R. 1264: Mr. WYNN and Mr. PALLONE.
H.R. 1275: Mr. SCHIFF.
H.R. 1288: Mr. GONZALEZ, Mr. WEXLER, Mr. SCHROCK, and Ms. WOOLSEY.
H.R. 1294: Mr. MARKEY, Mrs. CAPPS, Mr. ENGEL, Ms. MCCARTHY of Missouri, Mr. LANTOS, and Mr. MCGOVERN.
H.R. 1304: Mr. SANDLIN.
H.R. 1305: Mr. NETHERCUTT and Mr. CHABOT.
H.R. 1306: Mr. DEUTSCH and Mr. SANDLIN.
H.R. 1323: Mr. OWENS.
H.R. 1336: Mr. BEAUPREZ.
H.R. 1345: Ms. LEE.
H.R. 1347: Mr. DOYLE.
H.R. 1348: Mr. STRICKLAND.
H.R. 1367: Mr. COOPER and Mr. GORDON.
H.R. 1377: Mr. GARRETT of New Jersey and Mr. RUSH.
H.R. 1381: Mr. BISHOP of Georgia, Mr. JEFFERSON, Mr. HOEFFEL, Ms. LORETTA SANCHEZ of California, and Mr. CLAY.
H.R. 1385: Ms. WATSON, Mrs. DAVIS of California, Mr. PASTOR, Mr. MOORE, Mr. BOYD, and Mr. PRICE of North Carolina.
H.R. 1406: Mr. TERRY, Mr. ANDREWS, and Mr. FROST.
H.R. 1414: Mr. DAVIS of Illinois and Mr. TIERNEY.
H.R. 1421: Mr. KENNEDY of Rhode Island.
H.R. 1422: Mr. EMANUEL, Mr. FATTAH, and Mr. WEXLER.
H.R. 1425: Mr. PASCRELL.
H.R. 1429: Ms. LINDA T. SANCHEZ of California.
H.R. 1430: Mr. BLUMENAUER and Mr. LANTOS.
H.R. 1472: Mr. PETERSON of Pennsylvania, Mr. DEUTSCH, and Ms. BALDWIN.
H.R. 1479: Mr. NEAL of Massachusetts.
H.R. 1510: Mr. REYES.
H.R. 1511: Mr. CUNNINGHAM, Mr. OSE, Mr. ROGERS of Kentucky, Mr. ADERHOLT, Mr. BARTON of Texas, Mr. BONILLA, Mr. SANDLIN, Mr. DICKS, Mr. BERMAN, Mr. GEPHARDT, Mr. LIPINSKI, Ms. MAJETTE, Mr. FROST, Mr. CLAY, Mr. TOWNS, Mr. BOWSELL, Mr. MURTHA, Mrs. MCCARTHY of New York, and Mr. DAVIS of Tennessee.
H.R. 1543: Mr. SENSENBRENNER.
H.R. 1551: Ms. SLAUGHTER, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Mr. DAVIS of Illinois, Ms. LEE, Mr. GRIJALVA, Mr. LANTOS, Ms. MILLENDER-MCDONALD, and Mr. KILDEE.
H.R. 1554: Mr. KILDEE.
H.R. 1592: Mr. GRIJALVA, Mr. SOUDER, Mr. EVANS, Mr. BROWN of Ohio, and Mr. FROST.
H.R. 1606: Mrs. JO ANN DAVIS of Virginia.
H.R. 1622: Mr. HALL, Mr. DAVIS of Illinois, Mr. WAMP, Mr. OWENS, Mr. WOLF, Mrs. NORTHUP, Mr. SANDERS, Mr. ABERCROMBIE, Mr. INSLEE, Mr. TANNER, Mr. THOMPSON of Mississippi, Mr. ENGLISH, Mr. THORNBERRY, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, Mr. EMANUEL, Mr. DEAL of Georgia, Mr. LIPINSKI, and Mr. DUNCAN.
H.R. 1628: Mr. YOUNG of Alaska.
H.R. 1634: Mr. HOLT.
H.R. 1643: Mr. HOBSON.
H.R. 1653: Mr. WAMP and Mr. PLATTS.
H.R. 1657: Mr. MCNULTY, Mr. BOSWELL, Mr. FROST, Ms. MILLENDER-MCDONALD, Ms. HARMAN, and Ms. JACKSON-LEE of Texas.
H.R. 1675: Mr. HALL and Mr. RYUN of Kansas.
H.R. 1676: Ms. SCHAKOWSKY.
H.R. 1688: Mr. LARSEN of Washington, Ms. VELAZQUEZ, Mr. ROTHMAN, Mrs. JONES of Ohio, and Mr. RYAN of Ohio.
H.R. 1694: Mr. EMANUEL, Mr. TIERNEY, and Mr. SNYDER.
H.R. 1710: Mr. PLATTS, Mr. LYNCH, Mr. DELAHUNT, Mr. WEINER, and Mr. PETERSON of Minnesota.
H.R. 1717: Ms. SOLIS.
H.R. 1721: Mr. MARKEY.
H.R. 1738: Mr. RUSH and Mr. STRICKLAND.
H.R. 1746: Mr. HOUGHTON and Mr. WATT.
H.R. 1749: Mr. WEXLER.
H.R. 1767: Mr. RENZI, Mr. KINGSTON, and Mr. CANTOR.
H.R. 1769: Mr. NEY, Mr. MCHUGH, Mr. GRAVES, and Mr. MORAN of Kansas.
H.R. 1776: Mr. ROYCE.
H.R. 1779: Mr. FOLEY.
H.R. 1783: Mr. FRANKS of Arizona.
H.R. 1784: Mr. KILDEE, Mr. UPTON, Ms. BERKLEY, and Mr. MATSUI.
H.R. 1787: Mr. STEARNS.
H.R. 1811: Ms. KAPTUR, Mr. POMEROY, Mr. COOPER, Mr. REHBERG, Mr. FRANK of Massachusetts, Mr. WEXLER, Mr. SNYDER, Mr. LOBIONDO, Mr. TIERNEY, and Ms. LOFGREN.
H.R. 1813: Mr. WALSH and Mr. DELAHUNT.
H.R. 1824: Mr. CLAY, Mr. HINCHEY, Mrs. LOWEY, Mr. OWENS, Mr. BOEHLERT, Mr.

MCNULTY, Ms. WOOLSEY, Mr. SOUDER, and Mr. PETERSON of Minnesota.

H.R. 1828: Mr. KNOLLENBERG, Mr. WYNN, Mr. SCHROCK, Ms. MAJETTE, Mr. COSTELLO, Mr. OLVER, Mr. CRAMER, Mrs. MILLER of Michigan, Mr. BRADLEY of New Hampshire, Mr. GREEN of Texas, Mr. ENGLISH, Mr. HOYER, Mr. STUPAK, Mr. SOUDER, Mr. GUTIERREZ, Mr. WAMP, Mr. SHADEGG, Mrs. MUSGRAVE, Mr. COLE, and Mr. LAMPSON.

H.R. 1873: Mr. FRANKS of Arizona and Mr. PAUL.

H.R. 1886: Mr. SCOTT of Georgia.

H.R. 1889: Mr. BAIRD, Mr. FRANK of Massachusetts, Ms. DEGETTE, Ms. LEE, Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Mr. BISHOP of New York, Mr. WU and Ms. LOFGREN.

H.R. 1902: Mr. QUINN, Mr. OWENS, and Mr. WEXLER.

H.R. 1905: Mr. DOYLE.

H.R. 1910: Mr. WATT, Mr. WU, Mr. PAYNE, and Mr. ANDREWS.

H.R. 1913: Mr. MCHUGH.

H.R. 1917: Mr. FROST and Mr. RAHALL.

H.R. 1918: Mr. FROST and Mr. RAHALL.

H.R. 1919: Mr. FROST, Mr. RAHALL, and Mr. ANDREWS.

H.R. 1933: Mr. ABERCROMBIE and Ms. LEE.

H.R. 1951: Mrs. MCCARTHY of New York.

H.R. 1956: Mr. HOEFFEL, Mr. PETERSON of Minnesota, and Mr. WEXLER.

H.R. 1963: Mr. BACHUS and Mr. BOSWELL.

H.R. 1981: Mr. DELAHUNT.

H.R. 1990: Ms. BALDWIN.

H.R. 1997: Mr. BISHOP of Utah, Mr. ALEXANDER, Mr. BOOZMAN, Mr. SESSIONS, Mr. KNOLLENBERG, Mr. PUTNAM, Mr. DAVIS of Tennessee, and Mr. REHBERG.

H.R. 2000: Mr. GREEN of Texas, Mr. DAVIS of Florida, Mr. WYNN, and Ms. SOLIS.

H.R. 2011: Mrs. CAPPS, Ms. MCCARTHY of Missouri, Ms. SLAUGHTER, Mr. STUPAK, Mr. PLATTS, Mr. SANDERS, Mr. BOYD, and Ms. SCHAKOWSKY.

H.R. 2023: Ms. GINNY BROWN-WAITE of Florida and Mr. PAUL.

H.R. 2030: Mr. OSE and Mr. BURTON of Indiana.

H.R. 2035: Mr. HOLT and Mr. BLUMENAUER.

H.R. 2046: Mr. MEEHAN.

H.R. 2047: Mr. GREEN of Texas.

H.R. 2052: Mr. ETHERIDGE, Mrs. WILSON of New Mexico, Mr. MILLER of North Carolina, Mr. JENKINS, Mr. HOLT, Mr. BALLENGER, Mr. FARR, Mr. WAMP, Mr. BOUCHER, Mr. PITTS, Mr. LUCAS of Kentucky, Mr. JONES of North Carolina, Mr. STUPAK, Mr. HAYES, Mr. WYNN, Mr. WICKER, Mr. ALLEN, Mr. PLATTS, Mr. DAVIS of Florida, Mr. GRIJALVA, Mr. CASE, Mr. GORDON, Ms. DEGETTE, Ms. SLAUGHTER, Mr. STRICKLAND, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. WAXMAN, Ms. CARSON of Indiana, Mr. JOHN, Mr. MCINTYRE, Mr. KIND, Ms. ESHOO, Mr. CARDOZA, Mr. CARSON of Oklahoma, Mr. NUNES, and Mr. BROWN of Ohio.

H.R. 2079: Mr. CRAMER and Mr. DICKS.

H.R. 2085: Mr. PAUL.

H.R. 2114: Mr. PAUL and Mr. SESSIONS.

H.R. 2118: Mr. RUSH, Mr. ANDREWS, and Mr. BERMAN.

H.R. 2120: Mr. WATT.

H.R. 2125: Mr. EMANUEL, Mrs. LOWEY, and Mr. RYAN of Ohio.

H.R. 2127: Ms. SCHAKOWSKY, and Ms. SOLIS.

H.R. 2131: Mr. CALVERT, Mr. SIMMONS, and Mr. BACA.

H.R. 2134: Mr. ROSS and Mr. STRICKLAND.

H.R. 2156: Mr. HASTINGS of Florida.

H.R. 2161: Mr. GUTKNECHT.

H.R. 2169: Ms. LORETTA SANCHEZ of California.

H.R. 2180: Mr. ROTHMAN.

H.R. 2185: Mr. LOBIONDO, Mr. SHIMKUS, and Mr. WALDEN of Oregon.

H.R. 2197: Mr. STARK, Ms. DELAURO, and Ms. LEE.

H.J. Res. 4: Mr. POMEROY, and Mr. HASTINGS of Washington.

H. Con. Res. 21: Mr. CULBERSON.

H. Con. Res. 49: Mr. LANGEVIN, Mr. BAIRD, Mr. TERRY, Mr. PORTER, Mr. SAXTON, Mr. FATTAH, and Mr. SESSIONS.

H. Con. Res. 93: Mr. NORWOOD and Mr. ROHRABACHER.

H. Con. Res. 94: Mr. TIERNEY and Mr. OLVER.

H. Con. Res. 99: Mr. WATT, Mr. SERRANO, and Mr. LANTOS.

H. Con. Res. 116: Mr. PLATTS.

H. Con. Res. 152: Mr. ETHERIDGE.

H. Con. Res. 155: Mr. RYAN of Ohio and Mr. ABERCROMBIE.

H. Con. Res. 175: Mr. KENNEDY of Rhode Island.

H. Res. 38: Ms. MILLENDER-MCDONALD and Mr. STARK.

H. Res. 136: Mr. PAYNE.

H. Res. 193: Mr. WILSON of South Carolina, Mr. ABERCROMBIE, Ms. WOOLSEY, Mr. FROST, Mr. DEFAZIO, Mr. BISHOP of New York, Mr. DEUTSCH, and Mr. RYAN of Wisconsin.

H. Res. 199: Mr. ENGEL, Mr. FORD, Mr. MARIO DIAZ-BALART of Florida, Mr. STARK, Ms. ROS-LEHTINEN, and Mr. SOUDER.

H. Res. 218: Mr. SANDLIN, Mr. LAMPSON, Mr. OBEY, Mr. COOPER, Mr. LEVIN, Ms. LOFGREN, Mr. BOEHLERT, Mr. LARSON of Connecticut, Mr. BAIRD, Mr. MOORE, Mr. BALLANCE, Mr. WU, Mr. CLYBURN, Mr. LYNCH, Mr. HONDA, Mr. MOLLOHAN, Mr. KLECZKA, Mr. UDALL of Colorado, Mrs. TAUSCHER, Ms. MAJETTE, Mr. MARKEY, Mr. PAYNE, Mr. RUSH, Mr. ISRAEL, Mr. CUMMINGS, Mr. DAVIS of Florida, and Mr. BLUMENAUER.

H. Res. 228: Mr. HASTINGS of Florida, Mr. SCHROCK, Mr. BOYD, Mr. MCGOVERN, and Mr. MCNULTY.

H. Res. 234: Mr. LEVIN, Mr. FROST, Mr. UDALL of New Mexico, Ms. LEE, Mr. FRANK of Massachusetts, and Mr. ROHRABACHER.

H. Res. 237: Mr. ROYCE.

H. Res. 242: Mr. KNOLLENBERG.

H. Res. 244: Mr. PAYNE.

H. Res. 246: Mr. GEORGE MILLER of California, Mr. FROST, Mr. MCDERMOTT, Ms. LEE, Ms. JACKSON-LEE of Texas, and Mr. MCNULTY.

MONDAY, JUNE 2, 2003 (57)

¶57.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 2 p.m. by the SPEAKER pro tempore, Mr. CULBERSON, who laid before the House the following communication:

WASHINGTON, DC,
June 2, 2003.

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

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

¶57.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Thursday, May 22, 2003.

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

¶57.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2367. A letter from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule — Official Performance and Procedural Requirements for Grain Weighing Equipment and Related Grain Handling Systems, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2368. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Bioenergy Program (RIN: 0560-AG84) received May 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2369. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy (RIN: 3052-AC05) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2370. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 00-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2371. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 01-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2372. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert W. Noonan Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2373. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Toney M. Bucchi, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2374. A letter from the Under Secretary, Department of Defense, transmitting a report on the retirement of Lieutenant General Peter M. Cuviello, United States Army, and his advancement to the grade of lieutenant general on the retired list, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2375. A letter from the Under Secretary, Department of Defense, transmitting a report on the retirement of General Lester L. Lyles, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2376. A letter from the Assistant General Counsel, Banking and Finance, Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program (RIN: 1505-AA98) received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2377. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Delegation of Enforcement Authority Regarding the Foreign Bank Account Report Requirements (RIN: 1506-AA45) received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2378. A letter from the Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Electronic Filings [Docket No. 03-06] (RIN: 1557-AC13) April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2379. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Requirements for Insurance — received May 15, 2003, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Financial Services.

2380. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Organization and Operations of Federal Credit Unions received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2381. A letter from the Deputy Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting the Commission's final rule — Improper Influence on Conduct of Audits [Release Nos. 34-47890; IC-26050; FR-71; File No. S7-39-02] (RIN: 3235-AI67) received May 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2382. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Temporary Placement of alph-methyltryptamine and 5-methoxy-N, N-diisopropyltryptamine into Schedule I [Docket No. DEA-238F] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2383. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Temporary Placement of Benzylpiperazine and Trifluoromethylphenylpiperazine Into Schedule I [DEA-226F] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2384. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Rescheduling of Buprenorphine From Schedule V to Schedule III [DEA-225F] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2385. A letter from the Chief Counsel, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Dispensing of Controlled Substances to Assist Suicide [AG Order No. 2534-2001] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2386. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Excluded Veterinary Anabolic Steroid Implant Products [DEA-2301] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2387. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Exempt Anabolic Steroid Products [DEA-2361] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2388. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Substance Abuse and Mental Health Services Administration Opioid Drugs in Maintenance and Detoxification Treatment of Opiate Addiction; Addition of Buprenorphine and Buprenorphine Combinition to List of Approved Opioid Treatment Medications (RIN: 0910-AA52) received May 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2389. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — National Vaccine Injury Compensation Program: Revisions and Additions to the Vaccine Injury Table (RIN: 0906-AA55) received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2390. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Service of Process: Amendment for Materials Related to Petitions Under the National Vaccine Injury Compensation Program — received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2391. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting he Department's final rule — Tobacco Regulation and Maintenance of effort Reporting Requirements for Substance Abuse Prevention and Treatment Bloc k Grant Applications — received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2392. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's final report entitled, ''The Future Supply of Long-Term Care Workers In Relation To The Aging Baby Boom Generation''; to the Committee on Energy and Commerce.

2393. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Temporary Placement of 2,5-dimethoxy-4-(n)—propylthiophenethylamine Into Schedule I [DEA-225F] received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2394. A letter from the Senior Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule — Reporting of Information and Documents About Potential Defects; Defect and Noncompliance Reports [Docket No. NHTSA 2001-8677; Notice 4] (RIN: 2127-AI92) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2395. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Arab Emirates and Canada [Transmittal No. DDTC 031-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2396. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the Republic of Korea [Transmittal No. DDTC 033-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2397. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Mexico [Transmittal No. DDTC 025-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2398. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Poland [Transmittal No. DDTC 017-03], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2399. A letter from the Acting Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Iraqi Sanctions Regulations; Authorizations of Non-Commercial Funds Transfers and Related Transactions, Activities by the U.S. Government and its Contractors or Grantees, Privately Financed Humanitarian Transactions, and Certain Exports and Reexports to Iraq received May 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2400. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's draft legislation entitled, ''Overseas Private Investment Corporation Amendments Act of 2003''; to the Committee on International Relations.

2401. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2402. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974; Implementation — received April 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2403. A letter from the Human Resource Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2404. A letter from the Auditor, District of Columbia, transmitting a report entitled, ''$1 Million Lease and Proposed $12.5 Million Purchase of 4800 Addison Road: An Example of Misfeasance and Malfeasance''; to the Committee on Government Reform.

2405. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Procurements for Defense Against or Recovery from Terrorism or Nuclear, Biological, Chemical or Radiological Attack [FAC 2001-12; FAR Case 2002-026] (RIN: 9000-AJ54) received February 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2406. A letter from the Special Counsel, Office of Special Counsel, transmitting the Annual Report of the Office of Special Counsel for Fiscal Year 2002, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

2407. A letter from the Special Counsel, Office of Special Counsel, transmitting the updated Annual Report of the Office of Special Counsel for Fiscal Year 2002, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

2408. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Definition of Length Overall of a Vessel; Correction [Docket No. 030414085-3085-01; I.D. 012601B] (RIN: 0648-AR04) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2409. A letter from the Undersecretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million as a result of the record/near record snowstorms, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

2410. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulfport Channel, Gulfport Mississippi [COTP Mobile-02-023] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to

the Committee on Transportation and Infrastructure.

2411. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Captain of the Port Chicago Zone [CGD09-03-203] (RIN: 1626-AA00) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2412. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulfport, Mississippi, Pascagoula, MS, and Mobile, AL [COTP Mobile-02-020] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2413. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia [CGD05-02-082] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2414. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia [CGD05-02-083] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2415. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia [CGD05-02-084] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2416. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia [CGD05-02-085] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2417. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia [CGD05-02-086] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2418. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia [CGD05-02-088] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2419. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia [CGD05-02-089] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2420. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05-02-094] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2421. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05-02-104] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2422. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Elizabeth River, Portsmouth, Virginia [CGD05-02-096] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2423. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Norfolk Harbor Entrance Reach Channel, Chesapeake Bay, Hampton Roads, VA [CGD05-02-105] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2424. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Jacinto River, Houston, TX [COTP Houston-Galveston-02-020] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2425. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Jacinto River, Houston, Texas [COTP Houston-Galveston -02-021] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2426. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Jacinto River, Houston, TX [COTP Houston-Galveston-02-022] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2427. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Jacinto River, Houston, TX [COTP Houston-Galveston-02-023] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2428. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Johns River, Jacksonville, FL [COTP Jacksonville 02-149] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2429. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Johns River, Jacksonville, FL [COTP Jacksonville 02-150] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2430. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Johns River, Naval Air Station Jacksonville, Jacksonville, FL [COTP Jacksonville 02-129] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2431. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 98.0 to 99.0, Berwick, LA [COTP Morgan City-02-008] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2432. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 173.0 to 175.0, Forked Island LA [COTP Morgan City-02-010] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2433. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile 86.0 to 88.0, and the Morgan City Port Allen Landside Route Mile 0.0 to Mile 1.0, Amelia, LA [COTP Morgan City-02-009] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2434. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY 02-011] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2435. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY 02-012] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2436. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY 02-013] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2437. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulfport, Mississippi [COTP Mobile-02-021] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2438. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pascagoula River, Pascagoula, Mississippi [COTP Mobile-02-018] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2439. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.4 to Mile Marker 0.8, Pittsburgh, Pennsylvania [COTP Pittsburgh-02-026] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2440. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami, FL [COTP Miami 02-152] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2441. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami River, Miami, FL [COTP Miami 02-114] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2442. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay Front Park New Years Fireworks, Miami Beach, FL [COTP Miami 02-138] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2443. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boca Boat Parade, New River, Fort Lauderdale, FL [COTP Miami 02-137] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2444. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Adjacent to National City Marine Terminal, San Diego, CA [COTP San Diego 02-025] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2445. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Adjacent to National City Marine Terminal, San Diego, CA [COTP San Diego 02-027] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2446. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, M/V WESTWOOD RAINIER Listing, West Waterway Duwamish River, Elliott Bay, WA [CGD13-02-017] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2447. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, M/V WESTWOOD RAINIER Listing, West Waterway Duwamish River, Elliott Bay, WA [CGD13-02-012] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2448. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Raccoon Creek, NJ [CGD05-02-065] (RIN: 1625-AA09) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2449. A letter from the Assistant Secretary of Labor, Department of Labor, transmitting the Department's final rule — Disaster Unemployment Assistance Program (RIN: 1205-AB31) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2450. A letter from the Assistant Chief Counsel, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels (RIN: 2133-AB49) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2451. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Limitations on the Issuance of Commercial Driver's Licenses with a Hazardous Materials Endorsement [Docket No. FMCSA-2001-11117] (RIN: 2126-AA70) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2452. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Indian Reservation Roads Bridge Program [FHWA Docket No. FHWA-98-4743] ((RIN: 2125-AE57) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2453. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Railroad-Highway Projects [FHWA Docket No. FHWA-97-2681] (FHWA RIN: 2125-AD86) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2454. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Surplus Military Airplanes Manufactured by Consolidated, Consolidated Vultee, and Convair [Docket No. 2003-NM-23-AD; Amendment 39-13126; AD 2003-08-13] (RIN: 2120-AA64) received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2455. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30366; Amdt. No. 3056] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2456. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30365; Amdt. No. 3055] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2457. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2003-NM-88-AD; Amendment 39-13121; AD 2003-06-51] (RIN: 2120-AA64) received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2458. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Angel Fire Airport, Angel Fire, NM [Airspace Docket No. 2001-ASW-13] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2459. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E suface area airspace; and modification of Class D airspace; Topeka, Forbes Field, KS [Docket No. FAA-2002-14348; Airspace Docket No. 03-ACE-5] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2460. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E surface area airspace; and modification of Class D airspace; Topeka, Forbes Field, KS [Docket No. FAA-2002-14348; Airspace Docket No. 03-ACE-5] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2461. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace, Rome, NY [Docket No. FAA-2003-14735; Airspace Docket No. 03-AEA-02] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2462. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace at Richfield Municipal Airport, Richfield, UT [Airspace Docket No. FAA-01-ANM-16] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2463. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30364; Amdt. No. 3054] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2464. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30363; Amdt. No. 3053] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2465. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.6 to Mile Marker 0.9, Pittsburgh, Pennsylvania [COTP Pittsburgh-02-027] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2466. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Ankeny, IA [Docket No. FAA-2003-14428; Airspace Docket No. 03-ACE-8] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2467. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Greater Miami New Years Fireworks, Miami Beach, FL [COTP Miami 02-139] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2468. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Clarinda, IA [Docket No. FAA-2003-14459; Airspace Docket No. 03-ACE-12] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2469. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Larned, KS [Docket No. FAA-2003-14458; Airspace Docket No. 03-ACE-11] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2470. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Herington, KS [Docket No. FAA-2003-14457; Airspace Docket No. 03-ACE-10] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2471. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and modification of Class E Airspace; Topeka, Philip Billard Municipal Airport, KS [Docket No. FAA-2003-14347; Airspace Docket No. 03-ACE-4] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2472. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Ames, IA [Docket No. FAA-2003-14427; Airspace Docket No. 03-ACE-7] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2473. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Lebanon, MO [Airspace Docket No. 03-ACE-6] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2474. A letter from the Programn Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airpace; Cherokee, IA [Docket No. FAA-2003-14429; Airspace Docket No. 03-ACE-9] received May 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2475. A letter from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Final Rule; Notice of Information Collection Approval [Docket No. RSPA-02-12064 (HM-232)] (RIN: 2137-AD67) received May 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2476. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Schedule for Rating Disabilities: Evaluation of Tinnitus (RIN: 2900-AK86) received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2477. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2003 Rates; Correction [CMS-1203-CN] (RIN: 0938-AL23) received May 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2478. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Independent Business Purpose (Rev. Rul. 2003-52) received May 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2479. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2002-73) received May 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2480. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Independent Business Purpose (Rev. Rul. 2003-55) received May 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2481. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-14] received May 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2482. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Medical, dental, etc., expenses (Rev. Rul. 2003-57) received May 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2483. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Earned Income Credit and Tribal Child Placements [Notice 2003-28] received May 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2484. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property received May 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2485. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2003-38) received May 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2486. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on state payment limitations for medicare cost-sharing, pursuant to Public Law 106—554, section 125 (114 Stat. 2763A—479); jointly to the Committees on Ways and Means and Energy and Commerce.

2487. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Toward a Bundled Outpatient Medicare End Stage Renal Disease Prospective Payment System,'' pursuant to Public Law 106—554, section 422(c)(2) (114 Stat. 2763A—517); jointly to the Committees on Ways and Means and Energy and Commerce.

2488. A letter from the Secretary, Department of Health and Human Services, transmitting the Evaluation of the Community Nursing Organization Demonstration Final Report; jointly to the Committees on Ways and Means and Energy and Commerce.

¶57.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 858. An Act to extend the Abraham Lincoln Bicentennial Commission, and for other purposes.

S. 878. An Act to authorize an additional permanent judgeship in the district of Idaho, and for other purpose.

S. Con. Res. 7. A concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. Con. Res. 43. A concurrent resolution expressing the sense of Congress that Congress should participate in and support activities to provide decent homes for the people of the United States.

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 105–55, and as further amended by Public Law 107–228, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, appoints the following individuals to the United States Commission on International Religious Freedom: Preeta D. Bansal of Nebraska, vice Charles Richard Stith, for a term of one year (May 15, 2003–May 14, 2004); and Most Reverend Ricardo Ramirez, C.S.B. of New Mexico, vice Dr. Firuz Kazemzadeh, for a term of two years (May 15, 2003–May 14, 2005).

¶57.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 23, 2003 at 5:11 p.m.

That the Senate passed without amendment H. Con. Res. 191.

That the Senate passed without amendment H. R. 192.

With best wishes, I am
Sincerely,

MARTHA C. MORRISON,
Deputy Clerk of the House.

¶57.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 23, 2003 at 3:17 p.m.

That the Senate passed without amendment H.R. 2185.

That the Senate passed without amendment H.R. Res. 51.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶57.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 23, 2003 at 12:10 p.m.

That the Senate agreed to conference report H.R. 2.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶57.8 ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER pro tempore, Mr. CULBERSON, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. Tom DAVIS of Virginia, had signed the following enrolled bills and joint resolution on Friday, May 23, 2003:

H.R. 2. An Act to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

H.R. 2185. An Act to extend the Temporary Extended Unemployment Compensation Act of 2002.

H. J. Res. 51. An Act increasing the statutory limit on the public debt.

¶57.9 HOUR OF MEETING

On motion of Mr. SOUDER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, June 3, 2003, for morning-hour debate.

¶57.10 DEATH OF IRMA RANGEL

Mr. SOUDER moved to suspend the rules and agree to the following resolution (H. Res. 159):

Whereas Irma Rangel, in 1977, became the first Mexican-American woman ever elected to the Texas House of Representatives;

Whereas Irma Rangel served the great State of Texas and the people of Kingsville with honor and distinction for 26 years as a Member of the Texas House of Representatives;

Whereas Irma Rangel was Chairwoman of the Texas House of Representatives Committee on Higher Education and was a tireless advocate of educational opportunities for all students;

Whereas Irma Rangel recognized the value of higher education for all young people of Texas and introduced the 10 percent rule legislation that entitled all highly motivated and successful Texas high school students who graduated in the top 10 percent of their high school class to be admitted into Texas institutions of higher education, marking a shift in college admissions;

Whereas Irma Rangel recognized the importance of creating a professional school of pharmacy in South Texas and worked diligently to realize that vision;

Whereas Irma Rangel was a staunch supporter of Texas Grant 1 and Texas Grant 2, which provided tuition and fees for students who graduated under the recommended plan and extended those opportunities to community college students;

Whereas Irma Rangel dedicated her life to make Texas better for all its citizenry, improve the quality of life for the people she served, and especially expand educational opportunities for the young people of Texas;

Whereas the life and legacy of Irma Rangel serve as an inspiration for the young people of Texas and for the poor and powerless for whom she fought so passionately;

Whereas Irma Rangel was a role model for young Hispanic female students in achieving success;

Whereas Irma Rangel placed high value on self-empowerment, which enabled individuals to access opportunities to achieve their goals; and

Whereas Irma Rangel will forever be remembered for her signature phrase, ''Will this hurt or help?'' when addressing pending legislation before the Texas House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives—

(1) has learned with profound sorrow of the death of Irma Rangel on March 18, 2003, and extends condolences to her family;

(2) expresses its deep gratitude to Irma Rangel and her family for the service that she rendered to the State of Texas;

(3) recognizes with appreciation and respect Irma Rangel's exemplary commitment to public service and her constituents; and

(4) esteems Irma Rangel as a role model for generations to come in South Texas and the entire Nation.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. SOUDER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SOUDER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶57.11 CONGRATULATING SAMMY SOSA

Mr. SOUDER moved to suspend the rules and agree to the following resolution (H. Res. 195):

Whereas Sammy Sosa of the Chicago Cubs hit a home run in the seventh inning on Friday, April 3, 2003, against the Cincinnati Reds at the Great American Ball Park;

Whereas his home run was the 500th of his career, making Sammy Sosa only the 18th player in major league history to reach the mark and the first Latino to accomplish this outstanding feat;

Whereas Sammy Sosa's achievement is one of the most impressive and difficult to accomplish in baseball history, placing him in the very select company of the greatest home run hitters of all time, including Hank Aaron, Babe Ruth, Mickey Mantle, Willie Mays, Mel Ott, and Ernie Banks;

Whereas from his first home run off Roger Clemens in 1989 to today, Sammy Sosa has awed us with his ability and athletic prowess on the field and his dignity and selflessness off the field;

Whereas Sammy Sosa has showed us how powerful the combination of discipline and desire can be;

Whereas throughout his record-breaking career Sammy Sosa has embodied the talent, exuberance, team-spirit, and determination that Americans associate with the very best qualities of sports and athletic competition;

Whereas throughout the intense media scrutiny and public attention that has accompanied his historic career, Sammy Sosa has consistently conducted himself with modesty and humility that has been an inspiration to all Americans; and

Whereas as a native of the Dominican Republic, Sammy Sosa has proven to be an outstanding role model and source of pride for all residents of his native country, as well as all Latin Americans and all immigrants to the U.S. from across the globe: Now, therefore, be it

Resolved, That the House of Representatives congratulates and commends Sammy Sosa of the Chicago Cubs for his amazing accomplishment and thanks him for tearing down barriers for Latinos around the world, for being a role model and an inspiration, and for letting us dream as big as our hearts will allow.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. SOUDER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SOUDER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶57.12 GENERAL CHARLES GABRIEL POST OFFICE

Mr. SOUDER moved to suspend the rules and pass the bill (H.R. 1465) to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. SOUDER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SOUDER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶57.13 PEACE OFFICERS MEMORIAL DAY

Mr. SOUDER moved to suspend the rules and agree to the following resolution (H. Res. 231):

Whereas the well-being of all people of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 law enforcement personnel, at great risk to their personal safety, serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas more than 147 peace officers across the Nation were killed in the line of duty during 2002, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when 230 officers were killed, including 72 officers in the September 11th terrorist attacks;

Whereas every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty;

Whereas section 136 of title 36, United States Code, requests that the President issue each year a proclamation designating May 15 as Peace Officers Memorial Day in honor of Federal, State, and local officers killed or disabled in the line of duty; and

Whereas on May 15, 2003, more than 15,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. SOUDER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SOUDER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Tuesday, June 3, 2003.

¶57.14 20TH ANNUAL NATIONAL TOURISM WEEK

Mr. SOUDER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 172):

Whereas travel and tourism has a major impact on the economy of the United States as the 3rd largest retail sales industry in the Nation;

Whereas 1 out of every 7 people employed in the United States civilian labor force is directly or indirectly employed in the travel and tourism industry;

Whereas international travel to the United States is the largest service export, having generated a trade surplus for 14 consecutive years;

Whereas domestic and international travel generated an estimated $537.2 billion in expenditures in 2002, supporting more than 7.9 million jobs, and creating more than $98.7 billion in tax revenue for Federal, State, and local governments;

Whereas the slowing of the United States economy and international conflicts have had a tremendous negative effect on the tourism industry;

Whereas the Department of Commerce has released the 2002 international year-end arrivals data, revealing that the level of international travel to the United States declined an additional 7 percent between 2001 and 2002;

Whereas tourism contributes substantially to personal growth, education, appreciation of intercultural differences, and the enhancement of international understanding and good will;

Whereas the abundant natural and man-made attractions of the United States and the hospitality of the American people establish the United States as the preeminent destination for both foreign and domestic travelers;

Whereas National Tourism Week was established by Congress in 1983, and first celebrated in May 1984, when President Ronald Reagan signed a proclamation urging citizens to observe the week with appropriate ceremonies and activities;

Whereas, since 1984, National Tourism Week has been celebrated each May by the travel and tourism community, travel industry associations, as well as many States, cities, and localities throughout the Nation; and

Whereas May 10 through 18, 2003, is the 20th Annual National Tourism Week: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports National Tourism Week; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe National Tourism Week with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. SOUDER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶57.15 RECESS—3:13 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 13 minutes p.m., until approximately 6:30 p.m.

¶57.16 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. FLAKE, called the House to order.

¶57.17 H. RES. 159—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 159) expressing profound sorrow on the occasion of the death of Irma Rangel.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 373 / Nays 0

¶57.18 [Roll No. 227]

YEAS—373

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

Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—60

Ackerman
Becerra
Bereuter
Bishop (UT)
Boehner
Boucher
Brady (PA)
Conyers
Deal (GA)
DeMint
Deutsch
Dingell
Engel
Everett
Frank (MA)
Gephardt
Herger
Hoekstra
Hulshof
Israel
Jackson-Lee (TX)
Jenkins
John
Kilpatrick
Kingston
Larson (CT)
Leach
Lewis (CA)
Lipinski
Lowey
McCrery
McKeon
McNulty
Miller (FL)
Miller (NC)
Ortiz
Pallone
Payne
Peterson (PA)
Price (NC)
Pryce (OH)
Reyes
Ross
Rush
Ryan (WI)
Sabo
Shimkus
Smith (WA)
Stark
Sweeney
Taylor (MS)
Taylor (NC)
Toomey
Towns
Velazquez
Weldon (FL)
Weldon (PA)
Wexler
Wilson (SC)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶57.19 H. RES. 195—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 195) congratulating Sammy Sosa of the Chicago Cubs for hitting 500 major league home runs.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 372 / Nays ..... 0 }

¶57.20 [Roll No. 228]

YEAS—372

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

NOT VOTING—61

Ackerman
Becerra
Bereuter
Bishop (UT)
Boehner
Boucher
Brady (PA)
Conyers
Deal (GA)
DeMint
Deutsch
Dingell
Engel
Everett
Frank (MA)
Gephardt
Herger
Hoekstra
Hulshof
Israel
Jackson-Lee (TX)
Jenkins
John
Kilpatrick
Kingston
Larson (CT)
Leach
Lewis (CA)
Lipinski
Lowey
McCrery
McKeon
McNulty
Miller (FL)
Miller (NC)
Ortiz
Pallone
Payne
Peterson (PA)
Price (NC)
Pryce (OH)
Reyes
Ross
Rush
Ryan (WI)
Sabo
Shimkus
Smith (WA)
Stark
Sweeney
Taylor (MS)
Taylor (NC)
Toomey
Towns
Velazquez
Weldon (FL)
Weldon (PA)
Wexler
Wilson (SC)
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶57.21 H.R. 1456—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1465) to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 371 / Nays ..... 0 }

¶57.22 [Roll No. 229]

YEAS—371

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez

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

NOT VOTING—62

Ackerman
Becerra
Bereuter
Bishop (NY)
Bishop (UT)
Boehner
Boucher
Brady (PA)
Conyers
Deal (GA)
DeMint
Deutsch
Dingell
Engel
Everett
Frank (MA)
Gephardt
Herger
Hoekstra
Hulshof
Israel
Jackson-Lee (TX)
Jenkins
John
Kilpatrick
Kingston
Larson (CT)
Leach
Lewis (CA)
Lipinski
Lowey
McCrery
McKeon
McNulty
Miller (FL)
Miller (NC)
Miller, George
Ortiz
Pallone
Payne
Peterson (PA)
Price (NC)
Pryce (OH)
Reyes
Ross
Rush
Ryan (WI)
Sabo
Shimkus
Smith (WA)
Stark
Sweeney
Taylor (MS)
Taylor (NC)
Toomey
Towns
Velazquez
Weldon (FL)
Weldon (PA)
Wexler
Wilson (SC)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶57.23 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 4

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–136) the resolution (H. Res. 255) providing for the consideration of the joint resolution (H.J. Res 4) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

When said resolution and report were referred to the House Calendar and ordered printed.

¶57.24 SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 858. An Act to extend the Abraham Lincoln Bicentennial Commission, and for other purposes, to the Committee on Government Reform.

S. 878. An Act to authorize an additional permanent judgeship in the district of Idaho, and for other purposes; to the Committee on the Judiciary.

S. Con. Res. 7. A concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences; to the Committee on International relations.

S. Con. Res. 43. A concurrent resolution expressing the sense of Congress that Congress should participate in and support activities to provide decent homes for the people of the United States; to the Committee on Financial Services.

¶57.25 BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 23, 2003 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 51. An Act increasing the statutory limit on the public debt.

H.R. 2. An Act to provide the reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

H.R. 1298. An Act to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

H.R. 2185. An Act to extend the Temporary Extended Unemployment Compensation Act of 2002.

¶57.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today;

To Mr. BEREUTER, for today;

To Ms. JACKSON-LEE of Texas, for today;

To Ms. KILPATRICK, for today;

To Mr. LARSON of Connecticut, for today and balance of the week;

To Mr. McNULTY, for today and until 4 p.m. on June 3;

To Mr. ORTIZ, for today;

To Mr. REYES, for today;

To Mr. RYAN of Wisconsin, for today; and

To Mr. SMITH of Washington, for today.

And then,

¶57.27 ADJOURNMENT

On motion of Mr. BLUMENAUER, pursuant to the previous order of the House, at 11 o'clock and 5 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, June 3, 2003.

¶57.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 361. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; with an amendment (Rept. 108–24, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 4. Resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 108–131). Referred to the House Calendar.

Mr. OXLEY: Committee on Financial Services. H.R. 1474. A bill to facilitate check

truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; with an amendment (Rept. 108–132). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 1474. A bill to facilitate check trucation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; with an amendment (Rept. 108–132). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 2143. A bill to prevent the use of certain bank instruments for lawful Internet gambling, and for other purposes; with an amendment (Rept. 108–133). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Referred to the Committee on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1082. A bill to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the ''Birch Bayl Federal Building and United States Courthouse'' (Rept. 108–134). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. S. 703. An act to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the ''Carl T. Curtis National Park Service Midwest Regional Headquarters Building'' (Rept. 108–135). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 255. Resolution providing for consideration of the joint resolution (H.J. Res. 4) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 108–136). Referred to the House

¶57.29 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred May 23, 2003]

H.R. 1562. Referral to the Committee on Ways and Means extended for a period ending not later than June 13, 2003.

[Submitted June 2, 2003]

H.R. 180. Referral to the Committee on the Budget extended for a period ending not later than July 25, 2003.

¶57.30 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Government Reform discharged from further consideration. H.R. 658 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 1346 referred to the Committee of the Whole House on the State of the Union.

¶57.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself and Mr. BLUMENAUER):

H.R. 2282. A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, and administrative settlement offers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. NORWOOD, and Mr. KING of Iowa):

H.R. 2283. A bill to provide for the creation of an additional category of laborers or mechanics known as helpers under the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Ms. LEE (for herself, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. KENNEDY of Rhode Island, Mrs. JONES of Ohio, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. GUTIERREZ, Mr. RODRIGUEZ, Mr. MARKEY, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Mr. FROST, Ms. KAPTUR, Ms. WOOLSEY, Mr. FATTAH, Mr. NADLER, Mr. MCGOVERN, Mr. RUSH, Ms. SCHAKOWSKY, and Mr. MENENDEZ):

H.R. 2284. A bill to amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers; to the Committee on Education and the Workforce.

By Mr. SIMPSON (for himself, Mr. BEAUPREZ, Mr. SMITH of New Jersey, Mr. EVANS, Mr. BROWN of South Carolina, Mr. MICHAUD, and Mr. BUYER):

H.R. 2285. A bill to amend title 38, United States Code, to require the Secretary of Labor to provide staffing at military installations overseas to carry out employment counseling under the Transition Assistance Program for persons separating from active duty in the Armed Forces; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Ms. DELAURO, Mr. MICHAUD, Mr. HOYER, Mr. DAVIS of Alabama, Mr. MORAN of Virginia, and Mr. STRICKLAND):

H.R. 2286. A bill to amend the Internal Revenue Code of 1986 to increase partial refundability of the child tax credit, to provide that pay received by members of the Armed Forces while serving in Iraq or other combat zones will be taken into account in determining eligibility for partial refundability of the child tax credit, to accelerate marriage penalty relief in the earned income tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. EVANS, Mr. UPTON, Mr. FROST, Mr. HOSTETTLER, Mr. TURNER of Texas, Mr. SOUDER, Mr. KILDEE, Ms. JACKSON-LEE of Texas, and Mr. NEY):

H.R. 2287. A bill to amend title 37, United States Code, to remove the prohibition on the ability of qualified dental officers in the uniformed services to receive additional special pay while undergoing dental internship or residency training; to the Committee on Armed Services.

By Mr. ANDREWS:

H.R. 2288. A bill to amend title XIX of the Social Security Act to require the prorating of Medicaid beneficiary contributions in the case of partial coverage of nursing facility services during a month; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2289. A bill to authorize the Secretary of Transportation to make grants for projects to construct fences or other barriers to prevent public access to tracks and other hazards of fixed guideway systems in residential areas; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 2290. A bill to amend title II of the Social Security Act to provide monthly benefits for certain uninsured children living without parents; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. HOLDEN, Mr. HINCHEY, Ms. LINDA T. SANCHEZ of California, Mr. GRIJALVA, Mr. PAYNE, Mr. KILDEE, Mr. ETHERIDGE, Mr. MCGOVERN, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. ACEVEDO-VILA, Mrs. LOWEY, Ms. NORTON, Mrs. DAVIS of California, Ms. SOLIS, Ms. MILLENDER-MCDONALD, Mr. FILNER, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. SHIMKUS, Mr. RYAN of Ohio, Mr. HASTINGS of Florida, Mr. RUSH, Ms. WOOLSEY, Mr. MEEHAN, Ms. WATERS, Mr. PALLONE, Mr. FORD, Mr. BERRY, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. ENGEL, Mr. DAVIS of Illinois, Mr. NADLER, Ms. SLAUGHTER, Mr. OWENS, and Mr. CLAY):

H.R. 2291. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Education and the Workforce.

By Mr. GILCHREST:

H.R. 2292. A bill to amend the Public Health Service Act to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for persons with disabilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SAM JOHNSON of Texas:

H.R. 2293. A bill to amend the National Labor Relations Act to prevent government agencies from requiring or prohibiting employers in the construction industry to enter into agreements with labor organizations; to the Committee on Education and the Workforce.

By Mr. MICHAUD (for himself and Mr. EVANS):

H.R. 2294. A bill to amend title 38, United States Code, to delay the termination of the Veterans' Advisory Committee on Education, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OLVER (for himself, Mr. MEEHAN, Mr. TOWNS, Mr. MARKEY, Mr. LYNCH, Ms. NORTON, Mr. FROST, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. HINCHEY, Mr. SERRANO, and Mr. KILDEE):

H.R. 2295. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. SIMMONS (for himself, Mr. BEREUTER, Mr. TERRY, Mr. CASTLE, Mr. BAKER, Mr. MCCOTTER, Mr. MILLER of Florida, Mr. HAYWORTH, Mr. KENNEDY of Minnesota, Mr. WALSH, Mr. FOLEY, Mrs. BIGGERT, Mr. DUNCAN, Ms. GINNY BROWN-WAITE of Florida, and Mr. PUTNAM):

H.R. 2296. A bill to prohibit the use of Federal funds for certain amenities and personal comforts in the Federal prison system; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BROWN of South Carolina, and Mr. MICHAUD):

H.R. 2297. A bill to amend title 38, United States Code, to modify and improve certain benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. VELAZQUEZ:

H.R. 2298. A bill to amend section 3 of the Housing and Urban Development Act of 1968 to ensure improved access to employment opportunities for low-income people; to the Committee on Financial Services.

By Ms. WOOLSEY (for herself, Mr. MCGOVERN, Mr. KUCINICH, Mr. MCDERMOTT, Ms. LEE, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. GONZALEZ):

H.R. 2299. A bill to authorize assistance through eligible nongovernmental organizations to remove and dispose of unexploded ordnance in agriculturally-valuable lands in developing countries; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Ms. NORTON, Mr. FROST, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, and Ms. SLAUGHTER):

H.R. 2300. A bill to amend part D of title IV of the Social Security Act to improve the collection of child support arrears in interstate cases; to the Committee on Ways and Means.

¶57.32 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

49. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 31 memorializing the United States Congress to maintain Title IX, the Patsy Takemoto Mink Equal Opportunity in Education Act; to the Committee on Education and the Workforce.

50. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 208 memorializing the United States Congress to recognize the meritorious aspects and the successes of the Head Start program; to the Committee on Education and the Workforce.

51. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 28 memorializing the United States Congress to fully fund the Millennium Challenge Account to enable poor and hungry people around the globe to become self-reliant; to the Committee on International Relations.

52. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 33 memorializing the United States Congress to fully fund the Millennium Challenge Account to enable poor and hungry people around the globe become self-reliant; to the Committee on International Relations.

53. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 34 memorializing the United States Congress to support a ban on the global gag rule; to the Committee on International Relations.

54. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 10 memorializing the United States Congress to recognize the political relationship between the United States government and the indigenous Hawaiian people in a similar manner afforded to Native Americans and Alaska natives; to the Committee on Resources.

55. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 21 memorializing the United States Congress that actions recently taken by the federal government pose a threat to the human rights, civil liberties, and constitutional protections of the residents of this State, and run the very serious risk of destroying freedom, security, and prosperity in a misguided attempt to save them; to the Committee on the Judiciary.

56. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 121 memorializing the United States Congress to limit the appellate jurisdiction of the federal courts regarding the recitation of the Pledge of Allegiance in public schools; to the Committee on the Judiciary.

57. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 75 memorializing the United States Congress to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; to the Committee on Veterans' Affairs.

58. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 6 memorializing the United States Congress to repeal the provisions of the Internal Revenue Code which provide the taxation of Social Security income; to the Committee on Ways and Means.

59. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 39 memorializing the United States Congress to review and consider eliminating the GPO and WEP social security benefit reductions; to the Committee on Ways and Means.

60. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 59 memorializing the United States Congress to demonstrate our nation's commitment to human rights by ratifying the Convention on the Elimination of All Forms of Discrimination Against Women; jointly to the Committees on International Relations and Energy and Commerce.

61. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 208 memorializing the United States Congress that the Bush Administration and the United States Congress are requested to appropriate financial impact assistance for health, education, and other social services for Hawaii's Freely Associated States Citizens; jointly to the Committees on Agriculture, Financial Services, Ways and Means, and Energy and Commerce.

62. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 176 memorializing the United States Congress to take specific actions to help the airlines serving the State in the event of a war; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, Ways and Means, the Judiciary, and Agriculture.

¶57.33 ADITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BEAUPREZ and Mr. HENSARLING.

H.R. 58: Mr. JONES of North Carolina, Mr. SHERMAN, Ms. KILPATRICK, Mr. ENGEL, and Mr. WILSON of South Carolina.

H.R. 168: Mr. BROWN of Ohio.

H.R. 193: Mr. ENGLISH.

H.R. 195: Mr. MCCOTTER.

H.R. 196: Mr. FORD.

H.R. 199: Mr. CRAMER.

H.R. 218: Mr. LEVIN and Mr. JANKLOW.

H.R. 303: Mr. MATHESON, Mr. DUNCAN, Mr. SHERWOOD, and Mrs. JOHNSON of Connecticut.

H.R. 348: Mr. BLUMENAUER.

H.R. 361: Mr. CONYERS.

H.R. 369: Mr. GILLMOR and Mr. GORDON.

H.R. 401: Mr. OTTER, Mr. COLE, Mr. JOHNSON of Illinois, and Mrs. KELLY.

H.R. 442: Mrs. WILSON of New Mexico.

H.R. 463: Mr. BLUMENAUER.

H.R. 466: Ms. KILPATRICK, Mr. SOUDER, and Mr. DOOLITTLE.

H.R. 502: Mr. BURR and Mr. BILIRAKIS.

H.R. 528: Mr. RANGEL.

H.R. 533: Mr. KILDEE.

H.R. 584: Mr. BURGESS and Ms. KAPTUR.

H.R. 623: Mr. GUTIERREZ.

H.R. 685: Ms. VELAZQUEZ, Ms. MILLENDER-MCDONALD, and Ms. MAJETTE.

H.R. 713: Mr. PRICE of North Carolina.

H.R. 737: Mr. HOLT.

H.R. 738: Mr. ALLEN and Mr. CLAY.

H.R. 745: Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. MURTHA, Mr. SMITH of Washington, Mr. OLVER, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, and Mr. DICKS.

H.R. 759: Mr. TOOMEY and Mr. BURGESS.

H.R. 771: Mr. BURGESS.

H.R. 785: Mrs. DAVIS of California, Ms. DELAURO, and Mr. HOSTETTLER.

H.R. 786: Mr. BALLENGER.

H.R. 800: Mr. FEENEY.

H.R. 813: Ms. MCCOLLUM, Mr. KIND, and Mr. HOLT.

H.R. 816: Mr. HINOJOSA.

H.R. 817: Ms. KILPATRICK.

H.R. 819: Mr. ORTIZ.

H.R. 844: Mr. ROSS and Mr. NADLER.

H.R. 870: Mr. LAMPSON.

H.R. 879: Mr. FOLEY, Mr. GORDON, and Mr. BURGESS.

H.R. 880: Mr. DELAHUNT.

H.R. 886: Mr. KILDEE.

H.R. 898: Mr. COLE.

H.R. 935: Mr. LEWIS of Georgia, Mrs. JONES of Ohio, and Mr. BELL.

H.R. 965: Ms. VELAZQUEZ.

H.R. 969: Mr. THOMPSON of Mississippi.

H.R. 972: Ms. MCCOLLUM and Mr. GRIJALVA.

H.R. 983: Ms. LINDA T. SANCHEZ of California and Ms. LEE.

H.R. 992: Mr. BURGESS.

H.R. 993: Mr. BURGESS.

H.R. 994: Mr. BURGESS.

H.R. 998: Mr. HINOJOSA.

H.R. 1004: Ms. BERKLEY.

H.R. 1031: Ms. CORRINE BROWN of Florida and Ms. ROS-LEHTINEN.

H.R. 1034: Mr. GEORGE MILLER of California.

H.R. 1042: Mr. FORD.

H.R. 1043: Mr. KLINE.

H.R. 1077: Mr. BISHOP of Georgia.

H.R. 1105: Ms. BALDWIN.

H.R. 1115: Mr. MILLER of Florida and Mr. BURGESS.

H.R. 1117: Mr. WILSON of South Carolina and Mr. CONYERS.

H.R. 1118: Mr. BRADLEY of New Hampshire and Mr. WYNN.

H.R. 1120: Mrs. EMERSON.

H.R. 1125: Mr. NEAL of Massachusetts, Mr. HALL, Mr. WYNN, Mr. MICHAUD, Mr. BEAUPREZ, Mr. FRANK of Massachusetts, Mr. ETHERIDGE, Mr. NADLER, Mr. WAXMAN, and Mr. COLE.

H.R. 1155: Mr. DOYLE, Mr. HOUGHTON, Mr. KILDEE, Mr. BLUMENAUER, Mr. BISHOP of New York, Mr. WALSH, Mr. BOEHLERT, Ms. LINDA T. SANCHEZ of California, Ms. LOFGREN, and Mrs. JO ANN DAVIS of Virginia.

H.R. 1179: Mr. FEENEY and Mr. SCOTT of Georgia.

H.R. 1191: Mr. FLETCHER and Mr. PICKERING.

H.R. 1199: Mr. PAYNE.

H.R. 1205: Mr. ROSS.

H.R. 1209: Mr. RYAN of Ohio, Mr. SABO, Mr. WATT, Mr. FORD, Mr. UDALL of Colorado, and Mr. DAVIS of Alabama.

H.R. 1212: Mr. KILDEE.

H.R. 1219: Mr. HILL.

H.R. 1225: Mr. LARSEN of Washington, Mr. WHITFIELD, Mrs. LOWEY, Mr. GUTIERREZ, Mr. PETERSON of Minnesota, and Ms. LOFGREN.

H.R. 1251: Mrs. KELLY.

H.R. 1259: Mr. FLETCHER.
H.R. 1260: Mr. MORAN of Kansas.
H.R. 1264: Mr. WAXMAN, Mr. CONYERS, Mr. HOLT, Mr. OWENS, and Mr. MATSUI.
H.R. 1267: Mr. VAN HOLLEN, Mr. DELAHUNT, Ms. WATERS, Ms. BERKLEY, Mr. LARSON of Connecticut, and Mr. ENGEL.
H.R. 1268: Mr. JEFFERSON, Mr. WYNN, and Mr. OWENS.
H.R. 1276: Mr. BEAUPREZ, Mr. VITTER, Mr. OSBORNE, Ms. ROS-LEHTINEN, Mr. BURGESS, Mr. DAVIS of Tennessee, Ms. HARMAN, Ms. ESHOO, and Mr. FLETCHER.
H.R. 1285: Mr. FARR, Mr. FORD, Mr. GEPHARDT, Mr. LEVIN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, and Mr. WATT.
H.R. 1286: Mr. ALLEN.
H.R. 1315: Ms. DELAURO, Mr. INSLEE, and Mr. MCDERMOTT.
H.R. 1321: Ms. BALDWIN, Mr. ANDREWS, Mr. FARR, Mr. MCHUGH, Mr. ENGEL, Mr. BRADY of Pennslvania, Mr. EMANUEL, and Mr. LYNCH.
H.R. 1332: Mr. UPTON.
H.R. 1340: Ms. LEE, and Mr. NADLER.
H.R. 1351: Ms. LINDA T. SANCHEZ of California.
H.R. 1359: Mr. GRIJALVA.
H.R. 1372: Mr. HAYWORTH, Mr. BEAUPREZ, Mrs. WILSON of New Mexico, Mr. MATHESON, and Ms. HOOLEY of Oregon.
H.R. 1377: Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. COSTELLO, Mr. LYNCH, Mr. GUTIERREZ, Mr. ORTIZ, Mr. BALLANCE, Mr. NADLER, Mr. MEEK of Florida, and Ms. LEE.
H.R. 1385: Mr. BURGESS, Mr. CRAMER, Mr. GRIJALVA, and Mr. NADLER.
H.R. 1418: Mr. HOLT.
H.R. 1421: Mr. INSLEE.
H.R. 1426: Mr. INSLEE.
H.R. 1428: Mr. PORTER and Mr. PALLONE.
H.R. 1472: Mr. DEFAZIO, Mr. NUNES, Mr. WU, Mrs. LOWEY, Mr. BROWN of Ohio, Mr. LARSON of Connecticut, and Mr. CHABOT.
H.R. 1479: Mr. ALEXANDER.
H.R. 1483: Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. BROWN, of Ohio.
H.R. 1508: Mr. WAXMAN, Mr. BROWN of Ohio, Mr. CLYBURN, Mr. LEVIN, Mr. DELAHUNT, Mr. KILDEE, and Mr. SERRANO.
H.R. 1532: Mr. WU, Mr. MCNULTY, Mr. BROWN of Ohio, Ms. LEE, and Mr. SMITH of Washington.
H.R. 1565: Mr. HOLT.
H.R. 1580: Mr. MOLLOHAN and Mr. REHBERG.
H.R. 1581: Mr. GOODE, Mr. FALEOMAVAEGA, Mr. GORDON, and Mr. PAUL.
H.R. 1614: Mr. DAVIS of Illinois, Mr. MCHUGH, Mr. ENGEL, and Mrs. JONES of Ohio.
H.R. 1628: Mr. TIBERI.
H.R. 1634: Mr. BURGESS and Mr. FLETCHER.
H.R. 1652: Mr. VISCLOSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SPRATT, Mr. LARSEN of Washington, and Mr. BALLANCE.
H.R. 1677: Mr. WATT.
H.R. 1694: Mr. BLUMENAUER.
H.R. 1695: Ms. BALDWIN, Mr. CONYERS, Mr. KENNEDY of Rhode Island, Mr. KILDEE, and Ms. LEE.
H.R. 1700: Ms. KAPTUR, Mr. KILDEE, and Mr. LARSON of Connecticut.
H.R. 1708: Mrs. JO ANN DAVIS of Virginia, Ms. CORRINE BROWN of Florida, and Mr. INSLEE.
H.R. 1709: Mr. GRIJALVA.
H.R. 1713: Mr. KILDEE.
H.R. 1716: Mr. LOBIONDO.
H.R. 1723: Mr. HINOJOSA and Ms. CORRINE BROWN of Florida.
H.R. 1734: Mr. GUTIERREZ, Ms. NORTON, and Mr. LANTOS.
H.R. 1736: Mr. CONYERS.
H.R. 1742: Ms. HOOLEY of Oregon.
H.R. 1767: Mr. ENGLISH and Mr. SHIMKUS.
H.R. 1769: Mr. ISTOOK, Mr. SCHROCK, Mr. BONILLA, Ms. SCHAKOWSKY, and Mr. MILLER of North Carolina.
H.R. 1783: Mr. HENSARLING.
H.R. 1784: Mr. SANDLIN and Mr. CANTOR.
H.R. 1814: Ms. MCCOLLUM.
H.R. 1819: Mrs. NORTHUP.
H.R. 1828: Mr. ADERHOLT, Mr. BISHOP of New York, Mr. CARDIN, Mr. CULBERSON, Mr. DAVIS of Tennessee, Mr. FEENEY, Mr. KENNEDY of Rhode Island, Mr. MEEHAN, Mr. MILLER of North Carolina, Mr. NUSSLE, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mr. PORTER, Mr. SWEENEY, and Mr. WELDON of Florida.
H.R. 1838: Mr. RYAN of Ohio.
H.R. 1852: Mr. THOMPSON of Mississippi.
H.R. 1858: Mr. CARDIN, Mr. CAMP, Mr. HOUGHTON, Mr. MCDERMOTT, Mr. SANDLIN, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Ms. KAPTUR, and Mr. KILDEE.
H.R. 1863: Ms. LOFGREN, Ms. DELAURO, Mr. GUTIERREZ, and Mr. FORD.
H.R. 1874: Mr. GARRETT of New Jersey.
H.R. 1906: Mr. RYAN of Ohio and Mr. HOLT.
H.R. 1910: Mr. TURNER of Texas, Mr. WEINER, Ms. WATERS, Mr. MATHESON, Mr. REYES, Mr. LAMPSON, and Mr. ETHERIDGE.
H.R. 1912: Mr. LEWIS of Kentucky.
H.R. 1926: Mr. BRADY of Texas.
H.R. 1955: Mr. KILDEE.
H.R. 1964: Mr. HOLDEN.
H.R. 1981: Mr. ROSS and Mr. MILLER of North Carolina.
H.R. 1999: Mr. CAPUANO.
H.R. 2012: Mr. GREEN of Wisconsin and Mrs. MYRICK.
H.R. 2020: Mr. CRAMER, Mr. PRICE of North Carolina, Mr. HALL, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. JOHN, Mr. INSLEE, Mr. HONDA, Ms. WATSON, Mr. EDWARDS, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. SHIMKUS, Mrs. EMERSON, Mr. ACEVEDO-VILA, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BAKER, and Mr. SHAW.
H.R. 2023: Ms. CORRINE BROWN of Florida and Mr. OWENS.
H.R. 2028: Mr. HASTERT, Mr. LEACH, Mr. SWEENEY, Mr. LATHAM, Mr. BALLENGER, Mr. GILCHREST, Mr. GOSS, Ms. GRANGER, Mr. KNOLLENBERG, Mr. UPTON, Mr. WALDEN of Oregon, and Mr. LINDER.
H.R. 2030: Mr. FATTAH and Mr. RANGEL.
H.R. 2031: Mr. CARSON of Oklahoma.
H.R. 2032: Mr. SANDERS, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. ALLEN, Ms. MCCOLLUM, and Mr. LARSON of Connecticut.
H.R. 2046: Mr. EVANS.
H.R. 2066: Mr. EVANS and Mr. CASE.
H.R. 2075: Mr. PUTNAM, Mr. BILIRAKIS, Mr. MEEK of Florida, and Mr. SHAW.
H.R. 2079: Mr. THOMAS and Mr. PETERSON of Pennsylvania.
H.R. 2096: Mr. SANDLIN, Ms. SLAUGHTER, Mr. CARSON of Oklahoma, Mr. OTTER, Mr. Alexander, Mr. WELDON of Florida, Mr. KENNEDY of Minnesota, Mr. VAN HOLLEN, and Mr. GREENWOOD.
H.R. 2114: Mr. NORWOOD, Mr. WELDON of Florida, and Mr. FRANKS of Arizona.
H.R. 2123: Mr. NADLER.
H.R. 2154: Mr. TANCREDO and Mrs. JOHNSON of Connecticut.
H.R. 2157: Mr. STARK, Mr. JEFFERSON, Mr. CLAY, and Mr. GUTIERREZ.
H.R. 2193: Mrs. JO ANN DAVIS of Virginia.
H.R. 2203: Mr. HOEFFEL and Mr. UDALL of Colorado.
H.R. 2212: Ms. LINDA T. SANCHEZ of California, Mr. BACA, Ms. WATERS, and Mr. BROWN of Ohio.
H.R. 2213: Ms. MCCOLLUM, Mr. SCOTT of Virginia, and Mr. DAVIS of Illinois.
H.R. 2235: Mr. GOODE.
H.R. 2250: Mr. MARIO DIAZ-BALART of Florida, Mr. GRIJALVA, and Mr. HASTINGS of Florida.
H.R. 2264: Mr. PAYNE and Mr. LANTOS.
H.R. 2265: Mr. HAYWORTH.
H.J. Res. 4: Mr. BROWN of South Carolina, Mr. BURGESS, Mr. SHUSTER, Mr. NUSSLE, Mr. ADERHOLT, Mr. MCGOVERN, Mr. ENGLISH, Mr. WELLER, Mr. SMITH of Texas, Mr. MANZULLO, Mr. GARY G. MILLER of California, Mr. FOSSELLA, and Mr. CARTER.
H.J. Res. 56: Mr. PITTS, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. WILSON of South Carolina, and Mr. WELDON of Florida.
H. Con. Res. 56: Mr. GUTIERREZ.
H. Con. Res. 78: Mr. FORD.
H. Con. Res. 86: Ms. SCHAKOWSKY.
H. Con. Res. 99: Ms. KILPATRICK, Mr. OLVER, and Mr. JEFFERSON.
H. Con. Res. 111: Mr. GRIJALVA and Ms. KILPATRICK.
H. Con. Res. 155: Mr. DAVIS of Tennessee, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, and Mr. OWENS.
H. Con. Res. 164: Mr. COSTELLO.
H. Con. Res. 169: Ms. MCCOLLUM, Mr. BROWN of Ohio, Mr. KENNEDY of Rhode Island, Mr. KING of New York, Mr. PAYNE, Ms. WATERS, and Mr. CROWLEY.
H. Con. Res. 174: Mr. OWENS.
H. Con. Res. 195: Mr. FATTAH.
H. Con. Res. 196: Mr. NADLER.
H. Con. Res. 200: Mr. GREEN of Texas and Ms. ROS-LEHTINEN.
H. Res. 38: Ms. LORETTA SANCHEZ of California, Ms. CORRINE BROWN of Florida, and Ms. KILPATRICK.
H. Res. 60: Mr. GARY G. MILLER of California, Mr. NADLER, and Mr. LEVIN.
H. Res. 66: Mr. SHIMKUS, Mr. PICKERING, Mr. SOUDER, Mr. PUTNAM, Ms. CARSON of Indiana, Mr. BURTON of Indiana, and Mr. BARTLETT of Maryland.
H. Res. 121: Mr. KNOLLENBERG.
H. Res. 136: Mr. ISAKSON and Mr. CULBERSON.
H. Res. 159: Mr. CULBERSON.
H. Res. 218: Mr. MEEKS of New York, Mr. ORTIZ, Mr. SNYDER, Mr. BELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Washington, and Mr. SERRANO.
H. Res. 237: Mr. BROWN of Ohio, Mr. TIERNEY, Ms. WATERS, and Ms. EDDIE BERNICE JOHNSON of Texas.

TUESDAY, JUNE 3, 2003 (58)

The House was called to order at 10:30 a.m. by the SPEAKER, when, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶58.1 RECESS—11:20 A.M.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 20 minutes a.m., until noon.

¶58.2 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶58.3 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Monday, June 2, 2003.

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

¶58.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2489. A letter from the President and Chairman, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Morocco pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 22 U.S.C. 2776(c); to the Committee on Financial Services.

2490. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Taiwan pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2491. A letter from the Associate Commissioner for Education Statistics, Department of Education, transmitting the annual statistical report of the National Center for Education Statistics entitled, ''The Condition of Education 2003,'' pursuant to 20 U.S.C. 9005; to the Committee on Education and the Workforce.

2492. A letter from the General Counsel, Department of Commerce, transmitting a draft bill to amend the Communications Act of 1934 to provide the Federal Communications Commission with permanent authority to auction spectrum licenses and with new authority to charge fees for unauctioned spectrum licenses and construction permits; to the Committee on Energy and Commerce.

2493. A letter from the Senior Legal Advisor to theBureau Chief, Mass Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Douglas and Tombstone, Arizona, and Santa Clara, New Mexico) [MB Docket No. 02-374, RM-10598] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2494. A letter from the Senior Legal Advisor, International Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; Mitigation of Orbital Debris [IB Docket No. 02-54] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2495. A letter from the Attorney Advisor, Wireline Competition Bureau, Federal Communication Commission, transmitting the Commission's final rule — Tecommunication Relay Services and the Americans with Disabilities Act of 1990 [CC Docket No. 90-57] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2496. A letter from the Deputy Chief, WCB/TAPD, Federal Communications Commission, transmitting the Commissions final rule — Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2497. A communication from the President of the United States, transmitting a combined six month periodic report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) declared in Executive Order 12808 on May 30, 1992 and Kosovo in Executive Order 13088 on June 9, 1998, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—77); to the Committee on International Relations and ordered to be printed.

2498. A communication from the President of the United States, transmitting a 6-month report on the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—79); to the Committee on International Relations and ordered to be printed.

2499. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DDTC 040-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2500. A communication from the President of the United States, transmitting notification to terminate the national emergencies declared in Executive Order 12808 of May 30, 1992, and Executive Order 13088 of June 9, 1998, with respect to the former Socialist Federal Republic of Yugoslavia; (H. Doc. No. 108—78); to the Committee on International Relations and ordered to be printed.

2501. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2502. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2503. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2504. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2505. A letter from the President, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2506. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2003 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2507. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 2003 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2508. A communication from the President of the United States, transmitting notification of his determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108—80); to the Committee on Ways and Means and ordered to be printed.

2509. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 108—81); to the Committee on Ways and Means and ordered to be printed.

2510. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prospective Payment System for Long-Term Care Hospitals: Annual Payment Rate Updates and Policy Changes [CMS-1472-F] (RIN: 0938-AL92) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶58.5 ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT

Mr. RENZI moved to suspend the rules and pass the bill of the Senate (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. RENZI and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RENZI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶58.6 GRAND TETON NATIONAL PARK LAND EXCHANGE

Mrs. CUBIN moved to suspend the rules and pass the bill of the Senate (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mrs. CUBIN and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. CUBIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶58.7 BIRCH BAYH FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE moved to suspend the rules and pass the bill of the Senate (S. 763) to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. LATOURETTE and Ms. CARSON of Indiana, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LATOURETTE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶58.8 S. 222—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 224 / Nays 188

¶58.9 [Roll No. 230]

YEAS—224

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

NAYS—188

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

NOT VOTING—21

Clyburn
Conyers
Davis (TN)
Engel
Fossella
Gephardt
Herger
Hoekstra
Istook
Larson (CT)
Majette
McNulty
Miller (FL)
Ortiz
Reyes
Ryan (WI)
Smith (NJ)
Smith (WA)
Weldon (PA)
Wexler
Wilson (SC)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶58.10 S. 273—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 217 / Nays 198

¶58.11 [Roll No. 231]

YEAS—217

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

Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—198

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

NOT VOTING—18

Clyburn
Conyers
Engel
Gephardt
Herger
Hoekstra
Istook
Larson (CT)
McNulty
Miller (FL)
Ortiz
Reyes
Ryan (WI)
Smith (NJ)
Smith (WA)
Weldon (PA)
Wexler
Wilson (SC)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶58.12 S. 763—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 763) to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 235 / Nays 179

¶58.13 [Roll No. 232]

YEAS—235

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burr
Burton (IN)
Buyer
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Cooper
Costello
Cox
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Emanuel
Emerson
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gillmor
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Petri
Pickering
Pitts
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reynolds
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Skelton
Slaughter
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Wolf
Woolsey
Wu
Wynn

NAYS—179

Abercrombie
Akin
Bachus
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Janklow
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Peterson (MN)
Peterson (PA)
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Young (AK)
Young (FL)

NOT VOTING—19

Clyburn
Conyers
Engel
Gephardt
Gutierrez
Herger
Hoekstra
Istook
Jenkins
Larson (CT)
McNulty
Miller (FL)
Ortiz
Reyes
Ryan (WI)
Smith (WA)
Weldon (PA)
Wexler
Wilson (SC)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶58.14 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 4

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 255):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 4) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) two hours of debate on the joint resolution equally divided and controlled by the chairman

and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute offered by Representative Conyers of Michigan or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶58.15 FLAG DESECRATION AMENDMENT

Mr. SENSENBRENNER, pursuant to House Resolution 255, called up the joint resolution (H.J. Res. 4) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

Pursuant to House Resolution 255, said joint resolution was considered and read twice.

After debate,

Pursuant to House Resolution 255, Mr. WATT submitted the following amendment in the nature of a substitute:

Strike all after the resolving clause and insert the following:

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

After debate,

Pursuant to House Resolution 255, the previous question was ordered on the amendment in the nature of a substitute and on the joint resolution.

The question being put, viva voce,

Will the House agree to said amendment in the nature of a substitute?

The Speaker pro tempore, Mr. THORNBERRY, announced that the nays had it.

Mr. WATT objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 129 / Nays ..... 296 }

¶58.16 [Roll No. 233]

YEAS—129

Abercrombie
Ackerman
Allen
Baldwin
Ballance
Becerra
Bell
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeLauro
Dicks
Dooley (CA)
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Greenwood
Grijalva
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Larsen (WA)
Leach
Lee
Lofgren
Lowey
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Paul
Payne
Pelosi
Price (NC)
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Slaughter
Solis
Spratt
Stark
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu

NAYS—296

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Carson (OK)
Conyers
Gephardt
Herger
Larson (CT)
Ryan (WI)
Smith (WA)
Wexler

So the amendment in the nature of a substitute was not agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said joint resolution?

The Speaker pro tempore, Mr. THORNBERRY, announced that two-thirds of the Members present having voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 300 / Nays ..... 125 }

¶58.17 [Roll No. 234]

YEAS—300

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardoza
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer

Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hinojosa
Hobson
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—125

Abercrombie
Ackerman
Allen
Baldwin
Ballance
Becerra
Berman
Blumenauer
Boucher
Brady (PA)
Capuano
Cardin
Carson (IN)
Case
Clay
Cooper
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Dreier
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Gilchrest
Gonzalez
Greenwood
Grijalva
Hastings (FL)
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
Meehan
Meeks (NY)
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pelosi
Petri
Price (NC)
Rangel
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shadegg
Shays
Slaughter
Snyder
Solis
Stark
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu

NOT VOTING—8

Carson (OK)
Conyers
Gephardt
Herger
Larson (CT)
Ryan (WI)
Smith (WA)
Wexler

So, two thirds of the Members present having voted in favor thereof, said joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶58.18 H. RES. 231—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H. Res. 231) supporting the goals and ideals of Peace Officers Memorial Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶58.19 [Roll No. 235]

YEAS—422

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

Turner (OH)	Walsh	Whitfield
Turner (TX)	Wamp	Wicker
Udall (CO)	Waters	Wilson (NM)
Udall (NM)	Watson	Wilson (SC)
Upton	Watt	Wolf
Van Hollen	Waxman	Woolsey
Velazquez	Weiner	Wu
Visclosky	Weldon (FL)	Wynn
Vitter	Weldon (PA)	Young (AK)
Walden (OR)	Weller	Young (FL)

NOT VOTING—11

Cardin	Gordon	Ryan (WI)
Carson (OK)	Greenwood	Smith (WA)
Conyers	Herger	Wexler
Gephardt	Larson (CT)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶58.20 PROVIDING FOR THE CONSIDERATION OF H.R. 1474

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–138) the resolution (H. Res. 256) providing for consideration of the bill (H.R. 1747) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶58.21 PROVIDING FOR THE CONSIDERATION OF H.R. 760

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–139) the resolution (H. Res. 257) providing for consideration of the bill (H.R. 760) to prohibit the procedure commonly known as partial-birth abortion.

When said resolution and report were referred to the House Calendar and ordered printed.

¶58.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CARSON of Oklahoma, for today after 3:30 p.m. and balance of the week;

To Mr. ORTIZ, for today before 3 p.m.;

To Mr. REYES, for today before 2 p.m.; and

To Mr. RYAN of Wisconsin, for today.

And then,

¶58.23 ADJOURNMENT

On motion of Mr. GOODE, at 10 o'clock and 55 minutes p.m., the House adjourned.

¶58.24 REPORTS OF PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. Supplemental report on H.R. 2143. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes (Rept. 108–133, Pt. 2).

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1320. A bill to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; with an amendment (Rept. 108–137). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 256. Resolution providing for consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes. (Rept. 108–138). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 257. Resolution providing for consideration of the bill (H.R. 760) to prohibit the procedure commonly known as partial-birth abortion. (Rept. 108–139). Referred to the House Calendar.

¶58.25 SUSEQUENT ACTION ON BILLS AND RESOLUTIONS SEQUENTIALLY REFERRED

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1836. A bill to make changes to certain areas of the Federal civil service in order to improve the flexibility and competitiveness of Federal human resources management; referred to the Committee on Ways and Means for a period ending not later than July 25, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

¶58.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 2301. A bill to direct the Secretary of Homeland Security to provide for the installation of chemical and biological detection devices in the enclosed passenger boarding stations of each heavy rail transit system in the United States; to the Committee on Transportation and Infrastructure.

By Ms. BALDWIN:

H.R. 2302. A bill to extend for an additional six months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. HAYWORTH:

H.R. 2303. A bill to limit the United States share of assessments for the United Nations regular budget; to the Committee on International Relations.

By Mr. BLUNT:

H.R. 2304. A bill to resolve boundary conflicts in the vicinity of the Mark Twain National Forest in Barry and Stone Counties, Missouri, that resulted from private landowner reliance on a subsequent Federal survey, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 2305. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. DOOLITTLE:

H.R. 2306. A bill to delay the effective date of certain provisions relating to the labeling of ginseng; to the Committee on Energy and Commerce.

By Mr. HOBSON (for himself, Mr. ORTIZ, Ms. PRYCE of Ohio, Mr. TIBERI, Mr. GILLMOR, Mr. RODRIGUEZ, Mr. REGULA, Mr. REYES, and Mr. OXLEY):

H.R. 2307. A bill to provide for the establishment of new Department of Veterans Affairs medical facilities for veterans in the area of Columbus, Ohio, and in south Texas; to the Committee on Veterans' Affairs.

By Mr. LEVIN (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. BECERRA, Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. ACKERMAN, and Mr. HONDA):

H.R. 2308. A bill to amend the Trade Act of 1974 to provide trade adjustment assistance for communities, and for other purposes; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD:

H.R. 2309. A bill to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Signal Hill, California, as the "J. Stephen Horn Post Office Building"; to the Committee on Government Reform.

By Mr. RAHALL (for himself, Ms. BORDALLO, Mr. ACEVEDO-VILA, Mr. GEORGE MILLER of California, Ms. LEE, Mr. CASE, Mr. GRIJALVA, Mr. RODRIGUEZ, Mr. MARKEY, Mr. FALEOMAVAEGA, Mr. UDALL of Colorado, Ms. SLAUGHTER, Mr. PALLONE, Mr. INSLEE, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. NADLER, and Mr. KIND):

H.R. 2310. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats on Federal lands and non-Federal lands through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes; to the Committee on Resources.

By Mr. SESSIONS (for himself, Mr. DOOLITTLE, Mr. JONES of North Carolina, Mr. HASTINGS of Washington, Mr. STEARNS, Mr. PAUL, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. LATOURETTE, Mr. SULLIVAN, Mr. HAYES, Mr. DAVIS of Illinois, Ms. GINNY BROWN-WAITE of Florida, Mr. HEFLEY, Mr. VITTER, Mr. GREEN of Wisconsin, Mr. FORBES, Mrs. JO ANN DAVIS of Virginia, Mr. FROST, and Mr. TOOMEY):

H.R. 2311. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained age 62; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself, Mr. MARKEY, Mr. TAUZIN, Mr. DINGELL, and Mr. UPTON):

H.R. 2312. A bill to amend the Communications Satellite of 1962 to provide for the orderly dilution of the ownership interest in Inmarsat by former signatories to the Inmarsat Operating Agreement; to the Committee on Energy and Commerce.

By Mr. SPRATT:

H.R. 2313. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of tax-exempt bonds issued for the purchase or maintenance of electric generation, transmission, or distribution assets; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself and Mr. SHIMKUS):

H.R. 2314. A bill to support business incubation in academic settings, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WEINER:

H.R. 2315. A bill to amend title 18, United States Code, with respect to certain prohibitions relating to police badges, and for other purposes; to the Committee on the Judiciary.

By Mr. WYNN:

H.R. 2316. A bill to enhance the terms of the retirement annuities of administrative law judges; to the Committee on Government Reform.

By Mr. GREENWOOD (for himself, Mr. FARR, Mr. WELDON of Pennsylvania, and Mr. ALLEN):

H. Con. Res. 202. Concurrent resolution expressing the sense of Congress in support of a National Oceans Week; to the Committee on Resources.

By Mr. LATOURETTE (for himself, Mr. LARSON of Connecticut, Mr. NEY, Mrs. JOHNSON of Connecticut, Mr. STARK, Mr. CUNNINGHAM, Ms. CARSON of Indiana, Mr. KILDEE, Mr. WAXMAN, Mr. KANJORSKI, Mr. MCNULTY, and Mr. GUTIERREZ):

H. Con. Res. 203. Concurrent resolution expressing support for a National Reflex Sympathetic Dystrophy (RSD) Awareness Month; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H. Con. Res. 204. Concurrent resolution supporting the Million Mom March against gun violence and accepting the challenge to reduce by 5,000 the number of lives lost to gun violence by the year 2005, by instituting and supporting policies that will further that goal; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H. Con. Res. 205. Concurrent resolution expressing appreciation to the Government of Kuwait for its medical assistance to Ali Ismaeel Abbas and other children of Iraq and for its additional humanitarian aid, and for other purposes; to the Committee on International Relations.

¶58.27 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

By Mr. THOMPSON of California introduced a bill (H.R. 2317) for the relief of Patricia and Michael Duane, Gregory Hansen, Mary Pimental, Randy Ruiz, Elaine Schlinger, and Gerald Whitaker; which was referred to the Committee on the Judiciary.

¶58.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. FRANKS of Arizona, Mr. MCCOTTER, and Mr. MURPHY.

H.R. 18: Mr. KINGSTON.

H.R. 31: Mr. CARSON of Oklahoma.

H.R. 52: Mr. DOOLITTLE.

H.R. 57: Mr. HULSHOF and Mr. BURGESS.

H.R. 97: Mr. ADERHOLT, Mr. ENGEL, Mr. KILDEE, Mr. QUINN, and Ms. LINDA T. SANCHEZ of California.

H.R. 106: Mr. WICKER.

H.R. 107: Mr. OWENS.

H.R. 122: Mr. LANTOS.

H.R. 208: Mr. OWENS.

H.R. 236: Ms. BALDWIN, Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Ms. ESHOO, Mr. FARR, and Mr. SANDERS.

H.R. 284: Mr. FATTAH, Mr. MCCOTTER, Ms. SLAUGHTER, Mr. FLETCHER, Mr. MARSHALL, and Mr. LEACH.

H.R. 288: Mrs. NAPOLITANO.

H.R. 290: Mr. QUINN, Mr. MARKEY, Mr. PALLONE, Mr. LARSON of Connecticut, Mr. NADLER, Mr. CARSON of Oklahoma, and Ms. LINDA T. SANCHEZ of California.

H.R. 296: Mr. NEAL of Massachusetts, Ms. KILPATRICK, and Mr. HOLT.

H.R. 300: Mrs. BLACKBURN.

H.R. 313: Mr. STRICKLAND and Mr. BACHUS.

H.R. 371: Mr. LANTOS and Mr. GUTIERREZ.

H.R. 401: Mr. FERGUSON.

H.R. 501: Mr. BURGESS.

H.R. 515: Mr. GUTIERREZ.

H.R. 528: Mr. HAYWORTH and Mr. DREIER.

H.R. 571: Mrs. BLACKBURN, Mr. GILCHREST, Mr. NORWOOD, Mr. TURNER of Ohio, Mr. HOUGHTON, and Mr. FLETCHER.

H.R. 580: Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. MEEKS of New York, Mr. LANGEVIN, Mr. SCHIFF, and Mr. ENGEL.

H.R. 589: Mr. BOUCHER.

H.R. 594: Mr. LEWIS of Kentucky, Mr. NADLER, Mr. NUNES, Mr. JONES of North Carolina, Mr. SHUSTER, and Mr. BRADY of Pennsylvania.

H.R. 660: Ms. ROS-LEHTINEN, Mrs. BONO, Mr. HOBSON, and Mr. HYDE.

H.R. 684: Mr. TERRY.

H.R. 709: Mr. OTTER.

H.R. 715: Mr. HINCHEY.

H.R. 717: Mr. EVANS, Mr. OWENS, and Ms. LINDA T. SANCHEZ of California.

H.R. 728: Mr. BARTON of Texas.

H.R. 754: Mr. ISAKSON.

H.R. 792: Mr. WYNN and Mr. MICHAUD.

H.R. 795: Mr. HASTINGS of Florida.

H.R. 814: Ms. BALDWIN, Mr. WYNN, Mr. STRICKLAND, Mr. RYAN of Wisconsin, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. INSLEE, Ms. MCCARTHY of Missouri, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, and Mr. WALSH.

H.R. 844: Mr. SIMMONS.

H.R. 857: Mr. FROST.

H.R. 871: Mr. ROSS, Mr. RADANOVICH, and Mr. NUNES.

H.R. 873: Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. KILDEE, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. LEE, Mr. OLVER, Ms. LINDA T. SANCHEZ of California. and Ms. DELAURO.

H.R. 887: Mr. PETRI and Mr. BLUNT.

H.R. 896: Ms. LEE.

H.R. 898: Mr. CHABOT, Ms. DEGETTE, Ms. CORRINE BROWN of Florida, and Mr. MOLLOHAN.

H.R. 919: Mr. BURGESS, Mr. BURR, Mr. GERLACH, and Mr. CUNNINGHAM.

H.R. 941: Mr. KENNEDY of Minnesota.

H.R. 972: Mr. TIERNEY.

H.R. 977: Mr. GRIJALVA and Mr. PALLONE.

H.R. 980: Mr. SNYDER, Mr. MATSUI, and Mr. WICKER.

H.R. 997: Mr. HAYWORTH, Mr. DOOLITTLE, Mr. PUTNAM, Mr. GARY G. MILLER of California, and Mr. KINGSTON.

H.R. 1006: Mr. MENENDEZ, Mr. BERMAN, Mr. BLUMENAUER, Mrs. LOWEY, Mr. WU, Mr. BROWN of Ohio, Mr. CALVERT, Ms. KILPATRICK, and Mr. MCDERMOTT.

H.R. 1046: Mr. PASTOR, Mr. CARDIN, and Mr. GONZALEZ.

H.R. 1057: Mr. REHBERG and Mr. ABERCOMBIE.

H.R. 1068: Mrs. LOWEY, Mr. MOORE, and Mr. MEEHAN.

H.R. 1075: Ms. LOFGREN.

H.R. 1076: Mr. MOORE and Mr. BEAUPREZ.

H.R. 1117: Mr. MILLER of Florida, Mr. JONES of North Carolina, Mr. GREEN of Wisconsin, and Mr. TERRY.

H.R. 1130: Ms. KAPTUR.

H.R. 1133: Mr. HOLT.

H.R. 1137: Mr. HULSHOF and Mr. BOUCHER.

H.R. 1157: Ms. LOFGREN.

H.R. 1177: Mr. BARRETT of South Carolina, Mr. GUTKNECHT, Mr. KLINE, Mr. ROYCE, Mr. SULLIVAN, Mr. WICKER, and Mr. DAVIS of Illinois.

H.R. 1179: Mr. JONES of North Carolina and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1196: Mrs. KELLY, Ms. SOLIS, Mr. RYAN of Ohio, Mr. MCGOVERN, Mrs. NAPOLITANO, and Mr. HONDA.

H.R. 1231: Mr. EDWARDS, Mr. RYUN of Kansas, Mr. FERGUSON, Mr. BLUNT, Mr. DAVIS of Florida, Mr. BEAUPREZ, Mr. COSTELLO, Mr. DEAL of Georgia, Mr. BURGESS, Mrs. BLACKBURN, Mrs. CAPITO, Mr. ETHERIDGE, Ms. LINDA T. SANCHEZ of California, Ms. VELAZQUEZ, Mr. KINGSTON, Mr. CANTOR, Mr. DEFAZIO, Mr. BACA, and Mr. PEARCE.

H.R. 1241: Ms. LEE.

H.R. 1242: Mr. GUTIERREZ.

H.R. 1243: Mr. MCGOVERN.

H.R. 1258: Ms. WATERS and Mr. KIND.

H.R. 1268: Mr. LYNCH and Ms. JACKSON-LEE of Texas.

H.R. 1311: Mrs. MUSGRAVE, Mr. BROWN of Ohio, Mr. SMITH of Michigan, Mr. MICHAUD, Ms. MCCOLLUM, Mr. JANKLOW, Mr. SNYDER, Mr. LATHAM, and Mr. ROGERS of Alabama.

H.R. 1349: Mr. FRANK of Massachusetts.

H.R. 1372: Mr. CROWLEY.

H.R. 1381: Mr. FARR, Ms. ESHOO, and Mr. NADLER.

H.R. 1388: Ms. LEE.

H.R. 1414: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. BLUMENAUER, and Ms. WOOLSEY.

H.R. 1418: Ms. CORRINE BROWN of Florida.

H.R. 1422: Mr. GUTIERREZ and Mr. HALL.

H.R. 1428: Mr. SNYDER.

H.R. 1430: Mr. BELL and Mr. DELAHUNT.

H.R. 1444: Mr. OWENS, Ms. JACKSON-LEE of Texas, and Ms. CORRINE BROWN of Florida.

H.R. 1448: Ms. CORRINE BROWN of Florida.

H.R. 1460: Mr. MCGOVERN.

H.R. 1470: Mr. HOLT, Mr. ORTIZ, and Mr. WYNN.

H.R. 1482: Mr. ABERCROMBIE.

H.R. 1489: Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. SHIMKUS, and Mr. LEWIS of Kentucky.

H.R. 1491: Mr. PASTOR.

H.R. 1534: Mrs. JONES of Ohio and Mr. HINCHEY.

H.R. 1552: Mr. SIMMONS, Mr. WILSON of South Carolina, Mr. ETHERIDGE, Mr. MEEK of Florida, Mr. CARDOZA, Ms. GINNY BROWN-WAITE of Florida, Mr. MCNULTY, Mr. CASE, Mr. TURNER of Texas, and Mr. DAVIS of Florida.

H.R. 1563: Mr. MORAN of Virginia and Mr. FRANK of Massachusetts.

H.R. 1568: Mr. LANGEVIN.

H.R. 1605: Ms. ESHOO.

H.R. 1606: Mr. BILIRAKIS and Mr. ROGERS of Kentucky.

H.R. 1617: Mr. HONDA, Mr. ISRAEL, Mr. PALLONE, and Ms. KAPTUR.

H.R. 1662: Mr. BLUNT.

H.R. 1676: Mr. VAN HOLLEN, Mr. WOLF, Mr. UPTON, Mr. DOOLITTLE, and Mr. LATOURETTE.

H.R. 1689: Ms. ESHOO, Mr. HONDA, and Mr. HOEFFEL.

H.R. 1700: Ms. ROS-LEHTINEN and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1710: Mrs. LOWEY, Mr. INSLEE, Mr. PALLONE, Mr. LARSON of Connecticut, Ms. VELAZQUEZ, Mr. NADLER, and Mr. SWEENEY.

H.R. 1733: Mr. GRIJALVA.

H.R. 1746: Mr. ALLEN and Ms. ROYBAL-ALLARD.

H.R. 1769: Mr. HYDE, Mrs. MUSGRAVE, Mr. CARDIN, and Mr. LEWIS of Georgia.

H.R. 1793: Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mr. BURGESS, and Mr. TANCREDO.

H.R. 1818: Mr. CALVERT.

H.R. 1823: Mr. CARSON of Oklahoma.

H.R. 1856: Mr. ENGLISH, Ms. KAPTUR, Mr. BONNER, Mr. UPTON, Mr. GREENWOOD, Mr. MCHUGH, Mr. BROWN of Ohio, Mr. HOLT, and Ms. LEE.

H.R. 1886: Ms. LINDA T. SANCHEZ of California and Mr. MOORE.

H.R. 1889: Mr. McDERMOTT, Mr. LANGEVIN, Ms. BORDALLO, Mr. NADLER, Mr. GEPHARDT, Mr. STENHOLM, Mr. OWENS, Mr. INSLEE, and Mr. TIERNEY.

H.R. 1902: Ms. LINDA T. SANCHEZ of California, Mr. BAKER, Mr. PALLONE, Mr. LARSON of Connecticut, and Ms. VELAZQUEZ.

H.R. 1905: Mr. OWENS.

H.R. 1913: Mr. CONYERS, Mr. SANDERS, and Mr. SWEENEY.

H.R. 1914: Mr. JONES of North Carolina and Mr. OTTER.

H.R. 1916: Mr. GRIJALVA, Ms. VELAZQUEZ, Mr. WOLF, Mr. SANDERS, Mr. MILLER of North Carolina, Ms. LINDA T. SANCHEZ of California, and Mr. OWENS.

H.R. 1933: Mr. ROTHMAN, Mr. LARSEN of Washington, and Mr. STARK.

H.R. 1935: Mr. NADLER and Mr. HOLT.

H.R. 1951: Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Mr. GILLMOR, Mrs. JONES of Ohio, and Mr. OWENS.

H.R. 1963: Mr. HALL.

H.R. 1964: Mr. TOWNS.

H.R. 1981: Mr. GRIJALVA.

H.R. 1997: Mr. PETRI, Mr. PETERSON of Minnesota, Mr. ISAKSON, Mr. COLLINS, Mr. EHLERS, Mr. MCINTYRE, and Mr. SCHROCK.

H.R. 1998: Mr. FRANK of Massachusetts, Mr. DEAL of Georgia, Mr. KILDEE, Mr. WEXLER, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. McDERMOTT, Mr. GORDON, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. GEORGE MILLER of California, Ms. LEE, Mr. DINGELL, and Mr. FROST.

H.R. 1999: Mr. OWENS and Mr. PASCRELL.

H.R. 2008: Mr. GRIJALVA and Mr. OWENS.

H.R. 2009: Mr. BLUMENAUER, Mr. FORD, Mr. KIRK, and Mr. DEFAZIO.

H.R. 2018: Ms. ROYBAL-ALLARD.

H.R. 2038: Mr. McDERMOTT, Mr. CARDIN, and Mr. LARSON of Connecticut.

H.R. 2042: Mr. HINCHEY, Mr. FORD, Ms. ESHOO, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. CAPUANO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, Ms. SOLIS, Ms. DELAURO, Mr. LANGEVIN, Ms. McCOLLUM, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. MATSUI, Mr. MCNULTY, Mr. OWENS, Mr. McDERMOTT, Mr. LARSON of Connecticut, and Mr. BLUMENAUER.

H.R. 2047: Mr. OWENS.

H.R. 2090: Mr. BISHOP of Georgia, Ms. NORTON, and Ms. McCOLLUM.

H.R. 2092: Mr. BISHOP of Utah, Mr. VISCLOSKY, and Mr. BOEHLERT.

H.R. 2120: Mr. BOUCHER.

H.R. 2125: Mr. OWENS, Mr. McGOVERN, Mr. LANTOS, Mr. NEAL of Massachusetts, Mr. CONYERS, Mrs. JONES of Ohio, and Mr. SERRANO.

H.R. 2135: Mr. NORWOOD and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2154: Mr. GREEN of Texas and Mr. SAM JOHNSON of Texas.

H.R. 2161: Mr. ALLEN.

H.R. 2164: Mr. TERRY, Mr. SIMMONS, and Mr. FROST.

H.R. 2169: Mr. TIERNEY.

H.R. 2176: Mr. GRIJALVA, Mr. OXLEY, and Mr. PASTOR.

H.R. 2188: Mr. WHITFIELD.

H.R. 2193: Mr. CASE.

H.R. 2205: Mr. WICKER, Mr. ROGERS of Alabama, Mr. SNYDER, Mr. LARSON of Connecticut, Mr. PICKERING, Mr. FROST, Mr. SCOTT of Georgia, and Mr. McGOVERN.

H.R. 2236: Mr. COOPER, Mr. BACA, Mr. WELDON of Florida, and Mr. GONZALEZ.

H.R. 2242: Ms. McCOLLUM, Mr. TOWNS, Mr. COLE, and Mr. JEFFERSON.

H.R. 2246: Mr. TANNER, Mr. HOLT, Mr. REYES, Mr. OWENS, and Mr. PASCRELL.

H.R. 2262: Mr. CONYERS, Mr. MOLLOHAN, Mr. GRIJALVA, Mr. PLATTS, Mr. CRAMER, and Mr. OWENS.

H.R. 2274: Mr. PEARCE.

H.R. 2286: Mr. LEVIN, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. SANDLIN, Mr. EMANUEL, Ms. SLAUGHTER, Mr. UDALL of New Mexico, Mr. MENENDEZ, Mr. RYAN of Ohio, Mr. ALEXANDER, Ms. WATERS, Mr. CROWLEY, Mr. KENNEDY of Rhode Island, Mr. MARKEY, Mr. STARK, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. BROWN of Ohio, and Ms. LEE.

H.R. 2291: Mr. TOWNS, Mr. ROSS, Mr. FROST, and Mrs. KELLY.

H.J. Res. 36: Mr. PASTOR, Mr. MCINTYRE, Mr. ANDREWS, Ms. LINDA T. SANCHEZ of California, Mr. LAMPSON, and Mr. BAIRD.

H.J. Res. 50: Mr. WILSON of South Carolina, Mr. WELDON of Florida, and Mr. GOODLATTE.

H. Con. Res. 116: Mr. WILSON of South Carolina and Mr. FEENEY.

H. Con. Res. 148: Mr. DAVIS of Alabama, Mr. STRICKLAND, and Mr. VAN HOLLEN.

H. Con. Res. 154: Mr. CAPUANO, Ms. McCOLLUM, Mrs. CHRISTENSEN, Mr. RUSH, Mr. WYNN, Mr. TOWNS, Mr. FALEOMAVAEGA, Mr. BELL, and Mr. BROWN of Ohio.

H. Con. Res. 155: Mr. BECERRA.

H. Con. Res. 164: Mr. OSBORNE.

H. Con. Res. 177: Mr. BEAUPREZ and Mr. ROYCE.

H. Res. 38: Mr. OWENS.

H. Res. 56: Mr. GREENWOOD and Mr. HAYWORTH.

H. Res. 58: Mr. QUINN.

H. Res. 86: Mr. PORTER.

H. Res. 103: Mr. BURTON of Indiana.

H. Res. 199: Mr. SMITH of Michigan, Mrs. JO ANN DAVIS of Virginia, Mr. BERMAN, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. BELL, Mr. LATOURETTE, Mr. MEEHAN, Mr. ROYCE, and Mr. HOEFFEL.

H. Res. 201: Mrs. MILLER of Michigan.

H. Res. 234: Mr. HOLT, Mr. VAN HOLLEN, Mr. SCHIFF, Mr. GONZALEZ, Ms. WOOLSEY, Mr. STARK, Mr. TIERNEY, and Mr. SNYDER.

H. Res. 237: Mr. ENGEL and Mr. BELL.

H. Res. 242: Mr. LEWIS of Georgia, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, and Mr. BALLENGER.

WEDNESDAY, JUNE 4, 2003 (59)

¶59.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BASS, who laid before the House the following communication:

WASHINGTON, DC,
June 4, 2003.

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

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

¶59.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BASS, announced he had examined and approved the Journal of the proceedings of Tuesday, June 3, 2003.

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

¶59.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2511. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Beef from Uruguay [Docket No. 02-109-3] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2512. A letter from the Director, Regulations Policy and Management Staff, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Canada Because of BSE [Docket No. 03-058-1] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2513. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,'' pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

2514. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Service, transmitting the Department's final rule — Ingrown Toenail Relief Drug Products for Over-the-Counter Human Use [Docket No. 02N-0359] (RIN: 0910-AA01] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2515. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Antidiarrheal Drug Products for Over-the-Counter Human Use; Final Monograph [Docket No. 78N-036D] (RIN: 0910-AA01) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2516. A letter from the Director, Office of Management and Budget, transmitting the Office's FY 2002 report on Federal Government Information Security Reform; to the Committee on Government Reform.

2517. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-3037-02; I.D. 052103B] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2518. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 2 [Docket No. 030225045-3096-02; I.D. 020603A] (RIN: 0648-AQ29) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2519. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Revision of Charter Vessel and Headboat Permit Moratorium Eligibility Criterion [Docket No. 030303053-3118-02; I.D. 022403] (RIN: 0648-AQ70) received May 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2520. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mystic River, CT [CGD01-03-047] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2521. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders; Correction of Compliance Dates [Docket No. RSPA-01-10373 (HM-220D)]

(RIN: 2137-AD58) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2522. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Point Pleasant Beach to Bay Head, New Jersey [CGD05-03-049] (RIN: 1625-AA08) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2523. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Delaware City, Delaware [CGD05-03-013] (RIN: 1625-AA08 (Formerly RIN: 2115-AE46)) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2524. A letter from the Assistant Chief Counsel, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Regulated Transactions Involving Documented Vessels and Other Maritime Interests; Inflation Adjustment of Civil Monetary Penalties (RIN: 2133-AB48) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2525. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Transportation of Hazardous Materials; Unloading of Intermodal (IM) and UN Portable Tanks on Transport Vehicles [Docket No. RSPA-01-10533 (HM-218A)] (RIN: 2137-AD44) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2526. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Federal-Aid Highway System [FHWA Docket No. FHWA-97-2394] (RIN: 2125-AD74) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2527. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for Columbia, MO, pursuant to 40 U.S.C. 610(b); to the Committee on Transportation and Infrastructure.

2528. A letter from the Commissioner, Social Security Administration, transmitting the 2003 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104—193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

2529. A letter from the Director, Office of Personnel Management, transmitting the Office's legislative proposal ''To amend title 28, United States Code, to eliminate the requirement for a separate system of pay and benefits for FBI police''; jointly to the Committees on the Judiciary and Government Reform.

2530. A letter from the Secretary, Department of Homeland Security, transmitting the Department's legislative proposal entitled the ''Coast Guard Authorization Act of 2003''; jointly to the Committees on Transportation and Infrastructure, Government Reform, Armed Services, and the Judiciary.

¶59.4 MESSAGE FROM THE SENATE

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

S. 313. An Act to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs.

¶59.5 RECESS—10:32 A.M.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 32 minutes a.m., subject to the call of the Chair.

¶59.6 AFTER RECESS—1:02 P.M.

The SPEAKER pro tempore, Mr. BASS, called the House to order.

¶59.7 COMMENDATION OF ARMED FORCES AND LEADERS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM

Mr. HUNTER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 177); as amended:

Whereas the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

Whereas the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

Whereas the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

Whereas Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

Whereas the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

Whereas on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

Whereas on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

Whereas in those two campaigns in the Global War on Terrorism, as of May 1, 2003, nearly 330,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had deployed for Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas as of May 1, 2003, some 224,500 Reserve and National Guard members of the Armed Forces had been called to active duty in support of Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas in the conduct of Operation Enduring Freedom and Operation Iraqi Freedom, as of May 1, 2003, 67 military servicemembers and other United States personnel had given their lives in Afghanistan and 140 had been lost in Iraq, while over 700 had been wounded and 8 were held as prisoners of war;

Whereas success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

Whereas the support, love, and commitment from the families of United States service personnel participating in those two operations, as well as that of the communities and patriotic organizations which provided support through the United Services Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

Whereas the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

Whereas the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinarily valuable defense asset; and

Whereas the Nation should pause to recognize with appropriate tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom, including the members of the organizational elements specified in section 2 of this resolution;

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest Armed Force in the annals of modern military endeavor;

(5) calls upon communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their

contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those servicemembers killed or wounded during either of those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

SEC. 2. (a) OPERATION IRAQI FREEDOM.—The organizational elements of the Armed Forces referred to in paragraph (3) of the first section of this resolution members of which participated in Operation Iraqi Freedom are the following:

(1) From the Army—

(A) Army Forces Central Command—3rd United States Army.

(B) V Corps Command Element.

(C) 3rd Infantry Division (Mechanized).

(D) 101st Airborne Division (Air Assault).

(E) 82nd Airborne Division.

(F) 4th Infantry Division (Mechanized).

(G) Elements of the 1st Infantry Division, 10th Mountain Division, and 1st Armored Division.

(H) 2nd Armored Cavalry Regiment.

(I) 3rd Armored Cavalry Regiment.

(J) 173rd Airborne Brigade (Sep).

(K) 11th Aviation Group.

(2) From the Marine Corps—

(A) Marine Forces Central Command.

(B) 1st Marine Expeditionary Brigade.

(C) 1st Marine Division.

(D) 3rd Marine Air Wing.

(E) 1st Force Service Support Group.

(F) 2nd Force Service Support Group/Marine Logistics Command.

(G) 2nd Marine Expeditionary Brigade (Task Force Tarawa).

(H) The following Marine expeditionary units:

(i) 15th Marine Expeditionary Unit.

(ii) 24th Marine Expeditionary Unit.

(iii) 26th Marine Expeditionary Unit.

(3) From the Navy—

(A) Naval Forces Central Command—United States 5th Fleet.

(B) Theodore Roosevelt Carrier Strike Force.

(C) Nimitz Carrier Strike Force.

(D) Abraham Lincoln Carrier Strike Force.

(E) Constellation Carrier Strike Force.

(F) Kitty Hawk Carrier Strike Force.

(G) Harry S Truman Carrier Strike Force.

(H) Amphibious Task Force East.

(I) Amphibious Task Force West.

(J) Nassau Amphibious Ready Group.

(K) Tarawa Amphibious Ready Group.

(L) Iwo Jima Amphibious Ready Group.

(M) Amphibious Group 3.

(N) The following maritime prepositioning squadrons:

(i) Maritime Prepositioning Squadron 1.

(ii) Maritime Prepositioning Squadron 2.

(iii) Maritime Prepositioning Squadron 4.

(4) From the Air Force—

(A) Air Forces Central Command—9th Air Force.

(B) The following air expeditionary task forces:

(i) 9th Air Expeditionary Task Force.

(ii) 16th Air Expeditionary Task Force.

(C) The following air expeditionary wings:

(i) 39th Air Expeditionary Wing.

(ii) 40th Air Expeditionary Wing.

(iii) 64th Air Expeditionary Wing.

(iv) 320th Air Expeditionary Wing.

(v) 321st Air Expeditionary Wing.

(vi) 332nd Air Expeditionary Wing.

(vii) 363rd Air Expeditionary Wing.

(viii) 376th Air Expeditionary Wing.

(ix) 379th Air Expeditionary Wing.

(x) 380th Air Expeditionary Wing.

(xi) 384th Air Expeditionary Wing.

(xii) 386th Air Expeditionary Wing.

(xiii) 401st Air Expeditionary Wing.

(xiv) 405th Air Expeditionary Wing.

(xv) 410th Air Expeditionary Wing.

(xvi) 484th Air Expeditionary Wing.

(xvii) 485th Air Expeditionary Wing.

(xviii) 486th Air Expeditionary Wing.

(xix) 487th Air Expeditionary Wing.

(D) The following air expeditionary groups:

(i) 387th Air Expeditionary Group.

(ii) 398th Air Expeditionary Group.

(iii) 407th Air Expeditionary Group.

(iv) 409th Air Expeditionary Group.

(v) 444th Air Expeditionary Group.

(vi) 447th Air Expeditionary Group.

(vii) 449th Air Expeditionary Group.

(viii) 457th Air Expeditionary Group.

(ix) 458th Air Expeditionary Group.

(x) 506th Air Expeditionary Group.

(E) The following expeditionary air support operations groups:

(i) 3rd Expeditionary Air Support Operations Group.

(ii) 4th Expeditionary Air Support Operations Group.

(iii) 18th Expeditionary Air Support Operations Group.

(F) 1st Expeditionary RED HORSE Group.

(G) 86th Contingency Response Group.

(H) 15th Expeditionary Reconnaissance Squadron.

(5) From the United States Special Operations Command—

(A) Special Operations Command Central.

(B) From the Army Special Operations Command—

(i) 5th Special Forces Group (Airborne).

(ii) 3rd Special Forces Group (Airborne).

(iii) 10th Special Forces Group (Airborne).

(iv) 160th Special Operations Aviation Regiment.

(v) 75th Ranger Regiment.

(vi) 350th Civil Affairs Command.

(vii) 352nd Civil Affairs Command.

(viii) 304th, 308th, and 358th Civil Affairs Brigades.

(C) From the Naval Special Warfare Command—

(i) Naval Special Warfare Group One.

(ii) Naval Special Warfare Group Three.

(D) From the Air Force Special Operations Command—

(i) 16th Special Operations Wing.

(ii) 193rd Special Operations Wing.

(iii) 919th Special Operations Wing.

(iv) 352nd Special Operations Group.

(v) 720th Special Operations Group.

(vi) 123rd Special Tactics Squadron.

(vii) 280th Command Control Squadron.

(6) From the Coast Guard—

(A) The following vessels:

(i) USCGC Boutwell.

(ii) USCGC Dallas.

(iii) USCGC Walnut.

(iv) USCGC Aquidneck.

(v) USCGC Adak.

(vi) USCGC Wrangell.

(vii) USCGC Baranof.

(viii) USCGC Bainbridge Island.

(ix) USCGC Grande Isle.

(x) USCGC Knight Island.

(xi) USCGC Pea Island.

(xii) USCGC Sapelo.

(B) Mobile Support Unit.

(C) The following port security units:

(i) Port Security Unit 313.

(ii) Port Security Unit 311.

(iii) Port Security Unit 309.

(iv) Port Security Unit 305.

(D) Law Enforcement Detachments (101, 202, 204, 205, 404, 406, 411).

(E) Atlantic Strike Team Detachment.

(F) Law Enforcement Attachment (augmenting PCs).

(G) The following Harbor Defense Command units:

(i) Harbor Defense Command Unit 114.

(ii) Harbor Defense Command Unit 206.

(b) OPERATION ENDURING FREEDOM.—The organizational elements of the Armed Forces referred to in paragraph (3) of the first section of this resolution members of which participated in Operation Enduring Freedom are the following:

(1) From the Army—

(A) Army Forces Central Command.

(B) Combined Joint Task Force 180.

(C) 10th Mountain Division.

(D) 101st Airborne Division.

(E) 82nd Airborne Division.

(2) From the Marine Corps—

(A) Marine Forces Central Command.

(B) Commander Joint Task Force—Horn of Africa.

(C) Combined Joint Task Force 58.

(D) The following Marine expeditionary units:

(i) 11th Marine Expeditionary Unit.

(ii) 13th Marine Expeditionary Unit.

(iii) 15th Marine Expeditionary Unit.

(iv) 22nd Marine Expeditionary Unit.

(v) 26th Marine Expeditionary Unit.

(E) Detachments, 4th Marine Expeditionary Brigade (Anti-Terrorism).

(3) From the Navy—

(A) Navy Forces Central Command—United States 5th Fleet.

(B) Theodore Roosevelt Carrier Strike Force.

(C) Kitty Hawk Carrier Strike Force.

(D) Abraham Lincoln Carrier Strike Force.

(E) Enterprise Carrier Strike Force.

(F) Carl Vinson Carrier Strike Force.

(G) John C. Stennis Carrier Strike Force.

(H) John F. Kennedy Carrier Strike Force.

(I) George Washington Carrier Strike Force.

(J) Bonhomme Richard Amphibious Ready Group.

(K) Bataan Amphibious Ready Group.

(L) Peleliu Amphibious Ready Group.

(M) Wasp Amphibious Ready Group.

(4) From the Air Force—

(A) Air Forces Central Command—9th Air Force.

(B) The following air expeditionary task forces:

(i) 9th Air Expeditionary Task Force.

(ii) 13th Air Expeditionary Task Force.

(C) The following air expeditionary wings:

(i) 28th Air Expeditionary Wing.

(ii) 40th Air Expeditionary Wing.

(iii) 64th Air Expeditionary Wing.

(iv) 320th Air Expeditionary Wing.

(v) 321st Air Expeditionary Wing.

(vi) 322nd Air Expeditionary Wing.

(vii) 363rd Air Expeditionary Wing.

(viii) 366th Air Expeditionary Wing.

(ix) 376th Air Expeditionary Wing.

(x) 379th Air Expeditionary Wing.

(xi) 380th Air Expeditionary Wing.

(xii) 384th Air Expeditionary Wing.

(xiii) 386th Air Expeditionary Wing.

(xiv) 405th Air Expeditionary Wing.

(xv) 455th Air Expeditionary Wing.

(D) The following air expeditionary groups:

(i) 416th Air Expeditionary Group.

(ii) 438th Air Expeditionary Group.

(iii) 451st Air Expeditionary Group.

(E) 1st Expeditionary RED HORSE Group.

(5) From the United States Special Operations Command—

(A) Special Operations Command Central.

(B) From the Army Special Operations Command—

(i) 5th Special Forces Group (Airborne).

(ii) 3rd Special Forces Group (Airborne).

(iii) 19th Special Forces Group (Airborne).

(iv) 20th Special Forces Group (Airborne).
(v) 2nd Battalion, 7th Special Forces Group (Airborne).
(vi) 160th Special Operations Aviation Regiment.
(vii) 75th Ranger Regiment.
(viii) 350th Civil Affairs Command.
(ix) 354th, 360th, and 403rd Civil Affairs Brigades.
(x) 310th Psychological Operations Brigade.
(C) From the Naval Special Warfare Command—
(i) Naval Special Warfare Group One.
(ii) Naval Special Warfare Group Three.
(D) From the Air Force Special Operations Command—
(i) 16th Special Operations Wing.
(ii) 352nd Special Operations Group.
(iii) 193rd Special Operations Wing.
(iv) 919th Special Operations Wing.
(v) 720th Special Operations Group.
(vi) 123rd Special Tactics Squadron.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. HUNTER and Mr. SKELTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HUNTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶59.8 BUSINESSES AND BUSINESS OWNERS SUPPORT OF TROOPS AND FAMILIES

Mr. STEARNS moved to suspend the rules and agree to the following resolution (H. Res. 201):

Whereas over 216,931 members of the reserve components of the Armed Forces have been called to leave their families and their jobs, in service to this country and her citizens;

Whereas businesses of every size and scope have been impacted as their employees who are members of the reserve components of the Armed Forces have been called away from their employment in local business and industry;

Whereas businesses across the Nation have been exceptionally accommodating to the unique demands on the time, resources, and responsibilities of employee spouses and families of active duty military personnel who have been deployed for service; and

Whereas business owners have made sacrifices so that they might ensure observance of the letter and the spirit of the Uniformed Services Employment and Reemployment Rights Act in many ways including: restoring employment status after military service obligation has been fulfilled, providing continuation of health benefits to active duty employees and their dependents, and committing uninterrupted pension and retirement benefits: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the businesses that establish the backbone of our Nation in times of peace and rise to a greater standard of resolve in times of challenge do so by—

(A) carrying on the good work of commerce, industry, and innovation; and

(B) steadfastly supporting the members of our military and their families; and

(2) the business owners of our Nation deserve our commendation and sincere expression of gratitude.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. STEARNS and Mr. GORDON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶59.9 SPORTS AGENT RESPONSIBILITY AND TRUST

Mr. STEARNS moved to suspend the rules and pass the bill (H.R. 361) to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive practices to be regulated by the Federal Trade Commission; as amended.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. STEARNS and Mr. GORDON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶59.10 ARMED FORCES NATURALIZATION

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1954) to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. SENSENBRENNER and Ms. JACKSON-LEE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶59.11 PROVIDING FOR THE CONSIDERATION OF H.R. 760

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 257):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 760) to prohibit the procedure commonly known as partial-birth abortion. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Greenwood of Pennsylvania or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 760, it shall be in order to take from the Speaker's table S. 3 and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 760 as passed by the House. All points of order against that motion are waived.

When said resolution was considered.

After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 280 / Nays ..... 138 }

¶59.12 [Roll No. 236]

YEAS—280

Aderholt	Bilirakis	Brady (TX)
Akin	Bishop (GA)	Brown-Waite, Ginny
Alexander	Bishop (UT)	Burgess
Bachus	Blackburn	Burns
Baker	Blunt	Burr
Ballenger	Boehlert	Buyer
Barrett (SC)	Boehner	Calvert
Bartlett (MD)	Bonilla	Camp
Barton (TX)	Bonner	Cannon
Bass	Bono	Cantor
Beauprez	Boozman	Capito
Bereuter	Boswell	Cardoza
Berry	Boyd	Carter
Biggert	Bradley (NH)	

Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryun (KS)
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—138

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kilpatrick
Kind
Kucinich
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Brown (SC)
Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos
Larson (CT)
Lewis (KY)
Oberstar
Pickering
Rothman
Ryan (WI)
Smith (WA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶59.13 H. CON. RES. 177—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 177) recognizing and commending the members of the United States Armed forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406; Nays ..... 2; Answered present 8 }

¶59.14 [Roll No. 237]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)

Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Honda
Kucinich

ANSWERED "PRESENT"—8

Farr
Lee
Lofgren
McDermott
Miller, George
Paul
Schakowsky
Stark

NOT VOTING—17

Brown (SC)
Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Hart
Hunter
Jones (OH)
Lantos
Larson (CT)
Lewis (KY)
Pickering
Rothman
Rush
Ryan (WI)
Smith (WA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶59.15 H. RES. 201—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 201) expressing the sense of the House of Representatives that our Nation's businesses and business owners should be commended for their support of our troops and their families as they serve our country in many ways, especially in these days of increased engagement of our military in strategic locations around our Nation and around the world.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410; Nays ..... 0; Answered present 7

¶59.16 [Roll No. 238]

YEAS—410

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

ANSWERED "PRESENT"—7

Conyers
Kucinich
Lee
McDermott
Owens
Stark
Waters

NOT VOTING—16

Barton (TX)
Brown (SC)
Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos
Larson (CT)
Lewis (KY)
Peterson (PA)
Pickering
Rothman
Ryan (WI)
Smith (WA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶59.17 H.R. 1954—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1954) to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414; Nays 5

¶59.18 [Roll No. 239]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell

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

NAYS—5

Bereuter
Goode
Hostettler
Johnson, Sam
Smith (MI)

NOT VOTING—14

Brown (SC)
Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos
Larson (CT)
Lewis (KY)
Pickering
Rothman
Ryan (WI)
Smith (WA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶59.19 PERMISSION TO FILE REPORT

On motion of Mr. SENSENBRENNER, by unanimous consent, the Committee on the Judiciary was granted permission to file a supplemental report on the bill (H.R. 1086) to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

¶59.20 PARTIAL-BIRTH ABORTION BAN

Mr. SENSENBRENNER, pursuant to House Resolution 257, called up the bill (H.R. 760) to prohibit the procedure commonly known as partial-birth abortion.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 257, the following amendment in the nature of a substitute was submitted by Mr. GREENWOOD:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Late Term Abortion Restriction Act''.

SEC. 2. PROHIBITION ON CERTAIN ABORTIONS.

(a) IN GENERAL.—It shall be unlawful, in or affecting interstate or foreign commerce, knowingly to perform an abortion after the fetus has become viable.

(b) EXCEPTION.—This section does not prohibit any abortion if, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman.

(c) CIVIL PENALTY.—A physician who violates this section shall be subject to a civil penalty not to exceed $10,000. The civil penalty provided by this subsection is the exclusive remedy for a violation of this section.

After debate,

Pursuant to House Resolution 257, the previous question was ordered on the bill and the amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. HOYER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 133 / Nays ..... 287 }

¶59.21 [Roll No. 240]

YEAS—133

Abercrombie
Allen
Andrews
Baca
Baird
Ballance
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Dingell
Dooley (CA)
Edwards
Emanuel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hill
Hoeffel
Hooley (OR)
Houghton
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy (RI)
Kind
Kirk
Kleczka
Kolbe
Larsen (WA)
Levin
Lewis (GA)
Lynch
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Napolitano
Neal (MA)
Obey
Olver
Ose
Pascrell
Pastor
Price (NC)
Ramstad
Rangel
Reyes
Rodriguez
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Simmons
Snyder
Spratt
Strickland
Sweeney
Tauscher
Thomas
Thompson (MS)
Tierney
Towns
Turner (TX)
Van Hollen
Visclosky
Watson
Watt
Waxman
Wu
Wynn

NAYS—287

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla

Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Grijalva
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Latham
LaTourette
Lee
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryun (KS)
Sanders
Saxton
Schakowsky
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Stark
Stearns
Stenholm
Stupak
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Waters
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—14

Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos
Larson (CT)
Leach
Lewis (KY)
Lofgren
Rothman
Ryan (WI)
Smith (WA)

So the amendment in the nature of a substitute was not agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Ms. BALDWIN moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 17, line 2, strike ''abortion'' and all that follows through ''itself'' in line 6, and insert ''abortion that is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Ms. BALDWIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 165 / Nays 256

¶59.22 [Roll No. 241]

YEAS—165

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Larsen (WA)
Lee
Levin
Lewis (GA)
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—256

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

NOT VOTING—13

Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos
Larson (CT)
Lewis (KY)
Lofgren
Rothman
Ryan (WI)
Smith (WA)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 282 / Nays 139

¶59.23 [Roll No. 242]

YEAS—282

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—139

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kilpatrick
Kind
Kirk
Kolbe
Kucinich
Larsen (WA)
Lee
Levin
Lewis (GA)
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Snyder
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Burton (IN)
Carson (OK)
Dicks
Eshoo
Gephardt
Jones (OH)
Lantos
Larson (CT)
Lewis (KY)
Lofgren
Rothman
Ryan (WI)
Smith (WA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

On motion of Mr. SENSENBRENNER, pursuant to section 2 of House Resolution 257, the bill of the Senate (S. 3) to prohibit the procedure commonly known as partial-birth abortion; was taken from the Speaker's table.

When said bill was considered and read twice.

Mr. SENSENBRENNER, pursuant to section 2 of House Resolution 257, submitted the following amendment, which was agreed to:

Strike out all after the enacting clause and insert the provisions of H.R. 760, as passed by the House.

The bill, as amended, was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was passed was, by unanimous consent, laid on the table.

By unanimous consent, H.R. 760, a similar House bill, was laid on the table.

¶59.24 PARTIAL-BIRTH ABORTION

On motion of Mr. SENSENBRENNER, pursuant to clause 1 of rule XXII, the bill of the Senate (S. 3) to prohibit the procedure commonly known as partial-birth abortion, together with the amendment of the House thereto it was,

Resolved, That the House insist upon its amendment and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶59.25 MOTION TO INSTRUCT CONFEREES—S. 3

Mr. NADLER moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendments to the bill of the Senate (S. 3), be instructed to insist that (1) the committee of conference allow opportunity for members of the committee of conference to offer and debate amendments at all meetings of such conference; and that (2) all meetings of the committee of conference (A) be open to the public and to the print and electronic media; and (B) be held in venues selected to maximize the capacity for attendance of the public and the media.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶59.26 APPOINTMENT OF CONFEREES—S. 3

Thereupon, the SPEAKER pro tempore, Mr. OSE, by unanimous consent, appointed the following Members as managers on the part of the House at said conference: From the Committee on the Judiciary for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. SENSENBRENNER, HYDE, and NADLER.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶59.27 PROVIDING FOR THE CONSIDERATION OF S. 222 AND S. 273

Mr. DREIER, by direction of the Committee on Rules, reported (Rept.

No. 108–140) the resolution (H. Res. 258) providing for consideration of the bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; and for consideration of the bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶59.28 JOINT COMMITTEE TO REVIEW HOUSE AND SENATE RULES

Mr. DREIER, by direction of the Committee on Rules, filed privileged report (Rept. No. 108–141) on the concurrent resolution (H. Con. Res. 190) to establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and Congressional operations for the American people; referred to the House Calendar and ordered printed.

¶59.29 ORDER OF BUSINESS—CONSIDERATION OF H. CON. RES. 190

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order at any time, without intervention of any point of order, to consider the concurrent resolution (H. Con. Res. 190) to establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and Congressional operations for the American people; that the concurrent resolution shall be considered as read for amendment; that the concurrent resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and that the previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

¶59.30 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 313. An Act to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs; to the Committee on Energy and Commerce.

¶59.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. JONES of Ohio, for today;

To Mr. LEWIS of Kentucky, for today and June 5; and

To Mr. RYAN of Wisconsin, for today.

And then,

¶59.32 ADJOURNMENT

On motion of Mr. DAVIS of Illinois, at 11 o'clock and 45 minutes p.m., the House adjourned.

¶59.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. Supplemental report on H.R. 1086. A bill to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes (Rept. 108–125, Pt. 2).

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 258. Resolution providing for consideration of the bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes, and for consideration of the bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes (Rept. 108–140). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Concurrent Resolution 190. Resolution to establish a joint committee to review House and Senate rules, joint rules, and other matters assuring continuing representation and congressional operations for the American people (Rept. 108–141). Referred to the House Calendar.

¶59.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. ALEXANDER, Mr. ANDREWS, Ms. BALDWIN, Ms. BERKLEY, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mrs. CAPITO, Mr. CAPUANO, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. COSTELLO, Mr. CRAMER, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. DOYLE, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GIBBONS, Mr. GORDON, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JENKINS, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LOFGREN, Mr. LUCAS of Kentucky, Mr. LYNCH, Mrs. MALONEY, Mr. MENENDEZ, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNULTY, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. REYES, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. SANDERS, Mr. SANDLIN, Mr. SCOTT of Georgia, Mr. SMITH of Washington, Mr. SOUDER, Mr. STRICKLAND, Mr. STUPAK, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. WALDEN of Oregon, Mr. WEXLER, Ms. WOOLSEY, Mr. SULLIVAN, Mrs. CHRISTENSEN, Mr. TOWNS, and Mr. GRIJALVA):

H.R. 2318. A bill to amend title 38, United States Code, to provide for a assured adequate level of funding for veterans health care; to the Committee on Veterans' Affairs.

By Mr. COX (for himself, Mr. FROST, Mr. VITTER, Mr. BAIRD, Ms. JACKSON-LEE of Texas, Mr. CAMP, and Mr. SHADEGG):

H.R. 2319. A bill to include the Secretary of Homeland Security within the order of Presidential succession which applies in the absence of a qualified President and Vice President, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 2320. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of disabled children, and individuals who became disabled as children, without regard to income or assets; to the Committee on Energy and Commerce.

By Mr. ANDREWS (for himself and Mr. PAYNE):

H.R. 2321. A bill to promote and facilitate expansion of coverage under group health plans, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 2322. A bill to amend the Social Security Act to waive the 24-month waiting period for Medicare coverage of certain disabled individuals who have no health insurance coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 2323. A bill to amend title 5, United States Code, to provide that the Civil Service Retirement and Disability Fund be excluded from the budget of the United States Government; to the Committee on the Budget, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 2324. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the child tax credit and to expand the refundability of such credit, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. ALEXANDER, Mr. EMANUEL, Mr. RANGEL, Mr. HOYER, Mr. DAVIS of Alabama, Ms. SCHAKOWSKY, Mr. LEVIN, Mr. STARK, Mr. CARDIN, Mr. STENHOLM, Mr. JEFFERSON, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. SPRATT, Mr. MCDERMOTT, Mr. BROWN of Ohio, Mr. OBERSTAR, Mr. RODRIGUEZ, Mr. OLVER, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. CAPUANO, Mr. LANGEVIN, Mr. MENENDEZ, Mr. HINCHEY, Mr. SERRANO, Mr. GONZALEZ, Mr. BOUCHER, Mr. RYAN of Ohio, Ms. SLAUGHTER, Ms. WOOLSEY, Mrs. LOWEY, Mr. EVANS, Ms. ESHOO, Mr. FORD, Mr. ENGEL, Mr. TANNER, Ms. LEE, Mrs. DAVIS of California, Mr. TIERNEY, Mr. LANTOS, Mr. BAIRD, Ms. ROYBAL-ALLARD, Mr. MCNULTY, Mr. SANDLIN, Mr. MICHAUD, Mr. INSLEE, Mr. MARKEY, Mr. GRIJALVA, Mr. DAVIS of Florida, Mr. BLUMENAUER, Mr. ISRAEL, Mr. DELAHUNT, Mr. HOEFFEL, Mr. REYES, Mr. CLYBURN, Mr. WYNN, Mr. PALLONE, Ms. BORDALLO, Mr. CONYERS, Mr. PASCRELL, Ms. SOLIS, Mr. COOPER, Mrs. MALONEY, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. POMEROY, Mr. DOGGETT, Mr. BERRY, Mr.

DAVIS of Tennessee, Mr. TAYLOR of Mississippi, Mr. SKELTON, Mr. STRICKLAND, Mr. UDALL of New Mexico, Mr. DEFAZIO, Mr. SANDERS, Ms. KAPTUR, Mr. DOYLE, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Mrs. MCCARTHY of New York, Ms. DEGETTE, Mr. ACEVEDO-VILA, Mr. JOHN, Mrs. CAPPS, Mr. CROWLEY, Mr. EDWARDS, Mr. CUMMINGS, Mr. SCOTT of Georgia, Mr. FROST, Mr. KUCINICH, Mr. MATSUI, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. MEEHAN, Ms. MCCOLLUM, Mr. CASE, Mr. HINOJOSA, Mr. HOLT, Mr. OWENS, Mr. CARDOZA, Mr. RUPPERSBERGER, Mr. PRICE of North Carolina, Mr. OBEY, Mr. BOSWELL, Mr. JACKSON of Illinois, Mr. LAMPSON, Mr. PASTOR, Mr. ORTIZ, Mr. BECERRA, and Mr. FILNER):

H.R. 2325. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2326. A bill to require the conveyance of certain Bureau of Land Management lands in Nye County, Nevada, to Ponderosa Dairy in Amargosa, Nevada; to the Committee on Resources.

By Mr. GOODE (for himself and Mr. HILL):

H.R. 2327. A bill to amend the National Trails System Act to extend the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, and for other purposes; to the Committee on Resources.

By Mr. HOEFFEL (for himself, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. ENGLISH, Mr. FATTAH, Mr. GERLACH, Mr. GREENWOOD, Ms. HART, Mr. HOLDEN, Mr. KANJORSKI, Mr. MURPHY, Mr. MURTHA, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PLATTS, Mr. SHERWOOD, Mr. SHUSTER, Mr. TOOMEY, Mr. WELDON of Pennsylvania, Mr. OBERSTAR, Mr. LATOURETTE, Mrs. TAUSCHER, and Mr. LAMPSON):

H.R. 2328. A bill to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''; to the Committee on Government Reform.

By Mr. KIRK (for himself and Mrs. TAUSCHER):

H.R. 2329. A bill to provide for global pathogen surveillance and response; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. KING of New York, Mr. HYDE, Mr. SMITH of New Jersey, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. MENENDEZ, Mr. ROHRABACHER, Mr. FALEOMAVAEGA, Mr. PITTS, Mr. LEVIN, Mr. SOUDER, Mr. ACKERMAN, Mr. SHERMAN, Mr. GEORGE MILLER of California, Mr. CROWLEY, Mr. HOEFFEL, Mr. BROWN of Ohio, Mr. ENGEL, Mr. BLUMENAUER, Mr. SCHIFF, Mr. ANDREWS, Mr. MCGOVERN, Mr. OLVER, Mr. FARR, Mr. EVANS, and Mr. ABERCROMBIE):

H.R. 2330. A bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself, Mr. RENZI, and Mr. UDALL of New Mexico):

H.R. 2331. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MILLER of Florida:

H.R. 2332. A bill to amend the Jobs and Growth Tax Relief Reconciliation Act of 2003 to make permanent the treatment of dividend income as capital gains; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. POMEROY, Mr. BEREUTER, Mr. OSBORNE, Mr. MCINTYRE, Mrs. EMERSON, Mr. PETERSON of Pennsylvania, Mr. WALDEN of Oregon, Mr. TOWNS, Mr. BERRY, Mr. KIND, Mr. TURNER of Texas, Mr. LEACH, Mr. ALEXANDER, Mr. MARSHALL, Mr. UDALL of New Mexico, Mr. EDWARDS, Mr. KING of Iowa, and Mr. NUNES):

H.R. 2333. A bill to amend title XVIII of the Social Security Act and the Public Health Service Act to improve outpatient health care for Medicare beneficiaries who reside in rural areas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2334. A bill to amend the District of Columbia Home Rule Act to establish the Office of the District Attorney for the District of Columbia, headed by a locally elected and independent District Attorney, and for other purposes; to the Committee on Government Reform.

By Mr. OWENS:

H.R. 2335. A bill to provide for general revenue sharing and assistance for education for States and their local governments; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mr. RAHALL, Mr. DREIER, Mr. WICKER, and Mr. GARRETT of New Jersey):

H.R. 2336. A bill to amend the Higher Education Act to establish and strengthen post-secondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students; to the Committee on Education and the Workforce.

By Mr. REYNOLDS:

H.R. 2337. A bill to provide for the Secretary of Veterans Affairs to conduct a pilot program to determine the effectiveness of contracting for the use of private memory care facilities for veterans with Alzheimer's Disease; to the Committee on Veterans' Affairs.

By Mr. SAXTON:

H.R. 2338. A bill to prevent loans for Iraq from the International Monetary Fund or the International Bank for Reconstruction and Development from being used to pay off Iraq's creditors; to the Committee on Financial Services.

By Mr. SAXTON:

H.R. 2339. A bill to require door delivery of mail sent to persons residing in senior communities; to the Committee on Government Reform.

By Mr. SAXTON:

H.R. 2340. A bill to amend the Internal Revenue Code of 1986 to repeal the required beginning date for distributions from individual retirement plans and for distributions of elective deferrals under qualified cash or deferred arrangements; to the Committee on Ways and Means.

By Mr. SESSIONS (for himself, Mr. POMEROY, Mr. SOUDER, Mr. SMITH of Texas, Mr. PETERSON of Pennsylvania, Mr. PAUL, Mr. BONILLA, Mr. NETHERCUTT, Mr. GONZALEZ, and Mr. EDWARDS):

H.R. 2341. A bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. RANGEL, Mr. MATSUI, Mr. MCDERMOTT, Mr. SANDLIN, and Mrs. JONES of Ohio):

H.R. 2342. A bill to amend title XVIII of the Social Security Act to expand Medicare benefits to prevent, delay, and minimize the progression of chronic conditions, and develop national policies on effective chronic condition care, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 2343. A bill to amend title XVIII of the Social Security Act to exclude services of certain providers from the skilled nursing facility prospective payment system under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H. Con. Res. 206. Concurrent resolution supporting the National Marrow Donor Program and other bone marrow donor programs and encouraging Americans to learn about the importance of bone marrow donation; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H. Con. Res. 207. Concurrent resolution supporting the efforts to establish a moderate and tolerant political system in Afghanistan that is protective of the rights and dignity of all communities; to the Committee on International Relations.

By Mr. MARKEY:

H. Res. 259. A resolution calling for robust inspections in Iran; to the Committee on International Relations.

¶59.35 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

63. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8015 memorializing the United States Congress to pray that new federal procedures be established to assure that future sales of wheat stocks from federally held grain reserves be conducted in a manner that such sales will not unduly disrupt the market while also fulfilling the original intent; to the Committee on Agriculture.

64. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 58 memorializing the United States Congress to continue providing assistance to Michigan to help eradicate bovine tuberculosis; to the Committee on Agriculture.

65. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8000 memorializing the United States Congress to pray that the Federal Energy Regulatory Commission leave

the Northwest electricity system in place and withdraw the Notice of Proposed Rulemaking establishing a Standard Market Design for electricity; to the Committee on Energy and Commerce.

66. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8012 memorializing the United States Congress to pray that the Federal Energy Regulatory Commission leave the Northwest electricity system in place; to the Committee on Energy and Commerce.

67. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1168 Joint Resolution memorializing the President, the United States Congress, and the United States Department of Transportation to not cut essential air services funding; to the Committee on Transportation and Infrastructure.

68. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 14 memorializing the President and the United States Congress to pursue and support fuel cell research projects in Michigan; to the Committee on Science.

69. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8003 memorializing the United States Congress to pray to restore the deduction of retail sales under the federal income tax; to the Committee on Ways and Means.

70. Also, a memorial of the Legislature of the State of Washington, relative to Senate Joint Memorial No. 8002 memorializing the United States Congress to provide adequate funding levels for the United States Forest Service and continually assess the progress towards a healthy forest environment; jointly to the Committees on Agriculture and Resources.

¶59.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. FORD.
H.R. 49: Mr. UPTON.
H.R. 58: Mrs. KELLY, Mr. REYES, and Mr. HOLT.
H.R. 179: Mr. FLETCHER.
H.R. 188: Ms. LEE.
H.R. 193: Mr. WICKER.
H.R. 262: Mr. KLINE.
H.R. 303: Mr. BARTON of Texas, Mr. LANGEVIN, Mr. HOYER, and Ms. BORDALLO.
H.R. 310: Mr. ROGERS of Kentucky.
H.R. 331: Mr. MCINTYRE and Mr. RANGEL.
H.R. 369: Ms. KILPATRICK, Mr. CONYERS, and Mr. DINGELL.
H.R. 391: Mr. BROWN of South Carolina, Mr. MICA, Mr. BURGESS, Mr. DEAL of Georgia, Mr. LATHAM, Mr. GINGREY, Mr. JONES of North Carolina, and Mr. GUTKNECHT.
H.R. 401: Mr. CARDOZA and Mr. CHOCOLA.
H.R. 414: Mr. DAVIS of Illinois and Mr. OWENS.
H.R. 430: Mr. BURGESS.
H.R. 438: Mr. EHLERS.
H.R. 459: Mr. BURGESS.
H.R. 465: Mr. GREEN of Wisconsin.
H.R. 490: Mr. GUTIERREZ.
H.R. 502: Ms. GINNY BROWN-WAITE of Florida.
H.R. 527: Mr. ROGERS of Kentucky.
H.R. 584: Mr. DELAHUNT and Mr. LATHAM.
H.R. 589: Mr. CUNNINGHAM and Mr. CANNON.
H.R. 648: Mr. SIMPSON, Mr. BISHOP of Utah, Mr. ENGLISH, and Mr. PETRI.
H.R. 660: Mr. HULSHOF, Mr. ISTOOK, Mr. SHADEGG, Mr. CHABOT, Mrs. MYRICK, and Mr. GIBBONS.
H.R. 687: Mr. EVERETT, Mrs. MUSGRAVE, Mr. SIMMONS, Mr. MILLER of Florida, and Mr. STENHOLM.
H.R. 713: Mr. GARY G. MILLER of California and Mr. STUPAK.
H.R. 731: Mr. HOLDEN and Mr. BROWN of Ohio.
H.R. 756: Mr. WICKER.
H.R. 785: Mr. OSBORNE.
H.R. 817: Mr. BOUCHER, Mr. MCCOTTER, and Ms. DELAURO.
H.R. 822: Mr. GRIJALVA, Mr. MARKEY, and Mr. NADLER.
H.R. 857: Mr. OWENS.
H.R. 876: Mr. HASTINGS of Florida, Mr. BURGESS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. WICKER, and Mr. SNYDER.
H.R. 898: Mrs. BIGGERT and Ms. KAPTUR.
H.R. 973: Mr. ANDREWS.
H.R. 976: Mr. LAHOOD.
H.R. 979: Mr. THOMPSON of Mississippi.
H.R. 980: Mr. LEWIS of Kentucky.
H.R. 983: Mr. GARY G. MILLER of California.
H.R. 996: Mr. GUTKNECHT, Mr. LATHAM, Mrs. CAPITO, Mr. JOHN, Mr. WICKER, Mrs. MYRICK, Mr. FORD, and Mr. BOEHNER.
H.R. 997: Mr. MCHUGH and Mrs. EMERSON.
H.R. 998: Mr. HOLT.
H.R. 1007: Mrs. MCCARTHY of New York.
H.R. 1031: Mr. LINCOLN DIAZ-BALART of Florida and Mr. DEUTSCH.
H.R. 1049: Mr. BISHOP of Utah.
H.R. 1052: Mr. UDALL of Colorado.
H.R. 1063: Mr. PITTS and Mr. PALLONE.
H.R. 1105: Mr. CONYERS.
H.R. 1115: Mr. BRADLEY of New Hampshire, Mr. WICKER, and Mr. GOODE.
H.R. 1125: Mr. ROGERS of Kentucky.
H.R. 1130: Mr. BALLANCE and Mr. THOMPSON of Mississippi.
H.R. 1157: Mr. MORAN of Kansas.
H.R. 1179: Mr. CULBERSON.
H.R. 1220: Mr. MANZULLO.
H.R. 1244: Mr. BACA.
H.R. 1268: Mr. GONZALEZ and Mr. HONDA.
H.R. 1294: Mr. DAVIS of Illinois, Mr. NADLER, Ms. BALDWIN, and Ms. KAPTUR.
H.R. 1305: Mr. STEARNS and Mr. GARY G. MILLER of California.
H.R. 1321: Mr. COOPER, Mr. OWENS, Mr. GRIJALVA, and Mr. GUTIERREZ.
H.R. 1421: Mr. RANGEL.
H.R. 1472: Ms. WOOLSEY, Mr. BAIRD, Mr. WYNN, Mr. CAPUANO, Mr. ACEVEDO-VILA, and Mr. ORTIZ.
H.R. 1479: Mr. MCCRERY and Mrs. JO ANN DAVIS of Virginia.
H.R. 1508: Mr. PALLONE, Mr. BACA, and Mr. JACKSON of Illinois.
H.R. 1513: Ms. ROS-LEHTINEN, Mr. EHLERS, Mr. GORDON, and Mr. SANDLIN.
H.R. 1532: Ms. KILPATRICK, Mr. OLVER, Mr. LARSON of Connecticut, Mr. WAXMAN, and Mr. SMITH of New Jersey.
H.R. 1536: Mr. SULLIVAN.
H.R. 1539: Ms. LEE.
H.R. 1551: Ms. LINDA T. SANCHEZ of California and Ms. MCCOLLUM.
H.R. 1565: Ms. JACKSON-LEE of Texas.
H.R. 1586: Mr. BISHOP of Utah.
H.R. 1655: Mr. LUCAS of Kentucky, Mr. FARR, Mr. HINCHEY, Mr. MCNULTY, Mr. LANTOS, Mr. FROST, and Mr. WAXMAN.
H.R. 1675: Mr. COLE and Mr. CARDOZA.
H.R. 1710: Mr. HOLDEN and Mr. MURPHY.
H.R. 1725: Mr. MICA and Mr. BURGESS.
H.R. 1738: Mr. MICHAUD, and Mr. FRANK of Massachusetts.
H.R. 1742: Ms. LINDA T. SANCHEZ of California and Mr. BONILLA.
H.R. 1749: Mr. RAHALL.
H.R. 1755: Mr. CHOCOLA.
H.R. 1767: Mr. SULLIVAN, Mr. AKIN, Mr. HAYES, Mr. FEENEY, Mr. ROHRABACHER, Mr. PENCE, and Mr. SIMMONS.
H.R. 1769: Mr. SAXTON and Mr. CARTER.
H.R. 1784: Mr. LEWIS of Kentucky and Mr. REYES.
H.R. 1813: Mr. CARDIN, Mr. WAXMAN, Ms. WATERS, and Ms. SCHAKOWKSY.
H.R. 1824: Mr. ENGEL, Mr. BAKER, Mr. GALLEGLY, Mr. FEENEY, and Mr. BRADLEY of New Hampshire.
H.R. 1881: Mr. OSE.
H.R. 1902: Mr. MILLER of Florida, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, and Ms. KAPTUR.
H.R. 1926: Mr. MILLER of Florida.
H.R. 2012: Mr. MENENDEZ.
H.R. 2017: Ms. BALDWIN.
H.R. 2023: Mr. LANTOS.
H.R. 2030: Mr. SCHIFF.
H.R. 2032: Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, and Mr. BOEHLERT.
H.R. 2037: Mr. RAHALL.
H.R. 2052: Mr. HINCHEY, Ms. WATSON, Mr. FILNER, Mrs. JOHNSON of Connecticut, Mr. SCOTT of Georgia, Mr. ABERCROMBIE, Mr. ISAKSON, Mr. GOODE, Mrs. MYRICK, Mr. PENCE, Mr. LUCAS of Oklahoma, Mr. BRADLEY of New Hampshire, Ms. SOLIS, Mr. BACA, Ms. DELAURO, Mr. COX, Mr. MORAN of Virginia, Mr. MORAN of Kansas, Mr. LEACH, Mr. HOYER, Mr. FRANK of Massachusetts, Mr. GREEN of Wisconsin, Mr. LATHAM, Mrs. MALONEY, Mr. DEUTSCH, Mr. PICKERING, Mr. UDALL of New Mexico, Mr. MENENDEZ, Ms. JACKSON-LEE of Texas, Mr. COOPER, Mr. DUNCAN, Mr. SPRATT, and Mr. COBLE.
H.R. 2068: Mr. MCDERMOTT, Mr. MARKEY, Mr. GREEN of Texas, Mr. RODRIGUEZ, and Mr. ANDREWS.
H.R. 2069: Mr. MCDERMOTT, Mr. MARKEY, Mr. GREEN of Texas, Mr. RODRIGUEZ, Mr. ANDREWS, and Mr. LANTOS.
H.R. 2077: Mr. MCHUGH.
H.R. 2125: Mr. MCDERMOTT and Ms. MILLENDER-MCDONALD.
H.R. 2127: Mr. OWENS.
H.R. 2131: Mr. DAVIS of Florida.
H.R. 2133: Mrs. KELLY.
H.R. 2152: Ms. JACKSON-LEE of Texas.
H.R. 2162: Mr. ISRAEL.
H.R. 2169: Mr. RYAN of Ohio.
H.R. 2182: Mr. BOUCHER, Mr. FROST, Mr. STARK, Mr. CARDIN, and Mr. MCNULTY.
H.R. 2183: Mr. CANTOR.
H.R. 2198: Mr. HOLT, Mr. PALLONE, and Mr. DEAL of Georgia.
H.R. 2203: Ms. HART and Ms. MCCOLLUM.
H.R. 2205: Mr. JEFFERSON, Mr. CLYBURN, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. LANTOS, Mr. HONDA, Mr. ISAKSON, Mr. FOSSELLA, Mr. CLAY, Mr. SHAYS, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. LEACH, Mr. MCNULTY, Mr. OWENS, Mr. RANGEL, Mr. WYNN, Mr. MOORE, and Ms. DELAURO.
H.R. 2212: Mr. OWENS.
H.R. 2213: Mr. DAVIS of Florida.
H.R. 2233: Mr. LANTOS, Mr. OLVER, Mr. MORAN of Virginia, and Mr. UDALL of Colorado.
H.R. 2242: Mr. WELLER.
H.R. 2246: Mr. KILDEE, Mr. HOEFFEL, Mrs. LOWEY, and Mrs. KELLY.
H.R. 2247: Mr. OWENS, Ms. SCHAKOWSKY, Mrs. CAPPS, Ms. MCCOLLUM, Ms. SOLIS, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. ESHOO, Mr. HOEFFEL, Mr. BOSWELL, Ms. LINDA T. SANCHEZ of California, Mr. GONZALEZ, Mrs. TAUSCHER, Mr. GEPHARDT, Ms. WOOLSEY, Mr. LEVIN, and Ms. MILLENDER-MCDONALD.
H.R. 2249: Mr. LUCAS of Kentucky and Mr. WAXMAN.
H.R. 2250: Mr. OWENS, Mrs. CHRISTENSEN, and Mr. GONZALEZ.
H.R. 2268: Mr. FROST, Ms. WATERS, Mr. SCHIFF, Mr. PASCRELL, Mr. DAVIS of Illinois, and Ms. LEE.
H.R. 2286: Mr. MATSUI, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mrs. DAVIS of California, Ms. LOFGREN, Mr. TIERNEY, Mr. OBERSTAR, Mr. NADLER, Mr. OLVER, Mr. FILNER, Mr. BELL, Mr. LANTOS, Ms. HARMAN, Mr. LANGEVIN, Mr. FRANK of Massachusetts, Mr. MCNULTY, Mr. WYNN, and Mr. CARDIN.
H.R. 2291: Mr. PLATTS, Mrs. CHRISTENSEN, and Mr. STARK.
H. Con. Res. 60: Mr. GORDON, Ms. WATSON, Mr. RAMSTAD, Mr. CANNON, Mr. COLLINS, Mr.

TERRY, Mr. SULLIVAN, Mr. AKIN, Mr. GOODE, and Mrs. BONO.

H. Con. Res. 78: Mr. GRIJALVA.

H. Con. Res. 93: Mr. THOMPSON of California, Mr. GALLEGLY, Mr. MILLER of Florida, Mr. DOOLITTLE, Mr. FARR, Mr. BERMAN, Mr. COX, Mr. HERGER, Mr. HUNTER, Mr. ISSA, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. POMBO, Mr. RADANOVICH, Mr. THOMAS, and Mr. STUPAK.

H. Con. Res. 99: Mr. FRANK of Massachusetts and Ms. DELAURO.

H. Con. Res. 115: Mr. ACKERMAN and Ms. SCHAKOWSKY.

H. Con. Res. 116: Mr. FLAKE.

H. Con. Res. 122: Mr. FRANK of Massachusetts, Ms. LEE, and Ms. MCCOLLUM.

H. Con. Res. 190: Mr. GOSS, Mr. LINDER, Ms. PRYCE of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Washington, Mrs. MYRICK, Mr. SESSIONS, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. MCGOVERN, and Mr. HASTINGS of Florida.

H. Res. 157: Ms. LOFGREN.

H. Res. 233: Ms. LEE.

H. Res. 234: Mr. CLAY and Mr. CAPUANO.

H. Res. 242: Ms. HARRIS and Mr. GALLEGLY.

H. Res. 246: Mr. MICHAUD, Mrs. JONES of Ohio, and Ms. WOOLSEY.

¶59.37 DELETIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 898: Mr. GEPHARDT.

H.R. 2180: Mr. GORDON.

THURSDAY, JUNE 5, 2003 (60)

The House was called to order by the SPEAKER.

¶60.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, June 4, 2003.

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

¶60.2 MESSAGE FROM THE SENATE

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

H.R. 1588. An Act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1588) ''An Act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WARNER, Mr. MCCAIN, Mr. INHOFE, Mr. ROBERTS, Mr. ALLARD, Mr. SESSIONS, Ms. COLLINS, Mr. ENSIGN, Mr. TALENT, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CORNYN, Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. DAYTON, Mr. BAYH, Mrs. CLINTON, and Mr. PRYOR, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1047. An Act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 1048. An Act to authorize appropriations for fiscal year 2004 for military construction, and for other purposes.

S. 1049. An Act to authorize appropriations for fiscal year 2004 for defense activities of the Department of Energy, and for other purposes.

¶60.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2531. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Exotic Newcastle Disease; Additions to Quarantined Area (Docket No. 02–117–7] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2532. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Quarantined Areas and Regulated Articles [Docket No. 03–018–1] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2533. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Movement and Importation of Fruits and Vegetables [Docket No. 00–059–2] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2534. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Hot Water Dip Treatment for Mangoes [Docket No. 02–026–5] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2535. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Additional Declaration for Imported Articles of Pelargonium spp. and Solanum spp. To Prevent Introduction of Potato Brown Rot [Docket No. 03–019–1] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2536. A letter from the Assistant Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2537. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of the decision to convert to contractor performance; to the Committee on Armed Services.

2538. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, ''Merger Decisions 2002''; to the Committee on Financial Services.

2539. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2540. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–94, ''Inspector General Qualifications Amendment Act of 2003'' received June 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

2541. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a report in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

2542. A letter from the Chair, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2002, through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

2543. A letter from the Assistant Secretary for FWP, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Three Plant Species from the Island of Lanai, Hawaii (RIN: 1018–AH10) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2544. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Admospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; 2003 Specifications for the Atlantic Bluefish Fishery [Docket No. 021223329–3112–02; I.D. 121302A] (RIN: 0648–AQ26) received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2545. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 37 to the Northeast Multispecies Fishery Management Plan [Docket No. 030210027–3097–02; I.D. 012103E] (RIN: 0648–AQ35) received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2546. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area Opening for the Groundfish Trawl Fisheries of the Gulf of Alaska [Docket No. 020718172–2303–02; I.D. 043003A] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2547. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report entitled, ''21st Century Department of Justice Appropriations Authorization Act''; to the Committee on the Judiciary.

2548. A letter from the President, Foundation of the Federal Bar Association, transmitting a copy of the Association's audit report for the fiscal year ending September 30, 2002, pursuant to 36 U.S.C. 1101(22) and 1103; to the Committee on the Judiciary.

2549. A letter from the Program Analyst, FAA, Department of Agriculture, transmitting the Department's final rule—Modification of Class E Airspace; Hampton, IA [Docket No. FAA–2003–14597; Airspace Docket No.

03–ACE–20] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2550. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Des Plains River, Joliet, Illinois [CGD09–03–214] (RIN: 1625–AA11) received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Patuxent River, Solomons, Maryland [CGD05–03–048] (RIN: 1625–AA08) received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2552. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2003-32] received May 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2553. A letter from the Chair, Federal Election Commission, transmitting 7 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); jointly to the Committees on House Administration, Government Reform, and Ways and Means.

¶60.4 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 4, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Ann McGeehan, Director of Elections, State of Texas, indicating that, according to the unofficial returns of the Special Election held June 3, 2003, the Honorable Randy Neugebauer was elected Representative in Congress for the Nineteenth Congressional District, State of Texas.

With best wishes, I am
Sincerely,

JEFF TRANDAHL.

Attachment.

¶60.5 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. DELAY, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. Randy Neugebauer, 19th District of the State of Texas, has not been received by the Clerk of the House of Representatives, Mr. NEUGEBAUER be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. NEUGEBAUER then presented himself at the bar of the House and took the oath of office prescribed by law.

¶60.6 PROVIDING FOR THE CONSIDERATION OF H.R. 1474

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 256):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. SESSIONS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. MCGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 220
Nays 198

¶60.7 [Roll No. 243]

YEAS—220

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

NAYS—198

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

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

NOT VOTING—16

Burton (IN)	Lantos	Ryan (WI)
Carson (OK)	Larson (CT)	Smith (WA)
Cox	Lewis (KY)	Toomey
Dicks	Lofgren	Weldon (PA)
Eshoo	McInnis	
Gephardt	Moore	

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶60.8 CHECK CLEARING FOR THE 21ST CENTURY

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to House Resolution 256 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

The SPEAKER pro tempore, Mr. SWEENEY, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. ADERHOLT, assumed the Chair.

When Mr. LAHOOD, Chairman, pursuant to House Resolution 256, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Check Clearing for the 21st Century Act'' or the ''Check 21 Act''.

(b) FINDINGS.—The Congress finds as follows:

(1) In the Expedited Funds Availability Act, enacted on August 10, 1987, the Congress directed the Board of Governors of the Federal Reserve System to consider establishing regulations requiring Federal reserve banks and depository institutions to provide for check truncation, in order to improve the check processing system.

(2) In that same Act, the Congress—

(A) provided the Board of Governors of the Federal Reserve System with full authority to regulate all aspects of the payment system, including the receipt, payment, collection, and clearing of checks, and related functions of the payment system pertaining to checks; and

(B) directed that the exercise of such authority by the Board superseded any State law, including the Uniform Commercial Code, as in effect in any State.

(3) Check truncation is no less desirable today for both financial service customers and the financial services industry, to reduce costs, improve efficiency in check collections, and expedite funds availability for customers than it was over 15 years ago when Congress first directed the Board to consider establishing such a process.

(c) PURPOSES.—The purposes of this Act are as follows:

(1) To facilitate check truncation by authorizing substitute checks.

(2) To foster innovation in the check collection system without mandating receipt of checks in electronic form.

(3) To improve the overall efficiency of the Nation's payments system.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ACCOUNT.—The term ''account'' means a deposit account at a bank.

(2) BANK.—The term ''bank'' means any person that is located in a State and engaged in the business of banking and includes—

(A) any depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act);

(B) any Federal reserve bank;

(C) any Federal home loan bank; or

(D) to the extent it acts as a payor—

(i) the Treasury of the United States;

(ii) the United States Postal Service;

(iii) a State government; or

(iv) a unit of general local government (as defined in section 602(24) of the Expedited Funds Availability Act).

(3) BANKING TERMS.—

(A) CLAIMANT BANK.—The term ''claimant bank'' means a bank that submits a claim for recredit under section 7 to an indemnifying bank.

(B) COLLECTING BANK.—The term ''collecting bank'' means any bank handling a check for collection except the paying bank.

(C) DEPOSITARY BANK.—The term ''depositary bank'' means—

(i) the first bank to which a check is transferred, even if such bank is also the paying bank or the payee; or

(ii) a bank to which a check is transferred for deposit in an account at such bank, even if the check is physically received and indorsed first by another bank.

(D) PAYING BANK.—The term ''paying bank'' means—

(i) the bank by which a check is payable, unless the check is payable at or through another bank and is sent to the other bank for payment or collection; or

(ii) the bank at or through which a check is payable and to which the check is sent for payment or collection.

(E) RETURNING BANK.—

(i) IN GENERAL.—The term ''returning bank'' means a bank (other than the paying or depositary bank) handling a returned check or notice in lieu of return.

(ii) TREATMENT AS COLLECTING BANK.—No provision of this Act shall be construed as affecting the treatment of a returning bank as a collecting bank for purposes of section 4–202(b) of the Uniform Commercial Code.

(4) BOARD.—The term ''Board'' means the Board of Governors of the Federal Reserve System.

(5) BUSINESS DAY.—The term ''business day'' has the same meaning as in section 602(3) of the Expedited Funds Availability Act.

(6) CHECK.—The term ''check''—

(A) means a draft, payable on demand and drawn on or payable through or at an office of a bank, whether or not negotiable, that is handled for forward collection or return, including a substitute check and a travelers check; and

(B) does not include a noncash item or an item payable in a medium other than United States dollars.

(7) CONSUMER.—The term ''consumer'' means an individual who—

(A) with respect to a check handled for forward collection, draws the check on a consumer account; or

(B) with respect to a check handled for return, deposits the check into, or cashes the check against, a consumer account.

(8) CONSUMER ACCOUNT.—The term ''consumer account'' has the same meaning as in section 602(10) of the Expedited Funds Availability Act.

(9) CUSTOMER.—The term ''customer'' means a person having an account with a bank.

(10) FORWARD COLLECTION.—The term ''forward collection'' means the transfer by a bank of a check to a collecting bank for settlement or the paying bank for payment.

(11) INDEMNIFYING BANK.—The term ''indemnifying bank'' means a bank that is providing an indemnity under section 5 with respect to a substitute check.

(12) MICR LINE.—The terms ''MICR line'' and ''magnetic ink character recognition line'' mean the numbers, which may include the bank routing number, account number, check number, check amount, and other information, that are printed near the bottom of a check in magnetic ink in accordance with generally applicable industry standards.

(13) NONCASH ITEM.—The term ''noncash item'' has the same meaning as in section 602(14) of the Expedited Funds Availability Act.

(14) PERSON.—The term ''person'' means a natural person, corporation, unincorporated company, partnership, government unit or instrumentality, trust, or any other entity or organization.

(15) RECONVERTING BANK.—The term ''reconverting bank'' means—

(A) the bank that creates a substitute check; or

(B) if a substitute check is created by a person other than a bank, the first bank that transfers or presents such substitute check.

(16) SUBSTITUTE CHECK.—The term ''substitute check'' means a paper reproduction of the original check that—

(A) contains an image of the front and back of the original check;

(B) bears a MICR line containing all the information appearing on the MICR line of the original check, except as provided under generally applicable industry standards for substitute checks to facilitate the processing of substitute checks;

(C) conforms, in paper stock, dimension, and otherwise, with generally applicable industry standards for substitute checks; and

(D) is suitable for automated processing in the same manner as the original check.

(17) STATE.—The term ''State'' has the same meaning as in section 3(a)(3) of the Federal Deposit Insurance Act.

(18) TRUNCATE.—The term ''truncate'' means to remove an original paper check from the check collection or return process and send to a recipient, in lieu of such original paper check, a substitute check or, by agreement, information relating to the original check (including data taken from the MICR line of the original check or an electronic image of the original check), whether with or without subsequent delivery of the original paper check.

(19) UNIFORM COMMERCIAL CODE.—The term ''Uniform Commercial Code'' means the Uniform Commercial Code in effect in a State.

(20) OTHER TERMS.—Unless the context requires otherwise, the terms not defined in this section shall have the same meanings as in the Uniform Commercial Code.

SEC. 3. GENERAL PROVISIONS GOVERNING SUBSTITUTE CHECKS.

(a) NO AGREEMENT REQUIRED.—A person may deposit, present, or send for collection or return a substitute check without an agreement with the recipient, so long as a bank has made the warranties in section 4 with respect to such substitute check.

(b) LEGAL EQUIVALENCE.—A substitute check shall be the legal equivalent of the original check for all purposes, including any provision of any Federal or State law, and for all persons if the substitute check—

(1) accurately represents all of the information on the front and back of the original check as of the time the original check was truncated; and

(2) bears the legend: ''This is a legal copy of your check. You can use it the same way you would use the original check.''.

(c) ENDORSEMENTS.—A bank shall ensure that the substitute check for which the bank is the reconverting bank bears all endorsements applied by parties that previously handled the check (whether in electronic form or in the form of the original paper check or a substitute check) for forward collection or return.

(d) IDENTIFICATION OF RECONVERTING BANK.—A bank shall identify itself as a reconverting bank on any substitute check for which the bank is a reconverting bank so as to preserve any previous reconverting bank identifications in conformance with generally applicable industry standards.

(e) APPLICABLE LAW.—A substitute check that is the legal equivalent of the original check under subsection (b) shall be subject to any provision, including any provision relating to the protection of customers, of part 229 of title 12 of the Code of Federal Regulations, the Uniform Commercial Code, and any other applicable Federal or State law as if such substitute check were the original check, to the extent such provision of law is not inconsistent with this Act.

SEC. 4. SUBSTITUTE CHECK WARRANTIES.

A bank that transfers, presents, or returns a substitute check and receives consideration for the check warrants, as a matter of law, to the transferee, any subsequent collecting or returning bank, the depositary bank, the drawee, the drawer, the payee, the depositor, and any endorser (regardless of whether the warrantee receives the substitute check or another paper or electronic form of the substitute check or original check) that—

(1) the substitute check meets all the requirements for legal equivalence under section 3(b); and

(2) no depositary bank, drawee, drawer, or endorser will receive presentment or return of the substitute check, the original check, or a copy or other paper or electronic version of the substitute check or original check such that the bank, drawee, drawer, or endorser will be asked to make a payment based on a check that the bank, drawee, drawer, or endorser has already paid.

SEC. 5. INDEMNITY.

(a) INDEMNITY.—A reconverting bank and each bank that subsequently transfers, presents, or returns a substitute check in any electronic or paper form, and receives consideration for such transfer, presentment, or return shall indemnify the transferee, any subsequent collecting or returning bank, the depositary bank, the drawee, the drawer, the payee, the depositor, and any endorser, up to the amount described in subsections (b) and (c), as applicable, to the extent of any loss incurred by any recipient of a substitute check if that loss occurred due to the receipt of a substitute check instead of the original check.

(b) INDEMNITY AMOUNT.—

(1) AMOUNT IN EVENT OF BREACH OF WARRANTY.—The amount of the indemnity under subsection (a) shall be the amount of any loss (including costs and reasonable attorney's fees and other expenses of representation) proximately caused by a breach of a warranty provided under section 4.

(2) AMOUNT IN ABSENCE OF BREACH OF WARRANTY.—In the absence of a breach of a warranty provided under section 4, the amount of the indemnity under subsection (a) shall be the sum of—

(A) the amount of any loss, up to the amount of the substitute check; and

(B) interest and expenses (including costs and reasonable attorney's fees and other expenses of representation).

(c) COMPARATIVE NEGLIGENCE.—If a loss described in subsection (a) results in whole or in part from the negligence or failure to act in good faith on the part of an indemnified party, then that party's indemnification under this section shall be reduced in proportion to the amount of negligence or bad faith attributable to that party.

(d) EFFECT OF PRODUCING ORIGINAL CHECK OR COPY.—

(1) IN GENERAL.—If the indemnifying bank produces the original check or a copy of the original check (including an image or a substitute check) that accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated) or is otherwise sufficient to determine whether or not a claim is valid, the indemnifying bank shall—

(A) be liable under this section only for losses covered by the indemnity that are incurred up to the time the original check or such copy is provided to the indemnified party; and

(B) have a right to the return of any funds the bank has paid under the indemnity in excess of those losses.

(2) COORDINATION OF INDEMNITY WITH IMPLIED WARRANTY.—The production of the original check, a substitute check, or a copy under paragraph (1) by an indemnifying bank shall not absolve the bank from any liability on a warranty established under this Act or any other provision of law.

(e) SUBROGATION OF RIGHTS.—

(1) IN GENERAL.—Each indemnifying bank shall be subrogated to the rights of any indemnified party to the extent of the indemnity.

(2) RECOVERY UNDER WARRANTY.—A bank that indemnifies a party under this section may attempt to recover from another party based on a warranty or other claim.

(3) DUTY OF INDEMNIFIED PARTY.—Each indemnified party shall have a duty to comply with all reasonable requests for assistance from an indemnifying bank in connection with any claim the indemnifying bank brings against a warrantor or other party related to a check that forms the basis for the indemnification.

SEC. 6. EXPEDITED RECREDIT FOR CONSUMERS.

(a) RECREDIT CLAIMS.—

(1) IN GENERAL.—A consumer may make a claim for expedited recredit from the bank that holds the account of the consumer with respect to a substitute check, if the consumer asserts in good faith that—

(A) the bank charged the consumer's account for a substitute check that was provided to the consumer;

(B) either—

(i) the check was not properly charged to the consumer's account; or

(ii) the consumer has a warranty claim with respect to such substitute check;

(C) the consumer suffered a resulting loss; and

(D) the production of the original check or a better copy of the original check is necessary to determine the validity of any claim described in subparagraph (B).

(2) 30-DAY PERIOD.—Any claim under paragraph (1) with respect to a consumer account may be submitted by a consumer before the end of the 30-day period beginning on the later of—

(A) the date on which the consumer receives the periodic statement of account for such account which contains information concerning the transaction giving rise to the claim; or

(B) the date the substitute check is made available to the consumer.

(3) EXTENSION UNDER EXTENUATING CIRCUMSTANCES.—If the consumer's ability to submit the claim within the 30-day period under paragraph (2) is delayed due to extenuating circumstances, including extended travel or the illness of the consumer, the 30-day period shall be extended for a total not to exceed 30 additional days.

(b) PROCEDURES FOR CLAIMS.—

(1) IN GENERAL.—To make a claim for an expedited recredit under subsection (a) with respect to a substitute check, the consumer shall provide to the bank that holds the account of such consumer—

(A) a description of the claim, including an explanation of—

(i) why the substitute check was not properly charged to the consumer's account; or

(ii) the warranty claim with respect to such check;

(B) a statement that the consumer suffered a loss and an estimate of the amount of the loss;

(C) the reason why production of the original check or a better copy of the original check is necessary to determine the validity of the charge to the consumer's account or the warranty claim; and

(D) sufficient information to identify the substitute check and to investigate the claim.

(2) CLAIM IN WRITING.—The bank holding the consumer account that is the subject of a claim by the consumer under subsection (a) may, in the discretion of the bank, require the consumer to submit the information required under paragraph (1) in writing.

(c) RECREDIT TO CONSUMER.—

(1) CONDITIONS FOR RECREDIT.—The bank shall recredit a consumer account in accordance with paragraph (2) for the amount of a substitute check that was charged against the consumer account if—

(A) a consumer submits a claim to the bank with respect to that substitute check that meets the requirement of subsection (b); and

(B) the bank has not provided to the consumer the original check, a substitute check,

or a copy of the original check and demonstrates that the substitute check was properly charged to the consumer's account.

(2) TIMING OF RECREDIT.—

(A) IN GENERAL.—The bank shall recredit the consumer's account for the amount described in paragraph (1) no later than the end of the business day following the business day on which the bank determines the consumer's claim is valid.

(B) RECREDIT PENDING INVESTIGATION.—If the bank has not yet determined that the consumer's claim is valid before the end of the 10th business day after the business day on which the consumer submitted the claim, the bank shall recredit the consumer's account for—

(i) the lesser of the amount of the substitute check that was charged against the consumer account, or $2,500, together with interest if the account is an interest-bearing account, no later than the end of such 10th business day; and

(ii) the remaining amount of the substitute check that was charged against the consumer account, if any, together with interest if the account is an interest-bearing account, not later than the 45th calendar day following the business day on which the consumer submits the claim.

(d) AVAILABILITY OF RECREDIT.—

(1) NEXT BUSINESS DAY AVAILABILITY.—Except as provided in paragraph (2), a bank that provides a recredit to a consumer account under subsection (c) shall make the recredited funds available for withdrawal by the consumer by the start of the next business day after the business day on which the bank recredits the consumer's account under subsection (c).

(2) SAFEGUARD EXCEPTIONS.—A bank may delay availability to a consumer of a recredit provided under subsection (c)(2)(B)(i) until the start of either the business day following the business day on which the bank determines that the consumer's claim is valid or the 45th calendar day following the business day on which the consumer submits a claim for such recredit in accordance with subsection (b), whichever is earlier, in any of the following circumstances:

(A) NEW ACCOUNTS.—The claim is made during the 30-day period beginning on the business day the consumer account was established.

(B) REPEATED OVERDRAFTS.—Without regard to the charge that is the subject of the claim for which the recredit was made—

(i) on 6 or more business days during the 6-month period ending on the date on which the consumer submits the claim, the balance in the consumer account was negative or would have become negative if checks or other charges to the account had been paid; or

(ii) on 2 or more business days during such 6-month period, the balance in the consumer account was negative or would have become negative in the amount of $5,000 or more if checks or other charges to the account had been paid.

(C) PREVENTION OF FRAUD LOSSES.—The bank has reasonable cause to believe that the claim is fraudulent, based on facts (other than the fact that the check in question or the consumer is of a particular class) that would cause a well-grounded belief in the mind of a reasonable person that the claim is fraudulent.

(3) OVERDRAFT FEES.—No bank that, in accordance with paragraph (2), delays the availability of a recredit under subsection (c) to any consumer account may impose any overdraft fees with respect to drafts drawn by the consumer on such recredited amount before the end of the 5-day period beginning on the date notice of the delay in the availability of such amount is sent by the bank to the consumer.

(e) REVERSAL OF RECREDIT.—A bank may reverse a recredit to a consumer account if the bank—

(1) determines that a substitute check for which the bank recredited a consumer account under subsection (c) was in fact properly charged to the consumer account; and

(2) notifies the consumer in accordance with subsection (f)(3).

(f) NOTICE TO CONSUMER.—

(1) NOTICE IF CONSUMER CLAIM NOT VALID.—If a bank determines that a substitute check subject to the consumer's claim was in fact properly charged to the consumer's account, the bank shall send to the consumer, no later than the business day following the business day on which the bank makes a determination—

(A) the original check or a copy of the original check (including an image or a substitute check) that—

(i) accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated); or

(ii) is otherwise sufficient to determine whether or not the consumer's claim is valid; and

(B) an explanation of the basis for the determination by the bank that the substitute check was properly charged, including copies of any information or documents on which the bank relied in making the determination.

(2) NOTICE OF RECREDIT.—If a bank recredits a consumer account under subsection (c), the bank shall send to the consumer, no later than the business day following the business day on which the bank makes the recredit, a notice of—

(A) the amount of the recredit; and

(B) the date the recredited funds will be available for withdrawal.

(3) NOTICE OF REVERSAL OF RECREDIT.—In addition to the notice required under paragraph (1), if a bank reverses a recredited amount under subsection (e), the bank shall send to the consumer, no later than the business day following the business day on which the bank reverses the recredit, a notice of—

(A) the amount of the reversal; and

(B) the date the recredit was reversed.

(4) MODE OF DELIVERY.—A notice described in this subsection shall be delivered by United States mail or by any other means through which the consumer has agreed to receive account information.

(g) OTHER CLAIMS NOT AFFECTED.—Providing a recredit in accordance with this section shall not absolve the bank from liability for a claim made under any other law, such as a claim for wrongful dishonor under the Uniform Commercial Code, or from liability for additional damages under section 5 or 9.

(h) CLARIFICATION CONCERNING CONSUMER POSSESSION.—A consumer who was provided a substitute check may make a claim for an expedited recredit under this section with regard to a transaction involving the substitute check whether or not the consumer is in possession of the substitute check.

(i) SCOPE OF APPLICATION.—This section shall only apply to customers who are consumers.

SEC. 7. EXPEDITED RECREDIT PROCEDURES FOR BANKS.

(a) RECREDIT CLAIMS.—

(1) IN GENERAL.—A bank may make a claim against an indemnifying bank for expedited recredit for which that bank is indemnified if—

(A) the claimant bank (or a bank that the claimant bank has indemnified) has received a claim for expedited recredit from a consumer under section 6 with respect to a substitute check or would have been subject to such a claim had the consumer's account been charged;

(B) the claimant bank has suffered a resulting loss or is obligated to recredit a consumer account under section 6 with respect to such substitute check; and

(C) production of the original check, another substitute check, or a better copy of the original check is necessary to determine the validity of the charge to the customer account or any warranty claim connected with such substitute check.

(2) 120-DAY PERIOD.—Any claim under paragraph (1) may be submitted by the claimant bank to an indemnifying bank before the end of the 120-day beginning on the date of the transaction that gave rise to the claim.

(b) PROCEDURES FOR CLAIMS.—

(1) IN GENERAL.—To make a claim under subsection (a) for an expedited recredit relating to a substitute check, the claimant bank shall send to the indemnifying bank—

(A) a description of—

(i) the claim, including an explanation of why the substitute check cannot be properly charged to the consumer account; or

(ii) the warranty claim;

(B) a statement that the claimant bank has suffered a loss or is obligated to recredit the consumer's account under section 6, together with an estimate of the amount of the loss or recredit;

(C) the reason why production of the original check, another substitute check, or a better copy of the original check is necessary to determine the validity of the charge to the consumer account or the warranty claim; and

(D) information sufficient for the indemnifying bank to identify the substitute check and to investigate the claim.

(2) REQUIREMENTS RELATING TO COPIES OF SUBSTITUTE CHECKS.—If the information submitted by a claimant bank pursuant to paragraph (1) in connection with a claim for an expedited recredit includes a copy of any substitute check for which any such claim is made, the claimant bank shall take reasonable steps to ensure that any such copy cannot be—

(A) mistaken for the legal equivalent of the check under section 3(b); or

(B) sent or handled by any bank, including the indemnifying bank, as a forward collection or returned check.

(3) CLAIM IN WRITING.—An indemnifying bank may, in the bank's discretion, require the claimant bank to submit in writing the information required by paragraph (1), including a copy of the written claim, if any, that the consumer submitted in accordance with section 6(b).

(c) RECREDIT BY INDEMNIFYING BANK.—

(1) PROMPT ACTION REQUIRED.—No later than 10 business days after the business day on which an indemnifying bank receives a claim under subsection (a) from a claimant bank with respect to a substitute check, the indemnifying bank shall—

(A) provide, to the claimant bank, the original check (with respect to such substitute check) or a copy of the original check (including an image or a substitute check) that—

(i) accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated); or

(ii) is otherwise sufficient to determine the bank's claim is not valid; and

(B) recredit the claimant bank for the amount of the claim up to the amount of the substitute check, plus interest if applicable; or

(C) provide information to the claimant bank as to why the indemnifying bank is not obligated to comply with subparagraph (A) or (B).

(2) RECREDIT DOES NOT ABROGATE OTHER LIABILITIES.—Providing a recredit under this

subsection to a claimant bank with respect to a substitute check shall not absolve the indemnifying bank from liability for claims brought under any other law or from additional damages under section 5 or 9 with respect to such check.

(3) REFUND TO INDEMNIFYING BANK.—If a claimant bank reverses, in accordance with section 6(e), a recredit previously made to a consumer account under section 6(c), or otherwise receives a credit or recredit with regard to such substitute check, the claimant bank shall promptly refund to any indemnifying bank any amount previously advanced by the indemnifying bank in connection with such substitute check.

(d) PRODUCTION OF ORIGINAL CHECK OR A SUFFICIENT COPY GOVERNED BY SECTION 5(d).—If the indemnifying bank provides the claimant bank with the original check or a copy of the original check (including an image or a substitute check) under subsection (c)(1)(A), section 5(d) shall govern any right of the indemnifying bank to any repayment of any funds the indemnifying bank has recredited to the claimant bank pursuant to subsection (c).

SEC. 8. DELAYS IN AN EMERGENCY.

Delay by a bank beyond the time limits prescribed or permitted by this Act is excused if the delay is caused by interruption of communication or computer facilities, suspension of payments by another bank, war, emergency conditions, failure of equipment, or other circumstances beyond the control of a bank and if the bank uses such diligence as the circumstances require.

SEC. 9. MEASURE OF DAMAGES.

(a) LIABILITY.—

(1) IN GENERAL.—Except as provided in section 5, any person who, in connection with a substitute check, breaches any warranty under this Act or fails to comply with any requirement imposed by, or regulation prescribed pursuant to, this Act with respect to any other person shall be liable to such person in an amount equal to the sum of—

(A) the lesser of—

(i) the amount of the loss suffered by the other person as a result of the breach or failure; or

(ii) the amount of the substitute check; and

(B) interest and expenses (including costs and reasonable attorney's fees and other expenses of representation) related to the substitute check.

(2) OFFSET OF RECREDITS.—The amount of damages any person receives under paragraph (1), if any, shall be reduced by the amount, if any, that the claimant receives and retains as a recredit under section 6 or 7.

(b) COMPARATIVE NEGLIGENCE.—If a person incurs damages that resulted in whole or in part from the negligence or failure of that person to act in good faith, then the amount of any liability due to that person under subsection (a) shall be reduced in proportion to the amount of negligence or bad faith attributable to that person.

SEC. 10. STATUTE OF LIMITATIONS AND NOTICE OF CLAIM.

(a) ACTIONS UNDER THIS ACT.—

(1) IN GENERAL.—An action to enforce a claim under this Act may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 1-year period beginning on the date the cause of action accrues.

(2) ACCRUAL.—A cause of action accrues as of the date the injured party first learns, or by which such person reasonably should have learned, of the facts and circumstances giving rise to the cause of action.

(b) DISCHARGE OF CLAIMS.—Except as provided in subsection (c), unless a person gives notice of a claim to the indemnifying or warranting bank within 30 days after the person has reason to know of the claim and the identity of the indemnifying or warranting bank, the indemnifying or warranting bank is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(c) NOTICE OF CLAIM BY CONSUMER.—A timely claim by a consumer under section 6 for expedited recredit constitutes timely notice of a claim by the consumer for purposes of subsection (b).

SEC. 11. CONSUMER AWARENESS.

(a) IN GENERAL.—Each bank shall provide, in accordance with subsection (b), a brief notice about substitute checks that describes—

(1) the process of check substitution and how the process may be different than the check clearing process with which the consumer may be familiar; and

(2) a description of the consumer recredit rights established under section 6 when a consumer believes in good faith that a substitute check was not properly charged to the consumer's account.

(b) DISTRIBUTION.—

(1) EXISTING CUSTOMERS.—With respect to consumers that are customers of a bank on the effective date of this Act, a bank shall provide the notice described in subsection (a) to each such consumer no later than the first regularly scheduled communication with the consumer after the effective date of this Act.

(2) NEW ACCOUNT HOLDERS.—A bank shall provide the notice described in subsection (a) to each consumer, other than existing customers referred to in paragraph (1), at the time at which the customer relationship is initiated.

(3) MODE OF DELIVERY.—A bank may send the notices required by this subsection by United States mail or by any other means through which the consumer has agreed to receive account information.

(c) MODEL LANGUAGE.—

(1) IN GENERAL.—No later than 1 year after the date of enactment of this Act, the Board shall publish model forms and clauses that a depository institution may use to describe each of the elements required by subsection (a).

(2) SAFE HARBOR.—A bank shall be treated as being in compliance with the requirements of subsection (a) if the bank's substitute check notice uses a model form or clause published by the Board and such model form or clause accurately describes the bank's policies and practices. A bank may delete any information in the model form or clause that is not required by this Act or rearrange the format.

(3) USE OF MODEL LANGUAGE NOT REQUIRED.—This section shall not be construed as requiring any bank to use a model form or clause that the Board prepares under this subsection.

SEC. 12. EFFECT ON OTHER LAW.

This Act shall supersede any provision of Federal or State law, including the Uniform Commercial Code, that is inconsistent with this Act, but only to the extent of the inconsistency.

SEC. 13. VARIATION BY AGREEMENT.

(a) SECTION 7.—Any provision of section 7 may be varied by agreement of the banks involved.

(b) NO OTHER PROVISIONS MAY BE VARIED.—Except as provided in subsection (a), no provision of this Act may be varied by agreement of any person or persons.

SEC. 14. REGULATIONS.

(a) IN GENERAL.—The Board may, by regulation, clarify or otherwise implement the provisions of this Act or may modify the requirements imposed by this Act with respect to substitute checks to further the purposes of this Act, including reducing risk, accommodating technological or other developments, and alleviating undue compliance burdens.

(b) BOARD MONITORING OF CHECK COLLECTION AND RETURN PROCESS; ADJUSTMENT OF TIME PERIODS.—

(1) MONITORING OF CHECK COLLECTION AND RETURN PROCESS.—The Board shall monitor the extent to which—

(A) original checks are converted to substitute checks in the check collection and return process, and

(B) checks are collected and returned electronically rather than in paper form.

(2) ADJUSTMENT OF TIME PERIODS.—The Board shall exercise the Board's authority under section 603(d)(1) of the Expedited Funds Availability Act to reduce the time periods applicable under subsections (b) and (e) of section 603 of such Act for making funds available for withdrawal, when warranted.

(c) PUBLICATION OF SCHEDULE BY BOARD FOR CHECK TRANSPORTATION SERVICES.—Section 11A(b) of the Federal Reserve Act (12 U.S.C. 248a(b)) is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following new paragraph:

''(8) check transportation services; and''.

SEC. 15. EFFECTIVE DATE.

This Act shall take effect at the end of the 18-month period beginning on the date of the enactment of this Act, except as otherwise specifically provided in this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that the yeas had it.

Mr. BACHUS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶60.9 JOINT COMMITTEE TO REVIEW HOUSE AND SENATE RULES

Mr. DREIER, pursuant to the order of the House of June 4, 2003, submitted the following concurrent resolution (H. Con. Res. 190):

Whereas the Government must be able to function during emergencies in a manner that gives confidence and security to the American people; and

Whereas the Government must ensure the continuation of congressional operations, including procedures for replacing Members, in the aftermath of a catastrophic attack: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) there is hereby established a joint committee composed of 20 members as follows:

(1) 10 Members of the House of Representatives as follows: 5 from the majority party to be appointed by the Speaker of the House, including the chairman of the Committee on Rules, who shall serve as co-chairman, and 5 from the minority party to be appointed by the Speaker of the House (after consultation with the Minority Leader); and

(2) 10 Members of the Senate as follows: 5 from the majority party, including the chairman of the Committee on Rules and Administration, who shall serve as co-chairman,

and 5 from the minority party, to be appointed by the Majority Leader of the Senate (after consultation with the Minority Leader).

A vacancy in the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original selection.

(b)(1) The joint committee shall make a full study and review of the procedures which should be adopted by the House of Representatives, the Senate, and the Congress for the purpose of (A) ensuring the continuity and authority of Congress during times of crisis, (B) improving congressional procedures necessary for the enactment of measures affecting homeland security during times of crisis, and (C) enhancing the ability of each chamber to cooperate effectively with the other body on major and consequential issues related to homeland security.

(2) No recommendation shall be made by the joint committee except upon the majority vote of the members from each House, respectively.

(3) Notwithstanding any other provision of this resolution, any recommendation with respect to the rules and procedures of one House that only affects matters related solely to that House may only be made and voted on by members of the joint committee from that House and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the joint committee.

(4) The joint committee shall submit to the Speaker of the House of Representatives and to the Majority Leader of the Senate an interim report not later than January 31, 2004, and a final report not later than May 31, 2004, of the results of such study and review.

(c) The joint committee shall cease to exist no later than May 31, 2004.

When said concurrent resolution was considered.

After debate,

Pursuant to the order of the House of June 4, 2003, the previous question was ordered on the concurrent resolution to its adoption or rejection and under the operation thereof, the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶60.10 PROVIDING FOR THE CONSIDERATION OF S. 222 AND S. 273

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 258):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 40 minutes of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 40 minutes of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

When said resolution was considered.

After debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. MCGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 220 / Nays 194

¶60.11 [Roll No. 244]

YEAS—220

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

NAYS—194

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

NOT VOTING—20

Ballenger
Brady (TX)
Burton (IN)
Carson (OK)
Delahunt
Dicks
Eshoo
Gephardt
Hastings (FL)
Larson (CT)
Lewis (KY)
Lofgren
McInnis
Ortiz
Reyes
Ryan (WI)
Smith (MI)
Smith (WA)
Toomey
Watt

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. MCGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 229 / Nays ..... 175 }

¶60.12 [Roll No. 245]

AYES—229

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

NOES—175

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

NOT VOTING—30

Ballenger
Brady (TX)
Brown (OH)
Burton (IN)
Carson (OK)
Cubin
DeFazio
Delahunt
Dicks
Eshoo
Frank (MA)
Gephardt
Hastings (FL)
Herger
Jenkins
Larson (CT)
Lewis (GA)
Lewis (KY)
Lofgren
McDermott
McInnis
Meeks (NY)
Ortiz
Reyes
Rogers (MI)
Ryan (WI)
Smith (MI)
Smith (WA)
Toomey
Watt

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶60.13 H.R. 1474—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the passage of the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 405 / Nays ..... 0 }

¶60.14 [Roll No. 246]

YEAS—405

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

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

NOT VOTING—29

Ballenger
Brady (TX)
Brown (OH)
Burton (IN)
Carson (OK)
Coble
DeFazio
Delahunt
Dicks
Eshoo
Gephardt
Hastings (FL)
Jenkins
Larson (CT)
Lewis (KY)
Lofgren
McDermott
McInnis
Miller, George
Ortiz
Peterson (PA)
Pickering
Reyes
Ryan (WI)
Smith (MI)
Smith (WA)
Spratt
Toomey
Watt

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶60.15 ZUNI INDIAN TRIBE WATER RIGHTS SETTLEMENT

Mr. RENZI, pursuant to House Resolution 258, called up the bill of the Senate (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

When said bill was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. UDALL of New Mexico demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶60.16 GRAND TETON NATIONAL PARK LAND EXCHANGE

Mrs. CUBIN, pursuant to House Resolution 258, called up the bill of the Senate (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 258, the previous question was ordered on the bill.

The bill was ordered to be read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD announced that the yeas had it.

Mr. UDALL of New Mexico demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶60.17 S. 222—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the question on the passage of the bill of the Senate (S. 222) to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 389 / Nays 3

¶60.18 [Roll No. 247]

YEAS—389

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

Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Coble
Duncan
Paul

NOT VOTING—42

Ackerman
Ballenger
Blunt
Brady (TX)
Brown (OH)
Burton (IN)
Carson (OK)
Conyers
Costello
Deal (GA)
DeFazio
Delahunt
Dicks
English
Eshoo
Everett
Feeney
Gephardt
Goode
Hastings (FL)
Hooley (OR)
Hulshof
Jenkins
Kolbe
Larson (CT)
Lewis (KY)
Lofgren
Lowey
McDermott
McInnis
Miller, George
Ortiz
Pascrell
Quinn
Reyes
Ryan (WI)
Serrano
Smith (MI)
Smith (WA)
Thompson (CA)
Toomey
Watt

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶60.19 S. 273—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on the passage of the bill of the Senate (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 375 / Nays 4

¶60.20 [Roll No. 248]

YEAS—375

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

NAYS—4

Coble
Miller (FL)
Musgrave
Paul

NOT VOTING—55

Ackerman
Ballenger
Berman
Brady (TX)
Brown (OH)
Brown (SC)
Burton (IN)
Carson (OK)
Clyburn
Conyers
Costello
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
Dicks
Edwards
Ehlers
Eshoo
Everett
Feeney
Fletcher
Gephardt
Goode
Hastings (FL)
Hooley (OR)
Hulshof
Hunter
Jenkins
Larson (CT)
Lewis (KY)
Lofgren
Lowey
McDermott
McInnis
Meehan
Miller, George
Ortiz
Pascrell
Putnam
Quinn
Reyes
Ryan (WI)
Serrano
Smith (MI)
Smith (WA)
Sweeney
Tancredo
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Walsh
Watt

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶60.21 PERMISSION TO FILE REPORT

On motion of Mr. MICA, by unanimous consent, the Committee on Transportation and Infrastructure was granted permission until midnight on Friday, June 6, 2003, to file a report (Rept. No. 108–143) on the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

¶60.22 ADJOURNMENT OVER

On motion of Mr. MICA, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, June 9, 2003, at 12:30 p.m. for morning-hour debate; and further, that when the House adjourns on Monday, June 9, 2003, it adjourn to meet at 10:30 a.m. on Tuesday, June 10, 2003, for morning-hour debate.

¶60.23 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. MICA, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 11, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶60.24 MEXICO-U.S. INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore, Mr. PORTER, announced that the Speaker, pursuant to 22 United States Code 276h and the order of the House of January 8, 2003, on March 13, 2003, appointed to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE, Chairman, the following Members of the House: Mr. BALLENGER, Vice Chairman, Messrs. DREIER, BARTON OF TEXAS, MANZULLO, WELLER, Mrs. HARRIS, Messrs. STENHOLM, FALEOMAVAEGA, PASTOR, FILNER and REYES.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶60.25 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 192. An Act to amend the Microenterprise for Self-Reliance Act of 2000 and the

Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

¶60.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DEFAZIO, for after 3 p.m. today;

To Mr. HERGER, for June 2 and 3;

To Ms. LOFGREN, for after 7 p.m. on June 4 and balance of the week;

To Mr. ORTIZ, for after 2:30 p.m. today; and

To Mr. RYAN of Wisconsin, for today.

And then,

¶60.27 ADJOURNMENT

On motion of Mrs. DAVIS of California, pursuant to the previous order of the House, at 5 o'clock and 15 minutes p.m., the House adjourned until 12:30 p.m. on Monday, June 9, 2003.

¶60.28 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONER AND DELEGATE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 108th Congress, pursuant to the provisions of 2 U.S.C. 25:

RANDY NEUGEBAUER, Texas 19.

¶60.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1460. A bill to amend title 38, United States Code, to permit the use of education benefits under such title for certain entrepreneurship courses, to permit veterans enrolled in a vocational rehabilitation program under chapter 31 of such title to have self-employment as a vocational goal, and for other purposes; with amendments (Rept. 108–142 Pt. 1). Ordered to be printed.

[Pursuant to the order of the House on June 5, 2003 the following report was filed on June 6, 2003]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2115. A bill to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes; with an amendment (Rept. 108–143). Referred to the Committee of the Whole House on the State of the Union.

¶60.30 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 1460. Referral to the Committee on Small Business extended for a period ending not later than July 7, 2003.

¶60.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. BERMAN):

H.R. 2344. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. OSE, Mr. PENCE, and Mr. TERRY):

H.R. 2345. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of Arizona:

H.R. 2346. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. FRANKS of Arizona (for himself, Mr. BOEHNER, Mrs. MUSGRAVE, Mr. DOOLITTLE, Mr. KING of Iowa, Mr. CANTOR, Mr. FEENEY, Mr. AKIN, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. TIBERI, Mr. GUTKNECHT, Mr. VITTER, Mr. HOEKSTRA, Mr. DEMINT, Mr. SOUDER, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BEAUPREZ, Mr. PAUL, Mr. PITTS, Mr. RENZI, Mr. HAYWORTH, and Mrs. MYRICK):

H.R. 2347. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of State qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance for elementary and secondary education; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2348. A bill to amend the Elementary and Secondary Education Act of 1965 regarding the rigorous standard of quality applicable to paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Education and the Workforce.

By Mr. EVANS (for himself, Mr. SIMMONS, Mr. GUTIERREZ, Mr. FILNER, Ms. BERKLEY, and Mrs. DAVIS of California):

H.R. 2349. A bill to authorize certain major medical facility projects for the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HERGER:

H.R. 2350. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. HAYWORTH, Mr. LEWIS of Kentucky, Mr. BRADY of Texas, Mr. ENGLISH, Mr. SESSIONS, Mr. OSE, Mr. FOSSELLA, Mr. PAUL, Mr. SMITH of New Jersey, Mr. WELDON of Florida, Mr. RYUN of Kansas, Mr. DELAY, Mr. TOOMEY, Mr. BARTON of Texas, Mr. WALSH, Mr. BALLENGER, Mr. CAMP, Mr. COLLINS, Mr. RYAN of Wisconsin, Mr. KELLER, Mr. HERGER, Mr. DOOLITTLE, Mr. DEMINT, and Mr. NORWOOD):

H.R. 2351. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings accounts and to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mr. FILNER, Mr. RODRIGUEZ, Mr. EVANS, Mr. CUNNINGHAM, Mr. ABERCROMBIE, Mr. ROHRABACHER, Mrs. DAVIS of California, Mr. ISSA, and Mr. SMITH of New Jersey):

H.R. 2352. A bill to amend title 38, United States Code, to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States; to the Committee on Veterans' Affairs.

By Ms. SCHAKOWSKY (for herself, Ms. SLAUGHTER, Ms. LEE, Ms. WOOLSEY, Mr. FARR, and Ms. KILPATRICK):

H.R. 2353. A bill to require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities; to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE (for himself, Mr. ABERCROMBIE, and Mr. GIBBONS):

H.R. 2354. A bill to amend title 38, United States Code, to increase the allowance for burial expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mr. ABERCROMBIE (for himself and Mr. CASE):

H.R. 2355. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study; to the Committee on Resources.

By Mr. ALLEN (for himself, Mrs. EMERSON, Mr. BERRY, Mr. BEREUTER, Mr. WAXMAN, Mr. BURTON of Indiana, Mr. DAVIS of Florida, Mr. GUTKNECHT, Mr. SNYDER, Mrs. BONO, Mr. COOPER, and Mr. WAMP):

H.R. 2356. A bill to require the National Institutes of Health to conduct research, and the Agency for Healthcare Research and Quality to conduct studies, on the comparative effectiveness and cost-effectiveness of prescription drugs that account for high levels of expenditures or use by individuals in

federally funded health programs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. SMITH of New Jersey, and Mr. MILLER of Florida):

H.R. 2357. A bill to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CALVERT (for himself, Mr. ORTIZ, Mr. SENSENBRENNER, Mr. CUNNINGHAM, Mr. SANDLIN, Mr. BARTLETT of Maryland, Mrs. CAPPS, Mr. WELDON of Florida, Mr. PAUL, Mr. FOLEY, Mr. HINOJOSA, Mr. LUCAS of Oklahoma, Mr. BARTON of Texas, Mr. DOOLITTLE, and Mr. BURGESS):

H.R. 2358. A bill to amend the Internal Revenue Code of 1986 to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. OSBORNE, and Mr. LATHAM):

H.R. 2359. A bill to extend the basic pilot program for employment eligibility verification, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. WU, Mr. FARR, Mr. GEORGE MILLER of California, and Mr. DEFAZIO):

H.R. 2360. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Ms. DUNN, Mr. FOLEY, Mr. MCNULTY, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. FROST, Mr. SANDLIN, Mr. GILLMOR, Mrs. CAPITO, Mr. FRANK of Massachusetts, Mr. EDWARDS, Mr. HOLDEN, Mr. PAUL, Mr. KANJORSKI, Ms. LOFGREN, Mr. MORAN of Virginia, and Mr. GOODE):

H.R. 2361. A bill to amend title XVIII of the Social Security Act to waive the part B late enrollment penalty for military retirees who enroll by December 31, 2004, and to provide a special part B enrollment period for such retirees; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE (for himself, Mr. ABERCROMBIE, and Mr. YOUNG of Alaska):

H.R. 2362. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself, Mr. CUMMINGS, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. MCNULTY, Mr. OWENS, Mr. SANDERS, Ms. SOLIS, Ms. KAPTUR, Mr. PALLONE, Mr. SERRANO, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Mr. RODRIGUEZ, Mr. FROST, Ms. LOFGREN, Mr. CONYERS, Mr. ALLEN, and Mr. BROWN of Ohio):

H.R. 2363. A bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, Ways and Means, House Administration, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 2364. A bill to amend the Immigration and Nationality Act in regard to Caribbean-born immigrants; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. LEVIN, and Mr. HOUGHTON):

H.R. 2365. A bill to amend United States trade laws to address more effectively import crises, and for other purposes; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 2366. A bill to suspend certain amendments made by the No Child Left Behind Act of 2001 if the Federal Government fails to fully fund such amendments; to the Committee on Education and the Workforce.

By Mr. GIBBONS:

H.R. 2367. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Texas (for himself, Mr. REYES, Mr. EDWARDS, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. STENHOLM, Mr. ORTIZ, Mr. SANDLIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. TURNER of Texas, Mr. FROST, Mr. BELL, Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. DOGGETT, and Mr. HALL):

H.R. 2368. A bill to amend the Internal Revenue Code of 1986 to tax the campaign committees of candidates for State and local public office in the same manner as campaign committees of candidates for Congress; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. ROTHMAN, Mr. MATSUI, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. FARR, Mr. KIRK, Mr. REYES, Mr. LYNCH, Mr. JACKSON of Illinois, Mr. ANDREWS, Ms. MAJETTE, Mr. SCOTT of Georgia, Mr. MEEKS of New York, Mr. SMITH of New Jersey, Ms. KAPTUR, Mr. RAMSTAD, Mr. MEEHAN, Mr. MENENDEZ, Mr. LAMPSON, Mr. FILNER, Mr. LARSEN of Washington, Mr. JEFFERSON, Mr. DAVIS of Illinois, Mr. FERGUSON, Ms. WATERS, Mr. MICHAUD, Ms. HOOLEY of Oregon, Ms. DEGETTE, Ms. LORETTA SANCHEZ of California, Mr. GONZALEZ, Mr. JOHNSON of Illinois, Mr. BOEHLERT, Mr. GREENWOOD, Mr. SHAYS, Mr. LEACH, Mrs. JOHNSON of Connecticut, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. WU, Mr. RAHALL, Mr. DOYLE, Mr. WEINER, Mr. HOEFFEL, Mr. FRANK of Massachusetts, Mr. KILDEE, Mrs. JONES of Ohio, Mrs. TAUSCHER, Ms. BALDWIN, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. HOLT, Mr. DOGGETT, Mr. BECERRA, Mr. ISRAEL, Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. NEAL of Massachusetts, Mr. MORAN of Virginia, Mr. DEFAZIO, Mr. BROWN of Ohio, Mrs. MALONEY, Ms. LEE, Mr. KLECZKA, Mr. STARK, Mr. HONDA, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. PASTOR, Mr. LANGEVIN, Mr. FORD, Mr. PAYNE, Mr. MARKEY, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mr. BLUMENAUER, Ms. DELAURO, Mr. LEVIN, Mr. CUMMINGS, Mr. WYNN, Mr. VAN HOLLEN, Mr. KIND, Mr. DEUTSCH, Mr. SERRANO, Mr. ENGEL, Mr. UDALL of Colorado, Mr. MCNULTY, Mr. OWENS, Mr. BERMAN, Mr. ACKERMAN, Mr. BOUCHER, Mr. HILL, Mr. SABO, Mr. OLVER, Mr. WEXLER, Mr. RANGEL, Mr. ACEVEDO-VILA, Ms. HARMAN, Ms. SOLIS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MOORE, Ms. KILPATRICK, Mrs. MCCARTHY of New York, Mr. WATT, Mr. GILCHREST, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Mrs. CAPPS, Mr. CLAY, Ms. MCCOLLUM, Mr. GUTIERREZ, Mr. FATTAH, Mr. DINGELL, Mr. CROWLEY, Ms. NORTON, Mr. RUSH, Mr. TOWNS, Mr. EVANS, Mr. PALLONE, Mr. MCGOVERN, Mr. SCHIFF, Ms. SLAUGHTER, Ms. MCCARTHY of Missouri, Mr. SHERMAN, Ms. LINDA T. SANCHEZ of California, Mr. GRIJALVA, Mr. NADLER, Mr. GREEN of Texas, Mrs. LOWEY, Ms. ESHOO, Mr. ALLEN, Mr. COOPER, Mr. RYAN of Ohio, Mr. CONYERS, Mr. CLYBURN, Mr. PRICE of North Carolina, Mr. KUCINICH, Mr. CAPUANO, Mr. CASE, Mr. CARDIN, Mr. SANDERS, Mr. MILLER of North Carolina, Mr. COSTELLO, Mr. LANTOS, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. TIERNEY, Ms. MILLENDER-MCDONALD, and Mr. LARSON of Connecticut):

H.R. 2369. A bill to protect inventoried roadless areas in the National Forest System, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island:

H.R. 2370. A bill to improve homeland security by providing for national resilience in preparation for, and in the event of, a terrorist attack, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. MCDERMOTT, Mr. BERMAN, Mr. CONYERS, Mr. MCGOVERN, Mr. FILNER, Ms. ESHOO, Mr. CASE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. BALLANCE, Mr. JEFFERSON, Ms. CARSON of Indiana, Mr. WYNN, Mr. OWENS, Mr. DAVIS of Alabama, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. CLAY, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. LEWIS of Georgia, Mr. FATTAH, Ms. WATERS, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, Mr. FARR, and Mrs. JONES of Ohio):

H.R. 2371. A bill to provide for the issuance of a semipostal to benefit the Peace Corps; to the Committee on Government Reform, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. RANGEL, Ms. CARSON of Indiana,

Mr. OWENS, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. KLECZKA, Mr. SCOTT of Georgia, Mr. PAUL, Mr. FROST, Mr. PAYNE, and Mr. KILDEE):

H.R. 2372. A bill to amend the Internal Revenue Code of 1986 to provide an increased low-income housing credit for property located immediately adjacent to qualified census tracts; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. BLUMENAUER, Ms. DELAURO, Mr. LEWIS of Georgia, and Mrs. CHRISTENSEN):

H.R. 2373. A bill to authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas; to the Committee on Financial Services.

By Ms. MILLENDER-MCDONALD:

H.R. 2374. A bill to amend the Small Business Act to allow more joint ventures, leader-follow arrangements, and teaming arrangements under the section 8(a) minority business development program; to the Committee on Small Business.

By Ms. MILLENDER-MCDONALD:

H.R. 2375. A bill to amend the Internal Revenue Code of 1986 to increase the contribution limits applicable to simple retirement accounts; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD:

H.R. 2376. A bill to prevent and respond to terrorism and crime at or through ports; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. PLATTS, Mr. KENNEDY of Rhode Island, Mr. ANDREWS, Mr. SERRANO, Ms. DELAURO, Mr. DAVIS of Illinois, Ms. SOLIS, Mrs. DAVIS of California, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. KILDEE, and Mr. SANDERS):

H.R. 2377. A bill to establish the Child Care Provider Development and Retention Grant Program, the Child Care Provider Scholarship Program, and a program of child care provider health benefits coverage, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Ms. CORRINE BROWN of Florida, and Mr. FILNER):

H.R. 2378. A bill to reform the safety practices of the railroad industry, to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OSBORNE:

H.R. 2379. A bill to amend title 38, United States Code, to improve access to health care for rural veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PETERSON of Minnesota:

H.R. 2380. A bill to amend title 38, United States Code, to authorize additional compensation to be paid to certain veterans in receipt of compensation for a service-connected disability rated totally disabling for whom a family member dependent on the veteran for support provides care; to the Committee on Veterans' Affairs.

By Mr. RAHALL (for himself, Mr. MOLLOHAN, and Mr. STRICKLAND):

H.R. 2381. A bill to complete construction of the 13-State Appalachian development highway system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RAHALL (for himself, Mr. HOLT, Mr. FROST, Mr. GEORGE MILLER of California, Mr. STARK, Ms. MCCOLLUM, Mr. MARKEY, Ms. JACKSON-LEE of Texas, and Ms. BORDALLO):

H.R. 2382. A bill to amend title 49, United States Code, relating to improving transportation in the national parks; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 2383. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of smoking cessation costs; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. DELAURO, and Mr. LARSON of Connecticut):

H.R. 2384. A bill to amend title 23, United States Code, to provide an exemption from Interstate System weight limitations for milk hauling vehicles in the State of Connecticut; to the Committee on Transportation and Infrastructure.

By Mr. SIMPSON (for himself and Mr. ABERCROMBIE):

H.R. 2385. A bill to amend the Rehabilitation Act of 1973 to provide for more equitable allotment of funds to States for centers for independent living; to the Committee on Education and the Workforce.

By Mr. SIMPSON (for himself, Mr. OTTER, Mr. HERGER, Mr. DUNCAN, Mr. WALDEN of Oregon, Mr. GOSS, Mr. PETERSON of Pennsylvania, Mr. HUNTER, Mr. CANNON, Mr. DOOLITTLE, Mr. THORNBERRY, Mr. RADANOVICH, Mr. PEARCE, Mr. GIBBONS, and Mr. SOUDER):

H.R. 2386. A bill to amend the Antiquities Act regarding the establishment by the President of certain national monuments and to provide for public participation in the proclamation of national monuments; to the Committee on Resources.

By Mr. STRICKLAND:

H.R. 2387. A bill to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems; to the Committee on the Judiciary.

By Mr. THOMPSON of California:

H.R. 2388. A bill to authorize leases for terms not to exceed 99 years on lands held in trust for the Yurok Tribe and the Hopland Band of Pomo Indians; to the Committee on Resources.

By Mr. VISCLOSKY:

H.R. 2389. A bill to assure that the services of a nonemergency department physician are available to hospital patients 24-hours-a-day, seven days a week in all non-Federal hospitals with at least 100 licensed beds; to the Committee on Energy and Commerce.

By Mr. WU:

H.R. 2390. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to enter into agreements with private for-profit organizations for the provision of work-study employment; to the Committee on Education and the Workforce.

By Mr. CUMMINGS:

H. Con. Res. 208. Concurrent resolution supporting National Men's Health Week; to the Committee on Government Reform.

By Mr. ENGEL (for himself, Mr. BEREUTER, Mr. WEXLER, Mr. KIRK, Mrs. KELLY, Mr. FALEOMAVAEGA, Mrs. NAPOLITANO, and Mr. SHIMKUS):

H. Con. Res. 209. Concurrent resolution commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia; to the Committee on International Relations.

By Mr. RANGEL (for himself, Mr. BISHOP of Georgia, Mr. BALLANCE, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. FORD, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MAJETTE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WYNN, and Mr. CLAY):

H. Con. Res. 210. Concurrent resolution honoring Army Specialist Shoshana Nyree Johnson, former prisoner of war in Iraq; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. ACKERMAN, Mr. PENCE, Mr. BURTON of Indiana, and Mr. TANCREDO):

H. Con. Res. 211. Concurrent resolution expressing the sense of Congress and appreciation for the support and cooperation from Kuwait, Bahrain, and Qatar in Operation Iraqi Freedom; to the Committee on International Relations.

By Mr. KUCINICH (for himself, Ms. LEE, Ms. WOOLSEY, Ms. SCHAKOWSKY, Ms. WATSON, Mr. HINCHEY, Mr. SERRANO, Mr. GRIJALVA, Mr. FARR, Mr. CONYERS, Mr. JACKSON of Illinois, Ms. CARSON of Indiana, Mr. OWENS, Mr. VAN HOLLEN, Mrs. MALONEY, Ms. JACKSON-LEE of Texas, Mr. GEORGE MILLER of California, Ms. KAPTUR, Mr. SCOTT of Virginia, Mr. NADLER, Mr. STARK, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. RAHALL, Mr. MCDERMOTT, Mr. BROWN of Ohio, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. HONDA, Ms. SOLIS, Mr. TOWNS, and Mr. PAYNE):

H. Res. 260. A resolution requesting the President to transmit to the House of Representatives not later 14 days after the date of the adoption of this resolution documents or other materials in the President's possession relating to Iraq's weapons of mass destruction; to the Committee on International Relations.

By Mr. WOLF (for himself, Mr. MCGOVERN, Ms. KAPTUR, Mr. WALSH, Mr. WAXMAN, Mrs. EMERSON, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. CONYERS, Mr. GIBBONS, Mr. MCNULTY, Ms. LEE, Mr. RANGEL, Mr. LANTOS, and Mr. WAMP):

H. Res. 261. A resolution expressing the support of the House of Representatives for the efforts of organizations such as Second Harvest to provide emergency food assistance to hungry people in the United States, and encouraging all Americans to provide volunteer services and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; to the Committee on Agriculture.

¶60.32 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

71. The SPEAKER presented a memorial of the Legislature of the State of Alabama, relative to House Resolution No. 412 memorializing the United States Congress to recognize that the F/A-22 Raptor is critical to the Alabama economy and that the members of this body implore the Congress to fully fund and advance the F/A-22 Raptor program, thus providing our military heroes with the vital resources they need while invigorating our economy; to the Committee on Armed Services.

72. Also,a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 128 memorializing the United States Congress that all individuals and organizations involved with telecommunications and call centers are respectfully urged to initiate customer right-to-know procedures regarding all inbound and outbound communications; to the Committee on Energy and Commerce.

73. Also,a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 17 memorializing the United States Congress that the Governor is requested to take all necessary actions to establish a state province of Ilocos Norte in the Republic of the Philippines; to the Committee on International Relations.

74. Also,a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 77 memorializing the United States Congress to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; to the Committee on Veterans' Affairs.

75. Also,a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 76 memorializing the United States Congress to support the passage of H.R. 664, to improve benefits for Filipino veterans of World War II and the surviving spouses of those veterans; to the Committee on Veterans' Affairs.

¶60.33 ADDITIONAL SPONSNSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 54: Mr. GREEN of Texas, Mr. WAMP, Mr. NETHERCUTT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, Mr. HAYWORTH, Mr. TIAHRT, Mr. PENCE, Ms. CORRINE BROWN of Florida, Mr. LARSEN of Washington, Mr. WICKER, Mr. ROYCE, Mr. BRADY of Texas, Mr. BAKER, Mr. SCHROCK, and Mr. BEREUTER.

H.R. 57: Mr. CARDOZA, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. BISHOP of Georgia, and Mrs. KELLY.

H.R. 63: Mrs. CAPITO.

H.R. 111: Mr. ALEXANDER.

H.R. 125: Ms. WATERS.

H.R. 173: Ms. JACKSON-LEE of Texas, Mr. RYAN of Ohio, Mr. LARSON of Connecticut, Mr. GUTIERREZ, and Mr. MILLER of North Carolina.

H.R. 235: Mr. HENSARLING, Mrs. MUSGRAVE, Mr. CRANE, Mr. COLLINS, Mr. MCCRERY, Mr. SHAW, and Mr. RAMSTAD.

H.R. 303: Mr. HOEFFEL, Mr. SCOTT of Virginia, Mr. BACA, Mr. TURNER of Ohio, Mr. CALVERT, and Ms. ESHOO.

H.R. 328: Mr. BAIRD, Mr. ROSS, Mr. ORTIZ, Ms. ROYBAL-ALLARD, Ms. Linda T. SANCHEZ of California, Mr. LAMPSON, and Ms. CARSON of Indiana.

H.R. 348: Ms. WATSON.

H.R. 434: Mr. TERRY, Mr. WEXLER, and Mr. STEARNS.

H.R. 476: Mr. OWENS and Mr. HOLT.

H.R. 489: Mr. SULLIVAN.

H.R. 502: Mrs. MYRICK.

H.R. 548: Mr. ENGEL, Mr. MURPHY, Mrs. NAPOLITANO, Mr. REHBERG, Mr. BARTLETT of Maryland, Mr. HOYER, Mr. WAXMAN, Mr. JANKLOW, Mr. SPRATT, Mr. CALVERT, and Mr. LOBIONDO.

H.R. 583: Mr. WOLF and Mr. LAHOOD.

H.R. 589: Mr. OSBORNE, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. KIRK, Ms. ESHOO, Mr. WICKER, Mr. SHUSTER, Mr. JONES of North Carolina, Ms. GRANGER, Mr. MICHAUD, Mr. PORTER, Mrs. BONO, Mr. BURGESS, Mr. ALLEN, and Mr. SAXTON.

H.R. 594: Mr. JOHN, Mr. BRADLEY of New Hampshire, and Mr. BROWN of South Carolina.

H.R. 669: Mr. NUNES.

H.R. 687: Mrs. MYRICK.

H.R. 713: Mr. HAYWORTH.

H.R. 714: Mr. MILLER of Florida.

H.R. 742: Mr. ROGERS of Alabama, Mr. STENHOLM, Mr. GIBBONS, Mr. MICHAUD, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. CALVERT.

H.R. 767: Mr. BURGESS.

H.R. 816: Mr. MENENDEZ.

H.R. 817: Mr. WELDON of Florida and Mr. WU.

H.R. 834: Mr. MATSUI.

H.R. 839: Mr. CALVERT, Mr. MICHAUD, Mrs. EMERSON, Ms. ESHOO, Mr. SHIMKUS, Mr. MILLER of North Carolina, Ms. MCCOLLUM, Mr. WAMP, Mr. COSTELLO, Mr. PUTNAM, Ms. LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. THORNBERRY, Mr. FLETCHER, Ms. GINNY BROWN-WAITE of Florida, Ms. HOOLEY of Oregon, Mr. PETERSON of Minnesota, Mrs. MUSGRAVE, Mrs. JOHNSON of Connecticut, Ms. LOFGREN, Mr. MANZULLO, and Ms. LORETTA SANCHEZ of California.

H.R. 852: Mr. SERRANO, Mr. PAYNE, Mr. GRIJALVA, Mr. ACEVEDO-VILA, Ms. LEE, Mr. LANTOS, Ms. WOOLSEY, Mr. CROWLEY, and Mrs. CAPPS.

H.R. 871: Mrs. EMERSON.

H.R. 882: Mr. BROWN of South Carolina, Mr. HOLT, and Mr. REHBERG.

H.R. 890: Mr. RANGEL and Mr. GREEN of Wisconsin.

H.R. 898: Mr. RENZI, Mr. FARR, Mr. FLETCHER, Mrs. MALONEY, and Mr. ETHERIDGE.

H.R. 906: Mr. COBLE, Mr. GERLACH, Mr. ROGERS of Kentucky, and Mr. BURNS.

H.R. 919: Mr. BOOZMAN.

H.R. 935: Mr. MARKEY and Mr. DELAHUNT.

H.R. 953: Mr. KING of New York.

H.R. 962: Mr. RYAN of Ohio, Mr. WAXMAN, Ms. DEGETTE, Mr. HOLT, Mr. MATSUI, Mr. ROTHMAN, and Mr. ACEVEDO-VILA.

H.R. 966: Mr. KILDEE.

H.R. 967: Mr. LARSON of Connecticut and Mr. FILNER.

H.R. 1048: Mr. KILDEE.

H.R. 1118: Mr. WU, Mr. LUCAS of Oklahoma, Mr. COSTELLO, and Mr. LAMPSON.

H.R. 1125: Mr. RYAN of Ohio, Ms. HARRIS, Mr. STUPAK, and Mr. GUTIERREZ.

H.R. 1137: Mr. SOUDER.

H.R. 1160: Mr. SCOTT of Georgia, Mr. BEREUTER, Mr. PRICE of North Carolina, Mr. WILSON of South Carolina, Mr. BOEHLERT, Mr. RAHALL, and Mr. ROSS.

H.R. 1173: Mr. REHBERG.

H.R. 1185: Mr. MCINNIS.

H.R. 1199: Mr. GUTIERREZ.

H.R. 1209: Mr. PASCRELL, Mr. LANTOS, Mr. SCHIFF, Ms. SOLIS, and Ms. DELAURO.

H.R. 1233: Mr. OSE and Mr. HOSTETTLER.

H.R. 1267: Mr. MENENDEZ, Mr. UDALL of Colorado, and Ms. ESHOO.

H.R. 1268: Ms. MCCOLLUM and Mr. GUTIERREZ.

H.R. 1276: Ms. LINDA T. SANCHEZ of California.

H.R. 1285: Mrs. CAPPS, Mr. FROST, and Ms. LORETTA SANCHEZ of California.

H.R. 1301: Mr. LATHAM, Mr. FORD, and Mr. GOODLATTE.

H.R. 1310: Mr. BERRY.

H.R. 1348: Mr. CLAY and Mr. GREEN of Texas.

H.R. 1372: Mr. WILSON of South Carolina, Mr. SANDLIN, and Mr. LATHAM.

H.R. 1400: Ms. WATERS, Ms. BALDWIN, Mr. ROSS, Ms. SLAUGHTER, Mr. OWENS, and Mr. TIERNEY.

H.R. 1422: Mr. PASCRELL.

H.R. 1443: Mr. BOEHLERT and Mr. HASTINGS of Florida.

H.R. 1451: Mr. DAVIS of Florida.

H.R. 1464: Mr. OWENS.

H.R. 1472: Mr. MCKEON.

H.R. 1478: Mr. HAYWORTH.

H.R. 1480: Ms. NORTON.

H.R. 1510: Mr. RYAN of Ohio.

H.R. 1511: Mrs. NAPOLITANO, Mr. WU, Mr. ROTHMAN, Mr. ACKERMAN, Ms. BERKLEY, Mr. SHERMAN, Mr. HINOJOSA, Mr. LANTOS, Mr. ENGEL, Mr. TURNER of Texas, Mr. HOEFFEL, Mr. RUPPERSBERGER, Mr. DAVIS of Florida, Mr. WYNN, Mr. RAMSTAD, Mr. MCGOVERN, Ms. BORDALLO, Mr. DOOLEY of California, and Mr. FORD.

H.R. 1534: Ms. MILLENDER-MCDONALD.

H.R. 1536: Mr. POMEROY and Mr. BRADY of Texas.

H.R. 1565: Mr. GUTIERREZ, Mr. FILNER, and Mr. GRIJALVA.

H.R. 1572: Mr. BOYD, Mr. PUTNAM, Mr. DEUTSCH, Ms. HARRIS, Mr. FOLEY, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, Mr. WELDON of Florida, Mr. KELLER, Mr. BILIRAKIS, Mr. DAVIS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Mr. MEEK of Florida, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. GOSS, Mr. STEARNS, Mr. SHAW, Ms. CORRINE BROWN of Florida, and Mr. MICA.

H.R. 1582: Mr. OBERSTAR and Mr. PAUL.

H.R. 1611: Mr. MCDERMOTT.

H.R. 1617: Mr. BALLANCE.

H.R. 1622: Mr. COOPER, Ms. BERKLEY, Mr. BALLANCE, Mr. KILDEE, Mr. HINCHEY, Mr. MATSUI, Mr. ACKERMAN, Mr. JENKINS, Ms. LINDA T. SANCHEZ of California, Mr. ROTHMAN, Mr. PRICE of North Carolina, and Mr. GRIJALVA.

H.R. 1638: Mr. CARSON of Oklahoma, Mr. LEWIS of Kentucky, and Ms. CORRINE BROWN of Florida.

H.R. 1653: Mr. JONES of North Carolina and Mr. SMITH of Washington.

H.R. 1660: Mr. BRADLEY of New Hampshire, Mrs. MUSGRAVE, Mr. GARY G. MILLER of California, and Mrs. NORTHUP.

H.R. 1696: Mr. CARSON of Oklahoma.

H.R. 1723: Mr. BALLANCE.

H.R. 1726: Mr. HOLT and Mr. RYAN of Ohio.

H.R. 1742: Mr. WALDEN of Oregon and Mr. CULBERSON.

H.R. 1754: Mrs. MUSGRAVE.

H.R. 1761: Mr. RYUN of Kansas, Mr. MORAN of Kansas, and Mr. MOORE.

H.R. 1767: Mr. ISSA.

H.R. 1776: Mr. RYUN of Kansas, Mr. BARRETT of South Carolina, and Mr. COLE.

H.R. 1779: Mr. BURGESS, Mr. MILLER of Florida, and Mr. DAVIS of Tennessee.

H.R. 1796: Mr. REYES.

H.R. 1812: Mr. WYNN, Mr. MORAN of Virginia, Mr. SHAYS, Mr. UDALL of Colorado, Mr. LARSEN of Washington, Ms. VELAZQUEZ, Ms. CORRINE BROWN of Florida, Mr. NADLER, Mr. SIMMONS, and Mr. GONZALEZ.

H.R. 1859: Mr. SHIMKUS.

H.R. 1860: Mr. WYNN, Mr. WAXMAN, Mr. MATSUI, Mr. HINCHEY, Mr. OWENS, Mr. WEXLER, Mr. HINOJOSA, and Mr. LANTOS.

H.R. 1865: Mr. SHAYS.

H.R. 1873: Mr. GRIJALVA.

H.R. 1881: Mr. GOODE.

H.R. 1894: Mr. GRIJALVA.

H.R. 1930: Mr. SMITH of New Jersey.

H.R. 1935: Ms. CARSON of Indiana, Mr. CROWLEY, and Mr. KIND.

H.R. 1936: Mr. SCHIFF.

H.R. 1940: Mr. BOUCHER, Mr. SANDERS, and Mr. CASE.

H.R. 1943: Mr. GERLACH, Mr. DUNCAN, and Mr. SOUDER.

H.R. 1951: Mr. SMITH of Washington and Mr. GRIJALVA.

H.R. 1997: Ms. GINNY BROWN-WAITE of Florida, Mr. PLATTS, and Mr. ISSA.

H.R. 2000: Ms. CARSON of Indiana.
H.R. 2009: Mr. FRANK of Massachusetts.
H.R. 2011: Mr. HILL, Mr. EVANS, and Mr. TIERNEY.
H.R. 2028: Mr. HASTINGS of Washington, Mr. BILIRAKIS, Mr. BRADLEY of New Hampshire, Mr. PORTMAN, and Mrs. KELLY.
H.R. 2045: Mr. NORWOOD and Mr. LAHOOD.
H.R. 2052: Mr. WHITFIELD, Mr. MICHAUD, Mr. BEREUTER, Mr. OSBORNE, Ms. WOOLSEY, Mr. CUMMINGS, Mr. CROWLEY, and Ms. BALDWIN.
H.R. 2075: Mr. DEUTSCH, Mr. KELLER, Mr. DAVIS of Florida, and Mr. BOYD.
H.R. 2092: Mr. SOUDER.
H.R. 2125: Mr. RANGEL.
H.R. 2130: Mr. ROTHMAN.
H.R. 2161: Mrs. EMERSON.
H.R. 2164: Ms. MILLENDER-MCDONALD and Mr. SOUDER.
H.R. 2193: Mr. PUTNAM.
H.R. 2203: Mr. KIND and Mr. KILDEE.
H.R. 2205: Mr. RUSH, Mr. KILDEE, Mr. FILNER, Mr. ROSS, Mr. BALLANCE, Mr. FRANK of Massachusetts, Mr. BISHOP of Georgia, Mr. PAYNE, Mr. ANDREWS, Mr. MARSHALL, Mr. UPTON, and Mr. KLECZKA.
H.R. 2207: Mr. FROST, Mr. ETHERIDGE, Mr. DAVIS of Illionis, and Mr. GRIJALVA.
H.R. 2241: Mr. RANGEL.
H.R. 2246: Mr. BEREUTER.
H.R. 2255: Mr. PAUL.
H.R. 2262: Mr. JEFFERSON, Mr. WU, Mr. ENGEL, and Mr. RANGEL.
H.R. 2286: Ms. WATSON, Mr. CASE, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. OBEY, Mr. LARSEN of Washington, Mr. KILDEE, Mr. CUMMINGS, Ms. KILPATRICK, and Mr. MCDERMOTT.
H.R. 2318: Mr. CROWLEY, Ms. BORDALLO, and Mr. KIND.
H. J. Res. 38: Mr. FRANK of Massachusetts.
H. J. Res. 52: Ms. JACKSON-LEE of Texas.
H. Con. Res. 37: Mr. PALLONE, Mr. ACEVEDO-VILA, and Mr. STRICKLAND.
H. Con. Res. 98: Ms. ROS-LEHTINEN, Mr. GARRETT of New Jersey, Mr. MOORE, and Mr. HONDA.
H. Con. Res. 126: Mr. PUTNAM.
H. Con. Res. 127: Mr. KINGSTON, Mr. EVANS, and Mr. REHBERG.
H. Res. 59: Mr. HONDA.
H. Res. 137: Mr. LARSEN of Washington, Mr. ROTHMAN, Mrs. LOWEY, Mr. HONDA, and Mr. ENGEL.
H. Res. 167: Ms. MCCOLLUM, Ms. LEE, Mr. PALLONE, and Mr. BALLANCE.
H. Res. 177: Mr. HOUGHTON, Mr. PAYNE, Mr. TANCREDO, Ms. LEE, Mr. LEACH, Mr. ROYCE, Mr. FLAKE, Mr. MEEKS of New York, and Mrs. JO ANN DAVIS of Virginia.
H. Res. 194: Mr. ROYCE.
H. Res. 214: Ms. CARSON of Indiana and Mr. CROWLEY.
H. Res. 235: Mr. WEINER and Mr. VAN HOLLEN.
H. Res. 242: Mr. FALEOMAVAEGA, Mr. PUTNAM, Mr. RAMSTAD, Mr. TAYLOR of North Carolina, Mr. FLAKE, Mr. BERMAN, and Mr. BEREUTER.
H. Res. 259: Mr. SHAYS, Mr. SIMMONS, Mr. PUTNAM, and Mr. BERMAN.

¶60.34 DELETIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 669: Mr. DAVIS of Alabama.
H.R. 1329: Mr. STUPAK.

MONDAY, JUNE 9, 2003 (61)

¶61.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. ISSA, who laid before the House the following communication:

WASHINGTON, DC,
June 9, 2003.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

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

¶61.2 MESSAGE FROM THE SENATE

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

H.R. 1308. An Act to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1308) ''An Act to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. NICKLES, Mr. LOTT, Mr. BAUCUS, and Mrs. LINCOLN, to be the conferees on the part of the Senate.

¶61.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. ISSA, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶61.4 RECESS—12:44 P.M.

The SPEAKER pro tempore, Mr. ISSA, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 44 minutes p.m., until 2 p.m.

¶61.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. STEARNS, called the House to order.

¶61.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. STEARNS, announced he had examined and approved the Journal of the proceedings of Thursday, June 5, 2003.

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

¶61.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2554. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Exotic Newcastle Disease; Removal of Areas From Quarantine [Docket No. 02-117-6] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2555. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Ports Designated for Exportation of Livestock; Portland, OR [Docket No. 02-127-1] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2556. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thymol and Eucalyptus Oil; Exemptions from the Requirement of a Tolerance [OPP-2003-0002; FRL-7308-1] received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2557. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-D-7537] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2558. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2559. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2560. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA-7807] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2561. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-P-7622] received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2562. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received May 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2563. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule—Management's Report on Internal Control over financial reporting and certification of disclosure in exchange act periodic reports [Release Nos. 33-8238; 34-47986; IC-26068; File Nos. S7-40-02; S7-06-03] (RIN: 3235-AI66 and 3235-AI79) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2564. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Labeling for Oral and Rectal Over-the-Counter Drug Products Containing Aspirin and Nonaspirin Salicylates; Reye's Syndrome Warning [Docket No. 93N-0182 and 82N-0166] (RIN: 0910-AA01) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2565. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, ''The Drinking Water State Revolving Fund Program: Report to Congress''; to the Committee on Energy and Commerce.

2566. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Large Municipal Waste Combustors; California [CA216-0400; FRL-7510-2] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2567. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Determining Conformity of Federal Actions to State or Federal Implementation Plans [DC042-2031a; FRL-7507-4] received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2568. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA275-0393c; FRL-7495-3] received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2569. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District; San Diego County Air Pollution Control District [CA275-0393a; FRL-7495-1] received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2570. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—State of Massachusetts; Withdrawal of Direct Final Rule [MA-088-7216C; A-1-FRL-7509-2] received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2571. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General during the six month period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2572. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002, through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2573. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2574. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2002, through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2575. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Inspector General for October 1, 2002, through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2576. A letter from the Director, Office of National Drug Control Policy, transmitting a report on the ''Fiscal Year 2002 Accounting of Drug Control Funds''; to the Committee on Government Reform.

2577. A letter from the Chairman, U.S. International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2578. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Public Works and Community Service Projects [BOP-1002-F] (RIN: 1120-AA03) received May 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2579. A letter from the Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 2002, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

2580. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Colorado River, Between Davis Dam and Laughlin Bridge (This section of the Colorado River divides Arizona and Nevada) [COTP: San Diego 03-019] (RIN: 1625-AA00) received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2581. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone Regulation; Fort Vancouver Fireworks Display, Columbia River, Vancouver, Washington [CGD13-03-001] (RIN: 1625-AA00 (Formerly RIN: 2115-AA97)) received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2582. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Berwick Bay, Morgan City, LA [CGD08-03-023] received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2583. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Notification of Arrival in U.S. Ports [USCG-2002-11865] (RIN: 1625-AA41) received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2584. A letter from the Administrator, Department of Transportation, transmitting the Department's report pursuant to Section 1403(c) of the Homeland Security Act of 2002, Pub. L. 107-296; to the Committee on Transportation and Infrastructure.

2585. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Change in Methodology for Determining Payment for Extraordinarily High-Cost Cases (Cost Outliers) Under the Acute Care Hospital Inpatient and Long-Term Care Hospital Prospective Payment Systems [CMS-1243-F] (RIN: 0938-AM41) received June 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2586. A letter from the Deputy Secretary, Department of Defense, transmitting notification of approved payment to the Government of Slovakia pursuant to Pub. L. 107-206; jointly to the Committees on Armed Services and Appropriations.

2587. A letter from the Chairman, Congressional Award Board, transmitting the 2002-2003 activities of the Congressional Award program, pursuant to 2 U.S.C. 802(e); jointly to the Committees on Government Reform and Education and the Workforce.

¶61.8 WALT DISNEY POST OFFICE BUILDING REDESIGNATION

Mr. TURNER of Ohio moved to suspend the rules and pass the bill (H.R. 1610) to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri as the 'Walt Disney Post Office Building''.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. TURNER of Ohio and Mr. WAXMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TURNER of Ohio demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. STEARNS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶61.9 CENTENNIAL OF WILBUR AND ORVILLE WRIGHT'S FIRST FLIGHT

Mr. TURNER of Ohio moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 162):

Whereas 2003 marks the centennial of Wilbur and Orville Wright's achievement of the first controlled, powered flight in history;

Whereas Wilbur and Orville Wright grew up and worked at a bicycle shop in Dayton, Ohio, where they developed, built, and refined the first successful, heavier-than-air, manned, powered aircraft;

Whereas the Wright brothers developed the world's first flying field, the world's first flying school, and the world's first airplane manufacturing company in the Dayton, Ohio area;

Whereas many legacies of the Wrights' inventiveness and creativity still exists in the region, including Wright-Patterson Air Force Base, the Dayton Aviation Heritage National Historical Park, the United States Air Force Museum, the National Aviation Hall of Fame, the Wright ''B'' Flyers, the Engineers Club of Dayton, among many others;

Whereas the city of Dayton, area communities, a number of civic groups, private businesses, government agencies, and military partners, are joining together to honor the Nation's aerospace achievements;

Whereas Dayton is considered the ''Birthplace of Aviation'' and the region will host ''Inventing Flight: The Centennial Celebration'', from July 3 through July 20, 2003, which will be the largest public centennial event in Ohio celebrating the first flight and one of only 4 events nationwide endorsed as a full partner by the United States Centennial of Flight Commission; and

Whereas the celebration will feature pavilions housing aviation displays, blimp and hot-air balloon races, dance and cultural performances, river shows, historical reenactments, an international air and space symposium, National Aviation Hall of Fame ceremonies, and a military and general aviation show at the Dayton International Airport: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the city of Dayton, Ohio, and its many partners, for hosting ''Inventing Flight: The Centennial Celebration'', a celebration of the centennial of Wilbur and Orville Wright's first flight.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. TURNER of Ohio and Mr. WAXMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TURNER of Ohio demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. STEARNS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶61.10 BIRCH BAYH FEDERAL BUILDING AND UNITED STATES COURTHOUSE DESIGNATION

Mr. PEARCE moved to suspend the rules and pass the bill of the Senate (S. 763) to provide for the disposition of United States Government uranium inventories.

The SPEAKER pro tempore, Mr. STEARNS, recognized Mr. PEARCE and Ms. CARSON of Indiana, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. STEARNS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PEARCE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. STEARNS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶61.11 RECESS—2:31 P.M.

The SPEAKER pro tempore, Mr. STEARNS, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 31 minutes p.m., until approximately 6:30 p.m.

¶61.12 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. OSE, called the House to order.

¶61.13 H.R. 1610—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1610) to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri as the 'Walt Disney Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 384 / Nays 0

¶61.14 [Roll No. 249]

YEAS—384

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

NOT VOTING—50

Ackerman
Baird
Baker
Becerra
Berkley
Bishop (UT)
Brown (OH)
Brown, Corrine
Burr
Conyers
Cox
DeMint
Dingell
Eshoo
Fattah
Ford
Gallegly
Gephardt
Gilchrest
Greenwood
Grijalva
Gutierrez
Houghton
Istook
Janklow
Jenkins
Kennedy (RI)
Kilpatrick
Lantos
Larson (CT)
LaTourette
Lipinski
Mollohan
Nadler
Nethercutt
Pryce (OH)
Reyes
Rush
Sanders
Shimkus
Simpson
Smith (MI)
Smith (WA)
Stark
Sweeney
Taylor (NC)
Toomey
Towns
Weiner
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.15 H. CON. RES. 162—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the concurrent resolution (H. Con. Res. 162) honoring the city of Dayton, Ohio, and its many partners, for hosting ''Inventing Flight: The Centennial Celebration'', a celebration of the centennial of Wilbur and Orville Wright's first flight.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 378 / Nays 3

¶61.16 [Roll No. 250]

YEAS—378

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

NAYS—3

Ballenger
Coble
Hayes

NOT VOTING—53

Ackerman
Baird
Baker
Becerra
Berkley
Bishop (UT)
Brown (OH)
Brown, Corrine
Burns
Burr
Conyers
Cox
DeMint
Dingell
Eshoo
Fattah
Ford
Gallegly
Gephardt
Gilchrest
Greenwood
Grijalva
Gutierrez
Houghton
Istook
Janklow
Jenkins
Kennedy (RI)
Kilpatrick
Lantos
Larson (CT)
LaTourette
Lipinski
Mollohan
Nadler
Nethercutt
Pryce (OH)
Regula
Reyes
Rush
Sanders
Serrano
Shimkus
Simpson
Smith (MI)
Smith (WA)
Stark
Sweeney
Taylor (NC)
Toomey
Towns
Weiner
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶61.17 S. 763—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 763) to provide for the disposition of United States Government uranium inventories.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 383 / Nays 0

¶61.18 [Roll No. 251]

YEAS—383

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo

Pomeroy	Schakowsky	Thompson (CA)
Porter	Schiff	Thompson (MS)
Portman	Schrock	Thornberry
Price (NC)	Scott (GA)	Tiahrt
Putnam	Scott (VA)	Tiberi
Quinn	Sensenbrenner	Tierney
Radanovich	Serrano	Turner (OH)
Rahall	Sessions	Turner (TX)
Ramstad	Shadegg	Udall (CO)
Rangel	Shaw	Udall (NM)
Regula	Shays	Upton
Rehberg	Sherman	Van Hollen
Renzi	Sherwood	Velazquez
Reynolds	Shuster	Visclosky
Rodriguez	Simmons	Vitter
Rogers (AL)	Skelton	Walden (OR)
Rogers (KY)	Slaughter	Walsh
Rogers (MI)	Smith (NJ)	Wamp
Rohrabacher	Smith (TX)	Waters
Ros-Lehtinen	Snyder	Watson
Ross	Solis	Watt
Rothman	Souder	Waxman
Roybal-Allard	Spratt	Weldon (FL)
Royce	Stearns	Weldon (PA)
Ruppersberger	Stenholm	Weller
Ryan (OH)	Strickland	Wexler
Ryan (WI)	Stupak	Whitfield
Ryun (KS)	Sullivan	Wicker
Sabo	Tancredo	Wilson (NM)
Sanchez, Linda T.	Tanner	Wilson (SC)
	Tauscher	Wolf
Sanchez, Loretta	Tauzin	Woolsey
Sanders	Taylor (MS)	Wu
Sandlin	Terry	Wynn
Saxton	Thomas	Young (AK)

NOT VOTING—51

Ackerman	Gallegly	Mollohan
Baird	Gephardt	Nadler
Baker	Gilchrest	Nethercutt
Becerra	Greenwood	Pryce (OH)
Berkley	Grijalva	Reyes
Bishop (UT)	Gutierrez	Rush
Brown (OH)	Herger	Shimkus
Brown, Corrine	Houghton	Simpson
Burr	Istook	Smith (MI)
Conyers	Jenkins	Smith (WA)
Cox	Kennedy (RI)	Stark
DeMint	Kilpatrick	Sweeney
Dingell	Lantos	Taylor (NC)
Eshoo	Larson (CT)	Toomey
Fattah	LaTourette	Towns
Feeney	Lewis (GA)	Weiner
Ford	Lipinski	Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶61.19 PROVIDING FOR THE CONSIDERATION OF H.R. 2143

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–145) the resolution (H. Res. 263) providing for the consideration of the bill (H.R. 2143) to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶61.20 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 222. An Act to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

S. 273. An Act to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

¶61.21 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 6, 2003, he presented to the President of the United States, for his approval, the following bill.

H.R. 192. An Act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

¶61.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BAIRD, for today;

To Mr. BECERRA, for today;

To Mr. HOUGHTON, for today and June 10;

To Ms. KILPATRICK, for today;

To Mr. LARSON of Connecticut, for today and June 10;

To Mr. REYES, for today;

To Mr. SMITH of Washington, for today and balance of the week; and

To Mr. TOOMEY, for today.

And then,

¶61.23 ADJOURNMENT

On motion of Mr. DELAHUNT, pursuant to the special order of the House of June 5, 2003, at 11 o'clock and 59 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, June 10, 2003.

¶61.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on June 5, 2003 the following report was filed on June 6, 2003]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2115. A bill to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes; with an amendment (Rept. 108–143). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 9, 2003]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1115. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes; with an amendment (Rept. 108–144). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 263. Resolution providing for consideration of the bill (H.R. 2143) to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes (Rept 108–145). Referred to the House Calendar.

¶61.25 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 1950. Referral to the Committees on Armed Services, Energy and Commerce, and the Judiciary extended for a period ending not later than June 16, 2003.

¶61.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. BERMAN, Mr. CONYERS, Mr. COBLE, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Ms. HART, Mr. BOUCHER, Ms. LOFGREN, Mr. WEXLER, and Ms. BALDWIN):

H.R. 2391. A bill to amend title 35, United States Code, to promote research among universities, the public sector, and private enterprise; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mr. TANNER, Mr. UPTON, Mr. MOORE, Mr. BOEHLERT, and Mr. ALEXANDER):

H.R. 2392. A bill to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 2393. A bill to provide that unremarried former spouses of retired and career members of the Armed Forces shall be entitled to military health care and commissary and exchange benefits if married for at least 10 years during the member's military service and if the former spouse left the marriage due to domestic violence or unbearable conditions; to the Committee on Armed Services.

By Mr. MOORE (for himself, Mr. TAYLOR of Mississippi, Ms. WOOLSEY, Mr. RODRIGUEZ, Mr. FILNER, Mr. GORDON,Mr. CASE, Mr. FRANK of Massachusetts, Mr. STRICKLAND, Mr. PETERSON of Minnesota, Mr. ETHERIDGE, Mr. ALLEN, Mr. DAVIS of Tennessee, Mr. MICHAUD, and Ms. LEE):

H.R. 2394. A bill to require full funding of part A of title I of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

By Mr. RADANOVICH (for himself, Mr. DOOLITTLE, Mr. HERGER, Mr. NUNES, and Mr. OSE):

H.R. 2395. A bill to provide suitable alternative grazing arrangements on National Forest System land to persons that hold a grazing permit adversely affected by the standards and guidelines contained in the Record of Decision of the Sierra Nevada Forest Plan Amendment and pertaining to the Willow Flycatcher and the Yosemite Toad; to the Committee on Resources.

By Ms. SOLIS (for herself, Mrs. NAPOLITANO, Mr. LANTOS, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Mrs. BONO, Ms. WATSON, Ms. LEE, Ms. LORETTA SANCHEZ of California, Mrs. TAUSCHER, Ms. HARMAN, Ms. LOFGREN, Ms. LINDA T. SANCHEZ of California, Mr. HONDA, Mr. BECERRA, Mr. BACA, Ms. ROYBAL-ALLARD, Mrs. CAPPS, Mr. SHERMAN, Ms. WOOLSEY, Mr. WAXMAN, Ms. ESHOO, Mr. SCHIFF, Mr. ISSA, Mr. OSE,

Mr. MATSUI, Ms. MILLENDER-MCDONALD, Mr. BERMAN, Mr. POMBO, Mr. ROHRABACHER, Mr. FILNER, Mr. CARDOZA, Mr. CALVERT, Mr. DOOLITTLE, Mr. STARK, Ms. WATERS, Mr. LEWIS of California, Mrs. DAVIS of California, Mr. HERGER, Mr. CUNNINGHAM, Mr. FARR, Mr. THOMAS, Mr. GARY G. MILLER of California, Mr. COX, Mr. HUNTER, Mr. RADANOVICH, Mr. DOOLEY of California, Mr. MCKEON, Ms. PELOSI, Mr. ROYCE, Mr. GALLEGLY, Mr. NUNES, and Mr. DREIER):

H.R. 2396. A bill to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the ''Francisco A. Martinez Flores Post Office''; to the Committee on Government Reform.

By Mr. SAM JOHNSON of Texas (for himself, Mr. RANGEL, Mr. COBLE, and Mr. CONYERS):

H. Con. Res. 212. Concurrent resolution recognizing and supporting the goals and ideals of the Year of the Korean War Veteran, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VAN HOLLEN (for himself, Mr. ABERCROMBIE, Mr. BAIRD, Ms. BALDWIN, Mr. BISHOP of New York, Mr. BROWN of Ohio, Mr. CARDIN, Ms. CARSON of Indiana, Mr. CLYBURN, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. DELAURO, Mr. DOGGETT, Mr. DOYLE, Mr. EMANUEL, Mr. FARR, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GRIJALVA, Mr. HILL, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. LANGEVIN, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SLAUGHTER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mr. TOWNS, Mr. UDALL of Colorado, Ms. WATERS, Ms. WOOLSEY, and Mr. WYNN):

H. Con. Res. 213. Concurrent resolution expressing the sense of the Congress that Federal tax collection services should not be paid for on the basis of a commission or as a percentage of taxes collected; to the Committee on Ways and Means.

By Mr. PLATTS:

H. Res. 262. A resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month; to the Committee on Government Reform.

¶61.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. BACA, Mr. BURNS, Mr. ISRAEL, and Mr. BARRETT of South Carolina.

H.R. 140: Mr. MURTHA.

H.R. 195: Mr. BRADY of Texas.

H.R. 218: Mr. CAMP and Mr. CARTER.

H.R. 284: Ms. LINDA T. SANCHEZ of California and Mr. CASTLE.

H.R. 290: Mr. LUCAS of Oklahoma.

H.R. 294: Mr. BURGESS.

H.R. 296: Mr. VISCLOSKY.

H.R. 300: Mr. SCHROCK and Mr. SESSIONS.

H.R. 302: Mr. WALDEN of Oregon.

H.R. 303: Mr. KENNEDY of Rhode Island, Mr. JANKLOW, Mrs. MUSGRAVE, Mr. CRENSHAW, Ms. LEE, Mrs. MALONEY, and Mr. ISRAEL.

H.R. 375: Mr. SKELTON and Mr. TURNER of Ohio.

H.R. 391: Mr. SMITH of Texas and Mr. KINGSTON.

H.R. 438: Mr. PORTER.

H.R. 528: Mr. CAMP and Mr. FEENEY.

H.R. 636: Ms. SCHAKOWSKY.

H.R. 648: Mr. CARTER.

H.R. 660: Mr. JANKLOW and Mr. COOPER.

H.R. 713: Mr. GILLMOR.

H.R. 779: Mr. GEORGE MILLER of California and Mr. BERMAN.

H.R. 806: Mr. GREENWOOD and Mrs. MYRICK.

H.R. 857: Mr. UDALL of Colorado.

H.R. 898: Mr. ALLEN, Mr. LARSEN of Washington, Ms. LEE, Mr. LUCAS of Kentucky, Mr. LATOURETTE, and Mr. SKELTON.

H.R. 953: Mr. SHIMKUS.

H.R. 979: Mr. MCGOVERN.

H.R. 997: Mr. PETERSON of Minnesota, Mr. FORBES, Mr. PLATTS, Mr. NEY, and Mr. TAYLOR of North Carolina.

H.R. 1043: Mr. PICKERING.

H.R. 1049: Mr. HOLT.

H.R. 1063: Mr. MILLER of Florida.

H.R. 1084: Mr. BURGESS.

H.R. 1087: Mr. WILSON of South Carolina and Ms. LEE.

H.R. 1100: Mr. CRANE.

H.R. 1115: Mrs. BIGGERT, Mr. FRANKS of Arizona, Mr. KENNEDY of Minnesota, Mr. SESSIONS, Mr. OSBORNE, Mr. DEMINT, Mr. SOUDER, Mr. SCHROCK, Mr. HENSARLING, Mr. PUTNAM, Mr. SULLIVAN, Mr. MICA, and Mr. CALVERT.

H.R. 1125: Mr. KIRK, Mr. PETERSON of Pennsylvania, Mr. PLATTS, Mr. INSLEE, and Mr. WHITFIELD.

H.R. 1146: Mr. FRANKS of Arizona.

H.R. 1157: Mr. NEAL of Massachusetts and Mr. DUNCAN.

H.R. 1196: Ms. CARSON of Indiana and Ms. WOOLSEY.

H.R. 1199: Mr. KUCINICH.

H.R. 1205: Ms. LEE, Mr. DAVIS of Illinois, Mr. RANGEL, and Mr. CROWLEY.

H.R. 1250: Mr. HAYWORTH.

H.R. 1259: Mr. OWENS and Mr. ROSS.

H.R. 1268: Mr. KILDEE, Mr. NEAL of Massachusetts, and Ms. LEE.

H.R. 1276: Mr. LARSEN of Washington.

H.R. 1279: Mr. WILSON of South Carolina, Ms. MCCOLLUM, and Mr. ROTHMAN.

H.R. 1283: Mr. TOWNS and Mr. PAYNE.

H.R. 1295: Mr. GUTIERREZ.

H.R. 1305: Mr. JENKINS, Mr. SHIMKUS and Mr. WHITFIELD.

H.R. 1336: Mr. FROST, Ms. WOOLSEY, Mr. HAYWORTH, and Mr. STRICKLAND.

H.R. 1340: Mr. LANTOS and Mr. BELL.

H.R. 1377: Mrs. KELLY, Ms. WOOLSEY, Mr. BOUCHER, and Mrs. MALONEY.

H.R. 1429: Mr. DAVIS of Alabama.

H.R. 1470: Mr. ROSS and Mr. BELL.

H.R. 1473: Ms. SLAUGHTER.

H.R. 1478: Mr. PRICE of North Carolina.

H.R. 1482: Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. FILNER, and Mrs. CAPPS.

H.R. 1523: Mr. BURGESS, Mr. FLETCHER, Ms. WOOLSEY, and Mr. MILLER of Florida.

H.R. 1536: Mr. WELLER.

H.R. 1565: Mr. REYES and Ms. WOOLSEY.

H.R. 1580: Mr. GUTIERREZ.

H.R. 1612: Mr. BURGESS.

H.R. 1657: Mr. HINOJOSA and Mr. OWENS.

H.R. 1675: Mr. UDALL of New Mexico, Mr. JONES of North Carolina, and Mr. HEFLEY.

H.R. 1711: Mr. HEFLEY and Mr. BLUMENAUER.

H.R. 1716: Mr. GILLMOR.

H.R. 1723: Ms. MCCOLLUM.

H.R. 1749: Mr. LAHOOD.

H.R. 1858: Mrs. MCCARTHY of New York, Mr. CUMMINGS, Mr. BECERRA, Mr. FROST, Mr. STARK, Mr. ENGLISH, Mr. MCHUGH, Mr. MCNULTY, Mr. WEXLER, and Mr. DOYLE.

H.R. 1870: Mr. THORNBERRY.

H.R. 1874: Mr. DEAL of Georgia, Mr. BROWN of Ohio, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. MEEHAN, Mr. OLVER, Ms. SCHAKOWSKY, Ms. KAPTUR, Mrs. MALONEY, and Mr. TURNER of Texas.

H.R. 1887: Mr. KUCINICH.

H.R. 1910: Mr. UDALL of Colorado, Mr. MARSHALL, Mr. DOGGETT, Mr. REGULA, Mr. SANDLIN, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. LEVIN, Mr. QUINN, Mrs. NAPOLITANO, Mr. BASS, Ms. KILPATRICK, Mr. KOLBE, Mr. VISCLOSKY, Mr. BERRY, Mr. HASTINGS of Florida, Mr. OLVER, Mr. BELL, Mr. LIPINSKI, and Mr. THOMPSON of Mississippi.

H.R. 1943: Mr. BARTLETT of Maryland and Mr. PICKERING.

H.R. 2020: Mr. GOODE, Mr. CLAY, Mr. MEEK of Florida, Mr. DAVIS of Tennessee, and Mr. WELDON of Florida.

H.R. 2028: Mr. KING of New York, Mr. MCCOTTER, Mr. MURPHY, Mr. RADANOVICH, Mr. ROGERS of Alabama, and Mr. GERLACH.

H.R. 2030: Mrs. CAPPS.

H.R. 2096: Mr. HASTINGS of Washington, Mr. MURPHY, Mr. TERRY, Mr. CARDOZA, and Mr. PLATTS.

H.R. 2118: Mr. SHAYS, Mr. WILSON of South Carolina, and Mr. JANKLOW.

H.R. 2176: Mr. CALVERT.

H.R. 2193: Mrs. MALONEY.

H.R. 2198: Mrs. JONES of Ohio and Mr. CRAMER.

H.R. 2202: Mr. MILLER of Florida and Ms. CORRINE BROWN of Florida.

H.R. 2207: Mr. OWENS.

H.R. 2208: Mrs. MUSGRAVE, Mr. LUCAS of Kentucky, Mr. COOPER, Mr. HOBSON, and Mr. ROGERS of Kentucky.

H.R. 2233: Mr. DEFAZIO.

H.R. 2260: Mr. FILNER, Mr. WOLF, and Mr. DAVIS of Florida.

H.R. 2284: Mr. FILNER, Mr. TOWNS, Mr. HINCHEY, Mr. UDALL of New Mexico, Mr. SERRANO, and Ms. CARSON of Indiana.

H.R. 2286: Mr. SCHIFF, Mr. CLAY, Mr. GREEN of Texas, Mr. PASTOR, Ms. LINDA T. SANCHEZ of California, Mr. BISHOP of New York, and Mr. WEXLER.

H.R. 2291: Ms. MCCOLLUM, Mr. DAVIS of Tennessee, and Ms. SCHAKOWSKY.

H.R. 2300: Mr. OWENS, Ms. LOFGREN, and Mr. WEXLER.

H.R. 2318: Mr. PAUL.

H.R. 2319: Mr. CHABOT.

H.R. 2325: Mr. VAN HOLLEN, Mr. TURNER of Texas, Mr. GREEN of Texas, Mr. KIND, Mr. ETHERIDGE, Mr. WAXMAN, Mr. MOORE, Mr. KILDEE, Ms. KILPATRICK, Mr. WEINER, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Ms. HARMAN, Ms. MILLENDER-MCDONALD, Mr. HONDA, Mr. BALLANCE, Mr. UDALL of Colorado, Mr. CLAY, Mr. COSTELLO, Mr. SABO, Mr. RUSH, Mr. FARR, and Mr. RAHALL.

H.R. 2333: Mr. SANDLIN, Mr. SNYDER, Mr. TANNER, Mr. MCNULTY, Mr. ROSS, Mr. PICKERING, and Mr. HEFLEY.

H.R. 2342: Mr. MCNULTY.

H.R. 2351: Mr. BURTON of Indiana, Ms. HART, and Mr. GREENWOOD.

H.R. 2358: Mr. SMITH of Texas.

H.R. 2370: Mr. WELDON of Pennsylvania and Mr. FROST.

H.R. 2377: Ms. SCHAKOWSKY and Mr. ABERCROMBIE.

H.J. Res. 15: Mr. HOSTETTLER.

H.J. Res. 25: Mr. HASTINGS of Florida.

H.J. Res. 58: Mr. GRAVES, Mr. GOODE, and Mr. BARTLETT of Maryland.

H. Con. Res. 19: Mr. ANDREWS.
H. Con. Res. 37: Mr. GRIJALVA.
H. Con. Res. 93: Mr. SHERMAN.
H. Con. Res. 99: Mr. GEPHARDT.
H. Con. Res. 126: Mr. CUNNINGHAM and Mr. SOUDER.
H. Con. Res. 130: Mr. GRIJALVA.
H. Con. Res. 154: Ms. WATERS, Mr. ENGEL, Mr. GREEN of Wisconsin, Mr. TANCREDO, Ms. WATSON, Mr. CONYERS, Mr. FORD, Mr. JACKSON of Illinois, Ms. NORTON, Mr. CUMMINGS, and Mrs. NAPOLITANO.
H. Con. Res. 169: Mr. OWENS, Mr. WAXMAN, and Mr. BLUMENAUER.
H. Con. Res. 200: Ms. SCHAKOWSKY.
H. Res. 38: Ms. MCCOLLUM.
H. Res. 66: Mr. MANZULLO, Mr. PENCE, and Mr. TERRY.
H. Res. 103: Mrs. MILLER of Michigan, Mr. RAMSTAD, and Mr. COBLE.
H. Res. 199: Ms. MCCOLLUM and Mr. LEVIN.
H. Res. 237: Mr. GREEN of Wisconsin, Mr. THOMPSON of Mississippi, and Ms. KILPATRICK.
H. Res. 259: Ms. KILPATRICK.

TUESDAY, JUNE 10, 2003 (62)

¶62.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
June 10, 2003.

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

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

¶62.2 MESSAGE FROM THE SENATE

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

S. Con. Res. 49. A concurrent resolution designating the week of June 9, 2003, as National Oceans Week and urging the President to issue a proclamation calling upon the people of the United States to observe this week with appropriate recognition, programs, ceremonies, and activities to further ocean literacy, education, and exploration.

¶62.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶62.4 RECESS—11:25 A.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 25 minutes a.m., until noon.

¶62.5 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶62.6 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, June 9, 2003.

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

¶62.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2588. A letter from the Director, Department of Defense, transmitting notification that the Defense Finance and Accounting Service is initiating an A-76 Competition of the Marine Corps Accounting function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2589. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Transportation of Supplies by Sea — Commercial Items [DFARS Case 2002-D019] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2590. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting an annual report for the period January 1, 2002, through December 31, 2002 regarding any exceptions granted, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Financial Services.

2591. A letter from the Assistant Secretary, Department of the Treasury, transmitting an annual report on material violations of regulations, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Financial Services.

2592. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Annual Report on Retail Fees and Services of Depository Institutions, pursuant to 12 U.S.C. 1811 note. Public Law 103—322, section 108(a) (108 Stat. 2361); to the Committee on Financial Services.

2593. A letter from the Deputy Congressional Liason, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Availability of Funds and Collection of Checks [Regulation CC; Docket No. R-1150] received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2594. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Change in Flood Elevation Determinations — received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2595. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2596. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Books and Records Requirements for Brokers and Dealers Under the Securities Exchange Act of 1934 [Release No. 34-47910] received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2597. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2598. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Civil Money Penalties: Procedures for Investigations, Imposition of Penalties, and Hearings (RIN: 0938-AM63) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2599. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizations, pursuant to 22 U.S.C. 276c—4; to the Committee on International Relations.

2600. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution to keep the Congress informed on clashes between Liberian government and rebel forces in the vicinity of the United States Embassy in Monrovia, Liberia; (H. Doc. No. 108—82); to the Committee on International Relations and ordered to be printed.

2601. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members statements, pursuant to D.C. Code section 1—732 and 1—734(a)(1)(A); to the Committee on Government Reform.

2602. A letter from the Administrator, Environmental Protection Agency, transmitting notification regarding the Coeur d'Alene Basin, Idaho, Superfund site, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform.

2603. A letter from the Interim CEO, Girl Scouts of the United States of America, transmitting the Girl Scouts of the United States of America 2002 Annual Report, pursuant to Public Law 105—225 section 803 112 stat. 1362; to the Committee on the Judiciary.

2604. A letter from the Staff Director, United States Commission on Civil Rights, transmitting the Commission's notification regarding the Minnesota State Advisory Committee; to the Committee on the Judiciary.

2605. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that by reason of the public debt limit, the Secretary will be unable to fully invest the the portion of the Civil Service Retirement and Disability Fund (CSRDF) not immediately required to pay beneficiaries, pursuant to 5 U.S.C. 8348(1)(2); to the Committee on Ways and Means.

2606. A letter from the Chief, Regulations Unit, Department of Homeland Security, transmitting the Service's final rule — Customs Broker License Examination Dates [T.D. 03-23] (RIN: 1515-AD28) received June 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2607. A letter from the Chief, Regulations Unit, Department of Homeland Security, transmitting the Service's final rule — Settlement Position Lease Stripping Transactions [UIL 9300.03-00] received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2608. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Unrelated Business Taxable Income (Rev. Rul. 2003-64) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2609. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Unrelated Business Taxable Income (Rev. Rul. 2003-64) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2610. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Exempt Bond Mediation Dispute Resolution Pilot Program (Announcement 2003-36) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2611. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — LMSB/Appeals Fast Track Settlement Procedure (Revenue Procedure 2003-40) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2612. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information to the Department of Agriculture [TD 9060] (RIN: 1545-BB91] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2613. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — SB/SE-Appeals Fast Track Mediation Procedure (Revenue Procedure 2002-41) June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2614. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-30] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2615. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Employee Plans Compliance Resolution System (Rev. Proc. 2003-44) received June 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2616. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Cafeteria Plans (Rev. Rul. 2003-62) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2617. A letter from the Director and Assistant Secretary, Office of Personnel Management and Department of Defense, transmitting the joint evaluation by the Department of Defense and Office of Personnel Management of the Federal Employees Health Benefits Program Demonstration: Second Report to Congress, pursuant to Section 721 of the National Defense Authorization Act for Fiscal Year 1999; jointly to the Committees on Armed Services and Government Reform.

2618. A letter from the Director, Financial Management and Assurance, General Accounting Office, transmitting a report entitled, ''Congressional Award Foundation's Fiscal Years 2002 and 2001 Financial Statements,'' pursuant to 2 U.S.C. section 807(a); jointly to the Committees on Education and the Workforce and Government Reform.

2619. A letter from the Secretary, Department of Energy, transmitting notification that the Department of Energy requires an additional 45 days to transmit the implementation plan for addressing the issues described in the Defense Nuclear Facilities Safety Board's Recommendation 2002-3, Requirements for the Design, Implementation, and Maintenance of Administrative Controls; jointly to the Committees on Energy and Commerce and Armed Services.

2620. A letter from the Secretary, Department of State, transmitting a report assessing the voting practices of the governments of UN members states in the General Assembly and Security Council for 2002, and evaluating the actions and responsiveness of those governments to United States policy on issues of special importance to the United States, pursuant to Public Law 101—167, section 527(a) (103 Stat. 1222); Public Law 101—246, section 406(a) (104 Stat. 66); jointly to the Committees on International Relations and Appropriations.

2621. A letter from the Director, National Science Foundation, transmitting the National Oceanographic Partnership Program, National Ocean Research Leadership Council, March 2003 Annual Report, pursuant to 10 U.S.C. 7901(b)(2)(B); jointly to the Committees on Armed Services, Resources, and Science.

¶62.8 NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION

Mr. SENSENBRENNER moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 8) expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The SPEAKER pro tempore, Mr. WALDEN of Oregon, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. WALDEN of Oregon, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶62.9 INVOLUNTARY BANKRUPTCY IMPROVEMENT

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1529) to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases.

The SPEAKER pro tempore, Mr. WALDEN of Oregon, recognized Mr. SENSENBRENNER and Mr. SCOTT of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WALDEN of Oregon, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.10 STANDARDS DEVELOPMENT ORGANIZATION ADVANCEMENT

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1086) to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. WALDEN of Oregon, recognized Mr. SENSENBRENNER and Mr. DELAHUNT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WALDEN of Oregon, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.11 TRADE PRACTICES OF EUROPEAN UNION

Mr. CAMP moved to suspend the rules and agree to the following resolution (H. Res. 252); as amended:

Whereas agriculture biotechnology has been subject to the strictest testing, based on sound science, by the United States Department of Agriculture, the Food and Drug Administration and the Environmental Protection Agency prior to commercialization or human consumption;

Whereas Americans have been consuming genetically-modified corn and soybean products, which are subject to a rigorous Federal review process, for years with no documentation of any adverse health consequences;

Whereas, according to recent studies, biotechnology has made substantial contributions to the protection of the environment by reducing the application of pesticides, reducing soil erosion and creating an environment more hospitable to wildlife;

Whereas agriculture biotechnology holds tremendous promise for helping solve food security and human health crises in the developing world;

Whereas there is objective and experience-based agreement in the scientific community, including the National Academies of Science, the American Medical Association, the Royal Society of the United Kingdom, the French Academy of Medicine, the French Academy of Sciences, the joint report of the national science academies of the United Kingdom, the United States, Brazil, China, India and Mexico, twenty Nobel Prize winners, leading plant science and biology organizations in the United States and thousands of individual scientists, that biotech foods are safe and valuable;

Whereas European Union decisions on agriculture and food biotechnology are being driven by policies that have no scientific justification, do not take into account its capacity for solving problems facing mankind, and are critical of the leading role of the United States in scientific advancement;

Whereas since the late 1990s, the European Union has opposed the use of agriculture biotechnology and pursued policies which result in slowing the development and support of genetically-engineered products around the world;

Whereas the five-year moratorium on the approval of new agriculture biotechnology

products entering the European market has no scientific basis, effectively prohibits most United States corn exports to Europe, violates European Union law, and clearly breaches World Trade Organization (WTO) rules;

Whereas since its implementation in October 1998, the moratorium has blocked more than $300,000,000 annually in United States corn exports to countries in the European Union;

Whereas the European Union's unjustified moratorium on agriculture biotech approvals has ramifications far beyond the United States and Europe, forcing a slowdown in the adoption and acceptance of beneficial biotechnology to the detriment of starving people around the world; and

Whereas in the fall of 2002 it was reported that famine-stricken African countries rejected humanitarian food aid from the United States because of ill-informed health and environmental concerns and fear that future exports to the European Union would be jeopardized: Now, therefore, be it

Resolved, That the House of Representatives supports and applauds the efforts of the Administration on behalf of the Nation's farmers and sound science by challenging the long-standing, unwarranted moratorium imposed in the European Union on agriculture and food biotech products and encourages the President to continue to press this issue.

The SPEAKER pro tempore, Mr. WALDEN of Oregon, recognized Mr. CAMP and Mr. KLECZKA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. NETHERCUTT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CAMP demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. NETHERCUTT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶62.12 HUMAN GENOME MONTH AND DNA DAY

Mr. BILIRAKIS moved to suspend the rules and agree to the following resolution (H. Con. Res. 110):

Whereas April 25, 2003, will be the 50th anniversary of the publication of the description of the double-helix structure of deoxyribonucleic acid (DNA) in Nature magazine by James D. Watson and Francis H.C. Crick, which is considered by many scientists to be one of the most significant scientific discoveries of the twentieth century;

Whereas their discovery launched a field of inquiry that explained how DNA carries biological information in the genetic code and how this information is duplicated and passed from generation to generation, forming the stream of life that connects us all to our ancestors and to our descendants;

Whereas this field of inquiry in turn was crucial to the founding and continued growth of the field of biotechnology, which has led to historic scientific and economic advances for the world, advances in which the people of the United States have played a leading role and from which they have realized significant benefits;

Whereas, in April 2003, the international Human Genome Project will achieve essential completion of the finished reference sequence of the human genome, which carries all the biological information needed to construct the human form;

Whereas the Human Genome Project will be completed ahead of schedule and under budget;

Whereas all data from the Human Genome Project is provided free of charge to the public as soon as it is available;

Whereas the sequencing of the human genome has already fostered biomedical research discoveries that have led to improvements in human health;

Whereas the Human Genome Project has provided an exemplary model for social responsibility in scientific research, by devoting significant resources to studying the ethical, legal, and social implications of the project;

Whereas, in April 2003, the National Human Genome Research Institute of the National Institutes of Health will publish a new plan for genomic research;

Whereas this new plan will establish priorities for the future of genomic research, predict future developments in understanding heredity, and serve as a guide in applying this knowledge to improve human health; and

Whereas the National Human Genome Research Institute has designated April 2003 as ''Human Genome Month'' in celebration of the completion of the sequencing of the human genome and April 25, 2003, as ''DNA Day'' in celebration of the 50th anniversary of the publication of the description of the structure of DNA on April 25, 1953: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years;

(2) honors the 50th anniversary of the outstanding accomplishment of describing the structure of DNA, the essential completion of the sequencing of the human genome in April 2003, and the development a plan for the future of genomics;

(3) supports the goals and ideals of Human Genome Month and DNA Day; and

(4) encourages schools, museums, cultural organizations, and other educational institutions in the United States to recognize Human Genome Month and DNA Day with appropriate programs and activities centered on human genomics, using information and materials provided through the National Human Genome Research Institute and other sources.

The SPEAKER pro tempore, Mr. NETHERCUTT, recognized Mr. BILIRAKIS and Mr. BROWN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. NETHERCUTT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROWN of Ohio demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. NETHERCUTT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, June 11, 2003.

¶62.13 PATSY TAKEMOTO MINK POST OFFICE BUILDING

Ms. ROS-LEHTINEN moved to suspend the rules and pass the bill (H.R. 2030) to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''.

The SPEAKER pro tempore, Mr. NETHERCUTT, recognized Ms. ROS-LEHTINEN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DUNCAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.14 CESAR CHAVEZ POST OFFICE REDESIGNATION

Ms. ROS-LEHTINEN moved to suspend the rules and pass the bill (H.R. 925) to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the ''Cesar Chavez Post Office''.

The SPEAKER pro tempore, Mr. DUNCAN, recognized Ms. ROS-LEHTINEN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DUNCAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.15 MESSAGES FROM THE PRESIDENT

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

¶62.16 PROVIDING FOR THE CONSIDERATION OF H.R. 2143

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 263):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2143) to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. LINDER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. DUNCAN, announced that the yeas had it.

Mr. HASTINGS of Florida objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 222 / Nays ..... 196 }

¶62.17 [Roll No. 252]

YEAS—222

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

NAYS—196

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

NOT VOTING—16

Cole
DeGette
Eshoo
Fletcher
Gephardt
Gordon
Herger
Houghton
Lantos
Larson (CT)
Rush
Smith (WA)
Tierney
Toomey
Waters
Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. DUNCAN, announced that the yeas had it.

Mr. HASTINGS of Florida demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 259 / Nays ..... 158 }

¶62.18 [Roll No. 253]

AYES—259

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder

LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOES—158

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Costello
Cummings
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—17

Carson (OK)
Cole
DeLay
Eshoo
Fletcher
Gephardt
Gordon
Houghton
Jenkins
Lantos
Larson (CT)
Rush
Smith (WA)
Tierney
Toomey
Waters
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶62.19 UNLAWFUL INTERNET GAMBLING FUNDING PROHIBITION

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to House Resolution 263 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2143) to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes.

The SPEAKER pro tempore, Mr. DUNCAN, by unanimous consent, designated Mr. TERRY as Chairman of the Committee of the Whole; and after some time spent therein,

¶62.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SENSENBRENNER:

Page 9, line 22, after the semicolon, insert ''and''.

Page 10, line 17, strike ''; and'' and insert a period.

Page 10, strike lines 18 and 19.

It was decided in the negative { Yeas ..... 186 / Nays ..... 237 }

¶62.21 [Roll No. 254]

AYES—186

Abercrombie
Akin
Baca
Baird
Baldwin
Ballance
Ballenger
Bartlett (MD)
Becerra
Bell
Bereuter
Berkley
Berman
Bishop (UT)
Blackburn
Blumenauer
Bono
Brown (OH)
Brown, Corrine
Cannon
Capps
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cole
Conyers
Cox
Crane
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dreier
Edwards
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fossella
Frank (MA)
Frost
Gallegly
Gingrey
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hayworth
Herger
Hinchey
Hinojosa
Hoeffel
Hoekstra
Honda
Hostettler
Hoyer
Hunter
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pombo
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Rohrabacher
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Solis
Souder
Stark
Stenholm
Stupak
Tancredo
Tauscher
Thompson (CA)
Tiahrt
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wilson (NM)
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—237

Ackerman
Aderholt
Alexander
Allen
Andrews
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capuano
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Collins
Cooper
Costello
Cramer
Crenshaw
Crowley
Davis (AL)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Everett
Feeney
Ferguson
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goss
Graves
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Hill
Hobson
Holden
Holt
Hooley (OR)
Hulshof
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pascrell
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Ryun (KS)
Sabo
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiberi
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Waters
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Wu

NOT VOTING—11

Cubin
Eshoo
Fletcher
Gephardt
Gordon
Houghton
Lantos
Larson (CT)
Smith (WA)
Tierney
Toomey

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. BASS, assumed the Chair.

When Mr. SIMPSON, Acting Chairman, pursuant to House Resolution 263, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Page 13, after line 2, [page and line numbers refer to H.R. 2143, as introduced on May 19, 2003] insert the following new section:

SEC. 5. COMMON SENSE RULE OF CONSTRUCTION.

No provision of this Act shall be construed as altering, limiting, extending, changing the status of, or otherwise affecting any law relating to, affecting, or regulating gambling within the United States.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 319 / Nays 104

¶62.22 [Roll No. 255]

YEAS—319

Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capito
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Waters
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—104

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (UT)
Blumenauer
Bono
Cannon
Capps
Capuano
Carson (OK)
Clay
Clyburn
Conyers
Cummings
Davis (CA)
DeFazio
Delahunt
Dicks
Dreier
Engel
Evans
Farr
Flake
Fossella
Frank (MA)
Frost
Grijalva
Gutierrez
Hastings (FL)
Hayworth
Hinchey
Holt
Honda
Inslee
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Larsen (WA)
Lee
Lewis (GA)
Lofgren
Markey
Matsui
McCollum
McDermott
McGovern
Meehan
Menendez
Miller, George
Neal (MA)
Nethercutt
Ney
Oberstar
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pombo
Pomeroy
Porter
Rangel
Reyes
Rodriguez
Rohrabacher
Roybal-Allard
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Scott (VA)
Sensenbrenner
Solis
Stark
Stupak
Tauscher
Thompson (MS)
Tiberi
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watson
Watt
Weiner
Weller
Woolsey
Young (AK)

NOT VOTING—11

Buyer
Cubin
Eshoo
Fletcher
Gephardt
Houghton
Lantos
Larson (CT)
Smith (WA)
Tierney
Toomey

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.23 H. RES. 252—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 252) expressing the sense of the House of Representatives supporting the United States in its efforts within the World Trade Organization (WTO) to end the European Union's protectionist and discriminatory trade practices of the past five years regarding agriculture biotechnology, as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 339 / Nays 80

¶62.24 [Roll No. 256]

YEAS—339

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinojosa
Hobson

Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—80

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Berkley
Bishop (NY)
Brown (OH)
Brown, Corrine
Capps
Carson (IN)
Clyburn
Conyers
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Engel
Farr
Fattah
Filner
Frank (MA)
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Langevin
Lee
Lewis (GA)
Lipinski
Majette
Maloney
Markey
McCollum
Miller, George
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Reyes
Rothman
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Slaughter
Solis
Stark
Strickland
Thompson (MS)
Tierney
Udall (NM)
Velazquez
Waters
Watson
Waxman
Wexler
Woolsey

NOT VOTING—16

Cubin
Davis, Tom
Doolittle
Eshoo
Fletcher
Gephardt
Harman
Herger
Houghton
Lantos
Larson (CT)
Leach
Manzullo
Sessions
Smith (WA)
Toomey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶62.25 CLERK TO CORRECT ENGROSSMENT—H.R. 2143

On motion of Mr. OXLEY, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 2143) to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

¶62.26 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLES REPUBLIC OF CHINA

The SPEAKER pro tempore, Mr. BASS, announced that the Speaker, pursuant to 22 United States Code 6913, and the order of the House of January 8, 2003, appointed to the Congressional-Executive Commission on the People's Republic of China, the following Members: Mr. LEVIN, Ms. KAPTUR and Mr. BROWN of Ohio.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶62.27 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO NUCLEAR PROLIFERATION IN RUSSIA

The SPEAKER pro tempore, Mr. BASS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 10, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–83).

¶62.28 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO NUCLEAR PROLIFERATION IN RUSSIA

The SPEAKER pro tempore, Mr. BASS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on June 20, 2002 (67 FR 42181).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 10, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–84).

¶62.29 PROVIDING FOR THE CONSIDERATION OF H.R. 2115

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–146) the resolution (H. Res. 265) providing for the consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶62.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. TOOMEY, for today.

And then,

¶62.31 ADJOURNMENT

On motion of Mr. OSBORNE, at 9 o'clock and 35 minutes p.m., the House adjourned.

¶62.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 265. Resolution providing for consideration of the bill (H.R. 2115) to amend title 49, United Stated Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 108–146). Referred to the House Calendar.

¶62.33 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2122. Referral to the Committee on Government Reform and Homeland Security (Select) extended for a period ending not later than June 13, 2003.

¶62.34 TIME LIMITATION OF REFERRED BILL

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 2122. A bill to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health; Rept. 108–147, Part 1, referred to the Committee on Armed Services for a period ending not later than June 11, 2003, pursuant to clause 1(c), rule X.

¶62.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BAIRD (for himself, Mr. INSLEE, Mr. LARSEN of Washington, Mr. DICKS, Mr. MCDERMOTT, and Mr. SMITH of Washington):

H.R. 2397. A bill to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. BARRETT of South Carolina (for himself and Mr. WILSON of South Carolina):

H.R. 2398. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to the Committee on Armed Services.

By Mr. BARRETT of South Carolina (for himself and Mr. WILSON of South Carolina):

H.R. 2399. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. FLAKE, Mr. GALLEGLY, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Mr. ACEVEDO-VILA):

H.R. 2400. A bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; to the Committee on Resources.

By Mr. DEAL of Georgia:

H.R. 2401. A bill to amend the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself, Mr. LATOURETTE, Mr. CLAY, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, and Mr. DAVIS of Illinois):

H.R. 2402. A bill to expand the number of individuals and families with health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself, Mr. FRANK of Massachusetts, Mr. MEEHAN, Ms. NORTON, Mr. LANGEVIN, Mr. LANTOS, Ms. SOLIS, Mr. TOWNS, and Mr. VAN HOLLEN):

H.R. 2403. A bill to expand the powers of the Attorney General to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Attorney General to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mrs. MALONEY, Mr. BAKER, Mr. BACHUS, Mrs. KELLY, Mr. NEY, Mr. KANJORSKI, Mr. GUTIERREZ, Mr. LEACH, Mr. BLUNT, Mr. ISRAEL, Mr. WAMP, Mr. BISHOP of New York, Mr. BISHOP of Georgia, Mr. BOEHLERT, Ms. BORDALLO, Mr. BUYER, Mr. CALVERT, Mrs. CAPPS, Mr. CASE, Mr. CONYERS, Mr. FOLEY, Mr. FOSSELLA, Mr. FROST, Mr. GREEN of Wisconsin, Mr. HINCHEY, Mr. HYDE, Mr. KENNEDY of Minnesota, Mr. LANTOS, Mr. LIPINSKI, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MILLER of Michigan, Mr. MURPHY, Mr. NEAL of Massachusetts, Mr. PETERSON of Pennsylvania, Mr. POMEROY, Mr. QUINN, Mr. RANGEL, Mr. RODRIGUEZ, Mr. SCHIFF, Mr. SERRANO, Mr. SHAW, Mr. SIMMONS, Mr. SKELTON, Mr. SOUDER, Mr. SWEENEY, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TIAHRT, Mr. WALSH, Mr. WOLF, and Mrs. JO ANN DAVIS of Virginia):

H.R. 2404. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes; to the Committee on Financial Services.

By Mr. OXLEY (for himself and Mr. GONZALEZ):

H.R. 2405. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 2406. A bill to support the domestic shrimping industry by eliminating taxpayer subsidies for certain competitors, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Resources, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mr. ENGEL, Ms. MILLENDER-MCDONALD, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. CUMMINGS, Mr. JEFFERSON, Ms. LEE, Mr. ENGLISH, Mr. OWENS, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. HINOJOSA, Mr. PRICE of North Carolina, Mr. SANDERS, Mr. MICHAUD, Mr. CONYERS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2407. A bill to amend the Consumer Credit Protection Act and other banking laws to protect consumers who avail themselves of payday loans from usurious interest rates and exorbitant fees, perpetual debt, the use of criminal actions to collect debts, and other unfair practices by payday lenders, to encourage the States to license and closely regulate payday lenders, and for other purposes; to the Committee on Financial Services.

By Mr. SAXTON:

H.R. 2408. A bill to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges; to the Committee on Resources.

By Mr. SHADEGG (for himself, Mr. NORWOOD, Mr. MARKEY, and Mr. TOWNS):

H.R. 2409. A bill to amend title XIX of the Social Security Act to clarify that inpatient drug prices charged to certain public hospitals are included in the best price exemptions for the Medicaid drug rebate program; to the Committee on Energy and Commerce.

By Mr. STRICKLAND:

H.R. 2410. A bill to prohibit the importation for sale of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 2411. A bill to decrease the matching funds requirement and authorize further appropriations for Keweenaw National Historical Park; to the Committee on Resources.

By Mr. STUPAK:

H.R. 2412. A bill to require any amounts appropriated for Members' Representational Allowances for the House of Representatives for a session of Congress that remain after all payments are made from such Allowances for the session to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina (for himself and Mr. BARRETT of South Carolina):

H.R. 2413. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to provide TRICARE eligibility for members of the Selected Reserve of the Ready Reserve and their families; to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. FILNER, and Mr. GUTIERREZ):

H.R. 2414. A bill to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FEENEY (for himself, Mr. PUTNAM, Mr. SHAW, Mr. FOLEY, Mr. MARIO DIAZ-BALART of Florida, Mr. KELLER, Mr. MILLER of Florida, Mr. GOSS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. STEARNS, and Ms. GINNY BROWN-WAITE of Florida):

H. Con. Res. 214. Concurrent resolution concerning the national cheerleading championship of the University of Central Florida Varsity Cheerleading Team; to the Committee on Education and the Workforce.

By Mr. LANTOS (for himself, Mr. PENCE, Mr. PITTS, Mr. PAYNE, Mr. MCDERMOTT, Mr. BERMAN, Mr. MCGOVERN, Mr. BELL, Mrs. NAPOLITANO, Mr. FRANK of Massachusetts, Mr. WEXLER, Mrs. TAUSCHER, Mr. PALLONE, and Ms. MCCOLLUM):

H. Res. 264. A resolution expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003; to the Committee on International Relations.

By Mr. BARRETT of South Carolina (for himself, Mr. SPRATT, Mr. CLYBURN, Mr. DEMINT, Mr. BROWN of South Carolina, and Mr. WILSON of South Carolina):

H. Res. 266. A resolution commending the Clemson University Tigers men's golf team for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship; to the Committee on Education and the Workforce.

By Mr. BEREUTER (for himself, Mr. KING of Iowa, Mr. PETERSON of Pennsylvania, Mr. STENHOLM, Mr. HINCHEY, Mr. TOWNS, Mr. TAYLOR of North Carolina, Mr. LEACH, Mr. SHUSTER, Mr. OBERSTAR, Mr. JANKLOW, Mr. MORAN of Kansas, Mr. TANNER, Mr. GOODE, Mr. NETHERCUTT, Mr. SWEENEY, Mr. PAUL, Mr. LATHAM, Mr. DAVIS of Tennessee, Mr. STUPAK, Mr. RENZI, and Mr. OSBORNE):

H. Res. 267. A resolution expressing the sense of the House of Representatives that there is a need to protect and strengthen Medicare beneficiaries' access to quality health care in rural America; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H. Res. 268. A resolution urging the President to authorize the transfer of ownership of one of the bells taken from the town of Balangiga on the island of Samar, Philippines, which are currently displayed at F.E. Warren Air Force Base, to the people of the Philippines; to the Committee on Armed Services.

¶62.36 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

76. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 2 memorializing the United States Congress to amend the Northwest Power Act and other appropriate federal statutes so that Northwest communities can be eligible for economic grants to assists communities impacted by Endangered Species Act fish recovery programs; to the Committee on Resources.

77. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 4 memorializing the United States Congress to sponsor and support legislation to create a new Circuit of the United States Court of Appeals for better regional representaion; to the Committee on the Judiciary.

78. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 11 memorializing the United States Congress that the Legislature finds the failure to provide prompt medical care is a failure to provide care, that it is not acceptable, and we urgently request that the members of the Idaho congressional delegation address the appropriations necessary to provide timely access to health care for our valued veterans; to the Committee on Veterans' Affairs.

79. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 8 memorializing the United States Congress that the Legislature supports the President, the President's cabinet, and the men and women of the United States Armed Forces for their courage and the decision to remove Saddam Hussein from power; jointly to the Committees on Armed Services and International Relations.

80. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 1 memorializing the United States Congress to urge the members of the Idaho Congressional delegation to support the passage of legislation similar to S. 2873 as introduced by Senator Grassley that removes the geographic disparity in Medicare reimbursements; jointly to the Committees on Energy and Commerce and Ways and Means.

¶62.37 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. LATOURETTE introduced a bill (H.R. 2415) for the relief of Zdenko Lisak; which was referred to the Committee on the Judiciary.

¶62.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 91: Mr. BONILLA.
H.R. 106: Mr. HEFLEY.
H.R. 111: Mr. MCCOTTER.
H.R. 236: Mr. HOLT, Mr. DAVIS of Florida, Mr. VAN HOLLEN, Mrs. MALONEY, Ms. SLAUGHTER, Mr. MCGOVERN, Mr. CASE, and Mr. PETERSON of Minnesota.
H.R. 303: Mr. HONDA, Mr. BALLANCE, and Mr. GINGREY.
H.R. 371: Mr. LANGEVIN and Mr. OLVER.
H.R. 438: Mr. THOMAS and Mr. FATTAH.
H.R. 440: Ms. LEE.
H.R. 442: Mr. WEXLER.
H.R. 466: Mr. RAHALL.
H.R. 548: Mrs. BLACKBURN, Ms. BORDALLO, Mr. SULLIVAN, and Mr. LANGEVIN.
H.R. 584: Mr. PRICE of North Carolina.
H.R. 660: Mr. PEARCE.
H.R. 745: Mrs. MALONEY, Mr. CROWLEY, and Mr. BELL.
H.R. 754: Mr. LEWIS of Georgia, Mr. ALEXANDER, Mr. THOMPSON of Mississippi, and Mr. TAYLOR of Mississippi.
H.R. 785: Mr. STRICKLAND, Mrs. EMERSON, and Mr. DOYLE.
H.R. 817: Mr. SHERMAN, Mr. HOLDEN, and Mr. BELL.
H.R. 850: Mr. BURGESS.
H.R. 857: Mr. KUCINICH.
H.R. 876: Mr. ALLEN, Mr. ALEXANDER, and Mr. MOORE.
H.R. 879: Mr. RYAN of Ohio.
H.R. 886: Mr. GUTIERREZ, Mr. REYES, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, and Ms. WATERS.
H.R. 898: Mr. KLECZKA.
H.R. 919: Mrs. WILSON of New Mexico.
H.R. 937: Mr. DICKS and Mr. GUTIERREZ.
H.R. 942. Mr. CANTOR.
H.R. 953: Mr. TURNER of Ohio.
H.R. 965: Ms. SLAUGHTER and Mr. FILNER.
H.R. 977: Mr. CALVERT, Ms. BORDALLO, and Mr. REHBERG.
H.R. 980: Mr. KILDEE and Mr. TANNER.
H.R. 1008: Mr. PICKERING.
H.R. 1043: Mr. DEFAZIO and Ms. KILPATRICK.
H.R. 1110: Mr. SCOTT of Georgia and Mr. PAYNE.
H.R. 1125: Mr. HULSHOF and Mrs. CAPITO.
H.R. 1157: Mr. RANGEL and Ms. MILLENDER-MCDONALD.
H.R. 1182: Mr. JENKINS.
H.R. 1209: Mr. SANDERS, Mr. BISHOP of Georgia, Mr. CROWLEY, and Mr. SPRATT.
H.R. 1212: Mr. CROWLEY.
H.R. 1225: Mr. WEXLER, Mr. LARSON of Connecticut, and Mr. DAVIS of Florida.
H.R. 1231: Mrs. EMERSON, Mr. NADLER, Mr. CLAY, Mr. ORTIZ, Mr. CONYERS, Mr. MCCOTTER, Mr. TURNER of Ohio, Mr. RANGEL, and Mr. MILLER of North Carolina.
H.R. 1256: Mr. CROWLEY.
H.R. 1270: Mr. COLE.
H.R. 1276: Mr. COLE and Mr. BURNS.
H.R. 1305: Mr. ISAKSON.
H.R. 1309: Mr. CROWLEY.
H.R. 1334: Mr. EMANUEL and Mr. DOYLE.
H.R. 1348: Mr. LANGEVIN.
H.R. 1359: Ms. BALDWIN.
H.R. 1377: Mr. WALSH.
H.R. 1385: Mr. HOSTETTLER and Mr. DOYLE.
H.R. 1421: Ms. MCCOLLUM.
H.R. 1422: Mr. Isakson.
H.R. 1429: Ms. MILLENDER-MCDONALD and Mr. FRANKS of Arizona.
H.R. 1489: Mr. TURNER of Ohio.
H.R. 1508: Ms. MCCOLLUM, Mr. DAVIS of Alabama, Mr. OLVER, and Ms. LORETTA SANCHEZ of California.
H.R. 1511: Ms. HARMAN, Mr. LAMPSON, Mr. TAYLOR of Mississippi, Mr. EDWARDS, Mr. GORDON, Mr. HOLDEN, Mr. HOYER, Mr. KANJORSKI, Mr. MATHESON, Mr. MCINTYRE, Mr. MEEHAN, Mr. POMEROY, and Mrs. TAUSCHER.
H.R. 1530: Mr. JENKINS and Mr. ROGERS of Kentucky.
H.R. 1532: Mr. FORD, Mr. LIPINSKI, Mr. DEUTSCH, Mr. DELAHUNT, Mr. LYNCH, Mr. BOEHLERT, and Mr. WEXLER.
H.R. 1536: Mr. CARSON of Oklahoma and Mr. MCDERMOTT.
H.R. 1551: Ms. CARSON of Indiana.
H.R. 1567: Mr. MANZULLO.
H.R. 1587: Mr. ADERHOLT.
H.R. 1616: Mr. MARSHALL.
H.R. 1673: Mr. HOLT.
H.R. 1675: Mr. GUTIERREZ and Mr. QUINN.
H.R. 1676: Mr. CRAMER, Mr. ROSS, Mr. DEFAZIO, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1700: Mr. WALSH and Mr. QUINN.
H.R. 1708: Ms. LOFGREN, Mr. OBERSTAR, and Mr. GILCHREST.
H.R. 1710: Mr. LAHOOD, Mr. EVANS, Mr. BOEHLERT, Mr. REYNOLDS, Mr. WU, Mr. GUTIERREZ, Mr. BELL, and Mr. SHERMAN.
H.R. 1713: Mr. CROWLEY.
H.R. 1715: Mrs. LOWEY.
H.R. 1724: Mr. BURGESS.
H.R. 1736: Mr. DAVIS of Alabama, Ms. CORRINE BROWN of Florida, Mr. ISRAEL, Mr. SCOTT of Georgia, Ms. SCHAKOWSKY, and Mr. LEWIS of Georgia.
H.R. 1738: Mr. BALLANCE and Mr. STARK.
H.R. 1767: Mr. FLAKE.
H.R. 1769: Mr. WICKER, Ms. SOLIS, and Mr. GEORGE MILLER of California.
H.R. 1778: Mr. ROYCE.
H.R. 1784: Mr. RAMSTAD, Mr. BOSWELL, Mr. RANGEL, Mr. INSLEE, and Mr. THORNBERRY.

H.R. 1787: Mr. BURGESS, Mr. GIBBONS, Mr. FRANK of Massachusetts, Mr. GRIJALVA, and Mr. MCINTYRE.
H.R. 1807: Mr. GREEN of Wisconsin.
H.R. 1819: Mr. GUTIERREZ.
H.R. 1821: Ms. GINNY BROWN-WAITE of Florida, Mr. CANTOR, Mr. GOODE, Mr. HAYWORTH, Mr. NUSSLE, Mr. HASTERT, Mr. RENZI, Mr. BURTON of Indiana, Mr. BURNS, Mr. ACEVEDO-VILA, Mr. MCINTYRE, Mr. MICHAUD, Mr. BARTLETT of Maryland, Mr. DEMINT, Mr. FLAKE, Mr. HOBSON, Mr. HOUGHTON, Ms. PRYCE OF OHIO, Mr. QUINN, and Mr. ISAKSON.
H.R. 1839: Mr. CANTOR.
H.R. 1861: Mr. NADLER.
H.R. 1865: Mr. COOPER.
H.R. 1873: Mr. TOOMEY.
H.R. 1889: Mr. ISRAEL, Ms. PELOSI, Mr. SMITH of Washington, Mr. DOYLE, Mr. HASTINGS of Florida, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1902: Mr. REYNOLDS.
H.R. 1913: Ms. MILLENDER-MCDONALD.
H.R. 1914: Mr. COLE.
H.R. 1930: Mr. GRIJALVA.
H.R. 1933: Ms. BALDWIN and Mr. LANTOS.
H.R. 1943: Mr. HOSTETTLER and Mr. PENCE.
H.R. 1951: Mr. FILNER.
H.R. 1956: Mr. ALEXANDER, Mr. SIMMONS, Mr. SANDLIN, Mr. CASTLE, and Mr. VITTER.
H.R. 1963: Mr. SHAW, Mr. BOOZMAN, Mr. ROSS, Mr. WELDON of Florida, Mr. NETHERCUTT, and Mr. HULSHOF.
H.R. 1964: Mr. FATTAH.
H.R. 1999: Mr. FALEOMAVAEGA.
H.R. 2009: Mr. SHAYS, Mr. LARSEN of Washington, Mr. KUCINICH, and Ms. MCCOLLUM.
H.R. 2030: Ms. ROS-LEHTINEN.
H.R. 2032: Mr. ANDREWS, Ms. DELAURO, Mr. PICKERING, Mr. FOLEY, Mr. NADLER, and Mrs. MALONEY.
H.R. 2034: Mr. UDALL of Colorado.
H.R. 2038: Ms. ESHOO and Mr. SERRANO.
H.R. 2060: Mr. WYNN, Ms. NORTON, Mr. GILCHREST, and Mr. ENGLISH.
H.R. 2066: Ms. WOOLSEY.
H.R. 2068: Mr. HOLT, Mr. WAXMAN, Mr. NEAL of Massachusetts, Mr. SCOTT of Georgia, Mr. LANTOS, and Mr. FRANK of Massachusetts.
H.R. 2069: Mr. HOLT, Mr. WAXMAN, Mr. NEAL of Massachusetts, Mr. SCOTT of Georgia, and Mr. DOGGETT.
H.R. 2124: Mr. BELL, Ms. MILLENDER-MCDONALD, Ms. CARSON of Indiana, Ms. JACKSON-LEE of Texas, and Ms. CORRINE BROWN of Florida.
H.R. 2163: Ms. HART.
H.R. 2182: Mr. RANGEL, Mr. SMITH of New Jersey, Mr. CONYERS, and Mr. SIMMONS.
H.R. 2198: Ms. DELAURO.
H.R. 2205: Mr. SANDERS, Ms. WOOLSEY, Mr. FATTAH, Ms. SLAUGHTER, Mr. SERRANO, Mr. BROWN of Ohio, Ms. MAJETTE, Mr. TURNER of Ohio, Mr. STEARNS, Mr. DOYLE, Mr. BELL, Ms. ROS-LEHTINEN, Ms. CARSON of Indiana, Mr. COOPER, Mr. DEUTSCH, Mr. STARK, Mr. GRIJALVA, Mr. FORBES, Mr. BERMAN, Mr. BAIRD, and Mr. KUCINICH.
H.R. 2210: Mr. OSBORNE and Mr. BALLENGER.
H.R. 2211: Mr. TIBERI.
H.R. 2233: Mr. SHERMAN and Ms. LOFGREN.
H.R. 2242: Mr. GRIJALVA.
H.R. 2262: Ms. VELAZQUEZ.
H.R. 2283: Mr. BRADY of Texas.
H.R. 2284: Mr. WEXLER and Mrs. CHRISTENSEN.
H.R. 2286: Mr. GRIJALVA, Mr. PALLONE, Mr. REYES, Ms. WOOLSEY, Mr. EVANS, Mr. NEAL of Massachusetts, and Mr. SHERMAN.
H.R. 2291: Mr. WEXLER and Mr. POMEROY.
H.R. 2292: Mr. BOEHLERT.
H.R. 2295: Mrs. MALONEY.
H.R. 2330: Ms. MCCOLLUM, Mr. KIRK, Mr. DELAHUNT, Mr. BEREUTER, Ms. WATSON, Mr. WEXLER, Ms. SLAUGHTER, Mr. PAYNE, Mr. MCNULTY, Mr. BERMAN, Mr. DOGGETT, Mr. NADLER, Mr. SHAYS, Mr. RAHALL, Mr. FRANK of Massachusetts, and Mr. WEINER.
H.R. 2333: Mr. OBERSTAR, Mr. QUINN, and Mr. SKELTON.
H.R. 2351: Mr. KOLBE, Mr. SENSENBRENNER, Mr. GUTKNECHT, Mr. SHAYS, Mr. LATOURETTE, Mr. AKIN, and Mr. LINDER.
H.R. 2361: Mr. PASTOR.
H.R. 2365: Mr. CARDIN.
H.J. Res. 36: Mr. RAMSTAD and Mr. WILSON of South Carolina.
H.J. Res. 56: Mr. PENCE, Mr. ISTOOK, Mr. JONES of North Carolina, Mr. RYUN of Kansas, Mr. SAM JOHNSON of Texas, Mr. DEMINT, Mr. AKIN, Mr. BURGESS, and Mr. NORWOOD.
H. Con. Res. 111: Ms. NORTON and Mr. OBERSTAR.
H. Con. Res. 126: Mrs. MUSGRAVE and Mr. WALDEN of Oregon.
H. Con. Res. 154: Mr. LEWIS of Georgia.
H. Con. Res. 164: Mr. PAUL and Mr. SKELTON.
H. Con. Res. 169: Mr. WEXLER.
H. Con. Res. 178: Mr. BURNS, Mr. TURNER of Ohio, Mr. GREEN of Wisconsin, Mr. LATOURETTE, Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Mr. COSTELLO, Mr. MATHESON, and Mr. PLATTS.
H. Con. Res. 192: Mr. CRAMER, Mr. GREEN of Wisconsin, Mrs. WILSON of New Mexico, Mr. CALVERT, Mr. SIMMONS, Mr. UDALL of Colorado, Mr. WOLF, and Mr. LANTOS.
H. Con. Res. 196: Mr. MCDERMOTT, Mr. ABERCROMBIE, Mr. TOWNS, Ms. MCCOLLUM, Ms. LOFGREN, Ms. CARSON of Indiana, and Ms. KILPATRICK.
H. Con. Res. 200: Mr. FATTAH.
H. Con. Res. 208: Mr. CUNNINGHAM.
H. Con. Res. 213: Mr. ALLEN, Mr. GREEN of Texas, Mr. NADLER, Mr. REYES, and Mr. SABO.
H. Res. 28: Mr. MEEKS of New York.
H. Res. 58: Ms. LEE, Mr. BERMAN, Mr. KANJORSKI, and Mr. BELL.
H. Res. 177: Ms. MCCOLLUM.
H. Res. 194: Mr. GREEN of Wisconsin, Ms. MCCOLLUM, and Mr. BELL.
H. Res. 198: Mr. PENCE, Mr. GALLEGLY, and Mr. FEENEY.
H. Res. 199: Mr. WEXLER and Mr. KUCINICH.
H. Res. 234: Ms. MCCOLLUM, Mr. GRIJALVA, Ms. SOLIS, and Mr. KUCINICH.
H. Res. 237: Mr. KUCINICH and Mr. CLAY.
H. Res. 242: Mr. OXLEY, Mr. PENCE, Mr. KING of New York, Mr. SHAW, Mr. GILLMOR, Mr. FORD, Mr. GOODLATTE, Mr. WEXLER, Mr. RUSH, and Mr. MCINNIS.
H. Res. 259: Mr. FROST, Mrs. WILSON of New Mexico, and Mr. WAXMAN.
H. Res. 260: Mr. SANDERS, Mr. RANGEL, and Mr. FILNER.

¶62.39 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 660: Mr. PASTOR and Mr. GRIJALVA.

WEDNESDAY, JUNE 11, 2003 (63)

¶63.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LAHOOD, who laid before the House the following communication:

WASHINGTON, DC,
June 11, 2003.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

¶63.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LAHOOD, announced he had examined and approved the Journal of the proceedings of Tuesday, June 10, 2003.

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

¶63.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2622. A letter from the Under Secretary, Department of Defense, transmitting a report on the retirement of Lieutenant General Leslie F. Kenne, United States Air Force, and her advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2623. A letter from the Secretary of the Navy, Department of Defense, transmitting notification concerning the Department of the Navy's proposed transfers, pursuant to 10 U.S.C. 7306; to the Committee on Armed Services.

2624. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Food Additive Permitted in Feed and Drinking Water of Animals; Feed-Grade Biuret [Docket No. 02F-0327] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2625. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Emergency Reconstruction of Interstate Natural Gas Facilities Under the Natural Gas Act [Docket Nos. RM03-4-000 and AD02-14-000; Order No. 633] received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2626. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification regarding an explosion in the Vinnell Housing Compound in Riyadh, Saudi Arabia; to the Committee on International Relations.

2627. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the texts of the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, Recommendation No. 193 Concerning the promotion of Cooperatives and Recommendation No. 194 Concerning the List of Occupational Diseases and the Recording and Notification of Occupational Accidents and Diseases; to the Committee on International Relations.

2628. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002, through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2629. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—NARA Facilities; Phone Numbers (RIN: 3095-AB20) received June 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2630. A letter from the Director, OGE, Office of Government Ethics, transmitting the Office's final rule—Privacy Act Rules (RIN: 3209-AA18) received June 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2631. A letter from the Assistant Secretary of the Interior, Office of Hearings and Appeals, Department of the Interior, transmitting the Department's final rule—Special Rules Applicable to Public Land Hearings and Appeals; Grazing Administration—Exclusive of Alaska, Administrative Remedies; Grazing Administration—Effect of Wildfire Management Decisions; Administration of

Forest Management Decisions (RIN: 1090-AA83) received June 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2632. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Blackburn's Sphinx Moth (RIN: 1018-AH94) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2633. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Preble's Meadow Jumping Mouse (Zapus hudsonius preblei) (RIN: 1018-AI46) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2634. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation and Nondesignation of Critical Habitat for 46 Plant Species From the Island of Hawaii, Hawaii (RIN:1018-AH02) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2635. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Regulations Governing the Taking and Importing of Marine Mammals; Eastern North Pacific Southern Resident Killer Whales [Docket No. 020603140-3129-03, I.D. 050102G] (RIN: 0648-AQ00) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2636. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 051403B] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2637. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Commercial Shark Management Measures [Docket No. 021219321-2321-01; I.D. 120901A] (RIN: 0648-AQ39) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2638. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Antarctic Marine Living Resources; CCAMLR Ecosystem Monitoring Permits; Vessel Monitoring System; Catch Documentation Scheme; Fishing Season; Registered Agent; and Disposition of Seized AMLR [Docket No. 021016236-3089-02; I.D. 082002A] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2639. A letter from the Associate Counsel, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule—Elimination of Continued Prosecution Application Practice as to Utility and Plant Patent Applications (RIN: 0651-AB37) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2640. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on Denial of Visas to Confiscators of American Property; to the Committee on the Judiciary.

2641. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; St. Thomas, U.S. Virgin Islands [COTP San Juan-03-024] (RIN: 1625-AA00) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2642. A letter from the Regulations Officer 238, FMCSA, Department of Transportation, transmitting the Department's final rule—Transportation of Household Goods; Consumer Protection Regulations [Docket No. FMCSA-97-2679](RIN: 2126-AA32; formerly RIN: 2125-AE30) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2643. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30370; Amdt. No. 3060] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2644. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Compensation and Pension Provisions of the Veterans Education and Benefits Expansion Act of 2001 (RIN: 2900-AL29) June 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

¶63.4 MESSAGE FROM THE SENATE

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

H.R. 1625. An Act to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building''.

¶63.5 COMMERCIAL SPECTRUM ENHANCEMENT

Mr. UPTON moved to suspend the rules and pass the bill (H.R. 1320) to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; as amended.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. UPTON and Mr. MARKEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MARKEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶63.6 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

Mr. HERGER moved to suspend the rules and pass the bill (H.R. 2350) to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. HERGER and Mr. CARDIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARDIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶63.7 PROVIDING FOR THE CONSIDERATION OF H.R. 2115

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 265):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendment are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the

House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. Lincoln DIAZ-BALART moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. MCGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 219 / Nays ..... 195 }

¶63.8 [Roll No. 257]

YEAS—219

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

NAYS—195

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

NOT VOTING—20

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Gallegly
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Rush
Sessions
Shimkus
Smith (WA)
Spratt
Weldon (PA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. MCGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 370 / Nays ..... 43 }

¶63.9 [Roll No. 258]

AYES—370

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

Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—43

Andrews
Becerra
Bell
Conyers
Doggett
Evans
Farr
Ford
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Kildee
Kilpatrick
Kucinich
Lee
Lewis (GA)
Lofgren
Matsui
McCollum
McDermott
McGovern
Meek (FL)
Miller, George
Moran (VA)
Obey
Olver
Owens
Rangel
Rothman
Sabo
Sandlin
Schiff
Slaughter
Thompson (MS)
Tierney
Towns
Van Hollen
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—21

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Frelinghuysen
Gallegly
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Nethercutt
Rush
Sessions
Smith (WA)
Spratt
Weldon (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.10 H. CON. RES. 110—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 110) recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years and expressing support for the goals and ideals of Human Genome Month and DNA Day.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 414 / Nays ..... 0 }

¶63.11 [Roll No. 259]

YEAS—414

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

NOT VOTING—20

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Farr
Fossella
Gallegly
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Rush
Sessions
Smith (WA)
Spratt
Weldon (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶63.12 H.R. 1320—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1320) to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 10

¶63.13 [Roll No. 260]

YEAS—408

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

NAYS—10

Coble
Davis, Jo Ann
Duncan
Flake
Goode
Miller (FL)
Obey
Paul
Royce
Smith (MI)

NOT VOTING—16

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Rush
Smith (WA)
Spratt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.14 H.R. 2350—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2350) to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 / Nays 6

¶63.15 [Roll No. 261]

YEAS—406

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

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

NAYS—6

Conyers
Flake
Frank (MA)
Olver
Owens
Paul

NOT VOTING—22

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Gephardt
Gutierrez
Jones (NC)
Kirk
Kolbe
Larson (CT)
Majette
Northup
Nussle
Rush
Smith (WA)
Spratt
Thornberry
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.16 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2115

On motion of Mr. MICA, by unanimous consent,

Ordered, That, during consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, pursuant to House Resolution 265, it may be in order to consider amendment numbered 5, as printed in the report of the Committee on Rules before consideration of any other amendment.

¶63.17 FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 265 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, designated Mr. BASS as Chairman of the Committee of the Whole; and after some time spent therein,

¶63.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MANZULLO:

At the end of title V of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 525. REPORT ON WAIVERS OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the waiver contained in section 50101(b) of title 49, United States Code (relating to buying goods produced in the United States). The report shall, at a minimum, include—

(1) a list of all waivers granted pursuant to that section since the date of enactment of that section; and

(2) for each such waiver—

(A) the specific authority under such section 50101(b) for granting the waiver; and

(B) the rationale for granting the waiver.

It was decided in the affirmative { Yeas ..... 426 / Nays ..... 0 }

¶63.19 [Roll No. 262]

AYES—426

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

NOT VOTING—8

Brown-Waite, Ginny
Cubin
Eshoo
Fossella
Gephardt
Matsui
Smith (WA)
Spratt

So the amendment was agreed to.

¶63.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. PITTS:

Page 82, before line 11, insert the following:

(g) MEASUREMENT OF HIGHWAY MILEAGE FOR PURPOSES OF DETERMINING ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES.—

(1) DETERMINATION OF ELIGIBILITY.—Subchapter II of Chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by adding at the end the following new section:

"§ 41746. Distance requirement applicable to eligibility for essential air service subsidies

''(a) IN GENERAL.—The Secretary shall not provide assistance under this subchapter with respect to a place in the 48 contiguous States that—

''(1) is less than 70 highway miles from the nearest hub airport; or

''(2) requires a rate of subsidy per passenger in excess of $200, unless such place is greater than 210 highway miles from the nearest hub airport.

''(b) DETERMINATION OF MILEAGE.—For purposes of this section, the highway mileage between a place and the nearest hub airport is the highway mileage of the most commonly used route between the place and the hub airport. In identifying such route, the Secretary shall—

''(1) promulgate by regulation a standard for calculating the mileage between an eligible place and a hub airport; and

''(2) identify the most commonly used route for a community by—

''(A) consulting with the Governor of a State or the Governor's designee; and

''(B) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by inserting after the item relating to section 41745 the following new item:

''41746. Distance requirement applicable to eligibility for essential air service subsidies.''.

(h) REPEAL.—The following provisions of law are repealed:

(1) Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

(2) Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note).

(3) Section 334 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–471).

(i) SECRETARIAL REVIEW.—

(1) REQUEST FOR REVIEW.—Any community with respect to which the Secretary has, between September 30, 1993, and the date of the enactment of this Act, eliminated subsidies or terminated subsidy eligibility under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect, may request the Secretary to review such action.

(2) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (i), the Secretary shall—

(A) determine whether the community would have been subject to such elimination of subsidies or termination of eligibility under the distance requirement enacted by the amendment made by subsection (g) of this bill to subchapter II of chapter 417 of title 49, United States Code; and

(B) issue a final order with respect to the eligibility of such community for essential air service subsidies under subchapter II of chapter 417 of title 49, United States Code, as amended by this Act.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶63.21 [Roll No. 263]

AYES—422

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

NOT VOTING—12

Boehner
Case
Cubin
Edwards
Eshoo
Fossella
Gephardt
Issa
Matsui
Smith (NJ)
Smith (WA)
Spratt

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. TERRY, assumed the Chair.

When Mr. SWEENEY, Acting Chairman, pursuant to House Resolution 265, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Flight 100—Century of Aviation Reauthorization Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS
Sec. 101. Federal Aviation Administration operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Airport planning and development and noise compatibility planning and programs.
Sec. 104. Additional reauthorizations.
Sec. 105. Insurance.
Sec. 106. Pilot program for innovative financing for terminal automation replacement systems.
TITLE II—AIRPORT PROJECT STREAMLINING
Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Promotion of new runways.
Sec. 204. Airport project streamlining.
Sec. 205. Governor's certificate.
Sec. 206. Construction of certain airport capacity projects.
Sec. 207. Limitations.
Sec. 208. Relationship to other requirements.
TITLE III—FEDERAL AVIATION REFORM
Sec. 301. Management advisory committee members.
Sec. 302. Reorganization of the Air Traffic Services Subcommittee.
Sec. 303. Clarification of the responsibilities of the Chief Operating Officer.
Sec. 304. Small Business Ombudsman.
Sec. 305. FAA purchase cards.
TITLE IV—AIRLINE SERVICE IMPROVEMENTS
Sec. 401. Improvement of aviation information collection.
Sec. 402. Data on incidents and complaints involving passenger and baggage security screening.
Sec. 403. Definitions.
Sec. 404. Clarifications to procurement authority.
Sec. 405. Low-emission airport vehicles and ground support equipment.
Sec. 406. Streamlining of the passenger facility fee program.
Sec. 407. Financial management of passenger facility fees.
Sec. 408. Government contracting for air transportation.
Sec. 409. Overflights of national parks.
Sec. 410. Collaborative decisionmaking pilot program.
Sec. 411. Availability of aircraft accident site information.
Sec. 412. Slot exemptions at Ronald Reagan Washington National Airport.
Sec. 413. Notice concerning aircraft assembly.
Sec. 414. Special rule to promote air service to small communities.
Sec. 415. Small community air service.
Sec. 416. Type certificates.
Sec. 417. Design organization certificates.
Sec. 418. Counterfeit or fraudulently represented parts violations.
Sec. 419. Runway safety standards.
Sec. 420. Availability of maintenance information.
Sec. 421. Certificate actions in response to a security threat.
Sec. 422. Flight attendant certification.
Sec. 423. Civil penalty for closure of an airport without providing sufficient notice.
Sec. 424. Noise exposure maps.
Sec. 425. Amendment of general fee schedule provision.
Sec. 426. Improvement of curriculum standards for aviation maintenance technicians.
Sec. 427. Task force on future of air transportation system.
Sec. 428. Air quality in aircraft cabins.
Sec. 429. Recommendations concerning travel agents.
Sec. 430. Task force on enhanced transfer of applications of technology for military aircraft to civilian aircraft.
Sec. 431. Reimbursement for losses incurred by general aviation entities.
Sec. 432. Impasse procedures for National Association of Air Traffic Specialists.
Sec. 433. FAA inspector training.
Sec. 434. Prohibition on air traffic control privatization.
Sec. 435. Airfares for members of the Armed Forces.
Sec. 436. Air carriers required to honor tickets for suspended air service.
Sec. 437. International air show.
Sec. 438. Definition of air traffic controller.
Sec. 439. Justification for air defense identification zone.
Sec. 440. International air transportation.
Sec. 441. Reimbursement of air carriers for certain screening and related activities.
Sec. 442. General aviation flights at Ronald Reagan Washington National Airport.
Sec. 443. Charter airlines.
Sec. 444. Implementation of chapter 4 noise standards.
Sec. 445. Crew training.
Sec. 446. Review of compensation criteria.
Sec. 447. Review of certain aircraft operations in Alaska.
TITLE V—AIRPORT DEVELOPMENT
Sec. 501. Definitions.
Sec. 502. Replacement of baggage conveyor systems.
Sec. 503. Security costs at small airports.
Sec. 504. Withholding of program application approval.
Sec. 505. Runway safety areas.
Sec. 506. Disposition of land acquired for noise compatibility purposes.
Sec. 507. Grant assurances.
Sec. 508. Allowable project costs.
Sec. 509. Apportionments to primary airports.
Sec. 510. Cargo airports.
Sec. 511. Considerations in making discretionary grants.
Sec. 512. Flexible funding for nonprimary airport apportionments.
Sec. 513. Use of apportioned amounts.
Sec. 514. Military airport program.
Sec. 515. Terminal development costs.
Sec. 516. Contract towers.
Sec. 517. Airport safety data collection.
Sec. 518. Airport privatization pilot program.
Sec. 519. Innovative financing techniques.
Sec. 520. Airport security program.
Sec. 521. Low-emission airport vehicles and infrastructure.
Sec. 522. Compatible land use planning and projects by State and local governments.
Sec. 523. Prohibition on requiring airports to provide rent-free space for Federal Aviation Administration.
Sec. 524. Midway Island Airport.
Sec. 525. Intermodal planning.
Sec. 526. Status review of Marshall Islands airport.
Sec. 527. Report on waivers of preference for buying goods produced in the United States.
TITLE VI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY
Sec. 601. Extension of expenditure authority.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall be effective on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) IN GENERAL.—Section 106(k) is amended to read as follows:

''(k) AUTHORIZATION OF APPROPRIATIONS.—

''(1) SALARIES, OPERATIONS, AND MAINTENANCE.—There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration—

''(A) $7,591,000,000 for fiscal year 2004;

''(B) $7,732,000,000 for fiscal year 2005;

''(C) $7,889,000,000 for fiscal year 2006; and

''(D) $8,064,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

''(2) OPERATION OF CENTER FOR MANAGEMENT AND DEVELOPMENT.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Center for Management Development of the Federal Aviation Administration to operate at least 200 courses each year and to support associated student travel for both residential and field courses.

''(3) AIR TRAFFIC MANAGEMENT SYSTEM.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Federal Aviation Administration for the establishment and operation of a new office to develop, in coordination with the Department of Defense, the National Aeronautics and Space Administration, and the Department of Homeland Security, the next generation air traffic management system and a transition plan for the implementation of that system. The office shall be known as the 'Next Generation Air Transportation System Joint Program Office'.

''(4) HELICOPTER AND TILTROTOR PROCEDURES.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Federal Aviation Administration for the establishment of helicopter and tiltrotor approach and departure procedures using advanced technologies, such as the Global Positioning System and automatic dependent surveillance, to permit operations in adverse weather conditions to meet the needs of air ambulance services.

''(5) ADDITIONAL AIR TRAFFIC CONTROLLERS.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended to hire additional air traffic controllers in order to meet increasing air traffic demands and to address the anticipated increase in the retirement of experienced air traffic controllers.

''(6) COMPLETION OF ALASKA AVIATION SAFETY PROJECT.—Out of amounts appropriated under paragraph (1), $6,000,000 may be expended for the completion of the Alaska aviation safety project with respect to the 3 dimensional mapping of Alaska's main aviation corridors.

''(7) AVIATION SAFETY REPORTING SYSTEM.—Out of amounts appropriated under paragraph (1), $3,400,000 may be expended on the Aviation Safety Reporting System.''.

(b) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $3,971,000 for fiscal year 2004,

$4,045,000 for fiscal year 2005, $4,127,000 for fiscal year 2006, and $4,219,000 for fiscal year 2007 to gather airline data and conduct analyses of such data in the Bureau of Transportation Statistics of the Department of Transportation.

(c) HUMAN CAPITAL WORKFORCE STRATEGY.—

(1) DEVELOPMENT.—The Administrator of the Federal Aviation Administration shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need for more air traffic controllers that is called for in the June 2002 report of the General Accounting Office.

(2) COMPLETION DATE.—The Administrator shall complete development of the strategy not later than 1 year after the date of enactment of this Act.

(3) REPORT.—Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.

(d) GOALS AND OBJECTIVES OF AVIATION SAFETY REPORTING SYSTEM.—Not later than 90 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the long-term goals and objectives of the Aviation Safety Reporting System and how such system interrelates with other safety reporting systems of the Federal Government.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101 is amended—

(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,138,000,000 for fiscal year 2004;

''(2) $2,993,000,000 for fiscal year 2005;

''(3) $3,053,000,000 for fiscal year 2006; and

''(4) $3,110,000,000 for fiscal year 2007.'';

(2) by striking subsection (b);

(3) by redesignating (c) as subsection (b);

(4) by striking subsections (d) and (e) and inserting the following:

''(c) ENHANCED SAFETY AND SECURITY FOR AIRCRAFT OPERATIONS IN THE GULF OF MEXICO.—Of amounts appropriated under subsection (a), such sums as may be necessary for fiscal years 2004 through 2007 may be used to expand and improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather services in the Gulf of Mexico.

''(d) OPERATIONAL BENEFITS OF WAKE VORTEX ADVISORY SYSTEM.—Of amounts appropriated under subsection (a), $20,000,000 for each of fiscal years 2004 through 2007 may be used to document and demonstrate the operational benefits of a wake vortex advisory system.

''(e) GROUND-BASED PRECISION NAVIGATIONAL AIDS.—Of amounts appropriated under subsection (a), $20,000,000 for each of fiscal years 2004 to 2007 may be used to establish a program for the installation, operation, and maintenance of a closed-loop precision approach aid designed to improve aircraft accessibility at mountainous airports with limited land if the approach aid is able to provide curved and segmented approach guidance for noise abatement purposes and has been certified or approved by the Administrator.''; and

(5) in subsection (f)—

(A) by striking ''for fiscal years beginning after September 30, 2000''; and

(B) by inserting ''may be used'' after ''necessary''.

SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking ''September 30, 1998'' and inserting ''September 30, 2003''; and

(2) by striking paragraphs (1) through (5) and inserting:

''(1) $3,400,000,000 for fiscal year 2004;

''(2) $3,600,000,000 for fiscal year 2005;

''(3) $3,800,000,000 for fiscal year 2006; and

''(4) $4,000,000,000 for fiscal year 2007.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2007''.

SEC. 104. ADDITIONAL REAUTHORIZATIONS.

(a) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—Section 47124(b)(3)(E) is amended by striking ''$6,000,000 per fiscal year'' and inserting ''$6,500,000 for fiscal year 2004, $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007''.

(b) SMALL COMMUNITY AIR SERVICE.—Section 41743(e)(2) is amended—

(1) by striking ''and'' the first place it appears and inserting a comma; and

(2) by inserting after ''2003'' the following '', and $35,000,000 for each of fiscal years 2004 through 2008''.

(c) REGIONAL AIR SERVICE INCENTIVE PROGRAM.—Section 41766 is amended by striking ''2003'' and inserting ''2007''.

(d) FUNDING FOR AVIATION PROGRAMS.—Section 106 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 48101 note) is amended by striking ''2003'' each place it appears and inserting ''2007''.

(e) DESIGN-BUILD CONTRACTING.—Section 139(e) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47104 note) is amended by striking ''2003'' and inserting ''2007''.

(f) METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 is amended by striking ''2004'' and inserting ''2007''.

SEC. 105. INSURANCE.

(a) TERMINATION.—Section 44310 is amended to read as follows:

''§ 44310. Termination date

''Effective December 31, 2007, the authority of the Secretary of Transportation to provide insurance and reinsurance under this chapter shall be limited to—

''(1) the operation of an aircraft by an air carrier or foreign air carrier in foreign air commerce or between at least 2 points, all of which are outside the United States; and

''(2) insurance obtained by a department, agency, or instrumentality of the United States under section 44305.''.

(b) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended by striking ''through December 31, 2004,'' and inserting ''thereafter''.

(c) AIRCRAFT MANUFACTURER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—Section 44303(b) is amended by adding at the end the following: ''The Secretary may extend the provisions of this subsection to the United States manufacturer (as defined in section 44310) of the aircraft of the air carrier involved.''.

(d) VENDORS, AGENTS, SUBCONTRACTORS, AND MANUFACTURERS.—

(1) IN GENERAL.—Chapter 443 is amended—

(A) by redesignating section 44310 (as amended by subsection (a) of this section) as section 44311; and

(B) by inserting after section 44309 the following:

''§ 44310. Vendors, agents, subcontractors, and manufacturers

''(a) IN GENERAL.—The Secretary of Transportation may extend the application of any provision of this chapter to a loss by a vendor, agent, and subcontractor of an air carrier and a United States manufacturer of an aircraft used by an air carrier but only to the extent that the loss involved an aircraft of an air carrier.

''(b) UNITED STATES MANUFACTURER DEFINED.—In this section, the term 'United States manufacturer' means a manufacturer incorporated under the laws of a State of the United States and having its principal place of business in the United States.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 443 is amended by striking the item relating to section 44310 and inserting the following:

''44310. Vendors, agents, subcontractors, and manufacturers.

''44311. Termination date.''.

(e) TECHNICAL CORRECTIONS.—Effective November 19, 2001, section 124(b) of the Aviation and Transportation Security Act (115 Stat. 631) is amended by striking ''to carry out foreign policy'' and inserting ''to carry out the foreign policy''.

SEC. 106. PILOT PROGRAM FOR INNOVATIVE FINANCING FOR TERMINAL AUTOMATION REPLACEMENT SYSTEMS.

(a) IN GENERAL.—In order to test the cost-effectiveness and feasibility of long-term financing of modernization of major air traffic control systems, the Administrator of the Federal Aviation Administration may establish a pilot program to test innovative financing techniques through amending a contract, subject to section 1341 of title 31, United States Code, of more than one, but not more than 20, fiscal years to purchase and install terminal automation replacement systems for the Administration. Such amendments may be for more than one, but not more than 10 fiscal years.

(b) CANCELLATION.—A contract described in subsection (a) may include a cancellation provision if the Administrator determines that such a provision is necessary and in the best interest of the United States. Any such provision shall include a cancellation liability schedule that covers reasonable and allocable costs incurred by the contractor through the date of cancellation plus reasonable profit, if any, on those costs. Any such provision shall not apply if the contract is terminated by default of the contractor.

(c) CONTRACT PROVISIONS.—If feasible and practicable for the pilot program, the Administrator may make an advance contract provision to achieve economic-lot purchases and more efficient production rates.

(d) LIMITATION.—The Administrator may not amend a contract under this section until the program for the terminal automation replacement systems has been rebaselined in accordance with the acquisition management system of the Administration.

(e) ANNUAL REPORTS.—At the end of each fiscal year during the term of the pilot program, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Administrator has implemented in such fiscal year the pilot program, the number and types of contracts or contract amendments that are entered into under the program, and the program's cost-effectiveness.

(f) FUNDING.—Out of amounts appropriated under section 48101 for fiscal year 2004, $200,000,000 shall be used to carry out this section.

TITLE II—AIRPORT PROJECT STREAMLINING

SEC. 201. SHORT TITLE.

This title may be cited as the ''Airport Streamlining Approval Process Act of 2003''.

SEC. 202. FINDINGS.

Congress finds that—

(1) airports play a major role in interstate and foreign commerce;

(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;

(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

SEC. 203. PROMOTION OF NEW RUNWAYS.

Section 40104 is amended by adding at the end the following:

''(c) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47178.''.

SEC. 204. AIRPORT PROJECT STREAMLINING.

(a) IN GENERAL.—Chapter 471 is amended by inserting after section 47153 the following:

''SUBCHAPTER III—AIRPORT PROJECT STREAMLINING

''§ 47171. DOT as lead agency

''(a) AIRPORT PROJECT REVIEW PROCESS.—The Secretary of Transportation shall develop and implement a coordinated review process for airport capacity enhancement projects at congested airports.

''(b) COORDINATED REVIEWS.—

''(1) IN GENERAL.—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for an airport capacity enhancement project at a congested airport will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (c) with respect to the project.

''(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (c) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

''(c) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each airport capacity enhancement project at a congested airport, the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

''(d) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

''(e) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (c) with respect to the project and the airport sponsor.

''(f) EFFECT OF FAILURE TO MEET DEADLINE.—

''(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (b) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

''(2) AGENCY REPORT.—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, opinion, permit, license, or approval.

''(g) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section with respect to an airport capacity enhancement project at a congested airport and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

''(h) ALTERNATIVES ANALYSIS.—The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport. Any other Federal or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

''(i) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsections (g) and (h), the Secretary shall solicit and consider comments from interested persons and governmental entities.

''(j) MONITORING BY TASK FORCE.—The Transportation Infrastructure Streamlining Task Force, established by Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews), may monitor airport projects that are subject to the coordinated review process under this section.

''§ 47172. Categorical exclusions

''Not later than 120 days after the date of enactment of this section, the Secretary of Transportation shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects at airports.

''§ 47173. Access restrictions to ease construction

''At the request of an airport sponsor for a congested airport, the Secretary of Transportation may approve a restriction on use of a runway to be constructed at the airport to minimize potentially significant adverse noise impacts from the runway only if the Secretary determines that imposition of the restriction—

''(1) is necessary to mitigate those impacts and expedite construction of the runway;

''(2) is the most appropriate and a cost-effective measure to mitigate those impacts, taking into consideration any environmental tradeoffs associated with the restriction; and

''(3) would not adversely affect service to small communities, adversely affect safety or efficiency of the national airspace system, unjustly discriminate against any class of user of the airport, or impose an undue burden on interstate or foreign commerce.

''§ 47174. Airport revenue to pay for mitigation

''(a) IN GENERAL.—Notwithstanding section 47107(b), section 47133, or any other provision of this title, the Secretary of Transportation may allow an airport sponsor carrying out an airport capacity enhancement project at a congested airport to make payments, out of revenues generated at the airport (including local taxes on aviation fuel), for measures to mitigate the environmental impacts of the project if the Secretary finds that—

''(1) the mitigation measures are included as part of, or support, the preferred alternative for the project in the documentation prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(2) the use of such revenues will provide a significant incentive for, or remove an impediment to, approval of the project by a State or local government; and

''(3) the cost of the mitigation measures is reasonable in relation to the mitigation that will be achieved.

''(b) MITIGATION OF AIRCRAFT NOISE.—Mitigation measures described in subsection (a) may include the insulation of residential buildings and buildings used primarily for educational or medical purposes to mitigate the effects of aircraft noise and the improvement of such buildings as required for the insulation of the buildings under local building codes.

''§ 47175. Airport funding of FAA staff

''(a) ACCEPTANCE OF SPONSOR-PROVIDED FUNDS.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.

''(b) ADMINISTRATIVE PROVISION.—Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

''(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

''(3) shall remain available until expended.

''(d) MAINTENANCE OF EFFORT.—No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002, excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862), for the activities described in subsection (a).

''§ 47176. Authorization of appropriations

''In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $4,200,000 for fiscal year 2004 and for each fiscal year thereafter to facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.

''§ 47177. Designation of aviation safety and aviation security projects for priority environmental review

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may designate an aviation safety or aviation security project for priority environmental review. The Administrator may not delegate this designation authority.

''(b) PROJECT DESIGNATION CRITERIA.—The Administrator shall establish guidelines for the designation of an aviation safety or aviation security project for priority environmental review. Such guidelines shall include consideration of—

''(1) the importance or urgency of the project;

''(2) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(3) the need for cooperation and concurrent reviews by other Federal or State agencies; and

''(4) the prospect for undue delay if the project is not designated for priority review.

''(c) COORDINATED ENVIRONMENTAL REVIEWS.—

''(1) TIMELINES AND HIGH PRIORITY FOR COORDINATED ENVIRONMENTAL REVIEWS.—The Administrator, in consultation with the heads of affected agencies, shall establish specific timelines for the coordinated environmental review of an aviation safety or aviation security project designated under subsection (a). Such timelines shall be consistent with the timelines established in existing laws and regulations. Each Federal agency with responsibility for project environmental reviews, analyses, opinions, permits, licenses, and approvals shall accord any such review a high priority and shall conduct the review expeditiously and, to the maximum extent possible, concurrently with other such reviews.

''(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (c) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

''(d) STATE PARTICIPATION.—

''(1) INVITATION TO PARTICIPATE.—If a priority environmental review process is being implemented under this section with respect to a project within the boundaries of a State with applicable State environmental requirements and approvals, the Administrator shall invite the State to participate in the process.

''(2) STATE CHOICE.—A State invited to participate in a priority environmental review process, consistent with State law, may choose to participate in such process and direct that all State agencies, which have jurisdiction by law to conduct an environmental review or analysis of the project to determine whether to issue an environmentally related permit, license, or approval for the project, be subject to the process.

''(e) FAILURE TO GIVE PRIORITY REVIEW.—

''(1) NOTICE.—If the Secretary of Transportation determines that a Federal agency or a participating State is not complying with the requirements of this section and that such noncompliance is undermining the environmental review process, the Secretary shall notify, within 30 days of such determination, the head of the Federal agency or, with respect to a State agency, the Governor of the State.

''(2) REPORT TO SECRETARY.—A Federal agency that receives a copy of a notification relating to that agency made by the Secretary under paragraph (1) shall submit, within 30 days after receiving such copy, a written report to the Secretary explaining the reasons for the situation described in the notification and what remedial actions the agency intends to take.

''(3) NOTIFICATION OF CEQ AND COMMITTEES.—If the Secretary determines that a Federal agency has not satisfactorily addressed the problems within a reasonable period of time following a notification under paragraph (1), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Council on Environmental Quality.

''(f) PROCEDURAL PROVISIONS.—The procedures set forth in subsections (c), (e), (g), (h), and (i) of section 47171 shall apply with respect to an aviation safety or aviation security project under this section in the same manner and to the same extent as such procedures apply to an airport capacity enhancement project at a congested airport under section 47171.

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

''(1) AVIATION SAFETY PROJECT.—The term 'aviation safety project' means an aviation project that—

''(A) has as its primary purpose reducing the risk of injury to persons or damage to aircraft and property, as determined by the Administrator; and

''(B)(i) is needed to respond to a recommendation from the National Transportation Safety Board; or

''(ii) is necessary for an airport to comply with part 139 of title 14, Code of Federal Regulations (relating to airport certification).

''(2) AVIATION SECURITY PROJECT.—The term 'aviation security project' means a security project at an airport required by the Department of Homeland Security.

''(3) FEDERAL AGENCY.—The term 'Federal agency' means a department or agency of the United States Government.

''§ 47178. Definitions

''In this subchapter, the following definitions apply:

''(1) AIRPORT SPONSOR.—The term 'airport sponsor' has the meaning given the term 'sponsor' under section 47102.

''(2) CONGESTED AIRPORT.—The term 'congested airport' means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2001.

''(3) AIRPORT CAPACITY ENHANCEMENT PROJECT.—The term 'airport capacity enhancement project' means—

''(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and

''(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 471 of such title is amended by adding at the end the following:

''SUBCHAPTER III—AIRPORT PROJECT STREAMLINING

''47171. DOT as lead agency.
''47172. Categorical exclusions.
''47173. Access restrictions to ease construction.
''47174. Airport revenue to pay for mitigation.
''47175. Airport funding of FAA staff.
''47176. Authorization of appropriations.
''47177. Designation of aviation safety and aviation security projects for priority environmental review.
''47178. Definitions.''.

SEC. 205. GOVERNOR'S CERTIFICATE.

Section 47106(c) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A)(ii);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in paragraph (2)(A) by striking ''stage 2'' and inserting ''stage 3'';

(3) by striking paragraph (4); and

(4) by redesignating paragraph (5) as paragraph (4).

SEC. 206. CONSTRUCTION OF CERTAIN AIRPORT CAPACITY PROJECTS.

Section 47504(c)(2) of title 49, United States Code, is amended—

(1) by moving subparagraphs (C) and (D) 2 ems to the right;

(2) by striking ''and'' at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(4) by adding at the end the following:

''(E) to an airport operator of a congested airport (as defined in section 47178) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47178) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.''.

SEC. 207. LIMITATIONS.

Nothing in this title, including any amendment made by this title, shall preempt or interfere with—

(1) any practice of seeking public comment;

(2) any power, jurisdiction, or authority that a State agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and

(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

SEC. 208. RELATIONSHIP TO OTHER REQUIREMENTS.

The coordinated review process required under the amendments made by this title

shall apply to an airport capacity enhancement project at a congested airport whether or not the project is designated by the Secretary of Transportation as a high-priority transportation infrastructure project under Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews).

TITLE III—FEDERAL AVIATION REFORM

SEC. 301. MANAGEMENT ADVISORY COMMITTEE MEMBERS.

Section 106(p) is amended—

(1) in the subsection heading by inserting ''AND AIR TRAFFIC SERVICES BOARD'' after ''COUNCIL''; and

(2) in paragraph (2)—

(A) by striking ''consist of'' and all that follows through ''members, who'' and inserting ''consist of 13 members, who'';

(B) by inserting after ''Senate'' in subparagraph (C)(i) '', except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation'';

(C) by striking the semicolon at the end of subparagraph (C)(ii) and inserting ''; and''; and

(D) by striking ''employees, by—'' in subparagraph (D) and all that follows through the period at the end of subparagraph (E) and inserting ''employees, by the Secretary of Transportation.''.

SEC. 302. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE.

Section 106(p) is amended—

(1) in paragraph (3)—

(A) by striking ''(A) NO FEDERAL OFFICER OR EMPLOYEE.—'';

(B) by striking ''or (2)(E)'' and inserting ''or to the Air Traffic Services Board''; and

(C) by striking subparagraphs (B) and (C);

(2) in paragraph (4)(C) by inserting ''or Air Traffic Services Board'' after ''Council'' each place it appears;

(3) in paragraph (5) by inserting '', the Air Traffic Services Board,'' after ''Council'';

(4) in paragraph (6)(C)—

(A) by striking ''SUBCOMMITTEE'' in the subparagraph heading and inserting ''BOARD'';

(B) by striking ''member'' and inserting ''members'';

(C) by striking ''under paragraph (2)(E)'' the first place it appears and inserting ''to the Air Traffic Services Board''; and

(D) by striking ''of the members first'' and all that follows through the period at the end and inserting ''the first members of the Board shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act who shall serve as members of the Board until their respective terms as members of the Subcommittee would have ended under this subparagraph, as in effect on such day.'';

(5) in paragraph (6)(D) by striking ''under paragraph (2)(E)'' and inserting ''to the Board'';

(6) in paragraph (6)(E) by inserting ''or Board'' after ''Council'';

(7) in paragraph (6)(F) by inserting ''of the Council or Board'' after ''member'';

(8) in the second sentence of subparagraph (6)(G)—

(A) by striking ''Council'' and inserting ''Board''; and

(B) by striking ''appointed under paragraph (2)(E)'';

(9) in paragraph (6)(H)—

(A) by striking ''SUBCOMMITTEE'' in the subparagraph heading and inserting ''BOARD'';

(B) by striking ''under paragraph (2)(E)'' in clause (i) and inserting ''to the Board''; and

(C) by striking ''Air Traffic Services Subcommittee'' and inserting ''Board'';

(10) in paragraph (6)(I)(i)—

(A) by striking ''appointed under paragraph (2)(E) is'' and inserting ''is serving as''; and

(B) by striking ''Subcommittee'' and inserting ''Board'';

(11) in paragraph (6)(I)(ii)—

(A) by striking ''appointed under paragraph (2)(E)'' and inserting ''who is a member of the Board''; and

(B) by striking ''Subcommittee'' and inserting ''Board'';

(12) in paragraph (6)(K) by inserting ''or Board'' after ''Council'';

(13) in paragraph (6)(L) by inserting ''or Board'' after ''Council'' each place it appears; and

(14) in paragraph (7)—

(A) by striking ''SUBCOMMITTEE'' in the paragraph heading and inserting ''BOARD'';

(B) by striking subparagraph (A) and inserting the following:

''(A) ESTABLISHMENT.—The Administrator shall establish a board that is independent of the Council by converting the Air Traffic Services Subcommittee of the Council, as in effect on the day before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act, into such board. The board shall be known as the Air Traffic Services Board (in this subsection referred to as the 'Board').'';

(C) by redesignating subparagraphs (B) through (F) as subparagraphs (D) through (H), respectively;

(D) by inserting after subparagraph (A) the following:

''(B) MEMBERSHIP AND QUALIFICATIONS.—Subject to paragraph (6)(C), the Board shall consist of 5 members, one of whom shall be the Administrator and shall serve as chairperson. The remaining members shall be appointed by the President with the advice and consent of the Senate and—

''(i) shall have a fiduciary responsibility to represent the public interest;

''(ii) shall be citizens of the United States; and

''(iii) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in all of the following areas:

''(I) Management of large service organizations.

''(II) Customer service.

''(III) Management of large procurements.

''(IV) Information and communications technology.

''(V) Organizational development.

''(VI) Labor relations.

''(C) PROHIBITIONS ON MEMBERS OF BOARD.—No member of the Board may—

''(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

''(ii) engage in another business related to aviation or aeronautics; or

''(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.'';

(E) by striking ''Subcommittee'' each place it appears in subparagraphs (D) and (E) (as redesignated by subparagraph (C) of this paragraph) and inserting ''Board'';

(F) by striking ''approve'' in subparagraph (E)(v)(I) (as so redesignated) and inserting ''make recommendations on'';

(G) by striking ''request'' in subparagraph (E)(v)(II) (as so redesignated) and inserting ''recommendations'';

(H) by striking ''ensure that the budget request supports'' in subparagraph (E)(v)(III) (as so redesignated) and inserting ''base such budget recommendations on'';

(I) by striking ''The Secretary shall submit'' in subparagraph (E) (as so redesignated) and all that follows through the period at the end of such subparagraph (E) and inserting ''The Secretary shall submit the budget recommendations referred to in clause (v) to the President who shall transmit such recommendations to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate together with the annual budget request of the Federal Aviation Administration.'';

(J) by striking subparagraph (F) (as so redesignated) and inserting the following:

''(F) BOARD PERSONNEL MATTERS.—The Board may appoint and terminate any personnel that may be necessary to enable the Board to perform its duties, and may procure temporary and intermittent services under section 40122.'';

(K) in subparagraph (G) (as so redesignated)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively; and

(iii) by striking ''Subcommittee'' each place it appears in clauses (i), (ii), and (iii) (as so redesignated) and inserting ''Board'';

(L) in subparagraph (H) (as so redesignated)—

(i) by striking ''Subcommittee'' each place it appears and inserting ''Board'';

(ii) by striking ''Administrator, the Council'' each place it appears in clauses (i) and (ii) and inserting ''Secretary''; and

(iii) in clause (ii) by striking ''(B)(i)'' and inserting ''(D)(i)''; and

(M) by adding at the end the following:

''(I) AUTHORIZATION.—There are authorized to be appropriated to the Board such sums as may be necessary for the Board to carry out its activities.''.

SEC. 303. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER.

Section 106(r) is amended—

(1) in each of paragraphs (1)(A) and (2)(A) by striking ''Air Traffic Services Subcommittee of the Aviation Management Advisory Council'' and inserting ''Air Traffic Services Board'';

(2) in paragraph (2)(B) by inserting ''in'' before ''paragraph (3).'';

(3) in paragraph (3) by striking ''Air Traffic Control Subcommittee of the Aviation Management Advisory Committee'' and inserting ''Air Traffic Services Board'';

(4) in paragraph (4) by striking ''Transportation and Congress'' and inserting ''Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate'';

(5) in paragraph (5)(A)—

(A) by striking ''develop a'' and inserting ''implement the''; and

(B) by striking '', including the establishment of'' and inserting ''in order to further'';

(6) in paragraph (5)(B)—

(A) by striking ''review'' and all that follows through ''Administration,'' and inserting ''oversee the day-to-day operational functions of the Administration for air traffic control,'';

(B) by striking ''and'' at the end of clause (ii);

(C) by striking the period at the end of clause (iii) and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) the management of cost-reimbursable contracts.'';

(7) in paragraph (5)(C)(i) by striking ''prepared by the Administrator'';

(8) in paragraph (5)(C)(ii) by striking ''and the Secretary of Transportation'' and inserting ''and the Board''; and

(9) in paragraph (5)(C)(iii)—

(A) by inserting ''agency's'' before ''annual''; and

(B) by striking ''developed under subparagraph (A) of this subsection.'' and inserting ''for air traffic control services.''.

SEC. 304. SMALL BUSINESS OMBUDSMAN.

Section 106 is amended by adding at the end the following:

''(s) SMALL BUSINESS OMBUDSMAN.—

''(1) ESTABLISHMENT.—There shall be in the Administration a Small Business Ombudsman.

''(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

''(A) be appointed by the Administrator;

''(B) serve as a liaison with small businesses in the aviation industry;

''(C) be consulted when the Administrator proposes regulations that may affect small businesses in the aviation industry;

''(D) provide assistance to small businesses in resolving disputes with the Administration; and

''(E) report directly to the Administrator.''.

SEC. 305. FAA PURCHASE CARDS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take appropriate actions to implement the recommendations contained in the report of the General Accounting Office entitled ''FAA Purchase Cards: Weak Controls Resulted in Instances of Improper and Wasteful Purchases and Missing Assets'', numbered GAO–03–405 and dated March 21, 2003.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing a description of the actions taken by the Administrator under this section.

TITLE IV—AIRLINE SERVICE IMPROVEMENTS

SEC. 401. IMPROVEMENT OF AVIATION INFORMATION COLLECTION.

(a) IN GENERAL.—Section 329(b)(1) is amended by striking ''except that in no case'' and all that follows through the semicolon at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifier Number 2105–AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under section 329(b)(1) of title 49, United States Code.

SEC. 402. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.

Section 329 is amended by adding at the end the following:

''(e) INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.—

''(1) PUBLICATION OF DATA.—The Secretary of Transportation shall publish data on incidents and complaints involving passenger and baggage security screening in a manner comparable to other consumer complaint and incident data.

''(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.''.

SEC. 403. DEFINITIONS.

(a) IN GENERAL.—Section 40102(a) is amended—

(1) by redesignating paragraphs (38) through (42) as paragraphs (43) through (47), respectively;

(2) by inserting after paragraph (37) the following:

''(42) 'small hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.'';

(3) by redesignating paragraphs (33) through (37) as paragraphs (37) through (41) respectively;

(4) by inserting after paragraph (32) the following:

''(36) 'passenger boardings'—

''(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

''(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.'';

(5) by redesignating paragraph (32) as paragraph (35);

(6) by inserting after paragraph (31) the following:

''(34) 'nonhub airport' means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.'';

(7) by redesignating paragraphs (30) and (31) as paragraphs (32) and (33), respectively;

(8) by inserting after paragraph (29) the following:

''(31) 'medium hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.'';

(9) by redesignating paragraph (29) as paragraph (30); and

(10) by inserting after paragraph (28) the following:

''(29) 'large hub airport' means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.''.

(b) CONFORMING AMENDMENTS.—

(1) AIR SERVICE TERMINATION NOTICE.—Section 41719(d) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(2) SMALL COMMUNITY AIR SERVICE.—Section 41731(a) is amended by striking paragraphs (3) through (5).

(3) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743 is amended—

(A) in subsection (c)(1) by striking ''(as that term is defined in section 41731(a)(5))''; and

(B) in subsection (f) by striking ''(as defined in section 41731(a)(3))''.

(4) PRESERVATION OF BASIC ESSENTIAL AIR SERVICE AT SINGLE CARRIER DOMINATED HUB AIRPORTS.—Section 41744(b) is amended by striking ''(as defined in section 41731)''.

(5) REGIONAL AIR SERVICE INCENTIVE PROGRAM.—Section 41762 is amended—

(A) by striking paragraphs (11) and (15); and

(B) by redesignating paragraphs (12), (13), (14), and (16) as paragraphs (11), (12), (13), and (14), respectively.

SEC. 404. CLARIFICATIONS TO PROCUREMENT AUTHORITY.

(a) DUTIES AND POWERS.—Section 40110(c) is amended—

(1) by striking ''Administration—'' and all that follows through ''(2) may—'' and inserting ''Administration may—'';

(2) by striking subparagraph (D);

(3) by redesignating subparagraphs (A), (B), (C), (E), and (F) as paragraphs (1), (2), (3), (4), and (5) respectively; and

(4) by moving such paragraphs (1) through (5) 2 ems to the left.

(b) ACQUISITION MANAGEMENT SYSTEM.—Section 40110(d) is amended—

(1) in paragraph (1)—

(A) by striking '', not later than January 1, 1996,''; and

(B) by striking ''provides for more timely and cost-effective acquisitions of equipment and materials.'' and inserting the following: ''provides for—

''(A) more timely and cost-effective acquisitions of equipment, services, property, and materials; and

''(B) the resolution of bid protests and contract disputes related thereto, using consensual alternative dispute resolution techniques to the maximum extent practicable.''; and

(2) by striking paragraph (4), relating to the effective date, and inserting the following:

''(4) ADJUDICATION OF CERTAIN BID PROTESTS AND CONTRACT DISPUTES.—A bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to sections 46102, 46104, 46105, 46106 and 46107.''.

(c) AUTHORITY OF ADMINISTRATOR TO ACQUIRE SERVICES.—Section 106(f)(2)(A)(ii) is amended by inserting '', services,'' after ''property''.

SEC. 405. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT.

(a) IN GENERAL.—Section 40117(a)(3) is amended by inserting at the end the following:

''(G) A project for the acquisition or conversion of ground support equipment or airport-owned vehicles used at a commercial service airport with, or to, low-emission technology (as defined in section 47102) or cleaner burning conventional fuels, or the retrofitting of such equipment or vehicles that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a), and if such project will result in an airport receiving appropriate emission credits as described in section 47138.''.

(b) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—Section 40117(b) is amended by adding at the end the following:

''(5) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—The maximum cost that may be financed by imposition of a passenger facility fee under this section for a project described in subsection (a)(3)(G) with respect to vehicle or ground support equipment may not exceed the incremental amount of the project cost that is greater than the cost of acquiring a vehicle or equipment that is not low-emission and would be used for the same purpose, or the cost of low-emission retrofitting, as determined by the Secretary.''.

(c) GROUND SUPPORT EQUIPMENT DEFINED.—Section 40117(a) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(2) by inserting after paragraph (3) the following:

''(4) GROUND SUPPORT EQUIPMENT.—The term 'ground support equipment' means service and maintenance equipment used at an airport to support aeronautical operations and related activities.''.

SEC. 406. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM.

(a) APPLICATION REQUIREMENTS.—Section 40117(c) is amended—

(1) by adding at the end of paragraph (2) the following:

''(E) The agency will include in its application or notice submitted under subparagraph (A) copies of all certifications of agreement or disagreement received under subparagraph (D).

''(F) For the purpose of this section, an eligible agency providing notice and an opportunity for consultation to an air carrier or foreign air carrier is deemed to have satisfied the requirements of this paragraph if the eligible agency limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest at the airport. In the subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that had no less than 1.0 percent of passenger boardings at the airport in the prior calendar year, had at least 25,000 passenger boardings at the airport in the prior calendar year, or provides scheduled service at the airport.'';

(2) by redesignating paragraph (3) as paragraph (4);

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

''(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least the following under this paragraph:

''(A) A requirement that the eligible agency provide public notice of intent to collect a passenger facility fee so as to inform those interested persons and agencies who may be affected, which public notice may include—

''(i) publication in local newspapers of general circulation;

''(ii) publication in other local media; and

''(iii) posting the notice on the agency's Web site.

''(B) A requirement for submission of public comments no sooner than 30 days, and no later than 45 days, after the date of the publication of the notice.

''(C) A requirement that the agency include in its application or notice submitted under subparagraph (A) copies of all comments received under subparagraph (B).''; and

(4) in the first sentence of paragraph (4) (as redesignated by paragraph (2) of this subsection) by striking ''shall'' and inserting ''may''.

(b) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117 is amended by adding at the end the following:

''(l) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to test alternative procedures for authorizing eligible agencies for nonhub airports to impose passenger facility fees. An eligible agency may impose in accordance with the provisions of this subsection a passenger facility fee under this section. For purposes of the pilot program, the procedures in this subsection shall apply instead of the procedures otherwise provided in this section.

''(2) NOTICE AND OPPORTUNITY FOR CONSULTATION.—The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2) and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

''(3) NOTICE OF INTENTION.—The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility fee under this subsection. This shall include—

''(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility fee is sought;

''(B) the amount of revenue from passenger facility fees that is proposed to be collected for each project; and

''(C) the level of the passenger facility fee that is proposed.

''(4) ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF OBJECTION.—The Secretary shall acknowledge receipt of the notice and indicate any objection to the imposition of a passenger facility fee under this subsection for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

''(5) AUTHORITY TO IMPOSE FEE.—Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility fee in accordance with the terms of its notice under this subsection.

''(6) DEADLINE.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall propose such regulations as may be necessary to carry out this subsection.

''(7) SUNSET.—This subsection shall not be in effect 3 years after the date of issuance of regulations to carry out this subsection.

''(8) ACKNOWLEDGEMENT NOT AN ORDER.—An acknowledgement issued under paragraph (4) shall not be considered an order of the Secretary issued under section 46110.''.

(c) CLARIFICATION OF APPLICABILITY OF PFCS TO MILITARY CHARTERS.—Section 40117(e)(2) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a semicolon;

(2) by striking ''and'' at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(4) by inserting after subparagraph (E) the following:

''(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the Department of Defense.''.

(d) TECHNICAL AMENDMENTS.—Section 40117(a)(3)(C) is amended—

(1) by striking ''for costs'' and inserting ''A project''; and

(2) by striking the semicolon and inserting a period.

(e) ELIGIBILITY OF AIRPORT GROUND ACCESS TRANSPORTATION PROJECTS.—Not later than 60 days after the enactment of this Act, the Administrator of the Federal Aviation Administration shall publish in the Federal Register the current policy of the Administration with respect to the eligibility of airport ground access transportation projects for the use of passenger facility fees under section 40117 of title 49, United States Code.

SEC. 407. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES.

(a) IN GENERAL.—Section 40117 is further amended by adding at the end the following:

''(m) FINANCIAL MANAGEMENT OF FEES.—

''(1) HANDLING OF FEES.—

''(A) PLACEMENT OF FEES IN ESCROW ACCOUNT.—Subject to subparagraph (B), passenger facility revenue held by an air carrier or any of its agents shall be segregated from the carrier's cash and other assets and placed in an escrow account for the benefit of the eligible agencies entitled to such revenue.

''(B) ALTERNATIVE METHOD OF COMPLIANCE.—Instead of placing amounts in an escrow account under subparagraph (A), an air carrier may provide to the eligible agency a letter of credit, bond, or other form of adequate and immediately available security in an amount equal to estimated remittable passenger facility fees for 180 days, to be assessed against later audit, upon which security the eligible agency shall be entitled to draw automatically, without necessity of any further legal or judicial action to effectuate foreclosure.

''(2) TRUST FUND STATUS.—If an air carrier or its agent commingles passenger facility revenue in violation of the subsection, the trust fund status of such revenue shall not be defeated by an inability of any party to identify and trace the precise funds in the accounts of the air carrier.

''(3) PROHIBITION.—An air carrier and its agents may not grant to any third party any security or other interest in passenger facility revenue.

''(4) COMPENSATION TO ELIGIBLE ENTITIES.—An air carrier that fails to comply with any requirement of this subsection, or otherwise unnecessarily causes an eligible entity to expend funds, through litigation or otherwise, to recover or retain payment of passenger facility revenue to which the eligible entity is otherwise entitled shall be required to compensate the eligible agency for the costs so incurred.

''(5) INTEREST ON AMOUNTS.—An air carrier that collects passenger facility fees is entitled to receive the interest on passenger facility fee accounts, if the accounts are established and maintained in compliance with this subsection.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

(2) EXISTING REGULATIONS.—Beginning 60 days after the date of enactment of this Act, the provisions of section 158.49 of title 14, Code of Federal Regulations, that permit the commingling of passenger facility fees with other air carrier revenue shall have no force or effect.

SEC. 408. GOVERNMENT CONTRACTING FOR AIR TRANSPORTATION.

(a) GOVERNMENT-FINANCED AIR TRANSPORTATION.—Section 40118(f)(2) is amended by inserting before the period at the end the following: '', except that it shall not include a contract for the transportation by air of passengers''.

(b) AIRLIFT SERVICE.—Subsections (a)(1), (b), and (c) of section 41106 are each amended—

(1) by striking ''through a contract for airlift service'' and inserting '', or by a person that has contracted with the Secretary of Defense or the Secretary of a military department,''; and

(2) by inserting ''through a contract for airlift service'' after ''obtained''.

SEC. 409. OVERFLIGHTS OF NATIONAL PARKS.

(a) AIR TOUR MANAGEMENT ACT CLARIFICATIONS.—Section 40128 is amended—

(1) in subsection (a)(1) by inserting '', as defined by this section,'' after ''lands'' the first place it appears;

(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting ''over a national park'' after ''operations'';

(3) in subsection (b)(3)(C) by inserting ''over a national park that are also'' after ''operations'';

(4) in subsection (b)(3)(D) by striking ''at the park'' and inserting ''over a national park'';

(5) in subsection (b)(3)(E) by inserting ''over a national park'' after ''operations'' the first place it appears;

(6) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting ''over a national park'' after ''operations'';

(7) in subsection (f)(1) by inserting ''over a national park'' after ''operation'';

(8) in subsection (f)(4)(A)—

(A) by striking ''commercial air tour operation'' and inserting ''commercial air tour operation over a national park''; and

(B) by striking ''park, or over tribal lands,'' and inserting ''park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park),'';

(9) in subsection (f)(4)(B) by inserting ''over a national park'' after ''operation''; and

(10) in the heading for paragraph (4) of subsection (f) by inserting ''OVER A NATIONAL PARK'' after ''OPERATION''.

(b) GRAND CANYON NATIONAL PARK SPECIAL FLIGHT RULES AREA OPERATION CURFEW.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may not restrict commercial Special Flight Rules Area operations in the Dragon and Zuni Point corridors of the Grand Canyon National Park during the period beginning 1 hour after sunrise and ending 1 hour before sunset, unless required for aviation safety purposes. Commercial Special Flight Rules Area operations in the Dragon and Zuni Point corridors of the Grand Canyon National Park may not take place during the period beginning 1 hour before sunset and ending 1 hour after sunrise.

(2) EFFECT ON EXISTING REGULATIONS.—Beginning on the date of enactment of this Act, section 93.317 of title 14, Code of Federal Regulations, shall not be in effect.

SEC. 410. COLLABORATIVE DECISIONMAKING PILOT PROGRAM.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40129. Collaborative decisionmaking pilot program

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish a collaborative decisionmaking pilot program in accordance with this section.

''(b) DURATION.—Except as provided in subsection (k), the pilot program shall be in effect for a period of 2 years.

''(c) GUIDELINES.—

''(1) ISSUANCE.—The Administrator shall issue guidelines concerning the pilot program. Such guidelines, at a minimum, shall define the criteria and process for determining when a capacity reduction event exists that warrants the use of collaborative decisionmaking among carriers at airports participating in the pilot program and that prescribe the methods of communication to be implemented among carriers during such an event.

''(2) VIEWS.—The Administrator may obtain the views of interested parties in issuing the guidelines.

''(d) EFFECT OF DETERMINATION OF EXISTENCE OF CAPACITY REDUCTION EVENT.—Upon a determination by the Administrator that a capacity reduction event exists, the Administrator may authorize air carriers and foreign air carriers operating at an airport participating in the pilot program to communicate for a period of time not to exceed 24 hours with each other concerning changes in their respective flight schedules in order to use air traffic capacity most effectively. The Administration shall facilitate and monitor such communication.

''(e) SELECTION OF PARTICIPATING AIRPORTS.—Not later than 30 days after the date on which the Administrator establishes the pilot program, the Administrator shall select 3 airports to participate in the pilot program from among the most capacity-constrained airports in the country based on the Administration's Airport Capacity Benchmark Report 2001 or more recent data on airport capacity that is available to the Administrator. The Administrator shall select an airport for participation in the pilot program if the Administrator determines that collaborative decisionmaking among air carriers and foreign air carriers would reduce delays at the airport and have beneficial effects on reducing delays in the national airspace system as a whole.

''(f) ELIGIBILITY OF AIR CARRIERS.—An air carrier or foreign air carrier operating at an airport selected to participate in the pilot program is eligible to participate in the pilot program if the Administrator determines that the carrier has the operational and communications capability to participate in the pilot program.

''(g) MODIFICATION OR TERMINATION OF PILOT PROGRAM AT AN AIRPORT.—The Administrator may modify or end the pilot program at an airport before the term of the pilot program has expired, or may ban an air carrier or foreign air carrier from participating in the program, if the Administrator determines that the purpose of the pilot program is not being furthered by participation of the airport or air carrier or if the Secretary of Transportation finds that the pilot program or the participation of an air carrier or foreign air carrier in the pilot program has had, or is having, an adverse effect on competition among carriers.

''(h) EVALUATION.—

''(1) IN GENERAL.—Before the expiration of the 2-year period for which the pilot program is authorized under subsection (b), the Administrator shall determine whether the pilot program has facilitated more effective use of air traffic capacity and the Secretary shall determine whether the pilot program has had an adverse effect on airline competition or the availability of air services to communities. The Administrator shall also examine whether capacity benefits resulting from the participation in the pilot program of an airport resulted in capacity benefits to other parts of the national airspace system.

''(2) OBTAINING NECESSARY DATA.—The Administrator may require participating air carriers and airports to provide data necessary to evaluate the pilot program's impact.

''(i) EXTENSION OF PILOT PROGRAM.—At the end of the 2-year period for which the pilot program is authorized, the Administrator may continue the pilot program for an additional 2 years and expand participation in the program to up to 7 additional airports if the Administrator determines pursuant to subsection (h) that the pilot program has facilitated more effective use of air traffic capacity and if the Secretary determines that the pilot program has had no adverse effect on airline competition or the availability of air services to communities. The Administrator shall select the additional airports to participate in the extended pilot program in the same manner in which airports were initially selected to participate.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40129. Collaborative decisionmaking pilot program.''.

SEC. 411. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION.

(a) DOMESTIC AIR TRANSPORTATION.—Section 41113(b) is amended—

(1) in paragraph (16) by striking ''the air carrier'' the third place it appears; and

(2) by adding at the end the following:

''(17)(A) An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

''(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

''(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the air carrier's flight if that city is located in the United States.''.

(b) FOREIGN AIR TRANSPORTATION.—Section 41313(c) is amended by adding at the end the following:

''(17) NOTICE CONCERNING LIABILITY FOR MAN-MADE STRUCTURES.—

''(A) IN GENERAL.—An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

''(B) MINIMUM CONTENTS.—At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

''(18) SIMULTANEOUS ELECTRONIC TRANSMISSION OF NTSB HEARING.—An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier's flight if that city is located in the United States.''.

(c) UPDATE PLANS.—Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section not later than 90 days after the date of enactment of this Act.

SEC. 412. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND-PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking ''12'' and inserting ''24''.

(b) WITHIN-PERIMETER EXEMPTIONS.—Section 41718(b) is amended—

(1) by striking ''12'' and inserting ''20''; and

(2) by striking ''that were designated as medium hub or smaller airports''.

(c) LIMITATIONS.—

(1) GENERAL EXEMPTIONS.—Section 41718(c)(2) is amended by striking ''two'' and inserting ''3''.

(2) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Section 41718(c)(3) is amended—

(A) in subparagraph (A)—

(i) by striking ''four'' and inserting ''without regard to the criteria contained in subsection (b)(1), six''; and

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

(B) in subparagraph (B)—

(i) by striking ''eight'' and inserting ''ten''; and

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

(C) by adding at the end the following:

''(C) four shall be for air transportation to airports without regard to their size.''.

(d) APPLICATION PROCEDURES.—Section 41718(d) is amended to read as follows:

''(d) APPLICATION PROCEDURES.—The Secretary shall establish procedures to ensure that all requests for exemptions under this section are granted or denied within 90 days after the date on which the request is made.''.

(e) EFFECT OF PERIMETER RULES ON COMPETITION AND AIR SERVICE.—

(1) IDENTIFICATION OF OTHER AIRPORTS.—The Secretary of Transportation shall identify airports (other than Ronald Reagan Washington National Airport) that have imposed perimeter rules like those in effect with respect to Ronald Reagan Washington National Airport.

(2) LIMITATION ON APPLICABILITY.—This subsection does not apply to perimeter rules imposed by Federal law.

(3) STUDY.—The Secretary shall conduct a study of the effect that perimeter rules for airports identified under paragraph (1) have on competition and on air service to communities outside the perimeter.

(4) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(f) COMMUTERS DEFINED.—

(1) IN GENERAL.—Section 41718 is amended by adding at the end the following:

''(f) COMMUTERS DEFINED.—For purposes of aircraft operations at Ronald Reagan Washington National Airport under subpart K of part 93 of title 14, Code of Federal Regulations, the term 'commuters' means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.''.

(2) REGULATIONS.—The Administrator of the Federal Aviation Administration shall revise regulations to take into account the amendment made by paragraph (1).

(g) REMOVAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 and the item relating to such section in the analysis of chapter 491 are repealed.

SEC. 413. NOTICE CONCERNING AIRCRAFT ASSEMBLY.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

''§ 41722. Notice concerning aircraft assembly

''The Secretary of Transportation shall require, beginning after the last day of the 1-year period following the date of enactment of this section, an air carrier using an aircraft to provide scheduled passenger air transportation to display a notice, on an information placard available to each passenger on the aircraft, that informs the passengers of the nation in which the aircraft was finally assembled.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41721 and inserting the following:

''41721. Reports by carriers on incidents involving animals during air transport.
''41722. Notice concerning aircraft assembly.''.

SEC. 414. SPECIAL RULE TO PROMOTE AIR SERVICE TO SMALL COMMUNITIES.

(a) IN GENERAL.—Subchapter I of chapter 417 is further amended by adding at the end the following:

''§ 41723. Special rule to promote air service to small communities

''In order to promote air service to small communities, the Secretary of Transportation shall permit an operator of a turbine powered or multiengine piston powered aircraft with 10 passenger seats or less (1) to provide air transportation between an airport that is a nonhub airport and another airport or between an airport that is not a commercial service airport and another airport, and (2) to sell individual seats on that aircraft at a negotiated price, if the aircraft is otherwise operated in accordance with parts 119 and 135 of title 14, Code of Federal Regulations, and the air transportation is otherwise provided in accordance with part 298 of such title 14.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is further amended by adding at the end the following:

''41723. Special rule to promote air service to small communities.''.

SEC. 415. SMALL COMMUNITY AIR SERVICE.

(a) COMPENSATION GUIDELINES, LIMITATION, AND CLAIMS.—

(1) PAYMENT OF PROMOTIONAL AMOUNTS.—Section 41737(a)(2) is amended by inserting before the period at the end ''or may be paid directly to the unit of local government having jurisdiction over the eligible place served by the air carrier''.

(2) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS.—Section 41737(d) is amended—

(A) by striking ''(1) The Secretary'' and inserting the ''The Secretary''; and

(B) by striking paragraph (2).

(3) ADJUSTMENTS.—Section 41737 is amended by adding at the end the following:

''(e) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.—

''(1) IN GENERAL.—If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

''(2) SIGNIFICANTLY INCREASED COSTS DEFINED.—In this subsection, the term 'significantly increased costs' means an average monthly cost increase of 10 percent or more.''.

(b) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743 is amended—

(1) in the heading of subsection (a) by striking ''PILOT'';

(2) in subsection (a) by striking ''pilot'';

(3) in subsection (c)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as so redesignated)—

(i) by striking ''and'' at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) the assistance can be used in the fiscal year in which it is received.''; and

(4) in subsection (f) by striking ''pilot''.

(c) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742 is amended—

(1) in subsection (a)(2) by striking ''$15,000,000'' and inserting ''$65,000,000'';

(2) by adding at the end of subsection (a) the following:

''(3) AUTHORIZATION FOR ADDITIONAL EMPLOYEES.—In addition to amounts authorized under paragraphs (1) and (2), there are authorized to be appropriated such sums as may be necessary for the Secretary of Transportation to hire and employ 4 additional employees for the office responsible for carrying out the essential air service program.''; and

(3) by striking subsection (c).

(d) PROCESS FOR DISCONTINUING CERTAIN SUBSIDIES.—Section 41734 is amended by adding at the end the following:

''(i) PROCESS FOR DISCONTINUING CERTAIN SUBSIDIES.—If the Secretary determines that no subsidy will be provided to a carrier to provide essential air service to an eligible place because the eligible place does not meet the requirements of section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note; 113 Stat. 1022) or requirements contained in a subsequent appropriations Act, the Secretary shall notify the affected community that the subsidy will cease but shall continue to provide the subsidy for 90 days after providing the notice to the community.''.

(e) EXEMPTION FROM HOLD-IN REQUIREMENTS.—Section 41734 is further amended by adding at the end the following:

''(j) EXEMPTION FROM HOLD-IN REQUIREMENTS.—If, after the date of enactment of this subsection, an air carrier commences air transportation to an eligible place that is not receiving essential air service as a result of the failure of the eligible place to meet requirements contained in an appropriations Act, the air carrier shall not be subject to the requirements of subsections (b) and (c) with respect to such air transportation.''.

(f) JOINT PROPOSALS.—Section 41740 is amended by inserting '', including joint fares,'' after ''joint proposals''.

(g) COMMUNITY AND REGIONAL CHOICE PROGRAM.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41745. Community and regional choice program

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an alternate essential air service pilot program in accordance with the requirements of this section.

''(b) COMPENSATION TO ELIGIBLE PLACES.—In carrying out the program, the Secretary, instead of paying compensation to an air carrier to provide essential air service to an eligible place, may pay compensation directly to a unit of local government having jurisdiction over the eligible place or a State within the boundaries of which the eligible place is located.

''(c) USE OF COMPENSATION.—A unit of local government or State receiving compensation for an eligible place under the program shall use the compensation for any of the following purposes:

''(1) To provide assistance to an air carrier to provide scheduled air service to and from the eligible place, without being subject to the requirements of 41732(b).

''(2) To provide assistance to an air carrier to provide on-demand air taxi service to and from the eligible place.

''(3) To provide assistance to a person to provide scheduled or on-demand surface transportation to and from the eligible place and an airport in another place.

''(4) In combination with other units of local government in the same region, to provide transportation services to and from all the eligible places in that region at an airport or other transportation center that can serve all the eligible places in that region.

''(5) To purchase aircraft, or a fractional share in aircraft, to provide transportation to and from the eligible place.

''(6) To pay for other transportation or related services that the Secretary may permit.

''(d) FRACTIONALLY OWNED AIRCRAFT.—Notwithstanding any other provision of law, only those operating rules that relate to an aircraft that is fractionally owned apply when an aircraft described in subsection (c)(5) is used to provide transportation described in subsection (c)(5).

''(e) APPLICATIONS.—

''(1) IN GENERAL.—A unit of local government or State seeking to participate in the program for an eligible place shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

''(2) REQUIRED INFORMATION.—At a minimum, the application shall include—

''(A) a statement of the amount of compensation required; and

''(B) a description of how the compensation will be used.

''(f) PARTICIPATION REQUIREMENTS.—An eligible place for which compensation is received under the program in a fiscal year shall not be eligible to receive in that fiscal year the essential air service that it would otherwise be entitled to under this subchapter.

''(g) SUBSEQUENT PARTICIPATION.—A unit of local government participating in the program under this section in a fiscal year shall not be prohibited from participating in the basic essential air service program under this chapter in a subsequent fiscal year if such unit is otherwise eligible to participate in such program.

''(h) FUNDING.—Amounts appropriated or otherwise made available to carry out the essential air service program under this subchapter shall be available to carry out this section.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by inserting after the item relating to section 41744 the following:

''41745. Community and regional choice program.''.

(h) MEASUREMENT OF HIGHWAY MILEAGE FOR PURPOSES OF DETERMINING ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES.—

(1) DETERMINATION OF ELIGIBILITY.—Subchapter II of Chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by adding at the end the following new section:

''§ 41746. Distance requirement applicable to eligibility for essential air service subsidies

''(a) IN GENERAL.—The Secretary shall not provide assistance under this subchapter with respect to a place in the 48 contiguous States that—

''(1) is less than 70 highway miles from the nearest hub airport; or

''(2) requires a rate of subsidy per passenger in excess of $200, unless such place is greater than 210 highway miles from the nearest hub airport.

''(b) DETERMINATION OF MILEAGE.—For purposes of this section, the highway mileage between a place and the nearest hub airport is the highway mileage of the most commonly used route between the place and the hub airport. In identifying such route, the Secretary shall—

''(1) promulgate by regulation a standard for calculating the mileage between an eligible place and a hub airport; and

''(2) identify the most commonly used route for a community by—

''(A) consulting with the Governor of a State or the Governor's designee; and

''(B) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.''.

(2) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by inserting after the item relating to section 41745 the following new item:

''41746. Distance requirement applicable to eligibility for essential air service subsidies.''.

(i) REPEAL.—The following provisions of law are repealed:

(1) Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

(2) Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note).

(3) Section 334 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–471).

(j) SECRETARIAL REVIEW.—

(1) REQUEST FOR REVIEW.—Any community with respect to which the Secretary has, between September 30, 1993, and the date of the enactment of this Act, eliminated subsidies or terminated subsidy eligibility under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect, may request the Secretary to review such action.

(2) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (i), the Secretary shall—

(A) determine whether the community would have been subject to such elimination of subsidies or termination of eligibility under the distance requirement enacted by the amendment made by subsection (g) of this bill to subchapter II of chapter 417 of title 49, United States Code; and

(B) issue a final order with respect to the eligibility of such community for essential air service subsidies under subchapter II of chapter 417 of title 49, United States Code, as amended by this Act.

SEC. 416. TYPE CERTIFICATES.

(a) AGREEMENTS TO PERMIT USE OF CERTIFICATES BY OTHER PERSONS.—Section 44704(a) is amended by adding at the end the following:

''(3) If the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if the person is the holder of the type certificate or has permission from the holder.''.

(b) CERTIFICATION OF PRODUCTS MANUFACTURED IN FOREIGN NATIONS.—Section 44704 is further amended by adding at the end the following:

''(e) CERTIFICATION OF PRODUCTS MANUFACTURED IN FOREIGN NATIONS.—In order to ensure safety, the Administrator shall spend at least the same amount of time and perform a no-less-thorough review in certifying, or validating the certification of, an aircraft, aircraft engine, propeller, or appliance manufactured in a foreign nation as the regulatory authorities of that nation employ when the authorities certify, or validate the certification of, an aircraft, aircraft engine, propeller, or appliance manufactured in the United States.''.

SEC. 417. DESIGN ORGANIZATION CERTIFICATES.

(a) GENERAL AUTHORITY TO ISSUE CERTIFICATES.—Effective on the last day of the 7-year period beginning on the date of enactment of this Act, section 44702(a) is amended by inserting ''design organization certificates,'' after ''airman certificates,''.

(b) DESIGN ORGANIZATION CERTIFICATES.—

(1) PLAN.—Not later than 4 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the development and oversight of a system for certification of design organizations to certify compliance with the requirements and minimum standards prescribed under section 44701(a) of title 49, United States Code, for the type certification of aircraft, aircraft engines, propellers, or appliances.

(2) ISSUANCE OF CERTIFICATES.—Section 44704 is further amended by adding at the end the following:

''(f) DESIGN ORGANIZATION CERTIFICATES.—

''(1) ISSUANCE.—Beginning 7 years after the date of enactment of this subsection, the Administrator may issue a design organization certificate to a design organization to authorize the organization to certify compliance with the requirements and minimum standards prescribed under section 44701(a) for the type certification of aircraft, aircraft engines, propellers, or appliances.

''(2) APPLICATIONS.—On receiving an application for a design organization certificate, the Administrator shall examine and rate the design organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the design organization has adequate engineering, design, and testing capabilities, standards, and safeguards to ensure that the product being certificated is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a).

''(3) ISSUANCE OF TYPE CERTIFICATES BASED ON DESIGN ORGANIZATION CERTIFICATION.—On receiving an application for a type certificate under subsection (a) that is accompanied by a certification of compliance by a design organization certificated under this subsection, instead of conducting an independent investigation under subsection (a), the Administrator may issue the type certificate based on the certification of compliance.

''(4) PUBLIC SAFETY.—The Administrator shall include in a design organization certificate issued under this subsection terms required in the interest of safety.''.

(c) REINSPECTION AND REEXAMINATION.—Section 44709(a) is amended by inserting ''design organization, production certificate holder,'' after ''appliance,''.

(d) PROHIBITIONS.—Section 44711(a)(7) is amended by striking ''agency'' and inserting ''agency, design organization certificate, ''.

(e) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 44704 is amended by striking the section designation and heading and inserting the following:

"§ 44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates".

(2) CHAPTER ANALYSIS.—The analysis for chapter 447 is amended by striking the item relating to section 44704 and inserting the following:

''44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates.''.

SEC. 418. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS.

Section 44726(a)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C);

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

''(B) whose certificate is revoked under subsection (b); or''; and

(4) in subparagraph (C) (as redesignated by paragraph (2) of this section) by striking ''convicted of such a violation.'' and inserting ''described in subparagraph (A) or (B).''.

SEC. 419. RUNWAY SAFETY STANDARDS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

"§ 44727. Runway safety areas

''An airport owner or operator shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''44727. Runway safety areas.''.

SEC. 420. AVAILABILITY OF MAINTENANCE INFORMATION.

(a) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

"§ 44728. Availability of maintenance information

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 21.50(b) of title 14, Code of Federal Regulations, that the holder of a design approval—

''(1) shall prepare and furnish at least one set of complete instructions for continued airworthiness as prescribed in such section to the owner of each type of aircraft, aircraft engine, or propeller upon its delivery or upon the issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later; and

''(2) thereafter shall make the instructions, and any changes thereto, available to any other person required by parts 1 through 199 of title 14, Code of Federal Regulations, to comply with any of the terms of the instructions.

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

''(1) MAKE AVAILABLE.—The term 'make available' means providing at a fair and reasonable price. Such price may include recurring and non-recurring costs associated with post-certification development, preparation, and distribution. Such price may not include the initial product development costs related to the issuance of a design approval.

''(2) DESIGN APPROVAL.—The term 'design approval' means a type certificate, supplemental type certificate, amended type certificate, parts manufacturer approval, technical standard order authorization, and any other action as determined by the Administrator pursuant to subsection (c)(2).

''(3) INSTRUCTIONS FOR CONTINUED AIRWORTHINESS.—The term 'instructions for continued airworthiness' means any information (and any changes to such information) considered essential to continued airworthiness that sets forth instructions and requirements for performing maintenance and alteration.

''(c) RULEMAKING.—The Administrator shall conduct a rulemaking proceeding for the following purposes:

''(1) To determine the meaning of the phrase 'essential to continued airworthiness' of the applicable aircraft, aircraft engine, and propeller as that term is used in parts 23 through 35 of title 14, Code of Federal Regulations.

''(2) To determine if a design approval should include, in addition to those approvals specified in subsection (b)(2), any other activity in which persons are required to have technical data approved by the Administrator.

''(3) To determine if design approval holders for aircraft, aircraft engines, and propellers that are in production on the date of enactment of this section and for which application for a type certificate or supplemental type certificate was made before January 29, 1981, should be required to make instructions for continued airworthiness or maintenance manuals available (including any changes thereto) to any person required by Federal Aviation Administration rules to comply with any of the terms of the instructions or manuals.

''(4) To revise its rules to reflect the changes made by this section.

''(d) DEADLINES FOR RULEMAKING.—

''(1) NOTICE OF PROPOSED RULEMAKING.—The Administrator shall issue a notice of proposed rulemaking to carry out subsection (c) not later than one year after the date of enactment of this section.

''(2) FINAL RULE.—The Administrator shall issue a final rule with respect to subsection (c) not later than one year after the final date for the submission of comments with respect to the proposed rulemaking.

''(e) ENFORCEMENT OF CURRENT REGULATION.—The Administrator shall review design approval holders that were required to produce instructions for continued airworthiness under section 21.50(b) of title 14, Code of Federal Regulations. If the Administrator determines that a design approval holder has not produced such instructions, the Administrator shall require the design approval holder to prepare such instructions and make them available as required by this section not later than 1 year after the design approval holder is notified by the Administrator of the determination.

''(f) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing is this section shall be construed as requiring the holder of a design approval to make available proprietary information unless it is deemed essential to continued airworthiness.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

''44728. Availability of maintenance information.''.

SEC. 421. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.

(a) IN GENERAL.—Chapter 461 is amended by adding at the end the following:

"§ 46111. Certificate actions in response to a security threat

''(a) ORDERS.—The Administrator of Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Under Secretary, the order shall be effective immediately.

''(b) HEARINGS FOR CITIZENS.—An individual who is a citizen of the United States who is adversely affected by an order of the Administrator under subsection (a) is entitled to a hearing on the record.

''(c) HEARINGS.—When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator or the Under Secretary.

''(d) APPEALS.—An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.

''(e) REVIEW.—A person substantially affected by an action of a panel under subsection (d), or the Under Secretary when the Under Secretary decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Under Secretary and the Administrator shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.

''(f) EXPLANATION OF DECISIONS.—An individual who commences an appeal under this section shall receive a written explanation of the basis for the determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.

''(g) CLASSIFIED EVIDENCE.—

''(1) IN GENERAL.—The Under Secretary, in consultation with the Administrator, shall issue regulations to establish procedures by which the Under Secretary, as part of a hearing conducting under this section, may substitute an unclassified summary of classified evidence upon the approval of the administrative law judge.

''(2) APPROVAL AND DISAPPROVAL OF SUMMARIES.—Under the procedures, an administrative law judge shall—

''(A) approve a summary if the judge finds that it is sufficient to enable the certificate holder to appeal an order issued under subsection (a); or

''(B) disapprove a summary if the judge finds that it is not sufficient to enable the certificate holder to appeal such an order.

''(3) MODIFICATIONS.—If an administrative law judge disapproves a summary under paragraph (2)(B), the judge shall direct the Under Secretary to modify the summary and resubmit the summary for approval.

''(4) INSUFFICIENT MODIFICATIONS.—If an administrative law judge is unable to approve a modified summary, the order issued under subsection (a) that is the subject of the hearing shall be set aside unless the judge finds that such a result—

''(A) would likely cause serious and irreparable harm to the national security; or

''(B) would likely cause death or serious bodily injury to any person.

''(5) SPECIAL PROCEDURES.—If an administrative law judge makes a finding under subparagraph (A) or (B) of paragraph (4), the hearing shall proceed without an unclassified summary provided to the certificate holder.

In such a case, subject to procedures established by regulation by the Under Secretary in consultation with the Administrator, the administrative law judge shall appoint a special attorney to assist the accused by—

''(A) reviewing in camera the classified evidence; and

''(B) challenging, through an in camera proceeding, the veracity of the evidence contained in the classified information.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 461 is amended by adding at the end the following:

''46111. Certificate actions in response to a security threat.''.

(c) REVIEW.—The first sentence of section 46110(a) is amended by striking ''part'' and inserting ''subtitle''.

SEC. 422. FLIGHT ATTENDANT CERTIFICATION.

(a) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

''§ 44729. Flight attendant certification

''(a) CERTIFICATE REQUIRED.—

''(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.

''(2) SPECIAL RULE FOR CURRENT FLIGHT ATTENDANTS.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.

''(3) TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.

''(b) ISSUANCE OF CERTIFICATE.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.

''(c) DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING.—In accordance with part 183 of chapter 14, Code of Federal Regulation, the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.

''(d) SPECIFICATIONS RELATING TO CERTIFICATES.—Each certificate issued under this section shall—

''(1) be numbered and recorded by the Administrator;

''(2) contain the name, address, and description of the individual to whom the certificate is issued;

''(3) contain the name of the employer that employs or will employ the certificate holder on the date that the certificate is issued;

''(4) is similar in size and appearance to certificates issued to airmen;

''(5) contain the airplane group for which the certificate is issued; and

''(6) be issued not later than 30 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.

''(e) APPROVAL OF TRAINING PROGRAMS.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.

''(f) FLIGHT ATTENDANT DEFINED.—In this section, the term 'flight attendant' means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:

''44729. Flight attendant certification.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the 365th day following the date of enactment of this Act.

SEC. 423. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

''§ 46319. Closure of an airport without providing sufficient notice

''(a) PROHIBITION.—A public agency (as defined in section 47102) may not close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.

''(b) PUBLICATION OF NOTICE.—The Administrator shall publish each notice received under subsection (a) in the Federal Register.

''(c) CIVIL PENALTY.—A public agency violating subsection (a) shall be liable for a civil penalty of $10,000 for each day that the airport remains closed without having given the notice required by this section.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

''46319. Closure of an airport without providing sufficient notice.''.

SEC. 424. NOISE EXPOSURE MAPS.

Section 47503 is amended—

(1) in subsection (a) by striking ''1985,'' and inserting ''a forecast period that is at least 5 years in the future''; and

(2) by striking subsection (b) and inserting the following:

''(b) REVISED MAPS.—If, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.''.

SEC. 425. AMENDMENT OF GENERAL FEE SCHEDULE PROVISION.

The amendment made by section 119(d) of the Aviation and Transportation Security Act (115 Stat. 629) shall not be affected by the savings provisions contained in section 141 of that Act (115 Stat. 643).

SEC. 426. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall ensure that the training standards for airframe and powerplant mechanics under part 65 of title 14, Code of Federal Regulations, are updated and revised in accordance with this section. The Administrator may update and revise the training standards through the initiation of a formal rulemaking or by issuing an advisory circular or other agency guidance.

(b) ELEMENTS FOR CONSIDERATION.—The updated and revised standards required under subsection (a) shall include those curriculum adjustments that are necessary to more accurately reflect current technology and maintenance practices.

(c) MINIMUM TRAINING HOURS.—In making adjustments to the maintenance curriculum requirements pursuant to this section, the current requirement of 1900 minimum training hours shall be maintained.

(d) CERTIFICATION.—Any adjustment or modification of current curriculum standards made pursuant to this section shall be reflected in the certification examinations of airframe and powerplant mechanics.

(e) COMPLETION.—The revised and updated training standards required by subsection (a) shall be completed not later than 12 months after the date of enactment of this Act.

(f) PERIODIC REVIEWS AND UPDATES.—The Administrator shall review the content of the curriculum standards for training airframe and powerplant mechanics referred to in subsection (a) every 3 years after completion of the revised and updated training standards required under subsection (a) as necessary to reflect current technology and maintenance practices.

SEC. 427. TASK FORCE ON FUTURE OF AIR TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The President shall establish a task force to work with the Next Generation Air Transportation System Joint Program Office authorized under section 106(k)(3).

(b) MEMBERSHIP.—The task force shall be composed of representatives, appointed by the President, from air carriers, general aviation, pilots, and air traffic controllers and the following government organizations:

(1) The Federal Aviation Administration.

(2) The National Aeronautics and Space Administration.

(3) The Department of Defense.

(4) The Department of Homeland Security.

(5) The National Oceanic and Atmospheric Administration.

(6) Other government organizations designated by the President.

(c) FUNCTION.—The function of the task force shall be to develop an integrated plan to transform the Nation's air traffic control system and air transportation system to meet its future needs.

(d) PLAN.—Not later than 1 year after the date of establishment of the task force, the task force shall transmit to the President and Congress a plan outlining the overall strategy, schedule, and resources needed to develop and deploy the Nation's next generation air traffic control system and air transportation system.

SEC. 428. AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled ''The Airliner Cabin Environment and the Health of Passengers and Crew''.

(b) REQUIRED ACTIVITIES.—In carrying out this section, the Administrator, at a minimum, shall—

(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance

with existing Federal Aviation Regulations for ozone;

(2) collect pesticide exposure data to determine exposures of passengers and crew; and

(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the allergens, diseases, and other contaminants to which passengers and crew were exposed.

(c) REPORT.—Not later than 30 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.

SEC. 429. RECOMMENDATIONS CONCERNING TRAVEL AGENTS.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry on—

(1) the travel agent arbiter program; and

(2) the special box on tickets for agents to include their service fee charges.

(b) CONSULTATION.—In preparing this report, the Secretary shall consult with representatives from the airline and travel agent industry.

SEC. 430. TASK FORCE ON ENHANCED TRANSFER OF APPLICATIONS OF TECHNOLOGY FOR MILITARY AIRCRAFT TO CIVILIAN AIRCRAFT.

(a) IN GENERAL.—The President shall establish a task force to look for better methods for ensuring that technology developed for military aircraft is more quickly and easily transferred to applications for improving and modernizing the fleet of civilian aircraft.

(b) MEMBERSHIP.—The task force shall be composed of the Secretary of Transportation who shall be the chair of the task force and representatives, appointed by the President, from the following:

(1) The Department of Transportation.

(2) The Federal Aviation Administration.

(3) The Department of Defense.

(4) The National Aeronautics and Space Administration.

(5) The aircraft manufacturing industry.

(6) Such other organizations as the President may designate.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the task force shall report to Congress on the methods looked at by the task force for ensuring the transfer of applications described in subsection (a).

SEC. 431. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES.

(a) IN GENERAL.—The Secretary of Transportation may make grants to reimburse the following general aviation entities for the security costs incurred and revenue foregone as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001, or the military action to free the people of Iraq that commenced in March 2003:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act and general aviation entities operating at those airports.

(3) General aviation entities that were affected by Federal Aviation Administration Notices to Airmen FDC 2/0199 and 3/1862 and section 352 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (Public Law 108–7, division I).

(4) General aviation entities affected by implementation of section 44939 of title 49, United States Code.

(5) Any other general aviation entity that is prevented from doing business or operating by an action of the Federal Government prohibiting access to airspace by that entity.

(b) DOCUMENTATION.—Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

(c) GENERAL AVIATION ENTITY DEFINED.—In this section, the term ''general aviation entity'' means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that—

(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(2) manufactures nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(3) provides services necessary for nonmilitary operations under such part 91; or

(4) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that—

(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 432. IMPASSE PROCEDURES FOR NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS.

(a) FAILURE OF CURRENT NEGOTIATIONS.—If, within 30 days after the date of enactment of this Act, the Federal Aviation Administration and the exclusive bargaining representative of the National Association of Air Traffic Specialists have failed to achieve agreement through a mediation process of the Federal Mediation and Conciliation Service, the current labor negotiation shall be treated for purposes of this section to have failed.

(b) SUBMISSION TO IMPASSE PANEL.—Not later than 30 days after the negotiation has failed under subsection (a), the parties to the negotiation shall submit unresolved issues to the Federal Service Impasses Panel described in section 7119(c) of title 5, United States Code, for final and binding resolution.

(c) ASSISTANCE.—The Panel shall render assistance to the parties in resolving their dispute in accordance with section 7119 of title 5, United States Code, and parts 2470 and 2471 of title 5, Code of Federal Regulations.

(d) DETERMINATION.—The Panel shall make a just and reasonable determination of the matters in dispute. In arriving at such determination, the Panel shall specify the basis for its findings, taking into consideration such relevant factors as are normally and customarily considered in the determination of wages or impasse Panel proceedings. The Panel shall also take into consideration the financial ability of the Administration to pay.

(e) EFFECT OF PANEL DETERMINATION.—The determination of the Panel shall be final and binding upon the parties for the period prescribed by the Panel or a period otherwise agreed to by the parties.

(f) REVIEW.—The determination of the Panel shall be subject to review in the manner prescribed in chapter 71 of title 5, United States Code.

SEC. 433. FAA INSPECTOR TRAINING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as ''FAA inspectors'').

(2) CONTENTS.—The study shall include—

(A) an analysis of the type of training provided to FAA inspectors;

(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid-pro-quo basis; and

(D) the amount of travel that is required of FAA inspectors in receiving training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that—

(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

(2) FAA inspector training should have a direct relation to an individual's job requirements; and

(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

(c) WORKLOAD OF INSPECTORS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

(2) CONTENTS.—The study shall include the following:

(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) REPORT.—Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study.

SEC. 434. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION.

(a) IN GENERAL.—The Secretary of Transportation may not authorize the transfer of

the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act to a private entity or to a public entity other than the United States Government.

(b) LIMITATION.—Subsection (a) shall not apply to a Federal Aviation Administration air traffic control tower operated under the contract tower program on the date of enactment of this Act or to any expansion of that program under section 47124(b)(3) or 47124(b)(4) of title 49, United States Code.

SEC. 435. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 436. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED AIR SERVICE.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note; 115 stat. 645) is amended by striking ''more than'' and all that follows through ''after'' and inserting ''more than 36 months after''.

SEC. 437. INTERNATIONAL AIR SHOW.

(a) STUDY.—The Secretary of Transportation, in consultation with the Secretary of Defense, shall study the feasibility of the United States hosting a world-class international air show.

(b) REPORT.—Not later than September 30, 2004, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a) together with recommendations concerning potential locations at which the air show could be held.

SEC. 438. DEFINITION OF AIR TRAFFIC CONTROLLER.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331 of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting ''; and''; and

(3) by adding at the end the following:

''(29) 'air traffic controller' or 'controller' means—

''(A) a controller within the meaning of section 2109(1); and

''(B) a civilian employee of the Department of Transportation or the Department of Defense holding a supervisory, managerial, executive, technical, semiprofessional, or professional position for which experience as a controller (within the meaning of section 2109(1)) is a prerequisite.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401 of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (33);

(2) by striking the period at the end of paragraph (34) and inserting ''; and''; and

(3) by adding at the end the following:

''(35) 'air traffic controller' or 'controller' means—

''(A) a controller within the meaning of section 2109(1); and

''(B) a civilian employee of the Department of Transportation or the Department of Defense holding a supervisory, managerial, executive, technical, semiprofessional, or professional position for which experience as a controller (within the meaning of section 2109(1)) is a prerequisite.''.

(c) MANDATORY SEPARATION TREATMENT NOT AFFECTED.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8335(a) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8331(29)(A).''.

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8425(a) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8401(35)(A).''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section—

(1) shall take effect on the 60th day after the date of enactment of this Act; and

(2) shall apply with respect to—

(A) any annuity entitlement to which is based on an individual's separation from service occurring on or after that 60th day; and

(B) any service performed by any such individual before, on, or after that 60th day, subject to subsection (e).

(e) DEPOSIT REQUIRED FOR CERTAIN PRIOR SERVICE TO BE CREDITABLE AS CONTROLLER SERVICE.—

(1) DEPOSIT REQUIREMENT.—For purposes of determining eligibility for immediate retirement under section 8412(e) of title 5, United States Code, the amendment made by subsection (b) shall, with respect to any service described in paragraph (2), be disregarded unless there is deposited into the Civil Service Retirement and Disability Fund, with respect to such service, in such time, form, and manner as the Office of Personnel Management by regulation requires, an amount equal to the amount by which—

(A) the deductions from pay which would have been required for such service if the amendments made by this section had been in effect when such service was performed, exceeds

(B) the unrefunded deductions or deposits actually made under subchapter II of chapter 84 of such title 5 with respect to such service. The amount under the preceding sentence shall include interest, computed under paragraphs (2) and (3) of section 8334(e) of such title 5.

(2) PRIOR SERVICE DESCRIBED.—This subsection applies with respect to any service performed by an individual, before the 60th day following the date of enactment of this Act, as an employee described in section 8401(35)(B) of such title 5 (as set forth in subsection (b)).

SEC. 439. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone (in this section referred as an ''ADIZ''), the Administrator shall transmit, not later than 60 days after the date of establishing the ADIZ, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation of the need for the ADIZ. The Administrator also shall transmit to the Committees updates of the report every 60 days until the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(b) EXISTING ADIZ.—If an ADIZ is in effect on the date of enactment of this Act, the Administrator shall transmit an initial report under subsection (a) not later than 30 days after such date of enactment.

(c) DESCRIPTION OF CHANGES TO IMPROVE OPERATIONS.—A report transmitted by the Administrator under this section shall include a description of any changes in procedures or requirements that could improve operational efficiency or minimize operational impacts of the ADIZ on pilots and controllers. This portion of the report may be transmitted in classified or unclassified form.

(d) DEFINITION.—In this section, the terms ''Air Defense Identification Zone'' and ''ADIZ'' each mean a zone established by the Administrator with respect to airspace under 18,000 feet in approximately a 15- to 38-mile radius around Washington, District of Columbia, for which security measures are extended beyond the existing 15-mile no-fly zone around Washington and in which general aviation aircraft are required to adhere to certain procedures issued by the Administrator.

SEC. 440. INTERNATIONAL AIR TRANSPORTATION.

It is the sense of Congress that, in an effort to modernize its regulations, the Department of Transportation should formally define ''Fifth Freedom'' and ''Seventh Freedom'' consistently for both scheduled and charter passenger and cargo traffic.

SEC. 441. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.

The Secretary of Transportation, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for the following:

(1) All screening and related activities that the air carriers or airports are still performing or continuing to be responsible for, including—

(A) the screening of catering supplies;

(B) checking documents at security checkpoints;

(C) screening of passengers; and

(D) screening of persons with access to aircraft.

(2) The provision of space and facilities used to perform screening functions if such space and facilities have been previously used, or were intended to be used, for revenue-producing purposes.

SEC. 442. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

It is the sense of Congress that Ronald Reagan Washington National Airport should be open to general aviation flights as soon as possible.

SEC. 443. CHARTER AIRLINES.

(a) IN GENERAL.—Section 41104(b)(1) is amended—

(1) by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)'';

(2) by inserting a comma after ''regularly scheduled charter air transportation''; and

(3) by striking ''flight unless such air transportation'' and all that follows through

the period at the end and inserting the following: ''flight, to or from an airport that—

''(A) does not have an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation); or

''(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport—

''(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

''(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that annually account for at least 1 percent of the total United States passenger enplanements and at least 2 of which are operated by the sponsor of the reliever airport.''.

(b) WAIVERS.—Section 41104(b) is amended by adding at the end the following:

''(4) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.''.

SEC. 444. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS.

Not later than July 1, 2004, the Secretary of Transportation shall issue regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization.

SEC. 445. CREW TRAINING.

Section 44918 is amended to read as follows:

''§ 44918. Crew training

''(a) BASIC SECURITY TRAINING.—

''(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

''(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

''(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

''(B) Crew communication and coordination.

''(C) The proper commands to give passengers and attackers.

''(D) Appropriate responses to defend oneself.

''(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Under Secretary for Border and Transportation Security of the Department of Homeland Security).

''(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

''(G) Situational training exercises regarding various threat conditions.

''(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

''(I) The proper conduct of a cabin search.

''(J) Any other subject matter considered appropriate by the Under Secretary.

''(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Under Secretary.

''(4) MINIMUM STANDARDS.—Not later than one year after the date of enactment of the Flight 100—Century of Aviation Reauthorization Act, the Under Secretary shall establish minimum standards for the training provided under this subsection and for recurrent training.

''(5) EXISTING PROGRAMS.—Notwithstanding paragraph (3), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Under Secretary before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act may continue in effect until disapproved or ordered modified by the Under Secretary.

''(6) MONITORING.—The Under Secretary, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Under Secretary shall consider complaints from crew members. The Under Secretary shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

''(7) UPDATES.—The Under Secretary, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

''(b) ADVANCED SELF DEFENSE TRAINING.—

''(1) IN GENERAL.—Not later than one year after the date of enactment of the Flight 100—Century of Aviation Reauthorization Act, the Under Secretary shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

''(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

''(A) Deterring a passenger who might present a threat.

''(B) Advanced control, striking, and restraint techniques.

''(C) Training to defend oneself against edged or contact weapons.

''(D) Methods to subdue and restrain an attacker.

''(E) Use of available items aboard the aircraft for self-defense.

''(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

''(G) Explosive device recognition.

''(H) Any other element of training that the Under Secretary considers appropriate.

''(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

''(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

''(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

''(6) CONSULTATION.—In developing the training program under this subsection, the Under Secretary shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshals Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

''(7) DESIGNATION OF TSA OFFICIAL.—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

''(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).''.

SEC. 446. REVIEW OF COMPENSATION CRITERIA.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall review the criteria used by the Air Transportation Stabilization Board to compensate air carriers following the terrorist attack of September 11, 2001, with a particular focus on whether it is appropriate to compensate air carriers for the decrease in value of their aircraft after September 11th.

SEC. 447. REVIEW OF CERTAIN AIRCRAFT OPERATIONS IN ALASKA.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress on whether, in light of the demands of business within Alaska, it would be appropriate to permit an aircraft to be operated under part 91 of title 14, Code of Federal Regulations, where common carriage is not involved but (1) the operator of the aircraft organizes an entity where the only purpose of such entity is to provide transportation by air of persons and property to related business entities, individuals, and employees of such entities, and (2) the charge for such transportation does not to exceed the cost of owning, operating, and maintaining the aircraft.

TITLE V—AIRPORT DEVELOPMENT

SEC. 501. DEFINITIONS.

(a) IN GENERAL.—Section 47102 is amended—

(1) by redesignating paragraphs (19) and (20) as paragraphs (24) and (25), respectively;

(2) by inserting after paragraph (18) the following:

''(23) 'small hub airport' means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.'';

(3) in paragraph (10) by striking subparagraphs (A) and (B) and inserting following:

''(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

''(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.'';

(4) by redesignating paragraphs (10) through (18) as paragraphs (14) through (22), respectively;

(5) by inserting after paragraph (9) the following:

''(10) 'large hub airport' means a commercial service airport that has at least 1.0 percent of the passenger boardings.

''(12) 'medium hub airport' means a commercial service airport that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

''(13) 'nonhub airport' means a commercial service airport that has less than 0.05 percent of the passenger boardings.''; and

(6) by striking paragraph (6) and inserting the following:

''(6) 'amount made available under section 48103' or 'amount newly made available' means the amount authorized for grants under section 48103 as that amount may be limited in that year by a subsequent law, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).''.

(b) CONFORMING AMENDMENT.—Section 47116(b)(1) is amended by striking ''(as defined in section 41731 of this title)''.

SEC. 502. REPLACEMENT OF BAGGAGE CONVEYOR SYSTEMS.

Section 47102(3)(B)(x) is amended by striking the period at the end and inserting the following: ''; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114.''.

SEC. 503. SECURITY COSTS AT SMALL AIRPORTS.

(a) SECURITY COSTS.—Section 47102(3)(J) is amended to read as follows:

''(J) in the case of a nonhub airport or an airport that is not a primary airport in fiscal year 2004, direct costs associated with new, additional, or revised security requirements imposed on airport operators by law, regulation, or order on or after September 11, 2001, if the Government's share is paid only from amounts apportioned to a sponsor under section 47114(c), 47114(d)(3)(A), or 47114(e)''.

(b) CONFORMING AMENDMENT.—Section 47110(b)(2) is amended—

(1) in subparagraph (D) by striking '', 47102(3)(K), or 47102(3)(L)''; and

(2) by aligning the margin of subparagraph (D) with the margin of subparagraph (B).

SEC. 504. WITHHOLDING OF PROGRAM APPLICATION APPROVAL.

Section 47106(d) is amended—

(1) in paragraph (1) by striking ''section 47114(c) and (e) of this title'' and inserting ''subsections (c), (d), and (e) of section 47114''; and

(2) by adding at the end the following:

''(4) If the Secretary withholds a grant to an airport from the discretionary fund under section 47115 or from the small airport fund under section 47116 on the grounds that the sponsor has violated an assurance or requirement of this subchapter, the Secretary shall follow the procedures of this subsection.''.

SEC. 505. RUNWAY SAFETY AREAS.

Section 47106 is amended by adding at the end the following:

''(h) RUNWAY SAFETY AREAS.—The Secretary may approve an application under this chapter for a project grant to construct, reconstruct, repair, or improve a runway only if the Secretary receives written assurances, satisfactory to the Secretary, that the sponsor will undertake, to the maximum extent practical, improvement of the runway's safety area to meet the standards of the Federal Aviation Administration.''.

SEC. 506. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES.

Section 47107(c)(2)(A)(iii) is amended by inserting before the semicolon at the end the following: '', including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program''.

SEC. 507. GRANT ASSURANCES.

(a) HANGAR CONSTRUCTION.—Section 47107(a) is amended—

(1) by striking ''and'' at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting ''; and''; and

(3) by adding at the end the following:

''(21) if the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease (of not less than 50 years) that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.''.

(b) STATUTE OF LIMITATIONS..—Section 47107(l)(5)(A) is amended by inserting ''or any other governmental entity'' after ''sponsor''.

(c) AUDIT CERTIFICATION.—Section 47107(m) is amended—

(1) in paragraph (1) by striking ''promulgate regulations that'' and inserting ''include a provision in the compliance supplement provisions to'';

(2) in paragraph (1) by striking ''and opinion of the review''; and

(3) by striking paragraph (3).

SEC. 508. ALLOWABLE PROJECT COSTS.

(a) CONSTRUCTION OR MODIFICATION OF PUBLIC PARKING FACILITIES FOR SECURITY PURPOSES.—Section 47110 is amended—

(1) in subsection (f) by striking ''subsection (d)'' and inserting ''subsections (d) and (h)''; and

(2) by adding at the end the following:

''(h) CONSTRUCTION OR MODIFICATION OF PUBLIC PARKING FACILITIES FOR SECURITY PURPOSES.—Notwithstanding subsection (f)(1), a cost of constructing or modifying a public parking facility for passenger automobiles to comply with a regulation or directive of the Department of Homeland Security shall be treated as an allowable airport development project cost.''.

(b) DEBT FINANCING.—Section 47110 is further amended by adding at the end the following:

''(i) DEBT FINANCING.—In the case of an airport that is not a medium hub airport or large hub airport, the Secretary may determine that allowable airport development project costs include payments of interest, commercial bond insurance, and other credit enhancement costs associated with a bond issue to finance the project.''.

(c) CLARIFICATION OF ALLOWABLE COSTS..—Section 47110(b)(1) is amended by inserting before the semicolon at the end ''and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type''.

(d) TECHNICAL AMENDMENTS.—Section 47110(e) is amended by aligning the margin of paragraph (6) with the margin of paragraph (5).

SEC. 509. APPORTIONMENTS TO PRIMARY AIRPORTS.

(a) FORMULA CHANGES.—Section 47114(c)(1)(A) is amended by striking clauses (iv) and (v) and by inserting the following:

''(iv) $.65 for each of the next 500,000 passenger boardings at the airport during the prior calendar year;

''(v) $.50 cents for each of the next 2,500,000 passenger boardings at the airport during the prior calendar year; and

''(vi) $.45 cents for each additional passenger boarding at the airport during the prior calendar year.''.

(b) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—Section 47114(c)(1) is amended by adding at the end the following:

''(F) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary may apportion in fiscal years 2004 and 2005 to the sponsor of the airport an amount equal to the amount apportioned to that sponsor in fiscal year 2002 or 2003, whichever amount is greater, if the Secretary finds that—

''(i) the passenger boardings at the airport were below 10,000 in calendar year 2002 or 2003;

''(ii) the airport had at least 10,000 passenger boardings and scheduled passenger aircraft service in either calendar year 2000 or 2001; and

''(iii) the reason that passenger boardings described in clause (i) were below 10,000 was the decrease in passengers following the terrorist attacks of September 11, 2001.''.

SEC. 510. CARGO AIRPORTS.

Section 47114(c)(2) is amended—

(1) in the paragraph heading by striking ''ONLY''; and

(2) in subparagraph (A) by striking ''3 percent'' and inserting ''3.5 percent''.

SEC. 511. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS.

Section 47115(d) is amended to read as follows:

''(d) CONSIDERATIONS.—

''(1) FOR CAPACITY ENHANCEMENT PROJECTS.—In selecting a project for a grant to preserve and improve capacity funded in whole or in part from the fund, the Secretary shall consider—

''(A) the effect that the project will have on overall national transportation system capacity;

''(B) the benefit and cost of the project, including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;

''(C) the financial commitment from non-United States Government sources to preserve or improve airport capacity;

''(D) the airport improvement priorities of the States to the extent such priorities are not in conflict with subparagraphs (A) and (B); and

''(E) the projected growth in the number of passengers or aircraft that will be using the airport at which the project will be carried out.

''(2) FOR ALL PROJECTS.—In selecting a project for a grant described in paragraph (1), the Secretary shall consider whether—

''(A) funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical priority system employed by the Secretary in administering the fund; and

''(B) the sponsor will be able to commence the work identified in the project application in the fiscal year in which the grant is made or within 6 months after the grant is made, whichever is later.''.

SEC. 512. FLEXIBLE FUNDING FOR NONPRIMARY AIRPORT APPORTIONMENTS.

(a) IN GENERAL.—Section 47117(c) is amended to read as follows:

''(c) USE OF SPONSOR'S APPORTIONED AMOUNTS AT PUBLIC USE AIRPORTS.—

''(1) OF SPONSOR.—An amount apportioned to a sponsor of an airport under section 47114(c) or 47114(d)(3)(A) is available for grants for any public-use airport of the sponsor included in the national plan of integrated airport systems.

''(2) IN SAME STATE OR AREA.—A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under section 47114(c) or 47114(d)(3)(A) if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.''.

(b) PROJECT GRANT AGREEMENTS.—Section 47108(a) is amended by inserting ''or 47114(d)(3)(A)'' after ''under section 47114(c)''.

(c) ALLOWABLE PROJECT COSTS.—Section 47110 is further amended—

(1) in subsection (b)(2)(C) by striking ''of this title'' and inserting ''or section 47114(d)(3)(A)'';

(2) in subsection (g)—

(A) by inserting ''or section 47114(d)(3)(A)'' after ''of section 47114(c)''; and

(B) by striking ''of project'' and inserting ''of the project''; and

(3) by adding at the end the following:

''(j) NONPRIMARY AIRPORTS.—The Secretary may decide that the costs of revenue producing aeronautical support facilities, including fuel farms and hangars, are allowable for an airport development project at a

nonprimary airport if the Government's share of such costs is paid only with funds apportioned to the airport sponsor under section 47114(d)(3)(A) and if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport.''.

(d) TERMINAL DEVELOPMENT COSTS.—Section 47119(b) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(3) by adding at the end the following:

''(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under section 47110(d).''.

SEC. 513. USE OF APPORTIONED AMOUNTS.

(a) PERIOD OF AVAILABILITY.—Section 47117(b) is amended by striking ''primary airport'' and all that follows through ''calendar year'' and inserting ''nonhub airport or any airport that is not a commercial service airport''.

(b) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1)(A) is amended—

(1) by striking ''of this title'' the first place it appears and inserting a comma; and

(2) by striking ''of this title'' the second place it appears and inserting '', for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47140, and for airport development described in section 47102(3)(F) or 47102(3)(K) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)''.

(c) ELIMINATION OF SUPER RELIEVER SET-ASIDE.—Section 47117(e)(1)(C) is repealed.

(d) RECOVERED FUNDS.—Section 47117 is further amended by adding at the end the following:

''(h) TREATMENT OF CANCELED OR REDUCED GRANT OBLIGATIONS.—For the purpose of determining compliance with a limitation, enacted in an appropriations Act, on the amount of grant obligations of funds made available by section 48103 that may be incurred in a fiscal year, an amount that is recovered by canceling or reducing a grant obligation of funds made available by section 48103 shall be treated as a negative obligation that is to be netted against the obligation limitation as enacted and thus may permit the obligation limitation to be exceeded by an equal amount.''.

SEC. 514. MILITARY AIRPORT PROGRAM.

(a) INCREASED FUNDING LEVELS.—Subsections (e) and (f) of section 47118 are each amended by striking ''$7,000,000'' and inserting ''$10,000,000''.

(b) REIMBURSEMENT FOR CERTAIN CONSTRUCTION COSTS.—Section 47118(f) is amended—

(1) by striking ''Not more than'' and inserting the following:

''(1) CONSTRUCTION.—Not more than''; and

(2) by adding at the end the following:

''(2) REIMBURSEMENT.—Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47119(b), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).''.

SEC. 515. TERMINAL DEVELOPMENT COSTS.

Section 47119(a) is amended to read as follows:

''(a) REPAYING BORROWED MONEY.—

''(1) TERMINAL DEVELOPMENT COSTS INCURRED AFTER JUNE 30, 1970, AND BEFORE JULY 12, 1976.—An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.

''(2) TERMINAL DEVELOPMENT COSTS INCURRED BETWEEN JANUARY 1, 1992, AND OCTOBER 31, 1992.—An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

''(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS.—An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport—

''(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;

''(B) that is a designated airport under section 47118 in fiscal year 2003; and

''(C) at which terminal development is carried out between January 2003 and August 2004,

is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

''(4) CONDITIONS FOR GRANT.—An amount is available for a grant under this subsection only if—

''(A) the sponsor submits the certification required under section 47110(d);

''(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

''(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 3 years beginning on the date the grant is used to repay the borrowed money.

''(5) APPLICABILITY OF CERTAIN LIMITATIONS.—A grant under this subsection shall be subject to the limitations in subsection (b)(1) and (2).''.

SEC. 516. CONTRACT TOWERS.

Section 47124(b) is amended—

(1) in paragraph (1) by striking ''on December 30, 1987,'' and inserting ''on date of enactment of the Flight 100—Century of Aviation Reauthorization Act'';

(2) in the heading for paragraph (3) by striking ''PILOT'';

(3) in paragraph (4)(C) by striking ''$1,100,000'' and inserting ''$1,500,000''; and

(4) by striking ''pilot'' each place it appears.

SEC. 517. AIRPORT SAFETY DATA COLLECTION.

Section 47130 is amended to read as follows:

''§ 47130. Airport safety data collection

''Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. In the event that a grant is provided under this section, the United States Government's share of the cost of the data collection shall be 100 percent.''.

SEC. 518. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) IN GENERAL.—Section 47134(b)(1) is amended—

(1) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

''(i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by scheduled and nonscheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total landed weight of all aircraft landing at the airport during such year; or

''(ii) by the Secretary at any nonprimary airport after the airport has consulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

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

''(B) OBJECTION TO EXEMPTION.—An air carrier shall be deemed to have approved a sponsor's application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor's application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.''.

(b) FEDERAL SHARE.—Section 47109(a) is amended—

(1) by inserting ''and'' at the end of paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 519. INNOVATIVE FINANCING TECHNIQUES.

(a) ELIGIBLE PROJECTS.—Section 47135(a) is amended—

(1) in the first sentence by inserting after ''approve'' the following: ''after the date of enactment of the Flight 100—Century of Aviation Reauthorization Act'';

(2) in the first sentence by striking ''20'' and inserting ''12''; and

(3) by striking the second sentence and inserting the following: ''A project using an innovative financing technique described in subsection (c)(2)(A) or (c)(2)(B) shall be located at an airport that is not a medium or large hub airport. A project using the innovative financing technique described in subsection (c)(2)(C) shall be located at an airport that is a medium or large hub airport.''.

(b) INNOVATIVE FINANCING TECHNIQUES.—Section 47135(c)(2) is amended—

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively;

(3) in subparagraph (A) (as so redesignated) by striking ''and'' at the end;

(4) in subparagraph (B) (as so redesignated) by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(C) payment of interest on indebtedness incurred to carry out a project for airport development.''.

(c) SAVINGS CLAUSE.—The amendments made by this section shall not affect applications approved under section 47135 of title 49, United States Code, before the date of enactment of this Act.

SEC. 520. AIRPORT SECURITY PROGRAM.

Section 47137 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) ADMINISTRATION.—The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.''.

SEC. 521. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE.

(a) EMISSIONS CREDITS.—Subchapter I of chapter 471 is amended by adding at the end the following:

''§ 47138. Emission credits for air quality projects

''(a) IN GENERAL.—The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall jointly agree on how to assure that airport sponsors receive appropriate emission credits for carrying out projects described in sections 40117(a)(3)(G), 47102(3)(K), and 47102(3)(L). Such agreement must include, at a minimum, the following conditions:

''(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

''(2) Credits generated by the emissions reductions are kept by the airport sponsor and may only be used for purposes of any current or future general conformity determination under the Clean Air Act or as offsets under the Environmental Protection Agency's new source review program for projects on the airport or associated with the airport.

''(3) Credits are calculated and provided to airports on a consistent basis nationwide.

''(4) Credits are provided to airport sponsors in a timely manner.

''(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

''(b) ASSURANCE OF RECEIPT OF CREDITS.—

''(1) IN GENERAL.—As a condition for making a grant for a project described in section 47102(3)(K), 47102(3)(L), or 47139 or as a condition for granting approval to collect or use a passenger facility fee for a project described in section 40117(a)(3)(G), 47102(3)(K), 47102(3)(L), or 47139, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.

''(2) AGREEMENT ON PREVIOUSLY APPROVED PROJECTS.—The Secretary and the Administrator of the Environmental Protection Agency shall jointly agree on how to provide emission credits to airport projects previously approved under section 47136 under terms consistent with the conditions enumerated in this section.''.

(b) AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47139. Airport ground support equipment emissions retrofit pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 commercial service airports under which the sponsors of such airports may use an amount made available under section 48103 to retrofit existing eligible airport ground support equipment that burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the Environmental Protection Agency.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT OR MAINTENANCE AREAS.—A commercial service airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a).

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

''(d) MAXIMUM AMOUNT.—Not more than $500,000 may be expended under the pilot program at any single commercial service airport.

''(e) GUIDELINES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish guidelines regarding the types of retrofit projects eligible under the pilot program by considering remaining equipment useful life, amounts of emission reduction in relation to the cost of projects, and other factors necessary to carry out this section. The Secretary may give priority to ground support equipment owned by the airport and used for airport purposes.

''(f) ELIGIBLE EQUIPMENT DEFINED.—In this section, the term 'eligible equipment' means ground service or maintenance equipment that is located at the airport, is used to support aeronautical and related activities at the airport, and will remain in operation at the airport for the life or useful life of the equipment, whichever is earlier.''.

(c) ADDITION TO AIRPORT DEVELOPMENT.—Section 47102(3) is further amended by striking subparagraphs (K) and (L) and inserting the following:

''(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2), 7505a) and if such project will result in an airport receiving appropriate emission credits, as described in section 47138.

''(L) converting vehicles and ground support equipment owned by a commercial service airport to low-emission technology or acquiring for use at a commercial service airport vehicles and ground support equipment that include low-emission technology if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47138.''.

(d) ALLOWABLE PROJECT COST.—Section 47110(b) is further amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of a project for acquiring for use at a commercial service airport vehicles and ground support equipment owned by an airport that is not described in section 47102(3) and that include low-emission technology, if the total costs allowed for the project are not more than the incremental cost of equipping such vehicles or equipment with low-emission technology, as determined by the Secretary.''.

(e) LOW-EMISSION TECHNOLOGY EQUIPMENT.—Section 47102 (as amended by section 501 of this Act) is further amended by inserting after paragraph (10) the following:

''(11) 'low-emission technology' means technology for vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially non-petroleum based, as defined by the Department of Energy, but not excluding hybrid systems or natural gas powered vehicles.''.

(f) CONFORMING AMENDMENTS.—The analysis of subchapter I of chapter 471 is amended by adding at the end the following:

''47138. Emission credits for air quality projects.

''47139. Airport ground support equipment emissions retrofit pilot program.''.

SEC. 522. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47140. Compatible land use planning and projects by State and local governments

''(a) IN GENERAL.—The Secretary of Transportation may make grants from amounts set aside under section 47117(e)(1)(A) to States and units of local government for land use compatibility plans or projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations if—

''(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the past 10 years; and

''(2) the land use plan meets the requirements of this section and any project resulting from the plan meets such requirements.

''(b) ELIGIBILITY.—In order to receive a grant under this section, a State or unit of local government must—

''(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

''(2) provide written assurance to the Secretary that it will work with the affected airport to identify and adopt such measures; and

''(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

''(c) ASSURANCES.—The Secretary shall require a State or unit of local government to which a grant may be awarded under this section for a land use plan or a project resulting from such a plan to provide—

''(1) assurances satisfactory to the Secretary that the plan—

''(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;

''(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other projects under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

''(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

''(D) does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area; and

''(E) has received concurrence by the airport operator prior to adoption by the State or unit of local government; and

''(2) such other assurances as the Secretary determines to be necessary to carry out this section.

''(d) GUIDELINES.—The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require the State or unit of local government to which a grant may be awarded under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.

''(e) ELIGIBLE PROJECTS.—The Secretary may approve a grant under this section to a State or unit of local government for a land use compatibility project only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, that the State or unit of local government has provided the assurances required by this section, that the Secretary has received evidence that the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with Federal standards.

''(f) SUNSET.—This section shall not be in effect after September 30, 2007.''.

(b) CONFORMING AMENDMENT.—The analysis of subchapter I of chapter 471 is further amended by adding at the end the following:

''47140. Compatible land use planning and projects by State and local governments.''.

SEC. 523. PROHIBITION ON REQUIRING AIRPORTS TO PROVIDE RENT-FREE SPACE FOR FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

''§ 47141. Prohibition on rent-free space requirements for Federal Aviation Administration

''(a) IN GENERAL.—The Secretary of Transportation may not require an airport sponsor to provide to the Federal Aviation Administration, without compensation, space in a building owned by the sponsor and costs associated with such space for building construction, maintenance, utilities, and other expenses.

''(b) NEGOTIATED AGREEMENTS.—Subsection (a) does not prohibit—

''(1) the negotiation of agreements between the Secretary and an airport sponsor to provide building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings to the Federal Aviation Administration without cost or at below-market rates; or

''(2) the Secretary of Transportation from requiring airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47141. Prohibition on rent-free space requirements for Federal Aviation Administration.''.

SEC. 524. MIDWAY ISLAND AIRPORT.

(a) FINDINGS.—Congress finds that the continued operation of the Midway Island Airport in accordance with the standards of the Federal Aviation Administration applicable to commercial airports is critical to the safety of commercial, military, and general aviation in the mid-Pacific Ocean region.

(b) MEMORANDUM OF UNDERSTANDING ON SALE OF AIRCRAFT FUEL.—The Secretary of Transportation shall enter into a memorandum of understanding with the Secretaries of Defense, Interior, and Homeland Security to facilitate the sale of aircraft fuel on Midway Island at a price that will generate sufficient revenue to improve the ability of the airport to operate on a self-sustaining basis in accordance with the standards of the Federal Aviation Administration applicable to commercial airports. The memorandum shall also address the long-range potential of promoting tourism as a means to generate revenue to operate the airport.

(c) TRANSFER OF NAVIGATION AIDS AT MIDWAY ISLAND AIRPORT.—The Midway Island Airport may transfer, without consideration, to the Administrator the navigation aids at the airport. The Administrator shall accept the navigation aids and operate and maintain the navigation aids under criteria of the Administrator.

(d) FUNDING TO THE SECRETARY OF INTERIOR FOR MIDWAY ISLAND AIRPORT.—

(1) IN GENERAL.—Chapter 481 is amended by adding at the end the following:

''§ 48114. Funding to the Secretary of Interior for Midway Island Airport

''The following amounts shall be available (and shall remain available until expended) to the Secretary of Interior, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), for airport capital projects at the Midway Island Airport:

''(1) $750,000 for fiscal year 2004.

''(2) $2,500,000 for fiscal year 2005.

''(3) $1,000,000 for fiscal year 2006.

''(4) $1,000,000 for fiscal year 2007.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by adding at the end the following:

''48114. Funding to the Secretary of Interior for Midway Island Airport.''.

SEC. 525. INTERMODAL PLANNING.

Section 47106(c)(1)(A) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by adding ''and'' at the end of clause (ii); and

(3) by adding at the end the following:

''(iii) with respect to an airport development project involving the location of an airport or runway or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted;''.

SEC. 526. STATUS REVIEW OF MARSHALL ISLANDS AIRPORT.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall review the status of the airport on the Marshall Islands and report to Congress on whether it is appropriate and necessary for that airport to receive grants under the airport improvement program.

SEC. 527. REPORT ON WAIVERS OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the waiver contained in section 50101(b) of title 49, United States Code (relating to buying goods produced in the United States). The report shall, at a minimum, include—

(1) a list of all waivers granted pursuant to that section since the date of enactment of that section; and

(2) for each such waiver—

(A) the specific authority under such section 50101(b) for granting the waiver; and

(B) the rationale for granting the waiver.

TITLE VI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY.

Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking ''October 1, 2003'' and inserting ''October 1, 2007'', and

(2) by inserting ''or the Flight 100—Century of Aviation Reauthorization Act'' before the semicolon at the end of subparagraph (A).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Mr. MICA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 418 / Nays 8

¶63.22 [Roll No. 264]

YEAS—418

Abercrombie	Burr	Doggett
Ackerman	Burton (IN)	Dooley (CA)
Aderholt	Buyer	Doolittle
Akin	Calvert	Doyle
Alexander	Camp	Dreier
Allen	Cannon	Duncan
Andrews	Cantor	Dunn
Baca	Capito	Edwards
Bachus	Capps	Ehlers
Baird	Capuano	Emanuel
Baker	Cardin	Emerson
Baldwin	Cardoza	Engel
Ballance	Carson (IN)	English
Ballenger	Carson (OK)	Etheridge
Barrett (SC)	Carter	Evans
Bartlett (MD)	Case	Everett
Barton (TX)	Castle	Farr
Bass	Chabot	Fattah
Beauprez	Chocola	Feeney
Becerra	Clay	Ferguson
Bell	Clyburn	Filner
Bereuter	Coble	Fletcher
Berkley	Cole	Foley
Berman	Collins	Forbes
Berry	Conyers	Ford
Biggert	Cooper	Frank (MA)
Bilirakis	Costello	Franks (AZ)
Bishop (GA)	Cox	Frelinghuysen
Bishop (NY)	Cramer	Frost
Bishop (UT)	Crenshaw	Gallegly
Blackburn	Crowley	Garrett (NJ)
Blumenauer	Culberson	Gerlach
Blunt	Cummings	Gibbons
Boehlert	Cunningham	Gilchrest
Boehner	Davis (AL)	Gillmor
Bonilla	Davis (CA)	Gingrey
Bonner	Davis (FL)	Gonzalez
Bono	Davis (IL)	Goode
Boozman	Davis (TN)	Goodlatte
Boswell	Davis, Jo Ann	Gordon
Boucher	Deal (GA)	Goss
Boyd	DeFazio	Granger
Bradley (NH)	DeGette	Graves
Brady (PA)	Delahunt	Green (TX)
Brady (TX)	DeLauro	Green (WI)
Brown (OH)	DeLay	Greenwood
Brown (SC)	DeMint	Grijalva
Brown, Corrine	Deutsch	Gutierrez
Brown-Waite, Ginny	Diaz-Balart, L.	Gutknecht
	Diaz-Balart, M.	Hall
Burgess	Dicks	Harman
Burns	Dingell	Harris

Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Crane
Davis, Tom
Flake
Moran (VA)
Obey
Paul
Sensenbrenner
Wolf

NOT VOTING—8

Cubin
Eshoo
Fossella
Gephardt
Lynch
Matsui
Smith (WA)
Spratt

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.23 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MICA, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

¶63.24 PROVIDING FOR THE CONSIDERATION OF H.R. 1115

Ms. PRYCE of Ohio, by direction of the Committee on Rules, reported (Rept. No. 108–148) the resolution (H. Res. 269) providing for consideration of the bill (H.R. 1115) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶63.25 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 1308

Ms. PRYCE of Ohio, by direction of the Committee on Rules, reported (Rept. No. 108–149) the resolution (H. Res. 270) relating to consideration of the amendments of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶63.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. BIGGERT, for today until 3 p.m.; and

To Mr. EMMANUEL, for today until 3:15 p.m.

And then,

¶63.27 ADJOURNMENT

On motion of Ms. PRYCE of Ohio, at 7 o'clock and 48 minutes p.m., the House adjourned.

¶63.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 269. Resolution providing for consideration of the bill (H.R. 1115) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposed (Rept. 108–148) Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 270. Resolution relating to consideration of the Senate amendments to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes (Rept. 108–149). Referred to to the House Calendar.

¶63.29 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration of H.R. 2122.

¶63.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCGOVERN (for himself, Mr. MCINNIS, Mr. GILCHREST, Mr. GEORGE MILLER of California, Ms. LEE, Mr. BEREUTER, Ms. MCCOLLUM, Mr. MORAN of Virginia, Mr. ENGLISH, Mr. REHBERG, and Mr. UDALL of Colorado):

H.R. 2416. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS:

H.R. 2417. A bill to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mrs. MALONEY (for herself, Mr. SHERMAN, Ms. SLAUGHTER, Mr. JACKSON of Illinois, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. BORDALLO, and Mr. PAYNE):

H.R. 2418. A bill to amend the Internal Revenue Code of 1986 to deny all deductions for business expenses associated with the use of a club that discriminates on the basis of sex, race, or color; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. LARSEN of Washington, Mr. KILDEE, Mr. PALLONE, Mr. GEORGE MILLER of California, Mr. FILNER, Ms. LEE, Mr. FROST, Mr. ACEVEDO-VILA, Mr.

McNULTY, Mr. HOLT, Ms. McCOLLUM, Mr. UDALL of New Mexico, Mr. HONDA, Mr. CARSON of Oklahoma, Mr. CASE, and Mr. GRIJALVA):

H.R. 2419. A bill to protect sacred Native American Federal land from significant damage; to the Committee on Resources.

By Mr. BAKER (for himself, Mr. GILLMOR, Mr. OSE, Mr. SHAYS, Mr. TIBERI, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2420. A bill to improve transparency relating to the fees and costs that mutual fund investors incur and to improve corporate governance of mutual funds; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 2421. A bill to ensure that State and local law enforcement agencies execute warrants for the arrest of nonviolent offenders only during daylight hours and when children are not present, unless overriding circumstances exist; to the Committee on the Judiciary.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, and Mrs. CHRISTENSEN):

H.R. 2422. A bill to authorize the Secretary of Housing and Urban Development to guarantee community development loans to the insular areas; to the Committee on Financial Services.

By Mr. CARDIN (for himself, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. STARK, and Mr. KLECZKA):

H.R. 2423. A bill to amend title XVIII of the Social Security Act to prohibit physicians and other health care practitioners from charging a membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a Medicare beneficiary; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself, Mr. BALLANCE, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CARDIN, Mr. COLE, Mr. CONYERS, Mr. DEUTSCH, Mr. ENGEL, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HOUGHTON, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. McDERMOTT, Ms. MILLENDER-McDONALD, Mr. MEEKS of New York, Mr. McNULTY, Mr. MORAN of Virginia, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SCOTT of Georgia, Mr. SHIMKUS, Mr. STEARNS, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. VAN HOLLEN, Ms. WATERS, Mr. WYNN, Mr. TOWNS, Ms. CARSON of Indiana, Mr. WATT, Ms. WATSON, Mr. KUCINICH, and Mr. CLYBURN):

H.R. 2424. A bill to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS:

H.R. 2425. A bill to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772-71, 773-71, 774-71, and 775-71, and for other purposes; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. ABERCROMBIE, Mr. ANDREWS, Ms. BALDWIN, Mr. BERMAN, Mr. BROWN of Ohio, Mr. CONYERS, Ms. DEGETTE, Mr. DELAHUNT, Mr. DINGELL, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. GEPHARDT, Mr. GUTIERREZ, Ms. HARMAN, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. HOYER, Ms. KILPATRICK, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MATSUI, Mr. MEEHAN, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mrs. TAUSCHER, Ms. VELAZQUEZ, Mr. WAXMAN, Mr. WEXLER, Mr. WEINER, Ms. WOOLSEY, and Mr. WU):

H.R. 2426. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTKNECHT (for himself, Mr. JONES of North Carolina, Mr. SHAYS, Mr. JANKLOW, Mr. PETRI, Mr. KINGSTON, Mrs. EMERSON, Mr. BEREUTER, Mr. OSBORNE, Mr. HOEKSTRA, Mr. BARTLETT of Maryland, Mr. SMITH of Michigan, Mr. PAUL, Mr. DUNCAN, Mrs. NORTHUP, Mr. GILCHREST, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. HENSARLING, Mr. EMANUEL, Mr. FRANK of Massachusetts, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mr. REHBERG, Mr. ISTOOK, Mr. BROWN of South Carolina, and Mr. TAYLOR of North Carolina):

H.R. 2427. A bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOEFFEL (for himself, Mr. CAPUANO, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. McDERMOTT, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. UDALL of Colorado, Ms. McCOLLUM, Mr. SERRANO, Ms. CORRINE BROWN of Florida, Ms. KAPTUR, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. STARK, and Mr. KUCINICH):

H.R. 2428. A bill to provide for congressional review of regulations relating to military tribunals; to the Committee on Armed Services, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEFFEL (for himself, Mr. CONYERS, Mr. FARR, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. McDERMOTT, Mr. FROST, Mr. GRIJALVA, Mr. UDALL of Colorado, Mr. CASE, Mr. RYAN of Ohio, Ms. LEE, Ms. KAPTUR, Ms. WOOLSEY, Mr. DOGGETT, Mr. STARK, Mr. KUCINICH, and Mr. HONDA):

H.R. 2429. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to improve the administration and oversight of foreign intelligence surveillance, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. UDALL of Colorado, Mr. TERRY, Mr. GILCHREST, Mr. GUTKNECHT, Mr. PALLONE, Mr. MANZULLO, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Mr. KENNEDY of Minnesota, Mr. REHBERG, Mr. STUPAK, Mr. THOMPSON of California, and Mr. FALEOMAVAEGA):

H.R. 2430. A bill to amend the Fish and Wildlife Coordination Act to coordinate and strengthen scientific research and monitoring, and to promote public outreach, education, and awareness, of Chronic Wasting Disease affecting free-ranging populations of deer and elk, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. UDALL of Colorado, Mr. TERRY, Mr. GILCHREST, Mr. GUTKNECHT, Mr. PALLONE, Mr. MANZULLO, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Mr. KENNEDY of Minnesota, Mr. REHBERG, Mr. STUPAK, Mr. THOMPSON of California, Mr. FALEOMAVAEGA, Ms. BALDWIN, and Mr. PETRI):

H.R. 2431. A bill to establish a National Chronic Wasting Disease Task Force, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE (for himself, Mr. TANNER, Mr. TOM DAVIS of Virginia, Mr. MOORE, Mr. JANKLOW, Mr. MATHESON, and Mr. RYAN of Wisconsin):

H.R. 2432. A bill to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes; to the Committee on Government Reform, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself and Mr. SIMMONS):

H.R. 2433. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; to the Committee on Veterans' Affairs.

By Mr. ROHRABACHER:

H.R. 2434. A bill for the relief of John Castellano; to the Committee on the Judiciary.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. BERMAN, Ms. LOFGREN, Mr. STARK, Mr. ROHRABACHER, Mr. FARR, Mr. REYES, Mr. HINOJOSA, Mr. ACEVEDO-VILA, Mr. CASE, Mr. DELAHUNT, Ms. MILLENDER-McDONALD, Mrs. NAPOLITANO, Mr. PASTOR, Mr. OBERSTAR, Mr. PALLONE, Mr. UDALL of Colorado, Mr. SCHIFF, Mr. ORTIZ, Mr. DOOLEY of California, Ms. ESHOO, Mr. LANTOS, Ms. HARMAN, Mr. RODRIGUEZ, Mr. HONDA, Mr. HINCHEY, Mr. GRIJALVA, Mr. COOPER, Ms. WOOLSEY, Ms. WATSON, Mr. FILNER, Ms. BORDALLO, Ms. LEE, Mr. PRICE of North Carolina, Mrs. CAPPS, Mr. MATSUI, Ms. SOLIS, Mr. CONYERS, Mr. CAPUANO, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr.

WAXMAN, Mrs. DAVIS of California, Mr. BAIRD, Mr. CARDOZA, Mr. SHERMAN, and Ms. PELOSI):

H.R. 2435. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Mr. SCOTT of Virginia, and Mr. SCOTT of Georgia):

H.R. 2436. A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. RANGEL, Mr. CARDIN, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. COOPER, Mr. FROST, Ms. LEE, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mr. SERRANO, and Mr. WEXLER):

H.R. 2437. A bill to provide for grants to State child welfare systems to improve quality standards and outcomes, to increase the match for private agencies receiving training funds under part E of title IV of the Social Security Act, and to authorize the forgiveness of loans made to certain students who become child welfare workers; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR of Mississippi (for himself, Mr. THOMPSON of Mississippi, Mr. WICKER, and Mr. PICKERING):

H.R. 2438. A bill to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building''; to the Committee on Government Reform.

By Mr. WELDON of Florida:

H.R. 2439. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits and to increase the age at which distributions must commence from certain retirement plans from 70½ to 80; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. HAYWORTH, Mr. RENZI, Mr. COLE, Mr. HUNTER, Mr. MCKEON, Mr. PALLONE, Mr. RAHALL, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. DINGELL, Mr. WAXMAN, Mr. RANGEL, Mr. CONYERS, Mr. OBERSTAR, Mr. GRIJALVA, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. HONDA, Mr. CARSON of Oklahoma, Mr. ALLEN, Mr. ABERCROMBIE, Ms. LEE, Mrs. NAPOLITANO, Mr. FALEOMAVAEGA, Ms. MCCOLLUM, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. KIND, Mr. LANTOS, Mr. INSLEE, Mr. STUPAK, Mr. BACA, Ms. KILPATRICK, Mrs. CHRISTENSEN, Mr. BLUMENAUER, and Ms. NORTON):

H.R. 2440. A bill to improve the implementation of the Federal responsibility for the care and education of Indian people by improving the services and facilities of Federal health programs for Indians and encouraging maximum participation of Indians in such programs, and for other purposes; to the Committee on Resources, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SNYDER (for himself, Mr. ISSA, and Mr. FRANK of Massachusetts):

H.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States to permit persons who are not natural-born citizens of the United States, but who have been citizens of the United States for at least 35 years, to be eligible to hold the offices of President and Vice President; to the Committee on the Judiciary.

By Mr. KNOLLENBERG (for himself and Mr. DINGELL):

H. Con. Res. 215. Concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies; to the Committee on Energy and Commerce.

¶63.31 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

81. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 36 memorializing the United States Congress to establish a quarantine for the emerald ash borer and provide assistance to help Michigan combat the infestation; to the Committee on Agriculture.

82. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 18 memorializing the United States Congress to take immediate and focused efforts to improve the enforcement of food import restrictions of seafood imports that contain the use of banned antibiotics, especially in foreign imported shrimp; to the Committee on Agriculture.

83. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 90 memorializing the United States Congress to urge the Secretary of Agriculture to expeditiously implement and expand cost of production insurance for cotton that is based on a producer's actual production cost history and to implement a cost of production insurance pilot program; to the Committee on Agriculture.

84. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Resolution No. 1021 memorializing the United States Congress to declare support for a missle defense system; to the Committee on Armed Services.

85. Also, a memorial of the Legislature of the State of New Mexico, relative to House Joint Memorial 11 memorializing the United States Congress to fund forty percent of the average of the average per special needs pupil expenditure in public elementary and secondary schools in the U.S. as promised under the federal Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

86. Also, a memorial of the Legislature of the State of New Mexico, relative to House Memorial 35 memorializing the United States Congress that the federal energy regulatory commission be request to withdraw its current standard market design for the nation's wholesale electricity markets; to the Committee on Energy and Commerce.

87. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 2 memorializing the United States Congress to urge the Secretary of the Interior to expand the money authorized pursuant to the Southern Nevada Public Land Management Act of 1998, Pub. L. 105-263, 112 Stat. 2343; to the Committee on Resources.

88. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 1 memorializing the United States Congress to urge the Secretary of the Interior to amend the regulations set forth in 43 C.F.R. Section 4120.3-9 by deleting the second sentence of that regulation in its entirety; to the Committee on Resources.

89. Also, a memorial of the Legislature of the State of New Mexico, relative to House Joint Memorial 13 memorializing the United States Congress to endorse the western states education initiative to seek just compensation from the federal government on federally owned land and that it urge the federal government to provide an expedited land exchange process for land not in contention for wilderness designation; to the Committee on Resources.

90. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Memorial No. 1002 memorializing the United States Congress to support the Tohono O'odham Nation's citizenship act; to the Committee on the Judiciary.

91. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 117 memorializing the United States Congress to provide an exemption to the Sherman Anti-Trust Act to allow small and medium sized United States based and owned lumber manufactures to sell their products through company-owned retail outlets; to the Committee on the Judiciary.

92. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial No. 2005 memorializing the United States Congress to include Native american governments in the state cemetery grants program; to the Committee on Veterans' Affairs.

93. Also, a memorial of the Legislature of the State of Michigan, relative to House Resolution No. 42 memorializing the United States Congress to enact the President's tax cut proposals; to the Committee on Ways and Means.

94. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 12 memorializing the United States Congress that the Idaho Legislature supports the Healthy Forests Initiative and its individual proposals and that we respectfully request the entire Congress to fully support the Healthy Forests Initiative and its individual proposals; jointly to the Committees on Agriculture and Resources.

95. Also, a memorial of the Legislature of the State of New Mexico, relative to House Memorial 12 memorializing the United States Congress to enact financially sustainable, voluntary and universal prescription drug coverage as part of the federal medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

96. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 10 memorializing the United States Congress to preserve access to backcountry airstrips by introducing into the current 108th Congress Senate Bill No. 681, the Backcountry Landing Strip Access Act from the 107th Congress and its companion legislation House Resolution No. 1363; jointly to the Committees on Resources, Agriculture, and Transportation and Infrastructure.

¶63.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. GARY G. MILLER of California and Mr. DAVIS of Alabama.

H.R. 49: Mr. BOUCHER and Mr. GREEN of Wisconsin.

H.R. 141: Mr. COBLE.

H.R. 236: Mr. MENENDEZ, Mr. GONZALEZ, Mr. WEINER, Ms. LINDA T. SANCHEZ of California, Mr. EVAN, Mr. DOGGETT, Mr. EDWARDS, Mrs.

CAPPS, Mrs. TAUSCHER, Mr. DOOLEY of California, Mr. GORDON, Mr. MCDERMOTT, Mr. SKELTON, Ms. MCCARTHY of Missouri and Mr. CARDIN.

H.R. 303: Mr. MILLER of North Carolina and Mr. MURPHY.

H.R. 331: Mr. ANDREWS.

H.R. 369: Mr. RYAN of Ohio, Mr. TURNER of Ohio, Mr. CAMP, Mrs. JONES of Ohio and Mr. BOEHNER.

H.R. 390: Mr. HONDA.

H.R. 401: Mr. SHERMAN.

H.R. 448: Mr. TAYLOR of Mississippi.

H.R. 502: Mrs. JO ANN DAVIS of Virginia.

H.R. 528: Mr. MCDERMOTT.

H.R. 565: Mr. STUPAK.

H.R. 570: Mr. HASTINGS of Washington.

H.R. 571: Mr. ROSS, Mr. LAHOOD, Mr. NCNULTY, and Mr. KELLER.

H.R. 583: Mr. KOLBE.

H.R. 584: Mr. BOEHLERT.

H.R. 586: Mr. TURNER of Ohio and Mr. WEINER.

H.R. 643: Mr. GONZALEZ and Mr. KUCINICH.

H.R. 655: Mr. KING of Iowa.

H.R. 687: Mr. BUYER, Mr. BILIRAKIS, Mr. SCHROCK, Mr. KLINE, Mr. GRAVES, and Mr. SESSIONS.

H.R. 713: Mr. WALDEN of Oregon.

H.R. 716: Mr. SNYDER, Mr. LATHAM, Mr. MICHAUD, Mr. MEEHAN, Mr. LARSON of ConnecticutMr. OTTER, and Mr. COOPER.

H.R. 728: Mr. VITTER and Mr. DOOLITTLE.

H.R. 785: Mr. ALEXANDER.

H.R. 811: Mr. BELL.

H.R. 823: Mr. SHERMAN.

H.R. 871: Mr. TIAHRT.

H.R. 890: Mr. HOLDEN and Mr. WYNN.

H.R. 898: Mr. SCHROCK and Mr. WALDEN of Oregon.

H.R. 941: RYAN of Wisconsin.

H.R. 944: Mr. PLATTS.

H.R. 947: Mrs. LOWEY and Mr. FROST.

H.R. 953: Mr. MEEK of Florida.

H.R. 1052: Mr. FARR, Mr. ABERCROMBIE, Mr. CASE, Mr. MENENDEZ, and Mrs. TAUSCHER.

H.R. 1068: Mr. SAXTON, Mr. CRANE, Mr. COSTELLO, Ms. MCCOLLUM, and Ms. WOOLSEY.

H.R. 1078: Mr. ROGERS of Michigan, Mr. CAMP, Mr. SULLIVAN, Mr. MOLLOHAN, Mr. RENZI, Mr. BARRETT of South Carolina, Mr. FRANKS of Arizona, Mr. BRADLEY of New Hampshire, Mr. PICKERING, Mr. LEWIS of Kentucky, Mr. PORTER, Mr. JOHN, Mr. HYDE, Mr. BONNER, Mr. ROGERS of Alabama, Mr. CRAMER, Mr. DAVIS of Tennessee, Mr. HONDA, Mr. MCINTYRE, Mr. ALEXANDER, Mr. TANNER, Mrs. EMERSON, Mr. KLECZKA, Mr. TURNER of Texas, Mr. THOMPSON of California, Mr. BOUCHER, Ms. MILLENDER-MCDONALD, Ms. LOFGREN, Mr. ROSS, Mr. BELL, Mr. FROST, Mr. GORDON, Mr. WAMP, Mr. PRICE of North Carolina, Mr. BAKER, Mr. HEFLEY, Mr. BLUMENAUER, Mr. DUNCAN, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mrs. BONO, Mr. PENCE, Mr. SHIMKUS, Mr. THOMAS, Mr. TIAHRT, Mr. KINGSTON, Mr. ROGERS of Kentucky, Mr. BOOZMAN, Mr. SHUSTER, Ms. HARRIS, Mr. TAYLOR of Mississippi, Mr. SENSENBRENNER, Mr. TERRY, Mr. MURTHA, Ms. HARMAN, Mr. PASTOR, Mr. NETHERCUTT, Mr. PUTNAM, Mr. HAYWORTH, Ms. PRYCE of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. PEARCE, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. JENKINS, Mrs. KELLY, Mr. COX, Ms. GINNY BROWN-WAITE of Florida, Mr. RYAN of Ohio, Mr. FORD, Mr. FEENEY, Mr. COOPER, Mr. UDALL of Colorado, Mr. MCDERMOTT, Mr. ENGEL, Ms. SCHAKOWSKY, Mr. SANDLIN, and Mr. TANCREDO.

H.R. 1087: Ms. BORDALLO.

H.R. 1110: Mr. GONZALEZ, Mr. LANTOS, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, Mr. CRAMER, and Ms. MILLENDER-MCDONALD.

H.R. 1157: Mr. EHLERS.

H.R. 1196: Mr. HOEFFEL.

H.R. 1225: Mr. HULSHOF, Mr. ETHERIDGE.

H.R. 1229: Mr. KLINE.

H.R. 1268: Mr. FROST, Ms. MILLENDER-MCDONALD.

H.R. 1288: Mr. SAXTON, Mr. WATT, Mr. BAKER, Mr. LYNCH, Mr. DAVIS of Florida, Mr. LATHAM, Mr. CLYBURN, and Mr. SHAYS.

H.R. 1310: Mr. TURNER of Texas, Mr. OBERSTAR, Mr. BOSWELL, Mr. BAKER, Mr. ABERCROMBIE, Mr. TAUZIN, Mr. SMITH of Washington, Mrs. CUBIN, Mr. WILSON of South Carolina, Mr. SHERWOOD, and Mr. ALEXANDER.

H.R. 1360: Mr. PAUL.

H.R. 1429: Mr. MCDERMOTT.

H.R. 1430: Mr. LYNCH, Mr. UDALL of Colorado.

H.R. 1442: Mr. GREEN of Wisconsin, Ms. CORRINE BROWN of Florida, Mr. EVANS, and Mr. MILLER of Florida.

H.R. 1472: Mr. ENGEL, Ms. PRYCE of Ohio, Mr. WEXLER, Mr. LYNCH, MS. KILPATRICK, Mr. BURNS, Mr. SCHIFF, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mrs. BONO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Ms. CARSON of Indiana, Mr. OWENS, Ms. MCCOLLUM, Ms. MCCARTHY of Missouri, Ms. VELAZQUEZ, Mr. CUMMINGS, MRS. MALONEY, Mr. CARDIN, Mr. VAN HOLLEN, Ms. SOLIS, Mr. RODRIGUEZ, Mr. DOOLEY of California, Mr. HINOJOSA, Mr. PAYNE, Mr. WATT, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, Ms. LINDA T. SANCHEZ of California, Mr. GONZALEZ, Mr. BISHOP of New York, Mr. BELL, Mr. FATTAH, Ms. MILLENDER-MCDONALD, and Mr. MATSUI.

H.R. 1479: Mr. ISRAEL.

H.R. 1482: Mr. WEXLER, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, and Ms. CORRINE BROWN of Florida.

H.R. 1499: Mr. GRIJALVA.

H.R. 1515: Mr. KING of Iowa.

H.R. 1522: Mrs. MALONEY and Mr. PAUL.

H.R. 1539: Mr. ALEXANDER.

H.R. 1615: Ms. SLAUGHTER and Mr. WEXLER.

H.R. 1626: Mr. WELDON of Florida.

H.R. 1643: Mr. GREEN of Wisconsin, Mr. DOYLE, and Mr. ALEXANDER.

H.R. 1660: Mr. BRADY of Texas, Mr. KINGSTON, Mr. SHAW, and Mr. HEFLEY.

H.R. 1675: Ms. SLAUGHTER and Mr. NUSSLE.

H.R. 1710: Mr. WELLER.

H.R. 1722: Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, and Mr. CASE.

H.R. 1727: Mr. ENGLISH.

H.R. 1767: Mr. LINDER and Mr. TERRY.

H.R. 1771: Mr. GRIJALVA.

H.R. 1795: Mr. ALEXANDER.

H.R. 1819: Mr. RUSH.

H.R. 1828: Mr. INSLEE, Mr. JEFFERSON, Mr. JOHN, Mr. RODRIGUEZ, Mr. STRICKLAND, Mr. BACA, Mr. EVANS, Ms. HARMAN, Mr. KELLER, Mr. POMBO, Mr. SESSIONS, Mr. SIMMONS, Mr. BONNER, Mr. SULLIVAN, Mr. MCCRERY, Mr. PUTNAM, Mr. RAMSTAD, Mr. UPTON, Mr. FOSSELLA, Mr. CRENSHAW, Mr. STEARNS, Mr. TERRY, and Mr. SHIMKUS.

H.R. 1859: Mr. GREEN of Wisconsin.

H.R. 1868: Mr. HINOJOSA and Mr. GRIJALVA.

H.R. 1874: Mr. LYNCH, Mr. GREEN of Texas, and Mr. FROST.

H.R. 1889: Mrs. CAPPS and Mr. KUCINICH.

H.R. 1914: Mr. KLINE.

H.R. 1915: Mr. CROWLEY.

H.R. 1943: Ms. JACKSON-LEE of Texas, Mr. PETERSON of Pennsylvania, and Mr. KING of Iowa.

H.R. 1956: Mr. DEUTSCH.

H.R. 1981: Mr. NADLER.

H.R. 1991: Mr. FROST.

H.R. 1995: Mr. FRANK of Massachusetts.

H.R. 1999: Ms. WATSON.

H.R. 2022: Mr. SMITH of Michigan, Mr. HOEKSTRA, Mr. MILLER of Florida, and Mr. ETHERIDGE.

H.R. 2028: Mr. KOLBE, Mr. HENSARLING, and Mr. NETHERCUTT.

H.R. 2034: Mr. TOOMEY.

H.R. 2075: Mr. WEXLER, Mr. YOUNG of Florida, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2085: Mr. FARR.

H.R. 2114: Mr. BARTON of Texas and Mr. BEAUPREZ.

H.R. 2130: Mr. MENENDEZ, and Mr. LOBIONDO.

H.R. 2134: Mr. HOYER and Ms. LOFGREN.

H.R. 2172: Mrs. MYRICK.

H.R. 2173: Mr. FROST, Mr. PAYNE, and Mr. CAPUANO.

H.R. 2180: Mr. BAIRD.

H.R. 2181: Ms. BALDWIN, Mr. BOEHNER, Mr. DUNCAN, Mr. HOSTETTLER, and Mr. SOUDER.

H.R. 2205: Mr. BURNS, Mr. TAUZIN, Mr. PITTS, and Mr. ETHERIDGE.

H.R. 2224: Mr. WILSON of South Carolina, Mr. MCNULTY, and Mr. TERRY.

H.R. 2232: Mr. BOOZMAN, Mr. JEFFERSON, Mr. DOOLITTLE, Mr. MOORE, Mr. GUTKNECHT, Ms. MCCARTHY of Missouri, Mr. SANDLIN, Mr. PITTS, and Mr. BACHUS.

H.R. 2242: Mr. ROGERS of Michigan.

H.R. 2249: Mr. ALLEN, Mr. PAUL, Mr. MICHAUD, Mr. EVANS, Mr. GREEN of Wisconsin, and Mr. HINCHEY.

H.R. 2264: Mr. ROGERS of Kentucky, Mr. GRIJALVA, Mr. HINCHEY, Mr. ABERCROMBIE, Ms. MCCOLLUM, Mr. TANNER, Mr. BAIRD, Mr. WELDON of Florida, Ms. MCCARTHY of Missouri, and Mr. CARDOZA.

H.R. 2265: Mrs. BLACKBURN, Mr. CAMP, and Mr. HULSHOF.

H.R. 2291: Mr. KUCINICH and Ms. BERKLEY.

H.R. 2325: Mr. SHERMAN.

H.R. 2330: Ms. WOOLSEY, Ms. BALDWIN, and Mr. STARK.

H.R. 2333: Mr. NUSSLE and Mr. NETHERCUTT.

H.R. 2351: Mr. UPTON, Mr. PORTMAN, and Mr. KENNEDY of Minnesota.

H.R. 2377: Mr. FROST.

H.R. 2379: Mr. PORTER.

H.R. 2404: Ms. JACKSON-LEE of Texas and Mr. BERMAN.

H. Con. Res. 37: Mr. HOLDEN.

H. Con. Res. 87: Mr. CROWLEY.

H. Con. Res. 134: Mr. GREEN of Wisconsin and Mr. MEEKS of New York.

H. Con. Res. 152: Mr. DAVIS of Florida.

H. Con. Res. 169: Mr. DELAHUNT.

H. Con. Res. 200: Mr. KUCINICH.

H. Con. Res. 209: Mr. LANTOS, Mrs. JO ANN DAVIS of Virginia, Mr. GALLEGLY, Ms. KAPTUR, Mr. OLVER, Mr. CROWLEY, Mr. JANKLOW, Mr. MCCOTTER, Mr. BERMAN, Mr. HINCHEY, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. WICKER, and Ms. ROS-LEHTINEN.

H. Con. Res. 213: Ms. WATSON and Mr. BELL.

H. Res. 38: Mr. KUCINICH.

H. Res. 49: Mr. BURGESS.

H. Res. 58: Mr. ACKERMAN, Mr. MENENDEZ, Mr. BLUMENAUER, Mr. BURTON of Indiana, Mr. FATTAH, Mr. CARDIN, Mr. PRICE of North Carolina, Ms. LOFGREN, Mr. THOMPSON of Mississippi, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. KUCINICH, Mr. BERRY, Mr. HOLT, Ms. BALDWIN, Ms. WATSON, and Mr. ENGEL.

H. Res. 194: Mr. EVANS, Mr. TANCREDO, and Mr. MCNULTY.

H. Res. 198: Mr. RYUN of Kansas, Mr. TERRY, and Mr. BALLENGER.

H. Res. 199: Mr. WAXMAN, Mr. EVANS, Mr. LARSEN of Washington, Mr. MORAN of Virginia, and Mr. ACKERMAN.

H. Res. 237: Mr. HASTINGS of Florida.

H. Res. 242: Mr. MARIO DIAZ-BALART of Florida and Mr. HAYWORTH.

H. Res. 246: Mr. GRIJALVA.

H. Res. 259: Ms. WOOLSEY and Mr. NADLER.

H. Res. 262: Mr. BELL, Mr. BAKER, Mr. MCNULTY, and Mrs. BIGGERT.

H. Res. 264: Mr. TANCREDO, Mr. TIAHRT, Ms. LEE, Mr. GALLEGLY, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Ms. WATSON, Mr. SMITH of Washington, Mr. CROWLEY, Mr. SCHIFF, and Mr. BLUMENAUER.

¶63.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 660: Ms. EDDIE BERNICE JOHNSON of Texas.

THURSDAY, JUNE 12, 2003 (64)

The House was called to order by the SPEAKER.

¶64.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, June 11, 2003.

Mr. MCNULTY, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. MCNULTY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶64.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2645. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Joseph W. Dyer, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2646. A letter from the Director of Congressional Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Requirements for Low-Speed Electric Bicycles — received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2647. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Minot, North Dakota) [MB Docket No. 02-282, RM-10523] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2648. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Derby, Kansas) [MM Docket No. 01-44, RM-10022] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2649. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Jackson, Wyoming) [MB Docket No. 02-375, RM-10605] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2650. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Junction, Texas) [MM Docket No. 01-132, RM-10149] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2651. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Buffalo, Oklahoma) [MB Docket No. 02-383, RM-10614] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2652. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Comanche, Mullin and Mason, Texas) [MM Docket No. 01-159, RM-10164; RM-10395] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2653. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alamo and Milan, Georgia) [MM Docket No. 01-111, RM-10124; RM-10341] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2654. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Reydon, Oklahoma) [MM Docket No. 01-227, RM-10255] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2655. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Opelousas, Louisiana) [MB Docket No. 02-322, RM-10584] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2656. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (O'brien, Texas) [MB Docket No. 02-296, RM-10571]; (Stamford, Texas) [MB Docket No.02-297]; (Panhandle, Texas) [MB Docket No. 02-298, RM-10574]; (Shamrock, Texas) [MB Docket No.02-299, RM-1 0575]; (Colorado City, Texas) [MB Docket No. 02-300, RM-10576]; (Taloga, Oklahoma) [MB Docket No. 02-302, RM-10579] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2657. A letter from the Special Assistant to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Hartford, Connecticut) [MB Docket No. 01-306, RM-10152] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2658. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's "Major" final rule — Revision of Fee Schedules; Fee Recovery for FY 2003 (RIN: 3150-AH14) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2659. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2660. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the third annual "Traffiking in Persons Report," pursuant to Public Law 106—386, section 110; to the Committee on International Relations.

2661. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2662. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2663. A letter from the Secretary, Department of Transportation, transmitting the Department's Strategic Plan for Fiscal Years 2003 through 2008; to the Committee on Government Reform.

2664. A letter from the Administrator, General Services Administration, transmitting a semiannual report on Office of Inspector General auditing activity, together with a report providing management's perspective on the implementation status of audit recommendations, pursuant to 5 app.; to the Committee on Government Reform.

2665. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2666. A letter from the Chairman, National Science Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2667. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, "Federal Student Loan Repayment Program FY 2002," pursuant to 5 U.S.C. 5379(a)(1)(B) Public Law 106—398, section 1122; to the Committee on Government Reform.

2668. A letter from the Attorney for National Council on Radiation Protection and Measurements, National Council on Radiation Protection and Measurements, transmitting the 2002 Annual Report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, a federally chartered corporation, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

2669. A letter from the Chairman, United States International Trade Commission, transmitting the Commission's report entitled, "U.S. Chile Free Trade Agreement: Potential Economywide and Selected Sectoral Effects"; to the Committee on Ways and Means.

2670. A letter from the Chairman, United States International Trade Commission, transmitting the Commission's report entitled, "U.S. Singapore Free Trade Agreement: Potential Economywide and Selected Sectoral Effects"; to the Committee on Ways and Means.

2671. A letter from the Board Members, Railroad Retirement Board, transmitting the 2003 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the

Committees on Ways and Means and Transportation and Infrastructure.

¶64.3 DECORUM OF THE HOUSE

The SPEAKER made the following statement regarding decorum of the House:

''Under clause 2 of rule I, it is the responsibility of the Speaker to preserve order and decorum in the proceedings of the House. As stated on page 330 of the House Rules and Manual, this responsibility requires that the Chair disallow the use of an exhibit that tends to degrade decorum. Thus, Speakers previously have disallowed the introduction of a person on the floor as a guest of the House as an 'exhibit'.

''Pursuant to clause 2 of Rule I, the Chair reiterates the ruling of June 11, 2003, that it is inappropriate to use Pages of the House as a part of a visual exhibit during debate. Although Members may enlist the assistance of Pages to manage the placement of exhibits on easels, it is not appropriate to use Pages as though part of an exhibit or otherwise include them in an exhibition.

''The Chair also will continue to scrutinize the number of charts and other visual exhibits used simultaneously during debate for any tendency to impair decorum.''.

¶64.4 HARRY S TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, announced that the Speaker, pursuant to 20 United States Code 2004(b), and the order of the House of January 8, 2003, appointed to the Board of Trustees of the Harry S Truman Scholarship Foundation, the following Member of the House: Mr. AKIN.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶64.5 PERMISSION TO FILE REPORT

On motion of Mr. PENCE, by unanimous consent, the Committee on International Relations was granted permission to file a supplemental report (Rept. No. 108–105) on the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

¶64.6 PROVIDING FOR THE CONSIDERATION OF H.R. 1115

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 269):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1115) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Ms. PRYCE of Ohio moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 229 / Nays ..... 193 }

¶64.7 [Roll No. 265]

YEAS—229

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

NAYS—193

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee

Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Ackerman
Conyers
Cubin
Eshoo
Gephardt
Jefferson
Johnson (CT)
Marshall
Nunes
Rothman
Sherman
Smith (WA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. FROST demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays 188

¶64.8 [Roll No. 266]

AYES—235

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

NOES—188

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

NOT VOTING—11

Ackerman
Cubin
Eshoo
Gephardt
Johnson (CT)
Nunes
Rothman
Rush
Sherman
Smith (WA)
Sullivan

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶64.9 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, June 11, 2003.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McNULTY demanded a recorded vote on agreeing to the Chair's approval of said Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 347 / Nays 74

¶64.10 [Roll No. 267]

AYES—347

Abercrombie
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers

Emanuel
Emerson
Engel
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Owens
Oxley
Pallone
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—74

Aderholt
Baird
Baldwin
Berry
Brady (PA)
Brown (OH)
Capuano
Carson (IN)
Clay
Costello
Crane
DeFazio
Delahunt
Deutsch
English
Evans
Filner
Fletcher
Ford
Fossella
Franks (AZ)
Gonzalez
Green (TX)
Gutierrez
Gutknecht
Hart
Hastings (FL)
Hefley
Hinchey
Holt
Kaptur
Kucinich
Larsen (WA)
Lee
Lewis (GA)
Lipinski
LoBiondo
Matheson
McDermott
McGovern
McNulty
Miller, George
Moore
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Peterson (MN)
Ramstad
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Shadegg
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Weller
Wexler
Wicker
Wu

NOT VOTING—13

Ackerman
Cubin
Davis (IL)
Eshoo
Gephardt
Johnson (CT)
Musgrave
Nunes
Rothman
Sherman
Smith (WA)
Vitter
Wilson (NM)

So the Journal was approved.

¶64.11 CLASS ACTION FAIRNESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 269 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1115) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes .

The SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, designated Mr. LATOURETTE as Chairman of the Committee of the Whole; and after some time spent therein,

¶64.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. JACKSON-LEE of Texas:

In section 1332(d) of title 28, United States Code, as proposed to be inserted by section 4(a)(2) of the bill—

(1) in paragraph (9), strike the quotation marks and second period at the end; and

(2) add after paragraph (9) the following:

''(10)(A) For purposes of this subsection and section 1453 of this title, a foreign corporation which acquires a domestic corporation in a corporate repatriation transaction shall be treated as being incorporated in the State under whose laws the acquired domestic corporation was organized.

''(B) In this paragraph, the term 'corporate repatriation transaction' means any transaction in which—

''(i) a foreign corporation acquires substantially all of the properties held by a domestic corporation;

''(ii) shareholders of the domestic corporation, upon such acquisition, are the beneficial owners of securities in the foreign corporation that are entitled to 50 percent or more of the votes on any issue requiring shareholder approval; and

''(iii) the foreign corporation does not have substantial business activities (when compared to the total business activities of the corporate affiliated group) in the foreign country in which the foreign corporation is organized.''.

It was decided in the negative ..... { Yeas ..... 185 / Nays 238

¶64.13 [Roll No. 268]

AYES—185

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

NOES—238

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Ackerman
Cubin
Eshoo
Filner
Flake
Gephardt
Johnson (CT)
Jones (OH)
Rothman
Smith (WA)
Solis

So the amendment was not agreed to.

¶64.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. LOFGREN:

In section 1332(d)(9) of title 28, United States Code, as proposed to be inserted by section 4(a)(2) of the bill—

(1) in the first sentence, strike ''if—'' and all that follows through ''(B) monetary relief'' and insert ''if monetary relief—'';

(2) strike ''The provisions of paragraphs (3) and (6)'' and all that follows through ''subparagraph (A).''; and

(3) in the last sentence, strike ''subparagraph (B)'' and insert ''this paragraph''.

It was decided in the negative ..... { Yeas ..... 186 / Nays 234

¶64.15 [Roll No. 269]

AYES—186

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

NOES—234

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

NOT VOTING—14

Ackerman
Barton (TX)
Boehner
Cubin
Delahunt
Eshoo
Ford
Gephardt
Johnson (CT)
Jones (OH)
Marshall
Rothman
Smith (WA)
Solis

So the amendment was not agreed to.

¶64.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. SANDLIN:

Strike all after the enacting clause and insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the ''Class Action Improvement Act of 2003''.

(b) REFERENCE.—Whenever in this Act reference is made to an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

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

Sec. 1. Short title; reference; table of contents.
Sec. 2. Improved procedures for certain interstate class actions.
Sec. 3. Establishment of State Court Multidistrict Litigation Panel.
Sec. 4.Establishment of procedure for transferring certain actions to Federal court.
Sec. 5. Best practices study.

SEC. 2. IMPROVED PROCEDURES FOR CERTAIN CLASS ACTIONS.

(a) IN GENERAL.—Part V is amended by inserting after chapter 113 the following:

''CHAPTER 114—CLASS ACTIONS

''Sec.
''1711. Coupons and other noncash settlements.
''1712. Protection against loss by class member.
''1713. Protection against discrimination based on geographic location.
''1714. Additional requirements.
''1715. Protecting the integrity of the courts.
''1716. Interlocutory appeals.
''1717. Definitions.''.

"§ 1711. Coupons and other noncash settlements

''(a) CONTINGENT FEES.—If a proposed settlement in a class action provides for an award of a noncash benefit to a class member, and the attorney's fee to be paid to class counsel is based upon a portion of the recovery, then the attorney's fee shall be based on the value of the noncash benefit that is redeemed.

''(b) OTHER ATTORNEY'S FEE AWARDS.—If a proposed settlement in a class action includes a noncash benefit to a class member, and a portion of the recovery is not used to determine the attorney's fee to be paid to class counsel, then the attorney's fee shall be based upon the actual amount of time class counsel expended working on the action. Any attorney's fee under this subsection shall be subject to approval by the court. Nothing in this subsection shall be construed to prohibit application of a lodestar with a multiplier method of determining attorney's fees whenever appropriate under applicable law.

''(c) SETTLEMENT VALUATION EXPERTISE.—In a class action involving the awarding of noncash benefits, the court may in its discretion, upon the motion of a party, receive expert testimony from a witness qualified to provide information on the actual value of the settlement.

"§ 1712. Protection against loss by class members

''The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court first makes a written finding that nonmonetary benefits to the class member outweigh the monetary loss.

"§ 1713. Protection against discrimination based on geographic location

''The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

"§ 1714. Additional requirements

''(a) SETTLEMENTS.—The court may not approve a proposed settlement of a class action unless the court determines that—

''(1) the settlement is fair, reasonable, and adequate to the plaintiff class; and

''(2) the settlement applies only to claims with respect to which the plaintiff class was authorized to represent class members.

''(b) NOTICE TO DEFENDANTS.—The court in a class action shall require that, before the class is certified, defendants receive notice of the action and be given an opportunity to respond to the complaint.

''(c) BLOCKING REMOVAL.—A defendant in a class action may not elect to block removal of the action to Federal court that is sought by other defendants if the court finds that plaintiffs named the defendant solely for purposes of blocking such removal.

"§ 1715. Protecting the integrity of the courts

''(a) OPEN RECORDS.—No order, opinion, or record of the court in a class action, including a record obtained through discovery, whether or not formally filed with the court, may be sealed or made subject to a protective order unless the court finds—

''(1) that the sealing or protective order is narrowly tailored and necessary to protect the confidentiality of a particular trade or business secret of one or more of the settling parties and is in the public interest; or

''(2) that—

''(A) the sealing or protective order is narrowly tailored, consistent with the protection of public health and safety, and is in the public interest; and

''(B) if the action by the court would prevent the disclosure of information, disclosing the information is clearly outweighed by a specific and substantial interest in maintaining the confidentiality of such information.

''(b) DESTRUCTION OF DOCUMENTS PROHIBITED.—All parties filing or receiving service of a class action shall maintain all documents, including those in electronic format, related to the subject matter of the class action. Any person who knowingly alters, destroys, mutilates, conceals, or falsifies any record, document, or tangible object with the intent to impede, obstruct, or influence the outcome of a class action shall be fined not more than $5,000 for each record, document, or object destroyed, imprisoned not more than 5 years, or both.

"§ 1716. Interlocutory appeals

''A court of appeals may in its discretion permit an appeal from an order of a district court granting or denying class action certification under Rule 23 of the Federal Rules of Civil Procedure if application is made to the court within 10 days after entry of the order. An appeal does not stay proceedings in the district court unless the district court or the court of appeals so orders.

"§ 1717. Definitions

''In this chapter—

''(1) CLASS ACTION.—The term 'class action' means—

''(A) any civil action filed in a district court of the United States pursuant to Rule 23 of the Federal Rules of Civil Procedure; and

''(B) any civil action that is removed to a district court of the United States that was originally filed pursuant to a State statute or rule of judicial procedure authorizing an action to be brought by one or more representatives on behalf of a class;

''(2) CLASS COUNSEL.—The term 'class counsel' means the persons who serve as the attorneys for the class members in a proposed or certified class action.

''(3) CLASS MEMBERS.—The term 'class members' means the persons who fall within the definition of the proposed or certified class in a class action.

''(4) PROPOSED SETTLEMENT.—The term 'proposed settlement' means an agreement that resolves any or all claims in a class action, that is subject to court approval, and that, if approved, would be binding on each class member, except to the extent that a class member has requested to be excluded from the class action.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

"114. Class Actions ..... 1711".

SEC. 3. ENACTMENT OF JUDICIAL CONFERENCE RECOMMENDATIONS.

Notwithstanding any other provision of law, the amendments to Rule 23 of the Federal Rules of Civil Procedure, relating to notice to members of a class, which are embraced by the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of the enactment of this Act or on December 1, 2003 (as specified in that order), whichever occurs first.

SEC. 4. ESTABLISHMENT OF STATE COURT MULTIDISTRICT LITIGATION PANEL.

(a) CREATION OF MULTIDISTRICT LITIGATION PANEL.—The National Center for State Courts is authorized to develop and implement, in coordination with the Conference of Chief Judges, a State court multidistrict litigation panel for class actions, to be called the ''State Court Panel on Multidistrict Litigation'', in accordance with the following:

(1) CONSOLIDATION OF CLASS ACTIONS.—The SCPML shall allow State court judges, or parties with class actions pending in State courts, to seek to consolidate within one State court for pretrial proceedings related class actions pending in different States. No pending class action may be consolidated without the approval of the State court judge handling the pending action.

(2) FOR PRETRIAL PROCEEDINGS.—When class actions involving one or more common questions of fact are pending in the courts of different States, such actions may be transferred, with permission of the court, to any of these State courts for coordinated or consolidated pretrial proceedings. Such transfers shall be made by the SCPML upon its determination that transfers for such proceedings will be for the convenience of the parties and witnesses and will promote the just and efficient conduct of such actions. Each action so transferred shall be remanded by the SCPML at or before the conclusion of such pretrial proceedings to the State court from which it was transferred unless it has been previously terminated, except that the SCPML may separate any claim, cross-claim, counter-claim, or third-party claim and remand any such claim before the remainder of the action is remanded.

(3) JUDICIAL ASSIGNMENTS.—Coordinated or consolidated pretrial proceedings under paragraph (2) shall be conducted by a judge or judges to whom such actions are assigned by the SCPML. With the consent of the transferee court or courts, such actions may be assigned by the SCPML to a judge or judges from any relevant State court. The judge or judges to whom such actions are assigned and the members of the SCPML may exercise the powers of a trial court judge of any of the relevant State courts for the purpose of conducting pretrial depositions in such coordinated or consolidated pretrial proceedings.

(4) COMPOSITION OF SCPML.—The SCPML shall consist of nine judges designated from time to time by the CCJ, no two of whom shall be from the same State. The concurrence of five members shall be necessary to any action by the SCPML. The members of the SCPML shall each serve for a term of three years. The CCJ is urged to develop a system to ensure that States from varying regions and States of different sizes are equitably represented on the SCPML.

(5) ESTABLISHMENT OF RULES.—The SCPML may prescribe procedural rules for the conduct of its business not inconsistent with Federal law and the Federal Rules of Civil Procedure, including rules establishing procedures for initiating the transfer of a class action under this section, providing notice to all affected parties, determining whether such transfer shall be made, issuing orders either directing or denying such transfer, and providing notice of and appealing any order of the SCPML under this section.

(b) AUTHORIZATION.—There are authorized to be appropriated to the National Center for State Courts for the establishment and administration of the State Court Panel on Multidistrict Litigation $1,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005 and thereafter.

(c) DEFINITIONS.—In this section:

(1) CLASS ACTION.—The term ''class action'' means any civil action that—

(A) is brought in a State court pursuant to a State statute or rule of judicial procedure authorizing an action be brought by one or more representatives on behalf of a class; and

(B) is not removed to a court of the United States.

(2) CCJ.—The term ''CCJ'' means the Conference of Chief Justices.

(3) NCSC.—The term ''NCSC'' means the National Centers for State Courts.

(4) SCPML.—The term ''SCPML'' means the State Court Panel on Multidistrict Litigation established pursuant to subsection (b).

SEC. 5. ESTABLISHMENT OF PROCEDURE FOR TRANSFERRING CERTAIN ACTIONS TO FEDERAL COURT.

(a) ESTABLISHMENT OF PROCEDURE.—The National Center for State Courts is authorized to develop and implement, in coordination with the Conference of Chief Judges, a procedure by which the applicable State court or the SCMPL shall have the authority to transfer a class action to the appropriate Federal court if the matter in controversy of the civil action exceeds the sum or value of $5,000,000, exclusive of interest and costs, and is a class action in which—

(1) any member of a class of plaintiffs is a citizen of a State different from any defendant;

(2) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

(3) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

(b) DISCRETION TO DECLINE TO TRANSFER JURISDICTION.—The applicable State court or the SCMPL may, in the interests of justice, decline to transfer jurisdiction under subsection (a) over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed, based on consideration of the following factors:

(A) Whether the claims asserted involve matters of national or interstate interest.

(B) Whether the claims asserted will be governed by laws other than those of the State in which the action was originally filed.

(C) Whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction.

(D) Whether the number of citizens of the State in which the action was originally filed in all proposed plaintiff classes in the aggregate is substantially larger than the number of citizens from any other State, and the citizenship of the other members of the proposed class is dispersed among a substantial number of States.

(E) Whether one or more class actions asserting the same or similar claims on behalf of the same or other persons have been or may be filed.

(c) CASES IN WHICH JURISDICTION MAY NOT BE TRANSFERRED.—The applicable State court or the SCMPL shall not transfer jurisdiction under subsection (a) over a class action in which—

(A) two-thirds or more of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed;

(B) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

(C) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

(d) JURISDICTION OF FEDERAL COURTS.—Any Federal court to which a class action is transferred under subsection (a) shall have, and exercise, jurisdiction of the case.

(e) DEFINITIONS.—In this section, the terms ''class action'' and ''SCMPL'' have the meanings given those terms in section 4.

SEC. 6. BEST PRACTICES STUDY.

The National Center for State Courts is authorized and requested to—

(1) conduct a study for the purpose of identifying problems that arise in the litigation of State class actions;

(2) develop recommendations on ways to address the problems so identified; and

(3) report to the Congress, within 1 year after the date of the enactment of this Act, on the results of such study and recommendations.

It was decided in the negative ..... { Yeas ..... 170 / Nays 265

¶64.17 [Roll No. 270]

AYES—170

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

NOES—255

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

NOT VOTING—9

Ackerman
Berkley
Cubin
Eshoo
Gephardt
Johnson (CT)
Rothman
Smith (WA)
Solis

So the amendment in the nature of a substitute was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. OSE, assumed the Chair.

When Mr. GILLMOR, Acting Chairman, pursuant to House Resolution 269, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

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

(a) SHORT TITLE.—This Act may be cited as the ''Class Action Fairness Act of 2003''.

(b) REFERENCE.—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a

section or other provision of title 28, United States Code.

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

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.
Sec. 4. Federal district court jurisdiction of interstate class actions.
Sec. 5. Removal of interstate class actions to Federal district court.
Sec. 6. Appeals of class action certification orders.
Sec. 7. Enactment of Judicial Conference recommendations.
Sec. 8. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) Class action lawsuits are an important and valuable part of our legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have—

(A) harmed class members with legitimate claims and defendants that have acted responsibly;

(B) adversely affected interstate commerce; and

(C) undermined public respect for the judicial system in the United States.

(3) Class members have been harmed by a number of actions taken by plaintiffs' lawyers, which provide little or no benefit to class members as a whole, including—

(A) plaintiffs' lawyers receiving large fees, while class members are left with coupons or other awards of little or no value;

(B) unjustified rewards being made to certain plaintiffs at the expense of other class members; and

(C) the publication of confusing notices that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Through the use of artful pleading, plaintiffs are able to avoid litigating class actions in Federal court, forcing businesses and other organizations to defend interstate class action lawsuits in county and State courts where—

(A) the lawyers, rather than the claimants, are likely to receive the maximum benefit;

(B) less scrutiny may be given to the merits of the case; and

(C) defendants are effectively forced into settlements, in order to avoid the possibility of huge judgments that could destabilize their companies.

(5) These abuses undermine the Federal judicial system, the free flow of interstate commerce, and the intent of the framers of the Constitution in creating diversity jurisdiction, in that county and State courts are—

(A) handling interstate class actions that affect parties from many States;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(6) Abusive interstate class actions have harmed society as a whole by forcing innocent parties to settle cases rather than risk a huge judgment by a local jury, thereby costing consumers billions of dollars in increased costs to pay for forced settlements and excessive judgments.

(b) PURPOSES.—The purposes of this Act are—

(1) to assure fair and prompt recoveries for class members with legitimate claims;

(2) to protect responsible companies and other institutions against interstate class actions in State courts;

(3) to restore the intent of the framers of the Constitution by providing for Federal court consideration of interstate class actions; and

(4) to benefit society by encouraging innovation and lowering consumer prices.

SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) IN GENERAL.—Part V is amended by inserting after chapter 113 the following:

"CHAPTER 114—CLASS ACTIONS

''Sec.
''1711. Judicial scrutiny of coupon and other noncash settlements.
''1712. Protection against loss by class members.
''1713. Protection against discrimination based on geographic location.
''1714. Prohibition on the payment of bounties.
''1715. Definitions.

"§ 1711. Judicial scrutiny of coupon and other noncash settlements

''The court may approve a proposed settlement under which the class members would receive noncash benefits or would otherwise be required to expend funds in order to obtain part or all of the proposed benefits only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members.

"§ 1712. Protection against loss by class members

''The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member outweigh the monetary loss.

"§ 1713. Protection against discrimination based on geographic location

''The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

"§ 1714. Prohibition on the payment of bounties

''(a) IN GENERAL.—The court may not approve a proposed settlement that provides for the payment of a greater share of the award to a class representative serving on behalf of a class, on the basis of the formula for distribution to all other class members, than that awarded to the other class members.

''(b) RULE OF CONSTRUCTION.—The limitation in subsection (a) shall not be construed to prohibit any payment approved by the court for reasonable time or costs that a person was required to expend in fulfilling his or her obligations as a class representative.

"§ 1715. Definitions

''In this chapter—

''(1) CLASS ACTION.—The term 'class action' means any civil action filed in a district court of the United States pursuant to rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed pursuant to a State statute or rule of judicial procedure authorizing an action to be brought by one or more representatives on behalf of a class.

''(2) CLASS COUNSEL.—The term 'class counsel' means the persons who serve as the attorneys for the class members in a proposed or certified class action.

''(3) CLASS MEMBERS.—The term 'class members' means the persons who fall within the definition of the proposed or certified class in a class action.

''(4) PLAINTIFF CLASS ACTION.—The term 'plaintiff class action' means a class action in which class members are plaintiffs.

''(5) PROPOSED SETTLEMENT.—The term 'proposed settlement' means an agreement that resolves claims in a class action, that is subject to court approval, and that, if approved, would be binding on the class members.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

"114. Class Actions ..... 1711".

SEC. 4. FEDERAL DISTRICT COURT JURISDICTION OF INTERSTATE CLASS ACTIONS.

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION.—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d)(1) In this subsection—

''(A) the term 'class' means all of the class members in a class action;

''(B) the term 'class action' means any civil action filed pursuant to rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by one or more representative persons on behalf of a class;

''(C) the term 'class certification order' means an order issued by a court approving the treatment of a civil action as a class action; and

''(D) the term 'class members' means the persons who fall within the definition of the proposed or certified class in a class action.

''(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs, and is a class action in which—

''(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

''(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

''(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

''(3) A district court may, in the interests of justice, decline to exercise jurisdiction under paragraph (2) over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed based on consideration of the following factors:

''(A) Whether the claims asserted involve matters of national or interstate interest.

''(B) Whether the claims asserted will be governed by laws other than those of the State in which the action was originally filed.

''(C) In the case of a class action originally filed in a State court, whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction.

''(D) Whether the number of citizens of the State in which the action was originally filed in all proposed plaintiff classes in the aggregate is substantially larger than the

number of citizens from any other State, and the citizenship of the other members of the proposed class is dispersed among a substantial number of States.

''(E) Whether 1 or more class actions asserting the same or similar claims on behalf of the same or other persons have been or may be filed.

''(4) Paragraph (2) shall not apply to any class action in which—

''(A) two-thirds or more of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed;

''(B) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

''(C) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

''(5) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of $5,000,000, exclusive of interest and costs.

''(6) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

''(7)(A) A district court shall dismiss any civil action that is subject to the jurisdiction of the court solely under this subsection if the court determines the action may not proceed as a class action based on a failure to satisfy the requirements of rule 23 of the Federal Rules of Civil Procedure.

''(B) Nothing in subparagraph (A) shall prohibit plaintiffs from filing an amended class action in Federal court or filing an action in State court, except that any such action filed in State court may be removed to the appropriate district court if it is an action of which the district courts of the United States have original jurisdiction.

''(C) In any action that is dismissed under this paragraph and is filed by any of the original named plaintiffs therein in the same State court venue in which the dismissed action was originally filed, the limitations periods on all reasserted claims shall be deemed tolled for the period during which the dismissed class action was pending. The limitations periods on any claims that were asserted in a class action dismissed under this paragraph that are subsequently asserted in an individual action shall be deemed tolled for the period during which the dismissed action was pending.

''(8) Paragraph (2) shall not apply to any class action brought by shareholders that solely involves a claim that relates to—

''(A) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

''(B) the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(C) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).

''(9) For purposes of this subsection and section 1453 of this title, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

''(10) For purposes of this section and section 1453 of this title, a civil action that is not otherwise a class action as defined in paragraph (1)(B) of this subsection shall nevertheless be deemed a class action if—

''(A) the named plaintiff purports to act for the interests of its members (who are not named parties to the action) or for the interests of the general public, seeks a remedy of damages, restitution, disgorgement, or any other form of monetary relief, and is not a State attorney general; or

''(B) monetary relief claims in the action are proposed to be tried jointly in any respect with the claims of 100 or more other persons on the ground that the claims involve common questions of law or fact.

In any such case, the persons who allegedly were injured shall be treated as members of a proposed plaintiff class and the monetary relief that is sought shall be treated as the claims of individual class members. The provisions of paragraph (7) of this subsection and subsections (b)(2) and (d) of section 1453 shall not apply to civil actions described under subparagraph (A). The provisions of paragraph (7) of this subsection, and subsections (b)(2) and (d) of section 1453 shall not apply to civil actions described under subparagraph (B).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1335(a)(1) is amended by inserting ''(a) or (d)'' after ''1332''.

(2) Section 1603(b)(3) is amended by striking ''(d)'' and inserting ''(e)''.

SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

''§ 1453. Removal of class actions

''(a) DEFINITIONS.—In this section, the terms 'class', 'class action', 'class certification order', and 'class member' have the meanings given these terms in section 1332(d)(1).

''(b) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with this chapter, without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed—

''(1) by any defendant without the consent of all defendants; or

''(2) by any plaintiff class member who is not a named or representative class member without the consent of all members of such class.

''(c) WHEN REMOVABLE.—This section shall apply to any class action before or after the entry of a class certification order in the action, except that a plaintiff class member who is not a named or representative class member of the action may not seek removal of the action before an order certifying a class of which the plaintiff is a class member has been entered.

''(d) PROCEDURE FOR REMOVAL.—The provisions of section 1446 relating to a defendant removing a case shall apply to a plaintiff removing a case under this section, except that in the application of subsection (b) of such section the requirement relating to the 30-day filing period shall be met if a plaintiff class member files notice of removal within 30 days after receipt by such class member, through service or otherwise, of the initial written notice of the class action.

''(e) REVIEW OF ORDERS REMANDING CLASS ACTIONS TO STATE COURTS.—The provisions of section 1447 shall apply to any removal of a case under this section, except that, notwithstanding the provisions of section 1447(d), an order remanding a class action to the State court from which it was removed shall be reviewable by appeal or otherwise.

''(f) EXCEPTION.—This section shall not apply to any class action brought by shareholders that solely involves—

''(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

''(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

''(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).''.

(b) REMOVAL LIMITATION.—Section 1446(b) is amended in the second sentence by inserting ''(a)'' after ''section 1332''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

''1453. Removal of class actions.''.

SEC. 6. APPEALS OF CLASS ACTION CERTIFICATION ORDERS.

(a) IN GENERAL.—Section 1292(a) is amended by inserting after paragraph (3) the following:

''(4) Orders of the district courts of the United States granting or denying class certification under rule 23 of the Federal Rules of Civil Procedure, if notice of appeal is filed within 10 days after entry of the order.''.

(b) DISCOVERY STAY.—All discovery and other proceedings shall be stayed during the pendency of any appeal taken pursuant to the amendment made by subsection (a), unless the court finds upon the motion of any party that specific discovery is necessary to preserve evidence or to prevent undue prejudice to that party.

SEC. 7. ENACTMENT OF JUDICIAL CONFERENCE RECOMMENDATIONS.

Notwithstanding any other provision of law, the amendments to Rule 23 of the Federal Rules of Civil Procedure which are embraced by the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of the enactment of this Act or on December 1, 2003 (as specified in that order), whichever occurs first.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply to—

(1) any civil action commenced on or after the date of the enactment of this Act; and

(2) any civil action commenced before such date of enactment in which a class certification order (as defined in section 1332(d)(1)(C) of title 28, United States Code, as amended by section 4 of this Act) is entered on or after such date of enactment.

(b) FILING OF NOTICE OF REMOVAL.—In the case of any civil action to which subsection (a)(2) applies, the requirement relating to the 30-day period for the filing of a notice of removal under section 1446(b) and section 1453(d) of title 28, United States Code, shall be met if the notice of removal is filed within 30 days after the date on which the class certification order referred to in subsection (a)(2) is entered.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. WEINER moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendments:

Strike section 8 (EFFECTIVE DATE) and insert the following:

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of the enactment of this Act.

Strike section 6 (APPEALS OF CLASS ACTION CERTIFICATION ORDERS) and redesignate the succeeding sections accordingly.

Conform the table of contents accordingly.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. OSE, announced that the nays had it.

Mr. WEINER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 185 / Nays 240

¶64.18 [Roll No. 271]

AYES—185

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

NOES—240

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

NOT VOTING—9

Ackerman
Cubin
Eshoo
Gephardt
Johnson (CT)
Markey
Payne
Royce
Smith (WA)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 253 / Nays 170

¶64.19 [Roll No. 272]

YEAS—253

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

NAYS—170

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)

Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doolittle
Engel
English
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCollum
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Ackerman
Cubin
Edwards
Eshoo
Gephardt
Johnson (CT)
McDermott
McHugh
Smith (WA)
Tiahrt
Watson

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶64.20 SUBMISSION OF CONFERENCE REPORT—S. 342

Mr. BOEHNER submitted a conference report (Rept. No. 108–150) on the bill of the Senate (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶64.21 CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 1308

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 270):

Resolved, That upon adoption of this resolution the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, with the amendments of the Senate thereto, be, and the same are hereby, taken from the Speaker's table to the ends that the Senate amendment to the title be, and the same is hereby, agreed to, and the Senate amendment to the text be, and the same is hereby, agreed to with the amendment printed in the report of the Committee on Rules accompanying this resolution.

SEC. 2. It shall be in order for the chairman of the Committee on Ways and Means to move that the House insist on its amendment to the amendment of the Senate to H.R. 1308, or that the House disagree to any further amendment of the Senate, and request or agree to a conference with the Senate thereon.

When said resolution was considered.

After debate,

Mr. REYNOLDS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 225
Nays 201

¶64.22 [Roll No. 273]

YEAS—225

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

NAYS—201

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

NOT VOTING—8

Ackerman
Blumenauer
Cubin
Eshoo
Gephardt
Johnson (CT)
Linder
Smith (WA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. FROST demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 224 / Nays 201

¶64.23 [Roll No. 274]

YEAS—224

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

NAYS—201

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

NOT VOTING—10

Ackerman
Blumenauer
Brown-Waite, Ginny
Cubin
Eshoo
Gephardt
Johnson (CT)
Linder
Smith (MI)
Smith (WA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶64.24 MESSAGES FROM THE PRESIDENT

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

¶64.25 ALL-AMERICAN TAX RELIEF

The SPEAKER pro tempore, Mr. SWEENEY, announced that pursuant to House Resolution 270, the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, with the following amendment of the Senate to the title that was considered as agreed to, and the following amendment of the Senate to the text that was considerd as agreed to with the following amendment printed in (H. Rept. 108-149), was considered as taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Relief for Working Families Tax Act of 2003''.

TITLE I—CHILD TAX CREDIT

SEC. 101. ACCELERATION OF INCREASE IN REFUNDABILITY OF THE CHILD TAX CREDIT.

(a) ACCELERATION OF REFUNDABILITY.—

(1) IN GENERAL.—Section 24(d)(1)(B)(i) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by striking ''(10 percent in the case of taxable years beginning before January 1, 2005)''.

(2) ADVANCE PAYMENT.—Subsection (b) of section 6429 of such Code (relating to advance payment of portion of increased child credit for 2003) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) section 24(d)(1)(B)(i) applied without regard to the first parenthetical therein.''.

(3) EARNED INCOME INCLUDES COMBAT PAY.—Section 24(d)(1) of such Code is amended by adding at the end the following new sentence: ''For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.''.

(b) EFFECTIVE DATES.—

(1) SUBSECTIONS (a)(1) AND (a)(3).—The amendments made by subsections (a)(1) and (a)(3) shall apply to taxable years beginning after December 31, 2002.

(2) SUBSECTION (a)(2).—The amendments made by subsection (a)(2) shall take effect as if included in the amendments made by section 101(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 102. REDUCTION IN MARRIAGE PENALTY IN CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(b)(2) of the Internal Revenue Code of 1986 (defining threshold amount) is amended—

(1) by inserting ''($115,000 for taxable years beginning in 2008 or 2009, and $150,000 for taxable years beginning in 2010)'' after ''$110,000'', and

(2) by striking ''$55,000'' in subparagraph (C) and inserting ''½ of the amount in effect under subparagraph (A)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 103. APPLICATION OF EGTRRA SUNSET TO THIS SECTION.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

TITLE II—UNIFORM DEFINITION OF CHILD

SEC. 201. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 152. DEPENDENT DEFINED.

''(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

''(1) a qualifying child, or

''(2) a qualifying relative.

''(b) EXCEPTIONS.—For purposes of this section—

''(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

''(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

''(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

''(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

''(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

''(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

''(ii) the taxpayer is a citizen or national of the United States.

''(c) QUALIFYING CHILD.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

''(C) who meets the age requirements of paragraph (3), and

''(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

''(2) RELATIONSHIP TEST.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

''(A) a child of the taxpayer or a descendant of such a child, or

''(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

''(3) AGE REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

''(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

''(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

''(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

''(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (e), if (but for this paragraph) an individual may be and is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

''(i) a parent of the individual, or

''(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

''(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

''(i) the parent with whom the child resided for the longest period of time during the taxable year, or

''(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

''(d) QUALIFYING RELATIVE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

''(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

''(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

''(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

''(A) A child or a descendant of a child.

''(B) A brother, sister, stepbrother, or stepsister.

''(C) The father or mother, or an ancestor of either.

''(D) A stepfather or stepmother.

''(E) A son or daughter of a brother or sister of the taxpayer.

''(F) A brother or sister of the father or mother of the taxpayer.

''(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

''(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

''(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

''(A) no one person contributed over one-half of such support,

''(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

''(C) the taxpayer contributed over 10 percent of such support, and

''(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

''(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

''(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

''(ii) the income arises solely from activities at such workshop which are incident to such medical care.

''(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

''(i) which provides special instruction or training designed to alleviate the disability of the individual, and

''(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

''(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1)(C), in the case of an individual who is—

''(A) a child of the taxpayer, and

''(B) a student,

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

''(6) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

''(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent,

''(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent (as defined in subsection (e)(3)(B)) to the extent that such parent provided amounts for such support, and

''(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

''(e) SPECIAL RULE FOR DIVORCED PARENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(4) or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and

''(B) such child is in the custody of 1 or both of the child's parents for more than ½ of the calendar year,

such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.

''(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

''(A) a decree of divorce or separate maintenance or written separation agreement between the parents applicable to the taxable year beginning in such calendar year provides that—

''(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

''(ii) the custodial parent will sign a written declaration (in such manner and form as the Secretary may prescribe) that such parent will not claim such child as a dependent for such taxable year, and

''(B) in the case of such an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

''(3) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent with whom a child shared the same principal place of abode for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(4) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received

from a taxpayer under the provision of subsection (d)(3).

''(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

''(1) CHILD DEFINED.—

''(A) IN GENERAL.—The term 'child' means an individual who is—

''(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

''(ii) an eligible foster child of the taxpayer.

''(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is placed with the taxpayer by an authorized placement agency for adoption by the taxpayer, shall be treated as a child of such individual by blood.

''(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

''(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

''(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

''(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

''(3) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

''(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

''(5) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under section 151(c),

''(ii) the credit under section 24 (relating to child tax credit),

''(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2), and

''(iv) the earned income credit under section 32.

''(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

''(6) CROSS REFERENCES.—

"For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5).".

SEC. 202. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (i) of section 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) a qualifying child of the individual (as defined in section 152(c), determined without regard to section 152(e)), but not if such child—

''(I) is married at the close of the taxpayer's taxable year, and

''(II) is not a dependent of such individual by reason of section 152(b)(2) or 152(b)3), or both, or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(b)(2) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) of such Code are amended to read as follows:

''(i) subparagraph (H) of section 152(d)(2), or

''(ii) paragraph (3) of section 152(d).''.

SEC. 203. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Section 21(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))'' and inserting ''In the case of an individual for which there are 1 or more qualifying individuals (as defined in subsection (b)(1)) with respect to such individual''.

(b) QUALIFYING INDIVIDUAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

''(A) a dependent of the taxpayer (as defined in section 152(a)(1)) who has not attained age 13,

''(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, or

''(C) the spouse of the taxpayer, if the spouse is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year.''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 21(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.''.

SEC. 204. MODIFICATIONS OF CHILD TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 24(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) who has not attained age 17.''.

(b) CONFORMING AMENDMENT.—Section 24(c)(2) of the Internal Revenue Code of 1986 is amended by striking ''the first sentence of section 152(b)(3)'' and inserting ''subparagraph (A) of section 152(b)(3)''.

SEC. 205. MODIFICATIONS OF EARNED INCOME CREDIT.

(a) QUALIFYING CHILD.—Paragraph (3) of section 32(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) QUALIFYING CHILD.—

''(A) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c), determined without regard to paragraph (1)(D) thereof and section 152(e)).

''(B) MARRIED INDIVIDUAL.—The term 'qualifying child' shall not include an individual who is married as of the close of the taxpayer's taxable year unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e)).

''(C) PLACE OF ABODE.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States.

''(D) IDENTIFICATION REQUIREMENTS.—

''(i) IN GENERAL.—A qualifying child shall not be taken into account under subsection (b) unless the taxpayer includes the name, age, and TIN of the qualifying child on the return of tax for the taxable year.

''(ii) OTHER METHODS.—The Secretary may prescribe other methods for providing the information described in clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 32(c)(4) of such Code is amended by striking ''(3)(E)'' and inserting ''(3)(C)''.

(3) Section 32(m) of such Code is amended by striking ''subsections (c)(1)(F)'' and inserting ''subsections (c)(1)(E)''.

SEC. 206. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year.''.

SEC. 207. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 2(a)(1)(B)(i) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(2) Section 21(e)(5) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''paragraph (2) or (4) of'' in subparagraph (A), and

(B) by striking ''within the meaning of section 152(e)(1)'' and inserting ''as defined in section 152(e)(3)(A)''.

(3) Section 21(e)(6)(B) of such Code is amended by striking ''section 151(c)(3)'' and inserting ''section 152(f)(1)''.

(4) Section 25B(c)(2)(B) of such Code is amended by striking ''151(c)(4)'' and inserting ''152(f)(2)''.

(5)(A) Subparagraphs (A) and (B) of section 51(i)(1) of such Code are each amended by striking ''paragraphs (1) through (8) of section 152(a)'' both places it appears and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(B) Section 51(i)(1)(C) of such Code is amended by striking ''152(a)(9)'' and inserting ''152(d)(2)(H)''.

(6) Section 72(t)(2)(D)(i)(III) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(7) Section 72(t)(7)(A)(iii) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(8) Section 42(i)(3)(D)(ii)(I) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(9) Subsections (b) and (c)(1) of section 105 of such Code are amended by inserting '', determined without regard to subsections (b)(1),

(b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(10) Section 120(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(11) Section 125(e)(1)(D) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(12) Section 129(c)(2) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(13) The first sentence of section 132(h)(2)(B) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(14) Section 153 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(15) Section 170(g)(1) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(16) Section 170(g)(3) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(17) Section 213(a) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(18) The second sentence of section 213(d)(11) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(19) Section 220(d)(2)(A) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(20) Section 221(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(21) Section 529(e)(2)(B) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(22) Section 2032A(c)(7)(D) of such Code is amended by striking ''section 151(c)(4)'' and inserting ''section 152(f)(2)''.

(23) Section 2057(d)(2)(B) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(24) Section 7701(a)(17) of such Code is amended by striking ''152(b)(4), 682,'' and inserting ''682''.

(25) Section 7702B(f)(2)(C)(iii) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(26) Section 7703(b)(1) of such Code is amended—

(A) by striking ''151(c)(3)'' and inserting ''152(f)(1)'', and

(B) by striking ''paragraph (2) or (4) of''.

SEC. 208. EFFECTIVE DATE.

The amendments made by this title shall apply to taxable years beginning after December 31, 2003.

TITLE III—CUSTOMS USER FEES

SEC. 301. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking ''September 30, 2003'' and inserting ''March 31, 2010''.

Amend the title so as to read: ''An Act to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes.''.

The text of the House amendment to the amendment of the Senate to the text is as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''All-American Tax Relief Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title, etc.

TITLE I—CHILD TAX CREDIT

Sec. 101. Expansion of child tax credit.

TITLE II—ARMED FORCES TAX FAIRNESS

Sec. 201. Special rule for members of uniformed services and Foreign Service in determining exclusion of gain from sale of principal residence.

Sec. 202. Restoration of full exclusion from gross income of death gratuity payment.

Sec. 203. Exclusion for amounts received under Department of Defense homeowners assistance program.

Sec. 204. Expansion of combat zone filing rules to contingency operations.

Sec. 205. Modification of membership requirement for exemption from tax for certain veterans' organizations.

Sec. 206. Clarification of the treatment of certain dependent care assistance programs.

Sec. 207. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc., on account of attendance at military academy.

Sec. 208. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.

TITLE III—SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS

Sec. 301. Suspension of tax-exempt status of terrorist organizations.

TITLE IV—RELIEF FOR ASTRONAUTS

Sec. 401. Tax relief and assistance for families of astronauts who lose their lives on a space mission.

TITLE I—CHILD TAX CREDIT

SEC. 101. EXPANSION OF CHILD TAX CREDIT.

(a) CREDIT REFUNDABILITY.—Clause (i) of section 24(d)(1)(B) (relating to portion of credit refundable) is amended by striking ''(10 percent in the case of taxable years beginning before January 1, 2005)''.

(b) INCREASE IN CREDIT THROUGH 2010.—Subsection (a) of section 24 (relating to child tax credit) is amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year with respect to each qualifying child of the taxpayer an amount equal to $1,000.''.

(c) REMOVAL OF MARRIAGE PENALTY IN PHASEOUT THRESHOLDS.—Paragraph (2) of section 24(b) is amended to read as follows:

''(2) THRESHOLD AMOUNT.—For purposes of paragraph (1), the term 'threshold amount' means $75,000 ($150,000 in the case of a joint return).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(e) APPLICATION OF EGTRRA SUNSET.—Each amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as section 201 of such Act.

TITLE II—ARMED FORCES TAX FAIRNESS

SEC. 201. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

''(10) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period referred to in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or as a member of the Foreign Service.

''(B) MAXIMUM PERIOD OF SUSPENSION.—Such 5-year period shall not be extended more than 5 years by reason of subparagraph (A).

''(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 150 miles from such property or while residing under Government orders in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE.—The term 'member of the Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 180 days or for an indefinite period.

''(D) SPECIAL RULES RELATING TO ELECTION.—

''(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

''(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendment made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 202. RESTORATION OF FULL EXCLUSION FROM GROSS INCOME OF DEATH GRATUITY PAYMENT.

(a) IN GENERAL.—Paragraph (3) of section 134(b) (relating to qualified military benefit) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the

amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted before December 31, 1991.''.

(b) CONFORMING AMENDMENT.—Section 134(b)(3)(A) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 203. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 132 (relating to certain fringe benefits) is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting '', or'' and by adding at the end the following new paragraph:

''(8) qualified military base realignment and closure fringe.''.

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection).

''(2) LIMITATION.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all such payments related to such property exceeds the amount described in clause (1) of subsection (c) of such section (as in effect on such date).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 204. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Subsection (a) of section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting ''or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law'' after ''section 112'',

(2) by inserting in the first sentence ''or at any time during the period of such contingency operation'' after ''for purposes of such section'',

(3) by inserting ''or operation'' after ''such an area'', and

(4) by inserting ''or operation'' after ''such area''.

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting ''or contingency operation'' after ''area''.

(2) The heading for section 7508 is amended by inserting ''OR CONTINGENCY OPERATION'' after ''COMBAT ZONE''.

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting ''or contingency operation'' after ''combat zone''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 205. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking ''or widowers'' and inserting '', widowers, ancestors, or lineal descendants''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 206. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Subsection (b) of section 134 (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A) (as amended by section 202) is further amended by inserting ''and paragraph (4)'' after ''subparagraphs (B) and (C)''.

(2) Section 3121(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(3) Section 3306(b)(13) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(4) Section 3401(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 207. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC., ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking ''or'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect for taxable years beginning after December 31, 2002.

SEC. 208. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such services.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Paragraph (2) of section 62(a) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, not in excess of $1,500, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

TITLE III—SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS

SEC. 301. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

TITLE IV—RELIEF FOR ASTRON÷AUTS

SEC. 401. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF ASTRONAUTS WHO LOSE THEIR LIVES ON A SPACE MISSION.

(a) INCOME TAX RELIEF.—

(1) IN GENERAL.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

''(5) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs while on a space mission, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) is amended by inserting '', astronauts,'' after ''Forces''.

(B) Section 6013(f)(2)(B) is amended by inserting '', astronauts,'' after ''Forces''.

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 692 is amended by inserting '', ASTRONAUTS,'' after ''FORCES''.

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting '', astronauts,'' after ''Forces''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

''(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs while on a space mission.''.

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 is amended by inserting ''OR ASTRONAUTS'' after ''VICTIMS''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Subsection (b) of section 2201 (defining qualified decedent) is amended by striking ''and'' at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) any astronaut whose death occurs while on a space mission.''.

(2) CLERICAL AMENDMENTS.—

(A) The heading of section 2201 is amended by inserting '', DEATHS OF ASTRONAUTS,'' after ''FORCES''.

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting '', deaths of astronauts,'' after ''Forces''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

The SPEAKER pro tempore, Mr. SWEENEY, by unanimous consent, announced the amendment of the Senate to the title was amended so as to read: ''An Act to amend the Internal Revenue Code of 1986 to enhance fairness in the internal revenue laws, and for other purposes.''.

When on motion of Mr. THOMAS, pursuant to House Resolution 270, it was,

Resolved, That, the House insist upon its amendments to the amendments of the Senate to H.R. 1308 and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. THOMAS, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

So, the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶64.26 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. RANGEL moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to H.R. 1308 be instructed to:

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

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

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

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

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the nays had it.

Mr. RANGEL objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 205 / Nays ..... 201 }

¶64.27 [Roll No. 275]

YEAS—205

Alexander	Cardin	Dooley (CA)
Allen	Cardoza	Doyle
Andrews	Carson (IN)	Edwards
Baca	Carson (OK)	Emanuel
Baird	Case	Engel
Baldwin	Castle	Etheridge
Ballance	Clay	Evans
Bass	Clyburn	Farr
Becerra	Conyers	Fattah
Bell	Cooper	Filner
Bereuter	Costello	Frank (MA)
Berkley	Cramer	Frost
Berry	Crowley	Gillmor
Bishop (GA)	Cummings	Gonzalez
Bishop (NY)	Davis (AL)	Gordon
Boehlert	Davis (CA)	Green (TX)
Boswell	Davis (IL)	Grijalva
Boucher	Davis (TN)	Gutierrez
Boyd	DeFazio	Hall
Brady (PA)	DeGette	Harman
Brown (OH)	Delahunt	Hastings (FL)
Brown, Corrine	DeLauro	Hill
Burr	Deutsch	Hinchey
Capito	Dicks	Hinojosa
Capps	Dingell	Hoeffel
Capuano	Doggett	Holden

Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (MI)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—201

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

NOT VOTING—29

Abercrombie
Ackerman
Berman
Blumenauer
Burton (IN)
Cannon
Cubin
Davis (FL)
Eshoo
Ford
Fossella
Gallegly
Gephardt
Janklow
Jenkins
Johnson (CT)
Linder
Lipinski
McInnis
Miller, Gary
Moran (VA)
Paul
Pickering
Royce
Sessions
Smith (WA)
Tancredo
Taylor (NC)
Waxman

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶64.28 APPOINTMENT OF CONFEREES—H.R. 1308

Thereupon, the SPEAKER pro tempore, Mr. SWEENEY, by unanimous consent, appointed Messrs. THOMAS, DELAY, and RANGEL as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶64.29 MESSAGE FROM THE SENATE

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

S. Con. Res. 54. A concurrent resolution commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams for their lives and accomplishments, designating a Medgar Evers National Week of Remembrance, and for other purposes.

The message also announced that pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Mexico-United States Interparliamentary Group during the First Session of the One Hundred Eighth Congress: the Senator from Tennessee [Mr. FRIST]; the Senator from Tennessee [Mr. ALEXANDER]; and the Senator from Texas [Mr. CORNYN].

¶64.30 COMMUNICATION SATELLITE OF 1962

On motion of Mr. TAUZIN, by unanimous consent, the Committee on Energy and Commerce was discharged from further consideration of the bill (H.R. 2312) to amend the Communications Satellite of 1962 to provide for the orderly dilution of the ownership interest in Inmarsat by former signatories to the Inmarsat Agreement.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶64.31 ADJOURNMENT OVER

On motion of Mr. GUTKNECHT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, June 16, 2003, at 12:30 p.m. for morning-hour debate.

¶64.32 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. GUTKNECHT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 18, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶64.33 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

The SPEAKER pro tempore, Mr. FRANKS of Arizona, laid before the House the following communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, June 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 44 U.S.C. 2702, I hereby appoint Mr. Joseph cooper of Baltimore, Maryland to the Advisory Committee On The Records Of Congress for a term of two years.

Best regards,

NANCY PELOSI.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶64.34 MESSAGE FROM THE PRESIDENT—COASTAL ZONE MANAGEMENT

The SPEAKER pro tempore, Mr. FRANKS of Arizona, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit the Biennial Report to Congress on the Administration of the Coastal Zone Management Act by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration for fiscal years 2000 and 2001. This report is submitted as required by section 316 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451, *et seq.*).

The report provides an overview of the Coastal Zone Management Act and describes progress in addressing the major goals of the Act; partnerships to enhance coastal and ocean management; and research, education, and technical assistance.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 12, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Resources.

¶64.35 MESSAGE FROM THE PRESIDENT—FEDERAL DRUG AND SUBSTANCE ABUSE PROGRAMS

The SPEAKER pro tempore, Mr. FRANKS of Arizona, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with section 2202 of the Public Law 107–273, I hereby transmit a report prepared by my Administration detailing the findings of a comprehensive review of all Federal drug and substance abuse treatment, prevention, education, and research programs. The report also presents an inventory of all such programs, indicating the legal authority for each program and the amount of funding in the last 2 fiscal years.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 12, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Armed Services, the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on Government Reform, the Committee on the Judiciary, the Committee on Small Business, and the Committee on Veterans Affairs.

¶64.36 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 1625. An Act to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building.''.

¶64.37 SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 763. An Act to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse.''

S.J. Res. 8. A joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

And then,

¶64.38 ADJOURNMENT

On motion of Mr. HOEKSTRA, pursuant to the previous order of the House, at 8 o'clock and 48 minutes p.m., the House adjourned until 12:30 p.m. on Monday, June 16, 2003.

¶64.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. Supplemental report on H.R. 1950. A bill to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes (Rept. 108–105 Pt. 2).

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2122. A bill to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes; with an amendment (Rept. 108–147 Pt. 2). Ordered to be printed.

Mr. BOEHNER: Committee of Conference. Conference report on S. 342. An act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes (Rept. 108–150). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 23. A bill to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; with an amendment (Rept. 108–151). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANZULLO: Committee on Small Business. H.R. 923. A bill to amend the Small Business Investment Act of 1958 to allow certain premier certified lenders to elect to maintain an alternative loss reserve; with an amendment (Rept. 108–153). Referred to the Committee of the Whole House on the State of the Union.

¶64.40 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 1375. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes, with an amendment; Rept. 108–152, Part I referred to the Committee on Judiciary for a period ending not later than July 14, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

¶64.41 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. DUNN (for herself, Mr. CRAMER, Mr. BURNS, Mr. COX, Mr. SHUSTER, Mr. DEMINT, Mr. NETHERCUTT, Mr. KOLBE, Mr. HERGER, Mr. HASTINGS of Washington, Mr. CAMP, Mr. FOLEY, Mr. WILSON of South Carolina, Mr. WELLER, Mr. PUTNAM, Mr. TOOMEY, Mr. MCKEON, Mr. MICA, Mr. WICKER, Mr. BOEHNER, Mr. PLATTS, Mr. GOODE, Mr. TOM DAVIS of Virginia, Mr. NORWOOD, Mr. WELDON of Florida, Mr. GIBBONS, Mr. BASS, Mr. CUNNINGHAM, Mr. SHIMKUS, Mr. WAMP, Mrs. MYRICK, Mr. PICKERING, Mr. RYAN of Wisconsin, Mr. ROGERS of Michigan, Mr. KIRK, Mr. JONES of North Carolina, Mr. WOLF, Mr. BOUCHER, Mr. REYNOLDS, Mr. ENGLISH, Mr. HALL, Mrs. NORTHUP, Mr. KNOLLENBERG, Mr. HAYWORTH, Mr. DREIER, Mr. MCINNIS, Mr. CRANE, Mr. SHAW, Mr. SOUDER, Mrs. WILSON of New Mexico, Mr. ROGERS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. REHBERG, Mr. CALVERT, Mrs. JO ANN DAVIS of Virginia, Mr. BACHUS, Mr. SIMPSON, Mr. BAKER, Mrs. EMERSON, Mr. OXLEY, Mr. SIMMONS, Mr. GRAVES, Mr. PENCE, Mr. JOHNSON of Illinois, Mr. SESSIONS, Mr. GOSS, Mr. MCHUGH, Mr. TANCREDO, Mr. CANNON, Mr. COBLE, Mr. BONILLA, Mr. WHITFIELD, Mr. SAXTON, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. SCHROCK, Mr. OTTER, Mr. DOOLITTLE, Mr. PAUL, Mr. ROHRABACHER, Mr. JENKINS, Mr. LUCAS of Kentucky, Ms. GRANGER, Mr. HAYES, Mr. EVERETT, Mr. FERGUSON, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. SWEENEY, Mr. KELLER, Mr. SHADEGG, Mr. BARRETT of South Carolina, Mr. WALDEN of Oregon, Mr. WALSH, Mr. MARIO DIAZ-BALART of Florida, Ms. PRYCE of Ohio, Mr. ISTOOK, Mr. ISSA, Ms. BERKLEY, Ms. ROS-LEHTINEN, Mr. SENSENBRENNER, Mrs. CUBIN, Mr. MILLER of Florida, Mr. LATHAM, Mrs. CAPITO, Mr. RADANOVICH, Mr. GARY G. MILLER of California, Mr. LOBIONDO, Mr. JANKLOW, Mr. HEFLEY, Mr. ISAKSON, Mr. LARSEN of Washington, Mr. BOEHLERT, Mr. TIAHRT, Mr. CRENSHAW, Mr. LATOURETTE, Mr. FEENEY, Mr. PETERSON of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. POMBO, Mr. OSBORNE, Mr. PEARCE, Mr. KLINE, Mr. BEAUPREZ, Mr. KING of Iowa, Mr. ROGERS of Alabama, Mr. MATHESON, Mr. FLETCHER, Mr. HOEKSTRA, Mr. RENZI, Ms. HARRIS, Mr. CULBERSON, Mr. MANZULLO, Mr. CHOCOLA, Mr. SMITH of Texas, Mr. GERLACH, Mr. TAUZIN, Ms. GINNY BROWN-WAITE of Florida, Mr. GUTKNECHT, Mrs. MUSGRAVE, Mr. FORBES, Mr. BISHOP of Utah, Mr. ADERHOLT, Mr. BROWN of South Carolina, Mr. SCOTT of Georgia, Mr. PORTER, Mr. BLUNT, Mr. AKIN, Mr. SULLIVAN, Mr. GARRETT of New Jersey, Mr. HOSTETTLER, Mr. SHERWOOD, Mr. LUCAS of Oklahoma, Mr. THORNBERRY, Mr. VITTER, Mr. CANTOR, Mr. TERRY, Mr. KENNEDY of Minnesota, Mr. BRADLEY of New Hampshire, Mr. GILLMOR, Mr. PITTS, Mr. CARTER, Mr. NEY, Ms. HART, Mr. FRELINGHUYSEN, Mrs. BONO, Mr. HENSARLING, Mr. BRADY of Texas, Mr. MURPHY, Mr. HASTERT, Mr. BONNER, Mr. BURR, Mr. DEAL of Georgia, Mr. FOSSELLA, Mr. LAHOOD, Mr. SANDLIN, Mr. COLLINS, Mr. RYUN of Kansas, Mr. RAMSTAD, Mr. GILCHREST, Mr. LAMPSON, Mrs. BLACKBURN, Mr. NUNES, Mr. HYDE, Mr. OSE, Mr. GOODLATTE, Mrs. BIGGERT, Mr. CHABOT, Mr. DELAY, Mr. HULSHOF, Mr. BURGESS, Mr. CARDOZA, Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. BISHOP of Georgia, Mrs. KELLY, Mr. FRANKS of Arizona, Mr. ROYCE, Mr. NUSSLE, Mr. PORTMAN, Mr. GINGREY, Mr. TURNER of Ohio, Mr. NEUGEBAUER, Mr. LINDER, Mr. YOUNG of Alaska, Mr. RAHALL, Mr. COLE, and Mr. GALLEGLY):

H.R. 8. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. GREEN of Wisconsin, Ms. HARRIS, Ms. LEE, Mr. CROWLEY, Mr. LAHOOD, and Mr. JANKLOW):

H.R. 2441. A bill to establish the Millennium Challenge Account to provide increased support for developing countries that have fostered democracy and the rule of law, invested in their citizens, and promoted economic freedom; to assess the impact and effectiveness of United States economic assistance; to authorize the expansion of the Peace Corps, and for other purposes; to the Committee on International Relations.

By Mr. FILNER (for himself and Mr. McHUGH):

H.R. 2442. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Government Reform.

By Mr. YOUNG of Alaska (for himself, Mr. LoBIONDO, Mr. OBERSTAR, and Mr. FILNER):

H.R. 2443. A bill to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. AKIN (for himself, Mr. LUCAS of Kentucky, Mr. TIAHRT, Mrs. MYRICK, Mr. TERRY, Mr. MANZULLO, Mr. RYUN of Kansas, Mr. PAUL, Mr. WAMP, Mr. ISTOOK, Mr. SCHROCK, Mr. SULLIVAN, Mr. LIPINSKI, Mr. ADERHOLT, Mr. SMITH of New Jersey, Mr. CRANE, Mr. TAYLOR of Mississippi, Mr. PITTS, Mrs. MUSGRAVE, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. JONES of North Carolina, Mr. McINTYRE, Mr. BURGESS, Mr. VITTER, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. WELDON of Florida, Mr. SOUDER, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mr. DeMINT, Mr. GUTKNECHT, Mr. TOOMEY, Mr. NORWOOD, Mr. HOEKSTRA, Mr. SHADEGG, Mr. PEARCE, Mr. CHABOT, Mr. PENCE, Mr. PICKERING, Mr. BACHUS, Mr. BLUNT, Mr. LEWIS of Kentucky, Mrs. CUBIN, Mr. BARTON of Texas, Mr. BURR, Mr. FERGUSON, Mr. ROGERS of Michigan, Mr. FLETCHER, Mr. WHITFIELD, Ms. HART, Mrs. BLACKBURN, Mr. DUNCAN, Mr. KENNEDY of Minnesota, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, Mrs. JO ANN DAVIS of Virginia, Mr. TANCREDO, Mr. JANKLOW, Mr. GOODE, Mr. CRENSHAW, Mr. CHOCOLA, Mr. RENZI, Mr. BISHOP of Utah, Mr. GRAVES, Mr. BEAUPREZ, Mr. WICKER, Mr. HAYES, Mr. SHIMKUS, Mr. FORBES, Mr. STEARNS, Mr. RYAN of Wisconsin, Mr. COLE, Mr. SESSIONS, Mr. CULBERSON, Mr. BRADY of Texas, Mr. HUNTER, Mr. NEUGEBAUER, Mr. FEENEY, Mr. MURPHY, Mr. LaHOOD, and Mr. CANTOR):

H.R. 2444. A bill to establish certain requirements relating to the provision of services to minors by family planning projects under title X of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. EVANS:

H.R. 2445. A bill to amend title 38, United States Code, to make permanent the requirement for the Secretary of Veterans Affairs to provide nursing home care to certain veterans with service-connected disabilities and to expand eligibility for such care to all veterans with compensable service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. WELLER (for himself, Mr. YOUNG of Alaska, Mr. CRANE, Mr. HAYWORTH, Mr. HAYES, Mr. NEY, Mr. GARRETT of New Jersey, Mr. WAMP, Mr. BARRETT of South Carolina, Mr. REHBERG, Mr. TERRY, Mrs. MYRICK, and Mr. LaHOOD):

H.R. 2446. A bill to amend the Internal Revenue Code of 1986 to permanently extend the marriage penalty tax relief enacted by the Jobs and Growth Tax Relief Reconciliation Act of 2003; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mr. PAUL, Mr. BALLENGER, Mr. ROYCE, Mrs. JO ANN DAVIS of Virginia, Mr. CHABOT, Mr. ROHRABACHER, Mr. PETERSON of Minnesota, Mr. WELLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSON of Connecticut, Mr. BACHUS, Mrs. EMERSON, Mr. HYDE, Mr. BEREUTER, Ms. LOFGREN, and Mr. HALL):

H.R. 2447. A bill to establish a Federal interagency task force to promote the benefits, safety, and potential uses of agricultural biotechnology to improve human and animal nutrition, increase crop productivity, and improve agricultural sustainability while ensuring the safety of food and the environment; to the Committee on International Relations, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself and Mr. CAMP):

H.R. 2448. A bill to amend the Internal Revenue Code of 1986 to extend the special 5-year carryback of certain net operating losses to losses for 2003, 2004, and 2005; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. ALEXANDER, Mr. JOHN, Mr. VITTER, Mr. McCRERY, Mr. GOODE, and Mr. PLATTS):

H.R. 2449. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Government Reform.

By Mr. GORDON (for himself, Mr. SENSENBRENNER, Ms. JACKSON-LEE of Texas, Mr. UDALL of Colorado, Mr. COOPER, Mr. FRANK of Massachusetts, Mr. LAMPSON, Mr. HALL, Mr. SHERMAN, Mr. LARSON of Connecticut, Mr. WEINER, Ms. LOFGREN, Mr. HONDA, Mr. FROST, Mr. COSTELLO, Mr. DAVIS of Tennessee, Mr. WYNN, Mr. BAIRD, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2450. A bill to provide for the establishment of an independent, Presidentially-appointed investigative Commission in the event of incidents in the Nation's human space flight program that result in loss of crew, passengers, or the spacecraft, and for other purposes; to the Committee on Science.

By Mr. KING of Iowa:

H.R. 2451. A bill to amend title XVIII of the Social Security Act to improve geographic equity in the provision of items and services provided to Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 2452. A bill to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the ''Brian C. Hickey Post Office Building''; to the Committee on Government Reform.

By Mr. KLECZKA (for himself and Mr. STARK):

H.R. 2453. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of substitute adult day care services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Mr. YOUNG of Alaska, Mr. OBERSTAR, and Ms. NORTON) (all by request):

H.R. 2454. A bill to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. SHAYS, Mr. LANGEVIN, Mr. THOMPSON of Mississippi, Mr. FRANK of Massachusetts, Mr. ANDREWS, Mrs. LOWEY, and Mr. ETHERIDGE):

H.R. 2455. A bill to improve air cargo security; to the Committee on Transportation and Infrastructure.

By Mrs. McCARTHY of New York (for herself and Mr. QUINN):

H.R. 2456. A bill to require increased activities by the National Institutes of Health and the Centers for Disease Control and Prevention regarding Diamond-Blackfan anemia, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MICA:

H.R. 2457. A bill to authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes; to the Committee on Resources.

By Mr. POMEROY (for himself, Mr. ISAKSON, Mr. ENGLISH, and Mr. ANDREWS):

H.R. 2458. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income a percentage of lifetime annuity payments, and for other purposes; to the Committee on Ways and Means.

By Mr. REHBERG (for himself, Mr. EDWARDS, Mrs. EMERSON, Mr. WALSH, Mr. PLATTS, Mr. TOWNS, and Mr. STENHOLM):

H.R. 2459. A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes; to the Committee on Government Reform.

By Mr. REYES:

H.R. 2460. A bill to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas; to the Committee on International Relations.

By Ms. LORETTA SANCHEZ of California:

H.R. 2461. A bill to amend title XVIII of the Social Security Act to provide for establishment of a Medicare prescription drug benefit covering costs that exceed a percentage of a beneficiary's income; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS (for himself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BROWN of Ohio, Ms. CARSON of Indiana, Mr. CASE, Ms. DeLAURO, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. DeFAZIO, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. INSLEE, Mr. KUCINICH, Ms. LEE, Mr. McDERMOTT, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr.

NADLER, Mr. OLVER, Mr. OWENS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SOLIS, Ms. VELAZQUEZ, and Ms. WATSON):

H.R. 2462. A bill to invalidate the actions of the Federal Communications Commission in abrogating the media ownership limitations under the Communications Act of 1934; to the Committee on Energy and Commerce.

By Mr. SAXTON (for himself, Mr. SMITH of New Jersey, Mr. ANDREWS, and Mr. LOBIONDO):

H.R. 2463. A bill to amend title 10, United States Code, to require certain contractors with the Department of Defense to perform background investigations, psychological assessments, and behavioral observations, and provide fingerprint cards, with respect to individuals who perform work on military installations or facilities; to the Committee on Armed Services.

By Mr. SAXTON (for himself and Mr. ANDREWS):

H.R. 2464. A bill to direct the Secretary of Education to provide grants to promote Holocaust education and awareness; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER:

H.R. 2465. A bill to extend for six months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. SHERMAN (for himself, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. SOUDER, Ms. BERKLEY, Mr. KING of New York, Mr. ISRAEL, Mr. WEINER, Mr. CROWLEY, Mr. HOLDEN, Mr. NADLER, Mr. DEUTSCH, and Mr. ENGEL):

H.R. 2466. A bill to encourage democratic reform in Iran and to strengthen United States policy toward the current Government of Iran; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself and Mr. DOOLEY of California):

H.R. 2467. A bill to extend certain trade benefits to countries of the greater Middle East; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 2468. A bill to amend the Transportation Equity Act for the 21st Century to modify a high priority project in the State of Michigan; to the Committee on Transportation and Infrastructure.

By Mr. TERRY (for himself, Mr. TANCREDO, Mrs. MUSGRAVE, Mr. SESSIONS, Mr. MANZULLO, and Mr. JENKINS):

H.R. 2469. A bill to amend the Social Security Act to modify the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. KUCINICH, Ms. LEE, and Mr. STARK):

H.R. 2470. A bill to require certain actions with respect to the availability of medicines for HIV/AIDS and other diseases in developing countries; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself, Mr. GILCHREST, Mr. GEORGE MILLER of California, Mr. SMITH of New Jersey, Mr. FARR, Mr. GREENWOOD, Mr. ALLEN, and Mr. ABERCROMBIE):

H. Con. Res. 216. Concurrent resolution expressing the sense of the Congress regarding the policy of the United States at the 55th Annual Meeting of the International Whaling Commission; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Con. Res. 217. Concurrent resolution condemning the Islamic Republic of Iran (also known as Iran) for constructing a facility to enrich uranium with potential for developing a program for the proliferation of weapons of mass destruction, and for its support of global terrorism; to the Committee on International Relations.

By Mr. PASCRELL (for himself, Mr. FRELINGHUYSEN, Mr. HOLDEN, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. UDALL of Colorado, Mr. DOYLE, and Mr. FOSSELLA):

H. Con. Res. 218. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Gunnery Sergeant John Basilone, a great American hero; to the Committee on Government Reform.

By Mr. SMITH of Texas (for himself and Mr. VITTER):

H. Con. Res. 219. Concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging education about safety on the Internet and supporting the goals and ideals of National Internet Safety Month; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself and Mr. PICKERING):

H. Con. Res. 220. Concurrent resolution commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams, for their lives and accomplishments; to the Committee on Government Reform.

By Mr. CALVERT (for himself and Mrs. BONO):

H. Res. 271. A resolution expressing the sense of the House of Representatives that the flag of the United States should be displayed in each classroom or other similar educational setting in the United States; to the Committee on Education and the Workforce.

By Mr. CARDOZA (for himself, Ms. ESHOO, Mr. EMANUEL, Mr. LIPINSKI, Mr. PAYNE, Ms. WATSON, Mr. MCGOVERN, Mr. RADANOVICH, Ms. LOFGREN, and Mr. HONDA):

H. Res. 272. A resolution expressing concern for the status of the Assyrian people in post-war Iraq; to the Committee on International Relations.

By Mr. ISRAEL (for himself, Mr. WOLF, Ms. WATSON, Mr. WEINER, Mrs. MALONEY, Mr. MCDERMOTT, Mr. EVANS, Mr. CASE, Mr. FROST, Mr. BERMAN, Mr. MCNULTY, Mr. FALEOMAVAEGA, Mr. WEXLER, Ms. GINNY BROWN-WAITE of Florida, Mr. SNYDER, and Mr. BELL):

H. Res. 273. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a postage stamp commemorating Anne Frank; to the Committee on Government Reform.

By Mr. MATHESON (for himself and Mr. NETHERCUTT):

H. Res. 274. A resolution honoring John Stockton for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to basketball, to the State of Utah, and to the Nation; to the Committee on Government Reform.

By Mr. TAYLOR of Mississippi:

H. Res. 275. A resolution providing for consideration of the joint resolution (H. J. Res. 22) proposing a balanced budget amendment to the Constitution of the United States; to the Committee on Rules.

¶64.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. SAXTON.
H.R. 22: Mr. TERRY.
H.R. 23: Mr. MORAN of Kansas.
H.R. 33: Mr. BELL and Mr. JOHNSON of Illinois.
H.R. 49: Ms. HARMAN.
H.R. 141: Mr. BARRETT of South Carolina, Mr. DEMINT, Mr. NORWOOD, and Mr. ADERHOLT.
H.R. 198: Mrs. JO ANN DAVIS of Virginia and Mr. COX.
H.R. 235: Mr. OXLEY, Mr. CUNNINGHAM, Ms. GINNY BROWN-WAITE of Florida, Ms. DUNN, Mr. POMBO, Mr. BONILLA, and Ms. GRANGER.
H.R. 236: Mr. LANGEVIN, Mr. POMEROY, Mr. EMANUEL, Mr. STENHOLM, Mr. STUPAK, Mr. JOHN, Mr. ALEXANDER, and Mr. THOMPSON of California.
H.R. 261: Mr. FORD.
H.R. 262: Mr. VITTER.
H.R. 276: Mr. DOOLITTLE and Mr. RYUN of Kansas.
H.R. 284: Mr. PALLONE, Mr. CONYERS, and Mr. SAXTON.
H.R. 290: Mr. CRAMER, Mr. DEUTSCH, and Mr. SNYDER.
H.R. 296: Mr. ROSS and Mr. GREEN of Texas.
H.R. 303: Ms. GRANGER, Mr. ENGEL, Mr. GEORGE MILLER of California, and Ms. NORTON.
H.R. 308: Mr. LOBIONDO.
H.R. 315: Mr. GOODE.
H.R. 369: Mr. KUCINICH.
H.R. 371: Mr. BELL and Mr. DELAHUNT.
H.R. 391: Mr. KLINE.
H.R. 424: Mrs. JO ANN DAVIS of Virginia.
H.R. 488: Mrs. JO ANN DAVIS of Virginia.
H.R. 490: Mr. WU.
H.R. 528: Mr. GRIJALVA, Mr. MEEHAN, and Mr. ACKERMAN.
H.R. 580: Mr. MORAN of Virginia.
H.R. 589: Mr. WALSH, Mr. DELAHUNT, Mr. GILCHREST, Mr. GERLACH, Mr. DEMINT, Mr. CHOCOLA, Mr. Stenholm, Mr. BEAUPREZ, Mr. ISSA, Mr. YOUNG of Alaska, Mr. OSE, Mr. CALVERT, and Mr. MORAN of Kansas.
H.R. 660: Mr. BLUNT, Mr. BRADLEY of New Hampshire, Mr. TURNER of Ohio, and Ms. PRYCE of Ohio.
H.R. 664: Mr. CROWLEY.
H.R. 665: Mr. MORAN of Virginia.
H.R. 687: Mr. ISTOOK.
H.R. 713: Mr. BOUCHER.
H.R. 714: Mr. CRANE.
H.R. 737: Ms. HARMAN.
H.R. 742: Mr. GARY G. MILLER of California, Mr. BURNS, Mr. HINCHEY, Mr. TIBERI, Ms. BALDWIN, and Mr. STRICKLAND.
H.R. 792: Mr. LEWIS of Kentucky and Mr. STRICKLAND.
H.R. 806: Mr. BROWN of Ohio.
H.R. 828: Mr. BELL.
H.R. 834: Mr. EMANUEL, Mr. BACA, and Mr. AKIN.
H.R. 839: Mr. LARSEN of Washington, Mr. ROTHMAN, Mr. PALLONE, Mr. MCHUGH, Mr. DOOLITTLE, Mr. BOEHLERT, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. DOYLE, Mr. ALLEN, and Mr. HOEFFEL.
H.R. 872: Mr. RYUN of Kansas and Mr. BROWN of South Carolina.
H.R. 883: Mr. ENGEL.
H.R. 898: Mr. THOMPSON of Mississippi, Mr. LAMPSON, Mr. BRADY of Pennsylvania, and Mr. HOUGHTON.
H.R. 906: Mr. MARIO DIAZ-BALART of Florida, Mr. NEY, Mr. PLATTS, and Mr. BACHUS.
H.R. 919: Mr. FOSSELLA and Mr. JOHNSON of Illinois.
H.R. 934: Mr. FRANK of Massachusetts and Mr. CONYERS.
H.R. 941: Mr. LEWIS of Georgia.
H.R. 962: Mr. MORAN of Virginia, Mr. SHERMAN, Mrs. CAPPS, Mr. ANDREWS, and Mr. EHLERS.

H.R. 973: Mr. COLE and Mr. NEAL of Massachusetts.
H.R. 980: Mr. LOBIONDO, Mr. VITTER, Mr. TERRY, and Mr. POMEROY.
H.R. 996: Mr. GORDON, Mr. BARTON of Texas, Mr. SKELTON, Mr. HENSARLING, Mr. DUNCAN, and Mr. KINGSTON.
H.R. 997: Mrs. BLACKBURN, Mr. UPTON, Mr. COLLINS, Mr. BALLENGER, Mr. REHBERG, Mr. BURR, and Mr. BEREUTER.
H.R. 1006: Mr. ACEVEDO-VILA, Mr. ALLEN, Ms. MCCOLLUM, Mr. CRAMER, Mr. SCHIFF, Mr. BARTLETT of Maryland, Mrs. BONO, and Mr. PETERSON of Minnesota.
H.R. 1073: Mr. BOEHNER, Mr. KIRK, and Mr. HOUGHTON.
H.R. 1078: Mr. WALDEN of Oregon, Ms. JACKSON-LEE of Texas, Mr. BARTLETT of Maryland, Mr. YOUNG of Florida, Mr. CANTOR, Mr. GUTKNECHT, and Mr. HENSARLING.
H.R. 1083: Mr. WEXLER and Mr. MICHAUD.
H.R. 1087: Mrs. GINNY BROWN-WAITE of Florida.
H.R. 1093: Mr. UPTON, Ms. MILLENDER-MCDONALD, and Ms. JACKSON-LEE of Texas.
H.R. 1110: Mr. NORWOOD, Mr. DAVIS of Illinois, and Mr. EMANUEL.
H.R. 1114: Mr. PITTS.
H.R. 1117: Mr. STEARNS.
H.R. 1120: Mrs. JO ANN DAVIS of Virginia.
H.R. 1125: Mr. TURNER of Ohio.
H.R. 1130: Mr. ACEVEDO-VILA and Mrs. CHRISTENSEN.
H.R. 1154: Mrs. JO ANN DAVIS of Virginia.
H.R. 1160: Mr. HOEKSTRA, Mr. GARY G. MILLER of California, and Ms. MCCARTHY of Missouri
H.R. 1167: Mr. GINGREY, Mr. PEARCE, Mr. SCHROCK, and Mr. WHITFIELD.
H.R. 1206: Mrs. JO ANN DAVIS of Virginia.
H.R. 1214: Mr. GORDON, Mr. ROSS, Mr. SABO, Mr. BERRY, Mr. BLUMENAUER, Mr. BURTON of Indiana, Mr. NETHERCUTT, and Mr. CONYERS.
H.R. 1220: Mr. CANNON.
H.R. 1231: Mr. CALVERT, Mr. TOOMEY, Mr. BROWN of South Carolina, Mr. BELL, Mr. SERRANO, Mr. SCOTT of Georgia, and Mr. SKELTON.
H.R. 1258: Mr. CUMMINGS and Mr. CLAY.
H.R. 1264: Ms. BORDALLO and Mr. ETHERIDGE.
H.R. 1267: Mr. INSLEE and Mr. SMITH of Washington.
H.R. 1268: Mr. LANTOS.
H.R. 1288: Mr. FORBES, Mr. OWENS, Mr. BRADLEY of New Hampshire, and Mr. SNYDER.
H.R. 1301: Mr. SANDLIN.
H.R. 1336: Mr. FERGUSON and Mr. COLE.
H.R. 1359: Mr. BELL.
H.R. 1367: Mr. JENKINS.
H.R. 1414: Mr. WAXMAN and Mr. GEORGE MILLER of California.
H.R. 1421: Mr. YOUNG of Alaska.
H.R. 1426: Mr. POMEROY.
H.R. 1428: Ms. BERKLEY.
H.R. 1470: Mr. PAYNE.
H.R. 1472: Ms. ROYBAL-ALLARD, Mr. UDALL of New Mexico, Mr. LIPINSKI, and Ms. ESHOO.
H.R. 1511: Mr. OTTER, Mr. MCKEON, Mr. CALVERT, Mr. JENKINS, Mr. ISTOOK, Mr. KNOLLENBERG, Mr. GREENWOOD, Mr. HASTINGS of Washington, Mr. FRELINGHUYSEN, and Mr. KOLBE.
H.R. 1554: Ms. CORRINE BROWN of Florida.
H.R. 1565: Mr. STRICKLAND and Mr. RYAN of Ohio.
H.R. 1580: Mr. NUSSLE.
H.R. 1592: Mr. RYAN of Ohio, Mr. OWENS, Ms. LOFGREN, and Ms. WOOLSEY.
H.R. 1599: Ms. CORRINE BROWN of Florida.
H.R. 1606: Mr. WILSON of South Carolina, Mr. BALLENGER, Mr. PAUL, Mr. BURR, Mr. MCINTYRE, and Mr. CALVERT.
H.R. 1608: Mr. RANGEL.
H.R. 1612: Mr. WICKER.
H.R. 1622: Mr. GALLEGLY, Mrs. CHRISTENSEN, Mr. MOORE, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. LYNCH, Mr. ROGERS of Michigan, Mr. KLECZKA, Mr. BELL, Mr. ALLEN, Mr. DEUTSCH, Mr. STRICKLAND, Mr. LOBIONDO, Mr. LEWIS of Georgia, Mr. RUSH, Mr. GREEN of Texas, and Mr. SCHROCK.
H.R. 1627: Mr. WICKER.
H.R. 1628: Mr. RAHALL, Mr. GRIJALVA, Mr. ROHRABACHER, and Mr. TAYLOR of Mississippi.
H.R. 1653: Mr. MCGOVERN and Mr. BARRETT of South Carolina.
H.R. 1675: Mr. NEY.
H.R. 1717: Ms. LOFGREN and Mr. DELAHUNT.
H.R. 1735: Mr. GARRETT of New Jersey.
H.R. 1746: Mr. REYNOLDS, Mr. NUSSLE, Mr. FATTAH, and Ms. HARMAN.
H.R. 1749: Mr. WALDEN of Oregon, Mr. EVANS, and Mr. DEUTSCH.
H.R. 1754: Mr. DAVIS of Tennessee.
H.R. 1767: Mr. SIMPSON, Mr. HENSARLING, and Mr. SESSIONS.
H.R. 1769: Mr. SHERWOOD, Mr. WYNN, Mr. BROWN of Ohio, and Mr. ACKERMAN.
H.R. 1776: Mr. WILSON of South Carolina, Mr. REYNOLDS, and Mr. NUSSLE.
H.R. 1778: Mr. LUCAS of Oklahoma and Mr. MANZULLO.
H.R. 1785: Mr. GOODLATTE, Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, Mr. HOLT, Mr. HASTINGS of Washington, and Mr. SCHROCK.
H.R. 1800: Ms. BALDWIN, Mr. SHERMAN, and Mr. LANGEVIN.
H.R. 1819: Mr. BARTON of Texas.
H.R. 1821: Ms. HARRIS, Mr. TERRY, Mr. WALSH, Mr. TAUZIN, Mr. WHITFIELD, Mr. ENGLISH, Mr. FLETCHER, Mr. GILLMOR, Ms. GRANGER, Mr. GREEN of Wisconsin, Mrs. MYRICK, Mr. NEY, Mr. OSE, Mr. OXLEY, Mr. SHERWOOD, Mr. BARTON of Texas, Mr. BURR, Mr. TOM DAVIS of Virginia, Mr. FRANKS of Arizona, Mr. NETHERCUTT, Mr. PUTNAM, Mr. STEARNS, and Mr. AKIN.
H.R. 1828: Ms. SLAUGHTER, Mr. REGULA, Mrs. TAUSCHER, Mr. BASS, Mr. SMITH of Texas, and Ms. DELAURO.
H.R. 1829: Mr. FEENEY, Mr. MICHAUD, Mr. NUSSLE, Mr. HOEFFEL, Mr. MCHUGH, Mr. LEVIN, Mr. BEAUPREZ, Ms. CARSON of Indiana, Mr. SHUSTER, Mr. STUPAK, and Mr. CARTER.
H.R. 1858: Ms. WATSON and Mr. ABERCROMBIE.
H.R. 1889: Ms. BALDWIN and Ms. CARSON of Indiana.
H.R. 1910: Mr. LARSEN of Washington, Mr. HOYER, Mr. POMEROY, Mr. RUSH, Mr. CLYBURN, Mr. CONYERS, and Mr. HONDA.
H.R. 1912: Mr. FOLEY.
H.R. 1913: Mr. KUCINICH.
H.R. 1914: Mr. RUPPERSBERGER.
H.R. 1916: Mr. PLATTS and Mr. BRADY of Pennsylvania.
H.R. 1917: Mr. FATTAH and Mr. OWENS.
H.R. 1918: Mr. FATTAH, Mr. OWENS, and Mr. PLATTS.
H.R. 1919: Mr. OLVER, Mr. OWENS, Mr. TANNER, and Mr. FATTAH.
H.R. 1923: Mr. KUCINICH.
H.R. 1930: Mr. FRANK of Massachusetts.
H.R. 1943: Mr. CAMP.
H.R. 1985: Ms. ESHOO.
H.R. 1989: Mr. TERRY.
H.R. 1997: Mr. BURNS.
H.R. 1999: Mr. LUCAS of Kentucky.
H.R. 2000: Ms. ROYBAL-ALLARD.
H.R. 2022: Mr. ABERCROMBIE.
H.R. 2037: Mr. FATTAH.
H.R. 2045: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2047: Mr. PAYNE, Mr. RAMSTAD, and Mr. NEAL of Massachusetts.
H.R. 2052: Mr. LANTOS, Mrs. JO ANN DAVIS of Virginia, Mr. ISTOOK, Mr. MCDERMOTT, Mr. SANDERS, Mr. GREEN of Texas, Mr. CLAY, Mr. DEFAZIO, Mr. COSTELLO, Mr. KLECZKA, Mr. OLVER, Mr. TAYLOR of Mississippi, Mr. SIMMONS, Mrs. JONES of Ohio, Mr. BECERRA, Mr. BAIRD, Mrs. CAPPS, Mr. LEVIN, Mr. STENHOLM, Mr. BERRY, Mr. SABO, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, Mr. MATSUI, Mr. ROTHMAN, Mr. LIPINSKI, Mr. MCGOVERN, Mr. OBERSTAR, Mr. TANNER, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. OBEY, Mr. PASTOR, Mr. BLUMENAUER, Ms. KAPTUR, Mr. OWENS, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. TIERNEY, Mr. HASTINGS, of Florida, Mr. KILDEE, and Mr. PETRI.
H.R. 2079: Mr. OSBORNE.
H.R. 2121: Mr. MCDERMOTT.
H.R. 2124: Mr. LANTOS, Mr. GREEN of Texas, and Mr. TERRY.
H.R. 2172: Mr. ENGLISH.
H.R. 2183: Mr. WELLER, Mr. VITTER, Mr. BAKER, and Mr. SCOTT of Virginia.
H.R. 2193: Mr. BAKER.
H.R. 2198: Mr. MARSHALL and Mr. LUCAS of Oklahoma.
H.R. 2214: Ms. GINNY BROWN-WAITE of Florida, Mr. TERRY, and Mr. WAMP.
H.R. 2237: Mr. MCDERMOTT, Mr. FROST, and Mr. PUTNAM.
H.R. 2242: Mr. INSLEE.
H.R. 2246: Mr. GUTIERREZ, Mr. BELL, Mr. TERRY, and Mr. LARSON of Connecticut.
H.R. 2249: Ms. GINNY BROWN-WAITE of Florida and Mr. TOOMEY.
H.R. 2250: Ms. CORRINE BROWN of Florida.
H.R. 2253: Mr. HERGER, Mr. ACEVEDO-VILA, Mr. SOUDER, Mr. GIBBONS, Mr. DOOLITTLE, Mr. LATOURETTE, Mr. CUNNINGHAM, and Mr. RADANOVICH.
H.R. 2256: Ms. MCCOLLUM, Mr. WAXMAN, Mr. CONYERS, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Ms. BALDWIN, Mr. HINCHEY, Mr. MCNULTY, Mr. KLECZKA, Mr. SOUDER, and Mr. WAMP.
H.R. 2291: Mr. TIERNEY and Mr. EMANUEL.
H.R. 2318: Mr. TIERNEY, Mr. PORTER, and Mr. KUCINICH.
H.R. 2325: Ms. VELZQUEZ.
H.R. 2327: Ms. HART.
H.R. 2330: Mr. BAIRD, Mr. ALLEN, Ms. SCHAKOWSKY and Mr. KUCINICH.
H.R. 2333: Mrs. WILSON of New Mexico, Mr. STENHOLM, Mr. RYUN of Kansas, and Mr. STUPAK.
H.R. 2347: Mr. WILSON of South Carolina and Mr. RYUN of Kansas.
H.R. 2351: Mr. LUCAS of Kentucky.
H.R. 2360: Mr. FRANK of Massachusetts and Mr. FROST.
H.R. 2361: Mr. RAHALL and Mr. STUPAK.
H.R. 2372: Ms. LEE, Mr. JEFFERSON, and Mr. MARSHALL.
H.R. 2373: Mr. GEORGE MILLER of California.
H.R. 2379: Mr. GREEN of Wisconsin.
H.R. 2392: Mr. THOMPSON of California and Mr. QUINN.
H.R. 2404: Mr. REGULA.
H.R. 2406: Mr. JONES of North Carolina.
H.R. 2424: Mr. SCOTT of Virginia.
H.R. 2435: Mr. ISSA.
H.J. Res. 58: Mr. HAYWORTH, Mr. BARRETT of South Carolina, and Mr. KING of Iowa.
H. Con. Res. 60: Mr. TOOMEY, Mr. FRANKS of Arizona, Mr. CRANE, Mr. WYNN, Mr. CARDOZA, Mr. PICKERING, Mr. BACA, Mr. CALVERT, Mr. WAMP, Mr. STUPAK, Mr. WHITFIELD, and Mr. HERGER.
H. Con. Res. 98: Mr. ROHRABACHER and Mr. HASTINGS of Florida.
H. Con. Res. 194: Mr. WEXLER, Mr. MURTHA, Mr. HINCHEY, Mr. KILDEE, Mr. DAVIS of Tennessee, and Mr. PICKERING.
H. Con. Res. 209: Mr. KING of New York, Mr. GILLMOR, Mr. LAMPSON, Mr. EHLERS, Mr. TANNER, Mr. PRICE of North Carolina, and Mr. UDALL of Colorado.
H. Con. Res. 213: Mr. ANDREWS.
H. Res. 58: Ms. BERKLEY.
H. Res. 198: Mr. CALVERT and Mr. JANKLOW.
H. Res. 199: Mr. WYNN.
H. Res. 234: Mr. DAVIS of Florida and Mr. ROTHMAN.
H. Res. 242: Mr. ORTIZ.
H. Res. 260: Mr. KLECZKA.
H. Res. 264: Mr. BEREUTER.
H. Res. 267: Mr. MCINTYRE and Mr. MARSHALL.

MONDAY, JUNE 16, 2003 (65)

¶65.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BURGESS, who laid before the House the following communication:

WASHINGTON, DC,
June 16, 2003.

I hereby appoint the Honorable MICHAEL C. BURGESS to act as Speaker pro tempore on this day.

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

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶65.2 RECESS—12:32 P.M.

The SPEAKER pro tempore, Mr. BURGESS, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 32 minutes p.m., until 2 p.m.

¶65.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶65.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Thursday, June 12, 2003.

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

¶65.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2672. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Requirements for the USDA ''Produced From'' Grademark for Shell Eggs [Docket No. PY–02–007] (RIN: 0581–AC241) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2673. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Revising the Regulations Pertaining to a Voluntary Prune Plum Diversion Program [Docket No. FV02–993–3 FR] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2674. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2003–2004 Marketing Year [Docket No. FV–03–985–1 FR] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2675. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Reduction in Production Cap for 2003 Diversion Program [Docket No. FV03–989–3 FIR] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2676. A letter from the Administrator, Tobacco Programs, Department of Agriculture, transmitting the Department's final rule—Flue-Cured Tobacco Advisory Committee; Amendment to Regulations [Doc. No. TB–02–14] (RIN: 0581–AC11) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2677. A letter from the Administrator, Cotton Program, Department of Agriculture, transmitting the Department's final rule—Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports, (2003 Amendments) [Docket No. CN–03–002] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2678. A letter from the Administrator, Cotton Programs, Department of Agriculture, transmitting the Department's final rule—Revision of User Fees for 2003 Crop Cotton Classification Services to Growers [CN–02–006] (RIN: 0581–AC17) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2679. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Spearmint Oil Produced in the Far West; Increased Assessment Rate [Docket No. FV03–985–2 FIR] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2680. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2002–2003 Marketing Year [Docket No. FV03–982–1 FIR] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2681. A letter from the Regulatory Contact, Grain Inspection, Packersand Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Fees for Official Inspection and Official Weighing Services (RIN: 0580–AA81) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2682. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Appraiser Qualifications for Placement on FHA Single Family Appraiser Roster [Docket No. FR–4620–F–02] (RIN: 2502–AH59) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2683. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Change of Address; Technical Amendment—received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2684. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Child Restraint Anchorage Systems [Docket No. NHTSA–2003–14711] (RIN: 2127–AI49) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2685. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Blanco, Texas) [MB Docket No. 02–280, RM–10558) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2686. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations, and Section 73.622(b), Table of Allotments Digital Television Broadcast Stations (Hibbing, Minnesota) [MB Docket No. 01–116, RM–10069] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2687. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendments of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Belton, Texas) [MB Docket No. 02–271, RM–10441) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2688. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Great Falls, Montana) [MM Docket No. 00–246, RM–9859] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2689. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section .202(b), Table of Allotments, FM Broadcast Stations (Eldorado, TX) [MM Docket No. 01–273, RM–10284]; (Milan, NM) [MM Docket No. 02–43, RM–10384]; (Alpena, MI) [MB Docket No. 02–107, RM–10417]; (Channing, TX) [MB Docket No. 02–168, RM–10480]; (Escobares, TX) [MB Docket No. 02–169, RM–10481]; (Ozona, TX) [MB Docket No. 02–170, RM–10482]; (Rotan, TX)[MB Docket No. 0 2–172, RM–10484]; (Wellington, TX) [MB Docket No. 02–173, RM–10485]; (Memphis, TX) [MB Docket No. 02–175, RM–10487]; (Matador, TX) [MB Docket No. 02–176, RM–10488]; (Arthur, NE) [MB Docket No. 02–291, RM–10528]; (McLean, TX) [MB to the Committee on Energy and Commerce.

2690. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Department's final rule—Critical Energy Infrastructure Information [Docket Nos. RM02–4–000, PL02–1–000; Order No. 630] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2691. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—General License for Import of Major Nuclear Reactor Components (RIN: 3150–AH21) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2692. A communication from the President of the United States, transmitting a report including matters relating to post-liberation Iraq as consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243); (H. Doc. No. 108–85); to the Committee on International Relations and ordered to be printed.

2693. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination that six countries are not cooperating fully with U.S. antiterrorism efforts: Cuba, Iran, Libya, North Korea, Sudan, and Syria; to the Committee on International Relations.

2694. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Testimony by Employees and the Production of Documents in Proceedings Where the United States is not a Party—received May 28, 2003, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Government Reform.

2695. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended—Additional International Organization (RIN: 1400–AB53) received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2696. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN: 1076–AE34) received Jun 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2697. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Jacinto River, Houston, Texas [COTP Houston-Galveston–02–019] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2698. A letter from the Assistant Chief Counsel for Regulations, Department of Homeland Security, transmitting the Department's final rule—Temporary Suspension of the September 11th Security Fee and the Aviation Security Infrastructure Fee [Docket No. TSA–2001–11120 and TSA–2002–111334; Amendment Nos. 1540–2 and 1511–1] (RIN: 1652–AA29) received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2699. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Circleville, OH; Correction [Docket No. FAA–2002–14179; Airspace Docket No. 02–AGL–08] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2700. A letter from the Deputy General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting the Department's final rule—Fisher Houses and Other Temporary Lodging (RIN: 2900–AL13) received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

¶65.6 MESSAGE FROM THE SENATE

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

H.R. 2115. An Act to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2115) ''An Act to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCain, Mr. Stevens, Mr. Burns, Mr. Lott, Mrs. Hutchison, Mr. Hollings, Mr. Inouye, Mr. Rockefeller, and Mr. Breaux, to be the conferees on the part of the Senate.

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

S. 1247. An Act to increase the amount to be reserved during fiscal year 2003 for sustainability grants under section 29(l) of the Small Business Act.

S. Con. Res. 48. A concurrent resolution supporting the goals and ideals of ''National Epilepsy Awareness Month'' and urging support for epilepsy research and service programs.

¶65.7 HOUR OF MEETING

On motion of Mr. NETHERCUTT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, June 17, 2003, for morning-hour debate.

¶65.8 RECESS—2:06 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 6 minutes p.m., until approximately 3 p.m.

¶65.9 AFTER RECESS—3 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶65.10 BRUCE WOODBURY POST OFFICE BUILDING

Mr. CARTER moved to suspend the rules and pass the bill (H.R. 2254) to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office Building''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. CARTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶65.11 COMMENDING MEDGAR WILEY EVERS

Mr. CARTER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 220):

Whereas a pioneer in the fight for racial justice, Medgar Wiley Evers, was born July 2, 1925, in Decatur, Mississippi, to James and Jessie Evers;

Whereas, to faithfully serve his country, Medgar Evers left high school to join the Army when World War II began and, after coming home to Mississippi, he completed high school, enrolled in Alcorn Agricultural and Mechanical College, presently known as Alcorn State University, and majored in business administration;

Whereas, as a student at Alcorn Agricultural and Mechanical College, Evers was a member of the debate team, the college choir, and the football and track teams, was the editor of the campus newspaper and the yearbook, and held several student offices, which gained him recognition in Who's Who in American Colleges;

Whereas, while a junior at Alcorn Agricultural and Mechanical College, Evers met a freshman named Myrlie Beasley, whom he married on December 24, 1951, and with whom he spent the remainder of his life;

Whereas, after Medgar Evers received a bachelor of arts degree, he moved to historic Mound Bayou, Mississippi, became employed by Magnolia Mutual Life Insurance Company, and soon began establishing local chapters of the National Association for the Advancement of Colored People (referred to in this resolution as the ''NAACP'') throughout the Delta region;

Whereas, moved by the plight of African-Americans in Mississippi and a desire to change the conditions facing them, in 1954, after the United States Supreme Court ruled school segregation unconstitutional, Medgar Evers became the first known African-American person to apply for admission to the University of Mississippi Law School, but was denied that admission;

Whereas, as a result of that denial, Medgar Evers contacted the NAACP to take legal action;

Whereas, in 1954, Medgar Evers was offered a position as the Mississippi Field Secretary for the NAACP, and he accepted the position, making Myrlie Evers his secretary;

Whereas, with his wife by his side, Medgar Evers began a movement to register people to vote in Mississippi and, as a result of his activities, he received numerous threats;

Whereas, in spite of the threats, Medgar Evers persisted, with dedication and courage, to organize rallies, build the NAACP's membership, and travel around the country with Myrlie Evers to educate the public;

Whereas Medgar Evers' passion for quality education for all children led him to file suit against the Jackson, Mississippi public schools, which gained him national media coverage;

Whereas Medgar Evers organized students from Tougaloo and Campbell Colleges, coordinated and led protest marches, organized boycotts of Jackson businesses and sit-ins, and challenged segregated bus seating, and for these heroic efforts, he was arrested, beaten, and jailed;

Whereas the violence against Medgar Evers came to a climax on June 12, 1963, when he was shot and killed in front of his home;

Whereas, after the fingerprints of an outspoken segregationist were recovered from the scene of the shooting, and 2 juries deadlocked without a conviction in the shooting case, Myrlie Evers and her 3 children moved to Claremont, California, where she enrolled in Pomona College and earned her bachelor's degree in sociology in 1968;

Whereas, after Medgar Evers' death, Myrlie Evers began to create her own legacy and emerged as a national catalyst for justice and equality by becoming active in politics, becoming a founder of the National Women's Political Caucus, running for Congress in California's 24th congressional district, serving as Commissioner of Public Works for Los Angeles, using her writing skills to serve as a correspondent for Ladies Home Journal and to cover the Paris Peace Talks, and rising to prominence as Director of Consumer Affairs for the Atlantic Richfield Company;

Whereas Myrlie Evers became Myrlie Evers-Williams when she married Walter Williams in 1976;

Whereas, in the 1990's, Evers-Williams convinced Mississippi prosecutors to reopen Medgar Evers' murder case, and the reopening of the case led to the conviction and life imprisonment of Medgar Evers' killer;

Whereas Evers-Williams became the first female to chair the 64-member Board of Directors of the NAACP, to provide guidance to an organization that was dear to Medgar Evers' heart;

Whereas Evers-Williams has published her memoirs, entitled ''Watch Me Fly: What I Learned on the Way to Becoming the Woman I Was Meant to Be'', to enlighten the world about the struggles that plagued her life as the wife of an activist and empowered her to become a community leader;

Whereas Evers-Williams is widely known as a motivational lecturer and continues to speak out against discrimination and injustice;

Whereas her latest endeavor has brought her home to Mississippi to make two remarkable contributions, through the establishment of the Evers Collection and the Medgar Evers Institute, which advance the knowledge and cause of social injustice and which encompass the many lessons in the life's work of Medgar Evers and Myrlie Evers-Williams;

Whereas Evers-Williams has presented the extraordinary papers in that Collection and Institute to the Mississippi Department of Archives and History, where the papers are being preserved and catalogued; and

Whereas it is the policy of Congress to recognize and pay tribute to the lives and accomplishments of extraordinary Mississippians such as Medgar Evers and Myrlie Evers-Williams, whose life sacrifices have contributed to the betterment of the lives of the citizens of Mississippi as well as the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress commends Medgar Wiley Evers and his widow, Myrlie Evers-Williams, and expresses the greatest respect and gratitude of Congress, for their lives and accomplishments;

(2) Congress supports the establishment of a ''Medgar Evers National Week of Remembrance''; and

(3) copies of this resolution shall be furnished to the family of Medgar Wiley Evers and Myrlie Evers-Williams.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. CARTER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶65.12 CARL T. CURTIS NATIONAL PARK SERVICE MIDWEST REGIONAL HEADQUARTERS BUILDING

Mr. HAYES moved to suspend the rules and pass the bill of the Senate (S. 703) to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the ''Carl T. Curtis National Park Service Midwest Regional Headquarters Building''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. HAYES and Mr. FILNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HAYES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶65.13 RECESS—4:06 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 6 minutes p.m., until approximately 6:30 p.m.

¶65.14 AFTER RECESS—6:31 P.M.

The SPEAKER pro tempore, Mr. PENCE, called the House to order.

¶65.15 H.R. 2254—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2254) to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	369
	Nays	0

¶65.16 [Roll No. 276]

YEAS—369

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

NOT VOTING—65

Baker
Bell
Berman
Bishop (GA)
Boucher
Brady (TX)
Brown-Waite, Ginny
Cannon
Capuano
Carson (IN)
Clay
Coble
Cox
Cramer
Cubin
Davis (AL)
Deal (GA)
DeLay
Edwards
Frank (MA)
Gephardt
Gillmor
Gonzalez
Greenwood
Gutierrez
Gutknecht
Hinchey
Hinojosa
Hostettler
Houghton
Hulshof
Hyde
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Kind
King (IA)
Kingston
Kirk
Kleczka
Lampson
Lipinski
Lofgren
Menendez
Millender-McDonald
Miller, George
Nadler
Ortiz
Paul
Payne
Peterson (PA)
Pryce (OH)
Rodriguez
Rush
Ryun (KS)
Sandlin
Smith (WA)
Souder
Tauzin
Taylor (NC)
Toomey
Towns
Waters
Weldon (FL)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶65.17 H. CON. RES. 220—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 220) commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams, for their lives and accomplishments.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 376 / Nays 0

¶65.18 [Roll No. 277]

YEAS—376

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

NOT VOTING—58

Bell
Berman
Boucher
Brady (TX)
Brown-Waite, Ginny
Cannon
Capuano
Carson (IN)
Clay
Coble
Cramer
Cubin
Davis (AL)
Deal (GA)
DeLay
Edwards
Frank (MA)
Gephardt
Gillmor
Gonzalez
Greenwood
Gutierrez
Hinchey
Hinojosa
Hostettler
Houghton
Hulshof
Hyde
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Kind
King (IA)
Kingston
Kleczka
Lampson
Lipinski
Lofgren
Menendez
Millender-McDonald
Miller, George
Nadler
Ortiz
Paul
Payne
Peterson (PA)
Pryce (OH)
Rodriguez
Ryun (KS)
Smith (WA)
Souder
Tauzin
Taylor (NC)
Toomey
Towns
Waters
Weldon (FL)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶65.19 S. 703—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 703) to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the ''Carl T. Curtis National Park Service Midwest Regional Headquarters Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 378 / Nays 0

¶65.20 [Roll No. 278]

YEAS—378

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher

Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—56

Bell
Berman
Boucher
Brady (TX)
Brown-Waite, Ginny
Cannon
Capuano
Carson (IN)
Clay
Coble
Cramer
Cubin
Davis (AL)
Deal (GA)
DeLay
Edwards
Frank (MA)
Gephardt
Gillmor
Gonzalez
Greenwood
Gutierrez
Hinchey
Hinojosa
Hostettler
Houghton
Hulshof
Hyde
Jenkins
Kind
King (IA)
Kingston
Kleczka
Lipinski
Lofgren
Menendez
Millender-McDonald
Miller, George
Nadler
Ortiz
Paul
Payne
Peterson (PA)
Pryce (OH)
Rodriguez
Ryun (KS)
Smith (WA)
Souder
Stupak
Tauzin
Taylor (NC)
Toomey
Towns
Waters
Weldon (FL)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶65.21 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY S. 342

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–154) the resolution (H. Res. 276) waiving points of order against consideration of the conference report to accompany the bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶65.22 SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1247. An Act to increase the amount to be reserved during fiscal year 2003 for sustainability grants under section 29(l) of the Small Business Act; to the Committee on Small Business.

S. Con. Res. 48. A concurrent resolution supporting the goals and ideals of ''National Epilepsy Awareness Month'' and urging support for epilepsy research and service programs; to the Committee on Energy and Commerce.

¶65.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Ginny BROWN-WAITE of Florida, for today;

To Ms. CARSON of Indiana, for today;

To Mr. KIND, for today;

To Ms. LOFGREN, for today through June 18 until 5 p.m.;

To Mr. MENENDEZ, for today;

To Mr. ORTIZ, for today;

To Mr. TOOMEY, for today;

To Ms. WATERS, for today;

To Mr. SMITH of Washington, for today and balance of the week; and

To Mr. NADLER, for today.

And then,

¶65.24 ADJOURNMENT

On motion of Mr. PALLONE, pursuant to the previous order of the House, at 10 o'clock and 3 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, June 17, 2003.

¶65.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 276. Resolution waiving points of order against the conference report to accompany the bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes (Rept. 108–154). Referred to the House Calendar.

Mr. GOODLATTE: Committee on Agriculture. House Joint Resolution 49. Resolution recognizing the important service to the Nation provided by the Foreign Agricultural Service of the Department of Agriculture on the occasion of its 50th anniversary (Rept. 108–155, Pt. 1). Referred to the House Calendar.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 660. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; with an amendment (Rept. 108–156). Referred to the Committee of the Whole House on the State of the Union.

¶65.26 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following actions occurred on June 13, 2003]

H.R. 1562. Referral to the Committee on Ways and Means extended for a period ending not later than June 27, 2003.

H.R. 2122. Referral to the Committee on Homeland Security (Select) extended for a period ending not later than June 27, 2003.

[The following actions occurred on June 16, 2003]

H.R. 1950. Referral to the Committees on Armed Services and Energy and Commerce extended for a period ending not later than July 11, 2003.

H.J. Res. 49. Referral to the Committee on International Relations extended for a period ending not later than June 16, 2003.

¶65.27 DISCHARGE OF COMMITTEE

[The following actions occurred on June 13, 2003]

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 1497 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 1835 referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on June 16, 2003]

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration of H.R. 1950.

Pursuant to clause 2 of rule XII the Committee on International Relations

discharged from further consideration. House Joint Resolution 49 referred to the House Calendar.

¶65.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NUNES:

H.R. 2471. A bill to amend title XVIII of the Social Security Act to modify the requirement under the Emergency Medical Treatment and Labor Act (EMTALA) with respect to medical screening examinations; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself and Ms. NORTON):

H.R. 2472. A bill to amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself and Mr. TAUZIN):

H.R. 2473. A bill to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes; which was referred jointly to the Committee on Energy and Commerce and Ways and Means, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON (for herself, Mr. MCGOVERN, Ms. KAPTUR, and Mr. WOLF):

H.R. 2474. A bill to require that funds made available for fiscal years 2003 and 2004 for the Bill Emerson and Mickey Leland Hunger Fellowships be administered through the Congressional Hunger Center; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. SIMMONS, Mr. BROWN of South Carolina, Mr. BAKER, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. BRADLEY of New Hampshire, Ms. GINNY BROWN-WAITE of Florida, Mr. RENZI, Mr. MURPHY, Mr. GIBBONS, Mr. TOM DAVIS of Virginia, Mr. GOSS, Mr. LAHOOD, Mr. HEFLEY, Mr. JONES of North Carolina, Mr. PICKERING, Mr. PALLONE, Mr. GILLMOR, Mr. PEARCE, Mr. LOBIONDO, Mrs. JO ANN DAVIS of Virginia, Mr. TERRY, Mrs. KELLY, Mr. ISSA, Mrs. CAPITO, Mr. VITTER, Mr. CALVERT, Mr. JENKINS, Mr. GILCHREST, Mr. PAUL, Mr. KING of New York, Mr. HOUGHTON, Mr. PLATTS, Ms. HART, Mr. WILSON of South Carolina, Mr. WHITFIELD, Mr. HAYES, and Mr. SAXTON):

H.R. 2475. A bill to amend title 38, United States Code, to provide an enhanced funding process to ensure an adequate level of funding for veterans health care programs of the Department of Veterans Affairs, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ENGEL (for himself, Mr. WELDON of Florida, Mr. MCNULTY, Mr. FROST, Mr. CASE, and Mr. PAUL):

H.R. 2476. A bill to amend title XVIII of the Social Security Act to provide for coverage of home infusion drug therapies under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORD:

H.R. 2477. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion equivalent of the unified credit allowed against the estate tax to $7,500,000 and to modify the estate tax rate schedule; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2478. A bill to reinstate the authority of the Federal Communications Commission and local franchising authorities to regulate the rates for cable television service; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself and Mr. OLVER):

H.R. 2479. A bill to authorize the Secretary of the Interior to provide to the States of Connecticut and Massachusetts technical and financial assistance for management of the Connecticut River in those States; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH:

H.R. 2480. A bill to amend the Internal Revenue Code of 1986 to reduce estate and gift tax rates to 30 percent, to increase the exclusion equivalent of the unified credit to $10,000,000, and to increase the annual gift tax exclusion to $50,000; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 2481. A bill to amend the Internal Revenue Code of 1986 to reduce estate tax rates by 20 percent, to increase the unified credit against estate and gift taxes to the equivalent of a $2,500,000 exclusion and to provide an inflation adjustment of such amount, and for other purposes; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself and Mr. LEACH):

H.R. 2482. A bill to call for the cancellation of loans made to Iraq by multilateral financial institutions; to the Committee on Financial Services.

By Mr. MATHESON:

H.R. 2483. A bill to amend the Virgin River Dinosaur Footprint Preserve Act to allow funds available under that Act to be used for preservation, exploration, and preparation of paleontological resources for display, educational outreach, and related construction; to the Committee on Resources.

By Mr. MCINTYRE:

H.R. 2484. A bill to establish a program to provide assistance to institutions of higher education serving members of Indian tribes; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. BISHOP of New York, Ms. WOOLSEY, Mr. OWENS, Mr. RYAN of Ohio, Mr. TIERNEY, Mr. DAVIS of Illinois, Mr. KIND, Mr. HOLT, Mr. VAN HOLLEN, and Ms. MCCOLLUM):

H.R. 2485. A bill to limit the applicability of the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2004-2005, published in the Federal Register on May 30, 2003; to the Committee on Education and the Workforce.

By Mr. VISCLOSKY:

H.R. 2486. A bill to provide for the geographic reclassification of a county for purposes of equitable hospital payment rates under the Medicare Program; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.J. Res. 60. A joint resolution proposing an amendment to the Constitution of the United States to authorize the line item veto; to the Committee on the Judiciary.

By Mr. COX (for himself, Mr. DELAY, Ms. PELOSI, Mr. BLUNT, Mr. LANTOS, Mr. GOODLATTE, Mr. FALEOMAVAEGA, Mr. VITTER, Mr. WICKER, Mr. WILSON of South Carolina, Mr. BURGESS, Mr. KING of Iowa, Mr. KENNEDY of Minnesota, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. BARTON of Texas, Mr. STEARNS, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. SMITH of Michigan, Ms. HARRIS, Mr. WELLER, Mr. BURTON of Indiana, Mr. SHADEGG, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, and Mr. SESSIONS):

H. Res. 277. A resolution expressing support for freedom in Hong Kong; to the Committee on International Relations.

By Mr. ENGEL (for himself, Mr. BILIRAKIS, Mr. LANTOS, Mr. KING of New York, Mr. BROWN of Ohio, Mr. MARKEY, Mr. WAXMAN, Mrs. CAPPS, Mr. GREENWOOD, Mr. COX, Mr. GUTKNECHT, Mr. TOWNS, Ms. SLAUGHTER, Mrs. MALONEY, and Mr. TERRY):

H. Res. 278. A resolution recognizing the contributions Lou Gehrig and his legacy have made in the fight against Amyotrophic Lateral Sclerosis; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. BONILLA, Mr. RODRIGUEZ, and Mr. GONZALEZ):

H. Res. 279. A resolution congratulating the San Antonio Spurs for winning the 2003 NBA Championship; to the Committee on Government Reform.

By Mr. SWEENEY:

H. Res. 280. A resolution congratulating Roger Clemens of the New York Yankees for pitching 300 major league wins; to the Committee on Government Reform.

¶65.29 MEMORIALS

Under clause 3 of rule XII,

97. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to H.P. 1191 Joint Resolution memorializing the Congress of the United States to recognize the valuable role AmeriCorps plays in Maine communities; to the Committee on Education and the Workforce.

¶65.30 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MARKEY introduced a bill (H.R. 2487) for the relief of Esther Karinge; which was referred to the Committee on the Judiciary.

¶65.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. KINGSTON and Mr. STEARNS.

H.R. 58: Mr. SCOTT of Georgia, Mr. WICKER, Mr. REHBERG, and Mr. MORAN of Kansas.

H.R. 141: Mr. BALLANCE and Ms. PELOSI.

H.R. 218: Mr. BACA.

H.R. 303: Ms. PELOSI, Mr. EMANUEL, Mr. CAPUANO, Mr. SCHIFF, Mrs. NAPOLITANO, and Mr. MEEKS of New York.

H.R. 371: Mr. MARKEY and Mr. MCGOVERN.

H.R. 466: Mr. SMITH of Texas.
H.R. 527: Mr. WILSON of South Carolina.
H.R. 577: Mr. MOORE.
H.R. 660: Mr. MICA, Mr. NEUGEBAUER, Mr. NEY, and Mr. GUTKNECHT.
H.R. 713: Mr. SPRATT.
H.R. 715: Mr. PORTER.
H.R. 721: Mr. CUMMINGS, Ms. WOOLSEY, Mr. BOOZMAN, and Mr. FILNER.
H.R. 734: Mr. KILDEE, Ms. NORTON, Mr. PASCRELL, Mr. OWENS, Ms. WOOLSEY, Ms. LEE, Ms. CARSON of Indiana, Ms. KAPTUR, Mr. PALLONE, Mr. WEXLER, Mr. SERRANO, Mr. PAYNE, Mr. HOLT, and Mr. MENENDEZ.
H.R. 779: Mr. NADLER.
H.R. 785: Mr. POMBO, Ms. JACKSON-LEE of Texas, and Mr. PALLONE.
H.R. 819: Mr. CARDOZA.
H.R. 828: Mr. PAYNE.
H.R. 847: Mr. LYNCH.
H.R. 852: Mr. MARKEY, Mr. BROWN of Ohio, Mrs. MALONEY, Ms. VELAZQUEZ, Mr. RANGEL, Mr. BELL, Ms. SCHAKOWSKY, Mr. HINCHEY, and Mr. OWENS.
H.R. 872: Mr. EHLERS.
H.R. 876: Mr. BRADY of Texas.
H.R. 879: Mr. WHITFIELD and Mr. BLUMENAUER.
H.R. 898: Mrs. CAPPS and Mr. STUPAK.
H.R. 919: Mrs. MILLER of Michigan and Mr. KLINE.
H.R. 931: Mr. PICKERING.
H.R. 934: Mr. PAYNE.
H.R. 941: Mr. MATSUI, Ms. MCCOLLUM, and Mr. MEEHAN.
H.R. 976: Mr. LANTOS.
H.R. 980: Mr. HONDA.
H.R. 997: Mr. ISAKSON, Mr. HALL, Mrs. CAPITO, Mr. OXLEY, Mr. HYDE, and Mr. COBLE.
H.R. 1008: Mr. BARTLETT of Maryland.
H.R. 1038: Mr. BLUMENAUER.
H.R. 1078: Mr. JONES of North Carolina, Mr. SCOTT of Georgia, and Ms. LORETTA SANCHEZ of California.
H.R. 1080: Mr. BARTLETT of Maryland and Mr. ANDREWS.
H.R. 1087: Mr. CALVERT.
H.R. 1103: Ms. MILLENDER-MCDONALD.
H.R. 1117: Mr. FEENEY.
H.R. 1125: Mr. BISHOP of New York, Mr. ENGEL, Mr. TURNER of Texas, Mr. BOSWELL, Mr. KELLER, Mr. MCINTYRE, and Mr. HOSTETTLER.
H.R. 1157: Mr. CLYBURN and Mr. CASE.
H.R. 1167: Mr. BUYER, Mr. VITTER, and Ms. CORRINE BROWN of Florida.
H.R. 1179: Mr. BAIRD and Mr. OTTER.
H.R. 1268: Mr. LIPINSKI.
H.R. 1294: Mr. SCHIFF and Mr. ANDREWS.
H.R. 1305: Mr. SHUSTER.
H.R. 1372: Ms. LORETTA SANCHEZ of California and Mr. GEPHARDT.
H.R. 1385: Mr. ABERCROMBIE, Mr. EMANUEL, and Mr. CONYERS.
H.R. 1442: Mr. MCDERMOTT and Mr. MICHAUD.
H.R. 1565: Mr. DOYLE.
H.R. 1580: Mr. FROST.
H.R. 1582: Mr. LAMPSON, Mr. HAYWORTH, and Mr. OXLEY.
H.R. 1613: Mr. NEY, Mr. OWENS, Ms. SCHAKOWSKY, and Mr. FATTAH.
H.R. 1657: Mr. BELL and Ms. LINDA T. SANCHEZ of California.
H.R. 1662: Mrs. MUSGRAVE.
H.R. 1688: Mr. DEFAZIO, Mr. ISRAEL, Mr. TIERNEY, Mr. MCGOVERN, Mr. PASCRELL, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. CROWLEY, and Mr. DELAHUNT.
H.R. 1693: Mr. SENSENBRENNER.
H.R. 1710: Mr. NUSSLE, Mr. GERLACH, Mr. KANJORSKI, Mr. HALL, and Ms. MCCOLLUM.
H.R. 1723: Mr. GEORGE MILLER of California.
H.R. 1766: Mr. ENGLISH, Mr. WICKER, Mr. RAMSTAD, Ms. HART, Mrs. JO ANN DAVIS of Virginia, and Mr. HOBSON.
H.R. 1769: Mr. WATT, Mr. SHERMAN, and Mr. EMANUEL.
H.R. 1784: Mr. VITTER, Ms. KILPATRICK, Mr. EMANUEL, Mr. WU, and Mr. BOUCHER.
H.R. 1787: Mr. BURR.
H.R. 1828: Ms. Linda T. Sánchez of California, Ms. CORRINE BROWN of Florida, Mr. REYES, Mr. MEEK of Florida, Mr. ROGERS of Michigan, Mr. BILIRAKIS, and Mrs. NORTHRUP.
H.R. 1902: Mr. STRICKLAND and Mr. BRADLEY of New Hampshire.
H.R. 1945: Ms. ESHOO, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, and Mrs. CAPPS.
H.R. 1999: Mr. EMANUEL, Mr. CARDOZA, Mr. POMEROY, Mr. EDWARDS, Ms. SOLIS, and Ms. PELOSI.
H.R. 2022: Mr. HOEFFEL.
H.R. 2028: Mr. NUSSLE.
H.R. 2034: Mr. CALVERT.
H.R. 2038: Mr. ABERCROMBIE and Ms. MCCOLLUM.
H.R. 2057: Mr. REHBERG.
H.R. 2071: Ms. LEE, Mr. KIND, Mr. NADLER, Mr. EVANS, and Ms. SCHAKOWSKY.
H.R. 2125: Mr. DOYLE.
H.R. 2172: Mr. GREEN of Wisconsin.
H.R. 2176: Mr. PETRI.
H.R. 2183: Mr. PAYNE, Ms. JACKSON-LEE of Texas, and Mr. BURNS.
H.R. 2198: Mr. SKELTON.
H.R. 2205: Mr. EMANUEL, Mr. SKELTON, Ms. MCCOLLUM, and Mr. SPRATT.
H.R. 2207: Ms. DELAURO.
H.R. 2221: Mr. CONYERS and Mr. GIBBONS.
H.R. 2233: Mr. KUCINICH and Mr. FILNER.
H.R. 2249: Mr. TOWNS.
H.R. 2250: Ms. JACKSON-LEE of Texas and Mr. DEFAZIO.
H.R. 2256: Mr. DOYLE, Mrs. MCCARTHY of New York, and Mr. OBERSTAR.
H.R. 2262: Mr. HASTINGS of Florida.
H.R. 2318: Mr. WHITFIELD.
H.R. 2328: Mr. MENENDEZ, Mr. RAHALL, Ms. BERKLEY, Ms. CORRINE BROWN of Florida, and Mr. HONDA.
H.R. 2330: Mr. FILNER.
H.R. 2351: Mr. RAMSTAD, Mr. HALL, Mr. KING of Iowa, and Mr. JONES of North Carolina.
H.R. 2361: Mr. BRADLEY of New Hampshire.
H.R. 2363: Mr. KUCINICH, Ms. CARSON of Indiana, Ms. LEE, Ms. SCHAKOWSKY, Ms. LINDA T. SANCHEZ of California, Mr. ENGEL, Mr. EMANUEL, and Mr. DAVIS of Tennessee.
H.R. 2377: Ms. MCCOLLUM, Mr. MCNULTY, Mr. STARK, Mr. PAYNE, and Mr. SCHIFF.
H.R. 2379: Mr. GILLMOR and Mr. MCINNIS.
H.R. 2404: Mrs. JONES of Ohio.
H.R. 2426: Mr. LANTOS, Mr. MCDERMOTT, and Ms. LORETTA SANCHEZ of California.
H.R. 2427: Mr. SIMPSON, Mr. KING of Iowa, Mr. HINCHEY, and Mr. ALLEN.
H.R. 2428: Mrs. JONES of Ohio.
H.R. 2429: Mr. HOLT and Mrs. JONES of Ohio.
H.R. 2432: Mr. ISTOOK.
H.R. 2462: Mr. OBERSTAR, Mr. UDALL of New Mexico, Ms. WOOLSEY, Mr. MORAN of Virginia, Ms. CORRINE BROWN of Florida, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. HONDA, Mr. LEACH, and Mr. PAYNE.
H. Con. Res. 4: Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 6: Mr. ETHERIDGE, Mr. SMITH of New Jersey, and Mr. KENNEDY of Rhode Island.
H. Con. Res. 98: Mr. CLAY.
H. Con. Res. 99: Ms. CORRINE BROWN of Florida.
H. Con. Res. 126: Mr. NEY, Mr. NEUGEBAUER, Mr. TERRY, and Mr. AKIN.
H. Con. Res. 175: Mr. KUCINICH and Mr. VAN HOLLEN.
H. Con. Res. 176: Mr. UPTON.
H. Con. Res. 209: Mr. BOOZMAN.
H. Con. Res. 213: Mr. KUCINICH, Mr. TIERNEY, Ms. LINDA T. SANCHEZ of California, and Mr. BECERRA.
H. Con. Res. 220: Ms. NORTON.
H. Res. 21: Mr. JACKSON of Illinois, Mr. THOMPSON of California, Mrs. CHRISTENSEN, and Mrs. MCCARTHY of New York.
H. Res. 103: Mr. SCHIFF.
H. Res. 136: Mr. LAHOOD, Mr. LARSEN of Washington, Mr. SESSIONS, and Mr. HENSARLING.
H. Res. 259: Mr. AKIN.
H. Res. 260: Mr. MCGOVERN, Mr. ABERCROMBIE, and Mr. WEXLER.
H. Res. 261: Mr. BLUMENAUER, Mr. FROST, Mr. SANDERS, and Mr. CUMMINGS.
H. Res. 267: Mr. KIND and Mr. HASTINGS of Washington.
H. Res. 273: Mr. SHERMAN, Ms. SLAUGHTER, and Mr. RYAN of Ohio.

TUESDAY, JUNE 17, 2003 (66)

The House was called to order at 10:30 a.m. by the SPEAKER.

¶66.1 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 519. An Act to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes.

H.R. 788. An Act to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

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

H.R. 733. An Act to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 246. An Act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

S. 500. An Act to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era.

S. 520. An Act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

S. 625. An Act to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes.

S. 635. An Act to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes.

S. 1015. An Act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

¶66.2 MORNING-HOUR DEBATE

The SPEAKER, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶66.3 RECESS—11:10 A.M.

The SPEAKER pro tempore, Mr. BURGESS, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 10 minutes a.m., until noon.

¶66.4 AFTER RECESS—NOON

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶66.5 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. BIGGERT, announced she had examined and approved the Journal of the proceedings of Monday, June 16, 2003.

Mr. KLINE, pursuant to clause 1, rule I, demanded a vote on the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the yeas had it.

Mr. KLINE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶66.6 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2701. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Modifications to the Raisin Diversion Program [Docket No. FV03-989-1 FIR] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2702. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Rock Rapids, IA [Docket No. FAA-2003-14843; Airspace Docket No. 03-ACE-28] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2703. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Crete, NE [Docket No. FAA-2003-14927; Airspace Docket No. 03-ACE-33] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2704. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Saginaw, MI [Docket No. FAA-2002-14180; Airspace Docket No. 02-AGL-17] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2705. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Berrien Springs, MI [Docket No. FAA-2002-14047; Airspace Docket No. 02-AGL-20] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2706. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Greenfield, IA [Docket No. FAA-2003-14596; Airspace Docket No. 03-ACE-19] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2707. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; St. Louis, Mo [Docket No. FAA-2003-14657; Airspace Docket No. 03-ACE-26] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2708. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Marshall town, IA [Docket No. FAA-2003-14601; Airspace Docket No. 03-ACE-24] received June 9, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2709. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-173-AD; Amendment 39-13129; AD 2003-08-16] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2710. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-386-AD; Amendment 39-13113; AD 2003-08-02] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2711. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2000-NM-343-AD; Amendment 39-13108; AD 2003-07-12] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2712. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 1900D Airplanes [Docket No. 2002-CE-26-AD; Amendment 39-13141; AD 2003-09-12] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2713. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric CF34-8C1 Turbofan Engines [Docket No. 2002-NE-23-AD; Amendment 39-13143; AD 2003-09-14] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2714. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-23, PA-23-160, PA-23-235, PA-23-250, and PA-E23-250 Airplanes [Docket No. 2002-CE-44-AD; Amendment 39-13142; AD 2003-09-13] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2715. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Beech Models C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, and V35B Airplanes[Docket No. 93-CE-37-AD; Amendment 39-13147; AD 94-20-04 R2] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2716. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. 2003-NE-15-AD; Amendment 39-13146; AD 2003-10-02] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2717. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2001-NM-245-AD; Amendment 39-13153; AD 2003-10-08] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2718. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2001-NM-309-AD; Amendment 39-13155; AD 2003-10-10] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2719. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Beech 400A and 400T Series Airplanes [Docket No. 2001-NM-335-AD; Amendment 39-13158; AD 2003-10-13] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2720. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MORAVAN a.s. Model Z-242L Airplanes [Docket No. 2003-CE-24-AD; Amendment 39-13171; AD 2003-11-12] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2721. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. 2002-NM-10-AD; Amendment 39-13156; AD 2003-10-11] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2722. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -200PF Series Airplanes [Docket No. 2001-NM-329-AD; Amendment 39-13109; AD 2003-07-13] (RIN: 2120-AA64) received June 9, 2003; to the Committee on Transportation and Infrastructure.

¶66.7 UNIVERSITY OF MINNESOTA DULUTH BULLDOGS

Mr. KLINE moved to suspend the rules and agree to the following resolution (H. Res. 171):

Whereas on Sunday, March 23, 2003, the two-time defending NCAA National Collegiate Women's Ice Hockey champion, the University of Minnesota Duluth Bulldogs, won the National Championship for the third straight year;

Whereas Minnesota Duluth defeated Harvard University in double overtime of the championship game by the score of 4–3, having defeated Dartmouth College 5–2 in the semifinal;

Whereas sophomore Nora Tallus scored the game-winning goal in the second overtime, assisted by Erika Holst and Joanne Eustace;

Whereas during the 2002–2003 season, the Bulldogs won an impressive 31 games, while losing only 3 and tying 2;

Whereas forwards Jenny Potter, Hanne Sikio, and Caroline Ouellette were selected to the 2003 All-Tournament team and Caroline Ouellette was named the tournament's Most Outstanding Player;

Whereas the Bulldogs are the only team in the country to earn a berth in the women's national championship tournament in each year of its existence;

Whereas junior forward Jenny Potter was one of three finalists for the Patty Kazmaier Memorial Award, given annually to the most outstanding player in women's collegiate varsity ice hockey and was named to the Jofa Women's University Division Ice Hockey All-American First Team;

Whereas senior forward Maria Rooth, for the fourth time, was one of ten finalists for the Patty Kazmaier Memorial Award, and was named to the Jofa Women's University Division Ice Hockey All-American Second Team;

Whereas Minnesota Duluth Head Coach Shannon Miller, after winning the National Championship in three consecutive years, has been named a finalist for the American Hockey Coaches Association 2002–2003 University Division Women's Ice Hockey Coach of the Year Award; and

Whereas all of the team's players showed tremendous dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Minnesota Duluth women's hockey team for winning the NCAA 2003 National Collegiate Women's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the University of Minnesota Duluth women's hockey team and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Minnesota Duluth for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the NCAA 2003 National Collegiate Women's Ice Hockey Championship team.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. KLINE and Ms. McCOLLUM,each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KLINE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶66.8 SMALL BUSINESS HEALTH FAIRNESS

Mr. BAKER moved to suspend the rules and pass the bill (H.R. 658) to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2003 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission; as amended.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. BAKER and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. KELLY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶66.9 DECENT HOMES FOR AMERICANS

Mr. Gary G. MILLER of California moved to suspend the rules and agree to the following concurrent resolution of the Senate (S. Con. Res. 43):

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities;

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities and in conjunction with the independent and collective actions of private citizens and organizations;

Whereas establishing a housing infrastructure strengthens neighborhoods and local economies and nurtures the families who reside in them;

Whereas an integral element of a strong community is a sufficient supply of affordable housing;

Whereas affordable housing may be provided in traditional and nontraditional forms, including apartment buildings, transitional and temporary homes, condominiums, cooperatives, and single family homes;

Whereas for many families a home is not merely shelter, but also provides an opportunity for growth, prosperity, and security;

Whereas homeownership is a cornerstone of the national economy because it spurs the production and sale of goods and services, generates new jobs, encourages savings and investment, promotes economic and civic responsibility, and enhances the financial security of all people in the United States;

Whereas although the United States is the first nation in the world to make owning a home a reality for a vast majority of its families, ⅓ of the families in the United States are not homeowners;

Whereas a disproportionate percentage of families in the United States that are not homeowners are low-income families;

Whereas 74.2 percent of Caucasian Americans own their own homes, only 47.1 percent of African Americans, 47.2 percent of Hispanic Americans, and 55.8 percent of Asian Americans and other races are homeowners;

Whereas the community building activities of neighborhood-based nonprofit organizations empower individuals to improve their lives and make communities safer and healthier for families;

Whereas one of the best known nonprofit housing organizations is Habitat for Humanity, which builds simple but adequate housing for less fortunate families and symbolizes the self-help approach to homeownership;

Whereas Habitat for Humanity is organized in all 50 States with 1,655 local affiliates and its own section 501(c)(3) Federal tax-exempt status and locally elected completely voluntary board of directors;

Whereas Habitat for Humanity has built nearly 150,000 houses worldwide and endeavors to complete another 50,000 homes by the year 2005;

Whereas Habitat for Humanity provides opportunities for people from every segment of society to volunteer to help make the American dream a reality for families who otherwise would not own a home; and

Whereas the month of June has been designated as ''National Homeownership Month'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) everyone in the United States should have a decent home in which to live;

(2) Members of the Senate and the House of Representatives should demonstrate the importance of volunteerism;

(3) during the years of the 108th and 109th sessions of Congress, Members of the Senate and the House of Representatives, Habitat for Humanity, and contributing organizations, should sponsor and construct 2 homes in the Washington, D.C., metro area each as part of the ''Congress Building America'' program;

(4) each Congress Building America house should be constructed primarily by Members of the Senate and the House of Representatives, their families and staffs, and the staffs of sponsoring organizations working with local volunteers involving and symbolizing the partnership of the public, private, and nonprofit sectors of society;

(5) each Congress Building America house should be constructed with the participation of the family that will own the home;

(6) in the future, Members of the Senate and the House of Representatives, their families, and their staff should participate in similar house building activities in their own States as part of National Homeownership Month; and

(7) these occasions should be used to emphasize and focus on the importance of providing decent homes for all of the people in the United States.

The SPEAKER pro tempore, Mrs. BIGGERT, recognized Mr. Gary G. MILLER of California and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. ISAKSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Gary G. MILLER of California demanded that the vote be taken by

the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶66.10 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY S. 342

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 276):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes. All points of order against the conference report and against its consideration are waived.

When said resolution was considered.

After debate,

Mr. SESSIONS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. GILCHREST, announced that the yeas had it.

Mr. HASTINGS of Florida objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 226 / Nays ..... 200 }

¶66.11 [Roll No. 279]

YEAS—226

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

NAYS—200

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

NOT VOTING—8

Berman
Carson (IN)
Cubin
Gephardt
Lofgren
Millender-McDonald
Nethercutt
Smith (WA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. GILCHREST, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶66.12 H. RES. 171—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 171) commending the University of Minnesota Duluth Bulldogs for winning the NCAA 2003 National Collegiate Women's Ice Hockey Championship.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays ..... 0 }

¶66.13 [Roll No. 280]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner

Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Berman
Carson (IN)
Cubin
Gephardt
Lofgren
Lowey
Millender-McDonald
Nethercutt
Peterson (PA)
Smith (WA)
Taylor (NC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was passed was, by unanimous consent, laid on the table.

¶66.14 H.R. 658—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GILCHREST, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 658) to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶66.15 [Roll No. 281]

YEAS—423

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

NOT VOTING—11

Ballenger
Berman
Carson (IN)
Cubin
Flake
Gephardt
Lofgren
Millender-McDonald
Nethercutt
Smith (WA)
Walsh

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.16 CHILD ABUSE PREVENTION AND TREATMENT

Mr. HOEKSTRA, pursuant to House Resolution 276, called up the following conference report (Rept. No. 108–150):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 342), to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

(a) SHORT TITLE.—This Act may be cited as the ''Keeping Children and Families Safe Act of 2003''.

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

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National clearinghouse for information relating to child abuse.
Sec. 112. Research and assistance activities and demonstrations.
Sec. 113. Grants to States and public or private agencies and organizations.
Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.
Sec. 115. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.
Sec. 116. Miscellaneous requirements relating to assistance.
Sec. 117. Authorization of appropriations.
Sec. 118. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.
Sec. 122. Eligibility.
Sec. 123. Amount of grant.
Sec. 124. Existing grants.
Sec. 125. Application.
Sec. 126. Local program requirements.
Sec. 127. Performance measures.
Sec. 128. National network for community-based family resource programs.
Sec. 129. Definitions.
Sec. 130. Authorization of appropriations.

Subtitle C—Conforming Amendments

Sec. 141. Conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.
Sec. 202. Information and services.
Sec. 203. Study of adoption placements.
Sec. 204. Studies on successful adoptions.
Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.
Sec. 302. Establishment of local projects.
Sec. 303. Evaluations, study, and reports by Secretary.
Sec. 304. Authorization of appropriations.
Sec. 305. Definitions.
Sec. 306. Conforming amendment.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.
Sec. 402. Secretarial responsibilities.
Sec. 403. Evaluation.
Sec. 404. Information and technical assistance centers.
Sec. 405. Related assistance.
Sec. 406. Authorization of appropriations.
Sec. 407. Grants for State domestic violence coalitions.
Sec. 408. Evaluation and monitoring.
Sec. 409. Family member abuse information and documentation project.
Sec. 410. Model State leadership grants.
Sec. 411. National domestic violence hotline and internet grant.
Sec. 412. Youth education and domestic violence.
Sec. 413. Demonstration grants for community initiatives.
Sec. 414. Transitional housing assistance.
Sec. 415. Technical and conforming amendments.
Sec. 416. Conforming amendment to another Act.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking ''close to 1,000,000'' and inserting ''approximately 900,000'';

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

''(2)(A) more children suffer neglect than any other form of maltreatment; and

''(B) investigations have determined that approximately 60 percent of children who were victims of maltreatment in 2001 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 7 percent suffered emotional maltreatment;

''(3)(A) child abuse can result in the death of a child;

''(B) in 2001, an estimated 1,300 children were counted by child protection services to have died as a result of abuse or neglect; and

''(C) children younger than 1 year old comprised 41 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age;'';

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

''(4)(A) many of these children and their families fail to receive adequate protection and treatment; and

''(B) slightly less than half of these children (42 percent in 2001) and their families fail to receive adequate protection or treatment;'';

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking ''organizations'' and inserting ''community-based organizations'';

(B) in subparagraph (D), by striking ''ensures'' and all that follows through ''knowledge,'' and inserting ''recognizes the need for properly trained staff with the qualifications needed''; and

(C) in subparagraph (E), by inserting before the semicolon the following: '', which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse'';

(6) in paragraph (7) (as so redesignated), by striking ''this national child and family emergency'' and inserting ''child abuse and neglect''; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking ''intensive'' and inserting ''needed''; and

(B) by striking ''if removal has taken place'' and inserting ''where appropriate''.

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking ''all programs,'' and all that follows through ''neglect; and'' and inserting ''all effective programs, including private and community-based programs, that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;'';

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

''(2) maintain information about the best practices used for achieving improvements in child protective systems;''; and

(5) by adding at the end the following:

''(4) provide technical assistance upon request that may include an evaluation or identification of—

''(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

''(B) ways to mitigate psychological trauma to the child victim; and

''(C) effective programs carried out by the States under this Act; and

''(5) collect and disseminate information relating to various training resources available at the State and local level to—

''(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

''(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.''.

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking ''105(a); and'' and inserting ''104(a);'';

(2) by redesignating subparagraph (F) as subparagraph (G); and

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

''(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and''.

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting '', including longitudinal research,'' after ''interdisciplinary program of research''; and

(B) in subparagraph (B), by inserting before the semicolon the following: '', including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed'';

(C) in subparagraph (C)—

(i) by striking ''judicial procedures'' and inserting ''judicial systems, including multidisciplinary, coordinated decision making procedures''; and

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

(D) in subparagraph (D)—

(i) in clause (viii), by striking ''and'' at the end;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii), the following:

''(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and'';

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

''(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

''(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

''(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

''(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

''(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (xi) of subparagraph (H); and'';

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.'';

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

''(2) RESEARCH.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in subparagraphs (i) through (ix) of paragraph (1)(I).

''(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).''.

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''nonprofit private agencies and'' and inserting ''private agencies and community-based''; and

(B) by inserting '', including replicating successful program models,'' after ''programs and activities''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.''.

(c) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

''(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

''(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

''(A) for court-ordered, supervised visitation between children and abusing parents; and

''(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

''(2) EDUCATION IDENTIFICATION, PREVENTION, AND TREATMENT.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

''(3) RISK AND SAFETY ASSESSMENT TOOLS.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based strategies for risk and safety assessments relating to child abuse and neglect.

''(4) TRAINING.—The Secretary may award grants under this subsection to entities for projects that involve research-based strategies for innovative training for mandated child abuse and neglect reporters.''.

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking ''DEMONSTRATION'' and inserting ''GRANTS FOR'';

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

(A) by inserting ''States,'' after ''contracts with,'';

(B) by striking ''nonprofit''; and

(C) by striking ''time limited, demonstration'';

(3) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''nonprofit'';

(B) in subparagraph (A), by striking ''law, education, social work, and other relevant fields'' and inserting ''law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,'';

(C) in subparagraph (B), by striking ''nonprofit'' and all that follows through ''; and'' and inserting ''children, youth and family service organizations in order to prevent child abuse and neglect;'';

(D) in subparagraph (C), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

''(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

''(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

''(G) for improving the training of supervisory and nonsupervisory child welfare workers;

''(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

''(I) for cross training for child protective service workers in research-based strategies for recognizing situations of substance abuse, domestic violence, and neglect; and

''(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

''(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

''(ii) the parents of such infants.'';

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

''(2) TRIAGE PROCEDURES.—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

''(A) accepts, screens, and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

''(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

''(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.'';

(6) in paragraph (3) (as so redesignated), by striking ''nonprofit organizations (such as Parents Anonymous)'' and inserting ''organizations'';

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking ''(B) KINSHIP CARE.—'' and inserting the following:

''(4) KINSHIP CARE.—

''(A) IN GENERAL.—''; and

(ii) by striking ''nonprofit''; and

(8) by adding at the end the following:

''(5) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to

entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated, in accordance with all applicable Federal and State privacy laws.''.

(b) DISCRETIONARY GRANTS.—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (a)'';

(2) by striking paragraph (1);

(3) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(4) by inserting after paragraph (2) (as so redesignated), the following:

''(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated.''; and

(5) in paragraph (4)(D), by striking ''nonprofit''.

(c) EVALUATION.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking ''demonstration'';

(2) in the second sentence, by inserting ''or contract'' after ''or as a separate grant''; and

(3) by adding at the end the following: ''In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.''.

(d) TECHNICAL AMENDMENT TO HEADING.—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

''SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.''.

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting '', including ongoing case monitoring,'' after ''case management''; and

(B) by inserting ''and treatment'' after ''and delivery of services'';

(2) in paragraph (4), by striking ''improving'' and all that follows through ''referral systems'' and inserting ''developing, improving, and implementing risk and safety assessment tools and protocols'';

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

''(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;'';

(6) in paragraph (6) (as so redesignated), by striking ''opportunities'' and all that follows through ''system'' and inserting ''including—

''(A) training regarding research-based strategies to promote collaboration with the families;

''(B) training regarding the legal duties of such individuals; and

''(C) personal safety training for case workers;'';

(7) by inserting after paragraph (6) (as so redesignated) the following:

''(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;'';

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

''(9) developing and facilitating research-based strategies for training for individuals mandated to report child abuse or neglect;

''(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

''(A) existing social and health services;

''(B) financial assistance; and

''(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

''(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;'';

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon; and

(10) by adding at the end the following:

''(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

''(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.''.

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking ''provide notice to the Secretary of any substantive changes'' and inserting the following: ''provide notice to the Secretary—

''(i) of any substantive changes; and'';

(ii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.'';

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iv), (vi), (vii), (viii), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi) and (xvii), respectively;

(ii) by inserting after clause (i), the following:

''(ii) policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to—

''(I) establish a definition under Federal law of what constitutes child abuse; or

''(II) require prosecution for any illegal action;

''(iii) the development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms;'';

(iii) in clause (iv) (as so redesignated), by inserting ''risk and'' before ''safety'';

(iv) by inserting after clause (iv) (as so redesignated), the following:

''(v) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;'';

(v) in clause (viii)(II) (as so redesignated), by striking '', having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect'' and inserting '', as described in clause (ix)'';

(vi) by inserting after clause (viii) (as so redesignated), the following:

''(ix) provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;'';

(vii) in clause (xiii) (as so redesignated)—

(I) by inserting ''who has received training appropriate to the role, and'' after ''guardian ad litem,''; and

(II) by inserting ''who has received training appropriate to that role'' after ''advocate'';

(viii) in clause (xv) (as so redesignated), by striking ''to be effective not later than 2 years after the date of enactment of this section'';

(ix) in clause (xvi) (as so redesignated)—

(I) by striking ''to be effective not later than 2 years after the date of enactment of this section''; and

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

(x) in clause (xvii) (as so redesignated), by striking ''clause (xii)'' each place that such appears and inserting ''clause (xvi)''; and

(xi) by adding at the end the following:

''(xviii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

''(xix) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

''(xx) provisions and procedures for improving the training, retention, and supervision of caseworkers;

''(xxi) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to early intervention services funded under part C of the Individuals with Disabilities Education Act; and

''(xxii) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;''; and

(C) in paragraph (2), by adding at the end the following flush sentence:

''Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and families.''.

(2) LIMITATION.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking ''With regard to clauses (v) and (vi) of paragraph (2)(A)'' and inserting ''With regard to clauses (vi) and (vii) of paragraph (2)(A)''.

(c) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking ''and procedures'' and inserting '', procedures, and practices''; and

(II) by striking ''the agencies'' and inserting ''State and local child protection system agencies''; and

(ii) in clause (iii)(I), by striking ''State'' and inserting ''State and local''; and

(B) by adding at the end the following:

''(C) PUBLIC OUTREACH.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A).''; and

(2) in paragraph (6)—

(A) by striking ''public'' and inserting ''State and the public''; and

(B) by inserting before the period the following: ''and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to State and local child protection systems and the citizen review panel that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system''.

(d) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

''(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

''(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.''.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c(a)) is amended—

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

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

(3) by adding at the end the following:

''(4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.''.

SEC. 116. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

''(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.

''(e) ANNUAL REPORT.—A State that receives funds under section 106(a) shall annually prepare and submit to the Secretary a report describing the manner in which funds provided under this Act, alone or in combination with other Federal funds, were used to address the purposes and achieve the objectives of section 106.''.

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

''(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.''.

(b) DEMONSTRATION PROJECTS.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking ''Secretary make'' and inserting ''Secretary shall make''; and

(2) by striking ''section 106'' and inserting ''section 104''.

SEC. 118. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

''(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

''(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

''(2) REPORT.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).''.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 121. PURPOSE AND AUTHORITY.

(a) PURPOSE.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

''(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and''.

(b) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking ''Statewide'' and all that follows through the dash, and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and build upon existing strengths-that—'';

(B) in subparagraph (F), by striking ''and'' at the end; and

(C) by striking subparagraph (G) and inserting the following:

''(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

''(H) provide referrals to early health and developmental services;''; and

(2) in paragraph (4)—

(A) by inserting ''through leveraging of funds'' after ''maximizing funding'';

(B) by striking ''a Statewide network of community-based, prevention-focused'' and inserting ''community-based and prevention-focused''; and

(C) by striking ''family resource and support program'' and inserting ''programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)''.

(c) TECHNICAL AMENDMENT TO TITLE HEADING.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

''TITLE II—COMMUNITY–BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT''.

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''a Statewide network of community-based, prevention-focused'' and inserting ''community-based and prevention-focused''; and

(ii) by striking ''family resource and support programs'' and all that follows through the semicolon and inserting ''programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate);''

(B) in subparagraph (B), by inserting ''that exists to strengthen and support families to prevent child abuse and neglect'' after ''written authority of the State)'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''a network of community-based family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)'';

(B) in subparagraph (B)—

(i) by striking ''to the network''; and

(ii) by inserting '', and parents with disabilities'' before the semicolon;

(C) in subparagraph (C), by striking ''to the network''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)'';

(B) in subparagraph (B), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)'';

(C) in subparagraph (C), by striking ''and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)''; and

(D) in subparagraph (D), by inserting '', parents with disabilities,'' after ''children with disabilities''.

SEC. 123. AMOUNT OF GRANT.

Section 203 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b) is amended—

(1) in subsection (b)(1)(B)—

(A) by striking ''as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the'' and inserting ''as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated'';

(B) by striking ''State lead agency'' and inserting ''State lead entity''; and

(C) by striking ''the lead agency'' and inserting ''the current lead entity''; and

(2) in subsection (c)(2), by striking ''subsection (a)'' and inserting ''subsection (b)''.

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)'';

(2) in paragraph (2)—

(A) by striking ''network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect (through networks where appropriate)''; and

(B) by striking '', including those funded by programs consolidated under this Act,'';

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

''(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State;'';

(4) in paragraph (4), by striking ''State's network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect'';

(5) in paragraph (5), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect'';

(6) in paragraph (7), by striking ''individual community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect'';

(7) in paragraph (8), by striking ''community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect'';

(8) in paragraph (9), by striking ''community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect'';

(9) in paragraph (10), by inserting ''(where appropriate)'' after ''members'';

(10) in paragraph (11), by striking ''prevention-focused, family resource and support program'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect''; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''prevention-focused, family resource and support programs'' and inserting ''and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect'';

(2) in paragraph (3)(B), by inserting ''voluntary home visiting and'' after ''including''; and

(3) by striking paragraph (6) and inserting the following:

''(6) participate with other community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.''.

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking ''a Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect'';

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

''(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);'';

(3) in paragraph (4),

(A) by inserting ''and parents with disabilities,'' after ''children with disabilities,''; and

(B) by striking ''evaluation of'' the first place it appears and all that follows through ''under this title'' and inserting ''evaluation of community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs'';

(4) in paragraph (5), by striking '', prevention-focused, family resource and support programs'' and inserting ''and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect'';

(5) in paragraph (6), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect''; and

(6) in paragraph (8), by striking ''community based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect''.

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking ''Statewide networks of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect''.

SEC. 129. DEFINITIONS.

(a) CHILDREN WITH DISABILITIES.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking ''given such term in section 602(a)(2)'' and inserting ''given the term 'child with a disability' in section 602(3) or 'infant or toddler with a disability' in section 632(5)''.

(b) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended by striking paragraphs (3) and (4) and inserting the following:

''(3) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—The term 'community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect' includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs or networks of such programs that provide activities that are designed to prevent or respond to child abuse and neglect.''.

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

''SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.''.

Subtitle C—Conforming Amendments

SEC. 141. CONFORMING AMENDMENTS.

The table of contents of the Child Abuse Prevention and Treatment Act, as contained in section 1(b) of such Act (42 U.S.C. 5101 note), is amended as follows:

(1) By striking the item relating to section 105 and inserting the following:

''Sec. 105. Grants to States and public or private agencies and organizations.''.

(2) By striking the item relating to title II and inserting the following:

''TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT''.

(3) By striking the item relating to section 204.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

''(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

''(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

''(3) each year, thousands of children are in need of placement in permanent, adoptive homes;'';

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

''(7)(A) currently, there are 131,000 children waiting for adoption;''; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting '', including geographic barriers,'' after ''barriers''; and

(B) in paragraph (2), by striking ''a national'' and inserting ''an Internet-based national''.

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

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

''SEC. 203. INFORMATION AND SERVICES.'';

(2) by striking ''SEC. 203. (a) The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary'';

(3) in subsection (b)—

(A) by inserting ''REQUIRED ACTIVITIES.—'' after ''(b)'';

(B) in paragraph (1), by striking ''nonprofit'' each place that such appears;

(C) in paragraph (2), by striking ''nonprofit'';

(D) in paragraph (3), by striking ''nonprofit'';

(E) in paragraph (4), by striking ''nonprofit'';

(F) in paragraph (6), by striking ''study the nature, scope, and effects of'' and insert ''support'';

(G) in paragraph (7), by striking ''nonprofit'';

(H) in paragraph (9)—

(i) by striking ''nonprofit''; and

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

(I) in paragraph (10)—

(i) by striking ''nonprofit''; each place that such appears; and

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

(J) by adding at the end the following:

''(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

''(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

''(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

''(C) recruitment of prospective families for such children.'';

(4) in subsection (c)—

(A) by striking ''(c)(1) The Secretary'' and inserting the following:

''(c) SERVICES FOR FAMILIES ADOPTING SPECIAL NEEDS CHILDREN.—

''(1) IN GENERAL.—The Secretary'';

(B) by striking ''(2) Services'' and inserting the following:

''(2) SERVICES.—Services''; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking ''and'' at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(H) day treatment; and

''(I) respite care.''; and

(D) by striking ''nonprofit''; each place that such appears;

(5) in subsection (d)—

(A) by striking ''(d)(1) The Secretary'' and inserting the following:

''(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE.—

''(1) IN GENERAL.—The Secretary'';

(B) by striking ''(2)(A) Each State'' and inserting the following:

''(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—

''(A) APPLICATIONS.—Each State'';

(C) by striking ''(B) The Secretary'' and inserting the following:

''(B) TECHNICAL AND OTHER ASSISTANCE.—The Secretary'';

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking ''nonprofit'';

(E) by striking ''(3)(A) Payments'' and inserting the following:

''(3) PAYMENTS.—

''(A) IN GENERAL.—Payments''; and

(F) by striking ''(B) Any payment'' and inserting the following:

''(B) REVERSION OF UNUSED FUNDS.—Any payment''; and

(6) by adding at the end the following:

''(e) ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.—

''(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

''(2) SERVICES TO SUPPLEMENT NOT SUPPLANT.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

''(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

''(B) developing models of financing cross-jurisdictional placements;

''(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

''(D) developing training materials and training social workers on preparing and moving children across State lines; and

''(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.''.

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking ''The'' and inserting ''(a) IN GENERAL.—The'';

(2) by striking ''of this Act'' and inserting ''of the Keeping Children and Families Safe Act of 2003'';

(3) by striking ''to determine the nature'' and inserting ''to determine—

''(1) the nature'';

(4) by striking ''which are not licensed'' and all that follows through ''entity'';''; and

(5) by adding at the end the following:

''(2) how interstate placements are being financed across State lines;

''(3) recommendations on best practice models for both interstate and intrastate adoptions; and

''(4) how State policies in defining special needs children differentiate or group similar categories of children.''.

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

''(b) DYNAMICS OF SUCCESSFUL ADOPTION.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003.

''(c) INTERJURISDICTIONAL ADOPTION.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.''.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

''There are authorized to be appropriated $40,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 to carry out programs and activities authorized under this subtitle.''.

TITLE III—ABANDONED INFANTS ASSISTANCE

SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting ''studies indicate that a number of factors contribute to'' before ''the inability of'';

(B) by inserting ''some'' after ''inability of'';

(C) by striking ''who abuse drugs''; and

(D) by striking ''care for such infants'' and inserting ''care for their infants'';

(3) by amending paragraph (5) to read as follows:

''(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly known as 'AIDS'), and those who have been exposed to dangerous drugs;'';

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8)—

(A) by striking ''such infants and young children'' and inserting ''infants and young children who are abandoned in hospitals''; and

(B) by inserting ''by parents abusing drugs,'' after ''deficiency syndrome,'';

(6) in paragraph (9), by striking ''comprehensive services'' and all that follows through the semicolon at the end and inserting ''comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services;'';

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively; and

(9) by adding at the end the following:

''(8) private, Federal, State, and local resources should be coordinated to establish and maintain services described in paragraph (7) and to ensure the optimal use of all such resources.''.

SEC. 302. ESTABLISHMENT OF LOCAL PROJECTS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

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

''SEC. 101. ESTABLISHMENT OF LOCAL PROJECTS.'';

and

(2) by striking subsection (b) and inserting the following:

''(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

''(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

''(2) have been perinatally exposed to a dangerous drug.''.

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

''SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

''(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

''(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

''(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

''(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 101(b);

''(B) an estimate of the annual number of infants and young children who are victims of homicide;

''(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

''(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

''(2) DEADLINE.—Not later than 36 months after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to Congress a report describing the findings made as a result of the study.

''(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.''.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—For the purpose of carrying out this Act, there are authorized to be appropriated $45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

''(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 102(a).'';

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ''AUTHORIZATION.—'' after ''(1)'' the first place it appears; and

(ii) by striking ''this title'' and inserting ''this Act''; and

(B) in paragraph (2)—

(i) by inserting ''LIMITATION.—'' after ''(2)''; and

(ii) by striking ''fiscal year 1991.'' and inserting ''fiscal year 2003.''; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) REDESIGNATION.—The Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by redesignating section 104 as section 302; and

(2) by moving that section 302 to the end of that Act.

SEC. 305. DEFINITIONS.

(a) IN GENERAL.—Section 301 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

''SEC. 301. DEFINITIONS.

''In this Act:

''(1) ABANDONED; ABANDONMENT.—The terms 'abandoned' and 'abandonment', used with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

''(2) ACQUIRED IMMUNE DEFICIENCY SYNDROME.—The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

''(3) DANGEROUS DRUG.—The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

''(4) NATURAL FAMILY.—The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation, with respect to infants and young children covered under this Act.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.''.

(b) REPEAL.—Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

SEC. 306. CONFORMING AMENDMENT.

Section 421(7) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061(7)) is amended by striking ''infant described in section 103'' and inserting ''infant who is abandoned, as defined in section 301''.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 401. STATE DEMONSTRATION GRANTS.

(a) UNDERSERVED POPULATIONS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking ''underserved populations,'' and all that follows and inserting the following: ''underserved populations, as defined in section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);''.

(b) REPORT.—Section 303(a) of such Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

''(5) Upon completion of the activities funded by a grant under this title, the State shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i).''.

(c) CHILDREN WHO WITNESS DOMESTIC VIOLENCE.—Section 303 of such Act (42 U.S.C. 10402) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) The Secretary shall use funds provided under section 310(a)(2), for a fiscal year described in section 310(a)(2), to award grants for demonstration programs that provide—

''(1) multisystem interventions and services (either directly or by referral) for children who witness domestic violence; and

''(2) training (either directly or by referral) for agencies, providers, and other entities who work with such children.''.

SEC. 402. SECRETARIAL RESPONSIBILITIES.

Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking ''an employee'' and inserting ''1 or more employees'';

(2) by striking ''of this title.'' and inserting ''of this title, including carrying out evaluation and monitoring under this title.''; and

(3) by striking ''The individual'' and inserting ''Any individual''.

SEC. 403. EVALUATION.

Section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended in the first sentence by striking ''Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter,'' and inserting ''Every 2 years,''.

SEC. 404. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) NATIONAL RESOURCE CENTER.—The national resource center established under subsection (a)(2)—

''(1) shall offer resource, policy, collaboration, and training assistance to Federal, State, and local government agencies, to domestic violence service providers, and to other professionals and interested parties on issues pertaining to domestic violence, including issues relating to children who witness domestic violence; and

''(2) shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics, and analyses of the information and statistics, relating to the incidence and prevention of family violence (particularly the prevention of repeated incidents of violence) and the provision of immediate shelter and related assistance.''; and

(2) by striking subsection (g).

SEC. 405. RELATED ASSISTANCE.

Section 309(5) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(5)) is amended by striking the second sentence and inserting the following: ''The term 'related assistance' shall include—

''(A) prevention services such as outreach and prevention services for victims and their children, assistance to children who witness domestic violence, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including services promoting nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school-age children, family violence public awareness campaigns, and violence prevention counseling services to abusers;

''(B) counseling with respect to family violence, counseling or other supportive services provided by peers individually or in groups, and referral to community social services;

''(C) transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health care services (including alcohol and drug abuse treatment), but shall not include reimbursement for any health care services;

''(D) legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

''(E) children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims, and children who witness domestic violence.''.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There are authorized to be appropriated to carry out sections 303 through 311, $175,000,000 for each of fiscal years 2004 through 2008.

''(2) PROJECTS TO ADDRESS NEEDS OF CHILDREN WHO WITNESS DOMESTIC VIOLENCE.—For a fiscal year in which the amounts appropriated under paragraph (1) exceed $130,000,000, the Secretary shall reserve and make available a portion of the excess to carry out section 303(c).''.

(b) ALLOCATIONS FOR OTHER PROGRAMS.—Subsections (b), (c), and (d) of section 310 of such Act (42 U.S.C. 10409) are amended by inserting ''(and not reserved under subsection (a)(2))'' after ''each fiscal year''.

(c) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Section 311(g) of such Act (42 U.S.C. 10410(g)) is amended to read as follows:

''(g) FUNDING.—Of the amount appropriated under section 310(a) for a fiscal year (and not reserved under section 310(a)(2)), not less than 10 percent of such amount shall be made available to award grants under this section.''.

SEC. 407. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended by striking subsection (h).

SEC. 408. EVALUATION AND MONITORING.

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended by adding at the end the following:

''(c) Of the amount appropriated under section 310(a) for each fiscal year (and not reserved under section 310(a)(2)), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.''.

SEC. 409. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT.

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is repealed.

SEC. 410. MODEL STATE LEADERSHIP GRANTS.

Section 315 of the Family Violence Prevention and Services Act (42 U.S.C. 10415) is repealed.

SEC. 411. NATIONAL DOMESTIC VIOLENCE HOTLINE AND INTERNET GRANT.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended to read as follows:

''SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE AND INTERNET GRANT.

''(a) IN GENERAL.—The Secretary may award 1 or more grants to private, nonprofit entities—

''(1) to provide for the establishment and operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence; or

''(2) to provide for the establishment and operation of a highly secure Internet website to provide that information and assistance to those victims.

''(b) DURATION.—A grant under this section may extend over a period of not more than 5 years.

''(c) ANNUAL APPROVAL.—The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

''(d) HOTLINE ACTIVITIES.—An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a)(1) shall use funds made available through the grant to establish and operate a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence. In establishing and operating the hotline, the entity shall—

''(1) contract with a carrier for the use of a toll-free telephone line;

''(2) employ, train, and supervise personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

''(3) assemble and maintain a current database of information relating to services for victims of domestic violence to which callers may be referred throughout the United States, including information on the availability of shelters that serve battered women; and

''(4) publicize the hotline to potential users throughout the United States.

''(e) SECURE WEBSITE ACTIVITIES.—

''(1) IN GENERAL.—An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a)(2) shall use funds made available through the grant to provide grants for startup and operational costs associated with establishing and operating a highly secure Internet website.

''(2) AVAILABILITY.—The website shall be available to the entity operating the hotline and domestic violence shelters.

''(3) INFORMATION.—The website shall provide accurate information that describes—

''(A) the services available to victims of domestic violence, including health care and mental health services, social services, transportation, services for children (including children who witness domestic violence), and other relevant services; and

''(B) the domestic violence shelters available, and services provided by the shelters.

''(4) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require any shelter or service provider, whether public or private, to be linked to the website or to provide information to the recipient of the grant described in paragraph (1) or to the website.

''(f) APPLICATION.—The Secretary may not award a grant under this section unless the Secretary approves an application for such grant. To be approved by the Secretary under this subsection an application shall—

''(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe through notice in the Federal Register;

''(2) in the case of an application for a grant to carry out activities described in subsection (a)(1), include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

''(A) the training program for hotline personnel;

''(B) the hiring criteria for hotline personnel;

''(C) the methods for the creation, maintenance, and updating of a resource database;

''(D) a plan for publicizing the availability of the hotline;

''(E) a plan for providing service to non-English speaking callers, including service through hotline personnel who speak Spanish; and

''(F) a plan for facilitating access to the hotline by persons with hearing impairments;

''(3) in the case of an application for a grant to carry out activities described in subsection (a)(2)—

''(A) include a complete description of the applicant's plan for the development, operation, maintenance, and updating of information and resources of the website;

''(B) include a certification that the applicant will implement a high level security system to ensure the confidentiality of the website, taking into consideration the safety of domestic violence victims; and

''(C) include an assurance that, after the third year of the website project, the recipient of the grant will develop a plan to secure other public or private funding resources to ensure the continued operation and maintenance of the website;

''(4) demonstrate that the applicant has recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence, including a demonstration of support from advocacy groups;

''(5) demonstrate that the applicant has a commitment to diversity, and to the provision of services to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities; and

''(6) contain such other information as the Secretary may require.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $3,500,000 for each of fiscal years 2004 through 2008.

''(2) CONDITIONS ON APPROPRIATIONS.—Notwithstanding paragraph (1), the Secretary shall make available a portion of the amounts appropriated under paragraph (1) to award grants under subsection (a)(2) only for any fiscal year for which the amounts appropriated under paragraph (1) exceed $3,000,000.

''(3) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until expended.''.

SEC. 412. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

Section 317 of the Family Violence Prevention and Services Act (42 U.S.C. 10417) is repealed.

SEC. 413. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) IN GENERAL.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2004 through 2008.''.

(b) REGULATIONS.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 414. TRANSITIONAL HOUSING ASSISTANCE.

Section 319(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10419(f)) is amended by striking ''fiscal year 2001'' and inserting ''each of fiscal years 2003 through 2008''.

SEC. 415. TECHNICAL AND CONFORMING AMENDMENTS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended—

(1) in section 302(1) (42 U.S.C. 10401(1)) by striking ''demonstrate the effectiveness of assisting'' and inserting ''assist'';

(2) in section 303(a) (42 U.S.C. 10402(a))—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking ''State domestic violence coalitions knowledgeable individuals and interested organizations'' and inserting ''State domestic violence coalitions, knowledgeable individuals, and interested organizations''; and

(ii) in subparagraph (F), by adding ''and'' at the end; and

(B) by aligning the margins of paragraph (4) with the margins of paragraph (3);

(3) in section 303(g) (as so redesignated)—

(A) in the first sentence, by striking ''309(4)'' and inserting ''320''; and

(B) in the second sentence, by striking ''309(5)(A)'' and inserting ''320(5)(A)'';

(4) in section 305(b)(2)(A) (42 U.S.C. 10404(b)(2)(A)) by striking ''provide for research, and into'' and inserting ''provide for research into'';

(5) by redesignating section 309 as section 320 and moving that section to the end of the Act; and

(6) in section 311(a) (42 U.S.C. 10410(a))—

(A) in paragraph (2)(K), by striking ''other criminal justice professionals,;'' and inserting ''other criminal justice professionals;'' and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''family law judges,,'' and inserting ''family law judges,'';

(ii) in subparagraph (D), by inserting '', criminal court judges,'' after ''family law judges''; and

(iii) in subparagraph (H), by striking ''supervised visitations that do not endanger victims and their children'' and inserting ''supervised visitations or denial of visitation to protect against danger to victims or their children''.

SEC. 416. CONFORMING AMENDMENT TO ANOTHER ACT.

Section 102(42) of the Older Americans Act of 1965 (42 U.S.C. 3002(42)) is amended by striking ''(42 U.S.C. 10408)''.

And the House agree to the same.

From the Committee on Education and the Workforce, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

JOHN BOEHNER,
PETE HOEKSTRA,
JON PORTER,
JAMES GREENWOOD,
CHARLIE NORWOOD,
PHIL GINGREY,
MAX BURNS,
GEORGE MILLER,
RUBÉN HINOJOSA,
SUSAN A. DAVIS,
TIM RYAN,
DANNY K. DAVIS,
Managers on the Part of the House.

JUDD GREGG,
LAMAR ALEXANDER,
MIKE DEWINE,
EDWARD M. KENNEDY,
CHRIS DODD,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. FLAKE, announced that the yeas had it.

Mr. HOEKSTRA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶66.17 RECESS—3:34 P.M.

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 34 minutes p.m., subject to the call of the Chair.

¶66.18 AFTER RECESS—4:45 P.M.

The SPEAKER pro tempore, Mr. QUINN, called the House to order.

¶66.19 CONFERENCE REPORT ON S. 342 —UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. QUINN, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the conference report on the bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

The question being put,

Will the House agree to said conference report?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 3

¶66.20 [Roll No. 282]

YEAS—421

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

NAYS—3

Flake
Hostettler
Paul

NOT VOTING—10

Carson (IN)
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Gephardt
Lofgren
Millender-McDonald
Ros-Lehtinen
Smith (WA)
Weldon (PA)

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶66.21 S. CON. RES. 43—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution of the Senate (S. Con. Res. 43) expressing the sense of Congress that Congress should participate in and support activities to provide decent homes for the people of the United States.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 1

¶66.22 [Roll No. 283]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel

English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Nadler

NOT VOTING—12

Bachus
Carson (IN)
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Fattah
Gephardt
Hunter
Lofgren
Millender-McDonald
Ros-Lehtinen
Smith (WA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶66.23 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FLAKE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Monday, June 16, 2003.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. FLAKE, announced that the yeas had it.

So the Journal was approved.

¶66.24 PERMISSION TO FILE REPORT

On motion of Mr. GOSS, by unanimous consent, the Permanent Select Committee on Intelligence was granted permission until midnight tonight to file a report on the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

¶66.25 PROVIDING FOR THE CONSIDERATION OF H.R. 8

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–157) the resolution (H. Res. 281) providing for consideration of the bill (H.R. 8) to make the repeal of the estate tax permanent.

When said resolution and report were referred to the House Calendar and ordered printed.

¶66.26 PROVIDING FOR THE CONSIDERATION OF H.R. 1528

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–158) the resolution (H. Res. 282) providing for consideration of the bill (H.R. 1528) to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service.

When said resolution and report were referred to the House Calendar and ordered printed.

¶66.27 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 246. An Act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico; to the Committee on Resources;

S. 500. An Act to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era; to the Committee on Resources;

S. 520. An Act to authorize the secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; to the Committee on Resources;

S. 625. An Act to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes; to the Committee on Resources; and

S. 635. An Act to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes; to the Committee on Resources.

¶66.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. CARSON of Indiana, for today and balance of the week.

And then,

¶66.29 ADJOURNMENT

On motion of Ms. NORTON, at 8 o'clock and 34 minutes p.m., the House adjourned.

¶66.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 281. Resolution providing for consideration of the bill (H.R. 8) to make the repeal of the estate tax permanent (Rept. 108–157). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 282. Resolution providing for consideration of the bill (H.R. 1528) to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service (Rept. 108–158). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. H.R. 2330. A bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; with an amendment (Rept. 108–159 Pt. 1). Ordered to be printed.

¶66.31 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2330. Referral to the Committees on Ways and Means, Financial Services, and the

Judiciary extended for a period ending not later than July 7, 2003.

¶66.32 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ACEVEDO-VILA (for himself, Mr. DUNCAN, Mrs. CHRISTENSEN, Mr. UDALL of Colorado, Mr. GONZALEZ, Mr. TOWNS, Mr. GRIJALVA, and Ms. BORDALLO):

H.R. 2488. A bill to provide for the protection of the tropical forests of the Karst Region of the Commonwealth of Puerto Rico and the aquifers and watersheds of this region that constitute a principal water source for much of Puerto Rico, and for other purposes; to the Committee on Resources.

By Mr. BAIRD:

H.R. 2489. A bill to provide for the distribution of judgment funds to the Cowlitz Indian Tribe; to the Committee on Resources.

By Mr. EMANUEL (for himself, Mr. BLUNT, Mr. KING of New York, Mr. HOYER, Mr. REYNOLDS, Mr. RANGEL, Mr. SHIMKUS, Ms. DELAURO, Mr. WALSH, Mr. FROST, Mr. BEAUPREZ, Mr. STARK, Mrs. MILLER of Michigan, Mr. GEORGE MILLER of California, Mr. COLE, Mr. WAXMAN, Ms. HARRIS, Mr. JOHN, Mr. RENZI, Mr. KILDEE, Mr. KIRK, Mr. EVANS, Ms. GINNY BROWN-WAITE of Florida, Mr. FALEOMAVAEGA, Mr. MCHUGH, Mr. CROWLEY, Mr. ACKERMAN, Mr. HINOJOSA, Mr. GRIJALVA, Mr. ISRAEL, Mr. CRAMER, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. ROSS, Mr. DAVIS of Alabama, Mr. WEINER, Ms. WATSON, Mr. CARSON of Oklahoma, Mr. ACEVEDO-VILA, Ms. JACKSON-LEE of Texas, Mrs. MALONEY, Mr. MCNULTY, Mr. NADLER, Mr. OWENS, Mr. BELL, Ms. LINDA T. SANCHEZ of California, and Mr. SCHIFF):

H.R. 2490. A bill to promote elder justice, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON (for herself, Mr. BROWN of Ohio, Mr. WAMP, Mr. WAXMAN, Mrs. BONO, Mr. EDWARDS, Mr. GUTKNECHT, Mr. EMANUEL, Mrs. NORTHUP, Mr. PALLONE, Mr. BRADLEY of New Hampshire, Mrs. LOWEY, Mr. BEREUTER, Mr. SERRANO, Mr. KINGSTON, Mr. WEXLER, Mr. JANKLOW, Ms. ROYBAL-ALLARD, Mr. OSBORNE, Mr. LANGEVIN, Mr. CALVERT, Mr. COOPER, Mr. MARKEY, Mr. ALLEN, and Mr. BURTON of Indiana):

H.R. 2491. A bill entitled the ''Greater Access to Affordable Pharmaceuticals Act''; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON:

H.R. 2492. A bill to ensure that recreation benefits are accorded the same weight as hurricane and storm damage reduction benefits and environmental restoration benefits; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 2493. A bill to assist local governments in conducting gun buyback programs; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. FLAKE, Mr. DELAHUNT, Mr. HOUGHTON, Mr. POMEROY, and Mr. MATSUI):

H.R. 2494. A bill to improve and promote compliance with international intellectual property obligations relating to the Republic of Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES:

H.R. 2495. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe; to the Committee on Resources.

By Mr. REYES:

H.R. 2496. A bill to authorize a national museum, including a research center and related visitor facilities, in the city of El Paso, Texas, to commemorate migration at the United States southern border; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS (for himself, Mr. BROWN of Ohio, Mr. OLVER, Mrs. NAPOLITANO, Mr. SERRANO, Ms. LEE, Ms. CORRINE BROWN of Florida, Mr. MURTHA, Mr. HOLDEN, Mr. PALLONE, Mr. PAUL, Mr. LANTOS, Mr. FILNER, Mr. FROST, Ms. BALDWIN, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. HINCHEY, Mr. TIERNEY, Mr. ABERCROMBIE, Mr. WYNN, Ms. SLAUGHTER, Mr. NADLER, Ms. NORTON, Mr. COSTELLO, Mr. OWENS, Mr. CROWLEY, Mr. KLECZKA, Mr. KUCINICH, Mr. CASE, Mr. DEFAZIO, Ms. WOOLSEY, and Mr. DAVIS of Illinois):

H.R. 2497. A bill to permit commercial importation of prescription drugs from Canada, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. KUCINICH, Ms. LEE, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. DEFAZIO, Mr. PAYNE, Mr. SERRANO, Mr. WEINER, Mr. OLVER, Mr. FILNER, Mr. CONYERS, Mr. NADLER, Ms. CORRINE BROWN of Florida, Ms. WATSON, Ms. BALDWIN, Ms. WOOLSEY, and Mr. DAVIS of Illinois):

H.R. 2498. A bill to amend title XVIII of the Social Security Act to provide a prescription benefit program for all Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Mr. HAYES, Mr. BOSWELL, Mr. LAMPSON, Mr. EHLERS, Mr. OTTER, Mr. DUNCAN, Mr. MORAN of Kansas, Mr. GRAVES, and Mr. BOOZMAN):

H.R. 2499. A bill to provide economic relief to general aviation small business concerns that have suffered substantial economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001; to the Committee on Small Business.

By Mr. STUPAK:

H.R. 2500. A bill to enable the Great Lakes Fishery Commission to investigate effects of migratory birds on sustained productivity of stocks of fish of common concern in the Great Lakes; to the Committee on Resources.

By Mr. CONYERS (for himself and Ms. KILPATRICK):

H. Con. Res. 221. Concurrent resolution extending condolences to the family, friends, and loved ones of the late Mr. Eugene Gilmer; to the Committee on Government Reform.

¶66.33 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

98. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 172 memorializing the President and Congress of the United States to enact legislation requiring the retroactive award of the Combat Medical Badge to all Vietnam personnel serving in the 91 MOS who were assigned to helicopter ambulances; to the Committee on Armed Services.

99. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1871 memorializing the United States Congress to fund the F/A–22 Raptor Program; to the Committee on Armed Services.

100. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Resolution No. 40 memorializing the United States Congress that the Virginia House of Delegates urge the President of the United States to continue to take all actions necessary to protect all 50 states and their people, our allies, and our armed forces abroad from the threat of missile attack; to the Committee on Armed Services.

101. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 276 memorializing the United States Congress to take such steps as are necessary to assure that the Federal Energy Regulatory Commission not adopt its proposed rules for Standard Market Design for electricity markets; to the Committee on Energy and Commerce.

102. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to enact legislation eliminating inequities created by the so-called superfund law, which pertains to the clean up of sites contaminated by hazardous waste; to the Committee on Energy and Commerce.

103. Also, a memorial of the General Assembly of the State of Vermont, relative to Joint House Resolution 15 memorializing the Congress of the United States to urge the federal government to thoroughly review and work to mitigate the economic impact of the recent rise in natural gas and gasoline prices; to the Committee on Energy and Commerce.

104. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Joint Memorial 70 memorializing the United States Congress to endorse the Western States Education Initiative to seek just compensation from the federal government on federally owned land and that it urge the federal government to provide an expedited land exchange process for land not in contention for wilderness designation; to the Committee on Resources.

105. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 101 memorializing the United States Congress that the Idaho Legislature supports and endorses the ''Action Plan for Public Lands and Education''; to the Committee on Resources.

106. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Resolution No. 38 memorializing the Congress of the United States to adopt legislation in support of funding for nitrogen reduction technology; to the Committee on Transportation and Infrastructure.

107. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 8 memorializing the United States Congress to urge the improvement of the prescription drug program provided to veterans; to the Committee on Veterans' Affairs.

108. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 102 memorializing the United States Congress to work to pass and vote for the immediate and permanent repeal of the death tax; to the Committee on Ways and Means.

109. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 103 memorializing the United States Congress to vote to repeal the individual and corporate Alternative Minimum Tax; to the Committee on Ways and Means.

¶66.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 141: Mr. LARSEN of Washington.
H.R. 189: Ms. LEE and Mr. MCDERMOTT.
H.R. 227: Ms. JACKSON-LEE of Texas and Mr. LANTOS.
H.R. 300: Mr. TOOMEY and Mr. GARY G. MILLER of California.
H.R. 303: Mr. WU, Mr. GERLACH, Ms. KILPATRICK, and Mr. DEAL of Georgia.
H.R. 375: Mr. TAUZIN
H.R. 401: Ms. LINDA T. SANCHEZ of California.
H.R. 463: Mr. CANTOR.
H.R. 528: Mr. CALVERT, Mr. NUNES, MR. TERRY, Mr. BROWN of Ohio, Mrs. TAUSCHER, Mr. ISRAEL, and Ms. NORTON.
H.R. 548: Mr. SCOTT of Georgia.
H.R. 594: Mr. CONYERS, Mrs. JONES of Ohio, Mr. HOUGHTON, Mr. CLYBURN, and Mr. MOORE.
H.R. 685: Mr. MCNULTY.
H.R. 687: Mr. ROGERS of Alabama, Mr. TOOMEY, and Mr. GIBBONS.
H.R. 713: Mr. BOEHLERT.
H.R. 716: Mr. MOLLOHAN.
H.R. 813: Mr. VAN HOLLEN.
H.R. 886: Mrs. DAVIS of California.
H.R. 898: Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Ms. WOOLSEY, and Mr. ENGEL.
H.R. 935: Mr. LARSON of Connecticut.
H.R. 941: Mr. DEUTSCH.
H.R. 953: Mr. MCINTYRE.
H.R. 979: Mr. HASTINGS of Florida.
H.R. 1005: Mr. RAHALL.
H.R. 1043: Ms. LINDA T. SANCHEZ of California and Mr. FALEOMAVAEGA.
H.R. 1057: Mr. BRADLEY of New Hampshire.
H.R. 1068: Mr. EVANS, MRS. MCCARTHY of New York, Mr. ROSS, and Ms. VELAZQUEZ
H.R. 1093: Mr. GRIJALVA and Mr. TOWNS.
H.R. 1112: Mr. PRICE of North Carolina.
H.R. 1155: Mr. MATHESON, Mr. COOPER, Mr. FLETCHER, Mr. CLAY, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. LAHOOD, Mr. PRICE of North Carolina, Ms. MCCOLLUM, Mrs. KELLY, and Mr. KUCINICH.
H.R. 1157: Mr. WELDON of Pennsylvania and Mr. VISCLOSKY.
H.R. 1165: Ms. SOLIS.
H.R. 1167: Mr. WOLF and Mr. BROWN of South Carolina.
H.R. 1177: Mr. BROWN of South Carolina, Mr. GILCHREST, Mr. CONYERS, Mr. COOPER, and Mr. LUCAS of Kentucky.
H.R. 1179: Mrs. CAPITO.
H.R. 1243: Mrs. JO ANN DAVIS of Virginia and Ms. JACKSON-LEE of Texas.
H.R. 1283: Mr. DAVIS of Illinois and Mr. OWENS.
H.R. 1288: Mr. GARRETT of New Jersey, Ms. HARMAN, Mrs. KELLY, Mr. TOM DAVIS of Virginia, and Ms. HOOLEY of Oregon.
H.R. 1296: Mr. FROST and Mr. LANTOS.
H.R. 1311: Mr. GOODLATTE and Mr. ALEXANDER.
H.R. 1316: Ms. LORETTA SANCHEZ of California and Mr. VAN HOLLEN.
H.R. 1321: Mr. BELL.
H.R. 1336: Mr. PORTER, Mr. LEWIS of Kentucky, and Mr. GREEN of Texas.
H.R. 1409: Mr. CANNON.
H.R. 1428: Mr. PRICE of North Carolina and Mrs. JO ANN DAVIS of Virginia.
H.R. 1429: Ms. MCCARTHY of Missouri.
H.R. 1448: Mr. WEINER.
H.R. 1470: Ms. ROYBAL-ALLARD and Mrs. NAPOLITANO.
H.R. 1472: Mr. HOLT, Mr. HOUGHTON, and Mr. CYLBURN.
H.R. 1499: Mr. PALLONE, Ms. JACKSON-LEE of Texas, and Mr. PAYNE.
H.R. 1511: Mr. NEUGEBAUER, Mr. HERGER, Mr. RADANOVICH, Mr. ROSS, Mr. STENHOLM, Mr. PASCRELL, Mr. ISRAEL, Mr. DEUTSCH, Mr. HILL, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Mrs. LOWERY, Mr. MARKEY, and Mr. WEXLER.
H.R. 1532: Mr. STARK, Mr. KUCINICH, Mr. SCHIFF, Mr. Holt, Mr. HOUGHTON, and Mr. VAN HOLLEN.
H.R. 1552: Mr. WOLF, Mr. DAVIS of Tennessee, Ms. ESHOO, Mr. FLETCHER, Mr. MICHAUD, and Mrs. CHRISTENSEN.
H.R. 1671: Mr. LAHOOD.
H.R. 1675: Mr. JANKLOW.
H.R. 1705: Mr. EVANS.
H.R. 1725: Mr. WELDON of Pennsylvania, Mr. WICKER, Mr. ISSA, Mr. HERGER, and Mr. HALL.
H.R. 1746: Ms. ROS-LEHTINEN.
H.R. 1749: Mr. WHITFIELD and Mr. MOLLOHAN.
H.R. 1767: Mr. HALL.
H.R. 1778: Mr. HOEKSTRA.
H.R. 1793: Mr. PUTNAM and Mr. TIAHRT.
H.R. 1824: Mrs. TAUSCHER, Mr. HALL, Mrs. WILSON of New Mexico, Ms. SCHAKOWSKY, Mr. PALLONE, Mr. ANDREWS, Mr. LOBIONDO, and Mr. WAMP.
H.R. 1828: Mr. ROGERS of Alabama and Mr. GINGREY.
H.R. 1871: Ms. JACKSON-LEE of Texas, Mr. BROWN of Ohio, Mr. LANTOS, and Mr. FROST.
H.R. 1886: Mr. JENKINS, Mr. WEINER, and Mr. VAN HOLLEN.
H.R. 1914: Mr. PLATTS, Mrs. MILLER of Michigan, Mr. GUTKNECHT, Mr. HINCHEY, Ms. JACKSON-LEE of Texas and Mrs. JONES of Ohio.
H.R. 1915: Mr. LIPINSKI and Mr. PAUL.
H.R. 1916: Mr. MCNULTY, Mr. SIMMONS, Mr. VAN HOLLEN, and Mr. EMANUEL.
H.R. 1926: Mr. BURGESS.
H.R. 1943: Mr. NEY.
H.R. 1981: Ms. LOFGREN.
H.R. 2011: Mrs. CHRISTENSEN, Ms. WATSON, Mr. CROWLEY, Mr. MCDERMOTT, Mr. KUCINICH, Mr. MOORE, Mr. LARSEN of Washington, Ms. NORTON, and Mr. CUMMINGS.
H.R. 2022: Mr. OLVER.
H.R. 2028: Mr. BISHOP of Georgia.
H.R. 2032: Mr. TIAHRT, Ms. DEGETTE, Mr. EMANUEL, and Mr. VAN HOLLEN.
H.R. 2046: Mr. VAN HOLLEN.
H.R. 2057: Mr. TERRY.
H.R. 2063: Mr. GRIJALVA.
H.R. 2093: Mr. ALLEN.
H.R. 2118: Mr. KING of New York.
H.R. 2120: Mr. DREIER.
H.R. 2166: Mr. GUTIERREZ and Mr. RUSH.
H.R. 2172: Mr. MICHAUD and Mr. LIPINSKI.
H.R. 2176: Mr. SMITH of New Jersey.
H.R. 2181: Mr. CHOCOLA.
H.R. 2191: Mr. VAN HOLLEN.
H.R. 2193: Mr. MCNULTY and Mr. BALLANCE.
H.R. 2198: Mr. WU and Mr. DAVIS of Tennessee.
H.R. 2202: Ms. HARRIS.
H.R. 2232: Mr. THORNBERRY, Mr. LEACH, Mr. LUCAS of Kentucky, Mr. HAYWORTH, and Mr. ROSS.
H.R. 2239: Mr. WEXLER, Mr. BAIRD, Ms. WOOLSEY, Mr. HINCHEY, Ms. LEE, Ms. KAPTUR, Mr. VAN HOLLEN, and Mr. CONYERS.
H.R. 2241: Mr. DOYLE.
H.R. 2242: Mr. LANTOS and Mr. HONDA.
H.R. 2246: Mr. DOYLE, Mr. PLATTS, Mr. OSBORNE, and Mr. OLVER.
H.R. 2249: Mr. OXLEY.
H.R. 2260: Mr. LEWIS of Kentucky, Mr. NEAL of Massachusetts, Mr. DEUTSCH, Mr. DAVIS of Illinois, and Mr. CAMP.
H.R. 2262: Mr. VAN HOLLEN.
H.R. 2295: Mr. GREEN of Texas, Ms. LEE, and Mr. RANGEL.
H.R. 2299: Mr. WEXLER and Ms. JACKSON-LEE of Texas.
H.R. 2301: Mr. TOWNS.
H.R. 2307: Mr. NEY, Mr. STRICKLAND, and Mr. GREEN of Texas.
H.R. 2318: Mr. ACEVEDO-VILA.
H.R. 2325: Mr. WU and Ms. BERKLEY.
H.R. 2330: Mr. VAN HOLLEN.
H.R. 2347: Mr. COLE.
H.R. 2351: Mr. PETERSON of Minnesota and Mr. DEUTSCH.
H.R. 2357: Mr. PAUL, Mr. PEARCE, Mr. BRADLEY of New Hampshire, Mr. WILSON of South Carolina, and Mr. GILLMOR.
H.R. 2377: Ms. CORRINE BROWN of Florida.
H.R. 2403: Mr. BLUMENAUER, Mr. WEXLER, and Mr. HOLT.
H.R. 2409: Mr. BARTON of Texas, Mr. ENGEL, and Ms. MCCARTHY of Missouri.
H.R. 2433: Mr. EVANS and Mr. FILNER.
H.R. 2458: Mr. FROST.
H.R. 2459: Mr. POMEROY.
H.R. 2462: Mr. PLATTS, Mr. HOEFFEL, Mr. FRANK of Massachusetts, and Mr. ETHERIDGE.
H.R. 2476: Mr. ROSS.
H.R. 2485: Mr. ANDREWS.
H.J. Res. 50: Mr. CHOCOLA, Mr. SOUDER, and Mr. BALLENGER.
H.J. Res. 58: Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 6: Mr. ROSS.
H. Con. Res. 37: Mr. CALVERT, Mr. SIMMONS, and Mrs. JONES of Ohio.
H. Con. Res. 78: Ms. MCCARTHY of Missouri.
H. Con. Res. 87: Mrs. MALONEY and Mr. SHERMAN.
H. Con. Res. 88: Mr. WICKER, Mr. ISTOOK, and Mr. POMEROY.
H. Con. Res. 98: Mr. WALDEN of Oregon and Mr. SMITH of Michigan.
H. Con. Res. 119: Mrs. MCCARTHY of New York.
H. Con. Res. 164: Mr. BLUMENAUER.
H. Con. Res. 178: Mr. PORTER.
H. Con. Res. 208: Mr. CONYERS, Mr. MCNULTY, and Mr. PAYNE.
H. Res. 141: Mr. MCGOVERN.
H. Res. 144: Mr. LANTOS, Mr. RANGEL, Mr. MCNULTY, Mr. FROST, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Ms. MCCARTHY of Missouri, and Mr. LANGEVIN.
H. Res. 234: Mr. DOYLE, Mr. GEORGE MILLER of California, Mr. RYAN of Ohio, and Mr. MOORE.
H. Res. 237: Mr. CLYBURN.
H. Res. 240: Mr. ROSS, Mr. STENHOLM, Mr. RODRIGUEZ, Mr. WAXMAN, Mr. BELL, Mr. OLVER, Mr. DOOLEY of California, and Mr. FROST.
H. Res. 262: Mr. WILSON of South Carolina, Mr. WOLF, Mr. CONYERS, Mr. SNYDER, and Mr. PAYNE.
H. Res. 277: Mr. SMITH of New Jersey and Mr. ROHRABACHER.
H. Res. 278: Mr. FROST, Mr. MCCOTTER, Mr. WALSH, and Mr. NADLER.

¶66.35 PETITIONS

Under clause 3 of rule XII,

17. The SPEAKER presented a petition of the City Council of Jacksonville, Florida, relative to Resolution 2003-501-A memorializing the Congress of the United States to unanimously co-sponsor and pass Senate Bill 766 and House Bill 197 to locate a national cemetery for veterans in Jacksonville; which

was referred to the Committee on Veterans' Affairs.

¶66.36 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. NUNES.

WEDNESDAY, JUNE 18, 2003 (67)

¶67.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. OSE, who laid before the House the following communication:

WASHINGTON, DC,
June 18, 2003.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

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

¶67.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. OSE, announced he had examined and approved the Journal of the proceedings of Tuesday, June 17, 2003.

Mr. SNYDER, pursuant to clause 1, rule I, demanded a vote on the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

Mr. SNYDER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶67.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2723. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Methoprene, Watermelon Mosaic Virus-2 Coat Protein, and Zucchini Yellow Mosaic Virus Coat Protein; Final Tolerance Actions [OPP-2003-0159; FRL-7309-5] received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2724. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerance [OPP-2003-0155; FRL-7308-8] received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2725. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerances [OPP-2003-0103; FRL-7310-8] received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2726. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General and classified annex for the period October 1, 2002 — March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

2727. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clarifications to Existing National Emissions Standards for Hazardous Air Pollutants Delegations' Provisions [FRL-7508-8] (RIN: 2060-AJ26) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2728. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut, Massachusetts and Rhode Island; Nitrogen oxide Budget and Allowance Trading Program [R1-7218d; A-1-FRL-7513-2] received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2729. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Louisiana, New Mexico, Oklahoma and Bernalillo County, New Mexico; Negative Declarations [FRL- 7511-4] received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2730. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Pumilus Strain QST2808; Temporary Exemption From the Requirement of a Tolerance [OPP-2003-0113; FRL-7301-1] received June 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2731. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Burkholderia Cepacia Complex; Significant New Use Rule [OPPT-2002-0041; FRL-7200-3] (RIN: 2070-AD43) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2732. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Preliminary Assessment Information Reporting; Addition of Certain Chemicals [OPPT-2002-0061; FRL-7306-7] received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2733. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revision [FRL- 7511-1] received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2734. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Peach Bottom Atomic Power Station, Susquehanna River, York County, Pennsylvania [COTP PHILADEPHIA 03-006] (RIN: 1625-AA00) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2735. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Three Mile Island Generating Station, Susquehanna River, Dauphin County, Pennsylvania [COTP PHILADELPHIA 03-007] (RIN: 1625-AA00) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2736. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Suisun Bay, Concord, California [COTP San Francisco Bay 03-010] (RIN: 1625-AA00) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2737. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; The Grand Opening Miami One, Miami, FL [COTP Miami 03-073] (RIN: 1625-AA00) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2738. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display on the Willamette River, Milwaukie, OR [CGD 13-03-016] (RIN: 1625-AA00) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2739. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Stuart 4th of July Fireworks Display [COTP Miami 03-083] (RIN: 1625-AA00) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2740. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coral Reef Club 4th of July Fireworks Display, Miami, FL [COTP Miami 03-075] (RIN: 1625-AA00) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2741. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rivera Beach 4th of July Fireworks Display [COTP Miami 03-082] (RIN: 1625-AA00) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2742. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Town of Lantana July 4th Fireworks Display [COTP Miami 03-081] (RIN: 1625-AA00) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2743. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display on Siuslaw River, Florence, OR and on Willamette River, Portland, OR [CGD 13-03-017] (RIN: 1625-AA00) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2744. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Salem and Hope Creek Generation Stations, Delaware River, Salem County, New Jersey [COTP PHILADELPHIA 03-003] (RIN: 1625-AA00) received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2745. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Limerick Generating Station, Schuylkill River, Montgomery County, Pennsylvania [COTP

PHILADELPHIA 03-004] (RIN: 1625-AA00), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2746. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Availability of ''Allocation of Fiscal Year 2003 Youth and the Environment Training and Employment Program Funds'' [FRL-7508-9] received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2747. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Partial Withdrawal of Direct Final Rule; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Pharmaceutical Manufacturing Point Source Category [FRL-7510-6] (RIN: 2040-AD85) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶67.4 PROVIDING FOR THE CONSIDERATION OF H.R. 1528

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 282):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1528) to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divide and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Washington, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.5 PROVIDING FOR THE CONSIDERATION OF H.R. 8

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 281):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 8) to make the repeal of the estate tax permanent. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Pomeroy of North Dakota or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. REYNOLDS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 227 / Nays 200

¶67.6 [Roll No. 284]

YEAS—227

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

NAYS—200

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

NOT VOTING—7

Brady (TX)
Carson (IN)
Conyers
Gephardt
Lofgren
Smith (WA)
Weiner

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 230 / Nays 199

¶67.7 [Roll No. 285]

AYES—230

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

NOES—199

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

NOT VOTING—5

Carson (IN)
Gephardt
Lofgren
Smith (WA)
Weiner

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.8 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATHAM, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, June 17, 2003.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. LATHAM, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing Chair's approval of said Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

When there appeared .... { Yeas ..... 365 / Nays ..... 51 / Answered present 1

¶67.9 [Roll No. 286]

AYES—365

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum

McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Sullivan
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—59

Aderholt
Baird
Baldwin
Berry
Brady (PA)
Brown (OH)
Capuano
Clay
Conyers
Costello
Crane
DeFazio
English
Evans
Filner
Ford
Fossella
Gillmor
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Holt
Hulshof
Jefferson
Kennedy (MN)
Kennedy (RI)
Kucinich
Larsen (WA)
LoBiondo
Matheson
McDermott
McGovern
McNulty
Miller, George
Moore
Oberstar
Olver
Peterson (MN)
Ramstad
Sabo
Schakowsky
Shadegg
Slaughter
Stark
Stenholm
Strickland
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wicker
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—9

Carson (IN)
Doggett
Gephardt
Hinchey
Lofgren
Peterson (PA)
Smith (WA)
Stupak
Weiner

So the Journal was approved.

¶67.10 DEATH TAX REPEAL PERMANENCY

Ms. DUNN, pursuant to House Resolution 281, called up the bill (H.R. 8) to make the repeal of the estate tax permanent.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 281, Mr. POMEROY submitted the following amendment in the nature of a substitute as printed in House Report 108-157:

Strike all after the enacting clause and insert the following:

SECTION 1. RESTORATION OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(b) SUNSET NOT TO APPLY.—

(1) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''this Act'' and all that follows and inserting ''this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.''.

(2) Subsection (b) of such section 901 is amended by striking '', estates, gifts, and transfers''.

(c) CONFORMING AMENDMENTS.—Subsections (d) and (e) of section 511 of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subsections, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsections, and amendments, had never been enacted.

SEC. 2. MODIFICATIONS TO ESTATE TAX.

(a) INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT TO $3,000,000.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to applicable credit amount) is amended by striking all that follows ''the applicable exclusion amount'' and inserting ''. For purposes of the preceding sentence, the applicable exclusion amount is $3,000,000.''.

(b) MAXIMUM ESTATE TAX RATE TO REMAIN AT 49 PERCENT; RESTORATION OF PHASEOUT OF GRADUATED RATES AND UNIFIED CREDIT.—

(1) Paragraph (1) of section 2001(c) of such Code is amended by striking the last 2 items in the table and inserting the following new item:

''Over $2,000,000 ..... $780,800, plus 49% of the excess over $2,000,000.''.

(2) Paragraph (2) of section 2001(c) of such Code is amended to read as follows:

''(2) PHASEOUT OF GRADUATED RATES AND UNIFIED CREDIT.—The tentative tax determined under paragraph (1) shall be increased by an amount equal to 5 percent of so much of the amount (with respect to which the tentative tax is to be computed) as exceeds $10,000,000. The amount of the increase under the preceding sentence shall not exceed the sum of the applicable credit amount under section 2010(c) and $199,200.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2003.

SEC. 3. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.

(a) IN GENERAL.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

''(d) VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.—For purposes of this chapter and chapter 12—

''(1) IN GENERAL.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

''(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

''(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

''(2) NONBUSINESS ASSETS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

''(B) EXCEPTION FOR CERTAIN PASSIVE ASSETS.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

''(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

''(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

''(C) EXCEPTION FOR WORKING CAPITAL.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

''(3) PASSIVE ASSET.—For purposes of this subsection, the term 'passive asset' means any—

''(A) cash or cash equivalents,

''(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

''(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

''(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

''(E) annuity,

''(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

''(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

''(H) commodity,

''(I) collectible (within the meaning of section 401(m)), or

''(J) any other asset specified in regulations prescribed by the Secretary.

''(4) LOOK-THRU RULES.—

''(A) IN GENERAL.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

''(B) 10-PERCENT INTEREST.—The term '10-percent interest' means—

''(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

''(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

''(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

''(5) COORDINATION WITH SUBSECTION (b).—Subsection (b) shall apply after the application of this subsection.

''(e) LIMITATION ON MINORITY DISCOUNTS.—For purposes of this chapter and chapter 12, in the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section

1092), no discount shall be allowed by reason of the fact that the transferee does not have control of such entity if the transferee and members of the family (as defined in section 2032A(e)(2)) of the transferee have control of such entity.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

Amend the title so as to read: ''A bill to amend the Internal Revenue Code of 1986 to restore the estate tax, to limit its applicability to estates of over $3,000,000, and for other purposes.''

After debate,

Pursuant to House Resolution 281, the previous question was ordered on the bill and on the amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. POMEROY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 188 / Nays ..... 239 }

¶67.11 [Roll No. 287]

YEAS—188

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

NAYS—239

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

NOT VOTING—8

Carson (IN)
Conyers
Gephardt
Hulshof
Lofgren
Nadler
Smith (WA)
Taylor (MS)

So the amendment in the nature of a substitute was not agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. LEVIN demanded a recorded vote on passage of said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 264 / Nays ..... 163 }

¶67.12 [Roll No. 288]

AYES—264

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Farr
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions

Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—163

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bereuter
Berman
Bishop (NY)
Blumenauer
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Clyburn
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—8

Carson (IN)
Conyers
Gephardt
Lofgren
Nadler
Radanovich
Smith (WA)
Tiberi

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶67.13 ORDER OF BUSINESS—CONSIDERATION OF H.R. 1528

On motion of Mr. BLUNT, by unanimous consent,

Ordered, That during consideration of H.R. 1528, to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service, pursuant to House Resolution 282, notwithstanding the ordering of the previous question, that it may be in order at any time for the Chair to postpone further consideration of the bill until a later time to be designated by the Speaker.

¶67.14 PROVIDING FOR THE CONSIDERATION OF H.R. 660

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–160) the resolution (H. Res. 283) providing for consideration of the bill (H.R. 660) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

When said resolution and report were referred to the House Calendar and ordered printed.

¶67.15 TAXPAYER PROTECTION AND IRS ACCOUNTABILITY

Mr. MCCRERY, pursuant to House Resolution 282, and the previous order of the House, called up the bill (H.R. 1528) to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service.

Pending consideration of said bill,

Pursuant to House Resolution 282, the following amendment recommended by the Committee on Ways and Means and printed in the bill, as modified by the amendment printed in part A of House Report 108-158, was considered as adopted:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Protection and IRS Accountability Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—PENALTY AND INTEREST REFORMS

Sec. 101. Failure to pay estimated tax penalty converted to interest charge on accumulated unpaid balance.
Sec. 102. Exclusion from gross income for interest on overpayments of income tax by individuals.
Sec. 103. Abatement of interest.
Sec. 104. Deposits made to suspend running of interest on potential underpayments.
Sec. 105. Expansion of interest netting for individuals.
Sec. 106. Waiver of certain penalties for first-time unintentional minor errors.
Sec. 107. Frivolous tax submissions.
Sec. 108. Clarification of application of Federal tax deposit penalty.

TITLE II—FAIRNESS OF COLLECTION PROCEDURES

Sec. 201. Partial payment of tax liability in installment agreements.
Sec. 202. Extension of time for return of property.
Sec. 203. Individuals held harmless on wrongful levy, etc., on individual retirement plan.
Sec. 204. Seven-day threshold on tolling of statute of limitations during tax review.
Sec. 205. Study of liens and levies.

TITLE III—TAX ADMINISTRATION REFORMS

Sec. 301. Revisions relating to termination of employment of Internal Revenue Service employees for misconduct.
Sec. 302. Confirmation of authority of tax court to apply doctrine of equitable recoupment.
Sec. 303. Jurisdiction of tax court over collection due process cases.
Sec. 304. Office of Chief Counsel review of offers in compromise.
Sec. 305. 15-day delay in due date for electronically filed individual income tax returns.
Sec. 306. Access of National Taxpayer Advocate to independent legal counsel.
Sec. 307. Payment of motor fuel excise tax refunds by direct deposit.
Sec. 308. Family business tax simplification.
Sec. 309. Health insurance costs of eligible individuals.
Sec. 310. Suspension of tax-exempt status of terrorist organizations.
Sec. 311. Extension of joint review of strategic plans and budget for the Interal Revenue Service.

TITLE IV—CONFIDENTIALITY AND DISCLOSURE

Sec. 401. Collection activities with respect to joint return disclosable to either spouse based on oral request.
Sec. 402. Taxpayer representatives not subject to examination on sole basis of representation of taxpayers.
Sec. 403. Disclosure in judicial or administrative tax proceedings of return and return information of persons who are not party to such proceedings.
Sec. 404. Prohibition of disclosure of taxpayer identification information with respect to disclosure of accepted offers-in-compromise.
Sec. 405. Compliance by contractors with confidentiality safeguards.
Sec. 406. Higher standards for requests for and consents to disclosure.
Sec. 407. Notice to taxpayer concerning administrative determination of browsing; annual report.
Sec. 408. Expanded disclosure in emergency circumstances.
Sec. 409. Disclosure of taxpayer identity for tax refund purposes.
Sec. 410. Disclosure to State officials of proposed actions related to section 501(c)(3) organizations.
Sec. 411. Confidentiality of taxpayer communications with the Office of the Taxpayer Advocate.

TITLE V—MISCELLANEOUS

Sec. 501. Clarification of definition of church tax inquiry.
Sec. 502. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 503. Employee misconduct report to include summary of complaints by category.
Sec. 504. Annual report on awards of costs and certain fees in administrative and court proceedings.
Sec. 505. Annual report on abatement of penalties.
Sec. 506. Better means of communicating with taxpayers.
Sec. 507. Explanation of statute of limitations and consequences of failure to file.
Sec. 508. Amendment to treasury auction reforms.
Sec. 509. Enrolled agents.
Sec. 510. Financial management service fees.

Sec. 511. Extension of Internal Revenue Service user fees.

TITLE VI—LOW-INCOME TAXPAYER CLINICS

Sec. 601. Low-income taxpayer clinics.

TITLE VII—FEDERAL-STATE UNEMPLOYMENT ASSISTANCE AGREEMENTS.

Sec. 701. Applicability of certain Federal-State agreements relating to unemployment assistance.

TITLE I—PENALTY AND INTEREST REFORMS

SEC. 101. FAILURE TO PAY ESTIMATED TAX PENALTY CONVERTED TO INTEREST CHARGE ON ACCUMULATED UNPAID BALANCE.

(a) PENALTY MOVED TO INTEREST CHAPTER OF CODE.—The Internal Revenue Code of 1986 is amended by redesignating section 6654 as section 6641 and by moving section 6641 (as so redesignated) from part I of subchapter A of chapter 68 to the end of subchapter E of chapter 67 (as added by subsection (e)(1) of this section).

(b) PENALTY CONVERTED TO INTEREST CHARGE.—The heading and subsections (a) and (b) of section 6641 (as so redesignated) are amended to read as follows:

"SEC. 6641. INTEREST ON FAILURE BY INDIVIDUAL TO PAY ESTIMATED INCOME TAX.

''(a) IN GENERAL.—Interest shall be paid on any underpayment of estimated tax by an individual for a taxable year for each day of such underpayment. The amount of such interest for any day shall be the product of the underpayment rate established under subsection (b)(2) multiplied by the amount of the underpayment.

''(b) AMOUNT OF UNDERPAYMENT; INTEREST RATE.—For purposes of subsection (a)—

''(1) AMOUNT.—The amount of the underpayment on any day shall be the excess of—

''(A) the sum of the required installments for the taxable year the due dates for which are on or before such day, over

''(B) the sum of the amounts (if any) of estimated tax payments made on or before such day on such required installments.

''(2) DETERMINATION OF INTEREST RATE.—

''(A) IN GENERAL.—The underpayment rate with respect to any day in an installment underpayment period shall be the underpayment rate established under section 6621 for the first day of the calendar quarter in which such installment underpayment period begins.

''(B) INSTALLMENT UNDERPAYMENT PERIOD.—For purposes of subparagraph (A), the term 'installment underpayment period' means the period beginning on the day after the due date for a required installment and ending on the due date for the subsequent required installment (or in the case of the 4th required installment, the 15th day of the 4th month following the close of a taxable year).

''(C) DAILY RATE.—The rate determined under subparagraph (A) shall be applied on a daily basis and shall be based on the assumption of 365 days in a calendar year.

''(3) TERMINATION OF ESTIMATED TAX INTEREST.—No day after the end of the installment underpayment period for the 4th required installment specified in paragraph (2)(B) for a taxable year shall be treated as a day of underpayment with respect to such taxable year.''.

(c) INCREASE IN SAFE HARBOR WHERE TAX IS SMALL.—

(1) IN GENERAL.—Clause (i) of section 6641(d)(1)(B) (as so redesignated) is amended to read as follows:

''(i) the lesser of—

''(I) 90 percent of the tax shown on the return for the taxable year (or, if no return is filed, 90 percent of the tax for such year), or

''(II) the tax shown on the return for the taxable year (or, if no return is filed, the tax for such year) reduced (but not below zero) by $1,600, or''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6641 (as so redesignated) is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(d) CONFORMING AMENDMENTS.—

(1) Paragraphs (1) and (2) of subsection (e) (as redesignated by subsection (c)(2)) and subsection (h) of section 6641 (as so designated) are each amended by striking ''addition to tax'' each place it occurs and inserting ''interest''.

(2) Section 167(g)(5)(D) is amended by striking ''6654'' and inserting ''6641''.

(3) Section 460(b)(1) is amended by striking ''6654'' and inserting ''6641''.

(4) Section 3510(b) is amended—

(A) by striking ''section 6654'' in paragraph (1) and inserting ''section 6641'';

(B) by amending paragraph (2)(B) to read as follows:

''(B) no interest would be required to be paid (but for this section) under 6641 for such taxable year by reason of the $1,600 amount specified in section 6641(d)(1)(B)(i)(II).'';

(C) by striking ''section 6654(d)(2)'' in paragraph (3) and inserting ''section 6641(d)(2)''; and

(D) by striking paragraph (4).

(5) Section 6201(b)(1) is amended by striking ''6654'' and inserting ''6641''.

(6) Section 6601(h) is amended by striking ''6654'' and inserting ''6641''.

(7) Section 6621(b)(2)(B) is amended by striking ''addition to tax under section 6654'' and inserting ''interest required to be paid under section 6641''.

(8) Section 6622(b) is amended—

(A) by striking ''PENALTY FOR'' in the heading; and

(B) by striking ''addition to tax under section 6654 or 6655'' and inserting ''interest required to be paid under section 6641 or addition to tax under section 6655''.

(9) Section 6658(a) is amended—

(A) by striking ''6654, or 6655'' and inserting ''or 6655, and no interest shall be required to be paid under section 6641,''; and

(B) by inserting ''or paying interest'' after ''the tax'' in paragraph (2)(B)(ii).

(10) Section 6665(b) is amended—

(A) in the matter preceding paragraph (1) by striking '', 6654,''; and

(B) in paragraph (2) by striking ''6654 or''.

(11) Section 7203 is amended by striking ''section 6654 or 6655'' and inserting ''section 6655 or interest required to be paid under section 6641''.

(e) CLERICAL AMENDMENTS.—

(1) Chapter 67 is amended by inserting after subchapter D the following:

"Subchapter E—Interest on Failure by Individual to Pay Estimated Income Tax

''Sec. 6641. Interest on failure by individual to pay estimated income tax.''.

(2) The table of subchapters for chapter 67 is amended by adding at the end the following new items:

''Subchapter D. Notice requirements.

''Subchapter E. Interest on failure by individual to pay estimated income tax.''.

(3) The table of sections for part I of subchapter A of chapter 68 is amended by striking the item relating to section 6654.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to installment payments for taxable years beginning after December 31, 2003.

SEC. 102. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting after section 139 the following new section:

"SEC. 139A. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

''(a) IN GENERAL.—In the case of an individual, gross income shall not include interest paid under section 6611 on any overpayment of tax imposed by this subtitle.

''(b) EXCEPTION.—Subsection (a) shall not apply in the case of a failure to claim items resulting in the overpayment on the original return if the Secretary determines that the principal purpose of such failure is to take advantage of subsection (a).

''(c) SPECIAL RULE FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME.—For purposes of this title, interest not included in gross income under subsection (a) shall not be treated as interest which is exempt from tax for purposes of sections 32(i)(2)(B) and 6012(d) or any computation in which interest exempt from tax under this title is added to adjusted gross income.''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139 the following new item:

''Sec. 139A. Exclusion from gross income for interest on overpayments of income tax by individuals.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received in calendar years beginning after the date of the enactment of this Act.

SEC. 103. ABATEMENT OF INTEREST.

(a) ABATEMENT OF INTEREST WITH RESPECT TO ERRONEOUS REFUND CHECK WITHOUT REGARD TO SIZE OF REFUND.—Paragraph (2) of section 6404(e) is amended by striking ''unless—'' and all that follows and inserting ''unless the taxpayer (or a related party) has in any way caused such erroneous refund.''.

(b) ABATEMENT OF INTEREST TO EXTENT INTEREST IS ATTRIBUTABLE TO TAXPAYER RELIANCE ON WRITTEN STATEMENTS OF THE IRS.—Subsection (f) of section 6404 is amended—

(1) in the subsection heading, by striking ''PENALTY OR ADDITION'' and inserting ''INTEREST, PENALTY, OR ADDITION''; and

(2) in paragraph (1) and in subparagraph (B) of paragraph (2), by striking ''penalty or addition'' and inserting ''interest, penalty, or addition''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interest accruing on or after the date of the enactment of this Act.

SEC. 104. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) IN GENERAL.—Subchapter A of chapter 67 (relating to interest on underpayments) is amended by adding at the end the following new section:

"SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

''(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

''(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

''(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

''(d) PAYMENT OF INTEREST.—

''(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

''(2) DISPUTABLE TAX.—

''(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

''(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

''(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

''(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

''(i) has a reasonable basis for its treatment of such item, and

''(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

''(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

''(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

''(e) USE OF DEPOSITS.—

''(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

''(2) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 is amended by adding at the end the following new item:

''Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

(2) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 105. EXPANSION OF INTEREST NETTING FOR INDIVIDUALS.

(a) IN GENERAL.—Subsection (d) of section 6621 (relating to elimination of interest on overlapping periods of tax overpayments and underpayments) is amended by adding at the end the following: ''Solely for purposes of the preceding sentence, section 6611(e) shall not apply in the case of an individual.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accrued after December 31, 2003.

SEC. 106. WAIVER OF CERTAIN PENALTIES FOR FIRST-TIME UNINTENTIONAL MINOR ERRORS.

(a) IN GENERAL.—Section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end the following new subsection:

''(i) TREATMENT OF FIRST-TIME UNINTENTIONAL MINOR ERRORS.—

''(1) IN GENERAL.—In the case of a return of tax imposed by subtitle A filed by an individual, the Secretary may waive an addition to tax under subsection (a) if—

''(A) the individual has a history of compliance with the requirements of this title,

''(B) it is shown that the failure is due to an unintentional minor error,

''(C) the penalty would be grossly disproportionate to the action or expense that would have been needed to avoid the error, and imposing the penalty would be against equity and good conscience,

''(D) waiving the penalty would promote compliance with the requirements of this title and effective tax administration, and

''(E) the taxpayer took all reasonable steps to remedy the error promptly after discovering it.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply if—

''(A) the Secretary has waived any addition to tax under this subsection with respect to any prior failure by such individual,

''(B) the failure is a mathematical or clerical error (as defined in section 6213(g)(2)), or

''(C) the failure is the lack of a required signature.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2004.

SEC. 107. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

''SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission is based on a position which the Secretary has identified as frivolous under subsection (c).

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 7811 (relating to taxpayer assistance orders),

''(II) section 6159 (relating to agreements for payment of tax liability in installments), or

''(III) section 7122 (relating to compromises).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 108. CLARIFICATION OF APPLICATION OF FEDERAL TAX DEPOSIT PENALTY.

Nothing in section 6656 of the Internal Revenue Code of 1986 shall be construed to permit the percentage specified in subsection (b)(1)(A)(iii) thereof to apply other than in a case where the failure is for more than 15 days.

TITLE II—FAIRNESS OF COLLECTION PROCEDURES

SEC. 201. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(B) by inserting ''full or partial'' after ''facilitate''.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 202. EXTENSION OF TIME FOR RETURN OF PROPERTY.

(a) EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY.—Subsection (b) of section 6343 (relating to return of property) is amended by striking ''9 months'' and inserting ''2 years''.

(b) PERIOD OF LIMITATION ON SUITS.—Subsection (c) of section 6532 (relating to suits by persons other than taxpayers) is amended—

(1) in paragraph (1) by striking ''9 months'' and inserting ''2 years'', and

(2) in paragraph (2) by striking ''9-month'' and inserting ''2-year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

SEC. 203. INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC., ON INDIVIDUAL RETIREMENT PLAN.

(a) IN GENERAL.—Section 6343 (relating to authority to release levy and return property) is

amended by adding at the end the following new subsection:

''(f) INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC. ON INDIVIDUAL RETIREMENT PLAN.—

''(1) IN GENERAL.—If the Secretary determines that an individual retirement plan has been levied upon in a case to which subsection (b) or (d)(2)(A) applies, an amount equal to the sum of—

''(A) the amount of money returned by the Secretary on account of such levy, and

''(B) interest paid under subsection (c) on such amount of money,

may be deposited into an individual retirement plan (other than an endowment contract) to which a rollover from the plan levied upon is permitted.

''(2) TREATMENT AS ROLLOVER.—The distribution on account of the levy and any deposit under paragraph (1) with respect to such distribution shall be treated for purposes of this title as if such distribution and deposit were part of a rollover described in section 408(d)(3)(A)(i); except that—

''(A) interest paid under subsection (c) shall be treated as part of such distribution and as not includible in gross income,

''(B) the 60-day requirement in such section shall be treated as met if the deposit is made not later than the 60th day after the day on which the individual receives an amount under paragraph (1) from the Secretary, and

''(C) such deposit shall not be taken into account under section 408(d)(3)(B).

''(3) REFUND, ETC., OF INCOME TAX ON LEVY.—If any amount is includible in gross income for a taxable year by reason of a levy referred to in paragraph (1) and any portion of such amount is treated as a rollover under paragraph (2), any tax imposed by chapter 1 on such portion shall not be assessed, and if assessed shall be abated, and if collected shall be credited or refunded as an overpayment made on the due date for filing the return of tax for such taxable year.

''(4) INTEREST.—Notwithstanding subsection (d), interest shall be allowed under subsection (c) in a case in which the Secretary makes a determination described in subsection (d)(2)(A) with respect to a levy upon an individual retirement plan.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid under subsections (b), (c), and (d)(2)(A) of section 6343 of the Internal Revenue Code of 1986 after December 31, 2003.

SEC. 204. SEVEN-DAY THRESHOLD ON TOLLING OF STATUTE OF LIMITATIONS DURING TAX REVIEW.

(a) IN GENERAL.—Section 7811(d)(1) (relating to suspension of running of period of limitation) is amended by inserting after ''application,'' the following: ''but only if the date of such decision is at least 7 days after the date of the taxpayer's application,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to applications filed after the date of the enactment of this Act.

SEC. 205. STUDY OF LIENS AND LEVIES.

The Secretary of the Treasury, or the Secretary's delegate, shall conduct a study of the practices of the Internal Revenue Service concerning liens and levies. The study shall examine—

(1) the declining use of liens and levies by the Internal Revenue Service, and

(2) the practicality of recording liens and levying against property in cases in which the cost of such actions exceeds the amount to be realized from such property.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

TITLE III—TAX ADMINISTRATION REFORMS

SEC. 301. REVISIONS RELATING TO TERMINATION OF EMPLOYMENT OF INTERNAL REVENUE SERVICE EMPLOYEES FOR MISCONDUCT.

(a) IN GENERAL.—Subchapter A of chapter 80 (relating to application of internal revenue laws) is amended by inserting after section 7804 the following new section:

''SEC. 7804A. DISCIPLINARY ACTIONS FOR MISCONDUCT.

''(a) DISCIPLINARY ACTIONS.—

''(1) IN GENERAL.—Subject to subsection (c), the Commissioner shall take an action in accordance with the guidelines established under paragraph (2) against any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission described under subsection (b) in the performance of the employee's official duties or where a nexus to the employee's position exists.

''(2) GUIDELINES.—The Commissioner shall issue guidelines for determining the appropriate level of discipline, up to and including termination of employment, for committing any act or omission described under subsection (b).

''(b) ACTS OR OMISSIONS.—The acts or omissions described under this subsection are—

''(1) willful failure to obtain the required approval signatures on documents authorizing the seizure of a taxpayer's home, personal belongings, or business assets;

''(2) willfully providing a false statement under oath with respect to a material matter involving a taxpayer or taxpayer representative;

''(3) with respect to a taxpayer or taxpayer representative, the willful violation of—

''(A) any right under the Constitution of the United States;

''(B) any civil right established under—

''(i) title VI or VII of the Civil Rights Act of 1964;

''(ii) title IX of the Education Amendments of 1972;

''(iii) the Age Discrimination in Employment Act of 1967;

''(iv) the Age Discrimination Act of 1975;

''(v) section 501 or 504 of the Rehabilitation Act of 1973; or

''(vi) title I of the Americans with Disabilities Act of 1990; or

''(C) the Internal Revenue Service policy on unauthorized inspection of returns or return information;

''(4) willfully falsifying or destroying documents to conceal mistakes made by any employee with respect to a matter involving a taxpayer or taxpayer representative;

''(5) assault or battery on a taxpayer or taxpayer representative, but only if there is a criminal conviction, or a final adverse judgment by a court in a civil case, with respect to the assault or battery;

''(6) willful violations of this title, Department of the Treasury regulations, or policies of the Internal Revenue Service (including the Internal Revenue Manual) for the purpose of retaliating against, or harassing, a taxpayer or taxpayer representative;

''(7) willful misuse of the provisions of section 6103 for the purpose of concealing information from a congressional inquiry;

''(8) willful failure to file any return of tax required under this title on or before the date prescribed therefor (including any extensions) when a tax is due and owing, unless such failure is due to reasonable cause and not due to willful neglect;

''(9) willful understatement of Federal tax liability, unless such understatement is due to reasonable cause and not due to willful neglect; and

''(10) threatening to audit a taxpayer, or to take other action under this title, for the purpose of extracting personal gain or benefit.

''(c) DETERMINATIONS OF COMMISSIONER.—

''(1) IN GENERAL.—The Commissioner may take a personnel action other than a disciplinary action provided for in the guidelines under subsection (a)(2) for an act or omission described under subsection (b).

''(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may not be delegated to any other officer. The Commissioner, in his sole discretion, may establish a procedure to determine if an individual should be referred to the Commissioner for a determination by the Commissioner under paragraph (1).

''(3) NO APPEAL.—Notwithstanding any other provision of law, any determination of the Commissioner under this subsection may not be reviewed in any administrative or judicial proceeding. A finding that an act or omission described under subsection (b) occurred may be reviewed.

''(d) DEFINITION.—For the purposes of the provisions described in clauses (i), (ii), and (iv) of subsection (b)(3)(B), references to a program or activity regarding Federal financial assistance or an education program or activity receiving Federal financial assistance shall include any program or activity conducted by the Internal Revenue Service for a taxpayer.

''(e) ANNUAL REPORT.—The Commissioner shall submit to Congress annually a report on disciplinary actions under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 80 is amended by inserting after the item relating to section 7804 the following new item:

''Sec. 7804A. Disciplinary actions for misconduct.''.

(c) REPEAL OF SUPERSEDED SECTION.—Section 1203 of the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105–206; 112 Stat. 720) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 302. CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.

(a) CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.—Subsection (b) of section 6214 (relating to jurisdiction over other years and quarters) is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, the Tax Court may apply the doctrine of equitable recoupment to the same extent that it is available in civil tax cases before the district courts of the United States and the United States Court of Federal Claims.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any action or proceeding in the Tax Court with respect to which a decision has not become final (as determined under section 7481 of the Internal Revenue Code of 1986) as of the date of the enactment of this Act.

SEC. 303. JURISDICTION OF TAX COURT OVER COLLECTION DUE PROCESS CASES.

(a) IN GENERAL.—Section 6330(d)(1) (relating to judicial review of determination) is amended to read as follows:

''(1) JUDICIAL REVIEW OF DETERMINATION.—The person may, within 30 days of a determination under this section, appeal such determination to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to judicial appeals filed after the date of the enactment of this Act.

SEC. 304. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS IN COMPROMISE.

(a) IN GENERAL.—Section 7122(b) (relating to record) is amended by striking ''Whenever a compromise'' and all that follows through ''his delegate'' and inserting ''If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a

compromise, there shall be placed on file in the office of the Secretary such opinion''.

(b) CONFORMING AMENDMENTS.—Section 7122(b) is amended by striking the second and third sentences.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 305. 15-DAY DELAY IN DUE DATE FOR ELECTRONICALLY FILED INDIVIDUAL INCOME TAX RETURNS.

(a) IN GENERAL.—Section 6072 (relating to time for filing income tax returns) is amended by adding at the end the following new subsection:

''(f) ELECTRONICALLY FILED RETURNS OF INDIVIDUALS.—

''(1) IN GENERAL.—Returns of an individual under section 6012 or 6013 (other than an individual to whom subsection (c) applies) which are filed electronically—

''(A) in the case of returns filed on the basis of a calendar year, shall be filed on or before the 30th day of April following the close of the calendar year, and

''(B) in the case of returns filed on the basis of a fiscal year, shall be filed on or before the last day of the 4th month following the close of the fiscal year.

''(2) ELECTRONIC FILING.—Paragraph (1) shall not apply to any return unless—

''(A) such return is accepted by the Secretary, and

''(B) the balance due (if any) shown on such return is paid electronically in a manner prescribed by the Secretary.

''(3) SPECIAL RULES.—

''(A) ESTIMATED TAX.—If—

''(i) paragraph (1) applies to an individual for any taxable year, and

''(ii) there is an overpayment of tax shown on the return for such year which the individual allows against the individual's obligation under section 6641,

then, with respect to the amount so allowed, any reference in section 6641 to the April 15 following such taxable year shall be treated as a reference to April 30.

''(B) REFERENCES TO DUE DATE.—Paragraph (1) shall apply solely for purposes of determining the due date for the individual's obligation to file and pay tax and, except as otherwise provided by the Secretary, shall be treated as an extension of the due date for any other purpose under this title.

''(4) TERMINATION.—This subsection shall not apply to any return filed with respect to a taxable year which begins after December 31, 2005.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns filed with respect to taxable years beginning after December 31, 2002.

SEC. 306. ACCESS OF NATIONAL TAXPAYER ADVOCATE TO INDEPENDENT LEGAL COUNSEL.

Clause (i) of section 7803(c)(2)(D) (relating to personnel actions) is amended by striking ''and'' at the end of subclause (I), by striking the period at the end of subclause (II) and inserting '', and'', and by adding at the end the following new subclause:

''(III) appoint a counsel in the Office of the Taxpayer Advocate to report solely to the National Taxpayer Advocate.''.

SEC. 307. PAYMENT OF MOTOR FUEL EXCISE TAX REFUNDS BY DIRECT DEPOSIT.

(a) IN GENERAL.—Subchapter II of chapter 33 of title 31, United States Code, is amended by adding at the end the following new section:

''§3337. Payment of motor fuel excise tax refunds by direct deposit

''The Secretary of the Treasury shall make payments under sections 6420, 6421, and 6427 of the Internal Revenue Code of 1986 by electronic funds transfer (as defined in section 3332(j)(1)) if the person who is entitled to the payment—

''(1) elects to receive the payment by electronic funds transfer; and

''(2) satisfies the requirements of section 3332(g) with respect to such payment at such time and in such manner as the Secretary may require.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 33 of title 31, United States Code, is amended by adding at the end the following new item:

''3337. Payment of motor fuel excise tax refunds by direct deposit.''.

SEC. 308. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) QUALIFIED JOINT VENTURE.—

''(1) IN GENERAL.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

''(A) such joint venture shall not be treated as a partnership,

''(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

''(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

''(2) QUALIFIED JOINT VENTURE.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

''(A) the only members of such joint venture are a husband and wife,

''(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

''(C) both spouses elect the application of this subsection.''.

(b) NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking ''and'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ''; and'', and by inserting after paragraph (15) the following new paragraph:

''(16) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.''.

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking ''and'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ''; and'', and by inserting after paragraph (15) the following new paragraph:

''(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 309. HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS.

(a) CONSUMER OPTIONS.—

(1) IN GENERAL.—Paragraph (2) of section 35(e) is amended by adding at the end the following new subparagraphs:

''(C) WAIVER BY ELIGIBLE INDIVIDUALS.—With respect to any month, clauses (i) and (ii) of subparagraph (A) shall not apply with respect to any eligible individual and such individual's qualifying family members if such individual—

''(i) does not reside in a State which the Secretary has identified by regulation, guidance, or otherwise as a State in which any coverage which—

''(I) is described in any of subparagraphs (C) through (H) of paragraph (1), and

''(II) meets the requirements of subparagraphs (A) and (B) of this paragraph,

is available to eligible individuals (and their qualifying family members) residing in the State, and

''(ii) elects to waive the application of clauses (i) and (ii) of subparagraph (A) of this paragraph.

''(D) ELECTION.—Any election made under subparagraph (C)(ii) shall be effective for the month for which such election is made and for all subsequent months.

''(E) TERMINATION.—Subparagraphs (C) and (D) shall not apply to any month beginning after December 31, 2004.''.

(2) NO IMPACT ON STATE CONSUMER PROTECTIONS.—Nothing in the amendment made by paragraph (1) supercedes or otherwise affects the application of State law relating to consumer insurance protections (including State law implementing the requirements of part B of title XXVII of the Public Health Service Act).

(b) STATE-BASED CONTINUATION COVERAGE NOT SUBJECT TO REQUIREMENTS.—Subparagraphs (A) and (B)(i) of section 35(e)(2) are each amended by striking ''subparagraphs (B) through (H)'' and inserting ''subparagraphs (C) through (H)''.

(c) EFFECTIVE DATE.—

(1) CONSUMER OPTIONS.—The amendment made by subsection (a) shall apply to months beginning after the date of the enactment of this Act.

(2) STATE-BASED CONTINUATION COVERAGE.—The amendments made by subsection (b) shall take effect as if included in section 201(a) of the Trade Act of 2002.

SEC. 310. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 311. EXTENSION OF JOINT REVIEW OF STRATEGIC PLANS AND BUDGET FOR THE INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Paragraph (2) of section 8021(f) (relating to joint reviews) is amended by striking ''2004'' and inserting ''2009''.

(b) REPORT.—Subparagraph (C) of section 8022(3) (regarding reports) is amended—

(1) by striking ''2004'' and inserting ''2009'', and

(2) by striking ''with respect to—'' and all that follows and inserting ''with respect to the matters addressed in the joint review referred to in section 8021(f)(2).''.

TITLE IV—CONFIDENTIALITY AND DISCLOSURE

SEC. 401. COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN DISCLOSABLE TO EITHER SPOUSE BASED ON ORAL REQUEST.

(a) IN GENERAL.—Paragraph (8) of section 6103(e) (relating to disclosure of collection activities with respect to joint return) is amended by striking ''in writing'' the first place it appears.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 402. TAXPAYER REPRESENTATIVES NOT SUBJECT TO EXAMINATION ON SOLE BASIS OF REPRESENTATION OF TAXPAYERS.

(a) IN GENERAL.—Paragraph (1) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended—

(1) by striking ''Returns'' and inserting the following:

''(A) IN GENERAL.—Returns'', and

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

''(B) TAXPAYER REPRESENTATIVES.—Notwithstanding subparagraph (A), the return of the representative of a taxpayer whose return is being examined by an officer or employee of the Department of the Treasury shall not be open to inspection by such officer or employee on the sole basis of the representative's relationship to the taxpayer unless a supervisor of such officer or employee has approved the inspection of the return of such representative on a basis other than by reason of such relationship.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date which is 180 days after the date of the enactment of this Act.

SEC. 403. DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS WHO ARE NOT PARTY TO SUCH PROCEEDINGS.

(a) IN GENERAL.—Paragraph (4) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new subparagraph:

''(B) DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS NOT PARTY TO SUCH PROCEEDINGS.—

''(i) NOTICE.—Return or return information of any person who is not a party to a judicial or administrative proceeding described in this paragraph shall not be disclosed under clause (ii) or (iii) of subparagraph (A) until after the Secretary makes a reasonable effort to give notice to such person and an opportunity for such person to request the deletion of matter from such return or return information, including any of the items referred to in paragraphs (1) through (7) of section 6110(c). Such notice shall include a statement of the issue or issues the resolution of which is the reason such return or return information is sought. In the case of S corporations, partnerships, estates, and trusts, such notice shall be made at the entity level.

''(ii) DISCLOSURE LIMITED TO PERTINENT PORTION.—The only portion of a return or return information described in clause (i) which may be disclosed under subparagraph (A) is that portion of such return or return information that directly relates to the resolution of an issue in such proceeding.

''(iii) EXCEPTIONS.—Clause (i) shall not apply—

''(I) to any civil action under section 7407, 7408, or 7409,

''(II) to any ex parte proceeding for obtaining a search warrant, order for entry on premises or safe deposit boxes, or similar ex parte proceeding,

''(III) to disclosure of third party return information by indictment or criminal information, or

''(IV) if the Attorney General or the Attorney General's delegate determines that the application of such clause would seriously impair a criminal tax investigation or proceeding.''.

(b) CONFORMING AMENDMENTS.—Paragraph (4) of section 6103(h) is amended by—

(1) by striking ''PROCEEDINGS.—A return'' and inserting ''PROCEEDINGS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a return'';

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively, and by moving such clauses 2 ems to the right; and

(3) in the matter following clause (iv) (as so redesignated), by striking ''subparagraph (A), (B), or (C)'' and inserting ''clause (i), (ii), or (iii)'' and by moving such matter 2 ems to the right.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

SEC. 404. PROHIBITION OF DISCLOSURE OF TAXPAYER IDENTIFICATION INFORMATION WITH RESPECT TO DISCLOSURE OF ACCEPTED OFFERS-IN-COMPROMISE.

(a) GENERAL.—Paragraph (1) of section 6103(k) (relating to disclosure of certain returns and return information for tax administrative purposes) is amended by inserting ''(other than the taxpayer's address and TIN)'' after ''Return information''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 405. COMPLIANCE BY CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.

(a) IN GENERAL.—Section 6103(p) (relating to State law requirements) is amended by adding at the end the following new paragraph:

''(9) DISCLOSURE TO CONTRACTORS AND OTHER AGENTS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor or other agent of a Federal, State, or local agency unless such agency, to the satisfaction of the Secretary—

''(A) has requirements in effect which require each such contractor or other agent which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

''(B) agrees to conduct an annual, on-site review (mid-point review in the case of contracts of less than 1 year in duration) of each such contractor or other agent to determine compliance with such requirements,

''(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

''(D) certifies to the Secretary for the most recent annual period that each such contractor or other agent is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor and other agent, a description of the contract of the contractor or other agent with the agency, and the duration of such contract.''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 6103(p)(8) is amended by inserting ''or paragraph (9)'' after ''subparagraph (A)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to disclosures made after December 31, 2003.

(2) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (a), shall be made with respect to calendar year 2004.

SEC. 406. HIGHER STANDARDS FOR REQUESTS FOR AND CONSENTS TO DISCLOSURE.

(a) IN GENERAL.—Subsection (c) of section 6103 (relating to disclosure of returns and return information to designee of taxpayer) is amended by adding at the end the following new paragraphs:

''(2) REQUIREMENTS FOR VALID REQUESTS AND CONSENTS.—A request for or consent to disclosure under paragraph (1) shall only be valid for purposes of this section, sections 7213, 7213A, and 7431 if—

''(A) at the time of execution, such request or consent designates a recipient of such disclosure and is dated, and

''(B) at the time such request or consent is submitted to the Secretary, the submitter of such request or consent certifies, under penalty of perjury, that such request or consent complied with subparagraph (A).

''(3) RESTRICTIONS ON PERSONS OBTAINING INFORMATION.—Any person shall, as a condition for receiving return or return information under paragraph (1)—

''(A) ensure that such return and return information is kept confidential,

''(B) use such return and return information only for the purpose for which it was requested, and

''(C) not disclose such return and return information except to accomplish the purpose for which it was requested, unless a separate consent from the taxpayer is obtained.

''(4) REQUIREMENTS FOR FORM PRESCRIBED BY SECRETARY.—For purposes of this subsection, the Secretary shall prescribe a form for requests and consents which shall—

''(A) contain a warning, prominently displayed, informing the taxpayer that the form should not be signed unless it is completed,

''(B) state that if the taxpayer believes there is an attempt to coerce him to sign an incomplete or blank form, the taxpayer should report the matter to the Treasury Inspector General for Tax Administration, and

''(C) contain the address and telephone number of the Treasury Inspector General for Tax Administration.''.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to the Congress on compliance with the designation and certification requirements applicable to requests for or consent to disclosure of returns and return information under section 6103(c) of the Internal Revenue Code of 1986, as amended by subsection (a). Such report shall—

(1) evaluate (on the basis of random sampling) whether—

(A) the amendment made by subsection (a) is achieving the purposes of this section;

(B) requesters and submitters for such disclosure are continuing to evade the purposes of this section and, if so, how; and

(C) the sanctions for violations of such requirements are adequate; and

(2) include such recommendations that the Treasury Inspector General for Tax Administration considers necessary or appropriate to better achieve the purposes of this section.

(c) CONFORMING AMENDMENTS.—

(1) Section 6103(c) is amended by striking ''TAXPAYER.—The Secretary'' and inserting ''TAXPAYER.—

''(1) IN GENERAL.—The Secretary''.

(2) Section 7213(a)(1) is amended by striking ''section 6103(n)'' and inserting ''subsections (c) and (n) of section 6103''.

(3) Section 7213A(a)(1)(B) is amended by striking ''subsection (l)(18) or (n) of section 6103'' and inserting ''subsection (c), (l)(18), or (n) of section 6103''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests and consents made after 3 months after the date of the enactment of this Act.

SEC. 407. NOTICE TO TAXPAYER CONCERNING ADMINISTRATIVE DETERMINATION OF BROWSING; ANNUAL REPORT.

(a) NOTICE TO TAXPAYER.—Subsection (e) of section 7431 (relating to notification of unlawful inspection and disclosure) is amended by adding at the end the following: ''The Secretary shall also notify such taxpayer if the Treasury Inspector General for Tax Administration substantiates that such taxpayer's return or return information was inspected or disclosed in violation of any of the provisions specified in paragraph (1), (2), or (3).''.

(b) REPORTS.—Subsection (p) of section 6103 (relating to procedure and recordkeeping), as amended by section 405, is further amended by adding at the end the following new paragraph:

''(10) REPORT ON UNAUTHORIZED DISCLOSURE AND INSPECTION.—As part of the report required by paragraph (3)(C) for each calendar year, the Secretary shall furnish information regarding the unauthorized disclosure and inspection of returns and return information, including the number, status, and results of—

''(A) administrative investigations,

''(B) civil lawsuits brought under section 7431 (including the amounts for which such lawsuits were settled and the amounts of damages awarded), and

''(C) criminal prosecutions.''.

(c) EFFECTIVE DATE.—

(1) NOTICE.—The amendment made by subsection (a) shall apply to determinations made after the date of the enactment of this Act.

(2) REPORTS.—The amendment made by subsection (b) shall apply to calendar years ending after the date of the enactment of this Act.

SEC. 408. EXPANDED DISCLOSURE IN EMERGENCY CIRCUMSTANCES.

(a) IN GENERAL.—Section 6103(i)(3)(B) (relating to danger of death or physical injury) is amended by striking ''or State'' and inserting '', State, or local''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 409. DISCLOSURE OF TAXPAYER IDENTITY FOR TAX REFUND PURPOSES.

(a) IN GENERAL.—Paragraph (1) of section 6103(m) (relating to disclosure of taxpayer identity information) is amended by striking ''and other media'' and by inserting '', other media, and through any other means of mass communication,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 410. DISCLOSURE TO STATE OFFICIALS OF PROPOSED ACTIONS RELATED TO SECTION 501(c)(3) ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 6104 is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) DISCLOSURE OF PROPOSED ACTIONS.—

''(A) SPECIFIC NOTIFICATIONS.—In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer—

''(i) a notice of proposed refusal to recognize such organization as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,

''(ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and

''(iii) the names, addresses, and taxpayer identification numbers of organizations that have applied for recognition as organizations described in section 501(c)(3).

''(B) ADDITIONAL DISCLOSURES.—Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.

''(C) PROCEDURES FOR DISCLOSURE.—Information may be inspected or disclosed under subparagraph (A) or (B) only—

''(i) upon written request by an appropriate State officer, and

''(ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.

Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.

''(D) DISCLOSURES OTHER THAN BY REQUEST.—The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such inspection or disclosure may facilitate the resolution of State or Federal issues relating to the tax-exempt status of such organization.

''(3) USE IN ADMINISTRATIVE AND JUDICIAL CIVIL PROCEEDINGS.—Returns and return information disclosed pursuant to this subsection may be disclosed in administrative and judicial civil proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

''(4) NO DISCLOSURE IF IMPAIRMENT.—Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (3), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) RETURN AND RETURN INFORMATION.—The terms 'return' and 'return information' have the respective meanings given to such terms by section 6103(b).

''(B) APPROPRIATE STATE OFFICER.—The term 'appropriate State officer' means—

''(i) the State attorney general, or

''(ii) any other State official charged with overseeing organizations of the type described in section 501(c)(3).''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6103(p)(3) is amended by inserting ''and section 6104(c)'' after ''section'' in the first sentence.

(2) Paragraph (4) of section 6103(p) is amended—

(A) in the matter preceding subparagraph (A), by inserting '', or any appropriate State officer (as defined in section 6104(c)),'' before ''or any other person'',

(B) in subparagraph (F)(i), by inserting ''or any appropriate State officer (as defined in section 6104(c)),'' before ''or any other person'', and

(C) in the matter following subparagraph (F), by inserting '', an appropriate State officer (as defined in section 6104(c)),'' after ''including an agency'' each place it appears.

(3) Paragraph (2) of section 7213(a) is amended by striking ''6103.'' and inserting ''6103 or under section 6104(c).''.

(4) Paragraph (2) of section 7213A(a) is amended by inserting ''or 6104(c)'' after ''6103''.

(5) Paragraph (2) of section 7431(a) is amended by inserting ''(including any disclosure in violation of section 6104(c))'' after ''6103''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

SEC. 411. CONFIDENTIALITY OF TAXPAYER COMMUNICATIONS WITH THE OFFICE OF THE TAXPAYER ADVOCATE.

(a) IN GENERAL.—Subsection (c) of section 7803 is amended by adding at the end the following new paragraph:

''(5) CONFIDENTIALITY OF TAXPAYER INFORMATION.—

''(A) IN GENERAL.—To the extent authorized by the National Taxpayer Advocate or pursuant to guidance issued under subparagraph (B), any officer or employee of the Office of the Taxpayer Advocate may withhold from the Internal Revenue Service and the Department of Justice any information provided by, or regarding contact with, any taxpayer.

''(B) ISSUANCE OF GUIDANCE.—In consultation with the Chief Counsel for the Internal Revenue Service and subject to the approval of the Commissioner of Internal Revenue, the National Taxpayer Advocate may issue guidance regarding the circumstances (including with respect to litigation) under which, and the persons to whom, employees of the Office of the Taxpayer Advocate shall not disclose information obtained

from a taxpayer. To the extent to which any provision of the Internal Revenue Manual would require greater disclosure by employees of the Office of the Taxpayer Advocate than the disclosure required under such guidance, such provision shall not apply.

''(C) EMPLOYEE PROTECTION.—Section 7214(a)(8) shall not apply to any failure to report knowledge or information if—

''(i) such failure to report is authorized under subparagraph (A), and

''(ii) such knowledge or information is not of fraud committed by a person against the United States under any revenue law.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 7803(c)(4) is amended by inserting ''and'' at the end of clause (ii), by striking ''; and'' at the end of clause (iii) and inserting a period, and by striking clause (iv).

TITLE V—MISCELLANEOUS

SEC. 501. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking ''or'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', or'', and by inserting after paragraph (5) the following:

''(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.''.

SEC. 502. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after ''509(a))'' the following: ''or as a private operating foundation (as defined in section 4942(j)(3))''; and

(2) by amending subparagraph (C) to read as follows:

''(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or''.

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking ''United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia'' and inserting the following: ''United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 503. EMPLOYEE MISCONDUCT REPORT TO INCLUDE SUMMARY OF COMPLAINTS BY CATEGORY.

(a) IN GENERAL.—Clause (ii) of section 7803(d)(2)(A) is amended by inserting before the semicolon at the end the following: '', including a summary (by category) of the 10 most common complaints made and the number of such common complaints''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reporting periods ending after the date of the enactment of this Act.

SEC. 504. ANNUAL REPORT ON AWARDS OF COSTS AND CERTAIN FEES IN ADMINISTRATIVE AND COURT PROCEEDINGS.

Not later than 3 months after the close of each Federal fiscal year after fiscal year 2003, the Treasury Inspector General for Tax Administration shall submit a report to Congress which specifies for such year—

(1) the number of payments made by the United States pursuant to section 7430 of the Internal Revenue Code of 1986 (relating to awarding of costs and certain fees);

(2) the amount of each such payment;

(3) an analysis of any administrative issue giving rise to such payments; and

(4) changes (if any) which will be implemented as a result of such analysis and other changes (if any) recommended by the Treasury Inspector General for Tax Administration as a result of such analysis.

SEC. 505. ANNUAL REPORT ON ABATEMENT OF PENALTIES.

Not later than 6 months after the close of each Federal fiscal year after fiscal year 2003, the Treasury Inspector General for Tax Administration shall submit a report to Congress on abatements of penalties under the Internal Revenue Code of 1986 during such year, including information on the reasons and criteria for such abatements.

SEC. 506. BETTER MEANS OF COMMUNICATING WITH TAXPAYERS.

Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to Congress evaluating whether technological advances, such as e-mail and facsimile transmission, permit the use of alternative means for the Internal Revenue Service to communicate with taxpayers.

SEC. 507. EXPLANATION OF STATUTE OF LIMITATIONS AND CONSEQUENCES OF FAILURE TO FILE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1), and any instructions booklet accompanying a general income tax return form for taxable years beginning after 2002 (including forms 1040, 1040A, 1040EZ, and any similar or successor forms relating thereto), to provide for an explanation of—

(1) the limitations imposed by section 6511 of the Internal Revenue Code of 1986 on credits and refunds; and

(2) the consequences under such section 6511 of the failure to file a return of tax.

SEC. 508. AMENDMENT TO TREASURY AUCTION REFORMS.

(a) IN GENERAL.—Clause (i) of section 202(c)(4)(B) of the Government Securities Act Amendments of 1993 (31 U.S.C. 3121 note) is amended by inserting before the semicolon ''(or, if earlier, at the time the Secretary releases the minutes of the meeting in accordance with paragraph (2))''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to meetings held after the date of the enactment of this Act.

SEC. 509. ENROLLED AGENTS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. ENROLLED AGENTS.

''(a) IN GENERAL.—The Secretary may prescribe such regulations as may be necessary to regulate the conduct of enrolled agents in regards to their practice before the Internal Revenue Service.

''(b) USE OF CREDENTIALS.—Any enrolled agents properly licensed to practice as required under rules promulgated under section (a) herein shall be allowed to use the credentials or designation as 'enrolled agent', 'EA', or 'E.A.'.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7528. Enrolled agents.''.

(c) PRIOR REGULATIONS.—Nothing in the amendments made by this section shall be construed to have any effect on part 10 of title 31, Code of Federal Regulations, or any other Federal rule or regulation issued before the date of the enactment of this Act.

SEC. 510. FINANCIAL MANAGEMENT SERVICE FEES.

Notwithstanding any other provision of law, the Financial Management Service may charge the Internal Revenue Service, and the Internal Revenue Service may pay the Financial Management Service, a fee sufficient to cover the full cost of implementing a continuous levy program under subsection (h) of section 6331 of the Internal Revenue Code of 1986. Any such fee shall be based on actual levies made and shall be collected by the Financial Management Service by the retention of a portion of amounts collected by levy pursuant to that subsection. Amounts received by the Financial Management Service as fees under that subsection shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code, and shall be collected and accounted for in accordance with the provisions of that section. The amount credited against the taxpayer's liability on account of the continuous levy shall be the amount levied, without reduction for the amount paid to the Financial Management Service as a fee.

SEC. 511. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions), as amended by section 509, is further amended by adding at the end the following new section:

"SEC. 7529. INTERNAL REVENUE SERVICE USER FEES.

''(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

''(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

''(2) other similar requests.

''(b) PROGRAM CRITERIA.—

''(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

''(A) shall vary according to categories (or subcategories) established by the Secretary,

''(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

''(C) shall be payable in advance.

''(2) EXEMPTIONS, ETC.—

''(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

''(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

''(i) made after the later of—

''(I) the fifth plan year the pension benefit plan is in existence, or

''(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

''(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

''(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

''(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of

whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

''(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

''(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

''Category	***Average Fee***
Employee plan ruling and opinion	*$250*
Exempt organization ruling	*$350*
Employee plan determination	*$300*
Exempt organization determination	*$275*
Chief counsel ruling	*$200.*

''(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7529. Internal Revenue Service user fees.''.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7527 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

TITLE VI—LOW-INCOME TAXPAYER CLINICS

SEC. 601. LOW-INCOME TAXPAYER CLINICS.

(a) LIMITATION ON AMOUNT OF GRANTS.—Paragraph (1) of section 7526(c) (relating to special rules and limitations) is amended by striking ''$6,000,000 per year'' and inserting ''$9,000,000 for 2004, $12,000,000 for 2005, and $15,000,000 for each year thereafter''.

(b) PROMOTION OF CLINICS.—Section 7526(c) is amended by adding at the end the following new paragraph:

''(6) PROMOTION OF CLINICS.—The Secretary is authorized to promote the benefits of and encourage the use of low-income taxpayer clinics through the use of mass communications, referrals, and other means.''.

(c) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—Section 7526(c), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

''(7) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—No grant made under this section may be used for the general overhead expenses of any institution sponsoring a qualified low-income taxpayer clinic.''.

(d) ELIGIBLE CLINICS.—

(1) IN GENERAL.—Paragraph (2) of section 7526(b) is amended to read as follows:

''(2) ELIGIBLE CLINIC.—The term 'eligible clinic' means—

''(A) any clinical program at an accredited law, business, or accounting school in which students represent low-income taxpayers in controversies arising under this title; and

''(B) any organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1) through representation of taxpayers or referral of taxpayers to qualified representatives.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 7526(b)(1) is amended by striking ''means a clinic'' and inserting ''means an eligible clinic''.

TITLE VII—FEDERAL-STATE UNEMPLOYMENT ASSISTANCE AGREEMENTS

SEC. 701. APPLICABILITY OF CERTAIN FEDERAL-STATE AGREEMENTS RELATING TO UNEMPLOYMENT ASSISTANCE.

Effective as of May 25, 2003, section 208 of Public Law 107–147 is amended—

(1) in subsection (a)(2), by inserting ''on or'' after ''ending''; and

(2) in subsection (b), by striking ''May 31'' each place it appears and inserting ''June 1''.

When said bill was considered and read twice.

After debate,

The SPEAKER pro tempore, Mr. LATOURETTE, announced that, pursuant to the previous order of the House, further proceedings on the bill will resume on Thursday, June 19, 2003.

¶67.16 COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore, Mr. FRANKS of Arizona, announced that the Speaker, pursuant to 22 United States Code 3003 note, and the order of the House of January 8, 2003, appointed to the Commission on Security and Cooperation in Europe, the following Members: Messrs. SMITH of New Jersey, Acting Chairman, WOLF, PITTS, ADERHOLT, Mrs. NORTHUP, Mr. CARDIN, Ms. SLAUGHTER, and Mr. HASTINGS of Florida

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶67.17 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 17, 2003, he presented to the President of the United States, for his approval, the following bill.

H.R. 1625. An Act to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building''.

And then,

¶67.18 ADJOURNMENT

On motion of Mr. RUSH, at 6 o'clock and 33 minutes p.m., the House adjourned.

¶67.19 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 283. Resolution providing for consideration of the bill (H.R. 660) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees (Rept. 108–160). Referred to the House Calendar.

Mr. POMBO: Committee on Resources. House Concurrent Resolution 21. Resolution commemorating the Bicentennial of the Louisiana Purchase (Rept. 108–161). Referred to the House Calendar.

Mr. MANZULLO: Committee on Small Business. H.R. 1772. A bill to improve small business advocacy, and for other purposes; with amendments (Rept. 108–162). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Permanent Select Committee on Intelligence. H.R. 2417. A bill to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 108–163). Referred to the Committee of the Whole House on the State of the Union.

¶67.20 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCINTYRE:

H.R. 2501. A bill to clarify the boundaries of Coastal Barrier Resources System Cape Fear Unit NC-07P; to the Committee on Resources.

By Mr. BEREUTER:

H.R. 2502. A bill to amend the Internal Revenue Code of 1986 to reduce estate and gift tax rates, and for other purposes; to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. ROGERS of Kentucky, Ms. LEE, Mr. CONYERS, Mr. ENGLISH, and Mr. FOLEY):

H.R. 2503. A bill to amend the Internal Revenue Code of 1986 to provide that tax attributes shall not be reduced in connection with a discharge of indebtedness in a title 11 case of a company having asbestos-related claims against it; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 2504. A bill to amend the Higher Education Act of 1965 to improve the opportunity for Federal student loan borrowers to consolidate their loans at reasonable interest rates; to the Committee on Education and the Workforce.

By Ms. DELAURO:

H.R. 2505. A bill to amend the Higher Education Act of 1965 to permit refinancing of student consolidation loans, increase Pell Grant maximum awards, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ENGEL (for himself, Mrs. KELLY, Mr. OLVER, Mr. KIRK, Mr. MCGOVERN, and Mr. TOWNS):

H.R. 2506. A bill to provide for the establishment of the Kosovar-American Enterprise Fund to promote small business and microcredit lending and housing construction and reconstruction for Kosova; to the Committee on International Relations.

By Ms. HOOLEY of Oregon:

H.R. 2507. A bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. SMITH of Washington, Mr. DICKS, Mr. MCDERMOTT, and Mr. LARSEN of Washington):

H.R. 2508. A bill to prohibit the Department of Energy from disposing low-level radioactive waste in certain landfills; to the Committee on Energy and Commerce.

By Mr. SAM JOHNSON of Texas:

H.R. 2509. A bill to amend the Internal Revenue Code of 1986 to provide for capital gains treatment for certain termination payments

received by former insurance salesmen; to the Committee on Ways and Means.

By Ms. LEE:

H.R. 2510. A bill to designate the facility of the United States Postal Service located at 2000 Allston Way in Berkeley, California, as the ''Maudelle Shirek Post Office Building''; to the Committee on Government Reform.

By Mr. MICHAUD:

H.R. 2511. A bill to amend title 10, United States Code, to direct the Secretary of Defense to provide veterans who have a 100 percent service-connected disability with space-available travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces; to the Committee on Armed Services.

By Mr. SWEENEY:

H.R. 2512. A bill to establish a realistic, threat-based allocation of grant funds for first responders; to the Committee on the Judiciary.

By Mr. THOMPSON of California (for himself, Mrs. TAUSCHER, Mr. SANDLIN, Ms. WOOLSEY, Mr. ISRAEL, Mr. BOSWELL, Mr. BERRY, Mr. CASE, Mr. MATSUI, Mr. BISHOP of Georgia, Mr. FARR, and Mrs. CAPPS):

H.R. 2513. A bill to amend the Internal Revenue Code of 1986 to provide for the immediate and permanent repeal of the estate tax on family-owned businesses and farms, and for other purposes; to the Committee on Ways and Means.

By Mr. WEXLER (for himself, Mr. STARK, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. CONYERS, and Mr. GRIJALVA):

H.R. 2514. A bill to freeze and repeal portions of the tax cut enacted in the Economic Growth and Tax Relief Reconciliation Act of 2001 and to apply savings therefrom to a comprehensive Medicare outpatient prescription drug benefit; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself, Mr. GREEN of Texas, Mr. PICKERING, Mr. DINGELL, Mrs. CUBIN, Mr. CONYERS, Mr. SHADEGG, Mr. MARKEY, Mr. PITTS, Mr. BOUCHER, Mr. WALDEN of Oregon, Ms. ESHOO, Mr. TERRY, Mr. STUPAK, Mr. PENCE, Ms. MCCARTHY of Missouri, Mr. FRELINGHUYSEN, Mr. STRICKLAND, Mr. MCINNIS, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. RODRIGUEZ, Mr. BACA, Mr. FRANK of Massachusetts, Mr. CRAMER, Mr. SKELTON, and Mr. LANGEVIN):

H.R. 2515. A bill to prevent unsolicited commercial electronic mail; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself and Mr. LOBIONDO):

H. Con. Res. 222. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the United States merchant marine; to the Committee on Government Reform.

¶67.21 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

110. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to Senate Concurrent Resolution No. 176 memorializing the United States Congress to discontinue closures of U.S. military bases in the State of Hawaii; to the Committee on Armed Services.

111. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 124 memorializing the United States Congress to discontinue closures of U.S. military bases in the State of Hawaii; to the Committee on Armed Services.

112. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 115 memorializing the Congress of the United States to commend President Bush's leadership in his effort to protect the United States against Saddam Hussein; and to express support and appreciation for the armed forces engaged in the operation; to the Committee on Armed Services.

113. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6027 memorializing the United States Congress to fund the F/A-22 Raptor Program; to the Committee on Armed Services.

114. Also, a memorial of the General Assembly of the State of Rhode Island, relative to House Resolution 2003-H 5201 memorializing the Congress of the United States to block the implementation of rules signed by the United States Environmental Protection Agency on December 31, 2002, which would weaken the New Source Review provision of the Clean Air Act; to the Committee on Energy and Commerce.

115. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 30 memorializing the United States Congress that the Speaker educate and sensitize members of Congress on the circumstances of the internment of civilians during World War II; to the Committee on the Judiciary.

116. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 69 memorializing the United States Congress to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; to the Committee on Veterans' Affairs.

117. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 70 memorializing the United States Congress to support the passage of H.R. 664, to improve benefits for Filipino veterans of World War II and the surviving spouses of those veterans; to the Committee on Veterans' Affairs.

118. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 106 memorializing the Congress of the United States to impose a tariff on the importation of milk protein concentrates; to the Committee on Ways and Means.

119. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 38 memorializing the Congress of the United States to continue to grant pension moneys and Individual Retirement Accounts favorable tax treatment and to repeal the provisions of the 2001 tax relief legislation which impede such favorable treatment; to the Committee on Ways and Means.

120. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 6 memorializing the United States Congress to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds not apply to bonds for water and wastewater facilities; to the Committee on Ways and Means.

121. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 8 memorializing the United States Congress to support for President George W. Bush as this nation is engaged in combat; jointly to the Committees on Armed Services and International Relations.

122. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress that the Massachusetts House of Representatives supports the efforts of the President, as Commander in Chief, in the conflict against Iraq; jointly to the Committees on International Relations and Armed Services.

¶67.22 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. LEACH, Mr. HOSTETTLER, Mr. TURNER of Ohio, Mr. CRENSHAW, Mr. REGULA, Ms. HOOLEY of Oregon, and Mr. CULBERSON.

H.R. 33: Mr. EVANS.

H.R. 49: Mr. GILLMOR and Mrs. BLACKBURN.

H.R. 58: Mr. GEORGE MILLER of California, Mrs. DAVIS of California, and Mr. GREEN of Texas.

H.R. 236: Mr. MARKEY, Mr. BISHOP of New York, Mr. LAMPSON, Mr. CRAMER, and Mr. DEFAZIO.

H.R. 245: Mr. BALLANCE.

H.R. 260: Ms. LINDA T. SANCHEZ of California, and Mr. VAN HOLLEN.

H.R. 290: Mr. KING of New York, Mr. FILNER, Mr. WALSH, and Mr. REYES.

H.R. 296: Mr. WOLF and Mr. TERRY.

H.R. 303: Mrs. BONO and Mr. SHUSTER.

H.R. 339: Mr. CALVERT and Mr. DOOLITTLE.

H.R. 371: Ms. ESHOO.

H.R. 434: Mr. HALL.

H.R. 490: Mr. LEVIN.

H.R. 721: Ms. ESHOO.

H.R. 761: Mr. RYAN of Ohio.

H.R. 785: Mr. GUTIERREZ, Ms. ESHOO, and Mr. SANDERS.

H.R. 814: Mr. WELDON of Pennsylvania, Mr. DOYLE, Mr. PRICE of North Carolina, Mr. WATT, and Mrs. WILSON of New Mexico.

H.R. 833: Mrs. MYRICK.

H.R. 850: Mr. BOOZMAN.

H.R. 854: Ms. KAPTUR.

H.R. 872: Mr. GRAVES.

H.R. 879: Mr. BEAUPREZ, Mr. WAMP and Mr. LUCAS of Kentucky.

H.R. 906: Mr. KENNEDY of Minnesota, Mr. CALVERT, Mr. EHLERS, Mr. REHBERG, Mr. LOBIONDO, Mr. SIMMONS, Mr. BOEHLERT, and Mr. JOHNSON of Illinois.

H.R. 919: Mr. LAHOOD and Mr. GILCHREST.

H.R. 941: Mr. PETERSON of Minnesota.

H.R. 953: Mr. LAHOOD.

H.R. 992: Mr. AKIN and Mrs. MYRICK.

H.R. 993: Mr. AKIN and Mrs. MYRICK.

H.R. 994: Mr. AKIN and Mrs. MYRICK.

H.R. 1002: Mr. SANDERS.

H.R. 1005: Mr. JANKLOW.

H.R. 1063: Mr. BRADY of Texas, Ms. CARSON of Indiana, and Mr. WILSON of South Carolina.

H.R. 1078: Mr. SOUDER and Mr. RUSH.

H.R. 1093: Mr. RANGEL.

H.R. 1097: Ms. LORETTA SANCHEZ of California, Mr. FROST, and Ms. NORTON.

H.R. 1157: Mr. MICHAUD.

H.R. 1196: Mr. EMANUEL and Mr. MICHAUD.

H.R. 1268: Mr. PAYNE and Mr. SANDERS.

H.R. 1315: Mr. WU, Mr. DUNCAN, and Mr. SULLIVAN.

H.R. 1354: Mr. PLATTS.

H.R. 1385: Ms. MCCARTHY of Missouri, Mr. PITTS, Mr. BACHUS, and Mr. ROTHMAN.

H.R. 1409: Mr. RENZI.

H.R. 1477: Mr. EVANS and Mr. BARTLETT of Maryland.

H.R. 1499: Mr. FRANK of Massachusetts.

H.R. 1508: Mrs. MALONEY, Mr. BELL, Mr. FRANK of Massachusetts, Mr. RUSH, Ms. SOLIS, Mr. RYAN of Ohio, Mr. STARK, and Mr. LYNCH.

H.R. 1517: Mr. MANZULLO.
H.R. 1530: Mr. LATHAM and Mr. LEACH.
H.R. 1567: Mr. BRADY of Texas.
H.R. 1639: Mr. HINCHEY and Mr. GEORGE MILLER of California.
H.R. 1652: Mr. VAN HOLLEN.
H.R. 1653: Mr. WHITFIELD, Mr. MORAN of Kansas, Mr. GIBBONS, and Mr. BROWN of South Carolina.
H.R. 1676: Ms. LINDA T. SANCHEZ of California.
H.R. 1708: Mr. BURNS.
H.R. 1747: Mr. GUTIERREZ.
H.R. 1749: Mr. MORAN of Virginia.
H.R. 1754: Mr. FOLEY.
H.R. 1769: Mr. MILLER of Florida, Mr. COSTELLO, Mr. HOLDEN, and Ms. KILPATRICK.
H.R. 1784: Mr. COOPER and Mr. PICKERING.
H.R. 1813: Ms. ROYBAL-ALLARD, Mr. CUNNINGHAM, and Mr. FILNER.
H.R. 1819: Mr. CASE, Ms. CORRINE BROWN of Florida, and Mr. TERRY.
H.R. 1914: Mr. KING of Iowa, Mrs. MYRICK, Mr. SIMMONS, and Mr. BARTLETT of Maryland.
H.R. 1951: Mr. EMANUEL and Mr. PETERSON of Minnesota.
H.R. 2011: Ms. ROYBAL-ALLARD, MR. SHIMKUS, Mr. WAXMAN, Mr. VISCLOSKY, Mr. MCNULTY, and Mr. PETERSON of Minnesota.
H.R. 2022: Mr. LEACH, Mr. GRIJALVA, and Mr. PLATTS.
H.R. 2096: Mr. HOEFFEL, Mr. RAMSTAD, Mr. SOUDER, Mr. SENSENBRENNER, Mr. PAUL, Mr. FILNER, Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. JONES of North Carolina, and Mr. WALSH.
H.R. 2134: Ms. KAPTUR.
H.R. 2154: Mr. DEAL of Georgia.
H.R. 2193: Mr. FRANK of Massachusetts and Mrs. TAUSCHER.
H.R. 2224: Mr. WOLF and Mr. CALVERT.
H.R. 2242: Mr. BLUMENAUER.
H.R. 2260: Mr. LANTOS, Mrs. BIGGERT, Mr. CROWLEY, Mr. BLUMENAUER, Mr. SIMMONS, Mr. PASTOR, Mr. CANNON, and Mr. NADLER.
H.R. 2318: Mr. GEORGE MILLER of California.
H.R. 2351: Mr. NETHERCUTT and Mr. CANNON.
H.R. 2418: Ms. NORTON.
H.R. 2440: Mr. CALVERT and Mr. VAN HOLLEN.
H.R. 2462: Mr. STARK, Mr. RANGEL, Mrs. JONES of Ohio, Mr. CONYERS, and Mr. TIERNEY.
H.R. 2464: Mr. FERGUSON, Mr. MCNULTY, Mr. FROST, and Mr. SHERMAN.
H.R. 2475: Ms. LEE.
H.R. 2478: Mr. OLVER.
H.R. 2494: Mr. RAMSTAD.
H.J. Res. 59: Mr. DELAHUNT and Mr. SHAYS.
H. Con. Res. 99: Mr. SANDERS.
H. Con. Res. 202: Mr. GILCHRIST, Mrs. CAPPS, Mr. GREEN of Texas, Mrs. TAUSCHER, Mr. BLUMENAUER, Mr. NADLER, Mr. PALLONE, Mr. LANTOS, Mr. VAN HOLLEN, Mr. MICHAUD, Mr. THOMPSON of California, Ms. ESHOO, Mr. DELAHUNT, Mr. KIND, Mr. MARKEY, Mr. CARDOZA, and Mr. CASE.
H. Con. Res. 211: Mr. GILLMOR, Mr. AKIN, Mr. BALLENGER, Mr. BELL, Mr. MCCOTTER, Mr. RAHALL, Mr. ENGEL, Mr. LANTOS, Mr. WOLF, Mr. WEXLER, Mr. FLAKE, Mr. SOUDER, and Mr. KIRK.
H. Res. 141: Mr. GRIJALVA.
H. Res. 198: Mr. MCCOTTER, Mr. MCHUGH, Mr. CHOCOLA, and Mr. CANTOR.
H. Res. 254: Mr. TERRY.
H. Res. 259: Mr. FRANK of Massachusetts.
H. Res. 267: Mr. REHBERG and Mr. BOOZMAN.
H. Res. 278: Mr. RODRIQUEZ.

THURSDAY, JUNE 19, 2003 (68)

The House was called to order by the SPEAKER.

¶68.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, June 18, 2003.

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

¶68.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2748. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island Update to Materials Incorporated by Reference [RI-38-6985b; FRL-7493-4] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2749. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Vermont Update to Materials Incorporated by Reference [VT-19-122b; FRL-7493-5] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2750. A letter from the Ambassador, Republic of Poland, transmitting a letter requesting a change in U.S.-Poland immigration policies; to the Committee on the Judiciary.

2751. A letter from the Under Secretary for Health and Assistant Secretary of Defense, Health Affairs, Departments of Veterans Affairs and Defense, transmitting a letter concerning a joint review of the adequacy of processes and existing authorities for the coordination and sharing of health care resources, pursuant to Public Law 107—314, section 723; jointly to the Committees on Armed Services and Veterans' Affairs.

2752. A letter from the Secretary, Department of Health and Human Services, transmitting a report regarding the progress made in launching the Physician Group Practice demonstration, pursuant to Public Law 106—554, section 412 (114 Stat. 2763A—515); jointly to the Committees on Energy and Commerce and Ways and Means.

2753. A letter from the Chairman, Council on Environmental Quality, transmitting an account of the actions taken by the Administration to implement the President's climate change strategy; jointly to the Committees on Energy and Commerce, Ways and Means, Science, International Relations, and Agriculture.

¶68.3 MESSAGE FROM THE SENATE

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

H.R. 389. An Act to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools.

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

S. 1276. An Act to improve the manner in which the Corporation for National and Community Service approves, and records obligations relating to, national service positions.

The message also announced that the Senate disagrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 1308) ''An Act to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes,'' and requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. NICKLES, Mr. LOTT, Mr. BAUCUS and Mrs. LINCOLN to be the conferees on the part of the Senate.

¶68.4 PROVIDING FOR THE CONSIDERATION OF H.R. 660

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 283):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 660) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except—

(1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce;

(2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Kind of Wisconsin or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and

(3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. Lincoln DIAZ-BALART of Florida moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 224 / Nays ..... 198 }

¶68.5 [Roll No. 289]

YEAS—224

Aderholt	Bereuter	Bonner
Akin	Biggert	Bono
Bachus	Bilirakis	Boozman
Baker	Bishop (UT)	Bradley (NH)
Ballenger	Blackburn	Brady (TX)
Barrett (SC)	Blunt	Brown (SC)
Barton (TX)	Boehlert	Brown-Waite, Ginny
Bass	Boehner	
Beauprez	Bonilla	Burgess

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

NAYS—198

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

NOT VOTING—12

Bartlett (MD)
Carson (IN)
Conyers
Gephardt
Grijalva
Hastings (FL)
Johnson (IL)
Lewis (GA)
Miller (MI)
Smith (NJ)
Smith (WA)
Weiner

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Mr. FROST demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224 / Nays ..... 199 }

¶68.6 [Roll No. 290]

AYES—224

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

NOES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders

Sandlin	Stenholm	Van Hollen
Schakowsky	Strickland	Velazquez
Schiff	Stupak	Visclosky
Scott (GA)	Tanner	Waters
Scott (VA)	Tauscher	Watson
Serrano	Taylor (MS)	Watt
Sherman	Thompson (CA)	Waxman
Skelton	Thompson (MS)	Wexler
Slaughter	Tierney	Woolsey
Snyder	Towns	Wu
Solis	Turner (TX)	Wynn
Spratt	Udall (CO)	
Stark	Udall (NM)	

NOT VOTING—11

Bartlett (MD)	Hastings (FL)	Smith (NJ)
Carson (IN)	Hunter	Smith (WA)
Conyers	Lewis (GA)	Weiner
Gephardt	Miller (MI)	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.7 TAXPAYER PROTECTION AND IRS ACCOUNTABILITY

The SPEAKER pro tempore, Mr. QUINN, pursuant to House Resolution 282, and the order of the House of June 18, 2003, announced the further consideration of the bill (H.R. 1528) to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service.

Mr. McDERMOTT submitted the following further amendment in the nature of a substitute:

Strike all after the enacting clause and insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer and Fairness Protection Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

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

TITLE I—ELIMINATION OF ABUSIVE TAX STRATEGIES

Sec. 101. Findings and purpose.

Subtitle A—Tax Shelters

PART I—PROVISIONS DESIGNED TO CURTAIL TAX SHELTERS

Sec. 111. Clarification of economic substance doctrine.
Sec. 112. Penalty for failing to disclose reportable transaction.
Sec. 113. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 114. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 115. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 116. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 117. Disclosure of reportable transactions.
Sec. 118. Modifications to penalty for failure to register tax shelters.
Sec. 119. Modification of penalty for failure to maintain lists of investors.
Sec. 120. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 121. Understatement of taxpayer's liability by income tax return preparer.
Sec. 122. Penalty on failure to report interests in foreign financial accounts.
Sec. 123. Frivolous tax submissions.
Sec. 124. Regulation of individuals practicing before the Department of Treasury.
Sec. 125. Penalty on promoters of tax shelters.
Sec. 126. Statute of limitations for taxable years for which listed transactions not reported.
Sec. 127. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.

PART II—OTHER PROVISIONS

Sec. 131. Limitation on transfer or importation of built-in losses.
Sec. 132. Disallowance of certain partnership loss transfers.
Sec. 133. No reduction of basis under section 734 in stock held by partnership in corporate partner.
Sec. 134. Repeal of special rules for FASITS.
Sec. 135. Expanded disallowance of deduction for interest on convertible debt.
Sec. 136. Expanded authority to disallow tax benefits under section 269.
Sec. 137. Modifications of certain rules relating to controlled foreign corporations.
Sec. 138. Basis for determining loss always reduced by nontaxed portion of dividends.
Sec. 139. Affirmation of consolidated return regulation authority.

Subtitle B—Prevention of corporate expatriation to avoid United States income tax

Sec. 151. Prevention of corporate expatriation to avoid United States income tax.

TITLE II—SIMPLIFICATION OF EARNED INCOME TAX CREDIT

Sec. 201. Simplification of earned income tax credit.
Sec. 202. Profiling of earned income tax credit beneficiaries.

TITLE III—TAXPAYER PROTECTIONS AND IRS ACCOUNTABILITY

Subtitle A—Penalty and Interest Reforms

Sec. 301. Failure to pay estimated tax penalty converted to interest charge on accumulated unpaid balance.
Sec. 302. Abatement of interest.
Sec. 303. Deposits made to suspend running of interest on potential underpayments.
Sec. 304. Expansion of interest netting for individuals.
Sec. 305. Waiver of certain penalties for first-time unintentional minor errors.
Sec. 306. Frivolous tax submissions.
Sec. 307. Clarification of application of Federal tax deposit penalty.

Subtitle B—Fairness of Collection Procedures

Sec. 311. Partial payment of tax liability in installment agreements.
Sec. 312. Extension of time for return of property.
Sec. 313. Individuals held harmless on wrongful levy, etc., on individual retirement plan.
Sec. 314. Seven-day threshold on tolling of statute of limitations during tax review.
Sec. 315. Study of liens and levies.

Subtitle C—Tax Administration Reforms

Sec. 331. Revisions relating to termination of employment of Internal Revenue Service employees for misconduct.
Sec. 332. Confirmation of authority of tax court to apply doctrine of equitable recoupment.
Sec. 333. Jurisdiction of Tax Court over collection due process cases.
Sec. 334. Office of Chief Counsel review of offers in compromise.
Sec. 335. Access of National Taxpayer Advocate to independent legal counsel.
Sec. 336. Payment of motor fuel excise tax refunds by direct deposit.
Sec. 337. Family business tax simplification.
Sec. 338. Suspension of tax-exempt status of terrorist organizations.
Sec. 339. Tax refund anticipation loans.
Sec. 340. Fairness in tax audit coverage.

Subtitle D—Confidentiality and Disclosure

Sec. 341. Collection activities with respect to joint return disclosable to either spouse based on oral request.
Sec. 342. Taxpayer representatives not subject to examination on sole basis of representation of taxpayers.
Sec. 343. Disclosure in judicial or administrative tax proceedings of return and return information of persons who are not party to such proceedings.
Sec. 344. Prohibition of disclosure of taxpayer identification information with respect to disclosure of accepted offers-in-compromise.
Sec. 345. Compliance by contractors with confidentiality safeguards.
Sec. 346. Higher standards for requests for and consents to disclosure.
Sec. 347. Notice to taxpayer concerning administrative determination of browsing; annual report.
Sec. 348. Expanded disclosure in emergency circumstances.
Sec. 349. Disclosure of taxpayer identity for tax refund purposes.
Sec. 350. Disclosure to State officials of proposed actions related to section 501(c)(3) organizations.
Sec. 351. Confidentiality of taxpayer communications with the Office of the Taxpayer Advocate.

Subtitle E—Miscellaneous

Sec. 361. Clarification of definition of church tax inquiry.
Sec. 362. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 363. Employee misconduct report to include summary of complaints by category.
Sec. 364. Annual report on awards of costs and certain fees in administrative and court proceedings.
Sec. 365. Annual report on abatement of penalties.
Sec. 366. Better means of communicating with taxpayers.
Sec. 367. Explanation of statute of limitations and consequences of failure to file.
Sec. 368. Amendment to Treasury auction reforms.
Sec. 369. Enrolled agents.
Sec. 370. Financial management service fees.
Sec. 371. Extension of Internal Revenue Service user fees.

Subtitle F—Low-Income Taxpayer Clinics

Sec. 381. Low-income taxpayer clinics.
Sec. 382. Matching grants to low income return preparation clinics.

TITLE IV—CHILD TAX CREDIT
Sec. 401. Acceleration of increase in refundability of the child tax credit.
Sec. 402. Reduction in marriage penalty in child tax credit.
Sec. 403. Application of EGTRRA sunset to this section.
TITLE V—UNIFORM DEFINITION OF CHILD
Sec. 501. Uniform definition of child, etc.
Sec. 502. Modifications of definition of head of household.
Sec. 503. Modifications of dependent care credit.
Sec. 504. Modifications of child tax credit.
Sec. 505. Modifications of earned income credit.
Sec. 506. Modifications of deduction for personal exemption for dependents.
Sec. 507. Technical and conforming amendments.
Sec. 508. Effective date.
TITLE VI—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL
Sec. 601. Exclusion of gain from sale of a principal residence by a member of the Uniformed Services or the Foreign Service.
Sec. 602. Exclusion from gross income of certain death gratuity payments.
Sec. 603. Exclusion for amounts received under Department of Defense homeowners assistance program.
Sec. 604. Expansion of combat zone filing rules to contingency operations.
Sec. 605. Modification of membership requirement for exemption from tax for certain veterans' organizations.
Sec. 606. Clarification of the treatment of certain dependent care assistance programs.
Sec. 607. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc. on account of attendance at military academy.
Sec. 608. Suspension of tax-exempt status of terrorist organizations.
Sec. 609. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.
Sec. 610. Tax relief and assistance for families of Space Shuttle Columbia heroes.
TITLE VII—OTHER PROVISIONS
Sec. 701. Revision of tax rules on expatriation.
Sec. 702. Extension of Customs user fees.

TITLE I—ELIMINATION OF ABUSIVE TAX STRATEGIES

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds that:

(1) Many corporate tax shelter transactions are complicated ways of accomplishing nothing aside from claimed tax benefits, and the legal opinions justifying those transactions take an inappropriately narrow and restrictive view of well-developed court doctrines under which—

(A) the taxation of a transaction is determined in accordance with its substance and not merely its form,

(B) transactions which have no significant effect on the taxpayer's economic or beneficial interests except for tax benefits are treated as sham transactions and disregarded,

(C) transactions involving multiple steps are collapsed when those steps have no substantial economic meaning and are merely designed to create tax benefits,

(D) transactions with no business purpose are not given effect, and

(E) in the absence of a specific congressional authorization, it is presumed that Congress did not intend a transaction to result in a negative tax where the taxpayer's economic position or rate of return is better after tax than before tax.

(2) Permitting aggressive and abusive tax shelters not only results in large revenue losses but also undermines voluntary compliance with the Internal Revenue Code of 1986.

(b) PURPOSE.—The purpose of this title is to eliminate abusive tax shelters by denying tax attributes claimed to arise from transactions that do not meet a heightened economic substance requirement and by repealing the provision that permits legal opinions to be used to avoid penalties on tax underpayments resulting from transactions without significant economic substance or business purpose.

Subtitle A—Tax Shelters

Part I—Provisions Designed to Curtail Tax Shelters

SEC. 111. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects and, if there is any Federal tax effects, also apart from any foreign, State, or local tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) SUBSTANTIAL NONTAX PURPOSE.—In applying subclause (II) of paragraph (1)(B)(i), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(D) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(E) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 112. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

''SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

''(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

''(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

''(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

''(A) IN GENERAL.—In the case of a failure under subsection (a) by—

''(i) a large entity, or

''(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

''(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

''(C) HIGH NET WORTH INDIVIDUAL.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

''(c) DEFINITIONS.—For purposes of this section—

''(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

''(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

''(d) AUTHORITY TO RESCIND PENALTY.—

''(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

''(A) the violation is with respect to a reportable transaction other than a listed transaction,

''(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

''(C) it is shown that the violation is due to an unintentional mistake of fact;

''(D) imposing the penalty would be against equity and good conscience, and

''(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

''(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

''(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

''(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

''(A) the facts and circumstances of the transaction,

''(B) the reasons for the rescission, and

''(C) the amount of the penalty rescinded.

''(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

''(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

''(B) a description of each penalty rescinded under this subsection and the reasons therefor.

''(e) PENALTY REPORTED TO SEC.—In the case of a person—

''(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

''(2) which—

''(A) is required to pay a penalty under this section with respect to a listed transaction,

''(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

''(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title.''

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

''Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 113. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

''SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

''(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable transaction understatement' means the sum of—

''(A) the product of—

''(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

''(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

''(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

''(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

''(A) any listed transaction, and

''(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

''(c) HIGHER PENALTY FOR NONDISCLOSED LISTED AND OTHER AVOIDANCE TRANSACTIONS.—

''(1) IN GENERAL.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

''(2) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(A) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which paragraph (1) applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(B) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

''(d) DEFINITIONS OF REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH PENALTIES, ETC., ON OTHER UNDERSTATEMENTS.—In the case of an understatement (as defined in section 6662(d)(2))—

''(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

''(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) APPLICATION OF FRAUD PENALTY.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

''(B) NO DOUBLE PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the

amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

''(5) CROSS REFERENCE.—

"For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e)."

(b) DETERMINATION OF OTHER UNDERSTATEMENTS.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

''The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.''

(c) REASONABLE CAUSE EXCEPTION.—

(1) IN GENERAL.—Section 6664 is amended by adding at the end the following new subsection:

''(d) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—

''(1) IN GENERAL.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

''(2) SPECIAL RULES.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

''(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

''(B) there is or was substantial authority for such treatment, and

''(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

''(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

''(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

''(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

''(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

''(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

''(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

''(I) the tax advisor is described in clause (ii), or

''(II) the opinion is described in clause (iii).

''(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor—

''(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

''(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

''(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

''(IV) as determined under regulations prescribed by the Secretary, has a continuing financial interest with respect to the transaction.

''(iii) DISQUALIFIED OPINIONS.—For purposes of clause (i), an opinion is disqualified if the opinion—

''(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

''(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

''(III) does not identify and consider all relevant facts, or

''(IV) fails to meet any other requirement as the Secretary may prescribe.''

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 6664 is amended by inserting ''FOR UNDERPAYMENTS'' after ''EXCEPTION''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking ''(as defined in section 6662(d)(2)(C)(iii))'' in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

''(C) TAX SHELTER.—For purposes of subparagraph (B), the term 'tax shelter' means—

''(i) a partnership or other entity,

''(ii) any investment plan or arrangement, or

''(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.''

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking ''this part'' and inserting ''section 6662 or 6663''.

(5) Subsection (b) of section 7525 is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS."

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

''Sec. 6662. Imposition of accuracy-related penalty on underpayments.

''Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 114. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed tax benefit or the transaction was not respected under section 7701(m)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e)."

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 115. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

''(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

''(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

''(ii) $10,000,000.''

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

''(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or''.

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

''(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 116. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

''(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

''(1) between a federally authorized tax practitioner and—

''(A) any person,

''(B) any director, officer, employee, agent, or representative of the person, or

''(C) any other person holding a capital or profits interest in the person, and

''(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 117. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

''SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

''(1) information identifying and describing the transaction,

''(2) information describing any potential tax benefits expected to result from the transaction, and

''(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

''(b) DEFINITIONS.—For purposes of this section—

''(1) MATERIAL ADVISOR.—

''(A) IN GENERAL.—The term 'material advisor' means any person—

''(i) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

''(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

''(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

''(ii) $250,000 in any other case.

''(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

''(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

''(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

''(2) exemptions from the requirements of this section, and

''(3) such rules as may be necessary or appropriate to carry out the purposes of this section.''

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6111. Disclosure of reportable transactions.''

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

''SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

''(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

''(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

''(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.''

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting ''written'' before ''request'' in paragraph (1)(A), and

(ii) by striking ''shall prescribe'' in paragraph (2) and inserting ''may prescribe''.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.''

(3)(A) The heading for section 6708 is amended to read as follows:

''SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS.''

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

''Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 118. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

''SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

''(1) fails to file such return on or before the date prescribed therefor, or

''(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

''(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

''(A) $200,000, or

''(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

''(c) RESCISSION AUTHORITY.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

''(d) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).''.

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''tax shelters'' and inserting ''reportable transactions''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 119. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) IN GENERAL.—Subsection (a) of section 6708 is amended to read as follows:

''(a) IMPOSITION OF PENALTY.—

''(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

''(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 120. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY TO SEEK INJUNCTION.—A civil action in the name of the United States to enjoin any person from further engaging

in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

''(b) ADJUDICATION AND DECREE.—In any action under subsection (a), if the court finds—

''(1) that the person has engaged in any specified conduct, and

''(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

''(c) SPECIFIED CONDUCT.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708.''

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7408 is amended to read as follows:

''SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.''

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

''Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions.''

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 121. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) STANDARDS CONFORMED TO TAXPAYER STANDARDS.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking ''realistic possibility of being sustained on its merits'' in paragraph (1) and inserting ''reasonable belief that the tax treatment in such position was more likely than not the proper treatment'',

(2) by striking ''or was frivolous'' in paragraph (3) and inserting ''or there was no reasonable basis for the tax treatment of such position'', and

(3) by striking ''UNREALISTIC'' in the heading and inserting ''IMPROPER''.

(b) AMOUNT OF PENALTY.—Section 6694 is amended—

(1) by striking ''$250'' in subsection (a) and inserting ''$1,000'', and

(2) by striking ''$1,000'' in subsection (b) and inserting ''$5,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 122. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

''(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

''(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

''(B) AMOUNT OF PENALTY.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

''(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

''(I) such violation was due to reasonable cause, and

''(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

''(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

''(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

''(I) $25,000, or

''(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

''(ii) subparagraph (B)(ii) shall not apply.

''(D) AMOUNT.—The amount determined under this subparagraph is—

''(i) in the case of a violation involving a transaction, the amount of the transaction, or

''(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 123. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

''SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating

to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 124. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) CENSURE; IMPOSITION OF PENALTY.—

(1) IN GENERAL.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting '', or censure,'' after ''Department'', and

(B) by adding at the end the following new flush sentence:

''The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure.''

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) TAX SHELTER OPINIONS, ETC.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

''(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.''

SEC. 125. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—Section 6700(a) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 126. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH LISTED TRANSACTIONS NOT REPORTED.

(a) IN GENERAL.—Section 6501(e)(1) (relating to substantial omission of items for income taxes) is amended by adding at the end the following new subparagraph:

''(C) LISTED TRANSACTIONS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the tax for such taxable year may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the time the return is filed. This subparagraph shall not apply to any taxable year if the time for assessment or beginning the proceeding in court has expired before the time a transaction is treated as a listed transaction under section 6011.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 127. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) INTEREST ON UNPAID TAXES ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS AND NONECONOMIC SUBSTANCE TRANSACTIONS.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

Part II—Other Provisions

SEC. 131. LIMITATION ON TRANSFER OR IMPORTATION OF BUILT-IN LOSSES.

(a) IN GENERAL.—Section 362 (relating to basis to corporations) is amended by adding at the end the following new subsection:

''(e) LIMITATIONS ON BUILT-IN LOSSES.—

''(1) LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.—

''(A) IN GENERAL.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in subparagraph (B) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

''(B) PROPERTY DESCRIBED.—For purposes of subparagraph (A), property is described in this paragraph if—

''(i) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

''(ii) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

''(C) IMPORTATION OF NET BUILT-IN LOSS.—For purposes of subparagraph (A), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in subparagraph (B) which is transferred in such transaction would (but for this paragraph) exceed the fair market value of such property immediately after such transaction.''

''(2) LIMITATION ON TRANSFER OF BUILT-IN LOSSES IN SECTION 351 TRANSACTIONS.—

''(A) IN GENERAL.—If—

''(i) property is transferred in any transaction which is described in subsection (a) and which is not described in paragraph (1) of this subsection, and

''(ii) the transferee's aggregate adjusted bases of the property so transferred would (but for this paragraph) exceed the fair market value of such property immediately after such transaction,

then, notwithstanding subsection (a), the transferee's aggregate adjusted bases of the property so transferred shall not exceed the fair market value of such property immediately after such transaction.

''(B) ALLOCATION OF BASIS REDUCTION.—The aggregate reduction in basis by reason of subparagraph (A) shall be allocated among the property so transferred in proportion to their respective built-in losses immediately before the transaction.

''(C) EXCEPTION FOR TRANSFERS WITHIN AFFILIATED GROUP.—Subparagraph (A) shall not apply to any transaction if the transferor owns stock in the transferee meeting the requirements of section 1504(a)(2). In the case of property to which subparagraph (A) does not apply by reason of the preceding sentence, the transferor's basis in the stock received for such property shall not exceed its fair market value immediately after the transfer.''

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) (relating to liquidation of subsidiary) is amended to read as follows:

''(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

''(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

''(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(1)(B) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

SEC. 132. DISALLOWANCE OF CERTAIN PARTNERSHIP LOSS TRANSFERS.

(a) TREATMENT OF CONTRIBUTED PROPERTY WITH BUILT-IN LOSS.—Paragraph (1) of section 704(c) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) if any property so contributed has a built-in loss—

''(i) such built-in loss shall be taken into account only in determining the amount of items allocated to the contributing partner, and

''(ii) except as provided in regulations, in determining the amount of items allocated to other partners, the basis of the contributed property in the hands of the partnership shall be treated as being equal to its fair market value immediately after the contribution.

For purposes of subparagraph (C), the term 'built-in loss' means the excess of the adjusted basis of the property (determined without regard to subparagraph (C)(ii)) over its fair market value immediately after the contribution.''

(b) ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY ON TRANSFER OF PARTNERSHIP INTEREST IF THERE IS SUBSTANTIAL BUILT-IN LOSS.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 743 (relating to optional adjustment to basis of partnership property) is amended by inserting before the period ''or unless the partnership has a substantial built-in loss immediately after such transfer''.

(2) ADJUSTMENT.—Subsection (b) of section 743 is amended by inserting ''or with respect to which there is a substantial built-in loss immediately after such transfer'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BUILT-IN LOSS.—Section 743 is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BUILT-IN LOSS.—

''(1) IN GENERAL.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in a partnership if the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds by more than $250,000 the basis of such partner's interest in the partnership.

''(2) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of paragraph (1) and section 734(d), including regulations aggregating related partnerships and disregarding property acquired by the partnership in an attempt to avoid such purposes.''

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 743 is amended to read as follows:

''SEC. 743. ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BUILT-IN LOSS.''

(B) The table of sections for subpart C of part II of subchapter K of chapter 1 is amended by striking the item relating to section 743 and inserting the following new item:

''Sec. 743. Adjustment to basis of partnership property where section 754 election or substantial built-in loss.''

(c) ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY IF THERE IS SUBSTANTIAL BASIS REDUCTION.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 734 (relating to optional adjustment to basis of undistributed partnership property) is amended by inserting before the period ''or unless there is a substantial basis reduction''.

(2) ADJUSTMENT.—Subsection (b) of section 734 is amended by inserting ''or unless there is a substantial basis reduction'' after ''section 754 is in effect''.

(3) SUBSTANTIAL BASIS REDUCTION.—Section 734 is amended by adding at the end the following new subsection:

''(d) SUBSTANTIAL BASIS REDUCTION.—

''(1) IN GENERAL.—For purposes of this section, there is a substantial basis reduction with respect to a distribution if the sum of the amounts described in subparagraphs (A) and (B) of subsection (b)(2) exceeds $250,000.

''(2) REGULATIONS.—

''For regulations to carry out this subsection, see section 743(d)(2).''

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 734 is amended to read as follows:

''SEC. 734. ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BASIS REDUCTION.''

(B) The table of sections for subpart B of part II of subchapter K of chapter 1 is amended by striking the item relating to section 734 and inserting the following new item:

''Sec. 734. Adjustment to basis of undistributed partnership property where section 754 election or substantial basis reduction.''

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to transfers after the date of the enactment of this Act.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to distributions after the date of the enactment of this Act.

SEC. 133. NO REDUCTION OF BASIS UNDER SECTION 734 IN STOCK HELD BY PARTNERSHIP IN CORPORATE PARTNER.

(a) IN GENERAL.—Section 755 is amended by adding at the end the following new subsection:

''(c) NO ALLOCATION OF BASIS DECREASE TO STOCK OF CORPORATE PARTNER.—In making an allocation under subsection (a) of any decrease in the adjusted basis of partnership property under section 734(b)—

''(1) no allocation may be made to stock in a corporation which is a partner in the partnership, and

''(2) any amount not allocable to stock by reason of paragraph (1) shall be allocated under subsection (a) to other partnership property.

Gain shall be recognized to the partnership to the extent that the amount required to be allocated under paragraph (2) to other partnership property exceeds the aggregate adjusted basis of such other property immediately before the allocation required by paragraph (2).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 134. REPEAL OF SPECIAL RULES FOR FASITS.

(a) IN GENERAL.—Part V of subchapter M of chapter 1 (relating to financial asset securitization investment trusts) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 56(g) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(2) Clause (ii) of section 382(l)(4)(B) is amended by striking ''a REMIC to which part IV of subchapter M applies, or a FASIT to which part V of subchapter M applies,'' and inserting ''or a REMIC to which part IV of subchapter M applies,''.

(3) Paragraph (1) of section 582(c) is amended by striking '', and any regular interest in a FASIT,''.

(4) Subparagraph (E) of section 856(c)(5) is amended by striking the last sentence.

(5) Paragraph (5) of section 860G(a) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(6) Subparagraph (C) of section 1202(e)(4) is amended by striking ''REMIC, or FASIT'' and inserting ''or REMIC''.

(7) Subparagraph (C) of section 7701(a)(19) is amended by adding ''and'' at the end of clause (ix), by striking '', and'' at the end of clause (x) and inserting a period, and by striking clause (xi).

(8) The table of parts for subchapter M of chapter 1 is amended by striking the item relating to part V.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(2) EXCEPTION FOR EXISTING FASITS.—

(A) IN GENERAL.—Paragraph (1) shall not apply to any FASIT in existence on the date of the enactment of this Act.

(B) TRANSFER OF ADDITIONAL ASSETS NOT PERMITTED.—Except as provided in regulations prescribed by the Secretary of the Treasury or the Secretary's delegate, subparagraph (A) shall cease to apply as of the earliest date after the date of the enactment of this Act that any property is transferred to the FASIT.

SEC. 135. EXPANDED DISALLOWANCE OF DEDUCTION FOR INTEREST ON CONVERTIBLE DEBT.

(a) IN GENERAL.—Paragraph (2) of section 163(l) is amended by striking ''or a related party'' and inserting ''or equity held by the issuer (or any related party) in any other person''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 163(l) is amended by striking ''or a related party'' in the material preceding subparagraph (A) and inserting ''or any other person''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued after the date of the enactment of this Act.

SEC. 136. EXPANDED AUTHORITY TO DISALLOW TAX BENEFITS UNDER SECTION 269.

(a) IN GENERAL.—Subsection (a) of section 269 (relating to acquisitions made to evade or avoid income tax) is amended to read as follows:

''(a) IN GENERAL.—If—

''(1)(A) any person acquires stock in a corporation, or

''(B) any corporation acquires, directly or indirectly, property of another corporation and the basis of such property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and

''(2) the principal purpose for which such acquisition was made is evasion or avoidance of Federal income tax by securing the benefit of a deduction, credit, or other allowance,

then the Secretary may disallow such deduction, credit, or other allowance.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock and property acquired after February 13, 2003.

SEC. 137. MODIFICATIONS OF CERTAIN RULES RELATING TO CONTROLLED FOREIGN CORPORATIONS.

(a) LIMITATION ON EXCEPTION FROM PFIC RULES FOR UNITED STATES SHAREHOLDERS OF CONTROLLED FOREIGN CORPORATIONS.—Paragraph (2) of section 1297(e) (relating to passive investment company) is amended by adding at the end the following flush sentence:

''Such term shall not include any period if there is only a remote likelihood of an inclusion in gross income under section 951(a)(1)(A)(i) of subpart F income of such corporation for such period.''

(b) DETERMINATION OF PRO RATA SHARE OF SUBPART F INCOME.—Subsection (a) of section 951 (relating to amounts included in gross income of United States shareholders) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULES FOR DETERMINING PRO RATA SHARE OF SUBPART F INCOME.—The pro rata share under paragraph (2) shall be determined by disregarding—

''(A) any rights lacking substantial economic effect, and

''(B) stock owned by a shareholder who is a tax-indifferent party (as defined in section 7701(m)(3)) if the amount which would (but for this paragraph) be allocated to such shareholder does not reflect such shareholder's economic share of the earnings and profits of the corporation.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years on controlled foreign corporation beginning after February 13, 2003, and to taxable years of United States shareholder in which or with which such taxable years of controlled foreign corporations end.

SEC. 138. BASIS FOR DETERMINING LOSS ALWAYS REDUCED BY NONTAXED PORTION OF DIVIDENDS.

(a) IN GENERAL.—Section 1059 (relating to corporate shareholder's basis in stock reduced by nontaxed portion of extraordinary dividends) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) BASIS FOR DETERMINING LOSS ALWAYS REDUCED BY NONTAXED PORTION OF DIVIDENDS.—The basis of stock in a corporation (for purposes of determining loss) shall be reduced by the nontaxed portion of any dividend received with respect to such stock if this section does not otherwise apply to such dividend.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received after the date of the enactment of this Act.

SEC. 139. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) IN GENERAL.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: ''In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns.''

(b) RESULT NOT OVERTURNED.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation §1.1502–20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

Subtitle B—Prevention of Corporate Expatriation to Avoid United States Income Tax

SEC. 151. PREVENTION OF CORPORATE EXPATRIATION TO AVOID UNITED STATES INCOME TAX.

(a) IN GENERAL.—Paragraph (4) of section 7701(a) (defining domestic) is amended to read as follows:

''(4) DOMESTIC.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'domestic' when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State unless, in the case of a partnership, the Secretary provides otherwise by regulations.

''(B) CERTAIN CORPORATIONS TREATED AS DOMESTIC.—

''(i) IN GENERAL.—The acquiring corporation in a corporate expatriation transaction shall be treated as a domestic corporation.

''(ii) CORPORATE EXPATRIATION TRANSACTION.—For purposes of this subparagraph, the term 'corporate expatriation transaction' means any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly substantially all of the properties held directly or indirectly by a domestic corporation, and

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation.

''(iii) LOWER STOCK OWNERSHIP REQUIREMENT IN CERTAIN CASES.—Subclause (II) of clause (ii) shall be applied by substituting '50 percent' for '80 percent' with respect to any nominally foreign corporation if—

''(I) such corporation does not have substantial business activities (when compared to the total business activities of the expanded affiliated group) in the foreign country in which or under the law of which the corporation is created or organized, and

''(II) the stock of the corporation is publicly traded and the principal market for the public trading of such stock is in the United States.

''(iv) PARTNERSHIP TRANSACTIONS.—The term 'corporate expatriation transaction' includes any transaction if—

''(I) a nominally foreign corporation (referred to in this subparagraph as the 'acquiring corporation') acquires, as a result of such transaction, directly or indirectly properties constituting a trade or business of a domestic partnership,

''(II) immediately after the transaction, more than 80 percent of the stock (by vote or value) of the acquiring corporation is held by former partners of the domestic partnership or related foreign partnerships (determined without regard to stock of the acquiring corporation which is sold in a public offering related to the transaction), and

''(III) the acquiring corporation meets the requirements of subclauses (I) and (II) of clause (iii).

''(v) SPECIAL RULES.—For purposes of this subparagraph—

''(I) a series of related transactions shall be treated as 1 transaction, and

''(II) stock held by members of the expanded affiliated group which includes the acquiring corporation shall not be taken into account in determining ownership.

''(vi) OTHER DEFINITIONS.—For purposes of this subparagraph—

''(I) NOMINALLY FOREIGN CORPORATION.—The term 'nominally foreign corporation' means any corporation which would (but for this subparagraph) be treated as a foreign corporation.

''(II) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group (as defined in section 1504(a) without regard to section 1504(b)).

''(III) RELATED FOREIGN PARTNERSHIP.—A foreign partnership is related to a domestic partnership if they are under common control (within the meaning of section 482), or they shared the same trademark or tradename.''

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall apply to corporate expatriation transactions completed after September 11, 2001.

(2) SPECIAL RULE.—The amendment made by this section shall also apply to corporate expatriation transactions completed on or before September 11, 2001, but only with respect to taxable years of the acquiring corporation beginning after December 31, 2003.

TITLE II—SIMPLIFICATION OF EARNED INCOME TAX CREDIT

SEC. 201. SIMPLIFICATION OF EARNED INCOME TAX CREDIT.

(a) REPEAL OF DENIAL OF CREDIT WHERE INVESTMENT INCOME.—Section 32 is amended by striking subsection (i).

(b) EARNED INCOME TO INCLUDE ONLY AMOUNTS INCLUDIBLE IN GROSS INCOME.—Section 32(c)(2)(B) is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding at the end the following new clause:

''(vi) the requirement under subparagraph (A)(i) that an amount be includible in gross income shall not apply if such amount is exempt from tax under section 7873 or is derived directly from restricted and allotted land under the Act of February 8, 1887 (commonly known as the Indian General Allotment Act) (25 U.S.C. 331 et seq.) or from land held under Acts or treaties containing an exception provision similar to the Indian General Allotment Act.''

(c) MODIFICATION OF JOINT RETURN REQUIREMENT.—Subsection (d) of section 32 is amended to read as follows:

''(d) MARRIED INDIVIDUALS.—

''(1) IN GENERAL.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and his spouse file a joint return for the taxable year.

''(2) MARITAL STATUS.—For purposes of paragraph (1), an individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

''(3) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of paragraph (1), if—

''(A) an individual —

''(i) is married and files a separate return, and

''(ii) has a qualifying child who is a son, daughter, stepson, or stepdaughter of such individual, and

''(B) during the last 6 months of such taxable year, such individual and such individual's spouse do not have the same principal place of abode,

such individual shall not be considered as married.''

(d) EXPANSION OF MATHEMATICAL ERROR AUTHORITY.—Paragraph (2) of section 6213(g) is amended by striking ''and'' at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting '', and'', and by inserting after subparagraph (L) the following new subparagraph:

''(M) the entry on the return claiming the credit under section 32 with respect to a child if, according to the Federal Case Registry of Child Support Orders established under section 453(h) of the Social Security Act, the taxpayer is a noncustodial parent of such child.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 202. PROFILING OF EARNED INCOME TAX CREDIT BENEFICIARIES.

(a) FINDINGS.—The Congress hereby finds that:

(1) Current law authorizes the Internal Revenue Service to impose additional earned income tax credit eligibility requirements, such as the current recertification program, only in cases in which a taxpayer has made prior improper claims of the earned income tax credit.

(2) The Internal Revenue Service is planning to implement an earned income tax credit precertification program that differs from what is authorized under current law in that it would apply to taxpayers who fall within broad categories even though they made no prior improper claims for the credit.

(3) There is no precedent in the Internal Revenue Code of 1986 for denying or delaying a tax refund that is apparently properly claimed on a tax return merely because the taxpayer meets a certain profile.

(4) The proposed earned income tax credit precertification program is an affront to our sense of fairness because compliant taxpayers are treated differently solely by reason of differing family structures or relationships and solely by reason of the fact that they are claiming a tax benefit designed to assist the working poor.

(5) No other family-related tax benefit, such as the dependency exemption or child tax credit, is subject to such a precertification requirement; and there is no such precertification requirement for abusive tax shelters purchased by corporations or for tax benefits claimed by higher income individuals.

(b) PROPOSED EITC PROFILING NOT PERMITTED.—The Internal Revenue Service shall not implement any system of precertification for the earned income tax credit that applies to taxpayers who have not made prior improper claims unless such a system is hereafter specifically authorized by law.

TITLE III—TAXPAYER PROTECTIONS AND IRS ACCOUNTABILITY

Subtitle A—Penalty and Interest Reforms

SEC. 301. FAILURE TO PAY ESTIMATED TAX PENALTY CONVERTED TO INTEREST CHARGE ON ACCUMULATED UNPAID BALANCE.

(a) PENALTY MOVED TO INTEREST CHAPTER OF CODE.—The Internal Revenue Code of 1986 is amended by redesignating section 6654 as section 6641 and by moving section 6641 (as so redesignated) from part I of subchapter A of chapter 68 to the end of subchapter E of chapter 67 (as added by subsection (e)(1) of this section).

(b) PENALTY CONVERTED TO INTEREST CHARGE.—The heading and subsections (a) and (b) of section 6641 (as so redesignated) are amended to read as follows:

"SEC. 6641. INTEREST ON FAILURE BY INDIVIDUAL TO PAY ESTIMATED INCOME TAX.

''(a) IN GENERAL.—Interest shall be paid on any underpayment of estimated tax by an individual for a taxable year for each day of such underpayment. The amount of such interest for any day shall be the product of the underpayment rate established under subsection (b)(2) multiplied by the amount of the underpayment.

''(b) AMOUNT OF UNDERPAYMENT; INTEREST RATE.—For purposes of subsection (a)—

''(1) AMOUNT.—The amount of the underpayment on any day shall be the excess of—

''(A) the sum of the required installments for the taxable year the due dates for which are on or before such day, over

''(B) the sum of the amounts (if any) of estimated tax payments made on or before such day on such required installments.

''(2) DETERMINATION OF INTEREST RATE.—

''(A) IN GENERAL.—The underpayment rate with respect to any day in an installment underpayment period shall be the underpayment rate established under section 6621 for the first day of the calendar quarter in which such installment underpayment period begins.

''(B) INSTALLMENT UNDERPAYMENT PERIOD.—For purposes of subparagraph (A), the term 'installment underpayment period' means the period beginning on the day after the due date for a required installment and ending on the due date for the subsequent required installment (or in the case of the 4th required installment, the 15th day of the 4th month following the close of a taxable year).

''(C) DAILY RATE.—The rate determined under subparagraph (A) shall be applied on a daily basis and shall be based on the assumption of 365 days in a calendar year.

''(3) TERMINATION OF ESTIMATED TAX INTEREST.—No day after the end of the installment underpayment period for the 4th required installment specified in paragraph (2)(B) for a taxable year shall be treated as a day of underpayment with respect to such taxable year.''.

(c) INCREASE IN SAFE HARBOR WHERE TAX IS SMALL.—

(1) IN GENERAL.—Clause (i) of section 6641(d)(1)(B) (as so redesignated) is amended to read as follows:

''(i) the lesser of—

''(I) 90 percent of the tax shown on the return for the taxable year (or, if no return is filed, 90 percent of the tax for such year), or

''(II) the tax shown on the return for the taxable year (or, if no return is filed, the tax for such year) reduced (but not below zero) by $1,600, or''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6641 (as so redesignated) is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(d) CONFORMING AMENDMENTS.—

(1) Paragraphs (1) and (2) of subsection (e) (as redesignated by subsection (c)(2)) and subsection (h) of section 6641 (as so designated) are each amended by striking ''addition to tax'' each place it occurs and inserting ''interest''.

(2) Section 167(g)(5)(D) is amended by striking ''6654'' and inserting ''6641''.

(3) Section 460(b)(1) is amended by striking ''6654'' and inserting ''6641''.

(4) Section 3510(b) is amended—

(A) by striking ''section 6654'' in paragraph (1) and inserting ''section 6641'';

(B) by amending paragraph (2)(B) to read as follows:

''(B) no interest would be required to be paid (but for this section) under 6641 for such taxable year by reason of the $1,600 amount specified in section 6641(d)(1)(B)(i)(II).'';

(C) by striking ''section 6654(d)(2)'' in paragraph (3) and inserting ''section 6641(d)(2)''; and

(D) by striking paragraph (4).

(5) Section 6201(b)(1) is amended by striking ''6654'' and inserting ''6641''.

(6) Section 6601(h) is amended by striking ''6654'' and inserting ''6641''.

(7) Section 6621(b)(2)(B) is amended by striking ''addition to tax under section 6654'' and inserting ''interest required to be paid under section 6641''.

(8) Section 6622(b) is amended—

(A) by striking ''PENALTY FOR'' in the heading; and

(B) by striking ''addition to tax under section 6654 or 6655'' and inserting ''interest required to be paid under section 6641 or addition to tax under section 6655''.

(9) Section 6658(a) is amended—

(A) by striking ''6654, or 6655'' and inserting ''or 6655, and no interest shall be required to be paid under section 6641,''; and

(B) by inserting ''or paying interest'' after ''the tax'' in paragraph (2)(B)(ii).

(10) Section 6665(b) is amended—

(A) in the matter preceding paragraph (1) by striking '', 6654,''; and

(B) in paragraph (2) by striking ''6654 or''.

(11) Section 7203 is amended by striking ''section 6654 or 6655'' and inserting ''section 6655 or interest required to be paid under section 6641''.

(e) CLERICAL AMENDMENTS.—

(1) Chapter 67 is amended by inserting after subchapter D the following:

"Subchapter E—Interest on Failure by Individual to Pay Estimated Income Tax

''Sec. 6641. Interest on failure by individual to pay estimated income tax.''.

(2) The table of subchapters for chapter 67 is amended by adding at the end the following new items:

''Subchapter D. Notice requirements.

''Subchapter E. Interest on failure by individual to pay estimated income tax.''.

(3) The table of sections for part I of subchapter A of chapter 68 is amended by striking the item relating to section 6654.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to installment payments for taxable years beginning after December 31, 2003.

SEC. 302. ABATEMENT OF INTEREST.

(a) ABATEMENT OF INTEREST WITH RESPECT TO ERRONEOUS REFUND CHECK WITHOUT REGARD TO SIZE OF REFUND.—Paragraph (2) of section 6404(e) is amended by striking ''unless—'' and all that follows and inserting ''unless the taxpayer (or a related party) has in any way caused such erroneous refund.''.

(b) ABATEMENT OF INTEREST TO EXTENT INTEREST IS ATTRIBUTABLE TO TAXPAYER RELIANCE ON WRITTEN STATEMENTS OF THE IRS.—Subsection (f) of section 6404 is amended—

(1) in the subsection heading, by striking ''PENALTY OR ADDITION'' and inserting ''INTEREST, PENALTY, OR ADDITION''; and

(2) in paragraph (1) and in subparagraph (B) of paragraph (2), by striking ''penalty or addition'' and inserting ''interest, penalty, or addition''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interest accruing on or after the date of the enactment of this Act.

SEC. 303. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) IN GENERAL.—Subchapter A of chapter 67 (relating to interest on underpayments) is amended by adding at the end the following new section:

"SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

''(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

''(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

''(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

''(d) PAYMENT OF INTEREST.—

''(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

''(2) DISPUTABLE TAX.—

''(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

''(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

''(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

''(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

''(i) has a reasonable basis for its treatment of such item, and

''(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

''(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

''(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

''(e) USE OF DEPOSITS.—

''(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

''(B) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 is amended by adding at the end the following new item:

''Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

(2) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 304. EXPANSION OF INTEREST NETTING FOR INDIVIDUALS.

(a) IN GENERAL.—Subsection (d) of section 6621 (relating to elimination of interest on overlapping periods of tax overpayments and underpayments) is amended by adding at the end the following: ''Solely for purposes of the preceding sentence, section 6611(e) shall not apply in the case of an individual.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accrued after December 31, 2003.

SEC. 305. WAIVER OF CERTAIN PENALTIES FOR FIRST-TIME UNINTENTIONAL MINOR ERRORS.

(a) IN GENERAL.—Section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end the following new subsection:

''(i) TREATMENT OF FIRST-TIME UNINTENTIONAL MINOR ERRORS.—

''(1) IN GENERAL.—In the case of a return of tax imposed by subtitle A filed by an individual, the Secretary may waive an addition to tax under subsection (a) if—

''(A) the individual has a history of compliance with the requirements of this title,

''(B) it is shown that the failure is due to an unintentional minor error,

''(C) the penalty would be grossly disproportionate to the action or expense that would have been needed to avoid the error, and imposing the penalty would be against equity and good conscience,

''(D) waiving the penalty would promote compliance with the requirements of this title and effective tax administration, and

''(E) the taxpayer took all reasonable steps to remedy the error promptly after discovering it.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply if—

''(A) the Secretary has waived any addition to tax under this subsection with respect to any prior failure by such individual,

''(B) the failure is a mathematical or clerical error (as defined in section 6213(g)(2)), or

''(C) the failure is the lack of a required signature.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2004.

SEC. 306. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

''SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission is based on a position which the Secretary has identified as frivolous under subsection (c).

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 7811 (relating to taxpayer assistance orders),

''(II) section 6159 (relating to agreements for payment of tax liability in installments), or

''(III) section 7122 (relating to compromises).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 307. CLARIFICATION OF APPLICATION OF FEDERAL TAX DEPOSIT PENALTY.

Nothing in section 6656 of the Internal Revenue Code of 1986 shall be construed to permit the percentage specified in subsection (b)(1)(A)(iii) thereof to apply other than in a case where the failure is for more than 15 days.

Subtitle B—Fairness of Collection Procedures

SEC. 311. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(B) by inserting ''full or partial'' after ''facilitate''.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 312. EXTENSION OF TIME FOR RETURN OF PROPERTY.

(a) EXTENSION OF TIME FOR RETURN OF PROPERTY SUBJECT TO LEVY.—Subsection (b) of section 6343 (relating to return of property) is amended by striking ''9 months'' and inserting ''2 years''.

(b) PERIOD OF LIMITATION ON SUITS.—Subsection (c) of section 6532 (relating to suits by persons other than taxpayers) is amended—

(1) in paragraph (1) by striking ''9 months'' and inserting ''2 years'', and

(2) in paragraph (2) by striking ''9-month'' and inserting ''2-year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

SEC. 313. INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC., ON INDIVIDUAL RETIREMENT PLAN.

(a) IN GENERAL.—Section 6343 (relating to authority to release levy and return property) is amended by adding at the end the following new subsection:

''(f) INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC. ON INDIVIDUAL RETIREMENT PLAN.—

''(1) IN GENERAL.—If the Secretary determines that an individual retirement plan has been levied upon in a case to which subsection (b) or (d)(2)(A) applies, an amount equal to the sum of—

''(A) the amount of money returned by the Secretary on account of such levy, and

''(B) interest paid under subsection (c) on such amount of money,

may be deposited into an individual retirement plan (other than an endowment contract) to which a rollover from the plan levied upon is permitted.

''(2) TREATMENT AS ROLLOVER.—The distribution on account of the levy and any deposit under paragraph (1) with respect to such distribution shall be treated for purposes of this title as if such distribution and deposit were part of a rollover described in section 408(d)(3)(A)(i); except that—

''(A) interest paid under subsection (c) shall be treated as part of such distribution and as not includible in gross income,

''(B) the 60-day requirement in such section shall be treated as met if the deposit is made not later than the 60th day after the day on which the individual receives an amount under paragraph (1) from the Secretary, and

''(C) such deposit shall not be taken into account under section 408(d)(3)(B).

''(3) REFUND, ETC., OF INCOME TAX ON LEVY.—If any amount is includible in gross income for a taxable year by reason of a levy referred to in paragraph (1) and any portion of such amount is treated as a rollover under paragraph (2), any tax imposed by chapter 1 on such portion shall not be assessed, and if assessed shall be abated, and if collected shall be credited or refunded as an overpayment made on the due date for filing the return of tax for such taxable year.

''(4) INTEREST.—Notwithstanding subsection (d), interest shall be allowed under subsection (c) in a case in which the Secretary makes a determination described in subsection (d)(2)(A) with respect to a levy upon an individual retirement plan.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid under subsections (b), (c), and (d)(2)(A) of section 6343 of the Internal Revenue Code of 1986 after December 31, 2003.

SEC. 314. SEVEN-DAY THRESHOLD ON TOLLING OF STATUTE OF LIMITATIONS DURING TAX REVIEW.

(a) IN GENERAL.—Section 7811(d)(1) (relating to suspension of running of period of limitation) is amended by inserting after ''application,'' the following: ''but only if the date of such decision is at least 7 days after the date of the taxpayer's application''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to applications filed after the date of the enactment of this Act.

SEC. 315. STUDY OF LIENS AND LEVIES.

The Secretary of the Treasury, or the Secretary's delegate, shall conduct a study of the practices of the Internal Revenue Service concerning liens and levies. The study shall examine—

(1) the declining use of liens and levies by the Internal Revenue Service, and

(2) the practicality of recording liens and levying against property in cases in which the cost of such actions exceeds the amount to be realized from such property.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

Subtitle C—Tax Administration Reforms

SEC. 331. REVISIONS RELATING TO TERMINATION OF EMPLOYMENT OF INTERNAL REVENUE SERVICE EMPLOYEES FOR MISCONDUCT.

(a) IN GENERAL.—Subchapter A of chapter 80 (relating to application of internal revenue laws) is amended by inserting after section 7804 the following new section:

''SEC. 7804A. DISCIPLINARY ACTIONS FOR MISCONDUCT.

''(a) DISCIPLINARY ACTIONS.—

''(1) IN GENERAL.—Subject to subsection (c), the Commissioner shall take an action in accordance with the guidelines established under paragraph (2) against any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission described under subsection (b) in the performance of the employee's official duties or where a nexus to the employee's position exists.

''(2) GUIDELINES.—The Commissioner shall issue guidelines for determining the appropriate level of discipline, up to and including termination of employment, for committing any act or omission described under subsection (b).

''(b) ACTS OR OMISSIONS.—The acts or omissions described under this subsection are—

''(1) willful failure to obtain the required approval signatures on documents authorizing the seizure of a taxpayer's home, personal belongings, or business assets;

''(2) willfully providing a false statement under oath with respect to a material matter involving a taxpayer or taxpayer representative;

''(3) with respect to a taxpayer or taxpayer representative, the willful violation of—

''(A) any right under the Constitution of the United States;

''(B) any civil right established under—

''(i) title VI or VII of the Civil Rights Act of 1964;

''(ii) title IX of the Education Amendments of 1972;

''(iii) the Age Discrimination in Employment Act of 1967;

''(iv) the Age Discrimination Act of 1975;

''(v) section 501 or 504 of the Rehabilitation Act of 1973; or

''(vi) title I of the Americans with Disabilities Act of 1990; or

''(C) the Internal Revenue Service policy on unauthorized inspection of returns or return information;

''(4) willfully falsifying or destroying documents to conceal mistakes made by any employee with respect to a matter involving a taxpayer or taxpayer representative;

''(5) assault or battery on a taxpayer or taxpayer representative, but only if there is a criminal conviction, or a final adverse judgment by a court in a civil case, with respect to the assault or battery;

''(6) willful violations of this title, Department of the Treasury regulations, or policies of the Internal Revenue Service (including the Internal Revenue Manual) for the purpose of retaliating against, or harassing, a taxpayer or taxpayer representative;

''(7) willful misuse of the provisions of section 6103 for the purpose of concealing information from a congressional inquiry;

''(8) willful failure to file any return of tax required under this title on or before the date prescribed therefor (including any extensions) when a tax is due and owing, unless such failure is due to reasonable cause and not due to willful neglect;

''(9) willful understatement of Federal tax liability, unless such understatement is due to reasonable cause and not due to willful neglect; and

''(10) threatening to audit a taxpayer, or to take other action under this title, for the purpose of extracting personal gain or benefit.

''(c) DETERMINATIONS OF COMMISSIONER.—

''(1) IN GENERAL.—The Commissioner may take a personnel action other than a disciplinary action provided for in the guidelines under subsection (a)(2) for an act or omission described under subsection (b).

''(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may not be delegated to any other officer. The Commissioner, in his sole discretion, may establish a procedure to determine if an individual should be referred to the Commissioner for a determination by the Commissioner under paragraph (1).

''(3) NO APPEAL.—Notwithstanding any other provision of law, any determination of the Commissioner under this subsection may not be reviewed in any administrative or judicial proceeding. A finding that an act or omission described under subsection (b) occurred may be reviewed.

''(d) DEFINITION.—For the purposes of the provisions described in clauses (i), (ii), and (iv) of subsection (b)(3)(B), references to a program or activity regarding Federal financial assistance or an education program or activity receiving Federal financial assistance shall include any program or activity conducted by the Internal Revenue Service for a taxpayer.

''(e) ANNUAL REPORT.—The Commissioner shall submit to Congress annually a report on disciplinary actions under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 80 is amended by inserting after the item relating to section 7804 the following new item:

''Sec. 7804A. Disciplinary actions for misconduct.''.

(c) REPEAL OF SUPERSEDED SECTION.—Section 1203 of the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105–206; 112 Stat. 720) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 332. CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.

(a) CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.—Subsection (b) of section 6214 (relating to jurisdiction over other years and quarters) is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, the Tax Court may apply the doctrine of equitable recoupment to the same extent that it is available in civil tax cases before the district courts of the United States and the United States Court of Federal Claims.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any action or proceeding in the Tax Court with respect to which a decision has not become final (as determined under section 7481 of the Internal Revenue Code of 1986) as of the date of the enactment of this Act.

SEC. 333. JURISDICTION OF TAX COURT OVER COLLECTION DUE PROCESS CASES.

(a) IN GENERAL.—Section 6330(d)(1) (relating to judicial review of determination) is amended to read as follows:

''(1) JUDICIAL REVIEW OF DETERMINATION.—The person may, within 30 days of a determination under this section, appeal such determination to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to judicial appeals filed after the date of the enactment of this Act.

SEC. 334. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS IN COMPROMISE.

(a) IN GENERAL.—Section 7122(b) (relating to record) is amended by striking ''Whenever a compromise'' and all that follows through ''his delegate'' and inserting ''If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion''.

(b) CONFORMING AMENDMENTS.—Section 7122(b) is amended by striking the second and third sentences.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 335. ACCESS OF NATIONAL TAXPAYER ADVOCATE TO INDEPENDENT LEGAL COUNSEL.

Clause (i) of section 7803(c)(2)(D) (relating to personnel actions) is amended by striking ''and'' at the end of subclause (I), by striking the period at the end of subclause (II) and inserting '', and'', and by adding at the end the following new subclause:

''(III) appoint a counsel in the Office of the Taxpayer Advocate to report solely to the National Taxpayer Advocate.''.

SEC. 336. PAYMENT OF MOTOR FUEL EXCISE TAX REFUNDS BY DIRECT DEPOSIT.

(a) IN GENERAL.—Subchapter II of chapter 33 of title 31, United States Code, is amended by adding at the end the following new section:

''§ 3337. Payment of motor fuel excise tax refunds by direct deposit

''The Secretary of the Treasury shall make payments under sections 6420, 6421, and 6427 of the Internal Revenue Code of 1986 by electronic funds transfer (as defined in section 3332(j)(1)) if the person who is entitled to the payment—

''(1) elects to receive the payment by electronic funds transfer; and

''(2) satisfies the requirements of section 3332(g) with respect to such payment at such time and in such manner as the Secretary may require.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 33 of title 31, United States Code, is amended by adding at the end the following new item:

''3337. Payment of motor fuel excise tax refunds by direct deposit.''.

SEC. 337. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) QUALIFIED JOINT VENTURE.—

''(1) IN GENERAL.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

''(A) such joint venture shall not be treated as a partnership,

''(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

''(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

''(2) QUALIFIED JOINT VENTURE.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

''(A) the only members of such joint venture are a husband and wife,

''(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

''(C) both spouses elect the application of this subsection.''.

(b) NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking ''and'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ''; and'', and by inserting after paragraph (15) the following new paragraph:

''(16) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.''.

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking ''and'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ''; and'', and by inserting after paragraph (15) the following new paragraph:

''(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 338. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 339. TAX REFUND ANTICIPATION LOANS.

The Secretary of the Treasury may not provide any direct deposit indicator with respect to a taxpayer to any tax return preparer, financial institution, or other person that charges taxpayers interest rates (including fees) on refund anticipation loans in excess of the consumer loan usury rate limit of the State in which the taxpayer is domiciled.

SEC. 340. FAIRNESS IN TAX AUDIT COVERAGE.

(a) MANDATORY AUDITS OF HIGH RISK TAXPAYERS.—The Secretary of the Treasury shall conduct audits of all taxpayers whom the Secretary determines are likely to have—

(1) an unpaid Federal income tax liability of more than $1,000,000, or

(2) to have unreported income or structured transactions which are considered by the Secretary to be high risk.

(b) RATE OF AUDITS.—The Secretary of the Treasury shall conduct audits of high income taxpayers likely to owe taxes at a rate which is not less than the rate at which the Secretary conducts audits of low income taxpayers likely to owe taxes.

Subtitle D—Confidentiality and Disclosure

SEC. 341. COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN DISCLOSABLE TO EITHER SPOUSE BASED ON ORAL REQUEST.

(a) IN GENERAL.—Paragraph (8) of section 6103(e) (relating to disclosure of collection activities with respect to joint return) is amended by striking ''in writing'' the first place it appears.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests

made after the date of the enactment of this Act.

SEC. 342. TAXPAYER REPRESENTATIVES NOT SUBJECT TO EXAMINATION ON SOLE BASIS OF REPRESENTATION OF TAXPAYERS.

(a) IN GENERAL.—Paragraph (1) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended—

(1) by striking ''Returns'' and inserting the following:

''(A) IN GENERAL.—Returns'', and

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

''(B) TAXPAYER REPRESENTATIVES.—Notwithstanding subparagraph (A), the return of the representative of a taxpayer whose return is being examined by an officer or employee of the Department of the Treasury shall not be open to inspection by such officer or employee on the sole basis of the representative's relationship to the taxpayer unless a supervisor of such officer or employee has approved the inspection of the return of such representative on a basis other than by reason of such relationship.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date which is 180 days after the date of the enactment of this Act.

SEC. 343. DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS WHO ARE NOT PARTY TO SUCH PROCEEDINGS.

(a) IN GENERAL.—Paragraph (4) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new subparagraph:

''(B) DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS NOT PARTY TO SUCH PROCEEDINGS.—

''(i) NOTICE.—Return or return information of any person who is not a party to a judicial or administrative proceeding described in this paragraph shall not be disclosed under clause (ii) or (iii) of subparagraph (A) until after the Secretary makes a reasonable effort to give notice to such person and an opportunity for such person to request the deletion of matter from such return or return information, including any of the items referred to in paragraphs (1) through (7) of section 6110(c). Such notice shall include a statement of the issue or issues the resolution of which is the reason such return or return information is sought. In the case of S corporations, partnerships, estates, and trusts, such notice shall be made at the entity level.

''(ii) DISCLOSURE LIMITED TO PERTINENT PORTION.—The only portion of a return or return information described in clause (i) which may be disclosed under subparagraph (A) is that portion of such return or return information that directly relates to the resolution of an issue in such proceeding.

''(iii) EXCEPTIONS.—Clause (i) shall not apply—

''(I) to any civil action under section 7407, 7408, or 7409,

''(II) to any ex parte proceeding for obtaining a search warrant, order for entry on premises or safe deposit boxes, or similar ex parte proceeding,

''(III) to disclosure of third party return information by indictment or criminal information, or

''(IV) if the Attorney General or the Attorney General's delegate determines that the application of such clause would seriously impair a criminal tax investigation or proceeding.''.

(b) CONFORMING AMENDMENTS.—Paragraph (4) of section 6103(h) is amended by—

(1) by striking ''PROCEEDINGS.—A return'' and inserting ''PROCEEDINGS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a return'';

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively; and

(3) in the matter following clause (iv) (as so redesignated), by striking ''subparagraph (A), (B), or (C)'' and inserting ''clause (i), (ii), or (iii)'' and by moving such matter 2 ems to the right.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

SEC. 344. PROHIBITION OF DISCLOSURE OF TAXPAYER IDENTIFICATION INFORMATION WITH RESPECT TO DISCLOSURE OF ACCEPTED OFFERS-IN-COMPROMISE.

(a) GENERAL.—Paragraph (1) of section 6103(k) (relating to disclosure of certain returns and return information for tax administrative purposes) is amended by inserting ''(other than the taxpayer's address and TIN)'' after ''Return information''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 345. COMPLIANCE BY CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.

(a) IN GENERAL.—Section 6103(p) (relating to State law requirements) is amended by adding at the end the following new paragraph:

''(9) DISCLOSURE TO CONTRACTORS AND OTHER AGENTS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor or other agent of a Federal, State, or local agency unless such agency, to the satisfaction of the Secretary—

''(A) has requirements in effect which require each such contractor or other agent which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

''(B) agrees to conduct an annual, on-site review (mid-point review in the case of contracts of less than 1 year in duration) of each such contractor or other agent to determine compliance with such requirements,

''(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

''(D) certifies to the Secretary for the most recent annual period that each such contractor or other agent is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor and other agent, a description of the contract of the contractor or other agent with the agency, and the duration of such contract.''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 6103(p)(8) is amended by inserting ''or paragraph (9)'' after ''subparagraph (A)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to disclosures made after December 31, 2003.

(2) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (a), shall be made with respect to calendar year 2004.

SEC. 346. HIGHER STANDARDS FOR REQUESTS FOR AND CONSENTS TO DISCLOSURE.

(a) IN GENERAL.—Subsection (c) of section 6103 (relating to disclosure of returns and return information to designee of taxpayer) is amended by adding at the end the following new paragraphs:

''(2) REQUIREMENTS FOR VALID REQUESTS AND CONSENTS.—A request for or consent to disclosure under paragraph (1) shall only be valid for purposes of this section, sections 7213, 7213A, and 7431 if—

''(A) at the time of execution, such request or consent designates a recipient of such disclosure and is dated, and

''(B) at the time such request or consent is submitted to the Secretary, the submitter of such request or consent certifies, under penalty of perjury, that such request or consent complied with subparagraph (A).

''(3) RESTRICTIONS ON PERSONS OBTAINING INFORMATION.—Any person shall, as a condition for receiving return or return information under paragraph (1)—

''(A) ensure that such return and return information is kept confidential,

''(B) use such return and return information only for the purpose for which it was requested, and

''(C) not disclose such return and return information except to accomplish the purpose for which it was requested, unless a separate consent from the taxpayer is obtained.

''(4) REQUIREMENTS FOR FORM PRESCRIBED BY SECRETARY.—For purposes of this subsection, the Secretary shall prescribe a form for requests and consents which shall—

''(A) contain a warning, prominently displayed, informing the taxpayer that the form should not be signed unless it is completed,

''(B) state that if the taxpayer believes there is an attempt to coerce him to sign an incomplete or blank form, the taxpayer should report the matter to the Treasury Inspector General for Tax Administration, and

''(C) contain the address and telephone number of the Treasury Inspector General for Tax Administration.''.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to the Congress on compliance with the designation and certification requirements applicable to requests for or consent to disclosure of returns and return information under section 6103(c) of the Internal Revenue Code of 1986, as amended by subsection (a). Such report shall—

(1) evaluate (on the basis of random sampling) whether—

(A) the amendment made by subsection (a) is achieving the purposes of this section;

(B) requesters and submitters for such disclosure are continuing to evade the purposes of this section and, if so, how; and

(C) the sanctions for violations of such requirements are adequate; and

(2) include such recommendations that the Treasury Inspector General for Tax Administration considers necessary or appropriate to better achieve the purposes of this section.

(c) CONFORMING AMENDMENTS.—

(1) Section 6103(c) is amended by striking ''TAXPAYER.—The Secretary'' and inserting ''TAXPAYER.—

''(1) IN GENERAL.—The Secretary''.

(2) Section 7213(a)(1) is amended by striking ''section 6103(n)'' and inserting ''subsections (c) and (n) of section 6103''.

(3) Section 7213A(a)(1)(B) is amended by striking ''subsection (l)(18) or (n) of section 6103'' and inserting ''subsection (c), (l)(18), or (n) of section 6103''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests and consents made after 3 months after the date of the enactment of this Act.

SEC. 347. NOTICE TO TAXPAYER CONCERNING ADMINISTRATIVE DETERMINATION OF BROWSING; ANNUAL REPORT.

(a) NOTICE TO TAXPAYER.—Subsection (e) of section 7431 (relating to notification of unlawful inspection and disclosure) is amended by adding at the end the following: ''The Secretary shall also notify such taxpayer if the Treasury Inspector General for Tax Administration substantiates that such taxpayer's return or return information was inspected or disclosed in violation of any of the provisions specified in paragraph (1), (2), or (3).''.

(b) REPORTS.—Subsection (p) of section 6103 (relating to procedure and recordkeeping), is amended by adding at the end the following new paragraph:

''(10) REPORT ON UNAUTHORIZED DISCLOSURE AND INSPECTION.—As part of the report required by paragraph (3)(C) for each calendar year, the Secretary shall furnish information regarding the unauthorized disclosure and inspection of returns and return information, including the number, status, and results of—

''(A) administrative investigations,

''(B) civil lawsuits brought under section 7431 (including the amounts for which such lawsuits were settled and the amounts of damages awarded), and

''(C) criminal prosecutions.''.

(c) EFFECTIVE DATE.—

(1) NOTICE.—The amendment made by subsection (a) shall apply to determinations made after the date of the enactment of this Act.

(2) REPORTS.—The amendment made by subsection (b) shall apply to calendar years ending after the date of the enactment of this Act.

SEC. 348. EXPANDED DISCLOSURE IN EMERGENCY CIRCUMSTANCES.

(a) IN GENERAL.—Section 6103(i)(3)(B) (relating to danger of death or physical injury) is amended by striking ''or State'' and inserting '', State, or local''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 349. DISCLOSURE OF TAXPAYER IDENTITY FOR TAX REFUND PURPOSES.

(a) IN GENERAL.—Paragraph (1) of section 6103(m) (relating to disclosure of taxpayer identity information) is amended by striking ''and other media'' and by inserting '', other media, and through any other means of mass communication,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 350. DISCLOSURE TO STATE OFFICIALS OF PROPOSED ACTIONS RELATED TO SECTION 501(c)(3) ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 6104 is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) DISCLOSURE OF PROPOSED ACTIONS.—

''(A) SPECIFIC NOTIFICATIONS.—In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer—

''(i) a notice of proposed refusal to recognize such organization as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,

''(ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and

''(iii) the names, addresses, and taxpayer identification numbers of organizations that have applied for recognition as organizations described in section 501(c)(3).

''(B) ADDITIONAL DISCLOSURES.—Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.

''(C) PROCEDURES FOR DISCLOSURE.—Information may be inspected or disclosed under subparagraph (A) or (B) only—

''(i) upon written request by an appropriate State officer, and

''(ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.

Such information may only be inspected by or disclosed to a person other than the appropriate State officer if such person is an officer or employee of the State and is designated by the appropriate State officer to receive the returns or return information under this paragraph on behalf of the appropriate State officer.

''(D) DISCLOSURES OTHER THAN BY REQUEST.—The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such inspection or disclosure may facilitate the resolution of State or Federal issues relating to the tax-exempt status of such organization.

''(3) USE IN ADMINISTRATIVE AND JUDICIAL CIVIL PROCEEDINGS.—Returns and return information disclosed pursuant to this subsection may be disclosed in administrative and judicial civil proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

''(4) NO DISCLOSURE IF IMPAIRMENT.—Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (3), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) RETURN AND RETURN INFORMATION.—The terms 'return' and 'return information' have the respective meanings given to such terms by section 6103(b).

''(B) APPROPRIATE STATE OFFICER.—The term 'appropriate State officer' means—

''(i) the State attorney general, or

''(ii) any other State official charged with overseeing organizations of the type described in section 501(c)(3).''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6103(p)(3) is amended by inserting ''and section 6104(c)'' after ''section'' in the first sentence.

(2) Paragraph (4) of section 6103(p) is amended—

(A) in the matter preceding subparagraph (A), by inserting '', or any appropriate State officer (as defined in section 6104(c)),'' before ''or any other person'',

(B) in subparagraph (F)(i), by inserting ''or any appropriate State officer (as defined in section 6104(c)),'' before ''or any other person'', and

(C) in the matter following subparagraph (F), by inserting '', an appropriate State officer (as defined in section 6104(c)),'' after ''including an agency'' each place it appears.

(3) Paragraph (2) of section 7213(a) is amended by inserting ''or under section 6104(c)'' after ''6103''.

(4) Paragraph (2) of section 7213A(a) is amended by inserting ''or 6104(c)'' after ''6103''.

(5) Paragraph (2) of section 7431(a) is amended by inserting ''(including any disclosure in violation of section 6104(c))'' after ''6103''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

SEC. 351. CONFIDENTIALITY OF TAXPAYER COMMUNICATIONS WITH THE OFFICE OF THE TAXPAYER ADVOCATE.

(a) IN GENERAL.—Subsection (c) of section 7803 is amended by adding at the end the following new paragraph:

''(5) CONFIDENTIALITY OF TAXPAYER INFORMATION.—

''(A) IN GENERAL.—To the extent authorized by the National Taxpayer Advocate or pursuant to guidance issued under subparagraph (B), any officer or employee of the Office of the Taxpayer Advocate may withhold from the Internal Revenue Service and the Department of Justice any information provided by, or regarding contact with, any taxpayer.

''(B) ISSUANCE OF GUIDANCE.—In consultation with the Chief Counsel for the Internal Revenue Service and subject to the approval of the Commissioner of Internal Revenue, the National Taxpayer Advocate may issue guidance regarding the circumstances (including with respect to litigation) under which, and the persons to whom, employees of the Office of the Taxpayer Advocate shall not disclose information obtained from a taxpayer. To the extent to which any provision of the Internal Revenue Manual would require greater disclosure by employees of the Office of the Taxpayer Advocate than the disclosure required under such guidance, such provision shall not apply.

''(C) EMPLOYEE PROTECTION.—Section 7214(a)(8) shall not apply to any failure to report knowledge or information if—

''(i) such failure to report is authorized under subparagraph (A), and

''(ii) such knowledge or information is not of fraud committed by a person against the United States under any revenue law.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 7803(c)(4) is amended by inserting ''and'' at the end of clause (ii), by striking ''; and'' at the end of clause (iii) and inserting a period, and by striking clause (iv).

Subtitle E—Miscellaneous

SEC. 361. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking ''or'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', or'', and by inserting after paragraph (5) the following:

''(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.''.

SEC. 362. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after ''509(a))'' the following: ''or as a private operating foundation (as defined in section 4942(j)(3))''; and

(2) by amending subparagraph (C) to read as follows:

''(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or''.

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking ''United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia'' and inserting the following: ''United States Tax Court (in the case of any such determination

or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 363. EMPLOYEE MISCONDUCT REPORT TO INCLUDE SUMMARY OF COMPLAINTS BY CATEGORY.

(a) IN GENERAL.—Clause (ii) of section 7803(d)(2)(A) is amended by inserting before the semicolon at the end the following: '', including a summary (by category) of the 10 most common complaints made and the number of such common complaints''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reporting periods ending after the date of the enactment of this Act.

SEC. 364. ANNUAL REPORT ON AWARDS OF COSTS AND CERTAIN FEES IN ADMINISTRATIVE AND COURT PROCEEDINGS.

Not later than 3 months after the close of each Federal fiscal year after fiscal year 2003, the Treasury Inspector General for Tax Administration shall submit a report to Congress which specifies for such year—

(1) the number of payments made by the United States pursuant to section 7430 of the Internal Revenue Code of 1986 (relating to awarding of costs and certain fees);

(2) the amount of each such payment;

(3) an analysis of any administrative issue giving rise to such payments; and

(4) changes (if any) which will be implemented as a result of such analysis and other changes (if any) recommended by the Treasury Inspector General for Tax Administration as a result of such analysis.

SEC. 365. ANNUAL REPORT ON ABATEMENT OF PENALTIES.

Not later than 6 months after the close of each Federal fiscal year after fiscal year 2003, the Treasury Inspector General for Tax Administration shall submit a report to Congress on abatements of penalties under the Internal Revenue Code of 1986 during such year, including information on the reasons and criteria for such abatements.

SEC. 366. BETTER MEANS OF COMMUNICATING WITH TAXPAYERS.

Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to Congress evaluating whether technological advances, such as e-mail and facsimile transmission, permit the use of alternative means for the Internal Revenue Service to communicate with taxpayers.

SEC. 367. EXPLANATION OF STATUTE OF LIMITATIONS AND CONSEQUENCES OF FAILURE TO FILE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1), and any instructions booklet accompanying a general income tax return form for taxable years beginning after 2002 (including forms 1040, 1040A, 1040EZ, and any similar or successor forms relating thereto), to provide for an explanation of—

(1) the limitations imposed by section 6511 of the Internal Revenue Code of 1986 on credits and refunds; and

(2) the consequences under such section 6511 of the failure to file a return of tax.

SEC. 368. AMENDMENT TO TREASURY AUCTION REFORMS.

(a) IN GENERAL.—Clause (i) of section 202(c)(4)(B) of the Government Securities Act Amendments of 1993 (31 U.S.C. 3121 note) is amended by inserting before the semicolon ''(or, if earlier, at the time the Secretary releases the minutes of the meeting in accordance with paragraph (2))''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to meetings held after the date of the enactment of this Act.

SEC. 369. ENROLLED AGENTS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7528. ENROLLED AGENTS.

''(a) IN GENERAL.—The Secretary may prescribe such regulations as may be necessary to regulate the conduct of enrolled agents in regards to their practice before the Internal Revenue Service.

''(b) USE OF CREDENTIALS.—Any enrolled agents properly licensed to practice as required under rules promulgated under section (a) herein shall be allowed to use the credentials or designation as 'enrolled agent', 'EA', or 'E.A.'.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7528. Enrolled agents.''.

(c) PRIOR REGULATIONS.—Nothing in the amendments made by this section shall be construed to have any effect on part 10 of title 31, Code of Federal Regulations, or any other Federal rule or regulation issued before the date of the enactment of this Act.

SEC. 370. FINANCIAL MANAGEMENT SERVICE FEES.

Notwithstanding any other provision of law, the Financial Management Service may charge the Internal Revenue Service, and the Internal Revenue Service may pay the Financial Management Service, a fee sufficient to cover the full cost of implementing a continuous levy program under subsection (h) of section 6331 of the Internal Revenue Code of 1986. Any such fee shall be based on actual levies made and shall be collected by the Financial Management Service by the retention of a portion of amounts collected by levy pursuant to that subsection. Amounts received by the Financial Management Service as fees under that subsection shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code, and shall be collected and accounted for in accordance with the provisions of that section. The amount credited against the taxpayer's liability on account of the continuous levy shall be the amount levied, without reduction for the amount paid to the Financial Management Service as a fee.

SEC. 371. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7529. INTERNAL REVENUE SERVICE USER FEES.

''(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

''(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

''(2) other similar requests.

''(b) PROGRAM CRITERIA.—

''(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

''(A) shall vary according to categories (or subcategories) established by the Secretary,

''(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

''(C) shall be payable in advance.

''(2) EXEMPTIONS, ETC.—

''(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

''(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

''(i) made after the later of—

''(I) the fifth plan year the pension benefit plan is in existence, or

''(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

''(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

''(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

''(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

''(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

''(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	Average Fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

''(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7529. Internal Revenue Service user fees.''.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7527 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

Subtitle F—Low-Income Taxpayer Clinics

SEC. 381. LOW-INCOME TAXPAYER CLINICS.

(a) LIMITATION ON AMOUNT OF GRANTS.—Paragraph (1) of section 7526(c) (relating to special rules and limitations) is amended by striking ''$6,000,000 per year'' and inserting

''$9,000,000 for 2004, $12,000,000 for 2005, and $15,000,000 for each year thereafter''.

(b) PROMOTION OF CLINICS.—Section 7526(c) is amended by adding at the end the following new paragraph:

''(6) PROMOTION OF CLINICS.—The Secretary is authorized to promote the benefits of and encourage the use of low-income taxpayer clinics through the use of mass communications, referrals, and other means.''.

(c) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—Section 7526(c), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

''(7) USE OF GRANTS FOR OVERHEAD EXPENSES PROHIBITED.—No grant made under this section may be used for the general overhead expenses of any institution sponsoring a qualified low-income taxpayer clinic.''.

(d) ELIGIBLE CLINICS.—

(1) IN GENERAL.—Paragraph (2) of section 7526(b) is amended to read as follows:

''(2) ELIGIBLE CLINIC.—The term 'eligible clinic' means—

''(A) any clinical program at an accredited law, business, or accounting school in which students represent low-income taxpayers in controversies arising under this title; and

''(B) any organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1) through representation of taxpayers or referral of taxpayers to qualified representatives.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 7526(b)(1) is amended by striking ''means a clinic'' and inserting ''means an eligible clinic''.

SEC. 382. MATCHING GRANTS TO LOW INCOME RETURN PREPARATION CLINICS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by inserting after section 7526 the following new section:

''SEC. 7526A. LOW INCOME RETURN PREPARATION CLINICS.

''(a) IN GENERAL.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified return preparation clinics.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RETURN PREPARATION CLINIC.—

''(A) IN GENERAL.—The term 'qualified return preparation clinic' means an eligible clinic which—

''(i) does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred), and

''(ii) operates programs which assist low-income taxpayers in preparing and filing their Federal income tax returns, including schedules reporting sole proprietorship or farm income.

''(B) ASSISTANCE TO LOW-INCOME TAXPAYERS.—A clinic is treated as assisting low-income taxpayers under subparagraph (A)(ii) if at least 90 percent of the taxpayers assisted by the clinic have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

''(2) ELIGIBLE CLINIC.—The term 'eligible clinic' includes—

''(A) a clinical program at an eligible educational institution (as defined in section 529(e)(5)) which satisfies the requirements of paragraph (1) through student assistance of taxpayers in return preparation and filing, and

''(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1).

''(c) SPECIAL RULES AND LIMITATIONS.—

''(1) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $10,000,000 per year (exclusive of costs of administering the program) to grants under this section.

''(2) OTHER APPLICABLE RULES.—Rules similar to the rules under paragraphs (2) through (7) of section 7526(c) shall apply with respect to the awarding of grants to qualified return preparation clinics.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by inserting after the item relating to section 7526 the following new item:

''Sec. 7526A. Low income return preparation clinics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to grants made after the date of the enactment of this Act.

TITLE IV—CHILD TAX CREDIT

SEC. 401. ACCELERATION OF INCREASE IN REFUNDABILITY OF THE CHILD TAX CREDIT.

(a) ACCELERATION OF REFUNDABILITY.—

(1) IN GENERAL.—Section 24(d)(1)(B)(i) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by striking ''(10 percent in the case of taxable years beginning before January 1, 2005)''.

(2) ADVANCE PAYMENT.—Subsection (b) of section 6429 of such Code (relating to advance payment of portion of increased child credit for 2003) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) section 24(d)(1)(B)(i) applied without regard to the first parenthetical therein.''.

(3) EARNED INCOME INCLUDES COMBAT PAY.—Section 24(d)(1) of such Code is amended by adding at the end the following new sentence: ''For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.''.

(b) EFFECTIVE DATES.—

(1) SUBSECTIONS (a)(1) AND (a)(3).—The amendments made by subsections (a)(1) and (a)(3) shall apply to taxable years beginning after December 31, 2002.

(2) SUBSECTION (a)(2).—The amendments made by subsection (a)(2) shall take effect as if included in the amendments made by section 101(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 402. REDUCTION IN MARRIAGE PENALTY IN CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(b)(2) of the Internal Revenue Code of 1986 (defining threshold amount) is amended—

(1) by inserting ''($115,000 for taxable years beginning in 2008 or 2009, and $150,000 for taxable years beginning in 2010)'' after ''$110,000'', and

(2) by striking ''$55,000'' in subparagraph (C) and inserting ''½ of the amount in effect under subparagraph (A)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 403. APPLICATION OF EGTRRA SUNSET TO THIS SECTION.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

TITLE V—UNIFORM DEFINITION OF CHILD

SEC. 501. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 152. DEPENDENT DEFINED.

''(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

''(1) a qualifying child, or

''(2) a qualifying relative.

''(b) EXCEPTIONS.—For purposes of this section—

''(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

''(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

''(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

''(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

''(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

''(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

''(ii) the taxpayer is a citizen or national of the United States.

''(c) QUALIFYING CHILD.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

''(C) who meets the age requirements of paragraph (3), and

''(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

''(2) RELATIONSHIP TEST.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

''(A) a child of the taxpayer or a descendant of such a child, or

''(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

''(3) AGE REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

''(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

''(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

''(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

''(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (e), if (but

for this paragraph) an individual may be and is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

''(i) a parent of the individual, or

''(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

''(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

''(i) the parent with whom the child resided for the longest period of time during the taxable year, or

''(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

''(d) QUALIFYING RELATIVE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

''(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

''(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

''(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

''(A) A child or a descendant of a child.

''(B) A brother, sister, stepbrother, or stepsister.

''(C) The father or mother, or an ancestor of either.

''(D) A stepfather or stepmother.

''(E) A son or daughter of a brother or sister of the taxpayer.

''(F) A brother or sister of the father or mother of the taxpayer.

''(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

''(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

''(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

''(A) no one person contributed over one-half of such support,

''(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

''(C) the taxpayer contributed over 10 percent of such support, and

''(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

''(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

''(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

''(ii) the income arises solely from activities at such workshop which are incident to such medical care.

''(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

''(i) which provides special instruction or training designed to alleviate the disability of the individual, and

''(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

''(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1)(C), in the case of an individual who is—

''(A) a child of the taxpayer, and

''(B) a student,

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

''(6) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

''(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent,

''(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent (as defined in subsection (e)(3)(B)) to the extent that such parent provided amounts for such support, and

''(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

''(e) SPECIAL RULE FOR DIVORCED PARENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(4) or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and

''(B) such child is in the custody of 1 or both of the child's parents for more than ½ of the calendar year,

such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.

''(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

''(A) a decree of divorce or separate maintenance or written separation agreement between the parents applicable to the taxable year beginning in such calendar year provides that—

''(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

''(ii) the custodial parent will sign a written declaration (in such manner and form as the Secretary may prescribe) that such parent will not claim such child as a dependent for such taxable year, and

''(B) in the case of such an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

''(3) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent with whom a child shared the same principal place of abode for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(4) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

''(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

''(1) CHILD DEFINED.—

''(A) IN GENERAL.—The term 'child' means an individual who is—

''(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

''(ii) an eligible foster child of the taxpayer.

''(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is placed with the taxpayer by an authorized placement agency for adoption by the taxpayer, shall be treated as a child of such individual by blood.

''(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

''(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

''(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

''(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

''(3) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

''(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

''(5) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under section 151(c),

''(ii) the credit under section 24 (relating to child tax credit),

''(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2), and

''(iv) the earned income credit under section 32.

''(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

''(6) CROSS REFERENCES.—

''For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5).''.

SEC. 502. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (i) of section 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) a qualifying child of the individual (as defined in section 152(c), determined without regard to section 152(e)), but not if such child—

''(I) is married at the close of the taxpayer's taxable year, and

''(II) is not a dependent of such individual by reason of section 152(b)(2) or 152(b)3), or both, or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(b)(2) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) of such Code are amended to read as follows:

''(i) subparagraph (H) of section 152(d)(2), or

''(ii) paragraph (3) of section 152(d).''.

SEC. 503. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Section 21(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))'' and inserting ''In the case of an individual for which there are 1 or more qualifying individuals (as defined in subsection (b)(1)) with respect to such individual''.

(b) QUALIFYING INDIVIDUAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

''(A) a dependent of the taxpayer (as defined in section 152(a)(1)) who has not attained age 13,

''(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, or

''(C) the spouse of the taxpayer, if the spouse is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year.''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 21(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.''.

SEC. 504. MODIFICATIONS OF CHILD TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 24(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) who has not attained age 17.''.

(b) CONFORMING AMENDMENT.—Section 24(c)(2) of the Internal Revenue Code of 1986 is amended by striking ''the first sentence of section 152(b)(3)'' and inserting ''subparagraph (A) of section 152(b)(3)''.

SEC. 505. MODIFICATIONS OF EARNED INCOME CREDIT.

(a) QUALIFYING CHILD.—Paragraph (3) of section 32(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) QUALIFYING CHILD.—

''(A) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c), determined without regard to paragraph (1)(D) thereof and section 152(e)).

''(B) MARRIED INDIVIDUAL.—The term 'qualifying child' shall not include an individual who is married as of the close of the taxpayer's taxable year unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e)).

''(C) PLACE OF ABODE.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States.

''(D) IDENTIFICATION REQUIREMENTS.—

''(i) IN GENERAL.—A qualifying child shall not be taken into account under subsection (b) unless the taxpayer includes the name, age, and TIN of the qualifying child on the return of tax for the taxable year.

''(ii) OTHER METHODS.—The Secretary may prescribe other methods for providing the information described in clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 32(c)(4) of such Code is amended by striking ''(3)(E)'' and inserting ''(3)(C)''.

(3) Section 32(m) of such Code is amended by striking ''subsections (c)(1)(F)'' and inserting ''subsections (c)(1)(E)''.

SEC. 506. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year.''.

SEC. 507. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 2(a)(1)(B)(i) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(2) Section 21(e)(5) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''paragraph (2) or (4) of'' in subparagraph (A), and

(B) by striking ''within the meaning of section 152(e)(1)'' and inserting ''as defined in section 152(e)(3)(A)''.

(3) Section 21(e)(6)(B) of such Code is amended by striking ''section 151(c)(3)'' and inserting ''section 152(f)(1)''.

(4) Section 25B(c)(2)(B) of such Code is amended by striking ''151(c)(4)'' and inserting ''152(f)(2)''.

(5)(A) Subparagraphs (A) and (B) of section 51(i)(1) of such Code are each amended by striking ''paragraphs (1) through (8) of section 152(a)'' both places it appears and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(B) Section 51(i)(1)(C) of such Code is amended by striking ''152(a)(9)'' and inserting ''152(d)(2)(H)''.

(6) Section 72(t)(2)(D)(i)(III) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(7) Section 72(t)(7)(A)(iii) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(8) Section 42(i)(3)(D)(ii)(I) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(9) Subsections (b) and (c)(1) of section 105 of such Code are amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(10) Section 120(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(11) Section 125(e)(1)(D) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(12) Section 129(c)(2) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(13) The first sentence of section 132(h)(2)(B) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(14) Section 153 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(15) Section 170(g)(1) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(16) Section 170(g)(3) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(17) Section 213(a) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(18) The second sentence of section 213(d)(11) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(19) Section 220(d)(2)(A) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(20) Section 221(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(21) Section 529(e)(2)(B) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(22) Section 2032A(c)(7)(D) of such Code is amended by striking ''section 151(c)(4)'' and inserting ''section 152(f)(2)''.

(23) Section 2057(d)(2)(B) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(24) Section 7701(a)(17) of such Code is amended by striking ''152(b)(4), 682,'' and inserting ''682''.

(25) Section 7702B(f)(2)(C)(iii) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(26) Section 7703(b)(1) of such Code is amended—

(A) by striking ''151(c)(3)'' and inserting ''152(f)(1)'', and

(B) by striking ''paragraph (2) or (4) of''.

SEC. 508. EFFECTIVE DATE.

The amendments made by this title shall apply to taxable years beginning after December 31, 2003.

TITLE VI—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

SEC. 601. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

''(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

''(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(D) SPECIAL RULES RELATING TO ELECTION.—

''(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

''(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 602. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 603. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting '', or'', and by adding at the end the following new paragraph:

''(8) qualified military base realignment and closure fringe.''.

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

''(2) LIMITATION.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 604. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting '', or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law'' after ''section 112'',

(2) by inserting in the first sentence ''or at any time during the period of such contingency operation'' after ''for purposes of such section'',

(3) by inserting ''or operation'' after ''such an area'', and

(4) by inserting ''or operation'' after ''such area''.

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting ''or contingency operation'' after ''area''.

(2) The heading for section 7508 is amended by inserting ''or contingency operation'' after ''combat zone''.

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting ''or contingency operation'' after ''combat zone''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 605. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking ''or widowers'' and inserting '', widowers, ancestors, or lineal descendants''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 606. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A), as amended by section 602, is amended by inserting ''and paragraph (4)'' after ''subparagraphs (B) and (C)''.

(2) Section 3121(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(3) Section 3306(b)(13) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(4) Section 3401(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

SEC. 607. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking

''or'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 608. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 609. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 610. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.

(a) INCOME TAX RELIEF.—

(1) IN GENERAL.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

''(5) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) is amended by inserting '', astronauts,'' after ''forces''.

(B) Section 6013(f)(2)(B) is amended by inserting '', astronauts,'' after ''Forces''.

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 692 is amended by inserting '', **ASTRONAUTS,**'' after ''**FORCES**''.

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting '', astronauts,'' after ''Forces''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

''(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 is amended by inserting ''OR ASTRONAUTS'' after ''VICTIMS''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Section 2201(b) (defining qualified decedent) is amended by striking ''and'' at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENTS.—

(A) The heading of section 2201 is amended by inserting '', **DEATHS OF ASTRONAUTS,**'' after ''**FORCES**''.

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting '', deaths of astronauts,'' after ''Forces''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

TITLE VII—OTHER PROVISIONS

SEC. 701. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayer's trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or

(b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).''.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(19) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).''.

(B) SAFEGUARDS.—

(i) TECHNICAL AMENDMENTS.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking ''or (17)'' after ''any other person described in subsection (l)(16)'' each place it appears and inserting ''or (18)''.

(ii) CONFORMING AMENDMENTS.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking ''or (18)'' after ''any other person described in subsection (l)(16)'' each place it appears and inserting ''(18), or (19)''.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) TECHNICAL AMENDMENTS.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961).

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

''(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.''.

(2) Section 2107 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.''.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

''(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.''.

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting ''or 877A'' after ''section 877''.

(B) The second sentence of section 6039G(e) is amended by inserting ''or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))'' after ''877(a))''.

(C) Section 6039G(f) is amended by inserting ''or 877A(e)(2)(B)'' after ''877(e)(1)''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 702. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking ''September 30, 2003'' and inserting ''March 31, 2010''.

After debate,

Pursuant to House Resolution 282, the previous question was ordered on the bill, as modified, and the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. QUINN, announced that the nays had it.

Mr. McDERMOTT objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 196 / Nays ..... 226 }

¶68.8 [Roll No. 291]

YEAS—196

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

Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

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

NOT VOTING—12

Cannon
Carson (IN)
Conyers
Costello
Delahunt
Gephardt
Hastings (FL)
Kleczka
Miller (MI)
Smith (NJ)
Smith (WA)
Thompson (MS)

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. VISCLOSKY moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendments:

Strike section 309 of the bill and insert the following new section (and amend the table of contents accordingly):

SEC. 309. HEALTH CARE TAX CREDIT ENHANCEMENT.

(a) DECREASE IN AGE ELIGIBILITY REQUIREMENT.—Subparagraph (A) of section 35(c)(4) (defining eligible PBGC pension recipient) is amended by striking ''age 55'' and inserting ''age 50''.

(b) REPEAL OF 3-MONTH REQUIREMENT OF EXISTING COVERAGE.—Clause (i) of section 35(e)(2)(B) (defining qualifying individual) is amended by striking ''9801(c)'' and inserting ''9801(c) (prior to the employment separation necessary to attain the status of an eligible individual)''.

(c) ELIGIBILITY OF SPOUSE OF CERTAIN INDIVIDUALS ENTITLED TO MEDICARE.—Subsection (b) of section 35 (defining eligible coverage month) is amended by adding at the end the following:

''(3) SPECIAL RULE FOR SPOUSE OF INDIVIDUAL ENTITLED TO MEDICARE.—Any month which would be an eligible coverage month with respect to a taxpayer (determined without regard to subsection (f)(2)(A)) shall be an eligible coverage month for any spouse of such taxpayer.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after September 30, 2003.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mrs. EMERSON, announced that the nays had it.

Mr. VISCLOSKY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 199 / Nays 226

¶68.9 [Roll No. 292]

AYES—199

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

NOES—226

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof

Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Carson (IN)
Conyers
Costello
Gephardt
Hastings (FL)
Kleczka
Miller (MI)
Smith (NJ)
Smith (WA)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mrs. EMERSON, announced that the yeas had it.

Mr. PRICE of North Carolina demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 252 / Nays 170

¶68.10 [Roll No. 293]

AYES—252

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

NOES—170

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

NOT VOTING—12

Brown (OH)
Burns
Carson (IN)
Conyers
Costello
Cox
Gephardt
Hastings (FL)
Kleczka
Miller (MI)
Smith (NJ)
Smith (WA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.11 SMALL BUSINESS HEALTH FAIRNESS

Mr. BOEHNER, pursuant to House Resolution 283, called up the bill (H.R. 660) to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

Pending consideration of said bill,

Pursuant to House Resolution 283, the following amendment in the nature of a substitute recommended by the Committee on Education and the Workforce as printed in the bill was considered as adopted:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Health Fairness Act of 2003''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Rules governing association health plans.

''PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

''Sec. 801. Association health plans.
''Sec. 802. Certification of association health plans.
''Sec. 803. Requirements relating to sponsors and boards of trustees.
''Sec. 804. Participation and coverage requirements.
''Sec. 805. Other requirements relating to plan documents, contribution rates, and benefit options.
''Sec. 806. Maintenance of reserves and provisions for solvency for plans providing health benefits in addition to health insurance coverage.
''Sec. 807. Requirements for application and related requirements.
''Sec. 808. Notice requirements for voluntary termination.
''Sec. 809. Corrective actions and mandatory termination.
''Sec. 810. Trusteeship by the Secretary of insolvent association health plans providing health benefits in addition to health insurance coverage.
''Sec. 811. State assessment authority.
''Sec. 812. Definitions and rules of construction.

Sec. 3. Clarification of treatment of single employer arrangements.
Sec. 4. Enforcement provisions relating to association health plans.
Sec. 5. Cooperation between Federal and State authorities.
Sec. 6. Effective date and transitional and other rules.

SEC. 2. RULES GOVERNING ASSOCIATION HEALTH PLANS.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

''PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

"SEC. 801. ASSOCIATION HEALTH PLANS.

''(a) IN GENERAL.—For purposes of this part, the term 'association health plan' means a group health plan whose sponsor is (or is deemed under this part to be) described in subsection (b).

''(b) SPONSORSHIP.—The sponsor of a group health plan is described in this subsection if such sponsor—

''(1) is organized and maintained in good faith, with a constitution and bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis, as a bona fide trade association, a bona fide industry association (including a rural electric cooperative association or a rural telephone cooperative association), a bona fide professional association, or a bona fide chamber of commerce (or similar bona fide business association, including a corporation or similar organization that operates on a cooperative basis (within the meaning of section 1381 of the Internal Revenue Code of 1986)), for substantial purposes other than that of obtaining or providing medical care;

''(2) is established as a permanent entity which receives the active support of its members and requires for membership payment on a periodic basis of dues or payments necessary to maintain eligibility for membership in the sponsor; and

''(3) does not condition membership, such dues or payments, or coverage under the plan on the basis of health status-related factors with respect to the employees of its members (or affiliated members), or the dependents of such employees, and does not condition such dues or payments on the basis of group health plan participation.

Any sponsor consisting of an association of entities which meet the requirements of paragraphs (1), (2), and (3) shall be deemed to be a sponsor described in this subsection.

"SEC. 802. CERTIFICATION OF ASSOCIATION HEALTH PLANS.

''(a) IN GENERAL.—The applicable authority shall prescribe by regulation a procedure under which, subject to subsection (b), the applicable authority shall certify association health plans which apply for certification as meeting the requirements of this part.

''(b) STANDARDS.—Under the procedure prescribed pursuant to subsection (a), in the case of an association health plan that provides at least one benefit option which does not consist of health insurance coverage, the applicable authority shall certify such plan as meeting the requirements of this part only if the applicable authority is satisfied that the applicable requirements of this part are met (or, upon the date on which the plan is to commence operations, will be met) with respect to the plan.

''(c) REQUIREMENTS APPLICABLE TO CERTIFIED PLANS.—An association health plan with respect to which certification under this part is in effect shall meet the applicable requirements of this part, effective on the date of certification (or, if later, on the date on which the plan is to commence operations).

''(d) REQUIREMENTS FOR CONTINUED CERTIFICATION.—The applicable authority may provide by regulation for continued certification of association health plans under this part.

''(e) CLASS CERTIFICATION FOR FULLY INSURED PLANS.—The applicable authority shall establish a class certification procedure for association health plans under which all benefits consist of health insurance coverage. Under such procedure, the applicable authority shall provide for the granting of certification under this part to the plans in each class of such association health plans upon appropriate filing under such procedure in connection with plans in such class and payment of the prescribed fee under section 807(a).

''(f) CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—An association health plan which offers one or more benefit options which do not consist of health insurance coverage may be certified under this part only if such plan consists of any of the following:

''(1) a plan which offered such coverage on the date of the enactment of the Small Business Health Fairness Act of 2003,

''(2) a plan under which the sponsor does not restrict membership to one or more trades and businesses or industries and whose eligible participating employers represent a broad cross-section of trades and businesses or industries, or

''(3) a plan whose eligible participating employers represent one or more trades or businesses, or one or more industries, consisting of any of the following: agriculture; equipment and automobile dealerships; barbering and cosmetology; certified public accounting practices; child care; construction; dance, theatrical and orchestra productions; disinfecting and pest control; financial services; fishing; foodservice establishments; hospitals; labor organizations; logging; manufacturing (metals); mining; medical and dental practices; medical laboratories; professional consulting services; sanitary services; transportation (local and freight); warehousing; wholesaling/distributing; or any other trade or business or industry which has been indicated as having average or above-average risk or health claims experience by reason of State rate filings, denials of coverage, proposed premium rate levels, or other means demonstrated by such plan in accordance with regulations.

"SEC. 803. REQUIREMENTS RELATING TO SPONSORS AND BOARDS OF TRUSTEES.

''(a) SPONSOR.—The requirements of this subsection are met with respect to an association health plan if the sponsor has met (or is deemed under this part to have met) the requirements of section 801(b) for a continuous period of not less than 3 years ending with the date of the application for certification under this part.

''(b) BOARD OF TRUSTEES.—The requirements of this subsection are met with respect to an association health plan if the following requirements are met:

''(1) FISCAL CONTROL.—The plan is operated, pursuant to a trust agreement, by a board of trustees which has complete fiscal control over the plan and which is responsible for all operations of the plan.

''(2) RULES OF OPERATION AND FINANCIAL CONTROLS.—The board of trustees has in effect rules of operation and financial controls, based on a 3-year plan of operation, adequate to carry out the terms of the plan and to meet all requirements of this title applicable to the plan.

''(3) RULES GOVERNING RELATIONSHIP TO PARTICIPATING EMPLOYERS AND TO CONTRACTORS.—

''(A) BOARD MEMBERSHIP.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the members of the board of trustees are individuals selected from individuals who are the owners, officers, directors, or employees of the participating employers or who are partners in the participating employers and actively participate in the business.

''(ii) LIMITATION.—

''(I) GENERAL RULE.—Except as provided in subclauses (II) and (III), no such member is an owner, officer, director, or employee of, or partner in, a contract administrator or other service provider to the plan.

''(II) LIMITED EXCEPTION FOR PROVIDERS OF SERVICES SOLELY ON BEHALF OF THE SPONSOR.—Officers or employees of a sponsor which is a service provider (other than a contract administrator) to the plan may be members of the board if they constitute not more than 25 percent of the membership of the board and they do not provide services to the plan other than on behalf of the sponsor.

''(III) TREATMENT OF PROVIDERS OF MEDICAL CARE.—In the case of a sponsor which is an association whose membership consists primarily of providers of medical care, subclause (I) shall not apply in the case of any service provider described in subclause (I) who is a provider of medical care under the plan.

''(iii) CERTAIN PLANS EXCLUDED.—Clause (i) shall not apply to an association health plan which is in existence on the date of the enactment of the Small Business Health Fairness Act of 2003.

''(B) SOLE AUTHORITY.—The board has sole authority under the plan to approve applications for participation in the plan and to contract with a service provider to administer the day-to-day affairs of the plan.

''(c) TREATMENT OF FRANCHISE NETWORKS.—In the case of a group health plan which is established and maintained by a franchiser for a franchise network consisting of its franchisees—

''(1) the requirements of subsection (a) and section 801(a) shall be deemed met if such requirements would otherwise be met if the franchiser were deemed to be the sponsor referred to in section 801(b), such network were deemed to be an association described in section 801(b), and each franchisee were deemed to be a member (of the association and the sponsor) referred to in section 801(b); and

''(2) the requirements of section 804(a)(1) shall be deemed met.

The Secretary may by regulation define for purposes of this subsection the terms 'franchiser', 'franchise network', and 'franchisee'.

"SEC. 804. PARTICIPATION AND COVERAGE REQUIREMENTS.

''(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan—

''(1) each participating employer must be—

''(A) a member of the sponsor,

''(B) the sponsor, or

''(C) an affiliated member of the sponsor with respect to which the requirements of subsection (b) are met,

except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

''(2) all individuals commencing coverage under the plan after certification under this part must be—

''(A) active or retired owners (including self-employed individuals), officers, directors, or employees of, or partners in, participating employers; or

''(B) the beneficiaries of individuals described in subparagraph (A).

''(b) COVERAGE OF PREVIOUSLY UNINSURED EMPLOYEES.—In the case of an association health plan in existence on the date of the enactment of the Small Business Health Fairness Act of 2003, an affiliated member of the sponsor of the plan may be offered coverage under the plan as a participating employer only if—

''(1) the affiliated member was an affiliated member on the date of certification under this part; or

''(2) during the 12-month period preceding the date of the offering of such coverage, the affiliated member has not maintained or contributed to a group health plan with respect to any of its

employees who would otherwise be eligible to participate in such association health plan.

''(c) INDIVIDUAL MARKET UNAFFECTED.—The requirements of this subsection are met with respect to an association health plan if, under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan which is similar to the coverage contemporaneously provided to employees of the employer under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan.

''(d) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to an association health plan if—

''(1) under the terms of the plan, all employers meeting the preceding requirements of this section are eligible to qualify as participating employers for all geographically available coverage options, unless, in the case of any such employer, participation or contribution requirements of the type referred to in section 2711 of the Public Health Service Act are not met;

''(2) upon request, any employer eligible to participate is furnished information regarding all coverage options available under the plan; and

''(3) the applicable requirements of sections 701, 702, and 703 are met with respect to the plan.

"SEC. 805. OTHER REQUIREMENTS RELATING TO PLAN DOCUMENTS, CONTRIBUTION RATES, AND BENEFIT OPTIONS.

''(a) IN GENERAL.—The requirements of this section are met with respect to an association health plan if the following requirements are met:

''(1) CONTENTS OF GOVERNING INSTRUMENTS.—The instruments governing the plan include a written instrument, meeting the requirements of an instrument required under section 402(a)(1), which—

''(A) provides that the board of trustees serves as the named fiduciary required for plans under section 402(a)(1) and serves in the capacity of a plan administrator (referred to in section 3(16)(A));

''(B) provides that the sponsor of the plan is to serve as plan sponsor (referred to in section 3(16)(B)); and

''(C) incorporates the requirements of section 806.

''(2) CONTRIBUTION RATES MUST BE NONDISCRIMINATORY.—

''(A) The contribution rates for any participating small employer do not vary on the basis of any health status-related factor in relation to employees of such employer or their beneficiaries and do not vary on the basis of the type of business or industry in which such employer is engaged.

''(B) Nothing in this title or any other provision of law shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from—

''(i) setting contribution rates based on the claims experience of the plan; or

''(ii) varying contribution rates for small employers in a State to the extent that such rates could vary using the same methodology employed in such State for regulating premium rates in the small group market with respect to health insurance coverage offered in connection with bona fide associations (within the meaning of section 2791(d)(3) of the Public Health Service Act),

subject to the requirements of section 702(b) relating to contribution rates.

''(3) FLOOR FOR NUMBER OF COVERED INDIVIDUALS WITH RESPECT TO CERTAIN PLANS.—If any benefit option under the plan does not consist of health insurance coverage, the plan has as of the beginning of the plan year not fewer than 1,000 participants and beneficiaries.

''(4) MARKETING REQUIREMENTS.—

''(A) IN GENERAL.—If a benefit option which consists of health insurance coverage is offered under the plan, State-licensed insurance agents shall be used to distribute to small employers coverage which does not consist of health insurance coverage in a manner comparable to the manner in which such agents are used to distribute health insurance coverage.

''(B) STATE-LICENSED INSURANCE AGENTS.—For purposes of subparagraph (A), the term 'State-licensed insurance agents' means one or more agents who are licensed in a State and are subject to the laws of such State relating to licensure, qualification, testing, examination, and continuing education of persons authorized to offer, sell, or solicit health insurance coverage in such State.

''(5) REGULATORY REQUIREMENTS.—Such other requirements as the applicable authority determines are necessary to carry out the purposes of this part, which shall be prescribed by the applicable authority by regulation.

''(b) ABILITY OF ASSOCIATION HEALTH PLANS TO DESIGN BENEFIT OPTIONS.—Subject to section 514(d), nothing in this part or any provision of State law (as defined in section 514(c)(1)) shall be construed to preclude an association health plan, or a health insurance issuer offering health insurance coverage in connection with an association health plan, from exercising its sole discretion in selecting the specific items and services consisting of medical care to be included as benefits under such plan or coverage, except (subject to section 514) in the case of (1) any law to the extent that it is not preempted under section 731(a)(1) with respect to matters governed by section 711, 712, or 713, or (2) any law of the State with which filing and approval of a policy type offered by the plan was initially obtained to the extent that such law prohibits an exclusion of a specific disease from such coverage.

"SEC. 806. MAINTENANCE OF RESERVES AND PROVISIONS FOR SOLVENCY FOR PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

''(a) IN GENERAL.—The requirements of this section are met with respect to an association health plan if—

''(1) the benefits under the plan consist solely of health insurance coverage; or

''(2) if the plan provides any additional benefit options which do not consist of health insurance coverage, the plan—

''(A) establishes and maintains reserves with respect to such additional benefit options, in amounts recommended by the qualified actuary, consisting of—

''(i) a reserve sufficient for unearned contributions;

''(ii) a reserve sufficient for benefit liabilities which have been incurred, which have not been satisfied, and for which risk of loss has not yet been transferred, and for expected administrative costs with respect to such benefit liabilities;

''(iii) a reserve sufficient for any other obligations of the plan; and

''(iv) a reserve sufficient for a margin of error and other fluctuations, taking into account the specific circumstances of the plan; and

''(B) establishes and maintains aggregate and specific excess/stop loss insurance and solvency indemnification, with respect to such additional benefit options for which risk of loss has not yet been transferred, as follows:

''(i) The plan shall secure aggregate excess/stop loss insurance for the plan with an attachment point which is not greater than 125 percent of expected gross annual claims. The applicable authority may by regulation provide for upward adjustments in the amount of such percentage in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

''(ii) The plan shall secure specific excess/stop loss insurance for the plan with an attachment point which is at least equal to an amount recommended by the plan's qualified actuary. The applicable authority may by regulation provide for adjustments in the amount of such insurance in specified circumstances in which the plan specifically provides for and maintains reserves in excess of the amounts required under subparagraph (A).

''(iii) The plan shall secure indemnification insurance for any claims which the plan is unable to satisfy by reason of a plan termination.

Any person issuing to a plan insurance described in clause (i), (ii), or (iii) shall notify the Secretary of any failure of premium payment meriting cancellation of the policy prior to undertaking such a cancellation. Any regulations prescribed by the applicable authority pursuant to clause (i) or (ii) of subparagraph (B) may allow for such adjustments in the required levels of excess/stop loss insurance as the qualified actuary may recommend, taking into account the specific circumstances of the plan.

''(b) MINIMUM SURPLUS IN ADDITION TO CLAIMS RESERVES.—In the case of any association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan establishes and maintains surplus in an amount at least equal to—

''(1) $500,000, or

''(2) such greater amount (but not greater than $2,000,000) as may be set forth in regulations prescribed by the applicable authority, considering the level of aggregate and specific excess/stop loss insurance provided with respect to such plan and other factors related to solvency risk, such as the plan's projected levels of participation or claims, the nature of the plan's liabilities, and the types of assets available to assure that such liabilities are met.

''(c) ADDITIONAL REQUIREMENTS.—In the case of any association health plan described in subsection (a)(2), the applicable authority may provide such additional requirements relating to reserves, excess/stop loss insurance, and indemnification insurance as the applicable authority considers appropriate. Such requirements may be provided by regulation with respect to any such plan or any class of such plans.

''(d) ADJUSTMENTS FOR EXCESS/STOP LOSS INSURANCE.—The applicable authority may provide for adjustments to the levels of reserves otherwise required under subsections (a) and (b) with respect to any plan or class of plans to take into account excess/stop loss insurance provided with respect to such plan or plans.

''(e) ALTERNATIVE MEANS OF COMPLIANCE.—The applicable authority may permit an association health plan described in subsection (a)(2) to substitute, for all or part of the requirements of this section (except subsection (a)(2)(B)(iii)), such security, guarantee, hold-harmless arrangement, or other financial arrangement as the applicable authority determines to be adequate to enable the plan to fully meet all its financial obligations on a timely basis and is otherwise no less protective of the interests of participants and beneficiaries than the requirements for which it is substituted. The applicable authority may take into account, for purposes of this subsection, evidence provided by the plan or sponsor which demonstrates an assumption of liability with respect to the plan. Such evidence may be in the form of a contract of indemnification, lien, bonding, insurance, letter of credit, recourse under applicable terms of the plan in the form of assessments of participating employers, security, or other financial arrangement.

''(f) MEASURES TO ENSURE CONTINUED PAYMENT OF BENEFITS BY CERTAIN PLANS IN DISTRESS.—

''(1) PAYMENTS BY CERTAIN PLANS TO ASSOCIATION HEALTH PLAN FUND.—

''(A) IN GENERAL.—In the case of an association health plan described in subsection (a)(2), the requirements of this subsection are met if the plan makes payments into the Association

Health Plan Fund under this subparagraph when they are due. Such payments shall consist of annual payments in the amount of $5,000, and, in addition to such annual payments, such supplemental payments as the Secretary may determine to be necessary under paragraph (2). Payments under this paragraph are payable to the Fund at the time determined by the Secretary. Initial payments are due in advance of certification under this part. Payments shall continue to accrue until a plan's assets are distributed pursuant to a termination procedure.

''(B) PENALTIES FOR FAILURE TO MAKE PAYMENTS.—If any payment is not made by a plan when it is due, a late payment charge of not more than 100 percent of the payment which was not timely paid shall be payable by the plan to the Fund.

''(C) CONTINUED DUTY OF THE SECRETARY.—The Secretary shall not cease to carry out the provisions of paragraph (2) on account of the failure of a plan to pay any payment when due.

''(2) PAYMENTS BY SECRETARY TO CONTINUE EXCESS/STOP LOSS INSURANCE COVERAGE AND INDEMNIFICATION INSURANCE COVERAGE FOR CERTAIN PLANS.—In any case in which the applicable authority determines that there is, or that there is reason to believe that there will be: (A) a failure to take necessary corrective actions under section 809(a) with respect to an association health plan described in subsection (a)(2); or (B) a termination of such a plan under section 809(b) or 810(b)(8) (and, if the applicable authority is not the Secretary, certifies such determination to the Secretary), the Secretary shall determine the amounts necessary to make payments to an insurer (designated by the Secretary) to maintain in force excess/stop loss insurance coverage or indemnification insurance coverage for such plan, if the Secretary determines that there is a reasonable expectation that, without such payments, claims would not be satisfied by reason of termination of such coverage. The Secretary shall, to the extent provided in advance in appropriation Acts, pay such amounts so determined to the insurer designated by the Secretary.

''(3) ASSOCIATION HEALTH PLAN FUND.—

''(A) IN GENERAL.—There is established on the books of the Treasury a fund to be known as the 'Association Health Plan Fund'. The Fund shall be available for making payments pursuant to paragraph (2). The Fund shall be credited with payments received pursuant to paragraph (1)(A), penalties received pursuant to paragraph (1)(B); and earnings on investments of amounts of the Fund under subparagraph (B).

''(B) INVESTMENT.—Whenever the Secretary determines that the moneys of the fund are in excess of current needs, the Secretary may request the investment of such amounts as the Secretary determines advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

''(g) EXCESS/STOP LOSS INSURANCE.—For purposes of this section—

''(1) AGGREGATE EXCESS/STOP LOSS INSURANCE.—The term 'aggregate excess/stop loss insurance' means, in connection with an association health plan, a contract—

''(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to aggregate claims under the plan in excess of an amount or amounts specified in such contract;

''(B) which is guaranteed renewable; and

''(C) which allows for payment of premiums by any third party on behalf of the insured plan.

''(2) SPECIFIC EXCESS/STOP LOSS INSURANCE.—The term 'specific excess/stop loss insurance' means, in connection with an association health plan, a contract—

''(A) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan in connection with a covered individual in excess of an amount or amounts specified in such contract in connection with such covered individual;

''(B) which is guaranteed renewable; and

''(C) which allows for payment of premiums by any third party on behalf of the insured plan.

''(h) INDEMNIFICATION INSURANCE.—For purposes of this section, the term 'indemnification insurance' means, in connection with an association health plan, a contract—

''(1) under which an insurer (meeting such minimum standards as the applicable authority may prescribe by regulation) provides for payment to the plan with respect to claims under the plan which the plan is unable to satisfy by reason of a termination pursuant to section 809(b) (relating to mandatory termination);

''(2) which is guaranteed renewable and noncancellable for any reason (except as the applicable authority may prescribe by regulation); and

''(3) which allows for payment of premiums by any third party on behalf of the insured plan.

''(i) RESERVES.—For purposes of this section, the term 'reserves' means, in connection with an association health plan, plan assets which meet the fiduciary standards under part 4 and such additional requirements regarding liquidity as the applicable authority may prescribe by regulation.

''(j) SOLVENCY STANDARDS WORKING GROUP.—

''(1) IN GENERAL.—Within 90 days after the date of the enactment of the Small Business Health Fairness Act of 2003, the applicable authority shall establish a Solvency Standards Working Group. In prescribing the initial regulations under this section, the applicable authority shall take into account the recommendations of such Working Group.

''(2) MEMBERSHIP.—The Working Group shall consist of not more than 15 members appointed by the applicable authority. The applicable authority shall include among persons invited to membership on the Working Group at least one of each of the following:

''(A) a representative of the National Association of Insurance Commissioners;

''(B) a representative of the American Academy of Actuaries;

''(C) a representative of the State governments, or their interests;

''(D) a representative of existing self-insured arrangements, or their interests;

''(E) a representative of associations of the type referred to in section 801(b)(1), or their interests; and

''(F) a representative of multiemployer plans that are group health plans, or their interests.

"SEC. 807. REQUIREMENTS FOR APPLICATION AND RELATED REQUIREMENTS.

''(a) FILING FEE.—Under the procedure prescribed pursuant to section 802(a), an association health plan shall pay to the applicable authority at the time of filing an application for certification under this part a filing fee in the amount of $5,000, which shall be available in the case of the Secretary, to the extent provided in appropriation Acts, for the sole purpose of administering the certification procedures applicable with respect to association health plans.

''(b) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

''(1) IDENTIFYING INFORMATION.—The names and addresses of—

''(A) the sponsor; and

''(B) the members of the board of trustees of the plan.

''(2) STATES IN WHICH PLAN INTENDS TO DO BUSINESS.—The States in which participants and beneficiaries under the plan are to be located and the number of them expected to be located in each such State.

''(3) BONDING REQUIREMENTS.—Evidence provided by the board of trustees that the bonding requirements of section 412 will be met as of the date of the application or (if later) commencement of operations.

''(4) PLAN DOCUMENTS.—A copy of the documents governing the plan (including any bylaws and trust agreements), the summary plan description, and other material describing the benefits that will be provided to participants and beneficiaries under the plan.

''(5) AGREEMENTS WITH SERVICE PROVIDERS.—A copy of any agreements between the plan and contract administrators and other service providers.

''(6) FUNDING REPORT.—In the case of association health plans providing benefits options in addition to health insurance coverage, a report setting forth information with respect to such additional benefit options determined as of a date within the 120-day period ending with the date of the application, including the following:

''(A) RESERVES.—A statement, certified by the board of trustees of the plan, and a statement of actuarial opinion, signed by a qualified actuary, that all applicable requirements of section 806 are or will be met in accordance with regulations which the applicable authority shall prescribe.

''(B) ADEQUACY OF CONTRIBUTION RATES.—A statement of actuarial opinion, signed by a qualified actuary, which sets forth a description of the extent to which contribution rates are adequate to provide for the payment of all obligations and the maintenance of required reserves under the plan for the 12-month period beginning with such date within such 120-day period, taking into account the expected coverage and experience of the plan. If the contribution rates are not fully adequate, the statement of actuarial opinion shall indicate the extent to which the rates are inadequate and the changes needed to ensure adequacy.

''(C) CURRENT AND PROJECTED VALUE OF ASSETS AND LIABILITIES.—A statement of actuarial opinion signed by a qualified actuary, which sets forth the current value of the assets and liabilities accumulated under the plan and a projection of the assets, liabilities, income, and expenses of the plan for the 12-month period referred to in subparagraph (B). The income statement shall identify separately the plan's administrative expenses and claims.

''(D) COSTS OF COVERAGE TO BE CHARGED AND OTHER EXPENSES.—A statement of the costs of coverage to be charged, including an itemization of amounts for administration, reserves, and other expenses associated with the operation of the plan.

''(E) OTHER INFORMATION.—Any other information as may be determined by the applicable authority, by regulation, as necessary to carry out the purposes of this part.

''(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to an association health plan shall not be effective unless written notice of such certification is filed with the applicable State authority of each State in which at least 25 percent of the participants and beneficiaries under the plan are located. For purposes of this subsection, an individual shall be considered to be located in the State in which a known address of such individual is located or in which such individual is employed.

''(d) NOTICE OF MATERIAL CHANGES.—In the case of any association health plan certified under this part, descriptions of material changes in any information which was required to be submitted with the application for the certification under this part shall be filed in such form and manner as shall be prescribed by the applicable authority by regulation. The applicable authority may require by regulation prior notice of material changes with respect to specified matters which might serve as the basis for suspension or revocation of the certification.

''(e) REPORTING REQUIREMENTS FOR CERTAIN ASSOCIATION HEALTH PLANS.—An association

health plan certified under this part which provides benefit options in addition to health insurance coverage for such plan year shall meet the requirements of section 103 by filing an annual report under such section which shall include information described in subsection (b)(6) with respect to the plan year and, notwithstanding section 104(a)(1)(A), shall be filed with the applicable authority not later than 90 days after the close of the plan year (or on such later date as may be prescribed by the applicable authority). The applicable authority may require by regulation such interim reports as it considers appropriate.

''(f) ENGAGEMENT OF QUALIFIED ACTUARY.—The board of trustees of each association health plan which provides benefits options in addition to health insurance coverage and which is applying for certification under this part or is certified under this part shall engage, on behalf of all participants and beneficiaries, a qualified actuary who shall be responsible for the preparation of the materials comprising information necessary to be submitted by a qualified actuary under this part. The qualified actuary shall utilize such assumptions and techniques as are necessary to enable such actuary to form an opinion as to whether the contents of the matters reported under this part—

''(1) are in the aggregate reasonably related to the experience of the plan and to reasonable expectations; and

''(2) represent such actuary's best estimate of anticipated experience under the plan.

The opinion by the qualified actuary shall be made with respect to, and shall be made a part of, the annual report.

"SEC. 808. NOTICE REQUIREMENTS FOR VOLUNTARY TERMINATION.

''Except as provided in section 809(b), an association health plan which is or has been certified under this part may terminate (upon or at any time after cessation of accruals in benefit liabilities) only if the board of trustees, not less than 60 days before the proposed termination date—

''(1) provides to the participants and beneficiaries a written notice of intent to terminate stating that such termination is intended and the proposed termination date;

''(2) develops a plan for winding up the affairs of the plan in connection with such termination in a manner which will result in timely payment of all benefits for which the plan is obligated; and

''(3) submits such plan in writing to the applicable authority.

Actions required under this section shall be taken in such form and manner as may be prescribed by the applicable authority by regulation.

"SEC. 809. CORRECTIVE ACTIONS AND MANDATORY TERMINATION.

''(a) ACTIONS TO AVOID DEPLETION OF RESERVES.—An association health plan which is certified under this part and which provides benefits other than health insurance coverage shall continue to meet the requirements of section 806, irrespective of whether such certification continues in effect. The board of trustees of such plan shall determine quarterly whether the requirements of section 806 are met. In any case in which the board determines that there is reason to believe that there is or will be a failure to meet such requirements, or the applicable authority makes such a determination and so notifies the board, the board shall immediately notify the qualified actuary engaged by the plan, and such actuary shall, not later than the end of the next following month, make such recommendations to the board for corrective action as the actuary determines necessary to ensure compliance with section 806. Not later than 30 days after receiving from the actuary recommendations for corrective actions, the board shall notify the applicable authority (in such form and manner as the applicable authority may prescribe by regulation) of such recommendations of the actuary for corrective action, together with a description of the actions (if any) that the board has taken or plans to take in response to such recommendations. The board shall thereafter report to the applicable authority, in such form and frequency as the applicable authority may specify to the board, regarding corrective action taken by the board until the requirements of section 806 are met.

''(b) MANDATORY TERMINATION.—In any case in which—

''(1) the applicable authority has been notified under subsection (a) (or by an issuer of excess/stop loss insurance or indemnity insurance pursuant to section 806(a)) of a failure of an association health plan which is or has been certified under this part and is described in section 806(a)(2) to meet the requirements of section 806 and has not been notified by the board of trustees of the plan that corrective action has restored compliance with such requirements; and

''(2) the applicable authority determines that there is a reasonable expectation that the plan will continue to fail to meet the requirements of section 806,

the board of trustees of the plan shall, at the direction of the applicable authority, terminate the plan and, in the course of the termination, take such actions as the applicable authority may require, including satisfying any claims referred to in section 806(a)(2)(B)(iii) and recovering for the plan any liability under subsection (a)(2)(B)(iii) or (e) of section 806, as necessary to ensure that the affairs of the plan will be, to the maximum extent possible, wound up in a manner which will result in timely provision of all benefits for which the plan is obligated.

"SEC. 810. TRUSTEESHIP BY THE SECRETARY OF INSOLVENT ASSOCIATION HEALTH PLANS PROVIDING HEALTH BENEFITS IN ADDITION TO HEALTH INSURANCE COVERAGE.

''(a) APPOINTMENT OF SECRETARY AS TRUSTEE FOR INSOLVENT PLANS.—Whenever the Secretary determines that an association health plan which is or has been certified under this part and which is described in section 806(a)(2) will be unable to provide benefits when due or is otherwise in a financially hazardous condition, as shall be defined by the Secretary by regulation, the Secretary shall, upon notice to the plan, apply to the appropriate United States district court for appointment of the Secretary as trustee to administer the plan for the duration of the insolvency. The plan may appear as a party and other interested persons may intervene in the proceedings at the discretion of the court. The court shall appoint such Secretary trustee if the court determines that the trusteeship is necessary to protect the interests of the participants and beneficiaries or providers of medical care or to avoid any unreasonable deterioration of the financial condition of the plan. The trusteeship of such Secretary shall continue until the conditions described in the first sentence of this subsection are remedied or the plan is terminated.

''(b) POWERS AS TRUSTEE.—The Secretary, upon appointment as trustee under subsection (a), shall have the power—

''(1) to do any act authorized by the plan, this title, or other applicable provisions of law to be done by the plan administrator or any trustee of the plan;

''(2) to require the transfer of all (or any part) of the assets and records of the plan to the Secretary as trustee;

''(3) to invest any assets of the plan which the Secretary holds in accordance with the provisions of the plan, regulations prescribed by the Secretary, and applicable provisions of law;

''(4) to require the sponsor, the plan administrator, any participating employer, and any employee organization representing plan participants to furnish any information with respect to the plan which the Secretary as trustee may reasonably need in order to administer the plan;

''(5) to collect for the plan any amounts due the plan and to recover reasonable expenses of the trusteeship;

''(6) to commence, prosecute, or defend on behalf of the plan any suit or proceeding involving the plan;

''(7) to issue, publish, or file such notices, statements, and reports as may be required by the Secretary by regulation or required by any order of the court;

''(8) to terminate the plan (or provide for its termination in accordance with section 809(b)) and liquidate the plan assets, to restore the plan to the responsibility of the sponsor, or to continue the trusteeship;

''(9) to provide for the enrollment of plan participants and beneficiaries under appropriate coverage options; and

''(10) to do such other acts as may be necessary to comply with this title or any order of the court and to protect the interests of plan participants and beneficiaries and providers of medical care.

''(c) NOTICE OF APPOINTMENT.—As soon as practicable after the Secretary's appointment as trustee, the Secretary shall give notice of such appointment to—

''(1) the sponsor and plan administrator;

''(2) each participant;

''(3) each participating employer; and

''(4) if applicable, each employee organization which, for purposes of collective bargaining, represents plan participants.

''(d) ADDITIONAL DUTIES.—Except to the extent inconsistent with the provisions of this title, or as may be otherwise ordered by the court, the Secretary, upon appointment as trustee under this section, shall be subject to the same duties as those of a trustee under section 704 of title 11, United States Code, and shall have the duties of a fiduciary for purposes of this title.

''(e) OTHER PROCEEDINGS.—An application by the Secretary under this subsection may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding, or any proceeding to reorganize, conserve, or liquidate such plan or its property, or any proceeding to enforce a lien against property of the plan.

''(f) JURISDICTION OF COURT.—

''(1) IN GENERAL.—Upon the filing of an application for the appointment as trustee or the issuance of a decree under this section, the court to which the application is made shall have exclusive jurisdiction of the plan involved and its property wherever located with the powers, to the extent consistent with the purposes of this section, of a court of the United States having jurisdiction over cases under chapter 11 of title 11, United States Code. Pending an adjudication under this section such court shall stay, and upon appointment by it of the Secretary as trustee, such court shall continue the stay of, any pending mortgage foreclosure, equity receivership, or other proceeding to reorganize, conserve, or liquidate the plan, the sponsor, or property of such plan or sponsor, and any other suit against any receiver, conservator, or trustee of the plan, the sponsor, or property of the plan or sponsor. Pending such adjudication and upon the appointment by it of the Secretary as trustee, the court may stay any proceeding to enforce a lien against property of the plan or the sponsor or any other suit against the plan or the sponsor.

''(2) VENUE.—An action under this section may be brought in the judicial district where the sponsor or the plan administrator resides or does business or where any asset of the plan is situated. A district court in which such action is brought may issue process with respect to such action in any other judicial district.

''(g) PERSONNEL.—In accordance with regulations which shall be prescribed by the Secretary, the Secretary shall appoint, retain, and compensate accountants, actuaries, and other professional service personnel as may be necessary in connection with the Secretary's service as trustee under this section.

"SEC. 811. STATE ASSESSMENT AUTHORITY.

"(a) IN GENERAL.—Notwithstanding section 514, a State may impose by law a contribution tax on an association health plan described in section 806(a)(2), if the plan commenced operations in such State after the date of the enactment of the Small Business Health Fairness Act of 2003.

"(b) CONTRIBUTION TAX.—For purposes of this section, the term 'contribution tax' imposed by a State on an association health plan means any tax imposed by such State if—

"(1) such tax is computed by applying a rate to the amount of premiums or contributions, with respect to individuals covered under the plan who are residents of such State, which are received by the plan from participating employers located in such State or from such individuals;

"(2) the rate of such tax does not exceed the rate of any tax imposed by such State on premiums or contributions received by insurers or health maintenance organizations for health insurance coverage offered in such State in connection with a group health plan;

"(3) such tax is otherwise nondiscriminatory; and

"(4) the amount of any such tax assessed on the plan is reduced by the amount of any tax or assessment otherwise imposed by the State on premiums, contributions, or both received by insurers or health maintenance organizations for health insurance coverage, aggregate excess/stop loss insurance (as defined in section 806(g)(1)), specific excess/stop loss insurance (as defined in section 806(g)(2)), other insurance related to the provision of medical care under the plan, or any combination thereof provided by such insurers or health maintenance organizations in such State in connection with such plan.

"SEC. 812. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—For purposes of this part—

"(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning provided in section 733(a)(1) (after applying subsection (b) of this section).

"(2) MEDICAL CARE.—The term 'medical care' has the meaning provided in section 733(a)(2).

"(3) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning provided in section 733(b)(1).

"(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning provided in section 733(b)(2).

"(5) APPLICABLE AUTHORITY.—The term 'applicable authority' means the Secretary, except that, in connection with any exercise of the Secretary's authority regarding which the Secretary is required under section 506(d) to consult with a State, such term means the Secretary, in consultation with such State.

"(6) HEALTH STATUS-RELATED FACTOR.—The term 'health status-related factor' has the meaning provided in section 733(d)(2).

"(7) INDIVIDUAL MARKET.—

"(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"(B) TREATMENT OF VERY SMALL GROUPS.—

"(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

"(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

"(8) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with an association health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

"(9) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

"(10) QUALIFIED ACTUARY.—The term 'qualified actuary' means an individual who is a member of the American Academy of Actuaries.

"(11) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

"(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor,

"(B) in the case of a sponsor with members which consist of associations, a person who is a member of any such association and elects an affiliated status with the sponsor, or

"(C) in the case of an association health plan in existence on the date of the enactment of the Small Business Health Fairness Act of 2003, a person eligible to be a member of the sponsor or one of its member associations.

"(12) LARGE EMPLOYER.—The term 'large employer' means, in connection with a group health plan with respect to a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

"(13) SMALL EMPLOYER.—The term 'small employer' means, in connection with a group health plan with respect to a plan year, an employer who is not a large employer.

"(b) RULES OF CONSTRUCTION.—

"(1) EMPLOYERS AND EMPLOYEES.—For purposes of determining whether a plan, fund, or program is an employee welfare benefit plan which is an association health plan, and for purposes of applying this title in connection with such plan, fund, or program so determined to be such an employee welfare benefit plan—

"(A) in the case of a partnership, the term 'employer' (as defined in section 3(5)) includes the partnership in relation to the partners, and the term 'employee' (as defined in section 3(6)) includes any partner in relation to the partnership; and

"(B) in the case of a self-employed individual, the term 'employer' (as defined in section 3(5)) and the term 'employee' (as defined in section 3(6)) shall include such individual.

"(2) PLANS, FUNDS, AND PROGRAMS TREATED AS EMPLOYEE WELFARE BENEFIT PLANS.—In the case of any plan, fund, or program which was established or is maintained for the purpose of providing medical care (through the purchase of insurance or otherwise) for employees (or their dependents) covered thereunder and which demonstrates to the Secretary that all requirements for certification under this part would be met with respect to such plan, fund, or program if such plan, fund, or program were a group health plan, such plan, fund, or program shall be treated for purposes of this title as an employee welfare benefit plan on and after the date of such demonstration.".

(b) CONFORMING AMENDMENTS TO PREEMPTION RULES.—

(1) Section 514(b)(6) of such Act (29 U.S.C. 1144(b)(6)) is amended by adding at the end the following new subparagraph:

"(E) The preceding subparagraphs of this paragraph do not apply with respect to any State law in the case of an association health plan which is certified under part 8.".

(2) Section 514 of such Act (29 U.S.C. 1144) is amended—

(A) in subsection (b)(4), by striking "Subsection (a)" and inserting "Subsections (a) and (d)";

(B) in subsection (b)(5), by striking "subsection (a)" in subparagraph (A) and inserting "subsection (a) of this section and subsections (a)(2)(B) and (b) of section 805", and by striking "subsection (a)" in subparagraph (B) and inserting "subsection (a) of this section or subsection (a)(2)(B) or (b) of section 805";

(C) by redesignating subsection (d) as subsection (e); and

(D) by inserting after subsection (c) the following new subsection:

"(d)(1) Except as provided in subsection (b)(4), the provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude, or have the effect of precluding, a health insurance issuer from offering health insurance coverage in connection with an association health plan which is certified under part 8.

"(2) Except as provided in paragraphs (4) and (5) of subsection (b) of this section—

"(A) In any case in which health insurance coverage of any policy type is offered under an association health plan certified under part 8 to a participating employer operating in such State, the provisions of this title shall supersede any and all laws of such State insofar as they may preclude a health insurance issuer from offering health insurance coverage of the same policy type to other employers operating in the State which are eligible for coverage under such association health plan, whether or not such other employers are participating employers in such plan.

"(B) In any case in which health insurance coverage of any policy type is offered in a State under an association health plan certified under part 8 and the filing, with the applicable State authority (as defined in section 812(a)(9)), of the policy form in connection with such policy type is approved by such State authority, the provisions of this title shall supersede any and all laws of any other State in which health insurance coverage of such type is offered, insofar as they may preclude, upon the filing in the same form and manner of such policy form with the applicable State authority in such other State, the approval of the filing in such other State.

"(3) Nothing in subsection (b)(6)(E) or the preceding provisions of this subsection shall be construed, with respect to health insurance issuers or health insurance coverage, to supersede or impair the law of any State—

"(A) providing solvency standards or similar standards regarding the adequacy of insurer capital, surplus, reserves, or contributions, or

"(B) relating to prompt payment of claims.

"(4) For additional provisions relating to association health plans, see subsections (a)(2)(B) and (b) of section 805.

"(5) For purposes of this subsection, the term 'association health plan' has the meaning provided in section 801(a), and the terms 'health insurance coverage', 'participating employer', and 'health insurance issuer' have the meanings provided such terms in section 812, respectively.".

(3) Section 514(b)(6)(A) of such Act (29 U.S.C. 1144(b)(6)(A)) is amended—

(A) in clause (i)(II), by striking "and" at the end;

(B) in clause (ii), by inserting "and which does not provide medical care (within the meaning of section 733(a)(2)),'' after "arrangement,'', and by striking "title." and inserting "title, and"; and

(C) by adding at the end the following new clause:

"(iii) subject to subparagraph (E), in the case of any other employee welfare benefit plan which is a multiple employer welfare arrangement and which provides medical care (within the meaning of section 733(a)(2)), any law of any State which regulates insurance may apply.".

(4) Section 514(e) of such Act (as redesignated by paragraph (2)(C)) is amended—

(A) by striking ''Nothing'' and inserting ''(1) Except as provided in paragraph (2), nothing''; and

(B) by adding at the end the following new paragraph:

''(2) Nothing in any other provision of law enacted on or after the date of the enactment of the Small Business Health Fairness Act of 2003 shall be construed to alter, amend, modify, invalidate, impair, or supersede any provision of this title, except by specific cross-reference to the affected section.''.

(c) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: ''Such term also includes a person serving as the sponsor of an association health plan under part 8.''.

(d) DISCLOSURE OF SOLVENCY PROTECTIONS RELATED TO SELF-INSURED AND FULLY INSURED OPTIONS UNDER ASSOCIATION HEALTH PLANS.—Section 102(b) of such Act (29 U.S.C. 102(b)) is amended by adding at the end the following: ''An association health plan shall include in its summary plan description, in connection with each benefit option, a description of the form of solvency or guarantee fund protection secured pursuant to this Act or applicable State law, if any.''.

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting ''or part 8'' after ''this part''.

(f) REPORT TO THE CONGRESS REGARDING CERTIFICATION OF SELF-INSURED ASSOCIATION HEALTH PLANS.—Not later than January 1, 2008, the Secretary of Labor shall report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the effect association health plans have had, if any, on reducing the number of uninsured individuals.

(g) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

''PART 8—RULES GOVERNING ASSOCIATION HEALTH PLANS

''Sec. 801. Association health plans.
''Sec. 802. Certification of association health plans.
''Sec. 803. Requirements relating to sponsors and boards of trustees.
''Sec. 804. Participation and coverage requirements.
''Sec. 805. Other requirements relating to plan documents, contribution rates, and benefit options.
''Sec. 806. Maintenance of reserves and provisions for solvency for plans providing health benefits in addition to health insurance coverage.
''Sec. 807. Requirements for application and related requirements.
''Sec. 808. Notice requirements for voluntary termination.
''Sec. 809. Corrective actions and mandatory termination.
''Sec. 810. Trusteeship by the Secretary of insolvent association health plans providing health benefits in addition to health insurance coverage.
''Sec. 811. State assessment authority.
''Sec. 812. Definitions and rules of construction.''.

SEC. 3. CLARIFICATION OF TREATMENT OF SINGLE EMPLOYER ARRANGEMENTS.

Section 3(40)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(40)(B)) is amended—

(1) in clause (i), by inserting after ''control group,'' the following: ''except that, in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), two or more trades or businesses, whether or not incorporated, shall be deemed a single employer for any plan year of such plan, or any fiscal year of such other arrangement, if such trades or businesses are within the same control group during such year or at any time during the preceding 1-year period,'';

(2) in clause (iii), by striking ''(iii) the determination'' and inserting the following:

''(iii)(I) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), the determination of whether a trade or business is under 'common control' with another trade or business shall be determined under regulations of the Secretary applying principles consistent and coextensive with the principles applied in determining whether employees of two or more trades or businesses are treated as employed by a single employer under section 4001(b), except that, for purposes of this paragraph, an interest of greater than 25 percent may not be required as the minimum interest necessary for common control, or

''(II) in any other case, the determination'';

(3) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(4) by inserting after clause (iii) the following new clause:

''(iv) in any case in which the benefit referred to in subparagraph (A) consists of medical care (as defined in section 812(a)(2)), in determining, after the application of clause (i), whether benefits are provided to employees of two or more employers, the arrangement shall be treated as having only one participating employer if, after the application of clause (i), the number of individuals who are employees and former employees of any one participating employer and who are covered under the arrangement is greater than 75 percent of the aggregate number of all individuals who are employees or former employees of participating employers and who are covered under the arrangement,''.

SEC. 4. ENFORCEMENT PROVISIONS RELATING TO ASSOCIATION HEALTH PLANS.

(a) CRIMINAL PENALTIES FOR CERTAIN WILLFUL MISREPRESENTATIONS.—Section 501 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131) is amended—

(1) by inserting ''(a)'' after ''SEC. 501.''; and

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

''(b) Any person who willfully falsely represents, to any employee, any employee's beneficiary, any employer, the Secretary, or any State, a plan or other arrangement established or maintained for the purpose of offering or providing any benefit described in section 3(1) to employees or their beneficiaries as—

''(1) being an association health plan which has been certified under part 8;

''(2) having been established or maintained under or pursuant to one or more collective bargaining agreements which are reached pursuant to collective bargaining described in section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) or paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152, paragraph Fourth) or which are reached pursuant to labor-management negotiations under similar provisions of State public employee relations laws; or

''(3) being a plan or arrangement described in section 3(40)(A)(i),

shall, upon conviction, be imprisoned not more than 5 years, be fined under title 18, United States Code, or both.''.

(b) CEASE ACTIVITIES ORDERS.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n) ASSOCIATION HEALTH PLAN CEASE AND DESIST ORDERS.—

''(1) IN GENERAL.—Subject to paragraph (2), upon application by the Secretary showing the operation, promotion, or marketing of an association health plan (or similar arrangement providing benefits consisting of medical care (as defined in section 733(a)(2))) that—

''(A) is not certified under part 8, is subject under section 514(b)(6) to the insurance laws of any State in which the plan or arrangement offers or provides benefits, and is not licensed, registered, or otherwise approved under the insurance laws of such State; or

''(B) is an association health plan certified under part 8 and is not operating in accordance with the requirements under part 8 for such certification,

a district court of the United States shall enter an order requiring that the plan or arrangement cease activities.

''(2) EXCEPTION.—Paragraph (1) shall not apply in the case of an association health plan or other arrangement if the plan or arrangement shows that—

''(A) all benefits under it referred to in paragraph (1) consist of health insurance coverage; and

''(B) with respect to each State in which the plan or arrangement offers or provides benefits, the plan or arrangement is operating in accordance with applicable State laws that are not superseded under section 514.

''(3) ADDITIONAL EQUITABLE RELIEF.—The court may grant such additional equitable relief, including any relief available under this title, as it deems necessary to protect the interests of the public and of persons having claims for benefits against the plan.''.

(c) RESPONSIBILITY FOR CLAIMS PROCEDURE.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting ''(a) IN GENERAL.—'' before ''In accordance'', and by adding at the end the following new subsection:

''(b) ASSOCIATION HEALTH PLANS.—The terms of each association health plan which is or has been certified under part 8 shall require the board of trustees or the named fiduciary (as applicable) to ensure that the requirements of this section are met in connection with claims filed under the plan.''.

SEC. 5. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Section 506 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by adding at the end the following new subsection:

''(d) CONSULTATION WITH STATES WITH RESPECT TO ASSOCIATION HEALTH PLANS.—

''(1) AGREEMENTS WITH STATES.—The Secretary shall consult with the State recognized under paragraph (2) with respect to an association health plan regarding the exercise of—

''(A) the Secretary's authority under sections 502 and 504 to enforce the requirements for certification under part 8; and

''(B) the Secretary's authority to certify association health plans under part 8 in accordance with regulations of the Secretary applicable to certification under part 8.

''(2) RECOGNITION OF PRIMARY DOMICILE STATE.—In carrying out paragraph (1), the Secretary shall ensure that only one State will be recognized, with respect to any particular association health plan, as the State to with which consultation is required. In carrying out this paragraph—

''(A) in the case of a plan which provides health insurance coverage (as defined in section 812(a)(3)), such State shall be the State with which filing and approval of a policy type offered by the plan was initially obtained, and

''(B) in any other case, the Secretary shall take into account the places of residence of the participants and beneficiaries under the plan and the State in which the trust is maintained.''.

SEC. 6. EFFECTIVE DATE AND TRANSITIONAL AND OTHER RULES.

(a) EFFECTIVE DATE.—The amendments made by this Act shall take effect one year from the date of the enactment. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this Act within one year after the date of the enactment of this Act.

(b) TREATMENT OF CERTAIN EXISTING HEALTH BENEFITS PROGRAMS.—

(1) IN GENERAL.—In any case in which, as of the date of the enactment of this Act, an arrangement is maintained in a State for the purpose of providing benefits consisting of medical care for the employees and beneficiaries of its participating employers, at least 200 participating employers make contributions to such arrangement, such arrangement has been in existence for at least 10 years, and such arrangement is licensed under the laws of one or more States to provide such benefits to its participating employers, upon the filing with the applicable authority (as defined in section 812(a)(5) of the Employee Retirement Income Security Act of 1974 (as amended by this subtitle)) by the arrangement of an application for certification of the arrangement under part 8 of subtitle B of title I of such Act—

(A) such arrangement shall be deemed to be a group health plan for purposes of title I of such Act;

(B) the requirements of sections 801(a) and 803(a) of the Employee Retirement Income Security Act of 1974 shall be deemed met with respect to such arrangement;

(C) the requirements of section 803(b) of such Act shall be deemed met, if the arrangement is operated by a board of directors which—

(i) is elected by the participating employers, with each employer having one vote; and

(ii) has complete fiscal control over the arrangement and which is responsible for all operations of the arrangement;

(D) the requirements of section 804(a) of such Act shall be deemed met with respect to such arrangement; and

(E) the arrangement may be certified by any applicable authority with respect to its operations in any State only if it operates in such State on the date of certification.

The provisions of this subsection shall cease to apply with respect to any such arrangement at such time after the date of the enactment of this Act as the applicable requirements of this subsection are not met with respect to such arrangement.

(2) DEFINITIONS.—For purposes of this subsection, the terms ''group health plan'', ''medical care'', and ''participating employer'' shall have the meanings provided in section 812 of the Employee Retirement Income Security Act of 1974, except that the reference in paragraph (7) of such section to an ''association health plan'' shall be deemed a reference to an arrangement referred to in this subsection.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 283, the following further amendment in the nature of a substitute was submitted by Mr. KIND:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Employer Health Benefits Program Act of 2003''.

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

Sec. 1. Short title.
Sec. 2. Establishment of Small Employer Health Benefits Program (SEHBP).

''PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM

''Sec. 801. Establishment of program.
''Sec. 802. Contracts with qualifying insurers.
''Sec. 803. Additional conditions.
''Sec. 804. Dissemination of information.
''Sec. 805. Subsidies.
''Sec. 806. Authorization of appropriations.

SEC. 2. ESTABLISHMENT OF SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP).

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding after part 7 the following new part:

''PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP)

''SEC. 801. ESTABLISHMENT OF PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish, in accordance with this part, a program under which—

''(1) qualifying small employers (as defined in subsection (b)) are provided access to qualifying health insurance coverage (as defined in subsection (c)) for their employees, and

''(2) such employees may elect alternative forms of coverage offered by various health insurance issuers.

''(b) QUALIFYING SMALL EMPLOYER DEFINED; OTHER DEFINITIONS.—For purposes of this part:

''(1) QUALIFYING SMALL EMPLOYER.—

''(A) IN GENERAL.—The term 'qualifying small employer' means a small employer (as defined in paragraph (2)) that—

''(i) elects to offer health insurance coverage provided under this part to each employee who has been employed by that employer for 3 months or longer; and

''(ii) elects, with respect to an employee electing coverage under qualified health insurance coverage, to pay at least 50 percent of the total premium for qualifying health insurance coverage provided under this part.

''(B) ELECTIONS.—Elections under subparagraph (A) may be filed with the Secretary during the 180-day period beginning with the first enrollment period occurring under section 803 and during open enrollment periods occurring thereafter under such section. Such elections shall be filed in such form and manner as shall be prescribed by the Secretary.

''(C) PART-TIME EMPLOYMENT.—Under regulations of the Secretary, in the case of an employee serving in a position in which service is customarily less than 1,500 hours per year, the reference in subparagraph (A)(ii) to '50 percent' shall be deemed a percentage reduced to a percentage that bears the same ratio to 50 percent as the number of hours of service per year customarily in such position bears to 1,500.

''(2) SMALL EMPLOYER.—The term 'small employer' means, with respect to a year, an employer who employed an average of fewer than 100 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the year.

''(3) SEHBP.—The term 'SEHBP' means the small employer health benefits program provided under this part.

''(c) QUALIFYING HEALTH INSURANCE COVERAGE.—For purposes of this part, the term 'qualifying health insurance coverage' means health insurance coverage that meets the following requirements:

''(1) The coverage is offered by a health insurance issuer.

''(2) The benefits under such coverage are equivalent to or greater than the lower level of benefits provided under the service benefit plan described in section 8903(1) of title 5, United States Code.

''(3) The coverage includes, with respect to an employee that elects coverage, coverage of the same dependents that would be covered if the coverage were offered under FEHBP.

''(4)(A) Subject to subparagraph (B), there is no underwriting, through a preexisting condition limitation, differential benefits, or different premium levels, or otherwise, with respect to such coverage for covered employees or their dependents.

''(B) The premiums charged for such coverage are community-rated for employees within any State and may vary only—

''(i) by individual or family enrollment, and

''(ii) to the extent permitted under the laws of such State relating to health insurance coverage offered in the small group market, on the basis of geography.

''(d) OTHER TERMS.—

''(1) HEALTH INSURANCE COVERAGE; HEALTH INSURANCE ISSUER; HEALTH STATUS-RELATED FACTOR.—The terms 'health insurance coverage', 'health insurance issuer', 'health status-related factor' have the meanings provided such terms in section 733.

''(2) SMALL GROUP MARKET.—The term 'small group market' has the meaning provided such term in section 2791(e)(5) of the Public Health Service Act (42 U.S.C. 300gg–91(e)(5)).

''(3) FEHBP.—The term 'FEHBP' means the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

''SEC. 802. CONTRACTS WITH QUALIFYING INSURERS.

''(a) IN GENERAL.—The Secretary shall enter into contracts with health insurance issuers for the offering of qualifying health insurance coverage under this part in the States in such manner as to offer coverage to employees of employers that elect to offer coverage under this part. Nothing in this part shall be construed as requiring the Secretary to enter into arrangements with all such issuers seeking to offer qualifying health insurance coverage in a State.

''(b) CONTINUED REGULATION.—Nothing in this part shall be construed as preempting State laws applicable to health insurance issuers that offer coverage under this part in such State.

''(c) COORDINATION WITH STATE INSURANCE COMMISSIONERS.—The Secretary shall coordinate with the insurance commissioners for the various States in establishing a process for handling and resolving any complaints relating to health insurance coverage offered under this part, to the extent necessary to augment processes otherwise available under State law.

''SEC. 803. ADDITIONAL CONDITIONS.

''(a) LIMITATION ON ENROLLMENT PERIODS.—The Secretary may limit the periods of times during which employees may elect coverage offered under this part, but such election shall be consistent with the elections permitted for employees under FEHBP and shall provide for at least annual open enrollment periods and enrollment at the time of initial eligibility to enroll and upon appropriate changes in family circumstances.

''(b) AUTHORIZING USE OF STATES IN MAKING ARRANGEMENTS FOR COVERAGE.—In lieu of the coverage otherwise arranged by the Secretary under this part, the Secretary may enter an arrangement with a State under which a State arranges for the provision of qualifying health insurance coverage to qualifying small employers in such manner as the Secretary would otherwise arrange for such coverage.

''(c) USE OF FEHBP MODEL.—The Secretary shall carry out the SEHBP using the model of the FEHBP to the extent practicable and consistent with the provisions of this part, and, in carrying out such model, the Secretary shall, to the maximum extent practicable, negotiate the most affordable and substantial coverage possible for small employers.

''SEC. 804. DISSEMINATION OF INFORMATION.

''The Secretary shall widely disseminate information about SEHBP through the media, the Internet, public service announcements, and other employer and employee directed communications.

''SEC. 805. SUBSIDIES.

''(a) EMPLOYER SUBSIDIES.—

''(1) ENROLLMENT DISCOUNT.—

''(A) IN GENERAL.—In the case of a qualifying small employer who is eligible under

subparagraph (B), the portion of the total premium for coverage otherwise payable by such employer under this part shall be reduced by 5 percent. Such reduction shall not cause an increase in the portion of the total premium payable by employees.

''(B) EMPLOYERS ELIGIBLE FOR DISCOUNTS.—A qualifying small employer is eligible under this subparagraph if such employer employed an average of fewer than 25 employees on business days during the preceding calendar year.

''(2) EMPLOYER PREMIUM SUBSIDY.—

''(A) IN GENERAL.—The Secretary shall provide to qualifying small employers who are eligible under subparagraph (C) and who elect to offer health insurance coverage under this part a subsidy for premiums paid by the employer for coverage of employees whose individual income (as determined by the Secretary) is at or below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) for an individual.

''(B) SUBSIDY SCALED ACCORDING TO SIZE OF EMPLOYER.—The subsidy provided under subparagraph (A) shall be designed so that the subsidy equals, for any calendar year—

''(i) 50 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifying small employers who employ an average of fewer than 11 employees on business days during the preceding calendar year;

''(ii) 35 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifying small employers who employ an average of more than 10 employees but fewer than 26 employees on business days during the preceding calendar year; and

''(iii) 25 percent of the portion of the premium payable by the employer for the coverage, in the case of eligible qualifying small employers who employ an average of more than 25 employees but fewer than 51 employees on business days during the preceding calendar year.

''(C) EMPLOYERS ELIGIBLE FOR PREMIUM SUBSIDY.—A qualifying small employer is eligible under this subparagraph if such employer employed an average of fewer than 50 employees on business days during the preceding calendar year.

''(b) EMPLOYEE SUBSIDIES.—

''(1) IN GENERAL.—The Secretary shall provide subsidies to employees whose family income (as determined by the Secretary) is at or below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section) for a family of the size involved.

''(2) AMOUNT OF SUBSIDY.—Such subsidies shall be in an amount equal to the excess of the portion of the total premium for coverage otherwise payable by the employee under this part for any period, over 5 percent of the family income (as determined under paragraph (1)(A)) of the employee for such period.

''(3) COORDINATION OF SUBSIDIES.—Notwithstanding paragraph (1), under regulations of the Secretary, an employee may be entitled to subsidies under this subsection for any period only if such employee is not eligible for subsidies for such period under any Federal or State health insurance subsidy program (including a program under title V, XIX, or XXI of the Social Security Act). For purposes of this paragraph, an employee is 'eligible' for a subsidy under a program if such employee is entitled to such subsidy or would, upon filing application therefore, be entitled to such subsidy.

''(4) AUTHORITY TO EXPAND ELIGIBILITY.—The Secretary may, to the extent of available funding, provide for expansion of the subsidy program under this subsection to employees whose family income (as defined by the Secretary) is at or below 300 percent of the poverty line (as determined under paragraph (1)).

''(c) PROCEDURES.—The Secretary shall establish by regulation applications, methods, and procedures for carrying out this section, including measures to ascertain or confirm levels of income.

"SEC. 806. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated, for the period beginning with fiscal year 2004 and ending with fiscal year 2014, $50,000,000,000 to carry out this part, including the establishment of subsidies under section 805.''.

(b) REPORT ON OFFERING NATIONAL HEALTH PLANS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall report to Congress the Secretary's recommendations regarding the feasibility of offering national health plans under part 8 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 734 the following new items:

''PART 8—SMALL EMPLOYER HEALTH BENEFITS PROGRAM (SEHBP)

''Sec. 801. Establishment of program.
''Sec. 802. Contracts with qualifying insurers.
''Sec. 803. Additional conditions.
''Sec. 804. Dissemination of information.
''Sec. 805. Subsidies.
''Sec. 806. Authorization of appropriations.''.

Amend the title so as to read: ''A Bill to provide for the establishment in the Department of Labor of a Small Employer Health Benefits Program.''.

After debate,

Pursuant to House Resolution 283, the previous question was ordered on the bill, as amended, and on the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. KIND demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 183; Nays ..... 238; Answered present 1

¶68.12 [Roll No. 294]

YEAS—183

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

NAYS—238

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)

Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Baird

NOT VOTING—12

Carson (IN)
Conyers
Costello
Gephardt
Gingrey
Gutierrez
Hastings (FL)
Neal (MA)
Smith (NJ)
Smith (WA)
Souder
Tiahrt

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mrs. MCCARTHY of New York moved to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendment:

Page 14, insert after line 17 the following:

''(e) PROTECTION OF EXISTING GROUP HEALTH PLAN COVERAGE.—

''(1) IN GENERAL.—The requirements of this section are not met with respect to an association health plan if—

''(A) during the 1-year period preceding the date of the enactment of the Small Business Health Fairness Act of 2003, any participating employer of the plan maintained another group health plan providing a type of coverage described in paragraph (2), and

''(B) such association health plan does not provide such type of coverage.

''(2) TYPES OF COVERAGE.—A type of coverage is described in this paragraph if it consists of—

''(A) coverage for breast cancer screening and tests recommended by a physician,

''(B) coverage for the expenses of pregnancy and childbirth,

''(C) coverage for well child care, or

''(D) direct access to those obstetric or gynecological services which are provided by the plan.

''(3) PREDECESSORS AND CONTROLLED GROUPS.—For purposes of this subsection, a predecessor of an employer or any member of the employer's controlled group shall be treated as the employer. For purposes of this paragraph, the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.''

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mrs. MCCARTHY of New York demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 192 / Nays 230

¶68.13 [Roll No. 295]

AYES—192

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

NOES—230

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

NOT VOTING—12

Carson (IN)
Conyers
Costello
Cox
Gephardt
Hastings (FL)
Johnson, E. B.
Neal (MA)
Ney
Smith (NJ)
Smith (WA)
Tiahrt

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. ANDREWS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 262 / Nays 162

¶68.14 [Roll No. 296]

AYES—262

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass

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

NOES—162

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Clay
Clyburn
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gordon
Green (TX)
Grijalva
Gutierrez
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—11

Carson (IN)
Conyers
Costello
Gephardt
Hastings (FL)
Johnson, E. B.
McNulty
Neal (MA)
Smith (NJ)
Smith (WA)
Tiahrt

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.15 PERMISSION TO FILE REPORT

On motion of Mr. ROGERS of Kentucky, by unanimous consent, the Committee on Appropriations was granted permission until midnight Monday, June 23, 2003, to file a privileged report making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶68.16 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

On motion of Mr. BOEHNER, by unanimous consent, the bill of the Senate (S. 1276) to improve the manner in which the Corporation for National and Community Service approves, and records obligations relating to, national service positions; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶68.17 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, June 23, 2003, at 12:30 p.m. for morning-hour debate.

¶68.18 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 25, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶68.19 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
June 19, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the Committee on Resources.

I appreciate the opportunity to serve you and Chairman POMBO.

Sincerely,

ADAM H. PUTNAM,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶68.20 COMMITTEE ELECTION—MAJORITY

Mr. TERRY, by unanimous consent, submitted the following resolution (H. Res. 284):

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mr. Neugebauer, Committee on Resources: Mr. Neugebauer, Committee on Science: Mr. Neugebauer, Committee on Small Business: Mr. McCotter.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.21 CONTRIBUTIONS OF LOU GEHRIG

On motion of Mr. TERRY, by unanimous consent, the Committee on Energy and Commerce was discharged from further consideration of the following resolution (H. Res. 278):

Whereas Amyotrophic Lateral Sclerosis (hereinafter in this resolution referred to as "ALS") is a progressive neuromuscular disease characterized by a degeneration of nerve cells of the brain and spinal cord leading to the wasting of muscles, paralysis, and eventual death;

Whereas approximately 30,000 individuals in the United States are afflicted with ALS, with approximately 5,000 new cases each year;

Whereas the life expectancy of an individual with ALS is three to five years from the time of diagnosis;

Whereas there is no known cause or cure for ALS;

Whereas aggressive treatment of the symptoms of ALS can extend the lives of individuals with the disease;

Whereas recent advances in ALS research have produced promising leads related to shared disease processes that appear to operate in many neurodegenerative diseases;

Whereas, on June 19, 1903, New York Yankee baseball legend Henry Louis (Lou) Gehrig was born in New York City;

Whereas, on June 19, 2003, The ALS Association will help America celebrate what would have been Lou's 100th birthday, honoring his magnificent baseball career and his unwavering courage as he faced the deadly disease that would carry his name; and

Whereas The ALS Association Greater New York Chapter will celebrate Lou Gehrig's 100th birthday at Yankee Stadium on June 19, 2003, by honoring the life and legacy of Lou Gehrig through a pre-game home plate ceremony, and these activities will help bring greater awareness to the disease, Amyotrophic Lateral Sclerosis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the celebration of Lou Gehrig's 100th birthday and commends the contributions he and his legacy have made in the search for better treatments and a cure for ALS;

(2) acknowledges the struggle of the thousands of individuals battling ALS everyday and their courage in facing this debilitating disease;

(3) supports cutting-edge research to find a cure for ALS; and

(4) applauds the efforts of all organizations, including The ALS Association, in their endeavors to raise awareness about the disease, support research initiatives, and assist those suffering with ALS and their families in the challenges of coping with this terrible affliction.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.22 CONGRATULATING THE SAN ANTONIO SPURS

On motion of Mr. CARTER, by unanimous consent, the Committee on Government Reform was discharged from further consideration of the following resolution (H. Res. 279):

Whereas, on June 15, 2003, the San Antonio Spurs won the National Basketball Association's (NBA) Championship best-of-seven series with an 88–77 victory over the New Jersey Nets;

Whereas the Spurs' victory over the Nets is their second NBA championship in five years;

Whereas this year's Spurs–Nets Finals is the first time two former American Basketball Association teams have played for the NBA Championship;

Whereas seven foot center David Robinson joined the Spurs in 1987, and Tim Duncan joined the team in 1997;

Whereas last night's match-up was the final game of David Robinson's 14-year career, and his 13 points, 17 rebounds, and two blocked shots will be remembered as his best performance of the season;

Whereas Tim Duncan's triple-double, (21 points, 20 rebounds, and ten assists), and his eight blocked shots will be remembered as one of the greatest individual efforts in Finals' history;

Whereas Tim Duncan won the regular season Most Valuable Player award for the second consecutive year, and he was named the Finals Most Valuable Player following the Spurs victory;

Whereas Spurs head coach Gregg Popovich was awarded the Red Auerbach Trophy as the NBA Coach of the Year for the 2002–03 season; and

Whereas Gregg Popovich is the first Spurs coach in franchise history to win the Red Auerbach Trophy: Now, therefore, be it

Resolved, That the House of Representatives congratulates the San Antonio Spurs and Coach of the Year Gregg Popovich for an unforgettable season of basketball excellence and for winning the 2003 National Basketball Association Championship.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.23 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 389. An Act to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools.

H.R. 519. An Act to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes.

H.R. 788. An Act to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

¶68.24 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 703. An Act to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the ''Carl T. Curtis National Park Service Midwest Regional Headquarters Building''.

¶68.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. HASTINGS of Florida, for today;

To Ms. Eddie Bernice JOHNSON of Texas, for today after 4:30 p.m.;

To Mrs. MILLER of Michigan, for today;

To Mr. NADLER, for June 18 after 1 p.m.; and

To Mr. TIAHRT, for today after 3:30 p.m;

And then,

¶68.26 ADJOURNMENT

On motion of Mr. OWENS, pursuant to the previous order of the House, at 7 o'clock and 47 minutes p.m., the House adjourned until 12:30 p.m. on Monday, June 23, 2003.

¶68.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 1276. A bill to provide downpayment assistance under the HOME Investment Partnerships Act, and for other purposes; with an amendment (Rept. 108–164). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 1614. A bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing and to provide financial assistance under such program for main street revitalization or redevelopment projects in smaller communities to support the development of affordable housing for low-income families in connection with such projects, and for other purposes; with an amendment (Rept. 108–165). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 272. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; with an amendment (Rept. 108–166). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2086. A bill to reauthorize the Office of National Drug Control Policy, with an amendment (Rept. 108–167 Pt. 1). Ordered to be printed.

¶68.28 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2086. Referral to the Committees on the Judiciary, Energy and Commerce, and Intelligence (Permanent Select) extended for a period ending not later than July 14, 2003.

¶68.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BALLENGER (for himself, Mr. BURR, and Mr. BOEHNER):

H.R. 2516. A bill to amend the Fair Labor Standards Act of 1938 to clarify that Christmas tree farming is agriculture under that Act; to the Committee on Education and the Workforce.

By Mr. SMITH of Texas (for himself, Mr. BERMAN, and Mr. CONYERS):

H.R. 2517. A bill to enhance criminal enforcement of the copyright laws, educate the public about the application of copyright law to the Internet, and clarify the authority to seize unauthorized copyrighted works; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 2518. A bill to amend title 38, United States Code, to provide for consolidation and improvement of programs to assist homeless veterans, to provide for management by the Secretary of Veterans Affairs of the Military Personnel Records facility of the National Personnel Records Center in St. Louis, Missouri, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mr. HOUGHTON, Ms. KAPTUR, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Ms. BORDALLO, Mr.

BROWN of Ohio, Mrs. CAPPS, Mr. CONYERS, Mr. COSTELLO, Mr. CROWLEY, Mrs. DAVIS of California, Mr. TOM DAVIS of Virginia, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DOYLE, Mr. ENGEL, Mr. ENGLISH, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GOSS, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOBSON, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Mr. KILDEE, Ms. KILPATRICK, Mr. KIRK, Mr. KUCINICH, Mrs. KELLY, Mr. LATOURETTE, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mrs. LOWEY, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. MCGOVERN, Mr. MCDERMOTT, Ms. MCCOLLUM, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Mr. SANDERS, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TIBERI, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEINER, Mr. WELDON of Pennsylvania, Mr. WOLF, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 2519. A bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture.

By Mr. ADERHOLT:

H.R. 2520. A bill to authorize the Secretary of the Interior to acquire by donation certain property in Alabama to provide for the protection and preservation of certain rare paleontological resources on that property, and for other purposes; to the Committee on Resources.

By Mr. BAIRD (for himself and Mr. INSLEE):

H.R. 2521. A bill to require the Comptroller General to conduct a study of the business practices, procedures, accountability, and administration of the Internet Corporation for Assigned Names and Numbers and of the Internet domain name system, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BORDALLO (for herself, Mr. GALLEGLY, Mr. RAHALL, Mr. FALEOMAVAEGA, Mr. REHBERG, Mr. ABERCROMBIE, and Mr. CASE):

H.R. 2522. A bill to amend the Organic Act of Guam to authorize the Secretary of the Interior to reduce, release, or waive amounts owed by the Government of Guam to the United States to offset unreimbursed Compact impact expenses; to the Committee on Resources.

By Mr. BURNS:

H.R. 2523. A bill to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the ''Tomochichi United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself, Mr. SHAYS, Mr. LATOURETTE, Mr. DELAHUNT, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. WATT, Mr. TIERNEY, Ms. WATSON, and Mr. CONYERS):

H.R. 2524. A bill to redesignate the Federal building located at 935 Pennsylvania Avenue Northwest in the District of Columbia as the ''Federal Bureau of Investigation Building''; to the Committee on Transportation and Infrastructure.

By Mr. FILNER (for himself, Mr. GRIJALVA, Mr. HONDA, Ms. LEE, Ms. LOFGREN, Mrs. NAPOLITANO, Mr. REYES, Ms. LORETTA SANCHEZ of California, Ms. WATSON, and Mr. RODRIGUEZ):

H.R. 2525. A bill to amend the Immigration and Nationality Act to permit certain Mexican children, and accompanying adults, to obtain a waiver of the documentation requirements otherwise required to enter the United States as a temporary visitor; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself and Mr. UDALL of New Mexico):

H.R. 2526. A bill to amend the Homeland Security Act of 2002 (Public Law 107-296) to provide for the protection of voluntarily furnished confidential information, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. ROTHMAN, Mrs. JOHNSON of Connecticut, Ms. DEGETTE, Ms. SLAUGHTER, Mr. PALLONE, Mr. OLVER, Mrs. DAVIS of California, Mr. ABERCROMBIE, Mr. EVANS, Mr. GEORGE MILLER of California, Ms. CORRINE BROWN of Florida, Ms. LEE, Mr. INSLEE, Mr. CASE, Mr. WAXMAN, Mr. TIERNEY, Mr. BACA, Mrs. JONES of Ohio, Mr. BLUMENAUER, Mr. LARSON of Connecticut, Mr. NADLER, Mr. DINGELL, Mr. MCDERMOTT, Mr. BROWN of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HARMAN, Ms. LOFGREN, Mr. MATSUI, Mr. BRADY of Pennsylvania, Ms. DELAURO, Mr. STARK, Mr. FALEOMAVAEGA, Mr. GRIJALVA, Ms. BERKLEY, Ms. CARSON of Indiana, Mr. FARR, Mr. JACKSON of Illinois, Mr. OWENS, Mrs. MALONEY, Mr. SANDERS, Mr. WU, and Ms. WOOLSEY):

H.R. 2527. A bill to provide for the provision by hospitals of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. MCHUGH, Mr. ENGEL, Mr. MCNULTY, Mr. WALSH, Mr. SANDERS, Mr. NADLER, and Mr. OWENS):

H.R. 2528. A bill to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; to the Committee on Government Reform.

By Mr. HOEKSTRA:

H.R. 2529. A bill to amend the Federal Election Campaign Act of 1971 to require not less than 75 percent of the amount of individual contributions accepted by Congressional candidates to come from in-State residents, to increase disclosure requirements, and for other purposes; to the Committee on House Administration.

By Mr. INSLEE (for himself, Mr. DICKS, Mr. LARSEN of Washington, and Mr. BAIRD):

H.R. 2530. A bill to authorize grants for community telecommunications infrastructure planning and market development, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina (for himself, Mr. TAUZIN, Mr. BRADY of Texas, Mr. OTTER, Mr. PICKERING, Mr. TAYLOR of Mississippi, and Mr. BAKER):

H.R. 2531. A bill to amend the Federal Water Pollution Control Act relating to wetlands mitigation banking, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY of Rhode Island (for himself, Ms. BALDWIN, and Mr. FRANK of Massachusetts):

H.R. 2532. A bill to amend the Internal Revenue Code of 1986 to restore the applicability of the estate tax to estates over $3,000,000, to restore the 50-percent maximum rate, and to deposit revenues from the estate tax into Social Security Trust Funds; to the Committee on Ways and Means.

By Mr. KINGSTON (for himself and Mr. BURNS):

H.R. 2533. A bill to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis, Jr. Post Office Building''; to the Committee on Government Reform.

By Mr. LANTOS (for himself, Mr. SHAYS, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mr. SMITH of New Jersey, Mrs. MALONEY, Mr. LAHOOD, Mr. KUCINICH, Ms. NORTON, Mr. LYNCH, Mr. COOPER, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. DEFAZIO, Ms. BALDWIN, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. MCNULTY, Mr. LEWIS of Georgia, Mr. SANDLIN, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. MCDERMOTT, Mr. STARK, Mr. OLVER, and Mr. FILNER):

H.R. 2534. A bill to promote human rights, democracy, and the rule of law by providing a process for executive agencies for declassifying on an expedited basis and disclosing certain documents relating to human rights abuses in countries other than the United States; to the Committee on Government Reform.

By Mr. LATOURETTE (for himself, Ms. NORTON, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H.R. 2535. A bill to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. BALLENGER, Mr. SHAYS, Mr. LANTOS, Mr. WEXLER, Mr. MCDERMOTT, Mr. BERRY, Ms. LEE, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. BERMAN, Ms. ESHOO, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Mr. PAYNE, Ms. WOOLSEY, Ms. MCCOLLUM, and Mr. OWENS):

H.R. 2536. A bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. FROST, and Mr. MCINTYRE):

H.R. 2537. A bill to develop and coordinate a national emergency warning system; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida (for himself, Mr. HASTINGS of Florida, Ms. ROS-

LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DEUTSCH, and Ms. CORRINE BROWN of Florida):

H.R. 2538. A bill to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the ''Wilkie D. Ferguson, Jr. United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-McDONALD:

H.R. 2539. A bill to provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD (for herself and Mr. SIMMONS):

H.R. 2540. A bill to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial; to the Committee on Armed Services.

By Mr. MOORE:

H.R. 2541. A bill to amend the Child Abuse Prevention and Treatment Act to require public disclosure of information about cases of child abuse or neglect which result in child fatality, near fatality, other serious injury, or felony conviction; to the Committee on Education and the Workforce.

By Mr. NEY:

H.R. 2542. A bill to amend chapter 8 of title 5, United States Code, to establish the Joint Committee on Agency Rule Review; to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE (for himself and Mr. UDALL of New Mexico):

H.R. 2543. A bill to amend section 504(a) of the Higher Education Act of 1965 to eliminate the 2-year wait out period for grant recipients under the Hispanic-Serving Institutions program; to the Committee on Education and the Workforce.

By Mr. ROHRABACHER:

H.R. 2544. A bill to improve the quality, availability, diversity, personal privacy, and innovation of health care in the United States; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself and Mrs. JONES of Ohio):

H.R. 2545. A bill to amend the Internal Revenue Code of 1986 to waive the 10-percent additional tax on early distributions from section 401(k) plans in the case of hardship of certain employees due to facility closures or employers in bankruptcy; to the Committee on Ways and Means.

By Mr. SANDERS:

H.R. 2546. A bill to amend the Fair Credit Reporting Act to require consumer reporting agencies to provide any consumer with a free credit report annually upon the request of the consumer, and for other purposes; to the Committee on Financial Services.

By Mr. SAXTON:

H.R. 2547. A bill to mandate price stability as the primary goal of the monetary policy of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee; to the Committee on Financial Services.

By Mr. SESSIONS (for himself, Mr. TOM DAVIS of Virginia, Mr. BURTON of Indiana, Mr. SHAYS, Mr. SOUDER, Mr. OSE, Mrs. JO ANN DAVIS of Virginia, Mr. PLATTS, Mr. PUTNAM, Mr. TURNER of Ohio, Mr. JANKLOW, and Mr. COOPER):

H.R. 2548. A bill to amend chapter 5 of subtitle I of title 40, United States Code, to enhance Federal asset management, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. MCHUGH, Ms. LEE, Ms. NORTON, Mr. MCGOVERN, and Mrs. MALONEY):

H.R. 2549. A bill to amend the Fair Debt Collection Practices Act to prohibit creditors from taking action that is adverse to the interests of a consumer with respect to certain payments that are due in or shortly after the period of a disruption of the mail resulting from a national emergency declared under the National Emergencies Act; to the Committee on Financial Services.

By Mr. SHIMKUS (for himself, Mr. HUNTER, Mr. SKELTON, and Mr. OBERSTAR):

H.R. 2550. A bill to amend the American Servicemembers' Protection Act of 2002 to provide clarification with respect to the eligibility of certain countries for United States military assistance; to the Committee on International Relations.

By Mr. SIMPSON (for himself and Mr. OTTER):

H.R. 2551. A bill to amend the Federal Land Policy and Management Act of 1976 to provide owners of non-Federal lands with a reliable method of receiving compensation for damages resulting from the spread of wildfire from nearby forested National Forest System lands or Bureau of Land Management lands, when those forested Federal lands are not maintained in the forest health status known as condition class 1; to the Committee on Resources.

By Mr. VAN HOLLEN:

H.R. 2552. A bill to improve the manner in which the Corporation for National and Community Service approves, and records obligations relating to, national service positions; to the Committee on Education and the Workforce.

By Ms. WATERS (for herself, Mr. WAXMAN, Mr. HONDA, Mr. SERRANO, Mr. KILDEE, Mrs. CHRISTENSEN, Mr. CROWLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. FROST, Ms. LEE, Mr. DAVIS of Illinois, Ms. CARSON of Indiana, Mr. SCOTT of Virginia, Mr. SANDERS, Mr. MCNULTY, Mr. CONYERS, Ms. KILPATRICK, Mr. UDALL of New Mexico, Mr. RUSH, and Mr. HASTINGS of Florida):

H.R. 2553. A bill to amend the Public Health Service Act to authorize grants to provide treatment for diabetes in minority communities; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Ms. LOFGREN, Mr. DELAHUNT, Mr. FROST, Mr. MCDERMOTT, Ms. LEE, Mr. WYNN, Ms. MCCARTHY of Missouri, and Mr. CASE):

H. Con. Res. 223. Concurrent resolution recognizing the 40th anniversary of the founding of the Lawyers' Committee for Civil Rights Under Law and supporting the designation of an Equal Justice Day in commemoration of such anniversary; to the Committee on the Judiciary.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, Mr. TAYLOR of North Carolina, Ms. BALDWIN, Mr. PAUL, Mr. NORWOOD, and Mr. MICHAUD):

H. Con. Res. 224. Concurrent resolution expressing the sense of Congress that the President should provide notice of withdrawal of the United States from the North American Free Trade Agreement (NAFTA); to the Committee on Ways and Means.

By Mr. MEEKS of New York:

H. Con. Res. 225. Concurrent resolution expressing the sense of the Congress that the illegal importation of prescription drugs severely undermines the regulatory protections afforded to United States consumers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY:

H. Res. 284. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. DEUTSCH (for himself, Mr. KINGSTON, and Mr. LANTOS):

H. Res. 285. A resolution condemning the recent terrorist attacks in the Middle East by Hamas and other terrorist organizations and urging the European Union to classify the entire entity of Hamas as a terrorist organization, and for other purposes; to the Committee on International Relations.

By Mr. GREEN of Texas (for himself, Mr. GONZALEZ, Mr. FROST, Mr. SANDLIN, Mr. DOGGETT, Mr. ORTIZ, Mr. HINOJOSA, Mr. LAMPSON, Mr. STENHOLM, Mr. BELL, Mr. REYES, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, and Mr. RODRIGUEZ):

H. Res. 286. A resolution directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States; to the Committee on Homeland Security (Select).

By Mr. GREEN of Texas (for himself, Mr. GONZALEZ, Mr. FROST, Mr. SANDLIN, Mr. DOGGETT, Mr. ORTIZ, Mr. HINOJOSA, Mr. LAMPSON, Mr. STENHOLM, Mr. BELL, Mr. REYES, Mr. EDWARDS, Mr. RODRIGUEZ, and Ms. JACKSON-LEE of Texas):

H. Res. 287. A resolution directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States; to the Committee on the Judiciary.

By Mr. GREEN of Texas (for himself, Mr. GONZALEZ, Mr. FROST, Mr. SANDLIN, Mr. DOGGETT, Mr. HINOJOSA, Mr. ORTIZ, Mr. LAMPSON, Mr. STENHOLM, Mr. BELL, Mr. REYES, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, and Mr. RODRIGUEZ):

H. Res. 288. A resolution directing the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this

resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-McDONALD:

H. Res. 289. A resolution congratulating El Dorado Park South for winning first prize in the Neighborhood of the Year contest; to the Committee on Government Reform.

By Mr. STUPAK (for himself, Mr. NETHERCUTT, Mr. POMEROY, and Mr. QUINN):

H. Res. 290. A resolution expressing appreciation to the people and Government of Canada for their long history of friendship and cooperation with the people and Government of the United States and congratulating Canada as it celebrates ''Canada Day''; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Ms. LEE, Mr. MCDERMOTT, Mr. OBERSTAR, Mr. GRIJALVA, Mr. FARR, Mr. OLVER, Mr. OWENS, Mr. MARKEY, Mr. STARK, Mr. MCGOVERN, Ms. SCHAKOWSKY, and Mr. KUCINICH):

H. Res. 291. A resolution recognizing the dangers posed by nuclear weapons and calling on the President to engage in nonproliferation strategies designed to eliminate these weapons of mass destruction from United States and worldwide arsenals; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶68.30 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

123. The SPEAKER presented a memorial of aa of Maine, relative to H.P. 1204 Joint Resolution memorializing the Congress of the United States to Issue a waiver of the No Child Left Behind Act for Maine Public Schools; to the Committee on Education and the Workforce.

124. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 70 memorializing the Congress of the United States to vote for the permanent repeal of the death tax; to the Committee on Ways and Means.

125. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 98 memorializing the Congress of the United States to restructure the requirement in section 149(d) of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

126. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 1185 Joint Resolution memorializing the Congress of the United States to support the reform of the Social Security Offsets of the Government Pension Offset and the Windfall Elimination Provision; jointly to the Committees on Government Reform and Ways and Means.

127. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6028 memorializing the United States Congress to consider the provision of information which does not disclose medically sensitive information to be available to inquiring persons; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce.

¶68.31 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. VAN HOLLEN introduced a bill (H.R. 2554) for the relief of Junior Anthony Francis; which was referred to the Committee on the Judiciary.

¶68.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. SENSENBRENNER.
H.R. 106: Mr. BLUNT.
H.R. 111: Mr. SWEENEY, Mr. SERRANO, and Mr. MARSHALL.
H.R. 169: Mr. GREEN of Texas.
H.R. 189: Mr. FROST.
H.R. 218: Ms. ESHOO and Mr. LAMPSON.
H.R. 223: Mr. REHBERG.
H.R. 227: Ms. MILLENDER-McDONALD and Mr. RUSH.
H.R. 235: Mr. BONNER, Mr. CULBERSON, Mr. GALLEGLY, Mr. SAXTON, Mr. MCKEON, Mrs. NORTHUP, and Mr. EVERETT.
H.R. 236: Mr. KIND, Mr. UDALL of Colorado, Mr. BELL, and Mr. WU.
H.R. 277: Mr. BRADY of Texas.
H.R. 284: Mr. ABERCROMBIE, Mr. LINDER, Mr. ROTHMAN, Mr. RADANOVICH, Mr. SNYDER, Mr. LARSEN of Washington, and Mr. BERRY.
H.R. 303: Mr. COLLINS.
H.R. 331: Mr. UDALL of New Mexico.
H.R. 333: Ms. ESHOO.
H.R. 384: Mr. STEARNS.
H.R. 391: Mr. CHOCOLA, Mr. CALVERT, Mrs. BLACKBURN, and Mr. STEARNS.
H.R. 401: Mr. GARRETT of New Jersey.
H.R. 476: Mr. FRANK of Massachusetts, Mr. VAN HOLLEN, and Ms. BALDWIN.
H.R. 527: Mr. RENZI.
H.R. 528: Mr. GALLEGLY and Ms. SOLIS.
H.R. 571: Mr. ISSA, Mr. GOODLATTE, Mr. TOOMEY, Mr. BARTLETT of Maryland, and Mr. LUCAS of Oklahoma.
H.R. 585: Mr. VISCLOSKY.
H.R. 586: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARDOZA, and Mr. BELL.
H.R. 601: Ms. WATSON, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-McDONALD, Mr. BISHOP of Georgia, Mr. BALLANCE, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MAJETTE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. WATT, Mr. WYNN, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. ENGEL, Mr. CONYERS, Mr. HINCHEY, Ms. KAPTUR, Mr. KUCINICH, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mrs. MALONEY, Mr. NADLER, Ms. PELOSI, Ms. VELAZQUEZ, Mr. SERRANO, and Ms. SLAUGHTER.
H.R. 603: Ms. WATSON, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-McDONALD, Mr. BISHOP of Georgia, Mr. BALLANCE, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. LEE, Mr. LEWIS of Georgia, Ms. MAJETTE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. WATT, Mr. WYNN, Mr. ACKERMAN, Mr. ENGEL, Mr. CONYERS, Mr. KUCINICH, Mrs. LOWEY, Mrs. MALONEY, Mr. NADLER, Mr. SERRANO, and Ms. SLAUGHTER.
H.R. 648: Mr. CANTOR and Mr. BRADLEY of New Hampshire.
H.R. 687: Mr. MCCOTTER, Mr. SIMPSON, and Mr. BARRETT of South Carolina.
H.R. 714: Mr. SAM JOHNSON of Texas and Mr. HULSHOF.
H.R. 742: Mr. RUPPERSBERGER and Mr. CLYBURN.
H.R. 775: Mr. SULLIVAN.
H.R. 806: Mr. TURNER of Ohio and Mr. CUMMINGS.
H.R. 814: Mr. LEVIN and Ms. ROYBAL-ALLARD.
H.R. 816: Mr. HONDA.
H.R. 817: Mr. BAIRD.
H.R. 819: Mr. FRANKS of Arizona.
H.R. 823: Mrs. NAPOLITANO.
H.R. 833: Mr. REHBERG and Mr. BARRETT of South Carolina.
H.R. 834: Ms. LORETTA SANCHEZ of California, Mr. SKELTON, Ms. ESHOO, and Mr. CHOCOLA.
H.R. 839: Mr. LEACH, Mr. RADANOVICH, Mr. SHERMAN, Mr. PORTER, Mr. ALEXANDER, Mr. CRANE, Mr. PEARCE, Mr. KIRK, Mr. GREEN of Texas , Mr. HAYWORTH, Mr. OLVER, and Mr. FRANK of Massachusetts.
H.R. 854: Mr. LATOURETTE.
H.R. 869: Mr. UDALL of Colorado.
H.R. 876: Mr. OTTER, Mr. ETHERIDGE, Mr. BASS, Mr. BONNER, and Mr. STUPAK.
H.R. 879: Mr. GRIJALVA.
H.R. 890: Ms. JACKSON-LEE of Texas.
H.R. 898: Mr. EDWARDS and Mr. LIPINSKI.
H.R. 931: Mrs. KELLY.
H.R. 934: Mrs. MALONEY and Mr. CLYBURN.
H.R. 970: Mr. MCGOVERN, Mr. WAMP, Mr. BLUMENAUER, Mr. BAKER, Mr. STUPAK, Mr. PRICE of North Carolina, Mr. SHERMAN, Ms. HARMAN, Mr. QUINN, Mr. PUTNAM, Mr. HINCHEY, Mr. DOYLE, Mr. HONDA, Mr. NORWOOD, Mr. OSBORNE, Mr. WALSH, Mr. MARKEY, Ms. MAJETTE, and Mr. PLATTS.
H.R. 992: Mr. WILSON of South Carolina and Mr. BARRETT of South Carolina.
H.R. 993: Mr. WILSON of South Carolina and Mr. BARRETT of South Carolina.
H.R. 994: Mr. WILSON of South Carolina.
H.R. 997: Mr. RAHALL.
H.R. 1008: Mr. SHUSTER.
H.R. 1043: Ms. CARSON of Indiana and Mr. BAIRD.
H.R. 1046: Mr. JOHN.
H.R. 1049: Mr. TERRY.
H.R. 1070: Ms. LEE.
H.R. 1078: Mrs. CUBIN, Ms. KAPTUR, Mr. HOYER, Mr. KENNEDY of Rhode Island, Mr. WYNN, Mr. DAVIS of Alabama, Mr. BALLANCE, Mr. SERRANO, Mr. NEUGEBAUER, Mr. JANKLOW, Mr. WOLF, Mr. KELLER, Mr. KING of Iowa, Mr. HASTINGS of Washington, Mr. LOBIONDO, Mrs. MILLER of Michigan, Mr. DEMINT, Mr. GILLMOR, Mr. LIPINSKI, Mr. CHOCOLA, Mr. VISCLOSKY, Mr. CULBERSON, Mr. BARTON of Texas, Mr. ADERHOLT, Mr. BURGESS, Mr. MCCOTTER, Mr. RUPPERSBERGER, Mr. TOM DAVIS of Virginia, Mr. HOSTETTLER, Ms. GRANGER, Mr. PETERSON of Pennsylvania, Mr. WELDON of Florida, Mr. PETRI, Mr. SHADEGG, Mr. COLE, Mr. SCOTT of Virginia, Mr. CRENSHAW, Mrs. MUSGRAVE, Mr. SESSIONS, Mr. TIBERI, Mr. MICA, Mr. FOSSELLA, Mr. DOOLITTLE, Mr. MENENDEZ, Ms. FATTAH, Ms. MAJETTE, Mr. PETERSON of Minnesota, Mr. PAYNE, Ms. ROS-LEHTINEN, Mrs. WILSON of New Mexico, Mr. GERLACH, Mr. MURPHY, Mr. SIMPSON, Mr. ENGLISH, Mrs. MYRICK, Mr. BURNS, Mr. BALLENGER, Mr. PLATTS, Mr. BASS, Mr. BURR, Mr. NEY, Mr. WELLER, Mr. GREENWOOD, Mr. ISAKSON, Mr. FORBES, Mr. GARY G. MILLER of California, Mr. STUPAK, Mr. BEAUPREZ, and Mr. CLYBURN.
H.R. 1088: Mr. CONYERS and Mr. PALLONE.
H.R. 1118: Mr. MCGOVERN and Mr. DAVIS of Tennessee.

H.R. 1125: Mr. LoBiondo, Mr. Jefferson, Mrs. Napolitano, Mr. Tanner, Mrs. Musgrave, Mr. Jones of North Carolina, Mr. Ramstad, Mr. Cummings, Ms. Norton, and Mr. Rodriguez.
H.R. 1148: Mr. Garrett of New Jersey.
H.R. 1157: Mr. Simpson.
H.R. 1160: Mr. Thompson of California, Mr. Ballenger, Mr. Strickland, Mr. Pence, Mr. Duncan, Mr. Gordon, and Mr. Boozman.
H.R. 1167: Mr. Miller of Florida.
H.R. 1205: Mr. Hoeffel and Mr. Udall of New Mexico.
H.R. 1206: Mr. Barrett of South Carolina.
H.R. 1229: Mr. McCotter.
H.R. 1251: Mr. Bell.
H.R. 1267: Mr. McHugh.
H.R. 1268: Mr. Abercrombie.
H.R. 1276: Mr. Moran of Kansas, Mr. Pearce, and Mr. Green of Texas.
H.R. 1288: Mrs. Davis of California, Mr. Visclosky, Mr. McGovern, and Mr. Case.
H.R. 1295: Mr. Ford and Mr. Payne.
H.R. 1296: Mr. Rush, Mr. Ryan of Ohio, Mr. Paul, and Mr. Weldon of Pennsylvania.
H.R. 1301: Mr. Ryan of Ohio and Mr. Sanders.
H.R. 1305: Mr. DeLay.
H.R. 1329: Mr. Brown of South Carolina and Mr. Bilirakis.
H.R. 1340: Mr. George Miller of California.
H.R. 1372: Mr. Issa and Mr. Carter.
H.R. 1385: Mr. Hoeffel, Mr. Costello, Mr. Jones of North Carolina, and Mr. Boehlert.
H.R. 1386: Ms. Lee, Mr. Davis of Alabama, and Mr. Bell.
H.R. 1414: Mr. Clay.
H.R. 1449: Mr. Owens and Mr. Fattah.
H.R. 1470: Mr. Sanders, Mr. Davis of Illinois, and Mr. Clyburn.
H.R. 1516: Mr. Doyle, Mr. Weldon of Pennsylvania, Mr. Shuster, Mr. Peterson of Pennsylvania, Mr. Sherwood, and Mr. Toomey.
H.R. 1519: Mr. Frank of Massachusetts and Mr. Etheridge.
H.R. 1565: Mr. Davis of Illinois.
H.R. 1580: Mr. Sanders, Mr. Larson of Connecticut, and Mr. Weldon of Pennsylvania.
H.R. 1581: Mr. Lincoln Diaz-Balart of Florida, Mr. Etheridge, Mr. Burton of Indiana, Mr. Kildee, and Mrs. Jones of Ohio.
H.R. 1606: Mr. Wamp.
H.R. 1622: Mr. Isakson, Mr. Schiff, Ms. Corrine Brown of Florida, Ms. DeGette, Ms. McCarthy of Missouri, Mr. Gingrey, Mr. Terry, Mr. Miller of Florida, Mr. Nethercutt, and Ms. Ginny Brown-Waite of Florida.
H.R. 1626: Mr. Hinojosa.
H.R. 1639: Mr. Rahall and Mr. McNulty.
H.R. 1689: Mr. Wexler and Mr. Frank of Massachusetts.
H.R. 1707: Ms. Corrine Brown of Florida, Ms. Lee, Mr. Pitts, and Mr. Weiner.
H.R. 1710: Mrs. Davis of California, Mr. Moore, Mr. Weldon of Pennsylvania, and Mr. Cardoza.
H.R. 1725: Mr. Hunter, Mr. Saxton, Mr. Bilirakis, Mr. Crane, Mr. Hyde, Mr. Coble, Mr. Stearns, Mr. McKeon, Mr. Gingrey, and Mr. Bonilla.
H.R. 1736: Mr. Fattah and Ms. Eddie Bernice Johnson of Texas.
H.R. 1738: Mr. Gutierrez.
H.R. 1746: Mr. Osborne and Ms. Hooley of Oregon.
H.R. 1764: Mr. Green of Texas, Mr. Tiahrt, Mr. Lampson, Mr. Cramer, Mr. Rehberg, Mr. Skelton, Mr. Deutsch, Mr. Boucher, and Mr. Ryun of Kansas.
H.R. 1767: Mr. Emanuel, Mr. Neugebauer, Mr. DeMint, Mr. Franks of Arizona, Mr. Cox, Mr. Gibbons, Mr. Shadegg, and Mr. Baird.
H.R. 1769: Mr. Shuster, Mr. Snyder, and Mr. Crowley.
H.R. 1775: Mr. Moran of Virginia, Mr. Calvert, Mr. Hyde, Mr. Crane, Mrs. Emerson, Mr. Bartlett of Maryland, and Mr. Terry.
H.R. 1776: Mr. Simmons, Mr. Isakson, and Mr. LaHood.
H.R. 1784: Mr. Scott of Virginia.
H.R. 1813: Mr. Nadler and Mr. Crowley.
H.R. 1815: Mr. Ballance and Mr. Frost.
H.R. 1828: Mr. Larsen of Washington, Ms. Eshoo, Mr. Honda, Mr. Lucas of Kentucky, Mr. McIntyre, Ms. Loretta Sanchez of California, Mr. Dicks, Mr. Ford, Mr. Rogers of Kentucky, Mr. Toomey, Mr. Simpson, Mr. Hayes, Mr. Weldon of Pennsylvania, Mr. Hensarling, Mr. Pickering, Mr. Wicker, and Mr. Lipinski.
H.R. 1829: Mr. Weldon of Florida, Ms. Linda T. Sanchez of California, Mr. Rahall, and Ms. Eshoo.
H.R. 1839: Mr. Bachus.
H.R. 1871: Ms. Millender-McDonald and Mr. Rush.
H.R. 1902: Mr. Saxton, Mr. Davis of Illinois, and Mr. Sanders.
H.R. 1914: Mr. Souder, Mr. Miller of Florida, Mr. Marshall, and Ms. Lee.
H.R. 1933: Mr. Michaud.
H.R. 1943: Mr. Paul.
H.R. 1963: Mr. McIntyre.
H.R. 2045: Mr. Upton.
H.R. 2047: Mr. Scott of Georgia, Mr. Jefferson, Mr. Kingston, Mr. Foley, Mr. Camp, Mr. Cummings, and Mr. Blunt.
H.R. 2052: Mr. Honda, Ms. Lee, Mr. Ryan of Ohio, Mr. Van Hollen, Mr. Thompson of California, Mr. Holden, Mr. Towns, Ms. Kilpatrick, Mr. Pascrell, Mr. Ross, Mr. Bishop of New York, Mr. Mollohan, Ms. Waters, Mr. Emanuel, Mr. Visclosky, Mr. Rush, Mr. Nadler, Mr. Larson of Connecticut, Mr. Payne, Mr. Udall of Colorado, Mr. Buyer, and Mr. Norwood.
H.R. 2057: Mr. Udall of Colorado.
H.R. 2066: Mr. Bishop of Georgia.
H.R. 2110: Mr. Feeney, Mr. Baker, Mr. Forbes, and Mr. Oberstar.
H.R. 2112: Mr. Berman.
H.R. 2114: Mr. Terry.
H.R. 2154: Mr. Simmons.
H.R. 2157: Ms. Pryce of Ohio.
H.R. 2193: Mr. Markey, Mr. Hoeffel, and Mr. Stupak.
H.R. 2198: Ms. Slaughter and Mr. Sanders.
H.R. 2203: Mrs. Maloney.
H.R. 2205: Mr. Nadler, Ms. Millender-McDonald, and Mr. Case.
H.R. 2214: Mrs. Cubin, Mr. Walden of Oregon, Mr. Barton of Texas, Mr. Bilirakis, and Mr. Brady of Texas.
H.R. 2250: Mr. Deutsch and Ms. Linda T. Sanchez of California.
H.R. 2256: Mr. Davis of Illinois.
H.R. 2286: Mr. Weiner.
H.R. 2287: Mr. Sanders.
H.R. 2291: Mr. Rothman.
H.R. 2295: Mr. Sanders and Mr. McGovern.
H.R. 2309: Mrs. Tauscher, Mr. Honda, Mrs. Napolitano, Mr. Becerra, Mr. Sherman, Ms. Watson, Ms. Harman, Mr. Lantos, Mr. Berman, Mr. Simmons, Mr. Schiff, Mr. Filner, and Mrs. Biggert.
H.R. 2313: Mr. Clyburn, Mr. Brown of South Carolina, Mr. Wilson of South Carolina, Mr. DeMint, and Mr. Barrett of South Carolina.
H.R. 2318: Mr. Rahall, Ms. Linda T. Sanchez of California, and Mr. Taylor of Mississippi.
H.R. 2337: Mr. Frost, Mr. Calvert, Mr. Ney, and Mr. Rangel.
H.R. 2338: Mr. Wilson of South Carolina and Mr. Paul.
H.R. 2340: Mr. Wilson of South Carolina.
H.R. 2344: Mr. Conyers.
H.R. 2346: Mr. Barrett of South Carolina.
H.R. 2351: Mrs. Kelly.
H.R. 2366: Mr. McIntyre, Mr. Matsui, Mr. Strickland, Mr. Moore, Mr. Green of Texas, and Mr. Case.
H.R. 2377: Ms. Woolsey.
H.R. 2379: Mr. Towns and Mr. Peterson of Pennsylvania.
H.R. 2383: Mr. Shaw.
H.R. 2385: Mr. Rahall.
H.R. 2391: Mr. Forbes.
H.R. 2392: Mr. Boswell.
H.R. 2394: Mrs. Jones of Ohio, Mr. Hastings of Florida, Mr. Israel, Mr. Frost, Mr. Berry Mr. Rush, and Mr. Stupak.
H.R. 2404: Mr. Gutknecht.
H.R. 2416: Ms. Norton and Mr. Markey.
H.R. 2424: Mr. Spratt and Mr. Case.
H.R. 2426: Mr. Crowley, Ms. DeLauro, Mr. Davis of Illinois, Ms. Linda T. Sanchez of California, Mr. Markey, Mr. Lewis of Georgia, Mr. Udall of New Mexico, and Mr. Case.
H.R. 2427: Mr. Flake, Mr. Tancredo, Mr. Frank of Arizona, Mr. Shadegg, Mr. Brady of Texas, and Mr. Culberson.
H.R. 2437: Mr. Abercrombie and Mr. Levin.
H.R. 2458: Mrs. Johnson of Connecticut.
H.R. 2462: Mr. Udall of Colorado and Mr. Cardoza.
H.R. 2464: Mr. Carson of Oklahoma and Mr. Smith of New Jersey.
H.R. 2466: Mr. Rohrabacher, Mr. Doyle, and Mr. Bishop of Georgia.
H.R. 2475: Mr. Gerlach.
H.R. 2485: Ms. Pelosi.
H.R. 2490: Mr. Bishop of Georgia.
H.R. 2491: Mr. Nadler, Mr. Mollohan, Ms. DeLauro, and Mr. Sanders.
H.R. 2497: Mr. Peterson of Minnesota and Mr. Rangel.
H.R. 2498: Mr. Owens.
H.R. 2505: Mr. Grijalva, Mr. Etheridge, Ms. Millender-McDonald, Mr. Hinchey, Mr. Clay, and Mr. McNulty.
H.R. 2508: Mr. Baird.
H.R. 2515: Mr. Norwood, Mr. Wicker, Mr. Kingston, Mrs. Myrick, Mr. Rehberg, Mr. Brown of Ohio, Mr. Engel, Mr. Frost, Mr. Simmons, and Mr. McHugh.
H.J. Res. 36: Mr. Cummings.
H.J. Res. 44: Mr. Brady of Texas.
H.J. Res. 50: Mr. Stearns and Mr. LaHood.
H. Con. Res. 99: Mr. Oberstar.
H. Con. Res. 164: Mr. Nethercutt.
H. Con. Res. 173: Mr. Berman.
H. Con. Res. 217: Ms. Ros-Lehtinen, Mr. Ackerman, Mr. Crowley, Mr. Deutsch, Mr. Holt, Mr. Hoeffel, and Mr. Berman.
H. Res. 60: Mr. Van Hollen and Mr. Oberstar.
H. Res. 103: Mr. McGovern.
H. Res. 140: Mr. Pitts.
H. Res. 144: Mr. Rush, Mr. Stupak, and Ms. Millender-McDonald.
H. Res. 194: Mr. Holt.
H. Res. 198: Mr. Wilson of South Carolina, Mr. Davis of Tennessee, Mr. Leach.
H. Res. 240: Mr. Owens, Mr. Sanders, Mr. McNulty, Mr. Case, and Mr. Towns.
H. Res. 242: Mr. Fossella and Ms. Eshoo.
H. Res. 250: Mr. Berman.
H. Res. 259: Mr. Souder and Mr. Holt.
H. Res. 260: Mrs. Christensen and Mr. Davis of Illinois.
H. Res. 273: Mrs. McCarthy of New York.

¶68.33 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

18. The SPEAKER presented a petition of the Hennepin County Board of Commissioners, Minnesota, relative to Resolution No. 03–4–232S1R2 petitioning the United States Congress that the Board urges federal, state, and local government agencies, religious institutions, employers, schools, charitable organizations, and all of our citizens to do all that is humanly possible to assist the families and loved ones of our Armed Forces; to the Committee on Education and the Workforce.

19. Also, a petition of The Common Council of the City of Green Bay, relative to A Resolution petitioning the United States Congress that The City of Green Bay declares

April 6, 2003, as ''Support our Troops Day'' and citizens are encouraged to wear red, white, and blue that day; to the Committee on Government Reform.

20. Also, a petition of The City and County of San Francisco, California, relative to Resolution No. 199–03 petitioning Congress to endorse H.R. 40, African-American Reparations Act; to the Committee on the Judiciary.

MONDAY, JUNE 23, 2003 (69)

¶69.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BISHOP of Utah, who laid before the House the following communication:

WASHINGTON, DC,
June 23, 2003.

I hereby appoint the Honorable ROB BISHOP to act as Speaker pro tempore on this day.

J. DENNIS HASTERT
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶69.2 RECESS—12:33 P.M.

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 33 minutes p.m., until 2 p.m.

¶69.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. ADERHOLT, called the House to order.

¶69.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ADERHOLT, announced he had examined and approved the Journal of the proceedings of Thursday, June 19, 2003.

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

¶69.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2754. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Removal of Cold Treatment Requirement for Ya Pears Imported From Hebei Province in China [Docket No. 02-084-2] received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2755. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Exotic Newcastle Disease; Removal of Areas from Quarantine [Docket No. 02-117-8] received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2756. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Viruses, Serums, Toxins, and Analogous Products; Standard Requirements for Determination of Residual Free Formaldehyde Content of Biological Products [Docket No. 01-091-2] received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2757. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting The Department's final rule — Tuberculosis Testing for Imported Cattle [Docket No. 00-102-2] received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2758. A communication from the President of the United States, transmitting a report listing the aggregate number, locations, activities, and lengths of assignments for all temporary and permanent U.S. military and civilians involved in Plan Colombia, pursuant to Public Law 106—246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

2759. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7539] received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2760. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7809] received June 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2761. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2762. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2763. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2764. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting The Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7436] received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2765. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Australia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2766. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Certain Research and Development Companies [Release No. IC-26077; File No. S7-47-02] (RIN: 3235-AI57) received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2767. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations, pursuant to Public Law 108—18; to the Committee on the Budget.

2768. A letter from the Director, Office of Management and Budget, transmitting appropriations reports containing OMB cost estimates, pursuant to Public Law 108—11; to the Committee on the Budget.

2769. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human services, transmitting the Department's final rule — Amendment of Regulations on Aluminum in Large and Small Volume Parenterals Used in Total Parenteral Nutrition; Delay of Effective Date [Docket No. 02N-0241] received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2770. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule — Applications for FDA Approval to Market a New Drug: Patent Submission and Listing Requirements and Application of 30-Month Stays on Approval of Abbreviated New Drug Applications Certifying That a Patent Claiming a Drug Is Invalid or Will Not Be Infringed [Docket No. 02N-0417] (RIN: 0910-AC48) received June 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2771. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; Washington [Docket No. WA-70-7148; FRL-7493-8] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2772. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Kansas [KS 179-1179a; FRL-7510-4] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2773. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution From New Motor Vehicles and New Motor Vehicles Engines; Modification of Federal On-board Diagnostic Regulations for: Light-Duty Vehicles, Light-Duty Trucks, Medium Duty Passenger Vehicles, Complete Heavy Duty Vehicles and Engines Intended for Use in Heavy Duty Vehicles weighing 14,000 pounds GVWR or less; Extension of Acceptance of California OBD II Requirements [FRL-7492-6] (RIN: 2060-AJ77) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2774. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Nebraska: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7510-1] received June 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2775. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution From Motor Vehicles and New Motor Vehicle Engines; Revisions to Regulations Requiring Availability of Information for use of On-Board Diagnostic Systems and Emission-Related Repairs on 1994 and Later Model Year Light-Duty Vehicles and Light-Duty Trucks and 2005 and Later Model Year Heavy-Duty Vehicles and Engines Weighing 14,000 Pounds Gross Vehicle Weight or Less [FRL-7509-8] (RIN: 2060-AG13) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2776. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report in accordance with Section 301 of the Diplomatic Security Act, pursuant to 22 U.S.C. 4831; to the Committee on International Relations.

2777. A letter from the Deputy Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Global Terrorism Sanctions Regulations — received June 4,

2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2778. A letter from the Auditor, District of Columbia, transmitting a report entitled ''The Department of Mental Health Failed to Implement a Vocational Rehabilitation Program for the District's Mental Health Consumers,'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

2779. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2780. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2781. A letter from the Inspector General, Equal Employment Opportunity Commission, transmitting the semiannual report of the Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2782. A letter from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D —— 2003-2004 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AI62) received June 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2783. A letter from the King of Hawaiian Islands, Kingdom of Hawaii, transmitting a report concerning S. 344, and jurisdiction regarding the Native Hawaiian and Na Kanaka Maoli People of Hawaii; to the Committee on Resources.

2784. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments [Docket No. 021209300-3048-02 I.D. 052103A] received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2785. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Annual Fireworks Events in the Captain of Port Portland Zone [CGD13-03-008] (RIN: 1625-AA00) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2786. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-03-060] (RIN: 1625-AA00) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2787. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Oyster Creek Generation Station, Forked River, Ocean County, New Jersey [COTP PHILADELPHIA 03-005] (RIN: 1625-AA00) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2788. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Vessel Movement Reporting System; Prince Williams Sound, Alaska [CGD17-03-001] (RIN: 1625-AA11) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2789. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Anchorage, Knik Arm, Alaska [COTP Western Alaska 03-001] (RIN: 1625-AA00) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2790. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Corpus Christi — Port Arkansas Channel — Tule Lake, Corpus Christi, TX [CGD08-03-021] received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2791. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation: Harvard-Yale Regatta, Thames River, New London, CT [CGD01-03-030] received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2792. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CGD09-03-212] (RIN: 1625-AA00) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2793. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Protection of Alaska Marine Highway System (AMHS) vessel M/V Kennicott in Western Alaska waters received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2794. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Betsie Bay, Lake Michigan [CGD09-03-213] (RIN: 1625-AA00) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2795. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, California [COTP San Francisco Bay 03-002] (RIN: 1625-AA00) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2796. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Portland Rose Festival on Willamette River [CGD13-02-020] (RIN: 1625-AA00 (Formerly RIN: 2115-AA97)) received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2797. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Cape Cod Canal, MA [CGD01-03-040] received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2798. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Severn River, College Creek, and Weems Creek, Annapolis, Maryland [CGD05-03-038] (RIN: 1625-AA08) received May 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2799. A communication from the President of the United States, transmitting the Annual Report to the Congress on Foreign Economic Collection and Industrial Espionage; to the Committee on Intelligence (Permanent Select).

¶69.6 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and a Concurrent Resolution of the House of the following titles:

H.R. 2312. An Act to amend the Communications Satellite of 1962 to provide for the orderly dilution of the ownership interest in Inmarsat by former signatories to the Inmarsat Operating Agreement.

H. Con. Res. 139. A concurrent resolution authorizing printing of the brochures entitled ''How Our Laws Are Made'' and ''Our American Government'', the publication entitled ''Our Flag'', the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 504. An Act to establish academies for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes.

S. 686. An Act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

¶69.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. ADERHOLT, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 20, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 20, 2003 at 10:25 a.m.:

That the Senate agreed to conference report S. 342.

That the Senate passed without amendment H.R. 658.

With best wishes, I am
Sincerely,

MARTHA C. MORRISON
Deputy Clerk.

¶69.8 COMMUNICATION FROM THE CLERK—MESSAGES FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. ADERHOLT, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 20, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House on June 20, 2003, at 1:45 p.m. and said to contain messages from the President whereby he submits a copy of a notice filed earlier with the *Federal Register* continuing the emergency with respect to the Western Balkans first declared in Executive Order 13219 of June 26, 2001, and where by he submits a 6-month periodic report in accordance with 50 USC 1641 (c) and 50 USC 1703 (c) on the national emergency with respect to the Western Balkans.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk.

¶69.9 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS

The SPEAKER pro tempore, Mr. ADERHOLT, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month report prepared by my Administration on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 20, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–86).

¶69.10 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS

The SPEAKER pro tempore, Mr. ADERHOLT, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on June 25, 2002, 67 Fed. Reg. 42703.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, has not been resolved. Subsequent to the declaration of the national emergency, acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the former Yugoslav Republic of Macedonia, have also become a concern. All of these actions are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 20, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–87).

¶69.11 WEAPONS OF MASS DESTRUCTION REGARDING IRAQ

Mr. GREEN of Wisconsin, by direction of the Committee on International Relations reported (Rept. No. 108–168) the resolution (H. Res. 260) requesting the President to transmit to the House of Representatives not later 14 days after the date of the adoption of this resolution documents or other materials in the President's possession relating to Iraq's weapons of mass destruction; referred to the House Calendar and ordered printed.

¶69.12 ALGERIAN EARTHQUAKE VICTIMS

Mr. GREEN of Wisconsin moved to suspend the rules and agree to the following resolution (H. Res. 264):

Whereas, on the evening of May 21, 2003, a devastating and deadly earthquake of a magnitude of 6.8 on the Richter scale with a depth of 6 miles struck northern Algeria, killing more than 2,260 people, injuring more than 10,000, and leaving more than 200,000 homeless;

Whereas the earthquake of May 21, 2003, has left thousands of buildings in ruins and has severely disrupted health services, water supply lines, electricity, and telecommunications in Algeria and affected cities;

Whereas severe aftershocks with magnitudes greater than 4.0 have continued to terrify the people of Algeria and hamper rescue efforts;

Whereas the strength, courage, and determination of the Government and people of Algeria has been displayed since the earthquake;

Whereas the people of the United States and Algeria share strong friendship and mutual respect;

Whereas the United States airlifted to the earthquake-affected population 17,000 blankets, 1800 tents, electrical equipment, water purification kits, and 3 medical supply kits that will benefit 10,000 people over 3 months;

Whereas the United States has released $50,000 to the Algerian Red Crescent Society for emergency relief supplies; and

Whereas the United Nations Children's Fund (UNICEF) launched an emergency appeal for humanitarian and relief assistance to address the devastation caused by the powerful earthquake: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest sympathies to the people of Algeria and particularly to the families of the victims and the survivors for the tragic losses suffered as a result of the earthquake of May 21, 2003;

(2) expresses its support for the people and to the Government of Algeria as they continue their efforts to rebuild their cities and their lives;

(3) expresses support for humanitarian assistance provided by the United States Agency for International Development and other American and international relief organizations;

(4) recognizes the important role that is being played by the United States and the international community in providing assistance to alleviate the suffering of the people of Algeria; and

(5) encourages a continued commitment by the United States and other countries and international organizations to the rebuilding of the earthquake-affected areas in Algeria.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Mr. GREEN of Wisconsin and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶69.13 ELECTIONS AND DEMOCRACY IN KENYA

Mr. GREEN of Wisconsin moved to suspend the rules and agree to the following resolution (H. Res. 177); as amended:

Whereas on December 27, 2002, the Republic of Kenya successfully held presidential, parliamentary, and local elections;

Whereas these elections were widely praised by objective international observers as free and fair;

Whereas the Department of State stated that with these elections the Kenyan people "have made a strong demonstration of their democratic commitment and established an important example for the region and for the world";

Whereas the European Union stated that "the overall conduct of the elections constitutes an example for other countries in the region";

Whereas these elections signal a major step forward for Kenyan democracy, particularly when compared with other elections held in Kenya since it became an independent state in 1963;

Whereas the transition of power put in motion by these elections culminated on December 30, 2002, when former President Daniel Toroitich arap Moi peaceably transferred the Kenyan presidency to President Mwai Kibaki; and

Whereas these elections and the subsequent transfer of power from leader to leader represent the birth of a successful new democracy in Kenya: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people of the Republic of Kenya for conducting free and fair elections, and the Government of Kenya for its successful completion of a peaceful and orderly transition of power;

(2) expresses its desire to see this new democracy in Kenya continue to thrive, as it has in the months following the 2002 elections;

(3) urges other African countries to look to Kenya as an example of a working democracy in action and to follow the example set by the people of Kenya during this recent election process;

(4) reaffirms the friendship that exists between the people of the United States and people of Kenya, as two nations bound together by the shared values of democracy;

(5) offers its commitment to working to ensure democracy is able to grow and flourish as Kenya moves into the challenging future that lies ahead; and

(6) commends the Government of Kenya for its commitment and concrete steps taken—

(A) to strengthen democracy, human rights and the rule of law;

(B) to combat corruption;

(C) to provide free and universal primary education;

(D) to fight against HIV/AIDS; and

(E) to support the United States in the war on terrorism.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Mr. GREEN of Wisconsin and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶69.14 UNITED STATES-ADRIATIC CHARTER

Mr. GREEN of Wisconsin moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 209); as amended:

Whereas the United States has an enduring interest in the independence, territorial integrity, and security of Albania, Croatia, and The Former Yugoslav Republic of Macedonia and supports their full integration in the community of democratic Euro-Atlantic states;

Whereas Albania, Croatia, and Macedonia have taken clear and positive steps to advance their integration into Europe by establishing close cooperative relations among themselves and with their neighbors, as well as their promotion of regional cooperation;

Whereas Albania, Croatia, and Macedonia have already contributed to European security and to the peace and security of southeast Europe through the resolution of conflicts in the region and their regional cooperation in the Southeast Europe Defense Ministerial;

Whereas on May 2, 2003, the United States-Adriatic Charter was signed in Tirana, Albania, by Secretary of State Colin Powell, Albanian Foreign Minister Ilir Meta, Croatian Foreign Minister Tonino Picula, and Macedonian Foreign Minister Ilinka Mitreva;

Whereas the Adriatic Charter affirms the commitment of Albania, Croatia, and Macedonia to the values and principles of the North Atlantic Treaty Organization (NATO) and to joining the Alliance at the earliest possible time;

Whereas Secretary of State Powell stated that the Adriatic Charter ''reaffirms our partners' dedication to work individually, with each other, and with their neighbors to build a region of strong democracies powered by free market economies . . . [i]t underscores the importance we place on their eventual full integration into NATO and other European institutions . . . [a]nd most importantly, the Charter promises to strengthen the ties that bind the peoples of the region to the United States, to one another, and to a common future within the Euro-Atlantic family''; and

Whereas 75 Albanian special forces troops were sent to Iraq as part of the coalition forces during Operation Iraqi Freedom, 29 Macedonian special forces troops were sent to Iraq as part of the postwar stabilization force, and Albania, Croatia, and Macedonia all contributed to the stabilization forces in Afghanistan, as signs of their commitment to promote international freedom and security: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly supports the United States-Adriatic Charter and commends Albania, Croatia, and Macedonia for their continued efforts to become full-fledged members of the North Atlantic Treaty Organization (NATO) and the European Union;

(2) urges NATO to invite Albania, Croatia, and Macedonia to join NATO as soon as each of these countries respectively demonstrates the ability to assume the responsibilities of NATO membership through the Membership Action Plan;

(3) welcomes and supports the aspirations of Albania, Croatia, and Macedonia to join the European Union at the earliest opportunity;

(4) recognizes that Albania, Croatia, and Macedonia are making important strides to bring their economic, military, and political institutions into conformance with the standards of NATO and other Euro-Atlantic institutions; and

(5) commends Secretary of State Powell for his personal support of the Adriatic Charter.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Mr. GREEN of Wisconsin and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶69.15 FAMILY FARMER BANKRUPTCY RELIEF

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 2465) to extend for six months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Mr. SENSENBRENNER and Ms. BALDWIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶69.16 VETERANS ENTREPRENEURSHIP

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 1460) to amend title 38, United States Code, to permit the use of education benefits under such title for certain entrepreneurship courses, to permit veterans enrolled in a vocational rehabilitation program under chapter 31 of such title to have self-employment as a vocational goal, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ADERHOLT, recognized Mr. SMITH of New Jersey and Mr. MICHAUD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ADERHOLT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Tuesday, June 24, 2003.

¶69.17 RECESS—3:06 P.M.

The SPEAKER pro tempore, Mr. ADERHOLT, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 6 minutes p.m., until approximately 6:30 p.m.

¶69.18 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, called the House to order.

¶69.19 H. RES. 264—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 264) expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 382 / Nays 1

¶69.20 [Roll No. 297]

YEAS—382

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

NAYS—1

Paul

NOT VOTING—51

Berman
Brown, Corrine
Burton (IN)
Capuano
Conyers
Cramer
Crowley
Davis (AL)
Davis (CA)
Deal (GA)
DeMint
Feeney
Fletcher
Fossella
Gephardt
Houghton
Hulshof
Istook
Jefferson
Kilpatrick
Kirk
Kolbe
Langevin
Larson (CT)
Lipinski
Lofgren
Lowey
Lucas (OK)
Menendez
Mollohan
Nadler
Nethercutt
Northup
Pallone
Payne
Pomeroy
Pryce (OH)
Rogers (KY)
Ros-Lehtinen
Sanders
Shays
Shimkus
Simpson
Smith (WA)
Sullivan
Taylor (NC)
Tiahrt
Toomey
Velazquez
Weiner
Weldon (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶69.21 H. RES. 177—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 177) commending the people of the Republic of Kenya for conducting free and fair elections, for the peaceful and orderly transfer of power in their government, and for the continued success of democracy in their nation since that transition; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 380 / Nays 0

¶69.22 [Roll No. 298]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey

Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—54

Berman
Brown, Corrine
Burton (IN)
Capuano
Conyers
Cramer
Crowley
Davis (AL)
Davis (CA)
Deal (GA)
DeMint
Doolittle
Feeney
Fletcher
Fossella
Frank (MA)
Gephardt
Honda
Houghton
Hulshof
Istook
Jefferson
Kilpatrick
Kirk
Kolbe
Langevin
Lipinski
Lofgren
Lowey
Lucas (OK)
Meeks (NY)
Menendez
Mollohan
Nadler
Nethercutt
Northup
Pallone
Payne
Pomeroy
Pryce (OH)
Rogers (KY)
Ros-Lehtinen
Sanders
Shays
Shimkus
Simpson
Smith (WA)
Sullivan
Taylor (NC)
Tiahrt
Toomey
Velazquez
Weiner
Weldon (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶69.23 H. CON. RES. 209—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 209) commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 381 / Nays 1

¶69.24 [Roll No. 299]

YEAS—381

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

NAYS—1

Paul

NOT VOTING—52

Berman
Brown, Corrine
Burton (IN)
Capuano
Conyers
Cramer
Crowley
Davis (AL)
Davis (CA)
Deal (GA)
DeMint
Feeney
Fletcher
Fossella
Gephardt
Houghton
Hulshof
Istook
Jefferson
Kilpatrick
Kirk
Kolbe
Langevin
Lipinski
Lofgren
Lowey
Lucas (OK)
McDermott
Menendez
Mollohan
Nadler
Nethercutt
Northup
Pallone
Payne
Pomeroy
Pryce (OH)
Rogers (KY)
Ros-Lehtinen
Sanders
Shays
Shimkus
Simpson
Smith (WA)
Sullivan
Taylor (NC)
Tiahrt
Toomey
Velazquez
Weiner
Weldon (FL)
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶69.25 H.R. 2465—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2465) to extend for six months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 379 / Nays 3

¶69.26 [Roll No. 300]

YEAS—379

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

NAYS—3

Flake
Paul
Rohrabacher

NOT VOTING—52

Berman
Bradley (NH)
Brown, Corrine
Burton (IN)
Capuano
Conyers
Cramer
Crowley
Davis (AL)
Davis (CA)
Deal (GA)
DeMint
Feeney
Fletcher
Fossella
Gephardt
Houghton
Hulshof
Istook
Janklow
Jefferson
Kilpatrick
Kirk
Kolbe
Langevin
Lipinski
Lofgren
Lowey
Lucas (OK)
Menendez
Mollohan
Nadler
Nethercutt
Northup
Pallone
Payne
Pomeroy
Pryce (OH)
Rogers (KY)
Ros-Lehtinen
Sanders
Shays
Shimkus
Simpson
Smith (WA)
Sullivan
Taylor (NC)
Tiahrt
Toomey
Velazquez
Weiner
Weldon (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶69.27 MILITARY CONSTRUCTION APPROPRIATIONS FY 2004

Mr. KNOLLENBERG submitted a privileged report (Rept. No. 108–173) on the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶69.28 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–174) the resolution (H. Res. 292) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶69.29 PROVIDING FOR THE CONSIDERATION OF H.R. 2555

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–175) the resolution (H. Res. 293) providing for consideration of the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶69.30 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 504. An Act to establish academics for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes; to the Committee on Education and the Workforce.

S. 686. An Act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Energy and Commerce.

¶69.31 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 658. An Act to provide for the protection of investors, increase confidence in the capital markets system, and fully implemented the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission.

H.R. 2312. An Act to amend the Communication Satellite Act of 1962 to provide for the orderly dilution of the ownership interest in Inmarsat by former signatories to the Inmarsat Operating Agreement.

¶69.32 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 342. An Act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

S. 1276. An Act to improve the manner in which the Corporation for National and Community Service approves, and records obligations relating to, national service positions.

¶69.33 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on June 20, 2003, he presented to the President of the United

States, for his approval, the following bills:

H.R. 389. An Act to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrilation in schools.

H.R. 519. An Act to authorize the Secretary of Interior to conduct a study of the San Gabriel River Watershed, and for other purposes.

H.R. 788. An Act to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

¶69.34 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. JEFFERSON, for today;

To Ms. KILPATRICK, for today;

To Mr. LUCAS of Oklahoma, for today;

To Mr. MENENDEZ, for today; and

To Mr. TOOMEY, for today.

And then,

¶69.35 ADJOURNMENT

On motion of Mr. HOEFFEL, at 11 o'clock and 58 minutes p.m., the House adjourned.

¶69.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. House Resolution 260. Resolution requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents or other materials in the President's possession relating to Iraq's weapons of mass destruction, adversely; (Rept. 108–168). Referred to the House Calendar.

Mr. ROGERS of Kentucky: Committee on Appropriations. H.R. 2555. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–169). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2003 (Rept. 108–170). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2004 (Rept. 108–171). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records (Rept. 108–172). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNOLLENBERG: Committee on Appropriations. H.R. 2559. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–173). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 292. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–174). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida. Committee on Rules. House Resolution 293. Resolution providing for consideration of the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–175). Referred to the House Calendar.

¶69.37 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself, Mr. BOEHNER, Mr. WELDON of Florida, Mr. LIPINSKI, Mr. SHAYS, Mr. CARTER, Mr. WILSON of South Carolina, Mr. EHLERS, and Mr. DEMINT):

H.R. 2556. A bill to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary or secondary schools identified for improvement, corrective action, or restructuring under title I of the Elementary and Secondary Education Act of 1965, with expanded opportunities for enrolling their children in higher-performing schools in the District of Columbia, and for other purposes; to the Committee on Government Reform.

By Mr. YOUNG of Alaska (for himself and Mr. DUNCAN):

H.R. 2557. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCINTYRE:

H.R. 2558. A bill to amend the Water Resources Development Act of 1976 to allow the Secretary of the Army to extend the period during which the Secretary may provide beach nourishment for a water resources development project; to the Committee on Transportation and Infrastructure.

By Mr. MANZULLO:

H.R. 2560. A bill to amend title XVIII of the Social Security Act to clarify the scope of chiropractic services that may be furnished under the Medicare Program and that chiropractors are the only health care professionals qualified under that program to furnish those services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 2561. A bill to provide grants to States to establish, expand, or enhance prekindergarten programs for children who are not yet enrolled in kindergarten; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2562. A bill to provide financial assistance to law school graduates who choose to accept employment in a public interest position; to the Committee on Education and the Workforce.

By Ms. BERKLEY:

H.R. 2563. A bill to amend the Head Start Act to provide additional funding for States with increased numbers of children eligible for participation in Head Start programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CAPUANO (for himself, Mr. DELAHUNT, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. LYNCH, and Mr. MARKEY):

H.R. 2564. A bill to amend the Internal Revenue Code of 1986 to provide that the harbor maintenance tax is applied to certain ports that import cargo exceeding $100,000,000 in value per year; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2565. A bill to amend section 2119 of title 18, United States Code, to strengthen Federal carjacking law; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mr. GILCHREST, Mr. BLUMENAUER, and Mrs. TAUSCHER):

H.R. 2566. A bill to reform the Army Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Ms. MCCOLLUM (for herself, Mr. EVANS, Mr. OBERSTAR, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. FILNER, Ms. CORRINE BROWN of Florida, Ms. WATERS, Mr. GUTIERREZ, Ms. DELAURO, Mr. STRICKLAND, Mr. SNYDER, and Mr. MICHAUD):

H.R. 2567. A bill to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, as the "Paul Wellstone Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. OBERSTAR (for himself, Mr. BLUMENAUER, Mr. HOBSON, Mr. LIPINSKI, Ms. NORTON, Mr. PASCRELL, Mr. LAMPSON, Mr. HONDA, Mr. FROST, Mr. SERRANO, Mr. MORAN of Virginia, Mr. SANDERS, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. DOGGETT, Ms. BALDWIN, Mr. BALLANCE, Mr. CASE, and Mr. SCOTT of Georgia):

H.R. 2568. A bill to amend title 23, United States Code, to establish a transportation and active living program, a safe routes to school program, and a nonmotorized transportation pilot program; to the Committee on Transportation and Infrastructure.

By Mr. EVANS (for himself, Ms. KAPTUR, Mr. HONDA, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. LARSON of Connecticut, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. LANTOS, Mr. WOLF, Ms. SOLIS, Ms. WATSON, Mr. FRANK of Massachusetts, Mr. SCHIFF, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. KUCINICH, Ms. LINDA T. SANCHEZ of California, Mr. DAVIS of Illinois, Mr. LAMPSON, Ms. MCCOLLUM, Mr. CROWLEY, Mr. SANDERS, and Mr. LIPINSKI):

H. Con. Res. 226. Concurrent resolution expressing the sense of Congress that the Government of Japan should formally issue a clear and unambiguous apology for the sexual enslavement of young women during colonial occupation of Asia and World War II, known to the world as "comfort women", and for other purposes; to the Committee on International Relations.

¶69.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolution as follows:

H.R. 49: Mr. MCINNIS and Mr. OTTER.

H.R. 196: Mr. SPRATT.

H.R. 290: Mr. HOLT, Mr. TAYLOR of Mississippi, Mr. ISRAEL, Mr. KIRK, Mr. SANDLIN, Mr. LYNCH, Mr. THOMPSON of Mississippi, Mr. WAMP, Mr. SCHIFF, Mr. POMBO, Mr. HAYWORTH, Mr. ISAKSON, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, Mr. PICKERING, Mr. SESSIONS, Mr. LANGEVIN, Mr. FORD, Mr. WEINER, Mr. BOEHLERT, Mrs. JO ANN DAVIS of Virginia, Ms. ESHOO, Mr. MCDERMOTT, Ms. SLAUGHTER, Mr. PLATTS, Mr. LEWIS of Georgia, and Ms. JACKSON-LEE of Texas.

H.R. 300: Mr. BURTON of Indiana.

H.R. 303: Mr. TOM DAVIS of Virginia and Mr. GEPHARDT.
H.R. 328: Mrs. NORTHUP, Mr. FILNER, Ms. GRANGER, Mrs. MCCARTHY of New York, and Mr. MORAN of Virginia.
H.R. 339: Mr. HERGER.
H.R. 369: Ms. KAPTUR.
H.R. 401: Mrs. MALONEY and Mr. LEWIS of Georgia.
H.R. 466: Mr. WYNN.
H.R. 487: Mr. ROHRABACHER.
H.R. 531: Mr. UDALL of New Mexico, Mr. DEAL of Georgia, Mr. CLAY, Mr. CHOCOLA, and Ms. LINDA T. SANCHEZ of California.
H.R. 548: Mr. FLETCHER, Ms. ESHOO, and Mr. COLLINS.
H.R. 589: Mrs. MUSGRAVE, Mr. BILIRAKIS, Mr. GALLEGLY, and Mr. SULLIVAN.
H.R. 594: Mr. NEUGEBAUER, Mr. MCCOTTER, and Mr. ETHERIDGE.
H.R. 668: Mr. SANDERS.
H.R. 713: Mr. WEXLER.
H.R. 817: Mr. BECERRA.
H.R. 898: Mr. NEAL of Massachusetts.
H.R. 919; Mrs. BLACKBURN.
H.R. 935: Mr. DEUTSCH.
H.R. 941: Mr. RUSH and Mr. WYNN.
H.R. 967: Mr. MICHAUD.
H.R. 1005: Mr. PICKERING.
H.R. 1006: Mr. VAN HOLLEN, Mr. BRADLEY of New Hampshire, Ms. BALDWIN, and Mr. DOGGETT.
H.R. 1031: Mr. WEXLER.
H.R. 1032: Mrs. JO ANN DAVIS of Virginia and Mr. STUPAK.
H.R. 1068: Mr. DELAHUNT, Mr. SPRATT, Mr. LUCAS of Oklahoma, and Mr. CLYBURN.
H.R. 1105: Mr. THOMPSON of Mississippi.
H.R. 1117: Mrs. MUSGRAVE.
H.R. 1167: Mr. EVANS and Mr. GUTIERREZ.
H.R. 1173: Mr. CHOCOLA.
H.R. 1191: Ms. ESHOO and Mr. BLUMENAUER.
H.R. 1196: Mr. ALLEN.
H.R. 1238: Ms. DUNN.
H.R. 1264: Mr. BISHOP of Georgia.
H.R. 1268: Ms. NORTON.
H.R. 1310: Mr. GOODLATTE, Mr. BOEHNER, Mr. SHAYS, Mr. KINGSTON, Mr. HASTINGS of Washington, Mr. SIMPSON, Mr. BALLENGER, Mr. LUCAS of Kentucky, Mr. WICKER, Mr. PICKERING, Mr. ROGERS of Alabama, Mr. PRICE of North Carolina, and Mrs. MYRICK.
H.R. 1394: Ms. MAJETTE and Ms. VELAZQUEZ.
H.R. 1400: Mr. LYNCH.
H.R. 1444: Ms. SLAUGHTER.
H.R. 1470: Mr. MCDERMOTT.
H.R. 1472: Mr. FILNER and Mr. DOGGETT.
H.R. 1473: Mr. ACEVEDO-VILA and Mr. SANDERS.
H.R. 1477: Mr. MORAN of Virginia.
H.R. 1483: Mr. GRIJALVA and Ms. LINDA T. SANCHEZ of California.
H.R. 1501: Mr. GRIJALVA.
H.R. 1513: Mr. FLETCHER, Mr. GOODLATTE, Mr. GERLACH, Mr. LEWIS of Georgia, and Mr. LUCAS of Kentucky.
H.R. 1606: Mr. DEMINT.
H.R. 1622: Mr. DAVIS of Tennessee, Ms. HART, Mr. SIMMONS, Mr. STUPAK, Mr. FARR, Mr. DEFAZIO, and Mr. WEINER.
H.R. 1634: Mr. BOEHLERT.
H.R. 1647: Mr. KIND.
H.R. 1675: Ms. BALDWIN.
H.R. 1694: Mr. LANGEVIN.
H.R. 1707: Mr. BURGESS and Mr. GREEN of Wisconsin.
H.R. 1709: Mr. BELL and Mr. VAN HOLLEN.
H.R. 1760: Mr. GRIJALVA.
H.R. 1779: Mr. CALVERT and Mr. ISAKSON.
H.R. 1828: Mr. COBLE, Mrs. BONO, Mr. BURR, Ms. JACKSON-LEE of Texas, and Mr. PAYNE.
H.R. 1838: Mr. GUTIERREZ, Mr. RODRIGUEZ, Mr. MICHAUD, Mr. STRICKLAND, and Mr. HOLDEN.
H.R. 1839: Ms. PRYCE of Ohio.
H.R. 1865: Mr. RENZI, Mr. ROSS, and Mr. DAVIS of Alabama.
H.R. 1874: Mr. SANDERS, Mr. MCCOTTER, Mr. ABERCROMBIE, Mr. BOEHLERT, Ms. JACKSON-LEE of Texas, and Mr. DOYLE.
H.R. 1886: Mr. FALEOMAVAEGA and Mr. STARK.
H.R. 1916: Mr. NADLER, Mr. CLYBURN, Ms. CORRINE BROWN of Florida, Mr. LANTOS, Mr. RAHALL, and Mr. GOODLATTE.
H.R. 2009: Ms. SLAUGHTER, Mrs. JONES of Ohio, Mr. FARR, Ms. NORTON, Mr. ROTHMAN, Mr. PLATTS, and Mr. VAN HOLLEN.
H.R. 2022: Mr. MCINNIS and Mr. STARK.
H.R. 2038: Ms. SLAUGHTER.
H.R. 2042: Mr. FROST, Mr. SCHIFF, Mr. WU, Mr. NEAL of Massachusetts, Ms. LOFGREN, Mr. MARKEY, Mr. CROWLEY, Mr. STARK, Mr. KUCINICH, Mr. SMITH of Washington, Ms. HARMAN, Ms. BERKLEY, Mr. ENGEL, and Mr. SANDERS.
H.R. 2154: Mr. GILCHREST.
H.R. 2183: Mr. RUSH, Ms. HART, Mr. ROGERS of Alabama, Mr. HINOJOSA, Mr. SNYDER, Mr. ALEXANDER, and Mr. FILNER.
H.R. 2193: Mr. CAPUANO, Mr. HASTINGS of Florida, Mr. WYNN, and Mr. FROST.
H.R. 2198: Ms. LINDA T. SANCHEZ of California.
H.R. 2208: Mr. FLAKE and Mr. NEUGEBAUER.
H.R. 2211: Mr. ISAKSON.
H.R. 2238: Ms. MCCOLLUM, Mr. ENGEL, Mr. PALLONE, Mr. EMANUEL, Mrs. MCCARTHY of New York, Ms. CORRINE BROWN of Florida, Mr. DEUTSCH, Mr. RANGEL, Mr. FATTAH, and Ms. DELAURO.
H.R. 2246: Mr. GONZALEZ, Mr. JENKINS, Mr. WAMP, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. CLYBURN, Mr. DEAL of Georgia, Mr. KENNEDY of Rhode Island, Mr. EHLERS, Mr. DAVIS of Alabama, and Mr. STUPAK.
H.R. 2247: Mrs. JONES of Ohio, Mr. DINGELL, and Mrs. CHRISTENSEN.
H.R. 2253: Mr. CARDOZA, Mr. GARY G. MILLER of California, Mr. HAYWORTH, and Mr. OSE.
H.R. 2262: Mr. STUPAK and Mr. DAVIS of Alabama.
H.R. 2265: Mr. BOEHLERT.
H.R. 2291: Mr. SPRATT.
H.R. 2295: Ms. SLAUGHTER.
H.R. 2318: Mr. LANTOS, Mr. BROWN of Ohio, Mr. DAVIS of Illinois, Mr. WYNN, and Ms. LEE.
H.R. 2333: Ms. BALDWIN.
H.R. 2351: Mr. ROYCE.
H.R. 2373: Ms. MCCARTHY of Missouri.
H.R. 2377: Mr. WEXLER, Mr. GRIJALVA, and Ms. JACKSON-LEE of Texas.
H.R. 2379: Mr. WILSON of South Carolina and Mr. CASE.
H.R. 2414: Mr. BRADLEY of New Hampshire.
H.R. 2418: Mr. FRANK of Massachusetts.
H.R. 2426: Mr. GEORGE MILLER of California, Mr. SCHIFF, Mr. TOWNS, and Mr. BLUMENAUER.
H.R. 2429: Mr. SPRATT.
H.R. 2433: Mr. PAUL, Mr. FROST, and Mr. MCGOVERN.
H.R. 2441: Mr. BEREUTER.
H.R. 2482: Mr. FRANK of Massachusetts.
H.R. 2498: Mrs. CHRISTENSEN.
H.R. 2502: Mr. SHAYS.
H.R. 2505: Mr. BROWN of Ohio, Mr. SCOTT of Georgia, Ms. JACKSON-LEE of Texas, and Mr. MCGOVERN.
H.R. 2512: Mr. WEINER.
H.R. 2513: Mr. STENHOLM.
H.R. 2546: Mr. GRIJALVA, Mr. GUTIERREZ, Mr. GEORGE MILLER of California, and Mrs. TAUSCHER.
H. J. Res. 38: Mr. GOODE.
H. Con. Res. 194: Ms. WATSON.
H. Con. Res. 213: Mr. BALLANCE, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. DAVIS of Alabama, Mr. LEVIN, and Mr. DEFAZIO.
H. Con. Res. 217: Mr. ENGEL, Mrs. JONES of Ohio, Ms. LEE, Mr. OWENS, Mr. WYNN, Mr. SMITH of New Jersey, and Mr. LEWIS of Georgia.
H. Con. Res. 224: Mr. SANDERS.
H. Res. 103: Mr. MORAN of Kansas and Ms. HART.
H. Res. 136: Mr. LUCAS of Kentucky.
H. Res. 234: Ms. ESHOO, Ms. LOFGREN, Mr. INSLEE, Mr. SANDERS, Mrs. JONES of Ohio, and Mr. SCOTT of Georgia.
H. Res. 240: Mr. SCOTT of Virginia.
H. Res. 273: Mr. BILIRAKIS.
H. Res. 290: Mr. LARSEN of Washington, Mr. HOUGHTON, Mr. LEVIN, Mr. DICKS, Mr. KILDEE, Mr. MANZULLO, Mr. OBERSTAR, Mr. MCDERMOTT, Mr. ENGLISH, and Mr. SOUDER.

TUESDAY, JUNE 24, 2003 (70)

¶70.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
June 24, 2003.

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

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

Whereupon, pursuant to the order of the House of Tuesday, January 7, 2003, Members were recognized for morning-hour debate.

¶70.2 RECESS—9:11 A.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 11 minutes a.m., until 10 a.m.

¶70.3 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. PETRI, called the House to order.

¶70.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PETRI, announced he had examined and approved the Journal of the proceedings of Monday, June 23, 2003.

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

¶70.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2800. A letter from the Director, Regulatory Review Group, FSA, Department of Agriculture, transmitting the Department's final rule—2002 Marketing Quota and Price Support for Flue-Cured Tobacco (RIN: 0560–AG60) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2801. A letter from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (RIN: 3084–AA74) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2802. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period April 1, 2003 through May 31, 2003, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

2803. A letter from the Assistant Secretary for Export Administration, Department of

Commerce, transmitting the Department's final rule—Export Administration Regulations: Encryption Clarifications and Revisions [Docket No. 030529136–3136–01] (RIN: 0694–AC78) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2804. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule— Implementation of the Understandings Reached at the June 2002 Australia Group (AG) Plenary Meeting and the AG Intersessional Decision on Cross Flow Filtration Equipment—Chemical and Biological Weapons Controls in the Export Administration Regulations [Docket No. 030523133–3133–01] (RIN: 0694–AC70) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2805. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS); Fishing Vessel Permits; Charter Boat Operations; Temporary Rule [Docket No. 020325070–3146–04; I.D. 071299C] (RIN: 0648–AM91) received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2806. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid and Butterfish Fisheries; Framework Adjustment 3 [Docket No. 030314060–3126–02; I.D. 021003E] (RIN: 0648–AQ57) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2807. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Incidental Catch Requirements of Bluefin Tuna [Docket No. 001113318–3128–03; I.D. 110200D] (RIN: 0648–AO75) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2808. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 021212307–3037–02; I.D. 06030F] received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2809. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety and Security Zones; First Lady's Visit, Boston, MA [CGD01–02–127] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2810. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety and Security Zones; Presidential Visit, Seaport Hotel/World Trade Center, South Boston, MA [CGD01–02–119] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2811. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Savannah River, Savannah, GA [COTP Savannah 02–134] (RIN: 2115–AE46) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2812. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Northeast Cape Fear River, Wilmington, North Carolina [COTP Wilmington 02–001] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2813. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; TUG NARRAGANSETT and Tow TRIPOLI, San Francisco Bay, CA [COTP San Francisco Bay 02–020] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2814. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Ohio River, Miles 468.5 to 473.0, Cincinnati, OH [COTP Louisville 02–008] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2815. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Elk River Miles 0.00 to 2.0, Charleston, WV [COTP Huntington 02–010] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2816. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone Regulations, Motor Vessel BRIGHT STATE, Puget Sound, Washington [CGD13–02–019] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2817. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Captain of the Port Chicago Zone, Lake Michigan [CGD 09–02–525] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2818. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Fore River and Long Creek, Portland, ME [CGD01–02–125] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2819. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Verrazano Narrows Bridge, New York [CGD01–02–126] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2820. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port of New York/New Jersey [CGD01–02–149] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2821. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chicago River, Chicago, IL [CGD09–02–524] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2822. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Diego Bay, San Diego, CA [COTP San Diego 02–020] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2823. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Francisco Bay, California [COTP San Francisco Bay; 02–021] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2824. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Las Mareas Harbor, Guayama, Puerto Rico [COTP San Juan 02–126] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2825. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone, York River, West Point, VA [CGD05–02–081] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2826. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Norfolk Harbor Entrance Reach Channel, Chesapeake Bay, Hampton Roads, VA [CGD05–02–098] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2827. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Closure of all navigable waterways to all marine traffic in the Captain of the Port (COTP) Port Arthur Area of Responsibility (AOR) as defined in 33 CFR 3.40–20 [COTP Port Arthur 02–007] (RIN: 2115–AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2828. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area in Hampton Roads, VA [CGD05–02–099] (RIN: 1625–AA11 (Formerly RIN: 2115–AE84)) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2829. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Manasquan River, NJ [CGD05–02–054] (RIN: 1625–AA09) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2830. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Alabama River at Coy, AL [CGD08–03–018] (RIN: 1625–AA09) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2831. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting The Department's final rule—Safety Zone; Detroit

River, Detroit, MI [CGD09–03–216] (RIN: 1625–AA00) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2832. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zones, Security Zones and Regulated Navigation Areas [USCG–2003–15023] received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30362; Amdt. No. 441] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30354; Amdt. No. 440] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2835. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate (Rev. Rul. 2003–63) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2836. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Automatic Extension of Time to File Certain Information Returns and Exempt Organization Returns [TD 9061] (RIN: 1545–BB55) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2837. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordination of sections 755 and 1060; Allocation of basis adjustments among partnership assets and application of the residual method to certain partnership transactions [TD 9059] (RIN: 1545–AX18) received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2838. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Minimum Vesting Standards (Rev. Rul. 2003–65) Received June 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶70.6 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 239. An Act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

S. 1157. An Act to establish the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

¶70.7 SMALL BUSINESS ADVOCACY IMPROVEMENT

Mr. MANZULLO moved to suspend the rules and pass the bill (H.R. 1772) to improve small business advocacy, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. MANZULLO and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶70.8 PREMIER CERTIFIED LENDERS PROGRAM IMPROVEMENT

Mr. MANZULLO moved to suspend the rules and pass the bill (H.R. 923) to amend the Small Business Investment Act of 1958 to allow certain premier certified lenders to elect to maintain an alternative loss reserve; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. MANZULLO and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MANZULLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶70.9 HOMELAND SECURITY TECHNICAL CORRECTIONS

Mr. COX moved to suspend the rules and pass the bill (H.R. 1416) to make technical corrections to the Homeland Security Act of 2002; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. COX and Mr. TURNER of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶70.10 PROVIDING FOR THE CONSIDERATION OF H.R. 2555

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 293):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with section 501 of House Concurrent Resolution 95 and clause 2 of rule XXI are waived except as follows: sections 514, 521, and 522. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. Lincoln DIAZ-BALART of Florida moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 221 / Nays ..... 196 }

¶70.11 [Roll No. 301]

YEAS—221

Aderholt	Boehlert	Cantor
Akin	Boehner	Capito
Bachus	Bonilla	Carter
Baker	Bonner	Castle
Ballenger	Bono	Chabot
Barrett (SC)	Boozman	Chocola
Bartlett (MD)	Bradley (NH)	Coble
Barton (TX)	Brady (TX)	Cole
Bass	Brown (SC)	Collins
Beauprez	Burgess	Cox
Bereuter	Burns	Crane
Biggert	Burr	Crenshaw
Bilirakis	Burton (IN)	Culberson
Bishop (UT)	Buyer	Cunningham
Blackburn	Calvert	Davis, Jo Ann
Blunt	Camp	Davis, Tom

Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

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

NOT VOTING—17

Ackerman
Boucher
Brown, Corrine
Brown-Waite, Ginny
Cannon
Cardoza
Conyers
Cramer
Cubin
Feeney
Gephardt
Hulshof
Matsui
Ryun (KS)
Smith (WA)
Waters
Wicker

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. FROST demanded a recorded vote on agreeing to said resolution which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 197

¶70.12 [Roll No. 302]

AYES—220

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

NOES—197

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

Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Ackerman
Boucher
Brown, Corrine
Brown-Waite, Ginny
Carter
Conyers
Cramer
Cubin
Duncan
Feeney
Gephardt
Hulshof
Ryun (KS)
Smith (WA)
Visclosky
Waters
Wicker

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶70.13 H.R. 923—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 923) to amend the Small Business Investment Act of 1958 to allow certain premier certified lenders to elect to maintain an alternative loss reserve; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 3

¶70.14 [Roll No. 303]

YEAS—416

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

NAYS—3

Duncan
Flake
Paul

NOT VOTING—15

Ackerman
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Conyers
Cramer
Cubin
Feeney
Gephardt
Hulshof
Larson (CT)
Ryun (KS)
Smith (WA)
Weller
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶70.15 H.R. 1460—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1460) to amend title 38, United States Code, to permit the use of education benefits under such title for certain entrepreneurship courses, to permit veterans enrolled in a vocational rehabilitation program under chapter 31 of such title to have self-employment as a vocational goal, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶70.16 [Roll No. 304]

YEAS—421

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)

Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Ackerman
Brown, Corrine
Brown-Waite, Ginny
Conyers
Cramer
Cubin
Feeney
Gephardt
Granger
Hulshof
Radanovich
Ryun (KS)
Smith (WA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 38, United States Code, to improve education and entrepreneurship benefits, housing benefits, and certain other benefits for veterans, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶70.17 HOMELAND SECURITY APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 293 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, designated Mr. GILLMOR as Chairman of the Committee of the Whole; and after some time spent therein,

¶70.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the question raised by an appeal in the Committee, to wit: ''Shall the decision of the Chair stand as the judgment of the Committee?''.

It was decided in the affirmative ..... { Yeas ..... 222 / Nays 204

¶70.19 [Roll No. 305]

AYES—222

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

NOES—200

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

Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Baird
Brown-Waite, Ginny
Camp
Conyers
Cubin
Garrett (NJ)
Gephardt
Gilchrest
Gutierrez
Paul
Smith (WA)
Young (AK)

So the decision of the Chair stood as the judgment of the Committee.

After some further time,

¶70.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the question raised by an appeal in the Committee, to wit: ''Shall the decision of the Chair stand as the judgment of the Committee?''.

It was decided in the affirmative { Yeas ..... 385 / Nays 28

¶70.21 [Roll No. 306]

AYES—385

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

NOES—28

Alexander
Baca
Baird
Ballance
Boswell
Costello
Etheridge
Filner
Green (TX)
Hinchey
Hinojosa
Jackson-Lee (TX)
Kucinich
McDermott
Menendez
Nadler
Oberstar
Owens
Pastor
Sanders
Scott (VA)
Tanner
Taylor (MS)
Towns
Turner (TX)
Velazquez
Waters
Woolsey

NOT VOTING—21

Bonilla
Brown-Waite, Ginny
Burr
Conyers
Cox
Cubin
Dingell
Dooley (CA)
Doyle
English
Gephardt
Hunter
Hyde
Keller
Kleczka
Moran (KS)
Paul
Reyes
Skelton
Smith (WA)
Wynn

So the decision of the Chair stood as the judgment of the Committee.

After some further time,

¶70.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. FILNER:

In the item relating to ''DEPARTMENTAL ADMINISTRATION–SALARIES AND EXPENSES'' after the first dollar amount, insert ''(reduced by $5,000,000)''.

In the item relating to ''BUREAU OF CUSTOMS AND BORDER PROTECTION–SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)'' after the dollar amount, insert ''(increased by $5,000,000)''.

It was decided in the negative { Yeas ..... 149 / Nays 274

¶70.23 [Roll No. 307]

AYES—149

Ackerman
Alexander
Baca
Baird
Ballance
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boyd
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Costello
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Dooley (CA)
Doolittle
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Fossella
Frank (MA)
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Hinchey
Hinojosa
Hoekstra
Holt
Honda
Hostettler
Houghton
Hunter
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Majette
Maloney
Matsui
McDermott
McGovern
McHugh
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pastor
Paul
Payne
Pelosi
Quinn
Renzi
Reyes
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sherman
Shimkus
Slaughter
Solis
Spratt
Stark
Stenholm
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Walsh
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—274

Abercrombie
Aderholt
Akin
Allen
Andrews
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Culberson
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor

Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hoeffel
Holden
Hooley (OR)
Hoyer
Hulshof
Hyde
Isakson
Israel
Istook
Janklow
Jenkins
John
Johnson (IL)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Lampson
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (FL)

NOT VOTING—11

Brown-Waite, Ginny
Conyers
Cubin
Gephardt
Hobson
Johnson, Sam
Kilpatrick
Myrick
Skelton
Smith (WA)
Young (AK)

So the amendment was not agreed to.

¶70.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MARKEY:

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

SEC. ____. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.

It was decided in the affirmative ..... { Yeas ..... 278 / Nays 146

¶70.25 [Roll No. 308]

AYES—278

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burr
Burton (IN)
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Goodlatte
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind
King (NY)
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Shimkus
Simmons
Simpson
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—146

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brown (SC)
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Culberson
Cunningham
Deal (GA)
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Flake
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goss
Granger
Graves
Harris
Hastings (WA)
Hayes
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Gary
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ryun (KS)
Schrock
Sessions
Shaw
Sherwood
Shuster
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Walsh
Wamp
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—10

Brown-Waite, Ginny
Conyers
Cox
Cubin
Gephardt
Kilpatrick
McDermott
Skelton
Smith (WA)
Young (AK)

So the amendment was agreed to.

After some further time,

¶70.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. TANCREDO:

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

SEC. _____. None of the funds made available in this Act may be used to provide assistance to any State or local government entity or official that restricts any government entity or official from sending to, or receiving from, the Department of Homeland Security information regarding an individual's citizenship or immigration status, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

It was decided in the negative ..... { Yeas ..... 102 / Nays 322

¶70.27 [Roll No. 309]

AYES—102

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Boozman
Brady (TX)
Burns
Burton (IN)
Buyer
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Graves
Gutknecht
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Lucas (OK)
Manzullo
McInnis
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Peterson (PA)
Petri
Pitts
Platts
Putnam
Ramstad

Rehberg
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (NC)
Tiahrt
Toomey
Vitter
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (SC)

NOES—322

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Ballenger
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burr
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Slaughter
Smith (NJ)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—10

Brown-Waite, Ginny
Conyers
Cubin
Gephardt
John
Skelton
Smith (WA)
Udall (CO)
Weldon (PA)
Young (AK)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SHIMKUS, assumed the Chair.

When Mr. GILLMOR, Chairman, pursuant to House Resolution 293, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 11, line 12, insert after the dollar amount the following: ''(reduced by $20,000,000)''.

Page 16, line 23, insert after the dollar amount the following: ''(increased by $10,000,000)''.

Page 17, line 3, insert after the dollar amount the following: ''(increased by $10,000,000)''.

Page 22, line 1, insert after the dollar amount the following: ''(increased by $10,000,000)''.

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

SEC.____. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a–10c).

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

SEC. ____. None of the funds made available in this Act may be used to approve, renew, or implement any aviation cargo security plan that permits the transporting of unscreened or uninspected cargo on passenger planes.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

The SPEAKER pro tempore, Mr. SHIMKUS, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 425 / Nays 2

¶70.28 [Roll No. 310]

YEAS—425

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

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

NAYS—2

Flake
Paul

NOT VOTING—7

Brown-Waite, Ginny
Conyers
Cubin
Gephardt
Skelton
Smith (WA)
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶70.29 H.R. 1416—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1416) to make technical corrections to the Homeland Security Act of 2002; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶70.30 [Roll No. 311]

YEAS—415

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

NOT VOTING—19

Brown-Waite, Ginny
Calvert
Clay
Conyers
Cubin
Dooley (CA)
Gephardt
Hill
Hinojosa
Johnson, Sam
Jones (NC)
Matsui
Sanders
Skelton
Smith (MI)
Smith (WA)
Stark
Taylor (NC)
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶70.31 PROVIDING FOR THE CONSIDERATION OF H.R. 2417

Mrs. MYRICK, by direction of the Committee on Rules, reported (Rept. No. 108–176) the resolution (H. Res. 295) providing for the consideration of the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the Untied States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶70.32 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 239. An Act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Energy and Commerce.

S. 1157. An Act to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes; to the Committee on House Administration; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶70.33 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. Ginny BROWN-WAITE of Florida, for today.

And then,

¶70.34 ADJOURNMENT

On motion of Mr. ROHRABACHER, at midnight, the House adjourned.

¶70.35 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 295. Resolution providing for consideration of the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 108–176). Referred to the House Calendar.

¶70.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EDWARDS (for himself, Mr. EVANS, Mr. SKELTON, Mr. MARSHALL, and Mr. FILNER):

H.R. 2569. A bill to improve benefits for members of the Armed Forces and veterans and for their dependents and survivors; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. CARDIN, Ms. SLAUGHTER, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Ms. DELAURO, Mr. CASE, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. CROWLEY, Mr. BELL, Mr. BALLANCE, Mr. RAHALL, Mr. MCGOVERN, Ms. LINDA T. SANCHEZ of California, Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mr. STARK, Ms. CARSON of Indiana, Mrs. MALONEY, Mr. HASTINGS of Florida, Ms. SOLIS, Ms. HOOLEY of Oregon, Mr. SANDERS, Mr. LIPINSKI, Mr. COSTELLO, Mr. GUTIERREZ, Mr. GEORGE MILLER of California, Mr. FARR, Mr. THOMPSON of California, Mr. KUCINICH, Mrs. DAVIS of California, Mr. BLUMENAUER, Mr. HINCHEY, Mr. CAPUANO, Mr. TIERNEY, Mr. KENNEDY of Rhode Island, Mr. HONDA, Ms. BERKLEY, Ms. KAPTUR, and Ms. BALDWIN):

H.R. 2570. A bill to direct the Secretary of Homeland Security to reimburse States for direct expenses and losses incurred by State and local government entities during the effective period of a high threat condition (Code Orange) or severe threat condition (Code Red) declared by the Secretary of Homeland Security, that are in excess of normal operating expenses; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. QUINN, and Ms. CORRINE BROWN of Florida):

H.R. 2571. A bill to provide for the financing of high-speed rail infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. QUINN, and Ms. CORRINE BROWN of Florida):

H.R. 2572. A bill to authorize appropriations for the benefit of Amtrak for fiscal years 2004 through 2006, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself, Ms. NORTON, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H.R. 2573. A bill to amend title 40, United States Code, to make reforms in the management and development of Federal real property; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. SERRANO, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. SANDERS, Ms. LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BALLANCE, Ms. NORTON, Mr. ACEVEDO-VILA, Mr. CUMMINGS, Ms. CARSON of Indiana, Mr. RUSH, Mr. LANGEVIN, Mr. CLAY, Ms. WOOLSEY, Mr. STARK, Mr. FILNER, Mr. OWENS, Ms. WATSON, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. RANGEL, Ms. WATERS, Mr. DELAHUNT, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. SLAUGHTER, Ms. MAJETTE, Mr. WATT, Mr. FATTAH, Ms. KILPATRICK, Mr. PAYNE, and Ms. BALDWIN):

H.R. 2574. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

By Mr. BAKER (for himself, Mr. OSE, Mr. BACHUS, Mr. KING of New York, Mr. LEACH, Mr. SHAYS, Mr. LINDER, Ms. GINNY BROWN-WAITE of Florida, Mr. COX, Mr. RYAN of Wisconsin, Mr. GARY G. MILLER of California, Mr. RENZI, Mr. MANZULLO, Ms. HART, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. TOOMEY, Mr. HENSARLING, Mr. GILLMOR, Mr. LUCAS of Oklahoma, and Ms. HARRIS):

H.R. 2575. A bill to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. BRADY of Pennsylvania (for himself, Mr. EVANS, Mr. WELDON of Pennsylvania, Mr. PLATTS, Mr. FATTAH, Mr. ABERCROMBIE, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. PASCRELL, Mr. ISRAEL, Mr. MARKEY, Ms. KAPTUR, Mr. MCGOVERN, Mr. HOEFFEL, Mr. TOWNS, Mr. FILNER, Mr. ACEVEDO-VILA, Mr. FROST, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mr. LIPINSKI, Mrs. CHRISTENSEN, Mrs. DAVIS of California, Mrs. TAUSCHER, Mr. MEEHAN, Mr. HILL, Mr. JEFFERSON, Mr. KANJORSKI, Mr. MURTHA, Mr. DOYLE, Mr. HOLDEN, Mr. RYAN of Ohio, and Mr. WU):

H.R. 2576. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to enhance the protection of credit ratings of active duty military personnel who are activated for military service; to the Committee on Veterans' Affairs.

By Mr. BURGESS (for himself and Mr. BISHOP of Utah):

H.R. 2577. A bill to require the Comptroller General to conduct a study and submit to Congress a report on price controls of foreign governments on pharmaceuticals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURR (for himself, Mr. BARTON of Texas, Mr. BUYER, Mr. NORWOOD, Mr. SHADEGG, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. BURGESS, Mrs. CUBIN, Mr. HOEKSTRA, Mr. KING of Iowa, Mr. KLINE, Mr. OTTER, Mr. PITTS, Mr. TOOMEY, Mr. WELDON of Florida, Mr. GARRETT of New Jersey, and Mr. JONES of North Carolina):

H.R. 2578. A bill to amend title XVIII of the Social Security Act to establish a voluntary Medicare outpatient prescription drug discount and security program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mr. POMEROY, Mr. GOODLATTE, Mr. BLUNT, Mr. MCINNIS, Mr. HOUGHTON, Mr. PETERSON of Minnesota, Mr. BOEHNER, Mr. HOLDEN, Mr. GUTKNECHT, Mr. UPTON, Mr. MORAN of Kansas, Mr. JANKLOW, Mr. ROSS, Mr. REHBERG, Mrs. MILLER of Michigan, Mr. MANZULLO, Mr. BEREUTER, Mr. BURNS, Mr. HOEKSTRA, Mr. ROGERS of Michigan, Mr. GRAVES, Mr. NUNES, Mr. SCOTT of Georgia, Mr. KING of Iowa, Mr. CASE, Mr. MCHUGH, Mr. HAYES, Mr. OSE, Mr. POMBO, Mr. SHIMKUS, Mr. SMITH of Michigan, Mr. LEWIS of Kentucky, and Mr. RAMSTAD):

H.R. 2579. A bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for agricultural products of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. CLYBURN:

H.R. 2580. A bill to establish the Congaree Swamp National Park in the State of South Carolina, and for other purposes; to the Committee on Resources.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 2581. A bill to authorize State and local governments to petition the Administrator of the Environmental Protection Agency for enforcement of certain violations of the Solid Waste Disposal Act, and to require the establishment of a manifest system for the interstate transportation of solid waste; to the Committee on Energy and Commerce.

By Mr. DEUTSCH:

H.R. 2582. A bill to amend the State eligibility provisions for grants under section 106 of the Child Abuse Prevention and Treatment Act to ensure that State foster care agencies meet certain requirements if the agencies have knowledge that foster children under the responsibility of the State are missing; to the Committee on Education and the Workforce.

By Mr. DUNCAN:

H.R. 2583. A bill to amend title II of the Social Security Act to allow remarried widows, widowers, and surviving divorced spouses to become or remain entitled to widow's or widower's insurance benefits if the prior marriage was for at least 10 years; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA (for himself, Mr. GALLEGLY, Mr. BURTON of Indiana, and Ms. BORDALLO):

H.R. 2584. A bill to provide for the conveyance to the Utrok Atoll local government of

a decommissioned National Oceanic and Atmospheric Administration ship; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. CANNON, Mr. FILNER, and Mr. FROST):

H.R. 2585. A bill to amend the Immigration and Nationality Act to permit certain long-term permanent resident aliens to seek cancellation of removal under such Act, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H.R. 2586. A bill to provide for the conveyance of certain National Forest System lands to the towns of Laona and Wabeno, Wisconsin; to the Committee on Agriculture.

By Mr. HOLDEN (for himself, Mr. BOYD, Mr. ENGEL, Mr. HINCHEY, Mr. MCGOVERN, Mr. REYES, Mr. GILLMOR, Mr. FROST, Mr. UPTON, Mr. SIMMONS, and Mr. WELDON of Pennsylvania):

H.R. 2587. A bill to amend title 10, United States Code, to establish a combat badge for helicopter medical evacuation ambulance (Medevac) pilots and crews; to the Committee on Armed Services.

By Mr. KING of Iowa:

H.R. 2588. A bill to establish under the Medicare Program under title XVIII of the Social Security Act incentives to health care providers for delivering high-quality, cost-effective health care to Medicare beneficiaries; to the Committee on Ways and Means.

By Mr. LUCAS of Kentucky:

H.R. 2589. A bill to amend title 40, United States Code, to add Nicholas and Robertson Counties, Kentucky, to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 2590. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 2591. A bill to amend the Internal Revenue Code of 1986 to provide for Small Business Protection Accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PUTNAM (for himself, Mr. CARDOZA, Mr. BACA, Mr. NUNES, Mr. FILNER, Mr. FOLEY, Mr. RADANOVICH, Mr. BOYD, Ms. HARRIS, and Mr. POMBO):

H.R. 2592. A bill to promote improved nutrition for needy Americans, including women, infants, children, and students, by revising and enhancing Federal nutrition programs to incorporate a greater role for fruits, vegetables, and 100 percent juice products; to the Committee on Education and the Workforce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH (for himself, Ms. ROS-LEHTINEN, and Ms. HARMAN):

H.R. 2593. A bill to provide veterans benefits to certain individuals who serve in the United States merchant marine during a period of war; to the Committee on Veterans' Affairs.

By Mr. REYES (for himself, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. FILNER, and Mr. HINOJOSA):

H.R. 2594. A bill to establish an Adult Job Corps demonstration program for the United States-Mexico border area; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. CRANE, Mr. LINDER, Mr. TAUZIN, Mr. DOOLITTLE, and Mr. CULBERSON):

H.J. Res. 61. A joint resolution proposing an amendment to the Constitution of the United States to abolish the Federal income tax; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. PASTOR, Mr. HAYWORTH, Mr. SHADEGG, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. GRIJALVA, and Mr. RENZI):

H. Con. Res. 227. Concurrent resolution expressing profound sorrow for the death of the Honorable Bob Stump and gratitude to the Honorable Bob Stump for serving the United States and the State of Arizona with honor and distinction in his 26 years as a Member of the House of Representatives; to the Committee on House Administration.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 228. Concurrent resolution expressing the sense of Congress that the National Family Caregiver Support Program should be fully funded to continue efforts to provide relief and necessary services to individuals who perform informal or unpaid care for the elderly and care for children under 18 years of age; to the Committee on Education and the Workforce.

By Mr. PAYNE:

H. Con. Res. 229. Concurrent resolution acknowledging the strong relationship between the United States and the Republic of Mali and recognizing Mali's role in building a participative democracy, providing leadership through conflict resolution and peacekeeping activities, and supporting the fight against terrorism; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. DELAY, Ms. PELOSI, and Mr. HYDE):

H. Res. 294. A resolution condemning the terrorism inflicted on Israel since the Aqaba Summit and expressing solidarity with the Israeli people in their fight against terrorism; to the Committee on International Relations.

By Mr. KLECZKA (for himself, Mr. OBEY, Mr. SENSENBRENNER, Ms. BALDWIN, Mr. PETRI, Mr. KIND, Mr. RYAN of Wisconsin, Mr. GREEN of Wisconsin, Mr. PLATTS, Mr. GRAVES, Mr. DINGELL, Mr. LATOURETTE, Mr. DAVIS of Illinois, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. GIBBONS, and Mr. SAM JOHNSON of Texas):

H. Res. 296. A resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century; to the Committee on Energy and Commerce.

¶70.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 110: Mr. KING of Iowa, Mr. OTTER, Mr. BARTLETT of Maryland, Mr. PAUL, Mr. LEWIS of Kentucky, Mr. SIMPSON, Mr. GOODE, Mr. DOOLITTLE, and Mr. AKIN.

H.R. 111: Mrs. MILLER of Michigan and Mrs. MUSGRAVE.

H.R. 125: Mr. VAN HOLLEN.

H.R. 135: Mr. CANTOR and Mr. GOODLATTE.

H.R. 141: Mr. HAYWORTH.

H.R. 188: Mr. FRANK of Massachusetts.

H.R. 236: Ms. LOFGREN, Mr. GREEN of Texas, Mr. CARDOZA, Mr. RODRIGUEZ, and Mr. SANDLIN.

H.R. 303: Mr. RUPPERSBERGER, Mr. LANTOS, and Mr. HOEKSTRA.

H.R. 313: Mr. MURTHA.

H.R. 371: Mr. CAPUANO.

H.R. 372: Mr. DELAHUNT.

H.R. 375: Mr. ADERHOLT and Mrs. KELLY.

H.R. 438: Mr. GARRETT of New Jersey and Mr. NUNES.

H.R. 466: Mr. WU.

H.R. 501: Mr. SCHIFF.

H.R. 569: Mr. REYNOLDS and Mr. MEEHAN.

H.R. 571: Mr. OTTER.

H.R. 671: Mr. TERRY.

H.R. 678: Mr. LEWIS of Georgia.

H.R. 687: Mr. CRENSHAW and Mr. CULBERSON.

H.R. 716: Mr. RAHALL and Ms. KILPATRICK.

H.R. 721: Mr. HINOJOSA and Mr. LUCAS of Kentucky.

H.R. 738: Mr. CARDIN, Mr. GEORGE MILLER of California, Ms. SOLIS, Mr. PAYNE, and Mr. SANDERS.

H.R. 765: Mr. MANZULLO.

H.R. 767: Mr. BURR.

H.R. 779: Mr. STARK.

H.R. 785: Mr. LUCAS of Oklahoma, Mr. ABERCROMBIE, Ms. WOOLSEY, and Mr. DAVIS of Alabama.

H.R. 786: Mr. RYAN of Wisconsin.

H.R. 790: Mr. LUCAS of Oklahoma.

H.R. 792: Mr. WEINER, Mr. CUMMINGS, Mr. WAMP, Mr. RAMSTAD, Mr. MCGOVERN, Ms. NORTON, Mr. MORAN of Virginia, Mr. BACHUS, Mr. ISRAEL, Mr. CLAY, Mr. SCOTT of Georgia, Mr. PICKERING, Mrs. MUSGRAVE, Mr. COOPER, Mr. WICKER, Mr. ANDREWS, Ms. BALDWIN, and Mr. WELDON of Pennsylvania.

H.R. 811: Mr. UDALL of New Mexico and Mr. BARTON of Texas.

H.R. 876: Mr. COLLINS, Mr. CHOCOLA, Mr. UDALL of New Mexico, and Mr. LAMPSON.

H.R. 882: Mr. SMITH of New Jersey.

H.R. 898: Ms. PRYCE of Ohio, Mr. HOEFFEL, Mr. NADLER, Ms. LINDA T. SANCHEZ of California, Mr. RUSH, Ms. BALDWIN, Mr. MOORE, and Mr. BELL.

H.R. 906: Mr. PORTER, Mr. SULLIVAN, Mr. HAYES, and Mr. BURGESS.

H.R. 919: Mr. PETRI.

H.R. 936: Ms. BALDWIN.

H.R. 965: Mr. ENGEL and Mr. GEPHARDT.

H.R. 997: Mr. DEMINT and Mrs. BONO.

H.R. 1068: Ms. KILPATRICK, Mr. SENSENBRENNER, Mr. GREEN of Wisconsin, Mr. SIMMONS, and Mr. DOYLE.

H.R. 1078: Mr. WILSON of South Carolina, Mr. OSE, Mr. GARRETT of New Jersey, Mr. KLINE, and Mr. LARSEN of Washington.

H.R. 1093: Mr. BERMAN, Mr. INSLEE, Mr. NEY.

H.R. 1105: Mr. JOHNSON of Illinois.

H.R. 1125: Mr. BACHUS, Mr. SCOTT of Georgia, Mr. CLAY, Mr. BISHOP of Utah, Mr. WALSH, Mrs. BLACKBURN, and Mr. KIND.

H.R. 1130: Mr. JOHNSON of Illinois.

H.R. 1167: Mr. FILNER and Mr. MICHAUD.

H.R. 1185: Mr. LARSON of Connecticut.

H.R. 1225: Mr. SIMMONS and Mr. STUPAK.

H.R. 1233: Mr. MANZULLO.

H.R. 1268: Mr. HINOJOSA.

H.R. 1305: Mr. LINDER, Mrs. CAPITO, Mr. OXLEY, and Mr. RYAN of Wisconsin.

H.R. 1306: Mr. SPRATT.

H.R. 1310: Mr. JOHN.

H.R. 1336: Mr. BURR, Ms. GINNY BROWN-WAITE of Florida, and Mr. KING of New York.

H.R. 1340: Mr. VAN HOLLEN.

H.R. 1348: Mr. BAIRD.

H.R. 1351: Mr. LARSON of Connecticut.

H.R. 1359: Mrs. CHRISTENSEN.

H.R. 1376: Mr. MCGOVERN.

H.R. 1421: Mr. POMEROY and Mr. BACA.

H.R. 1473: Ms. LEE.

H.R. 1489: Mr. PETRI, Mr. KING of Iowa, Mr. HENSARLING, and Mr. ALEXANDER.

H.R. 1519: Mr. MATSUI.

H.R. 1543: Mrs. MALONEY.

H.R. 1565: Mr. OWENS.

H.R. 1622: Mr. WELDON of Pennsylvania and Mr. MCHUGH.

H.R. 1628: Ms. JACKSON-Lee of Texas, Mr. OXLEY, Mr. RADANOVICH, Mr. RANGEL, Mr. FOLEY, and Mrs. BONO.

H.R. 1655: Ms. ROS-LEHTINEN.
H.R. 1660: Mr. RAMSTAD and Mr. CASE.
H.R. 1700: Mr. TOM DAVIS of Virginia, Ms. LORETTA SANCHEZ of California, and Mr. MCCOTTER.
H.R. 1708: Mr. MEEK of Florida.
H.R. 1734: Mr. STENHOLM, Mr. CLYBURN, Mr. PRICE of North Carolina, Mr. KILDEE, Mr. BOYD, Mr. RUSH, Mr. ANDREWS, and Mr. DAVIS of Illinois.
H.R. 1749: Mr. PAYNE, Mr. CANNON, Mr. MICHAUD, and Mr. ISAKSON.
H.R. 1767: Mr. CHOCOLA, Mr. MORAN of Kansas, Mr. PLATTS, Mr. SHUSTER, Mr. RYAN of Wisconsin, Mr. MARIO DIAZ-BALART of Florida, and Mr. PUTNAM.
H.R. 1813: Mr. BERMAN, Mr. HASTINGS of Florida, Ms. NORTON, Mr. OBERSTAR, Mrs. MALONEY, and Mr. OWENS.
H.R. 1858: Mr. STRICKLAND, Mr. DEUTSCH, Mr. RAMSTAD, Mr. SHAYS, and Mrs. JONES of Ohio.
H.R. 1884: Mrs. MYRICK.
H.R. 1890: Mr. LEWIS of Kentucky.
H.R. 1900: Mr. THOMAS, Mr. KUCINICH, Mr. MCNULTY, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. VISCLOSKY, Ms. LINDA T. SANCHEZ of California, Ms. WATERS, Mr. ACEVEDO-VILA, Mr. BARTLETT of Maryland, Mr. SCOTT of Virginia, Mr. CHOCOLA, Mrs. CAPPS, Mr. DUNCAN, Mr. LANTOS, Ms. HARMAN, Mr. SIMPSON, Mr. ENGLISH, Mr. RAMSTAD, Ms. KILPATRICK, and Mr. CANNON.
H.R. 1902: Mr. TERRY.
H.R. 1905: Mr. WEINER.
H.R. 1907: Mr. BLUNT.
H.R. 1910: Mr. CARSON of Oklahoma, Ms. HARMAN, Ms. HOOLEY of Oregon, Mr. STUPAK, and Mr. SKELTON.
H.R. 1930: Mr. OWENS.
H.R. 1934: Mr. SMITH of Washington.
H.R. 1951: Mr. CAPUANO, Mr. CARSON of Oklahoma, Mr. GORDON, and Mr. BISHOP of Georgia.
H.R. 1958: Mrs. MALONEY.
H.R. 1963: Mr. COLE.
H.R. 1991: Mr. MCDERMOTT.
H.R. 1998: Mr. CARSON of Oklahoma and Ms. CARSON of Indiana.
H.R. 2020: Mr. COLE, Ms. CORRINE BROWN of Florida, and Mr. ETHERIDGE.
H.R. 2022: Mr. DEUTSCH, Mr. OWENS, and Mr. WICKER.
H.R. 2028: Mr. GORDON.
H.R. 2035: Mrs. MCCARTHY of New York, Mr. HINOJOSA, and Mr. MICHAUD.
H.R. 2068: Mr. ABERCROMBIE, Ms. ESHOO, Mr. WOLF, Mr. BOEHLERT, Mr. FROST, Mr. CARSON of Oklahoma, Mr. WEXLER, and Mr. ENGEL.
H.R. 2069: Mr. ABERCROMBIE, Ms. ESHOO, Mr. WOLF, Mr. BOEHLERT, Mr. FROST, Mr. CARSON of Oklahoma, Mr. WEXLER, and Mr. ENGEL.
H.R. 2079: Mr. GILCHREST.
H.R. 2118: Mr. BISHOP of Georgia.
H.R. 2124: Mr. SANDERS, Mr. COOPER, Mr. WEXLER, and Mr. ROTHMAN.
H.R. 2138: Mr. BAKER.
H.R. 2157: Mr. STRICKLAND and Mr. FROST.
H.R. 2190: Mr. BRADY of Texas, Mr. GREEN of Wisconsin, and Mr. BONNER.
H.R. 2193: Mr. OWENS and Ms. WATSON.
H.R. 2205: Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Ms. LEE, Mr. SABO, Mr. JOHN, Mr. UDALL of Colorado, and Mr. MCDERMOTT.
H.R. 2236: Mr. GRIJALVA and Mr. LANTOS.
H.R. 2239: Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, Ms. ESHOO, Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. SCOTT of Virginia, Mr. STRICKLAND, and Mr. OWENS.
H.R. 2246: Mr. PETERSON of Minnesota.
H.R. 2249: Mr. GIBBONS and Mr. THOMPSON of California.
H.R. 2256: Mr. WOLF.
H.R. 2264: Ms. DELAURO.
H.R. 2295: Mr. OWENS.
H.R. 2297: Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. RODRIGUEZ, and Mr. FILNER.
H.R. 2303: Mr. AKIN, Mr. LEWIS of Kentucky, Mr. FEENEY, Mr. BARRETT of South Carolina, Mr. JONES of North Carolina, Mr. HERGER, and Mr. KINGSTON.
H.R. 2310: Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. KILDEE, Mr. FARR, and Mr. SPRATT.
H.R. 2318: Mr. LIPINSKI, Mr. CASE, Mr. KILDEE, and Mr. SCOTT of Virginia.
H.R. 2333: Mr. GOODE.
H.R. 2346: Mr. TANCREDO.
H.R. 2351: Mr. BARRETT of South Carolina.
H.R. 2360: Mr. CUNNINGHAM.
H.R. 2372: Mrs. JONES of Ohio, Mr. DAVIS of Alabama, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, and Ms. NORTON.
H.R. 2377: Ms. BALDWIN.
H.R. 2379: Mr. MCINTYRE.
H.R. 2382: Mr. SMITH of Washington.
H.R. 2385: Mr. ACEVEDO-VILA.
H.R. 2399: Mr. KOLBE and Mr. JONES of North Carolina.
H.R. 2418: Mr. FROST.
H.R. 2426: Mr. HOEFFEL, Mr. FROST, Mr. KENNEDY of Rhode Island, and Ms. CARSON of Indiana.
H.R. 2427: Ms. DELAURO, Mr. TOOMEY, and Mr. VAN HOLLEN.
H.R. 2446: Mr. GOODLATTE, Mr. BURR, and Mr. MANZULLO.
H.R. 2448: Mr. RAMSTAD.
H.R. 2462: Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. WYNN, Mr. THOMPSON of California, Mr. FILNER, Ms. KAPTUR, Mr. RYAN of Ohio, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, and Mr. MCGOVERN.
H.R. 2464: Mr. WEXLER.
H.R. 2475: Mr. PAYNE and Mr. ANDREWS.
H.R. 2488: Mr. ABERCROMBIE.
H.R. 2494: Mr. MEEKS of New York and Mr. LEVIN.
H.R. 2497: Ms. DELAURO, Mr. MEEHAN, and Mr. EVANS.
H.R. 2498: Mr. KILDEE.
H.R. 2505: Mr. MCDERMOTT.
H.R. 2516: Mrs. MUSGRAVE.
H.R. 2542: Mr. GARRETT of New Jersey.
H.R. 2545: Mr. FROST.
H.R. 2546: Mr. RAHALL and Mr. DEFAZIO.
H.R. 2550: Mr. BEREUTER and Mr. MICA.
H.R. 2556: Mr. FLAKE, Mr. PUTNAM, Mr. WICKER, Mr. BURTON of Indiana, Mr. SCHROCK, and Mr. BARTON of Texas.
H.R. 2568: Mr. ACEVEDO-VILÁ.
H.J. Res. 56: Mr. KING of Iowa, Mr. ISAKSON, Mr. SOUDER, and Mr. KENNEDY of Minnesota.
H. Con. Res. 30: Mr. CUMMINGS and Mr. BAIRD.
H. Con. Res. 37: Mr. RANGEL.
H. Con. Res. 49: Mr. BEAUPREZ.
H. Con. Res. 67: Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Ms. LEE, Mr. SHAYS, Ms. NORTON, Ms. KAPTUR, Mr. OWENS, Mr. REYES, Mr. BOSWELL, Mr. BERMAN, Mr. CARSON of Oklahoma, Ms. MILLENDER-MCDONALD, Mr. LANTOS, and Mr. EMANUEL.
H. Con. Res. 107: Mr. LANTOS.
H. Con. Res. 126: Mr. HAYWORTH.
H. Con. Res. 192: Mr. WEXLER, Mr. CARDOZA, and Mr. PITTS.
H. Con. Res. 195: Mr. DAVIS of Illinois.
H. Con. Res. 202: Mr. ENGEL and Mr. DEUTSCH.
H. Con. Res. 217: Mr. BROWN of Ohio, Mr. NADLER, Mr. FROST, Mr. SIMMONS, and Mr. MATSUI.
H. Con. Res. 223: Ms. JACKSON-LEE of Texas, Mr. WATT, Mr. ISRAEL, Ms. SOLIS, Ms. KAPTUR, and Mr. BERMAN.
H. Res. 60: Mr. UDALL of New Mexico.
H. Res. 103: Mr. ENGLISH.
H. Res. 136: Mr. RUSH.
H. Res. 198: Mrs. MILLER of Michigan.
H. Res. 246: Mr. KUCINICH and Ms. SLAUGHTER.
H. Res. 259: Ms. LEE.
H. Res. 285: Mr. NADLER, Mr. WYNN, Ms. HART, Mr. WEXLER, Mr. BERMAN, Mr. SHAYS, Mrs. MALONEY, Mr. CARDOZA, Mr. ANDREWS, Mr. ADERHOLT, Mr. FOSSELLA, Mr. REYES, and Mr. BEAUPREZ.

WEDNESDAY, JUNE 25, 2003 (71)

¶71.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. TERRY, who laid before the House the following communication:

WASHINGTON, DC,
June 25, 2003.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

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

¶71.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TERRY, announced he had examined and approved the Journal of the proceedings of Tuesday, June 24, 2003.

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

¶71.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2839. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Vietnam, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2840. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with South Korea [Transmittal No. DDTC 034-03], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

2841. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DDTC 012-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2842. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to South Korea (Transmittal No. DDTC 043-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2843. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DDTC 035-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2844. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DDTC 036-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2845. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DDTC 037-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2846. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Israel (Transmittal No. DDTC 038-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2847. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Belgium, Canada, Denmark, France, Germany, Ireland, Italy, Norway and the United Kingdom (Transmittal No. DDTC 010-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2848. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DDTC 039-03), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2849. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ridgely, MD [Docket No. FAA-2002-13936; Airspace Docket No. 02-AEA-22] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2850. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Topeka, Phillip Billard Municipal Airport, KS [Docket No. FAA-2003-14347; Airspace Docket No. 03-ACE-4] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2851. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Clinton, IA [Docket No. FAA-2003-14460; Airspace Docket No. 03-ACE-13] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Davenport, IA [Docket No. FAA-2003-14461; Airspace Docket No. 03-ACE-14] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Independence, IA [Docket No. FAA-2003-14598; Airspace Docket No. 03-ACE-21] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Muskegon, MI [Docket No. FAA-2002-13818; Airspace Docket No. 02-AGL-19] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Eureka, KS [Docket No. FAA-2003-14847; Airspace Docket No. 03-ACE-32] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Moundridge, KS; Correction [Airspace Docket No. 02-ACE-12] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cavelier, ND [Docket No. FAA-2002-14044; Airspace Docket No. 02-AGL-22] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Windsor Locks, Bradley International Airport, CT [Docket No. FAA-2003-14868; Airspace Docket No. 2003-ANE-103] received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. 2001-NM-166-AD; Amendment 39-13066; AD 2003-04-17] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. 2001-NM-160-AD; Amendment 39-13065; AD 2003-04-16] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2861. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-56-AD; Amendment 39-13120; AD 2003-08-09] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2862. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-62-AD; Amendment 39-13119; AD 2003-08-08] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2863. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42-500 Series Airplanes, and Model ATR72-102, -202, -212, and -212A Series Airplanes [Docket No. 2002-NM-73-AD; Amendment 39-13122; AD 2003-08-10] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2864. A letter from the Program Analyst, FAA, Department of Transportation, transmitting The Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F Airplanes [Docket No. 2001-NM-99-AD; Amendment 39-13114; AD 2003-08-03] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2865. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2003-CE-06-AD; Amendment 39-13140; AD 2003-09-11] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2866. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2002-NM-158-AD; Amendment 39-13137; AD 2003-09-08] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2867. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-300, AT-400, AT-400A, AT-401, AT-401B, AT-402, AT-402A, AT-402B, AT-501, AT-502, and AT-502B Airplanes [Docket No. 2000-CE-59-AD; Amendment 39-13100; AD 2003-07-04] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2868. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Models S10 and S10-V Sailplanes [Docket No. 2002-CE-52-AD; Amendment 39-13101; AD 2003-07-05] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2869. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. 2002-CE-56-AD; Amendment 39-13102; AD 2003-07-06] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2870. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co KG, Model Tay 650-15 Turbofan Engines [Docket No. 2003-NE-06-AD; Amendment 39-13112; AD 2003-08-01] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2871. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate ST01783AT-D [[Docket No. 2002-NM-54-AD; Amendment 39-1311; AD 2003-07-15] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2872. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes [Docket No. 2003-CE-18-AD; Amendment 39-13139; AD 2003-09-10] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2873. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Twin Commander Aircraft Corporation Models 690D, 695A, and 695B Airplanes [Docket No. 2000-CE-56-AD; Amendment 39-13099; AD 2003-07-03] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2874. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Quality Aerospace, Inc. S2R Series and Model 600 S2D Airplanes [Docket No. 2001-CE-37-AD; Amendment 39-13097; AD 2003-07-01] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2875. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Kaman Aerospace Corporation Model K-1200 Helicopters [Docket No. 2000-SW-50-AD; Amendment 39-13123; AD 2001-13-03 R1] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2876. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -200B, -200F, -200C, -100B, -300, -100B SUD, -400, -400D, and -400F Series Airplanes; and Model 747SR Series Airplanes [Docket No. 2003-NM-15-AD; Amendment 39-13124; AD 2003-08-11] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2877. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Series Airplanes [Docket No. 2002-NM-317-AD; Amendment 39-13125; AD 2003-08-12] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2878. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2002-NM-329-AD; Amendment 39-13128; AD 2003-08-15] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2879. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2003-CE-02-AD; Amendment 39-13106; AD 2003-07-10] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2880. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, and 230 Helicopters [Docket No. 2003-SW-01-AD; Amendment 39-13118; AD 2003-08-07] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2881. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No. 2003-NM-42-AD; Amendment 39-13127; AD 2003-08-14] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2882. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS350B3 Helicopters [Docket No. 2002-SW-05-AD; Amendment 39-13116; AD 2003-08-05] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2883. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, BA, and D Helicopters [Docket No. 2002-SW-37-AD; Amendment 39-13117; AD 2003-08-06] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2884. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas DC-10-30 Airplane [Docket No. 2002-NM-134-AD; Amendment 39-13110; AD 2003-07-14] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2885. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC120B Helicopters [Docket No. 2001-SW-52-AD; Amendment 39-13115; AD 2003-08-04] (RIN: 2120-AA64) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶71.4 ABRAHAM LINCOLN BICENTENNIAL COMMISSION EXTENSION

Mr. SOUDER moved to suspend the rules and pass the bill of the Senate (S. 858) to extend the Abraham Lincoln Bicentennial Commission, and for other purposes.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. SOUDER and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SOUDER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶71.5 CONGRESSIONAL HUNGER CENTER

Mr. GOODLATTE moved to suspend the rules and pass the bill (H.R. 2474) to require that funds made available for fiscal years 2003 and 2004 for the Bill Emerson and Mickey Leland Hunger Fellowships be administered through the Congressional Hunger Center; as amended.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GOODLATTE and Mr. STENHOLM, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GOODLATTE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶71.6 FOREIGN AGRICULTURAL SERVICE 50TH ANNIVERSARY

Mr. GOODLATTE moved to suspend the rules and pass the joint resolution (H.J. Res. 49) recognizing the important service to the Nation provided by the Foreign Agricultural Service of the Department of Agriculture on the occasion of its 50th anniversary.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. GOODLATTE and Mr. STENHOLM, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GOODLATTE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶71.7 CONGRESSIONAL GOLD MEDAL TO PRIME MINISTER TONY BLAIR

Mr. KING of New York moved to suspend the rules and pass the bill (H.R. 1511) to award a congressional gold medal to Prime Minister Tony Blair.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. KING of New York and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill ?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶71.8 FREEDOM IN HONG KONG

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following resolution (H. Res. 277):

Whereas Hong Kong has long been the world's freest economy, renowned for its rule

of law and its jealous protection of civil rights and civil liberties;

Whereas the 1984 Sino-British Joint Declaration explicitly guarantees that all of Hong Kong's freedoms, including press freedom, religious freedom, and freedom of association, will continue for at least 50 years;

Whereas the Government of the People's Republic of China pledged to respect Hong Kong's Basic Law of 1990, which explicitly protects freedom of speech, of the press and of publication, of association, of assembly, of procession, of demonstration, and of communication;

Whereas the Basic Law also explicitly protects freedom of conscience, religious belief, and of religious expression;

Whereas Hong Kong's traditional rule of law, which has guaranteed all of these civil rights and civil liberties, is essential to its continued freedom, and the erosion of that rule of law bodes ill for the maintenance and expansion of both economic freedom and individual civil rights;

Whereas in the United States-Hong Kong Policy Act of 1992 Congress declared: ''The human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong. A fully successful transition in the exercise of sovereignty over Hong Kong must safeguard human rights in and of themselves. Human rights also serve as a basis for Hong Kong's continued economic prosperity.'';

Whereas since Hong Kong became a Special Administrative Region (SAR) of the People's Republic of China on July 1, 1997, the Hong Kong authorities have changed the system of electing representatives to the Legislative Council, added appointed members to District Councils, invited the central government to reverse Hong Kong courts, and declined to permit the entry of some American visitors and other foreign nationals whose views are opposed by the People's Republic of China;

Whereas, despite the provisions of the Basic Law which call for a gradual and orderly process toward democratic election of the legislature and chief executive, and which call for universal suffrage, the Government of the Hong Kong SAR and the People's Republic of China have stymied this process;

Whereas the traditional liberties of Hong Kong's 7,000,000 people are now immediately threatened by Hong Kong's proposed ''Article 23'' laws, which were drafted under strong pressure from the Government of the People's Republic of China, dealing with sedition, treason, and subversion against the Chinese Communist Party, and the theft of state secrets;

Whereas the proposed legislation would give the Hong Kong Government discretion to imprison individuals for ''attempting to commit'' the undefined crime of ''subversion''; would criminalize not only membership in, but even attendance at meetings of, organizations not approved by Beijing; and would threaten freedom of religion, membership in authentic trade unions, political activity of all kinds, and a wide range of public and private expression;

Whereas the proposed legislation would give Hong Kong's Secretary for Security, an appointee of the Government of the People's Republic of China, broad authority to ban organizations it deemed in opposition to the national interest, thereby threatening religious organizations such as the Falun Gong and the Roman Catholic Church;

Whereas under the proposed legislation such basic and fundamental procedural rights as notice and opportunity to be heard could be waived by the appointee of the Government of the People's Republic of China in Hong Kong if honoring these rights ''would not be practicable'';

Whereas the People's Republic of China's history of arbitrary application of its own criminal law against dissenters, and its pattern of imprisoning and exiling those with whom it disagrees, provide strong reasons to oppose the expansion of Beijing's ability to use its discretion against Hong Kong's freedoms;

Whereas similar subversion laws in the People's Republic of China are regularly used to convict and imprison journalists, labor activists, Internet entrepreneurs, and academics;

Whereas broad segments of the Hong Kong community have expressed strong concerns about, and opposition to, the proposed new laws;

Whereas those members of Hong Kong's Legislative Council elected by universal suffrage oppose the proposed new laws, but are powerless to stop them against the majority of votes controlled directly and indirectly by the Government of the People's Republic of China;

Whereas the scheduled consideration of these proposals to restrict Hong Kong's freedoms in the Legislative Council on July 9, 2003, makes the threat to its people clear and imminent; and

Whereas it is the duty of freedom loving people everywhere to stand with the people of Hong Kong against this dangerous erosion of its long-held and cherished rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns any restriction of the freedom of thought, expression, or association in Hong Kong, consistent with the United States-Hong Kong Policy Act of 1992;

(2) recognizes that because Hong Kong exercises considerable influence in international affairs, as a developed economy, financial center, trading entrepot and shipping center, reductions in the existing freedom of the Hong Kong people would be of global significance;

(3) urges the Hong Kong Government and the People's Republic of China to withdraw the proposed implementation of Article 23 of the Basic Law insofar as it would reduce the basic human freedoms of the people of Hong Kong;

(4) calls upon the People's Republic of China, the National People's Congress, and any other groups appointed by the Government of the People's Republic of China to leave all revisions of Hong Kong law to a legislature elected by universal suffrage;

(5) urges immediate elections for the Legislative Council of Hong Kong according to rules approved by the Hong Kong people through an election-law convention, referendum, or both;

(6) calls upon the Government of the People's Republic of China to fully respect the autonomy and independence of the chief executive, the civil service, the judiciary, the police of Hong Kong, and the Independent Commission Against Corruption; and

(7) calls upon the United States Government, other governments, the people of the United States, and the people of the world to support freedom in Hong Kong by—

(A) making clear statements against any limitations on existing human freedoms in Hong Kong; and

(B) transmitting those statements to the people and the Government of the People's Republic of China.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶71.9 ANTI-SEMITIC VIOLENCE IN EUROPE

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 49):

Whereas the expressions of anti-Semitism experienced throughout the region encompassing the participating States of the Organization for Security and Cooperation in Europe (OSCE) have included physical assaults, with some instances involving weapons or stones, arson of synagogues, and desecration of Jewish cultural sites, such as cemeteries and statues;

Whereas vicious propaganda and violence in many OSCE States against Jews, foreigners, and others portrayed as alien have reached alarming levels, in part due to the dangerous promotion of aggressive nationalism by political figures and others;

Whereas violence and other manifestations of xenophobia and discrimination can never be justified by political issues or international developments;

Whereas the Copenhagen Concluding Document adopted by the OSCE in 1990 was the first international agreement to condemn anti-Semitic acts, and the OSCE participating States pledged to ''clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti–Semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds'';

Whereas the OSCE Parliamentary Assembly at its meeting in Berlin in July 2002 unanimously adopted a resolution that, inter alia, called upon participating States to ''ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings'';

Whereas Decision No. 6 adopted by the OSCE Ministerial Council at its Tenth Meeting in Porto, Portugal in December 2002 (the ''Porto Ministerial Declaration'') condemned ''the recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti–Semitism has played throughout history as a major threat to freedom'';

Whereas the Porto Ministerial Declaration also urged ''the convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia''; and

Whereas on December 10, 2002, at the Washington Parliamentary Forum on Confronting and Combating anti-Semitism in the OSCE Region, representatives of the United States Congress and the German Parliament agreed to denounce all forms of anti–Semitism and agreed that ''anti–Semitic bigotry must have no place in our democratic societies'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) officials of the executive branch and Members of Congress should raise the issue

of anti-Semitism in their bilateral contacts with other countries and at multilateral fora, including meetings of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) and the Twelfth Annual Session of the OSCE Parliamentary Assembly to be convened in July 2003;

(2) participating States of the OSCE should unequivocally condemn anti-Semitism (including violence against Jews and Jewish cultural sites), racial and ethnic hatred, xenophobia, and discrimination, as well as persecution on religious grounds whenever it occurs;

(3) participating States of the OSCE should ensure effective law enforcement by local and national authorities against criminal acts stemming from anti-Semitism, xenophobia, or racial or ethnic hatred, whether directed at individuals, communities, or property, including thorough investigation and prosecution of such acts;

(4) participating States of the OSCE should promote the creation of educational efforts throughout the region encompassing the participating States of the OSCE to counter anti-Semitic stereotypes and attitudes among younger people, increase Holocaust awareness programs, and help identify the necessary resources to accomplish this goal;

(5) legislators in all OSCE participating States should play a leading role in combating anti-Semitism and ensure that the resolution adopted at the 2002 meeting of the OSCE Parliamentary Assembly in Berlin is followed up by a series of concrete actions at the national level; and

(6) the OSCE should organize a separately designated human dimension event on anti-Semitism as early as possible in 2003, consistent with the Porto Ministerial Declaration adopted by the OSCE at the Tenth Meeting of the OSCE Ministerial Council in December 2002.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BASS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶71.10 S. 858—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 858) Abraham Lincoln Bicentennial Commission Extension.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 2

¶71.11 [Roll No. 312]

YEAS—409

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

NAYS—2

Paul
Sensenbrenner

NOT VOTING—23

Baker
Barrett (SC)
Brown-Waite, Ginny
Conyers
Cubin
Everett
Flake
Fletcher
Franks (AZ)
Hayworth
Hunter
John
Kolbe
Larsen (WA)
Renzi
Saxton
Shadegg
Skelton
Smith (WA)
Stenholm
Tauzin
Weiner
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶71.12 H.R. 2474—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2474) to require that funds made available for fiscal years 2003 and 2003 for the Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶71.13 [Roll No. 313]

YEAS—411

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

NOT VOTING—23

Barrett (SC)
Bishop (GA)
Brown-Waite, Ginny
Chocola
Conyers
Cubin
Everett
Flake
Fletcher
Franks (AZ)
Hayworth
Hunter
Kolbe
Larsen (WA)
Renzi
Saxton
Shadegg
Skelton
Smith (WA)
Stenholm
Watson
Weiner
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to authorize the Congressional Hunger Center to award Bill Emerson and Mickey Leland Hunger Fellowships for fiscal years 2003 and 2004.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶71.14 H.J. RES. 49—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the joint resolution (H.J. Res. 49) recognizing the important service to the Nation provided by the foreign Agricultural Service of the Department of Agriculture on the occasion of its 50th anniversary.

The question being put,

Will the House suspend the rules and pass said joint resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 0

¶71.15 [Roll No. 314]

YEAS—409

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

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

NOT VOTING—25

Barrett (SC)
Brown-Waite, Ginny
Cantor
Chocola
Conyers
Cubin
DeMint
Everett
Flake
Fletcher
Franks (AZ)
Hayworth
Hunter
Kolbe
Larsen (WA)
Linder
Miller (FL)
Pence
Renzi
Saxton
Shadegg
Skelton
Smith (WA)
Weiner
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶71.16 RELEASE OF DR. YANG JIANLI

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following resolution (H. Res. 199); as amended:

Whereas according to the United States Department of State's 2002 Country Reports on Human Rights Practices in China, the Government of the People's Republic of China has ''continued to commit numerous and serious [human rights] abuses'', including ''instances of . . . arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process'';

Whereas according to the 2002 Country Reports on Human Rights Practices in China, ''the country's criminal procedures were not in compliance with international standards'', ''the lack of due process in the judicial system remained a serious problem'', and ''authorities routinely violated legal protections in the cases of political dissidents'';

Whereas Dr. Yang Jianli, an internationally renowned scholar, prodemocracy activist, and President of the Foundation for China in the 21st Century, is an alien lawfully admitted for permanent residence into the United States;

Whereas Dr. Yang Jianli has been detained incommunicado by the Government of the People's Republic of China since April 26, 2002, when he was arrested for reportedly entering China with false or incomplete identity documents;

Whereas according to the United Nations Commission on Human Rights Resolution 1997/38, ''prolonged incommunicado detention may . . . itself constitute a form of cruel, inhuman, or degrading treatment'', which is prohibited by international law;

Whereas Dr. Yang Jianli has been deprived of his basic human rights by being denied access to legal counsel and contact with his wife and two children (who are United States citizens), and has also been denied his right to trial within a reasonable time or to release;

Whereas on May 7, 2003, the United Nations Working Group on Arbitrary Detention expressed the opinion that ''[t]he non-observance of Mr. Yang Jianli's right to a fair trial is of such gravity as to give his deprivation of liberty an arbitrary character. Therefore, his arrest and detention is arbitrary being in contravention of Article 9 of the Universal Declaration on Human Rights and of Article 9 of the International Covenant on Civil and Political Rights''; and

Whereas the arbitrary imprisonment and the violation of the human rights of United States citizens and permanent resident aliens by the Government of the People's Republic of China are sources of continuing, grave concern to the House of Representatives: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) condemns and deplores the incommunicado detention of Dr. Yang Jianli, and calls for his immediate and unconditional release;

(B) condemns and deplores the lack of due process afforded to Dr. Yang;

(C) strongly urges the Government of the People's Republic of China to respond to the repeated requests by Members of the House of Representatives for information about Dr. Yang's whereabouts and condition; and

(D) strongly urges the Government of the People's Republic of China to consider the implications for the broader relationship between the United States and the People's Republic of China of detaining permanent resident aliens of the United States without providing them access to legal counsel or family members; and

(2) it is the sense of the House of Representatives that the United States—

(A) should make the immediate release of Dr. Yang Jianli by the Government of the People's Republic of China a top concern of United States foreign policy;

(B) should continue to make every effort to assist Dr. Yang Jianli and his family while discussions of his release are ongoing;

(C) should make it clear to the Government of the People's Republic of China that the detention of United States citizens and permanent resident aliens and the infliction of human rights violations on these groups are not in the interest of the Government of the People's Republic of China because they create obstacles to improved bilateral relations and cooperation with the United States; and

(D) should reiterate the deep concern of the United States regarding the continued imprisonment of Dr. Yang Jianli and other United States citizens and permanent resident aliens whose human rights are being violated, and discuss their legal status and immediate humanitarian needs with the Government of the People's Republic of China.

The SPEAKER pro tempore, Mr. BASS, recognized Mr. SMITH of New Jersey and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶71.17 CONDEMNING TERRORISM INFLICTED ON ISRAEL

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 294):

Whereas Palestinian Authority Prime Minister Mahmoud Abbas (Abu Mazen) announced at the June 4, 2003, Aqaba Summit, ''Our goal is clear, and we will implement it firmly and without compromise: a complete end to violence and terrorism'';

Whereas Prime Minister Abbas also pledged at the Aqaba Summit to establish a system based on ''rule of law, [a] single political authority, [and] weapons only in the hands of those who are in charge of upholding the law and order . . .'';

Whereas the Middle East roadmap begins with the assertion that ''A two state solution to the Israeli-Palestinian conflict will only be achieved through an end to violence and terrorism (when the Palestinian people have a leadership acting decisively against terror and willing and able to build a practicing democracy based on tolerance and liberty)'';

Whereas 22 innocent Israelis nevertheless were murdered and scores wounded in three separate suicide bombings within less than a week after the Aqaba Summit, and the death toll from these terrorist actions is the equivalent of 1,100 on the basis of the United States population, nearly ten times the number of battle deaths the United States suffered in the recent Iraq War;

Whereas Palestinians are also victims of these terrorists, who undermine prospects for a just and lasting peace;

Whereas Islamic fundamentalist Hamas and Palestinian Islamic Jihad consistently make clear their opposition to Israel's existence in any form and within any borders and their determination to use violence and terrorism to achieve their anti-Israeli, anti-Semitic goals, and Hamas leader Abdel Aziz Rantisi vowed ''not to leave one Jew in Palestine'';

Whereas experience with terrorism demonstrates that there can be no productive negotiations or dialogue with terrorists and that a policy based on compromise with terrorists can only be doomed to failure;

Whereas the concept of ''cycle of violence'', which implies moral equivalence between terrorists and their victims, should be rejected as a description of Israeli-Palestinian dynamics, since Palestinian terrorism justifies Israeli counterterrorist operations as the response of a legitimate government defending its citizens;

Whereas Israeli counterterrorist operations would cease entirely were Palestinian terrorism to cease; and

Whereas Israel has no choice but to use its own measures to fight terrorism if the Palestinians are unwilling to do so: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the harshest terms the recent terrorist actions that victimized innocent Israelis;

(2) expresses solidarity with the Israeli people as they respond to ongoing terrorist attacks;

(3) expresses sympathy to the families of innocent Israelis and Palestinians who have lost their lives;

(4) commends the President of the United States for his vision of two states, Israel and Palestine, living side by side in peace and security;

(5) affirms that this vision can be fully realized only once terrorism is defeated, so that a new state may be created based on rule of law and respect for human rights;

(6) recognizes and respects Israel's right to fight terrorism and acknowledges Israel's fight against terrorism as part of the global war against terrorism;

(7) calls on all states to cease recognition of and political and material support for any Palestinian and other terrorist groups;

(8) calls on all states immediately to establish effective mechanisms to ensure that funding from private citizens cannot be directed to terrorist groups for any purpose whatsoever, including ostensible humanitarian purposes;

(9) calls on all states to provide support to the Palestinian Authority in its effort to confront and fight terror; and

(10) calls on all states to assist the Palestinian people in creating the institutions of a democratic state that will respect the rule of law and live in peace with its neighbors.

The SPEAKER pro tempore, Mr. SHIMKUS, recognized Ms. ROS-LEHTINEN and Mr. RAHALL, each for 20 minutes.

After debate,

By unanimous consent, the time for debate was extended by 20 minutes to be equally divided and controlled by Mr. LEACH and Mr. RAHALL.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. UPTON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. UPTON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, June 26, 2003.

¶71.18 PROVIDING FOR THE CONSIDERATION OF H.R. 2417

Mr. GOSS, by direction of the Committee on Rules, called up the following resolution (H. Res. 295):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. GOSS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶71.19 INTELLIGENCE AUTHORIZATION FY 2004

The SPEAKER pro tempore, Mr. UPTON, pursuant to House Resolution 295 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore, Mr. UPTON, by unanimous consent, designated Mr. ISAKSON as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. OSE assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. HEFLEY, assumed the Chair.

When Mr. ISAKSON, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶71.20 H. CON. RES. 49—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HEFLEY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 49) expressing the sense of the Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

The question being put,

Will the House suspend the rules and agree to the concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 0

¶71.21 [Roll No. 315]

YEAS—412

Abercrombie	Capuano	Evans
Ackerman	Cardin	Farr
Aderholt	Cardoza	Fattah
Akin	Carson (IN)	Feeney
Alexander	Carson (OK)	Ferguson
Allen	Carter	Filner
Andrews	Case	Foley
Baca	Castle	Forbes
Bachus	Chabot	Ford
Baird	Chocola	Frank (MA)
Baker	Clay	Frelinghuysen
Baldwin	Clyburn	Frost
Ballance	Coble	Gallegly
Ballenger	Cole	Garrett (NJ)
Barrett (SC)	Collins	Gerlach
Bartlett (MD)	Cooper	Gibbons
Barton (TX)	Costello	Gillmor
Bass	Cox	Gingrey
Beauprez	Cramer	Gonzalez
Becerra	Crane	Goode
Bell	Crenshaw	Goodlatte
Bereuter	Crowley	Gordon
Berkley	Culberson	Goss
Berman	Cummings	Granger
Berry	Cunningham	Graves
Biggert	Davis (AL)	Green (TX)
Bilirakis	Davis (CA)	Green (WI)
Bishop (GA)	Davis (FL)	Greenwood
Bishop (NY)	Davis (IL)	Grijalva
Bishop (UT)	Davis (TN)	Gutierrez
Blackburn	Davis, Jo Ann	Gutknecht
Blumenauer	Davis, Tom	Hall
Blunt	Deal (GA)	Harman
Boehlert	DeFazio	Harris
Boehner	DeGette	Hart
Bonilla	Delahunt	Hastings (FL)
Bonner	DeLauro	Hastings (WA)
Bono	DeLay	Hayes
Boozman	DeMint	Hefley
Boswell	Deutsch	Hensarling
Boucher	Diaz-Balart, L.	Herger
Boyd	Diaz-Balart, M.	Hill
Bradley (NH)	Dicks	Hinchey
Brady (PA)	Dingell	Hinojosa
Brady (TX)	Doggett	Hobson
Brown (OH)	Dooley (CA)	Hoeffel
Brown (SC)	Doolittle	Hoekstra
Brown, Corrine	Doyle	Holden
Burgess	Dreier	Holt
Burns	Duncan	Honda
Burr	Dunn	Hooley (OR)
Burton (IN)	Edwards	Hostettler
Buyer	Ehlers	Houghton
Calvert	Emanuel	Hoyer
Camp	Emerson	Hulshof
Cannon	Engel	Hyde
Cantor	English	Inslee
Capito	Eshoo	Isakson
Capps	Etheridge	Israel

Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Brown-Waite, Ginny
Conyers
Cubin
Everett
Flake
Fletcher
Fossella
Franks (AZ)
Gephardt
Gilchrest
Hayworth
Hunter
Kolbe
Meehan
Norwood
Pombo
Renzi
Saxton
Shadegg
Skelton
Smith (WA)
Stark

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶71.22 H. RES. 199—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HEFLEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 199) calling on the government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, calling on the President of the United States to continue working on behalf of Dr. Yang Jianli for his release, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 0

¶71.23 [Roll No. 316]

YEAS—412

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

NOT VOTING—22

Berman
Brown-Waite, Ginny
Conyers
Cubin
Everett
Flake
Fletcher
Fossella
Franks (AZ)
Gephardt
Gilchrest
Hayworth
Hunter
Kolbe
Norwood
Pombo
Renzi
Saxton
Shadegg
Skelton
Smith (WA)
Stark

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶71.24 H. RES. 294—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HEFLEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to said resolution (H. Res. 294) condemning the terrorism inflicted on Israel since the Aqaba Summit and expressing solidarity with the Israeli people in their fight against terrorism.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 399; Nays ..... 5; Answered present 7

¶71.25 [Roll No. 317]

YEAS—399

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

NAYS—5

Dingell, Kleczka, Paul, Rahall, Woolsey

ANSWERED ''PRESENT''—7

Clay, Kilpatrick, Kucinich, Lee, McDermott, Waters, Watt

NOT VOTING—23

Brown-Waite, Ginny, Conyers, Cubin, Everett, Flake, Fletcher, Fossella, Franks (AZ), Gephardt, Gilchrest, Hayworth, Hunter, Kolbe, Moran (VA), Norwood, Obey, Pombo, Renzi, Saxton, Shadegg, Skelton, Smith (WA), Stark

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶71.26 INTELLIGENCE AUTHORIZATION FY 2004

The SPEAKER pro tempore, Mr. HEFLEY, pursuant to House Resolution 295 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mr. SIMPSON, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. DREIER, assumed the Chair.

When Mr. SIMPSON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶71.27 RECESS—11:15 P.M.

The SPEAKER pro tempore, Mr. GARRETT of New Jersey, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 15 minutes p.m., subject to the call of the Chair.

THURSDAY, JUNE 26 (LEGISLATIVE DAY OF WEDNESDAY, JUNE 25), 2003

¶71.28 AFTER RECESS—6:18 A.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶71.29 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. PRYCE of Ohio, by direction of the Committee on Rules, reported (Rept. No. 108–179) the resolution (H. Res. 297) providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶71.30 PROVIDING FOR THE CONSIDERATION OF H.R. 2559

Ms. PRYCE of Ohio, by direction of the Committee on Rules, reported (Rept. No. 108–180) the resolution (H. Res. 298) providing for consideration of the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶71.31 PROVIDING FOR THE CONSIDERATION OF H.R. 1 AND H.R. 2596

Ms. PRYCE of Ohio, by direction of the Committee on Rules, reported (Rept. No. 108–181) the resolution (H. Res. 299) providing for consideration of the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes, and for

consideration of the bill (H.R. 2596) to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶71.32 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 24, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 658. An Act to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission.

H.R. 2312. An Act to amend the Communications Satellite of 1962 to provide for the orderly dilution of the ownership interest in Inmarsat by former signatories to the Inmarsat Operating Agreement.

¶71.33 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. EVERETT, for today;

To Mr. Adam SMITH of Washington, for June 23 and balance of the week; and

To Mr. STARK, for today after 5:30 p.m.

And then,

¶71.34 ADJOURNMENT

On motion of Ms. PRYCE of Ohio, at 6 o'clock and 20 minutes a.m., Thursday, June 26 (legislative day of Wednesday, June 25), 2003, the House adjourned.

¶71.35 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 2351. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings accounts and to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; with an amendment (Rept. 108–177). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 2473. A bill to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes; with an amendment (Rept. 108–178 Pt. 1). Ordered to be printed.

[June 26 (legislative day of June 25), 2003]

Mr. LINDER. Committee on Rules. House Resolution 297. Resolution providing for motions to suspend the rules (Rept. 108–179). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 298. Resolution providing for consideration of the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–180). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 299. Resolution providing for consideration of the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes and providing for consideration of the bill (H.R. 2596) to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes (Rept. 108–181). Referred to the House Calendar.

¶71.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HASTERT (for himself, Mr. DELAY, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. THOMAS, Mr. TAUZIN, Mrs. JOHNSON of Connecticut, Mr. BILIRAKIS, Mr. PETERSON of Minnesota, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Mr. BRADLEY of New Hampshire, Mr. BURNS, Ms. DUNN, Mr. FLETCHER, Mr. GOSS, Mr. GRAVES, Mr. MCCRERY, Mr. NUNES, Mr. SIMMONS, and Mr. SULLIVAN):

H.R. 1. A bill to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes; referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. RENZI, and Mr. UDALL of New Mexico):

H.R. 2595. A bill to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002; to the Committee on Veterans' Affairs.

By Mr. THOMAS:

H.R. 2596. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself and Mr. CASE):

H.R. 2597. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Energy and Commerce.

By Mr. BRADLEY of New Hampshire (for himself and Mr. CANTOR):

H.R. 2598. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries; to the Committee on Ways and Means.

By Mr. DOOLITTLE (for himself and Mr. HERGER):

H.R. 2599. A bill to direct the Secretary of the Interior to quitclaim to Yuba River Properties certain land in Yuba County, California, so as to extinguish a claim of title asserted by the Department of the Interior; to the Committee on Resources.

By Mr. FALEOMAVAEGA:

H.R. 2600. A bill to amend the Immigration and Nationality Act to simplify the requirements for United States nationals to become citizens; to the Committee on the Judiciary.

By Ms. LOFGREN (for herself and Mr. DOOLITTLE):

H.R. 2601. A bill to amend title 17, United States Code, to allow abandoned copyrighted works to enter the public domain after 50 years; to the Committee on the Judiciary.

By Mr. OTTER:

H.R. 2602. A bill to amend the Endangered Species Act of 1973 to make the authority of the Secretary to designate critical habitat discretionary instead of mandatory, and for other purposes; to the Committee on Resources.

By Mr. PEARCE:

H.R. 2603. A bill to impose limitations on the authority of the Secretary of the Interior to claim title or other rights to water absent specific direction of law or to abrogate, injure, or otherwise impair any right to the use of any quantity of water; to the Committee on Resources.

By Mr. RANGEL:

H.R. 2604. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage diversity of ownership of telecommunications businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. EDWARDS, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. VAN HOLLEN, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. WYNN, Mr. MCGOVERN, Mr. FARR, Mr. HINCHEY, Mr. PAYNE, Ms. LEE, Mr. SERRANO, Mr. REYES, Mr. CASE, Mr. WATT, Mr. DAVIS of Alabama, Mr. HOEFFEL, Mr. GEORGE MILLER of California, Mr. CONYERS, Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Mr. GREEN of Texas, Mr. CLYBURN, and Mr. OWENS):

H.R. 2605. A bill to nullify the effect of section 4 of Executive Order 13279; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. STENHOLM, Mr. TANNER, Mr. TURNER of Texas, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOYD, Mr. DAVIS of Tennessee, Mr. FORD, Mr. HOLDEN, Mr. ISRAEL, Mr. JOHN, Mr. LUCAS of Kentucky, Mr. MATHESON, Mr. MCINTYRE, Mr. MICHAUD, Mr. MOORE, Mr. POMEROY, Mr. SCOTT of Georgia, Mr. LIPINSKI, Mr. ALEXANDER, and Mr. CARDOZA):

H.R. 2606. A bill to amend title XVIII of the Social Security Act to provide prescription drug coverage under the Medicare Program, to make improvements in Medicare payment for rural providers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways

and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES (for himself, Mr. HAYWORTH, Ms. DELAURO, Ms. ROS-LEHTINEN, Mr. BOSWELL, Mr. STUPAK, Mr. BALLANCE, Mr. BEREUTER, Mr. ORTIZ, Mr. DEUTSCH, and Mr. RYAN of Wisconsin):

H. Con. Res. 230. Concurrent resolution honoring the 10 communities selected to receive the 2003 All-America City Award; to the Committee on Government Reform.

¶71.37 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

128. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 187 memorializing the United States Congress to enact legislation preventing the Federal Communications Commission from reimposing wireless number portability rules until such time as it finds that implementation of the capabilities necessary for emergency communications and homeland security and compliance with the FCC's E-911 mandates are complete; to the Committee on Energy and Commerce.

129. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Resolution No. 13-150 memorializing the United States Congress to act favorably and expeditiously on H.R. 1189, affecting the United States insular territories of American Samoa, Guam, the Virgin Islands and the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

130. Also, a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution No. 22 memorializing the United States Congress to be urged to take action to stabilize domestic crude oil supplies through facilitating additional production, to decrease our nation's need for foreign oil from undependable sources, to increase federal and state revenue from oil and gas leasing; jointly to the Committees on Resources and Energy and Commerce.

131. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 22 memorializing the United States Congress to appropriate for and expedite funding of state and local homeland defense activities; jointly to the Committees on the Judiciary and Transportation and Infrastructure.

132. Also, a memorial of the Senate of the State of Wisconsin, relative to Senate Resolution No. 7, memorializing the United States Congress to urge the Wisconsin congressional delegation to work to enact legislation that would reform the current Medicare system and create a funding method that will dispense equal benefits regardless of geography; jointly to the Committees on Ways and Means and Education and the Workforce.

133. Also, a memorial of the General Assembly of the State of Rhode Island, relative to House Resolution 2003-H 5247 memorializing the Congress of the United States to enact legislation that would permanently eliminate the fifteen percent (15%) reduction in home health Medicare payments implemented October 1, 2002; jointly to the Committees on Ways and Means and Energy and Commerce.

¶71.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. ANDREWS, Mr. FLETCHER, and Mr. CUMMINGS.
H.R. 97: Mrs. CAPITO, Mr. VITTER, Mr. COSTELLO, and Mr. WEINER.
H.R. 111: Mr. FATTAH.
H.R. 220: Mr. PEARCE.
H.R. 227: Mr. MCDERMOTT and Mr. OWENS.
H.R. 235: Mr. HASTINGS of Washington, Mr. CRENSHAW, Mr. RYAN of Wisconsin, and Mr. ISAKSON.
H.R. 236: Ms. HARMAN, Mr. BOUCHER, and Mr. ORTIZ.
H.R. 303: Mr. PRICE of North Carolina.
H.R. 369: Mr. EHLERS.
H.R. 438: Mr. JENKINS.
H.R. 439: Mr. OWENS.
H.R. 528: Mr. MCHUGH.
H.R. 531: Mr. WEINER.
H.R. 627: Mr. LARSON of Connecticut.
H.R. 668: Mr. OWENS.
H.R. 687: Mr. JANKLOW and Mr. BOOZMAN.
H.R. 709: Mrs. KELLY.
H.R. 737: Mr. DAVIS of Illinois.
H.R. 785: Mr. MICHAUD.
H.R. 792: Mr. HILL, Mr. JEFFERSON, Mrs. NAPOLITANO, and Ms. ROS-LEHTINEN.
H.R. 817: Mr. GINGREY.
H.R. 832: Mr. GEPHARDT and Ms. BERKLEY.
H.R. 852: Mr. VAN HOLLEN, Mr. SANDERS, and Mr. BLUMENAUER.
H.R. 869: Mr. EVANS.
H.R. 873: Mrs. JO ANN DAVIS of Virginia.
H.R. 898: Mr. STRICKLAND, Mr. GORDON, and Mr. LANTOS.
H.R. 996: Mr. REYES, Mr. DAVIS of Tennessee, Mr. RYUN of Kansas, Ms. HART, Mr. JEFFERSON, Mr. WILSON of South Carolina, Mrs. BLACKBURN, Mr. JENKINS, and Mr. LARSON of Connecticut.
H.R. 1099: Mr. GUTKNECHT.
H.R. 1125: Mr. REHBERG, Mr. BARRETT of South Carolina, and Mr. WELDON of Pennsylvania.
H.R. 1157: Mr. GILCHREST.
H.R. 1167: Mr. UDALL of New Mexico, Mr. MOORE, and Mr. CARTER.
H.R. 1177: Mr. BISHOP of Utah, Mr. PLATTS, and Mr. OWENS.
H.R. 1214: Mr. TERRY, Mr. PALLONE, Mr. PICKERING, Mr. KNOLLENBERG, Mr. GRIJALVA, Mr. RUSH, Mr. MARKEY, and Mr. CLAY.
H.R. 1215: Mr. FROST, Mr. JEFFERSON, Mr. VAN HOLLEN, Mr. RANGEL, and Mr. OWENS.
H.R. 1216: Mr. FROST, Mr. SKELTON, Mr. CASE, Mr. RANGEL, Mr. SANDERS, Mr. RYAN of Ohio, and Mr. OWENS.
H.R. 1217: Mr. CASE, Mr. SANDERS, Mr. RYAN of Ohio, and Mr. OWENS.
H.R. 1218: Mr. DUNCAN, Mr. EVANS, Ms. WOOLSEY, and Mr. OWENS.
H.R. 1238: Mr. MCDERMOTT.
H.R. 1285: Ms. DEGETTE.
H.R. 1296: Ms. WATSON and Mr. OWENS.
H.R. 1310: Mr. WU, Mr. SAM JOHNSON of Texas, Mr. BEAUPREZ, and Mr. BOEHLERT.
H.R. 1323: Mr. JANKLOW.
H.R. 1377: Mr. UDALL of Colorado.
H.R. 1388: Mr. FOLEY.
H.R. 1411: Mr. FROST, Mr. RAHALL, Ms. CORRINE BROWN of Florida, Mr. TAYLOR of Mississippi, Mr. GRIJALVA, Mr. DOYLE, Mr. RANGEL, and Mr. OWENS.
H.R. 1473: Mr. CLYBURN.
H.R. 1479: Mr. SIMMONS and Mr. HOUGHTON.
H.R. 1489: Mr. LUCAS of Kentucky and Mr. SHAW.
H.R. 1499: Ms. BERKLEY and Mrs. CHRISTENSEN.
H.R. 1516: Mr. WILSON of South Carolina.
H.R. 1551: Mr. PAYNE, Mr. PALLONE, and Mrs. CAPPS.
H.R. 1568: Mr. VAN HOLLEN.
H.R. 1585: Ms. HOOLEY of Oregon.
H.R. 1660: Mr. SENSENBRENNER.
H.R. 1671: Mr. NUNES.
H.R. 1677: Mr. LIPINSKI.
H.R. 1693: Mr. LIPINSKI.
H.R. 1695: Ms. CORRINE BROWN of Florida, Mr. CARDIN, Mr. FRANK of Massachusetts, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. OWENS, and Ms. WOOLSEY.
H.R. 1730: Mr. BLUMENAUER.
H.R. 1751: Mr. CLYBURN.
H.R. 1755: Mr. TURNER of Ohio.
H.R. 1767: Mr. CARTER.
H.R. 1769: Mr. HUNTER and Mr. LIPINSKI.
H.R. 1784: Mr. ISSA, Mr. FLETCHER, and Ms. JACKSON-LEE of Texas.
H.R. 1793: Mr. BARRETT of South Carolina and Mrs. BLACKBURN.
H.R. 1812: Mr. CROWLEY, Mr. GREENWOOD, Mr. BELL, Mr. HONDA, Ms. DEGETTE, Mr. WU, Ms. SOLIS, Mr. MICHAUD, and Mr. PRICE of North Carolina.
H.R. 1813: Mrs. NAPOLITANO, Mr. MCNULTY, Mr. LEWIS of Georgia, Mr. UDALL of Colorado, and Ms. LOFGREN.
H.R. 1838: Mr. UDALL of New Mexico.
H.R. 1871: Ms. WOOLSEY and Mr. OWENS.
H.R. 1873: Mrs. KELLY.
H.R. 1933: Mr. GRIJALVA and Ms. DELAURO.
H.R. 1964: Mr. FRANK of Massachusetts.
H.R. 1991: Mr. OWENS.
H.R. 1998: Ms. BALDWIN, Ms. DEGETTE, Mr. GREEN of Texas, Ms. ESHOO, Mr. FLETCHER, Mr. WALSH, and Mr. COSTELLO.
H.R. 2032: Mr. STUPAK, Ms. KAPTUR, Mr. SULLIVAN, and Mr. CARSON of Oklahoma.
H.R. 2065: Mr. PAUL.
H.R. 2081: Mr. OWENS.
H.R. 2124: Mr. OWENS and Mr. FROST.
H.R. 2127: Mr. KOLBE.
H.R. 2137: Mr. FROST, Mr. GREEN of Texas, Ms. ROS-LEHTINEN, and Mr. OWENS.
H.R. 2163: Mr. EVANS.
H.R. 2164: Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. RODRIGUEZ, Mr. STRICKLAND, Mr. EVANS, Mr. FILNER, and Mr. UDALL of New Mexico.
H.R. 2173: Mr. OWENS.
H.R. 2174: Mr. FROST.
H.R. 2176: Mrs. JO ANN DAVIS of Virginia, Mr. OWENS, Mr. JANKLOW, and Mr. BROWN of Ohio.
H.R. 2182: Mr. BELL, Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mr. SANDERS, and Mrs. CHRISTENSEN.
H.R. 2183: Mr. WILSON of South Carolina, Mr. OWENS, Mr. PICKERING, and Mr. CLAY.
H.R. 2198: Mr. CASE.
H.R. 2208: Ms. PRYCE of Ohio.
H.R. 2214: Mr. SMITH of Texas, Mr. BLUMENAUER, Mr. GREEN of Wisconsin, Mr. FOLEY, Mr. CASE, and Mr. MCHUGH.
H.R. 2216: Mrs. CHRISTENSEN, Mr. FROST, and Mr. JANKLOW.
H.R. 2249: Mr. CARSON of Oklahoma and Mr. BEREUTER.
H.R. 2260: Mr. WALSH, Mr. LATHAM, Mr. BOYD, Mr. LAMPSON, Mr. BAKER, Mr. TOWNS, Mr. PLATTS, Mr. LEACH, Mr. FROST, Mr. BURNS, Mr. MOLLOHAN, Mr. GEORGE MILLER of California, Ms. CARSON of Indiana, Mr. GREEN of Texas, Mr. DELAURO, Mr. HOEFFEL, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. MENENDEZ, Mr. STUPAK, Mr. MORAN of Virginia, and Mr. WU.
H.R. 2301: Mr. OWENS.
H.R. 2316: Mr. FROST, Mr. LATOURETTE, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. OWENS, and Mr. LANTOS.
H.R. 2318: Mr. PLATTS.
H.R. 2321: Mr. KILDEE.
H.R. 2323: Ms. KILPATRICK.
H.R. 2329: Ms. SLAUGHTER and Ms. JACKSON-LEE of Texas.
H.R. 2340: Mr. ENGLISH, Mr. MCHUGH, Mr. BARRETT of South Carolina, and Mr. PAUL.
H.R. 2357: Mr. JONES of North Carolina, Ms. BORDALLO, Mrs. BLACKBURN, Mr. FROST, and Mr. DEAL of Georgia.
H.R. 2361: Mr. LEWIS of Kentucky.
H.R. 2379: Mr. UDALL of New Mexico and Mr. BEREUTER.
H.R. 2394: Mr. SPRATT, Mr. ABERCROMBIE, Mr. OWENS, and Mrs. DAVIS of California.
H.R. 2433: Mr. MILLER of Florida and Mr. RYUN of Kansas.

H.R. 2444: Mr. BROWN of South Carolina, Mr. MILLER of Florida, Mr. BURTON of Indiana, and Mr. HENSARLING.

H.R. 2455: Mr. CASE, Ms. KAPTUR, Mr. STARK, Mrs. MALONEY, and Mr. OWENS.

H.R. 2462: Mr. WEXLER, Mr. PRICE of North Carolina, Mr. MCNULTY, and Mr. SPRATT.

H.R. 2474: Ms. MCCARTHY of Missouri.

H.R. 2475: Mr. LEWIS of Kentucky.

H.R. 2490: Mr. ENGEL.

H.R. 2497: Mr. BLUMENAUER.

H.R. 2514: Mr. STUPAK.

H.R. 2524: Ms. CARSON of Indiana.

H.R. 2532: Mrs. CHRISTENSEN.

H.R. 2546: Mr. STARK and Mr. OWENS.

H.R. 2556: Mr. BEAUPREZ, Mr. FRANKS of Arizona, Mr. MCKEON, Mr. TIBERI, and Mrs. MUSGRAVE.

H.R. 2569: Ms. PELOSI, Mr. MICHAUD, Mr. RAHALL, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. MCNULTY, Mrs. MALONEY, Mr. GRIJALVA, Mr. TURNER of Texas, Mr. SANDLIN, Mr. PALLONE, Mr. HOLDEN, Mr. KIND, Mr. JOHN, Mr. CUMMINGS, Mr. FARR, Mr. WYNN, Ms. WATERS, and Ms. SLAUGHTER.

H.J. Res. 56: Mr. MILLER of Florida and Mr. LEWIS of Kentucky.

H. Con. Res. 30: Mr. WU.

H. Con. Res. 60: Mr. MCINTYRE, Mr. LATOURETTE, Mr. SOUDER, Mr. CHABOT, Mr. WILSON of South Carolina, and Mr. SAXTON.

H. Con. Res. 175: Ms. LINDA T. SANCHEZ of California.

H. Con. Res. 212: Mr. CAPUANO.

H. Con. Res. 215: Mr. CONYERS, Mr. KILDEE, Mr. LEVIN, Mr. MCCOTTER, Mrs. MILLER of Michigan, and Mr. UPTON.

H. Res. 137: Mr. DOYLE and Mr. ALLEN.

H. Res. 144: Ms. WATSON, Mr. BELL, Mr. HOLDEN, Mr. WAXMAN, Ms. WOOLSEY, Mr. MCDERMOTT, and Mr. OWENS.

H. Res. 228: Ms. SOLIS.

H. Res. 234: Mr. CROWLEY and Ms. CARSON of Indiana.

H. Res. 254: Mr. KING of New York and Mr. OWENS.

H. Res. 290: Mr. LANTOS, Mr. SMITH of New Jersey, Mr. HOEFFEL, Mr. DOYLE, Mr. GREEN of Wisconsin, Mr. BELL, Ms. LINDA T. SANCHEZ of California, Ms. WATSON, Mr. BROWN of Ohio, Mr. SHERMAN, Mr. BERMAN, Mr. ENGEL, Mrs. MCCARTHY of New York, Mr. PAYNE, Ms. LEE, Mr. CROWLEY, Mr. SMITH of Michigan, Mr. MEEKS of New York, Mr. WEXLER, Mr. HASTINGS of Florida, and Mr. BURTON of Indiana.

H. Res. 294: Mr. CROWLEY, Ms. BERKLEY, Mr. CARDOZA, Mr. ROTHMAN, Mr. BERMAN, Mr. ACKERMAN, Mr. RAMSTAD, Mr. DEUTSCH, Ms. SCHAKOWSKY, Mr. BURNS, Mr. SCHIFF, Mr. WEINER, Mr. KENNEDY of Minnesota, Mrs. MCCARTHY of New York, Mr. CARDIN, Mr. WEXLER, and Mr. ENGEL.

THURSDAY, JUNE 26, 2003 (72)

The House was called to order by the SPEAKER.

¶72.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, June 25, 2003.

Mr. MCNULTY, pursuant to clause 1, rule I, demanded a vote on the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. MCNULTY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER, pursuant to clause 8, rule XX, announced that the vote would be postponed.

¶72.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2886. A letter from the Deputy Secretary, Department of Defense, transmitting notification of munitions disposal, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

2887. A letter from the Acting Under Secretary, Department of Defense, transmitting a report on the results of an evaluation of the programmatic impact of combining funding and administration for the Historically Black Colleges and Universities and Minority Institutions program, the Hispanic-Serving Institutions program, and the American Indian Tribal Colleges program; to the Committee on Armed Services.

2888. A letter from the Secretary, Department of Transportation, transmitting The Department's annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

2889. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Natural Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions; and Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j) [FRL-7498-8] (RIN: 2060-AK52) received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2890. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of West Virginia; Control of Emissions from Existing Small Municipal Waste Combustion Units [WV06-6027a; FRL-7503-2] received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2891. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Vermont; Negative Declaration [VT-1226a; FRL-7502-1] received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2892. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Management and Control of Asbestos Disposal Sites Not Operated After July 9, 1981: State of New Hampshire Department of Environmental Services [FRL-7490-6] received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2893. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Regional Haze Rule to Incorporate Sulfur Dioxide Milestones and Backstop Emissions Trading Program for Nine Western States and Eligible Indian Tribes Within that Geographic Area [FRL-7504-4] received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2894. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Gas Turbines [OAR-2002-0053, FRL-7502-4] (RIN: 2060-AK35) received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2895. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [OAR-2002-0045, FRL-7502-7] (RIN: 2060-AK53) received May 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2896. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of the Hashemite Kingdom of Jordan (Transmittal No. 02-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

2897. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective May 18, 2003 a 25% danger pay allowance has been designated for Saudi Arabia, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

2898. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the FY 2002 Annual Report on U.S. Government Assistance to and Cooperative Activities with Eurasia; to the Committee on International Relations.

2899. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's proposed legislation relating to sexual abuse and contraband offenses relating to Federal prisoners; to the Committee on the Judiciary.

2900. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-131, -132, and -133; A320-232 and -233; and A321-231 Series Airplanes; Equipped with International Aero Engines (IAE) V25()()-A5 Engines [Docket No. 2003-NM-124-AD; Amendment 39-13159; AD 2003-10-14] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2901. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 2003-NM-118-AD; Amendment 39-13149; AD 2003-10-04] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2902. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes [Docket No. 2003-CE-17-AD; Amendment 39-13150; AD 2003-10-05] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2903. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International (CFMI) CFM56-5C Series Turbofan Engines [Docket No. 95-ANE-64-AD; Amendment 39-13094; AD 97-09-02R2] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2904. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier-Werke G.m.b.H. Model Do 27 Q-6 Airplanes [Docket No. 2002-CE-55-AD; Amendment 39-13096; AD 2003-06-08] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2905. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA — Groupe AEROPATIALE Models MS 892A-150, MS 892E-150, MS 893A, MS 893E, MS 894E, Rallye 150T, and Rallye 150ST Airplanes [Docket No. 2002-CE-49-AD; Amendment 39-13095; AD 2003-06-07] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2906. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 440) Series Airplanes [Docket No. 2002-NM-100-AD; Amendment 39-13070; AD 2003-04-21] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2907. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2002-NM-218-AD; Amendment 39-13084; AD 2003-05-08] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2908. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Model HC-C2Y(K,R)-1BF/F8477- Propellers [Docket No. 2001-NE-47-AD; Amendment 39-13089; AD 2003-06-02] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2909. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2001-NM-289-AD; Amendment 39-13068; AD 2003-04-19] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2910. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-212-AD; Amendment 39-13067; AD 2003-04-18] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2911. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Aerospace Propellers, Models R354, R375, R389, and R390 Propellers [Docket No. 2000-NE-18-AD; Amendment 39-13074; AD 2003-04-25] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2912. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Model HC-B3TN-5() Propellers [Docket No. 2001-NE-44-AD; Amendment 39-13072; AD 2003-04-23] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2913. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Model HD-E6C-3B/E13890K [Docket No. 2000-NE-60-AD; Amendment 39-13071; AD 2003-04-22] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2914. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 Series Airplanes [Docket No. 2002-NM-93-AD; Amendment 39-13076; AD 2003-04-27] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2915. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 1900D Airplanes [Docket No. 2002-CE-32-AD; Amendment 39-13075; AD 2003-04-26] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada (Bell) Model 427 Helicopters [Docket No. 2002-SW-19-AD; Amendment 39-13063; AD 2003-04-14] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 2001-NM-334-AD; Amendment 39-13057; AD 2003-04-09] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2918. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA341G and SA342J Helicopters [Docket No. 2002-SW-47-AD; Amendment 39-13062; AD 2003-04-13] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2919. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 427 Helicopters [Docket No. 2001-SW-43-AD; Amendment 39-13061; AD 2003-04-12] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2920. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No. 2002-SW-55-AD; Amendment 39-13060; AD 2002-25-51] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2921. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, B, and C Helicopters [Docket No. 2003-SW-06-AD; Amendment 39-13064; AD 2003-04-15] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2922. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-389-AD; Amendment 39-13058; AD 2003-04-10] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2923. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2002-NM-100-AD; Amendment 39-13070; AD 2003-04-21 R1] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2924. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2002-NM-353-AD; Amendment 39-13073; AD 2003-04-24] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2925. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schweizer Aircraft Corporation Model 269D Helicopters [Docket No. 2002-SW-57-AD; Amendment 39-13134; AD 2003-09-05] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2926. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; and DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 2001-NM-170-AD; Amendment 39-13136; AD 2003-09-07] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2927. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 441 and F406 Airplanes [Docket No. 2002-CE-18-AD; Amendment 39-13138; AD 2003-09-09] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2928. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Models BR700-710A1-10 and BR700-710A2-20 Turbofan Engines; Correction [Docket No. 2000-NE-48-AD; Amendment 39-13107; AD 2003-07-11] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2929. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Models BR700-710A1-10 and BR700-710A2-20 Turbofan Engines [Docket No. 2000-NE-48-AD; Amendment 39-13107; AD 2003-07-11] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2930. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (Formerly Allison Engine Company) 501-D Series Turboprop Engines [Docket No. 2001-NE-01-AD; Amendment 39-13098; AD 2003-07-02] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2931. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B and -200F Series Airplanes Powered by Pratt & Whitney JT9D-70 Series Engines [Docket No. 2002-NM-23-AD; Amendment 39-13059; AD 2003-04-11] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2932. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model DH.125, HS.125, and BH.125 Series Airplanes; Model BAe.125 Series 800A, 800A (C-29A), 800A (U-125), 800B, 1000A, and 1000B Airplanes; and Model Hawker 800, 800 (including variant U-125A), 1000, and 800XP Airplanes [Docket No. 2002-NM-15-AD; Amendment 39-13069; AD 2003-04-20] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2933. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes [Docket No. 2003-CE-07-AD; Amendment 39-13043; AD 2003-03-18] (RIN: 2120-AA64) received June 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2934. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled, ''Suspension of Limitations Under the Jerusalem Embassy Act'' (Presidential Determination No. 2003-26), pursuant to Public Law 104—45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

2935. A letter from the Associate Administrator, Office of Veterans Business Development, Small Business Administration, transmitting a letter regarding a report describing the activities of the Committee and any recommendations developed by the Committee for the promotion of small business concerns owned and controlled by veterans; jointly to the Committees on Small Business and Veterans' Affairs.

2936. A letter from the Railroad Retirement Board, transmitting a copy of the 22nd Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts, pursuant to 45 U.S.C. 231f—1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

¶72.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 825. An Act to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building''.

H.R. 917. An Act to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building''.

H.R. 925. An Act to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the ''Cesar Chavez Post Office''.

H.R. 981. An Act to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the ''James R. Merry Post Office''.

H.R. 985. An Act to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the ''Delbert L. Latta Post Office Building''.

H.R. 1055. An Act to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the ''Dr. Roswell N. Beck Post Office Building''.

H.R. 1368. An Act to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the ''Norman D. Shumway Post Office Building''.

H.R. 1465. An Act to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office''.

H.R. 1596. An Act to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the ''Timothy Michael Gaffney Post Office Building''.

H.R. 1609. An Act to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the ''Admiral Donald Davis Post Office Building''.

H.R. 1740. An Act to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ''Dr. Caesar A.W. Clark, Sr. Post Office Building''.

H.R. 2030. An Act to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 163. An Act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

S. 498. An Act to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine, in recognition of his contributions to the Nation.

S. 867. An Act to designate the facility of the United States Postal Service located at 710 Wicks Lane in Billings, Montana, as the ''Ronald Reagan Post Office Building''.

S. 1207. An Act to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building''.

¶72.4 INTELLIGENCE AUTHORIZATION FY 2004

The SPEAKER pro tempore, Mr. PENCE, pursuant to House Resolution 295 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mrs. BIGGERT, Acting Chairman, assumed the chair; and after some time spent therein,

¶72.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HASTINGS of Florida:

At the end of subtitle D of title III, insert the following new section:

SEC. 337. IMPROVEMENT OF RECRUITMENT, HIRING AND RETENTION OF ETHNIC AND CULTURAL MINORITIES IN THE INTELLIGENCE COMMUNITY.

(a) PILOT PROJECT TO IMPROVE DIVERSITY THROUGHOUT THE INTELLIGENCE COMMUNITY USING INNOVATIVE METHODOLOGIES FOR THE RECRUITMENT, HIRING AND RETENTION OF ETHNIC AND CULTURAL MINORITIES AND WOMEN WITH THE DIVERSITY OF SKILLS, LANGUAGES AND EXPERTISE REFLECTIVE OF THE CURRENT MISSION.—The Director of Central Intelligence shall carry out a pilot project under this section to test and evaluate alternative, innovative methods to recruit and hire for the intelligence community women and minorities with diverse ethnic and cultural backgrounds, skills, language proficiency, and expertise.

(b) METHODS.—In carrying out the pilot project, the Director shall employ methods such as advertising in foreign language newspapers in the United States, site visits to institutions with a high percentage of students who study English as a second language, and other methods that are not used by the Director under the DCI Diversity Strategic Plan to increase diversity of officers and employees in the intelligence community.

(c) DURATION OF PROJECT.—The Director shall carry out the project under this section for a 3-year period.

(d) REPORT.—Not later than 2 years after the date the Director implements the pilot project under this section, the Director shall submit to Congress a report on the project. The report shall include—

(1) an assessment of the effectiveness of the project; and

(2) recommendations on the continuation of the project as well as for improving the effectiveness of the project in meeting the goals of increasing the recruiting and hiring of women and minorities within the intelligence community.

(e) DIVERSITY PLAN.—(1) Not later than February 15, 2004, the Director of Central Intelligence shall submit to Congress a report which describes the plan of the Director, entitled the ''DCI Diversity Strategic Plan'', and any subsequent revision to that plan, to increase diversity of officers and employees in the intelligence community, including the short- and long-term goals of the plan. The report shall also provide a detailed description of the progress that has been made by each element of the intelligence community in implementing the plan.

(2) In implementing the plan, the Director shall incorporate innovative methods for the recruitment and hiring of women and minorities that the Director has determined to be effective from the pilot project carried out under this section.

(f) DEFINITION.—In this section, the term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4))).

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶72.6 [Roll No. 318]

AYES—418

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

NOT VOTING—16

Brown-Waite, Ginny
Conyers
Cubin
Engel
Fattah
Gephardt
Hulshof
Jefferson
Kaptur
Kleczka
Rangel
Sessions
Smith (WA)
Weldon (PA)
Wynn
Young (AK)

So the amendment was agreed to.

¶72.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. KUCINICH:

At the end of title III, add the following new section:

SEC. 345. REPORT ON COMMUNICATIONS BETWEEN THE CENTRAL INTELLIGENCE AGENCY AND THE OFFICE OF THE VICE PRESIDENT ON WEAPONS OF MASS DESTRUCTION IN IRAQ.

(a) AUDIT.—The Inspector General of the Central Intelligence Agency shall conduct an audit of all telephone and electronic communications between the Central Intelligence Agency and the Office of the Vice President that relate to weapons of mass destruction obtained or developed by Iraq preceding Operation Iraqi Freedom on or after September 11, 2001.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General shall submit to Congress a report on the audit conducted under sub-section (a). The report shall be submitted in unclassified form, but may contain a classified annex.

It was decided in the negative ..... { Yeas ..... 76 / Nays 347

¶72.8 [Roll No. 319]

AYES—76

Allen
Baldwin
Becerra
Berkley
Blumenauer
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Davis (IL)
DeFazio
Delahunt
Dingell
Doggett
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hinchey
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kleczka
Kucinich
Lee
Lewis (GA)
Lofgren
Maloney
Markey
McDermott
McGovern
Meehan
Meeks (NY)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pastor
Paul
Payne
Rahall
Rush
Ryan (OH)
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Solis
Stark
Strickland
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOES—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)

Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (FL)

NOT VOTING—11

Brown-Waite, Ginny
Conyers
Cubin
Gephardt
Jefferson
Kaptur
Rangel
Sessions
Smith (WA)
Wynn
Young (AK)

So the amendment was not agreed to.

¶72.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. LEE:

At the end of title III, add the following new section:

SEC. 345. REPORT ON INTELLIGENCE SHARING WITH UNITED NATIONS WEAPONS INSPECTORS SEARCHING FOR WEAPONS OF MASS DESTRUCTION IN IRAQ.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the extent to which intelligence developed by the Department of Defense and by the intelligence community with respect to weapons of mass destruction obtained or developed by Iraq preceding Operation Iraqi Freedom was made available to the United Nations weapons inspectors and the quantity and quality of the information that was provided (if any).

(b) SPECIFIC MATTER STUDIED.—The study shall provide for an analysis of the sufficiency of the intelligence provided by the Director of Central Intelligence to those weapons inspectors, and whether the information was provided in a timely manner and in a sufficient quantity and quality to enable the inspectors to locate, visit, and conduct investigations on all high and medium value suspected sites of weapons of mass destruction.

(c) ACCESS TO INFORMATION.—(1) Subject to paragraph (2), the Comptroller General may secure directly from any agency or department of the United States information necessary to carry out the study under subsection (a).

(2) The appropriate Federal agencies or departments shall cooperate with the Comptroller General in expeditiously providing appropriate security clearance to individuals carrying out the study to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(d) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a). The report shall be submitted in unclassified form, but may contain a classified annex.

It was decided in the negative ..... { Yeas ..... 185 / Nays 239

¶72.10 [Roll No. 320]

AYES—185

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

NOES—239

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

NOT VOTING—10

Brown-Waite, Ginny
Conyers
Cubin
Gephardt
Lynch
Rangel
Sessions
Smith (WA)
Wynn
Young (AK)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SHIMKUS, assumed the Chair.

When Mrs. BIGGERT, Acting Chairman, pursuant to House Resolution 295, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole

House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2004''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Intelligence elements of the Department of the Treasury.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—Recurring General Provisions

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.

Subtitle B—Intelligence

Sec. 311. Modification of notice and wait requirements on projects to construct or improve intelligence community facilities.

Subtitle C—Counterintelligence

Sec. 321. Counterintelligence initiatives for the intelligence community.

Subtitle D—Other Matters

Sec. 331. Extension of suspension of reorganization of Diplomatic Telecommunications Service Program Office.
Sec. 332. Modifications of authorities on explosive materials.
Sec. 333. Modification of prohibition on the naturalization of certain persons.
Sec. 334. Modification to definition of financial institution in the Right to Financial Privacy Act.
Sec. 335. Procedural requirements for Central Intelligence Agency relating to products of Federal prison industries.
Sec. 336. Improvement of information sharing among federal, State, and local government officials.
Sec. 337. Improvement of recruitment, hiring and retention of ethnic and cultural minorities in the intelligence community.

Subtitle E—Reports and Technical Amendments

Sec. 341. Extension of deadline for final report of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
Sec. 342. Modification of various reports required of intelligence community elements.
Sec. 343. Technical amendments.
Sec. 344. Report on lessons learned from military operations in Iraq.
Sec. 345. Modification of terrorist identification classification system.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Protection from tort liability for certain Central Intelligence Agency personnel.
Sec. 402. Repeal of limitation on use of funds in Central Services Working Capital Fund.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

Sec. 501. Use of funds for counterdrug and counterterrorism activities for Colombia.
Sec. 502. Authority to provide living quarters for certain students in cooperative and summer education programs of the National Security Agency.
Sec. 503. Authority for intelligence community elements of Department of Defense to award personal service contracts.
Sec. 504. Protection of certain National Security Agency personnel from tort liability.
Sec. 505. Measurement and signatures intelligence program.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The National Reconnaissance Office.
(6) The National Imagery and Mapping Agency.
(7) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(8) The Department of State.
(9) The Department of the Treasury.
(10) The Department of Energy.
(11) The Department of Justice.
(12) The Federal Bureau of Investigation.
(13) The Department of Homeland Security.
(14) The Coast Guard.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2004, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2417 of the One Hundred Eighth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2004 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2004 the sum of $192,640,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2005.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 320 full-time personnel as of September 30, 2004. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2004 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2004.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2004, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2004 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $34,248,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2005, and funds provided for procurement purposes shall remain available until September 30, 2006.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. INTELLIGENCE ELEMENTS OF THE DEPARTMENT OF THE TREASURY.

(a) IN GENERAL.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

''BUREAU OF INTELLIGENCE AND ENFORCEMENT OF THE DEPARTMENT OF THE TREASURY

''SEC. 119. (a) IN GENERAL.—There is within the Department of the Treasury a Bureau of Intelligence and Enforcement headed by an Assistant Secretary for Intelligence and Enforcement, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) RESPONSIBILITIES.—(1) The Assistant Secretary for Intelligence and Enforcement shall oversee and coordinate functions of the Bureau of Intelligence and Enforcement.

''(2) The Assistant Secretary shall report directly to the Secretary of the Treasury.

''(c) COMPOSITION OF BUREAU.—The Bureau of Intelligence and Enforcement shall consist of the following offices:

''(1) The Office of Intelligence Support.

''(2) The Office of Foreign Assets Control.

''(3) The Financial Crimes Enforcement Network.

''(4) Such other offices as the Assistant Secretary may establish.''.

(2) The table of contents contained in the first section of such Act is amended by inserting after the item relating to section 118 the following new item:

''Sec. 119. Bureau of Intelligence and Enforcement of the Department of the Treasury.''.

(b) CONSULTATION WITH DCI IN APPOINTMENT OF ASSISTANT SECRETARY FOR INTELLIGENCE AND ENFORCEMENT.—Section 106(b)(2) of such Act (50 U.S.C. 403–6(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) The Assistant Secretary for Intelligence and Enforcement.''.

(c) CONFORMING AMENDMENTS.—(1) Section 3(4) of such Act (50 U.S.C. 401a(4)) is amended—

(A) by striking ''the Department of the Treasury,'' in subparagraph (H);

(B) by striking ''and'' at the end of subparagraph (J);

(C) by redesignating subparagraph (K) as subparagraph (L); and

(D) by inserting after subparagraph (J) the following new subparagraph:

''(K) the Bureau of Intelligence and Enforcement of the Department of the Treasury; and''.

(2) Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of the Treasury by striking ''(7)'' and inserting ''(8)''.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2004 the sum of $226,400,000.

TITLE III—GENERAL PROVISIONS

Subtitle A—Recurring General Provisions

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise permitted under the Constitution or authorized pursuant to the laws of the United States.

Subtitle B—Intelligence

SEC. 311. MODIFICATION OF NOTICE AND WAIT REQUIREMENTS ON PROJECTS TO CONSTRUCT OR IMPROVE INTELLIGENCE COMMUNITY FACILITIES.

(a) INCREASE OF THRESHOLDS FOR NOTICE.—Section 602(a) of the Intelligence Authorization Act for Fiscal Year 1995 (Public Law 103–359; 108 Stat. 3432; 50 U.S.C. 403–2b(a)) is amended—

(1) by striking ''$750,000'' each place it appears and inserting ''$5,000,000'';

(2) by striking ''$500,000'' each place it appears and inserting ''$1,000,000''; and

(3) in paragraph (2), as amended by paragraph (2) of this subsection, by inserting after ''$1,000,000'' the second place it appears, the following: ''but less than $5,000,000''.

(b) NOTICE AND WAIT REQUIREMENTS FOR EMERGENCY PROJECTS.—Section 602(b)(2) of the Intelligence Authorization Act for Fiscal Year 1995 (Public Law 103–359; 108 Stat. 3432; 50 U.S.C. 403–2b(b)(2)) is amended—

(1) in the third sentence, by striking ''21-day'' and inserting ''7-day''; and

(2) by adding at the end the following new sentence: ''Notwithstanding the preceding provisions of this paragraph, when the Director of Central Intelligence and Secretary of Defense jointly determine that an emergency relating to the national security or to the protection of health, safety, or environmental quality exists and that delay would irreparably harm any or all of those interests, the project may begin on the date the notification is received by such committees.''.

Subtitle C—Counterintelligence

SEC. 321. COUNTERINTELLIGENCE INITIATIVES FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—(1) Title XI of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''COUNTERINTELLIGENCE INITIATIVES

''SEC. 1102. (a) INSPECTION PROCESS.—(1) In order to protect intelligence sources and methods from unauthorized disclosure, the Director of Central Intelligence shall establish and implement an inspection process for all agencies and departments of the United States that handle classified information relating to the national security of the United States intended to assure that those agencies and departments maintain effective operational security practices and programs directed against counterintelligence activities.

''(2) The Director shall carry out the process through the Office of the National Counterintelligence Executive.

''(b) FBI COUNTERINTELLIGENCE OFFICE.—The Attorney General, acting through the Director of the Federal Bureau of Investigation, shall establish an Office of Counterintelligence within the Bureau to investigate potential espionage activities within the Bureau.

''(c) ANNUAL REVIEW OF DISSEMINATION LISTS.—(1) The Director of Central Intelligence shall establish and implement a process for all elements of the intelligence community (as defined in section 101(4)) to review, on an annual basis, individuals included on distribution lists for access to classified information. Such process shall ensure that only individuals who have a particularized 'need to know' (as determined by the Director) are continued on such distribution lists.

''(2) Not later than October 15 of each year, the Director shall certify to the congressional intelligence committees that the review required under paragraph (1) has been conducted in all elements of the intelligence community during the preceding fiscal year.

''(d) REQUIRED COMPLETION OF FINANCIAL DISCLOSURE STATEMENTS.—(1) The Director of Central Intelligence shall establish and implement a process by which heads of the elements of the intelligence community (as defined in section 101(4)) direct that all employees, in order to be granted access to classified information, submit financial disclosure forms required under section 1.3(b) of Executive Order No. 12969 (August 2, 1995; 60 F.R. 40245; 50 U.S.C. 435 note).

''(2) The Director shall carry out paragraph (1) through the Office of the National Counterintelligence Executive.

''(e) ARRANGEMENTS TO HANDLE SENSITIVE INFORMATION.—The Director of Central Intelligence shall establish, for all elements of the intelligence community (as defined in section 101(4)), programs and procedures by which sensitive classified information relating to human intelligence is safeguarded against unauthorized disclosure by employees of those elements.''.

(2) The table of contents contained in the first section of such Act is amended in the items relating to title XI by adding at the end the following new item:

''Sec. 1102. Counterintelligence initiatives.''.

(b) INTELLIGENCE AND NATIONAL SECURITY ASPECTS OF ESPIONAGE PROSECUTIONS.—The Attorney General, acting through the Office of Intelligence Policy and Review of the Department of Justice, in consultation with the Office of the National Counterintelligence Executive, shall establish policies and procedures to assist the Attorney General in the Attorney General's consideration of intelligence and national security equities in the development of charging documents and related pleadings in espionage prosecutions.

Subtitle D—Other Matters

SEC. 331. EXTENSION OF SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

Section 311 of the Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107–108; 115 Stat. 1401; 22 U.S.C. 7301 note), as amended by section 351 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2401; 22 U.S.C. 7301 note), is amended—

(1) in the heading, by striking ''two-year'' before ''suspension of reorganization''; and

(2) in the text, by striking ''ending on October 1, 2003'' and inserting ''ending on the date that is 60 days after the date on which appropriate congressional committees of jurisdiction (as defined in section 324(d) of that Act (22 U.S.C. 7304(d)) are notified jointly by the Secretary of State (or the Secretary's designee) and the Director of the Office of Management and Budget (or the Director's designee) that the operational framework for the office has been terminated''.

SEC. 332. MODIFICATIONS OF AUTHORITIES ON EXPLOSIVE MATERIALS.

(a) AUTHORITY TO DISTRIBUTE EXPLOSIVE MATERIALS TO QUALIFIED ALIENS.—Notwithstanding any other provision of law, it shall be lawful for any person knowingly to distribute explosive materials to any qualified alien—

(1) if, in the case of a qualified alien described in subsection (c)(1), the distribution to, shipment to, transportation to, receipt

by, or possession by the alien of the explosive materials is in furtherance of such cooperation; or

(2) if, in the case of a qualified alien described in subsection (c)(2), the distribution to, shipping to, transporting to, possession by, or receipt by the alien of explosive materials is in furtherance of the authorized military purpose.

(b) AUTHORITY FOR QUALIFIED ALIENS TO SHIP EXPLOSIVE MATERIALS.—Notwithstanding any other provision of law, it shall be lawful for a qualified alien to ship or transport any explosive in or affecting interstate or foreign commerce or to receive or possess any explosive which has been shipped or transported in or affecting interstate or foreign commerce—

(1) if, in the case of a qualified alien described in subsection (c)(1), the possession, shipment, or transportation by the alien of the explosive materials is in furtherance of such cooperation; or

(2) if, in the case of a qualified alien described in subsection (c)(2), the possession, shipment, or transportation by the alien of explosive materials is in furtherance of the authorized military purpose.

(c) QUALIFIED ALIEN DEFINED.—In this section, the term ''qualified alien'' means an alien—

(1) who is lawfully present in the United States in cooperation with the Director of Central Intelligence; or

(2) who is a member of a North Atlantic Treaty Organization (NATO), or other friendly foreign military force (as determined by the Attorney General with the concurrence of the Secretary of Defense) who is present in the United States under military orders for training or other military purpose authorized by the United States.

SEC. 333. MODIFICATION OF PROHIBITION ON THE NATURALIZATION OF CERTAIN PERSONS.

Section 313(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1424(e)(4)) is amended—

(1) by inserting ''when Department of Defense activities are relevant to the determination'' after ''Secretary of Defense''; and

(2) by inserting ''and the Secretary of Homeland Security'' after ''Attorney General''.

SEC. 334. MODIFICATION TO DEFINITION OF FINANCIAL INSTITUTION IN THE RIGHT TO FINANCIAL PRIVACY ACT.

(a) IN GENERAL.—Section 1101(1) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(1)) is amended by inserting '', except as provided in section 1114,'' before ''means any office''.

(b) DEFINITION.—Section 1114 of such Act (12 U.S.C. 3414) is amended by adding at the end the following:

''(c) For purposes of this section, the term 'financial institution' has the same meaning as in section 5312(a)(2) of title 31, United States Code, except that, for purposes of this section, such term shall include only such a financial institution any part of which is located inside any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, or the United States Virgin Islands.''.

SEC. 335. PROCEDURAL REQUIREMENTS FOR CENTRAL INTELLIGENCE AGENCY RELATING TO PRODUCTS OF FEDERAL PRISON INDUSTRIES.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''PROCEDURAL REQUIREMENTS FOR CENTRAL INTELLIGENCE AGENCY RELATING TO PRODUCTS OF FEDERAL PRISON INDUSTRIES

''SEC. 23. (a) MARKET RESEARCH.—Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 18, United States Code, the Director shall conduct market research to determine whether the Federal Prison Industries product is comparable to products available from the private sector that best meet the Agency's needs in terms of price, quality, and time of delivery.

''(b) COMPETITION REQUIREMENT.—If the Director determines that a Federal Prison Industries product is not comparable in price, quality, or time of delivery to products available from the private sector that best meet the Agency's needs in terms of price, quality, and time of delivery, the Director shall use competitive procedures for the procurement of the product or shall make an individual purchase under a multiple award contract. In conducting such a competition or making such a purchase, the Director shall consider a timely offer from Federal Prison Industries.

''(c) IMPLEMENTATION BY DIRECTOR.—The Director shall ensure that—

''(1) the Agency does not purchase a Federal Prison Industries product or service unless a contracting officer of the Agency determines that the product or service is comparable to products or services available from the private sector that best meet the Agency's needs in terms of price, quality, and time of delivery; and

''(2) Federal Prison Industries performs its contractual obligations to the same extent as any other contractor for the Agency.

''(d) MARKET RESEARCH DETERMINATION NOT SUBJECT TO REVIEW.—A determination by a contracting officer regarding whether a product or service offered by Federal Prison Industries is comparable to products or services available from the private sector that best meet the Agency's needs in terms of price, quality, and time of delivery shall not be subject to review pursuant to section 4124(b) of title 18.

''(e) PERFORMANCE AS A SUBCONTRACTOR.—(1) A contractor or potential contractor of the Agency may not be required to use Federal Prison Industries as a subcontractor or supplier of products or provider of services for the performance of a contract of the Agency by any means, including means such as—

''(A) a contract solicitation provision requiring a contractor to offer to make use of products or services of Federal Prison Industries in the performance of the contract;

''(B) a contract specification requiring the contractor to use specific products or services (or classes of products or services) offered by Federal Prison Industries in the performance of the contract; or

''(C) any contract modification directing the use of products or services of Federal Prison Industries in the performance of the contract.

''(2) In this subsection, the term 'contractor', with respect to a contract, includes a subcontractor at any tier under the contract.

''(f) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The Director may not enter into any contract with Federal Prison Industries under which an inmate worker would have access to—

''(1) any data that is classified;

''(2) any geographic data regarding the location of—

''(A) surface and subsurface infrastructure providing communications or water or electrical power distribution;

''(B) pipelines for the distribution of natural gas, bulk petroleum products, or other commodities; or

''(C) other utilities; or

''(3) any personal or financial information about any individual private citizen, including information relating to such person's real property however described, without the prior consent of the individual.

''(g) APPLICATION OF PROVISION.—This section is subject to the preceding provisions of this Act, and shall not be construed as affecting any right or duty of the Director under those provisions.

''(h) DEFINITIONS.—In this section:

''(1) The terms 'competitive procedures' and 'procurement' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(2) The term 'market research' means obtaining specific information about the price, quality, and time of delivery of products available in the private sector through a variety of means, which may include—

''(A) contacting knowledgeable individuals in government and industry;

''(B) interactive communication among industry, acquisition personnel, and customers; and

''(C) interchange meetings or pre-solicitation conferences with potential offerors.''.

SEC. 336. IMPROVEMENT OF INFORMATION SHARING AMONG FEDERAL, STATE, AND LOCAL GOVERNMENT OFFICIALS.

(a) PILOT PROJECT TO ENCOURAGE STATE AND LOCAL OFFICIALS, AS WELL AS REPRESENTATIVES OF CRITICAL INFRASTRUCTURE, TO COLLECT AND SHARE RELEVANT INFORMATION.—Section 892(c) of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 482) is amended by adding at the end the following new paragraph:

''(3)(A) The Under Secretary for Information Analysis and Infrastructure Protection of the Department of Homeland Security, in consultation with the Director of Central Intelligence, may conduct projects in several cities to encourage officials of State and local government, as well as representatives of industries that comprise the critical infrastructure in those cities to lawfully collect and to pass on to the appropriate Federal officials information vital for the prevention of terrorist attacks against the United States.

''(B) The Director of Central Intelligence shall carry out any duty under this paragraph through the Director of the Terrorist Threat Integration Center.

''(C) Under the projects, training shall be provided to such officials and representatives to—

''(i) identify sources of potential threats through such methods as the Secretary determines appropriate;

''(ii) report information relating to such potential threats to the appropriate Federal agencies in the appropriate form and manner; and

''(iii) assure that all reported information is systematically submitted to and passed on by the Department for use by appropriate Federal agencies.

''(D) The Under Secretary shall carry out the pilot project under this paragraph for a period of 3 years.

''(E) Not later than 1 year after the implementation of the pilot project, and annually thereafter, the Under Secretary shall submit to Congress a report on the pilot project conducted under this paragraph. Each such report shall include—

''(i) an assessment of the effectiveness of the project; and

''(ii) recommendations on the continuation of the project as well as any recommendations to improve the effectiveness of information collection and sharing by such officials and representatives and the Federal Government.''.

(b) PILOT PROJECT TO TEST USE OF TEARLINE INTELLIGENCE REPORTS.—(1) Subtitle C of title II of the Homeland Security Act of 2002 (Public Law 107–296) is amended by adding at the end the following new section:

"SEC. 226. PILOT PROJECT TO TEST USE OF TEAR-LINE INTELLIGENCE REPORTS.

''(a) AUTHORITY.—The Under Secretary for Information Analysis and Infrastructure Protection of the Department of Homeland Security, in consultation with the Director of Central Intelligence, may carry out a pilot program under which the Under Secretary may make intelligence information in the possession of the Department available to officials of State and local governments through the use of tear-line intelligence reports.

''(b) TEAR-LINE INTELLIGENCE REPORTS DESCRIBED.—For purpose of this section, a tear-line report is a report containing intelligence gathered by an agency or department of the United States that is in the possession of the Department that is prepared in a manner such that information relating to intelligence sources and methods is easily severable from the report to protect such sources and methods from disclosure. Such a report may be in a paper or an electronic format.

''(c) DURATION OF PROJECT.—The Under Secretary shall carry out the pilot project under this section for a period of 3 years.

''(d) REPORTS TO CONGRESS.—Not later than 1 year after the implementation of the pilot project, and annually thereafter, the Under Secretary shall submit to Congress a report on the pilot project conducted under this section, and shall include in the report an assessment of—

''(1) the effectiveness of the use of the tear-line reports in providing intelligence information on a timely basis to State and local authorities; and

''(2) if the use of such tear-line reports were to be made permanent, whether additional safeguards are needed with respect to the use of such reports.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary such sums as may be necessary to carry out this section.''.

(2) The table of contents in section 1(b) of such Act is amended in subtitle C of title II by adding at the end the following new item:

''Sec. 226. Pilot project to test use of tear-line intelligence reports.''.

(c) HOMELAND DEFENDER INTELLIGENCE TRAINING PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—The Director of Central Intelligence may establish a comprehensive program of orientation and training to qualified State and local officials in accessing and using available resources of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4))).

(2) CONSULTATION.—Insofar as the Director establishes the intelligence training program under paragraph (1), the Director shall consult and coordinate with the director of the Federal Bureau of Investigation and the Secretary of Homeland Security on the development and administration of the program.

(3) PROGRAM GOALS.—Any intelligence training program established under paragraph (1) shall provide qualified State and local officials instruction on the mission and roles of the intelligence community to promote more effective information sharing among Federal, State, and local officials to prevent terrorist attacks against the United States.

(4) CURRICULUM.—Insofar as the Director establishes the intelligence training program under paragraph (1), the Director shall develop a curriculum for the program after consultation with qualified State and local officials. The curriculum shall include classroom instruction with respect to and orientation to the various elements of the intelligence community.

(5) REPORTS TO CONGRESS.—Not later than 1 year after the initial implementation of the intelligence training program under paragraph (1), and annually thereafter, the Director shall submit to Congress a report on the program. Each such report shall include—

(A) an assessment of the effectiveness of the project; and

(B) recommendations on the continuation of the project as well as any recommendations to improve the effectiveness of information collection and sharing by qualified officials and representatives and the Federal Government.

(6) QUALIFIED STATE AND LOCAL OFFICIALS DEFINED.—For purposes of this subsection, the term ''qualified State and local officials'' means officials of State and local government agencies that Director of Central Intelligence determines—

(A) have received appropriate security clearances from the Director of the Federal Bureau of Investigation for access to classified information; and

(B) oversee or manage first responders or counterterrorism activities.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director such sums as are necessary to carry out the intelligence training program under this subsection.

(d) ADVISORY COUNCILS.—(1) The Director of the Terrorist Threat Integration Center shall establish two advisory councils (described in paragraph (2)) to provide the Director such advice and recommendations as the Director may require to effectively carry out the functions of the Center.

(2)(A) One advisory council shall have as its focus privacy and civil liberties issues.

(B) The other advisory council shall have as its focus State and local government information needs.

SEC. 337. IMPROVEMENT OF RECRUITMENT, HIRING AND RETENTION OF ETHNIC AND CULTURAL MINORITIES IN THE INTELLIGENCE COMMUNITY.

(a) PILOT PROJECT TO IMPROVE DIVERSITY THROUGHOUT THE INTELLIGENCE COMMUNITY USING INNOVATIVE METHODOLOGIES FOR THE RECRUITMENT, HIRING AND RETENTION OF ETHNIC AND CULTURAL MINORITIES AND WOMEN WITH THE DIVERSITY OF SKILLS, LANGUAGES AND EXPERTISE REFLECTIVE OF THE CURRENT MISSION.—The Director of Central Intelligence shall carry out a pilot project under this section to test and evaluate alternative, innovative methods to recruit and hire for the intelligence community women and minorities with diverse ethnic and cultural backgrounds, skills, language proficiency, and expertise.

(b) METHODS.—In carrying out the pilot project, the Director shall employ methods such as advertising in foreign language newspapers in the United States, site visits to institutions with a high percentage of students who study English as a second language, and other methods that are not used by the Director under the DCI Diversity Strategic Plan to increase diversity of officers and employees in the intelligence community.

(c) DURATION OF PROJECT.—The Director shall carry out the project under this section for a 3-year period.

(d) REPORT.—Not later than 2 years after the date the Director implements the pilot project under this section, the Director shall submit to Congress a report on the project. The report shall include—

(1) an assessment of the effectiveness of the project; and

(2) recommendations on the continuation of the project as well as for improving the effectiveness of the project in meeting the goals of increasing the recruiting and hiring of women and minorities within the intelligence community.

(e) DIVERSITY PLAN.—(1) Not later than February 15, 2004, the Director of Central Intelligence shall submit to Congress a report which describes the plan of the Director, entitled the ''DCI Diversity Strategic Plan'', and any subsequent revision to that plan, to increase diversity of officers and employees in the intelligence community, including the short- and long-term goals of the plan. The report shall also provide a detailed description of the progress that has been made by each element of the intelligence community in implementing the plan.

(2) In implementing the plan, the Director shall incorporate innovative methods for the recruitment and hiring of women and minorities that the Director has determined to be effective from the pilot project carried out under this section.

(f) DEFINITION.—In this section, the term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4))).

Subtitle E—Reports and Technical Amendments

SEC. 341. EXTENSION OF DEADLINE FOR FINAL REPORT OF THE NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401 note; 116 Stat. 2442) is amended by striking ''September 1, 2003'' and inserting ''September 1, 2004''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003.

SEC. 342. MODIFICATION OF VARIOUS REPORTS REQUIRED OF INTELLIGENCE COMMUNITY ELEMENTS.

(a) REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.—Subsection (b)(1) of section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (Public Law 104–293; 110 Stat. 3474; 50 U.S.C. 2366), as amended by section 811(b)(5)(C) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2424; 50 U.S.C. 2366), is amended by striking ''a semiannual'' and inserting ''an annual''.

(b) PERIODIC AND SPECIAL REPORTS ON DISCLOSURE OF INTELLIGENCE INFORMATION TO UNITED NATIONS.—Section 112(b)(1) of the National Security Act of 1947 (50 U.S.C. 404g(b)(1)) is amended by striking ''semiannually'' and inserting ''annually''.

SEC. 343. TECHNICAL AMENDMENTS.

(a) NATIONAL SECURITY ACT OF 1947.—Section 112(d)(1) of the National Security Act of 1947 (50 U.S.C. 404g(d)(1)) is amended by striking ''section 103(c)(6)'' and inserting ''section 103(c)(7)''.

(b) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—(1) Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking ''section 103(c)(6)'' and inserting ''section 103(c)(7)''.

(2) Section 15 of such Act (50 U.S.C. 403o) is amended—

(A) in subsection (a)(1), by striking ''special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policeman for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes' (40 U.S.C. 318),'' and inserting ''officers and agents of the Department of Homeland Security, as provided in section

1315(b)(2) of title 40, United States Code,''; and

(B) in subsection (b), by striking ''the fourth section of the Act referred to in subsection (a) of this section (40 U.S.C. 318c)'' and inserting ''section 1315(c)(2) of title 40, United States Code''.

(c) NATIONAL SECURITY AGENCY ACT OF 1959.—Section 11 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)(1), by striking ''special policemen of the General Services Administration perform under the first section of the Act entitled 'An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policeman for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes'(40 U.S.C. 318)'' and inserting ''officers and agents of the Department of Homeland Security, as provided in section 1315(b)(2) of title 40, United States Code,''; and

(2) in subsection (b), by striking ''the fourth section of the Act referred to in subsection (a) (40 U.S.C. 318c)'' and inserting ''section 1315(c)(2) of title 40, United States Code''.

(d) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2399; 50 U.S.C. 404n–2) is amended—

(1) in subsection (c), by striking ''section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6))'' and inserting ''section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(7))''; and

(2) in subsection (e)(2), by striking ''section 103(c)(6)'' and inserting ''section 103(c)(7)''.

(e) PUBLIC LAW 107–173.—Section 201(c)(3)(F) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173; 116 Stat. 548; 8 U.S.C. 1721(c)(3)(F)) is amended by striking ''section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6))'' and inserting ''section 103(c)(7) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(7))''.

(f) FEDERAL INFORMATION SECURITY MANAGEMENT ACT OF 2002.—Section 3535(b)(1) of title 44, United States Code, as added by section 1001(b)(1) of the Homeland Security Act of 2002 (Public Law 107–296), and section 3545(b)(1) of title 44, United States Code, as added by section 301(b)(1) of the E–Government Act of 2002 (Public Law 107–347), are each amended by inserting ''or any other law'' after ''1978''.

SEC. 344. REPORT ON LESSONS LEARNED FROM MILITARY OPERATIONS IN IRAQ.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the appropriate committees of Congress a report on the intelligence lessons learned as a result of Operation Iraqi Freedom, including lessons relating to the following:

(1) The tasking, collection, processing, exploitation, analysis, and dissemination of intelligence.

(2) Accuracy, timeliness, and objectivity of intelligence analysis.

(3) Intelligence support to policymakers and members of the Armed Forces in combat.

(4) Coordination of intelligence activities and operations with military operations.

(5) Strengths and limitations of intelligence systems and equipment.

(6) Such other matters as the Director considers appropriate.

(b) RECOMMENDATIONS.—The report under subsection (a) shall include such recommendations on improvement in the matters described in subsection (a) as the Director considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives; and

(2) the Select Committee on Intelligence and the Committee on Armed Services of the Senate.

SEC. 345. MODIFICATION OF TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.

(a) CERTIFICATION REQUIREMENT FOR CONSOLIDATION OF WATCH LISTS.—Subsection (g)(1) of section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2399; 50 U.S.C. 404n2) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by inserting after subparagraph (C) the following new subparagraph:

''(D) Whether further consolidation or elimination of watch list databases in the departments and agencies with access to the System would contribute to the efficiency and effectiveness of the System in identifying individuals who are known or suspected international terrorists.''; and

(3) in subparagraph (E), as so redesignated, by adding at the end the following: ''If the certification under subparagraph (D) is in the positive, the steps required to consolidate or eliminate such watch lists.''.

(b) ESTABLISHMENT OF ADVISORY COUNCIL.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(4) The Director shall establish an advisory council comprised of experts in the field of civil liberties and privacy issues to advise the Director on issues of civil liberties and privacy as they relate to the maintenance of the System.''.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. PROTECTION FROM TORT LIABILITY FOR CERTAIN CENTRAL INTELLIGENCE AGENCY PERSONNEL.

(a) IN GENERAL.—Section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o) is amended by adding at the end the following new subsection:

''(d)(1) Notwithstanding any other provision of law, any Agency personnel designated by the Director under subsection (a) shall be deemed for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, to be acting within the scope of their office or employment if the Agency personnel take reasonable action, which may include the use of force, to—

''(A) protect an individual in the presence of the Agency personnel from a crime of violence;

''(B) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

''(C) prevent the escape of any individual whom the Agency personnel reasonably believe to have committed a crime of violence in the presence of such personnel.

''(2) In this subsection, the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code.''.

(b) CONSTRUCTION.—Subsection (d) of section 15, as added by subsection (a), shall not be construed as affecting the authorities of the Attorney General under the Federal Employees Liability Reform and Tort Compensation Act of 1988 (Public Law 100–694; 28 U.S.C. 2671, 2674, 2679(b), 2679(d)).

SEC. 402. REPEAL OF LIMITATION ON USE OF FUNDS IN CENTRAL SERVICES WORKING CAPITAL FUND.

Section 21(f)(2) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(f)(2)) is amended—

(1) in subparagraph (A), by striking ''(A) Subject to subparagraph (B), the Director'' and inserting ''The Director''; and

(2) by striking subparagraph (B).

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

SEC. 501. USE OF FUNDS FOR COUNTERDRUG AND COUNTERTERRORISM ACTIVITIES FOR COLOMBIA.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 501 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2404) is amended by striking ''for fiscal years 2002 and 2003'' and inserting ''for each of fiscal years 2002 through 2005''.

(b) MODIFICATION.—(1) Subsection (e) of such section is amended to read as follows:

''(e) PROHIBITION.—No United States Armed Forces personnel, United States civilian employee or contractor engaged by the United States will participate in any combat operation in connection with assistance made available under this section, except for the purpose of acting to protect the life or the physical security of others, in self defense, or during the course of search and rescue operations.''.

(c) TECHNICAL AMENDMENT.—Subsection (d) of such section is amended by striking ''Sections 556, 567, and 568 of Public Law 107–115, section 8093 of the Department of Defense Appropriations Act, 2002,'' and inserting ''Section 553 and the certification requirements of section 564(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003 (division E of Public Law 108–7; 117 Stat. 200, 205), and section 8093 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1558; 10 U.S.C. 182 note),''.

(d) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall apply to assistance made available under such section 501 during fiscal years 2004 and 2005.

SEC. 502. AUTHORITY TO PROVIDE LIVING QUARTERS FOR CERTAIN STUDENTS IN COOPERATIVE AND SUMMER EDUCATION PROGRAMS OF THE NATIONAL SECURITY AGENCY.

Section 2195 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Director of the National Security Agency may provide a qualifying employee of a defense laboratory of that Agency with living quarters at no charge, or at a rate or charge prescribed by the Director by regulation, without regard to section 5911(c) of title 5.

''(2) In this subsection, the term 'qualifying employee' means a student who is employed at the National Security Agency under—

''(A) a Student Educational Employment Program of the Agency conducted under this section or any other provision of law; or

''(B) a similar cooperative or summer education program of the Agency that meets the criteria for Federal cooperative or summer education programs prescribed by the Office of Personnel Management.''.

SEC. 503. AUTHORITY FOR INTELLIGENCE COMMUNITY ELEMENTS OF DEPARTMENT OF DEFENSE TO AWARD PERSONAL SERVICE CONTRACTS.

(a) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 426. Personal services contracts: authority and limitations

''(a) PERSONAL SERVICES.—(1) The Secretary of Defense may, notwithstanding section 3109 of title 5, enter into personal services contracts in the United States if the personal services directly support the mission of a defense intelligence component or counter-intelligence organization.

''(2) The contracting officer for a personal services contract shall be responsible for ensuring that a personal services contract is the appropriate vehicle for carrying out the purpose of the contract.

''(b) DEFINITION.—In this section, the term 'defense intelligence component' means a component of the Department of Defense that is an element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''426. Personal services contracts: authority and limitations.''.

SEC. 504. PROTECTION OF CERTAIN NATIONAL SECURITY AGENCY PERSONNEL FROM TORT LIABILITY.

Section 11 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new subsection:

''(d)(1) Notwithstanding any other provision of law, agency personnel designated by the Director of the National Security Agency under subsection (a) shall be considered for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, to be acting within the scope of their office or employment when such agency personnel take reasonable action, which may include the use of force, to—

''(A) protect an individual in the presence of such agency personnel from a crime of violence;

''(B) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

''(C) prevent the escape of any individual whom such agency personnel reasonably believe to have committed a crime of violence in the presence of such agency personnel.

''(2) Paragraph (1) shall not affect the authorities of the Attorney General under section 2679(d)(1) of title 28, United States Code.

''(3) In this subsection, the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code.''.

SEC. 505. MEASUREMENT AND SIGNATURES INTELLIGENCE RESEARCH PROGRAM.

(a) RESEARCH PROGRAM.—The Secretary of Defense, acting through the Director of the Defense Intelligence Agency's Directorate for MASINT and Technical Collection, shall carry out a program to incorporate the results of basic research on sensors into the measurement and signatures intelligence systems of the United States, to the extent the results of such research is applicable to such systems.

(b) PROGRAM COMPONENTS.—The program under subsection (a) shall review and assess both basic research on sensors and technologies conducted by the United States Government and by non-governmental entities. In carrying out the program, the Director shall protect intellectual property rights, maintain organizational flexibility, and establish research projects, funding levels, and potential benefits in an equitable manner through Directorate.

(c) ADVISORY PANEL.—(1) The Director shall establish an advisory panel to assist the Director in carrying out the program under subsection (a).

(2) The advisory panel shall be headed by the Director who shall determine the selection, review, and assessment of the research projects under the program.

(3)(A) The Director shall appoint as members of the advisory panel representatives of each entity of the MASINT community, and may appoint as such members representatives of national laboratories, universities, and private sector entities.

(B) For purposes of this subsection the term ''MASINT community'' means academic, professional, industrial, and government entities that are committed towards the advancement of the sciences in measurement and signatures intelligence.

(C) The term for a member of the advisory panel shall be established by the Director, but may not exceed a period of 5 consecutive years.

(D) Members of the advisory panel may not receive additional pay, allowances, or benefits by reason of their service on the advisory panel, but may receive per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(4) The Director may accept contributions from non-governmental participants on the advisory panel to defray the expenses of the advisory panel.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that the yeas had it.

Mr. GOSS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶72.11 SUSPENSION OF THE RULES

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 297):

Resolved, That during the remainder of the One Hundred Eighth Congress, the Speaker may entertain motions that the House suspend the rules on Wednesdays as though under clause 1 of rule XV.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. BIGGERT, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶72.12 RECESS—11:48 A.M.

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 48 minutes a.m., subject to the call of the Chair.

¶72.13 AFTER RECESS—12:53 P.M.

The SPEAKER pro tempore, Mr. LATOURETTE, called the House to order.

¶72.14 PROVIDING FOR THE CONSIDERATION OF H.R. 1

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 299):

Resloved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes. The bill shall be considered as a read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) three hours of debate on the bill equally divided among and controlled by the chairmen and ranking minority members of the Committee on Energy and Commerce and the Committee on Ways and Means; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order on the legislative day of June 26 or June 27, 2003, without intervention of any point of order to consider in the House the bill (H.R. 2596) to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 3. (a) In the engrossment of H.R. 1, the Clerk shall await the disposition of H.R. 2596 under section 2.

(b) If H.R. 2596 is passed by the House, the Clerk shall—

(1) add the text of H.R. 2596 as new matter at the end of H.R. 1;

(2) conform the title of H.R. 1 to reflect the addition of the text of H.R. 2596 to the engrossment;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(c) Upon the addition of the text of H.R. 2596 to the engrossment of H.R. 1, H.R. 2596 shall be laid on the table.

SEC. 4. During consideration of H.R. 1 and H.R. 2596 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either bill to a time designated by the Speaker.

SEC. 5. Upon the adoption of this resolution it shall be in order, any rule of the House to

the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July.

SEC. 6. The Committee on Appropriations may have until midnight on Thursday, July 3, 2003, to file a report to accompany a bill making appropriations for the Department of defense for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution was considered.

After debate,

Ms. PRYCE of Ohio moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 226 / Nays ..... 203 }

¶72.15 [Roll No. 321]

YEAS—226

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

NAYS—203

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

NOT VOTING—6

Brown-Waite, Ginny
Cummings
Gephardt
Johnson (CT)
McInnis
Smith (WA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to the resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays ..... 203 }

¶72.16 [Roll No. 322]

AYES—221

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

NOES—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell

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

NOT VOTING—11

Carter
Gephardt
Gutknecht
Istook
Jones (NC)
Matsui
McInnis
Rush
Smith (WA)
Watson
Wolf

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 6 of House Resolution 299 and clause 1 of Rule XXI, all points of order were reserved against provisions contained in the bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

¶72.17 H. RES. 297—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 297) providing for consideration of motions to suspend the rules.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. MCGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 226 / Nays ..... 203 }

¶72.18 [Roll No. 323]

AYES—226

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

NOES—203

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

NOT VOTING—5

Cox
Gephardt
McInnis
Slaughter
Smith (WA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶72.19 PROVIDING FOR THE CONSIDERATION OF H.R. 2559

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 298):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and

for other purposes. The first reading of the bills shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto the final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mrs. MYRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

Mr. MCGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 220 / Nays ..... 200 }

¶72.20 [Roll No. 324]

YEAS—220

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

NAYS—200

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

NOT VOTING—14

Brown-Waite, Ginny
Cubin
Dooley (CA)
Evans
Gephardt
Herger
Jefferson
Lewis (CA)
McInnis
Paul
Smith (WA)
Stearns
Watson
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶72.21 PERMISSION TO FILE REPORT

On motion of Mr. KINGSTON, by unanimous consent, the Committee on Appropriations was granted permission until midnight Thursday, July 3, 2003, to file a privileged report, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶72.22 MILITARY CONSTRUCTION APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to House Resolution 298 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. LATOURETTE, by unanimous consent, designated Mr. BASS as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. THORNBERRY, assumed the Chair.

When Mr. BASS, Chairman, pursuant to House Resolution 298, reported the bill back to the House.

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. OBEY moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendments:

On page 2, line 13, under the heading ''Military Construction, Army'', delete the dollar amount and insert $1,726,660,000;

On page 3, line 13, under the heading ''Military Construction, Navy'', delete the dollar amount and insert $1,311,907,000;

On page 4, line 5, under the heading ''Military Construction, Air Force'', delete the dollar amount and insert $968,509,000;

On page 4, line 21, under the heading ''Military Construction, Defense-Wide'', delete the dollar amount and insert $872,110,000;

On page 5, line 20, under the heading ''Military Construction, Army National Guard, delete the dollar amount and insert $231,860,000;

On page 6, line 3, under the heading ''Military Construction, Air National Guard'', delete the dollar amount and insert $95,605,000;

On page 7, line 19, under the heading ''Family Housing Construction, Army'', delete the dollar amount and insert $601,191,000;

On page 8, line 13, under the heading ''Family Housing Construction, Navy and Marine Corps'', delete the dollar amount and insert $288,193,000;

And on page 9, line 6, under the heading ''Family Housing Construction, Air Force'', delete the dollar amount and insert $841,065,000.

At the end of the bill, add the following:

SECTION ____. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by five percent.

Pending consideration of said motion,

¶72.23 POINT OF ORDER

Mr. KNOLLENBERG made a point of order against the motion to recommit with instructions, and said:

''Mr. Chairman, I make a point of order against the motion to recommit because it proposes to change existing law and constitutes legislation in an appropriations bill, and, therefore, violates clause 2 of rule XXI.

''The rule states, in pertinent part, 'An amendment to a general appropriation bill shall not be in order if changing existing law.'

''The amendment proposes to alter the application of existing law.''

Mr. OBEY was recognized to speak to the point of order and said:

''As I said earlier, this is the same motion I made before. What is happening here is that because of a technical difference in the way the rules are being applied to the majority and the minority, we are being prevented from offering a motion which would strike a much better balance between the needs of our military and the needs of the most well-off people in this society.

''With that, I concede the point of order.''

Mr. OBEY moved to recommit the bill to the Committee on Appropriations.

By unanimous consent, the previous question was ordered on the motion to recommit.

The question being put, viva voce,

Will the House recommit said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the nays had it.

So the motion to recommit was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 428 / Nays ..... 0 }

¶72.24 [Roll No. 325]

YEAS—428

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

NOT VOTING—6

Brown-Waite, Ginny
Cox
Gephardt
McInnis
Paul
Smith (WA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶72.25 H. RES. 277—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 277) expressing support for freedom in Hong Kong.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays ..... 1 }

¶72.26 [Roll No. 326]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla

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

NAYS—1

Paul

NOT VOTING—7

Brown-Waite, Ginny
Edwards
Gephardt
Herger
Jefferson
McInnis
Smith (WA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶72.27 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, June 25, 2003.

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 357
Nays 68

¶72.28 [Roll No. 327]

YEAS—357

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

NAYS—68

Aderholt
Allen
Baird
Baldwin
Bell
Berry
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Costello
Crane
DeFazio
English
Filner
Ford
Gillmor
Gutknecht

Hastings (FL)
Hefley
Hinchey
Hulshof
Johnson, E. B.
Kennedy (MN)
Kennedy (RI)
Kucinich
Larsen (WA)
Levin
Lewis (GA)
LoBiondo
Markey
Marshall
Matheson
McDermott
McGovern
McNulty
Miller, George
Moore
Neal (MA)
Oberstar
Obey
Olver
Otter
Pastor
Peterson (MN)
Ramstad
Sabo
Sanchez, Linda T.
Schakowsky
Shadegg
Slaughter
Smith (MI)
Stark
Stenholm
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Toomey
Towns
Udall (NM)
Visclosky
Waters
Weller
Wicker
Wu

NOT VOTING—9

Brown-Waite, Ginny
Edwards
Gephardt
Gonzalez
Jefferson
McInnis
Petri
Smith (WA)
Wynn

So the Journal was approved.

¶72.29 FURTHER MESSAGE FROM THE SENATE

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

S. 312. An Act to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program.

¶72.30 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2596

On motion of Mr. LEWIS of California, by unanimous consent,

Ordered, That it may be in order on July 8, 2003, for the Speaker, as though pursuant to clause 2(b) of rule 18, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of a bill reported pursuant to section 6 of House Resolution 299, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, which shall proceed according to the following order: The first reading of the bill shall be dispensed with; all points of order against consideration of the bill are waived; general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; after general debate the bill shall be considered for amendment under the five-minute rule; points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived; during consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII; amendments so printed shall be considered as read; at the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted; and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

¶72.31 HEALTH SAVINGS ACCOUNT AVAILABILITY

Mr. THOMAS, pursuant to House Resolution 299, and the previous order of the House, called up the bill (H.R. 2596) to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes.

When said bill was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. STARK objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 237 / Nays ..... 191 }

¶72.32 [Roll No. 328]

YEAS—237

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

NAYS—191

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

Watson	Weiner	Wu
Watt	Wexler	Wynn
Waxman	Woolsey	

NOT VOTING—7

Brown-Waite, Ginny	McInnis	Vitter
Gephardt	Ros-Lehtinen	Young (FL)
	Smith (WA)	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶72.33 STATE CHILDREN'S HEALTH INSURANCE PROGRAM

On motion of Mr. TAUZIN, by unanimous consent, the Committee on Energy and Commerce was discharged from further consideration of the bill (H.R. 531) to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program (SCHIP).

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶72.34 MEDICARE PRESCRIPTION DRUG AND MODERNIZATION

Mr. THOMAS, pursuant to House Resolution 299, called up the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Programs, and for other purposes.

When said bill was considered and read twice.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 299, recognized Messrs. THOMAS, RANGEL, TAUZIN, and DINGELL for 45 minutes each.

After debate,

Pursuant to House Resolution 299, the following further amendment in the nature of a substitute printed in House Report 108-181 was submitted by Mr. RANGEL:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO BIPA AND SECRETARY; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Prescription Drug and Modernization Act of 2003''.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) BIPA; SECRETARY.—In this Act:

(1) BIPA.—The term ''BIPA'' means the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

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

Sec. 1. Short title; amendments to Social Security Act; references to BIPA and Secretary; table of contents.

TITLE I—MEDICARE PRESCRIPTION MEDICINE BENEFIT

Sec. 101. Voluntary medicare outpatient prescription medicine program.

''PART D—VOLUNTARY PRESCRIPTION MEDICINE BENEFIT FOR THE AGED AND DISABLED

''Sec. 1859. Medicare outpatient prescription medicine benefit.
''Sec. 1859A. Negotiating fair prices with pharmaceutical manufacturers.
''Sec. 1859B. Contract authority.
''Sec. 1859C. Eligibility; voluntary enrollment; coverage.
''Sec. 1859D. Provision of, and entitlement to, benefits.
''Sec. 1859E. Administration; quality assurance.
''Sec. 1859F. Federal Medicare Prescription Medicine Trust Fund.
''Sec. 1859G. Compensation for employers covering retiree medicine costs.
''Sec. 1859H. Medicare Prescription Medicine Advisory Committee.

Sec. 102. Provision of medicare outpatient prescription medicine coverage under the Medicare+Choice program.
Sec. 103. Medigap revisions.
Sec. 104. Transitional assistance for low income beneficiaries.
Sec. 105. Expansion of membership and duties of Medicare Payment Advisory Commission (MedPAC).
Sec. 106. State Pharmaceutical Assistance Transition Commission.

TITLE II—MEDICARE+CHOICE

Sec. 201. Medicare+choice improvements.
Sec. 202. Making permanent change in Medicare+Choice reporting deadlines and annual, coordinated election period.
Sec. 203. Specialized Medicare+Choice plans for special needs beneficiaries.
Sec. 204. Medicare MSAs.
Sec. 205. Extension of reasonable cost contracts.
Sec. 206. Extension of municipal health service demonstration projects.

TITLE III—COMBATTING WASTE, FRAUD, AND ABUSE

Sec. 301. Medicare secondary payor (MSP) provisions.
Sec. 302. Competitive acquisition of certain items and services.
Sec. 303. Reform of payment for drugs and biologicals under the medicare program.
Sec. 304. Demonstration project for use of recovery audit contractors.

TITLE IV—RURAL HEALTH CARE IMPROVEMENTS

Sec. 401. Fairness in the medicare disproportionate share hospital (DSH) adjustment for rural hospitals.
Sec. 402. Immediate establishment of uniform standardized amount in rural and small urban areas.
Sec. 403. Establishment of essential rural hospital classification.
Sec. 404. More frequent update in weights used in hospital market basket.
Sec. 405. Improvements to critical access hospital program.
Sec. 406. Redistribution of unused resident positions.
Sec. 407. Two-year extension of hold harmless provisions for small rural hospitals and sole community hospitals under prospective payment system for hospital outpatient department services.
Sec. 408. Exclusion of certain rural health clinic and federally qualified health center services from the prospective payment system for skilled nursing facilities.
Sec. 409. Recognition of attending nurse practitioners as attending physicians to serve hospice patients.
Sec. 410. Improvement in payments to retain emergency capacity for ambulance services in rural areas.
Sec. 411. Two-year increase for home health services furnished in a rural area.
Sec. 412. Providing safe harbor for certain collaborative efforts that benefit medically underserved populations.
Sec. 413. GAO study of geographic differences in payments for physicians' services.
Sec. 414. Treatment of missing cost reporting periods for sole community hospitals.
Sec. 415. Extension of telemedicine demonstration project.
Sec. 416. Adjustment to the medicare inpatient hospital PPS wage index to revise the labor-related share of such index.
Sec. 417. Medicare incentive payment program improvements for physician scarcity.
Sec. 418. Medicare inpatient hospital payment adjustment for low-volume hospitals.
Sec. 419. Treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital.
Sec. 420. Establishment of floor on geographic adjustments of payments for physicians' services.
Sec. 421. Ambulance payment rates.

TITLE V—PROVISIONS RELATING TO PART A

Subtitle A—Inpatient Hospital Services

Sec. 501. Adjustment for indirect costs of medical education (IME).
Sec. 502. Recognition of new medical technologies under inpatient hospital pps.
Sec. 503. Increase in Federal rate for hospitals in Puerto Rico.
Sec. 504. Wage index adjustment reclassification reform .
Sec. 505. Clarifications to certain exceptions to medicare limits on physician referrals.

Subtitle B—Other Provisions

Sec. 511. Payment for covered skilled nursing facility services.
Sec. 512. Coverage of hospice consultation services.

TITLE VI—PROVISIONS RELATING TO PART B

Subtitle A—Physicians' Services

Sec. 601. Revision of updates for physicians' services.
Sec. 602. Studies on access to physicians' services.
Sec. 603. MedPAC report on payment for physicians' services.

Subtitle B—Preventive Services

Sec. 611. Coverage of an initial preventive physical examination.
Sec. 612. Coverage of cholesterol and blood lipid screening.
Sec. 613. Waiver of deductible for colorectal cancer screening tests.

Sec. 614. Improved payment for certain mammography services.

Subtitle C—Other Services

Sec. 621. Hospital outpatient department (HOPD) payment reform.
Sec. 622. Payment for ambulance services.
Sec. 623. Renal dialysis services.
Sec. 624. One-year moratorium on therapy caps; provisions relating to reports.
Sec. 625. Adjustment to payments for services furnished in ambulatory surgical centers.
Sec. 626. Payment for certain shoes and inserts under the fee schedule for orthotics and prosthetics.
Sec. 627. Waiver of part B late enrollment penalty for certain military retirees; special enrollment period.
Sec. 628. Extension of coverage of intravenous immune globulin (IVIG) for the treatment of primary immune deficiency diseases in the home.
Sec. 629. Medicare coverage of diabetes laboratory diagnostic tests.

TITLE VII—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

Sec. 701. Update in home health services.
Sec. 702. MedPAC study on medicare margins of home health agencies.
Sec. 703. Demonstration project to clarify the definition of homebound.

Subtitle B—Chronic Care Improvement

Sec. 721. Voluntary chronic care improvement under traditional fee-for-service.
Sec. 722. Chronic care improvement under Medicare+Choice plans.
Sec. 723. Institute of Medicine report.
Sec. 724. MedPAC report.

Subtitle C—Other Provisions

Sec. 731. Modifications to Medicare Payment Advisory Commission (MedPAC).
Sec. 732. Demonstration project for medical adult day care services.
Sec. 733. Improvements in national and local coverage determination process to respond to changes in technology.
Sec. 734. Treatment of certain physician pathology services.
Sec. 735. Medicare pancreatic islet cell transplant demonstration project.

TITLE VIII—MEDICAID

Sec. 801. Continuation of medicaid DSH allotment adjustments under BIPA 2000.
Sec. 802. Increase in floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2003.
Sec. 803. Clarification of inclusion of inpatient drug prices charged to certain public hospitals in the best price exemptions for the medicaid drug rebate program.

TITLE IX—REGULATORY REDUCTION AND CONTRACTING REFORM

Subtitle A—Regulatory Reform

Sec. 901. Construction; definition of supplier.
Sec. 902. Issuance of regulations.
Sec. 903. Compliance with changes in regulations and policies.
Sec. 904. Reports and studies relating to regulatory reform.

Subtitle B—Contracting Reform

Sec. 911. Increased flexibility in medicare administration.
Sec. 912. Requirements for information security for medicare administrative contractors.

Subtitle C—Education and Outreach

Sec. 921. Provider education and technical assistance.
Sec. 922. Small provider technical assistance demonstration program.
Sec. 923. Medicare provider ombudsman; medicare beneficiary ombudsman.
Sec. 924. Beneficiary outreach demonstration program.
Sec. 925. Inclusion of additional information in notices to beneficiaries about skilled nursing facility benefits.
Sec. 926. Information on medicare-certified skilled nursing facilities in hospital discharge plans.

Subtitle D—Appeals and Recovery

Sec. 931. Transfer of responsibility for medicare appeals.
Sec. 932. Process for expedited access to review.
Sec. 933. Revisions to medicare appeals process.
Sec. 934. Prepayment review.
Sec. 935. Recovery of overpayments.
Sec. 936. Provider enrollment process; right of appeal.
Sec. 937. Process for correction of minor errors and omissions without pursuing appeals process.
Sec. 938. Prior determination process for certain items and services; advance beneficiary notices.

Subtitle V—Miscellaneous Provisions

Sec. 941. Policy development regarding evaluation and management (E & M) documentation guidelines.
Sec. 942. Improvement in oversight of technology and coverage.
Sec. 943. Treatment of hospitals for certain services under medicare secondary payor (MSP) provisions.
Sec. 944. EMTALA improvements.
Sec. 945. Emergency medical treatment and active labor act (EMTALA) technical advisory group.
Sec. 946. Authorizing use of arrangements to provide core hospice services in certain circumstances.
Sec. 947. Application of OSHA bloodborne pathogens standard to certain hospitals.
Sec. 948. BIPA-related technical amendments and corrections.
Sec. 949. Conforming authority to waive a program exclusion.
Sec. 950. Treatment of certain dental claims.
Sec. 951. Furnishing hospitals with information to compute dsh formula.
Sec. 952. Revisions to reassignment provisions.
Sec. 953. Other provisions.

TITLE X—IMPORTATION OF PRESCRIPTION DRUGS

Sec. 1001. Importation of prescription drugs.

TITLE XI—ACCESS TO AFFORDABLE PHARMACEUTICALS

Sec. 1101. Short title.
Sec. 1102. 30-month stay-of-effectiveness period.
Sec. 1103. Forfeiture of 180-day exclusivity period.
Sec. 1104. Bioavailability and bioequivalence.
Sec. 1105. Remedies for infringement.
Sec. 1106. Conforming amendments.

TITLE I—MEDICARE PRESCRIPTION MEDICINE BENEFIT

SEC. 101. VOLUNTARY MEDICARE OUTPATIENT PRESCRIPTION MEDICINE PROGRAM.

(a) IN GENERAL.—Title XVIII (42 U.S.C. 1395 et seq.) is amended—

(1) by redesignating section 1859 and part D as section 1858 and part E, respectively; and

(2) by inserting after part C the following new part:

''PART D—VOLUNTARY PRESCRIPTION MEDICINE BENEFIT FOR THE AGED AND DISABLED

''MEDICARE OUTPATIENT PRESCRIPTION MEDICINE BENEFIT

''SEC. 1859. Subject to the succeeding provisions of this part, the voluntary prescription medicine benefit program under this part provides the following:

''(1) PREMIUM.—The monthly premium is $25.

''(2) DEDUCTIBLE.—The annual deductible is $100.

''(3) COINSURANCE.—The coinsurance is 20 percent.

''(4) OUT-OF-POCKET LIMIT.—The annual limit on out-of-pocket spending on covered medicines is $2,000.

''NEGOTIATING FAIR PRICES WITH PHARMACEUTICAL MANUFACTURERS

''SEC. 1859A. (a) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—The Secretary shall, consistent with the requirements of this part and the goals of providing quality care and containing costs under this part, negotiate contracts with manufacturers of covered outpatient prescription medicines that provide for the maximum prices that may be charged to individuals enrolled under this part by participating pharmacies for dispensing such medicines to such individuals.

''(b) PROMOTION OF BREAKTHROUGH MEDICINES.—In conducting negotiations with manufacturers under this part, the Secretary shall take into account the goal of promoting the development of breakthrough medicines (as defined in section 1859H(b)).

''CONTRACT AUTHORITY

''SEC. 1859B. (a) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—The Secretary is responsible for the administration of this part and shall enter into contracts with appropriate pharmacy contractors on a national or regional basis to administer the benefits under this part.

''(2) PROCEDURES.—The Secretary shall establish procedures under which the Secretary—

''(A) accepts bids submitted by entities to serve as pharmacy contractors under this part in a region or on a national basis;

''(B) awards contracts to such contractors to administer benefits under this part to eligible beneficiaries in the region or on a national basis; and

''(C) provides for the termination (and nonrenewal) of a contract in the case of a contractor's failure to meet the requirements of the contract and this part.

''(3) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))) shall be used to enter into contracts under this part.

''(4) TERMS AND CONDITIONS.—Such contracts shall have such terms and conditions as the Secretary shall specify and shall be for such terms (of at least 2 years, but not to exceed 5 years) as the Secretary shall specify consistent with this part.

''(5) USE OF PHARMACY CONTRACTORS IN PRICE NEGOTIATIONS.—Such contracts shall require the contractor involved to negotiate contracts with manufacturers that provide for maximum prices for covered outpatient prescription medicines that are lower than the maximum prices negotiated under section 1859A(a), if applicable. The price reductions shall be passed on to eligible beneficiaries and the Secretary shall hold the contractor accountable for meeting performance requirements with respect to price reductions and limiting price increases.

''(6) AREA FOR CONTRACTS.—

''(A) REGIONAL BASIS.—

''(i) IN GENERAL.—Except as provided in clause (ii) and subject to subparagraph (B), the contract entered into between the Secretary and a pharmacy contractor shall require the contractor to administer the benefits under this part in a region determined by the Secretary under subparagraph (B) or on a national basis.

''(ii) PARTIAL REGIONAL BASIS.—

''(I) IN GENERAL.—If determined appropriate by the Secretary, the Secretary may permit the benefits to be administered in a partial region determined appropriate by the Secretary.

''(II) REQUIREMENTS.—If the Secretary permits administration pursuant to subclause (I), the Secretary shall ensure that the partial region in which administration is effected is no smaller than a State and is at least the size of the commercial service area of the contractor for that area.

''(B) DETERMINATION.—

''(i) IN GENERAL.—In determining regions for contracts under this part, the Secretary shall—

''(I) take into account the number of individuals enrolled under this part in an area in order to encourage participation by pharmacy contractors; and

''(II) ensure that there are at least 10 different regions in the United States.

''(ii) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of administrative areas under this paragraph shall not be subject to administrative or judicial review.

''(7) SUBMISSION OF BIDS.—

''(A) SUBMISSION.—

''(i) IN GENERAL.—Subject to subparagraph (B), each entity desiring to serve as a pharmacy contractor under this part in an area shall submit a bid with respect to such area to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(ii) BID THAT COVERS MULTIPLE AREAS.—The Secretary shall permit an entity to submit a single bid for multiple areas if the bid is applicable to all such areas.

''(B) REQUIRED INFORMATION.—The bids described in subparagraph (A) shall include—

''(i) a proposal for the estimated prices of covered outpatient prescription medicines and the projected annual increases in such prices, including the additional reduction in price negotiated below the Secretary's maximum price and differentials between preferred and nonpreferred prices, if applicable;

''(ii) a statement regarding the amount that the entity will charge the Secretary for administering the benefits under the contract;

''(iii) a statement regarding whether the entity will reduce the applicable coinsurance percentage pursuant to section 1859E(a)(1)(A)(ii) and if so, the amount of such reduction and how such reduction is tied to the performance requirements described in subsection (c)(4)(A)(ii);

''(iv) a detailed description of the performance requirements for which the administrative fee of the entity will be subject to risk pursuant to subsection (c)(4)(A)(ii);

''(v) a detailed description of access to pharmacy services provided by the entity, including information regarding whether the pharmacy contractor will use a preferred pharmacy network, and, if so, how the pharmacy contractor will ensure access to pharmacies that choose to be outside of that network, and whether there will be increased cost-sharing for beneficiaries if they obtain medicines at such pharmacies;

''(vi) a detailed description of the procedures and standards the entity will use for—

''(I) selecting preferred prescription medicines; and

''(II) determining when and how often the list of preferred prescription medicines should be modified;

''(vii) a detailed description of any ownership or shared financial interests with pharmaceutical manufacturers, pharmacies, and other entities involved in the administration or delivery of benefits under this part as proposed in the bid;

''(viii) a detailed description of the entity's estimated marketing and advertising expenditures related to enrolling and retaining eligible beneficiaries; and

''(ix) such other information that the Secretary determines is necessary in order to carry out this part, including information relating to the bidding process under this part.

The procedures under clause (vi) shall include the use of a pharmaceutical and therapeutics committee the members of which include practicing pharmacists.

''(8) AWARDING OF CONTRACTS.—

''(A) NUMBER OF CONTRACTS.—The Secretary shall, consistent with the requirements of this part and the goals of providing quality care and of containing costs under this part, award in a competitive manner at least 2 contracts to administer benefits under this part in each area specified under paragraph (6), unless only 1 pharmacy contractor submitting a bid meets the minimum standards specified under this part and by the Secretary.

''(B) DETERMINATION.—In determining which of the pharmacy contractors that submitted bids that meet the minimum standards specified under this part and by the Secretary to award a contract, the Secretary shall consider the comparative merits of each bid, as determined on the basis of relevant factors, with respect to—

''(i) how well the contractor meets such minimum standards;

''(ii) the amount that the contractor will charge the Secretary for administering the benefits under the contract;

''(iii) the performance standards established under subsection (c)(2) and performance requirements for which the administrative fee of the entity will be subject to risk pursuant to subsection (c)(4)(A)(ii);

''(iv) the proposed negotiated prices of covered outpatient medicines and annual increases in such prices;

''(v) factors relating to benefits, quality and performance, beneficiary cost-sharing, and consumer satisfaction;

''(vi) past performance and prior experience of the contractor in administering a prescription medicine benefit program;

''(vii) effectiveness of the contractor in containing costs through pricing incentives and utilization management; and

''(viii) such other factors as the Secretary deems necessary to evaluate the merits of each bid.

''(C) EXCEPTION TO CONFLICT OF INTEREST RULES.—In awarding contracts with pharmacy contractors under this part, the Secretary may waive conflict of interest laws generally applicable to Federal acquisitions (subject to such safeguards as the Secretary may find necessary to impose) in circumstances where the Secretary finds that such waiver—

''(i) is not inconsistent with the—

''(I) purposes of the programs under this part; or

''(II) best interests of beneficiaries enrolled under this part; and

''(ii) permits a sufficient level of competition for such contracts, promotes efficiency of benefits administration, or otherwise serves the objectives of the program under this part.

''(D) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of the Secretary to award or not award a contract to a pharmacy contractor under this part shall not be subject to administrative or judicial review.

''(9) ACCESS TO BENEFITS IN CERTAIN AREAS.—

''(A) AREAS NOT COVERED BY CONTRACTS.—The Secretary shall develop procedures for the provision of covered outpatient prescription medicines under this part to each eligible beneficiary enrolled under this part that resides in an area that is not covered by any contract under this part.

''(B) BENEFICIARIES RESIDING IN DIFFERENT LOCATIONS.—The Secretary shall develop procedures to ensure that each eligible beneficiary enrolled under this part that resides in different areas in a year is provided the benefits under this part throughout the entire year.

''(b) QUALITY, FINANCIAL, AND OTHER STANDARDS AND PROGRAMS.—In consultation with appropriate pharmacy contractors, pharmacists, and health care professionals with expertise in prescribing, dispensing, and the appropriate use of prescription medicines, the Secretary shall establish standards and programs for the administration of this part to ensure appropriate prescribing, dispensing, and utilization of outpatient medicines under this part, to avoid adverse medicine reactions, and to continually reduce errors in the delivery of medically appropriate covered benefits. The Secretary shall not award a contract to a pharmacy contractor under this part unless the Secretary finds that the contractor agrees to comply with such standards and programs and other terms and conditions as the Secretary shall specify. The standards and programs under this subsection shall be applied to any administrative agreements described in subsection (a) the Secretary enters into. Such standards and programs shall include the following:

''(1) ACCESS.—

''(A) IN GENERAL.—The pharmacy contractor shall ensure that covered outpatient prescription medicines are accessible and convenient to eligible beneficiaries enrolled under this part for whom benefits are administered by the pharmacy contractor, including by offering the services 24 hours a day and 7 days a week for emergencies.

''(B) ON-LINE REVIEW.—The pharmacy contractor shall provide for on-line prospective review available 24 hours a day and 7 days a week in order to evaluate each prescription for medicine therapy problems due to duplication, interaction, or incorrect dosage or duration of therapy.

''(C) GUARANTEED ACCESS TO MEDICINES IN RURAL AND HARD-TO-SERVE AREAS.—The Secretary shall ensure that all beneficiaries have guaranteed access to the full range of pharmaceuticals under this part, and shall give special attention to access, pharmacist counseling, and delivery in rural and hard-to-serve areas, including through the use of incentives such as bonus payments to retail pharmacists in rural areas and extra payments to the pharmacy contractor for the cost of rapid delivery of pharmaceuticals and any other actions necessary.

''(D) PREFERRED PHARMACY NETWORKS.—

''(i) IN GENERAL.—If a pharmacy contractor uses a preferred pharmacy network to deliver benefits under this part, such network shall meet minimum access standards established by the Secretary.

''(ii) STANDARDS.—In establishing standards under clause (i), the Secretary shall take into account reasonable distances to pharmacy services in both urban and rural areas.

''(E) ADHERENCE TO NEGOTIATED PRICES.—The pharmacy contractor shall have in place procedures to assure compliance of pharmacies with the requirements of subsection (d)(3)(C) (relating to adherence to negotiated prices).

''(F) CONTINUITY OF CARE.—

''(i) IN GENERAL.—The pharmacy contractor shall ensure that, in the case of an eligible beneficiary who loses coverage under this part with such entity under circumstances that would permit a special election period (as established by the Secretary under section 1859C(b)(3)), the contractor will continue to provide coverage under this part to such beneficiary until the beneficiary enrolls and receives such coverage with another pharmacy contractor under this part or, if eligible, with a Medicare+Choice organization.

''(ii) LIMITED PERIOD.—In no event shall a pharmacy contractor be required to provide the extended coverage required under clause (i) beyond the date which is 30 days after the coverage with such contractor would have terminated but for this subparagraph.

''(2) ENROLLEE GUIDELINES.—The pharmacy contractor shall, consistent with State law, apply guidelines for counseling enrollees regarding—

''(A) the proper use of covered outpatient prescription medicine: and

''(B) interactions and contra-indications.

''(3) EDUCATION.—The pharmacy contractor shall apply methods to identify and educate providers, pharmacists, and enrollees regarding—

''(A) instances or patterns concerning the unnecessary or inappropriate prescribing or dispensing of covered outpatient prescription medicines;

''(B) instances or patterns of substandard care;

''(C) potential adverse reactions to covered outpatient prescription medicines;

''(D) inappropriate use of antibiotics;

''(E) appropriate use of generic products; and

''(F) the importance of using covered outpatient prescription medicines in accordance with the instruction of prescribing providers.

''(4) COORDINATION.—The pharmacy contractor shall coordinate with State prescription medicine programs, other pharmacy contractors, pharmacies, and other relevant entities as necessary to ensure appropriate coordination of benefits with respect to enrolled individuals when such individual is traveling outside the home service area, and under such other circumstances as the Secretary may specify.

''(5) COST DATA.—

''(A) The pharmacy contractor shall make data on prescription medicine negotiated prices (including data on discounts) available to the Secretary.

''(B) The Secretary shall require, either directly or through a pharmacy contractor, that participating pharmacists, physicians, and manufacturers—

''(i) maintain their prescription medicine cost data (including data on discounts) in a form and manner specified by the Secretary;

''(ii) make such prescription medicine cost data available for review and audit by the Secretary; and

''(iii) certify that the prescription medicine cost data are current, accurate, and complete, and reflect all discounts obtained by the pharmacist or physician in the purchasing of covered outpatient prescription medicines.

Discounts referred to in subparagraphs (A) and (B) shall include all volume discounts, manufacturer rebates, prompt payment discounts, free goods, in-kind services, or any other thing of financial value provided explicitly or implicitly in exchange for the purchase of a covered outpatient prescription medicine.

''(6) REPORTING.—The pharmacy contractor shall provide the Secretary with periodic reports on—

''(A) the contractor's costs of administering this part;

''(B) utilization of benefits under this part;

''(C) marketing and advertising expenditures related to enrolling and retaining individuals under this part; and

''(D) grievances and appeals.

''(7) RECORDS AND AUDITS.—The pharmacy contractor shall maintain adequate records related to the administration of benefits under this part and afford the Secretary access to such records for auditing purposes.

''(8) APPROVAL OF MARKETING MATERIAL AND APPLICATION FORMS.—The pharmacy contractor shall comply with requirements of section 1851(h) (relating to marketing material and application forms) with respect to this part in the same manner as such requirements apply under part C, except that the provisions of paragraph (4)(A) of such section shall not apply with respect to discounts or rebates provided in accordance with this part.

''(c) INCENTIVES FOR COST AND UTILIZATION MANAGEMENT AND QUALITY IMPROVEMENT.—

''(1) IN GENERAL.—The Secretary shall include in a contract awarded under subsection (b) with a pharmacy contractor such incentives for cost and utilization management and quality improvement as the Secretary may deem appropriate. The contract may provide financial or other incentives to encourage greater savings to the program under this part.

''(2) PERFORMANCE STANDARDS.—The Secretary shall provide for performance standards (which may include monetary bonuses if the standards are met and penalties if the standards are not met), including standards relating to the time taken to answer member and pharmacy inquiries (written or by telephone), the accuracy of responses, claims processing accuracy, online system availability, appeal procedure turnaround time, system availability, the accuracy and timeliness of reports, and level of beneficiary satisfaction.

''(3) OTHER INCENTIVES.—Such incentives under this subsection may also include—

''(A) financial incentives under which savings derived from the substitution of generic and other preferred multi-source medicines in lieu of nongeneric and nonpreferred medicines are made available to pharmacy contractors, pharmacies, beneficiaries, and the Federal Medicare Prescription Medicine Trust Fund; and

''(B) any other incentive that the Secretary deems appropriate and likely to be effective in managing costs or utilization or improving quality that does not reduce the access of beneficiaries to medically necessary covered outpatient medicines.

''(4) REQUIREMENTS FOR PROCEDURES.—

''(A) IN GENERAL.—The Secretary shall establish procedures for making payments to each pharmacy contractor with a contract under this part for the administration of the benefits under this part. The procedures shall provide for the following:

''(i) ADMINISTRATIVE PAYMENT.—Payment of administrative fees for such administration.

''(ii) RISK REQUIREMENT.—An adjustment of a percentage (determined under subparagraph (B)) of the administrative fee payments made to a pharmacy contractor to ensure that the contractor, in administering the benefits under this part, pursues performance requirements established by the Secretary, including the following:

''(I) QUALITY SERVICE.—The contractor provides eligible beneficiaries for whom it administers benefits with quality services, as measured by such factors as sustained pharmacy network access, timeliness and accuracy of service delivery in claims processing and card production, pharmacy and member service support access, and timely action with regard to appeals and current beneficiary service surveys.

''(II) QUALITY CLINICAL CARE.—The contractor provides such beneficiaries with quality clinical care, as measured by such factors as providing notification to such beneficiaries and to providers in order to prevent adverse drug reactions and reduce medication errors and specific clinical suggestions to improve health and patient and prescriber education as appropriate.

''(III) CONTROL OF MEDICARE COSTS.—The contractor contains costs under this part to the Federal Medicare Prescription Medicine Trust Fund and enrollees, as measured by generic substitution rates, price discounts, and other factors determined appropriate by the Secretary that do not reduce the access of beneficiaries to medically necessary covered outpatient prescription medicines.

''(B) PERCENTAGE OF PAYMENT TIED TO RISK.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary shall determine the percentage of the administrative payments to a pharmacy contractor that will be tied to the performance requirements described in subparagraph (A)(ii).

''(ii) LIMITATION ON RISK TO ENSURE PROGRAM STABILITY.—In order to provide for program stability, the Secretary may not establish a percentage to be adjusted under this paragraph at a level that jeopardizes the ability of a pharmacy contractor to administer the benefits under this part or administer such benefits in a quality manner.

''(C) RISK ADJUSTMENT OF PAYMENTS BASED ON ENROLLEES IN PLAN.—To the extent that a pharmacy contractor is at risk under this paragraph, the procedures established under this paragraph may include a methodology for risk adjusting the payments made to such contractor based on the differences in actuarial risk of different enrollees being served if the Secretary determines such adjustments to be necessary and appropriate.

''(d) AUTHORITY RELATING TO PHARMACY PARTICIPATION.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, a pharmacy contractor may establish consistent with this part conditions for the participation of pharmacies, including conditions relating to quality (including reduction of medical errors) and technology.

''(2) AGREEMENTS WITH PHARMACIES.—Each pharmacy contractor shall enter into a participation agreement with any pharmacy that meets the requirements of this subsection and section 1859E to furnish covered outpatient prescription medicines to individuals enrolled under this part.

''(3) TERMS OF AGREEMENT.—An agreement under this subsection shall include the following terms and conditions:

''(A) APPLICABLE REQUIREMENTS.—The pharmacy shall meet (and throughout the contract period continue to meet) all applicable Federal requirements and State and local licensing requirements.

''(B) ACCESS AND QUALITY STANDARDS.—The pharmacy shall comply with such standards as the Secretary (and such a pharmacy contractor) shall establish concerning the quality of, and enrolled individuals' access to, pharmacy services under this part. Such standards shall require the pharmacy—

''(i) not to refuse to dispense covered outpatient prescription medicines to any individual enrolled under this part;

''(ii) to keep patient records (including records on expenses) for all covered outpatient prescription medicines dispensed to such enrolled individuals;

''(iii) to submit information (in a manner specified by the Secretary to be necessary to administer this part) on all purchases of such medicines dispensed to such enrolled individuals; and

''(iv) to comply with periodic audits to assure compliance with the requirements of

this part and the accuracy of information submitted.

''(C) ADHERENCE TO NEGOTIATED PRICES.—(i) The total charge for each medicine dispensed by the pharmacy to an enrolled individual under this part, without regard to whether the individual is financially responsible for any or all of such charge, shall not exceed the price negotiated under section 1859A(a) or, if lower, negotiated under subsection (a)(5) (or, if less, the retail price for the medicine involved) with respect to such medicine plus a reasonable dispensing fee determined contractually with the pharmacy contractor.

''(ii) The pharmacy does not charge (or collect from) an enrolled individual an amount that exceeds the individual's obligation (as determined in accordance with the provisions of this part) of the applicable price described in clause (i).

''(D) ADDITIONAL REQUIREMENTS.—The pharmacy shall meet such additional contract requirements as the applicable pharmacy contractor specifies under this section.

''(4) APPLICABILITY OF FRAUD AND ABUSE PROVISIONS.—The provisions of section 1128 through 1128C (relating to fraud and abuse) apply to pharmacies participating in the program under this part.

''ELIGIBILITY; VOLUNTARY ENROLLMENT; COVERAGE

''SEC. 1859C. (a) ELIGIBILITY.—Each individual who is entitled to hospital insurance benefits under part A or is eligible to be enrolled in the medical insurance program under part B is eligible to enroll in accordance with this section for outpatient prescription medicine benefits under this part.

''(b) VOLUNTARY ENROLLMENT.—

''(1) IN GENERAL.—An individual may enroll under this part only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed in or under this subsection.

''(2) INITIAL ENROLLMENT PERIOD.—

''(A) INDIVIDUALS CURRENTLY COVERED.—In the case of an individual who satisfies subsection (a) as of November 1, 2005, the initial general enrollment period shall begin on August 1, 2005, and shall end on March 1, 2006.

''(B) INDIVIDUAL COVERED IN FUTURE.—In the case of an individual who first satisfies subsection (a) on or after November 1, 2005, the individual's initial enrollment period shall begin on the first day of the third month before the month in which such individual first satisfies such paragraph and shall end seven months later. The Secretary shall apply rules similar to the rule described in the second sentence of section 1837(d).

''(3) SPECIAL ENROLLMENT PERIODS (WITHOUT PREMIUM PENALTY).—

''(A) EMPLOYER COVERAGE AT TIME OF INITIAL GENERAL ENROLLMENT PERIOD.—In the case of an individual who—

''(i) at the time the individual first satisfies subsection (a) is enrolled in a group health plan (including continuation coverage) that provides outpatient prescription medicine coverage by reason of the individual's (or the individual's spouse's) current (or, in the case of continuation coverage, former) employment status, and

''(ii) has elected not to enroll (or to be deemed enrolled) under this subsection during the individual's initial enrollment period,

there shall be a special enrollment period of 6 months beginning with the first month that includes the date of the individual's (or individual's spouse's) retirement from or termination of current employment status with the employer that sponsors the plan, or, in the case of continuation coverage, that includes the date of termination of such coverage, or that includes the date the plan substantially terminates outpatient prescription medicine coverage.

''(B) DROPPING OF RETIREE PRESCRIPTION MEDICINE COVERAGE.—In the case of an individual who—

''(i) at the time the individual first satisfies subsection (a) is enrolled in a group health plan that provides outpatient prescription medicine coverage other than by reason of the individual's (or the individual's spouse's) current employment; and

''(ii) has elected not to enroll (or to be deemed enrolled) under this subsection during the individual's initial enrollment period,

there shall be a special enrollment period of 6 months beginning with the first month that includes the date that the plan substantially terminates outpatient prescription medicine coverage and ending 6 months later.

''(C) LOSS OF MEDICARE+CHOICE PRESCRIPTION MEDICINE COVERAGE.—In the case of an individual who is enrolled under part C in a Medicare+Choice plan that provides prescription medicine benefits, if such enrollment is terminated because of the termination or reduction in service area of the plan, there shall be a special enrollment period of 6 months beginning with the first month that includes the date that such plan is terminated or such reduction occurs and ending 6 months later.

''(D) LOSS OF MEDICAID PRESCRIPTION MEDICINE COVERAGE.—In the case of an individual who—

''(i) satisfies subsection (a);

''(ii) loses eligibility for benefits (that include benefits for prescription medicine) under a State plan after having been enrolled (or determined to be eligible) for such benefits under such plan; and

''(iii) is not otherwise enrolled under this subsection at the time of such loss of eligibility,

there shall be a special enrollment period specified by the Secretary of not less than 6 months beginning with the first month that includes the date that the individual loses such eligibility.

''(4) LATE ENROLLMENT WITH PREMIUM PENALTY.—The Secretary shall permit an individual who satisfies subsection (a) to enroll other than during the initial enrollment period under paragraph (2) or a special enrollment period under paragraph (3). But, in the case of such an enrollment, the amount of the monthly premium of the individual is subject to an increase under section 1859C(e)(1).

''(5) INFORMATION.—

''(A) IN GENERAL.—The Secretary shall broadly distribute information to individuals who satisfy subsection (a) on the benefits provided under this part. The Secretary shall periodically make available information on the cost differentials to enrollees for the use of generic medicines and other medicines.

''(B) TOLL-FREE HOTLINE.—The Secretary shall maintain a toll-free telephone hotline (which may be a hotline already used by the Secretary under this title) for purposes of providing assistance to beneficiaries in the program under this part, including responding to questions concerning coverage, enrollment, benefits, grievances and appeals procedures, and other aspects of such program.

''(6) ENROLLEE DEFINED.—For purposes of this part, the term 'enrollee' means an individual enrolled for benefits under this part.

''(c) COVERAGE PERIOD.—

''(1) IN GENERAL.—The period during which an individual is entitled to benefits under this part (in this subsection referred to as the individual's 'coverage period') shall begin on such a date as the Secretary shall establish consistent with the type of coverage rules described in subsections (a) and (e) of section 1838, except that in no case shall a coverage period begin before January 1, 2006. No payments may be made under this part with respect to the expenses of an individual unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period.

''(2) TERMINATION.—The Secretary shall provide for the application of provisions under this subsection similar to the provisions in section 1838(b).

''(d) PROVISION OF BENEFITS TO MEDICARE+CHOICE ENROLLEES.—In the case of an individual who is enrolled under this part and is enrolled in a Medicare+Choice plan under part C, the individual shall be provided the benefits under this part through such plan and not through payment under this part.

''(e) LATE ENROLLMENT PENALTIES; PAYMENT OF PREMIUMS.—

''(1) LATE ENROLLMENT PENALTY.—

''(A) IN GENERAL.—In the case of a late enrollment described in subsection (b)(4), subject to the succeeding provisions of this paragraph, the Secretary shall establish procedures for increasing the amount of the monthly premium under this part applicable to such enrollee by an amount that the Secretary determines is actuarially sound for each such period.

''(B) PERIODS TAKEN INTO ACCOUNT.—For purposes of calculating any 12-month period under subparagraph (A), there shall be taken into account months of lapsed coverage in a manner comparable to that applicable under the second sentence of section 1839(b).

''(C) PERIODS NOT TAKEN INTO ACCOUNT.—

''(i) IN GENERAL.—For purposes of calculating any 12-month period under subparagraph (A), subject to clause (ii), there shall not be taken into account months for which the enrollee can demonstrate that the enrollee was covered under a group health plan that provides coverage of the cost of prescription medicines whose actuarial value (as defined by the Secretary) to the enrollee equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the outpatient prescription medicine benefit program under this part.

''(ii) APPLICATION.—This subparagraph shall only apply with respect to a coverage period the enrollment for which occurs before the end of the 60-day period that begins on the first day of the month which includes the date on which the plan terminates or reduces its service area (in a manner that results in termination of enrollment), ceases to provide, or reduces the value of the prescription medicine coverage under such plan to below the value of the coverage provided under the program under this part.

''(2) INCORPORATION OF PREMIUM PAYMENT AND GOVERNMENT CONTRIBUTIONS PROVISIONS.—The provisions of sections 1840 and 1844(a)(1) shall apply to enrollees under this part in the same manner as they apply to individuals 65 years of age or older enrolled under part B. For purposes of this subsection, any reference in a section referred to in a previous subsection to the Federal Supplementary Medical Insurance Trust Fund is deemed a reference to the Federal Medicare Prescription Medicine Trust Fund.

''(f) ELECTION OF PHARMACY CONTRACTOR TO ADMINISTER BENEFITS.—The Secretary shall establish a process whereby each individual enrolled under this part and residing in a region may elect the pharmacy contractor that will administer the benefits under this part with respect to the individual. Such process shall permit the individual to make an initial election and to change such an election on at least an annual basis and under such other circumstances as the Secretary shall specify.

''PROVISION OF, AND ENTITLEMENT TO, BENEFITS

''SEC. 1859D. (a) BENEFITS.—Subject to the succeeding provisions of this section, the benefits provided to an enrollee by the program under this part shall consist of the following:

''(1) COVERED OUTPATIENT PRESCRIPTION MEDICINE BENEFITS.—Entitlement to have payment made on the individual's behalf for covered outpatient prescription medicines.

''(2) LIMITATION ON COST-SHARING FOR PART B OUTPATIENT PRESCRIPTION MEDICINES.—

''(A) IN GENERAL.—Once an enrollee has incurred aggregate countable cost-sharing (as defined in subparagraph (B)) equal to the stop-loss limit specified in subsection (c)(4) for expenses in a year, entitlement to the elimination of cost-sharing otherwise applicable under part B for additional expenses incurred in the year for outpatient prescription medicines or biologicals for which payment is made under part B.

''(B) COUNTABLE COST-SHARING DEFINED.—For purposes of this part, the term 'countable cost-sharing' means—

''(i) out-of-pocket expenses for outpatient prescription medicines with respect to which benefits are payable under part B, and

''(ii) cost-sharing under subsections (c)(3)(B) and (c)(3)(C)(i).

''(b) COVERED OUTPATIENT PRESCRIPTION MEDICINE DEFINED.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this part the term 'covered outpatient prescription medicine' means any of the following products:

''(A) A medicine which may be dispensed only upon prescription, and—

''(i) which is approved for safety and effectiveness as a prescription medicine under section 505 of the Federal Food, Drug, and Cosmetic Act;

''(ii)(I) which was commercially used or sold in the United States before the date of enactment of the Drug Amendments of 1962 or which is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a medicine, and (II) which has not been the subject of a final determination by the Secretary that it is a 'new drug' (within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act) or an action brought by the Secretary under section 301, 302(a), or 304(a) of such Act to enforce section 502(f) or 505(a) of such Act; or

''(iii)(I) which is described in section 107(c)(3) of the Drug Amendments of 1962 and for which the Secretary has determined there is a compelling justification for its medical need, or is identical, similar, or related (within the meaning of section 310.6(b)(1) of title 21 of the Code of Federal Regulations) to such a medicine, and (II) for which the Secretary has not issued a notice of an opportunity for a hearing under section 505(e) of the Federal Food, Drug, and Cosmetic Act on a proposed order of the Secretary to withdraw approval of an application for such medicine under such section because the Secretary has determined that the medicine is less than effective for all conditions of use prescribed, recommended, or suggested in its labeling.

''(B) A biological product which—

''(i) may only be dispensed upon prescription;

''(ii) is licensed under section 351 of the Public Health Service Act; and

''(iii) is produced at an establishment licensed under such section to produce such product.

''(C) Insulin approved under appropriate Federal law, and needles, syringes, and disposable pumps for the administration of such insulin.

''(D) A prescribed medicine or biological product that would meet the requirements of subparagraph (A) or (B) but that is available over-the-counter in addition to being available upon prescription, but only if the particular dosage form or strength prescribed and required for the individual is not available over-the-counter.

''(E) Smoking cessation agents (as specified by the Secretary).

''(2) EXCLUSION.—The term 'covered outpatient prescription medicine' does not include—

''(A) medicines or classes of medicines, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(d)(2), other than subparagraph (E) thereof (relating to smoking cessation agents), as the Secretary may specify and does not include such other medicines, classes, and uses as the Secretary may specify consistent with the goals of providing quality care and containing costs under this part;

''(B) except as provided in paragraphs (1)(D) and (1)(E), any product which may be distributed to individuals without a prescription;

''(C) any product when furnished as part of, or as incident to, a diagnostic service or any other item or service for which payment may be made under this title; or

''(D) any product that is covered under part B of this title.

''(c) PAYMENT OF BENEFITS.—

''(1) COVERED OUTPATIENT PRESCRIPTION MEDICINES.—There shall be paid from the Federal Medicare Prescription Medicine Trust Fund, in the case of each enrollee who incurs expenses for medicines with respect to which benefits are payable under this part under subsection (a)(1), amounts equal to the sum of—

''(A) the price for which the medicine is made available under this part (consistent with sections 1859A and 1859B), reduced by any applicable cost-sharing under paragraphs (2) and (3); and

''(B) a reasonable dispensing fee.

The price under subparagraph (A) shall in no case exceed the retail price for the medicine involved.

''(2) DEDUCTIBLE.—The amount of payment under paragraph (1) for expenses incurred in a year, beginning with 2006, shall be reduced by an annual deductible equal to the amount specified in section 1859(2) (subject to adjustment under paragraph (8)). Only expenses for countable cost-sharing (as defined in subsection (a)(2)(B)) shall be taken into account in applying this paragraph.

''(3) COINSURANCE.—

''(A) IN GENERAL.—The amount of payment under paragraph (1) for expenses incurred in a year shall be further reduced (subject to the stop-loss limit under paragraph (4)) by coinsurance as provided under this paragraph.

''(B) PREFERRED MEDICINES.—The coinsurance under this paragraph in the case of a preferred medicine (including a medicine treated as a preferred medicine under paragraph (5)), is equal to 20 percent of the price applicable under paragraph (1)(A) (or such lower percentage as may be provided for under section 1859E(a)(1)(A)(ii)). In this part, the term 'preferred medicine' means, with respect to medicines classified within a therapeutic class, those medicines which have been designated as a preferred medicine by the Secretary or the pharmacy contractor involved with respect to that class and (in the case of a nongeneric medicine) with respect to which a contract has been negotiated under this part.

''(C) NONPREFERRED MEDICINES.—The coinsurance under this paragraph in the case of a nonpreferred medicine that is not treated as a preferred medicine under paragraph (5) is equal to the sum of—

''(i) 20 percent of the price for lowest price preferred medicine that is within the same therapeutic class; and

''(ii) the amount by which—

''(I) the price at which the nonpreferred medicine is made available to the enrollee; exceeds

''(II) the price of such lowest price preferred medicine.

''(4) NO COINSURANCE ONCE OUT-OF-POCKET EXPENDITURES EQUAL STOP-LOSS LIMIT.—Once an enrollee has incurred aggregate countable cost-sharing under paragraph (3) (including cost-sharing under part B attributable to outpatient prescription drugs or biologicals) equal to the amount specified in section 1859(4) (subject to adjustment under paragraph (8)) for expenses in a year—

''(A) there shall be no coinsurance under paragraph (3) for additional expenses incurred in the year involved; and

''(B) there shall be no coinsurance under part B for additional expenses incurred in the year involved for outpatient prescription drugs and biologicals.

''(5) APPEALS RIGHTS RELATING TO COVERAGE OF NONPREFERRED MEDICINES.—

''(A) PROCEDURES REGARDING THE DETERMINATION OF MEDICINES THAT ARE MEDICALLY NECESSARY.—Each pharmacy contractor shall have in place procedures on a case-by-case basis to treat a nonpreferred medicine as a preferred medicine under this part if the preferred medicine is determined to be not as effective for the enrollee or to have significant adverse effect on the enrollee. Such procedures shall require that such determinations are based on professional medical judgment, the medical condition of the enrollee, and other medical evidence.

''(B) PROCEDURES REGARDING DENIALS OF CARE.—Such contractor shall have in place procedures to ensure—

''(i) a timely internal review for resolution of denials of coverage (in whole or in part and including those regarding the coverage of nonpreferred medicines) in accordance with the medical exigencies of the case and a timely resolution of complaints, by enrollees in the plan, or by providers, pharmacists, and other individuals acting on behalf of each such enrollee (with the enrollee's consent) in accordance with requirements (as established by the Secretary) that are comparable to such requirements for Medicare+Choice organizations under part C;

''(ii) that the entity complies in a timely manner with requirements established by the Secretary that (I) provide for an external review by an independent entity selected by the Secretary of denials of coverage described in clause (i) not resolved in the favor of the beneficiary (or other complainant) under the process described in such clause and (II) are comparable to the external review requirements established for Medicare+Choice organizations under part C; and

''(iii) that enrollees are provided with information regarding the appeals procedures under this part at the time of enrollment with a pharmacy contractor under this part and upon request thereafter.

''(6) TRANSFER OF FUNDS TO COVER COSTS OF PART B PRESCRIPTION MEDICINE CATASTROPHIC BENEFIT.—With respect to benefits described in subsection (a)(2), there shall transferred from the Federal Medicare Prescription Medicine Trust Fund to the Federal Supplementary Medical Insurance Trust Fund amounts equivalent to the elimination of cost-sharing described in such subsection.

''(7) PERMITTING APPLICATION UNDER PART B OF NEGOTIATED PRICES.—For purposes of making payment under part B for medicines that would be covered outpatient prescription medicines but for the exclusion under subparagraph (B) or (C) of subsection (b)(2),

the Secretary may elect to apply the payment basis used for payment of covered outpatient prescription medicines under this part instead of the payment basis otherwise used under such part, if it results in a lower cost to the program.

''(8) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—With respect to expenses incurred in a year after 2006—

''(i) the deductible under paragraph (2) is equal to the deductible determined under such paragraph (or this subparagraph) for the previous year increased by the percentage increase in per capita program expenditures (as estimated in advance for the year involved under subparagraph (B)); and

''(ii) the stop-loss limit under paragraph (3) is equal to the stop-loss limit determined under such paragraph (or this subparagraph) for the previous year increased by such percentage increase.

The Secretary shall adjust such percentage increase in subsequent years to take into account misestimations made of the per capita program expenditures under clauses (i) and (ii) in previous years. Any increase under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.

''(B) ESTIMATION OF INCREASE IN PER CAPITA PROGRAM EXPENDITURES.—The Secretary shall before the beginning of each year (beginning with 2007) estimate the percentage increase in average per capita aggregate expenditures from the Federal Medicare Prescription Medicine Trust Fund for the year involved compared to the previous year.

''(C) RECONCILIATION.—The Secretary shall also compute (beginning with 2008) the actual percentage increase in such aggregate expenditures in order to provide for reconciliation of deductibles, stop-loss limits, and premiums under the second sentence of subparagraph (A) and under section 1859D(d)(2).

''(d) AMOUNT OF PREMIUMS.—

''(1) MONTHLY PREMIUM RATE IN 2006.—The monthly premium rate in 2006 for prescription medicine benefits under this part is the amount specified in section 1859(1).

''(2) INFLATION ADJUSTMENT FOR SUBSEQUENT YEARS.—The monthly premium rate for a year after 2006 for prescription medicine benefits under this part is equal to the monthly premium rate for the previous year under this subsection increased by the percentage increase in per capita program expenditures (as estimated in advance for the year involved under subsection (c)(8)(B)). The Secretary shall adjust such percentage in subsequent years to take into account misestimations made of the per capita program expenditures under the previous sentence in previous years. Any increase under this paragraph that is not a multiple of $1 shall be rounded to the nearest multiple of $1.

''ADMINISTRATION; QUALITY ASSURANCE

''SEC. 1859E. (a) RULES RELATING TO PROVISION OF BENEFITS.—

''(1) PROVISION OF BENEFITS.—

''(A) IN GENERAL.—In providing benefits under this part, the Secretary (directly or through the contracts with pharmacy contractors) shall employ mechanisms to provide benefits appropriately and efficiently, and those mechanisms may include—

''(i) the use of—

''(I) price negotiations (consistent with subsection (b));

''(II) reduced coinsurance (below 20 percent) to encourage the utilization of appropriate preferred medicines; and

''(III) methods to reduce medication errors and encourage appropriate use of medications; and

''(ii) permitting pharmacy contractors, as approved by the Secretary, to make exceptions to section 1859D(c)(3)(C) (relating to cost-sharing for non-preferred medicines) to secure best prices for enrollees so long as the payment amount under section 1859D(c)(1) does not equal zero.

''(B) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Secretary (directly or through the contracts with pharmacy contractors) from using incentives to encourage enrollees to select generic or other cost-effective medicines, so long as—

''(i) such incentives are designed not to result in any increase in the aggregate expenditures under the Federal Medicare Prescription Medicine Trust Fund; and

''(ii) a beneficiary's coinsurance shall be no greater than 20 percent in the case of a preferred medicine (including a nonpreferred medicine treated as a preferred medicine under section 1859D(c)(5)).

''(2) CONSTRUCTION.—Nothing in this part shall preclude the Secretary or a pharmacy contractor from—

''(A) educating prescribing providers, pharmacists, and enrollees about medical and cost benefits of preferred medicines;

''(B) requesting prescribing providers to consider a preferred medicine prior to dispensing of a nonpreferred medicine, as long as such request does not unduly delay the provision of the medicine;

''(C) using mechanisms to encourage enrollees under this part to select cost-effective medicines or less costly means of receiving or administering medicines, including the use of therapeutic interchange programs, disease management programs, and notification to the beneficiary that a more affordable generic medicine equivalent was not selected by the prescribing provider and a statement of the lost cost savings to the beneficiary;

''(D) using price negotiations to achieve reduced prices on covered outpatient prescription medicines, including new medicines, medicines for which there are few therapeutic alternatives, and medicines of particular clinical importance to individuals enrolled under this part; and

''(E) utilizing information on medicine prices of OECD countries and of other payors in the United States in the negotiation of prices under this part.

''(b) PRICE NEGOTIATIONS PROCESS.—

''(1) REQUIREMENTS WITH RESPECT TO PREFERRED MEDICINES.—Negotiations of contracts with manufacturers with respect to covered outpatient prescription medicines under this part shall be conducted in a manner so that—

''(A) there is at least a contract for a medicine within each therapeutic class (as defined by the Secretary in consultation with such Medicare Prescription Medicine Advisory Committee);

''(B) if there is more than 1 medicine available in a therapeutic class, there are contracts for at least 2 medicines within such class unless determined clinically inappropriate in accordance with standards established by the Secretary; and

''(C) if there are more than 2 medicines available in a therapeutic class, there is a contract for at least 2 medicines within such class and a contract for generic medicine substitute if available unless determined clinically inappropriate in accordance with standards established by the Secretary.

''(2) ESTABLISHMENT OF THERAPEUTIC CLASSES.—The Secretary, in consultation with the Medicare Prescription Medicine Advisory Committee (established under section 1859H), shall establish for purposes of this part therapeutic classes and assign to such classes covered outpatient prescription medicines.

''(3) DISCLOSURE CONCERNING PREFERRED MEDICINES.—The Secretary shall provide, through pharmacy contractors or otherwise, for—

''(A) disclosure to current and prospective enrollees and to participating providers and pharmacies in each service area a list of the preferred medicines and differences in applicable cost-sharing between such medicines and nonpreferred medicines; and

''(B) advance disclosure to current enrollees and to participating providers and pharmacies in each service area of changes to any such list of preferred medicines and differences in applicable cost-sharing.

''(4) NO REVIEW.—The Secretary's establishment of therapeutic classes and the assignment of medicines to such classes and the Secretary's determination of what is a breakthrough medicine are not subject to administrative or judicial review.

''(c) CONFIDENTIALITY.—The Secretary shall ensure that the confidentiality of individually identifiable health information relating to the provision of benefits under this part is protected, consistent with the standards for the privacy of such information promulgated by the Secretary under the Health Insurance Portability and Accountability Act of 1996, or any subsequent comprehensive and more protective set of confidentiality standards enacted into law or promulgated by the Secretary. Nothing in this subsection shall be construed as preventing the coordination of data with a State prescription medicine program so long as such program has in place confidentiality standards that are equal to or exceed the standards used by the Secretary.

''(d) FRAUD AND ABUSE SAFEGUARDS.—The Secretary, through the Office of the Inspector General, is authorized and directed to issue regulations establishing appropriate safeguards to prevent fraud and abuse under this part. Such safeguards, at a minimum, should include compliance programs, certification data, audits, and recordkeeping practices. In developing such regulations, the Secretary shall consult with the Attorney General and other law enforcement and regulatory agencies.

''FEDERAL MEDICARE PRESCRIPTION MEDICINE TRUST FUND

''SEC. 1859F. (a) ESTABLISHMENT.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'Federal Medicare Prescription Medicine Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1), and such amounts as may be deposited in, or appropriated to, such fund as provided in this part.

''(b) APPLICATION OF SMI TRUST FUND PROVISIONS.—The provisions of subsections (b) through (i) of section 1841 shall apply to this part and the Trust Fund in the same manner as they apply to part B and the Federal Supplementary Medical Insurance Trust Fund, respectively.

''COMPENSATION FOR EMPLOYERS COVERING RETIREE MEDICINE COSTS

''SEC. 1859G. (a) IN GENERAL.—In the case of an individual who is eligible to be enrolled under this part and is a participant or beneficiary under a group health plan that provides outpatient prescription medicine coverage to retirees the actuarial value of which is not less than the actuarial value of the coverage provided under this part, the Secretary shall make payments to such plan subject to the provisions of this section. Such payments shall be treated as payments under this part for purposes of sections 1859F and 1859C(e)(2). In applying the previous sentence with respect to section 1859C(e)(2), the amount of the Government contribution referred to in section 1844(a)(1)(A) is deemed to be equal to the aggregate amount of the payments made under this section.

''(b) REQUIREMENTS.—To receive payment under this section, a group health plan shall comply with the following requirements:

''(1) COMPLIANCE WITH REQUIREMENTS.—The group health plan shall comply with the requirements of this Act and other reasonable, necessary, and related requirements that are needed to administer this section, as determined by the Secretary.

''(2) ANNUAL ASSURANCES AND NOTICE BEFORE TERMINATION.—The sponsor of the plan shall—

''(A) annually attest, and provide such assurances as the Secretary may require, that the coverage offered under the group health plan meets the requirements of this section and will continue to meet such requirements for the duration of the sponsor's participation in the program under this section; and

''(B) guarantee that it will give notice to the Secretary and covered enrollees—

''(i) at least 120 days before terminating its plan, and

''(ii) immediately upon determining that the actuarial value of the prescription medicine benefit under the plan falls below the actuarial value required under subsection (a).

''(3) BENEFICIARY INFORMATION.—The sponsor of the plan shall report to the Secretary, for each calendar quarter for which it seeks a payment under this section, the names and social security numbers of all enrollees described in subsection (a) covered under such plan during such quarter and the dates (if less than the full quarter) during which each such individual was covered.

''(4) AUDITS.—The sponsor or plan seeking payment under this section shall agree to maintain, and to afford the Secretary access to, such records as the Secretary may require for purposes of audits and other oversight activities necessary to ensure the adequacy of prescription medicine coverage, the accuracy of payments made, and such other matters as may be appropriate.

''(c) PAYMENT.—

''(1) IN GENERAL.—The sponsor of a group health plan that meets the requirements of subsection (b) with respect to a quarter in a calendar year shall be entitled to have payment made on a quarterly basis of the amount specified in paragraph (2) for each individual described in subsection (a) who during the quarter is covered under the plan and was not enrolled in the insurance program under this part.

''(2) AMOUNT OF PAYMENT.—

''(A) IN GENERAL.—The amount of the payment for a quarter shall approximate, for each such covered individual, ⅔ of the sum of the monthly Government contribution amounts (computed under subparagraph (B)) for each of the 3 months in the quarter.

''(B) COMPUTATION OF MONTHLY GOVERNMENT CONTRIBUTION AMOUNT.—For purposes of subparagraph (A), the monthly Government contribution amount for a month in a year is equal to the amount by which—

''(i) 1/12 of the average per capita aggregate expenditures, as estimated under section 1859D(c)(8) for the year involved; exceeds

''(ii) the monthly premium rate under section 1859D(d) for the month involved.

''MEDICARE PRESCRIPTION MEDICINE ADVISORY COMMITTEE

''SEC. 1859H. (a) ESTABLISHMENT OF COMMITTEE.—There is established a Medicare Prescription Medicine Advisory Committee (in this section referred to as the 'Committee').

''(b) FUNCTIONS OF COMMITTEE.—The Committee shall advise the Secretary on policies related to—

''(1) the development of guidelines for the implementation and administration of the outpatient prescription medicine benefit program under this part; and

''(2) the development of—

''(A) standards required of pharmacy contractors under section 1859D(c)(5) for determining if a medicine is as effective for an enrollee or has a significant adverse effect on an enrollee under this part;

''(B) standards for—

''(i) defining therapeutic classes;

''(ii) adding new therapeutic classes;

''(iii) assigning to such classes covered outpatient prescription medicines; and

''(iv) identifying breakthrough medicines;

''(C) procedures to evaluate the bids submitted by pharmacy contractors under this part;

''(D) procedures for negotiations, and standards for entering into contracts, with manufacturers, including identifying medicines or classes of medicines where Secretarial negotiation is most likely to yield savings under this part significantly above those that which could be achieved by a pharmacy contractor; and

''(E) procedures to ensure that pharmacy contractors with a contract under this part are in compliance with the requirements under this part.

For purposes of this part, a medicine is a 'breakthrough medicine' if the Secretary, in consultation with the Committee, determines it is a new product that will make a significant and major improvement by reducing physical or mental illness, reducing mortality, or reducing disability, and that no other product is available to beneficiaries that achieves similar results for the same condition. The Committee may consider cost-effectiveness in establishing standards for defining therapeutic classes and assigning drugs to such classes under subparagraph (B).

''(c) STRUCTURE AND MEMBERSHIP OF THE COMMITTEE.—

''(1) STRUCTURE.—The Committee shall be composed of 19 members who shall be appointed by the Secretary.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The members of the Committee shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Committee.

''(B) SPECIFIC MEMBERS.—Of the members appointed under paragraph (1)—

''(i) 5 shall be chosen to represent practicing physicians, 2 of whom shall be gerontologists;

''(ii) 2 shall be chosen to represent practicing nurse practitioners;

''(iii) 4 shall be chosen to represent practicing pharmacists;

''(iv) 1 shall be chosen to represent the Centers for Medicare & Medicaid Services;

''(v) 4 shall be chosen to represent actuaries, pharmacoeconomists, researchers, and other appropriate experts;

''(vi) 1 shall be chosen to represent emerging medicine technologies;

''(vii) 1 shall be chosen to represent the Food and Drug Administration; and

''(viii) 1 shall be chosen to represent individuals enrolled under this part.

''(d) TERMS OF APPOINTMENT.—Each member of the Committee shall serve for a term determined appropriate by the Secretary. The terms of service of the members initially appointed shall begin on January 1, 2005.

''(e) CHAIRPERSON.—The Secretary shall designate a member of the Committee as Chairperson. The term as Chairperson shall be for a 1-year period.

''(f) COMMITTEE PERSONNEL MATTERS.—

''(1) MEMBERS.—

''(A) COMPENSATION.—Each member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee. All members of the Committee who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(B) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

''(2) STAFF.—The Committee may appoint such personnel as the Committee considers appropriate.

''(g) OPERATION OF THE COMMITTEE.—

''(1) MEETINGS.—The Committee shall meet at the call of the Chairperson (after consultation with the other members of the Committee) not less often than quarterly to consider a specific agenda of issues, as determined by the Chairperson after such consultation.

''(2) QUORUM.—Ten members of the Committee shall constitute a quorum for purposes of conducting business.

''(h) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

''(i) TRANSFER OF PERSONNEL, RESOURCES, AND ASSETS.—For purposes of carrying out its duties, the Secretary and the Committee may provide for the transfer to the Committee of such civil service personnel in the employ of the Department of Health and Human Services (including the Centers for Medicare & Medicaid Services), and such resources and assets of the Department used in carrying out this title, as the Committee requires.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.''.

(b) APPLICATION OF GENERAL EXCLUSIONS FROM COVERAGE.—

(1) APPLICATION TO PART D.—Section 1862(a) (42 U.S.C. 1395y(a)) is amended in the matter preceding paragraph (1) by striking ''part A or part B'' and inserting ''part A, B, or D''.

(2) PRESCRIPTION MEDICINES NOT EXCLUDED FROM COVERAGE IF APPROPRIATELY PRESCRIBED.—Section 1862(a)(1) (42 U.S.C. 1395y(a)(1)) is amended—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the semicolon at the end and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(J) in the case of prescription medicines covered under part D, which are not prescribed in accordance with such part;''.

(c) CONFORMING AMENDMENTS.—(1) Part C of title XVIII is amended—

(A) in section 1851(a)(2)(B) (42 U.S.C. 1395w–21(a)(2)(B)), by striking ''1859(b)(3)'' and inserting ''1858(b)(3)'';

(B) in section 1851(a)(2)(C) (42 U.S.C. 1395w–21(a)(2)(C)), by striking ''1859(b)(2)'' and inserting ''1858(b)(2)'';

(C) in section 1852(a)(1) (42 U.S.C. 1395w–22(a)(1)), by striking ''1859(b)(3)'' and inserting ''1858(b)(3)'';

(D) in section 1852(a)(3)(B)(ii) (42 U.S.C. 1395w–22(a)(3)(B)(ii)), by striking ''1859(b)(2)(B)'' and inserting ''1858(b)(2)(B)'';

(E) in section 1853(a)(1)(A) (42 U.S.C. 1395w–23(a)(1)(A)), by striking ''1859(e)(4)'' and inserting ''1858(e)(4)''; and

(F) in section 1853(a)(3)(D) (42 U.S.C. 1395w–23(a)(3)(D)), by striking ''1859(e)(4)'' and inserting ''1858(e)(4)''.

(2) Section 1171(a)(5)(D) (42 U.S.C. 1320d(a)(5)(D)) is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

SEC. 102. PROVISION OF MEDICARE OUTPATIENT PRESCRIPTION MEDICINE COVERAGE UNDER THE MEDICARE+CHOICE PROGRAM.

(a) REQUIRING AVAILABILITY OF AN ACTUARIALLY EQUIVALENT PRESCRIPTION MEDICINE BENEFIT.—Section 1851 (42 U.S.C. 1395w–21) is amended by adding at the end the following new subsection:

''(j) AVAILABILITY OF PRESCRIPTION MEDICINE BENEFITS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, each Medicare+Choice organization that makes available a Medicare+Choice plan described in section 1851(a)(2)(A) shall make available such a plan that offers coverage of covered outpatient prescription medicines that is at least actuarially equivalent to the benefits provided under part D. Information respecting such benefits shall be made available in the same manner as information on other benefits provided under this part is made available. Nothing in this paragraph shall be construed as requiring the offering of such coverage separate from coverage that includes benefits under parts A and B.

''(2) TREATMENT OF PRESCRIPTION MEDICINE ENROLLEES.—In the case of a Medicare+Choice eligible individual who is enrolled under part D, the benefits described in paragraph (1) shall be treated in the same manner as benefits described in part B for purposes of coverage and payment and any reference in this part to the Federal Supplementary Medical Insurance Trust Fund shall be deemed, with respect to such benefits, to be a reference to the Federal Medicare Prescription Medicine Trust Fund.''.

(b) APPLICATION OF QUALITY STANDARDS.—Section 1852(e)(2)(A) (42 U.S.C. 1395w–22(e)(2)(A)) is amended—

(1) by striking ''and'' at the end of clause (xi);

(2) by striking the period at the end of clause (xii) and inserting '', and''; and

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

''(xiii) comply with the standards, and apply the programs, under section 1859B(b) for covered outpatient prescription medicines under the plan.''.

(c) PAYMENT SEPARATE FROM PAYMENT FOR PART A AND B BENEFITS.—Section 1853 (42 U.S.C. 1395w–23) is amended—

(1) in subsection (a)(1)(A), by striking ''and (i)'' and inserting ''(i), and (j)''; and

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

''(j) PAYMENT FOR PRESCRIPTION MEDICINE COVERAGE OPTION.—

''(1) IN GENERAL.—In the case of a Medicare+Choice plan that provides prescription medicine benefits described in section 1851(j)(1), the amount of payment otherwise made to the Medicare+Choice organization offering the plan shall be increased by the amount described in paragraph (2). Such payments shall be made in the same manner and time as the amount otherwise paid, but such amount shall be payable from the Federal Medicare Prescription Medicine Trust Fund.

''(2) AMOUNT.—The amount described in this paragraph is the monthly Government contribution amount computed under section 1859G(c)(2)(B), but subject to adjustment under paragraph (3). Such amount shall be uniform geographically and shall not vary based on the Medicare+Choice payment area involved.

''(3) RISK ADJUSTMENT.—The Secretary shall establish a methodology for the adjustment of the payment amount under this subsection in a manner that takes into account the relative risks for use of outpatient prescription medicines by Medicare+Choice enrollees. Such methodology shall be designed in a manner so that the total payments under this title (including part D) are not changed as a result of the application of such methodology.''.

(d) SEPARATE APPLICATION OF ADJUSTED COMMUNITY RATE (ACR).—Section 1854 (42 U.S.C. 1395w–24) is amended by adding at the end the following:

''(i) APPLICATION TO PRESCRIPTION MEDICINE COVERAGE.—The Secretary shall apply the previous provisions of this section (including the computation of the adjusted community rate) separately with respect to prescription medicine benefits described in section 1851(j)(1).''.

(f) CONFORMING AMENDMENTS.—

(1) Section 1851 (42 U.S.C. 1395w–21) is amended—

(A) in subsection (a)(1)(A), by striking ''parts A and B'' and inserting ''parts A, B, and D''; and

(B) in subsection (i) by inserting ''(and, if applicable, part D)'' after ''parts A and B''.

(2) Section 1852(a)(1)(A) (42 U.S.C. 1395w–22(a)(1)(A)) is amended by inserting ''(and under part D to individuals also enrolled under such part)'' after ''parts A and B''.

(3) Section 1852(d)(1) (42 U.S.C. 1395w–22(d)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(C) by adding at the end the following:

''(F) the plan for part D benefits guarantees coverage of any specifically named prescription medicine for an enrollee to the extent that it would be required to be covered under part D.

In carrying out subparagraph (F), a Medicare+Choice organization has the same authority to enter into contracts with respect to coverage of preferred medicines as the Secretary has under part D, but subject to an independent contractor appeal or other appeal process that would be applicable to determinations by such a pharmacy contractor consistent with section 1859D(c)(5).''.

(e) LIMITATION ON COST-SHARING.—Section 1854(e) (42 U.S.C. 1395w–24(e)) is amended by adding at the end the following new paragraph:

''(5) LIMITATION ON COST-SHARING.—In no event may a Medicare+Choice organization include a requirement that an enrollee pay cost-sharing in excess of the cost-sharing otherwise permitted under part D.''.

SEC. 103. MEDIGAP REVISIONS.

(a) REQUIRED COVERAGE OF COVERED OUTPATIENT PRESCRIPTION MEDICINES.—Section 1882(p)(2)(B) (42 U.S.C. 1395ss(p)(2)(B)) is amended by inserting before ''and'' at the end the following: ''including a requirement that an appropriate number of policies provide coverage of medicines which complements but does not duplicate the medicine benefits that beneficiaries are otherwise eligible for benefits under part D of this title (with the Secretary and the National Association of Insurance Commissioners determining the appropriate level of medicine benefits that each benefit package must provide and ensuring that policies providing such coverage are affordable for beneficiaries;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2006.

(c) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the amendments made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, within 9 months after the date of enactment of this Act, the National Association of Insurance Commissioners (in this subsection referred to as the ''NAIC'') modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section; or

(ii) 1 year after the date the NAIC or the Secretary first makes the modifications under paragraph (2) or (3), respectively.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section; but

(ii) having a legislature which is not scheduled to meet in 2004 in a legislative session in which such legislation may be considered;

the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 2004. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 104. TRANSITIONAL ASSISTANCE FOR LOW INCOME BENEFICIARIES.

(a) QMB COVERAGE OF PREMIUMS AND COST-SHARING.—Section 1905(p)(3) (42 U.S.C. 1396d(p)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' at the end of clause (i),

(B) by adding ''and'' at the end of clause (ii), and

(C) by adding at the end the following new clause:

''(iii) premiums under section 1859D(d).'';

(2) in subparagraph (B), by inserting ''and section 1859D(c)(3)(B) and 1859D(c)(3)(C)(i)'' after ''1813''; and

(3) in subparagraph (C), by striking ''and section 1833(b)'' and inserting '', section 1833(b), and section 1859D(c)(2)''.

(b) EXPANDED SLMB ELIGIBILITY.—Section 1902(a)(10)(E) (42 U.S.C. 1396a(a)(10)(E)) is amended—

(1) by striking ''and'' at the end of clause (iii);

(2) by adding ''and'' at the end of clause (iv); and

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

''(v)(I) for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(iii) and medicare cost-sharing described in section 1905(p)(3)(B) and section 1905(p)(3)(C) but only insofar as it relates to benefits provided under part D of title XVIII, subject to section 1905(p)(4), for individuals (other than qualified medicare beneficiaries) who are enrolled under part D of title XVIII and are described in section 1905(p)(1)(B) or would be so described but for the fact that their income exceeds 100 percent, but is less than 150 percent, of the official poverty line (referred to in such section) for a family of the size involved;

''(II) subject to section 1905(p)(4), for individuals (other than qualified medicare beneficiaries and individuals described in subclause (I)) who are enrolled under part D of title XVIII and would be described in section 1905(p)(1)(B) but for the fact that their income exceeds 150 percent, but is less than 175 percent, of the official poverty line (referred to in such section) for a family of the size involved, for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(iii) and medicare cost-sharing described in section 1905(p)(3)(B) and section 1905(p)(3)(C) but only insofar as it relates to benefits provided under part D of title XVIII, and the assistance for medicare cost-sharing described in section 1905(p)(3)(A)(iii) is reduced (on a sliding scale based on income) from 100 percent to 0 percent as the income increases from 150 percent to 175 percent of such poverty line;''.

(c) FEDERAL FINANCING.—The third sentence of section 1905(b) (42 U.S.C. 1396d(b)) is amended by inserting before the period at the end the following: ''and with respect to amounts expended that are attributable to section 1902(a)(10)(E)(v) (other than for individuals described in section 1905(p)(1)(B))''.

(d) TREATMENT OF TERRITORIES.—

(1) IN GENERAL.—Section 1905(p) (42 U.S.C. 1396d(p)) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following new paragraph:

''(5)(A) In the case of a State, other than the 50 States and the District of Columbia—

''(i) the provisions of paragraph (3) insofar as they relate to section 1859D and the provisions of section 1902(a)(10)(E)(v) shall not apply to residents of such State; and

''(ii) if the State establishes a plan described in subparagraph (B) (for providing medical assistance with respect to the provision of prescription medicines to medicare beneficiaries), the amount otherwise determined under section 1108(f) (as increased under section 1108(g)) for the State shall be increased by the amount specified in subparagraph (C).

''(B) The plan described in this subparagraph is a plan that—

''(i) provides medical assistance with respect to the provision of covered outpatient medicines (as defined in section 1859D(b)) to low-income medicare beneficiaries; and

''(ii) assures that additional amounts received by the State that are attributable to the operation of this paragraph are used only for such assistance.

''(C)(i) The amount specified in this subparagraph for a State for a year is equal to the product of—

''(I) the aggregate amount specified in clause (ii); and

''(II) the amount specified in section 1108(g)(1) for that State, divided by the sum of the amounts specified in such section for all such States.

''(ii) The aggregate amount specified in this clause for—

''(I) 2006, is equal to $25,000,000; or

''(II) a subsequent year, is equal to the aggregate amount specified in this clause for the previous year increased by annual percentage increase specified in section 1859D(c)(8)(B) for the year involved.

''(D) The Secretary shall submit to Congress a report on the application of this paragraph and may include in the report such recommendations as the Secretary deems appropriate.''.

(2) CONFORMING AMENDMENT.—Section 1108(f) (42 U.S.C. 1308(f)) is amended by inserting ''and section 1905(p)(5)(A)(ii)'' after ''Subject to subsection (g)''.

(e) APPLICATION OF COST-SHARING.—Section 1902(n)(2) (42 U.S.C. 1396a(n)(2)) is amended by adding at the end the following: ''The previous sentence shall not apply to medicare cost-sharing relating to benefits under part D of title XVIII.''.

(f) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance for premiums and cost-sharing incurred on or after January 1, 2006, with regard to whether regulations to implement such amendments are promulgated by such date.

SEC. 105. EXPANSION OF MEMBERSHIP AND DUTIES OF MEDICARE PAYMENT ADVISORY COMMISSION (MEDPAC).

(a) EXPANSION OF MEMBERSHIP.—

(1) IN GENERAL.—Section 1805(c) (42 U.S.C. 1395b–6(c)) is amended—

(A) in paragraph (1), by striking ''17'' and inserting ''19''; and

(B) in paragraph (2)(B), by inserting ''experts in the area of pharmacology and prescription medicine benefit programs,'' after ''other health professionals,''.

(2) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(A) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b–6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under paragraph (1)(A) are as follows:

(i) One member shall be appointed for 1 year.

(ii) One member shall be appointed for 2 years.

(B) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2004.

(b) EXPANSION OF DUTIES.—Section 1805(b)(2) (42 U.S.C. 1395b–6(b)(2)) is amended by adding at the end the following new subparagraph:

''(D) PRESCRIPTION MEDICINE BENEFIT PROGRAM.—Specifically, the Commission shall review, with respect to the prescription medicine benefit program under part D, the following:

''(i) The methodologies used for the management of costs and utilization of prescription medicines.

''(ii) The prices negotiated and paid, including trends in such prices and applicable discounts and comparisons with prices under section 1859E(a)(2)(E).

''(iii) The relationship of pharmacy acquisition costs to the prices so negotiated and paid.

''(iv) The methodologies used to ensure access to covered outpatient prescription medicines and to ensure quality in the appropriate dispensing and utilization of such medicines.

''(v) The impact of the program on promoting the development of breakthrough medicines.''.

SEC. 106. STATE PHARMACEUTICAL ASSISTANCE TRANSITION COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established, as of the first day of the third month beginning after the date of the enactment of this Act, a State Pharmaceutical Assistance Transition Commission (in this section referred to as the ''Commission'') to develop a proposal for addressing the unique transitional issues facing State pharmaceutical assistance programs, and program participants, due to the implementation of the medicare prescription drug program under part D of title XVIII of the Social Security Act.

(2) DEFINITIONS.—For purposes of this section:

(A) STATE PHARMACEUTICAL ASSISTANCE PROGRAM DEFINED.—The term ''State pharmaceutical assistance program'' means a program (other than the medicaid program) operated by a State (or under contract with a State) that provides as of the date of the enactment of this Act assistance to low-income medicare beneficiaries for the purchase of prescription drugs.

(B) PROGRAM PARTICIPANT.—The term ''program participant'' means a low-income medicare beneficiary who is a participant in a State pharmaceutical assistance program.

(b) COMPOSITION.—The Commission shall include the following:

(1) A representative of each governor of each State that the Secretary identifies as operating on a statewide basis a State pharmaceutical assistance program that provides for eligibility and benefits that are comparable or more generous than the low-income assistance eligibility and benefits offered under part D of title XVIII of the Social Security Act.

(2) Representatives from other States that the Secretary identifies have in operation other State pharmaceutical assistance programs, as appointed by the Secretary.

(3) Representatives of organizations that have an inherent interest in program participants or the program itself, as appointed by the Secretary but not to exceed the number of representatives under paragraphs (1) and (2).

(4) Representatives of Medicare+Choice organizations and other private health insurance plans, as appointed by the Secretary.

(5) The Secretary (or the Secretary's designee) and such other members as the Secretary may specify.

The Secretary shall designate a member to serve as chair of the Commission and the Commission shall meet at the call of the chair.

(c) DEVELOPMENT OF PROPOSAL.—The Commission shall develop the proposal described in subsection (a) in a manner consistent with the following principles:

(1) Protection of the interests of program participants in a manner that is the least disruptive to such participants and that includes a single point of contact for enrollment and processing of benefits.

(2) Protection of the financial and flexibility interests of States so that States are not financially worse off as a result of the enactment of this title.

(3) Principles of medicare modernization provided under title II of this Act.

(d) REPORT.—By not later than January 1, 2005, the Commission shall submit to the President and the Congress a report that contains a detailed proposal (including specific legislative or administrative recommendations, if any) and such other recommendations as the Commission deems appropriate.

(e) SUPPORT.—The Secretary shall provide the Commission with the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(f) TERMINATION.—The Commission shall terminate 30 days after the date of submission of the report under subsection (d).

TITLE II—MEDICARE+CHOICE

SEC. 201. MEDICARE+CHOICE IMPROVEMENTS.

(a) EQUALIZING PAYMENTS WITH FEE-FOR-SERVICE.—

(1) IN GENERAL.—Section 1853(c)(1) (42 U.S.C. 1395w–23(c)(1)) is amended by adding at the end the following:

''(D) BASED ON 100 PERCENT OF FEE-FOR-SERVICE COSTS.—

''(i) IN GENERAL.—For 2004, the adjusted average per capita cost for the year involved, determined under section 1876(a)(4) for the Medicare+Choice payment area for services covered under parts A and B for individuals entitled to benefits under part A and enrolled under part B who are not enrolled in a Medicare+Choice under this part for the year, but adjusted to exclude costs attributable to payments under section 1886(h).

''(ii) INCLUSION OF COSTS OF VA AND DOD MILITARY FACILITY SERVICES TO MEDICARE-ELIGIBLE BENEFICIARIES.—In determining the adjusted average per capita cost under clause (i) for a year, such cost shall be adjusted to include the Secretary's estimate, on a per capita basis, of the amount of additional payments that would have been made in the area involved under this title if individuals entitled to benefits under this title had not received services from facilities of the Department of Veterans Affairs or the Department of Defense.''.

(2) CONFORMING AMENDMENT.—Such section is further amended, in the matter before subparagraph (A), by striking ''or (C)'' and inserting ''(C), or (D)''.

(b) REVISION OF BLEND.—

(1) REVISION OF NATIONAL AVERAGE USED IN CALCULATION OF BLEND.—Section 1853(c)(4)(B)(i)(II) (42 U.S.C. 1395w–23(c)(4)(B)(i)(II)) is amended by inserting ''who (with respect to determinations for 2004) are enrolled in a Medicare+Choice plan'' after ''the average number of medicare beneficiaries''.

(2) CHANGE IN BUDGET NEUTRALITY.—Section 1853(c) (42 U.S.C. 1395w–23(c)) is amended—

(A) in paragraph (1)(A), by inserting ''(for a year before 2004)'' after ''multiplied''; and

(B) in paragraph (5), by inserting ''(before 2004)'' after ''for each year''.

(c) INCREASING MINIMUM PERCENTAGE INCREASE TO NATIONAL GROWTH RATE.—

(1) IN GENERAL.—Section 1853(c)(1) (42 U.S.C. 1395w–23(c)(1)) is amended—

(A) in subparagraph (B)(iv), by striking ''and each succeeding year'' and inserting '', 2003, and 2004'';

(B) in subparagraph (C)(iv), by striking ''and each succeeding year'' and inserting ''and 2003''; and

(C) by adding at the end of subparagraph (C) the following new clause:

''(v) For 2004 and each succeeding year, the greater of—

''(I) 102 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year; or

''(II) the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year increased by the national per capita Medicare+Choice growth percentage, described in paragraph (6) for that succeeding year, but not taking into account any adjustment under paragraph (6)(C) for a year before 2004.''.

(2) CONFORMING AMENDMENT.—Section 1853(c)(6)(C) (42 U.S.C. 1395w–23(c)(6)(C)) is amended by inserting before the period at the end the following: '', except that for purposes of paragraph (1)(C)(v)(II), no such adjustment shall be made for a year before 2004''.

(d) INCLUSION OF COSTS OF DOD AND VA MILITARY FACILITY SERVICES TO MEDICARE-ELIGIBLE BENEFICIARIES IN CALCULATION OF MEDICARE+CHOICE PAYMENT RATES.—Section 1853(c)(3) (42 U.S.C. 1395w–23(c)(3)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (E)'', and

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

''(E) INCLUSION OF COSTS OF DOD AND VA MILITARY FACILITY SERVICES TO MEDICARE-ELIGIBLE BENEFICIARIES.—In determining the area-specific Medicare+Choice capitation rate under subparagraph (A) for a year (beginning with 2004), the annual per capita rate of payment for 1997 determined under section 1876(a)(1)(C) shall be adjusted to include in the rate the Secretary's estimate, on a per capita basis, of the amount of additional payments that would have been made in the area involved under this title if individuals entitled to benefits under this title had not received services from facilities of the Department of Defense or the Department of Veterans Affairs.''.

(e) EXTENDING SPECIAL RULE FOR CERTAIN INPATIENT HOSPITAL STAYS TO REHABILITATION HOSPITALS.—

(1) IN GENERAL.—Section 1853(g) (42 U.S.C. 1395w–23(g)) is amended—

(A) by inserting ''or from a rehabilitation facility (as defined in section 1886(j)(1)(A))'' after ''1886(d)(1)(B))''; and

(B) in paragraph (2)(B), by inserting ''or section 1886(j), as the case may be,'' after ''1886(d)''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to contract years beginning on or after January 1, 2004.

(f) MEDPAC STUDY OF AAPCC.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study that assesses the method used for determining the adjusted average per capita cost (AAPCC) under section 1876(a)(4) of the Social Security Act (42 U.S.C. 1395mm(a)(4)) as applied under section 1853(c)(1)(A) of such Act (as amended by subsection (a)). Such study shall include an examination of—

(A) the bases for variation in such costs between different areas, including differences in input prices, utilization, and practice patterns;

(B) the appropriate geographic area for payment under the Medicare+Choice program under part C of title XVIII of such Act; and

(C) the accuracy of risk adjustment methods in reflecting differences in costs of providing care to different groups of beneficiaries served under such program.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under paragraph (1).

(g) REPORT ON IMPACT OF INCREASED FINANCIAL ASSISTANCE TO MEDICARE+CHOICE PLANS.—Not later than July 1, 2006, the Medicare Benefits Administrator shall submit to Congress a report that describes the impact of additional financing provided under this Act and other Acts (including the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and BIPA) on the availability of Medicare+Choice plans in different areas and its impact on lowering premiums and increasing benefits under such plans.

(h) LIMITATION ON APPLICATION TO 2004 AND 2005.—Notwithstanding any other provision of law, the amendments made by this section shall only apply to payment rates for 2004 and 2005 and for subsequent years the payment shall be made on the basis of law as in effect before the date of the enactment of this Act.

SEC. 202. MAKING PERMANENT CHANGE IN MEDICARE+CHOICE REPORTING DEADLINES AND ANNUAL, COORDINATED ELECTION PERIOD.

(a) CHANGE IN REPORTING DEADLINE.—Section 1854(a)(1) (42 U.S.C. 1395w–24(a)(1)), as amended by section 532(b)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, is amended by striking ''2002, 2003, and 2004 (or July 1 of each other year)'' and inserting ''2002 and each subsequent year''.

(b) DELAY IN ANNUAL, COORDINATED ELECTION PERIOD.—Section 1851(e)(3)(B) (42 U.S.C. 1395w–21(e)(3)(B)), as amended by section 532(c)(1)(A) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, is amended—

(1) by striking ''and after 2005''; and

(2) by striking '', 2004, and 2005'' and inserting ''and any subsequent year''.

(c) ANNUAL ANNOUNCEMENT OF PAYMENT RATES.—Section 1853(b)(1) (42 U.S.C. 1395w–23(b)(1)), as amended by section 532(d)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, is amended—

(1) by striking ''and after 2005''; and

(2) by striking ''and 2005'' and inserting ''and each subsequent year''.

SEC. 203. SPECIALIZED MEDICARE+CHOICE PLANS FOR SPECIAL NEEDS BENEFICIARIES.

(a) TREATMENT AS COORDINATED CARE PLAN.—Section 1851(a)(2)(A) (42 U.S.C. 1395w–21(a)(2)(A)) is amended by adding at the end the following new sentence: ''Specialized Medicare+Choice plans for special needs beneficiaries (as defined in section 1859(b)(4)) may be any type of coordinated care plan.''.

(b) SPECIALIZED MEDICARE+CHOICE PLAN FOR SPECIAL NEEDS BENEFICIARIES DEFINED.—Section 1859(b) (42 U.S.C. 1395w–29(b)) is amended by adding at the end the following new paragraph:

''(4) SPECIALIZED MEDICARE+CHOICE PLANS FOR SPECIAL NEEDS BENEFICIARIES.—

''(A) IN GENERAL.—The term 'specialized Medicare+Choice plan for special needs beneficiaries' means a Medicare+Choice plan that exclusively serves special needs beneficiaries (as defined in subparagraph (B)).

''(B) SPECIAL NEEDS BENEFICIARY.—The term 'special needs beneficiary' means a Medicare+Choice eligible individual who—

''(i) is institutionalized (as defined by the Secretary);

''(ii) is entitled to medical assistance under a State plan under title XIX; or

''(iii) meets such requirements as the Secretary may determine would benefit from enrollment in such a specialized Medicare+Choice plan described in subparagraph (A) for individuals with severe or disabling chronic conditions.''.

(c) RESTRICTION ON ENROLLMENT PERMITTED.—Section 1859 (42 U.S.C. 1395w–29) is amended by adding at the end the following new subsection:

''(f) RESTRICTION ON ENROLLMENT FOR SPECIALIZED MEDICARE+CHOICE PLANS FOR SPECIAL NEEDS BENEFICIARIES.—In the case of a specialized Medicare+Choice plan (as defined in subsection (b)(4)), notwithstanding any other provision of this part and in accordance with regulations of the Secretary and for periods before January 1, 2007, the plan may restrict the enrollment of individuals under the plan to individuals who are within one or more classes of special needs beneficiaries.''.

(d) REPORT TO CONGRESS.—Not later than December 31, 2005, the Medicare Benefits Administrator shall submit to Congress a report that assesses the impact of specialized Medicare+Choice plans for special needs beneficiaries on the cost and quality of services provided to enrollees. Such report shall include an assessment of the costs and savings to the medicare program as a result of

amendments made by subsections (a), (b), and (c).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall take effect upon the date of the enactment of this Act.

(2) DEADLINE FOR ISSUANCE OF REQUIREMENTS FOR SPECIAL NEEDS BENEFICIARIES; TRANSITION.—No later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to establish requirements for special needs beneficiaries under section 1859(b)(4)(B)(iii) of the Social Security Act, as added by subsection (b).

SEC. 204. MEDICARE MSAS.

Section 1852(k)(1) (42 U.S.C. 1395w–22(k)(1)) is amended by inserting ''or with an organization offering a MSA plan'' after ''section 1851(a)(2)(A)''.

SEC. 205. EXTENSION OF REASONABLE COST CONTRACTS.

Subparagraph (C) of section 1876(h)(5) (42 U.S.C. 1395mm(h)(5)) is amended to read as follows:

''(C)(i) Subject to clause (ii), may be extended or renewed under this subsection indefinitely.

''(ii) For any period beginning on or after January 1, 2008, a reasonable cost reimbursement contract under this subsection may not be extended or renewed for a service area insofar as such area, during the entire previous year, was within the service area of 2 or more plans which were coordinated care Medicare+Choice plans under part C or 2 or more enhanced fee-for-service plans under part E and each of which plan for that previous year for the area involved meets the following minimum enrollment requirements:

''(I) With respect to any portion of the area involved that is within a Metropolitan Statistical Area with a population of more than 250,000 and counties contiguous to such Metropolitan Statistical Area, 5,000 individuals.

''(II) With respect to any other portion of such area, 1,500 individuals.''.

SEC. 206. EXTENSION OF MUNICIPAL HEALTH SERVICE DEMONSTRATION PROJECTS.

The last sentence of section 9215(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1395b–1 note), as previously amended, is amended by striking ''December 31, 2004, but only with respect to'' and all that follows and inserting ''December 31, 2009, but only with respect to individuals who reside in the city in which the project is operated and so long as the total number of individuals participating in the project does not exceed the number of such individuals participating as of January 1, 1996.''.

TITLE III—COMBATTING WASTE, FRAUD, AND ABUSE

SEC. 301. MEDICARE SECONDARY PAYOR (MSP) PROVISIONS.

(a) TECHNICAL AMENDMENT CONCERNING SECRETARY'S AUTHORITY TO MAKE CONDITIONAL PAYMENT WHEN CERTAIN PRIMARY PLANS DO NOT PAY PROMPTLY.—

(1) IN GENERAL.—Section 1862(b)(2) (42 U.S.C. 1395y(b)(2)) is amended—

(A) in subparagraph (A)(ii), by striking ''promptly (as determined in accordance with regulations)'';

(B) in subparagraph (B)—

(i) by redesignating clauses (i) through (iii) as clauses (ii) through (iv), respectively; and

(ii) by inserting before clause (ii), as so redesignated, the following new clause:

''(i) AUTHORITY TO MAKE CONDITIONAL PAYMENT.—The Secretary may make payment under this title with respect to an item or service if a primary plan described in subparagraph (A)(ii) has not made or cannot reasonably be expected to make payment with respect to such item or service promptly (as determined in accordance with regulations). Any such payment by the Secretary shall be conditioned on reimbursement to the appropriate Trust Fund in accordance with the succeeding provisions of this subsection.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of title III of the Medicare and Medicaid Budget Reconciliation Amendments of 1984 (Public Law 98-369).

(b) CLARIFYING AMENDMENTS TO CONDITIONAL PAYMENT PROVISIONS.—Section 1862(b)(2) (42 U.S.C. 1395y(b)(2)) is further amended—

(1) in subparagraph (A), in the matter following clause (ii), by inserting the following sentence at the end: ''An entity that engages in a business, trade, or profession shall be deemed to have a self-insured plan if it carries its own risk (whether by a failure to obtain insurance, or otherwise) in whole or in part.'';

(2) in subparagraph (B)(ii), as redesignated by subsection (a)(2)(B)—

(A) by striking the first sentence and inserting the following: ''A primary plan, and an entity that receives payment from a primary plan, shall reimburse the appropriate Trust Fund for any payment made by the Secretary under this title with respect to an item or service if it is demonstrated that such primary plan has or had a responsibility to make payment with respect to such item or service. A primary plan's responsibility for such payment may be demonstrated by a judgment, a payment conditioned upon the recipient's compromise, waiver, or release (whether or not there is a determination or admission of liability) of payment for items or services included in a claim against the primary plan or the primary plan's insured, or by other means.''; and

(B) in the final sentence, by striking ''on the date such notice or other information is received'' and inserting ''on the date notice of, or information related to, a primary plan's responsibility for such payment or other information is received''; and

(3) in subparagraph (B)(iii), , as redesignated by subsection (a)(2)(B), by striking the first sentence and inserting the following: ''In order to recover payment made under this title for an item or service, the United States may bring an action against any or all entities that are or were required or responsible (directly, as an insurer or self-insurer, as a third-party administrator, as an employer that sponsors or contributes to a group health plan, or large group health plan, or otherwise) to make payment with respect to the same item or service (or any portion thereof) under a primary plan. The United States may, in accordance with paragraph (3)(A) collect double damages against any such entity. In addition, the United States may recover under this clause from any entity that has received payment from a primary plan or from the proceeds of a primary plan's payment to any entity.''.

(c) CLERICAL AMENDMENTS.—Section 1862(b) (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (1)(A), by moving the indentation of clauses (ii) through (v) 2 ems to the left; and

(2) in paragraph (3)(A), by striking ''such'' before ''paragraphs''.

SEC. 302. COMPETITIVE ACQUISITION OF CERTAIN ITEMS AND SERVICES.

(a) IN GENERAL.—Section 1847 (42 U.S.C. 1395w–3) is amended to read as follows:

''COMPETITIVE ACQUISITION OF CERTAIN ITEMS AND SERVICES

''SEC. 1847. (a) ESTABLISHMENT OF COMPETITIVE ACQUISITION PROGRAMS.—

''(1) IMPLEMENTATION OF PROGRAMS.—

''(A) IN GENERAL.—The Secretary shall establish and implement programs under which competitive acquisition areas are established throughout the United States for contract award purposes for the furnishing under this part of competitively priced items and services (described in paragraph (2)) for which payment is made under this part. Such areas may differ for different items and services.

''(B) PHASED-IN IMPLEMENTATION.—The programs shall be phased-in—

''(i) among competitive acquisition areas over a period of not longer than 3 years in a manner so that the competition under the programs occurs in—

''(I) at least ⅓ of such areas in 2009; and

''(II) at least ⅔ of such areas in 2010; and

''(ii) among items and services in a manner such that the programs apply to the highest cost and highest volume items and services first.

''(C) WAIVER OF CERTAIN PROVISIONS.—In carrying out the programs, the Secretary may waive such provisions of the Federal Acquisition Regulation as are necessary for the efficient implementation of this section, other than provisions relating to confidentiality of information and such other provisions as the Secretary determines appropriate.

''(2) ITEMS AND SERVICES DESCRIBED.—The items and services referred to in paragraph (1) are the following:

''(A) DURABLE MEDICAL EQUIPMENT AND MEDICAL SUPPLIES.—Covered items (as defined in section 1834(a)(13)) for which payment is otherwise made under section 1834(a), including items used in infusion and drugs and supplies used in conjunction with durable medical equipment, but excluding class III devices under the Federal Food, Drug, and Cosmetic Act.

''(B) OTHER EQUIPMENT AND SUPPLIES.—Items, equipment, and supplies (as described in section 1842(s)(2)(D) other than enteral nutrients).

''(C) OFF-THE-SHELF ORTHOTICS.—Orthotics (described in section 1861(s)(9)) for which payment is otherwise made under section 1834(h) which require minimal self-adjustment for appropriate use and does not require expertise in trimming, bending, molding, assembling, or customizing to fit to the patient.

''(3) EXCEPTION AUTHORITY.—In carrying out the programs under this section, the Secretary may exempt—

''(A) rural areas and areas with low population density within urban areas that are not competitive, unless there is a significant national market through mail order for a particular item or service; and

''(B) items and services for which the application of competitive acquisition is not likely to result in significant savings.

''(4) SPECIAL RULE FOR CERTAIN RENTED ITEMS OF DURABLE MEDICAL EQUIPMENT.—In the case of a covered item for which payment is made on a rental basis under section 1834(a), the Secretary shall establish a process by which rental agreements for the covered items entered into before the application of the competitive acquisition program under this section for the item may be continued notwithstanding this section. In the case of any such continuation, the supplier involved shall provide for appropriate servicing and replacement, as required under section 1834(a).

''(5) PHYSICIAN AUTHORIZATION.—The Secretary may establish a process under which a physician may prescribe a particular brand or mode of delivery of an item or service if the item or service involved is clinically more appropriate than other similar items or services.

''(6) APPLICATION.—For each competitive acquisition area in which the program is implemented under this subsection with respect to items and services, the payment basis determined under the competition conducted under subsection (b) shall be substituted for the payment basis otherwise applied under section 1834(a).

''(b) PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall conduct a competition among entities supplying items and services described in subsection (a)(2) for each competitive acquisition area in which the program is implemented under subsection (a) with respect to such items and services.

''(2) CONDITIONS FOR AWARDING CONTRACT.—

''(A) IN GENERAL.—The Secretary may not award a contract to any entity under the competition conducted in an competitive acquisition area pursuant to paragraph (1) to furnish such items or services unless the Secretary finds all of the following:

''(i) The entity meets quality and financial standards specified by the Secretary or developed by the Program Advisory and Oversight Committee established under subsection (c).

''(ii) The total amounts to be paid under the contract (including costs associated with the administration of the contract) are expected to be less than the total amounts that would otherwise be paid.

''(iii) Beneficiary access to a choice of multiple suppliers in the area is maintained.

''(iv) Beneficiary liability is limited to 20 percent of the applicable contract award price, except in such cases where a supplier has furnished an upgraded item and has executed an advanced beneficiary notice.

''(B) DEVELOPMENT OF QUALITY STANDARDS FOR DME PRODUCTS.—

''(i) IN GENERAL.—The quality standards specified under subparagraph (A)(i) shall not be less than the quality standards that would otherwise apply if this section did not apply and shall include consumer services standards. Not later than July 1, 2007, the Secretary shall establish new quality standards for products subject to competitive acquisition under this section. Such standards shall be applied prospectively and shall be published on the website of the Department of Health and Human Services.

''(ii) CONSULTATION WITH PROGRAM ADVISORY AND OVERSIGHT COMMITTEE.—The Secretary shall consult with the Program Advisory and Oversight Committee (established under subsection (c)) to review (and advise the Secretary concerning) the quality standards referred to in clause (i).

''(3) CONTENTS OF CONTRACT.—

''(A) IN GENERAL.—A contract entered into with an entity under the competition conducted pursuant to paragraph (1) is subject to terms and conditions that the Secretary may specify.

''(B) TERM OF CONTRACTS.—The Secretary shall recompete contracts under this section not less often than once every 3 years.

''(4) LIMIT ON NUMBER OF CONTRACTORS.—

''(A) IN GENERAL.—The Secretary may limit the number of contractors in a competitive acquisition area to the number needed to meet projected demand for items and services covered under the contracts. In awarding contracts, the Secretary shall take into account the ability of bidding entities to furnish items or services in sufficient quantities to meet the anticipated needs of beneficiaries for such items or services in the geographic area covered under the contract on a timely basis.

''(B) MULTIPLE WINNERS.—The Secretary shall award contracts to multiple entities submitting bids in each area for an item or service.

''(5) PAYMENT.—Payment under this part for competitively priced items and services described in subsection (a)(2) shall be based on the bids submitted and accepted under this section for such items and services.

''(6) PARTICIPATING CONTRACTORS.—Payment shall not be made for items and services described in subsection (a)(2) furnished by a contractor and for which competition is conducted under this section unless—

''(A) the contractor has submitted a bid for such items and services under this section; and

''(B) the Secretary has awarded a contract to the contractor for such items and services under this section.

In this section, the term 'bid' means a request for a proposal for an item or service that includes the cost of the item or service, and where appropriate, any services that are attendant to the provision of the item or service.

''(7) CONSIDERATION IN DETERMINING CATEGORIES FOR BIDS.—The Secretary shall consider the similarity of the clinical efficiency and value of specific codes and products, including products that may provide a therapeutic advantage to beneficiaries, before delineating the categories and products that will be subject to bidding.

''(8) AUTHORITY TO CONTRACT FOR EDUCATION, MONITORING, OUTREACH AND COMPLAINT SERVICES.—The Secretary may enter into a contract with an appropriate entity to address complaints from beneficiaries who receive items and services from an entity with a contract under this section and to conduct appropriate education of and outreach to such beneficiaries and monitoring quality of services with respect to the program.

''(c) PROGRAM ADVISORY AND OVERSIGHT COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a Program Advisory and Oversight Committee (hereinafter in this section referred to as the 'Committee').

''(2) MEMBERSHIP; TERMS.—The Committee shall consist of such members as the Secretary may appoint who shall serve for such term as the Secretary may specify.

''(3) DUTIES.—

''(A) TECHNICAL ASSISTANCE.—The Committee shall provide advice and technical assistance to the Secretary with respect to the following functions:

''(i) The implementation of the program under this section.

''(ii) The establishment of requirements for collection of data.

''(iii) The development of proposals for efficient interaction among manufacturers and distributors of the items and services and providers and beneficiaries.

''(B) ADDITIONAL DUTIES.—The Committee shall perform such additional functions to assist the Secretary in carrying out this section as the Secretary may specify.

''(4) INAPPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply.

''(d) ANNUAL REPORTS.—The Secretary shall submit to Congress an annual management report on the programs under this section. Each such report shall include information on savings, reductions in beneficiary cost-sharing, access to and quality of items and services, and beneficiary satisfaction.

''(e) DEMONSTRATION PROJECT FOR CLINICAL LABORATORY SERVICES.—

''(1) IN GENERAL.—The Secretary shall conduct a demonstration project on the application of competitive acquisition under this section to clinical diagnostic laboratory tests—

''(A) for which payment is otherwise made under section 1833(h) or 1834(d)(1) (relating to colorectal cancer screening tests); and

''(B) which are furnished by entities that did not have a face-to-face encounter with the individual.

''(2) TERMS AND CONDITIONS.—Such project shall be under the same conditions as are applicable to items and services described in subsection (a)(2).

''(3) REPORT.—The Secretary shall submit to Congress—

''(A) an initial report on the project not later than December 31, 2008; and

''(B) such progress and final reports on the project after such date as the Secretary determines appropriate.''.

(b) CONFORMING AMENDMENTS.—

(1) DURABLE MEDICAL EQUIPMENT; ELIMINATION OF INHERENT REASONABLENESS AUTHORITY.—Section 1834(a) (42 U.S.C. 1395m(a)) is amended—

(A) in paragraph (1)(B), by striking ''The payment basis'' and inserting ''Subject to subparagraph (E)(i), the payment basis'';

(B) in paragraph (1)(C), by striking ''This subsection'' and inserting ''Subject to subparagraph (E)(ii), this subsection'';

(C) by adding at the end of paragraph (1) the following new subparagraph:

''(E) APPLICATION OF COMPETITIVE ACQUISITION; ELIMINATION OF INHERENT REASONABLENESS AUTHORITY.—In the case of covered items and services that are included in a competitive acquisition program in a competitive acquisition area under section 1847(a)—

''(i) the payment basis under this subsection for such items and services furnished in such area shall be the payment basis determined under such competitive acquisition program; and

''(ii) the Secretary may use information on the payment determined under such competitive acquisition programs to adjust the payment amount otherwise recognized under subparagraph (B)(ii) for an area that is not a competitive acquisition area under section 1847 and in the case of such adjustment, paragraph (10)(B) shall not be applied.''; and

(D) in paragraph (10)(B), by inserting ''in an area and with respect to covered items and services for which the Secretary does not make a payment amount adjustment under paragraph (1)(E)'' after ''under this subsection''.

(2) OFF-THE-SHELF ORTHOTICS; ELIMINATION OF INHERENT REASONABLENESS AUTHORITY.—Section 1834(h) (42 U.S.C. 1395m(h)) is amended—

(A) in paragraph (1)(B), by striking ''and (E)'' and inserting '', (E) , and (H)(i)'';

(B) in paragraph (1)(D), by striking ''This subsection'' and inserting ''Subject to subparagraph (H)(ii), this subsection'';

(C) by adding at the end of paragraph (1) the following new subparagraph:

''(H) APPLICATION OF COMPETITIVE ACQUISITION TO ORTHOTICS; ELIMINATION OF INHERENT REASONABLENESS AUTHORITY.—In the case of orthotics described in paragraph (2)(B) of section 1847(a) that are included in a competitive acquisition program in a competitive acquisition area under such section—

''(i) the payment basis under this subsection for such orthotics furnished in such area shall be the payment basis determined under such competitive acquisition program; and

''(ii) the Secretary may use information on the payment determined under such competitive acquisition programs to adjust the payment amount otherwise recognized under subparagraph (B)(ii) for an area that is not a competitive acquisition area under section 1847, and in the case of such adjustment, paragraphs (8) and (9) of section 1842(b) shall not be applied.''.

(c) REPORT ON ACTIVITIES OF SUPPLIERS.—The Secretary shall conduct a study to determine the extent to which (if any) suppliers of covered items of durable medical equipment that are subject to the competitive acquisition program under section 1847 of the Social Security Act, as amended by

subsection (a), are soliciting physicians to prescribe certain brands or modes of delivery of covered items based on profitability.

SEC. 303. REFORM OF PAYMENT FOR DRUGS AND BIOLOGICALS UNDER THE MEDICARE PROGRAM.

(a) PAYMENT REFORM.—

(1) IN GENERAL.—Section 1842(o) (42 U.S.C. 1395u(o)) is amended to read as follows:

''(o) PAYMENT FOR DRUGS AND BIOLOGICALS.—

''(1) GENERAL RULE.—If a physician's, supplier's, or any other person's bill or request for payment for services includes a charge for a drug or biological for which payment may be made under this part and the drug or biological is not paid on a cost or prospective payment basis as otherwise provided in this part, the amount payable for the drug or biological shall be based on the following:

''(A) MULTI-SOURCE (GENERIC) DRUGS.—In the case of a drug or biological that meets the requirements for a multi-source drug under subclauses (I) and (II) of section 1927(k)(7)(A)(i), 105 percent of the volume-weighted median average acquisition price for any drug or biological covered under the same medicare HCPCS code.

''(B) SINGLE SOURCE (BRAND) DRUGS AND BIOLOGICALS.—In the case of a drug or biological that meets the requirements for a single source drug under section 1927(k)(7)(A)(iv), 105 percent of the average acquisition price for the drug or biological.

''(C) ACCESS EXCEPTION.—The Secretary may modify the rate otherwise applicable in order to assure access to necessary drugs and biologicals in the case of sole community providers in rural and other areas where the providers are not reasonably able to obtain the drugs and biologicals at the payment rates otherwise applicable. Such modification shall not result in a change of more than 15 percent of the rate otherwise applicable.

''(D) DATA-RELATED EXCEPTION.—If the Secretary determines that there is insufficient data available with respect to compute an average acquisition price for a drug or biological for a quarter or that, because of a significant change in price from quarter-to-quarter, the available data on the average acquisition price does not accurately reflect the actual, current acquisition cost for the drug or biological, the Secretary may substitute for the quarters involved an appropriate payment for the drug or biological for such average acquisition price.

''(E) APPLICATION OF NDC CODES.—If the Secretary determines that it is appropriate to provide for payment under this subsection using national drug code (NDC) instead of HCPCS codes, in applying subparagraph (A) the reference to the same HCPCS code shall be deemed a reference to the appropriate national drug codes for those drugs or biologicals that are therapeutically and pharmaceutically equivalent and bioequivalent (as defined for purposes of section 1927(k)(7)(A)).

''(2) DEFINITION OF AVERAGE ACQUISITION PRICE.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'average acquisition price' means, with respect to a drug or biological and with respect to each dosage form and strength of the drug or biological product (without regard to any special packaging, labeling, or identifiers on the dosage form or product or package), the average of all final sales prices charged by the manufacturer of the drug or biological product in the United States, excluding sales exempt from inclusion in the calculation of best price under section 1927(c)(1)(C) (other than under clause (ii)(III) of such section) and excluding sales subject to a rebate under section 1927, as reported under paragraph (3).

''(B) NET PRICE.—Such average acquisition price shall be calculated net of all of the following (as estimated by the Secretary):

''(i) Volume discounts.

''(ii) Prompt pay discounts and cash discounts.

''(iii) Charge-backs.

''(iv) Short-dated product discounts (for spoilage and other factors).

''(v) Free goods and services.

''(vi) Rebates.

''(vii) All other price concessions provided by the drug manufacturer.

The Secretary may make subsequent adjustments in such average acquisition price to take into account updated information and differences between the price previously estimated and the actual average acquisition price.

''(C) WEIGHTING.—The average of all final sales prices described in subparagraph (A) shall be determined by dividing—

''(i) the sum of all final prices charged by the manufacturer (net of the adjustments made under subparagraph (B)) for sales in the period involved that are included in subparagraph (A) for the drug or biological, by

''(ii) the total number of units of such sales in the period.

''(D) DISTRIBUTION OF REPORTS.—The Secretary shall promptly distribute applicable payment rates under this subsection to carriers and fiscal intermediaries and other contractors that make payment for drugs and biologicals under this section in order to apply a uniform reimbursement rate under this section.

''(3) PRICE REPORTING REQUIREMENT.—

''(A) IN GENERAL.—As a condition for payment for any drug or biological of a manufacturer under this subsection, the manufacturer of the drug or biological shall—

''(i) report, on a quarterly basis, to the Secretary (or the Secretary's designee) the manufacturer's average acquisition price and the information required under subparagraph (C) for all drugs and biologicals of the manufacturer by national drug code (NDC);

''(ii) maintain such records (in written or electronic form) regarding such sales and prices for all such drugs and biologicals as may be necessary to audit the information so reported or required to be reported; and

''(iii) provide the Secretary with access to such records in order to permit the Secretary to audit information so reported or required to be reported.

''(B) PENALTIES.—The provisions of section 1927(b)(3)(C) shall apply with respect to the reporting of information under subparagraph (A) in the same manner as it applies to the reporting of information under section 1927(b)(3)(A), except that the reference in clause (i) of such section to $10,000 is deemed a reference to $100,000 and any reference to a suspension of an agreement is deemed a reference to a suspension of payment for the drug or biological involved under this part. The Secretary shall promptly refer to the Inspector General of the Department of Health and Human Services and, if appropriate, to appropriate officials in the Department of Justice cases in which the Secretary becomes aware of a false price representation made in the information submitted under this paragraph.

''(C) FORM OF REPORTING.—Information required to be reported under subparagraph (A)(i) shall be reported in a form and manner specified by the Secretary. The information required to be reported shall include the identification of the generic name of the drug or biological and its brand name (if any), the national drug code (NDC) and the HCPCS code assigned to the drug or biological, the dosage form, strength, volume, and package size involved. The information for a quarter shall be submitted not later than 30 days after the end of the quarter. The information shall be accompanied by a written and signed certification by an officer of the manufacturer attesting to the accuracy of the information reported. Such information shall include updated information on the net price realized (taking into account rebates and other amounts affecting net price), regardless of the period for which such a rebate or other adjustment in net price might have been earned.

''(D) AUDITING.—The Secretary shall audit on a periodic basis information reported or required to be reported under this paragraph. The Secretary may conduct such independent price gathering activities, such as surveys and review of published catalog information or other transactional information, as may be appropriate to verify the accuracy of the information reported.

''(4) DISPENSING FEE.—If payment for a drug or biological is made to a licensed pharmacy approved to dispense drugs or biologicals under this part, the Secretary shall pay a dispensing fee (less the applicable deductible and coinsurance amounts) to the pharmacy. Such a dispensing fee shall be subject to adjustment from year to year based upon changes in the consumer price index over time and may be adjusted as the Secretary determines to be appropriate to reflect differences in the costs of dispensing different drugs and biologicals.

''(5) PAYMENT REQUIRED ON AN ASSIGNMENT-RELATED BASIS.—

''(A) IN GENERAL.—Payment for a charge for any drug or biological for which payment may be made under this part may be made only on an assignment-related basis.

''(B) APPLICATION OF ENFORCEMENT PROVISIONS.—The provisions of subsection (b)(18)(B) shall apply to charges for such drugs or biologicals in the same manner as they apply to services furnished by a practitioner described in subsection (b)(18)(C).''.

(2) EFFECTIVE DATE.—Subject to subsection (i)(2), the amendment made by paragraph (1) shall apply to drugs and biologicals furnished on or after January 1, 2004.

(b) MEDICARE PAYMENT FOR DRUG ADMINISTRATION SERVICES.—

(1) IN GENERAL.—The Secretary shall revise the practice expense relative value units for drug administration services for years beginning with the year 2005 in accordance with this subsection. For purposes of this subsection, the term ''drug administration services'' includes chemotherapy administration services, therapeutic and diagnostic infusions and injections, and such other services as the Secretary specifies.

(2) DIRECT COSTS EQUAL TO 100 PERCENT OF CPEP ESTIMATES.—Using the information, including estimates of clinical staff time, developed in the clinical practice expert panel process, including refinements by American Medical Association committees, the Secretary shall estimate the costs of the nursing and other clinical staff, supplies, and procedure-specific equipment (exceeding a cost specified by the Secretary) used in furnishing each type of drug administration service. The Secretary shall utilize without revision the minutes of clinical staff time determined in such process. The Secretary shall convert the information from such process to estimated costs by applying the most current available data on staff salary, supply, and equipment costs, and such costs shall be updated to 2005 based on estimated changes in prices since the date of such data.

(3) TOTAL PRACTICE EXPENSES.—The Secretary shall estimate the total practice expenses of each drug administration service by assuming that the direct costs for the service determined under paragraph (3) are 33.2 percent of such total practice expenses.

(4) CONVERSION TO RELATIVE VALUE UNITS.—The Secretary shall convert the total practice expenses determined under paragraph (3) to practice expense relative value units for each drug administration service by dividing such expenses by the conversion factor that will be in effect for the physician fee schedule for 2005. The relative value units as so determined shall be used in determining the fee schedule amounts paid for drug administration services under section 1848 of the Social Security Act (42 U.S.C. 1395w–4).

(5) UPDATES.—For years after 2005, the relative values determined under paragraph (4) shall continue in effect except that the Secretary shall revise them as necessary to maintain their accuracy, provided that such revisions are consistent with the methodology set forth in this subsection.

(6) MULTIPLE PUSHES.—In establishing the payment amounts under this subsection, the Secretary shall establish the payment amount for intravenous chemotherapy administration by push technique based on the administration of a single drug. The Secretary shall make the same payment for each additional drug administered by push technique during the same encounter, except to the extent that the Secretary finds that the cost of administering additional drugs is less than the cost of administering the first drug.

(c) PAYMENTS FOR CHEMOTHERAPY SUPPORT SERVICES.—

(1) GENERAL.—Beginning in 2005, the Secretary shall recognize and make payments under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for chemotherapy support services furnished incident to physicians' services. For the purposes of this section, the term ''chemotherapy support services'' are services furnished by the staff of physicians to patients undergoing treatment for cancer that were not included in the computation of clinical staff costs under subsection b(2). Such services include social worker services, nutrition counseling, psychosocial services, and similar services.

(2) DIRECT COSTS.—The Secretary shall estimate the cost of the salary and benefits of staff furnishing chemotherapy support services as they are provided in oncology practices that furnish these services to cancer patients in a manner that is considered to be high quality care. The estimate shall be based on the weekly cost of such services per patient receiving chemotherapy.

(3) TOTAL COSTS.—The Secretary shall estimate the total practice expenses of chemotherapy support services by assuming that the direct costs for the service determined under paragraph (2) are 33.2 percent of such total practice expenses.

(4) CONVERSION TO RELATIVE VALUE UNITS.—The Secretary shall convert the total practice expenses determined under paragraph (3) to practice expense relative value units for chemotherapy support services by dividing such expenses by the conversion factor that will be in effect for the physician fee schedule for 2005. The relative value units as so determined shall be used in determining the fee schedule amounts paid for chemotherapy support services under such section 1848.

(5) UPDATES.—For years after 2005, the relative values determined under paragraph (4) shall continue in effect except that the Secretary shall revise them as necessary to maintain their accuracy, provided that such revisions are consistent with the methodology set forth in this subsection.

(d) CANCER THERAPY MANAGEMENT SERVICES.—Beginning in 2005, the Secretary shall recognize and establish a payment amount for the service of cancer therapy management to account for the greater pre-service and post-service work associated with visits and consultations conducted by physicians treating cancer patients compared to typical visits and consultations. The payment amount may vary by the level and type of the related visit or consultation.

(e) OTHER SERVICES WITHOUT PHYSICIAN WORK RELATIVE VALUE UNITS.—Beginning in 2005, the Secretary shall develop a revised methodology for determining the payment amounts for services that are paid under the fee schedule established by section 1848 of the Social Security Act (42 U.S.C. 1395w–4) and that do not have physician work relative value units, including radiation oncology services. Such methodology shall result in payment amounts that fully cover the costs of furnishing such services. Until such time as the methodology for such services is revised and implemented, all such services shall be protected from further payment cuts due to factors such as shifts in utilization or removal of any one specialty's services that are paid under the fee schedule established by such section 1848 and that do not have physician work relative value units.

(f) REPORT TO CONGRESS.—Not later than April 1, 2004, the Secretary shall submit to Congress a report on the payment amounts that are projected to be adopted under subsections (b), (c), (d), and (e) of this section.

(g) INSTITUTE OF MEDICINE STUDY.—

(1) GENERAL.—The Secretary shall request the Institute of Medicine to conduct the study described in this subsection.

(2) BASELINE STUDY.—The first phase of the study shall include the following objectives:

(A) An assessment of the extent to which the current medicare payment system, prior to implementation of the amendments made by this section, facilitates appropriate access to care by cancer patients in the various treatment settings.

(B) The identification of the comprehensive range of services furnished to cancer patients in the outpatient setting, including support services such as psychosocial services and counseling, and recommendations regarding the types of services that ought to be furnished to medicare patients with cancer.

(C) A discussion of the practice standards necessary to assure the safe provision of services to cancer patients.

(D) An analysis of the extent to which the current medicare payment system supports the role of nurses in the provision of oncology services and recommendations for any necessary improvements in the payment system in that respect.

(E) The development of a framework for assessing how the amendments made by this act affect the provision of care to medicare patients with cancer in the various treatment settings.

(3) SECOND PHASE OF STUDY.—After the implementation of the amendments made by this section, the study shall determine whether and how those amendments affected the provision of care to medicare patients with cancer.

(4) CONSULTATION.—The Institute of Medicine shall consult with the National Cancer Policy Board and organizations representing cancer patients and survivors, oncologists, oncology nurses, social workers, cancer centers, and other healthcare professionals who treat cancer patients in planning and carrying out this study.

(5) DUE DATES.—

(A) The study required by paragraph (2) shall be submitted to the Congress and the Secretary of Health and Human Services no later than June 30, 2004.

(B) The study required by paragraph (3) shall be submitted to the Congress and the Secretary of Health and Human Services no later than December 31, 2006.

(i) STUDY OF PAYMENTS FOR BLOOD CLOTTING FACTORS AND OTHER BIOLOGICALS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall provide for a study of the appropriateness of the medicare payment methodology for blood clotting factors and other biologicals under part B of title XVIII of the Social Security Act. Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on such study and shall include in such report recommendations regarding whether to apply the payment methodology provided under the amendment made by subsection (a)(1) and alternative recommendations for appropriate dispensing fees.

(2) DELAY IN EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall not apply to blood clotting factors furnished before the first day of the first calendar year that begins at least 6 months after the date the report under paragraph (1) has been submitted to the Congress.

SEC. 304. DEMONSTRATION PROJECT FOR USE OF RECOVERY AUDIT CONTRACTORS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a demonstration project under this section (in this section referred to as the ''project'') to demonstrate the use of recovery audit contractors under the Medicare Integrity Program in identifying underpayments and overpayments and recouping overpayments under the medicare program for services for which payment is made under part A or part B of title XVIII of the Social Security Act. Under the project—

(1) payment may be made to such a contractor on a contingent basis;

(2) a percentage of the amount recovered may be retained by the Secretary and shall be available to the program management account of the Centers for Medicare & Medicaid Services; and

(3) the Secretary shall examine the efficacy of such use with respect to duplicative payments, accuracy of coding, and other payment policies in which inaccurate payments arise.

(b) SCOPE AND DURATION.—

(1) SCOPE.—The project shall cover at least 2 States that are among the States with—

(A) the highest per capita utilization rates of medicare services, and

(B) at least 3 contractors.

(2) DURATION.—The project shall last for not longer than 3 years.

(c) WAIVER.—The Secretary of Health and Human Services shall waive such provisions of title XVIII of the Social Security Act as may be necessary to provide for payment for services under the project in accordance with subsection (a).

(d) QUALIFICATIONS OF CONTRACTORS.—

(1) IN GENERAL.—The Secretary shall enter into a recovery audit contract under this section with an entity only if the entity has staff that has the appropriate clinical knowledge of and experience with the payment rules and regulations under the medicare program or the entity has or will contract with another entity that has such knowledgeable and experienced staff.

(2) INELIGIBILITY OF CERTAIN CONTRACTORS.—The Secretary may not enter into a recovery audit contract under this section with an entity to the extent that the entity is a fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h), a carrier under section 1842 of such Act (42 U.S.C. 1395u), or a Medicare Administrative Contractor under section 1874A of such Act.

(3) PREFERENCE FOR ENTITIES WITH DEMONSTRATED PROFICIENCY WITH PRIVATE INSURERS.—In awarding contracts to recovery audit contractors under this section, the Secretary shall give preference to those risk entities that the Secretary determines have demonstrated more than 3 years direct management experience and a proficiency in recovery audits with private insurers or under

the medicaid program under title XIX of such Act.

(e) CONSTRUCTION RELATING TO CONDUCT OF INVESTIGATION OF FRAUD.—A recovery of an overpayment to a provider by a recovery audit contractor shall not be construed to prohibit the Secretary or the Attorney General from investigating and prosecuting, if appropriate, allegations of fraud or abuse arising from such overpayment.

(f) REPORT.—The Secretary of Health and Human Services shall submit to Congress a report on the project not later than 6 months after the date of its completion. Such reports shall include information on the impact of the project on savings to the medicare program and recommendations on the cost-effectiveness of extending or expanding the project.

TITLE IV—RURAL HEALTH CARE IMPROVEMENTS

SEC. 401. FAIRNESS IN THE MEDICARE DISPROPORTIONATE SHARE HOSPITAL (DSH) ADJUSTMENT FOR RURAL HOSPITALS.

(a) EQUALIZING DSH PAYMENT AMOUNTS.—

(1) IN GENERAL.—Section 1886(d)(5)(F)(vii) (42 U.S.C. 1395ww(d)(5)(F)(vii)) is amended by inserting ‘‘, and, after October 1, 2004, for any other hospital described in clause (iv),’’ after ‘‘clause (iv)(I)’’ in the matter preceding subclause (I).

(2) CONFORMING AMENDMENTS.—Section 1886(d)(5)(F) (42 U.S.C. 1395ww(d)(5)(F)) is amended—

(A) in clause (iv)—

(i) in subclause (II)—

(I) by inserting ‘‘and before October 1, 2004,’’ after ‘‘April 1, 2001,’’; and

(II) by inserting ‘‘or, for discharges occurring on or after October 1, 2004, is equal to the percent determined in accordance with the applicable formula described in clause (vii)’’ after ‘‘clause (xiii)’’;

(ii) in subclause (III)—

(I) by inserting ‘‘and before October 1, 2004,’’ after ‘‘April 1, 2001,’’; and

(II) by inserting ‘‘or, for discharges occurring on or after October 1, 2004, is equal to the percent determined in accordance with the applicable formula described in clause (vii)’’ after ‘‘clause (xii)’’;

(iii) in subclause (IV)—

(I) by inserting ‘‘and before October 1, 2004,’’ after ‘‘April 1, 2001,’’; and

(II) by inserting ‘‘or, for discharges occurring on or after October 1, 2004, is equal to the percent determined in accordance with the applicable formula described in clause (vii)’’ after ‘‘clause (x) or (xi)’’;

(iv) in subclause (V)—

(I) by inserting ‘‘and before October 1, 2004,’’ after ‘‘April 1, 2001,’’; and

(II) by inserting ‘‘or, for discharges occurring on or after October 1, 2004, is equal to the percent determined in accordance with the applicable formula described in clause (vii)’’ after ‘‘clause (xi)’’; and

(v) in subclause (VI)—

(I) by inserting ‘‘and before October 1, 2004,’’ after ‘‘April 1, 2001,’’; and

(II) by inserting ‘‘or, for discharges occurring on or after October 1, 2004, is equal to the percent determined in accordance with the applicable formula described in clause (vii)’’ after ‘‘clause (x)’’;

(B) in clause (viii), by striking ‘‘The formula’’ and inserting ‘‘For discharges occurring before October 1, 2004, the formula’’; and

(C) in each of clauses (x), (xi), (xii), and (xiii), by striking ‘‘For purposes’’ and inserting ‘‘With respect to discharges occurring before October 1, 2004, for purposes’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges occurring on or after October 1, 2004.

SEC. 402. IMMEDIATE ESTABLISHMENT OF UNIFORM STANDARDIZED AMOUNT IN RURAL AND SMALL URBAN AREAS.

(a) IN GENERAL.—Section 1886(d)(3)(A) (42 U.S.C. 1395ww(d)(3)(A)) is amended—

(1) in clause (iv), by inserting ‘‘and ending on or before September 30, 2003,’’ after ‘‘October 1, 1995,’’; and

(2) by redesignating clauses (v) and (vi) as clauses (vii) and (viii), respectively, and inserting after clause (iv) the following new clauses:

‘‘(v) For discharges occurring in the fiscal year beginning on October 1, 2003, the average standardized amount for hospitals located in areas other than a large urban area shall be equal to the average standardized amount for hospitals located in a large urban area.’’.

(b) CONFORMING AMENDMENTS.—

(1) COMPUTING DRG-SPECIFIC RATES.—Section 1886(d)(3)(D) (42 U.S.C. 1395ww(d)(3)(D)) is amended—

(A) in the heading, by striking ‘‘IN DIFFERENT AREAS’’;

(B) in the matter preceding clause (i), by striking ‘‘, each of’’;

(C) in clause (i)—

(i) in the matter preceding subclause (I), by inserting ‘‘for fiscal years before fiscal year 2004,’’ before ‘‘for hospitals’’; and

(ii) in subclause (II), by striking ‘‘and’’ after the semicolon at the end;

(D) in clause (ii)—

(i) in the matter preceding subclause (I), by inserting ‘‘for fiscal years before fiscal year 2004,’’ before ‘‘for hospitals’’; and

(ii) in subclause (II), by striking the period at the end and inserting ‘‘; and’’; and

(E) by adding at the end the following new clause:

‘‘(iii) for a fiscal year beginning after fiscal year 2003, for hospitals located in all areas, to the product of—

‘‘(I) the applicable standardized amount (computed under subparagraph (A)), reduced under subparagraph (B), and adjusted or reduced under subparagraph (C) for the fiscal year; and

‘‘(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.’’.

(2) TECHNICAL CONFORMING SUNSET.—Section 1886(d)(3) (42 U.S.C. 1395ww(d)(3)) is amended—

(A) in the matter preceding subparagraph (A), by inserting ‘‘, for fiscal years before fiscal year 1997,’’ before ‘‘a regional adjusted DRG prospective payment rate’’; and

(B) in subparagraph (D), in the matter preceding clause (i), by inserting ‘‘, for fiscal years before fiscal year 1997,’’ before ‘‘a regional DRG prospective payment rate for each region,’’.

SEC. 403. ESTABLISHMENT OF ESSENTIAL RURAL HOSPITAL CLASSIFICATION.

(a) CLASSIFICATION.—Section 1861(mm) (42 U.S.C. 1395x(mm)) is amended—

(1) in the heading by adding ‘‘ESSENTIAL RURAL HOSPITALS’’ at the end; and

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

‘‘(4)(A) The term ‘essential rural hospital’ means a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that is located in a rural area (as defined for purposes of section 1886(d)), has more than 25 licensed acute care inpatient beds, has applied to the Secretary for classification as such a hospital, and with respect to which the Secretary has determined that the closure of the hospital would significantly diminish the ability of medicare beneficiaries to obtain essential health care services.

‘‘(B) The determination under subparagraph (A) shall be based on the following criteria:

‘‘(i) HIGH PROPORTION OF MEDICARE BENEFICIARIES RECEIVING CARE FROM HOSPITAL.—(I) A high percentage of such beneficiaries residing in the area of the hospital who are hospitalized (during the most recent year for which complete data are available) receive basic inpatient medical care at the hospital.

‘‘(II) For a hospital with more than 200 licensed beds, a high percentage of such beneficiaries residing in such area who are hospitalized (during such recent year) receive specialized surgical inpatient care at the hospital.

‘‘(III) Almost all physicians described in section 1861(r)(1) in such area have privileges at the hospital and provide their inpatient services primarily at the hospital.

‘‘(ii) SIGNIFICANT ADVERSE IMPACT IN ABSENCE OF HOSPITAL.—If the hospital were to close—

‘‘(I) there would be a significant amount of time needed for residents to reach emergency treatment, resulting in a potential significant harm to beneficiaries with critical illnesses or injuries;

‘‘(II) there would be an inability in the community to stablize emergency cases for transfers to another acute care setting, resulting in a potential for significant harm to medicare beneficiaries; and

‘‘(III) any other nearby hospital lacks the physical and clinical capacity to take over the hospital’s typical admissions.

‘‘(C) In making such determination, the Secretary may also consider the following:

‘‘(i) Free-standing ambulatory surgery centers, office-based oncology care, and imaging center services are insufficient in the hospital’s area to handle the outpatient care of the hospital.

‘‘(ii) Beneficiaries in nearby areas would be adversely affected if the hospital were to close as the hospital provides specialized knowledge and services to a network of smaller hospitals and critical access hospitals.

‘‘(iii) Medicare beneficiaries would have difficulty in accessing care if the hospital were to close as the hospital provides significant subsidies to support ambulatory care in local clinics, including mental health clinics and to support post acute care.

‘‘(iv) The hospital has a committment to provide graduate medical education in a rural area.

‘‘(C) QUALITY CARE.—The hospital inpatient score for quality of care is not less than the median hospital score for qualify of care for hospitals in the State, as established under standards of the utilization and quality control peer review organization under part B of title XI or other quality standards recognized by the Secretary.

A hospital classified as an essential rural hospital may not change such classification and a hospital so classified shall not be treated as a sole community hospital, medicare dependent hospital, or rural referral center for purposes of section 1886.’’.

(b) PAYMENT BASED ON 102 PERCENT OF ALLOWED COSTS.—

(1) INPATIENT HOSPITAL SERVICES.—Section 1886(d) (42 U.S.C. 1395ww(d)) is amended by adding at the end the following:

‘‘(11) In the case of a hospital classified as an essential rural hospital under section 1861(mm)(4) for a cost reporting period, the payment under this subsection for inpatient hospital services for discharges occurring during the period shall be based on 102 percent of the reasonable costs for such services. Nothing in this paragraph shall be construed as affecting the application or amount of deductibles or copayments otherwise applicable to such services under part A or as waiving any requirement for billing for such services.’’.

(2) HOSPITAL OUTPATIENT SERVICES.—Section 1833(t)(13) (42 U.S.C. 1395l(t)(13)) is amended by adding at the end the following new subparagraph:

''(B) SPECIAL RULE FOR ESSENTIAL RURAL HOSPITALS.—In the case of a hospital classified as an essential rural hospital under section 1861(mm)(4) for a cost reporting period, the payment under this subsection for covered OPD services during the period shall be based on 102 percent of the reasonable costs for such services. Nothing in this subparagraph shall be construed as affecting the application or amount of deductibles or copayments otherwise applicable to such services under this part or as waiving any requirement for billing for such services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after October 1, 2004.

SEC. 404. MORE FREQUENT UPDATE IN WEIGHTS USED IN HOSPITAL MARKET BASKET.

(a) MORE FREQUENT UPDATES IN WEIGHTS.—After revising the weights used in the hospital market basket under section 1886(b)(3)(B)(iii) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(iii)) to reflect the most current data available, the Secretary shall establish a frequency for revising such weights, including the labor share, in such market basket to reflect the most current data available more frequently than once every 5 years.

(b) REPORT.—Not later than October 1, 2004, the Secretary shall submit a report to Congress on the frequency established under subsection (a), including an explanation of the reasons for, and options considered, in determining such frequency.

SEC. 405. IMPROVEMENTS TO CRITICAL ACCESS HOSPITAL PROGRAM.

(a) INCREASE IN PAYMENT AMOUNTS.—

(1) IN GENERAL.—Sections 1814(l), 1834(g)(1), and 1883(a)(3) (42 U.S.C. 1395f(l); 1395m(g)(1); 42 U.S.C. 1395tt(a)(3)) are each amended by inserting ''equal to 102 percent of'' before ''the reasonable costs''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to payments for services furnished during cost reporting periods beginning on or after October 1, 2003.

(b) COVERAGE OF COSTS FOR CERTAIN EMERGENCY ROOM ON-CALL PROVIDERS.—

(1) IN GENERAL.—Section 1834(g)(5) (42 U.S.C. 1395m(g)(5)) is amended—

(A) in the heading—

(i) by inserting ''CERTAIN'' before ''EMERGENCY''; and

(ii) by striking ''PHYSICIANS'' and inserting ''PROVIDERS'';

(B) by striking ''emergency room physicians who are on-call (as defined by the Secretary)'' and inserting ''physicians, physician assistants, nurse practitioners, and clinical nurse specialists who are on-call (as defined by the Secretary) to provide emergency services''; and

(C) by striking ''physicians' services'' and inserting ''services covered under this title''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to costs incurred for services provided on or after January 1, 2004.

(c) PERMITTING CAHs TO ALLOCATE SWING BEDS AND ACUTE CARE INPATIENT BEDS SUBJECT TO A TOTAL LIMIT OF 25 BEDS.—

(1) IN GENERAL.—Section 1820(c)(2)(B)(iii) (42 U.S.C. 1395i–4(c)(2)(B)(iii)) is amended to read as follows:

''(iii) provides not more than a total of 25 extended care service beds (pursuant to an agreement under subsection (f)) and acute care inpatient beds (meeting such standards as the Secretary may establish) for providing inpatient care for a period that does not exceed, as determined on an annual, average basis, 96 hours per patient;''.

(2) CONFORMING AMENDMENT.—Section 1820(f) (42 U.S.C. 1395i–4(f)) is amended by striking ''and the number of beds used at any time for acute care inpatient services does not exceed 15 beds''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall with respect to designations made on or after October 1, 2004.

(d) ELIMINATION OF THE ISOLATION TEST FOR COST-BASED CAH AMBULANCE SERVICES.—

(1) ELIMINATION.—

(A) IN GENERAL.—Section 1834(l)(8) (42 U.S.C. 1395m(l)(8)), as added by section 205(a) of BIPA (114 Stat. 2763A–482), is amended by striking the comma at the end of subparagraph (B) and all that follows and inserting a period.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to services furnished on or after January 1, 2005.

(2) TECHNICAL CORRECTION.—Section 1834(l) (42 U.S.C. 1395m(l)) is amended by redesignating paragraph (8), as added by section 221(a) of BIPA (114 Stat. 2763A–486), as paragraph (9).

(e) REINSTATEMENT OF PERIODIC INTERIM PAYMENT (PIP).—

(1) IN GENERAL.—Section 1815(e)(2) (42 U.S.C. 1395g(e)(2)) is amended—

(A) in the matter before subparagraph (A), by inserting '', in the cases described in subparagraphs (A) through (D)'' after ''1986''; and

(B) by striking ''and'' at the end of subparagraph (C);

(C) by adding ''and'' at the end of subparagraph (D); and

(D) by inserting after subparagraph (D) the following new subparagraph:

''(E) inpatient critical access hospital services;''.

(2) DEVELOPMENT OF ALTERNATIVE METHODS OF PERIODIC INTERIM PAYMENTS.—With respect to periodic interim payments to critical access hospitals for inpatient critical access hospital services under section 1815(e)(2)(E) of the Social Security Act, as added by paragraph (1), the Secretary shall develop alternative methods for such payments that are based on expenditures of the hospital.

(3) REINSTATEMENT OF PIP.—The amendments made by paragraph (1) shall apply to payments made on or after January 1, 2004.

(f) CONDITION FOR APPLICATION OF SPECIAL PHYSICIAN PAYMENT ADJUSTMENT.—

(1) IN GENERAL.—Section 1834(g)(2) (42 U.S.C. 1395m(g)(2)) is amended by adding after and below subparagraph (B) the following:

''The Secretary may not require, as a condition for applying subparagraph (B) with respect to a critical access hospital, that each physician providing professional services in the hospital must assign billing rights with respect to such services, except that such subparagraph shall not apply to those physicians who have not assigned such billing rights.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 403(d) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–371).

(g) ADDITIONAL 5-YEAR PERIOD OF FUNDING FOR GRANT PROGRAM.—

(1) IN GENERAL.—Section 1820(g) (42 U.S.C. 1395i–4(g)) is amended by adding at the end the following new paragraph:

''(4) FUNDING.—

''(A) IN GENERAL.—Subject to subparagraph (B), payment for grants made under this subsection during fiscal years 2004 through 2008 shall be made from the Federal Hospital Insurance Trust Fund.

''(B) ANNUAL AGGREGATE LIMITATION.—In no case may the amount of payment provided for under subparagraph (A) for a fiscal year exceed $25,000,000.''.

(2) CONFORMING AMENDMENT.—Section 1820 (42 U.S.C. 1395i–4) is amended by striking subsection (j).

SEC. 406. REDISTRIBUTION OF UNUSED RESIDENT POSITIONS.

(a) IN GENERAL.—Section 1886(h)(4) (42 U.S.C. 1395ww(h)(4)) is amended—

(1) in subparagraph (F)(i), by inserting ''subject to subparagraph (I),'' after ''October 1, 1997,'';

(2) in subparagraph (H)(i), by inserting ''subject to subparagraph (I),'' after ''subparagraphs (F) and (G),''; and

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

''(I) REDISTRIBUTION OF UNUSED RESIDENT POSITIONS.—

''(i) REDUCTION IN LIMIT BASED ON UNUSED POSITIONS.—

''(I) IN GENERAL.—If a hospital's resident level (as defined in clause (iii)(I)) is less than the otherwise applicable resident limit (as defined in clause (iii)(II)) for each of the reference periods (as defined in subclause (II)), effective for cost reporting periods beginning on or after January 1, 2004, the otherwise applicable resident limit shall be reduced by 75 percent of the difference between such limit and the reference resident level specified in subclause (III) (or subclause (IV) if applicable).

''(II) REFERENCE PERIODS DEFINED.—In this clause, the term 'reference periods' means, for a hospital, the 3 most recent consecutive cost reporting periods of the hospital for which cost reports have been settled (or, if not, submitted) on or before September 30, 2002.

''(III) REFERENCE RESIDENT LEVEL.—Subject to subclause (IV), the reference resident level specified in this subclause for a hospital is the highest resident level for the hospital during any of the reference periods.

''(IV) ADJUSTMENT PROCESS.—Upon the timely request of a hospital, the Secretary may adjust the reference resident level for a hospital to be the resident level for the hospital for the cost reporting period that includes July 1, 2003.

''(V) AFFILIATION.—With respect to hospitals which are members of the same affiliated group (as defined by the Secretary under subparagraph (H)(ii)), the provisions of this section shall be applied with respect to such an affiliated group by deeming the affiliated group to be a single hospital.

''(ii) REDISTRIBUTION.—

''(I) IN GENERAL.—The Secretary is authorized to increase the otherwise applicable resident limits for hospitals by an aggregate number estimated by the Secretary that does not exceed the aggregate reduction in such limits attributable to clause (i) (without taking into account any adjustment under subclause (IV) of such clause).

''(II) EFFECTIVE DATE.—No increase under subclause (I) shall be permitted or taken into account for a hospital for any portion of a cost reporting period that occurs before July 1, 2004, or before the date of the hospital's application for an increase under this clause. No such increase shall be permitted for a hospital unless the hospital has applied to the Secretary for such increase by December 31, 2005.

''(III) CONSIDERATIONS IN REDISTRIBUTION.—In determining for which hospitals the increase in the otherwise applicable resident limit is provided under subclause (I), the Secretary shall take into account the need for such an increase by specialty and location involved, consistent with subclause (IV).

''(IV) PRIORITY FOR RURAL AND SMALL URBAN AREAS.—In determining for which hospitals and residency training programs an increase in the otherwise applicable resident limit is provided under subclause (I), the Secretary shall first distribute the increase

to programs of hospitals located in rural areas or in urban areas that are not large urban areas (as defined for purposes of subsection (d)) on a first-come-first-served basis (as determined by the Secretary) based on a demonstration that the hospital will fill the positions made available under this clause and not to exceed an increase of 25 full-time equivalent positions with respect to any hospital.

''(V) APPLICATION OF LOCALITY ADJUSTED NATIONAL AVERAGE PER RESIDENT AMOUNT.—With respect to additional residency positions in a hospital attributable to the increase provided under this clause, notwithstanding any other provision of this subsection, the approved FTE resident amount is deemed to be equal to the locality adjusted national average per resident amount computed under subparagraph (E) for that hospital.

''(VI) CONSTRUCTION.—Nothing in this clause shall be construed as permitting the redistribution of reductions in residency positions attributable to voluntary reduction programs under paragraph (6) or as affecting the ability of a hospital to establish new medical residency training programs under subparagraph (H).

''(iii) RESIDENT LEVEL AND LIMIT DEFINED.—In this subparagraph:

''(I) RESIDENT LEVEL.—The term 'resident level' means, with respect to a hospital, the total number of full-time equivalent residents, before the application of weighting factors (as determined under this paragraph), in the fields of allopathic and osteopathic medicine for the hospital.

''(II) OTHERWISE APPLICABLE RESIDENT LIMIT.—The term 'otherwise applicable resident limit' means, with respect to a hospital, the limit otherwise applicable under subparagraphs (F)(i) and (H) on the resident level for the hospital determined without regard to this subparagraph.''.

(b) CONFORMING AMENDMENT TO IME.—Section 1886(d)(5)(B)(v) (42 U.S.C. 1395ww(d)(5)(B)(v)) is amended by adding at the end the following: ''The provisions of subparagraph (I) of subsection (h)(4) shall apply with respect to the first sentece of this clause in the same manner as it applies with respect to subparagraph (F) of such subsection.''.

(c) REPORT ON EXTENSION OF APPLICATIONS UNDER REDISTRIBUTION PROGRAM.—Not later than July 1, 2005, the Secretary shall submit to Congress a report containing recommendations regarding whether to extend the deadline for applications for an increase in resident limits under section 1886(h)(4)(I)(ii)(II) of the Social Security Act (as added by subsection (a)).

SEC. 407. TWO-YEAR EXTENSION OF HOLD HARMLESS PROVISIONS FOR SMALL RURAL HOSPITALS AND SOLE COMMUNITY HOSPITALS UNDER PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) HOLD HARMLESS PROVISIONS.—

(1) IN GENERAL.—Section 1833(t)(7)(D)(i) (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(A) in the heading, by striking ''SMALL'' and inserting ''CERTAIN'';

(B) by inserting ''or a sole community hospital (as defined in section 1886(d)(5)(D)(iii)) located in a rural area'' after ''100 beds''; and

(C) by striking ''2004'' and inserting ''2006''.

(2) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall apply with respect to payment for OPD services furnished on and after January 1, 2004.

(b) STUDY; ADJUSTMENT.—

(1) STUDY.—The Secretary shall conduct a study to determine if, under the prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)), costs incurred by rural providers of services by ambulatory payment classification groups (APCs) exceed those costs incurred by urban providers of services.

(2) ADJUSTMENT.—Insofar as the Secretary determines under paragraph (1) that costs incurred by rural providers exceed those costs incurred by urban providers of services, the Secretary shall provide for an appropriate adjustment under such section 1833(t) to reflect those higher costs by January 1, 2005.

SEC. 408. EXCLUSION OF CERTAIN RURAL HEALTH CLINIC AND FEDERALLY QUALIFIED HEALTH CENTER SERVICES FROM THE PROSPECTIVE PAYMENT SYSTEM FOR SKILLED NURSING FACILITIES.

(a) IN GENERAL.—Section 1888(e)(2)(A) (42 U.S.C. 1395yy(e)(2)(A)) is amended—

(1) in clause (i)(II), by striking ''clauses (ii) and (iii)'' and inserting ''clauses (ii), (iii), and (iv)''; and

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

''(iv) EXCLUSION OF CERTAIN RURAL HEALTH CLINIC AND FEDERALLY QUALIFIED HEALTH CENTER SERVICES.—Services described in this clause are—

''(I) rural health clinic services (as defined in paragraph (1) of section 1861(aa)); and

''(II) Federally qualified health center services (as defined in paragraph (3) of such section);

that would be described in clause (ii) if such services were not furnished by an individual affiliated with a rural health clinic or a Federally qualified health center.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 2004.

SEC. 409. RECOGNITION OF ATTENDING NURSE PRACTITIONERS AS ATTENDING PHYSICIANS TO SERVE HOSPICE PATIENTS.

(a) IN GENERAL.—Section 1861(dd)(3)(B) (42 U.S.C. 1395x(dd)(3)(B)) is amended by inserting ''or nurse practitioner (as defined in subsection (aa)(5))'' after ''the physician (as defined in subsection (r)(1))''.

(b) PROHIBITION ON NURSE PRACTITIONER CERTIFYING NEED FOR HOSPICE.—Section 1814(a)(7)(A)(i)(I) (42 U.S.C. 1395f(a)(7)(A)(i)(I)) is amended by inserting ''(which for purposes of this subparagraph does not include a nurse practitioner)'' after ''attending physician (as defined in section 1861(dd)(3)(B))''.

SEC. 410. IMPROVEMENT IN PAYMENTS TO RETAIN EMERGENCY CAPACITY FOR AMBULANCE SERVICES IN RURAL AREAS.

Section 1834(l) (42 U.S.C. 1395m(l)) is amended—

(1) by redesignating paragraph (8), as added by section 221(a) of BIPA (114 Stat. 2763A–486), as paragraph (9); and

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

''(10) ASSISTANCE FOR RURAL PROVIDERS FURNISHING SERVICES IN LOW MEDICARE POPULATION DENSITY AREAS.—

''(A) IN GENERAL.—In the case of ground ambulance services furnished on or after January 1, 2004, for which the transportation originates in a qualified rural area (as defined in subparagraph (B)), the Secretary shall provide for an increase in the base rate of the fee schedule for mileage for a trip established under this subsection. In establishing such increase, the Secretary shall, based on the relationship of cost and volume, estimate the average increase in cost per trip for such services as compared with the cost per trip for the average ambulance service.

''(B) QUALIFIED RURAL AREA DEFINED.—For purposes of subparagraph (A), the term 'qualified rural area' is a rural area (as defined in section 1886(d)(2)(D)) with a population density of medicare beneficiaries residing in the area that is in the lowest three quartiles of all rural county populations.''.

SEC. 411. TWO-YEAR INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

(a) IN GENERAL.—In the case of home health services furnished in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D))) during 2004 and 2005, the Secretary shall increase the payment amount otherwise made under section 1895 of such Act (42 U.S.C. 1395fff) for such services by 10 percent.

(b) WAIVING BUDGET NEUTRALITY.—The Secretary shall not reduce the standard prospective payment amount (or amounts) under section 1895 of the Social Security Act (42 U.S.C. 1395fff) applicable to home health services furnished during a period to offset the increase in payments resulting from the application of subsection (a).

SEC. 412. PROVIDING SAFE HARBOR FOR CERTAIN COLLABORATIVE EFFORTS THAT BENEFIT MEDICALLY UNDERSERVED POPULATIONS.

(a) IN GENERAL.—Section 1128B(b)(3) (42 U.S.C. 1320a–7(b)(3)) is amended—

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

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

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

''(G) any remuneration between a public or nonprofit private health center entity described under clause (i) or (ii) of section 1905(l)(2)(B) and any individual or entity providing goods, items, services, donations or loans, or a combination thereof, to such health center entity pursuant to a contract, lease, grant, loan, or other agreement, if such agreement contributes to the ability of the health center entity to maintain or increase the availability, or enhance the quality, of services provided to a medically underserved population served by the health center entity.''.

(b) RULEMAKING FOR EXCEPTION FOR HEALTH CENTER ENTITY ARRANGEMENTS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall establish, on an expedited basis, standards relating to the exception described in section 1128B(b)(3)(G) of the Social Security Act, as added by subsection (a), for health center entity arrangements to the antikickback penalties.

(B) FACTORS TO CONSIDER.—The Secretary shall consider the following factors, among others, in establishing standards relating to the exception for health center entity arrangements under subparagraph (A):

(i) Whether the arrangement between the health center entity and the other party results in savings of Federal grant funds or increased revenues to the health center entity.

(ii) Whether the arrangement between the health center entity and the other party restricts or limits a patient's freedom of choice.

(iii) Whether the arrangement between the health center entity and the other party protects a health care professional's independent medical judgment regarding medically appropriate treatment.

The Secretary may also include other standards and criteria that are consistent with the intent of Congress in enacting the exception established under this section.

(2) INTERIM FINAL EFFECT.—No later than 180 days after the date of enactment of this Act, the Secretary shall publish a rule in the Federal Register consistent with the factors under paragraph (1)(B). Such rule shall be effective and final immediately on an interim basis, subject to such change and revision,

after public notice and opportunity (for a period of not more than 60 days) for public comment, as is consistent with this subsection.

SEC. 413. GAO STUDY OF GEOGRAPHIC DIFFERENCES IN PAYMENTS FOR PHYSICIANS' SERVICES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of differences in payment amounts under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for physicians' services in different geographic areas. Such study shall include—

(1) an assessment of the validity of the geographic adjustment factors used for each component of the fee schedule;

(2) an evaluation of the measures used for such adjustment, including the frequency of revisions; and

(3) an evaluation of the methods used to determine professional liability insurance costs used in computing the malpractice component, including a review of increases in professional liability insurance premiums and variation in such increases by State and physician specialty and methods used to update the geographic cost of practice index and relative weights for the malpractice component.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a). The report shall include recommendations regarding the use of more current data in computing geographic cost of practice indices as well as the use of data directly representative of physicians' costs (rather than proxy measures of such costs).

SEC. 414. TREATMENT OF MISSING COST REPORTING PERIODS FOR SOLE COMMUNITY HOSPITALS.

(a) IN GENERAL.—Section 1886(b)(3)(I) (42 U.S.C. 1395ww(b)(3)(I)) is amended by adding at the end the following new clause:

''(iii) In no case shall a hospital be denied treatment as a sole community hospital or payment (on the basis of a target rate as such as a hospital) because data are unavailable for any cost reporting period due to changes in ownership, changes in fiscal intermediaries, or other extraordinary circumstances, so long as data for at least one applicable base cost reporting period is available.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cost reporting periods beginning on or after January 1, 2004.

SEC. 415. EXTENSION OF TELEMEDICINE DEMONSTRATION PROJECT.

Section 4207 of Balanced Budget Act of 1997 (Public Law 105–33) is amended—

(1) in subsection (a)(4), by striking ''4-year'' and inserting ''8-year''; and

(2) in subsection (d)(3), by striking ''$30,000,000'' and inserting ''$60,000,000''.

SEC. 416. ADJUSTMENT TO THE MEDICARE INPATIENT HOSPITAL PPS WAGE INDEX TO REVISE THE LABOR-RELATED SHARE OF SUCH INDEX.

(a) IN GENERAL.—Section 1886(d)(3)(E) (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by striking ''WAGE LEVELS.—The Secretary'' and inserting ''WAGE LEVELS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary''; and

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

''(ii) ALTERNATIVE PROPORTION TO BE ADJUSTED BEGINNING IN FISCAL YEAR 2004.—

''(I) IN GENERAL.—Except as provided in subclause (II), for discharges occurring on or after October 1, 2003, the Secretary shall substitute the '62 percent' for the proportion described in the first sentence of clause (i).

''(II) HOLD HARMLESS FOR CERTAIN HOSPITALS.—If the application of subclause (I) would result in lower payments to a hospital than would otherwise be made, then this subparagraph shall be applied as if this clause had not been enacted.''.

(b) WAIVING BUDGET NEUTRALITY.—Section 1886(d)(3)(E) (42 U.S.C. 1395ww(d)(3)(E)), as amended by subsection (a), is amended by adding at the end of clause (i) the following new sentence: ''The Secretary shall apply the previous sentence for any period as if the amendments made by section 402(a) of the Medicare Prescription Drug and Modernization Act of 2003 had not been enacted.''.

SEC. 417. MEDICARE INCENTIVE PAYMENT PROGRAM IMPROVEMENTS FOR PHYSICIAN SCARCITY.

(a) ADDITIONAL BONUS PAYMENT FOR CERTAIN PHYSICIAN SCARCITY AREAS.—

(1) IN GENERAL.—Section 1833 (42 U.S.C. 1395*l*) is amended by adding at the end the following new subsection:

''(u) INCENTIVE PAYMENTS FOR PHYSICIAN SCARCITY AREAS.—

''(1) IN GENERAL.—In the case of physicians' services furnished in a year—

''(A) by a primary care physician in a primary care scarcity county (identified under paragraph (4)); or

''(B) by a physician who is not a primary care physician in a specialist care scarcity county (as so identified),

in addition to the amount of payment that would otherwise be made for such services under this part, there also shall be paid an amount equal to 5 percent of the payment amount for the service under this part.

''(2) DETERMINATION OF RATIOS OF PHYSICIANS TO MEDICARE BENEFICIARIES IN AREA.—Based upon available data, the Secretary shall periodically determine, for each county or equivalent area in the United States, the following:

''(A) NUMBER OF PHYSICIANS PRACTICING IN THE AREA.—The number of physicians who furnish physicians' services in the active practice of medicine or osteopathy in that county or area, other than physicians whose practice is exclusively for the Federal Government, physicians who are retired, or physicians who only provide administrative services. Of such number, the number of such physicians who are—

''(i) primary care physicians; or

''(ii) physicians who are not primary care physicians.

''(B) NUMBER OF MEDICARE BENEFICIARIES RESIDING IN THE AREA.—The number of individuals who are residing in the county and are entitled to benefits under part A or enrolled under this part, or both.

''(C) DETERMINATION OF RATIOS.—

''(i) PRIMARY CARE RATIO.—The ratio (in this paragraph referred to as the 'primary care ratio') of the number of primary care physicians (determined under subparagraph (A)(i)), to number of medicare beneficiaries determined under subparagraph (B).

''(ii) SPECIALIST CARE RATIO.—The ratio (in this paragraph referred to as the 'specialist care ratio') of the number of other physicians (determined under subparagraph (A)(ii)), to number of medicare beneficiaries determined under subparagraph (B).

''(3) RANKING OF COUNTIES.—The Secretary shall rank each such county or area based separately on its primary care ratio and its specialist care ratio.

''(4) IDENTIFICATION OF COUNTIES.—The Secretary shall identify—

''(A) those counties and areas (in this paragraph referred to as 'primary care scarcity counties') with the lowest primary care ratios that represent, if each such county or area were weighted by the number of medicare beneficiaries determined under paragraph (2)(B), an aggregate total of 20 percent of the total of the medicare beneficiaries determined under such paragraph; and

''(B) those counties and areas (in this subsection referred to as 'specialist care scarcity counties') with the lowest specialist care ratios that represent, if each such county or area were weighted by the number of medicare beneficiaries determined under paragraph (2)(B), an aggregate total of 20 percent of the total of the medicare beneficiaries determined under such paragraph.

There is no administrative or judicial review respecting the identification of a county or area or the assignment of a specialty of any physician under this paragraph.

''(5) RURAL CENSUS TRACKS.—To the extent feasible, the Secretary shall treat a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725) as an equivalent area for purposes of qualifying as a primary care scarcity county or specialist care scarcity county under this subsection.

''(6) PHYSICIAN DEFINED.—For purposes of this paragraph, the term 'physician' means a physician described in section 1861(r)(1) and the term 'primary care physician' means a physician who is identified in the available data as a general practitioner, family practice practitioner, general internist, or obstetrician or gynecologist.

''(7) PUBLICATION OF LIST OF COUNTIES.—In carrying out this subsection for a year, the Secretary shall include, as part of the proposed and final rule to implement the physician fee schedule under section 1848 for the year, a list of all areas which will qualify as a primary care scarcity county or specialist care scarcity county under this subsection for the year involved.''.

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to physicians' services furnished or after January 1, 2004.

(b) IMPROVEMENT TO MEDICARE INCENTIVE PAYMENT PROGRAM.—

(1) IN GENERAL.—Section 1833(m) (42 U.S.C. 1395*l*(m)) is amended—

(A) by inserting ''(1)'' after ''(m)''; and

(B) by adding at the end the following new paragraphs:

''(2) The Secretary shall establish procedures under which the Secretary, and not the physician furnishing the service, is responsible for determining when a payment is required to be made under paragraph (1).

''(3) In carrying out paragraph (1) for a year, the Secretary shall include, as part of the proposed and final rule to implement the physician fee schedule under section 1848 for the year, a list of all areas which will qualify as a health professional shortage area under paragraph (1) for the year involved.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to physicians' services furnished or after January 1, 2004.

SEC. 418. MEDICARE INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS.

Section 1886(d) (42 U.S.C. 1395ww(d)) is amended by adding at the end the following new paragraph:

''(12) PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS.—

''(A) PAYMENT ADJUSTMENT.—

''(i) IN GENERAL.—Notwithstanding any other provision of this section, for each cost reporting period (beginning with the cost reporting period that begins in fiscal year 2004), the Secretary shall provide for an additional payment amount to each low-volume hospital (as defined in clause (iii)) for discharges occurring during that cost reporting period which is equal to the applicable percentage increase (determined under clause (ii)) in the amount paid to such hospital under this section for such discharges.

''(ii) APPLICABLE PERCENTAGE INCREASE.—The Secretary shall determine a percentage increase applicable under this paragraph that ensures that—

''(I) no percentage increase in payments under this paragraph exceeds 25 percent of the amount of payment that would (but for this paragraph) otherwise be made to a low-volume hospital under this section for each discharge;

''(II) low-volume hospitals that have the lowest number of discharges during a cost reporting period receive the highest percentage increases in payments due to the application of this paragraph; and

''(III) the percentage increase in payments to any low-volume hospital due to the application of this paragraph is reduced as the number of discharges per cost reporting period increases.

''(iii) LOW-VOLUME HOSPITAL DEFINED.—For purposes of this paragraph, the term 'low-volume hospital' means, for a cost reporting period, a subsection (d) hospital (as defined in paragraph (1)(B)) other than a critical access hospital (as defined in section 1861(mm)(1)) that—

''(I) the Secretary determines had an average of less than 2,000 discharges (determined with respect to all patients and not just individuals receiving benefits under this title) during the 3 most recent cost reporting periods for which data are available that precede the cost reporting period to which this paragraph applies; and

''(II) is located at least 15 miles from a like hospital (or is deemed by the Secretary to be so located by reason of such factors as the Secretary determines appropriate, including the time required for an individual to travel to the nearest alternative source of appropriate inpatient care (after taking into account the location of such alternative source of inpatient care and any weather or travel conditions that may affect such travel time).

''(B) PROHIBITING CERTAIN REDUCTIONS.—Notwithstanding subsection (e), the Secretary shall not reduce the payment amounts under this section to offset the increase in payments resulting from the application of subparagraph (A).''.

SEC. 419. TREATMENT OF CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED BY A SOLE COMMUNITY HOSPITAL.

Notwithstanding subsections (a), (b), and (h) of section 1833 of the Social Security Act (42 U.S.C. 1395*l*) and section 1834(d)(1) of such Act (42 U.S.C. 1395m(d)(1)), in the case of a clinical diagnostic laboratory test covered under part B of title XVIII of such Act that is furnished in 2004 or 2005 by a sole community hospital (as defined in section 1886(d)(5)(D)(iii) of such Act (42 U.S.C. 1395ww(d)(5)(D)(iii))) as part of services furnished to patients of the hospital, the following rules shall apply:

(1) PAYMENT BASED ON REASONABLE COSTS.—The amount of payment for such test shall be 100 percent of the reasonable costs of the hospital in furnishing such test.

(2) NO BENEFICIARY COST-SHARING.—Notwithstanding section 432, no coinsurance, deductible, copayment, or other cost-sharing otherwise applicable under such part B shall apply with respect to such test.

SEC. 420. ESTABLISHMENT OF FLOOR ON GEOGRAPHIC ADJUSTMENTS OF PAYMENTS FOR PHYSICIANS' SERVICES.

Section 1848(e)(1) (42 U.S.C. 1395w–4(e)(1)) is amended—

(1) in subparagraph (A), by striking ''subparagraphs (B) and (C)'' and inserting ''subparagraphs (B), (C), (E), and (F)''; and

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

''(E) FLOOR FOR WORK GEOGRAPHIC INDICES.—

''(i) IN GENERAL.—For purposes of payment for services furnished on or after January 1, 2004, and before January 1, 2008, after calculating the work geographic indices in subparagraph (A)(iii), the Secretary shall increase the work geographic index to the work floor index for any locality for which such geographic index is less than the work floor index.

''(ii) WORK FLOOR INDEX.—For purposes of clause (i), the term 'applicable floor index' means—

''(I) 0.980 with respect to services furnished during 2004; and

''(II) 1.000 for services furnished during 2005, 2006, and 2007.

''(F) FLOOR FOR PRACTICE EXPENSE AND MALPRACTICE GEOGRAPHIC INDICES.—For purposes of payment for services furnished on or after January 1, 2005, and before January 1, 2008, after calculating the practice expense and malpractice indices in clauses (i) and (ii) of subparagraph (A) and in subparagraph (B), the Secretary shall increase any such index to 1.00 for any locality for which such index is less than 1.00.

SEC. 421. AMBULANCE PAYMENT RATES.

(a) PAYMENT RATES.—Section 1834(l)(3) (42 U.S.C. 1395m(l)(3)) is amended to read as follows:

''(3) PAYMENT RATES.—

''(A) IN GENERAL.—Subject to any adjustment under subparagraph (B) and paragraph (9) and the full payment of a national mileage rate pursuant to subparagraph (2)(E), in establishing such fee schedule, the following rules shall apply:

''(i) PAYMENT RATES IN 2003.—

''(I) GROUND AMBULANCE SERVICES.—In the case of ground ambulance services furnished under this part in 2003, the Secretary shall set the payment rates under the fee schedule for such services at a rate based on the average costs (as determined by the Secretary on the basis of the most recent and reliable information available) incurred by full cost ambulance suppliers in providing non-emergency basic life support ambulance services covered under this title, with adjustments to the rates for other ground ambulance service levels to be determined based on the rule established under paragraph (1). For the purposes of the preceding sentence, the term 'full cost ambulance supplier' means a supplier for which volunteers or other unpaid staff comprise less than 20 percent of the supplier's total staff and which receives less than 20 percent of space and other capital assets free of charge.

''(II) OTHER AMBULANCE SERVICES.—In the case of ambulance services not described in subclause (I) that are furnished under this part in 2003, the Secretary shall set the payment rates under the fee schedule for such services based on the rule established under paragraph (1).

''(ii) PAYMENT RATES IN SUBSEQUENT YEARS FOR ALL AMBULANCE SERVICES.—In the case of any ambulance service furnished under this part in 2004 or any subsequent year, the Secretary shall set the payment rates under the fee schedule for such service at amounts equal to the payment rate under the fee schedule for that service furnished during the previous year, increased by the percentage increase in the Consumer Price Index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year.

''(B) ADJUSTMENT IN RURAL RATES.—For years beginning with 2004, the Secretary, after taking into consideration the recommendations contained in the report submitted under section 221(b)(3) the Medicare, Medicaid, and SCHIP Benefits Improvements and Protection Act of 2000, shall adjust the fee schedule payment rates that would otherwise apply under this subsection for ambulance services provided in low density rural areas based on the increased cost (if any) of providing such services in such areas.''.

(b) CONFORMING AMENDMENT.—Section 221(c) of BIPA is repealed.

TITLE V—PROVISIONS RELATING TO PART A

Subtitle A—Inpatient Hospital Services

SEC. 501. ADJUSTMENT FOR INDIRECT COSTS OF MEDICAL EDUCATION (IME).

Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) by striking ''and'' at the end of subclause (VI);

(2) in subclause (VII)—

(A) by striking ''on or after October 1, 2002,'' and inserting ''during fiscal year 2003,''; and

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

(3) by inserting after subclause (VII) the following new subclauses:

''(VIII) during each of fiscal years 2004 and 2005, 'c' is equal to 1.47; and

''(IX) on or after October 1, 2005, 'c' is equal to 1.35.''.

SEC. 502. RECOGNITION OF NEW MEDICAL TECHNOLOGIES UNDER INPATIENT HOSPITAL PPS.

(a) IMPROVING TIMELINESS OF DATA COLLECTION.—Section 1886(d)(5)(K) (42 U.S.C. 1395ww(d)(5)(K)) is amended by adding at the end the following new clause:

''(vii) Under the mechanism under this subparagraph, the Secretary shall provide for the addition of new diagnosis and procedure codes in April 1 of each year, but the addition of such codes shall not require the Secretary to adjust the payment (or diagnosis-related group classification) under this subsection until the fiscal year that begins after such date.''.

(b) ELIGIBILITY STANDARD FOR TECHNOLOGY OUTLIERS.—

(1) MINIMUM PERIOD FOR RECOGNITION OF NEW TECHNOLOGIES.—Section 1886(d)(5)(K)(vi) (42 U.S.C. 1395ww(d)(5)(K)(vi)) is amended—

(A) by inserting ''(I)'' after ''(vi)''; and

(B) by adding at the end the following new subclause:

''(II) Under such criteria, a service or technology shall not be denied treatment as a new service or technology on the basis of the period of time in which the service or technology has been in use if such period ends before the end of the 2-to-3-year period that begins on the effective date of implementation of a code under ICD–9–CM (or a successor coding methodology) that enables the identification of specific discharges in which the service or technology has been used.''.

(2) ADJUSTMENT OF THRESHOLD.—Section 1886(d)(5)(K)(ii)(I) (42 U.S.C. 1395ww(d)(5)(K)(ii)(I)) is amended by inserting ''(applying a threshold specified by the Secretary that is 75 percent of one standard deviation for the diagnosis-related group involved)'' after ''is inadequate''.

(3) CRITERION FOR SUBSTANTIAL IMPROVEMENT.—Section 1886(d)(5)(K)(vi) (42 U.S.C. 1395ww(d)(5)(K)(vi)), as amended by paragraph (1), is further amended by adding at the end the following subclause:

''(III) The Secretary shall by regulation provide for further clarification of the criteria applied to determine whether a new service or technology represents an advance in medical technology that substantially improves the diagnosis or treatment of beneficiaries. Under such criteria, in determining whether a new service or technology represents an advance in medical technology that substantially improves the diagnosis or treatment of beneficiaries, the Secretary shall deem a service or technology as meeting such requirement if the service or technology is a drug or biological that is designated under section 506 of the Federal

Food, Drug, and Cosmetic Act, approved under section 314.510 or 601.41 of title 21, Code of Federal Regulations, or designated for priority review when the marketing application for such drug or biological was filed or is a medical device for which an exemption has been granted under section 520(m) of such Act, or for which priority review has been provided under section 515(d)(5) of such Act. Nothing in this subclause shall be construed as effecting the authority of the Secretary to determine whether items and services are medically necessary and appropriate under section 1862(a)(1).''.

(4) PROCESS FOR PUBLIC INPUT.—Section 1886(d)(5)(K) (42 U.S.C. 1395ww(d)(5)(K)), as amended by paragraph (1), is amended—

(A) in clause (i), by adding at the end the following: ''Such mechanism shall be modified to meet the requirements of clause (viii).''; and

(B) by adding at the end the following new clause:

''(viii) The mechanism established pursuant to clause (i) shall be adjusted to provide, before publication of a proposed rule, for public input regarding whether a new service or technology not described in the second sentence of clause (vi)(III) represents an advance in medical technology that substantially improves the diagnosis or treatment of beneficiaries as follows:

''(I) The Secretary shall make public and periodically update a list of all the services and technologies for which an application for additional payment under this subparagraph is pending.

''(II) The Secretary shall accept comments, recommendations, and data from the public regarding whether the service or technology represents a substantial improvement.

''(III) The Secretary shall provide for a meeting at which organizations representing hospitals, physicians, medicare beneficiaries, manufacturers, and any other interested party may present comments, recommendations, and data to the clinical staff of the Centers for Medicare & Medicaid Services before publication of a notice of proposed rulemaking regarding whether service or technology represents a substantial improvement.''.

(c) PREFERENCE FOR USE OF DRG ADJUSTMENT.—Section 1886(d)(5)(K) (42 U.S.C. 1395ww(d)(5)(K)) is further amended by adding at the end the following new clause:

''(ix) Before establishing any add-on payment under this subparagraph with respect to a new technology, the Secretary shall seek to identify one or more diagnosis-related groups associated with such technology, based on similar clinical or anatomical characteristics and the cost of the technology. Within such groups the Secretary shall assign an eligible new technology into a diagnosis-related group where the average costs of care most closely approximate the costs of care of using the new technology. In such case, the new technology would no longer meet the threshold of exceeding 75 percent of the standard deviation for the diagnosis-related group involved under clause (ii)(I). No add-on payment under this subparagraph shall be made with respect to such new technology and this clause shall not affect the application of paragraph (4)(C)(iii).''.

(d) IMPROVEMENT IN PAYMENT FOR NEW TECHNOLOGY.—Section 1886(d)(5)(K)(ii)(III) (42 U.S.C. 1395ww(d)(5)(K)(ii)(III)) is amended by inserting after ''the estimated average cost of such service or technology'' the following: ''(based on the marginal rate applied to costs under subparagraph (A))''.

(e) ESTABLISHMENT OF NEW FUNDING FOR HOSPITAL INPATIENT TECHNOLOGY.—Section 1886(d)(5)(K)(ii)(III) (42 U.S.C. 1395ww(d)(5)(K)(ii)(III)) is amended by striking ''subject to paragraph (4)(C)(iii),''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The Secretary shall implement the amendments made by this section so that they apply to classification for fiscal years beginning with fiscal year 2005.

(2) RECONSIDERATIONS OF APPLICATIONS FOR FISCAL YEAR 2003 THAT ARE DENIED.—In the case of an application for a classification of a medical service or technology as a new medical service or technology under section 1886(d)(5)(K) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(K)) that was filed for fiscal year 2004 and that is denied—

(A) the Secretary shall automatically reconsider the application as an application for fiscal year 2005 under the amendments made by this section; and

(B) the maximum time period otherwise permitted for such classification of the service or technology shall be extended by 12 months.

SEC. 503. INCREASE IN FEDERAL RATE FOR HOSPITALS IN PUERTO RICO.

Section 1886(d)(9) (42 U.S.C. 1395ww(d)(9)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''for discharges beginning on or after October 1, 1997, 50 percent (and for discharges between October 1, 1987, and September 30, 1997, 75 percent)'' and inserting ''the applicable Puerto Rico percentage (specified in subparagraph (E))''; and

(B) in clause (ii), by striking ''for discharges beginning in a fiscal year beginning on or after October 1, 1997, 50 percent (and for discharges between October 1, 1987, and September 30, 1997, 25 percent)'' and inserting ''the applicable Federal percentage (specified in subparagraph (E))''; and

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

''(E) For purposes of subparagraph (A), for discharges occurring—

''(i) on or after October 1, 1987, and before October 1, 1997, the applicable Puerto Rico percentage is 75 percent and the applicable Federal percentage is 25 percent;

''(ii) on or after October 1, 1997, and before October 1, 2003, the applicable Puerto Rico percentage is 50 percent and the applicable Federal percentage is 50 percent;

''(iii) during fiscal year 2004, the applicable Puerto Rico percentage is 41 percent and the applicable Federal percentage is 59 percent;

''(iv) during fiscal year 2005, the applicable Puerto Rico percentage is 33 percent and the applicable Federal percentage is 67 percent; and

''(v) on or after October 1, 2005, the applicable Puerto Rico percentage is 25 percent and the applicable Federal percentage is 75 percent.''.

SEC. 504. WAGE INDEX ADJUSTMENT RECLASSIFICATION REFORM .

(a) IN GENERAL.—Section 1886(d) (42 U.S.C. 1395ww(d)) is amended by adding at the end the following:

''(11)(A) In order to recognize commuting patterns among Metropolitan Statistical Areas and between such Areas and rural areas, the Secretary shall establish a process, upon application of a subsection (d) hospital that establishes that it is a qualifying hospital described in subparagraph (B), for an increase of the wage index applied under paragraph (3)(E) for the hospital in the amount computed under subparagraph (D).

''(B) A qualifying hospital described in this subparagraph is a subsection (d) hospital—

''(i) the average wages of which exceed the average wages for the area in which the hospital is located; and

''(ii) which has at least 10 percent of its employees who reside in one or more higher wage index areas.

''(C) For purposes of this paragraph, the term 'higher wage index area' means, with respect to a hospital, an area with a wage index that exceeds that of the area in which the hospital is located.

''(D) The increase in the wage index under subparagraph (A) for a hospital shall be equal to the percentage of the employees of the hospital that resides in any higher wage index area multiplied by the sum of the products, for each higher wage index area of—

''(i) the difference between (I) the wage index for such area, and (II) the wage index of the area in which the hospital is located (before the application of this paragraph); and

''(ii) the number of employees of the hospital that reside in such higher wage index area divided by the total number of such employees that reside in all high wage index areas.

''(E) The process under this paragraph shall be based upon the process used by the Medicare Geographic Classification Review Board under paragraph (10) with respect to data submitted by hospitals to the Board on the location of residence of hospital employees and wages under the applicable schedule established for geographic reclassification.

''(F) A reclassification under this paragraph shall be effective for a period of 3 fiscal years, except that the Secretary shall establish procedures under which a subsection (d) hospital may elect to terminate such reclassification before the end of such period.

''(G) A hospital that is reclassified under this paragraph for a period is not eligible for reclassification under paragraphs (8) or (10) during that period.

''(H) Any increase in a wage index under this paragraph for a hospital shall not be taken into account for purposes of—

''(i) computing the wage index for the area in which the hospital is located or any other area; or

''(ii) applying any budget neutrality adjustment with respect to such index under paragraph (8)(D).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall first apply to the wage index for cost reporting period beginning on or after October 1, 2004.

SEC. 505. CLARIFICATIONS TO CERTAIN EXCEPTIONS TO MEDICARE LIMITS ON PHYSICIAN REFERRALS.

(a) OWNERSHIP AND INVESTMENT INTERESTS IN WHOLE HOSPITALS.—

(1) IN GENERAL.—Section 1877(d)(3) (42 U.S.C. 1395nn(d)(3)) is amended—

(A) by striking ''and'' at the end of subparagraph (A); and

(B) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

''(B) the hospital is not a specialty hospital (as defined in subsection (h)(7)); and''.

(2) DEFINITION.—Section 1877(h) (42 U.S.C. 1395nn(h)) is amended by adding at the end the following:

''(7) SPECIALTY HOSPITAL.—

''(A) IN GENERAL.—For purposes of this section, except as provided in subparagraph (B), the term 'specialty hospital' means a hospital that is primarily or exclusively engaged in the care and treatment of one of the following:

''(i) patients with a cardiac condition;

''(ii) patients with an orthopedic condition;

''(iii) patients receiving a surgical procedure; or

''(iv) any other specialized category of patients or cases that the Secretary designates as inconsistent with the purpose of permitting physician ownership and investment interests in a hospital under this section.

''(B) EXCEPTION.—For purposes of this section, the term 'specialty hospital' does not include any hospital—

''(i) determined by the Secretary—

''(I) to be in operation before June 12, 2003; or

''(II) under development as of such date;

''(ii) for which the number of beds and the number of physician investors at any time on or after such date is no greater than the number of such beds or investors as of such date; and

''(iii) that meets such other requirements as the Secretary may specify.''.

(b) EFFECTIVE DATE.—Subject to subsection (c), the amendments made by this section shall apply to referrals made for designated health services on or after January 1, 2004.

(c) APPLICATION OF EXCEPTION FOR HOSPITALS UNDER DEVELOPMENT.—For purposes of section 1877(h)(7)(B)(i)(II) of the Social Security Act, as added by subsection (a)(2), in determining whether a hospital is under development as of June 12, 2003, the Secretary shall consider—

(1) whether architectural plans have been completed, funding has been received, zoning requirements have been met, and necessary approvals from appropriate State agencies have been received; and

(2) any other evidence the Secretary determines would indicate whether a hospital is under development as of such date.

Subtitle B—Other Provisions

SEC. 511. PAYMENT FOR COVERED SKILLED NURSING FACILITY SERVICES.

(a) ADJUSTMENT TO RUGS FOR AIDS RESIDENTS.—Paragraph (12) of section 1888(e) (42 U.S.C. 1395yy(e)) is amended to read as follows:

''(12) ADJUSTMENT FOR RESIDENTS WITH AIDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of a resident of a skilled nursing facility who is afflicted with acquired immune deficiency syndrome (AIDS), the per diem amount of payment otherwise applicable shall be increased by 128 percent to reflect increased costs associated with such residents.

''(B) SUNSET.—Subparagraph (A) shall not apply on and after such date as the Secretary certifies that there is an appropriate adjustment in the case mix under paragraph (4)(G)(i) to compensate for the increased costs associated with residents described in such subparagraph.''.

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services furnished on or after October 1, 2003.

SEC. 512. COVERAGE OF HOSPICE CONSULTATION SERVICES.

(a) COVERAGE OF HOSPICE CONSULTATION SERVICES.—Section 1812(a) (42 U.S.C. 1395d(a)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by inserting after paragraph (4) the following new paragraph:

''(5) for individuals who are terminally ill, have not made an election under subsection (d)(1), and have not previously received services under this paragraph, services that are furnished by a physician who is either the medical director or an employee of a hospice program and that consist of—

''(A) an evaluation of the individual's need for pain and symptom management;

''(B) counseling the individual with respect to end-of-life issues and care options; and

''(C) advising the individual regarding advanced care planning.''.

(b) PAYMENT.—Section 1814(i) (42 U.S.C. 1395f(i)) is amended by adding at the end the following new paragraph:

''(4) The amount paid to a hospice program with respect to the services under section 1812(a)(5) for which payment may be made under this part shall be equal to an amount equivalent to the amount established for an office or other outpatient visit for evaluation and management associated with presenting problems of moderate severity under the fee schedule established under section 1848(b), other than the portion of such amount attributable to the practice expense component.''.

(c) CONFORMING AMENDMENT.—Section 1861(dd)(2)(A)(i) (42 U.S.C. 1395x(dd)(2)(A)(i)) is amended by inserting before the comma at the end the following: ''and services described in section 1812(a)(5)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services provided by a hospice program on or after January 1, 2004.

TITLE VI—PROVISIONS RELATING TO PART B

Subtitle A—Physicians' Services

SEC. 601. REVISION OF UPDATES FOR PHYSICIANS' SERVICES.

(a) UPDATE FOR 2004 AND 2005.—

(1) IN GENERAL.—Section 1848(d) (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

''(5) UPDATE FOR 2004 AND 2005.—The update to the single conversion factor established in paragraph (1)(C) for each of 2004 and 2005 shall be not less than 1.5 percent.''.

(2) CONFORMING AMENDMENT.—Paragraph (4)(B) of such section is amended, in the matter before clause (i), by inserting ''and paragraph (5)'' after ''subparagraph (D)''.

(3) NOT TREATED AS CHANGE IN LAW AND REGULATION IN SUSTAINABLE GROWTH RATE DETERMINATION.—The amendments made by this subsection shall not be treated as a change in law for purposes of applying section 1848(f)(2)(D) of the Social Security Act (42 U.S.C. 1395w–4(f)(2)(D)).

(b) USE OF 10-YEAR ROLLING AVERAGE IN COMPUTING GROSS DOMESTIC PRODUCT.—

(1) IN GENERAL.—Section 1848(f)(2)(C) (42 U.S.C. 1395w–4(f)(2)(C)) is amended—

(A) by striking ''projected'' and inserting ''annual average''; and

(B) by striking ''from the previous applicable period to the applicable period involved'' and inserting ''during the 10-year period ending with the applicable period involved''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to computations of the sustainable growth rate for years beginning with 2003.

SEC. 602. STUDIES ON ACCESS TO PHYSICIANS' SERVICES.

(a) GAO STUDY ON BENEFICIARY ACCESS TO PHYSICIANS' SERVICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on access of medicare beneficiaries to physicians' services under the medicare program. The study shall include—

(A) an assessment of the use by beneficiaries of such services through an analysis of claims submitted by physicians for such services under part B of the medicare program;

(B) an examination of changes in the use by beneficiaries of physicians' services over time;

(C) an examination of the extent to which physicians are not accepting new medicare beneficiaries as patients.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include a determination whether—

(A) data from claims submitted by physicians under part B of the medicare program indicate potential access problems for medicare beneficiaries in certain geographic areas; and

(B) access by medicare beneficiaries to physicians' services may have improved, remained constant, or deteriorated over time.

(b) STUDY AND REPORT ON SUPPLY OF PHYSICIANS.—

(1) STUDY.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to conduct a study on the adequacy of the supply of physicians (including specialists) in the United States and the factors that affect such supply.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the results of the study described in paragraph (1), including any recommendations for legislation.

(c) GAO STUDY OF MEDICARE PAYMENT FOR INHALATION THERAPY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to examine the adequacy of current reimbursements for inhalation therapy under the medicare program.

(2) REPORT.—Not later than May 1, 2004, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 603. MEDPAC REPORT ON PAYMENT FOR PHYSICIANS' SERVICES.

(a) PRACTICE EXPENSE COMPONENT.—Not later than 1 year after the date of the enactment of this Act, the Medicare Payment Advisory Commission shall submit to Congress a report on the effect of refinements to the practice expense component of payments for physicians' services, after the transition to a full resource-based payment system in 2002, under section 1848 of the Social Security Act (42 U.S.C. 1395w–4). Such report shall examine the following matters by physician specialty:

(1) The effect of such refinements on payment for physicians' services.

(2) The interaction of the practice expense component with other components of and adjustments to payment for physicians' services under such section.

(3) The appropriateness of the amount of compensation by reason of such refinements.

(4) The effect of such refinements on access to care by medicare beneficiaries to physicians' services.

(5) The effect of such refinements on physician participation under the medicare program.

(b) VOLUME OF PHYSICIAN SERVICES.—The Medicare Payment Advisory Commission shall submit to Congress a report on the extent to which increases in the volume of physicians' services under part B of the medicare program are a result of care that improves the health and well-being of medicare beneficiaries. The study shall include the following:

(1) An analysis of recent and historic growth in the components that the Secretary includes under the sustainable growth rate (under section 1848(f) of the Social Security Act).

(2) An examination of the relative growth of volume in physician services between medicare beneficiaries and other populations.

(3) An analysis of the degree to which new technology, including coverage determinations of the Centers for Medicare & Medicaid Services, has affected the volume of physicians' services.

(4) An examination of the impact on volume of demographic changes.

(5) An examination of shifts in the site of service of services that influence the number and intensity of services furnished in physicians' offices and the extent to which changes in reimbursement rates to other providers have affected these changes.

(6) An evaluation of the extent to which the Centers for Medicare & Medicaid Services takes into account the impact of law and regulations on the sustainable growth rate.

Subtitle B—Preventive Services

SEC. 611. COVERAGE OF AN INITIAL PREVENTIVE PHYSICAL EXAMINATION.

(a) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)) is amended—

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

(2) in subparagraph (V), by inserting ''and'' at the end; and

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

''(W) an initial preventive physical examination (as defined in subsection (ww));''.

(b) SERVICES DESCRIBED.—Section 1861 (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Initial Preventive Physical Examination

''(ww) The term 'initial preventive physical examination' means physicians' services consisting of a physical examination with the goal of health promotion and disease detection and includes items and services (excluding clinical laboratory tests), as determined by the Secretary, consistent with the recommendations of the United States Preventive Services Task Force.''.

(c) WAIVER OF DEDUCTIBLE AND COINSURANCE.—

(1) DEDUCTIBLE.—The first sentence of section 1833(b) (42 U.S.C. 1395l(b)) is amended—

(A) by striking ''and'' before ''(6)'', and

(B) by inserting before the period at the end the following: '', and (7) such deductible shall not apply with respect to an initial preventive physical examination (as defined in section 1861(ww))''.

(2) COINSURANCE.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(A) in clause (N), by inserting ''(or 100 percent in the case of an initial preventive physical examination, as defined in section 1861(ww))'' after ''80 percent''; and

(B) in clause (O), by inserting ''(or 100 percent in the case of an initial preventive physical examination, as defined in section 1861(ww))'' after ''80 percent''.

(d) PAYMENT AS PHYSICIANS' SERVICES.—Section 1848(j)(3) (42 U.S.C. 1395w–4(j)(3)) is amended by inserting ''(2)(W),'' after ''(2)(S),''.

(e) OTHER CONFORMING AMENDMENTS.—Section 1862(a) (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''and'' at the end of subparagraph (H);

(B) by striking the semicolon at the end of subparagraph (I) and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(J) in the case of an initial preventive physical examination, which is performed not later than 6 months after the date the individual's first coverage period begins under part B;''; and

(2) in paragraph (7), by striking ''or (H)'' and inserting ''(H), or (J)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2004, but only for individuals whose coverage period begins on or after such date.

SEC. 612. COVERAGE OF CHOLESTEROL AND BLOOD LIPID SCREENING.

(a) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 611(a), is amended—

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

(2) in subparagraph (W), by inserting ''and'' at the end; and

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

''(X) cholesterol and other blood lipid screening tests (as defined in subsection (XX));''.

(b) SERVICES DESCRIBED.—Section 1861 (42 U.S.C. 1395x), as amended by section 611(b), is amended by adding at the end the following new subsection:

''Cholesterol and Other Blood Lipid Screening Test

''(xx)(1) The term 'cholesterol and other blood lipid screening test' means diagnostic testing of cholesterol and other lipid levels of the blood for the purpose of early detection of abnormal cholesterol and other lipid levels.

''(2) The Secretary shall establish standards, in consultation with appropriate organizations, regarding the frequency and type of cholesterol and other blood lipid screening tests, except that such frequency may not be more often than once every 2 years.''.

(c) FREQUENCY.—Section 1862(a)(1) (42 U.S.C. 1395y(a)(1)), as amended by section 611(e), is amended—

(1) by striking ''and'' at the end of subparagraph (I);

(2) by striking the semicolon at the end of subparagraph (J) and inserting ''; and''; and

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

''(K) in the case of a cholesterol and other blood lipid screening test (as defined in section 1861(xx)(1)), which is performed more frequently than is covered under section 1861(xx)(2).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to tests furnished on or after January 1, 2005.

SEC. 613. WAIVER OF DEDUCTIBLE FOR COLORECTAL CANCER SCREENING TESTS.

(a) IN GENERAL.—The first sentence of section 1833(b) (42 U.S.C. 1395*l*(b)), as amended by section 611(c)(1), is amended—

(1) by striking ''and'' before ''(7)''; and

(2) by inserting before the period at the end the following: '', and (8) such deductible shall not apply with respect to colorectal cancer screening tests (as described in section 1861(pp)(1))''.

(b) CONFORMING AMENDMENTS.—Paragraphs (2)(C)(ii) and (3)(C)(ii) of section 1834(d) (42 U.S.C. 1395m(d)) are each amended—

(1) by striking ''DEDUCTIBLE AND'' in the heading; and

(2) in subclause (I), by striking ''deductible or'' each place it appears.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to items and services furnished on or after Janaury 1, 2004.

SEC. 614. IMPROVED PAYMENT FOR CERTAIN MAMMOGRAPHY SERVICES.

(a) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by inserting before the period at the end the following: ''and does not include screening mammography (as defined in section 1861(jj)) and unilateral and bilateral diagnostic mammography''.

(b) ADJUSTMENT TO TECHNICAL COMPONENT.—For diagnostic mammography performed on or after January 1, 2004, for which payment is made under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4), the Secretary, based on the most recent cost data available, shall provide for an appropriate adjustment in the payment amount for the technical component of the diagnostic mammography.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to mammography performed on or after January 1, 2004.

Subtitle C—Other Services

SEC. 621. HOSPITAL OUTPATIENT DEPARTMENT (HOPD) PAYMENT REFORM.

(a) PAYMENT FOR DRUGS.—

(1) MODIFICATION OF AMBULATORY PAYMENT CLASSIFICATION (APC) GROUPS.—Section 1833(t) (42 U.S.C. 1395l(t)) is amended—

(A) by redesignating paragraph (13) as paragraph (14); and

(B) by inserting after paragraph (12) the following new paragraph:

''(13) DRUG APC PAYMENT RATES.—

''(A) IN GENERAL.—With respect to payment for covered OPD services that includes a specified covered outpatient drug (defined in subparagraph (B)), the amount provided for payment for such drug under the payment system under this subsection for services furnished in—

''(i) 2004, 2005, or 2006, shall in no case—

''(I) exceed 95 percent of the average wholesale price for the drug; or

''(II) be less than the transition percentage (under subparagraph (C)) of the average wholesale price for the drug; or

''(ii) a subsequent year, shall be equal to the average price for the drug for that area and year established under the competitive acquisition program under section 1847A as calculated and applied by the Secretary for purposes of this paragraph.

''(B) SPECIFIED COVERED OUTPATIENT DRUG DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'specified covered outpatient drug' means, subject to clause (ii), a covered outpatient drug (as defined in 1927(k)(2), that is—

''(I) a radiopharmaceutical; or

''(II) a drug or biological for which payment was made under paragraph (6) (relating to pass-through payments) on or before December 31, 2002.

''(ii) EXCEPTION.—Such term does not include—

''(I) a drug for which payment is first made on or after January 1, 2003, under paragraph (6); or

''(II) a drug for a which a temporary HCPCS code has not been assigned.

''(C) TRANSITION TOWARDS HISTORICAL AVERAGE ACQUISITION COST.—The transition percentage under this subparagraph for drugs furnished in a year is determined in accordance with the following table:

For the year—	The transition percentage for— Single source drugs are—	Innovator multiple source drugs are—	Generic drugs are—
2004	83%	81.5%	46%
2005	77%	75%	46%
2006	71%	68%	46%

''(D) PAYMENT FOR NEW DRUGS UNTIL TEMPORARY HCPCS CODE ASSIGNED.—With respect to payment for covered OPD services that includes a covered outpatient drug (as defined in 1927(k)) for a which a temporary HCPCS code has not been assigned, the amount provided for payment for such drug under the payment system under this subsection shall be equal to 95 percent of the average wholesale price for the drug.

''(E) CLASSES OF DRUGS.—For purposes of this paragraph, each of the following shall be treated as a separate class of drugs:

''(i) SOLE SOURCE DRUGS.—A sole source drug which for purposes of this paragraph means a drug or biological that is not a multiple source drug (as defined in subclauses (I) and (II) of section 1927(k)(7)(A)(i)) and is not a drug approved under an abbreviated new drug application under section 355(j) of the Federal Food, Drug, and Cosmetic Act.

''(ii) INNOVATOR MULTIPLE SOURCE DRUGS.—Innovator multiple source drugs (as defined in section 1927(k)(7)(A)(ii)).

''(iii) NONINNOVATOR MULTIPLE SOURCE DRUGS.—Noninnovator multiple source drugs (as defined in section 1927(k)(7)(A)(iii)).

''(F) INAPPLICABILITY OF EXPENDITURES IN DETERMINING CONVERSION FACTORS.—Additional expenditures resulting from this paragraph and paragraph (14)(C) in a year shall not be taken into account in establishing the conversion factor for that year.''.

(2) REDUCTION IN THRESHOLD FOR SEPARATE APCS FOR DRUGS.—Section 1833(t)(14), as redesignated by paragraph (1)(A), is amended by adding at the end the following new subparagraph:

''(B) THRESHOLD FOR ESTABLISHMENT OF SEPARATE APCS FOR DRUGS.—The Secretary shall reduce the threshold for the establishment of separate ambulatory procedure classification groups (APCs) with respect to drugs to $50 per administration.''.

(3) EXCLUSION OF SEPARATE DRUG APCS FROM OUTLIER PAYMENTS.—Section 1833(t)(5) is amended by adding at the end the following new subparagraph:

''(E) EXCLUSION OF SEPARATE DRUG APCS FROM OUTLIER PAYMENTS.—No additional payment shall be made under subparagraph (A) in the case of ambulatory procedure codes established separately for drugs.''.

(4) PAYMENT FOR PASS THROUGH DRUGS.—Clause (i) of section 1833(t)(6)(D) (42 U.S.C. 1395l(t)(6)(D)) is amended by inserting after ''under section 1842(o)'' the following: ''(or if the drug is covered under a competitive acquisition contract under section 1847A for an area, an amount determined by the Secretary equal to the average price for the drug for that area and year established under such section as calculated and applied by the Secretary for purposes of this paragraph)''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to services furnished on or after January 1, 2004.

(b) SPECIAL PAYMENT FOR BRACHYTHERAPY.—

(1) IN GENERAL.—Section 1833(t)(14), as so redesignated and amended by subsection (a)(2), is amended by adding at the end the following new subparagraph:

''(C) PAYMENT FOR DEVICES OF BRACHYTHERAPY AT CHARGES ADJUSTED TO COST.—Notwithstanding the preceding provisions of this subsection, for a device of brachytherapy furnished on or after January 1, 2004, and before January 1, 2007, the payment basis for the device under this subsection shall be equal to the hospital's charges for each device furnished, adjusted to cost.''.

(2) SPECIFICATION OF GROUPS FOR BRACHYTHERAPY DEVICES.—Section 1833(t)(2) (42 U.S.C. 1395l(t)(2) is amended—

(A) in subparagraph (F), by striking ''and'' at the end;

(B) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(H) with respect to devices of brachytherapy, the Secretary shall create additional groups of covered OPD services that classify such devices separately from the other services (or group of services) paid for under this subsection in a manner reflecting the number, isotope, and radioactive intensity of such devices furnished, including separate groups for palladium-103 and iodine-125 devices.''.

(3) GAO REPORT.—The Comptroller General of the United States shall conduct a study to determine appropriate payment amounts under section 1833(t)(13)(B) of the Social Security Act, as added by paragraph (1), for devices of brachytherapy. Not later than January 1, 2005, the Comptroller General shall submit to Congress and the Secretary a report on the study conducted under this paragraph, and shall include specific recommendations for appropriate payments for such devices.

(c) APPLICATION OF FUNCTIONAL EQUIVALENCE TEST.—

(1) IN GENERAL.—Section 1833(t)(6) (42 U.S.C. 1395l(t)(6)) is amended by adding at the end the following new subparagraph:

''(F) LIMITATION ON APPLICATION OF FUNCTIONAL EQUIVALENCE STANDARD.—The Secretary may not apply a 'functional equivalence' payment standard (including such standard promulgated on November 1, 2002) or any other similar standard in order to deem a particular drug or biological to be identical to or similar to another drug or biological with respect to its mechanism of action or clinical effect to deny pass-through status to new drugs or biologics or to remove such status of an existing eligible drug or biologic under this paragraph unless—

''(i) the Secretary develops by regulation (after providing notice and a period for public comment) criteria for the application of such standard; and

''(ii) such criteria provide for coordination with the Federal Food and Drug Administration and require scientific studies that show the clinical relationship between the drugs or biologicals treated as functionally equivalent.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to the application of a functional equivalence standard to a drug or biological on or after the date of the enactment of this Act, unless such application was being made to such drug or biological prior to June 13, 2003.

(d) HOSPITAL ACQUISITION COST STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study on the costs incurred by hospitals in acquiring covered outpatient drugs for which payment is made under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

(2) DRUGS COVERED.—The study in paragraph (1) shall not include those drugs for which the acquisition costs is less than $50 per administration.

(3) REPRESENTATIVE SAMPLE OF HOSPITALS.—In conducting the study under paragraph (1), the Secretary shall collect data from a statistically valid sample of hospitals with an urban/rural stratification.

(4) REPORT.—Not later than January 1, 2006, the Secretary shall submit to Congress a report on the study conducted under paragraph (1), and shall include recommendations with respect to the following:

(A) Whether the study should be repeated, and if so, how frequently.

(B) Whether the study produced useful data on hospital acquisition cost.

(C) Whether data produced in the study is appropriate for use in making adjustments to payments for drugs and biologicals under section 1847A of the Social Security Act.

(D) Whether separate estimates can made of overhead costs, including handing and administering costs for drugs.

SEC. 622. PAYMENT FOR AMBULANCE SERVICES.

(a) PHASE-IN PROVIDING FLOOR USING BLEND OF FEE SCHEDULE AND REGIONAL FEE SCHEDULES.—Section 1834(l) (42 U.S.C. 1395m(l)), as amended by section 410(a), is amended—

(1) in paragraph (2)(E), by inserting ''consistent with paragraph (11)'' after ''in an efficient and fair manner''; and

(2) by adding at the end the following new paragraph:

''(11) PHASE-IN PROVIDING FLOOR USING BLEND OF FEE SCHEDULE AND REGIONAL FEE SCHEDULES.—In carrying out the phase-in under paragraph (2)(E) for each level of service furnished in a year, the portion of the payment amount that is based on the fee schedule shall not be less than the following blended rate of the fee schedule under paragraph (1) and of a regional fee schedule for the region involved:

''(A) For 2004, the blended rate shall be based 20 percent on the fee schedule under paragraph (1) and 80 percent on the regional fee schedule.

''(B) For 2005, the blended rate shall be based 40 percent on the fee schedule under paragraph (1) and 60 percent on the regional fee schedule.

''(C) For 2006, the blended rate shall be based 60 percent on the fee schedule under paragraph (1) and 40 percent on the regional fee schedule.

''(D) For 2007, 2008, and 2009, the blended rate shall be based 80 percent on the fee schedule under paragraph (1) and 20 percent on the regional fee schedule.

''(E) For 2010 and each succeeding year, the blended rate shall be based 100 percent on the fee schedule under paragraph (1).

For purposes of this paragraph, the Secretary shall establish a regional fee schedule for each of the 9 Census divisions using the methodology (used in establishing the fee schedule under paragraph (1)) to calculate a regional conversion factor and a regional mileage payment rate and using the same payment adjustments and the same relative value units as used in the fee schedule under such paragraph.''.

(b) ADJUSTMENT IN PAYMENT FOR CERTAIN LONG TRIPS.—Section 1834(l), as amended by subsection (a), is further amended by adding at the end the following new paragraph:

''(12) ADJUSTMENT IN PAYMENT FOR CERTAIN LONG TRIPS.—In the case of ground ambulance services furnished on or after January 1, 2004, and before January 1, 2009, regardless of where the transportation originates, the fee schedule established under this subsection shall provide that, with respect to the payment rate for mileage for a trip above 50 miles the per mile rate otherwise established shall be increased by ¼ of the payment per mile otherwise applicable to such miles.''.

(c) GAO REPORT ON COSTS AND ACCESS.—Not later than December 31, 2005, the Comptroller General of the United States shall submit to Congress an initial report on how costs differ among the types of ambulance providers and on access, supply, and quality of ambulance services in those regions and States that have a reduction in payment under the medicare ambulance fee schedule (under section 1834(l) of the Social Security Act, as amended by this section). Not later than December 31, 2007, the Comptroller General shall submit to Congress a final report on such access and supply.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to ambulance services furnished on or after January 1, 2004.

SEC. 623. RENAL DIALYSIS SERVICES.

(a) DEMONSTRATION OF ALTERNATIVE DELIVERY MODELS.—

(1) USE OF ADVISORY BOARD.—In carrying out the demonstration project relating to improving care for people with end-stage renal disease through alternative delivery models (as published in the Federal Register of June 4, 2003), the Secretary shall establish an advisory board comprised of representatives described in paragraph (2) to provide advice and recommendations with respect to the establishment and operation of such demonstration project.

(2) REPRESENTATIVES.—Representatives referred to in paragraph (1) include representatives of the following:

(A) Patient organizations.

(B) Clinicians.

(C) The medicare payment advisory commission, established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6).

(D) The National Kidney Foundation.

(E) The National Institute of Diabetes and Digestive and Kidney Diseases of National Institutes of Health.

(F) End-stage renal disease networks.

(G) Medicare contractors to monitor quality of care.

(I) providers of services and renal dialysis facilities furnishing end-stage renal disease services.

(J) Economists.

(K) Researchers.

(b) RESTORING COMPOSITE RATE EXCEPTIONS FOR PEDIATRIC FACILITIES.—

(1) IN GENERAL.—Section 422(a)(2) of BIPA is amended—

(A) in subparagraph (A), by striking ''and (C)'' and inserting '', (C), and (D)'';

(B) in subparagraph (B), by striking ''In the case'' and inserting ''Subject to subparagraph (D), in the case''; and

(C) by adding at the end the following new subparagraph:

''(D) INAPPLICABILITY TO PEDIATRIC FACILITIES.—Subparagraphs (A) and (B) shall not apply, as of October 1, 2002, to pediatric facilities that do not have an exception rate described in subparagraph (C) in effect on such date. For purposes of this subparagraph, the term 'pediatric facility' means a renal facility at least 50 percent of whose patients are individuals under 18 years of age.''.

(2) CONFORMING AMENDMENT.—The fourth sentence of section 1881(b)(7) (42 U.S.C. 1395rr(b)(7)), as amended by subsection (b), is further amended by striking ''Until'' and inserting ''Subject to section 422(a)(2) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, and until''.

(c) INCREASE IN RENAL DIALYSIS COMPOSITE RATE FOR SERVICES FURNISHED IN 2004.—Notwithstanding any other provision of law, with respect to payment under part B of title XVIII of the Social Security Act for renal dialysis services furnished in 2004, the composite payment rate otherwise established under section 1881(b)(7) of such Act (42 U.S.C. 1395rr(b)(7)) shall be increased by 1.6 percent.

SEC. 624. ONE-YEAR MORATORIUM ON THERAPY CAPS; PROVISIONS RELATING TO REPORTS.

(a) 1-YEAR MORATORIUM ON THERAPY CAPS.—Section 1833(g)(4) (42 U.S.C. 1395l(g)(4)) is amended by striking ''and 2002'' and inserting ''2002, and 2004''.

(b) PROMPT SUBMISSION OF OVERDUE REPORTS ON PAYMENT AND UTILIZATION OF OUTPATIENT THERAPY SERVICES.—Not later than December 31, 2003, the Secretary shall submit to Congress the reports required under section 4541(d)(2) of the Balanced Budget Act of 1997 (relating to alternatives to a single annual dollar cap on outpatient therapy) and under section 221(d) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (relating to utilization patterns for outpatient therapy).

(c) IDENTIFICATION OF CONDITIONS AND DISEASES JUSTIFYING WAIVER OF THERAPY CAP.—

(1) STUDY.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to identify conditions or diseases that should justify conducting an assessment of the need to waive the therapy caps under section 1833(g)(4) of the Social Security Act (42 U.S.C. 1395l(g)(4)).

(2) REPORTS TO CONGRESS.—

(A) PRELIMINARY REPORT.—Not later than July 1, 2004, the Secretary shall submit to Congress a preliminary report on the conditions and diseases identified under paragraph (1).

(B) FINAL REPORT.—Not later than September 1, 2004, the Secretary shall submit to Congress a final report on such conditions and diseases.

(C) RECOMMENDATIONS.—Not later than October 1, 2004, the Secretary shall submit to Congress a recommendation of criteria, with respect to such conditions and disease, under which a waiver of the therapy caps would apply.

(d) GAO STUDY OF PATIENT ACCESS TO PHYSICAL THERAPIST SERVICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on access to physical therapist services in States authorizing such services without a physician referral and in States that require such a physician referral. The study shall—

(A) examine the use of and referral patterns for physical therapist services for patients age 50 and older in States that authorize such services without a physician referral and in States that require such a physician referral;

(B) examine the use of and referral patterns for physical therapist services for patients who are medicare beneficiaries;

(C) examine the potential effect of prohibiting a physician from referring patients to physical therapy services owned by the physician and provided in the physician's office;

(D) examine the delivery of physical therapists' services within the facilities of Department of Defense; and

(E) analyze the potential impact on medicare beneficiaries and on expenditures under the medicare program of eliminating the need for a physician referral and physician certification for physical therapist services under the medicare program.

(2) REPORT.—The Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) by not later than 1 year after the date of the enactment of this Act.

SEC. 625. ADJUSTMENT TO PAYMENTS FOR SERVICES FURNISHED IN AMBULATORY SURGICAL CENTERS.

Section 1833(i)(2)(C) (42 U.S.C. 1395l(i)(2)(C)) is amended in the last sentence by inserting ''and each of fiscal years 2004 through 2008'' after ''In each of the fiscal years 1998 through 2002''.

SEC. 626. PAYMENT FOR CERTAIN SHOES AND INSERTS UNDER THE FEE SCHEDULE FOR ORTHOTICS AND PROSTHETICS.

(a) IN GENERAL.—Section 1833(o) (42 U.S.C. 1395l(o)) is amended—

(1) in paragraph (1), by striking ''no more than the limits established under paragraph (2)'' and inserting ''no more than the amount of payment applicable under paragraph (2)''; and

(2) in paragraph (2), to read as follows:

''(2)(A) Except as provided by the Secretary under subparagraphs (B) and (C), the amount of payment under this paragraph for custom molded shoes, extra depth shoes, and inserts shall be the amount determined for such items by the Secretary under section 1834(h).

''(B) The Secretary or a carrier may establish payment amounts for shoes and inserts that are lower than the amount established under section 1834(h) if the Secretary finds that shoes and inserts of an appropriate quality are readily available at or below the amount established under such section.

''(C) In accordance with procedures established by the Secretary, an individual entitled to benefits with respect to shoes described in section 1861(s)(12) may substitute modification of such shoes instead of obtaining one (or more, as specified by the Secretary) pair of inserts (other than the original pair of inserts with respect to such shoes). In such case, the Secretary shall substitute, for the payment amount established under section 1834(h), a payment amount that the Secretary estimates will assure that there is no net increase in expenditures under this subsection as a result of this subparagraph.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1834(h)(4)(C) (42 U.S.C. 1395m(h)(4)(C)) is amended by inserting ''(and includes shoes described in section 1861(s)(12))'' after ''in section 1861(s)(9)''.

(2) Section 1842(s)(2) (42 U.S.C. 1395u(s)(2)) is amended by striking subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items furnished on or after January 1, 2004.

SEC. 627. WAIVER OF PART B LATE ENROLLMENT PENALTY FOR CERTAIN MILITARY RETIREES; SPECIAL ENROLLMENT PERIOD.

(a) WAIVER OF PENALTY.—

(1) IN GENERAL.—Section 1839(b) (42 U.S.C. 1395r(b)) is amended by adding at the end the following new sentence: ''No increase in the premium shall be effected for a month in the case of an individual who is 65 years of age or older, who enrolls under this part during 2001, 2002, 2003, or 2004 and who demonstrates to the Secretary before December 31, 2004, that the individual is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code). The Secretary of Health and Human Services shall consult with the Secretary of Defense in identifying individuals described in the previous sentence.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to premiums for months beginning with January 2004. The Secretary of Health and Human Services shall establish a method for providing rebates of premium penalties paid for months on or after January 2004 for which a penalty does not apply under such amendment but for which a penalty was previously collected.

(b) MEDICARE PART B SPECIAL ENROLLMENT PERIOD.—

(1) IN GENERAL.—In the case of any individual who, as of the date of the enactment of this Act, is 65 years of age or older, is eligible to enroll but is not enrolled under part B of title XVIII of the Social Security Act, and is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code), the Secretary of Health and Human Services shall provide for a special enrollment period during which the individual may enroll under such part. Such period shall begin as soon as possible after the date of the enactment of this Act and shall end on December 31, 2004.

(2) COVERAGE PERIOD.—In the case of an individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under part B of title XVIII of the Social Security Act shall begin on the first day of the month following the month in which the individual enrolls.

SEC. 628. EXTENSION OF COVERAGE OF INTRAVENOUS IMMUNE GLOBULIN (IVIG) FOR THE TREATMENT OF PRIMARY IMMUNE DEFICIENCY DISEASES IN THE HOME.

(a) IN GENERAL.—Section 1861 (42 U.S.C. 1395x), as amended by sections 611(a) and 612(a) is amended—

(1) in subsection (s)(2)—

(A) by striking ''and'' at the end of subparagraph (W);

(B) by adding ''and'' at the end of subparagraph (X); and

(C) by adding at the end the following new subparagraph:

''(Y) intravenous immune globulin for the treatment of primary immune deficiency diseases in the home (as defined in subsection (yy));''; and

(2) by adding at the end the following new subsection:

''Intravenous Immune Globulin

''(yy) The term 'intravenous immune globulin' means an approved pooled plasma derivative for the treatment in the patient's home of a patient with a diagnosed primary immune deficiency disease, but not including items or services related to the administration of the derivative, if a physician determines administration of the derivative in the patient's home is medically appropriate.''.

(b) PAYMENT AS A DRUG OR BIOLOGICAL.—Section 1833(a)(1)(S) (42 U.S.C. 1395l(a)(1)(S)) is amended by inserting ''(including intravenous immune globulin (as defined in section 1861(yy)))'' after ''with respect to drugs and biologicals''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items furnished administered on or after January 1, 2004.

SEC. 629. MEDICARE COVERAGE OF DIABETES LABORATORY DIAGNOSTIC TESTS.

(a) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by sections 611 and 612, is amended—

(1) in subparagraph (W), by striking ''and'' at the end;

(2) in subparagraph (X), by adding ''and'' at the end; and

(3) by adding at the end the following new subparagraph:

''(Y) diabetes screening tests and services (as defined in subsection (yy));''.

(b) SERVICES DESCRIBED.—Section 1861 (42 U.S.C. 1395x), as amended by sections 611 and 612, is further amended by adding at the end the following new subsection:

''Diabetes Screening Tests and Services

''(yy)(1) The term 'diabetes screening tests' means diagnostic testing furnished to an individual at risk for diabetes (as defined in paragraph (2)) for the purpose of early detection of diabetes, including—

''(A) a fasting plasma glucose test; and

''(B) such other tests, and modifications to tests, as the Secretary determines appropriate, in consultation with appropriate organizations.

''(2) For purposes of paragraph (1), the term 'individual at risk for diabetes' means an individual who has any, a combination of, or all of the following risk factors for diabetes:

''(A) A family history of diabetes.

''(B) Overweight defined as a body mass index greater than or equal to 25 kg/m2.

''(C) Habitual physical inactivity.

''(D) Belonging to a high-risk ethnic or racial group.

''(E) Previous identification of an elevated impaired fasting glucose.

''(F) Identification of impaired glucose tolerance.

''(G) Hypertension.

''(H) Dyslipidemia.

''(I) History of gestational diabetes mellitus or delivery of a baby weighing greater than 9 pounds.

''(J) Polycystic ovary syndrome.

''(3) The Secretary shall establish standards, in consultation with appropriate organizations, regarding the frequency of diabetes screening tests, except that such frequency may not be more often than twice within the 12-month period following the date of the most recent diabetes screening test of that individual.''.

(c) FREQUENCY.—Section 1862(a)(1) (42 U.S.C. 1395y(a)(1)), as amended by sections 611 and 612, is amended—

(1) by striking ''and'' at the end of subparagraph (J);

(2) by striking the semicolon at the end of subparagraph (K) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(L) in the case of a diabetes screening tests or service (as defined in section 1861(yy)(1)), which is performed more frequently than is covered under section 1861(yy)(3).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to tests furnished on or after the date that is 90 days after the date of enactment of this Act.

TITLE VII—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

SEC. 701. UPDATE IN HOME HEALTH SERVICES.

(a) CHANGE TO CALENDER YEAR UPDATE.—

(1) IN GENERAL.—Section 1895(b) (42 U.S.C. 1395fff(b)(3)) is amended—

(A) in paragraph (3)(B)(i)—

(i) by striking ''each fiscal year (beginning with fiscal year 2002)'' and inserting ''fiscal year 2002 and for fiscal year 2003 and for each subsequent year (beginning with 2004)''; and

(ii) by inserting ''or year'' after ''the fiscal year'';

(B) in paragraph (3)(B)(ii)(II), by striking ''any subsequent fiscal year'' and inserting ''2004 and any subsequent year'';

(C) in paragraph (3)(B)(iii), by inserting ''or year'' after ''fiscal year'' each place it appears;

(D) in paragraph (3)(B)(iv)—

(i) by inserting ''or year'' after ''fiscal year'' each place it appears; and

(ii) by inserting ''or years'' after ''fiscal years''; and

(E) in paragraph (5), by inserting ''or year'' after ''fiscal year''.

(2) TRANSITION RULE.—The standard prospective payment amount (or amounts) under section 1895(b)(3) of the Social Security Act for the calendar quarter beginning on October 1, 2003, shall be such amount (or amounts) for the previous calendar quarter.

(b) CHANGES IN UPDATES FOR 2004, 2005, AND 2006.—Section 1895(b)(3)(B)(ii) (42 U.S.C. 1395fff(b)(3)(B)(ii)), as amended by subsection (a)(1)(B), is amended—

(1) by striking ''or'' at the end of subclause (I);

(2) by redesignating subclause (II) as subclause (III);

(3) in subclause (III), as so redesignated, by striking ''2004'' and inserting ''2007''; and

(4) by inserting after subclause (I) the following new subclause:

''(II) each of 2004, 2005, and 2006 the home health market basket percentage increase minus 0.4 percentage points; or''.

SEC. 702. MEDPAC STUDY ON MEDICARE MARGINS OF HOME HEALTH AGENCIES.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study of payment margins of home health agencies under the home health prospective payment system under section 1895 of the Social Security Act (42 U.S.C. 1395fff). Such study shall examine whether systematic differences in payment margins are related to differences in case mix (as measured by home health resource groups (HHRGs)) among such agencies. The study shall use the partial or full-year cost reports filed by home health agencies.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study under subsection (a).

SEC. 703. DEMONSTRATION PROJECT TO CLARIFY THE DEFINITION OF HOMEBOUND.

(a) DEMONSTRATION PROJECT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall conduct a two-year demonstration project under part B of title XVIII of the Social Security Act under which medicare beneficiaries with chronic conditions described in subsection (b) are deemed to be homebound for purposes of receiving home health services under the medicare program.

(b) MEDICARE BENEFICIARY DESCRIBED.—For purposes of subsection (a), a medicare beneficiary is eligible to be deemed to be homebound, without regard to the purpose, frequency, or duration of absences from the home, if the beneficiary—

(1) has been certified by one physician as an individual who has a permanent and severe condition that will not improve;

(2) requires the individual to receive assistance from another individual with at least 3 out of the 5 activities of daily living for the rest of the individual's life;

(3) requires 1 or more home health services to achieve a functional condition that gives the individual the ability to leave home; and

(4) requires technological assistance or the assistance of another person to leave the home.

(c) DEMONSTRATION PROJECT SITES.—The demonstration project established under this section shall be conducted in 3 States selected by the Secretary to represent the Northeast, Midwest, and Western regions of the United States.

(d) LIMITATION ON NUMBER OF PARTICIPANTS.—The aggregate number of such beneficiaries that may participate in the project may not exceed 15,000.

(e) DATA.—The Secretary shall collect such data on the demonstration project with respect to the provision of home health services to medicare beneficiaries that relates to quality of care, patient outcomes, and additional costs, if any, to the medicare program.

(f) REPORT TO CONGRESS.—Not later than 1 year after the date of the completion of the demonstration project under this section, the Secretary shall submit to Congress a report on the project using the data collected under subsection (e) and shall include—

(1) an examination of whether the provision of home health services to medicare beneficiaries under the project—

(A) adversely effects the provision of home health services under the medicare program; or

(B) directly causes an unreasonable increase of expenditures under the medicare program for the provision of such services that is directly attributable to such clarification;

(2) the specific data evidencing the amount of any increase in expenditures that is a directly attributable to the demonstration project (expressed both in absolute dollar terms and as a percentage) above expenditures that would otherwise have been incurred for home health services under the medicare program; and

(3) specific recommendations to exempt permanently and severely disabled homebound beneficiaries from restrictions on the length, frequency and purpose of their absences from the home to qualify for home health services without incurring additional unreasonable costs to the medicare program.

(g) WAIVER AUTHORITY.—The Secretary shall waive compliance with the requirements of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to such extent and for such period as the Secretary determines is necessary to conduct demonstration projects.

(h) CONSTRUCTION.—Nothing in this section shall be construed as waiving any applicable civil monetary penalty, criminal penalty, or other remedy available to the Secretary under title XI or title XVIII of the Social Security Act for acts prohibited under such titles, including penalties for false certifications for purposes of receipt of items or services under the medicare program.

(i) AUTHORIZATION OF APPROPRIATIONS.—Payments for the costs of carrying out the demonstration project under this section shall be made from the Federal Supplementary Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t).

(j) DEFINITIONS.—In this section:

(1) MEDICARE BENEFICIARY.—The term ''medicare beneficiary'' means an individual who is enrolled under part B of title XVIII of the Social Security Act.

(2) HOME HEALTH SERVICES.—The term ''home health services'' has the meaning given such term in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)).

(3) ACTIVITIES OF DAILY LIVING DEFINED.—The term ''activities of daily living'' means eating, toileting, transferring, bathing, and dressing.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

Subtitle B—Chronic Care Improvement

SEC. 721. VOLUNTARY CHRONIC CARE IMPROVEMENT UNDER TRADITIONAL FEE-FOR-SERVICE.

Title XVIII is amended by inserting after section 1806 the following new section:

''CHRONIC CARE IMPROVEMENT

''SEC. 1807. (a) IN GENERAL.—

''(1) IN GENERAL.—The Secretary shall establish a process for providing chronic care improvement programs in each CCIA region for medicare beneficiaries who are not enrolled under part C and who have certain chronic conditions, such as congestive heart failure, diabetes, chronic obstructive pulmonary disease (COPD), stroke, prostate and colon cancer, hypertension, or other disease as identified by the Secretary as appropriate for chronic care improvement. Such a process shall begin to be implemented no later than 1 year after the date of the enactment of this section.

''(2) TERMINOLOGY.—For purposes of this section:

''(A) CCIA REGION.—The term 'CCIA region' means a chronic care improvement administrative region delineated under subsection (b)(2).

''(B) CHRONIC CARE IMPROVEMENT PROGRAM.—The terms 'chronic care improvement program' and 'program' means such a program provided by a contractor under this section.

''(C) CONTRACTOR.—The term 'contractor' means an entity with a contract to provide a chronic care improvement program in a CCIA region under this section.

''(D) INDIVIDUAL PLAN.—The term 'individual plan' means a chronic care improvement plan established under subsection (c)(5) for an individual.

''(3) CONSTRUCTION.—Nothing in this section shall be construed as expanding the amount, duration, or scope of benefits under this title.

''(b) COMPETITIVE BIDDING PROCESS.—

''(1) IN GENERAL.—Under this section the Secretary shall award contracts to qualified entities for chronic care improvement programs for each CCIA region under this section through a competitive bidding process.

''(2) PROCESS.—Under such process—

''(A) the Secretary shall delineate the United States into multiple chronic care improvement administrative regions; and

''(B) the Secretary shall select at least 2 winning bidders in each CCIA region on the basis of the ability of each bidder to carry out a chronic care improvement program in accordance with this section, in order to achieve improved health and financial outcomes.

''(3) ELIGIBLE CONTRACTOR.—A contractor may be a disease improvement organization, health insurer, provider organization, a group of physicians, or any other legal entity that the Secretary determines appropriate.

''(c) CHRONIC CARE IMPROVEMENT PROGRAMS.—

''(1) IN GENERAL.—Each contract under this section shall provide for the operation of a chronic care improvement program by a contractor in a CCIA region consistent with this subsection.

''(2) IDENTIFICATION OF PROSPECTIVE PROGRAM PARTICIPANTS.—Each contractor shall have a method for identifying medicare beneficiaries in the region to whom it will offer services under its program. The contractor shall identify such beneficiaries through claims or other data and other means permitted consistent with applicable disclosure provisions.

''(3) INITIAL CONTACT BY SECRETARY.—The Secretary shall communicate with each beneficiary identified under paragraph (2) as a prospective participant in one or more programs concerning participation in a program. Such communication may be made by the Secretary (or on behalf of the Secretary) and shall include information on the following:

''(A) A description of the advantages to the beneficiary in participating in a program.

''(B) Notification that the contractor offering a program may contact the beneficiary directly concerning such participation.

''(C) Notification that participation in a program is voluntary.

''(D) A description of the method for the beneficiary to select the single program in which the beneficiary wishes to participate and for declining to participate and a method for obtaining additional information concerning such participation.

''(4) PARTICIPATION.—A medicare beneficiary may participate in only one program under this section and may terminate participation at any time in a manner specified by the Secretary.

''(5) INDIVIDUAL CHRONIC CARE IMPROVEMENT PLANS.—

''(A) IN GENERAL.—For each beneficiary participating in a program of a contractor under this section, the contractor shall develop with the beneficiary an individualized, goal-oriented chronic care improvement plan.

''(B) ELEMENTS OF INDIVIDUAL PLAN.—Each individual plan developed under subparagraph (A) shall include a single point of contact to coordinate care and the following, as appropriate:

''(i) Self-improvement education for the beneficiary (such as education for disease management through medical nutrition therapy) and support education for health care providers, primary caregivers, and family members.

''(ii) Coordination of health care services, such as application of a prescription drug regimen and home health services.

''(iii) Collaboration with physicians and other providers to enhance communication of relevant clinical information.

''(iv) The use of monitoring technologies that enable patient guidance through the exchange of pertinent clinical information, such as vital signs, symptomatic information, and health self-assessment.

''(v) The provision of information about hospice care, pain and palliative care, and end-of-life care.

''(C) CONTRACTOR RESPONSIBILITIES.—In establishing and carrying out individual plans under a program, a contractor shall, directly or through subcontractors—

''(i) guide participants in managing their health, including all their co-morbidities, and in performing activities as specified under the elements of the plan;

''(ii) use decision support tools such as evidence-based practice guidelines or other criteria as determined by the Secretary; and

''(iii) develop a clinical information database to track and monitor each participant across settings and to evaluate outcomes.

''(6) ADDITIONAL REQUIREMENTS.—The Secretary may establish additional requirements for programs and contractors under this section.

''(7) ACCREDITATION.—The Secretary may provide that programs that are accredited by qualified organizations may be deemed to meet such requirements under this section as the Secretary may specify.

''(c) CONTRACT TERMS.—

''(1) IN GENERAL.—A contract under this section shall contain such terms and conditions as the Secretary may specify consistent with this section. The Secretary may not enter into a contract with an entity under this section unless the entity meets such clinical, quality improvement, financial, and other requirements as the Secretary deems to be appropriate for the population to be served.

''(2) USE OF SUBCONTRACTORS PERMITTED.—A contractor may carry out a program directly or through contracts with subcontractors.

''(3) BUDGET NEUTRAL PAYMENT CONDITION.—In entering into a contract with an entity under this subsection, the Secretary shall establish payment rates that assure that there will be no net aggregate increase in payments under this title over any period of 3 years or longer, as agreed to by the Secretary. Under this section, the Secretary shall assure that medicare program outlays plus administrative expenses (that would not have been paid under this title without implementation of this section), including contractor fees, shall not exceed the expenditures that would have been incurred under this title for a comparable population in the absence of the program under this section for the 3-year contract period.

''(4) AT RISK RELATIONSHIP.—For purposes of section 1128B(b)(3)(F), a contract under this section shall be treated as a risk-sharing arrangement referred to in such section.

''(5) PERFORMANCE STANDARDS.—Payment to contractors under this section shall be subject to the contractor's meeting of clinical and financial performance standards set by the Secretary.

''(6) CONTRACTOR OUTCOMES REPORT.—Each contractor offering a program shall monitor and report to the Secretary, in a manner specified by the Secretary, the quality of care and efficacy of such program in terms of—

''(A) process measures, such as reductions in errors of treatment and rehospitalization rates;

''(B) beneficiary and provider satisfaction;

''(C) health outcomes; and

''(D) financial outcomes.

''(7) PHASED IN IMPLEMENTATION.—Nothing in this section shall be construed as preventing the Secretary from phasing in the implementation of programs.

''(d) BIANNUAL OUTCOMES REPORTS.—The Secretary shall submit to the Congress biannual reports on the implementation of this section. Each such report shall include information on—

''(1) the scope of implementation (in terms of both regions and chronic conditions);

''(2) program design; and

''(3) improvements in health outcomes and financial efficiencies that result from such implementation.

''(e) CLINICAL TRIALS.—The Secretary shall conduct randomized clinical trials, that compare program participants with medicare beneficiaries who are offered, but decline, to participate, in order to assess the potential of programs to—

''(1) reduce costs under this title; and

''(2) improve health outcomes under this title.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, in appropriate part from the Hospital Insurance Trust Fund and the Supplementary Medical Insurance Trust Fund, such sums as may be necessary to provide for contracts with chronic care improvement programs under this section.

''(g) LIMITATION ON FUNDING.—In no case shall the funding under this section exceed $100,000,000 over a period of 3 years.''.

SEC. 722. CHRONIC CARE IMPROVEMENT UNDER MEDICARE+CHOICE PLANS.

(a) IN GENERAL.—Section 1852 (42 U.S.C. 1395w–22) is amended—

(1) by amending subsection (e) to read as follows:

''(e) IMPLEMENTATION OF CHRONIC CARE IMPROVEMENT PROGRAMS FOR BENEFICIARIES WITH MULTIPLE OR SUFFICIENTLY SEVERE CHRONIC CONDITIONS.—

''(1) IN GENERAL.—Each Medicare+Choice organization with respect to each Medicare+Choice plan it offers shall have in effect, for enrollees with multiple or sufficiently severe chronic conditions, a chronic care improvement program that is designed to manage the needs of such enrollees and that meets the requirements of this subsection.

''(2) ENROLLEE WITH MULTIPLE OR SUFFICIENTLY SEVERE CHRONIC CONDITIONS.—For purposes of this subsection, the term 'enrollee with multiple or sufficiently severe chronic conditions' means, with respect to an enrollee in a Medicare+Choice plan of a Medicare+Choice organization, an enrollee in the plan who has one or more chronic conditions, such as congestive heart failure, diabetes, COPD, stroke, prostate and colon cancer, hypertension, or other disease as identified by the organization as appropriate for chronic care improvement.

''(3) GENERAL REQUIREMENTS.—

''(A) IN GENERAL.—Each chronic care improvement program under this subsection shall be conducted consistent with this subsection.

''(B) IDENTIFICATION OF ENROLLEES.—Each such program shall have a method for monitoring and identifying enrollees with multiple or sufficiently severe chronic conditions that meet the organization's criteria for participation under the program.

''(C) DEVELOPMENT OF PLANS.—For an enrollee identified under subparagraph (B) for participation in a program, the program shall develop, with the enrollee's consent, an individualized, goal-oriented chronic care improvement plan for chronic care improvement.

''(D) ELEMENTS OF PLANS.—Each chronic care improvement plan developed under subparagraph (C) shall include a single point of contact to coordinate care and the following, as appropriate:

''(i) Self-improvement education for the enrollee (such as education for disease management through medical nutrition therapy) and support education for health care providers, primary caregivers, and family members.

''(ii) Coordination of health care services, such as application of a prescription drug regimen and home health services.

''(iii) Collaboration with physicians and other providers to enhance communication of relevant clinical information.

''(iv) The use of monitoring technologies that enable patient guidance through the exchange of pertinent clinical information, such as vital signs, symptomatic information, and health self-assessment.

''(v) The provision of information about hospice care, pain and palliative care, and end-of-life care.

''(E) ORGANIZATION RESPONSIBILITIES.—In establishing and carrying out chronic care improvement plans for participants under this paragraph, a Medicare+Choice organization shall, directly or through subcontractors—

''(i) guide participants in managing their health, including all their co-morbidities, and in performing the activities as specified under the elements of the plan;

''(ii) use decision support tools such as evidence-based practice guidelines or other criteria as determined by the Secretary; and

''(iii) develop a clinical information database to track and monitor each participant across settings and to evaluate outcomes.

''(3) ADDITIONAL REQUIREMENTS.—The Secretary may establish additional requirements for chronic care improvement programs under this section.

''(4) ACCREDITATION.—The Secretary may provide that chronic care improvement programs that are accredited by qualified organizations may be deemed to meet such requirements under this subsection as the Secretary may specify.

''(5) OUTCOMES REPORT.—Each Medicare+Choice organization with respect to its chronic care improvement program under this subsection shall monitor and report to the Secretary information on the quality of care and efficacy of such program as the Secretary may require.''; and

(2) by amending subparagraph (I) of subsection (c)(1) to read as follows:

''(I) CHRONIC CARE IMPROVEMENT PROGRAM.—A description of the organization's chronic care improvement program under subsection (e).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply for contract years beginning on or after 1 year after the date of the enactment of this Act.

SEC. 723. INSTITUTE OF MEDICINE REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academy of Sciences to conduct a study of the barriers to effective integrated care improvement for medicare beneficiaries with multiple or severe chronic conditions across settings and over time and to submit a report under subsection (b).

(2) SPECIFIC ITEMS.—The study shall examine the statutory and regulatory barriers to coordinating care across settings for medicare beneficiaries in transition from one setting to another (such as between hospital, nursing facility, home health, hospice, and home). The study shall specifically identify the following:

(A) Clinical, financial, or administrative requirements in the medicare program that present barriers to effective, seamless transitions across care settings.

(B) Policies that impede the establishment of administrative and clinical information systems to track health status, utilization, cost, and quality data across settings.

(C) State-level requirements that may present barriers to better care for medicare beneficiaries.

(3) CONSULTATION.—The study under this subsection shall be conducted in consultation with experts in the field of chronic care, consumers, and family caregivers, working to integrate care delivery and create more seamless transitions across settings and over time.

(b) REPORT.—The report under this subsection shall be submitted to the Secretary and Congress not later than 18 months after the date of the enactment of this Act.

SEC. 724. MEDPAC REPORT.

(a) EVALUATION.—shall conduct an evaluation that includes a description of the status of the implementation of chronic care improvement programs under section 1807 of the Social Security Act, the quality of health care services provided to individuals in such program, the health status of the participants of such program, and the cost savings attributed to implementation of such program.

(b) REPORT.—Not later than 2 years after the date of implementation of such chronic care improvement programs, the Commission shall submit a report on such evaluation.

Subtitle C—Other Provisions

SEC. 731. MODIFICATIONS TO MEDICARE PAYMENT ADVISORY COMMISSION (MEDPAC).

(a) EXAMINATION OF BUDGET CONSEQUENCES.—Section 1805(b) (42 U.S.C. 1395b–6(b)) is amended by adding at the end the following new paragraph:

''(8) EXAMINATION OF BUDGET CONSEQUENCES.—Before making any recommendations, the Commission shall examine the budget consequences of such recommendations, directly or through consultation with appropriate expert entities.''.

(b) CONSIDERATION OF EFFICIENT PROVISION OF SERVICES.—Section 1805(b)(2)(B)(i) (42 U.S.C. 1395b–6(b)(2)(B)(i)) is amended by inserting ''the efficient provision of'' after ''expenditures for''.

(c) APPLICATION OF DISCLOSURE REQUIREMENTS.—

(1) IN GENERAL.—Section 1805(c)(2)(D) (42 U.S.C. 1395b–6(c)(2)(D)) is amended by adding at the end the following: ''Members of the Commission shall be treated as employees of the Congress for purposes of applying title I of the Ethics in Government Act of 1978 (Public Law 95-521).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2004.

(d) ADDITIONAL REPORTS.—

(1) DATA NEEDS AND SOURCES.—The Medicare Payment Advisory Commission shall conduct a study, and submit a report to Congress by not later than June 1, 2004, on the need for current data, and sources of current data available, to determine the solvency and financial circumstances of hospitals and other medicare providers of services. The Commission shall examine data on uncompensated care, as well as the share of uncompensated care accounted for by the expenses for treating illegal aliens.

(2) USE OF TAX-RELATED RETURNS.—Using return information provided under Form 990 of the Internal Revenue Service, the Commission shall submit to Congress, by not later than June 1, 2004, a report on the following:

(A) Investments, endowments, and fundraising of hospitals participating under the medicare program and related foundations.

(B) Access to capital financing for private and for not-for-profit hospitals.

SEC. 732. DEMONSTRATION PROJECT FOR MEDICAL ADULT DAY CARE SERVICES.

(a) ESTABLISHMENT.—Subject to the succeeding provisions of this section, the Secretary of Health and Human Services shall establish a demonstration project (in this section referred to as the ''demonstration project'') under which the Secretary shall, as part of a plan of an episode of care for home health services established for a medicare beneficiary, permit a home health agency, directly or under arrangements with a medical adult day care facility, to provide medical adult day care services as a substitute for a portion of home health services that would otherwise be provided in the beneficiary's home.

(b) PAYMENT.—

(1) IN GENERAL.—The amount of payment for an episode of care for home health services, a portion of which consists of substitute medical adult day care services, under the demonstration project shall be made at a rate equal to 95 percent of the amount that would otherwise apply for such home health services under section 1895 of the Social Security Act (42 u.s.c. 1395fff). In no case may a home health agency, or a medical adult day care facility under arrangements with a home health agency, separately charge a beneficiary for medical adult day care services furnished under the plan of care.

(2) BUDGET NEUTRALITY FOR DEMONSTRATION PROJECT.—Notwithstanding any other provision of law, the Secretary shall provide for an appropriate reduction in the aggregate amount of additional payments made under section 1895 of the Social Security Act (42 U.S.C. 1395fff) to reflect any increase in amounts expended from the Trust Funds as a result of the demonstration project conducted under this section.

(c) DEMONSTRATION PROJECT SITES.—The project established under this section shall

be conducted in not more than 5 States selected by the Secretary that license or certify providers of services that furnish medical adult day care services.

(d) DURATION.—The Secretary shall conduct the demonstration project for a period of 3 years.

(e) VOLUNTARY PARTICIPATION.—Participation of medicare beneficiaries in the demonstration project shall be voluntary. The total number of such beneficiaries that may participate in the project at any given time may not exceed 15,000.

(f) PREFERENCE IN SELECTING AGENCIES.—In selecting home health agencies to participate under the demonstration project, the Secretary shall give preference to those agencies that are currently licensed or certified through common ownership and control to furnish medical adult day care services.

(g) WAIVER AUTHORITY.—The Secretary may waive such requirements of title XVIII of the Social Security Act as may be necessary for the purposes of carrying out the demonstration project, other than waiving the requirement that an individual be homebound in order to be eligible for benefits for home health services.

(h) EVALUATION AND REPORT.—The Secretary shall conduct an evaluation of the clinical and cost effectiveness of the demonstration project. Not later 30 months after the commencement of the project, the Secretary shall submit to Congress a report on the evaluation, and shall include in the report the following:

(1) An analysis of the patient outcomes and costs of furnishing care to the medicare beneficiaries participating in the project as compared to such outcomes and costs to beneficiaries receiving only home health services for the same health conditions.

(2) Such recommendations regarding the extension, expansion, or termination of the project as the Secretary determines appropriate.

(i) DEFINITIONS.—In this section:

(1) HOME HEALTH AGENCY.—The term ''home health agency'' has the meaning given such term in section 1861(o) of the Social Security Act (42 U.S.C. 1395x(o)).

(2) MEDICAL ADULT DAY CARE FACILITY.—The term ''medical adult day care facility'' means a facility that—

(A) has been licensed or certified by a State to furnish medical adult day care services in the State for a continuous 2-year period;

(B) is engaged in providing skilled nursing services and other therapeutic services directly or under arrangement with a home health agency;

(C) meets such standards established by the Secretary to assure quality of care and such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the facility; and

(D) provides medical adult day care services.

(3) MEDICAL ADULT DAY CARE SERVICES.—The term ''medical adult day care services'' means—

(A) home health service items and services described in paragraphs (1) through (7) of section 1861(m) furnished in a medical adult day care facility;

(B) a program of supervised activities furnished in a group setting in the facility that—

(i) meet such criteria as the Secretary determines appropriate; and

(ii) is designed to promote physical and mental health of the individuals; and

(C) such other services as the Secretary may specify.

(4) MEDICARE BENEFICIARY.—The term ''medicare beneficiary'' means an individual entitled to benefits under part A of this title, enrolled under part B of this title, or both.

SEC. 733. IMPROVEMENTS IN NATIONAL AND LOCAL COVERAGE DETERMINATION PROCESS TO RESPOND TO CHANGES IN TECHNOLOGY.

(a) NATIONAL AND LOCAL COVERAGE DETERMINATION PROCESS.—

(1) IN GENERAL.—Section 1862 (42 U.S.C. 1395y) is amended—

(A) in the third sentence of subsection (a) by inserting ''consistent with subsection (k)'' after ''the Secretary shall ensure''; and

(B) by adding at the end the following new subsection:

''(k) NATIONAL AND LOCAL COVERAGE DETERMINATION PROCESS.—

''(1) CRITERIA AND EVIDENCE USED IN MAKING NATIONAL COVERAGE DETERMINATIONS.—The Secretary shall make available to the public the criteria the Secretary uses in making national coverage determinations, including how evidence to demonstrate that a procedure or device is reasonable and necessary is considered.

''(2) TIMEFRAME FOR DECISIONS ON REQUESTS FOR NATIONAL COVERAGE DETERMINATIONS.—In the case of a request for a national coverage determination that—

''(A) does not require a technology assessment from an outside entity or deliberation from the Medicare Coverage Advisory Committee, the decision on the request shall be made not later than 6 months after the date of the request; or

''(B) requires such an assessment or deliberation and in which a clinical trial is not requested, the decision on the request shall be made not later than 12 months after the date of the request.

''(3) PROCESS FOR PUBLIC COMMENT IN NATIONAL COVERAGE DETERMINATIONS.—At the end of the 6-month period that begins on the date a request for a national coverage determination is made, the Secretary shall—

''(A) make a draft of proposed decision on the request available to the public through the Medicare Internet site of the Department of Health and Human Services or other appropriate means;

''(B) provide a 30-day period for public comment on such draft;

''(C) make a final decision on the request within 60 days of the conclusion of the 30-day period referred to under subparagraph (B);

''(D) include in such final decision summaries of the public comments received and responses thereto;

''(E) make available to the public the clinical evidence and other data used in making such a decision when the decision differs from the recommendations of the Medicare Coverage Advisory Committee; and.

''(F) in the case of a decision to grant the coverage determination, assign or temporary or permanent code during the 60-day period referred to in subparagraph (C).

''(4) CONSULTATION WITH OUTSIDE EXPERTS IN CERTAIN NATIONAL COVERAGE DETERMINATIONS.—With respect to a request for a national coverage determination for which there is not a review by the Medicare Coverage Advisory Committee, the Secretary shall consult with appropriate outside clinical experts.

''(5) LOCAL COVERAGE DETERMINATION PROCESS.—With respect to local coverage determinations made on or after January 1, 2004—

''(A) PLAN TO PROMOTE CONSISTENCY OF COVERAGE DETERMINATIONS.—The Secretary shall develop a plan to evaluate new local coverage determinations to determine which determinations should be adopted nationally and to what extent greater consistency can be achieved among local coverage determinations.

''(B) CONSULTATION.—The Secretary shall require the fiscal intermediaries or carriers providing services within the same area to consult on all new local coverage determinations within the area.

''(C) DISSEMINATION OF INFORMATION.—The Secretary should serve as a center to disseminate information on local coverage determinations among fiscal intermediaries and carriers to reduce duplication of effort.

''(6) NATIONAL AND LOCAL COVERAGE DETERMINATION DEFINED.—For purposes of this subsection, the terms 'national coverage determination' and 'local coverage determination' have the meaning given such terms in paragraphs (1)(B) and (2)(B), respectively, of section 1869(f).''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to national and local coverage determinations as of January 1, 2004.

(b) MEDICARE COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CERTAIN CLINICAL TRIALS.—

(1) IN GENERAL.—With respect to the coverage of routine costs of care for beneficiaries participating in a qualifying clinical trial, as set forth on the date of the enactment of this Act in National Coverage Determination 30-1 of the Medicare Coverage Issues Manual, the Secretary shall deem clinical trials conducted in accordance with an investigational device exemption approved under section 520(g) of the Federal Food, Drug, and Cosmetic Act (42 U.S.C. 360j(g)) to be automatically qualified for such coverage.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing or requiring the Secretary to modify the regulations set forth on the date of the enactment of this Act at subpart B of part 405 of title 42, Code of Federal Regulations, or subpart A of part 411 of such title, relating to coverage of, and payment for, a medical device that is the subject of an investigational device exemption by the Food and Drug Administration (except as may be necessary to implement paragraph (1)).

(3) EFFECTIVE DATE.—This subsection shall apply to clinical trials begun before, on, or after the date of the enactment of this Act and to items and services furnished on or after such date.

(c) ISSUANCE OF TEMPORARY NATIONAL CODES.—Not later than January 1, 2004, the Secretary shall implement revised procedures for the issuance of temporary national HCPCS codes under part B of title XVIII of the Social Security Act.

SEC. 734. TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

(a) IN GENERAL.—Section 1848(i) (42 U.S.C. 1395w–4(i)) is amended by adding at the end the following new paragraph:

''(4) TREATMENT OF CERTAIN INPATIENT PHYSICIAN PATHOLOGY SERVICES.—

''(A) IN GENERAL.—With respect to services furnished on or after January 1, 2001, and before January 1, 2006, if an independent laboratory furnishes the technical component of a physician pathology service to a fee-for-service medicare beneficiary who is an inpatient or outpatient of a covered hospital, the Secretary shall treat such component as a service for which payment shall be made to the laboratory under this section and not as an inpatient hospital service for which payment is made to the hospital under section 1886(d) or as a hospital outpatient service for which payment is made to the hospital under section 1833(t).

''(B) DEFINITIONS.—In this paragraph:

''(i) COVERED HOSPITAL.—

''(I) IN GENERAL.—The term 'covered hospital' means, with respect to an inpatient or outpatient, a hospital that had an arrangement with an independent laboratory that was in effect as of July 22, 1999, under which a laboratory furnished the technical component of physician pathology services to fee-

for-service medicare beneficiaries who were hospital inpatients or outpatients, respectively, and submitted claims for payment for such component to a carrier with a contract under section 1842 and not to the hospital.

''(II) CHANGE IN OWNERSHIP DOES NOT AFFECT DETERMINATION.—A change in ownership with respect to a hospital on or after the date referred to in subclause (I) shall not affect the determination of whether such hospital is a covered hospital for purposes of such subclause.

''(ii) FEE-FOR-SERVICE MEDICARE BENEFICIARY.—The term 'fee-for-service medicare beneficiary' means an individual who is entitled to benefits under part A, or enrolled under this part, or both, but is not enrolled in any of the following:

''(I) A Medicare+Choice plan under part C.

''(II) A plan offered by an eligible organization under section 1876.

''(III) A program of all-inclusive care for the elderly (PACE) under section 1894.

''(IV) A social health maintenance organization (SHMO) demonstration project established under section 4018(b) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203).''.

(b) CONFORMING AMENDMENT.—Section 542 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–550), as enacted into law by section 1(a)(6) of Public Law 106–554, is repealed.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect as if included in the enactment of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (Appendix F, 114 Stat. 2763A–463), as enacted into law by section 1(a)(6) of Public Law 106–554.

SEC. 735. MEDICARE PANCREATIC ISLET CELL TRANSPLANT DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—In order to test the appropriateness of pancreatic islet cell transplantation, not later than 120 days after the date of the enactment of this Act, the Secretary shall establish a demonstration project which the Secretary, provides for payment under the medicare program under title XVIII of the Social Security Act for pancreatic islet cell transplantation and related items and services in the case of medicare beneficiaries who have type I (juvenile) diabetes and have end stage renal disease.

(b) DURATION OF PROJECT.—The authority of the Secretary to conduct the demonstration project under this section shall terminate on the date that is 5 years after the date of the establishment of the project.

(c) EVALUATION AND REPORT.—The Secretary shall conduct an evaluation of the outcomes of the demonstration project. Not later than 120 days after the date of the termination of the demonstration project under subsection (b), the Secretary shall submit to Congress a report on the project, including recommendations for such legislative and administrative action as the Secretary deems appropriate.

(d) PAYMENT METHODOLOGY.—The Secretary shall establish an appropriate payment methodology for the provision of items and services under the demonstration project, which may include a payment methodology that bundles, to the maximum extent feasible, payment for all such items and services.

(e) WAIVER AUTHORITY.—The Secretary may waive compliance with the requirements of title XVIII of the Social Security Act to such extent and for such period as the Secretary determines is necessary to conduct the demonstration project.

TITLE VIII—MEDICAID

SEC. 801. CONTINUATION OF MEDICAID DSH ALLOTMENT ADJUSTMENTS UNDER BIPA 2000.

(a) IN GENERAL.—Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f))—

(1) in paragraph (2)—

(A) in the heading, by striking ''THROUGH 2002'' and inserting ''THROUGH 2000'';

(B) by striking ''ending with fiscal year 2002'' and inserting ''ending with fiscal year 2000''; and

(C) in the table in such paragraph, by striking the columns labeled ''FY 01'' and ''FY02'';

(2) in paragraph (3)(A), by striking ''paragraph (2)'' and inserting ''paragraph (4)''; and

(3) in paragraph (4), as added by section 701(a)(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554)—

(A) by striking ''FOR FISCAL YEARS 2001 AND 2002'' in the heading;

(B) in subparagraph (A), by striking ''Notwithstanding paragraph (2), the'' and inserting ''The'';

(C) in subparagraph (C)—

(i) by striking ''NO APPLICATION'' and inserting ''APPLICATION''; and

(ii) by striking ''without regard to'' and inserting ''taking into account''.

(b) INCREASE IN MEDICAID DSH ALLOTMENT FOR THE DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Effective for DSH allotments beginning with fiscal year 2003, the item in the table contained in section 1923(f)(2) of the Social Security Act (42 U.S.C. 1396r–4(f)(2)) for the District of Columbia for the DSH allotment for FY 00 (fiscal year 2000) is amended by striking ''32'' and inserting ''49''.

(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as preventing the application of section 1923(f)(4) of the Social Security Act (as amended by subsection (a)) to the District of Columbia for fiscal year 2003 and subsequent fiscal years.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to DSH allotments for fiscal years beginning with fiscal year 2003.

SEC. 802. INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE TO 3 PERCENT IN FISCAL YEAR 2003.

(a) INCREASE IN DSH FLOOR.—Section 1923(f)(5) of the Social Security Act (42 U.S.C. 1396r–4(f)(5)) is amended—

(1) by striking ''fiscal year 1999'' and inserting ''fiscal year 2001'';

(2) by striking ''August 31, 2000'' and inserting ''August 31, 2002'';

(3) by striking ''1 percent'' each place it appears and inserting ''3 percent''; and

(4) by striking ''fiscal year 2001'' and inserting ''fiscal year 2003''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect as if enacted on October 1, 2002, and apply to DSH allotments under title XIX of the Social Security Act for fiscal year 2003 and each fiscal year thereafter.

SEC. 803. CLARIFICATION OF INCLUSION OF INPATIENT DRUG PRICES CHARGED TO CERTAIN PUBLIC HOSPITALS IN THE BEST PRICE EXEMPTIONS FOR THE MEDICAID DRUG REBATE PROGRAM.

(a) IN GENERAL.—Section 1927(c)(1)(C)(i)(I) (42 U.S.C. 1396r–8(c)(1)(C)(i)(I)) is amended by inserting before the semicolon the following: ''(including inpatient prices charged to hospitals described in section 340B(a)(4)(L) of the Public Health Service Act)''.

TITLE IX—REGULATORY REDUCTION AND CONTRACTING REFORM

Subtitle A—Regulatory Reform

SEC. 901. CONSTRUCTION; DEFINITION OF SUPPLIER.

(a) CONSTRUCTION.—Nothing in this title shall be construed—

(1) to compromise or affect existing legal remedies for addressing fraud or abuse, whether it be criminal prosecution, civil enforcement, or administrative remedies, including under sections 3729 through 3733 of title 31, United States Code (known as the False Claims Act); or

(2) to prevent or impede the Department of Health and Human Services in any way from its ongoing efforts to eliminate waste, fraud, and abuse in the medicare program.

Furthermore, the consolidation of medicare administrative contracting set forth in this Act does not constitute consolidation of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund or reflect any position on that issue.

(b) DEFINITION OF SUPPLIER.—Section 1861 (42 U.S.C. 1395x) is amended by inserting after subsection (c) the following new subsection:

''Supplier

''(d) The term 'supplier' means, unless the context otherwise requires, a physician or other practitioner, a facility, or other entity (other than a provider of services) that furnishes items or services under this title.''.

SEC. 902. ISSUANCE OF REGULATIONS.

(a) REGULAR TIMELINE FOR PUBLICATION OF FINAL RULES.—

(1) IN GENERAL.—Section 1871(a) (42 U.S.C. 1395hh(a)) is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary, in consultation with the Director of the Office of Management and Budget, shall establish and publish a regular timeline for the publication of final regulations based on the previous publication of a proposed regulation or an interim final regulation.

''(B) Such timeline may vary among different regulations based on differences in the complexity of the regulation, the number and scope of comments received, and other relevant factors, but shall not be longer than 3 years except under exceptional circumstances. If the Secretary intends to vary such timeline with respect to the publication of a final regulation, the Secretary shall cause to have published in the Federal Register notice of the different timeline by not later than the timeline previously established with respect to such regulation. Such notice shall include a brief explanation of the justification for such variation.

''(C) In the case of interim final regulations, upon the expiration of the regular timeline established under this paragraph for the publication of a final regulation after opportunity for public comment, the interim final regulation shall not continue in effect unless the Secretary publishes (at the end of the regular timeline and, if applicable, at the end of each succeeding 1-year period) a notice of continuation of the regulation that includes an explanation of why the regular timeline (and any subsequent 1-year extension) was not complied with. If such a notice is published, the regular timeline (or such timeline as previously extended under this paragraph) for publication of the final regulation shall be treated as having been extended for 1 additional year.

''(D) The Secretary shall annually submit to Congress a report that describes the instances in which the Secretary failed to publish a final regulation within the applicable regular timeline under this paragraph and that provides an explanation for such failures.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act. The Secretary shall provide for an appropriate transition to take into account the backlog of previously published interim final regulations.

(b) LIMITATIONS ON NEW MATTER IN FINAL REGULATIONS.—

(1) IN GENERAL.—Section 1871(a) (42 U.S.C. 1395hh(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(4) If the Secretary publishes a final regulation that includes a provision that is not a logical outgrowth of a previously published notice of proposed rulemaking or interim final rule, such provision shall be treated as a proposed regulation and shall not take effect until there is the further opportunity for public comment and a publication of the provision again as a final regulation.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to final regulations published on or after the date of the enactment of this Act.

SEC. 903. COMPLIANCE WITH CHANGES IN REGULATIONS AND POLICIES.

(a) NO RETROACTIVE APPLICATION OF SUBSTANTIVE CHANGES.—

(1) IN GENERAL.—Section 1871 (42 U.S.C. 1395hh), as amended by section 902(a), is amended by adding at the end the following new subsection:

''(e)(1)(A) A substantive change in regulations, manual instructions, interpretative rules, statements of policy, or guidelines of general applicability under this title shall not be applied (by extrapolation or otherwise) retroactively to items and services furnished before the effective date of the change, unless the Secretary determines that—

''(i) such retroactive application is necessary to comply with statutory requirements; or

''(ii) failure to apply the change retroactively would be contrary to the public interest.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to substantive changes issued on or after the date of the enactment of this Act.

(b) TIMELINE FOR COMPLIANCE WITH SUBSTANTIVE CHANGES AFTER NOTICE.—

(1) IN GENERAL.—Section 1871(e)(1), as added by subsection (a), is amended by adding at the end the following:

''(B)(i) Except as provided in clause (ii), a substantive change referred to in subparagraph (A) shall not become effective before the end of the 30-day period that begins on the date that the Secretary has issued or published, as the case may be, the substantive change.

''(ii) The Secretary may provide for such a substantive change to take effect on a date that precedes the end of the 30-day period under clause (i) if the Secretary finds that waiver of such 30-day period is necessary to comply with statutory requirements or that the application of such 30-day period is contrary to the public interest. If the Secretary provides for an earlier effective date pursuant to this clause, the Secretary shall include in the issuance or publication of the substantive change a finding described in the first sentence, and a brief statement of the reasons for such finding.

''(C) No action shall be taken against a provider of services or supplier with respect to noncompliance with such a substantive change for items and services furnished before the effective date of such a change.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compliance actions undertaken on or after the date of the enactment of this Act.

(c) RELIANCE ON GUIDANCE.—

(1) IN GENERAL.—Section 1871(e), as added by subsection (a), is further amended by adding at the end the following new paragraph:

''(2)(A) If—

''(i) a provider of services or supplier follows the written guidance (which may be transmitted electronically) provided by the Secretary or by a medicare contractor (as defined in section 1889(g)) acting within the scope of the contractor's contract authority, with respect to the furnishing of items or services and submission of a claim for benefits for such items or services with respect to such provider or supplier;

''(ii) the Secretary determines that the provider of services or supplier has accurately presented the circumstances relating to such items, services, and claim to the contractor in writing; and

''(iii) the guidance was in error;

the provider of services or supplier shall not be subject to any sanction (including any penalty or requirement for repayment of any amount) if the provider of services or supplier reasonably relied on such guidance.

''(B) Subparagraph (A) shall not be construed as preventing the recoupment or repayment (without any additional penalty) relating to an overpayment insofar as the overpayment was solely the result of a clerical or technical operational error.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act but shall not apply to any sanction for which notice was provided on or before the date of the enactment of this Act.

SEC. 904. REPORTS AND STUDIES RELATING TO REGULATORY REFORM.

(a) GAO STUDY ON ADVISORY OPINION AUTHORITY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine the feasibility and appropriateness of establishing in the Secretary authority to provide legally binding advisory opinions on appropriate interpretation and application of regulations to carry out the medicare program under title XVIII of the Social Security Act. Such study shall examine the appropriate timeframe for issuing such advisory opinions, as well as the need for additional staff and funding to provide such opinions.

(2) REPORT.—The Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) by not later than one year after the date of the enactment of this Act.

(b) REPORT ON LEGAL AND REGULATORY INCONSISTENCIES.—Section 1871 (42 U.S.C. 1395hh), as amended by section 902(a), is amended by adding at the end the following new subsection:

''(f)(1) Not later than 2 years after the date of the enactment of this subsection, and every 2 years thereafter, the Secretary shall submit to Congress a report with respect to the administration of this title and areas of inconsistency or conflict among the various provisions under law and regulation.

''(2) In preparing a report under paragraph (1), the Secretary shall collect—

''(A) information from individuals entitled to benefits under part A or enrolled under part B, or both, providers of services, and suppliers and from the Medicare Beneficiary Ombudsman and the Medicare Provider Ombudsman with respect to such areas of inconsistency and conflict; and

''(B) information from medicare contractors that tracks the nature of written and telephone inquiries.

''(3) A report under paragraph (1) shall include a description of efforts by the Secretary to reduce such inconsistency or conflicts, and recommendations for legislation or administrative action that the Secretary determines appropriate to further reduce such inconsistency or conflicts.''.

Subtitle B—Contracting Reform

SEC. 911. INCREASED FLEXIBILITY IN MEDICARE ADMINISTRATION.

(a) CONSOLIDATION AND FLEXIBILITY IN MEDICARE ADMINISTRATION.—

(1) IN GENERAL.—Title XVIII is amended by inserting after section 1874 the following new section:

''CONTRACTS WITH MEDICARE ADMINISTRATIVE CONTRACTORS

''SEC. 1874A. (a) AUTHORITY.—

''(1) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary may enter into contracts with any eligible entity to serve as a medicare administrative contractor with respect to the performance of any or all of the functions described in paragraph (4) or parts of those functions (or, to the extent provided in a contract, to secure performance thereof by other entities).

''(2) ELIGIBILITY OF ENTITIES.—An entity is eligible to enter into a contract with respect to the performance of a particular function described in paragraph (4) only if—

''(A) the entity has demonstrated capability to carry out such function;

''(B) the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement;

''(C) the entity has sufficient assets to financially support the performance of such function; and

''(D) the entity meets such other requirements as the Secretary may impose.

''(3) MEDICARE ADMINISTRATIVE CONTRACTOR DEFINED.—For purposes of this title and title XI—

''(A) IN GENERAL.—The term 'medicare administrative contractor' means an agency, organization, or other person with a contract under this section.

''(B) APPROPRIATE MEDICARE ADMINISTRATIVE CONTRACTOR.—With respect to the performance of a particular function in relation to an individual entitled to benefits under part A or enrolled under part B, or both, a specific provider of services or supplier (or class of such providers of services or suppliers), the 'appropriate' medicare administrative contractor is the medicare administrative contractor that has a contract under this section with respect to the performance of that function in relation to that individual, provider of services or supplier or class of provider of services or supplier.

''(4) FUNCTIONS DESCRIBED.—The functions referred to in paragraphs (1) and (2) are payment functions, provider services functions, and functions relating to services furnished to individuals entitled to benefits under part A or enrolled under part B, or both, as follows:

''(A) DETERMINATION OF PAYMENT AMOUNTS.—Determining (subject to the provisions of section 1878 and to such review by the Secretary as may be provided for by the contracts) the amount of the payments required pursuant to this title to be made to providers of services, suppliers and individuals.

''(B) MAKING PAYMENTS.—Making payments described in subparagraph (A) (including receipt, disbursement, and accounting for funds in making such payments).

''(C) BENEFICIARY EDUCATION AND ASSISTANCE.—Providing education and outreach to individuals entitled to benefits under part A or enrolled under part B, or both, and providing assistance to those individuals with specific issues, concerns or problems.

''(D) PROVIDER CONSULTATIVE SERVICES.—Providing consultative services to institutions, agencies, and other persons to enable them to establish and maintain fiscal

records necessary for purposes of this title and otherwise to qualify as providers of services or suppliers.

''(E) COMMUNICATION WITH PROVIDERS.—Communicating to providers of services and suppliers any information or instructions furnished to the medicare administrative contractor by the Secretary, and facilitating communication between such providers and suppliers and the Secretary.

''(F) PROVIDER EDUCATION AND TECHNICAL ASSISTANCE.—Performing the functions relating to provider education, training, and technical assistance.

''(G) ADDITIONAL FUNCTIONS.—Performing such other functions as are necessary to carry out the purposes of this title.

''(5) RELATIONSHIP TO MIP CONTRACTS.—

''(A) NONDUPLICATION OF DUTIES.—In entering into contracts under this section, the Secretary shall assure that functions of medicare administrative contractors in carrying out activities under parts A and B do not duplicate activities carried out under the Medicare Integrity Program under section 1893. The previous sentence shall not apply with respect to the activity described in section 1893(b)(5) (relating to prior authorization of certain items of durable medical equipment under section 1834(a)(15)).

''(B) CONSTRUCTION.—An entity shall not be treated as a medicare administrative contractor merely by reason of having entered into a contract with the Secretary under section 1893.

''(6) APPLICATION OF FEDERAL ACQUISITION REGULATION.—Except to the extent inconsistent with a specific requirement of this title, the Federal Acquisition Regulation applies to contracts under this title.

''(b) CONTRACTING REQUIREMENTS.—

''(1) USE OF COMPETITIVE PROCEDURES.—

''(A) IN GENERAL.—Except as provided in laws with general applicability to Federal acquisition and procurement or in subparagraph (B), the Secretary shall use competitive procedures when entering into contracts with medicare administrative contractors under this section, taking into account performance quality as well as price and other factors.

''(B) RENEWAL OF CONTRACTS.—The Secretary may renew a contract with a medicare administrative contractor under this section from term to term without regard to section 5 of title 41, United States Code, or any other provision of law requiring competition, if the medicare administrative contractor has met or exceeded the performance requirements applicable with respect to the contract and contractor, except that the Secretary shall provide for the application of competitive procedures under such a contract not less frequently than once every five years.

''(C) TRANSFER OF FUNCTIONS.—The Secretary may transfer functions among medicare administrative contractors consistent with the provisions of this paragraph. The Secretary shall ensure that performance quality is considered in such transfers. The Secretary shall provide public notice (whether in the Federal Register or otherwise) of any such transfer (including a description of the functions so transferred, a description of the providers of services and suppliers affected by such transfer, and contact information for the contractors involved).

''(D) INCENTIVES FOR QUALITY.—The Secretary shall provide incentives for medicare administrative contractors to provide quality service and to promote efficiency.

''(2) COMPLIANCE WITH REQUIREMENTS.—No contract under this section shall be entered into with any medicare administrative contractor unless the Secretary finds that such medicare administrative contractor will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, quality of services provided, and other matters as the Secretary finds pertinent.

''(3) PERFORMANCE REQUIREMENTS.—

''(A) DEVELOPMENT OF SPECIFIC PERFORMANCE REQUIREMENTS.—In developing contract performance requirements, the Secretary shall develop performance requirements applicable to functions described in subsection (a)(4).

''(B) CONSULTATION.— In developing such requirements, the Secretary may consult with providers of services and suppliers, organizations representing individuals entitled to benefits under part A or enrolled under part B, or both, and organizations and agencies performing functions necessary to carry out the purposes of this section with respect to such performance requirements.

''(C) INCLUSION IN CONTRACTS.—All contractor performance requirements shall be set forth in the contract between the Secretary and the appropriate medicare administrative contractor. Such performance requirements—

''(i) shall reflect the performance requirements developed under subparagraph (A), but may include additional performance requirements;

''(ii) shall be used for evaluating contractor performance under the contract; and

''(iii) shall be consistent with the written statement of work provided under the contract.

''(4) INFORMATION REQUIREMENTS.—The Secretary shall not enter into a contract with a medicare administrative contractor under this section unless the contractor agrees—

''(A) to furnish to the Secretary such timely information and reports as the Secretary may find necessary in performing his functions under this title; and

''(B) to maintain such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of the information and reports under subparagraph (A) and otherwise to carry out the purposes of this title.

''(5) SURETY BOND.—A contract with a medicare administrative contractor under this section may require the medicare administrative contractor, and any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amount as the Secretary may deem appropriate.

''(c) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—A contract with any medicare administrative contractor under this section may contain such terms and conditions as the Secretary finds necessary or appropriate and may provide for advances of funds to the medicare administrative contractor for the making of payments by it under subsection (a)(4)(B).

''(2) PROHIBITION ON MANDATES FOR CERTAIN DATA COLLECTION.—The Secretary may not require, as a condition of entering into, or renewing, a contract under this section, that the medicare administrative contractor match data obtained other than in its activities under this title with data used in the administration of this title for purposes of identifying situations in which the provisions of section 1862(b) may apply.

''(d) LIMITATION ON LIABILITY OF MEDICARE ADMINISTRATIVE CONTRACTORS AND CERTAIN OFFICERS.—

''(1) CERTIFYING OFFICER.—No individual designated pursuant to a contract under this section as a certifying officer shall, in the absence of the reckless disregard of the individual's obligations or the intent by that individual to defraud the United States, be liable with respect to any payments certified by the individual under this section.

''(2) DISBURSING OFFICER.—No disbursing officer shall, in the absence of the reckless disregard of the officer's obligations or the intent by that officer to defraud the United States, be liable with respect to any payment by such officer under this section if it was based upon an authorization (which meets the applicable requirements for such internal controls established by the Comptroller General) of a certifying officer designated as provided in paragraph (1) of this subsection.

''(3) LIABILITY OF MEDICARE ADMINISTRATIVE CONTRACTOR.—

''(A) IN GENERAL.—No medicare administrative contractor shall be liable to the United States for a payment by a certifying or disbursing officer unless, in connection with such payment, the medicare administrative contractor acted with reckless disregard of its obligations under its medicare administrative contract or with intent to defraud the United States.

''(B) RELATIONSHIP TO FALSE CLAIMS ACT.—Nothing in this subsection shall be construed to limit liability for conduct that would constitute a violation of sections 3729 through 3731 of title 31, United States Code (commonly known as the 'False Claims Act').

''(4) INDEMNIFICATION BY SECRETARY.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (D), in the case of a medicare administrative contractor (or a person who is a director, officer, or employee of such a contractor or who is engaged by the contractor to participate directly in the claims administration process) who is made a party to any judicial or administrative proceeding arising from or relating directly to the claims administration process under this title, the Secretary may, to the extent the Secretary determines to be appropriate and as specified in the contract with the contractor, indemnify the contractor and such persons.

''(B) CONDITIONS.—The Secretary may not provide indemnification under subparagraph (A) insofar as the liability for such costs arises directly from conduct that is determined by the judicial proceeding or by the Secretary to be criminal in nature, fraudulent, or grossly negligent. If indemnification is provided by the Secretary with respect to a contractor before a determination that such costs arose directly from such conduct, the contractor shall reimburse the Secretary for costs of indemnification.

''(C) SCOPE OF INDEMNIFICATION.—Indemnification by the Secretary under subparagraph (A) may include payment of judgments, settlements (subject to subparagraph (D)), awards, and costs (including reasonable legal expenses).

''(D) WRITTEN APPROVAL FOR SETTLEMENTS.—A contractor or other person described in subparagraph (A) may not propose to negotiate a settlement or compromise of a proceeding described in such subparagraph without the prior written approval of the Secretary to negotiate such settlement or compromise. Any indemnification under subparagraph (A) with respect to amounts paid under a settlement or compromise of a proceeding described in such subparagraph are conditioned upon prior written approval by the Secretary of the final settlement or compromise.

''(E) CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to change any common law immunity that may be available to a medicare administrative contractor or person described in subparagraph (A); or

''(ii) to permit the payment of costs not otherwise allowable, reasonable, or allocable under the Federal Acquisition Regulations.''.

(2) CONSIDERATION OF INCORPORATION OF CURRENT LAW STANDARDS.—In developing contract performance requirements under

section 1874A(b) of the Social Security Act, as inserted by paragraph (1), the Secretary shall consider inclusion of the performance standards described in sections 1816(f)(2) of such Act (relating to timely processing of reconsiderations and applications for exemptions) and section 1842(b)(2)(B) of such Act (relating to timely review of determinations and fair hearing requests), as such sections were in effect before the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS TO SECTION 1816 (RELATING TO FISCAL INTERMEDIARIES).—Section 1816 (42 U.S.C. 1395h) is amended as follows:

(1) The heading is amended to read as follows:

"PROVISIONS RELATING TO THE ADMINISTRATION OF PART A".

(2) Subsection (a) is amended to read as follows:

"(a) The administration of this part shall be conducted through contracts with medicare administrative contractors under section 1874A.".

(3) Subsection (b) is repealed.

(4) Subsection (c) is amended—

(A) by striking paragraph (1); and

(B) in each of paragraphs (2)(A) and (3)(A), by striking "agreement under this section" and inserting "contract under section 1874A that provides for making payments under this part".

(5) Subsections (d) through (i) are repealed.

(6) Subsections (j) and (k) are each amended—

(A) by striking "An agreement with an agency or organization under this section" and inserting "A contract with a medicare administrative contractor under section 1874A with respect to the administration of this part"; and

(B) by striking "such agency or organization" and inserting "such medicare administrative contractor" each place it appears.

(7) Subsection (l) is repealed.

(c) CONFORMING AMENDMENTS TO SECTION 1842 (RELATING TO CARRIERS).—Section 1842 (42 U.S.C. 1395u) is amended as follows:

(1) The heading is amended to read as follows:

"PROVISIONS RELATING TO THE ADMINISTRATION OF PART B".

(2) Subsection (a) is amended to read as follows:

"(a) The administration of this part shall be conducted through contracts with medicare administrative contractors under section 1874A.".

(3) Subsection (b) is amended—

(A) by striking paragraph (1);

(B) in paragraph (2)—

(i) by striking subparagraphs (A) and (B);

(ii) in subparagraph (C), by striking "carriers" and inserting "medicare administrative contractors"; and

(iii) by striking subparagraphs (D) and (E);

(C) in paragraph (3)—

(i) in the matter before subparagraph (A), by striking "Each such contract shall provide that the carrier" and inserting "The Secretary";

(ii) by striking "will" the first place it appears in each of subparagraphs (A), (B), (F), (G), (H), and (L) and inserting "shall";

(iii) in subparagraph (B), in the matter before clause (i), by striking "to the policyholders and subscribers of the carrier" and inserting "to the policyholders and subscribers of the medicare administrative contractor";

(iv) by striking subparagraphs (C), (D), and (E);

(v) in subparagraph (H)—

(I) by striking "if it makes determinations or payments with respect to physicians' services," in the matter preceding clause (i); and

(II) by striking "carrier" and inserting "medicare administrative contractor" in clause (i);

(vi) by striking subparagraph (I);

(vii) in subparagraph (L), by striking the semicolon and inserting a period;

(viii) in the first sentence, after subparagraph (L), by striking "and shall contain" and all that follows through the period; and

(ix) in the seventh sentence, by inserting "medicare administrative contractor," after "carrier,"; and

(D) by striking paragraph (5);

(E) in paragraph (6)(D)(iv), by striking "carrier" and inserting "medicare administrative contractor"; and

(F) in paragraph (7), by striking "the carrier" and inserting "the Secretary" each place it appears.

(4) Subsection (c) is amended—

(A) by striking paragraph (1);

(B) in paragraph (2)(A), by striking "contract under this section which provides for the disbursement of funds, as described in subsection (a)(1)(B)," and inserting "contract under section 1874A that provides for making payments under this part";

(C) in paragraph (3)(A), by striking "subsection (a)(1)(B)" and inserting "section 1874A(a)(3)(B)";

(D) in paragraph (4), in the matter preceding subparagraph (A), by striking "carrier" and inserting "medicare administrative contractor"; and

(E) by striking paragraphs (5) and (6).

(5) Subsections (d), (e), and (f) are repealed.

(6) Subsection (g) is amended by striking "carrier or carriers" and inserting "medicare administrative contractor or contractors".

(7) Subsection (h) is amended—

(A) in paragraph (2)—

(i) by striking "Each carrier having an agreement with the Secretary under subsection (a)" and inserting "The Secretary"; and

(ii) by striking "Each such carrier" and inserting "The Secretary";

(B) in paragraph (3)(A)—

(i) by striking "a carrier having an agreement with the Secretary under subsection (a)" and inserting "medicare administrative contractor having a contract under section 1874A that provides for making payments under this part"; and

(ii) by striking "such carrier" and inserting "such contractor";

(C) in paragraph (3)(B)—

(i) by striking "a carrier" and inserting "a medicare administrative contractor" each place it appears; and

(ii) by striking "the carrier" and inserting "the contractor" each place it appears; and

(D) in paragraphs (5)(A) and (5)(B)(iii), by striking "carriers" and inserting "medicare administrative contractors" each place it appears.

(8) Subsection (l) is amended—

(A) in paragraph (1)(A)(iii), by striking "carrier" and inserting "medicare administrative contractor"; and

(B) in paragraph (2), by striking "carrier" and inserting "medicare administrative contractor".

(9) Subsection (p)(3)(A) is amended by striking "carrier" and inserting "medicare administrative contractor".

(10) Subsection (q)(1)(A) is amended by striking "carrier".

(d) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on October 1, 2005, and the Secretary is authorized to take such steps before such date as may be necessary to implement such amendments on a timely basis.

(B) CONSTRUCTION FOR CURRENT CONTRACTS.—Such amendments shall not apply to contracts in effect before the date specified under subparagraph (A) that continue to retain the terms and conditions in effect on such date (except as otherwise provided under this Act, other than under this section) until such date as the contract is let out for competitive bidding under such amendments.

(C) DEADLINE FOR COMPETITIVE BIDDING.—The Secretary shall provide for the letting by competitive bidding of all contracts for functions of medicare administrative contractors for annual contract periods that begin on or after October 1, 2010.

(D) WAIVER OF PROVIDER NOMINATION PROVISIONS DURING TRANSITION.—During the period beginning on the date of the enactment of this Act and before the date specified under subparagraph (A), the Secretary may enter into new agreements under section 1816 of the Social Security Act (42 U.S.C. 1395h) without regard to any of the provider nomination provisions of such section.

(2) GENERAL TRANSITION RULES.—The Secretary shall take such steps, consistent with paragraph (1)(B) and (1)(C), as are necessary to provide for an appropriate transition from contracts under section 1816 and section 1842 of the Social Security Act (42 U.S.C. 1395h, 1395u) to contracts under section 1874A, as added by subsection (a)(1).

(3) AUTHORIZING CONTINUATION OF MIP FUNCTIONS UNDER CURRENT CONTRACTS AND AGREEMENTS AND UNDER ROLLOVER CONTRACTS.—The provisions contained in the exception in section 1893(d)(2) of the Social Security Act (42 U.S.C. 1395ddd(d)(2)) shall continue to apply notwithstanding the amendments made by this section, and any reference in such provisions to an agreement or contract shall be deemed to include a contract under section 1874A of such Act, as inserted by subsection (a)(1), that continues the activities referred to in such provisions.

(e) REFERENCES.—On and after the effective date provided under subsection (d)(1), any reference to a fiscal intermediary or carrier under title XI or XVIII of the Social Security Act (or any regulation, manual instruction, interpretative rule, statement of policy, or guideline issued to carry out such titles) shall be deemed a reference to a medicare administrative contractor (as provided under section 1874A of the Social Security Act).

(f) REPORTS ON IMPLEMENTATION.—

(1) PLAN FOR IMPLEMENTATION.—By not later than October 1, 2004, the Secretary shall submit a report to Congress and the Comptroller General of the United States that describes the plan for implementation of the amendments made by this section. The Comptroller General shall conduct an evaluation of such plan and shall submit to Congress, not later than 6 months after the date the report is received, a report on such evaluation and shall include in such report such recommendations as the Comptroller General deems appropriate.

(2) STATUS OF IMPLEMENTATION.—The Secretary shall submit a report to Congress not later than October 1, 2008, that describes the status of implementation of such amendments and that includes a description of the following:

(A) The number of contracts that have been competitively bid as of such date.

(B) The distribution of functions among contracts and contractors.

(C) A timeline for complete transition to full competition.

(D) A detailed description of how the Secretary has modified oversight and management of medicare contractors to adapt to full competition.

SEC. 912. REQUIREMENTS FOR INFORMATION SECURITY FOR MEDICARE ADMINISTRATIVE CONTRACTORS.

(a) IN GENERAL.—Section 1874A, as added by section 911(a)(1), is amended by adding at the end the following new subsection:

''(e) REQUIREMENTS FOR INFORMATION SECURITY.—

''(1) DEVELOPMENT OF INFORMATION SECURITY PROGRAM.—A medicare administrative contractor that performs the functions referred to in subparagraphs (A) and (B) of subsection (a)(4) (relating to determining and making payments) shall implement a contractor-wide information security program to provide information security for the operation and assets of the contractor with respect to such functions under this title. An information security program under this paragraph shall meet the requirements for information security programs imposed on Federal agencies under paragraphs (1) through (8) of section 3544(b) of title 44, United States Code (other than the requirements under paragraphs (2)(D)(i), (5)(A), and (5)(B) of such section).

''(2) INDEPENDENT AUDITS.—

''(A) PERFORMANCE OF ANNUAL EVALUATIONS.—Each year a medicare administrative contractor that performs the functions referred to in subparagraphs (A) and (B) of subsection (a)(4) (relating to determining and making payments) shall undergo an evaluation of the information security of the contractor with respect to such functions under this title. The evaluation shall—

''(i) be performed by an entity that meets such requirements for independence as the Inspector General of the Department of Health and Human Services may establish; and

''(ii) test the effectiveness of information security control techniques of an appropriate subset of the contractor's information systems (as defined in section 3502(8) of title 44, United States Code) relating to such functions under this title and an assessment of compliance with the requirements of this subsection and related information security policies, procedures, standards and guidelines, including policies and procedures as may be prescribed by the Director of the Office of Management and Budget and applicable information security standards promulgated under section 11331 of title 40, United States Code.

''(B) DEADLINE FOR INITIAL EVALUATION.—

''(i) NEW CONTRACTORS.—In the case of a medicare administrative contractor covered by this subsection that has not previously performed the functions referred to in subparagraphs (A) and (B) of subsection (a)(4) (relating to determining and making payments) as a fiscal intermediary or carrier under section 1816 or 1842, the first independent evaluation conducted pursuant subparagraph (A) shall be completed prior to commencing such functions.

''(ii) OTHER CONTRACTORS.—In the case of a medicare administrative contractor covered by this subsection that is not described in clause (i), the first independent evaluation conducted pursuant subparagraph (A) shall be completed within 1 year after the date the contractor commences functions referred to in clause (i) under this section.

''(C) REPORTS ON EVALUATIONS.—

''(i) TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The results of independent evaluations under subparagraph (A) shall be submitted promptly to the Inspector General of the Department of Health and Human Services and to the Secretary.

''(ii) TO CONGRESS.—The Inspector General of Department of Health and Human Services shall submit to Congress annual reports on the results of such evaluations, including assessments of the scope and sufficiency of such evaluations.

''(iii) AGENCY REPORTING.—The Secretary shall address the results of such evaluations in reports required under section 3544(c) of title 44, United States Code.''.

(b) APPLICATION OF REQUIREMENTS TO FISCAL INTERMEDIARIES AND CARRIERS.—

(1) IN GENERAL.—The provisions of section 1874A(e)(2) of the Social Security Act (other than subparagraph (B)), as added by subsection (a), shall apply to each fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h) and each carrier under section 1842 of such Act (42 U.S.C. 1395u) in the same manner as they apply to medicare administrative contractors under such provisions.

(2) DEADLINE FOR INITIAL EVALUATION.—In the case of such a fiscal intermediary or carrier with an agreement or contract under such respective section in effect as of the date of the enactment of this Act, the first evaluation under section 1874A(e)(2)(A) of the Social Security Act (as added by subsection (a)), pursuant to paragraph (1), shall be completed (and a report on the evaluation submitted to the Secretary) by not later than 1 year after such date.

Subtitle C—Education and Outreach

SEC. 921. PROVIDER EDUCATION AND TECHNICAL ASSISTANCE.

(a) COORDINATION OF EDUCATION FUNDING.—

(1) IN GENERAL.—Title XVIII is amended by inserting after section 1888 the following new section:

''PROVIDER EDUCATION AND TECHNICAL ASSISTANCE

''SEC. 1889. (a) COORDINATION OF EDUCATION FUNDING.—The Secretary shall coordinate the educational activities provided through medicare contractors (as defined in subsection (g), including under section 1893) in order to maximize the effectiveness of Federal education efforts for providers of services and suppliers.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(3) REPORT.—Not later than October 1, 2004, the Secretary shall submit to Congress a report that includes a description and evaluation of the steps taken to coordinate the funding of provider education under section 1889(a) of the Social Security Act, as added by paragraph (1).

(b) INCENTIVES TO IMPROVE CONTRACTOR PERFORMANCE.—

(1) IN GENERAL.—Section 1874A, as added by section 911(a)(1) and as amended by section 912(a), is amended by adding at the end the following new subsection:

''(f) INCENTIVES TO IMPROVE CONTRACTOR PERFORMANCE IN PROVIDER EDUCATION AND OUTREACH.—The Secretary shall use specific claims payment error rates or similar methodology of medicare administrative contractors in the processing or reviewing of medicare claims in order to give such contractors an incentive to implement effective education and outreach programs for providers of services and suppliers.''.

(2) APPLICATION TO FISCAL INTERMEDIARIES AND CARRIERS.—The provisions of section 1874A(f) of the Social Security Act, as added by paragraph (1), shall apply to each fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h) and each carrier under section 1842 of such Act (42 U.S.C. 1395u) in the same manner as they apply to medicare administrative contractors under such provisions.

(3) GAO REPORT ON ADEQUACY OF METHODOLOGY.—Not later than October 1, 2004, the Comptroller General of the United States shall submit to Congress and to the Secretary a report on the adequacy of the methodology under section 1874A(f) of the Social Security Act, as added by paragraph (1), and shall include in the report such recommendations as the Comptroller General determines appropriate with respect to the methodology.

(4) REPORT ON USE OF METHODOLOGY IN ASSESSING CONTRACTOR PERFORMANCE.—Not later than October 1, 2004, the Secretary shall submit to Congress a report that describes how the Secretary intends to use such methodology in assessing medicare contractor performance in implementing effective education and outreach programs, including whether to use such methodology as a basis for performance bonuses. The report shall include an analysis of the sources of identified errors and potential changes in systems of contractors and rules of the Secretary that could reduce claims error rates.

(c) PROVISION OF ACCESS TO AND PROMPT RESPONSES FROM MEDICARE ADMINISTRATIVE CONTRACTORS.—

(1) IN GENERAL.—Section 1874A, as added by section 911(a)(1) and as amended by section 912(a) and subsection (b), is further amended by adding at the end the following new subsection:

''(g) COMMUNICATIONS WITH BENEFICIARIES, PROVIDERS OF SERVICES AND SUPPLIERS.—

''(1) COMMUNICATION STRATEGY.—The Secretary shall develop a strategy for communications with individuals entitled to benefits under part A or enrolled under part B, or both, and with providers of services and suppliers under this title.

''(2) RESPONSE TO WRITTEN INQUIRIES.—Each medicare administrative contractor shall, for those providers of services and suppliers which submit claims to the contractor for claims processing and for those individuals entitled to benefits under part A or enrolled under part B, or both, with respect to whom claims are submitted for claims processing, provide general written responses (which may be through electronic transmission) in a clear, concise, and accurate manner to inquiries of providers of services, suppliers and individuals entitled to benefits under part A or enrolled under part B, or both, concerning the programs under this title within 45 business days of the date of receipt of such inquiries.

''(3) RESPONSE TO TOLL-FREE LINES.—The Secretary shall ensure that each medicare administrative contractor shall provide, for those providers of services and suppliers which submit claims to the contractor for claims processing and for those individuals entitled to benefits under part A or enrolled under part B, or both, with respect to whom claims are submitted for claims processing, a toll-free telephone number at which such individuals, providers of services and suppliers may obtain information regarding billing, coding, claims, coverage, and other appropriate information under this title.

''(4) MONITORING OF CONTRACTOR RESPONSES.—

''(A) IN GENERAL.—Each medicare administrative contractor shall, consistent with standards developed by the Secretary under subparagraph (B)—

''(i) maintain a system for identifying who provides the information referred to in paragraphs (2) and (3); and

''(ii) monitor the accuracy, consistency, and timeliness of the information so provided.

''(B) DEVELOPMENT OF STANDARDS.—

''(i) IN GENERAL.—The Secretary shall establish and make public standards to monitor the accuracy, consistency, and timeliness of the information provided in response to written and telephone inquiries under this subsection. Such standards shall be consistent with the performance requirements established under subsection (b)(3).

''(ii) EVALUATION.—In conducting evaluations of individual medicare administrative contractors, the Secretary shall take into

account the results of the monitoring conducted under subparagraph (A) taking into account as performance requirements the standards established under clause (i). The Secretary shall, in consultation with organizations representing providers of services, suppliers, and individuals entitled to benefits under part A or enrolled under part B, or both, establish standards relating to the accuracy, consistency, and timeliness of the information so provided.

''(C) DIRECT MONITORING.—Nothing in this paragraph shall be construed as preventing the Secretary from directly monitoring the accuracy, consistency, and timeliness of the information so provided.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect October 1, 2004.

(3) APPLICATION TO FISCAL INTERMEDIARIES AND CARRIERS.—The provisions of section 1874A(g) of the Social Security Act, as added by paragraph (1), shall apply to each fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h) and each carrier under section 1842 of such Act (42 U.S.C. 1395u) in the same manner as they apply to medicare administrative contractors under such provisions.

(d) IMPROVED PROVIDER EDUCATION AND TRAINING.—

(1) IN GENERAL.—Section 1889, as added by subsection (a), is amended by adding at the end the following new subsections:

''(b) ENHANCED EDUCATION AND TRAINING.—

''(1) ADDITIONAL RESOURCES.—There are authorized to be appropriated to the Secretary (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) $25,000,000 for each of fiscal years 2005 and 2006 and such sums as may be necessary for succeeding fiscal years.

''(2) USE.—The funds made available under paragraph (1) shall be used to increase the conduct by medicare contractors of education and training of providers of services and suppliers regarding billing, coding, and other appropriate items and may also be used to improve the accuracy, consistency, and timeliness of contractor responses.

''(c) TAILORING EDUCATION AND TRAINING ACTIVITIES FOR SMALL PROVIDERS OR SUPPLIERS.—

''(1) IN GENERAL.—Insofar as a medicare contractor conducts education and training activities, it shall tailor such activities to meet the special needs of small providers of services or suppliers (as defined in paragraph (2)).

''(2) SMALL PROVIDER OF SERVICES OR SUPPLIER.—In this subsection, the term 'small provider of services or supplier' means—

''(A) a provider of services with fewer than 25 full-time-equivalent employees; or

''(B) a supplier with fewer than 10 full-time-equivalent employees.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2004.

(e) REQUIREMENT TO MAINTAIN INTERNET SITES.—

(1) IN GENERAL.—Section 1889, as added by subsection (a) and as amended by subsection (d), is further amended by adding at the end the following new subsection:

''(d) INTERNET SITES; FAQS.—The Secretary, and each medicare contractor insofar as it provides services (including claims processing) for providers of services or suppliers, shall maintain an Internet site which—

''(1) provides answers in an easily accessible format to frequently asked questions, and

''(2) includes other published materials of the contractor,

that relate to providers of services and suppliers under the programs under this title (and title XI insofar as it relates to such programs).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2004.

(f) ADDITIONAL PROVIDER EDUCATION PROVISIONS.—

(1) IN GENERAL.—Section 1889, as added by subsection (a) and as amended by subsections (d) and (e), is further amended by adding at the end the following new subsections:

''(e) ENCOURAGEMENT OF PARTICIPATION IN EDUCATION PROGRAM ACTIVITIES.—A medicare contractor may not use a record of attendance at (or failure to attend) educational activities or other information gathered during an educational program conducted under this section or otherwise by the Secretary to select or track providers of services or suppliers for the purpose of conducting any type of audit or prepayment review.

''(f) CONSTRUCTION.—Nothing in this section or section 1893(g) shall be construed as providing for disclosure by a medicare contractor of information that would compromise pending law enforcement activities or reveal findings of law enforcement-related audits.

''(g) DEFINITIONS.—For purposes of this section, the term 'medicare contractor' includes the following:

''(1) A medicare administrative contractor with a contract under section 1874A, including a fiscal intermediary with a contract under section 1816 and a carrier with a contract under section 1842.

''(2) An eligible entity with a contract under section 1893.

Such term does not include, with respect to activities of a specific provider of services or supplier an entity that has no authority under this title or title IX with respect to such activities and such provider of services or supplier.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 922. SMALL PROVIDER TECHNICAL ASSISTANCE DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration program (in this section referred to as the ''demonstration program'') under which technical assistance described in paragraph (2) is made available, upon request and on a voluntary basis, to small providers of services or suppliers in order to improve compliance with the applicable requirements of the programs under medicare program under title XVIII of the Social Security Act (including provisions of title XI of such Act insofar as they relate to such title and are not administered by the Office of the Inspector General of the Department of Health and Human Services).

(2) FORMS OF TECHNICAL ASSISTANCE.—The technical assistance described in this paragraph is—

(A) evaluation and recommendations regarding billing and related systems; and

(B) information and assistance regarding policies and procedures under the medicare program, including coding and reimbursement.

(3) SMALL PROVIDERS OF SERVICES OR SUPPLIERS.—In this section, the term ''small providers of services or suppliers'' means—

(A) a provider of services with fewer than 25 full-time-equivalent employees; or

(B) a supplier with fewer than 10 full-time-equivalent employees.

(b) QUALIFICATION OF CONTRACTORS.—In conducting the demonstration program, the Secretary shall enter into contracts with qualified organizations (such as peer review organizations or entities described in section 1889(g)(2) of the Social Security Act, as inserted by section 5(f)(1)) with appropriate expertise with billing systems of the full range of providers of services and suppliers to provide the technical assistance. In awarding such contracts, the Secretary shall consider any prior investigations of the entity's work by the Inspector General of Department of Health and Human Services or the Comptroller General of the United States.

(c) DESCRIPTION OF TECHNICAL ASSISTANCE.—The technical assistance provided under the demonstration program shall include a direct and in-person examination of billing systems and internal controls of small providers of services or suppliers to determine program compliance and to suggest more efficient or effective means of achieving such compliance.

(d) AVOIDANCE OF RECOVERY ACTIONS FOR PROBLEMS IDENTIFIED AS CORRECTED.—The Secretary shall provide that, absent evidence of fraud and notwithstanding any other provision of law, any errors found in a compliance review for a small provider of services or supplier that participates in the demonstration program shall not be subject to recovery action if the technical assistance personnel under the program determine that—

(1) the problem that is the subject of the compliance review has been corrected to their satisfaction within 30 days of the date of the visit by such personnel to the small provider of services or supplier; and

(2) such problem remains corrected for such period as is appropriate.

The previous sentence applies only to claims filed as part of the demonstration program and lasts only for the duration of such program and only as long as the small provider of services or supplier is a participant in such program.

(e) GAO EVALUATION.—Not later than 2 years after the date of the date the demonstration program is first implemented, the Comptroller General, in consultation with the Inspector General of the Department of Health and Human Services, shall conduct an evaluation of the demonstration program. The evaluation shall include a determination of whether claims error rates are reduced for small providers of services or suppliers who participated in the program and the extent of improper payments made as a result of the demonstration program. The Comptroller General shall submit a report to the Secretary and the Congress on such evaluation and shall include in such report recommendations regarding the continuation or extension of the demonstration program.

(f) FINANCIAL PARTICIPATION BY PROVIDERS.—The provision of technical assistance to a small provider of services or supplier under the demonstration program is conditioned upon the small provider of services or supplier paying an amount estimated (and disclosed in advance of a provider's or supplier's participation in the program) to be equal to 25 percent of the cost of the technical assistance.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to carry out the demonstration program—

(1) for fiscal year 2005, $1,000,000, and

(2) for fiscal year 2006, $6,000,000.

SEC. 923. MEDICARE PROVIDER OMBUDSMAN; MEDICARE BENEFICIARY OMBUDSMAN.

(a) MEDICARE PROVIDER OMBUDSMAN.—Section 1868 (42 U.S.C. 1395ee) is amended—

(1) by adding at the end of the heading the following: ''; MEDICARE PROVIDER OMBUDSMAN'';

(2) by inserting ''PRACTICING PHYSICIANS ADVISORY COUNCIL.—(1)'' after ''(a)'';

(3) in paragraph (1), as so redesignated under paragraph (2), by striking ''in this section'' and inserting ''in this subsection'';

(4) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively; and

(5) by adding at the end the following new subsection:

''(b) MEDICARE PROVIDER OMBUDSMAN.—The Secretary shall appoint within the Department of Health and Human Services a Medicare Provider Ombudsman. The Ombudsman shall—

''(1) provide assistance, on a confidential basis, to providers of services and suppliers with respect to complaints, grievances, and requests for information concerning the programs under this title (including provisions of title XI insofar as they relate to this title and are not administered by the Office of the Inspector General of the Department of Health and Human Services) and in the resolution of unclear or conflicting guidance given by the Secretary and medicare contractors to such providers of services and suppliers regarding such programs and provisions and requirements under this title and such provisions; and

''(2) submit recommendations to the Secretary for improvement in the administration of this title and such provisions, including—

''(A) recommendations to respond to recurring patterns of confusion in this title and such provisions (including recommendations regarding suspending imposition of sanctions where there is widespread confusion in program administration), and

''(B) recommendations to provide for an appropriate and consistent response (including not providing for audits) in cases of self-identified overpayments by providers of services and suppliers.

The Ombudsman shall not serve as an advocate for any increases in payments or new coverage of services, but may identify issues and problems in payment or coverage policies.''.

(b) MEDICARE BENEFICIARY OMBUDSMAN.—Title XVIII, as previously amended, is amended by inserting after section 1809 the following new section:

''MEDICARE BENEFICIARY OMBUDSMAN

''SEC. 1810. (a) IN GENERAL.—The Secretary shall appoint within the Department of Health and Human Services a Medicare Beneficiary Ombudsman who shall have expertise and experience in the fields of health care and education of (and assistance to) individuals entitled to benefits under this title.

''(b) DUTIES.—The Medicare Beneficiary Ombudsman shall—

''(1) receive complaints, grievances, and requests for information submitted by individuals entitled to benefits under part A or enrolled under part B, or both, with respect to any aspect of the medicare program;

''(2) provide assistance with respect to complaints, grievances, and requests referred to in paragraph (1), including—

''(A) assistance in collecting relevant information for such individuals, to seek an appeal of a decision or determination made by a fiscal intermediary, carrier, Medicare+Choice organization, or the Secretary;

''(B) assistance to such individuals with any problems arising from disenrollment from a Medicare+Choice plan under part C; and

''(C) assistance to such individuals in presenting information under section 1860D–2(b)(4)(D)(v); and

''(3) submit annual reports to Congress and the Secretary that describe the activities of the Office and that include such recommendations for improvement in the administration of this title as the Ombudsman determines appropriate.

The Ombudsman shall not serve as an advocate for any increases in payments or new coverage of services, but may identify issues and problems in payment or coverage policies.

''(c) WORKING WITH HEALTH INSURANCE COUNSELING PROGRAMS.—To the extent possible, the Ombudsman shall work with health insurance counseling programs (receiving funding under section 4360 of Omnibus Budget Reconciliation Act of 1990) to facilitate the provision of information to individuals entitled to benefits under part A or enrolled under part B, or both regarding Medicare+Choice plans and changes to those plans. Nothing in this subsection shall preclude further collaboration between the Ombudsman and such programs.''.

(c) DEADLINE FOR APPOINTMENT.—The Secretary shall appoint the Medicare Provider Ombudsman and the Medicare Beneficiary Ombudsman, under the amendments made by subsections (a) and (b), respectively, by not later than 1 year after the date of the enactment of this Act.

(d) FUNDING.—There are authorized to be appropriated to the Secretary (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to carry out the provisions of subsection (b) of section 1868 of the Social Security Act (relating to the Medicare Provider Ombudsman), as added by subsection (a)(5) and section 1807 of such Act (relating to the Medicare Beneficiary Ombudsman), as added by subsection (b), such sums as are necessary for fiscal year 2004 and each succeeding fiscal year.

(e) USE OF CENTRAL, TOLL-FREE NUMBER (1–800–MEDICARE).—

(1) PHONE TRIAGE SYSTEM; LISTING IN MEDICARE HANDBOOK INSTEAD OF OTHER TOLL-FREE NUMBERS.—Section 1804(b) (42 U.S.C. 1395b–2(b)) is amended by adding at the end the following: ''The Secretary shall provide, through the toll-free number 1–800–MEDICARE, for a means by which individuals seeking information about, or assistance with, such programs who phone such toll-free number are transferred (without charge) to appropriate entities for the provision of such information or assistance. Such toll-free number shall be the toll-free number listed for general information and assistance in the annual notice under subsection (a) instead of the listing of numbers of individual contractors.''.

(2) MONITORING ACCURACY.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study to monitor the accuracy and consistency of information provided to individuals entitled to benefits under part A or enrolled under part B, or both, through the toll-free number 1–800–MEDICARE, including an assessment of whether the information provided is sufficient to answer questions of such individuals. In conducting the study, the Comptroller General shall examine the education and training of the individuals providing information through such number.

(B) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subparagraph (A).

SEC. 924. BENEFICIARY OUTREACH DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a demonstration program (in this section referred to as the ''demonstration program'') under which medicare specialists employed by the Department of Health and Human Services provide advice and assistance to individuals entitled to benefits under part A of title XVIII of the Social Security Act, or enrolled under part B of such title, or both, regarding the medicare program at the location of existing local offices of the Social Security Administration.

(b) LOCATIONS.—

(1) IN GENERAL.—The demonstration program shall be conducted in at least 6 offices or areas. Subject to paragraph (2), in selecting such offices and areas, the Secretary shall provide preference for offices with a high volume of visits by individuals referred to in subsection (a).

(2) ASSISTANCE FOR RURAL BENEFICIARIES.—The Secretary shall provide for the selection of at least 2 rural areas to participate in the demonstration program. In conducting the demonstration program in such rural areas, the Secretary shall provide for medicare specialists to travel among local offices in a rural area on a scheduled basis.

(c) DURATION.—The demonstration program shall be conducted over a 3-year period.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall provide for an evaluation of the demonstration program. Such evaluation shall include an analysis of—

(A) utilization of, and satisfaction of those individuals referred to in subsection (a) with, the assistance provided under the program; and

(B) the cost-effectiveness of providing beneficiary assistance through out-stationing medicare specialists at local offices of the Social Security Administration.

(2) REPORT.—The Secretary shall submit to Congress a report on such evaluation and shall include in such report recommendations regarding the feasibility of permanently out-stationing medicare specialists at local offices of the Social Security Administration.

SEC. 925. INCLUSION OF ADDITIONAL INFORMATION IN NOTICES TO BENEFICIARIES ABOUT SKILLED NURSING FACILITY BENEFITS.

(a) IN GENERAL.—The Secretary shall provide that in medicare beneficiary notices provided (under section 1806(a) of the Social Security Act, 42 U.S.C. 1395b–7(a)) with respect to the provision of post-hospital extended care services under part A of title XVIII of the Social Security Act, there shall be included information on the number of days of coverage of such services remaining under such part for the medicare beneficiary and spell of illness involved.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to notices provided during calendar quarters beginning more than 6 months after the date of the enactment of this Act.

SEC. 926. INFORMATION ON MEDICARE-CERTIFIED SKILLED NURSING FACILITIES IN HOSPITAL DISCHARGE PLANS.

(a) AVAILABILITY OF DATA.—The Secretary shall publicly provide information that enables hospital discharge planners, medicare beneficiaries, and the public to identify skilled nursing facilities that are participating in the medicare program.

(b) INCLUSION OF INFORMATION IN CERTAIN HOSPITAL DISCHARGE PLANS.—

(1) IN GENERAL.—Section 1861(ee)(2)(D) (42 U.S.C. 1395x(ee)(2)(D)) is amended—

(A) by striking ''hospice services'' and inserting ''hospice care and post-hospital extended care services''; and

(B) by inserting before the period at the end the following: ''and, in the case of individuals who are likely to need post-hospital extended care services, the availability of such services through facilities that participate in the program under this title and that serve the area in which the patient resides''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to discharge plans made on or after such date as the Secretary shall specify, but not later than 6 months after the date the Secretary provides for availability of information under subsection (a).

Subtitle D—Appeals and Recovery

SEC. 931. TRANSFER OF RESPONSIBILITY FOR MEDICARE APPEALS.

(a) TRANSITION PLAN.—

(1) IN GENERAL.—Not later than October 1, 2004, the Commissioner of Social Security and the Secretary shall develop and transmit to Congress and the Comptroller General of the United States a plan under which the functions of administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions in title XI of such Act) are transferred from the responsibility of the Commissioner and the Social Security Administration to the Secretary and the Department of Health and Human Services.

(2) GAO EVALUATION.—The Comptroller General of the United States shall evaluate the plan and, not later than the date that is 6 months after the date on which the plan is received by the Comptroller General, shall submit to Congress a report on such evaluation.

(b) TRANSFER OF ADJUDICATION AUTHORITY.—

(1) IN GENERAL.—Not earlier than July 1, 2005, and not later than October 1, 2005, the Commissioner of Social Security and the Secretary shall implement the transition plan under subsection (a) and transfer the administrative law judge functions described in such subsection from the Social Security Administration to the Secretary.

(2) ASSURING INDEPENDENCE OF JUDGES.—The Secretary shall assure the independence of administrative law judges performing the administrative law judge functions transferred under paragraph (1) from the Centers for Medicare & Medicaid Services and its contractors. In order to assure such independence, the Secretary shall place such judges in an administrative office that is organizationally and functionally separate from such Centers. Such judges shall report to, and be under the general supervision of, the Secretary, but shall not report to, or be subject to supervision by, another other officer of the Department.

(3) GEOGRAPHIC DISTRIBUTION.—The Secretary shall provide for an appropriate geographic distribution of administrative law judges performing the administrative law judge functions transferred under paragraph (1) throughout the United States to ensure timely access to such judges.

(4) HIRING AUTHORITY.—Subject to the amounts provided in advance in appropriations Act, the Secretary shall have authority to hire administrative law judges to hear such cases, giving priority to those judges with prior experience in handling medicare appeals and in a manner consistent with paragraph (3), and to hire support staff for such judges.

(5) FINANCING.—Amounts payable under law to the Commissioner for administrative law judges performing the administrative law judge functions transferred under paragraph (1) from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund shall become payable to the Secretary for the functions so transferred.

(6) SHARED RESOURCES.—The Secretary shall enter into such arrangements with the Commissioner as may be appropriate with respect to transferred functions of administrative law judges to share office space, support staff, and other resources, with appropriate reimbursement from the Trust Funds described in paragraph (5).

(c) INCREASED FINANCIAL SUPPORT.—In addition to any amounts otherwise appropriated, to ensure timely action on appeals before administrative law judges and the Departmental Appeals Board consistent with section 1869 of the Social Security Act (as amended by section 521 of BIPA, 114 Stat. 2763A–534), there are authorized to be appropriated (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to the Secretary such sums as are necessary for fiscal year 2005 and each subsequent fiscal year to—

(1) increase the number of administrative law judges (and their staffs) under subsection (b)(4);

(2) improve education and training opportunities for administrative law judges (and their staffs); and

(3) increase the staff of the Departmental Appeals Board.

(d) CONFORMING AMENDMENT.—Section 1869(f)(2)(A)(i) (42 U.S.C. 1395ff(f)(2)(A)(i)), as added by section 522(a) of BIPA (114 Stat. 2763A–543), is amended by striking ''of the Social Security Administration''.

SEC. 932. PROCESS FOR EXPEDITED ACCESS TO REVIEW.

(a) EXPEDITED ACCESS TO JUDICIAL REVIEW.—Section 1869(b) (42 U.S.C. 1395ff(b)) as amended by BIPA, is amended—

(1) in paragraph (1)(A), by inserting '', subject to paragraph (2),'' before ''to judicial review of the Secretary's final decision'';

(2) in paragraph (1)(F)—

(A) by striking clause (ii);

(B) by striking ''PROCEEDING'' and all that follows through ''DETERMINATION'' and inserting ''DETERMINATIONS AND RECONSIDERATIONS''; and

(C) by redesignating subclauses (I) and (II) as clauses (i) and (ii) and by moving the indentation of such subclauses (and the matter that follows) 2 ems to the left; and

(3) by adding at the end the following new paragraph:

''(2) EXPEDITED ACCESS TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—The Secretary shall establish a process under which a provider of services or supplier that furnishes an item or service or an individual entitled to benefits under part A or enrolled under part B, or both, who has filed an appeal under paragraph (1) may obtain access to judicial review when a review panel (described in subparagraph (D)), on its own motion or at the request of the appellant, determines that no entity in the administrative appeals process has the authority to decide the question of law or regulation relevant to the matters in controversy and that there is no material issue of fact in dispute. The appellant may make such request only once with respect to a question of law or regulation in a case of an appeal.

''(B) PROMPT DETERMINATIONS.—If, after or coincident with appropriately filing a request for an administrative hearing, the appellant requests a determination by the appropriate review panel that no review panel has the authority to decide the question of law or regulations relevant to the matters in controversy and that there is no material issue of fact in dispute and if such request is accompanied by the documents and materials as the appropriate review panel shall require for purposes of making such determination, such review panel shall make a determination on the request in writing within 60 days after the date such review panel receives the request and such accompanying documents and materials. Such a determination by such review panel shall be considered a final decision and not subject to review by the Secretary.

''(C) ACCESS TO JUDICIAL REVIEW.—

''(i) IN GENERAL.—If the appropriate review panel—

''(I) determines that there are no material issues of fact in dispute and that the only issue is one of law or regulation that no review panel has the authority to decide; or

''(II) fails to make such determination within the period provided under subparagraph (B);

then the appellant may bring a civil action as described in this subparagraph.

''(ii) DEADLINE FOR FILING.—Such action shall be filed, in the case described in—

''(I) clause (i)(I), within 60 days of date of the determination described in such subparagraph; or

''(II) clause (i)(II), within 60 days of the end of the period provided under subparagraph (B) for the determination.

''(iii) VENUE.—Such action shall be brought in the district court of the United States for the judicial district in which the appellant is located (or, in the case of an action brought jointly by more than one applicant, the judicial district in which the greatest number of applicants are located) or in the district court for the District of Columbia.

''(iv) INTEREST ON AMOUNTS IN CONTROVERSY.—Where a provider of services or supplier seeks judicial review pursuant to this paragraph, the amount in controversy shall be subject to annual interest beginning on the first day of the first month beginning after the 60-day period as determined pursuant to clause (ii) and equal to the rate of interest on obligations issued for purchase by the Federal Hospital Insurance Trust Fund and by the Federal Supplementary Medical Insurance Trust Fund for the month in which the civil action authorized under this paragraph is commenced, to be awarded by the reviewing court in favor of the prevailing party. No interest awarded pursuant to the preceding sentence shall be deemed income or cost for the purposes of determining reimbursement due providers of services or suppliers under this Act.

''(D) REVIEW PANELS.—For purposes of this subsection, a 'review panel' is a panel consisting of 3 members (who shall be administrative law judges, members of the Departmental Appeals Board, or qualified individuals associated with a qualified independent contractor (as defined in subsection (c)(2)) or with another independent entity) designated by the Secretary for purposes of making determinations under this paragraph.''.

(b) APPLICATION TO PROVIDER AGREEMENT DETERMINATIONS.—Section 1866(h)(1) (42 U.S.C. 1395cc(h)(1)) is amended—

(1) by inserting ''(A)'' after ''(h)(1)''; and

(2) by adding at the end the following new subparagraph:

''(B) An institution or agency described in subparagraph (A) that has filed for a hearing under subparagraph (A) shall have expedited access to judicial review under this subparagraph in the same manner as providers of services, suppliers, and individuals entitled to benefits under part A or enrolled under part B, or both, may obtain expedited access to judicial review under the process established under section 1869(b)(2). Nothing in this subparagraph shall be construed to affect the application of any remedy imposed under section 1819 during the pendency of an appeal under this subparagraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appeals filed on or after October 1, 2004.

(d) EXPEDITED REVIEW OF CERTAIN PROVIDER AGREEMENT DETERMINATIONS.—

(1) TERMINATION AND CERTAIN OTHER IMMEDIATE REMEDIES.—The Secretary shall develop and implement a process to expedite proceedings under sections 1866(h) of the Social Security Act (42 U.S.C. 1395cc(h)) in which the remedy of termination of participation, or a remedy described in clause (i) or (iii) of section 1819(h)(2)(B) of such Act (42 U.S.C. 1395i–3(h)(2)(B)) which is applied on an immediate basis, has been imposed. Under such process priority shall be provided in cases of termination.

(2) INCREASED FINANCIAL SUPPORT.—In addition to any amounts otherwise appropriated, to reduce by 50 percent the average time for administrative determinations on appeals under section 1866(h) of the Social Security Act (42 U.S.C. 1395cc(h)), there are authorized to be appropriated (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to the Secretary such additional sums for fiscal year 2005 and each subsequent fiscal year as may be necessary. The purposes for which such amounts are available include increasing the number of administrative law judges (and their staffs) and the appellate level staff at the Departmental Appeals Board of the Department of Health and Human Services and educating such judges and staffs on long-term care issues.

SEC. 933. REVISIONS TO MEDICARE APPEALS PROCESS.

(a) REQUIRING FULL AND EARLY PRESENTATION OF EVIDENCE.—

(1) IN GENERAL.—Section 1869(b) (42 U.S.C. 1395ff(b)), as amended by BIPA and as amended by section 932(a), is further amended by adding at the end the following new paragraph:

''(3) REQUIRING FULL AND EARLY PRESENTATION OF EVIDENCE BY PROVIDERS.—A provider of services or supplier may not introduce evidence in any appeal under this section that was not presented at the reconsideration conducted by the qualified independent contractor under subsection (c), unless there is good cause which precluded the introduction of such evidence at or before that reconsideration.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2004.

(b) USE OF PATIENTS' MEDICAL RECORDS.—Section 1869(c)(3)(B)(i) (42 U.S.C. 1395ff(c)(3)(B)(i)), as amended by BIPA, is amended by inserting ''(including the medical records of the individual involved)'' after ''clinical experience''.

(c) NOTICE REQUIREMENTS FOR MEDICARE APPEALS.—

(1) INITIAL DETERMINATIONS AND REDETERMINATIONS.—Section 1869(a) (42 U.S.C. 1395ff(a)), as amended by BIPA, is amended by adding at the end the following new paragraphs:

''(4) REQUIREMENTS OF NOTICE OF DETERMINATIONS.—With respect to an initial determination insofar as it results in a denial of a claim for benefits—

''(A) the written notice on the determination shall include—

''(i) the reasons for the determination, including whether a local medical review policy or a local coverage determination was used;

''(ii) the procedures for obtaining additional information concerning the determination, including the information described in subparagraph (B); and

''(iii) notification of the right to seek a redetermination or otherwise appeal the determination and instructions on how to initiate such a redetermination under this section; and

''(B) the person provided such notice may obtain, upon request, the specific provision of the policy, manual, or regulation used in making the determination.

''(5) REQUIREMENTS OF NOTICE OF REDETERMINATIONS.—With respect to a redetermination insofar as it results in a denial of a claim for benefits—

''(A) the written notice on the redetermination shall include—

''(i) the specific reasons for the redetermination;

''(ii) as appropriate, a summary of the clinical or scientific evidence used in making the redetermination;

''(iii) a description of the procedures for obtaining additional information concerning the redetermination; and

''(iv) notification of the right to appeal the redetermination and instructions on how to initiate such an appeal under this section;

''(B) such written notice shall be provided in printed form and written in a manner calculated to be understood by the individual entitled to benefits under part A or enrolled under part B, or both; and

''(C) the person provided such notice may obtain, upon request, information on the specific provision of the policy, manual, or regulation used in making the redetermination.''.

(2) RECONSIDERATIONS.—Section 1869(c)(3)(E) (42 U.S.C. 1395ff(c)(3)(E)), as amended by BIPA, is amended—

(A) by inserting ''be written in a manner calculated to be understood by the individual entitled to benefits under part A or enrolled under part B, or both, and shall include (to the extent appropriate)'' after ''in writing, ''; and

(B) by inserting ''and a notification of the right to appeal such determination and instructions on how to initiate such appeal under this section'' after ''such decision,''.

(3) APPEALS.—Section 1869(d) (42 U.S.C. 1395ff(d)), as amended by BIPA, is amended—

(A) in the heading, by inserting ''; NOTICE'' after ''SECRETARY''; and

(B) by adding at the end the following new paragraph:

''(4) NOTICE.—Notice of the decision of an administrative law judge shall be in writing in a manner calculated to be understood by the individual entitled to benefits under part A or enrolled under part B, or both, and shall include—

''(A) the specific reasons for the determination (including, to the extent appropriate, a summary of the clinical or scientific evidence used in making the determination);

''(B) the procedures for obtaining additional information concerning the decision; and

''(C) notification of the right to appeal the decision and instructions on how to initiate such an appeal under this section.''.

(4) SUBMISSION OF RECORD FOR APPEAL.—Section 1869(c)(3)(J)(i) (42 U.S.C. 1395ff(c)(3)(J)(i)) by striking ''prepare'' and inserting ''submit'' and by striking ''with respect to'' and all that follows through ''and relevant policies''.

(d) QUALIFIED INDEPENDENT CONTRACTORS.—

(1) ELIGIBILITY REQUIREMENTS OF QUALIFIED INDEPENDENT CONTRACTORS.—Section 1869(c)(3) (42 U.S.C. 1395ff(c)(3)), as amended by BIPA, is amended—

(A) in subparagraph (A), by striking ''sufficient training and expertise in medical science and legal matters'' and inserting ''sufficient medical, legal, and other expertise (including knowledge of the program under this title) and sufficient staffing''; and

(B) by adding at the end the following new subparagraph:

''(K) INDEPENDENCE REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), a qualified independent contractor shall not conduct any activities in a case unless the entity—

''(I) is not a related party (as defined in subsection (g)(5));

''(II) does not have a material familial, financial, or professional relationship with such a party in relation to such case; and

''(III) does not otherwise have a conflict of interest with such a party.

''(ii) EXCEPTION FOR REASONABLE COMPENSATION.—Nothing in clause (i) shall be construed to prohibit receipt by a qualified independent contractor of compensation from the Secretary for the conduct of activities under this section if the compensation is provided consistent with clause (iii).

''(iii) LIMITATIONS ON ENTITY COMPENSATION.—Compensation provided by the Secretary to a qualified independent contractor in connection with reviews under this section shall not be contingent on any decision rendered by the contractor or by any reviewing professional.''.

(2) ELIGIBILITY REQUIREMENTS FOR REVIEWERS.—Section 1869 (42 U.S.C. 1395ff), as amended by BIPA, is amended—

(A) by amending subsection (c)(3)(D) to read as follows:

''(D) QUALIFICATIONS FOR REVIEWERS.—The requirements of subsection (g) shall be met (relating to qualifications of reviewing professionals).''; and

(B) by adding at the end the following new subsection:

''(g) QUALIFICATIONS OF REVIEWERS.—

''(1) IN GENERAL.—In reviewing determinations under this section, a qualified independent contractor shall assure that—

''(A) each individual conducting a review shall meet the qualifications of paragraph (2);

''(B) compensation provided by the contractor to each such reviewer is consistent with paragraph (3); and

''(C) in the case of a review by a panel described in subsection (c)(3)(B) composed of physicians or other health care professionals (each in this subsection referred to as a 'reviewing professional'), a reviewing professional meets the qualifications described in paragraph (4) and, where a claim is regarding the furnishing of treatment by a physician (allopathic or osteopathic) or the provision of items or services by a physician (allopathic or osteopathic), each reviewing professional shall be a physician (allopathic or osteopathic).

''(2) INDEPENDENCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), each individual conducting a review in a case shall—

''(i) not be a related party (as defined in paragraph (5));

''(ii) not have a material familial, financial, or professional relationship with such a party in the case under review; and

''(iii) not otherwise have a conflict of interest with such a party.

''(B) EXCEPTION.—Nothing in subparagraph (A) shall be construed to—

''(i) prohibit an individual, solely on the basis of a participation agreement with a fiscal intermediary, carrier, or other contractor, from serving as a reviewing professional if—

''(I) the individual is not involved in the provision of items or services in the case under review;

''(II) the fact of such an agreement is disclosed to the Secretary and the individual entitled to benefits under part A or enrolled under part B, or both, (or authorized representative) and neither party objects; and

''(III) the individual is not an employee of the intermediary, carrier, or contractor and does not provide services exclusively or primarily to or on behalf of such intermediary, carrier, or contractor;

''(ii) prohibit an individual who has staff privileges at the institution where the treatment involved takes place from serving as a reviewer merely on the basis of having such staff privileges if the existence of such privileges is disclosed to the Secretary and such individual (or authorized representative), and neither party objects; or

''(iii) prohibit receipt of compensation by a reviewing professional from a contractor if the compensation is provided consistent with paragraph (3).

For purposes of this paragraph, the term 'participation agreement' means an agreement relating to the provision of health care

services by the individual and does not include the provision of services as a reviewer under this subsection.

''(3) LIMITATIONS ON REVIEWER COMPENSATION.—Compensation provided by a qualified independent contractor to a reviewer in connection with a review under this section shall not be contingent on the decision rendered by the reviewer.

''(4) LICENSURE AND EXPERTISE.—Each reviewing professional shall be—

''(A) a physician (allopathic or osteopathic) who is appropriately credentialed or licensed in one or more States to deliver health care services and has medical expertise in the field of practice that is appropriate for the items or services at issue; or

''(B) a health care professional who is legally authorized in one or more States (in accordance with State law or the State regulatory mechanism provided by State law) to furnish the health care items or services at issue and has medical expertise in the field of practice that is appropriate for such items or services.

''(5) RELATED PARTY DEFINED.—For purposes of this section, the term 'related party' means, with respect to a case under this title involving a specific individual entitled to benefits under part A or enrolled under part B, or both, any of the following:

''(A) The Secretary, the medicare administrative contractor involved, or any fiduciary, officer, director, or employee of the Department of Health and Human Services, or of such contractor.

''(B) The individual (or authorized representative).

''(C) The health care professional that provides the items or services involved in the case.

''(D) The institution at which the items or services (or treatment) involved in the case are provided.

''(E) The manufacturer of any drug or other item that is included in the items or services involved in the case.

''(F) Any other party determined under any regulations to have a substantial interest in the case involved.''.

(3) REDUCING MINIMUM NUMBER OF QUALIFIED INDEPENDENT CONTRACTORS.—Section 1869(c)(4) (42 U.S.C. 1395ff(c)(4)) is amended by striking ''not fewer than 12 qualified independent contractors under this subsection'' and inserting ''with a sufficient number of qualified independent contractors (but not fewer than 4 such contractors) to conduct reconsiderations consistent with the timeframes applicable under this subsection''.

(4) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall be effective as if included in the enactment of the respective provisions of subtitle C of title V of BIPA, (114 Stat. 2763A–534).

(5) TRANSITION.—In applying section 1869(g) of the Social Security Act (as added by paragraph (2)), any reference to a medicare administrative contractor shall be deemed to include a reference to a fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h) and a carrier under section 1842 of such Act (42 U.S.C. 1395u).

SEC. 934. PREPAYMENT REVIEW.

(a) IN GENERAL.—Section 1874A, as added by section 911(a)(1) and as amended by sections 912(b), 921(b)(1), and 921(c)(1), is further amended by adding at the end the following new subsection:

''(h) CONDUCT OF PREPAYMENT REVIEW.—

''(1) CONDUCT OF RANDOM PREPAYMENT REVIEW.—

''(A) IN GENERAL.—A medicare administrative contractor may conduct random prepayment review only to develop a contractor-wide or program-wide claims payment error rates or under such additional circumstances as may be provided under regulations, developed in consultation with providers of services and suppliers.

''(B) USE OF STANDARD PROTOCOLS WHEN CONDUCTING PREPAYMENT REVIEWS.—When a medicare administrative contractor conducts a random prepayment review, the contractor may conduct such review only in accordance with a standard protocol for random prepayment audits developed by the Secretary.

''(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing the denial of payments for claims actually reviewed under a random prepayment review.

''(D) RANDOM PREPAYMENT REVIEW.—For purposes of this subsection, the term 'random prepayment review' means a demand for the production of records or documentation absent cause with respect to a claim.

''(2) LIMITATIONS ON NON-RANDOM PREPAYMENT REVIEW.—

''(A) LIMITATIONS ON INITIATION OF NON-RANDOM PREPAYMENT REVIEW.—A medicare administrative contractor may not initiate non-random prepayment review of a provider of services or supplier based on the initial identification by that provider of services or supplier of an improper billing practice unless there is a likelihood of sustained or high level of payment error (as defined in subsection (i)(3)(A)).

''(B) TERMINATION OF NON-RANDOM PREPAYMENT REVIEW.—The Secretary shall issue regulations relating to the termination, including termination dates, of non-random prepayment review. Such regulations may vary such a termination date based upon the differences in the circumstances triggering prepayment review.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act.

(2) DEADLINE FOR PROMULGATION OF CERTAIN REGULATIONS.—The Secretary shall first issue regulations under section 1874A(h) of the Social Security Act, as added by subsection (a), by not later than 1 year after the date of the enactment of this Act.

(3) APPLICATION OF STANDARD PROTOCOLS FOR RANDOM PREPAYMENT REVIEW.—Section 1874A(h)(1)(B) of the Social Security Act, as added by subsection (a), shall apply to random prepayment reviews conducted on or after such date (not later than 1 year after the date of the enactment of this Act) as the Secretary shall specify.

(c) APPLICATION TO FISCAL INTERMEDIARIES AND CARRIERS.—The provisions of section 1874A(h) of the Social Security Act, as added by subsection (a), shall apply to each fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h) and each carrier under section 1842 of such Act (42 U.S.C. 1395u) in the same manner as they apply to medicare administrative contractors under such provisions.

SEC. 935. RECOVERY OF OVERPAYMENTS.

(a) IN GENERAL.—Section 1893 (42 U.S.C. 1395ddd) is amended by adding at the end the following new subsection:

''(f) RECOVERY OF OVERPAYMENTS.—

''(1) USE OF REPAYMENT PLANS.—

''(A) IN GENERAL.—If the repayment, within 30 days by a provider of services or supplier, of an overpayment under this title would constitute a hardship (as defined in subparagraph (B)), subject to subparagraph (C), upon request of the provider of services or supplier the Secretary shall enter into a plan with the provider of services or supplier for the repayment (through offset or otherwise) of such overpayment over a period of at least 6 months but not longer than 3 years (or not longer than 5 years in the case of extreme hardship, as determined by the Secretary). Interest shall accrue on the balance through the period of repayment. Such plan shall meet terms and conditions determined to be appropriate by the Secretary.

''(B) HARDSHIP.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the repayment of an overpayment (or overpayments) within 30 days is deemed to constitute a hardship if—

''(I) in the case of a provider of services that files cost reports, the aggregate amount of the overpayments exceeds 10 percent of the amount paid under this title to the provider of services for the cost reporting period covered by the most recently submitted cost report; or

''(II) in the case of another provider of services or supplier, the aggregate amount of the overpayments exceeds 10 percent of the amount paid under this title to the provider of services or supplier for the previous calendar year.

''(ii) RULE OF APPLICATION.—The Secretary shall establish rules for the application of this subparagraph in the case of a provider of services or supplier that was not paid under this title during the previous year or was paid under this title only during a portion of that year.

''(iii) TREATMENT OF PREVIOUS OVERPAYMENTS.—If a provider of services or supplier has entered into a repayment plan under subparagraph (A) with respect to a specific overpayment amount, such payment amount under the repayment plan shall not be taken into account under clause (i) with respect to subsequent overpayment amounts.

''(C) EXCEPTIONS.—Subparagraph (A) shall not apply if—

''(i) the Secretary has reason to suspect that the provider of services or supplier may file for bankruptcy or otherwise cease to do business or discontinue participation in the program under this title; or

''(ii) there is an indication of fraud or abuse committed against the program.

''(D) IMMEDIATE COLLECTION IF VIOLATION OF REPAYMENT PLAN.—If a provider of services or supplier fails to make a payment in accordance with a repayment plan under this paragraph, the Secretary may immediately seek to offset or otherwise recover the total balance outstanding (including applicable interest) under the repayment plan.

''(E) RELATION TO NO FAULT PROVISION.—Nothing in this paragraph shall be construed as affecting the application of section 1870(c) (relating to no adjustment in the cases of certain overpayments).

''(2) LIMITATION ON RECOUPMENT.—

''(A) IN GENERAL.—In the case of a provider of services or supplier that is determined to have received an overpayment under this title and that seeks a reconsideration by a qualified independent contractor on such determination under section 1869(b)(1), the Secretary may not take any action (or authorize any other person, including any medicare contractor, as defined in subparagraph (C)) to recoup the overpayment until the date the decision on the reconsideration has been rendered. If the provisions of section 1869(b)(1) (providing for such a reconsideration by a qualified independent contractor) are not in effect, in applying the previous sentence any reference to such a reconsideration shall be treated as a reference to a redetermination by the fiscal intermediary or carrier involved.

''(B) COLLECTION WITH INTEREST.—Insofar as the determination on such appeal is against the provider of services or supplier, interest on the overpayment shall accrue on and after the date of the original notice of overpayment. Insofar as such determination against the provider of services or supplier is later reversed, the Secretary shall provide for repayment of the amount recouped plus interest at the same rate as would apply

under the previous sentence for the period in which the amount was recouped.

''(C) MEDICARE CONTRACTOR DEFINED.—For purposes of this subsection, the term 'medicare contractor' has the meaning given such term in section 1889(g).

''(3) LIMITATION ON USE OF EXTRAPOLATION.—A medicare contractor may not use extrapolation to determine overpayment amounts to be recovered by recoupment, offset, or otherwise unless—

''(A) there is a sustained or high level of payment error (as defined by the Secretary by regulation); or

''(B) documented educational intervention has failed to correct the payment error (as determined by the Secretary).

''(4) PROVISION OF SUPPORTING DOCUMENTATION.—In the case of a provider of services or supplier with respect to which amounts were previously overpaid, a medicare contractor may request the periodic production of records or supporting documentation for a limited sample of submitted claims to ensure that the previous practice is not continuing.

''(5) CONSENT SETTLEMENT REFORMS.—

''(A) IN GENERAL.—The Secretary may use a consent settlement (as defined in subparagraph (D)) to settle a projected overpayment.

''(B) OPPORTUNITY TO SUBMIT ADDITIONAL INFORMATION BEFORE CONSENT SETTLEMENT OFFER.—Before offering a provider of services or supplier a consent settlement, the Secretary shall—

''(i) communicate to the provider of services or supplier—

''(I) that, based on a review of the medical records requested by the Secretary, a preliminary evaluation of those records indicates that there would be an overpayment;

''(II) the nature of the problems identified in such evaluation; and

''(III) the steps that the provider of services or supplier should take to address the problems; and

''(ii) provide for a 45-day period during which the provider of services or supplier may furnish additional information concerning the medical records for the claims that had been reviewed.

''(C) CONSENT SETTLEMENT OFFER.—The Secretary shall review any additional information furnished by the provider of services or supplier under subparagraph (B)(ii). Taking into consideration such information, the Secretary shall determine if there still appears to be an overpayment. If so, the Secretary—

''(i) shall provide notice of such determination to the provider of services or supplier, including an explanation of the reason for such determination; and

''(ii) in order to resolve the overpayment, may offer the provider of services or supplier—

''(I) the opportunity for a statistically valid random sample; or

''(II) a consent settlement.

The opportunity provided under clause (ii)(I) does not waive any appeal rights with respect to the alleged overpayment involved.

''(D) CONSENT SETTLEMENT DEFINED.—For purposes of this paragraph, the term 'consent settlement' means an agreement between the Secretary and a provider of services or supplier whereby both parties agree to settle a projected overpayment based on less than a statistically valid sample of claims and the provider of services or supplier agrees not to appeal the claims involved.

''(6) NOTICE OF OVER-UTILIZATION OF CODES.—The Secretary shall establish, in consultation with organizations representing the classes of providers of services and suppliers, a process under which the Secretary provides for notice to classes of providers of services and suppliers served by the contractor in cases in which the contractor has identified that particular billing codes may be overutilized by that class of providers of services or suppliers under the programs under this title (or provisions of title XI insofar as they relate to such programs).

''(7) PAYMENT AUDITS.—

''(A) WRITTEN NOTICE FOR POST-PAYMENT AUDITS.—Subject to subparagraph (C), if a medicare contractor decides to conduct a post-payment audit of a provider of services or supplier under this title, the contractor shall provide the provider of services or supplier with written notice (which may be in electronic form) of the intent to conduct such an audit.

''(B) EXPLANATION OF FINDINGS FOR ALL AUDITS.—Subject to subparagraph (C), if a medicare contractor audits a provider of services or supplier under this title, the contractor shall—

''(i) give the provider of services or supplier a full review and explanation of the findings of the audit in a manner that is understandable to the provider of services or supplier and permits the development of an appropriate corrective action plan;

''(ii) inform the provider of services or supplier of the appeal rights under this title as well as consent settlement options (which are at the discretion of the Secretary);

''(iii) give the provider of services or supplier an opportunity to provide additional information to the contractor; and

''(iv) take into account information provided, on a timely basis, by the provider of services or supplier under clause (iii).

''(C) EXCEPTION.—Subparagraphs (A) and (B) shall not apply if the provision of notice or findings would compromise pending law enforcement activities, whether civil or criminal, or reveal findings of law enforcement-related audits.

''(8) STANDARD METHODOLOGY FOR PROBE SAMPLING.—The Secretary shall establish a standard methodology for medicare contractors to use in selecting a sample of claims for review in the case of an abnormal billing pattern.''.

(b) EFFECTIVE DATES AND DEADLINES.—

(1) USE OF REPAYMENT PLANS.—Section 1893(f)(1) of the Social Security Act, as added by subsection (a), shall apply to requests for repayment plans made after the date of the enactment of this Act.

(2) LIMITATION ON RECOUPMENT.—Section 1893(f)(2) of the Social Security Act, as added by subsection (a), shall apply to actions taken after the date of the enactment of this Act.

(3) USE OF EXTRAPOLATION.—Section 1893(f)(3) of the Social Security Act, as added by subsection (a), shall apply to statistically valid random samples initiated after the date that is 1 year after the date of the enactment of this Act.

(4) PROVISION OF SUPPORTING DOCUMENTATION.—Section 1893(f)(4) of the Social Security Act, as added by subsection (a), shall take effect on the date of the enactment of this Act.

(5) CONSENT SETTLEMENT.—Section 1893(f)(5) of the Social Security Act, as added by subsection (a), shall apply to consent settlements entered into after the date of the enactment of this Act.

(6) NOTICE OF OVERUTILIZATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall first establish the process for notice of overutilization of billing codes under section 1893A(f)(6) of the Social Security Act, as added by subsection (a).

(7) PAYMENT AUDITS.—Section 1893A(f)(7) of the Social Security Act, as added by subsection (a), shall apply to audits initiated after the date of the enactment of this Act.

(8) STANDARD FOR ABNORMAL BILLING PATTERNS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall first establish a standard methodology for selection of sample claims for abnormal billing patterns under section 1893(f)(8) of the Social Security Act, as added by subsection (a).

SEC. 936. PROVIDER ENROLLMENT PROCESS; RIGHT OF APPEAL.

(a) IN GENERAL.—Section 1866 (42 U.S.C. 1395cc) is amended—

(1) by adding at the end of the heading the following: ''; ENROLLMENT PROCESSES''; and

(2) by adding at the end the following new subsection:

''(j) ENROLLMENT PROCESS FOR PROVIDERS OF SERVICES AND SUPPLIERS.—

''(1) ENROLLMENT PROCESS.—

''(A) IN GENERAL.—The Secretary shall establish by regulation a process for the enrollment of providers of services and suppliers under this title.

''(B) DEADLINES.—The Secretary shall establish by regulation procedures under which there are deadlines for actions on applications for enrollment (and, if applicable, renewal of enrollment). The Secretary shall monitor the performance of medicare administrative contractors in meeting the deadlines established under this subparagraph.

''(C) CONSULTATION BEFORE CHANGING PROVIDER ENROLLMENT FORMS.—The Secretary shall consult with providers of services and suppliers before making changes in the provider enrollment forms required of such providers and suppliers to be eligible to submit claims for which payment may be made under this title.

''(2) HEARING RIGHTS IN CASES OF DENIAL OR NON-RENEWAL.—A provider of services or supplier whose application to enroll (or, if applicable, to renew enrollment) under this title is denied may have a hearing and judicial review of such denial under the procedures that apply under subsection (h)(1)(A) to a provider of services that is dissatisfied with a determination by the Secretary.''.

(b) EFFECTIVE DATES.—

(1) ENROLLMENT PROCESS.—The Secretary shall provide for the establishment of the enrollment process under section 1866(j)(1) of the Social Security Act, as added by subsection (a)(2), within 6 months after the date of the enactment of this Act.

(2) CONSULTATION.—Section 1866(j)(1)(C) of the Social Security Act, as added by subsection (a)(2), shall apply with respect to changes in provider enrollment forms made on or after January 1, 2004.

(3) HEARING RIGHTS.—Section 1866(j)(2) of the Social Security Act, as added by subsection (a)(2), shall apply to denials occurring on or after such date (not later than 1 year after the date of the enactment of this Act) as the Secretary specifies.

SEC. 937. PROCESS FOR CORRECTION OF MINOR ERRORS AND OMISSIONS WITHOUT PURSUING APPEALS PROCESS.

(a) CLAIMS.—The Secretary shall develop, in consultation with appropriate medicare contractors (as defined in section 1889(g) of the Social Security Act, as inserted by section 301(a)(1)) and representatives of providers of services and suppliers, a process whereby, in the case of minor errors or omissions (as defined by the Secretary) that are detected in the submission of claims under the programs under title XVIII of such Act, a provider of services or supplier is given an opportunity to correct such an error or omission without the need to initiate an appeal. Such process shall include the ability to resubmit corrected claims.

(b) PERMITTING USE OF CORRECTED AND SUPPLEMENTARY DATA.—

(1) IN GENERAL.—Section 1886(d)(10)(D)(vi) (42 U.S.C. 1395ww(d)(10)(D)(vi)) is amended by adding after subclause (II) at the end the following:

''Notwithstanding subclause (I), a hospital may submit, and the Secretary may accept upon verification, data that corrects or supplements the data described in such subclause without regard to whether the corrected or supplementary data relate to a cost report that has been settled.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to fiscal years beginning with fiscal year 2004.

(3) SUBMITTAL AND RESUBMITTAL OF APPLICATIONS PERMITTED FOR FISCAL YEAR 2004.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a hospital may submit (or resubmit) an application for a change described in section 1886(d)(10)(C)(i)(II) of the Social Security Act for fiscal year 2004 if the hospital demonstrates on a timely basis to the satisfaction of the Secretary that the use of corrected or supplementary data under the amendment made by paragraph (1) would materially affect the approval of such an application.

(B) APPLICATION OF BUDGET NEUTRALITY.—If one or more hospital's applications are approved as a result of paragraph (1) and subparagraph (A) for fiscal year 2004, the Secretary shall make a proportional adjustment in the standardized amounts determined under section 1886(d)(3) of the Social Security Act (42 U.S.C. 1395ww(d)(3)) for fiscal year 2004 to assure that approval of such applications does not result in aggregate payments under section 1886(d) of such Act that are greater or less than those that would otherwise be made if paragraph (1) and subparagraph (A) did not apply.

SEC. 938. PRIOR DETERMINATION PROCESS FOR CERTAIN ITEMS AND SERVICES; ADVANCE BENEFICIARY NOTICES.

(a) IN GENERAL.—Section 1869 (42 U.S.C. 1395ff(b)), as amended by sections 521 and 522 of BIPA and section 933(d)(2)(B), is further amended by adding at the end the following new subsection:

''(h) PRIOR DETERMINATION PROCESS FOR CERTAIN ITEMS AND SERVICES.—

''(1) ESTABLISHMENT OF PROCESS.—

''(A) IN GENERAL.—With respect to a medicare administrative contractor that has a contract under section 1874A that provides for making payments under this title with respect to eligible items and services described in subparagraph (C), the Secretary shall establish a prior determination process that meets the requirements of this subsection and that shall be applied by such contractor in the case of eligible requesters.

''(B) ELIGIBLE REQUESTER.—For purposes of this subsection, each of the following shall be an eligible requester:

''(i) A physician, but only with respect to eligible items and services for which the physician may be paid directly.

''(ii) An individual entitled to benefits under this title, but only with respect to an item or service for which the individual receives, from the physician who may be paid directly for the item or service, an advance beneficiary notice under section 1879(a) that payment may not be made (or may no longer be made) for the item or service under this title.

''(C) ELIGIBLE ITEMS AND SERVICES.—For purposes of this subsection and subject to paragraph (2), eligible items and services are items and services which are physicians' services (as defined in paragraph (4)(A) of section 1848(f) for purposes of calculating the sustainable growth rate under such section).

''(2) SECRETARIAL FLEXIBILITY.—The Secretary shall establish by regulation reasonable limits on the categories of eligible items and services for which a prior determination of coverage may be requested under this subsection. In establishing such limits, the Secretary may consider the dollar amount involved with respect to the item or service, administrative costs and burdens, and other relevant factors.

''(3) REQUEST FOR PRIOR DETERMINATION.—

''(A) IN GENERAL.—Subject to paragraph (2), under the process established under this subsection an eligible requester may submit to the contractor a request for a determination, before the furnishing of an eligible item or service involved as to whether the item or service is covered under this title consistent with the applicable requirements of section 1862(a)(1)(A) (relating to medical necessity).

''(B) ACCOMPANYING DOCUMENTATION.—The Secretary may require that the request be accompanied by a description of the item or service, supporting documentation relating to the medical necessity for the item or service, and any other appropriate documentation. In the case of a request submitted by an eligible requester who is described in paragraph (1)(B)(ii), the Secretary may require that the request also be accompanied by a copy of the advance beneficiary notice involved.

''(4) RESPONSE TO REQUEST.—

''(A) IN GENERAL.—Under such process, the contractor shall provide the eligible requester with written notice of a determination as to whether—

''(i) the item or service is so covered;

''(ii) the item or service is not so covered; or

''(iii) the contractor lacks sufficient information to make a coverage determination.

If the contractor makes the determination described in clause (iii), the contractor shall include in the notice a description of the additional information required to make the coverage determination.

''(B) DEADLINE TO RESPOND.—Such notice shall be provided within the same time period as the time period applicable to the contractor providing notice of initial determinations on a claim for benefits under subsection (a)(2)(A).

''(C) INFORMING BENEFICIARY IN CASE OF PHYSICIAN REQUEST.—In the case of a request in which an eligible requester is not the individual described in paragraph (1)(B)(ii), the process shall provide that the individual to whom the item or service is proposed to be furnished shall be informed of any determination described in clause (ii) (relating to a determination of non-coverage) and the right (referred to in paragraph (6)(B)) to obtain the item or service and have a claim submitted for the item or service.

''(5) EFFECT OF DETERMINATIONS.—

''(A) BINDING NATURE OF POSITIVE DETERMINATION.—If the contractor makes the determination described in paragraph (4)(A)(i), such determination shall be binding on the contractor in the absence of fraud or evidence of misrepresentation of facts presented to the contractor.

''(B) NOTICE AND RIGHT TO REDETERMINATION IN CASE OF A DENIAL.—

''(i) IN GENERAL.—If the contractor makes the determination described in paragraph (4)(A)(ii)—

''(I) the eligible requester has the right to a redetermination by the contractor on the determination that the item or service is not so covered; and

''(II) the contractor shall include in notice under paragraph (4)(A) a brief explanation of the basis for the determination, including on what national or local coverage or noncoverage determination (if any) the determination is based, and the right to such a redetermination.

''(ii) DEADLINE FOR REDETERMINATIONS.—The contractor shall complete and provide notice of such redetermination within the same time period as the time period applicable to the contractor providing notice of redeterminations relating to a claim for benefits under subsection (a)(3)(C)(ii).

''(6) LIMITATION ON FURTHER REVIEW.—

''(A) IN GENERAL.—Contractor determinations described in paragraph (4)(A)(ii) or (4)(A)(iii) (and redeterminations made under paragraph (5)(B)), relating to pre-service claims are not subject to further administrative appeal or judicial review under this section or otherwise.

''(B) DECISION NOT TO SEEK PRIOR DETERMINATION OR NEGATIVE DETERMINATION DOES NOT IMPACT RIGHT TO OBTAIN SERVICES, SEEK REIMBURSEMENT, OR APPEAL RIGHTS.—Nothing in this subsection shall be construed as affecting the right of an individual who—

''(i) decides not to seek a prior determination under this subsection with respect to items or services; or

''(ii) seeks such a determination and has received a determination described in paragraph (4)(A)(ii),

from receiving (and submitting a claim for) such items services and from obtaining administrative or judicial review respecting such claim under the other applicable provisions of this section. Failure to seek a prior determination under this subsection with respect to items and services shall not be taken into account in such administrative or judicial review.

''(C) NO PRIOR DETERMINATION AFTER RECEIPT OF SERVICES.—Once an individual is provided items and services, there shall be no prior determination under this subsection with respect to such items or services.''.

(b) EFFECTIVE DATE; TRANSITION.—

(1) EFFECTIVE DATE.—The Secretary shall establish the prior determination process under the amendment made by subsection (a) in such a manner as to provide for the acceptance of requests for determinations under such process filed not later than 18 months after the date of the enactment of this Act.

(2) TRANSITION.—During the period in which the amendment made by subsection (a) has become effective but contracts are not provided under section 1874A of the Social Security Act with medicare administrative contractors, any reference in section 1869(g) of such Act (as added by such amendment) to such a contractor is deemed a reference to a fiscal intermediary or carrier with an agreement under section 1816, or contract under section 1842, respectively, of such Act.

(3) LIMITATION ON APPLICATION TO SGR.—For purposes of applying section 1848(f)(2)(D) of the Social Security Act (42 U.S.C. 1395w–4(f)(2)(D)), the amendment made by subsection (a) shall not be considered to be a change in law or regulation.

(c) PROVISIONS RELATING TO ADVANCE BENEFICIARY NOTICES; REPORT ON PRIOR DETERMINATION PROCESS.—

(1) DATA COLLECTION.—The Secretary shall establish a process for the collection of information on the instances in which an advance beneficiary notice (as defined in paragraph (5)) has been provided and on instances in which a beneficiary indicates on such a notice that the beneficiary does not intend to seek to have the item or service that is the subject of the notice furnished.

(2) OUTREACH AND EDUCATION.—The Secretary shall establish a program of outreach and education for beneficiaries and providers of services and other persons on the appropriate use of advance beneficiary notices and coverage policies under the medicare program.

(3) GAO REPORT REPORT ON USE OF ADVANCE BENEFICIARY NOTICES.—Not later than 18 months after the date on which section 1869(g) of the Social Security Act (as added by subsection (a)) takes effect, the Comptroller General of the United States shall submit to Congress a report on the use of advance beneficiary notices under title XVIII

of such Act. Such report shall include information concerning the providers of services and other persons that have provided such notices and the response of beneficiaries to such notices.

(4) GAO REPORT ON USE OF PRIOR DETERMINATION PROCESS.—Not later than 18 months after the date on which section 1869(g) of the Social Security Act (as added by subsection (a)) takes effect, the Comptroller General of the United States shall submit to Congress a report on the use of the prior determination process under such section. Such report shall include—

(A) information concerning the types of procedures for which a prior determination has been sought, determinations made under the process, and changes in receipt of services resulting from the application of such process; and

(B) an evaluation of whether the process was useful for physicians (and other suppliers) and beneficiaries, whether it was timely, and whether the amount of information required was burdensome to physicians and beneficiaries.

(5) ADVANCE BENEFICIARY NOTICE DEFINED.—In this subsection, the term ''advance beneficiary notice'' means a written notice provided under section 1879(a) of the Social Security Act (42 U.S.C. 1395pp(a)) to an individual entitled to benefits under part A or B of title XVIII of such Act before items or services are furnished under such part in cases where a provider of services or other person that would furnish the item or service believes that payment will not be made for some or all of such items or services under such title.

Subtitle V—Miscellaneous Provisions

SEC. 941. POLICY DEVELOPMENT REGARDING EVALUATION AND MANAGEMENT (E & M) DOCUMENTATION GUIDELINES.

(a) IN GENERAL.—The Secretary may not implement any new documentation guidelines for, or clinical examples of, evaluation and management physician services under the title XVIII of the Social Security Act on or after the date of the enactment of this Act unless the Secretary—

(1) has developed the guidelines in collaboration with practicing physicians (including both generalists and specialists) and provided for an assessment of the proposed guidelines by the physician community;

(2) has established a plan that contains specific goals, including a schedule, for improving the use of such guidelines;

(3) has conducted appropriate and representative pilot projects under subsection (b) to test modifications to the evaluation and management documentation guidelines;

(4) finds that the objectives described in subsection (c) will be met in the implementation of such guidelines; and

(5) has established, and is implementing, a program to educate physicians on the use of such guidelines and that includes appropriate outreach.

The Secretary shall make changes to the manner in which existing evaluation and management documentation guidelines are implemented to reduce paperwork burdens on physicians.

(b) PILOT PROJECTS TO TEST EVALUATION AND MANAGEMENT DOCUMENTATION GUIDELINES.—

(1) IN GENERAL.—The Secretary shall conduct under this subsection appropriate and representative pilot projects to test new evaluation and management documentation guidelines referred to in subsection (a).

(2) LENGTH AND CONSULTATION.—Each pilot project under this subsection shall—

(A) be voluntary;

(B) be of sufficient length as determined by the Secretary to allow for preparatory physician and medicare contractor education, analysis, and use and assessment of potential evaluation and management guidelines; and

(C) be conducted, in development and throughout the planning and operational stages of the project, in consultation with practicing physicians (including both generalists and specialists).

(3) RANGE OF PILOT PROJECTS.—Of the pilot projects conducted under this subsection—

(A) at least one shall focus on a peer review method by physicians (not employed by a medicare contractor) which evaluates medical record information for claims submitted by physicians identified as statistical outliers relative to definitions published in the Current Procedures Terminology (CPT) code book of the American Medical Association;

(B) at least one shall focus on an alternative method to detailed guidelines based on physician documentation of face to face encounter time with a patient;

(C) at least one shall be conducted for services furnished in a rural area and at least one for services furnished outside such an area; and

(D) at least one shall be conducted in a setting where physicians bill under physicians' services in teaching settings and at least one shall be conducted in a setting other than a teaching setting.

(4) BANNING OF TARGETING OF PILOT PROJECT PARTICIPANTS.—Data collected under this subsection shall not be used as the basis for overpayment demands or post-payment audits. Such limitation applies only to claims filed as part of the pilot project and lasts only for the duration of the pilot project and only as long as the provider is a participant in the pilot project.

(5) STUDY OF IMPACT.—Each pilot project shall examine the effect of the new evaluation and management documentation guidelines on—

(A) different types of physician practices, including those with fewer than 10 full-time-equivalent employees (including physicians); and

(B) the costs of physician compliance, including education, implementation, auditing, and monitoring.

(6) PERIODIC REPORTS.—The Secretary shall submit to Congress periodic reports on the pilot projects under this subsection.

(c) OBJECTIVES FOR EVALUATION AND MANAGEMENT GUIDELINES.—The objectives for modified evaluation and management documentation guidelines developed by the Secretary shall be to—

(1) identify clinically relevant documentation needed to code accurately and assess coding levels accurately;

(2) decrease the level of non-clinically pertinent and burdensome documentation time and content in the physician's medical record;

(3) increase accuracy by reviewers; and

(4) educate both physicians and reviewers.

(d) STUDY OF SIMPLER, ALTERNATIVE SYSTEMS OF DOCUMENTATION FOR PHYSICIAN CLAIMS.—

(1) STUDY.—The Secretary shall carry out a study of the matters described in paragraph (2).

(2) MATTERS DESCRIBED.—The matters referred to in paragraph (1) are—

(A) the development of a simpler, alternative system of requirements for documentation accompanying claims for evaluation and management physician services for which payment is made under title XVIII of the Social Security Act; and

(B) consideration of systems other than current coding and documentation requirements for payment for such physician services.

(3) CONSULTATION WITH PRACTICING PHYSICIANS.—In designing and carrying out the study under paragraph (1), the Secretary shall consult with practicing physicians, including physicians who are part of group practices and including both generalists and specialists.

(4) APPLICATION OF HIPAA UNIFORM CODING REQUIREMENTS.—In developing an alternative system under paragraph (2), the Secretary shall consider requirements of administrative simplification under part C of title XI of the Social Security Act.

(5) REPORT TO CONGRESS.—(A) Not later than October 1, 2005, the Secretary shall submit to Congress a report on the results of the study conducted under paragraph (1).

(B) The Medicare Payment Advisory Commission shall conduct an analysis of the results of the study included in the report under subparagraph (A) and shall submit a report on such analysis to Congress.

(e) STUDY ON APPROPRIATE CODING OF CERTAIN EXTENDED OFFICE VISITS.—The Secretary shall conduct a study of the appropriateness of coding in cases of extended office visits in which there is no diagnosis made. Not later than October 1, 2005, the Secretary shall submit a report to Congress on such study and shall include recommendations on how to code appropriately for such visits in a manner that takes into account the amount of time the physician spent with the patient.

(f) DEFINITIONS.—In this section—

(1) the term ''rural area'' has the meaning given that term in section 1886(d)(2)(D) of the Social Security Act, 42 U.S.C. 1395ww(d)(2)(D); and

(2) the term ''teaching settings'' are those settings described in section 415.150 of title 42, Code of Federal Regulations.

SEC. 942. IMPROVEMENT IN OVERSIGHT OF TECHNOLOGY AND COVERAGE.

(a) COUNCIL FOR TECHNOLOGY AND INNOVATION.—Section 1868 (42 U.S.C. 1395ee), as amended by section 921(a), is amended by adding at the end the following new subsection:

''(c) COUNCIL FOR TECHNOLOGY AND INNOVATION.—

''(1) ESTABLISHMENT.—The Secretary shall establish a Council for Technology and Innovation within the Centers for Medicare & Medicaid Services (in this section referred to as 'CMS').

''(2) COMPOSITION.—The Council shall be composed of senior CMS staff and clinicians and shall be chaired by the Executive Coordinator for Technology and Innovation (appointed or designated under paragraph (4)).

''(3) DUTIES.—The Council shall coordinate the activities of coverage, coding, and payment processes under this title with respect to new technologies and procedures, including new drug therapies, and shall coordinate the exchange of information on new technologies between CMS and other entities that make similar decisions.

''(4) EXECUTIVE COORDINATOR FOR TECHNOLOGY AND INNOVATION.—The Secretary shall appoint (or designate) a noncareer appointee (as defined in section 3132(a)(7) of title 5, United States Code) who shall serve as the Executive Coordinator for Technology and Innovation. Such executive coordinator shall report to the Administrator of CMS, shall chair the Council, shall oversee the execution of its duties, and shall serve as a single point of contact for outside groups and entities regarding the coverage, coding, and payment processes under this title.''.

(b) METHODS FOR DETERMINING PAYMENT BASIS FOR NEW LAB TESTS.—Section 1833(h) (42 U.S.C. 1395l(h)) is amended by adding at the end the following:

''(8)(A) The Secretary shall establish by regulation procedures for determining the basis for, and amount of, payment under this subsection for any clinical diagnostic laboratory test with respect to which a new or substantially revised HCPCS code is assigned on

or after January 1, 2005 (in this paragraph referred to as 'new tests').

''(B) Determinations under subparagraph (A) shall be made only after the Secretary—

''(i) makes available to the public (through an Internet site and other appropriate mechanisms) a list that includes any such test for which establishment of a payment amount under this subsection is being considered for a year;

''(ii) on the same day such list is made available, causes to have published in the Federal Register notice of a meeting to receive comments and recommendations (and data on which recommendations are based) from the public on the appropriate basis under this subsection for establishing payment amounts for the tests on such list;

''(iii) not less than 30 days after publication of such notice convenes a meeting, that includes representatives of officials of the Centers for Medicare & Medicaid Services involved in determining payment amounts, to receive such comments and recommendations (and data on which the recommendations are based);

''(iv) taking into account the comments and recommendations (and accompanying data) received at such meeting, develops and makes available to the public (through an Internet site and other appropriate mechanisms) a list of proposed determinations with respect to the appropriate basis for establishing a payment amount under this subsection for each such code, together with an explanation of the reasons for each such determination, the data on which the determinations are based, and a request for public written comments on the proposed determination; and

''(v) taking into account the comments received during the public comment period, develops and makes available to the public (through an Internet site and other appropriate mechanisms) a list of final determinations of the payment amounts for such tests under this subsection, together with the rationale for each such determination, the data on which the determinations are based, and responses to comments and suggestions received from the public.

''(C) Under the procedures established pursuant to subparagraph (A), the Secretary shall—

''(i) set forth the criteria for making determinations under subparagraph (A); and

''(ii) make available to the public the data (other than proprietary data) considered in making such determinations.

''(D) The Secretary may convene such further public meetings to receive public comments on payment amounts for new tests under this subsection as the Secretary deems appropriate.

''(E) For purposes of this paragraph:

''(i) The term 'HCPCS' refers to the Health Care Procedure Coding System.

''(ii) A code shall be considered to be 'substantially revised' if there is a substantive change to the definition of the test or procedure to which the code applies (such as a new analyte or a new methodology for measuring an existing analyte-specific test).''.

(c) GAO STUDY ON IMPROVEMENTS IN EXTERNAL DATA COLLECTION FOR USE IN THE MEDICARE INPATIENT PAYMENT SYSTEM.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that analyzes which external data can be collected in a shorter time frame by the Centers for Medicare & Medicaid Services for use in computing payments for inpatient hospital services. The study may include an evaluation of the feasibility and appropriateness of using of quarterly samples or special surveys or any other methods. The study shall include an analysis of whether other executive agencies, such as the Bureau of Labor Statistics in the Department of Commerce, are best suited to collect this information.

(2) REPORT.—By not later than October 1, 2004, the Comptroller General shall submit a report to Congress on the study under paragraph (1).

(d) PROCESS FOR ADOPTION OF ICD CODES AS DATA STANDARD.—Section 1172(f) (42 U.S.C. 1320d–1(f)) is amended by inserting after the first sentence the following: ''Notwithstanding the preceding sentence, if the National Committee on Vital and Health Statistics has not made a recommendation to the Secretary before the date of the enactment of this sentence, with respect to the adoption of the International Classification of Diseases, 10th Revision, Procedure Coding System ('ICD–10–PCS') and the International Classification of Diseases, 10th Revision, Clinical Modification ('ICD–10–CM') as a standard under this part for the reporting of diagnoses, the Secretary may implement ICD-10-PCS only with respect to inpatient services as such a standard.''.

SEC. 943. TREATMENT OF HOSPITALS FOR CERTAIN SERVICES UNDER MEDICARE SECONDARY PAYOR (MSP) PROVISIONS.

(a) IN GENERAL.—The Secretary shall not require a hospital (including a critical access hospital) to ask questions (or obtain information) relating to the application of section 1862(b) of the Social Security Act (relating to medicare secondary payor provisions) in the case of reference laboratory services described in subsection (b), if the Secretary does not impose such requirement in the case of such services furnished by an independent laboratory.

(b) REFERENCE LABORATORY SERVICES DESCRIBED.—Reference laboratory services described in this subsection are clinical laboratory diagnostic tests (or the interpretation of such tests, or both) furnished without a face-to-face encounter between the individual entitled to benefits under part A or enrolled under part B, or both, and the hospital involved and in which the hospital submits a claim only for such test or interpretation.

SEC. 944. EMTALA IMPROVEMENTS.

(a) PAYMENT FOR EMTALA-MANDATED SCREENING AND STABILIZATION SERVICES.—

(1) IN GENERAL.—Section 1862 (42 U.S.C. 1395y) is amended by inserting after subsection (c) the following new subsection:

''(d) For purposes of subsection (a)(1)(A), in the case of any item or service that is required to be provided pursuant to section 1867 to an individual who is entitled to benefits under this title, determinations as to whether the item or service is reasonable and necessary shall be made on the basis of the information available to the treating physician or practitioner (including the patient's presenting symptoms or complaint) at the time the item or service was ordered or furnished by the physician or practitioner (and not on the patient's principal diagnosis). When making such determinations with respect to such an item or service, the Secretary shall not consider the frequency with which the item or service was provided to the patient before or after the time of the admission or visit.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items and services furnished on or after January 1, 2004.

(b) NOTIFICATION OF PROVIDERS WHEN EMTALA INVESTIGATION CLOSED.—Section 1867(d) (42 U.S.C. 42 U.S.C. 1395dd(d)) is amended by adding at the end the following new paragraph:

''(4) NOTICE UPON CLOSING AN INVESTIGATION.—The Secretary shall establish a procedure to notify hospitals and physicians when an investigation under this section is closed.''.

(c) PRIOR REVIEW BY PEER REVIEW ORGANIZATIONS IN EMTALA CASES INVOLVING TERMINATION OF PARTICIPATION.—

(1) IN GENERAL.—Section 1867(d)(3) (42 U.S.C. 1395dd(d)(3)) is amended—

(A) in the first sentence, by inserting ''or in terminating a hospital's participation under this title'' after ''in imposing sanctions under paragraph (1)''; and

(B) by adding at the end the following new sentences: ''Except in the case in which a delay would jeopardize the health or safety of individuals, the Secretary shall also request such a review before making a compliance determination as part of the process of terminating a hospital's participation under this title for violations related to the appropriateness of a medical screening examination, stabilizing treatment, or an appropriate transfer as required by this section, and shall provide a period of 5 days for such review. The Secretary shall provide a copy of the organization's report to the hospital or physician consistent with confidentiality requirements imposed on the organization under such part B.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to terminations of participation initiated on or after the date of the enactment of this Act.

SEC. 945. EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (EMTALA) TECHNICAL ADVISORY GROUP.

(a) ESTABLISHMENT.—The Secretary shall establish a Technical Advisory Group (in this section referred to as the ''Advisory Group'') to review issues related to the Emergency Medical Treatment and Labor Act (EMTALA) and its implementation. In this section, the term ''EMTALA'' refers to the provisions of section 1867 of the Social Security Act (42 U.S.C. 1395dd).

(b) MEMBERSHIP.—The Advisory Group shall be composed of 19 members, including the Administrator of the Centers for Medicare & Medicaid Services and the Inspector General of the Department of Health and Human Services and of which—

(1) 4 shall be representatives of hospitals, including at least one public hospital, that have experience with the application of EMTALA and at least 2 of which have not been cited for EMTALA violations;

(2) 7 shall be practicing physicians drawn from the fields of emergency medicine, cardiology or cardiothoracic surgery, orthopedic surgery, neurosurgery, pediatrics or a pediatric subspecialty, obstetrics-gynecology, and psychiatry, with not more than one physician from any particular field;

(3) 2 shall represent patients;

(4) 2 shall be staff involved in EMTALA investigations from different regional offices of the Centers for Medicare & Medicaid Services; and

(5) 1 shall be from a State survey office involved in EMTALA investigations and 1 shall be from a peer review organization, both of whom shall be from areas other than the regions represented under paragraph (4).

In selecting members described in paragraphs (1) through (3), the Secretary shall consider qualified individuals nominated by organizations representing providers and patients.

(c) GENERAL RESPONSIBILITIES.—The Advisory Group—

(1) shall review EMTALA regulations;

(2) may provide advice and recommendations to the Secretary with respect to those regulations and their application to hospitals and physicians;

(3) shall solicit comments and recommendations from hospitals, physicians, and the public regarding the implementation of such regulations; and

(4) may disseminate information on the application of such regulations to hospitals, physicians, and the public.

(d) ADMINISTRATIVE MATTERS.—

(1) CHAIRPERSON.—The members of the Advisory Group shall elect a member to serve as chairperson of the Advisory Group for the life of the Advisory Group.

(2) MEETINGS.—The Advisory Group shall first meet at the direction of the Secretary. The Advisory Group shall then meet twice per year and at such other times as the Advisory Group may provide.

(e) TERMINATION.—The Advisory Group shall terminate 30 months after the date of its first meeting.

(f) WAIVER OF ADMINISTRATIVE LIMITATION.—The Secretary shall establish the Advisory Group notwithstanding any limitation that may apply to the number of advisory committees that may be established (within the Department of Health and Human Services or otherwise).

SEC. 946. AUTHORIZING USE OF ARRANGEMENTS TO PROVIDE CORE HOSPICE SERVICES IN CERTAIN CIRCUMSTANCES.

(a) IN GENERAL.—Section 1861(dd)(5) (42 U.S.C. 1395x(dd)(5)) is amended by adding at the end the following:

''(D) In extraordinary, exigent, or other non-routine circumstances, such as unanticipated periods of high patient loads, staffing shortages due to illness or other events, or temporary travel of a patient outside a hospice program's service area, a hospice program may enter into arrangements with another hospice program for the provision by that other program of services described in paragraph (2)(A)(ii)(I). The provisions of paragraph (2)(A)(ii)(II) shall apply with respect to the services provided under such arrangements.

''(E) A hospice program may provide services described in paragraph (1)(A) other than directly by the program if the services are highly specialized services of a registered professional nurse and are provided non-routinely and so infrequently so that the provision of such services directly would be impracticable and prohibitively expensive.''.

(b) CONFORMING PAYMENT PROVISION.—Section 1814(i) (42 U.S.C. 1395f(i)) is amended by adding at the end the following new paragraph:

''(4) In the case of hospice care provided by a hospice program under arrangements under section 1861(dd)(5)(D) made by another hospice program, the hospice program that made the arrangements shall bill and be paid for the hospice care.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to hospice care provided on or after the date of the enactment of this Act.

SEC. 947. APPLICATION OF OSHA BLOODBORNE PATHOGENS STANDARD TO CERTAIN HOSPITALS.

(a) IN GENERAL.—Section 1866 (42 U.S.C. 1395cc) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (R), by striking ''and'' at the end;

(B) in subparagraph (S), by striking the period at the end and inserting '', and''; and

(C) by inserting after subparagraph (S) the following new subparagraph:

''(T) in the case of hospitals that are not otherwise subject to the Occupational Safety and Health Act of 1970, to comply with the Bloodborne Pathogens standard under section 1910.1030 of title 29 of the Code of Federal Regulations (or as subsequently redesignated).''; and

(2) by adding at the end of subsection (b) the following new paragraph:

''(4)(A) A hospital that fails to comply with the requirement of subsection (a)(1)(T) (relating to the Bloodborne Pathogens standard) is subject to a civil money penalty in an amount described in subparagraph (B), but is not subject to termination of an agreement under this section.

''(B) The amount referred to in subparagraph (A) is an amount that is similar to the amount of civil penalties that may be imposed under section 17 of the Occupational Safety and Health Act of 1970 for a violation of the Bloodborne Pathogens standard referred to in subsection (a)(1)(T) by a hospital that is subject to the provisions of such Act.

''(C) A civil money penalty under this paragraph shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.''.

(b) EFFECTIVE DATE.—The amendments made by this subsection (a) shall apply to hospitals as of July 1, 2004.

SEC. 948. BIPA-RELATED TECHNICAL AMENDMENTS AND CORRECTIONS.

(a) TECHNICAL AMENDMENTS RELATING TO ADVISORY COMMITTEE UNDER BIPA SECTION 522.—(1) Subsection (i) of section 1114 (42 U.S.C. 1314)—

(A) is transferred to section 1862 and added at the end of such section; and

(B) is redesignated as subsection (j).

(2) Section 1862 (42 U.S.C. 1395y) is amended—

(A) in the last sentence of subsection (a), by striking ''established under section 1114(f)''; and

(B) in subsection (j), as so transferred and redesignated—

(i) by striking ''under subsection (f)''; and

(ii) by striking ''section 1862(a)(1)'' and inserting ''subsection (a)(1)''.

(b) TERMINOLOGY CORRECTIONS.—(1) Section 1869(c)(3)(I)(ii) (42 U.S.C. 1395ff(c)(3)(I)(ii)), as amended by section 521 of BIPA, is amended—

(A) in subclause (III), by striking ''policy'' and inserting ''determination''; and

(B) in subclause (IV), by striking ''medical review policies'' and inserting ''coverage determinations''.

(2) Section 1852(a)(2)(C) (42 U.S.C. 1395w–22(a)(2)(C)) is amended by striking ''policy'' and ''POLICY'' and inserting ''determination'' each place it appears and ''DETERMINATION'', respectively.

(c) REFERENCE CORRECTIONS.—Section 1869(f)(4) (42 U.S.C. 1395ff(f)(4)), as added by section 522 of BIPA, is amended—

(1) in subparagraph (A)(iv), by striking ''subclause (I), (II), or (III)'' and inserting ''clause (i), (ii), or (iii)'';

(2) in subparagraph (B), by striking ''clause (i)(IV)'' and ''clause (i)(III)'' and inserting ''subparagraph (A)(iv)'' and ''subparagraph (A)(iii)'', respectively; and

(3) in subparagraph (C), by striking ''clause (i)'', ''subclause (IV)'' and ''subparagraph (A)'' and inserting ''subparagraph (A)'', ''clause (iv)'' and ''paragraph (1)(A)'', respectively each place it appears.

(d) OTHER CORRECTIONS.—Effective as if included in the enactment of section 521(c) of BIPA, section 1154(e) (42 U.S.C. 1320c–3(e)) is amended by striking paragraph (5).

(e) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall be effective as if included in the enactment of BIPA.

SEC. 949. CONFORMING AUTHORITY TO WAIVE A PROGRAM EXCLUSION.

The first sentence of section 1128(c)(3)(B) (42 U.S.C. 1320a–7(c)(3)(B)) is amended to read as follows: ''Subject to subparagraph (G), in the case of an exclusion under subsection (a), the minimum period of exclusion shall be not less than five years, except that, upon the request of the administrator of a Federal health care program (as defined in section 1128B(f)) who determines that the exclusion would impose a hardship on individuals entitled to benefits under part A of title XVIII or enrolled under part B of such title, or both, the Secretary may waive the exclusion under subsection (a)(1), (a)(3), or (a)(4) with respect to that program in the case of an individual or entity that is the sole community physician or sole source of essential specialized services in a community.''.

SEC. 950. TREATMENT OF CERTAIN DENTAL CLAIMS.

(a) IN GENERAL.—Section 1862 (42 U.S.C. 1395y) is amended by adding after subsection (g) the following new subsection:

''(h)(1) Subject to paragraph (2), a group health plan (as defined in subsection (a)(1)(A)(v)) providing supplemental or secondary coverage to individuals also entitled to services under this title shall not require a medicare claims determination under this title for dental benefits specifically excluded under subsection (a)(12) as a condition of making a claims determination for such benefits under the group health plan.

''(2) A group health plan may require a claims determination under this title in cases involving or appearing to involve inpatient dental hospital services or dental services expressly covered under this title pursuant to actions taken by the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 60 days after the date of the enactment of this Act.

SEC. 951. FURNISHING HOSPITALS WITH INFORMATION TO COMPUTE DSH FORMULA.

Beginning not later than 1 year after the date of the enactment of this Act, the Secretary shall furnish to subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act, 42 U.S.C. 1395ww(d)(1)(B)) the data necessary for such hospitals to compute the number of patient days described in subclause (II) of section 1886(d)(5)(F)(vi) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(vi)) used in computing the disproportionate patient percentage under such section for that hospital. Such data shall also be furnished to other hospitals which would qualify for additional payments under part A of title XVIII of the Social Security Act on the basis of such data.

SEC. 952. REVISIONS TO REASSIGNMENT PROVISIONS.

(a) IN GENERAL.—Section 1842(b)(6)(A) (42 U.S.C. 1395u(b)(6)(A)) is amended by striking ''or (ii) (where the service was provided in a hospital, critical access hospital, clinic, or other facility) to the facility in which the service was provided if there is a contractual arrangement between such physician or other person and such facility under which such facility submits the bill for such service,'' and inserting ''or (ii) where the service was provided under a contractual arrangement between such physician or other person and an entity (as defined by the Secretary), to the entity if, under the contractual arrangement, the entity submits the bill for the service and the contractual arrangement meets such other program integrity and other safeguards as the Secretary may determine to be appropriate,''.

(b) CONFORMING AMENDMENT.—The second sentence of section 1842(b)(6) (42 U.S.C. 1395u(b)(6)) is amended by striking ''except to an employer or facility'' and inserting ''except to an employer, entity, or other person''.

(c) EFFECTIVE DATE.—The amendments made by section shall apply to payments made on or after the date of the enactment of this Act.

SEC. 953. OTHER PROVISIONS.

(a) GAO REPORTS ON THE PHYSICIAN COMPENSATION.—

(1) SUSTAINABLE GROWTH RATE AND UPDATES.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the appropriateness of the updates in the conversion

factor under subsection (d)(3) of section 1848 of the Social Security Act (42 U.S.C. 1395w–4), including the appropriateness of the sustainable growth rate formula under subsection (f) of such section for 2002 and succeeding years. Such report shall examine the stability and predictability of such updates and rate and alternatives for the use of such rate in the updates.

(2) PHYSICIAN COMPENSATION GENERALLY.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on all aspects of physician compensation for services furnished under title XVIII of the Social Security Act, and how those aspects interact and the effect on appropriate compensation for physician services. Such report shall review alternatives for the physician fee schedule under section 1848 of such title (42 U.S.C. 1395w–4).

(b) ANNUAL PUBLICATION OF LIST OF NATIONAL COVERAGE DETERMINATIONS.—The Secretary shall provide, in an appropriate annual publication available to the public, a list of national coverage determinations made under title XVIII of the Social Security Act in the previous year and information on how to get more information with respect to such determinations.

(c) GAO REPORT ON FLEXIBILITY IN APPLYING HOME HEALTH CONDITIONS OF PARTICIPATION TO PATIENTS WHO ARE NOT MEDICARE BENEFICIARIES.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implications if there were flexibility in the application of the medicare conditions of participation for home health agencies with respect to groups or types of patients who are not medicare beneficiaries. The report shall include an analysis of the potential impact of such flexible application on clinical operations and the recipients of such services and an analysis of methods for monitoring the quality of care provided to such recipients.

(d) OIG REPORT ON NOTICES RELATING TO USE OF HOSPITAL LIFETIME RESERVE DAYS.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Health and Human Services shall submit a report to Congress on—

(1) the extent to which hospitals provide notice to medicare beneficiaries in accordance with applicable requirements before they use the 60 lifetime reserve days described in section 1812(a)(1) of the Social Security Act (42 U.S.C. 1395d(a)(1)); and

(2) the appropriateness and feasibility of hospitals providing a notice to such beneficiaries before they completely exhaust such lifetime reserve days.

TITLE X—IMPORTATION OF PRESCRIPTION DRUGS

SEC. 1001. IMPORTATION OF PRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by striking section 804 and inserting the following:

"SEC. 804. IMPORTATION OF PRESCRIPTION DRUGS.

''(a) DEFINITIONS.—In this section:

''(1) IMPORTER.—The term 'importer' means a pharmacist or wholesaler.

''(2) PHARMACIST.—The term 'pharmacist' means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

''(3) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug subject to section 503(b), other than—

''(A) a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(B) a biological product (as defined in section 351 of the Public Health Service Act (42 U.S.C. 262));

''(C) an infused drug (including a peritoneal dialysis solution);

''(D) an intravenously injected drug; or

''(E) a drug that is inhaled during surgery.

''(4) QUALIFYING LABORATORY.—The term 'qualifying laboratory' means a laboratory in the United States that has been approved by the Secretary for the purposes of this section.

''(5) WHOLESALER.—

''(A) IN GENERAL.—The term 'wholesaler' means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A).

''(B) EXCLUSION.—The term 'wholesaler' does not include a person authorized to import drugs under section 801(d)(1).

''(b) REGULATIONS.—The Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting pharmacists and wholesalers to import prescription drugs from Canada into the United States.

''(c) LIMITATION.—The regulations under subsection (b) shall—

''(1) require that safeguards be in place to ensure that each prescription drug imported under the regulations complies with section 505 (including with respect to being safe and effective for the intended use of the prescription drug), with sections 501 and 502, and with other applicable requirements of this Act;

''(2) require that an importer of a prescription drug under the regulations comply with subsections (d)(1) and (e); and

''(3) contain any additional provisions determined by the Secretary to be appropriate as a safeguard to protect the public health or as a means to facilitate the importation of prescription drugs.

''(d) INFORMATION AND RECORDS.—

''(1) IN GENERAL.—The regulations under subsection (b) shall require an importer of a prescription drug under subsection (b) to submit to the Secretary the following information and documentation:

''(A) The name and quantity of the active ingredient of the prescription drug.

''(B) A description of the dosage form of the prescription drug.

''(C) The date on which the prescription drug is shipped.

''(D) The quantity of the prescription drug that is shipped.

''(E) The point of origin and destination of the prescription drug.

''(F) The price paid by the importer for the prescription drug.

''(G) Documentation from the foreign seller specifying—

''(i) the original source of the prescription drug; and

''(ii) the quantity of each lot of the prescription drug originally received by the seller from that source.

''(H) The lot or control number assigned to the prescription drug by the manufacturer of the prescription drug.

''(I) The name, address, telephone number, and professional license number (if any) of the importer.

''(J)(i) In the case of a prescription drug that is shipped directly from the first foreign recipient of the prescription drug from the manufacturer:

''(I) Documentation demonstrating that the prescription drug was received by the recipient from the manufacturer and subsequently shipped by the first foreign recipient to the importer.

''(II) Documentation of the quantity of each lot of the prescription drug received by the first foreign recipient demonstrating that the quantity being imported into the United States is not more than the quantity that was received by the first foreign recipient.

''(III)(aa) In the case of an initial imported shipment, documentation demonstrating that each batch of the prescription drug in the shipment was statistically sampled and tested for authenticity and degradation.

''(bb) In the case of any subsequent shipment, documentation demonstrating that a statistically valid sample of the shipment was tested for authenticity and degradation.

''(ii) In the case of a prescription drug that is not shipped directly from the first foreign recipient of the prescription drug from the manufacturer, documentation demonstrating that each batch in each shipment offered for importation into the United States was statistically sampled and tested for authenticity and degradation.

''(K) Certification from the importer or manufacturer of the prescription drug that the prescription drug—

''(i) is approved for marketing in the United States; and

''(ii) meets all labeling requirements under this Act.

''(L) Laboratory records, including complete data derived from all tests necessary to ensure that the prescription drug is in compliance with established specifications and standards.

''(M) Documentation demonstrating that the testing required by subparagraphs (J) and (L) was conducted at a qualifying laboratory.

''(N) Any other information that the Secretary determines is necessary to ensure the protection of the public health.

''(2) MAINTENANCE BY THE SECRETARY.—The Secretary shall maintain information and documentation submitted under paragraph (1) for such period of time as the Secretary determines to be necessary.

''(e) TESTING.—The regulations under subsection (b) shall require—

''(1) that testing described in subparagraphs (J) and (L) of subsection (d)(1) be conducted by the importer or by the manufacturer of the prescription drug at a qualified laboratory;

''(2) if the tests are conducted by the importer—

''(A) that information needed to—

''(i) authenticate the prescription drug being tested; and

''(ii) confirm that the labeling of the prescription drug complies with labeling requirements under this Act;

be supplied by the manufacturer of the prescription drug to the pharmacist or wholesaler; and

''(B) that the information supplied under subparagraph (A) be kept in strict confidence and used only for purposes of testing or otherwise complying with this Act; and

''(3) may include such additional provisions as the Secretary determines to be appropriate to provide for the protection of trade secrets and commercial or financial information that is privileged or confidential.

''(f) REGISTRATION OF FOREIGN SELLERS.—Any establishment within Canada engaged in the distribution of a prescription drug that is imported or offered for importation into the United States shall register with the Secretary the name and place of business of the establishment.

''(g) SUSPENSION OF IMPORTATION.—The Secretary shall require that importations of a specific prescription drug or importations by a specific importer under subsection (b) be immediately suspended on discovery of a pattern of importation of that specific prescription drug or by that specific importer of drugs that are counterfeit or in violation of any requirement under this section, until an investigation is completed and the Secretary

determines that the public is adequately protected from counterfeit and violative prescription drugs being imported under subsection (b).

''(h) APPROVED LABELING.—The manufacturer of a prescription drug shall provide an importer written authorization for the importer to use, at no cost, the approved labeling for the prescription drug.

''(i) PROHIBITION OF DISCRIMINATION.—

''(1) IN GENERAL.—It shall be unlawful for a manufacturer of a prescription drug to discriminate against, or cause any other person to discriminate against, a pharmacist or wholesaler that purchases or offers to purchase a prescription drug from the manufacturer or from any person that distributes a prescription drug manufactured by the drug manufacturer.

''(2) DISCRIMINATION.—For the purposes of paragraph (1), a manufacturer of a prescription drug shall be considered to discriminate against a pharmacist or wholesaler if the manufacturer enters into a contract for sale of a prescription drug, places a limit on supply, or employs any other measure, that has the effect of—

''(A) providing pharmacists or wholesalers access to prescription drugs on terms or conditions that are less favorable than the terms or conditions provided to a foreign purchaser (other than a charitable or humanitarian organization) of the prescription drug; or

''(B) restricting the access of pharmacists or wholesalers to a prescription drug that is permitted to be imported into the United States under this section.

''(j) CHARITABLE CONTRIBUTIONS.—Notwithstanding any other provision of this section, section 801(d)(1) continues to apply to a prescription drug that is donated or otherwise supplied at no charge by the manufacturer of the drug to a charitable or humanitarian organization (including the United Nations and affiliates) or to a government of a foreign country.

''(k) WAIVER AUTHORITY FOR IMPORTATION BY INDIVIDUALS.—

''(1) DECLARATIONS.—Congress declares that in the enforcement against individuals of the prohibition of importation of prescription drugs and devices, the Secretary should—

''(A) focus enforcement on cases in which the importation by an individual poses a significant threat to public health; and

''(B) exercise discretion to permit individuals to make such importations in circumstances in which—

''(i) the importation is clearly for personal use; and

''(ii) the prescription drug or device imported does not appear to present an unreasonable risk to the individual.

''(2) WAIVER AUTHORITY.—

''(A) IN GENERAL.—The Secretary may grant to individuals, by regulation or on a case-by-case basis, a waiver of the prohibition of importation of a prescription drug or device or class of prescription drugs or devices, under such conditions as the Secretary determines to be appropriate.

''(B) GUIDANCE ON CASE-BY-CASE WAIVERS.—The Secretary shall publish, and update as necessary, guidance that accurately describes circumstances in which the Secretary will consistently grant waivers on a case-by-case basis under subparagraph (A), so that individuals may know with the greatest practicable degree of certainty whether a particular importation for personal use will be permitted.

''(3) DRUGS IMPORTED FROM CANADA.—In particular, the Secretary shall by regulation grant individuals a waiver to permit individuals to import into the United States a prescription drug that—

''(A) is imported from a licensed pharmacy for personal use by an individual, not for resale, in quantities that do not exceed a 90-day supply;

''(B) is accompanied by a copy of a valid prescription;

''(C) is imported from Canada, from a seller registered with the Secretary;

''(D) is a prescription drug approved by the Secretary under chapter V;

''(E) is in the form of a final finished dosage that was manufactured in an establishment registered under section 510; and

''(F) is imported under such other conditions as the Secretary determines to be necessary to ensure public safety.

''(l) STUDIES; REPORTS.—

''(1) BY THE INSTITUTE OF MEDICINE OF THE NATIONAL ACADEMY OF SCIENCES.—

''(A) STUDY.—

''(i) IN GENERAL.—The Secretary shall request that the Institute of Medicine of the National Academy of Sciences conduct a study of—

''(I) importations of prescription drugs made under the regulations under subsection (b); and

''(II) information and documentation submitted under subsection (d).

''(ii) REQUIREMENTS.—In conducting the study, the Institute of Medicine shall—

''(I) evaluate the compliance of importers with the regulations under subsection (b);

''(II) compare the number of shipments under the regulations under subsection (b) during the study period that are determined to be counterfeit, misbranded, or adulterated, and compare that number with the number of shipments made during the study period within the United States that are determined to be counterfeit, misbranded, or adulterated; and

''(III) consult with the Secretary, the United States Trade Representative, and the Commissioner of Patents and Trademarks to evaluate the effect of importations under the regulations under subsection (b) on trade and patent rights under Federal law.

''(B) REPORT.—Not later than 2 years after the effective date of the regulations under subsection (b), the Institute of Medicine shall submit to Congress a report describing the findings of the study under subparagraph (A).

''(2) BY THE COMPTROLLER GENERAL.—

''(A) STUDY.—The Comptroller General of the United States shall conduct a study to determine the effect of this section on the price of prescription drugs sold to consumers at retail.

''(B) REPORT.—Not later than 18 months after the effective date of the regulations under subsection (b), the Comptroller General of the United States shall submit to Congress a report describing the findings of the study under subparagraph (A).

''(m) CONSTRUCTION.—Nothing in this section limits the authority of the Secretary relating to the importation of prescription drugs, other than with respect to section 801(d)(1) as provided in this section.

''(n) EFFECTIVENESS OF SECTION.—

''(1) IN GENERAL.—If, after the date that is 1 year after the effective date of the regulations under subsection (b) and before the date that is 18 months after the effective date, the Secretary submits to Congress a certification that, in the opinion of the Secretary, based on substantial evidence obtained after the effective date, the benefits of implementation of this section do not outweigh any detriment of implementation of this section, this section shall cease to be effective as of the date that is 30 days after the date on which the Secretary submits the certification.

''(2) PROCEDURE.—The Secretary shall not submit a certification under paragraph (1) unless, after a hearing on the record under sections 556 and 557 of title 5, United States Code, the Secretary—

''(A)(i) determines that it is more likely than not that implementation of this section would result in an increase in the risk to the public health and safety;

''(ii) identifies specifically, in qualitative and quantitative terms, the nature of the increased risk;

''(iii) identifies specifically the causes of the increased risk; and

''(iv)(I) considers whether any measures can be taken to avoid, reduce, or mitigate the increased risk; and

''(II) if the Secretary determines that any measures described in subclause (I) would require additional statutory authority, submits to Congress a report describing the legislation that would be required;

''(B) identifies specifically, in qualitative and quantitative terms, the benefits that would result from implementation of this section (including the benefit of reductions in the cost of covered products to consumers in the United States, allowing consumers to procure needed medication that consumers might not otherwise be able to procure without foregoing other necessities of life); and

''(C)(i) compares in specific terms the detriment identified under subparagraph (A) with the benefits identified under subparagraph (B); and

''(ii) determines that the benefits do not outweigh the detriment.

''(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

''(p) CONDITIONS.—This section shall become effective only if the Secretary certifies to the Congress that implementation of this section will—

''(1) pose no additional risk to the public's health and safety; and

''(2) result in a significant reduction in the cost of covered products to the American consumer.''.

(b) CONFORMING AMENDMENTS.—The Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 301(aa) (21 U.S.C. 331(aa)), by striking ''covered product in violation of section 804'' and inserting ''prescription drug in violation of section 804''; and

(2) in section 303(a)(6) (21 U.S.C. 333(a)(6), by striking ''covered product pursuant to section 804(a)'' and inserting ''prescription drug under section 804(b)''.

TITLE XI—ACCESS TO AFFORDABLE PHARMACEUTICALS

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Greater Access to Affordable Pharmaceuticals Act''.

SEC. 1102. 30-MONTH STAY-OF-EFFECTIVENESS PERIOD.

(a) ABBREVIATED NEW DRUG APPLICATIONS.—Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) NOTICE OF OPINION THAT PATENT IS INVALID OR WILL NOT BE INFRINGED.—

''(i) AGREEMENT TO GIVE NOTICE.—An applicant that makes a certification described in subparagraph (A)(vii)(IV) shall include in the application a statement that the applicant will give notice as required by this subparagraph.

''(ii) TIMING OF NOTICE.—An applicant that makes a certification described in subparagraph (A)(vii)(IV) shall give notice as required under this subparagraph—

''(I) if the certification is in the application, not later than 20 days after the date of the postmark on the notice with which the Secretary informs the applicant that the application has been filed; or

''(II) if the certification is in an amendment or supplement to the application, at the time at which the applicant submits the amendment or supplement, regardless of whether the applicant has already given notice with respect to another such certification contained in the application or in an amendment or supplement to the application.

''(iii) RECIPIENTS OF NOTICE.—An applicant required under this subparagraph to give notice shall give notice to—

''(I) each owner of the patent that is the subject of the certification (or a representative of the owner designated to receive such a notice); and

''(II) the holder of the approved application under subsection (b) for the drug that is claimed by the patent or a use of which is claimed by the patent (or a representative of the holder designated to receive such a notice).

''(iv) CONTENTS OF NOTICE.—A notice required under this subparagraph shall—

''(I) state that an application that contains data from bioavailability or bioequivalence studies has been submitted under this subsection for the drug with respect to which the certification is made to obtain approval to engage in the commercial manufacture, use, or sale of the drug before the expiration of the patent referred to in the certification; and

''(II) include a detailed statement of the factual and legal basis of the opinion of the applicant that the patent is invalid or will not be infringed.''; and

(2) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking ''under the following'' and inserting ''by applying the following to each certification made under paragraph (2)(A)(vii)''; and

(ii) in clause (iii)—

(I) in the first sentence, by striking ''unless'' and all that follows and inserting ''unless, before the expiration of 45 days after the date on which the notice described in paragraph (2)(B) is received, an action is brought for infringement of the patent that is the subject of the certification and for which information was submitted to the Secretary under subsection (b)(1) or (c)(2) before the date on which the application (excluding an amendment or supplement to the application), which the Secretary later determines to be substantially complete, was submitted.''; and

(II) in the second sentence—

(aa) by striking subclause (I) and inserting the following:

''(I) if before the expiration of such period the district court decides that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity), the approval shall be made effective on—

''(aa) the date on which the court enters judgment reflecting the decision; or

''(bb) the date of a settlement order or consent decree signed and entered by the court stating that the patent that is the subject of the certification is invalid or not infringed;'';

(bb) by striking subclause (II) and inserting the following:

''(II) if before the expiration of such period the district court decides that the patent has been infringed—

''(aa) if the judgment of the district court is appealed, the approval shall be made effective on—

''(AA) the date on which the court of appeals decides that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity); or

''(BB) the date of a settlement order or consent decree signed and entered by the court of appeals stating that the patent that is the subject of the certification is invalid or not infringed; or

''(bb) if the judgment of the district court is not appealed or is affirmed, the approval shall be made effective on the date specified by the district court in a court order under section 271(e)(4)(A) of title 35, United States Code;'';

(cc) in subclause (III), by striking ''on the date of such court decision.'' and inserting ''as provided in subclause (I); or''; and

(dd) by inserting after subclause (III) the following:

''(IV) if before the expiration of such period the court grants a preliminary injunction prohibiting the applicant from engaging in the commercial manufacture or sale of the drug until the court decides the issues of patent validity and infringement and if the court decides that such patent has been infringed, the approval shall be made effective as provided in subclause (II).'';

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively; and

(C) by inserting after subparagraph (B) the following:

''(C) CIVIL ACTION TO OBTAIN PATENT CERTAINTY.—

''(i) DECLARATORY JUDGMENT ABSENT INFRINGEMENT ACTION.—If an owner of the patent or the holder of the approved application under subsection (b) for the drug that is claimed by the patent or a use of which is claimed by the patent does not bring a civil action against the applicant for infringement of the patent on or before the date that is 45 days after the date on which the notice given under paragraph (2)(B) was received, the applicant may bring a civil action against the owner or holder (but not against any owner or holder that has brought such a civil action against that applicant, unless that civil action was dismissed without prejudice) for a declaratory judgment under section 2201 of title 28, United States Code, that the patent is invalid or will not be infringed by the drug for which the applicant seeks approval.

''(ii) COUNTERCLAIM TO INFRINGEMENT ACTION.—

''(I) IN GENERAL.—If an owner of the patent or the holder of the approved application under subsection (b) for the drug that is claimed by the patent or a use of which is claimed by the patent brings a patent infringement action against the applicant, the applicant may assert a counterclaim seeking an order requiring the holder to correct or delete the patent information submitted by the holder under subsection (b) or (c) on the ground that the patent does not claim either—

''(aa) the drug for which the application was approved; or

''(bb) an approved method of using the drug.

''(II) NO INDEPENDENT CAUSE OF ACTION.—Subclause (I) does not authorize the assertion of a claim described in subclause (I) in any civil action or proceeding other than a counterclaim described in subclause (I).

''(iii) NO DAMAGES.—An applicant shall not be entitled to damages in a civil action under subparagraph (i) or a counterclaim under subparagraph (ii).''.

(b) APPLICATIONS GENERALLY.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (b), by striking paragraph (3) and inserting the following:

''(3) NOTICE OF OPINION THAT PATENT IS INVALID OR WILL NOT BE INFRINGED.—

''(A) AGREEMENT TO GIVE NOTICE.—An applicant that makes a certification described in paragraph (2)(A)(iv) shall include in the application a statement that the applicant will give notice as required by this paragraph.

''(B) TIMING OF NOTICE.—An applicant that makes a certification described in paragraph (2)(A)(iv) shall give notice as required under this paragraph—

''(i) if the certification is in the application, not later than 20 days after the date of the postmark on the notice with which the Secretary informs the applicant that the application has been filed; or

''(ii) if the certification is in an amendment or supplement to the application, at the time at which the applicant submits the amendment or supplement, regardless of whether the applicant has already given notice with respect to another such certification contained in the application or in an amendment or supplement to the application.

''(C) RECIPIENTS OF NOTICE.—An applicant required under this paragraph to give notice shall give notice to—

''(i) each owner of the patent that is the subject of the certification (or a representative of the owner designated to receive such a notice); and

''(ii) the holder of the approved application under this subsection for the drug that is claimed by the patent or a use of which is claimed by the patent (or a representative of the holder designated to receive such a notice).

''(D) CONTENTS OF NOTICE.—A notice required under this paragraph shall—

''(i) state that an application that contains data from bioavailability or bioequivalence studies has been submitted under this subsection for the drug with respect to which the certification is made to obtain approval to engage in the commercial manufacture, use, or sale of the drug before the expiration of the patent referred to in the certification; and

''(ii) include a detailed statement of the factual and legal basis of the opinion of the applicant that the patent is invalid or will not be infringed.''; and

(2) in subsection (c)(3)—

(A) in the first sentence, by striking ''under the following'' and inserting ''by applying the following to each certification made under subsection (b)(2)(A)(iv)'';

(B) in subparagraph (C)—

(i) in the first sentence, by striking ''unless'' and all that follows and inserting ''unless, before the expiration of 45 days after the date on which the notice described in subsection (b)(3) is received, an action is brought for infringement of the patent that is the subject of the certification and for which information was submitted to the Secretary under paragraph (2) or subsection (b)(1) before the date on which the application (excluding an amendment or supplement to the application) was submitted.'';

(ii) in the second sentence—

(I) by striking ''paragraph (3)(B)'' and inserting ''subsection (b)(3)'';

(II) by striking clause (i) and inserting the following:

''(i) if before the expiration of such period the district court decides that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity), the approval shall be made effective on—

''(I) the date on which the court enters judgment reflecting the decision; or

''(II) the date of a settlement order or consent decree signed and entered by the court stating that the patent that is the subject of the certification is invalid or not infringed;'';

(III) by striking clause (ii) and inserting the following:

''(ii) if before the expiration of such period the district court decides that the patent has been infringed—

''(I) if the judgment of the district court is appealed, the approval shall be made effective on—

''(aa) the date on which the court of appeals decides that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity); or

''(bb) the date of a settlement order or consent decree signed and entered by the court of appeals stating that the patent that is the subject of the certification is invalid or not infringed; or

''(II) if the judgment of the district court is not appealed or is affirmed, the approval shall be made effective on the date specified by the district court in a court order under section 271(e)(4)(A) of title 35, United States Code;'';

(IV) in clause (iii), by striking ''on the date of such court decision.'' and inserting ''as provided in clause (i); or''; and

(V) by inserting after clause (iii), the following:

''(iv) if before the expiration of such period the court grants a preliminary injunction prohibiting the applicant from engaging in the commercial manufacture or sale of the drug until the court decides the issues of patent validity and infringement and if the court decides that such patent has been infringed, the approval shall be made effective as provided in clause (ii).''; and

(iii) in the third sentence, by striking ''paragraph (3)(B)'' and inserting ''subsection (b)(3)'';

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

''(D) CIVIL ACTION TO OBTAIN PATENT CERTAINTY.—

''(i) DECLARATORY JUDGMENT ABSENT INFRINGEMENT ACTION.—If an owner of the patent or the holder of the approved application under subsection (b) for the drug that is claimed by the patent or a use of which is claimed by the patent does not bring a civil action against the applicant for infringement of the patent on or before the date that is 45 days after the date on which the notice given under subsection (b)(3) was received, the applicant may bring a civil action against the owner or holder (but not against any owner or holder that has brought such a civil action against that applicant, unless that civil action was dismissed without prejudice) for a declaratory judgment under section 2201 of title 28, United States Code, that the patent is invalid or will not be infringed by the drug for which the applicant seeks approval.

''(ii) COUNTERCLAIM TO INFRINGEMENT ACTION.—

''(I) IN GENERAL.—If an owner of the patent or the holder of the approved application under subsection (b) for the drug that is claimed by the patent or a use of which is claimed by the patent brings a patent infringement action against the applicant, the applicant may assert a counterclaim seeking an order requiring the holder to correct or delete the patent information submitted by the holder under subsection (b) or this subsection on the ground that the patent does not claim either—

''(aa) the drug for which the application was approved; or

''(bb) an approved method of using the drug.

''(II) NO INDEPENDENT CAUSE OF ACTION.—Subclause (I) does not authorize the assertion of a claim described in subclause (I) in any civil action or proceeding other than a counterclaim described in subclause (I).

''(iii) NO DAMAGES.—An applicant shall not be entitled to damages in a civil action under clause (i) or a counterclaim under clause (ii).''.

(c) INFRINGEMENT ACTIONS.—Section 271(e) of title 35, United States Code, is amended by adding at the end the following:

''(5) The filing of an application described in paragraph (2) that includes a certification under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), and the failure of the owner of the patent to bring an action for infringement of a patent that is the subject of the certification before the expiration of 45 days after the date on which the notice given under subsection (b)(3) or (j)(2)(B) of that section is received, shall establish an actual controversy between the applicant and the patent owner sufficient to confer subject matter jurisdiction in the courts of the United States in any action brought by the applicant under section 2201 of title 28 for a declaratory judgment that any patent that is the subject of the certification is invalid or not infringed.''.

(d) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by subsections (a), (b), and (c) apply to any proceeding under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) that is pending on or after the date of enactment of this Act regardless of the date on which the proceeding was commenced or is commenced.

(2) NOTICE OF OPINION THAT PATENT IS INVALID OR WILL NOT BE INFRINGED.—The amendments made by subsections (a)(1) and (b)(1) apply with respect to any certification under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) after the date of enactment of this Act in an application filed under subsection (b)(2) or (j) of that section or in an amendment or supplement to an application filed under subsection (b)(2) or (j) of that section.

(3) EFFECTIVE DATE OF APPROVAL.—The amendments made by subsections (a)(2)(A)(ii)(I) and (b)(2)(B)(i) apply with respect to any patent information submitted under subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) made after the date of enactment of this Act.

SEC. 1103. FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.

(a) IN GENERAL.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) (as amended by section 1102) is amended—

(1) in subparagraph (B), by striking clause (iv) and inserting the following:

''(iv) 180-DAY EXCLUSIVITY PERIOD.—

''(I) DEFINITIONS.—In this paragraph:

''(aa) 180-DAY EXCLUSIVITY PERIOD.—The term '180-day exclusivity period' means the 180-day period ending on the day before the date on which an application submitted by an applicant other than a first applicant could become effective under this clause.

''(bb) FIRST APPLICANT.—The term 'first applicant' means an applicant that, on the first day on which a substantially complete application containing a certification described in paragraph (2)(A)(vii)(IV) is submitted for approval of a drug, submits a substantially complete application containing a certification described in paragraph (2)(A)(vii)(IV) for the drug.

''(cc) SUBSTANTIALLY COMPLETE APPLICATION.—The term 'substantially complete application' means an application under this subsection that on its face is sufficiently complete to permit a substantive review and contains all the information required by paragraph (2)(A).

''(dd) TENTATIVE APPROVAL.—

''(AA) IN GENERAL.—The term 'tentative approval' means notification to an applicant by the Secretary that an application under this subsection meets the requirements of paragraph (2)(A), but cannot receive effective approval because the application does not meet the requirements of this subparagraph, there is a period of exclusivity for the listed drug under subparagraph (E) or section 505A, or there is a 7-year period of exclusivity for the listed drug under section 527.

''(BB) LIMITATION.—A drug that is granted tentative approval by the Secretary is not an approved drug and shall not have an effective approval until the Secretary issues an approval after any necessary additional review of the application.

''(II) EFFECTIVENESS OF APPLICATION.—Subject to subparagraph (D), if the application contains a certification described in paragraph (2)(A)(vii)(IV) and is for a drug for which a first applicant has submitted an application containing such a certification, the application shall be made effective on the date that is 180 days after the date of the first commercial marketing of the drug (including the commercial marketing of the listed drug) by any first applicant.''; and

(2) by inserting after subparagraph (C) the following:

''(D) FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.—

''(i) DEFINITION OF FORFEITURE EVENT.—In this subparagraph, the term 'forfeiture event', with respect to an application under this subsection, means the occurrence of any of the following:

''(I) FAILURE TO MARKET.—The first applicant fails to market the drug by the later of—

''(aa) the earlier of the date that is—

''(AA) 75 days after the date on which the approval of the application of the first applicant is made effective under subparagraph (B)(iii); or

''(BB) 30 months after the date of submission of the application of the first applicant; or

''(bb) with respect to the first applicant or any other applicant (which other applicant has received tentative approval), the date that is 75 days after the date as of which, as to each of the patents with respect to which the first applicant submitted a certification qualifying the first applicant for the 180-day exclusivity period under subparagraph (B)(iv), at least 1 of the following has occurred:

''(AA) In an infringement action brought against that applicant with respect to the patent or in a declaratory judgment action brought by that applicant with respect to the patent, a court enters a final decision from which no appeal (other than a petition to the Supreme Court for a writ of certiorari) has been or can be taken that the patent is invalid or not infringed.

''(BB) In an infringement action or a declaratory judgment action described in subitem (AA), a court signs a settlement order or consent decree that enters a final judgment that includes a finding that the patent is invalid or not infringed.

''(CC) The patent expires.

''(DD) The patent is withdrawn by the holder of the application approved under subsection (b).

''(II) WITHDRAWAL OF APPLICATION.—The first applicant withdraws the application or the Secretary considers the application to have been withdrawn as a result of a determination by the Secretary that the application does not meet the requirements for approval under paragraph (4).

''(III) AMENDMENT OF CERTIFICATION.—The first applicant amends or withdraws the certification for all of the patents with respect

to which that applicant submitted a certification qualifying the applicant for the 180-day exclusivity period.

''(IV) FAILURE TO OBTAIN TENTATIVE APPROVAL.—The first applicant fails to obtain tentative approval of the application within 30 months after the date on which the application is filed, unless the failure is caused by a change in or a review of the requirements for approval of the application imposed after the date on which the application is filed.

''(V) AGREEMENT WITH ANOTHER APPLICANT, THE LISTED DRUG APPLICATION HOLDER, OR A PATENT OWNER.—The first applicant enters into an agreement with another applicant under this subsection for the drug, the holder of the application for the listed drug, or an owner of the patent that is the subject of the certification under paragraph (2)(A)(vii)(IV), the Federal Trade Commission or the Attorney General files a complaint, and there is a final decision of the Federal Trade Commission or the court with regard to the complaint from which no appeal (other than a petition to the Supreme Court for a writ of certiorari) has been or can be taken that the agreement has violated the antitrust laws (as defined in section 1 of the Clayton Act (15 U.S.C. 12), except that the term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that that section applies to unfair methods of competition).

''(VI) EXPIRATION OF ALL PATENTS.—All of the patents as to which the applicant submitted a certification qualifying it for the 180-day exclusivity period have expired.

''(ii) FORFEITURE.—The 180-day exclusivity period described in subparagraph (B)(iv) shall be forfeited by a first applicant if a forfeiture event occurs with respect to that first applicant.

''(iii) SUBSEQUENT APPLICANT.—If all first applicants forfeit the 180-day exclusivity period under clause (ii)—

''(I) approval of any application containing a certification described in paragraph (2)(A)(vii)(IV) shall be made effective in accordance with subparagraph (B)(iii); and

''(II) no applicant shall be eligible for a 180-day exclusivity period.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall be effective only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) after the date of enactment of this Act for a listed drug for which no certification under section 505(j)(2)(A)(vii)(IV) of that Act was made before the date of enactment of this Act.

(2) COLLUSIVE AGREEMENTS.—If a forfeiture event described in section 505(j)(5)(D)(i)(V) of that Act occurs in the case of an applicant, the applicant shall forfeit the 180-day period under section 505(j)(5)(B)(iv) of that Act without regard to when the first certification under section 505(j)(2)(A)(vii)(IV) of that Act for the listed drug was made.

(3) DECISION OF A COURT WHEN THE 180-DAY EXCLUSIVITY PERIOD HAS NOT BEEN TRIGGERED.—With respect to an application filed before, on, or after the date of enactment of this Act for a listed drug for which a certification under section 505(j)(2)(A)(vii)(IV) of that Act was made before the date of enactment of this Act and for which neither of the events described in subclause (I) or (II) of section 505(j)(5)(B)(iv) of that Act (as in effect on the day before the date of enactment of this Act) has occurred on or before the date of enactment of this Act, the term ''decision of a court'' as used in clause (iv) of section 505(j)(5)(B) of that Act means a final decision of a court from which no appeal (other than a petition to the Supreme Court for a writ of certiorari) has been or can be taken.

SEC. 1104. BIOAVAILABILITY AND BIOEQUIVALENCE.

(a) IN GENERAL.—Section 505(j)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(8)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A)(i) The term 'bioavailability' means the rate and extent to which the active ingredient or therapeutic ingredient is absorbed from a drug and becomes available at the site of drug action.

''(ii) For a drug that is not intended to be absorbed into the bloodstream, the Secretary may assess bioavailability by scientifically valid measurements intended to reflect the rate and extent to which the active ingredient or therapeutic ingredient becomes available at the site of drug action.''; and

(2) by adding at the end the following:

''(C) For a drug that is not intended to be absorbed into the bloodstream, the Secretary may establish alternative, scientifically valid methods to show bioequivalence if the alternative methods are expected to detect a significant difference between the drug and the listed drug in safety and therapeutic effect.''.

(b) EFFECT OF AMENDMENT.—The amendment made by subsection (a) does not alter the standards for approval of drugs under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

SEC. 1105. REMEDIES FOR INFRINGEMENT.

Section 287 of title 35, United States Code, is amended by adding at the end the following:

''(d) CONSIDERATION.—In making a determination with respect to remedy brought for infringement of a patent that claims a drug or a method or using a drug, the court shall consider whether information on the patent was filed as required under 21 U.S.C. 355 (b) or (c), and, if such information was required to be filed but was not, the court may refuse to award treble damages under section 284.''.

SEC. 1106. CONFORMING AMENDMENTS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsections (b)(1)(A)(i) and (c)(1)(A)(i), by striking ''(j)(5)(D)(ii)'' each place it appears and inserting ''(j)(5)(F)(ii)'';

(2) in subsections (b)(1)(A)(ii) and (c)(1)(A)(ii), by striking ''(j)(5)(D)'' each place it appears and inserting ''(j)(5)(F)''; and

(3) in subsections (e) and (l), by striking ''505(j)(5)(D)'' each place it appears and inserting ''505(j)(5)(F)''.

FRIDAY, JUNE 27 (LEGISLATIVE DAY OF THURSDAY, JUNE 26), 2003

After further debate,

¶72.35 CALL OF THE HOUSE

On motion of Mr. TAUZIN, a call of the House was ordered.

A quorum not being present,

By unanimous consent, a call of the House was ordered.

The call was taken by electronic device, and the following-named Members responded—

¶72.36 [Roll No. 329]

ANSWERED ''PRESENT''—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich

Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

Thereupon, the SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that 421 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

After further debate,

Pursuant to House Resolution 299, the previous question was ordered on the bill and on the amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the nays had it.

Mr. RANGEL demanded a recorded vote on agreeing to said amendment in the nature of a substitute, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 175; Nays ..... 255; Answered present 1

¶72.37 [Roll No. 330]

AYES—175

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—255

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

ANSWERED "PRESENT"—1

Baird

NOT VOTING—4

LaTourette
McInnis
Smith (WA)
Young (FL)

So the amendment in the nature of a substitute was not agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. THOMPSON of California moved to recommit the bill to the Committee on Ways and Means and on the Committee on Energy and Commerce with instructions to report the bill back to the House promptly with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO BIPA AND SECRETARY; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Prescription Drug and Medicare Improvement Act of 2003".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) BIPA; SECRETARY.—In this Act:

(1) BIPA.—The term "BIPA" means the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references to BIPA and Secretary; table of contents.

TITLE I—MEDICARE PRESCRIPTION DRUG BENEFIT

Subtitle A—Medicare Voluntary Prescription Drug Delivery Program

Sec. 101. Medicare voluntary prescription drug delivery program.

"PART D—VOLUNTARY PRESCRIPTION DRUG DELIVERY PROGRAM

"Sec. 1860D. Definitions; treatment of references to provisions in MedicareAdvantage program.

''Subpart 1—Establishment of Voluntary Prescription Drug Delivery Program
''Sec. 1860D–1. Establishment of voluntary prescription drug delivery program.
''Sec. 1860D–2. Enrollment under program.
''Sec. 1860D–3. Election of a Medicare Prescription Drug plan.
''Sec. 1860D–4. Providing information to beneficiaries.
''Sec. 1860D–5. Beneficiary protections.
''Sec. 1860D–6. Prescription drug benefits.
''Sec. 1860D–7. Requirements for entities offering Medicare Prescription Drug plans; establishment of standards.
''Subpart 2—Prescription Drug Delivery System
''Sec. 1860D–10. Establishment of service areas.
''Sec. 1860D–11. Publication of risk adjusters.
''Sec. 1860D–12. Submission of bids for proposed Medicare Prescription Drug plans.
''Sec. 1860D–13. Approval of proposed Medicare Prescription Drug plans.
''Sec. 1860D–14. Computation of monthly standard prescription drug coverage premiums.
''Sec. 1860D–15. Computation of monthly national average premium.
''Sec. 1860D–16. Payments to eligible entities.
''Sec. 1860D–17. Computation of monthly beneficiary obligation.
''Sec. 1860D–18. Collection of monthly beneficiary obligation.
''Sec. 1860D–19. Premium and cost-sharing subsidies for low-income individuals.
''Sec. 1860D–20. Reinsurance payments for expenses incurred in providing prescription drug coverage above the annual out-of-pocket threshold.
''Sec. 1860D–21. Direct subsidy for sponsor of a qualified retiree prescription drug plan for plan enrollees eligible for, but not enrolled in, this part.
''Subpart 3—Miscellaneous Provisions
''Sec. 1860D–25. Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund.
''Sec. 1860D–26. Other related provisions.
Sec. 102. Study and report on permitting part B only individuals to enroll in medicare voluntary prescription drug delivery program.
Sec. 103. Rules relating to medigap policies that provide prescription drug coverage.
Sec. 104. Medicaid and other amendments related to low-income beneficiaries.
Sec. 105. Expansion of membership and duties of Medicare Payment Advisory Commission (MedPAC).
Sec. 106. Study regarding variations in spending and drug utilization.
Subtitle B—Medicare Prescription Drug Discount Card and Transitional Assistance for Low-Income Beneficiaries
Sec. 111. Medicare prescription drug discount card and transitional assistance for low-income beneficiaries.
Subtitle C—Standards for Electronic Prescribing
Sec. 121. Standards for electronic prescribing.
TITLE II—MEDICAREADVANTAGE
Subtitle A—MedicareAdvantage Competition
Sec. 201. Eligibility, election, and enrollment.
Sec. 202. Benefits and beneficiary protections.
Sec. 203. Payments to MedicareAdvantage organizations.
Sec. 204. Submission of bids; premiums.
Sec. 205. Special rules for prescription drug benefits.
Sec. 206. Facilitating employer participation.
Sec. 207. Administration by the Center for Medicare Choices.
Sec. 208. Conforming amendments.
Sec. 209. Effective date.
Subtitle B—Preferred Provider Organizations
Sec. 211. Establishment of MedicareAdvantage preferred provider program option.
Subtitle C—Other Managed Care Reforms
Sec. 221. Extension of reasonable cost contracts.
Sec. 222. Specialized Medicare+Choice plans for special needs beneficiaries.
Sec. 223. Payment by PACE providers for medicare and medicaid services furnished by noncontract providers.
Sec. 224. Institute of Medicine evaluation and report on health care performance measures.
Sec. 225. Expanding the work of medicare quality improvement organizations to include parts C and D.
TITLE III—CENTER FOR MEDICARE CHOICES
Sec. 301. Establishment of the Center for Medicare Choices.
Sec. 302. Miscellaneous administrative provisions.
TITLE IV—MEDICARE FEE-FOR-SERVICE IMPROVEMENTS
Subtitle A—Provisions Relating to Part A
Sec. 401. Equalizing urban and rural standardized payment amounts under the medicare inpatient hospital prospective payment system.
Sec. 402. Adjustment to the medicare inpatient hospital PPS wage index to revise the labor-related share of such index.
Sec. 403. Medicare inpatient hospital payment adjustment for low-volume hospitals.
Sec. 404. Fairness in the medicare disproportionate share hospital (DSH) adjustment for rural hospitals.
Sec. 405. Critical access hospital (CAH) improvements.
Sec. 406. Authorizing use of arrangements to provide core hospice services in certain circumstances.
Sec. 407. Services provided to hospice patients by nurse practitioners, clinical nurse specialists, and physician assistants.
Sec. 408. Authority to include costs of training of psychologists in payments to hospitals under medicare.
Sec. 409. Revision of Federal rate for hospitals in Puerto Rico.
Sec. 410. Authority regarding geriatric fellowships.
Sec. 411. Clarification of congressional intent regarding the counting of residents in a nonprovider setting and a technical amendment regarding the 3-year rolling average and the IME ratio.
Sec. 412. Limitation on charges for inpatient hospital contract health services provided to Indians by medicare participating hospitals.
Sec. 413. GAO study and report on appropriateness of payments under the prospective payment system for inpatient hospital services.
Subtitle B—Provisions Relating to Part B
Sec. 421. Establishment of floor on geographic adjustments of payments for physicians' services.
Sec. 422. Medicare incentive payment program improvements.
Sec. 423. Increase in renal dialysis composite rate.
Sec. 424. Extension of hold harmless provisions for small rural hospitals and treatment of certain sole community hospitals to limit decline in payment under the OPD PPS.
Sec. 425. Increase in payments for certain services furnished by small rural and sole community hospitals under medicare prospective payment system for hospital outpatient department services.
Sec. 426. Increase for ground ambulance services furnished in a rural area.
Sec. 427. Ensuring appropriate coverage of air ambulance services under ambulance fee schedule.
Sec. 428. Treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital.
Sec. 429. Improvement in rural health clinic reimbursement.
Sec. 430. Elimination of consolidated billing for certain services under the medicare PPS for skilled nursing facility services.
Sec. 431. Freeze in payments for certain items of durable medical equipment and certain orthotics; establishment of quality standards and accreditation requirements for DME providers. .....
Sec. 432. Application of coinsurance and deductible for clinical diagnostic laboratory tests.
Sec. 433. Basing medicare payments for covered outpatient drugs on market prices.
Sec. 434. Indexing part B deductible to inflation. .....
Sec. 435. Revisions to reassignment provisions.
Sec. 436. Extension of treatment of certain physician pathology services under medicare.
Sec. 437. Adequate reimbursement for outpatient pharmacy therapy under the hospital outpatient PPS. .....
Sec. 438. Limitation of application of functional equivalence standard.
Sec. 439. Medicare coverage of routine costs associated with certain clinical trials.
Sec. 440. Waiver of part B late enrollment penalty for certain military retirees; special enrollment period. .....
Sec. 441. Demonstration of coverage of chiropractic services under medicare.
Sec. 442. Medicare health care quality demonstration programs.
Sec. 443. Medicare complex clinical care management payment demonstration. .....
Sec. 444. Medicare fee-for-service care coordination demonstration program.

Sec. 445. GAO study of geographic differences in payments for physicians' services.
Subtitle C—Provisions Relating to Parts A and B
Sec. 451. Increase for home health services furnished in a rural area.
Sec. 452. Limitation on reduction in area wage adjustment factors under the prospective payment system for home health services.
Sec. 453. Clarifications to certain exceptions to medicare limits on physician referrals. .....
Sec. 454. Demonstration program for substitute adult day services.
Sec. 455. Medicare secondary payor (MSP) provisions.
TITLE V—MEDICARE APPEALS, REGULATORY, AND CONTRACTING IMPROVEMENTS
Subtitle A—Regulatory Reform
Sec. 501. Rules for the publication of a final regulation based on the previous publication of an interim final regulation.
Sec. 502. Compliance with changes in regulations and policies.
Sec. 503. Report on legal and regulatory inconsistencies.
Subtitle B—Appeals Process Reform
Sec. 511. Submission of plan for transfer of responsibility for medicare appeals.
Sec. 512. Expedited access to judicial review.
Sec. 513. Expedited review of certain provider agreement determinations.
Sec. 514. Revisions to medicare appeals process.
Sec. 515. Hearing rights related to decisions by the Secretary to deny or not renew a medicare enrollment agreement; consultation before changing provider enrollment forms. .....
Sec. 516. Appeals by providers when there is no other party available.
Sec. 517. Provider access to review of local coverage determinations.
Subtitle C—Contracting Reform
Sec. 521. Increased flexibility in medicare administration.
Subtitle D—Education and Outreach Improvements
Sec. 531. Provider education and technical assistance.
Sec. 532. Access to and prompt responses from medicare contractors. .....
Sec. 533. Reliance on guidance.
Sec. 534. Medicare provider ombudsman.
Sec. 535. Beneficiary outreach demonstration programs.
Subtitle E—Review, Recovery, and Enforcement Reform
Sec. 541. Prepayment review.
Sec. 542. Recovery of overpayments.
Sec. 543. Process for correction of minor errors and omissions on claims without pursuing appeals process.
Sec. 544. Authority to waive a program exclusion.
TITLE VI—OTHER PROVISIONS
Sec. 601. Increase in medicaid DSH allotments for fiscal years 2004 and 2005.
Sec. 602. Increase in floor for treatment as an extremely low DSH State under the medicaid program for fiscal years 2004 and 2005. .....
Sec. 603. Increased reporting requirements to ensure the appropriateness of payment adjustments to disproportionate share hospitals under the medicaid program.
Sec. 604. Clarification of inclusion of inpatient drug prices charged to certain public hospitals in the best price exemptions for the medicaid drug rebate program.
Sec. 605. Assistance with coverage of legal immigrants under the medicaid program and SCHIP.
Sec. 606. Establishment of consumer ombudsman account.
Sec. 607. GAO study regarding impact of assets test for low-income beneficiaries.
Sec. 608. Health care infrastructure improvement.
Sec. 609. Capital infrastructure revolving loan program. .....
Sec. 610. Federal reimbursement of emergency health services furnished to undocumented aliens.
Sec. 611. Increase in appropriation to the health care fraud and abuse control account.
Sec. 612. Increase in civil penalties under the False Claims Act.
Sec. 613. Increase in civil monetary penalties under the Social Security Act.
Sec. 614. Extension of customs user fees.
TITLE VII—ACCESS TO AFFORDABLE PHARMACEUTICALS
Sec. 701. Short title.
Sec. 702. 30-month stay-of-effectiveness period.
Sec. 703. Forfeiture of 180-day exclusivity period.
Sec. 704. Bioavailability and bioequivalence. .....
Sec. 705. Remedies for infringement.
Sec. 706. Conforming amendments.
TITLE VIII—IMPORTATION OF PRESCRIPTION DRUGS
Sec. 801. Importation of prescription drugs.

TITLE I—MEDICARE PRESCRIPTION DRUG BENEFIT

Subtitle A—Medicare Voluntary Prescription Drug Delivery Program

SEC. 101. MEDICARE VOLUNTARY PRESCRIPTION DRUG DELIVERY PROGRAM.

(a) ESTABLISHMENT.—Title XVIII (42 U.S.C. 1395 et seq.) is amended by redesignating part D as part E and by inserting after part C the following new part:

''PART D—VOLUNTARY PRESCRIPTION DRUG DELIVERY PROGRAM

''DEFINITIONS; TREATMENT OF REFERENCES TO PROVISIONS IN MEDICAREADVANTAGE PROGRAM

''SEC. 1860D. (a) DEFINITIONS.—In this part:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Center for Medicare Choices as established under section 1808.

''(2) COVERED DRUG.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), the term 'covered drug' means—

''(i) a drug that may be dispensed only upon a prescription and that is described in clause (i) or (ii) of subparagraph (A) of section 1927(k)(2); or

''(ii) a biological product described in clauses (i) through (iii) of subparagraph (B) of such section; or

''(iii) insulin described in subparagraph (C) of such section;

and such term includes a vaccine licensed under section 351 of the Public Health Service Act and any use of a covered drug for a medically accepted indication (as defined in section 1927(k)(6)).

''(B) EXCLUSIONS.—

''(i) IN GENERAL.—The term 'covered drug' does not include drugs or classes of drugs, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(d)(2), other than subparagraph (E) thereof (relating to smoking cessation agents), or under section 1927(d)(3).

''(ii) AVOIDANCE OF DUPLICATE COVERAGE.—A drug prescribed for an individual that would otherwise be a covered drug under this part shall not be so considered if payment for such drug is available under part A or B, but shall be so considered if such payment is not available under part A or B or because benefits under such parts have been exhausted.

''(C) APPLICATION OF FORMULARY RESTRICTIONS.—A drug prescribed for an individual that would otherwise be a covered drug under this part shall not be so considered under a plan if the plan excludes the drug under a formulary and such exclusion is not successfully resolved under subsection (d) or (e)(2) of section 1860D–5.

''(D) APPLICATION OF GENERAL EXCLUSION PROVISIONS.—A Medicare Prescription Drug plan or a MedicareAdvantage plan may exclude from qualified prescription drug coverage any covered drug—

''(i) for which payment would not be made if section 1862(a) applied to part D; or

''(ii) which are not prescribed in accordance with the plan or this part.

Such exclusions are determinations subject to reconsideration and appeal pursuant to section 1860D–5(e).

''(3) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual who is entitled to, or enrolled for, benefits under part A and enrolled under part B.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means any risk-bearing entity that the Administrator determines to be appropriate to provide eligible beneficiaries with the benefits under a Medicare Prescription Drug plan, including—

''(A) a pharmaceutical benefit management company;

''(B) a wholesale or retail pharmacist delivery system;

''(C) an insurer (including an insurer that offers medicare supplemental policies under section 1882);

''(D) any other risk-bearing entity; or

''(E) any combination of the entities described in subparagraphs (A) through (D).

''(5) INITIAL COVERAGE LIMIT.—The term 'initial coverage limit' means the limit as established under section 1860D–6(c)(3), or, in the case of coverage that is not standard prescription drug coverage, the comparable limit (if any) established under the coverage.

''(6) MEDICAREADVANTAGE ORGANIZATION; MEDICAREADVANTAGE PLAN.—The terms 'MedicareAdvantage organization' and 'MedicareAdvantage plan' have the meanings given such terms in subsections (a)(1) and (b)(1), respectively, of section 1859 (relating to definitions relating to MedicareAdvantage organizations).

''(7) MEDICARE PRESCRIPTION DRUG PLAN.—The term 'Medicare Prescription Drug plan' means prescription drug coverage that is offered under a policy, contract, or plan—

''(A) that has been approved under section 1860D–13; and

''(B) by an eligible entity pursuant to, and in accordance with, a contract between the Administrator and the entity under section 1860D–7(b).

''(8) PRESCRIPTION DRUG ACCOUNT.—The term 'Prescription Drug Account' means the Prescription Drug Account (as established under section 1860D–25) in the Federal Supplementary Medical Insurance Trust Fund under section 1841.

''(9) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The term 'qualified prescription drug coverage' means the coverage described in section 1860D–6(a)(1).

''(10) STANDARD PRESCRIPTION DRUG COVERAGE.—The term 'standard prescription

drug coverage' means the coverage described in section 1860D–6(c).

''(b) APPLICATION OF MEDICARE ADVANTAGE PROVISIONS UNDER THIS PART.—For purposes of applying provisions of part C under this part with respect to a Medicare Prescription Drug plan and an eligible entity, unless otherwise provided in this part such provisions shall be applied as if—

''(1) any reference to a MedicareAdvantage plan included a reference to a Medicare Prescription Drug plan;

''(2) any reference to a provider-sponsored organization included a reference to an eligible entity;

''(3) any reference to a contract under section 1857 included a reference to a contract under section 1860D–7(b); and

''(4) any reference to part C included a reference to this part.

''Subpart 1—Establishment of Voluntary Prescription Drug Delivery Program

''ESTABLISHMENT OF VOLUNTARY PRESCRIPTION DRUG DELIVERY PROGRAM

''SEC. 1860D–1. (a) PROVISION OF BENEFIT.—

''(1) IN GENERAL.—The Administrator shall provide for and administer a voluntary prescription drug delivery program under which each eligible beneficiary enrolled under this part shall be provided with access to qualified prescription drug coverage as follows:

''(A) MEDICAREADVANTAGE ENROLLEES RECEIVE COVERAGE THROUGH MEDICAREADVANTAGE PLAN.—

''(i) IN GENERAL.—Except as provided in clause (ii), an eligible beneficiary who is enrolled under this part and enrolled in a MedicareAdvantage plan offered by a MedicareAdvantage organization shall receive coverage of benefits under this part through such plan.

''(ii) EXCEPTION FOR ENROLLEES IN MEDICAREADVANTAGE MSA PLANS.—An eligible beneficiary who is enrolled under this part and enrolled in an MSA plan under part C shall receive coverage of benefits under this part through enrollment in a Medicare Prescription Drug plan that is offered in the geographic area in which the beneficiary resides. For purposes of this part, the term 'MSA plan' has the meaning given such term in section 1859(b)(3).

''(iii) EXCEPTION FOR ENROLLEES IN MEDICAREADVANTAGE PRIVATE FEE-FOR-SERVICE PLANS.—An eligible beneficiary who is enrolled under this part and enrolled in a private fee-for-service plan under part C shall—

''(i) receive benefits under this part through such plan if the plan provides qualified prescription drug coverage; and

''(ii) if the plan does not provide qualified prescription drug coverage, receive coverage of benefits under this part through enrollment in a Medicare Prescription Drug plan that is offered in the geographic area in which the beneficiary resides. For purposes of this part, the term 'private fee-for-service plan' has the meaning given such term in section 1859(b)(2).

''(B) FEE-FOR-SERVICE ENROLLEES RECEIVE COVERAGE THROUGH A MEDICARE PRESCRIPTION DRUG PLAN.—An eligible beneficiary who is enrolled under this part but is not enrolled in a MedicareAdvantage plan (except for an MSA plan or a private fee-for-service plan that does not provide qualified prescription drug coverage) shall receive coverage of benefits under this part through enrollment in a Medicare Prescription Drug plan that is offered in the geographic area in which the beneficiary resides.

''(2) VOLUNTARY NATURE OF PROGRAM.—Nothing in this part shall be construed as requiring an eligible beneficiary to enroll in the program under this part.

''(3) SCOPE OF BENEFITS.—Pursuant to section 1860D–6(b)(3)(C), the program established under this part shall provide for coverage of all therapeutic categories and classes of covered drugs (although not necessarily for all drugs within such categories and classes).

''(4) PROGRAM TO BEGIN IN 2006.—The Administrator shall establish the program under this part in a manner so that benefits are first provided beginning on January 1, 2006.

''(b) ACCESS TO ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—In the case of an eligible beneficiary who has creditable prescription drug coverage (as defined in section 1860D–2(b)(1)(F)), such beneficiary—

''(1) may continue to receive such coverage and not enroll under this part; and

''(2) pursuant to section 1860D–2(b)(1)(C), is permitted to subsequently enroll under this part without any penalty and obtain access to qualified prescription drug coverage in the manner described in subsection (a) if the beneficiary involuntarily loses such coverage.

''(c) FINANCING.—The costs of providing benefits under this part shall be payable from the Prescription Drug Account.

''ENROLLMENT UNDER PROGRAM

''SEC. 1860D–2. (a) ESTABLISHMENT OF ENROLLMENT PROCESS.—

''(1) PROCESS SIMILAR TO PART B ENROLLMENT.—The Administrator shall establish a process through which an eligible beneficiary (including an eligible beneficiary enrolled in a MedicareAdvantage plan offered by a MedicareAdvantage organization) may make an election to enroll under this part. Such process shall be similar to the process for enrollment in part B under section 1837, including the deeming provisions of such section.

''(2) CONDITION OF ENROLLMENT.—An eligible beneficiary must be enrolled under this part in order to be eligible to receive access to qualified prescription drug coverage.

''(b) SPECIAL ENROLLMENT PROCEDURES.—

''(1) LATE ENROLLMENT PENALTY.—

''(A) INCREASE IN MONTHLY BENEFICIARY OBLIGATION.—Subject to the succeeding provisions of this paragraph, in the case of an eligible beneficiary whose coverage period under this part began pursuant to an enrollment after the beneficiary's initial enrollment period under part B (determined pursuant to section 1837(d)) and not pursuant to the open enrollment period described in paragraph (2), the Administrator shall establish procedures for increasing the amount of the monthly beneficiary obligation under section 1860D–17 applicable to such beneficiary by an amount that the Administrator determines is actuarially sound for each full 12-month period (in the same continuous period of eligibility) in which the eligible beneficiary could have been enrolled under this part but was not so enrolled.

''(B) PERIODS TAKEN INTO ACCOUNT.—For purposes of calculating any 12-month period under subparagraph (A), there shall be taken into account—

''(i) the months which elapsed between the close of the eligible beneficiary's initial enrollment period and the close of the enrollment period in which the beneficiary enrolled; and

''(ii) in the case of an eligible beneficiary who reenrolls under this part, the months which elapsed between the date of termination of a previous coverage period and the close of the enrollment period in which the beneficiary reenrolled.

''(C) PERIODS NOT TAKEN INTO ACCOUNT.—

''(i) IN GENERAL.—For purposes of calculating any 12-month period under subparagraph (A), subject to clause (ii), there shall not be taken into account months for which the eligible beneficiary can demonstrate that the beneficiary had creditable prescription drug coverage (as defined in subparagraph (F)).

''(ii) BENEFICIARY MUST INVOLUNTARILY LOSE COVERAGE.—Clause (i) shall only apply with respect to coverage—

''(I) in the case of coverage described in clause (ii) of subparagraph (F), if the plan terminates, ceases to provide, or reduces the value of the prescription drug coverage under such plan to below the actuarial value of standard prescription drug coverage (as determined under section 1860D–6(f));

''(II) in the case of coverage described in clause (i), (iii), or (iv) of subparagraph (F), if the beneficiary is involuntarily disenrolled or becomes ineligible for such coverage; or

''(III) in the case of a beneficiary with coverage described in clause (v) of subparagraph (F), if the issuer of the policy terminates coverage under the policy.

''(D) PERIODS TREATED SEPARATELY.—Any increase in an eligible beneficiary's monthly beneficiary obligation under subparagraph (A) with respect to a particular continuous period of eligibility shall not be applicable with respect to any other continuous period of eligibility which the beneficiary may have.

''(E) CONTINUOUS PERIOD OF ELIGIBILITY.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of this paragraph, an eligible beneficiary's 'continuous period of eligibility' is the period that begins with the first day on which the beneficiary is eligible to enroll under section 1836 and ends with the beneficiary's death.

''(ii) SEPARATE PERIOD.—Any period during all of which an eligible beneficiary satisfied paragraph (1) of section 1836 and which terminated in or before the month preceding the month in which the beneficiary attained age 65 shall be a separate 'continuous period of eligibility' with respect to the beneficiary (and each such period which terminates shall be deemed not to have existed for purposes of subsequently applying this paragraph).

''(F) CREDITABLE PRESCRIPTION DRUG COVERAGE DEFINED.—Subject to subparagraph (G), for purposes of this part, the term 'creditable prescription drug coverage' means any of the following:

''(i) DRUG-ONLY COVERAGE UNDER MEDICAID.—Coverage of covered outpatient drugs (as defined in section 1927) under title XIX through a waiver under 1115 where covered outpatient drugs are the sole medical assistance benefit.

''(ii) PRESCRIPTION DRUG COVERAGE UNDER A GROUP HEALTH PLAN.—Any outpatient prescription drug coverage under a group health plan, including a health benefits plan under chapter 89 of title 5, United States Code (commonly known as the Federal employees health benefits program), and a qualified retiree prescription drug plan (as defined in section 1860D–20(e)(4)).

''(iii) STATE PHARMACEUTICAL ASSISTANCE PROGRAM.—Coverage of prescription drugs under a State pharmaceutical assistance program.

''(iv) VETERANS' COVERAGE OF PRESCRIPTION DRUGS.—Coverage of prescription drugs for veterans, and survivors and dependents of veterans, under chapter 17 of title 38, United States Code.

''(v) PRESCRIPTION DRUG COVERAGE UNDER MEDIGAP POLICIES.—Coverage under a medicare supplemental policy under section 1882 that provides benefits for prescription drugs (whether or not such coverage conforms to the standards for packages of benefits under section 1882(p)(1)).

''(G) REQUIREMENT FOR CREDITABLE COVERAGE.—Coverage described in clauses (i) through (v) of subparagraph (F) shall not be considered to be creditable coverage under this part unless the coverage provides coverage of the cost of prescription drugs the actuarial value of which (as defined by the Administrator) to the beneficiary equals or

exceeds the actuarial value of standard prescription drug coverage (as determined under section 1860D–6(f)).

''(H) DISCLOSURE.—

''(i) IN GENERAL.—Each entity that offers coverage of the type described in clause (ii) (iii), (iv), or (v) of subparagraph (F) shall provide for disclosure, consistent with standards established by the Administrator, of whether the coverage provides coverage of the cost of prescription drugs the actuarial value of which (as defined by the Administrator) to the beneficiary equals or exceeds the actuarial value of standard prescription drug coverage (as determined under section 1860D–6(f)).

''(ii) WAIVER OF LIMITATIONS.—An individual may apply to the Administrator to waive the application of subparagraph (G) if the individual establishes that the individual was not adequately informed that the coverage the beneficiary was enrolled in did not provide the level of benefits required in order for the coverage to be considered creditable coverage under subparagraph (F).

''(2) INITIAL ELECTION PERIODS.—

''(A) OPEN ENROLLMENT PERIOD FOR CURRENT BENEFICIARIES IN WHICH LATE ENROLLMENT PROCEDURES DO NOT APPLY.—In the case of an individual who is an eligible beneficiary as of November 1, 2005, there shall be an open enrollment period of 6 months beginning on that date under which such beneficiary may enroll under this part without the application of the late enrollment procedures established under paragraph (1)(A).

''(B) INDIVIDUAL COVERED IN FUTURE.—In the case of an individual who becomes an eligible beneficiary after such date, there shall be an initial election period which is the same as the initial enrollment period under section 1837(d).

''(3) SPECIAL ENROLLMENT PERIOD FOR BENEFICIARIES WHO INVOLUNTARILY LOSE CREDITABLE PRESCRIPTION DRUG COVERAGE.—

''(A) ESTABLISHMENT.—The Administrator shall establish a special open enrollment period (as described in subparagraph (B)) for an eligible beneficiary that loses creditable prescription drug coverage.

''(B) SPECIAL OPEN ENROLLMENT PERIOD.—The special open enrollment period described in this subparagraph is the 63-day period that begins on—

''(i) in the case of a beneficiary with coverage described in clause (ii) of paragraph (1)(F), the later of the date on which the plan terminates, ceases to provide, or substantially reduces (as defined by the Administrator) the value of the prescription drug coverage under such plan or the date the beneficiary is provided with notice of such termination or reduction;

''(ii) in the case of a beneficiary with coverage described in clause (i), (iii), or (iv) of paragraph (1)(F), the later of the date on which the beneficiary is involuntarily disenrolled or becomes ineligible for such coverage or the date the beneficiary is provided with notice of such loss of eligibility; or

''(iii) in the case of a beneficiary with coverage described in clause (v) of paragraph (1)(F), the latter of the date on which the issuer of the policy terminates coverage under the policy or the date the beneficiary is provided with notice of such termination.

''(c) PERIOD OF COVERAGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), an eligible beneficiary's coverage under the program under this part shall be effective for the period provided in section 1838, as if that section applied to the program under this part.

''(2) OPEN AND SPECIAL ENROLLMENT.—

''(A) OPEN ENROLLMENT.—An eligible beneficiary who enrolls under the program under this part pursuant to subsection (b)(2) shall be entitled to the benefits under this part beginning on January 1, 2006.

''(B) SPECIAL ENROLLMENT.—Subject to paragraph (3), an eligible beneficiary who enrolls under the program under this part pursuant to subsection (b)(3) shall be entitled to the benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

''(3) LIMITATION.—Coverage under this part shall not begin prior to January 1, 2006.

''(d) TERMINATION.—

''(1) IN GENERAL.—The causes of termination specified in section 1838 shall apply to this part in the same manner as such causes apply to part B.

''(2) COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PART A OR B.—

''(A) IN GENERAL.—In addition to the causes of termination specified in paragraph (1), the Administrator shall terminate an individual's coverage under this part if the individual is no longer enrolled in both parts A and B.

''(B) EFFECTIVE DATE.—The termination described in subparagraph (A) shall be effective on the effective date of termination of coverage under part A or (if earlier) under part B.

''(3) PROCEDURES REGARDING TERMINATION OF A BENEFICIARY UNDER A PLAN.—The Administrator shall establish procedures for determining the status of an eligible beneficiary's enrollment under this part if the beneficiary's enrollment in a Medicare Prescription Drug plan offered by an eligible entity under this part is terminated by the entity for cause (pursuant to procedures established by the Administrator under section 1860D–3(a)(1)).

''ELECTION OF A MEDICARE PRESCRIPTION DRUG PLAN

''SEC. 1860D–3. (a) IN GENERAL.—

''(1) PROCESS.—

''(A) ELECTION.—

''(i) IN GENERAL.—The Administrator shall establish a process through which an eligible beneficiary who is enrolled under this part but not enrolled in a MedicareAdvantage plan (except for an MSA plan or a private fee-for-service plan that does not provide qualified prescription drug coverage) offered by a MedicareAdvantage organization—

''(I) shall make an election to enroll in any Medicare Prescription Drug plan that is offered by an eligible entity and that serves the geographic area in which the beneficiary resides; and

''(II) may make an annual election to change the election under this clause.

''(ii) CLARIFICATION REGARDING ENROLLMENT.—The process established under clause (i) shall include, in the case of an eligible beneficiary who is enrolled under this part but who has failed to make an election of a Medicare Prescription Drug plan in an area, for the enrollment in any Medicare Prescription Drug plan that has been designated by the Administrator in the area. The Administrator shall establish a process for designating a plan or plans in order to carry out the preceding sentence.

''(B) REQUIREMENTS FOR PROCESS.—In establishing the process under subparagraph (A), the Administrator shall—

''(i) use rules similar to the rules for enrollment, disenrollment, and termination of enrollment with a MedicareAdvantage plan under section 1851, including—

''(I) the establishment of special election periods under subsection (e)(4) of such section; and

''(II) the application of the guaranteed issue and renewal provisions of section 1851(g) (other than clause (i) and the second sentence of clause (ii) of paragraph (3)(C), relating to default enrollment); and

''(ii) coordinate enrollments, disenrollments, and terminations of enrollment under part C with enrollments, disenrollments, and terminations of enrollment under this part.

''(2) FIRST ENROLLMENT PERIOD FOR PLAN ENROLLMENT.—The process developed under paragraph (1) shall ensure that eligible beneficiaries who enroll under this part during the open enrollment period under section 1860D–2(b)(2) are permitted to elect an eligible entity prior to January 1, 2006, in order to ensure that coverage under this part is effective as of such date.

''(b) ENROLLMENT IN A MEDICAREADVANTAGE PLAN.—

''(1) IN GENERAL.—An eligible beneficiary who is enrolled under this part and enrolled in a MedicareAdvantage plan (except for an MSA plan or a private fee-for-service plan that does not provide qualified prescription drug coverage) offered by a MedicareAdvantage organization shall receive access to such coverage under this part through such plan.

''(2) RULES.—Enrollment in a MedicareAdvantage plan is subject to the rules for enrollment in such plan under section 1851.

''(c) INFORMATION TO ENTITIES TO FACILITATE ENROLLMENT.—Notwithstanding any other provision of law, the Administrator may provide to each eligible entity with a contract under this part such information about eligible beneficiaries as the Administrator determines to be necessary to facilitate efficient enrollment by such beneficiaries with such entities. The Administrator may provide such information only so long as and to the extent necessary to carry out such objective.

''PROVIDING INFORMATION TO BENEFICIARIES

''SEC. 1860D–4. (a) ACTIVITIES.—

''(1) IN GENERAL.—The Administrator shall conduct activities that are designed to broadly disseminate information to eligible beneficiaries (and prospective eligible beneficiaries) regarding the coverage provided under this part.

''(2) SPECIAL RULE FOR FIRST ENROLLMENT UNDER THE PROGRAM.—The activities described in paragraph (1) shall ensure that eligible beneficiaries are provided with such information at least 30 days prior to the first enrollment period described in section 1860D–3(a)(2).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The activities described in subsection (a) shall—

''(A) be similar to the activities performed by the Administrator under section 1851(d);

''(B) be coordinated with the activities performed by—

''(i) the Administrator under such section; and

''(ii) the Secretary under section 1804; and

''(C) provide for the dissemination of information comparing the plans offered by eligible entities under this part that are available to eligible beneficiaries residing in an area.

''(2) COMPARATIVE INFORMATION.—The comparative information described in paragraph (1)(C) shall include a comparison of the following:

''(A) BENEFITS.—The benefits provided under the plan and the formularies and grievance and appeals processes under the plan.

''(B) MONTHLY BENEFICIARY OBLIGATION.—The monthly beneficiary obligation under the plan.

''(C) QUALITY AND PERFORMANCE.—The quality and performance of the eligible entity offering the plan.

''(D) BENEFICIARY COST-SHARING.—The cost-sharing required of eligible beneficiaries under the plan.

''(E) CONSUMER SATISFACTION SURVEYS.—The results of consumer satisfaction surveys regarding the plan and the eligible entity offering such plan (conducted pursuant to section 1860D–5(h).

''(F) ADDITIONAL INFORMATION.—Such additional information as the Administrator may prescribe.

''BENEFICIARY PROTECTIONS

''SEC. 1860D–5. (a) DISSEMINATION OF INFORMATION.—

''(1) GENERAL INFORMATION.—An eligible entity offering a Medicare Prescription Drug plan shall disclose, in a clear, accurate, and standardized form to each enrollee at the time of enrollment, and at least annually thereafter, the information described in section 1852(c)(1) relating to such plan. Such information includes the following:

''(A) Access to covered drugs, including access through pharmacy networks.

''(B) How any formulary used by the entity functions.

''(C) Copayments, coinsurance, and deductible requirements.

''(D) Grievance and appeals processes.

The information described in the preceding sentence shall also be made available on request to prospective enrollees during open enrollment periods.

''(2) DISCLOSURE UPON REQUEST OF GENERAL COVERAGE, UTILIZATION, AND GRIEVANCE INFORMATION.—Upon request of an individual eligible to enroll in a Medicare Prescription Drug plan, the eligible entity offering such plan shall provide information similar (as determined by the Administrator) to the information described in subparagraphs (A), (B), and (C) of section 1852(c)(2) to such individual.

''(3) RESPONSE TO BENEFICIARY QUESTIONS.—An eligible entity offering a Medicare Prescription Drug plan shall have a mechanism for providing on a timely basis specific information to enrollees upon request, including information on the coverage of specific drugs and changes in its formulary.

''(4) CLAIMS INFORMATION.—An eligible entity offering a Medicare Prescription Drug plan must furnish to enrolled individuals in a form easily understandable to such individuals—

''(A) an explanation of benefits (in accordance with section 1806(a) or in a comparable manner); and

''(B) when prescription drug benefits are provided under this part, a notice of the benefits in relation to the initial coverage limit and annual out-of-pocket limit for the current year (except that such notice need not be provided more often than monthly).

''(5) APPROVAL OF MARKETING MATERIAL AND APPLICATION FORMS.—The provisions of section 1851(h) shall apply to marketing material and application forms under this part in the same manner as such provisions apply to marketing material and application forms under part C.

''(b) ACCESS TO COVERED DRUGS.—

''(1) ACCESS TO NEGOTIATED PRICES FOR PRESCRIPTION DRUGS.—An eligible entity offering a Medicare Prescription Drug plan shall have in place procedures to ensure that beneficiaries are not charged more than the negotiated price of a covered drug. Such procedures shall include the issuance of a card (or other technology) that may be used by an enrolled beneficiary for the purchase of prescription drugs for which coverage is not otherwise provided under the Medicare Prescription Drug plan.

''(2) ASSURING PHARMACY ACCESS.—

''(A) IN GENERAL.—An eligible entity offering a Medicare Prescription Drug plan shall secure the participation in its network of a sufficient number of pharmacies that dispense (other than by mail order) drugs directly to patients to ensure convenient access (as determined by the Administrator and including adequate emergency access) for enrolled beneficiaries, in accordance with standards established by the Administrator under section 1860D–7(g) that ensure such convenient access. Such standards shall take into account reasonable distances to pharmacy services in both urban and rural areas.

''(B) USE OF POINT-OF-SERVICE SYSTEM.—An eligible entity offering a Medicare Prescription Drug plan shall establish an optional point-of-service method of operation under which—

''(i) the plan provides access to any or all pharmacies that are not participating pharmacies in its network; and

''(ii) the plan may charge beneficiaries through adjustments in copayments any additional costs associated with the point-of-service option.

The additional copayments so charged shall not count toward the application of section 1860D–6(c).

''(3) REQUIREMENTS ON DEVELOPMENT AND APPLICATION OF FORMULARIES.—If an eligible entity offering a Medicare Prescription Drug plan uses a formulary, the following requirements must be met:

''(A) PHARMACY AND THERAPEUTIC (P&T) COMMITTEE.—

''(i) IN GENERAL.—The eligible entity must establish a pharmacy and therapeutic committee that develops and reviews the formulary.

''(ii) COMPOSITION.—A pharmacy and therapeutic committee shall include at least 1 academic expert, at least 1 practicing physician, and at least 1 practicing pharmacist, all of whom have expertise in the care of elderly or disabled persons, and a majority of the members of such committee shall consist of individuals who are a practicing physician or a practicing pharmacist (or both).

''(B) FORMULARY DEVELOPMENT.—In developing and reviewing the formulary, the committee shall base clinical decisions on the strength of scientific evidence and standards of practice, including assessing peer-reviewed medical literature, such as randomized clinical trials, pharmacoeconomic studies, outcomes research data, and on such other information as the committee determines to be appropriate.

''(C) INCLUSION OF DRUGS IN ALL THERAPEUTIC CATEGORIES AND CLASSES.—

''(i) IN GENERAL.—The formulary must include drugs within each therapeutic category and class of covered drugs (as defined by the Administrator), although not necessarily for all drugs within such categories and classes.

''(ii) REQUIREMENT.—In defining therapeutic categories and classes of covered drugs pursuant to clause (i), the Administrator shall use—

''(I) the compendia referred to section 1927(g)(1)(B)(i); and

''(II) other recognized sources of drug classifications and categorizations determined appropriate by the Administrator.

''(D) PROVIDER EDUCATION.—The committee shall establish policies and procedures to educate and inform health care providers concerning the formulary.

''(E) NOTICE BEFORE REMOVING DRUGS FROM FORMULARY.—Any removal of a drug from a formulary shall take effect only after appropriate notice is made available to beneficiaries, physicians, and pharmacists.

''(F) APPEALS AND EXCEPTIONS TO APPLICATION.—The eligible entity must have, as part of the appeals process under subsection (e), a process for timely appeals for denials of coverage based on such application of the formulary.

''(c) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE; MEDICATION THERAPY MANAGEMENT PROGRAM.—

''(1) IN GENERAL.—An eligible entity shall have in place the following with respect to covered drugs:

''(A) A cost-effective drug utilization management program, including incentives to reduce costs when appropriate.

''(B) Quality assurance measures to reduce medical errors and adverse drug interactions and to improve medication use, which—

''(i) shall include a medication therapy management program described in paragraph (2); and

''(ii) may include beneficiary education programs, counseling, medication refill reminders, and special packaging.

''(C) A program to control fraud, abuse, and waste.

Nothing in this section shall be construed as impairing an eligible entity from applying cost management tools (including differential payments) under all methods of operation.

''(2) MEDICATION THERAPY MANAGEMENT PROGRAM.—

''(A) IN GENERAL.—A medication therapy management program described in this paragraph is a program of drug therapy management and medication administration that is designed to assure, with respect to beneficiaries with chronic diseases (such as diabetes, asthma, hypertension, hyperlipidemia, and congestive heart failure) or multiple prescriptions, that covered drugs under the Medicare Prescription Drug plan are appropriately used to optimize therapeutic outcomes through improved medication use and to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

''(B) ELEMENTS.—Such program may include—

''(i) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means;

''(ii) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means; and

''(iii) detection of patterns of overuse and underuse of prescription drugs.

''(C) DEVELOPMENT OF PROGRAM IN COOPERATION WITH LICENSED PHARMACISTS.—The program shall be developed in cooperation with licensed and practicing pharmacists and physicians.

''(D) CONSIDERATIONS IN PHARMACY FEES.—The eligible entity offering a Medicare Prescription Drug plan shall take into account, in establishing fees for pharmacists and others providing services under the medication therapy management program, the resources and time used in implementing the program.

''(3) PUBLIC DISCLOSURE OF PHARMACEUTICAL PRICES FOR EQUIVALENT DRUGS.—The eligible entity offering a Medicare Prescription Drug plan shall provide that each pharmacy or other dispenser that arranges for the dispensing of a covered drug shall inform the beneficiary at the time of purchase of the drug of any differential between the price of the prescribed drug to the enrollee and the price of the lowest cost generic drug covered under the plan that is therapeutically equivalent and bioequivalent.

''(d) GRIEVANCE MECHANISM, COVERAGE DETERMINATIONS, AND RECONSIDERATIONS.—

''(1) IN GENERAL.—An eligible entity shall provide meaningful procedures for hearing and resolving grievances between the eligible entity (including any entity or individual through which the eligible entity provides covered benefits) and enrollees with Medicare Prescription Drug plans of the eligible entity under this part in accordance with section 1852(f).

''(2) APPLICATION OF COVERAGE DETERMINATION AND RECONSIDERATION PROVISIONS.—The

requirements of paragraphs (1) through (3) of section 1852(g) shall apply to an eligible entity with respect to covered benefits under the Medicare Prescription Drug plan it offers under this part in the same manner as such requirements apply to a MedicareAdvantage organization with respect to benefits it offers under a MedicareAdvantage plan under part C.

''(3) REQUEST FOR REVIEW OF TIERED FORMULARY DETERMINATIONS.—In the case of a Medicare Prescription Drug plan offered by an eligible entity that provides for tiered cost-sharing for drugs included within a formulary and provides lower cost-sharing for preferred drugs included within the formulary, an individual who is enrolled in the plan may request coverage of a nonpreferred drug under the terms applicable for preferred drugs if the prescribing physician determines that the preferred drug for treatment of the same condition is not as effective for the individual or has adverse effects for the individual.

''(e) APPEALS.—

''(1) IN GENERAL.—Subject to paragraph (2), the requirements of paragraphs (4) and (5) of section 1852(g) shall apply to an eligible entity with respect to drugs not included on any formulary in a manner that is similar (as determined by the Administrator) to the manner that such requirements apply to a MedicareAdvantage organization with respect to benefits it offers under a MedicareAdvantage plan under part C.

''(2) FORMULARY DETERMINATIONS.—An individual who is enrolled in a Medicare Prescription Drug plan offered by an eligible entity may appeal to obtain coverage for a covered drug that is not on a formulary of the entity under the terms applicable for a formulary drug if the prescribing physician determines that the formulary drug for treatment of the same condition is not as effective for the individual or has adverse effects for the individual.

''(f) PRIVACY, CONFIDENTIALITY, AND ACCURACY OF ENROLLEE RECORDS.—Insofar as an eligible entity maintains individually identifiable medical records or other health information regarding eligible beneficiaries enrolled in the Medicare Prescription Drug plan offered by the entity, the entity shall have in place procedures to—

''(1) safeguard the privacy of any individually identifiable beneficiary information in a manner consistent with the Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996;

''(2) maintain such records and information in a manner that is accurate and timely;

''(3) ensure timely access by such beneficiaries to such records and information; and

''(4) otherwise comply with applicable laws relating to patient privacy and confidentiality.

''(g) UNIFORM MONTHLY PLAN PREMIUM.—An eligible entity shall ensure that the monthly plan premium for a Medicare Prescription Drug plan charged under this part is the same for all eligible beneficiaries enrolled in the plan.

''(h) CONSUMER SATISFACTION SURVEYS.—An eligible entity shall conduct consumer satisfaction surveys with respect to the plan and the entity. The Administrator shall establish uniform requirements for such surveys.

''PRESCRIPTION DRUG BENEFITS

''SEC. 1860D–6. (a) REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of this part and part C, the term 'qualified prescription drug coverage' means either of the following:

''(A) STANDARD PRESCRIPTION DRUG COVERAGE WITH ACCESS TO NEGOTIATED PRICES.—Standard prescription drug coverage (as defined in subsection (c)) and access to negotiated prices under subsection (e).

''(B) ACTUARIALLY EQUIVALENT PRESCRIPTION DRUG COVERAGE WITH ACCESS TO NEGOTIATED PRICES.—Coverage of covered drugs which meets the alternative coverage requirements of subsection (d) and access to negotiated prices under subsection (e), but only if it is approved by the Administrator as provided under subsection (d).

''(2) PERMITTING ADDITIONAL PRESCRIPTION DRUG COVERAGE.—

''(A) IN GENERAL.—Subject to subparagraph (B) and section 1860D–13(c)(2), nothing in this part shall be construed as preventing qualified prescription drug coverage from including coverage of covered drugs that exceeds the coverage required under paragraph (1).

''(B) REQUIREMENT.—An eligible entity may not offer a Medicare Prescription Drug plan that provides additional benefits pursuant to subparagraph (A) in an area unless the eligible entity offering such plan also offers a Medicare Prescription Drug plan in the area that only provides the coverage of prescription drugs that is required under paragraph (1).

''(3) COST CONTROL MECHANISMS.—In providing qualified prescription drug coverage, the entity offering the Medicare Prescription Drug plan or the MedicareAdvantage plan may use a variety of cost control mechanisms, including the use of formularies, tiered copayments, selective contracting with providers of prescription drugs, and mail order pharmacies.

''(b) APPLICATION OF SECONDARY PAYOR PROVISIONS.—The provisions of section 1852(a)(4) shall apply under this part in the same manner as they apply under part C.

''(c) STANDARD PRESCRIPTION DRUG COVERAGE.—For purposes of this part and part C, the term 'standard prescription drug coverage' means coverage of covered drugs that meets the following requirements:

''(1) DEDUCTIBLE.—

''(A) IN GENERAL.—The coverage has an annual deductible—

''(i) for 2006, that is equal to $275; or

''(ii) for a subsequent year, that is equal to the amount specified under this paragraph for the previous year increased by the percentage specified in paragraph (5) for the year involved.

''(B) ROUNDING.—Any amount determined under subparagraph (A)(ii) that is not a multiple of $1 shall be rounded to the nearest multiple of $1.

''(2) LIMITS ON COST-SHARING.—The coverage has cost-sharing (for costs above the annual deductible specified in paragraph (1) and up to the initial coverage limit under paragraph (3)) that is equal to 50 percent or that is actuarially consistent (using processes established under subsection (f)) with an average expected payment of 50 percent of such costs.

''(3) INITIAL COVERAGE LIMIT.—

''(A) IN GENERAL.—Subject to paragraph (4), the coverage has an initial coverage limit on the maximum costs that may be recognized for payment purposes (including the annual deductible)—

''(i) for 2006, that is equal to $4,500; or

''(ii) for a subsequent year, that is equal to the amount specified in this paragraph for the previous year, increased by the annual percentage increase described in paragraph (5) for the year involved.

''(B) ROUNDING.—Any amount determined under subparagraph (A)(ii) that is not a multiple of $1 shall be rounded to the nearest multiple of $1.

''(4) LIMITATION ON OUT-OF-POCKET EXPENDITURES BY BENEFICIARY.—

''(A) IN GENERAL.—The coverage provides benefits with cost-sharing that is equal to 20 percent after the individual has incurred costs (as described in subparagraph (C)) for covered drugs in a year equal to the annual out-of-pocket limit specified in subparagraph (B).

''(B) ANNUAL OUT-OF-POCKET LIMIT.—

''(i) IN GENERAL.—For purposes of this part, the 'annual out-of-pocket limit' specified in this subparagraph—

''(I) for 2006, is equal to $3,700; or

''(II) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (5) for the year involved.

''(ii) ROUNDING.—Any amount determined under clause (i)(II) that is not a multiple of $1 shall be rounded to the nearest multiple of $1.

''(C) APPLICATION.—In applying subparagraph (A)—

''(i) incurred costs shall only include costs incurred, with respect to covered drugs, for the annual deductible (described in paragraph (1)), cost-sharing (described in paragraph (2)), and amounts for which benefits are not provided because of the application of the initial coverage limit described in paragraph (3) (including costs incurred for covered drugs described in section 1860D(a)(2)(C)); and

''(ii) such costs shall be treated as incurred without regard to whether the individual or another person, including a State program or other third-party coverage, has paid for such costs, except that only the applicable percent (specified in subparagraph (D)) of the amount of portion of such costs that are paid or reimbursed through insurance, a group health plan, or other third-party payment arrangement for such costs shall not be counted.

''(D) APPLICABLE PERCENT DEFINED.—

''(i) IN GENERAL.—For purposes of subparagraph (C)(ii), but subject to clause (ii), the applicable percent specified in this subparagraph is—

''(I) for years before 2010, 20 percent;

''(II) for 2011, 2012, 2013, 2014, and 2015, 40 percent; and

''(III) for any year thereafter, 100 percent.

''(ii) SECRETARIAL LIMITATION ON TOTAL EXPENDITURES.—The Secretary, in consultation with the Office of Management and Budget, shall estimate at the time of enactment of this part, the aggregate budget outlays that will result during the 10-fiscal-year period beginning with fiscal year 2004 from the enactment of the Prescription Drug and Medicare Improvement Act of 2003. If such estimate exceeds $393,000,000,000, the Secretary shall provide for such proportional reductions in the percentages specified in clause (i) as the Secretary determines to be necessary to assure that such aggregate budget outlays during such period do not exceed such amount.

''(E) INFORMATION REGARDING THIRD-PARTY REIMBURSEMENT.—In order to ensure compliance with the requirements of subparagraph (C)(ii), the Administrator is authorized to establish procedures, in coordination with the Secretary of Treasury and the Secretary of Labor, for determining whether costs for individuals are being reimbursed through insurance or otherwise, a group health plan, or other third-party payment arrangement, and for alerting the entities in which such individuals are enrolled about such reimbursement arrangements. An entity with a contract under this part may also periodically ask individuals enrolled in a plan offered by the entity whether the individuals have or expect to receive such third-party reimbursement. A material misrepresentation of the information described in the preceding sentence by an individual (as defined in standards set by the Administrator and determined through a process established by the Administrator) shall constitute grounds

for termination of enrollment under section 1860D–2(d).

''(5) ANNUAL PERCENTAGE INCREASE.—For purposes of this part, the annual percentage increase specified in this paragraph for a year is equal to the annual percentage increase in average per capita aggregate expenditures for covered drugs in the United States for beneficiaries under this title, as determined by the Administrator for the 12-month period ending in July of the previous year.

''(d) ALTERNATIVE COVERAGE REQUIREMENTS.—A Medicare Prescription Drug plan or MedicareAdvantage plan may provide a different prescription drug benefit design from the standard prescription drug coverage described in subsection (c) so long as the Administrator determines (based on an actuarial analysis by the Administrator) that the following requirements are met and the plan applies for, and receives, the approval of the Administrator for such benefit design:

''(1) ASSURING AT LEAST ACTUARIALLY EQUIVALENT PRESCRIPTION DRUG COVERAGE.—

''(A) ASSURING EQUIVALENT VALUE OF TOTAL COVERAGE.—The actuarial value of the total coverage (as determined under subsection (f)) is at least equal to the actuarial value (as so determined) of standard prescription drug coverage.

''(B) ASSURING EQUIVALENT UNSUBSIDIZED VALUE OF COVERAGE.—The unsubsidized value of the coverage is at least equal to the unsubsidized value of standard prescription drug coverage. For purposes of this subparagraph, the unsubsidized value of coverage is the amount by which the actuarial value of the coverage (as determined under subsection (f)) exceeds the actuarial value of the amounts associated with the application of section 1860D–17(c) and reinsurance payments under section 1860D–20 with respect to such coverage.

''(C) ASSURING STANDARD PAYMENT FOR COSTS AT INITIAL COVERAGE LIMIT.—The coverage is designed, based upon an actuarially representative pattern of utilization (as determined under subsection (f)), to provide for the payment, with respect to costs incurred that are equal to the initial coverage limit under subsection (c)(3), of an amount equal to at least the product of—

''(i) such initial coverage limit minus the deductible under subsection (c)(1); and

''(ii) the percentage specified in subsection (c)(2).

Benefits other than qualified prescription drug coverage shall not be taken into account for purposes of this paragraph.

''(2) DEDUCTIBLE AND LIMITATION ON OUT-OF-POCKET EXPENDITURES BY BENEFICIARIES MAY NOT VARY.—The coverage may not vary the deductible under subsection (c)(1) for the year or the limitation on out-of-pocket expenditures by beneficiaries described in subsection (c)(4) for the year.

''(e) ACCESS TO NEGOTIATED PRICES.—

''(1) ACCESS.—

''(A) IN GENERAL.—Under qualified prescription drug coverage offered by an eligible entity or a MedicareAdvantage organization, the entity or organization shall provide beneficiaries with access to negotiated prices used for payment for covered drugs, regardless of the fact that no benefits may be payable under the coverage with respect to such drugs because of the application of the deductible, any cost-sharing, or an initial coverage limit (described in subsection (c)(3)). For purposes of this part, the term 'negotiated prices' includes all discounts, direct or indirect subsidies, rebates, or other price concessions or direct or indirect remunerations and shall reflect prices that are no higher than the prices negotiated by the Secretary under subparagraph (B).

''(B) SECRETARIAL NEGOTIATED PRICE.—Notwithstanding any other provision of this part, the Secretary shall, consistent with the requirements of this part and the goals of providing quality care and containing costs under this part, negotiate contracts with manufacturers of covered outpatient prescription drugs that provide for the maximum prices that may be charged to individuals enrolled under this part by participating pharmacies for dispensing such drugs to such individuals.

''(C) MEDICAID RELATED PROVISIONS.—Insofar as a State elects to provide medical assistance under title XIX for a drug based on the prices negotiated under a Medicare Prescription Drug plan under this part, the requirements of section 1927 shall not apply to such drugs. The prices negotiated under a Medicare Prescription Drug plan with respect to covered drugs, under a MedicareAdvantage plan with respect to such drugs, or under a qualified retiree prescription drug plan (as defined in section 1860D–20(e)(4)) with respect to such drugs, on behalf of eligible beneficiaries, shall (notwithstanding any other provision of law) not be taken into account for the purposes of establishing the best price under section 1927(c)(1)(C).

''(2) CARDS OR OTHER TECHNOLOGY.—

''(A) IN GENERAL.—In providing the access under paragraph (1), the eligible entity or MedicareAdvantage organization shall issue a card or use other technology pursuant to section 1860D–5(b)(1).

''(B) NATIONAL STANDARDS.—

''(i) DEVELOPMENT.—The Administrator shall provide for the development of national standards relating to a standardized format for the card or other technology required under subparagraph (A). Such standards shall be compatible with parts C and D of title XI and may be based on standards developed by an appropriate standard setting organization.

''(ii) CONSULTATION.—In developing the standards under clause (i), the Administrator shall consult with the National Council for Prescription Drug Programs and other standard-setting organizations determined appropriate by the Administrator.

''(iii) IMPLEMENTATION.—The Administrator shall implement the standards developed under clause (i) by January 1, 2008.

''(3) DISCLOSURE.—The eligible entity offering a Medicare Prescription Drug plan and the MedicareAdvantage organization offering a MedicareAdvantage plan shall disclose to the Administrator (in a manner specified by the Administrator) the extent to which discounts, direct or indirect subsidies, rebates, or other price concessions or direct or indirect remunerations made available to the entity or organization by a manufacturer are passed through to enrollees through pharmacies and other dispensers or otherwise. The provisions of section 1927(b)(3)(D) shall apply to information disclosed to the Administrator under this paragraph in the same manner as such provisions apply to information disclosed under such section.

''(4) AUDITS AND REPORTS.—To protect against fraud and abuse and to ensure proper disclosures and accounting under this part, in addition to any protections against fraud and abuse provided under section 1860D–7(f)(1), the Administrator may periodically audit the financial statements and records of an eligible entity offering a Medicare Prescription Drug plan and a MedicareAdvantage organization offering a MedicareAdvantage plan.

''(f) ACTUARIAL VALUATION; DETERMINATION OF ANNUAL PERCENTAGE INCREASES.—

''(1) PROCESSES.—For purposes of this section, the Administrator shall establish processes and methods—

''(A) for determining the actuarial valuation of prescription drug coverage, including—

''(i) an actuarial valuation of standard prescription drug coverage and of the reinsurance payments under section 1860D–20;

''(ii) the use of generally accepted actuarial principles and methodologies; and

''(iii) applying the same methodology for determinations of alternative coverage under subsection (d) as is used with respect to determinations of standard prescription drug coverage under subsection (c); and

''(B) for determining annual percentage increases described in subsection (c)(5).

Such processes shall take into account any effect that providing actuarially equivalent prescription drug coverage rather than standard prescription drug coverage has on drug utilization.

''(2) USE OF OUTSIDE ACTUARIES.—Under the processes under paragraph (1)(A), eligible entities and MedicareAdvantage organizations may use actuarial opinions certified by independent, qualified actuaries to establish actuarial values, but the Administrator shall determine whether such actuarial values meet the requirements under subsection (c)(1).

''REQUIREMENTS FOR ENTITIES OFFERING MEDICARE PRESCRIPTION DRUG PLANS; ESTABLISHMENT OF STANDARDS

''SEC. 1860D–7. (a) GENERAL REQUIREMENTS.—An eligible entity offering a Medicare Prescription Drug plan shall meet the following requirements:

''(1) LICENSURE.—Subject to subsection (c), the entity is organized and licensed under State law as a risk-bearing entity eligible to offer health insurance or health benefits coverage in each State in which it offers a Medicare Prescription Drug plan.

''(2) ASSUMPTION OF FINANCIAL RISK.—

''(A) IN GENERAL.—Subject to subparagraph (B) and subsections (d)(2) and (e) of section 1860D–13, to the extent that the entity is at risk pursuant to such section 1860D–16, the entity assumes financial risk on a prospective basis for the benefits that it offers under a Medicare Prescription Drug plan and that is not covered under section 1860D–20.

''(B) REINSURANCE PERMITTED.—To the extent that the entity is at risk pursuant to section 1860D–16, the entity may obtain insurance or make other arrangements for the cost of coverage provided to any enrolled member under this part.

''(3) SOLVENCY FOR UNLICENSED ENTITIES.—In the case of an eligible entity that is not described in paragraph (1) and for which a waiver has been approved under subsection (c), such entity shall meet solvency standards established by the Administrator under subsection (d).

''(b) CONTRACT REQUIREMENTS.—The Administrator shall not permit an eligible beneficiary to elect a Medicare Prescription Drug plan offered by an eligible entity under this part, and the entity shall not be eligible for payments under section 1860D–16 or 1860D–20, unless the Administrator has entered into a contract under this subsection with the entity with respect to the offering of such plan. Such a contract with an entity may cover more than 1 Medicare Prescription Drug plan. Such contract shall provide that the entity agrees to comply with the applicable requirements and standards of this part and the terms and conditions of payment as provided for in this part.

''(c) WAIVER OF CERTAIN REQUIREMENTS IN ORDER TO ENSURE BENEFICIARY CHOICE.—

''(1) IN GENERAL.—In the case of an eligible entity that seeks to offer a Medicare Prescription Drug plan in a State, the Administrator shall waive the requirement of subsection (a)(1) that the entity be licensed in that State if the Administrator determines, based on the application and other evidence presented to the Administrator, that any of the grounds for approval of the application described in paragraph (2) have been met.

''(2) GROUNDS FOR APPROVAL.—The grounds for approval under this paragraph are the grounds for approval described in subparagraphs (B), (C), and (D) of section 1855(a)(2), and also include the application by a State of any grounds other than those required under Federal law.

''(3) APPLICATION OF WAIVER PROCEDURES.—With respect to an application for a waiver (or a waiver granted) under this subsection, the provisions of subparagraphs (E), (F), and (G) of section 1855(a)(2) shall apply.

''(4) REFERENCES TO CERTAIN PROVISIONS.—For purposes of this subsection, in applying the provisions of section 1855(a)(2) under this subsection to Medicare Prescription Drug plans and eligible entities—

''(A) any reference to a waiver application under section 1855 shall be treated as a reference to a waiver application under paragraph (1); and

''(B) any reference to solvency standards were treated as a reference to solvency standards established under subsection (d).

''(d) SOLVENCY STANDARDS FOR NON-LICENSED ENTITIES.—

''(1) ESTABLISHMENT AND PUBLICATION.—The Administrator, in consultation with the National Association of Insurance Commissioners, shall establish and publish, by not later than January 1, 2005, financial solvency and capital adequacy standards for entities described in paragraph (2).

''(2) COMPLIANCE WITH STANDARDS.—An eligible entity that is not licensed by a State under subsection (a)(1) and for which a waiver application has been approved under subsection (c) shall meet solvency and capital adequacy standards established under paragraph (1). The Administrator shall establish certification procedures for such eligible entities with respect to such solvency standards in the manner described in section 1855(c)(2).

''(e) LICENSURE DOES NOT SUBSTITUTE FOR OR CONSTITUTE CERTIFICATION.—The fact that an entity is licensed in accordance with subsection (a)(1) or has a waiver application approved under subsection (c) does not deem the eligible entity to meet other requirements imposed under this part for an eligible entity.

''(f) INCORPORATION OF CERTAIN MEDICAREADVANTAGE CONTRACT REQUIREMENTS.—The following provisions of section 1857 shall apply, subject to subsection (c)(4), to contracts under this section in the same manner as they apply to contracts under section 1857(a):

''(1) PROTECTIONS AGAINST FRAUD AND BENEFICIARY PROTECTIONS.—Section 1857(d).

''(2) INTERMEDIATE SANCTIONS.—Section 1857(g), except that in applying such section—

''(A) the reference in section 1857(g)(1)(B) to section 1854 is deemed a reference to this part; and

''(B) the reference in section 1857(g)(1)(F) to section 1852(k)(2)(A)(ii) shall not be applied.

''(3) PROCEDURES FOR TERMINATION.—Section 1857(h).

''(g) OTHER STANDARDS.—The Administrator shall establish by regulation other standards (not described in subsection (d)) for eligible entities and Medicare Prescription Drug plans consistent with, and to carry out, this part. The Administrator shall publish such regulations by January 1, 2005.

''(h) PERIODIC REVIEW AND REVISION OF STANDARDS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall periodically review the standards established under this section and, based on such review, may revise such standards if the Administrator determines such revision to be appropriate.

''(2) PROHIBITION OF MIDYEAR IMPLEMENTATION OF SIGNIFICANT NEW REGULATORY REQUIREMENTS.—The Administrator may not implement, other than at the beginning of a calendar year, regulations under this section that impose new, significant regulatory requirements on an eligible entity or a Medicare Prescription Drug plan.

''(i) RELATION TO STATE LAWS.—

''(1) IN GENERAL.—The standards established under this part shall supersede any State law or regulation (including standards described in paragraph (2)) with respect to Medicare Prescription Drug plans which are offered by eligible entities under this part—

''(A) to the extent such law or regulation is inconsistent with such standards; and

''(B) in the same manner as such laws and regulations are superseded under section 1856(b)(3).

''(2) STANDARDS SPECIFICALLY SUPERSEDED.—State standards relating to the following are superseded under this section:

''(A) Benefit requirements, including requirements relating to cost-sharing and the structure of formularies.

''(B) Premiums.

''(C) Requirements relating to inclusion or treatment of providers.

''(D) Coverage determinations (including related appeals and grievance processes).

''(E) Requirements relating to marketing materials and summaries and schedules of benefits regarding a Medicare Prescription Drug plan.

''(3) PROHIBITION OF STATE IMPOSITION OF PREMIUM TAXES.—No State may impose a premium tax or similar tax with respect to—

''(A) monthly beneficiary obligations paid to the Administrator for Medicare Prescription Drug plans under this part; or

''(B) any payments made by the Administrator under this part to an eligible entity offering such a plan.

''Subpart 2—Prescription Drug Delivery System

''ESTABLISHMENT OF SERVICE AREAS

''SEC. 1860D–10. (a) ESTABLISHMENT.—

''(1) INITIAL ESTABLISHMENT.—Not later than April 15, 2005, the Administrator shall establish and publish the service areas in which Medicare Prescription Drug plans may offer benefits under this part.

''(2) PERIODIC REVIEW AND REVISION OF SERVICE AREAS.—The Administrator shall periodically review the service areas applicable under this section and, based on such review, may revise such service areas if the Administrator determines such revision to be appropriate.

''(b) REQUIREMENTS FOR ESTABLISHMENT OF SERVICE AREAS.—

''(1) IN GENERAL.—The Administrator shall establish the service areas under subsection (a) in a manner that—

''(A) maximizes the availability of Medicare Prescription Drug plans to eligible beneficiaries; and

''(B) minimizes the ability of eligible entities offering such plans to favorably select eligible beneficiaries.

''(2) ADDITIONAL REQUIREMENTS.—The Administrator shall establish the service areas under subsection (a) consistent with the following requirements:

''(A) There shall be at least 10 service areas.

''(B) Each service area must include at least 1 State.

''(C) The Administrator may not divide States so that portions of the State are in different service areas.

''(D) To the extent possible, the Administrator shall include multistate metropolitan statistical areas in a single service area. The Administrator may divide metropolitan statistical areas where it is necessary to establish service areas of such size and geography as to maximize the participation of Medicare Prescription Drug plans.

''(3) MAY CONFORM TO MEDICAREADVANTAGE PREFERRED PROVIDER REGIONS.—The Administrator may conform the service areas established under this section to the preferred provider regions established under section 1858(a)(3).

''PUBLICATION OF RISK ADJUSTERS

''SEC. 1860D–11. (a) PUBLICATION.—Not later than April 15 of each year (beginning in 2005), the Administrator shall publish the risk adjusters established under subsection (b) to be used in computing—

''(1) the amount of payment to Medicare Prescription Drug plans in the subsequent year under section 1860D–16(a), insofar as it is attributable to standard prescription drug coverage (or actuarially equivalent prescription drug coverage); and

''(2) the amount of payment to MedicareAdvantage plans in the subsequent year under section 1858A(c), insofar as it is attributable to standard prescription drug coverage (or actuarially equivalent prescription drug coverage).

''(b) ESTABLISHMENT OF RISK ADJUSTERS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall establish an appropriate methodology for adjusting the amount of payment to plans referred to in subsection (a) to take into account variation in costs based on the differences in actuarial risk of different enrollees being served. Any such risk adjustment shall be designed in a manner as to not result in a change in the aggregate payments described in paragraphs (1) and (2) of subsection (a).

''(2) CONSIDERATIONS.—In establishing the methodology under paragraph (1), the Administrator may take into account the similar methodologies used under section 1853(a)(3) to adjust payments to MedicareAdvantage organizations.

''(3) DATA COLLECTION.—In order to carry out this subsection, the Administrator shall require—

''(A) eligible entities to submit data regarding drug claims that can be linked at the beneficiary level to part A and part B data and such other information as the Administrator determines necessary; and

''(B) MedicareAdvantage organizations (except MSA plans or a private fee-for-service plan that does not provide qualified prescription drug coverage) to submit data regarding drug claims that can be linked to other data that such organizations are required to submit to the Administrator and such other information as the Administrator determines necessary.

''SUBMISSION OF BIDS FOR PROPOSED MEDICARE PRESCRIPTION DRUG PLANS

''SEC. 1860D–12. (a) SUBMISSION.—

''(1) IN GENERAL.—Each eligible entity that intends to offer a Medicare Prescription Drug plan in an area in a year (beginning with 2006) shall submit to the Administrator, at such time in the previous year and in such manner as the Administrator may specify, such information as the Administrator may require, including the information described in subsection (b).

''(2) ANNUAL SUBMISSION.—An eligible entity shall submit the information required under paragraph (1) with respect to a Medicare Prescription Drug plan that the entity intends to offer on an annual basis.

''(b) INFORMATION DESCRIBED.—The information described in this subsection includes information on each of the following:

''(1) The benefits under the plan (as required under section 1860D–6).

''(2) The actuarial value of the qualified prescription drug coverage.

''(3) The amount of the monthly plan premium under the plan, including an actuarial certification of—

''(A) the actuarial basis for such monthly plan premium;

''(B) the portion of such monthly plan premium attributable to standard prescription drug coverage or actuarially equivalent prescription drug coverage and, if applicable, to benefits that are in addition to such coverage; and

''(C) the reduction in such monthly plan premium resulting from the payments provided under section 1860D–20.

''(4) The service area for the plan.

''(5) Whether the entity plans to use any funds in the plan stabilization reserve fund in the Prescription Drug Account that are available to the entity to stabilize or reduce the monthly plan premium submitted under paragraph (3), and if so, the amount in such reserve fund that is to be used.

''(6) Such other information as the Administrator may require to carry out this part.

''(c) OPTIONS REGARDING SERVICE AREAS.—

''(1) IN GENERAL.—The service area of a Medicare Prescription Drug plan shall be either—

''(A) the entire area of 1 of the service areas established by the Administrator under section 1860D–10; or

''(B) the entire area covered by the medicare program.

''(2) RULE OF CONSTRUCTION.—Nothing in this part shall be construed as prohibiting an eligible entity from submitting separate bids in multiple service areas as long as each bid is for a single service area.

''APPROVAL OF PROPOSED MEDICARE PRESCRIPTION DRUG PLANS

''SEC. 1860D–13. (a) APPROVAL.—

''(1) IN GENERAL.—The Administrator shall review the information filed under section 1860D–12 and shall approve or disapprove the Medicare Prescription Drug plan.

''(2) REQUIREMENTS FOR APPROVAL.—The Administrator may not approve a Medicare Prescription Drug plan unless the following requirements are met:

''(A) COMPLIANCE WITH REQUIREMENTS.—The plan and the entity offering the plan comply with the requirements under this part.

''(B) APPLICATION OF FEHBP STANDARD.—(i) The portion of the monthly plan premium submitted under section 1860D–12(b) that is attributable to standard prescription drug coverage reasonably and equitably reflects the actuarial value of the standard prescription drug coverage less the actuarial value of the reinsurance payments under section 1860D–20 and the amount of any funds in the plan stabilization reserve fund in the Prescription Drug Account used to stabilize or reduce the monthly plan premium.

''(ii) If the plan provides additional prescription drug coverage pursuant to section 1860D–6(a)(2), the monthly plan premium reasonably and equitably reflects the actuarial value of the coverage provided less the actuarial value of the reinsurance payments under section 1860D–20 and the amount of any funds in the plan stabilization reserve fund in the Prescription Drug Account used to stabilize or reduce the monthly plan premium.

''(b) NEGOTIATION.—In exercising the authority under subsection (a), the Administrator shall have the authority to—

''(1) negotiate the terms and conditions of the proposed monthly plan premiums submitted and other terms and conditions of a proposed plan; and

''(2) disapprove, or limit enrollment in, a proposed plan based on—

''(A) the costs to beneficiaries under the plan;

''(B) the quality of the coverage and benefits under the plan;

''(C) the adequacy of the network under the plan; or

''(D) other factors determined appropriate by the Administrator.

''(c) SPECIAL RULES FOR APPROVAL.—The Administrator may approve a Medicare Prescription Drug plan submitted under section 1860D–12 only if the benefits under such plan—

''(1) include the required benefits under section 1860D–6(a)(1); and

''(2) are not designed in such a manner that the Administrator finds is likely to result in favorable selection of eligible beneficiaries.

''(d) ACCESS TO COMPETITIVE COVERAGE.—

''(1) NUMBER OF CONTRACTS.—The Administrator, consistent with the requirements of this part and the goal of containing costs under this title, shall, with respect to a year, approve at least 2 contracts to offer a Medicare Prescription Drug plan in each service area (established under section 1860D–10) for the year.

''(2) AUTHORITY TO REDUCE RISK TO ENSURE ACCESS.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the Administrator determines, with respect to an area, that the access required under paragraph (1) is not going to be provided in the area during the subsequent year, the Administrator shall—

''(i) adjust the percents specified in paragraphs (2) and (4) of section 1860D–16(b) in an area in a year; or

''(ii) increase the percent specified in section 1860D–20(c)(1) in an area in a year.

The administrator shall exercise the authority under the preceding sentence only so long as (and to the extent) necessary to assure the access guaranteed under paragraph (1).

''(B) REQUIREMENTS FOR USE OF AUTHORITY.—In exercising authority under subparagraph (A), the Administrator—

''(i) shall not provide for the full underwriting of financial risk for any eligible entity;

''(ii) shall not provide for any underwriting of financial risk for a public eligible entity with respect to the offering of a nationwide Medicare Prescription Drug plan; and

''(iii) shall seek to maximize the assumption of financial risk by eligible entities to ensure fair competition among Medicare Prescription Drug plans.

''(C) REQUIREMENT TO ACCEPT 2 FULL-RISK QUALIFIED BIDS BEFORE EXERCISING AUTHORITY.—The Administrator may not exercise the authority under subparagraph (A) with respect to an area and year if 2 or more qualified bids are submitted by eligible entities to offer a Medicare Prescription Drug plan in the area for the year under paragraph (1) before the application of subparagraph (A).

''(D) REPORTS.—The Administrator, in each annual report to Congress under section 1808(c)(1)(D), shall include information on the exercise of authority under subparagraph (A). The Administrator also shall include such recommendations as may be appropriate to limit the exercise of such authority.

''(e) GUARANTEED ACCESS.—

''(1) ACCESS.—In order to assure access to qualified prescription drug coverage in an area, the Administrator shall take the following steps:

''(A) DETERMINATION.—Not later than September 1 of each year (beginning in 2005) and for each area (established under section 1860D–10), the Administrator shall make a determination as to whether the access required under subsection (d)(1) is going to be provided in the area during the subsequent year. Such determination shall be made after the Administrator has exercised the authority under subsection (d)(2).

''(B) CONTRACT WITH AN ENTITY TO PROVIDE COVERAGE IN AN AREA.—Subject to paragraph (3), if the Administrator makes a determination under subparagraph (A) that the access required under subsection (d)(1) is not going to be provided in an area during the subsequent year, the Administrator shall enter into a contract with an entity to provide eligible beneficiaries enrolled under this part (and not, except for an MSA plan or a private fee-for-service plan that does not provide qualified prescription drug coverage enrolled in a MedicareAdvantage plan) and residing in the area with standard prescription drug coverage (including access to negotiated prices for such beneficiaries pursuant to section 1860D–6(e)) during the subsequent year. An entity may be awarded a contract for more than 1 of the areas for which the Administrator is required to enter into a contract under this paragraph but the Administrator may enter into only 1 such contract in each such area. An entity with a contract under this part shall meet the requirements described in section 1860D–5 and such other requirements determined appropriate by the Administrator.

''(C) REQUIREMENT TO ACCEPT 2 REDUCED-RISK QUALIFIED BIDS BEFORE ENTERING INTO CONTRACT.—The Administrator may not enter into a contract under subparagraph (B) with respect to an area and year if 2 or more qualified bids are submitted by eligible entities to offer a Medicare Prescription Drug plan in the area for the year after the Administrator has exercised the authority under subsection (d)(2) in the area for the year.

''(D) ENTITY REQUIRED TO MEET BENEFICIARY PROTECTION AND OTHER REQUIREMENTS.—An entity with a contract under subparagraph (B) shall meet the requirements described in section 1860D–5 and such other requirements determined appropriate by the Administrator.

''(E) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))) shall be used to enter into a contract under subparagraph (B).

''(2) MONTHLY BENEFICIARY OBLIGATION FOR ENROLLMENT.—

''(A) IN GENERAL.—In the case of an eligible beneficiary receiving access to qualified prescription drug coverage through enrollment with an entity with a contract under paragraph (1)(B), the monthly beneficiary obligation of such beneficiary for such enrollment shall be an amount equal to the applicable percent (as determined under section 1860D–17(c)) of the monthly national average premium (as computed under section 1860D–15) for the area for the year, as adjusted using the geographic adjuster under subparagraph (B).

''(B) ESTABLISHMENT OF GEOGRAPHIC ADJUSTER.—The Administrator shall establish an appropriate methodology for adjusting the monthly beneficiary obligation (as computed under subparagraph (A)) for the year in an area to take into account differences in drug prices among areas. In establishing such methodology, the Administrator may take into account differences in drug utilization between eligible beneficiaries in an area and eligible beneficiaries in other areas and the results of the ongoing study required under section 106 of the Prescription Drug and Medicare Improvement Act of 2003. Any such adjustment shall be applied in a manner so as to not result in a change in the aggregate payments made under this part that would have been made if the Administrator had not applied such adjustment.

''(3) PAYMENTS UNDER THE CONTRACT.—

''(A) IN GENERAL.—A contract entered into under paragraph (1)(B) shall provide for—

''(i) payment for the negotiated costs of covered drugs provided to eligible beneficiaries enrolled with the entity; and

''(ii) payment of prescription management fees that are tied to performance requirements established by the Administrator for the management, administration, and delivery of the benefits under the contract.

''(B) PERFORMANCE REQUIREMENTS.—The performance requirements established by the Administrator pursuant to subparagraph (A)(ii) shall include the following:

''(i) The entity contains costs to the Prescription Drug Account and to eligible beneficiaries enrolled under this part and with the entity.

''(ii) The entity provides such beneficiaries with quality clinical care.

''(iii) The entity provides such beneficiaries with quality services.

''(C) ENTITY ONLY AT RISK TO THE EXTENT OF THE FEES TIED TO PERFORMANCE REQUIREMENTS.—An entity with a contract under paragraph (1)(B) shall only be at risk for the provision of benefits under the contract to the extent that the management fees paid to the entity are tied to performance requirements under subparagraph (A)(ii).

''(4) ELIGIBLE ENTITY THAT SUBMITTED A BID FOR THE AREA NOT ELIGIBLE TO BE AWARDED THE CONTRACT.—An eligible entity that submitted a bid to offer a Medicare Prescription Drug plan for an area for a year under section 1860D–12, including a bid submitted after the Administrator has exercised the authority under subsection (d)(2), may not be awarded a contract under paragraph (1)(B) for that area and year. The previous sentence shall apply to an entity that was awarded a contract under paragraph (1)(B) for the area in the previous year and submitted such a bid under section 1860D–12 for the year.

''(5) CONTRACT TO BE AVAILABLE IN DESIGNATED AREA FOR 2 YEARS.—Notwithstanding paragraph (1), if the Administrator enters into a contract with an entity with respect to an area designated under subparagraph (B) of such paragraph for a year, the following rules shall apply:

''(A) The contract shall be for a 2-year period.

''(B) The Secretary is not required to make the determination under paragraph (1)(A) with respect to the second year of the contract for the area.

''(C) During the second year of the contract, an eligible beneficiary residing in the area may continue to receive standard prescription drug coverage (including access to negotiated prices for such beneficiaries pursuant to section 1860D-6(e)) under such contract or through any Medicare Prescription Drug plan that is available in the area.

''(6) ENTITY NOT PERMITTED TO MARKET OR BRAND THE CONTRACT.—An entity with a contract under paragraph (1)(B) may not engage in any marketing or branding of such contract.

''(7) RULES FOR AREAS WHERE ONLY 1 COMPETITIVELY BID PLAN WAS APPROVED.—In the case of an area where (before the application of this subsection) only 1 Medicare Prescription Drug plan was approved for a year—

''(A) the plan may (at the option of the plan) be offered in the area for the year (under rules applicable to such plans under this part and not under this subsection);

''(B) eligible beneficiaries described in paragraph (1)(B) may receive access to qualified prescription drug coverage through enrollment in the plan or with an entity with a contract under paragraph (1)(B); and

''(C) for purposes of applying section 1860D–3(a)(1)(A)(ii), such plan shall be the plan designated in the area under such section.

''(f) TWO-YEAR CONTRACTS.—Except for a contract entered into under subsection (e)(1)(B), a contract approved under this part (including a contract under) shall be for a 2-year period.

''COMPUTATION OF MONTHLY STANDARD PRESCRIPTION DRUG COVERAGE PREMIUMS

''SEC. 1860D–14. (a) IN GENERAL.—For each year (beginning with 2006), the Administrator shall compute a monthly standard prescription drug coverage premium for each Medicare Prescription Drug plan approved under section 1860D–13 and for each MedicareAdvantage plan.

''(b) REQUIREMENTS.—The monthly standard prescription drug coverage premium for a plan for a year shall be equal to—

''(1) in the case of a plan offered by an eligible entity or MedicareAdvantage organization that provides standard prescription drug coverage or an actuarially equivalent prescription drug coverage and does not provide additional prescription drug coverage pursuant to section 1860D–6(a)(2), the monthly plan premium approved for the plan under section 1860D–13 for the year; and

''(2) in the case of a plan offered by an eligible entity or MedicareAdvantage organization that provides additional prescription drug coverage pursuant to section 1860D–6(a)(2)—

''(A) an amount that reflects only the actuarial value of the standard prescription drug coverage offered under the plan; or

''(B) if determined appropriate by the Administrator, the monthly plan premium approved under section 1860D–13 for the year for the Medicare Prescription Drug plan (or, if applicable, the MedicareAdvantage plan) that, as required under section 1860D–6(a)(2)(B) for a Medicare Prescription Drug plans and a MedicareAdvantage plan—

''(i) is offered by such entity or organization in the same area as the plan; and

''(ii) does not provide additional prescription drug coverage pursuant to such section.

''COMPUTATION OF MONTHLY NATIONAL AVERAGE PREMIUM

''SEC. 1860D–15. (a) COMPUTATION.—

''(1) IN GENERAL.—For each year (beginning with 2006) the Administrator shall compute a monthly national average premium equal to the average of the monthly standard prescription drug coverage premium for each Medicare Prescription Drug plan and each MedicareAdvantage plan (as computed under section 1860D–14). Such premium may be adjusted pursuant to any methodology determined under subsection (b), as determined appropriate by the Administrator.

''(2) WEIGHTED AVERAGE.—The monthly national average premium computed under paragraph (1) shall be a weighted average, with the weight for each plan being equal to the average number of beneficiaries enrolled under such plan in the previous year.

''(b) GEOGRAPHIC ADJUSTMENT.—The Administrator shall establish an appropriate methodology for adjusting the monthly national average premium (as computed under subsection (a)) for the year in an area to take into account differences in prices for covered drugs among different areas. In establishing such methodology, the Administrator may take into account differences in drug utilization between eligible beneficiaries in that area and other eligible beneficiaries and the results of the ongoing study required under section 106 of the Prescription Drug and Medicare Improvement Act of 2003. Any such adjustment shall be applied in a manner as to not result in a change in aggregate payments made under this part than would have been made if the Administrator had not applied such adjustment.

''(c) SPECIAL RULE FOR 2006.—For purposes of applying this section for 2006, the Administrator shall establish procedures for determining the weighted average under subsection (a)(2) for 2005.

''PAYMENTS TO ELIGIBLE ENTITIES

''SEC. 1860D–16. (a) PAYMENT OF MONTHLY PLAN PREMIUMS.—For each year (beginning with 2006), the Administrator shall pay to each entity offering a Medicare Prescription Drug plan in which an eligible beneficiary is enrolled an amount equal to the full amount of the monthly plan premium approved for the plan under section 1860D–13 on behalf of each eligible beneficiary enrolled in such plan for the year, as adjusted using the risk adjusters that apply to the standard prescription drug coverage published under section 1860D–11.

''(b) PORTION OF TOTAL PAYMENTS OF MONTHLY PLAN PREMIUMS SUBJECT TO RISK.—

''(1) NOTIFICATION OF SPENDING UNDER THE PLAN.—

''(A) IN GENERAL.—For each year (beginning in 2007), the eligible entity offering a Medicare Prescription Drug plan shall notify the Administrator of the following:

''(i) TOTAL ACTUAL COSTS.—The total amount of costs that the entity incurred in providing standard prescription drug coverage (or prescription drug coverage that is actuarially equivalent pursuant to section 1860D–6(a)(1)(B)) for all enrollees under the plan in the previous year.

''(ii) ACTUAL COSTS FOR SPECIFIC DRUGS.—With respect to the total amount under clause (i) for the year, a breakdown of—

''(I) each covered drug that constitutes a portion of such amount;

''(II) the negotiated price for the eligible entity for each such drug;

''(III) the number of prescriptions; and

''(IV) the average beneficiary coinsurance rate for a each covered drug that constitutes a portion of such amount.

''(B) CERTAIN EXPENSES NOT INCLUDED.—The amounts under clauses (i) and (ii)(II) of subparagraph (A) may not include—

''(i) administrative expenses incurred in providing the coverage described in subparagraph (A)(i);

''(ii) amounts expended on providing additional prescription drug coverage pursuant to section 1860D–6(a)(2); or

''(iii) amounts expended for which the entity is subsequently provided with reinsurance payments under section 1860D–20.

''(2) ADJUSTMENT OF PAYMENT.—

''(A) NO ADJUSTMENT IF ALLOWABLE COSTS WITHIN RISK CORRIDOR.—If the allowable costs (specified in paragraph (3)) for the plan for the year are not more than the first threshold upper limit of the risk corridor (specified in paragraph (4)(A)(iii)) and are not less than the first threshold lower limit of the risk corridor (specified in paragraph (4)(A)(i)) for the plan for the year, then no additional payments shall be made by the Administrator and no payments shall be made by (or collected from) the eligible entity offering the plan.

''(B) INCREASE IN PAYMENT IF ALLOWABLE COSTS ABOVE UPPER LIMIT OF RISK CORRIDOR.—

''(i) IN GENERAL.—If the allowable costs for the plan for the year are more than the first threshold upper limit of the risk corridor for the plan for the year, then the Administrator shall increase the total of the monthly payments made to the entity offering the plan for the year under subsection (a) by an amount equal to the sum of—

''(I) the applicable percent (as defined in subparagraph (D)) of such allowable costs which are more than such first threshold upper limit of the risk corridor and not more than the second threshold upper limit of the risk corridor for the plan for the year (as specified under paragraph (4)(A)(iv)); and

''(II) 90 percent of such allowable costs which are more than such second threshold upper limit of the risk corridor.

''(ii) SPECIAL TRANSITIONAL CORRIDOR FOR 2006 AND 2007.—If the Administrator determines with respect to 2006 or 2007 that at least 60 percent of Medicare Prescription Drug plans and MedicareAdvantage Plans (excluding MSA plans or private fee-for-service plans that do not provide qualified prescription drug coverage) have allowable costs for the plan for the year that are more than the first threshold upper limit of the risk corridor for the plan for the year and

that such plans represent at least 60 percent of eligible beneficiaries enrolled under this part, clause (i)(I) shall be applied by substituting '90 percent' for 'applicable percent'.

''(C) PLAN PAYMENT IF ALLOWABLE COSTS BELOW LOWER LIMIT OF RISK CORRIDOR.—If the allowable costs for the plan for the year are less than the first threshold lower limit of the risk corridor for the plan for the year, then the entity offering the plan shall a make a payment to the Administrator of an amount (or the Administrator shall otherwise recover from the plan an amount) equal to—

''(i) the applicable percent (as so defined) of such allowable costs which are less than such first threshold lower limit of the risk corridor and not less than the second threshold lower limit of the risk corridor for the plan for the year (as specified under paragraph (4)(A)(ii)); and

''(ii) 90 percent of such allowable costs which are less than such second threshold lower limit of the risk corridor.

''(D) APPLICABLE PERCENT DEFINED.—For purposes of this paragraph, the term 'applicable percent' means—

''(i) for 2006 and 2007, 75 percent; and

''(ii) for 2008 and subsequent years, 50 percent.

''(3) ESTABLISHMENT OF ALLOWABLE COSTS.—

''(A) IN GENERAL.—For each year, the Administrator shall establish the allowable costs for each Medicare Prescription Drug plan for the year. The allowable costs for a plan for a year shall be equal to the amount described in paragraph (1)(A)(i) for the plan for the year, adjusted under subparagraph (B)(ii).

''(B) REPRICING OF COSTS.—

''(i) CALCULATION OF AVERAGE PLAN COST.—Utilizing the information obtained under paragraph (1)(A)(ii) and section 1860D–20(b)(1)(B), for each year (beginning with 2006), the Administrator shall establish an average negotiated price with respect to all Medicare Prescription Drug plans for each covered drug.

''(ii) ADJUSTMENT IF ACTUAL COSTS EXCEED AVERAGE COSTS.—With respect to a Medicare Prescription Drug plan for a year, the Administrator shall reduce the amount described in paragraph (1)(A)(i) for the plan for the year to the extent such amount is based on costs of specific covered drugs furnished under the plan in the year (as specified under paragraph (1)(A)(ii)) for which the negotiated prices are greater than the average negotiated price for the covered drug for the year (as determined under clause (i)).

''(4) ESTABLISHMENT OF RISK CORRIDORS.—

''(A) IN GENERAL.—For each year (beginning with 2006), the Administrator shall establish a risk corridor for each Medicare Prescription Drug plan. The risk corridor for a plan for a year shall be equal to a range as follows:

''(i) FIRST THRESHOLD LOWER LIMIT.—The first threshold lower limit of such corridor shall be equal to—

''(I) the target amount described in subparagraph (B) for the plan; minus

''(II) an amount equal to the first threshold risk percentage for the plan (as determined under subparagraph (C)(i)) of such target amount.

''(ii) SECOND THRESHOLD LOWER LIMIT.—The second threshold lower limit of such corridor shall be equal to—

''(I) the target amount described in subparagraph (B) for the plan; minus

''(II) an amount equal to the second threshold risk percentage for the plan (as determined under subparagraph (C)(ii)) of such target amount.

''(iii) FIRST THRESHOLD UPPER LIMIT.—The first threshold upper limit of such corridor shall be equal to the sum of—

''(I) such target amount; and

''(II) the amount described in clause (i)(II).

''(iv) SECOND THRESHOLD UPPER LIMIT.—The second threshold upper limit of such corridor shall be equal to the sum of—

''(I) such target amount; and

''(II) the amount described in clause (ii)(II).

''(B) TARGET AMOUNT DESCRIBED.—The target amount described in this paragraph is, with respect to a Medicare Prescription Drug plan offered by an eligible entity in a year—

''(i) in the case of a plan offered by an eligible entity that provides standard prescription drug coverage or actuarially equivalent prescription drug coverage and does not provide additional prescription drug coverage pursuant to section 1860D–6(a)(2), an amount equal to the total of the monthly plan premiums paid to such entity for such plan for the year pursuant to subsection (a), reduced by the percentage specified in subparagraph (D); and

''(ii) in the case of a plan offered by an eligible entity that provides additional prescription drug coverage pursuant to section 1860D–6(a)(2), an amount equal to the total of the monthly plan premiums paid to such entity for such plan for the year pursuant to subsection (a) that are related to standard prescription drug coverage (determined using the rules under section 1860D–14(b)), reduced by the percentage specified in subparagraph (D).

''(C) FIRST AND SECOND THRESHOLD RISK PERCENTAGE DEFINED.—

''(i) FIRST THRESHOLD RISK PERCENTAGE.—Subject to clause (iii), for purposes of this section, the first threshold risk percentage is—

''(I) for 2006 and 2007, and 2.5 percent;

''(II) for 2008 through 2011, 5 percent; and

''(III) for 2012 and subsequent years, a percentage established by the Administrator, but in no case less than 5 percent.

''(ii) SECOND THRESHOLD RISK PERCENTAGE.—Subject to clause (iii), for purposes of this section, the second threshold risk percentage is—

''(I) for 2006 and 2007, 5.0 percent;

''(II) for 2008 through 2011, 10 percent

''(III) for 2012 and subsequent years, a percentage established by the Administrator that is greater than the percent established for the year under clause (i)(III), but in no case less than 10 percent.

''(iii) REDUCTION OF RISK PERCENTAGE TO ENSURE 2 PLANS IN AN AREA.—Pursuant to paragraph (2) of section 1860D–13(d), the Administrator may reduce the applicable first or second threshold risk percentage in an area in a year in order to ensure the access to plans required under paragraph (1) of such section.

''(D) TARGET AMOUNT NOT TO INCLUDE ADMINISTRATIVE EXPENSES NEGOTIATED BETWEEN THE ADMINISTRATOR AND THE ENTITY OFFERING THE PLAN.—For each year (beginning in 2006), the Administrator and the entity offering a Medicare Prescription Drug plan shall negotiate, as part of the negotiation process described in section 1860D–13(b) during the previous year, the percentage of the payments to the entity under subsection (a) with respect to the plan that are attributable and reasonably incurred for administrative expenses for providing standard prescription drug coverage or actuarially equivalent prescription drug coverage in the year.

''(5) PLANS AT RISK FOR ENTIRE AMOUNT OF ADDITIONAL PRESCRIPTION DRUG COVERAGE.—An eligible entity that offers a Medicare Prescription Drug plan that provides additional prescription drug coverage pursuant to section 1860D–6(a)(2) shall be at full financial risk for the provision of such additional coverage.

''(6) NO EFFECT ON ELIGIBLE BENEFICIARIES.—No change in payments made by reason of this subsection shall affect the beneficiary obligation under section 1860D–17 for the year in which such change in payments is made.

''(7) DISCLOSURE OF INFORMATION.—

''(A) IN GENERAL.—Each contract under this part shall provide that—

''(i) the entity offering a Medicare Prescription Drug plan shall provide the Administrator with such information as the Administrator determines is necessary to carry out this section; and

''(ii) the Administrator shall have the right to inspect and audit any books and records of the eligible entity that pertain to the information regarding costs provided to the Administrator under paragraph (1).

''(B) RESTRICTION ON USE OF INFORMATION.—Information disclosed or obtained pursuant to the provisions of this section may be used by officers and employees of the Department of Health and Human Services only for the purposes of, and to the extent necessary in, carrying out this section.

''(c) STABILIZATION RESERVE FUND.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—There is established, within the Prescription Drug Account, a stabilization reserve fund in which the Administrator shall deposit amounts on behalf of eligible entities in accordance with paragraph (2) and such amounts shall be made available by the Secretary for the use of eligible entities in contract year 2008 and subsequent contract years in accordance with paragraph (3).

''(B) REVERSION OF UNUSED AMOUNTS.—Any amount in the stabilization reserve fund established under subparagraph (A) that is not expended by an eligible entity in accordance with paragraph (3) or that was deposited for the use of an eligible entity that no longer has a contract under this part shall revert for the use of the Prescription Drug Account.

''(2) DEPOSIT OF AMOUNTS FOR 5 YEARS.—

''(A) IN GENERAL.—If the target amount for a Medicare Prescription Drug plan for 2006, 2007, 2008, 2009, or 2010 (as determined under subsection (b)(4)(B)) exceeds the applicable costs for the plan for the year by more than 3 percent, then—

''(i) the entity offering the plan shall make a payment to the Administrator of an amount (or the Administrator shall otherwise recover from the plan an amount) equal to the portion of such excess that is in excess of 3 percent of the target amount; and

''(ii) the Administrator shall deposit an amount equal to the amount collected or otherwise recovered under clause (i) in the stabilization reserve fund on behalf of the eligible entity offering such plan.

''(B) APPLICABLE COSTS.—For purposes of subparagraph (A), the term 'applicable costs' means, with respect to a Medicare Prescription Drug plan and year, an amount equal the sum of—

''(i) the allowable costs for the plan and year (as determined under subsection (b)(3)(A); and

''(ii) the total amount by which monthly payments to the plan were reduced (or otherwise recovered from the plan) for the year under subsection (b)(2)(C).

''(3) USE OF RESERVE FUND TO STABILIZE OR REDUCE MONTHLY PLAN PREMIUMS.—

''(A) IN GENERAL.—For any contract year beginning after 2007, an eligible entity offering a Medicare Prescription Drug plan may use funds in the stabilization reserve fund in the Prescription Drug Account that were deposited in such fund on behalf of the entity to stabilize or reduce monthly plan premiums submitted under section 1860D–12(b)(3).

''(B) PROCEDURES.—The Administrator shall establish procedures for—

''(i) reducing monthly plan premiums submitted under section 1860D–12(b)(3) pursuant to subparagraph (A); and

''(ii) making payments from the plan stabilization reserve fund in the Prescription Drug Account to eligible entities that inform the Secretary under section 1860D–12(b)(5) of the entity's intent to use funds in such reserve fund to reduce such premiums.

''(d) PORTION OF PAYMENTS OF MONTHLY PLAN PREMIUMS ATTRIBUTABLE TO ADMINISTRATIVE EXPENSES TIED TO PERFORMANCE REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator shall establish procedures to adjust the portion of the payments made to an entity under subsection (a) that are attributable to administrative expenses (as determined pursuant to subsection (b)(4)(D)) to ensure that the entity meets the performance requirements described in clauses (ii) and (iii) of section 1860D–13(e)(4)(B).

''(2) NO EFFECT ON ELIGIBLE BENEFICIARIES.—No change in payments made by reason of this subsection shall affect the beneficiary obligation under section 1860D–17 for the year in which such change in payments is made.

''(e) PAYMENT TERMS.—

''(1) ADMINISTRATOR PAYMENTS.—Payments to an entity offering a Medicare Prescription Drug plan under this section shall be made in a manner determined by the Administrator and based upon the manner in which payments are made under section 1853(a) (relating to payments to MedicareAdvantage organizations).

''(2) PLAN PAYMENTS.—The Administrator shall establish a process for collecting (or other otherwise recovering) amounts that an entity offering a Medicare Prescription Drug plan is required to make to the Administrator under this section.

''(f) PAYMENTS TO MEDICAREADVANTAGE PLANS.—For provisions related to payments to MedicareAdvantage organizations offering MedicareAdvantage plans for qualified prescription drug coverage made available under the plan, see section 1858A(c).

''(g) SECONDARY PAYER PROVISIONS.—The provisions of section 1862(b) shall apply to the benefits provided under this part.

''COMPUTATION OF MONTHLY BENEFICIARY OBLIGATION

''SEC. 1860D–17. (a) BENEFICIARIES ENROLLED IN A MEDICARE PRESCRIPTION DRUG PLAN.—In the case of an eligible beneficiary enrolled under this part and in a Medicare Prescription Drug plan, the monthly beneficiary obligation for enrollment in such plan in a year shall be determined as follows:

''(1) MONTHLY PLAN PREMIUM EQUALS MONTHLY NATIONAL AVERAGE PREMIUM.—If the amount of the monthly plan premium approved by the Administrator under section 1860D–13 for a Medicare Prescription Drug plan for the year is equal to the monthly national average premium (as computed under section 1860D–15) for the area for the year, the monthly beneficiary obligation of the eligible beneficiary in that year shall be an amount equal to the applicable percent (as determined in subsection (c)) of the amount of such monthly national average premium.

''(2) MONTHLY PLAN PREMIUM LESS THAN MONTHLY NATIONAL AVERAGE PREMIUM.—If the amount of the monthly plan premium approved by the Administrator under section 1860D–13 for the Medicare Prescription Drug plan for the year is less than the monthly national average premium (as computed under section 1860D–15) for the area for the year, the monthly beneficiary obligation of the eligible beneficiary in that year shall be an amount equal to—

''(A) the applicable percent of the amount of such monthly national average premium; minus

''(B) the amount by which such monthly national average premium exceeds the amount of the monthly plan premium approved by the Administrator for the plan.

''(3) MONTHLY PLAN PREMIUM EXCEEDS MONTHLY NATIONAL AVERAGE PREMIUM.—If the amount of the monthly plan premium approved by the Administrator under section 1860D–13 for a Medicare Prescription Drug plan for the year exceeds the monthly national average premium (as computed under section 1860D–15) for the area for the year, the monthly beneficiary obligation of the eligible beneficiary in that year shall be an amount equal to the sum of—

''(A) the applicable percent of the amount of such monthly national average premium; plus

''(B) the amount by which the monthly plan premium approved by the Administrator for the plan exceeds the amount of such monthly national average premium.

''(b) BENEFICIARIES ENROLLED IN A MEDICAREADVANTAGE PLAN.—In the case of an eligible beneficiary that is enrolled in a MedicareAdvantage plan (except for an MSA plan or a private fee-for-service plan that does not provide qualified prescription drug coverage), the Medicare monthly beneficiary obligation for qualified prescription drug coverage shall be determined pursuant to section 1858A(d).

''(c) APPLICABLE PERCENT.—For purposes of this section, except as provided in section 1860D–19 (relating to premium subsidies for low-income individuals), the applicable percent for any year is the percentage equal to a fraction—

''(1) the numerator of which is 27.5 percent; and

''(2) the denominator of which is 100 percent minus a percentage equal to—

''(A) the total reinsurance payments which the Administrator estimates will be made under section 1860D–20 to qualifying entities described in subsection (e)(3) of such section during the year; divided by

''(B) the sum of—

''(i) the amount estimated under subparagraph (A) for the year; and

''(ii) the total payments which the Administrator estimates will be made under sections 1860D–16 and 1858A(c) during the year that relate to standard prescription drug coverage (or actuarially equivalent prescription drug coverage).

''COLLECTION OF MONTHLY BENEFICIARY OBLIGATION

''SEC. 1860D–18. (a) COLLECTION OF AMOUNT IN SAME MANNER AS PART B PREMIUM.—

''(1) IN GENERAL.—Subject to paragraph (2), the amount of the monthly beneficiary obligation (determined under section 1860D–17) applicable to an eligible beneficiary under this part (after application of any increase under section 1860D–2(b)(1)(A)) shall be collected and credited to the Prescription Drug Account in the same manner as the monthly premium determined under section 1839 is collected and credited to the Federal Supplementary Medical Insurance Trust Fund under section 1840.

''(2) PROCEDURES FOR SPONSOR TO PAY OBLIGATION ON BEHALF OF RETIREE.—The Administrator shall establish procedures under which an eligible beneficiary enrolled in a Medicare Prescription Drug plan may elect to have the sponsor (as defined in paragraph (5) of section 1860D–20(e)) of employment-based retiree health coverage (as defined in paragraph (4)(B) of such section) in which the beneficiary is enrolled pay the amount of the monthly beneficiary obligation applicable to the beneficiary under this part directly to the Administrator.

''(b) INFORMATION NECESSARY FOR COLLECTION.—In order to carry out subsection (a), the Administrator shall transmit to the Commissioner of Social Security—

''(1) by the beginning of each year, the name, social security account number, monthly beneficiary obligation owed by each individual enrolled in a Medicare Prescription Drug plan for each month during the year, and other information determined appropriate by the Administrator; and

''(2) periodically throughout the year, information to update the information previously transmitted under this paragraph for the year.

''(c) COLLECTION FOR BENEFICIARIES ENROLLED IN A MEDICAREADVANTAGE PLAN.—For provisions related to the collection of the monthly beneficiary obligation for qualified prescription drug coverage under a MedicareAdvantage plan, see section 1858A(e).

''PREMIUM AND COST-SHARING SUBSIDIES FOR LOW-INCOME INDIVIDUALS

''SEC. 1860D–19. (a) AMOUNT OF SUBSIDIES.—

''(1) FULL PREMIUM SUBSIDY AND REDUCTION OF COST-SHARING FOR QUALIFIED MEDICARE BENEFICIARIES.—In the case of a qualified medicare beneficiary (as defined in paragraph (4)(A))—

''(A) section 1860D–17 shall be applied—

''(i) in subsection (c), by substituting '0 percent' for the applicable percent that would otherwise apply under such subsection; and

''(ii) in subsection (a)(3)(B), by substituting 'the amount of the monthly plan premium for the Medicare Prescription Drug plan with the lowest monthly plan premium in the area that the beneficiary resides' for 'the amount of such monthly national average premium', but only if there is no Medicare Prescription Drug plan offered in the area in which the individual resides that has a monthly plan premium for the year that is equal to or less than the monthly national average premium (as computed under section 1860D–15) for the area for the year;

''(B) the annual deductible applicable under section 1860D–6(c)(1) in a year shall be reduced to $0;

''(C) section 1860D–6(c)(2) shall be applied by substituting '2.5 percent' for '50 percent' each place it appears;

''(D) such individual shall be responsible for cost-sharing for the cost of any covered drug provided in the year (after the individual has reached the initial coverage limit described in section 1860D–6(c)(3) and before the individual has reached the annual out-of-pocket limit under section 1860D–6(c)(4)(A)), that is equal to 5.0 percent; and

''(E) section 1860D–6(c)(4)(A) shall be applied by substituting '2.5 percent' for '10 percent'.

In no case may the application of subparagraph (A) result in a monthly beneficiary obligation that is below 0.

''(2) FULL PREMIUM SUBSIDY AND REDUCTION OF COST-SHARING FOR SPECIFIED LOW INCOME MEDICARE BENEFICIARIES AND QUALIFYING INDIVIDUALS.—In the case of a specified low income medicare beneficiary (as defined in paragraph (4)(B)) or a qualifying individual (as defined in paragraph (4)(C))—

''(A) section 1860D–17 shall be applied—

''(i) in subsection (c), by substituting '0 percent' for the applicable percent that would otherwise apply under such subsection; and

''(ii) in subsection (a)(3)(B), by substituting 'the amount of the monthly plan premium for the Medicare Prescription Drug plan with the lowest monthly plan premium in the area that the beneficiary resides' for 'the amount of such monthly national average premium', but only if there is no Medicare Prescription Drug plan offered in the area in which the individual resides that has a monthly plan premium for the year that is equal to or less than the monthly national average premium (as computed under section 1860D–15) for the area for the year;

''(B) the annual deductible applicable under section 1860D–6(c)(1) in a year shall be reduced to $0;

''(C) section 1860D–6(c)(2) shall be applied by substituting '5.0 percent' for '50 percent' each place it appears;

''(D) such individual shall be responsible for cost-sharing for the cost of any covered drug provided in the year (after the individual has reached the initial coverage limit described in section 1860D–6(c)(3) and before the individual has reached the annual out-of-pocket limit under section 1860D–6(c)(4)(A)), that is equal to 10.0 percent; and

''(E) section 1860D–6(c)(4)(A) shall be applied by substituting '2.5 percent' for '10 percent'.

In no case may the application of subparagraph (A) result in a monthly beneficiary obligation that is below 0.

''(3) SLIDING SCALE PREMIUM SUBSIDY AND REDUCTION OF COST-SHARING FOR SUBSIDY-ELIGIBLE INDIVIDUALS.—

''(A) IN GENERAL.—In the case of a subsidy-eligible individual (as defined in paragraph (4)(D))—

''(i) section 1860D–17 shall be applied—

''(I) in subsection (c), by substituting 'subsidy percent' for the applicable percentage that would otherwise apply under such subsection; and

''(II) in subparagraphs (A) and (B) of subsection (a)(3), by substituting 'the amount of the monthly plan premium for the Medicare Prescription Drug plan with the lowest monthly plan premium in the area that the beneficiary resides' for 'the amount of such monthly national average premium', but only if there is no Medicare Prescription Drug plan offered in the area in which the individual resides that has a monthly plan premium for the year that is equal to or less than the monthly national average premium (as computed under section 1860D–15) for the area for the year; and

''(ii) the annual deductible applicable under section 1860D–6(c)(1)—

''(I) for 2006, shall be reduced to $50; and

''(II) for a subsequent year, shall be reduced to the amount specified under this clause for the previous year increased by the percentage specified in section 1860D–6(c)(5) for the year involved;

''(iii) section 1860D–6(c)(2) shall be applied by substituting '10.0 percent' for '50 percent' each place it appears;

''(iv) such individual shall be responsible for cost-sharing for the cost of any covered drug provided in the year (after the individual has reached the initial coverage limit described in section 1860D–6(c)(3) and before the individual has reached the annual out-of-pocket limit under section 1860D–6(c)(4)(A)), that is equal to 20.0 percent; and

''(v) such individual shall be responsible for the cost-sharing described in section 1860D–6(c)(4)(A).

In no case may the application of clause (i) result in a monthly beneficiary obligation that is below 0.

''(B) SUBSIDY PERCENT DEFINED.—For purposes of subparagraph (A)(i), the term 'subsidy percent' means, with respect to a State, a percent determined on a linear sliding scale ranging from—

''(i) 0 percent with respect to a subsidy-eligible individual residing in the State whose income does not exceed 135 percent of the poverty line; to

''(ii) the highest percentage that would otherwise apply under section 1860D–17 in the service area in which the subsidy-eligible individual resides, in the case of a subsidy-eligible individual residing in the State whose income equals 160 percent of the poverty line.

''(4) DEFINITIONS.—In this part:

''(A) QUALIFIED MEDICARE BENEFICIARY.—Subject to subparagraph (H), the term 'qualified medicare beneficiary' means an individual who—

''(i) is enrolled under this part, including an individual who is enrolled under a MedicareAdvantage plan; and

''(ii) is described in section 1905(p)(1).

''(B) SPECIFIED LOW INCOME MEDICARE BENEFICIARY.—Subject to subparagraph (H), the term 'specified low income medicare beneficiary' means an individual who—

''(i) is enrolled under this part, including an individual who is enrolled under a MedicareAdvantage plan; and

''(ii) is described in section 1902(a)(10)(E)(iii).

''(C) QUALIFYING INDIVIDUAL.—Subject to subparagraph (H), the term 'qualifying individual' means an individual who—

''(i) is enrolled under this part, including an individual who is enrolled under a MedicareAdvantage plan; and

''(ii) is described in section 1902(a)(10)(E)(iv) (without regard to any termination of the application of such section under title XIX).

''(D) SUBSIDY-ELIGIBLE INDIVIDUAL.—Subject to subparagraph (H), the term 'subsidy-eligible individual' means an individual—

''(i) who is enrolled under this part, including an individual who is enrolled under a MedicareAdvantage plan; and

''(ii) whose income is less than 160 percent of the poverty line; and

''(iii) who is not—

''(I) a qualified medicare beneficiary;

''(II) a specified low-income medicare beneficiary; or

''(III) a qualifying individual. *

''(E) POVERTY LINE.—The term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

''(F) ELIGIBILITY DETERMINATIONS.—Beginning on November 1, 2005, the determination of whether an individual residing in a State is an individual described in subparagraph (A), (B), (C), or (D) and, for purposes of paragraph (3), the amount of an individual's income, shall be determined under the State medicaid plan for the State under section 1935(a). In the case of a State that does not operate such a medicaid plan (either under title XIX or under a statewide waiver granted under section 1115), such determination shall be made under arrangements made by the Administrator.

''(G) NONAPPLICATION TO TERRITORIAL RESIDENTS.—In the case of an individual who is not a resident of the 50 States or the District of Columbia—

''(i) the subsidies provided under this section shall not apply; and

''(ii) such individuals may be provided with medical assistance for covered outpatient drugs (as such term is defined for purposes of section 1927) in accordance with section 1935 under the State medicaid program under title XIX.

''(b) RULES IN APPLYING COST-SHARING SUBSIDIES.—Nothing in this section shall be construed as preventing an eligible entity offering a Medicare Prescription Drug plan or a MedicareAdvantage organization offering a MedicareAdvantage plan from waiving or reducing the amount of the deductible or other cost-sharing otherwise applicable pursuant to section 1860D–6(a)(2).

''(c) ADMINISTRATION OF SUBSIDY PROGRAM.—The Administrator shall establish a process whereby, in the case of an individual eligible for a cost-sharing subsidy under subsection (a) who is enrolled in a Medicare Prescription Drug plan or a MedicareAdvantage plan—

''(1) the Administrator provides for a notification of the eligible entity or MedicareAdvantage organization involved that the individual is eligible for a cost-sharing subsidy and the amount of the subsidy under such subsection;

''(2) the entity or organization involved reduces the cost-sharing otherwise imposed by the amount of the applicable subsidy and submits to the Administrator information on the amount of such reduction; and

''(3) the Administrator periodically and on a timely basis reimburses the entity or organization for the amount of such reductions.

The reimbursement under paragraph (3) may be computed on a capitated basis, taking into account the actuarial value of the subsidies and with appropriate adjustments to reflect differences in the risks actually involved.

''(d) RELATION TO MEDICAID PROGRAM.—For provisions providing for eligibility determinations and additional Federal payments for expenditures related to providing prescription drug coverage for territorial residents under the medicaid program, see section 1935.

''REINSURANCE PAYMENTS FOR EXPENSES INCURRED IN PROVIDING PRESCRIPTION DRUG COVERAGE ABOVE THE ANNUAL OUT-OF-POCKET THRESHOLD

''SEC. 1860D–20. (a) REINSURANCE PAYMENTS.—

''(1) IN GENERAL.—Subject to section 1860D–21(b), the Administrator shall provide in accordance with this section for payment to a qualifying entity of the reinsurance payment amount (as specified in subsection (c)(1)) for costs incurred by the entity in providing prescription drug coverage for a qualifying covered individual after the individual has reached the annual out-of-pocket threshold specified in section 1860D–6(c)(4)(B) for the year.

''(2) BUDGET AUTHORITY.—This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Administrator to provide for the payment of amounts provided under this section.

''(b) NOTIFICATION OF SPENDING UNDER THE PLAN FOR COSTS INCURRED IN PROVIDING PRESCRIPTION DRUG COVERAGE ABOVE THE ANNUAL OUT-OF-POCKET THRESHOLD.—

''(1) IN GENERAL.—Each qualifying entity shall notify the Administrator of the following with respect to a qualifying covered individual for a coverage year:

''(A) TOTAL ACTUAL COSTS.—The total amount (if any) of costs that the qualifying entity incurred in providing prescription drug coverage for the individual in the year after the individual had reached the annual out-of-pocket threshold specified in section 1860D–6(c)(4)(B) for the year.

''(B) ACTUAL COSTS FOR SPECIFIC DRUGS.—With respect to the total amount under subparagraph (A) for the year, a breakdown of—

''(i) each covered drug that constitutes a portion of such amount;

''(ii) the negotiated price for the qualifying entity for each such drug;

''(iii) the number of prescriptions; and

''(iv) the average beneficiary coinsurance rate for a each covered drug that constitutes a portion of such amount.

''(2) CERTAIN EXPENSES NOT INCLUDED.—The amounts under subparagraphs (A) and (B)(ii) of paragraph (1) may not include—

''(A) administrative expenses incurred in providing the coverage described in paragraph (1)(A); or

''(B) amounts expended on providing additional prescription drug coverage pursuant to section 1860D–6(a)(2).

''(3) RESTRICTION ON USE OF INFORMATION.—The restriction specified in section 1860D–16(b)(7)(B) shall apply to information disclosed or obtained pursuant to the provisions of this section.

''(c) REINSURANCE PAYMENT AMOUNT.—

''(1) IN GENERAL.—The reinsurance payment amount under this subsection for a qualifying covered individual for a coverage year is an amount equal to 80 percent of the allowable costs (as specified in paragraph (2)) incurred by the qualifying entity with respect to the individual and year.

''(2) ALLOWABLE COSTS.—*

''(A) IN GENERAL.—In the case of a qualifying entity that has incurred costs described in subsection (b)(1)(A) with respect to a qualifying covered individual for a coverage year, the Administrator shall establish the allowable costs for the individual and year. Such allowable costs shall be equal to the amount described in such subsection for the individual and year, adjusted under subparagraph (B).

''(B) REPRICING OF COSTS IF ACTUAL COSTS EXCEED AVERAGE COSTS.—The Administrator shall reduce the amount described in subsection (b)(1)(A) with respect to a qualifying covered individual for a coverage year to the extent such amount is based on costs of specific covered drugs furnished under the plan in the year (as specified under subsection (b)(1)(B)) that are greater than the average cost for the covered drug for the year (as determined under section 1860D–16(b)(3)(A)).

''(d) PAYMENT METHODS.—

''(1) IN GENERAL.—Payments under this section shall be based on such a method as the Administrator determines. The Administrator may establish a payment method by which interim payments of amounts under this section are made during a year based on the Administrator's best estimate of amounts that will be payable after obtaining all of the information.

''(2) SOURCE OF PAYMENTS.—Payments under this section shall be made from the Prescription Drug Account.

''(e) DEFINITIONS.—In this section:

''(1) COVERAGE YEAR.—The term 'coverage year' means a calendar year in which covered drugs are dispensed if a claim for payment is made under the plan for such drugs, regardless of when the claim is paid.

''(2) QUALIFYING COVERED INDIVIDUAL.—The term 'qualifying covered individual' means an individual who—

''(A) is enrolled in this part and in a Medicare Prescription Drug plan;

''(B) is enrolled in this part and in a MedicareAdvantage plan (except for an MSA plan or a private fee-for-service plan that does not provide qualified prescription drug coverage); or

''(C) is eligible for, but not enrolled in, the program under this part, and is covered under a qualified retiree prescription drug plan.

''(3) QUALIFYING ENTITY.—The term 'qualifying entity' means any of the following that has entered into an agreement with the Administrator to provide the Administrator with such information as may be required to carry out this section:

''(A) An eligible entity offering a Medicare Prescription Drug plan under this part.

''(B) A MedicareAdvantage organization offering a MedicareAdvantage plan under part C (except for an MSA plan or a private fee-for-service plan that does not provide qualified prescription drug coverage).

''(C) The sponsor of a qualified retiree prescription drug plan.

''(4) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—

''(A) IN GENERAL.—The term 'qualified retiree prescription drug plan' means employment-based retiree health coverage if, with respect to a qualifying covered individual who is covered under the plan, the following requirements are met:

''(i) ASSURANCE.—The sponsor of the plan shall annually attest, and provide such assurances as the Administrator may require, that the coverage meets or exceeds the requirements for qualified prescription drug coverage.

''(ii) DISCLOSURE OF INFORMATION.—The sponsor complies with the requirements described in clauses (i) and (ii) of section 1860D–16(b)(7)(A).

''(B) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term 'employment-based retiree health coverage' means health insurance or other coverage, whether provided by voluntary insurance coverage or pursuant to statutory or contractual obligation, of health care costs for retired individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

''(5) SPONSOR.—The term 'sponsor' means a plan sponsor, as defined in section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

''DIRECT SUBSIDY FOR SPONSOR OF A QUALIFIED RETIREE PRESCRIPTION DRUG PLAN FOR PLAN ENROLLEES ELIGIBLE FOR, BUT NOT ENROLLED IN, THIS PART

''SEC. 1860D–21. (a) DIRECT SUBSIDY.—

''(1) IN GENERAL.—The Administrator shall provide for the payment to a sponsor of a qualified retiree prescription drug plan (as defined in section 1860D–20(e)(4)) for each qualifying covered individual (described in subparagraph (C) of section 1860D–20(e)(2)) enrolled in the plan for each month for which such individual is so enrolled.

''(2) AMOUNT OF PAYMENT.—

''(A) IN GENERAL.—The amount of the payment under paragraph (1) shall be an amount equal to the direct subsidy percent determined for the year of the monthly national average premium for the area for the year (determined under section 1860D–15), as adjusted using the risk adjusters that apply to the standard prescription drug coverage published under section 1860D–11.

''(B) DIRECT SUBSIDY PERCENT.—For purposes of subparagraph (A), the term 'direct subsidy percent' means the percentage equal to—

''(i) 100 percent; minus

''(ii) the applicable percent for the year (as determined under section 1860D–17(c).

''(b) PAYMENT METHODS.—

''(1) IN GENERAL.—Payments under this section shall be based on such a method as the Administrator determines. The Administrator may establish a payment method by which interim payments of amounts under this section are made during a year based on the Administrator's best estimate of amounts that will be payable after obtaining all of the information.

''(2) SOURCE OF PAYMENTS.—Payments under this section shall be made from the Prescription Drug Account.

''Subpart 3—Miscellaneous Provisions

''PRESCRIPTION DRUG ACCOUNT IN THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

''SEC. 1860D–25. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is created within the Federal Supplementary Medical Insurance Trust Fund established by section 1841 an account to be known as the 'Prescription Drug Account' (in this section referred to as the 'Account').

''(2) FUNDS.—The Account shall consist of such gifts and bequests as may be made as provided in section 201(i)(1), and such amounts as may be deposited in, or appropriated to, the Account as provided in this part.

''(3) SEPARATE FROM REST OF TRUST FUND.—Funds provided under this part to the Account shall be kept separate from all other funds within the Federal Supplementary Medical Insurance Trust Fund.

''(b) PAYMENTS FROM ACCOUNT.—

''(1) IN GENERAL.—The Managing Trustee shall pay from time to time from the Account such amounts as the Secretary certifies are necessary to make payments to operate the program under this part, including—

''(A) payments to eligible entities under section 1860D–16;

''(B) payments under 1860D–19 for low-income subsidy payments for cost-sharing;

''(C) reinsurance payments under section 1860D–20;

''(D) payments to sponsors of qualified retiree prescription drug plans under section 1860D–21;

''(E) payments to MedicareAdvantage organizations for the provision of qualified prescription drug coverage under section 1858A(c); and

''(F) payments with respect to administrative expenses under this part in accordance with section 201(g).

''(2) TREATMENT IN RELATION TO PART B PREMIUM.—Amounts payable from the Account shall not be taken into account in computing actuarial rates or premium amounts under section 1839.

''(c) APPROPRIATIONS TO COVER BENEFITS AND ADMINISTRATIVE COSTS.—There are appropriated to the Account in a fiscal year, out of any moneys in the Treasury not otherwise appropriated, an amount equal to the payments and transfers made from the Account in the year.

''OTHER RELATED PROVISIONS

''SEC. 1860D–26. (a) RESTRICTION ON ENROLLMENT IN A MEDICARE PRESCRIPTION DRUG PLAN OFFERED BY A SPONSOR OF EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—

''(1) IN GENERAL.—In the case of a Medicare Prescription Drug plan offered by an eligible entity that is a sponsor (as defined in paragraph (5) of section 1860D–20(e)) of employment-based retiree health coverage (as defined in paragraph (4)(B) of such section), notwithstanding any other provision of this part and in accordance with regulations of the Administrator, the entity offering the plan may restrict the enrollment of eligible beneficiaries enrolled under this part to eligible beneficiaries who are enrolled in such coverage.

''(2) LIMITATION.—The sponsor of the employment-based retiree health coverage described in paragraph (1) may not offer enrollment in the Medicare Prescription Drug plan described in such paragraph based on the health status of eligible beneficiaries enrolled for such coverage.

''(b) COORDINATION WITH STATE PHARMACEUTICAL ASSISTANCE PROGRAMS.—

''(1) IN GENERAL.—An eligible entity offering a Medicare Prescription Drug plan, or a MedicareAdvantage organization offering a MedicareAdvantage plan (other than an MSA plan or a private fee-for-service plan that does not provide qualified prescription drug coverage), may enter into an agreement with a State pharmaceutical assistance program described in paragraph (2) to coordinate the coverage provided under the plan with the assistance provided under the State pharmaceutical assistance program.

''(2) STATE PHARMACEUTICAL ASSISTANCE PROGRAM DESCRIBED.—For purposes of paragraph (1), a State pharmaceutical assistance program described in this paragraph is a program that has been established pursuant to a waiver under section 1115 or otherwise.

''(c) REGULATIONS TO CARRY OUT THIS PART.—

''(1) AUTHORITY FOR INTERIM FINAL REGULATIONS.—The Secretary may promulgate initial regulations implementing this part in interim final form without prior opportunity for public comment.

''(2) FINAL REGULATIONS.—A final regulation reflecting public comments must be

published within 1 year of the interim final regulation promulgated under paragraph (1).''.

(b) CONFORMING AMENDMENTS TO FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.—Section 1841 (42 U.S.C. 1395t) is amended—

(1) in the last sentence of subsection (a)—

(A) by striking ''and'' before ''such amounts''; and

(B) by inserting before the period the following: '', and such amounts as may be deposited in, or appropriated to, the Prescription Drug Account established by section 1860D–25'';

(2) in subsection (g), by inserting after ''by this part,'' the following: ''the payments provided for under part D (in which case the payments shall be made from the Prescription Drug Account in the Trust Fund),'';

(3) in subsection (h), by inserting after ''1840(d)'' the following: ''and sections 1860D–18 and 1858A(e) (in which case the payments shall be made from the Prescription Drug Account in the Trust Fund)''; and

(4) in subsection (i), by inserting after ''section 1840(b)(1)'' the following: '', sections 1860D–18 and 1858A(e) (in which case the payments shall be made from the Prescription Drug Account in the Trust Fund),''.

(c) CONFORMING REFERENCES TO PREVIOUS PART D.—Any reference in law (in effect before the date of enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part F of such title (as in effect after such date).

(d) SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this Act.

SEC. 102. STUDY AND REPORT ON PERMITTING PART B ONLY INDIVIDUALS TO ENROLL IN MEDICARE VOLUNTARY PRESCRIPTION DRUG DELIVERY PROGRAM.

(a) STUDY.—The Administrator of the Center for Medicare Choices (as established under section 1808 of the Social Security Act, as added by section 301(a)) shall conduct a study on the need for rules relating to permitting individuals who are enrolled under part B of title XVIII of the Social Security Act but are not entitled to benefits under part A of such title to buy into the medicare voluntary prescription drug delivery program under part D of such title (as so added).

(b) REPORT.—Not later than January 1, 2005, the Administrator of the Center for Medicare Choices shall submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that the Administrator determines to be appropriate as a result of such study.

SEC. 103. RULES RELATING TO MEDIGAP POLICIES THAT PROVIDE PRESCRIPTION DRUG COVERAGE.

(a) RULES RELATING TO MEDIGAP POLICIES THAT PROVIDE PRESCRIPTION DRUG COVERAGE.—Section 1882 (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

''(v) RULES RELATING TO MEDIGAP POLICIES THAT PROVIDE PRESCRIPTION DRUG COVERAGE.—

''(1) PROHIBITION ON SALE, ISSUANCE, AND RENEWAL OF POLICIES THAT PROVIDE PRESCRIPTION DRUG COVERAGE TO PART D ENROLLEES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, on or after January 1, 2006, no medicare supplemental policy that provides coverage of expenses for prescription drugs may be sold, issued, or renewed under this section to an individual who is enrolled under part D.

''(B) PENALTIES.—The penalties described in subsection (d)(3)(A)(ii) shall apply with respect to a violation of subparagraph (A).

''(2) ISSUANCE OF SUBSTITUTE POLICIES IF THE POLICYHOLDER OBTAINS PRESCRIPTION DRUG COVERAGE UNDER PART D.—

''(A) IN GENERAL.—The issuer of a medicare supplemental policy—

''(i) may not deny or condition the issuance or effectiveness of a medicare supplemental policy that has a benefit package classified as 'A', 'B', 'C', 'D', 'E', 'F' (including the benefit package classified as 'F' with a high deductible feature, as described in subsection (p)(11)), or 'G' (under the standards established under subsection (p)(2)) and that is offered and is available for issuance to new enrollees by such issuer;

''(ii) may not discriminate in the pricing of such policy, because of health status, claims experience, receipt of health care, or medical condition; and

''(iii) may not impose an exclusion of benefits based on a pre-existing condition under such policy,

in the case of an individual described in subparagraph (B) who seeks to enroll under the policy during the open enrollment period established under section 1860D–2(b)(2) and who submits evidence that they meet the requirements under subparagraph (B) along with the application for such medicare supplemental policy.

''(B) INDIVIDUAL DESCRIBED.—An individual described in this subparagraph is an individual who—

''(i) enrolls in the medicare prescription drug delivery program under part D; and

''(ii) at the time of such enrollment was enrolled and terminates enrollment in a medicare supplemental policy which has a benefit package classified as 'H', 'I', or 'J' (including the benefit package classified as 'J' with a high deductible feature, as described in section 1882(p)(11)) under the standards referred to in subparagraph (A)(i) or terminates enrollment in a policy to which such standards do not apply but which provides benefits for prescription drugs.

''(C) ENFORCEMENT.—The provisions of subparagraph (A) shall be enforced as though they were included in subsection (s).

''(3) NOTICE REQUIRED TO BE PROVIDED TO CURRENT POLICYHOLDERS WITH PRESCRIPTION DRUG COVERAGE.—No medicare supplemental policy of an issuer shall be deemed to meet the standards in subsection (c) unless the issuer provides written notice during the 60-day period immediately preceding the period established for the open enrollment period established under section 1860D–2(b)(2), to each individual who is a policyholder or certificate holder of a medicare supplemental policy issued by that issuer that provides some coverage of expenses for prescription drugs (at the most recent available address of that individual) of—

''(A) the ability to enroll in a new medicare supplemental policy pursuant to paragraph (2); and

''(B) the fact that, so long as such individual retains coverage under such policy, the individual shall be ineligible for coverage of prescription drugs under part D.''.

(b) RULE OF CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this Act shall be construed to require an issuer of a medicare supplemental policy under section 1882 of the Social Security Act (42 U.S.C. 1395rr) to participate as an eligible entity under part D of such Act, as added by section 101, as a condition for issuing such policy.

(2) PROHIBITION ON STATE REQUIREMENT.—A State may not require an issuer of a medicare supplemental policy under section 1882 of the Social Security Act (42 U.S.C. 1395rr) to participate as an eligible entity under part D of such Act, as added by section 101, as a condition for issuing such policy.

SEC. 104. MEDICAID AND OTHER AMENDMENTS RELATED TO LOW-INCOME BENEFICIARIES.

(a) DETERMINATIONS OF ELIGIBILITY FOR LOW-INCOME SUBSIDIES.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) by striking ''and'' at the end of paragraph (64);

(2) by striking the period at the end of paragraph (65) and inserting ''; and''; and

(3) by inserting after paragraph (65) the following new paragraph:

''(66) provide for making eligibility determinations under section 1935(a).''.

(b) NEW SECTION.—

(1) IN GENERAL.—Title XIX (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1935 as section 1936; and

(B) by inserting after section 1934 the following new section:

''SPECIAL PROVISIONS RELATING TO MEDICARE PRESCRIPTION DRUG BENEFIT

''SEC. 1935. (a) REQUIREMENT FOR MAKING ELIGIBILITY DETERMINATIONS FOR LOW-INCOME SUBSIDIES.—As a condition of its State plan under this title under section 1902(a)(66) and receipt of any Federal financial assistance under section 1903(a), a State shall satisfy the following:

''(1) DETERMINATION OF ELIGIBILITY FOR TRANSITIONAL PRESCRIPTION DRUG ASSISTANCE CARD PROGRAM FOR ELIGIBLE LOW-INCOME BENEFICIARIES.—For purposes of section 1807A, submit to the Secretary an eligibility plan under which the State—

''(A) establishes eligibility standards consistent with the provisions of that section;

''(B) establishes procedures for providing presumptive eligibility for eligible low-income beneficiaries (as defined in section 1807A(i)(2)) under that section in a manner that is similar to the manner in which presumptive eligibility is provided to children and pregnant women under this title;

''(C) makes determinations of eligibility and income for purposes of identifying eligible low-income beneficiaries (as so defined) under that section; and

''(D) communicates to the Secretary determinations of eligibility or discontinuation of eligibility under that section for purposes of notifying prescription drug card sponsors under that section of the identity of eligible medicare low-income beneficiaries.

''(2) DETERMINATION OF ELIGIBILITY FOR PREMIUM AND COST-SHARING SUBSIDIES UNDER PART D OF TITLE XVIII FOR LOW-INCOME INDIVIDUALS.—Beginning November 1, 2005, for purposes of section 1860D–19—

''(A) make determinations of eligibility for premium and cost-sharing subsidies under and in accordance with such section;

''(B) establish procedures for providing presumptive eligibility for individuals eligible for subsidies under that section in a manner that is similar to the manner in which presumptive eligibility is provided to children and pregnant women under this title;

''(C) inform the Administrator of the Center for Medicare Choices of such determinations in cases in which such eligibility is established; and

''(D) otherwise provide such Administrator with such information as may be required to carry out part D of title XVIII (including section 1860D–19).

''(3) AGREEMENT TO ESTABLISH INFORMATION AND ENROLLMENT SITES AT SOCIAL SECURITY FIELD OFFICES.—Enter into an agreement with the Commissioner of Social Security to use all Social Security field offices located in the State as information and enrollment sites for making the eligibility determinations required under paragraphs (1) and (2).

''(b) FEDERAL SUBSIDY OF ADMINISTRATIVE COSTS.—

''(1) ENHANCED MATCH FOR ELIGIBILITY DETERMINATIONS.—Subject to paragraphs (2)

and (4), with respect to calendar quarters beginning on or after January 1, 2004, the amounts expended by a State in carrying out subsection (a) are expenditures reimbursable under section 1903(a)(7) except that, in applying such section with respect to such expenditures incurred for—

''(A) such calendar quarters occurring in fiscal year 2004 or 2005, '75 percent' shall be substituted for '50 per centum';

''(B) calendar quarters occurring in fiscal year 2006, '70 percent' shall be substituted for '50 per centum';

''(C) calendar quarters occurring in fiscal year 2007, '65 percent' shall be substituted for '50 per centum'; and

''(D) calendar quarters occurring in fiscal year 2008 or any fiscal year thereafter, '60 percent' shall be substituted for '50 per centum'.

''(2) 100 PERCENT MATCH FOR ELIGIBILITY DETERMINATIONS FOR SUBSIDY-ELIGIBLE INDIVIDUALS.—In the case of amounts expended by a State on or after November 1, 2005, to determine whether an individual is a subsidy-eligible individual for purposes of section 1860D–19, such expenditures shall be reimbursed under section 1903(a)(7) by substituting '100 percent' for '50 per centum'.

''(3) ENHANCED MATCH FOR UPDATES OR IMPROVEMENTS TO ELIGIBILITY DETERMINATION SYSTEMS.—With respect to calendar quarters occurring in fiscal year 2004, 2005, or 2006, the Secretary, in addition to amounts otherwise paid under section 1903(a), shall pay to each State which has a plan approved under this title, for each such quarter an amount equal to 90 percent of so much of the sums expended during such quarter as are attributable to the design, development, acquisition, or installation of improved eligibility determination systems (including hardware and software for such systems) in order to carry out the requirements of subsection (a) and section 1807A(h)(1) and to the design, development, acquisition or installation of improved data systems necessary to track prescription drug spending for purposes of implementing section 1935(c). No payment shall be made to a State under the preceding sentence unless the State's improved eligibility determination system—

''(A) satisfies such standards for improvement as the Secretary may establish; and

''(B) complies, and is compatible, with the standards established under part C of title XI and any regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''(4) COORDINATION.—The State shall provide the Secretary with such information as may be necessary to properly allocate expenditures described in paragraph (1), (2), or (3) that may otherwise be made for similar eligibility determinations or expenditures.

''(c) FEDERAL ASSUMPTION OF MEDICAID PRESCRIPTION DRUG COSTS FOR DUALLY ELIGIBLE BENEFICIARIES.—

''(1) IN GENERAL.—For purpose of section 1903(a)(1) for a State for a calendar quarter in a year (beginning with 2006) the amount computed under this subsection is equal to the product of the following:

''(A) STANDARD PRESCRIPTION DRUG COVERAGE UNDER MEDICARE.—With respect to individuals who are residents of the State, who are entitled to, or enrolled for, benefits under part A of title XVIII, or are enrolled under part B of title XVIII and are receiving medical assistance under subparagraph (A)(i), (A)(ii), or (C) of section 1902(a)(10) (or as the result of the application of section 1902(f)) that includes covered outpatient drugs (as defined for purposes of section 1927) under the State plan under this title (including such a plan operated under a waiver under section 1115)—

''(i) the total amounts attributable to such individuals in the quarter under section 1860D–19 (relating to premium and cost-sharing subsidies for low-income medicare beneficiaries); and

''(ii) the actuarial value of standard prescription drug coverage (as determined under section 1860D–6(f)) provided to such individuals in the quarter.

''(B) STATE MATCHING RATE.—A proportion computed by subtracting from 100 percent the Federal medical assistance percentage (as defined in section 1905(b)) applicable to the State and the quarter.

''(C) PHASE-OUT PROPORTION.—Subject to subparagraph (D), the phase-out proportion for a quarter in—

''(i) 2006 is 100 percent;

''(ii) 2007 is 95 percent;

''(iii) 2008 or 2009, is 90 percent;

''(iv) 2010 is 85 percent; or

''(v) 2011, 2012, or 2013 is 80 percent.

''(d) MEDICAID AS SECONDARY PAYOR.—In the case of an individual who is entitled to a Medicare Prescription Drug plan under part D or drug coverage under a MedicareAdvantage plan, and medical assistance including covered outpatient drugs under this title, medical assistance shall continue to be provided under this title for covered outpatient drugs to the extent payment is not made under the Medicare Prescription Drug plan or a MedicareAdvantage plan.

''(e) TREATMENT OF TERRITORIES.—

''(1) IN GENERAL.—In the case of a State, other than the 50 States and the District of Columbia—

''(A) the previous provisions of this section shall not apply to residents of such State; and

''(B) if the State establishes a plan described in paragraph (2), the amount otherwise determined under section 1108(f) (as increased under section 1108(g)) for the State shall be further increased by the amount specified in paragraph (3).

''(2) PLAN.—The plan described in this paragraph is a plan that—

''(A) provides medical assistance with respect to the provision of covered drugs (as defined in section 1860D(a)(2)) to individuals described in subparagraph (A), (B), (C), or (D) of section 1860D–19(a)(3); and

''(B) ensures that additional amounts received by the State that are attributable to the operation of this subsection are used only for such assistance.

''(3) INCREASED AMOUNT.—

''(A) IN GENERAL.—The amount specified in this paragraph for a State for a fiscal year is equal to the product of—

''(i) the aggregate amount specified in subparagraph (B); and

''(ii) the amount specified in section 1108(g)(1) for that State, divided by the sum of the amounts specified in such section for all such States.

''(B) AGGREGATE AMOUNT.—The aggregate amount specified in this subparagraph for—

''(i) the last 3 quarters of fiscal year 2006, is equal to $22,500,000;

''(ii) fiscal year 2007, is equal to $30,000,000; and

''(iii) any subsequent fiscal year, is equal to the aggregate amount specified in this subparagraph for the previous fiscal year increased by the annual percentage increase specified in section 1860D–6(c)(5) for the calendar year beginning in such fiscal year.

''(4) NONAPPLICATION.—Section 1927(d)(2)(E) shall not apply to a State described in paragraph (1) for purposes of providing medical assistance described in paragraph (2)(A).

''(5) REPORT.—The Secretary shall submit to Congress a report on the application of this subsection and may include in the report such recommendations as the Secretary deems appropriate.

''(f) DEFINITION.—For purposes of this section, the term 'subsidy-eligible individual' has the meaning given that term in subparagraph (D) of section 1860D–19(a)(4).''.

(C) CONFORMING AMENDMENTS.—

(1) Section 1903(a)(1) (42 U.S.C. 1396a(a)(1)) is amended by inserting before the semicolon the following: '', reduced by the amount computed under section 1935(c)(1) for the State and the quarter''.

(2) Section 1108(f) (42 U.S.C. 1308(f)) is amended by inserting ''and section 1935(e)(1)(B)'' after ''Subject to subsection (g)''.

(4) AMENDMENT TO BEST PRICE.—Section 1927(c)(1)(C)(i) (42 U.S.C. 1396r–8(c)(1)(C)(i)), as amended by section 111(b), is amended—

(A) by striking ''and'' at the end of subclause (IV);

(B) by striking the period at the end of subclause (V) and inserting ''; and''; and

(C) by adding at the end the following new subclause:

''(VI) any prices charged which are negotiated under a Medicare Prescription Drug plan under part D of title XVIII with respect to covered drugs, under a MedicareAdvantage plan under part C of such title with respect to such drugs, or under a qualified retiree prescription drug plan (as defined in section 1860D–20(f)(1)) with respect to such drugs, on behalf of eligible beneficiaries (as defined in section 1860D(a)(3).''.

(c) EXTENSION OF MEDICARE COST-SHARING FOR PART B PREMIUM FOR QUALIFYING INDIVIDUALS THROUGH 2008.—

(1) IN GENERAL.—Section 1902(a)(10)(E)(iv) (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended to read as follows:

''(iv) subject to sections 1933 and 1905(p)(4), for making medical assistance available (but only for premiums payable with respect to months during the period beginning with January 1998, and ending with December 2008) for medicare cost-sharing described in section 1905(p)(3)(A)(ii) for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds the income level established by the State under section 1905(p)(2) and is at least 120 percent, but less than 135 percent, of the official poverty line (referred to in such section) for a family of the size involved and who are not otherwise eligible for medical assistance under the State plan;''.

(2) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(c) (42 U.S.C. 1396u–3(c)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking ''and'' at the end;

(ii) in subparagraph (E)—

(I) by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2002 through 2008''; and

(II) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(F) the first quarter of fiscal year 2009, $100,000,000.''; and

(B) in paragraph (2)(A), by striking ''the sum of'' and all that follows through ''1902(a)(10)(E)(iv)(II) in the State; to'' and inserting ''twice the total number of individuals described in section 1902(a)(10)(E)(iv) in the State; to''.

(d) OUTREACH BY THE COMMISSIONER OF SOCIAL SECURITY.—Section 1144 (42 U.S.C. 1320b–14) is amended—

(1) in the section heading, by inserting ''AND SUBSIDIES FOR LOW-INCOME INDIVIDUALS UNDER TITLE XVIII'' after ''COST-SHARING'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''for the transitional prescription drug assistance

card program under section 1807A, or for premium and cost-sharing subsidies under section 1860D–19'' before the semicolon; and

(ii) in subparagraph (B), by inserting '', program, and subsidies'' after ''medical assistance''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting '', the transitional prescription drug assistance card program under section 1807A, or premium and cost-sharing subsidies under section 1860D–19'' after ''assistance''; and

(ii) in subparagraph (A), by striking ''such eligibility'' and inserting ''eligibility for medicare cost-sharing under the medicaid program''; and

(3) in subsection (b)—

(A) in paragraph (1)(A), by inserting '', for the transitional prescription drug assistance card program under section 1807A, or for premium and cost-sharing subsidies for low-income individuals under section 1860D–19'' after ''1933''; and

(B) in paragraph (2), by inserting '', program, and subsidies'' after ''medical assistance''.

SEC. 105. EXPANSION OF MEMBERSHIP AND DUTIES OF MEDICARE PAYMENT ADVISORY COMMISSION (MEDPAC).

(a) EXPANSION OF MEMBERSHIP.—

(1) IN GENERAL.—Section 1805(c) (42 U.S.C. 1395b–6(c)) is amended—

(A) in paragraph (1), by striking ''17'' and inserting ''19''; and

(B) in paragraph (2)(B), by inserting ''experts in the area of pharmacology and prescription drug benefit programs,'' after ''other health professionals,''.

(2) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(A) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b–6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under paragraph (1)(A) are as follows:

(i) One member shall be appointed for 1 year.

(ii) One member shall be appointed for 2 years.

(B) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2005.

(b) EXPANSION OF DUTIES.—Section 1805(b)(2) (42 U.S.C. 1395b–6(b)(2)) is amended by adding at the end the following new subparagraph:

''(D) VOLUNTARY PRESCRIPTION DRUG DELIVERY PROGRAM.—Specifically, the Commission shall review, with respect to the voluntary prescription drug delivery program under part D, competition among eligible entities offering Medicare Prescription Drug plans and beneficiary access to such plans and covered drugs, particularly in rural areas.''.

SEC. 106. STUDY REGARDING VARIATIONS IN SPENDING AND DRUG UTILIZATION.

(a) STUDY.—The Secretary shall study on an ongoing basis variations in spending and drug utilization under part D of title XVIII of the Social Security Act for covered drugs to determine the impact of such variations on premiums imposed by eligible entities offering Medicare Prescription Drug plans under that part. In conducting such study, the Secretary shall examine the impact of geographic adjustments of the monthly national average premium under section 1860D–15 of such Act on—

(1) maximization of competition under part D of title XVIII of such Act; and

(2) the ability of eligible entities offering Medicare Prescription Drug plans to contain costs for covered drugs.

(b) REPORT.—Beginning with 2007, the Secretary shall submit annual reports to Congress on the study required under subsection (a).

Subtitle B—Medicare Prescription Drug Discount Card and Transitional Assistance for Low-Income Beneficiaries

SEC. 111. MEDICARE PRESCRIPTION DRUG DISCOUNT CARD AND TRANSITIONAL ASSISTANCE FOR LOW-INCOME BENEFICIARIES.

(a) IN GENERAL.—Title XVIII is amended by inserting after section 1806 the following new sections:

''MEDICARE PRESCRIPTION DRUG DISCOUNT CARD ENDORSEMENT PROGRAM

''SEC. 1807. (a) ESTABLISHMENT.—There is established a medicare prescription drug discount card endorsement program under which the Secretary shall—

''(1) endorse prescription drug discount card programs offered by prescription drug card sponsors that meet the requirements of this section; and

''(2) make available to eligible beneficiaries information regarding such endorsed programs.

''(b) ELIGIBILITY, ELECTION OF PROGRAM, AND ENROLLMENT FEES.—

''(1) ELIGIBILITY AND ELECTION OF PROGRAM.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall establish procedures—

''(i) for identifying eligible beneficiaries; and

''(ii) under which such beneficiaries may make an election to enroll in any prescription drug discount card program endorsed under this section and disenroll from such a program.

''(B) LIMITATION.—An eligible beneficiary may not be enrolled in more than 1 prescription drug discount card program at any time.

''(2) ENROLLMENT FEES.—

''(A) IN GENERAL.—A prescription drug card sponsor may charge an annual enrollment fee to each eligible beneficiary enrolled in a prescription drug discount card program offered by such sponsor.

''(B) AMOUNT.—No enrollment fee charged under subparagraph (A) may exceed $25.

''(C) UNIFORM ENROLLMENT FEE.—A prescription drug card sponsor shall ensure that the enrollment fee for a prescription drug discount card program endorsed under this section is the same for all eligible medicare beneficiaries enrolled in the program.

''(D) COLLECTION.—Any enrollment fee shall be collected by the prescription drug card sponsor.

''(c) PROVIDING INFORMATION TO ELIGIBLE BENEFICIARIES.—

''(1) PROMOTION OF INFORMED CHOICE.—

''(A) BY THE SECRETARY.—In order to promote informed choice among endorsed prescription drug discount card programs, the Secretary shall provide for the dissemination of information which compares the costs and benefits of such programs. Such dissemination shall be coordinated with the dissemination of educational information on other medicare options.

''(B) BY PRESCRIPTION DRUG CARD SPONSORS.—Each prescription drug card sponsor shall make available to each eligible beneficiary (through the Internet and otherwise) information—

''(i) that the Secretary identifies as being necessary to promote informed choice among endorsed prescription drug discount card programs by eligible beneficiaries, including information on enrollment fees, negotiated prices for prescription drugs charged to beneficiaries, and services relating to prescription drugs offered under the program;

''(ii) on how any formulary used by such sponsor functions.

''(2) USE OF MEDICARE TOLL-FREE NUMBER.—The Secretary shall provide through the 1–800–MEDICARE toll free telephone number for the receipt and response to inquiries and complaints concerning the medicare prescription drug discount card endorsement program established under this section and prescription drug discount card programs endorsed under such program.

''(d) BENEFICIARY PROTECTIONS.—

''(1) IN GENERAL.—Each prescription drug discount card program endorsed under this section shall meet such requirements as the Secretary identifies to protect and promote the interest of eligible beneficiaries, including requirements that—

''(A) relate to appeals by eligible beneficiaries and marketing practices; and

''(B) ensure that beneficiaries are not charged more than the lower of the negotiated retail price or the usual and customary price.

''(2) ENSURING PHARMACY ACCESS.—Each prescription drug card sponsor offering a prescription drug discount card program endorsed under this section shall secure the participation in its network of a sufficient number of pharmacies that dispense (other than by mail order) drugs directly to patients to ensure convenient access (as determined by the Secretary and including adequate emergency access) for enrolled beneficiaries. Such standards shall take into account reasonable distances to pharmacy services in both urban and rural areas.

''(3) QUALITY ASSURANCE.—Each prescription drug card sponsor offering a prescription drug discount card program endorsed under this section shall have in place adequate procedures for assuring that quality service is provided to eligible beneficiaries enrolled in a prescription drug discount card program offered by such sponsor.

''(4) CONFIDENTIALITY OF ENROLLEE RECORDS.—Insofar as a prescription drug card sponsor maintains individually identifiable medical records or other health information regarding eligible beneficiaries enrolled in a prescription drug discount card program endorsed under this section, the prescription drug card sponsor shall have in place procedures to safeguard the privacy of any individually identifiable beneficiary information in a manner that the Secretary determines is consistent with the Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(5) NO OTHER FEES.—A prescription drug card sponsor may not charge any fee to an eligible beneficiary under a prescription drug discount card program endorsed under this section other than an enrollment fee charged under subsection (b)(2)(A).

''(6) PRICES.—

''(A) AVOIDANCE OF HIGH PRICED DRUGS.—A prescription drug card sponsor may not recommend switching an eligible beneficiary to a drug with a higher negotiated price absent a recommendation by a licensed health professional that there is a clinical indication with respect to the patient for such a switch.

''(B) PRICE STABILITY.—Negotiated prices charged for prescription drugs covered under a prescription drug discount card program endorsed under this section may not change more frequently than once every 60 days.

''(e) PRESCRIPTION DRUG BENEFITS.—

''(1) IN GENERAL.—Each prescription drug card sponsor may only provide benefits that relate to prescription drugs (as defined in subsection (i)(2)) under a prescription drug discount card program endorsed under this section.

''(2) SAVINGS TO ELIGIBLE BENEFICIARIES.—

''(A) IN GENERAL.—Subject to subparagraph (D), each prescription drug card sponsor

shall provide eligible beneficiaries who enroll in a prescription drug discount card program offered by such sponsor that is endorsed under this section with access to negotiated prices used by the sponsor with respect to prescription drugs dispensed to eligible beneficiaries.

''(B) INAPPLICABILITY OF MEDICAID BEST PRICE RULES.—The requirements of section 1927 relating to manufacturer best price shall not apply to the negotiated prices for prescription drugs made available under a prescription drug discount card program endorsed under this section.

''(C) GUARANTEED ACCESS TO NEGOTIATED PRICES.—The Secretary, in consultation with the Inspector General of the Department of Health and Human Services, shall establish procedures to ensure that eligible beneficiaries have access to the negotiated prices for prescription drugs provided under subparagraph (A).

''(D) APPLICATION OF FORMULARY RESTRICTIONS.—A drug prescribed for an eligible beneficiary that would otherwise be a covered drug under this section shall not be so considered under a prescription drug discount card program if the program excludes the drug under a formulary.

''(3) BENEFICIARY SERVICES.—Each prescription drug discount card program endorsed under this section shall provide pharmaceutical support services, such as education, counseling, and services to prevent adverse drug interactions.

''(4) DISCOUNT CARDS.—Each prescription drug card sponsor shall issue a card to eligible beneficiaries enrolled in a prescription drug discount card program offered by such sponsor that the beneficiary may use to obtain benefits under the program.

''(f) SUBMISSION OF APPLICATIONS FOR ENDORSEMENT AND APPROVAL.—

''(1) SUBMISSION OF APPLICATIONS FOR ENDORSEMENT.—Each prescription drug card sponsor that seeks endorsement of a prescription drug discount card program under this section shall submit to the Secretary, at such time and in such manner as the Secretary may specify, such information as the Secretary may require.

''(2) APPROVAL.—The Secretary shall review the information submitted under paragraph (1) and shall determine whether to endorse the prescription drug discount card program to which such information relates. The Secretary may not approve a program unless the program and prescription drug card sponsor offering the program comply with the requirements under this section.

''(g) REQUIREMENTS ON DEVELOPMENT AND APPLICATION OF FORMULARIES.—If a prescription drug card sponsor offering a prescription drug discount card program uses a formulary, the following requirements must be met:

''(1) PHARMACY AND THERAPEUTIC (P&T) COMMITTEE.—

''(A) IN GENERAL.—The eligible entity must establish a pharmacy and therapeutic committee that develops and reviews the formulary.

''(B) COMPOSITION.—A pharmacy and therapeutic committee shall include at least 1 academic expert, at least 1 practicing physician, and at least 1 practicing pharmacist, all of whom have expertise in the care of elderly or disabled persons, and a majority of the members of such committee shall consist of individuals who are a practicing physician or a practicing pharmacist (or both).

''(2) FORMULARY DEVELOPMENT.—In developing and reviewing the formulary, the committee shall base clinical decisions on the strength of scientific evidence and standards of practice, including assessing peer-reviewed medical literature, such as randomized clinical trials, pharmacoeconomic studies, outcomes research data, and such other information as the committee determines to be appropriate.

''(3) INCLUSION OF DRUGS IN ALL THERAPEUTIC CATEGORIES AND CLASSES.—

''(A) IN GENERAL.—The formulary must include drugs within each therapeutic category and class of covered outpatient drugs (as defined by the Secretary), although not necessarily for all drugs within such categories and classes.

''(B) REQUIREMENT.—In defining therapeutic categories and classes of covered outpatient drugs pursuant to subparagraph (A), the Secretary shall use the compendia referred to section 1927(g)(1)(B)(i) or other recognized sources for categorizing drug therapeutic categories and classes.

''(4) PROVIDER EDUCATION.—The committee shall establish policies and procedures to educate and inform health care providers concerning the formulary.

''(5) NOTICE BEFORE REMOVING DRUGS FROM FORMULARY.—Any removal of a drug from a formulary shall take effect only after appropriate notice is made available to beneficiaries and pharmacies.

''(h) FRAUD AND ABUSE PREVENTION.—

''(1) IN GENERAL.—The Secretary shall provide appropriate oversight to ensure compliance of endorsed programs with the requirements of this section, including verification of the negotiated prices and services provided.

''(2) DISQUALIFICATION FOR ABUSIVE PRACTICES.—The Secretary may implement intermediate sanctions and may revoke the endorsement of a program that the Secretary determines no longer meets the requirements of this section or that has engaged in false or misleading marketing practices.

''(3) AUTHORITY WITH RESPECT TO CIVIL MONEY PENALTIES.—The Secretary may impose a civil money penalty in an amount not to exceed $10,000 for any violation of this section. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(4) REPORTING TO SECRETARY.—Each prescription drug card sponsor offering a prescription drug discount card program endorsed under this section shall report information relating to program performance, use of prescription drugs by eligible beneficiaries enrolled in the program, financial information of the sponsor, and such other information as the Secretary may specify. The Secretary may not disclose any proprietary data reported under this paragraph.

''(5) DRUG UTILIZATION REVIEW.—The Secretary may use claims data from parts A and B for purposes of conducting a drug utilization review program.

''(i) DEFINITIONS.—In this section:

''(1) ELIGIBLE BENEFICIARY.—

''(A) IN GENERAL.—The term 'eligible beneficiary' means an individual who—

''(i) is entitled to, or enrolled for, benefits under part A and enrolled under part B; and

''(ii) is not a dual eligible individual (as defined in subparagraph (B)).

''(B) DUAL ELIGIBLE INDIVIDUAL.—

''(i) IN GENERAL.—The term 'dual eligible individual' means an individual who is—

''(I) enrolled under title XIX or under a waiver under section 1115 of the requirements of such title for medical assistance that includes but is limited solely to covered outpatient drugs (as such term is defined for purposes of section 1927); and

''(II) entitled to benefits under part A and enrolled under part B.

''(ii) INCLUSION OF MEDICALLY NEEDY.—Such term includes an individual described in section 1902(a)(10)(C).

''(2) PRESCRIPTION DRUG.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'prescription drug' means—

''(i) a drug that may be dispensed only upon a prescription and that is described in clause (i) or (ii) of subparagraph (A) of section 1927(k)(2); or

''(ii) a biological product or insulin described in subparagraph (B) or (C) of such section,

and such term includes a vaccine licensed under section 351 of the Public Health Service Act and any use of a covered outpatient drug for a medically accepted indication (as defined in section 1927(k)(6)).

''(B) EXCLUSIONS.—The term 'prescription drug' does not include drugs or classes of drugs, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(d)(2), other than subparagraph (E) thereof (relating to smoking cessation agents), or under section 1927(d)(3).

''(3) NEGOTIATED PRICE.—The term 'negotiated price' includes all discounts, direct or indirect subsidies, rebates, price concessions, and direct or indirect remunerations.

''(4) PRESCRIPTION DRUG CARD SPONSOR.—The term 'prescription drug card sponsor' means any entity with demonstrated experience and expertise in operating a prescription drug discount card program, an insurance program that provides coverage for prescription drugs, or a similar program that the Secretary determines to be appropriate to provide eligible beneficiaries with the benefits under a prescription drug discount card program endorsed by the Secretary under this section, including—

''(A) a pharmaceutical benefit management company;

''(B) a wholesale or retail pharmacist delivery system;

''(C) an insurer (including an insurer that offers medicare supplemental policies under section 1882);

''(D) any other entity; or

''(E) any combination of the entities described in subparagraphs (A) through (D).

''TRANSITIONAL PRESCRIPTION DRUG ASSISTANCE CARD PROGRAM FOR ELIGIBLE LOW-INCOME BENEFICIARIES

''SEC. 1807A. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established a program under which the Secretary shall award contracts to prescription drug card sponsors offering a prescription drug discount card that has been endorsed by the Secretary under section 1807 under which such sponsors shall offer a prescription drug assistance card program to eligible low-income beneficiaries in accordance with the requirements of this section.

''(2) APPLICATION OF DISCOUNT CARD PROVISIONS.—Except as otherwise provided in this section, the provisions of section 1807 shall apply to the program established under this section.

''(b) ELIGIBILITY, ELECTION OF PROGRAM, AND ENROLLMENT FEES.—

''(1) ELIGIBILITY AND ELECTION OF PROGRAM.—

''(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, the enrollment procedures established under section 1807(b)(1)(A)(ii) shall apply for purposes of this section.

''(B) ENROLLMENT OF ANY ELIGIBLE LOW-INCOME BENEFICIARY.—Each prescription drug card sponsor offering a prescription drug assistance card program under this section shall permit any eligible low-income beneficiary to enroll in such program if it serves the geographic area in which the beneficiary resides.

''(C) SIMULTANEOUS ENROLLMENT IN PRESCRIPTION DRUG DISCOUNT CARD PROGRAM.—An eligible low-income beneficiary who enrolls

in a prescription drug assistance card program offered by a prescription drug card sponsor under this section shall be simultaneously enrolled in a prescription drug discount card program offered by such sponsor.

''(2) WAIVER OF ENROLLMENT FEES.—

''(A) IN GENERAL.—A prescription drug card sponsor may not charge an enrollment fee to any eligible low-income beneficiary enrolled in a prescription drug discount card program offered by such sponsor.

''(B) PAYMENT BY SECRETARY.—Under a contract awarded under subsection (f)(2), the Secretary shall pay to each prescription drug card sponsor an amount equal to any enrollment fee charged under section 1807(b)(2)(A) on behalf of each eligible low-income beneficiary enrolled in a prescription drug discount card program under paragraph (1)(C) offered by such sponsor.

''(c) ADDITIONAL BENEFICIARY PROTECTIONS.—

''(1) PROVIDING INFORMATION TO ELIGIBLE LOW-INCOME BENEFICIARIES.—In addition to the information provided to eligible beneficiaries under section 1807(c), the prescription drug card sponsor shall—

''(A) periodically notify each eligible low-income beneficiary enrolled in a prescription drug assistance card program offered by such sponsor of the amount of coverage for prescription drugs remaining under subsection (d)(2)(A); and

''(B) notify each eligible low-income beneficiary enrolled in a prescription drug assistance card program offered by such sponsor of the grievance and appeals processes under the program.

''(2) CONVENIENT ACCESS IN LONG-TERM CARE FACILITIES.—For purposes of determining whether convenient access has been provided under section 1807(d)(2) with respect to eligible low-income beneficiaries enrolled in a prescription drug assistance card program, the Secretary may only make a determination that such access has been provided if an appropriate arrangement is in place for eligible low-income beneficiaries who are in a long-term care facility (as defined by the Secretary) to receive prescription drug benefits under the program.

''(3) COORDINATION OF BENEFITS.—

''(A) IN GENERAL.—The Secretary shall establish procedures under which eligible low-income beneficiaries who are enrolled for coverage described in subparagraph (B) and enrolled in a prescription drug assistance card program have access to the prescription drug benefits available under such program.

''(B) COVERAGE DESCRIBED.—Coverage described in this subparagraph is as follows:

''(i) Coverage of prescription drugs under a State pharmaceutical assistance program.

''(ii) Enrollment in a Medicare+Choice plan under part C.

''(4) GRIEVANCE MECHANISM.—Each prescription drug card sponsor with a contract under this section shall provide in accordance with section 1852(f) meaningful procedures for hearing and resolving grievances between the prescription drug card sponsor (including any entity or individual through which the prescription drug card sponsor provides covered benefits) and enrollees in a prescription drug assistance card program offered by such sponsor.

''(5) APPLICATION OF COVERAGE DETERMINATION AND RECONSIDERATION PROVISIONS.—

''(A) IN GENERAL.—The requirements of paragraphs (1) through (3) of section 1852(g) shall apply with respect to covered benefits under a prescription drug assistance card program under this section in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

''(B) REQUEST FOR REVIEW OF TIERED FORMULARY DETERMINATIONS.—In the case of a prescription drug assistance card program offered by a prescription drug card sponsor that provides for tiered pricing for drugs included within a formulary and provides lower prices for preferred drugs included within the formulary, an eligible low-income beneficiary who is enrolled in the program may request coverage of a nonpreferred drug under the terms applicable for preferred drugs if the prescribing physician determines that the preferred drug for treatment of the same condition is not as effective for the eligible low-income beneficiary or has adverse effects for the eligible low-income beneficiary.

''(C) FORMULARY DETERMINATIONS.—An eligible low-income beneficiary who is enrolled in a prescription drug assistance card program offered by a prescription drug card sponsor may appeal to obtain coverage for a covered drug that is not on a formulary of the entity if the prescribing physician determines that the formulary drug for treatment of the same condition is not as effective for the eligible low-income beneficiary or has adverse effects for the eligible low-income beneficiary.

''(6) APPEALS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a prescription drug card sponsor shall meet the requirements of paragraphs (4) and (5) of section 1852(g) with respect to drugs not included on any formulary in a similar manner (as determined by the Secretary) as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

''(B) FORMULARY DETERMINATIONS.—An eligible low-income beneficiary who is enrolled in a prescription drug assistance card program offered by a prescription drug card sponsor may appeal to obtain coverage for a covered drug that is not on a formulary of the entity if the prescribing physician determines that the formulary drug for treatment of the same condition is not as effective for the eligible low-income beneficiary or has adverse effects for the eligible low-income beneficiary.

''(C) APPEALS AND EXCEPTIONS TO APPLICATION.—The prescription drug card sponsor must have, as part of the appeals process under this paragraph, a process for timely appeals for denials of coverage based on the application of the formulary.

''(d) PRESCRIPTION DRUG BENEFITS.—

''(1) IN GENERAL.—Subject to paragraph (5), all the benefits available under a prescription drug discount card program offered by a prescription drug card sponsor and endorsed under section 1807 shall be available to eligible low-income beneficiaries enrolled in a prescription drug assistance card program offered by such sponsor.

''(2) ASSISTANCE FOR ELIGIBLE LOW-INCOME BENEFICIARIES.—

''(A) $600 ANNUAL ASSISTANCE.—Subject to subparagraphs (B) and (C) and paragraph (5), each prescription drug card sponsor with a contract under this section shall provide coverage for the first $600 of expenses for prescription drugs incurred during each calendar year by an eligible low-income beneficiary enrolled in a prescription drug assistance card program offered by such sponsor.

''(B) COINSURANCE.—

''(i) IN GENERAL.—The prescription drug card sponsor shall determine an amount of coinsurance to collect from each eligible low-income beneficiary enrolled in a prescription drug assistance card program offered by such sponsor for which coverage is available under subparagraph (A).

''(ii) AMOUNT.—The amount of coinsurance collected under clause (i) shall be at least 10 percent of the negotiated price of each prescription drug dispensed to an eligible low-income beneficiary.

''(iii) CONSTRUCTION.—Amounts collected under clause (i) shall not be counted against the total amount of coverage available under subparagraph (A).

''(C) REDUCTION FOR LATE ENROLLMENT.—For each month during a calendar quarter in which an eligible low-income beneficiary is not enrolled in a prescription drug assistance card program offered by a prescription drug card sponsor with a contract under this section, the amount of assistance available under subparagraph (A) shall be reduced by $50.

''(D) CREDITING OF UNUSED BENEFITS TOWARD FUTURE YEARS.—The dollar amount of coverage described in subparagraph (A) shall be increased by any amount of coverage described in such subparagraph that was not used during the previous calendar year.

''(E) WAIVER TO ENSURE PROVISION OF BENEFIT.—The Secretary may waive such requirements of this section and section 1807 as may be necessary to ensure that each eligible low-income beneficiaries has access to the assistance described in subparagraph (A).

''(3) ADDITIONAL DISCOUNTS.—A prescription drug card sponsor with a contract under this section shall provide each eligible low-income beneficiary enrolled in a prescription drug assistance program offered by the sponsor with access to negotiated prices that reflect a minimum average discount of at least 20 percent of the average wholesale price for prescription drugs covered under that program.

''(4) ASSISTANCE CARDS.—Each prescription drug card sponsor shall permit eligible low-income beneficiaries enrolled in a prescription drug assistance card program offered by such sponsor to use the discount card issued under section 1807(e)(4) to obtain benefits under the program.

''(5) APPLICATION OF FORMULARY RESTRICTIONS.—A drug prescribed for an eligible low-income beneficiary that would otherwise be a covered drug under this section shall not be so considered under a prescription drug assistance card program if the program excludes the drug under a formulary and such exclusion is not successfully resolved under paragraph (4), (5), or (6) of subsection (c).

''(e) REQUIREMENTS FOR PRESCRIPTION DRUG CARD SPONSORS THAT OFFER PRESCRIPTION DRUG ASSISTANCE CARD PROGRAMS.—

''(1) IN GENERAL.—Each prescription drug card sponsor shall—

''(A) process claims made by eligible low-income beneficiaries;

''(B) negotiate with brand name and generic prescription drug manufacturers and others for low prices on prescription drugs;

''(C) track individual beneficiary expenditures in a format and periodicity specified by the Secretary; and

''(D) perform such other functions as the Secretary may assign.

''(2) DATA EXCHANGES.—Each prescription drug card sponsor shall receive data exchanges in a format specified by the Secretary and shall maintain real-time beneficiary files.

''(3) PUBLIC DISCLOSURE OF PHARMACEUTICAL PRICES FOR EQUIVALENT DRUGS.—The prescription drug card sponsor offering the prescription drug assistance card program shall provide that each pharmacy or other dispenser that arranges for the dispensing of a covered drug shall inform the eligible low-income beneficiary at the time of purchase of the drug of any differential between the price of the prescribed drug to the enrollee and the price of the lowest priced generic drug covered under the plan that is therapeutically equivalent and bioequivalent and available at such pharmacy or other dispenser.

''(f) SUBMISSION OF BIDS AND AWARDING OF CONTRACTS.—

''(1) SUBMISSION OF BIDS.—Each prescription drug card sponsor that seeks to offer a prescription drug assistance card program under this section shall submit to the Secretary, at such time and in such manner as the Secretary may specify, such information as the Secretary may require.

''(2) AWARDING OF CONTRACTS.—The Secretary shall review the information submitted under paragraph (1) and shall determine whether to award a contract to the prescription drug card sponsor offering the program to which such information relates. The Secretary may not approve a program unless the program and prescription drug card sponsor offering the program comply with the requirements under this section.

''(3) NUMBER OF CONTRACTS.—There shall be no limit on the number of prescription drug card sponsors that may be awarded contracts under paragraph (2).

''(4) CONTRACT PROVISIONS.—

''(A) DURATION.—A contract awarded under paragraph (2) shall be for the lifetime of the program under this section.

''(B) WITHDRAWAL.—A prescription drug card sponsor that desires to terminate the contract awarded under paragraph (2) may terminate such contract without penalty if such sponsor gives notice—

''(i) to the Secretary 90 days prior to the termination of such contract; and

''(ii) to each eligible low-income beneficiary that is enrolled in a prescription drug assistance card program offered by such sponsor 60 days prior to such termination.

''(C) SERVICE AREA.—The service area under the contract shall be the same as the area served by the prescription drug card sponsor under section 1807.

''(5) SIMULTANEOUS APPROVAL OF DISCOUNT CARD AND ASSISTANCE PROGRAMS.—A prescription drug card sponsor may submit an application for endorsement under section 1807 as part of the bid submitted under paragraph (1) and the Secretary may approve such application at the same time as the Secretary awards a contract under this section.

''(g) PAYMENTS TO PRESCRIPTION DRUG CARD SPONSORS.—

''(1) IN GENERAL.—The Secretary shall pay to each prescription drug card sponsor offering a prescription drug assistance card program in which an eligible low-income beneficiary is enrolled an amount equal to the amount agreed to by the Secretary and the sponsor in the contract awarded under subsection (f)(2).

''(2) PAYMENT FROM PART B TRUST FUND.—The costs of providing benefits under this section shall be payable from the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(h) ELIGIBILITY DETERMINATIONS MADE BY STATES; PRESUMPTIVE ELIGIBILITY.—States shall perform the functions described in section 1935(a)(1).

''(i) APPROPRIATIONS.—There are appropriated from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 such sums as may be necessary to carry out the program under this section.

''(j) DEFINITIONS.—In this section:

''(1) ELIGIBLE BENEFICIARY; NEGOTIATED PRICE; PRESCRIPTION DRUG.—The terms 'eligible beneficiary', 'negotiated price', and 'prescription drug' have the meanings given those terms in section 1807(i).

''(2) ELIGIBLE LOW-INCOME BENEFICIARY.—The term 'eligible low-income beneficiary' means an individual who—

''(A) is an eligible beneficiary (as defined in section 1807(i));

''(B) is not a dual eligible beneficiary as defined under section 1807(i)(1)(B); and

''(C) is described in clause (iii) or (iv) of section 1902(a)(10)(E) or in section 1905(p)(1).

''(3) PRESCRIPTION DRUG CARD SPONSOR.—The term 'prescription drug card sponsor' has the meaning given that term in section 1807(i), except that such sponsor shall also be an entity that the Secretary determines is—

''(A) is appropriate to provide eligible low-income beneficiaries with the benefits under a prescription drug assistance card program under this section; and

''(B) is able to manage the monetary assistance made available under subsection (d)(2);

''(C) agrees to submit to audits by the Secretary; and

''(D) provides such other assurances as the Secretary may require.

''(4) STATE.—The term 'State' has the meaning given such term for purposes of title XIX.''.

(b) EXCLUSION OF PRICES FROM DETERMINATION OF BEST PRICE.—Section 1927(c)(1)(C)(i) (42 U.S.C. 1396r–8(c)(1)(C)(i)) is amended—

(1) by striking ''and'' at the end of subclause (III);

(2) by striking the period at the end of subclause (IV) and inserting ''; and''; and

(3) by adding at the end the following new subclause:

''(V) any negotiated prices charged under the medicare prescription drug discount card endorsement program under section 1807 or under the transitional prescription drug assistance card program for eligible low-income beneficiaries under section 1807A.''.

(c) EXCLUSION OF PRESCRIPTION DRUG ASSISTANCE CARD COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.—Section 1839(g) of the Social Security Act (42 U.S.C. 1395r(g)) is amended—

(1) by striking ''attributable to the application of section'' and inserting ''attributable to—

''(1) the application of section'';

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(2) the prescription drug assistance card program under section 1807A.''.

(d) REGULATIONS.—

(1) AUTHORITY FOR INTERIM FINAL REGULATIONS.—The Secretary may promulgate initial regulations implementing sections 1807 and 1807A of the Social Security Act (as added by this section) in interim final form without prior opportunity for public comment.

(2) FINAL REGULATIONS.—A final regulation reflecting public comments must be published within 1 year of the interim final regulation promulgated under paragraph (1).

(3) EXEMPTION FROM THE PAPERWORK REDUCTION ACT.—The promulgation of the regulations under this subsection and the administration the programs established by sections 1807 and 1807A of the Social Security Act (as added by this section) shall be made without regard to chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(e) IMPLEMENTATION; TRANSITION.—

(1) IMPLEMENTATION.—The Secretary shall implement the amendments made by this section in a manner that discounts are available to eligible beneficiaries under section 1807 of the Social Security Act and assistance is available to eligible low-income beneficiaries under section 1807A of such Act not later than January 1, 2004.

(2) TRANSITION.—The Secretary shall provide for an appropriate transition and discontinuation of the programs under section 1807 and 1807A of the Social Security Act. Such transition and discontinuation shall ensure that such programs continue to operate until the date on which the first enrollment period under part D ends.

Subtitle C—Standards for Electronic Prescribing

SEC. 121. STANDARDS FOR ELECTRONIC PRESCRIBING.

Title XI (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new part:

''PART D—ELECTRONIC PRESCRIBING

''STANDARDS FOR ELECTRONIC PRESCRIBING

''SEC. 1180. (a) STANDARDS.—

''(1) DEVELOPMENT AND ADOPTION.—

''(A) IN GENERAL.—The Secretary shall develop or adopt standards for transactions and data elements for such transactions (in this section referred to as 'standards') to enable the electronic transmission of medication history, eligibility, benefit, and other prescription information.

''(B) CONSULTATION.—In developing and adopting the standards under subparagraph (A), the Secretary shall consult with representatives of physicians, hospitals, pharmacists, standard setting organizations, pharmacy benefit managers, beneficiary information exchange networks, technology experts, and representatives of the Departments of Veterans Affairs and Defense and other interested parties.

''(2) OBJECTIVE.—Any standards developed or adopted under this part shall be consistent with the objectives of improving—

''(A) patient safety; and

''(B) the quality of care provided to patients.

''(3) REQUIREMENTS.—Any standards developed or adopted under this part shall comply with the following:

''(A) ELECTRONIC TRANSMITTAL OF PRESCRIPTIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the standards require that prescriptions be written and transmitted electronically.

''(ii) EXCEPTIONS.—The standards shall not require a prescription to be written and transmitted electronically—

''(I) in emergency cases and other exceptional circumstances recognized by the Administrator; or

''(II) if the patient requests that the prescription not be transmitted electronically.

If a patient makes a request under subclause (II), no additional charges may be imposed on the patient for making such request.

''(B) PATIENT-SPECIFIC MEDICATION HISTORY, ELIGIBILITY, BENEFIT, AND OTHER PRESCRIPTION INFORMATION.—

''(i) IN GENERAL.—The standards shall accommodate electronic transmittal of patient-specific medication history, eligibility, benefit, and other prescription information among prescribing and dispensing professionals at the point of care.

''(ii) REQUIRED INFORMATION.—The information described in clause (i) shall include the following:

''(I) Information (to the extent available and feasible) on the drugs being prescribed for that patient and other information relating to the medication history of the patient that may be relevant to the appropriate prescription for that patient.

''(II) Cost-effective alternatives (if any) to the drug prescribed.

''(III) Information on eligibility and benefits, including the drugs included in the applicable formulary and any requirements for prior authorization.

''(IV) Information on potential interactions with drugs listed on the medication history, graded by severity of the potential interaction.

''(V) Other information to improve the quality of patient care and to reduce medical errors.

''(C) UNDUE BURDEN.—The standards shall be designed so that, to the extent practicable, the standards do not impose an

undue administrative burden on the practice of medicine, pharmacy, or other health professions.

''(D) COMPATIBILITY WITH ADMINISTRATIVE SIMPLIFICATION AND PRIVACY LAWS.—The standards shall be—

''(i) consistent with the Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996; and

''(ii) compatible with the standards adopted under part C.

''(4) TRANSFER OF INFORMATION.—The Secretary shall develop and adopt standards for transferring among prescribing and insurance entities and other necessary entities appropriate standard data elements needed for the electronic exchange of medication history, eligibility, benefit, and other prescription drug information and other health information determined appropriate in compliance with the standards adopted or modified under this part.

''(b) TIMETABLE FOR ADOPTION OF STANDARDS.—

''(1) IN GENERAL.—The Secretary shall adopt the standards under this part by January 1, 2006.

''(2) ADDITIONS AND MODIFICATIONS TO STANDARDS.—The Secretary shall, in consultation with appropriate representatives of interested parties, review the standards developed or adopted under this part and adopt modifications to the standards (including additions to the standards), as determined appropriate. Any addition or modification to such standards shall be completed in a manner which minimizes the disruption and cost of compliance.

''(c) COMPLIANCE WITH STANDARDS.—

''(1) REQUIREMENT FOR ALL INDIVIDUALS AND ENTITIES THAT TRANSMIT OR RECEIVE PRESCRIPTIONS ELECTRONICALLY.—

''(A) IN GENERAL.—Individuals or entities that transmit or receive electronic medication history, eligibility, benefit and prescription information, shall comply with the standards adopted or modified under this part.

''(B) RELATION TO STATE LAWS.—The standards adopted or modified under this part shall supersede any State law or regulations pertaining to the electronic transmission of medication history, eligibility, benefit and prescription information.

''(2) TIMETABLE FOR COMPLIANCE.—

''(A) INITIAL COMPLIANCE.—

''(i) IN GENERAL.—Not later than 24 months after the date on which an initial standard is adopted under this part, each individual or entity to whom the standard applies shall comply with the standard.

''(ii) SPECIAL RULE FOR SMALL HEALTH PLANS.—In the case of a small health plan, as defined by the Secretary for purposes of section 1175(b)(1)(B), clause (i) shall be applied by substituting '36 months' for '24 months'.

''(d) CONSULTATION WITH ATTORNEY GENERAL.—The Secretary shall consult with the Attorney General before developing, adopting, or modifying a standard under this part to ensure that the standard accommodates secure electronic transmission of prescriptions for controlled substances in a manner that minimizes the possibility of violations under the Comprehensive Drug Abuse Prevention and Control Act of 1970 and related Federal laws.

''GRANTS TO HEALTH CARE PROVIDERS TO IMPLEMENT ELECTRONIC PRESCRIPTION PROGRAMS

''SEC. 1180A. (a) IN GENERAL.—The Secretary is authorized to make grants to health care providers for the purpose of assisting such entities to implement electronic prescription programs that comply with the standards adopted or modified under this part.

''(b) APPLICATION.—No grant may be made under this section except pursuant to a grant application that is submitted in a time, manner, and form approved by the Secretary.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2006, 2007, and 2008, such sums as may be necessary to carry out this section.''.

TITLE II—MEDICAREADVANTAGE

Subtitle A—MedicareAdvantage Competition

SEC. 201. ELIGIBILITY, ELECTION, AND ENROLLMENT.

Section 1851 (42 U.S.C. 1395w–21) is amended to read as follows:

''ELIGIBILITY, ELECTION, AND ENROLLMENT

''SEC. 1851. (a) CHOICE OF MEDICARE BENEFITS THROUGH MEDICAREADVANTAGE PLANS.—

''(1) IN GENERAL.—Subject to the provisions of this section, each MedicareAdvantage eligible individual (as defined in paragraph (3)) is entitled to elect to receive benefits under this title—

''(A) through—

''(i) the original Medicare fee-for-service program under parts A and B; and

''(ii) the voluntary prescription drug delivery program under part D; or

''(B) through enrollment in a MedicareAdvantage plan under this part.

''(2) TYPES OF MEDICAREADVANTAGE PLANS THAT MAY BE AVAILABLE.—A MedicareAdvantage plan may be any of the following types of plans of health insurance:

''(A) COORDINATED CARE PLANS.—Coordinated care plans which provide health care services, including health maintenance organization plans (with or without point of service options) and plans offered by provider-sponsored organizations (as defined in section 1855(d)).

''(B) COMBINATION OF MSA PLAN AND CONTRIBUTIONS TO MEDICAREADVANTAGE MSA.—An MSA plan, as defined in section 1859(b)(3), and a contribution into a MedicareAdvantage medical savings account (MSA).

''(C) PRIVATE FEE-FOR-SERVICE PLANS.—A MedicareAdvantage private fee-for-service plan, as defined in section 1859(b)(2).

''(3) MEDICAREADVANTAGE ELIGIBLE INDIVIDUAL.—

''(A) IN GENERAL.—Subject to subparagraph (B), in this title, the term 'MedicareAdvantage eligible individual' means an individual who is entitled to (or enrolled for) benefits under part A, enrolled under part B, and enrolled under part D.

''(B) SPECIAL RULE FOR END-STAGE RENAL DISEASE.—Such term shall not include an individual medically determined to have end-stage renal disease, except that—

''(i) an individual who develops end-stage renal disease while enrolled in a Medicare+Choice or a MedicareAdvantage plan may continue to be enrolled in that plan; and

''(ii) in the case of such an individual who is enrolled in a Medicare+Choice plan or a MedicareAdvantage plan under clause (i) (or subsequently under this clause), if the enrollment is discontinued under circumstances described in section 1851(e)(4)(A), then the individual will be treated as a 'MedicareAdvantage eligible individual' for purposes of electing to continue enrollment in another MedicareAdvantage plan.

''(b) SPECIAL RULES.—

''(1) RESIDENCE REQUIREMENT.—

''(A) IN GENERAL.—Except as the Secretary may otherwise provide and except as provided in subparagraph (C), an individual is eligible to elect a MedicareAdvantage plan offered by a MedicareAdvantage organization only if the plan serves the geographic area in which the individual resides.

''(B) CONTINUATION OF ENROLLMENT PERMITTED.—Pursuant to rules specified by the Secretary, the Secretary shall provide that a plan may offer to all individuals residing in a geographic area the option to continue enrollment in the plan, notwithstanding that the individual no longer resides in the service area of the plan, so long as the plan provides that individuals exercising this option have, as part of the basic benefits described in section 1852(a)(1)(A), reasonable access within that geographic area to the full range of basic benefits, subject to reasonable cost-sharing liability in obtaining such benefits.

''(C) CONTINUATION OF ENROLLMENT PERMITTED WHERE SERVICE CHANGED.—Notwithstanding subparagraph (A) and in addition to subparagraph (B), if a MedicareAdvantage organization eliminates from its service area a MedicareAdvantage payment area that was previously within its service area, the organization may elect to offer individuals residing in all or portions of the affected area who would otherwise be ineligible to continue enrollment the option to continue enrollment in a MedicareAdvantage plan it offers so long as—

''(i) the enrollee agrees to receive the full range of basic benefits (excluding emergency and urgently needed care) exclusively at facilities designated by the organization within the plan service area; and

''(ii) there is no other MedicareAdvantage plan offered in the area in which the enrollee resides at the time of the organization's election.

''(2) SPECIAL RULE FOR CERTAIN INDIVIDUALS COVERED UNDER FEHBP OR ELIGIBLE FOR VETERANS OR MILITARY HEALTH BENEFITS.—

''(A) FEHBP.—An individual who is enrolled in a health benefit plan under chapter 89 of title 5, United States Code, is not eligible to enroll in an MSA plan until such time as the Director of the Office of Management and Budget certifies to the Secretary that the Office of Personnel Management has adopted policies which will ensure that the enrollment of such individuals in such plans will not result in increased expenditures for the Federal Government for health benefit plans under such chapter.

''(B) VA AND DOD.—The Secretary may apply rules similar to the rules described in subparagraph (A) in the case of individuals who are eligible for health care benefits under chapter 55 of title 10, United States Code, or under chapter 17 of title 38 of such Code.

''(3) LIMITATION ON ELIGIBILITY OF QUALIFIED MEDICARE BENEFICIARIES AND OTHER MEDICAID BENEFICIARIES TO ENROLL IN AN MSA PLAN.—An individual who is a qualified medicare beneficiary (as defined in section 1905(p)(1)), a qualified disabled and working individual (described in section 1905(s)), an individual described in section 1902(a)(10)(E)(iii), or otherwise entitled to medicare cost-sharing under a State plan under title XIX is not eligible to enroll in an MSA plan.

''(4) COVERAGE UNDER MSA PLANS ON A DEMONSTRATION BASIS.—

''(A) IN GENERAL.—An individual is not eligible to enroll in an MSA plan under this part—

''(i) on or after January 1, 2004, unless the enrollment is the continuation of such an enrollment in effect as of such date; or

''(ii) as of any date if the number of such individuals so enrolled as of such date has reached 390,000.

Under rules established by the Secretary, an individual is not eligible to enroll (or continue enrollment) in an MSA plan for a year unless the individual provides assurances satisfactory to the Secretary that the individual will reside in the United States for at least 183 days during the year.

''(B) EVALUATION.—The Secretary shall regularly evaluate the impact of permitting enrollment in MSA plans under this part on selection (including adverse selection), use of preventive care, access to care, and the financial status of the Trust Funds under this title.

''(C) REPORTS.—The Secretary shall submit to Congress periodic reports on the numbers of individuals enrolled in such plans and on the evaluation being conducted under subparagraph (B).

''(c) PROCESS FOR EXERCISING CHOICE.—

''(1) IN GENERAL.—The Secretary shall establish a process through which elections described in subsection (a) are made and changed, including the form and manner in which such elections are made and changed. Such elections shall be made or changed only during coverage election periods specified under subsection (e) and shall become effective as provided in subsection (f).

''(2) COORDINATION THROUGH MEDICAREADVANTAGE ORGANIZATIONS.—

''(A) ENROLLMENT.—Such process shall permit an individual who wishes to elect a MedicareAdvantage plan offered by a MedicareAdvantage organization to make such election through the filing of an appropriate election form with the organization.

''(B) DISENROLLMENT.—Such process shall permit an individual, who has elected a MedicareAdvantage plan offered by a MedicareAdvantage organization and who wishes to terminate such election, to terminate such election through the filing of an appropriate election form with the organization.

''(3) DEFAULT.—

''(A) INITIAL ELECTION.—

''(i) IN GENERAL.—Subject to clause (ii), an individual who fails to make an election during an initial election period under subsection (e)(1) is deemed to have chosen the original medicare fee-for-service program option.

''(ii) SEAMLESS CONTINUATION OF COVERAGE.—The Secretary may establish procedures under which an individual who is enrolled in a Medicare+Choice plan or another health plan (other than a MedicareAdvantage plan) offered by a MedicareAdvantage organization at the time of the initial election period and who fails to elect to receive coverage other than through the organization is deemed to have elected the MedicareAdvantage plan offered by the organization (or, if the organization offers more than 1 such plan, such plan or plans as the Secretary identifies under such procedures).

''(B) CONTINUING PERIODS.—An individual who has made (or is deemed to have made) an election under this section is considered to have continued to make such election until such time as—

''(i) the individual changes the election under this section; or

''(ii) the MedicareAdvantage plan with respect to which such election is in effect is discontinued or, subject to subsection (b)(1)(B), no longer serves the area in which the individual resides.

''(d) PROVIDING INFORMATION TO PROMOTE INFORMED CHOICE.—

''(1) IN GENERAL.—The Secretary shall provide for activities under this subsection to broadly disseminate information to medicare beneficiaries (and prospective medicare beneficiaries) on the coverage options provided under this section in order to promote an active, informed selection among such options.

''(2) PROVISION OF NOTICE.—

''(A) OPEN SEASON NOTIFICATION.—At least 15 days before the beginning of each annual, coordinated election period (as defined in subsection (e)(3)(B)), the Secretary shall mail to each MedicareAdvantage eligible individual residing in an area the following:

''(i) GENERAL INFORMATION.—The general information described in paragraph (3).

''(ii) LIST OF PLANS AND COMPARISON OF PLAN OPTIONS.—A list identifying the MedicareAdvantage plans that are (or will be) available to residents of the area and information described in paragraph (4) concerning such plans. Such information shall be presented in a comparative form.

''(iii) ADDITIONAL INFORMATION.—Any other information that the Secretary determines will assist the individual in making the election under this section.

The mailing of such information shall be coordinated, to the extent practicable, with the mailing of any annual notice under section 1804.

''(B) NOTIFICATION TO NEWLY ELIGIBLE MEDICAREADVANTAGE ELIGIBLE INDIVIDUALS.—To the extent practicable, the Secretary shall, not later than 30 days before the beginning of the initial MedicareAdvantage enrollment period for an individual described in subsection (e)(1), mail to the individual the information described in subparagraph (A).

''(C) FORM.—The information disseminated under this paragraph shall be written and formatted using language that is easily understandable by medicare beneficiaries.

''(D) PERIODIC UPDATING.—The information described in subparagraph (A) shall be updated on at least an annual basis to reflect changes in the availability of MedicareAdvantage plans, the benefits under such plans, and the MedicareAdvantage monthly basic beneficiary premium, MedicareAdvantage monthly beneficiary premium for enhanced medical benefits, and MedicareAdvantage monthly beneficiary obligation for qualified prescription drug coverage for such plans.

''(3) GENERAL INFORMATION.—General information under this paragraph, with respect to coverage under this part during a year, shall include the following:

''(A) BENEFITS UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM OPTION.—A general description of the benefits covered under parts A and B of the original medicare fee-for-service program, including—

''(i) covered items and services;

''(ii) beneficiary cost-sharing, such as deductibles, coinsurance, and copayment amounts; and

''(iii) any beneficiary liability for balance billing.

''(B) CATASTROPHIC COVERAGE AND COMBINED DEDUCTIBLE.—A description of the catastrophic coverage and unified deductible applicable under the plan.

''(C) OUTPATIENT PRESCRIPTION DRUG COVERAGE BENEFITS.—The information required under section 1860D–4 with respect to coverage for prescription drugs under the plan.

''(D) ELECTION PROCEDURES.—Information and instructions on how to exercise election options under this section.

''(E) RIGHTS.—A general description of procedural rights (including grievance and appeals procedures) of beneficiaries under the original medicare fee-for-service program (including such rights under part D) and the MedicareAdvantage program and the right to be protected against discrimination based on health status-related factors under section 1852(b).

''(F) INFORMATION ON MEDIGAP AND MEDICARE SELECT.—A general description of the benefits, enrollment rights, and other requirements applicable to medicare supplemental policies under section 1882 and provisions relating to medicare select policies described in section 1882(t).

''(G) POTENTIAL FOR CONTRACT TERMINATION.—The fact that a MedicareAdvantage organization may terminate its contract, refuse to renew its contract, or reduce the service area included in its contract, under this part, and the effect of such a termination, nonrenewal, or service area reduction may have on individuals enrolled with the MedicareAdvantage plan under this part.

''(4) INFORMATION COMPARING PLAN OPTIONS.—Information under this paragraph, with respect to a MedicareAdvantage plan for a year, shall include the following:

''(A) BENEFITS.—The benefits covered under the plan, including the following:

''(i) Covered items and services beyond those provided under the original medicare fee-for-service program option.

''(ii) Beneficiary cost-sharing for any items and services described in clause (i) and paragraph (3)(A)(i), including information on the unified deductible under section 1852(a)(1)(C).

''(iii) The maximum limitations on out-of-pocket expenses under section 1852(a)(1)(C).

''(iv) In the case of an MSA plan, differences in cost-sharing, premiums, and balance billing under such a plan compared to under other MedicareAdvantage plans.

''(v) In the case of a MedicareAdvantage private fee-for-service plan, differences in cost-sharing, premiums, and balance billing under such a plan compared to under other MedicareAdvantage plans.

''(vi) The extent to which an enrollee may obtain benefits through out-of-network health care providers.

''(vii) The extent to which an enrollee may select among in-network providers and the types of providers participating in the plan's network.

''(viii) The organization's coverage of emergency and urgently needed care.

''(ix) The comparative information described in section 1860D–4(b)(2) relating to prescription drug coverage under the plan.

''(B) PREMIUMS.—

''(i) IN GENERAL.—The MedicareAdvantage monthly basic beneficiary premium and MedicareAdvantage monthly beneficiary premium for enhanced medical benefits, if any, for the plan or, in the case of an MSA plan, the MedicareAdvantage monthly MSA premium.

''(ii) REDUCTIONS.—The reduction in part B premiums, if any.

''(iii) NATURE OF THE PREMIUM FOR ENHANCED MEDICAL BENEFITS.—Whether the MedicareAdvantage monthly premium for enhanced benefits is optional or mandatory.

''(C) SERVICE AREA.—The service area of the plan.

''(D) QUALITY AND PERFORMANCE.—Plan quality and performance indicators for the benefits under the plan (and how such indicators compare to quality and performance indicators under the original medicare fee-for-service program under parts A and B and under the voluntary prescription drug delivery program under part D in the area involved), including—

''(i) disenrollment rates for medicare enrollees electing to receive benefits through the plan for the previous 2 years (excluding disenrollment due to death or moving outside the plan's service area);

''(ii) information on medicare enrollee satisfaction;

''(iii) information on health outcomes; and

''(iv) the recent record regarding compliance of the plan with requirements of this part (as determined by the Secretary).

''(5) MAINTAINING A TOLL-FREE NUMBER AND INTERNET SITE.—The Secretary shall maintain a toll-free number for inquiries regarding MedicareAdvantage options and the operation of this part in all areas in which MedicareAdvantage plans are offered and an Internet site through which individuals may electronically obtain information on such options and MedicareAdvantage plans.

''(6) USE OF NON-FEDERAL ENTITIES.—The Secretary may enter into contracts with

non-Federal entities to carry out activities under this subsection.

''(7) PROVISION OF INFORMATION.—A MedicareAdvantage organization shall provide the Secretary with such information on the organization and each MedicareAdvantage plan it offers as may be required for the preparation of the information referred to in paragraph (2)(A).

''(e) COVERAGE ELECTION PERIODS.—

''(1) INITIAL CHOICE UPON ELIGIBILITY TO MAKE ELECTION IF MEDICAREADVANTAGE PLANS AVAILABLE TO INDIVIDUAL.—If, at the time an individual first becomes eligible to elect to receive benefits under part B or D (whichever is later), there is 1 or more MedicareAdvantage plans offered in the area in which the individual resides, the individual shall make the election under this section during a period specified by the Secretary such that if the individual elects a MedicareAdvantage plan during the period, coverage under the plan becomes effective as of the first date on which the individual may receive such coverage.

''(2) OPEN ENROLLMENT AND DISENROLLMENT OPPORTUNITIES.—Subject to paragraph (5), the following rules shall apply:

''(A) CONTINUOUS OPEN ENROLLMENT AND DISENROLLMENT THROUGH 2005.—At any time during the period beginning January 1, 1998, and ending on December 31, 2005, a Medicare+Choice eligible individual may change the election under subsection (a)(1).

''(B) CONTINUOUS OPEN ENROLLMENT AND DISENROLLMENT FOR FIRST 6 MONTHS DURING 2006.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), at any time during the first 6 months of 2006, or, if the individual first becomes a MedicareAdvantage eligible individual during 2006, during the first 6 months during 2006 in which the individual is a MedicareAdvantage eligible individual, a MedicareAdvantage eligible individual may change the election under subsection (a)(1).

''(ii) LIMITATION OF 1 CHANGE.—An individual may exercise the right under clause (i) only once. The limitation under this clause shall not apply to changes in elections effected during an annual, coordinated election period under paragraph (3) or during a special enrollment period under the first sentence of paragraph (4).

''(C) CONTINUOUS OPEN ENROLLMENT AND DISENROLLMENT FOR FIRST 3 MONTHS IN SUBSEQUENT YEARS.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), at any time during the first 3 months of 2007 and each subsequent year, or, if the individual first becomes a MedicareAdvantage eligible individual during 2007 or any subsequent year, during the first 3 months of such year in which the individual is a MedicareAdvantage eligible individual, a MedicareAdvantage eligible individual may change the election under subsection (a)(1).

''(ii) LIMITATION OF 1 CHANGE DURING OPEN ENROLLMENT PERIOD EACH YEAR.—An individual may exercise the right under clause (i) only once during the applicable 3-month period described in such clause in each year. The limitation under this clause shall not apply to changes in elections effected during an annual, coordinated election period under paragraph (3) or during a special enrollment period under paragraph (4).

''(D) CONTINUOUS OPEN ENROLLMENT FOR INSTITUTIONALIZED INDIVIDUALS.—At any time during 2006 or any subsequent year, in the case of a MedicareAdvantage eligible individual who is institutionalized (as defined by the Secretary), the individual may elect under subsection (a)(1)—

''(i) to enroll in a MedicareAdvantage plan; or

''(ii) to change the MedicareAdvantage plan in which the individual is enrolled.

''(3) ANNUAL, COORDINATED ELECTION PERIOD.—

''(A) IN GENERAL.—Subject to paragraph (5), each individual who is eligible to make an election under this section may change such election during an annual, coordinated election period.

''(B) ANNUAL, COORDINATED ELECTION PERIOD.—For purposes of this section, the term 'annual, coordinated election period' means, with respect to a year before 2003 and after 2006, the month of November before such year and with respect to 2003, 2004, 2005, and 2006, the period beginning on November 15 and ending on December 31 of the year before such year.

''(C) MEDICAREADVANTAGE HEALTH INFORMATION FAIRS.—During the fall season of each year (beginning with 2006), in conjunction with the annual coordinated election period defined in subparagraph (B), the Secretary shall provide for a nationally coordinated educational and publicity campaign to inform MedicareAdvantage eligible individuals about MedicareAdvantage plans and the election process provided under this section.

''(D) SPECIAL INFORMATION CAMPAIGN IN 2005.—During the period beginning on November 15, 2005, and ending on December 31, 2005, the Secretary shall provide for an educational and publicity campaign to inform MedicareAdvantage eligible individuals about the availability of MedicareAdvantage plans, and eligible organizations with risk-sharing contracts under section 1876, offered in different areas and the election process provided under this section.

''(4) SPECIAL ELECTION PERIODS.—Effective on and after January 1, 2006, an individual may discontinue an election of a MedicareAdvantage plan offered by a MedicareAdvantage organization other than during an annual, coordinated election period and make a new election under this section if—

''(A)(i) the certification of the organization or plan under this part has been terminated, or the organization or plan has notified the individual of an impending termination of such certification; or

''(ii) the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, or has notified the individual of an impending termination or discontinuation of such plan;

''(B) the individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances (specified by the Secretary, but not including termination of the individual's enrollment on the basis described in clause (i) or (ii) of subsection (g)(3)(B));

''(C) the individual demonstrates (in accordance with guidelines established by the Secretary) that—

''(i) the organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual (including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards); or

''(ii) the organization (or an agent or other entity acting on the organization's behalf) materially misrepresented the plan's provisions in marketing the plan to the individual; or

''(D) the individual meets such other exceptional conditions as the Secretary may provide.

Effective on and after January 1, 2006, an individual who, upon first becoming eligible for benefits under part A at age 65, enrolls in a MedicareAdvantage plan under this part, the individual may discontinue the election of such plan, and elect coverage under the original fee-for-service plan, at any time during the 12-month period beginning on the effective date of such enrollment.

''(5) SPECIAL RULES FOR MSA PLANS.—Notwithstanding the preceding provisions of this subsection, an individual—

''(A) may elect an MSA plan only during—

''(i) an initial open enrollment period described in paragraph (1);

''(ii) an annual, coordinated election period described in paragraph (3)(B); or

''(iii) the month of November 1998;

''(B) subject to subparagraph (C), may not discontinue an election of an MSA plan except during the periods described in clause (ii) or (iii) of subparagraph (A) and under the first sentence of paragraph (4); and

''(C) who elects an MSA plan during an annual, coordinated election period, and who never previously had elected such a plan, may revoke such election, in a manner determined by the Secretary, by not later than December 15 following the date of the election.

''(6) OPEN ENROLLMENT PERIODS.—Subject to paragraph (5), a MedicareAdvantage organization—

''(A) shall accept elections or changes to elections during the initial enrollment periods described in paragraph (1), during the period beginning on November 15, 2005, and ending on December 31, 2005, and during the annual, coordinated election period under paragraph (3) for each subsequent year, and during special election periods described in the first sentence of paragraph (4); and

''(B) may accept other changes to elections at such other times as the organization provides.

''(f) EFFECTIVENESS OF ELECTIONS AND CHANGES OF ELECTIONS.—

''(1) DURING INITIAL COVERAGE ELECTION PERIOD.—An election of coverage made during the initial coverage election period under subsection (e)(1)(A) shall take effect upon the date the individual becomes entitled to (or enrolled for) benefits under part A, enrolled under part B, and enrolled under part D, except as the Secretary may provide (consistent with sections 1838 and 1860D–2)) in order to prevent retroactive coverage.

''(2) DURING CONTINUOUS OPEN ENROLLMENT PERIODS.—An election or change of coverage made under subsection (e)(2) shall take effect with the first day of the first calendar month following the date on which the election or change is made.

''(3) ANNUAL, COORDINATED ELECTION PERIOD.—An election or change of coverage made during an annual, coordinated election period (as defined in subsection (e)(3)(B)) in a year shall take effect as of the first day of the following year.

''(4) OTHER PERIODS.—An election or change of coverage made during any other period under subsection (e)(4) shall take effect in such manner as the Secretary provides in a manner consistent (to the extent practicable) with protecting continuity of health benefit coverage.

''(g) GUARANTEED ISSUE AND RENEWAL.—

''(1) IN GENERAL.—Except as provided in this subsection, a MedicareAdvantage organization shall provide that at any time during which elections are accepted under this section with respect to a MedicareAdvantage plan offered by the organization, the organization will accept without restrictions individuals who are eligible to make such election.

''(2) PRIORITY.—If the Secretary determines that a MedicareAdvantage organization, in relation to a MedicareAdvantage plan it offers, has a capacity limit and the number of MedicareAdvantage eligible individuals who elect the plan under this section exceeds the capacity limit, the organization may limit the election of individuals of the plan under

this section but only if priority in election is provided—

''(A) first to such individuals as have elected the plan at the time of the determination; and

''(B) then to other such individuals in such a manner that does not discriminate, on a basis described in section 1852(b), among the individuals (who seek to elect the plan).

The preceding sentence shall not apply if it would result in the enrollment of enrollees substantially nonrepresentative, as determined in accordance with regulations of the Secretary, of the medicare population in the service area of the plan.

''(3) LIMITATION ON TERMINATION OF ELECTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), a MedicareAdvantage organization may not for any reason terminate the election of any individual under this section for a MedicareAdvantage plan it offers.

''(B) BASIS FOR TERMINATION OF ELECTION.—A MedicareAdvantage organization may terminate an individual's election under this section with respect to a MedicareAdvantage plan it offers if—

''(i) any MedicareAdvantage monthly basic beneficiary premium, MedicareAdvantage monthly beneficiary obligation for qualified prescription drug coverage, or MedicareAdvantage monthly beneficiary premium for required or optional enhanced medical benefits required with respect to such plan are not paid on a timely basis (consistent with standards under section 1856 that provide for a grace period for late payment of such premiums);

''(ii) the individual has engaged in disruptive behavior (as specified in such standards); or

''(iii) the plan is terminated with respect to all individuals under this part in the area in which the individual resides.

''(C) CONSEQUENCE OF TERMINATION.—

''(i) TERMINATIONS FOR CAUSE.—Any individual whose election is terminated under clause (i) or (ii) of subparagraph (B) is deemed to have elected to receive benefits under the original medicare fee-for-service program option.

''(ii) TERMINATION BASED ON PLAN TERMINATION OR SERVICE AREA REDUCTION.—Any individual whose election is terminated under subparagraph (B)(iii) shall have a special election period under subsection (e)(4)(A) in which to change coverage to coverage under another MedicareAdvantage plan. Such an individual who fails to make an election during such period is deemed to have chosen to change coverage to the original medicare fee-for-service program option.

''(D) ORGANIZATION OBLIGATION WITH RESPECT TO ELECTION FORMS.—Pursuant to a contract under section 1857858., each MedicareAdvantage organization receiving an election form under subsection (c)(2) shall transmit to the Secretary (at such time and in such manner as the Secretary may specify) a copy of such form or such other information respecting the election as the Secretary may specify.

''(h) APPROVAL OF MARKETING MATERIAL AND APPLICATION FORMS.—

''(1) SUBMISSION.—No marketing material or application form may be distributed by a MedicareAdvantage organization to (or for the use of) MedicareAdvantage eligible individuals unless—

''(A) at least 45 days (or 10 days in the case described in paragraph (5)) before the date of distribution the organization has submitted the material or form to the Secretary for review; and

''(B) the Secretary has not disapproved the distribution of such material or form.

''(2) REVIEW.—The standards established under section 1856 shall include guidelines for the review of any material or form submitted and under such guidelines the Secretary shall disapprove (or later require the correction of) such material or form if the material or form is materially inaccurate or misleading or otherwise makes a material misrepresentation.

''(3) DEEMED APPROVAL (1-STOP SHOPPING).—In the case of material or form that is submitted under paragraph (1)(A) to the Secretary or a regional office of the Department of Health and Human Services and the Secretary or the office has not disapproved the distribution of marketing material or form under paragraph (1)(B) with respect to a MedicareAdvantage plan in an area, the Secretary is deemed not to have disapproved such distribution in all other areas covered by the plan and organization except with regard to that portion of such material or form that is specific only to an area involved.

''(4) PROHIBITION OF CERTAIN MARKETING PRACTICES.—Each MedicareAdvantage organization shall conform to fair marketing standards, in relation to MedicareAdvantage plans offered under this part, included in the standards established under section 1856. Such standards—

''(A) shall not permit a MedicareAdvantage organization to provide for cash or other monetary rebates as an inducement for enrollment or otherwise (other than as an additional benefit described in section 1854(g)(1)(C)(i)); and

''(B) may include a prohibition against a MedicareAdvantage organization (or agent of such an organization) completing any portion of any election form used to carry out elections under this section on behalf of any individual.

''(5) SPECIAL TREATMENT OF MARKETING MATERIAL FOLLOWING MODEL MARKETING LANGUAGE.—In the case of marketing material of an organization that uses, without modification, proposed model language specified by the Secretary, the period specified in paragraph (1)(A) shall be reduced from 45 days to 10 days.

''(i) EFFECT OF ELECTION OF MEDICAREADVANTAGE PLAN OPTION.—

''(1) PAYMENTS TO ORGANIZATIONS.—Subject to sections 1852(a)(5), 1853(h), 1853(i), 1886(d)(11), and 1886(h)(3)(D), payments under a contract with a MedicareAdvantage organization under section 1853(a) with respect to an individual electing a MedicareAdvantage plan offered by the organization shall be instead of the amounts which (in the absence of the contract) would otherwise be payable under parts A, B, and D for items and services furnished to the individual.

''(2) ONLY ORGANIZATION ENTITLED TO PAYMENT.—Subject to sections 1853(f), 1853(h), 1853(i), 1857(f)(2), 1886(d)(11), and 1886(h)(3)(D), only the MedicareAdvantage organization shall be entitled to receive payments from the Secretary under this title for services furnished to the individual.''.

SEC. 202. BENEFITS AND BENEFICIARY PROTECTIONS.

Section 1852 (42 U.S.C. 1395w–22) is amended to read as follows:

''BENEFITS AND BENEFICIARY PROTECTIONS

''SEC. 1852. (a) BASIC BENEFITS.—

''(1) IN GENERAL.—Except as provided in section 1859(b)(3) for MSA plans, each MedicareAdvantage plan shall provide to members enrolled under this part, through providers and other persons that meet the applicable requirements of this title and part A of title XI—

''(A) those items and services (other than hospice care) for which benefits are available under parts A and B to individuals residing in the area served by the plan;

''(B) except as provided in paragraph (2)(D), qualified prescription drug coverage under part D to individuals residing in the area served by the plan;

''(C) a maximum limitation on out-of-pocket expenses and a unified deductible; and

''(D) additional benefits required under section 1854(d)(1).

''(2) SATISFACTION OF REQUIREMENT.—

''(A) IN GENERAL.—A MedicareAdvantage plan (other than an MSA plan) offered by a MedicareAdvantage organization satisfies paragraph (1)(A), with respect to benefits for items and services furnished other than through a provider or other person that has a contract with the organization offering the plan, if the plan provides payment in an amount so that—

''(i) the sum of such payment amount and any cost-sharing provided for under the plan; is equal to at least

''(ii) the total dollar amount of payment for such items and services as would otherwise be authorized under parts A and B (including any balance billing permitted under such parts).

''(B) REFERENCE TO RELATED PROVISIONS.—For provisions relating to—

''(i) limitations on balance billing against MedicareAdvantage organizations for non-contract providers, see sections 1852(k) and 1866(a)(1)(O); and

''(ii) limiting actuarial value of enrollee liability for covered benefits, see section 1854(f).

''(C) ELECTION OF UNIFORM COVERAGE POLICY.—In the case of a MedicareAdvantage organization that offers a MedicareAdvantage plan in an area in which more than 1 local coverage policy is applied with respect to different parts of the area, the organization may elect to have the local coverage policy for the part of the area that is most beneficial to MedicareAdvantage enrollees (as identified by the Secretary) apply with respect to all MedicareAdvantage enrollees enrolled in the plan.

''(D) SPECIAL RULE FOR PRIVATE FEE-FOR-SERVICE PLANS.—

''(i) IN GENERAL.—A private fee-for-service plan may elect not to provide qualified prescription drug coverage under part D to individuals residing in the area served by the plan.

''(ii) AVAILABILITY OF DRUG COVERAGE FOR ENROLLEES.—If a beneficiary enrolls in a plan making the election described in clause (i), the beneficiary may enroll for drug coverage under part D with an eligible entity under such part.

''(3) ENHANCED MEDICAL BENEFITS.—

''(A) BENEFITS INCLUDED SUBJECT TO SECRETARY'S APPROVAL.—Each MedicareAdvantage organization may provide to individuals enrolled under this part, other than under an MSA plan (without affording those individuals an option to decline the coverage), enhanced medical benefits that the Secretary may approve. The Secretary shall approve any such enhanced medical benefits unless the Secretary determines that including such enhanced medical benefits would substantially discourage enrollment by MedicareAdvantage eligible individuals with the organization.

''(B) AT ENROLLEES' OPTION.—A MedicareAdvantage organization may not provide, under an MSA plan, enhanced medical benefits that cover the deductible described in section 1859(b)(2)(B). In applying the previous sentence, health benefits described in section 1882(u)(2)(B) shall not be treated as covering such deductible.

''(C) APPLICATION TO MEDICAREADVANTAGE PRIVATE FEE-FOR-SERVICE PLANS.—Nothing in this paragraph shall be construed as preventing a MedicareAdvantage private fee-for-service plan from offering enhanced medical benefits that include payment for some or all of the balance billing amounts permitted consistent with section 1852(k) and

coverage of additional services that the plan finds to be medically necessary.

''(D) RULE FOR APPROVAL OF MEDICAL AND PRESCRIPTION DRUG BENEFITS.—Notwithstanding the preceding provisions of this paragraph, the Secretary may not approve any enhanced medical benefit that provides for the coverage of any prescription drug (other than that relating to prescription drugs covered under the original medicare fee-for-service program option).

''(4) ORGANIZATION AS SECONDARY PAYER.—Notwithstanding any other provision of law, a MedicareAdvantage organization may (in the case of the provision of items and services to an individual under a MedicareAdvantage plan under circumstances in which payment under this title is made secondary pursuant to section 1862(b)(2)) charge or authorize the provider of such services to charge, in accordance with the charges allowed under a law, plan, or policy described in such section—

''(A) the insurance carrier, employer, or other entity which under such law, plan, or policy is to pay for the provision of such services; or

''(B) such individual to the extent that the individual has been paid under such law, plan, or policy for such services.

''(5) NATIONAL COVERAGE DETERMINATIONS AND LEGISLATIVE CHANGES IN BENEFITS.—If there is a national coverage determination or legislative change in benefits required to be provided under this part made in the period beginning on the date of an announcement under section 1853(b) and ending on the date of the next announcement under such section and the Secretary projects that the determination will result in a significant change in the costs to a MedicareAdvantage organization of providing the benefits that are the subject of such national coverage determination and that such change in costs was not incorporated in the determination of the benchmark amount announced under section 1853(b)(1)(A) at the beginning of such period, then, unless otherwise required by law—

''(A) such determination or legislative change in benefits shall not apply to contracts under this part until the first contract year that begins after the end of such period; and

''(B) if such coverage determination or legislative change provides for coverage of additional benefits or coverage under additional circumstances, section 1851(i)(1) shall not apply to payment for such additional benefits or benefits provided under such additional circumstances until the first contract year that begins after the end of such period.

The projection under the previous sentence shall be based on an analysis by the Secretary of the actuarial costs associated with the coverage determination or legislative change in benefits.

''(6) AUTHORITY TO PROHIBIT RISK SELECTION.—The Secretary shall have the authority to disapprove any MedicareAdvantage plan that the Secretary determines is designed to attract a population that is healthier than the average population residing in the service area of the plan.

''(7) UNIFIED DEDUCTIBLE DEFINED.—In this part, the term 'unified deductible' means an annual deductible amount that is applied in lieu of the inpatient hospital deductible under section 1813(b)(1) and the deductible under section 1833(b). Nothing in this part shall be construed as preventing a MedicareAdvantage organization from requiring coinsurance or a copayment for inpatient hospital services after the unified deductible is satisfied, subject to the limitation on enrollee liability under section 1854(f).

''(b) ANTIDISCRIMINATION.—

''(1) BENEFICIARIES.—

''(A) IN GENERAL.—A MedicareAdvantage organization may not deny, limit, or condition the coverage or provision of benefits under this part, for individuals permitted to be enrolled with the organization under this part, based on any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

''(B) CONSTRUCTION.—Except as provided under section 1851(a)(3)(B), subparagraph (A) shall not be construed as requiring a MedicareAdvantage organization to enroll individuals who are determined to have end-stage renal disease.

''(2) PROVIDERS.—A MedicareAdvantage organization shall not discriminate with respect to participation, reimbursement, or indemnification as to any provider who is acting within the scope of the provider's license or certification under applicable State law, solely on the basis of such license or certification. This paragraph shall not be construed to prohibit a plan from including providers only to the extent necessary to meet the needs of the plan's enrollees or from establishing any measure designed to maintain quality and control costs consistent with the responsibilities of the plan.

''(c) DISCLOSURE REQUIREMENTS.—

''(1) DETAILED DESCRIPTION OF PLAN PROVISIONS.—A MedicareAdvantage organization shall disclose, in clear, accurate, and standardized form to each enrollee with a MedicareAdvantage plan offered by the organization under this part at the time of enrollment and at least annually thereafter, the following information regarding such plan:

''(A) SERVICE AREA.—The plan's service area.

''(B) BENEFITS.—Benefits offered under the plan, including information described section 1852(a)(1) (relating to benefits under the original medicare fee-for-service program option, the maximum limitation in out-of-pocket expenses and the unified deductible, and qualified prescription drug coverage under part D, respectively) and exclusions from coverage and, if it is an MSA plan, a comparison of benefits under such a plan with benefits under other MedicareAdvantage plans.

''(C) ACCESS.—The number, mix, and distribution of plan providers, out-of-network coverage (if any) provided by the plan, and any point-of-service option (including the MedicareAdvantage monthly beneficiary premium for enhanced medical benefits for such option).

''(D) OUT-OF-AREA COVERAGE.—Out-of-area coverage provided by the plan.

''(E) EMERGENCY COVERAGE.—Coverage of emergency services, including—

''(i) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent in emergency situations and an explanation of what constitutes an emergency situation;

''(ii) the process and procedures of the plan for obtaining emergency services; and

''(iii) the locations of—

''(I) emergency departments; and

''(II) other settings, in which plan physicians and hospitals provide emergency services and post-stabilization care.

''(F) ENHANCED MEDICAL BENEFITS.—Enhanced medical benefits available from the organization offering the plan, including—

''(i) whether the enhanced medical benefits are optional;

''(ii) the enhanced medical benefits covered; and

''(iii) the MedicareAdvantage monthly beneficiary premium for enhanced medical benefits.

''(G) PRIOR AUTHORIZATION RULES.—Rules regarding prior authorization or other review requirements that could result in nonpayment.

''(H) PLAN GRIEVANCE AND APPEALS PROCEDURES.—All plan appeal or grievance rights and procedures.

''(I) QUALITY ASSURANCE PROGRAM.—A description of the organization's quality assurance program under subsection (e).

''(2) DISCLOSURE UPON REQUEST.—Upon request of a MedicareAdvantage eligible individual, a MedicareAdvantage organization must provide the following information to such individual:

''(A) The general coverage information and general comparative plan information made available under clauses (i) and (ii) of section 1851(d)(2)(A).

''(B) Information on procedures used by the organization to control utilization of services and expenditures.

''(C) Information on the number of grievances, reconsiderations, and appeals and on the disposition in the aggregate of such matters.

''(D) An overall summary description as to the method of compensation of participating physicians.

''(E) The information described in subparagraphs (A) through (C) in relation to the qualified prescription drug coverage provided by the organization.

''(d) ACCESS TO SERVICES.—

''(1) IN GENERAL.—A MedicareAdvantage organization offering a MedicareAdvantage plan may select the providers from whom the benefits under the plan are provided so long as—

''(A) the organization makes such benefits available and accessible to each individual electing the plan within the plan service area with reasonable promptness and in a manner which assures continuity in the provision of benefits;

''(B) when medically necessary the organization makes such benefits available and accessible 24 hours a day and 7 days a week;

''(C) the plan provides for reimbursement with respect to services which are covered under subparagraphs (A) and (B) and which are provided to such an individual other than through the organization, if—

''(i) the services were not emergency services (as defined in paragraph (3)), but—

''(I) the services were medically necessary and immediately required because of an unforeseen illness, injury, or condition; and

''(II) it was not reasonable given the circumstances to obtain the services through the organization;

''(ii) the services were renal dialysis services and were provided other than through the organization because the individual was temporarily out of the plan's service area; or

''(iii) the services are maintenance care or post-stabilization care covered under the guidelines established under paragraph (2);

''(D) the organization provides access to appropriate providers, including credentialed specialists, for medically necessary treatment and services; and

''(E) coverage is provided for emergency services (as defined in paragraph (3)) without regard to prior authorization or the emergency care provider's contractual relationship with the organization.

''(2) GUIDELINES RESPECTING COORDINATION OF POST-STABILIZATION CARE.—A MedicareAdvantage plan shall comply with such guidelines as the Secretary may prescribe relating to promoting efficient and timely coordination of appropriate maintenance and post-stabilization care of an enrollee after the enrollee has been determined to be stable under section 1867.

''(3) DEFINITION OF EMERGENCY SERVICES.—In this subsection—

''(A) IN GENERAL.—The term 'emergency services' means, with respect to an individual enrolled with an organization, covered inpatient and outpatient services that—

''(i) are furnished by a provider that is qualified to furnish such services under this title; and

''(ii) are needed to evaluate or stabilize an emergency medical condition (as defined in subparagraph (B)).

''(B) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

''(i) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

''(ii) serious impairment to bodily functions; or

''(iii) serious dysfunction of any bodily organ or part.

''(4) ASSURING ACCESS TO SERVICES IN MEDICAREADVANTAGE PRIVATE FEE-FOR-SERVICE PLANS.—In addition to any other requirements under this part, in the case of a MedicareAdvantage private fee-for-service plan, the organization offering the plan must demonstrate to the Secretary that the organization has sufficient number and range of health care professionals and providers willing to provide services under the terms of the plan. The Secretary shall find that an organization has met such requirement with respect to any category of health care professional or provider if, with respect to that category of provider—

''(A) the plan has established payment rates for covered services furnished by that category of provider that are not less than the payment rates provided for under part A, B, or D for such services; or

''(B) the plan has contracts or agreements with a sufficient number and range of providers within such category to provide covered services under the terms of the plan,

or a combination of both. The previous sentence shall not be construed as restricting the persons from whom enrollees under such a plan may obtain covered benefits.

''(e) QUALITY ASSURANCE PROGRAM.—

''(1) IN GENERAL.—Each MedicareAdvantage organization must have arrangements, consistent with any regulation, for an ongoing quality assurance program for health care services it provides to individuals enrolled with MedicareAdvantage plans of the organization.

''(2) ELEMENTS OF PROGRAM.—

''(A) IN GENERAL.—The quality assurance program of an organization with respect to a MedicareAdvantage plan (other than a MedicareAdvantage private fee-for-service plan or a nonnetwork MSA plan) it offers shall—

''(i) stress health outcomes and provide for the collection, analysis, and reporting of data (in accordance with a quality measurement system that the Secretary recognizes) that will permit measurement of outcomes and other indices of the quality of MedicareAdvantage plans and organizations;

''(ii) monitor and evaluate high volume and high risk services and the care of acute and chronic conditions;

''(iii) provide access to disease management and chronic care services;

''(iv) provide access to preventive benefits and information for enrollees on such benefits;

''(v) evaluate the continuity and coordination of care that enrollees receive;

''(vi) be evaluated on an ongoing basis as to its effectiveness;

''(vii) include measures of consumer satisfaction;

''(viii) provide the Secretary with such access to information collected as may be appropriate to monitor and ensure the quality of care provided under this part;

''(ix) provide review by physicians and other health care professionals of the process followed in the provision of such health care services;

''(x) provide for the establishment of written protocols for utilization review, based on current standards of medical practice;

''(xi) have mechanisms to detect both underutilization and overutilization of services;

''(xii) after identifying areas for improvement, establish or alter practice parameters;

''(xiii) take action to improve quality and assesses the effectiveness of such action through systematic followup; and

''(xiv) make available information on quality and outcomes measures to facilitate beneficiary comparison and choice of health coverage options (in such form and on such quality and outcomes measures as the Secretary determines to be appropriate).

Such program shall include a separate focus (with respect to all the elements described in this subparagraph) on racial and ethnic minorities.

''(B) ELEMENTS OF PROGRAM FOR ORGANIZATIONS OFFERING MEDICAREADVANTAGE PRIVATE FEE-FOR-SERVICE PLANS, AND NONNETWORK MSA PLANS.—The quality assurance program of an organization with respect to a MedicareAdvantage private fee-for-service plan or a nonnetwork MSA plan it offers shall—

''(i) meet the requirements of clauses (i) through (viii) of subparagraph (A);

''(ii) insofar as it provides for the establishment of written protocols for utilization review, base such protocols on current standards of medical practice; and

''(iii) have mechanisms to evaluate utilization of services and inform providers and enrollees of the results of such evaluation.

Such program shall include a separate focus (with respect to all the elements described in this subparagraph) on racial and ethnic minorities.

''(C) DEFINITION OF NONNETWORK MSA PLAN.—In this subsection, the term 'nonnetwork MSA plan' means an MSA plan offered by a MedicareAdvantage organization that does not provide benefits required to be provided by this part, in whole or in part, through a defined set of providers under contract, or under another arrangement, with the organization.

''(3) EXTERNAL REVIEW.—

''(A) IN GENERAL.—Each MedicareAdvantage organization shall, for each MedicareAdvantage plan it operates, have an agreement with an independent quality review and improvement organization approved by the Secretary to perform functions of the type described in paragraphs (4)(B) and (14) of section 1154(a) with respect to services furnished by MedicareAdvantage plans for which payment is made under this title. The previous sentence shall not apply to a MedicareAdvantage private fee-for-service plan or a nonnetwork MSA plan that does not employ utilization review.

''(B) NONDUPLICATION OF ACCREDITATION.—Except in the case of the review of quality complaints, and consistent with subparagraph (C), the Secretary shall ensure that the external review activities conducted under subparagraph (A) are not duplicative of review activities conducted as part of the accreditation process.

''(C) WAIVER AUTHORITY.—The Secretary may waive the requirement described in subparagraph (A) in the case of an organization if the Secretary determines that the organization has consistently maintained an excellent record of quality assurance and compliance with other requirements under this part.

''(4) TREATMENT OF ACCREDITATION.—

''(A) IN GENERAL.—The Secretary shall provide that a MedicareAdvantage organization is deemed to meet all the requirements described in any specific clause of subparagraph (B) if the organization is accredited (and periodically reaccredited) by a private accrediting organization under a process that the Secretary has determined assures that the accrediting organization applies and enforces standards that meet or exceed the standards established under section 1856 to carry out the requirements in such clause.

''(B) REQUIREMENTS DESCRIBED.—The provisions described in this subparagraph are the following:

''(i) Paragraphs (1) and (2) of this subsection (relating to quality assurance programs).

''(ii) Subsection (b) (relating to anti-discrimination).

''(iii) Subsection (d) (relating to access to services).

''(iv) Subsection (h) (relating to confidentiality and accuracy of enrollee records).

''(v) Subsection (i) (relating to information on advance directives).

''(vi) Subsection (j) (relating to provider participation rules).

''(C) TIMELY ACTION ON APPLICATIONS.—The Secretary shall determine, within 210 days after the date the Secretary receives an application by a private accrediting organization and using the criteria specified in section 1865(b)(2), whether the process of the private accrediting organization meets the requirements with respect to any specific clause in subparagraph (B) with respect to which the application is made. The Secretary may not deny such an application on the basis that it seeks to meet the requirements with respect to only one, or more than one, such specific clause.

''(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as limiting the authority of the Secretary under section 1857, including the authority to terminate contracts with MedicareAdvantage organizations under subsection (c)(2) of such section.

''(5) REPORT TO CONGRESS.—

''(A) IN GENERAL.—The Secretary shall submit to Congress a biennial report regarding how quality assurance programs conducted under this subsection focus on racial and ethnic minorities.

''(B) CONTENTS OF REPORT.—Each such report shall include the following:

''(i) A description of the means by which such programs focus on such racial and ethnic minorities.

''(ii) An evaluation of the impact of such programs on eliminating health disparities and on improving health outcomes, continuity and coordination of care, management of chronic conditions, and consumer satisfaction.

''(iii) Recommendations on ways to reduce clinical outcome disparities among racial and ethnic minorities.

''(f) GRIEVANCE MECHANISM.—Each MedicareAdvantage organization must provide meaningful procedures for hearing and resolving grievances between the organization (including any entity or individual through which the organization provides health care services) and enrollees with MedicareAdvantage plans of the organization under this part.

''(g) COVERAGE DETERMINATIONS, RECONSIDERATIONS, AND APPEALS.—

''(1) DETERMINATIONS BY ORGANIZATION.—

''(A) IN GENERAL.—A MedicareAdvantage organization shall have a procedure for making determinations regarding whether an individual enrolled with the plan of the organization under this part is entitled to receive a health service under this section and the amount (if any) that the individual is required to pay with respect to such service. Subject to paragraph (3), such procedures shall provide for such determination to be made on a timely basis.

''(B) EXPLANATION OF DETERMINATION.—Such a determination that denies coverage, in whole or in part, shall be in writing and shall include a statement in understandable language of the reasons for the denial and a description of the reconsideration and appeals processes.

''(2) RECONSIDERATIONS.—

''(A) IN GENERAL.—The organization shall provide for reconsideration of a determination described in paragraph (1)(B) upon request by the enrollee involved. The reconsideration shall be within a time period specified by the Secretary, but shall be made, subject to paragraph (3), not later than 60 days after the date of the receipt of the request for reconsideration.

''(B) PHYSICIAN DECISION ON CERTAIN RECONSIDERATIONS.—A reconsideration relating to a determination to deny coverage based on a lack of medical necessity shall be made only by a physician with appropriate expertise in the field of medicine which necessitates treatment who is other than a physician involved in the initial determination.

''(3) EXPEDITED DETERMINATIONS AND RECONSIDERATIONS.—

''(A) RECEIPT OF REQUESTS.—

''(i) ENROLLEE REQUESTS.—An enrollee in a MedicareAdvantage plan may request, either in writing or orally, an expedited determination under paragraph (1) or an expedited reconsideration under paragraph (2) by the MedicareAdvantage organization.

''(ii) PHYSICIAN REQUESTS.—A physician, regardless whether the physician is affiliated with the organization or not, may request, either in writing or orally, such an expedited determination or reconsideration.

''(B) ORGANIZATION PROCEDURES.—

''(i) IN GENERAL.—The MedicareAdvantage organization shall maintain procedures for expediting organization determinations and reconsiderations when, upon request of an enrollee, the organization determines that the application of the normal timeframe for making a determination (or a reconsideration involving a determination) could seriously jeopardize the life or health of the enrollee or the enrollee's ability to regain maximum function.

''(ii) EXPEDITION REQUIRED FOR PHYSICIAN REQUESTS.—In the case of a request for an expedited determination or reconsideration made under subparagraph (A)(ii), the organization shall expedite the determination or reconsideration if the request indicates that the application of the normal timeframe for making a determination (or a reconsideration involving a determination) could seriously jeopardize the life or health of the enrollee or the enrollee's ability to regain maximum function.

''(iii) TIMELY RESPONSE.—In cases described in clauses (i) and (ii), the organization shall notify the enrollee (and the physician involved, as appropriate) of the determination or reconsideration under time limitations established by the Secretary, but not later than 72 hours of the time of receipt of the request for the determination or reconsideration (or receipt of the information necessary to make the determination or reconsideration), or such longer period as the Secretary may permit in specified cases.

''(4) INDEPENDENT REVIEW OF CERTAIN COVERAGE DENIALS.—The Secretary shall contract with an independent, outside entity to review and resolve in a timely manner reconsiderations that affirm denial of coverage, in whole or in part. The provisions of section 1869(c)(5) shall apply to independent outside entities under contract with the Secretary under this paragraph.

''(5) APPEALS.—An enrollee with a MedicareAdvantage plan of a MedicareAdvantage organization under this part who is dissatisfied by reason of the enrollee's failure to receive any health service to which the enrollee believes the enrollee is entitled and at no greater charge than the enrollee believes the enrollee is required to pay is entitled, if the amount in controversy is $100 or more, to a hearing before the Secretary to the same extent as is provided in section 205(b), and in any such hearing the Secretary shall make the organization a party. If the amount in controversy is $1,000 or more, the individual or organization shall, upon notifying the other party, be entitled to judicial review of the Secretary's final decision as provided in section 205(g), and both the individual and the organization shall be entitled to be parties to that judicial review. In applying subsections (b) and (g) of section 205 as provided in this paragraph, and in applying section 205(l) thereto, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively.

''(h) CONFIDENTIALITY AND ACCURACY OF ENROLLEE RECORDS.—Insofar as a MedicareAdvantage organization maintains medical records or other health information regarding enrollees under this part, the MedicareAdvantage organization shall establish procedures—

''(1) to safeguard the privacy of any individually identifiable enrollee information;

''(2) to maintain such records and information in a manner that is accurate and timely; and

''(3) to assure timely access of enrollees to such records and information.

''(i) INFORMATION ON ADVANCE DIRECTIVES.—Each MedicareAdvantage organization shall meet the requirement of section 1866(f) (relating to maintaining written policies and procedures respecting advance directives).

''(j) RULES REGARDING PROVIDER PARTICIPATION.—

''(1) PROCEDURES.—Insofar as a MedicareAdvantage organization offers benefits under a MedicareAdvantage plan through agreements with physicians, the organization shall establish reasonable procedures relating to the participation (under an agreement between a physician and the organization) of physicians under such a plan. Such procedures shall include—

''(A) providing notice of the rules regarding participation;

''(B) providing written notice of participation decisions that are adverse to physicians; and

''(C) providing a process within the organization for appealing such adverse decisions, including the presentation of information and views of the physician regarding such decision.

''(2) CONSULTATION IN MEDICAL POLICIES.—A MedicareAdvantage organization shall consult with physicians who have entered into participation agreements with the organization regarding the organization's medical policy, quality, and medical management procedures.

''(3) PROHIBITING INTERFERENCE WITH PROVIDER ADVICE TO ENROLLEES.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a MedicareAdvantage organization (in relation to an individual enrolled under a MedicareAdvantage plan offered by the organization under this part) shall not prohibit or otherwise restrict a covered health care professional (as defined in subparagraph (D)) from advising such an individual who is a patient of the professional about the health status of the individual or medical care or treatment for the individual's condition or disease, regardless of whether benefits for such care or treatment are provided under the plan, if the professional is acting within the lawful scope of practice.

''(B) CONSCIENCE PROTECTION.—Subparagraph (A) shall not be construed as requiring a MedicareAdvantage plan to provide, reimburse for, or provide coverage of a counseling or referral service if the MedicareAdvantage organization offering the plan—

''(i) objects to the provision of such service on moral or religious grounds; and

''(ii) in the manner and through the written instrumentalities such MedicareAdvantage organization deems appropriate, makes available information on its policies regarding such service to prospective enrollees before or during enrollment and to enrollees within 90 days after the date that the organization or plan adopts a change in policy regarding such a counseling or referral service.

''(C) CONSTRUCTION.—Nothing in subparagraph (B) shall be construed to affect disclosure requirements under State law or under the Employee Retirement Income Security Act of 1974.

''(D) HEALTH CARE PROFESSIONAL DEFINED.—For purposes of this paragraph, the term 'health care professional' means a physician (as defined in section 1861(r)) or other health care professional if coverage for the professional's services is provided under the MedicareAdvantage plan for the services of the professional. Such term includes a podiatrist, optometrist, chiropractor, psychologist, dentist, licensed pharmacist, physician assistant, physical or occupational therapist and therapy assistant, speech-language pathologist, audiologist, registered or licensed practical nurse (including nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, and certified nurse-midwife), licensed certified social worker, registered respiratory therapist, and certified respiratory therapy technician.

''(4) LIMITATIONS ON PHYSICIAN INCENTIVE PLANS.—

''(A) IN GENERAL.—No MedicareAdvantage organization may operate any physician incentive plan (as defined in subparagraph (B)) unless the following requirements are met:

''(i) No specific payment is made directly or indirectly under the plan to a physician or physician group as an inducement to reduce or limit medically necessary services provided with respect to a specific individual enrolled with the organization.

''(ii) If the plan places a physician or physician group at substantial financial risk (as determined by the Secretary) for services not provided by the physician or physician group, the organization—

''(I) provides stop-loss protection for the physician or group that is adequate and appropriate, based on standards developed by the Secretary that take into account the number of physicians placed at such substantial financial risk in the group or under the plan and the number of individuals enrolled with the organization who receive services from the physician or group; and

''(II) conducts periodic surveys of both individuals enrolled and individuals previously enrolled with the organization to determine the degree of access of such individuals to services provided by the organization and satisfaction with the quality of such services.

''(iii) The organization provides the Secretary with descriptive information regarding the plan, sufficient to permit the Secretary to determine whether the plan is in compliance with the requirements of this subparagraph.

''(B) PHYSICIAN INCENTIVE PLAN DEFINED.—In this paragraph, the term 'physician incentive plan' means any compensation arrangement between a MedicareAdvantage organization and a physician or physician group that may directly or indirectly have the effect of reducing or limiting services provided with respect to individuals enrolled with the organization under this part.

''(5) LIMITATION ON PROVIDER INDEMNIFICATION.—A MedicareAdvantage organization may not provide (directly or indirectly) for a health care professional, provider of services, or other entity providing health care services (or group of such professionals, providers, or entities) to indemnify the organization against any liability resulting from a civil action brought for any damage caused to an enrollee with a MedicareAdvantage plan of the organization under this part by the organization's denial of medically necessary care.

''(6) SPECIAL RULES FOR MEDICAREADVANTAGE PRIVATE FEE-FOR-SERVICE PLANS.—For purposes of applying this part (including subsection (k)(1)) and section 1866(a)(1)(O), a hospital (or other provider of services), a physician or other health care professional, or other entity furnishing health care services is treated as having an agreement or contract in effect with a MedicareAdvantage organization (with respect to an individual enrolled in a MedicareAdvantage private fee-for-service plan it offers), if—

''(A) the provider, professional, or other entity furnishes services that are covered under the plan to such an enrollee; and

''(B) before providing such services, the provider, professional, or other entity —

''(i) has been informed of the individual's enrollment under the plan; and

''(ii) either—

''(I) has been informed of the terms and conditions of payment for such services under the plan; or

''(II) is given a reasonable opportunity to obtain information concerning such terms and conditions,

in a manner reasonably designed to effect informed agreement by a provider.

The previous sentence shall only apply in the absence of an explicit agreement between such a provider, professional, or other entity and the MedicareAdvantage organization.

''(k) TREATMENT OF SERVICES FURNISHED BY CERTAIN PROVIDERS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a physician or other entity (other than a provider of services) that does not have a contract establishing payment amounts for services furnished to an individual enrolled under this part with a MedicareAdvantage organization described in section 1851(a)(2)(A) shall accept as payment in full for covered services under this title that are furnished to such an individual the amounts that the physician or other entity could collect if the individual were not so enrolled. Any penalty or other provision of law that applies to such a payment with respect to an individual entitled to benefits under this title (but not enrolled with a MedicareAdvantage organization under this part) also applies with respect to an individual so enrolled.

''(2) APPLICATION TO MEDICAREADVANTAGE PRIVATE FEE-FOR-SERVICE PLANS.—

''(A) BALANCE BILLING LIMITS UNDER MEDICAREADVANTAGE PRIVATE FEE-FOR-SERVICE PLANS IN CASE OF CONTRACT PROVIDERS.—

''(i) IN GENERAL.—In the case of an individual enrolled in a MedicareAdvantage private fee-for-service plan under this part, a physician, provider of services, or other entity that has a contract (including through the operation of subsection (j)(6)) establishing a payment rate for services furnished to the enrollee shall accept as payment in full for covered services under this title that are furnished to such an individual an amount not to exceed (including any deductibles, coinsurance, copayments, or balance billing otherwise permitted under the plan) an amount equal to 115 percent of such payment rate.

''(ii) PROCEDURES TO ENFORCE LIMITS.—The MedicareAdvantage organization that offers such a plan shall establish procedures, similar to the procedures described in section 1848(g)(1)(A), in order to carry out clause (i).

''(iii) ASSURING ENFORCEMENT.—If the MedicareAdvantage organization fails to establish and enforce procedures required under clause (ii), the organization is subject to intermediate sanctions under section 1857(g).

''(B) ENROLLEE LIABILITY FOR NONCONTRACT PROVIDERS.—For provisions—

''(i) establishing a minimum payment rate in the case of noncontract providers under a MedicareAdvantage private fee-for-service plan, see section 1852(a)(2); or

''(ii) limiting enrollee liability in the case of covered services furnished by such providers, see paragraph (1) and section 1866(a)(1)(O).

''(C) INFORMATION ON BENEFICIARY LIABILITY.—

''(i) IN GENERAL.—Each MedicareAdvantage organization that offers a MedicareAdvantage private fee-for-service plan shall provide that enrollees under the plan who are furnished services for which payment is sought under the plan are provided an appropriate explanation of benefits (consistent with that provided under parts A, B, and D, and, if applicable, under medicare supplemental policies) that includes a clear statement of the amount of the enrollee's liability (including any liability for balance billing consistent with this subsection) with respect to payments for such services.

''(ii) ADVANCE NOTICE BEFORE RECEIPT OF INPATIENT HOSPITAL SERVICES AND CERTAIN OTHER SERVICES.—In addition, such organization shall, in its terms and conditions of payments to hospitals for inpatient hospital services and for other services identified by the Secretary for which the amount of the balance billing under subparagraph (A) could be substantial, require the hospital to provide to the enrollee, before furnishing such services and if the hospital imposes balance billing under subparagraph (A)—

''(I) notice of the fact that balance billing is permitted under such subparagraph for such services; and

''(II) a good faith estimate of the likely amount of such balance billing (if any), with respect to such services, based upon the presenting condition of the enrollee.

''(l) RETURN TO HOME SKILLED NURSING FACILITIES FOR COVERED POST-HOSPITAL EXTENDED CARE SERVICES.—

''(1) ENSURING RETURN TO HOME SNF.—

''(A) IN GENERAL.—In providing coverage of post-hospital extended care services, a MedicareAdvantage plan shall provide for such coverage through a home skilled nursing facility if the following conditions are met:

''(i) ENROLLEE ELECTION.—The enrollee elects to receive such coverage through such facility.

''(ii) SNF AGREEMENT.—The facility has a contract with the MedicareAdvantage organization for the provision of such services, or the facility agrees to accept substantially similar payment under the same terms and conditions that apply to similarly situated skilled nursing facilities that are under contract with the MedicareAdvantage organization for the provision of such services and through which the enrollee would otherwise receive such services.

''(B) MANNER OF PAYMENT TO HOME SNF.—The organization shall provide payment to the home skilled nursing facility consistent with the contract or the agreement described in subparagraph (A)(ii), as the case may be.

''(2) NO LESS FAVORABLE COVERAGE.—The coverage provided under paragraph (1) (including scope of services, cost-sharing, and other criteria of coverage) shall be no less favorable to the enrollee than the coverage that would be provided to the enrollee with respect to a skilled nursing facility the post-hospital extended care services of which are otherwise covered under the MedicareAdvantage plan.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to do the following:

''(A) To require coverage through a skilled nursing facility that is not otherwise qualified to provide benefits under part A for medicare beneficiaries not enrolled in a MedicareAdvantage plan.

''(B) To prevent a skilled nursing facility from refusing to accept, or imposing conditions upon the acceptance of, an enrollee for the receipt of post-hospital extended care services.

''(4) DEFINITIONS.—In this subsection:

''(A) HOME SKILLED NURSING FACILITY.—The term 'home skilled nursing facility' means, with respect to an enrollee who is entitled to receive post-hospital extended care services under a MedicareAdvantage plan, any of the following skilled nursing facilities:

''(i) SNF RESIDENCE AT TIME OF ADMISSION.—The skilled nursing facility in which the enrollee resided at the time of admission to the hospital preceding the receipt of such post-hospital extended care services.

''(ii) SNF IN CONTINUING CARE RETIREMENT COMMUNITY.—A skilled nursing facility that is providing such services through a continuing care retirement community (as defined in subparagraph (B)) which provided residence to the enrollee at the time of such admission.

''(iii) SNF RESIDENCE OF SPOUSE AT TIME OF DISCHARGE.—The skilled nursing facility in which the spouse of the enrollee is residing at the time of discharge from such hospital.

''(B) CONTINUING CARE RETIREMENT COMMUNITY.—The term 'continuing care retirement community' means, with respect to an enrollee in a MedicareAdvantage plan, an arrangement under which housing and health-related services are provided (or arranged) through an organization for the enrollee under an agreement that is effective for the life of the enrollee or for a specified period.''.

SEC. 203. PAYMENTS TO MEDICAREADVANTAGE ORGANIZATIONS.

Section 1853 (42 U.S.C. 1395w–23) is amended to read as follows:

''PAYMENTS TO MEDICAREADVANTAGE ORGANIZATIONS

''SEC. 1853. (a) PAYMENTS TO ORGANIZATIONS.—

''(1) MONTHLY PAYMENTS.—

''(A) IN GENERAL.—Under a contract under section 1857 and subject to subsections (f), (h), and (j) and section 1859(e)(4), the Secretary shall make, to each MedicareAdvantage organization, with respect to coverage of an individual for a month under this part in a MedicareAdvantage payment area, separate monthly payments with respect to—

''(i) benefits under the original medicare fee-for-service program under parts A and B in accordance with subsection (d); and

''(ii) benefits under the voluntary prescription drug program under part D in accordance with section 1858A and the other provisions of this part.

''(B) SPECIAL RULE FOR END-STAGE RENAL DISEASE.—The Secretary shall establish separate rates of payment to a MedicareAdvantage organization with respect to classes of individuals determined to have end-stage renal disease and enrolled in a MedicareAdvantage plan of the organization. Such rates of payment shall be actuarially equivalent to rates paid to other enrollees in the MedicareAdvantage payment area (or such other area as specified by the Secretary). In accordance with regulations, the Secretary shall provide for the application of the seventh sentence of section 1881(b)(7) to payments under this section covering the provision of renal dialysis treatment in the same manner as such sentence applies to composite rate payments described in such sentence. In establishing such rates, the Secretary shall provide for appropriate adjustments to increase each rate to reflect the demonstration rate (including the risk adjustment methodology associated with such rate) of the social health maintenance organization end-stage renal disease capitation demonstrations (established by section 2355 of the Deficit Reduction Act of 1984, as amended by section 13567(b) of the Omnibus Budget Reconciliation Act of 1993), and shall compute such rates by taking into account such factors as renal treatment modality, age, and the underlying cause of the end-stage renal disease.

''(2) ADJUSTMENT TO REFLECT NUMBER OF ENROLLEES.—

''(A) IN GENERAL.—The amount of payment under this subsection may be retroactively adjusted to take into account any difference between the actual number of individuals enrolled with an organization under this part and the number of such individuals estimated to be so enrolled in determining the amount of the advance payment.

''(B) SPECIAL RULE FOR CERTAIN ENROLLEES.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may make retroactive adjustments under subparagraph (A) to take into account individuals enrolled during the period beginning on the date on which the individual enrolls with a MedicareAdvantage organization under a plan operated, sponsored, or contributed to by the individual's employer or former employer (or the employer or former employer of the individual's spouse) and ending on the date on which the individual is enrolled in the organization under this part, except that for purposes of making such retroactive adjustments under this subparagraph, such period may not exceed 90 days.

''(ii) EXCEPTION.—No adjustment may be made under clause (i) with respect to any individual who does not certify that the organization provided the individual with the disclosure statement described in section 1852(c) at the time the individual enrolled with the organization.

''(C) EQUALIZATION OF FEDERAL CONTRIBUTION.—In applying subparagraph (A), the Secretary shall ensure that the payment to the MedicareAdvantage organization for each individual enrolled with the organization shall equal the MedicareAdvantage benchmark amount for the payment area in which that individual resides (as determined under paragraph (4)), as adjusted—

''(i) by multiplying the benchmark amount for that payment area by the ratio of—

''(I) the payment amount determined under subsection (d)(4); to

''(II) the weighted service area benchmark amount determined under subsection (d)(2); and

''(ii) using such risk adjustment factor as specified by the Secretary under subsection (b)(1)(B).

''(3) COMPREHENSIVE RISK ADJUSTMENT METHODOLOGY.—

''(A) APPLICATION OF METHODOLOGY.—The Secretary shall apply the comprehensive risk adjustment methodology described in subparagraph (B) to 100 percent of the amount of payments to plans under subsection (d)(4)(B).

''(B) COMPREHENSIVE RISK ADJUSTMENT METHODOLOGY DESCRIBED.—The comprehensive risk adjustment methodology described in this subparagraph is the risk adjustment methodology that would apply with respect to MedicareAdvantage plans offered by MedicareAdvantage organizations in 2005, except that if such methodology does not apply to groups of beneficiaries who are aged or disabled and groups of beneficiaries who have end-stage renal disease, the Secretary shall revise such methodology to apply to such groups.

''(C) UNIFORM APPLICATION TO ALL TYPES OF PLANS.—Subject to section 1859(e)(4), the comprehensive risk adjustment methodology established under this paragraph shall be applied uniformly without regard to the type of plan.

''(D) DATA COLLECTION.—In order to carry out this paragraph, the Secretary shall require MedicareAdvantage organizations to submit such data and other information as the Secretary deems necessary.

''(E) IMPROVEMENT OF PAYMENT ACCURACY.—Notwithstanding any other provision of this paragraph, the Secretary may revise the comprehensive risk adjustment methodology described in subparagraph (B) from time to time to improve payment accuracy.

''(4) ANNUAL CALCULATION OF BENCHMARK AMOUNTS.—For each year, the Secretary shall calculate a benchmark amount for each MedicareAdvantage payment area for each month for such year with respect to coverage of the benefits available under the original medicare fee-for-service program option equal to the greater of the following amounts (adjusted as appropriate for the application of the risk adjustment methodology under paragraph (3)):

''(A) MINIMUM AMOUNT.—1/12 of the annual Medicare+Choice capitation rate determined under subsection (c)(1)(B) for the payment area for the year.

''(B) LOCAL FEE-FOR-SERVICE RATE.—The local fee-for-service rate for such area for the year (as calculated under paragraph (5)).

''(5) ANNUAL CALCULATION OF LOCAL FEE-FOR-SERVICE RATES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'local fee-for-service rate' means the amount of payment for a month in a MedicareAdvantage payment area for benefits under this title and associated claims processing costs for an individual who has elected to receive benefits under the original medicare fee-for-service program option and not enrolled in a MedicareAdvantage plan under this part. The Secretary shall annually calculate such amount in a manner similar to the manner in which the Secretary calculated the adjusted average per capita cost under section 1876.

''(B) REMOVAL OF MEDICAL EDUCATION COSTS FROM CALCULATION OF LOCAL FEE-FOR-SERVICE RATE.—

''(i) IN GENERAL.—In calculating the local fee-for-service rate under subparagraph (A) for a year, the amount of payment described in such subparagraph shall be adjusted to exclude from such payment the payment adjustments described in clause (ii).

''(ii) PAYMENT ADJUSTMENTS DESCRIBED.—

''(I) IN GENERAL.—Subject to subclause (II), the payment adjustments described in this subparagraph are payment adjustments which the Secretary estimates are payable during the year—

''(aa) for the indirect costs of medical education under section 1886(d)(5)(B); and

''(bb) for direct graduate medical education costs under section 1886(h).

''(II) TREATMENT OF PAYMENTS COVERED UNDER STATE HOSPITAL REIMBURSEMENT SYSTEM.—To the extent that the Secretary estimates that the amount of the local fee-for-service rates reflects payments to hospitals reimbursed under section 1814(b)(3), the Secretary shall estimate a payment adjustment that is comparable to the payment adjustment that would have been made under clause (i) if the hospitals had not been reimbursed under such section.

''(b) ANNUAL ANNOUNCEMENT OF PAYMENT FACTORS.—

''(1) ANNUAL ANNOUNCEMENT.—Beginning in 2005, at the same time as the Secretary publishes the risk adjusters under section 1860D–11, the Secretary shall annually announce (in a manner intended to provide notice to interested parties) the following payment factors:

''(A) The benchmark amount for each MedicareAdvantage payment area (as calculated under subsection (a)(4)) for the year.

''(B) The factors to be used for adjusting payments under the comprehensive risk adjustment methodology described in subsection (a)(3)(B) with respect to each MedicareAdvantage payment area for the year.

''(2) ADVANCE NOTICE OF METHODOLOGICAL CHANGES.—At least 45 days before making the announcement under paragraph (1) for a year, the Secretary shall—

''(A) provide for notice to MedicareAdvantage organizations of proposed changes to be made in the methodology from the methodology and assumptions used in the previous announcement; and

''(B) provide such organizations with an opportunity to comment on such proposed changes.

''(3) EXPLANATION OF ASSUMPTIONS.—In each announcement made under paragraph (1), the Secretary shall include an explanation of the assumptions and changes in methodology used in the announcement in sufficient detail so that MedicareAdvantage organizations can compute each payment factor described in paragraph (1).

''(c) CALCULATION OF ANNUAL MEDICARE+CHOICE CAPITATION RATES.—

''(1) IN GENERAL.—For purposes of making payments under this part for years before 2006 and for purposes of calculating the annual Medicare+Choice capitation rates under paragraph (7) beginning with such year, subject to paragraph (6)(C), each annual Medicare+Choice capitation rate, for a Medicare+Choice payment area before 2006 or a MedicareAdvantage payment area beginning with such year for a contract year consisting of a calendar year, is equal to the largest of the amounts specified in the following subparagraph (A), (B), or (C):

''(A) BLENDED CAPITATION RATE.—The sum of—

''(i) the area-specific percentage (as specified under paragraph (2) for the year) of the annual area-specific Medicare+Choice capitation rate for the MedicareAdvantage payment area, as determined under paragraph (3) for the year; and

''(ii) the national percentage (as specified under paragraph (2) for the year) of the input-price-adjusted annual national Medicare+Choice capitation rate, as determined under paragraph (4) for the year,

multiplied by the budget neutrality adjustment factor determined under paragraph (5).

''(B) MINIMUM AMOUNT.—12 multiplied by the following amount:

''(i) For 1998, $367 (but not to exceed, in the case of an area outside the 50 States and the District of Columbia, 150 percent of the annual per capita rate of payment for 1997 determined under section 1876(a)(1)(C) for the area).

''(ii) For 1999 and 2000, the minimum amount determined under clause (i) or this clause, respectively, for the preceding year, increased by the national per capita Medicare+Choice growth percentage described in paragraph (6)(A) applicable to 1999 or 2000, respectively.

''(iii)(I) Subject to subclause (II), for 2001, for any area in a Metropolitan Statistical Area with a population of more than 250,000, $525, and for any other area $475.

''(II) In the case of an area outside the 50 States and the District of Columbia, the amount specified in this clause shall not exceed 120 percent of the amount determined under clause (ii) for such area for 2000.

''(iv) For 2002 through 2013, the minimum amount specified in this clause (or clause (iii)) for the preceding year increased by the national per capita Medicare+Choice growth percentage, described in paragraph (6)(A) for that succeeding year.

''(v) For 2014 and each succeeding year, the minimum amount specified in this clause (or clause (iv)) for the preceding year increased by the percentage increase in the Consumer Price Index for all urban consumers (U.S. urban average) for the 12-month period ending with June of the previous year.

''(C) MINIMUM PERCENTAGE INCREASE.—

''(i) For 1998, 102 percent of the annual per capita rate of payment for 1997 determined under section 1876(a)(1)(C) for the Medicare+Choice payment area.

''(ii) For 1999 and 2000, 102 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.

''(iii) For 2001, 103 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for 2000.

''(iv) For 2002 and each succeeding year, 102 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.

''(2) AREA-SPECIFIC AND NATIONAL PERCENTAGES.—For purposes of paragraph (1)(A)—

''(A) for 1998, the 'area-specific percentage' is 90 percent and the 'national percentage' is 10 percent;

''(B) for 1999, the 'area-specific percentage' is 82 percent and the 'national percentage' is 18 percent;

''(C) for 2000, the 'area-specific percentage' is 74 percent and the 'national percentage' is 26 percent;

''(D) for 2001, the 'area-specific percentage' is 66 percent and the 'national percentage' is 34 percent;

''(E) for 2002, the 'area-specific percentage' is 58 percent and the 'national percentage' is 42 percent; and

''(F) for a year after 2002, the 'area-specific percentage' is 50 percent and the 'national percentage' is 50 percent.

''(3) ANNUAL AREA-SPECIFIC MEDICARE+CHOICE CAPITATION RATE.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), subject to subparagraph (B), the annual area-specific Medicare+Choice capitation rate for a Medicare+Choice payment area—

''(i) for 1998 is, subject to subparagraph (D), the annual per capita rate of payment for 1997 determined under section 1876(a)(1)(C) for the area, increased by the national per capita Medicare+Choice growth percentage for 1998 (described in paragraph (6)(A)); or

''(ii) for a subsequent year is the annual area-specific Medicare+Choice capitation rate for the previous year determined under this paragraph for the area, increased by the national per capita Medicare+Choice growth percentage for such subsequent year.

''(B) REMOVAL OF MEDICAL EDUCATION FROM CALCULATION OF ADJUSTED AVERAGE PER CAPITA COST.—

''(i) IN GENERAL.—In determining the area-specific Medicare+Choice capitation rate under subparagraph (A) for a year (beginning with 1998), the annual per capita rate of payment for 1997 determined under section 1876(a)(1)(C) shall be adjusted to exclude from the rate the applicable percent (specified in clause (ii)) of the payment adjustments described in subparagraph (C).

''(ii) APPLICABLE PERCENT.—For purposes of clause (i), the applicable percent for—

''(I) 1998 is 20 percent;

''(II) 1999 is 40 percent;

''(III) 2000 is 60 percent;

''(IV) 2001 is 80 percent; and

''(V) a succeeding year is 100 percent.

''(C) PAYMENT ADJUSTMENT.—

''(i) IN GENERAL.—Subject to clause (ii), the payment adjustments described in this subparagraph are payment adjustments which the Secretary estimates were payable during 1997—

''(I) for the indirect costs of medical education under section 1886(d)(5)(B); and

''(II) for direct graduate medical education costs under section 1886(h).

''(ii) TREATMENT OF PAYMENTS COVERED UNDER STATE HOSPITAL REIMBURSEMENT SYSTEM.—To the extent that the Secretary estimates that an annual per capita rate of payment for 1997 described in clause (i) reflects payments to hospitals reimbursed under section 1814(b)(3), the Secretary shall estimate a payment adjustment that is comparable to the payment adjustment that would have been made under clause (i) if the hospitals had not been reimbursed under such section.

''(D) TREATMENT OF AREAS WITH HIGHLY VARIABLE PAYMENT RATES.—In the case of a Medicare+Choice payment area for which the annual per capita rate of payment determined under section 1876(a)(1)(C) for 1997 varies by more than 20 percent from such rate for 1996, for purposes of this subsection the Secretary may substitute for such rate for 1997 a rate that is more representative of the costs of the enrollees in the area.

''(4) INPUT-PRICE-ADJUSTED ANNUAL NATIONAL MEDICARE+CHOICE CAPITATION RATE.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), the input-price-adjusted annual national Medicare+Choice capitation rate for a Medicare+Choice payment area for a year is equal to the sum, for all the types of medicare services (as classified by the Secretary), of the product (for each such type of service) of—

''(i) the national standardized annual Medicare+Choice capitation rate (determined under subparagraph (B)) for the year;

''(ii) the proportion of such rate for the year which is attributable to such type of services; and

''(iii) an index that reflects (for that year and that type of services) the relative input price of such services in the area compared to the national average input price of such services.

In applying clause (iii), the Secretary may, subject to subparagraph (C), apply those indices under this title that are used in applying (or updating) national payment rates for specific areas and localities.

''(B) NATIONAL STANDARDIZED ANNUAL MEDICARE+CHOICE CAPITATION RATE.—In subparagraph (A)(i), the 'national standardized annual Medicare+Choice capitation rate' for a year is equal to—

''(i) the sum (for all Medicare+Choice payment areas) of the product of—

''(I) the annual area-specific Medicare+Choice capitation rate for that year for the area under paragraph (3); and

''(II) the average number of medicare beneficiaries residing in that area in the year, multiplied by the average of the risk factor weights used to adjust payments under subsection (a)(1)(A) for such beneficiaries in such area; divided by

''(ii) the sum of the products described in clause (i)(II) for all areas for that year.

''(5) PAYMENT ADJUSTMENT BUDGET NEUTRALITY FACTOR.—For purposes of paragraph (1)(A), for each year, the Secretary shall determine a budget neutrality adjustment factor so that the aggregate of the payments under this part (other than those attributable to subsections (a)(3)(C)(iii) and (i)) shall equal the aggregate payments that would have been made under this part if payment were based entirely on area-specific capitation rates.

''(6) NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE DEFINED.—

''(A) IN GENERAL.—In this part, the 'national per capita Medicare+Choice growth percentage' for a year is the percentage determined by the Secretary, by March 1st before the beginning of the year involved, to reflect the Secretary's estimate of the projected per capita rate of growth in expenditures under this title for an individual entitled to (or enrolled for) benefits under part A and enrolled under part B, reduced by the number of percentage points specified in subparagraph (B) for the year. Separate determinations may be made for aged enrollees, disabled enrollees, and enrollees with end-stage renal disease.

''(B) ADJUSTMENT.—The number of percentage points specified in this subparagraph is—

''(i) for 1998, 0.8 percentage points;

''(ii) for 1999, 0.5 percentage points;

''(iii) for 2000, 0.5 percentage points;

''(iv) for 2001, 0.5 percentage points;

''(v) for 2002, 0.3 percentage points; and

''(vi) for a year after 2002, 0 percentage points.

''(C) ADJUSTMENT FOR OVER OR UNDER PROJECTION OF NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE.—Beginning with rates calculated for 1999, before computing rates for a year as described in paragraph (1), the Secretary shall adjust all area-specific and national Medicare+Choice capitation rates (and beginning in 2000, the minimum amount) for the previous year for the differences between the projections of the national per capita Medicare+Choice growth percentage for that year and previous years and the current estimate of such percentage for such years.

''(7) TRANSITION TO MEDICAREADVANTAGE COMPETITION.—

''(A) IN GENERAL.—For each year (beginning with 2006) payments to MedicareAdvantage plans shall not be computed under this subsection, but instead shall be based on the payment amount determined under subsection (d).

''(B) CONTINUED CALCULATION OF CAPITATION RATES.—For each year (beginning with 2006) the Secretary shall calculate and publish the annual Medicare+Choice capitation rates under this subsection and shall use the annual Medicare+Choice capitation rate determined under subsection (c)(1) for purposes of determining the benchmark amount under subsection (a)(4).

''(d) SECRETARY'S DETERMINATION OF PAYMENT AMOUNT.—

''(1) REVIEW OF PLAN BIDS.—The Secretary shall review each plan bid submitted under section 1854(a) for the coverage of benefits under the original medicare fee-for-service program option to ensure that such bids are consistent with the requirements under this part an are based on the assumptions described in section 1854(a)(2)(A)(iii).

''(2) DETERMINATION OF WEIGHTED SERVICE AREA BENCHMARK AMOUNTS.—The Secretary shall calculate a weighted service area benchmark amount for the benefits under the original medicare fee-for-service program option for each plan equal to the weighted average of the benchmark amounts for benefits under such original medicare

fee-for-service program option for the payment areas included in the service area of the plan using the assumptions described in section 1854(a)(2)(A)(iii).

''(3) COMPARISON TO BENCHMARK.—The Secretary shall determine the difference between each plan bid (as adjusted under paragraph (1)) and the weighted service area benchmark amount (as determined under paragraph (2)) for purposes of determining—

''(A) the payment amount under paragraph (4); and

''(B) the additional benefits required and MedicareAdvantage monthly basic beneficiary premiums.

''(4) DETERMINATION OF PAYMENT AMOUNT FOR ORIGINAL MEDICARE FEE-FOR-SERVICE BENEFITS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the payment amount for MedicareAdvantage plans for the benefits under the original medicare fee-for-service program option as follows:

''(i) BIDS THAT EQUAL OR EXCEED THE BENCHMARK.—In the case of a plan bid that equals or exceeds the weighted service area benchmark amount, the amount of each monthly payment to a MedicareAdvantage organization with respect to each individual enrolled in a plan shall be the weighted service area benchmark amount.

''(ii) BIDS BELOW THE BENCHMARK.—In the case of a plan bid that is less than the weighted service area benchmark amount, the amount of each monthly payment to a MedicareAdvantage organization with respect to each individual enrolled in a plan shall be the weighted service area benchmark amount reduced by the amount of any premium reduction elected by the plan under section 1854(d)(1)(A)(i).

''(B) APPLICATION OF COMPREHENSIVE RISK ADJUSTMENT METHODOLOGY.—The Secretary shall adjust the amounts determined under subparagraph (A) using the comprehensive risk adjustment methodology applicable under subsection (a)(3).

''(6) ADJUSTMENT FOR NATIONAL COVERAGE DETERMINATIONS AND LEGISLATIVE CHANGES IN BENEFITS.—If the Secretary makes a determination with respect to coverage under this title or there is a change in benefits required to be provided under this part that the Secretary projects will result in a significant increase in the costs to MedicareAdvantage organizations of providing benefits under contracts under this part (for periods after any period described in section 1852(a)(5)), the Secretary shall appropriately adjust the benchmark amounts or payment amounts (as determined by the Secretary). Such projection and adjustment shall be based on an analysis by the Secretary of the actuarial costs associated with the new benefits.

''(7) BENEFITS UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM OPTION DEFINED.—For purposes of this part, the term 'benefits under the original medicare fee-for-service program option' means those items and services (other than hospice care) for which benefits are available under parts A and B to individuals entitled to, or enrolled for, benefits under part A and enrolled under part B, with cost-sharing for those services as required under parts A and B or an actuarially equivalent level of cost-sharing as determined in this part.

''(e) MEDICAREADVANTAGE PAYMENT AREA DEFINED.—

''(1) IN GENERAL.—In this part, except as provided in paragraph (3), the term 'MedicareAdvantage payment area' means a county, or equivalent area specified by the Secretary.

''(2) RULE FOR ESRD BENEFICIARIES.—In the case of individuals who are determined to have end stage renal disease, the MedicareAdvantage payment area shall be a State or such other payment area as the Secretary specifies.

''(3) GEOGRAPHIC ADJUSTMENT.—

''(A) IN GENERAL.—Upon written request of the chief executive officer of a State for a contract year (beginning after 2005) made by not later than February 1 of the previous year, the Secretary shall make a geographic adjustment to a MedicareAdvantage payment area in the State otherwise determined under paragraph (1)—

''(i) to a single statewide MedicareAdvantage payment area;

''(ii) to the metropolitan based system described in subparagraph (C); or

''(iii) to consolidating into a single MedicareAdvantage payment area noncontiguous counties (or equivalent areas described in paragraph (1)) within a State.

Such adjustment shall be effective for payments for months beginning with January of the year following the year in which the request is received.

''(B) BUDGET NEUTRALITY ADJUSTMENT.—In the case of a State requesting an adjustment under this paragraph, the Secretary shall initially (and annually thereafter) adjust the payment rates otherwise established under this section for MedicareAdvantage payment areas in the State in a manner so that the aggregate of the payments under this section in the State shall not exceed the aggregate payments that would have been made under this section for MedicareAdvantage payment areas in the State in the absence of the adjustment under this paragraph.

''(C) METROPOLITAN BASED SYSTEM.—The metropolitan based system described in this subparagraph is one in which—

''(i) all the portions of each metropolitan statistical area in the State or in the case of a consolidated metropolitan statistical area, all of the portions of each primary metropolitan statistical area within the consolidated area within the State, are treated as a single MedicareAdvantage payment area; and

''(ii) all areas in the State that do not fall within a metropolitan statistical area are treated as a single MedicareAdvantage payment area.

''(D) AREAS.—In subparagraph (C), the terms 'metropolitan statistical area', 'consolidated metropolitan statistical area', and 'primary metropolitan statistical area' mean any area designated as such by the Secretary of Commerce.

''(f) SPECIAL RULES FOR INDIVIDUALS ELECTING MSA PLANS.—

''(1) IN GENERAL.—If the amount of the MedicareAdvantage monthly MSA premium (as defined in section 1854(b)(2)(D)) for an MSA plan for a year is less than 1/12 of the annual Medicare+Choice capitation rate applied under this section for the area and year involved, the Secretary shall deposit an amount equal to 100 percent of such difference in a MedicareAdvantage MSA established (and, if applicable, designated) by the individual under paragraph (2).

''(2) ESTABLISHMENT AND DESIGNATION OF MEDICAREADVANTAGE MEDICAL SAVINGS ACCOUNT AS REQUIREMENT FOR PAYMENT OF CONTRIBUTION.—In the case of an individual who has elected coverage under an MSA plan, no payment shall be made under paragraph (1) on behalf of an individual for a month unless the individual—

''(A) has established before the beginning of the month (or by such other deadline as the Secretary may specify) a MedicareAdvantage MSA (as defined in section 138(b)(2) of the Internal Revenue Code of 1986); and

''(B) if the individual has established more than 1 such MedicareAdvantage MSA, has designated 1 of such accounts as the individual's MedicareAdvantage MSA for purposes of this part.

Under rules under this section, such an individual may change the designation of such account under subparagraph (B) for purposes of this part.

''(3) LUMP-SUM DEPOSIT OF MEDICAL SAVINGS ACCOUNT CONTRIBUTION.—In the case of an individual electing an MSA plan effective beginning with a month in a year, the amount of the contribution to the MedicareAdvantage MSA on behalf of the individual for that month and all successive months in the year shall be deposited during that first month. In the case of a termination of such an election as of a month before the end of a year, the Secretary shall provide for a procedure for the recovery of deposits attributable to the remaining months in the year.

''(g) PAYMENTS FROM TRUST FUNDS.—Except as provided in section 1858A(c) (relating to payments for qualified prescription drug coverage), the payment to a MedicareAdvantage organization under this section for individuals enrolled under this part with the organization and payments to a MedicareAdvantage MSA under subsection (e)(1) shall be made from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines reflects the relative weight that benefits under part A and under part B represents of the actuarial value of the total benefits under this title. Monthly payments otherwise payable under this section for October 2000 shall be paid on the first business day of such month. Monthly payments otherwise payable under this section for October 2001 shall be paid on the last business day of September 2001. Monthly payments otherwise payable under this section for October 2006 shall be paid on the first business day of October 2006.

''(h) SPECIAL RULE FOR CERTAIN INPATIENT HOSPITAL STAYS.—In the case of an individual who is receiving inpatient hospital services from a subsection (d) hospital (as defined in section 1886(d)(1)(B)) as of the effective date of the individual's—

''(1) election under this part of a MedicareAdvantage plan offered by a MedicareAdvantage organization—

''(A) payment for such services until the date of the individual's discharge shall be made under this title through the MedicareAdvantage plan or the original medicare fee-for-service program option (as the case may be) elected before the election with such organization,

''(B) the elected organization shall not be financially responsible for payment for such services until the date after the date of the individual's discharge; and

''(C) the organization shall nonetheless be paid the full amount otherwise payable to the organization under this part; or

''(2) termination of election with respect to a MedicareAdvantage organization under this part—

''(A) the organization shall be financially responsible for payment for such services after such date and until the date of the individual's discharge;

''(B) payment for such services during the stay shall not be made under section 1886(d) or by any succeeding MedicareAdvantage organization; and

''(C) the terminated organization shall not receive any payment with respect to the individual under this part during the period the individual is not enrolled.

''(i) SPECIAL RULE FOR HOSPICE CARE.—

''(1) INFORMATION.—A contract under this part shall require the MedicareAdvantage organization to inform each individual enrolled under this part with a MedicareAdvantage plan offered by the organization about the availability of hospice care if—

''(A) a hospice program participating under this title is located within the organization's service area; or

''(B) it is common practice to refer patients to hospice programs outside such service area.

''(2) PAYMENT.—If an individual who is enrolled with a MedicareAdvantage organization under this part makes an election under section 1812(d)(1) to receive hospice care from a particular hospice program—

''(A) payment for the hospice care furnished to the individual shall be made to the hospice program elected by the individual by the Secretary;

''(B) payment for other services for which the individual is eligible notwithstanding the individual's election of hospice care under section 1812(d)(1), including services not related to the individual's terminal illness, shall be made by the Secretary to the MedicareAdvantage organization or the provider or supplier of the service instead of payments calculated under subsection (a); and

''(C) the Secretary shall continue to make monthly payments to the MedicareAdvantage organization in an amount equal to the value of the additional benefits required under section 1854(f)(1)(A).''.

SEC. 204. SUBMISSION OF BIDS; PREMIUMS.

Section 1854 (42 U.S.C. 1395w–24) is amended to read as follows:

''SUBMISSION OF BIDS; PREMIUMS

''SEC. 1854. (a) SUBMISSION OF BIDS BY MEDICAREADVANTAGE ORGANIZATIONS.—

''(1) IN GENERAL.—Not later than the second Monday in September and except as provided in paragraph (3), each MedicareAdvantage organization shall submit to the Secretary, in such form and manner as the Secretary may specify, for each MedicareAdvantage plan that the organization intends to offer in a service area in the following year—

''(A) notice of such intent and information on the service area of the plan;

''(B) the plan type for each plan;

''(C) if the MedicareAdvantage plan is a coordinated care plan (as described in section 1851(a)(2)(A)) or a private fee-for-service plan (as described in section 1851(a)(2)(C)), the information described in paragraph (2) with respect to each payment area;

''(D) the enrollment capacity (if any) in relation to the plan and each payment area;

''(E) the expected mix, by health status, of enrolled individuals; and

''(F) such other information as the Secretary may specify.

''(2) INFORMATION REQUIRED FOR COORDINATED CARE PLANS AND PRIVATE FEE-FOR-SERVICE PLANS.—For a MedicareAdvantage plan that is a coordinated care plan (as described in section 1851(a)(2)(A)) or a private fee-for-service plan (as described in section 1851(a)(2)(C)), the information described in this paragraph is as follows:

''(A) INFORMATION REQUIRED WITH RESPECT TO BENEFITS UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM OPTION.—Information relating to the coverage of benefits under the original medicare fee-for-service program option as follows:

''(i) The plan bid, which shall consist of a dollar amount that represents the total amount that the plan is willing to accept (not taking into account the application of the comprehensive risk adjustment methodology under section 1853(a)(3)) for providing coverage of the benefits under the original medicare fee-for-service program option to an individual enrolled in the plan that resides in the service area of the plan for a month.

''(ii) For the enhanced medical benefits package offered—

''(I) the adjusted community rate (as defined in subsection (g)(3)) of the package;

''(II) the portion of the actuarial value of such benefits package (if any) that will be applied toward satisfying the requirement for additional benefits under subsection (g);

''(III) the MedicareAdvantage monthly beneficiary premium for enhanced medical benefits (as defined in subsection (b)(2)(C));

''(IV) a description of any cost-sharing;

''(V) a description of whether the amount of the unified deductible has been lowered or the maximum limitations on out-of-pocket expenses have been decreased (relative to the levels used in calculating the plan bid);

''(VI) such other information as the Secretary considers necessary.

''(iii) The assumptions that the MedicareAdvantage organization used in preparing the plan bid with respect to numbers, in each payment area, of enrolled individuals and the mix, by health status, of such individuals.

''(B) INFORMATION REQUIRED WITH RESPECT TO PART D.—The information required to be submitted by an eligible entity under section 1860D–12, including the monthly premiums for standard coverage and any other qualified prescription drug coverage available to individuals enrolled under part D.

''(C) DETERMINING PLAN COSTS INCLUDED IN PLAN BID.—For purposes of submitting its plan bid under subparagraph (A)(i) a MedicareAdvantage plan offered by a MedicareAdvantage organization satisfies subparagraphs (A) and (C) of section 1852(a)(1) if the actuarial value of the deductibles, coinsurance, and copayments applicable on average to individuals enrolled in such plan under this part with respect to benefits under the original medicare fee-for-service program option on which that bid is based (ignoring any reduction in cost-sharing offered by such plan as enhanced medical benefits under paragraph (2)(A)(ii) or required under clause (ii) or (iii) of subsection (g)(1)(C)) equals the amount specified in subsection (f)(1)(B).

''(3) REQUIREMENTS FOR MSA PLANS.—For an MSA plan described in section 1851(a)(2)(B), the information described in this paragraph is the information that such a plan would have been required to submit under this part if the Prescription Drug and Medicare Improvements Act of 2003 had not been enacted.

''(4) REVIEW.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall review the adjusted community rates (as defined in section 1854(g)(3)), the amounts of the MedicareAdvantage monthly basic premium and the MedicareAdvantage monthly beneficiary premium for enhanced medical benefits filed under this subsection and shall approve or disapprove such rates and amounts so submitted. The Secretary shall review the actuarial assumptions and data used by the MedicareAdvantage organization with respect to such rates and amounts so submitted to determine the appropriateness of such assumptions and data.

''(B) MSA EXCEPTION.—The Secretary shall not review, approve, or disapprove the amounts submitted under paragraph (3).

''(C) CLARIFICATION OF AUTHORITY REGARDING DISAPPROVAL OF UNREASONABLE BENEFICIARY COST-SHARING.—Under the authority under subparagraph (A), the Secretary may disapprove the bid if the Secretary determines that the deductibles, coinsurance, or copayments applicable under the plan discourage access to covered services or are likely to result in favorable selection of MedicareAdvantage eligible individuals.

''(5) APPLICATION OF FEHBP STANDARD; PROHIBITION ON PRICE GOUGING.—Each bid amount submitted under paragraph (1) for a MedicareAdvantage plan must reasonably and equitably reflect the cost of benefits provided under that plan.

''(b) MONTHLY PREMIUMS CHARGED.—

''(1) IN GENERAL.—

''(A) COORDINATED CARE AND PRIVATE FEE-FOR-SERVICE PLANS.—The monthly amount of the premium charged to an individual enrolled in a MedicareAdvantage plan (other than an MSA plan) offered by a MedicareAdvantage organization shall be equal to the sum of the following:

''(i) The MedicareAdvantage monthly basic beneficiary premium (if any).

''(ii) The MedicareAdvantage monthly beneficiary premium for enhanced medical benefits (if any).

''(iii) The MedicareAdvantage monthly obligation for qualified prescription drug coverage (if any).

''(B) MSA PLANS.—The rules under this section that would have applied with respect to an MSA plan if the Prescription Drug and Medicare Improvements Act of 2003 had not been enacted shall continue to apply to MSA plans after the date of enactment of such Act.

''(2) PREMIUM TERMINOLOGY.—For purposes of this part:

''(A) MEDICAREADVANTAGE MONTHLY BASIC BENEFICIARY PREMIUM.—The term 'MedicareAdvantage monthly basic beneficiary premium' means, with respect to a MedicareAdvantage plan, the amount required to be charged under subsection (d)(2) for the plan.

''(B) MEDICAREADVANTAGE MONTHLY BENEFICIARY OBLIGATION FOR QUALIFIED PRESCRIPTION DRUG COVERAGE.—The term 'MedicareAdvantage monthly beneficiary obligation for qualified prescription drug coverage' means, with respect to a MedicareAdvantage plan, the amount determined under section 1858A(d).

''(C) MEDICAREADVANTAGE MONTHLY BENEFICIARY PREMIUM FOR ENHANCED MEDICAL BENEFITS.—The term 'MedicareAdvantage monthly beneficiary premium for enhanced medical benefits' means, with respect to a MedicareAdvantage plan, the amount required to be charged under subsection (f)(2) for the plan, or, in the case of an MSA plan, the amount filed under subsection (a)(3).

''(D) MEDICAREADVANTAGE MONTHLY MSA PREMIUM.—The term 'MedicareAdvantage monthly MSA premium' means, with respect to a MedicareAdvantage plan, the amount of such premium filed under subsection (a)(3) for the plan.

''(c) UNIFORM PREMIUM.—The MedicareAdvantage monthly basic beneficiary premium, the MedicareAdvantage monthly beneficiary obligation for qualified prescription drug coverage, the MedicareAdvantage monthly beneficiary premium for enhanced medical benefits, and the MedicareAdvantage monthly MSA premium charged under subsection (b) of a MedicareAdvantage organization under this part may not vary among individuals enrolled in the plan.

''(d) DETERMINATION OF PREMIUM REDUCTIONS, REDUCED COST-SHARING, ADDITIONAL BENEFITS, AND BENEFICIARY PREMIUMS.—

''(1) BIDS BELOW THE BENCHMARK.—If the Secretary determines under section 1853(d)(3) that the weighted service area benchmark amount exceeds the plan bid, the Secretary shall require the plan to provide additional benefits in accordance with subsection (g).

''(2) BIDS ABOVE THE BENCHMARK.—If the Secretary determines under section 1853(d)(3) that the plan bid exceeds the weighted service area benchmark amount (determined under section 1853(d)(2)), the amount of such excess shall be the MedicareAdvantage monthly basic beneficiary premium (as defined in section 1854(b)(2)(A)).

''(e) TERMS AND CONDITIONS OF IMPOSING PREMIUMS.—Each MedicareAdvantage organization shall permit the payment of any MedicareAdvantage monthly basic premium, the MedicareAdvantage monthly beneficiary obligation for qualified prescription drug coverage, and the MedicareAdvantage monthly beneficiary premium for enhanced medical benefits on a monthly basis, may terminate election of individuals for a MedicareAdvantage plan for failure to make premium payments only in accordance with section 1851(g)(3)(B)(i), and may not provide for cash or other monetary rebates as an inducement for enrollment or otherwise (other than as an additional benefit described in subsection (g)(1)(C)(i)).

''(f) LIMITATION ON ENROLLEE LIABILITY.—

''(1) FOR BENEFITS UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM OPTION.—The sum of—

''(A) the MedicareAdvantage monthly basic beneficiary premium (multiplied by 12) and the actuarial value of the deductibles, coinsurance, and copayments (determined on the same basis as used in determining the plan's bid under paragraph (2)(C)) applicable on average to individuals enrolled under this part with a MedicareAdvantage plan described in subparagraph (A) or (C) of section 1851(a)(2) of an organization with respect to required benefits described in section 1852(a)(1)(A); must equal

''(B) the actuarial value of the deductibles, coinsurance, and copayments that would be applicable on average to individuals who have elected to receive benefits under the original medicare fee-for-service program option if such individuals were not members of a MedicareAdvantage organization for the year (adjusted as determined appropriate by the Secretary to account for geographic differences and for plan cost and utilization differences).

''(2) FOR ENHANCED MEDICAL BENEFITS.—If the MedicareAdvantage organization provides to its members enrolled under this part in a MedicareAdvantage plan described in subparagraph (A) or (C) of section 1851(a)(2) with respect to enhanced medical benefits relating to benefits under the original medicare fee-for-service program option, the sum of the MedicareAdvantage monthly beneficiary premium for enhanced medical benefits (multiplied by 12) charged and the actuarial value of its deductibles, coinsurance, and copayments charged with respect to such benefits for a year must equal the adjusted community rate (as defined in subsection (g)(3)) for such benefits for the year minus the actuarial value of any additional benefits pursuant to clause (ii), (iii), or (iv) of subsection (g)(2)(C) that the plan specified under subsection (a)(2)(i)(II).

''(3) DETERMINATION ON OTHER BASIS.—If the Secretary determines that adequate data are not available to determine the actuarial value under paragraph (1)(A) or (2), the Secretary may determine such amount with respect to all individuals in the same geographic area, the State, or in the United States, eligible to enroll in the MedicareAdvantage plan involved under this part or on the basis of other appropriate data.

''(4) SPECIAL RULE FOR PRIVATE FEE-FOR-SERVICE PLANS.—With respect to a MedicareAdvantage private fee-for-service plan (other than a plan that is an MSA plan), in no event may—

''(A) the actuarial value of the deductibles, coinsurance, and copayments applicable on average to individuals enrolled under this part with such a plan of an organization with respect to required benefits described in subparagraphs (A), (C), and (D) of section 1852(a)(1); exceed

''(B) the actuarial value of the deductibles, coinsurance, and copayments that would be applicable on average to individuals entitled to (or enrolled for) benefits under part A and enrolled under part B if they were not members of a MedicareAdvantage organization for the year.

''(g) REQUIREMENT FOR ADDITIONAL BENEFITS.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—Each MedicareAdvantage organization (in relation to a MedicareAdvantage plan, other than an MSA plan, it offers) shall provide that if there is an excess amount (as defined in subparagraph (B)) for the plan for a contract year, subject to the succeeding provisions of this subsection, the organization shall provide to individuals such additional benefits described in subparagraph (C) as the organization may specify in a value which the Secretary determines is at least equal to the adjusted excess amount (as defined in subparagraph (D)).

''(B) EXCESS AMOUNT.—For purposes of this paragraph, the term 'excess amount' means, for an organization for a plan, is 100 percent of the amount (if any) by which the weighted service area benchmark amount (determined under section 1853(d)(2)) exceeds the plan bid (as adjusted under section 1853(d)(1)).

''(C) ADDITIONAL BENEFITS DESCRIBED.—The additional benefits described in this subparagraph are as follows:

''(i) Subject to subparagraph (F), a monthly part B premium reduction for individuals enrolled in the plan.

''(ii) Lowering the amount of the unified deductible and decreasing the maximum limitations on out-of-pocket expenses for individuals enrolled in the plan.

''(iii) A reduction in the actuarial value of plan cost-sharing for plan enrollees.

''(iv) Subject to subparagraph (E), such additional benefits as the organization may specify.

''(v) Contributing to the stabilization fund under paragraph (2).

''(vi) Any combination of the reductions and benefits described in clauses (i) through (v).

''(D) ADJUSTED EXCESS AMOUNT.—For purposes of this paragraph, the term 'adjusted excess amount' means, for an organization for a plan, is the excess amount reduced to reflect any amount withheld and reserved for the organization for the year under paragraph (2).

''(E) RULE FOR APPROVAL OF MEDICAL AND PRESCRIPTION DRUG BENEFITS.—An organization may not specify any additional benefit that provides for the coverage of any prescription drug (other than that relating to prescription drugs covered under the original medicare fee-for-service program option).

''(F) PREMIUM REDUCTIONS.—

''(i) IN GENERAL.—Subject to clause (ii), as part of providing any additional benefits required under subparagraph (A), a MedicareAdvantage organization may elect a reduction in its payments under section 1853(a)(1)(A)(i) with respect to a MedicareAdvantage plan and the Secretary shall apply such reduction to reduce the premium under section 1839 of each enrollee in such plan as provided in section 1840(i).

''(ii) AMOUNT OF REDUCTION.—The amount of the reduction under clause (i) with respect to any enrollee in a MedicareAdvantage plan—

''(I) may not exceed 125 percent of the premium described under section 1839(a)(3); and

''(II) shall apply uniformly to each enrollee of the MedicareAdvantage plan to which such reduction applies.

''(G) UNIFORM APPLICATION.—This paragraph shall be applied uniformly for all enrollees for a plan.

''(H) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing a MedicareAdvantage organization from providing enhanced medical benefits (described in section 1852(a)(3)) that are in addition to the health care benefits otherwise required to be provided under this paragraph and from imposing a premium for such enhanced medical benefits.

''(2) STABILIZATION FUND.—A MedicareAdvantage organization may provide that a part of the value of an excess amount described in paragraph (1) be withheld and reserved in the Federal Hospital Insurance Trust Fund and in the Federal Supplementary Medical Insurance Trust Fund (in such proportions as the Secretary determines to be appropriate) by the Secretary for subsequent annual contract periods, to the extent required to prevent undue fluctuations in the additional benefits offered in those subsequent periods by the organization in accordance with such paragraph. Any of such value of the amount reserved which is not provided as additional benefits described in paragraph (1)(A) to individuals electing the MedicareAdvantage plan of the organization in accordance with such paragraph prior to the end of such periods, shall revert for the use of such Trust Funds.

''(3) ADJUSTED COMMUNITY RATE.—For purposes of this subsection, subject to paragraph (4), the term 'adjusted community rate' for a service or services means, at the election of a MedicareAdvantage organization, either—

''(A) the rate of payment for that service or services which the Secretary annually determines would apply to an individual electing a MedicareAdvantage plan under this part if the rate of payment were determined under a 'community rating system' (as defined in section 1302(8) of the Public Health Service Act, other than subparagraph (C)); or

''(B) such portion of the weighted aggregate premium, which the Secretary annually estimates would apply to such an individual, as the Secretary annually estimates is attributable to that service or services,

but adjusted for differences between the utilization characteristics of the individuals electing coverage under this part and the utilization characteristics of the other enrollees with the plan (or, if the Secretary finds that adequate data are not available to adjust for those differences, the differences between the utilization characteristics of individuals selecting other MedicareAdvantage coverage, or MedicareAdvantage eligible individuals in the area, in the State, or in the United States, eligible to elect MedicareAdvantage coverage under this part and the utilization characteristics of the rest of the population in the area, in the State, or in the United States, respectively).

''(4) DETERMINATION BASED ON INSUFFICIENT DATA.—For purposes of this subsection, if the Secretary finds that there is insufficient enrollment experience to determine the average amount of payments to be made under this part at the beginning of a contract period or to determine (in the case of a newly operated provider-sponsored organization or other new organization) the adjusted community rate for the organization, the Secretary may determine such an average based on the enrollment experience of other contracts entered into under this part and may determine such a rate using data in the general commercial marketplace.

''(h) PROHIBITION OF STATE IMPOSITION OF PREMIUM TAXES.—No State may impose a premium tax or similar tax with respect to payments to MedicareAdvantage organizations under section 1853.

''(i) PERMITTING USE OF SEGMENTS OF SERVICE AREAS.—The Secretary shall permit a MedicareAdvantage organization to elect to apply the provisions of this section uniformly to separate segments of a service area (rather than uniformly to an entire service

area) as long as such segments are composed of 1 or more MedicareAdvantage payment areas.''.

(b) STUDY AND REPORT ON CLARIFICATION OF AUTHORITY REGARDING DISAPPROVAL OF UNREASONABLE BENEFICIARY COST-SHARING.—

(1) STUDY.—The Secretary, in consultation with beneficiaries, consumer groups, employers, and Medicare+Choice organizations, shall conduct a study to determine the extent to which the cost-sharing structures under Medicare+Choice plans under part C of title XVIII of the Social Security Act discourage access to covered services or discriminate based on the health status of Medicare+Choice eligible individuals (as defined in section 1851(a)(3) of the Social Security Act (42 U.S.C. 1395w–21(a)(3))).

(2) REPORT.—Not later than December 31, 2004, the Secretary shall submit a report to Congress on the study conducted under paragraph (1) together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 205. SPECIAL RULES FOR PRESCRIPTION DRUG BENEFITS.

Part C of title XVIII (42 U.S.C. 1395w–21 et seq.) is amended by inserting after section 1857 the following new section:

''SPECIAL RULES FOR PRESCRIPTION DRUG BENEFITS

''SEC. 1858A. (a) AVAILABILITY.—

''(1) PLANS REQUIRED TO PROVIDE QUALIFIED PRESCRIPTION DRUG COVERAGE TO ENROLLEES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), on and after January 1, 2006, a MedicareAdvantage organization offering a MedicareAdvantage plan (except for an MSA plan) shall make available qualified prescription drug coverage that meets the requirements for such coverage under this part and part D to each enrollee of the plan.

''(B) PRIVATE FEE-FOR-SERVICE PLANS MAY, BUT ARE NOT REQUIRED TO, PROVIDE QUALIFIED PRESCRIPTION DRUG COVERAGE.—Pursuant to section 1852(a)(2)(D), a private fee-for-service plan may elect not to provide qualified prescription drug coverage under part D to individuals residing in the area served by the plan.

''(2) REFERENCE TO PROVISION PERMITTING ADDITIONAL PRESCRIPTION DRUG COVERAGE.—For the provisions of part D, made applicable to this part pursuant to paragraph (1), that permit a plan to make available qualified prescription drug coverage that includes coverage of covered drugs that exceeds the coverage required under paragraph (1) of section 1860D–6 in an area, but only if the MedicareAdvantage organization offering the plan also offers a MedicareAdvantage plan in the area that only provides the coverage that is required under such paragraph (1), see paragraph (2) of such section.

''(3) RULE FOR APPROVAL OF MEDICAL AND PRESCRIPTION DRUG BENEFITS.—Pursuant to sections 1854(g)(1)(F) and 1852(a)(3)(D), a MedicareAdvantage organization offering a MedicareAdvantage plan that provides qualified prescription drug coverage may not make available coverage of any prescription drugs (other than that relating to prescription drugs covered under the original medicare fee-for-service program option) to an enrollee as an additional benefit or as an enhanced medical benefit.

''(b) COMPLIANCE WITH ADDITIONAL BENEFICIARY PROTECTIONS.—With respect to the offering of qualified prescription drug coverage by a MedicareAdvantage organization under a MedicareAdvantage plan, the organization and plan shall meet the requirements of section 1860D–5, including requirements relating to information dissemination and grievance and appeals, and such other requirements under part D that the Secretary determines appropriate in the same manner as such requirements apply to an eligible entity and a Medicare Prescription Drug plan under part D. The Secretary shall waive such requirements to the extent the Secretary determines that such requirements duplicate requirements otherwise applicable to the organization or the plan under this part.

''(c) PAYMENTS FOR PRESCRIPTION DRUGS.—

''(1) PAYMENT OF FULL AMOUNT OF PREMIUM TO ORGANIZATIONS FOR QUALIFIED PRESCRIPTION DRUG COVERAGE.—

''(A) IN GENERAL.—For each year (beginning with 2006), the Secretary shall pay to each MedicareAdvantage organization offering a MedicareAdvantage plan that provides qualified prescription drug coverage, an amount equal to the full amount of the monthly premium submitted under section 1854(a)(2)(B) for the year, as adjusted using the risk adjusters that apply to the standard prescription drug coverage published under section 1860D–11.

''(B) APPLICATION OF PART D RISK CORRIDOR, STABILIZATION RESERVE FUND, AND ADMINISTRATIVE EXPENSES PROVISIONS.—The provisions of subsections (b), (c), and (d) of section 1860D–16 shall apply to a MedicareAdvantage organization offering a MedicareAdvantage plan that provides qualified prescription drug coverage and payments made to such organization under subparagraph (A) in the same manner as such provisions apply to an eligible entity offering a Medicare Prescription Drug plan and payments made to such entity under subsection (a) of section 1860D–16.

''(2) PAYMENT FROM PRESCRIPTION DRUG ACCOUNT.—Payment made to MedicareAdvantage organizations under this subsection shall be made from the Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund under section 1841.

''(d) COMPUTATION OF MEDICAREADVANTAGE MONTHLY BENEFICIARY OBLIGATION FOR QUALIFIED PRESCRIPTION DRUG COVERAGE.—In the case of a MedicareAdvantage eligible individual receiving qualified prescription drug coverage under a MedicareAdvantage plan during a year after 2005, the MedicareAdvantage monthly beneficiary obligation for qualified prescription drug coverage of such individual in the year shall be determined in the same manner as the monthly beneficiary obligation is determined under section 1860D–17 for eligible beneficiaries enrolled in a Medicare Prescription Drug plan, except that, for purposes of this subparagraph, any reference to the monthly plan premium approved by the Secretary under section 1860D–13 shall be treated as a reference to the monthly premium for qualified prescription drug coverage submitted by the MedicareAdvantage organization offering the plan under section 1854(a)(2)(A) and approved by the Secretary.

''(e) COLLECTION OF MEDICAREADVANTAGE MONTHLY BENEFICIARY OBLIGATION FOR QUALIFIED PRESCRIPTION DRUG COVERAGE.—The provisions of section 1860D–18, including subsection (b) of such section, shall apply to the amount of the MedicareAdvantage monthly beneficiary obligation for qualified prescription drug coverage (as determined under subsection (d)) required to be paid by a MedicareAdvantage eligible individual enrolled in a MedicareAdvantage plan in the same manner as such provisions apply to the amount of the monthly beneficiary obligation required to be paid by an eligible beneficiary enrolled in a Medicare Prescription Drug plan under part D.

''(f) AVAILABILITY OF PREMIUM SUBSIDY AND COST-SHARING REDUCTIONS FOR LOW-INCOME ENROLLEES AND REINSURANCE PAYMENTS.—For provisions—

''(1) providing premium subsidies and cost-sharing reductions for low-income individuals receiving qualified prescription drug coverage through a MedicareAdvantage plan, see section 1860D–19; and

''(2) providing a MedicareAdvantage organization with reinsurance payments for certain expenses incurred in providing qualified prescription drug coverage through a MedicareAdvantage plan, see section 1860D–20.''.

(b) TREATMENT OF REDUCTION FOR PURPOSES OF DETERMINING GOVERNMENT CONTRIBUTION UNDER PART B.—Section 1844(c) (42 U.S.C. 1395w) is amended by striking ''section 1854(f)(1)(E)'' and inserting ''section 1854(d)(1)(A)(i)''.

SEC. 206. FACILITATING EMPLOYER PARTICIPATION.

Section 1858(h) (as added by section 211) is amended by inserting ''(including subsection (i) of such section)'' after ''section 1857''.

SEC. 207. ADMINISTRATION BY THE CENTER FOR MEDICARE CHOICES.

On and after January 1, 2006, the MedicareAdvantage program under part C of title XVIII of the Social Security Act shall be administered by the Center for Medicare Choices established under section 1808 such title (as added by section 301), and each reference to the Secretary made in such part shall be deemed to be a reference to the Administrator of the Center for Medicare Choices.

SEC. 208. CONFORMING AMENDMENTS.

(a) ORGANIZATIONAL AND FINANCIAL REQUIREMENTS FOR MEDICAREADVANTAGE ORGANIZATIONS; PROVIDER-SPONSORED ORGANIZATIONS.—Section 1855 (42 U.S.C. 1395w–25) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting ''subparagraphs (A), (B), and (D) of'' before ''section 1852(A)(1)''; and

(2) by striking ''Medicare+Choice'' and inserting ''MedicareAdvantage'' each place it appears.

(b) ESTABLISHMENT OF PSO STANDARDS.—Section 1856 (42 U.S.C. 1395w–26) is amended by striking ''Medicare+Choice'' and inserting ''MedicareAdvantage'' each place it appears.

(c) CONTRACTS WITH MEDICAREADVANTAGE ORGANIZATIONS.—Section 1857 (42 U.S.C. 1395w–27) is amended—

(1) in subsection (g)(1)—

(A) in subparagraph (B), by striking ''amount of the Medicare+Choice monthly basic and supplemental beneficiary premiums'' and inserting ''amounts of the MedicareAdvantage monthly basic premium and MedicareAdvantage monthly beneficiary premium for enhanced medical benefits'';

(B) in subparagraph (F), by striking ''or'' after the semicolon at the end;

(C) in subparagraph (G), by adding ''or'' after the semicolon at the end; and

(D) by inserting after subparagraph (G) the following new subparagraph:

''(H)(i) charges any individual an amount in excess of the MedicareAdvantage monthly beneficiary obligation for qualified prescription drug coverage under section 1858A(d);

''(ii) provides coverage for prescription drugs that is not qualified prescription drug coverage;

''(iii) offers prescription drug coverage, but does not make standard prescription drug coverage available; or

''(iv) provides coverage for prescription drugs (other than that relating to prescription drugs covered under the original medicare fee-for-service program option described in section 1851(a)(1)(A)(i)) as an enhanced medical benefit under section 1852(a)(3)(D) or as an additional benefit under section 1854(g)(1)(F),''; and

(2) by striking ''Medicare+Choice'' and inserting ''MedicareAdvantage'' each place it appears.

(d) DEFINITIONS; MISCELLANEOUS PROVISIONS.—Section 1859 (42 U.S.C. 1395w–28) is amended—

(1) by striking subsection (c) and inserting the following new subsection:

''(c) OTHER REFERENCES TO OTHER TERMS.—

''(1) ENHANCED MEDICAL BENEFITS.—The term 'enhanced medical benefits' is defined in section 1852(a)(3)(E).

''(2) MEDICAREADVANTAGE ELIGIBLE INDIVIDUAL.—The term 'MedicareAdvantage eligible individual' is defined in section 1851(a)(3).

''(3) MEDICAREADVANTAGE PAYMENT AREA.—The term 'MedicareAdvantage payment area' is defined in section 1853(d).

''(4) NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE.—The 'national per capita Medicare+Choice growth percentage' is defined in section 1853(c)(6).

''(5) MEDICAREADVANTAGE MONTHLY BASIC BENEFICIARY PREMIUM; MEDICAREADVANTAGE MONTHLY BENEFICIARY OBLIGATION FOR QUALIFIED PRESCRIPTION DRUG COVERAGE; MEDICAREADVANTAGE MONTHLY BENEFICIARY PREMIUM FOR ENHANCED MEDICAL BENEFITS.—The terms 'MedicareAdvantage monthly basic beneficiary premium', 'MedicareAdvantage monthly beneficiary obligation for qualified prescription drug coverage', and 'MedicareAdvantage monthly beneficiary premium for enhanced medical benefits' are defined in section 1854(b)(2).

''(6) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The term 'qualified prescription drug coverage' has the meaning given such term in section 1860D(9).

''(7) STANDARD PRESCRIPTION DRUG COVERAGE.—The term 'standard prescription drug coverage' has the meaning given such term in section 1860D(10).''; and

(2) by striking ''Medicare+Choice'' and inserting ''MedicareAdvantage'' each place it appears.

(e) CONFORMING AMENDMENTS EFFECTIVE BEFORE 2006.—

(1) EXTENSION OF MSAS.—Section 1851(b)(4) (42 U.S.C. 1395w–21(b)(4)) is amended by striking ''January 1, 2003'' and inserting ''January 1, 2004''.

(2) CONTINUOUS OPEN ENROLLMENT AND DISENROLLMENT THROUGH 2005.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w–21(e)) is amended—

(A) in paragraph (2)(A), by striking ''THROUGH 2004'' and ''December 31,2004'' and inserting ''THROUGH 2005'' and ''December 31, 2005'', respectively;

(B) in the heading of paragraph (2)(B), by striking ''DURING 2005'' and inserting ''DURING 2006'';

(C) in paragraphs (2)(B)(i) and (2)(C)(i), by striking ''2005'' and inserting ''2006'' each place it appears;

(D) in paragraph (2)(D), by striking ''2004'' and inserting ''2005''; and

(E) in paragraph (4), by striking ''2005'' and inserting ''2006'' each place it appears.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act.

(e) OTHER CONFORMING AMENDMENTS.—

(1) CONFORMING MEDICARE CROSS-REFERENCES.—

(A) Section 1839(a)(2) (42 U.S.C. 1395r(a)(2)) is amended by striking ''section 1854(f)(1)(E)'' and inserting ''section 1854(g)(1)(C)(i)''.

(B) Section 1840(i) (42 U.S.C. 1395s(i)) is amended by striking ''section 1854(f)(1)(E)'' and inserting ''section 1854(g)(1)(C)(i)''.

(C) Section 1844(c) (42 U.S.C. 1395w(c)) is amended by striking ''section 1854(f)(1)(E)'' and inserting ''section 1854(g)(1)(C)(i)''.

(D) Section 1876(k)(3)(A) (42 U.S.C. 1395mm(k)(3)(A)) is amended by inserting ''(as in effect immediately before the enactment of the Prescription Drug and Medicare Improvements Act of 2003)'' after section 1853(a).

(F) Section 1876(k)(4) (42 U.S.C. 1395mm(k)(4)(A)) is amended—

(i) in subparagraph (A), by striking ''section 1853(a)(3)(B)'' and inserting ''section 1853(a)(3)(D)''; and

(ii) in subparagraph (B), by striking ''section 1854(g)'' and inserting ''section 1854(h)''.

(G) Section 1876(k)(4)(C) (42 U.S.C. 1395mm(k)(4)(C)) in amended by inserting ''(as in effect immediately before the enactment of the Prescription Drug and Medicare Improvements Act of 2003)'' after ''section 1851(e)(6)''.

(H) Section 1894(d) (42 U.S.C. 1395eee(d)) is amended by adding at the end the following new paragraph:

''(3) APPLICATION OF PROVISIONS.—For purposes of paragraphs (1) and (2), the references to section 1853 and subsection (a)(2) of such section in such paragraphs shall be deemed to be references to those provisions as in effect immediately before the enactment of the Prescription Drug and Medicare Improvements Act of 2003.''.

(2) CONFORMING MEDICARE TERMINOLOGY.—Title XVIII (42 U.S.C. 1395 et seq.), except for part C of such title (42 U.S.C. 1395w–21 et seq.), and title XIX (42 U.S.C. 1396 et seq.) are each amended by striking ''Medicare+Choice'' and inserting ''MedicareAdvantage'' each place it appears.

SEC. 209. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section 208(d)(3) and subsection (b), the amendments made by this title shall apply with respect to plan years beginning on and after January 1, 2006.

(b) MEDICAREADVANTAGE MSA PLANS.—Notwithstanding any provision of this title, the Secretary shall apply the payment and other rules that apply with respect to an MSA plan described in section 1851(a)(2)(B) of the Social Security Act (42 U.S.C. 1395w–21(a)(2)(B)) as if this title had not been enacted.

Subtitle B—Preferred Provider Organizations

SEC. 211. ESTABLISHMENT OF MEDICAREADVANTAGE PREFERRED PROVIDER PROGRAM OPTION.

(a) ESTABLISHMENT OF PREFERRED PROVIDER PROGRAM OPTION.—Section 1851(a)(2) is amended by adding at the end the following new subparagraph:

''(D) PREFERRED PROVIDER ORGANIZATION PLANS.—A MedicareAdvantage preferred provider organization plan under the program established under section 1858.''.

(b) PROGRAM SPECIFICATIONS.—Part C of title XVIII (42 U.S.C. 1395w–21 et seq.) is amended by inserting after section 1857 the following new section:

''PREFERRED PROVIDER ORGANIZATIONS

''SEC. 1858. (a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—Beginning on January 1, 2006, there is established a preferred provider program under which preferred provider organization plans offered by preferred provider organizations are offered to MedicareAdvantage eligible individuals in preferred provider regions.

''(2) DEFINITIONS.—

''(A) PREFERRED PROVIDER ORGANIZATION.—The term 'preferred provider organization' means an entity with a contract under section 1857 that meets the requirements of this section applicable with respect to preferred provider organizations.

''(B) PREFERRED PROVIDER ORGANIZATION PLAN.—The term 'preferred provider organization plan' means a MedicareAdvantage plan that—

''(i) has a network of providers that have agreed to a contractually specified reimbursement for covered benefits with the organization offering the plan;

''(ii) provides for reimbursement for all covered benefits regardless of whether such benefits are provided within such network of providers; and

''(iii) is offered by a preferred provider organization.

''(C) PREFERRED PROVIDER REGION.—The term 'preferred provider region' means—

''(i) a region established under paragraph (3); and

''(ii) a region that consists of the entire United States.

''(3) PREFERRED PROVIDER REGIONS.—For purposes of this part the Secretary shall establish preferred provider regions as follows:

''(A) There shall be at least 10 regions.

''(B) Each region must include at least 1 State.

''(C) The Secretary may not divide States so that portions of the State are in different regions.

''(D) To the extent possible, the Secretary shall include multistate metropolitan statistical areas in a single region. The Secretary may divide metropolitan statistical areas where it is necessary to establish regions of such size and geography as to maximize the participation of preferred provider organization plans.

''(E) The Secretary may conform the preferred provider regions to the service areas established under section 1860D–10.

''(b) ELIGIBILITY, ELECTION, AND ENROLLMENT; BENEFITS AND BENEFICIARY PROTECTIONS.—

''(1) IN GENERAL.—Except as provided in the succeeding provisions of this subsection, the provisions of sections 1851 and 1852 that apply with respect to coordinated care plans shall apply to preferred provider organization plans offered by a preferred provider organization.

''(2) SERVICE AREA.—The service area of a preferred provider organization plan shall be a preferred provider region.

''(3) AVAILABILITY.—Each preferred provider organization plan must be offered to each MedicareAdvantage eligible individual who resides in the service area of the plan.

''(4) AUTHORITY TO PROHIBIT RISK SELECTION.—The provisions of section 1852(a)(6) shall apply to preferred provider organization plans.

''(5) ASSURING ACCESS TO SERVICES IN PREFERRED PROVIDER ORGANIZATION PLANS.—

''(A) IN GENERAL.—In addition to any other requirements under this section, in the case of a preferred provider organization plan, the organization offering the plan must demonstrate to the Secretary that the organization has sufficient number and range of health care professionals and providers willing to provide services under the terms of the plan.

''(B) DETERMINATION OF SUFFICIENT ACCESS.—The Secretary shall find that an organization has met the requirement under subparagraph (A) with respect to any category of health care professional or provider if, with respect to that category of provider the plan has contracts or agreements with a sufficient number and range of providers within such category to provide covered services under the terms of the plan.

''(C) CONSTRUCTION.—Subparagraph (B) shall not be construed as restricting the persons from whom enrollees under such a plan may obtain covered benefits.

''(c) PAYMENTS TO PREFERRED PROVIDER ORGANIZATIONS.—

''(1) PAYMENTS TO ORGANIZATIONS.—

''(A) MONTHLY PAYMENTS.—

''(i) IN GENERAL.—Under a contract under section 1857 and subject to paragraph (5), subsection (e), and section 1859(e)(4), the Secretary shall make, to each preferred provider organization, with respect to coverage of an individual for a month under this part in a preferred provider region, separate monthly payments with respect to—

''(I) benefits under the original medicare fee-for-service program under parts A and B in accordance with paragraph (4); and

''(II) benefits under the voluntary prescription drug program under part D in accordance with section 1858A and the other provisions of this part.

''(ii) SPECIAL RULE FOR END-STAGE RENAL DISEASE.—The Secretary shall establish separate rates of payment applicable with respect to classes of individuals determined to have end-stage renal disease and enrolled in a preferred provider organization plan under this clause that are similar to the separate rates of payment described in section 1853(a)(1)(B).

''(B) ADJUSTMENT TO REFLECT NUMBER OF ENROLLEES.—The Secretary may retroactively adjust the amount of payment under this paragraph in a manner that is similar to the manner in which payment amounts may be retroactively adjusted under section 1853(a)(2).

''(C) COMPREHENSIVE RISK ADJUSTMENT METHODOLOGY.—The Secretary shall apply the comprehensive risk adjustment methodology described in section 1853(a)(3)(B) to 100 percent of the amount of payments to plans under paragraph (4)(D)(ii).

''(D) ADJUSTMENT FOR SPENDING VARIATIONS WITHIN A REGION.—The Secretary shall establish a methodology for adjusting the amount of payments to plans under paragraph (4)(D)(ii) that achieves the same objective as the adjustment described in paragraph 1853(a)(2)(C).

''(2) ANNUAL CALCULATION OF BENCHMARK AMOUNTS FOR PREFERRED PROVIDER REGIONS.—For each year (beginning in 2006), the Secretary shall calculate a benchmark amount for each preferred provider region for each month for such year with respect to coverage of the benefits available under the original medicare fee-for-service program option equal to the average of each benchmark amount calculated under section 1853(a)(4) for each MedicareAdvantage payment area for the year within such region, weighted by the number of MedicareAdvantage eligible individuals residing in each such payment area for the year.

''(3) ANNUAL ANNOUNCEMENT OF PAYMENT FACTORS.—

''(A) ANNUAL ANNOUNCEMENT.—Beginning in 2005, at the same time as the Secretary publishes the risk adjusters under section 1860D–11, the Secretary shall annually announce (in a manner intended to provide notice to interested parties) the following payment factors:

''(i) The benchmark amount for each preferred provider region (as calculated under paragraph (2)(A)) for the year.

''(ii) The factors to be used for adjusting payments described under—

''(I) the comprehensive risk adjustment methodology described in paragraph (1)(C) with respect to each preferred provider region for the year; and

''(II) the methodology used for adjustment for geographic variations within such region established under paragraph (1)(D).

''(B) ADVANCE NOTICE OF METHODOLOGICAL CHANGES.—At least 45 days before making the announcement under subparagraph (A) for a year, the Secretary shall—

''(i) provide for notice to preferred provider organizations of proposed changes to be made in the methodology from the methodology and assumptions used in the previous announcement; and

''(ii) provide such organizations with an opportunity to comment on such proposed changes.

''(C) EXPLANATION OF ASSUMPTIONS.—In each announcement made under subparagraph (A), the Secretary shall include an explanation of the assumptions and changes in methodology used in the announcement in sufficient detail so that preferred provider organizations can compute each payment factor described in such subparagraph.

''(4) SECRETARY'S DETERMINATION OF PAYMENT AMOUNT FOR BENEFITS UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM.—The Secretary shall determine the payment amount for plans as follows:

''(A) REVIEW OF PLAN BIDS.—The Secretary shall review each plan bid submitted under subsection (d)(1) for the coverage of benefits under the original medicare fee-for-service program option to ensure that such bids are consistent with the requirements under this part and are based on the assumptions described in section 1854(a)(2)(A)(iii) that the plan used with respect to numbers of enrolled individuals.

''(B) DETERMINATION OF PREFERRED PROVIDER REGIONAL BENCHMARK AMOUNTS.—The Secretary shall calculate a preferred provider regional benchmark amount for that plan for the benefits under the original medicare fee-for-service program option for each plan equal to the regional benchmark adjusted by using the assumptions described in section 1854(a)(2)(A)(iii) that the plan used with respect to numbers of enrolled individuals.

''(C) COMPARISON TO BENCHMARK.—The Secretary shall determine the difference between each plan bid (as adjusted under subparagraph (A)) and the preferred provider regional benchmark amount (as determined under subparagraph (B)) for purposes of determining—

''(i) the payment amount under subparagraph (D); and

''(ii) the additional benefits required and MedicareAdvantage monthly basic beneficiary premiums.

''(D) DETERMINATION OF PAYMENT AMOUNT.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary shall determine the payment amount to a preferred provider organization for a preferred provider organization plan as follows:

''(I) BIDS THAT EQUAL OR EXCEED THE BENCHMARK.—In the case of a plan bid that equals or exceeds the preferred provider regional benchmark amount, the amount of each monthly payment to the organization with respect to each individual enrolled in a plan shall be the preferred provider regional benchmark amount.

''(II) BIDS BELOW THE BENCHMARK.—In the case of a plan bid that is less than the preferred provider regional benchmark amount, the amount of each monthly payment to the organization with respect to each individual enrolled in a plan shall be the preferred provider regional benchmark amount reduced by the amount of any premium reduction elected by the plan under section 1854(d)(1)(A)(i).

''(ii) APPLICATION OF ADJUSTMENT METHODOLOGIES.—The Secretary shall adjust the amounts determined under subparagraph (A) using the factors described in paragraph (3)(A)(ii).

''(E) FACTORS USED IN ADJUSTING BIDS AND BENCHMARKS FOR PREFERRED PROVIDER ORGANIZATIONS AND IN DETERMINING ENROLLEE PREMIUMS.—Subject to subparagraph (F), in addition to the factors used to adjust payments to plans described in section 1853(d)(6), the Secretary shall use the adjustment for geographic variation within the region established under paragraph (1)(D).

''(F) ADJUSTMENT FOR NATIONAL COVERAGE DETERMINATIONS AND LEGISLATIVE CHANGES IN BENEFITS.—The Secretary shall provide for adjustments for national coverage determinations and legislative changes in benefits applicable with respect to preferred provider organizations in the same manner as the Secretary provides for adjustments under section 1853(d)(7).

''(5) PAYMENTS FROM TRUST FUND.—The payment to a preferred provider organization under this section shall be made from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in a manner similar to the manner described in section 1853(g).

''(6) SPECIAL RULE FOR CERTAIN INPATIENT HOSPITAL STAYS.—Rules similar to the rules applicable under section 1853(h) shall apply with respect preferred provider organizations.

''(7) SPECIAL RULE FOR HOSPICE CARE.—Rules similar to the rules applicable under section 1853(i) shall apply with respect to preferred provider organizations.

''(d) SUBMISSION OF BIDS BY PPOs; PREMIUMS.—

''(1) SUBMISSION OF BIDS BY PREFERRED PROVIDER ORGANIZATIONS.—

''(A) IN GENERAL.—For the requirements on submissions by MedicareAdvantage preferred provider organization plans, see section 1854(a)(1).

''(B) UNIFORM PREMIUMS.—Each bid amount submitted under subparagraph (A) for a preferred provider organization plan in a preferred provider region may not vary among MedicareAdvantage eligible individuals residing in such preferred provider region.

''(C) APPLICATION OF FEHBP STANDARD; PROHIBITION ON PRICE GOUGING.—Each bid amount submitted under subparagraph (A) for a preferred provider organization plan must reasonably and equitably reflect the cost of benefits provided under that plan.

''(D) REVIEW.—The Secretary shall review the adjusted community rates (as defined in section 1854(g)(3)), the amounts of the MedicareAdvantage monthly basic premium and the MedicareAdvantage monthly beneficiary premium for enhanced medical benefits filed under this paragraph and shall approve or disapprove such rates and amounts so submitted. The Secretary shall review the actuarial assumptions and data used by the preferred provider organization with respect to such rates and amounts so submitted to determine the appropriateness of such assumptions and data.

''(E) AUTHORITY TO LIMIT NUMBER OF PLANS IN A REGION.—If there are bids for more than 3 preferred provider organization plans in a preferred provider region, the Secretary shall accept only the 3 lowest-cost credible bids for that region that meet or exceed the quality and minimum standards applicable under this section.

''(2) MONTHLY PREMIUMS CHARGED.—The amount of the monthly premium charged to an individual enrolled in a preferred provider organization plan offered by a preferred provider organization shall be equal to the sum of the following:

''(A) The MedicareAdvantage monthly basic beneficiary premium, as defined in section 1854(b)(2)(A) (if any).

''(B) The MedicareAdvantage monthly beneficiary premium for enhanced medical benefits, as defined in section 1854(b)(2)(C) (if any).

''(C) The MedicareAdvantage monthly obligation for qualified prescription drug coverage, as defined in section 1854(b)(2)(B) (if any).

''(3) DETERMINATION OF PREMIUM REDUCTIONS, REDUCED COST-SHARING, ADDITIONAL BENEFITS, AND BENEFICIARY PREMIUMS.—The rules for determining premium reductions, reduced cost-sharing, additional benefits, and beneficiary premiums under section 1854(d) shall apply with respect to preferred provider organizations.

''(4) PROHIBITION OF SEGMENTING PREFERRED PROVIDER REGIONS.—The Secretary may not permit a preferred provider organization to elect to apply the provisions of this section uniformly to separate segments of a preferred provider region (rather than uniformly to an entire preferred provider region).

''(e) PORTION OF TOTAL PAYMENTS TO AN ORGANIZATION SUBJECT TO RISK FOR 2 YEARS.—

''(1) NOTIFICATION OF SPENDING UNDER THE PLAN.—

''(A) IN GENERAL.—For 2007 and 2008, the preferred provider organization offering a preferred provider organization plan shall notify the Secretary of the total amount of costs that the organization incurred in providing benefits covered under parts A and B of the original medicare fee-for-service program for all enrollees under the plan in the previous year.

''(B) CERTAIN EXPENSES NOT INCLUDED.—The total amount of costs specified in subparagraph (A) may not include—

''(i) subject to subparagraph (C), administrative expenses incurred in providing the benefits described in such subparagraph; or

''(ii) amounts expended on providing enhanced medical benefits under section 1852(a)(3)(D).

''(C) ESTABLISHMENT OF ALLOWABLE ADMINISTRATIVE EXPENSES.—For purposes of applying subparagraph (B)(i), the administrative expenses incurred in providing benefits described in subparagraph (A) under a preferred provider organization plan may not exceed an amount determined appropriate by the Administrator.

''(2) ADJUSTMENT OF PAYMENT.—

''(A) NO ADJUSTMENT IF COSTS WITHIN RISK CORRIDOR.—If the total amount of costs specified in paragraph (1)(A) for the plan for the year are not more than the first threshold upper limit of the risk corridor (specified in paragraph (3)(A)(iii)) and are not less than the first threshold lower limit of the risk corridor (specified in paragraph (3)(A)(i)) for the plan for the year, then no additional payments shall be made by the Secretary and no reduced payments shall be made to the preferred provider organization offering the plan.

''(B) INCREASE IN PAYMENT IF COSTS ABOVE UPPER LIMIT OF RISK CORRIDOR.—

''(i) IN GENERAL.—If the total amount of costs specified in paragraph (1)(A) for the plan for the year are more than the first threshold upper limit of the risk corridor for the plan for the year, then the Secretary shall increase the total of the monthly payments made to the preferred provider organization offering the plan for the year under subsection (c)(1)(A) by an amount equal to the sum of—

''(I) 50 percent of the amount of such total costs which are more than such first threshold upper limit of the risk corridor and not more than the second threshold upper limit of the risk corridor for the plan for the year (as specified under paragraph (3)(A)(iv)); and

''(II) 90 percent of the amount of such total costs which are more than such second threshold upper limit of the risk corridor.

''(C) REDUCTION IN PAYMENT IF COSTS BELOW LOWER LIMIT OF RISK CORRIDOR.—If the total amount of costs specified in paragraph (1)(A) for the plan for the year are less than the first threshold lower limit of the risk corridor for the plan for the year, then the Secretary shall reduce the total of the monthly payments made to the preferred provider organization offering the plan for the year under subsection (c)(1)(A) by an amount (or otherwise recover from the plan an amount) equal to—

''(i) 50 percent of the amount of such total costs which are less than such first threshold lower limit of the risk corridor and not less than the second threshold lower limit of the risk corridor for the plan for the year (as specified under paragraph (3)(A)(ii)); and

''(ii) 90 percent of the amount of such total costs which are less than such second threshold lower limit of the risk corridor.

''(3) ESTABLISHMENT OF RISK CORRIDORS.—

''(A) IN GENERAL.—For 2006 and 2007, the Secretary shall establish a risk corridor for each preferred provider organization plan. The risk corridor for a plan for a year shall be equal to a range as follows:

''(i) FIRST THRESHOLD LOWER LIMIT.—The first threshold lower limit of such corridor shall be equal to—

''(I) the target amount described in subparagraph (B) for the plan; minus

''(II) an amount equal to 5 percent of such target amount.

''(ii) SECOND THRESHOLD LOWER LIMIT.—The second threshold lower limit of such corridor shall be equal to—

''(I) the target amount described in subparagraph (B) for the plan; minus

''(II) an amount equal to 10 percent of such target amount.

''(iii) FIRST THRESHOLD UPPER LIMIT.—The first threshold upper limit of such corridor shall be equal to the sum of—

''(I) such target amount; and

''(II) the amount described in clause (i)(II).

''(iv) SECOND THRESHOLD UPPER LIMIT.—The second threshold upper limit of such corridor shall be equal to the sum of—

''(I) such target amount; and

''(II) the amount described in clause (ii)(II).

''(B) TARGET AMOUNT DESCRIBED.—The target amount described in this paragraph is, with respect to a preferred provider organization plan offered by a preferred provider organization in a year, an amount equal to the sum of—

''(i) the total monthly payments made to the organization for enrollees in the plan for the year under subsection (c)(1)(A); and

''(ii) the total MedicareAdvantage basic beneficiary premiums collected for such enrollees for the year under subsection (d)(2)(A).

''(4) PLANS AT RISK FOR ENTIRE AMOUNT OF ENHANCED MEDICAL BENEFITS.—A preferred provider organization that offers a preferred provider organization plan that provides enhanced medial benefits under section 1852(a)(3)(D) shall be at full financial risk for the provision of such benefits.

''(5) NO EFFECT ON ELIGIBLE BENEFICIARIES.—No change in payments made by reason of this subsection shall affect the amount of the MedicareAdvantage basic beneficiary premium that a beneficiary is otherwise required to pay under the plan for the year under subsection (d)(2)(A).

''(6) DISCLOSURE OF INFORMATION.—The provisions of section 1860D–16(b)(7), including subparagraph (B) of such section, shall apply to a preferred provider organization and a preferred provider organization plan in the same manner as such provisions apply to an eligible entity and a Medicare Prescription Drug plan under part D.

''(f) ORGANIZATIONAL AND FINANCIAL REQUIREMENTS FOR PREFERRED PROVIDER ORGANIZATIONS.—A preferred provider organization shall be organized and licensed under State law as a risk-bearing entity eligible to offer health insurance or health benefits coverage in each State within the preferred provider region in which it offers a preferred provider organization plan.

''(g) INAPPLICABILITY OF PROVIDER-SPONSORED ORGANIZATION SOLVENCY STANDARDS.—The requirements of section 1856 shall not apply with respect to preferred provider organizations.

''(h) CONTRACTS WITH PREFERRED PROVIDER ORGANIZATIONS.—The provisions of section 1857 shall apply to a preferred provider organization plan offered by a preferred provider organization under this section.''.

(c) PREFERRED PROVIDER TERMINOLOGY DEFINED.—Section 1859(a) is amended by adding at the end the following new paragraph:

''(3) PREFERRED PROVIDER ORGANIZATION; PREFERRED PROVIDER ORGANIZATION PLAN; PREFERRED PROVIDER REGION.—The terms 'preferred provider organization', 'preferred provider organization plan', and 'preferred provider region' have the meaning given such terms in section 1858(a)(2).''.

Subtitle C—Other Managed Care Reforms

SEC. 221. EXTENSION OF REASONABLE COST CONTRACTS.

(a) FIVE-YEAR EXTENSION.—Section 1876(h)(5)(C) (42 U.S.C. 1395mm(h)(5)(C)) is amended by striking ''2004'' and inserting ''2009''.

(b) APPLICATION OF CERTAIN MEDICARE+CHOICE REQUIREMENTS TO COST CONTRACTS EXTENDED OR RENEWED AFTER 2003.—Section 1876(h) (42 U.S.C. 1395mm(h)(5)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) Any reasonable cost reimbursement contract with an eligible organization under this subsection that is extended or renewed on or after the date of enactment of the Prescription Drug and Medicare Improvements Act of 2003 for plan years beginning on or after January 1, 2004, shall provide that the following provisions of the Medicare+Choice program under part C (and, on and after January 1, 2006, the provisions of the MedicareAdvantage program under such part) shall apply to such organization and such contract in a substantially similar manner as such provisions apply to Medicare+Choice organizations and Medicare+Choice plans (or, on and after January 1, 2006, MedicareAdvantage organizations and MedicareAdvantage plans, respectively) under such part:

''(A) Paragraph (1) of section 1852(e) (relating to the requirement of having an ongoing quality assurance program) and paragraph (2)(B) of such section (relating to the required elements for such a program).

''(B) Section 1852(j)(4) (relating to limitations on physician incentive plans).

''(C) Section 1854(c) (relating to the requirement of uniform premiums among individuals enrolled in the plan).

''(D) Section 1854(g), or, on and after January 1, 2006, section 1854(h) (relating to restrictions on imposition of premium taxes with respect to payments to organizations).

''(E) Section 1856(b) (regarding compliance with the standards established by regulation pursuant to such section, including the provisions of paragraph (3) of such section relating to relation to State laws).

''(F) Section 1852(a)(3)(A) (regarding the authority of organizations to include supplemental health care benefits and, on and after January 1, 2006, enhanced medical benefits under the plan subject to the approval of the Secretary).

''(G) The provisions of part C relating to timelines for benefit filings, contract renewal, and beneficiary notification.

''(H) Section 1854(e), or, on and after January 1, 2006, section 1854(f) (relating to proposed cost-sharing under the contract being subject to review by the Secretary).''.

(c) PERMITTING DEDICATED GROUP PRACTICE HEALTH MAINTENANCE ORGANIZATIONS TO PARTICIPATE IN THE MEDICARE COST CONTRACT PROGRAM.—Section 1876(h)(6) of the Social Security Act (42 U.S.C. 1395mm(h)(6)), as redesignated and amended by subsections (a) and (b), is amended—

(1) in subparagraph (A), by striking ''After the date of the enactment'' and inserting ''Except as provided in subparagraph (C), after the date of the enactment'';

(2) in subparagraph (B), by striking ''subparagraph (C)'' and inserting ''subparagraph (D)'';

(3) by redesignating subparagraph (C) as subparagraph (D); and

(4) by inserting after subparagraph (B), the following new subparagraph:

''(C) Subject to paragraph (5) and subparagraph (D), the Secretary shall approve an application to enter into a reasonable cost contract under this section if—

''(i) the application is submitted to the Secretary by a health maintenance organization (as defined in section 1301(a) of the Public Health Service Act) that, as of January 1, 2004, and except as provided in section 1301(b)(3)(B) of such Act, provides at least 85 percent of the services of a physician which are provided as basic health services through a medical group (or groups), as defined in section 1302(4) of such Act; and

''(ii) the Secretary determines that the organization meets the requirements applicable to such organizations and contracts under this section.''.

SEC. 222. SPECIALIZED MEDICARE+CHOICE PLANS FOR SPECIAL NEEDS BENEFICIARIES.

(a) TREATMENT AS COORDINATED CARE PLAN.—Section 1851(a)(2)(A) (42 U.S.C. 1395w–21(a)(2)(A)) is amended by adding at the end the following new sentence: ''Specialized Medicare+Choice plans for special needs beneficiaries (as defined in section 1859(b)(4)) may be any type of coordinated care plan.''.

(b) SPECIALIZED MEDICARE+CHOICE PLAN FOR SPECIAL NEEDS BENEFICIARIES DEFINED.—Section 1859(b) (42 U.S.C. 1395w–28(b)) is amended by adding at the end the following new paragraph:

''(4) SPECIALIZED MEDICARE+CHOICE PLANS FOR SPECIAL NEEDS BENEFICIARIES.—

''(A) IN GENERAL.—The term 'specialized Medicare+Choice plan for special needs beneficiaries' means a Medicare+Choice plan that exclusively serves special needs beneficiaries (as defined in subparagraph (B)).

''(B) SPECIAL NEEDS BENEFICIARY.—The term 'special needs beneficiary' means a Medicare+Choice eligible individual who—

''(i) is institutionalized (as defined by the Secretary);

''(ii) is entitled to medical assistance under a State plan under title XIX; or

''(iii) meets such requirements as the Secretary may determine would benefit from enrollment in such a specialized Medicare+Choice plan described in subparagraph (A) for individuals with severe or disabling chronic conditions.''.

(c) RESTRICTION ON ENROLLMENT PERMITTED.—Section 1859 (42 U.S.C. 1395w–28) is amended by adding at the end the following new subsection:

''(f) RESTRICTION ON ENROLLMENT FOR SPECIALIZED MEDICARE+CHOICE PLANS FOR SPECIAL NEEDS BENEFICIARIES.—In the case of a specialized Medicare+Choice plan (as defined in subsection (b)(4)), notwithstanding any other provision of this part and in accordance with regulations of the Secretary and for periods before January 1, 2008, the plan may restrict the enrollment of individuals under the plan to individuals who are within 1 or more classes of special needs beneficiaries.''.

(d) REPORT TO CONGRESS.—Not later than December 31, 2006, the Secretary shall submit to Congress a report that assesses the impact of specialized Medicare+Choice plans for special needs beneficiaries on the cost and quality of services provided to enrollees. Such report shall include an assessment of the costs and savings to the medicare program as a result of amendments made by subsections (a), (b), and (c).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall take effect on the date of enactment of this Act.

(2) DEADLINE FOR ISSUANCE OF REQUIREMENTS FOR SPECIAL NEEDS BENEFICIARIES; TRANSITION.—No later than 1 year after the date of enactment of this Act, the Secretary shall issue final regulations to establish requirements for special needs beneficiaries under section 1859(b)(4)(B)(iii) of the Social Security Act, as added by subsection (b).

SEC. 223. PAYMENT BY PACE PROVIDERS FOR MEDICARE AND MEDICAID SERVICES FURNISHED BY NONCONTRACT PROVIDERS.

(a) MEDICARE SERVICES.—

(1) MEDICARE SERVICES FURNISHED BY PROVIDERS OF SERVICES.—Section 1866(a)(1)(O) (42 U.S.C. 1395cc(a)(1)(O)) is amended—

(A) by striking ''part C or'' and inserting ''part C, with a PACE provider under section 1894 or 1934, or'';

(B) by striking ''(i)'';

(C) by striking ''and (ii)''; and

(D) by striking ''members of the organization'' and inserting ''members of the organization or PACE program eligible individuals enrolled with the PACE provider,''.

(2) MEDICARE SERVICES FURNISHED BY PHYSICIANS AND OTHER ENTITIES.—Section 1894(b) (42 U.S.C. 1395eee(b)) is amended by adding at the end the following new paragraphs:

''(3) TREATMENT OF MEDICARE SERVICES FURNISHED BY NONCONTRACT PHYSICIANS AND OTHER ENTITIES.—

''(A) APPLICATION OF MEDICARE+CHOICE REQUIREMENT WITH RESPECT TO MEDICARE SERVICES FURNISHED BY NONCONTRACT PHYSICIANS AND OTHER ENTITIES.—Section 1852(k)(1) (relating to limitations on balance billing against Medicare+Choice organizations for noncontract physicians and other entities with respect to services covered under this title) shall apply to PACE providers, PACE program eligible individuals enrolled with such PACE providers, and physicians and other entities that do not have a contract establishing payment amounts for services furnished to such an individual in the same manner as such section applies to Medicare+Choice organizations, individuals enrolled with such organizations, and physicians and other entities referred to in such section.

''(B) REFERENCE TO RELATED PROVISION FOR NONCONTRACT PROVIDERS OF SERVICES.—For the provision relating to limitations on balance billing against PACE providers for services covered under this title furnished by noncontract providers of services, see section 1866(a)(1)(O).

''(4) REFERENCE TO RELATED PROVISION FOR SERVICES COVERED UNDER TITLE XIX BUT NOT UNDER THIS TITLE.—For provisions relating to limitations on payments to providers participating under the State plan under title XIX that do not have a contract with a PACE provider establishing payment amounts for services covered under such plan (but not under this title) when such services are furnished to enrollees of that PACE provider, see section 1902(a)(66).''.

(b) MEDICAID SERVICES.—

(1) REQUIREMENT UNDER STATE PLAN.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (64), by striking ''and'' at the end;

(B) in paragraph (65), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (65) the following new paragraph:

''(66) provide, with respect to services covered under the State plan (but not under title XVIII) that are furnished to a PACE program eligible individual enrolled with a PACE provider by a provider participating under the State plan that does not have a contract with the PACE provider that establishes payment amounts for such services, that such participating provider may not require the PACE provider to pay the participating provider an amount greater than the amount that would otherwise be payable for the service to the participating provider under the State plan for the State where the PACE provider is located (in accordance with regulations issued by the Secretary).''.

(2) REFERENCE IN MEDICAID STATUTE.—Section 1934(b) (42 U.S.C. 1396u–4(b)) is amended by adding at the end the following new paragraphs:

''(3) TREATMENT OF MEDICARE SERVICES FURNISHED BY NONCONTRACT PHYSICIANS AND OTHER ENTITIES.—

''(A) APPLICATION OF MEDICARE+CHOICE REQUIREMENT WITH RESPECT TO MEDICARE SERVICES FURNISHED BY NONCONTRACT PHYSICIANS AND OTHER ENTITIES.—Section 1852(k)(1) (relating to limitations on balance billing against Medicare+Choice organizations for noncontract physicians and other entities with respect to services covered under title XVIII) shall apply to PACE providers, PACE program eligible individuals enrolled with such PACE providers, and physicians and other entities that do not have a contract establishing payment amounts for services furnished to such an individual in the same manner as such section applies to Medicare+Choice organizations, individuals enrolled with such organizations, and physicians and other entities referred to in such section.

''(B) REFERENCE TO RELATED PROVISION FOR NONCONTRACT PROVIDERS OF SERVICES.—For the provision relating to limitations on balance billing against PACE providers for services covered under title XVIII furnished by noncontract providers of services, see section 1866(a)(1)(O).

''(4) REFERENCE TO RELATED PROVISION FOR SERVICES COVERED UNDER THIS TITLE BUT NOT UNDER TITLE XVIII.—For provisions relating to limitations on payments to providers participating under the State plan under this title that do not have a contract with a PACE provider establishing payment amounts for services covered under such plan (but not under title XVIII) when such services are furnished to enrollees of that PACE provider, see section 1902(a)(66).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2004.

SEC. 224. INSTITUTE OF MEDICINE EVALUATION AND REPORT ON HEALTH CARE PERFORMANCE MEASURES.

(a) EVALUATION.—

(1) IN GENERAL.—Not later than the date that is 2 months after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an arrangement under which the Institute of Medicine of the National Academy of Sciences (in this section referred to as the ''Institute'') shall conduct an evaluation of leading health care performance measures and options to implement policies that align performance with payment under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) SPECIFIC MATTERS EVALUATED.—In conducting the evaluation under paragraph (1), the Institute shall—

(A) catalogue, review, and evaluate the validity of leading health care performance measures;

(B) catalogue and evaluate the success and utility of alternative performance incentive programs in public or private sector settings; and

(C) identify and prioritize options to implement policies that align performance with payment under the medicare program that indicate—

(i) the performance measurement set to be used and how that measurement set will be updated;

(ii) the payment policy that will reward performance; and

(iii) the key implementation issues (such as data and information technology requirements) that must be addressed.

(3) SCOPE OF HEALTH CARE PERFORMANCE MEASURES.—The health care performance measures described in paragraph (2)(A) shall encompass a variety of perspectives, including physicians, hospitals, health plans, purchasers, and consumers.

(4) CONSULTATION WITH MEDPAC.—In evaluating the matters described in paragraph (2)(C), the Institute shall consult with the Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6).

(b) REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Institute shall submit to the Secretary of Health and Human Services, the Committees on Ways and Means and Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report on the evaluation conducted under subsection (a)(1) describing the findings of such evaluation and recommendations for an overall strategy and approach for aligning payment with performance in the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act, the Medicare+Choice program under part C of such title, and any other programs under such title XVIII.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for purposes of conducting the evaluation and preparing the report required by this section.

SEC. 225. EXPANDING THE WORK OF MEDICARE QUALITY IMPROVEMENT ORGANIZATIONS TO INCLUDE PARTS C AND D.

(a) APPLICATION TO MEDICARE MANAGED CARE AND PRESCRIPTION DRUG COVERAGE.—Section 1154(a)(1) (42 U.S.C. 1320c–3(a)(1)) is amended by inserting ‘‘, Medicare+Choice organizations and MedicareAdvantage organizations under part C, and prescription drug card sponsors and eligible entities under part D’’ after ‘‘under section 1876’’.

(b) PRESCRIPTION DRUG THERAPY QUALITY IMPROVEMENT.—Section 1154(a) (42 U.S.C. 1320c–3(a)) is amended by adding at the end the following new paragraph:

‘‘(17) The organization shall execute its responsibilities under subparagraphs (A) and (B) of paragraph (1) by offering to providers, practitioners, prescription drug card sponsors and eligible entities under part D, and Medicare+Choice and MedicareAdvantage plans under part C quality improvement assistance pertaining to prescription drug therapy. For purposes of this part and title XVIII, the functions described in this paragraph shall be treated as a review function.’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply on and after January 1, 2004.

TITLE III—CENTER FOR MEDICARE CHOICES

SEC. 301. ESTABLISHMENT OF THE CENTER FOR MEDICARE CHOICES.

(a) IN GENERAL.—Title XVIII (42 U.S.C. 1395 et seq.), as amended by section 111, is amended by inserting after 1806 the following new section:

‘‘ESTABLISHMENT OF THE CENTER FOR MEDICARE CHOICES

‘‘SEC. 1808. (a) ESTABLISHMENT.—By not later than March 1, 2004, the Secretary shall establish within the Department of Health and Human Services the Center for Medicare Choices, which shall be separate from the Centers for Medicare & Medicaid Services.

‘‘(b) ADMINISTRATOR AND DEPUTY ADMINISTRATOR.—

‘‘(1) ADMINISTRATOR.—

‘‘(A) IN GENERAL.—The Center for Medicare Choices shall be headed by an Administrator (in this section referred to as the ‘Administrator’) who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary.

‘‘(B) COMPENSATION.—The Administrator shall be paid at the rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

‘‘(C) TERM OF OFFICE.—The Administrator shall be appointed for a term of 5 years. In any case in which a successor does not take office at the end of an Administrator’s term of office, that Administrator may continue in office until the entry upon office of such a successor. An Administrator appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

‘‘(D) GENERAL AUTHORITY.—The Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Center for Medicare Choices, and shall have authority and control over all personnel and activities thereof.

‘‘(E) RULEMAKING AUTHORITY.—The Administrator may prescribe such rules and regulations as the Administrator determines necessary or appropriate to carry out the functions of the Center for Medicare Choices. The regulations prescribed by the Administrator shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.

‘‘(F) AUTHORITY TO ESTABLISH ORGANIZATIONAL UNITS.—The Administrator may establish, alter, consolidate, or discontinue such organizational units or components within the Center for Medicare Choices as the Administrator considers necessary or appropriate, except that this subparagraph shall not apply with respect to any unit, component, or provision provided for by this section.

‘‘(G) AUTHORITY TO DELEGATE.—The Administrator may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Center for Medicare Choices as the Administrator may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Administrator.

‘‘(2) DEPUTY ADMINISTRATOR.—

‘‘(A) IN GENERAL.—There shall be a Deputy Administrator of the Center for Medicare Choices who shall be appointed by the Administrator.

‘‘(B) COMPENSATION.—The Deputy Administrator shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

‘‘(C) TERM OF OFFICE.—The Deputy Administrator shall be appointed for a term of 5 years. In any case in which a successor does not take office at the end of a Deputy Administrator’s term of office, such Deputy Administrator may continue in office until the entry upon office of such a successor. A Deputy Administrator appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

‘‘(D) DUTIES.—The Deputy Administrator shall perform such duties and exercise such powers as the Administrator shall from time to time assign or delegate. The Deputy Administrator shall be the Acting Administrator of the Center for Medicare Choices during the absence or disability of the Administrator and, unless the President designates another officer of the Government as Acting Administrator, in the event of a vacancy in the office of the Administrator.

‘‘(3) SECRETARIAL COORDINATION OF PROGRAM ADMINISTRATION.—The Secretary shall ensure appropriate coordination between the Administrator and the Administrator of the Centers for Medicare & Medicaid Services in carrying out the programs under this title.

‘‘(c) DUTIES; ADMINISTRATIVE PROVISIONS.—

‘‘(1) DUTIES.—

‘‘(A) GENERAL DUTIES.—The Administrator shall carry out parts C and D, including—

‘‘(i) negotiating, entering into, and enforcing, contracts with plans for the offering of MedicareAdvantage plans under part C, including the offering of qualified prescription drug coverage under such plans; and

‘‘(ii) negotiating, entering into, and enforcing, contracts with eligible entities for the offering of Medicare Prescription Drug plans under part D.

‘‘(B) OTHER DUTIES.—The Administrator shall carry out any duty provided for under part C or D, including duties relating to—

‘‘(i) reasonable cost contracts with eligible organizations under section 1876(h); and

‘‘(ii) demonstration projects carried out in part or in whole under such parts, including the demonstration project carried out through a MedicareAdvantage (formerly Medicare+Choice) project that demonstrates the application of capitation payment rates for frail elderly medicare beneficiaries through the use of an interdisciplinary team and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

‘‘(C) NONINTERFERENCE.—In order to promote competition under parts C and D, the Administrator, in carrying out the duties required under this section, may not, to the extent possible, interfere in any way with negotiations between eligible entities, MedicareAdvantage organizations, hospitals, physicians, other entities or individuals furnishing items and services under this title (including contractors for such items and services), and drug manufacturers, wholesalers, or other suppliers of covered drugs

‘‘(D) ANNUAL REPORTS.—Not later than March 31 of each year, the Administrator shall submit to Congress and the President a report on the administration of the voluntary prescription drug delivery program under this part during the previous fiscal year.

‘‘(2) MANAGEMENT STAFF.—

‘‘(A) IN GENERAL.—The Administrator, with the approval of the Secretary, may employ, such management staff as determined appropriate. Any such manager shall be required to have demonstrated, by their education and experience (either in the public or private sector), superior expertise in the following areas:

‘‘(i) The review, negotiation, and administration of health care contracts.

‘‘(ii) The design of health care benefit plans.

‘‘(iii) Actuarial sciences.

‘‘(iv) Compliance with health plan contracts.

‘‘(v) Consumer education and decision making.

‘‘(B) COMPENSATION.—

‘‘(i) IN GENERAL.—Subject to clause (ii), the Administrator shall establish the rate of pay for an individual employed under subparagraph (A).

‘‘(ii) MAXIMUM RATE.—In no case may the rate of compensation determined under clause (i) exceed the highest rate of basic pay for the Senior Executive Service under section 5382(b) of title 5, United States Code.

‘‘(3) REDELEGATION OF CERTAIN FUNCTIONS OF THE CENTERS FOR MEDICARE & MEDICAID SERVICES.—

‘‘(A) IN GENERAL.—The Secretary, the Administrator of the Center for Medicare Choices, and the Administrator of the Centers for Medicare & Medicaid Services shall establish an appropriate transition of responsibility in order to redelegate the administration of part C from the Secretary and the Administrator of the Centers for

Medicare & Medicaid Services to the Administrator of the Center for Medicare Choices as is appropriate to carry out the purposes of this section.

''(B) TRANSFER OF DATA AND INFORMATION.—The Secretary shall ensure that the Administrator of the Centers for Medicare & Medicaid Services transfers to the Administrator such information and data in the possession of the Administrator of the Centers for Medicare & Medicaid Services as the Administrator requires to carry out the duties described in paragraph (1).

''(C) CONSTRUCTION.—Insofar as a responsibility of the Secretary or the Administrator of the Centers for Medicare & Medicaid Services is redelegated to the Administrator under this section, any reference to the Secretary or the Administrator of the Centers for Medicare & Medicaid Services in this title or title XI with respect to such responsibility is deemed to be a reference to the Administrator.

''(d) OFFICE OF BENEFICIARY ASSISTANCE.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Center for Medicare Choices an Office of Beneficiary Assistance to carry out functions relating to medicare beneficiaries under this title, including making determinations of eligibility of individuals for benefits under this title, providing for enrollment of medicare beneficiaries under this title, and the functions described in paragraph (2). The Office shall be a separate operating division within the Center for Medicare Choices.

''(2) DISSEMINATION OF INFORMATION ON BENEFITS AND APPEALS RIGHTS.—

''(A) DISSEMINATION OF BENEFITS INFORMATION.—The Office of Beneficiary Assistance shall disseminate to medicare beneficiaries, by mail, by posting on the Internet site of the Center for Medicare Choices, and through the toll-free telephone number provided for under section 1804(b), information with respect to the following:

''(i) Benefits, and limitations on payment (including cost-sharing, stop-loss provisions, and formulary restrictions) under parts C and D.

''(ii) Benefits, and limitations on payment under parts A, and B, including information on medicare supplemental policies under section 1882.

''(iii) Other areas determined to be appropriate by the Administrator.

Such information shall be presented in a manner so that medicare beneficiaries may compare benefits under parts A, B, and D, and medicare supplemental policies with benefits under MedicareAdvantage plans under part C.

''(B) DISSEMINATION OF APPEALS RIGHTS INFORMATION.—The Office of Beneficiary Assistance shall disseminate to medicare beneficiaries in the manner provided under subparagraph (A) a description of procedural rights (including grievance and appeals procedures) of beneficiaries under the original medicare fee-for-service program under parts A and B, the MedicareAdvantage program under part C, and the voluntary prescription drug delivery program under part D.

''(3) MEDICARE OMBUDSMAN.—

''(A) IN GENERAL.—Within the Office of Beneficiary Assistance, there shall be a Medicare Ombudsman, appointed by the Secretary from among individuals with expertise and experience in the fields of health care and advocacy, to carry out the duties described in subparagraph (B).

''(B) DUTIES.—The Medicare Ombudsman shall—

''(i) receive complaints, grievances, and requests for information submitted by a medicare beneficiary, with respect to any aspect of the medicare program;

''(ii) provide assistance with respect to complaints, grievances, and requests referred to in clause (i), including—

''(I) assistance in collecting relevant information for such beneficiaries, to seek an appeal of a decision or determination made by a fiscal intermediary, carrier, MedicareAdvantage organization, an eligible entity under part D, or the Secretary; and

''(II) assistance to such beneficiaries with any problems arising from disenrollment from a MedicareAdvantage plan under part C or a prescription drug plan under part D; and

''(iii) submit annual reports to Congress, the Secretary, and the Medicare Competitive Policy Advisory Board describing the activities of the Office, and including such recommendations for improvement in the administration of this title as the Ombudsman determines appropriate.

''(C) COORDINATION WITH STATE OMBUDSMAN PROGRAMS AND CONSUMER ORGANIZATIONS.—The Medicare Ombudsman shall, to the extent appropriate, coordinate with State medical Ombudsman programs, and with State- and community-based consumer organizations, to—

''(i) provide information about the medicare program; and

''(ii) conduct outreach to educate medicare beneficiaries with respect to manners in which problems under the medicare program may be resolved or avoided.

''(e) MEDICARE COMPETITIVE POLICY ADVISORY BOARD.—

''(1) ESTABLISHMENT.—There is established within the Center for Medicare Choices the Medicare Competitive Policy Advisory Board (in this section referred to as the 'Board'). The Board shall advise, consult with, and make recommendations to the Administrator with respect to the administration of parts C and D, including the review of payment policies under such parts.

''(2) REPORTS.—

''(A) IN GENERAL.—With respect to matters of the administration of parts C and D, the Board shall submit to Congress and to the Administrator such reports as the Board determines appropriate. Each such report may contain such recommendations as the Board determines appropriate for legislative or administrative changes to improve the administration of such parts, including the stability and solvency of the programs under such parts and the topics described in subparagraph (B). Each such report shall be published in the Federal Register.

''(B) TOPICS DESCRIBED.—Reports required under subparagraph (A) may include the following topics:

''(i) FOSTERING COMPETITION.—Recommendations or proposals to increase competition under parts C and D for services furnished to medicare beneficiaries.

''(ii) EDUCATION AND ENROLLMENT.—Recommendations for the improvement of efforts to provide medicare beneficiaries information and education on the program under this title, and specifically parts C and D, and the program for enrollment under the title.

''(iii) QUALITY.—Recommendations on ways to improve the quality of benefits provided under plans under parts C and D.

''(iv) DISEASE MANAGEMENT PROGRAMS.—Recommendations on the incorporation of disease management programs under parts C and D.

''(v) RURAL ACCESS.—Recommendations to improve competition and access to plans under parts C and D in rural areas.

''(C) MAINTAINING INDEPENDENCE OF BOARD.—The Board shall directly submit to Congress reports required under subparagraph (A). No officer or agency of the United States may require the Board to submit to any officer or agency of the United States for approval, comments, or review, prior to the submission to Congress of such reports.

''(3) DUTY OF ADMINISTRATOR.—With respect to any report submitted by the Board under paragraph (2)(A), not later than 90 days after the report is submitted, the Administrator shall submit to Congress and the President an analysis of recommendations made by the Board in such report. Each such analysis shall be published in the Federal Register.

''(4) MEMBERSHIP.—

''(A) APPOINTMENT.—Subject to the succeeding provisions of this paragraph, the Board shall consist of 7 members to be appointed as follows:

''(i) Three members shall be appointed by the President.

''(ii) Two members shall be appointed by the Speaker of the House of Representatives, with the advice of the chairman and the ranking minority member of the Committees on Ways and Means and on Energy and Commerce of the House of Representatives.

''(iii) Two members shall be appointed by the President pro tempore of the Senate with the advice of the chairman and the ranking minority member of the Committee on Finance of the Senate.

''(B) QUALIFICATIONS.—The members shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education and experience in health care benefits management, exceptionally qualified to perform the duties of members of the Board.

''(C) PROHIBITION ON INCLUSION OF FEDERAL EMPLOYEES.—No officer or employee of the United States may serve as a member of the Board.

''(5) COMPENSATION.—Members of the Board shall receive, for each day (including travel time) they are engaged in the performance of the functions of the Board, compensation at rates not to exceed the daily equivalent to the annual rate in effect for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(6) TERMS OF OFFICE.—

''(A) IN GENERAL.—The term of office of members of the Board shall be 3 years.

''(B) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

''(i) one shall be appointed for a term of 1 year;

''(ii) three shall be appointed for terms of 2 years; and

''(iii) three shall be appointed for terms of 3 years.

''(C) REAPPOINTMENTS.—Any person appointed as a member of the Board may not serve for more than 8 years.

''(D) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

''(7) CHAIR.—The Chair of the Board shall be elected by the members. The term of office of the Chair shall be 3 years.

''(8) MEETINGS.—The Board shall meet at the call of the Chair, but in no event less than 3 times during each fiscal year.

''(9) DIRECTOR AND STAFF.—

''(A) APPOINTMENT OF DIRECTOR.—The Board shall have a Director who shall be appointed by the Chair.

''(B) IN GENERAL.—With the approval of the Board, the Director may appoint such additional personnel as the Director considers appropriate.

''(C) ASSISTANCE FROM THE ADMINISTRATOR.—The Administrator shall make available to the Board such information and

other assistance as it may require to carry out its functions.

''(10) CONTRACT AUTHORITY.—The Board may contract with and compensate government and private agencies or persons to carry out its duties under this subsection, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

''(f) FUNDING.—There is authorized to be appropriated, in appropriate part from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund (including the Prescription Drug Account), such sums as are necessary to carry out this section.''.

(b) USE OF CENTRAL, TOLL-FREE NUMBER (1–800–MEDICARE).—Section 1804(b) (42 U.S.C. 1395b–2(b)) is amended by adding at the end the following: ''By not later than 1 year after the date of the enactment of the Prescription Drug and Medicare Improvement Act of 2003, the Secretary shall provide, through the toll-free number 1–800–MEDICARE, for a means by which individuals seeking information about, or assistance with, such programs who phone such toll-free number are transferred (without charge) to appropriate entities for the provision of such information or assistance. Such toll-free number shall be the toll-free number listed for general information and assistance in the annual notice under subsection (a) instead of the listing of numbers of individual contractors.''.

SEC. 302. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) ADMINISTRATOR AS MEMBER AND CO-SECRETARY OF THE BOARD OF TRUSTEES OF THE MEDICARE TRUST FUNDS.—The fifth sentence of sections 1817(b) and 1841(b) (42 U.S.C. 1395i(b), 1395t(b)) are each amended by striking ''shall serve as the Secretary'' and inserting ''and the Administrator of the Center for Medicare Choices shall serve as the Co-Secretaries''.

(b) INCREASE IN GRADE TO EXECUTIVE LEVEL III FOR THE ADMINISTRATOR OF THE CENTERS FOR MEDICARE & MEDICAID SERVICES.—

(1) IN GENERAL.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Administrator of the Centers for Medicare & Medicaid Services.''.

(2) CONFORMING AMENDMENT.—Section 5315 of such title is amended by striking ''Administrator of the Health Care Financing Administration.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on March 1, 2004.

TITLE IV—MEDICARE FEE-FOR-SERVICE IMPROVEMENTS

Subtitle A—Provisions Relating to Part A

SEC. 401. EQUALIZING URBAN AND RURAL STANDARDIZED PAYMENT AMOUNTS UNDER THE MEDICARE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM.

(a) IN GENERAL.—Section 1886(d)(3)(A)(iv) (42 U.S.C. 1395ww(d)(3)(A)(iv)) is amended—

(1) by striking ''(iv) For discharges'' and inserting ''(iv)(I) Subject to the succeeding provisions of this clause, for discharges''; and

(2) by adding at the end the following new subclauses:

''(II) For discharges occurring during fiscal year 2004, the operating standardized amount for hospitals located other than in a large urban area shall be increased by ½ of the difference between the operating standardized amount determined under subclause (I) for hospitals located in large urban areas for such fiscal year and such amount determined (without regard to this subclause) for other hospitals for such fiscal year.

''(III) For discharges occurring in a fiscal year beginning with fiscal year 2005, the Secretary shall compute an operating standardized amount for hospitals located in any area within the United States and within each region equal to the operating standardized amount computed for the previous fiscal year under this subparagraph for hospitals located in a large urban area (or, beginning with fiscal year 2006, applicable for all hospitals in the previous fiscal year) increased by the applicable percentage increase under subsection (b)(3)(B)(i) for the fiscal year involved.''.

(b) CONFORMING AMENDMENTS.—

(1) COMPUTING DRG-SPECIFIC RATES.—Section 1886(d)(3)(D) (42 U.S.C. 1395ww(d)(3)(D)) is amended—

(A) in the heading, by striking ''IN DIFFERENT AREAS'';

(B) in the matter preceding clause (i), by striking ''each of which is'';

(C) in clause (i)—

(i) in the matter preceding subclause (I), by inserting ''for fiscal years before fiscal year 2005,'' before ''for hospitals''; and

(ii) in subclause (II), by striking ''and'' after the semicolon at the end;

(D) in clause (ii)—

(i) in the matter preceding subclause (I), by inserting ''for fiscal years before fiscal year 2005,'' before ''for hospitals''; and

(ii) in subclause (II), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following new clause:

''(iii) for a fiscal year beginning after fiscal year 2004, for hospitals located in all areas, to the product of—

''(I) the applicable operating standardized amount (computed under subparagraph (A)), reduced under subparagraph (B), and adjusted or reduced under subparagraph (C) for the fiscal year; and

''(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.''.

(2) TECHNICAL CONFORMING SUNSET.—Section 1886(d)(3) (42 U.S.C. 1395ww(d)(3)) is amended—

(A) in the matter preceding subparagraph (A), by inserting '', for fiscal years before fiscal year 1997,'' before ''a regional adjusted DRG prospective payment rate''; and

(B) in subparagraph (D), in the matter preceding clause (i), by inserting '', for fiscal years before fiscal year 1997,'' before ''a regional DRG prospective payment rate for each region,''.

SEC. 402. ADJUSTMENT TO THE MEDICARE INPATIENT HOSPITAL PPS WAGE INDEX TO REVISE THE LABOR-RELATED SHARE OF SUCH INDEX.

(a) IN GENERAL.—Section 1886(d)(3)(E) (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(1) by striking ''WAGE LEVELS.—The Secretary'' and inserting ''WAGE LEVELS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary''; and

(2) by adding at the end the following new clause:

''(ii) ALTERNATIVE PROPORTION TO BE ADJUSTED BEGINNING IN FISCAL YEAR 2004.—

''(I) IN GENERAL.—Except as provided in subclause (II), for discharges occurring on or after October 1, 2003, the Secretary shall substitute '62 percent' for the proportion described in the first sentence of clause (i).

''(II) HOLD HARMLESS FOR CERTAIN HOSPITALS.—If the application of subclause (I) would result in lower payments to a hospital than would otherwise be made, then this subparagraph shall be applied as if this clause had not been enacted.''.

(b) WAIVING BUDGET NEUTRALITY.—Section 1886(d)(3)(E) (42 U.S.C. 1395ww(d)(3)(E)), as amended by subsection (a), is amended by adding at the end of clause (i) the following new sentence: ''The Secretary shall apply the previous sentence for any period as if the amendments made by section 402(a) of the Prescription Drug and Medicare Improvement Act of 2003 had not been enacted.''.

SEC. 403. MEDICARE INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS.

Section 1886(d) (42 U.S.C. 1395ww(d)) is amended by adding at the end the following new paragraph:

''(12) PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS.—

''(A) PAYMENT ADJUSTMENT.—

''(i) IN GENERAL.—Notwithstanding any other provision of this section, for each cost reporting period (beginning with the cost reporting period that begins in fiscal year 2004), the Secretary shall provide for an additional payment amount to each low-volume hospital (as defined in clause (iii)) for discharges occurring during that cost reporting period which is equal to the applicable percentage increase (determined under clause (ii)) in the amount paid to such hospital under this section for such discharges.

''(ii) APPLICABLE PERCENTAGE INCREASE.—The Secretary shall determine a percentage increase applicable under this paragraph that ensures that—

''(I) no percentage increase in payments under this paragraph exceeds 25 percent of the amount of payment that would (but for this paragraph) otherwise be made to a low-volume hospital under this section for each discharge;

''(II) low-volume hospitals that have the lowest number of discharges during a cost reporting period receive the highest percentage increases in payments due to the application of this paragraph; and

''(III) the percentage increase in payments to any low-volume hospital due to the application of this paragraph is reduced as the number of discharges per cost reporting period increases.

''(iii) LOW-VOLUME HOSPITAL DEFINED.—For purposes of this paragraph, the term 'low-volume hospital' means, for a cost reporting period, a subsection (d) hospital (as defined in paragraph (1)(B)) other than a critical access hospital (as defined in section 1861(mm)(1)) that—

''(I) the Secretary determines had an average of less than 2,000 discharges (determined with respect to all patients and not just individuals receiving benefits under this title) during the 3 most recent cost reporting periods for which data are available that precede the cost reporting period to which this paragraph applies; and

''(II) is located at least 15 miles from a like hospital (or is deemed by the Secretary to be so located by reason of such factors as the Secretary determines appropriate, including the time required for an individual to travel to the nearest alternative source of appropriate inpatient care (after taking into account the location of such alternative source of inpatient care and any weather or travel conditions that may affect such travel time).

''(B) PROHIBITING CERTAIN REDUCTIONS.—Notwithstanding subsection (e), the Secretary shall not reduce the payment amounts under this section to offset the increase in payments resulting from the application of subparagraph (A).''.

SEC. 404. FAIRNESS IN THE MEDICARE DISPROPORTIONATE SHARE HOSPITAL (DSH) ADJUSTMENT FOR RURAL HOSPITALS.

(a) EQUALIZING DSH PAYMENT AMOUNTS.—

(1) IN GENERAL.—Section 1886(d)(5)(F)(vii) (42 U.S.C. 1395ww(d)(5)(F)(vii)) is amended by inserting '', and, after October 1, 2003, for any other hospital described in clause (iv),'' after ''clause (iv)(I)'' in the matter preceding subclause (I).

(2) CONFORMING AMENDMENTS.—Section 1886(d)(5)(F) (42 U.S.C. 1395ww(d)(5)(F)) is amended—

(A) in clause (iv)—

(i) in subclause (II)—

(I) by inserting ''and before October 1, 2003,'' after ''April 1, 2001,''; and

(II) by inserting ''or, for discharges occurring on or after October 1, 2003, is equal to the percent determined in accordance with the applicable formula described in clause (vii)'' after ''clause (xiii)'';

(ii) in subclause (III)—

(I) by inserting ''and before October 1, 2003,'' after ''April 1, 2001,''; and

(II) by inserting ''or, for discharges occurring on or after October 1, 2003, is equal to the percent determined in accordance with the applicable formula described in clause (vii)'' after ''clause (xii)'';

(iii) in subclause (IV)—

(I) by inserting ''and before October 1, 2003,'' after ''April 1, 2001,''; and

(II) by inserting ''or, for discharges occurring on or after October 1, 2003, is equal to the percent determined in accordance with the applicable formula described in clause (vii)'' after ''clause (x) or (xi)'';

(iv) in subclause (V)—

(I) by inserting ''and before October 1, 2003,'' after ''April 1, 2001,''; and

(II) by inserting ''or, for discharges occurring on or after October 1, 2003, is equal to the percent determined in accordance with the applicable formula described in clause (vii)'' after ''clause (xi)''; and

(v) in subclause (VI)—

(I) by inserting ''and before October 1, 2003,'' after ''April 1, 2001,''; and

(II) by inserting ''or, for discharges occurring on or after October 1, 2003, is equal to the percent determined in accordance with the applicable formula described in clause (vii)'' after ''clause (x)'';

(B) in clause (viii), by striking ''The formula'' and inserting ''For discharges occurring before October 1, 2003, the formula''; and

(C) in each of clauses (x), (xi), (xii), and (xiii), by striking ''For purposes'' and inserting ''With respect to discharges occurring before October 1, 2004, for purposes''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges occurring on or after October 1, 2003.

SEC. 405. CRITICAL ACCESS HOSPITAL (CAH) IMPROVEMENTS.

(a) PERMITTING CAHS TO ALLOCATE SWING BEDS AND ACUTE CARE INPATIENT BEDS SUBJECT TO A TOTAL LIMIT OF 25 BEDS.—

(1) IN GENERAL.—Section 1820(c)(2)(B)(iii) (42 U.S.C. 1395i–4(c)(2)(B)(iii)) is amended to read as follows:

''(iii) provides not more than a total of 25 extended care service beds (pursuant to an agreement under subsection (f)) and acute care inpatient beds (meeting such standards as the Secretary may establish) for providing inpatient care for a period that does not exceed, as determined on an annual, average basis, 96 hours per patient;''.

(2) CONFORMING AMENDMENT.—Section 1820(f) (42 U.S.C. 1395i–4(f)) is amended by striking ''and the number of beds used at any time for acute care inpatient services does not exceed 15 beds''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall with respect to designations made on or after October 1, 2003.

(b) ELIMINATION OF THE ISOLATION TEST FOR COST-BASED CAH AMBULANCE SERVICES.—

(1) ELIMINATION.—

(A) IN GENERAL.—Section 1834(l)(8) (42 U.S.C. 1395m(l)(8)), as added by section 205(a) of BIPA (114 Stat. 2763A–482), is amended by striking the comma at the end of subparagraph (B) and all that follows and inserting a period.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to services furnished on or after January 1, 2004.

(2) TECHNICAL CORRECTION.—Section 1834(l) (42 U.S.C. 1395m(l)) is amended by redesignating paragraph (8), as added by section 221(a) of BIPA (114 Stat. 2763A–486), as paragraph (9).

(c) COVERAGE OF COSTS FOR CERTAIN EMERGENCY ROOM ON-CALL PROVIDERS.—

(1) IN GENERAL.—Section 1834(g)(5) (42 U.S.C. 1395m(g)(5)) is amended—

(A) in the heading—

(i) by inserting ''CERTAIN'' before ''EMERGENCY''; and

(ii) by striking ''PHYSICIANS'' and inserting ''PROVIDERS'';

(B) by striking ''emergency room physicians who are on-call (as defined by the Secretary)'' and inserting ''physicians, physician assistants, nurse practitioners, and clinical nurse specialists who are on-call (as defined by the Secretary) to provide emergency services''; and

(C) by striking ''physicians' services'' and inserting ''services covered under this title''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to costs incurred for services provided on or after January 1, 2004.

(d) AUTHORIZATION OF PERIODIC INTERIM PAYMENT (PIP).—

(1) IN GENERAL.—Section 1815(e)(2) (42 U.S.C. 1395g(e)(2)) is amended—

(A) in subparagraph (C), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (D), by adding ''and'' after the semicolon at the end; and

(C) by inserting after subparagraph (D) the following new subparagraph:

''(E) inpatient critical access hospital services;''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to payments for inpatient critical access facility services furnished on or after January 1, 2004.

(e) EXCLUSION OF NEW CAHS FROM PPS HOSPITAL WAGE INDEX CALCULATION.—Section 1886(d)(3)(E)(i) (42 U.S.C. 1395ww(d)(3)(E)(i)), as amended by section 402, is amended by inserting after the first sentence the following new sentence: ''In calculating the hospital wage levels under the preceding sentence applicable with respect to cost reporting periods beginning on or after January 1, 2003, the Secretary shall exclude the wage levels of any facility that became a critical access hospital prior to the cost reporting period for which such hospital wage levels are calculated.''.

(f) PROVISIONS RELATED TO CERTAIN RURAL GRANTS.—

(1) SMALL RURAL HOSPITAL IMPROVEMENT PROGRAM.—Section 1820(g) (42 U.S.C. 1395i–4(g)) is amended—

(A) by redesignating paragraph (3)(F) as paragraph (5) and redesignating and indenting appropriately; and

(B) by inserting after paragraph (3) the following new paragraph:

''(4) SMALL RURAL HOSPITAL IMPROVEMENT PROGRAM.—

''(A) GRANTS TO HOSPITALS.—The Secretary may award grants to hospitals that have submitted applications in accordance with subparagraph (B) to assist eligible small rural hospitals (as defined in paragraph (3)(B)) in meeting the costs of reducing medical errors, increasing patient safety, protecting patient privacy, and improving hospital quality and performance.

''(B) APPLICATION.—A hospital seeking a grant under this paragraph shall submit an application to the Secretary on or before such date and in such form and manner as the Secretary specifies.

''(C) AMOUNT OF GRANT.—A grant to a hospital under this paragraph may not exceed $50,000.

''(D) USE OF FUNDS.—A hospital receiving a grant under this paragraph may use the funds for the purchase of computer software and hardware, the education and training of hospital staff, and obtaining technical assistance.''.

(2) AUTHORIZATION FOR APPROPRIATIONS.—Section 1820(j) (42 U.S.C. 1395i–4(j)) is amended to read as follows:

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) HI TRUST FUND.—There are authorized to be appropriated from the Federal Hospital Insurance Trust Fund for making grants to all States under—

''(A) subsection (g), $25,000,000 in each of the fiscal years 1998 through 2002; and

''(B) paragraphs (1) and (2) of subsection (g), $40,000,000 in each of the fiscal years 2004 through 2008.

''(2) GENERAL REVENUES.—There are authorized to be appropriated from amounts in the Treasury not otherwise appropriated for making grants to all States under subsection (g)(4), $25,000,000 in each of the fiscal years 2004 through 2008.''.

(3) REQUIREMENT THAT STATES AWARDED GRANTS CONSULT WITH THE STATE HOSPITAL ASSOCIATION AND RURAL HOSPITALS ON THE MOST APPROPRIATE WAYS TO USE SUCH GRANTS.—

(A) IN GENERAL.—Section 1820(g) (42 U.S.C. 1395i–4(g)), as amended by paragraph (1), is amended by adding at the end the following new paragraph:

''(6) REQUIRED CONSULTATION FOR STATES AWARDED GRANTS.—A State awarded a grant under paragraph (1) or (2) shall consult with the hospital association of such State and rural hospitals located in such State on the most appropriate ways to use the funds under such grant.''.

(B) EFFECTIVE DATE AND APPLICATION.—The amendment made by subparagraph (A) shall take effect on the date of enactment of this Act and shall apply to grants awarded on or after such date and to grants awarded prior to such date to the extent that funds under such grants have not been obligated as of such date.

SEC. 406. AUTHORIZING USE OF ARRANGEMENTS TO PROVIDE CORE HOSPICE SERVICES IN CERTAIN CIRCUMSTANCES.

(a) IN GENERAL.—Section 1861(dd)(5) (42 U.S.C. 1395x(dd)(5)) is amended by adding at the end the following:

''(D) In extraordinary, exigent, or other non-routine circumstances, such as unanticipated periods of high patient loads, staffing shortages due to illness or other events, or temporary travel of a patient outside a hospice program's service area, a hospice program may enter into arrangements with another hospice program for the provision by that other program of services described in paragraph (2)(A)(ii)(I). The provisions of paragraph (2)(A)(ii)(II) shall apply with respect to the services provided under such arrangements.

''(E) A hospice program may provide services described in paragraph (1)(A) other than directly by the program if the services are highly specialized services of a registered professional nurse and are provided non-routinely and so infrequently so that the provision of such services directly would be impracticable and prohibitively expensive.''.

(b) CONFORMING PAYMENT PROVISION.—Section 1814(i) (42 U.S.C. 1395f(i)) is amended by adding at the end the following new paragraph:

''(4) In the case of hospice care provided by a hospice program under arrangements under section 1861(dd)(5)(D) made by another hospice program, the hospice program that made the arrangements shall bill and be paid for the hospice care.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to hospice care provided on or after October 1, 2003.

SEC. 407. SERVICES PROVIDED TO HOSPICE PATIENTS BY NURSE PRACTITIONERS, CLINICAL NURSE SPECIALISTS, AND PHYSICIAN ASSISTANTS.

(a) IN GENERAL.—Section 1812(d)(2)(A) (42 U.S.C. 1395d(d)(2)(A) in the matter following clause (i)(II), is amended—

(1) by inserting ''or services described in section 1861(s)(2)(K)'' after ''except that clause (i) shall not apply to physicians' services''; and

(2) by inserting '', or by a physician assistant, nurse practitioner, or clinical nurse specialist whom is not an employee of the hospice program, and who the individual identifies as the health care provider having the most significant role in the determination and delivery of medical care to the individual at the time the individual makes an election to receive hospice care,'' after the ''(if not an employee of the hospice program)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to hospice care furnished on or after October 1, 2003.

SEC. 408. AUTHORITY TO INCLUDE COSTS OF TRAINING OF PSYCHOLOGISTS IN PAYMENTS TO HOSPITALS UNDER MEDICARE.

Effective for cost reporting periods beginning on or after October 1, 2004, for purposes of payments to hospitals under the medicare program under title XVIII of the Social Security Act for costs of approved educational activities (as defined in section 413.85 of title 42 of the Code of Federal Regulations), such approved educational activities shall include professional educational training programs, recognized by the Secretary, for psychologists.

SEC. 409. REVISION OF FEDERAL RATE FOR HOSPITALS IN PUERTO RICO.

Section 1886(d)(9) (42 U.S.C. 1395ww(d)(9)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''for discharges beginning on or after October 1, 1997, 50 percent (and for discharges between October 1, 1987, and September 30, 1997, 75 percent)'' and inserting ''the applicable Puerto Rico percentage (specified in subparagraph (E))''; and

(B) in clause (ii), by striking ''for discharges beginning in a fiscal year beginning on or after October 1, 1997, 50 percent (and for discharges between October 1, 1987, and September 30, 1997, 25 percent)'' and inserting ''the applicable Federal percentage (specified in subparagraph (E))''; and

(2) by adding at the end the following new subparagraph:

''(E) For purposes of subparagraph (A), for discharges occurring—

''(i) between October 1, 1987, and September 30, 1997, the applicable Puerto Rico percentage is 75 percent and the applicable Federal percentage is 25 percent;

''(ii) on or after October 1, 1997, and before October 1, 2004, the applicable Puerto Rico percentage is 50 percent and the applicable Federal percentage is 50 percent;

''(iii) on or after October 1, 2004, and before October 1, 2009, the applicable Puerto Rico percentage is 0 percent and the applicable Federal percentage is 100 percent; and

''(iv) on or after October 1, 2009, the applicable Puerto Rico percentage is 50 percent and the applicable Federal percentage is 50 percent.''.

SEC. 410. AUTHORITY REGARDING GERIATRIC FELLOWSHIPS.

The Secretary shall have the authority to clarify that geriatric training programs are eligible for 2 years of fellowship support for purposes of making payments for direct graduate medical education under subsection (h) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) and indirect medical education under subsection (d)(5)(B) of such section on or after October 1, 2003.

SEC. 411. CLARIFICATION OF CONGRESSIONAL INTENT REGARDING THE COUNTING OF RESIDENTS IN A NONPROVIDER SETTING AND A TECHNICAL AMENDMENT REGARDING THE 3-YEAR ROLLING AVERAGE AND THE IME RATIO.

(a) CLARIFICATION OF REQUIREMENTS FOR COUNTING RESIDENTS TRAINING IN NONPROVIDER SETTING.—

(1) D-GME.—Section 1886(h)(4)(E) (42 U.S.C. 1395ww(h)(4)(E)) is amended by adding at the end the following new sentence: For purposes of the preceding sentence time shall only be counted from the effective date of a written agreement between the hospital and the entity owning or operating a nonprovider setting. The effective date of such written agreement shall be determined in accordance with generally accepted accounting principles. All, or substantially all, of the costs for the training program in that setting shall be defined as the residents' stipends and benefits and other costs, if any, as determined by the parties.''.

(2) IME.—Section 1886(d)(5)(B)(iv) (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended by adding at the end the following new sentence: For purposes of the preceding sentence time shall only be counted from the effective date of a written agreement between the hospital and the entity owning or operating a nonprovider setting. The effective date of such written agreement shall be determined in accordance with generally accepted accounting principles. All, or substantially all, of the costs for the training program in that setting shall be defined as the residents' stipends and benefits and other costs, if any, as determined by the parties.''.

(b) LIMITING ONE-YEAR LAG IN THE INDIRECT MEDICAL EDUCATION (IME) RATIO AND THREE-YEAR ROLLING AVERAGE IN RESIDENT COUNT FOR IME AND FOR DIRECT GRADUATE MEDICAL EDUCATION (D-GME) TO MEDICAL RESIDENCY PROGRAMS.—

(1) IME RATIO AND IME ROLLING AVERAGE.—Section 1886(d)(5)(B)(vi) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(vi)) is amended by adding at the end the following new sentence: ''For cost reporting periods beginning during fiscal years beginning on or after October 1, 2003, subclauses (I) and (II) shall be applied only with respect to a hospital's approved medical residency training programs in the fields of allopathic and osteopathic medicine.''.

(2) D-GME ROLLING AVERAGE.—Section 1886(h)(4)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(G)) is amended by adding at the end the following new clause:

''(iv) APPLICATION FOR FISCAL YEAR 2004 AND SUBSEQUENT YEARS.—For cost reporting periods beginning during fiscal years beginning on or after October 1, 2003, clauses (i) through (iii) shall be applied only with respect to a hospital's approved medical residency training program in the fields of allopathic and osteopathic medicine.''.

SEC. 412. LIMITATION ON CHARGES FOR INPATIENT HOSPITAL CONTRACT HEALTH SERVICES PROVIDED TO INDIANS BY MEDICARE PARTICIPATING HOSPITALS.

(a) IN GENERAL.—Section 1866(a)(1) (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (R), by striking ''and'' at the end;

(2) in subparagraph (S), by striking the period and inserting '', and''; and

(3) by adding at the end the following new subparagraph:

''(T) in the case of hospitals which furnish inpatient hospital services for which payment may be made under this title, to be a participating provider of medical care—

''(i) under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian tribe, or tribal organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), with respect to items and services that are covered under such program and furnished to an individual eligible for such items and services under such program; and

''(ii) under a program funded by the Indian Health Service and operated by an urban Indian organization with respect to the purchase of items and services for an eligible urban Indian (as those terms are defined in such section 4),

in accordance with regulations promulgated by the Secretary regarding admission practices, payment methodology, and rates of payment (including the acceptance of no more than such payment rate as payment in full for such items and services).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as of a date specified by the Secretary of Health and Human Services (but in no case later than 6 months after the date of enactment of this Act) to medicare participation agreements in effect (or entered into) on or after such date.

SEC. 413. GAO STUDY AND REPORT ON APPROPRIATENESS OF PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT HOSPITAL SERVICES.

(a) STUDY.—The Comptroller General of the United States, using the most current data available, shall conduct a study to determine—

(1) the appropriate level and distribution of payments in relation to costs under the prospective payment system under section 1886 of the Social Security Act (42 U.S.C. 1395ww) for inpatient hospital services furnished by subsection (d) hospitals (as defined in subsection (d)(1)(B) of such section); and

(2) whether there is a need to adjust such payments under such system to reflect legitimate differences in costs across different geographic areas, kinds of hospitals, and types of cases.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

Subtitle B—Provisions Relating to Part B

SEC. 421. ESTABLISHMENT OF FLOOR ON GEOGRAPHIC ADJUSTMENTS OF PAYMENTS FOR PHYSICIANS' SERVICES.

Section 1848(e)(1) (42 U.S.C. 1395w–4(e)(1)) is amended—

(1) in subparagraph (A), by striking ''subparagraphs (B) and (C)'' and inserting ''subparagraphs (B), (C), (E), and (F)''; and

(2) by adding at the end the following new subparagraphs:

''(E) FLOOR FOR WORK GEOGRAPHIC INDICES.—

''(i) IN GENERAL.—For purposes of payment for services furnished on or after January 1, 2004, and before January 1, 2008, after calculating the work geographic indices in subparagraph (A)(iii), the Secretary shall increase the work geographic index to the work floor index for any locality for which such geographic index is less than the work floor index.

''(ii) WORK FLOOR INDEX.—For purposes of clause (i), the term 'applicable floor index' means—

''(I) 0.980 with respect to services furnished during 2004; and

''(II) 1.000 for services furnished during 2005, 2006, and 2007.

''(F) FLOOR FOR PRACTICE EXPENSE AND MALPRACTICE GEOGRAPHIC INDICES.—For purposes of payment for services furnished on or after January 1, 2005, and before January 1,

2008, after calculating the practice expense and malpractice indices in clauses (i) and (ii) of subparagraph (A) and in subparagraph (B), the Secretary shall increase any such index to 1.00 for any locality for which such index is less than 1.00.

SEC. 422. MEDICARE INCENTIVE PAYMENT PROGRAM IMPROVEMENTS.

(a) PROCEDURES FOR SECRETARY, AND NOT PHYSICIANS, TO DETERMINE WHEN BONUS PAYMENTS UNDER MEDICARE INCENTIVE PAYMENT PROGRAM SHOULD BE MADE.—Section 1833(m) (42 U.S.C. 1395*l*(m)) is amended—

(1) by inserting ''(1)'' after ''(m)''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary shall establish procedures under which the Secretary, and not the physician furnishing the service, is responsible for determining when a payment is required to be made under paragraph (1).''.

(b) EDUCATIONAL PROGRAM REGARDING THE MEDICARE INCENTIVE PAYMENT PROGRAM.—The Secretary shall establish and implement an ongoing educational program to provide education to physicians under the medicare program on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)).

(c) ONGOING GAO STUDY AND ANNUAL REPORT ON THE MEDICARE INCENTIVE PAYMENT PROGRAM.—

(1) ONGOING STUDY.—The Comptroller General of the United States shall conduct an ongoing study on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)). Such study shall focus on whether such program increases the access of medicare beneficiaries who reside in an area that is designated (under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A))) as a health professional shortage area to physicians' services under the medicare program.

(2) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations as the Comptroller General considers appropriate.

SEC. 423. INCREASE IN RENAL DIALYSIS COMPOSITE RATE.

Notwithstanding any other provision of law, with respect to payment under part B of title XVIII of the Social Security Act for renal dialysis services furnished in 2005 and 2006, the composite rate for such services shall be increased by 1.6 percent under section 1881(b)(12) of such Act (42 U.S.C. 1395rr(b)(7)), as added by section 433(b)(5).

SEC. 424. EXTENSION OF HOLD HARMLESS PROVISIONS FOR SMALL RURAL HOSPITALS AND TREATMENT OF CERTAIN SOLE COMMUNITY HOSPITALS TO LIMIT DECLINE IN PAYMENT UNDER THE OPD PPS.

(a) SMALL RURAL HOSPITALS.—Section 1833(t)(7)(D)(i) (42 U.S.C. 1395l(t)(7)(D)(i)) is amended by striking ''2004'' and inserting ''2006''.

(b) SOLE COMMUNITY HOSPITALS.—Section 1833(t)(7)(D) (42 U.S.C. 1395l(t)(7)(D)) is amended by adding at the end the following:

''(iii) TEMPORARY TREATMENT FOR SOLE COMMUNITY HOSPITALS .—In the case of a sole community hospital (as defined in section 1886(d)(5)(D)(iii)) located in a rural area, for covered OPD services furnished in 2004, 2005, or 2006, for which the PPS amount is less than the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount of such difference.''.

SEC. 425. INCREASE IN PAYMENTS FOR CERTAIN SERVICES FURNISHED BY SMALL RURAL AND SOLE COMMUNITY HOSPITALS UNDER MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) INCREASE.—

(1) IN GENERAL.—In the case of an applicable covered OPD service (as defined in paragraph (2)) that is furnished by a hospital described in clause (i) or (iii) of paragraph (7)(D) of section 1833(t) of the Social Security Act (42 U.S.C. 1395*l*(t)), as amended by section 424, on or after January 1, 2004, and before January 1, 2008, the Secretary shall increase the medicare OPD fee schedule amount (as determined under paragraph (4)(A) of such section) that is applicable for such service in that year (determined without regard to any increase under this section in a previous year) by 5 percent.

(2) APPLICABLE COVERED OPD SERVICES DEFINED.—For purposes of this section, the term ''applicable covered OPD service'' means a covered clinic or emergency room visit that is classified within the groups of covered OPD services (as defined in paragraph (1)(B) of section 1833(t) of the Social Security Act (42 U.S.C. 1395*l*(t))) established under paragraph (2)(B) of such section.

(b) NO EFFECT ON COPAYMENT AMOUNT.—The Secretary shall compute the copayment amount for applicable covered OPD services under section 1833(t)(8)(A) of the Social Security Act (42 U.S.C. 1395*l*(t)(8)(A)) as if this section had not been enacted.

(c) NO EFFECT ON INCREASE UNDER HOLD HARMLESS OR OUTLIER PROVISIONS.—The Secretary shall apply the temporary hold harmless provision under clause (i) and (iii) of paragraph (7)(D) of section 1833(t) of the Social Security Act (42 U.S.C. 1395*l*(t)) and the outlier provision under paragraph (5) of such section as if this section had not been enacted.

(d) WAIVING BUDGET NEUTRALITY AND NO REVISION OR ADJUSTMENTS.—The Secretary shall not make any revision or adjustment under subparagraph (A), (B), or (C) of section 1833(t)(9) of the Social Security Act (42 U.S.C. 1395*l*(t)(9)) because of the application of subsection (a)(1).

(e) NO EFFECT ON PAYMENTS AFTER INCREASE PERIOD ENDS.—The Secretary shall not take into account any payment increase provided under subsection (a)(1) in determining payments for covered OPD services (as defined in paragraph (1)(B) of section 1833(t) of the Social Security Act (42 U.S.C. 1395*l*(t))) under such section that are furnished after January 1, 2008.

(f) TECHNICAL AMENDMENT.—Section 1833(t)(2)(B) (42 U.S.C. 1395*l*(t)(2)(B)) is amended by inserting ''(and periodically revise such groups pursuant to paragraph (9)(A))'' after ''establish groups''.

SEC. 426. INCREASE FOR GROUND AMBULANCE SERVICES FURNISHED IN A RURAL AREA.

Section 1834(l) (42 U.S.C. 1395m(l)), as amended by section 405(b)(2), is amended by adding at the end the following new paragraph:

''(10) TEMPORARY INCREASE FOR GROUND AMBULANCE SERVICES FURNISHED IN A RURAL AREA.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, in the case of ground ambulance services furnished on or after January 1, 2004, and before January 1, 2008, for which the transportation originates in a rural area described in paragraph (9) or in a rural census tract described in such paragraph, the fee schedule established under this section, with respect to both the payment rate for service and the payment rate for mileage, shall provide that such rates otherwise established, after application of any increase under such paragraph, shall be increased by 5 percent.

''(B) APPLICATION OF INCREASED PAYMENTS AFTER 2007.—The increased payments under subparagraph (A) shall not be taken into account in calculating payments for services furnished on or after the period specified in such subparagraph.''.

SEC. 427. ENSURING APPROPRIATE COVERAGE OF AIR AMBULANCE SERVICES UNDER AMBULANCE FEE SCHEDULE.

(a) COVERAGE.—Section 1834(l) (42 U.S.C. 1395m(l)), as amended by section 426, is amended by adding at the end the following new paragraph:

''(11) ENSURING APPROPRIATE COVERAGE OF AIR AMBULANCE SERVICES.—

''(A) IN GENERAL.—The regulations described in section 1861(s)(7) shall ensure that air ambulance services (as defined in subparagraph (C)) are reimbursed under this subsection at the air ambulance rate if the air ambulance service—

''(i) is medically necessary based on the health condition of the individual being transported at or immediately prior to the time of the transport; and

''(ii) complies with equipment and crew requirements established by the Secretary.

''(B) MEDICALLY NECESSARY.—An air ambulance service shall be considered to be medically necessary for purposes of subparagraph (A)(i) if such service is requested—

''(i) by a physician or a hospital in accordance with the physician's or hospital's responsibilities under section 1867 (commonly known as the Emergency Medical Treatment and Active Labor Act);

''(ii) as a result of a protocol established by a State or regional emergency medical service (EMS) agency;

''(iii) by a physician, nurse practitioner, physician assistant, registered nurse, or emergency medical responder who reasonably determines or certifies that the patient's condition is such that the time needed to transport the individual by land or the lack of an appropriate ground ambulance, significantly increases the medical risks for the individual; or

''(iv) by a Federal or State agency to relocate patients following a natural disaster, an act of war, or a terrorist attack.

''(C) AIR AMBULANCE SERVICES DEFINED.—For purposes of this paragraph, the term 'air ambulance service' means fixed wing and rotary wing air ambulance services.''.

(b) CONFORMING AMENDMENT.—Section 1861(s)(7) (42 U.S.C. 1395x(s)(7)) is amended by inserting '', subject to section 1834(l)(11),'' after ''but''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2004.

SEC. 428. TREATMENT OF CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED BY A SOLE COMMUNITY HOSPITAL.

Notwithstanding subsections (a), (b), and (h) of section 1833 of the Social Security Act (42 U.S.C. 1395*l*) and section 1834(d)(1) of such Act (42 U.S.C. 1395m(d)(1)), in the case of a clinical diagnostic laboratory test covered under part B of title XVIII of such Act that is furnished in 2004 or 2005 by a sole community hospital (as defined in section 1886(d)(5)(D)(iii) of such Act (42 U.S.C. 1395ww(d)(5)(D)(iii))) as part of services furnished to patients of the hospital, the following rules shall apply:

(1) PAYMENT BASED ON REASONABLE COSTS.—The amount of payment for such test shall be 100 percent of the reasonable costs of the hospital in furnishing such test.

(2) NO BENEFICIARY COST-SHARING.—Notwithstanding section 432, no coinsurance, deductible, copayment, or other cost-sharing otherwise applicable under such part B shall apply with respect to such test.

SEC. 429. IMPROVEMENT IN RURAL HEALTH CLINIC REIMBURSEMENT.

Section 1833(f) (42 U.S.C. 1395*l*(f)) is amended—

(1) in paragraph (1), by striking '', and'' at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) by striking ''in a subsequent year'' and inserting ''in 1989 through 2003''; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) in 2004, at $80 per visit; and

''(4) in a subsequent year, at the limit established under this subsection for the previous year increased by the percentage increase in the MEI (as so defined) applicable to primary care services (as so defined) furnished as of the first day of that year.''.

SEC. 430. ELIMINATION OF CONSOLIDATED BILLING FOR CERTAIN SERVICES UNDER THE MEDICARE PPS FOR SKILLED NURSING FACILITY SERVICES.

(a) CERTAIN RURAL HEALTH CLINIC AND FEDERALLY QUALIFIED HEALTH CENTER SERVICES.—Section 1888(e) (42 U.S.C. 1395yy(e)) is amended—

(1) in paragraph (2)(A)(i)(II), by striking ''clauses (ii) and (iii)'' and inserting ''clauses (ii), (iii), and (iv)''; and

(2) by adding at the end of paragraph (2)(A) the following new clause:

''(iv) EXCLUSION OF CERTAIN RURAL HEALTH CLINIC AND FEDERALLY QUALIFIED HEALTH CENTER SERVICES.—Services described in this clause are—

''(I) rural health clinic services (as defined in paragraph (1) of section 1861(aa)); and

''(II) Federally qualified health center services (as defined in paragraph (3) of such section);

that would be described in clause (ii) if such services were furnished by a physician or practitioner not affiliated with a rural health clinic or a Federally qualified health center.''.

(b) CERTAIN SERVICES FURNISHED BY AN ENTITY JOINTLY OWNED BY HOSPITALS AND CRITICAL ACCESS HOSPITALS.—For purposes of applying section 411.15(p)–(3)(iii) of title 42 of the Code of Federal Regulations, the Secretary shall treat an entity that is 100 percent owned as a joint venture by 2 Medicare-participating hospitals or critical access hospitals as a Medicare-participating hospital or a critical access hospital.

(c) TECHNICAL AMENDMENTS.—Sections 1842(b)(6)(E) and 1866(a)(1)(H)(ii) (42 U.S.C. 1395u(b)(6)(E); 1395cc(a)(1)(H)(ii)) are each amended by striking ''section 1888(e)(2)(A)(ii)'' and inserting ''clauses (ii), (iii), and (iv) of section 1888(e)(2)(A)''.

(d) EFFECTIVE DATE.—The amendments made by this section and the provision of subsection (b) shall apply to services furnished on or after January 1, 2004.

SEC. 431. FREEZE IN PAYMENTS FOR CERTAIN ITEMS OF DURABLE MEDICAL EQUIPMENT AND CERTAIN ORTHOTICS; ESTABLISHMENT OF QUALITY STANDARDS AND ACCREDITATION REQUIREMENTS FOR DME PROVIDERS.

(a) FREEZE FOR DME.—Section 1834(a)(14) (42 U.S.C. 1395m(a)(14)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F)—

(A) by striking ''a subsequent year'' and inserting ''2003''; and

(B) by striking ''the previous year.'' and inserting ''2002;''; and

(3) by adding at the end the following new subparagraphs:

''(G) for each of the years 2004 through 2010—

''(i) in the case of class III medical devices described in section 513(a)(1)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(c)(1)(C)), the percentage increase described in subparagraph (B) for the year involved; and

''(ii) in the case of covered items not described in clause (i), 0 percentage points; and

''(H) for a subsequent year, the percentage increase described in subparagraph (B) for the year involved.''.

(b) FREEZE FOR OFF-THE-SHELF ORTHOTICS.—Section 1834(h)(4)(A) of the Social Security Act (42 U.S.C. 1395m(h)(4)(A)) is amended—

(1) in clause (vii), by striking ''and'' at the end;

(2) in clause (viii), by striking ''a subsequent year'' and inserting ''2003''; and

(3) by adding at the end the following new clauses:

''(ix) for each of the years 2004 through 2010—

''(I) in the case of orthotics that have not been custom-fabricated, 0 percent; and

''(II) in the case of prosthetics, prosthetic devices, and custom-fabricated orthotics, the percentage increase described in clause (viii) for the year involved; and

''(x) for 2011 and each subsequent year, the percentage increase described in clause (viii) for the year involved;''.

(c) ESTABLISHMENT OF QUALITY STANDARDS AND ACCREDITATION REQUIREMENTS FOR DURABLE MEDICAL EQUIPMENT PROVIDERS.—Section 1834(a) (42 U.S.C. 1395m(a)) is amended—

(1) by redesignating paragraph (17), as added by section 4551(c)(1) of the Balanced Budget Act of 1997 (111 Stat. 458), as paragraph (19); and

(2) by adding at the end the following new paragraph:

''(20) IDENTIFICATION OF QUALITY STANDARDS.—

''(A) IN GENERAL.—Subject to subparagraph (C), the Secretary shall establish and implement quality standards for providers of durable medical equipment throughout the United States that are developed by recognized independent accreditation organizations (as designated under subparagraph (B)(i)) and with which such providers shall be required to comply in order to—

''(i) participate in the program under this title;

''(ii) furnish any item or service described in subparagraph (D) for which payment is made under this part; and

''(iii) receive or retain a provider or supplier number used to submit claims for reimbursement for any item or service described in subparagraph (D) for which payment may be made under this title.

''(B) DESIGNATION OF INDEPENDENT ACCREDITATION ORGANIZATIONS.—

''(i) IN GENERAL.—Not later that the date that is 6 months after the date of enactment of the Prescription Drug and Medicare Improvement Act of 2003, the Secretary shall designate independent accreditation organizations for purposes of subparagraph (A).

''(ii) CONSULTATION.—In determining which independent accreditation organizations to designate under clause (i), the Secretary shall consult with an expert outside advisory panel composed of an appropriate selection of representatives of physicians, practitioners, suppliers, and manufacturers to review (and advise the Secretary concerning) selection of accrediting organizations and the quality standards of such organizations.

''(C) QUALITY STANDARDS.—The quality standards described in subparagraph (A) may not be less stringent than the quality standards that would otherwise apply if this paragraph did not apply and shall include consumer services standards.

''(D) ITEMS AND SERVICES DESCRIBED.—The items and services described in this subparagraph are covered items (as defined in paragraph (13)) for which payment may otherwise be made under this subsection, other than items used in infusion, and inhalation drugs used in conjunction with durable medical equipment.

''(E) PHASED-IN IMPLEMENTATION.—The application of the quality standards described in subparagraph (A) shall be phased-in over a period that does not exceed 3 years.''.

SEC. 432. APPLICATION OF COINSURANCE AND DEDUCTIBLE FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.

(a) COINSURANCE.—

(1) IN GENERAL.—Section 1833(a) (42 U.S.C. 1395*l*(a)) is amended—

(A) in paragraph (1)(D)(i), by striking ''(or 100 percent, in the case of such tests for which payment is made on an assignment-related basis)''; and

(B) in paragraph (2)(D)(i), by striking ''(or 100 percent, in the case of such tests for which payment is made on an assignment-related basis or to a provider having an agreement under section 1866)''.

(2) CONFORMING AMENDMENT.—The third sentence of section 1866(a)(2)(A) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A) is amended by striking ''and with respect to clinical diagnostic laboratory tests for which payment is made under part B''.

(b) DEDUCTIBLE.—Section 1833(b) of the Social Security Act (42 U.S.C. 1395*l*(b)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to tests furnished on or after January 1, 2004.

SEC. 433. BASING MEDICARE PAYMENTS FOR COVERED OUTPATIENT DRUGS ON MARKET PRICES.

(a) MEDICARE MARKET BASED PAYMENT AMOUNT.—Section 1842(o) (42 U.S.C. 1395u(o)) is amended—

(1) in paragraph (1), by striking ''equal to 95 percent of the average wholesale price.'' and inserting ''equal to—

''(A) in the case of a drug or biological furnished prior to January 1, 2004, 95 percent of the average wholesale price; and

''(B) in the case of a drug or biological furnished on or after January 1, 2004, the payment amount specified in—

''(i) in the case of such a drug or biological that is first available for payment under this part on or before April 1, 2003, paragraph (4); and

''(ii) in the case of such a drug or biological that is first available for payment under this part after such date, paragraph (5).''; and

(2) by adding at the end the following new paragraphs:

''(4)(A) Subject to subparagraph (C), the payment amount specified in this paragraph for a year for a drug or biological is an amount equal to the lesser of—

''(i) the average wholesale price for the drug or biological; or

''(ii) the amount determined under subparagraph (B)

''(B)(i) Subject to clause (ii), the amount determined under this subparagraph is an amount equal to—

''(I) in the case of a drug or biological furnished in 2004, 85 percent of the average wholesale price for the drug or biological (determined as of April 1, 2003); and

''(II) in the case of a drug or biological furnished in 2005 or a subsequent year, the amount determined under this subparagraph for the previous year increased by the percentage increase in the consumer price index for medical care for the 12-month period ending with June of the previous year.

''(ii) In the case of a vaccine described in subparagraph (A) or (B) of section 1861(s)(10), the amount determined under this subparagraph is an amount equal to the average wholesale price for the drug or biological.

''(C)(i) The Secretary shall establish a process under which the Secretary determines, for such drugs or biologicals as the Secretary determines appropriate, whether the widely available market price to physicians or suppliers for the drug or biological furnished in a year is different from the payment amount established under subparagraph (B) for the year. Such determination shall be based on the information described in clause (ii) as the Secretary determines appropriate.

''(ii) The information described in this clause is the following information:

''(I) Any report on drug or biological market prices by the Inspector General of the Department of Health and Human Services or the Comptroller General of the United States that is made available after December 31, 1999.

''(II) A review of drug or biological market prices by the Secretary, which may include information on such market prices from insurers, private health plans, manufacturers, wholesalers, distributors, physician supply houses, specialty pharmacies, group purchasing arrangements, physicians, suppliers, or any other source the Secretary determines appropriate.

''(III) Data and information submitted by the manufacturer of the drug or biological or by another entity.

''(IV) Other data and information as determined appropriate by the Secretary.

''(iii) If the Secretary makes a determination under clause (i) with respect to the widely available market price for a drug or biological for a year, the following provisions shall apply:

''(I) Subject to clause (iv), the amount determined under this subparagraph shall be substituted for the amount determined under subparagraph (B) for purposes of applying subparagraph (A)(ii)(I) for the year and all subsequent years.

''(II) The Secretary may make subsequent determinations under clause (i) with respect to the widely available market price for the drug or biological.

''(III) If the Secretary does not make a subsequent determination under clause (i) with respect to the widely available market price for the drug or biological for a year, the amount determined under this subparagraph shall be an amount equal to the amount determined under this subparagraph for the previous year increased by the percentage increase described in subparagraph (B)(i)(II) for the year involved.

''(iv) If the first determination made under clause (i) with respect to the widely available market price for a drug or biological would result in a payment amount in a year that is more than 15 percent less than the amount determined under subparagraph (B) for the drug or biological for the previous year (or, for 2004, the payment amount determined under paragraph (1)(A), determined as of April 1, 2003), the Secretary shall provide for a transition to the amount determined under clause (i) so that the payment amount is reduced in annual increments equal to 15 percent of the payment amount in such previous year until the payment amount is equal to the amount determined under clause (i), as increased each year by the percentage increase described in subparagraph (B)(i)(II) for the year. The preceding sentence shall not apply to a drug or biological where a generic version of the drug or biological first enters the market on or after January 1, 2004 (even if the generic version of the drug or biological is not marketed under the chemical name of such drug or biological).

''(5) In the case of a drug or biological that is first available for payment under this part after April 1, 2003, the following rules shall apply:

''(A) As a condition of obtaining a code to report such new drug or biological and to receive payment under this part, a manufacturer shall provide the Secretary (in a time, manner, and form approved by the Secretary) with data and information on prices at which the manufacturer estimates physicians and suppliers will be able to routinely obtain the drug or biological in the market during the first year that the drug or biological is available for payment under this part and such additional information that the manufacturer determines appropriate.

''(B) During the year that the drug or biological is first available for payment under this part, the manufacturer of the drug or biological shall provide the Secretary (in a time, manner, and form approved by the Secretary) with updated information on the actual market prices paid by such physicians or suppliers for the drug or biological in the year.

''(C) The amount specified in this paragraph for a drug or biological for the year described in subparagraph (B) is equal to an amount determined by the Secretary based on the information provided under subparagraph (A) and other information that the Secretary determines appropriate.

''(D) The amount specified in this paragraph for a drug or biological for the year after the year described in subparagraph (B) is equal to an amount determined by the Secretary based on the information provided under subparagraph (B) and other information that the Secretary determines appropriate.

''(E) The amount specified in this paragraph for a drug or biological for the year beginning after the year described in subparagraph (D) and each subsequent year is equal to the lesser of—

''(i) the average wholesale price for the drug or biological; or

''(ii) the amount determined—

''(I) by the Secretary under paragraph (4)(C)(i) with respect to the widely available market price for the drug or biological for the year, if such paragraph was applied by substituting 'the payment determined under paragraph (5)(E)(ii)(II) for the year' for 'established under subparagraph (B) for the year'; and

''(II) if no determination described in subclause (I) is made for the drug or biological for the year, under this subparagraph with respect to the drug or biological for the previous year increased by the percentage increase described in paragraph (4)(B)(i)(II) for the year involved.''.

(b) ADJUSTMENTS TO PAYMENT AMOUNTS FOR ADMINISTRATION OF DRUGS AND BIOLOGICALS.—

(1) ADJUSTMENT IN PHYSICIAN PRACTICE EXPENSE RELATIVE VALUE UNITS.—Section 1848(c)(2) (42 U.S.C. 1395w–4(c)(2)) is amended—

(A) in subparagraph (B)—

(i) in clause (ii)(II), by striking ''The adjustments'' and inserting ''Subject to clause (iv), the adjustments''; and

(ii) by adding at the end the following new clause:

''(iv) EXEMPTION FROM BUDGET NEUTRALITY IN 2004.—Any additional expenditures under this part that are attributable to subparagraph (H) shall not be taken into account in applying clause (ii)(II) for 2004.''; and

(B) by adding at the end the following new subparagraph:

''(H) ADJUSTMENTS IN PRACTICE EXPENSE RELATIVE VALUE UNITS FOR DRUG ADMINISTRATION SERVICES FOR 2004.—In establishing the physician fee schedule under subsection (b) with respect to payments for services furnished in 2004, the Secretary shall, in determining practice expense relative value units under this subsection, utilize a survey submitted to the Secretary as of January 1, 2003, by a physician specialty organization pursuant to section 212 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 if the survey—

''(i) covers practice expenses for oncology administration services; and

''(ii) meets criteria established by the Secretary for acceptance of such surveys.''.

(2) PAYMENT FOR MULTIPLE CHEMOTHERAPY AGENTS FURNISHED ON A SINGLE DAY THROUGH THE PUSH TECHNIQUE.—

(A) REVIEW OF POLICY.—The Secretary shall review the policy, as in effect on the date of enactment of this Act, with respect to payment under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for the administration of more than 1 anticancer chemotherapeutic agent to an individual on a single day through the push technique.

(B) MODIFICATION OF POLICY.—After conducting the review under subparagraph (A), the Secretary shall modify such payment policy if the Secretary determines such modification to be appropriate.

(C) EXEMPTION FROM BUDGET NEUTRALITY UNDER PHYSICIAN FEE SCHEDULE.—If the Secretary modifies such payment policy pursuant to subparagraph (B), any increased expenditures under title XVIII of the Social Security Act resulting from such modification shall be treated as additional expenditures attributable to subparagraph (H) of section 1848(c)(2) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)), as added by paragraph (1)(B), for purposes of applying the exemption to budget neutrality under subparagraph (B)(iv) of such section, as added by paragraph (1)(A).

(3) TREATMENT OF OTHER SERVICES CURRENTLY IN THE NONPHYSICIAN WORK POOL.—The Secretary shall make adjustments to the nonphysician work pool methodology (as such term is used in the final rule promulgated by the Secretary in the Federal Register on December 31, 2002 (67 Fed. Reg. 251)), for the determination of practice expense relative value units under the physician fee schedule under section 1848(c)(2)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(C)(ii)), so that the practice expense relative value units for services determined under such methodology are not disproportionately reduced relative to the practice expense relative value units of services not determined under such methodology, as a result of the amendments to such Act made by paragraph (1).

(4) ADMINISTRATION OF BLOOD CLOTTING FACTORS.—Section 1842(o) (42 U.S.C. 1395u(o)), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

''(6)(A) Subject to subparagraph (B), in the case of clotting factors furnished on or after January 1, 2004, the Secretary shall, after reviewing the January 2003 report to Congress by the Comptroller General of the United States entitled 'Payment for Blood Clotting Factor Exceeds Providers Acquisition Cost' (GAO–03–184), provide for a separate payment for the administration of such blood clotting factors in an amount that the Secretary determines to be appropriate.

''(B) In determining the separate payment amount under subparagraph (A) for blood clotting factors furnished in 2004, the Secretary shall ensure that the total amount of payments under this part (as estimated by the Secretary) for such factors under paragraphs (4) and (5) and such separate payments for such factors does not exceed the total amount of payments that would have been made for such factors under this part (as estimated by the Secretary) if the amendments made by section 433 of the Prescription Drug and Medicare Improvement Act of 2003 had not been enacted.

''(C) The separate payment amount under this subparagraph for blood clotting factors

furnished in 2005 or a subsequent year shall be equal to the separate payment amount determined under this paragraph for the previous year increased by the percentage increase described in paragraph (4)(B)(i)(II) for the year involved.''.

(5) INCREASE IN COMPOSITE RATE FOR END STAGE RENAL DISEASE FACILITIES.—Section 1881(b) (42 U.S.C. 1395rr(b) is amended—

(A) in paragraph (7), by adding at the end the following new sentence: ''In the case of dialysis services furnished in 2004 or a subsequent year, the composite rate for such services shall be determined under paragraph (12).''; and

(B) by adding at the end the following new paragraph:

''(12)(A) In the case of dialysis services furnished during 2004, the composite rate for such services shall be the composite rate that would otherwise apply under paragraph (7) for the year increased by an amount to ensure (as estimated by the Secretary) that—

''(i) the sum of the total amount of—

''(I) the composite rate payments for such services for the year, as increased under this paragraph; and

''(II) the payments for drugs and biologicals (other than erythropoetin) furnished in connection with the furnishing of renal dialysis services and separately billed by renal dialysis facilities under paragraphs (4) and (5) of section 1842(o) for the year; is equal to

''(ii) the sum of the total amount of the composite rate payments under paragraph (7) for the year and the payments for the separately billed drugs and biologicals described in clause (i)(II) that would have been made if the amendments made by section 433 of the Prescription Drug and Medicare Improvement Act of 2003 had not been enacted.

''(B) Subject to subparagraph (E), in the case of dialysis services furnished in 2005, the composite rate for such services shall be an amount equal to the composite rate established under subparagraph (A), increased by 0.05 percent and further increased pursuant to section 423 of the Prescription Drug and Medicare Improvement Act of 2003.

''(C) Subject to subparagraph (E), in the case of dialysis services furnished in 2006, the composite rate for such services shall be an amount equal to the composite rate established under subparagraph (B), increased by 0.05 percent.

''(D) Subject to subparagraph (E), in the case of dialysis services furnished in 2007 or a subsequent year, the composite rate for such services shall be an amount equal to the composite rate established under this paragraph for the previous year (determined as if such section 423 had not been enacted), increased by 0.05 percent.

''(E) If the Secretary implements a reduction in the payment amount under paragraph (4)(C) or (5) for a drug or biological described in subparagraph (A)(i)(II) for a year after 2004, the Secretary shall, as estimated by the Secretary—

''(i) increase the composite rate for dialysis services furnished in such year in the same manner that the composite rate for such services for 2004 was increased under subparagraph (A); and

''(ii) increase the percentage increase under subparagraph (C) or (D) (as applicable) for years after the year described in clause (i) to ensure that such increased percentage would result in expenditures equal to the sum of the total composite rate payments for such services for such years and the total payments for drugs and biologicals described in subparagraph (A)(i)(II) is equal to the sum of the total amount of the composite rate payments under this paragraph for such years and the payments for the drugs and biologicals described in subparagraph (A)(i)(II) that would have been made if the reduction in payment amount described in subparagraph had not been made.

''(F) There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of determinations of payment amounts, methods, or adjustments under this paragraph.''.

(6) HOME INFUSION DRUGS.—Section 1842(o) (42 U.S.C. 1395u(o)), as amended by subsection (a)(2) and paragraph (4), is amended by adding at the end the following new paragraph:

''(7)(A) Subject to subparagraph (B), in the case of infusion drugs and biologicals furnished through an item of durable medical equipment covered under section 1861(n) on or after January 1, 2004, the Secretary may make separate payments for furnishing such drugs and biologicals in an amount determined by the Secretary if the Secretary determines such separate payment to be appropriate.

''(B) In determining the amount of any separate payment under subparagraph (A) for a year, the Secretary shall ensure that the total amount of payments under this part for such infusion drugs and biologicals for the year and such separate payments for the year does not exceed the total amount of payments that would have been made under this part for the year for such infusion drugs and biologicals if section 433 of the Prescription Drug and Medicare Improvement Act of 2003 had not been enacted.''.

(7) INHALATION DRUGS.—Section 1842(o) (42 U.S.C. 1395u(o)), as amended by subsection (a)(2) and paragraphs (4) and (6), is amended by adding at the end the following new paragraph:

''(8)(A) Subject to subparagraph (B), in the case of inhalation drugs and biologicals furnished through durable medical equipment covered under section 1861(n) on or after January 1, 2004, the Secretary may increase payments for such equipment under section 1834(a) and may make separate payments for furnishing such drugs and biologicals if the Secretary determines such increased or separate payments are necessary to appropriately furnish such equipment and drugs and biologicals to beneficiaries.

''(B) The total amount of any increased payments and separate payments under subparagraph (A) for a year may not exceed an amount equal to 10 percent of the amount (as estimated by the Secretary) by which—

''(i) the total amount of payments that would have been made for such drugs and biologicals for the year if section 433 of the Prescription Drug and Medicare Improvement Act of 2003 had not been enacted; exceeds

''(ii) the total amount of payments for such drugs and biologicals under paragraphs (4) and (5).''.

(8) PHARMACY DISPENSING FEE FOR CERTAIN DRUGS AND BIOLOGICALS.—Section 1842(o)(2) (42 U.S.C. 1395u(o)(2)) is amended to read as follows:

''(2) If payment for a drug or biological is made to a licensed pharmacy approved to dispense drugs or biologicals under this part, the Secretary—

''(A) in the case of an immunosuppressive drug described in subparagraph (J) of section 1861(s)(2) and an oral drug described in subparagraph (Q) or (T) of such section, shall pay a dispensing fee determined appropriate by the Secretary (less the applicable deductible and coinsurance amounts) to the pharmacy; and

''(B) in the case of a drug or biological not described in subparagraph (A), may pay a dispensing fee determined appropriate by the Secretary (less the applicable deductible and coinsurance amounts) to the pharmacy.''.

(9) PAYMENT FOR CHEMOTHERAPY DRUGS PURCHASED BUT NOT ADMINISTERED BY PHYSICIANS.—Section 1842(o) (42 U.S.C. 1395u(o)), as amended by subsection (a)(2) and paragraphs (4), (6) and (7), is amended by adding at the end the following new paragraph:

''(9)(A) Subject to subparagraph (B), the Secretary may increase (in an amount determined appropriate) the amount of payments to physicians for anticancer chemotherapeutic drugs or biologicals that would otherwise be made under this part in order to compensate such physicians for anticancer chemotherapeutic drugs or biologicals that are purchased by physicians with a reasonable intent to administer to an individual enrolled under this part but which cannot be administered to such individual despite the reasonable efforts of the physician.

''(B) The total amount of increased payments made under subparagraph (A) in a year (as estimated by the Secretary) may not exceed an amount equal to 1 percent of the total amount of payments made under paragraphs (4) and (5) for such anticancer chemotherapeutic drugs or biologicals furnished by physicians in such year (as estimated by the Secretary).''.

(c) LINKAGE OF REVISED DRUG PAYMENTS AND INCREASES FOR DRUG ADMINISTRATION.—The Secretary shall not implement the revisions in payment amounts for a category of drug or biological as a result of the amendments made by subsection (a) unless the Secretary concurrently implements the adjustments to payment amounts for administration of such category of drug or biological for which the Secretary is required to make an adjustment, as specified in the amendments made by, and provisions of, subsection (b).

(d) PROHIBITION OF ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) DRUGS.—Section 1842(o) (42 U.S.C. 1395u(o)), as amended by subsection (a)(2) and paragraphs (4), (6), (7), and (9) of subsection (b), is amended by adding at the end the following new paragraph:

''(10) There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of determinations of payment amounts, methods, or adjustments under paragraph (2) or paragraphs (4) through (9).''.

(2) PHYSICIAN FEE SCHEDULE.—Section 1848(i)(1) (42 U.S.C. 1395w–4(i)(1)) is amended—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(F) adjustments in practice expense relative value units under subsection (c)(2)(H).''.

(3) MULTIPLE CHEMOTHERAPY AGENTS AND OTHER SERVICES CURRENTLY ON THE NON-PHYSICIAN WORK POOL.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of determinations of payment amounts, methods, or adjustments under paragraphs (2) and (3) of subsection (b).

(e) STUDIES AND REPORTS.—

(1) GAO STUDY AND REPORT ON BENEFICIARY ACCESS TO DRUGS AND BIOLOGICALS.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study that examines the impact the provisions of, and the amendments made by, this section have on access by medicare beneficiaries to drugs and biologicals covered under the medicare program.

(B) REPORT.—Not later than January 1, 2006, the Comptroller General shall submit a report to Congress on the study conducted under subparagraph (A) together with such recommendations as the Comptroller General determines to be appropriate.

(2) STUDY AND REPORT BY THE HHS INSPECTOR GENERAL ON MARKET PRICES OF DRUGS AND BIOLOGICALS.—

(A) STUDY.—The Inspector General of the Department of Health and Human Services shall conduct 1 or more studies that—

(i) examine the market prices that drugs and biologicals covered under the medicare program are widely available to physicians and suppliers; and

(ii) compare such widely available market prices to the payment amount for such drugs and biologicals under section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o).

(B) REQUIREMENT.—In conducting the study under subparagraph (A), the Inspector General shall focus on those drugs and biologicals that represent the largest portions of expenditures under the medicare program for drugs and biologicals.

(C) REPORT.—The Inspector General shall prepare a report on any study conducted under subparagraph (A).

SEC. 434. INDEXING PART B DEDUCTIBLE TO INFLATION.

The first sentence of section 1833(b) (42 U.S.C. 1395*l*(b)) is amended by striking ''and $100 for 1991 and subsequent years'' and inserting the following: '', $100 for 1991 through 2005, $125 for 2006, and for 2007 and thereafter, the amount in effect for the previous year, increase by the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with June of the previous year, rounded to the nearest dollar''.

SEC. 435. REVISIONS TO REASSIGNMENT PROVISIONS.

(a) IN GENERAL.—Section 1842(b)(6)(A)(ii) (42 U.S.C. 1395u(b)(6)(A)(ii)) is amended to read as follows: ''(ii) where the service was provided under a contractual arrangement between such physician or other person and an entity (as defined by the Secretary), to the entity if under such arrangement such entity submits the bill for such service and such arrangement meets such program integrity and other safeguards as the Secretary may determine to be appropriate,''.

(b) CONFORMING AMENDMENT.—The second sentence of section 1842(b)(6) (42 U.S.C. 1395u(b)(6)) is amended by striking ''except to an employer or facility as described in clause (A)'' and inserting ''except to an employer or entity as described in subparagraph (A)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the date of enactment of this Act.

SEC. 436. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of BIPA (114 Stat. 2763A–551) is amended by inserting '', and for services furnished during 2004 or 2005'' before the period at the end.

SEC. 437. ADEQUATE REIMBURSEMENT FOR OUTPATIENT PHARMACY THERAPY UNDER THE HOSPITAL OUTPATIENT PPS.

(a) SPECIAL RULES FOR DRUGS AND BIOLOGICALS.—Section 1833(t) (42 U.S.C. 1395(t)) is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

''(13) SPECIAL RULES FOR CERTAIN DRUGS AND BIOLOGICALS.—

''(A) BEFORE 2007.—

''(i) IN GENERAL.—Notwithstanding paragraph (6), but subject to clause (ii), with respect to a separately payable drug or biological described in subparagraph (D) furnished on or after January 1, 2005, and before January 1, 2007, hospitals shall be reimbursed as follows:

''(I) DRUGS AND BIOLOGICALS FURNISHED AS PART OF A CURRENT OPD SERVICE.—The amount of payment for a drug or biological described in subparagraph (D) provided as a part of a service that was a covered OPD service on May 1, 2003, shall be the applicable percentage (as defined in subparagraph (C)) of the average wholesale price for the drug or biological that would have been determined under section 1842(o) on such date.

''(II) DRUGS AND BIOLOGICALS FURNISHED AS PART OF OTHER OPD SERVICES.—The amount of payment for a drug or biological described in subparagraph (D) provided as part of any other covered OPD service shall be the applicable percentage (as defined in subparagraph (C)) of the average wholesale price that would have been determined under section 1842(o) on May 1, 2003, if payment for such a drug or biological could have been made under this part on that date.

''(ii) UPDATE FOR 2006.—For 2006, the amounts determined under clauses (i) and (ii) shall be the amount established for 2005 increased by the percentage increase in the Consumer Price Index for all urban consumers (U.S. urban average) for the 12-month period ending with June of the previous year.

''(B) AFTER 2007.—

''(i) ONGOING STUDY AND REPORTS ON ADEQUATE REIMBURSEMENTS.—

''(I) STUDY.—The Secretary shall contract with an eligible organization (as defined in subclause (IV)) to conduct a study to determine the hospital acquisition and handling costs for each individual drug or biological described in subparagraph (D).

''(II) STUDY REQUIREMENTS.—The study conducted under subclause (I) shall—

''(aa) be accurate to within 3 percent of true mean hospital acquisition and handling costs for each drug and biological at the 95 percent confidence level;

''(bb) begin not later than January 1, 2005; and

''(cc) be updated annually for changes in hospital costs and the addition of newly marketed products.

''(III) REPORTS.—Not later than January 1 of each year (beginning with 2006), the Secretary shall submit to Congress a report on the study conducted under clause (i) together with recommendations for such legislative or administrative action as the Secretary determines to be appropriate.

''(IV) ELIGIBLE ORGANIZATION DEFINED.—In this clause, the term 'eligible organization' means a private, nonprofit organization within the meaning of section 501(c) of the Internal Revenue Code.

''(ii) ESTABLISHMENT OF PAYMENT METHODOLOGY.—Notwithstanding paragraph (6), the Secretary, in establishing a payment methodology on or after the date of enactment of the Prescription Drug and Medicare Improvement Act of 2003, shall take into consideration the findings of the study conducted under clause (i)(I) in determining payment amounts for each drug and biological provided as part of a covered OPD service furnished on or after January 1, 2007.

''(C) APPLICABLE PERCENTAGE DEFINED.—In this paragraph, the term 'applicable percentage' means—

''(i) with respect to a biological product (approved under a biologics license application under section 351 of the Public Health Service Act), a single source drug (as defined in section 1927(k)(7)(A)(iv)), or an orphan product designated under section 526 of the Food, Drug, and Cosmetic Act to which the prospective payment system established under this subsection did not apply under the final rule for 2003 payments under such system, 94 percent;

''(ii) with respect to an innovator multiple source drug (as defined in section 1927(k)(7)(A)(ii)), 91 percent; and

''(iii) with respect to a noninnovator multiple source drug (as defined in as defined in section 1927(k)(7)(A)(iii)), 71 percent.

''(D) DRUGS AND BIOLOGICALS DESCRIBED.—A drug or biological described in this paragraph is any drug or biological—

''(i) for which the amount of payment was determined under paragraph (6) prior to January 1, 2005;

''(ii) which is assigned to a drug specific ambulatory payment classification on or after the date of enactment of the Prescription Drug and Medicare Improvement Act of 2003; and

''(iii) that would have been reimbursed under paragraph (6) but for the application of this paragraph.''.

(b) EXCEPTIONS TO BUDGET NEUTRALITY REQUIREMENT.—Section 1833(t)(9)(B) (42 U.S.C. 1395l(t)(9)(B)) is amended by adding at the end the following: ''In determining the budget neutrality adjustment required by the preceding sentence for fiscal years 2005 and 2006, the Secretary shall not take into account any expenditures that would not have been made but for the application of paragraph (13).''.

SEC. 438. LIMITATION OF APPLICATION OF FUNCTIONAL EQUIVALENCE STANDARD.

Section 1833(t)(6) (42 U.S.C. 1395l(t)(6)) is amended by adding at the end the following new subparagraph:

''(F) LIMITATION OF APPLICATION OF FUNCTIONAL EQUIVALENCE STANDARD.—

''(i) IN GENERAL.—The Secretary may not publish regulations that apply a functional equivalence standard to a drug or biological under this paragraph.

''(ii) APPLICATION.—Paragraph (1) shall apply to the application of a functional equivalence standard to a drug or biological on or after the date of enactment of the Prescription Drug and Medicare Improvement Act of 2003 unless—

''(I) such application was being made to such drug or biological prior to such date of enactment; and

''(II) the Secretary applies such standard to such drug or biological only for the purpose of determining eligibility of such drug or biological for additional payments under this paragraph and not for the purpose of any other payments under this title.

''(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to effect the Secretary's authority to deem a particular drug to be identical to another drug if the 2 products are pharmaceutically equivalent and bioequvalent, as determined by the Commissioner of Food and Drugs.

SEC. 439. MEDICARE COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CERTAIN CLINICAL TRIALS.

(a) IN GENERAL.—With respect to the coverage of routine costs of care for beneficiaries participating in a qualifying clinical trial, as set forth on the date of the enactment of this Act in National Coverage Determination 30-1 of the Medicare Coverage Issues Manual, the Secretary shall deem clinical trials conducted in accordance with an investigational device exemption approved under section 520(g) of the Federal Food, Drug, and Cosmetic Act (42 U.S.C. 360j(g)) to be automatically qualified for such coverage.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing or requiring the Secretary to modify the regulations set forth on the date of the enactment of this Act at subpart B of part 405 of title 42, Code of Federal Regulations, or subpart A of part 411 of such title, relating to coverage of, and payment for, a medical device that is the subject of an investigational device exemption by the Food and Drug Administration (except as may be necessary to implement subsection (a)).

(c) EFFECTIVE DATE.—This section shall apply to clinical trials begun on or after January 1, 2005.

SEC. 440. WAIVER OF PART B LATE ENROLLMENT PENALTY FOR CERTAIN MILITARY RETIREES; SPECIAL ENROLLMENT PERIOD.

(a) WAIVER OF PENALTY.—

(1) IN GENERAL.—Section 1839(b) (42 U.S.C. 1395r(b)) is amended by adding at the end the following new sentence: ''No increase in the premium shall be effected for a month in the case of an individual who is 65 years of age or older, who enrolls under this part during 2002, 2003, 2004, or 2005 and who demonstrates to the Secretary before December 31, 2005, that the individual is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code). The Secretary shall consult with the Secretary of Defense in identifying individuals described in the previous sentence.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to premiums for months beginning with January 2005. The Secretary shall establish a method for providing rebates of premium penalties paid for months on or after January 2005 for which a penalty does not apply under such amendment but for which a penalty was previously collected.

(b) MEDICARE PART B SPECIAL ENROLLMENT PERIOD.—

(1) IN GENERAL.—In the case of any individual who, as of the date of enactment of this Act, is 65 years of age or older, is eligible to enroll but is not enrolled under part B of title XVIII of the Social Security Act, and is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code), the Secretary shall provide for a special enrollment period during which the individual may enroll under such part. Such period shall begin 1 year after the date of the enactment of this Act and shall end on December 31, 2005.

(2) COVERAGE PERIOD.—In the case of an individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under part B of title XVIII of the Social Security Act shall begin on the first day of the month following the month in which the individual enrolls.

SEC. 441. DEMONSTRATION OF COVERAGE OF CHIROPRACTIC SERVICES UNDER MEDICARE.

(a) DEFINITIONS.—In this section:

(1) CHIROPRACTIC SERVICES.—The term ''chiropractic services'' has the meaning given that term by the Secretary for purposes of the demonstration projects, but shall include, at a minimum—

(A) care for neuromusculoskeletal conditions typical among eligible beneficiaries; and

(B) diagnostic and other services that a chiropractor is legally authorized to perform by the State or jurisdiction in which such treatment is provided.

(2) DEMONSTRATION PROJECT.—The term ''demonstration project'' means a demonstration project established by the Secretary under subsection (b)(1).

(3) ELIGIBLE BENEFICIARY.—The term ''eligible beneficiary'' means an individual who is enrolled under part B of the medicare program.

(4) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(b) DEMONSTRATION OF COVERAGE OF CHIROPRACTIC SERVICES UNDER MEDICARE.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects in accordance with the provisions of this section for the purpose of evaluating the feasibility and advisability of covering chiropractic services under the medicare program (in addition to the coverage provided for services consisting of treatment by means of manual manipulation of the spine to correct a subluxation described in section 1861(r)(5) of the Social Security Act (42 U.S.C. 1395x(r)(5))).

(2) NO PHYSICIAN APPROVAL REQUIRED.—In establishing the demonstration projects, the Secretary shall ensure that an eligible beneficiary who participates in a demonstration project, including an eligible beneficiary who is enrolled for coverage under a Medicare+Choice plan (or, on and after January 1, 2006, under a MedicareAdvantage plan), is not required to receive approval from a physician or other health care provider in order to receive a chiropractic service under a demonstration project.

(3) CONSULTATION.—In establishing the demonstration projects, the Secretary shall consult with chiropractors, organizations representing chiropractors, eligible beneficiaries, and organizations representing eligible beneficiaries.

(4) PARTICIPATION.—Any eligible beneficiary may participate in the demonstration projects on a voluntary basis.

(c) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) DEMONSTRATION SITES.—

(A) SELECTION OF DEMONSTRATION SITES.—The Secretary shall conduct demonstration projects at 6 demonstration sites.

(B) GEOGRAPHIC DIVERSITY.—Of the sites described in subparagraph (A)—

(i) 3 shall be in rural areas; and

(ii) 3 shall be in urban areas.

(C) SITES LOCATED IN HPSAS.—At least 1 site described in clause (i) of subparagraph (B) and at least 1 site described in clause (ii) of such subparagraph shall be located in an area that is designated under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A)) as a health professional shortage area.

(2) IMPLEMENTATION; DURATION.—

(A) IMPLEMENTATION.—The Secretary shall not implement the demonstration projects before October 1, 2004.

(B) DURATION.—The Secretary shall complete the demonstration projects by the date that is 3 years after the date on which the first demonstration project is implemented.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration projects—

(A) to determine whether eligible beneficiaries who use chiropractic services use a lesser overall amount of items and services for which payment is made under the medicare program than eligible beneficiaries who do not use such services;

(B) to determine the cost of providing payment for chiropractic services under the medicare program;

(C) to determine the satisfaction of eligible beneficiaries participating in the demonstration projects and the quality of care received by such beneficiaries; and

(D) to evaluate such other matters as the Secretary determines is appropriate.

(2) REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects conclude, the Secretary shall submit to Congress a report on the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

(e) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of the medicare program to the extent and for the period the Secretary finds necessary to conduct the demonstration projects.

(f) FUNDING.—

(1) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (2), the Secretary shall provide for the transfer from the Federal Supplementary Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) of such funds as are necessary for the costs of carrying out the demonstration projects under this section.

(B) LIMITATION.—In conducting the demonstration projects under this section, the Secretary shall ensure that the aggregate payments made by the Secretary under the medicare program do not exceed the amount which the Secretary would have paid under the medicare program if the demonstration projects under this section were not implemented.

(2) EVALUATION AND REPORT.—There are authorized to be appropriated such sums as are necessary for the purpose of developing and submitting the report to Congress under subsection (d).

SEC. 442. MEDICARE HEALTH CARE QUALITY DEMONSTRATION PROGRAMS.

Title XVIII (42 U.S.C. 1395 et seq.) is amended by inserting after section 1866B the following new section:

''HEALTH CARE QUALITY DEMONSTRATION PROGRAM

''SEC. 1866C. (a) DEFINITIONS.—In this section:

''(1) BENEFICIARY.—The term 'beneficiary' means a beneficiary who is enrolled in the original medicare fee-for-service program under parts A and B or a beneficiary in a staff model or dedicated group model health maintenance organization under the Medicare+Choice program (or, on and after January 1, 2006, under the MedicareAdvantage program) under part C.

''(2) HEALTH CARE GROUP.—

''(A) IN GENERAL.—The term 'health care group' means—

''(i) a group of physicians that is organized at least in part for the purpose of providing physician's services under this title;

''(ii) an integrated health care delivery system that delivers care through coordinated hospitals, clinics, home health agencies, ambulatory surgery centers, skilled nursing facilities, rehabilitation facilities and clinics, and employed, independent, or contracted physicians; or

''(iii) an organization representing regional coalitions of groups or systems described in clause (i) or (ii).

''(B) INCLUSION.—As the Secretary determines appropriate, a health care group may include a hospital or any other individual or entity furnishing items or services for which payment may be made under this title that is affiliated with the health care group under an arrangement structured so that such hospital, individual, or entity participates in a demonstration project under this section.

''(3) PHYSICIAN.—Except as otherwise provided for by the Secretary, the term 'physician' means any individual who furnishes services that may be paid for as physicians' services under this title.

''(b) DEMONSTRATION PROJECTS.—The Secretary shall establish a 5-year demonstration program under which the Secretary shall approve demonstration projects that examine health delivery factors that encourage the delivery of improved quality in patient care, including—

''(1) the provision of incentives to improve the safety of care provided to beneficiaries;

''(2) the appropriate use of best practice guidelines by providers and services by beneficiaries;

''(3) reduced scientific uncertainty in the delivery of care through the examination of variations in the utilization and allocation of services, and outcomes measurement and research;

''(4) encourage shared decision making between providers and patients;

''(5) the provision of incentives for improving the quality and safety of care and achieving the efficient allocation of resources;

''(6) the appropriate use of culturally and ethnically sensitive health care delivery; and

''(7) the financial effects on the health care marketplace of altering the incentives for care delivery and changing the allocation of resources.

''(c) ADMINISTRATION BY CONTRACT.—

''(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary may administer the demonstration program established under this section in a manner that is similar to the manner in which the demonstration program established under section 1866A is administered in accordance with section 1866B.

''(2) ALTERNATIVE PAYMENT SYSTEMS.—A health care group that receives assistance under this section may, with respect to the demonstration project to be carried out with such assistance, include proposals for the use of alternative payment systems for items and services provided to beneficiaries by the group that are designed to—

''(A) encourage the delivery of high quality care while accomplishing the objectives described in subsection (b); and

''(B) streamline documentation and reporting requirements otherwise required under this title.

''(3) BENEFITS.—A health care group that receives assistance under this section may, with respect to the demonstration project to be carried out with such assistance, include modifications to the package of benefits available under the traditional fee-for-service program under parts A and B or the package of benefits available through a staff model or a dedicated group model health maintenance organization under part C. The criteria employed under the demonstration program under this section to evaluate outcomes and determine best practice guidelines and incentives shall not be used as a basis for the denial of medicare benefits under the demonstration program to patients against their wishes (or if the patient is incompetent, against the wishes of the patient's surrogate) on the basis of the patient's age or expected length of life or of the patient's present or predicted disability, degree of medical dependency, or quality of life.

''(d) ELIGIBILITY CRITERIA.—To be eligible to receive assistance under this section, an entity shall—

''(1) be a health care group;

''(2) meet quality standards established by the Secretary, including—

''(A) the implementation of continuous quality improvement mechanisms that are aimed at integrating community-based support services, primary care, and referral care;

''(B) the implementation of activities to increase the delivery of effective care to beneficiaries;

''(C) encouraging patient participation in preference-based decisions;

''(D) the implementation of activities to encourage the coordination and integration of medical service delivery; and

''(E) the implementation of activities to measure and document the financial impact on the health care marketplace of altering the incentives of health care delivery and changing the allocation of resources; and

''(3) meet such other requirements as the Secretary may establish.

''(e) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII as may be necessary to carry out the purposes of the demonstration program established under this section.

''(f) BUDGET NEUTRALITY.—With respect to the 5-year period of the demonstration program under subsection (b), the aggregate expenditures under this title for such period shall not exceed the aggregate expenditures that would have been expended under this title if the program established under this section had not been implemented.

''(g) NOTICE REQUIREMENTS.—In the case of an individual that receives health care items or services under a demonstration program carried out under this section, the Secretary shall ensure that such individual is notified of any waivers of coverage or payment rules that are applicable to such individual under this title as a result of the participation of the individual in such program.

''(h) PARTICIPATION AND SUPPORT BY FEDERAL AGENCIES.—In carrying out the demonstration program under this section, the Secretary may direct—

''(1) the Director of the National Institutes of Health to expand the efforts of the Institutes to evaluate current medical technologies and improve the foundation for evidence-based practice;

''(2) the Administrator of the Agency for Healthcare Research and Quality to, where possible and appropriate, use the program under this section as a laboratory for the study of quality improvement strategies and to evaluate, monitor, and disseminate information relevant to such program; and

''(3) the Administrator of the Centers for Medicare & Medicaid Services and the Administrator of the Center for Medicare Choices to support linkages of relevant medicare data to registry information from participating health care groups for the beneficiary populations served by the participating groups, for analysis supporting the purposes of the demonstration program, consistent with the applicable provisions of the Health Insurance Portability and Accountability Act of 1996.

''(i) IMPLEMENTATION.—The Secretary shall not implement the demonstration program before October 1, 2004.''.

SEC. 443. MEDICARE COMPLEX CLINICAL CARE MANAGEMENT PAYMENT DEMONSTRATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration program to make the medicare program more responsive to needs of eligible beneficiaries by promoting continuity of care, helping stabilize medical conditions, preventing or minimizing acute exacerbations of chronic conditions, and reducing adverse health outcomes, such as adverse drug interactions related to polypharmacy.

(2) SITES.—The Secretary shall designate 6 sites at which to conduct the demonstration program under this section, of which at least 3 shall be in an urban area and at least 1 shall be in a rural area. One of the sites shall be located in the State of Arkansas.

(3) DURATION.—The Secretary shall conduct the demonstration program under this section for a 3-year period.

(4) IMPLEMENTATION.—The Secretary shall not implement the demonstration program before October 1, 2004.

(b) PARTICIPANTS.—Any eligible beneficiary who resides in an area designated by the Secretary as a demonstration site under subsection (a)(2) may participate in the demonstration program under this section if such beneficiary identifies a principal care physician who agrees to manage the complex clinical care of the eligible beneficiary under the demonstration program.

(c) PRINCIPAL CARE PHYSICIAN RESPONSIBILITIES.—The Secretary shall enter into an agreement with each principal care physician who agrees to manage the complex clinical care of an eligible beneficiary under subsection (b) under which the principal care physician shall—

(1) serve as the primary contact of the eligible beneficiary in accessing items and services for which payment may be made under the medicare program;

(2) maintain medical information related to care provided by other health care providers who provide health care items and services to the eligible beneficiary, including clinical reports, medication and treatments prescribed by other physicians, hospital and hospital outpatient services, skilled nursing home care, home health care, and medical equipment services;

(3) monitor and advocate for the continuity of care of the eligible beneficiary and the use of evidence-based guidelines;

(4) promote self-care and family caregiver involvement where appropriate;

(5) have appropriate staffing arrangements to conduct patient self-management and other care coordination activities as specified by the Secretary;

(6) refer the eligible beneficiary to community services organizations and coordinate the services of such organizations with the care provided by health care providers; and

(7) meet such other complex care management requirements as the Secretary may specify.

(d) COMPLEX CLINICAL CARE MANAGEMENT FEE.—

(1) PAYMENT.—Under an agreement entered into under subsection (c), the Secretary shall pay to each principal care physician, on behalf of each eligible beneficiary under the care of that physician, the complex clinical care management fee developed by the Secretary under paragraph (2).

(2) DEVELOPMENT OF FEE.—The Secretary shall develop a complex care management fee under this paragraph that is paid on a monthly basis and which shall be payment in full for all the functions performed by the principal care physician under the demonstration program, including any functions performed by other qualified practitioners acting on behalf of the physician, appropriate staff under the supervision of the physician, and any other person under a contract with the physician, including any person who conducts patient self-management and caregiver education under subsection (c)(4).

(e) FUNDING.—

(1) IN GENERAL.—The Secretary shall provide for the transfer from the Federal Supplementary Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) of such funds as are necessary for the costs of carrying out the demonstration program under this section.

(2) BUDGET NEUTRALITY.—In conducting the demonstration program under this section, the Secretary shall ensure that the aggregate payments made by the Secretary do not exceed the amount which the Secretary would have paid if the demonstration program under this section was not implemented.

(f) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq.; 1395 et seq.) as may be necessary for the purpose of carrying out the demonstration program under this section.

(g) REPORT.—Not later than 6 months after the completion of the demonstration program under this section, the Secretary shall submit to Congress a report on such program, together with recommendations for such legislation and administrative action as the Secretary determines to be appropriate.

(h) DEFINITIONS.—In this section:

(1) ACTIVITY OF DAILY LIVING.—The term ''activity of daily living'' means eating, toiling, transferring, bathing, dressing, and continence.

(2) CHRONIC CONDITION.—The term ''chronic condition'' means a biological, physical, or mental condition that is likely to last a year or more, for which there is no known cure,

for which there is a need for ongoing medical care, and which may affect an individual's ability to carry out activities of daily living or instrumental activities of daily living, or both.

(3) ELIGIBLE BENEFICIARY.—The term ''eligible beneficiary'' means any individual who—

(A) is enrolled for benefits under part B of the medicare program;

(B) has at least 4 complex medical conditions (one of which may be cognitive impairment); and

(C) has—

(i) an inability to self-manage their care; or

(ii) a functional limitation defined as an impairment in 1 or more activity of daily living or instrumental activity of daily living.

(4) INSTRUMENTAL ACTIVITY OF DAILY LIVING.—The term ''instrumental activity of daily living'' means meal preparation, shopping, housekeeping, laundry, money management, telephone use, and transportation use.

(5) MEDICARE PROGRAM.—The term ''medicare program'' means the health care program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) PRINCIPAL CARE PHYSICIAN.—The term ''principal care physician'' means the physician with primary responsibility for overall coordination of the care of an eligible beneficiary (as specified in a written plan of care) who may be a primary care physician or a specialist.

SEC. 444. MEDICARE FEE-FOR-SERVICE CARE COORDINATION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration program to contract with qualified care management organizations to provide health risk assessment and care management services to eligible beneficiaries who receive care under the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act to eligible beneficiaries.

(2) SITES.—The Secretary shall designate 6 sites at which to conduct the demonstration program under this section. In selecting sites under this paragraph, the Secretary shall give preference to sites located in rural areas.

(3) DURATION.—The Secretary shall conduct the demonstration program under this section for a 5-year period.

(4) IMPLEMENTATION.—The Secretary shall not implement the demonstration program before October 1, 2004.

(b) PARTICIPANTS.—Any eligible beneficiary who resides in an area designated by the Secretary as a demonstration site under subsection (a)(2) may participate in the demonstration program under this section if such beneficiary identifies a care management organization who agrees to furnish care management services to the eligible beneficiary under the demonstration program.

(c) CONTRACTS WITH CMOS.—

(1) IN GENERAL.—The Secretary shall enter into a contract with care management organizations to provide care management services to eligible beneficiaries residing in the area served by the care management organization.

(2) CANCELLATION.—The Secretary may cancel a contract entered into under paragraph (1) if the care management organization does not meet negotiated savings or quality outcomes targets for the year.

(3) NUMBER OF CMOS.—The Secretary may contract with more than 1 care management organization in a geographic area.

(d) PAYMENT TO CMOS.—

(1) PAYMENT.—Under an contract entered into under subsection (c), the Secretary shall pay care management organizations a fee for which the care management organization is partially at risk based on bids submitted by care management organizations.

(2) PORTION OF PAYMENT AT RISK.—The Secretary shall establish a benchmark for quality and cost against which the results of the care management organization are to be measured. The Secretary may not pay a care management organization the portion of the fee described in paragraph (1) that is at risk unless the Secretary determines that the care management organization has met the agreed upon savings and outcomes targets for the year.

(e) FUNDING.—

(1) IN GENERAL.—The Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportion as the Secretary determines to be appropriate, of such funds as are necessary for the costs of carrying out the demonstration program under this section.

(2) BUDGET NEUTRALITY.—In conducting the demonstration program under this section, the Secretary shall ensure that the aggregate payments made by the Secretary do not exceed the amount which the Secretary would have paid if the demonstration program under this section was not implemented.

(f) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary may waive such requirements of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq.; 1395 et seq.) as may be necessary for the purpose of carrying out the demonstration program under this section.

(2) WAIVER OF MEDIGAP PREEMPTIONS.—The Secretary shall waive any provision of section 1882 of the Social Security Act that would prevent an insurance carrier described in subsection (h)(3)(D) from participating in the demonstration program under this section.

(g) REPORT.—Not later than 6 months after the completion of the demonstration program under this section, the Secretary shall submit to Congress a report on such program, together with recommendations for such legislation and administrative action as the Secretary determines to be appropriate.

(h) DEFINITIONS.—In this section:

(1) CARE MANAGEMENT SERVICES.—The term ''care management services'' means services that are furnished to an eligible beneficiary (as defined in paragraph (2)) by a care management organization (as defined in paragraph (3)) in accordance with guidelines established by the Secretary that are consistent with guidelines established by the American Geriatrics Society.

(2) ELIGIBLE BENEFICIARY.—The term ''eligible beneficiary'' means an individual who is—

(A) entitled to (or enrolled for) benefits under part A and enrolled for benefits under part B of the Social Security Act (42 U.S.C. 1395c et seq.; 1395j et seq.);

(B) not enrolled with a Medicare+Choice plan or a MedicareAdvantage plan under part C; and

(C) at high-risk (as defined by the Secretary, but including eligible beneficiaries with multiple sclerosis or another disabling chronic condition, eligible beneficiaries residing in a nursing home or at risk for nursing home placement, or eligible beneficiaries eligible for assistance under a State plan under title XIX).

(3) CARE MANAGEMENT ORGANIZATION.—The term ''care management organization'' means an organization that meets such qualifications as the Secretary may specify and includes any of the following:

(A) A physician group practice, hospital, home health agency, or hospice program.

(B) A disease management organization.

(C) A Medicare+Choice or MedicareAdvantage organization.

(D) Insurance carriers offering medicare supplemental policies under section 1882 of the Social Security Act (42 U.S.C. 1395ss).

(E) Such other entity as the Secretary determines to be appropriate.

SEC. 445. GAO STUDY OF GEOGRAPHIC DIFFERENCES IN PAYMENTS FOR PHYSICIANS' SERVICES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of differences in payment amounts under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for physicians' services in different geographic areas. Such study shall include—

(1) an assessment of the validity of the geographic adjustment factors used for each component of the fee schedule;

(2) an evaluation of the measures used for such adjustment, including the frequency of revisions;

(3) an evaluation of the methods used to determine professional liability insurance costs used in computing the malpractice component, including a review of increases in professional liability insurance premiums and variation in such increases by State and physician specialty and methods used to update the geographic cost of practice index and relative weights for the malpractice component;

(4) an evaluation of whether there is a sound economic basis for the implementation of the adjustment under subparagraphs (E) and (F) of section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)), as added by section 421, in those areas in which the adjustment applies;

(5) an evaluation of the effect of such adjustment on physician location and retention in areas affected by such adjustment, taking into account—

(A) differences in recruitment costs and retention rates for physicians, including specialists, between large urban areas and other areas; and

(B) the mobility of physicians, including specialists, over the last decade; and

(6) an evaluation of appropriateness of extending such adjustment or making such adjustment permanent.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a). The report shall include recommendations regarding the use of more current data in computing geographic cost of practice indices as well as the use of data directly representative of physicians' costs (rather than proxy measures of such costs).

Subtitle C—Provisions Relating to Parts A and B

SEC. 451. INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

(a) IN GENERAL.—In the case of home health services furnished in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D))) on or after October 1, 2003, and before October 1, 2005, the Secretary shall increase the payment amount otherwise made under section 1895 of such Act (42 U.S.C. 1395fff) for such services by 5 percent.

(b) WAIVING BUDGET NEUTRALITY.—The Secretary shall not reduce the standard prospective payment amount (or amounts) under section 1895 of the Social Security Act (42 U.S.C. 1395fff) applicable to home health services furnished during a period to offset the increase in payments resulting from the application of subsection (a).

(c) NO EFFECT ON SUBSEQUENT PERIODS.—The payment increase provided under subsection (a) for a period under such subsection—

(1) shall not apply to episodes and visits ending after such period; and

(2) shall not be taken into account in calculating the payment amounts applicable for episodes and visits occurring after such period.

SEC. 452. LIMITATION ON REDUCTION IN AREA WAGE ADJUSTMENT FACTORS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOME HEALTH SERVICES.

Section 1895(b)(4)(C) (42 U.S.C. 1395fff(b)(4)(C)) is amended—

(1) by striking ''FACTORS.—The Secretary'' and inserting ''FACTORS.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary''; and

(2) by adding at the end the following new clause:

''(ii) LIMITATION ON REDUCTION IN FISCAL YEAR 2005 AND 2006.—For fiscal years 2004, 2005, and 2006, the area wage adjustment factor applicable to home health services furnished in an area in the fiscal year may not be more that 3 percent less than the area wage adjustment factor applicable to home health services for the area for the previous year.''.

SEC. 453. CLARIFICATIONS TO CERTAIN EXCEPTIONS TO MEDICARE LIMITS ON PHYSICIAN REFERRALS.

(a) LIMITS ON PHYSICIAN REFERRALS.—

(1) OWNERSHIP AND INVESTMENT INTERESTS IN WHOLE HOSPITALS.—

(A) IN GENERAL.—Section 1877(d)(3) (42 U.S.C. 1395nn(d)(3)) is amended—

(i) by striking ''and'' at the end of subparagraph (A); and

(ii) by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

''(B) the hospital is not a specialty hospital (as defined in subsection (h)(7)); and''.

(B) DEFINITION.—Section 1877(h) (42 U.S.C. 1395nn(h)) is amended by adding at the end the following:

''(7) SPECIALTY HOSPITAL.—

''(A) IN GENERAL.—For purposes of this section, except as provided in subparagraph (B), the term 'specialty hospital' means a hospital that is primarily or exclusively engaged in the care and treatment of one of the following:

''(i) patients with a cardiac condition;

''(ii) patients with an orthopedic condition;

''(iii) patients receiving a surgical procedure; or

''(iv) any other specialized category of patients or cases that the Secretary designates as inconsistent with the purpose of permitting physician ownership and investment interests in a hospital under this section.

''(B) EXCEPTION.—For purposes of this section, the term 'specialty hospital' does not include any hospital—

''(i) determined by the Secretary—

''(I) to be in operation before June 12, 2003; or

''(II) under development as of such date;

''(ii) for which the number of beds and the number of physician investors at any time on or after such date is no greater than the number of such beds or investors as of such date; and

''(iii) that meets such other requirements as the Secretary may specify.''.

(2) OWNERSHIP AND INVESTMENT INTERESTS IN A RURAL PROVIDER.—Section 1877(d)(2) (42 U.S.C. 1395nn(d)(2)) is amended to read as follows:

''(2) RURAL PROVIDERS.—In the case of designated health services furnished in a rural area (as defined in section 1886(d)(2)(D)) by an entity, if—

''(A) substantially all of the designated health services furnished by the entity are furnished to individuals residing in such a rural area;

''(B) the entity is not a specialty hospital (as defined in subsection (h)(7)); and

''(C) the Secretary determines, with respect to such entity, that such services would not be available in such area but for the ownership or investment interest.''.

(b) EFFECTIVE DATE.—Subject to paragraph (2), the amendments made by this section shall apply to referrals made for designated health services on or after January 1, 2004.

(c) APPLICATION OF EXCEPTION FOR HOSPITALS UNDER DEVELOPMENT.—For purposes of section 1877(h)(7)(B)(i)(II) of the Social Security Act, as added by subsection (a)(1)(B), in determining whether a hospital is under development as of June 12, 2003, the Secretary shall consider—

(1) whether architectural plans have been completed, funding has been received, zoning requirements have been met, and necessary approvals from appropriate State agencies have been received; and

(2) any other evidence the Secretary determines would indicate whether a hospital is under development as of such date.

SEC. 454. DEMONSTRATION PROGRAM FOR SUBSTITUTE ADULT DAY SERVICES.

(a) ESTABLISHMENT.—The Secretary shall establish a demonstration program (in this section referred to as the ''demonstration program'') under which the Secretary provides eligible medicare beneficiaries with coverage under the medicare program of substitute adult day services furnished by an adult day services facility.

(b) PAYMENT RATE FOR SUBSTITUTE ADULT DAY SERVICES.—

(1) PAYMENT RATE.—For purposes of making payments to an adult day services facility for substitute adult day services under the demonstration program, the following rules shall apply:

(A) ESTIMATION OF PAYMENT AMOUNT.—The Secretary shall estimate the amount that would otherwise be payable to a home health agency under section 1895 of the Social Security Act (42 U.S.C. 1395fff) for all home health services described in subsection (i)(4)(B)(i) under the plan of care.

(B) AMOUNT OF PAYMENT.—Subject to paragraph (3)(B), the total amount payable for substitute adult day services under the plan of care is equal to 95 percent of the amount estimated to be payable under subparagraph (A).

(2) LIMITATION ON BALANCE BILLING.—Under the demonstration program, an adult day services facility shall accept as payment in full for substitute adult day services (including those services described in clauses (ii) through (iv) of subsection (i)(4)(B)) furnished by the facility to an eligible medicare beneficiary the amount of payment provided under the demonstration program for home health services consisting of substitute adult services.

(3) ADJUSTMENT IN CASE OF OVERUTILIZATION OF SUBSTITUTE ADULT DAY SERVICES TO ENSURE BUDGET NEUTRALITY.—The Secretary shall monitor the expenditures under the demonstration program and under title XVIII of the Social Security Act for home health services. If the Secretary estimates that the total expenditures under the demonstration program and under such title XVIII for home health services for a period determined by the Secretary exceed expenditures that would have been made under such title XVIII for home health services for such period if the demonstration program had not been conducted, the Secretary shall adjust the rate of payment to adult day services facilities under paragraph (1)(B) in order to eliminate such excess.

(c) DEMONSTRATION PROGRAM SITES.—The demonstration program shall be conducted in not more than 3 sites selected by the Secretary.

(d) DURATION; IMPLEMENTATION.—

(1) DURATION.—The Secretary shall conduct the demonstration program for a period of 3 years.

(2) IMPLEMENTATION.—The Secretary may not implement the demonstration program before October 1, 2004.

(e) VOLUNTARY PARTICIPATION.—Participation of eligible medicare beneficiaries in the demonstration program shall be voluntary.

(f) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may waive such requirements of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq.; 1395 et seq.) as may be necessary for the purposes of carrying out the demonstration program.

(2) MAY NOT WAIVE ELIGIBILITY REQUIREMENTS FOR HOME HEALTH SERVICES.—The Secretary may not waive the beneficiary eligibility requirements for home health services under title XVIII of the Social Security Act.

(g) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the clinical and cost effectiveness of the demonstration program.

(2) REPORT.—Not later than 30 months after the commencement of the demonstration program, the Secretary shall submit to Congress a report on the evaluation conducted under paragraph (1) and shall include in the report the following:

(A) An analysis of the patient outcomes and costs of furnishing care to the eligible medicare beneficiaries participating in the demonstration program as compared to such outcomes and costs to such beneficiaries receiving only home health services under title XVIII of the Social Security Act for the same health conditions.

(B) Such recommendations regarding the extension, expansion, or termination of the program as the Secretary determines appropriate.

(i) DEFINITIONS.—In this section:

(1) ADULT DAY SERVICES FACILITY.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term ''adult day services facility'' means a public agency or private organization, or a subdivision of such an agency or organization, that—

(i) is engaged in providing skilled nursing services and other therapeutic services directly or under arrangement with a home health agency;

(ii) provides the items and services described in paragraph (4)(B); and

(iii) meets the requirements of paragraphs (2) through (8) of subsection (o).

(B) INCLUSION.—Notwithstanding subparagraph (A), the term ''adult day services facility'' shall include a home health agency in which the items and services described in clauses (ii) through (iv) of paragraph (4)(B) are provided—

(i) by an adult day services program that is licensed or certified by a State, or accredited, to furnish such items and services in the State; and

(ii) under arrangements with that program made by such agency.

(C) WAIVER OF SURETY BOND.—The Secretary may waive the requirement of a surety bond under section 1861(o)(7) of the Social Security Act (42 U.S.C. 1395x(o)(7)) in the case of an agency or organization that provides a comparable surety bond under State law.

(2) ELIGIBLE MEDICARE BENEFICIARY.—The term ''eligible medicare beneficiary'' means an individual eligible for home health services under title XVIII of the Social Security Act.

(3) HOME HEALTH AGENCY.—The term ''home health agency'' has the meaning given such

term in section 1861(o) of the Social Security Act (42 U.S.C. 1395x(o)).

(4) SUBSTITUTE ADULT DAY SERVICES.—

(A) IN GENERAL.—The term ''substitute adult day services'' means the items and services described in subparagraph (B) that are furnished to an individual by an adult day services facility as a part of a plan under section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) that substitutes such services for some or all of the items and services described in subparagraph (B)(i) furnished by a home health agency under the plan, as determined by the physician establishing the plan.

(B) ITEMS AND SERVICES DESCRIBED.—The items and services described in this subparagraph are the following items and services:

(i) Items and services described in paragraphs (1) through (7) of such section 1861(m).

(ii) Meals.

(iii) A program of supervised activities designed to promote physical and mental health and furnished to the individual by the adult day services facility in a group setting for a period of not fewer than 4 and not greater than 12 hours per day.

(iv) A medication management program (as defined in subparagraph (C)).

(C) MEDICATION MANAGEMENT PROGRAM.—For purposes of subparagraph (B)(iv), the term ''medication management program'' means a program of services, including medicine screening and patient and health care provider education programs, that provides services to minimize—

(i) unnecessary or inappropriate use of prescription drugs; and

(ii) adverse events due to unintended prescription drug-to-drug interactions.

SEC. 455. MEDICARE SECONDARY PAYOR (MSP) PROVISIONS.

(a) TECHNICAL AMENDMENT CONCERNING SECRETARY'S AUTHORITY TO MAKE CONDITIONAL PAYMENT WHEN CERTAIN PRIMARY PLANS DO NOT PAY PROMPTLY.—

(1) IN GENERAL.—Section 1862(b)(2) (42 U.S.C. 1395y(b)(2)) is amended—

(A) in subparagraph (A)(ii), by striking ''promptly (as determined in accordance with regulations)'';

(B) in subparagraph (B)—

(i) by redesignating clauses (i) through (iii) as clauses (ii) through (iv), respectively; and

(ii) by inserting before clause (ii), as so redesignated, the following new clause:

''(i) AUTHORITY TO MAKE CONDITIONAL PAYMENT.—The Secretary may make payment under this title with respect to an item or service if a primary plan described in subparagraph (A)(ii) has not made or cannot reasonably be expected to make payment with respect to such item or service promptly (as determined in accordance with regulations). Any such payment by the Secretary shall be conditioned on reimbursement to the appropriate Trust Fund in accordance with the succeeding provisions of this subsection.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of title III of the Medicare and Medicaid Budget Reconciliation Amendments of 1984 (Public Law 98-369).

(b) CLARIFYING AMENDMENTS TO CONDITIONAL PAYMENT PROVISIONS.—Section 1862(b)(2) (42 U.S.C. 1395y(b)(2)) is further amended—

(1) in subparagraph (A), in the matter following clause (ii), by inserting the following sentence at the end: ''An entity that engages in a business, trade, or profession shall be deemed to have a self-insured plan if it carries its own risk (whether by a failure to obtain insurance, or otherwise) in whole or in part.'';

(2) in subparagraph (B)(ii), as redesignated by subsection (a)(2)(B)—

(A) by striking the first sentence and inserting the following: ''A primary plan, and an entity that receives payment from a primary plan, shall reimburse the appropriate Trust Fund for any payment made by the Secretary under this title with respect to an item or service if it is demonstrated that such primary plan has or had a responsibility to make payment with respect to such item or service. A primary plan's responsibility for such payment may be demonstrated by a judgment, a payment conditioned upon the recipient's compromise, waiver, or release (whether or not there is a determination or admission of liability) of payment for items or services included in a claim against the primary plan or the primary plan's insured, or by other means.''; and

(B) in the final sentence, by striking ''on the date such notice or other information is received'' and inserting ''on the date notice of, or information related to, a primary plan's responsibility for such payment or other information is received''; and

(3) in subparagraph (B)(iii), as redesignated by subsection (a)(2)(B), by striking the first sentence and inserting the following: ''In order to recover payment made under this title for an item or service, the United States may bring an action against any or all entities that are or were required or responsible (directly, as an insurer or self-insurer, as a third-party administrator, as an employer that sponsors or contributes to a group health plan, or large group health plan, or otherwise) to make payment with respect to the same item or service (or any portion thereof) under a primary plan. The United States may, in accordance with paragraph (3)(A) collect double damages against any such entity. In addition, the United States may recover under this clause from any entity that has received payment from a primary plan or from the proceeds of a primary plan's payment to any entity.''.

(c) CLERICAL AMENDMENTS.—Section 1862(b)(42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (1)(A), by moving the indentation of clauses (ii) through (v) 2 ems to the left; and

(2) in paragraph (3)(A), by striking ''such'' before ''paragraphs''.

TITLE V—MEDICARE APPEALS, REGULATORY, AND CONTRACTING IMPROVEMENTS

Subtitle A—Regulatory Reform

SEC. 501. RULES FOR THE PUBLICATION OF A FINAL REGULATION BASED ON THE PREVIOUS PUBLICATION OF AN INTERIM FINAL REGULATION.

(a) IN GENERAL.—Section 1871(a) (42 U.S.C. 1395hh(a)) is amended by adding at the end the following new paragraph:

''(3)(A) With respect to the publication of a final regulation based on the previous publication of an interim final regulation—

''(i) subject to subparagraph (B), the Secretary shall publish the final regulation within the 12-month period that begins on the date of publication of the interim final regulation;

''(ii) if a final regulation is not published by the deadline established under this paragraph, the interim final regulation shall not continue in effect unless the Secretary publishes a notice described in subparagraph (B) by such deadline; and

''(iii) the final regulation shall include responses to comments submitted in response to the interim final regulation.

''(B) If the Secretary determines before the deadline otherwise established in this paragraph that there is good cause, specified in a notice published before such deadline, for delaying the deadline otherwise applicable under this paragraph, the deadline otherwise established under this paragraph shall be extended for such period (not to exceed 12 months) as the Secretary specifies in such notice.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to interim final regulations published on or after such date.

(c) STATUS OF PENDING INTERIM FINAL REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall publish a notice in the Federal Register that provides the status of each interim final regulation that was published on or before the date of enactment of this Act and for which no final regulation has been published. Such notice shall include the date by which the Secretary plans to publish the final regulation that is based on the interim final regulation.

SEC. 502. COMPLIANCE WITH CHANGES IN REGULATIONS AND POLICIES.

(a) NO RETROACTIVE APPLICATION OF SUBSTANTIVE CHANGES.—

(1) IN GENERAL.—Section 1871 (42 U.S.C. 1395hh) is amended by adding at the end the following new subsection:

''(d)(1)(A) A substantive change in regulations, manual instructions, interpretative rules, statements of policy, or guidelines of general applicability under this title shall not be applied (by extrapolation or otherwise) retroactively to items and services furnished before the effective date of the change, unless the Secretary determines that—

''(i) such retroactive application is necessary to comply with statutory requirements; or

''(ii) failure to apply the change retroactively would be contrary to the public interest.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to substantive changes issued on or after the date of enactment of this Act.

(b) TIMELINE FOR COMPLIANCE WITH SUBSTANTIVE CHANGES AFTER NOTICE.—

(1) IN GENERAL.—Section 1871(d)(1), as added by subsection (a), is amended by adding at the end the following:

''(B) A compliance action may be made against a provider of services, physician, practitioner, or other supplier with respect to noncompliance with such a substantive change only for items and services furnished on or after the effective date of the change.

''(C)(i) Except as provided in clause (ii), a substantive change may not take effect before the date that is the end of the 30-day period that begins on the date that the Secretary has issued or published, as the case may be, the substantive change.

''(ii) The Secretary may provide for a substantive change to take effect on a date that precedes the end of the 30-day period under clause (i) if the Secretary finds that waiver of such 30-day period is necessary to comply with statutory requirements or that the application of such 30-day period is contrary to the public interest. If the Secretary provides for an earlier effective date pursuant to this clause, the Secretary shall include in the issuance or publication of the substantive change a finding described in the first sentence, and a brief statement of the reasons for such finding.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compliance actions undertaken on or after the date of enactment of this Act.

SEC. 503. REPORT ON LEGAL AND REGULATORY INCONSISTENCIES.

Section 1871 (42 U.S.C. 1395hh), as amended by section 502(a)(1), is amended by adding at the end the following new subsection:

''(e)(1) Not later than 2 years after the date of enactment of this subsection, and every 3

years thereafter, the Secretary shall submit to Congress a report with respect to the administration of this title and areas of inconsistency or conflict among the various provisions under law and regulation.

''(2) In preparing a report under paragraph (1), the Secretary shall collect—

''(A) information from beneficiaries, providers of services, physicians, practitioners, and other suppliers with respect to such areas of inconsistency and conflict; and

''(B) information from medicare contractors that tracks the nature of all communications and correspondence.

''(3) A report under paragraph (1) shall include a description of efforts by the Secretary to reduce such inconsistency or conflicts, and recommendations for legislation or administrative action that the Secretary determines appropriate to further reduce such inconsistency or conflicts.''.

Subtitle B—Appeals Process Reform

SEC. 511. SUBMISSION OF PLAN FOR TRANSFER OF RESPONSIBILITY FOR MEDICARE APPEALS.

(a) SUBMISSION OF TRANSITION PLAN.—

(1) IN GENERAL.—Not later than April 1, 2004, the Commissioner of Social Security and the Secretary shall develop and transmit to Congress and the Comptroller General of the United States a plan under which the functions of administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions in title XI of such Act) are transferred from the responsibility of the Commissioner and the Social Security Administration to the Secretary and the Department of Health and Human Services.

(2) CONTENTS.—The plan shall include information on the following:

(A) WORKLOAD.—The number of such administrative law judges and support staff required now and in the future to hear and decide such cases in a timely manner, taking into account the current and anticipated claims volume, appeals, number of beneficiaries, and statutory changes.

(B) COST PROJECTIONS AND FINANCING.—Funding levels required for fiscal year 2005 and subsequent fiscal years to carry out the functions transferred under the plan and how such transfer should be financed.

(C) TRANSITION TIMETABLE.—A timetable for the transition.

(D) REGULATIONS.—The establishment of specific regulations to govern the appeals process.

(E) CASE TRACKING.—The development of a unified case tracking system that will facilitate the maintenance and transfer of case specific data across both the fee-for-service and managed care components of the medicare program.

(F) FEASIBILITY OF PRECEDENTIAL AUTHORITY.—The feasibility of developing a process to give decisions of the Departmental Appeals Board in the Department of Health and Human Services addressing broad legal issues binding, precedential authority.

(G) ACCESS TO ADMINISTRATIVE LAW JUDGES.—The feasibility of—

(i) filing appeals with administrative law judges electronically; and

(ii) conducting hearings using tele- or video-conference technologies.

(H) INDEPENDENCE OF ADMINISTRATIVE LAW JUDGES.—The steps that should be taken to ensure the independence of administrative law judges, including ensuring that such judges are in an office that is functionally and operationally separate from the Centers for Medicare & Medicaid Services and the Center for Medicare Choices.

(I) GEOGRAPHIC DISTRIBUTION.—The steps that should be taken to provide for an appropriate geographic distribution of administrative law judges throughout the United States to ensure timely access to such judges.

(J) HIRING.—The steps that should be taken to hire administrative law judges (and support staff).

(K) PERFORMANCE STANDARDS.—The establishment of performance standards for administrative law judges with respect to timelines for decisions in cases under title XVIII of the Social Security Act.

(L) SHARED RESOURCES.—The feasibility of the Secretary entering into such arrangements with the Commissioner of Social Security as may be appropriate with respect to transferred functions under the plan to share office space, support staff, and other resources, with appropriate reimbursement.

(M) TRAINING.—The training that should be provided to administrative law judges with respect to laws and regulations under title XVIII of the Social Security Act.

(3) ADDITIONAL INFORMATION.—The plan may also include recommendations for further congressional action, including modifications to the requirements and deadlines established under section 1869 of the Social Security Act (as amended by sections 521 and 522 of BIPA (114 Stat. 2763A–534) and this Act).

(b) GAO EVALUATION.—The Comptroller General of the United States shall—

(1) evaluate the plan submitted under subsection (a); and

(2) not later than 6 months after such submission, submit to Congress, the Commissioner of Social Security, and the Secretary a report on such evaluation.

(c) SUBMISSION OF GAO REPORT REQUIRED BEFORE PLAN IMPLEMENTATION.—The Commissioner of Social Security and the Secretary may not implement the plan developed under subsection (a) before the date that is 6 months after the date the report required under subsection (b)(2) is submitted to the Commissioner and the Secretary.

SEC. 512. EXPEDITED ACCESS TO JUDICIAL REVIEW.

(a) IN GENERAL.—Section 1869(b) (42 U.S.C. 1395ff(b)) is amended—

(1) in paragraph (1)(A), by inserting '', subject to paragraph (2),'' before ''to judicial review of the Secretary's final decision''; and

(2) by adding at the end the following new paragraph:

''(2) EXPEDITED ACCESS TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—The Secretary shall establish a process under which a provider of services or supplier that furnishes an item or service or a beneficiary who has filed an appeal under paragraph (1) (other than an appeal filed under paragraph (1)(F)(i)) may obtain access to judicial review when a review entity (described in subparagraph (D)), on its own motion or at the request of the appellant, determines that the Departmental Appeals Board does not have the authority to decide the question of law or regulation relevant to the matters in controversy and that there is no material issue of fact in dispute. The appellant may make such request only once with respect to a question of law or regulation for a specific matter in dispute in a case of an appeal.

''(B) PROMPT DETERMINATIONS.—If, after or coincident with appropriately filing a request for an administrative hearing, the appellant requests a determination by the appropriate review entity that the Departmental Appeals Board does not have the authority to decide the question of law or regulations relevant to the matters in controversy and that there is no material issue of fact in dispute, and if such request is accompanied by the documents and materials as the appropriate review entity shall require for purposes of making such determination, such review entity shall make a determination on the request in writing within 60 days after the date such review entity receives the request and such accompanying documents and materials. Such a determination by such review entity shall be considered a final decision and not subject to review by the Secretary.

''(C) ACCESS TO JUDICIAL REVIEW.—

''(i) IN GENERAL.—If the appropriate review entity—

''(I) determines that there are no material issues of fact in dispute and that the only issues to be adjudicated are ones of law or regulation that the Departmental Appeals Board does not have authority to decide; or

''(II) fails to make such determination within the period provided under subparagraph (B);

then the appellant may bring a civil action as described in this subparagraph.

''(ii) DEADLINE FOR FILING.—Such action shall be filed, in the case described in—

''(I) clause (i)(I), within 60 days of the date of the determination described in such clause; or

''(II) clause (i)(II), within 60 days of the end of the period provided under subparagraph (B) for the determination.

''(iii) VENUE.—Such action shall be brought in the district court of the United States for the judicial district in which the appellant is located (or, in the case of an action brought jointly by more than 1 applicant, the judicial district in which the greatest number of applicants are located) or in the District Court for the District of Columbia.

''(iv) INTEREST ON ANY AMOUNTS IN CONTROVERSY.—Where a provider of services or supplier is granted judicial review pursuant to this paragraph, the amount in controversy (if any) shall be subject to annual interest beginning on the first day of the first month beginning after the 60-day period as determined pursuant to clause (ii) and equal to the rate of interest on obligations issued for purchase by the Federal Supplementary Medical Insurance Trust Fund for the month in which the civil action authorized under this paragraph is commenced, to be awarded by the reviewing court in favor of the prevailing party. No interest awarded pursuant to the preceding sentence shall be deemed income or cost for the purposes of determining reimbursement due providers of services, physicians, practitioners, and other suppliers under this Act.

''(D) REVIEW ENTITY DEFINED.—For purposes of this subsection, a 'review entity' is a panel of no more than 3 members from the Departmental Appeals Board, selected for the purpose of making determinations under this paragraph.''.

(b) APPLICATION TO PROVIDER AGREEMENT DETERMINATIONS.—Section 1866(h)(1) (42 U.S.C. 1395cc(h)(1)) is amended—

(1) by inserting ''(A)'' after ''(h)(1)''; and

(2) by adding at the end the following new subparagraph:

''(B) An institution or agency described in subparagraph (A) that has filed for a hearing under subparagraph (A) shall have expedited access to judicial review under this subparagraph in the same manner as providers of services, suppliers, and beneficiaries may obtain expedited access to judicial review under the process established under section 1869(b)(2). Nothing in this subparagraph shall be construed to affect the application of any remedy imposed under section 1819 during the pendency of an appeal under this subparagraph.''.

(c) GAO STUDY AND REPORT ON ACCESS TO JUDICIAL REVIEW.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the access of medicare beneficiaries and health care providers to judicial review of actions of the Secretary and the Department of Health and Human Services with respect to items and services under title XVIII of the Social

Security Act subsequent to February 29, 2000, the date of the decision of Shalala, Secretary of Health and Human Services, et al. v. Illinois Council on Long Term Care, Inc. (529 U.S. 1 (2000)).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) together with such recommendations as the Comptroller General determines to be appropriate.

(d) CONFORMING AMENDMENT.—Section 1869(b)(1)(F)(ii) (42 U.S.C. 1395ff(b)(1)(F)(ii)) is amended to read as follows:

''(ii) REFERENCE TO EXPEDITED ACCESS TO JUDICIAL REVIEW.—For the provision relating to expedited access to judicial review, see paragraph (2).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to appeals filed on or after October 1, 2004.

SEC. 513. EXPEDITED REVIEW OF CERTAIN PROVIDER AGREEMENT DETERMINATIONS.

(a) TERMINATION AND CERTAIN OTHER IMMEDIATE REMEDIES.—

(1) IN GENERAL.—The Secretary shall develop and implement a process to expedite proceedings under sections 1866(h) of the Social Security Act (42 U.S.C. 1395cc(h)) in which—

(A) the remedy of termination of participation has been imposed;

(B) a sanction described in clause (i) or (iii) of section 1819(h)(2)(B) of such Act (42 U.S.C. 1395i–3(h)(2)(B)) has been imposed, but only if such sanction has been imposed on an immediate basis; or

(C) the Secretary has required a skilled nursing facility to suspend operations of a nurse aide training program.

(2) PRIORITY FOR CASES OF TERMINATION.—Under the process described in paragraph (1), priority shall be provided in cases of termination described in subparagraph (A) of such paragraph.

(b) INCREASED FINANCIAL SUPPORT.—In addition to any amounts otherwise appropriated, to reduce by 50 percent the average time for administrative determinations on appeals under section 1866(h) of the Social Security Act (42 U.S.C. 1395cc(h)), there are authorized to be appropriated (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund) to the Secretary such sums for fiscal year 2004 and each subsequent fiscal year as may be necessary to increase the number of administrative law judges (and their staffs) at the Departmental Appeals Board of the Department of Health and Human Services and to educate such judges and staff on long-term care issues.

SEC. 514. REVISIONS TO MEDICARE APPEALS PROCESS.

(a) TIMEFRAMES FOR THE COMPLETION OF THE RECORD.—Section 1869(b) (42 U.S.C. 1395ff(b)), as amended by section 512(a)(2), is amended by adding at the end the following new paragraph:

''(3) TIMELY COMPLETION OF THE RECORD.—

''(A) DEADLINE.—Subject to subparagraph (B), the deadline to complete the record in a hearing before an administrative law judge or a review by the Departmental Appeals Board is 90 days after the date the request for the review or hearing is filed.

''(B) EXTENSIONS FOR GOOD CAUSE.—The person filing a request under subparagraph (A) may request an extension of such deadline for good cause. The administrative law judge, in the case of a hearing, and the Departmental Appeals Board, in the case of a review, may extend such deadline based upon a finding of good cause to a date specified by the judge or Board, as the case may be.

''(C) DELAY IN DECISION DEADLINES UNTIL COMPLETION OF RECORD.—Notwithstanding any other provision of this section, the deadlines otherwise established under subsection (d) for the making of determinations in hearings or review under this section are 90 days after the date on which the record is complete.

''(D) COMPLETE RECORD DESCRIBED.—For purposes of this paragraph, a record is complete when the administrative law judge, in the case of a hearing, or the Departmental Appeals Board, in the case of a review, has received—

''(i) written or testimonial evidence, or both, submitted by the person filing the request,

''(ii) written or oral argument, or both,

''(iii) the decision of, and the record for, the prior level of appeal, and

''(iv) such other evidence as such judge or Board, as the case may be, determines is required to make a determination on the request.''.

(b) USE OF PATIENTS' MEDICAL RECORDS.—Section 1869(c)(3)(B)(i) (42 U.S.C. 1395ff(c)(3)(B)(i)) is amended by inserting ''(including the medical records of the individual involved)'' after ''clinical experience''.

(c) NOTICE REQUIREMENTS FOR MEDICARE APPEALS.—

(1) INITIAL DETERMINATIONS AND REDETERMINATIONS.—Section 1869(a) (42 U.S.C. 1395ff(a)) is amended by adding at the end the following new paragraph:

''(4) REQUIREMENTS OF NOTICE OF DETERMINATIONS AND REDETERMINATIONS.—A written notice of a determination on an initial determination or on a redetermination, insofar as such determination or redetermination results in a denial of a claim for benefits, shall be provided in printed form and written in a manner to be understood by the beneficiary and shall include—

''(A) the reasons for the determination, including, as appropriate—

''(i) upon request in the case of an initial determination, the provision of the policy, manual, or regulation that resulted in the denial; and

''(ii) in the case of a redetermination, a summary of the clinical or scientific evidence used in making the determination (as appropriate);

''(B) the procedures for obtaining additional information concerning the determination or redetermination; and

''(C) notification of the right to seek a redetermination or otherwise appeal the determination and instructions on how to initiate such a redetermination or appeal under this section.''.

(2) RECONSIDERATIONS.—Section 1869(c)(3)(E) (42 U.S.C. 1395ff(c)(3)(E)) is amended to read as follows:

''(E) EXPLANATION OF DECISION.—Any decision with respect to a reconsideration of a qualified independent contractor shall be in writing in a manner to be understood by the beneficiary and shall include—

''(i) to the extent appropriate, a detailed explanation of the decision as well as a discussion of the pertinent facts and applicable regulations applied in making such decision;

''(ii) a notification of the right to appeal such determination and instructions on how to initiate such appeal under this section; and

''(iii) in the case of a determination of whether an item or service is reasonable and necessary for the diagnosis or treatment of illness or injury (under section 1862(a)(1)(A)) an explanation of the medical or scientific rationale for the decision.''.

(3) APPEALS.—Section 1869(d) (42 U.S.C. 1395ff(d)) is amended—

(A) in the heading, by inserting ''; NOTICE'' after ''SECRETARY''; and

(B) by adding at the end the following new paragraph:

''(4) NOTICE.—Notice of the decision of an administrative law judge shall be in writing in a manner to be understood by the beneficiary and shall include—

''(A) the specific reasons for the determination (including, to the extent appropriate, a summary of the clinical or scientific evidence used in making the determination);

''(B) the procedures for obtaining additional information concerning the decision; and

''(C) notification of the right to appeal the decision and instructions on how to initiate such an appeal under this section.''.

(4) PREPARATION OF RECORD FOR APPEAL.—Section 1869(c)(3)(J) (42 U.S.C. 1395ff(c)(3)(J)) is amended by striking ''such information as is required for an appeal'' and inserting ''the record for the appeal''.

(d) QUALIFIED INDEPENDENT CONTRACTORS.—

(1) ELIGIBILITY REQUIREMENTS OF QUALIFIED INDEPENDENT CONTRACTORS.—Section 1869(c) (42 U.S.C. 1395ff(c)) is amended—

(A) in paragraph (2)—

(i) by inserting ''(except in the case of a utilization and quality control peer review organization, as defined in section 1152)'' after ''means an entity or organization that''; and

(ii) by striking the period at the end and inserting the following: ''and meets the following requirements:

''(A) GENERAL REQUIREMENTS.—

''(i) The entity or organization has (directly or through contracts or other arrangements) sufficient medical, legal, and other expertise (including knowledge of the program under this title) and sufficient staffing to carry out duties of a qualified independent contractor under this section on a timely basis.

''(ii) The entity or organization has provided assurances that it will conduct activities consistent with the applicable requirements of this section, including that it will not conduct any activities in a case unless the independence requirements of subparagraph (B) are met with respect to the case.

''(iii) The entity or organization meets such other requirements as the Secretary provides by regulation.

''(B) INDEPENDENCE REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), an entity or organization meets the independence requirements of this subparagraph with respect to any case if the entity—

''(I) is not a related party (as defined in subsection (g)(5));

''(II) does not have a material familial, financial, or professional relationship with such a party in relation to such case; and

''(III) does not otherwise have a conflict of interest with such a party (as determined under regulations).

''(ii) EXCEPTION FOR COMPENSATION.—Nothing in clause (i) shall be construed to prohibit receipt by a qualified independent contractor of compensation from the Secretary for the conduct of activities under this section if the compensation is provided consistent with clause (iii).

''(iii) LIMITATIONS ON ENTITY COMPENSATION.—Compensation provided by the Secretary to a qualified independent contractor in connection with reviews under this section shall not be contingent on any decision rendered by the contractor or by any reviewing professional.''; and

(B) in paragraph (3)(A), by striking '', and shall have sufficient training and expertise in medical science and legal matters to make reconsiderations under this subsection''.

(2) ELIGIBILITY REQUIREMENTS FOR REVIEWERS.—Section 1869 (42 U.S.C. 1395ff) is amended—

(A) by amending subsection (c)(3)(D) to read as follows:

''(D) QUALIFICATIONS OF REVIEWERS.—The requirements of subsection (g) shall be met (relating to qualifications of reviewing professionals).''; and

(B) by adding at the end the following new subsection:

''(g) QUALIFICATIONS OF REVIEWERS.—

''(1) IN GENERAL.—In reviewing determinations under this section, a qualified independent contractor shall assure that—

''(A) each individual conducting a review shall meet the qualifications of paragraph (2);

''(B) compensation provided by the contractor to each such reviewer is consistent with paragraph (3); and

''(C) in the case of a review by a panel described in subsection (c)(3)(B) composed of physicians or other health care professionals (each in this subsection referred to as a 'reviewing professional'), each reviewing professional meets the qualifications described in paragraph (4).

''(2) INDEPENDENCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), each individual conducting a review in a case shall—

''(i) not be a related party (as defined in paragraph (5));

''(ii) not have a material familial, financial, or professional relationship with such a party in the case under review; and

''(iii) not otherwise have a conflict of interest with such a party (as determined under regulations).

''(B) EXCEPTION.—Nothing in subparagraph (A) shall be construed to—

''(i) prohibit an individual, solely on the basis of affiliation with a fiscal intermediary, carrier, or other contractor, from serving as a reviewing professional if—

''(I) a nonaffiliated individual is not reasonably available;

''(II) the affiliated individual is not involved in the provision of items or services in the case under review;

''(III) the fact of such an affiliation is disclosed to the Secretary and the beneficiary (or authorized representative) and neither party objects; and

''(IV) the affiliated individual is not an employee of the intermediary, carrier, or contractor and does not provide services exclusively or primarily to or on behalf of such intermediary, carrier, or contractor;

''(ii) prohibit an individual who has staff privileges at the institution where the treatment involved takes place from serving as a reviewer merely on the basis of such affiliation if the affiliation is disclosed to the Secretary and the beneficiary (or authorized representative), and neither party objects; or

''(iii) prohibit receipt of compensation by a reviewing professional from a contractor if the compensation is provided consistent with paragraph (3).

''(3) LIMITATIONS ON REVIEWER COMPENSATION.—Compensation provided by a qualified independent contractor to a reviewer in connection with a review under this section shall not be contingent on the decision rendered by the reviewer.

''(4) LICENSURE AND EXPERTISE.—Each reviewing professional shall be a physician (allopathic or osteopathic) or health care professional who—

''(A) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

''(B) has medical expertise in the field of practice that is appropriate for the items or services at issue.

''(5) RELATED PARTY DEFINED.—For purposes of this section, the term 'related party' means, with respect to a case under this title involving an individual beneficiary, any of the following:

''(A) The Secretary, the medicare administrative contractor involved, or any fiduciary, officer, director, or employee of the Department of Health and Human Services, or of such contractor.

''(B) The individual (or authorized representative).

''(C) The health care professional that provides the items or services involved in the case.

''(D) The institution at which the items or services (or treatment) involved in the case are provided.

''(E) The manufacturer of any drug or other item that is included in the items or services involved in the case.

''(F) Any other party determined under any regulations to have a substantial interest in the case involved.''.

(3) NUMBER OF QUALIFIED INDEPENDENT CONTRACTORS.—Section 1869(c)(4) (42 U.S.C. 1395ff(c)(4)) is amended by striking ''12'' and inserting ''4''.

(e) IMPLEMENTATION OF CERTAIN BIPA REFORMS.—

(1) DELAY IN CERTAIN BIPA REFORMS.—Section 521(d) of BIPA (114 Stat. 2763A–543) is amended to read as follows:

''(d) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as specified in paragraph (2), the amendments made by this section shall apply with respect to initial determinations made on or after December 1, 2004.

''(2) EXPEDITED PROCEEDINGS AND RECONSIDERATION REQUIREMENTS.—For the following provisions, the amendments made by subsection (a) shall apply with respect to initial determinations made on or after October 1, 2003:

''(A) Subsection (b)(1)(F)(i) of section 1869 of the Social Security Act.

''(B) Subsection (c)(3)(C)(iii) of such section.

''(C) Subsection (c)(3)(C)(iv) of such section to the extent that it applies to expedited reconsiderations under subsection (c)(3)(C)(iii) of such section.

''(3) TRANSITIONAL USE OF PEER REVIEW ORGANIZATIONS TO CONDUCT EXPEDITED RECONSIDERATIONS UNTIL QICS ARE OPERATIONAL.—Expedited reconsiderations of initial determinations under section 1869(c)(3)(C)(iii) of the Social Security Act shall be made by peer review organizations until qualified independent contractors are available for such expedited reconsiderations.''.

(2) CONFORMING AMENDMENTS.—Section 521(c) of BIPA (114 Stat. 2763A–543) and section 1869(c)(3)(C)(iii)(III) of the Social Security Act (42 U.S.C. 1395ff(c)(3)(C)(iii)(III)), as added by section 521 of BIPA, are repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of the respective provisions of subtitle C of title V of BIPA, 114 Stat. 2763A–534.

(g) TRANSITION.—In applying section 1869(g) of the Social Security Act (as added by subsection (d)(2)), any reference to a medicare administrative contractor shall be deemed to include a reference to a fiscal intermediary under section 1816 of the Social Security Act (42 U.S.C. 1395h) and a carrier under section 1842 of such Act (42 U.S.C. 1395u).

SEC. 515. HEARING RIGHTS RELATED TO DECISIONS BY THE SECRETARY TO DENY OR NOT RENEW A MEDICARE ENROLLMENT AGREEMENT; CONSULTATION BEFORE CHANGING PROVIDER ENROLLMENT FORMS.

(a) HEARING RIGHTS.—

(1) IN GENERAL.—Section 1866 (42 U.S.C. 1395cc) is amended by adding at the end the following new subsection:

''(j) HEARING RIGHTS IN CASES OF DENIAL OR NONRENEWAL.—The Secretary shall establish by regulation procedures under which—

''(1) there are deadlines for actions on applications for enrollment (and, if applicable, renewal of enrollment); and

''(2) providers of services, physicians, practitioners, and suppliers whose application to enroll (or, if applicable, to renew enrollment) are denied are provided a mechanism to appeal such denial and a deadline for consideration of such appeals.''.

(2) EFFECTIVE DATE.—The Secretary shall provide for the establishment of the procedures under the amendment made by paragraph (1) within 18 months after the date of enactment of this Act.

(b) CONSULTATION BEFORE CHANGING PROVIDER ENROLLMENT FORMS.—Section 1871 (42 U.S.C. 1395hh), as amended by sections 502 and 503, is amended by adding at the end the following new subsection:

''(f) The Secretary shall consult with providers of services, physicians, practitioners, and suppliers before making changes in the provider enrollment forms required of such providers, physicians, practitioners, and suppliers to be eligible to submit claims for which payment may be made under this title.''.

SEC. 516. APPEALS BY PROVIDERS WHEN THERE IS NO OTHER PARTY AVAILABLE.

(a) IN GENERAL.—Section 1870 (42 U.S.C. 1395gg) is amended by adding at the end the following new subsection:

''(h) Notwithstanding subsection (f) or any other provision of law, the Secretary shall permit a provider of services, physician, practitioner, or other supplier to appeal any determination of the Secretary under this title relating to services rendered under this title to an individual who subsequently dies if there is no other party available to appeal such determination.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to items and services furnished on or after such date.

SEC. 517. PROVIDER ACCESS TO REVIEW OF LOCAL COVERAGE DETERMINATIONS.

(a) PROVIDER ACCESS TO REVIEW OF LOCAL COVERAGE DETERMINATIONS.—Section 1869(f)(5) (42 U.S.C. 1395ff(f)(5)) is amended to read as follows:

''(5) AGGRIEVED PARTY DEFINED.—In this section, the term 'aggrieved party' means—

''(A) with respect to a national coverage determination, an individual entitled to benefits under part A, or enrolled under part B, or both, who is in need of the items or services that are the subject of the coverage determination; and

''(B) with respect to a local coverage determination—

''(i) an individual who is entitled to benefits under part A, or enrolled under part B, or both, who is adversely affected by such a determination; or

''(ii) a provider of services, physician, practitioner, or supplier that is adversely affected by such a determination.''.

(b) CLARIFICATION OF LOCAL COVERAGE DETERMINATION DEFINITION.—Section 1869(f)(2)(B) (42 U.S.C. 1395ff(f)(2)(B)) is amended by inserting '', including, where appropriate, the specific requirements and clinical indications relating to the medical necessity of an item or service'' before the period at the end.

(c) REQUEST FOR LOCAL COVERAGE DETERMINATIONS BY PROVIDERS.—Section 1869 (42 U.S.C. 1395ff), as amended by section 514(d)(2)(B), is amended by adding at the end the following new subsection:

''(h) REQUEST FOR LOCAL COVERAGE DETERMINATIONS BY PROVIDERS.—

''(1) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process under which a provider of services, physician, practitioner, or supplier who certifies that they

meet the requirements established in paragraph (3) may request a local coverage determination in accordance with the succeeding provisions of this subsection.

''(2) PROVIDER LOCAL COVERAGE DETERMINATION REQUEST DEFINED.—In this subsection, the term 'provider local coverage determination request' means a request, filed with the Secretary, at such time and in such form and manner as the Secretary may specify, that the Secretary, pursuant to paragraph (4)(A), require a fiscal intermediary, carrier, or program safeguard contractor to make or revise a local coverage determination under this section with respect to an item or service.

''(3) REQUEST REQUIREMENTS.—Under the process established under paragraph (1), by not later than 30 days after the date on which a provider local coverage determination request is filed under paragraph (1), the Secretary shall determine whether such request establishes that—

''(A) there have been at least 5 reversals of redeterminations made by a fiscal intermediary or carrier after a hearing before an administrative law judge on claims submitted by the provider in at least 2 different cases before an administrative law judge;

''(B) each reversal described in subparagraph (A) involves substantially similar material facts;

''(C) each reversal described in subparagraph (A) involves the same medical necessity issue; and

''(D) at least 50 percent of the total number of claims submitted by such provider within the past year involving the substantially similar material facts described in subparagraph (B) and the same medical necessity issue described in subparagraph (C) have been denied and have been reversed by an administrative law judge.

''(4) APPROVAL OR REJECTION OF REQUEST.—

''(A) APPROVAL OF REQUEST.—If the Secretary determines that subparagraphs (A) through (D) of paragraph (3) have been satisfied, the Secretary shall require the fiscal intermediary, carrier, or program safeguard contractor identified in the provider local coverage determination request, to make or revise a local coverage determination with respect to the item or service that is the subject of the request not later than the date that is 210 days after the date on which the Secretary makes the determination. Such fiscal intermediary, carrier, or program safeguard contractor shall retain the discretion to determine whether or not, and/or the circumstances under which, to cover the item or service for which a local coverage determination is requested. Nothing in this subsection shall be construed to require a fiscal intermediary, carrier or program safeguard contractor to develop a local coverage determination that is inconsistent with any national coverage determination, or any coverage provision in this title or in regulation, manual, or interpretive guidance of the Secretary.

''(B) REJECTION OF REQUEST.—If the Secretary determines that subparagraphs (A) through (D) of paragraph (3) have not been satisfied, the Secretary shall reject the provider local coverage determination request and shall notify the provider of services, physician, practitioner, or supplier that filed the request of the reason for such rejection and no further proceedings in relation to such request shall be conducted.''.

(d) STUDY AND REPORT ON THE USE OF CONTRACTORS TO MONITOR MEDICARE APPEALS.—

(1) STUDY.—The Secretary shall conduct a study on the feasibility and advisability of requiring fiscal intermediaries and carriers to monitor and track—

(A) the subject matter and status of claims denied by the fiscal intermediary or carrier (as applicable) that are appealed under section 1869 of the Social Security Act (42 U.S.C. 1395ff), as added by section 522 of BIPA (114 Stat. 2763A–543) and amended by this Act; and

(B) any final determination made with respect to such claims.

(2) REPORT.—Not later than the date that is 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1) together with such recommendations for legislation and administrative action as the Commission determines appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the amendments made by subsections (a), (b), and (c).

(f) EFFECTIVE DATES.—

(1) PROVIDER ACCESS TO REVIEW OF LOCAL COVERAGE DETERMINATIONS.—The amendments made by subsections (a) and (b) shall apply to—

(A) any review of any local coverage determination filed on or after October 1, 2003;

(B) any request to make such a determination made on or after such date; or

(C) any local coverage determination made on or after such date.

(2) PROVIDER LOCAL COVERAGE DETERMINATION REQUESTS.—The amendment made by subsection (c) shall apply with respect to provider local coverage determination requests (as defined in section 1869(h)(2) of the Social Security Act, as added by subsection (c)) filed on or after the date of enactment of this Act.

Subtitle C—Contracting Reform

SEC. 521. INCREASED FLEXIBILITY IN MEDICARE ADMINISTRATION.

(a) CONSOLIDATION AND FLEXIBILITY IN MEDICARE ADMINISTRATION.—

(1) IN GENERAL.—Title XVIII is amended by inserting after section 1874 the following new section:

''CONTRACTS WITH MEDICARE ADMINISTRATIVE CONTRACTORS

''SEC. 1874A. (a) AUTHORITY.—

''(1) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary may enter into contracts with any eligible entity to serve as a medicare administrative contractor with respect to the performance of any or all of the functions described in paragraph (4) or parts of those functions (or, to the extent provided in a contract, to secure performance thereof by other entities).

''(2) ELIGIBILITY OF ENTITIES.—An entity is eligible to enter into a contract with respect to the performance of a particular function described in paragraph (4) only if—

''(A) the entity has demonstrated capability to carry out such function;

''(B) the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement;

''(C) the entity has sufficient assets to financially support the performance of such function; and

''(D) the entity meets such other requirements as the Secretary may impose.

''(3) MEDICARE ADMINISTRATIVE CONTRACTOR DEFINED.—For purposes of this title and title XI—

''(A) IN GENERAL.—The term 'medicare administrative contractor' means an agency, organization, or other person with a contract under this section.

''(B) APPROPRIATE MEDICARE ADMINISTRATIVE CONTRACTOR.—With respect to the performance of a particular function in relation to an individual entitled to benefits under part A or enrolled under part B, or both, a specific provider of services, physician, practitioner, facility, or supplier (or class of such providers of services, physicians, practitioners, facilities, or suppliers), the 'appropriate' medicare administrative contractor is the medicare administrative contractor that has a contract under this section with respect to the performance of that function in relation to that individual, provider of services, physician, practitioner, facility, or supplier or class of provider of services, physician, practitioner, facility, or supplier.

''(4) FUNCTIONS DESCRIBED.—The functions referred to in paragraphs (1) and (2) are payment functions (including the function of developing local coverage determinations, as defined in section 1869(f)(2)(B)), provider services functions, and beneficiary services functions as follows:

''(A) DETERMINATION OF PAYMENT AMOUNTS.—Determining (subject to the provisions of section 1878 and to such review by the Secretary as may be provided for by the contracts) the amount of the payments required pursuant to this title to be made to providers of services, physicians, practitioners, facilities, suppliers, and individuals.

''(B) MAKING PAYMENTS.—Making payments described in subparagraph (A) (including receipt, disbursement, and accounting for funds in making such payments).

''(C) BENEFICIARY EDUCATION AND ASSISTANCE.—Serving as a center for, and communicating to individuals entitled to benefits under part A or enrolled under part B, or both, with respect to education and outreach for those individuals, and assistance with specific issues, concerns, or problems of those individuals.

''(D) PROVIDER CONSULTATIVE SERVICES.—Providing consultative services to institutions, agencies, and other persons to enable them to establish and maintain fiscal records necessary for purposes of this title and otherwise to qualify as providers of services, physicians, practitioners, facilities, or suppliers.

''(E) COMMUNICATION WITH PROVIDERS.—Serving as a center for, and communicating to providers of services, physicians, practitioners, facilities, and suppliers, any information or instructions furnished to the medicare administrative contractor by the Secretary, and serving as a channel of communication from such providers, physicians, practitioners, facilities, and suppliers to the Secretary.

''(F) PROVIDER EDUCATION AND TECHNICAL ASSISTANCE.—Performing the functions described in subsections (e) and (f), relating to education, training, and technical assistance to providers of services, physicians, practitioners, facilities, and suppliers.

''(G) ADDITIONAL FUNCTIONS.—Performing such other functions, including (subject to paragraph (5)) functions under the Medicare Integrity Program under section 1893, as are necessary to carry out the purposes of this title.

''(5) RELATIONSHIP TO MIP CONTRACTS.—

''(A) NONDUPLICATION OF ACTIVITIES.—In entering into contracts under this section, the Secretary shall assure that activities of medicare administrative contractors do not duplicate activities carried out under contracts entered into under the Medicare Integrity Program under section 1893. The previous sentence shall not apply with respect to the activity described in section 1893(b)(5) (relating to prior authorization of certain items of durable medical equipment under section 1834(a)(15)).

''(B) CONSTRUCTION.—An entity shall not be treated as a medicare administrative contractor merely by reason of having entered into a contract with the Secretary under section 1893.

''(6) APPLICATION OF FEDERAL ACQUISITION REGULATION.—Except to the extent inconsistent with a specific requirement of this title, the Federal Acquisition Regulation applies to contracts under this title.

''(b) CONTRACTING REQUIREMENTS.—

''(1) USE OF COMPETITIVE PROCEDURES.—

''(A) IN GENERAL.—Except as provided in laws with general applicability to Federal acquisition and procurement, the Federal Acquisition Regulation, or in subparagraph (B), the Secretary shall use competitive procedures when entering into contracts with medicare administrative contractors under this section.

''(B) RENEWAL OF CONTRACTS.—The Secretary may renew a contract with a medicare administrative contractor under this section from term to term without regard to section 5 of title 41, United States Code, or any other provision of law requiring competition, if the medicare administrative contractor has met or exceeded the performance requirements applicable with respect to the contract and contractor, except that the Secretary shall provide for the application of competitive procedures under such a contract not less frequently than once every 6 years.

''(C) TRANSFER OF FUNCTIONS.—The Secretary may transfer functions among medicare administrative contractors without regard to any provision of law requiring competition. The Secretary shall ensure that performance quality is considered in such transfers. The Secretary shall provide notice (whether in the Federal Register or otherwise) of any such transfer (including a description of the functions so transferred and contact information for the contractors involved) to providers of services, physicians, practitioners, facilities, and suppliers affected by the transfer.

''(D) INCENTIVES FOR QUALITY.—The Secretary may provide incentives for medicare administrative contractors to provide quality service and to promote efficiency.

''(2) COMPLIANCE WITH REQUIREMENTS.—No contract under this section shall be entered into with any medicare administrative contractor unless the Secretary finds that such medicare administrative contractor will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as the Secretary finds pertinent.

''(3) PERFORMANCE REQUIREMENTS.—

''(A) DEVELOPMENT OF SPECIFIC PERFORMANCE REQUIREMENTS.—The Secretary shall develop contract performance requirements to carry out the specific requirements applicable under this title to a function described in subsection (a)(4) and shall develop standards for measuring the extent to which a contractor has met such requirements. In developing such performance requirements and standards for measurement, the Secretary shall consult with providers of services, organizations representative of beneficiaries under this title, and organizations and agencies performing functions necessary to carry out the purposes of this section with respect to such performance requirements. The Secretary shall make such performance requirements and measurement standards available to the public.

''(B) CONSIDERATIONS.—The Secretary shall include, as 1 of the standards, provider and beneficiary satisfaction levels.

''(C) INCLUSION IN CONTRACTS.—All contractor performance requirements shall be set forth in the contract between the Secretary and the appropriate medicare administrative contractor. Such performance requirements—

''(i) shall reflect the performance requirements published under subparagraph (A), but may include additional performance requirements;

''(ii) shall be used for evaluating contractor performance under the contract; and

''(iii) shall be consistent with the written statement of work provided under the contract.

''(4) INFORMATION REQUIREMENTS.—The Secretary shall not enter into a contract with a medicare administrative contractor under this section unless the contractor agrees—

''(A) to furnish to the Secretary such timely information and reports as the Secretary may find necessary in performing his functions under this title; and

''(B) to maintain such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of the information and reports under subparagraph (A) and otherwise to carry out the purposes of this title.

''(5) SURETY BOND.—A contract with a medicare administrative contractor under this section may require the medicare administrative contractor, and any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amount as the Secretary may deem appropriate.

''(6) RETAINING DIVERSITY OF LOCAL COVERAGE DETERMINATIONS.—A contract with a medicare administrative contractor under this section to perform the function of developing local coverage determinations (as defined in section 1869(f)(2)(B)) shall provide that the contractor shall—

''(A) designate at least 1 different individual to serve as medical director for each State for which such contract performs such function;

''(B) utilize such medical director in the performance of such function; and

''(C) appoint a contractor advisory committee with respect to each such State to provide a formal mechanism for physicians in the State to be informed of, and participate in, the development of a local coverage determination in an advisory capacity.

''(c) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—Subject to subsection (a)(6), a contract with any medicare administrative contractor under this section may contain such terms and conditions as the Secretary finds necessary or appropriate and may provide for advances of funds to the medicare administrative contractor for the making of payments by it under subsection (a)(4)(B).

''(2) PROHIBITION ON MANDATES FOR CERTAIN DATA COLLECTION.—The Secretary may not require, as a condition of entering into, or renewing, a contract under this section, that the medicare administrative contractor match data obtained other than in its activities under this title with data used in the administration of this title for purposes of identifying situations in which the provisions of section 1862(b) may apply.

''(d) LIMITATION ON LIABILITY OF MEDICARE ADMINISTRATIVE CONTRACTORS AND CERTAIN OFFICERS.—

''(1) CERTIFYING OFFICER.—No individual designated pursuant to a contract under this section as a certifying officer shall, in the absence of the reckless disregard of the individual's obligations or the intent by that individual to defraud the United States, be liable with respect to any payments certified by the individual under this section.

''(2) DISBURSING OFFICER.—No disbursing officer shall, in the absence of the reckless disregard of the officer's obligations or the intent by that officer to defraud the United States, be liable with respect to any payment by such officer under this section if it was based upon an authorization (which meets the applicable requirements for such internal controls established by the Comptroller General) of a certifying officer designated as provided in paragraph (1) of this subsection.

''(3) LIABILITY OF MEDICARE ADMINISTRATIVE CONTRACTOR.—No medicare administrative contractor shall be liable to the United States for a payment by a certifying or disbursing officer unless, in connection with such a payment, the medicare administrative contractor acted with reckless disregard of its obligations under its medicare administrative contract or with intent to defraud the United States.

''(4) RELATIONSHIP TO FALSE CLAIMS ACT.—Nothing in this subsection shall be construed to limit liability for conduct that would constitute a violation of sections 3729 through 3731 of title 31, United States Code (commonly known as the ''False Claims Act'').

''(5) INDEMNIFICATION BY SECRETARY.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and subject to the succeeding provisions of this paragraph, in the case of a medicare administrative contractor (or a person who is a director, officer, or employee of such a contractor or who is engaged by the contractor to participate directly in the claims administration process) who is made a party to any judicial or administrative proceeding arising from, or relating directly to, the claims administration process under this title, the Secretary may, to the extent specified in the contract with the contractor, indemnify the contractor (and such persons).

''(B) CONDITIONS.—The Secretary may not provide indemnification under subparagraph (A) insofar as the liability for such costs arises directly from conduct that is determined by the Secretary to be criminal in nature, fraudulent, or grossly negligent.

''(C) SCOPE OF INDEMNIFICATION.—Indemnification by the Secretary under subparagraph (A) may include payment of judgments, settlements (subject to subparagraph (D)), awards, and costs (including reasonable legal expenses).

''(D) WRITTEN APPROVAL FOR SETTLEMENTS.—A contractor or other person described in subparagraph (A) may not propose to negotiate a settlement or compromise of a proceeding described in such subparagraph without the prior written approval of the Secretary to negotiate a settlement. Any indemnification under subparagraph (A) with respect to amounts paid under a settlement are conditioned upon the Secretary's prior written approval of the final settlement.

''(E) CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to change any common law immunity that may be available to a medicare administrative contractor or person described in subparagraph (A); or

''(ii) to permit the payment of costs not otherwise allowable, reasonable, or allocable under the Federal Acquisition Regulations.''.

(2) CONSIDERATION OF INCORPORATION OF CURRENT LAW STANDARDS.—In developing contract performance requirements under section 1874A(b) of the Social Security Act (as added by paragraph (1)) the Secretary shall consider inclusion of the performance standards described in sections 1816(f)(2) of such Act (relating to timely processing of reconsiderations and applications for exemptions) and section 1842(b)(2)(B) of such Act (relating to timely review of determinations and fair hearing requests), as such sections were in effect before the date of enactment of this Act.

(b) CONFORMING AMENDMENTS TO SECTION 1816 (RELATING TO FISCAL INTERMEDIARIES).—Section 1816 (42 U.S.C. 1395h) is amended as follows:

(1) The heading is amended to read as follows:

''PROVISIONS RELATING TO THE ADMINISTRATION OF PART A''.

(2) Subsection (a) is amended to read as follows:

''(a) The administration of this part shall be conducted through contracts with medicare administrative contractors under section 1874A.''.

(3) Subsection (b) is repealed.

(4) Subsection (c) is amended—

(A) by striking paragraph (1); and

(B) in each of paragraphs (2)(A) and (3)(A), by striking ''agreement under this section'' and inserting ''contract under section 1874A that provides for making payments under this part''.

(5) Subsections (d) through (i) are repealed.

(6) Subsections (j) and (k) are each amended—

(A) by striking ''An agreement with an agency or organization under this section'' and inserting ''A contract with a medicare administrative contractor under section 1874A with respect to the administration of this part''; and

(B) by striking ''such agency or organization'' and inserting ''such medicare administrative contractor'' each place it appears.

(7) Subsection (l) is repealed.

(c) CONFORMING AMENDMENTS TO SECTION 1842 (RELATING TO CARRIERS).—Section 1842 (42 U.S.C. 1395u) is amended as follows:

(1) The heading is amended to read as follows:

''PROVISIONS RELATING TO THE ADMINISTRATION OF PART B''.

(2) Subsection (a) is amended to read as follows:

''(a) The administration of this part shall be conducted through contracts with medicare administrative contractors under section 1874A.''.

(3) Subsection (b) is amended—

(A) by striking paragraph (1);

(B) in paragraph (2)—

(i) by striking subparagraphs (A) and (B);

(ii) in subparagraph (C), by striking ''carriers'' and inserting ''medicare administrative contractors''; and

(iii) by striking subparagraphs (D) and (E);

(C) in paragraph (3)—

(i) in the matter before subparagraph (A), by striking ''Each such contract shall provide that the carrier'' and inserting ''The Secretary'';

(ii) by striking ''will'' the first place it appears in each of subparagraphs (A), (B), (F), (G), (H), and (L) and inserting ''shall'';

(iii) in subparagraph (B), in the matter before clause (i), by striking ''to the policyholders and subscribers of the carrier'' and inserting ''to the policyholders and subscribers of the medicare administrative contractor'';

(iv) by striking subparagraphs (C), (D), and (E);

(v) in subparagraph (H)—

(I) by striking ''if it makes determinations or payments with respect to physicians' services,''; and

(II) by striking ''carrier'' and inserting ''medicare administrative contractor'';

(vi) by striking subparagraph (I);

(vii) in subparagraph (L), by striking the semicolon and inserting a period;

(viii) in the first sentence, after subparagraph (L), by striking ''and shall contain'' and all that follows through the period; and

(ix) in the seventh sentence, by inserting ''medicare administrative contractor,'' after ''carrier,'';

(D) by striking paragraph (5);

(E) in paragraph (6)(D)(iv), by striking ''carrier'' and inserting ''medicare administrative contractor''; and

(F) in paragraph (7), by striking ''the carrier'' and inserting ''the Secretary'' each place it appears.

(4) Subsection (c) is amended—

(A) by striking paragraph (1);

(B) in paragraph (2), by striking ''contract under this section which provides for the disbursement of funds, as described in subsection (a)(1)(B),'' and inserting ''contract under section 1874A that provides for making payments under this part'';

(C) in paragraph (3)(A), by striking ''subsection (a)(1)(B)'' and inserting ''section 1874A(a)(3)(B)'';

(D) in paragraph (4), by striking ''carrier'' and inserting ''medicare administrative contractor'';

(E) in paragraph (5), by striking ''contract under this section which provides for the disbursement of funds, as described in subsection (a)(1)(B), shall require the carrier'' and ''carrier responses'' and inserting ''contract under section 1874A that provides for making payments under this part shall require the medicare administrative contractor'' and ''contractor responses'', respectively; and

(F) by striking paragraph (6).

(5) Subsections (d), (e), and (f) are repealed.

(6) Subsection (g) is amended by striking ''carrier or carriers'' and inserting ''medicare administrative contractor or contractors''.

(7) Subsection (h) is amended—

(A) in paragraph (2)—

(i) by striking ''Each carrier having an agreement with the Secretary under subsection (a)'' and inserting ''The Secretary''; and

(ii) by striking ''Each such carrier'' and inserting ''The Secretary'';

(B) in paragraph (3)(A)—

(i) by striking ''a carrier having an agreement with the Secretary under subsection (a)'' and inserting ''medicare administrative contractor having a contract under section 1874A that provides for making payments under this part''; and

(ii) by striking ''such carrier'' and inserting ''such contractor'';

(C) in paragraph (3)(B)—

(i) by striking ''a carrier'' and inserting ''a medicare administrative contractor'' each place it appears; and

(ii) by striking ''the carrier'' and inserting ''the contractor'' each place it appears; and

(D) in paragraphs (5)(A) and (5)(B)(iii), by striking ''carriers'' and inserting ''medicare administrative contractors'' each place it appears.

(8) Subsection (l) is amended—

(A) in paragraph (1)(A)(iii), by striking ''carrier'' and inserting ''medicare administrative contractor''; and

(B) in paragraph (2), by striking ''carrier'' and inserting ''medicare administrative contractor''.

(9) Subsection (p)(3)(A) is amended by striking ''carrier'' and inserting ''medicare administrative contractor''.

(10) Subsection (q)(1)(A) is amended by striking ''carrier''.

(d) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on October 1, 2005, and the Secretary is authorized to take such steps before such date as may be necessary to implement such amendments on a timely basis.

(B) CONSTRUCTION FOR CURRENT CONTRACTS.—Such amendments shall not apply to contracts in effect before the date specified under subparagraph (A) that continue to retain the terms and conditions in effect on such date (except as otherwise provided under this title, other than under this section) until such date as the contract is let out for competitive bidding under such amendments.

(C) DEADLINE FOR COMPETITIVE BIDDING.—The Secretary shall provide for the letting by competitive bidding of all contracts for functions of medicare administrative contractors for annual contract periods that begin on or after October 1, 2011.

(2) GENERAL TRANSITION RULES.—

(A) AUTHORITY TO CONTINUE TO ENTER INTO NEW AGREEMENTS AND CONTRACTS AND WAIVER OF PROVIDER NOMINATION PROVISIONS DURING TRANSITION.—Prior to the date specified in paragraph (1)(A), the Secretary may, consistent with subparagraph (B), continue to enter into agreements under section 1816 and contracts under section 1842 of the Social Security Act (42 U.S.C. 1395h, 1395u). The Secretary may enter into new agreements under section 1816 during the time period without regard to any of the provider nomination provisions of such section.

(B) APPROPRIATE TRANSITION.—The Secretary shall take such steps as are necessary to provide for an appropriate transition from agreements under section 1816 and contracts under section 1842 of the Social Security Act (42 U.S.C. 1395h, 1395u) to contracts under section 1874A, as added by subsection (a)(1).

(3) AUTHORIZING CONTINUATION OF MIP ACTIVITIES UNDER CURRENT CONTRACTS AND AGREEMENTS AND UNDER TRANSITION CONTRACTS.—The provisions contained in the exception in section 1893(d)(2) of the Social Security Act (42 U.S.C. 1395ddd(d)(2)) shall continue to apply notwithstanding the amendments made by this section, and any reference in such provisions to an agreement or contract shall be deemed to include agreements and contracts entered into pursuant to paragraph (2)(A).

(e) REFERENCES.—On and after the effective date provided under subsection (d)(1), any reference to a fiscal intermediary or carrier under title XI or XVIII of the Social Security Act (or any regulation, manual instruction, interpretative rule, statement of policy, or guideline issued to carry out such titles) shall be deemed a reference to an appropriate medicare administrative contractor (as provided under section 1874A of the Social Security Act).

(f) SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this section.

(g) REPORTS ON IMPLEMENTATION.—

(1) PROPOSAL FOR IMPLEMENTATION.—At least 1 year before the date specified in subsection (d)(1)(A), the Secretary shall submit a report to Congress and the Comptroller General of the United States that describes a plan for an appropriate transition. The Comptroller General shall conduct an evaluation of such plan and shall submit to Congress, not later than 6 months after the date the report is received, a report on such evaluation and shall include in such report such recommendations as the Comptroller General deems appropriate.

(2) STATUS OF IMPLEMENTATION.—The Secretary shall submit a report to Congress not later than October 1, 2008, that describes the status of implementation of such amendments and that includes a description of the following:

(A) The number of contracts that have been competitively bid as of such date.

(B) The distribution of functions among contracts and contractors.

(C) A timeline for complete transition to full competition.

(D) A detailed description of how the Secretary has modified oversight and management of medicare contractors to adapt to full competition.

Subtitle D—Education and Outreach Improvements

SEC. 531. PROVIDER EDUCATION AND TECHNICAL ASSISTANCE.

(a) COORDINATION OF EDUCATION FUNDING.—

(1) IN GENERAL.—The Social Security Act is amended by inserting after section 1888 the following new section:

''PROVIDER EDUCATION AND TECHNICAL ASSISTANCE

''SEC. 1889. (a) COORDINATION OF EDUCATION FUNDING.—The Secretary shall coordinate the educational activities provided through medicare contractors (as defined in subsection (e), including under section 1893) in order to maximize the effectiveness of Federal education efforts for providers of services, physicians, practitioners, and suppliers.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.

(3) REPORT.—Not later than October 1, 2004, the Secretary shall submit to Congress a report that includes a description and evaluation of the steps taken to coordinate the funding of provider education under section 1889(a) of the Social Security Act, as added by paragraph (1).

(b) INCENTIVES TO IMPROVE CONTRACTOR PERFORMANCE.—

(1) IN GENERAL.—Section 1874A, as added by section 521(a)(1), is amended by adding at the end the following new subsection:

''(e) INCENTIVES TO IMPROVE CONTRACTOR PERFORMANCE IN PROVIDER EDUCATION AND OUTREACH.—

''(1) METHODOLOGY TO MEASURE CONTRACTOR ERROR RATES.—In order to give medicare contractors (as defined in paragraph (3)) an incentive to implement effective education and outreach programs for providers of services, physicians, practitioners, and suppliers, the Secretary shall develop and implement by October 1, 2004, a methodology to measure the specific claims payment error rates of such contractors in the processing or reviewing of medicare claims.

''(2) GAO REVIEW OF METHODOLOGY.—The Comptroller General of the United States shall review, and make recommendations to the Secretary, regarding the adequacy of such methodology.

''(3) MEDICARE CONTRACTOR DEFINED.—For purposes of this subsection, the term 'medicare contractor' includes a medicare administrative contractor, a fiscal intermediary with a contract under section 1816, and a carrier with a contract under section 1842.''.

(2) REPORT.—The Secretary shall submit to Congress a report that describes how the Secretary intends to use the methodology developed under section 1874A(e)(1) of the Social Security Act, as added by paragraph (1), in assessing medicare contractor performance in implementing effective education and outreach programs, including whether to use such methodology as a basis for performance bonuses.

(c) IMPROVED PROVIDER EDUCATION AND TRAINING.—

(1) INCREASED FUNDING FOR ENHANCED EDUCATION AND TRAINING THROUGH MEDICARE INTEGRITY PROGRAM.—Section 1817(k)(4) (42 U.S.C. 1395i(k)(4)) is amended—

(A) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)'';

(B) in subparagraph (B), by striking ''The amount appropriated'' and inserting ''Subject to subparagraph (C), the amount appropriated''; and

(C) by adding at the end the following new subparagraph:

''(C) ENHANCED PROVIDER EDUCATION AND TRAINING.—

''(i) IN GENERAL.—In addition to the amount appropriated under subparagraph (B), the amount appropriated under subparagraph (A) for a fiscal year (beginning with fiscal year 2004) is increased by $35,000,000.

''(ii) USE.—The funds made available under this subparagraph shall be used only to increase the conduct by medicare contractors of education and training of providers of services, physicians, practitioners, and suppliers regarding billing, coding, and other appropriate items and may also be used to improve the accuracy, consistency, and timeliness of contractor responses to written and phone inquiries from providers of services, physicians, practitioners, and suppliers.''.

(2) TAILORING EDUCATION AND TRAINING FOR SMALL PROVIDERS OR SUPPLIERS.—

(A) IN GENERAL.—Section 1889, as added by subsection (a), is amended by adding at the end the following new subsection:

''(b) TAILORING EDUCATION AND TRAINING ACTIVITIES FOR SMALL PROVIDERS OR SUPPLIERS.—

''(1) IN GENERAL.—Insofar as a medicare contractor conducts education and training activities, it shall take into consideration the special needs of small providers of services or suppliers (as defined in paragraph (2)). Such education and training activities for small providers of services and suppliers may include the provision of technical assistance (such as review of billing systems and internal controls to determine program compliance and to suggest more efficient and effective means of achieving such compliance).

''(2) SMALL PROVIDER OF SERVICES OR SUPPLIER.—In this subsection, the term 'small provider of services or supplier' means—

''(A) an institutional provider of services with fewer than 25 full-time-equivalent employees; or

''(B) a physician, practitioner, or supplier with fewer than 10 full-time-equivalent employees.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on January 1, 2004.

(d) ADDITIONAL PROVIDER EDUCATION PROVISIONS.—

(1) IN GENERAL.—Section 1889, as added by subsection (a) and as amended by subsection (c)(2), is amended by adding at the end the following new subsections:

''(c) ENCOURAGEMENT OF PARTICIPATION IN EDUCATION PROGRAM ACTIVITIES.—A medicare contractor may not use a record of attendance at (or failure to attend) educational activities or other information gathered during an educational program conducted under this section or otherwise by the Secretary to select or track providers of services, physicians, practitioners, or suppliers for the purpose of conducting any type of audit or prepayment review.

''(d) CONSTRUCTION.—Nothing in this section or section 1893(g) shall be construed as providing for disclosure by a medicare contractor—

''(1) of the screens used for identifying claims that will be subject to medical review; or

''(2) of information that would compromise pending law enforcement activities or reveal findings of law enforcement-related audits.

''(e) DEFINITIONS.—For purposes of this section and section 1817(k)(4)(C), the term 'medicare contractor' includes the following:

''(1) A medicare administrative contractor with a contract under section 1874A, a fiscal intermediary with a contract under section 1816, and a carrier with a contract under section 1842.

''(2) An eligible entity with a contract under section 1893.

Such term does not include, with respect to activities of a specific provider of services, physician, practitioner, or supplier an entity that has no authority under this title or title XI with respect to such activities and such provider of services, physician, practitioner, or supplier.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.

SEC. 532. ACCESS TO AND PROMPT RESPONSES FROM MEDICARE CONTRACTORS.

(a) IN GENERAL.—Section 1874A, as added by section 521(a)(1) and as amended by section 531(b)(1), is amended by adding at the end the following new subsection:

''(f) COMMUNICATING WITH BENEFICIARIES AND PROVIDERS.—

''(1) COMMUNICATION PROCESS.—The Secretary shall develop a process for medicare contractors to communicate with beneficiaries and with providers of services, physicians, practitioners, and suppliers under this title.

''(2) RESPONSE TO WRITTEN INQUIRIES.—Each medicare contractor (as defined in paragraph (5)) shall provide general written responses (which may be through electronic transmission) in a clear, concise, and accurate manner to inquiries by beneficiaries, providers of services, physicians, practitioners, and suppliers concerning the programs under this title within 45 business days of the date of receipt of such inquiries.

''(3) RESPONSE TO TOLL-FREE LINES.—The Secretary shall ensure that medicare contractors provide a toll-free telephone number at which beneficiaries, providers, physicians, practitioners, and suppliers may obtain information regarding billing, coding, claims, coverage, and other appropriate information under this title.

''(4) MONITORING OF CONTRACTOR RESPONSES.—

''(A) IN GENERAL.—Each medicare contractor shall, consistent with standards developed by the Secretary under subparagraph (B)—

''(i) maintain a system for identifying who provides the information referred to in paragraphs (2) and (3); and

''(ii) monitor the accuracy, consistency, and timeliness of the information so provided.

''(B) DEVELOPMENT OF STANDARDS.—

''(i) IN GENERAL.—The Secretary shall establish (and publish in the Federal Register) standards regarding the accuracy, consistency, and timeliness of the information provided in response to inquiries under this subsection. Such standards shall be consistent with the performance requirements established under subsection (b)(3).

''(ii) EVALUATION.—In conducting evaluations of individual medicare contractors, the Secretary shall consider the results of the monitoring conducted under subparagraph (A) taking into account as performance requirements the standards established under clause (i). The Secretary shall, in consultation with organizations representing providers of services, suppliers, and individuals entitled to benefits under part A or enrolled under part B, or both, establish standards relating to the accuracy, consistency, and timeliness of the information so provided.

''(C) DIRECT MONITORING.—Nothing in this paragraph shall be construed as preventing the Secretary from directly monitoring the accuracy, consistency, and timeliness of the information so provided.

''(5) MEDICARE CONTRACTOR DEFINED.—For purposes of this subsection, the term 'medicare contractor' has the meaning given such term in subsection (e)(3).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2004.

SEC. 533. RELIANCE ON GUIDANCE.

(a) IN GENERAL.—Section 1871(d), as added by section 502(a), is amended by adding at the end the following new paragraph:

''(2) If—

''(A) a provider of services, physician, practitioner, or other supplier follows written guidance provided—

''(i) by the Secretary; or

''(ii) by a medicare contractor (as defined in section 1889(e) and whether in the form of

a written response to a written inquiry under section 1874A(f)(1) or otherwise) acting within the scope of the contractor's contract authority,

in response to a written inquiry with respect to the furnishing of items or services or the submission of a claim for benefits for such items or services;

''(B) the Secretary determines that—

''(i) the provider of services, physician, practitioner, or supplier has accurately presented the circumstances relating to such items, services, and claim to the Secretary or the contractor in the written guidance; and

''(ii) there is no indication of fraud or abuse committed by the provider of services, physician, practitioner, or supplier against the program under this title; and

''(C) the guidance was in error;

the provider of services, physician, practitioner, or supplier shall not be subject to any penalty or interest under this title (or the provisions of title XI insofar as they relate to this title) relating to the provision of such items or service or such claim if the provider of services, physician, practitioner, or supplier reasonably relied on such guidance. In applying this paragraph with respect to guidance in the form of general responses to frequently asked questions, the Secretary retains authority to determine the extent to which such general responses apply to the particular circumstances of individual claims.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to penalties imposed on or after the date of enactment of this Act.

SEC. 534. MEDICARE PROVIDER OMBUDSMAN.

(a) MEDICARE PROVIDER OMBUDSMAN.—Section 1868 (42 U.S.C. 1395ee) is amended—

(1) by adding at the end of the heading the following: ''; MEDICARE PROVIDER OMBUDSMAN'';

(2) by inserting ''PRACTICING PHYSICIANS ADVISORY COUNCIL.—(1)'' after ''(a)'';

(3) in paragraph (1), as so redesignated under paragraph (2), by striking ''in this section'' and inserting ''in this subsection'';

(4) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively; and

(5) by adding at the end the following new subsection:

''(b) MEDICARE PROVIDER OMBUDSMAN.—

''(1) IN GENERAL.—By not later than 1 year after the date of enactment of the Prescription Drug and Medicare Improvement Act of 2003, the Secretary shall appoint a Medicare Provider Ombudsman.

''(2) DUTIES.—The Medicare Provider Ombudsman shall—

''(A) provide assistance, on a confidential basis, to entities and individuals providing items and services, including covered drugs under part D, under this title with respect to complaints, grievances, and requests for information concerning the programs under this title (including provisions of title XI insofar as they relate to this title and are not administered by the Office of the Inspector General of the Department of Health and Human Services) and in the resolution of unclear or conflicting guidance given by the Secretary and medicare contractors to such providers of services and suppliers regarding such programs and provisions and requirements under this title and such provisions; and

''(B) submit recommendations to the Secretary for improvement in the administration of this title and such provisions, including—

''(i) recommendations to respond to recurring patterns of confusion in this title and such provisions (including recommendations regarding suspending imposition of sanctions where there is widespread confusion in program administration), and

''(ii) recommendations to provide for an appropriate and consistent response (including not providing for audits) in cases of self-identified overpayments by providers of services and suppliers.

''(3) STAFF.—The Secretary shall provide the Medicare Provider Ombudsman with appropriate staff.''.

(b) FUNDING.—There are authorized to be appropriated to the Secretary (in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund (including the Prescription Drug Account)) to carry out the provisions of subsection (b) of section 1868 of the Social Security Act (42 U.S.C. 1395ee) (relating to the Medicare Provider Ombudsman), as added by subsection (a)(5), such sums as are necessary for fiscal year 2004 and each succeeding fiscal year.

SEC. 535. BENEFICIARY OUTREACH DEMONSTRATION PROGRAMS.

(a) DEMONSTRATION ON THE PROVISION OF ADVICE AND ASSISTANCE TO MEDICARE BENEFICIARIES AT LOCAL OFFICES OF THE SOCIAL SECURITY ADMINISTRATION.—

(1) ESTABLISHMENT.—The Secretary shall establish a demonstration program (in this subsection referred to as the ''demonstration program'') under which medicare specialists employed by the Department of Health and Human Services provide advice and assistance to medicare beneficiaries at the location of existing local offices of the Social Security Administration.

(2) LOCATIONS.—

(A) IN GENERAL.—The demonstration program shall be conducted in at least 6 offices or areas. Subject to subparagraph (B), in selecting such offices and areas, the Secretary shall provide preference for offices with a high volume of visits by medicare beneficiaries.

(B) ASSISTANCE FOR RURAL BENEFICIARIES.—The Secretary shall provide for the selection of at least 2 rural areas to participate in the demonstration program. In conducting the demonstration program in such rural areas, the Secretary shall provide for medicare specialists to travel among local offices in a rural area on a scheduled basis.

(3) DURATION.—The demonstration program shall be conducted over a 3-year period.

(4) EVALUATION AND REPORT.—

(A) EVALUATION.—The Secretary shall provide for an evaluation of the demonstration program. Such evaluation shall include an analysis of—

(i) utilization of, and beneficiary satisfaction with, the assistance provided under the program; and

(ii) the cost-effectiveness of providing beneficiary assistance through out-stationing medicare specialists at local social security offices.

(B) REPORT.—The Secretary shall submit to Congress a report on such evaluation and shall include in such report recommendations regarding the feasibility of permanently out-stationing Medicare specialists at local social security offices.

(b) DEMONSTRATION ON PROVIDING PRIOR DETERMINATIONS.—

(1) ESTABLISHMENT.—By not later than 1 year after the date of enactment of this Act, the Secretary shall establish a demonstration project to test the administrative feasibility of providing a process for medicare beneficiaries and entities and individuals furnishing such beneficiaries with items and services under title XVIII of the Social Security Act program to make a request for, and receive, a determination (after an advance beneficiary notice is issued with respect to the item or service involved but before such item or service is furnished to the beneficiary) as to whether the item or service is covered under such title consistent with the applicable requirements of section 1862(a)(1)(A) of such Act (42 U.S.C. 1395y(a)(1)(A)) (relating to medical necessity).

(2) EVALUATION AND REPORT.—

(A) EVALUATION.—The Secretary shall provide for an evaluation of the demonstration program conducted under paragraph (1).

(B) REPORT.—By not later than January 1, 2006, the Secretary shall submit to Congress a report on such evaluation together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

Subtitle E—Review, Recovery, and Enforcement Reform

SEC. 541. PREPAYMENT REVIEW.

(a) IN GENERAL.—Section 1874A, as added by section 521(a)(1) and as amended by sections 531(b)(1) and 532(a), is amended by adding at the end the following new subsection:

''(g) CONDUCT OF PREPAYMENT REVIEW.—

''(1) STANDARDIZATION OF RANDOM PREPAYMENT REVIEW.—A medicare administrative contractor shall conduct random prepayment review only in accordance with a standard protocol for random prepayment audits developed by the Secretary.

''(2) LIMITATIONS ON INITIATION OF NONRANDOM PREPAYMENT REVIEW.—A medicare administrative contractor may not initiate nonrandom prepayment review of a provider of services, physician, practitioner, or supplier based on the initial identification by that provider of services, physician, practitioner, or supplier of an improper billing practice unless there is a likelihood of sustained or high level of payment error (as defined by the Secretary).

''(3) TERMINATION OF NONRANDOM PREPAYMENT REVIEW.—The Secretary shall establish protocols or standards relating to the termination, including termination dates, of nonrandom prepayment review. Such regulations may vary such a termination date based upon the differences in the circumstances triggering prepayment review.

''(4) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing the denial of payments for claims actually reviewed under a random prepayment review. In the case of a provider of services, physician, practitioner, or supplier with respect to which amounts were previously overpaid, nothing in this subsection shall be construed as limiting the ability of a medicare administrative contractor to request the periodic production of records or supporting documentation for a limited sample of submitted claims to ensure that the previous practice is not continuing.

''(5) RANDOM PREPAYMENT REVIEW DEFINED.—For purposes of this subsection, the term 'random prepayment review' means a demand for the production of records or documentation absent cause with respect to a claim.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) DEADLINE FOR PROMULGATION OF CERTAIN REGULATIONS.—The Secretary shall first issue regulations under section 1874A(g) of the Social Security Act, as added by subsection (a), by not later than 1 year after the date of enactment of this Act.

(3) APPLICATION OF STANDARD PROTOCOLS FOR RANDOM PREPAYMENT REVIEW.—Section 1874A(g)(1) of the Social Security Act, as added by subsection (a), shall apply to random prepayment reviews conducted on or after such date (not later than 1 year after the date of enactment of this Act) as the Secretary shall specify. The Secretary shall develop and publish the standard protocol under such section by not later than 1 year after the date of enactment of this Act.

SEC. 542. RECOVERY OF OVERPAYMENTS.

(a) IN GENERAL.—Section 1874A, as added by section 521(a)(1) and as amended by sections 531(b)(1), 532(a), and 541(a), is amended by adding at the end the following new subsection:

''(h) RECOVERY OF OVERPAYMENTS.—

''(1) USE OF REPAYMENT PLANS.—

''(A) IN GENERAL.—If the repayment, within the period otherwise permitted by a provider of services, physician, practitioner, or other supplier, of an overpayment under this title meets the standards developed under subparagraph (B), subject to subparagraph (C), and the provider, physician, practitioner, or supplier requests the Secretary to enter into a repayment plan with respect to such overpayment, the Secretary shall enter into a plan with the provider, physician, practitioner, or supplier for the offset or repayment (at the election of the provider, physician, practitioner, or supplier) of such overpayment over a period of at least 1 year, but not longer than 3 years. Interest shall accrue on the balance through the period of repayment. The repayment plan shall meet terms and conditions determined to be appropriate by the Secretary.

''(B) DEVELOPMENT OF STANDARDS.—The Secretary shall develop standards for the recovery of overpayments. Such standards shall—

''(i) include a requirement that the Secretary take into account (and weigh in favor of the use of a repayment plan) the reliance (as described in section 1871(d)(2)) by a provider of services, physician, practitioner, and supplier on guidance when determining whether a repayment plan should be offered; and

''(ii) provide for consideration of the financial hardship imposed on a provider of services, physician, practitioner, or supplier in considering such a repayment plan.

In developing standards with regard to financial hardship with respect to a provider of services, physician, practitioner, or supplier, the Secretary shall take into account the amount of the proposed recovery as a proportion of payments made to that provider, physician, practitioner, or supplier.

''(C) EXCEPTIONS.—Subparagraph (A) shall not apply if—

''(i) the Secretary has reason to suspect that the provider of services, physician, practitioner, or supplier may file for bankruptcy or otherwise cease to do business or discontinue participation in the program under this title; or

''(ii) there is an indication of fraud or abuse committed against the program.

''(D) IMMEDIATE COLLECTION IF VIOLATION OF REPAYMENT PLAN.—If a provider of services, physician, practitioner, or supplier fails to make a payment in accordance with a repayment plan under this paragraph, the Secretary may immediately seek to offset or otherwise recover the total balance outstanding (including applicable interest) under the repayment plan.

''(E) RELATION TO NO FAULT PROVISION.—Nothing in this paragraph shall be construed as affecting the application of section 1870(c) (relating to no adjustment in the cases of certain overpayments).

''(2) LIMITATION ON RECOUPMENT.—

''(A) NO RECOUPMENT UNTIL RECONSIDERATION EXERCISED.—In the case of a provider of services, physician, practitioner, or supplier that is determined to have received an overpayment under this title and that seeks a reconsideration of such determination by a qualified independent contractor under section 1869(c), the Secretary may not take any action (or authorize any other person, including any Medicare contractor, as defined in subparagraph (C)) to recoup the overpayment until the date the decision on the reconsideration has been rendered.

''(B) PAYMENT OF INTEREST.—

''(i) RETURN OF RECOUPED AMOUNT WITH INTEREST IN CASE OF REVERSAL.—Insofar as such determination on appeal against the provider of services, physician, practitioner, or supplier is later reversed, the Secretary shall provide for repayment of the amount recouped plus interest for the period in which the amount was recouped.

''(ii) INTEREST IN CASE OF AFFIRMATION.—Insofar as the determination on such appeal is against the provider of services, physician, practitioner, or supplier, interest on the overpayment shall accrue on and after the date of the original notice of overpayment.

''(iii) RATE OF INTEREST.—The rate of interest under this subparagraph shall be the rate otherwise applicable under this title in the case of overpayments.

''(C) MEDICARE CONTRACTOR DEFINED.—For purposes of this subsection, the term 'medicare contractor' has the meaning given such term in section 1889(e).

''(3) PAYMENT AUDITS.—

''(A) WRITTEN NOTICE FOR POST-PAYMENT AUDITS.—Subject to subparagraph (C), if a medicare contractor decides to conduct a post-payment audit of a provider of services, physician, practitioner, or supplier under this title, the contractor shall provide the provider of services, physician, practitioner, or supplier with written notice (which may be in electronic form) of the intent to conduct such an audit.

''(B) EXPLANATION OF FINDINGS FOR ALL AUDITS.—Subject to subparagraph (C), if a medicare contractor audits a provider of services, physician, practitioner, or supplier under this title, the contractor shall—

''(i) give the provider of services, physician, practitioner, or supplier a full review and explanation of the findings of the audit in a manner that is understandable to the provider of services, physician, practitioner, or supplier and permits the development of an appropriate corrective action plan;

''(ii) inform the provider of services, physician, practitioner, or supplier of the appeal rights under this title as well as consent settlement options (which are at the discretion of the Secretary); and

''(iii) give the provider of services, physician, practitioner, or supplier an opportunity to provide additional information to the contractor.

''(C) EXCEPTION.—Subparagraphs (A) and (B) shall not apply if the provision of notice or findings would compromise pending law enforcement activities, whether civil or criminal, or reveal findings of law enforcement-related audits.

''(4) NOTICE OF OVER-UTILIZATION OF CODES.—The Secretary shall establish, in consultation with organizations representing the classes of providers of services, physicians, practitioners, and suppliers, a process under which the Secretary provides for notice to classes of providers of services, physicians, practitioners, and suppliers served by a medicare contractor in cases in which the contractor has identified that particular billing codes may be overutilized by that class of providers of services, physicians, practitioners, or suppliers under the programs under this title (or provisions of title XI insofar as they relate to such programs).

''(5) STANDARD METHODOLOGY FOR PROBE SAMPLING.—The Secretary shall establish a standard methodology for medicare administrative contractors to use in selecting a sample of claims for review in the case of an abnormal billing pattern.

''(6) CONSENT SETTLEMENT REFORMS.—

''(A) IN GENERAL.—The Secretary may use a consent settlement (as defined in subparagraph (D)) to settle a projected overpayment.

''(B) OPPORTUNITY TO SUBMIT ADDITIONAL INFORMATION BEFORE CONSENT SETTLEMENT OFFER.—Before offering a provider of services, physician, practitioner, or supplier a consent settlement, the Secretary shall—

''(i) communicate to the provider of services, physician, practitioner, or supplier in a nonthreatening manner that, based on a review of the medical records requested by the Secretary, a preliminary evaluation of those records indicates that there would be an overpayment; and

''(ii) provide for a 45-day period during which the provider of services, physician, practitioner, or supplier may furnish additional information concerning the medical records for the claims that had been reviewed.

''(C) CONSENT SETTLEMENT OFFER.—The Secretary shall review any additional information furnished by the provider of services, physician, practitioner, or supplier under subparagraph (B)(ii). Taking into consideration such information, the Secretary shall determine if there still appears to be an overpayment. If so, the Secretary—

''(i) shall provide notice of such determination to the provider of services, physician, practitioner, or supplier, including an explanation of the reason for such determination; and

''(ii) in order to resolve the overpayment, may offer the provider of services, physician, practitioner, or supplier—

''(I) the opportunity for a statistically valid random sample; or

''(II) a consent settlement.

The opportunity provided under clause (ii)(I) does not waive any appeal rights with respect to the alleged overpayment involved.

''(D) CONSENT SETTLEMENT DEFINED.—For purposes of this paragraph, the term 'consent settlement' means an agreement between the Secretary and a provider of services, physician, practitioner, or supplier whereby both parties agree to settle a projected overpayment based on less than a statistically valid sample of claims and the provider of services, physician, practitioner, or supplier agrees not to appeal the claims involved.''.

(b) EFFECTIVE DATES AND DEADLINES.—

(1) Not later than 1 year after the date of enactment of this Act, the Secretary shall first—

(A) develop standards for the recovery of overpayments under section 1874A(h)(1)(B) of the Social Security Act, as added by subsection (a);

(B) establish the process for notice of over-utilization of billing codes under section 1874A(h)(4) of the Social Security Act, as added by subsection (a); and

(C) establish a standard methodology for selection of sample claims for abnormal billing patterns under section 1874A(h)(5) of the Social Security Act, as added by subsection (a).

(2) Section 1874A(h)(2) of the Social Security Act, as added by subsection (a), shall apply to actions taken after the date that is 1 year after the date of enactment of this Act.

(3) Section 1874A(h)(3) of the Social Security Act, as added by subsection (a), shall apply to audits initiated after the date of enactment of this Act.

(4) Section 1874A(h)(6) of the Social Security Act, as added by subsection (a), shall apply to consent settlements entered into after the date of enactment of this Act.

SEC. 543. PROCESS FOR CORRECTION OF MINOR ERRORS AND OMISSIONS ON CLAIMS WITHOUT PURSUING APPEALS PROCESS.

(a) IN GENERAL.—The Secretary shall develop, in consultation with appropriate medicare contractors (as defined in section 1889(e) of the Social Security Act, as added by section 531(d)(1)) and representatives of providers of services, physicians, practitioners, facilities, and suppliers, a process

whereby, in the case of minor errors or omissions (as defined by the Secretary) that are detected in the submission of claims under the programs under title XVIII of such Act, a provider of services, physician, practitioner, facility, or supplier is given an opportunity to correct such an error or omission without the need to initiate an appeal. Such process shall include the ability to resubmit corrected claims.

(b) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall first develop the process under subsection (a).

SEC. 544. AUTHORITY TO WAIVE A PROGRAM EXCLUSION.

The first sentence of section 1128(c)(3)(B) (42 U.S.C. 1320a–7(c)(3)(B)) is amended to read as follows: ''Subject to subparagraph (G), in the case of an exclusion under subsection (a), the minimum period of exclusion shall be not less than 5 years, except that, upon the request of an administrator of a Federal health care program (as defined in section 1128B(f)) who determines that the exclusion would impose a hardship on beneficiaries of that program, the Secretary may, after consulting with the Inspector General of the Department of Health and Human Services, waive the exclusion under subsection (a)(1), (a)(3), or (a)(4) with respect to that program in the case of an individual or entity that is the sole community physician or sole source of essential specialized services in a community.''.

TITLE VI—OTHER PROVISIONS

SEC. 601. INCREASE IN MEDICAID DSH ALLOTMENTS FOR FISCAL YEARS 2004 AND 2005.

(a) IN GENERAL.—Section 1923(f)(4) (42 U.S.C. 1396r–4(f)(4)) is amended—

(1) in the paragraph heading, by striking ''FISCAL YEARS 2001 AND 2002'' and inserting ''CERTAIN FISCAL YEARS'';

(2) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(ii) by striking ''and'' at the end;

(B) in clause (ii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) for fiscal year 2004, shall be the DSH allotment determined under paragraph (3) for that fiscal year increased by the amount equal to the product of 0.50 and the difference between—

''(I) the amount that the DSH allotment would be if the DSH allotment for the State determined under clause (ii) were increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the Consumer Price Index for all urban consumers (all items; U.S. city average) for each of fiscal years 2002 and 2003; and

''(II) the DSH allotment determined under paragraph (3) for the State for fiscal year 2004; and

''(iv) for fiscal year 2005, shall be the DSH allotment determined under paragraph (3) for that fiscal year increased by the amount equal to the product of 0.50 and the difference between—

''(I) the amount that the DSH allotment would be if the DSH allotment for the State determined under clause (ii) were increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the Consumer Price Index for all urban consumers (all items; U.S. city average) for each of fiscal years 2002, 2003, and 2004; and

''(II) the DSH allotment determined under paragraph (3) for the State for fiscal year 2005.''; and

(3) in subparagraph (C)—

(A) in the subparagraph heading, by striking ''AFTER FISCAL YEAR 2002'' and inserting ''FOR OTHER FISCAL YEARS''; and

(B) by striking ''2003 or'' and inserting ''2003, fiscal year 2006, or''.

(b) DSH ALLOTMENT FOR THE DISTRICT OF COLUMBIA.—Section 1923(f)(4) (42 U.S.C. 1396r–4(f)(4)), as amended by paragraph (1), is amended—

(1) in subparagraph (A), by inserting ''and except as provided in subparagraph (C)'' after ''paragraph (2)'';

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) DSH ALLOTMENT FOR THE DISTRICT OF COLUMBIA.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), the DSH allotment for the District of Columbia for fiscal year 2004, shall be determined by substituting ''49'' for ''32'' in the item in the table contained in paragraph (2) with respect to the DSH allotment for FY 00 (fiscal year 2000) for the District of Columbia, and then increasing such allotment, subject to subparagraph (B) and paragraph (5), by the percentage change in the Consumer Price Index for all urban consumers (all items; U.S. city average) for each of fiscal years 2000, 2001, 2002, and 2003.

''(ii) NO APPLICATION TO ALLOTMENTS AFTER FISCAL YEAR 2004.—The DSH allotment for the District of Columbia for fiscal year 2003, fiscal year 2005, or any succeeding fiscal year shall be determined under paragraph (3) without regard to the DSH allotment determined under clause (i).''.

(c) CONFORMING AMENDMENT.—Section 1923(f)(3) of such Act (42 U.S.C. 1396r–4(f)(3)) is amended by inserting '', paragraph (4),'' after ''subparagraph (B)''.

SEC. 602. INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE UNDER THE MEDICAID PROGRAM FOR FISCAL YEARS 2004 AND 2005.

(a) IN GENERAL.—Section 1923(f)(5) (42 U.S.C. 1396r–4(f)(5)) is amended—

(1) by striking ''In the case of'' and inserting the following:

''(A) IN GENERAL.—In the case of''; and

(2) by adding at the end the following:

''(B) INCREASE IN FLOOR FOR FISCAL YEARS 2004 AND 2005.—

''(i) FISCAL YEAR 2004.—In the case of a State in which the total expenditures under the State plan (including Federal and State shares) for disproportionate share hospital adjustments under this section for fiscal year 2000, as reported to the Administrator of the Centers for Medicare & Medicaid Services as of August 31, 2003, is greater than 0 but less than 3 percent of the State's total amount of expenditures under the State plan for medical assistance during the fiscal year, the DSH allotment for fiscal year 2004 shall be increased to 3 percent of the State's total amount of expenditures under such plan for such assistance during such fiscal year.

''(ii) FISCAL YEAR 2005.—In the case of a State in which the total expenditures under the State plan (including Federal and State shares) for disproportionate share hospital adjustments under this section for fiscal year 2001, as reported to the Administrator of the Centers for Medicare & Medicaid Services as of August 31, 2004, is greater than 0 but less than 3 percent of the State's total amount of expenditures under the State plan for medical assistance during the fiscal year, the DSH allotment for fiscal year 2005 shall be the DSH allotment determined for the State for fiscal year 2004 (under clause (i) or paragraph (4) (as applicable)), increased by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2004.

''(iii) NO APPLICATION TO ALLOTMENTS AFTER FISCAL YEAR 2005.—The DSH allotment for any State for fiscal year 2006 or any succeeding fiscal year shall be determined under this subsection without regard to the DSH allotments determined under this subparagraph.''.

(b) ALLOTMENT ADJUSTMENT.—

(1) IN GENERAL.—Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following:

''(6) ALLOTMENT ADJUSTMENT.—Only with respect to fiscal year 2004 or 2005, if a statewide waiver under section 1115 that was implemented on January 1, 1994, is revoked or terminated before the end of either such fiscal year, the Secretary shall—

''(A) permit the State whose waiver was revoked or terminated to submit an amendment to its State plan that would describe the methodology to be used by the State (after the effective date of such revocation or termination) to identify and make payments to disproportionate share hospitals, including children's hospitals and institutions for mental diseases or other mental health facilities (other than State-owned institutions or facilities), on the basis of the proportion of patients served by such hospitals that are low-income patients with special needs; and

''(B) provide for purposes of this subsection for computation of an appropriate DSH allotment for the State for fiscal year 2004 or 2005 (or both) that provides for the maximum amount (permitted consistent with paragraph (3)(B)(ii)) that does not result in greater expenditures under this title than would have been made if such waiver had not been revoked or terminated.''.

(2) TREATMENT OF INSTITUTIONS FOR MENTAL DISEASES.—Section 1923(h)(1) of the Social Security Act (42 U.S.C. 1396r–4(h)(1)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''(subject to paragraph (3))'' after ''the lesser of the following''; and

(B) by adding at the end the following new paragraph:

''(3) SPECIAL RULE.—The limitation of paragraph (1) shall not apply in the case of a State to which subsection (f)(6) applies.''.

SEC. 603. INCREASED REPORTING REQUIREMENTS TO ENSURE THE APPROPRIATENESS OF PAYMENT ADJUSTMENTS TO DISPROPORTIONATE SHARE HOSPITALS UNDER THE MEDICAID PROGRAM.

Section 1923 (42 U.S.C. 1396r–4) is amended by adding at the end the following new subsection:

''(j) ANNUAL REPORTS REGARDING PAYMENT ADJUSTMENTS.—With respect to fiscal year 2004 and each fiscal year thereafter, the Secretary shall require a State, as a condition of receiving a payment under section 1903(a)(1) with respect to a payment adjustment made under this section, to submit an annual report that—

''(1) identifies each disproportionate share hospital that received a payment adjustment under this section for the preceding fiscal year and the amount of the payment adjustment made to such hospital for the preceding fiscal year; and

''(2) includes such other information as the Secretary determines necessary to ensure the appropriateness of the payment adjustments made under this section for the preceding fiscal year.''.

SEC. 604. CLARIFICATION OF INCLUSION OF INPATIENT DRUG PRICES CHARGED TO CERTAIN PUBLIC HOSPITALS IN THE BEST PRICE EXEMPTIONS FOR THE MEDICAID DRUG REBATE PROGRAM.

(a) IN GENERAL.—Section 1927(c)(1)(C)(i)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(i)(I)) is amended by inserting before the semicolon the following: ''(including

inpatient prices charged to hospitals described in section 340B(a)(4)(L) of the Public Health Service Act)''.

(b) ANTI-DIVERSION PROTECTION.—Section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)) is amended by adding at the end the following:

''(iii) APPLICATION OF AUDITING AND RECORDKEEPING REQUIREMENTS.—With respect to a covered entity described in section 340B(a)(4)(L) of the Public Health Service Act, any drug purchased for inpatient use shall be subject to the auditing and recordkeeping requirements described in section 340B(a)(5)(C) of the Public Health Service Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003.

SEC. 605. ASSISTANCE WITH COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following new paragraph:

''(4)(A) With respect to any or all of fiscal years 2005 through 2007, a State may elect (in a plan amendment under this title) to provide medical assistance under this title (including under a waiver authorized by the Secretary) for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

''(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A).''.

(b) SCHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (C) and (D) as subparagraph (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) Section 1903(v)(4) (relating to optional coverage of categories of permanent resident alien children), but only if the State has elected to apply such section to the category of children under title XIX and only with respect to any or all of fiscal years 2005 through 2007.''.

SEC. 606. ESTABLISHMENT OF CONSUMER OMBUDSMAN ACCOUNT.

(a) IN GENERAL.—Section 1817 (42 U.S.C. 1395i) is amended by adding at the end the following new subsection:

''(i) CONSUMER OMBUDSMAN ACCOUNT.—

''(1) ESTABLISHMENT.—There is hereby established in the Trust Fund an expenditure account to be known as the 'Consumer Ombudsman Account' (in this subsection referred to as the 'Account').

''(2) APPROPRIATED AMOUNTS TO ACCOUNT FOR HEALTH INSURANCE INFORMATION, COUNSELING, AND ASSISTANCE GRANTS.—

''(A) IN GENERAL.—There are hereby appropriated to the Account from the Trust Fund for each fiscal year beginning with fiscal year 2005, the amount described in subparagraph (B) for such fiscal year for the purpose of making grants under section 4360 of the Omnibus Budget Reconciliation Act of 1990.

''(B) AMOUNT DESCRIBED.—For purposes of subparagraph (A), the amount described in this subparagraph for a fiscal year is the amount equal to the product of—

''(i) $1; and

''(ii) the total number of individuals receiving benefits under this title for the calendar year ending on December 31 of the preceding fiscal year.''.

(b) CONFORMING AMENDMENT.—Section 4360(g) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–4(g)) is amended to read as follows:

''(g) FUNDING.—The Secretary shall use amounts appropriated to the Consumer Ombudsman Account in accordance with section 1817(i) of the Social Security Act for a fiscal year for making grants under this section for that fiscal year.''.

SEC. 607. GAO STUDY REGARDING IMPACT OF ASSETS TEST FOR LOW-INCOME BENEFICIARIES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to determine the extent to which drug utilization and access to covered drugs for an individual described in subsection (b) differs from the drug utilization and access to covered drugs of an individual who qualifies for the transitional assistance prescription drug card program under section 1807A of the Social Security Act (as added by section 111) or for the premiums and cost-sharing subsidies applicable to a qualified medicare beneficiary, a specified low-income medicare beneficiary, or a qualifying individual under section 1860D–19 of the Social Security Act (as added by section 101).

(b) INDIVIDUAL DESCRIBED.—An individual is described in this subsection if the individual does not qualify for the transitional assistance prescription drug card program under section 1807A of the Social Security Act or for the premiums and cost-sharing subsidies applicable to a qualified medicare beneficiary, a specified low-income medicare beneficiary, or a qualifying individual under section 1860D–19 of the Social Security Act solely as a result of the application of an assets test to the individual.

(c) REPORT.—Not later than September 30, 2007, the Comptroller General shall submit a report to Congress on the study conducted under subsection (a) that includes such recommendations for legislation as the Comptroller General determines are appropriate.

(d) DEFINITIONS.—In this section:

(1) COVERED DRUGS.—The term ''covered drugs'' has the meaning given that term in section 1860D(a)(D) of the Social Security Act.

(2) QUALIFIED MEDICARE BENEFICIARY; SPECIFIED LOW-INCOME MEDICARE BENEFICIARY; QUALIFYING INDIVIDUAL.—The terms ''qualified medicare beneficiary'', ''specified low-income medicare beneficiary'' and ''qualifying individual'' have the meaning given those terms under section 1860D–19 of the Social Security Act.

SEC. 608. HEALTH CARE INFRASTRUCTURE IMPROVEMENT.

At the end of the Social Security Act, add the following new title:

''TITLE XXII—HEALTH CARE INFRASTRUCTURE IMPROVEMENT

''SEC. 2201. DEFINITIONS.

''In this title, the following definitions apply:

''(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

''(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental study and review, permitting, architectural engineering and design work, and other preconstruction activities;

''(B) construction, reconstruction, rehabilitation, replacement, and acquisition of facilities and real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment;

''(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction;

''(D) major medical equipment determined to be appropriate by the Secretary; and

''(E) refinancing projects or activities that are otherwise eligible for financial assistance under subparagraphs (A) through (D).

''(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this title with respect to a project.

''(3) INVESTMENT-GRADE RATING.—The term 'investment-grade rating' means a rating category of BBB minus, Baa3, or higher assigned by a rating agency to project obligations offered into the capital markets.

''(4) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

''(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

''(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

''(5) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 2204 to provide a direct loan at a future date upon the occurrence of certain events.

''(6) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

''(7) LOCAL SERVICER.—The term 'local servicer' means a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

''(8) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

''(9) PROJECT.—The term 'project' means any project that is designed to improve the health care infrastructure, including the construction, renovation, or other capital improvement of any hospital, medical research facility, or other medical facility or the purchase of any equipment to be used in a hospital, research facility, or other medical research facility.

''(10) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, lease, installment sale agreement, or other debt obligation issued or entered into by an obligor in connection with the financing of a project, other than a Federal credit instrument.

''(11) RATING AGENCY.—The term 'rating agency' means a bond rating agency identified by the Securities and Exchange Commission as a Nationally Recognized Statistical Rating Organization.

''(12) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 2203.

''(13) STATE.—The term 'State' has the meaning given the term in section 101 of title 23, United States Code.

''(14) SUBSIDY AMOUNT.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(15) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means the opening of a project to patients or for research purposes.

"SEC. 2202. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

''(a) ELIGIBILITY.—To be eligible to receive financial assistance under this title, a project shall meet the following criteria:

''(1) APPLICATION.—A State, a local servicer identified under section 2205(a), or the entity undertaking a project shall submit a project application to the Secretary.

''(2) ELIGIBLE PROJECT COSTS.—To be eligible for assistance under this title, a project shall have total eligible project costs that are reasonably anticipated to equal or exceed $40,000,000.

''(3) SOURCES OF REPAYMENTS.—Project financing shall be repayable, in whole or in part, from reliable revenue sources as described in the application submitted under paragraph (1).

''(4) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored or sponsored by an entity that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

''(b) SELECTION AMONG ELIGIBLE PROJECTS.—

''(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

''(2) SELECTION CRITERIA.—

''(A) IN GENERAL.—The selection criteria shall include the following:

''(i) The extent to which the project is nationally or regionally significant, in terms of expanding or improving the health care infrastructure of the United States or the region or in terms of the medical benefit that the project will have.

''(ii) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, credit enhancement requirements, or debt services coverages, to ensure repayment.

''(iii) The extent to which assistance under this title would foster innovative public-private partnerships and attract private debt or equity investment.

''(iv) The likelihood that assistance under this title would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

''(v) The extent to which the project uses or results in new technologies.

''(vi) The amount of budget authority required to fund the Federal credit instrument made available under this title.

''(vii) The extent to which the project helps maintain or protect the environment.

''(B) SPECIFIC REQUIREMENTS.—The selection criteria shall require that a project applicant—

''(i) be engaged in research in the causes, prevention, and treatment of cancer;

''(ii) be designated as a cancer center for the National Cancer Institute or be designated by the State as the official cancer institute of the State; and

''(iii) be located in a State that, on the date of enactment of this title, has a population of less than 3,000,000 individuals.

''(C) RATING LETTER.—For purposes of subparagraph (A)(ii), the Secretary shall require each project applicant to provide a rating letter from at least 1 rating agency indicating that the project's senior obligations have the potential to achieve an investment-grade rating with or without credit enhancement.

"SEC. 2203. SECURED LOANS.

''(a) IN GENERAL.—

''(1) AGREEMENTS.—Subject to paragraphs (2) through (4), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

''(A) to finance eligible project costs;

''(B) to refinance interim construction financing of eligible project costs; or

''(C) to refinance existing debt or prior project obligations;

of any project selected under section 2202.

''(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

''(3) RISK ASSESSMENT.—Before entering into an agreement for a secured loan under this subsection, the Secretary, in consultation with each rating agency providing a rating letter under section 2202(b)(2)(B), shall determine an appropriate capital reserve subsidy amount for each secured loan, taking into account such letter.

''(4) INVESTMENT-GRADE RATING REQUIREMENT.—The funding of a secured loan under this section shall be contingent on the project's senior obligations receiving an investment-grade rating, except that—

''(A) the Secretary may fund an amount of the secured loan not to exceed the capital reserve subsidy amount determined under paragraph (3) prior to the obligations receiving an investment-grade rating; and

''(B) the Secretary may fund the remaining portion of the secured loan only after the obligations have received an investment-grade rating by at least 1 rating agency.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 100 percent of the reasonably anticipated eligible project costs.

''(3) PAYMENT.—The secured loan—

''(A) shall—

''(i) be payable, in whole or in part, from reliable revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

''(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 30 years after the date of substantial completion of the project.

''(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

''(c) REPAYMENT.—

''(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include any revenue generated by the project.

''(4) DEFERRED PAYMENTS.—

''(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary may, subject to subparagraph (C), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

''(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

''(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

''(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

''(C) CRITERIA.—

''(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting criteria established by the Secretary.

''(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

''(5) PREPAYMENT.—

''(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, reimbursement agreement, credit agreement, loan agreement, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty, regardless of whether such repayment is from the proceeds of refinancing from non-Federal funding sources.

''(6) FORGIVENESS OF INDEBTEDNESS.—The Secretary may forgive a loan secured under this title under terms and conditions that are analogous to the loan forgiveness provision for student loans under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), except that the Secretary shall condition such forgiveness on the establishment by the project of—

''(A) an outreach program for cancer prevention, early diagnosis, and treatment that provides services to a substantial majority of the residents of a State or region, including residents of rural areas;

''(B) an outreach program for cancer prevention, early diagnosis, and treatment that provides services to multiple Indian tribes; and

''(C)(i) unique research resources (such as population databases); or

''(ii) an affiliation with an entity that has unique research resources.

''(d) SALE OF SECURED LOANS.—

''(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

''(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(e) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

''(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

"SEC. 2204. LINES OF CREDIT.

''(a) IN GENERAL.—

''(1) AGREEMENTS.—Subject to paragraphs (2) through (4), the Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 2202.

''(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

''(3) RISK ASSESSMENT.—Before entering into an agreement for a secured loan under this subsection, the Secretary, in consultation with each rating agency providing a rating letter under section 2202(b)(2)(B), shall determine an appropriate subsidy amount for each secured loan, taking into account such letter.

''(4) INVESTMENT-GRADE RATING REQUIREMENT.—The funding of a line of credit under this section shall be contingent on the project's senior obligations receiving an investment-grade rating from at least 1 rating agency.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNTS.—

''(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(B) 1-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

''(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

''(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

''(5) SECURITY.—The line of credit—

''(A) shall—

''(i) be payable, in whole or in part, from reliable revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

''(7) RIGHTS OF THIRD-PARTY CREDITORS.—

''(A) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

''(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

''(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

''(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section also shall not receive a secured loan or loan guarantee under section 2203 of an amount that, combined with the amount of the line of credit, exceeds 100 percent of eligible project costs.

''(c) REPAYMENT.—

''(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include reliable revenue sources.

"SEC. 2205. PROJECT SERVICING.

''(a) REQUIREMENT.—The State in which a project that receives financial assistance under this title is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this title.

''(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

''(1) shall act as the agent for the Secretary; and

''(2) may receive a servicing fee, subject to approval by the Secretary.

''(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

''(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of project finance to assist in the underwriting and servicing of Federal credit instruments.

"SEC. 2206. STATE AND LOCAL PERMITS.

''The provision of financial assistance under this title with respect to a project shall not—

''(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

''(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

''(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

"SEC. 2207. REGULATIONS.

''The Secretary may issue such regulations as the Secretary determines appropriate to carry out this title.

"SEC. 2208. FUNDING.

''(a) FUNDING.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this title, $49,000,000 to remain available during the period beginning on July 1, 2004 and ending on September 30, 2008.

''(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this title, not more than $2,000,000 for each of fiscal years 2004 through 2008.

''(b) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this title shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

''(c) AVAILABILITY.—Amounts appropriated under this section shall be available for obligation on July 1, 2004.

"SEC. 2209. REPORT TO CONGRESS.

''Not later than 4 years after the date of enactment of this title, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this title, including a recommendation as to whether the objectives of this title are best served—

''(1) by continuing the program under the authority of the Secretary;

''(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

''(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this title without Federal participation.''.

SEC. 609. CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM.

(a) IN GENERAL.—Part A of title XVI of the Public Health Service Act (42 U.S.C. 300q et seq.) is amended by adding at the end the following new section:

''CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM

''SEC. 1603. (a) AUTHORITY TO MAKE AND GUARANTEE LOANS.—

''(1) AUTHORITY TO MAKE LOANS.—The Secretary may make loans from the fund established under section 1602(d) to any rural entity for projects for capital improvements, including—

''(A) the acquisition of land necessary for the capital improvements;

''(B) the renovation or modernization of any building;

''(C) the acquisition or repair of fixed or major movable equipment; and

''(D) such other project expenses as the Secretary determines appropriate.

''(2) AUTHORITY TO GUARANTEE LOANS.—

''(A) IN GENERAL.—The Secretary may guarantee the payment of principal and interest for loans made to rural entities for projects for any capital improvement described in paragraph (1) to any non-Federal lender.

''(B) INTEREST SUBSIDIES.—In the case of a guarantee of any loan made to a rural entity under subparagraph (A), the Secretary may pay to the holder of such loan, for and on behalf of the project for which the loan was made, amounts sufficient to reduce (by not more than 3 percent) the net effective interest rate otherwise payable on such loan.

''(b) AMOUNT OF LOAN.—The principal amount of a loan directly made or guaranteed under subsection (a) for a project for capital improvement may not exceed $5,000,000.

''(c) FUNDING LIMITATIONS.—

''(1) GOVERNMENT CREDIT SUBSIDY EXPOSURE.—The total of the Government credit subsidy exposure under the Credit Reform Act of 1990 scoring protocol with respect to the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under subsection (a) may not exceed $50,000,000 per year.

''(2) TOTAL AMOUNTS.—Subject to paragraph (1), the total of the principal amount of all loans directly made or guaranteed under subsection (a) may not exceed $250,000,000 per year.

''(d) CAPITAL ASSESSMENT AND PLANNING GRANTS.—

''(1) NONREPAYABLE GRANTS.—Subject to paragraph (2), the Secretary may make a grant to a rural entity, in an amount not to exceed $50,000, for purposes of capital assessment and business planning.

''(2) LIMITATION.—The cumulative total of grants awarded under this subsection may not exceed $2,500,000 per year.

''(e) TERMINATION OF AUTHORITY.—The Secretary may not directly make or guarantee any loan under subsection (a) or make a grant under subsection (d) after September 30, 2008.''.

(b) RURAL ENTITY DEFINED.—Section 1624 of the Public Health Service Act (42 U.S.C. 300s–3) is amended by adding at the end the following new paragraph:

''(14)(A) The term 'rural entity' includes—

''(i) a rural health clinic, as defined in section 1861(aa)(2) of the Social Security Act;

''(ii) any medical facility with at least 1 bed, but with less than 50 beds, that is located in—

''(I) a county that is not part of a metropolitan statistical area; or

''(II) a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725));

''(iii) a hospital that is classified as a rural, regional, or national referral center under section 1886(d)(5)(C) of the Social Security Act; and

''(iv) a hospital that is a sole community hospital (as defined in section 1886(d)(5)(D)(iii) of the Social Security Act).

''(B) For purposes of subparagraph (A), the fact that a clinic, facility, or hospital has been geographically reclassified under the medicare program under title XVIII of the Social Security Act shall not preclude a hospital from being considered a rural entity under clause (i) or (ii) of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—Section 1602 of the Public Health Service Act (42 U.S.C. 300q–2) is amended—

(1) in subsection (b)(2)(D), by inserting ''or 1603(a)(2)(B)'' after ''1601(a)(2)(B)''; and

(2) in subsection (d)—

(A) in paragraph (1)(C), by striking ''section 1601(a)(2)(B)'' and inserting ''sections 1601(a)(2)(B) and 1603(a)(2)(B)''; and

(B) in paragraph (2)(A), by inserting ''or 1603(a)(2)(B)'' after ''1601(a)(2)(B)''.

SEC. 610. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

(a) TOTAL AMOUNT AVAILABLE FOR ALLOTMENT.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $250,000,000 for each of fiscal years 2005 through 2008, for the purpose of making allotments under this section to States described in paragraph (1) or (2) of subsection (b). Funds appropriated under the preceding sentence shall remain available until expended.

(b) STATE ALLOTMENTS.—

(1) BASED ON PERCENTAGE OF UNDOCUMENTED ALIENS.—

(A) IN GENERAL.—Out of the amount appropriated under subsection (a) for a fiscal year, the Secretary shall use $167,000,000 of such amount to make allotments for such fiscal year in accordance with subparagraph (B).

(B) FORMULA.—The amount of the allotment for each State for a fiscal year shall be equal to the product of—

(i) the total amount available for allotments under this paragraph for the fiscal year; and

(ii) the percentage of undocumented aliens residing in the State with respect to the total number of such aliens residing in all States, as determined by the Statistics Division of the Immigration and Naturalization Service, as of January 2003, based on the 2000 decennial census.

(2) BASED ON NUMBER OF UNDOCUMENTED ALIEN APPREHENSION STATES.—

(A) IN GENERAL.—Out of the amount appropriated under subsection (a) for a fiscal year, the Secretary shall use $83,000,000 of such amount to make allotments for such fiscal year for each of the 6 States with the highest number of undocumented alien apprehensions for such fiscal year.

(B) DETERMINATION OF ALLOTMENTS.—The amount of the allotment for each State described in subparagraph (A) for a fiscal year shall bear the same ratio to the total amount available for allotments under this paragraph for the fiscal year as the ratio of the number of undocumented alien apprehensions in the State in that fiscal year bears to the total of such numbers for all such States for such fiscal year.

(C) DATA.—For purposes of this paragraph, the highest number of undocumented alien apprehensions for a fiscal year shall be based on the 4 most recent quarterly apprehension rates for undocumented aliens in such States, as reported by the Immigration and Naturalization Service.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State that is described in both of paragraphs (1) and (2) from receiving an allotment under both paragraphs for a fiscal year.

(c) USE OF FUNDS.—

(1) AUTHORITY TO MAKE PAYMENTS.—From the allotments made for a State under subsection (b) for a fiscal year, the Secretary shall pay directly to local governments, hospitals, or other providers located in the State (including providers of services received through an Indian Health Service facility whether operated by the Indian Health Service or by an Indian tribe or tribal organization) that provide uncompensated emergency health services furnished to undocumented aliens during that fiscal year, and to the State, such amounts (subject to the total amount available from such allotments) as the local governments, hospitals, providers, or State demonstrate were incurred for the provision of such services during that fiscal year.

(2) LIMITATION ON STATE USE OF FUNDS.—Funds paid to a State from allotments made under subsection (b) for a fiscal year may only be used for making payments to local governments, hospitals, or other providers for costs incurred in providing emergency health services to undocumented aliens or for State costs incurred with respect to the provision of emergency health services to such aliens.

(3) INCLUSION OF COSTS INCURRED WITH RESPECT TO CERTAIN ALIENS.—Uncompensated emergency health services furnished to aliens who have been allowed to enter the United States for the sole purpose of receiving emergency health services may be included in the determination of costs incurred by a State, local government, hospital, or other provider with respect to the provision of such services.

(d) APPLICATIONS; ADVANCE PAYMENTS.—

(1) DEADLINE FOR ESTABLISHMENT OF APPLICATION PROCESS.—

(A) IN GENERAL.—Not later than September 1, 2004, the Secretary shall establish a process under which States, local governments, hospitals, or other providers located in the State may apply for payments from allotments made under subsection (b) for a fiscal year for uncompensated emergency health services furnished to undocumented aliens during that fiscal year.

(B) INCLUSION OF MEASURES TO COMBAT FRAUD.—The Secretary shall include in the process established under subparagraph (A) measures to ensure that fraudulent payments are not made from the allotments determined under subsection (b).

(2) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The process established under paragraph (1) shall allow for making payments under this section for each quarter of a fiscal year on the basis of advance estimates of expenditures submitted by applicants for such payments and such other investigation as the Secretary may find necessary, and for making reductions or increases in the payments as necessary to adjust for any overpayment or underpayment for prior quarters of such fiscal year.

(e) DEFINITIONS.—In this section:

(1) HOSPITAL.—The term ''hospital'' has the meaning given such term in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e)).

(2) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ''Indian tribe'' and ''tribal organization'' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(3) PROVIDER.—The term ''provider'' includes a physician, any other health care professional licensed under State law, and any other entity that furnishes emergency health services, including ambulance services.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means the 50 States and the District of Columbia.

SEC. 611. INCREASE IN APPROPRIATION TO THE HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.

Section 1817(k)(3)(A) (42 U.S.C. 1395i(k)(3)(A)) is amended—

(1) in clause (i)—

(A) in subclause (II), by striking ''and'' at the end; and

(B) by striking subclause (III), and inserting the following new subclauses:

''(III) for fiscal year 2004, the limit for fiscal year 2003 increased by $10,000,000;

''(IV) for fiscal year 2005, the limit for fiscal year 2003 increased by $15,000,000;

''(V) for fiscal year 2006, the limit for fiscal year 2003 increased by $25,000,000; and

''(VI) for each fiscal year after fiscal year 2006, the limit for fiscal year 2003.''; and

(2) in clause (ii)—

(A) in subclause (VI), by striking ''and'' at the end;

(B) in subclause (VII)—

(i) by striking ''each fiscal year after fiscal year 2002'' and inserting ''fiscal year 2003''; and

(ii) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(VIII) for fiscal year 2004, $170,000,000;

''(IX) for fiscal year 2005, $175,000,000;

''(X) for fiscal year 2006, $185,000,000; and

''(XI) for each fiscal year after fiscal year 2006, not less than $150,000,000 and not more than $160,000,000.''.

SEC. 612. INCREASE IN CIVIL PENALTIES UNDER THE FALSE CLAIMS ACT.

(a) IN GENERAL.—Section 3729(a) of title 31, United States Code, is amended—

(1) by striking ''$5,000'' and inserting ''$7,500''; and

(2) by striking ''$10,000'' and inserting ''$15,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to violations occurring on or after January 1, 2004.

SEC. 613. INCREASE IN CIVIL MONETARY PENALTIES UNDER THE SOCIAL SECURITY ACT.

(a) IN GENERAL.—Section 1128A(a) (42 U.S.C. 1320a–7a(a)), in the matter following paragraph (7), is amended—

(1) by striking ''$10,000'' each place it appears and inserting ''$12,500'';

(2) by striking ''$15,000'' and inserting ''$18,750''; and

(3) striking ''$50,000'' and inserting ''$62,500''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to violations occurring on or after January 1, 2004.

TITLE VII—ACCESS TO AFFORDABLE PHARMACEUTICALS

SEC. 701. SHORT TITLE.

This title may be cited as the ''Greater Access to Affordable Pharmaceuticals Act''.

SEC. 702. 30-MONTH STAY-OF-EFFECTIVENESS PERIOD.

(a) ABBREVIATED NEW DRUG APPLICATIONS.—Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) NOTICE OF OPINION THAT PATENT IS NOT VALID OR WILL NOT BE INFRINGED.—

''(i) AGREEMENT TO GIVE NOTICE.—An applicant that makes a certification described in subparagraph (A)(vii)(IV) shall include in the application a statement that the applicant will give notice as required by this subparagraph.

''(ii) TIMING OF NOTICE.—An applicant that makes a certification described in subparagraph (A)(vii)(IV) shall give notice as required under this subparagraph—

''(I) if the certification is in the application, not later than 20 days after the date of the postmark on the notice with which the Secretary informs the applicant that the application has been filed; or

''(II) if the certification is in an amendment or supplement to the application, at the time at which the applicant submits the amendment or supplement, regardless of whether the applicant has already given notice with respect to another such certification contained in the application or in an amendment or supplement to the application.

''(iii) RECIPIENTS OF NOTICE.—An applicant required under this subparagraph to give notice shall give notice to—

''(I) each owner of the patent that is the subject of the certification (or a representative of the owner designated to receive such a notice); and

''(II) the holder of the approved application under subsection (b) for the drug that is claimed by the patent or a use of which is claimed by the patent (or a representative of the holder designated to receive such a notice).

''(iv) CONTENTS OF NOTICE.—A notice required under this subparagraph shall—

''(I) state that an application that contains data from bioavailability or bioequivalence studies has been submitted under this subsection for the drug with respect to which the certification is made to obtain approval to engage in the commercial manufacture, use, or sale of the drug before the expiration of the patent referred to in the certification; and

''(II) include a detailed statement of the factual and legal basis of the opinion of the applicant that the patent is not valid or will not be infringed.''; and

(2) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking ''under the following'' and inserting ''by applying the following to each certification made under paragraph (2)(A)(vii)''; and

(ii) in clause (iii)—

(I) in the first sentence, by striking ''unless'' and all that follows and inserting ''unless, before the expiration of 45 days after the date on which the notice described in paragraph (2)(B) is received, an action is brought for infringement of the patent that is the subject of the certification and for which information was submitted to the Secretary under subsection (b)(1) or (c)(2) before the date on which the application (excluding an amendment or supplement to the application), which the Secretary later determines is substantially complete, was submitted.''; and

(II) in the second sentence—

(aa) by striking subclause (I) and inserting the following:

''(I) if before the expiration of such period the district court decides that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity), the approval shall be made effective on—

''(aa) the date on which the court enters judgment reflecting the decision; or

''(bb) the date of a settlement order or consent decree signed and entered by the court stating that the patent that is the subject of the certification is invalid or not infringed;'';

(bb) by striking subclause (II) and inserting the following:

''(II) if before the expiration of such period the district court decides that the patent has been infringed—

''(aa) if the judgment of the district court is appealed, the approval shall be made effective on—

''(AA) the date on which the court of appeals decides that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity); or

''(BB) the date of a settlement order or consent decree signed and entered by the court of appeals stating that the patent that is the subject of the certification is invalid or not infringed; or

''(bb) if the judgment of the district court is not appealed or is affirmed, the approval shall be made effective on the date specified by the district court in a court order under section 271(e)(4)(A) of title 35, United States Code;'';

(cc) in subclause (III), by striking ''on the date of such court decision.'' and inserting ''as provided in subclause (I); or''; and

(dd) by inserting after subclause (III) the following:

''(IV) if before the expiration of such period the court grants a preliminary injunction prohibiting the applicant from engaging in the commercial manufacture or sale of the drug until the court decides the issues of patent validity and infringement and if the court decides that such patent has been infringed, the approval shall be made effective as provided in subclause (II).'';

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively; and

(C) by inserting after subparagraph (B) the following:

''(C) CIVIL ACTION TO OBTAIN PATENT CERTAINTY.—

''(i) DECLARATORY JUDGMENT ABSENT INFRINGEMENT ACTION.—If an owner of the patent or the holder of the approved application under subsection (b) for the drug that is claimed by the patent or a use of which is claimed by the patent does not bring a civil action against the applicant for infringement of the patent on or before the date that is 45 days after the date on which the notice given under paragraph (2)(B) was received, the applicant may bring a civil action against the owner or holder (but not against any owner or holder that has brought such a civil action against that applicant, unless that civil action was dismissed without prejudice) for a declaratory judgment under section 2201 of title 28, United States Code, that the patent is invalid or will not be infringed by the drug for which the applicant seeks approval.

''(ii) COUNTERCLAIM TO INFRINGEMENT ACTION.—

''(I) IN GENERAL.—If an owner of the patent or the holder of the approved application under subsection (b) for the drug that is claimed by the patent or a use of which is claimed by the patent brings a patent infringement action against the applicant, the applicant may assert a counterclaim seeking an order requiring the holder to correct or delete the patent information submitted by the holder under subsection (b) or (c) on the ground that the patent does not claim either—

''(aa) the drug for which the application was approved; or

''(bb) an approved method of using the drug.

''(II) NO INDEPENDENT CAUSE OF ACTION.—Subclause (I) does not authorize the assertion of a claim described in subclause (I) in any civil action or proceeding other than a counterclaim described in subclause (I).

''(iii) NO DAMAGES.—An applicant shall not be entitled to damages in a civil action under subparagraph (i) or a counterclaim under subparagraph (ii).''.

(b) APPLICATIONS GENERALLY.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (b), by striking paragraph (3) and inserting the following:

''(3) NOTICE OF OPINION THAT PATENT IS NOT VALID OR WILL NOT BE INFRINGED.—

''(A) AGREEMENT TO GIVE NOTICE.—An applicant that makes a certification described in paragraph (2)(A)(iv) shall include in the application a statement that the applicant will give notice as required by this paragraph.

''(B) TIMING OF NOTICE.—An applicant that makes a certification described in paragraph (2)(A)(iv) shall give notice as required under this paragraph—

''(i) if the certification is in the application, not later than 20 days after the date of the postmark on the notice with which the Secretary informs the applicant that the application has been filed; or

''(ii) if the certification is in an amendment or supplement to the application, at the time at which the applicant submits the

amendment or supplement, regardless of whether the applicant has already given notice with respect to another such certification contained in the application or in an amendment or supplement to the application.

''(C) RECIPIENTS OF NOTICE.—An applicant required under this paragraph to give notice shall give notice to—

''(i) each owner of the patent that is the subject of the certification (or a representative of the owner designated to receive such a notice); and

''(ii) the holder of the approved application under this subsection for the drug that is claimed by the patent or a use of which is claimed by the patent (or a representative of the holder designated to receive such a notice).

''(D) CONTENTS OF NOTICE.—A notice required under this paragraph shall—

''(i) state that an application that contains data from bioavailability or bioequivalence studies has been submitted under this subsection for the drug with respect to which the certification is made to obtain approval to engage in the commercial manufacture, use, or sale of the drug before the expiration of the patent referred to in the certification; and

''(ii) include a detailed statement of the factual and legal basis of the opinion of the applicant that the patent is not valid or will not be infringed.''; and

(2) in subsection (c)(3)—

(A) in the first sentence, by striking ''under the following'' and inserting ''by applying the following to each certification made under subsection (b)(2)(A)(iv)'';

(B) in subparagraph (C)—

(i) in the first sentence, by striking ''unless'' and all that follows and inserting ''unless, before the expiration of 45 days after the date on which the notice described in subsection (b)(3) is received, an action is brought for infringement of the patent that is the subject of the certification and for which information was submitted to the Secretary under paragraph (2) or subsection (b)(1) before the date on which the application (excluding an amendment or supplement to the application) was submitted.'';

(ii) in the second sentence—

(I) by striking ''paragraph (3)(B)'' and inserting ''subsection (b)(3)'';

(II) by striking clause (i) and inserting the following:

''(i) if before the expiration of such period the district court decides that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity), the approval shall be made effective on—

''(I) the date on which the court enters judgment reflecting the decision; or

''(II) the date of a settlement order or consent decree signed and entered by the court stating that the patent that is the subject of the certification is invalid or not infringed;'';

(III) by striking clause (ii) and inserting the following:

''(ii) if before the expiration of such period the district court decides that the patent has been infringed—

''(I) if the judgment of the district court is appealed, the approval shall be made effective on—

''(aa) the date on which the court of appeals decides that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity); or

''(bb) the date of a settlement order or consent decree signed and entered by the court of appeals stating that the patent that is the subject of the certification is invalid or not infringed; or

''(II) if the judgment of the district court is not appealed or is affirmed, the approval shall be made effective on the date specified by the district court in a court order under section 271(e)(4)(A) of title 35, United States Code;'';

(IV) in clause (iii), by striking ''on the date of such court decision.'' and inserting ''as provided in clause (i); or''; and

(V) by inserting after clause (iii), the following:

''(iv) if before the expiration of such period the court grants a preliminary injunction prohibiting the applicant from engaging in the commercial manufacture or sale of the drug until the court decides the issues of patent validity and infringement and if the court decides that such patent has been infringed, the approval shall be made effective as provided in clause (ii).''; and

(iii) in the third sentence, by striking ''paragraph (3)(B)'' and inserting ''subsection (b)(3)'';

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

''(D) CIVIL ACTION TO OBTAIN PATENT CERTAINTY.—

''(i) DECLARATORY JUDGMENT ABSENT INFRINGEMENT ACTION.—If an owner of the patent or the holder of the approved application under subsection (b) for the drug that is claimed by the patent or a use of which is claimed by the patent does not bring a civil action against the applicant for infringement of the patent on or before the date that is 45 days after the date on which the notice given under subsection (b)(3) was received, the applicant may bring a civil action against the owner or holder (but not against any owner or holder that has brought such a civil action against that applicant, unless that civil action was dismissed without prejudice) for a declaratory judgment under section 2201 of title 28, United States Code, that the patent is invalid or will not be infringed by the drug for which the applicant seeks approval.

''(ii) COUNTERCLAIM TO INFRINGEMENT ACTION.—

''(I) IN GENERAL.—If an owner of the patent or the holder of the approved application under subsection (b) for the drug that is claimed by the patent or a use of which is claimed by the patent brings a patent infringement action against the applicant, the applicant may assert a counterclaim seeking an order requiring the holder to correct or delete the patent information submitted by the holder under subsection (b) or this subsection on the ground that the patent does not claim either—

''(aa) the drug for which the application was approved; or

''(bb) an approved method of using the drug.

''(II) NO INDEPENDENT CAUSE OF ACTION.—Subclause (I) does not authorize the assertion of a claim described in subclause (I) in any civil action or proceeding other than a counterclaim described in subclause (I).

''(iii) NO DAMAGES.—An applicant shall not be entitled to damages in a civil action under clause (i) or a counterclaim under clause (ii).''.

(c) INFRINGEMENT ACTIONS.—Section 271(e) of title 35, United States Code, is amended by adding at the end the following:

''(5) The filing of an application described in paragraph (2) that includes a certification under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), and the failure of the owner of the patent to bring an action for infringement of a patent that is the subject of the certification before the expiration of 45 days after the date on which the notice given under subsection (b)(3) or (j)(2)(B) of that section is received, shall establish an actual controversy between the applicant and the patent owner sufficient to confer subject matter jurisdiction in the courts of the United States in any action brought by the applicant under section 2201 of title 28 for a declaratory judgment that any patent that is the subject of the certification is invalid or not infringed.''.

(d) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by subsections (a), (b), and (c) apply to any proceeding under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) that is pending on or after the date of enactment of this Act regardless of the date on which the proceeding was commenced or is commenced.

(2) NOTICE OF OPINION THAT PATENT IS INVALID OR WILL NOT BE INFRINGED.—The amendments made by subsections (a)(1) and (b)(1) apply with respect to any certification under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) after the date of enactment of this Act in an application filed under subsection (b)(2) or (j) of that section or in an amendment or supplement to an application filed under subsection (b)(2) or (j) of that section.

(3) EFFECTIVE DATE OF APPROVAL.—The amendments made by subsections (a)(2)(A)(ii)(I) and (b)(2)(B)(i) apply with respect to any patent information submitted under subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) made after the date of enactment of this Act.

SEC. 703. FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.

(a) IN GENERAL.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) (as amended by section ____02) is amended—

(1) in subparagraph (B), by striking clause (iv) and inserting the following:

''(iv) 180-DAY EXCLUSIVITY PERIOD.—

''(I) DEFINITIONS.—In this paragraph:

''(aa) 180-DAY EXCLUSIVITY PERIOD.—The term '180-day exclusivity period' means the 180-day period ending on the day before the date on which an application submitted by an applicant other than a first applicant could become effective under this clause.

''(bb) FIRST APPLICANT.—The term 'first applicant' means an applicant that, on the first day on which a substantially complete application containing a certification described in paragraph (2)(A)(vii)(IV) is submitted for approval of a drug, submits a substantially complete application containing a certification described in paragraph (2)(A)(vii)(IV) for the drug.

''(cc) SUBSTANTIALLY COMPLETE APPLICATION.—The term 'substantially complete application' means an application under this subsection that on its face is sufficiently complete to permit a substantive review and contains all the information required by paragraph (2)(A).

''(dd) TENTATIVE APPROVAL.—

''(AA) IN GENERAL.—The term 'tentative approval' means notification to an applicant by the Secretary that an application under this subsection meets the requirements of paragraph (2)(A), but cannot receive effective approval because the application does not meet the requirements of this subparagraph, there is a period of exclusivity for the listed drug under subparagraph (E) or section 505A, or there is a 7-year period of exclusivity for the listed drug under section 527.

''(BB) LIMITATION.—A drug that is granted tentative approval by the Secretary is not an approved drug and shall not have an effective

approval until the Secretary issues an approval after any necessary additional review of the application.

''(II) EFFECTIVENESS OF APPLICATION.—Subject to subparagraph (D), if the application contains a certification described in paragraph (2)(A)(vii)(IV) and is for a drug for which a first applicant has submitted an application containing such a certification, the application shall be made effective on the date that is 180 days after the date of the first commercial marketing of the drug (including the commercial marketing of the listed drug) by any first applicant.''; and

(2) by inserting after subparagraph (C) the following:

''(D) FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.—

''(i) DEFINITION OF FORFEITURE EVENT.—In this subparagraph, the term 'forfeiture event', with respect to an application under this subsection, means the occurrence of any of the following:

''(I) FAILURE TO MARKET.—The first applicant fails to market the drug by the later of—

''(aa) the earlier of the date that is—

''(AA) 75 days after the date on which the approval of the application of the first applicant is made effective under subparagraph (B)(iii); or

''(BB) 30 months after the date of submission of the application of the first applicant; or

''(bb) with respect to the first applicant or any other applicant (which other applicant has received tentative approval), the date that is 75 days after the date as of which, as to each of the patents with respect to which the first applicant submitted a certification qualifying the first applicant for the 180-day exclusivity period under subparagraph (B)(iv), at least 1 of the following has occurred:

''(AA) In an infringement action brought against that applicant with respect to the patent or in a declaratory judgment action brought by that applicant with respect to the patent, a court enters a final decision from which no appeal (other than a petition to the Supreme Court for a writ of certiorari) has been or can be taken that the patent is invalid or not infringed.

''(BB) In an infringement action or a declaratory judgment action described in subitem (AA), a court signs a settlement order or consent decree that enters a final judgment that includes a finding that the patent is invalid or not infringed.

''(CC) The patent expires.

''(DD) The patent is withdrawn by the holder of the application approved under subsection (b).

''(II) WITHDRAWAL OF APPLICATION.—The first applicant withdraws the application or the Secretary considers the application to have been withdrawn as a result of a determination by the Secretary that the application does not meet the requirements for approval under paragraph (4).

''(III) AMENDMENT OF CERTIFICATION.—The first applicant amends or withdraws the certification for all of the patents with respect to which that applicant submitted a certification qualifying the applicant for the 180-day exclusivity period.

''(IV) FAILURE TO OBTAIN TENTATIVE APPROVAL.—The first applicant fails to obtain tentative approval of the application within 30 months after the date on which the application is filed, unless the failure is caused by a change in or a review of the requirements for approval of the application imposed after the date on which the application is filed.

''(V) AGREEMENT WITH ANOTHER APPLICANT, THE LISTED DRUG APPLICATION HOLDER, OR A PATENT OWNER.—The first applicant enters into an agreement with another applicant under this subsection for the drug, the holder of the application for the listed drug, or an owner of the patent that is the subject of the certification under paragraph (2)(A)(vii)(IV), the Federal Trade Commission or the Attorney General files a complaint, and there is a final decision of the Federal Trade Commission or the court with regard to the complaint from which no appeal (other than a petition to the Supreme Court for a writ of certiorari) has been or can be taken that the agreement has violated the antitrust laws (as defined in section 1 of the Clayton Act (15 U.S.C. 12), except that the term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that that section applies to unfair methods of competition).

''(VI) EXPIRATION OF ALL PATENTS.—All of the patents as to which the applicant submitted a certification qualifying it for the 180-day exclusivity period have expired.

''(ii) FORFEITURE.—The 180-day exclusivity period described in subparagraph (B)(iv) shall be forfeited by a first applicant if a forfeiture event occurs with respect to that first applicant.

''(iii) SUBSEQUENT APPLICANT.—If all first applicants forfeit the 180-day exclusivity period under clause (ii)—

''(I) approval of any application containing a certification described in paragraph (2)(A)(vii)(IV) shall be made effective in accordance with subparagraph (B)(iii); and

''(II) no applicant shall be eligible for a 180-day exclusivity period.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall be effective only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) after the date of enactment of this Act for a listed drug for which no certification under section 505(j)(2)(A)(vii)(IV) of that Act was made before the date of enactment of this Act.

(2) COLLUSIVE AGREEMENTS.—If a forfeiture event described in section 505(j)(5)(D)(i)(V) of that Act occurs in the case of an applicant, the applicant shall forfeit the 180-day period under section 505(j)(5)(B)(iv) of that Act without regard to when the first certification under section 505(j)(2)(A)(vii)(IV) of that Act for the listed drug was made.

(3) DECISION OF A COURT WHEN THE 180-DAY EXCLUSIVITY PERIOD HAS NOT BEEN TRIGGERED.—With respect to an application filed before, on, or after the date of enactment of this Act for a listed drug for which a certification under section 505(j)(2)(A)(vii)(IV) of that Act was made before the date of enactment of this Act and for which neither of the events described in subclause (I) or (II) of section 505(j)(5)(B)(iv) of that Act (as in effect on the day before the date of enactment of this Act) has occurred on or before the date of enactment of this Act, the term ''decision of a court'' as used in clause (iv) of section 505(j)(5)(B) of that Act means a final decision of a court from which no appeal (other than a petition to the Supreme Court for a writ of certiorari) has been or can be taken.

SEC. 704. BIOAVAILABILITY AND BIOEQUIVALENCE.

(a) IN GENERAL.—Section 505(j)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(8)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A)(i) The term 'bioavailability' means the rate and extent to which the active ingredient or therapeutic ingredient is absorbed from a drug and becomes available at the site of drug action.

''(ii) For a drug that is not intended to be absorbed into the bloodstream, the Secretary may assess bioavailability by scientifically valid measurements intended to reflect the rate and extent to which the active ingredient or therapeutic ingredient becomes available at the site of drug action.''; and

(2) by adding at the end the following:

''(C) For a drug that is not intended to be absorbed into the bloodstream, the Secretary may establish alternative, scientifically valid methods to show bioequivalence if the alternative methods are expected to detect a significant difference between the drug and the listed drug in safety and therapeutic effect.''.

(b) EFFECT OF AMENDMENT.—The amendment made by subsection (a) does not alter the standards for approval of drugs under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

SEC. 705. REMEDIES FOR INFRINGEMENT.

Section 287 of title 35, United States Code, is amended by adding at the end the following:

''(d) CONSIDERATION.—In making a determination with respect to remedy brought for infringement of a patent that claims a drug or a method or using a drug, the court shall consider whether information on the patent was filed as required under 21 U.S.C. 355 (b) or (c), and, if such information was required to be filed but was not, the court may refuse to award treble damages under section 284.''.

SEC. 706. CONFORMING AMENDMENTS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsections (b)(1)(A)(i) and (c)(1)(A)(i), by striking ''(j)(5)(D)(ii)'' each place it appears and inserting ''(j)(5)(F)(ii)'';

(2) in subsections (b)(1)(A)(ii) and (c)(1)(A)(ii), by striking ''(j)(5)(D)'' each place it appears and inserting ''(j)(5)(F)''; and

(3) in subsections (e) and (l), by striking ''505(j)(5)(D)'' each place it appears and inserting ''505(j)(5)(F)''.

TITLE VIII—IMPORTATION OF PRESCRIPTION DRUGS

SEC. 801. IMPORTATION OF PRESCRIPTION DRUGS.

(A) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by striking section 804 and inserting the following:

''SEC. 804. IMPORTATION OF PRESCRIPTION DRUGS.

''(a) DEFINITIONS.—In this section:

''(1) IMPORTER.—The term 'importer' means a pharmacist or wholesaler.

''(2) PHARMACIST.—The term 'pharmacist' means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

''(3) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug subject to section 503(b), other than—

''(A) a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(B) a biological product (as defined in section 351 of the Public Health Service Act (42 U.S.C. 262));

''(C) an infused drug (including a peritoneal dialysis solution);

''(D) an intravenously injected drug; or

''(E) a drug that is inhaled during surgery.

''(4) QUALIFYING LABORATORY.—The term 'qualifying laboratory' means a laboratory in the United States that has been approved by the Secretary for the purposes of this section.

''(5) WHOLESALER.—

''(A) IN GENERAL.—The term 'wholesaler' means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A).

''(B) EXCLUSION.—The term 'wholesaler' does not include a person authorized to import drugs under section 801(d)(1).

''(b) REGULATIONS.—The Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting pharmacists and wholesalers to import prescription drugs from Canada into the United States.

''(c) LIMITATION.—The regulations under subsection (b) shall—

''(1) require that safeguards be in place to ensure that each prescription drug imported under the regulations complies with section 505 (including with respect to being safe and effective for the intended use of the prescription drug), with sections 501 and 502, and with other applicable requirements of this Act;

''(2) require that an importer of a prescription drug under the regulations comply with subsections (d)(1) and (e); and

''(3) contain any additional provisions determined by the Secretary to be appropriate as a safeguard to protect the public health or as a means to facilitate the importation of prescription drugs.

''(d) INFORMATION AND RECORDS.—

''(1) IN GENERAL.—The regulations under subsection (b) shall require an importer of a prescription drug under subsection (b) to submit to the Secretary the following information and documentation:

''(A) The name and quantity of the active ingredient of the prescription drug.

''(B) A description of the dosage form of the prescription drug.

''(C) The date on which the prescription drug is shipped.

''(D) The quantity of the prescription drug that is shipped

''(E) The point of origin and destination of the prescription drug.

''(F) The price paid by the importer for the prescription drug.

''(G) Documentation from the foreign seller specifying—

''(i) the original source of the prescription drug; and

''(ii) the quantity of each lot of the prescription drug originally received by the seller from that source.

''(H) The lot or control number assigned to the prescription drug by the manufacturer of the prescription drug.

''(I) The name, address, telephone number, and professional license number (if any) of the importer.

''(J)(i) In the case of a prescription drug that is shipped directly from the first foreign recipient of the prescription drug from the manufacturer:

''(I) Documentation demonstrating that the prescription drug was received by the recipient from the manufacturer and subsequently shipped by the first foreign recipient to the importer.

''(II) Documentation of the quantity of each lot of the prescription drug received by the first foreign recipient demonstrating that the quantity being imported into the United States is not more than the quantity that was received by the first foreign recipient.

''(III)(aa) In the case of an initial imported shipment, documentation demonstrating that each batch of the prescription drug in the shipment was statistically sampled and tested for authenticity and degradation.

''(bb) In the case of any subsequent shipment, documentation demonstrating that a statistically valid sample of the shipment was tested for authenticity and degradation.

''(ii) In the case of a prescription drug that is not shipped directly from the first foreign recipient of the prescription drug from the manufacturer, documentation demonstrating that each batch in each shipment offered for importation into the United States was statistically sampled and tested for authenticity and degradation.

''(K) Certification from the importer or manufacturer of the prescription drug that the prescription drug—

''(i) is approved for marketing in the United States; and

''(ii) meets all labeling requirements under this Act.

''(L) Laboratory records, including complete data derived from all tests necessary to ensure that the prescription drug is in compliance with established specifications and standards.

''(M) Documentation demonstrating that the testing required by subparagraphs (J) and (L) was conducted at a qualifying laboratory.

''(N) Any other information that the Secretary determines is necessary to ensure the protection of the public health.

''(2) MAINTENANCE BY THE SECRETARY.—The Secretary shall maintain information and documentation submitted under paragraph (1) for such period of time as the Secretary determines to be necessary.

''(e) TESTING.—The regulations under subsection (b) shall require—

''(1) that testing described in subparagraphs (J) and (L) of subsection (d)(1) be conducted by the importer or by the manufacturer of the prescription drug at a qualified laboratory;

''(2) if the tests are conducted by the importer—

''(A) that information needed to—

''(i) authenticate the prescription drug being tested; and

''(ii) confirm that the labeling of the prescription drug complies with labeling requirements under this Act;

be supplied by the manufacturer of the prescription drug to the pharmacist or wholesaler; and

''(B) that the information supplied under subparagraph (A) be kept in strict confidence and used only for purposes of testing or otherwise complying with this Act; and

''(3) may include such additional provisions as the Secretary determines to be appropriate to provide for the protection of trade secrets and commercial or financial information that is privileged or confidential.

''(f) REGISTRATION OF FOREIGN SELLERS.—Any establishment within Canada engaged in the distribution of a prescription drug that is imported or offered for importation into the United States shall register with the Secretary the name and place of business of the establishment.

''(g) SUSPENSION OF IMPORTATION.—The Secretary shall require that importations of a specific prescription drug or importations by a specific importer under subsection (b) be immediately suspended on discovery of a pattern of importation of that specific prescription drug or by that specific importer of drugs that are counterfeit or in violation of any requirement under this section, until an investigation is completed and the Secretary determines that the public is adequately protected from counterfeit and violative prescription drugs being imported under subsection (b).

''(h) APPROVED LABELING.—The manufacturer of a prescription drug shall provide an importer written authorization for the importer to use, at no cost, the approved labeling for the prescription drug.

''(i) PROHIBITION OF DISCRIMINATION.—

''(1) IN GENERAL.—It shall be unlawful for a manufacturer of a prescription drug to discriminate against, or cause any other person to discriminate against, a pharmacist or wholesaler that purchases or offers to purchase a prescription drug from the manufacturer or from any person that distributes a prescription drug manufactured by the drug manufacturer.

''(2) DISCRIMINATION.—For the purposes of paragraph (1), a manufacturer of a prescription drug shall be considered to discriminate against a pharmacist or wholesaler if the manufacturer enters into a contract for sale of a prescription drug, places a limit on supply, or employs any other measure, that has the effect of—

''(A) providing pharmacists or wholesalers access to prescription drugs on terms or conditions that are less favorable than the terms or conditions provided to a foreign purchaser (other than a charitable or humanitarian organization) of the prescription drug; or

''(B) restricting the access of pharmacists or wholesalers to a prescription drug that is permitted to be imported into the United States under this section.

''(j) CHARITABLE CONTRIBUTIONS.—Notwithstanding any other provision of this section, section 801(d)(1) continues to apply to a prescription drug that is donated or otherwise supplied at no charge by the manufacturer of the drug to a charitable or humanitarian organization (including the United Nations and affiliates) or to a government of a foreign country.

''(k) WAIVER AUTHORITY FOR IMPORTATION BY INDIVIDUALS.—

''(1) DECLARATIONS.—Congress declares that in the enforcement against individuals of the prohibition of importation of prescription drugs and devices, the Secretary should—

''(A) focus enforcement on cases in which the importation by an individual poses a significant threat to public health; and

''(B) exercise discretion to permit individuals to make such importations in circumstances in which—

''(i) the importation is clearly for personal use; and

''(ii) the prescription drug or device imported does not appear to present an unreasonable risk to the individual.

''(2) WAIVER AUTHORITY.—

''(A) IN GENERAL.—The Secretary may grant to individuals, by regulation or on a case-by-case basis, a waiver of the prohibition of importation of a prescription drug or device or class of prescription drugs or devices, under such conditions as the Secretary determines to be appropriate.

''(B) GUIDANCE ON CASE-BY-CASE WAIVERS.—The Secretary shall publish, and update as necessary, guidance that accurately describes circumstances in which the Secretary will consistently grant waivers on a case-by-case basis under subparagraph (A), so that individuals may know with the greatest practicable degree of certainty whether a particular importation for personal use will be permitted.

''(3) DRUGS IMPORTED FROM CANADA.—In particular, the Secretary shall by regulation grant individuals a waiver to permit individuals to import into the United States a prescription drug that—

''(A) is imported from a licensed pharmacy for personal use by an individual, not for resale, in quantities that do not exceed a 90-day supply;

''(B) is accompanied by a copy of a valid prescription;

''(C) is imported from Canada, from a seller registered with the Secretary;

''(D) is a prescription drug approved by the Secretary under chapter V;

''(E) is in the form of a final finished dosage that was manufactured in an establishment registered under section 510; and

''(F) is imported under such other conditions as the Secretary determines to be necessary to ensure public safety.

''(l) STUDIES; REPORTS.—

''(1) BY THE INSTITUTE OF MEDICINE OF THE NATIONAL ACADEMY OF SCIENCES.—

''(A) STUDY.—

''(i) IN GENERAL.—The Secretary shall request that the Institute of Medicine of the

National Academy of Sciences conduct a study of—

''(I) importations of prescription drugs made under the regulations under subsection (b); and

''(II) information and documentation submitted under subsection (d).

''(ii) REQUIREMENTS.—In conducting the study, the Institute of Medicine shall—

''(I) evaluate the compliance of importers with the regulations under subsection (b);

''(II) compare the number of shipments under the regulations under subsection (b) during the study period that are determined to be counterfeit, misbranded, or adulterated, and compare that number with the number of shipments made during the study period within the United States that are determined to be counterfeit, misbranded, or adulterated; and

''(III) consult with the Secretary, the United States Trade Representative, and the Commissioner of Patents and Trademarks to evaluate the effect of importations under the regulations under subsection (b) on trade and patent rights under Federal law.

''(B) REPORT.—Not later than 2 years after the effective date of the regulations under subsection (b), the Institute of Medicine shall submit to Congress a report describing the findings of the study under subparagraph (A).

''(2) BY THE COMPTROLLER GENERAL.—

''(A) STUDY..—he Comptroller General of the United States shall conduct a study to determine the effect of this section on the price of prescription drugs sold to consumers at retail.

''(B) REPORT.—Not later than 18 months after the effective date of the regulations under subsection (b), the Comptroller General of the United States shall submit to Congress a report describing the findings of the study under subparagraph (A).

''(m) CONSTRUCTION.—Nothing in this section limits the authority of the Secretary relating to the importation of prescription drugs, other than with respect to section 801(d)(1) as provided in this section.

''(n) EFFECTIVENESS OF SECTION.—

''(1) IN GENERAL.—If, after the date that is 1 year after the effective date of the regulations under subsection (b) and before the date that is 18 months after the effective date, the Secretary submits to Congress a certification that, in the opinion of the Secretary, based on substantial evidence obtained after the effective date, the benefits of implementation of this section do not outweigh any detriment of implementation of this section, this section shall cease to be effective as of the date that is 30 days after the date on which the Secretary submits the certification.

''(2) PROCEDURE.—The Secretary shall not submit a certification under paragraph (1) unless, after a hearing on the record under sections 556 and 557 of title 5, United States Code, the Secretary—

''(A)(i) determines that it is more likely than not that implementation of this section would result in an increase in the risk to the public health and safety;

''(ii) identifies specifically, in qualitative and quantitative terms, the nature of the increased risk;

''(iii) identifies specifically the causes of the increased risk; and

''(iv)(I) considers whether any measures can be taken to avoid, reduce, or mitigate the increased risk; and

''(II) if the Secretary determines that any measures described in subclause (I) would require additional statutory authority, submits to Congress a report describing the legislation that would be required;

''(B) identifies specifically, in qualitative and quantitative terms, the benefits that would result from implementation of this section (including the benefit of reductions in the cost of covered products to consumers in the United States, allowing consumers to procure needed medication that consumers might not otherwise be able to procure without foregoing other necessities of life); and

''(C)(i) compares in specific terms the detriment identified under subparagraph (A) with the benefits identified under subparagraph (B); and

''(ii) determines that the benefits do not outweigh the detriment.

''(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) CONFORMING AMENDMENTS.—The Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 301(aa) (21 U.S.C. 331(aa)), by striking ''covered product in violation of section 804'' and inserting ''prescription drug in violation of section 804''; and

(2) in section 303(a)(6) (21 U.S.C. 333(a)(6), by striking ''covered product pursuant to section 804(a)'' and inserting ''prescription drug under section 804(b)''.

TITLE IX—OFFSET

SEC. 901. INCREASE IN MEDICAID BEST PRICE REBATE PERCENTAGE.

Section 1927(c)(1)(B)(i) (42 U.S.C. 1396r–8(c)(1)(B)(i)) is amended—

(1) in subclause (IV), by striking ''and'' at the end;

(2) in subclause (V)—

(A) by inserting ''and before January 1, 2004,'' after ''December 31, 1995,''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subclause:

''(V) after December 31, 2003, is 20 percent.''.

Make such changes in subsidy payments to employers under 1860D–21, as added by section 101, to ensure that the total cost of this Act does not exceed $393,000,000,000 during the 10-fiscal-year period that begins on October 1, 2003.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the nays had it.

Mr. THOMPSON of California demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 208 / Nays 223

¶72.38 [Roll No. 331]

AYES—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo

Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—4

LaTourette
McInnis
Smith (WA)
Young (FL)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the yeas had it.

Mr. LEVIN demanded a recorded vote on passage of said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 216; Nays ..... 215; Answered present 1

¶72.39 [Roll No. 332]

AYES—216

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McKeon
Mica
Miller (MI)
Miller, Gary
Murphy
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOES—215

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Burton (IN)
Buyer
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (MI)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Istook

NOT VOTING—3

McInnis
Smith (WA)
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

Pursuant to section 3 of House Resolution 299, the text of the bill (H.R. 2596) as passed by the House, was appended to the engrossment of the bill (H.R. 1), and the bill (H.R. 2596) was laid on the table.

¶72.40 H.R. 2417—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the passage of the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410; Nays 9

¶72.41 [Roll No. 333]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier

Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—9

Capuano
Duncan
Fattah
Filner
Kucinich
Lewis (GA)
Owens
Paul
Waters

NOT VOTING—15

Baker
DeFazio
Dicks
Garrett (NJ)
Jones (NC)
Manzullo
McInnis
Musgrave
Myrick
Radanovich
Rangel
Smith (WA)
Stark
Tancredo
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶72.42 PROVIDING FOR THE ADJOURNMENT OF THE TWO HOUSES

Mr. DELAY, pursuant to section 5 of House Resolution 299, submitted the following concurrent resolution (H. Con. Res. 231):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 26, 2003, Friday, June 27, 2003, or Saturday, June 28, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, July 7, 2003, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, June 26, 2003, Friday, June 27, 2003, or Saturday, June 28, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 7, 2003, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶72.43 ORDER OF BUSINESS—ADJOURNMENT OF THE HOUSE

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 2 p.m. on Tuesday, July 1, 2003, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 231, in which case the House shall stand adjourned pursuant to said concurrent resolution.

¶72.44 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, July 9, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶72.45 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. OSE, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
June 26, 2003.

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 7, 2003.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

By unanimous consent, the appointment was approved.

¶72.46 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 163. An Act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Education and the Work Force and the Committee on Resources.

S. 498. An Act to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine, in recognition of his contributions to the Nation; to the Committee on Financial Services.

S. 867. An Act to designate the facility of the United States Postal Service located at 710 Wicks Lane in Billings, Montana, as the ''Ronald Reagan Post Office Building''; to the Committee on Government Reform.

¶72.47 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 825. An Act to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building''.

H.R. 917. An Act to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building''.

H.R. 925. An Act to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the ''Cesar Chavez Post Office''.

H.R. 981. An Act to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the ''James R. Merry Post Office''.

H.R. 985. An Act to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the ''Delbert L. Latta Post Office Building''.

H.R. 1055. An Act to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the ''Dr. Roswell N. Beck Post Office Building''.

H.R. 1368. An Act to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the ''Norman D. Shumway Post Office Building''.

H.R. 1465. An Act to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office''.

H.R. 1596. An Act to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the ''Timothy Michael Gaffney Post Office Building''.

H.R. 1609. An Act to designate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the ''Admiral Donald Davis Post Office Building''.

H.R. 1740. An Act to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ''Dr. Caesar A.W. Clark, Sr. Post Office Building''.

H.R. 2030 An Act to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''.

¶72.48 SENATE ENROLLED BILL SIGNED

The Speaker announced his signature on an enrolled bill of the Senate of the following title:

S. 858. An Act to extend the Abraham Lincoln Bicentennial Commission and for other purposes.

¶72.49 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. WYNN, for today until 11 a.m.; and

To Mr. YOUNG of Florida, for today after 6 p.m. and balance of the week.

¶72.50 MOTION TO ADJOURN

Mr. DELAY moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to House previous order of the House, at 2 o'clock and 47 minutes a.m., Friday, June 27 (legislative day of Thursday, June 26), 2003, the House adjourned until 2 p.m. on Tuesday, July 1, 2003, unless it were sooner to receive a message from the Senate transmitting its adoption of House Concurrent Resolution 231, in which case the House would stand adjourned pursuant to that concurrent resolution.

¶72.51 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 438. A bill to increase the a mount of student loans that may be forgiven for teachers in mathematics, science, and special education; with an amendment (Rept. 108–182). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2211. A bill to reauthorize title II of the Higher Education Act of 1965; with an amendment (Rept. 108–183). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 2210. A bill to reauthorize the Head Start Act to improve school readiness of disadvantaged children, and for other purposes; with an amendment (Rept. 108–184). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 74. A bill to direct the Secretary of agriculture to convey certain land in the lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California (Rept. 108–185). Referred to the Committee of the Whole House and the State of the Union.

¶72.52 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CASE (for himself, Mr. SANDERS, Ms. BORDALLO, and Mr. FROST):

H.R. 2607. A bill to modify the contract consolidation requirements in the Small Business Act, and for other purposes; to the Committee on Small Business.

By Mr. SMITH of Michigan (for himself and Mr. BAIRD):

H.R. 2608. A bill to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS:

H.R. 2609. A bill to amend title 11, United States Code, to provide for the avoidance of certain transfers, and the alternate prosecution of certain actions, relating to certain retirement benefits; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself, Mr. LATHAM, Mr. CRAMER, Mr. BOEHNER, Mr. HALL, Mr. SIMPSON, Mr. DOOLEY of California, Mr. GUTKNECHT, Mr. BOSWELL, Mr. JANKLOW, Mr. LUCAS of Kentucky, and Ms. HARRIS):

H.R. 2610. A bill to amend the Internal Revenue Code of 1986 to restore the estate tax and repeal the carryover basis rule, to increase the estate and gift tax unified credit to an exclusion equivalent of $5,000,000, and to reduce the rate of the estate and gifts taxes to the generally applicable capital gains income tax rate; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself, Mr. BROWN of South Carolina, Mr. EVANS, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. RODRIGUEZ, Mr. RYAN of Ohio, and Mr. FROST):

H.R. 2611. A bill to amend title II of the Social Security Act to exempt from the windfall elimination provision of such title individuals who are entitled to retired pay based on at least 20 years of service as a member of a uniformed service; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself and Mr. EVANS):

H.R. 2612. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide specially adapted housing assistance to veterans with permanent and total service-connected disabilities due to the loss, or loss of use of both upper extremities such as to preclude use of the arms at and below the elbows; to the Committee on Veterans' Affairs.

By Mr. SABO (for himself, Ms. KAPTUR, and Mr. FROST):

H.R. 2613. A bill to amend title 17, United States Code, to exclude from copyright protection works resulting from scientific research substantially funded by the Federal Government; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. SHAYS, and Mr. FERGUSON):

H.R. 2614. A bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment; to the Committee on Ways and Means.

By Mr. COSTELLO (for himself, Mr. DAVIS of Tennessee, Mr. OBERSTAR, Mr. RAHALL, Mr. FILNER, Mr. MENENDEZ, Mr. CUMMINGS, Mr. LIPINSKI, Mrs. TAUSCHER, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. EMANUEL, Mr. NADLER, Mr. CLAY, Mr. HOLDEN, Ms. NORTON, Mr. HONDA, Mr. CAPUANO, Mr. BAIRD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MICHAUD, Mr. LARSEN of Washington, Mr. WEINER, Mr. DEFAZIO, Ms. MILLENDER-MCDONALD, Ms. BERKLEY, Mr. PASCRELL, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mr. THOMPSON of California, Mr. HOEFFEL, Mr. LAMPSON, Mr. MATHESON, and Mr. CARSON of Oklahoma):

H.R. 2615. A bill to provide funding for infrastructure investment to restore the United States economy and to enhance the security of transportation and environmental facilities throughout the United States; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Energy and Commerce, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. WOLF, Mr. HOEFFEL, Mr. LEACH, and Mr. WEXLER):

H.R. 2616. A bill to increase the capabilities of the United States to provide reconstruction assistance to countries or regions impacted by armed conflict, and for other purposes; to the Committee on International Relations.

By Mr. SHADEGG:

H.R. 2617. A bill to protect American consumers from identity theft and other forms of fraud; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY:

H.R. 2618. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes; to the Committee on Appropriations.

By Mr. CASE:

H.R. 2619. A bill to provide for the expansion of Kilauea Point National Wildlife Refuge; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. LANTOS, Mr. PITTS, Ms. SLAUGHTER, and Ms. ESHOO):

H.R. 2620. A bill to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period

to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. SIMMONS, Mr. DELAHUNT, Mrs. CAPPS, Mr. CAPUANO, Mr. FARR, Mr. MARKEY, Mr. GEORGE MILLER of California, and Ms. WOOLSEY):

H.R. 2621. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish requirements for fishing quota systems; to the Committee on Resources.

By Mr. BACHUS (for himself, Ms. HOOLEY of Oregon, Mrs. BIGGERT, Mr. MOORE, Mr. LATOURETTE, Mr. KANJORSKI, Mr. CASTLE, Mrs. MALONEY, Mr. SHADEGG, Mr. FORD, Mr. TIBERI, Mr. HINOJOSA, Mr. HENSARLING, Mr. CROWLEY, Mr. SESSIONS, Mr. ROSS, Mr. MATHESON, Mr. DAVIS of Alabama, Mr. BAKER, Mr. KING of New York, Mr. LUCAS of Oklahoma, Mr. LUCAS of Kentucky, Mr. NEY, Mrs. KELLY, Mr. JONES of North Carolina, Mr. ISRAEL, Ms. HART, Mr. MILLER of North Carolina, Mrs. CAPITO, Mrs. MCCARTHY of New York, Mr. BARRETT of South Carolina, Mr. FEENEY, and Ms. HARRIS):

H.R. 2622. A bill to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes; to the Committee on Financial Services.

By Mr. BACHUS:

H.R. 2623. A bill to provide for the expansion of the Cahaba River National Wildlife Refuge in Bibb County, Alabama; to the Committee on Resources.

By Mr. BOSWELL:

H.R. 2624. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. FROST, Mr. KIND, Mr. ACKERMAN, Ms. BERKLEY, Mr. CARSON of Oklahoma, Mr. DAVIS of Florida, Mr. DOOLEY of California, Mr. ENGEL, Mr. ETHERIDGE, Mr. FORD, Mr. HILL, Mr. ISRAEL, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MEEHAN, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SHERMAN, Mrs. TAUSCHER, Mr. WEINER, and Mr. WEXLER):

H.R. 2625. A bill to establish the Independent Commission on Intelligence about Iraq; to the Committee on Intelligence (Permanent Select).

By Mr. UPTON (for himself and Mr. KIND):

H.R. 2626. A bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to improve certain child nutrition programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BURTON of Indiana (for himself, Mr. PALLONE, and Mr. PAUL):

H.R. 2627. A bill to amend the Internal Revenue Code of 1986 to provide that amounts paid for foods for special dietary use, dietary supplements, or medical foods shall be treated as medical expenses; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. QUINN, Mr. ABERCROMBIE, Mr. REYES, Ms. LEE, Mr. GRIJALVA, Mr. LEWIS of Kentucky, Ms. SCHAKOWSKY, Mr. RANGEL, Mr. HINCHEY, Ms. MILLENDER-MCDONALD, Mr. OWENS, and Mr. LANTOS):

H.R. 2628. A bill to provide affordable housing opportunities for families that are headed by grandparents and other relatives of children; to the Committee on Financial Services.

By Mr. CROWLEY (for himself, Mr. SANDERS, Mr. CASE, Mr. HINCHEY, and Mrs. MALONEY):

H.R. 2629. A bill to provide for the importation of drugs into the United States from Canada and Mexico, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CONYERS, Mr. GUTIERREZ, Mr. REYES, Mr. RODRIGUEZ, Mr. GREEN of Texas, Mr. GONZALEZ, Mr. LAMPSON, Mr. FROST, Mr. GRIJALVA, Ms. SOLIS, Mr. SANDLIN, Mr. BECERRA, Ms. WATSON, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. HINCHEY, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. BACA, Mr. ORTIZ, Ms. VELAZQUEZ, Mrs. NAPOLITANO, Mr. HONDA, Mr. SERRANO, Mr. HINOJOSA, Mr. FARR, Mr. BERMAN, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Mr. MEEHAN, and Ms. LOFGREN):

H.R. 2630. A bill to prevent commercial alien smuggling, and for other purposes; to the Committee on the Judiciary.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, and Mr. MORAN of Virginia):

H.R. 2631. A bill to provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally; to the Committee on Government Reform.

By Mr. DUNCAN:

H.R. 2632. A bill to direct the Secretary of Transportation to issue a regulation requiring the installation of 2 combination cockpit voice recorder and digital flight data recorder systems in each commercial passenger aircraft, currently required to carry each of those recorders, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. EMANUEL (for himself, Mr. OSE, Mr. FROST, Mr. SANDERS, Ms. HOOLEY of Oregon, Mr. OBERSTAR, Ms. DELAURO, Mr. BOUCHER, Mr. DAVIS of Alabama, Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. LANTOS, Mr. CARDOZA, Mr. TIERNEY, Mr. CASE, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Ms. LINDA T. SANCHEZ of California, and Mr. SERRANO):

H.R. 2633. A bill to establish methods for preventing identity theft and to amend the Fair Credit Reporting Act to protect consumers' sensitive, private health-related information, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself and Mr. HAYWORTH):

H.R. 2634. A bill to suspend temporarily the duty on certain steam generators and certain reactor vessel heads for use in nuclear reactors; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 2635. A bill to make permanent the reduction in capital gains rates for individuals made by the Jobs and Growth Tax Relief Reconciliation Act of 2003; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for himself, Mr. MCINNIS, and Mr. RYAN of Wisconsin):

H.R. 2636. A bill to authorize the Secretary of the Interior to make grants to State and tribal governments to assist State and tribal efforts to manage and control the spread of chronic wasting disease in deer and elk herds, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Ms. DELAURO, Mr. ENGEL, Mr. FROST, Mr. KUCINICH, Ms. BORDALLO, Mr. GRIJALVA, Mr. MCDERMOTT, Ms. ESHOO, Ms. LEE, Mr. OWENS, Mr. LANTOS, Mr. SERRANO, and Mr. EMANUEL):

H.R. 2637. A bill to amend the Electronic Fund Transfer Act to require additional disclosures relating to exchange rates in transfers involving international transactions; to the Committee on Financial Services.

By Mr. HERGER:

H.R. 2638. A bill to amend the Internal Revenue Code of 1986 to make permanent the increase in expensing of certain depreciable business assets enacted by the Jobs and Growth Tax Relief Reconciliation Act 2003; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 2639. A bill to expedite procedures for hazardous fuels reduction activities and restoration in wildland fire prone National Forests, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself, Mr. FROST, and Ms. NORTON):

H.R. 2640. A bill to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself and Mrs. TAUSCHER):

H.R. 2641. A bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 2642. A bill to suspend temporarily the duty on Procion Yellow H-EXL; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2643. A bill to suspend temporarily the duty on Procion Crimson H-EXL; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2644. A bill to suspend temporarily the duty on Procion Navy H-EXL; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2645. A bill to suspend temporarily the duty on Dianix Black XF; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2646. A bill to suspend temporarily the duty on Dianix Crimson SF; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 2647. A bill to provide for nuclear disarmament and economic conversion in accordance with District of Columbia Initiative Measure Number 37 of 1992; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO:

H.R. 2648. A bill to amend the Internal Revenue Code of 1986 to permit the use of proceeds of tax exempt private activity bonds for community and water facility loans guaranteed under the Consolidated Farm and Rural Development Act; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. CARTER, and Mr. COLE):

H.R. 2649. A bill to prohibit the Secretary of Education from making any funds available to a State under any program administered by the Department of Education unless the Secretary determines that the State has in place a criminal information sharing system; to the Committee on Education and the Workforce.

By Mr. RAHALL (for himself, Ms. PELOSI, Mr. UDALL of New Mexico, Mr. RODRIGUEZ, and Mr. HOYER):

H.R. 2650. A bill to prohibit the study or implementation of any plan to privatize, divest, or transfer any part of the mission, function, or responsibility of the National Park Service; to the Committee on Resources.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. GEORGE MILLER of California, Mr. TOWNS, Mr. RUSH, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. GRIJALVA, Mr. PASTOR, Mr. ORTIZ, Mr. REYES, Mr. HINOJOSA, Mr. BACA, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. SERRANO, Mr. ETHERIDGE, Mr. ENGEL, Mr. MCDERMOTT, Mr. NADLER, Mrs. DAVIS of California, and Ms. DELAURO):

H.R. 2651. A bill to direct the Secretary of Education to make grants to States to establish antibullying programs; to the Committee on Education and the Workforce.

By Mr. STUPAK:

H.R. 2652. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale of prescription drugs through the Internet; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H.R. 2653. A bill to facilitate acquisition by the Secretary of the Interior of certain mineral rights, and for other purposes; to the Committee on Resources.

By Mr. VITTER:

H.R. 2654. A bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to issue regulations under which the Secretary may authorize use of a decommissioned offshore oil and gas platform for culture of marine organisms, an artificial reef, or scientific research, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH (for himself, Mr. KING of New York, Mr. NEAL of Massachusetts, Mr. CROWLEY, Mr. SWEENEY, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, Mr. DOYLE, Mr. QUINN, Mr. MOLLOHAN, Mr. HOLDEN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. MCNULTY, Mr. ENGEL, Mr. PAYNE, Mr. FROST, and Mr. DUNCAN):

H.R. 2655. A bill to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself and Mr. THOMPSON of California):

H.R. 2656. A bill to amend the Graton Rancheria Restoration Act to give the Secretary of the Interior discretion regarding taking land into trust; to the Committee on Resources.

By Mr. KING of New York (for himself, Mr. WALSH, Mr. NEAL of Massachusetts, Mr. CROWLEY, Mr. SWEENEY, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. QUINN, Mr. CAPUANO, Mr. ACKERMAN, Mr. ENGEL, Mr. EVANS, Mr. FOSSELLA, Mr. HOLDEN, Mrs. MALONEY, Mr. MCNULTY, Mr. OWENS, Mr. SOUDER, and Mr. WEINER):

H.J. Res. 62. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

By Mr. DELAY:

H. Con. Res. 231. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. ANDREWS (for himself, Mr. SESSIONS, Mr. HEFLEY, Mr. SOUDER, Mr. PENCE, Mr. BURTON of Indiana, and Mr. WU):

H. Con. Res. 232. Concurrent resolution expressing the sense of Congress regarding security for Taiwan; to the Committee on International Relations.

By Mr. FOSSELLA (for himself and Mr. TOWNS):

H. Con. Res. 233. Concurrent resolution expressing the sense of Congress regarding the dire humanitarian situation in Liberia and efforts to introduce peace and justice to that country; to the Committee on International Relations.

By Ms. KILPATRICK (for herself, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. STARK, Mr. OWENS, Mr. HOEFFEL, Mr. DAVIS of Illinois, Ms. CARSON of Indiana, Mr. WAXMAN, Ms. LEE, Mrs. JONES of Ohio, Ms. NORTON, and Mr. KILDEE):

H. Con. Res. 234. Concurrent resolution recognizing the importance of preserving the survival of essential urban hospitals; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mr. OXLEY, Mr. BROWN of Ohio, Mr. CLAY, Mr. ETHERIDGE, Mr. FERGUSON, Mr. FORD, Mr. FROST, Mr. HOLT, Mr. JEFFERSON, Mr. KUCINICH, Mr. PAYNE, Mr. TOWNS, Mr. GRIJALVA, Mr. MCDERMOTT, Mrs. CHRISTENSEN, Mr. PALLONE, Mr. SABO, Mr. KING of New York, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. ACEVEDO-VILA, Mr. NEAL of Massachusetts, Mr. DOYLE, Mr. CAPUANO, and Mr. BRADY of Pennsylvania):

H. Con. Res. 235. Concurrent resolution celebrating the life and achievements of Lawrence Eugene ''Larry'' Doby; to the Committee on Government Reform.

By Mr. POMEROY:

H. Con. Res. 236. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall; to the Committee on House Administration.

By Mr. RENZI (for himself, Mr. FRANKS of Arizona, and Mr. GRIJALVA):

H. Con. Res. 237. Concurrent resolution honoring the late Rick Lupe, lead forestry technician for the Bureau of Indian Affairs Fort Apache Agency, for his dedication and service to the United States and for his essential service in fighting wildfires and protecting the environment and communities of Arizona; to the Committee on Resources.

By Mr. ROHRABACHER:

H. Con. Res. 238. Concurrent resolution supporting efforts to advance regional and community based water and sanitation needs of Israelis, Palestinians, and Jordanians as an effective bridge for peace building in the Middle East; to the Committee on International Relations.

By Ms. WATSON (for herself, Mr. LANTOS, and Mr. PAYNE):

H. Con. Res. 239. Concurrent resolution expressing the sense of the Congress that the global diamond industry, as represented by the World Diamond Council, should provide transition development assistance to communities in Sierra Leone, Angola, and the Democratic Republic of Congo, where the illicit trade in conflict diamonds for arms fueled civil war, and for other purposes; to the Committee on International Relations.

By Mr. HOEKSTRA:

H. Res. 300. A resolution recognizing the outstanding contributions of the faculty, staff, students, and alumni of Christian colleges and universities; to the Committee on Education and the Workforce.

By Mr. ABERCROMBIE:

H. Res. 301. A resolution expressing the sense of the House of Representatives that the Federal Government should actively pursue a unified approach to strengthen and promote the national policy on aquaculture; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself, Mr. TOWNS, Mr. COOPER, Mrs. TAUSCHER, Mr. MCGOVERN, Mr. ABERCROMBIE, Mr. PALLONE, Mr. KIRK, and Mr. KUCINICH):

H. Res. 302. A resolution calling for the immediate and unconditional release from prison of certain Kurdish members of the Parliament of the Republic of Turkey; to the Committee on International Relations.

By Mr. LEWIS of Georgia (for himself, Mr. SCOTT of Georgia, Mr. MARSHALL, Mr. BISHOP of Georgia, Ms. MAJETTE, Mr. ISAKSON, Mr. LINDER, Mr. NORWOOD, Mr. KINGSTON, Mr. BURNS, Mr. GINGREY, Mr. COLLINS, Mr. DEAL of Georgia, Mr. FORD, Ms. LEE, Mr. DAVIS of Illinois, Mr. BALLANCE, Mrs. JONES of Ohio, Mr. WATT, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. SCOTT of Virginia, Mr. OWENS, Mr. JEFFERSON, Mr. CLAY, Mr. RANGEL, Mr. MEEK of Florida, Mr. CUMMINGS, Ms. WATERS, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr.

PAYNE, Ms. MILLENDER-MCDONALD, and Mr. THOMPSON of Mississippi):

H. Res. 303. A resolution honoring Maynard Holbrook Jackson, Jr., former Mayor of the City of Atlanta, and extending the condolences of the House of Representatives on his death; to the Committee on Government Reform.

By Mrs. NORTHUP:

H. Res. 304. A resolution expressing the sense of the House of Representatives regarding United States citizens adopting children from the People's Republic of China; to the Committee on the Judiciary.

By Mr. ROTHMAN (for himself, Mr. GARRETT of New Jersey, Mr. ANDREWS, Mr. LOBIONDO, Mr. PASCRELL, Mr. FERGUSON, Mr. PALLONE, Mr. SAXTON, Mr. PAYNE, Mr. FRELINGHUYSEN, Mr. HOLT, Mr. SMITH of New Jersey, and Mr. MENENDEZ):

H. Res. 305. A resolution congratulating the New Jersey Devils for winning the 2003 Stanley Cup championship; to the Committee on Government Reform.

By Mr. SERRANO (for himself and Mr. NEY):

H. Res. 306. A resolution congratulating the New York Yankees on the occasion of their 100th anniversary; to the Committee on Government Reform.

By Mrs. TAUSCHER (for herself, Mr. TAYLOR of Mississippi, Mr. WAXMAN, Mr. SPRATT, Mr. ALLEN, Mr. COOPER, Mr. SKELTON, Mr. FROST, Mr. SCHIFF, and Mr. DOOLEY of California):

H. Res. 307. A resolution creating a select committee to investigate the effectiveness of the United States' intelligence structure to meet global threats; to the Committee on Rules.

¶72.53 MEMORIALS

Under clause 3 of rule XII:

134. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 36 memorializing the United States Congress to appropriate adequate financial impact assistance for health, education, and other social services for Hawaii's Freely Associated States citizens; jointly to the Committees on Agriculture, Financial Services, Ways and Means, and Energy and Commerce.

¶72.54 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. WAMP.
H.R. 91: Mr. NEUGEBAUER.
H.R. 193: Mr. BOOZMAN.
H.R. 218: Mr. KILDEE and Mr. HOEKSTRA.
H.R. 236: Mr. ROSS, Mr. RUPPERSBERGER, and Mr. SCOTT of Georgia.
H.R. 276: Mr. HASTINGS of Washington.
H.R. 284: Mrs. MILLER of Michigan, Mr. YOUNG of Alaska, Mr. DICKS, Mr. BOOZMAN, and Mr. LEWIS of Georgia.
H.R. 290: Mr. WHITFIELD, Mr. WYNN, Mr. OWENS, and Mr. UPTON.
H.R. 339: Mr. ROGERS of Michigan.
H.R. 384: Mr. GOODE.
H.R. 401: Mr. MURPHY.
H.R. 438: Mr. BRADLEY of New Hampshire and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 465: Mr. LEWIS of Kentucky and Mr. MANZULLO.
H.R. 466: Mr. JANKLOW.
H.R. 505: Mrs. WILSON of New Mexico.
H.R. 528: Mr. RAMSTAD and Mr. FERGUSON.
H.R. 577: Mr. DINGELL and Mr. BALLANCE.
H.R. 594: Mr. BISHOP of Utah, Mr. PETERSON of Minnesota, and Mr. MCDERMOTT.
H.R. 643: Mr. EVANS.
H.R. 648: Mr. BOOZMAN.
H.R. 668: Ms. WATSON.
H.R. 716: Mr. SANDLIN.
H.R. 745: Mr. GEPHARDT.
H.R. 806: Mrs. NORTHUP, Mr. KINGSTON, Ms. LEE, Mr. RANGEL, Mr. UPTON, and Mr. OLVER.
H.R. 812: Mr. SESSIONS.
H.R. 817: Mr. NORWOOD.
H.R. 834: Ms. MCCARTHY of Missouri, Mr. ISTOOK, Ms. JACKSON-LEE of Texas, Mr. LUCAS of Oklahoma, and Mr. OWENS.
H.R. 839: Mr. GERLACH, Mr. RYAN of Ohio, Mr. TOWNS, Mr. LAMPSON, Mr. POMBO, Mr. PASCRELL, Mr. EMANUEL, Mrs. MALONEY, Mr. JEFFERSON, Mr. STUPAK, and Mr. KANJORSKI.
H.R. 876: Mr. KENNEDY of Minnesota.
H.R. 898: Ms. MILLENDER-MCDONALD, Mr. SERRANO, Mr. WAXMAN, Mr. OSBORNE, Mr. CONYERS, Mrs. KELLY, Mr. GARRETT of New Jersey, Mr. CLYBURN, and Mr. MARSHALL.
H.R. 918: Mr. OBERSTAR, Mr. LAHOOD, Mr. MEEHAN, Mr. ROGERS of Michigan, Mr. STUPAK, Mr. PASCRELL, Mr. HOLT, Ms. MCCOLLUM, Ms. BALDWIN, and Mr. PAYNE.
H.R. 919: Mr. SHAW.
H.R. 970: Mr. SPRATT, Mr. GREEN of Wisconsin, Ms. DELAURO, and Mr. ROGERS of Michigan.
H.R. 980: Mr. HINCHEY, Mr. FILNER, and Mr. TIERNEY.
H.R. 990: Mr. BISHOP of Utah, Mr. BURGESS, Mr. BARTLETT of Maryland, Mrs. CUBIN, Mr. COLLINS, Mr. DEMINT, Mr. SANDLIN, Mr. CARTER, Mr. ROGERS of Kentucky, Mr. KELLER, and Mr. FOLEY.
H.R. 996: Mr. PORTMAN and Mr. TIAHRT.
H.R. 997: Mr. MILLER of Florida.
H.R. 1006: Mr. KUCINICH and Ms. LINDA T. SANCHEZ of California.
H.R. 1008: Mr. LATHAM and Mr. BEAUPREZ.
H.R. 1046: Mr. MCDERMOTT.
H.R. 1049: Mr. FRANKS of Arizona.
H.R. 1059: Mr. MCGOVERN.
H.R. 1066: Mr. CANNON.
H.R. 1068: Mr. SMITH of New Jersey, Mr. UDALL of New Mexico, Mr. MURPHY, Mr. SCHROCK, Mr. ISRAEL, and Mr. TOOMEY.
H.R. 1088: Ms. ROS-LEHTINEN and Mr. OWENS.
H.R. 1097: Mr. LARSON of Connecticut and Mr. OWENS.
H.R. 1102: Mr. POMEROY.
H.R. 1117: Mr. BARTON of Texas.
H.R. 1157: Mr. OBERSTAR, Mr. CUMMINGS, and Mrs. DAVIS of California.
H.R. 1169: Mr. JANKLOW.
H.R. 1196: Mr. WU.
H.R. 1207: Mr. CLYBURN.
H.R. 1220: Mr. ISSA.
H.R. 1231: Mr. CLYBURN, Mr. SMITH of Texas, Mrs. MUSGRAVE, Mr. MEEK of Florida, Mr. LAMPSON, Mr. PETERSON of Minnesota, Mr. GOSS, and Mr. QUINN.
H.R. 1244: Ms. CORRINE BROWN of Florida, Mr. MCGOVERN, and Ms. BERKLEY.
H.R. 1260: Mr. THORNBERRY.
H.R. 1268: Mr. CLYBURN and Mr. DEUTSCH.
H.R. 1279: Mr. KILDEE.
H.R. 1288: Mrs. MUSGRAVE and Mr. EMANUEL.
H.R. 1301: Ms. LOFGREN, Mr. GERLACH, Mr. LYNCH, and Mr. GOODE.
H.R. 1310: Mr. SESSIONS.
H.R. 1347: Mr. MCGOVERN, Mr. OWENS, and Mr. FROST.
H.R. 1372: Mr. SAM JOHNSON of Texas, Mr. HENSARLING, Mr. BELL, Mr. ROHRABACHER, and Mr. MEEHAN.
H.R. 1385: Mr. OBERSTAR, Mr. MATHESON, Mr. ENGLISH, and Ms. VELAZQUEZ.
H.R. 1400: Mr. BLUMENAUER.
H.R. 1414: Mr. DEFAZIO.
H.R. 1429: Mr. EVANS.
H.R. 1461: Mr. ROTHMAN.
H.R. 1466: Mr. GORDON.
H.R. 1477: Mr. ANDREWS.
H.R. 1482: Mr. OWENS.
H.R. 1499: Mr. OWENS.
H.R. 1501: Mrs. NAPOLITANO.
H.R. 1532: Ms. SLAUGHTER, Ms. HARMAN, Mr. FILNER, Mr. ALLEN, and Mr. DICKS.
H.R. 1563: Mr. WEXLER.
H.R. 1582: Mr. JANKLOW, Mr. HENSARLING, Mr. WU, Mr. GONZALEZ, and Mr. KING of Iowa.
H.R. 1592: Mrs. DAVIS of California.
H.R. 1611: Ms. DELAURO.
H.R. 1622: Mr. DEMINT, Mr. BOOZMAN, and Mr. BONILLA.
H.R. 1639: Mr. MORAN of Virginia, Mr. WEXLER, and Mr. GREEN of Texas.
H.R. 1641: Mr. BLUMENAUER.
H.R. 1675: Mr. HASTINGS of Washington.
H.R. 1684: Mr. VAN HOLLEN, Ms. DEGETTE, Mr. MOORE, Mr. CROWLEY, Mr. FARR, Mr. MORAN of Virginia, Ms. CARSON of Indiana, Mr. ENGEL, Mr. TIERNEY, Mr. RANGEL, Mr. MEEKS of New York, Ms. ESHOO, Mr. SCHIFF, Mr. MCDERMOTT, Mr. BELL, Ms. NORTON, Mr. WEXLER, Mr. FILNER, Mr. HOLT, Mr. SERRANO, Mrs. NAPOLITANO, Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, and Mr. BLUMENAUER.
H.R. 1690: Mr. FILNER.
H.R. 1707: Mr. SOUDER, Mr. ADERHOLT, Mr. FORBES, Mrs. JO ANN DAVIS of Virginia, and Mr. CLYBURN.
H.R. 1749: Mr. PUTNAM, Mr. LEWIS of Kentucky, Mr. FROST, and Mrs. CHRISTENSEN.
H.R. 1767: Mr. HASTINGS of Washington, Mr. TOOMEY, Mr. BILIRAKIS, Mr. MORAN of Virginia, and Mr. NETHERCUTT.
H.R. 1769: Mr. THOMPSON of California and Ms. LINDA T. SANCHEZ of California.
H.R. 1771: Mr. CALVERT.
H.R. 1776: Mr. EMANUEL.
H.R. 1792: Mr. FROST, Mr. RODRIGUEZ, Ms. BORDALLO, Mr. SANDERS, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. TOWNS, Mr. GRIJALVA, and Mr. OWENS.
H.R. 1813: Ms. ESHOO.
H.R. 1819: Mr. LEACH and Mr. FLETCHER.
H.R. 1824: Mr. DICKS, Mr. ROTHMAN, Mr. BRADY of Pennsylvania, Mr. BAIRD, and Mr. PASCRELL.
H.R. 1828: Ms. NORTON, Mr. BECERRA, Mr. UDALL of New Mexico, Mr. COOPER, Mr. MENENDEZ, Mr. FRELINGHUYSEN, Mr. LOBIONDO, Mr. FLETCHER, Mrs. CAPITO, and Mr. CASTLE.
H.R. 1829: Mr. PLATTS and Mr. MEEHAN.
H.R. 1865: Mr. LEACH.
H.R. 1867: Mr. PAUL and Mr. DUNCAN.
H.R. 1874: Mr. ENGEL and Mr. KUCINICH.
H.R. 1886: Ms. VELAZQUEZ and Mr. DAVIS of Tennessee.
H.R. 1918: Mr. MURPHY.
H.R. 1919: Mr. MCGOVERN, Mr. GRIJALVA, and Ms. CARSON of Indiana.
H.R. 1920: Mr. MCGOVERN, Mr. OWENS, and Mrs. CHRISTENSEN.
H.R. 1921: Mr. MCGOVERN and Mr. OWENS.
H.R. 1924: Mr. MCGOVERN, Mr. OWENS, Mr. FROST, and Mr. MCINTYRE.
H.R. 1997: Mr. RAHALL and Mr. LUCAS of Oklahoma.
H.R. 2008: Mrs. CHRISTENSEN.
H.R. 2009: Mr. MCGOVERN and Mr. SIMMONS.
H.R. 2011: Mr. DEUTSCH, Ms. WATERS, Mr. HAYES, Mr. MCHUGH, Mr. PASTOR, and Ms. MCCOLLUM.
H.R. 2042: Ms. LEE, Mr. PAYNE, Ms. MCCARTHY of Missouri, Mr. INSLEE, Ms. BALDWIN, Mrs. NAPOLITANO, Ms. SLAUGHTER, Mr. CASE, Mrs. TAUSCHER, Ms. CARSON of Indiana, Mr. DELAHUNT, and Mr. ISRAEL.
H.R. 2047: Mr. POMEROY.
H.R. 2053: Mr. ABERCROMBIE and Mr. GRIJALVA.
H.R. 2075: Mr. GOSS, Mr. FOLEY, Ms. ROS-LEHTINEN, and Mr. CRENSHAW.
H.R. 2090: Mr. KUCINICH.
H.R. 2096: Mr. GREEN of Texas, Mr. FOLEY, Mr. COLLINS, Mr. SIMMONS, Mr. SKELTON, Ms. VELAZQUEZ, Mr. SMITH of New Jersey, and Mr. MORAN of Virginia.
H.R. 2125: Mr. STUPAK.
H.R. 2154: Mr. LIPINSKI.
H.R. 2172: Mr. GILLMOR, Mr. MCGOVERN, and Mr. CAMP.
H.R. 2178: Mr. RAMSTAD.

H.R. 2180: Mrs. BIGGERT.
H.R. 2193: Mr. ACKERMAN and Mrs. MCCARTHY of New York.
H.R. 2203: Mr. OWENS.
H.R. 2219: Mr. FROST.
H.R. 2220: Mr. BRADY of Texas.
H.R. 2237: Mrs. JONES of Ohio and Mr. NEY.
H.R. 2249: Mr. OSBORNE.
H.R. 2309: Mr. MCKEON, Mr. DREIER, Mr. HERGER, Mr. OSE, Mr. DOOLITTLE, Mr. POMBO, Mr. RADANOVICH, Mr. NUNES, Mr. THOMAS, Mr. GALLEGLY, Mr. ROYCE, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. CALVERT, Mrs. BONO, Mr. ROHRABACHER, Mr. COX, Mr. ISSA, Mr. CUNNINGHAM, Mr. HUNTER, Mr. THOMPSON of California, and Ms. ROYBAL-ALLARD.
H.R. 2314: Mr. CASE, Mr. KENNEDY of Rhode Island, Mr. MCINTYRE, and Mr. BROWN of Ohio.
H.R. 2327: Mrs. CAPITO.
H.R. 2333: Mr. REHBERG.
H.R. 2340: Mr. BURR and Mr. KOLBE.
H.R. 2357: Mrs. JO ANN DAVIS of Virginia.
H.R. 2379: Mr. PAUL.
H.R. 2386: Mrs. CUBIN, Mr. REHBERG, Mr. BISHOP of Utah, and Mr. HAYWORTH.
H.R. 2393: Mr. OWENS.
H.R. 2419: Mr. BLUMENAUER.
H.R. 2433: Mr. GUTIERREZ, Mr. MICHAUD, and Mr. SNYDER.
H.R. 2435: Mr. NADLER, Mr. THOMPSON of California, and Mr. DAVIS of Florida.
H.R. 2441: Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. SHIMKUS, Ms. MCCOLLUM, Mr. CALVERT, Mr. PLATTS, Mr. LARSON of Connecticut, and Mr. SCHIFF.
H.R. 2455: Mr. BERMAN.
H.R. 2462: Mr. CLAY and Mr. OBEY.
H.R. 2470: Mr. CROWLEY, Mr. PAYNE, Mr. MCNULTY, Mr. CONYERS, Mrs. CHRISTENSEN, and Mr. EVANS.
H.R. 2478: Mr. MCDERMOTT, Mr. LANTOS, and Mr. OWENS.
H.R. 2485: Mr. KUCINICH.
H.R. 2505: Mr. OWENS.
H.R. 2517: Mr. COBLE.
H.R. 2519: Mr. SABO, Mr. SIMMONS, Mr. KLECZKA, and Mr. GILCHREST.
H.R. 2524: Mr. WAXMAN and Mr. SANDERS.
H.R. 2533: Mr. LINDER, Mr. ISAKSON, and Mr. SCOTT of Georgia.
H.R. 2537: Mr. OWENS.
H.R. 2546: Ms. LEE.
H.R. 2553: Ms. LOFGREN, Mr. ABERCROMBIE, Mr. RANGEL, and Mr. ROSS.
H.R. 2556: Mr. COX, Mr. TERRY, and Mr. SOUDER.
H.R. 2564: Mr. MCGOVERN.
H.R. 2568: Mr. GORDON and Ms. DEGETTE.
H.R. 2570: Mr. WU and Mr. CLYBURN.
H.R. 2595: Mr. ABERCROMBIE, Mr. CASE, and Ms. BORDALLO.
H.J. Res. 9: Mr. BARRETT of South Carolina.
H.J. Res. 36: Mr. SPRATT.
H.J. Res. 59: Mr. LAHOOD.
H. Con. Res. 19: Mr. DINGELL and Mr. BALLANCE.
H. Con. Res. 60: Mr. BEAUPREZ, Mr. DEMINT, and Mr. ROHRABACHER.
H. Con. Res. 78: Ms. ESHOO.
H. Con. Res. 98: Ms. BORDALLO, Mr. SCOTT of Georgia, and Mr. AKIN.
H. Con. Res. 99: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 111: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. ISSA.
H. Con. Res. 119: Mr. SHIMKUS, Mrs. TAUSCHER, and Mr. BERMAN.
H. Res. 49: Mr. SCHIFF.
H. Res. 103: Mr. SANDERS.
H. Res. 142: Mr. NADLER and Mr. GUTIERREZ.
H. Res. 234: Mr. CARSON of Oklahoma and Mr. WATT.
H. Res. 237: Ms. MAJETTE.
H. Res. 259: Mr. MCGOVERN and Mr. ACKERMAN.
H. Res. 285: Mr. MCNULTY, Mr. WAXMAN, and Mr. BURR.
H. Res. 290: Ms. Slaughter.

¶72.55 DELETIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2407: Mr. MICHAUD.

MONDAY, JULY 7, 2003 (73)

¶73.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 2 p.m. by the SPEAKER pro tempore, Mr. GILCHREST, who laid before the House the following communication:

WASHINGTON, DC,
July 7, 2003.

I hereby appoint the Honorable WAYNE T. GILCHREST to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶73.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. GILCRHEST, announced he had examined and approved the Journal of the proceedings of Thursday, June 26, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶73.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

2937. A letter from the transmitting a proposed emergency supplemental appropriations request totaling $32.2 million for fiscal year 2003 to fund non-recurring expenses associated with new Article III judgeships and to pay for higher than anticipated Criminal Justice Act representations and juror days; to the Committee on Appropriations.

2938. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting a report entitled ''Interim Report to Congress on Corrosion Matters in the Department of Defense'' May 2003, pursuant to 10 U.S.C. 2228 (1067) (c) Public Law 107—314; to the Committee on Armed

2939. A letter from the Deputy Secretary, Department of Defense, transmitting he Department's certification that the costs of Wedges 2 through 5, of the Pentagon Renovation will be within the specified limitation; to the Committee on Armed Services.

2940. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects [Docket No. FR-4695-I-01] (RIN: 2501-AC98) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2941. A letter from the Board of Governors, Federal Reserve System, transmitting the thirteenth annual report on the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 note. Public Law 100—583, section 8 (102 Stat. 2969); to the Committee on Financial Services.

2942. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Rules of NCUA Board Procedure; Promulgation of NCUA Rules and Regulations; Public Observance of NCUA Board Meetings — received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2943. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally Insured Credit Unions in Liquidation — received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2944. A letter from the Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Powered Industrial Trucks — received June 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2945. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Designation of Special Control for Eight Surgical Suture Devices [Docket No. 02N-0288] received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2946. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Public Information Regulations [Docket No. 99N-2637] received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2947. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Skin Protectant Drug Products for Over-the-Counter Human Use; Final Monograph [Docket Nos. 78N-0021 and 78N-021P] (RIN: 0910-AA01) received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2948. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled, ''Fleet Alternative Fuel Vehicles Program Report for Fiscal Year 2002'' April 30, 2003, pursuant to Public Law 105—388; to the Committee on Energy and Commerce.

2949. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Event Notification Requirements (RIN: 3150-AG90) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2950. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—88); to the Committee on International Relations and ordered to be printed.

2951. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, pursuant to 50 U.S.C. 1703(c) and 50 U.S.C. 1641(c); (H. Doc. No. 108—92); to the Committee on International Relations and ordered to be printed.

2952. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Singapore (Transmittal No. 03-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

2953. A letter from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Iraqi Sanctions Regulations; Authorization of Certain New Transactions —

received June 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2954. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-106, ''Fiscal Year 2004 Budget Support Act of 2003'' received July 7, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

2955. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-101, ''Dedication and Designation of Commodore Joshua Barney Drive, N.E., Fort Lincoln Drive, N.E., and Lincoln Drive North, N.E., Act of 2003''received July 7, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

2956. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-100, ''Lead-Based Paint Abatement and Control Temporary Amendment Act of 2003'' received July 7, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

2957. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-99, ''Honoraria Temporary Amendment Act of 2003'' received July 7, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

2958. A letter from the Senior Staff Attorney, Court of Appeals For the First Circuit, transmitting the opinion from Sunday Dixon Orekoya v. James Mooney, No. 02-1306 (1st Cir. May 15, 2003); to the Committee on Government Reform.

2959. A letter from the Chief, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Confidentiality of Commercial Information [CBP Decision 03-02] (RIN: 1515-AD29) received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2960. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period October 1, 2003 through March 31, 2003, pursuant to Public Law 95—452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform.

2961. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Privacy Act of 1974; Implementation--Exemption of Police and Security Records (RIN: 2900-AL33) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2962. A letter from the Managing Director, Federal Home Loan Banks, transmitting the 2002 management reports of the 12 Federal Home Loan Banks (FHLBanks), Resolution Funding Corporation (REFCORP) and the Financing Corporation (FICO), pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

2963. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period October 31, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

2964. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Final notice of new Privacy Act system of records [Billing Code: 6750-01P] received June 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2965. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-097-FOR] received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2966. A letter from the Acting Assistant Administrator, Nation Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Announcement of Funding Opportunity to submit proposals for the South Florida Ecosystem Research and Monitoring Program (SFP) FY04 [Docket No. 000202024-3109-03 I.D. 030303B] (RIN: 0648-ZA79) received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2967. A letter from the Secretary, Department of Health and Human Services, transmitting the annual report on the Refugee Resettlement Program for FY 2001, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

2968. A letter from the Assistant Secretary, Department of Labor, transmitting the Department's final rule — Procedures for the Handling of Discrimination Complaints Under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 (RIN: 1218-AC10) received June 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2969. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Licensing and Manning for Officers of Towing Vehicles [USCG 1999-6224] (RIN: 1625-AA15) received June 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2970. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Illinois Waterway, Beardstown, IL [CGD08-03-025] received June 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2971. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Miles 466.8 to 470.5, Cincinnati, OH [COTP Louisville-02-011] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2972. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: 2002 West Palm Holiday Boat Parade, Intracoastal Waterway, West Palm Beach, FL [COTP Miami 02-136] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2973. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Winterfest Boat Parade Fireworks, Intracoastal Waterway, Ft. Lauderdale, FL [COTP Miami 02-140] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2974. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Black Warrior River, Walker County, AL [COTP Mobile-02-023] (RIN: 2115-Aa97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2975. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tchefuncte River, Mile Marker 1.0 to 3.0, Madisonville, Louisiana [COTP New Orleans-02-023] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2976. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Shore, Lake Pontchartrain, New Orleans, LA [COTP New Orleans-02-024] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2977. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ouachita River, Miles 165.0 to 168.0, Monroe, LA [COTP New Orleans-02-026] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2978. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red River, Miles 87.0 to 90.0, Pineville, LA [COTP New Orleans-02-027] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2979. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile Marker 934.0 to 936.0, Paducah, Kentucky [COTP Paducah, KY 02-010] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2980. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Alleghany River Mile Marker 0.3 to Mile Marker 0.6, Pittsburgh, Pennsylvania [COTP Pittsburgh-02-025] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2981. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Port of Charleston, South Carolina [COTP Charleston-02-142] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2982. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Navy Pier, Lake Michigan, Chicago Harbor, IL [CGD09-02-527] (RIN: 2115-AA97) received May 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2983. A letter from the Paralegal, FTA, Department of Transportation, transmitting the Department's final rule — Bus Testing [FTA Docket No. 98-B] (RIN: 2132-AA30) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2984. A letter from the Paralegal, FTA, Department of Transportation, transmitting the Department's final rule — Buy America Requirements; Amendment to Certification Procedures [FTA Docket No. FTA-98-4454] (RIN: 2132-AA62) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2985. A letter from the Acting Director, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol

Testing Programs [Docket OST-2003-15245] (RIN: 2105-AD26) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2986. A letter from the Deputy Assistant General Counsel, Regulations and Enforcement, Department of Transportation, transmitting the Department's final rule — Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs [Docket OST-2000-7639 & OST-2000-7640] (RIN: 2105-AC89) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2987. A letter from the Counsel for NIST, Department of Commerce, transmitting the Department's final rule — Procedures for Implementation of the National Construction Safety Team Act [Docket No. 021224331-2331-01] (RIN: 0693-AB52) received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2988. A letter from the Counsel for NIST, Department of Commerce, transmitting the Department's final rule — Procedures for Implementation of the National Construction Safety Team Act [Docket No. 021224331-3093-03] (RIN: 0693-AB52) received June 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2989. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Incremental Funding (RIN: 2700-AC53) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2990. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook-Unsolicited Proposals — received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2991. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Forest Fire Suppression and Fuels Management Services (RIN: 3245-AE89) received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2992. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Montgomery GI Bill--Active Duty and Survivors' and Dependents' Educational Assistance Program (RIN: 2900-AL17) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2993. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Veterans Education: Additional Opportunity to Participate in the Montgomery GI Bill and Other Miscellaneous Issues (RIN: 2900-AK81) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2994. A letter from the Federal Register Certifying Officer, FMS, Department of the Treasury, transmitting the Department's final rule — Federal Government Participation in the Automated Clearing House (RIN: 1510-AA89) received June 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2995. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Child Support Enforcement Program Federal Tax Refund Offset — received June 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2996. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Bureau of Labor Statistics, Department Store Inventory Price Indexes by Department Groups (Rev. Rul. 2003-68) received June 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2997. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Update of Rev. Proc. 96-30 (Rev. Proc. 2003-48) received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2998. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — 2003 Section 43 Inflation Adjustment (Notice 2003-43) received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2999. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — 2003 Marginal Production Rates (Notice 2003-44) received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3000. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Assumption of Partner Liabilities [TD 9062] (RIN: 1545-BB83) received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3001. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding Election Under Section 953(d) (Rev. Proc. 2003-47) received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3002. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-71) received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3003. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Capital Allocation Ruling (Rev. Rul. 2003-75) received June 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3004. A letter from the Deputy Secretary, Department of Defense, transmitting notification of a payment to the Czech Republic Government in the amount of $0.930 million to reimburse it for military support provided to U.S. military operations in connection with the global war on terrorism (GWOT); jointly to the Committees on Armed Services and Appropriations.

3005. A letter from the Director, Financial Management and Assurance, General Accounting Office, transmitting a report entitled, ''Financial Audit: Capitol Preservation Fund's Fiscal Years 2002 and 2001 Financial Statements,'' pursuant to 40 U.S.C. 188a—3; jointly to the Committees on House Administration and Government Reform.

3006. A communication from the President of the United States, transmitting notification of changes to existing law required to bring the United States into Compliance with Obligations under the United States-Chile Free Trade Agreement, pursuant to Public Law 107—210, section 2105 (a)(1)(B); (H. Doc. No. 108—90); jointly to the Committees on Ways and Means and the Judiciary, and ordered to be printed.

3007. A communication from the President of the United States, transmitting notification of changes to existing law required to bring the United States into Compliance with obligations under the United States-Singapore Free Trade Agreement, pursuant to Public Law 107—210, section 2105 (a)(1)(B); (H. Doc. No. 108—89); jointly to the Committees on Ways and Means and the Judiciary, and ordered to be printed.

3008. A communication from the President of the United States, transmitting a report on progress made toward achieving benchmarks for a sustainable peace process in Bosnia and Herzegovina; (H. Doc. No. 108—91); jointly to the Committees on International Relations, Armed Services, and Appropriations and ordered to be printed.

¶73.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 191

Whereas the Honorable J. Strom Thurmond conducted his life in an exemplary manner, an example to all of his fellow citizens;

Whereas the Honorable J. Strom Thurmond was a devoted husband, father, and most recently, grandfather;

Whereas the Honorable J. Strom Thurmond gave a great measure of his life to public service;

Whereas having abandoned the safety of high position, the Honorable J. Strom Thurmond served his country during World War II, fighting the greatest threat the world had thus far seen;

Whereas the Honorable J. Strom Thurmond served South Carolina in the United States Senate with devotion and distinction;

Whereas his service on behalf of South Carolina and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his death has deprived his State and Nation of a most outstanding Senator: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable J. Strom Thurmond, former Senator and President Pro Tempore Emeritus from the State of South Carolina.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable J. Strom Thurmond.

The message also announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 1474. An Act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 148. An Act to provide for the Secretary of Homeland Security to be included in the line of Presidential succession.

¶73.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. GILCHREST, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 27, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 27, 2003 at 12:49 p.m.

That the Senate passed without amendment H. Con. Res. 231.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk of the House.

¶73.6 COMMUNICATION FROM TO THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. GILCHREST, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 27, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 27, 2003 at 5:06 p.m.

That the Senate passed without amendment H.R. 2350.

That the Senate passed without amendment H.R. 2474.

With best wishes, I am

Sincerely,

DANIEL STRODEL,
Assistant to the Clerk.

¶73.7 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. GILCHREST, announced that pursuant to clause 4, rule I, Speaker pro tempore, Mr. Tom Davis of Virginia signed the following enrolled bills on Monday, June 30, 2003:

H.R. 2350. An Act to reauthorize the temporary assistance for needy families block grant through fiscal year 2003, and for other purposes.

H.R. 2474. An Act to authorize the Congressional Hunger Center to award Bill Emerson and Mickey Leland hunger fellowships for fiscal years 2003 and 2004.

¶73.8 HOUR OF MEETING

On motion of Mr. WOLF, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, July 8, 2003, for morning-hour debate.

¶73.9 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 148. An Act to provide for the Secretary of Homeland Security to be included in the line of Presidential succession; to the Committee on the Judiciary.

¶73.10 BILLS PRESENTED TO THE PRESIDENT

Mr. Jeff Trandahl, Clerk of the House reports that on June 30, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 2350. An Act to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003, and for other purposes.

Mr. Jeff Trandahl, Clerk of the House reports that on July 2, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 825. An Act to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building''.

H.R. 917. An Act to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building''.

H.R. 925. An Act to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the ''Cesar Chavez Post Office''.

H.R. 981. An Act to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the ''James R. Merry Post Office''.

H.R. 985. An Act to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the ''Delbert L. Latta Post Office Building''.

H.R. 1055. An Act to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the ''Dr. Roswell N. Beck Post Office Building''.

H.R. 2474. An Act to authorize the Congressional Hunger Center to award Bill Emerson and Mickey Leland Hunger Fellowships for fiscal years 2003 and 2004.

Jeff Trandahl, Clerk of the House reports that on July 3, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 1368. An Act to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the ''Norman D. Shumway Post Office Building''.

H.R. 1465. An Act to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office''.

H.R. 1596. An Act to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the ''Timothy Michael Gaffney Post Office Building''.

H.R. 1609. An Act to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the ''Admiral Donald Davis Post Office Building''.

H.R. 1704. An Act to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ''Dr. Caesar A.W. Clark, Sr. Post Office Building''.

H.R. 2030. An Act to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''.

And then,

¶73.11 ADJOURNMENT

On motion of Mr. WOLF, pursuant to the previous order of the House, at 2 o'clock and 8 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, July 8, 2003.

¶73.12 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on June 30, 2003]

Mr. HUNTER: Committee on Armed Services. H.R. 1950. A bill to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; with amendments (Rept. 108–105 Pt. 3). Ordered to be printed.

Pursuant to the order of the House on June 26, 2003, the following report was filed on July 1, 2003:

Mr. KINGSTON: Committee on Appropriations. H.R. 2657. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–186). Referred to the Committee of the Whole House on the State of the Union.

(Pursuant to section 6 of House Resolution 299 the following report was filed on July 2, 2003)

Mr. LEWIS of California: Committee on Appropriations. H.R. 2658. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–187). Referred to the Committee of the Whole House on the State of the Union.

¶73.13 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following actions occurred on June 27, 2003]

H.R. 1562. Referral to the Committee on Ways and Means extended for a period ending not later than July 11, 2003.

H.R. 2122. Referral to the Select Committee on Homeland Security extended for a period ending not later than July 8, 2003.

[The following action occurred on July 7, 2003]

H.R. 2330. Referral to the Committees on Ways and Means, Financial Services, and the Judiciary for a period ending not later than July 11, 2003.

¶73.14 DISCHARGE OF COMMITTEE

[The following actions occurred on June 27, 2003]

Pursuant to clause 2 of rule XIII the Committee on Resources discharged from further consideration. H.R. 238 referred to the Committee of the Whole House on the State of the Union.

¶73.15 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. CRENSHAW introduced A bill (H.R. 2659) to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes; which was referred to the Committee on Veterans' Affairs.

¶73.16 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

135. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 57 memorializing the Congress of the United States that the Senate of the Legislature of Louisiana desires to clarify Senate Concurrent Resolution No. 18 of the 2003 Regular Session, enrolled on May 8, 2003, that the Louisiana Legislature only supports the testing of imported seafood by the Federal Food and Drug Administration within the boundaries of the United States; to the Committee on Agriculture.

136. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 108 memorializing the Congress of the United States to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine; to the Committee on Education and the Workforce.

137. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 26, HD1, memorializing the United States Congress to educate and sensitize members of Congress on the unfortunate circumstances of the internment of civilians during World War II; to the Committee on the Judiciary.

¶73.17 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. REYES.
H.R. 125: Mrs. TAUSCHER.
H.R. 169: Mr. FOLEY.
H.R. 241: Mr. FOLEY.
H.R. 676: Mr. UDALL of New Mexico.
H.R. 779: Mr. WAXMAN.
H.R. 811: Mr. KILDEE and Mrs. CHRISTENSEN.
H.R. 873: Mr. HOEFFEL and Ms. ESHOO.
H.R. 941: Mr. CAPUANO
H.R. 1068: Mr. ISSA, Mrs. MYRICK, and Mr. JANKLOW.
H.R. 1130: Mr. MARSHALL.
H.R. 1162: Mr. ETHERIDGE.
H.R. 1210: Mr. LEVIN, Ms. LEE, Mr. MATSUI, and Mr. BROWN of Ohio.
H.R. 1268: Mr. DAVIS of Alabama.
H.R. 1442: Mr. SANDLIN, Mr. BERMAN, and Mr. FOLEY.
H.R. 1533: Mr. GONZALEZ, Mr. PAUL, Mr. JONES of North Carolina, Mr. FRANK of Massachusetts, Mr. HAYWORTH, and Mr. SHIMKUS.
H.R. 1589: Mr. SKELTON.
H.R. 1633: Mr. CASE, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Ms. HARMAN, Mr. SANDERS, Mr. FROST, Mr. EMANUEL, and Mr. CONYERS.
H.R. 1865: Mr. CLAY.
H.R. 1943: Mr. NORWOOD.
H.R. 2156: Ms. KAPTUR.
H.R. 2193: Mr. GEORGE MILLER of California, Mr. ACEVEDO-VILA, and Ms. ESHOO.
H.R. 2198: Mr. UDALL of Colorado.
H.R. 2336: Mr. UPTON.
H.R. 2337: Mr. ENGLISH and Mrs. CHRISTENSEN.
H.R. 2409: Mr. DAVIS of Alabama.
H.R. 2432: Mr. SCHROCK.
H.R. 2475: Mr. JANKLOW.
H.R. 2494: Mr. CONYERS and Mr. OTTER.
H.R. 2524: Mr. GEORGE MILLER of California and Mr. NADLER.
H.R. 2569: Mr. BOSWELL, Mr. CROWLEY, Mr. EMANUEL, Mr. ABERCROMBIE, Mr. GREEN of Texas, Mr. FROST, Mr. RODRIGUEZ, Mr. RANGEL, Ms. KAPTUR, Mr. HALL, Mr. BACA, Mr. ALLEN, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. CARSON of Oklahoma, Ms. ROYBAL-ALLARD, Mr. PAYNE, Mr. COSTELLO, Mr. MCGOVERN, Mr. OLVER, and Mr. GUTIERREZ.
H.R. 2627: Mr. CANNON.

¶73.18 PETITIONS, ETC.

Under clause 3 of rule XII,

21. The SPEAKER presented a petition of Kenai Peninsula Borough, Alaska, relative to Resolution No. 2003–043 petitioning the United States Congress to establish Kenai Peninsula Borough Policy in Defense of the Bill of Rights with respect to Federal Anti-Terrorism Acts, Legislation, and Orders; to the Committee on the Judiciary.

TUESDAY, JULY 8, 2003 (74)

¶74.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. MURPHY, who laid before the House the following communication:

WASHINGTON, DC.
July 8, 2003.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶74.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 1. An Act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1) An Act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. HATCH, Mr. NICKLES, Mr. FRIST, Mr. KYL, Mr. BAUCUS, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. BREAUX, to be the conferees on the part of the Senate.

¶74.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. MURPHY, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶74.4 RECESS—10:55 A.M.

The SPEAKER pro tempore, Mr. MURPHY, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 55 minutes a.m., until noon.

¶74.5 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. BOOZMAN, called the House to order.

¶74.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BOOZMAN, announced he had examined and approved the Journal of the proceedings of Monday, July 7, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶74.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3009. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP-2003-0179; FRL-7311-5] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3010. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Flufenacet (N-(4-fluorophenyl) -N-(1-methylethyl)-2-[[5-(trifluoromethyl)-1,3,4-thiadiazol -2-yl]oxy] acetamide; Pesticide Tolerance [OPP-2003-0181; FRL-7313-9] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3011. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Pesticide Tolerance [OPP-2003-0133; FRL-7306-8] Received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3012. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerance [OPP-2003-0088; FRL-7308-6] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3013. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis Cry34Ab1 and Cry35Ab1 Proteins and the Genetic Material Necessary for their Production in Corn; Temporary Exemption from the Requirement of a Tolerance [OPP-2003-0154; FRL-7310-1] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3014. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diallyl Sulfides; Exemption from the Requirement of a Tolerance [OPP-2003-0134; FRL-7303-6] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3015. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Famoxadone; Pesticide Tolerance [OPP-2003-0130; FRL-7310-9] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3016. A letter from the Deputy Associate Administrator, Environmental Protection

Agency, transmitting the Agency's final rule — Fludioxonil; Pesticide Tolerance [OPP-2003-0135; FRL-7313-7] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3017. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerance; Technical Correction [OPP-2003-0155; FRL-7316-5] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3018. A letter from the Deputy Associate Administration, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [OPP-2002-0043; FRL-7308-9] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3019. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [OPP-2002-0043; FRL-7316-9] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3020. A communication from the President of the United States, transmitting requests for emergency FY 2003 emergency supplemental appropriations; (H. Doc. No. 108—98); to the Committee on Appropriations and ordered to be printed.

3021. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Tommy R. Franks, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3022. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a report on the Utilization of Industrial Partnerships within the National Nuclear Security Administration, Fiscal Year 2002; to the Committee on Armed Services.

3023. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Federally Enforceable State Operating Permit Program; Allegheny County, Pennsylvania [PA 138-4098a; FRL-7511-7] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3024. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Credible Evidence [SIP NO. CO-001-0075a; FRL-7512-7] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3025. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Utah; SIP Renumbering [SIP NO. UT-001-0048, UT-001-0049, FRL-7501-5] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3026. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard for San Diego, California [CA-282-0389; FRL-7515-4] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3027. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Substantial Inadequacy of Implementation Plan; Call for California State Implementation Plan Revision [CA 086 SIP; FRL-7518-4] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3028. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination That the State of California Has Corrected Deficiencies and Stay and Deferral of Sanctions; San Joaquin Valley Ozone Nonattainment Area [CA286-0404B; FRL-7517-9] received June 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3029. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; State Implementation Plan Corrections [SIP NOS. CO-001-0052, CO-001-0032, CO9-3-5603; FRL-7503-4] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3030. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of Volatile Organic Compounds from Chemical Production and Polytetrafluoroethylene Installations [MD131-3091a; FRL-7503-7] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3031. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Air Pollution from the Emission of Sulfur Oxides [WV038/053-6026a; FRL-7500-2] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3032. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations [WV050-6029a; FRL-7503-9] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3033. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Removal of Alternative Emission Reduction Limitations [PA158-4206a; FRL-7504-6] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3034. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Georgia Update to Materials Incorporated by Reference [GA-200325; FRL-7500-9] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3035. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky: Approval of Revisions to Maintenance Plan for Northern Kentucky [KY 147-200329; FRL-7505-3] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3036. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Tennessee State Implementation Plan [TN-213-9952(a); FRL-7506-8] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3037. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District [CA 267-0394a; FRL-7495-4] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3038. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 264-0398; FRL-7505-5] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3039. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7505-1] received May 29, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3040. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Nitrogen Oxides Budget Trading Program [VA127-5064; FRL-7523-2] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3041. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska [NE 178-1178a; FRL-7523-1] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3042. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Iowa [IA 186-1186(a); FRL-7523-4] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3043. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Regional Haze Rule to Correct Mobile Source Provisions in Optional Program for Nine Western States and Eligible Indian Tribes Within that Geographic Area [FRL-7522-7] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3044. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that Iraq's declaration to the United Nations of December 7, 2002 has been transmitted to the House Select Committee on Intelligence; to the Committee on International Relations.

3045. A letter from the Chairman, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period October 1,

2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

3046. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Audit of Advisory Neighborhood Commission 7E for Fiscal Years 2000 Through 2003 as of March 31, 2003,'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

3047. A letter from the Inspector General, Corporation for National and Community Service, transmitting the semiannual report of the Office of the Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3048. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3049. A letter from the Secretary, Department of Defense, transmitting a correction letter on the approved retirement of General Tommy R. Franks, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Government Reform.

3050. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3051. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: April 2003 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

3052. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3053. A letter from the Secretary, Department of the Interior, transmitting the 2002 Annual Report for the Office of Surface Mining (OSM), pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Resources.

3054. A letter from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting a report on how the provisions of Section 428 of the Homeland Security Act, will affect procedures for the issuance of student visas; to the Committee on the Judiciary.

3055. A letter from the Secretary, Department of Homeland Security, transmitting a report on the Feasibility of Accelerating the Integrated Deepwater System, pursuant to Public Law 107—296, section 888(i); to the Committee on Transportation and Infrastructure.

3056. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Water Quality Standards for Kansas [FRL-7522-5] (RIN: 2040-2A00) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3057. A letter from the Secretary of Veterans Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II and survivors of such veterans and extend health care benefits to certain Filipino veterans residing legally in the United States; to the Committee on Veterans' Affairs.

3058. A letter from the Under Secretary, Department of Defense, transmitting the biennial report on the Montgomery GI Bill for Members of the Selected Reserve; jointly to the Committees on Armed Services and Veterans' Affairs.

¶74.8 DEFENSE APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to the order of the House of Thursday, June 26, 2003, and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. BOOZMAN, by unanimous consent, designated Mr. CAMP as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. Tom DAVIS of Virginia, assumed the Chair.

When Mr. CAMP, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶74.9 MEDICARE PRESCRIPTION DRUG BENEFITS

Mr. Tom DAVIS of Virginia moved to suspend the rules and pass the bill (H.R. 2631) to provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally.

The SPEAKER pro tempore, Mr. CAMP, recognized Mr. Tom DAVIS of Virginia and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.10 GARNER E. SHRIVER POST OFFICE BUILDING

Mr. Tom DAVIS of Virginia moved to suspend the rules and pass the bill (H.R. 1761) to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the ''Garner E. Shriver Post Office Building''.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. Tom DAVIS of Virginia and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Tom DAVIS of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶74.11 FRANCISCO A. MARTINEZ FLORES POST OFFICE

Mr. Tom DAVIS of Virginia moved to suspend the rules and pass the bill (H.R. 2396) to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the ''Francisco A. Martinez Flores Post Office''.

The SPEAKER pro tempore, Mr. TERRY, recognized Mr. Tom DAVIS of Virginia and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.12 RECESS—2:14 P.M.

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 14 minutes p.m., subject to the call of the Chair.

¶74.13 AFTER RECESS—4:10 P.M.

The SPEAKER pro tempore, Mr. DREIER, called the House to order.

¶74.14 LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS FY 2004

Mr. REGULA submitted a privileged report (Rept. No. 108–188) on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶74.15 RECESS—4:11 P.M.

The SPEAKER pro tempore, Mr. DREIER, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 11 minutes p.m., subject to the call of the Chair.

¶74.16 AFTER RECESS—6:34 P.M.

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶74.17 DEFENSE APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. TERRY, pursuant to the order of the House of June 26, 2003, and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

Mr. CAMP, Chairman of the Committee of the Whole, resumed the Chair; and after some time spent therein,

¶74.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HOSTETTLER:

Insert at the end, before the short title, the following new section:

SEC. ____. None of the funds made available by this Act may be used to carry out sections 2912, 2913, and 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) related to the 2005 round of base closures and realignments.

It was decided in the negative ..... { Yeas ..... 57 / Nays 358

¶74.19 [Roll No. 334]

AYES—57

Abercrombie
Allen
Bishop (UT)
Bradley (NH)
Cannon
Carson (OK)
Carter
Costello
Cubin
Cummings
Davis (CA)
Davis, Jo Ann
Farr
Filner
Foley
Forbes
Gingrey
Hefley
Hinojosa
Hostettler
Jones (NC)
Kanjorski
King (IA)
Lewis (GA)
Lewis (KY)
Lucas (OK)
Marshall
Matheson
McInnis
McIntyre
Meek (FL)
Michaud
Miller (FL)
Moran (KS)
Musgrave
Napolitano
Ortiz
Paul
Platts
Pomeroy
Rodriguez
Rogers (AL)
Ryan (OH)
Ryun (KS)
Scott (VA)
Shimkus
Shuster
Slaughter
Stearns
Strickland
Tauscher
Taylor (MS)
Thompson (MS)
Tiberi
Udall (CO)
Waters
Wilson (NM)

NOES—358

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fletcher
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Stupak
Sullivan
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Cramer
Crane
Flake
Frost
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hastings (FL)
Knollenberg
Lipinski
McKeon
Millender-McDonald
Owens
Pickering
Rush
Sandlin
Sweeney

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. TERRY, assumed the Chair.

When Mr. CAMP, Chairman, pursuant to the order of the House of June 26, 2003, reported the bill back to the House with an amendment adopted by the Committee.

Pursuant to the order of the House of June 26, 2003, the previous question was ordered.

The following amendment, reported from the Committee of the Whole House on the State of the Union was agreed to:

On page 103, line 9, strike ''$67,000,000'' and insert in lieu thereof ''$96,000,000''.

At the end of title VIII (page 116, after line 19), add the following new seciton:

SEC. ____. In addition to amounts provided elsewhere in this Act, the following amounts shall be made available for the purposes specified:

(a) The amount of $5,000,000 is hereby appropriated for ''Operation and Maintenance, Army National Guard'', for the nationwide dedicated fiber optic network program;

(b) The amount of $14,000,000 is hereby appropriated for ''Procurement, Marine Corps'', of which $9,600,000 is for the AN/PRC–148 tactical handheld radio, and $4,400,000 is for combat casualty care equipment;

(c) The amount of $5,000,000 is hereby appropriated for ''Research, Development, Test and Evaluation, Air Force'', for low emission/efficient hybrid aviation refueling truck propulsion; and

(d) The amount of $5,000,000 is hereby appropriated for ''Research, Development, Test and Evaluation, Defense-Wide'', for development of novel pharmaceuticals for anthrax.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 399 / Nays 19

¶74.20 [Roll No. 335]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor

Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Baldwin
Brown (OH)
Conyers
Farr
Filner
Frank (MA)
Jackson (IL)
Kucinich
Lee
Lewis (GA)
McDermott
Oberstar
Paul
Sanders
Schakowsky
Stark
Watson
Watt
Woolsey

NOT VOTING—17

Cramer
Crane
Flake
Frost
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hastings (FL)
Lipinski
McKeon
Millender-McDonald
Owens
Pickering
Rush
Sandlin

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.21 H.R. 1761—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1761) to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the ''Garner E. Shriver Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶74.22 [Roll No. 336]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen

Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Burns
Cox
Cramer
Flake
Frost
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hastings (FL)
Lipinski
McKeon
Millender-McDonald
Owens
Pickering
Rush
Sandlin
Schakowsky

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.23 PROVIDING FOR THE CONSIDERATION OF H.R. 438

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–189) the resolution (H. Res. 309) providing for consideration of the bill (H.R. 438) to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education.

When said resolution and report were referred to the House Calendar and ordered printed.

¶74.24 PROVIDING FOR THE CONSIDERATION OF H.R. 2211

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–190) the resolution (H. Res. 310) providing for consideration of the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965.

When said resolution and report were referred to the House Calendar and ordered printed.

¶74.25 PROVIDING FOR THE CONSIDERATION OF H.R. 2657

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–191) the resolution (H. Res. 311) providing for consideration of the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶74.26 PROVIDING FOR THE CONSIDERATION OF H.R. 2660

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–192) the resolution (H. Res. 312) providing for consideration of the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶74.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CRAMER, for today and balance of the week;

To Mr. FROST, for today;

To Mr. GIBBONS, for today and balance of the week;

To Mr. GOSS, for today and balance of the week;

To Ms. HARMAN, for today and balance of the week;

To Mr. HASTINGS of Florida, for today and July 9;

To Ms. MILLENDER-McDONALD, for today and balance of the week; and

To Mr. SANDLIN, for today.

And then,

¶74.28 ADJOURNMENT

On motion of Mr. HOEFFEL, at 11 o'clock and 9 minutes p.m., the House adjourned.

¶74.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COX: Select Committee on Homeland Security. H.R. 2122. A bill to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes; with an amendment (Rept. 108–147 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee on Appropriations. H.R. 2660. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–188). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 309. Resolution providing for consideration of the bill (H.R. 438) to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education (Rept. 108–189). Referred to the House Calendar.

Mrs. MYRICK: Committed on Rules. House Resolution 310. Resolution providing for consideration of the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965 (Rept. 108–190). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 311. Resolution providing for consideration of the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–191). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 312. Resolution providing for consideration of the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–192). Referred to the House Calendar.

¶74.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. REGULA:

H.R. 2660. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

By Mr. BARRETT of South Carolina:

H.R. 2661. A bill to name the Capitol Visitor Center after J. Strom Thurmond; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. BLUNT, Mr. ISAKSON, Mr. MENENDEZ, Mr. ANDREWS, Mr. ROGERS of Michigan, Mr. COLLINS, and Mr. FOLEY):

H.R. 2662. A bill to amend the Internal Revenue Code of 1986 to provide that certain limousines are not subject to the gas guzzler tax; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN:

H.R. 2663. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mrs. KELLY:

H.R. 2664. A bill to provide for Medicare reimbursement for health care services provided to Medicare-eligible veterans in facilities of the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. GEORGE MILLER of California, Mr. MCHUGH, Mr. SMITH of New Jersey, Mr. LATOURETTE, Mr. ANDREWS, Mr. OWENS, and Mr. KIND):

H.R. 2665. A bill to amend the Fair Labor Standards Act of 1938 to protect the rights of employees to receive overtime compensation; to the Committee on Education and the Workforce.

By Mr. LATOURETTE:

H.R. 2666. A bill to authorize funds for fiscal year 2004 for research, development, test, and evaluation for a prototype multi-role, long-range sniper system; to the Committee on Armed Services.

By Mrs. MALONEY (for herself and Mr. PETRI):

H.R. 2667. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of certain information by persons conducting phone banks during campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Mrs. MILLER of Michigan:

H.R. 2668. A bill to amend the Federal Water Pollution Control Act to direct the Great Lakes National Program Office of the Environmental Protection Agency to develop, implement, monitor, and report on a series of indicators of water quality and related environmental factors in the Great Lakes; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 2669. A bill to provide a model for school districts in the United States using and building on the experience of the District of Columbia in establishing fully accountable public alternatives to traditional public schools; to the Committee on Government Reform.

By Ms. WATSON:

H.R. 2670. A bill to limit the reimbursement of travel expenses of the members and

employees of the Federal Communications Commission; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. POMBO, Mr. RAHALL, Mr. HYDE, Mr. LANTOS, and Mr. FALEOMAVAEGA) (all by request):

H.J. Res. 63. A joint resolution to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Ms. LEE, Mr. MEEKS of New York, Mr. LANTOS, Ms. CORRINE BROWN of Florida, Mr. RANGEL, and Ms. WATSON):

H. Con. Res. 240. Concurrent resolution expressing the sense of Congress with respect to the urgency of providing support for the ''Agreement on Ceasefire and Cessation of Hostilities Between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy of Liberia'', and for other purposes; to the Committee on International Relations.

By Mrs. WILSON of New Mexico:

H. Con. Res. 241. Concurrent resolution expressing the sense of Congress with respect to raising awareness and encouraging prevention of stalking in the United States and supporting the goals and ideals of National Stalking Awareness Month; to the Committee on the Judiciary.

By Mr. MCINTYRE:

H. Res. 308. A resolution expressing the sense of the House of Representatives that the Federal Government should actively pursue a unified approach to strengthen and promote the national policy on aquaculture; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. ANDREWS, Mr. ENGEL, Mr. GILLMOR, Ms. KAPTUR, Mr. MCINTYRE, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. BALLANCE, Mr. HOLT, and Mr. MARKEY):

H. Res. 313. A resolution commemorating the 60th anniversary of the establishment of the United States Cadet Nurse Corps and voicing the appreciation of the House of Representatives regarding the service of the members of the United States Cadet Nurse Corps during World War II; to the Committee on Energy and Commerce.

¶74.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. WILSON of South Carolina, Mr. OTTER, Mr. BISHOP of Georgia, and Mr. BURNS.

H.R. 36: Mr. FOLEY and Mr. WEXLER.

H.R. 119: Mr. CASE.

H.R. 140: Mr. MILLER of North Carolina.

H.R. 173: Mr. GARRETT of New Jersey.

H.R. 218: Mr. COX.

H.R. 284: Ms. HARMAN and Ms. KILPATRICK.

H.R. 290: Mr. KUCINICH, Mr. ALLEN, Mr. MARSHALL, Mr. DUNCAN, Mr. DICKS, and Mr. HINCHEY.

H.R. 303: Mr. HENSARLING, Mr. FOSSELLA, and Mr. LEWIS of Georgia.

H.R. 369: Mr. BROWN of Ohio, Mr. KILDEE, and Mr. KNOLLENBERG.

H.R. 384: Mr. BARTLETT of Maryland and Mr. BURGESS.

H.R. 461: Mr. COOPER.

H.R. 466: Mr. CARDIN, Ms. ROYBAL-ALLARD, Mr. EHLERS, and Mr. CAMP.

H.R. 516: Mrs. MUSGRAVE.

H.R. 570: Mrs. MCCARTHY of New York and Mr. MCHUGH.

H.R. 571: Mr. PUTNAM, Mr. GINGREY, Mr. PETERSON of Pennsylvania, Mr. HEFLEY, Ms. HARRIS, Mr. SESSIONS, Mr. LATOURETTE, Mr. COLE, Mr. COBLE, and Mr. BEAUPREZ.

H.R. 676: Mr. NADLER.

H.R. 687: Mr. WICKER and Mr. WELDON of Florida.

H.R. 713: Mr. MCINTYRE, Mr. CALVERT, Mr. WILSON of South Carolina, and Mr. DOOLITTLE.

H.R. 725: Mrs. NAPOLITANO.

H.R. 742: Mr. DOOLITTLE, Mr. JANKLOW, Mr. LEWIS of Kentucky, Mr. MCCOTTER, and Mr. COOPER.

H.R. 745: Mr. ALLEN.

H.R. 756: Mr. LOBIONDO.

H.R. 785: Mr. BURR, Mr. MANZULLO, and Mr. EMANUEL.

H.R. 792: Ms. ESHOO, Mr. ALLEN, Mr. KENNEDY of Rhode Island, Mr. PUTNAM, Mr. INSLEE, Mr. GUTIERREZ, Mr. DICKS, and Mr. DAVIS of Illinois.

H.R. 806: Mr. SCHIFF and Mr. PALLONE.

H.R. 811: Mr. HALL.

H.R. 816: Mr. SANDERS.

H.R. 817: Mrs. NAPOLITANO.

H.R. 822: Mr. ACEVEDO-VILA and Ms. MCCOLLUM.

H.R. 828: Mr. RANGEL.

H.R. 832: Mr. BELL and Mr. BISHOP of New York.

H.R. 857: Ms. LINDA T. SANCHEZ of California, Mr. JONES of North Carolina, and Mr. PASCRELL.

H.R. 869: Mr. MOORE.

H.R. 879: Mr. MANZULLO and Mr. KOLBE.

H.R. 891: Ms. ESHOO.

H.R. 898: Mr. LYNCH.

H.R. 919: Mr. CARTER, Mr. WAMP, and Mr. FERGUSON.

H.R. 934: Mr. EMANUEL.

H.R. 979: Mr. DAVIS of Illinois.

H.R. 980: Mr. GORDON and Mr. PALLONE.

H.R. 1075: Mr. OSBORNE.

H.R. 1078: Ms. SOLIS.

H.R. 1093: Mr. CAMP, Mr. SULLIVAN, and Mr. HAYWORTH.

H.R. 1137: Mr. PITTS and Mr. OTTER.

H.R. 1157: Mr. DINGELL, Ms. MAJETTE, Mr. MARKEY, Mr. BECERRA, and Mr. INSLEE.

H.R. 1167: Mr. GREEN of Wisconsin.

H.R. 1173: Mr. WYNN.

H.R. 1196: Mr. BLUMENAUER, Ms. SCHAKOWSKY, and Mr. DEFAZIO.

H.R. 1236: Ms. CARSON of Indiana and Mr. PORTER.

H.R. 1259: Mr. SIMMONS and Mr. OTTER.

H.R. 1266: Mr. HONDA.

H.R. 1268: Mrs. NAPOLITANO.

H.R. 1288: Mr. MORAN of Kansas and Mr. DICKS.

H.R. 1295: Mrs. CHRISTENSEN and Mr. DAVIS of Illinois.

H.R. 1301: Mr. TIERNEY and Mr. GRIJALVA.

H.R. 1310: Mr. DAVIS of Alabama, Mr. ALLEN, and Mr. RENZI.

H.R. 1355: Mr. MCDERMOTT, Mrs. MALONEY, and Mr. OBERSTAR.

H.R. 1359: Ms. DELAURO and Mr. LARSON of Connecticut.

H.R. 1418: Mr. FOLEY.

H.R. 1421: Mr. FALEOMAVAEGA and Mr. MATSUI.

H.R. 1430: Mr. ANDREWS, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Ms. VELAZQUEZ, and Mr. MICHAUD.

H.R. 1435: Mr. FRANK of Massachusetts.

H.R. 1464: Mr. FALEOMAVAEGA, Mr. WEINER, and Mr. FARR.

H.R. 1472: Mr. KUCINICH, Mr. HYDE, Mr. WEINER, Mr. VITTER, Mr. DEAL of Georgia, Mrs. MYRICK, Mr. WICKER, Mr. FOSSELLA, Mr. ISSA, Mrs. JO ANN DAVIS of Virginia, Mr. WELDON of Florida, Mr. TOM DAVIS of Virginia, Ms. KAPTUR, Mrs. CAPITO, Mr. MARIO DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. BUYER, Mr. ISRAEL, Mr. ADERHOLT, Mr. GOSS, Mr. GILLMOR, Mr. NORWOOD, Mr. PENCE, Ms. HART, Mr. HONDA, Mr. BACHUS, Mr. PORTMAN, Mr. EVERETT, Mr. COLLINS, Mr. BAKER, and Mr. SULLIVAN.

H.R. 1473: Mr. MCGOVERN.

H.R. 1482: Mrs. LOWEY and Mr. HINCHEY.

H.R. 1513: Mr. REHBERG, Mrs. BLACKBURN, Mr. RAMSTAD, Mr. WAMP, Mr. HALL, Mr. BURNS, Mr. SHAW, and Mr. BEAUPREZ.

H.R. 1522: Mrs. CHRISTENSEN.

H.R. 1567: Mr. KINGSTON and Mr. HUNTER.

H.R. 1589: Mr. LUCAS of Kentucky.

H.R. 1605: Mr. MORAN of Virginia.

H.R. 1639: Ms. LEE, Mr. GRIJALVA, Mr. MCGOVERN, and Mr. CASE.

H.R. 1657: Mr. VAN HOLLEN.

H.R. 1659: Mr. LANTOS and Ms. ROYBAL-ALLARD.

H.R. 1662: Mr. SHIMKUS, Mr. OSE, and Mr. FLAKE.

H.R. 1671: Mr. FOLEY.

H.R. 1710: Mr. GOODLATTE and Ms. DELAURO.

H.R. 1748: Mr. CLYBURN.

H.R. 1807: Mr. SANDERS.

H.R. 1839: Mr. SHUSTER.

H.R. 1863: Mr. BELL and Mr. UPTON.

H.R. 1865: Mrs. CHRISTENSEN and Ms. JACKSON-LEE of Texas.

H.R. 1873: Mr. MICHAUD and Mrs. CAPITO.

H.R. 1886: Mr. KIND and Ms. ESHOO.

H.R. 1902: Ms. SCHAKOWSKY.

H.R. 1905: Mr. FRANK of Massachusetts and Mr. FILNER.

H.R. 1906: Mr. GEORGE MILLER of California.

H.R. 1909: Mr. BLUNT, Mr. DOOLITTLE, Mr. BISHOP of Utah, Mr. TANCREDO, and Mr. PAUL.

H.R. 1943: Mr. ENGLISH.

H.R. 1963: Mr. STUPAK.

H.R. 1999: Mr. CLYBURN and Mr. UDALL of New Mexico.

H.R. 2011: Mr. EDWARDS and Mr. LAHOOD.

H.R. 2020: Mr. DEUTSCH and Mr. SULLIVAN.

H.R. 2022: Mr. WAXMAN and Mr. GOODE.

H.R. 2028: Mr. CANNON and Mr. LOBIONDO.

H.R. 2038: Mr. FILNER, Mr. GONZALEZ, and Mr. MATSUI.

H.R. 2047: Mr. LEVIN.

H.R. 2052: Mr. RAHALL, Mr. BILIRAKIS, Mr. PALLONE, Mr. ROGERS of Michigan, Mr. MILLER of Florida, Mr. SNYDER, Mr. JACKSON, of Illinois, Mr. ANDREWS, Mr. MURTHA, Ms. HOOLEY of Oregon, Mr. LANGEVIN, Mr. JEFFERSON, Mrs. NAPOLITANO, Mr. GILLMOR, and Mr. SERRANO.

H.R. 2075: Mr. STEARNS and Mr. GINNY BROWN-WAITE of Florida.

H.R. 2118: Mr. DEAL of Georgia.

H.R. 2193: Mr. LYNCH.

H.R. 2198: Ms. MAJETTE.

H.R. 2205: Mr. MEEKS of New York, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DINGELL, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. CUMMINGS, Ms. MCCARTHY of Missouri, Ms. BALDWIN, Ms. CORRINE BROWN of Florida, Mr. ENGLISH, Ms. GRANGER, Mrs. MALONEY, Mr. MCINTYRE, Mr. GUTIERREZ, Mr. GILLMOR, Mr. COX, Mr. DOGGETT, Mr. FALEOMAVAEGA,

Mr. KIND, Mr. GEORGE MILLER of California, Ms. WATERS, Mr. FORD, Ms. ESHOO, Mr. CONYERS, Mr. HASTINGS of Florida, and Mr. BRADY of Pennsylvania.

H.R. 2218: Mr. BROWN of Ohio, Mr. TOWNS, Mr. GREEN of Texas, Ms. DELAURO, and Mrs. NAPOLITANO.

H.R. 2224: Mrs. JO ANN DAVIS of Virginia.

H.R. 2232: Mrs. JO ANN DAVIS of Virginia, Mr. HEFLEY, and Mr. WILSON of South Carolina.

H.R. 2250: Ms. LORETTA SANCHEZ of California.

H.R. 2253: Mr. FALEOMAVAEGA.

H.R. 2262: Mr. FALEOMAVAEGA, Ms. GINNY BROWN-WAITE of Florida, and Mr. MICHAUD.

H.R. 2272: Mr. RANGEL, Mr. GORDON, Mr. CUMMINGS, Mr. JEFFERSON, and Mr. RUSH.

H.R. 2291: Mr. FALEOMAVAEGA and Mr. ALLEN.

H.R. 2295: Ms. DELAURO and Mr. KIND.

H.R. 2300: Mr. BISHOP of Georgia and Mrs. NAPOLITANO.

H.R. 2318: Mr. RUSH, Ms. SOLIS, Mr. DAVIS of Alabama, Mr. BISHOP of Georgia, Mr. OWENS, Mr. BISHOP of New York, and Mr. ROSS.

H.R. 2323: Mr. FRANK of Massachusetts, Mr. SANDLIN, Mr. WAMP, Mrs. CHRISTENSEN, and Mr. HOSTETTLER.

H.R. 2347: Ms. JACKSON-LEE of Texas and Mr. KLINE.

H.R. 2369: Ms. VELAZQUEZ, Mr. STRICKLAND, and Mr. LIPINSKI.

H.R. 2377: Mr. NADLER.

H.R. 2379: Mr. SHUSTER, Mr. PEARCE, Mr. WAMP, Mr. ROSS, and Mrs. CHRISTENSEN.

H.R. 2418: Mrs. JONES of Ohio, Mr. NADLER, Mr. CONYERS, and Ms. WOOLSEY.

H.R. 2426: Mr. PRICE of North Carolina, Mr. MCGOVERN, Mr. KUCINICH, Ms. MCCOLLUM, and Mr. EMANUEL.

H.R. 2427: Mr. KUCINICH, Mr. LANGEVIN, Mr. SMITH of New Jersey, Mr. WAMP, and Mr. SANDERS.

H.R. 2437: Mr. HONDA, Mr. NADLER, and Mr. DAVIS of Illinois.

H.R. 2440: Mr. MCDERMOTT, Mr. MICHAUD, Mr. BISHOP of Utah, Mr. CAMP, and Mr. WALDEN of Oregon.

H.R. 2444: Mr. OTTER.

H.R. 2445: Mr. FILNER.

H.R. 2446: Mr. HASTINGS of Washington.

H.R. 2448: Mr. ENGLISH.

H.R. 2449: Mr. BOUCHER.

H.R. 2455: Mr. NADLER.

H.R. 2462: Mr. TANNER, Mr. BACA, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, and Mr. PASCRELL.

H.R. 2464: Mr. OWENS and Mr. WILSON of South Carolina.

H.R. 2478: Mr. HINCHEY and Mr. KUCINICH.

H.R. 2482: Mr. KING of New York, Mr. LANTOS, Mr. MARKEY, Mr. CROWLEY, Mr. EVANS, Mr. HASTINGS of Florida, Ms. SOLIS, Mr. MCNULTY, Ms. MCCARTHY of Missouri, Mr. WU, Mr. MCGOVERN, Mr. RAHALL, Mr. KUCINICH, Mr. GRIJALVA, and Mr. BERMAN.

H.R. 2491: Mr. OWENS.

H.R. 2497: Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. ALLEN, Mr. RYAN of Ohio, and Mr. GUTKNECHT.

H.R. 2505: Mr. SANDERS, Mr. ALLEN, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. LANTOS, and Mr. WEXLER.

H.R. 2515: Mr. FOSSELLA, Mr. GILLMOR, Mr. WYNN, Mr. DAVIS of Florida, Mr. OWENS, Mr. LEVIN, Mr. MOORE, Mr. BLUMENAUER, Mr. SHERMAN, Mr. HINCHEY, Ms. WATSON, Mr. CARTER, Mr. HASTINGS of Washington, Mr. DEUTSCH, Mr. PALLONE, Ms. DEGETTE, and Mr. GORDON.

H.R. 2517: Mr. GOODLATTE, Mr. OLVER, Mr. CARTER, Mr. FEENEY, Mr. FORD, Mr. WEXLER, and Mr. HYDE.

H.R. 2519: Ms. HARMAN, Mr. ANDREWS, Mr. TOWNS, Mr. WEXLER, Mr. FOLEY, and Mr. GALLEGLY.

H.R. 2532: Mr. EMANUEL.

H.R. 2538: Mr. WEXLER.

H.R. 2545: Mr. OWENS and Mr. ENGLISH.

H.R. 2546: Mr. CONYERS.

H.R. 2550: Mr. WILSON of South Carolina.

H.R. 2574: Mr. OBERSTAR.

H.R. 2578: Mr. DEAL of Georgia, Mr. ISSA, Mr. SOUDER, Mr. RYUN of Kansas, and Mrs. BLACKBURN.

H.R. 2591: Mrs. MILLER of Michigan, Mr. MARIO DIAZ-BALART of Florida, and Mr. PAUL.

H.R. 2631: Mr. GOODE and Mr. VAN HOLLEN.

H.R. 2632: Mr. BAKER.

H.R. 2637: Mr. PASCRELL.

H.R. 2640: Mr. CROWLEY and Mr. SANDERS.

H.R. 2655: Mr. LYNCH.

H.J. Res. 11: Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, and Mr. SHAYS.

H.J. Res. 56: Mr. HAYES, Mr. BARRETT of South Carolina, Mr. BURNS, Mr. COLLINS, Mr. ROGERS of Alabama, Mr. WAMP, and Mr. STENHOLM.

H.J. Res. 62: Mrs. LOWEY.

H. Con. Res. 6: Mr. FROST, Mr. GOODE, Mrs. DAVIS of California, and Mrs. CHRISTENSEN.

H. Con. Res. 30: Mr. BLUNT, Mr. STRICKLAND, and Mr. ABERCROMBIE.

H. Con. Res. 39: Mr. CUMMINGS.

H. Con. Res. 99: Mr. GEORGE MILLER of California, Ms. SOLIS, Mr. CUMMINGS, and Ms. CARSON of Indiana.

H. Con. Res. 111: Mr. LAHOOD.

H. Con. Res. 119: Mr. NORWOOD, Mr. BRADY of Texas, Mr. VITTER, Mr. ISTOOK, Mr. DOOLITTLE, Mr. FEENEY, Mr. OTTER, Mr. CARTER, Mr. CANNON, Mr. DEUTSCH, Mr. SCHROCK, and Mr. SESSIONS.

H. Con. Res. 130: Mr. FROST.

H. Con. Res. 210: Mr. REYES and Mr. SKELTON.

H. Con. Res. 215: Ms. KILPATRICK, Mr. CAMP, Mr. ROGERS of Michigan, Mr. HOEKSTRA, and Mr. SMITH of Michigan.

H. Con. Res. 217: Mr. PITTS and Mr. BELL.

H. Con. Res. 229: Mr. LANTOS, Mrs. JONES of Ohio, Mr. CUMMINGS, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Ms. CARSON of Indiana, Ms. WATSON, Mr. WYNN, Mr. CLAY, Ms. MILLENDER-MCDONALD, Mr. TOWNS, Ms. KILPATRICK, Mr. OWENS, Ms. LEE, Mr. CLYBURN, Mr. ENGEL, and Mr. SMITH of New Jersey.

H. Con. Res. 237: Mr. HAYWORTH and Mr. FLAKE.

H. Res. 103: Mr. JANKLOW.

H. Res. 238: Mr. ALLEN, Mr. BALLANCE, Mr. BISHOP of Georgia, Mr. BROWN of Ohio, Mr. CARDIN, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Tennessee, Ms. DELAURO, Mr. DEUTSCH, Mr. FATTAH, Mr. FROST, Mr. GRIJALVA, Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KUCINICH, Ms. LEE, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Mr. RAHALL, Mr. RANGEL, Mr. ROTHMAN, Mr. RUSH, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SPRATT, Mr. TOWNS, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEXLER, and Mr. WYNN.

H. Res. 259: Mr. PITTS.

H. Res. 280: Mr. CULBERSON, Mrs. KELLY, Mr. MCNULTY, Mr. WALSH, Mr. ENGEL, Mr. FROST, Mr. MCHUGH, Mr. RANGEL, and Mrs. LOWEY.

H. Res. 286: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 287: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 288: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 304: Mr. MCDERMOTT, Mr. LYNCH, Mr. FRANK of Massachusetts, and Mr. DAVIS of Illinois.

¶74.32 DELEETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1063: Mr. PALLONE.

WEDNESDAY, JULY 9, 2003 (75)

The House was called to order by the SPEAKER.

¶75.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, July 8, 2003.

Mr. PITTS, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. PITTS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶75.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3059. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Salmonella Enteritidis Phage-Type 4; Remove Import Restrictions and Salmonella Enteritidis Serotype Enteritidis; Remove Regulations [Docket No. 00-107-2] (RIN: 0579-AB31) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3060. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Irradiation of Sweetpotatoes From Hawaii [Docket No. 03-062-1] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3061. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegetables [Docket No. 02-026-4] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3062. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Small Grains Crop Insurance Provisions and Wheat Crop Insurance Winter Coverage Endorsement (RIN: 0563-AB63) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3063. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3064. A letter from the Director, International Cooperation, Department of Defense, transmitting a notification, pursuant to Section 27(f) of the Arms Export Control Act, of the intent to sign an Amendment to the Funding Arrangement for the Contracting of Legal and Technical Assistance Required for the Definition Phase in Support of the Alliance Ground Surveillance (AGS) Steering Committee between the United States, Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece,

Hungary, Italy, Luxembourg, The Netherlands, Norway, Poland, Spain, Turkey, and the United Kingdom; Transmittal No. 13-03, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3065. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Greece (Transmittal No. DDTC 054-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3066. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Technical Assistance agreement with NATO AEW&C Programme Management Organization (NAPMO), including Belgium, Canada, Denmark, Germany, Greece, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain and Turkey (Transmittal No. 045-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3067. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Ecuador (Transmittal No. DDTC 056-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3068. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 2002, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

3069. A communication from the President of the United States, transmitting a report consistent with section 403(a)(3-6) of the Arms Control and Disarmament Act, as amended; to the Committee on International Relations.

3070. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Organization of the Government for Personnel Management, Overseas Employment, Temporary and Term Employment, Recruitment and Selection for Temporary and Term Appointments Outside the Register, Examining System, and Training (RIN: 3206-AJ99) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3071. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [TX-043-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3072. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — North Dakota Regulatory Program [SATS ND-46-FOR, Amendment No. XXXII] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3073. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Illinois Regulatory Program [IL-099-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3074. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area Opening for the Groundfish Trawl Fisheries of the Gulf of Alaska [Docket No. 020718172-2303-02; I.D. 061203D] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3075. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Bluefin Tuna Catch Limit Adjustments [I.D. 061103B] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3076. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Right to Appeal; Director, Great Lakes Pilotage [USCG 2003-15137] (RIN: 1625-AA71) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-03-044] received July 03, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3078. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mystic River, CT [CGD01-03-047] received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3079. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety zone; North San Diego Bay, CA [COTP San Diego 03-015] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3080. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Laughlin, Nevada [COTP San Diego 03-022] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CGD09-03-223] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3082. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Clair River, Port Huron, MI [CGD09-03-226] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3083. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hudson River Swim, Ulster Landing, NY [CGD01-03-053] (RIN: 1625-AA97) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3084. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Huron, Harbor Beach, MI [CGD09-03-230] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3085. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Security, transmitting the Department's final rule — Safety Zone; Colorado River, Laughlin, Nevada [COTP San Diego 03-023] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Extension of Compliance Times for Fuel Tank System Safety Assessments; Correction [Docket No. FAA-1999-6411; Amendment Nos. 21-83, 91-272, 121-285, 125-40, 129-35; Special Federal Aviation Regulation No. 88] (RIN: 2120-AG62) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3087. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Public Aircraft Definition [Docket No. FAA-2003-15134, Amdt. Nos. 1-51 and 11-48] [Docket No. DOT 20860] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Lower Deck Service Compartments on Transport Category Airplanes [Docket No. FAA-2002-11346; Amendment No. 110] (RIN: 2120-AH38) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Prohibition Against Certain Flights Between the United States and Iraq [Docket No. FAA-2003-15269 (Old Docket No. 26380); SFAR No. 61-2] (RIN: 2120-ZZ48) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3090. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue: Biotech and Pharmaceutical Industries' Legally Mandated R&E Expenses [UIL: 861.08-17] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3091. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Dollar value method of pricing LIFO inventories (Rev. Proc. 2003-45) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶75.3 PROVIDING FOR THE CONSIDERATION OF H.R. 2211

Mrs. MYRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 310):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965 The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the

report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mrs. MYRICK, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the resolution were postponed.

¶75.4 PROVIDING FOR THE CONSIDERATION OF H.R. 438

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 309):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 438) to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative George Miller of California or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 230 / Nays ..... 192 }

¶75.5 [Roll No. 337]

YEAS—230

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—192

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Cox
Cramer
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-McDonald
Owens
Smith (WA)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.6 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶75.7 H. RES. 310—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business

to be the question on agreeing to the resolution (H. Res. 310) providing for consideration of the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 252 / Nays 170

¶75.8 [Roll No. 338]

YEAS—252

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Honda
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—170

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Grijalva
Gutierrez
Hall
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Cramer
Dreier
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-McDonald
Owens
Pascrell

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.9 HIGHER EDUCATION

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to House Resolution 310 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2211) to reauthorize title II of the Higher Education Act of 1965.

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole; and after some time spent therein,

¶75.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GINGREY:

Page 6, line 25, strike ''(1)'' and insert ''(1)(B)''.

Page 7, beginning on line 11, strike ''shall, at the time of the initial grant application, submit'' and insert ''shall submit''.

Page 8, line 15, after ''qualified,'' insert ''are able to understand scientifically based research and its applicability,''.

Page 9, line 10, after ''teach'' insert ''that are''.

Page 10, line 7, strike ''and experimental''.

Page 18, line 4, strike ''fairly distributed'' and insert ''used''.

Page 18, line 9, strike ''and''.

Page 18, line 25, strike ''teachers'' and insert ''teachers, principals, and superintendents''.

Page 19, line 5, strike the period at the end and insert ''; and''.

Page 19, after line 5, insert the following:

''(4) contain a certification from the high-need local educational agency included in the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f).

Page 19, line 17, after ''qualified,'' insert ''are able to understand scientifically based research and its applicability,''.

Page 24, after line 2, insert the following:

''(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.

Page 28, beginning on line 19, strike ''serving States''.

Page 29, line 3, strike ''include'' and insert ''have''.

Page 29, line 8, strike ''involve the development of'' and insert ''have''.

Page 32, line 22, strike ''receiving'' and insert ''applying for''.

Page 33, beginning on line 3, insert '','' after ''students''.

Page 36, strike lines 10 through 20 and insert the following:

''(5) For students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

Page 48, line 19, strike ''qualified'' and insert ''qualified, are able to understand scientifically based research,''.

Page 49, line 21, after ''teacher'' insert ''or principal''.

Page 50, line 7, strike ''test'' and insert ''and licensure assessment''.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 4

¶75.11 [Roll No. 339]

AYES—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla

Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—4

Flake
Frank (MA)
Paul
Sabo

NOT VOTING—14

Cramer
Cunningham
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-McDonald
Moran (VA)
Owens
Oxley
Scott (GA)

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. QUINN, Acting Chairman, pursuant to House Resolution 310, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment in the nature of a substitute, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ready to Teach Act of 2003''.

SEC. 2. TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended to read as follows:

''PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

"SEC. 201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student academic achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

''(2) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(3) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(4) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i)(I) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

''(II) for which not less than 25 percent of the children served by the agency are from families with incomes below the poverty line;

''(ii) that is among those serving the highest number or percentage of children from families with incomes below the poverty line in the State, but this clause applies only in a State that has no local educational agency meeting the requirements of clause (i); or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 7, as determined by the Secretary; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

''(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

''(5) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(6) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(7) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(8) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(9) TEACHING SKILLS.—The term 'teaching skills' means skills that—

''(A) are based on scientifically based research;

''(B) enable teachers to effectively convey and explain subject matter content;

''(C) lead to increased student academic achievement; and

''(D) use strategies that—

''(i) are specific to subject matter;

''(ii) include ongoing assessment of student learning;

''(iii) focus on identification and tailoring of academic instruction to students's specific learning needs; and

''(iv) focus on classroom management.

"SEC. 202. STATE GRANTS.

''(a) IN GENERAL.—From amounts made available under section 210(1) for a fiscal

year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

''(b) ELIGIBLE STATE.—

''(1) DEFINITION.—In this part, the term 'eligible State' means—

''(A) the Governor of a State; or

''(B) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency.

''(2) CONSULTATION.—The Governor or the individual, entity, or agency designated under paragraph (1)(B) shall consult with the Governor, State board of education, State educational agency, or State agency for higher education, as appropriate, with respect to the activities assisted under this section.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall submit an application to the Secretary that—

''(1) meets the requirement of this section;

''(2) demonstrates that the State is in full compliance with sections 207 and 208;

''(3) includes a description of how the eligible State intends to use funds provided under this section;

''(4) includes measurable objectives for the use of the funds provided under the grant;

''(5) demonstrates the State has submitted and is actively implementing a plan that meets the requirements of sections 1111(h)(1)(C)(viii) and 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(viii) and 6319); and

''(6) contains such other information and assurances as the Secretary may require.

''(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) REFORMS.—Ensuring that all teacher preparation programs in the State are preparing teachers who are highly qualified, are able to understand scientifically based research and its applicability, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by assisting such programs—

''(A) to retrain faculty; and

''(B) to design (or redesign) teacher preparation programs so they—

''(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Reforming teacher certification (including recertification) or licensing requirements to ensure that—

''(A) teachers have the subject matter knowledge and teaching skills in the academic subjects that the teachers teach that are necessary to help students meet challenging State student academic achievement standards; and

''(B) such requirements are aligned with challenging State academic content standards.

''(3) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

''(A) innovative approaches that reduce unnecessary barriers to State certification while producing highly qualified teachers;

''(B) programs that provide support to teachers during their initial years in the profession; and

''(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

''(4) INNOVATIVE PROGRAMS.—Planning and implementing innovative programs to enhance the ability of institutions of higher education to prepare highly qualified teachers, such as charter colleges of education or university and local educational agency partnership schools, that—

''(A) permit flexibility in meeting State requirements as long as graduates, during their initial years in the profession, increase student academic achievement;

''(B) provide long-term data gathered from teachers' performance over multiple years in the classroom on the ability to increase student academic achievement;

''(C) ensure high-quality preparation of teachers from underrepresented groups; and

''(D) create performance measures that can be used to document the effectiveness of innovative methods for preparing highly qualified teachers.

''(5) MERIT PAY.—Developing, or assisting local educational agencies in developing—

''(A) merit-based performance systems that reward teachers who increase student academic achievement; and

''(B) strategies that provide differential and bonus pay in high-need local educational agencies to retain—

''(i) principals;

''(ii) highly qualified teachers who teach in high-need academic subjects, such as reading, mathematics, and science;

''(iii) highly qualified teachers who teach in schools identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b));

''(iv) special education teachers;

''(v) teachers specializing in teaching limited English proficient children; and

''(vi) highly qualified teachers in urban and rural schools or districts.

''(6) TEACHER ADVANCEMENT.—Developing, or assisting local educational agencies in developing, teacher advancement and retention initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a highly qualified mentor teacher or exemplary teacher) and pay differentiation.

''(7) TEACHER REMOVAL.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to remove expeditiously incompetent or unqualified teachers consistent with procedures to ensure due process for the teachers.

''(8) TECHNICAL ASSISTANCE.—Providing technical assistance to low-performing teacher preparation programs within institutions of higher education identified under section 208(a).

''(9) TEACHER EFFECTIVENESS.—Developing—

''(A) systems to measure the effectiveness of teacher preparation programs and professional development programs; and

''(B) strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach as a result of such programs.

''(10) TEACHER RECRUITMENT AND RETENTION.—Undertaking activities that—

''(A) develop and implement effective mechanisms to ensure that local educational agencies and schools are able effectively to recruit and retain highly qualified teachers; or

''(B) are described in section 204(d).

''(11) PRESCHOOL TEACHERS.—Developing strategies—

''(A) to improve the qualifications of preschool teachers, which may include State certification for such teachers; and

''(B) to improve and expand preschool teacher preparation programs.

''(e) EVALUATION.—

''(1) EVALUATION SYSTEM.—An eligible State that receives a grant under this section shall develop and utilize a system to evaluate annually the effectiveness of teacher preparation programs and professional development activities within the State in producing gains in—

''(A) the teacher's annual contribution to improving student academic achievement, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)); and

''(B) teacher mastery of the academic subjects they teach, as measured by pre- and post-participation tests of teacher knowledge, as appropriate.

''(2) USE OF EVALUATION SYSTEM.—Such evaluation system shall be used by the State to evaluate—

''(A) activities carried out using funds provided under this section; and

''(B) the quality of its teacher education programs.

''(3) PUBLIC REPORTING.—The State shall make the information described in paragraph (1) widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

"SEC. 203. PARTNERSHIP GRANTS.

''(a) GRANTS.—From amounts made available under section 210(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

''(b) DEFINITIONS.—

''(1) ELIGIBLE PARTNERSHIPS.—In this part, the term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a partner institution;

''(ii) a school of arts and sciences;

''(iii) a high-need local educational agency; and

''(iv) a public or private educational organization; and

''(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a public charter school, a public or private elementary school or secondary school, a public or private educational organization, a business, a science-, mathematics-, or technology-oriented entity, a faith-based or community organization, a prekindergarten program, a teacher organization, an education service agency, a consortia of local educational agencies, or a nonprofit telecommunications entity.

''(2) PARTNER INSTITUTION.—In this section, the term 'partner institution' means an institution of higher education, the teacher training program of which demonstrates that—

''(A) graduates from the teacher training program exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area or areas in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 207(a); and

''(II) using the State report card on teacher preparation required under section 207(a); or

''(B) the teacher training program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, and—

''(i) in the case of secondary school candidates, to successfully complete an academic major in the subject area in which the candidate intends to teach or to demonstrate competence through a high level of performance in relevant content areas; and

''(ii) in the case of elementary school candidates, to successfully complete an academic major in the arts and sciences or to demonstrate competence through a high level of performance in core academic subject areas.

''(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

''(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher training or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student academic achievement;

''(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be used in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends;

''(3) contain a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e);

''(C) the partnership's evaluation plan pursuant to section 206(b);

''(D) how faculty of the teacher preparation program at the partner institution will serve, over the term of the grant, with highly qualified teachers in the classrooms of the high-need local educational agency included in the partnership;

''(E) how the partnership will ensure that teachers, principals, and superintendents in private elementary and secondary schools located in the geographic areas served by an eligible partnership under this section will participate equitably in accordance with section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881);

''(F) how the partnership will design and implement a clinical program component that includes close supervision of student teachers by faculty of the teacher preparation program at the partner institution and mentor teachers;

''(G) how the partnership will design and implement an induction program to support all new teachers through the first 3 years of teaching that includes mentors who are trained and compensated by the partnership for their work with new teachers; and

''(H) how the partnership will collect, analyze, and use data on the retention of all teachers in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its teacher support system; and

''(4) contain a certification from the high-need local educational agency included in the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f).

''(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6613(c)), and to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) REFORMS.—Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research and its applicability, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining faculty; and

''(B) designing (or redesigning) teacher preparation programs so they—

''(i) are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Providing sustained and high-quality preservice and in-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support for teachers, including preparation time and release time, for such interaction.

''(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach, and that promotes strong teaching skills.

''(4) TEACHER PREPARATION.—Developing, or assisting local educational agencies in developing, professional development activities that—

''(A) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, limited English proficient students, and students with special learning needs; and

''(B) provide training in methods of—

''(i) improving student behavior in the classroom; and

''(ii) identifying early and appropriate interventions to help students described in subparagraph (A) learn.

''(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

''(1) ALTERNATIVES TO TRADITIONAL TEACHER PREPARATION AND STATE CERTIFICATION.—Providing prospective teachers with alternative routes to State certification and traditional preparation to become highly qualified teachers through—

''(A) innovative approaches that reduce unnecessary barriers to teacher preparation while producing highly qualified teachers;

''(B) programs that provide support during a teacher's initial years in the profession; and

''(C) alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, former military personnel, and recent college graduates with records of academic distinction.

''(2) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

''(3) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing professional development programs for principals and superintendents that enable them to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards.

''(4) TEACHER RECRUITMENT.—Activities—

''(A) to encourage students to become highly qualified teachers, such as extracurricular enrichment activities; and

''(B) activities described in section 204(d).

''(5) CLINICAL EXPERIENCE IN SCIENCE, MATHEMATICS, AND TECHNOLOGY.—Creating opportunities for clinical experience and training, by participation in the business, research, and work environments with professionals, in areas relating to science, mathematics, and technology for teachers and prospective teachers, including opportunities for use of laboratory equipment, in order for the teacher to return to the classroom for at least 2 years and provide instruction that will raise student academic achievement.

''(6) COORDINATION WITH COMMUNITY COLLEGES.—Coordinating with community colleges to implement teacher preparation programs, including through distance learning, for the purposes of allowing prospective teachers—

''(A) to attain a bachelor's degree and State certification or licensure; and

''(B) to become highly qualified teachers.

''(7) TEACHER MENTORING.—Establishing or implementing a teacher mentoring program that—

''(A) includes minimum qualifications for mentors;

''(B) provides training and stipends for mentors;

''(C) provides mentoring programs for teachers in their first 3 years of teaching;

''(D) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the school day;

''(E) establishes an evaluation and accountability plan for activities conducted under this paragraph that includes rigorous objectives to measure the impact of such activities; and

''(F) provides for a report to the Secretary on an annual basis regarding the partnership's progress in meeting the objectives described in subparagraph (E).

''(8) COMPUTER SOFTWARE FOR MULTILINGUAL EDUCATION.—Training teachers to use computer software for multilingual education to address the needs of limited English proficient students.

''(f) SPECIAL RULE.—At least 50 percent of the funds made available to an eligible partnership under this section shall be used directly to benefit the high-need local educational agency included in the partnership. Any entity described in subsection (b)(1)(A) may be the fiscal agent under this section.

''(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than one Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

''(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.

"SEC. 204. TEACHER RECRUITMENT GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 210(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsection (d).

''(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term 'eligible applicant' means—

''(1) an eligible State described in section 202(b); or

''(2) an eligible partnership described in section 203(b).

''(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

''(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

''(2) a description of the activities the eligible applicant will carry out with the grant, including the extent to which the applicant will use funds to recruit minority students to become highly qualified teachers; and

''(3) a description of the eligible applicant's plan for continuing the activities carried out with the grant, once Federal funding ceases.

''(d) USES OF FUNDS.—Each eligible applicant receiving a grant under this section shall use the grant funds—

''(1)(A) to award scholarships to help students, such as individuals who have been accepted for their first year, or who are enrolled in their first or second year, of a program of undergraduate education at an institution of higher education, pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

''(B) to provide support services, if needed to enable scholarship recipients—

''(i) to complete postsecondary education programs; or

''(ii) to transition from a career outside of the field of education into a teaching career; and

''(C) for followup services provided to former scholarship recipients during the recipients first 3 years of teaching; or

''(2) to develop and implement effective mechanisms to ensure that high-need local educational agencies and schools are able effectively to recruit highly qualified teachers.

''(e) ADDITIONAL DISCRETIONARY USES OF FUNDS.—In addition to the uses described in subsection (d), each eligible applicant receiving a grant under this section may use the grant funds—

''(1) to develop and implement effective mechanisms to recruit into the teaching profession employees from—

''(A) high-demand industries, including technology industries; and

''(B) the fields of science, mathematics, and engineering; and

''(2) to conduct outreach and coordinate with inner city and rural secondary schools to encourage students to pursue teaching as a career.

''(f) SERVICE REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish such requirements as the Secretary determines necessary to ensure that recipients of scholarships under this section who complete teacher education programs—

''(A) subsequently teach in a high-need local educational agency for a period of time equivalent to—

''(i) one year; increased by

''(ii) the period for which the recipient received scholarship assistance; or

''(B) repay the amount of the scholarship.

''(2) USE OF REPAYMENTS.—The Secretary shall use any such repayments to carry out additional activities under this section.

''(g) PRIORITY.—The Secretary shall give priority under this section to eligible applicants who provide an assurance that they will recruit a high percentage of minority students to become highly qualified teachers.

"SEC. 205. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; ONE-TIME AWARDS; PAYMENTS.—

''(1) DURATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—Grants awarded to eligible States and eligible applicants under this part shall be awarded for a period not to exceed 3 years.

''(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

''(2) ONE-TIME AWARD.—An eligible partnership may receive a grant under each of sections 203 and 204, as amended by the Ready to Teach Act of 2003, only once.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall—

''(A) with respect to grants under section 202, give priority to eligible States that—

''(i) have initiatives to reform State teacher certification requirements that are based on rigorous academic content, scientifically based research, including scientifically based reading research, and challenging State student academic content standards;

''(ii) have innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

''(iii) have innovative efforts aimed at reducing the shortage of highly qualified teachers in high poverty urban and rural areas; and

''(B) with respect to grants under section 203—

''(i) give priority to applications from broad-based eligible partnerships that involve businesses and community organizations; and

''(ii) take into consideration—

''(I) providing an equitable geographic distribution of the grants throughout the United States; and

''(II) the potential of the proposed activities for creating improvement and positive change.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which application shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

''(c) MATCHING REQUIREMENTS.—

''(1) STATE GRANTS.—Each eligible State receiving a grant under section 202 or 204 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

''(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 or 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each succeeding year of the grant.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"SEC. 206. ACCOUNTABILITY AND EVALUATION.

''(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

''(1) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319).

''(2) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students as defined by the eligible State.

''(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

''(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative programs.

''(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

''(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

''(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

''(B) promotes strong teaching skills.

''(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

''(1) increased student achievement for all students, as measured by the partnership;

''(2) increased teacher retention in the first 3 years of a teacher's career;

''(3) increased success in the pass rate for initial State certification or licensure of teachers;

''(4) increased percentage of highly qualified teachers; and

''(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

''(c) REVOCATION OF GRANT.—

''(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

''(2) REVOCATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

''(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

"SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

''(1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

''(3) A description of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

''(4) The percentage of students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

''(5) For students who have completed at least 50 percent of the requirements for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

''(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

''(7) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs in the State, including indicators of teacher candidate skills and academic content knowledge and evidence of gains in student academic achievement.

''(8) For each teacher preparation program in the State, the number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

''(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (8) of subsection (a). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

''(A) a comparison of States' efforts to improve teaching quality; and

''(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(c) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''(d) INSTITUTION AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information:

''(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed at least 50 percent of the requirements for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

''(ii) A comparison of the institution or program's pass rate for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average pass rate for institutions and programs in the State.

''(iii) A comparison of the institution or program's average raw score for students who have completed at least 50 percent of the requirements for the teacher preparation program with the average raw scores for institutions and programs in the State.

''(iv) In the case of programs with fewer than 10 students who have completed at least 50 percent of the requirements for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

''(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

''(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

''(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(e) DATA QUALITY.—Either—

''(1) the Governor of the State; or

''(2) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the

State to be responsible for teacher certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

"SEC. 208. STATE FUNCTIONS.

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a).

"(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

"(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

"SEC. 209. GENERAL PROVISIONS.

"(a) METHODS.—In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

"(b) SPECIAL RULE.—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

"(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

"(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments or pass rates.

"(c) LIMITATIONS.—

"(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

"(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

"(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

"SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which—

"(1) 45 percent shall be available for each fiscal year to award grants under section 202;

"(2) 45 percent shall be available for each fiscal year to award grants under section 203; and

"(3) 10 percent shall be available for each fiscal year to award grants under section 204.".

SEC. 3. PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY.

(a) ELIGIBILITY.—Section 222(a)(3)(D) of the Higher Education Act of 1965 (20 U.S.C. 1042(a)(3)(D)) is amended by inserting "nonprofit telecommunications entity," after "community-based organization,".

(b) PERMISSIBLE USES OF FUNDS.—Section 223(b)(1)(E) of the Higher Education Act of 1965 (20 U.S.C. 1043(b)(1)(E)) is amended to read as follows:

"(E) To use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 224 of the Higher Education Act of 1965 (20 U.S.C. 1044) is amended by striking "each of fiscal years 2002 and 2003." and inserting "fiscal year 2004 and each of the 4 succeeding fiscal years.".

SEC. 4. CENTERS OF EXCELLENCE.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—CENTERS OF EXCELLENCE

"SEC. 231. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are—

"(1) to help recruit and prepare teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom; and

"(2) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

"(b) DEFINITIONS.—As used in this part:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

"(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2) and that is—

"(i) a part B institution (as defined in section 322);

"(ii) a Hispanic-serving institution (as defined in section 502);

"(iii) a Tribal College or University (as defined in section 316);

"(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

"(v) a Native Hawaiian-serving institution (as defined in section 317(b));

"(B) a consortium of institutions described in subparagraph (A); or

"(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

"(2) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"SEC. 232. CENTERS OF EXCELLENCE.

"(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

"(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

"(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

"(A) retraining faculty; and

"(B) designing (or redesigning) teacher preparation programs that—

"(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

"(ii) promote strong teaching skills.

"(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

"(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

"(A) teacher or principal mentoring from exemplary teachers or principals; or

"(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

"(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

"(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

"(6) Activities authorized under sections 202, 203, and 204.

"(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

"(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

"(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

"SEC. 233. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 5. TRANSITION.

The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. BOEHNER demanded a recorded vote on passage of said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 17

¶75.12 [Roll No. 340]

AYES—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—17

Bartlett (MD)
Bishop (UT)
Flake
Franks (AZ)
Gilchrest
Gutknecht
Hefley
Jones (NC)
King (IA)
Kingston
Manzullo
Otter
Paul
Rohrabacher
Tancredo
Taylor (NC)
Toomey

NOT VOTING—13

Cramer
Edwards
Gephardt
Gibbons
Goss
Harman
Hastings (FL)
Janklow
Millender-McDonald
Moran (VA)
Owens
Pickering
Towns

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶75.13 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. BOEHNER, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections and conforming changes to the bill.

¶75.14 TEACHER RECRUITMENT AND RETENTION

Mr. BOEHNER, pursuant to House Resolution 309, called up the bill (H.R. 438) to increase the amount of student loans that may be forgiven for teachers of mathematics, science, and special education.

Pending consideration of said bill,

Pursuant to House Resolution 309, the following amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill was considered as adopted:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Teacher Recruitment and Retention Act of 2003''.

SEC. 2. INCREASED QUALIFIED LOAN AMOUNTS.

(a) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)) is amended by adding at the end the following new paragraph:

''(3) INCREASED AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—

''(A) SERVICE QUALIFYING FOR INCREASED AMOUNTS.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

''(i) a secondary school teacher—

''(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph; and

''(II) whose qualifying employment for purposes of such subsection has been teaching mathematics or science on a full-time basis; and

''(ii) an elementary or secondary school teacher—

''(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph;

''(II) whose qualifying employment for purposes of such subsection has been as a special education teacher whose primary responsibility is to provide special education to children with disabilities (as those terms are defined in section 602 of the Individuals with Disabilities Act); and

''(III) who, as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's special education training and has demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching.

''(B) ACCELERATED PAYMENT.—Notwithstanding the requirements of subsection (b)(1) and paragraph (1) of this subsection that 5 consecutive complete years of service have been completed prior to the receipt of loan forgiveness, in the case of service described in subparagraph (A) of this paragraph, the Secretary shall repay a portion of a borrower's loan obligation outstanding at the commencement of the qualifying service under this subsection, not to exceed a total of $17,500, in the following increments:

''(i) up to $1,750, or 10 percent of such outstanding loan obligation, whichever is less, at the completion of the second year of such service;

''(ii) up to $2,625, or 15 percent of such outstanding loan obligation, whichever is less, at the completion of the third year of such service;

''(iii) up to $4,375, or 25 percent of such outstanding loan obligation, whichever is less, at the completion of the fourth year of such service; and

''(iv) up to $8,750, or 50 percent of such outstanding loan obligation, whichever is less, at the completion of the fifth year of such service.

''(C) PROMISE TO COMPLETE SERVICE REQUIRED FOR ACCELERATED PAYMENT.—Any borrower who receives accelerated payment under this paragraph shall enter into an agreement to continue in the qualifying service for not less than 5 consecutive complete school years, or, upon a failure to complete such 5 years, to repay the United States, in accordance with regulations prescribed by the Secretary, the amount of the loans repaid by the Secretary under this paragraph, together with interest thereon and, to the extent required in such regulations, the reasonable costs of collection. Such regulations may provide for waiver by the Secretary of such repayment obligations upon proof of economic hardship as specified in such regulations.

''(D) HIGHER POVERTY ENROLLMENT REQUIRED.—In order to qualify for an increased repayment amount under this paragraph, section 465(a)(2)(A) shall, for purposes of subsection (b)(1)(A) of this section, be applied by substituting '40 percent of the total enrollment' for '30 percent of the total enrollment'.''.

(b) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following new paragraph:

''(3) INCREASED AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—

''(A) SERVICE QUALIFYING FOR INCREASED AMOUNTS.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary shall repay under this section shall not be more than $17,500 in the case of—

''(i) a secondary school teacher—

''(I) who meets the requirements of subsection (b)(1), subject to subparagraph (D) of this paragraph; and

''(II) whose qualifying employment for purposes of such subsection has been teaching mathematics or science on a full-time basis; and

''(ii) an elementray or secondary school teacher—

''(I) who meets the requirements of subsection (b)(1), subject to subparagraph (D) of this paragraph; and

''(II) whose qualifying employment for purposes of such subsection has been as a special education teacher whose primary responsibility is to provide special education to children with disabilities (as those terms are defined in section 602 of the Individuals with Disabilities Act); and

''(III) who, as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, is teaching children with disabilities that correspond with the borrower's special education training and has demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching.

''(B) ACCELERATED PAYMENT.—Notwithstanding the requirements of subsection (b)(1)(A) and paragraph (1) of this subsection that 5 consecutive complete years of service have been completed prior to the receipt of loan forgiveness, in the case of service described in subparagraph (A) of this paragraph, the Secretary shall repay a portion of a borrower's loan obligation outstanding at the commencement of the qualifying service under this subsection, not to exceed a total of $17,500, in the following increments:

''(i) up to $1,750, or 10 percent of such outstanding loan obligation, whichever is less, at the completion of the second year of such service;

''(ii) up to $2,625, or 15 percent of such outstanding loan obligation, whichever is less, at the completion of the third year of such service;

''(iii) up to $4,375, or 25 percent of such outstanding loan obligation, whichever is less, at the completion of the fourth year of such service; and

''(iv) up to $8,750, or 50 percent of such outstanding loan obligation, whichever is less, at the completion of the fifth year of such service.

''(C) PROMISE TO COMPLETE SERVICE REQUIRED FOR ACCELERATED PAYMENT.—Any borrower who receives accelerated payment under this paragraph shall enter into an agreement to continue in the qualifying service for not less than 5 consecutive complete school years, or, upon a failure to complete such 5 years, to repay the United States, in accordance with regulations prescribed by the Secretary, the amount of the loans repaid by the Secretary under this paragraph, together with interest thereon and, to the extent required in such regulations, the reasonable costs of collection. Such regulations may provide for waiver by the Secretary of such repayment obligations upon proof of economic hardship as specified in such regulations.

''(D) HIGHER POVERTY ENROLLMENT REQUIRED.—In order to qualify for an increased repayment amount under this paragraph, section 465(a)(2)(A) shall, for purposes of subsection (b)(1)(A)(i) of this section, be applied by substituting '40 percent of the total enrollment' for '30 percent of the total enrollment'.''.

SEC. 3. IMPLEMENTING HIGHLY QUALIFIED TEACHER REQUIREMENTS.

(a) AMENDMENTS.—

(1) FFEL LOANS.—Section 428J(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(b)(1)) is amended—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A); and

(B) by striking subparagraphs (B) and (C) and inserting the following:

''(B) if employed as an elementary or secondary school teacher, is highly qualified as defined in section 9101(23) of the Elementary Secondary Education Act of 1965; and''.

(2) DIRECT LOANS.—Section 460(b)(1)(A) of such Act (20 U.S.C. 1087j(b)(1)(A)) is amended—

(A) by inserting ''and'' after the semicolon at the end of clause (i); and

(B) by striking clauses (ii) and (iii) and inserting the following:

''(ii) if employed as an elementary or secondary school teacher, is highly qualified as defined in section 9101(23) of the Elementary Secondary Education Act of 1965; and''.

(b) TRANSITION RULE.—

(1) RULE.—The amendments made by subsection (a) of this section to sections 428J(b)(1) and 460(b)(1)(A) of the Higher Education Act of 1965 shall not be applied to disqualify any individual who, before the date of enactment of this Act, commenced service that met and continues to meet the requirements of such sections as in effect before such date of enactment.

(2) RULE NOT APPLICABLE TO INCREASED QUALIFIED LOAN AMOUNTS.—Paragraph (1) of this subsection shall not apply for purposes of obtaining increased qualified loan amounts under sections 428J(b)(3) and 460(b)(3) of the Higher Education Act of 1965 as added by section 2 of this Act.

SEC. 4. INFORMATION ON BENEFITS TO RURAL SCHOOL DISTRICTS.

The Secretary shall—

(1) notify local educational agencies eligible to participate in the Small Rural Achievement Program authorized under subpart 1 of part B of title VI of the Elementary and Secondary Education Act of 1965 of the benefits available under the amendments made by this Act; and

(2) encourage such agencies to notify their teachers of such benefits.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 309, Mr. George MILLER of California, submitted the following further amendment:

Page 2, line 24, strike ''and''; on page 3, line 24, strike the period and insert ''; and'' and after such line insert the following:

''(iii) an elementary or secondary school teacher who primarily teaches reading and—

''(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph;

''(II) who has obtained a separate reading instruction credential from the State in which the teacher is employed; and

''(III) who is certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed to teach reading—

''(aa) as being proficient in teaching the essential components of reading instruction as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

''(bb) as having such credential.

Page 6, line 18, strike ''and''; on page 7, line 17, strike the period and insert ''; and'' and after such line insert the following:

''(iii) an elementary or secondary school teacher who primarily teaches reading and—

''(I) who meets the requirements of subsection (b), subject to subparagraph (D) of this paragraph;

''(II) who has obtained a separate reading instruction credential from the State in which the teacher is employed; and

''(III) who is certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed to teach reading—

''(aa) as being proficient in teaching the essential components of reading instruction as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

''(bb) as having such credential.

After debate,

Pursuant to House Resolution 309, the previous question was ordered on the bill, as amended, and on the further amendment.

The question being put, viva voce,

Will the House agree to said further amendment?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

So the further amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

Mr. BOEHNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced that further proceedings on the bill were postponed.

¶75.15 PROVIDING FOR THE CONSIDERATION OF H.R. 2657

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 311):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes. All points of order against the bill and against its consideration are waived. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

When said resolution was considered.

After debate,

Mr. LINDER submitted the following amendment in the nature of a substitute which was agreed to:

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes. The bill shall be considered as read for amendment. The amendment specified in section 2 shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. The amendment refereed to in the first section of this resolution is as follows:

Page 6, after line 22, insert the following:

SEC. 102. None of the funds in this Act may be used to provide supplemental dental or vision health insurance benefits for Members and employees of the House of Representatives.

Mr. LINDER, moved the previous question on the resolution, as amended, to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. OSE, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. OSE, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶75.16 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2660

On motion of Mr. YOUNG of Florida, by unanimous consent,

Ordered, That any general debate in the Committee of the Whole on the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, be limited to three hours equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

¶75.17 PROVIDING FOR THE CONSIDERATION OF H.R. 2660

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 312):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived except section 217(b). Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Ms. PRYCE of Ohio moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 223 / Nays ..... 200 }

¶75.18 [Roll No. 341]

YEAS—223

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)

Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Ballenger
Cramer
Edwards
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.19 H. RES. 311—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 311) providing for consideration of the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 13

¶75.20 [Roll No. 342]

AYES—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
English
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—13

Clay
Engel
Eshoo
Holt
Jones (OH)
Kennedy (RI)
LaTourette
Miller, George
Mollohan
Murtha
Rahall
Towns
Wynn

NOT VOTING—10

Cramer
Edwards
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶75.21 H.R. 438—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on the passage of the bill (H.R. 438) to increase the amount of student loans that may be forgiven for teachers of mathematics, science, and special education.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 7

¶75.22 [Roll No. 343]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner

Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Duncan
Flake
Franks (AZ)
Hefley
Hostettler
King (IA)
Paul

NOT VOTING—10

Cramer
Edwards
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶75.23 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, July 8, 2003.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

When there appeared ....
Yeas 362
Nays 54
Answered present 1

¶75.24 [Roll No. 344]

AYES—362

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—54

Baird
Baldwin
Berry
Brady (PA)
Capuano
Carson (OK)
Costello
Crane
DeFazio
DeGette
Delahunt
English
Fattah
Filner
Gillmor
Green (TX)
Gutknecht
Hefley
Hill
Hinchey
Israel
Jones (OH)
Kennedy (MN)
Kucinich
Lewis (GA)
LoBiondo
Matheson
Matsui
McDermott
McGovern
Miller, George
Oberstar
Olver
Pastor
Peterson (MN)
Ramstad
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Shadegg
Slaughter
Stenholm
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—17

Cramer
Duncan
Edwards
Fossella
Gephardt
Gibbons
Gingrey
Goss
Harman
Harris
Janklow
Millender-McDonald
Moore
Ose
Owens
Rogers (MI)
Wicker

So the Journal was approved.

¶75.25 LEGISLATIVE BRANCH APPROPRIATIONS FY 2004

Mr. KINGSTON, pursuant to House Resolution 311, called up the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 311, the bill was considered as read for amendment and the following amendment in section 2 of House Resolution 311 was considered as adopted:

On page 6, after line 22, insert the following new section:

''Sec. 102. None of the funds in the Act may be used to provide supplemental dental or vision health insurance benefits for Members and employees of the House of Representatives.''.

The previous question having been ordered by said resolution.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HEFLEY, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 394 / Nays 26

¶75.26 [Roll No. 345]

YEAS—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—26

Becerra
Berry
Brown (OH)
Doggett
Flake
Goode
Graves
Green (TX)
Green (WI)
Hulshof
Jones (NC)
Kennedy (MN)
Kind
Kleczka
Lofgren
Lucas (KY)
Matheson
Paul
Petri
Ramstad
Royce
Ryan (WI)
Sensenbrenner
Shimkus
Stearns
Tanner

NOT VOTING—14

Cramer
Edwards
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Murtha
Owens
Pickering
Portman
Wicker

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶75.27 AGRICULTURE APPROPRIATIONS FY 2004

Mr. BONILLA submitted a privileged report (Rept. No. 108–193) on the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶75.28 MESSAGE FROM THE PRESIDENT—DISTRICT OF COLUMBIA BUDGET FY 2004

The SPEAKER pro tempore, Mr. HEFLEY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with my constitutional authority and sections 202(c) and (e) of the District of Columbia Financial Management and Responsibility Assistance Act of 1995 and section 446 of the District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2004 Budget Request Act.

The proposed Fiscal Year 2004 Budget Request Act reflects the major programmatic objectives of the Mayor and the Council of the District of Columbia. For Fiscal Year 2004, the District estimates total revenues and expenditures of $5.6 billion.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 9, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (H. Doc. 108–99).

And then,

¶75.29 ADJOURNMENT

On motion of Mr. INSLEE, at 11 o'clock and 56 minutes p.m., the House adjourned.

¶75.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONILLA: Committee on Appropriations. H.R. 2673. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–193). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. House Resolution 30. Resolution concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico (Rept. 108–194). Referred to the House Calendar.

¶75.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NORWOOD (for himself, Mr. BOYD, Ms. HART, and Mr. DEAL of Georgia):

H.R. 2671. A bill to provide for enhanced Federal, State, and local enforcement of the immigration laws of the United States; to the Committee on the Judiciary.

By Mrs. MUSGRAVE (for herself, Mr. AKIN, Mr. BAKER, Mr. BALLENGER, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. CAMP, Mr. CARTER, Mr. CHABOT, Mr. COBLE, Mr. COLE, Mr. COX, Mr. CRANE, Mrs. CUBIN, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. LEWIS of Kentucky, Mr. DELAY, Mr. LINDER, Mr. DEMINT, Mr. FEENEY, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. HALL, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HENSARLING, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. MCINNIS, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. ROHRABACHER, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. SHADEGG, Mr. SESSIONS, Mr. SMITH of Michigan, Mr. SOUDER, Mr. STEARNS, Mr. STENHOLM, Mr. TANCREDO, Mr. THORNBERRY, Mr. TIAHRT, Mr. TOOMEY, Mr. VITTER, Mr. WELDON of Florida, Mr. WICKER, and Mr. WILSON of South Carolina):

H.R. 2672. A bill to amend title 23, United States Code, to permit voluntary compliance with provisions relating to the rate of wage paid to laborers and mechanics employed on Federal-aid highway projects; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA:

H.R. 2674. A bill to amend the Higher Education Act of 1965 to provide for student loan forgiveness to encourage individuals to become and remain librarians in low income areas; to the Committee on Education and the Workforce.

By Mr. CRANE:

H.R. 2675. A bill to amend the Internal Revenue Code of 1986 to treat Indian tribes the same as State governments for purposes of chapter 35 of such Code; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2676. A bill to amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice; to the Committee on Armed Services.

By Mr. FRANK of Massachusetts:

H.R. 2677. A bill to amend title 1, United States Code, to eliminate any Federal policy on the definition of marriage; to the Committee on the Judiciary.

By Mr. INSLEE:

H.R. 2678. A bill to expand the teacher loan forgiveness programs under the guaranteed and direct student loan programs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself and Mr. BISHOP of New York):

H.R. 2679. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to make New York a member of the New England Fishery Management Council; to the Committee on Resources.

By Mr. LEWIS of Georgia (for himself, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Ms. NORTON, Ms. CARSON of Indiana, Mr. BALLANCE, Mr. DELAHUNT, Mr. CLAY, Mr. LANGEVIN, Mr. DAVIS of Alabama, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Ms. MAJETTE, Ms. DELAURO, Mr. MCDERMOTT, Mr. CASE, Mr. SMITH of Washington, Mr. FERGUSON, Mr. MARKEY, Mr. HONDA, Ms. LOFGREN, Mr. FRANK of Massachusetts, Mr. SKELTON, Mr. RAHALL, Mr. GILCHREST, Mr. LEACH, Mr. PORTMAN, Mr. BERMAN, Mr. THOMPSON of Mississippi, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TERRY, Ms. LEE, Mr. FORD, Ms. WATSON, Mr. MEEKS of New York, Mr. RUSH, Ms. WATERS, Mr. MEEK of Florida, Mr. UPTON, Mr. JACKSON of Illinois, Mr. HOUGHTON, Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. JEFFERSON, Mr. PALLONE, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. SANDLIN, Mr. SCOTT of Virginia, Mr. SHAYS, Mr. SNYDER, Mr. REYES, Mr. KENNEDY of Rhode Island, Mr. LARSEN of Washington, Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. ACEVEDO-VILA, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. DINGELL, Mr. SERRANO, Mr. ABERCROMBIE, Mr. BECERRA, Mr. LAMPSON, Mr. MCGOVERN, Mr. FROST, Mr. HINCHEY, Mr. TOWNS, Mr. WATT, Ms. WOOLSEY, Mr. GONZALEZ, Mr. RANGEL, Mr. WYNN, Mr. HASTINGS of Florida, Mr. MOORE, Ms. SLAUGHTER, and Mr. OWENS):

H.R. 2680. A bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement; to the Committee on Financial Services.

By Mrs. LOWEY (for herself, Mr. BOEHLERT, Ms. ROYBAL-ALLARD, and Ms. NORTON):

H.R. 2681. A bill to amend title 23, United States Code, to increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY:

H.R. 2682. A bill to amend the Internal Revenue Code of 1986 to reduce estate tax rates by 20 percent, to increase the unified credit against estate and gift taxes to the equivalent of a $3,000,000 exclusion and to provide an inflation adjustment of such amount, and for other purposes; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Mr. WILSON of South Carolina, Mr. LANGEVIN, Mr. WELDON of Pennsylvania, Mr. LANTOS, Mr. WALSH, Ms. NORTON, Mr. BOEHLERT, Mr. MCNULTY, Mr. GREENWOOD, Mr. OWENS, Mr. ANDREWS, Mr. HINCHEY, Mr. SKELTON, Mr. HOLDEN, Mr. CAPUANO, Mr. PAYNE, Mr. ROTHMAN, Mr. BRADY of Pennsylvania, and Mrs. MCCARTHY of New York):

H.R. 2683. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROSS:

H.R. 2684. A bill to provide emergency assistance to producers that have suffered crop losses due to disasters; to the Committee on Agriculture.

By Mr. ROTHMAN (for himself, Mr. FROST, Mr. PALLONE, Mr. TERRY, Mr. MENENDEZ, Ms. WOOLSEY, Mr. HINOJOSA, Mr. ORTIZ, Mr. WHITFIELD, Mr. RUPPERSBERGER, Mr. EVANS, Mrs. MCCARTHY of New York, Mr. BOSWELL, Mr. GREEN of Texas, Mr. CASE, Mr. ETHERIDGE, Ms. LINDA T. SANCHEZ of California, Ms. DELAURO, Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mr. MCHUGH, Mr. OWENS, Mr. CROWLEY, Mrs. BONO, Mr. NADLER, and Mr. HYDE):

H.R. 2685. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Matching Grant Program for School Security; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 2686. A bill to ensure the safety of recreational fishermen and other persons who use motor vehicles to access beaches adjacent to the Brigantine Wilderness Area in the Edwin B. Forsythe National Wildlife Refuge, New Jersey, by providing a narrow transition zone above the mean high tide line where motor vehicles can be safely driven and parked; to the Committee on Resources.

By Mr. STUPAK:

H.R. 2687. A bill to allow beach maintenance and grooming of certain areas; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO:

H.R. 2688. A bill to amend the Immigration and Nationality Act to repeal authorities relating to H1-B visas for temporary workers; to the Committee on the Judiciary.

By Mr. TAYLOR of Mississippi (for himself, Mr. PICKERING, Mr. THOMPSON of Mississippi, and Mr. WICKER):

H.R. 2689. A bill to establish the Mississippi Gulf Coast National Heritage Area in the State of Mississippi, and for other purposes; to the Committee on Resources.

By Mrs. WILSON of New Mexico (for herself, Mr. PEARCE, Mr. ABERCROMBIE, Mr. CASE, Mr. UDALL of New Mexico, Mr. YOUNG of Alaska, and Mr. REHBERG):

H.R. 2690. A bill to amend the Native American Languages Act to provide for the support of Native American language survival schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROHRABACHER:

H.J. Res. 64. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H. Res. 314. A resolution congratulating the University of Illinois Fighting Illini men's tennis team for their successful season; to the Committee on Education and the Workforce.

By Mr. SESSIONS (for himself, Mr. FROST, Mr. BURGESS, Mr. HENSARLING, Mr. PAUL, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 315. A resolution congratulating Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanking him for being a role model for the Cuban American community, as well as for all Americans; to the Committee on Government Reform.

¶75.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. MCDERMOTT and Mr. GREEN of Texas.
H.R. 43: Mr. AKIN.
H.R. 97: Mr. SMITH of New Jersey, Mr. FORD, Mr. RAHALL, Mr. HAYES, Mrs. NAPOLITANO, Mr. BILIRAKIS, Ms. HART, and Mr. PETERSON of Minnesota.
H.R. 186: Mr. OWENS.
H.R. 218: Mr. BURGESS.
H.R. 236: Mrs. DAVIS of California, Mr. MOORE, Mr. ALLEN, Mr. STRICKLAND, and Mr. KLECZKA.
H.R. 262: Mr. OTTER.
H.R. 303: Mr. SAM JOHNSON of Texas and Mr. NEUGEBAUER.
H.R. 331: Mr. BORDALLO and Mr. SAXTON.
H.R. 333: Ms. JACKSON-LEE of Texas and Mr. INSLEE.
H.R. 369: Ms. LORETTA SANCHEZ of California.
H.R. 371: Mr. LARSON of Connecticut and Mr. STRICKLAND.
H.R. 375: Mr. MCCRERY.
H.R. 384: Mr. MCINNIS.
H.R. 391: Mr. BONILLA and Mr. GARY G. MILLER of California.
H.R. 449: Mr. LARSEN of Washington.
H.R. 450: Mr. VAN HOLLEN.
H.R. 528: Mr. BACA and Mr. FROST.
H.R. 627: Mr. SHIMKUS.
H.R. 648: Mr. MCINTYRE.
H.R. 665: Ms. BORDALLO and Mr. HONDA.
H.R. 673: Mr. BURGESS.
H.R. 687: Mr. SHAW.
H.R. 720: Mr. NEUGEBAUER.
H.R. 721: Mr. PLATTS.
H.R. 741: Mr. MOORE.
H.R. 768: Mr. BURNS.
H.R. 791: Mr. LEWIS of Kentucky, Mr. FLETCHER, Mrs. JOHNSON of Connecticut, Mr. CALVERT, Mr. DELAHUNT, Mr. JENKINS, and Mr. TOWNS.
H.R. 833: Mr. HILL and Mr. FOSSELLA.
H.R. 876: Mr. BOEHLERT, Mr. PUTNAM, Mr. GRIJALVA, and Ms. BALDWIN.
H.R. 879: Mr. COSTELLO.
H.R. 886: Mr. FOLEY.
H.R. 898: Mr. QUINN and Mr. HYDE.
H.R. 906: Mr. BOOZMAN, Mr. MORAN of Kansas, and Mr. NETHERCUTT.
H.R. 997: Mr. SAM JOHNSON of Texas, Mr. FOLEY, and Mr. BUYER.
H.R. 1005: Mr. JONES of North Carolina.
H.R. 1046: Ms. LORETTA SANCHEZ of California and Mr. EMANUEL.
H.R. 1048: Mr. FOLEY.
H.R. 1049: Mr. KINGSTON.
H.R. 1059: Mr. ANDREWS.
H.R. 1066: Mr. KILDEE.
H.R. 1068: Mr. SHIMKUS, Mr. SANDERS, Mr. EMANUEL, Mr. BOOZMAN, Mr. CANNON, and Mr. OLVER.
H.R. 1078: Mr. GILCHREST and Mr. THORNBERRY.
H.R. 1083: Mr. RAMSTAD.
H.R. 1102: Mr. SANDLIN.
H.R. 1125: Mr. DEMINT, Ms. ESHOO, Mr. KENNEDY of Rhode Island, Mr. DICKS, Mrs. MALONEY, Ms. GRANGER, and Mr. FEENEY.
H.R. 1130: Mr. LAMPSON.
H.R. 1157: Mr. MILLER of Florida.
H.R. 1174: Mr. DAVIS of Illinois.
H.R. 1179: Mr. BARRETT of South Carolina.
H.R. 1210: Ms. HARMAN and Mr. HONDA.
H.R. 1225: Mr. GOODLATTE.
H.R. 1227: Mr. BACHUS.
H.R. 1231: Mr. CAMP, Mrs. KELLY, Mrs. MYRICK, Ms. PRYCE of Ohio, Ms. DUNN, and Mr. MEEKS of New York.
H.R. 1250: Mr. RENZI, Mr. MORAN of Kansas, and Mr. RAMSTAD.
H.R. 1294: Mr. LIPINSKI and Mr. LANGEVIN.
H.R. 1296: Mr. WEXLER and Mr. RANGEL.
H.R. 1316: Mr. HONDA.
H.R. 1321: Mr. MCDERMOTT.
H.R. 1336: Mr. THORNBERRY, Mr. CHOCOLA, and Mr. ROGERS of Alabama.
H.R. 1355: Mr. WEXLER, Mr. SANDERS, Ms. LINDA T. SANCHEZ of California, Mr. MCGOVERN, Mr. COSTELLO.
H.R. 1428: Mr. CARDIN and Mr. ISAKSON.
H.R. 1464: Ms. WOOLSEY.
H.R. 1472: Mr. BRADY of Pennsylvania, Mr. LEWIS of California, Mr. KING of Iowa, Mr. LANTOS, Mr. GARY G. MILLER of California, Mr. PITTS, Mr. REGULA, Mr. GREENWOOD, Mr. FORBES, Mrs. MCCARTHY of New York, and Mr. KINGSTON.
H.R. 1478: Mr. MCINTYRE.
H.R. 1499: Mr. GREEN of Texas.
H.R. 1523: Mr. LAMPSON, Ms. MILLENDER-MCDONALD, and Ms. DUNN.
H.R. 1543: Mr. SHUSTER.
H.R. 1622: Mr. MCINTYRE, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. DICKS, Mr. BERRY, Mr. SULLIVAN, Ms. ESHOO, Mr. REYES, Mr. ROSS, Mr. VAN HOLLEN, and Mr. PASTOR.
H.R. 1638: Mr. STRICKLAND.
H.R. 1671: Mr. KENNEDY of Minnesota.
H.R. 1676: Mr. CALVERT, Mr. KILDEE, and Mr. PASTOR.
H.R. 1707: Mr. HOEKSTRA, Mr. RYUN of Kansas, Mr. WELDON of Florida, Mrs. MYRICK, Mr. THORNBERRY, Mr. TERRY, Mr. TIAHRT, and Mr. NADLER.
H.R. 1726: Ms. GINNY BROWN-WAITE of Florida, Mr. GUTIERREZ, and Mrs. CHRISTENSEN.
H.R. 1742: Mr. CARDOZA, Mrs. TAUSCHER, and Mr. RYAN of Wisconsin.
H.R. 1746: Mr. ANDREWS, Mr. WEXLER, and Mr. OLVER.
H.R. 1749: Mr. RAMSTAD, Mr. GUTIERREZ, Mr. YOUNG of Alaska, Mr. OBEY, Mr. MURTHA, Mr. JENKINS, Mr. UDALL of New Mexico, Mr. SIMMONS, Mr. TOWNS, Mr. MCINTYRE, Mr. PETERSON of Minnesota, and Mr. WELDON of Pennsylvania.
H.R. 1750: Mr. FOLEY.
H.R. 1752: Mr. THOMPSON of Mississippi, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mr. HICHNEY, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, and Mr. SPRATT.
H.R. 1758: Mr. MARKEY, Mr. LANTOS, Mr. GRIJALVA, Mr. WEXLER, Mr. DAVIS of Florida, and Mr. RYAN of Ohio.
H.R. 1767: Mr. OTTER.
H.R. 1769: Mr. LANGEVIN.
H.R. 1783: Mr. BISHOP of Utah.
H.R. 1818: Mr. DELAHUNT.
H.R. 1819: Mr. CRENSHAW and Mr. WELDON of Florida.
H.R. 1828: Mr. JONES of North Carolina, Mr. NORWOOD, Mr. LEWIS of Kentucky, Mrs. MYRICK, Mr. GREENWOOD, Mr. KINGSTON, Mr. MURPHY, Mrs. BLACKBURN, Mr. BARRETT of South Carolina, Mr. NETHERCUTT, Mr. AKIN, Mr. COLLINS, Mr. CAMP, Mr. EDWARDS, Mr. BERRY, Mr. RYAN of Ohio, Mrs. DAVIS of California, and Mr. MARSHALL.
H.R. 1870: Mr. PAUL.
H.R. 1886: Mr. VISCLOSKY.
H.R. 1900: Mr. HOLDEN, Mr. COOPER, Mr. LEVIN, Mr. MCCOTTER, Mr. GREEN of Wisconsin, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. WAMP, Mr. TERRY, Mr. SABO, Mrs. KELLY, Mr. KNOLLENBERG, Mr. GRIJALVA, Mr. LARSON of Connecticut, Mr. SCOTT of Georgia, Mr. WEINER, Mr. MCINNIS, Mr. MCINTYRE, Mr. CARDOZA, Mr. BACA, Mr. PAYNE, Mr. PASCRELL, Mr. BLUNT, Mr. SCHIFF, Mr. DAVIS of Tennessee, Mr. LEACH, Ms. CARSON of Indiana, Mr. TURNER of Texas, Mr. COSTELLO, Mr. MARSHALL, Mr. GEORGE MILLER of California, Mr. BRADLEY of New Hampshire, and Mr. CONYERS.
H.R. 1910: Mr. BAKER and Mr. CLAY.
H.R. 1914: Mr. SNYDER, Mr. FALEOMAVAEGA, and Mr. GILLMOR.
H.R. 1933: Mr. GEORGE MILLER of California.
H.R. 1939: Mr. JEFFERSON and Mr. FRANK of Massachusetts.
H.R. 1951: Mr. MICHAUD.
H.R. 2032: Mr. KIND, Mr. WAXMAN, and Ms. MAJETTE.
H.R. 2052: Mr. DAVIS of Illinois and Mr. DAVIS of Alabama.
H.R. 2062: Ms. WATERS.
H.R. 2131: Mr. ISAKSON, Mr. FROST, and Mr. FOSSELLA.
H.R. 2157: Mr. MCDERMOTT.
H.R. 2172: Mr. SMITH of Michigan and Ms. HART.
H.R. 2173: Mr. CONYERS and Mr. GUTIERREZ.
H.R. 2180: Mr. OSE.
H.R. 2214: Mrs. JO ANN DAVIS of Virginia, Mr. VITTER, Mr. FALEMAVAEGA, Mr. GILLMOR, Mr. FOSSELLA, and Mr. OTTER.
H.R. 2217: Mr. KIND, Mr. EVANS, Mr. FROST, Mr. BROWN of Ohio, and Mrs. CHRISTENSEN.
H.R. 2218: Mr. BURR.
H.R. 2220: Mr. FROST and Mr. DOGGETT.
H.R. 2239: Mr. FILNER, Mr. LANTOS, Mr. ROTHMAN, and Ms. CORRINE BROWN of Florida.
H.R. 2246: Mr. VITTER, Mr. BOYD, Mr. GOODE, and Mr. MURPHY.
H.R. 2250: Mr. FATTAH, Mr. TOWNS, and Mr. WAMP.
H.R. 2256: Mr. HOLDEN.
H.R. 2295: Mr. BRADY of Pennsylvania.
H.R. 2297: Mr. ROYCE.
H.R. 2311: Mr. HALL, Mr. REHBERG, and Mr. TIAHRT.
H.R. 2337: Mr. SESSIONS.
H.R. 2339: Mr. ANDREWS.
H.R. 2340: Mr. EHLERS.
H.R. 2356: Mr. BROWN of Ohio.
H.R. 2366: Mr. OWENS, Mr. JACKSON of Illinois, and Mr. DAVIS of Alabama.
H.R. 2379: Mr. TIAHRT.
H.R. 2416: Mr. ANDREWS.
H.R. 2440: Mrs. MILLER of Michigan.
H.R. 2462: Mr. LANTOS, Mrs. NAPOLITANO, Mr. CROWLEY, and Mrs. LOWEY.
H.R. 2482: Mr. BACHUS and Mr. SMITH of New Jersey.
H.R. 2485: Mrs. LOWEY.
H.R. 2504: Mr. GUTIERREZ, Mr. WEXLER, Mr. MEEK of Florida, Mr. THOMPSON of Mississippi, Mr. INSLEE, and Mr. JEFFERSON.
H.R. 2505: Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Mr. NEAL of Massachusetts, and Mr. FROST.
H.R. 2512: Mrs. MALONEY.
H.R. 2517: Mr. JENKINS and Mr. KELLER.
H.R. 2545: Mr. KUCINICH.
H.R. 2546: Mr. GREEN of Texas.
H.R. 2574: Mr. FARR.
H.R. 2577: Mr. CARTER.
H.R. 2579: Mr. KENNEDY of Minnesota.
H.R. 2581: Mr. MORAN of Virginia.
H.R. 2591: Mr. TERRY.
H.R. 2595: Mr. MICHAUD and Mr. FALEOMAVAEGA.
H.R. 2601: Mr. BOUCHER.
H.R. 2603: Mr. HERGER, Mr. OTTER, and Mr. BISHOP of Utah.
H.R. 2615: Mr. MOLLOHAN.
H.R. 2621: Mr. THOMPSON of California, Ms. CORRINE BROWN of Florida, and Mrs. CHRISTENSEN.

H.R. 2626: Mr. EHLERS, Mr. ROGERS of Michigan, Mr. SIMMONS, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. REGULA, and Mr. KILDEE.

H.R. 2662: Mr. PASCRELL.

H.R. 2665: Mr. QUINN, Ms. WOOLSEY, and Mr. LOBIONDO.

H.J. Res. 50: Mr. TERRY, Mr. UPTON, and Mr. WALDEN of Oregon.

H. Con. Res. 93: Mr. UPTON.

H. Con. Res. 111: Mr. MARKEY.

H. Con. Res. 119: Mr. DEMINT and Mr. RYAN of Wisconsin.

H. Con. Res. 126: Mr. JONES of North Carolina.

H. Con. Res. 213: Mr. STUPAK, Mr. ENGEL, Mr. CONYERS, Mrs. JONES of Ohio, Mr. DINGELL, and Mr. WAXMAN.

H. Con. Res. 215: Mr. EHLERS.

H. Con. Res. 233: Mr. SMITH of New Jersey.

H. Con. Res. 240: Mr. KUCINICH.

H. Res. 21: Ms. MCCARTHY of Missouri.

H. Res. 144: Mr. KUCINICH and Mr. RYAN of Ohio.

H. Res. 198: Ms. HARRIS and Mr. WELDON of Florida.

H. Res. 238: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. THOMPSON of Mississippi.

H. Res. 259: Mrs. LOWEY and Mr. BARRETT of South Carolina.

H. Res. 273: Mrs. LOWEY and Mr. GONZALEZ.

H. Res. 274: Mr. JOHNSON of Illinois, Mr. FROST, Mr. BACA, Mr. DAVIS of Tennessee, Mr. STENHOLM, Mr. CANNON, Mr. INSLEE, and Mr. BISHOP of Utah.

H. Res. 285: Mr. MATSUI, Mr. SHERMAN, Mr. KIRK, Mr. CROWLEY, Mr. CRANE, Mr. ACKERMAN, Mr. HOLDEN, Mr. ENGLISH, Mrs. MILLER of Michigan, Mr. MARKEY, Mrs. MYRICK, Mrs. LOWEY, and Ms. JACKSON-LEE of Texas.

H. Res. 296: Ms. MCCARTHY of Missouri.

H. Res. 304: Mr. FLETCHER, Mr. WELDON of Pennsylvania, Mr. SNYDER, and Ms. GRANGER.

H. Res. 307: Mr. GEORGE MILLER of California and Mr. MCDERMOTT.

¶75.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. GILLMOR.

THURSDAY, JULY 10, 2003 (76)

¶76.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10 a.m. by the SPEAKER pro tempore, Mr. SIMMONS, who laid before the House the following communication:

WASHINGTON, DC,
July 10, 2003.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶76.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SIMMONS, announced he had examined and approved the Journal of the proceedings of Wednesday, July 9, 2003.

Mr. MCNULTY, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SIMMONS, announced that the yeas had it.

Mr. MCNULTY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that the vote would be postponed until later today.

The point of no quorum was considered as withdrawn.

¶76.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3092. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3093. A letter from the Director, Defense Procurement and Acquision Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Deletion of Federal Prison Industries Clearance Exception [DFARS Case 2003-D006] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3094. A letter from the Director, Defense Procurement and Acquision Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting Requirements Update [DFARS Case 2003-D002] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3095. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Minimum Funding Under the Indian Housing Block Grant Program [Docket No. FR-4825-I-01] (RIN: 2577-AC43) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3096. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Deregulation for Small Public Housing Agencies [Docket No. FR-4753-F-02] (RIN: 2577-AC34) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3097. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3098. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's plans regarding the remaining 700 MHz auctions, and describes the progress made by the Commission in the digital television transition and other spectrums, pursuant to Public Law 107—195 (116 Stat. 715); to the Committee on Energy and Commerce.

3099. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — 2002 Biennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 [MB Docket 02-277]; Cross-Ownership of Broadcast Stations and Newspapers [MM Docket 01-235]; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets [MM Docket 01-317]; Definition of Radio Markets [MM Docket 00-244]; Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area [MB Docket 03-130] Received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3100. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 10-03 which informs of an intent to sign a Project Agreement between the United States and Israel concerning a Smart Adaptive Fin (SAF) Prototype Study, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3101. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 08-03 which informs of intent to sign Amendment Number One to the Tactical Communications Post 2000 Memorandum of Understanding (TACOMS Post 2000 MOU) between the United States, Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3102. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 11-03 which informs of an intent to sign a Project Agreement between the United States and Singapore concerning Protective Suit Development and Evaluation Technologies, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3103. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 09-03 which informs of intent to sign Amendment Number One to the Project Arrangement between the United States and the United Kingdom concerning the Radar Frequency Interferometer (RFI) User Data Module (UDM) for the Apache Longbow helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3104. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements transmitted to the Congress after expiration of the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3105. A letter from the Secretary, Department of Education, transmitting the semiannual report to Congress on Audit Follow-up for the period October 1, 2002 through March 31,2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3106. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3107. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3108. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3109. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3110. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3111. A letter from the White House Liaison, Department of Justice, transmitting a

report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3112. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3113. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3114. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3115. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3116. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3117. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3118. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2002 to March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3119. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3120. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Albemarle and Chesapeake Canal, AICW, Virginia [CGD05-03-059] (RIN: 1625-AA09) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3121. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Huron, Harrisville, MI [CGD09-03-228] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3122. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Saginaw River, Bay City, MI [CGD09-03-229] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3123. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston-03-105] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3124. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marblehead Fourth of July Fireworks, Marblehead, Massachusetts [CGD01-03-023] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3125. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boston 4th of July Fireworks-Charles River, Boston, Massachusetts [CGD01-03-050] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3126. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Tribute to the Troops, 4th of July Fireworks, Salem, Massachusetts [CGD01-03-069] (RIN: 1625-AA00) received July 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3127. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distributions of Interest in a Loss Corporation from Qualified Trusts [REG-108676-03] (RIN: 1545-BC00) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3128. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Deadline for Allocating Private Activity Bond State Ceiling Among Issuing Authorities Under Section 146(e) (Notice 2003-41) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3129. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Substantiation of Incidental Expenses [TD 9064] (RIN: 1545-BB20) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3130. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 6038--Returns required with respect to controlled foreign partnerships [TD 9065] (RIN: 1545-BA77) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3131. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Returns Regarding Payments of Remuneration for Services and Direct Sales (Rev. Rul. 2003-66) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3132. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Minimum Funding Standards (Rev. Rul. 2003-83) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3133. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Outbound Liquidations into Foreign Corporations [TD 9066] (RIN: 1545-BA79) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3134. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distribution of stock and securities of a controlled corporation (Rev. Rul. 2003-79) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3135. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distribution of Stock and Securities of a Controlled Corporation (Rev. Rul. 2003-74) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3136. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2003-77) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3137. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Notice 2003-46) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3138. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2003-50) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Extension of Time to Elect Mid-quarter Convention Relief Under Notice 2001-70 and Notice 2001-74 (Notice 2003-45) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3140. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2003-46) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3141. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Membership Organizations (Rev. Rul. 2003-73) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3142. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Accelerated Cost Recovery System (Rev. Rul. 2003-81) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶76.4 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, July 9, 2003.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SIMMONS, announced that the yeas had it.

Mr. MCNULTY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared ....
- Yeas 341
- Nays 64
- Answered present 1

¶76.5 [Roll No. 346]

YEAS—341

Ackerman	Ballance	Becerra
Akin	Ballenger	Bell
Alexander	Barrett (SC)	Bereuter
Andrews	Bartlett (MD)	Berkley
Baca	Barton (TX)	Berman
Bachus	Bass	Berry
Baker	Beauprez	Biggert

Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cox
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Sullivan
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velazquez
Vitter
Walden (OR)
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—64

Abercrombie
Aderholt
Allen
Baird
Baldwin
Brady (PA)
Brown (OH)
Capuano
Carson (OK)
Cooper
Costello
Crane
DeFazio
English
Everett
Filner
Gutknecht
Hart
Hefley
Hinchey
Holt
Hulshof
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
Lewis (GA)
LoBiondo
Majette
Markey
Matheson
McDermott
McNulty
Miller, George
Moore
Oberstar
Obey
Olver
Pelosi
Peterson (MN)
Platts
Ramstad
Sabo
Shadegg
Slaughter
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Toomey
Udall (CO)
Udall (NM)
Visclosky
Weller
Wicker
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—28

Burton (IN)
Clay
Cramer
Cubin
Dingell
Edwards
Fattah
Fletcher
Fossella
Gephardt
Gibbons
Goss
Gutierrez
Harman
Hyde
McGovern
Millender-McDonald
Murtha
Owens
Oxley
Paul
Peterson (PA)
Rangel
Towns
Walsh
Waters
Weldon (PA)
Young (AK)

So the Journal was approved.

¶76.6 INTERIOR APPROPRIATIONS FY 2004

Mr. TAYLOR of North Carolina submitted a privileged report (Rept. No. 108–195) on the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶76.7 LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to House Resolution 312 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2660) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. SIMMONS, by unanimous consent, designated Mr. LATOURETTE as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. MCHUGH, assumed the Chair.

When Mr. LATOURETTE, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶76.8 ORDER OF BUSINESS—CONSIDERATION OF AMENDMENTS TO H.R. 2660

On motion of Mr. YOUNG of Florida, by unanimous consent,

Ordered, That it may be in order during consideration of H.R. 2660 in the Committee of the Whole pursuant to House Resolution 312, no amendment to the bill may be offered except--pro forma amendments offered by the chairman and ranking minority member of the Committee on Appropriations, the Majority Leader, or the Minority Leader or their designees for the purpose of debate; amendments printed in the Congressional RECORD and numbered 3, 4, 5, and 8, each of which shall be debatable for 10 minutes; the amendment printed in the Congressional RECORD and numbered 6, which shall be debatable for 20 minutes; an amendment in the nature of a substitute by Mr. Obey regarding overtime regulations, which shall be debatable for 30 minutes; an amendment by Mr. Obey, regarding SCHIP, which shall be debatable for 10 minutes; an amendment by Mr. Obey, which shall be debatable for 10 minutes; an amendment by Mr. Tancredo regarding school safety, which shall be debatable for 10 minutes; an amendment by Mr. Allen regarding title I of the Elementary and Secondary Education Act, which shall be debatable for 30 minutes; and an amendment by Mr. Toomey regarding National Institute of Health grants, which shall be debatable for 20 minutes. Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Each amendment shall be debatable only for the time specified equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

¶76.9 LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. MCHUGH, pursuant to House Resolution 312 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2660) making appropriations fro the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Mr. LATOURETTE, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶76.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the preferential motion submitted by Mr. OBEY that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

It was decided in the negative ..... { Yeas ..... 199 / Nays 222

¶76.11 [Roll No. 347]

AYES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Conyers
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Kingston
Millender-McDonald
Owens
Whitfield

So the preferential motion was not agreed to.

After some further time,

¶76.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the preferential motion submitted by Mr. OBEY that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

It was decided in the negative ..... { Yeas ..... 197 / Nays 224

¶76.13 [Roll No. 348]

AYES—197

Abercrombie
Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—224

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly

Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Allen
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Gilchrest
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

So the preferential motion was not agreed to.

¶76.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. RAHALL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to implement amendments to Department of Labor Mine Safety and Health Administration regulations parts 70, 75, and 90 of title 30, Code of Federal Regulations, as proposed on March 6, 2003.

It was decided in the negative ..... { Yeas ..... 210 / Nays ..... 212 }

¶76.15 [Roll No. 349]

AYES—210

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—212

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cox
Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

So the amendment was not agreed to.

¶76.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ALLEN:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used to enforce any requirement that a school be identified for improvement, corrective action, or restructuring under section 1116 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316 et seq.), or to otherwise implement any penalty or sanction applicable to a State, a State educational agency, a local educational agency, or a school under such part A, if the amount appropriated in this Act for the purpose of carrying out such part A for fiscal year 2004 is less than $18,500,000,000, as authorized to be appropriated for such purpose in section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)).

It was decided in the negative ..... { Yeas ..... 199 / Nays ..... 223 }

¶76.17 [Roll No. 350]

AYES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski

Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cramer
Ehlers
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

So the amendment was not agreed to.

¶76.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided under this Act shall be used to promulgate or implement any regulation that exempts from the requirements of section 7 of the Fair Labor Standards Act of 1938 (29 U.S. C. 207) any employee who is not otherwise exempted pursuant to regulations under section 13 of such Act (20 U.S.C. 213) that were in effect as of July 11, 2003.

It was decided in the negative ..... { Yeas ..... 210 / Nays 213

¶76.19 [Roll No. 351]

AYES—210

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Houghton
Millender-McDonald
Owens
Payne
Sanchez, Loretta

So the amendment was not agreed to.

After some further time,

¶76.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment, as modified, submitted by Mr. TOOMEY:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. __. None of the funds made available in this Act for the National Institutes of Health may be used to fund grant number R01HD043689 R03HD039206, R01DA013896, or R01MH065871.

SEC. __. None of the funds made available in this Act may be used to fund grant number R01HD039789 at the National Institutes of Health.

It was decided in the negative ..... { Yeas ..... 210; Nays ..... 212; Answered present 1

¶76.21 [Roll No. 352]

AYES—210

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Israel
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
LaHood
Latham
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Wynn
Young (AK)

NOES—212

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gilchrest
Gillmor
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Simmons
Simpson
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Young (FL)

ANSWERED ''PRESENT''—1

Bereuter

NOT VOTING—11

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Millender-McDonald
Owens
Payne
Sanchez, Loretta

So the amendment, as modified, was not agreed to.

The SPEAKER pro tempore, Mr. THORNBERRY, assumed the Chair.

When Mr. LATOURETTE, Chairman, pursuant to House Resolution 312, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

In the item relating to ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY—HEALTHCARE RESEARCH AND QUALITY'', insert before the period at the end the following:

: *Provided*, That, of the funds made available under this heading, $12,000,000 shall be for the conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices under subparagraph (B) of section 912(b)(2) of the Public Health Service Act (42 U.S.C. 299b–1(b)(2))

Page 62 line 21, after the dollar amount, insert the following: ''increased by $5,000,000''.

Page 63 line 5, after the dollar amount, insert the following: ''increased by $5,000,000''.

Page 68 line 2, after the dollar amount, insert the following: ''reduced by $5,000,000''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 215; Nays 208

¶76.22 [Roll No. 353]

YEAS—215

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Foley
Forbes
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)

Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crane
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Franks (AZ)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—12

Cramer
Fletcher
Fossella
Gephardt
Gibbons
Goss
Harman
Janklow
Millender-McDonald
Owens
Payne
Sanchez, Loretta

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶76.23 HOUR OF MEETING

On motion of Mr. ROGERS of Michigan, by unanimous consent,

Ordered, That when the House adjourns today it adjourn to meet at 10:30 a.m. on Monday, July 14, 2003, for morning-hour debate.

¶76.24 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. ROGERS of Michigan, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, July 16, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶76.25 JOINT MEETING TO RECEIVE THE RIGHT HONORABLE TONY BLAIR

On motion of Mr. ROGERS of Michigan, by unanimous consent,

Ordered, That that it may be in order at any time on Thursday, July 17, 2003, for the Speaker to declare the House in recess, subject to the call of the Chair, for the purposes of receiving in joint meeting The Right Honorable Tony Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

¶76.26 CHECK CLEARING FOR THE 21ST CENTURY

On motion of Mr. TIBERI, by unanimous consent, the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. TIBERI, it was,

Resolved, That the House disagree to the amendment of the Senate and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. THORNBERRY, by unanimous consent, appointed Messrs. OXLEY, BACHUS, LATOURETTE, Ms. HART, Messrs. TIBERI, FRANK of Massachusetts, SANDERS, and FORD as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

And then,

¶76.27 ADJOURNMENT

On motion of Mr. PAUL, pursuant to the previous order of the House, at 9 o'clock and 14 minutes p.m., the House adjourned until 10:30 a.m. on Monday, July 14, 2003.

¶76.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 2691. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–195). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. House Concurrent Resolution 159. A resolution declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day (Rept. 108–196). Referred to the House Calendar.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2595. A bill to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002 (Rept. 108–197). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2357. A bill to amend title 38, United States Code, to establish standards of access to care for Veterans seeking health care from the Department of Veterans Affairs, and for other purposes; with amendments (Rept. 108–198). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1516. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; with amendments (Rept. 108–199). Referred to the Committee of the Whole House on the State of the Union.

¶76.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2692. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974 for fiscal years 2004 through 2006, and for other purposes; to the Committee on Science.

By Mr. GILCHREST (for himself and Mr. POMBO):

H.R. 2693. A bill to reauthorize the Marine Mammal Protection Act of 1972, and for other purposes; to the Committee on Resources.

By Mr. FERGUSON (for himself, Mr. TOWNS, and Mr. SOUDER):

H.R. 2694. A bill to establish a program to transfer surplus computers of Federal agencies to schools and nonprofit community-based educational organizations, and for other purposes; to the Committee on Government Reform.

By Ms. HART:

H.R. 2695. A bill to designate Pennsylvania State Route 60 and United States Routes 22 and 30 as part of the Dwight D. Eisenhower National System of Interstate and Defense Highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RENZI (for himself, Mr. HAYWORTH, Mr. MCINNIS, Mr. KOLBE, Mr. PEARCE, and Mr. TANCREDO):

H.R. 2696. A bill to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of South Carolina:

H.R. 2697. A bill to amend the Internal Revenue Code of 1986 to provide an additional personal exemption for certain dependents with long-term care needs; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. TOWNS, Mr. FLETCHER, and Mr. WALDEN of Oregon):

H.R. 2698. A bill to provide for a system of health insurance certificates to increase the number of Americans with health insurance coverage; to the Committee on Energy and Commerce.

By Mr. BURR (for himself, Mr. GILLMOR, Ms. MCCARTHY of Missouri, Mr. OTTER, Mr. BRADLEY of New Hampshire, Ms. DUNN, Mr. DEAL of Georgia, Mr. PETRI, Mr. THOMPSON of Mississippi, Mr. TERRY, Mr. ISSA, Mr. TOWNS, Mr. BOEHNER, Mr. FOLEY, Mr. SHUSTER, Mr. KOLBE, and Mr. CRENSHAW):

H.R. 2699. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COX (for himself, Mr. NORWOOD, Mr. ISSA, Mr. ENGEL, Mr. BOUCHER, Mr. BERMAN, and Mr. POMEROY):

H.R. 2700. A bill to amend title XVIII of the Social Security Act to revise the methodology by which payment for orphan drugs and biologicals is made under program prospective payment system for hospital outpatient department services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 2701. A bill to amend title 10, United States Code, to extend to additional military retirees with service-connected disabilities the special compensation authority provided for certain retirees with combat-related disabilities; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. MCGOVERN, Mr. SANDERS, Mr. OWENS, Mr. FRANK of Massachusetts, and Mr. GREEN of Texas):

H.R. 2702. A bill to amend the Immigration and Nationality Act with respect to the admission of L-1 intra-company transferree nonimmigrants; to the Committee on the Judiciary.

By Mr. GERLACH (for himself and Mr. ENGLISH):

H.R. 2703. A bill to reserve a small percentage of the amounts made available to the Secretary of Agriculture for the farmland protection program to fund challenge grants to encourage the purchase of conservation easements and other interests in land to be held by a State agency, county, or other eligible entity, and for other purposes; to the Committee on Agriculture.

By Mr. LARSEN of Washington (for himself, Mr. COBLE, Mr. DICKS, Mr. GEORGE MILLER of California, Mr. LANTOS, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. ISRAEL, Ms. LOFGREN, Ms. MILLENDER-MCDONALD, Mr. INSLEE, Mr. MCINTYRE, Mrs. TAUSCHER, Ms. LEE, Mr. NADLER, and Mr. HONDA):

H.R. 2704. A bill to extend the authorization for the ferry boat discretionary program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LUCAS of Kentucky:

H.R. 2705. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and certain parcels sent from within the United States to members of the Armed Forces serving on active duty abroad who are engaged in military operations involving armed conflict against a hostile foreign force, and for other purposes; to the Committee on Government Reform.

By Mr. MCCRERY (for himself, Mr. MCINNIS, and Mr. MATSUI):

H.R. 2706. A bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns; to the Committee on Ways and Means.

By Mr. PEARCE (for himself, Mr. STENHOLM, Mr. MCINNIS, Mrs. WILSON of New Mexico, Mr. HUNTER, Mr. BONILLA, Mr. RENZI, Mr. CANNON, Mr. MATHESON, Mr. THORNBERRY, Mr. GRIJALVA, Mr. NEUGEBAUER, Mr. MORAN of Kansas, and Mr. OSBORNE):

H.R. 2707. A bill to direct the Secretaries of the Interior and Agriculture, acting through the U. S. Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the U. S. Forest Service; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 2708. A bill to provide for the security of commercial nuclear power plants and facilities designated by the Nuclear Regulatory Commission; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 2709. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on House Administration.

By Mr. TAYLOR of North Carolina:

H.R. 2710. A bill to ensure that a flag is furnished to drape the casket of each public safety officer killed in the line of duty; to the Committee on the Judiciary.

By Mr. WU (for himself, Mr. SIMMONS, Mr. WAXMAN, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. SANDERS, Mr. CLAY, Mr. FARR, Mr. FILNER, Mr. RAHALL, Mr. FORD, Mr. PETRI, Mr. MCNULTY, Mr. SCOTT of Georgia, Mr. HOLDEN, Mr. MCGOVERN, Ms. WOOLSEY, Mr. GOODE, Mr. BOUCHER, Mr. SANDLIN, Ms. LEE, Mr. OWENS, Mr. CONYERS, Mr. ETHERIDGE, Mr. LANTOS, Mr. BISHOP of Georgia, Mr. UDALL of Colorado, Ms. JACKSON-LEE of Texas, Mr. BROWN of Ohio, Mr. SHAYS, Ms. BALDWIN, Mr. ROTHMAN, Mr. SERRANO, Mr. CLYBURN, Mr. RYAN of Ohio, Mr. RUSH, Ms. LOFGREN, Mr. MURPHY, Mr. WEXLER, Mr. RANGEL, Ms. LORETTA SANCHEZ of California, Mr. TERRY, Mr. PETERSON of Minnesota, Mr. GILLMOR, Mr. HOLT, Mr. ISRAEL, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. DOYLE, Mr. ROSS, Ms. WATSON, Mr. MOORE, and Mr. GRIJALVA):

H.R. 2711. A bill to permit refinancing of Federal student consolidation loans, and to permit students freedom to select a student loan consolidator; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself and Mr. QUINN):

H.R. 2712. A bill to authorize the Surface Transportation Board to direct the continued operation of certain commuter rail passenger transportation operations in emergency situations, and for other purposes; to the Committee on Transportation and Infrastructure.

¶76.30 MEMORIALS

Under clause 3 of rule XII,

138. The SPEAKER presented a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 2 memorializing the United States Congress to enact legislation requiring the Secretary of Commerce not to implement any new federal restrictions on the New England multispecies fishery until the certain conditions have been met, and not before May 1, 2006; to the Committee on Resources.

¶76.31 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. STUPAK introduced a bill (H.R. 2713) for the relief of Mai Thi Thuy Nuong; which was referred to the Committee on the Judiciary.

¶76.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. CASE and Mr. BURR.
H.R. 110: Mr. ISAKSON, Mr. BAKER, Mr. GREEN of Wisconsin, and Mr. NORWOOD.
H.R. 135: Mr. CARDOZA.
H.R. 208: Mr. GEORGE MILLER of California.
H.R. 218: Ms. HARRIS, Mr. POMBO, and Mr. CULBERSON.
H.R. 333: Mr. BALLENGER.
H.R. 369: Mr. UPTON.
H.R. 371: Mr. ENGEL and Mr. DEUTSCH.
H.R. 375: Mr. MICHAUD.
H.R. 380: Mr. OTTER and Mr. CALVERT.
H.R. 401: Mr. MCGOVERN and Mr. HOYER.
H.R. 439: Mr. FALEOMAVAEGA.
H.R. 466: Mr. BURR.
H.R. 486: Mr. COLLINS.
H.R. 490: Mr. WATT.
H.R. 591: Mr. SHAYS.
H.R. 595: Mr. FOLEY.
H.R. 687: Mr. MANZULLO.
H.R. 737: Mr. CASE.
H.R. 742: Mr. BAKER and Mr. CUNNINGHAM.
H.R. 790: Mr. MANZULLO.
H.R. 832: Mr. MICHAUD and Ms. MILLENDER-MCDONALD.
H.R. 839: Mr. SNYDER, Mr. CHOCOLA, Mr. LANGEVIN, Mrs. TAUSCHER, Ms. GRANGER, Ms. SLAUGHTER, Mr. NEUGEBAUER, Mr. BACA, Mr. RODRIGUEZ, Mr. NUNES, Mr. LATOURETTE, and Mr. MARSHALL.
H.R. 857: Mr. JEFFERSON and Mr. LIPINSKI.
H.R. 887: Mr. DAVIS of Florida.
H.R. 931: Mr. STEARNS.
H.R. 935: Mr. MCGOVERN, Mr. BISHOP of New York, and Mr. MICHAUD.
H.R. 962: Mr. WEINER, Mr. LEWIS of Georgia, Mr. SPRATT, Mr. KENNEDY of Rhode Island, Ms. JACKSON-LEE of Texas, Mr. LARSON

of Connecticut, Mr. DOGGETT, Ms. LEE, Mr. CONYERS, Mr. LANGEVIN, and Mr. RUPPERSBERGER.

H.R. 997: Mr. BONNER and Mr. DUNCAN.

H.R. 1014: Ms. DUNN.

H.R. 1083: Mr. TERRY and Mr. TOM DAVIS of Virginia.

H.R. 1085: Mr. CRAMER, Mr. WICKER, and Ms. ESHOO.

H.R. 1088: Mr. REYES and Mr. HINOJOSA.

H.R. 1096: Mr. SMITH of New Jersey and Mr. RODRIGUEZ.

H.R. 1097: Ms. KILPATRICK.

H.R. 1100: Mr. GREEN of Wisconsin.

H.R. 1103: Mr. NADLER.

H.R. 1108: Mr. ANDREWS.

H.R. 1118: Mr. CARDOZA, Mr. FORD, Mr. LARSEN of Washington, Mr. KIND, Mr. GOODLATTE, and Mr. DAVIS of Florida.

H.R. 1131: Mr. RANGEL.

H.R. 1157: Mr. LAMPSON.

H.R. 1160: Mr. CASE, Ms. BERKLEY, Mr. ETHERIDGE, Mr. LUCAS of Oklahoma, Mr. DAVIS of Tennessee, Mr. BEAUPREZ, and Mr. JONES of North Carolina.

H.R. 1173: Mr. WICKER.

H.R. 1200: Mr. DICKS, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. DAVIS of Illinois, and Ms. NORTON.

H.R. 1202: Mr. BOYD, Mr. OSBORNE, Mr. MORAN of Kansas, and Mr. ALEXANDER.

H.R. 1212: Mr. BISHOP of Georgia.

H.R. 1231: Mr. TOWNS.

H.R. 1258: Mr. LANTOS.

H.R. 1301: Mr. WELDON of Pennsylvania and Ms. BALDWIN.

H.R. 1309: Mr. BISHOP of Georgia.

H.R. 1315: Mr. EHLERS.

H.R. 1359: Mr. DAVIS of Illinois.

H.R. 1367: Mr. DAVIS of Tennessee.

H.R. 1372: Mr. WAMP, Mr. CANNON, Mr. JOHN, Mr. SENSENBRENNER, and Mr. SHADEGG.

H.R. 1414: Mr. HINCHEY and Mr. FRANK of Massachusetts.

H.R. 1426: Mr. GEORGE MILLER of California.

H.R. 1472: Mrs. NAPOLITANO, Mrs. TAUSCHER, Mr. QUINN, Mr. SHAW, and Mr. SERRANO.

H.R. 1483: Ms. ESHOO and Mr. MEEHAN.

H.R. 1489: Mr. NUNES.

H.R. 1516: Mr. EVANS, Mr. MICHAUD, and Mr. SMITH of New Jersey.

H.R. 1519: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1581: Mr. MCGOVERN, Mr. BOYD, Mr. SMITH of Washington, and Mr. FILNER.

H.R. 1606: Mr. KINGSTON.

H.R. 1628: Mr. JOHN, Mr. FALEOMAVAEGA, and Mr. THOMPSON of Mississippi.

H.R. 1675: Mr. LARSEN of Washington.

H.R. 1678: Mr. SENSENBRENNER.

H.R. 1695: Mr. STARK and Ms. LINDA T. SANCHEZ of California.

H.R. 1707: Mr. GOODLATTE, Mr. COBLE, and Mr. STRICKLAND.

H.R. 1708: Mr. HOLT, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. HINOJOSA, Ms. WOOLSEY, Mr. WU, Mr. DICKS, Mr. HINCHEY, Mr. JOHN, Mr. RAHALL, Mr. BALLANCE, Mr. RUSH, and Mr. SHERMAN.

H.R. 1713: Mr. BISHOP of Georgia.

H.R. 1720: Mr. PORTER.

H.R. 1752: Ms. NORTON, Mr. SERRANO, Mr. TOWNS, Ms. KILPATRICK, and Mr. Frost.

H.R. 1769: Mr. REHBERG, Mr. JACKSON of Illinois, and Mr. BERMAN.

H.R. 1776: Mr. LUCAS of Kentucky.

H.R. 1796: Mr. ANDREWS.

H.R. 1800: Mr. LARSON of Connecticut.

H.R. 1813: Mr. HONDA, Mr. SANDERS, Mr. BROWN of Ohio, Mrs. DAVIS of California, Mr. STARK, Ms. WOOLSEY, Mr. PETERSON of Minnesota, and Mr. RAMSTAD.

H.R. 1819: Mr. LATHAM.

H.R. 1824: Mr. ABERCROMBIE, Mr. MANZULLO, Mr. HOLDEN, Mr. LANTOS, Mr. TERRY, and Mr. BARRETT of South Carolina.

H.R. 1865: Mr. NEY and Mr. OWENS.

H.R. 1884: Mr. BALLENGER.

H.R. 1905: Mr. BAIRD.

H.R. 1910: Mr. EDWARDS.

H.R. 1916: Mr. CLAY, Mr. DAVIS of Alabama, Mr. ROSS, Mr. STARK, and Mr. BISHOP of Georgia.

H.R. 1926: Mr. SHAYS.

H.R. 1930: Mr. DELAHUNT.

H.R. 1956: Mr. RAMSTAD, Mr. RYAN of Ohio, and Ms. NORTON.

H.R. 1997: Mr. ROGERS of Michigan.

H.R. 2068: Mr. STARK, Mr. MORAN of Virginia, Mr. INSLEE, and Mr. BAIRD.

H.R. 2069: Mr. STARK, Mr. MORAN of Virginia, Mr. GREENWOOD, Mr. INSLEE, and Mr. BAIRD.

H.R. 2079: Mr. ROGERS of Alabama, Mr. SHAYS, and Mr. CLAY.

H.R. 2092: Mr. KUCINICH.

H.R. 2124: Mr. FALEOMAVAEGA and Mr. ACEVEDO-VILA.

H.R. 2154: Mr. BAIRD, Mr. MANZULLO, and Mr. SHAYS.

H.R. 2174: Mrs. WILSON of New Mexico, Mr. OWENS, and Mr. KUCINICH.

H.R. 2181: Mr. LAHOOD and Mr. KLINE.

H.R. 2183: Mr. ROSS.

H.R. 2193: Ms. LEE.

H.R. 2205: Ms. NORTON.

H.R. 2207: Mr. BROWN of Ohio.

H.R. 2216: Mr. PITTS.

H.R. 2224: Mr. SCHROCK.

H.R. 2235: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2237: Mr. HOLT and Mr. SIMMONS.

H.R. 2242: Mrs. CHRISTENSEN.

H.R. 2260: Mr. SHAW, Mr. GERLACH, Mr. TIAHRT, Ms. KILPATRICK, Mr. ENGLISH, Mr. EHLERS, Mr. UDALL of New Mexico, Mr. BAIRD, Mr. LARSEN of Washington, Mr. STARK, Mr. RYAN of Ohio, Mr. HOSTETTLER, and Mr. ACKERMAN.

H.R. 2269: Mr. WELDON of Florida.

H.R. 2297: Mr. UDALL of New Mexico.

H.R. 2303: Mr. CALVERT, Mr. KING of Iowa, and Mr. MILLER of Florida.

H.R. 2318: Mr. PASTOR, Mr. CLAY, Mr. BALLANCE, and Mr. LAMPSON.

H.R. 2323: Mrs. KELLY, Ms. ROS-LEHTINEN, and Mr. LIPINSKI.

H.R. 2327: Mr. LUCAS of Kentucky and Mr. ROGERS of Kentucky.

H.R. 2336: Mr. LIPINSKI.

H.R. 2340: Mr. TERRY.

H.R. 2352: Mr. CASE, Mr. MILLER of Florida, Ms. MILLENDER-MCDONALD, and Ms. BORDALLO.

H.R. 2353: Mr. MORAN of Virginia.

H.R. 2357: Mr. ROYCE, Mr. ENGLISH, and Mr. GOODE.

H.R. 2361: Mr. FALEOMAVAEGA.

H.R. 2418: Ms. MILLENDER-MCDONALD and Ms. MCCOLLUM.

H.R. 2433: Mr. UDALL of New Mexico, Mr. FALEOMAVAEGA, Ms. MILLENDER-MCDONALD, Mr. MATHESON, and Mr. CLAY.

H.R. 2442: Mr. GONZALEZ, Mr. SAXTON, and Mr. QUINN.

H.R. 2462: Mr. NEAL of Massachusetts, Mr. KANJORSKI, Mr. KILDEE, Mr. LIPINSKI, and Mr. BURTON of Indiana.

H.R. 2466: Mr. CARSON of Oklahoma, Mr. FORD, and Mr. WEXLER.

H.R. 2470: Mr. OWENS.

H.R. 2476: Mr. OWENS.

H.R. 2482: Mr. WEXLER.

H.R. 2515: Ms. SOLIS, Mr. WAXMAN, Mr. NETHERCUTT, Mr. TOWNS, Mr. RUSH, and Mr. JANKLOW.

H.R. 2517: Ms. GINNY BROWN-WAITE of Florida, Mr. TOWNS, Mr. BACHUS, and Mr. DEAL of Georgia.

H.R. 2524: Mr. HINCHEY and Mr. WEXLER.

H.R. 2528: Mr. SERRANO, Mrs. MCCARTHY of New York, and Mr. TOWNS.

H.R. 2553: Mr. OWENS, Mr. THOMPSON of Mississippi, Mr. BRADY of Pennsylvania, and Mr. BACHUS.

H.R. 2568: Mr. GILCHREST and Ms. MCCOLLUM.

H.R. 2569: Mr. KUCINICH, Mr. NEAL of Massachusetts, and Mr. BISHOP of Georgia.

H.R. 2581: Mr. CANTOR.

H.R. 2582: Mrs. JONES of Ohio, Mr. CONYERS, Mr. COOPER, Mr. WEXLER, and Mr. NEAL of Masschusetts.

H.R. 2620: Mr. ABERCROMBIE.

H.R. 2622: Mr. KENNEDY of Minnesota, Mr. SCOTT of Georgia, Mr. BOYD, Mr. WELDON of Florida, and Mr. ROGERS of Michigan.

H.R. 2625: Mr. VAN HOLLEN, Ms. LEE, Mr. DOGGETT, and Mr. MCDERMOTT.

H.R. 2655: Mr. MARKEY, Mrs. LOWEY, Mr. MCGOVERN, and Mr. FOSSELLA.

H.R. 2661: Mr. DEMINT, Mr. WILSON of South Carolina, and Mr. BROWN of South Carolina.

H.R. 2665: Mr. MCGOVERN, Ms. SOLIS, and Mr. GRIJALVA.

H.R. 2668: Mr. UPTON and Mr. STUPAK.

H.R. 2669: Mr. WAXMAN, Mr. CUMMINGS, Ms. WATSON, Mr. VAN HOLLEN, Mrs. MALONEY, Mr. BELL, Mr. OWENS, Mr. CLAY, Mr. LEWIS of Georgia, Ms. KILPATRICK, Ms. LEE, Ms. MAJETTE, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Virginia, Mrs. JONES of Ohio, Mr. FORD, Mr. JACKSON of Illinois, Mr. WATT, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. WYNN, Mrs. CHRISTENSEN, Mr. BALLANCE, Mr. PAYNE, Mr. BISHOP of Georgia, Mr. RANGEL, Mr. FATTAH, Ms. CARSON of Indiana, Mr. JEFFERSON, and Mr. CONYERS.

H.R. 2672: Mr. BEAUPREZ.

H.J. Res. 56: Mr. HOEKSTRA, Mr. BRADY of Texas, Mr. WHITFIELD, Mr. HUNTER, Mr. DOOLITTLE, Mr. BROWN of South Carolina, and Mr. CANTOR.

H. Con. Res. 71: Mr. SNYDER, Mr. OWENS, Mrs. JONES of Ohio, Mr. FROST, Mr. WYNN, Mr. MCNULTY, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, and Mr. MCDERMOTT.

H. Con. Res. 119: Mr. WELDON of Florida, Mr. BEAUPREZ, and Mr. TANCREDO.

H. Con. Res. 197: Mr. SOUDER, Mr. BLUNT, Mr. CAMP, Mr. GORDON, Mr. ROGERS of Kentucky, Mr. LUCAS of Kentucky, and Mr. TOOMEY.

H. Con. Res. 232: Mr. DEUTSCH, Mr. BERMAN, Mr. HOEFFEL, and Mrs. LOWEY.

H. Res. 38: Mr. GEORGE MILLER of California and Mr. LANTOS.

H. Res. 167: Mr. HONDA.

H. Res. 259: Mr. WEXLER.

H. Res. 261: Mr. SNYDER.

H. Res. 274: Mr. COBLE.

H. Res. 307: Ms. CARSON of Indiana, Mr. RYAN of Ohio, Ms. WATSON, Mr. ACKERMAN, Ms. LEE, Mr. LIPINSKI, Mr. HOEFFEL, Mr. HINCHEY, Mr. SERRANO, Mr. MCGOVERN, and Ms. JACKSON-LEE of Texas.

H. Res. 315: Ms. ROS-LEHTINEN and Mr. NEUGEBAUER.

¶76.33 PETITIONS, ETC.

Under clause 3 of rule XII,

22. The SPEAKER presented a petition of Lazar Simov Kovacevich, a citizen of Florida, relative to a Resolution petitioning the United States Congress for a thorough review of the Petition for Writ of Certiorari in the New York State Court of Appeals (Docket No. 02–8202); which was referred to the Committee on the Judiciary.

¶76.34 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTION

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows;

H.R. 1472: Mr. KING of Iowa and Mr. BURTON of Indiana.

MONDAY, JULY 14, 2003 (77)

¶77.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. COLE, who laid before the House the following communication:

WASHINGTON, DC,
July 14, 2003.

I hereby appoint the Honorable TOM COLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶77.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2657. An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2657) ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAMPBELL, Mr. BENNETT, Mr. STEVENS, Mr. COCHRAN, Mr. BOND, Mr. DURBIN, Mr. JOHNSON, Mr. BYRD, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The messages also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2559. An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2559) ''An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUYE, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested;

S. 886. An Act to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law, and for other purposes.

The message also announced that pursuant to Public Law 106–170, the Chair, on behalf of the Majority Leader, after consultation with the Ranking Member of the Senate Committee on Finance, announces the appointment of the following individual to serve as a member of the Ticket to Work and Work Incentives Advisory Panel: Thomas P. Golden of Tennessee, vice Vincent Randazzo, resigned.

¶77.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. COLE, pursuant to the order of the House of January 7, 2003, recognized Members for morning-hour debate.

¶77.4 RECESS—10:40 A.M.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 40 minutes a.m., until noon.

¶77.5 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. THORNBERRY, called the House to order.

¶77.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. THORNBERRY, announced he had examined and approved the Journal of the proceedings of Thursday, July 10, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶77.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3143. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Emamectin; Pesticide Tolerance [OPP-2003-0220; FRL-7316-6] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3144. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerance [OPP-2003-0196; FRL-7311-2] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3145. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin; Pesticide Tolerance [OPP-2003-0136; FRL-7310-7] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3146. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Bank Holding Companies and Change in Bank Control [Regulation Y; Docket No. R-1146] received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3147. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — New Drug, Antibiotic, and Biological Drug Product Regulations; Accelerated Approval; Technical Amendment [Docket No. 91N-0278] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3148. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Antiperspirant Drug Products For Over-the-Counter Human Use; Final Monograph [Docket No. 78N-0064] (RIN: 0910-AA01) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3149. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems, Child Restraint Anchorage Systems [Docket No. NHTSA-03-15438] (RIN: 2127-AH99) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3150. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems [Docket No. NHTSA-03-15351] (RIN: 2127-AI34) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3151. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Tire Safety Information [Docket No. NHTSA-02-13678] (RIN: 2127-AI32) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3152. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard for Santa Barbara, California [CA-282-0392; FRL-7515-3] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3153. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to State Implementation Plan [GA-60, GA-61-200332(a); FRL-7524-6] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3154. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Revisions to the Kentucky Nitrogen Oxides Budget and Allowance Trading Program [KY-142, 144-200330, FRL-7516-1] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3155. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 180-1180a; FRL-7513-9] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3156. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Wisconsin; Revised Motor Vehicle Emissions Inventories and Motor Vehicle Emissions Budgets using MOBILE6 [WI116-01-7346a; FRL-7515-5] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3157. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Correction of Designation of Areas for Air Quality Planning Purposes; California — PM-10 Nonattainment Areas [CA093-CORR; FRL-7516-9] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3158. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposals of Residential Lead-Based Paint Waste [FRL-7514-7] (RIN: 2050-AE86) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3159. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [OPPT-2003-0002; FRL-7314-5] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3160. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Polychlorinated Biphenyls; Use of Porous Surfaces; Amendment in Response to Court Decision [OPPT-2003-0029; FRL-7314-2] (RIN: 2070-AC01) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3161. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Qatar (Transmittal No. 06-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3162. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the Sultanate of Oman (Transmittal No. 07-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3163. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of Thailand (Transmittal No. 04-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3164. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the United Arab Emirates (Transmittal No. 05-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3165. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the Philippines (Transmittal No. 08-03), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3166. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3167. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3168. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3169. A letter from the General Counsel, Department of Housing and Urban Development, transmitting report on federal vacancy confirmed in Senate, position of Assistant Secretary for Congressional and Intergovernmental Relations; to the Committee on Government Reform.

3170. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-098-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3171. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-128-FOR] received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3172. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Change of Address for Submission of Certain Reports; Technical Amendment [FRL-7513-8] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3173. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 061803B] received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3174. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting The Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries; Correction [Docket No. 011219306-2283-02; I.D. 110501A] (RIN: 0648-AM44) received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3175. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Allocation of Fiscal Year 2003 Operator Training Grants — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3176. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Pollutant Discharge Elimination System--Amendment of Final Regulations Addressing Cooling Water Intake Structures for New Facilities; Final Rule [FRL-7514-9] (RIN: 2040-AD85) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3177. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Supplemental Allocation of Fiscal Year 2003 Operator Training Grants for Wastewater Security — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3178. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Government Property--Instructions for Preparing NASA Form 1018 — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3179. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2003-51) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶77.8 AGRICULTURE APPROPRIATIONS FY 2004

Mr. BONILLA moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year ending September 30, 2004, and for other purposes.

Pending said motion,

On motion of Mr. BONILLA, by unanimous consent,

Ordered, That time for general debate continue not to exceed one hour to be equally divided and controlled by Mr. BONILLA and Ms. KAPTUR.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

So the motion was agreed to.

Accordingly,

The House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of said bill.

The SPEAKER pro tempore, Mr. THORNBERRY, by unanimous consent, designated Mr. DREIER as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. GOODLATTE, assumed the Chair.

When Mr. RYAN of Wisconsin, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶77.9 ORDER OF BUSINESS— CONSIDERATION OF H.R. 2673

On motion of Mr. BONILLA, by unanimous consent,

Ordered, That it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule 18, to declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year ending September 30, 2004, and for other purposes, which shall proceed according to the following order: no further amendment to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; and an amendment by Ms. Kaptur regarding biofuels, which will be debatable for 20 minutes; an amendment by Ms. Kaptur regarding APHIS; an amendment by Ms. Kaptur regarding credit cards; an amendment by Ms. Kaptur regarding the website of the Department of Agriculture; and an amendment by Mr. Brown of Ohio regarding food safety, which shall be debatable for 20 minutes; each such amendment may be offered only by the Member designated in this request, or a designee, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Except as specified, each such amendment shall be debatable for

10 minutes, and debate on each amendment shall be equally divided and controlled by the proponent and an opponent. All points of order against each of the amendments shall be considered as reserved pending completion of debate thereon; and each of the amendments may be withdrawn by its proponent after debate thereon.

Ordered further, That at the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

¶77.10 AGRICULTURE APPROPRIATIONS FY 2004

Mr. BONILLA, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year ending September 30, 2004, and for other purposes.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. GOODLATTE, announced that the yeas had it.

So the motion was agreed to.

Accordingly,

The House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of said bill.

The SPEAKER pro tempore, Mr. GOODLATTE, by unanimous consent, designated Mr. RYAN of Wisconsin as Acting Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. GOODLATTE, assumed the Chair.

When Mr. RYAN of Wisconsin, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶77.11 MEDICARE PRESCRIPTION DRUG AND MODERNIZATION

On motion of Mr. TAUZIN, by unanimous consent, the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Programs, and for other purposes; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. TAUZIN, it was,

Resolved, That the House disagree to the amendments of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶77.12 MOTION TO INSTRUCT CONFEREES—H.R. 1

Mr. DAVIS of Tennessee moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 1, be instructed (1) to reject the provisions of subtitle C of title II of the House bill; and (2) that the House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

Pending consideration of said motion,

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 7(b)(2), rule XXII, divided the time for debate equally among Messrs. TAUZIN, RYAN of Wisconsin, and DAVIS of Florida.

When said motion was considered.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the nays had it.

Mr. DAVIS of Florida demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶77.13 CHAMBERS OF COMMERCE CONTRIBUTIONS

Mr. WALDEN of Oregon moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 215):

Whereas chambers of commerce throughout the United States contribute to the improvement of their communities and the strengthening of their local and regional economies;

Whereas in the Detroit, Michigan area, the Detroit Regional Chamber, originally known as the Detroit Board of Commerce, typifies the public-spirited contributions made by the chambers of commerce;

Whereas, on June 30, 1903, the Detroit Board of Commerce was formally organized with 253 charter members;

Whereas the Detroit Board of Commerce played a prominent role in the formation of the United States Chamber of Commerce;

Whereas the Detroit Board of Commerce participated in the ''Good Roads for Michigan'' campaign in 1910 and 1911, helping to gain voter approval of a $2,000,000 bond proposal to improve the roads of Wayne County, Michigan;

Whereas, in 1925, the Safety Council of the Detroit Board of Commerce helped develop the first traffic lights in Detroit;

Whereas, in 1927, the Detroit Board of Commerce brought together all of the cities, villages, and townships in southeast Michigan to tentatively establish boundaries for a metropolitan district for Detroit, embracing all or parts of Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties at the request of the United States Census Bureau in advance of the 1930 census;

Whereas, in 1932, the Federal Home Loan Bank Board designated the Detroit Board of Commerce as the authorized agent for stock subscriptions in the Federal Home Loan Bank, as an early response to the Great Depression;

Whereas, in 1945, the Detroit Board of Commerce promoted the extension of Victory Loans to veterans returning from service in the United States Armed Forces during World War II as a way of expressing gratitude for the veterans' wartime service, and raised more than half of the total amount contributed in Wayne County, Michigan;

Whereas, in 1969, the Detroit Board of Commerce, then known as the Greater Detroit Chamber of Commerce, was instrumental in the establishment of a bus network connecting inner-city workers with their jobs, which resulted in the creation of the Southeast Metropolitan Transportation Authority, now known as SMART;

Whereas the Detroit Board of Commerce has been known by several names during its century of existence, eventually becoming known as the Detroit Regional Chamber in November 1997;

Whereas the Detroit Regional Chamber is the largest chamber of commerce in the United States and has been in existence for over 100 years;

Whereas more than 19,000 businesses across southeast Michigan have decided to make an initial investment in the Detroit Regional Chamber to help develop the region;

Whereas the Detroit Regional Chamber has supported the concept of regionalism in southeast Michigan, representing the concerns of businesses and the region as a whole;

Whereas the mission of the Detroit Regional Chamber is to help power the economy of southeastern Michigan;

Whereas the Detroit Regional Chamber successfully advocates public policy concerns on behalf of its members at the local, regional, State, and National levels;

Whereas the Detroit Regional Chamber has implemented programs promoting diversity in its work force and has won recognition for such efforts;

Whereas the Detroit Regional Chamber is committed to promoting the interests of its members in the global marketplace through economic development efforts; and

Whereas on June 30, 2003, the Detroit Regional Chamber celebrates its 100th anniversary: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors and congratulates chambers of commerce for their efforts that contribute to the improvement of their communities and the strengthening of their local and regional economies.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, recognized Mr. WALDEN of Oregon and Mr. DINGELL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed

to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶77.14 100TH ANNIVERSARY OF HARLEY-DAVIDSON MOTOR COMPANY

Mr. WALDEN of Oregon moved to suspend the rules and agree to the following resolution (H. Res. 296):

Whereas in 1903, boyhood friends, hobby designers, and tinkerers William S. Harley, then 21 years old, and Arthur Davidson, then 20 years old, completed the design and manufacture of their first motorcycle, with help from Arthur Davidson's brothers, Walter Davidson and William A. Davidson;

Whereas, also in 1903, Harley and the Davidson brothers completed 2 additional motorcycles in a makeshift ''factory'' shed in the Davidson family's backyard at the corner of 38th Street and Highland Boulevard in Milwaukee, Wisconsin;

Whereas the design features and construction quality of the early Harley-Davidson motorcycles proved significantly more innovative and durable than most other motorcycles of the era, giving Harley-Davidson a distinct competitive advantage;

Whereas in 1905, Walter Davidson won the first of many motorcycle competition events, giving rise to a strong tradition of victory in motorcycle racing that continues today;

Whereas in 1906, Harley-Davidson Motor Company constructed its first building, financed by the Davidsons' uncle James McClay, on the site of the Company's current world headquarters one block north of the Davidson home site, and manufactured 50 motorcycles that year;

Whereas in 1907, Harley-Davidson Motor Company was incorporated and its 18 employees purchased shares;

Whereas in 1908, the first motorcycle for police duty was delivered to the Detroit Police Department, beginning Harley-Davidson's long and close relationship with law enforcement agencies;

Whereas in 1909, to enhance power and performance, Harley-Davidson added a second cylinder to its motorcycle, giving birth to its hallmark 45-degree V-Twin configuration and the legendary Harley-Davidson sound;

Whereas during the years 1907 through 1913, manufacturing space at least doubled every year, reaching nearly 300,000 square feet by 1914;

Whereas Arthur Davidson, during Harley-Davidson's formative years, set up a worldwide dealer network that would serve as the focal point of the company's ''close to the customer'' philosophy;

Whereas Harley-Davidson early in its history began marketing motorcycles as a sport and leisure pursuit, thus laying the groundwork for long-term prosperity;

Whereas in 1916, Harley-Davidson launched ''The Enthusiast'' magazine, which today is the longest running continuously published motorcycle magazine in the world;

Whereas also in 1916, Harley-Davidson motorcycles saw their first military duty in skirmishes in border disputes along the United States border with Mexico;

Whereas in World War I, Harley-Davidson supplied 17,000 motorcycles for dispatch and scouting use by the Allied armed forces, and the first Allied soldier to enter Germany after the signing of the Armistice was riding a Harley-Davidson motorcycle;

Whereas by 1920, Harley-Davidson was the world's largest motorcycle manufacturer, both in terms of floor space and production, with continual engineering and design innovation;

Whereas during the Great Depression of the 1930s, the company survived when all but 1 other domestic motorcycle manufacturer failed, on the strength of its product quality, the loyalty of its employees, dealers, and customers, steady police and commercial business, and a growing international presence;

Whereas in 1936, Harley-Davidson demonstrated foresight, resolve, and faith in the future by introducing the company's first overhead valve engine, the ''Knucklehead'' as it would come to be known, on its Model EL motorcycle, thus establishing the widely recognized classic Harley Davidson look and the company's reputation for styling;

Whereas Harley-Davidson workers in 1937 elected to be represented by the United Auto Workers of America, thus launching a proud tradition of working with Harley-Davidson to further build the company through advocacy and the development of effective programs and policies;

Whereas William H. Davidson, son of the late founder William A. Davidson, became president of Harley-Davidson in 1942 and would lead the company until 1971;

Whereas Harley-Davidson built more than 90,000 motorcycles for United States and Allied armed forces use during World War II, earning 4 Army-Navy ''E'' Awards for excellence in wartime production;

Whereas Harley-Davidson, during the 1950s and 1960s, recharged its sales and popularity with new models, including the Sportster and the Electra Glide, new engines, and other technological advances;

Whereas the Company developed the concept of the ''factory custom'' motorcycle with the 1971 introduction of the Super Glide and the 1977 Low Rider, under the design leadership of William ''Willie G'' Davidson, vice president of Styling and grandson of company founder William A. Davidson;

Whereas since 1980, as a national corporate sponsor of the Muscular Dystrophy Association, Harley-Davidson has raised more than $40,000,000 through company, dealer, customer, and supplier contributions, to fund research and health services;

Whereas in 1981, a group of 13 Harley-Davidson executives, led by chairman and CEO Vaughn Beals purchased Harley-Davidson from its then corporate parent AMF Incorporated;

Whereas by 1986, Harley-Davidson, against incredible odds, restored the company's reputation for quality and innovation and returned the company to vitality, thus ensuring a highly successful initial public stock offering;

Whereas throughout the 1980s and 1990s, Harley-Davidson became a national role model for positive labor-management relations, product innovation, manufacturing quality and efficiency, and phenomenal growth;

Whereas President Ronald Reagan, President William J. Clinton, and President George W. Bush all have visited Harley-Davidson manufacturing facilities and extolled the example set by Harley Davidson through its practices;

Whereas the Harley Owners Group, with more than 800,000 members and 1,200 chapters worldwide, is celebrating its 20th anniversary year in 2003 as a driving force in the company's heralded ''close to the customer'' operating philosophy; and

Whereas Harley-Davidson Motor Company is today the world's leading seller of large displacement (651 cc plus) motorcycles, with annual revenues in excess of $4,000,000,000, annual motorcycle shipments in excess of 290,000 units, strong international sales, and 17 consecutive years of annual revenue and earnings growth since becoming a publicly held company: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements of Harley-Davidson Motor Company, widely regarded as a tremendous American business success story and one of the top performing companies in America, as its employees, retirees, suppliers, dealers, customers, motorcycle enthusiasts, and friends worldwide commemorate and celebrate its 100th anniversary milestone;

(2) recognizes the great impact that Harley-Davidson has had on the business, social, and cultural landscape and lives of Americans and citizens of all nations, as a quintessential icon of Americana; and

(3) congratulates the Harley-Davidson Motor Company for this achievement and trusts that Harley-Davidson will have an even greater impact in the 21st century and beyond as a leading force for innovative business practices and products that will continue to provide enjoyment, transportation, and delight for generations to come.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, recognized Mr. WALDEN of Oregon and Mr. DINGELL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶77.15 NATIONAL LEAGUE OF DEMOCRACY

Mr. LEACH moved to suspend the rules and pass the bill (H.R. 2330) to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until July 15, 2003.

¶77.16 RECESS—5:44 P.M.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to

clause 12(a) of rule I, declared the House in recess at 5 o'clock and 44 minutes p.m., until 6:30 p.m.

¶77.17 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. BROWN of South Carolina, called the House to order.

¶77.18 AGRICULTURE APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. BROWN of South Carolina, pursuant to the previous order of the House and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2673) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year ending September 30, 2004, and for other purposes.

Mr. HASTINGS of Washington, Acting Chairman, assumed the chair; and after some time spent therein,

¶77.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. REHBERG:

Strike section 743 (page 71, lines 8 through 11), relating to country of origin labeling for meat and meat products.

It was decided in the negative { Yeas ..... 193 / Nays ..... 208 }

¶77.20 [Roll No. 354]

AYES—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Bartlett (MD)
Bass
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Bonner
Bono
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Buyer
Cannon
Capito
Capuano
Cardin
Carson (IN)
Clay
Clyburn
Conyers
Costello
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Fattah
Filner
Ford
Frank (MA)
Gephardt
Gibbons
Gordon
Goss
Green (TX)
Grijalva
Harman
Hastings (FL)
Hefley
Hill
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (FL)
Miller, George
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Osborne
Pallone
Pascrell
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Quinn
Rahall
Rangel
Regula
Rehberg
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Solis
Stark
Stearns
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Watson
Watt
Weiner
Weldon (FL)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—208

Akin
Ballance
Ballenger
Barrett (SC)
Beauprez
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Blunt
Boehner
Bonilla
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capps
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
McCotter
McInnis
McIntyre
McKeon
Meeks (NY)
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (PA)
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walsh
Wamp
Waxman
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Bishop (UT)
Cramer
Davis (IL)
DeLay
Duncan
Everett
Fletcher
Gutierrez
Hinchey
Isakson
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Moran (VA)
Myrick
Owens
Payne
Rush
Sanders
Waters
Young (FL)

So the amendment was not agreed to.

¶77.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BLUMENAUER:

Under the heading ''AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS'', insert after the dollar amount on page 5, line 1, the following: ''(reduced by $800,000)''.

Under the heading ''OFFICE OF THE INSPECTOR GENERAL'', insert after the dollar amount on page 7, line 18, the following: ''(increased by $800,000)''.

It was decided in the affirmative { Yeas ..... 222 / Nays ..... 179 }

¶77.22 [Roll No. 355]

AYES—222

Ackerman
Akin
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Berman
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Dunn
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Gallegly
Gerlach
Gibbons
Gonzalez
Green (TX)
Green (WI)
Greenwood
Grijalva
Hall
Harman
Hastings (FL)
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (FL)
Miller (NC)
Miller, George
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Pallone
Pascrell
Pelosi
Petri
Platts
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Shimkus
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Watson
Watt
Waxman
Weiner

Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—179

Abercrombie
Alexander
Bachus
Ballenger
Barrett (SC)
Beauprez
Bell
Bereuter
Berry
Bishop (GA)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carson (OK)
Carter
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Edwards
Emerson
English
Feeney
Flake
Forbes
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hostettler
Hunter
Hyde
Issa
Istook
Jenkins
John
Johnson, Sam
Kennedy (MN)
Kingston
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Marshall
McCrery
McInnis
McIntyre
McKeon
Miller (MI)
Miller, Gary
Murphy
Murtha
Musgrave
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shaw
Sherwood
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stenholm
Sullivan
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Walden (OR)
Walsh
Wamp
Weldon (FL)
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Cramer
Davis (IL)
DeLay
Duncan
Everett
Fletcher
Gephardt
Gutierrez
Hinchey
Isakson
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Myrick
Owens
Payne
Peterson (MN)
Rush
Sanders
Waters
Young (FL)

So the amendment was agreed to.

¶77.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HEFLEY:

Add at the end (before the short title) the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.

It was decided in the negative ..... { Yeas ..... 68 / Nays 333

¶77.24 [Roll No. 356]

AYES—68

Akin
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Bradley (NH)
Cannon
Capuano
Chabot
Coble
Collins
Cox
Crane
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Doggett
Duncan
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Hayworth
Hefley
Herger
Hoekstra
Hunter
Hyde
Jenkins
Johnson, Sam
Jones (NC)
Kirk
Linder
Manzullo
Matheson
McInnis
Miller (FL)
Miller, Gary
Norwood
Otter
Paul
Petri
Ramstad
Rohrabacher
Royce
Ryan (WI)
Schrock
Sensenbrenner
Shadegg
Shays
Shimkus
Smith (MI)
Smith (WA)
Stearns
Tancredo
Taylor (MS)
Terry
Toomey
Weller

NOES—333

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Brown (OH)
Cramer
Davis (IL)
DeLay
Everett
Fletcher
Gephardt
Gutierrez
Isakson
Istook
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Myrick
Owens
Payne
Portman
Rush
Taylor (NC)
Waters
Young (FL)

So the amendment was not agreed to.

¶77.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ACKERMAN:

Add at the end (before the short title) the following new section:

SEC. ____. None of the funds appropriated or made available by this Act may be used to approve for human consumption pursuant to the Federal Meat Inspection Act any cattle, sheep, swine, goats, horses, mules, or other equines that are unable to stand or walk unassisted at a slaughtering, packing, meat-canning, rendering, or similar establishment subject to inspection at the point of examination and inspection, as required by section 3(a) of the Federal Meat Inspection Act (21 U.S.C. 603(a)).

It was decided in the negative ..... { Yeas ..... 199 / Nays 202

¶77.26 [Roll No. 357]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Berman
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Capito
Capps
Capuano
Cardin
Carson (IN)
Case

Castle
Chabot
Clay
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Harman
Hastings (FL)
Hefley
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Olver
Pallone
Pascrell
Pelosi
Petri
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reynolds
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wolf
Woolsey
Wu
Wynn

NOES—202

Akin
Alexander
Bachus
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Bell
Bereuter
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Cardoza
Carson (OK)
Carter
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Etheridge
Evans
Feeney
Flake
Forbes
Franks (AZ)
Frost
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hyde
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kind
Kingston
Kline
Knollenberg
Kolbe
Lampson
Latham
Leach
Lewis (CA)
Lewis (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Souder
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—33

Aderholt
Baker
Barton (TX)
Becerra
Berkley
Cramer
Davis (IL)
DeLay
Diaz-Balart, L.
Everett
Fletcher
Gephardt
Gutierrez
Isakson
Janklow
Jefferson
Keller
King (IA)
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Moore
Myrick
Owens
Oxley
Payne
Pickering
Rush
Smith (TX)
Waters
Young (FL)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SHIMKUS, assumed the Chair.

When Mr. HASTINGS of Washington, Acting Chairman, pursuant to the previous order of the House, reported the bill back to the House with sundry amendments adopted by the Committee.

Pursuant to the previous order of the House, the previous question was ordered on said bill.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the dollar amount on page 3, line 9, the following: ''(reduced by $8,656,000)''.

Under the heading ''OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS'', insert after the dollar amount on page 4, line 6, the following: ''(increased by $411,000)''.

Under the heading ''DEPARTMENTAL ADMINISTRATION'', insert after the dollar amount on page 6, line 3, the following: ''(increased by $2,005,000)''.

Under the heading ''CSREES-RESEARCH AND EDUCATION ACTIVITIES'', insert after the dollar amounts on page 11, line 13, and page 12, line 16, the following: ''(increased by $600,000)''.

Under the heading ''OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS'', insert after the dollar amount on page 16, line 12, the following: ''(increased by $5,000,000)''.

Under the heading ''AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS'', insert after the dollar amount on page 5, line 1, the following: ''(reduced by $800,000)''.

Under the heading ''OFFICE OF THE INSPECTOR GENERAL'', insert after the dollar amount on page 7, line 18, the following: ''(increased by $800,000)''.

Page 3, line 9, after the dollar amount, insert ''(reduced by $3,500,000)''.

Page 11, line 13, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 13, line 5, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 13, line 23, after the dollar amount, insert ''(increased by $1,500,000)''.

Page 14, line 14, after the dollar amount, insert ''(increased by $1,500,000)''.

On page 29, line 15, strike all after the word ''Service'' through, and including, ''(16 U.S.C. 3841(a))'' on line 20.

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105–264.

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to issue a final rule in Docket No. 02–06201, ''Cost-Sharing for Animal and Plant Health Emergency Programs,'' 68 Fed. Reg. 40541–40553 (July 8, 2003).

At the end of the bill, add the following new section:

''SEC. . No funds appropriated or made available by this Act may be used to identify by photograph on a department's or agency's website any Member of the House of Representatives or the Senate within 60 days before a federal general election.''

Under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the dollar amount on page 3, line 9, the following: ''(reduced by $20,000,000)''.

Under the heading ''RENEWABLE ENERGY PROGRAM'', insert after the dollar amount on page 43, line 4, the following: ''(increased by $20,000,000)''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SHIMKUS, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 347 / Nays 64

¶77.27 [Roll No. 358]

YEAS—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans

Farr
Fattah
Feeney
Ferguson
Foley
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)

NAYS—64

Andrews
Baldwin
Berman
Blumenauer
Buyer
Capuano
Conyers
Cox
Crane
DeFazio
Delahunt
DeLauro
Doggett
Filner
Flake
Fossella
Frank (MA)
Franks (AZ)
Green (WI)
Hefley
Inslee
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lee
Levin
Lewis (GA)
McDermott
McGovern
Meehan
Miller (FL)
Miller, Gary
Nadler
Obey
Olver
Pallone
Pascrell
Paul
Petri
Rohrabacher
Rothman
Royce
Ryan (WI)
Sanders
Schakowsky
Sensenbrenner
Shays
Sherman
Slaughter
Smith (WA)
Stark
Stupak
Tancredo
Taylor (MS)
Tierney
Udall (CO)
Van Hollen
Watson
Waxman
Wexler
Wu

NOT VOTING—23

Baker
Barton (TX)
Becerra
Berkley
Davis (IL)
Everett
Fletcher
Gephardt
Gutierrez
Janklow
Jefferson
Keller
LaHood
Lipinski
Mica
Millender-McDonald
Mollohan
Myrick
Owens
Payne
Rush
Waters
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.28 MOTION TO INSTRUCT CONFEREES ON H.R. 1—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHIMKUS, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the motion, by Mr. DAVIS of Tennessee, to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Programs, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 191 / Nays 221

¶77.29 [Roll No. 359]

YEAS—191

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller

Whitfield	Wilson (NM)	Wolf
Wicker	Wilson (SC)	Young (AK)

NOT VOTING—23

Barton (TX)	Janklow	Mollohan
Becerra	Jefferson	Myrick
Berkley	Keller	Owens
Davis (IL)	LaHood	Payne
Everett	Lipinski	Radanovich
Fletcher	Mica	Rush
Gephardt	Millender-McDonald	Waters
Gutierrez		Young (FL)

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶77.30 APPOINTMENT OF CONFEREES—H.R. 1

Thereupon, the SPEAKER pro tempore, Mr. HASTINGS of Washington, by unanimous consent, appointed Messrs. TAUZIN, THOMAS, BILIRAKIS, Mrs. JOHNSON of Connecticut, Messrs. DELAY, DINGELL, RANGEL, and BERRY as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶77.31 CONGRESSIONAL GOLD MEDAL TO PRIME MINISTER TONY BLAIR

On motion of Mr. KING, by unanimous consent, the Committee on Financial Services was discharged from further consideration of the bill of the Senate (S. 709) to award a congressional gold medal to Prime Minister Tony Blair.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶77.32 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Ms. DELAURO, pursuant to clause 7(c)(1) of rule XXII, announced her intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to accelerate the increase in the refundability of the child tax credit, and for other purposes, be instructed as follows: (1) To include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) To include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) To include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; and (4) That to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster. That as soon as practicable, after the adoption of this motion, meet in open session with the Senate conferees and the House conferees and shall file a conference report consistent with the preceding provisions of this instruction, not later than Friday, July 18, 2003.

¶77.33 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. GINGREY, laid before the House the following communication from Mr. Joe BACA:

HOUSE OF REPRESENTATIVES,
July 11, 2003.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Superior Court of the State of California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOE BACA,
Congressman, 43rd CD.

¶77.34 PROVIDING FOR THE CONSIDERATION OF H.R. 1950

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–206) the resolution (H. Res. 316) providing for consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶77.35 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 886. An Act to ratify otherwise legal appointments and promotions in the commissioned corps of the National Oceanic and Atmospheric Administration that failed to be submitted to the Senate for its advice and consent as required by law, and for other purposes; to the Committee on Resources.

¶77.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today;

To Mr. EVERETT, for today; and

To Mr. JEFFERSON, for today through July 17.

And then,

¶77.37 ADJOURNMENT

On motion of Mr. Lincoln DIAZ-BALART of Florida, at 11 o'clock and 44 minutes p.m., the House adjourned.

¶77.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following actions occurred on July 11, 2003]

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1950. A bill to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; with an amendment (Rept. 108–105, Pt. 4). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2330. A bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; with an amendment (Rept. 108–159, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 14, 2000]

Mr. SENSENBRENNER: Committee on the Judicary. H.R. 1375. A bill to provide regulatory relief and improve productivity for insured depositor institutions, and for other purposes; with an amendment (Rept. 108–152, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2086. A bill to reauthorize the Office of National Drug Control Policy; with an amendment (Rept. 108–167 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 116. A bill to authorize the Secretary of Veterans Affairs to construct, lease, or modify major medical facilities at the site of the former Fitzsimmons Army Medical Center, Aurora, Colorado; with an amendment (Rept. 108–200). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1113. A bill to authorize an exchange of land at Fort Frederica National Monument, and for other purposes; with an amendment (Rept. 108–201). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 901, A bill to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes; with an amendment (Rept. 108–202). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1209, A bill to extend the authority for the construction of a memorial to Martin

Luther King, Jr., in the District of Columbia, and for other purposes; (Rept. 108–203). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1284, A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project (Rept. 108–204). Referred to the Committee of the Whole House on the State of the Union.

Mr, HYDE. Committee on International Relations. H.R. 2441. A bill to establish the Millennium Challenge Account to provide increased support for developing countries that have fostered democracy and the rule of law, invested in their citizens, and promoted economic freedom; to assess the impact and effectiveness of United States economic assistance; to authorize the expansion of the Peace Corps, and for other purposes; with an amendment (Rept. 108–205). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART, L.: Committee on Rules. H. Res. 316. A resolution providing for consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes (Rept. 108–206). Referred to the House Calendar.

¶77.39 DISCHARGE OF COMMITTEE

[The following actions occurred on July 11, 2003]

Pursuant to clause 2 of rule XII the Committee on Ways and Means discharged from further consideration. H.R. 1562 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committees on Ways and Means and Financial Services discharged from further consideration. H.R. 2330 referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on July 14, 2003]

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce and the Permanent Select Committee on Intelligence discharged from further consideration. H.R. 2086 referred to the Committee of the Whole House on the State of the Union.

¶77.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas:

H.R. 2714. A bill to reauthorize the State Justice Institute; to the Committee on the Judiciary.

By Mr. RADANOVICH:

H.R. 2715. A bill to provide for necessary improvements to facilities at Yosemite National Park, and for other purposes; to the Committee on Resources.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. CASE, and Mr. FALEOMAVAEGA):

H.R. 2716. A bill to amend the Compact of Free Association of 1985 to provide for adequate Compact-impact aid; to the Committee on Resources, and in addition to the Committees on International Relations, Energy and Commerce, Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. STARK, and Mr. HINCHEY):

H.R. 2717. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program to provide for the voluntary certification of Internet and mail-order pharmacies, to amend such Act to authorize, subject to certain conditions, the importation by individuals of prescription drugs from Canada for personal use, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio:

H.R. 2718. A bill to amend the Internal Revenue Code of 1986 to provide a uniform definition of child, and for other purposes; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. POMEROY, Mr. RAMSTAD, Mr. SANDLIN, Mr. MATSUI, Mr. KLECZKA, and Mr. TANNER):

H.R. 2719. A bill to provide special funding requirements for certain pension plans maintained by commercial passenger air carriers; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Mr. REYNOLDS, Mr. KIRK, Mr. HOEKSTRA, Mr. LIPINSKI, Mr. EHLERS, Mr. LEVIN, Mr. LATOURETTE, Mr. KENNEDY of Minnesota, Mr. GREEN of Wisconsin, Mr. CHOCOLA, Mr. STUPAK, Mr. MURTHA, Mr. DAVIS of Illinois, Mr. KLECZKA, Mr. BROWN of Ohio, Ms. SLAUGHTER, Ms. MCCOLLUM, Mr. HOEFFEL, and Mr. ENGLISH):

H.R. 2720. A bill to authorize appropriations for State programs and activities for the restoration of the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself and Mr. EVANS):

H.R. 2721. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide certain relief under that Act for members of the reserve components who are attending postsecondary educational institutions when called or ordered to active duty; to the Committee on Veterans' Affairs.

By Mr. PITTS (for himself, Mr. NEUGEBAUER, Mr. OTTER, Mr. MCGOVERN, Mr. BURGESS, Ms. HOOLEY of Oregon, Mr. FOLEY, Mr. ENGLISH, Ms. WOOLSEY, Mr. GILCHREST, Mr. CALVERT, Mr. FRANK of Massachusetts, Mr. HOSTETTLER, Mr. HOLDEN, Mr. TAYLOR of Mississippi, Mr. BEREUTER, Mr. SIMPSON, and Mr. HASTINGS of Florida):

H.R. 2722. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain mass transportation projects; to the Committee on Transportation and Infrastructure.

By Mr. SIMPSON:

H.R. 2723. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS:

H.R. 2724. A bill to amend the Fair Credit Reporting Act to prohibit the use of any information in any consumer report by any credit card issuer that is unrelated to the transactions and experience of the card issuer with the consumer to increase the annual percentage rate applicable to credit extended to the consumer, and for other purposes; to the Committee on Financial Services.

By Mr. DAVIS of Florida (for himself, Mr. BEREUTER, Mr. WEXLER, Mr. KING of New York, Mr. DEUTSCH, Mr. MCDERMOTT, Mr. MATSUI, Mr. BERMAN, Mr. SKELTON, Mr. GREENWOOD, Mr. SHIMKUS, Mr. CROWLEY, Mr. HOEFFEL, Mr. ENGEL, Mr. BROWN of Ohio, Mr. SMITH of Washington, Mrs. JO ANN DAVIS of Virginia, Mrs. LOWEY, Mr. DELAHUNT, Mr. SCHIFF, Mr. KIND, and Mr. NADLER):

H. Con. Res. 242. Concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia; to the Committee on International Relations.

¶77.41 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

139. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 77 memorializing the President of the United States and Congress to enact legislation requiring the retroactive award of the Combat Medical Badge to all Vietnam personnel serving in the 91 MOS who were assigned to helicopter ambulances; to the Committee on Armed Services.

140. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 57 memorializing the United States Congress to enact legislation amending Title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

141. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 03-1037, memorializing that the Colorado General Assembly support the establishment of a Veterans Affairs Medical Center at Fitzsimons and the enactment of H.R. 116, the ''Veterans' New Fitzsimons Health Care Facilities Act of 2003''; to the Committee on Veterans' Affairs.

142. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 45 urging Congress to enact the ''Veterans Health Care Funding Guarantee Act of 2003,'' and make veterans health care mandatory to ensure that veterans have access to timely, quality health care; to the Committee on Veterans' Affairs.

143. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 03-016 memorializing President George W. Bush along with his cabinet, the United States Congress and the United Nations for their unwavering determination to either disarm Saddam Hussein or remove him from power and also expresses its support of the men and women of the United States armed forces for their courage and dedication to this mission; jointly to the Committees on Armed Services and International Relations.

144. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Memorial No. 03-001 memorializing the United States Congress that the General Assembly of the state of Colorado reaffirms its commitment to strengthening

our cities and counties as the first line of defense of our people, and to giving our first responders the training, equipment, and resources they need to respond to terrorist attacks; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, and the Judiciary.

¶77.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. FROST.
H.R. 44: Mr. FOLEY.
H.R. 49: Mr. HAYES, Mr. COBLE, Mr. SPRATT, and Mr. MILLER of Florida.
H.R. 110: Mr. SCHROCK.
H.R. 195: Mr. DEMINT.
H.R. 235: Mrs. BLACKBURN and Mr. KLINE.
H.R. 284: Mr. FROST and Ms. SOLIS.
H.R. 303: Mr. CANNON.
H.R. 339: Mr. SESSIONS.
H.R. 375: Mr. LOBIONDO.
H.R. 394: Mr. BAIRD.
H.R. 401: Mr. MOORE.
H.R. 463: Mr. HOUGHTON and Ms. MCCOLLUM.
H.R. 465: Mr. SKELTON.
H.R. 466: Mr. CHOCOLA and Mr. WATT.
H.R. 490: Mr. MOORE.
H.R. 528: Mr. SHAYS.
H.R. 569: Mr. OBERSTAR.
H.R. 684: Mr. KING of Iowa.
H.R. 713: Mr. ABERCROMBIE and Mr. PALLONE.
H.R. 716: Mrs. MALONEY and Mr. PLATTS.
H.R. 792: Mr. RYAN of Ohio, Mr. PLATTS, Mr. SHUSTER, Mrs. MALONEY, Mr. HINCHEY, Mr. FEENEY, Mr. TANCREDO, and Mr. CHOCOLA.
H.R. 806: Ms. LINDA T. SANCHEZ of California and Mr. ABERCROMBIE.
H.R. 808: Mrs. JONES of Ohio.
H.R. 852: Ms. PELOSI, Mr. PALLONE, Mr. FROST, Mr. KILDEE, and Mr. OBERSTAR.
H.R. 919: Mr. WELDON of Florida.
H.R. 931: Mr. HERGER.
H.R. 942: Mr. LIPINSKI, Mr. TOWNS, Ms. ESHOO, Mr. BROWN of Ohio, and Mrs. MYRICK.
H.R. 965: Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. NORTON, and Mr. HOYER.
H.R. 980: Mr. PLATTS.
H.R. 995: Mr. FRANK of Massachusetts.
H.R. 996: Mr. CLYBURN and Mr. MORAN of Kansas.
H.R. 997: Mrs. CUBIN, Mr. HERGER, and Mr. CALVERT.
H.R. 1005: Mr. GREEN of Wisconsin.
H.R. 1070: Ms. MCCOLLUM.
H.R. 1117: Mr. KING of Iowa, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1137: Mr. KING of Iowa.
H.R. 1169: Mr. CULBERSON.
H.R. 1172: Ms. JACKSON-LEE of Texas.
H.R. 1225: Mr. PRICE of North Carolina and Mr. YOUNG of Florida.
H.R. 1358: Mr. BERMAN.
H.R. 1530: Mr. PETERSON of Minnesota.
H.R. 1532: Mr. RYAN of Ohio, Ms. JACKSON-LEE of Texas, Mr. LOBIONDO, Mr. LANGEVIN, Mr. HONDA, and Mr. WELDON of Pennsylvania.
H.R. 1606: Mr. LEWIS of Kentucky.
H.R. 1633: Ms. ESHOO and Mrs. TAUSCHER.
H.R. 1676: Mr. BACHUS, Mr. MOORE, and Mr. DOOLEY of California.
H.R. 1708: Mr. LIPINSKI, Mr. GUTIERREZ, Mrs. TAUSCHER, Mr. MICHAUD, and Mr. GEORGE MILLER of California.
H.R. 1720: Mr. LOBIONDO and Mr. BROWN of South Carolina.
H.R. 1749: Mr. NEY, Mr. KING of Iowa, Mr. SHUSTER, and Mr. BASS.
H.R. 1819: Mr. FOLEY.
H.R. 1858: Mr. EMANUEL, Mr. HOEFFEL, and Mr. SNYDER.
H.R. 1906: Mr. SANDERS.
H.R. 1958: Ms. MILLENDER-MCDONALD.
H.R. 2013: Mr. BEREUTER.
H.R. 2047: Mr. HAYWORTH, Mrs. JONES of Ohio, and Mr. BECERRA.
H.R. 2052: Mr. EVERETT, Ms. BERKLEY, and Mr. SMITH of Washington.
H.R. 2071: Ms. WOOLSEY, Mr. OBERSTAR, Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Ms. ESHOO, and Mr. MCDERMOTT.
H.R. 2096: Mr. SHAYS, Mr. ANDREWS, Mr. MCHUGH, Mr. BONNER, Mr. LATHAM, Mr. CROWLEY, Mr. UPTON, and Mr. SCHIFF.
H.R. 2133: Mr. BARTLETT of Maryland.
H.R. 2134: Mr. WILSON of South Carolina.
H.R. 2198: Mr. HOEFFEL.
H.R. 2214: Mr. JANKLOW, Mr. BRADLEY of New Hampshire, Mr. BOEHLERT, Mr. NETHERCUTT, and Mr. CUNNINGHAM.
H.R. 2216: Mrs. JONES of Ohio and Mr. CALVERT.
H.R. 2233: Mr. SABO.
H.R. 2303: Mr. SIMPSON, Mr. OTTER, and Mrs. CUBIN.
H.R. 2318: Mr. GREEN of Wisconsin.
H.R. 2392: Mr. SCHIFF.
H.R. 2441: Mr. BACHUS, Mr. LEACH, Mr. MCCOTTER, Mr. ENGLISH, Mr. OXLEY, Mr. WHITFIELD, Mr. SIMMONS, Mr. PICKERING, Mr. TERRY, Mrs. MILLER of Michigan, Mr. SMITH of New Jersey, Mr. UPTON, Mr. KING of New York, Mr. BALLENGER, Mr. THORNBERRY, Mr. NETHERCUTT, Mrs. WILSON of New Mexico, Mr. JOHNSON of Illinois, Mr. ISSA, Mrs. NORTHUP, Mr. ROHRABACHER, Mr. HOUGHTON, Mr. CONYERS, Mr. ACKERMAN, Mr. GRIJALVA, Mr. BOUCHER, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. TIERNEY, Mr. CASE, Mr. FARR, Mr. MORAN of Virginia, Mr. BERMAN, Mr. UDALL of Colorado, Mr. FROST, Ms. WOOLSEY, Mr. WELLER, Mr. LATOURETTE, Mr. FALEOMAVAEGA, Mr. BLUMENAUER, Mr. BELL, Mr. ENGEL, Mr. SNYDER, Mr. SMITH of Washington, Mr. BALLANCE, Ms. ROS-LEHTINEN, Mr. ROGERS of Michigan, Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, Mrs. BONO, and Mr. ROYCE.
H.R. 2442: Mr. FRANK of Massachusetts, Mr. FROST, Mr. THOMPSON of Mississippi, Mr. RAHALL, Mr. SPRATT, Mr. LEVIN, and Mr. GUTIERREZ.
H.R. 2462: Mr. ALLEN, Mr. DINGELL, and Mr. GORDON.
H.R. 2466: Mr. WELDON of Florida, Mr. LANTOS, and Mr. DAVIS of Illinois.
H.R. 2482: Mrs. NAPOLITANO.
H.R. 2497: Mr. CLAY and Mr. MCGOVERN.
H.R. 2498: Mr. GRIJALVA.
H.R. 2505: Ms. WATSON, Ms. NORTON, Mr. FARR, and Mr. RUSH.
H.R. 2515: Mr. HALL.
H.R. 2517: Mr. GREEN of Wisconsin.
H.R. 2526: Mr. MCDERMOTT.
H.R. 2556: Mr. AKIN.
H.R. 2563: Mr. JEFFERSON, Mr. GRIJALVA, Mr. RANGEL, Mr. FROST, Mr. BROWN of Ohio, Mr. MCNULTY, Mr. TOWNS, Mr. SPRATT, Mr. HINCHEY, Mr. BALLANCE, Mr. ABERCROMBIE, Ms. MAJETTE, Mr. BOUCHER, Mr. KUCINICH, and Mr. RUSH.
H.R. 2568: Mr. MICHAUD.
H.R. 2601: Mr. OWENS.
H.R. 2605: Mr. FROST, Mr. CLAY, Mr. GONZALEZ, Mr. UDALL of Colorado, Ms. NORTON, Mr. KUCINICH, and Mr. KENNEDY of Rhode Island.
H.R. 2622: Mr. FROST and Mr. RAMSTAD.
H.R. 2625: Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. STARK, Mr. ABERCROMBIE, Mrs. LOWEY, Mr. INSLEE, Mr. MCGOVERN, and Mr. SANDERS.
H.R. 2665: Mr. BACA and Ms. KILPATRICK.
H.R. 2680: Mr. OLVER, Mr. BRADY of Pennsylvania, Mr. DUNCAN, Mr. MCNULTY, Mr. PASTOR, Mr. STRICKLAND, Mr. DEUTSCH, and Mr. TIERNEY.
H.R. 2704: Mr. BAIRD and Mr. ENGEL.
H. Con. Res. 56: Ms. HART.
H. Con. Res. 60: Mr. RADANOVICH and Mr. HOEFFEL.
H. Con. Res. 98: Mr. GARY G. MILLER of California, Mr. CAMP, Mr. BARTON of Texas, and Mr. BACHUS.
H. Con. Res. 119: Mr. FORBES, Mr. BARTON of Texas, and Mr. OWENS.
H. Con. Res. 164: Mr. OTTER.
H. Con. Res. 235: Ms. JACKSON-LEE of Texas, Mr. GILLMOR, Mr. SHIMKUS, Ms. CARSON of Indiana, Mr. THOMPSON of Mississippi, Mr. RYUN of Kansas, Ms. LOFGREN, Mr. WEINER, Mr. ROTHMAN, Mr. OWENS, Mr. MCNULTY, Mr. UPTON, Mr. SIMMONS, Mrs. JONES of Ohio, and Mr. FOLEY.
H. Con. Res. 240: Mr. CUMMINGS, Mr. MEEK of Florida, Ms. CARSON of Indiana, Mr. JEFFERSON, Mr. BISHOP of Georgia, Mr. BALLANCE, Mr. WATT, Mr. CONYERS, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mrs. CHRISTENSEN, Mr. DAVIS of Alabama, Mr. CLYBURN, Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, Mr. CLAY, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. BELL, Mr. FRANK of Massachusetts, Ms. MCCOLLUM, and Ms. WOOLSEY.
H. Res. 38: Mr. PALLONE.
H. Res. 103: Mr. STRICKLAND.
H. Res. 136: Mr. SIMPSON.
H. Res. 304: Ms. HART.

¶77.43 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

23. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 193 of 2003 petitioning the United States Congress to not move the ''Head Start'' program from the Department of Health and Human Services to the Department of Education and that these monies set aside for this vital program not be ''block granted'' to the individual states; to the Committee on Education and the Workforce.

24. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 198 requesting that the President of the United States restore executive funding to many youth programs that were severely cut and that have helped produced productive members of society; to the Committee on Education and the Workforce.

25. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 199 of 2003 petitioning the United States Congress to restore funding to many youth programs that were severely cut during the 2003 fiscal year budget negotiations; to the Committee on Education and the Workforce.

26. Also, a petition of the Council of the County of Maui, Hawaii, relative to Resolution No. 03-53 urging the President and the United States Congress to recognize the value, importance, and successes of the Head Start program, to maintain the highest funding levels and to keep the Head Start program in the Department of Health and Human Services; to the Committee on Education and the Workforce.

27. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 196 of 2003 petitioning the United States Congress to restore cuts to Medicaid, including eliminating the President's proposed Medicaid cap that will increase the burden to New York and Rockland County from federally mandated and optional Medicaid programs; to the Committee on Energy and Commerce.

28. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 146 of 2003 expressing recommendation that President George W. Bush appoint Congressman Benjamin Gilman as

United States Ambassador to Ireland; to the Committee on International Relations.

29. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 140 of 2003 petitioning the United States Congress to enact The State and Local Aid and Economic Stimulus Act of 2003 (Senate Law S. 201 IS, HR 1211 IH); to the Committee on Government Reform.

30. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 182 of 2003 petitioning the United States Congress to restore funding to battered women's shelter and services program under the federal ''Violence Against Women Act''; to the Committee on the Judiciary.

31. Also, a petition of City of Detroit City Council, Detroit, Michigan, relative to a resolution urging the United States Congress to reject S. 659 and H.R. 1036, legislation which seeks to grant the Firearm Industry special protections against legal action; to the Committee on the Judiciary.

32. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 151 of 2003 requesting the United States Environmental Protection Agency to immediately implement without delay the remediation plan in the Hudson River; to the Committee on Transportation and Infrastructure.

33. Also, a petition of the Avoyelles Parish Police Jury, Marksville, Louisiana, relative to a resolution expressing support of the United States Armed Forces, the Reserves and the National Guard who, in call of their Commander in Chief, courageously stand ready to make the ultimate sacrifice so that all Americans can continue to live freely and without fear; jointly to the Committees on Armed Services and International Relations.

¶77.44 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 20: Mr. GARY G. MILLER of California.

H.R. 1472: Mr. TANCREDO, Mr. PETERSON of Pennsylvania, Mr. VITTER, Mr. BACA, Mr. FORBES, Mrs. JO ANN DAVIS of Virginia, and Mr. GARY G. MILLER of California.

H.R. 2214: Mr. BLUMENAUER.

TUESDAY, JULY 15, 2003 (78)

¶78.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. CHOCOLA, who laid before the House the following communication:

WASHINGTON, DC,
July 15, 2003.

I hereby appoint the Honorable CHRIS CHOCOLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶78.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1233. An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center

S. 1280. An Act to amend the PROTECT Act to clarify certain volunteer liability.

¶78.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. CHOCOLA, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶78.4 RECESS—9:04 A.M.

The SPEAKER pro tempore, Mr. CHOCOLA, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 4 minutes a.m., until 10 a.m.

¶78.5 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. SHAW, called the House to order.

¶78.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SHAW, announced he had examined and approved the Journal of the proceedings of Monday, July 14, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶78.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3180. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-08, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3181. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 99-09C, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3182. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquistion Regulation Supplement; Payment Bonds on Cost-Reimbursement Contracts [DFARS Case 2002-D030] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3183. A letter from the Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Special Supplemental Food Program for Women, Infants, and Children Overseas (RIN: 0720-AA75) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3184. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Trans Fatty Acids in Nutrition Labeling, Nutrient Content Claims, and Health Claims [Docket No. 94P-0036] (RIN: 0910-AB66) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3185. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Antidiarrheal Drug Products for Over-the-Counter Human Use; Final Monograph; Correction [Docket No. 78N-036D] (RIN: 0910-AA01) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3186. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Tires [Docket No. NHTSA-03-15400] (RIN: 2127-AI54) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3187. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems, Child Restraint Anchorage Systems [Docket No. NHTSA-03-15438] (RIN: 2127-AH99) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3188. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7516-4] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3189. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — 2002 Biennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 [MB Docket 02-277]; Cross-Ownership of Broadcast Stations and Newspapers [MM Docket No. 01-235]; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets [MM Docket No.01-317]; Definition of Radio Markets [MM Docket 00-244]; Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area [MB Docket 03-130] Received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3190. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 12-03 which informs of an intent to sign a Project Agreement between the United States, Australia, Italy, and the United Kingdom concerning C-130J Co-operative Systems and Software Upgrade Requirements Management (COSSURM), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed request for the sale of defense articles or defense services sold commercially to Saudia Arabia, Norway and France (Transmittal No. DDTC 016-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract to Norway (Transmittal No. DDTC 055-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3193. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 047-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3194. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract to Israel (Transmittal No. DDTC 046-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3195. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of

the United States Munitions List sold commercially under a contract to Israel (Transmittal No. DDTC 046-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3196. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Denmark (Transmittal No. DDTC 044-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3197. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed amendment to a license for the export of defense services, technical data and defense articles abroad to the United Kingdom (Transmittal No. DDTC 052-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3198. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DDTC 049-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3199. A letter from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — 31 CFR chapter V — received June 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3200. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-107, ''Additional Use of the Reserve Funds Omnibus Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3201. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3202. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery [Docket No. 030409081-3154-02; I.D. 032103B] (RIN: 0648-AQ72) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3203. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Washington Sport Fisheries [Docket No. 030124019-3040-02; I.D. 061903C] (RIN: 0648-AQ67)received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area and Safety Zone; Huntington Cleveland Harborfest and Parade of Sail, Cleveland, OH July 9-14, 2003 [CGD09-03-206] (RIN: 1625-AA00, 1625-AA11) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Creek Waterway, China Basin, San Francisco Bay, California [COTP San Francisco Bay 03-004] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Military Ocean Terminal Sunny Point, Cape Fear River, Brunswick County, NC [CGD05-03-074] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Bogue Sound, Morehead City, NC [CGD05-03-072] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Protection of High Capacity Passenger Vessels in Prince William Sound, Alaska [COTP-PWS-03-003] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Swimming Across San Juan Harbor, San Juan, Puerto Rico [COTP SAN JUAN-03-104] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Croix, United States Virgin Islands [COTP San Juan-03-113] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3211. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CGD09-03-222] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3212. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gary Air and Water Show, Lake Michigan, Gary IN [CGD09-03-235] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3213. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Brooks Memorial (S.E. 17th Street) Bridge, Atlantic Intracoastal Waterway mile 1065.9, Fort Lauderdale, Florida [CGD07-03-076] (RIN: 1625-AA09) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3214. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Toledo Tall Ships Parade, July 16, 2003, Port of Toledo, OH [CGD09-03-208] (RIN: 1625-AA08, 1625-AA09, 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3215. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Bay City Tall Ship Celebration, Saginaw River, August 14-18, 2003 [CGD09-03-204] (RIN: 1625-AA09, 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3216. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sacramento River, Sacramento, CA [COTP San Francisco Bay 03-019] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3217. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-03-073] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3218. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Wings Over Cleveland, Cleveland, OH [CGD09-03-232] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3219. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes within or Contiguous to Waterfront Facilities [USCG-1998-4302] (RIN: 1625-AA07 (Formerly RIN: 2115-AE22)) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3220. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Recognition of Organizations and Accreditation of Representatives, Attorneys, and Agents (RIN: 2900-AI93) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3221. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Elimination of User Fees for Certain Determination Letter Requests Pursuant to Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Notice 2003-49) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3222. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in Annual Accounting Period (Announcement 2003-49) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3223. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Treatment of Community Income for Certain Individuals not Filing Joint Returns [TD 9074] (RIN: 1545-AY83) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3224. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Exchanges of Insurance Policies (Notice 2003-51) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3225. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Effect of Section 338(h)(10) Elections in Certain Multi-step

Transactions [REG-143679-02] (RIN: 1545-BB68) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3226. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information by Certain Officers and Employees for Investigative Purposes [TD 9073] (RIN: 1545-BB17) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3227. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax on Reversion Of Qualified Plan Assets to Employer (Rev. Rul. 2003-85) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3228. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Catch-Up Contributions for Individuals Age 50 or Older [TD 9072] (RIN: 1545-BA24) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3229. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Authority to charge fees for furnishing copies of exempt organizations' material open to public inspection under IRC Section 6104 [TD 9070] (RIN: 1545-BB22) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3230. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in Accounting Periods and Methods of Accounting (Rev. Proc. 2003-62) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3231. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definition of Guaranteed Annuity and Lead Unitrust Interests [TD 9068] (RIN: 1545-A031) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3232. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rents from Real Property (Rev. Rul. 2003-86) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶78.8 SECOND CONGRESSIONAL DISTRICT OF HAWAII ELECTION

Mr. NEY, by direction of the Committee on House Administration, submitted a privileged report (Rept. No. 108–207) on the resolution (H. Res. 317) dismissing the election contest relating to the office of Representative from the Second Congressional District of Hawaii; referred to the House Calendar and ordered printed.

¶78.9 SECOND CONGRESSIONAL DISTRICT OF HAWAII ELECTION

Mr. NEY, by unanimous consent, submitted the following resolution (H. Res. 317):

Resolved, That the election contest relating to the office of Representative from the Second Congressional District of Hawaii is dismissed.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶78.10 SIXTH CONGRESSIONAL DISTRICT OF TENNESSEE ELECTION

Mr. NEY, by direction of the Committee on House Administration, submitted a privileged report (Rept. No. 108–208) on the resolution (H. Res. 318) dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee; referred to the House Calendar and ordered printed.

¶78.11 SIXTH CONGRESSIONAL DISTRICT OF TENNESSEE ELECTION

Mr. NEY, by unanimous consent, submitted the following resolution (H. Res. 318):

Resolved, That the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee is dismissed.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶78.12 COMMEMORATION OF STATUE OF SAKAKAWEA

Mr. NEY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 236):

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on October 16, 2003, for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore, Mr. SHAW, recognized Mr. NEY and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. NEY, announced that two-thirds of the Members present had voted in the affirmative.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶78.13 SMITHSONIAN FACILITIES AUTHORIZATION

Mr. NEY moved to suspend the rules and pass the bill (H.R. 2195) to provide for additional space and resources for national collections held by the Smithsonian Institution, and for other purposes.

The SPEAKER pro tempore, Mr. SHAW, recognized Mr. NEY and Mr. LARSON of Connecticut, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SHAW, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶78.14 PROVIDING FOR THE CONSIDERATION OF H.R. 1950

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 316):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill modified by the amendments recommended by the Committees on Armed Services and Energy and Commerce also printed in the bill. That amendment in the nature of a substitute shall be considered as read. All points of order against the amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2. Each amendment may be offered only in the order printed in the report (except as specified in section 3), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report of the Committee on Rules or against amendments en bloc described in section 2 are waived.

SEC. 2. It shall be in order at any time for the chairman of the Committee on International Relations or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier considered. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees, shall

not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional RECORD immediately before the disposition of the amendments en bloc.

SEC. 3. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on International Relations or a designee prospectively announces from the floor a request to that effect.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. DREIER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution ?

The SPEAKER pro tempore, Mr. SHAW, announced that the yeas had it.

Mr. MCGOVERN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 222; Nays ..... 201 }

¶78.15 [Roll No. 360]

YEAS—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Berkley
Conyers
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Myrick
Owens
Oxley
Pitts

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶78.16 H.R. 2330—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SHAW, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2330) to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418; Nays ..... 2; Answered present 1 }

¶78.17 [Roll No. 361]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach

Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶78.18 STATE AUTHORIZATION FY 2004 AND 2005

The SPEAKER pro tempore, Mr. SHAW, pursuant to House Resolution 316 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

The SPEAKER pro tempore, Mr. SHAW, by unanimous consent, designated Mr. QUINN as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. GREEN of Wisconsin, assumed the Chair.

¶78.19 MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Ms. Evans, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶78.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1 submitted by Mr. SMITH of New Jersey:

In section 116(a) of the bill—

(1) after the first dollar amount, insert ''(reduced by $25,000,000)''; and

(2) after the second dollar amount, insert ''(reduced by $25,000,000)''.

Strike subsection (e) of section 116 of the bill.

It was decided in the affirmative { Yeas ..... 216 / Nays ..... 211 }

¶78.21 [Roll No. 362]

AYES—216

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—211

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Granger
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez

Michaud	Rothman	Strickland
Miller (NC)	Roybal-Allard	Sweeney
Miller, George	Ruppersberger	Tanner
Moore	Rush	Tauscher
Moran (VA)	Ryan (OH)	Thomas
Nadler	Sabo	Thompson (CA)
Napolitano	Sanchez, Linda T.	Thompson (MS)
Neal (MA)	Sanchez, Loretta	Tierney
Obey	Sanders	Towns
Olver	Sandlin	Turner (TX)
Ose	Schakowsky	Udall (CO)
Owens	Schiff	Udall (NM)
Pallone	Scott (GA)	Van Hollen
Pascrell	Scott (VA)	Velazquez
Pastor	Serrano	Visclosky
Payne	Shaw	Walden (OR)
Pelosi	Shays	Waters
Platts	Sherman	Watson
Pomeroy	Simmons	Watt
Price (NC)	Slaughter	Waxman
Pryce (OH)	Smith (WA)	Weiner
Ramstad	Snyder	Wexler
Rangel	Solis	Wilson (NM)
Reyes	Spratt	Woolsey
Rodriguez	Stark	Wu
Ross		Wynn

NOT VOTING—8

Berkley	Greenwood	Jefferson
Ferguson	Hayworth	Millender-McDonald
Gephardt	Janklow	

So the amendment was agreed to.

¶78.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 108-206, as modified, submitted by Mr. KOLBE to the amendment numbered 2, as amended, submitted by Mr. HYDE:

Amendment numbered 4, as modified, to the amendment numbered 2, as amended, submitted by Mr. KOBLE:

Page 15, beginning on line 17, strike ''fiscal year 2006'' and insert ''fiscal years 2005 through 2006''.

Page 16, line 6, strike ''fiscal year 2006'' and insert ''each of fiscal years 2005 through 2006''.

Page 16, line 8, strike ''fiscal year 2006'' and insert ''the fiscal year involved''.

Amendment numbered 2, as amended, submitted by Mr. HYDE:

Strike section 1 of the bill and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003''.

Strike subsection (a) of section 2 of the bill and insert the following:

(a) ORGANIZATION OF ACT INTO DIVISIONS.—This Act is organized into four divisions as follows:

(1) DIVISION A.—Millennium Challenge Account Act of 2003.

(2) DIVISION B.—Peace Corps Expansion Act of 2003.

(3) DIVISION C.—Department of State Authorization Act, Fiscal Years 2004 and 2005.

(4) DIVISION D.—Defense Trade and Security Assistance Reform Act of 2003.

Redesignate division A of the bill as division C of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Redesignate division B of the bill as division D of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Insert after section 3 of the bill the following two new divisions (and conform the table of contents accordingly):

DIVISION A—MILLENNIUM CHALLENGE ACCOUNT

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the ''Millennium Challenge Account Act of 2003''.

SEC. 102. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term ''Board'' means the Board of Directors of the Corporation established pursuant to section 303 of this Act.

(3) COMPACT.—The term ''Compact'' means the Millennium Challenge Compact described in section 204 of this Act.

(4) CORPORATION.—The term ''Corporation'' means the Millennium Challenge Corporation established under section 301 of this Act.

(5) COUNCIL.—The term ''Council'' means the Millennium Challenge Advisory Council established under section 308 of this Act.

(6) MILLENNIUM DEVELOPMENT GOALS.—The term ''Millennium Development Goals'' means the key development objectives described in the United Nations Millennium Declaration, as contained in United Nations General Assembly Resolution 55/2 (September 2000), which aim to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria, and other infectious diseases, ensure environmental sustainability, and develop a global partnership for development.

SEC. 103. SUNSET.

All authorities under this division (other than title IV) shall terminate on October 1, 2007.

TITLE II—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 201. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) A principal objective of United States foreign assistance programs, as stated in section 101 of the Foreign Assistance Act of 1961, is the ''encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives''.

(2) The expanding acceptance of free trade and open markets and the spread of democracy and the rule of law have brought a better way of life to an increasing number of people in the world.

(3) Inequalities between men and women undermine development and poverty-reduction efforts in fundamental ways. A woman's limited access to resources and restrictions on the exercise of her rights, including the right to participate in social and political processes, disables her from maximizing her contribution to her family's health, education, and general well-being.

(4) On March 14, 2002, the President noted the successes of development assistance programs: ''The advances of free markets and trade and democracy and rule of law have brought prosperity to an ever-widening circle of people in this world. During our lifetime, per capita income in the poorest countries has nearly doubled. Illiteracy has been cut by one-third, giving more children a chance to learn. Infant mortality has been almost halved, giving more children a chance to live.''.

(5) Development is neither an easy process nor a linear one. There are successes and there are failures. Today, too many people are still living in poverty, disease has eroded many of the economic and social gains of previous decades, and many countries have not adopted policies, for a variety of reasons, that would enable them to compete in an open and equitable international economic system.

(6) More countries and more people will be able to participate in and benefit from the opportunities afforded by the global economy if the following conditions for sound and sustainable economic development are met:

(A) SECURITY.—Security is necessary for economic development. Persistent poverty and oppression can lead to hopelessness, despair, and to failed states that become havens for terrorists.

(B) POLICIES THAT SUPPORT BROAD-BASED ECONOMIC GROWTH.—Successful long-term development can only occur through broad-based economic growth that enables the poor to increase their incomes and have access to productive resources and services so that they can lead lives of decency, dignity, and hope.

(C) DEMOCRACY AND THE RULE OF LAW.—Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. The ability of people to participate in the economic and political processes affecting their lives is essential to sustained growth. The rule of law and a commitment to fight corruption is also critical to the development of a prosperous society.

(D) INVESTMENTS IN PEOPLE.—Economic growth and democracy can be sustained only if both men and women have the basic tools and capabilities that foster the opportunity for participation in the economic, social, and political life of their countries. Successful development of countries requires citizens who are literate, healthy, and prepared and able to work.

(7) Economic assistance programs authorized under part I of the Foreign Assistance Act of 1961, as administered by the United States Agency for International Development and other Federal agencies, are of critical importance in assisting countries to be in a position to maximize the effectiveness of assistance authorized by this title.

(8) It is in the national interest of the United States to help those countries that are implementing the economic and political reforms necessary for development to occur.

(9) On March 14, 2002, the President stated that the ''growing divide between wealth and poverty, between opportunity and misery, is both a challenge to our compassion and a source of instability . . . [w]e must confront it . . . [w]e must include every African, every Asian, every Latin American, every Muslim, in an expanding circle of development.''.

(10) The President has pledged that funds requested for the Millennium Challenge Account shall be in addition to, and not a substitute for, existing development and humanitarian programs.

(11) Development assistance alone is not sufficient to stimulate economic growth and development. Assistance has been shown to have a positive impact on growth and development in developing countries with sound policies and institutions. If countries have poor policies and institutions, however, it is highly unlikely that assistance will have a net positive effect.

(12) Economic development, and the achievement of the Millennium Development Goals, must be a shared responsibility between donor and recipient countries.

(b) STATEMENT OF POLICY REGARDING A NEW COMPACT FOR GLOBAL DEVELOPMENT.—It is, therefore, the policy of the United States to support a new compact for global development that—

(1) increases support by donor countries to those developing countries that are fostering democracy and the rule of law, investing in their people, and promoting economic freedom for all their people;

(2) recognizes, however, that it is the developing countries themselves that are primarily responsible for the achievement of those goals;

(3) seeks to coordinate the disparate development assistance policies of donor countries, and to harmonize the trade and finance policies of donor countries with their respective development assistance programs; and

(4) aims to reduce poverty by significantly increasing the economic growth trajectory of beneficiary countries through investing in the productive potential of the people of such countries.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) ASSISTANCE.—The President, acting through the Chief Executive Officer of the Millennium Challenge Corporation, is authorized to provide assistance to eligible countries to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction and are in furtherance of the purposes of this title.

(b) PRINCIPAL OBJECTIVES.—Assistance provided under subsection (a) should advance a country's progress toward promoting the following principal objectives:

(1) FOSTERING DEMOCRATIC SOCIETIES, HUMAN RIGHTS, AND THE RULE OF LAW.—The assistance should promote—

(A) political, social, and economic pluralism;

(B) respect for the rule of law;

(C) anti-corruption initiatives and law enforcement;

(D) development of institutions of democratic governance, including electoral and legislative processes;

(E) transparent and accountable public administration at all levels of government;

(F) a fair, competent, and independent judiciary; and

(G) a free and independent media.

(2) FOSTERING INVESTMENT IN EDUCATION AND HEALTH INFRASTRUCTURE AND SYSTEMS.—The assistance should foster improved educational opportunities and health conditions, particularly for women and children, including through—

(A) support for programs and personnel that promote broad-based primary education, including through the development of academic curricula, by making available textbooks and other educational materials, and through appropriate use of technology;

(B) support for programs to strengthen and build institutions, including primary health care systems, infrastructure, facilities, and personnel that provide quality health care;

(C) support for improved systems for the delivery of healthy water and sanitation services; and

(D) support for programs that reduce child mortality (including those programs that combat HIV/AIDS, malaria, tuberculosis, and other infectious diseases, consistent with sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961).

(3) PROMOTING ECONOMIC FREEDOM, BROAD-BASED ECONOMIC GROWTH, AND FOSTERING FREE MARKET SYSTEMS.—The assistance should foster the institutions and conditions needed to promote free market systems, trade, and investment, including—

(A) the reform and restructuring of banking and financial systems, including by allowing foreign competition in the banking and financial sectors, where appropriate;

(B) the development of transparent and efficient commercial codes and reduction in the regulatory burden on business;

(C) the protection of property rights, including—

(i) private property and intellectual property rights, including through the adoption and effective enforcement of intellectual property treaties or international agreements; and

(ii) the establishment and maintenance of an efficient and integrated legal property system that, among other things, facilitates the ability of the poor, particularly women, to convert physical and intellectual assets into capital, such as utilizing existing practices and customs that allow assets to be documented in a manner that makes the assets widely transferable, leveragable, and fungible, that allows individuals to hold legal title to their property, and that holds owners accountable for transactions involving their property;

(D) support for market-based policies that support increased agricultural production;

(E) a strong commitment to sound monetary and budgetary policies;

(F) the development of small businesses, private cooperatives, credit unions, and trade and labor unions;

(G) the protection of internationally recognized workers' rights; and

(H) the capacity of eligible countries to ameliorate damage to the environment and respect other environmental standards.

SEC. 203. ELIGIBILITY AND RELATED REQUIREMENTS.

(a) ASSISTANCE FOR LOW INCOME COUNTRIES.—

(1) FISCAL YEAR 2004.—A country shall be eligible to receive assistance under section 202 for fiscal year 2004 if—

(A) the country is eligible for assistance from the International Development Association, and the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for that year, as defined by the International Bank for Reconstruction and Development;

(B) subject to paragraph (3), the country is not ineligible to receive United States economic assistance by reason of the application of section 116, 490, or 620A of the Foreign Assistance Act of 1961, or by reason of the application of any other provision of law; and

(C) the Chief Executive Officer of the Corporation determines that the country has demonstrated a commitment to—

(i) bolster democracy, human rights, good governance and the rule of law;

(ii) invest in the health and education of its citizens; and

(iii) promote sound economic policies that promote economic freedom and opportunity.

(2) FISCAL YEARS 2005 AND 2006.—A country shall be eligible to receive assistance under section 202 for fiscal years 2005 and 2006 if—

(A) the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the fiscal year involved, as defined by the International Bank for Reconstruction and Development;

(B) the country meets the requirements of paragraph (1)(B); and

(C) the country meets the requirements of clauses (i) through (iii) of paragraph (1)(C), as determined by the Chief Executive Officer.

(3) RULE OF CONSTRUCTION.—For the purposes of determining whether a country is eligible for receiving assistance under section 202 pursuant to paragraph (1)(B), the exercise by the President, the Secretary of State, or any other officer or employee of the United States of any waiver or suspension of any provision of law referred to in such paragraph shall not be construed as satisfying the requirement of such paragraph.

(b) ASSISTANCE FOR LOWER MIDDLE INCOME COUNTRIES.—

(1) IN GENERAL.—In addition to countries described in subsection (a), a country shall be eligible to receive assistance under section 202 for fiscal year 2006 if the country—

(A) is classified as a lower middle income country in the then most recent edition of the World Development Report published by the International Bank for Reconstruction and Development;

(B) meets the requirements of subsection (a)(1)(B); and

(C) meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer.

(2) LIMITATION.—The total amount of assistance provided to countries under this subsection for fiscal year 2006 may not exceed 20 percent of the total amount of assistance provided to all countries under section 202 for fiscal year 2006.

(c) ASSISTANCE FOR SELECTED LOW INCOME COUNTRIES.—

(1) IN GENERAL.—A country shall be eligible to receive assistance for any of fiscal years 2004 through 2006 solely for the purpose of becoming eligible to receive assistance under subsection (a) if the country—

(A) meets the requirements of paragraphs (1)(B) and (2)(A) of subsection (a);

(B) demonstrates a commitment to meeting the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer; but

(C) fails to meet the eligibility criteria necessary to receive assistance under section 202, as established under subsection (e).

(2) ADMINISTRATION.—Assistance for countries eligible by reason of the application of this subsection shall be provided through the United States Agency for International Development.

(3) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, not more than 15 percent of such amount is authorized to be appropriated to the President for the fiscal year to carry out this subsection.

(d) GENERAL AUTHORITY TO DETERMINE ELIGIBILITY.—

(1) GENERAL AUTHORITY.—The Chief Executive Officer shall determine whether or not a country is eligible to receive assistance under section 202.

(2) CONGRESSIONAL NOTIFICATION.—Not later than 7 days after making a determination of eligibility for a country under paragraph (1), the Chief Executive Officer shall provide notice thereof to the appropriate congressional committees. Such notice shall include a certification of the determination of the Chief Executive Officer that the country meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C) in accordance with such subsection, subsection (a)(2)(C), subsection (b)(1)(C), or subsection (c)(1)(B), as the case may be.

(e) ELIGIBILITY CRITERIA.—

(1) INITIAL CRITERIA AND METHODOLOGY.—At soon as practicable after the date of the enactment of this Act, but not later than 30 days prior to making any determination of eligibility for a country under this section, the Chief Executive Officer—

(A) shall consult in-person with the appropriate congressional committees with respect to the establishment of eligibility criteria and methodology that the Chief Executive Officer proposes to use for purposes of determining eligibility under this section;

(B) shall establish such eligibility criteria and methodology; and

(C) shall prepare and transmit to such committees a written report that contains such eligibility criteria and methodology.

(2) REVISIONS TO CRITERIA AND METHODOLOGY.—If the Chief Executive Officer proposes to use revised or different criteria from the criteria described in paragraph (1) in making a determination of eligibility for a country under this section, then, not later than 15 days prior to making such determination, the Chief Executive Officer shall consult in-person with the appropriate congressional committees with respect to such revised or different criteria and methodology in accordance with paragraph (1)(A) and shall prepare and transmit a written report in accordance with paragraph (1)(C).

(f) FORM OF ASSISTANCE; RECIPIENTS.—

(1) FORM OF ASSISTANCE.—Assistance provided under section 202 for a country shall be provided to one or more of the entities described in paragraph (2) on a nonrepayable basis and in accordance with a fair, open, and competitive selection process that results in the awarding of such assistance on a merit basis using selection criteria that are made public by the Corporation in advance and are otherwise in accordance with standard and customary best practices for the provision of similar types of assistance.

(2) RECIPIENTS.—The entities referred to in paragraph (1) are the following:

(A) The national government of the country.

(B) Regional or local governmental units of the country.

(C) Nongovernmental organizations, including for-profit, not-for-profit, and voluntary organizations.

(D) International organizations and trust funds.

(g) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer may not make any grant or enter into any contract for assistance for a country under section 202 that exceeds $5,000,000 until 15 days after the date on which the Chief Executive Officer provides notification of the proposed grant or contract to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(h) PROHIBITION ON USE OF FUNDS.—The prohibitions on use of funds contained in paragraphs (1) through (3) of section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)(1)–(3)) shall apply to funds made available to carry out this division to the same extent and in the same manner as such prohibitions apply to funds made available to carry out part I of such Act.

SEC. 204. MILLENNIUM CHALLENGE COMPACT.

(a) COMPACT.—The President, acting through the Chief Executive Officer of the Corporation, may provide assistance to an eligible country under section 202 only if the country enters into a contract with the United States, to be known as a ''Millennium Challenge Compact'', that establishes a multi-year plan for achieving shared development objectives in furtherance of the purposes of this title, and only if the President, acting through the Chief Executive Officer, provides to Congress notice regarding such Compact pursuant to subsection (h).

(b) ELEMENTS.—

(1) IN GENERAL.—The Compact shall take into account the national development strategy of the eligible country and shall contain—

(A) the specific objectives that the country and the United States expect to achieve;

(B) the responsibilities of the country and the United States in the achievement of such objectives;

(C) regular benchmarks to measure, where appropriate, progress toward achieving such objectives;

(D) an identification of the intended beneficiaries, disaggregated by income level, gender, and age, to the maximum extent practicable;

(E) a multi-year financial plan, including the estimated amount of contributions by the Corporation and the country and proposed mechanisms to implement the plan and provide oversight, that describes how the requirements of subparagraphs (A) through (D) will be met, including identifying the role of civil society in the achievement of such requirements;

(F) where appropriate, a description of the responsibility of other donors in the achievement of such objectives; and

(G) a plan to ensure appropriate fiscal accountability for the use of assistance provided under section 202.

(2) LOWER MIDDLE INCOME COUNTRIES.—In addition to the elements described in subparagraphs (A) through (G) of paragraph (1), with respect to a lower middle income country described in section 203(b), the Compact shall identify an appropriate contribution from the country relative to its national budget, taking into account the prevailing economic conditions, toward meeting the objectives of the Compact. Such contribution shall be in addition to government spending allocated for such purposes in the country's budget for the year immediately preceding the establishment of the Compact and shall continue for the duration of the Compact.

(c) DEFINITION.—In subsection (b), the term ''national development strategy'' means any strategy to achieve market-driven economic growth that has been developed by the government of the country in consultation with a wide variety of civic participation, including nongovernmental organizations, private and voluntary organizations, academia, women and student organizations, local trade and labor unions, and the business community.

(d) ADDITIONAL PROVISION RELATING TO PROHIBITION ON TAXATION.—In addition to the elements described in subsection (b), each Compact shall contain a provision that states that assistance provided by the United States under the Compact shall be exempt from taxation by the government of the eligible country.

(e) LOCAL INPUT.—In entering into a Compact, the United States and the eligible country—

(1) shall take into account the local-level perspectives of the rural and urban poor in the eligible country; and

(2) should consult with private and voluntary organizations, the business community, and other donors, in the eligible country.

(f) CONSULTATION.—During any discussions with a country for the purpose of entering into a Compact with the country, officials of the Corporation participating in such discussions shall, at a minimum, consult with appropriate officials of the United States Agency for International Development, particularly with those officials responsible for the appropriate region or country on development issues related to the Compact.

(g) COORDINATION WITH OTHER DONORS.—To the maximum extent feasible, activities undertaken to achieve the objectives of the Compact shall be undertaken in coordination with the assistance activities of other donors.

(h) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Not later than 15 days prior to entering into a Compact with an eligible country, the President, acting through the Chief Executive Officer—

(1) shall consult in-person with the appropriate congressional committees with respect to the proposed Compact;

(2) shall provide notification of the proposed Compact to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961;

(3) shall prepare and transmit to such committees a written report that contains a detailed summary of the proposed Compact and a copy of the full text of the Compact; and

(4) shall publish such detailed summary and full text of the proposed Compact in the Federal Register and on the Internet website of the Corporation.

(i) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—Notwithstanding subsection (a), the Chief Executive Officer may enter into contracts or make grants for any eligible country for the purpose of facilitating the development of the Compact between the United States and the country.

SEC. 205. SUSPENSION AND TERMINATION OF ASSISTANCE.

(a) SUSPENSION OF ASSISTANCE.—

(1) IN GENERAL.—The President shall suspend assistance in whole or in part for a country under this title if the President determines that—

(A) the country is engaged in activities which are contrary to the national security interests of the United States;

(B) the elected head of state of the country or any member of the country's highest judicial tribunal has been removed from that office or forcibly detained through extra-constitutional processes; or

(C) the country has failed to adhere to its responsibilities under the Compact.

(2) REINSTATEMENT.—The President may reinstate assistance for a country under this title only if the President determines that the country has demonstrated a commitment to correcting each condition for which assistance was suspended under paragraph (1).

(3) CONGRESSIONAL NOTIFICATION.—A suspension of assistance under paragraph (1), or a reinstatement of assistance under paragraph (2), shall be effective beginning 15 days after the date on which the President transmits to the appropriate congressional committees a report that contains the determination of the President under paragraph (1) or paragraph (2), as the case may be.

(b) TERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—The President, acting through the Chief Executive Officer of the Corporation, shall terminate all assistance for a country under this title if the President determines that the country has consistently failed to adhere to its responsibilities under the Compact or has significantly failed to meet the requirements of this title.

(2) CONGRESSIONAL NOTIFICATION.—A termination of assistance under paragraph (1) shall be effective beginning 15 days after the date on which the President, acting through the Chief Executive Officer, provides notification of the proposed termination of assistance to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 206. ANNUAL REPORT.

(a) REPORT.—Not later than April 1, 2005, and not later than April 1 of each year thereafter, the Chief Executive Officer of the Corporation shall prepare and transmit to the appropriate congressional committees a report on the implementation of this title for the preceding year.

(b) CONTENTS.—The report shall include the following:

(1) A description and assessment of the eligibility criteria and methodology utilized by the Chief Executive Officer to determine eligibility for each country under section 203.

(2) A description of the agreed upon measures of progress contained in each Compact.

(3)(A) An analysis, on a country-by-country, project-by-project basis, of the impact of

assistance provided under this title on the economic development of each country.

(B) For each country, the analysis shall—

(i) to the maximum extent possible, be done on a sector-by-sector basis, gender basis, and per capita income basis, and identify trends within each of these bases;

(ii) identify economic policy reforms conducive to economic development that are supported by assistance provided under this title;

(iii) describe, in quantified terms to the extent practicable, the progress made in achieving assistance objectives for the country;

(iv) describe the amount and nature of economic assistance provided by other major donors which further the purposes of this title; and

(v) discuss the commitment and contribution of the country to achieving the assistance objectives contained in its Compact.

(4) A description and assessment of property rights in each country, including—

(A) the total value of legal and extralegal property and business holdings;

(B) the average time required to acquire land; and

(C) the average time required to register and wind up a business enterprise.

SEC. 207. PARTICIPATION OF CERTAIN UNITED STATES BUSINESSES.

(a) PARTICIPATION.—To the maximum extent practicable, the President, acting through the Chief Executive Officer, shall ensure that United States small, minority-owned, and disadvantaged business enterprises fully participate in the provision of goods and services that are financed with funds made available under this title.

(b) REPORT.—The Chief Executive Officer shall prepare and submit to the appropriate congressional committees an annual report that contains a description of the extent to which the requirement of subsection (a) has been met for the preceding year.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS; RELATED AUTHORITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President, acting through the Chief Executive Officer of the Corporation, to carry out this division (other than title IV) $1,300,000,000 for fiscal year 2004, $3,000,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) may be referred to as the ''Millennium Challenge Account'';

(2) are authorized to remain available until expended; and

(3) are in addition to amounts otherwise available for such purposes.

TITLE III—MILLENNIUM CHALLENGE CORPORATION

SEC. 301. MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT.—There is hereby established in the executive branch a corporation to be known as the ''Millennium Challenge Corporation'' that shall be responsible for carrying out title II.

(b) GOVERNMENT CORPORATION.—The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

SEC. 302. CHIEF EXECUTIVE OFFICER.

(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as Chief Executive Officer of the Corporation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) COMPENSATION AND RANK.—

(1) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(2) AMENDMENT.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Millennium Challenge Corporation.''.

(c) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall exercise the powers and discharge the duties of the Corporation and any other duties, as conferred on the Chief Executive Officer by the President.

(d) AUTHORITY TO APPOINT OFFICERS.—The Chief Executive Officer shall appoint all officers of the Corporation.

SEC. 303. BOARD OF DIRECTORS.

(a) IN GENERAL.—There shall be in the Corporation a Board of Directors.

(b) DUTIES.—The Board may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Corporation may be conducted and in which the powers granted to it by law may be exercised.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of—

(A) the Secretary of State, the Secretary of Treasury, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the Corporation, and the United States Trade Representative; and

(B) four other individuals who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(2) EX-OFFICIO MEMBERS.—In addition to members of the Board described in paragraph (1), the Director of the Office of Management and Budget, the President and Chief Executive Officer of the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, and the Director of the Peace Corps shall be non-voting members, ex officio, of the Board.

(d) TERMS.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—Each member of the Board described in paragraphs (1)(A) and (2) of subsection (c) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(2) OTHER MEMBERS.—Each member of the Board described in subsection (c)(1)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 2 years.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Secretary of State shall serve as the Chairperson of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum, which shall include at least one member of the Board described in subsection (c)(1)(B).

(g) MEETINGS.—The Board shall meet at the call of the Chairperson.

(h) COMPENSATION.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—

(A) IN GENERAL.—A member of the Board described in paragraphs (1)(A) and (2) of subsection (c) may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(B) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) OTHER MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Board described in subsection (c)(1)(B)—

(i) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(ii) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(B) LIMITATION.—A member of the Council may not be paid compensation under subparagraph (A)(i) for more than thirty days in any calendar year.

SEC. 304. INTERAGENCY COORDINATION.

In carrying out the functions described in this title, and consistent with section 101 of the National Security Act of 1947 (50 U.S.C. 402), the President shall ensure coordination of assistance authorized under title II with foreign economic assistance programs and activities carried out by other Federal departments and agencies.

SEC. 305. POWERS OF THE CORPORATION; RELATED PROVISIONS.

(a) POWERS.—The Corporation—

(1) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(2) may prescribe, amend, and repeal such rules, regulations, and procedures as are necessary for carrying out the functions of the Corporation and all Compacts;

(3) may make and perform such contracts, grants, and other agreements with any individual, corporation, or other private or public entity, however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $95,000 in any fiscal year;

(5) may lease, purchase, or otherwise acquire, own, hold, improve, use or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation;

(6) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this division;

(7) may hire or obtain passenger motor vehicles;

(8) may use the United States mails in the same manner and on the same conditions as the Executive departments (as defined in section 101 of title 5, United States Code);

(9) may, with the consent of any Executive agency (as defined in section 105 of title 5, United States Code), use the information, services, facilities, and personnel of that agency on a full or partial reimbursement in carrying out the purposes of this division; and

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction.

(b) OFFICES.—

(1) PRINCIPAL OFFICE.—The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(2) OTHER OFFICES.—The Corporation may establish other offices in any place or places outside the United States in which the Corporation may carry out any or all of its operations and business.

(c) COOPERATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES.—In order to avoid unnecessary expense and duplication of functions, efforts, and activities between the Corporation and other Federal departments and agencies the Chief Executive Officer, or the Chief Executive Officer's designee—

(1)(A) shall consult, to the maximum extent practicable, with the Administrator of the United States Agency for International Development, or the Administrator's designee, in order to coordinate the activities of the Corporation and the Agency for International Development; and

(B) shall consult with the heads of other departments and agencies to ensure similar coordination of activities;

(2)(A) shall ensure proper coordination of activities of the Corporation with the provision of development assistance of relevant international financial institutions, including the International Bank for Reconstruction and Development, the International Monetary Fund, and the regional multilateral development banks; and

(B) shall provide to each United States Executive Director (or other United States representative) to the relevant international financial institutions a copy of each proposed Compact between the United States and an eligible country and a copy of each such final Compact.

(d) POSITIONS WITH FOREIGN GOVERNMENTS.—When approved by the Corporation, in furtherance of its purposes, employees of the Corporation (including individuals detailed to the Corporation) may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries or with international organizations.

SEC. 306. TRANSPARENCY AND ACCOUNTABILITY OF THE CORPORATION.

The Corporation and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

SEC. 307. DETAIL OF PERSONNEL TO THE CORPORATION; OTHER AUTHORITIES AND LIMITATIONS.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer of the Corporation, the head of an agency may detail any employee of such agency to the Corporation on a fully or partially reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) LIMITATION ON TOTAL SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no individual may serve in or under the Corporation (whether as an employee of the Corporation, a detailee to the Corporation, or a combination thereof) for a total period exceeding 5 years.

(2) EXCEPTIONS.—

(A) EXTENSION AUTHORITY.—The Chief Executive Officer may extend the 5-year period under paragraph (1) for up to an additional 3 years, in the case of any particular individual, if the Chief Executive Officer determines that such extension is essential to the achievement of the purposes of this division.

(B) OFFICERS.—Nothing in this subsection shall limit the period for which an individual may serve as an officer of the Corporation appointed pursuant to section 302(d) nor shall any period of service as such an officer be taken into account for purposes of applying this subsection.

(c) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Corporation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Corporation—

(i) by reason of the application of subsection (b); or

(ii) for any other reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Corporation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Corporation without regard to the provisions of—

(1) chapter 51 of title 5, United States Code (relating to the classification of positions), and

(2) subchapter III of chapter 53 of such title (relating to General Schedule pay rates),

except that no employee of the Corporation may receive a rate of basic pay that exceeds the rate for level II of the Executive Schedule under section 5313 of such title.

(e) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post, or United States Agency for International Development field mission.

(f) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(g) RESPONSIBILITY OF CHIEF OF MISSION.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

(h) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Corporation may allocate or transfer to the United States Agency for International Development or any other agency any part of any funds available for carrying out the purposes of this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer shall notify the appropriate congressional committees not later than 15 days prior to a transfer of funds under paragraph (1) that exceeds $5,000,000.

(3) USE OF SERVICES.—For carrying out the purposes of this division, the Corporation may utilize the services and facilities of, or procure commodities from, any agency under such terms and conditions as may be agreed to by the head of the agency and the Corporation.

(i) FUNDING LIMITATION.—Of the funds allocated under subsection (h) in any fiscal year, not more than 7 percent of such funds may be used for administrative expenses.

(j) OTHER AUTHORITIES.—Except to the extent inconsistent with the provisions of this division, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 shall apply to the provision of assistance under this division to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act.

(k) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Corporation shall be subject to the provisions of chapter 91 of subtitle VI of title 31, United States Code, except that the Corporation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(Q) the Millennium Challenge Corporation.''

(l) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the United States Agency for International Development shall serve as Inspector General of the Corporation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Corporation.

(2) AUTHORITY OF THE BOARD.—In carrying out its responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board of Directors.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Corporation shall reimburse the United States Agency for International Development for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, up to $1,000,000 is authorized to be made available to the Inspector General of the United States Agency for International Development to conduct reviews, investigations, and inspections of operations and activities of the Corporation.

(m) COMPTROLLER GENERAL.—

(1) IN GENERAL.—The Comptroller General shall conduct audits, evaluations, and investigations of the Corporation.

(2) SCOPE.—The activities and financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be evaluated, investigated, or audited by the Comptroller General in accordance with such rules and regulations as may be prescribed by the Comptroller General.

(3) ACCESS AND RECORDS.—Any evaluation, investigation, or audit shall be conducted at the place or places where pertinent information of the Corporation is normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the evaluation, investigation, or audit; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Corporation shall remain in the possession and custody of the Corporation throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, papers, or property for a longer period under section 3523(c) of title 31, United States Code.

(4) REPORT.—A report of such audit, evaluation, or investigation shall be made by the Comptroller General to the appropriate congressional committees and to the President, together with such recommendations with respect thereto as the Comptroller General shall deem advisable.

(n) DEFINITIONS.—For purposes of this section—

(1) the term ''agency'' means an Executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Corporation.

SEC. 308. MILLENNIUM CHALLENGE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is hereby established in the executive branch an advisory council to the Corporation to be known as the Millennium Challenge Advisory Council.

(b) FUNCTIONS.—

(1) GENERAL FUNCTIONS.—The Council shall advise and consult with the Chief Executive Officer of the Corporation and the Board of Directors with respect to policies and programs designed to further the purposes of this division and shall periodically report to the Congress with respect to the activities of the Corporation. In addition, the Council shall review on an annual basis the criteria and methodology used to determine eligibility of countries for assistance under title II and make recommendations to the Chief Executive Officer and the Board to improve the effectiveness of such criteria and methodology in order to achieve the purposes of this division.

(2) ADDITIONAL FUNCTIONS.—Members of the Council shall (subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Corporation in the United States and in other countries in order to—

(A) evaluate the accomplishments of the Corporation;

(B) assess the potential capabilities and the future role of the Corporation;

(C) make recommendations to the Chief Executive Officer, the Board of Directors, and Congress, for the purpose of guiding the future direction of the Corporation and of helping to ensure that the purposes and programs of the Corporation are carried out in ways that are economical, efficient, responsive to changing needs in developing countries and to changing relationships among people, and in accordance with law;

(D) make such other evaluations, assessments, and recommendations as the Council considers appropriate.

(3) PUBLIC PARTICIPATION.—The Council may provide for public participation in its activities, consistent with section 552b of title 5, United States Code.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of seven individuals, who shall be appointed by the Chief Executive Officer, and who shall be broadly representative of nongovernmental entities with expertise and interest in international trade and economic development, including business and business associations, trade and labor unions, private and voluntary organizations, foundations, public policy organizations, academia, and other entities as the Chief Executive Officer determines appropriate.

(2) ADDITIONAL REQUIREMENT.—No member appointed under paragraph (1) may be an officer or employee of the United States Government.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Council—

(A) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Council; and

(B) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Council, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(2) LIMITATION.—A member of the Council may not be paid compensation under paragraph (1)(A) for more than thirty days in any calendar year.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum for the purposes of transacting any business.

(f) FINANCIAL INTERESTS OF MEMBERS.—A member of the Council shall disclose to the Chairperson of the Council and the Chief Executive Officer of the existence of any direct or indirect financial interest of that member in any particular matter before the Council and may not vote or otherwise participate as a Council member with respect to that particular matter.

(g) CHAIRPERSON.—The Chief Executive Officer shall designate one of the members of the Council as Chairperson, who shall serve in that capacity for a term of two years. The Chief Executive Officer may renew the term of the member appointed as Chairperson under the preceding sentence.

(h) MEETINGS, BYLAWS, AND REGULATIONS.—

(1) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Chief Executive Officer, the Chairperson of the Board, the Chairperson of the Council, or two members of the Council.

(2) BYLAWS AND REGULATIONS.—The Council shall prescribe such bylaws and regulations as it considers necessary to carry out its functions. Such bylaws and regulations shall include procedures for fixing the time and place of meetings, giving or waiving of notice of meetings, and keeping of minutes of meetings.

(i) REPORT TO THE PRESIDENT, CHIEF EXECUTIVE OFFICER, AND BOARD.—

(1) REPORT.—Not later than January 1, 2005, and not later than January 1 of each year thereafter that the Corporation is in existence, the Council shall submit to the President, the Chief Executive Officer, and the Board a report on its views on the programs and activities of the Corporation.

(2) CONTENTS.—Each report shall contain a summary of the advice and recommendations provided by the Council to the Chief Executive Officer and the Board during the period covered by the report and such recommendations (including recommendations for administrative or legislative action) as the Council considers appropriate to make to the Congress.

(3) ADDITIONAL REQUIREMENT.—Not later than 90 days after receiving each such report, the Chief Executive Officer shall transmit to Congress a copy of the report, together with any comments concerning the report that the Chief Executive Officer considers appropriate.

(j) ADMINISTRATIVE ASSISTANCE.—The Chief Executive Officer shall make available to the Council such personnel, administrative support services, and technical assistance as are necessary to carry out its functions effectively.

(k) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Council. Notwithstanding section 102 of this Act, the authorities of the Council shall terminate on December 31, 2007.

SEC. 309. MILLENNIUM CHALLENGE SEED GRANTS.

(a) FINDINGS.—Congress finds the following:

(1) Many countries in the developing world lack the academic and public policy advocacy base essential to attaining the principal objectives of the Millennium Challenge Account.

(2) Because of widespread government repression of free speech and poverty, the countries of Africa in particular suffer an acute shortage of nongovernmental organizations which effectively study and promote the principal objectives of the Millennium Challenge Account.

(3) Many developing countries, particularly low income countries, lack the institutional capacity to enhance the quality and accuracy of data upon which the eligibility criteria in section 203 relies. Such countries may also lack the ability to monitor and evaluate development projects effectively.

(4) The Millennium Challenge Account will struggle to reach its goals unless countries in the developing world possess a home grown intellectual commitment and culture of advocacy aimed at promoting its principal objectives.

(b) ASSISTANCE.—The Chief Executive Officer of the Corporation is authorized to provide assistance in support of nongovernmental organizations (including universities, independent foundations, and other organizations) in low income and lower middle income countries, and, where appropriate, directly to agencies of foreign governments in low income countries, that are undertaking research, education, and advocacy efforts aimed at promoting democratic societies, human rights, the rule of law, improved educational opportunities and health conditions, particularly for women and children, and economic freedom, including research aimed at improving data related to the eligibility criteria and methodology established by this division with respect to such a country or monitoring and evaluating the impact of assistance provided under this division.

(c) LIMITATION.—Not more than $10,000,000 of the amount made available to carry out this division for a fiscal year may be made available to carry out this section.

Page 56, after line 3, insert the following new section:

SEC. 310. CLARIFICATION OF ROLE OF USAID.

(a) STATUS OF USAID.—The Administrator of the United States Agency for International Development shall report to the

President through, and operate under the foreign policy authority and direction of, the Secretary of State. The United States Agency for International Development shall be administered under the supervision and operational direction of the Administrator of the Agency.

(b) FUNCTIONS OF USAID.—The United States Agency for International Development is authorized—

(1) to receive appropriated funds;

(2) to be the United States Government agency primarily responsible for administering sections 103 through 108 (other than section 104A), 214, and 491 of the Foreign Assistance Act of 1961, the ''Child Survival and Health Programs Fund'', and other United States economic assistance as directed in writing by the President or the Secretary of State, or as otherwise provided by law;

(3) to provide assistance to a country currently ineligible for assistance provided under title II in order that it may become eligible for such assistance; and

(4) upon the request of the Chief Executive Officer of the Corporation and with the concurrence of the Administrator of the Agency, to assist in the evaluation, execution, and oversight of Millennium Challenge Compacts described in section 204.

TITLE IV—PROVISIONS RELATING TO UNITED STATES ECONOMIC ASSISTANCE

SEC. 401. DEFINITION.

In this title, the term ''United States economic assistance'' means any bilateral economic assistance, from any budget functional category, that is provided by any department or agency of the United States to a foreign country, including such assistance that is intended—

(A) to assist the development and economic advancement of friendly foreign countries and peoples, including assistance provided under title II (relating to the Millennium Challenge Account);

(B) to promote the freedom, aspirations, or sustenance of friendly peoples under oppressive rule by unfriendly governments;

(C) to promote international trade and foreign direct investment as a means of aiding economic growth;

(D) to save lives and alleviate suffering of foreign peoples during or following war, natural disaster, or complex crisis;

(E) to assist in recovery and rehabilitation of countries or peoples following disaster or war;

(F) to protect refugees and promote durable solutions to aid refugees;

(G) to promote sound environmental practices;

(H) to assist in development of democratic institutions and good governance by the people of foreign countries;

(I) to promote peace and reconciliation or prevention of conflict;

(J) to improve the technical capacities of governments to reduce production of and demand for illicit narcotics; and

(K) to otherwise promote through bilateral foreign economic assistance the national objectives of the United States.

SEC. 402. FRAMEWORK FOR ASSISTANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that a coherent framework for United States economic assistance should be established in accordance with this section.

(b) ELEMENTS.—The framework described in subsection (a) includes the following elements:

(1) The United States Agency for International Development, under the direction and foreign policy guidance of the Secretary of State, should be responsible for—

(A) providing assistance to countries that face natural and man-made disasters in order to provide humanitarian relief to the peoples of such countries, in coordination with refugee programs administered by the Department of State;

(B) providing assistance to countries that are suffering from conflicts or are in post-conflict situations in order to provide humanitarian relief, transition assistance, and reconstruction assistance;

(C) providing assistance to help moderate-to-poorly performing countries achieve development progress in the areas described in part I of the Foreign Assistance Act of 1961, including progress toward becoming eligible for assistance under this title, and to promote international health worldwide, as well as assisting in the development of country and regional development strategies;

(D) addressing transnational problems, such as environmental degradation, food insecurity, and health problems; and

(E) assisting other Federal departments and agencies, including the Corporation established under title III, to carry out assistance activities abroad, including providing technical assistance and advice to such departments and agencies, coordinating its assistance programs with such departments and agencies, and using its field offices to help implement such assistance.

(2) The Corporation established under title III should provide assistance to countries that have demonstrated a commitment to bolstering democracy, good governance, and the rule of law, to investing in the health and educations of their people, and to promoting sound economic policies that foster economic opportunity for their people.

(3) The Department of State should be responsible for allocating security assistance to support key foreign policy objectives of the United States and shall administer assistance in such areas as non-proliferation, anti-terrorism, counter-narcotics, and relief for refugees.

(4) Other Federal departments and agencies with expertise in international development-related activities, such as the Overseas Private Investment Corporation, the Trade and Development Agency, the Department of Agriculture, the Department of Health and Human Services, and the Centers for Disease Control and Prevention, to the extent such departments and agencies have the authority to carry out development-related programs, and in coordination with the Department of State and the United States Agency for International Development, should provide expertise in specific technical areas and shall provide assistance, including assistance provided with funds made available from the Corporation to assist United States Government international development activities.

SEC. 403. REPORT RELATING TO IMPACT AND EFFECTIVENESS OF ASSISTANCE.

(a) REPORT.—Not later than December 31, 2004, and December 31 of each third year thereafter, the President shall transmit to Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of United States economic assistance furnished under the framework established in section 402 to each country during the preceding three fiscal years. The report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding three fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding three fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding three fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(b) LISTING OF MOST AND LEAST SUCCESSFUL ASSISTANCE PROGRAMS.—The report required by this section shall identify—

(1) each country in which United States economic assistance has been most successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were achieved; and

(2) each country in which United States economic assistance has been least successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were not achieved.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(d) DE MINIMUS EXCEPTION.—Information under subsections (a) and (b) for a fiscal year shall not be required with respect to a country for which United States economic assistance for the country for the fiscal year is less than $5,000,000.

DIVISION B—REAUTHORIZATION AND EXPANSION OF THE PEACE CORPS

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Peace Corps Expansion Act of 2003''.

SEC. 1002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) DIRECTOR.—The term ''Director'' means the Director of the Peace Corps.

(3) HOST COUNTRY.—The term ''host country'' means a country whose government has invited the Peace Corps to establish a Peace Corps program within the territory of the country.

(4) PEACE CORPS VOLUNTEER.—The term ''Peace Corps volunteer'' means a volunteer or a volunteer leader under the Peace Corps Act.

(5) RETURNED PEACE CORPS VOLUNTEER.—The term ''returned Peace Corps volunteer'' means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 1003. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service abroad of volunteers who are United States citizens. The spirit of service and commitment to helping others is a fundamental component of democracy.

(2) Since its establishment, more than 168,000 volunteers have served in the Peace Corps in 136 countries throughout the world.

(3) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) The Peace Corps has sought to fulfill three goals—to help people in developing countries meet basic needs, promote understanding abroad of the values and ideals of the United States, and promote an understanding of other peoples by the people of the United States.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development by working with families and communities to improve health care for children, expand agricultural production, teach in schools, fight infectious diseases, protect the environment, and initiate small business opportunities.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote international peace, cross-cultural awareness, and mutual understanding between the United States and other countries.

(7) The Peace Corps is an independent agency, and, therefore, no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers and should be expanded, to the maximum extent practicable, to utilize the talent of returned Peace Corps volunteers.

(9) In fiscal year 2003, the Peace Corps is operating with an annual budget of $295,000,000 in 70 countries, with more than 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation in many parts of the world, particularly in countries with substantial Muslim populations, with respect to United States values and ideals. A new or expanded Peace Corps presence in such places could foster better understanding between the people of the United States and such countries.

(11) Congress has declared, and the Peace Corps Act provides, that the Peace Corps shall maintain, to the maximum extent practicable and appropriate, a volunteer corps of at least 10,000 individuals.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps should not jeopardize the quality of the Peace Corps volunteer experience and, therefore, necessitates, among other things, an appropriate increase in field and headquarters support staff.

(14) In order to ensure that the proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan Peace Corps National Advisory Council composed of distinguished returned Peace Corps volunteers, former Peace Corps staff, and other individuals with diverse backgrounds and expertise can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps as the Director discharges the duties and responsibilities as head of the agency.

TITLE XI—AMENDMENTS TO PEACE CORPS ACT; RELATED PROVISIONS

SEC. 1101. ADVANCING THE GOALS OF THE PEACE CORPS.

(a) RECRUITMENT OF VOLUNTEERS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: ''As an independent agency, the Peace Corps shall be responsible for recruiting all of its volunteers.''.

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by striking ''*Provided,* That'' and inserting ''*Provided,* That such detail or assignment furthers the fulfillment of Peace Corps' development and public diplomacy goals as described in section 2: *Provided further,* That''.

SEC. 1102. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by striking the section heading and the text of section 11 and inserting the following:

"SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

''(a) ANNUAL REPORTS.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information—

''(1) describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

''(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

''(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

''(2) describing—

''(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to the Congress;

''(B) the rationale for undertaking such new initiatives;

''(C) an estimate of the cost of such initiatives; and

''(D) the impact on the safety of volunteers;

''(3) describing in detail the Peace Corps plans, including budgetary plans, to have 14,000 volunteers in service by 2007 while maintaining the quality of the volunteer experience, ensuring the safety and security of all volunteers, and providing for appropriate administrative and other support; and

''(4) describing standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

''(A) by co-locating volunteers with international or local nongovernmental organizations; or

''(B) with the placement of multiple volunteers in one location.

''(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps shall consult with the appropriate congressional committees with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, or as soon as practicable thereafter.''.

(b) ONE–TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) comparing such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommending any additional student loan forgiveness programs which could attract more applications from low- and middle-income individuals who are carrying considerable student-loan debt burdens.

(c) ANNUAL REPORT TO CONGRESS ON THE FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM (FEORP).—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director shall report on the progress of the Peace Corps in recruiting historically underrepresented groups. The Director shall prepare this report in accordance with section 7201 of title 5, United States Code, and subpart B of part 720 of title 5, Code of Federal Regulations.

(d) REPORT ON MAINTAINING THE INTEGRITY OF THE MEDICAL SCREENING AND MEDICAL PLACEMENT COORDINATION PROCESSES.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to the appropriate congressional committees a report that—

(1) describes the medical screening procedures and standards of the Office of Medical Services/Screening Unit of the Peace Corps to determine whether an applicant for Peace Corps service has worldwide clearance, limited clearance, a deferral period, or is not medically, including psychologically, qualified to serve in the Peace Corps as a volunteer;

(2) describes the procedures and criteria for matching applicants for Peace Corps service with a host country to ensure that the applicant, reasonable accommodations notwithstanding, can complete at least two years of volunteer service without interruption to host country national projects due to foreseeable medical conditions; and

(3) with respect to each of fiscal years 2000 through 2002 and the first six months of fiscal year 2003, states the number of—

(A) medical screenings conducted;

(B) applicants who have received worldwide clearance, limited clearance, deferral periods, and medical disqualifications to serve;

(C) Peace Corps volunteers who the agency has had to separate from service due to the discovery of undisclosed medical information; and

(D) Peace Corps volunteers who have terminated their service early due to medical, including psychological, reasons.

SEC. 1103. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR CERTAIN COUNTRIES.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report that—

(1) describes the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in host countries; and

(2) lists the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.—The Director is

authorized and strongly urged to utilize the services of returned Peace Corps volunteers and former Peace Corps staff who have relevant language and cultural experience and may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 1104. GLOBAL INFECTIOUS DISEASES INITIATIVE; COORDINATION OF HIV/AIDS ACTIVITIES.

(a) INITIATIVE.—

(1) IN GENERAL.—The Director, in cooperation with international public health experts, such as the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall expand the Peace Corps' program of training for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases which are prevalent in host countries in order to ensure that the Peace Corps increases its contribution to the global campaign against such diseases.

(2) ADDITIONAL REQUIREMENT.—Activities for the education, prevention, and treatment of infectious diseases in host countries by the Peace Corps shall be undertaken in a manner that is consistent with activities authorized under sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961.

(b) COORDINATION OF HIV/AIDS ACTIVITIES.—

(1) IN GENERAL.—The Director should designate an officer or employee of the Peace Corps who is located in the United States to coordinate all HIV/AIDS activities within the Peace Corps. Such individual may be an individual who is an officer or employee of the Peace Corps on the date of the enactment of this Act.

(2) FIELD COORDINATION.—In addition to the position established under paragraph (1), the Director should designate an individual within each country in sub-Saharan Africa, the Western Hemisphere, and Asia in which Peace Corps volunteers carry out HIV/AIDS activities to coordinate all such activities of the Peace Corps in such countries.

(c) DEFINITIONS.—In this section:

(1) AIDS.—The term ''AIDS'' means the acquired immune deficiency syndrome.

(2) HIV.—The term ''HIV'' means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term ''HIV/AIDS'' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term ''infectious diseases'' means HIV/AIDS, tuberculosis, and malaria.

SEC. 1105. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers and former Peace Corps staff in fulfilling the goals of the Peace Corps; and'';

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence—

(I) by striking ''fifteen'' and inserting ''eleven''; and

(II) by striking ''President, by and with the advice and consent of the Senate'' and inserting ''Director of the Peace Corps'';

(ii) by striking the second sentence and inserting the following: ''Six of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than six shall be members of the same political party.'';

(B) by striking subparagraph (B);

(C) by amending subparagraph (D) to read as follows:

''(D) The members of the Council shall be appointed to 2-year terms.'';

(D) in subparagraph (H), by striking ''nine'' and inserting ''seven'';

(E) in subparagraph (I), by striking ''President shall nominate'' and inserting ''Director shall appoint''; and

(F) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), (G), and (H), respectively; and

(3) by amending subsection (g) to read as follows:

''(g) CHAIR.—The Director shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a term of two years. The Director may renew the term of a voting member appointed as Chair under the preceding sentence.''.

SEC. 1106. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking ''$125 for each month of satisfactory service'' and inserting ''$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter''; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking ''$125 for each month of satisfactory service'' and inserting ''$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter''.

SEC. 1107. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the objectives of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)).

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—

(A) IN GENERAL.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director may award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop and carry out the programs and projects described in paragraph (2).

(B) DELEGATION OF AUTHORITY AND TRANSFER OF FUNDS.—The Director may delegate the authority to award grants under subparagraph (A) and may transfer funds authorized under this section subject to the notification procedures of section 634A of the Foreign Assistance Act of 1961 to the Chief Executive Officer of the Corporation for National and Community Service (referred to in this section as the ''Corporation'').

(2) PROGRAMS AND PROJECTS.—Such programs and projects may include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers and former Peace Corps staff with a background in community service, education, or health. If the grants are made by the Corporation, the nonprofit corporation shall meet all appropriate Corporation management requirements, as determined by the Corporation.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Peace Corps or the Corporation and the nonprofit corporation that requires that—

(1) the grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation will give consideration to funding individual programs or projects by returned Peace Corps volunteers, in amounts of not more than $50,000, under this section;

(3) not more than 20 percent of the grant funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) the nonprofit corporation will not receive grant funds for programs or projects under this section for a third or subsequent year unless the nonprofit corporation makes available, to carry out the programs or projects during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) the nonprofit corporation shall manage, monitor, and submit reports to the Peace Corps or the Corporation, as the case may be, on each program or project for which the nonprofit corporation receives a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make the members of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Peace Corps or the Corporation—

(1) shall take into consideration the need to minimize overhead costs that direct resources from the funding of programs and projects; and

(2) shall seek to ensure a broad geographical distribution of grants for programs and projects under this section.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section up to $10,000,000. Such sum shall be in addition to funds made available to the Peace Corps under this division.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(h) CRISIS CORPS.—

(1) STATEMENT OF POLICY.—Congress states that the Crisis Corps has been an effective

tool in harnessing the skills and talents of returned Peace Corps volunteers.

(2) INCREASE IN NUMBER OF CRISIS CORPS ASSIGNMENTS.—The Director, in consultation with the governments of host countries and appropriate nongovernmental organizations, shall increase the number of available Crisis Corps assignments for returned Peace Corps volunteers to at least 120 assignments in fiscal year 2004, 140 assignments in fiscal year 2005, 160 assignments in fiscal year 2006, and 165 assignments in fiscal year 2007.

SEC. 1108. DECLARATION OF POLICY.

Congress declares its support for the goal announced by President Bush of doubling the number of Peace Corps volunteers to 14,000 by 2007 and supports the funding levels necessary to accomplish this growth.

SEC. 1109. PEACE CORPS IN SIERRA LEONE.

(a) FINDINGS.—Congress makes the following findings:

(1) Peace Corps service to Sierra Leone was suspended in 1994 due to a brutal civil war between the government and the Revolutionary United Front (RUF).

(2) Backed by British military intervention and a United Nations peacekeeping operation, government authority has been reestablished throughout the country and ''free and fair'' national elections took place in May 2002.

(3) Sierra Leone is a majority Muslim country.

(4) The Peace Corps has given the safety and security of its volunteers high priority.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Peace Corps should return its program to Sierra Leone as soon as security conditions are consistent with the safety and security of its volunteers.

SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking ''and $365,000,000 fiscal year 2003'' and inserting ''$365,000,000 for fiscal year 2003, $366,868,000 for fiscal year 2004, $411,800,000 for fiscal year 2005, $455,930,000 for fiscal year 2006, and $499,400,000 for fiscal year 2007''.

It was decided in the negative { Yeas ..... 110 / Nays ..... 313 }

¶78.23 [Roll No. 363]

AYES—110

Abercrombie
Aderholt
Baca
Baird
Ballance
Ballenger
Barton (TX)
Bass
Becerra
Bell
Biggert
Bishop (NY)
Boehlert
Bono
Boucher
Bradley (NH)
Brown (OH)
Cannon
Capuano
Carson (OK)
Castle
Clyburn
Cole
Crenshaw
Crowley
Davis, Tom
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Ehlers
Evans
Farr
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Harris
Hill
Hinchey
Hinojosa
Houghton
Johnson (CT)
Kaptur
Kelly
Kilpatrick
Kirk
Kolbe
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
Meehan
Menendez
Miller (NC)
Miller, Gary
Moore
Napolitano
Neal (MA)
Nethercutt
Olver
Ortiz
Ose
Oxley
Pallone
Pastor
Platts
Quinn
Radanovich
Renzi
Reyes
Rodriguez
Rothman
Roybal-Allard
Ryan (OH)
Sandlin
Serrano
Shadegg
Shays
Sherwood
Simmons
Smith (WA)
Snyder
Solis
Stupak
Sullivan
Sweeney
Thomas
Towns
Udall (CO)
Upton
Van Hollen
Velazquez
Visclosky
Weiner
Weldon (FL)
Weldon (PA)
Wicker

NOES—313

Akin
Alexander
Allen
Andrews
Bachus
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Beauprez
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Boozman
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Chabot
Chocola
Clay
Coble
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Filner
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Owens
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shaw
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Ackerman
Bereuter
Berkley
Davis, Jo Ann
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Wexler

So the amendment, as modified, to the amendment, as amended, was not agreed to.

After some further time,

¶78.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6 submitted by Mr. PAUL:

Page 32, after line 3, insert the following (and amend the table of contents accordingly):

Subtitle C—Limitations

SEC. 131. LIMITATION ON USE OF FUNDS AUTHORIZED TO BE APPROPRIATED BY THIS ACT FOR ANY UNITED STATES CONTRIBUTION TO THE UNITED NATIONS OR ANY AFFILIATED AGENCY OF THE UNITED NATIONS.

Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated by this Act may be obligated or expended to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

It was decided in the negative { Yeas ..... 74 / Nays ..... 350 }

¶78.25 [Roll No. 364]

AYES—74

Barrett (SC)
Barton (TX)
Bilirakis
Bishop (UT)
Boozman
Burgess
Burton (IN)
Cannon
Cantor
Carter
Coble
Collins
Crane
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Garrett (NJ)
Gibbons
Goode
Hayes
Hostettler
Istook
Johnson, Sam
Jones (NC)
Keller
Kingston
Lucas (OK)
Manzullo
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Obey
Otter
Paul
Pence
Platts
Pombo
Putnam
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryun (KS)
Schrock
Sessions
Shadegg
Shuster
Smith (MI)
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Tiberi
Weldon (FL)
Wilson (SC)
Young (AK)

NOES—350

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn

Cole
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—10

Bartlett (MD)
Berkley
Chabot
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Johnson (CT)
Millender-McDonald

So the amendment was not agreed to.

¶78.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7 submitted by Mr. KING of Iowa:

Page 88, after line 17, insert the following new section (and amend the table of contents accordingly):

SEC. 406. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS REGULAR BUDGET.

Section 11 of the United Nations Participation Act of 1945 (22 U.S.C. 287e-3) is amended by striking ''22 percent of the total of all assessed contributions for that budget'' and inserting ''the largest assessed contribution of any other permanent member country of the United Nations Security Council''.

It was decided in the negative ..... { Yeas ..... 187 / Nays ..... 237 }

¶78.27 [Roll No. 365]

AYES—187

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
LaHood
Latham
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Lynch
Manzullo
McCotter
McCrery
McInnis
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—237

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Goss
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Emerson
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Johnson (CT)
Millender-McDonald
Spratt

So the amendment was not agreed to.

¶78.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8 submitted by Mrs. TAUSCHER:

Add the following at the end:

SEC. 1716. MARKETING INFORMATION FOR COMMERCIAL COMMUNICATIONS SATELLITES.

(a) IN GENERAL.—A license shall not be required under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the transfer of marketing information for the purpose of providing information directly related to the sale of commercial communications satellites and related parts to a member country of the North Atlantic Treaty Organization (NATO) or to Australia, Japan, or New Zealand.

(b) MARKETING INFORMATION.—In this section, the term ''marketing information''—

(1) means data that a seller must provide to a potential customer (including a foreign end user) that will enable the customer to make a purchase decision to award a contract for goods or services, including system description, functional information, price and schedule information, information required for installation, operation, maintenance, and repair; and

(2) includes that level of data necessary to ensure safe use of the product, but does not include sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how.

(c) EXCEPTION.—Nothing in this section shall exempt commercial communications satellites from any licensing requirement under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for defense items and defense services, except as described in subsection (a).

It was decided in the negative ..... { Yeas ..... 207 / Nays 219

¶78.29 [Roll No. 366]

AYES—207

Abercrombie
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Cannon
Capps
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crane
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Fossella
Frank (MA)
Frost
Gilchrest
Gonzalez
Goodlatte
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hill
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Osborne
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Petri
Pombo
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stearns
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (SC)
Woolsey
Wu
Wynn

NOES—219

Ackerman
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capuano
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Duncan
Emerson
English
Everett
Feeney
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Lampson
Lantos
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Ose
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stenholm
Strickland
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Berkley
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Spratt

So the amendment was not agreed to.

After some further time,

¶78.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HOSTETTLER:

Page 70, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 231. ISSUANCE OF CONSULAR IDENTIFICATION CARDS BY FOREIGN MISSIONS.

(a) ISSUANCE OF CONSULAR IDENTIFICATION CARDS.—The Congress finds that foreign governments have been issuing consular identification cards to foreign nationals in the United States for purposes other than those intended by the Vienna Convention on Consular Relations (done at Vienna on 24 April 1963).

(b) ISSUANCE OF CONSULAR IDENTIFICATION CARDS.—The issuance by foreign missions of consular identification cards shall be considered a benefit to a foreign mission under section 203(2) of the State Department Basic Authorities Act of 1956 and shall be regulated by the Secretary in accordance with this section and section 204 of that Act.

(c) AUTHORITY TO ISSUE REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall issue regulations consistent with this section with respect to the issuance by foreign missions in the United States of consular identification cards to foreign nationals residing in the United States.

(d) CONTENT OF REGULATIONS.—Regulations referred to in subsection (c) shall include the following restrictions and requirements:

(1) NOTIFICATION TO THE UNITED STATES GOVERNMENT.—A foreign mission shall notify the Secretary of State of each consular identification card issued within the United States, including the name and current address within the United States of the recipient of a card.

(2) ISSUANCE TO BONA FIDE CITIZENS OF THE COUNTRY OF ORIGIN.—A foreign mission may issue a consular identification card only to a national of the country represented by the foreign mission. Foreign missions shall establish procedures to verify the nationality of card recipients through either national birth registry systems or voter registration identification systems, and bona fide documents such as a passport issued by the country of origin.

(3) MAINTENANCE OF ACCURATE AND COMPLETE RECORDS.—A foreign mission shall maintain at the mission complete and accurate records of all consular identification cards issued and shall maintain an automated record system that contains such records in a manner that can be rapidly accessed to prevent duplicate or fraudulent issuance of such cards.

(4) ADDRESS CHANGE NOTIFICATION REQUIREMENT.—A foreign mission shall require card recipients to notify the foreign mission of any change of address within 30 days after such address change.

(5) ACCESS TO AUDIT RECORDS.—At the request of the Secretary of State, a foreign mission shall make available for audit and review, by the Secretary or the Inspector General of the Department of State, the records of all consular identification cards issued.

(e) FAILURE TO ADHERE TO REGULATIONS.—

(1) If the Secretary of State determines that a foreign mission has issued consular identification cards in violation of the requirements of regulations related to the issuance of such cards by foreign missions and such violation potentially threatens the security of the United States or facilitates

fraudulent or criminal acts, the Secretary of State shall notify the government of the country represented by the foreign mission that the foreign mission must suspend the issuance of consular identification cards until compliance with applicable regulations is established.

(2) If the foreign mission of a country fails to suspend issuance of consular identification cards in accordance with a notification under paragraph (1), the Secretary of State shall direct consular officials in that country to cease the issuance of immigrant or nonimmigrant visas, or both, to nationals of that country until such time as the Secretary of State determines that the foreign mission of that country is in compliance with the requirements of regulations related to the issuance of such cards by foreign missions.

It was decided in the affirmative { Yeas ..... 226 / Nays 198

¶78.31 [Roll No. 367]

AYES—226

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Dunn
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gillmor
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hensarling
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Smith (WA)
Spratt
Weldon (FL)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. WALDEN of Oregon, assumed the Chair.

When Mr. ISAKSON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶78.32 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. MICHAUD, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendments to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; (1) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals service in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of the conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

¶78.33 FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION

On motion of Mr. MICA, by unanimous consent, the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. MICA, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.statement to go to conference and precede the motion to instruct

Ordered, That the Clerk notify the Senate thereof.

¶78.34 MOTION TO INSTRUCT CONFEREES—H.R. 2115

Mr. DEFAZIO moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2115), be instructed to insist upon a total level of

funding of not less than $59,000,000,000 for fiscal years 2004 through 2007 for programs authorized pursuant to sections 101 through 103 of the bill, including not less than--

(1) $14,800,000,000 for Federal Aviation Administration operations;

(2) $12,294,000,000 for air navigation facilities and equipment; and

(3) $31,276,000,000 for airport planning and development and noise compatibility planning and programs.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. WALDEN of Oregon, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶78.35 APPOINTMENT OF CONFEREES—H.R. 2115

Thereupon, the SPEAKER pro tempore, Mr. WALDEN of Oregon, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the amendment of the Senate, and modifications committed to conference: Messrs. YOUNG of Alaska, MICA, EHLERS, HAYES, REHBERG, ISAKSON, OBERSTAR, DEFAZIO, BOSWELL, and HOLDEN.

From the Committee on Energy and Commerce, for consideration of section 521 of the House bill and section 508 of the amendment of the Senate, and modifications committed to conference: Messrs. TAUZIN, BARTON of Texas, and DINGELL.

From the Committee on Government Reform, for consideration of sections 404 and 438 of the House bill and section 108 of the Senate amendment, and modifications committed to conference: Messrs. Tom DAVIS of Virginia, SHAYS, and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 106, 301, 405, 505 and 507 of the amendment of the Senate, and modifications committed to conference: Messrs. SENSENBRENNER, COBLE and CONYERS.

From the Committee on Resources, for consideration of sections 204 and 409 of the House bill and section 201 of the amendment of the Senate, and modifications committed to conference: Messrs. POMBO, GIBBONS, and RAHALL, provided that Mr. RENZI is appointed in lieu of Mr. POMBO for consideration of section 409 of the House bill, and modifications committed to conference.

From the Committee on Science, for consideration of section 102 of the House bill and sections 102, 104, 621, 622, 641, 642, 661, 662, 663, 667, and 669 of the amendment of the Senate, and modifications committed to conference: Messrs. BOEHLERT, ROHRABACHER, and COSTELLO.

From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, CAMP, and RANGEL.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶78.36 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Ms. DELAURO submitted the following privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, and for other purposes:(1) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; and (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees and shall file a conference report consistent with the preceding provisions of this instruction, not later than Friday, July 18, 2003.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House now order the previous question on said motion?

The SPEAKER pro tempore, Mr. SIMMONS, announced that the nays had it.

Ms. DELAURO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMMONS, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Wednesday, July 16, 2003.

¶78.37 PROVIDING FOR THE CONSIDERATION OF H.R. 2691

Mr. HASTINGS of Washington, by direction of the Committee on Rules, submitted a privileged report (Rept. No. 108–209) the resolution (H. Res. 319) providing for consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶78.38 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2122

On motion of Mr. HASTINGS of Washington, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 2122) to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes; that the bill be considered as read for amendment; that in lieu of the amendments recommended by the Committee on Government Reform and the Select Committee on Homeland Security now printed in the bill, the amendment in the nature of a substitute placed at the desk be considered as adopted; that all points of order against the bill, as amended, be waived; that the bill, as amended, be debatable for 90 minutes with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; 15 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and 15 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security; and that the previous question be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions.

¶78.39 MESSAGE FROM THE PRESIDENT—UNITED STATES-SINGAPORE FREE TRADE AGREEMENT

The SPEAKER pro tempore, Mr. SIMMONS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Singapore Free Trade Agreement (FTA). The Agreement will further open Singapore's markets and increase competition and consumer choice. This is America's first FTA with an Asian-Pacific nation,

and we hope it will serve as a benchmark for future free trade agreements with other nations in the region. The Agreement will enhance prosperity in the United States and Singapore, serve the interest of expanding U.S. commerce, and advance our overall national interest.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the ''Trade Act''). The Congress can help us take another important step by approving this Agreement and the implementing legislation. Without this Agreement, U.S. workers and businesses could be placed at a competitive disadvantage, because Singapore has signed or is currently working on free trade agreements with Japan, Canada, Australia, Mexico, and India.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. The Agreement locks in tariff-free access for all U.S. goods, including textile and agriculture products, and addresses other barriers to trade. It opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Through this FTA, Singapore will grant substantial additional market access to U.S. firms across a broad spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications. The Agreement also incorporates commitments on regulatory transparency that will be of special help to services business.

This Agreement provides state-of-the-art intellectual property protection, including significant commitments on trade in digital products. It ensures that electronic commerce will stay free of duties and discriminatory rules. In addition, Singapore will accede to international treaties dealing with copyright and access issues for the Internet.

United State citizens and businesses that invest in Singapore will have significant increased protections. This Agreement enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Singapore will provide U.S. investors with important substantive protections that Singaporean investors already enjoy in the United States.

Singapore and the United States have also agreed to cooperate on the environment and labor issues and to establish mechanisms to support those efforts. The FTA obligates each country to enforce its own labor and environmental laws and makes clear that domestic labor or environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Singapore is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic, security, and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 15, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and the Committee on the Judiciary and ordered to be printed (H. Doc. 108–100).

¶78.40 MESSAGE FROM THE PRESIDENT—UNITED STATES-CHILE FREE TRADE AGREEMENT

The SPEAKER pro tempore, Mr. SIMMONS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Chile Free Trade Agreement (FTA). The Agreement will further open Chile's markets for U.S. manufactured goods, agricultural products, services, and investors. It will increase competition and consumer choice. The FTA will enhance prosperity in the United States and Chile, serve the interest of expanding U.S. commerce, and advance our overall national interest.

The U.S.-Chile FTA is the first United States free trade agreement with a South American country. We hope the FTA will add momentum to Chile's continued implementation of the free market economic policies that have made Chile a model for its Latin American neighbors. This Agreement will also encourage other countries in the Western Hemisphere to follow Chile's path, furthering our efforts to establish a Free Trade Area of the Americas.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the ''Trade Act''). The Congress can help us take another important step by approving this Agreement and the implementing legislation. United States workers and businesses are currently at a competitive disadvantage in the Chilean market. Chile is an associate member in Mercosur and has FTAs with many other countries, including Canada, Mexico, and the 15 members of the European Union. Securing an FTA with Chile will ensure that U.S. workers and businesses will receive treatment in the Chilean market that is as good as or better than their competitors.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. More than 85 percent of trade in consumer and industrial goods between the United States and Chile will be free of duties immediately upon implementation, and most remaining tariffs on U.S. exports to Chile will be eliminated within 4 years after that. More than three-quarters of U.S. farm goods will enter Chile duty free within 4 years and all duties on such goods will be phased out over 12 years. At the same time, the Agreement includes measures to ensure that U.S. firms and farmers have an opportunity to adjust to imports from Chile.

This Agreement opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Chile will grant substantial market access to U.S. firms across nearly the entire spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications.

This Agreement provides for state-of-the-art intellectual property protection and recognizes the importance of trade in the digital age by including significant commitments on trade in digital products. In addition, it ensure that electronic commerce will stay free of duties and discriminatory rules.

United States citizens and businesses that invest in Chile will have significant increased protections. This Agreement promotes rule of law and enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Chile will provide U.S. investors with important substantive protections that Chilean investors already enjoy in the United States.

The United States and Chile have also agreed to cooperate on environment and labor issues and to establish mechanisms to support those efforts. A number of important cooperative projects that will promote environmental protection are identified for future work. The FTA encourages the adoption of high labor and environmental standards, obligates each country to enforce its own labor and environmental laws, and makes clear that domestic labor and environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Chile is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 15, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and the Committee on the Judiciary and ordered to be printed (H. Doc. 108–101).

¶78.41 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1233. An Act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center; to the Committee on Resources and the Committee on the Judiciary.

S. 1280. An Act to amend the PROTECT Act to clarify certain volunteer liability; to the Committee on the Judiciary.

¶78.42 SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 709. An Act to award a congressional gold medal to Prime Minister Tony Blair.

¶78.43 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. HAYWORTH, for today;

To Mr. JANKLOW, for today and balance of the week; and

To Ms. MILLENDER-McDONALD, for July 14 through July 16.

And then,

¶78.44 ADJOURNMENT

On motion of Mr. PALLONE, at 11 o'clock and 13 minutes p.m., the House adjourned.

¶78.45 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 2473. A bill to amend title XVII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes; with an amendment (Rept. 108–178 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEY; Committee on House Administration. House Resolution 317. Resolution dismissing the election contest relating to the office of Representative from the Second Congressional District of Hawaii (Rept. 108–207). Referred to the House Calendar.

Mr. NEY: Committee on House Administration. House Resolution 318. Resolution dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee (Rept. 108–208). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 319. Resolution providing for consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 and for other purposes (Rept. 108–209). Referred to the House Calendar.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1720. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers; with amendments (Rept. 108–210). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2297. A bill to amend title 38, United States Code, to modify and improve certain benefits for veterans, and for other purposes; with amendments (Rept. 108–211). Referred to the Committee of the Whole House on the State of the Union.

¶78.46 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. QUINN, and Ms. CORRINE BROWN of Florida):

H.R. 2725. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; to the Committee on Transportation and Infrastructure.

By Ms. CARSON of Indiana (for herself, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. PAYNE, Ms. LEE, and Mr. OWENS):

H.R. 2726. A bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GREENWOOD (for himself, Mrs. LOWEY, Mr. GUTIERREZ, Mr. HOEFFEL, Ms. NORTON, Ms. BALDWIN, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. SANDERS, Mr. ROTHMAN, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Ms. ESHOO, Mr. CUMMINGS, Mrs. CAPPS, Mr. WAXMAN, Ms. SLAUGHTER, Ms. CORRINE BROWN of Florida, Mr. GREEN of Texas, Mr. NADLER, Mr. OWENS, Mrs. KELLY, Mr. BAIRD, Mr. PASCRELL, Ms. WOOLSEY, Mr. MATHESON, Mr. MCDERMOTT, Mr. LEVIN, Mr. SCOTT of Georgia, Mr. FILNER, Mr. RANGEL, Mr. CONYERS, Mr. FROST, Mr. WU, Mr. HOLT, Mrs. NAPOLITANO, Ms. VELAZQUEZ, Mr. BELL, Ms. MILLENDER-MCDONALD, Mr. SHAYS, Ms. MCCOLLUM, Mr. VISCLOSKY, Mr. BLUMENAUER, Mr. ENGEL, Mr. DOYLE, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. MICHAUD, Mr. FALEOMAVAEGA, Mr. DAVIS of Alabama, Mr. BRADY of Pennsylvania, Ms. DEGETTE, Mr. OSE, and Mrs. JOHNSON of Connecticut):

H.R. 2727. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD:

H.R. 2728. A bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 2729. A bill to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 2730. A bill to amend the Occupational Safety and Health Act of 1970 to provide for an independent review of citations issued by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 2731. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mrs. MUSGRAVE (for herself, Mr. BOEHNER, Mr. HOEKSTRA, Mr. SAM JOHNSON of Texas, Mr. DEMINT, Mr. WILSON of South Carolina, Mr. EHLERS, Mr. PITTS, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mr. KENNEDY of Minnesota, Mr. ADERHOLT, Mr. BRADY of Texas, Mr. GUTKNECHT, Mr. KING of Iowa, Mr. CRANE, Mr. MILLER of Florida, Mr. BEAUPREZ, Mr. CHABOT, Mr. DOOLITTLE, Mr. AKIN, Mr. JONES of North Carolina, Mr. TOOMEY, Mr. SMITH of Michigan, Mr. RYUN of Kansas, Mr. HOSTETTLER, Mr. PAUL, Mr. SOUDER, Mr. RYAN of Wisconsin, and Mr. WELDON of Florida):

H.R. 2732. A bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURR (for himself, Mr. FOSSELLA, Mr. TOWNS, Mr. GORDON, and Mr. BOUCHER):

H.R. 2733. A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORBES (for himself, Mr. ROHRABACHER, Mr. LARSON of Connecticut, and Mr. GORDON):

H.R. 2734. A bill to authorize appropriations for the civil aviation research and development projects and activities of the Federal Aviation Administration, and for other purposes; to the Committee on Science.

By Mr. BARTON of Texas (for himself, Mr. TOWNS, Mr. ACEVEDO-VILA, Mr. AKIN, Mr. ANDREWS, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mr. CLYBURN, Mr. DAVIS of Alabama, Mrs. JO ANN DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Ms. DEGETTE, Ms. ESHOO, Mr. FORD, Mr. FRANKS of Arizona, Mr. GERLACH, Mr. GOODLATTE,

Mr. GRAVES, Mr. GREENWOOD, Mr. HOLDEN, Mr. LATOURETTE, Ms. JACKSON-LEE of Texas, Mr. MANZULLO, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. MOORE, Mrs. MYRICK, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. PLATTS, Mr. PRICE of North Carolina, Mr. RUSH, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. STENHOLM, Mr. TANCREDO, Mr. TANNER, Mr. THOMPSON of Mississippi, Mr. TOOMEY, Mr. WAMP, Mr. WAXMAN, Mr. WELDON of Florida, Mr. WEXLER, Mr. WILSON of South Carolina, Ms. WOOLSEY, and Mr. WYNN):

H.R. 2735. A bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEVIN:

H.R. 2736. A bill to amend title VII of the Tariff Act of 1930 with respect to determining certain antidumping calculations for merchandise from former nonmarket economy countries; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 2737. A bill to amend the Trade Act of 1974 and the Sherman Act to address foreign private and joint public-private market access barriers that harm United States trade, and to amend the Trade Act of 1974 to address the failure of foreign governments to cooperate in the provision of information relating to certain investigations; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY (for himself and Mr. RANGEL) (both by request):

H.R. 2738. A bill to implement the United States-Chile Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY (for himself and Mr. RANGEL) (both by request):

H.R. 2739. A bill to implement the United States-Singapore Free Trade Agreement; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself, Mr. DAVIS of Alabama, Mr. RENZI, and Mr. MATHESON):

H.R. 2740. A bill to amend the National Housing Act to authorize the Government National Mortgage Association to guarantee securities backed by loans guaranteed by the Rural Housing Service under section 538 of the Housing Act of 1949; to the Committee on Financial Services.

By Mrs. CAPPS (for herself, Mr. GEORGE MILLER of California, Mrs. MALONEY, Mr. FROST, and Mr. TOWNS):

H.R. 2741. A bill to provide for a comprehensive Federal effort relating to early detection of, treatments for, and the prevention of cancer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT:

H.R. 2742. A bill to amend title 18, United States Code, to provide penalties for armored car robberies; to the Committee on the Judiciary.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 2743. A bill to require the Comptroller General to prepare statements for bills and resolutions reported by committees of the House of Representatives and the Senate on whether any new entities, programs, or functions authorized by the bills or resolutions are redundant with existing Federal entities, programs, or functions and could be more efficiently performed by an existing Federal entity, program, or function, and to require such statements to accompany reports on legislation; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. RUSH, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. DAVIS of Illinois, Mr. WELLER, Mr. COSTELLO, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. LAHOOD, Mr. SHIMKUS, Mr. JACKSON of Illinois, and Ms. SCHAKOWSKY):

H.R. 2744. A bill to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the ''David Bybee Post Office Building''; to the Committee on Government Reform.

By Mr. KUCINICH (for himself, Mr. RANGEL, Ms. BORDALLO, and Mr. HINCHEY):

H.R. 2745. A bill to amend the Internal Revenue Code of 1986 to require a sports franchise to provide for all of the games played by the franchise to be available for local television broadcasting in order to be subject to the presumption that 50 percent of the consideration in the sale or exchange of a sports franchise is allocable to player contracts; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Ms. DELAURO, Mrs. JOHNSON of Connecticut, Mr. SHAYS, and Mr. SIMMONS):

H.R. 2746. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''; to the Committee on Government Reform.

By Mr. LEWIS of Kentucky:

H.R. 2747. A bill to amend the Internal Revenue Code of 1986 to update the optional methods for computing net earnings from self-employment; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. WOLF, Mr. FROST, Mr. WYNN, Mr. BALLANCE, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Ms. NORTON, and Mr. HOYER):

H.R. 2748. A bill to amend chapter 84 of title 5, United States Code, to allow individuals who return to Government service after receiving a refund of retirement contributions to recapture credit for the service covered by that refund by repaying the amount that was so received, with interest; to the Committee on Government Reform.

By Mr. SHERMAN (for himself, Mr. BAIRD, Mr. CONYERS, and Mr. FATTAH):

H.R. 2749. A bill to amend section 19 of title 3, United States Code, to allow the President to choose between possible successors in case of the event that, by reason of certain circumstances, there is neither a President nor Vice President to discharge the powers and duties of the office of President, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. HAYWORTH, Mr. KILDEE, and Mr. ABERCROMBIE):

H.R. 2750. A bill to make technical amendments to the Indian Child Welfare Act of 1978; to the Committee on Resources.

By Mr. LEVIN:

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress regarding dispute settlement proceedings in the World Trade Organization; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself and Mr. LANTOS):

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress regarding the Government of Saudi Arabia's lack of protection of internationally recognized human rights and the absence of religious freedom in Saudi Arabia; to the Committee on International Relations.

By Mr. NEY:

H. Res. 317. A resolution dismissing the election contest relating to the office of Representative from the Second Congressional District of Hawaii; considered and agreed to.

By Mr. NEY:

H. Res. 318. A resolution dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee; considered and agreed to.

¶78.47 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. LARSEN of Washington and Mr. GRIJALVA.

H.R. 49: Mr. MEEHAN, Mr. KENNEDY of Minnesota, Mr. THOMPSON of Mississippi, and Mr. HALL.

H.R. 110: Mr. MILLER of Florida.

H.R. 290: Mr. UDALL of New Mexico, Mr. MEEHAN, Mrs. MYRICK, Mrs. DAVIS of California, Mr. BELL and Mr. HEFLEY.

H.R. 296: Mr. DEUTSCH.

H.R. 303: Mrs. JONES of Ohio.

H.R. 331: Mr. ROSS.

H.R. 369: Mr. HOEKSTRA and Mr. MCCOTTER.

H.R. 375: Ms. HART and Mr. WICKER.

H.R. 391: Mr. ROGERS of Alabama.

H.R. 414: Mr. UDALL of Colorado.

H.R. 433: Ms. ESHOO.

H.R. 434: Mr. SHIMKUS and Mr. GOODE.

H.R. 463: Mr. HULSHOF and Mr. KOLBE.

H.R. 486: Mr. WELDON of Florida, Mr. WICKER, Mr. HENSARLING, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. FORBES, Mrs. JO ANN DAVIS of Virginia, and Mr. PICKERING.

H.R. 528: Mr. ENGLISH, Mr. KENNEDY of Minnesota, Mr. RUSH, Mr. JACKSON of Illinois, and Ms. MILLENDER-MCDONALD.

H.R. 570: Mr. PRICE of North Carolina.

H.R. 571: Mr. WOLF.

H.R. 586: Ms. KAPTUR.

H.R. 594: Mr. MILLER of North Carolina, Mr. CHOCOLA, Mr. DINGELL, Mr. GEPHARDT, and Mr. PRICE of North Carolina.

H.R. 648: Mr. GIBBONS.

H.R. 687: Mr. BARTON of Texas.

H.R. 721: Mr. BARTON of Texas.

H.R. 738: Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. UDALL of Colorado, and Ms. MILLENDER-MCDONALD.

H.R. 745: Ms. MILLENDER-MCDONALD.

H.R. 785: Mr. PUTNAM and Mr. WALDEN of Oregon.

H.R. 834: Mr. GRIJALVA.

H.R. 857: Mr. SCHIFF.

H.R. 898: Mr. KUCINICH, Mr. LARSON of Connecticut, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, and Ms. HARRIS.

H.R. 997: Mr. LEWIS of Kentucky.

H.R. 1002: Mr. SHAW.

H.R. 1008: Mr. MANZULLO.
H.R. 1034: Mr. SHERMAN.
H.R. 1043: Ms. BALDWIN, Mr. ROGERS of Kentucky, and Mr. CALVERT.
H.R. 1068: Mr. KING of Iowa and Mr. GOODE.
H.R. 1078: Mr. CUNNINGHAM, Mr. KNOLLENBERG, Mr. SWEENEY, Mr. MILLER of Florida, Mr. WELDON of Pennsylvania, Mrs. BIGGERT, Mrs. LOWEY, Mr. FARR, Mr. HAYES, Mr. HERGER, Mr. OLVER, Mr. NORWOOD, Mr. NUNES, Mr. GALLEGLY, and Mr. VITTER.
H.R. 1098: Mr. WILSON of South Carolina.
H.R. 1167: Mr. CALVERT.
H.R. 1251: Mr. JANKLOW.
H.R. 1305: Mr. DREIER.
H.R. 1310: Mrs. EMERSON, Mr. BAIRD, Mr. GREEN of Wisconsin, and Mr. ROGERS of Kentucky.
H.R. 1336: Mr. BURGESS and Mr. BURNS.
H.R. 1359: Mr. FRANK of Massachusetts and Mr. HINCHEY.
H.R. 1470: Mr. SNYDER.
H.R. 1499: Mr. WEXLER.
H.R. 1523: Mr. LATHAM.
H.R. 1533: Mr. SHERMAN and Mr. KANJORSKI.
H.R. 1569: Mr. ANDREWS, Mr. PALLONE, Mr. FRELINGHUYSEN, Mr. HOLT, and Mr. ROTHMAN.
H.R. 1605: Mrs. TAUSCHER and Mr. FRANK of Massachusetts.
H.R. 1622: Ms. KAPTUR, Mr. PETERSON of Minnesota, Mr. GEORGE MILLER of California, and Mr. BURTON of Indiana.
H.R. 1639: Ms. MCCOLLUM.
H.R. 1666: Mr. FOLEY.
H.R. 1708: Ms. ROYBAL-ALLARD and Mr. STARK.
H.R. 1710: Mr. KIND.
H.R. 1717: Mrs. DAVIS of California.
H.R. 1730: Mr. TAYLOR of Mississippi.
H.R. 1769: Mr. HOEFFEL, Ms. KAPTUR, and Mr. GREEN of Texas.
H.R. 1784: Mr. CLAY, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. LATHAM, and Mr. DICKS.
H.R. 1811: Ms. LEE, Mr. NADLER, Mr. DAVIS of Illinois, Mr. ANDREWS, Ms. BALDWIN, Mr. HAYWORTH, Mr. RYUN of Kansas, Mr. SANDERS, and Mr. LEVIN.
H.R. 1813: Mr. BECERRA and Mr. ALLEN.
H.R. 1870: Mrs. MUSGRAVE.
H.R. 1886: Mr. MILLER of North Carolina.
H.R. 1896: Mr. MILLER of Florida.
H.R. 1905: Mr. NADLER.
H.R. 1912: Mr. NUSSLE.
H.R. 1939: Mr. MARKEY.
H.R. 2008: Mr. ANDREWS.
H.R. 2038: Mr. ISRAEL.
H.R. 2085: Mr. BURR.
H.R. 2125: Mr. FALEOMAVAEGA and Ms. JACKSON-LEE of Texas.
H.R. 2130: Mr. ANDREWS, Mr. PALLONE, Mr. FRELINGHUYSEN, and Mr. HOLT.
H.R. 2135: Mr. PICKERING.
H.R. 2174: Mr. GRIJALVA and Mr. MCGOVERN.
H.R. 2205: Mr. LAMPSON, Mr. DELAHUNT, Mr. MENENDEZ, Mr. SIMMONS, Ms. BERKLEY, Mr. HINCHEY, Mr. SANDLIN, Mr. DOOLEY of California, Mr. SHERMAN, Mr. ABERCROMBIE, Mr. SHIMKUS, Mr. HOLT, and Mr. ALLEN.
H.R. 2218: Mr. MORAN of Kansas.
H.R. 2233: Mr. GRIJALVA.
H.R. 2246: Mr. LAHOOD, Mr. LUCAS of Oklahoma, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. MCDERMOTT, and Mr. KING of New York.
H.R. 2265: Ms. DUNN and Mr. GILLMOR.
H.R. 2318: Mr. DAVIS of Tennessee, Ms. NORTON, and Mr. PETERSON of Minnesota.
H.R. 2323: Mr. GRIJALVA and Mr. WEXLER.
H.R. 2377: Mrs. JONES of Ohio.
H.R. 2427: Mr. KLECZKA and Mr. DEMINT.
H.R. 2433: Mrs. DAVIS of California and Mr. MOORE.
H.R. 2462: Mr. VAN HOLLEN and Mr. MARKEY.
H.R. 2482: Mr. BEREUTER.
H.R. 2497: Mr. WEXLER.
H.R. 2511: Mr. LYNCH.
H.R. 2513: Mr. BISHOP of New York.
H.R. 2517: Mr. GALLEGLY.
H.R. 2519: Mr. LANTOS, Mr. BISHOP of New York, Mr. LIPINSKI, and Ms. LINDA T. SANCHEZ of California.
H.R. 2568: Mr. LANTOS.
H.R. 2570: Mr. REYES, Ms. MCCOLLUM, and Ms. NORTON.
H.R. 2579: Mr. GREEN of Wisconsin.
H.R. 2602: Mr. SIMPSON, Mr. NORWOOD, Mr. DOOLITTLE, and Mr. BAKER.
H.R. 2607: Mr. ABERCROMBIE.
H.R. 2620: Mr. NADLER and Mr. KUCINICH.
H.R. 2622: Mr. MURPHY.
H.R. 2625: Ms. WOOLSEY, Mr. ALLEN, Mr. HINCHEY, Mr. EMANUEL, Mr. THOMPSON of California, and Mr. CLAY.
H.R. 2626: Mr. FRANK of Massachusetts, Mr. MCGOVERN, and Mr. GILCHREST.
H.R. 2665: Mr. STARK, Mr. KUCINICH, Mrs. MCCARTHY of New York, and Mr. KILDEE.
H.R. 2687: Mr. DUNCAN.
H.R. 2700: Mr. MCDERMOTT.
H.R. 2705: Mr. WYNN and Mr. FRANK of Massachusetts.
H.R. 2711: Mr. KUCINICH and Mr. MCDERMOTT.
H.J. Res. 50: Mr. MANZULLO and Ms. DUNN.
H.J. Res. 56: Mr. GINGREY, Mr. DAVIS of Tennessee, Mr. PICKERING, and Mr. WICKER.
H. Con. Res. 6: Mr. EHLERS.
H. Con. Res. 30: Mr. COOPER, Mr. BACHUS, and Mr. TERRY.
H. Con. Res. 76: Mr. JOHNSON of Illinois.
H. Con. Res. 94: Mr. MCHUGH, Mr. CARSON of Oklahoma, Mrs. NORTHUP, Mr. WAXMAN, Mr. FLETCHER, and Mr. SANDLIN.
H. Con. Res. 126: Mr. MILLER of Florida.
H. Con. Res. 155: Mr. LIPINSKI.
H. Con. Res. 192: Mr. WYNN, Mr. MCINTYRE, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. JENKINS, Mr. POMEROY, Mr. REYES, Mr. SPRATT, and Mr. BAIRD.
H. Con. Res. 213: Mr. FATTAH.
H. Res. 108: Mr. BLUMENAUER.
H. Res. 259: Mr. STARK.
H. Res. 285: Mr. ETHERIDGE, Mr. PITTS, Mr. PALLONE, Mr. CALVERT, Mr. BURNS, and Mr. BARRETT of South Carolina.

¶78.48 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. COLLINS.

WEDNESDAY, JULY 16, 2003 (79)

The House was called to order by the SPEAKER.

¶79.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, July 15, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶79.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3233. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Disqualification for Crop Insurance Fraud (RIN: 0560-AG70) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3234. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2003 Agricultural Assistance Act — Crop Disaster Program and Livestock Assistance Program (RIN: 0560-AG95) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3235. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Addition of Australia and New Zealand to the List of Foreign Countries Eligible to Import Poultry Products (Ratite Only) Into the United States [Docket No. 02-015DF] (RIN: 0583-AC97) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3236. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Ophthalmic Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket No. 03N-0193] (RIN: 0910-AA01) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3237. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Beverages: Bottled Water; Confirmation of Effective Date [Docket No. 03N-0068] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3238. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; D-tagatose and Dental Caries [Docket No. 02P-0177] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3239. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 1.937 of the Commission's Rule Concerning Repetitious or Conflicting Applications [FCC 03-79; WT Docket No. 02-57] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3240. A letter from the Assistant Division Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability [FCC 03-126; CC Docket Nos. 99-200, 96-98, 95-116] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3241. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Garmin International, Inc.; Amendment of Sections 95.193(a) and 95.631(d) to Authorize Manufacture, Sale and Use of GPS Transmission Enhanced Family Radio Service Units; Amendment of Sections 95.193(a), 95.193(b), and 95.631(d) of the Commission's Rules Governing Permissible Communications in the Family Radio Service [FCC 03-26; WT Docket No. 01-339; RM-10070] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3242. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 1.937 of the Commission's Rules Concerning Repetitious or Conflicting Applications [FCC 03-79; WT Docket No. 02-57] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3243. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — In the

Matter of Garmin International, Inc.; Amendment of Sections 95.193(a) and 95.631(d) to Authorize Manufacture, Sale and Use of GPS Transmission Enhanced Family Radio Service Units; Amendment of Sections 95.193(a), 95.193(b), and 95.631(d) of the Commission's Rules Governing Permissible Communications in the Family Radio Service [FCC 03-26; WT Docket No. 01-339; RM-10070] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3244. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices [FCC 03-89; CS Docket No. 97-80] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3245. A letter from the Assistant Division Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability [FCC 03-126; CC Docket Nos. 99-200; 96-98, 95-116] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3246. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with United Arab Emirates (Transmittal No. DDTC 065-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3247. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3248. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Maryland Regulatory Program [MD-048-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3249. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-236-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3250. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Tall Ships 2003, Navy Pier, Chicago, IL, July 30-August 4, 2003 [CGD09-03-207] (RIN: 1625-AA01, 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3251. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Coronado Bay Bridge, San Diego, California [COTP SAN DIEGO 03-013] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3252. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Columbia River, Astoria, OR [CGD13-03-013] (RIN: 1625-AA00 (Formerly RIN: 2115-AA97)) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3253. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance on the Application of Section 911 to U.S. Individuals Working in Iraq (Notice 2003-52) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3254. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Limitations on Assessment and Collection (Rev. Rul. 2003-80) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3255. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Application Procedures and Final Agreement for Withholding Foreign Partnerships Withholding Foreign Trusts; Additional Guidance for Qualified Intermediaries Regarding Withholding on Small or Related Foreign Partnerships and Trusts (Rev. Proc. 2003-64) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3256. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Compensation Deferred Under Eligible Deferred Compensation Plans [TD 9075] (RIN: 1545-AX52) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶79.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 764. An Act to extend the authorization of the Bulletproof Vest Partnership Grant Program.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1474) ''An Act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes,'' disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. BENNETT, Mr. ALLARD, Mr. SARBANES, and Mr. JOHNSON, to be the conferees on the part of the Senate.

¶79.4 LAKE TAHOE BASIN MANAGEMENT UNIT

Mr. GIBBONS moved to suspend the rules and pass the bill (H.R. 74) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. GIBBONS and Mr. UDALL of New Mexico, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.5 LANDER AND EUREKA COUNTY LAND CONVEYANCES

Mr. GIBBONS moved to suspend the rules and pass the bill (H.R. 272) to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; as amended.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. GIBBONS and Mr. UDALL of New Mexico, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.6 AGREE TO THE AMENDMENTS OF THE SENATE TO H.R. 733

Mr. PEARCE moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 733) to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''McLoughlin House Addition to Fort Vancouver National Historic Site Act''.

(b) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) CITY.—The term ''City'' means Oregon City, Oregon.

(2) MCLOUGHLIN HOUSE.—The term ''McLoughlin House'' means the McLoughlin House National Historic Site which is described in the Acting Assistant Secretary of the Interior's Order of June 27, 1941, and generally depicted on the map entitled ''McLoughlin House, Fort Vancouver National Historic Site'', numbered 389/92,002, and dated 5/01/03, and includes the McLoughlin House, the Barclay House, and other associated real property, improvements, and personal property.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2. MCLOUGHLIN HOUSE ADDITION TO FORT VANCOUVER.

(a) ACQUISITION.—The Secretary is authorized to acquire the McLoughlin House, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests in lands owned by the City may be acquired by donation only.

(b) MAP AVAILABILITY.—The map identifying the McLoughlin House referred to in section 1(b)(2) shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

(c) BOUNDARIES; ADMINISTRATION.—Upon acquisition of the McLoughlin House, the acquired property shall be included within the boundaries of, and be administered as part of, the Fort Vancouver National Historic Site in accordance with all applicable laws and regulations.

(d) NAME CHANGE.—Upon acquisition of the McLoughlin House, the Secretary shall change the name of the site from the ''McLoughlin House National Historic Site'' to the ''McLoughlin House''.

(e) FEDERAL LAWS.—After the McLoughlin House is acquired and added to Fort Vancouver National Historic Site, any reference in a law, map, regulation, document, paper, or other record of the United States to the ''McLoughlin House National Historic Site'' (other than this Act) shall be deemed a reference to the ''McLoughlin House'', a unit of Fort Vancouver National Historic Site.

Amend the title so as to read: ''An Act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver National Historic Site, and for other purposes.''.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. PEARCE and Mr. UDALL of New Mexico, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments of the Senate were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments of the Senate were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶79.7 PUEBLO OF SANTA CLARA AND PUEBLO OF SAN ILDEFONSO LAND TRUSTS

Mr. PEARCE moved to suspend the rules and pass the bill of the Senate (S. 246) to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. PEARCE and Mr. UDALL of New Mexico, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶79.8 MAYNARD HOLBROOK JACKSON, JR.

Mr. OSE moved to suspend the rules and agree to the following resolution (H. Res. 303):

Whereas the Honorable Maynard Holbrook Jackson, Jr. was born on March 23, 1938, in Dallas, Texas, and at the age of 14 entered Morehouse College as a Ford Foundation Early Admission Scholar;

Whereas the Honorable Maynard Holbrook Jackson, Jr. graduated cum laude from North Carolina Central University School of Law;

Whereas the Honorable Maynard Holbrook Jackson, Jr. became the first African-American Vice Mayor of the City of Atlanta;

Whereas the Honorable Maynard Holbrook Jackson, Jr. proved to be a gifted and brilliant political leader, and he later became the first African-American Mayor of the City of Atlanta;

Whereas, during his years in office, the Honorable Maynard Holbrook Jackson, Jr. was the catalyst for the design of a $400 million terminal at Atlanta's Hartsfield International Airport;

Whereas the Honorable Maynard Holbrook Jackson, Jr. helped to secure Atlanta's selection as the site of the 1996 Summer Olympics;

Whereas the Honorable Maynard Holbrook Jackson, Jr. served as president of the National Conference of Democratic Mayors and the National Black Caucus of Local Elected Officials;

Whereas the Honorable Maynard Holbrook Jackson, Jr. became Chair of the National Voting Rights Institute of the Democratic National Committee;

Whereas the Honorable Maynard Holbrook Jackson, Jr. established the American Voters League, a nonpartisan organization committed to increasing voter turnout;

Whereas upon being elected Mayor of Atlanta, the Honorable Maynard Holbrook Jackson, Jr. began encouraging and fostering interracial understanding in Atlanta;

Whereas the Honorable Maynard Holbrook Jackson, Jr. was a strong supporter of affirmative action, civil rights, and the expansion of social and economic gains for minorities;

Whereas the Honorable Maynard Holbrook Jackson, Jr. was a great champion for diversity, inclusion, and fairness—not just in government and business, but also in all areas of life;

Whereas the Honorable Maynard Holbrook Jackson, Jr. was a wonderful human being who never wavered from the principles that guided his life and career;

Whereas the efforts of the Honorable Maynard Holbrook Jackson, Jr. on behalf on the City of Atlanta and all Americans earned him the esteem and high regard of his colleagues; and

Whereas the untimely death of the Honorable Maynard Holbrook Jackson, Jr. has deprived his community, the City of Atlanta, the state of Georgia, and the entire Nation of an outstanding leader: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and accomplishments of the Honorable Maynard Holbrook Jackson Jr.;

(2) recognizes the legendary compassion exhibited by the Honorable Maynard Holbrook Jackson, Jr. as a civil rights leader; and

(3) extends its condolences to the Jackson family and the City of Atlanta on the death of a remarkable man.

The SPEAKER pro tempore, Mr. PETRI, recognized Mr. OSE and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. QUINN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶79.9 NATIONAL MEN'S HEALTH WEEK

Mr. OSE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 208):

Whereas, despite the advances in medical technology and research, men continue to live an average of six years less than women, and African-American men have the lowest life expectancy;

Whereas all ten of the ten leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men more than women;

Whereas between ages 45–54, men are three times more likely than women to die of heart attacks;

Whereas men die of heart disease at almost twice the rate of women;

Whereas men die of cancer at almost one and a half times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15–34, and when detected early, has an 87 percent survival rate;

Whereas the number of cases of colon cancer among men will reach over 72,000 in 2003, and over one-third will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men contracting prostate cancer will reach over 220,000 in 2003, and almost 29,000 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of male-related health problems, such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than one-half the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as

testicular cancer, can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas many men are reluctant to visit their health center or physician for regular screening examinations of male related problems for a variety of reasons including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in and first celebrated in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of corporations, public health departments, health care entities, churches, and community organizations, as well as many States, cities, and localities throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week web site has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespans and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical check-ups; and

Whereas June 9 through 15, 2003, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress supports National Men's Health Week; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. QUINN, recognized Mr. OSE and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. QUINN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶79.10 CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

Mr. OSE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 6):

Whereas chronic obstructive pulmonary disease (''COPD'') is primarily associated with emphysema and chronic bronchitis;

Whereas an estimated 10,000,000 adults in the United States have been diagnosed by a physician with COPD;

Whereas an estimated 24,000,000 adults in the United States have symptoms of impaired lung function, indicating that COPD is underdiagnosed;

Whereas COPD is progressive and is not fully reversible;

Whereas as COPD progresses, the airways and alveoli in the lungs lose elasticity and the airway walls collapse, closing off smaller airways and narrowing larger ones;

Whereas symptoms of COPD include chronic coughing, shortness of breath, increased effort to breathe, increased mucus production, and frequent clearing of the throat;

Whereas risk factors for COPD include long-term smoking, a family history of COPD, exposure to air pollution or secondhand smoke, and a history of frequent childhood respiratory infections;

Whereas more than half of all adults who suffer from COPD report that their condition limits their ability to work, sleep, and participate in social and physical activities;

Whereas more than half of all adults who suffer from COPD feel they are not in control of their breathing, panic when they cannot catch their breath, and expect their condition to worsen;

Whereas nearly 119,000 adults died in the United States of COPD in 2000, making COPD the fourth leading cause of death in the United States;

Whereas COPD accounted for 8,000,000 office visits to doctors, 1,500,000 emergency department visits, and 726,000 hospitalizations by adults in the United States in 2000;

Whereas COPD cost the economy of the United States an estimated $32,100,000,000 in 2002;

Whereas too many people with COPD are not diagnosed or are not receiving adequate treatment; and

Whereas the establishment of a Chronic Obstructive Pulmonary Disease Awareness Month would raise public awareness about the prevalence of chronic obstructive pulmonary disease and the serious problems associated with the disease: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

The SPEAKER pro tempore, Mr. QUINN, recognized Mr. OSE and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. QUINN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. QUINN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶79.11 HUMAN RIGHTS ABUSES AND SLAVERY IN SUDAN

Mr. ROYCE moved to suspend the rules and agree to the following resolution (H. Res. 194); as amended:

Whereas the efforts of the government of Khartoum to subjugate the peoples of the southern Sudan have led to the death of more than 2,000,000 persons and the displacement of another 4,000,000 persons;

Whereas the Department of State's ''Country Reports on Human Rights Practices for 2001'' estimates that between 5,000 and 15,000 Dinka women and children have been abducted during the past 15 years, and that between 10,000 and 12,000 persons remain in captivity;

Whereas credible observers report that some of the abductees were sold into slavery and others were used as forced labor or drafted into the military, including children;

Whereas the Department of State's ''Country Reports on Human Rights Practices for 2002'' notes that persons held in government controlled ''Peace'' camps for internally displaced persons were reportedly subjected to forced labor;

Whereas the Special Rapporteur for Sudan to the General Assembly of the United Nations concluded, on November 4, 2002, that the dire human rights situation in Sudan had not significantly changed;

Whereas the United States Civilian Protection Monitoring Team (CPMT) reported in February 2003 that militia allied with the Government of Sudan and supported directly by Government of Sudan troops continued to abduct civilians in the western Upper Nile region of Sudan;

Whereas subsequent to the February 2003 report of the Civilian Protection Monitoring Team, the Government of Sudan restricted the movements of the CPMT and prevented it from carrying out its mandate;

Whereas the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights declares ''[n]o one shall be held in slavery or servitude: slavery and the slave trade shall be prohibited in all their forms'';

Whereas numerous human rights organizations, including Christian Solidarity International, the Center for Religious Freedom of Freedom House, and the American Anti-Slavery Group have demanded an end to slavery in all its forms and, in particular, to the abuses practiced by the Government of Sudan;

Whereas the National Association for the Advancement of Colored People adopted, in May 1995, a Resolution to Combat Modern Day Slavery stating that slavery in Sudan was an ''irrefutable fact, corroborated by numerous sources,'' and pledging that ''we will not rest until these slaves are freed'';

Whereas the House of Representatives has repeatedly decried human rights abuses in Sudan and called for the abolition of the slave trade and of chattel slavery in Sudan;

Whereas the House of Representatives committed itself to practical measures to suppress the slave trade and chattel slavery in the Sudan by the passage, by a vote of 359–8, in the 107th Congress of H.R. 5531, the ''Sudan Peace Act'', and the Senate passed a similar measure, S. 180, unanimously;

Whereas the United Nations Commission on Human Rights conducted its 59th session in Geneva from March 17 through April 25, 2003;

Whereas the head of the United States delegation to the United Nations Commission on Human Rights, Ambassador Jeane Kirkpatrick, declared in her opening address that ''[t]he Commission has the solemn duty to speak for those who are denied the right to speak for themselves'';

Whereas Human Rights Watch and many other concerned persons and organizations have called upon the United Nations Commission on Human Rights to renew the mandate of the Special Rapporteur on human rights for Sudan, and to condemn gross abuses of human rights and violations of international humanitarian law by the Sudanese Government and rebel Sudan People's Liberation Movement/Army (SPLM/A) forces; and

Whereas the United Nations Commission on Human Rights, by a vote of 26 to 24 with 3 abstentions, refused to classify Sudan as an ''Item 9'' country, one in which grave human rights problems justify the appointment of a Special Rapporteur to investigate abuses and to report on them: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) slavery, under any circumstances, is an unconscionable practice;

(2) the subjection inherent in slavery inevitably leads to other abuses, including torture and rape;

(3) human rights abuses and slavery in Sudan remain a matter of the most profound concern;

(4) the United States must condemn attempts to ignore or condone these outrages;

(5) the United States must make clear to all members of the United Nations Commission on Human Rights that the refusal to condemn slavery in Sudan undermines any moral authority that the Commission might seek to exert in other areas;

(6) the United States must work to re-classify Sudan as an ''Item 9'' country, requiring a Special Rapporteur at the next session of the United Nations Commission on Human Rights; and

(7) the United States should encourage the United Nations to consider reinstating sanctions against Sudan and should urge the European Union, the African Union, and all others who express concern for human freedom and dignity to be engaged in activities that will convince Sudan to abolish slavery and respect human rights.

The SPEAKER pro tempore, Mr. QUINN, recognized Mr. ROYCE and Mr. PAYNE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶79.12 PEACE PARKS FOUNDATION IN SOUTH AFRICA

Mr. ROYCE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 80):

Whereas on February 1, 1997, the Peace Parks Foundation was established in the Republic of South Africa as a non-profit company to facilitate the establishment of transfrontier conservation areas in the Southern African Development Community (SADC) countries;

Whereas the overall purpose of the Peace Parks Foundation is to facilitate the establishment and development of transfrontier areas involving two or more countries without compromising national sovereignty, and allowing the free movement of humankind and animals across international borders within the peace park and thereby contributing to economic development, job creation, and peace and understanding between the countries concerned;

Whereas former South African President Nelson Mandela is a patron emeritus of the Peace Parks Foundation and the heads of state of the SADC countries are honorary patrons of the Foundation;

Whereas the Peace Parks Foundation has received the full support and endorsement for its efforts and activities from the heads of state of the SADC countries;

Whereas eight transfrontier conservation areas totaling approximately 232,000 square miles are supported by the Peace Parks Foundation in the SADC countries; and

Whereas the United States values peace and stability in the global community, and in particular Africa, and has long recognized the significance of sustainable economic development and the conservation of biodiversity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the United States should support efforts to facilitate the establishment and development of transfrontier conservation areas in the Southern African Development Community (SADC) countries; and

(2) nongovernmental organizations and foundations in the United States should be encouraged to support and promote sustainable economic development and benefits through the preservation of wildlife in peace parks on an expanded and inclusive basis to the benefit of the countries concerned and their people.

The SPEAKER pro tempore, Mr. LINDER, recognized Mr. ROYCE and Mr. PAYNE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. LINDER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶79.13 STATE AUTHORIZATION FY 2004 AND 2005

The SPEAKER pro tempore, Mr. LINDER, pursuant to House Resolution 316 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

Mr. NORWOOD, Acting Chairman of the Committee of the Whole, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. LINDER, assumed the Chair.

When Mr. NORWOOD, Acting Chairman, pursuant to House Resolution 316, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

Mr. FLAKE demanded a separate vote on the following amendment numbered 2, as amended, the HYDE amendment.

The following remaining amendments reported from the Committee of the Whole House on the State of the Union were then agreed to:

In section 116(a) of the bill—

(1) after the first dollar amount, insert ''(reduced by $25,000,000)''; and

(2) after the second dollar amount, insert ''(reduced by $25,000,000)''.

Strike subsection (e) of section 116 of the bill.

Strike section 1 of the bill and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003''.

Strike subsection (a) of section 2 of the bill and insert the following:

(a) ORGANIZATION OF ACT INTO DIVISIONS.—This Act is organized into four divisions as follows:

(1) DIVISION A.—Millennium Challenge Account Act of 2003.

(2) DIVISION B.—Peace Corps Expansion Act of 2003.

(3) DIVISION C.—Department of State Authorization Act, Fiscal Years 2004 and 2005.

(4) DIVISION D.—Defense Trade and Security Assistance Reform Act of 2003.

Redesignate division A of the bill as division C of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Redesignate division B of the bill as division D of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Insert after section 3 of the bill the following two new divisions (and conform the table of contents accordingly):

DIVISION A—MILLENNIUM CHALLENGE ACCOUNT

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the ''Millennium Challenge Account Act of 2003''.

SEC. 102. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term ''Board'' means the Board of Directors of the Corporation established pursuant to section 303 of this Act.

(3) COMPACT.—The term ''Compact'' means the Millennium Challenge Compact described in section 204 of this Act.

(4) CORPORATION.—The term ''Corporation'' means the Millennium Challenge Corporation established under section 301 of this Act.

(5) COUNCIL.—The term ''Council'' means the Millennium Challenge Advisory Council established under section 308 of this Act.

(6) MILLENNIUM DEVELOPMENT GOALS.—The term ''Millennium Development Goals'' means the key development objectives described in the United Nations Millennium Declaration, as contained in United Nations General Assembly Resolution 55/2 (September 2000), which aim to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria, and other infectious diseases, ensure environmental sustainability, and develop a global partnership for development.

SEC. 103. SUNSET.

All authorities under this division (other than title IV) shall terminate on October 1, 2007.

TITLE II—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 201. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) A principal objective of United States foreign assistance programs, as stated in section 101 of the Foreign Assistance Act of 1961, is the ''encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives''.

(2) The expanding acceptance of free trade and open markets and the spread of democracy and the rule of law have brought a better way of life to an increasing number of people in the world.

(3) Inequalities between men and women undermine development and poverty-reduction efforts in fundamental ways. A woman's limited access to resources and restrictions on the exercise of her rights, including the right to participate in social and political processes, disables her from maximizing her contribution to her family's health, education, and general well-being.

(4) On March 14, 2002, the President noted the successes of development assistance programs: ''The advances of free markets and trade and democracy and rule of law have brought prosperity to an ever-widening circle of people in this world. During our lifetime, per capita income in the poorest countries has nearly doubled. Illiteracy has been cut by one-third, giving more children a chance to learn. Infant mortality has been almost halved, giving more children a chance to live.''.

(5) Development is neither an easy process nor a linear one. There are successes and there are failures. Today, too many people are still living in poverty, disease has eroded many of the economic and social gains of previous decades, and many countries have not adopted policies, for a variety of reasons, that would enable them to compete in an open and equitable international economic system.

(6) More countries and more people will be able to participate in and benefit from the opportunities afforded by the global economy if the following conditions for sound and sustainable economic development are met:

(A) SECURITY.—Security is necessary for economic development. Persistent poverty and oppression can lead to hopelessness, despair, and to failed states that become havens for terrorists.

(B) POLICIES THAT SUPPORT BROAD-BASED ECONOMIC GROWTH.—Successful long-term development can only occur through broad-based economic growth that enables the poor to increase their incomes and have access to productive resources and services so that they can lead lives of decency, dignity, and hope.

(C) DEMOCRACY AND THE RULE OF LAW.—Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. The ability of people to participate in the economic and political processes affecting their lives is essential to sustained growth. The rule of law and a commitment to fight corruption is also critical to the development of a prosperous society.

(D) INVESTMENTS IN PEOPLE.—Economic growth and democracy can be sustained only if both men and women have the basic tools and capabilities that foster the opportunity for participation in the economic, social, and political life of their countries. Successful development of countries requires citizens who are literate, healthy, and prepared and able to work.

(7) Economic assistance programs authorized under part I of the Foreign Assistance Act of 1961, as administered by the United States Agency for International Development and other Federal agencies, are of critical importance in assisting countries to be in a position to maximize the effectiveness of assistance authorized by this title.

(8) It is in the national interest of the United States to help those countries that are implementing the economic and political reforms necessary for development to occur.

(9) On March 14, 2002, the President stated that the ''growing divide between wealth and poverty, between opportunity and misery, is both a challenge to our compassion and a source of instability . . . [w]e must confront it . . . [w]e must include every African, every Asian, every Latin American, every Muslim, in an expanding circle of development.''.

(10) The President has pledged that funds requested for the Millennium Challenge Account shall be in addition to, and not a substitute for, existing development and humanitarian programs.

(11) Development assistance alone is not sufficient to stimulate economic growth and development. Assistance has been shown to have a positive impact on growth and development in developing countries with sound policies and institutions. If countries have poor policies and institutions, however, it is highly unlikely that assistance will have a net positive effect.

(12) Economic development, and the achievement of the Millennium Development Goals, must be a shared responsibility between donor and recipient countries.

(b) STATEMENT OF POLICY REGARDING A NEW COMPACT FOR GLOBAL DEVELOPMENT.—It is, therefore, the policy of the United States to support a new compact for global development that—

(1) increases support by donor countries to those developing countries that are fostering democracy and the rule of law, investing in their people, and promoting economic freedom for all their people;

(2) recognizes, however, that it is the developing countries themselves that are primarily responsible for the achievement of those goals;

(3) seeks to coordinate the disparate development assistance policies of donor countries, and to harmonize the trade and finance policies of donor countries with their respective development assistance programs; and

(4) aims to reduce poverty by significantly increasing the economic growth trajectory of beneficiary countries through investing in the productive potential of the people of such countries.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) ASSISTANCE.—The President, acting through the Chief Executive Officer of the Millennium Challenge Corporation, is authorized to provide assistance to eligible countries to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction and are in furtherance of the purposes of this title.

(b) PRINCIPAL OBJECTIVES.—Assistance provided under subsection (a) should advance a country's progress toward promoting the following principal objectives:

(1) FOSTERING DEMOCRATIC SOCIETIES, HUMAN RIGHTS, AND THE RULE OF LAW.—The assistance should promote—

(A) political, social, and economic pluralism;

(B) respect for the rule of law;

(C) anti-corruption initiatives and law enforcement;

(D) development of institutions of democratic governance, including electoral and legislative processes;

(E) transparent and accountable public administration at all levels of government;

(F) a fair, competent, and independent judiciary; and

(G) a free and independent media.

(2) FOSTERING INVESTMENT IN EDUCATION AND HEALTH INFRASTRUCTURE AND SYSTEMS.—The assistance should foster improved educational opportunities and health conditions, particularly for women and children, including through—

(A) support for programs and personnel that promote broad-based primary education, including through the development of academic curricula, by making available textbooks and other educational materials, and through appropriate use of technology;

(B) support for programs to strengthen and build institutions, including primary health care systems, infrastructure, facilities, and personnel that provide quality health care;

(C) support for improved systems for the delivery of healthy water and sanitation services; and

(D) support for programs that reduce child mortality (including those programs that combat HIV/AIDS, malaria, tuberculosis, and other infectious diseases, consistent with sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961).

(3) PROMOTING ECONOMIC FREEDOM, BROAD-BASED ECONOMIC GROWTH, AND FOSTERING FREE MARKET SYSTEMS.—The assistance should foster the institutions and conditions needed to promote free market systems, trade, and investment, including—

(A) the reform and restructuring of banking and financial systems, including by allowing foreign competition in the banking and financial sectors, where appropriate;

(B) the development of transparent and efficient commercial codes and reduction in the regulatory burden on business;

(C) the protection of property rights, including—

(i) private property and intellectual property rights, including through the adoption and effective enforcement of intellectual property treaties or international agreements; and

(ii) the establishment and maintenance of an efficient and integrated legal property system that, among other things, facilitates the ability of the poor, particularly women, to convert physical and intellectual assets into capital, such as utilizing existing practices and customs that allow assets to be documented in a manner that makes the assets widely transferable, leveragable, and fungible, that allows individuals to hold legal title to their property, and that holds

owners accountable for transactions involving their property;

(D) support for market-based policies that support increased agricultural production;

(E) a strong commitment to sound monetary and budgetary policies;

(F) the development of small businesses, private cooperatives, credit unions, and trade and labor unions;

(G) the protection of internationally recognized workers' rights; and

(H) the capacity of eligible countries to ameliorate damage to the environment and respect other environmental standards.

SEC. 203. ELIGIBILITY AND RELATED REQUIREMENTS.

(a) ASSISTANCE FOR LOW INCOME COUNTRIES.—

(1) FISCAL YEAR 2004.—A country shall be eligible to receive assistance under section 202 for fiscal year 2004 if—

(A) the country is eligible for assistance from the International Development Association, and the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for that year, as defined by the International Bank for Reconstruction and Development;

(B) subject to paragraph (3), the country is not ineligible to receive United States economic assistance by reason of the application of section 116, 490, or 620A of the Foreign Assistance Act of 1961, or by reason of the application of any other provision of law; and

(C) the Chief Executive Officer of the Corporation determines that the country has demonstrated a commitment to—

(i) bolster democracy, human rights, good governance and the rule of law;

(ii) invest in the health and education of its citizens; and

(iii) promote sound economic policies that promote economic freedom and opportunity.

(2) FISCAL YEARS 2005 AND 2006.—A country shall be eligible to receive assistance under section 202 for fiscal years 2005 and 2006 if—

(A) the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the fiscal year involved, as defined by the International Bank for Reconstruction and Development;

(B) the country meets the requirements of paragraph (1)(B); and

(C) the country meets the requirements of clauses (i) through (iii) of paragraph (1)(C), as determined by the Chief Executive Officer.

(3) RULE OF CONSTRUCTION.—For the purposes of determining whether a country is eligible for receiving assistance under section 202 pursuant to paragraph (1)(B), the exercise by the President, the Secretary of State, or any other officer or employee of the United States of any waiver or suspension of any provision of law referred to in such paragraph shall not be construed as satisfying the requirement of such paragraph.

(b) ASSISTANCE FOR LOWER MIDDLE INCOME COUNTRIES.—

(1) IN GENERAL.—In addition to countries described in subsection (a), a country shall be eligible to receive assistance under section 202 for fiscal year 2006 if the country—

(A) is classified as a lower middle income country in the then most recent edition of the World Development Report published by the International Bank for Reconstruction and Development;

(B) meets the requirements of subsection (a)(1)(B); and

(C) meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer.

(2) LIMITATION.—The total amount of assistance provided to countries under this subsection for fiscal year 2006 may not exceed 20 percent of the total amount of assistance provided to all countries under section 202 for fiscal year 2006.

(c) ASSISTANCE FOR SELECTED LOW INCOME COUNTRIES.—

(1) IN GENERAL.—A country shall be eligible to receive assistance for any of fiscal years 2004 through 2006 solely for the purpose of becoming eligible to receive assistance under subsection (a) if the country—

(A) meets the requirements of paragraphs (1)(B) and (2)(A) of subsection (a);

(B) demonstrates a commitment to meeting the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer; but

(C) fails to meet the eligibility criteria necessary to receive assistance under section 202, as established under subsection (e).

(2) ADMINISTRATION.—Assistance for countries eligible by reason of the application of this subsection shall be provided through the United States Agency for International Development.

(3) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, not more than 15 percent of such amount is authorized to be appropriated to the President for the fiscal year to carry out this subsection.

(d) GENERAL AUTHORITY TO DETERMINE ELIGIBILITY.—

(1) GENERAL AUTHORITY.—The Chief Executive Officer shall determine whether or not a country is eligible to receive assistance under section 202.

(2) CONGRESSIONAL NOTIFICATION.—Not later than 7 days after making a determination of eligibility for a country under paragraph (1), the Chief Executive Officer shall provide notice thereof to the appropriate congressional committees. Such notice shall include a certification of the determination of the Chief Executive Officer that the country meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C) in accordance with such subsection, subsection (a)(2)(C), subsection (b)(1)(C), or subsection (c)(1)(B), as the case may be.

(e) ELIGIBILITY CRITERIA.—

(1) INITIAL CRITERIA AND METHODOLOGY.—At soon as practicable after the date of the enactment of this Act, but not later than 30 days prior to making any determination of eligibility for a country under this section, the Chief Executive Officer—

(A) shall consult in-person with the appropriate congressional committees with respect to the establishment of eligibility criteria and methodology that the Chief Executive Officer proposes to use for purposes of determining eligibility under this section;

(B) shall establish such eligibility criteria and methodology; and

(C) shall prepare and transmit to such committees a written report that contains such eligibility criteria and methodology.

(2) REVISIONS TO CRITERIA AND METHODOLOGY.—If the Chief Executive Officer proposes to use revised or different criteria from the criteria described in paragraph (1) in making a determination of eligibility for a country under this section, then, not later than 15 days prior to making such determination, the Chief Executive Officer shall consult in-person with the appropriate congressional committees with respect to such revised or different criteria and methodology in accordance with paragraph (1)(A) and shall prepare and transmit a written report in accordance with paragraph (1)(C).

(f) FORM OF ASSISTANCE; RECIPIENTS.—

(1) FORM OF ASSISTANCE.—Assistance provided under section 202 for a country shall be provided to one or more of the entities described in paragraph (2) on a nonrepayable basis and in accordance with a fair, open, and competitive selection process that results in the awarding of such assistance on a merit basis using selection criteria that are made public by the Corporation in advance and are otherwise in accordance with standard and customary best practices for the provision of similar types of assistance.

(2) RECIPIENTS.—The entities referred to in paragraph (1) are the following:

(A) The national government of the country.

(B) Regional or local governmental units of the country.

(C) Nongovernmental organizations, including for-profit, not-for-profit, and voluntary organizations.

(D) International organizations and trust funds.

(g) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer may not make any grant or enter into any contract for assistance for a country under section 202 that exceeds $5,000,000 until 15 days after the date on which the Chief Executive Officer provides notification of the proposed grant or contract to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(h) PROHIBITION ON USE OF FUNDS.—The prohibitions on use of funds contained in paragraphs (1) through (3) of section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)(1)–(3)) shall apply to funds made available to carry out this division to the same extent and in the same manner as such prohibitions apply to funds made available to carry out part I of such Act.

SEC. 204. MILLENNIUM CHALLENGE COMPACT.

(a) COMPACT.—The President, acting through the Chief Executive Officer of the Corporation, may provide assistance to an eligible country under section 202 only if the country enters into a contract with the United States, to be known as a ''Millennium Challenge Compact'', that establishes a multi-year plan for achieving shared development objectives in furtherance of the purposes of this title, and only if the President, acting through the Chief Executive Officer, provides to Congress notice regarding such Compact pursuant to subsection (h).

(b) ELEMENTS.—

(1) IN GENERAL.—The Compact shall take into account the national development strategy of the eligible country and shall contain—

(A) the specific objectives that the country and the United States expect to achieve;

(B) the responsibilities of the country and the United States in the achievement of such objectives;

(C) regular benchmarks to measure, where appropriate, progress toward achieving such objectives;

(D) an identification of the intended beneficiaries, disaggregated by income level, gender, and age, to the maximum extent practicable;

(E) a multi-year financial plan, including the estimated amount of contributions by the Corporation and the country and proposed mechanisms to implement the plan and provide oversight, that describes how the requirements of subparagraphs (A) through (D) will be met, including identifying the role of civil society in the achievement of such requirements;

(F) where appropriate, a description of the responsibility of other donors in the achievement of such objectives; and

(G) a plan to ensure appropriate fiscal accountability for the use of assistance provided under section 202.

(2) LOWER MIDDLE INCOME COUNTRIES.—In addition to the elements described in subparagraphs (A) through (G) of paragraph (1), with respect to a lower middle income country described in section 203(b), the Compact

shall identify an appropriate contribution from the country relative to its national budget, taking into account the prevailing economic conditions, toward meeting the objectives of the Compact. Such contribution shall be in addition to government spending allocated for such purposes in the country's budget for the year immediately preceding the establishment of the Compact and shall continue for the duration of the Compact.

(c) DEFINITION.—In subsection (b), the term ''national development strategy'' means any strategy to achieve market-driven economic growth that has been developed by the government of the country in consultation with a wide variety of civic participation, including nongovernmental organizations, private and voluntary organizations, academia, women and student organizations, local trade and labor unions, and the business community.

(d) ADDITIONAL PROVISION RELATING TO PROHIBITION ON TAXATION.—In addition to the elements described in subsection (b), each Compact shall contain a provision that states that assistance provided by the United States under the Compact shall be exempt from taxation by the government of the eligible country.

(e) LOCAL INPUT.—In entering into a Compact, the United States and the eligible country—

(1) shall take into account the local-level perspectives of the rural and urban poor in the eligible country; and

(2) should consult with private and voluntary organizations, the business community, and other donors, in the eligible country.

(f) CONSULTATION.—During any discussions with a country for the purpose of entering into a Compact with the country, officials of the Corporation participating in such discussions shall, at a minimum, consult with appropriate officials of the United States Agency for International Development, particularly with those officials responsible for the appropriate region or country on development issues related to the Compact.

(g) COORDINATION WITH OTHER DONORS.—To the maximum extent feasible, activities undertaken to achieve the objectives of the Compact shall be undertaken in coordination with the assistance activities of other donors.

(h) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Not later than 15 days prior to entering into a Compact with an eligible country, the President, acting through the Chief Executive Officer—

(1) shall consult in-person with the appropriate congressional committees with respect to the proposed Compact;

(2) shall provide notification of the proposed Compact to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961;

(3) shall prepare and transmit to such committees a written report that contains a detailed summary of the proposed Compact and a copy of the full text of the Compact; and

(4) shall publish such detailed summary and full text of the proposed Compact in the Federal Register and on the Internet website of the Corporation.

(i) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—Notwithstanding subsection (a), the Chief Executive Officer may enter into contracts or make grants for any eligible country for the purpose of facilitating the development of the Compact between the United States and the country.

SEC. 205. SUSPENSION AND TERMINATION OF ASSISTANCE.

(a) SUSPENSION OF ASSISTANCE.—

(1) IN GENERAL.—The President shall suspend assistance in whole or in part for a country under this title if the President determines that—

(A) the country is engaged in activities which are contrary to the national security interests of the United States;

(B) the elected head of state of the country or any member of the country's highest judicial tribunal has been removed from that office or forcibly detained through extra-constitutional processes; or

(C) the country has failed to adhere to its responsibilities under the Compact.

(2) REINSTATEMENT.—The President may reinstate assistance for a country under this title only if the President determines that the country has demonstrated a commitment to correcting each condition for which assistance was suspended under paragraph (1).

(3) CONGRESSIONAL NOTIFICATION.—A suspension of assistance under paragraph (1), or a reinstatement of assistance under paragraph (2), shall be effective beginning 15 days after the date on which the President transmits to the appropriate congressional committees a report that contains the determination of the President under paragraph (1) or paragraph (2), as the case may be.

(b) TERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—The President, acting through the Chief Executive Officer of the Corporation, shall terminate all assistance for a country under this title if the President determines that the country has consistently failed to adhere to its responsibilities under the Compact or has significantly failed to meet the requirements of this title.

(2) CONGRESSIONAL NOTIFICATION.—A termination of assistance under paragraph (1) shall be effective beginning 15 days after the date on which the President, acting through the Chief Executive Officer, provides notification of the proposed termination of assistance to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 206. ANNUAL REPORT.

(a) REPORT.—Not later than April 1, 2005, and not later than April 1 of each year thereafter, the Chief Executive Officer of the Corporation shall prepare and transmit to the appropriate congressional committees a report on the implementation of this title for the preceding year.

(b) CONTENTS.—The report shall include the following:

(1) A description and assessment of the eligibility criteria and methodology utilized by the Chief Executive Officer to determine eligibility for each country under section 203.

(2) A description of the agreed upon measures of progress contained in each Compact.

(3)(A) An analysis, on a country-by-country, project-by-project basis, of the impact of assistance provided under this title on the economic development of each country.

(B) For each country, the analysis shall—

(i) to the maximum extent possible, be done on a sector-by-sector basis, gender basis, and per capita income basis, and identify trends within each of these bases;

(ii) identify economic policy reforms conducive to economic development that are supported by assistance provided under this title;

(iii) describe, in quantified terms to the extent practicable, the progress made in achieving assistance objectives for the country;

(iv) describe the amount and nature of economic assistance provided by other major donors which further the purposes of this title; and

(v) discuss the commitment and contribution of the country to achieving the assistance objectives contained in its Compact.

(4) A description and assessment of property rights in each country, including—

(A) the total value of legal and extralegal property and business holdings;

(B) the average time required to acquire land; and

(C) the average time required to register and wind up a business enterprise.

SEC. 207. PARTICIPATION OF CERTAIN UNITED STATES BUSINESSES.

(a) PARTICIPATION.—To the maximum extent practicable, the President, acting through the Chief Executive Officer, shall ensure that United States small, minority-owned, and disadvantaged business enterprises fully participate in the provision of goods and services that are financed with funds made available under this title.

(b) REPORT.—The Chief Executive Officer shall prepare and submit to the appropriate congressional committees an annual report that contains a description of the extent to which the requirement of subsection (a) has been met for the preceding year.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS; RELATED AUTHORITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President, acting through the Chief Executive Officer of the Corporation, to carry out this division (other than title IV) $1,300,000,000 for fiscal year 2004, $3,000,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) may be referred to as the ''Millennium Challenge Account'';

(2) are authorized to remain available until expended; and

(3) are in addition to amounts otherwise available for such purposes.

TITLE III—MILLENNIUM CHALLENGE CORPORATION

SEC. 301. MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT.—There is hereby established in the executive branch a corporation to be known as the ''Millennium Challenge Corporation'' that shall be responsible for carrying out title II.

(b) GOVERNMENT CORPORATION.—The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

SEC. 302. CHIEF EXECUTIVE OFFICER.

(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as Chief Executive Officer of the Corporation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) COMPENSATION AND RANK.—

(1) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(2) AMENDMENT.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Millennium Challenge Corporation.''.

(c) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall exercise the powers and discharge the duties of the Corporation and any other duties, as conferred on the Chief Executive Officer by the President.

(d) AUTHORITY TO APPOINT OFFICERS.—The Chief Executive Officer shall appoint all officers of the Corporation.

SEC. 303. BOARD OF DIRECTORS.

(a) IN GENERAL.—There shall be in the Corporation a Board of Directors.

(b) DUTIES.—The Board may prescribe, amend, and repeal bylaws, rules, regulations,

and procedures governing the manner in which the business of the Corporation may be conducted and in which the powers granted to it by law may be exercised.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of—

(A) the Secretary of State, the Secretary of Treasury, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the Corporation, and the United States Trade Representative; and

(B) four other individuals who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(2) EX-OFFICIO MEMBERS.—In addition to members of the Board described in paragraph (1), the Director of the Office of Management and Budget, the President and Chief Executive Officer of the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, and the Director of the Peace Corps shall be non-voting members, ex officio, of the Board.

(d) TERMS.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—Each member of the Board described in paragraphs (1)(A) and (2) of subsection (c) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(2) OTHER MEMBERS.—Each member of the Board described in subsection (c)(1)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 2 years.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Secretary of State shall serve as the Chairperson of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum, which shall include at least one member of the Board described in subsection (c)(1)(B).

(g) MEETINGS.—The Board shall meet at the call of the Chairperson.

(h) COMPENSATION.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—

(A) IN GENERAL.—A member of the Board described in paragraphs (1)(A) and (2) of subsection (c) may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(B) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) OTHER MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Board described in subsection (c)(1)(B)—

(i) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(ii) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(B) LIMITATION.—A member of the Council may not be paid compensation under subparagraph (A)(i) for more than thirty days in any calendar year.

SEC. 304. INTERAGENCY COORDINATION.

In carrying out the functions described in this title, and consistent with section 101 of the National Security Act of 1947 (50 U.S.C. 402), the President shall ensure coordination of assistance authorized under title II with foreign economic assistance programs and activities carried out by other Federal departments and agencies.

SEC. 305. POWERS OF THE CORPORATION; RELATED PROVISIONS.

(a) POWERS.—The Corporation—

(1) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(2) may prescribe, amend, and repeal such rules, regulations, and procedures as are necessary for carrying out the functions of the Corporation and all Compacts;

(3) may make and perform such contracts, grants, and other agreements with any individual, corporation, or other private or public entity, however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $95,000 in any fiscal year;

(5) may lease, purchase, or otherwise acquire, own, hold, improve, use or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation;

(6) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this division;

(7) may hire or obtain passenger motor vehicles;

(8) may use the United States mails in the same manner and on the same conditions as the Executive departments (as defined in section 101 of title 5, United States Code);

(9) may, with the consent of any Executive agency (as defined in section 105 of title 5, United States Code), use the information, services, facilities, and personnel of that agency on a full or partial reimbursement in carrying out the purposes of this division; and

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction.

(b) OFFICES.—

(1) PRINCIPAL OFFICE.—The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(2) OTHER OFFICES.—The Corporation may establish other offices in any place or places outside the United States in which the Corporation may carry out any or all of its operations and business.

(c) COOPERATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES.—In order to avoid unnecessary expense and duplication of functions, efforts, and activities between the Corporation and other Federal departments and agencies the Chief Executive Officer, or the Chief Executive Officer's designee—

(1)(A) shall consult, to the maximum extent practicable, with the Administrator of the United States Agency for International Development, or the Administrator's designee, in order to coordinate the activities of the Corporation and the Agency for International Development; and

(B) shall consult with the heads of other departments and agencies to ensure similar coordination of activities;

(2)(A) shall ensure proper coordination of activities of the Corporation with the provision of development assistance of relevant international financial institutions, including the International Bank for Reconstruction and Development, the International Monetary Fund, and the regional multilateral development banks; and

(B) shall provide to each United States Executive Director (or other United States representative) to the relevant international financial institutions a copy of each proposed Compact between the United States and an eligible country and a copy of each such final Compact.

(d) POSITIONS WITH FOREIGN GOVERNMENTS.—When approved by the Corporation, in furtherance of its purposes, employees of the Corporation (including individuals detailed to the Corporation) may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries or with international organizations.

SEC. 306. TRANSPARENCY AND ACCOUNTABILITY OF THE CORPORATION.

The Corporation and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

SEC. 307. DETAIL OF PERSONNEL TO THE CORPORATION; OTHER AUTHORITIES AND LIMITATIONS.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer of the Corporation, the head of an agency may detail any employee of such agency to the Corporation on a fully or partially reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) LIMITATION ON TOTAL SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no individual may serve in or under the Corporation (whether as an employee of the Corporation, a detailee to the Corporation, or a combination thereof) for a total period exceeding 5 years.

(2) EXCEPTIONS.—

(A) EXTENSION AUTHORITY.—The Chief Executive Officer may extend the 5-year period under paragraph (1) for up to an additional 3 years, in the case of any particular individual, if the Chief Executive Officer determines that such extension is essential to the achievement of the purposes of this division.

(B) OFFICERS.—Nothing in this subsection shall limit the period for which an individual may serve as an officer of the Corporation appointed pursuant to section 302(d) nor shall any period of service as such an officer be taken into account for purposes of applying this subsection.

(c) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Corporation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Corporation—

(i) by reason of the application of subsection (b); or

(ii) for any other reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Corporation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Corporation without regard to the provisions of—

(1) chapter 51 of title 5, United States Code (relating to the classification of positions), and

(2) subchapter III of chapter 53 of such title (relating to General Schedule pay rates),

except that no employee of the Corporation may receive a rate of basic pay that exceeds the rate for level II of the Executive Schedule under section 5313 of such title.

(e) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post, or United States Agency for International Development field mission.

(f) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(g) RESPONSIBILITY OF CHIEF OF MISSION.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

(h) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Corporation may allocate or transfer to the United States Agency for International Development or any other agency any part of any funds available for carrying out the purposes of this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer shall notify the appropriate congressional committees not later than 15 days prior to a transfer of funds under paragraph (1) that exceeds $5,000,000.

(3) USE OF SERVICES.—For carrying out the purposes of this division, the Corporation may utilize the services and facilities of, or procure commodities from, any agency under such terms and conditions as may be agreed to by the head of the agency and the Corporation.

(i) FUNDING LIMITATION.—Of the funds allocated under subsection (h) in any fiscal year, not more than 7 percent of such funds may be used for administrative expenses.

(j) OTHER AUTHORITIES.—Except to the extent inconsistent with the provisions of this division, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 shall apply to the provision of assistance under this division to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act.

(k) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Corporation shall be subject to the provisions of chapter 91 of subtitle VI of title 31, United States Code, except that the Corporation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(Q) the Millennium Challenge Corporation."

(l) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the United States Agency for International Development shall serve as Inspector General of the Corporation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Corporation.

(2) AUTHORITY OF THE BOARD.—In carrying out its responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board of Directors.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Corporation shall reimburse the United States Agency for International Development for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, up to $1,000,000 is authorized to be made available to the Inspector General of the United States Agency for International Development to conduct reviews, investigations, and inspections of operations and activities of the Corporation.

(m) COMPTROLLER GENERAL.—

(1) IN GENERAL.—The Comptroller General shall conduct audits, evaluations, and investigations of the Corporation.

(2) SCOPE.—The activities and financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be evaluated, investigated, or audited by the Comptroller General in accordance with such rules and regulations as may be prescribed by the Comptroller General.

(3) ACCESS AND RECORDS.—Any evaluation, investigation, or audit shall be conducted at the place or places where pertinent information of the Corporation is normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the evaluation, investigation, or audit; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Corporation shall remain in the possession and custody of the Corporation throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, papers, or property for a longer period under section 3523(c) of title 31, United States Code.

(4) REPORT.—A report of such audit, evaluation, or investigation shall be made by the Comptroller General to the appropriate congressional committees and to the President, together with such recommendations with respect thereto as the Comptroller General shall deem advisable.

(n) DEFINITIONS.—For purposes of this section—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term "detail" means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Corporation.

SEC. 308. MILLENNIUM CHALLENGE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is hereby established in the executive branch an advisory council to the Corporation to be known as the Millennium Challenge Advisory Council.

(b) FUNCTIONS.—

(1) GENERAL FUNCTIONS.—The Council shall advise and consult with the Chief Executive Officer of the Corporation and the Board of Directors with respect to policies and programs designed to further the purposes of this division and shall periodically report to the Congress with respect to the activities of the Corporation. In addition, the Council shall review on an annual basis the criteria and methodology used to determine eligibility of countries for assistance under title II and make recommendations to the Chief Executive Officer and the Board to improve the effectiveness of such criteria and methodology in order to achieve the purposes of this division.

(2) ADDITIONAL FUNCTIONS.—Members of the Council shall (subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Corporation in the United States and in other countries in order to—

(A) evaluate the accomplishments of the Corporation;

(B) assess the potential capabilities and the future role of the Corporation;

(C) make recommendations to the Chief Executive Officer, the Board of Directors, and Congress, for the purpose of guiding the future direction of the Corporation and of helping to ensure that the purposes and programs of the Corporation are carried out in ways that are economical, efficient, responsive to changing needs in developing countries and to changing relationships among people, and in accordance with law;

(D) make such other evaluations, assessments, and recommendations as the Council considers appropriate.

(3) PUBLIC PARTICIPATION.—The Council may provide for public participation in its activities, consistent with section 552b of title 5, United States Code.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of seven individuals, who shall be appointed by the Chief Executive Officer, and who shall be broadly representative of nongovernmental entities with expertise and interest in international trade and economic development, including business and business associations, trade and labor unions, private and voluntary organizations, foundations, public policy organizations, academia, and other entities as the Chief Executive Officer determines appropriate.

(2) ADDITIONAL REQUIREMENT.—No member appointed under paragraph (1) may be an officer or employee of the United States Government.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Council—

(A) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Council; and

(B) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Council, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(2) LIMITATION.—A member of the Council may not be paid compensation under paragraph (1)(A) for more than thirty days in any calendar year.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum for the purposes of transacting any business.

(f) FINANCIAL INTERESTS OF MEMBERS.—A member of the Council shall disclose to the Chairperson of the Council and the Chief Executive Officer of the existence of any direct or indirect financial interest of that member in any particular matter before the Council and may not vote or otherwise participate as a Council member with respect to that particular matter.

(g) CHAIRPERSON.—The Chief Executive Officer shall designate one of the members of the Council as Chairperson, who shall serve in that capacity for a term of two years. The Chief Executive Officer may renew the term of the member appointed as Chairperson under the preceding sentence.

(h) MEETINGS, BYLAWS, AND REGULATIONS.—

(1) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Chief Executive Officer, the Chairperson of the Board, the Chairperson of the Council, or two members of the Council.

(2) BYLAWS AND REGULATIONS.—The Council shall prescribe such bylaws and regulations as it considers necessary to carry out its functions. Such bylaws and regulations shall include procedures for fixing the time and place of meetings, giving or waiving of notice of meetings, and keeping of minutes of meetings.

(i) REPORT TO THE PRESIDENT, CHIEF EXECUTIVE OFFICER, AND BOARD.—

(1) REPORT.—Not later than January 1, 2005, and not later than January 1 of each year thereafter that the Corporation is in existence, the Council shall submit to the President, the Chief Executive Officer, and the Board a report on its views on the programs and activities of the Corporation.

(2) CONTENTS.—Each report shall contain a summary of the advice and recommendations provided by the Council to the Chief Executive Officer and the Board during the period covered by the report and such recommendations (including recommendations for administrative or legislative action) as the Council considers appropriate to make to the Congress.

(3) ADDITIONAL REQUIREMENT.—Not later than 90 days after receiving each such report, the Chief Executive Officer shall transmit to Congress a copy of the report, together with any comments concerning the report that the Chief Executive Officer considers appropriate.

(j) ADMINISTRATIVE ASSISTANCE.—The Chief Executive Officer shall make available to the Council such personnel, administrative support services, and technical assistance as are necessary to carry out its functions effectively.

(k) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Council. Notwithstanding section 102 of this Act, the authorities of the Council shall terminate on December 31, 2007.

SEC. 309. MILLENNIUM CHALLENGE SEED GRANTS.

(a) FINDINGS.—Congress finds the following:

(1) Many countries in the developing world lack the academic and public policy advocacy base essential to attaining the principal objectives of the Millennium Challenge Account.

(2) Because of widespread government repression of free speech and poverty, the countries of Africa in particular suffer an acute shortage of nongovernmental organizations which effectively study and promote the principal objectives of the Millennium Challenge Account.

(3) Many developing countries, particularly low income countries, lack the institutional capacity to enhance the quality and accuracy of data upon which the eligibility criteria in section 203 relies. Such countries may also lack the ability to monitor and evaluate development projects effectively.

(4) The Millennium Challenge Account will struggle to reach its goals unless countries in the developing world possess a home grown intellectual commitment and culture of advocacy aimed at promoting its principal objectives.

(b) ASSISTANCE.—The Chief Executive Officer of the Corporation is authorized to provide assistance in support of nongovernmental organizations (including universities, independent foundations, and other organizations) in low income and lower middle income countries, and, where appropriate, directly to agencies of foreign governments in low income countries, that are undertaking research, education, and advocacy efforts aimed at promoting democratic societies, human rights, the rule of law, improved educational opportunities and health conditions, particularly for women and children, and economic freedom, including research aimed at improving data related to the eligibility criteria and methodology established by this division with respect to such a country or monitoring and evaluating the impact of assistance provided under this division.

(c) LIMITATION.—Not more than $10,000,000 of the amount made available to carry out this division for a fiscal year may be made available to carry out this section.

Page 56, after line 3, insert the following new section:

SEC. 310. CLARIFICATION OF ROLE OF USAID.

(a) STATUS OF USAID.—The Administrator of the United States Agency for International Development shall report to the President through, and operate under the foreign policy authority and direction of, the Secretary of State. The United States Agency for International Development shall be administered under the supervision and operational direction of the Administrator of the Agency.

(b) FUNCTIONS OF USAID.—The United States Agency for International Development is authorized—

(1) to receive appropriated funds;

(2) to be the United States Government agency primarily responsible for administering sections 103 through 108 (other than section 104A), 214, and 491 of the Foreign Assistance Act of 1961, the ''Child Survival and Health Programs Fund'', and other United States economic assistance as directed in writing by the President or the Secretary of State, or as otherwise provided by law;

(3) to provide assistance to a country currently ineligible for assistance provided under title II in order that it may become eligible for such assistance; and

(4) upon the request of the Chief Executive Officer of the Corporation and with the concurrence of the Administrator of the Agency, to assist in the evaluation, execution, and oversight of Millennium Challenge Compacts described in section 204.

TITLE IV—PROVISIONS RELATING TO UNITED STATES ECONOMIC ASSISTANCE

SEC. 401. DEFINITION.

In this title, the term ''United States economic assistance'' means any bilateral economic assistance, from any budget functional category, that is provided by any department or agency of the United States to a foreign country, including such assistance that is intended—

(A) to assist the development and economic advancement of friendly foreign countries and peoples, including assistance provided under title II (relating to the Millennium Challenge Account);

(B) to promote the freedom, aspirations, or sustenance of friendly peoples under oppressive rule by unfriendly governments;

(C) to promote international trade and foreign direct investment as a means of aiding economic growth;

(D) to save lives and alleviate suffering of foreign peoples during or following war, natural disaster, or complex crisis;

(E) to assist in recovery and rehabilitation of countries or peoples following disaster or war;

(F) to protect refugees and promote durable solutions to aid refugees;

(G) to promote sound environmental practices;

(H) to assist in development of democratic institutions and good governance by the people of foreign countries;

(I) to promote peace and reconciliation or prevention of conflict;

(J) to improve the technical capacities of governments to reduce production of and demand for illicit narcotics; and

(K) to otherwise promote through bilateral foreign economic assistance the national objectives of the United States.

SEC. 402. FRAMEWORK FOR ASSISTANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that a coherent framework for United States economic assistance should be established in accordance with this section.

(b) ELEMENTS.—The framework described in subsection (a) includes the following elements:

(1) The United States Agency for International Development, under the direction and foreign policy guidance of the Secretary of State, should be responsible for—

(A) providing assistance to countries that face natural and man-made disasters in order to provide humanitarian relief to the peoples of such countries, in coordination with refugee programs administered by the Department of State;

(B) providing assistance to countries that are suffering from conflicts or are in post-conflict situations in order to provide humanitarian relief, transition assistance, and reconstruction assistance;

(C) providing assistance to help moderate-to-poorly performing countries achieve development progress in the areas described in part I of the Foreign Assistance Act of 1961, including progress toward becoming eligible for assistance under this title, and to promote international health worldwide, as well as assisting in the development of country and regional development strategies;

(D) addressing transnational problems, such as environmental degradation, food insecurity, and health problems; and

(E) assisting other Federal departments and agencies, including the Corporation established under title III, to carry out assistance activities abroad, including providing

technical assistance and advice to such departments and agencies, coordinating its assistance programs with such departments and agencies, and using its field offices to help implement such assistance.

(2) The Corporation established under title III should provide assistance to countries that have demonstrated a commitment to bolstering democracy, good governance, and the rule of law, to investing in the health and educations of their people, and to promoting sound economic policies that foster economic opportunity for their people.

(3) The Department of State should be responsible for allocating security assistance to support key foreign policy objectives of the United States and shall administer assistance in such areas as non-proliferation, anti-terrorism, counter-narcotics, and relief for refugees.

(4) Other Federal departments and agencies with expertise in international development-related activities, such as the Overseas Private Investment Corporation, the Trade and Development Agency, the Department of Agriculture, the Department of Health and Human Services, and the Centers for Disease Control and Prevention, to the extent such departments and agencies have the authority to carry out development-related programs, and in coordination with the Department of State and the United States Agency for International Development, should provide expertise in specific technical areas and shall provide assistance, including assistance provided with funds made available from the Corporation to assist United States Government international development activities.

SEC. 403. REPORT RELATING TO IMPACT AND EFFECTIVENESS OF ASSISTANCE.

(a) REPORT.—Not later than December 31, 2004, and December 31 of each third year thereafter, the President shall transmit to Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of United States economic assistance furnished under the framework established in section 402 to each country during the preceding three fiscal years. The report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding three fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding three fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding three fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(b) LISTING OF MOST AND LEAST SUCCESSFUL ASSISTANCE PROGRAMS.—The report required by this section shall identify—

(1) each country in which United States economic assistance has been most successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were achieved; and

(2) each country in which United States economic assistance has been least successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were not achieved.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(d) DE MINIMUS EXCEPTION.—Information under subsections (a) and (b) for a fiscal year shall not be required with respect to a country for which United States economic assistance for the country for the fiscal year is less than $5,000,000.

DIVISION B—REAUTHORIZATION AND EXPANSION OF THE PEACE CORPS

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Peace Corps Expansion Act of 2003''.

SEC. 1002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) DIRECTOR.—The term ''Director'' means the Director of the Peace Corps.

(3) HOST COUNTRY.—The term ''host country'' means a country whose government has invited the Peace Corps to establish a Peace Corps program within the territory of the country.

(4) PEACE CORPS VOLUNTEER.—The term ''Peace Corps volunteer'' means a volunteer or a volunteer leader under the Peace Corps Act.

(5) RETURNED PEACE CORPS VOLUNTEER.—The term ''returned Peace Corps volunteer'' means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 1003. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service abroad of volunteers who are United States citizens. The spirit of service and commitment to helping others is a fundamental component of democracy.

(2) Since its establishment, more than 168,000 volunteers have served in the Peace Corps in 136 countries throughout the world.

(3) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) The Peace Corps has sought to fulfill three goals—to help people in developing countries meet basic needs, promote understanding abroad of the values and ideals of the United States, and promote an understanding of other peoples by the people of the United States.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development by working with families and communities to improve health care for children, expand agricultural production, teach in schools, fight infectious diseases, protect the environment, and initiate small business opportunities.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote international peace, cross-cultural awareness, and mutual understanding between the United States and other countries.

(7) The Peace Corps is an independent agency, and, therefore, no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers and should be expanded, to the maximum extent practicable, to utilize the talent of returned Peace Corps volunteers.

(9) In fiscal year 2003, the Peace Corps is operating with an annual budget of $295,000,000 in 70 countries, with more than 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation in many parts of the world, particularly in countries with substantial Muslim populations, with respect to United States values and ideals. A new or expanded Peace Corps presence in such places could foster better understanding between the people of the United States and such countries.

(11) Congress has declared, and the Peace Corps Act provides, that the Peace Corps shall maintain, to the maximum extent practicable and appropriate, a volunteer corps of at least 10,000 individuals.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps should not jeopardize the quality of the Peace Corps volunteer experience and, therefore, necessitates, among other things, an appropriate increase in field and headquarters support staff.

(14) In order to ensure that the proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan Peace Corps National Advisory Council composed of distinguished returned Peace Corps volunteers, former Peace Corps staff, and other individuals with diverse backgrounds and expertise can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps as the Director discharges the duties and responsibilities as head of the agency.

TITLE XI—AMENDMENTS TO PEACE CORPS ACT; RELATED PROVISIONS

SEC. 1101. ADVANCING THE GOALS OF THE PEACE CORPS.

(a) RECRUITMENT OF VOLUNTEERS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: ''As an independent agency, the Peace Corps shall be responsible for recruiting all of its volunteers.''.

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by striking ''*Provided,* That'' and inserting ''*Provided,* That such detail or assignment furthers the fulfillment of Peace Corps' development and public diplomacy goals as described in section 2: *Provided further,* That''.

SEC. 1102. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—Section 11 of the Peace

Corps Act (22 U.S.C. 2510) is amended by striking the section heading and the text of section 11 and inserting the following:

"SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

''(a) ANNUAL REPORTS.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information—

''(1) describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

''(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

''(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

''(2) describing—

''(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to the Congress;

''(B) the rationale for undertaking such new initiatives;

''(C) an estimate of the cost of such initiatives; and

''(D) the impact on the safety of volunteers;

''(3) describing in detail the Peace Corps plans, including budgetary plans, to have 14,000 volunteers in service by 2007 while maintaining the quality of the volunteer experience, ensuring the safety and security of all volunteers, and providing for appropriate administrative and other support; and

''(4) describing standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

''(A) by co-locating volunteers with international or local nongovernmental organizations; or

''(B) with the placement of multiple volunteers in one location.

''(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps shall consult with the appropriate congressional committees with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, or as soon as practicable thereafter.''.

(b) ONE–TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) comparing such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommending any additional student loan forgiveness programs which could attract more applications from low- and middle-income individuals who are carrying considerable student-loan debt burdens.

(c) ANNUAL REPORT TO CONGRESS ON THE FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM (FEORP).—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director shall report on the progress of the Peace Corps in recruiting historically underrepresented groups. The Director shall prepare this report in accordance with section 7201 of title 5, United States Code, and subpart B of part 720 of title 5, Code of Federal Regulations.

(d) REPORT ON MAINTAINING THE INTEGRITY OF THE MEDICAL SCREENING AND MEDICAL PLACEMENT COORDINATION PROCESSES.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to the appropriate congressional committees a report that—

(1) describes the medical screening procedures and standards of the Office of Medical Services/Screening Unit of the Peace Corps to determine whether an applicant for Peace Corps service has worldwide clearance, limited clearance, a deferral period, or is not medically, including psychologically, qualified to serve in the Peace Corps as a volunteer;

(2) describes the procedures and criteria for matching applicants for Peace Corps service with a host country to ensure that the applicant, reasonable accommodations notwithstanding, can complete at least two years of volunteer service without interruption to host country national projects due to foreseeable medical conditions; and

(3) with respect to each of fiscal years 2000 through 2002 and the first six months of fiscal year 2003, states the number of—

(A) medical screenings conducted;

(B) applicants who have received worldwide clearance, limited clearance, deferral periods, and medical disqualifications to serve;

(C) Peace Corps volunteers who the agency has had to separate from service due to the discovery of undisclosed medical information; and

(D) Peace Corps volunteers who have terminated their service early due to medical, including psychological, reasons.

SEC. 1103. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR CERTAIN COUNTRIES.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report that—

(1) describes the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in host countries; and

(2) lists the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.—The Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers and former Peace Corps staff who have relevant language and cultural experience and may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 1104. GLOBAL INFECTIOUS DISEASES INITIATIVE; COORDINATION OF HIV/AIDS ACTIVITIES.

(a) INITIATIVE.—

(1) IN GENERAL.—The Director, in cooperation with international public health experts, such as the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall expand the Peace Corps' program of training for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases which are prevalent in host countries in order to ensure that the Peace Corps increases its contribution to the global campaign against such diseases.

(2) ADDITIONAL REQUIREMENT.—Activities for the education, prevention, and treatment of infectious diseases in host countries by the Peace Corps shall be undertaken in a manner that is consistent with activities authorized under sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961.

(b) COORDINATION OF HIV/AIDS ACTIVITIES.—

(1) IN GENERAL.—The Director should designate an officer or employee of the Peace Corps who is located in the United States to coordinate all HIV/AIDS activities within the Peace Corps. Such individual may be an individual who is an officer or employee of the Peace Corps on the date of the enactment of this Act.

(2) FIELD COORDINATION.—In addition to the position established under paragraph (1), the Director should designate an individual within each country in sub-Saharan Africa, the Western Hemisphere, and Asia in which Peace Corps volunteers carry out HIV/AIDS activities to coordinate all such activities of the Peace Corps in such countries.

(c) DEFINITIONS.—In this section:

(1) AIDS.—The term ''AIDS'' means the acquired immune deficiency syndrome.

(2) HIV.—The term ''HIV'' means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term ''HIV/AIDS'' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term ''infectious diseases'' means HIV/AIDS, tuberculosis, and malaria.

SEC. 1105. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers and former Peace Corps staff in fulfilling the goals of the Peace Corps; and'';

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence—

(I) by striking ''fifteen'' and inserting ''eleven''; and

(II) by striking ''President, by and with the advice and consent of the Senate'' and inserting ''Director of the Peace Corps'';

(ii) by striking the second sentence and inserting the following: ''Six of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than six shall be members of the same political party.'';

(B) by striking subparagraph (B);

(C) by amending subparagraph (D) to read as follows:

''(D) The members of the Council shall be appointed to 2-year terms.'';

(D) in subparagraph (H), by striking ''nine'' and inserting ''seven'';

(E) in subparagraph (I), by striking ''President shall nominate'' and inserting ''Director shall appoint''; and

(F) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), (G), and (H), respectively; and

(3) by amending subsection (g) to read as follows:

''(g) CHAIR.—The Director shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a term of two years. The Director may renew the term of a voting member appointed as Chair under the preceding sentence.''.

SEC. 1106. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking ''$125 for each month of satisfactory service'' and inserting ''$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter''; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking ''$125 for each month of satisfactory service'' and inserting ''$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter''.

SEC. 1107. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the objectives of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)).

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—

(A) IN GENERAL.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director may award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop and carry out the programs and projects described in paragraph (2).

(B) DELEGATION OF AUTHORITY AND TRANSFER OF FUNDS.—The Director may delegate the authority to award grants under subparagraph (A) and may transfer funds authorized under this section subject to the notification procedures of section 634A of the Foreign Assistance Act of 1961 to the Chief Executive Officer of the Corporation for National and Community Service (referred to in this section as the ''Corporation'').

(2) PROGRAMS AND PROJECTS.—Such programs and projects may include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers and former Peace Corps staff with a background in community service, education, or health. If the grants are made by the Corporation, the nonprofit corporation shall meet all appropriate Corporation management requirements, as determined by the Corporation.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Peace Corps or the Corporation and the nonprofit corporation that requires that—

(1) the grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation will give consideration to funding individual programs or projects by returned Peace Corps volunteers, in amounts of not more than $50,000, under this section;

(3) not more than 20 percent of the grant funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) the nonprofit corporation will not receive grant funds for programs or projects under this section for a third or subsequent year unless the nonprofit corporation makes available, to carry out the programs or projects during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) the nonprofit corporation shall manage, monitor, and submit reports to the Peace Corps or the Corporation, as the case may be, on each program or project for which the nonprofit corporation receives a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make the members of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Peace Corps or the Corporation—

(1) shall take into consideration the need to minimize overhead costs that direct resources from the funding of programs and projects; and

(2) shall seek to ensure a broad geographical distribution of grants for programs and projects under this section.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section up to $10,000,000. Such sum shall be in addition to funds made available to the Peace Corps under this division.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(h) CRISIS CORPS.—

(1) STATEMENT OF POLICY.—Congress states that the Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers.

(2) INCREASE IN NUMBER OF CRISIS CORPS ASSIGNMENTS.—The Director, in consultation with the governments of host countries and appropriate nongovernmental organizations, shall increase the number of available Crisis Corps assignments for returned Peace Corps volunteers to at least 120 assignments in fiscal year 2004, 140 assignments in fiscal year 2005, 160 assignments in fiscal year 2006, and 165 assignments in fiscal year 2007.

SEC. 1108. DECLARATION OF POLICY.

Congress declares its support for the goal announced by President Bush of doubling the number of Peace Corps volunteers to 14,000 by 2007 and supports the funding levels necessary to accomplish this growth.

SEC. 1109. PEACE CORPS IN SIERRA LEONE.

(a) FINDINGS.—Congress makes the following findings:

(1) Peace Corps service to Sierra Leone was suspended in 1994 due to a brutal civil war between the government and the Revolutionary United Front (RUF).

(2) Backed by British military intervention and a United Nations peacekeeping operation, government authority has been reestablished throughout the country and ''free and fair'' national elections took place in May 2002.

(3) Sierra Leone is a majority Muslim country.

(4) The Peace Corps has given the safety and security of its volunteers high priority.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Peace Corps should return its program to Sierra Leone as soon as security conditions are consistent with the safety and security of its volunteers.

SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking ''and $365,000,000 fiscal year 2003'' and inserting ''$365,000,000 for fiscal year 2003, $366,868,000 for fiscal year 2004, $411,800,000 for fiscal year 2005, $455,930,000 for fiscal year 2006, and $499,400,000 for fiscal year 2007''.

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ____. ASSISTANCE TO TAMIL NADU.

(a) FINDINGS.—Congress makes the following findings:

(1) Several United States businesses invested more than $800,000,000 in capital in the Indian State of Tamil Nadu to build and operate state-of-the-art electric generation facilities to serve local customers.

(2) For nearly 2 years since these power plants went into service, the Tamil Nadu Electricity Board has violated the principle of contract sanctity by consistently refusing to pay the contractually-required price for the electricity produced by these companies.

(3) The Tamil Nadu Electricity Board now owes these United States companies in excess of $150,000,000 in arrearages despite repeated assurances by the Government of Tamil Nadu that the situation would be resolved.

(4) All of the projects are in a technical state of default on the principal of their loans and none of the United States companies is making a return on their equity.

(b) RESTRICTION..—No funds authorized by this Act (including any amendments made by this Act) or authorized under any other provision of law may be used to directly or indirectly support any programs, projects, or activities (other than humanitarian, health, or rule of law programs, projects, or activities) located in or designed to benefit the State of Tamil Nadu, India.

After section 3 of the bill, insert the following new section (and conform the table of contents accordingly):

SEC. 4. SPECIAL RULES FOR APPLYING BUY AMERICAN ACT.

(a) ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES.—With respect to any acquisition under this Act or any amendment made by this Act of articles, materials, or supplies that are subject to section 2 of the Buy American Act (41 U.S.C. 10a), such section shall be applied to such acquisition by substituting ''at least 65 percent'' for ''substantially all''; or

(b) CONTRACTS FOR CONSTRUCTION, ALTERNATION, OR REPAIR.—With respect to any contract for the construction, alteration, or repair of any public building or public work entered into under this Act or any amendment made by this Act that is subject to section 3 of the Buy American Act (41 U.S.C. 10b), such section shall be applied to such contract by substituting ''at least 65 percent'' for ''substantially all''.

Page 111, after line 13, insert the following new section (and amend the table of contents accordingly):

SEC. 507. CONTRACTOR REQUIREMENTS.

(a) FINDINGS.—The Congress finds that the overriding national security aspects of the

international programs of the International Broadcasting Bureau require the assurance of uninterrupted logistic support under all circumstances for the programs. Therefore, it is in the best interests of the United States to provide a preference for United States contractors bidding on these projects.

(b) PREFERENCE FOR UNITED STATES CONTRACTORS.—Notwithstanding any other provision of law, in any case where there are two or more qualified bidders on projects of the International Broadcasting Bureau, including design and construction projects and projects with respect to transmitters, antennas, spare parts, and other technical equipment, all the responsive bids of United States persons and qualified United States joint venture persons shall be considered to be reduced by 10 percent.

(c) EXCEPTION.—

(1) Subsection (b) shall not apply with respect to any project of the International Broadcasting Bureau when—

(A) precluded by the terms of an international agreement with the host foreign country;

(B) a foreign bidder can establish that the foreign bidder is a national of a country whose government permits United States contractors and suppliers the opportunity to bid on a competitive and nondiscriminatory basis with its national contractors and suppliers, on procurement and projects related to the construction, modernization, upgrading, or expansion of—

(i) its national public radio and television sector,

(ii) its private radio and television sector, to the extent that such procurement or project is, in whole or in part, funded or otherwise under the control of a government agency or authority,

(C) the Secretary of Commerce certifies (in advance of the award of the contract for that project) to the Board of the International Broadcasting Bureau that the foreign bidder is not receiving any direct subsidy from any government, the effect of which would be to disadvantage the competitive position of United States persons who also bid on the project, or

(D) the statutes of a host foreign country prohibit the use of United States contractors on such projects within that country.

(2) An exception under paragraph (1)(D) shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions the Secretary has taken to urge the foreign country to permit the use of United States contractors on such projects.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''United States person'' means a person that—

(A) is incorporated or otherwise legally organized under the laws of the United States, including any State (and any political subdivision thereof) and the District of Columbia;

(B) has its principal place of business in the United States;

(C) has been incorporated or otherwise legally organized in the United States for more than 5 years before the issuance date of the Invitation For Bids or the Request For Proposals with respect to a project under subsection (b);

(D) has proven, as indicated by prior contracting experience, to possess the technical, managerial, and financial capability to successfully complete a project similar in nature and technical complexity to that being contracted for;

(E)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States;

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States; and

(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the project site; and

(F) has the existing technical and financial resources in the United States to perform the contract.

(2) The term ''qualified United States joint venture person'' means a joint venture in which a United States person or persons own at least 51 percent of the assets of the joint venture.

(3) The term ''responsive bid'' includes only a bid where the bidder can establish that the United States goods and services content, excluding consulting and management fees, of the bidder's proposal and the resulting contract will not be less than 55 percent of the value of the bidder's proposal and the resulting total contract.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to any project with respect to which the Request For Proposals (commonly referred to as ''RFP'') or the Invitation For Bids (commonly referred to as ''IFB'') was issued after the date of the enactment of this Act.

At the end of title VII (relating to miscellaneous provisions) insert the following:

SEC. 735. SENSE OF CONGRESS CONCERNING THE TIMELY ISSUANCE OF VISAS FOR RUSSIAN WEAPONS SCIENTISTS INVOLVED IN ARMS CONTROL AND NONPROLIFERATION EXCHANGES WITH THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States visa approval system has in the past lacked proper oversight, coordination, and supervision. A more systematic, stringent, and rigorous evaluation system for visa approvals is clearly in the best interests of the United States.

(2) Many distinguished scholars, professors, researchers, and foreign associates of United States national academies have been prevented by visa delays from entering the United States for engagements at major conferences, meetings, and teaching invitations at American universities.

(3) Research collaborators for United States laboratories have also been prevented from entering the United States. Their absence halts projects and compromises United States commitments in long-standing international cooperative agreements aimed at reducing stockpiles of weapons of mass destruction.

(4) Visa restrictions came within one day of forcing the cancellation of an important meeting in Washington, D.C. of the National Academy of Sciences Committee on United States Russian Cooperation on Nuclear Non-Proliferation.

(5) Russian weapons scientists involved in nuclear non-proliferation cooperative efforts with the United States are critical to American efforts to ensure that nuclear weapons-grade materials remain under control and out of the hands of terrorists.

(6) In a December 2002 statement, the Presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine found that a United States approach to visas that welcomes qualified foreign scientists, engineers, health professionals, and students serves national goals in three distinct ways:

(A) It harnesses international cooperation for counterterrorism.

(B) It builds stronger allies through scientific and technical cooperation.

(C) It maintains United States global leadership in science and technology.

(7) The Presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine have found that current United States policy toward granting visas, to foreign scientists is harmful to the United States scientific community and to the longterm well-being of the United States. They stated on December 13, 2002, that ''To make our nation safer, it is extremely important that our visa policy not only keep out foreigners who intend to do us harm, but also facilitate the acceptance of those who bring us considerable benefit. Recent efforts by our government to constrain the flow of international visitors in the name of national security are having serious unintended consequences for American science, engineering, and medicine. The long-term security of the United States depends on admitting scholars who benefit our nation. In short, the United States scientific, engineering, and health communities cannot hope to maintain their present position of international leadership if they become isolated from the rest of the world. We view this as an urgent matter, one that must be promptly addressed if the United States is to meet both its national security and economic development goals.''.

(8) Currently, consular officials send many visa applications back to the United States for sequential security clearances by several agencies, which may lead to long delays in visa processing. Consular officers are subject to criminal penalties if they grant a visa to a person who subsequently commits a terrorist act in the United States. However, there are currently no incentives for consular officers to facilitate scientific exchanges, which may advance the national interest of the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) to the extent possible and consistent with national security objectives, the United States should expedite the processing of granting visas to Russian weapons scientists, especially those participating in bilateral weapon disarmament talks, negotiations, and exchanges, to enable them to participate in cooperative nonproliferation activities with their counterparts in the United States, and

(2) the Department of State is encouraged to consider streamlining the process of granting visas for such scientists as follows:

(A) Reinstate a procedure of pre-security clearance for scientists and engineers with the proper credentials.

(B) Involve the United States scientific and technical community in determining areas of particular security concern.

Page 78, after line 23, insert the following (and amend the table of contents accordingly):

SEC. 724. ALLOCATION OF RESOURCES FOR EMBASSIES AND CONSULATES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of State should provide such resources, personnel, and training at each United States Embassy and consulate as are adequate to carry out the duties and responsibilities of such posts and to meet the needs of those seeking services at such posts. In particular, given Public Notice 4393 (Federal Register, July 7, 2003) which restricts the number of waivers that can be granted for interviews of nonimmigrant visas, the Secretary of State should provide sufficient resources, particularly in countries that are allies of the United States, to ensure that staff can process visa applications, including conducting personal interviews, in a manner that is timely, while complying with all the application requirements, including security concerns.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of

this Act, the Secretary of State shall submit a report concerning the allocation of resources for embassies and consulates to the appropriate congressional committees.

At the end of title VII (relating to miscellaneous provisions) insert the following:

SEC. 736. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking ''Subject to paragraphs (5) and (6), a'' and inserting ''A''; and

(B) by striking ''for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)'' and inserting ''until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)'';

(2) by striking subparagraph (B) and inserting the following:

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

''(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

''(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).''; and

(3) by adding at the end the following:

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

''(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.''.

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) AMENDMENTS TO A DESIGNATION.—

''(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

''(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

''(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

''(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking ''or a redesignation made under paragraph (4)(B)'' and inserting ''at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)''; and

(ii) in clause (i), by striking ''or redesignation'';

(C) in paragraph (7), by striking '', or the revocation of a redesignation under paragraph (6),''; and

(D) in paragraph (8)—

(i) by striking '', or if a redesignation under this subsection has become effective under paragraph (4)(B),''; and

(ii) by striking ''or redesignation''; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking ''of the designation in the Federal Register,'' and all that follows through ''review of the designation'' and inserting ''in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review'';

(B) in paragraph (2), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'';

(C) in paragraph (3), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation''; and

(D) in paragraph (4), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'' each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term ''designation'', as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

Page 78, after line 23, insert the following:

SEC. 274. NOTICE TO UNITED STATES EMBASSIES ABROAD REGARDING CHILDREN WHO ARE THE SUBJECT OF INTERNATIONAL CHILD ABDUCTION AND GUIDELINES RELATING TO SANCTUARY FOR SUCH CHILDREN.

(a) NOTICE OF INTERNATIONAL CHILD ABDUCTION.—The Secretary of State shall establish procedures to ensure that appropriate United States Embassies abroad are notified of the possible presence in that country of any child who has been the subject of international child abduction in violation of the order of a court in the United States.

(b) GUIDELINES FOR SANCTUARY.—The Secretary of State shall promulgate guidelines for the personnel of United States Embassies abroad concerning procedures relating to sanctuary at such facilities for children who are the subject of international child abduction.

SEC. 275. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended—

(1) in subclause (I), by striking the comma at the end and inserting a semicolon;

(2) in subclause (II), by striking '', or'' at the end and inserting a semicolon;

(3) by amending subclause (III) to read as follows:

''(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, cousin, uncle, aunt, nephew, niece, or grandparent of an alien described in clause (i), is an agent of such an alien, or is a principal employing such an alien as an agent, if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or'' and

(4) by adding at the end the following:

''(IV) is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion,

is inadmissible until such child is surrendered to the person granted custody by the order described in that clause, and such custodian and child are permitted to return to the United States or such custodian's place of residence.''.

(b) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; NOTICE TO CUSTODIAL PARENTS AND GUARDIANS; ANNUAL REPORT; DEFINITIONS.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

''(iv) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are inadmissible under clause (ii).

''(v) NOTICE TO CUSTODIAL PARENTS AND GUARDIANS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall, upon request of the person granted custody of the child concerned, inform the person of whether, and

when, any individual who is inadmissible under clause (ii) by reason of such act has been issued a visa or otherwise authorized to enter the United States.

''(vi) ANNUAL REPORT.—The Secretary of State annually shall submit to the Committee on International Relations, the Committee on Government Reform, and the Committee on the Judiciary of the United States House of Representatives, and the Committee on Foreign Relations, the Committee on Governmental Affairs, and the Committee on the Judiciary of the United States Senate, a report that provides, with respect to the preceding year, an accounting of the number of cases known to the Secretary of State, disaggregated according to the nationality of the alien concerned—

''(I) in which an authority under this subparagraph was exercised (and with respect to each such case, the specific ground for inadmissibility shall be specified); and

''(II) in which an authority under this subparagraph has not been exercised but in which an alien, after entry of an order by a court in the United States granting custody to a person of a United States citizen child, detained or retained the child, or withheld custody of the child, outside the United States from the person granted custody by that order.

''(vii) DEFINITIONS.—For purposes of this subparagraph—

''(I) the term 'child' means an individual who was a child at the time the individual was detained or retained, or at the time custody of the individual was withheld, as described in clause (i), regardless of the age or marital status of the individual after such time; and

''(II) the term 'sibling' includes a step-sibling or half-sibling.''.

Page 14, strike lines 1 through 4, and insert the following:

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) For ''Protection of Foreign Missions and Officials'', $25,000,000 for the fiscal year 2004 and $25,000,000 for the fiscal year 2005.

(B) In addition to amounts authorized to be appropriated by subparagraph (A), there is authorized to be appropriated $30,600,000 for ''Protection of Foreign Missions and Officials'' only to reimburse the City of New York for necessary expenses incurred since 1999 for the protection of foreign missions and officials.

(C) Notwithstanding section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), the Secretary is authorized to reprogram not more than $5,000,000 of funds otherwise authorized to be appropriated by this section for the purposes of this paragraph.

Page 70, after line 2 insert the following (and amend the table of contents accordingly):

SEC. 231. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 117. Interference with certain protective functions

''Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title or imprisoned not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''117. Interference with certain protective functions.''.

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ____. SENSE OF CONGRESS RELATING TO REGARDING SECURITY FOR TAIWAN.

(a) FINDINGS.—Congress finds the following:

(1) For over half a century a close relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic advantage to both countries.

(2) Taiwan today is a full-fledged democracy with a vibrant economy and a vigorous multi-party political system that respects human rights and the rule of law.

(3) Taiwan is an ally of the United States, as most recently evidenced by Taiwan's provision of humanitarian and financial assistance to Afghanistan at the request of the United States and its support for Operation Iraqi Freedom.

(4) The security of the 23 million people in Taiwan is threatened by the deployment by the People's Republic of China of over 400 short–range ballistic missiles targeted at Taiwan, and the purchase by the PRC of advanced weaponry systems, including Su–27 and Su–30 fighter planes, Kilo submarines, and Sovremenny destroyers.

(5) Taiwan was threatened by missile exercises conducted by the PRC in August 1995 and again in March 1996 when Taiwan was conducting its first free and direct presidential elections.

(6) Section 2(b)(4) of the Taiwan Relations Act (22 U.S.C. 3301(b)(4)) considers any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.

(7) Section 2(b)(6) of the Taiwan Relations Act (22 U.S.C. 3301(b)(6)) requires the United States to maintain the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(8) In his January 17, 2001, confirmation hearing as Secretary of State, General Colin Powell stated that ''We will stand by Taiwan and will provide for the defense needs of Taiwan in accordance with the Taiwan Relations Act and the subsequent communiques.''.

(9) President Bush stated on April 24, 2001, that the United States will do whatever it takes to help Taiwan defend itself.

(10) In his testimony before the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate in February and March of 2002, Admiral Dennis Blair of the United States Pacific Command testified that ''China continued to build and exercise its force of short–range ballistic missiles ranging Taiwan. It still seeks to develop a range of military options to influence and intimidate Taiwan, and has not abandoned the option of using force to resolve Taiwan's status.''.

(11) The July 2002 U.S.-China Economic and Security Review Commission report to Congress stated that ''China is enhancing its capability to carry out attacks across the Taiwan Strait with its special operations forces, air forces and navy and missiles forces with little notice,'' and ''the Commission recommends that the U.S. along with its allies should continue to call upon China to renounce the threat of or the use of force against Taiwan.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) grave concerns exist concerning the deployment by the People's Republic of China of hundreds of ballistic missiles directed toward Taiwan, which threaten the security and stability in the Taiwan Strait;

(2) the President should direct all appropriate United States officials to raise these concerns with the appropriate officials from the People's Republic of China, and should seek a public, immediate, and unequivocal renunciation from the leaders of the People's Republic of China of any threat or use of force against Taiwan;

(3) the President should affirm with the leaders of the People's Republic of China that there will not be a *quid pro quo* between the dismantling of missiles aimed at Taiwan by the People's Republic of China, and arms sales to Taiwan by the United States;

(4) China should dismantle the missiles that threaten Taiwan, otherwise the President should authorize the sale of the Aegis system to Taiwan, which would enable Taiwan to defend itself against the threat of a missile attack by China; and

(5) the future of Taiwan should be determined peacefully and with the express consent of the people of Taiwan.

Page 211, after line 11, insert the following section (and amend the table of contents accordingly):

SEC. 736. SENSE OF CONGRESS IN APPRECIATION OF THE ARMED FORCES OF THE UNITED STATES AND REGARDING RESTORING STABILITY AND SECURITY IN IRAQ.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in three weeks.

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essential public services for Iraqis. Such efforts are further complicated by the absence of effective communications with the Iraqi people.

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military; however, that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities.

(4) Approximately 145,000 United States troops are currently deployed in Iraq, meaning that American troops comprise roughly 90 percent of Coalition forces. If, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85 percent of Coalition forces.

(5) Maintaining the existing force level in Iraq currently requires $3,900,000,000 each month.

(6) The Department of Defense has stated that it will require one year to train a new Iraqi Army of 12,000 soldiers and three years to train 40,000 soldiers.

(7) The Coalition Provisional Authority has stated that it will require at least one year to recruit and train a police force of 40,000 officers capable of assuming minimal policy functions in Iraq, that it will require five years to recruit and train a full force of 75,000 officers, and that at least 5500 additional international police are needed to train, assist, and jointly patrol with the existing Iraqi police force.

(8) President Bush has noted that ''The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking,'' and it is clear that increasing the number of troops and police from countries other than the United States

will reduce risks to American soldiers and the financial cost to the United States.

(9) Secretary Rumsfeld testified that ''We certainly want assistance from NATO and from NATO countries'' and it is clear that involving the North Atlantic Treaty Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops.

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq--including providing basic services and paying public sector salaries--is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government;

(2) the President should consider requesting formally and expeditiously that the North Atlantic Treaty Organization (NATO) raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia, and Kosovo and the Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq; and

(3) the President should consider calling on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

Page 83, after line 10, insert the following (and amend the table of contents accordingly):

SEC. 311. TREATMENT OF TERRITORIES AND POSSESSIONS AS PART OF THE GEOGRAPHIC UNITED STATES FOR PURPOSES OF TRANSFER ALLOWANCES.

Notwithstanding any other provision of law, for purposes of transfer allowances for employees of the Department of State under section 5924(2)(B) of title 5, United States Code, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands, shall be considered part of the geographic United States.

At the end of subtitle A of title VII (relating to reporting requirements) insert the following:

SEC. 713. REPORT CONCERNING OBSERVER STATUS FOR TAIWAN AT THE SUMMIT OF THE WORLD HEALTH ASSEMBLY.

Not later than 30 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary of State shall submit a report to the Congress, in unclassified form, describing the United States plan to endorse and obtain observer status for Taiwan at the annual weeklong summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland. Each report shall include the following:

(1) An account of the efforts the Department of State has made, following the previous year's meeting of the World Health Assembly to enourage WHO member states to promote Taiwan's bid to obtain observer status.

(2) The steps the Department of State will take to endorse and obtain observer status at the forthcoming annual meeting of the World Health Assembly in Geneva, Switzerland.

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ____. ATTACKS ON UNITED STATES CITIZENS BY PALESTINIAN TERRORISTS.

(a) FINDINGS.—Congress finds the following:

(1) Since Yasser Arafat renounced violence in the Oslo Peace Accords on September 13, 1993, at least 41 United States citizens have been murdered by Palestinian terrorists and one United States citizen miscarried after being stabbed in a Palestinian terrorist attack.

(2) On December 1, 1993, in a drive-by shooting north of Jerusalem, Hamas killed United States citizen Yitzhak Weinstock, 19, whose family came from Los Angeles.

(3) On October 9, 1994, Hamas kidnapped and murdered United States citizen Nachshon Wachsman, 19, whose family came from New York City.

(4) On April 9, 1995, an Islamic Jihad bomb attack on a bus near Kfar Darom killed United States citizen Alisa Flatow, 20, from West Orange, New Jersey.

(5) On August 21, 1995, in a Hamas bus bombing in Jerusalem, United States citizen Joan Davenny, from New Haven, Connecticut, was killed.

(6) On September 9, 1995, Mara Frey of Chicago was stabbed in Ma'ale Michmash resulting in her unborn child's death.

(7) On February 25, 1996, three United States citizens, Sara Duker of Teaneck, New Jersey, Matthew Eisenfeld of West Hartford, Connecticut, and Ira Weinstein of New York City, were killed in a Hamas bus bombing in Jerusalem.

(8) On May 13, 1996, United States citizen David Boim, 17, of New York City, was killed in a drive-by shooting near Beit El, north of Jerusalem.

(9) On June 9, 1996, United States citizen Yaron Ungar was killed in a drive by-shooting near Beit Shemesh.

(10) On July 30, 1997, United States citizen Leah Stern of Passaic, New Jersey, was killed in a Hamas bombing in Jerusalem's Mahane Yehuda market.

(11) On September 4, 1997, a Hamas bombing on Ben-Yehuda Street, Jerusalem, killed Yael Botwin, 14, of Los Angeles.

(12) On April 19, 1998, an attack near the Israeli town of Maon killed United States citizen Dov Dribben, 28.

(13) On October 8, 2000, Rabbi Hillel Lieberman, 36, of New York City, was stabbed and killed near Nablus.

(14) On October 30, 2000, United States citizen Esh-Kodesh Gilmore, 25, was shot in Jerusalem.

(15) On December 31, 2000, Rabbi Binyamin Kahane, 34, and his wife, Talia Hertzlich Kahane, both formerly of New York City, were killed in a drive-by shooting near Ofra.

(16) On May 9, 2001, Jacob ''Koby'' Mandell, 13, of Silver Spring, Maryland, was killed in an attack near Tekoah.

(17) On May 29, 2001, Sarah Blaustein, 53, of Lawrence, New York, was killed in a drive-by shooting near Efrat.

(18) On August 9, 2001, two United States citizens, Judith L. Greenbaum, 31, and Malka Roth, 15, were killed in the Jerusalem Sbarro pizzeria bombing.

(19) On November 4, 2001, Shoshana Ben-Yishai, 16, of New York City, was shot and killed during an attack on a Jerusalem bus.

(20) On January 15, 2002, Avraham Boaz, 72, of New York City, was killed in a shooting near Bethlehem.

(21) On January 18, 2002, United States citizen Aaron Elis, 32, was killed in a shooting in Hadera.

(22) On February 15, 2002, United States citizen Lee Akunis, was shot and killed near Ramallah.

(23) On February 16, 2002, Keren Shatsky, 14, of New York City and Maine, and Rachel Thaler, 16, of Baltimore, Maryland, were killed in a bombing in Karnei Shomron.

(24) On February 25, 2002, United States citizen Moran Amit, 25, was stabbed and killed in Abu Tor Peace Forest, Jerusalem.

(25) On March 24, 2002, Esther Kleinman, 23, formerly of Chicago, was shot and killed near Ofra.

(26) On March 27, 2002, United States citizen Hannah Rogen, 90, was killed in a bombing at a hotel Passover seder in Netanya.

(27) On June 18, 2002, Moshe Gottlieb, 70, of Los Angeles, was killed in a bus bombing in Jerusalem.

(28) On June 19, 2002, United States citizen Gila Sara Kessler, 19, was killed in a bombing at a Jerusalem bus stop.

(29) On July 31, 2002, five United States citizens were killed in a bombing of a Hebrew University cafeteria: Marla Bennett, 24, of San Diego, Benjamin Blutstein, 25, of Susquehanna Township, Pennsylvania, Janis Ruth Coulter, 36, of Massachusetts, David Gritz, 24, of Peru, Massachusetts (and of dual French-United States citizenship), and Dina Carter, 37, of North Carolina.

(30) On March 5, 2003, Abigail Leitel, 14, who was born in Lebanon, New Hampshire, died in a bus bombing in Haifa.

(31) On March 7, 2003, United States citizens Rabbi Eli Horowitz, 52, who grew up in Chicago, and Dina Horowitz, 50, who grew up in Florida, were killed in their home.

(32) On June 11, 2003, United States citizen Alan Beer, 47, who grew up in Cleveland, was killed in bus bombing in Jerusalem.

(33) On June 20, 2003, United States citizen Tzvi Goldstein, 47, originally from New York City, was shot and killed in an attack while driving through the West Bank.

(34) At least another 79 United States citizens have been injured in Palestinian terrorist attacks.

(b) STATEMENTS OF POLICY.—Congress—

(1) condemns the attacks on United States citizens by Palestinian terrorists;

(2) calls on the Palestinian Authority to work with Israel to protect all innocent individuals, regardless of citizenship, from terrorist atrocities;

(3) offers its condolences to the families and loved ones of United States citizens who were killed by Palestinian terrorist attacks; and

(4) calls on the Secretary of State to include a listing of the killing of every United States citizen by terrorists in the ''Chronology of Significant Terrorist Incidents'', as included in the Department of State's Patterns of Global Terrorism Report issued after the date of the enactment of this Act.

Page 211, after line 11, insert the following:

SEC. 736. SENSE OF CONGRESS AND REPORT CONCERNING WASTEWATER TREATMENT AND THE INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.

(a) FINDINGS.—The Congress finds as follows:

(1) The failure by the International Boundary and Water Commission, United States and Mexico, to complete negotiations on a new Treaty Minute with Mexico, as directed by Congress in Public Law 106–457, has endangered the health of the residents of San Diego County.

(2) The continued flow of Mexican sewage on San Diego, California, beaches has caused extensive and persistent beach closings thereby causing economic hardship to the local economy.

(3) The International Boundary and Water Commission has shown insignificant progress in negotiations with Mexico.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States Section of the International Boundary and Water Commission shall make treaty negotiations with Mexico on the establishment of a public-private partnership to construct and operate a wastewater treatment facility in

Mexico as outlined in Public Law 106–457 a priority.

(c) REPORT TO CONGRESS.—The United States Section of the International Boundary and Water Commission, United States and Mexcio, shall submit monthly reports to the appropriate congressional committees concerning progress in negotiations on a new Treaty Minute with Mexico.

At the end of title XVII of division B of the bill, insert the following:

SEC. ___. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) BAHRAIN.—To the Government of Bahrain, the OLIVER HAZARD PERRY class guided missile frigate GEORGE PHILIP (FFG 12).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigate SIDES (FFG 14).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) BRAZIL.—To the Government of Brazil, the SPRUANCE class destroyer O'BRIEN (DD 975).

(2) CHILE.—To the Government of Chile, the SPRUANCE class destroyer FLETCHER (DD 992).

(3) TURKEY.—To the Government of Turkey, the ANCHORAGE class dock landing ship ANCHORAGE (LSD 36).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred to countries in any fiscal year under subsection (g) of that section.

(d) COSTS OF TRANSFERS ON GRANT BASIS.—Any expense incurred by the United States in connection with a transfer authorized to be made on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to the authority provided by subsection (a) shall be charged to the recipient (notwithstanding section 516(e)(1) of such Act).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

Strike section 227 (relating to GAO assessment of security capital cost sharing) and insert the following:

SEC. 227. SECURITY CAPITAL COST SHARING.

(a) AUTHORIZATION.—The first section of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292) is amended by adding at the end the following new subsection:

''(c) SECURITY CAPITAL COST-SHARING PROGRAM.—(1) The Secretary of State, as the single manager of all buildings and grounds acquired under this Act or otherwise acquired or authorized for the use of the diplomatic and consular establishments in foreign countries, is authorized to establish and implement a Security Capital Cost-Sharing Program to collect funds from each agency on the basis of its total overseas presence in a manner that encourages rightsizing of its overseas presence, and expend those funds to accelerate the provision of safe, secure, functional buildings for United States Government personnel overseas.

''(2) The Secretary is authorized to determine annually and charge each Federal agency the amount to be collected under paragraph (1) from the agency. To determine such amount, the Secretary may prescribe and use a formula that takes into account the number of authorized positions of each agency, including contractors and locally hired personnel, who are assigned to United States diplomatic facilities and are under the authority of a chief of mission pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

''(3) The head of an agency charged a fee under this section shall remit the amount of the fee to the Secretary of State through the Intra-Governmental Payment and Collection System or other appropriate means.

''(4) There shall be established on the books of the Treasury an account to be known as the 'Security Capital Cost-Sharing Program Fund', which shall be administered by the Secretary. There shall be deposited into the account all amounts collected by the Secretary pursuant to the authority under paragraph (1), and such funds shall remain available until expended. Such funds shall be used solely for the provision of new safe, secure, functional diplomatic facilities that comply with all applicable legal standards, including those standards established under the authority of the Secure Embassy Construction and Counterterrorism Act of 1999. The Secretary shall include in the Department of State's Congressional Presentation Document an accounting of the sources and uses of the amounts deposited into the account.

''(5) The Secretary shall not collect a fee for an authorized position of an agency of the Federal Government that has been or would be granted a waiver pursuant to section 606(a)(2)(B)(i) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)(i)).

''(6) In this subsection—

''(A) the term 'agency of the Federal Government'—

''(i) includes the Interagency Cooperative Administrative Support Service; and

''(ii) does not include the Marine Security Guard; and

''(B) the term 'United States diplomatic facility' has the meaning given that term in section 603 of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2004.

In section 226 (relating to validity of United States passports) strike ''travellers'' both places it appears and insert ''travelers''.

Strike line 14 on page 43 through line 2 on page 46.

Page 79, line 15, after ''Act'' insert ''of 1956''.

Page 79, lines 16 and 18, strike ''(o)'' and insert ''(n)''.

Page 79, line 20, strike ''(p)'' and insert ''(o)''.

In the first sentence in section 301(b)(1) of the Foreign Assistance Act of 1961, as proposed to be added by section 116(e) of the bill, strike ''For fiscal year fiscal year 2004'' and insert ''For fiscal year 2004''.

In section 1707 of the bill, redesignate the second paragraph (1) as paragraph (2)

In section 1713 of the bill (relating to enhanced police training)—

(1) strike ''Section 660(b) of the Foreign Assistance Act of 1961'' and insert ''(a) IN GENERAL.—Section 660(b) of the Foreign Assistance Act of 1961''; and

(2) add at the end the following new subsection:

(b) NOTIFICATION REQUIREMENT.—Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended by adding at the end the following new subsection:

''(e) Funds may not be obligated for assistance under subsection (b)(8) unless the Secretary of State notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the amount and nature of the proposed assistance at least 15 days in advance of the proposed obligation in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act. Such notification shall include a comprehensive report and, where practicable, a plan describing the police assistance and rule of law programs of relevant United States agencies for each country which is to receive assistance under section 660(b)(8).''.

In division B of the bill—

(1) redesignate title XVII as title XVIII (and conform all sections therein accordingly and conform the table of contents); and

(2) insert after title XVI the following new title (and conform the table of contents accordingly):

TITLE XVII—ACCESS FOR AFGHAN WOMEN

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Access for Afghan Women Act of 2003''.

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) Despite the removal of the Taliban from power, women in Afghanistan continue to experience brutal and frequent violation of their human rights, generally outside of Kabul where warlords are reexerting control.

(2) Strong and continued support from the United States and the international community can ensure that the advances made by Afghan women since the fall of the Taliban will continue and grow, rather than recede.

(3) While the United States and the international community continue to make substantial contributions to emergency humanitarian and relief operations in Afghanistan, the establishment of a stable, peaceful, prosperous, and democratic Afghanistan with a broad-based, multi-ethnic, gender-sensitive, and fully representative government requires a significant increase in long-term investments in development and reconstruction assistance.

(4) The maternal mortality rate in Afghanistan is among the highest in the world, with recent reports estimating that every 30 minutes an Afghan woman dies of pregnancy related causes, or approximately 15,000 women every year. The estimated maternal mortality rate of 1,600 deaths per 100,000 live births can be significantly reduced through access to primary health care services, including safe birthing supplies, emergency obstetric care, prenatal and postnatal care, contraception, and prevention and treatment for the effects of sexual coercion and rape.

(5) Women comprise 75 percent or more of the refugees and internally displaced in camps, urban areas, and villages in Afghanistan.

(6) 85 percent of Afghanistan's population lives in rural areas. The women in rural areas perform vital roles in food production, processing, and preparation. Successful reconstruction and development assistance must target rural women as part of any agricultural interventions.

(7) Within Afghanistan and outside of Afghanistan, local women's organizations are

delivering critical services and have the knowledge and experience to assist the United States in delivering effective relief aid.

(8) The Afghan Ministry for Women's Affairs is an important ministry that is essential for re-establishing women's human rights, ensuring that women are included in all development efforts, and delivering critical legal, health, education, and economic services to women throughout Afghanistan's 30 provinces.

(9) Afghan women are taking the initiative to reach across the conflict divide and foster peace. Women's perspectives and experiences in seeking solutions to conflicts are necessary to ensure lasting peace.

(10) The inadequate security situation in Afghanistan disproportionately impacts women and girls as the lack of rule of law results in the frequent assault, kidnapping, and sexual abuse of Afghan women and girls throughout Afghanistan.

(11) Despite significant improvements in healthcare and education infrastructure for women and girls in Afghanistan, the lack of security and rule of law throughout most of Afghanistan effectively denies access to these facilities and the critical services they provide.

SEC. 1703. ESTABLISHMENT OF AFGHAN WOMEN'S FUND.

(a) ESTABLISHMENT.—The Administrator of the United States Agency for International Development shall establish a fund for the purpose of assisting women and girls in Afghanistan in the areas of political and human rights, health care, education, training, security, and shelter.

(b) ACTIVITIES SUPPORTED.—The fund established under subsection (a) shall support the activities described in section 103(a)(7) of the Afghanistan Freedom Support Act of 2002 and the following activities:

(1) Direct financial and programmatic assistance to the Ministry of Women's Affairs in Afghanistan (hereafter in this section referred to as the ''Ministry'') to promote the strengthening of the Ministry as the Government of Afghanistan continues its transition to a long-term government structure and to enable the Ministry to fulfill its mandate. The Ministry may use such assistance to support activities such as the following:

(A) Multiyear women-centered economic development programs, including programs to assist widows, female heads of household, women in rural areas, and disabled women.

(B) Collaboration with the Ministry of Health to construct culturally appropriate health infrastructure and delivery of high-quality comprehensive health care programs, including primary, maternal, child, reproductive, and mental health care.

(C) Programs to prevent trafficking in persons, assist victims, and apprehend and prosecute traffickers in persons.

(2) Direct financial assistance to the National Human Rights Commission of Afghanistan.

(3) Construction of women's educational facilities in Afghanistan.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not less than $22,500,000 for each of the fiscal years 2003, 2004, and 2005 and such sums as are necessary for each subsequent fiscal year.

SEC. 1704. ASSISTANCE TO AFGHANISTAN.

Notwithstanding any other provision of law, not less than 15 percent of the aggregate amount of economic and humanitarian assistance authorized to be appropriated under section 1703(c) to be made available to Afghanistan for each of the fiscal years 2003, 2004, and 2005 shall be made available for assistance directly to Afghan-led local nongovernmental organizations, including Afghan women-led organizations, with demonstrated experience in delivering services to Afghan women and children to support their programmatic activities and organizational development. In recognition of the appreciating capacity of Afghan-led local nongovernmental organizations, including Afghan women-led organizations, an appropriate percentage of the aggregate amount of economic and humanitarian assistance authorized to be made available to Afghanistan for fiscal year 2006 and each subsequent fiscal year shall be made available for assistance directly to Afghan-led local nongovernmental organizations, including Afghan women-led organizations.

SEC. 1705. REQUIREMENTS RELATING TO UNITED STATES ACTIVITIES IN AFGHANISTAN.

(a) IN GENERAL.—Activities described in subsections (b) through (e) that are carried out by the United States in Afghanistan should comply with the applicable requirements contained in such subsections.

(b) GOVERNANCE OF AFGHANISTAN.—With respect to the governance of Afghanistan, the applicable requirements are the following:

(1) Include the perspectives and advice of Afghan women's organizations, networks, and leaders in United States policymaking related to the governance of Afghanistan.

(2) Promote the inclusion of a significant number of women in future legislative bodies to ensure that women's full range of human rights are included and upheld in any constitution or legal structures of Afghanistan.

(3) Encourage the appointment of women to high level positions within Afghan Ministries.

(c) POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT.—With respect to activities relating to post-conflict stability in Afghanistan, the applicable requirements are the following:

(1) Encourage United States organizations that receive funds authorized by this title to partner with or create Afghan-led counterpart organizations and provide these organizations with significant financial resources, technical assistance, and capacity building.

(2) Increase women's access to or ownership of productive assets such as land, water, agricultural inputs, credit, and property.

(3) Provide long-term financial assistance for primary, secondary, higher, nontraditional, and vocational education for Afghan girls, women, boys, and men.

(4) Integrate education and training programs for former combatants with economic development programs to encourage their reintegration into society and to promote post-conflict stability.

(5) Provide assistance to rehabilitate children affected by the conflict, particularly child soldiers.

(6) Support educational efforts to increase awareness with respect to landmines, facilitate the removal of landmines, and provide services to individuals with disabilities caused by landmines.

(d) AFGHAN MILITARY AND POLICE.—With respect to training for military and police forces in Afghanistan, the applicable requirements are the following:

(1) Include training on the protection, rights, and the particular needs of women and emphasize that violations of women's rights are intolerable and should be prosecuted.

(2) Encourage such trainers who will carry out the activities in paragraph (1) to consult with women's organizations in Afghanistan to ensure that training content and materials are adequate, appropriate, and comprehensive.

(e) RELIEF, RESETTLEMENT, AND REPATRIATION OF REFUGEES AND INTERNALLY DISPLACED PERSONS.—With respect to the relief, resettlement, and repatriation of refugees and internally displaced persons in Afghanistan, the applicable requirements are the following:

(1) Take all necessary steps to ensure that women refugees and internally displaced persons in camps, urban areas, and villages are directly receiving food aid, shelter, relief supplies, and other services from United States-sponsored programs.

(2) Take all necessary steps to ensure that women refugees in camps, urban areas, and villages are accessing high-quality health and medical services, including primary, maternal, child, and mental health services.

(3) Take all necessary steps to ensure that women and children in refugee camps are protected from sexual exploitation.

(4) Take all necessary steps to ensure refugees and internally displaced persons that seek to return to their place of origin can do so voluntarily, safely, and with the full protection of their rights. United States-sponsored efforts shall not coerce refugees or internally displaced persons to return to their places of origin.

SEC. 1706. REPORTING REQUIREMENTS.

Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the President shall prepare and transmit to Congress a report that contains documentation of the progress in implementing the requirements of section 1705. All data in the report shall be disaggregated by gender.

Add at the end of the bill the following new division (and conform the table of contents accordingly):

DIVISION C—ASSISTANCE FOR VIET NAM

TITLE XX—CONDITIONS ON INCREASED NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIET NAM

SEC. 2001. BILATERAL NONHUMANITARIAN ASSISTANCE.

(a) ASSISTANCE.—

(1) IN GENERAL.—United States nonhumanitarian assistance may not be provided to the Government of Viet Nam in an amount exceeding the amount so provided for fiscal year 2003—

(A) for fiscal year 2004 unless not later than 30 days after the date of the enactment of this Act the President determines and certifies to Congress that the requirements of subparagraphs (A) through (D) of paragraph (2) have been met during the 12–month period ending on the date of the certification; and

(B) for each subsequent fiscal year unless the President determines and certifies to Congress in the most recent annual report submitted pursuant to section 501 that the requirements of subparagraphs (A) through (E) of paragraph (2) have been met during the 12–month period covered by the report.

(2) REQUIREMENTS.—The requirements of this paragraph are that—

(A) the Government of Viet Nam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention;

(B)(i) the Government of Viet Nam has made substantial progress toward respecting the right to freedom of religion, including the right to participate in religious activities and institutions without interference by or involvement of the Government; and

(ii) has made substantial progress toward returning estates and properties confiscated from the churches;

(C) the Government of Viet Nam has made substantial progress toward allowing Vietnamese nationals free and open access to United States refugee programs;

(D) the Government of Viet Nam has made substantial progress toward respecting the human rights of members of ethnic minority groups in the Central Highlands and elsewhere in Viet Nam; and

(E)(i) neither any official of the Government of Viet Nam nor any agency or entity wholly or partly owned by the Government of Viet Nam was complicit in a severe form of trafficking in persons; or

(ii) the Government of Viet Nam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

(b) EXCEPTION.—

(1) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Viet Nam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a) for any fiscal year if the President determines that the provision to the Government of Viet Nam of increased United States nonhumanitarian assistance would promote the purposes of this Act or is otherwise in the national interest of the United States.

(2) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (2) with respect to—

(A) all United States nonhumanitarian assistance to Viet Nam; or

(B) one or more programs, projects, or activities of such assistance.

(c) DEFINITIONS.—In this section:

(1) SEVERE FORM OF TRAFFICKING IN PERSONS.—The term ''severe form of trafficking in persons'' means any activity described in section 103(8) of the Trafficking Victims Protection Act of 2000 (Public Law 106–386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(2) UNITED STATES NONHUMANITARIAN ASSISTANCE.—The term ''United States nonhumanitarian assistance'' means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(ii) assistance which involves the provision of food (including monetization of food) or medicine; and

(iii) assistance for refugees; and

(B) sales, or financing on any terms, under the Arms Export Control Act.

TITLE XXI—ASSISTANCE TO SUPPORT HUMAN RIGHTS AND DEMOCRACY IN VIET NAM

SEC. 2101. ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote democracy and internationally recognized human rights in Viet Nam.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out subsection (a) $2,000,000 for each of the fiscal years 2004 and 2005.

TITLE XXII—UNITED STATES PUBLIC DIPLOMACY

SEC. 2201. RADIO FREE ASIA TRANSMISSIONS TO VIET NAM.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Government of Viet Nam, including the active pursuit of broadcast facilities in close geographic proximity to Viet Nam.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such amounts as are otherwise authorized to be appropriated for the Broadcasting Board of Governors, there are authorized to be appropriated to carry out the policy under subsection (a) $9,100,000 for the fiscal year 2004 and $1,100,000 for the fiscal year 2005.

SEC. 2202. UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIET NAM.

It is the policy of the United States that programs of educational and cultural exchange with Viet Nam should actively promote progress toward freedom and democracy in Viet Nam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

TITLE XXIII—UNITED STATES REFUGEE POLICY

SEC. 2301. REFUGEE RESETTLEMENT FOR NATIONALS OF VIET NAM.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to offer refugee resettlement to nationals of Viet Nam (including members of the Montagnard ethnic minority groups) who were eligible for the Orderly Departure Program (ODP), Resettlement Opportunities for Vietnamese Returnees (ROVR) or any other United States refugee program and who were deemed ineligible due to administrative error or who for reasons beyond the control of such individuals (including insufficient or contradictory information or the inability to pay bribes demanded by officials of the Government of Viet Nam) were unable or failed to apply for such programs in compliance with deadlines imposed by the Department of State.

(b) AUTHORIZED ACTIVITY.—Of the amounts authorized to be appropriated to the Department of State for Migration and Refugee Assistance for each of the fiscal years 2004, 2005, and 2006, such sums as may be necessary are authorized to be made available for the protection (including resettlement in appropriate cases) of Vietnamese refugees and asylum seekers, including Montagnards in Cambodia.

TITLE XIV—ANNUAL REPORT ON PROGRESS TOWARD FREEDOM AND DEMOCRACY IN VIET NAM

SEC. 2401. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act and every 12 months thereafter, the Secretary of State shall submit to the Congress a report on the following:

(1)(A) The determination and certification of the President that the requirements of section 2001(a)(2) have been met, if applicable.

(B) The determination of the President under section 2001(b)(2), if applicable.

(2) Efforts by the United States Government to secure transmission sites for Radio Free Asia in countries in close geographical proximity to Viet Nam in accordance with section 2201(a).

(3) Efforts to ensure that programs with Viet Nam promote the policy set forth in section 302 and with section 102 of the Human Rights, Refugee, and Other Foreign Policy Provisions Act of 1996 regarding participation in programs of educational and cultural exchange.

(4) Steps taken to carry out the policy under section 2301(a).

(5) Lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of Viet Nam due to their pursuit of internationally recognized human rights. In compiling such lists, the Secretary shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families. In addition, the Secretary shall include a list of such persons and their families who may qualify for protection under United States refugee programs.

(6) A description of the development of the rule of law in Viet Nam, including, but not limited to—

(A) progress toward the development of institutions of democratic governance;

(B) processes by which statutes, regulations, rules, and other legal acts of the Government of Viet Nam are developed and become binding within Viet Nam;

(C) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of Viet Nam are published and are made accessible to the public;

(D) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules and other legal acts of the Government of Viet Nam;

(E) the extent to which individuals are treated equally under the laws of Viet Nam without regard to citizenship, race, religion, political opinion, or current or former associations;

(F) the extent to which administrative and judicial decisions are independent of political pressure or governmental interference and are reviewed by entities of appellate jurisdiction; and

(G) the extent to which laws in Viet Nam are written and administered in ways that are consistent with international human rights standards, including the requirements of the International Covenant on Civil and Political Rights.

(b) CONTACTS WITH OTHER ORGANIZATIONS.— In preparing the report under subsection (a), the Secretary shall, as appropriate, consult with and seek input from nongovernmental organizations, human rights advocates (including Vietnamese-Americans and human rights advocates in Viet Nam), and the United States Commission on Religious Freedom.

Page 78, after line 23, insert the following section (and amend the table of contents accordingly):

SEC. 274. ARCHITECTURAL INTEGRITY OF UNITED STATES EMBASSIES, CONSULATES, AND OTHER DIPLOMATIC BUILDINGS.

It is the sense of the Congress that, to the greatest extent possible, in the construction and renovation of United States embassies, consulates, and other diplomatic buildings, the Secretary of State shall consider and seek to preserve the architectural integrity and cohesiveness of the neighborhood and environs and minimize any disruption due to the presence of the embassy, consulate, or other diplomatic building.

Page 211, after line 11, insert the following:

SEC. 736. SENSE OF CONGRESS REGARDING ALLOCATION OF RESOURCES FOR THE DEPARTMENT OF STATE AS THE CENTRAL AUTHORITY FOR THE UNITED STATES UNDER THE HAGUE CONVENTION ON INTERCOUNTRY ADOPTION.

It is the sense of the Congress that the Department of State should direct significant resources to their new role as the central authority for the United States under the Hague Convention on Intercountry Adoption.

Strike section 731 (page 199, line 22 through page 204, line 10) and insert the following:

SEC. 731. SENSE OF CONGRESS REGARDING MIGRATION ISSUES BETWEEN THE UNITED STATES AND MEXICO.

(a) FINDINGS.—The Congress finds as follows:

(1) During President Bush's first meeting with President Fox in Guanajuato, Mexico, the Presidents stated in the Joint Communique of February 16, 2001 that ''we are instructing our Governments to engage, at the earliest opportunity, in formal high level negotiations aimed at achieving short and long-term agreements that will allow us to

constructively address migration and labor issues between our two countries.''.

(2) During President Fox's official visit to Washington, D.C., the Joint Statement of September 6, 2001, summarized the meeting as follows: ''The Presidents reviewed the progress made by our joint working group on migration chaired by Secretaries Powell, CastaZeda, and Creel and Attorney General Ashcroft and noted this represented the most fruitful and frank dialogue we have ever had on a subject so important to both nations. They praised implementation of the border safety initiative, and recognized that migration-related issues are deeply felt by our publics and vital to our prosperity, well-being, and the kind of societies we want to build. They renewed their commitment to forging new and realistic approaches to migration to ensure it is safe, orderly, legal and dignified, and agreed on the framework within which this ongoing effort is based. This includes: matching willing workers with willing employers; serving the social and economic needs of both countries; respecting the human dignity of all migrants, regardless of their status; recognizing the contribution migrants make to enriching both societies; shared responsibility for ensuring migration takes place through safe and legal channels. Both stressed their commitment to continue our discussions, instructing the high-level working group to reach mutually satisfactory results on border safety, a temporary worker program and the status of undocumented Mexicans in the United States. They requested that the working group provide them proposals with respect to these issues as soon as possible. The Presidents recognized that this is an extraordinarily challenging area of public policy, and that it is critical to address the issue in a timely manner and with appropriate thoroughness and depth.''.

(3) On September 7, 2001, during President Fox's historic State Visit to Washington, the United States and Mexico issued a joint statement instructing our cabinet-level working group to provide us with specific proposals to forge a new and realistic framework that will ensure a safe, legal, orderly, and dignified migration flow between our countries. We have today agreed that our Cabinet level migration group should continue the work we charged it with in Guanajuato and Washington.

(4) When the Presidents met in Monterrey, Mexico, the Presidents stated in a Joint Statement on March 22, 2002, as follows: ''Slightly more than one year ago, in Guanajuato, we talked about migration as one of the major ties that join our societies. We launched then the frankest and most productive dialogue our countries have ever had on this important and challenging subject. Those talks have continued over the past year, and have yielded a clearer assessment of the scope and nature of this issue. This bond between our nations can render countless benefits to our respective economies and families.

(5) Over the past year, important progress has been made to enhance migrant safety and particularly in saving lives by discouraging and reducing illegal crossings in dangerous terrain.

(6) At the conclusion of the Mexico-United States Binational Commission (BNC) meeting in Mexico City in November 2002, Secretary of State Powell's press conference was summarized by the State Department as follows: The BNC's migration working group ''affirmed our strong commitment to advancing our bilateral migration agenda,'' he stressed, adding that ''there should be no doubt in anyone's mind that this is a priority for President Bush, just as it is a priority for [Mexican] President [Vicente] Fox.''

(7) Secretary Powell said no schedule had been established for a migration accord, but he confirmed that the United States and Mexico want to come up with a series of migration initiatives over the course of the next six months to a year.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) that the United States and Mexico should as soon as is practicable conclude negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations; and

(2) that as part of any migration agreement between the United States and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed.

Page 77, after line 3, insert the following new section and (amend the table of contents accordingly):

SEC. 258. AMENDMENT AND EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.

(a) AMENDMENT OF PROGRAM.—

(1) Section 2(a)(2)(A) of such the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end ''No participant in the program may have a degree from an institution of higher education.''.

(2) Section 101(a)(15)(Q)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)(ii)(I)) is amended—

(A) by striking ''35 years of age or younger having a residence'' and inserting ''21 to 35 years of age, unemployed for not less than 6 months, having resided for not less 6 months in the Republic of Ireland or the United Kingdom,''; and

(B) by striking ''36 months'' and inserting ''24 months''.

(3) Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended by inserting after subsection (p) the following:

''(q)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I) or acquiring such status after admission shall be eligible to apply for an immigrant visa, or for permanent residence, or for nonimmigrant visa status under this Act until it is established that such person has resided and been physically present in the country of nationality or last residence for an aggregate of a least two years following departure from the United States.

''(2) The Secretary of Homeland Security may waive the requirement of such one-year foreign residence abroad if the Secretary determines that—

''(A) departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or an alien lawfully admitted for permanent residence); or

''(B) the admission of the alien is in the public interest or the national interest of the United States.''.

(b) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(1) in subsection (d)(1) by striking ''2006,'' and inserting ''2008,'';

(2) in subsection (d)(2) by striking ''2005,'' and inserting ''2011,'';

(3) in subsection (a)(3) by striking ''the third program year and for the 3 subsequent years,'' and inserting ''each program year''.

(c) TECHNICAL AND CONFORMING CHANGES.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note; Public Law 105–319) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) by striking ''Immigration and Naturalization Service'' each place it appears and inserting ''Department of Homeland Security''.

At the end of subtitle B of title VII, add the following new section:

SEC. ____. TRANSFER OF VIETNAM-ERA CESSNA L–19D BIRD DOG AIRCRAFT TO ARMY AVIATION HERITAGE FOUNDATION.

(a) AUTHORITY TO CONVEY.—The Secretary of State may convey, without consideration, to the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, all right, title, and interest of the United States in and to a Vietnam-era Cessna L–19D Bird Dog aircraft (serial No. 24020, National registration number N32FL)(in this section referred to as the ''aircraft'') that is excess to the needs of the Department of State. The conveyance shall be made by means of a conditional deed of gift

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed in its current ''as is'' condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) CONDITION ON CONVEYANCE.—The Secretary shall include in the instrument of conveyance of the aircraft the following conditions:

(1) The Army Aviation Heritage Foundation may not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary.

(2) The Army Aviation Heritage Foundation shall operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration.

(d) REVERTER UPON BREACH OF CONDITIONS.—If the Secretary determines at any time that the Army Aviation Heritage Foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(e) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft shall be made at no cost to the United States. Any costs associated with the conveyance and costs of operation and maintenance of the aircraft conveyed shall be borne by the Army Aviation Heritage Foundation.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(g) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of the aircraft to the Army Aviation Heritage Foundation, the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

After section 1312 of the bill, insert the following new section (and conform the table of contents accordingly):

SEC. 1313. CONDITION ON THE PROVISION OF CERTAIN FUNDS TO INDONESIA.

(a) CONDITION ON ASSISTANCE.—Subject to subsection (c), no funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) or chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) in fiscal year 2004, other than funds made available for expanded military education and training under such chapter,

may be available for a program that involves the Government of Indonesia or the Indonesian Armed Forces until the President makes the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification submitted by the President to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the Federal Bureau of Investigation—

(1) to conduct a full investigation of the attack on United States citizens in West Papua, Indonesia on August 31, 2002; and

(2) to criminally prosecute the individuals responsible for such attack.

(c) LIMITATION.—Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counterterrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

Page 70, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 231. ISSUANCE OF CONSULAR IDENTIFICATION CARDS BY FOREIGN MISSIONS.

(a) ISSUANCE OF CONSULAR IDENTIFICATION CARDS.—The Congress finds that foreign governments have been issuing consular identification cards to foreign nationals in the United States for purposes other than those intended by the Vienna Convention on Consular Relations (done at Vienna on 24 April 1963).

(b) ISSUANCE OF CONSULAR IDENTIFICATION CARDS.—The issuance by foreign missions of consular identification cards shall be considered a benefit to a foreign mission under section 203(2) of the State Department Basic Authorities Act of 1956 and shall be regulated by the Secretary in accordance with this section and section 204 of that Act.

(c) AUTHORITY TO ISSUE REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall issue regulations consistent with this section with respect to the issuance by foreign missions in the United States of consular identification cards to foreign nationals residing in the United States.

(d) CONTENT OF REGULATIONS.—Regulations referred to in subsection (c) shall include the following restrictions and requirements:

(1) NOTIFICATION TO THE UNITED STATES GOVERNMENT.—A foreign mission shall notify the Secretary of State of each consular identification card issued within the United States, including the name and current address within the United States of the recipient of a card.

(2) ISSUANCE TO BONA FIDE CITIZENS OF THE COUNTRY OF ORIGIN.—A foreign mission may issue a consular identification card only to a national of the country represented by the foreign mission. Foreign missions shall establish procedures to verify the nationality of card recipients through either national birth registry systems or voter registration identification systems, and bona fide documents such as a passport issued by the country of origin.

(3) MAINTENANCE OF ACCURATE AND COMPLETE RECORDS.—A foreign mission shall maintain at the mission complete and accurate records of all consular identification cards issued and shall maintain an automated record system that contains such records in a manner that can be rapidly accessed to prevent duplicate or fraudulent issuance of such cards.

(4) ADDRESS CHANGE NOTIFICATION REQUIREMENT.—A foreign mission shall require card recipients to notify the foreign mission of any change of address within 30 days after such address change.

(5) ACCESS TO AUDIT RECORDS.—At the request of the Secretary of State, a foreign mission shall make available for audit and review, by the Secretary or the Inspector General of the Department of State, the records of all consular identification cards issued.

(e) FAILURE TO ADHERE TO REGULATIONS.—

(1) If the Secretary of State determines that a foreign mission has issued consular identification cards in violation of the requirements of regulations related to the issuance of such cards by foreign missions and such violation potentially threatens the security of the United States or facilitates fraudulent or criminal acts, the Secretary of State shall notify the government of the country represented by the foreign mission that the foreign mission must suspend the issuance of consular identification cards until compliance with applicable regulations is established.

(2) If the foreign mission of a country fails to suspend issuance of consular identification cards in accordance with a notification under paragraph (1), the Secretary of State shall direct consular officials in that country to cease the issuance of immigrant or nonimmigrant visas, or both, to nationals of that country until such time as the Secretary of State determines that the foreign mission of that country is in compliance with the requirements of regulations related to the issuance of such cards by foreign missions.

At the appropriate place in the bill, insert the following (and conform the table of contents accordingly):

SEC. ___. ASSISTANCE TO COMBAT HIV/AIDS IN CERTAIN COUNTRIES OF THE CARIBBEAN REGION.

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after ''Zambia,'' the following: ''Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Dominican Republic,''.

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ___. STATEMENT OF POLICY RELATING TO DEMOCRACY IN IRAN.

(a) FINDINGS.—Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally in Iran, women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(b) POLICY.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran;

(2) the United States supports transparent, full democracy in Iran;

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment and torture of Iranian civilians expressing political dissent.

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ___. SENSE OF CONGRESS REGARDING THE EXTRADITION OF VIOLENT CRIMINALS FROM MEXICO TO THE UNITED STATES.

(a) FINDINGS.—The Congress finds as follows:

(1) The Mexican Supreme Court ruled in October 2001 that Mexico will not extradite criminals who face life sentences in the United States.

(2) Due to this ruling, the United States has been unable to prosecute numerous suspects wanted for violent crimes that they committed in the United States if there is a possibility that these criminals will face life imprisonment.

(3) The person or persons responsible for the April 29, 2002, murder of Los Angeles County Sheriff Deputy David March is believed to have fled to Mexico to avoid prosecution for a possible life imprisonment.

(4) The attorneys general from all 50 States have asked United States Attorney General John Ashcroft and Secretary of State Colin Powell to continue to address this extradition issue with their counterparts in Mexico.

(5) The Governments of the United States and Mexico have experienced positive cooperation on numerous matters relevant to their bilateral relationship.

(6) The Mexican Minister of Foreign Affairs has been demonstrating to the Mexican Supreme Court the international ramifications of the Court's October 2001 ruling.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should encourage the Mexican Government to work closely with the Mexican Supreme Court to persuade the Court to reconsider its October 2001 ruling so that the possibility of life imprisonment will not have an effect on the timely extradition of criminal suspects from Mexico to the United States.

At the end of Division B, insert the following:

SEC. ___. REPORT ON PROGRESS MADE IN MODIFYING THE ENHANCED HIPC INITIATIVE.

Within 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to the Committees on Financial Services, on Appropriations, and on International Relations of the House of Representatives and the Committees on Foreign Relations and on Appropriations of the Senate a written report that describes the progress made in modifying the Enhanced HIPC Initiative (as defined in section 1625(e)(3) of the International Financial Institutions Act) as called for in section 501 of of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

Conform the table of contents accordingly.

The question being put, viva voce,

Will the House agree to the following amendment, as amended, by Mr. HYDE on which a separate vote has been demanded?

Strike section 1 of the bill and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003''.

Strike subsection (a) of section 2 of the bill and insert the following:

(a) ORGANIZATION OF ACT INTO DIVISIONS.—This Act is organized into four divisions as follows:

(1) DIVISION A.—Millennium Challenge Account Act of 2003.

(2) DIVISION B.—Peace Corps Expansion Act of 2003.

(3) DIVISION C.—Department of State Authorization Act, Fiscal Years 2004 and 2005.

(4) DIVISION D.—Defense Trade and Security Assistance Reform Act of 2003.

Redesignate division A of the bill as division C of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Redesignate division B of the bill as division D of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Insert after section 3 of the bill the following two new divisions (and conform the table of contents accordingly):

DIVISION A—MILLENNIUM CHALLENGE ACCOUNT

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the ''Millennium Challenge Account Act of 2003''.

SEC. 102. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term ''Board'' means the Board of Directors of the Corporation established pursuant to section 303 of this Act.

(3) COMPACT.—The term ''Compact'' means the Millennium Challenge Compact described in section 204 of this Act.

(4) CORPORATION.—The term ''Corporation'' means the Millennium Challenge Corporation established under section 301 of this Act.

(5) COUNCIL.—The term ''Council'' means the Millennium Challenge Advisory Council established under section 308 of this Act.

(6) MILLENNIUM DEVELOPMENT GOALS.—The term ''Millennium Development Goals'' means the key development objectives described in the United Nations Millennium Declaration, as contained in United Nations General Assembly Resolution 55/2 (September 2000), which aim to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria, and other infectious diseases, ensure environmental sustainability, and develop a global partnership for development.

SEC. 103. SUNSET.

All authorities under this division (other than title IV) shall terminate on October 1, 2007.

TITLE II—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 201. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) A principal objective of United States foreign assistance programs, as stated in section 101 of the Foreign Assistance Act of 1961, is the ''encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives''.

(2) The expanding acceptance of free trade and open markets and the spread of democracy and the rule of law have brought a better way of life to an increasing number of people in the world.

(3) Inequalities between men and women undermine development and poverty-reduction efforts in fundamental ways. A woman's limited access to resources and restrictions on the exercise of her rights, including the right to participate in social and political processes, disables her from maximizing her contribution to her family's health, education, and general well-being.

(4) On March 14, 2002, the President noted the successes of development assistance programs: ''The advances of free markets and trade and democracy and rule of law have brought prosperity to an ever-widening circle of people in this world. During our lifetime, per capita income in the poorest countries has nearly doubled. Illiteracy has been cut by one-third, giving more children a chance to learn. Infant mortality has been almost halved, giving more children a chance to live.''.

(5) Development is neither an easy process nor a linear one. There are successes and there are failures. Today, too many people are still living in poverty, disease has eroded many of the economic and social gains of previous decades, and many countries have not adopted policies, for a variety of reasons, that would enable them to compete in an open and equitable international economic system.

(6) More countries and more people will be able to participate in and benefit from the opportunities afforded by the global economy if the following conditions for sound and sustainable economic development are met:

(A) SECURITY.—Security is necessary for economic development. Persistent poverty and oppression can lead to hopelessness, despair, and to failed states that become havens for terrorists.

(B) POLICIES THAT SUPPORT BROAD-BASED ECONOMIC GROWTH.—Successful long-term development can only occur through broad-based economic growth that enables the poor to increase their incomes and have access to productive resources and services so that they can lead lives of decency, dignity, and hope.

(C) DEMOCRACY AND THE RULE OF LAW.—Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. The ability of people to participate in the economic and political processes affecting their lives is essential to sustained growth. The rule of law and a commitment to fight corruption is also critical to the development of a prosperous society.

(D) INVESTMENTS IN PEOPLE.—Economic growth and democracy can be sustained only if both men and women have the basic tools and capabilities that foster the opportunity for participation in the economic, social, and political life of their countries. Successful development of countries requires citizens who are literate, healthy, and prepared and able to work.

(7) Economic assistance programs authorized under part I of the Foreign Assistance Act of 1961, as administered by the United States Agency for International Development and other Federal agencies, are of critical importance in assisting countries to be in a position to maximize the effectiveness of assistance authorized by this title.

(8) It is in the national interest of the United States to help those countries that are implementing the economic and political reforms necessary for development to occur.

(9) On March 14, 2002, the President stated that the ''growing divide between wealth and poverty, between opportunity and misery, is both a challenge to our compassion and a source of instability . . . [w]e must confront it . . . [w]e must include every African, every Asian, every Latin American, every Muslim, in an expanding circle of development.''.

(10) The President has pledged that funds requested for the Millennium Challenge Account shall be in addition to, and not a substitute for, existing development and humanitarian programs.

(11) Development assistance alone is not sufficient to stimulate economic growth and development. Assistance has been shown to have a positive impact on growth and development in developing countries with sound policies and institutions. If countries have poor policies and institutions, however, it is highly unlikely that assistance will have a net positive effect.

(12) Economic development, and the achievement of the Millennium Development Goals, must be a shared responsibility between donor and recipient countries.

(b) STATEMENT OF POLICY REGARDING A NEW COMPACT FOR GLOBAL DEVELOPMENT.—It is, therefore, the policy of the United States to support a new compact for global development that—

(1) increases support by donor countries to those developing countries that are fostering democracy and the rule of law, investing in their people, and promoting economic freedom for all their people;

(2) recognizes, however, that it is the developing countries themselves that are primarily responsible for the achievement of those goals;

(3) seeks to coordinate the disparate development assistance policies of donor countries, and to harmonize the trade and finance policies of donor countries with their respective development assistance programs; and

(4) aims to reduce poverty by significantly increasing the economic growth trajectory of beneficiary countries through investing in the productive potential of the people of such countries.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) ASSISTANCE.—The President, acting through the Chief Executive Officer of the Millennium Challenge Corporation, is authorized to provide assistance to eligible countries to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction and are in furtherance of the purposes of this title.

(b) PRINCIPAL OBJECTIVES.—Assistance provided under subsection (a) should advance a country's progress toward promoting the following principal objectives:

(1) FOSTERING DEMOCRATIC SOCIETIES, HUMAN RIGHTS, AND THE RULE OF LAW.—The assistance should promote—

(A) political, social, and economic pluralism;

(B) respect for the rule of law;

(C) anti-corruption initiatives and law enforcement;

(D) development of institutions of democratic governance, including electoral and legislative processes;

(E) transparent and accountable public administration at all levels of government;

(F) a fair, competent, and independent judiciary; and

(G) a free and independent media.

(2) FOSTERING INVESTMENT IN EDUCATION AND HEALTH INFRASTRUCTURE AND SYSTEMS.—The assistance should foster improved educational opportunities and health conditions, particularly for women and children, including through—

(A) support for programs and personnel that promote broad-based primary education, including through the development of academic curricula, by making available textbooks and other educational materials, and through appropriate use of technology;

(B) support for programs to strengthen and build institutions, including primary health

care systems, infrastructure, facilities, and personnel that provide quality health care;

(C) support for improved systems for the delivery of healthy water and sanitation services; and

(D) support for programs that reduce child mortality (including those programs that combat HIV/AIDS, malaria, tuberculosis, and other infectious diseases, consistent with sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961).

(3) PROMOTING ECONOMIC FREEDOM, BROAD-BASED ECONOMIC GROWTH, AND FOSTERING FREE MARKET SYSTEMS.—The assistance should foster the institutions and conditions needed to promote free market systems, trade, and investment, including—

(A) the reform and restructuring of banking and financial systems, including by allowing foreign competition in the banking and financial sectors, where appropriate;

(B) the development of transparent and efficient commercial codes and reduction in the regulatory burden on business;

(C) the protection of property rights, including—

(i) private property and intellectual property rights, including through the adoption and effective enforcement of intellectual property treaties or international agreements; and

(ii) the establishment and maintenance of an efficient and integrated legal property system that, among other things, facilitates the ability of the poor, particularly women, to convert physical and intellectual assets into capital, such as utilizing existing practices and customs that allow assets to be documented in a manner that makes the assets widely transferable, leveragable, and fungible, that allows individuals to hold legal title to their property, and that holds owners accountable for transactions involving their property;

(D) support for market-based policies that support increased agricultural production;

(E) a strong commitment to sound monetary and budgetary policies;

(F) the development of small businesses, private cooperatives, credit unions, and trade and labor unions;

(G) the protection of internationally recognized workers' rights; and

(H) the capacity of eligible countries to ameliorate damage to the environment and respect other environmental standards.

SEC. 203. ELIGIBILITY AND RELATED REQUIREMENTS.

(a) ASSISTANCE FOR LOW INCOME COUNTRIES.—

(1) FISCAL YEAR 2004.—A country shall be eligible to receive assistance under section 202 for fiscal year 2004 if—

(A) the country is eligible for assistance from the International Development Association, and the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for that year, as defined by the International Bank for Reconstruction and Development;

(B) subject to paragraph (3), the country is not ineligible to receive United States economic assistance by reason of the application of section 116, 490, or 620A of the Foreign Assistance Act of 1961, or by reason of the application of any other provision of law; and

(C) the Chief Executive Officer of the Corporation determines that the country has demonstrated a commitment to—

(i) bolster democracy, human rights, good governance and the rule of law;

(ii) invest in the health and education of its citizens; and

(iii) promote sound economic policies that promote economic freedom and opportunity.

(2) FISCAL YEARS 2005 AND 2006.—A country shall be eligible to receive assistance under section 202 for fiscal years 2005 and 2006 if—

(A) the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the fiscal year involved, as defined by the International Bank for Reconstruction and Development;

(B) the country meets the requirements of paragraph (1)(B); and

(C) the country meets the requirements of clauses (i) through (iii) of paragraph (1)(C), as determined by the Chief Executive Officer.

(3) RULE OF CONSTRUCTION.—For the purposes of determining whether a country is eligible for receiving assistance under section 202 pursuant to paragraph (1)(B), the exercise by the President, the Secretary of State, or any other officer or employee of the United States of any waiver or suspension of any provision of law referred to in such paragraph shall not be construed as satisfying the requirement of such paragraph.

(b) ASSISTANCE FOR LOWER MIDDLE INCOME COUNTRIES.—

(1) IN GENERAL.—In addition to countries described in subsection (a), a country shall be eligible to receive assistance under section 202 for fiscal year 2006 if the country—

(A) is classified as a lower middle income country in the then most recent edition of the World Development Report published by the International Bank for Reconstruction and Development;

(B) meets the requirements of subsection (a)(1)(B); and

(C) meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer.

(2) LIMITATION.—The total amount of assistance provided to countries under this subsection for fiscal year 2006 may not exceed 20 percent of the total amount of assistance provided to all countries under section 202 for fiscal year 2006.

(c) ASSISTANCE FOR SELECTED LOW INCOME COUNTRIES.—

(1) IN GENERAL.—A country shall be eligible to receive assistance for any of fiscal years 2004 through 2006 solely for the purpose of becoming eligible to receive assistance under subsection (a) if the country—

(A) meets the requirements of paragraphs (1)(B) and (2)(A) of subsection (a);

(B) demonstrates a commitment to meeting the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer; but

(C) fails to meet the eligibility criteria necessary to receive assistance under section 202, as established under subsection (e).

(2) ADMINISTRATION.—Assistance for countries eligible by reason of the application of this subsection shall be provided through the United States Agency for International Development.

(3) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, not more than 15 percent of such amount is authorized to be appropriated to the President for the fiscal year to carry out this subsection.

(d) GENERAL AUTHORITY TO DETERMINE ELIGIBILITY.—

(1) GENERAL AUTHORITY.—The Chief Executive Officer shall determine whether or not a country is eligible to receive assistance under section 202.

(2) CONGRESSIONAL NOTIFICATION.—Not later than 7 days after making a determination of eligibility for a country under paragraph (1), the Chief Executive Officer shall provide notice thereof to the appropriate congressional committees. Such notice shall include a certification of the determination of the Chief Executive Officer that the country meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C) in accordance with such subsection, subsection (a)(2)(C), subsection (b)(1)(C), or subsection (c)(1)(B), as the case may be.

(e) ELIGIBILITY CRITERIA.—

(1) INITIAL CRITERIA AND METHODOLOGY.—At soon as practicable after the date of the enactment of this Act, but not later than 30 days prior to making any determination of eligibility for a country under this section, the Chief Executive Officer—

(A) shall consult in-person with the appropriate congressional committees with respect to the establishment of eligibility criteria and methodology that the Chief Executive Officer proposes to use for purposes of determining eligibility under this section;

(B) shall establish such eligibility criteria and methodology; and

(C) shall prepare and transmit to such committees a written report that contains such eligibility criteria and methodology.

(2) REVISIONS TO CRITERIA AND METHODOLOGY.—If the Chief Executive Officer proposes to use revised or different criteria from the criteria described in paragraph (1) in making a determination of eligibility for a country under this section, then, not later than 15 days prior to making such determination, the Chief Executive Officer shall consult in-person with the appropriate congressional committees with respect to such revised or different criteria and methodology in accordance with paragraph (1)(A) and shall prepare and transmit a written report in accordance with paragraph (1)(C).

(f) FORM OF ASSISTANCE; RECIPIENTS.—

(1) FORM OF ASSISTANCE.—Assistance provided under section 202 for a country shall be provided to one or more of the entities described in paragraph (2) on a nonrepayable basis and in accordance with a fair, open, and competitive selection process that results in the awarding of such assistance on a merit basis using selection criteria that are made public by the Corporation in advance and are otherwise in accordance with standard and customary best practices for the provision of similar types of assistance.

(2) RECIPIENTS.—The entities referred to in paragraph (1) are the following:

(A) The national government of the country.

(B) Regional or local governmental units of the country.

(C) Nongovernmental organizations, including for-profit, not-for-profit, and voluntary organizations.

(D) International organizations and trust funds.

(g) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer may not make any grant or enter into any contract for assistance for a country under section 202 that exceeds $5,000,000 until 15 days after the date on which the Chief Executive Officer provides notification of the proposed grant or contract to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(h) PROHIBITION ON USE OF FUNDS.—The prohibitions on use of funds contained in paragraphs (1) through (3) of section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)(1)–(3)) shall apply to funds made available to carry out this division to the same extent and in the same manner as such prohibitions apply to funds made available to carry out part I of such Act.

SEC. 204. MILLENNIUM CHALLENGE COMPACT.

(a) COMPACT.—The President, acting through the Chief Executive Officer of the Corporation, may provide assistance to an eligible country under section 202 only if the country enters into a contract with the United States, to be known as a ''Millennium

Challenge Compact'', that establishes a multi-year plan for achieving shared development objectives in furtherance of the purposes of this title, and only if the President, acting through the Chief Executive Officer, provides to Congress notice regarding such Compact pursuant to subsection (h).

(b) ELEMENTS.—

(1) IN GENERAL.—The Compact shall take into account the national development strategy of the eligible country and shall contain—

(A) the specific objectives that the country and the United States expect to achieve;

(B) the responsibilities of the country and the United States in the achievement of such objectives;

(C) regular benchmarks to measure, where appropriate, progress toward achieving such objectives;

(D) an identification of the intended beneficiaries, disaggregated by income level, gender, and age, to the maximum extent practicable;

(E) a multi-year financial plan, including the estimated amount of contributions by the Corporation and the country and proposed mechanisms to implement the plan and provide oversight, that describes how the requirements of subparagraphs (A) through (D) will be met, including identifying the role of civil society in the achievement of such requirements;

(F) where appropriate, a description of the responsibility of other donors in the achievement of such objectives; and

(G) a plan to ensure appropriate fiscal accountability for the use of assistance provided under section 202.

(2) LOWER MIDDLE INCOME COUNTRIES.—In addition to the elements described in subparagraphs (A) through (G) of paragraph (1), with respect to a lower middle income country described in section 203(b), the Compact shall identify an appropriate contribution from the country relative to its national budget, taking into account the prevailing economic conditions, toward meeting the objectives of the Compact. Such contribution shall be in addition to government spending allocated for such purposes in the country's budget for the year immediately preceding the establishment of the Compact and shall continue for the duration of the Compact.

(c) DEFINITION.—In subsection (b), the term ''national development strategy'' means any strategy to achieve market-driven economic growth that has been developed by the government of the country in consultation with a wide variety of civic participation, including nongovernmental organizations, private and voluntary organizations, academia, women and student organizations, local trade and labor unions, and the business community.

(d) ADDITIONAL PROVISION RELATING TO PROHIBITION ON TAXATION.—In addition to the elements described in subsection (b), each Compact shall contain a provision that states that assistance provided by the United States under the Compact shall be exempt from taxation by the government of the eligible country.

(e) LOCAL INPUT.—In entering into a Compact, the United States and the eligible country—

(1) shall take into account the local-level perspectives of the rural and urban poor in the eligible country; and

(2) should consult with private and voluntary organizations, the business community, and other donors, in the eligible country.

(f) CONSULTATION.—During any discussions with a country for the purpose of entering into a Compact with the country, officials of the Corporation participating in such discussions shall, at a minimum, consult with appropriate officials of the United States Agency for International Development, particularly with those officials responsible for the appropriate region or country on development issues related to the Compact.

(g) COORDINATION WITH OTHER DONORS.—To the maximum extent feasible, activities undertaken to achieve the objectives of the Compact shall be undertaken in coordination with the assistance activities of other donors.

(h) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Not later than 15 days prior to entering into a Compact with an eligible country, the President, acting through the Chief Executive Officer—

(1) shall consult in-person with the appropriate congressional committees with respect to the proposed Compact;

(2) shall provide notification of the proposed Compact to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961;

(3) shall prepare and transmit to such committees a written report that contains a detailed summary of the proposed Compact and a copy of the full text of the Compact; and

(4) shall publish such detailed summary and full text of the proposed Compact in the Federal Register and on the Internet website of the Corporation.

(i) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—Notwithstanding subsection (a), the Chief Executive Officer may enter into contracts or make grants for any eligible country for the purpose of facilitating the development of the Compact between the United States and the country.

SEC. 205. SUSPENSION AND TERMINATION OF ASSISTANCE.

(a) SUSPENSION OF ASSISTANCE.—

(1) IN GENERAL.—The President shall suspend assistance in whole or in part for a country under this title if the President determines that—

(A) the country is engaged in activities which are contrary to the national security interests of the United States;

(B) the elected head of state of the country or any member of the country's highest judicial tribunal has been removed from that office or forcibly detained through extra-constitutional processes; or

(C) the country has failed to adhere to its responsibilities under the Compact.

(2) REINSTATEMENT.—The President may reinstate assistance for a country under this title only if the President determines that the country has demonstrated a commitment to correcting each condition for which assistance was suspended under paragraph (1).

(3) CONGRESSIONAL NOTIFICATION.—A suspension of assistance under paragraph (1), or a reinstatement of assistance under paragraph (2), shall be effective beginning 15 days after the date on which the President transmits to the appropriate congressional committees a report that contains the determination of the President under paragraph (1) or paragraph (2), as the case may be.

(b) TERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—The President, acting through the Chief Executive Officer of the Corporation, shall terminate all assistance for a country under this title if the President determines that the country has consistently failed to adhere to its responsibilities under the Compact or has significantly failed to meet the requirements of this title.

(2) CONGRESSIONAL NOTIFICATION.—A termination of assistance under paragraph (1) shall be effective beginning 15 days after the date on which the President, acting through the Chief Executive Officer, provides notification of the proposed termination of assistance to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 206. ANNUAL REPORT.

(a) REPORT.—Not later than April 1, 2005, and not later than April 1 of each year thereafter, the Chief Executive Officer of the Corporation shall prepare and transmit to the appropriate congressional committees a report on the implementation of this title for the preceding year.

(b) CONTENTS.—The report shall include the following:

(1) A description and assessment of the eligibility criteria and methodology utilized by the Chief Executive Officer to determine eligibility for each country under section 203.

(2) A description of the agreed upon measures of progress contained in each Compact.

(3)(A) An analysis, on a country-by-country, project-by-project basis, of the impact of assistance provided under this title on the economic development of each country.

(B) For each country, the analysis shall—

(i) to the maximum extent possible, be done on a sector-by-sector basis, gender basis, and per capita income basis, and identify trends within each of these bases;

(ii) identify economic policy reforms conducive to economic development that are supported by assistance provided under this title;

(iii) describe, in quantified terms to the extent practicable, the progress made in achieving assistance objectives for the country;

(iv) describe the amount and nature of economic assistance provided by other major donors which further the purposes of this title; and

(v) discuss the commitment and contribution of the country to achieving the assistance objectives contained in its Compact.

(4) A description and assessment of property rights in each country, including—

(A) the total value of legal and extralegal property and business holdings;

(B) the average time required to acquire land; and

(C) the average time required to register and wind up a business enterprise.

SEC. 207. PARTICIPATION OF CERTAIN UNITED STATES BUSINESSES.

(a) PARTICIPATION.—To the maximum extent practicable, the President, acting through the Chief Executive Officer, shall ensure that United States small, minority-owned, and disadvantaged business enterprises fully participate in the provision of goods and services that are financed with funds made available under this title.

(b) REPORT.—The Chief Executive Officer shall prepare and submit to the appropriate congressional committees an annual report that contains a description of the extent to which the requirement of subsection (a) has been met for the preceding year.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS; RELATED AUTHORITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President, acting through the Chief Executive Officer of the Corporation, to carry out this division (other than title IV) $1,300,000,000 for fiscal year 2004, $3,000,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) may be referred to as the ''Millennium Challenge Account'';

(2) are authorized to remain available until expended; and

(3) are in addition to amounts otherwise available for such purposes.

TITLE III—MILLENNIUM CHALLENGE CORPORATION

SEC. 301. MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT.—There is hereby established in the executive branch a corporation to be known as the ''Millennium Challenge Corporation'' that shall be responsible for carrying out title II.

(b) GOVERNMENT CORPORATION.—The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

SEC. 302. CHIEF EXECUTIVE OFFICER.

(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as Chief Executive Officer of the Corporation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) COMPENSATION AND RANK.—

(1) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(2) AMENDMENT.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Millennium Challenge Corporation.''.

(c) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall exercise the powers and discharge the duties of the Corporation and any other duties, as conferred on the Chief Executive Officer by the President.

(d) AUTHORITY TO APPOINT OFFICERS.—The Chief Executive Officer shall appoint all officers of the Corporation.

SEC. 303. BOARD OF DIRECTORS.

(a) IN GENERAL.—There shall be in the Corporation a Board of Directors.

(b) DUTIES.—The Board may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Corporation may be conducted and in which the powers granted to it by law may be exercised.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of—

(A) the Secretary of State, the Secretary of Treasury, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the Corporation, and the United States Trade Representative; and

(B) four other individuals who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(2) EX-OFFICIO MEMBERS.—In addition to members of the Board described in paragraph (1), the Director of the Office of Management and Budget, the President and Chief Executive Officer of the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, and the Director of the Peace Corps shall be non-voting members, ex officio, of the Board.

(d) TERMS.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—Each member of the Board described in paragraphs (1)(A) and (2) of subsection (c) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(2) OTHER MEMBERS.—Each member of the Board described in subsection (c)(1)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 2 years.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Secretary of State shall serve as the Chairperson of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum, which shall include at least one member of the Board described in subsection (c)(1)(B).

(g) MEETINGS.—The Board shall meet at the call of the Chairperson.

(h) COMPENSATION.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—

(A) IN GENERAL.—A member of the Board described in paragraphs (1)(A) and (2) of subsection (c) may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(B) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) OTHER MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Board described in subsection (c)(1)(B)—

(i) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(ii) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(B) LIMITATION.—A member of the Council may not be paid compensation under subparagraph (A)(i) for more than thirty days in any calendar year.

SEC. 304. INTERAGENCY COORDINATION.

In carrying out the functions described in this title, and consistent with section 101 of the National Security Act of 1947 (50 U.S.C. 402), the President shall ensure coordination of assistance authorized under title II with foreign economic assistance programs and activities carried out by other Federal departments and agencies.

SEC. 305. POWERS OF THE CORPORATION; RELATED PROVISIONS.

(a) POWERS.—The Corporation—

(1) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(2) may prescribe, amend, and repeal such rules, regulations, and procedures as are necessary for carrying out the functions of the Corporation and all Compacts;

(3) may make and perform such contracts, grants, and other agreements with any individual, corporation, or other private or public entity, however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $95,000 in any fiscal year;

(5) may lease, purchase, or otherwise acquire, own, hold, improve, use or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation;

(6) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this division;

(7) may hire or obtain passenger motor vehicles;

(8) may use the United States mails in the same manner and on the same conditions as the Executive departments (as defined in section 101 of title 5, United States Code);

(9) may, with the consent of any Executive agency (as defined in section 105 of title 5, United States Code), use the information, services, facilities, and personnel of that agency on a full or partial reimbursement in carrying out the purposes of this division; and

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction.

(b) OFFICES.—

(1) PRINCIPAL OFFICE.—The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(2) OTHER OFFICES.—The Corporation may establish other offices in any place or places outside the United States in which the Corporation may carry out any or all of its operations and business.

(c) COOPERATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES.—In order to avoid unnecessary expense and duplication of functions, efforts, and activities between the Corporation and other Federal departments and agencies the Chief Executive Officer, or the Chief Executive Officer's designee—

(1)(A) shall consult, to the maximum extent practicable, with the Administrator of the United States Agency for International Development, or the Administrator's designee, in order to coordinate the activities of the Corporation and the Agency for International Development; and

(B) shall consult with the heads of other departments and agencies to ensure similar coordination of activities;

(2)(A) shall ensure proper coordination of activities of the Corporation with the provision of development assistance of relevant international financial institutions, including the International Bank for Reconstruction and Development, the International Monetary Fund, and the regional multilateral development banks; and

(B) shall provide to each United States Executive Director (or other United States representative) to the relevant international financial institutions a copy of each proposed Compact between the United States and an eligible country and a copy of each such final Compact.

(d) POSITIONS WITH FOREIGN GOVERNMENTS.—When approved by the Corporation, in furtherance of its purposes, employees of the Corporation (including individuals detailed to the Corporation) may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries or with international organizations.

SEC. 306. TRANSPARENCY AND ACCOUNTABILITY OF THE CORPORATION.

The Corporation and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

SEC. 307. DETAIL OF PERSONNEL TO THE CORPORATION; OTHER AUTHORITIES AND LIMITATIONS.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer of the Corporation, the head of an agency may detail any

employee of such agency to the Corporation on a fully or partially reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) LIMITATION ON TOTAL SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no individual may serve in or under the Corporation (whether as an employee of the Corporation, a detailee to the Corporation, or a combination thereof) for a total period exceeding 5 years.

(2) EXCEPTIONS.—

(A) EXTENSION AUTHORITY.—The Chief Executive Officer may extend the 5-year period under paragraph (1) for up to an additional 3 years, in the case of any particular individual, if the Chief Executive Officer determines that such extension is essential to the achievement of the purposes of this division.

(B) OFFICERS.—Nothing in this subsection shall limit the period for which an individual may serve as an officer of the Corporation appointed pursuant to section 302(d) nor shall any period of service as such an officer be taken into account for purposes of applying this subsection.

(c) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Corporation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Corporation—

(i) by reason of the application of subsection (b); or

(ii) for any other reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Corporation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Corporation without regard to the provisions of—

(1) chapter 51 of title 5, United States Code (relating to the classification of positions), and

(2) subchapter III of chapter 53 of such title (relating to General Schedule pay rates),

except that no employee of the Corporation may receive a rate of basic pay that exceeds the rate for level II of the Executive Schedule under section 5313 of such title.

(e) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post, or United States Agency for International Development field mission.

(f) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(g) RESPONSIBILITY OF CHIEF OF MISSION.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

(h) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Corporation may allocate or transfer to the United States Agency for International Development or any other agency any part of any funds available for carrying out the purposes of this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer shall notify the appropriate congressional committees not later than 15 days prior to a transfer of funds under paragraph (1) that exceeds $5,000,000.

(3) USE OF SERVICES.—For carrying out the purposes of this division, the Corporation may utilize the services and facilities of, or procure commodities from, any agency under such terms and conditions as may be agreed to by the head of the agency and the Corporation.

(i) FUNDING LIMITATION.—Of the funds allocated under subsection (h) in any fiscal year, not more than 7 percent of such funds may be used for administrative expenses.

(j) OTHER AUTHORITIES.—Except to the extent inconsistent with the provisions of this division, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 shall apply to the provision of assistance under this division to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act.

(k) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Corporation shall be subject to the provisions of chapter 91 of subtitle VI of title 31, United States Code, except that the Corporation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(Q) the Millennium Challenge Corporation.''

(l) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the United States Agency for International Development shall serve as Inspector General of the Corporation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Corporation.

(2) AUTHORITY OF THE BOARD.—In carrying out its responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board of Directors.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Corporation shall reimburse the United States Agency for International Development for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, up to $1,000,000 is authorized to be made available to the Inspector General of the United States Agency for International Development to conduct reviews, investigations, and inspections of operations and activities of the Corporation.

(m) COMPTROLLER GENERAL.—

(1) IN GENERAL.—The Comptroller General shall conduct audits, evaluations, and investigations of the Corporation.

(2) SCOPE.—The activities and financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be evaluated, investigated, or audited by the Comptroller General in accordance with such rules and regulations as may be prescribed by the Comptroller General.

(3) ACCESS AND RECORDS.—Any evaluation, investigation, or audit shall be conducted at the place or places where pertinent information of the Corporation is normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the evaluation, investigation, or audit; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Corporation shall remain in the possession and custody of the Corporation throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, papers, or property for a longer period under section 3523(c) of title 31, United States Code.

(4) REPORT.—A report of such audit, evaluation, or investigation shall be made by the Comptroller General to the appropriate congressional committees and to the President, together with such recommendations with respect thereto as the Comptroller General shall deem advisable.

(n) DEFINITIONS.—For purposes of this section—

(1) the term ''agency'' means an Executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Corporation.

SEC. 308. MILLENNIUM CHALLENGE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is hereby established in the executive branch an advisory council to the Corporation to be known as the Millennium Challenge Advisory Council.

(b) FUNCTIONS.—

(1) GENERAL FUNCTIONS.—The Council shall advise and consult with the Chief Executive Officer of the Corporation and the Board of Directors with respect to policies and programs designed to further the purposes of this division and shall periodically report to the Congress with respect to the activities of the Corporation. In addition, the Council shall review on an annual basis the criteria and methodology used to determine eligibility of countries for assistance under title II and make recommendations to the Chief Executive Officer and the Board to improve the effectiveness of such criteria and methodology in order to achieve the purposes of this division.

(2) ADDITIONAL FUNCTIONS.—Members of the Council shall (subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Corporation in the United States and in other countries in order to—

(A) evaluate the accomplishments of the Corporation;

(B) assess the potential capabilities and the future role of the Corporation;

(C) make recommendations to the Chief Executive Officer, the Board of Directors, and Congress, for the purpose of guiding the future direction of the Corporation and of helping to ensure that the purposes and programs of the Corporation are carried out in ways that are economical, efficient, responsive to changing needs in developing countries and to changing relationships among people, and in accordance with law;

(D) make such other evaluations, assessments, and recommendations as the Council considers appropriate.

(3) PUBLIC PARTICIPATION.—The Council may provide for public participation in its activities, consistent with section 552b of title 5, United States Code.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of seven individuals, who shall be appointed by the Chief Executive Officer, and who shall be broadly representative of nongovernmental entities with expertise and interest in international trade and economic development, including business and business associations, trade and labor unions, private and voluntary organizations, foundations, public policy organizations, academia, and other entities as the Chief Executive Officer determines appropriate.

(2) ADDITIONAL REQUIREMENT.—No member appointed under paragraph (1) may be an officer or employee of the United States Government.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Council—

(A) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Council; and

(B) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Council, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(2) LIMITATION.—A member of the Council may not be paid compensation under paragraph (1)(A) for more than thirty days in any calendar year.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum for the purposes of transacting any business.

(f) FINANCIAL INTERESTS OF MEMBERS.—A member of the Council shall disclose to the Chairperson of the Council and the Chief Executive Officer of the existence of any direct or indirect financial interest of that member in any particular matter before the Council and may not vote or otherwise participate as a Council member with respect to that particular matter.

(g) CHAIRPERSON.—The Chief Executive Officer shall designate one of the members of the Council as Chairperson, who shall serve in that capacity for a term of two years. The Chief Executive Officer may renew the term of the member appointed as Chairperson under the preceding sentence.

(h) MEETINGS, BYLAWS, AND REGULATIONS.—

(1) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Chief Executive Officer, the Chairperson of the Board, the Chairperson of the Council, or two members of the Council.

(2) BYLAWS AND REGULATIONS.—The Council shall prescribe such bylaws and regulations as it considers necessary to carry out its functions. Such bylaws and regulations shall include procedures for fixing the time and place of meetings, giving or waiving of notice of meetings, and keeping of minutes of meetings.

(i) REPORT TO THE PRESIDENT, CHIEF EXECUTIVE OFFICER, AND BOARD.—

(1) REPORT.—Not later than January 1, 2005, and not later than January 1 of each year thereafter that the Corporation is in existence, the Council shall submit to the President, the Chief Executive Officer, and the Board a report on its views on the programs and activities of the Corporation.

(2) CONTENTS.—Each report shall contain a summary of the advice and recommendations provided by the Council to the Chief Executive Officer and the Board during the period covered by the report and such recommendations (including recommendations for administrative or legislative action) as the Council considers appropriate to make to the Congress.

(3) ADDITIONAL REQUIREMENT.—Not later than 90 days after receiving each such report, the Chief Executive Officer shall transmit to Congress a copy of the report, together with any comments concerning the report that the Chief Executive Officer considers appropriate.

(j) ADMINISTRATIVE ASSISTANCE.—The Chief Executive Officer shall make available to the Council such personnel, administrative support services, and technical assistance as are necessary to carry out its functions effectively.

(k) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Council. Notwithstanding section 102 of this Act, the authorities of the Council shall terminate on December 31, 2007.

SEC. 309. MILLENNIUM CHALLENGE SEED GRANTS.

(a) FINDINGS.—Congress finds the following:

(1) Many countries in the developing world lack the academic and public policy advocacy base essential to attaining the principal objectives of the Millennium Challenge Account.

(2) Because of widespread government repression of free speech and poverty, the countries of Africa in particular suffer an acute shortage of nongovernmental organizations which effectively study and promote the principal objectives of the Millennium Challenge Account.

(3) Many developing countries, particularly low income countries, lack the institutional capacity to enhance the quality and accuracy of data upon which the eligibility criteria in section 203 relies. Such countries may also lack the ability to monitor and evaluate development projects effectively.

(4) The Millennium Challenge Account will struggle to reach its goals unless countries in the developing world possess a home grown intellectual commitment and culture of advocacy aimed at promoting its principal objectives.

(b) ASSISTANCE.—The Chief Executive Officer of the Corporation is authorized to provide assistance in support of nongovernmental organizations (including universities, independent foundations, and other organizations) in low income and lower middle income countries, and, where appropriate, directly to agencies of foreign governments in low income countries, that are undertaking research, education, and advocacy efforts aimed at promoting democratic societies, human rights, the rule of law, improved educational opportunities and health conditions, particularly for women and children, and economic freedom, including research aimed at improving data related to the eligibility criteria and methodology established by this division with respect to such a country or monitoring and evaluating the impact of assistance provided under this division.

(c) LIMITATION.—Not more than $10,000,000 of the amount made available to carry out this division for a fiscal year may be made available to carry out this section.

Page 56, after line 3, insert the following new section:

SEC. 310. CLARIFICATION OF ROLE OF USAID.

(a) STATUS OF USAID.—The Administrator of the United States Agency for International Development shall report to the President through, and operate under the foreign policy authority and direction of, the Secretary of State. The United States Agency for International Development shall be administered under the supervision and operational direction of the Administrator of the Agency.

(b) FUNCTIONS OF USAID.—The United States Agency for International Development is authorized—

(1) to receive appropriated funds;

(2) to be the United States Government agency primarily responsible for administering sections 103 through 108 (other than section 104A), 214, and 491 of the Foreign Assistance Act of 1961, the ''Child Survival and Health Programs Fund'', and other United States economic assistance as directed in writing by the President or the Secretary of State, or as otherwise provided by law;

(3) to provide assistance to a country currently ineligible for assistance provided under title II in order that it may become eligible for such assistance; and

(4) upon the request of the Chief Executive Officer of the Corporation and with the concurrence of the Administrator of the Agency, to assist in the evaluation, execution, and oversight of Millennium Challenge Compacts described in section 204.

TITLE IV—PROVISIONS RELATING TO UNITED STATES ECONOMIC ASSISTANCE

SEC. 401. DEFINITION.

In this title, the term ''United States economic assistance'' means any bilateral economic assistance, from any budget functional category, that is provided by any department or agency of the United States to a foreign country, including such assistance that is intended—

(A) to assist the development and economic advancement of friendly foreign countries and peoples, including assistance provided under title II (relating to the Millennium Challenge Account);

(B) to promote the freedom, aspirations, or sustenance of friendly peoples under oppressive rule by unfriendly governments;

(C) to promote international trade and foreign direct investment as a means of aiding economic growth;

(D) to save lives and alleviate suffering of foreign peoples during or following war, natural disaster, or complex crisis;

(E) to assist in recovery and rehabilitation of countries or peoples following disaster or war;

(F) to protect refugees and promote durable solutions to aid refugees;

(G) to promote sound environmental practices;

(H) to assist in development of democratic institutions and good governance by the people of foreign countries;

(I) to promote peace and reconciliation or prevention of conflict;

(J) to improve the technical capacities of governments to reduce production of and demand for illicit narcotics; and

(K) to otherwise promote through bilateral foreign economic assistance the national objectives of the United States.

SEC. 402. FRAMEWORK FOR ASSISTANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that a coherent framework for United States economic assistance should be established in accordance with this section.

(b) ELEMENTS.—The framework described in subsection (a) includes the following elements:

(1) The United States Agency for International Development, under the direction and foreign policy guidance of the Secretary of State, should be responsible for—

(A) providing assistance to countries that face natural and man-made disasters in order to provide humanitarian relief to the peoples of such countries, in coordination with refugee programs administered by the Department of State;

(B) providing assistance to countries that are suffering from conflicts or are in post-conflict situations in order to provide humanitarian relief, transition assistance, and reconstruction assistance;

(C) providing assistance to help moderate-to-poorly performing countries achieve development progress in the areas described in part I of the Foreign Assistance Act of 1961, including progress toward becoming eligible for assistance under this title, and to promote international health worldwide, as well as assisting in the development of country and regional development strategies;

(D) addressing transnational problems, such as environmental degradation, food insecurity, and health problems; and

(E) assisting other Federal departments and agencies, including the Corporation established under title III, to carry out assistance activities abroad, including providing technical assistance and advice to such departments and agencies, coordinating its assistance programs with such departments and agencies, and using its field offices to help implement such assistance.

(2) The Corporation established under title III should provide assistance to countries that have demonstrated a commitment to bolstering democracy, good governance, and the rule of law, to investing in the health and educations of their people, and to promoting sound economic policies that foster economic opportunity for their people.

(3) The Department of State should be responsible for allocating security assistance to support key foreign policy objectives of the United States and shall administer assistance in such areas as non-proliferation, anti-terrorism, counter-narcotics, and relief for refugees.

(4) Other Federal departments and agencies with expertise in international development-related activities, such as the Overseas Private Investment Corporation, the Trade and Development Agency, the Department of Agriculture, the Department of Health and Human Services, and the Centers for Disease Control and Prevention, to the extent such departments and agencies have the authority to carry out development-related programs, and in coordination with the Department of State and the United States Agency for International Development, should provide expertise in specific technical areas and shall provide assistance, including assistance provided with funds made available from the Corporation to assist United States Government international development activities.

SEC. 403. REPORT RELATING TO IMPACT AND EFFECTIVENESS OF ASSISTANCE.

(a) REPORT.—Not later than December 31, 2004, and December 31 of each third year thereafter, the President shall transmit to Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of United States economic assistance furnished under the framework established in section 402 to each country during the preceding three fiscal years. The report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding three fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding three fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding three fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(b) LISTING OF MOST AND LEAST SUCCESSFUL ASSISTANCE PROGRAMS.—The report required by this section shall identify—

(1) each country in which United States economic assistance has been most successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were achieved; and

(2) each country in which United States economic assistance has been least successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were not achieved.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(d) DE MINIMUS EXCEPTION.—Information under subsections (a) and (b) for a fiscal year shall not be required with respect to a country for which United States economic assistance for the country for the fiscal year is less than $5,000,000.

DIVISION B—REAUTHORIZATION AND EXPANSION OF THE PEACE CORPS

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Peace Corps Expansion Act of 2003''.

SEC. 1002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) DIRECTOR.—The term ''Director'' means the Director of the Peace Corps.

(3) HOST COUNTRY.—The term ''host country'' means a country whose government has invited the Peace Corps to establish a Peace Corps program within the territory of the country.

(4) PEACE CORPS VOLUNTEER.—The term ''Peace Corps volunteer'' means a volunteer or a volunteer leader under the Peace Corps Act.

(5) RETURNED PEACE CORPS VOLUNTEER.—The term ''returned Peace Corps volunteer'' means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 1003. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service abroad of volunteers who are United States citizens. The spirit of service and commitment to helping others is a fundamental component of democracy.

(2) Since its establishment, more than 168,000 volunteers have served in the Peace Corps in 136 countries throughout the world.

(3) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) The Peace Corps has sought to fulfill three goals—to help people in developing countries meet basic needs, promote understanding abroad of the values and ideals of the United States, and promote an understanding of other peoples by the people of the United States.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development by working with families and communities to improve health care for children, expand agricultural production, teach in schools, fight infectious diseases, protect the environment, and initiate small business opportunities.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote international peace, cross-cultural awareness, and mutual understanding between the United States and other countries.

(7) The Peace Corps is an independent agency, and, therefore, no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers and should be expanded, to the maximum extent practicable, to utilize the talent of returned Peace Corps volunteers.

(9) In fiscal year 2003, the Peace Corps is operating with an annual budget of $295,000,000 in 70 countries, with more than 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation in many parts of the world, particularly in countries with substantial Muslim populations, with respect to United States values and ideals. A new or expanded Peace Corps presence in such places could foster better understanding between the people of the United States and such countries.

(11) Congress has declared, and the Peace Corps Act provides, that the Peace Corps shall maintain, to the maximum extent practicable and appropriate, a volunteer corps of at least 10,000 individuals.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps should not jeopardize the quality of the Peace Corps volunteer experience and, therefore, necessitates, among other things, an appropriate increase in field and headquarters support staff.

(14) In order to ensure that the proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan Peace Corps National Advisory Council composed of distinguished returned Peace Corps volunteers, former Peace Corps staff, and other individuals with diverse backgrounds and expertise can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps as the Director discharges the duties and responsibilities as head of the agency.

TITLE XI—AMENDMENTS TO PEACE CORPS ACT; RELATED PROVISIONS

SEC. 1101. ADVANCING THE GOALS OF THE PEACE CORPS.

(a) RECRUITMENT OF VOLUNTEERS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: ''As an independent agency, the Peace Corps shall be responsible for recruiting all of its volunteers.''.

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by striking ''*Provided*, That'' and inserting ''*Provided*, That such detail or assignment furthers the fulfillment of Peace Corps' development and public diplomacy goals as described in section 2: *Provided further*, That''.

SEC. 1102. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by striking the section heading and the text of section 11 and inserting the following:

"SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

''(a) ANNUAL REPORTS.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information—

''(1) describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

''(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

''(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

''(2) describing—

''(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to the Congress;

''(B) the rationale for undertaking such new initiatives;

''(C) an estimate of the cost of such initiatives; and

''(D) the impact on the safety of volunteers;

''(3) describing in detail the Peace Corps plans, including budgetary plans, to have 14,000 volunteers in service by 2007 while maintaining the quality of the volunteer experience, ensuring the safety and security of all volunteers, and providing for appropriate administrative and other support; and

''(4) describing standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

''(A) by co-locating volunteers with international or local nongovernmental organizations; or

''(B) with the placement of multiple volunteers in one location.

''(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps shall consult with the appropriate congressional committees with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, or as soon as practicable thereafter.''.

(b) ONE–TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) comparing such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommending any additional student loan forgiveness programs which could attract more applications from low- and middle-income individuals who are carrying considerable student-loan debt burdens.

(c) ANNUAL REPORT TO CONGRESS ON THE FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM (FEORP).—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director shall report on the progress of the Peace Corps in recruiting historically underrepresented groups. The Director shall prepare this report in accordance with section 7201 of title 5, United States Code, and subpart B of part 720 of title 5, Code of Federal Regulations.

(d) REPORT ON MAINTAINING THE INTEGRITY OF THE MEDICAL SCREENING AND MEDICAL PLACEMENT COORDINATION PROCESSES.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to the appropriate congressional committees a report that—

(1) describes the medical screening procedures and standards of the Office of Medical Services/Screening Unit of the Peace Corps to determine whether an applicant for Peace Corps service has worldwide clearance, limited clearance, a deferral period, or is not medically, including psychologically, qualified to serve in the Peace Corps as a volunteer;

(2) describes the procedures and criteria for matching applicants for Peace Corps service with a host country to ensure that the applicant, reasonable accommodations notwithstanding, can complete at least two years of volunteer service without interruption to host country national projects due to foreseeable medical conditions; and

(3) with respect to each of fiscal years 2000 through 2002 and the first six months of fiscal year 2003, states the number of—

(A) medical screenings conducted;

(B) applicants who have received worldwide clearance, limited clearance, deferral periods, and medical disqualifications to serve;

(C) Peace Corps volunteers who the agency has had to separate from service due to the discovery of undisclosed medical information; and

(D) Peace Corps volunteers who have terminated their service early due to medical, including psychological, reasons.

SEC. 1103. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR CERTAIN COUNTRIES.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report that—

(1) describes the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in host countries; and

(2) lists the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.—The Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers and former Peace Corps staff who have relevant language and cultural experience and may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 1104. GLOBAL INFECTIOUS DISEASES INITIATIVE; COORDINATION OF HIV/AIDS ACTIVITIES.

(a) INITIATIVE.—

(1) IN GENERAL.—The Director, in cooperation with international public health experts, such as the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall expand the Peace Corps' program of training for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases which are prevalent in host countries in order to ensure that the Peace Corps increases its contribution to the global campaign against such diseases.

(2) ADDITIONAL REQUIREMENT.—Activities for the education, prevention, and treatment of infectious diseases in host countries by the Peace Corps shall be undertaken in a manner that is consistent with activities authorized under sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961.

(b) COORDINATION OF HIV/AIDS ACTIVITIES.—

(1) IN GENERAL.—The Director should designate an officer or employee of the Peace Corps who is located in the United States to coordinate all HIV/AIDS activities within the Peace Corps. Such individual may be an individual who is an officer or employee of the Peace Corps on the date of the enactment of this Act.

(2) FIELD COORDINATION.—In addition to the position established under paragraph (1), the Director should designate an individual within each country in sub-Saharan Africa, the Western Hemisphere, and Asia in which Peace Corps volunteers carry out HIV/AIDS activities to coordinate all such activities of the Peace Corps in such countries.

(c) DEFINITIONS.—In this section:

(1) AIDS.—The term ''AIDS'' means the acquired immune deficiency syndrome.

(2) HIV.—The term ''HIV'' means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term ''HIV/AIDS'' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term ''infectious diseases'' means HIV/AIDS, tuberculosis, and malaria.

SEC. 1105. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers and former Peace Corps staff in fulfilling the goals of the Peace Corps; and'';

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence—

(I) by striking ''fifteen'' and inserting ''eleven''; and

(II) by striking ''President, by and with the advice and consent of the Senate'' and inserting ''Director of the Peace Corps'';

(ii) by striking the second sentence and inserting the following: ''Six of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than six shall be members of the same political party.'';

(B) by striking subparagraph (B);

(C) by amending subparagraph (D) to read as follows:

''(D) The members of the Council shall be appointed to 2-year terms.'';

(D) in subparagraph (H), by striking ''nine'' and inserting ''seven'';

(E) in subparagraph (I), by striking ''President shall nominate'' and inserting ''Director shall appoint''; and

(F) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), (G), and (H), respectively; and

(3) by amending subsection (g) to read as follows:

''(g) CHAIR.—The Director shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a term of two years. The Director may renew the term of a voting member appointed as Chair under the preceding sentence.''.

SEC. 1106. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking ''$125 for each month of satisfactory service'' and inserting ''$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter''; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking ''$125 for each month of satisfactory service'' and inserting ''$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter''.

SEC. 1107. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the objectives of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)).

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—

(A) IN GENERAL.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director may award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop and carry out the programs and projects described in paragraph (2).

(B) DELEGATION OF AUTHORITY AND TRANSFER OF FUNDS.—The Director may delegate the authority to award grants under subparagraph (A) and may transfer funds authorized under this section subject to the notification procedures of section 634A of the Foreign Assistance Act of 1961 to the Chief Executive Officer of the Corporation for National and Community Service (referred to in this section as the ''Corporation'').

(2) PROGRAMS AND PROJECTS.—Such programs and projects may include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers and former Peace Corps staff with a background in community service, education, or health. If the grants are made by the Corporation, the nonprofit corporation shall meet all appropriate Corporation management requirements, as determined by the Corporation.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Peace Corps or the Corporation and the nonprofit corporation that requires that—

(1) the grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation will give consideration to funding individual programs or projects by returned Peace Corps volunteers, in amounts of not more than $50,000, under this section;

(3) not more than 20 percent of the grant funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) the nonprofit corporation will not receive grant funds for programs or projects under this section for a third or subsequent year unless the nonprofit corporation makes available, to carry out the programs or projects during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) the nonprofit corporation shall manage, monitor, and submit reports to the Peace Corps or the Corporation, as the case may be, on each program or project for which the nonprofit corporation receives a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make the members of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Peace Corps or the Corporation—

(1) shall take into consideration the need to minimize overhead costs that direct resources from the funding of programs and projects; and

(2) shall seek to ensure a broad geographical distribution of grants for programs and projects under this section.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section up to $10,000,000. Such sum shall be in addition to funds made available to the Peace Corps under this division.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(h) CRISIS CORPS.—

(1) STATEMENT OF POLICY.—Congress states that the Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers.

(2) INCREASE IN NUMBER OF CRISIS CORPS ASSIGNMENTS.—The Director, in consultation with the governments of host countries and appropriate nongovernmental organizations, shall increase the number of available Crisis Corps assignments for returned Peace Corps volunteers to at least 120 assignments in fiscal year 2004, 140 assignments in fiscal year 2005, 160 assignments in fiscal year 2006, and 165 assignments in fiscal year 2007.

SEC. 1108. DECLARATION OF POLICY.

Congress declares its support for the goal announced by President Bush of doubling the number of Peace Corps volunteers to 14,000 by 2007 and supports the funding levels necessary to accomplish this growth.

SEC. 1109. PEACE CORPS IN SIERRA LEONE.

(a) FINDINGS.—Congress makes the following findings:

(1) Peace Corps service to Sierra Leone was suspended in 1994 due to a brutal civil war between the government and the Revolutionary United Front (RUF).

(2) Backed by British military intervention and a United Nations peacekeeping operation, government authority has been reestablished throughout the country and ''free and fair'' national elections took place in May 2002.

(3) Sierra Leone is a majority Muslim country.

(4) The Peace Corps has given the safety and security of its volunteers high priority.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Peace Corps should return its program to Sierra Leone as soon as security conditions are consistent with the safety and security of its volunteers.

SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking ''and $365,000,000 fiscal year 2003'' and inserting ''$365,000,000 for fiscal year 2003, $366,868,000 for fiscal year 2004, $411,800,000 for fiscal year 2005, $455,930,000 for fiscal year 2006, and $499,400,000 for fiscal year 2007''.

The SPEAKER pro tempore, Mr. LINDER, announced that the yeas had it.

Mr. FLAKE objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 368 / Nays ..... 52 }

¶79.14 [Roll No. 368]

YEAS—368

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Cole
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—52

Akin
Barrett (SC)
Bartlett (MD)
Berry
Bishop (UT)
Blackburn
Brady (TX)
Burgess
Chabot
Coble
Collins
Cubin
Culberson
Davis, Jo Ann
DeMint
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Graves
Hastings (WA)
Hayes
Hefley
Hostettler
Jones (NC)
King (IA)
Miller (FL)
Miller, Gary
Musgrave
Myrick
Norwood
Obey
Otter
Paul
Rahall
Rohrabacher
Ryun (KS)
Shadegg
Shimkus
Shuster
Smith (MI)
Stearns
Tancredo
Taylor (MS)
Toomey
Wamp
Weldon (FL)

NOT VOTING—14

Berkley
Cooper
Ferguson
Fletcher
Fossella
Gephardt
Hayworth
Istook
Janklow
Jefferson
Meeks (NY)
Millender-McDonald
Oxley
Reynolds

So the amendment, as amended, was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LINDER, announced that the yeas had it.

Mr. HYDE demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 382 / Nays ..... 42 }

¶79.15 [Roll No. 369]

AYES—382

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher

Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—42

Akin
Barrett (SC)
Bartlett (MD)
Brown-Waite, Ginny
Coble
Costello
Cubin
Davis, Jo Ann
Deal (GA)
Duncan
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Gutierrez
Hall
Istook
Jenkins
Jones (NC)
Kind
McInnis
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Obey
Paul
Petri
Pombo
Rahall
Ramstad
Rohrabacher
Ryun (KS)
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Toomey
Weldon (FL)

NOT VOTING—10

Berkley
Ferguson
Fletcher
Gephardt
Hayworth
Janklow
Jefferson
Meeks (NY)
Millender-McDonald
Reynolds

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended so as to read: ''An Act to establish the Millennium Challenge Account to provide increased support for certain developing countries; to authorize the expansion of the Peace Corps; to authorize appropriations for the Department of State for fiscal years 2004 and 2005; and to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.''.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.16 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. HYDE, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, cross references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

¶79.17 MOTION TO INSTRUCT CONFEREES TO H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the motion, by Ms. DELAURO, to instruct the conferees on the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, and for other purposes.

The question being put,

Will the House agree to said motion to instruct?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 206 / Nays 220

¶79.18 [Roll No. 370]

YEAS—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—9

Berkley
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Meeks (NY)
Millender-McDonald
Young (FL)

So the motion to instruct the conferees on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶79.19 DEFENSE AUTHORIZATION FY 2004

On motion of Mr. HUNTER, by unanimous consent, the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. HUNTER, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶79.20 MOTION TO INSTRUCT CONFEREES—H.R. 1588

Mr. SPRATT moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1588) be instructed to insist upon the provisions contained in section 3111 of the House bill.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. BASS, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶79.21 APPOINTMENT OF CONFEREES—H.R. 1588

Thereupon, the SPEAKER pro tempore, Mr. BASS, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

From the Committee on Armed Services, for consideration of the House bill and the amendment of the Senate, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, HOSTETTLER, JONES of North Carolina, RYUN of Kansas, GIBBONS, HAYES, Mrs. WILSON of New Mexico, Messrs. CALVERT, SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, TURNER of Texas, Ms. LORETTA SANCHEZ of California, and Mr. COOPER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. GOSS, Mr. HOEKSTRA, and Ms. HARMAN.

From the Committee on Agriculture, for consideration of sections 1057 and 2822 of the House bill, and modifications committed to conference: Messrs. GOODLATTE, LUCAS of Oklahoma, and STENHOLM.

From the Committee on Education and the Workforce, for consideration of sections 544, 553, 563, 567, 907, 1046, 1501, 1502, and 1504 through 1506 of the House bill, and sections 233, 351, 352, 368, 701, 1034, and 1036 of the amendment of the Senate, and modifications committed to conference: Messrs. CASTLE, KLINE and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 601, 3113, 3201, and 3517 of the House bill, and sections 601, 701, 852, 3151, and 3201 of the amendment of the Senate, and modifications committed to conference: Messrs. TAUZIN, BARTON of Texas, and DINGELL.

From the Committee on Financial Services, for consideration of sections 814 and 907 of the House bill, and modifications committed to conference: Messrs. OXLEY, KING of New York, and Mrs. MALONEY.

From the Committee on Government Reform, for consideration of sections 315, 323, 551, 805, 822, 824, 828, 829, 1031, 1046, 1050, 1057, Title XI, Title XIV, sections 2825 and 2826 of the House bill, and sections 326, 801, 811, 813, 822, 831 through 833, 841, 852, 853, 1013, 1035, 1102 through 1104, and 2824 through 2826 of the amendment of the Senate, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, Mrs. JO ANN DAVIS of Virginia, and Messrs. PUTNAM, TURNER of Ohio, WAXMAN, VAN HOLLEN, and DAVIS of Illinois.

From the Select Committee on Homeland Security, for consideration of section 1456 of the House bill, and modifications committed to conference: Messrs. COX, SHADEGG and THOMPSON of Mississippi.

From the Committee on House Administration, for consideration of section 564 of the amendment of the Senate, and modifications committed to conference: Messrs. NEY, MICA, and LARSON of Connecticut.

From the Committee on International Relations, for consideration of sections 1047, 1201, 1202, 1209, Title XIII, sections 3601, 3611, 3631, 3632, 3634, 3635, and 3636 of the House bill, and sections 323, 343, 921, 1201, 1202, 1204, 1205, 1207, 1208, Title XIII and section 3141 of the amendment of the Senate, and modifications committed to conference: Messrs. HYDE, BEREUTER, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 661 through 665 and 851 through 853 of the amendment of the Senate, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 311, 317 through 319, 601, and 1057 of the House bill, and sections 322, 330, and 601 of the amendment of the Senate, and modifications committed to conference: Messrs. POMBO, GILCHREST, REHBERG, RAHALL, and UDALL of New Mexico.

From the Committee on Science, for consideration of sections 852 and 911 of the amendment of the Senate, and modifications committed to conference: Messrs. BOEHLERT, SMITH of Michigan, and HALL of Texas.

From the Committee on Small Business, for consideration of section 866 of the amendment of the Senate, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 312, 601, 907, 1049, 1051 and 2824 of the House bill, and sections 324, 601, and 2821 of the amendment of the Senate, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, and CARSON of Oklahoma.

From the Committee on Veterans' Affairs, for consideration of section 565 of the House bill, and sections 644 and 707 of the amendment of the Senate, and modifications committed to conference: Messrs. SMITH of New Jersey, BILIRAKIS, and FILNER.

From the Committee on Ways and Means, for consideration of section 701 of the amendment of the Senate, and modifications committed to conference: Messrs. THOMAS, MCCRERY, and STARK.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶79.22 PROJECT BIOSHIELD

Mr. TAUZIN, pursuant to the order of the House of July 15, 2003, called up the bill (H.R. 2122) to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes.

Pending consideration of said bill,

Pursuant to the order of the House of July 15, 2003, the following amendment in the nature of a substitute, in lieu of the amendments recommended by the Committee on Government Reform and the Select Committee on Homeland Security now printed in the bill, was considered as agreed to:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Project BioShield Act of 2003''.

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT AUTHORITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

''SEC. 319F–1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING QUALIFIED COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

''(a) IN GENERAL.—

''(1) AUTHORITY.—In conducting and supporting research and development activities regarding biomedical countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section if the activities concern qualified countermeasures.

''(2) QUALIFIED COUNTERMEASURE.—For purposes of this section, the term 'qualified countermeasure' means a priority countermeasure (as defined in section 319F(h) and as determined by the Secretary in accordance with such section and consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) against a chemical, biological, radiological, or nuclear agent that may cause a public health emergency affecting national security.

''(3) INTERAGENCY COOPERATION.—

''(A) IN GENERAL.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

''(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

''(4) AVAILABILITY OF FACILITIES TO THE SECRETARY.—In any grant, contract, or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary

for the purpose of performing, administering, or supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant, contract, or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

''(5) TRANFERS OF QUALIFED COUNTERMEASURES.—Each agreement for an award of a grant, contract, or cooperative agreement under section 319F(h) for the development of a qualified countermeasure shall provide that the recipient of the award will comply with all applicable export-related controls with respect to such countermeasure.

''(b) EXPEDITED PROCUREMENT AUTHORITY.—

''(1) INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR QUALIFIED COUNTERMEASURE PROCUREMENTS.—

''(A) IN GENERAL.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of—

''(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

''(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

''(B) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

''(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

''(ii) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

''(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

''(C) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph.

''(2) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

''(A) IN GENERAL.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement described in paragraph (1) of this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

''(B) RELATION TO OTHER AUTHORITIES.—The authority under subparagraph (A) is in addition to any other authority to use procedures other than competitive procedures.

''(C) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this paragraph in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

''(3) INCREASED MICROPURCHASE THRESHOLD.—

''(A) IN GENERAL.—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

''(B) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for purchases that are under this paragraph and that are greater than $2,500.

''(C) EXCEPTION TO PREFERENCE FOR PURCHASE CARD MECHANISM.—No provision of law establishing a preference for using a Government purchase card method for purchases shall apply to purchases that are under this paragraph and that are greater than $2,500.

''(4) REVIEW.—

''(A) REVIEW ALLOWED.—Notwithstanding any other provision of law, including subsection (f), review of a contracting agency decision relating to a procurement described in paragraph (1) may be had only by filing a protest—

''(i) with a contracting agency; or

''(ii) with the Comptroller General under subchapter V of chapter 35 of title 31, United States Code.

''(B) OVERRIDE OF STAY OF CONTRACT AWARD OR PERFORMANCE COMMITTED TO AGENCY DISCRETION.—Notwithstanding any other provision of law, the following authorizations by the head of a procuring activity are committed to agency discretion:

''(i) An authorization under section 3553(c)(2) of title 31, United States Code, to award a contract for a procurement described in paragraph (1) of this subsection.

''(ii) An authorization under section 3553(d)(3)(C) of such title to perform a contract for a procurement described in paragraph (1) of this subsection.

''(c) AUTHORITY TO EXPEDITE PEER REVIEW.—

''(1) IN GENERAL.—The Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, employ such expedited peer review procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the Director of NIH, deems appropriate to obtain assessment of scientific and technical merit and likely contribution to the field of qualified countermeasure research, in place of the peer review and advisory council review procedures that would be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494, as applicable to a grant, contract, or cooperative agreement—

''(A) that is for performing, administering, or supporting qualified countermeasure research and development activities; and

''(B) the amount of which is not greater than $1,500,000.

''(2) SUBSEQUENT PHASES OF RESEARCH.—The Secretary's determination of whether to employ expedited peer review with respect to subsequent phases of a research grant, contract, or cooperative agreement under this section shall be determined without regard to the peer review procedures used for any prior peer review of that same grant, contract, or cooperative agreement.

''(d) AUTHORITY FOR PERSONAL SERVICES CONTRACTS.—

''(1) IN GENERAL.—For the purpose of performing, administering, or supporting qualified countermeasure research and development activities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, obtain by contract (in accordance with section 3109 of title 5, United States Code, but without regard to the limitations in such section on the period of service and on pay) the personal services of experts or consultants who have scientific or other professional qualifications, except that in no case shall the compensation provided to any such expert or consultant exceed the daily equivalent of the annual rate of compensation for the President.

''(2) FEDERAL TORT CLAIMS ACT COVERAGE.—

''(A) IN GENERAL.—A person carrying out a contract under paragraph (1), and an officer, employee, or governing board member of such person, shall be deemed to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from performance of functions under such contract.

''(B) EXCLUSIVITY OF REMEDY.—The remedy provided by subparagraph (A) shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the person, officer, employee, or governing board member.

''(3) INTERNAL CONTROLS TO BE INSTITUTED.—

''(A) IN GENERAL.—The Secretary shall institute appropriate internal controls for contracts under this subsection, including procedures for the Secretary to make a determination of whether a person, or an officer, employee, or governing board member of a person, is deemed to be an employee of the Department of Health and Human Services pursuant to paragraph (2).

''(B) DETERMINATION OF EMPLOYEE STATUS TO BE FINAL.—A determination by the Secretary under subparagraph (A) that a person, or an officer, employee, or governing board member of a person, is or is not deemed to be an employee of the Department of Health and Human Services shall be final and binding on the Secretary and the Attorney General and other parties to any civil action or proceeding.

''(4) NUMBER OF PERSONAL SERVICES CONTRACTS LIMITED.—The number of experts and consultants whose personal services are obtained under paragraph (1) shall not exceed 30 at any time.

''(e) STREAMLINED PERSONNEL AUTHORITY.—

''(1) IN GENERAL.—In addition to any other personnel authorities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, without regard to such provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, appoint professional and technical employees, not to exceed 30 such employees at any time, to positions in the National Institutes of Health to perform, administer, or support qualified countermeasure research and development activities in carrying out this section.

''(2) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for appointments under this subsection.

''(f) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions by the Secretary under the authority of this section are committed to agency discretion.''.

(b) TECHNICAL AMENDMENT.—Section 481A of the Public Health Service Act (42 U.S.C. 287a-2) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ″Director of the Center''; and

(B) by inserting '', or in the case of the Institute, to any qualified public or private entity,'' after ''private entities'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center''; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''subsection (i)'' and inserting ''subsection (i)(1)'';

(3) in subsection (d), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center'';

(ii) in subparagraph (A), by inserting ''(or, in the case of the Institute, 75 percent)'' after ''50 percent''; and

(iii) in subparagraph (B), by inserting ''(or, in the case of the Institute, 75 percent)'' after ''40 percent'';

(B) in paragraph (2), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center''; and

(C) in paragraph (4), by inserting ''of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director'';

(5) in subsection (f)—

(A) in paragraph (1), by inserting ''in the case of an award by the Director of the Center,'' before ''the applicant''; and

(B) in paragraph (2), by inserting ''of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director''; and

(6) in subsection (i)—

(A) by striking ''APPROPRIATIONS.—For the purpose of carrying out this section,'' and inserting the following: ''APPROPRIATIONS.—

''(1) CENTER.—For the purpose of carrying out this section with respect to the Center,''; and

(B) by adding at the end the following:

''(2) NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.—For the purpose of carrying out this section with respect to the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 and 2004.''.

(c) ADDITIONAL AUTHORITY.—Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following subsection:

''(i) PRIORITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.—

''(1) IN GENERAL.—The Secretary, taking into consideration any recommendations of the working group under subsection (a), may initiate and sustain a program that results in the delivery of priority countermeasures for placement in the stockpile under section 319F–2.

''(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.''.

(d) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.—Section 2106 of the Public Health Service Act (42 U.S.C. 300aa–6) is amended—

(1) in subsection (a), by striking ''authorized to be appropriated'' and all that follows and inserting the following: ''authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.''; and

(2) in subsection (b), by striking ''authorized to be appropriated'' and all that follows and inserting the following: ''authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.''.

(e) TECHNICAL AMENDMENTS.—Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) in subsection (a), by inserting ''the Secretary of Homeland Security,'' after ''Management Agency,''; and

(2) in subsection (h)(4)(B), by striking ''to diagnose conditions'' and inserting ''to treat, identify, or prevent conditions''.

(f) RULE OF CONSTRUCTION.—Nothing in this section has any legal effect on sections 302(2), 302(4), 304(a), or 304(b) of the Homeland Security Act of 2002.

SEC. 3. BIOMEDICAL COUNTERMEASURES PROCUREMENT.

(a) ADDITIONAL AUTHORITY REGARDING STRATEGIC NATIONAL STOCKPILE.—

(1) TRANSFER OF PROGRAM.—Section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 611; 42 U.S.C. 300hh–12) is transferred from such Act to the Public Health Service Act, is redesignated as section 319F–2, and is inserted after section 319F–1 of the Public Health Service Act (as added by section 2 of this Act).

(2) ADDITIONAL AUTHORITY.—Section 319F–2 of the Public Health Service Act, as added by paragraph (1), is amended to read as follows:

''SEC. 319F–2. STRATEGIC NATIONAL STOCKPILE.

''(a) STRATEGIC NATIONAL STOCKPILE.—

''(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Homeland Security Secretary'), in coordination with the Secretary and the Secretary of Veterans Affairs, shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary to be appropriate and practicable, taking into account other available sources, to provide for the emergency health security of the United States, including the emergency health security of children and other vulnerable populations, in the event of a bioterrorist attack or other public health emergency.

''(2) PROCEDURES.—The Secretary, in managing the stockpile under paragraph (1), shall—

''(A) consult with the working group under section 319F(a);

''(B) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

''(C) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

''(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered;

''(E) devise plans for the effective and timely supply-chain management of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure; and

''(F) ensure the adequate physical security of the stockpile.

''(b) SMALLPOX VACCINE DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary shall award contracts, enter into cooperative agreements, or carry out such other activities as may reasonably be required in order to ensure that the stockpile under subsection (a) includes an amount of vaccine against smallpox as determined by such Secretary to be sufficient to meet the health security needs of the United States.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the private distribution, purchase, or sale of vaccines from sources other than the stockpile described in subsection (a).

''(c) ADDITIONAL AUTHORITY REGARDING PROCUREMENT OF CERTAIN BIOMEDICAL COUNTERMEASURES; AVAILABILITY OF SPECIAL RESERVE FUND.—

''(1) IN GENERAL.—

''(A) USE OF FUND.—A security countermeasure may, in accordance with this subsection, be procured with amounts in the special reserve fund under paragraph (10).

''(B) SECURITY COUNTERMEASURE.—For purposes of this subsection, the term 'security countermeasure' means a priority countermeasure (as defined in section 319F(h) and as determined by the Secretary in accordance with such section and consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) that—

''(i)(I) is against a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii);

''(II) is determined under paragraph (2)(B)(ii) to be a necessary countermeasure; and

''(III)(aa) is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act, or licensed under section 351 of this Act, for use as a countermeasure to a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii); or

''(bb) is a priority countermeasure for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the countermeasure will qualify for approval or licensing after the date of a determination under paragraph (5); or

''(ii) is authorized under section 564 of the Federal Food, Drug, and Cosmetic Act for emergency use.

''(2) DETERMINATION OF MATERIAL THREATS.—

''(A) MATERIAL THREAT.—The Homeland Security Secretary, in consultation with the heads of other agencies as appropriate, shall on an ongoing basis—

''(i) assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and

''(ii) determine which of such agents present a material threat against the United States population.

''(B) PUBLIC HEALTH IMPACT; NECESSARY COUNTERMEASURES.—The Secretary shall on an ongoing basis—

''(i) assess the potential public health consequences of use against the United States population of agents identified under subparagraph (A)(ii); and

''(ii) determine, on the basis of such assessment, the agents for which priority countermeasures are necessary to protect the public health from a material threat.

''(C) NOTICE TO CONGRESS.—The Secretary and the Homeland Security Secretary shall promptly notify the designated congressional committees (as defined in paragraph (10) that a determination has been made pursuant to subparagraph (A) or (B). Such notice shall be in unclassified or, if necessary, classified form.

''(D) ASSURING ACCESS TO THREAT INFORMATION.—In making the assessment and determination required under subparagraph (A), the Homeland Security Secretary shall use all information to which such Secretary is entitled under section 202 of the Homeland

Security Act of 2002, including but not limited to information, regardless of its level of classification, relating to current and emerging threats of chemical, biological, radiological, and nuclear agents.

''(3) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES.—The Secretary, in consultation with the Homeland Security Secretary, shall assess on an ongoing basis the availability and appropriateness of specific countermeasures to address specific threats identified under paragraph (2).

''(4) CALL FOR DEVELOPMENT OF COUNTERMEASURES; COMMITMENT FOR RECOMMENDATION FOR PROCUREMENT.—

''(A) PROPOSAL TO THE PRESIDENT.—If, pursuant to an assessment under paragraph (3), the Homeland Security Secretary and the Secretary make a determination that a countermeasure would be appropriate but is either currently unavailable for procurement as a security countermeasure or is approved, licensed, or cleared only for alternative uses, such Secretaries may jointly submit to the President a proposal to—

''(i) issue a call for the development of such countermeasure; and

''(ii) make a commitment that, upon the first development of such countermeasure that meets the conditions for procurement under paragraph (5), the Secretaries will, based in part on information obtained pursuant to such call, make a recommendation under paragraph (6) that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

''(B) COUNTERMEASURE SPECIFICATIONS.—The Homeland Security Secretary and the Secretary shall, to the extent practicable, include in the proposal under subparagraph (A)—

''(i) estimated quantity of purchase (in the form of number of doses or number of effective courses of treatments regardless of dosage form);

''(ii) necessary measures of minimum safety and effectiveness;

''(iii) estimated price for each dose or effective course of treatment regardless of dosage form; and

''(iv) other information that may be necessary to encourage and facilitate research, development, and manufacture of the countermeasure or to provide specifications for the countermeasure.

''(C) PRESIDENTIAL APPROVAL.—If the President approves a proposal under subparagraph (A), the Homeland Security Secretary and the Secretary shall make known to persons who may respond to a call for the countermeasure involved—

''(i) the call for the countermeasure;

''(ii) specifications for the countermeasure under subparagraph (B); and

''(iii) the commitment described in subparagraph (A)(ii).

''(5) SECRETARY'S DETERMINATION OF COUNTERMEASURES APPROPRIATE FOR FUNDING FROM SPECIAL RESERVE FUND.—

''(A) IN GENERAL.—The Secretary, in accordance with the provisions of this paragraph, shall identify specific security countermeasures that the Secretary determines, in consultation with the Homeland Security Secretary, to be appropriate for inclusion in the stockpile under subsection (a) pursuant to procurements made with amounts in the special reserve fund under paragraph (10) (referred to in this subsection individually as a 'procurement under this subsection').

''(B) REQUIREMENTS.—In making a determination under subparagraph (A) with respect to a security countermeasure, the Secretary shall determine and consider the following:

''(i) The quantities of the product that will be needed to meet the needs of the stockpile.

''(ii) The feasibility of production and delivery within five years of sufficient quantities of the product.

''(iii) Whether there is a lack of a significant commercial market for the product at the time of procurement, other than as a security countermeasure.

''(6) RECOMMENDATION FOR PRESIDENT'S APPROVAL.—

''(A) RECOMMENDATION FOR PROCUREMENT.—In the case of a security countermeasure that the Secretary has, in accordance with paragraphs (3) and (5), determined to be appropriate for procurement under this subsection, the Homeland Security Secretary and the Secretary shall jointly submit to the President, in coordination with the Director of the Office of Management and Budget, a recommendation that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

''(B) PRESIDENTIAL APPROVAL.—The special reserve fund under paragraph (10) is available for a procurement of a security countermeasure only if the President has approved a recommendation under subparagraph (A) regarding the countermeasure.

''(C) NOTICE TO DESIGNATED CONGRESSIONAL COMMITTEES.—The Secretary and the Homeland Security Secretary shall notify the designated congressional committees of each decision of the President to approve a recommendation under subparagraph (A). Such notice shall include an explanation of the decision to make available the special reserve fund under paragraph (10) for procurement of such a countermeasure, including, where available, the identification of the potential supplier or suppliers of such countermeasure, and whether other potential suppliers of the same or similar countermeasures were considered and rejected for procurement under this section and the reasons therefor.

''(D) SUBSEQUENT SPECIFIC COUNTERMEASURES.—Procurement under this subsection of a security countermeasure for a particular purpose does not preclude the subsequent procurement under this subsection of any other security countermeasure for such purpose if the Secretary has determined under paragraph (5)(A) that such countermeasure is appropriate for inclusion in the stockpile and if, as determined by the Secretary, such countermeasure provides improved safety or effectiveness, or for other reasons enhances preparedness to respond to threats of use of a biological, chemical, radiological, or nuclear agent. Such a determination by the Secretary is committed to agency discretion.

''(E) RULE OF CONSTRUCTION.—Recommendations and approvals under this paragraph apply solely to determinations that the special reserve fund under paragraph (10) will be made available for a procurement of a security countermeasure, and not to the substance of contracts for such procurement or other matters relating to awards of such contracts.

''(7) PROCUREMENT.—

''(A) IN GENERAL.—For purposes of a procurement under this subsection that is approved by the President under paragraph (6), the Homeland Security Secretary and the Secretary shall have responsibilities in accordance with subparagraphs (B) and (C).

''(B) INTERAGENCY AGREEMENTS.—

''(i) FOR PROCUREMENT.—The Homeland Security Secretary shall enter into an agreement with the Secretary for procurement of a security countermeasure in accordance with the provisions of this paragraph. The special reserve fund under paragraph (10) shall be available for the Secretary's costs of such procurement, other than as provided in clause (ii).

''(ii) FOR ADMINISTRATIVE COSTS.—The agreement entered into between the Homeland Security Secretary and the Secretary for managing the stockpile under subsection (a) shall provide for reimbursement of the Secretary's administrative costs relating to procurements under this subsection.

''(C) PROCUREMENT.—

''(i) IN GENERAL.—The Secretary shall be responsible for—

''(I) arranging for procurement of a security countermeasure, including negotiating terms (including quantity, production schedule, and price) of, and entering into, contracts and cooperative agreements, and for carrying out such other activities as may reasonably be required, in accordance with the provisions of this subparagraph; and

''(II) promulgating such regulations as the Secretary determines necessary to implement the provisions of this subsection.

''(ii) CONTRACT TERMS.—A contract for procurements under this subsection shall (or, as specified below, may) include the following terms:

''(I) PAYMENT CONDITIONED ON SUBSTANTIAL DELIVERY.—The contract shall provide that no payment may be made until delivery has been made of a substantial portion (as determined by the Secretary) of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment is necessary to ensure success of a project, the Secretary may pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform under the contract, except in special circumstances as determined by the Secretary on a contract by contract basis. Nothing in this subclause may be construed as affecting rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to termination of contracts for the convenience of the Government.

''(II) CONTRACT DURATION.—The contract shall be for a period not to exceed five years, except that, in first awarding the contract, the Secretary may provide for a longer duration, not exceeding eight years, if the Secretary determines that complexities or other difficulties in performance under the contract justify such a period. The contract shall be renewable for additional periods, none of which shall exceed five years.

''(III) STORAGE BY VENDOR.—The contract may provide that the vendor will provide storage for stocks of a product delivered to the ownership of the Federal Government under the contract, for such period and under such terms and conditions as the Secretary may specify, and in such case amounts from the special reserve fund under paragraph (10) shall be available for costs of shipping, handling, storage, and related costs for such product.

''(IV) NON-STOCKPILE TRANSFERS OF SECURITY COUNTERMEASURES.—The contract shall provide that the vendor will comply with all applicable export-related controls with respect to such countermeasure.

''(iii) AVAILABILITY OF SIMPLIFIED ACQUISITION PROCEDURES.—

''(I) IN GENERAL.—If the Secretary determines that there is a pressing need for a procurement of a specific countermeasure, the amount of the procurement under this subsection shall be deemed to be below the threshold amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), for purposes of application to such procurement, pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), of—

''(aa) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of

1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

''(bb) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

''(II) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subclause (I) and the provision of law and regulations referred to in such clause, each of the following provisions shall apply to procurements described in this clause to the same extent that such provisions would apply to such procurements in the absence of subclause (I):

''(aa) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

''(bb) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

''(cc) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

''(iv) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

''(I) IN GENERAL.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement under this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

''(II) RELATION TO OTHER AUTHORITIES.—The authority under subclause (I) is in addition to any other authority to use procedures other than competitive procedures.

''(III) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this clause in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

''(v) PREMIUM PROVISION IN MULTIPLE AWARD CONTRACTS.—

''(I) IN GENERAL.—If, under this subsection, the Secretary enters into contracts with more than one vendor to procure a security countermeasure, such Secretary may, notwithstanding any other provision of law, include in each of such contracts a provision that—

''(aa) identifies an increment of the total quantity of security countermeasure required, whether by percentage or by numbers of units; and

''(bb) promises to pay one or more specified premiums based on the priority of such vendors' production and delivery of the increment identified under item (aa), in accordance with the terms and conditions of the contract.

''(II) DETERMINATION OF GOVERNMENT'S REQUIREMENT NOT REVIEWABLE.—If the Secretary includes in each of a set of contracts a provision as described in subclause (I), such Secretary's determination of the total quantity of security countermeasure required, and any amendment of such determination, is committed to agency discretion.

''(vi) EXTENSION OF CLOSING DATE FOR RECEIPT OF PROPOSALS NOT REVIEWABLE.—A decision by the Secretary to extend the closing date for receipt of proposals for a procurement under this subsection is committed to agency discretion.

''(vii) LIMITING COMPETITION TO SOURCES RESPONDING TO REQUEST FOR INFORMATION.—In conducting a procurement under this subsection, the Secretary may exclude a source that has not responded to a request for information under section 303A(a)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(1)(B)) if such request has given notice that the Secretary may so exclude such a source.

''(8) INTERAGENCY COOPERATION.—

''(A) IN GENERAL.—In carrying out activities under this section, the Homeland Security Secretary and the Secretary are authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

''(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section to the Homeland Security Secretary or to the Secretary.

''(9) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund under paragraph (10) shall not be used to pay—

''(A) costs for the purchase of vaccines under procurement contracts entered into before the date of the enactment of the Project BioShield Act of 2003; or

''(B) administrative costs.

''(10) DEFINITIONS.—

''(A) SPECIAL RESERVE FUND.—For purposes of this subsection, the term 'special reserve fund' has the meaning given such term in section 510 of the Homeland Security Act of 2002.

''(B) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term 'designated congressional committees' means the following committees of the Congress:

''(i) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

''(ii) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

''(d) DISCLOSURES.—No Federal agency shall disclose under section 552 of title 5, United States Code, any information identifying the location at which materials in the stockpile under subsection (a) are stored.

''(e) DEFINITION.—For purposes of subsection (a), the term 'stockpile' includes—

''(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

''(2) a contractual agreement between the Secretary and a vendor or vendors under which such vendor or vendors agree to provide to such Secretary supplies described in subsection (a).

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) STRATEGIC NATIONAL STOCKPILE.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund under subsection (c)(10).

''(2) SMALLPOX VACCINE DEVELOPMENT.—For the purpose of carrying out subsection (b), there are authorized to be appropriated $509,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

(b) AMENDMENT TO HOMELAND SECURITY ACT OF 2002.—Title V of the Homeland Security Act of 2002 (116 Stat. 2212; 6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 510. PROCUREMENT OF SECURITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the procurement of security countermeasures under section 319F–2(c) of the Public Health Service Act (referred to in this section as the 'security countermeasures program'), there is authorized to be appropriated up to $5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed $3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

''(b) SPECIAL RESERVE FUND.—For purposes of the security countermeasures program, the term 'special reserve fund' means the appropriations account established as a result of any appropriations made under subsection (a).

''(c) AVAILABILITY.—

''(1) INTEGRITY OF SPECIAL RESERVE FUND; LIMITATION OF OBLIGATIONAL AUTHORITY TO FUND PURPOSES; INTENT OF CONGRESS AGAINST REPROGRAMMING.—Subject to paragraph (2), all amounts appropriated under subsection (a) are available for obligation through the end of fiscal year 2013 and only for the specific purposes set forth in the security countermeasures program. It is the intent of the Congress that no portion of such amount that remains unobligated for such purposes shall be applied, through reprogramming or otherwise, to any other purpose.

''(2) INITIAL AVAILABILITY FOR PARTICULAR PROCUREMENTS.—Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.

''(d) RELATED AUTHORIZATIONS OF APPROPRIATIONS.—

''(1) THREAT ASSESSMENT CAPABILITIES.—For the purpose of carrying out the responsibilities of the Secretary for terror threat assessment under the security countermeasures program, there are authorized to be appropriated $5,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006, for the hiring of professional personnel within the Directorate for Information Analysis and Infrastructure Protection, who shall be analysts responsible for chemical, biological, radiological, and nuclear threat assessment (including but not limited to analysis of chemical, biological, radiological, and nuclear agents, the means by which such agents could be weaponized or used in a terrorist attack, and the capabilities, plans, and intentions of terrorists and other non-state actors who may have or acquire such agents). All such analysts shall meet the applicable standards and qualifications for the performance of intelligence activities promulgated by the Director of Central Intelligence pursuant to section 104 of the National Security Act of 1947.

''(2) INTELLIGENCE SHARING INFRASTRUCTURE.—For the purpose of carrying out the acquisition and deployment of secure facilities (including information technology and physical infrastructure, whether mobile and temporary, or permanent) sufficient to permit the Secretary to receive, not later than December 31, 2003, all classified information and products to which the Under Secretary for Information Analysis and Infrastructure Protection is entitled under subtitle A of title II, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006.''.

SEC. 4. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following section:

''SEC. 564. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

''(a) IN GENERAL.—

''(1) EMERGENCY USES.—Notwithstanding sections 505, 510(k), and 515 of this Act and

section 351 of the Public Health Service Act, and subject to the provisions of this section, the Secretary may authorize the introduction into interstate commerce, during the effective period of a declaration under subsection (b), of a drug, device, or biological product intended for use in an actual or potential emergency (referred to in this section as an 'emergency use').

''(2) APPROVAL STATUS OF PRODUCT.—An authorization under paragraph (1) may authorize an emergency use of a product that—

''(A) is not approved, licensed, or cleared for commercial distribution under a provision of law referred to in such paragraph (referred to in this section as an 'unapproved product'); or

''(B) is approved, licensed, or cleared under such a provision, but which use is not under such provision an approved, licensed, or cleared use of the product (referred to in this section as an 'unapproved use of an approved product').

''(3) RELATION TO OTHER USES.—An emergency use authorized under paragraph (1) for a product is in addition to any other use that is authorized for the product under a provision of law referred to in such paragraph.

''(4) DEFINITIONS.—For purposes of this section:

''(A) The term 'biological product' has the meaning given such term in section 351 of the Public Health Service Act.

''(B) The term 'emergency use' has the meaning indicated for such term in paragraph (1).

''(C) The term 'product' means a drug, device, or biological product.

''(D) The term 'unapproved product' has the meaning indicated for such term in paragraph (2)(A).

''(E) The term 'unapproved use of an approved product' has the meaning indicated for such term in paragraph (2)(B).

''(b) DECLARATION OF EMERGENCY.—

''(1) IN GENERAL.—The Secretary may declare an emergency justifying the authorization under this subsection for a product on the basis of—

''(A) a determination by the Secretary of Homeland Security that there is a national emergency, or a significant potential for a national emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents;

''(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; or

''(C) a determination by the Secretary of a public health emergency under section 319 of the Public Health Service Act, affecting national security and involving a specified biological, chemical, radiological, or nuclear agent or agents, or a specified disease or condition that may be attributable to such agent or agents.

''(2) TERMINATION OF DECLARATION.—

''(A) IN GENERAL.—A declaration under this subsection shall terminate upon the earlier of—

''(i) a determination by the Secretary, in consultation as appropriate with the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist; or

''(ii) the expiration of the one-year period beginning on the date on which the declaration is made.

''(B) RENEWAL.—Notwithstanding subparagraph (A), the Secretary may renew a declaration under this subsection, and this paragraph shall apply to any such renewal.

''(3) ADVANCE NOTICE OF TERMINATION.—In terminating a declaration under this section, the Secretary shall provide advance notice that the declaration will be terminated. The period of advance notice shall be a period reasonably determined to provide—

''(A) in the case of an unapproved product, a sufficient period for disposition of shipments of the product, including the return of such shipments to the manufacturer (in the case of a manufacturer that chooses to have the shipments returned); and

''(B) in the case of unapproved uses of approved products, a sufficient period for the disposition of any labeling that was provided with respect to the emergency use involved.

''(4) PUBLICATION.—The Secretary shall promptly publish in the Federal Register each declaration, determination, and renewal under this subsection.

''(c) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—The Secretary may issue an authorization under this section with respect to the emergency use of a product only if, after consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention, to the extent feasible and appropriate given the circumstances of the emergency involved, the Secretary concludes—

''(1) that an agent specified in a declaration under subsection (b) can cause a serious or life-threatening disease or condition;

''(2) that, based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

''(A) the product may be effective in detecting, diagnosing, treating, or preventing—

''(i) such disease or condition; or

''(ii) a serious or life-threatening disease or condition caused by a product authorized under this section or approved under this Act or the Public Health Service Act, for detecting, diagnosing, treating, or preventing such a disease or condition caused by such an agent; and

''(B) the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product;

''(3) that there is no adequate, approved, and available alternative to the product for detecting, diagnosing, preventing, or treating such disease or condition; and

''(4) that such other criteria as the Secretary may by regulation prescribe are satisfied.

''(d) SCOPE OF AUTHORIZATION.—

''(1) IN GENERAL.—An authorization of a product under this section shall state—

''(A) each disease or condition that the product may be used to detect, diagnose, prevent, or treat within the scope of the authorization;

''(B) the Secretary's conclusions, made under subsection (c)(2)(B), that the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product; and

''(C) the Secretary's conclusions, made under subsection (c), concerning the safety and potential effectiveness of the product in detecting, diagnosing, preventing, or treating such diseases or conditions, including an assessment of the available scientific evidence.

''(2) CONFIDENTIAL INFORMATION.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

''(e) CONDITIONS OF AUTHORIZATION.—

''(1) UNAPPROVED PRODUCT.—

''(A) REQUIRED CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, shall, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

''(i) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, health care professionals administering the product are informed—

''(I) that the Secretary has authorized the emergency use of the product;

''(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

''(III) of the alternatives to the product that are available, and of their benefits and risks.

''(ii) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, individuals to whom the product is administered are informed—

''(I) that the Secretary has authorized the emergency use of the product;

''(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

''(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

''(iii) Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.

''(iv) For manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

''(B) AUTHORITY FOR ADDITIONAL CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, may, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

''(i) Appropriate conditions on which entities may distribute the product with respect to the emergency use of the product (including limitation to distribution by government entities), and on how distribution is to be performed.

''(ii) Appropriate conditions on who may administer the product with respect to the emergency use of the product, and on the categories of individuals to whom, and the circumstances under which, the product may be administered with respect to such use.

''(iii) For persons other than manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

''(iv) With respect to the emergency use of the product, waive or limit, to the extent appropriate given the circumstances of the emergency, conditions regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established in section 501.

''(2) UNAPPROVED USE.—With respect to the emergency use of a product that is an unapproved use of an approved product:

''(A) The Secretary may, for manufacturers of the product who choose to carry out one or more activities for which the authorization is issued, establish any of the conditions described in clauses (i) through (iv) of paragraph (1)(A).

''(B)(i) If the authorization under this section regarding the emergency use authorizes a change in the labeling of the product, but the manufacturer of the product chooses not to make such change, such authorization may not authorize distributors of the product or any other person to alter or obscure the labeling provided by the manufacturer.

''(ii) In the circumstances described in clause (i), an authorization under this section regarding the emergency use may, for persons who do not manufacture the product and who choose to act under this clause, authorize such persons to provide information on the product in addition to the labeling provided by the manufacturer, subject to compliance with clause (i). Such additional information shall not be considered labeling for purposes of section 502.

''(f) DURATION OF AUTHORIZATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an authorization under this section shall be effective until the earlier of the termination of the declaration under subsection (b) or a revocation under subsection (g).

''(2) CONTINUED USE AFTER END OF EFFECTIVE PERIOD.—Notwitstanding the termination of the declaration under subsection (b) or a revocation under subsection (g), an authorization shall continue to be effective for continued use with respect to patients to whom it was administered during the period described by paragraph (1), to the extent found necessary by such patients' attending physicians.

''(g) REVOCATION OF AUTHORIZATION.—

''(1) REVIEW.—The Secretary shall periodically review the circumstances and the appropriateness of an authorization under this section.

''(2) REVOCATION.—The Secretary may revoke an authorization under this section if, in the Secretary's unreviewable discretion, the criteria under subsection (c) for issuance of such authorization are no longer met.

''(h) PUBLICATION.—The Secretary shall promptly publish in the Federal Register a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons therefor, under this section.

''(i) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions under the authority of this section by the Secretary, by the Secretary of Defense, or by the Secretary of Homeland Security are committed to agency discretion.

''(j) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect—

''(1) the authority of the President as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution;

''(2) the authority of the Secretary of Defense with respect to the Department of Defense, including the armed forces, under other provisions of Federal law; or

''(3) the authority of the Secretary under section 319F–2 to manage the stockpile under such section.

''(k) APPLICATION TO MEMBERS OF ARMED FORCES.—

''(1) WAIVER OF REQUIREMENT RELATING TO OPTION TO REFUSE.—In the case of administration of a countermeasure to members of the armed forces, a requirement, under subsection (e)(1)(A)(ii)(III), designed to ensure that individuals are informed of an option to accept or refuse administration of a product, may be waived by the President if the President determines, in writing, that complying with such requirement is not feasible, is contrary to the best interests of the members affected, or is not in the interests of national security.

''(2) PROVISION OF INFORMATION TO MEMBER OF THE ARMED FORCES.—If the Secretary makes a determination that it is not feasible for the information required by subsection (e)(1)(A)(ii) to be provided to a member of the armed forces prior to the administration of the product, such information shall be provided to such member of the armed forces (or next-of-kin in the case of the death of a member) to whom the product was administered as soon as possible, but not later than 30 days, after such administration. Information concerning the administration of the product shall be recorded in the medical record of the member.

''(3) EFFECT ON STATUTE PERTAINING TO INVESTIGATIONAL NEW DRUGS.—In the case of an authorization based on a determination by the Secretary of Defense under subsection (b)(1)(B), section 1107 of title 10, United States Code, shall not apply to use of a product that is the subject of such authorization, within the scope of such authorization and while such authorization is effective.

''(l) RELATION TO OTHER PROVISIONS.—If a product is the subject of an authorization under this section, the use of such product within the scope of the authorization —

''(1) shall not be subject to any requirements pursuant to section 505(i) or 520(g); and

''(2) shall not be subject to any requirements otherwise applicable to clinical investigations pursuant to other provisions of this Act.

''(m) DISCRETION REGARDING USE OF AUTHORIZATION.—Nothing in this section provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section, and no person is required to inform the Secretary that the person will not be carrying out such activity, except that a manufacturer of a sole-source unapproved product authorized for emergency use shall notify the Secretary within a reasonable period of time after the issuance by the Secretary of such authorization if such manufacturer does not intend to carry out an activity or activities under the authorization. This section does not have any legal effect on a person who does not carry out any activity for which an authorization under this section is issued, or who carries out such an activity pursuant to other provisions of this Act or section 351 of the Public Health Service Act.

''(n) ENFORCEMENT.—A person who carries out an activity pursuant to an authorization under this section, but who fails to comply with applicable conditions under subsection (e), is with respect to that act of noncompliance subject to the provisions of law specified in subsection (a) and to the enforcement of such provisions under section 301.''.

SEC. 5. REPORTS REGARDING AUTHORITIES UNDER THIS ACT.

(a) SECRETARY OF HEALTH AND HUMAN SERVICES.—

(1) ANNUAL REPORTS ON PARTICULAR EXERCISES OF AUTHORITY.—

(A) RELEVANT AUTHORITIES.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall submit reports in accordance with subparagraph (B) regarding the exercise of authority under the following provisions of law:

(i) With respect to section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(I) Subsection (b)(1) (relating to increased simplified acquisition threshold).

(II) Subsection (b)(2) (relating to procedures other than full and open competition).

(III) Subsection (c) (relating to expedited peer review procedures).

(ii) With respect to section 319F–2 of the Public Health Service Act (as added by section 3 of this Act):

(I) Subsection (c)(7)(C)(iii) (relating to simplified acquisition procedures).

(II) Subsection (c)(7)(C)(iv) (relating to procedures other than full and open competition).

(III) Subsection (c)(7)(C)(v) (relating to premium provision in multiple-award contracts).

(iii) With respect to section 564 of the Federal Food, Drug, and Cosmetic Act (as added by section 4 of this Act):

(I) Subsection (a)(1) (relating to emergency uses of certain drugs and devices).

(II) Subsection (b)(1) (relating to a declaration of an emergency).

(III) Subsection (e) (relating to conditions on authorization).

(B) CONTENTS OF REPORTS.—The Secretary shall annually submit to the designated congressional committees a report that summarizes—

(i) the particular actions that were taken under the authorities specified in subparagraph (A), including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities;

(iii) the identification of each person or entity that received, or was considered and rejected for, grants, cooperative agreements, or contracts pursuant to the use of such authorities; and

(iv) whether, with respect to each procurement that is approved by the President under section 319F–2(c)(6) of the Public Health Service Act (as added by section 3 of this Act), a contract was entered into within one year after such approval by the President.

(2) ANNUAL SUMMARIES REGARDING CERTAIN ACTIVITY.—The Secretary shall annually submit to the designated congressional committees a report that summarizes the activity undertaken pursuant to the following authorities under section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(A) Subsection (b)(3) (relating to increased micropurchase threshold).

(B) Subsection (d) (relating to authority for personal services contracts).

(C) Subsection (e) (relating to streamlined personnel authority).

With respect to subparagraph (B), the report shall include a provision specifying, for the one-year period for which the report is submitted, the number of persons who were paid amounts greater than $100,000 and the number of persons who were paid amounts between $50,000 and $100,000.

(b) NATIONAL ACADEMY OF SCIENCES REVIEW.—

(1) IN GENERAL.—Not later than four years after the date of the enactment of this Act, the Secretary of Health and Human Services shall request the National Academy of Sciences to enter into an agreement for a review of the biomedical countermeasure research and development authorities established in this Act to determine whether and to what extent activities undertaken pursuant to such authorities have enhanced the development of biomedical countermeasures affecting national security, and to recommend any legislative or administrative changes necessary to improve the ability of the Secretary to carry out these activities in the future. The Secretary shall ensure that

the results of the study are submitted to the designated congressional committees not later than five years after such date of enactment.

(2) CERTAIN CONTENTS.—The report under paragraph (1) shall include—

(A) a summary of the most recent analysis by the Department of Homeland Security and the intelligence community of the domestic threat from chemical, biological, radiological, and nuclear agents;

(B) the Academy's assessment of the current availability of countermeasures to address such threats;

(C) the Academy's assessment of the extent to which programs and activities under this Act will reduce any gap between the threat and the availability of countermeasures to an acceptable level of risk; and

(D)(i) the Academy's assessment of threats to national security that are posed by technology that will enable, during the 10-year period beginning on the date of the enactment of this Act, the development of antibiotic resistant, mutated, or bioengineered strains of biological agents; and

(ii) recommendations on short-term and long-term governmental strategies for addressing such threats, including recommendations for Federal policies regarding research priorities, the development of countermeasures, and investments in technology.

(c) GENERAL ACCOUNTING OFFICE REVIEW.—Four years after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study—

(1)(A) to review the Secretary of Health and Human Services' utilization of the authorities granted under this Act with respect to simplified acquisition procedures, procedures other than full and open competition, increased micropurchase thresholds, personal services contracts, streamlined personnel authority, and the purchase of security countermeasures under the special reserve fund; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authorities in the future;

(2)(A) to review the internal controls instituted by such Secretary with respect to such authorities, where required by this Act; and

(B) to recommend any legislative or administrative changes necessary to improve the effectiveness of such controls; and

(3)(A) to review such Secretary's utilization of the authority granted under this Act to authorize an emergency use of a biomedical countermeasure, including the means by which the Secretary determines whether and under what conditions any such authorizations should be granted and the benefits and adverse impacts, if any, resulting from the use of such authority; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authority and to enhance protection of the public health.

The results of the study shall be submitted to the designated congressional committees not later than five years after the date of the enactment of this Act.

(d) REPORT REGARDING BARRIERS TO PROCUREMENT OF SECURITY COUNTERMEASURES.—

(1) BIOCONTAINMENT FACILITIES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Health and Human Services shall jointly report to the designated congressional committees whether there is a lack of adequate large-scale biocontainment facilities necessary for the testing of security countermeasures in accordance with Food and Drug Administration requirements.

(2) ADDITIONAL BARRIERS.—Not later than one year after the date of enactment of this Act, such Secretaries shall jointly report to the designated congressional committees any other potential barriers to the procurement of security countermeasures that have not been addressed by this Act.

(e) STATUS OF PROGRAM FOR CHEMICAL TERRORISM PREPAREDNESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the designated congressional committees a report describing the status of the program carried out by the Secretary to enhance the preparedness of the United States to respond to terrorist attacks involving chemical agents.

(f) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term ''designated congressional committees'' means the following committees of the Congress:

(1) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

(2) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

SEC. 6. OUTREACH.

The Secretary of Health and Human Services shall develop outreach measures to ensure to the extent practicable that diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations, are meaningfully aware of available research and development grants, contracts, cooperative agreements, and procurements conducted under sections 2 and 3 of this Act.

SEC. 7. RECOMMENDATION FOR EXPORT CONTROLS ON CERTAIN BIOMEDICAL COUNTERMEASURES.

Upon the award of any grant, contract, or cooperative agreement under section 2 or 3 of this Act for the research, development, or procurement of a qualified countermeasure or a security countermeasure (as those terms are defined in this Act), the Secretary of Health and Human Services shall, in consultation with the heads of other appropriate Federal agencies, determine whether the countermeasure involved in such grant, contract, or cooperative agreement is subject to existing export-related controls and, if not, may make a recommendation to the appropriate Federal agency or agencies that such countermeasure should be included on the list of controlled items subject to such controls.

SEC. 8. ENSURING COORDINATION, COOPERATION AND THE ELIMINATION OF UNNECESSARY DUPLICATION IN PROGRAMS DESIGNED TO PROTECT THE HOMELAND FROM BIOLOGICAL, CHEMICAL, RADIOLOGICAL, AND NUCLEAR AGENTS.

(a) ENSURING COORDINATION OF PROGRAMS.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall ensure that the activities of their respective Departments coordinate, complement, and do not unnecessarily duplicate programs to identify potential domestic threats from biological, chemical, radiological or nuclear agents, detect domestic incidents involving such agents, analyze such incidents, and develop necessary countermeasures. The aforementioned Secretaries shall further ensure that information and technology possessed by the Departments relevant to these activities are shared with the other Departments.

(b) DESIGNATION OF AGENCY COORDINATION OFFICER.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall each designate an officer or employee of their respective Departments who shall coordinate, through regular meetings and communications, with the other aforementioned Departments such programs and activities carried out by their Departments.

The SPEAKER pro tempore, Mr. JENKINS, pursuant to the order of the House of July 15, 2003, recognized Messrs. TAUZIN and BROWN of Ohio, for 30 minutes each; and Messrs. Tom DAVIS of Virginia, WAXMAN, COX, and TURNER of Texas, for seven and one-half minutes each.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to the order of the House of July 15, 2003, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. GILCHREST, announced that the yeas had it.

Mr. COX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the bill were postponed.

¶79.23 PROVIDING FOR THE CONSIDERATION OF H.R. 2691

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 319):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 84, line 21, through page 89; page 90, line 4 through line 9. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with

such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

Mr. HASTINGS of Washington moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 219 / Nays ..... 199 }

¶79.24 [Roll No. 371]

YEAS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Berkley
Brown, Corrine
Cole
Deal (GA)
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Johnson (IL)
Kolbe
Lowey
Millender-McDonald
Payne
Royce
Sweeney

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 232 / Nays ..... 189 }

¶79.25 [Roll No. 372]

AYES—232

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Fattah
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—189

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman

Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Berkley
Brown, Corrine
Cox
Deal (GA)
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Millender-McDonald
Payne
Royce
Sweeney

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶79.26 H.R. 2122—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be the question on the passage of the bill (H.R. 2122) to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays ..... 2 }

¶79.27 [Roll No. 373]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—11

Berkley
Brown, Corrine
Cannon
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Millender-McDonald
Sweeney
Weller

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.28 H. CON. RES. 6—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 6) supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays ..... 0 }

¶79.29 [Roll No. 374]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass

Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Berkley
Brown, Corrine
Castle
Emerson
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Millender-McDonald
Sweeney

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶79.30 PROVIDING FOR A CLOSED CONFERENCE—H.R. 1588

Mr. HUNTER moved, pursuant to clause 12(a)(2) of rule XXII, that the conference committee meetings between the House and the Senate on the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes; be closed to the public at such times as classified national security information may be broached; *Provided*, *however*, That any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The question being put,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SIMPSON, announced that a roll call was required under clause 12(a)(2), rule XXII, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 398 / Nays 23

¶79.31 [Roll No. 375]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—23

Blumenauer
Carson (IN)
Clay
Conyers
DeFazio
Delahunt
Farr
Filner
Hinchey
Jackson-Lee (TX)
Kucinich
Lee
Lewis (GA)
McDermott
Miller, George
Owens
Payne
Stark
Tierney
Udall (NM)
Velazquez
Waters
Watson

NOT VOTING—13

Berkley
Brown, Corrine
Camp
Cox
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Kilpatrick
McCollum
Millender-McDonald
Sweeney

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶79.32 ENERGY AND WATER APPROPRIATIONS FY 2004

Mr. HOBSON submitted a privileged report (Rept. No. 108–212) on the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶79.33 INTERIOR APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 319 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, designated Mr. LATOURETTE as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. BURGESS, assumed the Chair.

When Mr. LATOURETTE, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶79.34 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. BELL, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, as follows: (1) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 1003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

¶79.35 MOTION TO INSTRUCT CONFEREES—H.R. 2408

Mr. MICHAUD submitted the following privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; (1) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals service in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of the conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. GINGREY, announced that the yeas had it.

Mr. MICHAUD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GINGREY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, July 17, 2003.

¶79.36 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 764. An Act to extend the authorization of the Bulletproof Vest Partnership Grant Program; to the Committee on the Judiciary.

¶79.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HAYWORTH, for today until 1 p.m..

And then,

¶79.38 ADJOURNMENT

On motion of Mr. WELDON of Pennsylvania, at 11 o'clock and 51 minutes p.m., the House adjourned.

¶79.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. HOBSON: Committee on Appropriations. H.R. 2754. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–212). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2433. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; with amendments (Rept. 108–213). Referred to the Committee of the Whole House on the State of the Union.

¶79.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. TOM DAVIS of Virginia):

H.R. 2751. A bill to provide new human capital flexibilities with respect to the GAO, and for other purposes; to the Committee on Government Reform.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. MEEHAN, Mr. WEXLER, Mr. WEINER, and Mr. SCHIFF):

H.R. 2752. A bill to encourage the development and distribution of creative works by enhancing domestic and international enforcement of the copyright laws, and for other purposes; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself and Mr. BARRETT of South Carolina):

H.R. 2753. A bill to direct the Secretary of the Army to convey certain land in Georgia and South Carolina to the counties in which the land is located, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HOBSON:

H.R. 2754. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

By Mr. BASS (for himself and Mr. HUNTER):

H.R. 2755. A bill to authorize the President to issue posthumously to the late William ''Billy'' Mitchell a commission as major general, United States Army; to the Committee on Armed Services.

By Mr. HASTINGS of Florida:

H.R. 2756. A bill to direct the Commissioner of Internal Revenue to establish an earned income credit public awareness campaign to increase public awareness and educate Americans of the earned income credit; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 2757. A bill to direct the President to assess the advisability of requiring each State to use the Death Master File of the Social Security Administration in issuing drivers' licenses to individuals; to the Committee on Ways and Means.

By Mr. KING of Iowa (for himself, Mr. BOSWELL, Mr. LEACH, and Mr. LATHAM):

H.R. 2758. A bill to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the ''William J. Scherle Post Office Building''; to the Committee on Government Reform.

By Mr. KLECZKA (for himself, Mr. RADANOVICH, Ms. MCCOLLUM, and Mr. SABO):

H.R. 2759. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees; to the Committee on the Judiciary.

By Mr. LANTOS (for himself and Mr. PAYNE):

H.R. 2760. A bill to limit United States assistance for Ethiopia and Eritrea if those countries are not in compliance with the terms and conditions of agreements entered into by the two countries to end hostilities and provide for a demarcation of the border between the two countries, and for other purposes; to the Committee on International Relations.

By Mrs. LOWEY (for herself, Mr. MARKEY, and Mr. ENGEL):

H.R. 2761. A bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; to the Committee on Energy and Commerce.

By Mr. POMBO:

H.R. 2762. A bill to establish a vocational and technical education grant program; to the Committee on Education and the Workforce.

By Mr. POMBO:

H.R. 2763. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for donations for vocational educational purposes; to the Committee on Ways and Means.

By Mr. SMITH of Washington:

H.R. 2764. A bill to amend title 38, United States Code, to extend to all members of the Armed Forces eligible for educational assistance under the Montgomery GI Bill the authority to transfer entitlement to such educational assistance to dependents, and to provide a six month period for enrollment under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H. Con. Res. 245. Concurrent resolution expressing the sense of Congress that it is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government, and for other purposes; to the Committee on International Relations.

By Mr. RUSH:

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Paul Leroy Robeson; to the Committee on Government Reform.

By Mr. ANDREWS (for himself, Mr. BILIRAKIS, Mr. PALLONE, and Mr. RYAN of Ohio):

H. Res. 320. A resolution supporting the removal of Turkish occupation troops from the Republic of Cyprus; to the Committee on International Relations.

By Mr. DEMINT (for himself, Mr. CLYBURN, Mr. SPRATT, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. BROWN of South Carolina):

H. Res. 321. A resolution stating the agreement of the House of Representatives with the sentiment expressed by the Senate in Senate Resolution 191; to the Committee on House Administration.

By Mr. STUPAK:

H. Res. 322. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in 'National Night Out', including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

¶79.41 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

145. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 87 memorializing the United States Congress to continue providing assistance to Michigan to help eradicate bovine tuberculosis; to the Committee on Agriculture.

146. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 56 memorializing the United States Congress to urge the Secretary of the Department of Health and Human Services to authorize any section 1115 demonstration waivers, and any other related Waivers, requested by State of Texas for the purposes of implementing a consumer-directed care program for the purchase of attendant care and other community care services under the state Medicaid program; to the Committee on Energy and Commerce.

147. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 71 memorializing the United States Congress to include funding for the American Red Cross Armed Forces Emergency Services in the National Defense Authorization Act and the Department of Defense Appropriations Act for fiscal year 2004; to the Committee on International Relations.

148. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 89 memorializing the United States Congress to enact legislation to support research, development, and construction of the Interstate Traveler Project through the reauthorization of the Transportation Equity Act of the 21st Century (TEA-21) and/or other related federal programs; jointly to the Committees on Science and Transportation and Infrastructure.

¶79.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. GINGREY.
H.R. 63: Mr. PETERSON of Minnesota.
H.R. 102: Mr. PRICE of North Carolina and Mr. ABERCROMBIE.
H.R. 104: Mr. JOHN.
H.R. 135: Mr. GRIJALVA and Mr. BURNS.
H.R. 218: Mr. OSBORNE, Ms. HOOLEY of Oregon, Mr. PAUL, and Ms. ROS-LEHTINEN.
H.R. 313: Mr. UDALL of New Mexico.
H.R. 333: Mr. OWENS.
H.R. 339: Mr. OTTER.
H.R. 369: Mr. LATOURETTE.
H.R. 375: Mr. FRANKS of Arizona.
H.R. 391: Mr. PICKERING.
H.R. 440: Ms. SCHAKOWSKY.
H.R. 466: Mr. NUNES.
H.R. 486: Mr. SHIMKUS, Mr. CHOCOLA, Mrs. MUSGRAVE, Mr. HOEKSTRA, Mr. SOUDER, Mr. TERRY, and Mr. RENZI.
H.R. 515: Mr. WATT.
H.R. 594: Mr. BOUCHER and Mr. PICKERING.
H.R. 673: Mr. OTTER.
H.R. 717: Mr. SHERMAN.
H.R. 791: Mr. DREIER, Mr. GREEN of Wisconsin, Mr. CANTOR, Mr. BLUNT, and Mr. REYNOLDS.
H.R. 857: Mr. BOEHLERT.
H.R. 919: Mr. MURPHY and Mr. REYNOLDS.
H.R. 1006: Mr. LOBIONDO and Mr. OWENS.
H.R. 1177: Mr. EHLERS and Mr. NETHERCUTT.
H.R. 1179: Mr. BURNS.
H.R. 1236: Mr. COLE and Mr. NEUGEBAUER.
H.R. 1268: Ms. SCHAKOWSKY.
H.R. 1414: Mr. KUCINICH, Ms. LEE, and Mrs. NAPOLITANO.

H.R. 1472: Mr. MILLER of North Carolina, Mr. SWEENEY, and Mr. BECERRA.
H.R. 1478: Ms. ESHOO.
H.R. 1513: Mr. GARY G. MILLER of California, Mr. LATHAM, Mr. HOUGHTON, Mr. KENNEDY of Minnesota, and Mr. CANTOR.
H.R. 1565: Ms. MCCOLLUM.
H.R. 1621: Mr. OWENS.
H.R. 1622: Mr. UDALL of New Mexico, Mr. JONES of North Carolina, Mr. HOEFFEL, and Mr. SMITH of Washington.
H.R. 1626: Mr. NUNES.
H.R. 1688: Mr. UDALL of New Mexico, Mr. BAIRD, Mr. SNYDER, Mr. DEUTSCH, Ms. WOOLSEY, Mr. HOLT, Ms. WATERS, Mr. UDALL of Colorado, Mr. MICHAUD, Mr. ACEVEDO-VILA, and Mrs. TAUSCHER.
H.R. 1700: Mr. STRICKLAND.
H.R. 1708: Ms. WATSON, Mr. ALLEN, Ms. ESHOO, and Mr. SAXTON.
H.R. 1728: Mr. GIBBONS and Mr. JANKLOW.
H.R. 1752: Mr. KUCINICH, Mr. MCNULTY, and Mr. PAYNE.
H.R. 1793: Mr. BARTON of Texas.
H.R. 1828: Mr. GALLEGLY, Mr. BOOZMAN, Mr. PITTS, Mr. BROWN of South Carolina, Mr. HEFLEY, and Mr. FORBES.
H.R. 1910: Mr. GALLEGLY.
H.R. 1914: Mr. BROWN of South Carolina, Mr. STENHOLM, Mr. BLUNT, Mr. LEWIS of California, Mr. BRADLEY of New Hampshire, Mr. BURNS, and Mr. PETERSON of Minnesota.
H.R. 1943: Mr. DEMINT.
H.R. 2022: Mrs. JO ANN DAVIS of Virginia and Ms. SCHAKOWSKY.
H.R. 2032: Mr. CUMMINGS and Ms. HART.
H.R. 2093: Mr. HAYWORTH, Mr. QUINN, Mr. MILLER of Florida, Mr. SIMMONS, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, and Mr. LEWIS of Georgia.
H.R. 2154: Ms. DELAURO.
H.R. 2173: Mrs. JONES of Ohio.
H.R. 2213: Mr. STARK and Mr. WAXMAN.
H.R. 2224: Ms. MCCOLLUM.
H.R. 2232: Mr. HINOJOSA.
H.R. 2236: Mr. PLATTS.
H.R. 2238: Mr. GEPHARDT, Mr. MOORE, Mr. DOOLEY of Califorina, Mr. NEAL of Massachusetts, and Mr. LEWIS of California.
H.R. 2249: Mr. MOORE, Mr. DAVIS of Tennessee, Mr. BISHOP of New York, and Mr. MORAN of Kansas.
H.R. 2291: Mr. KANJORSKI.
H.R. 2309: Ms. WATERS, Ms. LINDA T. SANCHEZ of California, Mr. MATSUI, Ms. LOFGREN, Mr. WAXMAN, Mr. GEORGE MILLER of California, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Ms. LEE, Mr. FARR, Mr. CARDOZA, Mr. DOOLEY of California, Mrs. DAVIS of California, Mrs CAPPS, Mr. STARK, Mr. BACA, Ms. WOOLSEY, and Ms. SOLIS.
H.R. 2314: Mr. POMEROY.
H.R. 2347: Mrs. JO ANN DAVIS of Virginia.
H.R. 2363: Mr. DAVIS of Illinois, Mr. DEUTSCH, Mr. NADLER, and Mr. GRIJALVA.
H.R. 2379: Mr. ROGERS of Kentucky.
H.R. 2385: Mr. MATHESON.
H.R. 2416: Mr. TIAHRT.
H.R. 2422: Mr. ISRAEL.
H.R. 2426: Mr. BELL.
H.R. 2429: Mr. VAN HOLLEN.
H.R. 2446: Mr. BARTLETT of Maryland.
H.R. 2448: Mr. FOLEY, Mrs. MYRICK, and Mr. MCINNIS.
H.R. 2462: Mr. PETERSON of Minnesota and Ms. ESHOO.
H.R. 2467: Mr. MORAN of Virginia.
H.R. 2478: Mr. KANJORSKI and Ms. SCHAKOWSKY.
H.R. 2497: Mr. STARK, Mr. THOMPSON of Mississippi, Ms. SCHAKOWSKY, and Mr. DOGGETT.
H.R. 2504: Mr. FARR, Mr. RUSH, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, and Mrs. JONES of Ohio.
H.R. 2517: Mr. SCHIFF, Mr. PENCE, and Mr. SHIMKUS.
H.R. 2522: Mr. ACEVEDO-VILA.
H.R. 2540: Ms. LEE, Mr. BISHOP of Georgia, Mr. FOLEY, Mrs. JOHNSON of Connecticut, Mr. LAMPSON, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. BROWN of Ohio, Mr. JEFFERSON, Mr. FROST, Mr. GARY G. MILLER of California, Mr. GREEN of Wisconsin, Mr. BEREUTER, Mrs. JONES of Ohio, Mr. MCINNIS, Mr. LYNCH, Mr. PAUL, Mr. SCHIFF, Mr. SCHROCK, and Mr. WALSH.
H.R. 2556: Mr. SHADEGG, Mr. KING of Iowa, and Mr. HOEKSTRA.
H.R. 2568: Mrs. TAUSCHER.
H.R. 2569: Mr. ISRAEL, Ms. DELAURO, Mr. SERRANO, Mr. UDALL of New Mexico, Mr. BELL, and Mrs. JONES of Ohio.
H.R. 2579: Mr. CHOCOLA.
H.R. 2598: Mr. FORD, Mr. CONYERS, Mr. FROST, and Mr. LAHOOD.
H.R. 2603: Mr. FRANKS of Arizona.
H.R. 2611: Mr. VAN HOLLEN.
H.R. 2621: Mr. MCGOVERN, Mr. HONDA, Ms. MCCOLLUM, and Mr. RAHALL.
H.R. 2622: Mr. SMITH of Washington, Mr. CANTOR, and Mr. BLUNT.
H.R. 2650: Mr. BAIRD and Mr. OBERSTAR.
H.R. 2661: Mr. JONES of North Carolina.
H.R. 2668: Mr. QUINN, Ms. SLAUGHTER, Mr. LATOURETTE, and Mr. MCCOTTER.
H.R. 2670. Mr. SANDERS and Mr. CASE.
H.R. 2671: Mr. SMITH of Texas, Mr. FORBES, Mr. GOODE, Mr. WAMP, Mr. COLLINS, Mr. CULBERSON, Mr. KINGSTON, Mr. DUNCAN, Mr. BARTLETT of Maryland, Mr. GREEN of Wisconsin, Mr. GALLEGLY, Mr. JONES of North Carolina, Mr. GUTKNECHT, Mr. ISAKSON, Mr. GINGREY, Mr. BRADY of Texas, Mr. BEREUTER, Mr. MCCOTTER, Mr. WHITFIELD, Mrs. MUSGRAVE, Mr. KING of Iowa, Mr. CRAMER, Mr. KELLER, Mr. JENKINS, Mr. NEY, Mrs. BLACKBURN, Mr. BOEHNER, Mr. WICKER, Mr. BURNS, Mrs. JO ANN DAVIS of Virginia, Mr. WELDON of Florida, Ms. GINNY BROWN-WAITE of Florida, Mrs. MYRICK, Mr. SHIMKUS, Mr. PITTS, Mr. PENCE, Mr. HERGER, Mr. WILSON of South Carolina, Mr. SMITH of Michigan, and Mr. AKIN.
H.R. 2696: Mr. UDALL of Colorado.
H.R. 2700: Mr. SHIMKUS and Mr. RUSH.
H.R. 2704: Mr. DELAHUNT.
H.R. 2705: Mr. SHIMKUS, Mr. WU, and Mr. ALEXANDER.
H.R. 2707: Mr. UDALL of New Mexico.
H.R. 2732: Mr. KLINE and Mr. TIBERI.
H.R. 2734: Mr. BOEHLERT.
H.R. 2748: Mr. KOLBE.
H. Con. Res. 99: Mr. GRIJALVA and Mr. CLAY.
H. Con. Res. 107: Mr. BOSWELL.
H. Con. Res. 154: Ms. JACKSON-LEE of Texas.
H. Con. Res. 213: Mr. CARDOZA.
H. Con. Res. 217: Mr. REYES, Mr. CLAY, Mr. CARDOZA, Mr. FRANK of Massachusetts, Ms. WOOLEY, and Mr. MCNULTY.
H. Con. Res. 237: Mr. KOLBE.
H. Con. Res. 239: Mr. FROST.
H. Con. Res. 240: Mr. SCHIFF, Mr. JACKSON of Illinois, Mr. FATTAH, and Mr. HASTINGS of Florida.
H. Res. 273: Mr. KUCINICH.
H. Res. 304: Mr. BOOZMAN.
H. Res. 307: Mr. DOGGETT, Mr. BLUMENAUER, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MARKEY, Ms. MCCOLLUM, Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. TIERNEY, Mr. RANGEL, Mr. THOMPSON of California, and Mr. CASE.

¶79.43 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. QUINN, Mr. ISSA, Mrs. CAPITO, Mr. BUYER, Mr. EVERETT, and Mr. SULLIVAN.
H.R. 2022: Mr. OWENS.

THURSDAY, JULY 17, 2003 (80)

¶80.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. BIGGERT, who laid before the House the following communication:

WASHINGTON, DC,
July 17, 2003.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶80.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. BIGGERT, announced she had examined and approved the Journal of the proceedings of Wednesday, July 16, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶80.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3257. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Aspergillus flavus AF36; Exemption from the Requirement of a Tolerance [OPP-2003-0138; FRL-7311-6] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3258. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cymoxanil; Pesticide Tolerances [OPP-2003-0219; FRL-7313-6] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3259. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances Technical Correction [OPP-2003-0103; FRL-7317-1]received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3260. A communication from the President of the United States, transmitting requests to change FY 2003 appropriations law and an FY 2004 budget amendment for the Department of Veterans Affairs; (H. Doc. No. 108—102); to the Committee on Appropriations and ordered to be printed.

3261. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emmission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [OAR-2002-0045, FRL-7528-3] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3262. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export [FRL-7528-4] (RIN: 2060-AH67) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

¶80.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without

amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 2330. An Act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

H. Con. Res. 236. A concurrent resolution permitting the use of the Rotunda of the Capital for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 555. An Act to establish the Native American Health and Wellness Foundation, and for other purposes.

S. 558. An Act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 570. An Act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic Leader, appoints the following Senators to the United States Holocaust Memorial Council for the One Hundred Eighth Congress: the Senator from Nevada [Mr. REID]; and the Senator from California [Mrs. BOXER].

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the Honorable JUDD GREGG of New Hampshire and the Honorable JOHN CORNYN of Texas as delegates of the Senate Delegation to the British-American Interparliamentary Group conference during the One Hundred Eighth Congress.

¶80.5 INTERIOR APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to House Resolution 319 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Mr. LATOURETTE, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. HERGER, assumed the Chair.

When Mr. LATOURETTE, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶80.6 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H.R. 2691

On motion of Mr. TAYLOR of North Carolina, by unanimous consent,

Ordered, That it may be in order during consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, in the Committee of the Whole pursuant to House Resolution 319, that no further amendment to the bill may be offered except--pro forma amendments offered by the chairman and ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments printed in the Congressional RECORD and numbered 6, 15, and 16, each of which shall be debatable for 10 minutes; the amendments printed in the Congressional RECORD and numbered 4 and 12, each of which shall be debatable for 20 minutes; the amendment printed in the Congressional RECORD and numbered 1, which shall be debatable for 30 minutes to be allocated as follows: 10 minutes to the proponent, 15 minutes to the chairman of the Committee on Appropriations, and 5 minutes to the ranking minority member; a substitute amendment by Mr. Matheson to the amendment numbered 1, which shall be debatable for 20 minutes; an amendment by Mr. Taylor of North Carolina to the amendment numbered 1, which shall be debatable for 10 minutes; the amendments printed in the Congressional RECORD and numbered 2 and 9, each of which shall be debatable for 50 minutes to be allocated as follows: 15 minutes to the proponent, 25 minutes to the chairman of the Committee on Appropriations, and 10 minutes to the ranking minority member; an amendment by Mr. Gallegly regarding bear feeding, which shall be debatable for 10 minutes; an amendment by Mr. Inslee regarding Forest Service regulations on roadless areas, which shall be debatable for 50 minutes; and an amendment by Mr. Shadegg regarding Forest Service land acquisition, which shall be debatable for 10 minutes. Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment (except as specified), and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Each amendment shall be debatable for the time specified, and time on each amendment shall be equally divided and controlled by the proponent and an opponent (except as specified). All points of order against each amendment shall be considered as reserved pending completion of debate thereon; and each amendment may be withdrawn by its proponent after debate thereon.

¶80.7 INTERIOR APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. HERGER, pursuant to House Resolution 319 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Mr. LATOURETTE, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶80.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. SLAUGHTER:

Page 21, line 3, after the first dollar amount, insert ''(reduced by $6,000,000)''.

Page 47, line 6, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 91, line 22, after the dollar amount, insert ''(reduced by $6,000,000)''.

Page 128, line 7, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 128, line 11, after the dollar amount, insert ''(increased $10,000,000)''.

Page 128, line 23, after the dollar amount, insert ''(increased by $5,000,000)''.

It was decided in the affirmative ..... { Yeas ..... 225; Nays ..... 200; Answered present 1 }

¶80.9 [Roll No. 376]

AYES—225

Abercrombie	Delahunt	Kanjorski
Ackerman	DeLauro	Kaptur
Alexander	Deutsch	Kelly
Allen	Dicks	Kennedy (RI)
Andrews	Dingell	Kildee
Baca	Doggett	Kilpatrick
Baird	Dooley (CA)	Kind
Baldwin	Doyle	Kirk
Ballance	Edwards	Kleczka
Ballenger	Ehlers	Kolbe
Bass	Emanuel	Kucinich
Becerra	Engel	LaHood
Bell	English	Lampson
Bereuter	Eshoo	Langevin
Berman	Etheridge	Lantos
Berry	Evans	Larsen (WA)
Biggert	Farr	Larson (CT)
Bishop (GA)	Fattah	LaTourette
Bishop (NY)	Filner	Leach
Blumenauer	Ford	Lee
Boehlert	Fossella	Levin
Bono	Frank (MA)	Lewis (GA)
Boswell	Frelinghuysen	Lipinski
Boucher	Frost	LoBiondo
Boyd	Gerlach	Lofgren
Brady (PA)	Gonzalez	Lowey
Brown (OH)	Green (TX)	Lynch
Brown, Corrine	Greenwood	Majette
Capito	Grijalva	Maloney
Capps	Gutierrez	Markey
Capuano	Harman	Marshall
Cardin	Hart	Matheson
Cardoza	Hastings (FL)	Matsui
Carson (IN)	Hinchey	McCarthy (MO)
Carson (OK)	Hinojosa	McCarthy (NY)
Case	Hoeffel	McCollum
Castle	Holden	McDermott
Clay	Holt	McGovern
Clyburn	Honda	McKeon
Conyers	Hooley (OR)	McNulty
Cooper	Houghton	Meehan
Costello	Hoyer	Meek (FL)
Cramer	Inslee	Meeks (NY)
Crowley	Israel	Menendez
Cummings	Jackson (IL)	Michaud
Davis (AL)	Jackson-Lee (TX)	Miller (NC)
Davis (CA)	John	Miller, George
Davis (FL)	Johnson (CT)	Mollohan
Davis (IL)	Johnson (IL)	Moore
Davis, Tom	Johnson, E. B.	Moran (VA)
DeFazio	Jones (OH)	Murtha
DeGette		Nadler

Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—200

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Sherman

NOT VOTING—8

Berkley
Brady (TX)
Ferguson
Gephardt
Janklow
Jefferson
Millender-McDonald
Turner (OH)

So the amendment was agreed to.

¶80.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 18 submitted by Mr. DEFAZIO:

At the end of section 332, relating to the recreation fee demonstration program, page 151, after line 6, insert the following sentence:

The amendments made by this section apply only with respect to areas under the jurisdiction of the National Park Service.

It was decided in the negative ..... { Yeas ..... 184 / Nays 241

¶80.11 [Roll No. 377]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clyburn
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Franks (AZ)
Frost
Gallegly
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McInnis
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (NJ)
Solis
Stark
Strickland
Stupak
Tancredo
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—241

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emanuel
English
Everett
Feeney
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Houghton
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McGovern
McHugh
McKeon
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Visclosky
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Berkley
Clay
Ferguson
Gephardt
Hunter
Janklow
Jefferson
Millender-McDonald
Turner (OH)

So the amendment was not agreed to.

¶80.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HEFLEY:

At the end of the bill (before the short title), Insert the following new section:

SEC._____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.

It was decided in the negative ..... { Yeas ..... 81 / Nays 341

¶80.13 [Roll No. 378]

AYES—81

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Blackburn
Brady (TX)
Burgess
Buyer
Cannon
Carter
Chocola
Coble
Collins
Costello
Cox
Crane
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Green (WI)
Gutknecht
Hefley
Hoekstra
Hunter
Hyde
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kennedy (MN)
King (IA)
Kirk
Lewis (KY)
Linder
Manzullo
McCotter
McInnis
Miller (FL)
Miller, Gary
Musgrave
Norwood
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Stearns
Tancredo
Taylor (MS)
Terry
Toomey
Wilson (SC)

NOES—341

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Cole
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Israel
Issa
Istook
Jackson (IL)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Berkley
Ferguson
Gephardt
Herger
Jackson-Lee (TX)
Janklow
Jefferson
Millender-McDonald
Nunes
Pelosi
Sandlin
Turner (OH)

So the amendment was not agreed to.

¶80.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 17 submitted by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for ''NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES—NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION'' and by increasing the amount made available for ''DEPARTMENT OF AGRICULTURE—FOREST SERVICE—WILDLAND FIRE MANAGEMENT'' for hazardous fuels reduction activities by $57,480,000 respectively.

It was decided in the negative ..... { Yeas ..... 112 / Nays 313

¶80.15 [Roll No. 379]

AYES—112

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Blackburn
Bonner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Coble
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeFazio
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hostettler
Hulshof
Hunter
Hyde
Isakson
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McInnis
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Otter
Paul
Pence
Petri
Pitts
Pombo
Putnam
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Skelton
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Toomey
Vitter
Wamp
Weldon (FL)
Weller
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—313

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)

Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—9

Berkley
Ferguson
Gephardt
Istook
Janklow
Jefferson
Millender-McDonald
Pelosi
Strickland

So the amendment was not agreed to.

¶80.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 14 submitted by Mr. BLUMENAUER:

Add at the end, before the short title, the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in the States of Oregon and California that permits the growing of row crops or alfalfa.

It was decided in the negative ..... { Yeas ..... 197 / Nays ..... 228 }

¶80.17 [Roll No. 380]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Houghton
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wynn

NOES—228

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Berkley
Buyer
Ferguson
Gephardt
Hoyer
Janklow
Jefferson
Millender-McDonald
Pelosi

So the amendment was not agreed to.

¶80.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SHADEGG:

Add at the end (before the short title) the following new section:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available in title II for ''DEPARTMENT OF AGRICULTURE-LAND ACQUISITION'', and increasing the amount made available for ''DEPARTMENT OF AGRICULTURE-WILDLAND FIRE MANAGEMENT'', which increase shall be available for hazardous fuels reduction activities, by $19,000,000.

It was decided in the negative ..... { Yeas ..... 128 / Nays ..... 298 }

¶80.19 [Roll No. 381]

AYES—128

Akin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Chocola
Cole
Collins
Cox
Crane
Cubin
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Graves
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Jenkins
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Latham
Lewis (KY)
Linder
Lucas (OK)
McCotter
McInnis
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pitts
Pombo
Porter
Putnam
Radanovich
Renzi
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Weldon (FL)
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOES—298

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews

Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Houghton
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—8

Berkley
Ferguson
Gephardt
Hoyer
Janklow
Jefferson
Millender-McDonald
Pelosi

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. SWEENEY, assumed the Chair.

When Mr. LATOURETTE, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶80.20 DISTRICT OF COLUMBIA APPROPRIATIONS FY 2004

Mr. FRELINGHUYSEN submitted a privileged report (Rept. No. 108–214) on the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶80.21 INQUIRY TO THE ATTORNEY GENERAL

Mr. SENSENBRENNER, by direction of the Committee on the Judiciary, submitted a privileged report (Rept. No. 108–215) on the resolution (H. Res. 287) directing the Attorney General to transmit to the House of Representatives not later than 14 days after the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States; referred to the House Calendar and ordered printed.

¶80.22 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. VAN HOLLEN, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive practices, to provide tax relief and simplification, and for other purposes, as follows: (1) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and to not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees and file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

¶80.23 RECESS FOR A JOINT MEETING TO RECEIVE THE PRIME MINISTER OF GREAT BRITAIN AND NORTHERN IRELAND—2:35 P.M.

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to the special order of the House agreed to on July 10, 2003, declared the House in recess at 2 o'clock and 35 minutes p.m., subject to the call of the Chair.

¶80.24 AFTER RECESS—5:31 P.M.

The SPEAKER pro tempore, Mr. BONILLA, called the House to order.

¶80.25 PROCEEDINGS DURING RECESS

On motion of Mr. RADANOVICH, by unanimous consent, the proceedings had during the recess were ordered to be printed in the RECORD.

¶80.26 INTERIOR APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. BONILLA, pursuant to House Resolution 319 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Mr. LATOURETTE, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶80.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GALLEGLY:

At the end of the bill (before the short title), insert the following new section:

SEC. 3____. None of the funds made available by this Act may be used by the Forest Service or the Bureau of Land Management to administer any action related to the baiting of bears except to prevent or prohibit such activity.

It was decided in the negative ..... { Yeas ..... 163 / Nays 255

¶80.28 [Roll No. 382]

AYES—163

Ackerman
Andrews
Bachus
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Bereuter
Bilirakis
Bishop (NY)
Blumenauer
Bono
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gallegly
Gonzalez
Goss
Greenwood
Grijalva
Harman
Hastings (FL)
Hefley
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kaptur
Kennedy (RI)
Kilpatrick
Kirk
Kleczka
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Linder
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McNulty
Meehan
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Pryce (OH)
Regula
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Sweeney
Tauscher
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wolf
Woolsey
Wu
Young (FL)

NOES—255

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Baker
Ballenger
Barrett (SC)
Bass
Beauprez
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Case
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOT VOTING—16

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Frost
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Peterson (PA)
Weldon (PA)

So the amendment was not agreed to.

¶80.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4 submitted by Mr. RAHALL:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to kill, or assist others in killing, any Bison in the Yellowstone National Park herd.

It was decided in the negative ..... { Yeas ..... 199 / Nays 220

¶80.30 [Roll No. 383]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Becerra
Bell
Bishop (NY)
Blumenauer
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Platts
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—220

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes

Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Davis, Jo Ann
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Weldon (PA)

So the amendment was not agreed to.

¶80.31 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9 submitted by Mr. UDALL of New Mexico:

Add at the end (before the short title) the following new section:

SEC. ____. None of the funds appropriated or made available by this Act may be used to finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (67 Fed. Reg. 72770).

It was decided in the negative ..... { Yeas ..... 198 / Nays 222

¶80.32 [Roll No. 384]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barton (TX)
Bereuter
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald

So the amendment was not agreed to.

¶80.33 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2 submitted by Mr. HOLT:

At the end of the bill (before the short title) insert the following section:

SEC. 3____. None of the funds made available in this Act may be used to manage recreational snowmobile use in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway, except in accordance with National Park Service One-Year Delay Rule published November 18, 2002 (36 CFR part 7, RIN 1024–AD06).

It was decided in the negative ..... { Yeas ..... 210 / Nays 210

¶80.34 [Roll No. 385]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Becerra
Bell
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush

Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—210

Aderholt
Akin
Alexander
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanders
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Velazquez
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Souder

So the amendment was not agreed to.

After some further time,

¶80.35 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. INSLEE:

Add at the end (before the short title) the following new section:

SEC. ____. None of the funds appropriated or made available by this Act may be used to propose, finalize, or implement any change to subpart B of part 294 of title 36, Code of Federal Regulations, entitled Protection of Inventoried Roadless Areas, as added by the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

It was decided in the negative ..... { Yeas ..... 185 / Nays 234

¶80.36 [Roll No. 386]

AYES—185

Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Ramstad
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—234

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Evans
Ferguson
Gephardt
Gordon
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald

So the amendment was not agreed to.

¶80.37 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 12 submitted by Mr. BEREUTER:

At the end of the bill (before the short title), insert the following new section:

SEC. 3____. None of the funds made available by this Act may be used for the implementation of a competitive sourcing study at the Midwest Archaeological Center in Lincoln, Nebraska, or the Southeast Archaeological Center in Florida.

It was decided in the affirmative ..... { Yeas ..... 362 / Nays 57

¶80.38 [Roll No. 387]

AYES—362

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Beauprez
Becerra
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—57

Barrett (SC)
Bass
Bishop (UT)
Blunt
Bonner
Brady (TX)
Brown (SC)
Cannon
Chabot
Chocola
Coble
Crane
Culberson
Cunningham
DeLay
DeMint
Flake
Franks (AZ)
Garrett (NJ)
Goode
Graves
Hart
Hayes
Hensarling
Herger
Hunter
Istook
Kingston
Kolbe
Lewis (CA)
McCrery
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Ose
Pence
Reynolds
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Souder
Stearns
Sweeney
Taylor (NC)
Thornberry
Tiberi
Toomey
Vitter
Wamp
Young (FL)

NOT VOTING—15

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Evans
Ferguson
Gephardt
Granger
Gutierrez
Janklow
Jefferson
Johnson, Sam
Millender-McDonald

So the amendment was agreed to.

¶80.39 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. TAYLOR of North Carolina, to the amendment numbered 1 submitted by Mr. UDALL of Colorado:

Amendment submitted by Mr. TAYLOR of North Carolina:

Before the final period, insert the following: '', with regard to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit, or lands within the National Wilderness Preservation System''.

Amendment numbered 1 submitted by Mr. UDALL of Colorado:

At the end of the bill (before the short title), insert the following new section:

SEC. 3.____. None of the funds made available by this Act may be used to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003, with regard to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit, or lands within the National Wilderness Preservation System''.

It was decided in the affirmative ..... { Yeas ..... 226 / Nays 194

¶80.40 [Roll No. 388]

AYES—226

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell

Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gerlach
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Ramstad
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Evans
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald

So the amendment to the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. BASS, assumed the Chair.

When Mr. LATOURETTE, Chairman, pursuant to House Resolution 319, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 21, line 3, after the first dollar amount, insert ''(reduced by $6,000,000)''.

Page 47, line 6, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 91, line 22, after the dollar amount, insert ''(reduced by $6,000,000)''.

Page 128, line 7, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 128, line 11, after the dollar amount, insert ''(increased $10,000,000)''.

Page 128, line 23, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 109, line 22, after the dollar amount insert ''(increased by $15,000,000, decreased by $15,000,000)''.

Page 109, line 23, after the dollar amount insert ''(increased by $15,000,000)''.

Page 110, line 2, after the dollar amount insert ''(increased by $15,000,000)''.

At the end of the bill (before the short title), insert the following new section:

SEC. 3____. None of the funds made available by this Act may be used for the implementation of a competitive sourcing study at the Midwest Archaeological Center in Lincoln, Nebraska, or the Southeast Archaeological Center in Florida.

Before the final period, insert the following: '', with regard to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit, or lands within the National Wilderness Preservation System''.

At the end of the bill (before the short title), insert the following new section:

SEC. 3.____. None of the funds made available by this Act may be used to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BASS, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 268 / Nays 152

¶80.41 [Roll No. 389]

YEAS—268

Abercrombie
Aderholt
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Kanjorski
Kaptur
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Rush
Ryun (KS)
Sabo
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—152

Ackerman
Akin
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Berry
Bishop (NY)
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Duncan
Emanuel
Engel
Eshoo
Etheridge
Evans
Filner
Ford
Frank (MA)
Franks (AZ)
Graves
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (FL)
Miller (NC)
Miller, George
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Price (NC)
Rahall
Ramstad
Rangel
Rohrabacher
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Sensenbrenner
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stearns
Strickland
Tanner
Tauscher
Tierney
Towns
Udall (CO)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Ballenger
Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶80.42 MOTION TO INSTRUCT CONFEREES TO H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the motion by Mr. MICHAUD, to instruct conferees on the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

The question being put,

Will the House agree to said motion to instruct?

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 202 / Nays 214

¶80.43 [Roll No. 390]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—214

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Dooley (CA)
Ferguson
Gephardt
Granger
Hefley
Janklow
Jefferson
Johnson, Sam
Kleczka
Linder
Millender-McDonald
Oxley

So the motion to instruct the conferees on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

FRIDAY, JULY 18 (LEGISLATIVE DAY OF THURSDAY, JULY 17), 2003

¶80.44 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2754

On motion of Mr. HOBSON, by unanimous consent,

Ordered, That it may be in order at any time, for the Speaker, as though pursuant to clause 2(b) of rule 18, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, which shall proceed according to the following order: The first reading of the bill shall be dispensed with; all points of order against consideration of the bill are waived; general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; after general debate, the bill shall be considered for amendment under the five-minute rule; the amendment placed at the desk shall be considered as adopted in the House and in the Committee of the Whole; points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except for section 310; during consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purposes in clause 8 of rule XVIII; amendments so printed shall be considered as read; at the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill as amended to the House with such further amendments as may have been adopted; the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions; and the amendment placed at the desk is considered as read.

¶80.45 MOTION TO INSTRUCT CONFEREES—H.R. 2408

Mr. BELL submitted the following privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, as follows: (1) to include in the conference

report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 1003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion to instruct?

The SPEAKER pro tempore, Mr. GINGREY, announced that the nays had it.

Mr. BELL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GINGREY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Friday, July 18, 2003.

¶80.46 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 555. An Act to establish the Native American Health and Wellness Foundation, and for other purposes; to the Committee on Energy and Commerce.

S. 558. An Act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; to the Committee on Resources and the Committee on Energy and Commerce.

S. 570. An Act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools, to the Committee on Education and the Workforce.

¶80.47 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 733. An Act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver National Historic Site, and for other purposes.

H.R. 2330. An Act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

¶80.48 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 246. An Act to provide that certain Bureau of Land Management land shall be held trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

¶80.49 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BONILLA, for today after 6 p.m. and balance of the week.

And then,

¶80.50 ADJOURNMENT

On motion of Mr. FOLEY, at 12 o'clock and 53 minutes a.m., Friday, July 18, (legislative day of Thursday, July 17) 2003, the House adjourned.

¶80.51 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRELINGHUYSEN: Committee on Appropriations. H.R. 2765. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–214). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 287. Resolution directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, with amendments; adversely (Rept. 108–215). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1572. A bill to designate the historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building"; with amendments (Rept. 108–216). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1668. A bill to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse" (Rept. 108–217). Referred to the House Calendar.

Mr. POMBO: Committee on Resources, H.R. 1038. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; referred to the Committee on the Judiciary for a period ending not later than September 15, 2003, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(K), rule X (Rept. 108–218, Pt. 1).

¶80.52 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1038. Referral to the Committees on Agriculture extended for a period ending not later than September 15, 2003.

¶80.53 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BEAUPREZ (for himself, Mr. UDALL of Colorado, and Mr. TANCREDO):

H.R. 2766. A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado; to the Committee on Resources.

By Mrs. MALONEY (for herself, Mr. KING of New York, Mr. KANJORSKI, Mr. GARY G. MILLER of California, Mr. TOWNS, Mr. OWENS, and Mr. KUCINICH):

H.R. 2767. A bill to improve Federal agency oversight of contracts and assistance and to strengthen accountability of the governmentwide debarment and suspension system; to the Committee on Government Reform.

By Mr. BACHUS (for himself, Mr. LEACH, Mr. MARSHALL, Mr. MICHAUD, Mr. ISAKSON, Mr. GINGREY, Mr. FROST, Mr. BURNS, Mr. MORAN of Virginia, Ms. MAJETTE, Mr. DAVIS of Florida, Mrs. CAPITO, Mr. GERLACH, Mrs. WILSON of New Mexico, Mr. ALLEN, Mr. COOPER, Mr. DUNCAN, Mr. CULBERSON, Mr. CANTOR, Mr. MATHESON, Mr. GEPHARDT, Mr. TERRY, Mr. WILSON of South Carolina, Mr. GOODE, and Mr. JENKINS):

H.R. 2768. A bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall; to the Committee on Financial Services.

By Mrs. EMERSON:

H.R. 2769. A bill to permit commercial importation of prescription drugs from Canada, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 2770. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Resources, Transportation and Infrastructure, Education and the Workforce, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA:

H.R. 2771. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 2772. A bill to amend the Geothermal Steam Act of 1970 to promote the development and use of geothermal resources in the United States; to the Committee on Resources.

By Mr. HONDA (for himself, Mr. FERGUSON, Mr. PALLONE, Mr. WYNN, Mr. POMBO, Mr. PAYNE, Mr. BELL, Mr. STARK, Ms. LEE, and Mrs. CHRISTENSEN):

H.R. 2773. A bill to protect children from foods that pose a significant choking hazard; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon:

H.R. 2774. A bill to amend the Internal Revenue Code of 1986 to provide for the disclosure to State and local law enforcement agencies of the identity of individuals claiming tax benefits improperly using Social Security numbers of other individuals; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 2775. A bill to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to be appropriated for the Great Lakes Water Level Observation Network; to the Committee on Resources.

By Mr. OTTER (for himself, Mr. SIMPSON, Mr. BOSWELL, Mr. HEFLEY, Mr. JONES of North Carolina, Mr. HASTINGS of Washington, Mr. FLAKE, and Mr. NETHERCUTT):

H.R. 2776. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 2777. A bill to prohibit the Secretary of the Treasury and the Board of Governors of the Federal Reserve System from including any information storage capability on the currency of the United States or imposing any fee or penalty on any person for the holding by such person of currency of the United States, including Federal reserve notes, for any period of time; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2778. A bill to abolish the Board of Governors of the Federal Reserve System and the Federal reserve banks, to repeal the Federal Reserve Act, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2779. A bill to repeal section 5103 of title 31, United States Code; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2780. A bill to sunset the Bretton Woods Agreements Act; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2781. A bill to provide greater health care freedom for seniors; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2782. A bill to amend title 31, United States Code, to limit the use by the President and the Secretary of the Treasury of the Exchange Stabilization Fund to buy or sell gold without congressional approval, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 2783. A bill to restore Congress' constitutional role in international transactions involving the Exchange Stabilization Fund, and to limit the amount of individual loans or credits that may be provided to a foreign entity through that fund; to the Committee on Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself and Mr. PAUL):

H.R. 2784. A bill to amend the Internal Revenue Code of 1986 to allow certain individuals who have attained age 50 and who are unemployed to receive distributions from qualified retirement plans without incurring a 10 percent additional tax; to the Committee on Ways and Means.

By Mr. PLATTS (for himself, Mr. SOUDER, and Mr. WOLF):

H.R. 2785. A bill to amend the Internal Revenue Code of 1986 to provide for an enhanced deduction for qualified residence interest on acquisition indebtedness for heritage homes; to the Committee on Ways and Means.

By Mr. SERRANO (for himself, Mr. ENGEL, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BOEHLERT, Mr. CROWLEY, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOUGHTON, Mr. ISRAEL, Mr. KING of New York, Mrs. KELLY, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WALSH, and Mr. WEINER):

H.R. 2786. A bill to name the Department of Veterans Affairs medical center in the Bronx, New York, as the ''James J. Peters Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. STRICKLAND (for himself and Mr. MURPHY):

H.R. 2787. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself, Mr. FROST, Mr. ABERCROMBIE, Mr. ISSA, Mr. RUSH, Mr. ROSS, Mrs. JO ANN DAVIS of Virginia, Mr. BLUMENAUER, Ms. MILLENDER-MCDONALD, Mr. FILNER, Mr. UDALL of New Mexico, and Mr. WYNN):

H.R. 2788. A bill to direct the Administrator of the Small Business Administration to conduct a pilot program to raise awareness about telework among small business employers, and to encourage such employers to offer telework options to employees; to the Committee on Small Business.

By Mr. WILSON of South Carolina (for himself, Mr. DAVIS of Tennessee, Mr. JENKINS, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. COLLINS, Mr. MCCOTTER, Mr. CARDOZA, and Mrs. MYRICK):

H.R. 2789. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. LANGEVIN, and Mr. HOSTETTLER):

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome; to the Committee on Government Reform.

By Mr. PORTER (for himself, Mr. ISAKSON, Mr. QUINN, Ms. HARRIS, Mr. FROST, Mr. SESSIONS, Mr. MCHUGH, Mrs. MILLER of Michigan, Mr. ROGERS of Kentucky, Mr. SAXTON, and Ms. LEE):

H. Res. 323. A resolution supporting the goals and ideals of National Marina Day; to the Committee on Transportation and Infrastructure.

¶80.54 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. GREEN of Wisconsin, Ms. ROS-LEHTINEN, and Mr. GRIJALVA.

H.R. 84: Ms. LEE.

H.R. 85: Ms. LEE.

H.R. 119: Mr. VAN HOLLEN.

H.R. 187: Ms. LEE.

H.R. 189: Mr. KUCINICH.

H.R. 236: Mr. LUCAS of Kentucky.

H.R. 369: Mr. RAHALL and Mr. EVANS.

H.R. 486: Mr. SMITH of New Jersey and Mr. PITTS.

H.R. 715: Ms. LINDA T. SANCHEZ of California and Mrs. JONES of Ohio.

H.R. 800: Mr. CALVERT.

H.R. 814: Mr. ORTIZ and Mr. RYAN of Ohio.

H.R. 832: Mr. RUSH.

H.R. 839: Mr. ROGERS of Kentucky, Mr. GILCHREST, Mr. ETHERIDGE, Mr. QUINN, Mr. BEAUPREZ, Mr. BURR, Mr. SHUSTER, Mr. HINCHEY, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. FRANKS of Arizona.

H.R. 850: Mr. BURNS.

H.R. 871: Mr. TERRY and Mr. PETERSON of Minnesota.

H.R. 873: Mr. WALDEN of Oregon.

H.R. 898: Mr. CRAMER.

H.R. 1008: Mr. RYUN of Kansas, Mr. SESSIONS, and Mr. SHIMKUS.

H.R. 1046: Mr. FORBES and Ms. WATSON.

H.R. 1068: Mr. SNYDER and Mr. FERGUSON.

H.R. 1078: Mr. BACHUS, Mr. FRELINGHUYSEN, Mr. AKIN, Mr. GINGREY, Mr. EHLERS, Ms. HART, Mr. FOLEY, Mr. BISHOP of Utah, Mr. BOEHLERT, Mr. DICKS, Mr. BLUNT, Mr. WHITFIELD, Mr. COSTELLO, Mr. KIND, Mr. CARDIN, Mr. HILL, Mr. BEREUTER, Mr. MCHUGH, Mr. OSBORNE, Mr. LUCAS of Kentucky, Mr. PORTMAN, Mr. KUCINICH, Mr. LATOURETTE, Mr. HULSHOF, Mrs. JOHNSON of Connecticut, Mr. UDALL of New Mexico, and Mr. UPTON.

H.R. 1097: Mr. JACKSON of Illinois and Mr. VAN HOLLEN.

H.R. 1102: Mr. DAVIS of Florida.

H.R. 1123: Mr. SCHROCK.

H.R. 1125: Mr. PORTER, Ms. SOLIS, Mr. SMITH of Washington, and Mr. DEAL of Georgia.

H.R. 1225: Mr. PORTER and Mr. OSBORNE.

H.R. 1244: Mr. SIMMONS.

H.R. 1288: Mr. ETHERIDGE, Mrs. JONES of Ohio, and Mr. HOLDEN.

H.R. 1295: Mr. COSTELLO, Mr. PAUL, Mr. WEXLER, Mr. HEFLEY, Mr. GREEN of Texas, and Mr. PALLONE.

H.R. 1305: Mrs. MYRICK, Mr. BURR, and Mr. TOOMEY.

H.R. 1310: Mr. RADANOVICH, Mr. PETERSON of Minnesota, and Mr. MICA.

H.R. 1316: Mrs. NAPOLITANO and Mr. KUCINICH.

H.R. 1322: Mr. SHERMAN and Mr. STUPAK.

H.R. 1372: Mr. LINDER, Mr. NETHERCUTT, Mr. ISAKSON, and Mr. LANTOS.

H.R. 1472: Mr. STARK.

H.R. 1605: Mr. GRIJALVA.

H.R. 1608: Mr. FOLEY.

H.R. 1633: Mr. WEXLER, Mr. FORD, and Mr. ABERCROMBIE.

H.R. 1639: Mr. VAN HOLLEN, Ms. ESHOO, and Ms. SCHAKOWSKY.
H.R. 1657: Mr. GRIJALVA.
H.R. 1684: Mr. HINOJOSA, Mr. FORD, and Mr. BISHOP of New York.
H.R. 1707: Mr. COOPER.
H.R. 1711: Mr. BOSWELL, Ms. NORTON, Mrs. TAUSCHER, Mr. NADLER, Mr. ACEVEDO-VILA, Mr. LEVIN, and Mr. KILDEE.
H.R. 1713: Mr. CUMMINGS
H.R. 1749: Mr. BRADLEY of New Hampshire, Mr. TAYLOR of Mississippi, Mr. WAXMAN, Mr. ACEVEDO-VILA, and Mr. WYNN.
H.R. 1753: Mr. KILDEE.
H.R. 1762: Mr. CALVERT and Mr. MILLER of North Carolina.
H.R. 1776: Mr. SAXTON, Mr. KNOLLENBERG, Mr. KING of Iowa, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1815: Mr. POMEROY, Mr. OWENS, and Mr. WATT.
H.R. 1819: Mr. DAVIS of Florida.
H.R. 1828: Mr. DAVIS of Florida.
H.R. 1914: Mr. MCNULTY, Mr. CAMP, Mr. DEMINT, Mr. TOWNS, Mr. DOOLITTLE, Mr. HERGER, Mr. WALSH, Mr. OSE, and Mrs. BLACKBURN.
H.R. 1939: Mr. WALSH and Mrs. MALONEY.
H.R. 1943: Mr. WILSON of South Carolina and Mr. REGULA.
H.R. 1994: Mr. RAHALL.
H.R. 2022: Mr. TOWNS.
H.R. 2038: Mr. CROWLEY, Mr. SCHIFF, and Mr. HASTINGS of Florida.
H.R. 2052: Mr. NETHERCUTT, Mr. BURNS, Mr. REYES, and Mr. GUTIERREZ.
H.R. 2190: Mr. PICKERING.
H.R. 2208: Mr. REYES.
H.R. 2214: Mr. ROYCE and Mr. BURNS.
H.R. 2249: Mr. RYUN OF Kansas and Mr. SAXTON.
H.R. 2299: Mr. EVANS.
H.R. 2300: Mr. GRIJALVA, Mrs. CHRISTENSEN, and Mrs. JONES of Ohio.
H.R. 2313: Ms. ROYBAL-ALLARD and Ms. WATSON.
H.R. 2318: Mr. MILLER of North Carolina, Mr. NADLER, and Ms. SCHAKOWSKY.
H.R. 2327: Mr. GOODLATTE and Mr. WOLF.
H.R. 2379: Mr. OTTER, Mr. PLATTS, Mrs. MUSGRAVE, Mr. GUTKNECHT, and Mr. NORWOOD.
H.R. 2440: Ms. WOOLSEY.
H.R. 2448: Mr. UPTON and Mr. BALLENGER.
H.R. 2455: Ms. DELAURO.
H.R. 2458: Mr. COLE.
H.R. 2462: Ms. WATERS and Mr. WATT.
H.R. 2497: Mr. GRIJALVA, Ms. KAPTUR, and Mr. OBERSTAR.
H.R. 2505: Mr. CASE.
H.R. 2511: Mr. FRANK of Massachusetts.
H.R. 2512: Mrs. LOWEY and Mr. BISHOP of New York.
H.R. 2515: Mr. BAIRD, Mr. VAN HOLLEN, and Mr. WOLF.
H.R. 2527: Mr. CROWLEY, Mrs. TAUSCHER, Mr. HINCHEY, Mr. PAYNE, and Mr. GUTIERREZ.
H.R. 2546: Ms. SCHAKOWSKY.
H.R. 2553: Mr. GRIJALVA.
H.R. 2569: Mr. MOORE, Mr. JEFFERSON, Mr. BROWN of Ohio, Mr. KENNEDY of Rhode Island, and Mr. LARSEN of Connecticut.
H.R. 2572: Mr. DAVIS of Illinois.
H.R. 2575: Mr. SCOTT of Georgia.
H.R. 2581: Mr. SCHROCK.
H.R. 2582: Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, and Mr. KILDEE.
H.R. 2601: Mr. STARK.
H.R. 2603: Mr. HAYWORTH.
H.R. 2632: Mr. PRICE of North Carolina, Mr. ISAKSON, and Mr. UPTON.
H.R. 2655: Mrs. KELLY and Mr. MCHUGH.
H.R. 2656: Mr. GIBBONS.
H.R. 2665: Mr. MICHAUD.
H.R. 2705: Mr. GIBBONS.
H.R. 2706: Mr. ACEVEDO-VILA, Mr. FRANK of Massachusetts, Mr. SWEENEY, Mr. MEEKS of New York, Mr. ENGLISH, and Mr. VITTER.
H.R. 2722: Mr. COBLE.
H.R. 2725: Mr. BACHUS.
H.R. 2727: Mr. CROWLEY, Mrs. TAUSCHER, and Mr. PAYNE.
H.R. 2733: Mr. PLATTS and Mr. SHIMKUS.
H.J. Res. 56: Mr. TAYLOR of Mississippi and Mr. HERGER.
H. Con. Res. 98: Mr. SULLIVAN and Mr. MEEKS of New York.
H. Con. Res. 126: Mr. FOSSELLA.
H. Con. Res. 212: Mr. CHABOT, Mr. SESSIONS, Mr. FOSSELLA, and Mr. EVANS.
H. Con. Res. 240: Mr. BROWN of Ohio, Mr. FALEOMAVAEGA, and Mr. BRADY of Pennsylvania.
H. Con. Res. 244: Ms. ROS-LEHTINEN.
H. Res. 103: Mr. RYAN of Ohio.
H. Res. 261: Mr. MORAN of Virginia, Ms. ROYBAL-ALLARD, and Mr. GRIJALVA.
H. Res. 262: Mr. OWENS and Mr. MEEHAN.
H. Res. 273: Mr. LANTOS and Mr. FRANK of Massachusetts.
H. Res. 291: Ms. SOLIS and Mrs. MALONEY.
H. Res. 322: Mr. BRADY of Texas and Mr. RAMSTAD.

¶80.55 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. WELLER, Mr. PENCE, Ms. HART, and Mr. PORTMAN.

FRIDAY, JULY 18, 2003 (81)

The House was called to order by the SPEAKER.

¶81.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Thursday, July 17, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶81.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3263. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Changes in Reporting Requirements [Docket No. FV03-993-1 IFR] received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3264. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rate [Docket No. FV03-930-2 FR] received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3265. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Increase in Membership on the Area No. 2 Colorado Potato Administrative Committee [Docket No. FV03-948-1 FR] received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3266. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Changes in Fees for Federal Meat Grading and Certification Services [Docket No. LS-02-06] (RIN: 0581-AC13) received 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3267. A letter from the Administrator, Department of Agriculture, transmitting the Department's ''Major'' final rule — Control of Listeria monocytogenes in Ready-to-Eat Meat and Poultry Products [Docket No. 97-013F] (RIN: 0583-AC46) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3268. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on orders issued to protect Safeguards Information; to the Committee on Energy and Commerce.

3269. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective June 1, 2003, the 15% Danger Pay Allowance for Jordan was terminated due to the ending of authorized departure status, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

3270. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on ''Overseas Surplus Property,'' pursuant to Public Law 105—277, section 2215; to the Committee on International Relations.

3271. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the export to Iraq of the certain body armor, nuclear, biological and chemical protective equipment, and military equipment (such as small arms and ammunition) for use in reconstituting the Iraqi military or police forces, is in the national interest of the United States (Transmittal No. DDTC 01IZ-03), pursuant to Public Law 108—11, section 1504; to the Committee on International Relations.

3272. A letter from the Under Secretary, Natural Resources and Environment, Department of Agriculture, transmitting notification that it is in the public interest to use procedures other than competitive procedures for a contract involving the National Recreation Reservation System, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform.

3273. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Douglas County Distinct Population Segment of Columbian White-Tailed Deer From the Federal List of Endangered and Threatened Wildlife (RIN: 1018-AF43) received July 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3274. A letter from the Counsel, Pacific Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 2002, pursuant to 36 U.S.C. 4610; to the Committee on the Judiciary.

3275. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Depreciation of Vans and Light Trucks [TD 9069] (RIN: 1545-BB06) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3276. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-48] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3277. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003-87) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶81.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without

amendment bills and a concurrent resolution of the House of the following titles:

S. 314. An Act to make improvements in the Foundation for the National Institutes of Health.

S. 470. An Act to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 490. An Act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

S. 499. An Act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 546. An Act to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 643. An Act to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

S. 651. An Act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 677. An Act to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

S. 924. An Act to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

S. 1076. An Act to authorize construction of an education center at or near the Vietnam Veterans Memorial.

S. 1399. An Act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the ''William J. Scherle Post Office Building''.

S. Con. Res. 53. A concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

The message also announced that the Senate has passed without amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 74. An Act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

H.R. 255. An Act to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska.

H.R. 1577. An Act to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the ''Kris Eggle Visitor Center'', and for other purposes.

¶81.4 ENERGY AND WATER APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to order of the House of July 17, 2003 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. BISHOP of Utah, by unanimous consent, designated Mr. ISAKSON as Chairman of the Committee of the Whole; and after some time spent therein,

¶81.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ANDREWS:

Page 3, line 6, after the dollar amount, insert the following: ''(reduced by $7,700,000)''.

It was decided in the negative ..... { Yeas ..... 194 / Nays 213

¶81.6 [Roll No. 391]

AYES—194

Akin
Andrews
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Burns
Burton (IN)
Cannon
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chocola
Cole
Collins
Conyers
Cooper
Crane
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Delahunt
DeMint
Deutsch
Diaz-Balart, L.
Dingell
Doggett
Ehlers
Engel
Eshoo
Evans
Everett
Feeney
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gilchrest
Goss
Graves
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
Kirk
Kleczka
Kline
Kucinich
Langevin
Larsen (WA)
Leach
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Maloney
Markey
Matheson
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McNulty
Meehan
Miller (FL)
Miller (NC)
Moore
Moran (KS)
Moran (VA)
Musgrave
Myrick
Neal (MA)
Neugebauer
Northup
Norwood
Olver
Otter
Owens
Pallone
Payne
Pearce
Pence
Petri
Pomeroy
Portman
Ramstad
Rangel
Rohrabacher
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Shadegg
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Solis
Stearns
Stenholm
Sweeney
Tancredo
Tauscher
Terry
Thomas
Thornberry
Tiberi
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Watt
Wexler
Woolsey

NOES—213

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Ballance
Becerra
Berry
Bishop (GA)
Blackburn
Blunt
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Burr
Buyer
Calvert
Camp
Cantor
Capuano
Carson (OK)
Clay
Clyburn
Coble
Costello
Cramer
Crenshaw
Crowley
Cubin
Cummings
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Emanuel
Emerson
English
Etheridge
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Greenwood
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hill
Hobson
Hoeffel
Hoyer
Hulshof
Hyde
Isakson
Istook
Jenkins
John
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lipinski
Lowey
Lucas (OK)
Lynch
Majette
Manzullo
Marshall
Matsui
McCarthy (NY)
McCotter
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Murphy
Murtha
Nadler
Napolitano
Nethercutt
Ney
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Oxley
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roybal-Allard
Ruppersberger
Ryun (KS)
Sabo
Schrock
Scott (GA)
Serrano
Sessions
Shaw
Sherwood
Shuster
Simpson
Smith (TX)
Snyder
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Tanner
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—27

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Cox
Davis (TN)
DeLay
Dreier
Ferguson
Gallegly
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Paul
Quinn
Reynolds
Ros-Lehtinen
Taylor (NC)
Walsh
Waxman
Weldon (FL)
Young (AK)

So the amendment was not agreed to.

¶81.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. UDALL of Colorado:

Page 17, line 2, after the dollar amount, insert the following: ''(increased by $30,000,000)''.

Page 19, line 2, after the dollar amount, insert the following: ''(reduced by $30,000,000)''.

It was decided in the negative ..... { Yeas ..... 153 / Nays 251

¶81.8 [Roll No. 392]

AYES—153

Ackerman
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Bishop (NY)
Blumenauer
Boehlert
Boswell
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Conyers
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Ehlers
Emanuel
Eshoo
Evans
Farr
Filner
Foley
Ford
Frank (MA)
Gerlach
Gibbons
Gonzalez
Green (WI)
Grijalva
Gutierrez
Hastings (FL)
Hensarling
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Platts
Pomeroy
Porter
Rahall
Rangel
Renzi
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Stark
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Weiner
Weldon (PA)
Wexler
Woolsey
Wu

NOES—251

Abercrombie
Aderholt
Akin
Alexander
Allen
Bachus
Baker
Barrett (SC)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Rush
Ryun (KS)
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—30

Ballenger
Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Davis (TN)
DeLay
Dreier
Ferguson
Gallegly
Gephardt
Granger
Harman
Janklow
Jefferson
Johnson, Sam
Lipinski
Millender-McDonald
Paul
Quinn
Reynolds
Ros-Lehtinen
Taylor (NC)
Thomas
Walsh
Waxman
Weldon (FL)
Young (AK)

So the amendment was not agreed to.

¶81.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2 submitted by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $272,110,000.

It was decided in the negative ..... { Yeas ..... 82 / Nays 327

¶81.10 [Roll No. 393]

AYES—82

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bilirakis
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Buyer
Cannon
Capuano
Chabot
Chocola
Coble
Collins
Cox
Crane
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Everett
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Green (WI)
Gutknecht
Hefley
Hensarling
Herger
Hostettler
Hunter
Isakson
Jenkins
Jones (NC)
Kennedy (MN)
Lewis (KY)
Linder
Matheson
McCotter
Miller (FL)
Miller, Gary
Musgrave
Myrick
Norwood
Otter
Pence
Petri
Pitts
Porter
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Stearns
Tancredo
Tanner
Taylor (MS)
Terry
Toomey
Wilson (SC)

NOES—327

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Becerra
Bell
Bereuter
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders

Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—25

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Davis (TN)
DeLay
Dreier
Ferguson
Gallegly
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Paul
Quinn
Reynolds
Ros-Lehtinen
Taylor (NC)
Walsh
Waxman
Young (AK)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. HASTINGS of Washington, assumed the Chair.

When Mr. ISAKSON, Chairman, pursuant to the order of the House of July 17, 2003, reported the bill, as amended, back to the House with sundry further amendments adopted by the Committee.

Pursuant to the order of the House of July 17, 2003, the previous question was ordered on the bill, as amended, and the further amendments.

The following further amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

On page 38, line 20, strike all after ''502.'' through ''(c)'' on page 39, line 7.

At the end of the bill (preceding the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to release water from the San Juan Chama Project or Middle Rio Grande Project for the purpose of complying with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Page 39, after line 24, insert the following:

SEC. 504. None of the funds made available by this Act may be used to issue any license, approval, or authorization for the export or reexport, or the transfer or retransfer, either directly or indirectly, the Democratic Peoples' Republic of North Korea of—

(1) any special nuclear material or byproduct material;

(2) any nuclear production or utilization facilities; or

(3) any components, technologies, substances, technical information, or related goods or services used (or which could be used) in a nuclear production or utilization facility; except that, this restriction shall not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HOYER moved to recommit the bill to the Committee on Appropriations.

By unanimous consent, the previous question was ordered on the motion to recommit.

The question being put, viva voce,

Will the House recommit said bill?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the nays had it.

Mr. HOYER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 99 / Nays 310

¶81.11 [Roll No. 394]

AYES—99

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Bishop (NY)
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capuano
Carson (IN)
Carson (OK)
Clyburn
Conyers
Cooper
Cummings
Davis (AL)
Davis (IL)
DeGette
Delahunt
Deutsch
Dingell
Doggett
Emanuel
Engel
Eshoo
Evans
Farr
Filner
Frank (MA)
Gibbons
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hoeffel
Inslee
Israel
Jackson (IL)
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pastor
Pelosi
Porter
Rangel
Rodriguez
Rothman
Rush
Ryan (OH)
Sanchez, Linda T.
Schakowsky
Sherman
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Tierney
Towns
Udall (CO)
Van Hollen
Velazquez
Watson
Watt
Weiner
Wexler

NOES—310

Aderholt
Akin
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matsui
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—25

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Davis (TN)
DeLay
Dreier
Ferguson
Gallegly
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Paul
Quinn
Reynolds
Ros-Lehtinen
Taylor (NC)
Walsh
Waxman
Young (AK)

So the motion to recommit was not agreed to.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HASTINGS of Washinagton, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 377 / Nays 26

¶81.12 [Roll No. 395]

YEAS—377

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)

Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—26

Akin
Andrews
Capuano
Doggett
Feeney
Flake
Franks (AZ)
Gibbons
Hefley
Hensarling
Hostettler
Kind
Kucinich
Matheson
Meehan
Miller (FL)
Petri
Porter
Ramstad
Royce
Sensenbrenner
Shadegg
Stearns
Strickland
Tancredo
Toomey

NOT VOTING—32

Barton (TX)
Berkley
Berman
Boehner
Bonilla
Burgess
Carter
Davis (TN)
Deal (GA)
DeLay
Dreier
Everett
Ferguson
Fletcher
Gallegly
Gephardt
Granger
Jackson-Lee (TX)
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Northup
Paul
Quinn
Reynolds
Ros-Lehtinen
Taylor (NC)
Velazquez
Walsh
Waxman
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.13 MOTION TO INSTRUCT CONFEREES TO H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the motion, by Mr. BELL, to instruct conferees on the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

The question being put,

Will the House agree to said motion to instruct?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 188 / Nays 201

¶81.14 [Roll No. 396]

YEAS—188

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—201

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—46

Baird
Barton (TX)
Berkley
Berman
Boehner
Bonilla
Bono
Boucher
Burgess
Capuano
Carter
Cox
Davis (TN)
Deal (GA)
DeGette
DeLay
Dooley (CA)
Dreier
Everett
Ferguson
Fletcher
Gallegly
Gephardt
Granger
Gutierrez
Harman
Janklow
Jefferson
Johnson, Sam
Linder
McNulty
Meehan
Millender-McDonald
Ortiz
Pascrell
Paul
Quinn
Reynolds
Ros-Lehtinen
Shays
Smith (WA)
Taylor (NC)
Velazquez
Walsh
Waxman
Young (AK)

So the motion to instruct the conferees on the part of the House was not agreed to.

A motion to reconsider the vote whereby said moton was not agreed to was, by unanimous consent, laid on the table.

¶81.15 PRIVILEGES OF THE HOUSE

Ms. PELOSI rose to a question of the privileges of the House and submitted the following resolution (H. Res. 324):

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee: Now, therefore, be it

Resolved, That the House of Representatives disapproves of the manner in which Representative Thomas conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

When said resolution was considered.

After debate,

Mr. McCRERY moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the yeas had it.

Ms. PELOSI demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 170 / Nays 143

¶81.16 [Roll No. 397]

AYES—170

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Calvert
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dunn
Ehlers
Emerson
English
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Johnson (CT)
Johnson (IL)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Pearce
Petri
Pickering
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Smith (NJ)
Souder
Stearns
Sullivan
Sweeney
Tauzin
Terry
Thomas
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—143

Ackerman
Alexander
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
DeLauro
Deutsch
Dicks
Doggett
Engel
Eshoo
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Grijalva
Hall
Hastings (FL)
Hill
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McIntyre
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOT VOTING—122

Abercrombie
Aderholt
Allen
Baca
Barton (TX)
Berkley
Berman
Bilirakis
Bishop (NY)
Boehlert
Boehner
Bonilla
Boucher
Burgess
Burr
Burton (IN)
Buyer
Camp
Capps
Capuano
Carter
Case
Costello
Cox
Cubin
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLay
Dingell
Dooley (CA)
Doyle
Dreier
Duncan
Edwards
Emanuel
Etheridge
Everett
Fattah
Ferguson
Fletcher
Gallegly
Gephardt
Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Harman
Hensarling
Hinchey
Hinojosa
Hoekstra
Holden
Issa
Istook
Janklow
Jefferson
Jenkins
Johnson, Sam
Jones (NC)
Kaptur
Kilpatrick
Kind
Lampson
Linder
Lipinski
McDermott
McGovern
McHugh
McNulty
Meehan
Mica
Millender-McDonald
Miller (MI)
Moran (KS)
Nethercutt
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Paul
Pence
Peterson (PA)
Pitts
Price (NC)
Quinn
Radanovich
Ramstad
Reynolds
Rodriguez
Ros-Lehtinen
Rothman
Sabo
Sandlin
Saxton
Shuster
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Stenholm
Stupak
Tancredo
Taylor (NC)
Thornberry
Toomey
Udall (CO)
Velazquez
Walsh
Wamp
Waxman
Wynn

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶81.17 REPORT ON H. RES. 288

Mr. KIRK, by direction of the Committee on Transportation and Infrastructure, reported (Rept. No. 108–220) the resolution (H. Res. 288) directing the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning March 11, 2003, and ending May 16, 2003, except information the disclosure of which

would harm the national security interests; referred to the House Calendar and ordered printed.

¶81.18 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. VAN HOLLEN submitted the following privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, as follows: (1) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and to not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees and file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion to instruct?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. VAN HOLLEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Monday, July 21, 2003.

¶81.19 ADJOURNMENT OVER

On motion of Mr. NORWOOD, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, July 21, 2003 at 12:30 p.m. for morning-hour debate.

¶81.20 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. NORWOOD, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, July 23, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶81.21 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 314. An Act to make improvements in the Foundation for the National Institutes of Health, to the Committee on Energy and Commerce.

S. 499. An Act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; to the Committee on Resources.

S. 546. An Act to provide for the protection of paleontological resources on Federal lands, and for other purposes, to the Committee on Resources; in addition to the Committee on Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 643. An Act to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes, to the Committee on Resources.

S. 651. An Act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes, to the Committee on Resources.

S. 677. An Act to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes, to the Committee on Resources.

S. 924. An Act to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes, to the Committee on Resources.

S. 1076. An Act to authorize construction of an education center at or near the Vietnam Veterans Memorial, to the Committee on Resources.

S. 1399. An Act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the ''William J. Scherle Post Office Building'', to the Committee on Government Reform.

¶81.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DAVIS of Tennessee, for today;

To Mr. DEFAZIO, for today after 2:30 p.m.; and

To Mr. MCNULTY, for today after 12:55 p.m.

And then,

¶81.23 ADJOURNMENT

On motion of Mr. VAN HOLLEN, pursuant to the previous order of the House, at 5 o'clock and 44 minutes p.m., the House adjourned until 12:30 p.m. on Monday, July 21, 2003.

¶81.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1701. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; with an amendment (Rept. 108–219). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Resolution 288. Resolution directing the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States (Rept. 108–220). Referred to the House Calendar.

¶81.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. SHAYS, Ms. LEE, Mr. SERRANO, Mr. ABERCROMBIE, Mr. KILDEE, Ms. WOOLSEY, Ms. LORETTA SANCHEZ of California, Ms. ROYBAL-ALLARD, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, and Mr. SANDERS):

H.R. 2790. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to provide for a performance standard for breast pumps; and to provide tax incentives to encourage breastfeeding; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. SANDERS, Ms. LEE, Mr. MORAN of Virginia, and Mr. HOLT):

H.R. 2791. A bill to eliminate the unfair and disadvantageous treatment of cash military compensation other than basic pay under the supplemental security income benefits program; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia:

H.R. 2792. A bill to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 2793. A bill to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; to the Committee on Resources.

By Mr. LUCAS of Kentucky:

H.R. 2794. A bill to authorize the transfer of the U.S.S. Narwhal to the National Submarine Science Discovery Center in Newport, Kentucky; to the Committee on Armed Services.

By Mrs. MALONEY (for herself and Ms. NORTON):

H.R. 2795. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and the Workforce.

By Mr. THOMPSON of Mississippi:

H.R. 2796. A bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit history for any insurance purpose and to require the disclosure of consumer reports and the credit scoring procedure in order to prevent inaccuracies and mistakes in consumer credit reports, and for other purposes; to the Committee on Financial Services.

By Mr. WILSON of South Carolina (for himself, Mr. DAVIS of Tennessee, Mr. JENKINS, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. COLLINS, Mr. MCCOTTER, Mr. CARDOZA, and Mrs. MYRICK):

H.R. 2797. A bill to amend title 32, United States Code, to improve the readiness of State defense forces and to increase military coordination for homeland security between the States and the Department of Defense; to the Committee on Armed Services.

By Mr. BROWN of South Carolina (for himself, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BEAUPREZ, Mr. BOOZMAN, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. FOLEY, Mr. GARRETT of New Jersey, Mr. HAYES, Mr. OSBORNE, Mr. PENCE, Mr. PITTS, Mr. ROGERS of Michigan, Mr. SOUDER, and Mr. WILSON of South Carolina):

H.J. Res. 65. A joint resolution proposing an amendment to the Constitution of the United States respecting real and virtual child pornography; to the Committee on the Judiciary.

By Ms. PELOSI:

H. Res. 324. A resolution relating to a question of the privileges of the House.

By Mr. HASTINGS of Florida (for himself, Mr. BALLENGER, Mr. MENENDEZ, Ms. ROS-LEHTINEN, Mr. ACKERMAN, and Mr. CROWLEY):

H. Res. 325. A resolution commemorating the 9th anniversary of the attack on the Argentine Jewish Mutual Aid Association (AMIA) in Buenos Aires, Argentina, and highlighting the attack as characteristic of the threat to the United States from radical Islamic organizations operating from Latin America; to the Committee on International Relations.

¶81.26 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TOOMEY introduced A bill (H.R. 2798) for the relief of Gracekutty Thomas and her son Gladwin Thomas; which was referred to the Committee on the Judiciary.

¶81.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. BOUCHER.

H.R. 66: Mr. BOUCHER.

H.R. 97: Mr. GREEN of Texas and Mr. BOUCHER.

H.R. 106: Mr. GOODE.

H.R. 125: Mr. LIPINSKI.

H.R. 135: Mr. HASTINGS of Florida.

H.R. 218: Ms. MILLENDER-MCDONALD, Ms. GRANGER, Mr. COLLINS, and Ms. LORETTA SANCHEZ of California.

H.R. 236: Mr. MCINTYRE.

H.R. 284: Mr. FEENEY, Mr. HASTINGS of Florida, Mrs. DAVIS of California, Mr. COLE, and Mr. BROWN of Ohio.

H.R. 290: Ms. HARMAN, Mr. RUPPERSBERGER, and Mr. COLE.

H.R. 296: Ms. ESHOO and Mr. HINCHEY.

H.R. 339: Mr. YOUNG of Alaska and Mr. KLINE.

H.R. 384: Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, and Mr. FLAKE.

H.R. 391: Mr. MILLER of Florida.

H.R. 422: Mr. UPTON.

H.R. 687: Mr. SAXTON and Mr. OTTER.

H.R. 742: Mr. ENGLISH, Mr. ROSS, Mr. EMANUEL, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 790: Mr. SAXTON.

H.R. 792: Mr. SMITH of Washington.

H.R. 806: Mr. MCGOVERN, Mr. GRIJALVA, Mr. BISHOP of New York, and Mr. BEREUTER.

H.R. 857: Mr. CASE.

H.R. 931: Mr. CALVERT.

H.R. 962: Mr. BERMAN.

H.R. 997: Mr. KNOLLENBERG and Mr. GARRETT of New Jersey.

H.R. 1078: Mr. BONILLA, Mr. COBLE, Mr. SIMMONS, Mr. SHAYS, Mr. POMEROY, Mr. SCHROCK, Mr. PITTS, and Mr. HASTINGS of Florida.

H.R. 1083: Mr. NORWOOD.

H.R. 1100: Mr. RYAN of Wisconsin.

H.R. 1105: Mr. WATT.

H.R. 1117: Mr. SMITH of New Jersey.

H.R. 1174: Mr. JONES of Ohio.

H.R. 1196: Mr. OWENS and Mr. HOLT.

H.R. 1215: Mr. ACEVEDO-VILA and Mr. DAVIS of Illinois.

H.R. 1216: Mr. KUCINICH, Mr. ACEVEDO-VILA, Mr. DAVIS of Illinois, and Mr. MICHAUD.

H.R. 1217: Mr. CLYBURN and Mr. DAVIS of Illinois.

H.R. 1218: Mr. DAVIS of Illinois and Mr. THOMPSON of Mississippi.

H.R. 1231: Mr. OWENS, Mr. BISHOP of New York, Mr. REYNOLDS, Mr. PICKERING, and Mr. RUSH.

H.R. 1250: Mr. ENGLISH.

H.R. 1348: Mr. CASE.

H.R. 1411: Ms. KILPATRICK, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. MCGOVERN, and Mr. KUCINICH.

H.R. 1421: Mr. FILNER and Ms. CARSON of Indiana.

H.R. 1430: Mr. LARSON of Connecticut and Mr. ISRAEL.

H.R. 1479: Mr. LOBIONDO.

H.R. 1480: Mr. PRICE of North Carolina.

H.R. 1482: Mr. MCGOVERN.

H.R. 1499: Mr. PRICE of North Carolina.

H.R. 1513: Mr. TERRY, Mr. HOLDEN, Mr. GREEN of Wisconsin, and Mr. POMEROY.

H.R. 1523: Mrs. MYRICK.

H.R. 1532: Mr. OWENS and Mr. MICA.

H.R. 1676: Mr. MANZULLO and Mr. AKIN.

H.R. 1708: Mr. TAYLOR of Mississippi.

H.R. 1723: Mr. HINCHEY.

H.R. 1734: Mr. BURTON of Indiana, Mr. DUNCAN, Mr. WAMP, and Mr. BACA.

H.R. 1767: Mr. BARRETT of South Carolina and Mr. HEFLEY.

H.R. 1813: Mr. TIERNEY and Mr. GREEN of Wisconsin.

H.R. 1818: Mr. LYNCH and Mr. UDALL of Colorado.

H.R. 1822: Ms. MILLENDER-MCDONALD, Mr. LANTOS, Mr. FROST, Mr. CARDOZA, Mr. DOOLITTLE, Mr. FARR, Ms. HARMAN, and Ms. LEE.

H.R. 1861: Mr. GEORGE MILLER of California.

H.R. 1874: Mr. VAN HOLLEN and Mr. KILDEE.

H.R. 1992: Mr. GUTIERREZ, Mr. MENENDEZ, Mr. PASTOR, Mr. ORTIZ, Mr. BACA, Ms. LINDA T. SANCHEZ of California, Mrs. NAPOLITANO, Mr. REYES, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. BECERRA, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. CASE, Mr. HONDA, and Mr. OWENS.

H.R. 1998: Mr. UPTON, Mr. COX, Mr. HINCHEY, Mr. ANDREWS, Mr. CASE, Ms. GINNY BROWN-WAITE of Florida, and Mr. SHAW.

H.R. 2020: Mr. LUCAS of Kentucky.

H.R. 2037: Mr. HOLT.

H.R. 2042: Mr. NADLER, Mr. BECERRA, Mr. HOLT, Mr. OLVER, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. WEINER, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. CARDIN, Mr. VAN HOLLEN, and Ms. WOOLSEY.

H.R. 2096: Mr. NETHERCUTT, Mr. GINGREY, Mr. ROGERS of Kentucky, Mr. GOODLATTE, Mr. GRIJALVA, Mr. COLE, Mr. JEFFERSON, and Mr. ROGERS of Michigan.

H.R. 2205: Mr. BERRY, Mr. GREEN of Texas, Mr. FARR, Ms. WATSON, Mr. WATT, Mr. JACKSON of Illinois, Mr. QUINN, Mr. CRANE, and Mr. PORTMAN.

H.R. 2232: Mrs. NORTHUP.

H.R. 2316: Mr. COLLINS.

H.R. 2372: Ms. SCHAKOWSKY.

H.R. 2379: Mrs. EMERSON.

H.R. 2394: Mr. LIPINSKI, Mr. MATHESON, and Mr. SANDLIN.

H.R. 2418: Ms. SCHAKOWSKY.

H.R. 2427: Mr. LARSON of Connecticut, Mr. OLIVER, Mr. CLAY, and Mr. CROWLEY.

H.R. 2462: Mr. BLUMENAUER and Mr. FARR.

H.R. 2482: Mr. BLUMENAUER.

H.R. 2490: Mr. ETHERIDGE.

H.R. 2568: Mrs. LOWEY and Mr. MCGOVERN.

H.R. 2569: Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. RUPPERSBERGER, Mrs. DAVIS of California, and Mr. MENENDEZ.

H.R. 2579: Mr. EHLERS, Mr. HOSTETTLER, and Mr. FORBES.

H.R. 2591: Mr. GARRETT of New Jersey.

H.R. 2613: Ms. MCCOLLUM.

H.R. 2620: Mr. PENCE, Ms. WOOLSEY, Mr. MCGOVERN, Ms. ROS-LEHTINEN.

H.R. 2622: Mr. ADERHOLT, Mr. TERRY, and Mr. DAVIS of Florida.

H.R. 2625: Mr. ROTHMAN, Ms. MILLENDER-MCDONALD, Mr. HONDA, Mrs. NAPOLITANO, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Ms. SOLIS, Ms. WATERS, and Mr. OLVER.

H.R. 2626: Mr DINGELL, Mr. REHBERG, Mr. QUINN, and Mr. OSBORNE.

H.R. 2629: Mr. OWENS.

H.R. 2661: Mr. COBLE.

H.R. 2665: Ms. KAPTUR.

H.R. 2671: Mr. BACHUS, Mr. CRANE, Mr. ROHRABACHER, Mr. OTTER, Mr. GARRETT of New Jersey, Mr. FRANKS of Arizona, and Mr. BILIRAKIS.

H.R. 2680: Mr. DAVIS of Florida, Mr. KUCINICH, Mr. GREEN of Texas, Mr. ROSS, Mr. BELL, Mr. KILDEE, Ms. PELOSI, Mr. CARDOZA, Mr. SHERMAN, Mr. MORAN of Virginia, Mr. MILLER of North Carolina, Mr. BRADLEY of New Hampshire, Mr. STARK, Mr. LANTOS, Ms. LORETTA SANCHEZ of California, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mr. EMANUEL, Mr. GUTIERREZ, Mr. BOSWELL, Mr. BURNS, Mr. LATOURETTE, Ms. KAPTUR, Mr. CRANE, Mr. ROGERS of Alabama, Mr. SPRATT, Mr. HOLDEN, Mr. GEORGE MILLER of California, Mr. GREEN of Wisconsin, Mr. WAXMAN, Mr. VISCLOSKY, Mr. MENENDEZ, Mr. PICKERING, Mr. CAMP, Mr. ROGERS of Michigan, and Mr. BAIRD.

H.R. 2705: Mr. MCINTYRE and Mr. WICKER.

H.R. 2711: Mr. VAN HOLLEN and Mr. GREEN of Wisconsin.

H.R. 2719: Mr. COLLINS, Mr. CONYERS, Mr. BROWN of South Carolina, Mr. MCNULTY, and Ms. KILPATRICK.

H.R. 2720: Mr. RUSH, Ms. SCHAKOWSKY, and Ms. BALDWIN.

H.R. 2727: Mr. WEXLER.

H.R. 2752: Mr. CASE.

H.R. 2758: Mr. NUSSLE.

H.R. 2769: Mrs. NORTHUP, Mr. BURTON of Indiana, and Mr. WAMP.

H.J. Res. 28: Mr. THOMPSON of Mississippi.

H.J. Res. 30: Mr. THOMPSON of Mississippi.
H.J. Res. 31: Mr. THOMPSON of Mississippi.
H.J. Res. 32: Mr. THOMPSON of Mississippi.
H.J. Res. 33: Mr. THOMPSON of Mississippi.
H.J. Res. 34: Mr. THOMPSON of Mississippi.
H.J. Res. 35: Mr. THOMPSON of Mississippi.
H.J. Res. 36: Mrs. KELLY.
H. Con. Res. 47: Mrs. NAPOLITANO, Mr. FROST, and Mr. KUCINICH.
H. Con. Res. 176: Mr. KANJORSKI.
H. Con. Res. 229: Mr. BERMAN, Mr. WALSH, Mr. MCNULTY, and Mr. KUCINICH.
H. Res. 315: Mr. REYES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL, and Mr. RODRIGUEZ.

¶81.28 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. ISAKSON.

MONDAY, JULY 21, 2003 (82)

¶82.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. PETERSON of Pennsylvania, who laid before the House the following communication:

WASHINGTON, DC,
July 21, 2003.

I hereby appoint the Honorable JOHN E. PETERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶82.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2658. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 2658) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, and Mrs. FEINSTEIN to be the conferees on the part of the Senate.

¶82.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. PETERSON of Pennsylvania, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶82.4 RECESS—12:37 P.M.

The SPEAKER pro tempore, Mr. PETERSON of Pennsylvania, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 37 minutes p.m., until 2 p.m.

¶82.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. WHITFIELD, called the House to order.

¶82.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. WHITFIELD, announced he had examined and approved the Journal of the proceedings of Friday, July 18, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶82.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3278. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Temporary Suspension of the Prune Reserve and the Voluntary Producer Prune Plum Diversion Provisions [Docket No. FV03-993-2IFR] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3279. A letter from the Branch Chief, EBT-Benefit Redemption Divisor, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability [Amendment No. 384] (RIN: 0584-AC91) received July 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3280. A letter from the Chief, Retailer Management Branch, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program: Administrative Review Requirements — Food Retailers and Wholesalers (RIN: 0584-AD23) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3281. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

3282. A letter from the Assistant General Counsel (Banking & Finance), Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program (RIN: 1505-AA96) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3283. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the annual report on the Resolution Funding Corporation for calendar year 2002, pursuant to Public Law 101—73, section 501(a) (103 Stat. 387); to the Committee on Financial Services.

3284. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3285. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3286. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3287. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7541] received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3288. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7624] received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3289. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3290. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Accuracy of Advertising and Notice of Insured Status — received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3291. A letter from the Director, OSHA Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Occupational Injury and Illness Recording and Reporting Requirements [Docket Nos. R-02, R-02A, R-02B] (RIN: 1218-AC06) received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3292. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting a report entitled ''Electronic Signatures: A Review of the Exceptions to the Electronic Signatures in Global and National Commerce Act''; to the Committee on Energy and Commerce.

3293. A letter from the Secretary of Commerce, Department of Commerce, transmitting the fifth annual report mandated by the International Anti-Bribery and Fair Competition Act of 1998 (IAFCA); to the Committee on Energy and Commerce.

3294. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites (RIN: 1901-AA88) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3295. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Assignment of Agency Component for Review of Premarket Applications [Docket No. 2003N-0235] received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3296. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Amendment to the Interim Final Regulation for Mental Health Parity [CMS-2152-F] (RIN: 0938-AL42) received July 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3297. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Allowing Central Fill Pharmacies and Retail Pharmacies to Fill Prescriptions for Controlled Substances on Behalf of Retail Pharmacies [Docket No. DEA-208F] (RIN: 1117-AA58) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3298. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Control of Red Phosphorus, White Phosphorus and Hypophosphorous Acid (and Its Salts) as List I Chemicals; Exclusions and Waivers [Docket No. DEA-198F2] (RIN: 1117-AA57) received July 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3299. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Fort Collins Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions [CO-001-0072a; FRL-7522-1] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3300. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN157-1a; FRL-7517-5] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3301. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Georgia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7530-9] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3302. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination that State of California has Corrected Deficiencies and Stay and Deferral of Sanctions; San Francisco Bay Area [CA 258-0397(B); FRL-7528-9] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3303. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Phase-out of Chlorobromomethane Production and Consumption [FRL-7529-4] (RIN: 2060-AJ27) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3304. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act [FRL-7530-4] (RIN: 2060-AF36) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3305. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Incorporation by Reference of ASME BPV and OM Code Cases (RIN: 3150-AG86) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3306. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom, pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3307. A letter from the Administrator, Department of Energy, transmitting a report required by Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 entitled, ''Accelerated Strategic Computer Initiative Participant Computer Sales to Tier III Countries in Calendar Year 2002,'' no export transaction reported; to the Committee on International Relations.

3308. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Bureau of Political-Military Affairs; Amendment to the International Traffic in Arms Regulations: Partial Lifting of Embargo Against Rwanda (RIN: 1400-AB82) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3309. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates — received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3310. A letter from the Auditor, District of Columbia, transmitting a report entitled, ''Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the 1st Quarter of Fiscal Year 2003''; to the Committee on Government Reform.

3311. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the Corporation's annual report for calendar year 2002, pursuant to 12 U.S.C. 2277a—13; to the Committee on Government Reform.

3312. A letter from the Chairman, Federal Maritime Commission, transmitting a Strategic Plan covering the program activities through fiscal year 2008; to the Committee on Government Reform.

3313. A letter from the Director, Office of Employment Policy, Office of Personnel Management, transmitting the Office's final ''major'' rule — Voluntary Early Retirement Under the Homeland Security Act of 2002 (RIN: 3206-AJ82) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3314. A letter from the Chairman, Federal Election Commission, transmitting the 2001 Annual Report describing the activities performed by the Commission, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

3315. A letter from the Librarian of Congress, Library of Congress, transmitting the Annual Report of the Librarian of Congress, for the fiscal year ending September 30, 2003, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

3316. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Subsistence Harvest in Alaska; Spring/Summer Subsistence Harvest Regulations for Migratory Birds in Alaska during the 2003 Subsistence Season (RIN: 1018-AI84) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3317. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-242-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3318. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-228-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3319. A letter from the Associate General Counsel, USPTO, Department of Commerce, transmitting the Department's final rule — Revision of Patent Fees for Fiscal Year 2004 (RIN: 0651-AB60) received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3320. A letter from the Accounting Administrative Supervisor, National Society of the Daughters of the American Revolution, transmitting the report of the Audited Financial Statements of the Society for the fiscal year ended February 28, 2003, pursuant to 36 U.S.C. 1101(20) and 1103; to the Committee on the Judiciary.

3321. A letter from the Acting Director, ODAPC, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Drug and Alcohol Management Information System Reporting [Docket OST-03-] (RIN: 2105-AD14) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3322. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Commercial Space Transportation; Licensing Regulations [Amendment No. 401-3, 404-2, 413-5] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3323. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Relief for U.S. Military and Civilian Personnel Who are Assigned Outside the United States in Support of U.S. Armed Forces Operations [Docket No. FAA-2003-15431; Special Federal Aviation Regulation No. 100] (RIN: 2120-AH98) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3324. A letter from the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Seaway Regulations and Rules: Stern Anchors and Navigation Underway [Docket No. SLSDC 2003-15136] (RIN: 2135-AA18) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3325. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Ambient Water [FRL-7529-7] (RIN: 2040-AD71) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3326. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVII, clause 1, of the House Rules; (H. Doc. No. 108—103); to the Committee on Standards of Official Conduct and ordered to be printed.

3327. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Government Securities: Call for Large Position Reports — received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3328. A letter from the Secretary, Department of Health and Human Services, transmitting a biennial report on evaluation, research and technical assistance activities supported by ''The Promoting Safe and Stable Families Program,'' pursuant to Public Law 107—133; to the Committee on Ways and Means.

3329. A letter from the Chief, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Expansion of the Port Limits of Portland, Maine [CBP Dec. 03-08] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3330. A letter from the Chief, Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Customs and Border Protection Field Organization; Fargo, North Dakota [CBP Dec. 03-

09] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3331. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Deadline for an Issuing Authority to Assign Private Activity Bond Volume Cap to Another Issuing Authority Under Section 146 [Notice 2003-42] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3332. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Transfers of Compensatory Options [TD 9067] (RIN: 1545-BC21) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶82.8 COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS FY 2004

Mr. KOLBE submitted a privileged report (Rept. No. 108–221) on the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, and the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶82.9 FOREIGN ASSISTANCE APPROPRIATIONS FY 2004

Mr. KOLBE submitted a privileged report (Rept. No. 108–222) on the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶82.10 TORNADO SHELTERS

Mr. BACHUS moved to suspend the rules and pass the bill (H.R. 23) to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; as amended.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. BACHUS and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.11 UNITED STATES CODE

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 1437) to improve the United States Code.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. SENSENBRENNER and Ms. LOFGREN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.12 CLARIFICATION OF CERTAIN VOLUNTEER LIABILITY

Mr. SENSENBRENNER moved to suspend the rules and pass the bill of the Senate (S. 1280) to amend the Protect Act to clarify certain volunteer liability.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. SENSENBRENNER and Ms. LOFGREN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶82.13 POSTMASTERS EQUITY

Mr. SHAYS moved to suspend the rules and pass the bill (H.R. 2249) to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain personnel policies, schedules, and programs of the United States Postal Service, and for other purposes.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. SHAYS and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.14 NATIONAL COMMUNITY HEALTH CENTER WEEK

Mr. SHAYS moved to suspend the rules and agree to the following resolution (H. Res. 240):

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 13,000,000 people at more than 4,000 health delivery sites, spanning urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system, meeting escalating health needs, and reducing health disparities;

Whereas these health centers provide care to 1 of every 5 low-income babies born in America, 1 of every 8 uninsured individuals, 1 of every 9 Medicaid beneficiaries, 1 of every 9 people of color, and 1 of every 10 rural Americans, and these Americans would otherwise lack access to health care;

Whereas these health centers and other innovative programs in primary and preventive care reach out to almost 750,000 homeless persons and nearly 850,000 farmworkers;

Whereas these health centers make health care responsive and cost effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money empowering communities to find partners and resources and to recruit doctors and needed health professionals;

Whereas Federal grants on average contribute 25 percent of such a health center's budget, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in

school and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for 60,000 community residents; and

Whereas the establishment of a National Community Health Center Week for the week beginning on August 10, 2003, would raise awareness of the health services provided by these health centers: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers; and

(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. SHAYS and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.15 ALL-AMERICA CITY AWARDS

Mr. SHAYS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 230):

Whereas the All-America City award is the oldest and most respected community recognition program in the Nation;

Whereas for 54 years the National Civic League has encouraged and recognized civic excellence by honoring communities of all sizes where business, citizens, voluntary organizations, and governments work together to address critical issues;

Whereas the All-America City Award recognizes exemplary grassroots community-oriented problem-solving, and is given to communities that confront challenges and achieve results cooperatively; and

Whereas more than 4000 communities have competed and nearly 500 communities have been named All-America Cities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress honors the cities of Laurinburg, North Carolina; Tempe, Arizona; New Haven, Connecticut; Miami Beach, Florida; Des Moines, Iowa; Marquette County, Michigan; Wilson, North Carolina; South Sioux City, Nebraska; Corpus Christi, Texas; and the Greater Racine Area, Wisconsin, on receiving the National Civic League 2003 All-America City Award.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. SHAYS and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶82.16 WILLIAM J. SCHERLE POST OFFICE BUILDING

Mr. SHAYS moved to suspend the rules and pass the bill of the Senate (S. 1399) to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the ''William J. Scherle Post Office Building''.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. SHAYS and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶82.17 ROBERT A. BORSKI POST OFFICE BUILDING

Mr. SHAYS moved to suspend the rules and pass the bill (H.R. 2328) to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the ''Robert A. Borski Post Office Building''.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. SHAYS and Ms. NORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.18 ADVERSE REPORT ON H. RES. 286

Mr. SHAYS, by direction of the Committee on Homeland Security, adversely reported (Rept. No. 108–223) the resolution (H. Res. 286) directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States; referred to the House Calendar and ordered printed.

¶82.19 ADVERSE REPORT ON H. RES. 288

Mr. HAYES, by direction of the Committee on Transportation and Infrastructure, adversely reported (Rept. No. 108–220) the resolution (H. Res. 288) directing the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning March 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States; referred to the House Calendar and ordered printed.

¶82.20 VETERANS HEALTH CARE IMPROVEMENT

Mr. SIMMONS moved to suspend the rules and pass the bill (H.R. 2357) to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care form the Department of Veterans Affairs, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. SIMMONS and Mrs. DAVIS of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs and to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States.''.

A motion to reconsider the votes whereby the rules were suspended and

said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.21 NATIONAL CEMETERY EXPANSION

Mr. SIMMONS moved to suspend the rules and pass the bill (H.R. 1516) to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; as amended.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. SIMMONS and Mrs. DAVIS of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMMONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WHITFIELD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶82.22 YEAR OF THE KOREAN WAR VETERAN

Mr. SMITH of New Jersey moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 212); as amended:

Whereas 50 years ago, 1,800,000 Americans answered the call to defend freedom in South Korea and fought the common foe of communism with 21 allied countries under the banner of the United Nations;

Whereas the United States suffered 36,576 dead and 103,284 wounded during the Korean War in some of the most horrific conditions in the history of warfare;

Whereas the Nation's Korean War veterans did not receive the proper welcome home, thanks, or recognition for selfless service and sacrifice that had been given to veterans of previous wars;

Whereas the bravery and sacrifices of the Nation's Korean War veterans and their families and next of kin should be properly honored and recognized, and the American people wish to join in thanking and honoring Korean War veterans and their families;

Whereas it is important to include the history of the Korean War in the curricula of the Nation's schools so that future generations will learn about and appreciate the sacrifices of Korean War heroes;

Whereas the final year of the 50th Anniversary of the Korean War Commemoration should be recognized by a national effort of programs and activities to officially thank, honor, and welcome home the Nation's Korean War veterans and to officially thank and honor their families and next of kin; and

Whereas 2003 marks the final year of the United States 50th Anniversary of the Korean War Commemoration and the 50th year of the Armistice, and efforts are under way to designate 2003 as the Year of the Korean War Veteran: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) declares to the Nation and the world that the American people will never forget the Nation's Korean War veterans or those who served the Nation on the home front during the Korean War;

(2) recognizes and supports the goals and ideals of the Year of the Korean War Veteran;

(3) requests the President to issue a proclamation calling on the people of the United States to observe the Year of the Korean War Veteran with appropriate ceremonies and activities to thank, honor, and welcome home the Nation's Korean War veterans; and

(4) urges the chief executive officers of the States, and the chief executive officers of the political subdivisions of the States, to each issue a proclamation calling upon their citizens to ''Pause to Remember'' the Nation's Korean War veterans and their families and next of kin with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. WHITFIELD, recognized Mr. SMITH of New Jersey and Mrs. DAVIS of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. WHITFIELD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WHITFIELD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶82.23 RECESS—3:55 P.M.

The SPEAKER pro tempore, Mr. WHITFIELD, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 55 minutes p.m., until approximately 6:30 p.m.

¶82.24 AFTER RECESS—6:33 P.M.

The SPEAKER pro tempore, Mr. FORBES, called the House to order.

¶82.25 MOTION TO INSTRUCT CONFEREES ON H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FORBES, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the motion, by Mr. VAN HOLLEN, to instruct conferees on the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 193 / Nays ..... 212 }

¶82.26 [Roll No. 398]

YEAS—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—212

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode

Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Becerra
Berkley
Berry
Cannon
Conyers
Cox
Davis (IL)
Deal (GA)
DeGette
Ferguson
Fletcher
Gephardt
Gutierrez
Hensarling
Hulshof
Kennedy (RI)
Kind
Lipinski
McKeon
Meek (FL)
Miller (MI)
Owens
Payne
Peterson (PA)
Ryun (KS)
Sanchez, Loretta
Terry
Towns
Woolsey

So, the motion to instruct conferees on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶82.27 H.R. 1516—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FORBES, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1516) to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 0

¶82.28 [Roll No. 399]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Becerra
Berkley
Berry
Cannon
Conyers
Cox
Davis (IL)
DeGette
Ferguson
Fletcher
Gephardt
Gutierrez
Hensarling
Hulshof
Lipinski
McKeon
Meek (FL)
Miller (MI)
Payne
Peterson (PA)
Ryun (KS)
Sanchez, Loretta
Sanders
Terry
Towns
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to provide for the establishment by the Secretary of Veterans Affairs of five additional cemeteries in the National Cemetery System.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.29 H. CON. RES. 212—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. FORBES, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 212) recognizing and supporting the goals and ideals of the Year of the Korean War Veteran; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 0

¶82.30 [Roll No. 400]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin

Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—26

Becerra
Berkley
Berry
Cannon
Conyers
Cox
Davis (IL)
DeGette
Duncan
Ferguson
Fletcher
Gephardt
Gutierrez
Hensarling
Hulshof
Lipinski
McKeon
Meek (FL)
Miller (MI)
Payne
Peterson (PA)
Portman
Ryun (KS)
Sanchez, Loretta
Terry
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶82.31 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. RANGEL, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas, during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment, the chairman of the Committee on Ways and Means directed majority staff of the committee to ask the United States Capitol Police to remove minority party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority party members of the committee;

Whereas pending a unanimous consent request to dispense with the reading of that amendment, the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee;

Now, therefore, be it resolved, that the House of Representatives disapproves the manner in which Representative Thomas summoned the United States Capitol Police to evict minority party members of the Committee on Ways and Means from using the library of the Committee on Ways and Means, as well as the manner in which he conducted the markup in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore, Mr. FORBES, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from New York [Mr. RANGEL] will appear in the Record at this point.

''The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.''.

¶82.32 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. ROSS, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, as follows: (1) to include in the conference report the provisions of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of

the astronauts who died in the Columbia disaster; and (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

¶82.33 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. FORBES, laid before the House the following communication from NiCole Dolski, Congressional Aide, office of the Honorable Elton Gallegly:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rule of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

NICOLE DOLSKI,
Congressional Aide.

¶82.34 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. FORBES, laid before the House the following communication from Terry Hiser, Congressional Aide, office of the Honorable Elton Gallegly:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TERRY HISER,
Congressional Aide.

¶82.35 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. FORBES, laid before the House the following communication from Tina Cobb, Congressional Aide, office of the Honorable Elton Gallegly:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TINA COBB,
Congressional Aide.

¶82.36 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. FORBES, laid before the House the following communication from Brian Miller, District Chief of Staff, office of the Honorable Elton Gallegly:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

BRIAN MILLER,
District Chief of Staff.

¶82.37 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. FORBES, laid before the House the following communication from Paula Sheil, District Director, office of the Honorable Elton Gallegly:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

PAULA SHEIL,
District Director.

¶82.38 PROVIDING FOR THE CONSIDERATION OF H.R. 2799

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–226) the resolution (H. Res. 326) providing for consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶82.39 PROVIDING FOR THE CONSIDERATION OF H.R. 2800

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–227) the resolution (H. Res. 327) providing for consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶82.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BECERRA, for today;

To Ms. BERKLEY, for today until July 24; and

To Mr. DAVIS of Illinois, for today.

And then,

¶82.41 ADJOURNMENT

On motion of Mr. HOEFFEL, at 11 o'clock and 12 minutes p.m., the House adjourned.

¶82.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTION

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOLF: Committee on Appropriations. H.R. 2799. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–221). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee on Appropriations. H.R. 2800. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–222). Referred to the Committee of the Whole House on the State of the Union.

Mr. COX: Select Committee on Homeland Security. House Resolution 286. Resolution directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States; with amendments; adversely (Rept. 108–223). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 2738. A bill to implement the United States-Chile Free Trade Agreement (Rept. 108–224 Pt. 1). Ordered to be printed.

Mr. THOMAS: Committee on Ways and Means. H.R. 2739. A bill to implement the United States-Singapore Free Trade Agreement (Rept. 108–225 Pt. 1). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 326. Resolution providing for consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–226). Referred to the House Calendar.

Mr. DIAZ-BALART, L.: Committee on Rules. House Resolution 327. Resolution providing for consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–227). Referred to the House Calendar.

¶82.43 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2738. Referral to the Committee on the Judiciary extended for a period ending not later than July 22, 2003.

H.R. 2739. Referral to the Committee on the Judiciary extended for a period ending not later than July 22, 2003.

¶82.44 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FORBES (for himself, Mr. TOWNS, Mr. ROGERS of Alabama, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. JOHN, Mr. VITTER, Ms. JACKSON-LEE of Texas, Mr. WELLER, Mr. SCOTT of Virginia, Mr. CANTOR, Mr. HINOJOSA, Mr. BAKER, Ms. LEE, Mr. FERGUSON, and Mr. OWENS):

H.R. 2801. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself and Ms. VELAZQUEZ):

H.R. 2802. A bill to reauthorize the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. ROYCE:

H.R. 2803. A bill to establish the Office of Housing Finance Oversight in the Department of the Treasury to ensure the financial safety and soundness of Fannie Mae, Freddie Mac, and the Federal home loan banks; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 2804. A bill to make supplemental appropriations for fiscal year 2003 to ensure the inclusion of commonly used pesticides in State source water assessment programs, and for other purposes; to the Committee on Appropriations.

By Mr. CASE:

H.R. 2805. A bill to allow the counties of Hawaii, Maui, and Kauai to distribute grant funds received under section 106(d) of the Housing and Community Development Act of 1974, and for other purposes; to the Committee on Financial Services.

By Mr. KOLBE (for himself, Mr. RENZI, Mr. PASTOR, Mr. HAYWORTH, Mr. SHADEGG, Mr. FLAKE, Mr. FRANKS of Arizona, and Mr. GRIJALVA):

H.R. 2806. A bill to name the Department of Veterans Affairs Medical Center in Prescott, Arizona, as the ''Bob Stump Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. KOLBE (for himself, Mr. FILNER, Mr. GRIJALVA, Mr. PASTOR, and Mr. REYES):

H.R. 2807. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE (for himself, Mrs. EMERSON, Mrs. LOWEY, Mr. HEFLEY, Mr. FROST, Mr. CUNNINGHAM, Mr. RANGEL, Mr. BEREUTER, Mr. SKELTON, Mr. BACHUS, Mr. HOYER, Mrs. BONO, Mr. WU, Mr. ENGLISH, Mr. LARSON of Connecticut, Mr. ISSA, Mr. LYNCH, Mr. JONES of North Carolina, Mr. BOSWELL, Mr. KING of New York, Mr. CLAY, Mr. LINDER, Mr. ROSS, Mr. NEY, Mr. BAIRD, Mr. OSBORNE, Mr. SANDLIN, Mr. OTTER, Mr. FILNER, Mr. PICKERING, Ms. CARSON of Indiana, Mr. ALEXANDER, Mr. BELL, Mr. HASTINGS of Florida, Mr. CROWLEY, Mr. SMITH of Washington, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. UDALL of New Mexico, Mr. CARDOZA, Mr. NEAL of Massachusetts, Mrs. CAPPS, Mr. WEXLER, Mr. SPRATT, Mr. HONDA, Ms. MCCARTHY of Missouri, Mr. EDWARDS, Mr. STENHOLM, Mr. TAYLOR of Mississippi, Mr. TANNER, Mr. CRAMER, Mr. KLECZKA, Ms. SLAUGHTER, Mr. NADLER, Mr. MICHAUD, Mr. ABERCROMBIE, Mr. WYNN, Mr. CLYBURN, Ms. MAJETTE, Mr. HOLT, Mr. SCOTT of Virginia, Mr. MATHESON, Mr. ANDREWS, Mr. BECERRA, Mr. WEINER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LINDA T. SANCHEZ of California, Mr. EMANUEL, Mrs. MALONEY, Mr. ORTIZ, Ms. WOOLSEY, Mr. HALL, Mr. BROWN of Ohio, Mr. COOPER, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. STUPAK, Ms. HOOLEY of Oregon, Ms. JACKSON-LEE of Texas, Mr. SERRANO, Mr. MATSUI, Mr. KANJORSKI, Mr. RAHALL, Mr. FORD, Mrs. TAUSCHER, Mr. LAMPSON, Mr. MCNULTY, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. SCHIFF, Mr. KIND, Mr. HOEFFEL, Mr. BERRY, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. GUTIERREZ, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. LOFGREN, Mrs. MCCARTHY of New York, Mr. MILLER of North Carolina, Mr. BACA, Mr. DAVIS of Alabama, Ms. LORETTA SANCHEZ of California, Mr. DOYLE, Mr. GEORGE MILLER of California, Mr. PASTOR, Mr. REYES, Mr. SCOTT of Georgia, Mr. DELAHUNT, Mrs. NAPOLITANO, Mr. INSLEE, Ms. SOLIS, Mr. STRICKLAND, Mr. UDALL of Colorado, Mr. CARSON of Oklahoma, Ms. VELAZQUEZ, and Mr. ACKERMAN):

H.R. 2808. A bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PITTS:

H.R. 2809. A bill to establish a pilot program of Central Asian scholarships for undergraduate and graduate level public policy internships in the United States; to the Committee on International Relations.

By Mr. PITTS:

H.R. 2810. A bill to establish a pilot program of Afghanistan scholarships for undergraduate and graduate level public policy internships in the United States; to the Committee on International Relations.

By Mr. THOMPSON of Mississippi (for himself, Mrs. CHRISTENSEN, Mr. PETERSON of Minnesota, Mr. CONYERS, Mr. ETHERIDGE, Mr. TOWNS, Mr. FROST, Ms. MILLENDER-MCDONALD, and Mr. THOMPSON of California):

H.R. 2811. A bill to assist local educational agencies in providing financial incentives to attract teachers to teach in rural and high-poverty areas; to the Committee on Education and the Workforce.

By Mr. WHITFIELD:

H.R. 2812. A bill to direct the Administrator of the Environmental Protection Agency to conduct a study of the potentially injurious effects to the environment and human health from imported electrolytic manganese metal that contains selenium; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself and Mr. VISCLOSKY):

H. Res. 328. A resolution requesting the World Trade Organization (WTO) to investigate the cause of the WTO's confidential interim report with respect to the March 2002 United States steel safeguard measure being widely leaked to the media; to the Committee on Ways and Means.

¶82.45 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Ms. GRANGER.

H.R. 110: Mr. WELDON of Florida and Mr. GIBBONS.

H.R. 328: Mr. WOLF, Mr. CALVERT, and Mr. STENHOLM.

H.R. 490: Mr. SABO.

H.R. 528: Mr. BILIRAKIS, Mr. KILDEE, Mr. CUNNINGHAM, Ms. LINDA T. SANCHEZ of California, and Mrs. KELLY.

H.R. 539: Ms. LOFGREN.

H.R. 709: Mr. SCHIFF.

H.R. 813: Ms. BALDWIN.

H.R. 822: Mrs. MALONEY, Mr. UDALL of Colorado, Mr. LOBIONDO, Mrs. NAPOLITANO, Mr. MCGOVERN, and Mr. PAYNE.

H.R. 882: Mr. TURNER of Texas.

H.R. 898: Mr. DOYLE and Mr. KING of New York.

H.R. 980: Ms. LOFGREN and Ms. LINDA T. SANCHEZ of California.

H.R. 997: Mr. AKIN, Mr. SHIMKUS, Mr. WHITFIELD, and Mr. PICKERING.

H.R. 1005: Mr. DEAL of Georgia.

H.R. 1130: Mr. SPRATT.

H.R. 1132: Mr. BISHOP of Georgia, Mr. FROST, Mr. PAUL, Ms. CARSON of Indiana, Mr. FALEOMAVAEGA, Ms. MILLENDER-MCDONALD, Mr. OWENS, and Mr. MCGOVERN.

H.R. 1155: Mrs. LOWEY, Ms. VELAZQUEZ, Mr. WAXMAN, Mrs. JONES of Ohio, Mr. UPTON, Mr. TERRY, Mr. MCDERMOTT, and Ms. DUNN.

H.R. 1225: Mr. DOGGETT.

H.R. 1233: Mr. AKIN.

H.R. 1305: Mr. NUSSLE and Mrs. BONO.

H.R. 1310: Mr. DAVIS of Tennessee and Mr. CRAMER.

H.R. 1355: Ms. WOOLSEY, Ms. BALDWIN, and Mr. BERMAN.

H.R. 1388: Mr. THOMPSON of California.

H.R. 1472: Mr. ANDREWS.

H.R. 1605: Mr. MCDERMOTT, Mr. SCHIFF, Ms. LEE, and Mr. HONDA.

H.R. 1628: Mr. JONES of North Carolina.

H.R. 1655: Mr. ABERCROMBIE.

H.R. 1660: Mr. KOLBE.

H.R. 1663: Ms. DELAURO.

H.R. 1673: Mr. THOMPSON of Mississippi.

H.R. 1684: Mr. WALSH and Ms. BALDWIN.

H.R. 1708: Mr. PICKERING and Mr. COBLE.

H.R. 1758: Mr. ACEVEDO-VILA and Mr. LATOURETTE.

H.R. 1787: Mr. PLATTS.

H.R. 1856: Mr. SCHIFF, Mr. LEVIN, Mr. PUTNAM, Ms. HARRIS, Mr. LIPINSKI, Mr. BURR, Mr. DELAHUNT, Mr. KLINE, Mrs. DAVIS of California, Mr. HONDA, and Mr. KIND.

H.R. 1943: Mrs. MUSGRAVE.

H.R. 1985: Ms. WATERS.

H.R. 2032: Mr. COLE.

H.R. 2130: Mr. FERGUSON.

H.R. 2181: Mr. DINGELL and Ms. KAPTUR.

H.R. 2239: Mr. CASE, Mr. DAVIS of Illinois, Mr. FARR, Mrs. JONES of Ohio, Mr. WYNN, and Mr. FATTAH.

H.R. 2256: Ms. LINDA T. SANCHEZ of California.
H.R. 2268: Mrs. DAVIS of California.
H.R. 2303: Mrs. JO ANN DAVIS of Virginia.
H.R. 2309: Ms. PELOSI.
H.R. 2318: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2323: Mr. LEVIN.
H.R. 2340: Mr. GARRETT of New Jersey and Mr. PUTNAM.
H.R. 2379: Mr. MOORE and Mr. SHIMKUS.
H.R. 2504: Mr. GOODE.
H.R. 2505: Ms. LINDA T. SANCHEZ of California.
H.R. 2511: Mr. ROSS.
H.R. 2527: Ms. VELAZQUEZ and Ms. BALDWIN.
H.R. 2563: Mr. PAYNE and Mr. MENENDEZ.
H.R. 2581: Mr. WOLF.
H.R. 2582: Ms. LOFGREN, Mr. FROST, Mr. SERRANO, Mr. GRIJALVA, Mr. CUMMINGS, and Mr. PAYNE.
H.R. 2622: Mr. MICA and Mr. SHAYS.
H.R. 2630: Ms. BORDALLO.
H.R. 2635: Mr. TERRY, Mr. HOSTETTLER, Mr. JONES of North Carolina, Mr. GARRETT of New Jersey, and Mr. WELDON of Florida.
H.R. 2670: Ms. SCHAKOWSKY.
H.R. 2705: Mr. ROSS.
H.R. 2717: Ms. SCHAKOWSKY, Mr. KILDEE, and Mr. FROST.
H.R. 2718: Mr. GREEN of Texas, Ms. SCHAKOWSKY, and Ms. MILLENDER-MCDONALD.
H.R. 2722: Mr. CRAMER.
H.R. 2727: Mr. LANGEVIN, Mr. LARSEN of Washington, and Mr. INSLEE.
H.R. 2735: Mr. BLUNT and Mrs. WILSON of New Mexico.
H.R. 2760: Mr. ROYCE.
H.R. 2791: Mr. HOEFFEL and Mr. FROST.
H.R. 2797: Mr. SCOTT of Georgia and Mr. SCHROCK.
H. Con. Res. 87: Mr. FILNER.
H. Con. Res. 98: Mr. BAKER.
H. Con. Res. 245: Mr. ENGEL.
H. Res. 304: Mr. WEXLER.
H. Res. 323: Mr. SIMMONS.

¶82.46 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. LEWIS of California.
H.R. 2575: Mr. SCOTT of Georgia.
H.R. 2789: Mr. DAVIS of Tennessee, Mr. JENKINS, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. COLLINS, Mr. MCCOTTER, Mr. CARDOZA, and Mrs. MYRICK.

TUESDAY, JULY 22, 2003 (83)

¶83.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. BURGESS, who laid before the House the following communication:

WASHINGTON, DC,
July 22, 2003.

I hereby appoint the Honorable MICHAEL C. BURGESS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶83.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1435. An Act to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.

¶83.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BURGESS, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶83.4 RECESS—9:51 A.M.

The SPEAKER pro tempore, Mr. BURGESS, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 51 minutes a.m., until 10 a.m.

¶83.5 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. BASS, called the House to order.

¶83.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BASS, announced he had examined and approved the Journal of the proceedings of Monday, July 21, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶83.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3333. A letter from the Secretary, Department of Agriculture, transmitting the Department's draft bill entitled, ''To amend sections 7D, 16(i)(2), and 19 of the United States Grain Standards Act to authorize the Secretary of Agriculture to recover through user fees the costs of standardization activities''; to the Committee on Agriculture.

3334. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3335. A letter from the Inspector General, Department of Defense, transmitting a report on the status of Extended Pilot Program on sales of Manufactured Articles and Services at Army Industrial Facilities (D-2003-103) satisfying the National Defense Authorization Act of FY 2003, subtitle B, section 111(c); to the Committee on Armed Services.

3336. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3337. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Tire Safety Information [Docket No. NHTSA-03-15278] (RIN: 2127-AI32) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3338. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 03-15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3339. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 03-10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3340. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3341. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fifty-first report on the extent and disposition of United States contributions to international organizations for fiscal year 2002, pursuant to 22 U.S.C. 262 and Public Law 107—228, section 405(b); to the Committee on International Relations.

3342. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003-27 on Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court; to the Committee on International Relations.

3343. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Determination and Memorandum of Justification on the provision of financial assistance to the Palestinian Authority; to the Committee on International Relations.

3344. A letter from the Director, Office of Personnel Management, Office of Personnel Management, transmitting a report on the Physicians' Comparability Allowance Program, pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Government Reform.

3345. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3346. A letter from the Administrator, Environmental Protection Agency, transmitting the Fiscal Year 2002 Annual Report; to the Committee on Government Reform.

3347. A letter from the Chairman, Postal Rate Commission, transmitting the FY 2002 annual report on International Mail Volumes, Costs, and Revenues; to the Committee on Government Reform.

3348. A letter from the Commissioner, Social Security Administration, transmitting the Administration's semiannual report to Congress dated October 1, 2002 thru March 31, 2003; to the Committee on Government Reform.

3349. A letter from the Chairman, Federal Election Commission, transmitting a copy of the report entitled, ''Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2001- 2002,'' pursuant to 42 U.S.C. 1973gg—7; to the Committee on House Administration.

3350. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Implementation of National Maritime Security Initiatives [USCG-2003-14792] (RIN: 1625-AA69) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3351. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 900 and Falcon 900EX Series Airplanes [Docket No. 2001-NM-399-AD;

Amendment 39-13164; AD 2003-11-05] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3352. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2003-NM-03-AD; Amendment 39-13170; AD 2003-11-11] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3353. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. 2001-NM-285-AD; Amendment 39-13165; AD 2003-11-06] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3354. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-28-AD; Amendment 39-13160; AD 2003-11-01] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3355. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 737-100, 737-200, and 737-200C Series Airplanes [Docket No. 2002-NM-19-AD; Amendment 39-13162; AD 2003-11-03] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3356. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-196-AD; Amendment 39-13161; AD 2003-11-02] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3357. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshaft Engines [Docket No. 99-NE-12-AD; Amendment 39-13168; AD 2003-11-09] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3358. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F, DC-10-30F (KC-10A and KDC-10), DC-10-40, And DC-10-40F Airplanes [Docket No. 2001-NM-358-AD; Amendment 39-13163; AD 2003-11-04] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3359. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, L, and L1 Helicopters [Docket No. 2003-SW-14-AD; Amendment 39-13172; AD 2003-11-13] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3360. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2002-NM-142-AD; Amendment 39-13175; AD 2003-11-16] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3361. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GE Aircraft Engines CT7-9B Turbroprop Engines [Docket No. 2003-NE-16-AD; Amendment 39-13145; AD 2003-08-52] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3362. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Model RB211 Turbofan Engines [Docket No. 2002-NE-12-AD; Amendment 39-13148; AD 2003-10-03] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3363. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Astra SPX and 1125 Westwind Astra Series Airplanes [Docket No. 2002-NM-281-AD; Amendment 39-13152; AD 2003-10-07] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3364. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2001-NM-142-AD; Amendment 39-13157; AD 2003-10-12] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3365. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Israel Aircraft Industries, Ltd. Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes [Docket No. 2002-NM-290-AD; Amendment 39-13166; AD 2003-11-07] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3366. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arrius -2F Turboshaft Engines [Docket No. 2002-NE-39-AD; Amendment 39-13169; AD 2003-11-10] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3367. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel -1B, -1D, and -1D1 Series Turboshaft Engines [Docket No. 2002-NE-38-AD; Amendment 39-13167; AD 2003-11-08] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3368. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000-NM-377-AD; Amendment 39-13151; AD 2003-10-06] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3369. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400F Series Airplanes [Docket No. 2001-NM-231-AD; Amendment 39-13154; AD 2003-10-09] (RIN: 2120-AA64) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3370. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Designation of Dromedary Equipped Truck Tractor-Semitrailers as Specialized Equipment [FHWA Docket No. FHWA-2001-11819] (RIN: 2125-AE94) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3371. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Denison, IA [Docket No. FAA-2003-14462; Airspace Docket No. 03-ACE-15] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3372. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Area R-2303A and R-2303B, Fort Huachuca; AZ [Docket No. FAA-2003-14184; Airspace Docket No. 02-AWP-12] (RIN: 2120-AA66) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3373. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class C Airspace and Revocation of Class D Airspace, Fayetteville (Springdale), Northwest Arkansas Regional Airport; AR [Docket No. FAA-2002-13514; Airspace Docket No. 02-AWA-4] (RIN: 2120-AA66) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3374. A letter from the Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Seneca Lake Viticultural Area (99R-260P) [TTB T.D.-3; Re: Notice No. 957] (RIN: 1512-AC70) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3375. A letter from the Chief, Regulations and Procedures Division, Department of the Treasury, transmitting the Department's final rule — Amelioration of Fruit and Agricultural Wines; Technical Amendments (2001R-197P) [TTB T.D.-2; Ref. Notice No. ATF-953] (RIN: 1512-AC63) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3376. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Regulations Governing Depositary Compensation Securities — received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3377. A letter from the Assistant Secretary for Financial Markets, Department of the Treasury, transmitting a report concerning the operations and status of the Civil Service Retirement and Disability Fund (CSRDF) and the Government Securities Investment fund (G-Fund) of the Federal Employees Retirement System during the debt issuance suspension period between February 20, 2003 and May 28, 2003, pursuant to 5 U.S.C. 8348l(1)and 5 U.S.C. 8438(h)(1); jointly to the Committees on Government Reform and Ways and Means.

¶83.8 PROVIDING FOR THE CONSIDERATION OF H.R. 2800

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on

Rules, called up the following resolution (H. Res. 327):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: sections 568(a)(3), 572, and 575. Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. Lincoln DIAZ-BALART of Florida, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶83.9 PROVIDING FOR THE CONSIDERATION OF H.R. 2799

Mr. LINDER, by direction of the Committee on Rules, called up the following resolution (H. Res. 326):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: the first proviso under the heading ''National Telecommunications and Information Administration, Salaries and Expenses''; in section 201, all after ''prescribed by the Act''; the final proviso under the heading ''Federal Communications Commission, Salaries and Expenses''; the final proviso under the heading ''Federal Trade Commission, Salaries and Expenses''; section 603; and section 607(a) and (b). Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. LINDER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 221 / Nays ..... 199 }

¶83.10 [Roll No. 401]

YEAS—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin

Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Andrews
Berkley
Conyers
Cubin
Dunn
Ferguson
Gephardt
Hensarling
Hunter
Keller
Meek (FL)
Payne
Peterson (PA)
Saxton

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ISAKSON, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶83.11 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2799

On motion of Mr. YOUNG of Florida, by unanimous consent,

Ordered, That, during consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, and the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, in the Committee of the Whole pursuant to House Resolution 326, no amendment to the bill may be offered except--pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments printed in the Congressional RECORD and numbered 1 through 13; the amendments that have been placed at the desk; and two amendments offered by Mr. Levin, each regarding the United States Trade Representative and labor standards. Each amendment may be offered only by the Member designated, or a designee, or the Member who caused it to be printed or placed at the desk, or a designee, shall be considered as read, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole; and *Ordered further,* That the amendments placed at the desk be considered as read for the purpose of the unanimous consent request.

¶83.12 COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to House Resolution 326 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, and the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. ISAKSON, by unanimous consent, designated Mr. HASTINGS of Washington as Chairman of the Committee of the Whole; and after some time spent therein,

¶83.13 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mr. SANDERS that the Committee do now rise.

It was decided in the negative ..... { Yeas ..... 77 / Nays 335

¶83.14 [Roll No. 402]

AYES—77

Ackerman
Allen
Baldwin
Ballance
Bell
Berry
Bishop (NY)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Cooper
Crowley
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Doggett
Dooley (CA)
Engel
Eshoo
Etheridge
Filner
Ford
Gordon
Grijalva
Hastings (FL)
Hinchey
Inslee
Israel
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Larsen (WA)
Lewis (GA)
Lipinski
Majette
Maloney
Michaud
Millender-McDonald
Nadler
Napolitano
Neal (MA)
Oberstar
Pelosi
Ross
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Sherman
Solis
Stark
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Waters
Watson
Watt
Woolsey

NOES—335

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English
Evans
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Isakson
Issa
Istook
Jackson (IL)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Andrews
Baird
Ballenger
Berkley
Blunt
Conyers
DeLay
Dunn
Ferguson
Gephardt
Gonzalez
Hensarling
Hunter
Hyde
Jefferson
McIntyre
Meek (FL)
Nussle
Payne
Peterson (PA)
Platts
Slaughter

So the motion was not agreed to.

After some further time,

¶83.15 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mr. SANDERS that the Committee do now rise.

It was decided in the negative ..... { Yeas ..... 84 / Nays 319

¶83.16 [Roll No. 403]

AYES—84

Abercrombie
Baird
Ballance
Bell
Berry
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Cummings
Davis (FL)
Davis (IL)

DeFazio
DeGette
Delahunt
DeLauro
Doggett
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Gordon
Grijalva
Hastings (FL)
Hinchey
Holt
Honda
Inslee
Israel
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kleczka
Kucinich
Lampson
Larsen (WA)
Lee
Lewis (GA)
Maloney
McIntyre
Michaud
Millender-McDonald
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Paul
Pelosi
Rangel
Rodriguez
Ross
Rush
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Sherman
Slaughter
Solis
Stark
Strickland
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Waters
Watson
Watt
Waxman
Woolsey

NOES—319

Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Isakson
Issa
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Ballenger
Berkley
Cardoza
Carson (OK)
Conyers
Davis, Jo Ann
Dicks
Dooley (CA)
Edwards
Fattah
Ferguson
Gephardt
Hensarling
Hunter
Hyde
Istook
Kaptur
Kirk
Lipinski
Manzullo
Meek (FL)
Miller (FL)
Moran (VA)
Norwood
Payne
Peterson (PA)
Pryce (OH)
Scott (VA)
Tancredo
Wilson (SC)

So the motion was not agreed to.

After some further time,

¶83.17 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mr. KUCINICH that the Committee do now rise.

It was decided in the negative { Yeas ..... 75 / Nays ..... 307 }

¶83.18 [Roll No. 404]

AYES—75

Ackerman
Baird
Ballance
Berry
Bishop (NY)
Blumenauer
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clyburn
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Doggett
Engel
Eshoo
Evans
Farr
Feeney
Filner
Grijalva
Hastings (FL)
Hinchey
Honda
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Kanjorski
Kaptur
Kleczka
Kucinich
Lampson
Larsen (WA)
Lee
Lewis (GA)
Majette
Maloney
Markey
McGovern
McIntyre
Meehan
Meeks (NY)
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Paul
Pelosi
Rangel
Rush
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Sherman
Slaughter
Solis
Stark
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Waters
Watson
Watt
Waxman
Woolsey

NOES—307

Abercrombie
Aderholt
Akin
Alexander
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Flake
Fletcher
Foley
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Isakson
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Lynch
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McHugh
McInnis
McKeon
McNulty
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Petri
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—52

Allen
Andrews
Baca
Bachus
Berkley
Bishop (UT)
Boucher
Carson (OK)
Clay

Conyers
Cubin
Delahunt
Fattah
Ferguson
Ford
Fossella
Gallegly
Gephardt
Gibbons
Hensarling
Hunter
Hyde
Janklow
Johnson, Sam
Jones (NC)
Jones (OH)
Kingston
Linder
Lucas (KY)
Manzullo
Marshall
McCrery
Meek (FL)
Miller (FL)
Miller (NC)
Ney
Nussle
Payne
Peterson (PA)
Pickering
Pitts
Reyes
Rogers (KY)
Royce
Sabo
Sanchez, Loretta
Scott (VA)
Souder
Tancredo
Velazquez
Wilson (SC)
Wynn

So the motion was not agreed to.

and after some further time spent therein,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. COBLE, assumed the Chair.

¶83.19 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶83.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO UNESCO

SEC. ____. None of the funds made available in this Act may be made available for the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

It was decided in the negative ..... { Yeas ..... 145 / Nays 279

¶83.21 [Roll No. 405]

AYES—145

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
LaTourette
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McInnis
McIntyre
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Putnam
Rehberg
Renzi
Reynolds
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Wamp
Weldon (FL)
Whitfield
Wilson (SC)
Young (AK)
Young (FL)

NOES—279

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown, Corrine
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Brown (OH)
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Hensarling
Kelly
Meek (FL)

So the amendment was not agreed to.

¶83.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC. . None of the funds appropriated in this Act may be used to enforce the judgment in Newdow v. U.S. Congress 292 F.3d 597 (9th Cir. 2002).

It was decided in the affirmative ..... { Yeas ..... 307 / Nays 119

¶83.23 [Roll No. 406]

AYES—307

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McNulty
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary

Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Wynn
Young (AK)
Young (FL)

NOES—119

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Blumenauer
Capps
Capuano
Carson (IN)
Case
Castle
Clay
Clyburn
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley (CA)
Emanuel
Eshoo
Evans
Farr
Filner
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind
Kolbe
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKeon
Meehan
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Snyder
Solis
Stark
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Wexler
Wolf
Woolsey

NOT VOTING—8

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Hensarling
Meek (FL)

So the amendment was agreed to.

¶83.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HINCHEY:

At the end of the bill (before the title), insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act to the Federal Communications Commission may be expended to grant, transfer, or assign any license for any broadcast station if—

(1) the party (including all parties under common control) to which such license would be granted, transferred, or assigned directly or indirectly owns, operates or controls a daily newspaper and the grant, transfer, or assignment of such license will result in:

(A) the predicted or measured 2 mV/m contour of an AM station, computed in accordance with 47 CFR 73.183 or 73.186, encompassing the entire community in which such newspaper is published;

(B) the predicted 1 mV/m contour for an FM station, computed in accordance with 47 CFR 73.313, encompassing the entire community in which such newspaper is published; or

(C) the Grade A contour of a TV station, computed in accordance with 47 CFR 73.684, encompassing the entire community in which such newspaper is published; or

(2) as a result of such grant, transfer, or assignment an entity would directly or indirectly own, operate, or control two television stations licensed in the same Designated Market Area (DMA) (as determined by Nielsen Media Research or any successor entity), unless—

(A) the Grade B contours of the stations (as determined by 47 CFR 73.684) do not overlap; or

(B)(i) at the time the application to acquire or construct the station is filed, at least one of the stations is not ranked among the top four stations in the DMA, based on the most recent all-day (9:00 a.m.-midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service; and

(ii) at least 8 independently owned and operating, full-power commercial and noncommercial TV stations would remain post-merger in the television market in which the communities of license of the TV stations in question are located and—

(I) count only those stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination; but

(II) in areas where there is no Nielsen DMA, count the TV stations present in an area that would be the functional equivalent of a TV market and count only those TV stations the Grade B signal contours of which overlap with the Grade B signal contour of at least one of the stations in the proposed combination.

It was decided in the negative ..... { Yeas ..... 174 / Nays 254

¶83.25 [Roll No. 407]

AYES—174

Abercrombie
Ackerman
Akin
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Capito
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Doolittle
Duncan
Dunn
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Gibbons
Gillmor
Gingrey
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Hayworth
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Kanjorski
Kaptur
Kelly
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (GA)
Lipinski
Lofgren
Lowey
Majette
Maloney
Markey
Marshall
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Northup
Oberstar
Olver
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Petri
Platts
Price (NC)
Rangel
Renzi
Rodriguez
Rogers (MI)
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Walsh
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (AK)

NOES—254

Aderholt
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doyle
Dreier
Edwards
Emanuel
Emerson
English
Everett
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kennedy (MN)
Kennedy (RI)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Meeks (NY)
Mica
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose

Otter
Oxley
Pastor
Paul
Payne
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—7

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Meek (FL)

So the amendment was not agreed to.

¶83.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. OTTER:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this act may be used to seek a delay under Section 3103a(b) of title 18 United States Code.

It was decided in the affirmative { Yeas ..... 309 / Nays ..... 118 }

¶83.27 [Roll No. 408]

AYES—309

Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burns
Burr
Calvert
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Forbes
Frank (MA)
Franks (AZ)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—118

Abercrombie
Aderholt
Ballenger
Bass
Beauprez
Blackburn
Boehlert
Bonilla
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Collins
Cox
Cunningham
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Feeney
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Harman
Hart
Hayes
Herger
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kline
Knollenberg
Kolbe
Lewis (CA)
LoBiondo
McInnis
McKeon
Miller (MI)
Miller (NC)
Miller, Gary
Murphy
Northup
Norwood
Nunes
Oxley
Pearce
Pence
Pitts
Platts
Quinn
Ramstad
Regula
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Simmons
Smith (MI)
Smith (TX)
Souder
Sweeney
Tauzin
Thomas
Thornberry
Tiahrt
Turner (OH)
Upton
Vitter
Walsh
Weller
Wilson (NM)
Wolf

NOT VOTING—7

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Meek (FL)

So the amendment was agreed to.

¶83.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act for ''DEPARTMENT OF JUSTICE—OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' may be used to assist any State or local government entity or official that prohibits or restricts any government entity or official from sending to, or receiving from, the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security information regarding the citizenship or immigration status of an individual, as prohibited under section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

It was decided in the negative { Yeas ..... 122 / Nays ..... 305 }

¶83.29 [Roll No. 409]

AYES—122

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bereuter
Bilirakis
Blackburn
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Camp
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hayes
Hayworth
Hefley
Herger
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Linder
Lucas (OK)
Manzullo
McCrery
McInnis
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Putnam
Ramstad
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)

NOES—305

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Ballenger
Bass
Beauprez
Becerra
Bell
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine

Burr
Calvert
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn
Cole
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Foley
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Berkley
Conyers
Davis (TN)
Ferguson
Ford
Gephardt
Meek (FL)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. KOLBE, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶83.30 PROVIDING FOR THE CONSIDERATION OF H.R. 2738 AND H.R. 2739

Mr. DREIER, by direction of the Committee on Rules, reported (Rept. No. 108–229) the resolution (H. Res. 329) providing for consideration of the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement, and for consideration of the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement.

When said resolution and report were referred to the House Calendar and ordered printed.

¶83.31 COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. KOLBE, pursuant to House Resolution 326 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, and the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Mr. HASTINGS of Washington, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. OSE, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶83.32 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. LEVIN, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee;

Now therefore, be it

Resolved, That the House of Representatives disapproves of the manner in which Representative Thomas summoned the United States Capitol Police to evict minority-party members of the Committee on Ways and Means from the committee library, as well as the manner in which he conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore, Mr. OSE, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Michigan [Mr. LEVIN] will appear in the RECORD at this point.

''The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.''.

¶83.33 MESSAGE FROM THE PRESIDENT—PLAN COLOMBIA

The SPEAKER pro tempore, Mr. OSE, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with section 3204(e), Public Law 106–246, I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2003 in support of Plan Colombia.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 22, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and the Committee on Appropriations and ordered to be printed (H. Doc. 108–104).

¶83.34 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. BISHOP of New York, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, as follows: (1) to include in the conference report the provisions of the amendment of the Senate (not included in the House amendment) that provides immediate

payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

¶83.35 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. ROSS submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, as follows: (1) to include in the conference report the provisions of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. FRANKS of Arizona, announced that the yeas had it.

Mr. ROSS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. FRANKS of Arizona, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶83.36 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 22, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 733. An Act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver Historic Site, and for other purposes.

H.R. 2330. An Act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

¶83.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. FORD, for today after 2 p.m. and Wednesday, July 23, 2003.

And then,

¶83.38 ADJOURNMENT

On motion of Mr. HAYWORTH, at 11 o'clock and 25 minutes p.m., the House adjourned.

¶83.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIOSN

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2738. A bill to implement the United States-Chile Free Trade Agreement (Rept. 108–224 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2739. A bill to implement the United States-Singapore Free Trade Agreement (Rept. 108–225 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2004 (Rept. 108–228). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 329. Resolution providing for consideration of the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement, and for consideration of the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement (Rept. 108–229). Referred to the House Calendar.

¶83.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT (for himself, Mr. LUCAS of Kentucky, Mr. GOODE, Mr. PENCE, Mr. BURR, and Mr. KELLER):

H.R. 2813. A bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSLE:

H.R. 2814. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. BECERRA, and Mrs. JOHNSON of Connecticut):

H.R. 2815. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself and Mrs. MCCARTHY of New York):

H.R. 2816. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

By Mr. GOODE (for himself and Mr. TOM DAVIS of Virginia):

H.R. 2817. A bill to provide that the actuarial value of the prescription drug benefits of Members of Congress under the Federal employees health benefits program may not exceed the actuarial value of any prescription drug benefit under the Medicare Program; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mr. GRIJALVA, Mr. MCGOVERN, Mr. REYES, Ms. VELAZQUEZ, Mr. SERRANO, Mr. ACEVEDO-VILA, Mr. FROST, Mr. BERMAN, Mr. PAYNE, Ms. WATERS, Mr. TOWNS, Mr. GONZALEZ, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Ms. ROS-LEHTINEN, Mr. LIPINSKI, Mr. BECERRA, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. PASTOR, Ms. SOLIS, Ms. LEE, Mr. RANGEL, Mr. BLUMENAUER, Mr. OWENS, Mr. HINOJOSA, Mr. MENENDEZ, Ms. LORETTA SANCHEZ of California, Mr. BACA,

Mr. MEEKS of New York, and Ms. LINDA T. SANCHEZ of California):

H.R. 2818. A bill to award a congressional gold medal to the family of the late Raul Julia; to the Committee on Financial Services.

By Mr. HOEFFEL (for himself, Mr. HOUGHTON, and Mr. MCDERMOTT):

H.R. 2819. A bill to establish a program to provide assistance for developing countries of Eurasia and the Middle East; to the Committee on International Relations.

By Ms. NORTON:

H.R. 2820. A bill to extend to the Mayor of the District of Columbia the same authority with respect to the National Guard of the District of Columbia as the Governors of the several States exercise with respect to the National Guard of those States; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas (for himself and Mrs. CAPPS):

H.R. 2821. A bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for Medicare beneficiaries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 2822. A bill to amend the Internal Revenue Code of 1986 to exclude working capital in applying the accumulated earnings tax; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. FALEOMAVAEGA, Mr. LANTOS, Mr. WILSON of South Carolina, Mr. WU, Mr. HONDA, Mr. WYNN, Mr. TOWNS, Mrs. MALONEY, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. PALLONE, Mr. BELL, Mrs. NAPOLITANO, Mr. MCDERMOTT, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Ms. ROS-LEHTINEN, Ms. LEE, Mr. BERMAN, Mr. ROTHMAN, Mr. FARR, Mr. ENGEL, Mr. BROWN of Ohio, Mr. COOPER, Mr. WALSH, Ms. LOFGREN, Mr. CONYERS, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, Mr. OWENS, and Mr. FILNER):

H. Con. Res. 248. Concurrent resolution honoring former Congressman Dalip Singh Saund and remembering his achievements as the only Indian American to serve in Congress; to the Committee on House Administration.

By Mr. HASTINGS of Florida:

H. Con. Res. 249. Concurrent resolution expressing the sense of Congress that the United States should remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government, and for other purposes; to the Committee on International Relations.

¶83.41 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

149. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 11 memorializing the United States Congress to enact legislation that will address the issue of the improper labeling and classification of dairy products; to the Committee on Agriculture.

150. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 09 memorializing the United States Congress to enact legislation to provide for tariff rate qoutas for dry milk protein concentrates that are equivalent to the import quotas currently in place on other dairy products; to the Committee on Ways and Means.

¶83.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. CLAY.
H.R. 58: Mr. DAVIS of Illinois.
H.R. 303: Ms. ROS-LEHTINEN.
H.R. 324: Mr. PITTS and Mrs. JOHNSON of Connecticut.
H.R. 348: Mr. ROSS.
H.R. 422: Mr. GILLMOR.
H.R. 480: Mr. SWEENEY.
H.R. 528: Mr. SHAW and Mr. ISSA.
H.R. 571: Mr. MCINTYRE.
H.R. 584: Ms. MAJETTE.
H.R. 673: Mr. HALL and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 707: Mr. GORDON.
H.R. 745: Mr. TIERNEY.
H.R. 785: Mr. GORDON.
H.R. 890: Mr. CLAY.
H.R. 898: Mr. ISAKSON, Mr. WILSON of South Carolina, Mr. KLINE, Mr. SMITH of New Jersey, and Mr. ROGERS of Alabama.
H.R. 919: Ms. HARRIS.
H.R. 935: Mr. ISRAEL, MR. BECERRA, and Mr. SMITH of Washington.
H.R. 941: Mr. BARTON of Texas.
H.R. 1043: Mr. PETERSON of Minnesota and Mr. GREENWOOD.
H.R. 1078: Mr. GRIJALVA.
H.R. 1100: Mr. NUSSLE.
H.R. 1105: Mr. HOYER and Mr. CLYBURN.
H.R. 1167: Mr. PETERSON of Minnesota.
H.R. 1227: Mr. BEAUPREZ.
H.R. 1533: Mr. DAVIS of Alabama, Mrs. MALONEY, Ms. HOOLEY of Oregon, Mr. MEEKS of New York, Mr. RYUN of Kansas, and Mr. SCOTT of Virginia.
H.R. 1606. Mr. PLATTS.
H.R. 1622: Ms. MAJETTE, Mr. SNYDER, Mr. UDALL of Colorado, and Mr. ORTIZ.
H.R. 1633: Mr. BISHOP of New York.
H.R. 1639: Mr. SCHIFF and Mrs. TAUSCHER.
H.R. 1659: Ms. WOOLSEY.
H.R. 1726: Ms. LINDA T. SANCHEZ of California.
H.R. 1746: Mrs. DAVIS of California and Ms. LOFGREN.
H.R. 1752: Mr. CLAY and Mr. WEXLER.
H.R. 1767: Mr. WILSON of South Carolina.
H.R. 1769: Mrs. LOWEY and Mr. KILDEE.
H.R. 1778: Mr. PLATTS.
H.R. 1902: Ms. ROS-LEHTINEN.
H.R. 1992: Mr. FROST.
H.R. 2052: Mr. WATT and Mr. VITTER.
H.R. 2075: Mr. MARIO DIAZ-BALART of Florida and Mr. MICA.
H.R. 2117: Mr. KUCINICH.
H.R. 2133: Mr. HERGER.
H.R. 2179: Mr. SCOTT of Georgia.
H.R. 2221: Mr. BISHOP of Utah.
H.R. 2233: Mr. DAVIS of Illinois.
H.R. 2246: Mr. DEUTSCH, Mr. BACHUS, and Mr. BOEHLERT.
H.R. 2310: Ms. ROYBAL-ALLARD.
H.R. 2327: Mr. FLETCHER and Mr. MURPHY.
H.R. 2369: Mr. DAVIS of Florida.
H.R. 2379: Mr. PETERSON of Minnesota.
H.R. 2402: Mr. CONYERS and Mr. GRIJALVA.
H.R. 2426: Mr. GRIJALVA and Mr. CAPUANO.
H.R. 2432: Mrs. KELLY.
H.R. 2440: Mr. THOMPSON of California and Mr. NETHERCUTT.
H.R. 2449: Mr. FORBES and Mr. WOLF.
H.R. 2462: Mr. WAXMAN, Ms. NORTON, Mr. BAIRD, and Mr. SABO.
H.R. 2482: Mr. ENGLISH.
H.R. 2497: Mr. VAN HOLLEN.
H.R. 2505: Ms. WOOLSEY.
H.R. 2515: Mrs. MALONEY and Mr. OLVER.
H.R. 2521: Mr. MCDERMOTT.
H.R. 2540: Mr. OSBORNE, Mr. HERGER, Mr. KILDEE, Mr. SHAYS, Mr. NUNES, and Mr. CLAY.
H.R. 2542: Mr. GINGREY and Mr. FRANKS of Arizona.
H.R. 2567: Mr. PETERSON of Minnesota.
H.R. 2569: Mr. ROSS, Mr. LEVIN, Mr. CASE, Mr. CLAY, Mr. HOEFFEL, Mr. TOWNS, Ms. WOOLSEY, and Mr. KILDEE.
H.R. 2579: Mr. BALLENGER.
H.R. 2620: Mr. MCDERMOTT, Mr. KING of New York, and Mr. WEXLER.
H.R. 2625: Ms. BALDWIN, Mr. FILNER, Mr. BECERRA, Mr. FARR, Mr. HOEFFEL, Mr. KUCINICH, Ms. WATSON, Mr. LEWIS of Georgia, Mr. OWENS, Mr. EVANS, Mr. JACKSON of Illinois, Mr. DEFAZIO, Mr. RANGEL, Mr. TOWNS, and Ms. KILPATRICK.
H.R. 2632: Mr. ACEVEDO-VILA and Mr. GORDON.
H.R. 2665: Mr. MEEHAN.
H.R. 2671: Mr. BAKER, Mr. CARSON of Oklahoma, Mr. VITTER, Mr. BURTON of Indiana, Mr. BARRETT of South Carolina, and Mr. TANNER.
H.R. 2699: Mr. SHAW, Mr. UPTON, Mr. HAYES, Mr. KLINE, and Mr. CRAMER.
H.R. 2709: Mr. FRANK of Massachusetts.
H.R. 2732: Mr. GARRETT of New Jersey, Ms. GINNEY BROWN-WAITE of Florida, and Mr. BARRETT of South Carolina.
H.R. 2787: Mr. WAXMAN and Mr. KENNEDY of Rhode Island.
H.R. 2807: Mr. RENZI.
H.J. Res. 56: Mr. SULLIVAN, Mr. GARRETT of New Jersey, Mr. TAUZIN, and Mrs. CUBIN.
H. Con. Res. 4: Mr. GOODE.
H. Con. Res. 30: Mrs. JO ANN DAVIS of Virginia.
H. Con. Res. 34: Mr. JOHNSON of Illinois.
H. Con. Res. 213: Ms. HOOLEY of Oregon and Mr. MCNULTY.
H. Res. 307: Mrs. CAPPS.
H. Res. 323: Ms. BORDALLO and Mr. CUNNINGHAM.

¶83.43 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. PITTS.

WEDNESDAY, JULY 23, 2003 (84)

The House was called to order by the SPEAKER.

¶84.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, July 22, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶84.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3378. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in a Designated Area of Southeastern California; Establishment of Safeguards and Procedures for Suspension of Packing Holidays [Docket No. FV03–925–2 FIR] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3379. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Raisins Produced from Grapes Grown in California; Final Free

and Reserve Percentages for 2002–03 Crop Natural (Sun-dried) Seedless and Zante Currant Raisins [Docket No. FV03–989–4 FIR] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3380. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thiophanate Methyl; Pesticide Tolerance for Emergency Exemptions [OPP–2003–0242; FRL–7317–5] received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3381. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Air Force, Case Number 97–11, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3382. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 108—107); to the Committee on Appropriations and ordered to be printed.

3383. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–16, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3384. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 99–09D, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3385. A letter from the Director, Office of Thrift Supervision, transmitting a letter on the details of the Office's 2003 compensation plan, pursuant to 12 U.S.C. 18336; to the Committee on Financial Services.

3386. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans and Approval Under Section 112(I) of the Clean Air Act; Virginia; State Operating Permit Program [VA087–5057a; FRL–7519–2] received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3387. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Mecklenburg County, North Carolina Update to Materials Incorporated by Reference [NC–200317; FRL–7511–6] received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3388. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Texas; Approval of Section 179B Demonstration of Attainment, Carbon Monoxide Motor Vehicle Emissions Budget for Conformity, and Contingency Measure for El Paso Carbon Monoxide Nonattainment Area [TX–42–1–6274a; FRL–7521–2] received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3389. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—State and Federal Operating Permits Programs: Amendments to Compliance Certification Requirements [AL-FRL–7519–5] (RIN: 2060–AK11) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3390. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Stay of Authority Under 40 CFR 50.9(b) Related to Applicability of 1–Hour Ozone Standard [FRL–7519–3] (RIN: 2060–AK78) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3391. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Florida: Jacksonville Area Maintenance Plan Update [FL–92–200324(a); FRL–7534–2] received June 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3392. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

3393. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Japan (Transmittal No. DDTC 084–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3394. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Jordan (Transmittal No. DDTC 032–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3395. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Malaysia (Transmittal No. DDTC 051–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3396. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 071–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3397. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Egypt (Transmittal No. DDTC 069–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3398. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles under a contract to Kourou, French Guiana and Pacific Ocean/International Waters (Transmittal No. DDTC 064–03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3399. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in the former Yugoslavia; (H. Doc. No. 108—105); to the Committee on International Relations and ordered to be printed.

3400. A letter from the Public Printer, United States Government Printing Office, transmitting the Government Printing Office (GPO) annual report for Fiscal Year 2003; to the Committee on House Administration.

3401. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 021212307–3037; I.D. 071003C] received July 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3402. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 021212307–3037–02; I.D. 070203B] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3403. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 070203A] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3404. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 070203C] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3405. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 070203D] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3406. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip Limit Adjustments [Docket No. 021209300–3048–02; I.D. 062703A] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3407. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Increase in Roe Retention Limit for Pollock Harvested in the Bering Sea and Aleutian Islands [Docket No. 030128023–3158–02; I.D. 011503D] (RIN: 0648–AQ44) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3408. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—VISAS: Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended; Personal Appearance—received July 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3409. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Area Maritime Security [USCG–2003–14733] (RIN: 1625–AA42) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3410. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Vessel Security [USCG–2003–14749] (RIN: 1625–AA46) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3411. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Independence, IA [Docket No. FAA–2003–14598; Airspace Docket No. 03–ACE–21] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3412. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Emmetsburg, IA [Docket No. FAA–2003–14595; Airspace Docket No. 03–ACE–18] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3413. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fairmont, NE [Docket No. FAA–2003–14195; Airspace Docket No. 03–ACE–1] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3414. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hampton, IA [Docket No. FAA–2003–14597; Airspace Docket No. 03–ACE–20] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3415. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D and Class E Airspace; St. Louis, Spirit of St. Louis Airport, MO [Docket No. FAA–2003–14549; Airspace Docket No. 03–ACE–17] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3416. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; and Modification of Class E Airspace; Dubuque, IA [Docket No. FAA–2003–14463; Airspace Docket No. 03–ACE–16] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3417. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Keokuk, IA [Docket No. FAA–2003–14599; Airspace Docket No. 03–ACE–22] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3418. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Denison, IA [Docket No. FAA–2003–14462; Airspace Docket No. 03–ACE–15] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3419. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700 & 701) Series Airplanes [Docket No. 2003–NM–98–AD; Amendment 39–13191; AD 2003–12–06] (RIN: 2120–AA64) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3420. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Clinton, IA [Docket No. FAA–2003–14460; Airspace Docket No. 03–ACE–13] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3421. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Greenfield, IA [Docket No. FAA–2003–14596; Airspace Docket No. 03–ACE–19] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3422. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Lake Placid, NY [Docket No. FAA–2003–14454; Airspace Docket No. 03–AEA–01] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3423. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cavelier, ND [Docket No. FAA–2002–14044; Airspace Docket No. 02–AGL–22] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3424. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Aurora, NE [Docket No. FAA–2003–14846; Airspace Docket No. 03–ACE–31] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3425. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; New Madrid, MO [Docket No. FAA–2003–14844; Airspace Docket No. 03–ACE–29] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3426. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Shenandoah, IA [Docket No. FAA–2003–14845; Airspace Docket No. 03–ACE–30] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3427. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E airspace; Moundridge, KS; Correction [Airspace Docket No. 02–ACE–12] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3428. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Knoxville, IA [Docket No. FAA–2003–14600; Airspace Docket No. 03–ACE–23] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3429. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Crete, NE [Docket No. FAA–2003–14927; Airspace Docket No. 03–ACE–33] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3430. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Tunica, MS [Docket No. FAA–2003–14268; Airspace Docket No. 03–ASO–1] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3431. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Jet Route 10 [Docket No. FAA–2001–10980; Airspace Docket No. 01–AWP–21] (RIN: 2120–AA66) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3432. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marshalltown, IA [Docket No. FAA–2003–14601; Airspace Docket No. 03–ACE–24] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3433. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Knoxville, IA [Docket No. FAA–2003–14600; Airspace Docket No. 03–ACE–23] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3434. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; St. Louis, MO [Docket No. FAA–2003–14657; Airspace Docket No. 03–ACE–26] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3435. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Shenandoah, IA [Docket No. FAA–2003–14845; Airspace Docket No. 03–ACE–30] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3436. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Aurora, NE [Docket No. FAA–2003–14846; Airspace Docket No. 03–ACE–31] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3437. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Monticello, IA [Docket No. FAA–2003–14935; Airspace Docket No. 03–ACE–38] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3438. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; and Modification of Class E Airspace; Sioux City, IA [Docket No. FAA–2003–14937; Airspace Docket No. 03–ACE–40] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3439. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; and Modification of Class E Airspace; Kansa City Downtown Airport, MO [Docket No. FAA–2003–14931; Airspace Docket No. 03–ACE–34] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3440. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule—Establishment of Class E Airspace; Marshall, AK [Docket No. FAA–2002–13971; Airspace Docket No. 02–AAL–08] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3441. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E2 Airspace; Elizabeth City, NC [Docket No. FAA–2003–14673; Airspace Docket No. 03–ASO–2] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3442. A letter from the Deputy Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Reorganization of Title 27, Code of Federal Regulations [OLC No. 01–03] [T.D.ATF–487] (RIN: 1512–AD06) received January 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3443. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters (Rev. Proc. 2003–65) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3444. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2003–63) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3445. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Enhanced Oil Recovery Credit (Rev. Rul. 2003–82) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3446. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Special Rules Under Section 417(a)(7) for Written Explanations Provided by Qualified Retirement Plans After Annuity Starting Dates [TD 9076] (RIN: 1545–AX34) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3447. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—10 or More Employer Plans [TD 9079] (RIN: 1545–BA47) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3448. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General Rule for Taxable Year of Deduction (Rev. Rul. 2003–90) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3449. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Subchapter S Trust Election for Testamentary Trusts [TD 9078] (RIN: 1545–AY76) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3450. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Net Gift Treatment under Section 2519 [TD 9077] (RIN: 1545–AY91) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3451. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reduction of Tax Attributes Due to Discharge of Indebtedness [TD 9080] (RIN: 1545–BC47) received July 18, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3452. A communication from the President of the United States, transmitting a report detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2003 in support of Plan Colombia, pursuant to Public Law 106—246, section 3204(e) (114 Stat. 576); (H. Doc. No. 108—104); jointly to the Committees on International Relations and Appropriations, and ordered to be printed.

3453. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Report on the Federal Work Force for Fiscal Year 2002, pursuant to 42 U.S.C. 2000e—4(e); jointly to the Committees on Government Reform and Education and the Workforce.

¶84.3 PRIVILEGES OF THE HOUSE

Ms. PELOSI rose to a question of the privileges of the House and submitted the following resolution (H. Res. 330):

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee;

Now, therefore, be it

Resolved, That the House of Representatives disapproves of the manner in which Representative Thomas summoned the United States Capitol Police to evict minority party members of the Committee on Ways and Means from the committee library, as well as the manner in which he conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House, and calls for the police report to be placed in the CONGRESSIONAL RECORD.

The SPEAKER ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. DELAY moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER announced that the yeas had it.

Ms. PELOSI objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 223 / Nays ..... 193 }

¶84.4 [Roll No. 410]

YEAS—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—193

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards

Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—19

Berkley
Bishop (GA)
Boucher
Clay
Cole
Conyers
Davis (TN)
Davis, Jo Ann
Fattah
Ferguson
Ford
Frank (MA)
Gephardt
Jefferson
Moore
Owens
Sherwood
Souder
Young (AK)

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶84.5 COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS FY 2004

The SPEAKER, pursuant to House Resolution 326 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, and the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Mr. HASTINGS of Washington, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶84.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the question raised by an appeal in the Committee, to wit: ''Shall the decision of the Chair stand as the judgment of the Committee?''.

It was decided in the affirmative ..... { Yeas ..... 231 / Nays 198

¶84.7 [Roll No. 411]

AYES—231

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—198

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Berkley
Bishop (UT)
Ferguson
Ford
Gephardt

So the decision of the Chair stood as the judgment of the Committee.

The SPEAKER pro tempore, Mr. QUINN, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶84.8 PROVIDING FOR THE CONSIDERATION OF H.R. 2738 AND H.R. 2739

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 329):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours, with one hour and forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement. The bill shall be considered as read for amendment. The bill shall be debatable for two hours, with one hour and forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 3. During consideration of H.R. 2738 or H.R. 2739 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

When said resolution was considered.

After debate,

¶84.9 MOTION TO ADJOURN

Mr. HASTINGS of Florida moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. SIMMONS, announced that the nays had it.

Mr. HASTINGS of Florida objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 28 / Nays ..... 389 }

¶84.10 [Roll No. 412]

YEAS—28

Baird
Bishop (GA)
Capuano
Carson (OK)
Clyburn
Conyers
DeFazio
Doggett
Filner
Grijalva
Hastings (FL)
Johnson, E. B.
Kaptur
Kennedy (RI)
Lewis (GA)
McDermott
Payne
Rangel
Sandlin
Schakowsky
Scott (GA)
Slaughter
Solis
Strickland
Towns
Velazquez
Waters
Woolsey

NAYS—389

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Feeney
Flake
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Alexander
Berkley
Bishop (UT)
Cox
Davis (CA)
DeGette
Evans
Fattah
Ferguson
Fletcher
Ford
Gephardt
Greenwood
Pickering
Reyes
Sullivan
Taylor (NC)

So the motion to adjourn was not agreed to.

After further debate,

Mr. DREIER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMMONS, announced that the yeas had it.

Mr. HASTINGS of Florida demanded a recorded vote on ordering the previous question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 / Nays ..... 200 }

¶84.11 [Roll No. 413]

AYES—226

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg

Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Berkley
Bishop (UT)
Conyers
Ferguson
Ford
Gephardt
Shimkus
Sullivan

So the previous question on the resolution was ordered.

Mr. HASTINGS of Florida moved to reconsider the vote whereby the previous question was ordered.

Mr. DREIER moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. SIMMONS, announced that the yeas had it.

Mr. HASTINGS of Florida demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 / Nays 201

¶84.12 [Roll No. 414]

AYES—223

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Bishop (UT)
Dicks
Dingell
Ferguson
Ford
Gephardt
Pearce
Saxton
Sullivan

So the motion to lay on the table the motion to reconsider the vote was agreed to.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMMONS, announced that the yeas had it.

Mr. HASTINGS of Florida demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 281 / Nays 144

¶84.13 [Roll No. 415]

AYES—281

Aderholt
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
Matsui
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—144

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doyle
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hinchey
Hoeffel
Holden
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—9

Akin
Berkley
Bishop (UT)
Ferguson
Ford
Gephardt
Pearce
Peterson (PA)
Sullivan

So the resolution was agreed to.

Mr. HASTINGS of Florida moved to reconsider the vote whereby the resolution was agreed to.

Mr. DREIER moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. SIMMONS, announced that the yeas had it.

Mr. HASTINGS of Florida demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 197

¶84.14 [Roll No. 416]

AYES—228

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos

Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Berkley
Bishop (UT)
Conyers
Ferguson
Ford
Gephardt
Istook
Pearce
Sullivan

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶84.15 MOTION TO ADJOURN

Mr. HASTINGS of Florida moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. SIMMONS, announced that the nays had it.

Mr. HASTINGS of Florida demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 29; Nays ..... 394; Answered present 1 }

¶84.16 [Roll No. 417]

AYES—29

Baird
Bishop (GA)
Brown, Corrine
Capuano
Clay
Clyburn
Conyers
Evans
Filner
Frank (MA)
Grijalva
Hastings (FL)
Jones (OH)
Kaptur
Kennedy (RI)
McIntyre
Miller, George
Olver
Pallone
Rangel
Sanchez, Loretta
Sandlin
Schakowsky
Shimkus
Solis
Thompson (MS)
Towns
Watson
Woolsey

NOES—394

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—10

Berkley
Bishop (UT)
Boehner
Cantor
Ferguson
Ford
Gephardt
Lewis (KY)
Pearce
Sullivan

So the motion to adjourn was not agreed to.

¶84.17 QUESTION OF PERSONAL PRIVILEGE

Mr. THOMAS rose to a question of personal privilege.

The SPEAKER announced that he had examined the press accounts that have been submitted, and that it qualifies as a question of personal privilege under rule IX.

The SPEAKER, pursuant to Rule IX, recognized Mr. THOMAS for one hour.

Mr. THOMAS made the following statement:

''Mr. Speaker, I have always considered the time spent in this institution, the people's House, as one of the highest honors a person can be provided by this country. Each of us is elected by the people to be a Member. Each of us has an equal right to be here. But what we do here, what position or responsibilities that we have, we owe to each other.

''Last Friday in the Ways and Means Committee while conducting a markup of a bill as a result of decisions made by members of the committee and by me as chairman, there was a breakdown of order and decorum. To reestablish order in the committee, I requested that staff place a call to the Sergeant at Arms. That decision, in my opinion, was proper and appropriate. A second decision to instruct staff to see if the Democrats that had occupied the library would go to room 1129, which is a room reserved for the Democrats for meetings and caucuses, and to enlist the support of the Capitol Police to do so if necessary, that decision, in the words of Norm Ornstein in a column today in Roll Call, was described as ''just plain stupid.'' I agree with him.

''Every Member has as much right to be here and to be heard as any other. In hindsight, calling the Sergeant at Arms for help in the committee room, I still believe, was good judgment. My instruction to use the Capitol Police, if necessary, in the library was not. I learned a very painful lesson on Friday. As Members, you deserve better judgment from me, and you will get it.

Because of my poor judgment, those outside the House who want to trivialize, marginalize, and debase this institution were given an opportunity to do so. Because of my poor judgment, the stewardship of my party as the majority party in this House has been unfairly criticized.

''Because of my poor judgment, I became the focus of examination rather than the issues. The visions that each of us have for a better America, different as though they may be but equally entitled to be heard, were not focused on.

''It has been said that our strengths are our weaknesses. Or as my mother would have put it, 'When they were passing out moderation, you were hiding behind the door.' I believe my intensity has served useful purposes, fixing problems and passing laws that otherwise may not have made it. But when one is charged and entrusted with responsibilities by you, my colleagues, as I have been, you deserve better. Moderation is required.

''For the remainder of my time in this, the people's House, I want to rededicate my efforts to strengthening this institution as the embodiment of what is best about us. I need your help and I invite it.''

¶84.18 COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATIONS FY 2004

The SPEAKER, pursuant to House Resolution 326 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2799) making appropriations for the Departments of Commerce, Justice, and State, and the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Mr. HASTINGS of Washington, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶84.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. OSE:

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

It was decided in the affirmative { Yeas ..... 424 / Nays 0

¶84.20 [Roll No. 418]

AYES—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Berkley
Bishop (UT)
Davis (TN)
Ferguson
Ford
Gephardt
McGovern
Pearce
Smith (NJ)
Sullivan

So the amendment was agreed to.

¶84.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HOSTETTLER:

Insert in an appropriate place the following:

SEC. ____. None of the funds appropriated in this Act may be used to enforce the judgment of the United States Court of Appeals for the Eleventh Circuit in Glassroth v. Moore, decided July 1, 2003 or Glassroth v. Moore, 229 F. Supp. 2d 1067 (M. D. Ala. 2002).

It was decided in the affirmative { Yeas ..... 260 / Nays 161

¶84.22 [Roll No. 419]

AYES—260

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (IN)
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Duncan
Dunn
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris

Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Owens
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOES—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Castle
Clay
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Dreier
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gerlach
Gonzalez
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Price (NC)
Pryce (OH)
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simpson
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu

NOT VOTING—13

Berkley
Bishop (UT)
Clyburn
Ferguson
Ford
Gephardt
Meek (FL)
Obey
Pearce
Pelosi
Radanovich
Sullivan
Tierney

So the amendment was agreed to.

¶84.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

It was decided in the negative ..... { Yeas ..... 152 / Nays 273

¶84.24 [Roll No. 420]

AYES—152

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Beauprez
Becerra
Bereuter
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Case
Clay
Conyers
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Engel
Eshoo
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Gilchrest
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Porter
Price (NC)
Rahall
Rangel
Rodriguez
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tancredo
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—273

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bell
Berry
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Evans
Everett
Feeney
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pallone
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Berkley	Ford	Neugebauer
Bishop (UT)	Gephardt	Pearce
Ferguson	Miller, George	Sullivan

So the amendment was not agreed to.

¶84.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. RUSH:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used for the sentencing phase of any Federal prosecution in which the penalty of death is sought by the United States.

It was decided in the negative ..... { Yeas ..... 85 / Nays 339

¶84.26 [Roll No. 421]

AYES—85

Abercrombie	Jackson (IL)	Owens
Allen	Kennedy (RI)	Payne
Baldwin	Kildee	Pelosi
Bartlett (MD)	Kilpatrick	Rahall
Berman	Kleczka	Rangel
Brady (PA)	Kucinich	Roybal-Allard
Brown (OH)	Langevin	Rush
Capps	Lee	Ryan (OH)
Capuano	Levin	Sabo
Carson (IN)	Lewis (GA)	Sanchez, Linda T.
Clay	Lowey	Sanders
Conyers	Majette	Schakowsky
Cummings	Maloney	Scott (GA)
Davis (IL)	Markey	Scott (VA)
DeGette	McCarthy (MO)	Serrano
Delahunt	McCarthy (NY)	Smith (NJ)
Doyle	McCollum	Solis
Ehlers	McDermott	Stark
Engel	McGovern	Tierney
Eshoo	McNulty	Towns
Farr	Meeks (NY)	Van Hollen
Fattah	Michaud	Velazquez
Filner	Miller, George	Waters
Frank (MA)	Mollohan	Watson
Grijalva	Nadler	Watt
Gutierrez	Napolitano	Waxman
Hastings (FL)	Oberstar	Woolsey
Hinchey	Obey	
Holt	Olver	

NOES—339

Ackerman	Brown (SC)	Davis (FL)
Aderholt	Brown, Corrine	Davis (TN)
Akin	Brown-Waite, Ginny	Davis, Jo Ann
Alexander	Burgess	Davis, Tom
Andrews	Burns	Deal (GA)
Baca	Burr	DeFazio
Bachus	Burton (IN)	DeLauro
Baird	Buyer	DeLay
Baker	Camp	DeMint
Ballance	Cannon	Deutsch
Ballenger	Cantor	Diaz-Balart, L.
Barrett (SC)	Capito	Diaz-Balart, M.
Barton (TX)	Cardin	Dicks
Bass	Cardoza	Dingell
Beauprez	Carson (OK)	Doggett
Becerra	Carter	Dooley (CA)
Bell	Case	Doolittle
Bereuter	Castle	Dreier
Berry	Chabot	Duncan
Biggert	Chocola	Dunn
Bilirakis	Clyburn	Edwards
Bishop (GA)	Coble	Emanuel
Bishop (NY)	Cole	Emerson
Blackburn	Collins	English
Blumenauer	Cooper	Etheridge
Blunt	Costello	Evans
Boehlert	Cox	Everett
Boehner	Cramer	Feeney
Bonilla	Crane	Flake
Bonner	Crenshaw	Fletcher
Bono	Crowley	Foley
Boozman	Cubin	Forbes
Boswell	Culberson	Fossella
Boucher	Cunningham	Franks (AZ)
Boyd	Davis (AL)	Frelinghuysen
Bradley (NH)	Davis (CA)	Frost
Brady (TX)		Gallegly
Garrett (NJ)	Lewis (CA)	Rogers (AL)
Gerlach	Lewis (KY)	Rogers (KY)
Gibbons	Linder	Rohrabacher
Gilchrest	Lipinski	Ros-Lehtinen
Gillmor	LoBiondo	Ross
Gonzalez	Lofgren	Rothman
Goode	Lucas (KY)	Royce
Goodlatte	Lucas (OK)	Ruppersberger
Gordon	Lynch	Ryan (WI)
Goss	Manzullo	Ryun (KS)
Granger	Marshall	Sanchez, Loretta
Graves	Matheson	Sandlin
Green (TX)	Matsui	Saxton
Green (WI)	McCotter	Schiff
Greenwood	McCrery	Schrock
Gutknecht	McHugh	Sensenbrenner
Hall	McInnis	Sessions
Harman	McIntyre	Shadegg
Harris	McKeon	Shaw
Hart	Meehan	Shays
Hastings (WA)	Meek (FL)	Sherman
Hayes	Menendez	Sherwood
Hayworth	Mica	Shimkus
Hefley	Millender-McDonald	Shuster
Hensarling	Miller (FL)	Simmons
Herger	Miller (MI)	Simpson
Hill	Miller (NC)	Skelton
Hinojosa	Miller, Gary	Slaughter
Hobson	Moore	Smith (MI)
Hoeffel	Moran (KS)	Smith (TX)
Hoekstra	Moran (VA)	Smith (WA)
Holden	Murphy	Snyder
Honda	Murtha	Souder
Hooley (OR)	Musgrave	Spratt
Hostettler	Myrick	Stearns
Houghton	Neal (MA)	Stenholm
Hoyer	Nethercutt	Strickland
Hulshof	Neugebauer	Stupak
Hunter	Ney	Sweeney
Hyde	Northup	Tancredo
Inslee	Norwood	Tanner
Isakson	Nunes	Tauscher
Israel	Nussle	Tauzin
Issa	Ortiz	Taylor (MS)
Istook	Osborne	Taylor (NC)
Jackson-Lee (TX)	Ose	Terry
Janklow	Otter	Thomas
Jefferson	Oxley	Thompson (CA)
Jenkins	Pallone	Thompson (MS)
John	Pascrell	Thornberry
Johnson (CT)	Pastor	Tiahrt
Johnson (IL)	Paul	Tiberi
Johnson, E. B.	Pearce	Toomey
Johnson, Sam	Pence	Turner (OH)
Jones (NC)	Peterson (MN)	Turner (TX)
Jones (OH)	Peterson (PA)	Udall (CO)
Kanjorski	Petri	Udall (NM)
Kaptur	Pickering	Upton
Keller	Pitts	Visclosky
Kelly	Platts	Vitter
Kennedy (MN)	Pombo	Walden (OR)
Kind	Pomeroy	Walsh
King (NY)	Porter	Wamp
Kingston	Portman	Weiner
Kirk	Price (NC)	Weldon (FL)
Kline	Pryce (OH)	Weldon (PA)
Knollenberg	Putnam	Weller
Kolbe	Quinn	Wexler
LaHood	Radanovich	Whitfield
Lampson	Ramstad	Wicker
Lantos	Regula	Wilson (NM)
Larsen (WA)	Rehberg	Wilson (SC)
Larson (CT)	Renzi	Wolf
Latham	Reyes	Wu
LaTourette	Reynolds	Wynn
Leach	Rodriguez	Young (AK)
		Young (FL)

NOT VOTING—10

Berkley	Ford	Rogers (MI)
Bishop (UT)	Gephardt	Sullivan
Calvert	Gingrey	
Ferguson	King (IA)	

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. LATOURETTE, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, pursuant to House Resolution 326, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

None of the funds appropriated or otherwise made available under by this act may be used to issue patents on claims directed to or encompassing a human organism.

Insert in an appropriate place the following:

SEC. . None of the funds appropriated in this Act may be used to enforce the judgment in Newdow v. U.S. Congress 292 F.3d 597 (9th Cir. 2002).

Page 103, after line 26, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

At the end of the bill (before the short title), insert the following:

Section . None of the funds made available in this act may be used to seek a delay under Section 3103a(b) of title 18 United States Code.

At the end of the bill (before the short title), insert the following:

LIMITATION ON UNITED STATES CONTRIBUTIONS TO CERTAIN UNITED NATIONS ENTITIES

SEC. ____. None of the funds made available in this Act may be used for a United States contribution to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism. None of the funds made available in this Act may be used to pay expenses for any United States delegation to any United Nations commission, organization, or affiliated agency described in the preceding sentence.

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used to destroy or conceal physical and electronic records and documents related to any use of Federal agency resources in any task or action involving or relating to members of the Texas Legislature for the period beginning May 11, 2003, and ending May 16, 2003.

At the end of the bill after the last section (preceding the short title) insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in violation of section 212(a)(10)(C) of the Immigration and Nationality Act.

Insert in an appropriate place the following:

SEC. ____. None of the funds appropriated in this Act may be used to enforce the judgment of the United States Court of Appeals for the Eleventh Circuit in Glassroth v. Moore, decided July 1, 2003 or Glassroth v. Moore, 229 F. Supp. 2d 1067 (M. D. Ala. 2002).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that pursuant to clause 10 of rule XX the yeas and

nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative { Yeas ..... 400 / Nays 21

¶84.27 [Roll No. 422]

YEAS—400

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—21

Akin
Costello
Duncan
Flake
Franks (AZ)
Green (WI)
Hefley
Hensarling
Jones (NC)
McCarthy (NY)
McInnis
Musgrave
Oxley
Paul
Pence
Royce
Tancredo
Tauzin
Taylor (MS)
Udall (CO)
Van Hollen

NOT VOTING—13

Berkley
Bishop (UT)
Emerson
Ferguson
Ford
Gephardt
Gutknecht
Kennedy (RI)
Lewis (GA)
Norwood
Pryce (OH)
Sullivan
Walsh

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.28 FOREIGN ASSISTANCE APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to House Resolution 327 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. LATOURETTE, by unanimous consent, designated Mr. THORNBERRY as Chairman of the Committee of the Whole; and after some time spent therein,

¶84.29 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Ms. DELAURO that the Committee do now rise.

It was decided in the negative { Yeas ..... 84 / Nays 318

¶84.30 [Roll No. 423

AYES—84

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berry
Bishop (NY)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Crowley
Davis (AL)
Davis (IL)
DeFazio
DeLauro
Doggett
Doyle
Eshoo
Evans
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hill
Hinchey
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lantos
Lewis (GA)
McCollum
McDermott
McIntyre
Meehan
Meek (FL)
Michaud
Miller (NC)
Miller, George
Napolitano
Pallone
Pastor
Payne
Pelosi
Rangel
Reyes
Rodriguez
Ross
Rush
Ryan (OH)
Sanchez, Linda T.
Sandlin
Schakowsky
Slaughter
Snyder
Solis
Stark
Stupak
Tanner
Thompson (MS)
Udall (NM)
Van Hollen
Waters
Watson
Watt
Waxman
Woolsey

NOES—318

Abercrombie
Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Emerson
Engel
Etheridge
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hunter
Inslee
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery

McGovern
McHugh
McInnis
McKeon
McNulty
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—33

Berkley
Bishop (UT)
Boozman
Boucher
Case
Culberson
Delahunt
Dingell
Dooley (CA)
Edwards
English
Ferguson
Ford
Frost
Gephardt
Gerlach
Gonzalez
Hulshof
Hyde
Jefferson
Kennedy (RI)
LaTourette
Menendez
Platts
Pryce (OH)
Rothman
Ryun (KS)
Smith (WA)
Sullivan
Tauzin
Thomas
Wamp
Young (AK)

So the motion was not agreed to.

After some further time,

¶84.31 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mr. JACKSON of Illinois, that the Committee do now rise.

It was decided in the negative ..... { Yeas ..... 63 / Nays 342

¶84.32 [Roll No. 424]

AYES—63

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Clyburn
Conyers
DeLauro
Dicks
Doggett
Evans
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hinchey
Honda
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kaptur
Kilpatrick
Kucinich
Larson (CT)
Lewis (GA)
McGovern
Napolitano
Oberstar
Owens
Pallone
Reyes
Ross
Ruppersberger
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Snyder
Solis
Stark
Taylor (MS)
Thompson (MS)
Towns
Van Hollen
Waters
Watson
Watt
Woolsey

NOES—342

Abercrombie
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Nethercutt
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOT VOTING—29

Aderholt
Berkley
Bishop (UT)
Collins
Davis, Tom
Dooley (CA)
Edwards
Emerson
Ferguson
Ford
Gallegly
Gephardt
Hyde
Jones (OH)
McCrery
Miller, George
Moran (VA)
Neugebauer
Ney
Olver
Pastor
Rangel
Rogers (MI)
Ryan (WI)
Smith (TX)
Sullivan
Thornberry
Wynn
Young (FL)

So the motion was not agreed to.

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. BASS, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶84.33 RECESS—7:21 P.M.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 12(a) of rule I, declared the House in recess at 7 o'clock and 21 minutes p.m., subject to the call of the Chair.

¶84.34 AFTER RECESS—8:08 P.M.

The SPEAKER pro tempore, Mr. HULSHOF, called the House to order.

¶84.35 FOREIGN ASSISTANCE APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. HULSHOF, pursuant to House Resolution 327 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Mr. THORNBERRY, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

THURSDAY, JULY 24 (LEGISLATIVE DAY OF WEDNESDAY, JULY 23), 2003

¶84.36 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. KILPATRICK:

Page 5, line 22, after the dollar amount insert ''(increased by $300,000,000)''.

Page 6, line 21, after the second dollar amount insert ''(increased by $300,000,000)''.

Page 30, line 5, after the dollar amount insert ''(reduced by $300,000,000)''.

It was decided in the negative ..... { Yeas ..... 192 / Nays 228

¶84.37 [Roll No. 425]

AYES—192

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—228

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—15

Aderholt
Berkley
Bishop (UT)
Clay
Dooley (CA)
Ferguson
Ford
Hyde
Jenkins
Kind
Matsui
Meeks (NY)
Pastor
Sullivan
Young (AK)

So the amendment was not agreed to.

¶84.38 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MCGOVERN:

In the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the first dollar amount insert ''(increased by $75,000,000)''.

In the item relating to ''ANDEAN COUNTERDRUG INITIATIVE'', after the first dollar amount insert ''(reduced by $40,000,000)''.

In the item relating to ''FOREIGN MILITARY FINANCING PROGRAM'', after the first dollar amount insert ''(reduced by $35,000,000)''.

It was decided in the negative ..... { Yeas ..... 195 / Nays 226

¶84.39 [Roll No. 426]

AYES—195

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—226

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Holden
Hostettler
Houghton
Hunter
Isakson
Issa
Istook
Janklow
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis

McKeon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—14

Berkley
Bishop (UT)
Clay
Ferguson
Ford
Graves
Hyde
Jenkins
Kind
Matsui
Pastor
Saxton
Sullivan
Young (AK)

So the amendment was not agreed to.

¶84.40 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $171,000,000.

It was decided in the negative ..... { Yeas ..... 110 / Nays 309

¶84.41 [Roll No. 427]

AYES—110

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Cannon
Capuano
Chabot
Chocola
Coble
Collins
Costello
Cox
Crane
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeMint
Diaz-Balart, M.
Duncan
Emerson
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Isakson
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Lewis (KY)
Linder
Manzullo
McCotter
McInnis
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Radanovich
Rahall
Ramstad
Rogers (MI)
Rohrabacher
Royce
Rush
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith (WA)
Stearns
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Toomey
Turner (TX)
Walden (OR)
Wamp
Whitfield
Wilson (SC)

NOES—309

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Clyburn
Cole
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—15

Berkley
Bishop (UT)
Clay
Ferguson
Ford
Gephardt
Hyde
Istook
Jenkins
Kind
LaTourette
Matsui
Pastor
Sullivan
Young (AK)

So the amendment was not agreed to.

¶84.42 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WEINER:

At the end of the bill (before the short title), insert the following:

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. ____. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, Saudi Arabia, or Syria.

It was decided in the negative ..... { Yeas ..... 191 / Nays 231

¶84.43 [Roll No. 428]

AYES—191

Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Boozman
Boswell
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Camp
Cantor
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chabot
Chocola
Clyburn
Coble
Collins
Conyers
Costello
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
DeFazio
DeLauro
DeMint
Deutsch
Dicks
Doggett
Duncan
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Filner
Forbes
Frank (MA)
Garrett (NJ)
Goode
Goodlatte
Graves
Green (TX)
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Hinchey
Hoeffel
Hoekstra
Holden
Honda
Hostettler
Hoyer
Israel
Janklow
Johnson (IL)
Jones (NC)
Jones (OH)
Kaptur
Keller
Kennedy (RI)
King (IA)
Kingston
Kirk
Kucinich
Lampson
Langevin
Larsen (WA)
LaTourette
Levin
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lynch
Majette
Markey
Matheson
McCotter
McDermott
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, George
Moore
Moran (KS)
Musgrave
Nadler
Napolitano
Neal (MA)
Norwood
Nussle
Ortiz
Ose
Otter
Owens
Pallone
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schrock
Sensenbrenner
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Souder
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner

Tauscher
Taylor (NC)
Thompson (CA)
Tierney
Toomey
Towns
Upton
Wamp
Waters
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wolf
Wu
Wynn

NOES—231

Abercrombie
Ackerman
Akin
Bachus
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Biggert
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Buyer
Calvert
Cannon
Capito
Capps
Carter
Case
Castle
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Cunningham
Davis (FL)
Davis (IL)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Ehlers
English
Evans
Fattah
Flake
Fletcher
Foley
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (WI)
Greenwood
Grijalva
Gutierrez
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Holt
Hooley (OR)
Houghton
Hulshof
Hunter
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kelly
Kennedy (MN)
Kildee
Kilpatrick
King (NY)
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lantos
Larson (CT)
Latham
Leach
Lee
Lewis (CA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney
Manzullo
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McKeon
Mica
Miller (NC)
Miller, Gary
Mollohan
Moran (VA)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Osborne
Oxley
Pascrell
Payne
Pearce
Pelosi
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reynolds
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Ruppersberger
Ryun (KS)
Sabo
Sandlin
Saxton
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Simpson
Smith (MI)
Smith (TX)
Snyder
Solis
Spratt
Stenholm
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Watson
Watt
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Young (FL)

NOT VOTING—13

Berkley
Bishop (UT)
Clay
Ferguson
Ford
Gephardt
Hyde
Jenkins
Kind
Matsui
Pastor
Sullivan
Young (AK)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. GILLMOR, assumed the Chair.

When Mr. THORNBERRY, Chairman, pursuant to House Resolution 327, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Strike beginning page 7, line 3, after ''law'', and ending line 17, after ''expenses'' but before the semicolon, and insert:

except the provisions of section 292(d)(4) of Public Law 108–25, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the ''Global Fund''), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That of the funds appropriated and allocated for HIV/AIDS under this heading, not less than $15,000,000 should be made available as a contribution to the International AIDS Vaccine Initiative; not more than $6,326,000 may be available for administrative expenses of the Office of Coordinator of United States Government Activities to Combat HIV/AIDS Globally (the ''Coordinator'').

Page 40, line 24, after the first dollar amount insert the following: ''(reduced by $600,000)''.

At the end of the bill (before the short title), insert the following:

PARTICIPATION IN THE THIRTEENTH REPLENISHMENT OF THE RESOURCES OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION

SEC. ____. The International Development Association Act (22 U.S.C. 284–284s) is amended by adding at the end the following:

''SEC. 22. THIRTEENTH REPLENISHMENT.

''(a) CONTRIBUTION AUTHORITY.—

''(1) IN GENERAL.—The United States Governor of the Association may contribute on behalf of the United States an amount equal to the amount appropriated under subsection (b), pursuant to the resolution of the Association entitled 'Additions to IDA Resources: Thirteenth Replenishment'.

''(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated such sums as may be necessary for payment by the Secretary of the Treasury, without fiscal year limitation.''.

ADMINISTRATIVE PROVISIONS RELATED TO MULTILATERAL DEVELOPMENT INSTITUTIONS

SEC. ____. Title XV of the International Financial Institutions Act (22 U.S.C. 262o—262o–2) is amended by adding at the end the following:

''SEC. 1504. ADMINISTRATIVE PROVISIONS.

''(a) ACHIEVEMENT OF CERTAIN POLICY GOALS.—The Secretary of Treasury should instruct the United States Executive Director at each multilateral development institution to inform the institution of the following United States policy goals, and to work toward achieving the goals at the institution before June 30, 2005:

''(1) No later than 60 calendar days after the Board of Directors of the institution approves the minutes of a Board meeting, the institution shall post on its website an electronic version of the minutes, with material deemed too sensitive for public distribution redacted.

''(2) The institution shall keep a written transcript or electronic recording of each meeting of its Board of Directors and preserve the transcript or recording for at least 10 years after the meeting.

''(3) All public sector loan documents, country assistance strategies, sector strategies, and sector policies prepared by the institution and presented for endorsement or approval by its Board of Directors, with materials deemed too sensitive for public distribution redacted or withheld, shall be made available to the public 15 calendar days before consideration by the Board or, if not then available, when the documents are distributed to the Board.

''(4) The institution shall post on its website an annual report containing statistical summaries and case studies of the fraud and corruption cases pursued by its investigations unit.

''(5) The institution shall require that any health, education, or poverty-focused loan, credit, grant, document, policy, or strategy prepared by the institution includes specific outcome and output indicators to measure results, and that the indicators and results be published periodically during the execution, and at the completion, of the project or program.

''(b) PUBLICATION OF WRITTEN STATEMENTS REGARDING INSPECTION MECHANISM CASES.—No later than 60 calendar days after a meeting of the Board of Directors of a multilateral development institution, the Secretary of the Treasury should provide for publication on the website of the Department of the Treasury of any written statement presented at the meeting by the United States Executive Director at the institution concerning—

''(1) a project on which a claim has been made to the inspection mechanism of the institution; or

''(2) a pending inspection mechanism case.

''(c) CONGRESSIONAL BRIEFINGS.—At the request of the Committee on Financial Services of the House of Representatives or the Committee on Foreign Relations of the Senate, the Secretary of the Treasury or the designee of the Secretary should brief the requesting committee on the steps that have been taken by the United States Executive Director at any multilateral development institution, and by any such institution, to implement the measures described in this section.

''(d) PUBLICATION OF 'NO' VOTES AND ABSTENTIONS BY THE UNITED STATES.—Each month, the Secretary of the Treasury should provide for posting on the website of the Department of the Treasury of a record of all 'no' votes and abstentions made by the United States Executive Director at any multilateral development institution on any matter before the Board of Directors of the institution.

''(e) MULTILATERAL DEVELOPMENT INSTITUTION DEFINED.—In this section, the term 'multilateral development institution' shall have the meaning given in section 1701(c)(3).''.

PARTICIPATION IN THE SEVENTH REPLENISHMENT OF THE RESOURCES OF THE ASIAN DEVELOPMENT FUND

SEC. ____. The Asian Development Bank Act (22 U.S.C. 285–285aa) is amended by adding at the end the following:

''SEC. 31. ADDITIONAL CONTRIBUTION TO SPECIAL FUNDS.

''(a) CONTRIBUTION AUTHORITY.—

''(1) IN GENERAL.—The United States Governor of the Bank may contribute on behalf of the United States an amount equal to the amount appropriated under subsection (b), pursuant to the resolution of the Bank entitled 'Seventh Replenishment of the Asian Development Fund'.

''(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated such sums as may be necessary for payment by the Secretary of the Treasury, without fiscal year limitation.''.

PARTICIPATION IN THE NINTH REPLENISHMENT OF THE RESOURCES OF THE AFRICAN DEVELOPMENT FUND

SEC. ____. The African Development Fund Act (22 U.S.C. 290g—290g–15) is amended by adding at the end the following:

''SEC. 217. NINTH REPLENISHMENT.

''(a) CONTRIBUTION AUTHORITY.—

''(1) IN GENERAL.—The United States Governor of the Fund may contribute on behalf of the United States an amount equal to the amount appropriated under subsection (b), pursuant to the resolution of the Fund entitled 'The Ninth General Replenishment of Resources of the African Development Fund'.

''(2) SUBJECT TO APPROPRIATIONS.—Any commitment to make the contribution authorized by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the contribution authorized by subsection (a), there are authorized to be appropriated such sums as may be necessary for payment by the Secretary of the Treasury, without fiscal year limitation.''.

At the end of the bill (before the short title), insert the following:

EFFORTS BY NORTH KOREA RELATING TO THE PROLIFERATION OF NUCLEAR WEAPONS

SEC. ____. It is the sense of Congress that the President should utilize all diplomatic options to ensure that the Government of the Democratic People's Republic of Korea does not engage in efforts relating to the proliferation of nuclear weapons.

At the end of the bill (before the short title) insert the following:

SEC. . None of the funds appropriated in this Act to support the programs of the United States Agency for International Development in Iraq and none of the funds appropriated in Public Law 108–11 under the heading ''Iraq Relief and Reconstruction Fund'' may be made available to enter into any contract or follow-on contract that uses other than full and open competitive contracting procedures as defined in 41 U.S.C. 403(6).

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, library Internet records, bookseller sales records, or bookseller customer lists.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. GILLMOR, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 370 / Nays 50

¶84.44 [Roll No. 429]

YEAS—370

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—50

Akin
Bartlett (MD)
Berry
Chabot
Coble
Collins
Cubin
Davis, Jo Ann
Deal (GA)
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Graves
Gutknecht
Hall
Hayes
Hefley
Herger
Hostettler
Hulshof
Jones (NC)
King (IA)
Lucas (OK)
Manzullo
McInnis
Miller (FL)
Musgrave
Norwood
Otter
Paul
Petri
Pitts
Pombo
Rahall
Rohrabacher
Ryun (KS)
Sensenbrenner
Smith (MI)
Stearns
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Toomey

NOT VOTING—14

Berkley
Bishop (UT)
Clay
Ferguson
Ford
Gephardt
Hyde
Jenkins
Kind
Matsui
Pastor
Sullivan
Waters
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.45 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Ms. SOLIS, pursuant to clause 7(c)(1) of rule XXII, announced her intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, as follows: (1) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth

Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

¶84.46 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. BISHOP of New York submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, as follows: (1) to include in the conference report the provisions of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. HAYES, announced that the nays had it.

Mr. BISHOP of New York demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HAYES, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Thursday, July 24, 2003.

¶84.47 PROVIDING FOR THE CONSIDERATION OF H.R. 2765

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–230) the resolution (H. Res. 334) providing for consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶84.48 PROVIDING FOR THE CONSIDERATION OF H.R. 2427

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–231) the resolution (H. Res. 335) providing for consideration of the bill (H.R. 2427) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶84.49 PROVIDING FOR THE CONSIDERATION OF H.R. 2210

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–232) the resolution (H. Res. 336) providing for consideration of the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶84.50 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 74. An Act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

H.R. 255. An Act to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska.

H.R. 1577. An Act to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the ''Kris Eggle Visitor Center'', and for other purposes.

¶84.51 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1280. An Act to amend the PROTECT Act to clarify certain volunteer liability.

S. 1399. An Act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the ''William J. Scherle Post Office Building''.

¶84.52 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BISHOP of Utah, for today after 11 a.m.; and

To Mr. PASTOR, for today after 6:15 p.m. and balance of the week.

And then,

¶84.53 ADJOURNMENT

On motion of Mr. SESSIONS, at 2 o'clock and 50 minutes a.m., Thursday, July 24 (legislative day of Wednesday, July 23), 2003, the House adjourned.

¶84.54 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted July 24 (legislative day of July 23), 2003

Mr. LINDER: Committee on Rules. House Resolution 334. Resolution providing for consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–230). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 335. Resolution providing for consideration of the bill (H.R. 2427) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes (Rept. 108–231). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 336. Resolution providing for consideration of the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes (Rept. 108–232). Referred to the House Calendar.

¶84.55 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. KELLY:

H.R. 2823. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Financial Services.

By Mr. GREEN of Wisconsin (for himself, Mr. MEEHAN, Ms. PRYCE of Ohio, Mr. FEENEY, Mr. PENCE, Ms. LOFGREN, Ms. BALDWIN, Mr. WEINER, Mr. ISAKSON, Mr. CONYERS, Mr. SHUSTER, Mr. CARTER, and Mrs. BLACKBURN):

H.R. 2824. A bill to revise and reform the Act commonly called the Jenkins Act, and for other purposes; to the Committee on the Judiciary.

By Mr. TERRY (for himself, Mr. BOUCHER, Mr. BLUNT, Mr. SHIMKUS, Mr. ENGEL, Mr. OTTER, Mr. WYNN, Mr. BILIRAKIS, Mr. BASS, Mr. WHITFIELD, Mr. GREEN of Texas, and Mrs. CUBIN):

H.R. 2825. A bill to require the Federal Communications Commission to take actions necessary to ensure expeditious access by consumers to terrestrial digital television services; to the Committee on Energy and Commerce.

By Mr. ACEVEDO-VILA (for himself, Mr. DOYLE, Mrs. NAPOLITANO, Ms. SOLIS, Mr. RODRIGUEZ, Mr. REYES, Mr. GUTIERREZ, Mr. CARDOZA, Mr. GRIJALVA, Mr. PASTOR, Ms. HART, Mr. HINOJOSA, Mr. MURTHA, Mr. BECERRA, Mr. GREENWOOD, Mr. PETERSON of Pennsylvania, Mr. FATTAH, Mr. ORTIZ, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Mr. BOEHLERT, Mr. GONZALEZ, Mr. MURPHY, Mr. PLATTS, Ms. MILLENDER-MCDONALD, Ms. LORETTA SANCHEZ of California, Mr. BACA, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Ms. WATSON, Mr. THOMPSON of Mississippi, Mr. BROWN of Ohio, Mr. FROST, Mr. UPTON, Mr. MENENDEZ, Mrs. MILLER of Michigan, Mr. SABO, Mr. MCNULTY, Mr. FALEOMAVAEGA, Mr. LARSON of Connecticut, Ms. VELAZQUEZ, Mr. NEY, Ms. LEE, Mr. FILNER, Mr. RANGEL, Mr. OWENS, and Mr. BILIRAKIS):

H.R. 2826. A bill to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the ''Roberto Clemente Walker Post Office Building''; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 2827. A bill to phase out the incineration of solid waste, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. DOOLEY of California, Mr. RADANOVICH, Mr. ORTIZ, Mr. NUNES, Mr. CARDOZA, Mr. OSBORNE, Mr. BACA, Mr. RENZI, Mr. GALLEGLY, Mr. LEWIS of California, Mr. THOMAS, Mr. DREIER, Mr. HUNTER, Mrs. BONO, Mr. COX, Mr. DOOLITTLE, Mr. GARY G. MILLER of California, Mr. MCKEON, Mr. ROYCE, Mr. CUNNINGHAM, Mr. ROHRABACHER, Mr. ISSA, Mr. OSE, and Mr. POMBO):

H.R. 2828. A bill to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Mr. SANDERS, Mr. OWENS, Mr. FROST, Ms. KAPTUR, Mr. MCINTYRE, Mr. WEXLER, Ms. LEE, Ms. MCCOLLUM, Ms. WATSON, Mr. REYES, Mr. SCHIFF, and Mr. EVANS):

H.R. 2829. A bill to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes; to the Committee on Veterans' Affairs.

By Mr. BISHOP of New York (for himself and Mr. HOUGHTON):

H.R. 2830. A bill to amend the Internal Revenue Code of 1986 to clarify that installment sales treatment shall not fail to apply to property acquired for conservation purposes by a State or local government or certain tax-exempt organizations merely because purchase funds are held in a sinking or similar fund pursuant to State law; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2831. A bill to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District; to the Committee on Resources.

By Mr. HASTINGS of Washington (for himself, Mr. HINCHEY, Mr. NETHERCUTT, Mr. SIMPSON, Mr. OTTER, Mr. LARSEN of Washington, Mr. WILSON of South Carolina, Mr. OSBORNE, Mr. FARR, Mr. ROSS, Ms. KAPTUR, and Mr. NUNES):

H.R. 2832. A bill to promote improved nutrition for students by expanding the Fruit and Vegetable Pilot Program under the Richard B. Russell National School Lunch Act; to the Committee on Education and the Workforce.

By Ms. KILPATRICK (for herself, Mrs. BLACKBURN, Ms. JACKSON-LEE of Texas, Mr. FORD, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. HINCHEY, Ms. WATERS, Mr. GORDON, Mr. MCDERMOTT, Mr. CONYERS, Mr. FROST, Mr. BERMAN, Mr. WYNN, Mr. SNYDER, Mr. DAVIS of Tennessee, Mr. RANGEL, Mr. OWENS, Mr. LEWIS of Georgia, Ms. KAPTUR, Mr. FATTAH, Mr. DAVIS of Illinois, Mr. PAYNE, Ms. LEE, Mr. THOMPSON of Mississippi, Ms. MILLENDER-MCDONALD, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mr. SCOTT of Virginia, Ms. NORTON, Mr. DAVIS of Alabama, Mr. MCNULTY, Mrs. JONES of Ohio, Mr. BALLANCE, and Mr. BISHOP of Georgia):

H.R. 2833. A bill to posthumously award a congressional gold medal to Wilma G. Rudolph; to the Committee on Financial Services.

By Mr. LATHAM:

H.R. 2834. A bill to provide for a pilot program to be conducted by the Secretary of Veterans Affairs through the establishment of an electronic database to enable healthcare facilities of the Department of Veterans Affairs in Iowa to share patient information with the State of Iowa Veterans Home on patients of both those facilities and that home; to the Committee on Veterans' Affairs.

By Mr. MCINNIS (for himself, Mr. TANCREDO, and Mr. HEFLEY):

H.R. 2835. A bill to provide for the remediation of abandoned and inactive hardrock mines in the Upper Animas River Basin in southwestern Colorado; to the Committee on Transportation and Infrastructure.

By Mr. MEEKS of New York:

H.R. 2836. A bill to amend the Internal Revenue Code of 1986 to reduce corporate refunds by fines and penalties imposed by reason of improper accounting or reporting practices or misstatements of its financial position; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself and Mr. DEAL of Georgia):

H.R. 2837. A bill to provide for compassionate payments with regard to individuals who contracted human immunodeficiency virus due to the provision of a contaminated blood transfusion, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH (for himself, Mr. NUNES, Mr. CARDOZA, Mr. OSE, and Mr. DOOLEY of California):

H.R. 2838. A bill to amend the Internal Revenue Code of 1986 to provide a credit for qualifying clean technology engines; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 2839. A bill to amend the Internal Revenue Code to restore equity and complete the transfer of motor fuel excise taxes attributable to motorboat and small engine fuels into the Aquatic Resources Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. MATSUI, Mr. FRANK of Massachusetts, Mr. RAHALL, Mr. COOPER, Mr. OWENS, Mr. MCNULTY, Mr. SANDERS, Mr. CONYERS, Mr. WAXMAN, Mr. JEFFERSON, Mr. MCDERMOTT, Ms. CARSON of Indiana, Mr. CUMMINGS, Mr. HINCHEY, Mr. SERRANO, Mr. REYES, Mr. MURTHA, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. GREEN of Texas, Mr. KILDEE, Mr. GORDON, Mr. KUCINICH, Mr. FROST, Mr. MCGOVERN, Ms. DELAURO, Mr. WEXLER, Mr. HOYER, Mrs. MALONEY, Mr. CARDIN, Mr. ABERCROMBIE, Mr. KENNEDY of Rhode Island, Ms. BALDWIN, Mr. LANTOS, and Mr. RUSH):

H.R. 2840. A bill to amend the Social Security Act to remove the limitation on the period of Medicare eligibility for disabled workers; to the Committee on Ways and Means.

By Mr. WELDON of Florida:

H.R. 2841. A bill to amend the Immigration and Nationality Act to eliminate the waiver authority relating to the implementation of machine readable passports and to expand the definition of terrorist activities for purposes of deportation; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H. Con. Res. 250. Concurrent resolution recognizing community organization of public access defibrillation programs; to the Committee on Energy and Commerce.

By Mr. CRANE:

H. Con. Res. 251. Concurrent resolution expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors; to the Committee on the Judiciary.

By Ms. PELOSI:

H. Res. 330. A resolution relating to a question of the privileges of the House.

By Ms. DELAURO (for herself, Mrs. JOHNSON of Connecticut, Mr. SIMMONS, Mr. LARSON of Connecticut, and Mr. SHAYS):

H. Res. 331. A resolution recognizing Igor I. Sikorsky, a national aviation pioneer; to the Committee on Transportation and Infrastructure.

By Mr. ISAKSON:

H. Res. 332. A resolution amending the Rules of the House of Representatives to apply the layover requirements for conference reports during the last six days of a

session of Congress, to require that certain matter be included in joint explanatory statements accompanying conference reports, and for other purposes; to the Committee on Rules.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H. Res. 333. A resolution providing amounts for further expenses of the Committee on Veterans' Affairs in the One Hundred Eighth Congress; to the Committee on House Administration.

¶84.56 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

By Mr. SMITH of New Jersey introduced a bill (H.R. 2842) for the relief of Shiuyun Holst Zhou; which was referred to the Committee on the Judiciary.

¶84.57 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mrs. KELLY and Mr. KILDEE.
H.R. 245: Mr. MILLER of North Carolina.
H.R. 300: Mr. MCCOTTER.
H.R. 303: Mr. DAVIS of Illinois.
H.R. 339: Mr. KENNEDY of Minnesota and Mr. SCOTT of Georgia.
H.R. 364: Ms. SLAUGHTER and Mr. FROST.
H.R. 365: Mr. HAYWORTH, Ms. LEE, and Mr. HONDA.
H.R. 366: Mr. DEFAZIO.
H.R. 371: Mr. MCDERMOTT and Mr. BAKER.
H.R. 463: Mr. DAVIS of Illinois and Mr. ISAKSON.
H.R. 466: Mr. TERRY.
H.R. 496: Mr. BURR.
H.R. 528: Mr. BASS and Ms. LORETTA SANCHEZ of California.
H.R. 594: Mr. POMBO.
H.R. 673: Mr. CARTER and Mr. CULBERSON.
H.R. 714: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 731: Mr. FARR and Ms. BORDALLO.
H.R. 745: Mr. CLYBURN.
H.R. 871: Mr. HOSTETTLER.
H.R. 876: Mr. REGULA, Mr. WU, Mr. OBERSTAR, and Ms. HARRIS.
H.R. 897: Mr. UDALL of Colorado.
H.R. 898: Mr. CRANE, Mr. KNOLLENBERG, Mr. WHITFIELD, Mr. BALLENGER, Mrs. CAPITO, and Mr. DEUTSCH.
H.R. 906: Ms. HART.
H.R. 915: Mr. GOODE.
H.R. 935: Mr. UDALL of Colorado.
H.R. 936: Mrs. MCCARTHY of New York.
H.R. 941: Mr. SANDLIN.
H.R. 998: Mr. STUPAK.
H.R. 1006: Mr. THOMPSON of California.
H.R. 1071: Mr. FROST and Mr. GREEN of Texas.
H.R. 1102: Mr. JOHN.
H.R. 1137: Mr. CARTER and Mr. UPTON.
H.R. 1200: Mr. THOMPSON of Mississippi, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. GRIJALVA, and Mr. PAYNE.
H.R. 1214: Mr. WYNN, Mr. ENGEL, Mr. WAMP, and Mr. SHIMKUS.
H.R. 1275: Ms. MCCARTHY of Missouri.
H.R. 1295: Mr. FILNER, Mr. DOGGETT, Ms. LOFGREN, Mr. TOWNS, Mr. CLAY, Mr. MCINTYRE, Ms. MILLENDER-MCDONALD, Mr. JEFFERSON, Mr. CLYBURN, Ms. KILPATRICK, and Mrs. JONES of Ohio.
H.R. 1347: Mr. FALEOMAVAEGA.
H.R. 1385: Mr. BURNS, Mr. SNYDER, Mrs. CHRISTENSEN, Mr. BAIRD, Mr. DAVIS of Tennessee, Mr. ROSS, Mrs. JONES of Ohio, Mr. CRANE, and Mr. FROST.
H.R. 1442: Mr. SNYDER.
H.R. 1483: Mr. TIERNEY.
H.R. 1508: Mr. HASTINGS of Florida and Mr. DEUTSCH.
H.R. 1606: Mr. BACHUS.
H.R. 1608: Mr. ISAKSON.
H.R. 1676: Ms. ESHOO.
H.R. 1738: Mr. HOEFFEL.
H.R. 1762: Mr. LATOURETTE.
H.R. 1769: Mr. PICKERING, Mr. HOEKSTRA, Mr. MCCOTTER, Mr. GEPHARDT, and Mr. PENCE.
H.R. 1813: Mr. WEXLER.
H.R. 1819: Mr. BOYD and Mr. EDWARDS.
H.R. 1822: Mr. SHERMAN, Mrs. TAUSCHER, Mr. BECERRA, Mr. FILNER, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. BERMAN, Mr. DOOLEY of California, and Ms. LORETTA SANCHEZ of California.
H.R. 1865: Mr. TERRY.
H.R. 1867: Mr. SOUDER.
H.R. 1917: Mr. FALEOMAVAEGA and Mr. FOLEY.
H.R. 1918: Mr. FALEOMAVAEGA and Mr. FOLEY.
H.R. 1919: Mr. FALEOMAVAEGA, MR. FOLEY, Mr. DAVIS of Illinois, Mr. ALLEN, Mr. LYNCH, Mr. GOODE, and Mr. MARKEY.
H.R. 1920: Mr. FALEOMAVAEGA.
H.R. 1921: Mr. FALEOMAVAEGA.
H.R. 1924: Mr. FALEOMAVAEGA.
H.R. 1933: Mrs. JONES of Ohio.
H.R. 1980: Mr. OWENS.
H.R. 1992: Mr. GREEN of Texas.
H.R. 2011: Mr. BLUMENAUER, Mr. DINGELL, Mrs. KELLY, and Mr. DAVIS of Illinois.
H.R. 2052: Mr. WEXLER and Ms. MAJETTE.
H.R. 2164: Mr. GRIJALVA.
H.R. 2166: Mr. BISHOP of Georgia.
H.R. 2173: Mr. SCHIFF, Ms. LINDA T. SANCHEZ of California, and Mr. GREEN of Texas.
H.R. 2176: Mr. STRICKLAND, Mr. WEXLER, Mr. GORDON, and Mr. PLATTS.
H.R. 2181: Mr. BUYER.
H.R. 2182: Mr. GRIJALVA.
H.R. 2203: Mr. PLATTS, Mrs. CHRISTENSEN, and Ms. SCHAKOWSKY.
H.R. 2212: Mr. CLAY.
H.R. 2295: Mr. GRIJALVA.
H.R. 2299: Mr. GRIJALVA.
H.R. 2303: Mr. WAMP and Mr. WHITFIELD.
H.R. 2318: Mr. MARKEY.
H.R. 2323: Mr. MCINTYRE.
H.R. 2327: Mr. NEAL of Massachusetts.
H.R. 2347: Mr. DAVIS of Illinois.
H.R. 2379: Mr. BOYD, Mr. REHBERG, and Mr. NETHERCUTT.
H.R. 2393: Mr. FROST, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. CONYERS, Mrs. CHRISTENSEN, and Ms. WOOLSEY.
H.R. 2424: Mr. PICKERING.
H.R. 2427: Mr. WYNN, Mr. FROST, and Mr. TIERNEY.
H.R. 2437: Mr. MCINTYRE, Ms. JACKSON-LEE of Texas, Ms. DELAURO, Mr. NEAL of Massachusetts, Mrs. TAUSCHER, Ms. SOLIS, Ms. NORTON, and Mr. KENNEDY of Rhode Island.
H.R. 2442: Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. DEUTSCH, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. HOLDEN, Mr. SCHIFF, Mr. OBERSTAR, and Mr. HOEFFEL.
H.R. 2478: Mrs. JONES of Ohio.
H.R. 2522: Mr. GRIJALVA and Mr. PALLONE.
H.R. 2527: Mr. HOUGHTON.
H.R. 2535: Mr. HALL, Mr. MCHUGH, and Mr. ACEVEDO-VILA.
H.R. 2556: Mr. GARRETT of New Jersey, Mr. TOOMEY, and Mr. FEENEY.
H.R. 2563: Ms. NORTON and Mrs. JONES of Ohio.
H.R. 2592: Mr. CROWLEY.
H.R. 2598: Mr. LATOURETTE.
H.R. 2601: Mr. SHAYS.
H.R. 2626: Mr. WEXLER, Mr. WALSH, and Mr. TOWNS.
H.R. 2632: Mr. SAXTON.
H.R. 2665: Mr. ACKERMAN.
H.R. 2671: Mr. LINDER, Mr. CRENSHAW, and Mr. ISTOOK.
H.R. 2675: Mr. MATSUI.
H.R. 2694: Mr. PAYNE, Mr. FATTAH, Mrs. CHRISTENSEN, Mr. JOHN, Mr. SERRANO, Mr. ACEVEDO-VILA, Mrs. TAUSCHER, Ms. MILLENDER-MCDONALD, Mr. RODRIGUEZ, Mr. WILSON of South Carolina, Mr. ENGEL, Mr. WALSH, Mr. MCNULTY, Mr. FROST, and Mr. CUNNINGHAM.
H.R. 2699: Mr. PETERSON of Minnesota, Mr. COX, Mr. ISAKSON, Mr. CARSON of Oklahoma, Mr. DOOLITTLE, and Mr. BOYD.
H.R. 2705: Mr. CRAMER and Mr. SCHIFF.
H.R. 2707: Mr. UDALL of Colorado and Mr. CARDOZA.
H.R. 2720: Mr. KILDEE.
H.R. 2727: Mr. HOUGHTON and Mr. BISHOP of New York.
H.R. 2733: Mr. TERRY, Mr. NORWOOD, and Mr. RADANOVICH.
H.R. 2735: Mr. PUTNAM, Ms. BALDWIN, and Mr. SMITH of New Jersey.
H.R. 2759: Mr. KIND.
H.R. 2787: Mr. MCNULTY and Mr. SERRANO.
H.R. 2806: Mr. MCINNIS, Mr. FROST, Mr. KING of New York, and Mr. PETERSON of Minnesota.
H.J. Res. 56: Mr. FORBES, Mr. SMITH of New Jersey, Mr. SCHROCK, Mr. POMBO, Mr. HAYWORTH, Mr. STEARNS, Mr. CUNNINGHAM, Mr. PEARCE, Mr. HYDE, Mr. BARTON of Texas, Mr. BOEHNER, Mr. GUTKNECHT, Mr. PETERSON of Pennsylvania, Mr. TIAHRT, and Mr. FRANKS of Arizona.
H. Con. Res. 78: Mr. ENGEL.
H. Con. Res. 87: Mr. LEVIN.
H. Con. Res. 111: Mr. EMANUEL and Mr. ETHERIDGE.
H. Res. 238: Ms. KAPTUR, Mr. NEAL of Massachusetts, Ms. WOOLSEY, Ms. CORRINE BROWN of Florida, and Ms. SCHAKOWSKY.
H. Res. 304: Mr. COLLINS and Mr. COSTELLO.
H. Res. 323: Mr. GREEN of Wisconsin and Mr. BOYD.
H. Res. 325: Mr. BERMAN, Mr. NADLER, Mr. ENGEL, Mr. ISRAEL, Mr. SMITH of New Jersey, Mr. TOWNS, and Ms. WOOLSEY.

¶84.58 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1582: Mr. LAMPSON.

THURSDAY, JULY 24, 2003 (85)

The House was called to order by the SPEAKER.

¶85.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, July 23, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶85.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3454. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus subtilis var. amyloliquefaciens strain FZB24; Exemption from the Requirement of a Tolerance [OPP-2003-0059; FRL-7309-8] received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3455. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey; Revised Motor Vehicle Emissions Inventories for 1996, 2005, and 2007 and Motor Vehicle Emission Budgets for 2005 and 2007 using MOBILE6 [Region II Docket No. NJ62-262, FRL-7535-4] received

July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3456. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Ban on Trade of Methyl Bromide with Non-Parties to the Montreal Protocol [FRL 7529-6] (RIN: 2060-AK67) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3457. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: NAC-MPC Revision (RIN: 3150-AH20) received July 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3458. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule — Updating Amendments to Office of Government Ethics Organization and Functions Regulation (RIN: 3209-AA21) received July 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3459. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Definition and Registration of Reverse Distributors [Docket No. DEA-108I] (RIN: 1117-AA19) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3460. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones; Chesapeake Bay, Maryland and Tributaries [CGD05-03-008] (RIN: 1625-AA00) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3461. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Selfridge ANGB Air Show, Harrison Twp, MI [CGD09-03-245] (RIN: 1625-AA00) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3462. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Territorial Seas, Navigable Waters, and Jurisdiction [USCG-2001-9044] (RIN: 1625-AA30) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3463. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-03-039] (RIN: 1625-AA09 (Formerly 2115-AE47)) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3464. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Shrewsbury River, NJ [CGD01-03-002] (RIN: 1625-AA09) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3465. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Eureka, KS [Docket No. FAA-2003-14847; Airspace Docket No. 03-ACE-32] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3466. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; New Madrid, MO [Docket No. FAA-2003-14844; Airspace Docket No. 03-ACE-29] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3467. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E airspace; Fort Leonard Wood, MO [Docket No. FAA-2003-14658; Airspace Docket No. 03-ACE-27] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3468. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Davenport, IA [Docket No. FAA-2003-14461; Airspace Docket No. 03-ACE-14] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3469. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Milford, IA [Docket No. FAA-2003-14934; Airspace Docket No. 03-ACE-37] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3470. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Kansas City Downtown Airport, MO [Docket No. FAA-2003-14931; Airspace Docket No. 03-ACE-34] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3471. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pratt, KS [Docket No. FAA-2003-14933; Airspace Docket No. 03-ACE-36] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3472. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hays, KS [Docket No. FAA-2003-14932; Airspace Docket No. 03-ACE-35] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3473. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Monticello, IA [Docket No. FAA-2003-14935; Airspace Docket No. 03-ACE-38] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3474. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Sioux City, IA [Docket No. FAA-2003-14937; Airspace Docket No. 03-ACE-40] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3475. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Routes (RNAV) [Docket No. FAA-2003-14611; Airspace Docket No. 03-AWA-4] (RIN: 2120-AA66) received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3476. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Valentine, NE [Docket No. FAA-2003-15075; Airspace Docket No. 03-ACE-43] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3477. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; and Modification of Class E Airspace; Kansas City Downtown Airport, MO [Docket No. FAA-2003-14931; Airspace Docket No. 03-ACE-34] received July 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3478. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Presumption of Service Connection for Cirrhosis of the Liver in Former Prisoners of War (RIN: 2900-AL36) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3479. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Montgomery GI Bill--Selected Reserve (RIN: 2900-AL41) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3480. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Medication Prescribed by Non-VA Physicians (RIN: 2900-AL68) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3481. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Civil Fines for Importation of Merchandise Bearing a Counterfeit Mark [CBP Decision 03-12] (RIN: 1515-AC98) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3482. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections: Rules of Origin of Imported Goods (Other than Textile and Apparel Products) for Purposes of the NAFTA [CBP Dec. 03-11] received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3483. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Refund of Duties Paid on Imports of Certain Wool Products [CBP Dec. 03-10] (RIN: 1515-AD27) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3484. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — User Fees [CBP Decision 03-13] (RIN: 1515-AC81) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3485. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Limitations on Assessment and Collection (Rev. Rul. 2003-88) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3486. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Reallocation of income and deductions among unrelated parties to a lease strip (Rev. Rul. 2003-96) received July 23, 2003, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

3487. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Accounting for Lease Strips and Other Stripping Transactions (Notice 2003-55) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3488. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Gross Income Defined (Rev. Rul. 2003-91) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3489. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Gross Income Defined (Rev. Rul. 2003-92) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3490. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit (Notice 2003-56) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3491. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Treatment of foreign stapled entity under section 269B as domestic for purposes of sections 904(i) and 864(e) (Notice 2003-50) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3492. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Prohibited Allocations of Securities in an S Corporation [TD 9081] (RIN: 1545-BC33) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3493. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-94) received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3494. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Elimination of Sanctions for Refusal of Vocational Rehabilitation Services Without Good Cause [Regulations Nos. 4 and 16] (RIN: 0960-AF81) received July 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶85.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 285. An Act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 650. An Act to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients.

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Minority Leader, appoints the Honorable PAUL SARBANES of Maryland as a delegate of the Senate Delegation to the British-American Interparliamentary Group conference during the One Hundred Eighth Congress.

The message also announced that pursuant to Public Law 101–549, the Chair, on behalf of the Majority Leader, appoints Dr. Bernard Coldstein, of Pennsylvania, to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center, vice M.M. Key.

¶85.4 UNITED STATES-CHILE FREE TRADE AGREEMENT

Mr. THOMAS, pursuant to House Resolution 329, called up the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement.

When said bill was considered and read twice.

The SPEAKER pro tempore, Mr. HEFLEY, pursuant to House Resolution 329, recognized Messrs. THOMAS and RANGEL, for 50 minutes each; and Messrs. SENSENBRENNER and CONYERS, for 10 minutes each.

After debate,

The the previous question having been ordered by said resolution.

The SPEAKER pro tempore, Mr. LINDER, pursuant to section 3 of House Resolution 329, announced that further proceedings on the bill were postponed.

¶85.5 ANNIVERSARY OF SLAYING OF OFFICERS CHESTNUT AND GIBSON

The SPEAKER pro tempore, Mr. LINDER, announced that on July 24, 1998, at 3:40 p. m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun. At 3:40 p.m. today, the chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

¶85.6 UNITED STATES-SINGAPORE FREE TRADE AGREEMENT

Mr. BRADY of Texas, pursuant to House Resolution 329, called up the bill (H.R. 2739) to implement the United States-Singapore Free Trade Agreement.

When said bill was considered and read twice.

The SPEAKER pro tempore, Mr. LINDER, pursuant to House Resolution 329, recognized Messrs. BRADY of Texas and LEVIN, for 50 minutes each; and Messrs. SENSENBRENNER and CONYERS, for 10 minutes each.

After debate,

The previous question having been ordered by said resolution.

The question being put, viva voce,

Will the House now order the engrossment and third reading of the bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. LEVIN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 309 / Nays ..... 114 }

¶85.7 [Roll No. 430]

YEAS—309

Aderholt
Akin
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Conyers
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)

Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—114

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Costello
Cramer
Cummings
Davis (AL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Doyle
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Goode
Green (TX)
Grijalva
Gutierrez
Hoeffel
Holden
Holt
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lynch
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Peterson (MN)
Rahall
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Scott (GA)
Sherman
Solis
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Towns
Udall (NM)
Velazquez
Visclosky
Weiner
Wexler
Wicker
Wilson (SC)
Wynn

NOT VOTING—11

Berkley
Bishop (UT)
Gephardt
Goss
Hinchey
Kilpatrick
Manzullo
Pastor
Pelosi
Spratt
Sullivan

So the bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. LEVIN moved to reconsider the vote whereby the bill was ordered to be engrossed and read a third time.

Mr. CRANE moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. LEVIN demanded a recorded vote on the motion to table the motion to reconsider the vote, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 269 / Nays ..... 153 }

¶85.8 [Roll No. 431]

AYES—269

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matsui
McCollum
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schakowsky
Schrock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—153

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Capuano
Cardin
Cardoza
Carson (IN)
Clay
Clyburn
Conyers
Costello
Cramer
Cummings
Davis (AL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lowey
Lynch
Majette
Maloney
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Payne
Peterson (MN)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Scott (GA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—12

Bartlett (MD)
Berkley
Bishop (UT)
DeLay
Gephardt
Goss
Kilpatrick
Pastor
Pelosi
Sullivan
Turner (TX)
Wu

So the motion to lay on the table the motion to reconsider the vote was agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. LEVIN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 272 / Nays ..... 155 }

¶85.9 [Roll No. 432]

AYES—272

Bachus
Baird
Baker
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Tom
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella

Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Granger
Graves
Greenwood
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Matheson
Matsui
McCotter
McCrery
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (FL)

NOES—155

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baldwin
Barrett (SC)
Bell
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Coble
Conyers
Costello
Cummings
Davis (IL)
Davis, Jo Ann
Deal (GA)
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doyle
Duncan
Engel
Evans
Everett
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Goode
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hastings (FL)
Hayes
Hefley
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lynch
Markey
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Murtha
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Quinn
Rahall
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watt
Wexler
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—7

Berkley
Bishop (UT)
Goss
Gutknecht
Miller, George
Pastor
Sullivan

So the bill was passed.

A motion to reconsider the vote wehreby said bill was passed was by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.10 MOTION TO ADJOURN

Mr. McDERMOTT moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. McDERMOTT demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 33 / Nays 383

¶85.11 [Roll No. 433]

AYES—33

Andrews
Capuano
Clay
Clyburn
Conyers
Doggett
Emanuel
Evans
Farr
Filner
Ford
Grijalva
Hastings (FL)
Hinchey
Honda
Johnson, E. B.
Kennedy (RI)
Lampson
Lewis (GA)
Lynch
McDermott
McGovern
Miller, George
Oberstar
Rangel
Sanchez, Loretta
Sandlin
Schakowsky
Strickland
Thompson (MS)
Towns
Waters
Woolsey

NOES—383

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanders
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Ackerman	Deutsch	Rothman
Baird	Frank (MA)	Scott (GA)
Baldwin	Harman	Stenholm
Berkley	Hoyer	Sullivan
Berman	Pastor	Waxman
Bishop (UT)	Pelosi	Wexler

So the motion to adjourn was not agreed to.

¶85.12 UNITED STATES-CHILE FREE TRADE AGREEMENT

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to section 3 of House Resolution 329, announced the further consideration of the bill (H.R. 2738) to implement the United States-Chile Free Trade Agreement.

The question being put, viva voce,

Will the House now order the engrossment and third reading of the bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McDERMOTT demanded a recorded vote on ordering the engrossment and third reading of the bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 299 / Nays 129

¶85.13 [Roll No. 434]

YEAS—299

Aderholt	Cole	Gonzalez
Akin	Collins	Goodlatte
Bachus	Cooper	Goss
Baker	Costello	Granger
Ballance	Cox	Graves
Ballenger	Cramer	Green (WI)
Barrett (SC)	Crane	Greenwood
Bartlett (MD)	Crenshaw	Gutknecht
Barton (TX)	Crowley	Hall
Bass	Cubin	Harman
Beauprez	Culberson	Harris
Bereuter	Cunningham	Hart
Berman	Davis (CA)	Hastings (FL)
Biggert	Davis (FL)	Hastings (WA)
Bilirakis	Davis (TN)	Hayes
Blackburn	Davis, Jo Ann	Hayworth
Blumenauer	Davis, Tom	Hefley
Blunt	Deal (GA)	Hensarling
Boehlert	DeFazio	Herger
Boehner	DeGette	Hill
Bonilla	DeLay	Hinojosa
Bonner	DeMint	Hobson
Bono	Diaz-Balart, L.	Hoekstra
Boozman	Diaz-Balart, M.	Holt
Boswell	Dooley (CA)	Honda
Boyd	Doolittle	Hostettler
Bradley (NH)	Dreier	Houghton
Brady (PA)	Duncan	Hoyer
Brady (TX)	Dunn	Hulshof
Brown (SC)	Edwards	Hunter
Brown, Corrine	Ehlers	Hyde
Brown-Waite, Ginny	Emerson	Isakson
	English	Israel
Burgess	Eshoo	Issa
Burns	Etheridge	Istook
Burr	Everett	Janklow
Burton (IN)	Feeney	Jenkins
Buyer	Ferguson	John
Calvert	Flake	Johnson (CT)
Camp	Fletcher	Johnson (IL)
Cannon	Foley	Johnson, E. B.
Cantor	Forbes	Johnson, Sam
Capito	Fossella	Jones (NC)
Capps	Franks (AZ)	Keller
Cardin	Frelinghuysen	Kelly
Carson (OK)	Gallegly	Kennedy (MN)
Carter	Garrett (NJ)	Kind
Case	Gerlach	King (IA)
Castle	Gibbons	King (NY)
Chabot	Gilchrest	Kingston
Chocola	Gillmor	Kirk
Coble	Gingrey	Kline
Knollenberg	Nunes	Sherwood
Kolbe	Nussle	Shimkus
LaHood	Ortiz	Shuster
Larsen (WA)	Osborne	Simmons
Latham	Ose	Simpson
LaTourette	Otter	Skelton
Leach	Oxley	Smith (MI)
Levin	Paul	Smith (NJ)
Lewis (CA)	Pearce	Smith (TX)
Lewis (KY)	Pence	Smith (WA)
Linder	Peterson (PA)	Snyder
LoBiondo	Petri	Souder
Lofgren	Pickering	Stearns
Lucas (KY)	Pitts	Stenholm
Lucas (OK)	Platts	Sweeney
Majette	Pombo	Tancredo
Maloney	Pomeroy	Tanner
Manzullo	Porter	Tauscher
Marshall	Portman	Tauzin
Matheson	Price (NC)	Terry
Matsui	Pryce (OH)	Thomas
McCotter	Putnam	Thompson (CA)
McCrery	Quinn	Thornberry
McDermott	Radanovich	Tiahrt
McHugh	Ramstad	Tiberi
McInnis	Regula	Toomey
McKeon	Rehberg	Turner (OH)
Meehan	Renzi	Turner (TX)
Meek (FL)	Reyes	Udall (CO)
Meeks (NY)	Reynolds	Upton
Menendez	Rogers (AL)	Van Hollen
Mica	Rogers (KY)	Vitter
Miller (FL)	Rogers (MI)	Walden (OR)
Miller (MI)	Rohrabacher	Walsh
Miller, Gary	Ros-Lehtinen	Wamp
Moore	Royce	Watson
Moran (KS)	Ryan (WI)	Watt
Moran (VA)	Ryun (KS)	Waxman
Murphy	Sanders	Weldon (FL)
Murtha	Sandlin	Weldon (PA)
Musgrave	Saxton	Weller
Myrick	Schiff	Whitfield
Neal (MA)	Schrock	Wicker
Nethercutt	Sensenbrenner	Wilson (NM)
Neugebauer	Sessions	Wolf
Ney	Shadegg	Wu
Northup	Shaw	Young (AK)
Norwood	Shays	Young (FL)

NAYS—129

Abercrombie	Gutierrez	Owens
Ackerman	Hoeffel	Pallone
Alexander	Holden	Pascrell
Allen	Hooley (OR)	Payne
Andrews	Inslee	Pelosi
Baca	Jackson (IL)	Peterson (MN)
Baird	Jackson-Lee (TX)	Rahall
Baldwin	Jefferson	Rangel
Becerra	Jones (OH)	Rodriguez
Bell	Kanjorski	Ross
Berry	Kaptur	Rothman
Bishop (GA)	Kennedy (RI)	Roybal-Allard
Bishop (NY)	Kildee	Ruppersberger
Boucher	Kilpatrick	Rush
Brown (OH)	Kleczka	Ryan (OH)
Capuano	Kucinich	Sabo
Cardoza	Lampson	Sanchez, Linda T.
Carson (IN)	Langevin	Sanchez, Loretta
Clay	Lantos	Schakowsky
Clyburn	Larson (CT)	Scott (GA)
Conyers	Lee	Scott (VA)
Cummings	Lewis (GA)	Serrano
Davis (AL)	Lipinski	Sherman
Davis (IL)	Lowey	Slaughter
Delahunt	Lynch	Solis
DeLauro	Markey	Spratt
Deutsch	McCarthy (MO)	Stark
Dicks	McCarthy (NY)	Strickland
Dingell	McCollum	Stupak
Doggett	McGovern	Taylor (MS)
Doyle	McIntyre	Taylor (NC)
Emanuel	McNulty	Thompson (MS)
Engel	Michaud	Tierney
Evans	Millender-McDonald	Towns
Farr	Miller (NC)	Udall (NM)
Fattah	Miller, George	Velazquez
Filner	Mollohan	Visclosky
Ford	Nadler	Waters
Frank (MA)	Napolitano	Weiner
Frost	Oberstar	Wexler
Goode	Obey	Wilson (SC)
Gordon	Olver	Woolsey
Green (TX)		Wynn
Grijalva		

NOT VOTING—6

Berkley	Gephardt	Pastor
Bishop (UT)	Hinchey	Sullivan

So the bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. McDERMOTT moved to reconsider the vote whereby the bill was ordered to be engrossed and read a third time.

Mr. CRANE moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McDERMOTT demanded a recorded vote on the motion to table the motion to reconsider the vote, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 276 / Nays 152

¶85.14 [Roll No. 435]

AYES—276

Aderholt	DeLay	Istook
Akin	DeMint	Janklow
Alexander	Diaz-Balart, L.	Jenkins
Bachus	Diaz-Balart, M.	John
Baker	Dooley (CA)	Johnson (CT)
Ballenger	Doolittle	Johnson (IL)
Barrett (SC)	Dreier	Johnson, Sam
Bartlett (MD)	Duncan	Jones (NC)
Barton (TX)	Dunn	Keller
Bass	Edwards	Kelly
Beauprez	Ehlers	Kennedy (MN)
Bereuter	Emerson	Kind
Berman	English	King (IA)
Biggert	Eshoo	King (NY)
Bilirakis	Everett	Kingston
Blackburn	Feeney	Kirk
Blunt	Ferguson	Kline
Boehlert	Flake	Knollenberg
Boehner	Fletcher	Kolbe
Bonilla	Foley	LaHood
Bonner	Forbes	Latham
Bono	Ford	LaTourette
Boozman	Fossella	Leach
Boswell	Franks (AZ)	Levin
Boyd	Frelinghuysen	Lewis (CA)
Bradley (NH)	Gallegly	Lewis (KY)
Brady (TX)	Garrett (NJ)	Linder
Brown (SC)	Gerlach	LoBiondo
Brown-Waite, Ginny	Gibbons	Lofgren
	Gilchrest	Lowey
Burgess	Gillmor	Lucas (KY)
Burns	Gingrey	Lucas (OK)
Burr	Goode	Manzullo
Burton (IN)	Goodlatte	Marshall
Buyer	Gordon	Matheson
Calvert	Goss	McCotter
Camp	Granger	McCrery
Cannon	Graves	McHugh
Cantor	Green (WI)	McInnis
Capito	Greenwood	McKeon
Carson (OK)	Gutknecht	Meek (FL)
Carter	Hall	Meeks (NY)
Case	Harman	Menendez
Castle	Harris	Mica
Chabot	Hart	Miller (FL)
Chocola	Hastings (WA)	Miller (MI)
Coble	Hayes	Miller, Gary
Cole	Hayworth	Miller, George
Collins	Hefley	Moore
Costello	Hensarling	Moran (KS)
Cox	Herger	Moran (VA)
Cramer	Hill	Murphy
Crane	Hinojosa	Musgrave
Crenshaw	Hobson	Myrick
Crowley	Hoekstra	Neugebauer
Cubin	Hostettler	Ney
Culberson	Houghton	Northup
Cunningham	Hulshof	Norwood
Davis (CA)	Hunter	Nunes
Davis (FL)	Hyde	Nussle
Davis, Jo Ann	Isakson	Ortiz
Davis, Tom	Israel	Osborne
Deal (GA)	Issa	Ose

Otter
Oxley
Paul
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—152

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Cummings
Davis (AL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Peterson (MN)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—6

Berkley
Bishop (UT)
Gephardt
Nethercutt
Pastor
Sullivan

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶85.15 MOMENT OF SILENCE

The SPEAKER, announced that, pursuant to the Speaker pro tempore's announcement of earlier today, the House would observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

¶85.16 UNITED STATES CHILE FREE TRADE AGREEMENT

The SPEAKER pro tempore, Mr. SIMPSON,

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McDERMOTT demanded a recorded vote on passage of said bill which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 270 / Nays 156

¶85.17 [Roll No. 436]

AYES—270

Bachus
Baker
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Berman
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Matheson
Matsui
McCotter
McCrery
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stenholm
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (FL)

NOES—156

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Bell
Berry
Bishop (GA)
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Cardoza
Carson (IN)
Clay
Clyburn
Coble
Conyers
Costello
Cummings
Davis (IL)
Davis, Jo Ann
Deal (GA)
DeFazio
Delahunt
Deutsch
Dingell
Doggett
Doyle
Duncan
Engel
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gillmor
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Hastings (FL)
Hayes
Hefley
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lynch
Markey
Marshall
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Quinn
Rahall
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watt
Wexler
Wilson (SC)
Woolsey
Wynn
Young (AK)

NOT VOTING—8

Berkley
Bishop (UT)
Davis, Tom
Kirk
Myrick
Pastor
Stearns
Sullivan

So the bill was passed.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.18 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶85.19 MOTION TO ADJOURN

Mr. McDERMOTT moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. McDERMOTT demanded a recorded vote on said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 23; Nays ..... 392; Answered present 1 }

¶85.20 [Roll No. 437]

AYES—23

Capuano
Clay
Clyburn
Conyers
Davis (TN)
Doggett
Emanuel
Feeney
Filner
Grijalva
Jefferson
Johnson, E. B.
Jones (OH)
Lampson
McDermott
Murtha
Oberstar
Olver
Rangel
Sandlin
Thompson (MS)
Towns
Woolsey

NOES—392

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—18

Berkley
Bishop (UT)
Capps
DeLauro
Diaz-Balart, L.
Gephardt
Honda
John
Kelly
LaTourette
Marshall
Matsui
Pastor
Schakowsky
Sessions
Sullivan
Waters
Wynn

So the motion to adjourn was not agreed to.

¶85.21 PROVIDING FOR THE CONSIDERATION OF H.R. 2210

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 336):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Education and the Workforce now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. After a motion that the Committee rise has been rejected on a legislative day, the Chairman may entertain another such motion on that day only if offered by the chairman of the Committee on Education and the Workforce or the Majority Leader or a designee. After a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chairman may not entertain another such motion during further consideration of the bill. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Ms. PRYCE of Ohio moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. HASTINGS of Florida demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶85.22 RECESS—5:34 P.M.

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 34 minutes p.m., subject to the call of the Chair.

¶85.23 AFTER RECESS—6:07 P.M.

The SPEAKER pro tempore, Mr. SWEENEY, called the House to order.

¶85.24 PROVIDING FOR THE CONSIDERATION OF H.R. 2427

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 335):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2427) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce or their designees; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 2427 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

When said resolution was considered.

After debate,

¶85.25 MOTION TO ADJOURN

Ms. SLAUGHTER moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

Ms. SLAUGHTER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 41; Nays ..... 370; Answered present 1

¶85.26 [Roll No. 438]

YEAS—41

Berry
Brown, Corrine
Capuano
Carson (IN)
Clay
Clyburn
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Emanuel
Evans
Farr
Filner
Grijalva
Hastings (FL)
Jones (OH)
Kanjorski
Larson (CT)
McGovern
McIntyre
McNulty
Miller (NC)
Miller, George
Murtha
Olver
Pallone
Pelosi
Radanovich
Rangel
Sanchez, Loretta
Sandlin
Schakowsky
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Velazquez
Waters
Woolsey

NAYS—370

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Reyes

NOT VOTING—22

Baird
Bishop (UT)
Burr
Cannon
Conyers
Eshoo
Fossella
Gephardt
Hinojosa
Houghton
John
Johnson, E. B.
Kingston
Lowey
Nussle
Pastor
Pomeroy
Price (NC)
Ryun (KS)
Souder
Sullivan
Waxman

So the motion to adjourn was not agreed to.

After further debate,

Mr. SESSIONS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417; Nays 10

¶85.27 [Roll No. 439]

AYES—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)

Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—10

Clyburn
Costello
DeFazio
Dicks
Johnson, E. B.
Menendez
Pascrell
Rothman
Stupak
Towns

NOT VOTING—7

Baird
Bishop (UT)
Gephardt
Houghton
Istook
Pastor
Sullivan

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶85.28 MOTION TO ADJOURN

Ms. SLAUGHTER moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 35 / Nays 393

¶85.29 [Roll No. 440]

AYES—35

Brown, Corrine
Capuano
Clay
Conyers
Davis (TN)
DeFazio
DeGette
Delahunt
Doggett
Filner
Ford
Gordon
Grijalva
Hastings (FL)
Johnson, E. B.
Lampson
Lewis (GA)
Markey
Matsui
McGovern
Miller, George
Pallone
Pelosi
Rangel
Sandlin
Schakowsky
Shimkus
Solis
Strickland
Thompson (CA)
Thompson (MS)
Towns
Velazquez
Waters
Woolsey

NOES—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)

Wilson (SC) Wu Young (AK)
Wolf Wynn Young (FL)

NOT VOTING—6

Bishop (UT) Moran (VA) Sullivan
Gephardt Pastor Tierney

So the motion to adjourn was not agreed to.

¶85.30 H. RES. 336—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 336) providing for consideration of the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes.

Mr. MCGOVERN, by unanimous consent, requested that ordering of the yeas and nays on the question of ordering the previous question on House Resolution 336 be vacated in favor of the earlier voice vote thereon.

Accordingly,

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶85.31 SCHOOL READINESS

The SPEAKER pro tempore, Mr. BASS, pursuant to House Resolution 336 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness for disadvantaged children, and for other purposes.

The SPEAKER pro tempore, Mr. BASS, by unanimous consent, designated Mr. DUNCAN as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. LAHOOD, assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. ISAKSON, assumed the Chair.

When Mr. DUNCAN, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶85.32 VA-HUD APPROPRIATIONS FY 2004

Mr. WALSH submitted a privileged report (Rept. No. 108–235) on the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Pursuant to clause 1 of rule XXI, all points of order were reserved.

¶85.33 SCHOOL READINESS

The SPEAKER pro tempore, Mr. ISAKSON, pursuant to House Resolution 336 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2210) to reauthorize the Head Start Act to improve the school readiness for disadvantaged children, and for other purposes.

Mr. DUNCAN, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶85.34 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. WOOLSEY:

Page 57, strike lines 6 through 14.

It was decided in the negative { Yeas ..... 199 / Nays ..... 231 }

¶85.35 [Roll No. 441]

AYES—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—231

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Davis (TN) Gutierrez Pastor
Gephardt McCrery

So the amendment was not agreed to.

FRIDAY, JULY 25 (LEGISLATIVE DAY OF THURSDAY, JULY 24), 2003

¶85.36 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the

Whole on the following amendment in the nature of a substitute submitted by Mr. George MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''School Readiness Act of 2003''.

SEC. 2. PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

''It is the purpose of this subchapter to promote school readiness by enhancing the development of low-income children, through educational instruction in prereading skills, premathematics skills, and language, and through the provision to low-income children and their families of health, educational, nutritional, social and other services that are determined, based on family needs assessments, to be necessary.''.

SEC. 3. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended as follows:

(1) In paragraph (17) by striking '', but for fiscal years'' and all that follows down to the period.

(2) By adding the following at the end thereof:

''(18) The term 'eligible entities' means an institution of higher education or other agency with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the quality of early childhood educations programs.

''(19) The term 'homeless children' has the meaning given such term in subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).''.

SEC. 4. AUTHORIZATION.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated for carrying out the provisions of this subchapter $6,870,000,000 for the fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

''(b) SPECIFIC PROGRAMS.—From the amount appropriated under subsection (a), the Secretary shall make available not more than $20,000,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 through 2008, to carry out such other research, demonstration, and evaluation activities, including longitudinal studies, under section 649.

''(1) not more than $7,000,000 for each of fiscal years 2004 through 2008 to carry out impact studies under section 649(g); and

''(2) not more than $13,000,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 through 2008, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 649.

''(c) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2008 to assist participating States with the administrative expenses associated with implementing a program under section 643A.''.

SEC. 5. ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE.

Section 640 of the Head Start Act (42 U.S.C. 9835) is amended as follows:

(1) In subsection (a)(2):

(A) By striking ''1998'' in subparagraph (A) and inserting ''2003''.

(B) By amending subparagraph (B) to read as follows:

''(B) payments, subject to paragraph (7) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States;''.

(2) By striking the last sentence of paragraph (2) of subsection (a).

(3)(A) By amending subsection (a)(2)(C) to read as follows:

''(C) training and technical assistance activities that are sufficient to meet the needs associated with program expansion and to foster program and management improvement as described in section 648 of this subchapter, in an amount for each fiscal year which is not less than one percent, and shall not exceed 2 percent, of the amount appropriated for such fiscal year, of which—

''(i) not less than 50 percent shall be made available to local Head Start agencies to comply with the standards described in section 641A(a)(1), of which not less than 50 percent shall be used to comply with the standards described in section 641A(a)(1)(B) and for the uses described in clauses (iii), (iv), and (vii) of subsection (a)(3)(B);

''(ii) not less than 30 percent shall be made available to support a State system of early childhood education training and technical assistance;

''(iii) not less than 20 percent shall be made available to the Secretary to assist local programs in meeting the standards described in section 641A(a)(1); and

''(iv) not less than $3,000,000 of the amount in clause (iii) appropriated for such fiscal year shall be made available to carry out activities described in section 648(c)(4);''.

(B) By inserting the following at the end of subsection (a)(2):

''If less than 2 percent of the amount appropriated for such fiscal year is made available for the activities authorized in subparagraph (C), then the Secretary is authorized to use at least 25 percent of such funds to fund migrant and seasonal Head Start programs for expansion of services. If sufficient migrant and seasonal eligible children are not available to use such funds, then enrollment priority shall be given to other disadvantaged populations referred to in subparagraph (A).''.

(4) In subsection (a)(3)(A) by inserting at the end thereof:

''(iii) After the reservation of amounts under paragraph (2)(including the 2 percent amount referred to in paragraph (2)(C)) and the 60 percent amount referred to in subparagraph (A) of this paragraph, a portion of the remaining funds shall be made available to expand services to underserved populations, such as children receiving services under the Early Head Start and Migrant and Seasonal Head Start programs.''.

(5) In subsection (a)(3)(A)(i)(I) by striking ''1999'' and all that follows down to the semicolon and inserting ''2004 through 2008''.

(6) By amending subsection (a)(3)(B) to read as follows:

''(B) Funds reserved under this paragraph (referred to in this paragraph as 'quality improvement funds') shall be used to accomplish any or all of the following goals:

''(i) Ensuring that Head Start programs meet or exceed standards pursuant to section 641A(a)(1).

''(ii) Ensuring that such programs have adequate numbers of qualified staff, and that such staff is furnished adequate training, including developing skills to promote the development of language skills, premathematic skills, and prereading in young children and in working with children with non-English language background, children referred by child welfare services, and children with disabilities, when appropriate.

''(iii) Developing and financing the salary scales described under section 644(a) and section 653, in order to ensure that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

''(iv) Using salary increases to improve staff qualifications, and to assist with the implementation of programs specifically designed to enable lead instructors to become more effective educators, for the staff of Head Start programs, and to encourage the staff to continually improve their skills and expertise by informing the staff of the availability of Federal and State incentive and loan forgiveness programs for professional development.

''(v) Improving community-wide strategic planning and needs assessments for such programs and collaboration efforts for such programs, including collaborations to increase program participation by underserved populations of eligible children.

''(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and their parents.

''(vii) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

''(viii) Providing assistance to complete post-secondary course work needed to attain baccalaureate degrees in early childhood education.

''(ix) Making such other improvements in the quality of such programs as the Secretary may designate.

''(x) To promote the regular attendance and stability of highly mobile children, including migrant and homeless children.''.

(7) By amending subsection (a)(3)(C) to read as follows:

''(C) Quality improvement funds shall be used to carry out any or all of the following activities:

''(i)(I) Not less than one-half of the amount reserved under this paragraph, to improve the compensation (including benefits) of classroom teachers and other staff of Head Start agencies providing instructional services and thereby enhancing recruitment and retention of qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a). The expenditure of funds under this clause shall be subject to section 653. Salary increases, in excess of cost-of-living allowance, provided with such funds shall be subject to the specific standards governing salaries and salary increases established pursuant to section 644(a).

''(II) If a Head Start agency certifies to the Secretary for such fiscal year that part of the funds set aside under subclause (I) to improve wages cannot be expended by such agency to improve wages because of the operation of section 653, then such agency may expend such part for any of the uses specified in this subparagraph (other than wages).

''(III) From the remainder of the amount reserved under this paragraph (after the Secretary carries out subclause (I)), the Secretary shall carry out any or all of the activities described in clauses (ii) through (vii), placing the highest priority on the activities described in clause (ii).

''(ii) To train classroom teachers and other staff to meet the education standards described in section 641A(a)(1)(B), through activities—

''(I) to promote children's language and prereading growth, through techniques identified through scientifically based reading research;

''(II) to promote the acquisition of the English language for non-English background children and families;

''(III) to foster children's school readiness skills through activities described in section 648A(a)(1); and

''(IV) to educate and provide training necessary to improve the qualifications particularly with respect to such assistance to enable more instructors to meet the degree requirements under section 648A(a)(2)(A) and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

''(iii) To employ additional Head Start staff, including staff necessary to reduce the child-staff ratio lead instructors who meet the qualifications of section 648A(a) and staff necessary to coordinate a Head Start program with other services available to children participating in such program and to their families.

''(iv) To pay costs incurred by Head Start agencies to purchase insurance (other than employee benefits) and thereby maintain or expand Head Start services.

''(v) To supplement amounts provided under paragraph (2)(C) to provide training necessary to improve the qualifications of the staff of the Head Start agencies, and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

''(vi) To conduct outreach to homeless families in an effort to increase the program participation of eligible homeless children.

''(vii) Such other activities as the Secretary may designate.

''(viii) To conduct outreach to migrant and seasonal farm-working families and families with children with a limited English proficiency.''.

(8) In subsection (a)(4) by striking ''1998'' in subparagraph (A) and inserting ''2003''.

(9) In subsection (a)(5)(B)—

(A) by striking ''may'' and inserting ''shall''; and

(B) by inserting ''early childhood education'' after ''regarding''.

(10) By amending subsection (a)(5)(C) to read as follows:

''(C) In order to improve results for children, a State that receives a grant under subparagraph (B) shall—

''(i) appoint an individual to serve as the State Director of Collaboration between—

''(I) the appropriate regional office of the Administration for Children and Families;

''(II) the State educational agency;

''(III) the State Department of Health and Human Services;

''(IV) the State agency that oversees child care;

''(V) the State agency that assists children with developmental disabilities;

''(VI) the State Head Start Association;

''(VII) the State network of child care resource and referral agencies;

''(VIII) local educational agencies;

''(IX) community-based and faith-based organizations;

''(X) State representatives of migrant and seasonal Head Start programs;

''(XI) State representatives of Indian Head Start programs;

''(XII) State and local providers of early childhood education and child care; and

''(XIII) other entities carrying out programs serving low-income children and families in the State;

''(ii) ensure that the State Director of Collaboration holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies;

''(iii) involve the entities described in section clause (i) to develop a strategic plan for the coordinated outreach to identify eligible children and implementation strategies based on a needs assessment conducted by the Office of the State Director of Collaboration which shall include an assessment of the availability of high quality prekindergarten services for low-income children in the State. Such assessment shall be completed within one year after the date of enactment of the 'School Readiness Act of 2003' and be updated on an annual basis and shall be made available to the general public within the State;

''(iv) ensure that the collaboration described in subparagraph (B) involves coordination of Head Start services with health care, welfare, child care, child protective services, education, and community service activities, family literacy services, activities relating to children with disabilities (including coordination of services with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act), and services for homeless children (including coordination of services with the Office of Coordinator for Education of Homeless Children and Youth designated under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001;

''(v) consult with the chief State school officer, local educational agencies, and representatives of local Head Start agencies and providers of early childhood education and care in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to develop school readiness standards; and

''(vi) consult with the chief State school officer, local educational agencies, State child care administrators, State human services administrators, representatives of local resource and referral agencies, local early childhood councils, providers of early childhood education and care and other relevant State and local agencies, and representatives of the State Head Start Associations to plan for the provision of full-working-day, full calendar year early care and education services for children.''.

(11) By amending clause (i) of subsection (a)(5)(D) by inserting ''and providers of services supporting early childhood education and child care'' after ''Associations''.

(12) By amending subsection (a)(6)(A) to read as follows:

''(A) From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a) of this subchapter, a portion of the combined total of such amounts equal to at least 10 percent for fiscal years 2004 through 2008, of the amount appropriated pursuant to section 639(a), except as provided in subparagraph (B).''

(13) By inserting the following before the period at the end of subsection (f): '', including models that leverage the existing capacity and capabilities of the delivery system of early childhood education and child care''.

(14) By inserting the following after ''manner that will'' in subsection (g)(2)(G): ''leverage the existing delivery systems of such services and''.

(15) By amending subsection (g)(2)(C) to read as follows:

''(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and public agencies serving children and families (including organizations and agencies providing family support services and protective services to children and families, and organizations serving families in whose homes English is not the language customarily spoken), and organizations and public entities serving children with disabilities and homeless children (including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001);''.

(16) By inserting in subsection (g)(2)(H) after ''serving the community involved'' the following: '', including the liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001,''.

(17) By adding the following new subsections at the end thereof:

''(m) ENROLLMENT OF HOMELESS CHILDREN.—The Secretary shall by regulation prescribe policies and procedures to remove barriers to the enrollment and participation of eligible homeless children in Head Start programs. Such regulations shall require Head Start agencies to:

''(1) implement policies and procedures to ensure that eligible homeless children are identified and prioritized for enrollment,

''(2) allow homeless families to apply to, enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame, and

''(3) coordinate individual Head Start centers and programs with efforts to implement Subtitle VII-B of the McKinney-Vento Homeless Assistance Act.

''(n) SAVINGS PROVISION.—Nothing in this Act shall be construed to require a State to establish a program of early education for children in the State, to require any child to participate in a program of early education, to attend school, or to participate in any initial screening prior to participation in such program, except as provided under section 612(a)(3), (consistent with section 614(a)(1)(C)), of the Individuals with Disabilities Education Act.

''(o) MATERIALS.—All curricula and instructional materials funded under this subchapter shall be scientifically based and age appropriate. Parents shall have the ability to inspect, upon request, any curricula or instructional materials.''.

SEC. 6. DESIGNATION OF AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended as follows:

(1) In subsection (a)—

(A) by inserting after ''community'' in the first place it appears '', including a community-based or faith-based organization'';

(B) by inserting ''(1)'' after ''(a)'';

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(D) by adding the following at the end thereof:

''(2) In order to be designated as a Head Start agency and to receive a grant under this subchapter, a grantee shall establish grantee-determined goals for improving the school readiness of children participating in a program under this subchapter, which shall include goals for—

''(A) educational instruction in prereading, premathematical, and language skills; and

''(B) the provision of health, educational, nutritional, social, and other services.

''(3) In order to receive a grant subsequent to the initial grant provided following the date of enactment of this subchapter, the grantee shall demonstrate that it has met the goals described in paragraph (2).

''(4) Progress in meeting such goals shall not be measured primarily or solely by the results of assessments.''

(2) By amending subsection (c) to read as follows:

''(c) In the administration of the provisions of this section, the Secretary shall, in consultation with the chief executive officer of the State involved if such State expends non-Federal funds to carry out Head Start programs, give priority in the designation of Head Start agencies to any local public or private nonprofit or for-profit agency which is receiving funds under any Head Start program on the date of the enactment of this Act that fulfills the program and financial management requirements, standards described in section 641A(a)(1), results-based performance measures developed by the Secretary under section 641A(b), or other requirements established by the Secretary.''.

(3) By amending subsection (d) to read as follows:

''(d) If no entity in a community is entitled to the priority specified in subsection (c), then the Secretary may designate a Head Start agency from among qualified applicants in such community. In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures. In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

''(1) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

''(2) the capacity of such applicant to serve eligible children with scientifically-based programs that promote school readiness of children participating in the program;

''(3) the plan of such applicant to meet standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

''(4) the plan of such applicant to provide comprehensive health, nutritional, educational, social, and other services needed to prepare children to succeed in school;

''(5) the plan of such applicant to coordinate the Head Start program it proposes to carry out with other preschool programs, including Early Reading First and Even Start programs under title I, part B, subparts 1 and 2 of the Elementary and Secondary Education Act of 1965; other preschool programs carried out under title I of the Act; programs under part C and section 619 of the Individuals with Disabilities Education Act; State prekindergarten programs; and with the educational programs such children will enter at the age of compulsory school attendance;

''(6) the plan of such applicant to coordinate the Head Start program it proposes to carry out with private entities with resources available to assist the Head Start Program meet its program needs;

''(7) the plan of such applicant—

''(A) to seek the involvement of parents of participating children in activities (at home and in the center involved where practicable) designed to help such parents become full partners in the education of their children;

''(B) to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

''(C) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.), public and school libraries, and family support programs) to such parents—

''(i) family literacy services; and

''(ii) parenting skills training;

''(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;

''(E) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

''(i) training in basic child development;

''(ii) assistance in developing communication skills;

''(iii) opportunities for parents to share experiences with other parents; or

''(iv) any other activity designed to help such parents become full partners in the education of their children;

''(F) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in subparagraphs (C) (D), and (E) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and

''(G) to extend out reach to fathers in order to strengthen the role of fathers in families by working directly with fathers and father-figures through such activities as including fathers in home visits; implementing father outreach efforts, providing opportunities for direct father-child interactions; and targeting increased male participation in the program;

''(8) the ability of such applicant to carry out the plans described in paragraphs (2), (3), and (4);

''(9) other factors related to the requirements of this subchapter;

''(10) the plan of such applicant to meet the needs of non-English background children and their families, including needs related to the acquisition of the English language;

''(11) the plan of such applicant to meet the needs of children with disabilities;

''(12) the plan of such applicant who chooses to assist younger siblings of children who will participate in the proposed Head Start program to obtain health services from other sources;

''(13) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community; and

''(14) the plan of such applicant to meet the needs of homeless children.''.

SEC. 7. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

Section 641A of the Head Start Act (42 U.S.C. 9836a) is amended as follows:

(1) In subsection (a)(1)(B) by amending clause (ii) to read as follows:

''(ii) additional education standards to ensure that the children participating in the program, at a minimum develop and demonstrate—

''(I) language skills;

''(II) prereading knowledge and skills, including interest in and appreciation of books, reading and writing either alone or with others;

''(III) premathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

''(IV) cognitive abilities related to academic achievement;

''(V) social and emotional development important for environments constructive for child development, early learning, and school success; and

''(VI) in the case of limited-English proficient children, progress toward acquisition of the English language.''.

(2) By amending subsection (a)(2)(B) to read as follows:

''(B) take into consideration—

''(i) past experience with use of the standards in effect under this subchapter on October 27, 1998;

''(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;

''(iii) developments concerning best practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;

''(iv) projected needs of an expanding Head Start program;

''(v) guidelines and standards currently in effect or under consideration that promote child health services, and projected needs of expanding Head Start programs;

''(vi) changes in the population of children who are eligible to participate in Head Start programs, including the language background and family structure of such children;

''(vii) the need for, and state-of-the-art developments relating to, local policies and activities designed to ensure that children participating in Head Start programs make a successful transition to schools; and

''(viii) the unique challenges faced by individual programs, including those that are seasonal or short term, and those that serve rural populations; and''.

(3) In subsection (a)(2)(C)(ii) by striking all that follows ''in effect on'' down to the period and inserting ''October 27, 1998''.

(4) By amending subsection (b)(2) to read as follows:

''(2) CHARACTERISTICS OF MEASURES.—The performance measures developed under this subsection shall—

''(A) be used to assess the impact of the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

''(B) be adaptable for use in self-assessment, peer review, and program evaluation of individual Head Start agencies and programs;

''(C) be developed for other program purposes as determined by the Secretary;

''(D) be appropriate for the population served; and

''(E) be reviewed no less than every 4 years, based on advances in the science of early childhood development.

The performance measures shall include the performance standards described in subsection (a)(1)(A) and (B).''.

(5) By amending subsection (b)(4) to read as follows:

''(4) EDUCATIONAL MEASURES.—Results based measures shall be designed for the purpose of promoting the competencies of children participating in Head Start programs specified in subsection (a)(1)(B)(ii), with an emphasis on measuring those competencies that have a strong scientifically-based predictability of a child's school readiness and later performance in school.''.

(6) In subsection (c)(1)(C) by striking ''the standards'' and inserting ''one or more of the performance measures developed by the Secretary under subsection (b)''.

(7) By amending subsection (c)(2) to read as follows:

''(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

''(A) that incorporate a monitoring visit, do so without prior notice of the visit to the local agency or program;

''(B) are conducted by review teams that shall include individuals who are knowledgeable about Head Start programs and, to the

maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and limited-English proficient children and their families;

''(C) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results-based performance measures developed by the Secretary pursuant to subsection (b) and with the standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1);

''(D) seek information from the communities and the States involved about the performance of the programs and the efforts of the Head Start agencies to collaborate with other entities carrying out early childhood education and child care programs in the community;

''(E) seek information from the communities where Head Start programs exist about innovative or effective collaborative efforts, barriers to collaboration, and the efforts of the Head Start agencies and programs to collaborate with the entities carrying out early childhood education and child care programs in the community;

''(F) include as part of the reviews of the programs, a review and assessment of whether a program is in conformity with the income eligibility requirements, as defined in section 645 and regulations promulgated thereunder;

''(G) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed the population and community needs (including populations of children with a limited English proficiency and children of migrant and seasonal farm-working families); and

''(H) include as part of the review the extent to which the program addresses the community needs and strategic plan identified in section 640(g)(2)(C).''.

(8) By amending so much of subsection (d)(1) as precedes subparagraph (A) to read as follows:

''(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a) or results-based performance measures developed by the Secretary under subsection (b), or fails to adequately address the community needs and strategic plan identified in 640(g)(2)(C), the Secretary shall—''

(9) By amending subsection (d)(2) to read as follows:

''(2) QUALITY IMPROVEMENT PLAN.—

''(A) AGENCY AND PROGRAM RESPONSIBILITIES.—In order to retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start Program, in order to continue to receive funds from such agency, a Head Start agency, or Head Start program that is the subject of a determination described in paragraph (1) (other than an agency or program required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

''(i) develop in a timely manner, a quality improvement plan which shall be subject to the approval of the Secretary, or in the case of a program, the sponsoring agency, and which shall specify—

''(I) the deficiencies to be corrected;

''(II) the actions to be taken to correct such deficiencies; and

''(III) the timetable for accomplishment of the corrective actions specified; and

''(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency or program received notice of the determination and of the specific deficiency to be corrected).

''(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

''(C) AGENCY RESPONSIBILITY FOR PROGRAM IMPROVEMENT.—Not later than 30 days after receiving from a Head Start program, a proposed quality improvement plan pursuant to subparagraph (A), the sponsoring agency shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.''.

(10) In subsection (d)(3) by inserting ''and programs'' after ''agencies''.

(11) Subsection (e) is amended to read as follows:

''(e) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (d), during such fiscal year. Such information shall be made available to all parents with students receiving assistance under this Act in a understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand, and in addition, make the information widely available through public means such as distribution through public agencies, and at a minimum posting such information on the Internet immediately upon publication.''.

SEC. 8. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837(b)) is amended as follows:

(1) By amending subsection (b) to read as follows:

''(b) In order to be so designated, a Head Start agency shall also—

''(1) establish a program with standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

''(2) demonstrate capacity to serve eligible children with scientifically-based curricula and other interventions that help promote the school readiness of children participating in the program;

''(3) establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests;

''(4) provide for their regular participation in the implementation of such programs;

''(5) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources;

''(6) seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

''(7) conduct outreach to schools in which Head Start children enroll, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness;

''(8) offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training;

''(9) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;

''(10) at the option of such agency, offer (directly or through referral to local entities), to such parents—

''(A) training in basic child development;

''(B) assistance in developing communication skills;

''(C) opportunities to share experiences with other parents;

''(D) regular in-home visitation; or

''(E) any other activity designed to help such parents become full partners in the education of their children;

''(11) provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (4) through (7) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities);

''(12) consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources;

''(13) perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers; and

''(14)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

''(B) refer eligible parents to the child support offices of State and local governments.''.

(2) Amend subsection (c) to read as follows:

''(c) The head of each Head Start agency shall coordinate and collaborate with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development programs, including programs under subtitle VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431-11435), Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.), and programs under Part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431-1445, 1419), and the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a), serving the children and families served by the Head Start agency to carry out the provisions of this subchapter.''.

(3) In subsection (d) by redesignating paragraphs (2) through (4) as paragraph (3) through (5) and inserting the following new paragraph after paragraph (1):

''(2) In communities where both public prekindergarten programs and Head Start programs operate, a Head Start agency shall coordinate with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including for outreach to identify eligible children.''.

(5) In paragraph (3) (as redesignated) of subsection (d), strike ''and'' at the end of subparagraph (A) and insert the following after subparagraph (A) and redesignate subparagraph (B) as (C):

''(B) collaborating to increase the program participation of underserved populations of eligible children; and''.

SEC. 9. HEAD START ALIGNMENT WITH K–12 EDUCATION.

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended as follows:

(1) The heading is amended to read as follows:

"SEC. 642A. HEAD START ALIGNMENT WITH K–12 EDUCATION.".

(2) In paragraph (2) after ''social workers,'' insert the following: ''McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001,''.

(3) Add the following new paragraph after paragraph (2) and redesignated paragraphs (3) through (7) as (4) through (8):

''(3) developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children's learning and development as they make such transition to school;''.

(4) Paragraph (6)(as redesignated by paragraph (3) of this section) is amended to read as follows:

''(6) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under Title I of the Elementary and Secondary Education Act of 1965 and family outreach and support efforts under subtitle VII-B of the McKinney-Vento Homeless Assistance Act;''.

(4) In paragraph (7)(as redesignated by paragraph (3) of this section) by inserting ''and continuity in parental involvement activities'' after ''developmental continuity''.

(5) Strike ''and'' at the end of paragraph (7)(as redesignated by paragraph (3) of this section) and strike the period at the end of paragraph (8)(as redesignated by paragraph (3) of this section) and insert a semicolon.

(6) Add the following after paragraph (8):

''(9) helping parents to understand the importance of parental involvement in a child's academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school; and

''(10) developing and implementing a system to increase program participation of underserved populations of eligible children.''.

SEC. 10. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.

Section 644 of the Head Start Act (42 U.S.C. 9839) is amended in subsection (f)(2) by redesignating subparagraphs (A) through (E) as (B) through (F) and inserting the following new subparagraph before subparagraph (B) (as so redesignated):

''(A) a description of the consultation conducted by the Head Start agency with the providers in the community demonstrating capacity and capability to provide services under this Act, and of the potential for collaboration with such providers and the cost effectiveness of such collaboration as opposed to the cost effectiveness of the purchase of a facility;''

SEC. 11. ELIGIBILITY.

Section 645(a) of the Head Start Act (42 U.S.C. 9843) is amended as follows:

(1) By striking ''to a reasonable extent'' in paragraph (1)(B)(i) and inserting ''not to exceed 10 percent of the total enrollment'' and by striking ''benefit from such programs'' and inserting ''benefit from such programs, including children referred by child welfare services,'' .

(2) By adding the following new paragraph at the end thereof:

''(3) The amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for programs assisted under this subchapter.''.

SEC. 12. EARLY HEAD START PROGRAMS.

(a) IN GENERAL.—Section 645A of the Head Start Act (42 U.S.C. 9643) is amended as follows:

(1) By amending paragraphs (4) and (5) of subsection (b) to read as follows:

''(4) provide services to parents to support their role as parents (including parenting skills training and training in basic child development) and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

''(5) coordinate services with services (including home-based services) provided by programs in the State and programs in the community (including programs for infants and toddlers with disabilities) to ensure a comprehensive array of services (such as health and mental health services, and family support services);''.

(2) By amending paragraph (8) of subsection (b) to read as follows:

''(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the agency responsible for administering the Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a); and''.

(3) In subsection (g)(2)(B) by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ''; and'' and by inserting the following at the end:

''(v) providing professional development designed to increase program participation for underserved populations of eligible children.''.

(b) MIGRANT AND SEASONAL PROGRAMS.—Section 645A(d)(1) of the Head Start Act (42 US.C. 9643(d)(1)) is amended to read as follows:

''(1) entities operating Head Start programs under this subpart, including migrant and seasonal Head Start programs; and''.

(c) COMMUNITY- AND FAITH-BASED ORGANIZATIONS.—Section 645A(d)(2) of the Head Start Act (42 US.C. 9643(d)(21)) is amended by inserting '', including community- and faith-based organizations'' after ''entities'' in the second place it appears.

SEC. 13. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended as follows:

(1) By inserting the following new subsection after subsection (a) and redesignating subsections (b) through (e) as subsections (c) through (f):

''(b) The Secretary shall make available to each State the money reserved in section 640(a)(2)(C)(ii) to support a State-based system delivering training and technical assistance that improves the capacity of Head Start programs within a State to deliver services in accordance with the Head Start standards in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section. The Secretary shall—

''(1) ensure eligible entities within a State are chosen by the Secretary, in consultation with the State Collaboration Board described in section 640(a)(5)(C)(i), through a competitive bid process;

''(2) ensure that existing agencies with demonstrated expertise in providing high quality training and technical assistance to improve the delivery of Head Start services, including the State Head Start Association, State agencies, migrant and seasonal Head Start programs operating in the State, and other entities currently providing training and technical assistance in early education, be included in the planning and coordination of the State system of training and technical assistance; and

''(3) encourage States to supplement the funds authorized in section 640(a)(2)(C)(ii) with State, Federal, or local funds other than Head Start funds, to expand activities beyond Head Start agencies to include other providers of other early childhood services within a State.''.

(2) In subsection (d) (as redesignated):

(A) In paragraph (2), after ''disabilities'' insert ''and for activities described in section 1221(b)(3) of the Elementary and Secondary Education Act of 1965''.

(B) In paragraph (5) after ''assessment'' insert '', including the needs of homeless children and their families''.

(C) By striking ''and'' at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting ''; and'' and by inserting the following at the end:

''(12) assist Head Start agencies and programs in increasing program participation of eligible homeless children.''.

(3) In subsection (e) (as redesignated by paragraph (1)) by inserting '', including community- and faith-based organizations'' after ''entities''.

(4) By amending subsection (f) (as redesignated by paragraph (1)) to read as follows:

''(f) The Secretary shall provide, either directly or through grants or other arrangements, funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to non-English language background children (including services to promote the acquisition of the English language), training for personnel providing services to children determined to be abused or neglected, training for personnel providing services to children referred by or receiving child welfare services, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children.''.

(5) Insert at the end of the section:

''(g) HELPING PERSONNEL BETTER SERVE MIGRANT AND SEASONAL FARM-WORKING COMMUNITIES AND HOMELESS FAMILIES.—The Secretary shall provide, either directly or through grants, or other arrangements, funds for training of Head Start personnel in addressing the unique needs of migrant and seasonal working families, families with a limited English proficiency, and homeless families.

''(h) AUTHORIZED ACTIVITIES.—The majority of funds expended under this section shall be used to provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction. Funds shall be used to carry out activities related to any or all of the following:

''(1) Education and early childhood development.

''(2) Child health, nutrition, and safety.

''(3) Family and community partnerships.

''(4) Other areas that impact the quality or overall effectiveness of Head Start programs.

''(i) PROHIBITION ON USE OF FUNDS.—Funds under this subchapter used for training shall be used for needs identified annually by a grant applicant or delegate agency in their program improvement plan, except that

funds shall not be used for long-distance travel expenses for training activities available locally or regionally or for training activities substantially similar to locally or regionally available training activities.

''(j) DEFINITION.—For purposes of this section, the term 'eligible entities' means an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services.''.

SEC. 14. STAFF QUALIFICATIONS AND DEVELOPMENT.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended as follows:

(1) By amending paragraph (2) of subsection (a) to read as follows:

''(2) DEGREE REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall ensure that not later than September 30, 2008, at least 50 percent of all Head Start teachers nationwide in center-based programs have—

''(i) a baccalaureate, or advanced degree in early childhood education; or

''(ii) a baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children.

''(B) PROGRESS.—Each Head State agency shall provide to the Secretary a report indicating the number and percentage of classroom instructors with child development associate credentials and associate, baccalaureate, or advanced degrees. The Secretary shall compile all program reports and make them available to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate.

''(C) REQUIREMENT FOR NEW HEAD START TEACHERS.—Within 3 years after the date of enactment of this clause, the Secretary shall require that all Head Start teachers nationwide in center-based programs hired following the date of enactment of this subparagraph—

''(i) have an associate, baccalaureate, or advanced degree in early childhood education;

''(ii) have an associate, baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children; or

''(iii) be currently enrolled in a program of study leading to an associate degree in early childhood education and agree to complete degree requirements within 3 years from the date of hire.

''(D) SERVICE REQUIREMENTS.—The Secretary shall establish requirements to ensure that individuals who receive financial assistance under this Act in order to comply with the requirements under section 648A(a)(2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of the funds.''.

(2) By adding the following at the end thereof:

''(f) PROFESSIONAL DEVELOPMENT PLANS.—Every Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time employees who provide direct services to children.''.

SEC. 15. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended as follows:

(1) By amending subsection (a)(1)(B) to read as follows:

''(B) use the Head Start programs to develop, test, and disseminate new ideas and approaches for addressing the needs of low-income preschool children (including children with disabilities and children determined to be abused or neglected) and their families and communities (including demonstrations of innovative non-center based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.''.

(1) By striking paragraph (9) of subsection (d) and inserting ''(9) REPEALED.—''.

(2) By striking clause (i) of subsection (g)(1)(A) and redesignating clauses (ii) and (iii) as clauses (i) and (ii).

(3) In subsection (g)(7)(C)(i) by striking ''1999'' and inserting ''2003'', striking ''2001'' and inserting ''2005'', and striking ''2003'' and inserting ''2006''.

(4) By amending subsection (h) to read as follows:

''(h) NAS STUDY.—

''(1) IN GENERAL.—The Secretary shall use funds allocated in section 640(a)(2)(C)(iii) to contract with the National Academy of Sciences for the Board on Children, Youth, and Families of the National Research Council to establish an independent panel of experts to review and synthesize research, theory and applications in the social, behavioral and biological sciences and shall make recommendations on early childhood pedagogy with regard to each of the following:

''(A) Age and developmentally appropriate Head Start academic requirements and outcomes, including but not limited to the domains in 641A(a)(B).

''(B) Differences in the type, length, mix and intensity of services necessary to ensure that children from challenging family and social backgrounds including: low-income children, children of color, children with special needs, and children with limited English proficiency enter kindergarten ready to succeed.

''(C) Appropriate assessments of young children for the purposes of improving instruction, services, and program quality, including systematic observation assessment in a child's natural environment, parent and provider interviews, and accommodations for children with disabilities and appropriate assessments for children with special needs, including English language learners.

''(2) COMPOSITION.—The panel shall consist of multiple experts in each of the following areas:

''(A) Child development and education, including cognitive, social, emotional, physical, approaches to learning, and other domains of child development and learning.

''(B) Professional development, including teacher preparation, to individuals who teach young children in programs.

''(C) Assessment of young children, including screening, diagnostic and classroom-based instructional assessment; children with special needs, including children with disabilities and limited English proficient children.

''(3) TIMING.—The National Academy of Sciences and the Board shall establish the panel not later than 90 days after the date of enactment of this paragraph. The panel should complete its recommendations within 18 months of its convening.

''(4) APPLICATION OF PANEL REPORT.—The results of the panel study shall be used as guidelines by the Secretary to develop, inform and revise, where appropriate, the Head Start education performance measures and standards and the assessments utilized in the Head Start program.''.

SEC. 16. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9845) is amended as follows:

(1) The first sentence of subsection (a) is amended to read as follows: ''At least once during every 2-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, a report concerning the status of children (including disabled, homeless, and non-English language background children) in Head Start programs, including the number of children and the services being provided to such children.''.

(2) Paragraph (8) of subsection (a) is amended by inserting '', homelessness'' after ''background''.

SEC. 17. EFFECTIVE DATE.

The amendments made by this Act shall be effective with respect to fiscal years beginning on and after October 1, 2003.

It was decided in the negative ..... { Yeas ..... 200 / Nays 229

¶85.37 [Roll No. 442]

AYES—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—229

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono

Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Buyer
Gephardt
McCrery
Oberstar
Pastor
Sullivan

So the amendment in the nature of a substitute was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SIMPSON, assumed the Chair.

When Mr. SWEENEY, Acting Chairman, pursuant to House Resolution 336, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''School Readiness Act of 2003''.

TITLE I—HEAD START REAUTHORIZATION AND PROGRAM IMPROVEMENTS

SEC. 101. PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

''SEC. 636. STATEMENT OF PURPOSE.

''It is the purpose of this subchapter to promote school readiness by enhancing the development of low-income children, through educational instruction in prereading skills, premathematics skills, and language, and through the provision to low-income children and their families of health, educational, nutritional, social and other services that are determined, based on family needs assessments, to be necessary.''.

SEC. 102. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended as follows:

(1) In paragraph (17) by striking '', but for fiscal years'' and all that follows down to the period.

(2) By adding the following at the end thereof:

''(18) The term 'eligible entities' means an institution of higher education or other agency with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the quality of early childhood educations programs.

''(19) The term 'homeless children' has the meaning given such term in subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).''.

SEC. 103. AUTHORIZATION.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

''SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated for carrying out the provisions of this subchapter $6,870,000,000 for the fiscal year 2004, $6,988,750,000 for fiscal year 2005, $7,106,500,000 for fiscal year 2006, $7,245,000,000 for fiscal year 2007, and $7,427,000,000 for fiscal year 2008.

''(b) SPECIFIC PROGRAMS.—From the amount appropriated under subsection (a), the Secretary shall make available not more than $20,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal year 2005 through 2008 to carry out such other research, demonstration, and evaluation activities, including longitudinal studies, under section 649.

''(1) not more than $7,000,000 for each of fiscal years 2004 through 2008 to carry out impact studies under section 649(g); and

''(2) not more than $13,000,000 for fiscal year 2004, and such sums as may be necessary for each of fiscal years 2005 through 2008, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 649.

''(c) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2004 through 2008 to assist participating States with the administrative expenses associated with implementing a program under section 643A.''.

SEC. 104. ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE.

Section 640 of the Head Start Act (42 U.S.C. 9835) is amended as follows:

(1) In subsection (a)(2):

(A) By striking ''1998'' in subparagraph (A) and inserting ''2003''.

(B) By amending subparagraph (B) to read as follows:

''(B) payments, subject to paragraph (7) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States;''.

(2) By striking the last sentence of paragraph (2) of subsection (a).

(3)(A) By amending subsection (a)(2)(C) to read as follows:

''(C) training and technical assistance activities that are sufficient to meet the needs associated with program expansion and to foster program and management improvement as described in section 648 of this subchapter, in an amount for each fiscal year which is equal to one percent of the amount appropriated for such fiscal year, of which—

''(i) not less than 50 percent shall be made available to local Head Start agencies to comply with the standards described in section 641A(a)(1), of which not less than 50 percent shall be used to comply with the standards described in section 641A(a)(1)(B) and for the uses described in clauses (iii), (iv), and (vii) of subsection (a)(3)(B);

''(ii) not less than 30 percent shall be made available to support a State system of early childhood education training and technical assistance;

''(iii) not less than 20 percent shall be made available to the Secretary to assist local programs in meeting the standards described in section 641A(a)(1); and

''(iv) not less than $3,000,000 of the amount in clause (iii) appropriated for such fiscal year shall be made available to carry out activities described in section 648(c)(4);''.

(B) By inserting the following at the end of subsection (a)(2):

''Of an additional one percent of the amount appropriated for such fiscal year, the Secretary shall use not less than 25 percent of such funds to fund the expansion of services to migrant and seasonal Head Start children. If sufficient migrant and seasonal eligible children are not available to use such funds, then enrollment priority shall be given to other disadvantaged populations referred to in subparagraph (A). Not less than 60 percent of such one percent amount shall be used to fund quality improvement activites as described in sec 640(a)(3)(B) and (C)''.

(4) In subsection (a)(3)(A) by inserting at the end thereof:

''(iii) After the reservation of amounts under paragraph (2) and the 60 percent amount referred to in subparagraph (A) of this paragraph, a portion of the remaining funds shall be made available for quality to expand services to underserved populations, such as children receiving services under the Early Head Start and Migrant and Seasonal Head Start programs.''.

(5) In subsection (a)(3)(A)(i)(I) by striking ''1999'' and all that follows down to the semicolon and inserting ''2004 through 2008''.

(6) By amending subsection (a)(3)(B) to read as follows:

''(B) Funds reserved under this paragraph (referred to in this paragraph as 'quality improvement funds') shall be used to accomplish any or all of the following goals:

''(i) Ensuring that Head Start programs meet or exceed standards pursuant to section 641A(a)(1).

''(ii) Ensuring that such programs have adequate numbers of qualified staff, and that such staff is furnished adequate training, including developing skills to promote the development of language skills, premathematic skills, and prereading in young children and in working with children with non-English language background, children referred by child welfare services, and children with disabilities, when appropriate.

''(iii) Developing and financing the salary scales described under section 644(a) and section 653, in order to ensure that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

''(iv) Using salary increases to improve staff qualifications, and to assist with the implementation of programs specifically designed to enable lead instructors to become more effective educators, for the staff of Head Start programs, and to encourage the staff to continually improve their skills and

expertise by informing the staff of the availability of Federal and State incentive and loan forgiveness programs for professional development.

''(v) Improving community-wide strategic planning and needs assessments for such programs and collaboration efforts for such programs, including collaborations to increase program participation by underserved populations of eligible children.

''(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and their parents.

''(vii) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

''(viii) Providing assistance to complete post-secondary course work needed to attain baccalaureate degrees in early childhood education.

''(ix) Making such other improvements in the quality of such programs as the Secretary may designate.

''(x) To promote the regular attendance and stability of highly mobile children, including migrant and homeless children.''.

(7) By amending subsection (a)(3)(C) to read as follows:

''(C) Quality improvement funds shall be used to carry out any or all of the following activities:

''(i)(I) Not less than one-half of the amount reserved under this paragraph, to improve the compensation (including benefits) of classroom teachers and other staff of Head Start agencies providing instructional services and thereby enhancing recruitment and retention of qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a). The expenditure of funds under this clause shall be subject to section 653. Salary increases, in excess of cost-of-living allowance, provided with such funds shall be subject to the specific standards governing salaries and salary increases established pursuant to section 644(a).

''(II) If a Head Start agency certifies to the Secretary for such fiscal year that part of the funds set aside under subclause (I) to improve wages cannot be expended by such agency to improve wages because of the operation of section 653, then such agency may expend such part for any of the uses specified in this subparagraph (other than wages).

''(III) From the remainder of the amount reserved under this paragraph (after the Secretary carries out subclause (I)), the Secretary shall carry out any or all of the activities described in clauses (ii) through (vii), placing the highest priority on the activities described in clause (ii).

''(ii) To train classroom teachers and other staff to meet the education standards described in section 641A(a)(1)(B), through activities—

''(I) to promote children's language and prereading growth, through techniques identified through scientifically based reading research;

''(II) to promote the acquisition of the English language for non-English background children and families;

''(III) to foster children's school readiness skills through activities described in section 648A(a)(1); and

''(IV) to educate and provide training necessary to improve the qualifications particularly with respect to such assistance to enable more instructors to meet the degree requirements under section 648A(a)(2)(A) and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

''(iii) To employ additional Head Start staff, including staff necessary to reduce the child-staff ratio lead instructors who meet the qualifications of section 648A(a) and staff necessary to coordinate a Head Start program with other services available to children participating in such program and to their families.

''(iv) To pay costs incurred by Head Start agencies to purchase insurance (other than employee benefits) and thereby maintain or expand Head Start services.

''(v) To supplement amounts provided under paragraph (2)(C) to provide training necessary to improve the qualifications of the staff of the Head Start agencies, and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

''(vi) To conduct outreach to homeless families in an effort to increase the program participation of eligible homeless children.

''(vii) Such other activities as the Secretary may designate.

''(viii) To conduct outreach to migrant and seasonal farm-working families and families with children with a limited English proficiency.''.

(8) In subsection (a)(4) by striking ''1998'' in subparagraph (A) and inserting ''2003''.

(9) In subsection (a)(5)(B)—

(A) by striking ''may'' and inserting ''shall''; and

(B) by inserting ''early childhood education'' after ''regarding''.

(10) By amending subsection (a)(5)(C) to read as follows:

''(C) In order to improve results for children, a State that receives a grant under subparagraph (B) shall—

''(i) appoint an individual to serve as the State Director of Collaboration between—

''(I) the appropriate regional office of the Administration for Children and Families;

''(II) the State educational agency;

''(III) the State Department of Health and Human Services;

''(IV) the State agency that oversees child care;

''(V) the State agency that assists children with developmental disabilities;

''(VI) the State Head Start Association;

''(VII) the State network of child care resource and referral agencies;

''(VIII) local educational agencies;

''(IX) community-based and faith-based organizations;

''(X) State representatives of migrant and seasonal Head Start programs;

''(XI) State representatives of Indian Head Start programs;

''(XII) State and local providers of early childhood education and child care; and

''(XIII) other entities carrying out programs serving low-income children and families in the State;

''(ii) ensure that the State Director of Collaboration holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies;

''(iii) involve the entities described in section clause (i) to develop a strategic plan for the coordinated outreach to identify eligible children and implementation strategies based on a needs assessment conducted by the Office of the State Director of Collaboration which shall include an assessment of the availability of high quality prekindergarten services for low-income children in the State. Such assessment shall be completed within one year after the date of enactment of the 'School Readiness Act of 2003' and be updated on an annual basis and shall be made available to the general public within the State;

''(iv) ensure that the collaboration described in subparagraph (B) involves coordination of Head Start services with health care, welfare, child care, child protective services, education, and community service activities, family literacy services, activities relating to children with disabilities (including coordination of services with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act), and services for homeless children (including coordination of services with the Office of Coordinator for Education of Homeless Children and Youth designated under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001;

''(v) consult with the chief State school officer, local educational agencies, and representatives of local Head Start agencies and providers of early childhood education and care in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to develop school readiness standards; and

''(vi) consult with the chief State school officer, local educational agencies, State child care administrators, State human services administrators, representatives of local resource and referral agencies, local early childhood councils, providers of early childhood education and care and other relevant State and local agencies, and representatives of the State Head Start Associations to plan for the provision of full-working-day, full calendar year early care and education services for children.''.

(11) By amending clause (i) of subsection (a)(5)(D) by inserting ''and providers of services supporting early childhood education and child care'' after ''Associations''.

(12) By amending subsection (a)(6)(A) to read as follows:

''(A) From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a) of this subchapter, a portion of the combined total of such amounts equal to at least 10 percent for fiscal years 2004 through 2008, of the amount appropriated pursuant to section 639(a), except as provided in subparagraph (B).''.

(13) By inserting the following before the period at the end of subsection (f): '', including models that leverage the existing capacity and capabilities of the delivery system of early childhood education and child care''.

(14) By inserting the following after ''manner that will'' in subsection (g)(2)(G): ''leverage the existing delivery systems of such services and''.

(15) By amending subsection (g)(2)(C) to read as follows:

''(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and public agencies serving children and families (including organizations and agencies providing family support services and protective services to children and families, and organizations serving families in whose homes English is not the language customarily spoken), and organizations and public entities serving children with disabilities and homeless children (including the local educational agency liaison designated under section

722(g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001);''.

(16) By inserting in subsection (g)(2)(H) after ''serving the community involved'' the following: '', including the liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001,''.

(17) By adding the following new subsections at the end thereof:

''(m) ENROLLMENT OF HOMELESS CHILDREN.—The Secretary shall by regulation prescribe policies and procedures to remove barriers to the enrollment and participation of eligible homeless children in Head Start programs. Such regulations shall require Head Start agencies to:

''(1) implement policies and procedures to ensure that eligible homeless children are identified and prioritized for enrollment,

''(2) allow homeless families to apply to, enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame, and

''(3) coordinate individual Head Start centers and programs with efforts to implement Subtitle VII–B of the McKinney-Vento Homeless Assistance Act.

''(n) SAVINGS PROVISION.—Nothing in this Act shall be construed to require a State to establish a program of early education for children in the State, to require any child to participate in a program of early education, to attend school, or to participate in any initial screening prior to participation in such program, except as provided under section 612(a)(3), (consistent with section 614(a)(1)(C)), of the Individuals with Disabilities Education Act.

''(o) MATERIALS.—All curricula and instructional materials funded under this subchapter shall be scientifically based and age appropriate. Parents shall have the ability to inspect, upon request, any curricula or instructional materials.''.

SEC. 105. DESIGNATION OF AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended as follows:

(1) In subsection (a)—

(A) by inserting after ''community'' in the first place it appears '', including a community-based or faith-based organization'';

(B) by inserting ''(1)'' after ''(a)'';

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(D) by adding the following at the end thereof:

''(2) In order to be designated as a Head Start agency and to receive a grant under this subchapter, a grantee shall establish grantee-determined goals for improving the school readiness of children participating in a program under this subchapter, which shall include goals for—

''(A) educational instruction in prereading, premathematical, and language skills; and

''(B) the provision of health, educational, nutritional, social, and other services.

''(3) In order to receive a grant subsequent to the initial grant provided following the date of enactment of this subchapter, the grantee shall demonstrate that it has met the goals described in paragraph (2).

''(4) Progress in meeting such goals shall not be measured primarily or solely by the results of assessments.''.

(2) By amending subsection (c) to read as follows:

''(c) In the administration of the provisions of this section, the Secretary shall, in consultation with the chief executive officer of the State involved if such State expends non-Federal funds to carry out Head Start programs, give priority in the designation of Head Start agencies to any local public or private nonprofit or for-profit agency which is receiving funds under any Head Start program on the date of the enactment of this Act that fulfills the program and financial management requirements, standards described in section 641A(a)(1), results-based performance measures developed by the Secretary under section 641A(b), or other requirements established by the Secretary.''.

(3) By amending subsection (d) to read as follows:

''(d) If no entity in a community is entitled to the priority specified in subsection (c), then the Secretary may designate a Head Start agency from among qualified applicants in such community. In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures. In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

''(1) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

''(2) the capacity of such applicant to serve eligible children with scientifically-based programs that promote school readiness of children participating in the program;

''(3) the plan of such applicant to meet standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

''(4) the plan of such applicant to provide comprehensive health, nutritional, educational, social, and other services needed to prepare children to succeed in school;

''(5) the plan of such applicant to coordinate the Head Start program it proposes to carry out with other preschool programs, including Early Reading First and Even Start programs under title I, part B, subparts 1 and 2 of the Elementary and Secondary Education Act of 1965; other preschool programs carried out under title I of the Act; programs under part C and section 619 of the Individuals with Disabilities Education Act; State prekindergarten programs; and with the educational programs such children will enter at the age of compulsory school attendance;

''(6) the plan of such applicant to coordinate the Head Start program it proposes to carry out with private entities with resources available to assist the Head Start Program meet its program needs;

''(7) the plan of such applicant—

''(A) to seek the involvement of parents of participating children in activities (at home and in the center involved where practicable) designed to help such parents become full partners in the education of their children;

''(B) to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

''(C) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.), public and school libraries, and family support programs) to such parents—

''(i) family literacy services; and

''(ii) parenting skills training;

''(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;

''(E) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

''(i) training in basic child development;

''(ii) assistance in developing communication skills;

''(iii) opportunities for parents to share experiences with other parents; or

''(iv) any other activity designed to help such parents become full partners in the education of their children;

''(F) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in subparagraphs (C) (D), and (E) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and

''(G) to extend out reach to fathers in order to strengthen the role of fathers in families by working directly with fathers and father-figures through such activities as including fathers in home visits; implementing father outreach efforts, providing opportunities for direct father-child interactions; and targeting increased male participation in the program;

''(8) the ability of such applicant to carry out the plans described in paragraphs (2), (3), and (4);

''(9) other factors related to the requirements of this subchapter;

''(10) the plan of such applicant to meet the needs of non-English background children and their families, including needs related to the acquisition of the English language;

''(11) the plan of such applicant to meet the needs of children with disabilities;

''(12) the plan of such applicant who chooses to assist younger siblings of children who will participate in the proposed Head Start program to obtain health services from other sources;

''(13) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community; and

''(14) the plan of such applicant to meet the needs of homeless children.''.

SEC. 106. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

Section 641A of the Head Start Act (42 U.S.C. 9836a) is amended as follows:

(1) In subsection (a)(1)(B) by amending clause (ii) to read as follows:

''(ii) additional education standards to ensure that the children participating in the program, at a minimum develop and demonstrate—

''(I) language skills;

''(II) prereading knowledge and skills, including interest in and appreciation of books, reading and writing either alone or with others;

''(III) premathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

''(IV) cognitive abilities related to academic achievement;

''(V) social and emotional development important for environments constructive for child development, early learning, and school success; and

''(VI) in the case of limited-English proficient children, progress toward acquisition of the English language.''.

(2) By amending subsection (a)(2)(B) to read as follows:

''(B) take into consideration—

''(i) past experience with use of the standards in effect under this subchapter on October 27, 1998;

''(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;

''(iii) developments concerning best practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;

''(iv) projected needs of an expanding Head Start program;

''(v) guidelines and standards currently in effect or under consideration that promote child health services, and projected needs of expanding Head Start programs;

''(vi) changes in the population of children who are eligible to participate in Head Start programs, including the language background and family structure of such children;

''(vii) the need for, and state-of-the-art developments relating to, local policies and activities designed to ensure that children participating in Head Start programs make a successful transition to schools; and

''(viii) the unique challenges faced by individual programs, including those that are seasonal or short term, and those that serve rural populations; and''.

(3) In subsection (a)(2)(C)(ii) by striking all that follows ''in effect on'' down to the period and inserting ''October 27, 1998''.

(4) By amending subsection (b)(2) to read as follows:

''(2) CHARACTERISTICS OF MEASURES.—The performance measures developed under this subsection shall—

''(A) be used to assess the impact of the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

''(B) be adaptable for use in self-assessment, peer review, and program evaluation of individual Head Start agencies and programs;

''(C) be developed for other program purposes as determined by the Secretary;

''(D) be appropriate for the population served; and

''(E) be reviewed no less than every 4 years, based on advances in the science of early childhood development.

The performance measures shall include the performance standards described in subsection (a)(1)(A) and (B).''.

(5) By amending subsection (b)(4) to read as follows:

''(4) EDUCATIONAL MEASURES.—Results based measures shall be designed for the purpose of promoting the competencies of children participating in Head Start programs specified in subsection (a)(1)(B)(ii), with an emphasis on measuring those competencies that have a strong scientifically-based predictability of a child's school readiness and later performance in school.''.

(6) In subsection (c)(1)(C) by striking ''the standards'' and inserting ''one or more of the performance measures developed by the Secretary under subsection (b)''.

(7) By amending subsection (c)(2) to read as follows:

''(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

''(A) that incorporate a monitoring visit, do so without prior notice of the visit to the local agency or program;

''(B) are conducted by review teams that shall include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and limited-English proficient children and their families;

''(C) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results-based performance measures developed by the Secretary pursuant to subsection (b) and with the standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1);

''(D) seek information from the communities and the States involved about the performance of the programs and the efforts of the Head Start agencies to collaborate with other entities carrying out early childhood education and child care programs in the community;

''(E) seek information from the communities where Head Start programs exist about innovative or effective collaborative efforts, barriers to collaboration, and the efforts of the Head Start agencies and programs to collaborate with the entities carrying out early childhood education and child care programs in the community;

''(F) include as part of the reviews of the programs, a review and assessment of whether a program is in conformity with the income eligibility requirements, as defined in section 645 and regulations promulgated thereunder;

''(G) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed the population and community needs (including populations of children with a limited English proficiency and children of migrant and seasonal farm-working families); and

''(H) include as part of the review the extent to which the program addresses the community needs and strategic plan identified in section 640(g)(2)(C).''.

(8) By amending so much of subsection (d)(1) as precedes subparagraph (A) to read as follows:

''(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a) or results-based performance measures developed by the Secretary under subsection (b), or fails to adequately address the community needs and strategic plan identified in 640(g)(2)(C), the Secretary shall—''

(9) By amending subsection (d)(2) to read as follows:

''(2) QUALITY IMPROVEMENT PLAN.—

''(A) AGENCY AND PROGRAM RESPONSIBILITIES.—In order to retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start Program, in order to continue to receive funds from such agency, a Head Start agency, or Head Start program that is the subject of a determination described in paragraph (1) (other than an agency or program required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

''(i) develop in a timely manner, a quality improvement plan which shall be subject to the approval of the Secretary, or in the case of a program, the sponsoring agency, and which shall specify—

''(I) the deficiencies to be corrected;

''(II) the actions to be taken to correct such deficiencies; and

''(III) the timetable for accomplishment of the corrective actions specified; and

''(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency or program received notice of the determination and of the specific deficiency to be corrected).

''(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

''(C) AGENCY RESPONSIBILITY FOR PROGRAM IMPROVEMENT.—Not later than 30 days after receiving from a Head Start program, a proposed quality improvement plan pursuant to subparagraph (A), the sponsoring agency shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.''.

(10) In subsection (d)(3) by inserting ''and programs'' after ''agencies''.

(11) Subsection (e) is amended to read as follows:

''(e) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (d), during such fiscal year. Such information shall be made available to all parents with students receiving assistance under this Act in a understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand, and in addition, make the information widely available through public means such as distribution through public agencies, and at a minimum posting such information on the Internet immediately upon publication.''.

SEC. 107. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837(b)) is amended as follows:

(1) By amending subsection (b) to read as follows:

''(b) In order to be so designated, a Head Start agency shall also—

''(1) establish a program with standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

''(2) demonstrate capacity to serve eligible children with scientifically-based curricula and other interventions that help promote the school readiness of children participating in the program;

''(3) establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests;

''(4) provide for their regular participation in the implementation of such programs;

''(5) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources;

''(6) seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

''(7) conduct outreach to schools in which Head Start children enroll, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness;

''(8) offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training;

''(9) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;

''(10) at the option of such agency, offer (directly or through referral to local entities), to such parents—

''(A) training in basic child development;

''(B) assistance in developing communication skills;

''(C) opportunities to share experiences with other parents;

''(D) regular in-home visitation; or

''(E) any other activity designed to help such parents become full partners in the education of their children;

''(11) provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (4) through (7) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities);

''(12) consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources;

''(13) perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers; and

''(14)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

''(B) refer eligible parents to the child support offices of State and local governments.''.

(2) Amend subsection (c) to read as follows:

''(c) The head of each Head Start agency shall coordinate and collaborate with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development programs, including programs under subtitle VII–B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435), Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.), and programs under Part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1445, 1419), and the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a), serving the children and families served by the Head Start agency to carry out the provisions of this subchapter.''.

(3) In subsection (d) by redesignating paragraphs (2) through (4) as paragraph (3) through (5) and inserting the following new paragraph after paragraph (1):

''(2) In communities where both public prekindergarten programs and Head Start programs operate, a Head Start agency shall coordinate with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including for outreach to identify eligible children.''.

(5) In paragraph (3) (as redesignated) of subsection (d), strike ''and'' at the end of subparagraph (A) and insert the following after subparagraph (A) and redesignate subparagraph (B) as (C):

''(B) collaborating to increase the program participation of underserved populations of eligible children; and''.

SEC. 108. HEAD START ALIGNMENT WITH K–12 EDUCATION.

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended as follows:

(1) The heading is amended to read as follows:

"SEC. 642A. HEAD START ALIGNMENT WITH K–12 EDUCATION.".

(2) In paragraph (2) after ''social workers,'' insert the following: ''McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001,''.

(3) Add the following new paragraph after paragraph (2) and redesignated paragraphs (3) through (7) as (4) through (8):

''(3) developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children's learning and development as they make such transition to school;''.

(4) Paragraph (6)(as redesignated by paragraph (3) of this section) is amended to read as follows:

''(6) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 and family outreach and support efforts under subtitle VII–B of the McKinney-Vento Homeless Assistance Act;''.

(4) In paragraph (7)(as redesignated by paragraph (3) of this section) by inserting ''and continuity in parental involvement activities'' after ''developmental continuity''.

(5) Strike ''and'' at the end of paragraph (7)(as redesignated by paragraph (3) of this section) and strike the period at the end of paragraph (8)(as redesignated by paragraph (3) of this section) and insert a semicolon.

(6) Add the following after paragraph (8):

''(9) helping parents to understand the importance of parental involvement in a child's academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school; and

''(10) developing and implementing a system to increase program participation of underserved populations of eligible children.''.

SEC. 109. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.

Section 644 of the Head Start Act (42 U.S.C. 9839) is amended in subsection (f)(2) by redesignating subparagraphs (A) through (E) as (B) through (F) and inserting the following new subparagraph before subparagraph (B) (as so redesignated):

''(A) a description of the consultation conducted by the Head Start agency with the providers in the community demonstrating capacity and capability to provide services under this Act, and of the potential for collaboration with such providers and the cost effectiveness of such collaboration as opposed to the cost effectiveness of the purchase of a facility;''

SEC. 110. ELIGIBILITY.

Section 645(a) of the Head Start Act (42 U.S.C. 9843) is amended as follows:

(1) By striking ''to a reasonable extent'' in paragraph (1)(B)(i) and inserting ''not to exceed 10 percent of the total enrollment'' and by striking ''benefit from such programs'' and inserting ''benefit from such programs, including children referred by child welfare services,''.

(2) By adding the following new paragraph at the end thereof:

''(3) The amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for programs assisted under this subchapter.''.

SEC. 111. EARLY HEAD START PROGRAMS.

(a) IN GENERAL.—Section 645A of the Head Start Act (42 U.S.C. 9643) is amended as follows:

(1) By amending paragraphs (4) and (5) of subsection (b) to read as follows:

''(4) provide services to parents to support their role as parents (including parenting skills training and training in basic child development) and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

''(5) coordinate services with services (including home-based services) provided by programs in the State and programs in the community (including programs for infants and toddlers with disabilities) to ensure a comprehensive array of services (such as health and mental health services, and family support services);''.

(2) By amending paragraph (8) of subsection (b) to read as follows:

''(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the agency responsible for administering the section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a); and''.

(3) In subsection (g)(2)(B) by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ''; and'' and by inserting the following at the end:

''(v) providing professional development designed to increase program participation for underserved populations of eligible children.''.

(b) MIGRANT AND SEASONAL PROGRAMS.—Section 645A(d)(1) of the Head Start Act (42 US.C. 9643(d)(1)) is amended to read as follows:

''(1) entities operating Head Start programs under this subpart, including migrant and seasonal Head Start programs; and''.

(c) COMMUNITY- AND FAITH-BASED ORGANIZATIONS.—Section 645A(d)(2) of the Head Start Act (42 US.C. 9643(d)(21)) is amended by inserting '', including community- and faith-based organizations'' after ''entities'' in the second place it appears.

SEC. 112. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended as follows:

(1) By inserting the following new subsection after subsection (a) and redesignating subsections (b) through (e) as subsections (c) through (f):

''(b) The Secretary shall make available to each State the money reserved in section 640(a)(2)(C)(ii) to support a State-based system delivering training and technical assistance that improves the capacity of Head Start programs within a State to deliver services in accordance with the Head Start standards in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section. The Secretary shall—

''(1) ensure eligible entities within a State are chosen by the Secretary, in consultation with the State Collaboration Board described in section 640(a)(5)(C)(i), through a competitive bid process;

''(2) ensure that existing agencies with demonstrated expertise in providing high quality training and technical assistance to improve the delivery of Head Start services, including the State Head Start Association, State agencies, migrant and seasonal Head Start programs operating in the State, and other entities currently providing training and technical assistance in early education,

be included in the planning and coordination of the State system of training and technical assistance; and

''(3) encourage States to supplement the funds authorized in section 640(a)(2)(C)(ii) with State, Federal, or local funds other than Head Start funds, to expand activities beyond Head Start agencies to include other providers of other early childhood services within a State.''.

(2) In subsection (d) (as redesignated):

(A) In paragraph (2), after ''disabilities'' insert ''and for activities described in section 1221(b)(3) of the Elementary and Secondary Education Act of 1965''.

(B) In paragraph (5) after ''assessment'' insert '', including the needs of homeless children and their families''.

(C) By striking ''and'' at the end of paragraph (10), by striking the period at the end of paragraph (11) and inserting ''; and'' and by inserting the following at the end:

''(12) assist Head Start agencies and programs in increasing program participation of eligible homeless children.''.

(3) In subsection (e) (as redesignated by paragraph (1)) by inserting '', including community- and faith-based organizations'' after ''entities''.

(4) By amending subsection (f) (as redesignated by paragraph (1)) to read as follows:

''(f) The Secretary shall provide, either directly or through grants or other arrangements, funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to non-English language background children (including services to promote the acquisition of the English language), training for personnel providing services to children determined to be abused or neglected, training for personnel providing services to children referred by or receiving child welfare services, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children.''.

(5) Insert at the end of the section:

''(g) HELPING PERSONNEL BETTER SERVE MIGRANT AND SEASONAL FARM-WORKING COMMUNITIES AND HOMELESS FAMILIES.—The Secretary shall provide, either directly or through grants, or other arrangements, funds for training of Head Start personnel in addressing the unique needs of migrant and seasonal working families, families with a limited English proficiency, and homeless families.

''(h) AUTHORIZED ACTIVITIES.—The majority of funds expended under this section shall be used to provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction. Funds shall be used to carry out activities related to any or all of the following:

''(1) Education and early childhood development.

''(2) Child health, nutrition, and safety.

''(3) Family and community partnerships.

''(4) Other areas that impact the quality or overall effectiveness of Head Start programs.

''(i) PROHIBITION ON USE OF FUNDS.—Funds under this subchapter used for training shall be used for needs identified annually by a grant applicant or delegate agency in their program improvement plan, except that funds shall not be used for long-distance travel expenses for training activities available locally or regionally or for training activities substantially similar to locally or regionally available training activities.

''(j) DEFINITION.—For purposes of this section, the term 'eligible entities' means an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services.''.

SEC. 113. STAFF QUALIFICATIONS AND DEVELOPMENT.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended as follows:

(1) By amending paragraph (2) of subsection (a) to read as follows:

''(2) DEGREE REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall ensure that not later than September 30, 2008, at least 50 percent of all Head Start teachers nationwide in center-based programs have—

''(i) a baccalaureate, or advanced degree in early childhood education; or

''(ii) a baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children.

''(B) PROGRESS.—Each Head State agency shall provide to the Secretary a report indicating the number and percentage of classroom instructors with child development associate credentials and associate, baccalaureate, or advanced degrees. The Secretary shall compile all program reports and make them available to the Committee on Education and the Workforce of the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions of the United States Senate.

''(C) REQUIREMENT FOR NEW HEAD START TEACHERS.—Within 3 years after the date of enactment of this clause, the Secretary shall require that all Head Start teachers nationwide in center-based programs hired following the date of enactment of this subparagraph—

''(i) have an associate, baccalaureate, or advanced degree in early childhood education;

''(ii) have an associate, baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children; or

''(iii) be currently enrolled in a program of study leading to an associate degree in early childhood education and agree to complete degree requirements within 3 years from the date of hire.

''(D) SERVICE REQUIREMENTS.—The Secretary shall establish requirements to ensure that individuals who receive financial assistance under this Act in order to comply with the requirements under section 648A(a)(2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of the funds.''.

(2) By adding the following at the end thereof:

''(f) PROFESSIONAL DEVELOPMENT PLANS.—Every Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time employees who provide direct services to children.''.

SEC. 114. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended as follows:

(1) By amending subsection (a)(1)(B) to read as follows:

''(B) use the Head Start programs to develop, test, and disseminate new ideas and approaches for addressing the needs of low-income preschool children (including children with disabilities and children determined to be abused or neglected) and their families and communities (including demonstrations of innovative non-center based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.''.

(1) By striking paragraph (9) of subsection (d) and inserting ''(9) REPEALED.—''.

(2) By striking clause (i) of subsection (g)(1)(A) and redesignating clauses (ii) and (iii) as clauses (i) and (ii).

(3) In subsection (g)(7)(C)(i) by striking ''1999'' and inserting ''2003'', striking ''2001'' and inserting ''2005'', and striking ''2003'' and inserting ''2006''.

(4) By amending subsection (h) to read as follows:

''(h) NAS STUDY.—

''(1) IN GENERAL.—The Secretary shall use funds allocated in section 640(a)(2)(C)(iii) to contract with the National Academy of Sciences for the Board on Children, Youth, and Families of the National Research Council to establish an independent panel of experts to review and synthesize research, theory and applications in the social, behavioral and biological sciences and shall make recommendations on early childhood pedagogy with regard to each of the following:

''(A) Age and developmentally appropriate Head Start academic requirements and outcomes, including but not limited to the domains in 641A(a)(B).

''(B) Differences in the type, length, mix and intensity of services necessary to ensure that children from challenging family and social backgrounds including: low-income children, children of color, children with special needs, and children with limited English proficiency enter kindergarten ready to succeed.

''(C) Appropriate assessments of young children for the purposes of improving instruction, services, and program quality, including systematic observation assessment in a child's natural environment, parent and provider interviews, and accommodations for children with disabilities and appropriate assessments for children with special needs, including English language learners.

''(2) COMPOSITION.—The panel shall consist of multiple experts in each of the following areas:

''(A) Child development and education, including cognitive, social, emotional, physical, approaches to learning, and other domains of child development and learning.

''(B) Professional development, including teacher preparation, to individuals who teach young children in programs.

''(C) Assessment of young children, including screening, diagnostic and classroom-based instructional assessment; children with special needs, including children with disabilities and limited English proficient children.

''(3) TIMING.—The National Academy of Sciences and the Board shall establish the panel not later than 90 days after the date of enactment of this paragraph. The panel should complete its recommendations within 18 months of its convening.

''(4) APPLICATION OF PANEL REPORT.—The results of the panel study shall be used as guidelines by the Secretary to develop, inform and revise, where appropriate, the Head Start education performance measures and standards and the assessments utilized in the Head Start program.''.

SEC. 115. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9845) is amended as follows:

(1) The first sentence of subsection (a) is amended to read as follows: ''At least once during every 2-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, a report concerning the status of children (including disabled, homeless, and non-English language background children) in Head Start programs, including the number of children and the services being provided to such children.''.

(2) Paragraph (8) of subsection (a) is amended by inserting ''homelessness'' after ''background''.

SEC. 116. HEAD START NONDISCRIMINATION PROVISIONS.

Section 654 of the Head Start Act (42 U.S.C. 9849) is amended to read as follows:

''SEC. 654. NONDISCRIMINATION PROVISIONS.

''(a)(1) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

''(2) Paragraph (1) shall not apply to a recipient of financial assistance under this subchapter that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such recipients shall comply with the other requirements contained in this subsection.

''(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this subchapter. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment (except as provided in subsection (a)(2)), in the administration of any program, project, or activity receiving assistance under this subchapter.

''(c) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract relating to the financial assistance specifically provides that no person with responsibilities in the operation of the program, project, or activity will discriminate against any individual because of a handicapping condition in violation of section 504 of the Rehabilitation Act of 1973, except as provided in subsection (a)(2).''.

SEC. 117. EFFECTIVE DATE.

The amendments made by this Act shall be effective with respect to fiscal years beginning on and after October 1, 2003.

TITLE II—STATE DEMONSTRATION PROGRAM

SEC. 201. STATE DEMONSTRATION PROGRAM.

The Head Start Act is amended by inserting after section 643 the following new section:

''SEC. 643A. STATE DEMONSTRATION PROGRAM.

''(a) GRANTS.—

''(1) IN GENERAL.—

''(A) ELIGIBLE STATES.—In the case of each eligible State that submits to the Secretary an application that fulfills the requirements of this section, the Secretary, from amounts appropriated under section 639(a), shall make a grant to the State to carry out a State demonstration program under this section, except that the Secretary shall not make such grants to more than 8 eligible States.

''(B) DETERMINATION.—The Secretary shall make awards to those States that demonstrate—

''(i) that the State standards generally meet or exceed the standards that ensure the quality and effectiveness of programs operated by Head Start agencies;

''(ii) the capacity to deliver high quality early childhood education services to prepare children, including low-income children, for school; and

''(iii) success in improving the school readiness of children.

''(2) STATE ELIGIBILITY.—A State shall be eligible to participate in the program under this section if it meets each of the following criteria:

''(A) The State has an existing State supported system providing public prekindergarten to children prior to entry into kindergarten.

''(B) The State has implemented standards as of fiscal year 2003 for school readiness that include standards for language, prereading and premathematics development for prekindergarten that are aligned with State kindergarten through twelfth grade academic content standards and which shall apply to all programs receiving funds under this part or provides an assurance that such standards will be aligned by the end of the second fiscal year of participation.

''(C) State and locally appropriated funds for prekindergarten services and Head Start services in the base year under this section shall not be less than 50 percent of the Federal funds that the grantees in the State received under this Act in the base year for services to Head Start eligible children, excluding amounts for services provided under section 645A.

''(D) The State has established a means for inter-agency coordination and collaboration in the development of the plan under subsection (h).

''(b) LEAD AGENCY.—A program under this section shall be administered by a State governmental entity designated by the Chief Executive Officer of the State as the lead State agency.

''(c) STATE OPERATION OF PROGRAM.—The State may conduct all or any part of the program under this section (including the activities specified in subsection (g)) directly or by grant, contract, or cooperative agreement.

''(d) TRANSITION.—

''(1) IN GENERAL.—For 60 months after the effective date of this section, the State shall continue to provide funds to each local grantee who—

''(A) was receiving funds under this subchapter, as in effect prior to the date of enactment of this section, and

''(B) is serving the geographic area covered by the plan in section 643A(h).

Such continuing grants shall be made in accordance with the terms of the grant made to the local grantee immediately prior to such date of enactment. This paragraph shall not apply to a grant applicant who has experienced substantial uncorrected deficiencies on Department of Health and Human Services monitoring reports during any year of the most recent 5-year period, or to a grantee that, as determined by the State, does not comply with the State plan described in subsection 643A(h) submitted to the Secretary.

''(e) FEDERAL FINANCIAL ASSISTANCE.—

''(1) ALLOCATION OF FEDERAL ALLOTMENTS TO STATE PROGRAMS.—From each total amount described in paragraph (2) allotted to a State for a fiscal year, the Secretary shall pay to a State with a program approved under this section for such fiscal year an amount equal to—

''(A) if the State program is statewide, 100 percent of such total amount; and

''(B) if the State program is limited to a geographic area or areas, the sum of—

''(i) an amount equal to the amount received by grantees in such geographic area or areas for the Federal fiscal year preceding the first fiscal year of the State program under this section; plus

''(ii) an amount bearing the same ratio to the excess (if any) above the total amount for such preceding fiscal year as the number of children less than 5 years of age from families whose income is below the poverty line in the geographic area or areas included in the program bears to the total number of such children in the State (as determined using the same data used pursuant to section 640(a)(4)(B)).

''(2) FUNDS ALLOCATED.—For purposes of paragraph (1), amounts described in this paragraph are:

''(A) BASIC STATE ALLOTMENTS.—Amounts allotted to States pursuant to section 640(a)(4), including amounts reserved pursuant to section 640(a)(5), excluding amounts for services provided under section 645A.

''(B) STATE ALLOTMENTS OF EXPANSION FUNDS.—Amounts allotted to States pursuant to section 640(a)(3)(D)(i)(I) for program expansion.

''(C) QUALITY IMPROVEMENT FUNDS.—Quality improvement funds (if any) reserved pursuant to section 640(a)(3).

''(D) TRAINING AND TECHNICAL ASSISTANCE FUNDS.—An amount bearing the same ratio to the amount set aside for training and technical assistance activities pursuant to section 640(a)(2)(C)(i) and (ii) as the State's share of amounts allotted under section 640(a)(4)(B) bears to the total amount so allotted (and for purposes of subparagraph (A), such amount shall be considered an amount allotted to the State for the fiscal year).

''(3) NON-FEDERAL MATCH.—(A) In determining the amount of Federal and non-Federal contributions for purposes of this section, the amounts required to be expended by the State under subsection (h)(14)(B) (relating to maintenance of effort) shall be excluded.

''(B) Financial assistance made available to a State under this subchapter shall be in an amount equal to 95 percent of the total amount expended for such programs. The Secretary shall require non-Federal contributions in an amount equal to 5 percent of the total amount expended under this subchapter for such programs.

''(C) Non-Federal contributions may be made in cash or in kind, fairly evaluated, including plant, equipment, or services.

''(4) COMBINED OPERATIONS WITH OTHER EARLY CHILDHOOD EDUCATION PROGRAMS.—A State may combine funds for a program under this section with funds for other early childhood programs serving children in the same age group, as long as all applicable requirements of this subchapter are met with respect to either—

''(A) the entire combined program; or

''(B) each child served in such combined program for whom the services provided are funded from appropriations under this subchapter or non-Federal matching contributions under this subchapter.

''(5) USE OF FUNDS WITHOUT REGARD TO ALLOTMENT PURPOSES.—A State may use funds received pursuant to this section for any program purpose set forth in section 636, without regard to the purposes for such funds specified in section 640.

''(6) OTHER FUNDS.—Funds received under this section shall not supplant any non-Federal, State or local funds that would otherwise be used for activities authorized under this section or similar activities carried out in the State.

''(f) COORDINATION AND CHOICE.—

''(1) IN GENERAL.—A State demonstration Program shall be coordinated with the education programs of local educational agencies in the State to ensure that the program is effectively designed to develop in children in the program the knowledge and behaviors

necessary to transition successfully to kindergarten and to succeed in school.

''(2) PROGRAMS CONCERNED.—

''(A) REQUIRED PROGRAMS.—Such coordination shall occur regarding the implementation of the following:

''(i) The Early Reading First and Even Start programs under title I, part B, subparts 2 and 3 of the Elementary and Secondary Education Act of 1965, and other preschool programs carried out under title I of that Act.

''(ii) State prekindergarten programs.

''(iii) The Ready-to-Learn Television Program under subpart 3 of part D of title II of the Elementary and Secondary Education Act.

''(B) OPTIONAL PROGRAMS.—Such coordination may occur regarding the implementation of the following:

''(i) Programs under the Child Care and Development Block Grant Act.

''(ii) Other publicly funded early childhood education programs.

''(3) PARENTAL CHOICE.—The program shall allow parents to choose the preschool program for their child.

''(g) REQUIRED SERVICES.—With funds under this section, the State shall provide services described in section 641A at least as extensive as were provided, and to at least as many low-income children and families in each fiscal year as were provided such services, with such funds in the base year in the State (or, if applicable, in the geographic area included in the State program). A program under this section shall include the following comprehensive activities designed to promote school readiness and success in school:

''(1) CHILD DEVELOPMENT AND EDUCATION.—Activities with enrolled children that promote—

''(A) cognitive development, language development, prereading, and premathematics knowledge and skills;

''(B) physical development, health, and nutrition (including through coordination with, and referral of children and families to local health service entities; and

''(C) social development important for environments constructive for child development, early learning, and school success.

''(2) PARENT EDUCATION AND INVOLVEMENT.—Activities with the parents of enrolled children directed at enhancing and encouraging—

''(A) involvement in, and ability to support, their children's educational development;

''(B) parenting skills and understanding of child development; and

''(C) ability to participate effectively in decisions relating to the education of their children.

''(3) SOCIAL AND FAMILY SUPPORT SERVICES.—Activities directed at securing appropriate social and family support services for enrolled children and their families, primarily through referral and coordination with local, State, and Federal entities that provide such services.

''(4) HEAD START SERVICES.—For purposes of paragraph (1) Head Start services furnished in a State program under this section shall include all Head Start services, other than—

''(A) Indian Head Start programs and migrant and seasonal Head Start programs supported with funds reserved under section 640(a)(2)(A); and

''(B) Early Head Start services provided under section 645A.

''(h) STATE PLAN.—A State proposing to administer a program under this section shall submit a State plan to the Secretary. The State plan shall include the following:

''(1) LEAD STATE AGENCY.—The plan shall identify the entity designated by the Chief Executive Officer of the State as the lead State agency.

''(2) GEOGRAPHIC AREA.—The plan shall specify whether the program is statewide, and, if it is not, identify the geographic area or areas covered by the plan. A geographic area may be a city, county, standard metropolitan statistical area, or such other geographic area in the State.

''(3) PROGRAM PERIOD.—A State program under this section shall be in effect for 5 Federal fiscal years.

''(4) PROGRAM DESCRIPTION.—The plan shall describe the services under subsection (f) to be provided in the program and arrangements the State proposes to use to provide the services specified in subsection (g), including how the State will leverage existing delivery systems for such services.

''(5) NEEDS ASSESSMENT.—The plan shall describe the results of a State needs assessment and shall provide an assurance that the State will use the results to identify the needs for early childhood education services within a State or geographic area to be served and is targeting services to those areas of greatest need and to expand and improve services to disadvantaged children in the State.

''(6) ASSURANCE OF COMPLIANCE.—The plan shall provide an assurance that the State program will comply with the requirements of this section, including each of the following:

''(A) PRIORITY FOR LOW-INCOME CHILDREN.—Requirements established pursuant to section 645(a) concerning the eligibility and priority of individuals for participation in Head Start programs.

''(B) CONTINUATION FOR EXISTING PROVIDERS.—An applicant who received funds under this subchapter in prior fiscal years and has not corrected any substantial deficiencies identified in the past 5 years shall not be eligible to receive any grants, contract, or cooperative agreements under this section.

''(C) PARTICIPATION OF CHILDREN WITH DISABILITIES.—Requirements pursuant to section 640(d) concerning Head Start enrollment opportunities and services for children with disabilities.

''(D) PROVISIONS CONCERNING FEES AND COPAYMENTS.—The provisions of section 645(b) concerning the charging of fees and the circumstances under which copayments are permissible.

''(E) FEDERAL SHARE; STATE AND LOCAL MATCHING.—The provisions of section 640(b) limiting Federal financial assistance for Head Start programs, and providing for non-Federal contributions.

''(F) ADMINISTRATIVE COSTS.—The provisions of section 644(b) limiting the share of program funds that may be used for developing and administering a program.

''(G) FEDERAL PROPERTY INTEREST.—Applicable provisions of this subchapter regarding the Federal Government interest in property (including real property) purchased, leased, or renovated with Federal funds.

''(7) IDENTIFICATION OF BARRIERS.—The plan shall identify barriers in the State to the effective use of Federal, State, and local public funds, and private funds, for early education and care that are available to the State on the date on which the application is submitted.

''(8) STATE GUIDELINES FOR SCHOOL READINESS.—The plan shall include—

''(A) a State definition of school readiness;

''(B) a description of the State's general goals for school readiness, including how the State intends to—

''(i) promote and maintain ongoing communication and collaboration between providers of early care and education and local educational agencies in the State;

''(ii) align early childhood and kindergarten curricula to ensure program continuity; and

''(iii) ensure that children successfully transition to kindergarten.

''(9) TEACHER QUALIFICATIONS.—The plan shall assure that the qualifications and credentials for early childhood teachers meet or exceed the standards in section 648A(a)(2)(A), (B), and (C).

''(10) PROFESSIONAL DEVELOPMENT.—The plan shall provide a description of the State plan for assuring the ongoing professional development of early childhood educators and administrators including how the State intends to—

''(A) improve the competencies of early childhood educators in meeting the cognitive and other developmental needs of young children through effective instructional strategies, methods, and skills;

''(B) develop and implement initiatives to effectively recruit and promote the retention of well-qualified early childhood educators;

''(C) encourage institutions of higher education, providers of community-based training, and other qualified providers to develop high-quality programs to prepare students to be early childhood education professionals; and

''(D) improve the quality of professional development available to meet the needs of teachers that serve preschool children.

''(11) QUALITY STANDARDS.—The State shall describe the State's standards, applicable to all agencies, programs, and projects that receive funds under this subchapter, including a description of—

''(A) standards with respect to services required to be provided, including health, parental involvement, nutritional, social, transition activities described in section 642(d) of this subchapter, and other services;

''(B)(i) education standards to promote the school readiness of children participating in a State program under title II of this subchapter; and

''(ii) additional education standards to ensure that the children participating in the program, at a minimum develop and demonstrate—

''(I) language skills;

''(II) prereading knowledge and skills, including interest in and appreciation of books, reading and writing either alone or with others;

''(III) premathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

''(IV) cognitive abilities related to academic achievement;

''(V) social development important for environments constructive for child development, early learning, and school success; and

''(VI) in the case of limited-English proficient children, progress toward acquisition of the English language;

''(C) the State's minimum standards for early childhood teacher credentials and qualifications;

''(D) the student-teacher ratio for each age-group served;

''(E) administrative and financial management standards;

''(F) standards relating to the condition and location of facilities for such agencies, programs, and projects; and

''(G) such other standards as the State finds to be appropriate.

''(12) STATE ACCOUNTABILITY SYSTEM.—

''(A) IN GENERAL.—The State plan shall—

''(i) ensure that individual providers are achieving results in advancing the knowledge and behaviors identified by the State as prerequisites for kindergarten success; and

''(ii) specify the measures the State will use to evaluate the progress toward achieving such results and the effectiveness of the

State program under this section, and of individual providers in such program.

''(B) PUBLICATION OF RESULTS.—

''(i) IN GENERAL.—Subject to clause (ii), the results shall be made publicly available in the communities served by the program.

''(ii) CONFIDENTIALITY SAFEGUARDS.—The system shall have in effect privacy safeguards ensuring that information on children included in data and results made public in accordance with clause (i) shall be in aggregated form, and shall not include information allowing identification of individual children.

''(13) TRANSITION PLAN.—The initial State plan shall make provision for transition from the direct Federal program under section 640 to the demonstration program.

''(14) COOPERATION WITH RESEARCH STUDIES.—The plan shall provide assurances that the State will cooperate with research activities described in section 649.

''(15) MAINTENANCE OF EFFORT.—The State plan shall—

''(A) contain a commitment to provide data, at such times and in such format as the Secretary requires, concerning non-Federal expenditures and numbers of children and families served in preschool and Head Start programs during the base year and each fiscal year covered under the State plan, sufficient to satisfy the Secretary that the State program will meet its obligation with respect to the maintenance of effort requirement under subparagraph (B); and

''(B) assure that the resources (which may be cash or in-kind) contributed by the State government to child care for preschool-aged children and other preschool programs, including Head Start, in the State (or, if applicable, in the geographic area included in the State program) for each fiscal year in which the program under this section is in effect shall be in an amount at least equal to the total amount of such State governmental resources contributed to support such programs in the State (or geographic area) for the base year.

''(16) TRAINING AND TECHNICAL ASSISTANCE.—The State plan shall describe the training and technical assistance activities that shall provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction.

''(i) RECORDS, REPORTS AND AUDITS.—The State agency administering the State program, and each entity participating as a Head Start service provider, shall maintain such records, make such reports, and cooperate with such audits as the Secretary may require for oversight of program activities and expenditures.

''(j) INAPPLICABILITY OF PROVISIONS CONCERNING PRIORITY IN AGENCY DESIGNATION.—The provisions of subsections (c) and (d) of section 641 (concerning priority in designation of Head Start agencies, successor agencies, and delegate agencies) shall not apply to a State program under this section.

''(k) CONSULTATION.—A State proposing to administer a program under this section shall submit, with the plan under this section, assurances that the plan was developed through timely and meaningful consultation with appropriate public and private sector entities, including—

''(1) representatives of agencies responsible for administering early education and care programs in the State, including Head Start providers;

''(2) parents;

''(3) the State educational agency and local educational agencies;

''(4) early childhood education professionals;

''(5) kindergarten teachers and teachers in grades 1 through 4;

''(6) child welfare agencies;

''(7) child care resource and referral agencies;

''(8) child care providers; and

''(9) a wide array of persons interested in and involved with early care and early education issues in the State, such as representatives of—

''(A) health care professionals;

''(B) the State agency with responsibility for the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966;

''(C) institutions of higher education;

''(D) community-based and faith-based organizations;

''(E) the business community;

''(F) State legislators and local officials;

''(G) museums and libraries;

''(H) other relevant entities in the State; and

''(I) other agencies that provide resources for young children.

''(l) STATE PLAN SUBMISSION.—An application shall be submitted by a State pursuant to this section to the Secretary, in consultation with the Secretary of Education, and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of a reasonable time beginning on the date on which the Secretary received the application, that the application is not in compliance with this section.

''(m) TREATMENT OF FUNDS.—If a State or local government contributes its own funds to supplement activities carried out under the applicable programs, the State or local government has the option to separate out the Federal funds or commingle them. If the funds are commingled, the provisions of this subchapter shall apply to all of the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

''(n) FEDERAL OVERSIGHT AUTHORITY; CORRECTIVE ACTION; WITHDRAWAL OF APPROVAL.—

''(1) FEDERAL OVERSIGHT.—The Secretary shall retain the authority to oversee the operation of the State program under this section, including through review of records and reports, audits, and onsite inspection of records and facilities and monitoring of program activities and operations.

''(2) CORRECTION OF DEFICIENCIES.—If the Secretary determines that a State program under this section substantially fails to meet the requirements of this section, the Secretary shall notify the State of the deficiencies identified and require corrective action as follows:

''(A) DEFICIENCIES CAUSING IMMEDIATE JEOPARDY.—The Secretary shall require immediate corrective action to eliminate a deficiency that the Secretary finds threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds.

''(B) OTHER DEFICIENCIES.—The Secretary, taking into consideration the nature and magnitude of a deficiency not described in subparagraph (A), and the time reasonably required for correction, may—

''(i) require the State to correct the deficiency within 90 days after notification under this paragraph; or

''(ii) require the State to implement a quality improvement plan designed to correct the deficiency within one year from identification of the deficiency.

''(3) WITHDRAWAL OF APPROVAL.—If the deficiencies identified under paragraph (2) are not corrected by the deadlines established by the Secretary, the Secretary shall initiate proceedings to withdraw approval of the State program under this section.

''(4) PROCEDURAL RIGHTS.—A State subject to adverse action under this subsection shall have the same procedural rights as a Head Start agency subject to adverse action under section 641A.

''(o) INDEPENDENT EVALUATION.—

''(1) IN GENERAL.—The Secretary shall contract with an independent organization outside of the Department to design and conduct a multi-year, rigorous, scientifically valid, quantitative evaluation of the State demonstration program.

''(2) PROCESS.—The Secretary shall award a contract within 180 days of the date of enactment of the School Readiness Act of 2003, to an organization that is capable of designing and carrying out an independent evaluation described in this subsection.

''(3) ANALYSIS.—The evaluation shall include an analysis of each State participating in the State demonstration program, including—

''(A) A quantitative description of the State prekindergarten program and Head Start programs within such State, as such programs existed prior to participation in the State demonstration program, including:

''(i) data on the characteristics of the children served, including the overall number and percentages of children served disaggregated by socioeconomic status, race and ethnicity of those served;

''(ii) the quality and characteristics of the services provided to such children; and

''(iii) the education attainment of instructional staff.

''(B) A quantitative and qualitative description of the State program after each year of participation in the State demonstration, which shall include each of the following:

''(i) A description of changes in the administration of the State program, including the Head Start program, within such State.

''(ii) The rate of progress of the State in improving the school readiness of disadvantaged children in the key domains of development.

''(iii) Data as described in subparagraph (A), as updated annually.

''(iv) The extent to which each State has met the goals established by such State with respect to annual goals as described under section 643(h)(10).

''(4) REPORT.—(A) The Secretary shall provide an interim report on the progress of such evaluation and of the progress of States participating in the State demonstration in increasing the availability of high quality prekindergarten services for low-income children not later than October 1, 2006 to the Committee on Education and the Workforce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate.

''(B) The Secretary shall provide a final report to the Committee on Education and the Workforce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate, not later than October 1, 2007, which shall include an overall evaluation of the State demonstration program, including an assessment of its success in increasing the overall availability of high quality prekindergarten services for low income children in each of the participating States as compared to a representative sample of non-participating States.

''(p) STATE PARTICIPATION AGREEMENT.—Following the submission of an application fulfilling all requirements of this section, a State that meets all eligibility requirements set forth in section 643A(a)(2) and is selected by the Secretary to participate in the demonstration program under this section shall:

''(1) maintain or increase fiscal year 2003 State funding levels for early childhood education;

''(2) provide an additional contribution of non-federal funds equal to 5 percent of the State's Federal Head Start allotment;

''(3) use Head Start funding only for the purposes of Head Start as described in section 636;

''(4) provide all comprehensive social services currently available to Head Start children, including health and nutrition;

''(5) develop a strategy to maximize parental involvement to enable parents to become full partners in the education of their children;

''(6) demonstrate that the qualifications and credentials for early childhood teachers meet or exceed the standards in section 648A(a)(2)(A), (B), and (C);

''(7) enforce quality standards for school readiness that are aligned with K–12 educational standards and generally meet or exceed the Federal Head Start performance standards;

''(8) continue funding, for a period of 60 months, all current Head Start grantees as described in section 643A(d);

''(9) provide services described in section 641A that are at least as extensive as were provided, and to at least as many low-income children and families in the State, in each fiscal year as were provided such services in the base year;

''(10) establish a comprehensive collaboration effort to integrate Head Start, state-funded pre-kindergarten programs, Even Start, Title I preschool, and Early Reading First;

''(11) participate in independent evaluations of the demonstration program authorized under this subchapter; and

''(12) submit to Federal oversight by the Secretary.

''(q) DEFINITION.—For purposes of this section, the term 'base year' means the fiscal year 2003.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. GRIJALVA moved to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendments:

Page 2, line 23, strike ''$6,870,000,000'' and all that follows down through line 26 and insert ''$7,000,000,000 for the fiscal year 2004, $7,119,000,000 for the fiscal year 2005, $7,232,904,000 for the fiscal year 2006, $7,370,329,000 for the fiscal year 2007, and $7,554,587,000 for the fiscal year 2008.''.

Page 4, strike lines 10 and 11 and insert the following:

(2)(A) By inserting, after ''13 percent of the amount appropriated for each fiscal year'' in subsection (a)(2) the following: ''or increase such reservation to 15 percent in any year in which the amount appropriated hereinafter under section 639(a) exceeds the amount appropriated under such section for fiscal year 2003, increasing such reservation only from such excess,''.

(B) By inserting '', consistent with the last sentence of this paragraph'' after ''except in subsection (a)(2)(A).''

(C) By striking ''1998'' in subsection (a)(2)(A) and inserting ''2003''.

(D) By amending the last sentence of subsection (a)(2) to read as follows: ''For any fiscal year in which the amount appropriated hereinafter under section 639(a) exceeds the amount appropriated under such section for fiscal year 2003, the Secretary, from such excess amount, shall increase the amount made available under subparagraph (A) for programs described under such subparagraph to not less than 3 percent for Indian Head Start programs and 5 percent for migrant and seasonal Head Start programs.''.

Page 5, line 16, after ''the following'' insert ''before the last sentence''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Mr. GRIJALVA demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 203 / Nays ..... 227 }

¶85.38 [Roll No. 443]

AYES—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—227

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Gephardt
Myrick
Pastor
Petri
Sullivan

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. George MILLER of California demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 216

¶85.39 [Roll No. 444]

AYES—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—216

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—2

Gephardt
Pastor

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.40 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Ms. SOLIS, pursuant to clause 7(c)(1) of rule XXII, announced her intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, as follows: (1) to include in the conference report the provisions of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and (5) as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

¶85.41 PHARMACEUTICAL MARKET ACCESS

Mr. TAUZIN, pursuant to House Resolution 335, called up the bill (H.R. 2427) to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

When said bill was considered and read twice.

After debate,

The previous question having been ordered by said resolution.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. DINGELL moved to recommit the bill to the Committee on Energy and Commerce.

By unanimous consent, the previous question was ordered on the motion to recommit.

The question being put, viva voce,

Will the House recommit said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

So the motion to recommit was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. TAUZIN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 243 / Nays 186

¶85.42 [Roll No. 445]

AYES—243

Abercrombie
Ackerman
Aderholt
Allen
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Becerra
Bell
Bereuter
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Capito
Capps
Capuano
Cardoza
Carson (IN)
Case
Castle
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Evans
Everett
Fattah
Filner
Flake
Forbes
Frank (MA)
Franks (AZ)
Frost
Garrett (NJ)
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Grijalva
Gutknecht
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hensarling
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hoyer
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jenkins
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Paul
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Rohrabacher
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Taylor (MS)
Taylor (NC)
Thornberry
Tierney
Toomey
Turner (TX)
Udall (NM)
Van Hollen
Velazquez
Vitter
Wamp
Waters
Watson
Watt
Weiner
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—186

Akin
Alexander
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bradley (NH)
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Cardin
Carson (OK)
Carter
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis (FL)
Davis, Tom
Deal (GA)
DeGette
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Dreier
Dunn
English
Eshoo
Etheridge
Farr
Feeney
Ferguson
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastert
Hayes
Hefley
Herger
Hill
Hobson
Holt
Honda
Hostettler
Houghton
Hulshof
Isakson
Issa
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (NY)
Kirk
Kline
Knollenberg
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Matheson
Matsui
McCarthy (MO)
McCotter
McCrery
McIntyre
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Murphy
Nethercutt
Ney
Norwood
Nunes
Nussle
Ose
Oxley
Pascrell
Payne
Pearce
Pence
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Rush
Ryun (KS)
Sanchez, Loretta
Saxton
Scott (GA)
Sessions
Sherman
Shimkus
Simmons
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Towns
Turner (OH)
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Waxman
Weldon (FL)
Weller
Whitfield
Wilson (SC)
Young (AK)

NOT VOTING—6

Ford
Gephardt
Gutierrez
Jefferson
Pastor
Weldon (PA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.43 PROVIDING FOR THE CONSIDERATION OF H.R. 2861

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–236) the resolution (H. Res. 338) providing for consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶85.44 PROVIDING FOR THE CONSIDERATION OF H.R. 2859

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–237) the resolution (H. Res. 339) providing for consideration of the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003.

When said resolution and report were referred to the House Calendar and ordered printed.

¶85.45 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–238) the resolution (H. Res. 340) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions report from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶85.46 MOTION TO INSTRUCT CONFEREES ON H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the motion by Mr. ROSS, to instruct conferees on the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The question being put,

Will the House agree to said motion to instruct?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 202 / Nays 214

¶85.47 [Roll No. 446]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall

Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—214

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Baker
Ballenger
Boehner
Gephardt
Gutierrez
Hefley
Hyde
Lipinski
Murtha
Myrick
Northup
Oxley
Pastor
Paul
Sanders
Smith (WA)
Stark
Sullivan
Weldon (PA)

So, the motion to instruct was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶85.48 PERMISSION TO FILE REPORT

On motion of Mr. BOEHLERT, by unanimous consent, the Committee on Science was granted permission until 4 p.m. on Friday, August 29, 2003, to file the following late reports: (H.R. 1085) NASA Flexibility Act of 2003, amended; (H.R. 2608) National Earthquake Hazards Reduction Program Reauthorization Act of 2003, as amended; (H.R. 2692) United States Fire Administration Authorization Act of 2003, as amended; (H.R. 2734) Federal Aviation Administration Research and Development Reauthorization Act; as amended; and (H.R. 2801) Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003; as amended.

¶85.49 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS

The SPEAKER pro tempore, Mr. LAHOOD, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report, prepared by my Administration, on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 24, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–108).

¶85.50 CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to 22 United States Code 6913, and the order of the House of January 8, 2003, announced the Speaker's appointment to the Congressional-Executive Commission on the People's Republic of China, the following Member of the House: Mr. WU of Oregon.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶85.51 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 285. An Act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes to the Committee on Resources and the Committee on Energy and Commerce.

S. 650. An Act to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients; to the Committee on Energy and Commerce.

¶85.52 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 24, 2003, he presented to the President of the United states, for his approval, the following bills.

H.R. 74. An Act to direct the Secretary of Agriculture to convey certain land in the lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

H.R. 255. An Act to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska.

H.R. 1577. An Act to designate the visitor center in Organ Pipe National Monument in Arizona as the ''Kris Eggle Visitor Center'', and for other purposes.

¶85.53 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BISHOP of Utah, for today until 10 p.m.

And then,

¶85.54 ADJOURNMENT

On motion of Mr. KING of New York, at 3 o'clock and 5 minutes a.m., Friday, July 25 (legislative day of Thursday, July 24), 2003, the House adjourned.

¶85.55 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2443. A bill to authorize appropriations for the Coast Guard for fiscal year 2004, to amend various laws administered by the Coast Guard, and for other purposes: with an amendment (Rept. 108–233). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 49. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes: with an amendment (Rept. 108–234). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALSH: Committee on Appropriations. H.R. 2861. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–235). Referred

to the Committee of the Whole House on the State of the Union.

[Filed on July 25 (legislative day of July 24), 2003]

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 338. Resolution providing for consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–236). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 339. Resolution for consideration of the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003 (Rept. 108–237). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 340. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–238). Referred to the House Calendar.

¶85.56 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. NUNES, Mr. TOM DAVIS of Virginia, Mr. CROWLEY, Mr. BONILLA, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. SERRANO, Mr. MARKEY, Ms. WOOLSEY, Mr. TOWNS, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. DEUTSCH, Mr. RODRIGUEZ, Mr. MORAN of Virginia, Mr. MCGOVERN, Mr. FARR, and Ms. JACKSON-LEE of Texas):

H.R. 2843. A bill to adjust the immigration status of certain Colombian and Peruvian nationals who are in the United States; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. DREIER, Mrs. MILLER of Michigan, Mr. COLE, Mr. CHABOT, and Mr. PAUL):

H.R. 2844. A bill to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes; to the Committee on House Administration.

By Mr. CASE:

H.R. 2845. A bill to amend the Merchant Marine Act, 1920, to allow transportation of merchandise in noncontiguous trade on foreign-flag vessels, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE:

H.R. 2846. A bill to amend the Merchant Marine Act, 1920, to allow transportation of merchandise in Hawaiian noncontiguous trade on foreign-flag vessels, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE:

H.R. 2847. A bill to amend the Merchant Marine Act, 1920, to allow transportation of certain agricultural goods and livestock in Hawaiian noncontiguous trade on foreign-flag vessels, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 2848. A bill to provide for Federal custody and Federal payment of costs of emergency ambulance and medical services for aliens illegally attempting to enter the United States; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SIMMONS, Mr. MICA, Mr. GREENWOOD, and Mr. MANZULLO):

H.R. 2849. A bill to amend the Immigration and Nationality Act with respect to the H-1B and L-1 visa programs to prevent unintended United States job losses, to increase the monitoring and enforcement authority of the Secretary of Labor over such programs, and for other purposes; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mr. ANDREWS, Mr. HINCHEY, Mr. FROST, Mr. KILDEE, Mr. ABERCROMBIE, Mr. PAYNE, Ms. WOOLSEY, Mr. VAN HOLLEN, Mr. HOLT, Ms. MCCOLLUM, Mr. SERRANO, Mr. OBERSTAR, Mr. EMANUEL, Mr. FORD, Mr. PASTOR, Mr. GEORGE MILLER of California, and Mr. HINOJOSA):

H.R. 2850. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the establishment in the Department of Labor of a Small Employer Health Benefits Program; to the Committee on Education and the Workforce.

By Mr. PENCE (for himself, Mr. SESSIONS, Mrs. MUSGRAVE, Mr. PAUL, Mr. RYUN of Kansas, Mr. TERRY, Mr. DOOLITTLE, Mrs. NORTHUP, Mr. FLAKE, Mr. CRANE, Mr. GARRETT of New Jersey, Mr. JONES of North Carolina, Mr. OTTER, Mr. BURTON of Indiana, and Mr. SENSENBRENNER):

H.R. 2851. A bill to amend title XXVII of the Public Health Service Act to improve the affordability of health insurance coverage for small employers; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. BURR, Mr. DAVIS of Alabama, Mr. TOWNS, Mr. DOOLITTLE, Mr. TOOMEY, Mr. FALEOMAVAEGA, Mr. WELDON of Florida, and Mrs. MYRICK):

H.R. 2852. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells; to the Committee on Energy and Commerce.

By Mr. MCGOVERN:

H.R. 2853. A bill to designate Colombia under section 244 of the Immigration and Nationality Act in order to make nationals of Colombia eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. DINGELL, Mr. BILIRAKIS, and Mr. BROWN of Ohio):

H.R. 2854. A bill to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELLER (for himself, Mr. UPTON, Mr. ENGLISH, Mr. KOLBE, Mr. BURR, and Mr. GARY G. MILLER of California):

H.R. 2855. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 50-percent bonus depreciation added by the Jobs and Growth Tax Relief Reconciliation Act of 2003; to the Committee on Ways and Means.

By Mr. GREENWOOD (for himself, Mr. FROST, and Mrs. CHRISTENSEN):

H.R. 2856. A bill to authorize the Secretary of Health and Human Services to carry out demonstration projects to increase the supply of organs donated for human transplantation; to the Committee on Energy and Commerce.

By Mr. GREENWOOD (for himself, Ms. ESHOO, and Ms. PRYCE of Ohio):

H.R. 2857. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients; to the Committee on Energy and Commerce.

By Mr. GREEN of Wisconsin:

H.R. 2858. A bill to prohibit material support for terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 2859. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2003; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. HOUGHTON):

H.R. 2860. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for qualified national service educational awards; to the Committee on Ways and Means.

By Mr. WALSH:

H.R. 2861. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 2862. A bill to amend the Satellite Home Viewer Improvement Act of 1999 to provide residents of States with single network affiliate stations to receive the signals of such stations via satellite, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of South Carolina (for himself and Mr. BAKER):

H.R. 2863. A bill to amend title 49, United States Code, relating to responsibility for intermodal equipment compliance with commercial motor vehicle safety requirements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BURGESS:

H.R. 2864. A bill to amend title 23, United States Code, to provide increased flexibility to donor States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARDOZA (for himself, Mr. DOOLEY of California, and Mr. RADANOVICH):

H.R. 2865. A bill to amend the Internal Revenue Code of 1986 to provide a credit for qualified clean-fuel vehicles which are used in certain ozone nonattainment areas; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 2866. A bill to amend title 36, United States Code, to grant a Federal charter to the Sons and Daughters of Pearl Harbor Survivors, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. BERMAN, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. BLUMENAUER, Mr. FARR, Ms. CARSON of Indiana, and Mr. WAXMAN):

H.R. 2867. A bill to reform the Federal Bureau of Investigation; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON (for himself, Mr. BELL, Mr. GREEN of Texas, Mr. RODRIGUEZ, Mr. STENHOLM, Mr. LAMPSON, Mr. ORTIZ, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. SANDLIN, Mr. TURNER of Texas, Mr. HINOJOSA, Mr. REYES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, Mr. DOGGETT, Mr. HALL, Mr. BURGESS, Mr. BARTON of Texas, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. SESSIONS, Ms. GRANGER, Mr. THORNBERRY, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. SMITH of Texas, Mr. BRADY of Texas, and Mr. BONILLA):

H.R. 2868. A bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.; to the Committee on Financial Services.

By Mr. GIBBONS:

H.R. 2869. A bill to direct the Secretary of the Interior to sell certain public lands subject to mining operations in Eureka, Lander, White Pine, Elko, and Humboldt Counties, Nevada, for the reclamation of abandoned mines in Nevada, to promote and enhance economic development, education, and local government revenues, and for other purposes; to the Committee on Resources.

By Mr. GUTIERREZ:

H.R. 2870. A bill to protect day laborers from unfair labor practices; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida (for himself, Mr. REHBERG, Mr. STENHOLM, Mr. BEREUTER, Mr. UDALL of New Mexico, Mr. EDWARDS, Mr. OTTER, Mr. UDALL of Colorado, Mr. KOLBE, Ms. CARSON of Indiana, Mrs. CUBIN, Mr. CASE, Mr. ORTIZ, Mr. HAYWORTH, Mr. ETHERIDGE, Ms. JACKSON-LEE of Texas, Mr. SIMPSON, Mr. DEUTSCH, Mr. CONYERS, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. DELAHUNT, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Florida, Ms. BORDALLO, Mr. SCOTT of Georgia, Mr. SPRATT, and Mr. FOLEY):

H.R. 2871. A bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEFFEL:

H.R. 2872. A bill to make Federal law apply to antique firearms in the same way it applies to other firearms; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon (for herself, Mr. WALDEN of Oregon, Mr. HINCHEY, Mr. WELDON of Pennsylvania, Mr. WOLF, and Mrs. MALONEY):

H.R. 2873. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to prevent the abuse of inhalants through programs under that Act, and for other purposes; to the Committee on Education and the Workforce.

By Ms. HOOLEY of Oregon:

H.R. 2874. A bill to amend title 38, United States Code, to provide improved prescription drug benefits for veterans; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina:

H.R. 2875. A bill to establish procedures for consideration of applications for award of the Purple Heart medal to veterans who were held as prisoners of war before April 25, 1962; to the Committee on Armed Services.

By Mr. LATOURETTE (for himself, Mr. PLATTS, Mr. MEEHAN, and Mrs. JONES of Ohio):

H.R. 2876. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit for amounts paid for products and counseling designed to assist individuals to cease using tobacco products; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. NADLER, Mr. COSTELLO, Mr. CRAMER, Mr. MOLLOHAN, Mr. VISCLOSKY, Mr. EVANS, Ms. SCHAKOWSKY, Mr. SHIMKUS, Mr. CRANE, Mr. JOHNSON of Illinois, Mr. DUNCAN, Mr. DAVIS of Illinois, Mr. SANDERS, Mr. LAHOOD, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. EMANUEL, and Mr. RUSH):

H.R. 2877. A bill to provide for the revocation of certain exclusions from the safeguard measures imposed by the President on imports of certain steel products; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. SERRANO, Mr. TOWNS, and Mr. MCNULTY):

H.R. 2878. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve Federal response efforts after a terrorist strike or other major disaster affecting homeland security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Mr. BROWN of Ohio, Mr. DEFAZIO, Mr. GRIJALVA, Mr. HINCHEY, Ms. LEE, Mr. LYNCH, Mr. PASCRELL, Mr. PETERSON of Minnesota, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Mr. STRICKLAND, Mr. STUPAK, and Mrs. JONES of Ohio):

H.R. 2879. A bill to repeal the Bipartisan Trade Promotion Authority Act of 2002; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD:

H.R. 2880. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOLLOHAN (for himself, Mr. MURTHA, Mr. VISCLOSKY, Mr. STUPAK, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. QUINN, Mr. LATOURETTE, and Mr. STRICKLAND):

H.R. 2881. A bill to reauthorize the Emergency Steel Loan Guarantee Act of 1999, and for other purposes; to the Committee on Financial Services.

By Mr. MORAN of Virginia:

H.R. 2882. A bill to reduce traffic congestion, promote economic development, and improve the quality of life in the metropolitan Washington region; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself and Mr. RAMSTAD):

H.R. 2883. A bill to amend the Internal Revenue Code of 1986 to provide a refundable long-term care tax credit, and to provide for programs within the Department of Health and Human Services and Department of Veterans Affairs for patients with fatal chronic illness; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:

H.R. 2884. A bill to provide dollars to the classroom; to the Committee on Education and the Workforce.

By Mr. PITTS (for himself, Mr. JOHN, Mr. SULLIVAN, Mr. PENCE, and Mr. DEMINT):

H.R. 2885. A bill to prohibit the distribution of peer-to-peer file trading software in interstate commerce; to the Committee on Energy and Commerce.

By Mr. PLATTS (for himself, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mrs. BLACKBURN, and Mr. TOWNS):

H.R. 2886. A bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 2887. A bill to provide for naturalization through service in a combat zone designated in connection with Operation Iraqi Freedom, and for other purposes; to the Committee on the Judiciary.

By Mr. SABO (for himself, Mr. KUCINICH, Mr. DEFAZIO, Ms. NORTON, Mr. SANDERS, Mr. DELAHUNT, Ms. LEE, Mr. LIPINSKI, and Ms. MCCOLLUM):

H.R. 2888. A bill to amend the Internal Revenue Code of 1986 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 2889. A bill to direct the Secretary of Commerce to conduct a study of existing and new fishery observer data to effectively map migratory patterns, delineate wintering areas and feeding grounds of Atlantic Striped Bass in the Mid-Atlantic exclusive economic zone, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 2890. A bill to protect the public's ability to fish for sport, and for other purposes; to the Committee on Resources.

By Mr. SCHIFF (for himself, Mr. ANDREWS, Mr. HINCHEY, Mr. GEORGE MILLER of California, Ms. JACKSON-LEE of Texas, Mr. WEINER, Mr. KILDEE, Mr. MCNULTY, Ms. CARSON of Indiana, Mr. BRADY of Pennsylvania, Mr. FROST, Mr. WEXLER, Mr. OWENS, Mr. ACKERMAN, Ms. WOOLSEY, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Mr. PAYNE, Mr. GRIJALVA, Mrs. JONES of Ohio, and Mr. VAN HOLLEN):

H.R. 2891. A bill to make COBRA continuing coverage more affordable for laid-off American workers; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 2892. A bill to amend the Higher Education Act of 1965 to provide for student loan

forgiveness to encourage individuals to become and remain school administrators in low income areas; to the Committee on Education and the Workforce.

By Mr. STUPAK:

H.R. 2893. A bill to direct the Secretary of Transportation to permit Federal participation in construction projects for the Mackinac Bridge Authority, Michigan; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi:

H.R. 2894. A bill to establish the Theodore Roosevelt National Wildlife Refuge and the Holt Collier Wildlife Interpretation and Education Center; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H.R. 2895. A bill to amend the Internal Revenue Code of 1986 to extend bonus depreciation for 2 years; to the Committee on Ways and Means.

By Mr. STENHOLM (for himself, Mr. BARTLETT of Maryland, Mr. ROGERS of Alabama, and Mr. HILL):

H.J. Res. 66. A joint resolution proposing an amendment to the Constitution of the United States to provide for terms of office for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. HOLT (for himself, Mr. BROWN of South Carolina, Mr. MICHAUD, Mr. SIMPSON, Mr. FILNER, Mr. EVANS, Mr. LYNCH, Mr. SERRANO, Mrs. CHRISTENSEN, Mr. RODRIGUEZ, Ms. LEE, Mr. GREEN of Wisconsin, Mr. FROST, Mr. WILSON of South Carolina, Mr. GRIJALVA, Mr. HOLDEN, Mr. ROSS, Mrs. JONES of Ohio, Mr. ENGLISH, Mr. BAKER, Mrs. MALONEY, Mr. MCDERMOTT, Mr. WYNN, Mr. ACEVEDO-VILA, Mr. KILDEE, Ms. NORTON, Mr. KIND, Ms. BORDALLO, Mr. BELL, Mr. LANTOS, Mr. SANDLIN, Ms. MAJETTE, and Mr. STRICKLAND):

H. Con. Res. 252. Concurrent resolution expressing support for the designation and goals of ''Hire a Veteran Week''; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Minnesota:

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress that there should be established a ''Free Enterprise Education Week'' to encourage schools and businesses to educate students about the free enterprise system; to the Committee on Government Reform.

By Mr. LEVIN (for himself, Ms. KAPTUR, and Mr. WELDON of Pennsylvania):

H. Con. Res. 254. Concurrent resolution expressing the sense of Congress that the 70th anniversary of the 1932-1933 man-made famine in Ukraine (''Holodomor'') should serve as a reminder of the incredible suffering and loss sustained by the Ukrainian people as a result of intentional policies implemented by the government of the former Soviet Union; to the Committee on International Relations.

By Mr. PAUL (for himself, Mr. DUNCAN, Mr. GOODE, and Mr. TANCREDO):

H. Con. Res. 255. Concurrent resolution expressing the sense of the Congress that the United States military should not become involved in the Liberian civil war, either alone or as part of a United Nations peacekeeping force; to the Committee on International Relations.

By Mr. RUSH (for himself, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. DAVIS of Illinois, Ms. LEE, Mr. PAYNE, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Ms. CARSON of Indiana, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Ms. KILPATRICK, and Mr. JEFFERSON):

H. Con. Res. 256. Concurrent resolution recognizing the Honorable Nelson Rolihlahla Mandela on his 85th birthday; to the Committee on International Relations.

By Mr. RYUN of Kansas (for himself, Mr. TIAHRT, Mr. MORAN of Kansas, Mr. EVANS, and Mr. SMITH of New Jersey):

H. Con. Res. 257. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; to the Committee on Government Reform.

By Mr. SAXTON (for himself, Mr. SHAW, Mr. WILSON of South Carolina, Mr. ROYCE, Mr. ISSA, Mr. DAVIS of Alabama, and Mr. WALSH):

H. Con. Res. 258. Concurrent resolution expressing the sense of the Congress that the Social Security promise should be kept; to the Committee on Ways and Means.

By Mr. RYAN of Ohio:

H. Res. 337. A resolution congratulating Ben Curtis on his outstanding accomplishment in winning the 2003 British Open golf tournament; to the Committee on Government Reform.

By Mr. SAXTON (for himself and Mr. ENGEL):

H. Res. 341. A resolution urging the President of the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations; to the Committee on International Relations.

¶85.57 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

151. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 67 memorializing the United States Congress to enact H.R. 369 to waive time limitations for the consideration of the Congressional Medal of Honor for Sergeant Gary Lee McKiddy; to the Committee on Armed Services.

152. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 62 memorializing the United States Congress and the Federal Trade Commission to address the issue of unsolicited commercial email, otherwise known as spam, on a national basis; to the Committee on Energy and Commerce.

153. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 68 memorializing the United States Congress to vote to ban partial birth abortions; to the Committee on the Judiciary.

154. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 37 memorializing the United States Congress to enact legislation that would remove the unfair advantages that Federal Prison Industries has in competition for business; to the Committee on the Judiciary.

155. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 80 memorializing the United States Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to prohibit the desecration of the American flag; to the Committee on the Judiciary.

156. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 103 memorializing the United States Congress to enact legislation that would remove the unfair advantages that Federal Prison Industries has in competition for business; to the Committee on the Judiciary.

157. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 90 memorializing the United States Congress to provide adequate and immediate protection, stabilization, and maintenance of the Gulf Intracoastal Waterway canal banks in southwest Louisiana; to the Committee on Transportation and Infrastructure.

158. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 4 memorializing the United States Congress to repeal the federal excise tax on telephone and other communications services; to the Committee on Ways and Means.

159. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 145 memorializing the United States Congress to support any proposed federal laws, rules or regulations that would grant federal motor fuels tax credits for diesel and gasoline refined from wood bio-mass materials; to the Committee on Ways and Means.

160. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 178 memorializing the United States Congress to review the GPO and WEB social security benefit reductions and to consider eliminating them; to the Committee on Ways and Means.

161. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 182 memorializing the United States Congress to amend the provisions of Section 418(d)(6)(C) of Title 42 of the United States Code allowing the state of Louisiana the right to amend it's retirement system; to the Committee on Ways and Means.

162. Also, a memorial of the General Assembly of the State of Nebraska, relative to Assembly Joint Resolution No. 3, memorializing that the Nevada General Assembly urge Congress to amend the Social Security Act by repealing the provisions, commonly known as the Government Pension Offset and the Windfall Elimination Provision; to the Committee on Ways and Means.

163. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 107 memorializing the United States Congress to consider the PACE and PACENET programs for inclusion in the President's proposed program to provide prescription drug benefits to recipients of Medicare; jointly to the Committees on Ways and Means and Energy and Commerce.

164. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 106 memorializing the United States Congress to pass legislation giving relief from high prescription drug prices to seniors on Medicare; jointly to the Committees on Ways and Means and Energy and Commerce.

165. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 133 memorializing the United States Congress to enact legislation to correct the flawed Medicare hospital outpatient prospective payment system methodology in order to ensure that all hospitals are appropriately reimbursed for drugs and biologics and to ensure beneficiary access to innovative biotechnology medicines; jointly to the Committees on Ways and Means and Energy and Commerce.

¶85.58 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. STRICKLAND.

H.R. 41: Mr. DOYLE and Mr. KIND.
H.R. 120: Mr. WAMP.
H.R. 167: Mr. SHADEGG.
H.R. 173: Mr. TIERNEY.
H.R. 208: Mrs. NAPOLITANO.
H.R. 236: Mr. OBERSTAR.
H.R. 284: Ms. LORETTA SANCHEZ of California, Mr. LIPINSKI, and Mr. HALL.
H.R. 290: Ms. LOFGREN and Mr. FLETCHER.
H.R. 339: Mr. GREEN of Wisconsin.
H.R. 364: Mr. TOWNS and Mr. MCNULTY.
H.R. 401: Mrs. NORTHUP.
H.R. 466: Mr. FORD and Mrs. BLACKBURN.
H.R. 528: Mr. CONYERS, Mr. BRADLEY of New Hampshire, Mr. ROGERS of Michigan, and Mr. SABO.
H.R. 548: Mr. HOLT, Mr. NEUGEBAUER, Mr. DAVIS of Illinois, and Mr. STENHOLM.
H.R. 584: Mr. KENNEDY of Rhode Island.
H.R. 631: Mr. FOLEY.
H.R. 632: Mr. FOLEY.
H.R. 668: Mr. DAVIS of Illinois.
H.R. 673: Mr. SESSIONS.
H.R. 742: Mr. DAVIS of Illinois, Mr. STUPAK, Mrs. KELLY, and Mr. WALSH.
H.R. 770: Mr. DAVIS of Illinois.
H.R. 775: Mr. JONES of North Carolina, Mr. SCHROCK, Mr. GILCHREST, Mr. HERGER, Mr. TAUZIN, Mr. DUNCAN, and Mr. WHITFIELD.
H.R. 785: Mr. BAKER and Mr. CALVERT.
H.R. 791: Mr. SESSIONS, Mr. RADANOVICH, Mrs. NORTHUP, Mr. GONZALEZ, Mr. CRAMER, and Mr. MORAN of Kansas.
H.R. 806: Mr. LATHAM.
H.R. 832: Mr. SMITH of Washington.
H.R. 852: Mr. NADLER and Ms. SOLIS.
H.R. 876: Mr. PETRI.
H.R. 898: Mr. OBERSTAR.
H.R. 919: Mr. SAXTON.
H.R. 934: Mr. GRIJALVA.
H.R. 965: Mr. MCNULTY and Mr. PRICE of North Carolina.
H.R. 970: Mr. NADLER.
H.R. 973: Mr. KING of New York.
H.R. 997: Mr. CAMP, Mrs. MILLER of Michigan, and Mr. MCCRERY.
H.R. 1078: Mr. RADANOVICH.
H.R. 1080: Ms. ROYBAL-ALLARD and Mr. OWENS.
H.R. 1093: Mr. COLE.
H.R. 1120: Mr. CHABOT.
H.R. 1130: Mr. JACKSON of Illinois.
H.R. 1245: Mr. NADLER.
H.R. 1250: Mr. POMEROY, Mr. TERRY, and Mr. PETERSON of Minnesota.
H.R. 1288: Mr. SESSIONS and Mr. TIERNEY.
H.R. 1336: Mr. GINGREY and Mr. UDALL of Colorado.
H.R. 1372: Mr. CRAMER, Mr. MILLER of North Carolina, Mr. REYNOLDS, and Mr. PUTNAM.
H.R. 1381: Mr. DELAHUNT, Mr. VAN HOLLEN, and Mr. KIND.
H.R. 1385: Mr. TIERNEY and Mr. REYES.
H.R. 1513: Mr. SAM JOHNSON of Texas, Mr. SIMMONS, and Mr. SMITH of Michigan.
H.R. 1523: Mr. WELLER.
H.R. 1563: Mr. SABO and Mr. DAVIS of Illinois.
H.R. 1605: Mr. GEORGE MILLER of California.
H.R. 1622: Ms. BALDWIN and Mr. PLATTS.
H.R. 1633: Mr. CLYBURN and Mr. MCNULTY.
H.R. 1676: Mr. DEUTSCH.
H.R. 1688: Ms. MAJETTE and Mr. FILNER.
H.R. 1717: Mr. DAVIS of Illinois.
H.R. 1734: Mr. CALVERT, Mr. TOWNS, Mr. GORDON, Mr. CARDOZA, and Mr. VAN HOLLEN.
H.R. 1751: Ms. LINDA T. SANCHEZ of California.
H.R. 1767: Mr. SAM JOHNSON of Texas and Mr. ISAKSON.
H.R. 1784: Mr. VAN HOLLEN, Mr. CUMMINGS, and Ms. LOFGREN.
H.R. 1812: Mrs. TAUSCHER, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. INSLEE, and Mr. HOUGHTON.
H.R. 1822: Ms. LOFGREN, Ms. WOOLSEY, Mr. HONDA, Mr. POMBO, Mr. SCHIFF, and Mr. CAPUANO.
H.R. 1828: Mr. SCOTT of Virginia, Mr. RUPPERSBERGER, Mr. CASE, Mr. THOMPSON of California, Mr. NUNES, Mr. HASTINGS of Washington, and Mr. SHUSTER.
H.R. 1856: Mrs. JONES of Ohio.
H.R. 1882: Mr. MILLER of Florida, Mr. BOYD, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. STEARNS, Mr. MICA, Mr. KELLER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. DAVIS of Florida, Mr. PUTNAM Ms. HARRIS, Mr. GOSS, Mr. WELDON of Florida, Mr. FOLEY, Mr. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. DEUTSCH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAW, Mr. HASTINGS of Florida, Mr. FEENEY, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1883: Mr. MILLER of Florida, Mr. BOYD, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. STEARNS, Mr. MICA, Mr. KELLER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. DAVIS of Florida, Mr. PUTNAM, Ms. HARRIS, Mr. GOSS, Mr. WELDON of Florida, Mr. FOLEY, Mr. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. DEUTSCH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SHAW, Mr. HASTINGS of Florida, Mr. FEENEY, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1890: Mr. JEFFERSON, Mr. NUSSLE, and Mr. RYAN of Wisconsin.
H.R. 1914: Mr. WICKER, Mr. SAXTON, Ms. HART, Mr. COX, Mr. JANKLOW, Mrs. CAPITO, Mr. JOHNSON of Illinois, Mr. WILSON of South Carolina, Mr. BALLENGER, and Mr. CRAMER.
H.R. 1916: Mr. LARSEN of Washington, Mr. ABERCROMBIE, Mr. WEINER, Mr. FOSSELLA, Mr. PICKERING, and Ms. LOFGREN.
H.R. 1958: Ms. MAJETTE and Mr. SHERMAN.
H.R. 1992: Ms. LEE and Mr. NADLER.
H.R. 2009: Ms. WATERS.
H.R. 2020: Ms. LOFGREN.
H.R. 2021: Mr. TIERNEY.
H.R. 2023: Mr. KILDEE.
H.R. 2038: Mr. CLAY, Mr. BERMAN, Mr. BECERRA, and Mrs. JONES of Ohio.
H.R. 2052: Ms. MCCARTHY of Missouri and Ms. ROYBAL-ALLARD.
H.R. 2068: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2069: Mr. SERRANO and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2123: Mr. TIERNEY.
H.R. 2154: Mrs. JO ANN DAVIS of Virginia.
H.R. 2205: Mr. ALEXANDER, Mr. WAXMAN, Mr. WEXLER, Mr. BISHOP of New York, Mr. GONZALEZ, Mr. PRICE of North Carolina, Mr. JOHNSON of Illinois, Mr. CARDIN, and Mr. ACKERMAN.
H.R. 2220: Mr. SESSIONS.
H.R. 2223: Mr. PLATTS.
H.R. 2238: Mr. CALVERT, Mr. DAVIS of Florda, Ms. PELOSI, Ms. ESHOO, Mr. TURNER of Texas, and Mr. MILLER of North Carolina.
H.R. 2292: Mrs. CHRISTENSEN.
H.R. 2347: Ms. ROS-LEHTINEN.
H.R. 2379: Mr. HEFLEY, Mr. PICKERING, Mr. CHOCOLA, Mr. HASTINGS of Washington, Mr. STENHOLM, and Mr. WICKER.
H.R. 2394: Mr. ALEXANDER, Mr. HOEFFEL, and Mr. LANGEVIN.
H.R. 2399: Mr. SOUDER.
H.R. 2456: Mr. MCNULTY.
H.R. 2511: Mr. STRICKLAND and Mr. TIERNEY.
H.R. 2519: Mr. GREENWOOD and Ms. ESHOO.
H.R. 2521: Mr. CASE and Mr. PICKERING.
H.R. 2524: Mr. STARK.
H.R. 2527: Mr. BAIRD.
H.R. 2532: Mr. DAVIS of Illinois.
H.R. 2569: Mr. ORTIZ and Mr. VAN HOLLEN.
H.R. 2572: Mr. ETHERDIGE.
H.R. 2579: Mr. KINGSTON and Mr. TERRY.
H.R. 2582: Mr. THOMPSON of Mississippi, Mr. LIPINSKI, Ms. WOOLSEY, Ms. NORTON, Ms. DELAURO, and Mr. MOORE.
H.R. 2608: Ms. LOFGREN.
H.R. 2621: Mrs. ESHOO.
H.R. 2625: Ms. MCCARTHY of Missouri, Mr. CASE, Mr. SERRANO, Mr. BACA, Ms. DELAURO, Ms. LORETTA SANCHEZ of California, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. TIERNEY, Mr. BELL, Ms. DEGETTE, Mr. CAPUANO, and Mr. UDALL of New Mexico.
H.R. 2659: Mr. BOYD and Ms. CORRINE BROWN of Florida.
H.R. 2665: Mr. SABO.
H.R. 2668: Mr. ENGLISH and Mr. OBERSTAR.
H.R. 2670: Mrs. JONES of Ohio.
H.R. 2671: Mr. SHADEGG.
H.R. 2674: Mr. FILNER.
H.R. 2700: Mr. LANTOS, Mrs. CHRISTENSEN, and Mrs. BONO.
H.R. 2702: Mr. LARSON of Connecticut.
H.R. 2706: Mr. BAKER, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. TAYLOR of Mississippi, Mr. EMANUEL, Mr. KIND, Mr. RYAN of Wisconsin, and Mr. BARTON of Texas.
H.R. 2718: Ms. SLAUGHTER.
H.R. 2719: Mr. ISAKSON.
H.R. 2722: Mr. MEEHAN.
H.R. 2732: Mr. PENCE, Mr. BARTON of Texas, and Mr. OTTER.
H.R. 2797: Mr. BARTLETT of Maryland.
H.R. 2801: Mr. CARTER and Mr. LARSON of Connecticut.
H.R. 2806: Mr. DUNCAN, Mr. RODRIGUEZ, Mr. EVANS, Mr. PAUL, Mr. GIBBONS, Mr. JENKINS, Ms. LOFGREN, Mr. HUNTER, and Mr. BILIRAKIS.
H.R. 2808: Mr. ALLEN, Mr. BERMAN, Mr. BARTLETT of Maryland, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. CARDIN, Mr. COSTELLO, Mr. TOM DAVIS of Virginia, Ms. DELAURO, Mr. DICKS, Mr. FRANK of Massachusetts, Mr. GOODE, Mr. GORDON, Ms. HARMAN, Mr. HINCHEY, Mr. HYDE, Mr. JOHNSON of Illinois, Mrs. JONES of Ohio, Mr. KILDEE, Ms. KILPATRICK, Mr. LANGEVIN, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. NETHERCUTT, Mr. OBERSTAR, Mr. OXLEY, Mr. PALLONE, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. STARK, Mr. UPTON, Ms. WATSON, Mr. WAXMAN, and Mr. WELDON of Pennsylvania.
H.R. 2828: Mrs. NAPOLITANO, Mr. REYES, and Mr. RODRIGUEZ.
H.J. Res. 38: Mr. MARSHALL.
H.J. Res. 56: Mr. CARTER, Mrs. EMERSON, Mr. CHOCOLA, Mr. ROHRABACHER, Mr. CRANE, Mr. SHUSTER, Mr. SESSIONS, and Mr. BEAUPREZ.
H. Con. Res. 99: Mr. TIERNEY.
H. Con. Res. 176: Mr. CASE.
H. Res. 38: Mr. BAIRD.
H. Res. 42: Mr. SHIMKUS, Mr. FROST, and Mr. ACEVEDO-VILA.
H. Res. 103: Mr. PUTNAM and Mr. PLATTS.
H. Res. 234: Mr. MATHESON, Mr. ISRAEL, Mr. PASTOR, and Mr. EHLERS.
H. Res. 285: Mr. SOUDER, Mr. VAN HOLLEN, and Mrs. KELLY.
H. Res. 307: Mr. WEXLER, Mr. KLECZKA, Ms. WOOLSEY, and Mr. MORAN of Virginia.
H. Res. 323: Mr. UPTON.

¶85.59 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1793: Mr. DAVIS of Florida.

FRIDAY, JULY 25, 2003 (86)

¶86.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
July 25, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶86.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BOOZMAN, announced he had examined and approved the Journal of the proceedings of Thursday, July 24, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶86.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3495. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Low Pathogenic Avian Influenza; Payment of Indemnity [Docket No. 02-048-2] (RIN: 0579-AB46) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3496. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 02-130-2] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3497. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State Designations; New Mexico [Docket No. 03-044-1] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3498. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Japanese Beetle; Domestic Quarantine and Regulations [Docket No. 03-057-1] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3499. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Extensions of Payments of Principal and Interest (RIN: 0572-AB79) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3500. A letter from the Congressional Review Coordinator, APHIS, Department of Transportation, transmitting the Department's final rule — Sapote Fruit Fly; Removal of Quarantined Area in Texas [Docket No. 03-032-2] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3501. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; 3-pyridinecarboxamide, 2-chloro-N-(4'chloro[1,1'-biphenyl]-2-yl); Pesticide Tolerance [OPP-2003-0246; FRL-7319-6] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3502. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of the Navy, transmitting Notice of decision to convert any commercial- or industrial-type function from performance by DOD civilian personnel to private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3503. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph W. Wehrle, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3504. A letter from the Inspector General, Department of Defense, transmitting a report entitled ''Acquisition: Summary Report on the Joint Review of Selected DoD Purchase Card Transactions (D-2003-109)'' as pursuant to Public Law 107-314 section 1007, pursuant to Public Law 107—314 section 1007; to the Committee on Armed Services.

3505. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John H. Campbell, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3506. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation ''To authorize appropriations for the United States contribution to the HIPC Trust Fund, administered by the International Bank for Reconstruction and Development''; to the Committee on Financial Services.

3507. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7811] received July 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3508. A letter from the Secretary, Department of Housing and Urban Development, transmitting a draft of proposed legislation concerning the Emergency Food and Shelter Program and its National Board appointed positions; to the Committee on Financial Services.

3509. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the Community Food and Nutrition Program for Fiscal Year 2000; to the Committee on Education and the Workforce.

3510. A letter from the Secretary, Department of Energy, transmitting a draft of proposed legislation concerning waste materials stored in silos at the Department of Energy uranium processing facility at Fernald, Ohio; to the Committee on Energy and Commerce.

3511. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Breath Nitric Oxide Test System [Docket No. 2003D-0209] received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3512. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Control of Emission of Oxides of Nitrogen From Cement Kilns [TX-164-1-7602a; FRL-7536-8] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3513. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste Final Exclusion [SW-FRL-7537-5] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3514. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards [RCRA-1998-0015; FRL-7537-4] (RIN: 2050-AF07) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3515. A letter from the AMD-PERM, OMD, FCC, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2003 [MD Docket No. 03-83] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3516. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within a sixty day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3517. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad (Transmittal No. DDTC 060-03) received July 24, 2003, pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3518. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Turkey (Transmittal No. DDTC 070-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3519. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Brazil, Russia, Ukraine, and Norway (Transmittal No. DDTC 068-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3520. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Brazil (Transmittal No. DDTC 058-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3521. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel, Singapore (Transmittal No. DDTC 059-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3522. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 071-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3523. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada (Transmittal No. DDTC 057-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3524. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Greece (Transmittal No. DDTC 074-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3525. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Israel (Transmittal No. DDTC 073-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3526. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Pacific Ocean/International Waters or Kourou, French Guiana (Transmittal No. DDTC 050-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3527. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to International Waters, Pacific Ocean (Transmittal No. DDTC 075-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3528. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to United Kingdom (Transmittal No. DDTC 062-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3529. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Taiwan [Transmittal No. DDTC 083-03], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

3530. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DDTC 080-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3531. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DTC 079-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3532. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan [Transmittal No. DDTC 072-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3533. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Turkey [Transmittal No. DDTC 061-03], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

3534. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad to India [Transmittal No. DDTC 021-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3535. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad to Japan [Transmittal No. DDTC 077-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3536. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fifth of six annual reports on enforcement and monitoring of the Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, pursuant to paragraph (c)(1) of the resolution of advice and consent, adopted by the United States Senate on July 31, 1998; to the Committee on International Relations.

3537. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued by GAO during each calendar month and cumulative list of preceding 12 months (FY 2002), pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

3538. A letter from the Director, Office of Government Ethics, transmitting the Office's draft bill, ''to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to modernize the financial disclosure process for Federal personnel, and for other purposes''; to the Committee on Government Reform.

3539. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting a draft of proposed legislation entitled ''Records Retention Facilitation Act of 2003''; to the Committee on Government Reform.

3540. A letter from the Director, Office of Congressional and Legislative Affairs, Department of the Interior, transmitting a copy of a draft bill to ''Resolve Certain Trust Fund Accounting Discrepancies within the Individual Indian Money Investment Pool''; to the Committee on Resources.

3541. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon (RIN: 1018-AI26) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3542. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce, transmitting the activities of the Northwest Atlantic Fisheries Organization for 2002; to the Committee on Resources.

3543. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of Interior, transmitting the Department's final rule — Law and Order on Indian Reservations (RIN: 1076-AE41) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3544. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting [Docket No. 021209300-3048-02; I.D. 071103A] received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3545. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 38 to the Northeast Multispecies Fishery Management Plan [Docket No. 030514123-3162-02; I.D. 041003B] (RIN: 0648-AQ78) received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3546. A letter from the Director, Regulations and Forms Services Division, Department of Homeland Security, transmitting the Department's final rule — Certificates for Certain Health Care Workers [CIS No. 2080-00] (RIN: 1615-AA10) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3547. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Release Gratuities, Transportation and Clothing: Aliens [BOP-1097-F] (RIN: 1120-AA93) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3548. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft legislative proposal entitled the ''Department of Justice Appropriations Authorization Act, Fiscal Years 2004 and 2005''; to the Committee on the Judiciary.

3549. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's concerns and objections regarding the amendment offered to H.R. 2799, the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 2004''; to the Committee on the Judiciary.

3550. A letter from the Chief, Regulations and Administrative Law, USCG, Department for Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY 03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Apalachicola River, River Junction, FL [CGD08-03-007] (RIN: 1625-AA09) received July 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3552. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Facility Security [USCG-2003-14732] (RIN: 1625-AA43) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3553. A letter from the Chief, Regulations and Administrative Law, USCG,, Department of Homeland Security, transmitting the Department's final rule — Automatic Identification System; Vessel Carriage Requirement [USCG-2003-14757] (RIN: 1625-AA67) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3554. A letter from the Chief, Regulations and Administrative Law, USCG,, Department of Homeland Security, transmitting the Department's final rule — Outer Continental Shelf Facility Security [USCG-2003-14759] (RIN: 1625-AA68) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3555. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones and Drawbridge Operation Regulations [USCG-2003-15330] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3556. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Tampa, Tampa Florida [COTP TAMPA 03-043] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3557. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, Oakland Estuary, California [COTP San Francisco Bay 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3558. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: San Diego Bay, CA [COTP San Diego 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3559. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Savannah River, Savannah, GA [COTP Savannah 03-042] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03--021] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3561. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Juan, Puerto Rico [COTP San Juan 03-052] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3562. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ponce, Puerto Rico [COTP San Juan 03-026] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mardi Gras Fireworks Display, Sabine-Neches Canal, Port Arthur, TX [COTP Port Arthur-03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3564. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Mile 119.0 to 119.8, Natrium, West Virginia [COTP Pittsburgh-02-019] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, Pennsylvania [COTP Pittsburgh-03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-013] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Cape May Harbor/Inlet [COTP Philadelphia 03-012] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Delaware River, Salem River, Christina River, and the Schuylkill River [COTP Philadelphia 03-011] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Chesapeake & Delaware Canal [COTP Philadelphia 03-010] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ice Conditions, Chesapeake & Delaware Canal [COTP Philadelphia 03-009] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tacony Palmyra Bridge, Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-008] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Peach Bottom Atomic Power Station, Susquehanna River, York County, PA [COTP PHILADELPHIA 03-006] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3573. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Packer Avenue Marine Terminal, Delaware River, Philadelphia, Pennsylvania [COTP PHILADELPHIA 03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3574. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Delaware Bay and River [COTP PHILADELPHIA 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3575. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY-03-006] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3576. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY-03-005] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3577. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY 03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3578. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Lower Mississippi River, Above Head of Passes, LA [COTP New Orleans-03-006] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3579. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 93.0 to 96.0 Above Head of Passes, New Orleans, LA [COTP New Orleans-03-005] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3580. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intracoastal Waterway (ICW), Miles 20.0 to 15.0, Barataria, LA [COTP New Orleans-03-004] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3581. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Shore, Lake Pontchartrain, Metairie, LA [COTP New Orleans-03-003] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3582. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Treasure Chest Casino, Lake Pontchartrain, Kenner, LA [COTP New Orleans-03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3583. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 94.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-03-001] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3584. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Atchafalaya River, Eugene Island Sea Buoy to MM 119.8(AR), Berwick, LA [COTP Morgan City-03-002] (RIN: 2115-AA97) received

July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3585. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pascagoula Ship Channel, Pascagoula, MS [COTP Mobile-03-006] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3586. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulfport Ship Channel, Gulfport, MS [COTP Mobile-03-005] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3587. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boggy Bayou, Niceville, Florida [COTP MOBILE-03-004] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3588. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port of Mobile, Mobile, Alabama [COTP Mobile-03-003] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3589. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones and Drawbridge Operation Regulations [USCG-2003-15330] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3590. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E airspace; Brookfield, MO [Docket No. FAA-2003-14656; Airspace Docket No. 03-ACE-25] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Hays, KS [Docket No. FAA-2003-14932; Airspace Docket No. 03-ACE-35] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pratt, KS [Docket No. FAA-2003-14933; Airspace Docket No. 03-ACE-36] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Muscatine, IA [Docket No. FAA-2003-14936; Airspace Docket No. 03-ACE-39] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3594. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Milford, IA [Docket No. FAA-2003-14934; Airspace Docket No. 03-ACE-37] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3595. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Ottumwa, IA [Docket No. FAA-2003-14938; Airspace Docket No. 03-ACE-41] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3596. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sac City, IA [Docket No. FAA-2003-15079; Airspace Docket No. 03-ACE-47] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3597. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Red Oak, IA [Docket No. FAA-2003-15078; Airspace Docket No. 03-ACE-46] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Government-Owned Contractor-Operated Vehicle Fleet Management and Reporting — received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3599. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation relating to amending title 38 of the United States Code to modify and improve authorities relating to former prisoners of war; to the Committee on Veterans' Affairs.

3600. A letter from the Secretary, Department of the Treasury, transmitting a draft bill designed to restore the HI Trust Fund to its correct financial position; to the Committee on Ways and Means.

3601. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Services's final rule — BLS Department Store Indexes for March 2003 (Announcement 2003-44) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3602. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Pre-Filing Agreements (Announcement 2003-43) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3603. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations — received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3604. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Cost-Sharing Payments (Rev. Rul. 2003-59) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3605. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Compliance initiative for nonresident aliens and foreign corporations (Notice 2003-38) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3606. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest deduction in general (Rev. Rul. 2003-97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3607. A letter from the Secretary, Department of Health and Human Services, transmitting Report and study regarding state licensure and certification standards and respiratory therapy competency examinations, pursuant to Public Law 106—113, section 107 (113 Stat. 1501A—328); jointly to the Committees on Energy and Commerce and Ways and Means.

3608. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal to amend title 5, United States Codes, to establish a Human Capital Performance Fund, to better relate Senior Executive Service pay to performance, and other purposes; jointly to the Committees on Government Reform and the Judiciary.

3609. A letter from the General Counsel, Department of Commerce, transmitting a copy of a draft bill entitled ''Fishery Conservation and Management Amendments of 2003'' and a section-by-section analysis of the proposed legislation; jointly to the Committees on Resources and the Judiciary.

3610. A letter from the Secretary, Department of Commerce, transmitting a draft bill entitled the ''Department of Commerce 21st Century Innovation Act of 2003''; jointly to the Committees on Science and Energy and Commerce.

3611. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill ''To amend title 38, United States Code, to simplify and improve pay provisions for physicians and dentists, to authorize alternate work schedules and executive pay for nurses''; jointly to the Committees on Veterans' Affairs and Government Reform.

3612. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Third Party Liability Insurance Regulations [CMS-1475-FC] (RIN: 0938-AM65) received July 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

3613. A letter from the Secretary, Department of Energy, transmitting a draft of proposed legislation to support a proposal in the President's FY 2004 Budget regarding direct funding for operation and maintenance of hydropower facilities at Army Corps of Engineers dams and revenues from the sale of power and related services by the Department of Energy's Power Marketing Administrations; jointly to the Committees on Transportation and Infrastructure, Resources, and the Budget.

3614. A letter from the Secretary, Department of Transportation, transmitting a bill entitled the ''Federal Railroad Safety Improvement Act''; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, and the Judiciary.

3615. A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation entitled ''To authorize appropriations for Fiscal Year 2004 for certain maritime programs of the Department of Transportation, and for other purposes''; jointly to the Committees on Armed Services, Ways and Means, Transportation and Infrastructure, and Resources.

3616. A letter from the Deputy Secretary, Department of State, transmitting a draft of proposed legislation entitled ''Compact of Free Association Amendments Act of 2003''; jointly to the Committees on International Relations, Resources, Agriculture, Armed Services, Energy and Commerce, Financial Services, Government Reform, the Judiciary, Science, Transportation and Infrastructure, and Ways and Means.

¶86.4 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Ms. SOLIS submitted the privileged motion to instruct the managers on the part of the House at the conference

with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, as follows: (1) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) to the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and (5) as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the nays had it.

Ms. SOLIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶86.5 PROVIDING FOR THE CONSIDERATION OF H.R. 2861

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 338):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: under the heading ''State and Tribal Assistance Grants'' beginning with '', except that, notwithstanding section 1452(n)'' through ''water contaminants''. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Ms. PRYCE of Ohio, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶86.6 PROVIDING FOR THE CONSIDERATION OF H.R. 2859

Mr. HASTINGS of Washington, by direction of the Committee on Rules, called up the following resolution (H. Res. 339):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; (2) an amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative Toomey of Pennsylvania or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

Mr. HASTINGS of Washington submitted the following amendment:

At the end of the resolution add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order as though printed in the Congressional Record pursuant to clause 8 of rule XVIII.

SEC. 3. The amendment referred to in section 2 is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) There is hereby rescinded a total of $983,600,000 of the unobligated budget authority provided for fiscal year 2003 for discretionary accounts.

(b) The rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a); and

(2) within each such account, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority provided for any of the following:

(1) The Department of Defense.

(2) The Department of Homeland Security.

(3) The Department of Veterans Affairs.

(d) If the President determines that the full application of the rescission required by subsections (a) and (b) to any program, project, or activity in fiscal year 2003 would be excessive, the President may postpone all or a portion of the rescission for such program, project, or activity, and apply the remaining amount of such rescission to budgetary authority provided for such program, project, or activity for fiscal year 2004.

(e) The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2005 a report specifying the reductions made to each program, project, and activity pursuant to this section.

After debate,

Mr. HASTINGS of Washington moved the previous question on the amendment and the resolution to their adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule

XX, announced that further proceedings on the motion were postponed.

¶86.7 MOTION TO INSTRUCT CONFEREES ON H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the unfinished business to be question on agreeing to the motion, by Ms. SOLIS, to instruct conferees on the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The question being put,

Will the House agree to said motion to instruct?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 206 / Nays 216

¶86.8 [Roll No. 447]

YEAS—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—216

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—13

Cox
Cummings
Doolittle
Gephardt
Green (TX)
Gutknecht
Hunter
Oberstar
Quinn
Royce
Smith (MI)
Sullivan
Young (AK)

So, the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶86.9 H. RES. 339—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the amendment and the resolution (H. Res. 339) providing for consideration of the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 219 / Nays 200

¶86.10 [Roll No. 448]

YEAS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)

Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Blackburn
Brown (OH)
Burton (IN)
Gephardt
Green (TX)
Honda
Kelly
McKeon
Oberstar
Quinn
Rogers (MI)
Serrano
Sullivan
Weller
Young (AK)

So the previous question on the amendment and the resolution was ordered.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So, the amendment was agreed to.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶86.11 MOTION TO INSTRUCT CONFEREES ON H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the motion, by Mr. BISHOP of Utah, to instruct conferees on the bill (H.R. 1308) to amend the Internal Revenue Service Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The question being put,

Will the House agree to said motion to instruct?

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 202 / Nays ..... 221 }

¶86.12 [Roll No. 449]

AYES—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—12

Blackburn
Conyers
Emanuel
Fattah
Gephardt
Green (TX)
Maloney
Oberstar
Quinn
Strickland
Sullivan
Young (AK)

So, the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶86.13 H. RES. 338—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the resolution (H. Res. 338) providing for consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 229 / Nays 196

¶86.14 [Roll No. 450]

YEAS—229

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—196

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Coble
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Conyers
Cooper
Fletcher
Gephardt
Green (TX)
Oberstar
Quinn
Smith (NJ)
Sullivan
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶86.15 PERMISSION TO FILE REPORT

On motion of Mr. YOUNG of Florida, by unanimous consent, the Committee on Appropriations was granted permission until midnight, July 30, 2003, to file a privileged report on the bill making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

¶86.16 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FY 2003

Mr. YOUNG of Florida, pursuant to House Resolution 339, called up the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003.

When said bill was considered and read twice.

¶86.17 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2859

On motion of Mr. YOUNG of Florida, by unanimous consent,

Ordered, That the question of adopting the amendment by Mr. Toomey to H.R. 2859 may be subject to postponement as though under clause 8 of rule XX.

After debate,

Mr. TOOMEY submitted the following amendment:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) There is hereby rescinded a total of $983,600,000 of the unobligated budget authority provided for fiscal year 2003 for discretionary accounts.

(b) The rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a); and

(2) within each such account, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority provided for any of the following:

(1) The Department of Defense.

(2) The Department of Homeland Security.

(3) The Department of Veterans Affairs.

(d) If the President determines that the full application of the rescission required by subsections (a) and (b) to any program, project, or activity in fiscal year 2003 would be excessive, the President may postpone all or a portion of the rescission for such program, project, or activity, and apply the remaining amount of such rescission to budgetary authority provided for such program, project, or activity for fiscal year 2004.

(e) The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2005 a report specifying the reductions made to each program, project, and activity pursuant to this section.

After debate,

Pursuant to House Resolution 339, the previous question was ordered on the bill and the amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. GOODLATTE, announced that the nays had it.

Mr. TOOMEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GOODLATTE, pursuant to clause 8, rule XX and the previous order of the House, announced that further proceedings on the motion were postponed.

¶86.18 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2861

On motion of Mr. YOUNG of Florida, by unanimous consent,

Ordered, That during consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, in the Committee of the Whole pursuant to House Resolution 388, no amendment to the bill may be offered except: pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; an amendment by Mr. Walsh striking provisions in title III and title IV, which may be offered en bloc; two amendments by Mr. Smith of New Jersey, each regarding medical care for veterans; an amendment by Mr. Smith of New Jersey striking section 114, which shall be debatable for 20 minutes; an amendment by Mr. Edwards regarding medical care for veterans; an amendment by Mr. Stearns regarding medical and prosthetic research; an amendment by Mr. Kirk regarding sharing agreements with the Department of Defense; an amendment by Mr. Nadler regarding the housing certificate fund, which shall be debatable for 20 minutes; an amendment by Mr. Fattah or Mr. Davis of Illinois regarding public housing, which shall be debatable for 20 minutes; an amendment by Mr. Nadler regarding housing opportunities, which shall be debatable for 20 minutes; an amendment by Mrs. Capps regarding science and technology programs of the environmental Protection Agency; an amendment by Mr. Hastings of Florida regarding environmental programs and management; an amendment by Mr. Dingell regarding environmental programs and management; an amendment by Mr. Markey regarding hazardous substance superfund, which shall be debatable for 20 minutes; an amendment by Mr. Hall regarding NASA; an amendment by Mr. Moran of Kansas regarding beneficiary travel; an amendment by Mr. Allen regarding the Clean air Act, which shall be debatable for 20 minutes; an amendment by Mr. Manzullo regarding the Buy America Act; an amendment by Mr. Sanders or Mr. Kanjorski regarding veterans integrated service networks; an amendment by Mr. Lynch regarding veterans; an amendment by Mr. Moore regarding Capital Asset Realignment for Enhanced Services; an amendment by Mr. Case regarding redesignation of Hawaiian counties; an amendment by Ms. Lee or Ms. Schakowsky regarding homeless assistance grants, which shall be debatable for 20 minutes; an amendment by Ms. Inslee or Mr. Hinchey regarding environmental programs and management; two amendments by Ms. Jackson-Lee of Texas regarding NASA, each of which shall be debatable for five minutes; an amendment by Mr. Bishop of New York regarding human testing of pesticides; an amendment by Mr. Meeks of New York regarding VA clinics, which shall be debatable for 20 minutes. Each amendment may be offered only by the Member designated, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request, if it addresses in whole or in part the object described.

¶86.19 VA-HUD APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. GOODLATTE, pursuant to House Resolution 338 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2861) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004.

The SPEAKER pro tempore, Mr. GOODLATTE, by unanimous consent, designated Mr. SHIMKUS as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. NUSSLE assumed the Chair; and after some time spent therein,

¶86.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SMITH of New Jersey:

Strike section 114.

It was decided in the negative ..... { Yeas ..... 347 / Nays 77

¶86.21 [Roll No. 451]

AYES—347

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Ford
Fossella
Frank (MA)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Nadler
Napolitano
Neugebauer
Ney
Norwood
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield

Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)

NOES—77

Aderholt
Barton (TX)
Biggert
Bishop (UT)
Blunt
Bonilla
Bonner
Brady (TX)
Buyer
Cannon
Cantor
Castle
Collins
Culberson
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Everett
Flake
Foley
Franks (AZ)
Frelinghuysen
Gilchrest
Granger
Hastings (WA)
Hobson
Houghton
Hulshof
Istook
Johnson, Sam
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lewis (CA)
Murtha
Musgrave
Myrick
Nethercutt
Northup
Nunes
Nussle
Osborne
Otter
Pearce
Petri
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rogers (KY)
Saxton
Schrock
Sessions
Shadegg
Sherwood
Simpson
Souder
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Wicker
Wolf
Young (FL)

NOT VOTING—10

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Neal (MA)
Oberstar
Ros-Lehtinen
Sullivan

So the amendment was agreed to.

¶86.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. STEARNS:

In title I, in the item relating to ''VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH'', after the aggregate dollar amount, insert the following: ''(increased by $5,000,000)''.

In title III, in the item relating to ''CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES'', after the first (aggregate) and fourth (AmeriCorps grants) dollar amounts, insert the following: ''(reduced by $12,217,000)''.

It was decided in the negative ..... { Yeas ..... 154 / Nays 261

¶86.23 [Roll No. 452]

AYES—154

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Edwards
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
McCotter
McHugh
McInnis
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Obey
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Platts
Pombo
Porter
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Simmons
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Stenholm
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—264

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Grijalva
Hall
Harman
Hastings (FL)
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Shimkus
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wicker
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—16

Cooper
Fletcher
Gephardt
Green (TX)
Greenwood
Gutierrez
Hinchey
Holt
Issa
Kelly
McCrery
Millender-McDonald
Oberstar
Radanovich
Ros-Lehtinen
Sullivan

So the amendment was not agreed to.

¶86.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6 submitted by Mr. NADLER:

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND'', after each of the first, second, and fourth dollar amounts, insert the following: ''(increased by $150,000,000)''.

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—WORKING CAPITAL FUND'', after the first dollar amount, insert the following: ''(reduced by $150,000,000)''.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 208

¶86.25 [Roll No. 453]

AYES—217

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frost
Gonzalez
Goss
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)

Nussle
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—208

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stupak
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Oberstar
Ros-Lehtinen
Sullivan

So the amendment was agreed to.

¶86.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MARKEY:

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY; HAZARDOUS SUBSTANCE SUPERFUND'' after the second and fourth dollar amounts insert ''(increased by $114,716,000)''.

In title III, in the item relating to ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; SCIENCE, AERONAUTICS AND EXPLORATION'' after the second dollar amount insert ''(reduced by $114,716,000)''.

It was decided in the negative ..... { Yeas ..... 114 / Nays 309

¶86.27 [Roll No. 454]

AYES—114

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Bass
Berkley
Bishop (NY)
Blumenauer
Bradley (NH)
Brady (PA)
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Chocola
Clay
Conyers
Costello
Crowley
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Emanuel
Engel
Eshoo
Evans
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Grijalva
Gutierrez
Hoeffel
Holden
Honda
Hooley (OR)
Inslee
Jackson (IL)
Johnson (CT)
Johnson (IL)
Kelly
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lynch
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Michaud
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Ramstad
Rangel
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Saxton
Schakowsky
Shays
Simmons
Slaughter
Smith (WA)
Solis
Stark
Strickland
Terry
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Waxman
Weiner
Woolsey

NOES—309

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carter
Castle
Chabot
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Farr
Feeney
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holt
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Marshall
Matheson
McCotter
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
Hunter
McCrery
Oberstar
Ros-Lehtinen
Sullivan
Wilson (NM)

So the amendment was not agreed to.

¶86.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. LEE:

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOMELESS ASSISTANCE GRANTS'', after the first and second dollar amounts, insert the following: ''(increased by $83,000,000)''.

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—WORKING CAPITAL FUND'', after the first dollar amount, insert the following: ''(reduced by $83,000,000)''.

It was decided in the negative { Yeas ..... 192 / Nays ..... 232 }

¶86.29 [Roll No. 455]

AYES—192

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—232

Aderholt
Akin
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Oberstar
Ros-Lehtinen
Sullivan
Wilson (NM)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. LATOURETTE, assumed the Chair.

When Mr. SHIMKUS, Chairman, pursuant to House Resolution 338, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Under Title I, Department of Veterans Affairs, Administrative Provisions, add the following new section:

SEC. . The Secretary of Veterans Affairs shall maximize, to the greatest extent possible, sharing agreements for services, programs and facilities with the Department of Defense, particularly in areas where facilities and/or targeted populations are in close proximity: Provided, That the Secretary of Veterans Affairs shall submit a report to the Committees on Appropriations no later than December 1, 2003,detailing restrictive regulations, policies, and regulatory redundancies that inhibit resource sharing, and provide milestone dates to address each identified issue.

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT'', after the aggregate dollar amount, insert the following: ''(increased by $550,000)''.

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—BUILDINGS AND FACILITIES'', after the aggregate dollar amount, insert the following: ''(reduced by $550,000)''.

In title III in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY; STATE AND TRIBAL ASSISTANCE GRANTS'', strike '', except that, notwithstanding section 1452(n)'' through ''water contaminants''.

In title IV, strike sections 408 and 409.

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT'', after the aggregate dollar amount, insert the following: ''(reduced by $1,000,000) (increased by $1,000,000)''.

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)'', after the second dollar amount, insert the following: ''(increased by $4,500,000)''.

Strike section 114.

In title III, in the item relating to ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION; SPACE FLIGHT CAPABILITIES'', insert ''of which $15,000,000 of amounts for the Space Shuttle Life Extension Program shall be for the development and independent assessment of concepts to increase Space Shuttle crew survivability for crew sizes of 4 to 7 astronauts by at least a factor of 20 relative to the demonstrated crew survival rate of the Space Shuttle to date, and'' after ''September 30, 2005,''.

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY; SCIENCE AND TECHNOLOGY'', after the last dollar amount, insert the following: ''(reduced by $7,300,000)''.

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY; LEAKING UNDERGROUND STORAGE TANK TRUST FUND'', after the last dollar amount, insert the following: ''(increased by $7,300,000)''.

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

In title II, in the item relating to ''COMMUNITY PLANNING AND DEVELOPMENT; HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS'', after the first dollar amount insert ''(increased by $5,000,000)''

In title III, in the item relating to ''NATIONAL SCIENCE FOUNDATION; RESEARCH AND RELATED ACTIVITIES'', after the first and second dollar amounts insert ''(reduced by $5,000,000).''

At the end of the bill, before the short title, insert the following:

SEC. 421. None of the funds provided in this Act may be expended to apply, in a numerical estimate of the benefits of an agency action prepared pursuant to Executive Order 12866 or section 812 of the Clean Air Act, monetary values for adult premature mortality that differ based on the age of the adult.

To insert after final bill section:

SEC. . SENSE OF CONGRESS REGARDING WAIT TIMES FOR VETERANS

An amendment expressing the sense of Congress that no veteran should wait more

than thirty days for an initial doctor's appointment.

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to accept, consider, or rely on third-party intentional dosing human studies for pesticides.

In title III, in the item relating to ''ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT'', after the aggregate dollar amount, insert the following: ''(reduced by $5,400,000) (increased by $5,400,000)''.

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND'', after each of the first, second, and fourth dollar amounts, insert the following: ''(increased by $150,000,000)''.

In the item relating to ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MANAGEMENT AND ADMINISTRATION—WORKING CAPITAL FUND'', after the first dollar amount, insert the following: ''(reduced by $150,000,000)''.

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for voluntary separation incentive payments as provided for in subchapter II of chapter 35 of title 5, United States Code, unless the Administrator has first certified to Congress that such payments would not result in the loss of skills related to the safety of the Space Shuttle or the International Space Station or to the conduct of independent safety oversight in the National Aeronautics and Space Administration.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

¶86.30 ORDER OF BUSINESS—VOTES

On motion of Mr. WALSH, by unanimous consent,

Ordered, That the remaining votes on final passage, if ordered, on the concurrent resolution on adjournment, and on the Toomey amendment to the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003; as amended, be conducted as five-minute votes, if there are no intervening record votes ordered.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that pursuant to clause 10 of rule XX and the previous order of the House, the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 316 / Nays 109

¶86.31 [Roll No. 456]

YEAS—316

Abercrombie
Ackerman
Aderholt
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Castle
Chabot
Clay
Clyburn
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Hall
Harman
Harris
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Houghton
Hoyer
Hulshof
Hunter
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schiff
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—109

Akin
Alexander
Allen
Baird
Barrett (SC)
Bartlett (MD)
Beauprez
Bilirakis
Blackburn
Boozman
Boswell
Bradley (NH)
Brown (OH)
Brown-Waite, Ginny
Burgess
Burns
Carson (IN)
Carson (OK)
Carter
Case
Chocola
Coble
Conyers
Costello
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
English
Evans
Feeney
Filner
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Gerlach
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hart
Hayworth
Hefley
Hensarling
Hill
Honda
Hooley (OR)
Hostettler
Hyde
Inslee
Jackson (IL)
Janklow
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kind
King (NY)
Kline
Kucinich
Langevin
Larsen (WA)
Lee
Lewis (KY)
LoBiondo
McCollum
McCotter
McInnis
McIntyre
Michaud
Miller (FL)
Moran (KS)
Murphy
Musgrave
Nussle
Obey
Paul
Pomeroy
Ramstad
Renzi
Rodriguez
Rogers (MI)
Ryan (OH)
Ryan (WI)
Ryun (KS)
Schakowsky
Schrock
Sensenbrenner
Simmons
Smith (MI)
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Tancredo
Tanner
Tauscher
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Velazquez
Watt
Wexler

NOT VOTING—10

Cooper
Fletcher
Gephardt
Green (TX)
Hinchey
McCrery
Oberstar
Ros-Lehtinen
Sullivan
Wilson (NM)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.32 PROVIDING FOR THE ADJOURNMENT OF THE TWO HOUSES

Mr. DELAY pursuant to section 5, House Resolution 299, submitted the following concurrent resolution (H. Con. Res. 259):

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, July 25, 2003, or Saturday, July 26, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Wednesday, September 3, 2003 or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, July 25, 2003, through Monday, August 4, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 2, 2003, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to section 132 of the Legislative Reorganization Act of 1946, announced that a roll call vote was required.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 376 / Nays 40

¶86.33 [Roll No. 457]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutierrez
Gutknecht
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McCotter
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—40

Alexander
Baca
Becerra
Bell
Bishop (NY)
DeFazio
DeLauro
Dicks
Doggett
Fattah
Filner
Grijalva
Hall
Harman
Holt
Lee
Lofgren
Maloney
McCarthy (NY)
Meek (FL)
Menendez
Olver
Pastor
Pelosi
Rahall
Sanchez, Linda T.
Schakowsky
Schiff
Scott (VA)
Sherman
Solis
Strickland
Tanner
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Watt
Weiner
Wexler

NOT VOTING—19

Boehner
Burton (IN)
Cooper
Diaz-Balart, L.
Everett
Fletcher
Gephardt
Green (TX)
Hinchey
Jackson-Lee (TX)
Lipinski
McCrery
Miller, George
Oberstar
Ros-Lehtinen
Sessions
Sullivan
Taylor (NC)
Wilson (NM)

So the concurrent resolution was agreed to.

A motion to reconsider the votes whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶86.34 H.R. 2859—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LATOURETTE, pursuant to the previous order of the House, announced the unfinished business to be the further proceedings of the bill (H.R. 2859) making emergency supplemental appropriations for the fiscal year ending September 30, 2003; as amended.

The question being put,

Will the House agree to the amendment submitted by Mr. TOOMEY?

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) There is hereby rescinded a total of $983,600,000 of the unobligated budget authority provided for fiscal year 2003 for discretionary accounts.

(b) The rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a); and

(2) within each such account, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) The rescission in subsection (a) shall not apply to budget authority provided for any of the following:

(1) The Department of Defense.

(2) The Department of Homeland Security.

(3) The Department of Veterans Affairs.

(d) If the President determines that the full application of the rescission required by subsections (a) and (b) to any program, project, or activity in fiscal year 2003 would be excessive, the President may postpone all or a portion of the rescission for such program, project, or activity, and apply the remaining amount of such rescission to budgetary authority provided for such program, project, or activity for fiscal year 2004.

(e) The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2005 a report specifying the reductions made to each program, project, and activity pursuant to this section.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 111 / Nays 300

¶86.35 [Roll No. 458]

YEAS—111

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bishop (UT)
Blackburn
Boyd
Brady (TX)
Brown-Waite, Ginny
Burgess
Burr
Buyer
Camp
Cannon
Cardoza
Case
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Cubin
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Dooley (CA)
Duncan
Dunn
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Gutknecht
Hall
Harman
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Isakson
Issa
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
Kline
Manzullo
Marshall
McCotter
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Nussle
Otter
Paul
Pence
Petri
Pickering
Pitts
Platts
Radanovich
Ramstad
Renzi
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (MI)
Smith (WA)
Stearns
Stenholm
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Toomey
Vitter
Wilson (SC)

NAYS—300

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Carter
Castle
Clay

Clyburn
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (WI)
Greenwood
Grijalva
Gutierrez
Harris
Hastings (FL)
Hastings (WA)
Hill
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Boehner
Burton (IN)
Conyers
Cooper
Diaz-Balart, L.
Evans
Everett
Fletcher
Gephardt
Green (TX)
Hinchey
Hunter
Jackson-Lee (TX)
Lewis (KY)
Lipinski
McCarthy (MO)
McCrery
Miller, George
Oberstar
Ros-Lehtinen
Slaughter
Sullivan
Wilson (NM)

So the amendment was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LATOURETTE, announced that pursuant to clause 10 of rule XX and the previous order of the House, the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 352 / Nays 60

¶86.36 [Roll No. 459]

AYES—352

Abercrombie
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Costello
Cramer
Crane
Crenshaw
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Wamp
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—60

Akin
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Blumenauer
Cannon
Cox
Crowley
Cubin
Deal (GA)
DeFazio
DeGette
Duncan
Ehlers
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Green (WI)
Hayworth
Hefley
Hensarling
Herger
Hooley (OR)
Hostettler
Johnson, Sam
Jones (NC)
Kucinich
McInnis
Miller (FL)
Musgrave
Myrick
Nussle
Otter
Paul
Peterson (PA)
Petri
Pitts
Ramstad
Rehberg
Renzi
Rohrabacher
Royce
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Stearns
Stenholm
Tancredo
Toomey
Udall (CO)
Udall (NM)
Walden (OR)
Waters

NOT VOTING—23

Ackerman
Brady (TX)
Burton (IN)
Cooper
Delahunt
Diaz-Balart, L.
Everett
Fletcher
Gephardt
Green (TX)
Hinchey
Israel
Lipinski
McCarthy (MO)
McCrery
Oberstar
Ros-Lehtinen
Ryan (WI)
Scott (GA)
Slaughter
Sullivan
Weiner
Wilson (NM)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.37 STATE CHILDREN'S HEALTH INSURANCE PROGRAM

On motion of Mr. TAUZIN, by unanimous consent, the Committee on Energy and Commerce was discharged from further consideration of the bill (H.R. 2854) to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.38 MOSQUITO-BORNE DISEASES

On motion of Mr. TAUZIN, by unanimous consent, the bill of the Senate (S. 1015) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶86.39 AVIATION ADMINISTRATION AUTHORIZATION

Mr. YOUNG of Alaska submitted a conference report (Rept. No. 108–240) on the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶86.40 PRISON RAPE

On motion of Mr. SENSENBRENNER, by unanimous consent, the bill of the Senate (S. 1435) to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶86.41 BARBARA B. KENNELLY POST OFFICE BUILDING

On motion of Mr. TURNER of Ohio, by unanimous consent, the Committee on Government Reform was discharged from further consideration of the bill (H.R. 2746) to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.42 NATIONAL MARINA DAY

On motion of Mr. PORTER, by unanimous consent, the Committee on Transportation and Infrastructure was discharged from further consideration of the following resolution (H. Res. 323):

Whereas Americans place a high value on recreation time and the ability to access one of the United States' greatest natural resources, its waterways;

Whereas, in 1928, the word ''marina'' was adopted by the National Association of Engine and Boat Manufacturers to define a recreational boating facility;

Whereas the United States is home to over 12,000 marinas that contribute substantially to their local communities by providing safe, reliable gateways to boating for members of their communities and their guests;

Whereas marinas help preserve their environments by protecting the surrounding waterways, permitting not only this generation but future generations to enjoy these precious natural resources;

Whereas the Nation's marinas provide their communities and visitors with a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation;

Whereas more than 140,000 people are employed at marinas, which create jobs and generate tax revenues for their communities;

Whereas the Marina Operators Association of America has proclaimed August 9, 2003, to be National Marina Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Marina Day;

(2) recognizes America's marinas for their many contributions to their local communities; and

(3) urges all Americans to become more aware of the overall contributions marinas make to the well-being of the United States.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶86.43 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2765

On motion of Mr. DREIER, by unanimous consent,

Ordered, That it may be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, which shall proceed according to the following order: The first reading of the bill shall be dispensed with; all points of order against consideration of the bill are waived; general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; after general debate, the bill shall be considered for amendment under the five-minute rule; points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except section 119; the amendment printed in House Report 108-230 may be offered only by Mr. Tom Davis of Virginia, and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable 40 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments are waived; during consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII; amendments so printed shall be considered as read.

Ordered further, That at the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Ordered further, That House Resolution 334 be laid on the table.

¶86.44 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DREIER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 3, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶86.45 ADJOURNMENT OVER

On motion of Mr. DREIER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 4 p.m. on Tuesday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 259, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶86.46 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2555. An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2555) ''An Act making appropriations for the Department of

Homeland Security for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. CAMPBELL, Mr. CRAIG, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, and Mrs. MURRAY, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 40. A concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. Con. Res. 62. A concurrent resolution honoring the service and sacrifice of Korean War veterans.

The message also announced that pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, the Chair, on behalf of the Majority Leader, appoints the Senator from Minnesota [Mr. COLEMAN] as a member of the United States Senate Caucus on International Narcotics Control.

¶86.47 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. SIMPSON, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
July 25, 2003.

I hereby appoint the Honorable TOM DAVIS or, if not available to perform this duty, the Honorable FRANK R. WOLF or, if not available to perform this duty, the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 3, 2003.

J. DENNIS HASTERT,
Speaker of the House of Representatives.t

By unanimous consent, the appointments were approved.

¶86.48 INSPECTOR GENERAL FOR UNITED STATES HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 6 of rule II, and the order of the House of January 8, 2003, announced the joint appointment by the Speaker, Majority Leader, and the Minority Leader of Mr. Steven A. McNamara of Sterling, Virginia, to the position of Inspector General for the United States House of Representatives for the 108th Congress effective January 3, 2003.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶86.49 JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore, Mr. SIMPSON, announced that the Speaker, pursuant to Section 2(a) of the National Cultural Center Act (20 United States Code 76h(a)), amended by Public Law 107-117, and the order of the House of January 8, 2003, appointed to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, the following Member: Mr. KENNEDY of Rhode Island.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶86.50 UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore, Mr. SIMPSON, announced that the Speaker, pursuant to 36 United States Code 2301, and the order of the House of January 8, 2003, appointed to the United States Holocaust Memorial Council, the following Members: Mr. LANTOS and Mr. FROST.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶86.51 UNITED STATES COAST GUARD ACADEMY BOARD OF VISITORS

The SPEAKER pro tempore, Mr. SIMPSON, announced that the Speaker, pursuant to 14 United States Code 194(a), and the order of the House of January 8, 2003, appointed to the Board of Visitors to the United States Coast Guard Academy, the following Member: Mr. FILNER.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶86.52 SENATE CONCURRENT RESOLUTION REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 62. A concurrent resolution honoring the service and sacrifice of Korean War veterans; to the Committee on Veteran Affairs; in addition to the Committee on International Relations for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶86.53 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. JACKSON-LEE of Texas, for today after 6 p.m.

And then,

¶86.54 ADJOURNMENT

Mr. BROWN of Ohio, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to the previous order of the House, at 7 o'clock 10 minutes p.m., the House stands adjourned until 4 p.m. on Tuesday, July 29, 2003, unless it sooner has received a message from the Senate transmitting its concurrent in House concurrent Resolution 259, in which case the House shall stand adjourned pursuant to House Concurrent Resolution 259.

¶86.55 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1303. A bill to amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference; with an amendment (Rept. 108–239). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee of Conference. Conference report on H.R. 2115. A bill to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 108–240). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1561. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes; with an amendment (Rept. 108–241). Referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2535. A bill to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965; with an amendment (Rept. 108–242 Pt. 1). Ordered to be printed.

¶86.56 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 180. Referral to the Committees on Ways and Means and Government Reform extended for a period ending not later than July 25, 2003. Referral to the Committee on Rules extended for a period ending not later than October 3, 2003.

H.R. 1837. Referral to the Committee on the Judiciary extended for a period ending not later than September 3, 2003.

H.R. 2535. Referral to the Committee on Financial Services extended for a period ending not later than September 2, 2003.

¶86.57 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on the Budget, Ways and Means and Government Reform discharged from further consideration of H.R. 180.

Pursuant to clause 2 of rule XII the Committees on Armed Services, Science and Ways and Means discharged, from further consideration. H.R. 1836 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration of H.R. 1837.

¶86.58 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 2896. A bill to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad; to the Committee on Ways and Means.

By Ms. CARSON of Indiana (for herself, Mr. CONYERS, Mr. KUCINICH, Ms. LEE, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms.

MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. SANDERS, Mr. WEXLER, Mr. GRIJALVA, Ms. WOOLSEY, Mr. REYES, Ms. SCHAKOWSKY, Mr. RANGEL, Ms. MAJETTE, Ms. SLAUGHTER, Mr. THOMPSON of Mississippi, Mr. EVANS, Mr. PAYNE, Mr. MCDERMOTT, Mr. CAPUANO, Mr. WEINER, Ms. MCCOLLUM, and Mr. EMANUEL):

H.R. 2897. A bill to end homelessness in the United States; to the Committee on Financial Services, and in addition to the Committees on Agriculture, Energy and Commerce, Education and the Workforce, Government Reform, Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Ms. ESHOO, Mr. UPTON, Mr. MARKEY, Mr. DINGELL, Mr. TERRY, Mr. TOWNS, Mr. PICKERING, Mr. GILLMOR, Mrs. BONO, Mr. WHITFIELD, Ms. SLAUGHTER, Mr. GREEN of Texas, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. KIND, Mr. FRANK of Massachusetts, Mr. WYNN, Mr. GRIJALVA, Mr. FROST, Mr. RUPPERSBERGER, Mr. GORDON, Mr. ENGEL, Mr. PETERSON of Pennsylvania, and Mr. STUPAK):

H.R. 2898. A bill to improve homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KOLBE (for himself and Mr. FLAKE):

H.R. 2899. A bill to establish two new categories of nonimmigrant workers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH (for himself, Mr. JEFFERSON, Mr. FOLEY, Mr. RAMSTAD, Mr. CANTOR, Mr. HOUGHTON, Mr. HAYES, Mr. FEENEY, Mr. ROGERS of Alabama, Mr. ENGLISH, Mr. WELLER, Mr. MCINNIS, and Mr. CAMP):

H.R. 2900. A bill to amend the Internal Revenue Code of 1986 to provide for a 7-year recovery period for motorsports entertainment complexes; to the Committee on Ways and Means.

By Mr. FOSSELLA:

H.R. 2901. A bill to protect human health and the environment from the release of hazardous substances by acts of terrorism; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. CASE, Mr. TIERNEY, Mr. CARTER, Mr. DUNCAN, and Mr. EMANUEL):

H.R. 2902. A bill to establish the Corporate Subsidy Reform Commission to review inequitable Federal subsidies and make recommendations for termination, modification, or retention of such subsidies, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. SHAYS, Mr. CASE, Mr. TIERNEY, Mr. CARTER, Mr. DUNCAN, and Mr. EMANUEL):

H.R. 2903. A bill to establish the Program Reform Commission to review unnecessary Federal programs and make recommendations for termination, modification, or retention of such programs, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Government Reform.

By Mr. SMITH of Washington:

H.R. 2904. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mr. ABERCROMBIE, Mr. LYNCH, Mr. TERRY, Mr. ROSS, and Mrs. JO ANN DAVIS of Virginia):

H.R. 2905. A bill to amend title XVIII of the Social Security Act to recognize the services of respiratory therapists under the plan of care for home health services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mrs. MUSGRAVE, Mr. HOSTETTLER, Mr. OTTER, Mr. MILLER of Florida, Mr. GOODE, Mr. FRANKS of Arizona, Mr. PAUL, Mr. SESSIONS, Mr. VITTER, Mr. BARTLETT of Maryland, and Mr. HALL):

H.R. 2906. A bill to clarify that federally licensed firerarms dealers may transfer firearms to other federally licensed firearms dealers at places other than the business premises specified on the license of the transferor dealer; to the Committee on the Judiciary.

By Mr. RENZI (for himself and Mr. HAYWORTH):

H.R. 2907. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself, Mr. HONDA, Mr. CARDOZA, and Mr. EHLERS):

H.R. 2908. A bill to establish the position of Under Secretary of Commerce for Manufacturing and Technology, require the establishment of a research and implementation program on manufacturing, and promote manufacturing education; to the Committee on Science.

By Mr. BISHOP of Utah (for himself, Mr. CANNON, and Mr. MATHESON):

H.R. 2909. A bill to ensure the continued availability of the Utah Test and Training Range to support the readiness and training needs of the Armed Forces; to the Committee on Resources.

By Mr. TIBERI:

H.R. 2910. A bill to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Labor Management Relations Act, 1947 to provide special rules for Teamster plans relating to termination and funding; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. OWENS, Mr. EMANUEL, Mrs. DAVIS of California, Mr. LYNCH, Mr. PAYNE, Ms. NORTON, Mr. SCHIFF, Mr. ROSS, Mr. BAIRD, Ms. CARSON of Indiana, and Mr. MORAN of Virginia):

H.R. 2911. A bill to direct the Consumer Product Safety Commission to promulgate a consumer product safety standard under section 7(a) of the Consumer Product Safety Act for each durable infant or toddler product, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUCAS of Oklahoma:

H.R. 2912. A bill to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government; to the Committee on Resources.

By Mr. ANDREWS (for himself and Mr. KILDEE):

H.R. 2913. A bill to amend the Higher Education Act of 1965 regarding distance education, and for other purposes; to the Committee on Education and the Workforce.

By Ms. CARSON of Indiana (for herself, Mr. OWENS, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. RANGEL, Mr. GRIJALVA, Mr. HONDA, Mr. CAPUANO, Ms. MILLENDER-MCDONALD, Mr. CASE, Mr. FILNER, and Mr. BOSWELL):

H.R. 2914. A bill to amend title 49, United States Code, to provide for the establishment of a flexibility incentive grant program; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut (for herself, Mr. GREENWOOD, Mr. NUSSLE, Mr. ENGLISH, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, and Mr. BURGESS):

H.R. 2915. A bill to provide for a National Health Information Infrastructure and data and communication standards for health Information system interoperability; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. SANDERS, Mr. DEFAZIO, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. HONDA, Mr. ACEVEDO-VILA, Mr. BROWN of Ohio, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, and Mr. KLECZKA):

H.R. 2916. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2917. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, and Mr. ACEVEDO-VILA):

H.R. 2918. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their

dealings with biotech companies that sell genetically engineered seeds, plants, or animals, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2919. A bill to assign liability for injury caused by genetically engineered organisms; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. OLVER, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2920. A bill to ensure that efforts to address world hunger through the use of genetically engineered animals and crops actually help developing countries and peoples while protecting human health and the environment, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. SANDERS, Ms. LEE, Mr. CONYERS, Mr. GUTIERREZ, Mr. NADLER, Mr. OWENS, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 2921. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, and for other purposes; to the Committee on Agriculture.

By Mr. ACEVEDO-VILA:

H.R. 2922. A bill to amend the Small Business Act to provide additional grants to small business development centers located in high unemployment districts; to the Committee on Small Business.

By Mr. ACKERMAN:

H.R. 2923. A bill to amend title 23, United States Code, to require periodic testing of the competency of drivers over age 79, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BAKER (for himself, Mr. JOHN, Mr. VITTER, and Mr. POMEROY):

H.R. 2924. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BALLANCE:

H.R. 2925. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northeastern North Carolina Heritage Area in North Carolina, and for other purposes; to the Committee on Resources.

By Ms. BERKLEY (for herself, Mr. GIBBONS, and Mr. PORTER):

H.R. 2926. A bill to provide for interagency planning for preparing for, defending against, and responding to the consequences of terrorist attacks against the Yucca Mountain Project, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER:

H.R. 2927. A bill to amend title 23, United States Code, to provide grants and technical assistance to restore orphan highways; to the Committee on Transportation and Infrastructure.

By Mr. BOEHLERT (for himself, Ms. MILLENDER-MCDONALD, Mr. DUNCAN, Mr. PASCRELL, Ms. LOFGREN, Mr. COBLE, and Mr. MICHAUD):

H.R. 2928. A bill to amend title 49, United States Code, relating to improved consumer protection regulation of the household goods transportation industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BONO (for herself and Mr. TOWNS):

H.R. 2929. A bill to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BONO:

H.R. 2930. A bill to authorize the disinterment from the American Ardennes Cemetery at Neuville-en-Condroz, Belgium of the remains of Sergeant Roaul R. Prieto, who died in combat in April 1945, and to authorize the transfer of his remains to his next of kin; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas (for himself and Mr. MATSUI):

H.R. 2931. A bill to provide for the expansion of human clinical trials qualifying for the orphan drug credit; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. GILCHREST, Ms. SLAUGHTER, Mr. WAXMAN, and Mr. ALLEN):

H.R. 2932. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Energy and Commerce.

By Mr. CARDOZA (for himself, Mr. DOOLEY of California, Mr. CARSON of Oklahoma, Mr. NUNES, Mr. BACA, Mr. STENHOLM, Mr. HALL, Mr. BERRY, Mr. ROSS, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. HERGER, Mr. PETERSON of Minnesota, Mr. ALEXANDER, Mr. ORTIZ, Mr. HUNTER, Mr. CALVERT, and Mr. YOUNG of Alaska):

H.R. 2933. A bill to amend the Endangered Species Act of 1973 to reform the process for designating critical habitat under that Act; to the Committee on Resources.

By Mr. CARTER:

H.R. 2934. A bill to increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H.R. 2935. A bill to provide fairness in voter participation; to the Committee on the Judiciary.

By Mr. DEUTSCH (for himself and Mr. SHAW):

H.R. 2936. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale or trade of prescription drugs that were knowingly caused to be adulterated or misbranded, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mrs. LOWEY, and Mrs. KELLY):

H.R. 2937. A bill to designate the facility of the United States Postal Service located at 48 South Broadway in Nyack, New York, as the ''John G. Dow Post Office Building''; to the Committee on Government Reform.

By Mr. ENGLISH (for himself and Mr. DAVIS of Alabama):

H.R. 2938. A bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 2939. A bill to strengthen and enhance the prevention and prosecution of crimes using weapons of mass destruction, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H.R. 2940. A bill to amend titles 23 and 49, United States Code, to promote the integration of local land use planning and transportation planning; to the Committee on Transportation and Infrastructure.

By Mr. GRIJALVA (for himself, Mr. FLAKE, Mr. RENZI, Mr. HAYWORTH, and Mr. PASTOR):

H.R. 2941. A bill to correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 2942. A bill to establish a national clearinghouse for information on incidents of environmental terrorism and to establish a program to reduce environmental terrorism; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon:

H.R. 2943. A bill to waive, for grants awarded in fiscal years 2004 and 2005, certain restrictions on the hiring or rehiring of career law enforcement officers under the COPS grant program under Part Q of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.R. 2944. A bill to amend title 10, United States Code, to provide for forgiveness of certain overpayments of retired pay paid to deceased retired members of the Armed Forces following death; to the Committee on Armed Services.

By Mr. KENNEDY of Rhode Island (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. POMEROY, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, Mrs. JONES of Ohio, Ms. DELAURO, Mr. GRIJALVA, Mr. PAYNE, Mr. HINOJOSA, Mrs. DAVIS of California, Mr. SERRANO, Ms. KILPATRICK, Ms. LEE, Mr. TOWNS, Mr. RYAN of Ohio, Ms. MAJETTE, Mr. DAVIS of Florida, Ms. LINDA T. SANCHEZ of California, Ms. CARSON of Indiana, Mr. STARK, Mr. DAVIS of Illinois, and Mr. HOLT):

H.R. 2945. A bill to condition the implementation of assessment procedures in connection with the Head Start National Reporting System on Child Outcomes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself and Mr. MEEHAN):

H.R. 2946. A bill to combat illegal gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. LANGEVIN (for himself, Mr. CROWLEY, Ms. NORTON, Ms. LEE, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. MURTHA, and Mr. FROST):

H.R. 2947. A bill to establish a demonstration grant program to assist States in providing subsidies for group health insurance premiums for low-income, Medicaid-eligible individuals; to the Committee on Energy and Commerce.

By Mr. LANGEVIN (for himself, Mr. BAIRD, Mr. BEREUTER, Mr. KENNEDY of Rhode Island, Mr. WYNN, and Mr. CROWLEY):

H.R. 2948. A bill to direct the Comptroller General to enter into arrangements with the National Academy of Sciences and the Librarian of Congress for conducting a study on the feasibility and costs of implementing an emergency electronic communications system for Congress to ensure the continuity of the operations of Congress during an emergency, and for other purposes; to the Committee on House Administration.

By Mr. LARSEN of Washington (for himself, Mr. KIRK, and Mr. INSLEE):

H.R. 2949. A bill to regulate international marriage broker activity in the United States, to provide for certain protections for individuals who utilize the services of international marriage brokers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky (for himself, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. FLETCHER, Mr. LUCAS of Kentucky, Mr. HAYWORTH, Mr. COX, Mr. DAVIS of Tennessee, Mr. REHBERG, Mr. CUNNINGHAM, Mr. PAUL, Mr. ROYCE, Mr. SIMMONS, Mr. CRANE, Mr. POMEROY, Mr. HASTINGS of Washington, Mr. DOOLITTLE, Ms. ROS-LEHTINEN, Mr. CALVERT, Mr. JENKINS, Mr. TIBERI, Mr. TOWNS, Ms. DUNN, Mr. JOHN, Mr. STEARNS, Mr. STUPAK, Mr. CROWLEY, Mrs. JO ANN DAVIS of Virginia, Mr. REYNOLDS, Mr. CARDOZA, Mr. MCCRERY, Mr. BOSWELL, Mr. FOLEY, Mr. COBLE, and Mr. CAMP):

H.R. 2950. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits to its pre-1985 level; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. HINCHEY, and Mr. ENGEL):

H.R. 2951. A bill to prohibit the operation of nuclear power plants unless there exists a State and county certified radiological emergency response plan; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mr. GREENWOOD, Ms. PELOSI, Mr. SHAYS, Mrs. MALONEY, Mr. MORAN of Virginia, Mr. HOLT, Ms. WOOLSEY, Mr. ENGEL, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. CROWLEY, Mr. TOWNS, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. DELAHUNT, Mr. ANDREWS, Ms. SOLIS, Ms. DEGETTE, Mr. OLVER, Mr. HOEFFEL, Ms. ROYBAL-ALLARD, Mrs. CAPPS, Mr. MCGOVERN, Mr. MATSUI, Ms. BERKLEY, Ms. LEE, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. NADLER, Ms. LOFGREN, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of California, Ms. DELAURO, Ms. MILLENDER-MCDONALD, Mr. FILNER, Mr. SCHIFF, Ms. NORTON, Ms. SCHAKOWSKY, Mr. FROST, Mr. BERMAN, Mr. BACA, Ms. VELAZQUEZ, Mr. BAIRD, Mr. RANGEL, Mrs. JOHNSON of Connecticut, Ms. MCCOLLUM, Mr. BLUMENAUER, Mr. KIRK, Mrs. DAVIS of California, Mr. SIMMONS, Mr. LEVIN, Mr. VAN HOLLEN, and Mr. WEXLER):

H.R. 2952. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, and Mr. LANTOS):

H.R. 2953. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Mrs. MALONEY (for herself and Ms. ROS-LEHTINEN):

H.R. 2954. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. MCINNIS (for himself, Mr. TANCREDO, and Mr. HEFLEY):

H.R. 2955. A bill to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By Mr. MCKEON (for himself, Mr. EMANUEL, Mr. BOEHNER, Mr. KILDEE, Mr. PETRI, Ms. WOOLSEY, Mr. KELLER, Mr. TIERNEY, Mr. GREENWOOD, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. KUCINICH, Mr. OSBORNE, Mr. HOLT, Mr. DAVIS of Illinois, Mr. ISAKSON, Mr. BALLENGER, Mr. SOUDER, Mr. CUNNINGHAM, Mr. UPTON, Mr. BLUNT, and Mr. EHLERS):

H.R. 2956. A bill to begin the process of simplifying the Federal student financial aid process, making it easier and more understandable for students and families to participate in Federal student financial aid programs; to the Committee on Education and the Workforce.

By Mr. GARY G. MILLER of California (for himself, Mr. PORTMAN, Mr. FOLEY, Mr. SESSIONS, Mr. TANCREDO, Mr. TERRY, and Mr. FORBES):

H.R. 2957. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. MORAN of Virginia:

H.R. 2958. A bill to amend title 31, United States Code, to allow certain State and local tax debt to be collected through the reduction of Federal tax refunds; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 2959. A bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. ORTIZ:

H.R. 2960. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project; to the Committee on Resources.

By Mr. PASCRELL (for himself, Mrs. EMERSON, Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. WELDON of Pennsylvania, Mr. CAPUANO, Mr. HOLDEN, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. RAHALL, Mr. DAVIS of Tennessee, Mr. REHBERG, Mr. EMANUEL, Mr. COOPER, Mr. STENHOLM, Mr. OWENS, and Ms. WOOLSEY):

H.R. 2961. A bill to provide mortgage assistance to firefighters; to the Committee on Financial Services.

By Mr. PASCRELL (for himself, Mr. TERRY, Mr. PALLONE, Mr. ETHERIDGE, and Mr. CAPUANO):

H.R. 2962. A bill to prevent the abuse of the illegal drug commonly called ecstasy; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself, Mr. DOOLITTLE, Mr. FILNER, Mr. HONDA, Mr. DEFAZIO, Mr. UDALL of Colorado, Mr. OSE, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. FARR, Mr. OTTER, Mr. SIMPSON, and Mr. MCINNIS):

H.R. 2963. A bill to amend title 5, United States Code, to provide for portal-to-portal compensation for wildland firefighters, and for other purposes; to the Committee on Government Reform.

By Mr. PORTMAN (for himself and Mr. MATSUI):

H.R. 2964. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself and Mr. POMEROY):

H.R. 2965. A bill to amend the Internal Revenue Code of 1986 to transfer all excise taxes imposed on alcohol fuels to the Highway Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. RADANOVICH (for himself, Mr. NUNES, Mr. OTTER, Mr. DOOLITTLE, Mr. HEFLEY, Mr. HERGER, Mr. REHBERG, and Mr. COLLINS):

H.R. 2966. A bill to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 2967. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. REYNOLDS (for himself, Mr. CANTOR, Mr. MATSUI, Mr. CARDIN, and Mr. HOLT):

H.R. 2968. A bill to permit biomedical research corporations to engage in certain equity financings without incurring limitations on net operating loss carryforwards and certain built-in losses, and for other purposes; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. ROHRABACHER, Mrs. MALONEY, Mr. MANZULLO, Mr. MICHAUD, Mr. GOODE, Mr. LIPINSKI, Ms. LEE, Mr. RYAN of Ohio, Mr. LANTOS, Mr. ANDREWS, Mr. SERRANO, Mr. GRIJALVA, Mr. OWENS, Ms. KILPATRICK, Mrs. CHRISTENSEN, and Ms. BORDALLO):

H.R. 2969. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Financial Services.

By Mr. SANDERS:

H.R. 2970. A bill to authorize the disinterment from the Lorraine American Cemetery in St. Avold, France, of the remains of Private First Class Alfred J. Laitres, of Island Pond, Vermont, who died in combat in France on December 25, 1944, and to authorize the transfer of his remains to the custody of his next of kin; to the Committee on Veterans' Affairs.

By Mr. SHAW (for himself, Mr. MATSUI, Mr. KLECZKA, Mr. BRADY of Texas, Mr. BECERRA, Mr. ENGLISH, Mr. FOLEY, Mr. HAYWORTH, Mr. HOUGHTON, Mr. JEFFERSON, Mr. SAM JOHNSON of Texas, Mr. LEVIN, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. RANGEL, Mr. SANDLIN, Mrs. JONES of Ohio, Ms. BALDWIN, Mr. BEREUTER, Mrs. CAPPS, Mr. COSTELLO, Mr. DUNCAN, Mr. FILNER, Mr. FROST, Ms. HART, Mr. HINCHEY, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. SAXTON, and Mr. WOLF):

H.R. 2971. A bill to amend the Social Security Act to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number, and to otherwise enhance protection against identity theft, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 2972. A bill to amend the Internal Revenue Code of 1986 to provide incentives for rural development, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself, Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Ms. DELAURO, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. DELAHUNT, Mr. GILCHREST, Mr. MICHAUD, Mr. ALLEN, Mr. LOBIONDO, Mr. PALLONE, Mr. BISHOP of New York, Mr. ISAKSON, Mr. PAUL, Mr. SANDERS, Mr. MCDERMOTT, Mr. GREEN of Wisconsin, and Mr. PASCRELL):

H.R. 2973. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 2974. A bill to prohibit the Secretary of Defense and the Secretary of Homeland Security from purchasing equipment containing electronic components that are not manufactured in the United States; to the Committee on Armed Services.

By Mr. STRICKLAND (for himself and Mr. SHIMKUS):

H.R. 2975. A bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUPAK:

H.R. 2976. A bill to direct the Secretary of Agriculture to transfer certain land within the Ottawa National Forest to the Lac Vieux Desert Band of Lake Superior Chippewa Indians, and for other purposes; to the Committee on Agriculture.

By Mr. STUPAK:

H.R. 2977. A bill to amend title 23, United States Code, to provide for the installation of baby changing stations at public rest areas along Federal-aid highways; to the Committee on Transportation and Infrastructure.

By Mr. TERRY (for himself and Mr. POMEROY):

H.R. 2978. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. SANDERS, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. KUCINICH, Mr. OWENS, Mr. NADLER, Ms. NORTON, Mr. CONYERS, Mr. HINCHEY, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. STARK, Mr. OLVER, Mr. BRADY of Pennsylvania, Mr. EVANS, Ms. WATERS, Ms. BALDWIN, Mr. UDALL of New Mexico, Mr. MARKEY, Ms. LEE, Mrs. CHRISTENSEN, Mr. CAPUANO, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mrs. MALONEY, Mr. DAVIS of Illinois, Ms. SOLIS, Mr. WEINER, Mr. LANTOS, Mr. PAYNE, Ms. CARSON of Indiana, Mr. FILNER, Mr. MEEHAN, Mr. LYNCH, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. DELAHUNT, Mr. FATTAH, and Mrs. JONES of Ohio):

H.R. 2979. A bill to amend the Social Security Act to provide grants and flexibility through demonstration projects for States to provide universal, comprehensive, cost-effective systems of health care coverage, with simplified administration; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself and Mr. UPTON):

H.R. 2980. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. RAHALL):

H.R. 2981. A bill to provide for reform of management of Indian trust funds and assets under the jurisdiction of the Department of the Interior, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 2982. A bill to amend the Flood Control Act of 1948 with respect to the Middle Rio Grande Project to authorize programs for water conservation, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico:

H.R. 2983. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

By Mr. WALDEN of Oregon (for himself, Mr. HASTINGS of Washington, Mr. NETHERCUTT, and Mr. LARSEN of Washington):

H.R. 2984. A bill to amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears; to the Committee on Agriculture.

By Ms. WATERS:

H.R. 2985. A bill to direct the Secretary of Homeland Security to conduct a review of the proposed project for construction of a remote passenger check-in facility at Los Angeles International Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WICKER (for himself, Mr. HOYER, Mr. BLUNT, Mrs. CAPPS, Mr. TAYLOR of Mississippi, Ms. CORRINE BROWN of Florida, Mr. WAMP, Ms. DELAURO, Mr. CUNNINGHAM, Mr. GOODE, Ms. NORTON, Mr. TIBERI, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. KENNEDY of Rhode Island, Mr. RAHALL, and Mr. KING of New York):

H.R. 2986. A bill to provide for the expansion and coordination of activities of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to research and programs on cancer survivorship, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H.R. 2987. A bill to amend the Richard B. Russell National School Lunch Act to improve the nutrition of students served under child nutrition programs; to the Committee on Education and the Workforce.

By Mr. DELAY:

H. Con. Res. 259. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mrs. BONO (for herself, Mr. CALVERT, Mr. LEWIS of California, Mr. SHADEGG, Mr. ISAKSON, Mr. WAMP, Mr. DEMINT, Mr. BILIRAKIS, and Mr. BROWN of South Carolina):

H. Con. Res. 260. Concurrent resolution recognizing and honoring the service of those who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Illinois:

H. Con. Res. 261. Concurrent resolution directing the Architect of the Capitol to enter into a contract for the design and construction of a monument to commemorate the contributions of minority women to women's suffrage and to the participation of women in public life, and for other purposes; to the Committee on House Administration.

By Mr. TOM DAVIS of Virginia (for himself and Mr. RUPPERSBERGER):

H. Con. Res. 262. Concurrent resolution expressing the sense of the Congress in support of the National Anthem ''SingAmerica'' project; to the Committee on Government Reform.

By Mr. FOSSELLA (for himself and Mr. BURTON of Indiana):

H. Con. Res. 263. Concurrent resolution calling for an expedited resolution of all existing child custody cases in which Saudi Arabian subjects are holding United States citizens who are minors in the Kingdom of Saudi Arabia without regard for United States law and calling for the establishment of a permanent treaty or other agreement to govern future child custody disputes between the two countries; to the Committee on International Relations.

By Mr. MICA (for himself, Mr. ISRAEL, Mr. FOSSELLA, Mr. CAPUANO, Mr. FERGUSON, Mr. OBERSTAR, Mr. LAMPSON, Mr. PALLONE, Mr. BRADY of

Pennsylvania, Mr. McDERMOTT, Mr. LoBIONDO, Mr. PASCRELL, Mr. MANZULLO, Ms. DeLAURO, Mr. TANCREDO, and Mr. RENZI):

H. Con. Res. 264. Concurrent resolution authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi; to the Committee on Government Reform.

By Mr. PASCRELL (for himself, Mr. GREENWOOD, Mr. MARKEY, Mr. STRICKLAND, Mr. KENNEDY of Rhode Island, Mr. McNULTY, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. JEFFERSON, Mr. ROSS, Mr. WAMP, Mr. WILSON of South Carolina, Mr. CAPUANO, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. GOODE, Mr. HOLDEN, Mr. DOYLE, Mr. PALLONE, Mr. LIPINSKI, Mr. BERRY, Mr. STUPAK, Mr. SNYDER, Mr. SPRATT, and Mr. PAYNE):

H. Con. Res. 265. Concurrent resolution expressing the need for enhanced public awareness of Traumatic Brain Injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. SIMMONS, Mr. SMITH of New Jersey, Mr. STRICKLAND, Mr. CUNNINGHAM, Mr. EDWARDS, Mr. WALSH, Ms. CORRINE BROWN of Florida, Mr. COLLINS, Mr. FROST, Mr. FILNER, Mrs. MILLER of Michigan, Mr. TOWNS, Mr. BARTLETT of Maryland, Ms. KAPTUR, Mr. OSE, Mr. JOHN, Mr. ENGLISH, Mr. PAYNE, Mr. PLATTS, Ms. JACKSON-LEE of Texas, Mr. HEFLEY, Mr. ETHERIDGE, Mr. WILSON of South Carolina, Mr. WYNN, Mr. BURNS, Mr. HOLT, Mr. BURGESS, Mr. LYNCH, Mr. MORAN of Virginia, Mr. GARRETT of New Jersey, Mr. DELAHUNT, Mr. BISHOP of New York, Mr. ROSS, Mr. McINTYRE, and Mr. BEREUTER):

H. Con. Res. 266. Concurrent resolution honoring veterans by requesting that television and radio stations provide a moment of silence or a public service announcement on November 11, at 11 a.m. each year; to the Committee on Veterans' Affairs.

By Mr. PAYNE:

H. Con. Res. 267. Concurrent resolution urging a full and impartial inquiry into the murder of attorney Pat Finucane in 1989 in Northern Ireland; to the Committee on International Relations.

By Mr. SAXTON (for himself and Mr. GILCHREST):

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries; to the Committee on Resources.

By Ms. WATERS:

H. Con. Res. 269. Concurrent resolution expressing the sense of the Congress that the trade and economic development policies of the United States should respect and support the rights of African farmers with respect to their agricultural and biological resources, traditional knowledge, and technologies; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. LaHOOD, Mr. SHIMKUS, Mr. LIPINSKI, Mr. RUSH, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. FROST, Mr. DAVIS of Illinois, and Mr. JOHNSON of Illinois):

H. Res. 342. A resolution supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of Arizona (for himself and Mr. TOOMEY):

H. Res. 343. A resolution amending the Rules of the House of Representatives to limit service on the Committee on Appropriations to not more than three Congresses in a period of five successive Congresses; to the Committee on Rules.

By Mr. LANTOS (for himself, Mr. ACKERMAN, Mr. BERMAN, Mr. WEXLER, Mr. ENGEL, and Mr. CROWLEY):

H. Res. 344. A resolution expressing the sense of the House of Representatives that Syria, Lebanon and Iran should be held accountable for the well-being of abducted Israeli civilian Elchanan Tannenbaum, provide the International Committee of the Red Cross access to Elchanan Tannenbaum, and take all necessary measures to secure the release of Elchanan Tannenbaum; to the Committee on International Relations.

By Mr. McDERMOTT (for himself, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, and Mr. FROST):

H. Res. 345. A resolution extending condolences to the family, friends, and loved ones of the late David Christopher Kelly, PhD; to the Committee on International Relations.

By Mr. MICHAUD (for himself, Mr. LANTOS, Mr. CROWLEY, Mr. ACEVEDO-VILA, Mr. GRIJALVA, Mr. OBERSTAR, and Mr. ALLEN):

H. Res. 346. A resolution expressing the sense of the House of Representatives that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Ways and Means.

By Mr. PENCE:

H. Res. 347. A resolution concerning United States assessed contributions to the United Nations; to the Committee on International Relations.

By Mr. RYAN of Ohio (for himself, Mr. TOWNS, Mr. KILDEE, Mr. ROSS, Mr. HINCHEY, Ms. WOOLSEY, and Mrs. CHRISTENSEN):

H. Res. 348. A resolution expressing the sense of the House of Representatives to raise the awareness of alopecia areata; to the Committee on Government Reform.

By Mr. STARK (for himself, Ms. LEE, Mr. GEORGE MILLER of California, Mr. FARR, Mr. RANGEL, Mr. DOGGETT, Ms. WOOLSEY, Mr. McGOVERN, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. GRIJALVA, Mr. KUCINICH, Mr. SABO, Mr. FILNER, and Ms. MILLENDER-McDONALD):

H. Res. 349. A resolution encouraging the consumption of Fair Trade Certified coffee; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶86.59 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

166. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 320 the House of Representative of the Commonwealth of Pennsylvania urging the Congress of the United States to reauthorize the Carl D. Perkins Vocational and Technical Education Act; to the Committee on Education and the Workforce.

167. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 79 memorializing the United States Congress to allocate federal funds to ensure the continued operation of Detroit Receiving Hospital; to the Committee on Energy and Commerce.

168. Also, a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 4 urging the President of the United States and the USEPA Administrator to suspend implementation of modified regulations on new source review pending independent scientific review of their projected impact by the National Academy of Sciences; to the Committee on Energy and Commerce.

169. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 58 memorializing the United States Congress to enact the appropriate legislation to pass federal funds on to states via block grants to be used for public welfare and Medicaid purposes; to the Committee on Energy and Commerce.

170. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 186 memorializing the United States Congress to initiate whatever actions are needed to reopen La Linda Bridge as a border crossing; to the Committee on International Relations.

171. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 318 memorializing the Congress of the United States to enact legislation requiring the United States Postal Service to adopt increased security measures to ensure that change of address forms are not used in the commission of identification fraud; to the Committee on Government Reform.

172. Also, a memorial of the General Assembly of the Commonwealth of Kentucky, relative to Senate Joint Resolution No. 18, memorializing the United States Congress to propose an Amendment to the Constitution of the United States of America, for submission to the several States for ratification, to allow the people of the United States and the several States the freedom to exercise their religion in public places; to the Committee on the Judiciary.

173. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 156 memorializing the United States Congress to enact House Bill H.R. 1685, relating to providing immigration status and benefits for surviving spouses and children, and House Bill H.R. 1275, the Citizenship For America's Troops Act; to the Committee on the Judiciary.

174. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 63 memorializing the United States Congress to increase efforts to preserve and protect Lake St. Clair; to the Committee on Transportation and Infrastructure.

175. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 33 memorializing the United States Congress to appropriate additional funds for road and bridge improvement projects; to the Committee on Transportation and Infrastructure.

176. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 82 memorializing the United States Congress to provide equity funding to Texas by increasing the state's highway program rate of return from the Highway Trust Fund to 95 percent of Texas' contributions to the fund; to the Committee on Transportation and Infrastructure.

177. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 312 urging Congress to enact the ''Veterans Health Care Funding Guarantee Act of 2003,'' and make veterans health care mandatory to ensure that veterans have access to timely, quality health care; to the Committee on Veterans' Affairs.

178. Also, a memorial of the Senate of the State of Oregon, relative to Senate Joint Memorial 6 urging the Congress of the United States to amend section 143(1)(4)(A) and (B) of the Internal Revenue Code to allow veterans who entered the Armed Forces of the United States after December 31, 1976, to become eligible for Oregon home loans for veterans using the proceeds of qualified veteran mortgage bonds; to the Committee on Ways and Means.

179. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 1 memorializing the United States Congress to restore the federal income tax deductibility of state and local sales taxes that existed before 1986; to the Committee on Ways and Means.

180. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 161 memorializing the United States Congress to encact legislation to amend the Internal Revenue Code in order that today's veterans and their families might enjoy the same benefits as their earlier counterparts; to the Committee on Ways and Means.

181. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 90 memorializing the United States Congress to broaden the scope and availability of the medical savings account program, remove its restrictions, and allow state governments to design such programs for their employees; to the Committee on Ways and Means.

182. Also, a memorial of the House of Representatives of the State of Florida, relative to House Resolution No. 9003-C memorializing the United States Congress to reinstate the federal income tax deduction for state and local sales tax paid; to the Committee on Ways and Means.

183. Also, a memorial of the Legislature of the State of Maine, relative to H.P. 949 Joint Resolution memorializing the Congress of the United States to require the United States Department of Labor to examinie its methodology for calculating rates in the Woods Wage Survey, to establish heavy equipment operational rates and to remove barriers to the health and safety of persons harvesting forest products; jointly to the Committees on Education and the Workforce and Ways and Means.

184. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 14 memorializing the United States Congress to enact the Child Modeling Exploitation Prevention Act of 2002; jointly to the Committees on Education and the Workforce and the Judiciary.

185. Also, a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 3 memorializing the United States Congress to urge maintenance of federal funding for the Low Income Home Energy Assistance Program; jointly to the Committees on Energy and Commerce and Education and the Workforce.

186. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 204 memorializing the United States Congress to reinstate funding for the EPA Border Fund to $75 million for fiscal year 2004 and to appropriate sufficient funds in subsequent years to address environmental infrastructure needs in the border region; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

187. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 317 the House of Representative of the Commonwealth of Pennsylvania urging the Congress of the United States to create a Federal Medicare prescription drug benefit plan which works seamlessly with Pennsylvania's PACE and PACENET programs; jointly to the Committees on Ways and Means and Energy and Commerce.

188. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 101 memorializing the United States Congress to enact financially sustainable, voluntary, universal, and privately administered outpatient prescription drug coverage as part of the federal Medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

189. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 13 memorializing the United States Congress to enact the Protect Children From E-Mail Smut Act of 2001; jointly to the Committees on Energy and Commerce, the Judiciary, and Science.

¶86.60 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. GRIJALVA introduced A bill (H.R. 2988) for the relief of Silvia Lorenia Parra; which was referred to the Committee on the Judiciary.

¶86.61 ADDITIONAL SPONSORS

Under clause 7 of rule XII , sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. NUSSLE, Mr. RUSH, Mr. HILL, Mr. WEINER, Mr. MARKEY, Mr. MEEHAN, Mr. SCOTT of Georgia, Mr. SPRATT, and Mr. FRANK of Massachusetts.

H.R. 52: Ms. KILPATRICK.

H.R. 97: Mr. TAYLOR of North Carolina and Mr. BURR.

H.R. 135: Mr. SESSIONS.

H.R. 173: Mr. BURNS and Ms. HOOLEY of Oregon.

H.R. 206: Mr. PETERSON of Minnesota.

H.R. 218: Mr. NUSSLE.

H.R. 235: Mr. BOOZMAN, Mr. TIAHRT, and Mr. MCHUGH.

H.R. 236: Mr. TAYLOR of Mississippi and Ms. DEGETTE.

H.R. 262: Mr. UDALL of Colorado, Mr. BARTLETT of Maryland, and Mr. VAN HOLLEN.

H.R. 284: Mr. STUPAK, Mr. WALDEN of Oregon, and Mr. BLUMENAUER.

H.R. 296: Mr. OWENS and Mr. CUMMINGS.

H.R. 299: Mr. ISRAEL.

H.R. 365: Mr. SNYDER and Mr. FROST.

H.R. 366: Mr. UDALL of Colorado.

H.R. 369: Mr. HOBSON.

H.R. 371: Mr. CROWLEY.

H.R. 375: Mr. GOODLATTE.

H.R. 422: Mr. JOHNSON of Illinois.

H.R. 466: Mr. FARR and Mr. DOYLE.

H.R. 476: Mr. TIERNEY.

H.R. 528: Mr. LYNCH.

H.R. 571: Mr. PLATTS, Mr. SHADEGG, and Mr. GONZALEZ.

H.R. 584: Mr. MILLER of North Carolina.

H.R. 594: Ms. KILPATRICK.

H.R. 632: Ms. HOOLEY of Oregon.

H.R. 687: Mr. GARRETT of New Jersey, Mr. MCINTYRE, Mr. HEFLEY, and Mrs. MILLER of Michigan.

H.R. 707: Mr. TIERNEY.

H.R. 709: Mr. NEUGEBAUER and Mr. MORAN of Kansas.

H.R. 716: Ms. BALDWIN and Mr. DAVIS of Illinois.

H.R. 745: Mr. ROTHMAN.

H.R. 767: Mr. SIMPSON.

H.R. 775: Mr. OSBORNE.

H.R. 791: Mr. COBLE, Mr. OXLEY, Mr. FOSSELLA, Mr. POMEROY and Mr. BERRY.

H.R. 792: Mr. FLETCHER, Mr. LANTOS, Mrs. MILLER of Michigan, Mr. NUSSLE, and Mr. ADERHOLT.

H.R. 806: Mr. WELLER.

H.R. 813: Mr. OBEY.

H.R. 814: Ms. LOFGREN and Mr. LIPINSKI.

H.R. 829: Mr. CROWLEY.

H.R. 833: Mr. PETERSON of Minnesota and Mr. STENHOLM.

H.R. 839: Mr. GONZALEZ, Mrs. BONO, Mrs. CAPPS, Ms. CARSON of Indiana, Mr. HONDA, Mr. DELAHUNT, Mr. WELDON of Pennsylvania, Mr. NUSSLE, Mr. HUNTER, Mr. FOSSELLA, Mr. HERGER, Ms. DEGETTE, Mr. OXLEY, Mr. BERRY, Mr. COX, and Mr. NEY.

H.R. 857: Ms. MCCARTHY of Missouri.

H.R. 870: Mr. RYAN of Wisconsin and Mr. BRADY of Texas.

H.R. 871: Mr. MARSHALL.

H.R. 882: Mr. HASTINGS of Washington.

H.R. 887: Mr. OLVER, Mr. LATOURETTE, Mr. TIERNEY, and Ms. HOOLEY of Oregon.

H.R. 898: Mr. BRADY of Texas and Mr. SMITH of Washington.

H.R. 918: Mr. WHITFIELD, Mr. KIND, Mr. GOSS, Mr. PETERSON of Minnesota, Mr. BOOZMAN, Mrs. MCCARTHY of New York, Mr. UPTON, Mr. BURNS, and Mr. KING of New York.

H.R. 943: Mr. OWENS.

H.R. 962: Mr. WEXLER and Mr. CARDIN.

H.R. 990: Mr. BOOZMAN, Mr. KINGSTON, and Mr. TOOMEY.

H.R. 1102: Mr. ALEXANDER.

H.R. 1105: Ms. KAPTUR, Mr. HOLDEN, and Mr. TAYLOR of Mississippi.

H.R. 1118: Mr. BOOZMAN, Ms. HARRIS, and Mr. BLUMENAUER.

H.R. 1125: Mr. LANTOS, Mr. MENENDEZ, Mr. ROGERS of Alabama, Mr. LARSON of Connecticut, Mr. HONDA, Mrs. MILLER of Michigan, Mr. EDWARDS, Mr. VITTER, Mr. PITTS, and Mr. ADERHOLT.

H.R. 1160: Mrs. MILLER of Michigan, Mr. SOUDER, Mr. FRANKS of Arizona, Mr. NORWOOD, Mr. PASTOR, Mr. NADLER, and Mr. JENKINS.

H.R. 1210: Ms. LINDA T. SANCHEZ of California, and Mr. GRIJALVA.

H.R. 1214: Mr. PRICE of North Carolina.

H.R. 1225: Mr. WOLF.

H.R. 1258: Mrs. BIGGERT.

H.R. 1264: Ms. NORTON.

H.R. 1295: Ms. NORTON, Mr. SCHIFF, Ms. SLAUGHTER, and Mr. STUPAK.

H.R. 1305: Mr. ISSA.

H.R. 1316: Mr. MCHUGH.

H.R. 1322: Mr. CONYERS and Mr. WAXMAN.

H.R. 1340: Mr. TIERNEY and Mr. ALLEN.

H.R. 1353: Ms. LOFGREN.

H.R. 1372: Mr. BURGESS and Mr. GONZALEZ.

H.R. 1385: Ms. ESHOO and Mr. DINGELLS.

H.R. 1406: Mr. GOODLATTE.

H.R. 1414: Ms. HOOLEY of Oregon.

H.R. 1422: Mrs. MCCARTHY of New York, Mr. LEWIS of Kentucky, Mr. FLETCHER, and Mr. DEAL of Georgia.

H.R. 1425: Ms. NORTON.

H.R. 1428: Mr. UDALL of New Mexico.

H.R. 1470: Mrs. JONES of Ohio and Ms. HOOLEY of Oregon.

H.R. 1482: Ms. MCCOLLUM.

H.R. 1502: Ms. HOOLEY of Oregon.

H.R. 1513: Mr. BERRY, Mr. BLUNT, Mr. COBLE, Mr. LAMPSON, and Mr. ROTHMAN.

H.R. 1535: Mr. COOPER, Mr. CROWLEY, and Mr. JEFFERSON.

H.R. 1605: Ms. DEGETTE.

H.R. 1622: Mr. SAXTON and Mr. BLUMENAUER.

H.R. 1626: Mr. LUCAS of Kentucky and Mr. ORTIZ.

H.R. 1633: Mr. STENHOLM.

H.R. 1684: Ms. MCCOLLUM.

H.R. 1692: Ms. HOOLEY of Oregon.

H.R. 1694: Mr. MCDERMOTT.

H.R. 1708: Mr. MICA.

H.R. 1713: Ms. HOOLEY of Oregon.

H.R. 1731: Mr. GOODE and Mr. FRANK of Massachusetts.

H.R. 1735: Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, and Mr. RODRIGUEZ.
H.R. 1749: Mr. CRANE, Mr. THORNBERRY, Mr. VAN HOLLEN, Mr. BERRY, Mr. STARK, Mr. CLYBURN, Mr. SABO, Mr. HAYWORTH, Ms. NORTON, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. ANDREWS, Mr. GILCHREST, Mr. BURTON of Indiana, and Mr. NUSSLE.
H.R. 1751: Ms. HOOLEY of Oregon.
H.R. 1755: Mr. BARRETT of South Carolina and Mr. FOLEY.
H.R. 1767: Mr. BURNS and Mr. KNOLLENBERG.
H.R. 1769: Mr. SANDLIN and Mr. HOYER.
H.R. 1776: Mr. PUTNAM and Mr. BURTON of Indiana.
H.R. 1796: Mr. CASE.
H.R. 1819: Mr. ALLEN.
H.R. 1822: Mr. LEWIS of California, Mrs. DAVIS of California, Mr. BACA, Mr. MATSUI, Mr. STARK, Mr. CONYERS, Ms. LINDA T. SANCHEZ of California, and Mr. GEORGE MILLER of California.
H.R. 1824: Mr. LUCAS of Kentucky, Mr. INSLEE, and Mrs. KELLY.
H.R. 1828: Mr. GONZALEZ.
H.R. 1829: Mr. BARRETT of South Carolina and Mr. DOYLE.
H.R. 1862: Mr. WELDON of Pennsylvania.
H.R. 1873: Mr. BRADLEY of New Hampshire, Mr. VITTER, and Mr. WELDON of Florida.
H.R. 1886: Ms. HOOLEY of Oregon.
H.R. 1910: Mr. BLUMENAUER, Mr. BECERRA, Mr. CALVERT, Mr. LEWIS of Georgia, Mr. SABO, Mr. MURTHA, Mr. KIRK, and Mr. BACHUS.
H.R. 1914: Mr. BISHOP of Georgia, Mr. SULLIVAN, and Mr. RANGEL.
H.R. 1963: Mr. MARSHALL.
H.R. 1999: Mr. LATOURETTE, Mr. KLECZKA, and Mr. ACKERMAN.
H.R. 2008: Mr. MEEHAN.
H.R. 2038: Mr. HOYER.
H.R. 2042: Mr. ACKERMAN, Mrs. MALONEY, and Mr. HOEFFEL.
H.R. 2045: Mr. CALVERT, Mr. SHIMKUS, and Mr. PAUL.
H.R. 2081: Mr. DAVIS of Illinois.
H.R. 2096: Mr. ROGERS of Alabama, Mr. FLETCHER, Mr. CANTOR, Mr. KILDEE, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 2125: Mr. GUTIERREZ.
H.R. 2154: Mr. BURGESS.
H.R. 2172: Mr. RYAN of Ohio, Mr. PASCRELL, and Mr. BARRETT of south Carolina.
H.R. 2208: Mrs. JO ANN DAVIS of Virginia.
H.R. 2218: Mr. GRIJALVA.
H.R. 2238: Mrs. BONO and Mr. NEUGEBAUER.
H.R. 2239: Ms. BALDWIN, Mr. KUCINICH, and Mr. HASTINGS of Florida.
H.R. 2240: Mr. WU and Mr. BLUMENAUER.
H.R. 2246: Mr. TIERNEY and Mr. HALL.
H.R. 2265: Mr. STRICKLAND.
H.R. 2292: Mr. CLYBURN.
H.R. 2300: Mr. GORDON, Mr. VAN HOLLEN, and Mr. UDALL of Colorado.
H.R. 2311: Mr. WEXLER.
H.R. 2314: Mr. PETERSON of Minnesota, Mr. KUCINICH, and Ms. SLAUGHTER.
H.R. 2318: Mr. MEEHAN.
H.R. 2323: Mr. DOYLE.
H.R. 2327: Mr. DOYLE.
H.R. 2329: Mr. WAXMAN and Mr. WEXLER.
H.R. 2349: Mr. DAVIS of Illinois.
H.R. 2353: Mr. GRIJALVA, Mr. DAVIS of Illinois, and Ms. MCCOLLUM.
H.R. 2361: Mr. SCHROCK.
H.R. 2365: Mrs. JONES of Ohio and Mr. RUPPERSBERGER.
H.R. 2379: Mr. DEMINT and Mr. NEUGEBAUER.
H.R. 2385: Mr. KIND.
H.R. 2418: Mr. DAVIS of Illinois.
H.R. 2435: Mrs. LOWEY, Mr. BACA, and Mr. GONZALEZ.
H.R. 2437: Mr. SANDERS and Mr. KUCINICH.
H.R. 2448: Mr. COBLE.
H.R. 2456: Ms. BALDWIN and Mrs. CHRISTENSEN.
H.R. 2462: Ms. MCCARTHY of Missouri, Mr. BALLANCE, Mr. ROTHMAN, Mr. TAYLOR of Mississippi, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2470: Mr. GRIJALVA, Mr. GUTIERREZ, and Ms. SCHAKOWSKY.
H.R. 2504: Mrs. DAVIS of California.
H.R. 2505: Mr. STRICKLAND and Ms. SLAUGHTER.
H.R. 2515: Mr. TANCREDO.
H.R. 2517: Mr. FORBES.
H.R. 2536: Ms. KAPTUR and Mr. KUCINICH.
H.R. 2540: Mr. TERRY, Mr. BILIRAKIS, Mr. SPRATT, and Mr. STUPAK.
H.R. 2546: Mr. DAVIS of Illinois.
H.R. 2548: Mr. WAXMAN.
H.R. 2560: Mr. LINDER and Mr. GOODE.
H.R. 2582: Ms. ESHOO.
H.R. 2603: Mr. SHADEGG.
H.R. 2615: Mr. FROST, Mr. MARKEY, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. REYES, Mr. ETHERIDGE, Mr. DOYLE, and Mr. RANGEL.
H.R. 2616: Ms. WOOLSEY, Mr. DOGGETT, Mr. ALLEN, and Mr. MCGOVERN.
H.R. 2622: Mr. STRICKLAND, Mr. BURTON of Indiana, Mr. KIND, and Mr. DEAL of Georgia.
H.R. 2625: Mr. DELAHUNT, Ms. SLAUGHTER, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOFGREN, Mr. DOYLE, Mr. RUSH, Ms. ROYBAL-ALLARD, Ms. NORTON, Ms. KAPTUR, Mr. PASTOR, Ms. CARSON of Indiana, Mr. KILDEE, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mr. OBERSTAR, Mr. STUPAK, Mr. CONYERS, Mr. UDALL of Colorado, Mr. CUMMINGS, Mr. BLUMENAUER, Mr. CARDIN, Mr. WU, Mr. GUTIERREZ, Ms. LINDA T. SANCHEZ of California, Mr. BALLANCE, Mr. WATT, Mr. MENENDEZ, Mr. CLYBURN, Mr. GONZALEZ, and Ms. MCCOLLUM.
H.R. 2626: Mr. LARSEN of Washington.
H.R. 2655: Mr. NADLER.
H.R. 2659: Mr. JONES of North Carolina, Mr. FOLEY, Ms. GINNY BROWN-WAITE of Florida, and Mr. MICA.
H.R. 2662: Mr. ENGLISH.
H.R. 2665: Mr. OBERSTAR and Ms. MCCOLLUM.
H.R. 2668: Mr. WALSH.
H.R. 2671: Mr. JANKLOW.
H.R. 2678: Ms. SLAUGHTER.
H.R. 2679: Mr. ACKERMAN, Mr. BOEHLERT, Mr. CROWLEY, Mr. ENGEL, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOUGHTON, Mrs. KELLY, Mr. KING of New York, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WALSH, and Mr. WEINER.
H.R. 2682: Mr. DEUTSCH, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. WALSH, and Mr. BLUMENAUER.
H.R. 2694: Mr. SIMMONS, Mr. PUTNAM, Mr. ROSS, Mr. SAXTON, Mr. HEFLEY, and Mr. HAYWORTH.
H.R. 2702: Mr. GILCHREST and Mr. DEAL of Georgia.
H.R. 2705: Mr. PETERSON of Minnesota and Mr. LIPINSKI.
H.R. 2706: Mr. TANNER, Mr. CAMP, Mr. PITTS, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. JEFFERSON, Mr. ALEXANDER, Mrs. JONES of Ohio, Mr. BRADY of Texas, and Mr. CRANE.
H.R. 2707: Mr. FILNER.
H.R. 2711: Ms. SLAUGHTER, Mr. BOSWELL, Ms. HOOLEY of Oregon, Mr. PALLONE, Ms. NORTON, and Ms. HARMAN.
H.R. 2717: Ms. SLAUGHTER and Mr. RANGEL.
H.R. 2719: Mr. ENGLISH, Mr. UPTON, Mr. SHAW, Mr. FORD, and Mr. CANTOR.
H.R. 2720: Mr. STRICKLAND and Mrs. JONES of Ohio.
H.R. 2727: Mr. KUCINICH.
H.R. 2732: Mr. SHIMKUS, Mr. CANTOR, and Mr. SIMPSON.
H.R. 2735: Mr. MORAN of Virginia and Mr. LIPINSKI.
H.R. 2751: Mr. PUTNAM.
H.R. 2755: Mr. CUNNINGHAM.
H.R. 2760: Mr. ENGEL.
H.R. 2767: Ms. KILPATRICK and Mr. PAYNE.
H.R. 2768: Mr. FORBES, Mr. KNOLLENBERG, and Mr. PORTMAN.
H.R. 2788: Mr. KUCINICH.
H.R. 2801: Ms. MILLENDER-MCDONALD, Ms. HARMAN, Mr. PAYNE, Mrs. NAPOLITANO, Mr. MENENDEZ, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. ROSS, Mr. CROWLEY, Mr. RODRIGUEZ, Mr. JEFFERSON, Mr. ETHERIDGE, Mr. ACEVEDO-VILA, Mr. GORDON, Mr. MARSHALL, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. MILLER of North Carolina, Mr. WELDON of Pennsylvania, Mr. HAYES, Mrs. JONES of Ohio, Mr. GILCHREST, and Mr. WICKER.
H.R. 2806: Mr. SNYDER, Mr. WOLF, Mr. TURNER of Texas, Mr. HEFLEY, Mr. WILSON of South Carolina, Mr. BAKER, Mr. BONNER, Mr. GOODE, and Mr. MCDERMOTT.
H.R. 2808: Mr. BAKER, Mr. BLUMENAUER, Ms. DEGETTE, Mr. ENGEL, Mr. ETHERIDGE, Mr. MCINTYRE, Mrs. MYRICK, and Mr. SHERMAN.
H.R. 2813: Mrs. BLACKBURN.
H.R. 2814: Mr. ENGLISH.
H.R. 2821: Mr. RAMSTAD.
H.R. 2825: Mr. WALDEN of Oregon, Mr. PITTS, and Mr. GILLMOR.
H.R. 2837: Mr. MCNULTY, Mr. GRIJALVA, Mr. JEFFERSON, and Mr. FROST.
H.R. 2839: Mr. FOLEY.
H.R. 2840: Mr. DAVIS of Illinois.
H.R. 2849: Mr. HOSTETTLER.
H.R. 2850: Mr. RODRIGUEZ.
H.R. 2851: Mr. HERGER.
H.R. 2856: Mr. PAYNE and Mr. HOLT.
H.R. 2871: Mr. CROWLEY, Mr. RUPPERSBERGER, and Ms. MCCOLLUM.
H.R. 2873: Ms. JACKSON-LEE of Texas and Mr. FARR.
H.R. 2876: Mr. DUNCAN, Mr. RUPPERSBERGER, and Mr. HOLT.
H.R. 2881: Mr. NEY.
H.R. 2883: Ms. BERKLEY.
H.R. 2885: Mr. SOUDER.
H. J. Res. 56: Mr. BALLENGER, Mrs. MYRICK, and Mr. TOOMEY.
H. Con. Res. 45: Ms. HOOLEY of Oregon.
H. Con. Res. 76: Mr. SCOTT of Georgia and Mr. OSBORNE.
H. Con. Res. 94: Mr. HAYWORTH, Mr. MARSHALL, Mr. DOOLITTLE, Mr. HINCHEY, and Mr. DOYLE.
H. Con. Res. 145: Ms. KAPTUR, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. UPTON, Mr. MCNULTY, and Ms. NORTON.
H. Con. Res. 154: Mr. DAVIS of Illinois.
H. Con. Res. 155: Mrs. JONES of Ohio.
H. Con. Res. 213: Mr. LARSEN of Washington.
H. Con. Res. 242: Mr. SHAW, Mr. WOLF, Mr. BURTON of Indiana, Mr. MCNULTY, Mrs. MALONEY, Mr. ISRAEL, Mr. FRANK of Massachusetts, and Mr. SMITH of New Jersey.
H. Con. Res. 247: Ms. NORTON.
H. Con. Res. 252: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, Mr. SCOTT of Virginia, and Mr. FORD.
H. Con. Res. 256: Mr. RANGEL.
H. Res. 32: Mr. ENGEL.
H. Res. 42: Mr. JANKLOW, Mr. FOLEY, Mrs. CHRISTENSEN, Mr. MCNULTY, Ms. SLAUGHTER, Mr. SNYDER, Ms. KAPTUR, and Mrs. JONES of Ohio.
H. Res. 45: Mr. HOLT.
H. Res. 65: Ms. LINDA T. SANCHEZ of California.
H. Res. 144: Mr. BISHOP of New York.
H. Res. 174: Ms. HOOLEY of Oregon.
H. Res. 261: Mr. SCHIFF, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Mr. PLATTS, and Ms. MCCOLLUM.
H. Res. 304: Mr. LIPINSKI and Mr. SCHIFF.
H. Res. 307: Mr. FRANK of Massachusetts.
H. Res. 313: Mr. CLYBURN.
H. Res. 325: Mr. WEXLER, Mr. MCNULTY, Mr. CHABOT, and Mr. SHAW.
H. Res. 337: Mrs. JONES of Ohio.

¶86.62 PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

34. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 295 of 2003 petitioning the United States Congress to adopt ''The Nationwide Health Tracking Act of 2002'' (Senate Law S. 2054 IS, HR 4061 IH); to the Committee on Energy and Commerce.

35. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 292 of 2003 petitioning the United States Congress to extend compensation and other benefits to their full time employees who are members of organized militia of any reserve force or reserve component of the armed forces unit of the United States called to active duty; to the Committee on Government Reform.

36. Also, a petition of City of Soldotna, Alaska, relative to Resolution No. 2003–52 petitioning the United States Congress to support the protection of the civil liberties as guaranteed in the U.S. Bill of Rights and support a revision of the ''Patriot Act'' to ensure civil liberties and protect the rights of all citizens including residents of Soldotna; to the Committee on the Judiciary.

¶86.63 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2735: Mr. WEXLER.

TUESDAY, JULY 29, 2003 (87)

¶87.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. DOOLITTLE, who laid before the House the following communication:

WASHINGTON, DC,
July 29, 2003.

I hereby appoint the Honorable JOHN T. DOOLITTLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶87.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DOOLITTLE, announced he had examined and approved the Journal of the proceedings of Friday, July 25, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶87.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3617. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Burma declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108–109); to the Committee on International Relations and ordered to be printed.

3618. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2003 through June 30, 2003 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108–106); to the Committee on House Administration and ordered to be printed.

3619. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port of Mobile, Mobile, AL [COTP Mobile–03–001] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3620. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Royal Palms Fireworks, West Palm Beach, FL [COTP Miami 03–033] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3621. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Miami Beach Winter Sprints, Miami Beach, FL [COTP Miami 03–028] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3622. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Port of Miami, Miami, FL [COTP MIAMI–03–023] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3623. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Bareardi Bar Mitzvah Fireworks, Buena Vista, FL [COTP-Miami 03–020] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3624. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Lake Okeechobee Challenge, Lake Okeechobee, FL [COTP Miami 03–013] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3625. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Lake Okeechobee Challenge, Lake Okeechobee, FL [COTP Miami 03–013] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3626. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Marine Stadium Fireworks, Biscayne Bay, Miami Beach, FL [COTP Miami 03–010] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3627. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Biscayne Bay, Miami Beach, FL [COTP Miami 03–009] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3628. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Johns River, Jacksonville, FL [COTP Jacksonville 03–040] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3629. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Indian River, Cocoa Village Mardi Gras, Cocoa, FL [COTP Jacksonville 03–034] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3630. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Johns River, Jacksonville, FL [COTP Jacksonville 03–030] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3631. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; St. Johns River, Jacksonville, FL [COTP Jacksonville 03–029] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3632. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Atlantic Ocean, St. Johns River, Atlantic Intracoastal Waterway, Jacksonville, FL [COTP Jacksonville 03–027] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3633. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Matanzas River, St. Augustine, FL [COTP Jacksonville 03–019] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3634. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houston Ship Channel, Houston, TX [COTP Houston-Galveston-03–002] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3635. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Houston Ship Channel, Houston, TX [COTP Houston-Galveston-03–001] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3636. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Corpus Christi Ship Channel, Corpus Christi, TX [COTP Corpus Christi-03–001] (RIN: 2115–AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3637. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Charleston Harbor, Cooper River, South Carolina [COTP CHARLESTON-03–025] (RIN: 2115–AA101) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3638. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Captain of the Port Chicago Zone, Lake Michigan [CGD09–03–201] (RIN: 2115–AA97) received

July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶87.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 481. An Act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

¶87.5 ORDER OF BUSINESS—ADJOURNMENT OF THE TWO HOUSES

Speaker pro tempore, Mr. DOOLITTLE, by unanimous consent,

Ordered, That when the House adjourns today it shall adjourn to meet at 4 p.m. on Friday, August 1, 2003, unless it sooner has received a message from the Senate transmitting an amendment to House Concurrent Resolution 259 in the form that is now at the desk–which the Clerk presently shall report–in which case the House shall be considered to have concurred in such amendment of the Senate and to have adjourned pursuant to such resolution, as amended.

¶87.6 ORDER OF BUSINESS—AMENDMENT TO H. CON. RES. 259

The Clerk reported the form of the amendment as follows:

Strike ''when the House adjourns on the legislative day of Friday, July 25, 2003, or Saturday, July 26, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee,'' and insert: ''when the House adjourns on the legislative day of Tuesday, July 29, 2003,''

¶87.7 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 481. An Act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes; to the Committee on Government Reform.

And then,

¶87.8 ADJOURNMENT

The SPEAKER pro tempore, Mr. DOOLITTLE, pursuant to House Resolution 259 and the previous order of the House, at 4 o'clock and 5 minutes p.m., the House adjourned until 2 p.m. on Wednesday, September 3, 2003, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 259, as amended, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶87.9 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 876: Mr. GEORGE MILLER of California.
H.R. 937: Mr. BAIRD.
H.R. 1910: Mr. WILSON of South Carolina.
H.R. 2916: Mr. GEORGE MILLER of California, Mr. INSLEE, and Ms. MCCOLLUM.

WEDNESDAY, SEPTEMBER 3, 2003 (88)

¶88.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SCHROCK, who laid before the House the following communication:

WASHINGTON, DC,
September 3, 2003.

I hereby appoint the Honorable EDWARD L. SCHROCK to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶88.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SCHROCK, announced he had examined and approved the Journal of the proceedings of Tuesday, July 29, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶88.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3639. A letter from the Administrator, FSIS, Department of Agriculture, transmitting the Department's final rule—Changes in Fees for Meat, Poultry, and Egg Products Inspection Services—Calendar Year (CY) 2003 [Docket No. 02-034F] (RIN: 0583-AC94) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3640. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Revision of Varietal Types [Docket No. FV03-989-6 IFR] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3641. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Temporary Suspension of the Mandatory Outgoing Prune Inspection and Quality Requirements, and Modification of the Undersized Prune Disposition Requirements Under the Marketing Order; and Suspension of the Prune Import Regulation [Docket No. FV03-993-3 IFR] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3642. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Relaxation of Pack Requirements [Docket No. FV03-920-1 FR] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3643. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Reduction in Additional Storage Payments Regarding Reserve Raisins Intended for Use as Cattle Feed [Docket No. FV03-989-7 IFR] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3644. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Decreased Assessment Rate [Docket No. FV03-993-4 IFR] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3645. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapefruit and Oranges (Texas and States Other than Florida, California, and Arizona); Grade Standards [Docket Number FV-00-304] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3646. A letter from the Secretary, Department of Agriculture, transmitting a copy of the Department's draft bill entitled, ''Packers and Stockyards Licensing Fee Act of 2003''; to the Committee on Agriculture.

3647. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 2,6-Diisopropylnaphthalene; Temporary Tolerances [OPP-2003-0127; FRL-7321-6] received August 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3648. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hydramethylnon; Pesticide Tolerance [OPP-2003-0251; FRL-7319-5] received August 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3649. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tralkoxydim; Time-Limited Pesticide Tolerance [OPP-2003-0180; FRL-7315-9] received August 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3650. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule — Diallyl Sulfides; Exemption from the Requirement of a Tolerance Correction [OPP-2003-0134; FRL-7320-5] received August 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3651. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Spinosad; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0207; FRL-7317-3] received August 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3652. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 108—116); to the Committee on Appropriations and ordered to be printed.

3653. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral John J. Grossenbacher, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

3654. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Multiyear Procurement Authority for Environmental Services for Military Installations [DFARS Case 2003-D004] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3655. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Buy-to-Budget Acquisition of End Items [DFARS Case 2002-D036] received August 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3656. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles S. Mahan, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3657. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments [Docket No. 03-20] (RIN: 1557-AC09) received August 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3658. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Removal, Suspension, and Debarment of Accountants From Performing Audit Services: Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 03-XX] (RIN: 1557-AC01); Board of Governors of the Federal Reserve System [Docket No. R-1139]; Federal Deposit Insurance Corporation (RIN: 3064-AC57); Department of the Treasury, Office of Thrift Supervision (RIN: 1550-AB53) received August 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3659. A letter from the Assistant General Counsel (Banking & Finance), Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program (RIN: 1505-AA96) received August 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3660. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Public Housing Capital Fund Program Obligation and Expenditure of Funds [Docket No. FR-4507-F-02] (RIN: 2577-AC16) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3661. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Republic of Panama pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3662. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Bahrain pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3663. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Broker-Dealer Exemption from Sending Certain Financial Information to Customers [Release No. 34-48272; File No. S7-48-02] (RIN: 3235-AI68) received August 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3664. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR) (RIN: 1820-ZA17) received August 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3665. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR) (RIN: 1820-ZA18) received August 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3666. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR) (RIN: 1820-ZA24) received August 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3667. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR) (RIN: 1820-ZA17) received August 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3668. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR) (RIN: 1820-ZA18) received August 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3669. A letter from the Assistant Attorney General, Department of Justice, transmitting a report entitled ''Office of Juvenile Justice and Delinquency Prevention (OJJDP) Annual Report 2001,'' pursuant to 42 U.S.C. 5617 and 42 U.S.C. 5601; to the Committee on Education and the Workforce.

3670. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule — Alternate Locking Devices for Plug and Receptacle-Type Connectors on Mobile Battery-Powered Machines (RIN: 1219-AA98 (Phase 10)) Received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3671. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Report for Fiscal Year 2002; to the Committee on Education and the Workforce.

3672. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled ''National Disability Policy: A Progress Report'' December 2001 thru December 2002, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

3673. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3674. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Mild Traumatic Brain Injury (MTBI) in the United States: Steps to Prevent a Serious Public Health Problem'' dated July 2003; to the Committee on Energy and Commerce.

3675. A letter from the Trial Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule — Confidential Business Information [Docket No. NHTSA-02-12150; Notice 2] (RIN: 2127-AI13) received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3676. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Regulation to Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchanges [WV041/046-6015a; FRL-7525-2] received August 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3677. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to Florida State Implementation Plan: Transportation Conformity Rule [FL-078-200335(a); FRL-7541-9] received August 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3678. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 188-1188a; FRL-7542-3] received August 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3679. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plan for Designated Facilities and Pollutants; Commonwealth of Kentucky and Jefferson County, Kentucky [KY-200334(a); FRL-7542-6] received August 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3680. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Exclusion for Indentifying and Listing Hazardous Waste and A Determination of Equivalent Treatment; Final Exclusion [SW-FRL-7541-7] received August 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3681. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List [FRL-7542-7] received August 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3682. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District [CA 172-0276a; FRL-7524-7] received August 6, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3683. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to State Implementation Plan [GA-60, GA-61-200332(a); FRL-7543-9] received August 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3684. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Motor Vehicle Inspection and Maintenance Program — Revised Final Standards for the Acceleration Simulation Mode Exhaust Emissions Test [PA 207-4213; FRL-7544-7] received August 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3685. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air

Quality Plans for Designated Facilities and Pollutants; Control of Emissions From Existing Commercial/Industrial Solid Waste Incinerator Units; Arizona; Nevada [AZ NV-095-NEGDECa; FRL-7534-8] received August 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3686. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Mexico: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-5] received August 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3687. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Forsyth County, North Carolina Update to Materials Incorporated by Reference [NC-200317; FRL-7524-4] received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3688. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to Visible Emissions and Sulfur Dioxide Testing Regulations [MD140-3094a; FRL-7523-7] received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3689. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Oxides of Nitrogen Regulations [OH155-3; FRL-7539-4] received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3690. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to Pittsburgh-Beaver Valley Area Ozone Maintenance Plan [PA206-4212a; FRL-7524-9] received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3691. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Operating Permits Program; State of Kansas [KS 189-1189a; FRL-7540-7] received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3692. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Part 71 Federal Operating Permits Program for California Agricultural Sources, Announcement of a New Deadline For Application Submittal [CA 098-NOA; FRL-7537-1] received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3693. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Reconsideration [Docket No. A-90-37; FRL-7538-1; E-Docket ID No. A-2001-0004 (Legacy Docket ID No. A-90-37)] received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3694. A letter from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standardization of Generator Interconnection Agreements and Procedures [Docket No. RM02-1-000] received August 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3695. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Hydroelectric Licensing under the Federal Power Act [Docket No. RM02-16-000; Order No. 2002] received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3696. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Adjustment of the Maximum Retrospective Deferred Premium (RIN: 3150-AH23) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3697. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 14-03 which informs of intent to sign Amendments Number three and four to the Arrow System Improvement Program (ASIP) Memorandum of Agreement (MOA) between the United States and Israel, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3698. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within a sixty day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

3699. A communication from the President of the United States, transmitting a notice of continuation of national emergency beyond August 17, 2003 declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—110); to the Committee on International Relations and ordered to be printed.

3700. A communication from the President of the United States, transmitting a final report concerning the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order No. 12865 of September 26, 1993, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

3701. A communication from the President of the United States, transmitting a report on the national emergency with respect to Sierra Leone and Liberia that was declared in Executive Order 13194, of January 18, 2001 and expanded in scope in Executive Order 13213, of May 22, 2001 also to implement the ''Clean Diamond Trade Act,'' Public Law 108-19, pursuant to 50 U.S.C. 1703(b) and 50 U.S.C. 1631; (H. Doc. No. 108—114); to the Committee on International Relations and ordered to be printed.

3702. A communication from the President of the United States, transmitting six month periodic report on the national emergency with respect to Sierra Leone and Liberia that was declared in Executive Order 13194, of January 18, 2001 and expanded in scope in Executive Order 13213, of May 22, 2001, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—115); to the Committee on International Relations and ordered to be printed.

3703. A communication from the President of the United States, transmitting a six month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—117); to the Committee on International Relations and ordered to be printed.

3704. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to Iraq is to continue in effect beyond August 2, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—118); to the Committee on International Relations and ordered to be printed.

3705. A communication from the President of the United States, transmitting the text of a proposed Agreement for Cooperation within the context of the North Atlantic Treaty Organization (NATO) between the United States and the Czech Republic, the Republic of Hungary, the Republic of Poland and Spain, pursuant to 42 U.S.C. 2153(b); (H. Doc. No. 108—119); to the Committee on International Relations and ordered to be printed.

3706. A letter from the Under Secretary, Department of Defense, transmitting a copy of Transmittal No. 16-03 which informs of an intent to sign a Memorandum of Understanding (MOU) between the United States and the United Kingdom for the Development, Documentation, Production and Initial Fielding of Advanced Extremely High Frequency (AEHF) Military Satellite Communications (MILSATCOM), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3707. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 15-03 which informs you of our intent to sign Amendment Number One to the Swedish Technology Research Development Projects (TRDP) Memorandum of Agreement (MOA) between the United States and Sweden, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3708. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Japan (Transmittal No. DDTC 066-03), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3709. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Canada (Transmittal No. DDTC 082-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3710. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Russia (Transmittal No. DDTC 076-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3711. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Arab Emirates (Transmittal No. DDTC 048-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3712. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2003-28 entitled, ''Waiver Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal court; to the Committee on International Relations.

3713. A communication from the President of the United States, transmitting an additional report, consistent with the War Powers Resolution to keep the Congress informed on clashes between Liberian government and rebel forces in the vicinity of the United States Embassy in Monrovia, Liberia, to augment the United states Embassy security forces and to aid in the evacuation of United states citizens from Liberia if required; (H. Doc. No. 108—112); to the Committee on International Relations and ordered to be printed.

3714. A communication from the President of the United States, transmitting a report including matters relating to post-liberation Iraq as consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243); (H. Doc. No. 108–120); to the Committee on International Relations and ordered to be printed.

3715. A communication from the President of the United States, transmitting notification to expand the scope of the national emergency declared in Executive Order No. 13303 of May 22, 2003 with respect to the blocking of property of the former Iraqi Regime, it's Senior Officials and their family members, and taking certain other actions, pursuant to 50 U.S.C. 1703(b) and 50 U.S.C. 1631; (H. Doc. No. 108–122); to the Committee on International Relations and ordered to be printed.

3716. A letter from the Arms Control and Disarmament Agency, transmitting Annual report, pursuant to 22 U.S.C. 2590; to the Committee on International Relations.

3717. A letter from the Director, Defense Security Cooperation Agency, transmitting the quarterly reports in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on International Relations.

3718. A letter from the Deputy Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule — Rough Diamonds (Sierra Leone & Liberia) Sanctions Regulations; Rough Diamonds Control Regulations — received July 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3719. A letter from the Director, Bureau of the Census, Department of Commerce, transmitting the Department's final rule — Automated Export System Mandatory Filing for Items on the Commerce Control List (CCL) and the United States Munitions List (USML) that Currently Require a Shipper's Export Declaration (SED) [Docket Number 010622161-3092-03] (RIN: 0607-AA34) received August 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3720. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report entitled ''Report to Congress on Arms Control, Nonproliferation and Disarmament Studies Completed in 2002'' pursuant to 22 U.S.C. 2579; to the Committee on International Relations.

3721. A letter from the Secretary, Department of Commerce, transmitting the Inspector General's semiannual report to Congress for the reporting period October 1, 2002 through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3722. A letter from the Comptroller General, General Accounting Office, transmitting a report on the Month in Review: June 2003 Reports, Testimony, Correspondence, and Other Publications, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

3723. A letter from the Human Resource Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3724. A letter from the General Counsel, Executive Office of the President, transmitting report on federal vacancy confirmed in Senate, position of Deputy Director, Office of Management and Budget; to the Committee on Government Reform.

3725. A communication from the President of the United States, transmitting an alternative plan for across-the-board and locality pay increases payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2004, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 108—121); to the Committee on Government Reform and ordered to be printed.

3726. A letter from the Director of Compensation and Benefits, AgFirst Farm Credit Bank, transmitting the annual reports of Federal Pension Plans Required by Public Law 95-595 for the plan year January 1, 2002, through December 31, 2002, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

3727. A letter from the Director, Bureau of the Census, Department of Commerce, transmitting the Department's final rule — Amendments to Age Search Procedures [Docket Number 010828220-3161-02] (RIN: 0607-AA24) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3728. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3729. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3730. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3731. A letter from the Secretary, Department of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March 31, 2003, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

3732. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3733. A letter from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting report on vacancy in Senate confirmed position; to the Committee on Government Reform.

3734. A letter from the General Counsel, Executive Office of the President, transmitting report on federal vacancy confirmed in Senate, position of Director, Office of Management and Budget; to the Committee on Government Reform.

3735. A letter from the General Counsel, Federal Housing Finance Board, transmitting the Board's final rule — Amendments to the Description of Organization and Functions Regulation [No. 2003-09] (RIN: 3069-AB25) received August 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3736. A letter from the General Counsel, Federal Housing Finance Board, transmitting the Board's final rule — Privacy Act and Freedom of Information Act; Implementation [No. 2003-08] (RIN: 3069-AB07) received August 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3737. A letter from the Director, Office of Government Ethics, transmitting the Office's inventories of Commercial and Inherently Governmental Activities for Year 2003 as pursuant to the Federal Activities Inventory Reform Act, pursuant to Public Law 105—270; to the Committee on Government Reform.

3738. A letter from the Architect of the Capitol, transmitting a report entitled ''Architect of the Capitol Injury and Illness Analysis Report Quarterly Update FY03 Quarter 2''; to the Committee on House Administration.

3739. A letter from the Chair, Office of the General Counsel, Federal Election Commission, transmitting the Commission's final rule — Public Financing of Presidential Candidates and Nominating Conventions [Notice 2003-12] received July 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

3740. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Documents Incorporated by Reference--API RP 14F and API RP 14FZ (RIN: 1010-AC89) received July 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3741. A letter from the Assistant Secretary for Fish and Wildlife, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of Three Additional Manatee Protection Areas in Florida (RIN: 1018-AJ06) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3742. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Montana Regulatory Program [MT-023-FOR] received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3743. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-137-FOR] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3744. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish by Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 072303B] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3745. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 072803B] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3746. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Species in the Rock Sole/Flathead Sole/''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-3037-02; I.D. 072903A] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3747. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area [Docket No. 021212307-3037-02; I.D. 073003B] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3748. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 021212307-3037-02; I.D. 071503C] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3749. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1 — Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No. 020430101-2101-01; I.D. 062503A] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3750. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Measures for the Summer Floudner, Scup, and Black Sea Bass Fisheries; Fishing Year 2003 [Docket No. 030509120-3171-02; I.D. 033103D] (RIN: 0648-AQ32) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3751. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 071803A] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3752. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 071803C] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3753. A letter from the Director, Regulations and Forms Services, Department of Homeland Security, transmitting the Department's final rule — Extension of Validity Period of Approved Form I-600A, Application for Advance Processing of Orphan Petition [CIS No. 2288-03] (RIN: 1615-AB07) received August 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3754. A letter from the Attorney, Office of the General Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Immediate and Continuous Transit Programs [CBP DEC. 03-14] (RIN: 1515-AD36) received August 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3755. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Clarifying of Release Gratuities—Release Transportation Regulations to More Closely Conform to Statutory Provisions [BOP-1108-I] (RIN: 1120-AB21) received June 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3756. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report regarding certain settlements and injunctive relief as required by Section 202(a)(1)(c) of Public Law 107-273, the ''21st Century Department of Justice Appropriations Authorization Act,'' pursuant to Public Law107—273; to the Committee on the Judiciary.

3757. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — VISAS: Documentation of Nonimmigrants Under the Immigration and Nationality Act-Suspension of Transit Without Visa Program — received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3758. A letter from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on March 27, 2003, for the State of New York as a result of the record/near record snow on February 17-18, 2003, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3759. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on April 9, 2003, for the State of New York as a result of the record/near record snow on March 17-20, 2003, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

3760. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations, Motor Vessel VOC FRONTIER, Blair Waterway, Commencement Bay, Puget Sound, Washington [CGD13-03-006] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3761. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05-03-033] (RIN: 1625-AA00) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3762. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chicago, IL [CGD09-03-200] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3763. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Chesapeake Bay, Elizabeth River, Port of Hampton Roads, Virginia [CGD-05-03-028] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3764. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, James River, VA [CGD05-03-026] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3765. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05-03-027] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3766. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Chesapeake Bay, Elizabeth River, Port of Hampton Roads, Virginia [CGD-05-03-025] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3767. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05-03-024] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3768. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Chesapeake Bay, Elizabeth River, Port of Hampton Roads, Virginia [CGD-05-03-021] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3769. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Ice Conditions, Elk River and Chesapeake and Delaware Canal, Maryland [CGD05-03-020] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3770. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Ice Conditions, Elk River and Chesapeake and Delaware Canal, Maryland [CGD05-03-015] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3771. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05-03-011] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3772. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Hampton Roads, James River, VA [CGD05-03-014] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3773. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05-03-009] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3774. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Military Ocean Terminal Sunny Point, Cape Fear River, Brunswick County, NC [CGD05-

03-006] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3775. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-03-005] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3776. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Bogue Sound, Morehead City, NC [CGD05-03-004] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3777. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Chesapeake Bay, Elizabeth River, Port of Hampton Roads, Virginia [CGD-05-03-002] (RIN: 2115-AA97) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3778. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Bayou LaLoutre, Ycloskey, LA [CGD08-03-013] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3779. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, mile 1060.5 at Fort Lauderdale, Broward County, Florida [CGD07-03-129] (RIN: 1625-AA09) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3780. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Point Pleasant Beach to Bay Head, New Jersey [CGD05-03-101] (RIN: 1625-AA08) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3781. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Race Week Miami Super Boat Race, Miami Beach, Florida [CGD07-03-098] (RIN: 1625-AA08) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3782. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Captain of the Port Detroit zone [CGD09-03-399] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3783. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Offshore Gran Prix, Huntington Beach, CA [COTP Los Angeles-Long Beach 03-005] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3784. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Laughlin, Nevada [COTP San Diego 03-025] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3785. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, MO [COTP Paducah-03-014] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3786. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Milwaukee Zone [CGD09-02-501] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3787. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, Seafair Blue Angels Performance, Lake Washington, WA [CGD13-03-023] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3788. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks display in the Captain of the Port Portland Zone, Colombia River, Astoria, Oregon [CGD13-03-013] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3789. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03-050] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3790. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harley Davidson Motor Company 100th Anniversary Fireworks, Milwaukee, Wisconsin [CGD09-03-224] (RIN: 1625-AA97) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3791. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Port Hueneme Harbor, Ventura County, CA [COTP Los Angeles-Long Beach 01-013] (RIN: 1625-AA00 (Formerly RIN: 2115-AA97)) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3792. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones; Chesapeake Bay, Maryland and Tributaries [CGD05-03-102] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3793. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zone; Cove Point Liquefied Natural Gas Terminal, Chesapeake Bay, Maryland [CGD05-03-103] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3794. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Basic rates and charges on Lake Erie and the navigable waters from Southwest Shoal to Port Huron, MI [USCG-2002-12840] (RIN: 1625-AA74 (Formerly 2115-AG46)) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3795. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters —— Technical, Organizational, and Conforming Amendments [USCG-2003-15404] (RIN: 1625-ZA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3796. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations: Rockland, Maine [CGD01-02-129] (RIN: 1625-AA01) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3797. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Tall Ships 2003, Navy Pier, Chicago, IL, July 30-August 4, 2003 [CGD09-03-207] (RIN: 1625-AA01) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3798. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Point Pleasant Beach to Seaside Park, New Jersey [CGD05-03-052] (RIN: 1625-AA08) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3799. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Presidential Visit, New London, CT [CGD01-03-048] (RIN: 1625-AA11) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3800. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones, Security Zones, and Special Local Regulations [USCG-2003-15813] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3801. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones; Former President Clinton's Visit, JFK Library, Boston, MA [CGD01-03-052] (RIN: 2115-AA97) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3802. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety; Vietnam Veterans Fireworks 2003, East Haven, CT [CGD01-03-055] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3803. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Summer Music at Harkness Fireworks Display 2003, Waterford, CT [CGD01-03-056] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3804. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Godfrey Wedding Fireworks Display, Westport, CT [CGD01-03-058] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3805. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones; Ammunition Load, U.S. Coast Guard Integrated Support Center Boston, MA [CGD01-03-077] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3806. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Chesapeake Bay, James River, Williamsburg, Virginia [CGD05-03-041] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3807. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05-03-045] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3808. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Ocean, Isle of Wight Bay, Ocean City, Maryland [CGD05-03-053] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3809. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Chesapeake Bay, Rappahannock River, Tappahannock, Virginia [CGD05-03-054] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3810. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Hampton Roads, Elizabeth River, VA [CGD05-03-067] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3811. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05-03-069] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3812. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA [CGD05-03-070] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3813. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Patapsco River, Baltimore, Maryland [CGD05-03-071] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3814. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Muskego Lake, Muskegon, MI [CGD09-03-220] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3815. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston, SC [COTP Charleston 03-093] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3816. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. John's River, Jacksonville, Florida [COTP Jacksonville 03-055] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3817. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, Cocoa Beach, FL [COTP Jacksonville 03-059] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3818. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Banana River, Cocoa Beach, FL [COTP Jacksonville 03-061] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3819. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Intracoastal Waterway, Fernandina Beach, FL [COTP Jacksonville 03-074] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3820. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Indian River, New Smyrna Beach, FL [COTP Jacksonville 03-096] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3821. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; ''Cincinnati Offshore Grand Prix,'' Ohio River Miles 448.5 to 452.0, New Richmond, OH [COTP Louisville-03-002] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3822. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; McCellan-Kerr Arkansas River Mile 335.3 to 336.3, Sallisaw, OK [COTP Memphis-03-001] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3823. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule -Safety Zone: WCI Communities, Inc. Fireworks, West Palm Beach, FL [COTP Miami 03-065] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3824. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fort Lauderdale Air & Sea Show, Fort Lauderdale, FL [COTP Miami 03-067] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3825. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Sun Fest West Palm Beach, FL [COTP Miami 03-068] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3826. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94.0 to 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-03-008] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3827. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Lower Mississippi River, Mile Marker 19.0 to 21.0, Above Head of Passes, Port Sulphur, LA [COTP New Orleans-03-009] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3828. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 430.0 to the Gulf of Mexico, Above Head of Passes, LA [COTP New Orleans-03-010] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3829. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Lower Mississippi River, Above Head of Passes, LA [COTP New Orleans-03-011] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3830. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Inner Harbor Navigational Canal, New Orleans, LA [COTP New Orleans-03-012] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3831. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Clearwater Harbor, Florida [COTP Tampa 03-058] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3832. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile 403.5 to 404.5, Burlington, IA [COTP St. Louis-03-003] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3833. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, San Francisco, California [COTP San Francisco Bay 03-015] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3834. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Half Moon Bay and vicinity of Pillar Point, California [COTP San Francisco Bay 03-016] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3835. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Half Moon Bay and vicinity of Pillar Point, California [COTP San Francisco Bay 03-018] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3836. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Juan, Puerto Rico [COTP San Juan 03-063] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3837. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Juan, Puerto Rico [COTP San Juan 03-084] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3838. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security zone; Savannah River, Savannah, GA [COTP Savannah-03-056] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3839. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03-064] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3840. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Brunswick River, Brunswick, GA [COTP Savannah-03-070] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3841. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03-077] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3842. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-03-085] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3843. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [COTP Savannah-03-086] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3844. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hudson River, Middle Ground Flats, Hudson, NY [CG01-03-015] (RIN: 1625-AA97) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3845. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Town of Branford Annual Fireworks Display, Branford, CT [CGD01-03-032] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3846. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Boston Harbor Fireworks- Armed Forces Network, Boston, Massachusetts [CGD1-03-049] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3847. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY-03-007] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3848. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY-03-008] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile Marker 962 to 963, Grand Chain, IL [COTP Paducah, KY-03-011] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3850. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Marker 51.5 to 52.5, Cape Girardeau, Missouri [COTP Paducah, KY-03-012] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River, Mile Marker 446.0 to 475, Chattanooga, TN [COTP Paducah-03-013] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3852. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Delaware Bay and River [COTP PHILADELPHIA 03-018] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3853. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, Pennsylvania [COTP Pittsburgh-03-003] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3854. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, Pennsylvania [COTP Pittsburgh-03-004] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3855. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Monongahela River Mile Marker 97.5 to Mile Marker 98.5, Star City, West Virginia [COTP Pittsburgh-03-005] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3856. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway (GICWW) Mile Marker 319.0 [COTP Port Arthur 03-003] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3857. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Arthur Ship Canal, Port Arthur, TX [COTP Port Arthur-03-004] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3858. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Arthur Ship Canal, Port Arthur, TX [COTP Port Arthur-03-005] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3859. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neches River, Port Neches, TX [COTP Port Arthur-03-006] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3860. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Adjacent to National City Marine Terminal, San Diego, CA [COTP San Diego 03-016] (RIN: 1625-AA00) received August 12, 2003,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3861. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding Naval Base Coronado, San Diego, California [COTP San Diego 03-020] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3862. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Between Laughlin Bridge and Davis Dam (This section of the Colorado River divides Arizona and Nevada.) [COTP San Diego 03-021] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3863. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Laughlin, Nevada [COTP San Diego 03-024] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3864. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Suisun Bay, Concord, California [COTP San Francisco Bay 03-006] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3865. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, California [COTP San Francisco Bay 03-007] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3866. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, Oakland Inner Harbor, Oakland, California [COTP San Francisco Bay 03-011] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3867. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, Oakland Estuary, Alameda, California [COTP San Francisco Bay 03-012] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3868. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Half Moon Bay and vicinity of Pillar Point, California [COTP San Francisco Bay 03-013] (RIN: 1625-AA00) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3869. A letter from the Assistant Chief Counsel for Regulations, TSA, Department of Homeland Security, transmitting the Department's final rule — Transportation Security Administration Transition to Department of Homeland Security; Technical Amendments Reflecting Organizational Changes [Docket No. TSA-2003-14702; Amendment Nos. 1500-1, 1502-1, 1503-1, 1510-3, 1511-2, 1540-5, 1542-1, 1544-4, 1546-1, 1548-1, 1550-1] (RIN: 1652-AA20) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3870. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sibley, IA [Docket No. FAA-2003-15080; Airspace Docket No. 03-ACE-48] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3871. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kaiser, MO [Docket No. FAA-2003-15076; Airspace Docket No. 03-ACE-44] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3872. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pocahontas, IA [Docket No. FAA-2003-15077; Airspace Docket No. 03-ACE-45] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3873. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Window Rock, AZ [Docket No. FAA-2003-15299; Airspace Docket No. 03-AWP-9] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3874. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce RB211 Series Turbofan Engines [Docket No. 2000-NE-13-AD; Amendment 39-13200; AD 2003-12-15] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3875. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-6 Airplanes [Docket No. 2003-CE-12-AD; Amendment 39-13204; AD 2003-13-04] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3876. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Iniziative Industriali Italiane S.p.A. Models Sky Arrow 650 TC and 650 TCN Airplanes [Docket No. 2003-CE-11-AD; Amendment 39-13206; AD 2003-13-06] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3877. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Iniziative Industriali Italiane S.p.A. Models Sky Arrow 650 TC and 650 TCN Airplanes [Docket No. 2003-CE-10-AD; Amendment 39-13205; AD 2003-13-05] (RIN: 2120 AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3878. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and 767-300 Series Airplanes [Docket No. 2002-NM-187-AD; Amendment 39-13203; AD 2003-13-03] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3879. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2002-NM-143-AD; Amendment 39-13201; AD 2003-13-01] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3880. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321-131 Series Airplanes; Equipped with International Aero Engines (IAE) V25()()-A5 Series Engines [Docket No. 2003-NM-134-AD; Amendment 39-13202; AD 2003-13-02] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3881. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2003-NM-02-AD; Amendment 39-13197; AD 2003-12-12] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3882. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes [Docket No. 2001-NM-271-AD; Amendment 39-13194; AD 2003-12-09] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3883. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aeropatiale Model ATR42-200, -300, -320, and -500 Series Airplanes; and Model ATR72-102, -202, -212, and -212A Series Airplanes [Docket No. 2002-NM-331-AD; Amendment 39-13195; AD 2003-12-10] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3884. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80A1/A3 and CF6-80C2A PMC Series Turbofan Engines [Docket No. 2002-NE-09-AD; Amendment 39-13193; AD 2003-12-08] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3885. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines [Docket No. 97-ANE-05-AD; Amendment 39-13192; AD 2003-12-07] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3886. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes [Docket No. 99-NM-98-AD; Amendment 39-13196; AD 2003-12-11] (RIN: 2120-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3887. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. ()HC-()(2,3)(X,V)()—() Series and HA-A2V20-1B Series Propellers with Aluminum Blades [Docket No. 96-ANE-40-AD; Amendment 39-13212; AD 97-18-02R1] (RIN: 2021-AA64) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3888. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30369; Amdt. No. 3059] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3889. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30372; Amdt. No. 3061] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3890. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30373; Amdt. No. 3062] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3891. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airways and Jet Routes in the Vicinity of Savannah, GA [Docket No. FAA 2002-13362; Airspace Docket No. 02-ASO-7] (RIN: 2120-AA66) received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3892. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Falls City, NE [Docket No. FAA-2003-15256; Airspace Docket No. 03-ACE-49] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3893. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Muscatine, IA [Docket No. FAA-2003-14936; Airspace Docket No. 03-ACE-39] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3894. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Rock Rapids, IA [Docket No. FAA-2003-14843; Airspace Docket No. 03-ACE-28] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3895. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D, E4, E5 Airspace; Elizabeth City, NC [Docket No. FAA-15311; Airspace Docket No. 03-ASO-6] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3896. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E5 Airspace; Tuscaloosa, AL [Docket No. FAA-2003-15360; Airspace Docket No. 03-ASO-7] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3897. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspce; Cambridge, NE [Docket No. FAA-2003-15257; Airspace Docket No. 03-ACE-50] received July 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3898. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials; Miscellaneous Amendments [Docket No. RSPA-02-13773 (HM-218B)] (RIN: 2137-AD73) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3899. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30377; Amdt. No. 3066] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3900. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30376; Amdt. No. 3065] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3901. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2003-NM-156-AD; Amendment 39-13224; AD 2003-14-05] (RIN: 2120-AA64) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3902. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2002-NM-02-AD; Amendment 39-13230; AD 2003-14-11] (RIN: 2120-AA64) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3903. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, 737-700, 737-700C, 737-800, 737-900, 757, and 767 Series Airplanes [Docket No. 2002-NM-282-AD; Amendment 39-13227; AD 2003-14-08] (RIN: 2120-AA64) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3904. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, 737-300, 737-400, 737-500, 737-600, 737-700, 737-800, 737-900, 757-200, and 757-300 Series Airplanes; and McDonnell Douglas Model DC-10-10F, DC-10-30, DC-10-30F, DC-10-40, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No. 2003-NM-152-AD; Amendment 39-13223; AD 2003-14-04] (RIN: 2120-AA64) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3905. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schweizer Aircraft Corporation Model 269A, 269A-1, 269B, 269C, and TH-55A Helicopters [Docket No. 2002-SW-25-AD; Amendment 39-13217; AD 2003-13-15] (RIN: 2120-AA64) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3906. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2003-NM-165-AD; Amendment 39-13225; AD 2003-14-06] (RIN: 2120-AA64) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3907. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, and 222U Helicopters [Docket No. 2002-SW-27-AD; Amendment 39-13214; AD 2003-13-13] (RIN: 2120-AA64) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3908. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A, 206A-1, 206B, 206B-1, 206L, 206L-1, 206L-3, and 206L-4 Helicopters [Docket No. 2002-SW-01-AD; Amendment 39-13216; AD 2003-13-14] (RIN: 2120-AA64) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3909. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Window Rock, AZ; Correction [Docket No. FAA-2003-15299; Airspace Docket No. 03-AWP-9] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3910. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Falls City, NE [Docket No. FAA-2003-15256; Airspace Docket No. 03-ACE-49] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3911. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Susanville, CA [Docket No. FAA-2003-14848; Airspace Docket No. 03-AWP-5] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3912. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wichita Mid-Continent Airport, KS [Docket No. FAA-2003-15454; Airspace Docket No. 03-ACE-52] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3913. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sioux Center, IA [Docket No. FAA-2003-15455; Airspace Docket No. 03-ACE-53] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3914. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pocahontas, IA [Docket No. FAA-2003-15077; Airspace Docket No. 03-ACE-45] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3915. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule — Modification of Class E Airspace; Vinton, IA [Docket No. FAA-2003-15456; Airspace Docket No. 03-ACE-54] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3916. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Red Oak, IA [Docket No. FAA-2003-15078; Airspace Docket No. 03-ACE-46] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sibley, IA [Docket No. FAA-2003-15080; Airspace Docket No. 03-ACE-48] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sac City, IA [Docket No. FAA-2003-15079; Airspace Docket No. 03-ACE-47] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the Attorney, Research and Special Program Administration, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Producer-operated Outer Continental Shelf Natural Gas and Hazardous Liquid Pipelines that Cross Directly into State Waters [Docket Number RSPA-99-6132; Amdt. Nos. 191-15, 192-92, 195-72] (RIN: 2137-AD42) received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the Attorney, Research and Special Program Administration, Department of Transportation, transmitting the Department's final rule — Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions [Docket No. RSPA-2002-13658 (HM-215E)] (RIN: 2137-AD41) received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Chief Scientist, National Aeronautics and Space Administration, transmitting the Administration's final rule — Investigation of Research Misconduct [Notice 03-083] (RIN: 2700-AC50) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3922. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Conformance with Federal Acquisition Circular (FAC) 2001-14 and Miscellaneous Administrative and Editorial Changes (RIN: 2700-AC72) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3923. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 108—111); to the Committee on Ways and Means and ordered to be printed.

3924. A communication from the President of the United States, transmitting notification of his determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Turkmenistan will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 108—113); to the Committee on Ways and Means and ordered to be printed.

3925. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the intent to initiate negotiations for a free trade agreement between the United States and the Kingdom of Bahrain, pursuant to Section 2104 (a)1 of the Trade Act of 2002; to the Committee on Ways and Means.

3926. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' rule — Medicare Program;Changes to the Inpatient Rehabilitation Facility Prospective Payment System and Fiscal Year 2004 Rates, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3927. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' rule — Medicare Program;Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2004 Rates [CMS-1470-F] (RIN: 0938-AL89) received July 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3928. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Performance of Customs Business by Parent and Subsidiary Corporations [CBP Dec. 03-15] (RIN: 1515-AD14) received August 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3929. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the intent to initiate negotiations for a free trade agreement between the United States and the Dominican Republic, pursuant to Section 2104 (a)1 of the Trade Act of 2002; to the Committee on Ways and Means.

3930. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Dual Consolidated Loss Recapture Events [TD 9084] (RIN: 1545-AY27) received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3931. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Life Insurance Contract Defined (Rev. Rul. 2003-95) received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3932. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Arbitrage and Private Activity Restrictions Applicable to Tax-exempt Bonds Issued by State and Local Governments; Investment-type Property (prepayment); Private Loan (prepayment) [TD 9085] (RIN: 1545-AY12) received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3933. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coverdell Education Savings Accounts [Notice 2003-53] received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3934. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-58] received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3935. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-70) received August 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3936. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Canadian Retirement Plan Trust Reporting [Notice 2003-57] received August 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3937. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Revision of Income Tax Regulations under Sections 897, 1445, and 6109 to require use of Taxpayer Identifying Numbers on Submissions under the Section 897 and 1445 Regulations [TD 9082] (RIN: 1545-AY24) received August 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3938. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Golden Parachute Payments [TD 9083] (RIN: 1545-AH49) received August 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3939. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2003-69) received July 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3940. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definition of Regulated Investment Company (Rev. Rul. 2003-84) received July 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3941. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Property Transferred in Connection with the Performance of Services (Rev. Rul. 2003-98) received July 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3942. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rules and Regulations (Rev. Rul. 2003-99) received July 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3943. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-61) received July 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3944. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-68) received August 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3945. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003-100) received August 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3946. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Simplified Service Cost Method; Simplified Production Method [Notice 2003-59] received August 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3947. A letter from the Assistant Secretary for Civil Rights, Department of Education, transmitting the Department's report entitled ''Annual Report to Congress'' for fiscal

years 2001 and 2002; jointly to the Committees on Education and the Workforce and the Judiciary.

3948. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2003 Appropriations Act — received August 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

3949. A communication from the President of the United States, transmitting notification of his determination that an applicable waiver has retroactive effect to January 1, 2003 and will remain in effect until December 31, 2006 as consistent with ''The Clean Diamond Trade Act,'' pursuant to Public Law 108—19; (H. Doc. No. 108—123); jointly to the Committees on Ways and Means and International Relations, and ordered to be printed.

3950. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' rule — Medicare Program;Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities--Update [CMS-1469-F] (RIN: 0938-AL90) received July 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶88.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 13. An Act to reauthorize the Museum and Library Services Act, and for other purposes.

H.R. 659. An Act to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

H.R. 2417. An Act to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2417) ''An Act to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Select Committee on Intelligence: Mr. ROBERTS, Mr. HATCH, Mr. DEWINE, Mr. BOND, Mr. LOTT, Ms. SNOWE, Mr. HAGEL, Mr. CHAMBLISS, Mr. WARNER, Mr. ROCKEFELLER, Mr. LEVIN, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Mr. BAYH, Mr. EDWARDS, and Ms. MIKULSKI; Committee on Armed Services: Mr. ALLARD and Mr. NELSON of Florida; to be the conferees on the part of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 209. A concurrent resolution commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia.

The message also announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 523. An Act to make technical corrections to laws relating to Native Americans, and for other purposes.

S. 678. An Act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 926. An Act to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies.

S. 929. An Act to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes.

S. 1547. An Act to amend title XXI of the Social Security Act to make a technical correction with respect to the definition of qualifying State.

S. 1571. An Act to increase the Federal Housing Administration mortgage commitment level to carry out the purposes of section 203(b) of the National Housing Act.

S. Con. Res. 25. A concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an ''American Jewish History Month'', and for other purposes.

S. Con. Res. 63. A concurrent resolution authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003.

¶88.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENSATE

The SPEAKER pro tempore, Mr. SCHROCK, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 1, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 1, 2003 at 11:00 a.m.

That the Senate passed without amendment H.R. 1018.

That the Senate passed without amendment H.R. 1412.

That the Senate passed without amendment H.R. 1761.

That the Senate passed without amendment H.R. 2195.

That the Senate passed without amendment H.R. 2465.

That the Senate passed without amendment H.R. 2738.

That the Senate passed without amendment H.R. 2739.

That the Senate passed without amendment H.R. 2854.

That the Senate passed without amendment H.R. 2859.

That the Senate passed with an amendment H. Con. Res. 259.

With best wished, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶88.6 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. SCHROCK, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. Tom DAVIS of Virginia signed the following enrolled bills on Friday, August 1, 2003:

H.R. 1018. An Act to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building''.

H.R. 1761. An Act to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the ''Garner E. Shriver Post Office Building''.

H.R. 2465. An Act to extend for six months the period for which chapter 12 of title 11 of the United States Code is reenacted

H.R. 2859. An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2003.

S. 1015. An Act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

S. 1435. An Act to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.

The SPEAKER pro tempore, Mr. BARTLETT of Maryland, signed the following enrolled bills on Tuesday, August 5, 2003:

H.R. 1412. An Act to provide the Secretary of Education with specific waiver authority to respond to a war or other military operation or National emergency.

H.R. 2195. An Act to provide for additional space and resources for national collections held by the Smithsonian Institution, and for other purposes.

H.R. 2738. An Act to implement the United States-Chile Free Trade Agreement.

H.R. 2739. An Act to implement the United States-Singapore Free Trade Agreement

H.R. 2854. An Act to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program, and for other purposes.

¶88.7 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Mr. SCHROCK, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 23, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed please find resolutions approved by the Committee on Transportation and Infrastructure on July 23, 2003, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,
Chairman.

ENCLOSURES

SITE AND DESIGN, SAN YSIDRO—U.S. BORDER STATION, SAN DIEGO COUNTY, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site and relocation and design of a 311,000 gross square

foot United States Border Station, including 400–500 parking spaces, located in San Diego County, California, at a site and relocation cost of $25,630,000 and design cost of $8,581,000 for a combined estimated cost of $34,211,000, a prospectus for which is attached to, and included in, this resolution.

AMENDMENT—CONSTRUCTION, U.S. BORDER STATION, JACKMAN, ME

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the construction of a 53,217 gross square foot United States Border Station, including 12 inside parking spaces, located in Jackman, Maine, at an additional estimated construction cost of $6,267,000 (estimated construction cost of $7,967,000 was previously authorized) and additional site, design and management and inspection cost of $1,445,000 (site, design and management inspection cost of $2,095,000 was previously authorized) for a combined estimated cost of $7,712,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated June 26, 2002, which authorized estimated construction cost and management and inspection cost of $9,194,000, which amended a Committee resolution dated July 18, 2001, which authorized additional design cost of $249,000, and which amended a Committee resolution dated June 21, 2000, which authorized design cost of $619,000.

CONSTRUCTION, BUREAU OF THE CENSUS, BUILDING II, SUITLAND, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 1,010,800 gross square foot building for the Bureau of the Census, including 864 parking spaces, located in Suitland, Maryland at a management and inspection cost of $7,779,000 and estimated construction cost of $138,672,000 for a combined estimated total project cost of $154,638,000 (design cost of $8,187,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

Provided, That all of the requirements of the authorized prospectus can be constructed and the combined estimated total cost is not exceeded, appropriations may be used to construct up to an additional 644 spaces for a total of up to 1,508 spaces.

CONSTRUCTION, AMBASSADOR BRIDGE CARGO INSPECTION FACILITY, DETROIT, MI

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 23,500 gross square foot cargo inspection facility, including 230 parking spaces, for the Ambassador Bridge, located in Detroit, Michigan, at a management and inspection cost of $1,852,000 and estimated construction cost of $23,535,000 for a combined estimated total project cost of $34,857,000 (site and design cost of $9,470,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

CONSTRUCTION, U.S. BORDER STATION, CHAMPLAIN, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the site, design and review, management and inspection, and construction of a United States Border Station, including parking, located in Champlain, New York, at a total authorized cost of $42,831,000 (includes $4,000,000 for site acquisition and design and review appropriated pursuant to P.L. 108–7; site acquisition and design and review cost of $3,800,000 was authorized by Committee resolution on November 7, 2001), a prospectus for which is attached to, and included in, this resolution.

CONSTRUCTION PHASE III, U.S. BORDER STATION, DEL RIO, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That, pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 110,560 gross square foot United States Border Station, including 145 parking spaces, located in Del Rio, Texas at a management and inspection cost of $2,326,000 and estimated cost of $21,640,000 for a combined estimate total project cost of $25,835,000 (design and review cost of $1,869,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

CONSTRUCTION, U.S. BORDER STATION II, EAGLE PASS, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That, pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 153,950 gross square foot United States Border Station, including 130 parking spaces, located in Eagle Pass, Texas at a management and inspection cost of $3,245,000 and an estimated construction cost of $28,735,000 for an estimated total project cost of $34,236,000 (design cost of $2,256,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

CONSTRUCTION, FBI FIELD OFFICE, HOUSTON, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That, pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 394,750 gross square foot Federal Bureau of Investigation Field Office, including 795 parking spaces, located in Houston, Texas at a management and inspection cost of $3,408,000 and an estimated construction cost of $54,672,000 for an estimated total project cost of $64,348,000 (design and review and site acquisition cost of $6,268,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

DESIGN/BUILD, ANZALDUAS BORDER STATION, MCALLEN, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 64,785 gross square foot border station, including parking, at the Anzalduas Bridge, at a management and inspection cost of $1,691,000, an estimated construction cost of $13,872,000 and a design cost of $2,375,000 for an estimated total project cost of $17,938,000, a prospectus for which is attached to, and included in, this resolution.

SITE AND DESIGN, PEACE ARCH U.S. PORT OF ENTRY, BLAINE, WA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site and design of a 102,400 gross square foot facility, including 148 parking spaces, located at the U.S. Port of Entry in Blaine, WA at a site acquisition cost of $7,060,000 and a design cost of $2,752,000, for an estimated total cost of $9,812,000, a prospectus for which is attached to, and included in, this resolution.

SITE AND DESIGN, FEDERAL BUILDING, ATLANTA, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for site acquisition, relocation and design of a 123,025 usable square foot facility, located adjacent to the Elbert P. Tuttle Court of Appeals Building, in Atlanta, Georgia, at a site acquisition cost of $9,100,000, relocation cost of $1,500,000 and design cost of $6,725,000, for an estimated total cost of $17,325,000, a project survey report for which is attached to, and included in, this resolution.

ALTERATION, BYRON G. ROGERS FEDERAL BUILDING—COURTHOUSE, DENVER, CO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Byron G. Rogers United States Courthouse located at 1961 Stout Street in Denver, CO, at an additional design and review cost of $467,000 (design and review cost of $3,688,000 was previously authorized), an estimated construction cost of $44,008,000 (construction cost of $9,000,000 was previously authorized), and management and inspection cost of $3,961,000 for a combined estimated total project cost of $52,124,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution that authorized design cost of $3,688,000 dated July 18, 2001.

AMENDMENT—ALTERATION, 320 FIRST STREET BUILDING, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the building located at 320 First Street building, in NW Washington, DC, at an additional estimated construction cost of $6,631,000 (estimated construction cost of $7,215,000 was previously authorized), additional design and review cost of $543,000 (design and review cost of $722,000 was previously authorized), and additional management and inspection cost of $311,000 (management and inspection cost of $323,000 was previously authorized) for an estimated total project cost of $15,745,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated July 18, 2001, which authorized design and review cost of $722,000, management and inspection cost of $323,000, and estimated construction cost of $7,215,000.

ALTERATION, FEDERAL OFFICE BUILDING 8, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of Federal Office Building 8 located at 2nd & C Streets, SW, in Washington, DC, at an estimated construction cost of $126,080,000, additional design and review cost of $2,301,000 (design and review cost of $7,761,000 has been previously authorized), and a management and inspection cost of $6,491,000 for an estimated total project cost of $142,633,000, a prospectus for which is attached to, and included in, this resolution.

AMENDMENT—ALTERATION, MAIN INTERIOR BUILDING, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307,

appropriations are authorized for the alteration for the Department of Interior's main headquarters building located at 1849 C Street, NW, Washington, DC, at a design and review cost of $10,722,000, a management and inspection cost of $19,228,000, and an estimated construction cost of $190,265,000 for an estimated total project cost of $220,265,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated November 16, 1995, which authorized an estimated total project cost of $120,635,000.

ALTERATION, EISENHOWER EXECUTIVE OFFICE BUILDING, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for alteration of the 17th Street portion of the Eisenhower Executive Office Building located at Pennsylvania Avenue and 17th Street, Washington, DC, at an estimated construction cost of $63,531,000 and a management and inspection cost of $2,226,000 (management and inspection cost of $3,456,000 was previously authorized) for an estimated total project cost of $74,931,000 (design and review cost of $5,718,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

AMENDMENT—ALTERATION, 1724 F STREET, NW, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the 1724 F Street, NW, Washington, DC, at an additional design cost of $59,000 (design cost of $336,000 was previously authorized), an additional management and inspection cost of $44,000 (management and inspection cost of $170,000 was previously authorized), and an additional estimated construction cost of $403,000 (estimated construction cost of $2,228,000 was previously authorized) for an estimated total project cost of $3,240,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated August 5, 1999.

ALTERATION, RICHARD B. RUSSELL FEDERAL BUILDING, ATLANTA, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Richard B. Russell Federal Building in Atlanta, GA at an estimated construct cost of $29,586,000 and a management and inspection cost of $2,587,000 for an estimated total project cost of $35,090,000 (design and review cost of $2,917,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION, EVERETT M. DIRKSEN COURTHOUSE & JOHN C. KLUCZYNSKI FEDERAL BUILDING, CHICAGO, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Everett M. Dirksen Courthouse and John C. Kluczynski Federal Building in Chicago, Illinois, at an estimated construction cost of $20,980,000, a management and inspection cost of $1,462,000, and a design and review cost of $1,614,000 for an estimated total project cost of $24,056,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION, PAUL H. FINDLEY FEDERAL BUILDING—U.S. COURTHOUSE, SPRINGFIELD, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Paul H. Findley Federal Building and United States Courthouse in Springfield, IL, at an estimated construction cost of $5,661,000 and a management and inspection cost of $522,000 for an estimated total project cost of $6,722,000 (design and review cost of $539,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION, JOHN W. MCCORMACK POST OFFICE AND COURTHOUSE, BOSTON, MA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the John W. McCormack Post Office and Courthouse located at Five Post Office Square in Boston, MA at an estimated construction cost of $67,107,000 and a management and inspection cost of $5,930,000 for an estimated total project cost of $78,375,000 (design and review cost of $5,338,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION, EMANUEL CELLER COURTHOUSE, BROOKLYN, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Emanuel Celler Courthouse located at 225 Cadman Plaza East, Brooklyn, NY at an estimated construction cost of $61,046,000 and a management and inspection cost of $4,465,000 for an estimated total project cost of $69,032,000 (design and review cost of $3,791,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION, FEDERAL BUILDING—POST OFFICE, FARGO, ND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Federal Building—Post Office in Fargo, ND at an estimated construction cost of $5,201,000, a management and inspection cost of $416,000, and an additional design and review cost of $184,000 (design and review cost of $336,000 was previously authorized) for an estimated total project cost of $6,137,000, a prospectus for which is attached to, and included in, this resolution.

ALTERATION, JOHN W. BRICKER FEDERAL BUILDING, COLUMBUS, OH

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the John W. Bricker Federal building located at 200 North High Street in Columbus, OH at an estimated construction cost of $9,960,000 and a management and inspection cost of $747,000 for an estimated total project cost of $11,770,000 (design and review cost of $1,063,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION, BUILDING 7, AUBURN FEDERAL COMPLEX, AUBURN, WA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the warehouse in Building 7 in the Auburn Federal Complex at an estimated construction cost of $16,943,000 and a management and inspection cost of $1,372,000 for an estimated total project cost of $19,449,000 (design and review cost of $1,134,000 was previously authorized), a prospectus for which is attached to, and included in, this resolution.

ALTERATION, HENRY M. JACKSON FEDERAL BUILDING, SEATTLE, WA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the alteration of the Henry M. Jackson Federal Building located at 915 2nd Avenue in Seattle, WA at an additional estimated construction cost of $5,723,000 (estimated construction cost of $24,750,000 was previously authorized), an additional management and inspection cost of $499,000 (management and inspection cost of $2,027,000 was previously authorized), and an additional design and review cost of $646,000 (design and review cost of $1,728,000 and an additional design and review cost of $55,000 were previously authorized) for an estimated total project cost of $35,428,000, a prospectus for which is attached to, and included in, this resolution. This resolution amends a Committee resolution dated June 26, 2002, which authorized $26,832,000 for additional design, construction and management and inspection.

ALTERATION, FIRE AND LIFE SAFETY REPAIR/REPLACEMENT, VARIOUS BUILDINGS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the repair and or replacement of existing fire and life safety systems in the Wilbur J. Cohen Building at a cost of $19,558,000, the Forrestal Building at a cost of $40,278,000, the Theodore Roosevelt Building at a cost of $5,414,000, each located in Washington, D.C., and the Department of Energy Main Building located in Germantown, Maryland at a cost of $2,938,000, for an estimated total cost of $68,188,000 a prospectus for which is attached to, and included in, this resolution.

LEASE, DEPARTMENT OF ENERGY, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 107,376 rentable square feet of space for the Department of Energy currently located in leased space at 950 L'Enfant Plaza, SW, in Washington, DC, at a proposed total annual cost of $4,831,920 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, DEPARTMENT OF STATE, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 297,697 rentable square feet of space for the Department of State in Washington, DC, at a proposed total annual cost of $14,116,365 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all

tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, DEPARTMENT OF TRANSPORTATION, FEDERAL RAILROAD ADMINISTRATION, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 86,479 rentable square feet of space for the Department of Transportation currently located in leased space at 1120 Vermont Avenue, in Washington, DC, at a proposed total annual cost of $3,891,555 for a lease term of 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, DEPARTMENT OF JUSTICE, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 108,000 rentable square feet of space for the Department of Justice currently located in leased space at 1151 Seven Locks Road, in Rockville, MD at a proposed total annual cost of $3,348,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, FOOD AND DRUG ADMINISTRATION, 9200 CORPORATE BLVD., SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 115,507 rentable square feet of space for the Food and Drug Administration currently located in leased space at 9200 Corporate Blvd, in Rockville, MD at a proposed total annual cost of $3,580,717 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, FOOD AND DRUG ADMINISTRATION, 1350 PICCARD DRIVE, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 108,136 rentable square feet of space for the Food and Drug Administration currently located in leased space at 1350 Piccard Drive, in Rockville, MD at a proposed total annual cost of $3,352,216 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, PRINCE GEORGE'S COUNTY, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 268,762 rentable square feet of space for the Department of Commerce currently located in leased space at 5200 Auth Road, in Camp Springs, MD at a proposed total annual cost of $8,869,146 for a lease term of 13 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED PROSPECTUS—LEASE, FEDERAL BUREAU OF INVESTIGATION, LAS VEGAS, NV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 106,955 rentable square feet of space for the Federal Bureau of Investigation currently located in leased space at various locations, in Las Vegas, NV at a new proposed total annual cost of $3,422,560 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution. This resolution amends a Committee resolution dated September 27, 2000, which authorized a total annual cost of $2,620,398.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, DEPARTMENT OF DEFENSE, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 99,168 rentable square feet of space for the Department of Defense currently located in leased space at the Park Center Office building, 4501 Ford Avenue, in Alexandria, VA at a proposed total annual cost of $3,371,712 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, DEPARTMENT OF DEFENSE, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 149,087 rentable square feet of space for the Department of Defense currently located in leased space at Skyline VI, 5109 Leesburg Pike, Falls Church, VA at a proposed total annual cost of $5,068,958 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, ENVIRONMENTAL PROTECTION AGENCY, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 103,068 rentable square feet of space for the Environmental Protection Agency currently located in leased space at 2800 Crystal Drive, in Arlington, VA at a proposed total annual cost of $3,504,312 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, U.S. MARSHALS SERVICE, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 173,898 rentable square feet of space for the U.S. Marshals Service currently located in leased space at 1735 Jefferson Davis Highway, in Arlington, VA at a proposed total annual cost of $5,912,532 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, SOCIAL SECURITY ADMINISTRATION, SOUTHEAST PROGRAM SERVICE CENTER, BIRMINGHAM, AL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 587,528 rentable square feet of space for the Social Security Administration currently housed in a leased facility at 12th Avenue and 19th Street in downtown Birmingham, AL at a proposed total annual cost of $16,450,784 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE, DEPARTMENT OF AGRICULTURE, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 306,890 rentable square feet of space for the Department of Agriculture currently located at 4700 River Road, Riverdale, MD at a proposed total annual cost of $7,672,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

DESIGN, VARIOUS LOCATIONS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the design of projects scheduled for the James A. Walsh Federal Courthouse in Tucson, Arizona, at a design cost of $1,588,000; for the Herbert C. Hoover Building in Washington, D.C., at a design cost of $12,800,000; for the Mary E. Switzer Memorial Building in Washington, D.C., at a design cost of $944,000; for the Federal Building in Des Moines, Iowa, at a design cost of $3,588,000; for the Hale Boggs Federal Building and Courthouse in New Orleans, Louisiana, at a design cost of $2,161,000; for the John Minor Wisdom Court of Appeals in New Orleans, Louisiana, at a design cost of $939,000; for the Richard Bolling Federal Building in Kansas City, Missouri, at a design cost of $10,881,000; for Building 102 of the Federal Center in St. Louis, Missouri, at a design cost of $1,193,000; for the Anthony Celebrezze Federal Building in Cleveland, Ohio, at a design cost of $2,274,000; for the Edith Green/Wendell Wyatt Federal Building in Portland, Oregon, at a design cost of $3,173,000; for the Post Office and Courthouse located in San Antonio, Texas, at a design cost of $2,909,000; and for the William K. Nakamura U.S. Courthouse in Seattle, Washington, at a design cost of $395,000; at a total design cost of $42,845,000, for which a prospectus is attached to, and included in, this resolution.

AMENDMENT—DESIGN, UNITED STATES COURTHOUSE, SAN ANTONIO, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the design of a 377,691 gross square foot United States Courthouse, including 37 inside parking spaces, located in San Antonio, TX, at an additional design cost of $1,251,000, for which a fact sheet is attached to, and included in, this resolution. This resolution amends a Committee resolution that authorized $6,926,000 for design cost, dated July 24, 2002.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

AMENDMENT—SITE AND DESIGN, UNITED STATES COURTHOUSE, ANNISTON, AL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the design of a 65,482 gross square foot United States Courthouse, including 20 inside parking spaces, located in Anniston, AL, at additional site and design cost of $1,291,000, for a total site and design cost of $4,381,000 (site cost of $1,257,000 and design cost of $1,833,000 was previously authorized), for which a fact sheet is attached to, and included in, this resolution. This resolution amends a Committee resolution that authorized $1,257,000 for site and $1,833,000 for design dated July 24, 2002.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

AMENDMENT—SITE AND DESIGN, UNITED STATES COURTHOUSE, HARRISBURG, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That, pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the design of a 262,970 gross square foot United States Courthouse, including 40 inside parking spaces, located in Harrisburg, PA, at additional design cost of $1,222,000 and additional site cost of $5,785,000 for a total site and design cost of $25,682,000 (a total site and design cost of $18,677,000 has been previously authorized), for which a fact sheet is attached to, and included in, this resolution. This resolution amends a Committee resolution that authorized $14,215,000 for site and $4,462,000 for design dated July 24, 2002.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

AMENDMENT—SITE AND DESIGN, UNITED STATES COURTHOUSE, GREENVILLE, SC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That, pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the design of a 257,347 gross square foot United States Courthouse, including 74 inside parking spaces, located in Greenville, SC, at additional design cost of $2,627,000 for a total site and design cost of $10,934,000 (a total site and design cost of $8,307,000 has been previously authorized), for which a fact sheet is attached to, and included in, this resolution. This resolution amends a Committee resolution that authorized $3,451,000 for site and $4,856,000 for design dated July 24, 2002.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

AMENDMENT—DESIGN, UNITED STATES COURTHOUSE, CHARLOTTE, NC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That, pursuant to 40 U.S.C. §3307, additional appropriations are authorized for the site and design of a 390,724 gross square foot United States Courthouse, including 60 inside parking spaces, located in Charlotte, NC, at additional design cost of $1,034,000 for a total design cost of $8,053,000 (design cost of $7,019,000 was previously authorized), for which a fact sheet is attached to, and included in, this resolution. This resolution amends a Committee resolution that authorized $7,401,000 dated July 24, 2002.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

CONSTRUCTION, UNITED STATES COURTHOUSE ANNEX, SAVANNAH, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 166,955 gross square foot United States Courthouse located in Savannah, GA, at additional design cost of $668,000 (design cost of $2,386,000 was previously authorized), estimated construction cost of $45,818,000 and management and inspection cost of $4,250,000 for an estimated total project cost of $56,333,000 (site cost of $3,211,000 was previously authorized), for which a fact sheet is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

AMENDMENT—SITE AND DESIGN, UNITED STATES COURTHOUSE, SAN JOSE, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the site and design of a 404,361 gross square foot United States Courthouse, including 76 inside parking spaces, located in San Jose, CA, at additional site and design cost $6,681,000, for which a fact sheet is attached to, and included in, this resolution. This resolution amends a Committee resolution that authorized $19,441,000 for additional site and design dated July 18, 2001, which amended a Committee resolution that authorized $10,800,000, for site dated July 23, 1998.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

CONSTRUCTION, UNITED STATES COURTHOUSE, EL PASO, TX

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 231,945 gross square foot United States Courthouse, including 60 inside parking spaces, located in El Paso, TX, at additional design cost of $673,000 (design cost of $4,493,000 was previously authorized), additional site cost of $1,000,000 (site cost of $6,700,000 was previously authorized), management and inspection cost of $4,285,000, and estimated construction cost of $49,927,000 for an estimated total project cost of $67,078,000,

for which a fact sheet is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

CONSTRUCTION, UNITED STATES COURTHOUSE, MOBILE, AL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 342,273 gross square foot United States Courthouse, including 50 inside parking spaces, located in Mobile, AL, at additional design cost of $491,000 (design cost of $6,590,000 was previously authorized), estimated construction cost of $80,007,000 and management and inspection cost of $5,245,000, for an estimated total project cost of $97,033,000 (site cost of $4,700,000 was previously authorized), for which a fact sheet is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

CONSTRUCTION, UNITED STATES COURTHOUSE, LAS CRUCES, NM

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 206,881 gross square foot United States Courthouse, including 81 inside parking spaces, located in Las Cruces, NM, at additional design cost of $319,000 (design cost of $4,110,000 was previously authorized), estimated construction cost of $48,096,000 and management and inspection cost of $3,967,000, for an estimated total project cost of $57,092,000 (site cost of $600,000 was previously authorized), for which a fact sheet is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

ADDITIONAL SITE, UNITED STATES COURTHOUSE, SALT LAKE CITY, UT

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the site of a 329,896 gross square foot United States Courthouse, including 44 inside parking spaces, located in Salt Lake City, UT, at additional site cost of $3,765,000 (site cost of $12,802,000 was previously authorized), for a combined site cost of $16,567,000, for which a fact sheet is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

CONSTRUCTION, UNITED STATES COURTHOUSE, ROCKFORD, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to 40 U.S.C. §3307, appropriations are authorized for the construction of a 150,365 gross square foot United States Courthouse, including 55 inside parking spaces, located in Rockford, IL, at additional design cost of $377,000 (design cost of $3,133,000 was previously authorized), additional site cost of $1,012,000 (site cost of $1,800,000 was previously authorized), estimated construction cost of $44,062,000, and management and inspection cost of $3,384,000 for an estimated total project cost of $53,768,000, for which a fact sheet is attached to, and included in, this resolution.

Provided, That any design shall, to the maximum extent possible incorporate shared or collegial space, consistent with efficient court operations that will minimize the size and cost of the building to be constructed.

Provided further, That any design shall incorporate changes in the 1997 United States Courts Design Guide, including the implementation of a policy on shared courtrooms.

BUILDING PROJECT SURVEY, U.S. COURTHOUSE—FEDERAL BUILDING, FORT LAUDERDALE, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Title 40 U.S.C. §3314(b), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a facility to house a United States Courthouse and Federal Building, in Fort Lauderdale, FL. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 year present value evaluations of all options; lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report to Congress within 60 days.

BUILDING PROJECT SURVEY, U.S. COURTHOUSE, GREENSBORO, NC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Title 40 U.S.C. §3314(b), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a facility to house a United States District Court and related agencies, in Greensboro, NC. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 year present value evaluations of all options; lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report to Congress within 60 days.

BUILDING PROJECT SURVEY, U.S. COURTHOUSE, BENTON, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to Title 40 U.S.C. §3314(b), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a facility to house a United States Courthouse, in Benton, IL. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 year present value evaluations of all options; lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report to Congress within 60 days.

BUILDING PROJECT SURVEY, U.S. COURTHOUSE ANNEX, SIOUX FALLS, SD

Resolved by the Committee on Transportation and infrastructure of the U.S. House of Representatives, That pursuant to Title 40 U.S.C. §3314(b), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a facility to house a United States Courthouse Annex, in Sioux Falls, SD. The analysis shall include a full and complete evaluation including, but not limited to: (i) the identification and cost of potential sites and (ii) 30 year present value evaluations of all options; lease, purchase, and Federal construction, and the purchase options of lease with an option to purchase or purchase contract. The Administrator shall submit a report to Congress within 60 days.

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶88.8 WINSTON E. ARNOW FEDERAL BUILDING

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 1572) to designate the historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''; as amended.

The SPEAKER pro tempore, Mr. SCHROCK, recognized Mr. LATOURETTE and Mr. MICHAUD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SCHROCK, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the 'Winston E. Arnow United States Courthouse'.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶88.9 ED EDMONDSON UNITED STATES COURTHOUSE

Mr. LATOURETTE moved to suspend the rules and pass the bill (H.R. 1668) to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the ''Ed Edmonsdon United States Courthouse''.

The SPEAKER pro tempore, Mr. SCHROCK, recognized Mr. LATOURETTE and Mr. CARSON of Oklahoma, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SCHROCK, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶88.10 CONGRATULATING LANCE ARMSTRONG

Mr. Tom DAVIS of Virginia moved to suspend the rules and agree to the following resolution (H. Res. 350):

Whereas Lance Armstrong won the 2003 Tour de France, the 100th anniversary of the race, by completing the 2,125-mile, 23-day course in 83 hours, 41 minutes, and 12 seconds, finishing 1 minute and 1 second ahead of his nearest competitor;

Whereas Lance Armstrong's win on July 27, 2003, marks his fifth Tour de France victory;

Whereas with this victory, Lance Armstrong joined Miguel Indurain as the only riders in history to win cycling's most prestigious race in 5 consecutive years;

Whereas Lance Armstrong displayed incredible perseverance, determination, and leadership in prevailing over the mountainous terrain of the Alps and Pyrenees and in overcoming crashes, illness, hard-charging rivals, and driving rain on the way to winning the premier cycling event in the world;

Whereas in 1997, Lance Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer that had spread throughout his abdomen, lungs, and brain, and after treatment has remained cancer-free for the past 6 years;

Whereas Lance Armstrong is the first cancer survivor to win the Tour de France;

Whereas Lance Armstrong's courage and resolution to overcome cancer has made him a role model to cancer patients and their loved ones, and his efforts through the Lance Armstrong Foundation have helped to advance cancer research, diagnosis, and treatment, and after-treatment services;

Whereas Lance Armstrong continues to be the face of cycling as a sport, a healthy fitness activity, and a pollution-free transportation alternative; and

Whereas Lance Armstrong's accomplishments as an athlete, teammate, cancer survivor, and advocate have made him an inspiration to millions of people around the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Lance Armstrong and the United States Postal Service team on their historic victory in the 2003 Tour de France; and

(2) commends the unwavering commitment to cancer awareness and survivorship demonstrated by Lance Armstrong.

SEC. 2. The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to Lance Armstrong.

The SPEAKER pro tempore, Mr. SCHROCK, recognized Mr. Tom DAVIS of Virginia and Mr. BELL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SCHROCK, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Tom DAVIS of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶88.11 J. STEPHEN HORN POST OFFICE BUILDING

Mr. Tom DAVIS of Virginia moved to suspend the rules and pass the bill (H.R. 2309) to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Signal Hill, California, as the ''J. Stephen Horn Post Office Building''; as amended.

The SPEAKER pro tempore, Mr. SCHROCK, recognized Mr. Tom DAVIS of Virginia and Mr. BELL, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SCHROCK, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Tom DAVIS of Virginia demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶88.12 CHURCH PENSION PLANS

Mrs. BIGGERT moved to suspend the rules and pass the bill (H.R. 1533) to amend the securities laws to permit church pension plans to be invested in collective trusts; as amended.

The SPEAKER pro tempore, Mr. SCHROCK, recognized Mrs. BIGGERT and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SCHROCK, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. BIGGERT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶88.13 RECESS—3:28 P.M.

The SPEAKER pro tempore, Mr. SCHROCK, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 28 minutes p.m., until approximately 6:30 p.m.

¶88.14 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. BIGGERT, called the House to order.

¶88.15 H. RES. 350—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to said resolution (H. Res. 350) congratulating Lance Armstrong for winning the 2003 Tour de France.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 396 / Nays ..... 0 }

¶88.16 [Roll No. 460]

YEAS—396

Abercrombie	Carter	Ford
Ackerman	Case	Fossella
Aderholt	Castle	Franks (AZ)
Akin	Chabot	Frelinghuysen
Alexander	Chocola	Frost
Allen	Clay	Gallegly
Andrews	Clyburn	Garrett (NJ)
Baca	Coble	Gerlach
Bachus	Cole	Gibbons
Baird	Collins	Gillmor
Baker	Conyers	Gingrey
Baldwin	Cooper	Gonzalez
Ballance	Costello	Goode
Ballenger	Cox	Goodlatte
Barrett (SC)	Cramer	Gordon
Bartlett (MD)	Crane	Goss
Barton (TX)	Crenshaw	Granger
Bass	Crowley	Graves
Beauprez	Cubin	Green (TX)
Becerra	Culberson	Green (WI)
Bell	Cummings	Greenwood
Bereuter	Cunningham	Grijalva
Berkley	Davis (AL)	Gutknecht
Berman	Davis (CA)	Hall
Berry	Davis (FL)	Harman
Biggert	Davis (IL)	Harris
Bishop (GA)	Davis (TN)	Hart
Bishop (NY)	Davis, Jo Ann	Hastings (FL)
Bishop (UT)	Davis, Tom	Hastings (WA)
Blackburn	Deal (GA)	Hayes
Blumenauer	DeFazio	Hayworth
Blunt	Delahunt	Hefley
Boehlert	DeLauro	Hensarling
Boehner	DeLay	Herger
Bonilla	Deutsch	Hill
Bonner	Diaz-Balart, L.	Hinchey
Bono	Dicks	Hinojosa
Boozman	Dingell	Hobson
Boswell	Doggett	Hoeffel
Boucher	Doolittle	Hoekstra
Boyd	Doyle	Holden
Bradley (NH)	Dreier	Holt
Brady (PA)	Duncan	Honda
Brady (TX)	Dunn	Hooley (OR)
Brown (OH)	Edwards	Hostettler
Brown (SC)	Ehlers	Hoyer
Brown, Corrine	Emanuel	Hunter
Brown-Waite, Ginny	Emerson	Hyde
Burgess	Engel	Inslee
Burr	English	Isakson
Buyer	Eshoo	Israel
Calvert	Etheridge	Issa
Camp	Evans	Istook
Cannon	Everett	Jackson (IL)
Cantor	Farr	Jackson-Lee (TX)
Capito	Feeney	Jefferson
Capps	Ferguson	Jenkins
Cardin	Filner	Johnson (CT)
Cardoza	Flake	Johnson (IL)
Carson (IN)	Fletcher	Johnson, E. B.
Carson (OK)	Foley	Johnson, Sam
	Forbes	

Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—38

Bilirakis
Burns
Burton (IN)
Capuano
DeGette
DeMint
Diaz-Balart, M.
Dooley (CA)
Fattah
Frank (MA)
Gephardt
Gilchrest
Gutierrez
Houghton
Hulshof
Janklow
John
Kennedy (RI)
Markey
McInnis
Mica
Myrick
Payne
Pickering
Platts
Putnam
Rangel
Rodriguez
Rogers (KY)
Ross
Roybal-Allard
Smith (WA)
Taylor (NC)
Tierney
Towns
Waxman
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶88.17 H.R. 2309—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2309) to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Signal Hill, California, as the ''J. Stephen Horn Post Office Building''; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 395 / Nays 1

¶88.18 [Roll No. 461]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—1

Cunningham

NOT VOTING—38

Bilirakis
Burns
Burton (IN)
Capuano
Carter
DeGette
DeMint
Diaz-Balart, M.
Dooley (CA)
English
Fattah
Gephardt
Gilchrest
Gutierrez
Hulshof
Janklow
John
Markey
McInnis
Mica
Myrick
Payne
Pickering
Platts
Putnam
Rangel
Rodriguez
Rogers (KY)
Ross
Roybal-Allard
Serrano
Smith (WA)
Taylor (NC)
Tierney
Towns
Waxman
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the 'Stephen Horn Post Office Building'.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶88.19 H.R. 1533—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. BIGGERT, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1533) to amend the securities laws to permit church pension plans to be invested in collective trusts; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 / Nays 0

¶88.20 [Roll No. 462]

YEAS—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—37

Bilirakis
Burns
Burton (IN)
Capuano
DeGette
DeMint
Diaz-Balart, M.
Dooley (CA)
English
Fattah
Gephardt
Gilchrest
Gutierrez
Hulshof
Janklow
John
Kirk
Markey
McInnis
Mica
Myrick
Oxley
Payne
Pickering
Putnam
Rangel
Rodriguez
Rogers (KY)
Ross
Roybal-Allard
Smith (WA)
Taylor (NC)
Tierney
Towns
Waxman
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶88.21 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. COOPER, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, as follows: 1) To include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; 2) To include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones around the world, a child tax credit based on the earnings of the individuals serving in the combat zone; 3) To include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; 4) To the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and 5) That as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of the instruction, not later than the second legislative day after adoption of this motion.

¶88.22 PROVIDING FOR THE CONSIDERATION OF H.R. 2989

Mr. Lincoln DIAZ-BALART of Florida, by direction of the Committee on Rules, reported (Rept. No. 108–258) the resolution (H. Res. 351) providing for consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶88.23 SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 523. An Act to make technical corrections to laws relating to Native Americans, and for other purposes; to Committee on Resources.

S. 926. An Act to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies to Committee on Government Reform.

S. 1547. An Act to amend title XXI of the Social Security Act to make a technical correction with respect to the definition of qualifying State; to Committee on Energy and Commerce.

S. 1571. An Act to increase the Federal Housing Administration mortgage commitment level to carry out the purposes of section 203(b) of the National Housing Act; to Committee on Financial Resources.

S. Con. Res. 25. A concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an ''American Jewish History Month'', and for other purposes; to Committee on Government Reform.

¶88.24 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on August 7, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 1018. An Act to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building''.

H.R. 1412. An Act to provide the Secretary of Education with specific waiver authority to respond to a war on other military operation or national emergency.

H.R. 1761. An Act to designate the facility of the United States Postal Service located at 9350 East Corporate Hill Drive in Wichita, Kansas, as the ''Garner E. Shriver Post Office Building''.

H.R. 2195. An Act to provide for additional space and resources for national collections held by the Smithsonian Institution, and for other purposes.

H.R. 2465. An Act to extend for six months the period for which chapter 12 of title 11 of the United States Code is reenacted.

H.R. 2854. An Act to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program, and for other purposes.

H.R. 2859. An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2003.

Also, Jeff Trandahl, Clerk of the House reports that on August 22, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 2738. An Act to implement the United States-Chile Free Trade Agreement.

H.R. 2739. An Act to implement the United States-Singapore Free Trade Agreement.

¶88.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. JANKLOW, for today and the balance of the week;

To Ms. ROYBAL-ALLARD, for today and the balance of the week; and

To Ms. WOOLSEY, for today through September 12.

And then,

¶88.26 ADJOURNMENT

On motion of Mr. SMITH of Michigan, at 9 o'clock and 45 minutes p.m., the House adjourned.

¶88.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on July 25, 2003, the following report was filed on July 30, 2003]

Mr. ISTOOK: Committee on Appropriations. H.R. 2989. A bill making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–243). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on July 25, 2003, the following reports were filed on August 4, 2003]

Mr. BOEHLERT: Committee on Science. H.R. 1085. A bill to make certain workforce authorities available to the National Aeronautics and Space Administration, and for other purposes; with an amendment (Rept. 108–244, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 2692. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974 for fiscal years 2004 through 2006, and for other purposes; with an amendment (Rept. 108–245). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on July 25, 2003, the following report was filed on August 14, 2003]

Mr. BOEHLERT: Committee on Science. H.R. 2608. A bill to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes; with an amendment (Rept. 108–246, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

[Filed on September 3, 2003]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1837. A bill to improve the Federal acquisition workforce and the process for the acquisition of services by the Federal Government, and for other purposes; with an amendment (Rept. 108–117, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 1985. A bill to amend the National Housing Act to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily housing located in high-cost areas; with an amendment (Rept. 108–247). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 1533. A bill to amend the securities laws to permit church pension plans to be invested in collective trusts (Rept. 108–248). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 234. Resolution condemning bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans (Rept. 108–249). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 292. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed (Rept. 108–250). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 233. An act to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System (Rept. 108–252). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes (Rept. 108–253). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1409. A bill to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes (Rept. 108–254). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1616. A bill to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes (Rept. 108–255). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1651. A bill to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; with an amendment (Rept. 108–256). Referred to the Committee on the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2059. A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes (Rept. 108–257). Referred to the Committee on the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 351. Resolution providing for consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–258). Referred to the House Calendar.

¶88.28 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on August 4, 2003]

H.R. 1085. Referral to the Committee on Government Reform extended for a period ending not later than August 4, 2003.

[The following action occurred on August 14, 2003]

H.R. 2608. Referral to the Committee on Resources extended for a period ending not later than August 14, 2003.

¶88.29 DISCHARGE OF COMMITTEE

[The following action occurred on August 4, 2003]

Pursuant to clause 2 of rule XII the Committee on Government Reform discharged from further consideration. H.R. 1085 referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on August 14, 2003]

Pursuant to clause 2 of rule XII the Committee on Resources discharged from further consideration. H.R. 2608 referred to the Committee on the Whole House on the State of the Union and ordered to be printed.

[The following action occurred on September 2, 2003]

Pursuant to clause 2 of rule XII the Committee on Financial Services discharged from further consideration. H.R. 2535 referred to the Committee of the Whole House on the State of the Union.

¶88.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BIGGERT (for herself, Mr. SCOTT of Georgia, Mr. HINOJOSA, Mr. ROSS, Mr. SANDERS, Mr. LUCAS of Kentucky, Mrs. MALONEY, Ms. LEE, Mr. BAKER, Ms. HART, Mr. OSE, Mr. KANJORSKI, Mr. GONZALEZ, Ms. HARRIS, and Mr. EMANUEL):

H.R. 2990. A bill to establish a Commission to Educate our Nation's Teachers and Students on Financial Literacy Skills; to the Committee on Education and the Workforce.

By Mr. DREIER:

H.R. 2991. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga County Water District recycling project; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 2992. A bill to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index; to the Committee on Armed Services.

By Mr. KING of New York (for himself, Mrs. MALONEY, Mr. ACEVEDO-VILA, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, and Ms. NORTON):

H.R. 2993. A bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Financial Services.

By Mr. PETERSON of Minnesota:

H.R. 2994. A bill to amend the Small Business Act to prohibit the Administrator of the Small Business Administration from selling loans made by the Administrator under the disaster loan program; to the Committee on Small Business.

By Mr. PETERSON of Minnesota:

H.R. 2995. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month); to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 2996. A bill to amend the Indian Health Care Improvement Act to require that certain technical medical employees of the Indian Health Service be compensated for time during which they are required to be on-call; to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF:

H.R. 2997. A bill to amend subchapter III of chapter 83 of title 5, United States Code, to make service performed as an employee of a nonappropriated fund instrumentality after 1965 and before 1987 creditable for retirement purposes; to the Committee on Government Reform.

By Mr. YOUNG of Florida:

H.R. 2998. A bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized; to the Committee on Armed Services.

By Mr. CONYERS:

H.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States to permit persons who are not natural-born citizens of the United States, but who have been citizens of the United States for at least 20 years, to be eligible to hold the Office of President; to the Committee on the Judiciary.

By Mr. ROGERS of Michigan (for himself and Mr. TIERNEY):

H. Con. Res. 270. Concurrent resolution supporting the goals and ideals of College Savings Month; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Mr. DAVIS of Illinois, Mr. MCHUGH, Mr. DOGGETT, Mr. CARTER, Mr. CULBERSON, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. PAUL, Mr. GREEN of Texas, Mr. SHAYS, Mr. HALL, Mr. EDWARDS, Mr. BURGESS, Mrs. JONES of Ohio, Mr. TOWNS, Mr. WYNN, Mr. BISHOP of Georgia, Mr. WICKER, Mr. OBERSTAR, Mr. HASTINGS of Florida, Mr. CONYERS, Mr. SWEENEY, Mr. ADERHOLT, Mr. COSTELLO, Mr. FALEOMAVAEGA, Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. SNYDER, Mr. EMANUEL, Mr. BLUNT, Mrs. CAPPS, Mr. WAXMAN, Mr. LANGEVIN, Mr. SKELTON, Mr. SAM JOHNSON of Texas, Mr. BLUMENAUER, Mr. SMITH of Texas, Mr. HENSARLING, Mr. HINOJOSA, Mr. PLATTS, and Mr. BARTON of Texas):

H. Res. 350. A resolution congratulating Lance Armstrong for winning the 2003 Tour de France; to the Committee on Government Reform. considered and agreed to.

By Mr. BISHOP of Georgia (for himself, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Mr. WYNN, Mr. WATT, Mr. SCOTT of Georgia, Mr. CLYBURN, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Mr. BALLANCE, Mr. DAVIS of Alabama, Ms. MAJETTE, Mr. CUMMINGS, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. RUSH, Ms. KILPATRICK, Ms. WATSON, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Mr. DEUTSCH, Ms. WATERS, Mr. CONYERS, Mr. MEEKS of New York, Ms. LEE, Mr. JACKSON of Illinois, Mr. FORD, Mr. MEEK of Florida, Mr. OWENS, and Ms. JACKSON-LEE of Texas):

H. Res. 352. A resolution remembering and honoring the March on Washington of August 28, 1963; to the Committee on Government Reform.

By Mr. BURR (for himself, Mr. BALLENGER, Mr. COBLE, Mr. TAYLOR of North Carolina, Mrs. MYRICK, Mr. HOUGHTON, Mr. WILSON of South Carolina, Mr. SCOTT of Georgia, Mr. SIMMONS, Mr. MILLER of North Carolina, Mr. HASTINGS of Washington, Mr. GOODE, Mr. FROST, Mr. BOUCHER, Mr. HAYES, and Mr. JONES of North Carolina):

H. Res. 353. A resolution commending R.J. Reynolds Tobacco Company and its employees for their 33-year relationship with motorsports and their contributions to the sport of stock-car racing; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Res. 354. A resolution encouraging nonprofit organizations to increase the number of women and minorities on their governing boards and encouraging Americans to enrich their lives and serve their communities by volunteering to serve on the governing boards of nonprofit organizations; to the Committee on Government Reform.

¶88.31 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

190. The SPEAKER presented a memorial of the General Assembly of the State of New York, relative to A legislative resolution memorializing the President of the United States and the United States Congress to compel the federal government to federalize security at New York's Indian Point 1, 2 and 3, for the safety of our generation and future generations; to the Committee on Energy and Commerce.

191. Also, a memorial of the Legislature of the State of Nevada, relative to Assembly Joint Resolution No. 5, memorializing that the Nevada Legislature urge Congress to appropriate just compensation to the State of Nevada for losses of revenue for public education from the impact of land in Nevada held by the Federal Government; to the Committee on Resources.

192. Also, a memorial of the General Assembly of the State of Nebraska, relative to Assembly Joint Resolution No. 6, memorializing that the Nevada General Assembly urge Congress to increase payments in lieu of taxes and make certain other reparations for the detrimental effects of federally held lands in Nevada; to the Committee on Resources.

193. Also, a memorial of the Legislature of the State of Michigan, relative to Senate Concurrent Resolution No. 26 memorializing the United States Congress to work with the appropriate federal agencies in adopting guidelines on beach maintenance activities as defined in 2003 PA 14 and to encourage the United States Army Corps of Engineers to work cooperatively with property owners on the stewardship of beaches; to the Committee on Transportation and Infrastructure.

194. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 35 memorializing the Congress of the United States to enact legislation giving federal income taxpayers who forego compensated employment in order to remain at home and personally provide care to their children and other dependents a tax benefit comparable to that currently given to wage earners who pay others to provide such care; to the Committee on Ways and Means.

195. Also, a memorial of the General Assembly of the State of Nebraska, relative to Assembly Joint Resolution No. 4, memorializing that the Nevada General Assembly urge President George W. Bush and Congress to support a free trade agreement between the United States and Taiwain; to the Committee on Ways and Means.

196. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 131 memorializing the United States Congress to adopt House Resolution 121 to endorse stronger protections for Lake St. Clair, the Heart of the Great Lakes; jointly to the Committees on Resources and Transportation and Infrastructure.

¶88.32 REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 1658. A bill to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes (Rept. 108–251). Referred to the Private Calendar.

¶88.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. ISAKSON, Mr. DEMINT, and Mr. JONES of North Carolina.
H.R. 36: Mr. YOUNG of Florida, and Mr. LATOURETTE.
H.R. 58: Mrs. BIGGERT, Mr. MILLER of North Carolina, and Mr. TIERNEY.
H.R. 106: Mr. COX and Mr. WILSON of South Carolina.
H.R. 121: Mr. SANDERS.
H.R. 127: Mr. BOSWELL.
H.R. 141: Mr. MARSHALL.
H.R. 284: Mr. MARKEY, Mrs. HOOLEY of Oregon, Mr. NEUGEBAUER, Mr. MEEHAN, Mr. OSE, and Mr. LUCAS of Kentucky.
H.R. 286: Mr. KIND.
H.R. 299: Mr. ENGEL.
H.R. 303: Mrs. BIGGERT, Mr. ISSA, Ms. JACKSON-LEE of Texas, Ms. DUNN, Mr. TAYLOR of North Carolina, Ms. MCCARTHY of Missouri, and Mr. MCCOTTER.
H.R. 318: Mr. RUSH, Mr. MOORE, and Mr. BOSWELL.
H.R. 338: Mr. PAUL and Mr. FILNER.
H.R. 375: Mr. GREEN of Wisconsin and Mr. WAMP.
H.R. 466: Mr. BACA.
H.R. 476: Mr. THOMPSON of California.
H.R. 569: Mr. INSLEE.
H.R. 571: Ms. PRYCE of Ohio and Mr. DEMINT.
H.R. 580: Mrs. LOWEY and Mr. KING of New York.
H.R. 583: Mr. KING of New York.
H.R. 664: Ms. LORETTA SANCHEZ of California.
H.R. 687: Mrs. BONO.
H.R. 713: Mr. BONNER, Mr. PETERSON of Pennsylvania, Mr. WYNN, and Mr. NETHERCUTT.
H.R. 728: Mr. NEUGEBAUER.
H.R. 792: Mr. VAN HOLLEN.
H.R. 806: Mr. LEWIS of Georgia, Mr. DELAHUNT, Mr. FORD, and Mr. CUNNINGHAM.
H.R. 852: Ms. HOOLEY of Oregon and Mr. MORAN of Virginia.
H.R. 876: Mr. RENZI, MS. GRANGER, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, and Mr. SWEENEY.
H.R. 886: Mr. FILNER.
H.R. 898: Mr. BURR.
H.R. 931: Mr. RAMSTAD.
H.R. 935: Mr. ANDREWS and Ms. BERKLEY.
H.R. 942: Mr. LEWIS of Kentucky, Mr. BARRETT of South Carolina, and Mr. BOEHLERT.
H.R. 979: Mr. WU.
H.R. 980: Ms. KAPTUR, Mr. CALVERT, Mrs. KELLY, Mr. WOLF, and Mr. ALLEN.
H.R. 983: Mrs. MALONEY.
H.R. 997: Mr. LUCAS of Oklahoma and Mrs. MUSGRAVE.
H.R. 1002: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1004: Mr. GRIJALVA.
H.R. 1083: Mr. DEAL of Georgia and Mr. PRICE of North Carolina.
H.R. 1087: Mr. FALEOMAVAEGA.
H.R. 1097: Mr. CASE.
H.R. 1105: Mr. BACA and Ms. VELAZQUEZ.
H.R. 1109: Mr. LIPINSKI.
H.R. 1125: Mr. KENNEDY of Minnesota, Mr. ISAKSON, Mr. NEUGEBAUER, Mr. WOLF, Ms. MAJETTE, and Mr. MCINNIS.
H.R. 1131: Mr. ENGLISH, Mr. FROST, Mr. ISRAEL, Mr. OWENS, and Ms. WATSON.
H.R. 1157: Mr. WEXLER, Mr. LEWIS of Georgia, Mr. MEEHAN, and Mr. LARSON of Connecticut.
H.R. 1168: Mr. UDALL of New Mexico.
H.R. 1191: Mr. HYDE.
H.R. 1225: Mr. KENNEDY of Rhode Island, Mr. ANDREWS, Mr. SHAYS, and Ms. SOLIS.
H.R. 1229: Mr. GOODLATTE, Mr. DELAY, and Mr. TAYLOR of North Carolina.
H.R. 1231: Mr. BALLENGER, Mr. YOUNG of Florida, Mr. MATSUI, Mr. LEWIS of California, Mr. STEARNS, Mr. NUNES, Mr. SWEENEY, Mr. BERRY, Mr. REYES, Ms. SOLIS and Mr. LANGEVIN.
H.R. 1245: Mr. TIERNEY.
H.R. 1258: Mr. LARSON of Connecticut.
H.R. 1321: Mr. ROSS.
H.R. 1359: Ms. ESHOO.
H.R. 1372: Mr. HALL, Mr. MCCRERY, and Ms. HARRIS.
H.R. 1374: Mr. UDALL of New Mexico.
H.R. 1376: Mr. EHLERS and Mr. ANDREWS.
H.R. 1414: Mr. FILNER and Mr. CUMMINGS.
H.R. 1425: Mr. DELAHUNT.
H.R. 1472: Ms. HARMAN and Mr. NADLER.
H.R. 1483: Mr. STUPAK and Mr. HONDA.
H.R. 1532: Mr. SHAW, Mr. GRIJALVA, and Mr. THOMPSON of Mississippi.
H.R. 1543: Mr. BARTLETT of Maryland and Mr. BEAUPREZ.
H.R. 1608: Mr. WOLF.
H.R. 1626: Mr. WOLF.
H.R. 1633: Ms. KILPATRICK.
H.R. 1689: Mr. PRICE of North Carolina and Mr. ETHERIDGE.
H.R. 1710: Mr. MCINTYRE.
H.R. 1713: Mr. TIERNEY.
H.R. 1735: Mr. ANDREWS, Mr. DEUTSCH, and Mr. NEY.
H.R. 1746: Mr. MURTHA, Mrs. BIGGERT, Mr. SHAW, Mr. BRADY of Pennsylvania, Mr. INSLEE, Mr. WICKER, Mr. KING of New York, and Mr. CROWLEY.
H.R. 1778: Mr. EHLERS, Mrs. MUSGRAVE, and Mr. CASE.
H.R. 1812: Mr. MILLER of North Carolina, Ms. ESHOO, Mr. DOGGETT, and Mr. TIERNEY.
H.R. 1813: Mr. THOMPSON of California, Mr. SNYDER, Ms. KAPTUR, Mr. KILDEE, and Ms. KILPATRICK.
H.R. 1819: Mr. GORDON, Mr. MOORE, Mr. EHLERS, Mr. SMITH of New Jersey, Mr. PICKERING, Mrs. MCCARTHY of New York, Mr. PALLONE, and Mr. DELAHUNT.
H.R. 1824: Mr. SAXTON, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. JOHNSON of Illinois, Mr. MENENDEZ, Mr. KENNEDY of Rhode Island, and Mr. GREENWOOD.
H.R. 1865: Mr. BAKER and Mr. CUMMINGS.
H.R. 1873: Mr. WAMP.
H.R. 1895: Mr. STARK.
H.R. 1905: Mr. GALLEGLY.
H.R. 1910: Mr. MILLER of North Carolina.
H.R. 1914: Mr. ETHERIDGE, Mr. LEWIS of Georgia, Mr. ENGLISH, Mr. MILLER of North Carolina, Mr. MCINTYRE, Mr. KINGSTON, MR. VAN HOLLEN, Mr. FEENEY, Ms. HARRIS, Mr. CLYBURN, Mr. CARDIN, Mr. GILCHREST, Mr. ISAKSON, Mr. MOLLOHAN, Mr. RAHALL, Mr. SPRATT, Mr. WAXMAN, and Mr. UPTON.
H.R. 1918: Ms. HOOLEY of Oregon.
H.R. 1919: Mr. NEAL of Massachusetts.
H.R. 1929: Mr. PAYNE and Mr. HINOJOSA.
H.R. 1943: Mr. KINGSTON and Mr. LEWIS of Kentucky.
H.R. 1991: Mr. WEXLER.
H.R. 2032: Mr. BELL, Mr. WALSH, and Mr. LEACH.
H.R. 2038: Mr. KIND, Mr. PRICE of North Carolina, and Mr. PASTOR.
H.R. 2045: Mr. HALL, Mr. GREEN of Wisconsin, Mr. CRAMER, and Mr. SULLIVAN.
H.R. 2047: Mr. GERLACH.
H.R. 2060: Mr. WOLF, Ms. KILPATRICK, Mr. HOYER, Mr. GOODE, and Mr. BAKER.
H.R. 2096: Mr. SNYDER, Mr. DEAL of Georgia, Mr. PRICE of North Carolina, Mr. LEWIS of Kentucky, Ms. DUNN, Mr. PUTNAM, Mr. HALL, Mr. BRADLEY of New Hampshire, Mr. GORDON, Ms. BALDWIN, Mr. DICKS, Mr. ABERCROMBIE, Mr. KENNEDY of Rhode Island, Mr. SHUSTER, Mr. ROSS, Mrs. KELLY, Mr. NEAL of Massachusetts, Mr. LOBIONDO, Mr. HINCHEY, Mr. LUCAS of Kentucky, Mr. QUINN, Mr. COSTELLO, and Mr. DEFAZIO.
H.R. 2103: Mr. TIERNEY.
H.R. 2118: Ms. CARSON of Indiana, Mr. CARSON of Oklahoma, Mr. DAVIS of Alabama, Mr. KNOLLENBERG, Mr. GREENWOOD, and Mr. HALL.
H.R. 2157: Mr. GRIJALVA.
H.R. 2181: Ms. CARSON of Indiana, Mr. WALSH, AND Mr. BURTON of Indiana.
H.R. 2198: Mr. GRIJALVA.
H.R. 2208: Mr. VITTER.
H.R. 2214: Mr. GIBBONS.
H.R. 2256: Ms. ESHOO.
H.R. 2269: Mr. BARTLETT of Maryland.
H.R. 2295: Mr. RYAN of Ohio and Mr. ABERCROMBIE.
H.R. 2298: Mr. RANGEL.
H.R. 2318: Mr. CONYERS and Mr. SHERMAN.
H.R. 2327: Mr. BAIRD and Mr. WHITFIELD.
H.R. 2333: Mr. DEAL of Georgia.
H.R. 2340: Mr. SHAYS.
H.R. 2360. Ms. HOOLEY of Oregon.
H.R. 2365. Ms. HART and Mr. FROST.
H.R. 2366: Mr. MATHESON.
H.R. 2370: Mr. SMITH of New Jersey.
H.R. 2379: Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, and Mr. STUPAK.
H.R. 2393: Mr. STRICKLAND.
H.R. 2402: Mr. RYAN of Ohio.
H.R. 2404: Mr. UPTON.
H.R. 2426: Ms. ESHOO.
H.R. 2444: Mr. GOODLATTE and Mr. FOLEY.
H.R. 2452: Mr. ACKERMAN, Mrs. KELLY, Mr. WEINER, Mr. MEEKS of New York, Mr. ISRAEL, Mr. CROWLEY, Mr. FOSSELLA, Mr. ENGEL, Mr. MCNULTY, Mrs. MCCARTHY of New York, Mr. HOUGHTON, Mr. BOEHLERT, Mr. HINCHEY, Ms. SLAUGHTER, Mrs. MALONEY, Mr. SERRANO, Mr. NADLER, Mr. QUINN, Mr. OWENS, Mr. TOWNS, Mr. MCHUGH, Mr. SWEENEY, and Mr. WALSH.
H.R. 2456: Mr. FORD, Mr. FROST, and Mr. INSLEE.
H.R. 2464: Mr. DEUTSCH.
H.R. 2482: Mr. SHAYS.
H.R. 2504: Mr. RANGEL.
H.R. 2505: Ms. KAPTUR and Ms. ESHOO.
H.R. 2517: Mr. COOPER.
H.R. 2524: Ms. ESHOO and Ms. ROS-LEHTINEN.
H.R. 2527: Mr. DOGGETT, Mr. WEXLER, Ms. ESHOO, Mr. SHAYS, Ms. SCHAKOWSKY, and Mr. ALLEN.
H.R. 2536: Mr. WAXMAN.
H.R. 2537: Ms. LEE.
H.R. 2538: Mr. FOLEY, Mr. CRENSHAW, and Mr. BOYD.
H.R. 2545: Mr. MANZULLO.
H.R. 2569: Mr. MILLER of North Carolina, Mr. DAVIS of Tennessee, Mr. MATHESON, and Ms. LEE.
H.R. 2587: Mr. WAMP.
H.R. 2602: Mr. BURTON of Indiana.
H.R. 2620: Mrs. JO ANN DAVIS of Virginia.
H.R. 2622: Mr. SCHROCK, Mr. REYNOLDS, Ms. PRYCE of Ohio, Mr. EMANUEL, and Mr. BEAUPREZ.
H.R. 2625: Mr. MCNULTY, Mr. BOUCHER, Mr. LEVIN, Ms. VELAZQUEZ, Mr. VISCLOSKY, Mr. BISHOP of New York, Ms. ESHOO, and Mr. LARSEN of Washington.
H.R. 2626: Ms. JACKSON-LEE of Texas and Mr. SANDERS.
H.R. 2655: Mr. MURPHY and Mr. FRANK of Massachusetts.
H.R. 2665: Mr. ABERCROMBIE, Mrs. JONES of Ohio, and Mr. BOEHLERT.
H.R. 2668: Mr. MCHUGH and Mr. RYAN of Ohio.
H.R. 2671: Mr. HUNTER, Mr. EVERETT, Mr. SAM JOHNSON of Texas, Mr. SIMPSON, Mr. BALLENGER, Mr. SULLIVAN, Mr. GRAVES, Mr.

MCINTYRE, Mr. TANCREDO, Mr. SHAW, Mr. FEENEY, Mr. DOOLITTLE, Mr. TURNER of Ohio, and Mr. CARTER.

H.R. 2700: Mrs. NAPOLITANO, Mr. ROGERS of Michigan, Mr. BARTON of Texas, and Mr. ROHRABACHER.

H.R. 2705: Mr. SANDLIN, Mr. ISRAEL, Mr. WEXLER, Mr. PASTOR, Mr. GOODE, Mr. SIMPSON, Ms. CARSON of Indiana, Mr. BONILLA, Mr. RANGEL, Mr. WAMP, and Mr. GORDON.

H.R. 2711: Mr. GONZALEZ, Ms. ESHOO, Mr. STRICKLAND, and Mr. NADLER.

H.R. 2722: Mr. DELAHUNT and Mrs. TAUSCHER.

H.R. 2727: Mr. ACKERMAN, Mr. ISRAEL, Mr. LEACH, and Mr. TIERNEY.

H.R. 2732: Mr. BAKER, Mrs. JO ANN DAVIS of Virginia, Mr. WAMP, Mr. HAYES, Mr. WOLF, Mr. RAMSTAD, Mr. NUNES, Mr. ROGERS of Alabama, Mr. GALLEGLY, Mr. FEENEY, Mr. HYDE, Mrs. CUBIN, Mr. BURTON of Indiana, Mr. SULLIVAN, Mr. RENZI, and Mr. FLAKE.

H.R. 2733: Mr. WAMP, Mr. DUNCAN, and Mr. JOHNSON of Illinois.

H.R. 2743: Mr. KINGSTON, Mr. BARRETT of South Carolina, Mr. PAUL, and Mr. BARTLETT of Maryland.

H.R. 2762: Mr. SHIMKUS and Mr. HAYWORTH.

H.R. 2763: Mr. SHIMKUS.

H.R. 2768: Mr. HOEFFEL, Mr. SCHROCK, Mrs. MYRICK, Mr. KINGSTON, Mr. CONYERS, Mr. RANGEL, Mr. DEMINT, Mr. WOLF, Mr. ROGERS of Michigan, Mr. NORWOOD, Mr. MCCOTTER, Mr. TURNER of Texas, Mr. LANGEVIN, Mr. CARTER, Mr. EMANUEL, Mr. BISHOP of Georgia, Mr. DELAHUNT and Mrs. MALONEY.

H.R. 2784: Ms. ESHOO.

H.R. 2792: Ms. LOFGREN.

H.R. 2806: Mr. ROGERS of Alabama.

H.R. 2809: Mr. SNYDER and Mr. NEY.

H.R. 2810: Mr. SNYDER and Mr. NEY.

H.R. 2853: Mr. DELAHUNT, Mr. LYNCH, Mr. CROWLEY, Mr. HONDA, Mr. TIERNEY, and Mr. GRIJALVA.

H.R. 2871: Mr. MATHESON.

H.R. 2883: Mr. FROST.

H.R. 2885: Ms. ROS-LEHTINEN.

H.R. 2891: Mr. CONYERS, Mr. RUPPERSBERGER, and Mrs. MCCARTHY of New York.

H.R. 2899: Mr. CROWLEY.

H.R. 2904: Mr. LARSEN of Washington, Mr. INSLEE, and Mr. DICKS.

H.R. 2929: Mr. SHIMKUS.

H.R. 2945: Mr. NADLER, Mr. HONDA, Mr. LANTOS, Ms. NORTON, and Mr. RODRIQUEZ.

H.R. 2969: Mr. CASE.

H.J. Res. 56: Mr. CULBERSON, Mr. MANZULLO, Mr. OSBORNE, Mr. FEENEY, Mr. LUCAS of Kentucky, and Ms. HART.

H. Con. Res. 56: Ms. HOOLEY of Oregon and Ms. CARSON of Indiana.

H. Con. Res. 111: Mr. HOLT and Mr. CONYERS.

H. Con. Res. 114: Mr. WYNN and Ms. DELAURO.

H. Con. Res. 116: Mrs. MUSGRAVE.

H. Con. Res. 176: Mr. TERRY.

H. Con. Res. 196: Ms. WOOLSEY, Mr. FROST, Mr. ACEVEDO-VILA, Mr. SANDERS, Mr. WEXLER, Mr. BELL, Mr. GONZALEZ, Ms. NORTON, Mr. HOEFFEL, Mrs. JONES of Ohio, Mr. AKIN, Mrs. MALONEY, Mr. GRIJALVA, and Mr. MCNULTY.

H. Con. Res. 213: Mr. BLUMENAUER and Mr. UDALL of New Mexico.

H. Con. Res. 242: Mr. WEINER.

H. Con. Res. 247: Mr. FRANK of Massachusetts.

H. Res. 141: Mr. LEWIS of Georgia.

H. Res. 144: Mr. DOYLE.

H. Res. 234: Mr. WAXMAN and Mr. GARY G. MILLER of California.

H. Res. 259: Mr. EVANS.

H. Res. 273: Mr. KING of New York.

H. Res. 313: Mr. ROTHMAN.

H. Res. 325: Ms. WATSON, Mr. ABERCROMBIE, Mr. DEUTSCH, and Mr. BELL.

H. Res. 337: Mr. FROST, Mr. GILLMOR, and Mr. WALSH.

¶88.34 PETITIONS, ETC.

Under clause 3 of rule XII,

38. The SPEAKER presented a petition of Village of Hoffman Estates, Cook and Kane Counties, Illinois, relative to Resolution No. 1201-2003 petitioning the United States Congress that the Village Board endorses support for the Metra Star Line as the locally preferred alternative for providing New transit service within the northwest corridor; to the Committee on Transportation and Infrastructure.

THURSDAY, SEPTEMBER 4, 2003 (89)

The House was called to order by the SPEAKER.

¶89.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, September 3, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶89.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3951. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Change in Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States [Docket No. FV03-996-2 IFR] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3952. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV03-916-2 IFR-A] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3953. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Increased Assessment Rate and Defined Fiscal Period [Docket No. FV03-958-01 FR] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3954. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Increased Assessment Rates [Docket No. FV03-916-4 IFR] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3955. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Milk in the Central Marketing Area [Docket # DA-03-09; AO-313-A45] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3956. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Milk in the Upper Midwest Marketing Area: Order Amending the Order [Docket No. DA-01-03; AO-361-A35] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3957. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—United States Standards for Grades of Pistachio Nuts in the Shell, and United States Standards for Grades of Shelled Pistachio Nuts [Docket Number FV-98-304] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3958. A letter from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule— Improving and Eliminating Regulations, Phase 5, Miscellaneous Technology Improvements (Methane Testing) (RIN: 1219-AA98) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3959. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to the Netherlands for defense articles and services (Transmittal No. 03-32), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3960. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Canada for defense articles and services (Transmittal No. 03-29), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3961. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-108, ''Bowling Alley and Billiard Parlor Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3962. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-110, ''Closing of a Public Alley in Square 2287, S.O. 01-4263, Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3963. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-112, ''District of Columbia Jail Improvement Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3964. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-114, ''Presidential Elector Deadline Waiver Temporary Amendment Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3965. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-142, ''Lincoln Square Theater Sales and Use Tax Exemption Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3966. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-113, '' Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicle Reform Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3967. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-146, ''Streamlining Regulation Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3968. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-109, ''Closing of a Public Alley in Square 625, S.O. 01-187, Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3969. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule— Substituted Federal Enforcement of Portions

of Missouri's Permanent Regulatory Program and Findings on the Status of Missouri's Permanent Regulatory Program—received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3970. A letter from the FMCSA Regulatory Officer, Department of Transportation, transmitting the Department's final rule—Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce [Docket No. FMCSA-2000-7017] (RIN: 2126-AA52) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3971. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Martin Models L-1011 Airplanes and Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. 2000-NM-369-AD; Amendment 39-13240; AD 2003-14-21] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3972. A letter from the transmitting the Department's final rule —, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3973. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group [TD 9089] (RIN: 1545-BC39) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3974. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—User Fees for Processing Offers to Compromise [TD 9086] (RIN: 1545-BA54) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3975. A letter from the Chair of the Board, Office of Compliance, transmitting notice of proposed procedural rulemaking regulations under Section 303 of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C. 1384(b); jointly to the Committees on House Administration and Education and the Workforce.

3976. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Modifications to Managed Care Rules [CMS-4041-F] (RIN: 0938-AK71) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

3977. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Electronic Submission of Medicare Claims [CMS-0008-IFC] (RIN: 0938-AM22) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶89.3 PROVIDING FOR THE CONSIDERATION OF H.R. 2989

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (H. Res. 351):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived except as follows: page 9, line 10, through line 15; page 12, line 1, through page 13, line 2; page 14, line 16, through page 15, line 2; page 17, line 6, through line 11; page 18, line 3, through page 24, line 12; ''limited or'' on page 26, line 9; page 27, line 14, through page 28, line 7; beginning with ''Provided'' on page 28, line 19, through page 29, line 3; ''Notwithstanding any other provision of law'' on page 31, line 5; page 31, line 14, through line 21; page 31, line 24, through page 32, line 17; ''Notwithstanding any other provision of law'' on page 34, line 24; beginning with ''provided further'' on page 36, line 17, through page 37, line 5; beginning with ''provided further'' on page 45, line 16, through line 23; ''Notwithstanding any other provision of law'' on page 46, line 25; page 50, line 19, through ''project'' on page 51, line 4; beginning with ''Notwithstanding'' on page 51, line 12, through ''amended'' on line 13; page 53, line 3, through page 54, line 12; ''Notwithstanding any other provision of law'' on page 54, lines 13 and 14; page 72, line 22, through page 76; page 122, line 4, through line 9; ''Notwithstanding any other provision of law'' on page 126, lines 15 and 16; beginning with ''and the prohibition'' on page 126, line 20, through ''2512(a)(1))'' on line 23. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. REYNOLDS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. MATHESON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 240 / Nays ..... 173 }

¶89.4 [Roll No. 463]

YEAS—240

Abercrombie
Ackerman
Aderholt
Akin
Baca
Baker
Ballance
Ballenger
Barton (TX)
Bass
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boucher
Boyd
Brady (PA)
Brown (SC)
Brown, Corrine
Buyer
Calvert
Camp
Cannon
Cantor
Capuano
Cardin
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Tom
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emerson
Eshoo
Everett
Fattah
Feeney
Ferguson
Filner
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hastings (WA)
Hefley
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Honda
Hoyer
Hunter
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (RI)
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lowey
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Matsui
McCarthy (MO)
McCollum
McCotter
McCrery
McDermott
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Neal (MA)
Nethercutt
Ney
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rehberg
Reyes
Reynolds
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Saxton
Schakowsky
Schrock
Scott (VA)
Serrano
Shadegg
Shaw
Sherman
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Stark
Sweeney
Tancredo
Tauscher
Tauzin
Thomas
Thompson (MS)
Thornberry
Tiberi
Towns
Turner (OH)
Upton
Van Hollen
Velazquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NAYS—173

Alexander
Allen
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Beauprez
Becerra
Bell
Berkley
Berry
Bishop (NY)
Bishop (UT)
Blackburn
Boozman
Boswell
Bradley (NH)
Brady (TX)
Brown (OH)
Brown-Waite, Ginny
Burgess
Burns
Burr
Capito
Capps
Cardoza
Carson (IN)
Carson (OK)

Carter
Case
Chabot
Chocola
Coble
Collins
Costello
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Deutsch
Duncan
Edwards
Emanuel
English
Etheridge
Evans
Farr
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Gerlach
Gibbons
Gingrey
Goode
Gordon
Green (WI)
Grijalva
Hall
Harris
Hart
Hayes
Hayworth
Hensarling
Hill
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hulshof
Inslee
Isakson
Israel
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
Kleczka
LaHood
Lampson
Langevin
Larsen (WA)
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Maloney
Marshall
Matheson
McCarthy (NY)
McGovern
McIntyre
Mica
Michaud
Miller (FL)
Miller (NC)
Moore
Moran (KS)
Murphy
Musgrave
Napolitano
Neugebauer
Northup
Norwood
Obey
Paul
Pearce
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Ramstad
Renzi
Rogers (AL)
Rogers (MI)
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sanders
Sandlin
Schiff
Scott (GA)
Sensenbrenner
Sessions
Shays
Sherwood
Shimkus
Shuster
Simmons
Slaughter
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Tiahrt
Tierney
Toomey
Turner (TX)
Udall (CO)
Udall (NM)
Vitter
Walden (OR)
Weldon (FL)
Whitfield
Wu

NOT VOTING—21

Andrews
Burton (IN)
DeGette
DeMint
Dooley (CA)
Engel
Gephardt
Graves
Hyde
Janklow
John
Kucinich
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Waxman
Woolsey
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. McGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays ..... 178 }

¶89.5 [Roll No. 464]

AYES—235

Aderholt
Akin
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chocola
Clay
Coble
Cole
Collins
Conyers
Cooper
Cox
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Lynch
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Watson
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOES—178

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chabot
Clyburn
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Doggett
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Goode
Gordon
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Pomeroy
Price (NC)
Ramstad
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Wamp
Waters
Watt
Weiner
Wexler
Wu

NOT VOTING—21

Andrews
Burton (IN)
DeGette
DeMint
Dooley (CA)
Engel
Gephardt
Graves
Hyde
Janklow
John
Kucinich
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Waxman
Woolsey
Young (AK)

So the resolution was agreed to.

Mr. OBEY moved to reconsider the vote whereby the resolution was agreed to.

Mr. REYNOLDS moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. SIMPSON, announced that the yeas had it.

Mr. OBEY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 205 / Nays ..... 180 }

¶89.6 [Roll No. 465]

AYES—205

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Jones (NC)
Keller

Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Lynch
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—180

Abercrombie
Ackerman
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Pelosi
Pomeroy
Price (NC)
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wu
Wynn

NOT VOTING—49

Andrews
Ballenger
Bereuter
Berman
Boehner
Burton (IN)
Camp
Carter
Deal (GA)
DeGette
Delahunt
DeMint
Dooley (CA)
Emerson
Engel
Fattah
Gephardt
Graves
Greenwood
Hinchey
Houghton
Hyde
Janklow
John
Johnson (CT)
Johnson, Sam
Jones (OH)
Kucinich
LaTourette
McCarthy (NY)
Miller, George
Myrick
Nadler
Norwood
Pascrell
Payne
Pickering
Pombo
Rangel
Regula
Rodriguez
Roybal-Allard
Ryun (KS)
Souder
Stark
Van Hollen
Waxman
Woolsey
Young (AK)

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶89.7 TRANSPORTATION AND TREASURY APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to House Resolution 351 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, designated Mr. DREIER as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. GOODLATTE assumed the Chair; and after some time spent therein,

¶89.8 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mr. OBEY that the Committee do now rise.

It was decided in the negative ..... { Yeas ..... 100 / Nays 298

¶89.9 [Roll No. 466]

AYES—100

Ackerman
Alexander
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Brown (OH)
Capuano
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
DeLauro
Deutsch
Doggett
Evans
Farr
Filner
Frank (MA)
Frost
Grijalva
Hall
Hastings (FL)
Hill
Hinchey
Hinojosa
Holt
Hooley (OR)
Hoyer
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Majette
Maloney
Markey
McGovern
McIntyre
Meehan
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pelosi
Pomeroy
Ross
Rothman
Ryan (OH)
Sabo
Sanchez, Linda T.
Sandlin
Schakowsky
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velazquez
Waters
Watson
Watt
Wynn

NOES—298

Abercrombie
Aderholt
Akin
Allen
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hostettler
Houghton
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McInnis
McKeon
McNulty
Meek (FL)
Menendez
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller

Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu

NOT VOTING—36

Brown, Corrine
Cannon
Deal (GA)
DeGette
Delahunt
DeLay
DeMint
Dooley (CA)
Engel
Fattah
Gephardt
Gonzalez
Graves
Hyde
Janklow
John
Jones (OH)
Kucinich
LaTourette
McHugh
Mica
Ortiz
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Sanders
Slaughter
Smith (WA)
Waxman
Wexler
Woolsey
Young (AK)
Young (FL)

So the motion was not agreed to.
After some further time,

¶89.10 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mr. OBEY that the Committee do now rise.

It was decided in the negative ..... { Yeas ..... 89; Nays ..... 302; Answered present 1

¶89.11 [Roll No. 467]

AYES—89

Ackerman
Alexander
Baird
Baldwin
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Brown (OH)
Capuano
Carson (IN)
Clyburn
Cooper
Crowley
Davis (TN)
Delahunt
DeLauro
Deutsch
Doggett
Emanuel
Evans
Farr
Filner
Frank (MA)
Frost
Grijalva
Hastings (FL)
Hinojosa
Holt
Hoyer
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Markey
McDermott
McGovern
McNulty
Meehan
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pelosi
Pomeroy
Rothman
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (GA)
Slaughter
Snyder
Solis
Stark
Stenholm
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velazquez
Waters
Watson

NOES—302

Abercrombie
Aderholt
Akin
Allen
Baca
Bachus
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Owens
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—42

Andrews
Boucher
Brown, Corrine
Camp
Carson (OK)
Clay
Conyers
DeGette
DeMint
Dingell
Dooley (CA)
Doyle
Engel
Gephardt
Gonzalez
Graves
Gutierrez
Honda
Hunter
Hyde
Janklow
John
Johnson, Sam
Kucinich
LaTourette
Matsui
McHugh
Meeks (NY)
Nussle
Ortiz
Oxley
Payne
Pickering
Rangel
Regula
Reynolds
Rodriguez
Roybal-Allard
Waxman
Wexler
Woolsey
Young (AK)

So the motion was not agreed to.
After some further time,

¶89.12 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mr. OBEY that the Committee do now rise.

It was decided in the negative ..... { Yeas ..... 87; Nays ..... 305; Answered present 1

¶89.13 [Roll No. 468]

AYES—87

Alexander
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berry
Bishop (GA)
Bishop (NY)
Brown (OH)
Brown, Corrine
Capuano
Carson (IN)
Carson (OK)
Clyburn
Conyers
Cooper
Crowley
Cummings
DeLauro
Doggett
Emanuel
Evans
Farr
Filner
Frank (MA)
Frost
Gonzalez
Grijalva
Hastings (FL)
Holt
Hooley (OR)
Hoyer
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Markey
McDermott
McGovern
McNulty
Meehan
Millender-McDonald
Miller (NC)
Miller, George
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pelosi
Pomeroy
Rothman
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Sandlin
Schakowsky
Scott (GA)
Snyder
Stenholm
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt

NOES—305

Abercrombie
Ackerman
Aderholt
Akin
Allen
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)

Lynch
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Saxton
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solis
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Tiahrt
Tiberi
Toomey
Turner (OH)
Udall (NM)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—41

Clay
Davis, Jo Ann
DeGette
Delahunt
DeMint
Dooley (CA)
Doolittle
Doyle
English
Fattah
Gephardt
Graves
Hinojosa
Honda
Janklow
John
Kleczka
Kucinich
Majette
Matsui
McCotter
Nadler
Owens
Oxley
Payne
Pickering
Radanovich
Rangel
Regula
Rodriguez
Roybal-Allard
Ryun (KS)
Slaughter
Smith (WA)
Stark
Thornberry
Turner (TX)
Waxman
Weldon (PA)
Woolsey
Young (AK)

So the motion was not agreed to.

After some further time,

¶89.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. PETRI:

Strike section 114 of the bill and redesignate subsequent sections of the bill accordingly.

It was decided in the affirmative ..... { Yeas ..... 327 / Nays 90

¶89.15 [Roll No. 469]

AYES—327

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hayes
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Wu
Wynn
Young (FL)

NOES—90

Aderholt
Akin
Ballenger
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Cannon
Cantor
Chabot
Coble
Cole
Collins
Cox
Crenshaw
Culberson
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Doolittle
Dreier
Dunn
Emerson
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Goss
Hart
Hastings (WA)
Hayworth
Hensarling
Herger
Hobson
Istook
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Kline
Kolbe
Lewis (CA)
Manzullo
McKeon
Miller (FL)
Murphy
Musgrave
Neugebauer
Northup
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pombo
Putnam
Rehberg
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Smith (TX)
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Weldon (FL)
Wicker
Wilson (SC)

NOT VOTING—17

DeGette
Gephardt
Janklow
John
Kucinich
Linder
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Waxman
Woolsey
Young (AK)

So the amendment was agreed to.

¶89.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 25 submitted by Mr. TANCREDO:

Page 17, line 16, after the dollar amount, insert the following: ''(increased by $320,000,000)''.

Page 39, line 1, after the dollar amount, insert the following: ''(reduced by $320,000,000)''.

Page 39, line 2, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 39, line 3, after the dollar amount, insert the following: ''(reduced by $100,000,000)''.

Page 39, line 5, after the dollar amount, insert the following: ''(reduced by $100,000,000)''.

It was decided in the negative ..... { Yeas ..... 90 / Nays 322

¶89.17 [Roll No. 470]

AYES—90

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Brady (TX)
Burgess
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
DeLay
DeMint
Diaz-Balart, M.
Duncan
Everett
Flake
Franks (AZ)
Gingrey
Goss
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hunter
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
McCotter
McCrery
McInnis
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Northup
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pombo
Radanovich
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Shadegg
Smith (MI)
Smith (TX)
Sullivan
Tancredo
Terry

Thornberry
Toomey
Vitter
Wamp
Wicker
Wilson (SC)

NOES—322

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—22

DeGette
Eshoo
Feeney
Gephardt
Janklow
John
Kucinich
Lipinski
Lynch
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Sessions
Tiahrt
Waxman
Woolsey
Young (AK)

So the amendment was not agreed to.

¶89.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4 submitted by Mr. HASTINGS of Florida:

Page 5, line 21, after ''$45,000,000'' insert ''(decreased by $45,000,000)''.

Page 68, line 11, after ''$1,628,739,000'' insert ''(decreased by $165,000,000)''.

Page 91, line 1, after ''$495,000,000'' insert ''(increased by $232,000,000)''.

Page 108, line 23, after ''$35,914,000'' insert ''(decreased by $22,000,000)''.

It was decided in the negative ..... { Yeas ..... 186 / Nays 228

¶89.19 [Roll No. 471]

AYES—186

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Beauprez
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
Deutsch
Diaz-Balart, L.
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Fattah
Filner
Foley
Frank (MA)
Frost
Gillmor
Gonzalez
Goodlatte
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kline
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Murtha
Nadler
Napolitano
Neal (MA)
Owens
Pallone
Pascrell
Paul
Pelosi
Peterson (MN)
Rahall
Ramstad
Ros-Lehtinen
Ross
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shaw
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watt
Weiner
Wexler
Wu
Wynn

NOES—228

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capuano
Cardin
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Dunn
Ehlers
Emerson
English
Everett
Farr
Feeney
Ferguson
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goss
Granger
Graves
Green (WI)
Greenwood
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—20

Berman
Cannon
DeGette
Ford
Gephardt
Janklow
John
Kucinich
Mollohan
Myrick
Payne
Pickering
Rangel
Regula

Rodriguez
Roybal-Allard
Watson
Waxman
Woolsey
Young (AK)

So the amendment was not agreed to.

¶89.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9 submitted by Ms. HOOLEY of Oregon:

Page 2, line 8, after the first dollar amount insert the following: ''(increased by $500,000)''.

Page 83, line 7, after the first dollar amount insert the following: ''(reduced by $500,000)''.

It was decided in the affirmative ..... { Yeas ..... 213 / Nays 203

¶89.21 [Roll No. 472]

AYES—213

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cox
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Renzi
Reyes
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Weiner
Weldon (PA)
Wexler
Wu
Wynn

NOES—203

Aderholt
Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—18

Berman
Cannon
DeGette
Gephardt
Janklow
John
Kucinich
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Waxman
Woolsey
Young (AK)

So the amendment was agreed to.

¶89.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. KENNEDY of Minnesota:

Page 39, line 1, after the dollar amount, insert the following: ''(reduced by $320,000,000)''.

Page 39, line 2, after the dollar amount, insert the following: ''(reduced by $40,000,000)''.

Page 39, line 3, after the dollar amount, insert the following: ''(reduced by $273,000,000)''.

Page 39, line 5, after the dollar amount, insert the following: ''(reduced by $7,000,000)''.

Page 61, line 9, after the first dollar amount, insert the following: ''(increased by $2,285,000)''.

Page 67, line 3, after the dollar amount, insert the following: ''(increased by $12,250,000)''.

Page 67, line 4, after the dollar amount, insert the following: ''(increased by $4,250,000)''.

Page 67, line 5, after the dollar amount, insert the following: ''(increased by $8,000,000)''.

Page 84, line 20, after the dollar amount, insert the following: ''(increased by $28,790,000)''.

Page 85, line 21, after the dollar amount, insert the following: ''(increased by $276,675,000)''.

It was decided in the negative ..... { Yeas ..... 89 / Nays 325

¶89.23 [Roll No. 473]

AYES—89

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Blackburn
Brady (TX)
Burgess
Burr
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Culberson
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Everett
Flake
Fletcher
Franks (AZ)
Gingrey
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hunter
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kline
Lewis (KY)
Linder
McCotter
McCrery
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Neugebauer
Northup
Osborne
Ose
Otter
Pence
Peterson (PA)
Petri
Pombo
Ramstad
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Wamp
Weldon (FL)
Wicker
Wilson (SC)

NOES—325

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burton (IN)
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez

Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Peterson (MN)
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—20

Berman
Cannon
DeGette
Gephardt
Gordon
Granger
Janklow
John
Kucinich
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Waxman
Woolsey
Young (AK)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. HAYES, assumed the Chair.

When Mr. DREIER, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶89.24 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2989

On motion of Mr. ISTOOK, by unanimous consent,

Ordered, That it may be in order during further consideration of H. R. 2989, in the Committee of the Whole on the state of the Union, pursuant to House Resolution 351, no amendment to the bill may be offered except: pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendments printed in the CONGRESSIONAL RECORD and numbered 1, 6, 11, 14, and 24; the amendment printed in the Congressional Record and numbered 2, shall be debatable for 15 minutes; the amendment printed in the Congressional Record and numbered 15, shall be debatable for 20 minutes; an amendment by Mr. Hastings of Florida regarding OMB Circular A-76, shall be debatable for 30 minutes; one proper amendment by Mr. Sanders regarding a district court memorandum and order addressing IBM's pension plan, shall be debatable for one hour; an amendment by Ms. Kaptur regarding the Help America Vote Act; an amendment by Mr. Van Hollen regarding OMB Circular A-76, shall be debatable for 30 minutes; one proper amendment by Mr. Flake regarding Cuba travel, shall be debatable for one hour; an amendment by Mr. Honda regarding San Jose light rail; an amendment by Mr. Cooper, Ms. DeLauro, or Ms. Kilpatrick regarding tax law enforcement, shall be debatable for one hour; an amendment by Mr. Davis of Florida regarding educational exchanges with Cuba; an amendment by Mr. Mica regarding the National Railroad Passenger Corporation; an amendment by Mr. Farr regarding locality pay; and an amendment by Mr. Moran of Kansas regarding essential air service program.

Ordered further, That each amendment may be offered only by the Member designated, or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Except as specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

¶89.25 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 6. An Act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 6) ''An Act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes'' and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints under authority of the order of July 31, 2003, Mr. DOMENICI, Mr. NICKLES, Mr. CRAIG, Mr. CAMPBELL, Mr. THOMAS, Mr. GRASSLEY, Mr. LOTT, Mr. BINGAMAN, Mr. DORGAN, Mr. GRAHAM of Florida, Mr. WYDEN, Mr. JOHNSON, and Mr. BAUCUS, to be the conferees on the part of the Senate.

¶89.26 TRANSPORTATION AND TREASURY APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. HAYES, pursuant to House Resolution 351 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

Mr. DREIER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶89.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. JACKSON-LEE of Texas:

Beginning on page 52, strike line 22 and all that follows through page 53, line 2.

It was decided in the negative { Yeas ..... 188 / Nays ..... 222 }

¶89.28 [Roll No. 474]

AYES—188

Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gillmor
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor

Pelosi
Price (NC)
Rahall
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wu
Wynn

NOES—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—24

Abercrombie
Ackerman
Clay
DeGette
Gephardt
Janklow
John
Keller
Kucinich
McCrery
Meehan
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Ryan (WI)
Thomas
Waxman
Woolsey
Young (AK)

So the amendment was not agreed to.

After some further time,

¶89.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. COOPER:

Page 67, line 23, after the first dollar amount insert ''(reduced by $75,000,000) (increased by $75,000,000)''.

It was decided in the negative ..... { Yeas ..... 192 / Nays 219

¶89.30 [Roll No. 475]

AYES—192

Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wu
Wynn

NOES—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—23

Abercrombie
Ackerman
Clay
Davis, Tom
DeGette
Gephardt
Janklow
John
Keller
Kucinich
Meehan
Mollohan
Myrick
Payne
Pickering
Rangel
Regula
Rodriguez
Roybal-Allard
Sherman
Waxman
Woolsey
Young (AK)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. DREIER, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶89.31 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. RUPPERSBERGER, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R.

1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, as follows: 1) The House conferees shall be instructed to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; 2) The House conferees shall be instructed to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; 3) The House conferees shall be instructed to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; 4) To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and 5) The House conferees shall be instructed, as soon as practicable after the adoption of this motion, to meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of the instruction, not later than the second legislative day after adoption of this motion.

¶89.32 ENERGY POLICY

On motion of Mr. TAUZIN, by unanimous consent, the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. TAUZIN, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶89.33 MOTION TO INSTRUCT CONFEREES—H.R. 6

Mr. DINGELL moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, be instructed to resolve by September 12, 2003, the differences between the House and Senate regarding the electric reliability provisions contained in the House bill (section 16031 of the House bill) and the corresponding provisions contained in the amendment of the Senate (section 206 of the amendment of the Senate).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the nays had it.

Mr. DINGELL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Friday, September 5, 2003.

¶89.34 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. COOPER submitted the following privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, and for other purposes: 1) The House conferees shall be instructed to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; 2) The House conferees shall be instructed to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; 3) The House conferees shall be instructed to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; and 4) To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and 5) The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees and shall file a conference report consistent with the preceding provisions of this instruction, not later than Friday, July 18, 2003.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. CARTER, announced that the nays had it.

Mr. COOPER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CARTER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Friday, September 5, 2003.

¶89.35 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CARTER, laid before the House the following communication from NiCole Dolski, Congressional Aide, office of the Honorable Elton Gallegly:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

NICOLE DOLSKI,
Congressional Aide.

¶89.36 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CARTER, laid before the House the following communication from Paula Sheil, District Director, office of the Honorable Elton Gallegly:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

PAULA SHEIL,
District Director.

¶89.37 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CARTER, laid before the House the following communication from Tina

Cobb, Congressional Aide, office of the Honorable Elton Gallegly:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for testimony issued by the Superior Court of Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TINA COBB,
Congressional Aide.

¶89.38 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CARTER, laid before the House the following communication from Terry Hiser, Congressional Aide, office of the Honorable Elton Gallegly:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TERRY HISER,
Congressional Aide.

¶89.39 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CARTER, laid before the House the following communication from Karen M. Feather, Chief of Staff, office of the Honorable Paul E. Kanjorski:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 31, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The purpose of this letter is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the Court of Common Pleas of Northampton County, Pennsylvania.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KAREN M. FEATHER,
Chief of Staff.

¶89.40 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CARTER, laid before the House the following communication from Mr. KANJORSKI:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 31, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The purpose of this letter is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents in a civil action in which I am not a party, issued by the Court of Common Pleas of Northampton County, Pennsylvania.

I will make the determinations required by Rule VIII.

Sincerely,

PAUL E. KANJORSKI,
Member of Congress.

¶89.41 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CARTER, laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator, Office of Human Resources, Office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, August 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Superior Court of the State of California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

KATHY A. WYSZYNSKI,
Associate Administrator, Office of Human Resources.

¶89.42 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. ACKERMAN, for after 7 p.m. today and the balance of the week.

And then,

¶89.43 ADJOURNMENT

On motion of Mr. SMITH of Michigan, at 11 o'clock and 52 minutes p.m., the House adjourned.

¶89.44 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 2040. A bill to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska (Rept. 108–259). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2655. A bill to amend and extend the Irish Peace Process Cultural and Training Program Act of 1998 (Rept. 108–260, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 1813. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes (Rept. 108–261 Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 2622. A bill to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes; with an amendment (Rept. 108–263). Referred to the Committee of the Whole House on the State of the Union.

¶89.45 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1813. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 3, 2003.

H.R. 2655. Referral to the Committee on International Relations extended for a period ending not later than September 4, 2003.

House Joint Resolution 63. Referral to the Committee on Resources extended for a period ending not later than September 15, 2003.

¶89.46 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HYDE: Committee on International Relations. House Joint Resolution 63. Resolution to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, and for other purposes, with an amendment; (Rept. 108–262, Pt. I); referred to the Committee on the Judiciary for a period ending not later than September 15, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

¶89.47 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on International Relations discharged from further consideration. H.R. 2655 referred to the Committee of the Whole House on the State of the Union.

¶89.48 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina (for himself and Mr. WILSON of South Carolina):

H.R. 2999. A bill to ensure by law the ability of the military service academies to include the offering of a voluntary, nondenominational prayer as an element of their activities; to the Committee on Armed Services.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Mr. KUCINICH, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. OWENS, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. PAYNE, Mr. CONYERS, and Ms. CARSON of Indiana):

H.R. 3000. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the

present system of health care delivery; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3001. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies; to the Committee on Ways and Means.

By Mr. BEAUPREZ:

H.R. 3002. A bill to amend the Internal Revenue Code of 1986 to suspend the tax exempt status of designated foreign terrorist groups, and for other purposes; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina (for himself, Mr. KINGSTON, Mr. SPRATT, and Mr. WILSON of South Carolina):

H.R. 3003. A bill to amend title 11, United States Code, to establish a priority for the payment of claims for duties paid to the United States by licensed customs brokers and sureties on behalf of a debtor; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. MARKEY, Mr. BOUCHER, Mr. TOWNS, Mr. PALLONE, Mr. BROWN of Ohio, Mr. GORDON, Mr. DEUTSCH, Mr. RUSH, Ms. ESHOO, Mr. STUPAK, Mr. ENGEL, Mr. WYNN, Ms. MCCARTHY of Missouri, Mr. STRICKLAND, Ms. DEGETTE, Mrs. CAPPS, Mr. DOYLE, Mr. ALLEN, Mr. DAVIS of Florida, Ms. SCHAKOWSKY, and Ms. SOLIS):

H.R. 3004. A bill to improve the reliability of the Nation's electric transmission system; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. SANDLIN, Mr. STARK, Mr. JEFFERSON, Mr. BECERRA, Mr. MATSUI, Mr. KILDEE, Mr. TIERNEY, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. RUSH, Mr. WU, Ms. KILPATRICK, Mr. RYAN of Ohio, Ms. LEE, Mr. LAMPSON, Ms. SOLIS, Ms. MILLENDER-MCDONALD, Ms. KAPTUR, Mr. BAIRD, Mr. BROWN of Ohio, Mr. VAN HOLLEN, Mr. FARR, Ms. MCCARTHY of Missouri, and Mr. STRICKLAND):

H.R. 3005. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to improve disclosure of the funding status of single-employer pension plans; to the Committee on Education and the Workforce.

By Mr. HAYWORTH:

H.R. 3006. A bill to improve the safety of houseboat generator exhaust systems; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. OWENS, Mr. SERRANO, Ms. LEE, Mr. NADLER, Ms. NORTON, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. PALLONE, Mr. MICHAUD, Mr. DEUTSCH, Ms. CARSON of Indiana, Mr. HINCHEY, Mr. WEXLER, Ms. DELAURO, Mr. PAYNE, Ms. LOFGREN, Mr. MCGOVERN, Mr. RANGEL, Mr. OLVER, Mrs. JONES of Ohio, Mr. GUTIERREZ, Mr. FALEOMAVAEGA, Mr. ANDREWS, Ms. KAPTUR, Mr. RUSH, Mr. DAVIS of Illinois, Mr. SANDERS, Mr. DAVIS of Tennessee, Ms. JACKSON-LEE of Texas, and Ms. WOOLSEY):

H.R. 3007. A bill to assist States in establishing a universal prekindergarten program to ensure that all children 3, 4, and 5 years old have access to a high-quality full-day, full-calendar-year prekindergarten education; to the Committee on Education and the Workforce.

By Mr. LANGEVIN (for himself, Mr. TOWNS, Mr. NADLER, Mr. HINOJOSA, Mr. ACEVEDO-VILA, Mr. ETHERIDGE, Ms. DELAURO, Ms. MILLENDER-MCDONALD, Ms. LINDA T. SANCHEZ of California, Mr. MCNULTY, Mr. FROST, and Mr. SKELTON):

H.R. 3008. A bill to direct the Secretary of Education to establish a competitive demonstration grant program to provide funds for local educational agencies to experiment with ways to alleviate the substitute teacher shortage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MENENDEZ (for himself, Ms. ROS-LEHTINEN, Mr. RODRIGUEZ, Mr. BACA, Mr. FOLEY, Mr. TOWNS, Mr. ACEVEDO-VILA, Ms. HARMAN, Ms. LINDA T. SANCHEZ of California, Mr. ROTHMAN, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. HONDA, Mr. HINOJOSA, Mr. CONYERS, Mr. ORTIZ, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. REYES, Ms. NORTON, Ms. CORRINE BROWN of Florida, Ms. SOLIS, Mr. GONZALEZ, Mr. WELLER, Ms. MILLENDER-MCDONALD, Ms. BORDALLO, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. RANGEL, Mr. ENGLISH, Mr. MARIO DIAZ-BALART of Florida, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. FROST, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 3009. A bill to posthumously award a Congressional gold medal to Celia Cruz; to the Committee on Financial Services.

By Mr. MICHAUD (for himself and Ms. LINDA T. SANCHEZ of California):

H.R. 3010. A bill to provide for the payment or reimbursement by the Federal Government of special unemployment assistance paid by States to individuals participating in qualified worker training programs, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself and Mr. BERMAN):

H.R. 3011. A bill to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the ''Bob Hope Post Office Building''; to the Committee on Government Reform.

By Mr. TOWNS (for himself and Mr. OWENS):

H.R. 3012. A bill to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the ''James E. Davis Post Office Building''; to the Committee on Government Reform.

By Mr. WAMP:

H.R. 3013. A bill to require the Secretary of Homeland Security to conduct a public hearing before establishing or relocating any Quick Response Team that works with State and local law enforcement officers to take illegal and criminal aliens into custody and remove them from the United States; to the Committee on the Judiciary.

By Mr. WEINER (for himself, Mr. THOMPSON of Mississippi, Ms. BERKLEY, and Mrs. MALONEY):

H.R. 3014. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, chapter 89 of title 5, United States Code, and title 10, United States Code, to require coverage for the treatment of infertility; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD (for himself and Mr. PALLONE):

H.R. 3015. A bill to amend the Public Health Service Act to establish an electronic system for practitioner monitoring of the dispensing of any schedule II, III, or IV controlled substance, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARTLETT of Maryland:

H. Con. Res. 271. Concurrent resolution congratulating Fort Detrick on 60 years of service to the United States; to the Committee on Armed Services.

By Mr. MORAN of Virginia:

H. Con. Res. 272. Concurrent resolution expressing the sense of the Congress regarding the 75th anniversary of the Water Environment Federation; to the Committee on Transportation and Infrastructure.

By Mr. SHAW (for himself, Mr. WEXLER, Mr. FOLEY, and Mr. HASTINGS of Florida):

H. Con. Res. 273. Concurrent resolution recognizing and congratulating the East Boynton Beach, Florida, Little League team as the 2003 United States Little League Champions; to the Committee on Government Reform.

By Mr. WILSON of South Carolina (for himself, Mr. BEREUTER, and Mrs. TAUSCHER):

H. Res. 355. A resolution commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria; to the Committee on International Relations.

¶89.49 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. CASE, Mr. DAVIS of Illinois, and Mr. HYDE.

H.R. 63: Mr. KIND.

H.R. 110: Mr. HERGER, Mr. KINGSTON, and Mr. BEAUPREZ.

H.R. 135: Mr. BALLENGER.

H.R. 195: Mr. ROGERS of Michigan and Mr. WALSH.

H.R. 218: Mr. BISHOP of Utah, Mr. EVERETT, and Mr. GARY G. MILLER of California.

H.R. 277: Mr. SESSIONS and Mr. RAMSTAD.

H.R. 288: Mr. HOLT.

H.R. 290: Mr. LIPINSKI, Mr. WICKER, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BRADLEY of New Hampshire, Mr. BACHUS, Mr. MCINTYRE, Mr. BAIRD, Mr. GALLEGLY, Mr. GINGREY, Mr. DEFAZIO, and Ms. KILPATRICK.

H.R. 296: Ms. ROS-LEHTINEN, Mr. WAMP, Mr. LEACH, and Mrs. MCCARTHY of New York.

H.R. 306: Mr. SHAYS and Mr. GORDON.

H.R. 331: Mr. FRANK of Massachusetts.

H.R. 333: Mr. DAVIS of Illinois, Mr. RUPPERSBERGER, and Ms. LEE.

H.R. 338: Mr. BARTLETT of Maryland.

H.R. 339: Mr. BALLENGER.

H.R. 369: Mr. PORTMAN and Mr. SMITH or Michigan.

H.R. 391: Mr. NEUGEBAUER, Mr. GILCHREST, and Mr. GALLEGLY.

H.R. 394: Mr. STARK.

H.R. 442: Mr. UDALL of New Mexico.

H.R. 463: Mr. YOUNG of Florida and Mr. WELDON of Pennsylvania.

H.R. 489: Mr. MICA.

H.R. 584: Mr. RAMSTAD and Ms. ROS-LEHTINEN.

H.R. 594: Mr. WYNN, Mr. ROGERS of Alabama, Mr. MILLER of Florida, Mr. LUCAS of Oklahoma, Ms. MAJETTE, Mr. OBERSTAR, and Mrs. KELLY.

H.R. 648: Mr. CRANE.

H.R. 668: Mr. EHLERS.

H.R. 721: Ms. BALDWIN.

H.R. 742: Mr. MOORE.

H.R. 745: Mrs. MCCARTHY of New York.

H.R. 765: Mr. TURNER of Ohio.

H.R. 785: Mr. HYDE, Mr. ROTHMAN, and Mr. KINGSTON.

H.R. 792: Mrs. JO ANN DAVIS of Virginia.

H.R. 802: Mr. BROWN of Ohio.
H.R. 817: Mr. CROWLEY.
H.R. 819: Mr. RODRIGUEZ.
H.R. 857: Mr. ACEVEDO-VILÁ, Mr. VAN HOLLEN, Mr. DELAHUNT, Mr. TOWNS, Mr. WEINER, Mrs. MALONEY, Mr. CROWLEY, Mr. ACKERMAN, and Mrs. JO ANN DAVIS of Virginia.
H.R. 869: Mr. PRICE of North Carolina.
H.R. 873: Mr. MILLER of North Carolina, Mr. DEFAZIO, Mr. MCINTYRE, Mr. GRIJALVA, and Mr. MICHAUD.
H.R. 876: Mr. NORWOOD.
H.R. 890: Mr. CASE.
H.R. 898: Mr. BRADLEY of New Hampshire and Mr. WALSH.
H.R. 947: Mr. FILNER.
H.R. 973: Mr. NADLER, Mr. CROWLEY, and Mrs. JONES of Ohio.
H.R. 1005: Mr. ACEVEDO-VILÁ.
H.R. 1006: Mr. GRIJALVA and Mr. KIND.
H.R. 1043: Mr. MCCOTTER, Mr. ROTHMAN, Mr. KING of New York, and Mr. RUPPERSBERGER.
H.R. 1077: Mr. BLUMENAUER.
H.R. 1093: Mr. KIND.
H.R. 1105: Mr. TANNER.
H.R. 1225: Mr. OBERSTAR.
H.R. 1236: Mr. SHAYS.
H.R. 1250: Mr. GARRETT of New Jersey.
H.R. 1260: Mr. CHOCOLA.
H.R. 1294: Ms. WOOLSEY and Mr. MICHAUD.
H.R. 1301: Mr. MICHAUD.
H.R. 1336: Mr. NUNES, Mr. DOOLEY of California, Mr. CROWLEY, Mr. FORD, Mr. HOLDEN, Mrs. TAUSCHER, Ms. MILLENDER-MCDONALD, Mr. BROWN of Ohio, Mr. NEUGEBAUER, Mr. LUCAS of Kentucky, Mrs. MYRICK, and Mr. BOYD.
H.R. 1345: Mr. ANDREWS and Mr. RANGEL.
H.R. 1421: Ms. LEE and Mr. BAIRD.
H.R. 1479: Mr. SHAW.
H.R. 1498: Mr. TERRY.
H.R. 1523: Mr. AKIN, Mr. DOYLE, Mr. BONNER, Ms. LOFGREN, Mrs. CAPITO, Mr. PRICE of North Carolina, Mr. COX, and Mr. GORDON.
H.R. 1532: Ms. SOLIS, Mrs. TAUSCHER, Mr. PAYNE, Mr. MCGOVERN, Ms. ROYBAL-ALLARD, Mrs. CAPPS, and Mr. WEINER.
H.R. 1552: Mr. FROST and Mr. PRICE of North Carolina.
H.R. 1563: Mr. GRIJALVA, Ms. ESHOO, and Ms. BALDWIN.
H.R. 1582: Mr. UDALL of New Mexico, Mr. THORNBERRY, and Mr. RYAN of Wisconsin.
H.R. 1605: Ms. MCCOLLUM, Mr. VAN HOLLEN, and Mr. WYNN.
H.R. 1606: Mr. FORBES.
H.R. 1615: Mr. KILDEE and Mr. KNOLLENBERG.
H.R. 1626: Mr. LUCAS of Oklahoma.
H.R. 1676: Mr. WU, MS. HOOLEY of Oregon, Mr. BOOZMAN, Mr. CUMMINGS, Mr. GILCHREST, and Mr. GERLACH.
H.R. 1684: Ms. BERKLEY, Mr. ETHERIDGE, Mr. REYES, Ms. VELAZQUEZ, Mr. RYAN of Wisconsin, and Mr. WAXMAN.
H.R. 1698: Mr. TURNER of Texas.
H.R. 1742: Mr. MCKEON, Mr. CARTER, Mr. HALL, and Mr. KIND.
H.R. 1769: Mr. CUMMINGS, Mr. FORD, and Mr. DEFAZIO.
H.R. 1783: Mr. DEMINT.
H.R. 1784: Mr. LINCOLN DIAZ-BALART of Florida, Mr. PETERSON of Minnesota, Mrs. NAPOLITANO, and Mrs. JO ANN DAVIS of Virginia.
H.R. 1813: Mr. HINCHEY and Ms. LORETTA SANCHEZ of California.
H.R. 1819: Mr. MICHAUD and Mr. BURR.
H.R. 1859: Mr. KING of New York and Mr. SMITH of Michigan.
H.R. 1873: Mr. GREEN of Wisconsin and Mr. OTTER.
H.R. 1894: Mr. FILNER and Mr. WAXMAN.
H.R. 1902: Mr. BROWN of South Carolina and Ms. ESHOO.
H.R. 1912: Mr. TANNER.
H.R. 1943: Mr. SHIMKUS.
H.R. 1961: Mr. EHLERS.
H.R. 1988: Mr. BOUCHER.
H.R. 1998: Ms. LINDA T. SÁNCHEZ of California, Mr. OLVER, Mr. BRADLEY of New Hampshire, Mr. SMITH of Washington, Mr. LYNCH, Mr. ALLEN, and Mrs. KELLY.
H.R. 2028: Mr. TURNER of Texas.
H.R. 2128: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2133: Mr. LEWIS of Georgia, Mr. SHADEGG, and Mr. RAHALL.
H.R. 2154: Mr. BARTLETT of Maryland and Mr. TERRY.
H.R. 2176: Mr. GILLMOR, Mr. DAVIS of Tennessee, Mr. ROGERS of Alabama, Mr. ANDREWS, Mr. WICKER, and Mr. COOPER.
H.R. 2181: Mr. WILSON of South Carolina.
H.R. 2217: Mr. CASE.
H.R. 2218: Mr. GORDON and Mr. STARK.
H.R. 2220: Mr. NEUGEBAUER.
H.R. 2223: Mr. GOODLATTE.
H.R. 2224: Mr. MCGOVERN.
H.R. 2228: Mr. HAYWORTH.
H.R. 2232: Ms. BALDWIN.
H.R. 2233: Ms. LINDA T. SANCHEZ of California.
H.R. 2239: Mr. BERMAN, Ms. KILPATRICK, Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. KILDEE, Mr. NADLER, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. TOWNS, Mr. GREEN of Texas, and Mrs. MALONEY.
H.R. 2246: Mr. LUCAS of Kentucky, Ms. BERKLEY, Mr. BROWN of Ohio, Mr. RYAN of Ohio, Mrs. JO ANN DAVIS of Virginia, and Mr. PASTOR.
H.R. 2256: Mr. SHAYS and Ms. LOFGREN.
H.R. 2301: Mr. NADLER.
H.R. 2303: Mr. NEUGEBAUER.
H.R. 2323: Mr. RUPPERSBERGER and Mr. FOLEY.
H.R. 2327: Mr. LEWIS of Kentucky.
H.R. 2347: Mr. KINGSTON and Mr. CALVERT.
H.R. 2364: Mr. OWENS.
H.R. 2379: Mr. MORAN of Kansas.
H.R. 2388: Mr. COOPER.
H.R. 2394: Mr. NADLER.
H.R. 2404: Mr. STARK.
H.R. 2426: Ms. SOLIS.
H.R. 2452: Mr. BISHOP of New York, Ms. VELAZQUEZ, Mr. REYNOLDS, Mr. RANGEL, and Mrs. LOWEY.
H.R. 2456: Mr. PASCRELL.
H.R. 2469: Mr. HENSARLING.
H.R. 2519: Ms. SOLIS.
H.R. 2521: Mr. PAUL.
H.R. 2527: Mr. FRANK of Massachusetts.
H.R. 2567: Ms. LEE and Mr. RAMSTAD.
H.R. 2568: Mr. COOPER.
H.R. 2579: Mr. SOUDER, Mr. THORNBERRY, Mr. RAHALL, and Mr. JOHNSON of Illinois.
H.R. 2583: Mr. RYAN of Ohio, Mr. GONZALEZ, Mr. LAMPSON, Mr. ACEVEDO-VILA, Mr. DAVIS of Florida, and Mr. BOEHLERT.
H.R. 2584: Mr. DOOLITTLE and Mr. ACEVEDO-VILA.
H.R. 2585: Ms. JACKSON-LEE of Texas.
H.R. 2622: Mr. BOEHLERT.
H.R. 2626: Ms. MILLENDER-MCDONALD.
H.R. 2632: Mr. BEAUPREZ and Mr. CAPUANO.
H.R. 2654: Mr. TAYLOR of Mississippi.
H.R. 2668: Mr. DINGELL.
H.R. 2671: Mr. LAHOOD, Mr. GARY G. MILLER of California, and Mr. COX.
H.R. 2705: Ms. WOOLSEY.
H.R. 2722: Mr. FORBES.
H.R. 2743: Mr. SAM JOHNSON of Texas.
H.R. 2759: Mr. FROST and Mr. NUNES.
H.R. 2797: Mr. GORDON.
H.R. 2801: Ms. ROS-LEHTINEN.
H.R. 2808: Mr. CASE, Mr. DAVIS of Tennessee, Mr. DEUTSCH, Mr. HASTINGS of Washington, Mr. HOLDEN, Mr. JOHN, Mrs. KELLY, Ms. KAPTUR, Mr. LATOURETTE, Mr. NEUGEBAUER, Mr. RYAN of Ohio, Mr. OLVER, and Mr. VAN HOLLEN.
H.R. 2825: Mr. GORDON.
H.R. 2837: Mr. MARSHALL.
H.R. 2839: Mr. PALLONE and Mr. BASS.
H.R. 2849: Mr. WAMP.
H.R. 2852: Mr. PITTS, Mr. HOEKSTRA, Mrs. JO ANN DAVIS of Virginia, Mr. RYUN of Kansas, Ms. ESHOO, Mr. BARTLETT of Maryland, Mr. ANDREWS, Mr. NORWOOD, Mrs. MUSGRAVE, Mr. LAHOOD, and Mr. LEWIS of Kentucky.
H.R. 2853: Mr. FRANK of Massachusetts.
H.R. 2864: Mr. NEUGEBAUER.
H.R. 2870: Ms. LEE.
H.R. 2881: Ms. KILPATRICK.
H.R. 2882: Ms. NORTON.
H.R. 2885: Mr. FRANKS of Arizona and Mr. NORWOOD.
H.R. 2899: Mr. DREIER.
H.R. 2906: Mr. FLAKE, Mr. GINGREY, Mr. BRADLEY of New Hampshire, Mr. DEMINT, Mr. SOUDER, Mr. SHIMKUS, and Mr. BURGESS.
H.R. 2924: Mr. COBLE and Mr. ANDREWS.
H.R. 2932: Ms. DELAURO.
H.R. 2955: Mr. BEAUPREZ.
H.R. 2967: Mr. HOLDEN.
H.R. 2971: Mr. CARDIN, Mr. FORBES, Mr. KOLBE, and Ms. DUNN.
H.R. 2986: Mr. DELAHUNT, Mr. NETHERCUTT, Mrs. EMERSON, Mr. HINCHEY, Mr. SERRANO, Mr. MEEHAN, Mr. CRAMER, Mr. PICKERING, Mr. TOWNS, Ms. KAPTUR, Mrs. JO ANN DAVIS of Virginia, Mr. MCINTYRE, Mr. LOBIONDO, Ms. MCCARTHY of Missouri, and Mr. FROST.
H.J. Res. 50: Mr. COX and Mr. SIMPSON.
H.J. Res. 59: Mr. CONYERS.
H.J. Res. 62: Mr. ISRAEL, Mr. PAYNE, and Mrs. KELLY.
H. Con. Res. 87: Ms. MCCARTHY of Missouri, Mr. TIERNEY, and Mr. STARK.
H. Con. Res. 183: Mr. MCCOTTER.
H. Con. Res. 213: Mr. BERMAN.
H. Con. Res. 226: Mr. MCGOVERN.
H. Con. Res. 247: Mr. FROST.
H. Con. Res. 252: Mr. ABERCROMBIE, Mr. TOWNS, Ms. KAPTUR, Mr. BISHOP of New York, Mr. RANGEL, Ms. WOOLSEY, Mr. DICKS, Mr. BACA, Mr. EMANUEL, Mr. UDALL of New Mexico, Ms. GINNY BROWN-WAITE of Florida, Mr. MCNULTY, and Mrs. MCCARTHY of New York.
H. Con. Res. 254: Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. ADERHOLT, Mr. LANTOS, Mr. TOWNS, Mr. LEWIS of Georgia, and Mr. MCNULTY.
H. Con. Res. 266: Mr. EVANS and Mr. RYAN of Ohio.
H. Res. 42: Mr. WALDEN of Oregon, Mr. UPTON, Mr. GRIJALVA, and Mr. JOHNSON of Illinois.
H. Res. 103: Mr. HUNTER, Mr. PETERSON of Minnesota, and Mr. MILLER of North Carolina.
H. Res. 136: Mr. YOUNG of Florida.
H. Res. 233: Mr. SMITH of New Jersey and Mr. LEWIS of Kentucky.
H. Res. 261: Ms. MILLENDER-MCDONALD.
H. Res. 280: Mr. KING of New York.
H. Res. 320: Ms. MCCARTHY of Missouri, Mr. FRANK of Massachusetts, and Mr. STARK.
H. Res. 322: Mr. HOLDEN, Mr. ROSS, Mr. SMITH of Washington, Mr. DELAHUNT, Mr. SANDLIN, Mr. SCOTT of Georgia, Mrs. MALONEY, Mr. LANTOS, Mr. CARDOZA, Mr. MORAN of Virginia, Mr. DINGELL, Mr. MATHESON, Mr. TOWNS, Mr. MCNULTY, Mr. HOEFFEL, Mr. ETHERIDGE, Mr. BAKER, Mr. ANDREWS, Mr. WU, Mr. KNOLLENBERG, Mr. FERGUSON, Mr. COSTELLO, Mr. TERRY, Mr. CAPUANO, and Mr. TIERNEY.
H. Res. 349: Mr. LANTOS.

¶89.50 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2877: Mr. CRANE.

FRIDAY, SEPTEMBER 5, 2003 (90)

¶90.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MURPHY,

who laid before the House the following communication:

WASHINGTON, DC,
September 5, 2003.

I hereby appoint the Honorable TIM MURPHY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶90.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MURPHY, announced he had examined and approved the Journal of the proceedings of Thursday, September 4, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶90.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

3978. A letter from the Acting Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral John J. Totushek, United States Naval Reserve, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

3979. A communication from the President of the United States, transmitting a report on the temporary and permanent U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia; to the Committee on Armed Services.

3980. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Iraq pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3981. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicaid Program; Time limitation on Price Recalculations and Recordkeeping Requirements Under the Drug Rebate Program [CMS-2175-FC] (RIN: 0938-AM20) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3982. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Qatar for defense articles and services (Transmittal No. 03-20), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3983. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 03-27), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3984. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 03-30), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3985. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 03-31), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3986. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Bahrain for defense articles and services (Transmittal No. 03-19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3987. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Jordan for defense articles and services (Transmittal No. 03-26), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3988. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services (Transmittal No. 03-28), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3989. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Jordan for defense articles and services (Transmittal No. 03-21), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3990. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Pakistan for defense articles and services (Transmittal No. 03-18), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3991. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Jordan for defense articles and services (Transmittal No. 03-34), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3992. A letter from the Executive Director, Consumer Product Safety Commission, transmitting the Commission's inventories of Commercial and Inherently Governmental Activities for Year 2003 as pursuant to the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

3993. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3994. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3995. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3996. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3997. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3998. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report on federal vacancy Presidentially-appointed Senate-confirmed, position of Chief Financial Officer; to the Committee on Government Reform.

3999. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Strategic Plan for Fiscal Years 2003 through 2008; to the Committee on Government Reform.

4000. A letter from the Deputy United States Trade Representative, Executive Office of the President, transmitting a report on the pending accession to the World Trade Organization of the Kingdom of Cambodia; to the Committee on Government Reform.

4001. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report entitled ''Competitive Sourcing; Conducting Public-Private Competition in a Reasoned and Responsible Manner''; to the Committee on Government Reform.

4002. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for 60 Plant Species from the Islands of Maui and Kahoolawe, Hawaii (RIN: 1018-AH70) received May 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4003. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and by the USA PATRIOT Act of 2001; to the Committee on the Judiciary.

4004. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd. Models N22B and N24A Airplanes [Docket No. 2003-CE-04-AD; Amendment 39-13239; AD 2003-14-20] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4005. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S76A, B, and C Helicopters [Docket No. 2002-SW-39-AD; Amendment 39-13237; AD 2003-14-18] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4006. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model 382G Series Airplanes [Docket No. 2000-NM-326-AD; Amendment 39-13235; AD 2003-14-16] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4007. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200F, 747-200C, 747-300, 747-400, 747-400D, 747-400F, and 747SR Series Airplanes [Docket No. 2000-NM-55-AD; Amendment 39-13234; AD 2003-14-15] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4008. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2000-NM-257-AD; Amendment 39-13244; AD 2003-15-02] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4009. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2002-CE-51-AD; Amendment 39-13226; AD 2003-14-07] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4010. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) Models 250-C30R/3, -C30R/3M, -C47B, and -C47M Turboshaft Engines [Docket No. 2003-NE-23-AD; Amendment 39-13210; AD 2003-13-10] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4011. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2002-NM-34-AD; Amendment 39-13245; AD 2003-15-03] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4012. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2003-NM-165-AD; Amendment 39-13225; AD 2003-14-06] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4013. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aeropatiale Model ATR42 Series Airplanes and Model ATR72 Series Airplanes [Docket No. 2001-NM-280-AD; Amendment 39-13232; AD 2003-14-13] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4014. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aeropatiale Model ATR72 Series Airplanes [Docket No. 2001-NM-401-AD; Amendment 39-13233; AD 2003-14-14] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4015. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2001-NM-395-AD; Amendment 39-13228; AD 2003-14-09] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4016. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001-NM-50-AD; Amendment 39-13236; AD 2003-14-17] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4017. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. 2001-NM-391-AD; Amendment 39-13241; AD 2003-14-22] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4018. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. 2002-NM-205-AD; Amendment 39-13229; AD 2003-14-10] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4019. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365N, N1, AS-365N2, AS 365 N3, SA-366G1, AS355F, F1, F2, N, and EC130 B4 Helicopters [Docket No. 2002-SW-49-AD; Amendment 39-13238; AD 2003-14-19] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4020. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524G2, -524G2-T, -524G3, -524G3-T, -524H, -524H-T, -524H2, and -524H2-T Series, and Models RB211 Trent 768-60, 772-60, and 772B-60 Turbofan Engines [Docket no. 2003-NE-20-AD; Amendment 39-13242; AD 2003-14-23] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4021. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Systems, Inc. Propeller Hub Models B5JFR36C1101, C5JFR36C1102, B5JFR36C1103, and C5JFR36C1104 [Docket No. 2003-NE-32-AD; Amendment 39-13243; AD 2003-15-01] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4022. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller, Inc. McCauley Propeller Systems, Sensenich Propeller Manufacturing Company, Inc., and Raytheon Aircraft Company Propellers [Docket No. 2003-NE-13-AD; Amendment 39-13219; AD 2003-13-17] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4023. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB21-22B Series Turbofan Engines [Docket No. 2002-NE-10-AD; Amendment 39-13213; AD 2003-13-12] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4024. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Israel Aircraft Industries, Ltd., Model 1124 and 1124A Series Airplanes [Docket No. 2003-NM-01-AD; Amendment 39-13188; AD 2003-12-03] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4025. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 2002-NM-64-AD; Amendment 39-13186; AD 2003-12-01] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4026. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. 2002-NM-162-AD; Amendment 39-13187; AD 2003-12-02] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4027. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-100 and 727-200 Series Airplanes [Docket No. 2001-NM-41-AD; Amendment 39-13178; AD 2003-11-19] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4028. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332 C, L, and L1 Helicopters [Docket No. 2003-SW-13-AD; Amendment 39-13180; AD 2003-11-21] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4029. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200F, 747-200C, 747-300, 747SR, and 747SP Series Airplanes [Docket No. 2001-NM-394-AD; Amendment 39-13185; AD 2003-11-25] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4030. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2002-CE-53-AD; Amendment 39-13176; AD 2003-11-17] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4031. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2003-NM-102-AD; Amendment 39-13184; AD 2003-11-24] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4032. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt and Whitney PW4000 Series Turbofan Engines [Docket No. 2000-NE-47-AD; Amendment 39-13177; AD 2003-11-18] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4033. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshaft Engines [Docket No. 99-NE-12-AD; Amendment 39-13168; AD 2003-11-09] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4034. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440 Airplanes) [Docket No. 2000-NM-311-AD; Amendment 39-13179; AD 2003-11-20] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4035. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365N1; AS365-N2, AS 365 N3, and SA-366G1 Helicopters [Docket No. 2003-SW-20-AD; Amendment 39-13181; AD 2003-08-53] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4036. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines AG (IAE) V2522-A5, V2524-A5, V2527-A5, V2527E-A5, V2527M-A5, and V2530-A5 Turbofan Engines [Docket No. 2003-NE-21-AD; Amendment 39-13183; AD 2003-11-23] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4037. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-125-AD; Amendment 39-13174; AD 2003-11-15] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4038. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-34-200T, PA-34-220T, PA-44-180, and PA-44-180T Airplanes [Docket No. 2003-CE-23-AD; Amendment 39-13173; AD 2003-11-14] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4039. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Model RB211 Turbofan Engines [Docket No. 2002-NE-12-AD; Amendment 39-13182; AD 2003-10-03R1] (RIN: 2120-AA64) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4040. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30380; Amdt. No. 443] received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶90.4 MOTION TO INSTRUCT ON H.R. 6—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MURPHY, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the motion, by Mr. DINGELL, to instruct conferees on the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 176 / Nays ..... 211 }

¶90.5 [Roll No.476]

YEAS—176

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Weiner
Wu
Wynn

NAYS—211

Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—47

Ackerman
Aderholt
Brady (TX)
Brown, Corrine
Clay
Conyers
Cubin
Cummings
DeGette
Doolittle
Engel
Fossella
Gephardt
Hinchey
Issa
Istook
Janklow
John
Kennedy (RI)
Kucinich
Larsen (WA)
LaTourette
Leach
Marshall
McCarthy (NY)
Meek (FL)
Mollohan
Murtha
Myrick
Owens
Oxley
Pickering
Platts
Rangel
Regula
Rodriguez
Rogers (AL)
Roybal-Allard
Schiff
Smith (TX)
Towns
Watt
Waxman
Weldon (PA)
Wexler
Woolsey
Young (AK)

So, the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby the motion was not agreed to was, by unanimous consent, laid on the table.

¶90.6 MOTION TO INSTRUCT ON H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the motion, by Mr. COOPER, to instruct conferees on the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 186 / Nays ..... 210 }

¶90.7 [Roll No.477]

YEAS—186

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley

Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Weiner
Wu
Wynn

NAYS—210

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—38

Ackerman
Ballenger
Brown, Corrine
Clay
Cummings
DeGette
Doolittle
Dunn
Fossella
Gephardt
Hinchey
Hooley (OR)
Issa
Istook
Janklow
John
Kennedy (RI)
Kucinich
Larsen (WA)
LaTourette
Leach
Marshall
Mollohan
Murtha
Myrick
Pickering
Rangel
Rodriguez
Rogers (AL)
Roybal-Allard
Schiff
Smith (TX)
Towns
Watt
Waxman
Wexler
Woolsey
Young (AK)

So, the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶90.8 APPOINTMENT OF CONFEREES—H.R. 6

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes:

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, BILIRAKIS, BARTON of Texas, UPTON, STEARNS, GILLMOR, SHIMKUS, DINGELL, WAXMAN, MARKEY, BOUCHER and RUSH.

From the Committee on Agriculture, for consideration of sections 30202, 30208, 30212, Title III of Division C, sections 30604, 30901 and 30903 of the House bill and sections 265, 301, 604, 941–948, 950, 1103, 1221, 1311–1313, and 2008 of the Senate amendment, and modifications committed to conference: Messrs. GOODLATTE, LUCAS of Oklahoma and STENHOLM.

From the Committee on Armed Services for consideration of sections 11005, 11010, 14001–14007, 14009–14015, 21805 and 21806 of the House bill and sections 301, 501–507, 509, 513, 809, 821, 914, 920, 1401, 1407–1409, 1411, 1801, and 1803 of the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania and SKELTON.

From the Committee on Education and the Workforce, for consideration of sections 11021, 12014, 14033, and 30406 of the House bill and sections 715, 774, 901, 903, 1505, and 1507 of the Senate amendment, and modifications committed to conference: Messrs. MCKEON, SAM JOHNSON of Texas and GEORGE MILLER of California.

From the Committee on Financial Services, for consideration of Division G of the House bill and sections 931–940 and 950 of the Senate amendment, and modifications committed to conference: Messrs. OXLEY, NEY and Ms. WATERS.

From the Committee on Government Reform, for consideration of sections 11002, 11005, 11006, 11010, 11011, 14025, 14033, and 22002 of the House bill and sections 263, 805, 806, 914–916, 918, 920, 1406, and 1410 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, MURPHY and TIERNEY.

From the Committee on the Judiciary, for consideration of sections 12008, 12401, 14014, 14026, 14027, 14028, 14033, 16012, 16045, 16084, 30101, 30210, and 30408 of the House bill and sections 206, 209, 253, 531–532, 708, 767, 783, and 1109 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

From the Committee on Resources, for consideration of sections 12005, 12007, 12011, 12101, 13001, 21501, 21521–21530, Division C, and section 60009 of the House bill and sections 201, 265, 272, 301, 401–407, 602–606, 609, 612, 705, 707, 712, 721, 1234, 1351–1352, 1704, and 1811 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mrs. CUBIN and Mr. RAHALL.

Provided that Mr. KIND is appointed in lieu of Mr. RAHALL for consideration of Title IV of Division C of the House bill, and modifications committed to conference.

From the Committee on Science, for consideration of sections 11009, 11025, 12301–12312, 14001–14007, 14009–14015, 14029, 15021–15024, 15031–15034, 15041, 15045, Division B, section 30301, Division E, and Division F of the House bill and sections 501–507, 509, 513–516, 770–772, 807–809, 814–816, 824, 832, 1001–1022, Title XI, Title XII, Title XIII, Title XIV, sections 1502, 1504–1505, Title XVI, and sections 1801–1805 of the Senate amendment, and modifications committed to conference: Mr. BOEHLERT, Mrs. BIGGERT and Mr. HALL.

Provided that Mr. COSTELLO is appointed in lieu of Mr. HALL for consideration of Division E of the House bill, and modifications committed to conference.

Provided that Mr. LAMPSON is appointed in lieu of Mr. HALL for consideration of section 21708 and Division F

of the House bill, and sections 824 and 1223 of the Senate amendment and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 11001–11004, 11006, 11009–11011, 12001–12012, 12014, 12401, 12403, 13001, 13201, 13202, 15021–15024, 15031–15034, 15041, 15043, 15051, 16012, 16021, 16022, 16023, 16031, 16081, 16082, 16092, 23001–23004, 30407, 30410, and 30901 of the House bill and sections 102, 201, 205, 301, 701–783, 812, 814, 816, 823, 911–916, 918–920, 949, 1214, 1261–1262, and 1351–1352 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI and OBERSTAR.

From the Committee on Ways and Means, for consideration of Division D of the House bill and Division H and I of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY and RANGEL.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶90.9 DISTRICT OF COLUMBIA APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to the order of the House of Friday, July 25, 2003, and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

The SPEAKER pro tempore, Mr. LAHOOD, by unanimous consent, designated Mr. BASS as Chairman of the Committee of the Whole; and after some time spent therein,

¶90.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. Tom DAVIS of Virginia:

Page 52, insert after line 12 the following:

TITLE IV—DC PARENTAL CHOICE

SEC. 401. SHORT TITLE.

This title may be cited as the ''DC Parental Choice Incentive Act of 2003''.

SEC. 402. FINDINGS.

The Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, public school choice provided for under the No Child Left Behind Act of 2001 is inadequate due to capacity constraints within the public schools. Therefore, in keeping with the spirit of the No Child Left Behind Act of 2001, school choice options, in addition to those already available to parents in the District of Columbia (such as magnet and charter schools and open enrollment schools) should be made available to those parents.

(3) In the most recent mathematics assessment on the National Assessment of Educational Progress (NAEP), administered in 2000, a lower percentage of 4th-grade students in DC demonstrated proficiency than was the case for any State. Seventy-six percent of DC fourth-graders scored at the ''below basic'' level and of the 8th-grade students in the District of Columbia, only 6 percent of the students tested at the proficient or advanced levels, and 77 percent were below basic. In the most recent NAEP reading assessment, in 1998, only 10 percent of DC fourth-graders could read proficiently, while 72 percent were below basic. At the 8th-grade level, 12 percent were proficient or advanced and 56 percent were below basic.

(4) A program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional under Zelman v. Simmons-Harris if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to schools solely as a result of their independent private choices.

SEC. 403. PURPOSE.

The purpose of this title is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in higher-performing schools in the District of Columbia.

SEC. 404. GENERAL AUTHORITY.

(a) AUTHORITY.—From funds appropriated to carry out this title, the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 405 to carry out activities to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this title.

(b) DURATION OF GRANTS.—The Secretary may make grants under this section for a period of not more than 5 years.

SEC. 405. APPLICATIONS.

(a) IN GENERAL.—In order to receive a grant under this title, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—The Secretary may not approve the request of an eligible entity for a grant under this title unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 406;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 406;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 407(a);

(F) how the entity will determine the amount that will be provided to parents for the tuition, fees, and transportation expenses, if any;

(G) how the entity will seek out private elementary and secondary schools in the District of Columbia to participate in the program, and will ensure that participating schools will meet the applicable requirements of this title and provide the information needed for the entity to meet the reporting requirements of this title;

(H) how the entity will ensure that participating schools are financially responsible;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 409.

SEC. 406. PRIORITIES.

In awarding grants under this title, the Secretary shall give priority to applications from eligible entities who will most effectively—

(1) give priority to eligible students who, in the school year preceding the school year for which the eligible student is seeking a scholarship, attended an elementary or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(2) target resources to students and families that lack the financial resources to take advantage of available educational options;

(3) provide students and families with the widest range of educational options; and

(4) serve students of varying ages and grade levels.

SEC. 407. USE OF FUNDS.

(a) SCHOLARSHIPS.—

(1) IN GENERAL.—Subject to paragraph (2) and (3), a grantee shall use the grant funds to provide eligible students with scholarships to pay the tuition, fees, and transportation expenses, if any, to enable them to attend the District of Columbia private elementary or secondary school of their choice. Each grantee shall ensure that the amount of any tuition or fees charged by a school participating in the grantee's program under this title to an eligible student participating in the program does not exceed the amount of tuition or fees that the school customarily charges to students who do not participate in the program.

(2) PAYMENTS TO PARENTS.—A grantee shall make scholarship payments under the program under this title to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this title.

(3) AMOUNT OF ASSISTANCE.—

(A) VARYING AMOUNTS PERMITTED.—Subject to the other requirements of this section, a grantee may award scholarships in larger amounts to those eligible students with the greatest need.

(B) ANNUAL LIMIT ON AMOUNT.—The amount of assistance provided to any eligible student by a grantee under a program under this title may not exceed $7,500 for any academic year.

(b) ADMINISTRATIVE EXPENSES.—A grantee may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under this title during the year, including—

(1) determining the eligibility of students to participate;

(2) providing information about the program and the schools involved to parents of eligible students;

(3) selecting students to receive scholarships;

(4) determining the amount of scholarships and issuing them to eligible students;

(5) compiling and maintaining financial and programmatic records; and

(6) providing funds to assist parents in meeting expenses that might otherwise preclude the participation of their child in the program.

SEC. 408. NONDISCRIMINATION.

(a) IN GENERAL.—A school participating in any program under this title shall not discriminate on the basis of race, color, national origin, or sex in participating in the program.

(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

(1) APPLICABILITY.—Notwithstanding subsection (a) or any other provision of law, it shall not be considered discrimination on the basis of sex for a school that is operated by, supervised by, controlled by, or connected to a religious organization to take sex into account to the extent that failing to do so would be inconsistent with the religious tenets or beliefs of the school.

(2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single-sex school, class, or activity.

(3) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to require any person or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or services related to a legal abortion.

(c) CHILDREN WITH DISABILITIES.—Nothing in this title may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act.

(d) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a school participating in any program under this title which is operated by, supervised by, controlled by, or connected to, a religious organization may employ persons of the same religion to the extent determined by that school to promote the religious purpose for which the school is established or maintained.

(2) RELIGIOUS PURPOSES.—Notwithstanding any other provision of law, funds made available under this title may be used for religious educational purposes, and no participating school shall be required to remove religious art, icons, scriptures, or other symbols. A participating school may retain religious terms in its name, select its board members on a religious basis, and include religious references in its mission statements and other chartering or governing documents.

(e) RULE OF CONSTRUCTION.—A scholarship (or any other form of support provided to parents of eligible students) under this title shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any scholarship (or other form of support provided to parents of an eligible student) under this title shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 409. EVALUATIONS.

(a) IN GENERAL.—

(1) DUTIES OF SECRETARY.—The Secretary shall—

(A) conduct an evaluation using the strongest possible research design for determining the effectiveness of the programs funded under this title that addresses the issues described in paragraph (2); and

(B) disseminate information on the impact of the programs in increasing the student academic achievement of participating students, as well as other appropriate measures of student success, and on the impact of the programs on students and schools in the District of Columbia.

(2) ISSUES TO BE EVALUATED.—The issues described in this paragraph include the following:

(A) A comparison of the academic achievement of students who participate in the programs funded under this title with the academic achievement of students of similar backgrounds who do not participate in such programs.

(B) The success of the programs in expanding choice options for parents.

(C) The reasons parents choose for their children to participate in the programs.

(D) A comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students who participate in the programs funded under this title with the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such programs.

(E) The impact of the program on students and public elementary and secondary schools in the District of Columbia.

(F) A comparison of the safety of the schools attended by students who participate in the programs and the schools attended by students who do not participate in the programs.

(G) Such other issues as the Secretary considers appropriate for inclusion in the evaluation.

(b) REPORTS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate—

(1) annual interim reports not later than December 1 of each year for which a grant is made under this title on the progress and preliminary results of the evaluation of the programs funded under this title; and

(2) a final report not later than 1 year after the final year for which a grant is made under this title on the results of the evaluation of the programs funded under this title.

(c) PUBLIC AVAILABILITY.—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 3 percent of the total amount appropriated to carry out this title for the fiscal year.

SEC. 410. REPORTING REQUIREMENTS.

(a) ACTIVITIES REPORTS.—Each grantee receiving funds under this title during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) ACHIEVEMENT REPORTS.—

(1) IN GENERAL.—In addition to the reports required under subsection (a), each grantee shall, not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit a report to the Secretary regarding the data collected in the previous 2 academic years concerning—

(A) the academic achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENT.—

(1) IN GENERAL.—Each grantee shall ensure that each school participating in the grantee's program under this title during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate; and

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) REPORT TO CONGRESS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate an annual report on the findings of the reports submitted under subsections (a) and (b).

SEC. 411. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) ADMISSION OF ELIGIBLE STUDENTS.—Each school choosing to participate in a program funded under this title shall accept any participating eligible student on a religious-neutral basis, except that if the school has more participating eligible students seeking admission than it can accommodate, the school shall accept participating eligible students through a religious-neutral, random selection process, consistent with section 405(b)(1)(C).

(b) REQUESTS FOR DATA AND INFORMATION.—Each school participating in a program funded under this title shall comply with all requests for data and information regarding evaluations conducted under section 409(a).

(c) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—Subject to section 408, a participating school may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

SEC. 412. DEFINITIONS.

As used in this title:

(1) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any of the following:

(A) An educational entity of the District of Columbia Government.

(B) A nonprofit organization.

(C) A consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who is a resident of the District of Columbia and who comes from a household whose income does not exceed 185 percent of the poverty line applicable to a family of the size involved.

(4) PARENT.—The term ''parent'' has the meaning given that term in section 9101 of

the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 413. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.

It was decided in the affirmative { Yeas ..... 205 / Nays ..... 203 }

¶90.11 [Roll No. 478]

AYES—205

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Feeney
Ferguson
Flake
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—203

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Frost
Gephardt
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wu
Wynn

NOT VOTING—26

Ackerman
Ballenger
Burr
DeGette
Foley
Frank (MA)
Janklow
John
Kucinich
LaHood
Leach
Lofgren
Mollohan
Murtha
Myrick
Pickering
Rangel
Rodriguez
Rogers (AL)
Roybal-Allard
Simmons
Sullivan
Waxman
Whitfield
Woolsey
Young (AK)

So the amendment was agreed to.

¶90.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Ms. NORTON:

Page 11, strike lines 1 through 5.

It was decided in the negative { Yeas ..... 203 / Nays ..... 203 }

¶90.13 [Roll No. 479]

AYES—203

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wu
Wynn

NOES—203

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Forbes
Ford
Fossella
Franks (AZ)

Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sweeney
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—28

Ackerman
Ballenger
Burr
Burton (IN)
DeGette
Diaz-Balart, L.
Ehlers
Foley
Janklow
John
Kucinich
LaHood
Leach
Lofgren
Mollohan
Murtha
Myrick
Pickering
Rangel
Rodriguez
Rogers (AL)
Roybal-Allard
Sullivan
Taylor (NC)
Waxman
Whitfield
Woolsey
Young (AK)

So the amendment was not agreed to.

¶90.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. 136. Total Federal appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $4,660,000.

It was decided in the negative ..... { Yeas ..... 116 / Nays 284

¶90.15 [Roll No. 480]

AYES—116

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Bilirakis
Blackburn
Blunt
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Camp
Cannon
Capuano
Carson (OK)
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Everett
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hayes
Hayworth
Hefley
Hensarling
Herger
Hulshof
Hunter
Inslee
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kirk
Lewis (KY)
Linder
Manzullo
McCotter
McCrery
McInnis
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Norwood
Nunes
Otter
Oxley
Paul
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith (WA)
Stearns
Tancredo
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Upton
Vitter
Walden (OR)
Wamp
Wilson (SC)

NOES—284

Abercrombie
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Calvert
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hastings (WA)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—34

Ackerman
Ballenger
Burr
Burton (IN)
Buyer
Cole
DeGette
Diaz-Balart, L.
Ehlers
Foley
Janklow
John
Kucinich
LaHood
Leach
Lofgren
McHugh
Mollohan
Murtha
Myrick
Pence
Pickering
Pomeroy
Quinn
Rangel
Rodriguez
Rogers (AL)
Roybal-Allard
Sullivan
Taylor (NC)
Waxman
Whitfield
Woolsey
Young (AK)

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. THORNBERRY, assumed the Chair.

When Mr. BASS, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶90.16 ADJOURNMENT OVER

On motion of Mr. DELAY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday, September 9, 2003, at 12:30 p.m. for morning-hour debate.

¶90.17 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 10, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶90.18 VICE PRESIDENT DAN QUAYLE PORTRAIT

Mr. NEY, by unanimous consent, submitted the following concurrent resolution of the Senate (S. Con. Res. 63):

Resolved by the Senate (the House of Representatives concurring), That the Senate Committee on Rules and Administration is authorized to use the rotunda of the Capitol for the unveiling of the portrait bust of Vice President Dan Quayle on September 10, 2003. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶90.19 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. RUPPERSBERGER submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, as follows: 1) To include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; 2) To include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; 3) To include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; 4) To the maximum extent possible within the scope of conference, to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and 5) That as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of the instruction, not later than the second legislative day after adoption of this motion.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. CARTER, announced that the nays had it.

Mr. RUPPERSBERGER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CARTER, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed until Tuesday, September 9, 2003.

¶90.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LEACH, for today.

And then,

¶90.21 ADJOURNMENT

On motion of Mr. BARTLETT, pursuant to the previous order of the House, at 5 o'clock and 30 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, September 9, 2003.

¶90.22 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. H.R. 2620. A bill to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes; with an amendment (Rept. 108–264 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2557. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; with an amendment (Rept. 108–265). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 253. A bill to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made; with an amendment (Rept. 108–266). Referred to the Committee of the Whole House on the State of the Union.

¶90.23 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2620. Referral to the Committee on the Judiciary extended for a period ending not later than September 29, 2003.

¶90.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. HART:

H.R. 3016. A bill to combat terrorism financing, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KILPATRICK:

H.R. 3017. A bill to amend title 49, United States Code, to clarify certain Buy America provisions; to the Committee on Transportation and Infrastructure.

By Mr. EVANS:

H.R. 3018. A bill to amend title 10, United States Code, to permit members of the Selected Reserve the use of Reserve Montgomery GI Bill education benefits for payment for licensing or certification tests; to the Committee on Armed Services.

By Mr. McGOVERN:

H.R. 3019. A bill to amend title 10, United States Code, to increase the military death gratuity from $6,000 to $12,000 and to provide that such death gratuity shall be excluded from gross income under the Internal Revenue Code of 1986; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILA:

H.R. 3020. A bill to authorize construction of a new (replacement) medical center for the Department of Veterans Affairs in the Commonwealth of Puerto Rico at a site to be selected pursuant to a study by the Secretary of Veterans Affairs and Secretary of Defense as suitable for a new Federal medical center in the Commonwealth of Puerto Rico that would best serve the needs of both veterans and Department of Defense medical beneficiaries in Puerto Rico; to the Committee on Veterans' Affairs.

By Mr. ACEVEDO-VILA:

H.R. 3021. A bill to authorize a major medical facility project at the San Juan, Puerto Rico, Department of Veterans Affairs medical center; to the Committee on Veterans' Affairs.

By Mr. BROWN of Ohio:

H.R. 3022. A bill to protect children's health by ensuring that chickens and chicken products purchased for national school nutrition programs have not been fed or administered fluoroquinolone antibiotics; to the Committee on Education and the Workforce.

By Mr. BROWN of Ohio (for himself, Mrs. JONES of Ohio, Mr. MICHAUD, and Mr. KLECZKA):

H.R. 3023. A bill to authorize the construction and operation of regional reserves of gasoline, for use as a response to acute gasoline price increases resulting from accidents or other physical disruptions to regional supplies of gasoline; to the Committee on Energy and Commerce.

By Mr. BUYER:

H.R. 3024. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide protections to servicemembers who terminate motor vehicle or residential leases entered into before permanent change of station or deployment orders or motor vehicle leases entered into before military service; to the Committee on Veterans' Affairs.

By Mr. HINOJOSA:

H.R. 3025. A bill to amend the Internal Revenue Code of 1986 to extend the deduction from gross income for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. MEEHAN (for himself and Mr. WEINER):

H.R. 3026. A bill to amend chapter 89 of title 5, United States Code, and chapter 55 of title 10, United States Code, to provide that any health benefits plan which provides obstetrical benefits shall be required also to provide coverage for the diagnosis and treatment of infertility; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself and Mr. CONYERS):

H.R. 3027. A bill to require the Federal Communications Commission to report to Congress regarding the ownership and control of broadcast stations used to serve language minorities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H.R. 3028. A bill to amend the Water Resources Development Act of 1986 to expand the authority of non-Federal interests to levy harbor fees; to the Committee on Transportation and Infrastructure.

By Mr. SCOTT of Georgia (for himself, Mr. NORWOOD, Mr. KINGSTON, Mr. MARSHALL, Mr. ISAKSON, Mr. LEWIS of

Georgia, Mr. DEAL of Georgia, Ms. MAJETTE, Mr. BISHOP of Georgia, Mr. BURNS, Mr. COLLINS, Mr. GINGREY, and Mr. LINDER):

H.R. 3029. A bill to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the ''S. Truett Cathy Post Office Building''; to the Committee on Government Reform.

By Mr. OSBORNE (for himself, Mr. BOEHNER, Mr. CASTLE, Mr. UPTON, and Mr. WILSON of South Carolina):

H.R. 3030. A bill to amend the Community Service Block Grant Act to provide for quality improvements; to the Committee on Education and the Workforce.

By Mr. STUPAK:

H.R. 3031. A bill to provide a 10 percent increase in the rate of basic pay for members of the uniformed services, effective January 1, 2004, to pay a one-time bonus to members of the Armed Forces who served or serve in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH (for himself, Mr. RANGEL, Mr. BOEHLERT, Mrs. MCCARTHY of New York, Mr. HOUGHTON, Mr. ACKERMAN, Mr. KING of New York, Mr. CROWLEY, Mr. SERRANO, Mrs. LOWEY, Mr. SWEENEY, Mr. HINCHEY, Mr. MEEKS of New York, Mr. NADLER, Mr. QUINN, Mr. ENGEL, Mr. ISRAEL, Mr. MCNULTY, Mrs. MALONEY, Mr. WEINER, Mr. TOWNS, Mr. REYNOLDS, Mr. MCHUGH, Mr. FOSSELLA, Mr. BISHOP of New York, Mrs. KELLY, Ms. SLAUGHTER, Mr. OWENS, and Ms. VELAZQUEZ):

H.R. 3032. A bill to provide support for the Daniel Patrick Moynihan Global Affairs Institute; to the Committee on Education and the Workforce.

By Mr. WALSH:

H.R. 3033. A bill to extend to Nepal certain preferential treatment with respect to apparel articles; to the Committee on Ways and Means.

By Mr. YOUNG of Florida (for himself, Mr. BILIRAKIS, and Mr. TOWNS):

H.R. 3034. A bill to amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registery, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HYDE (for himself, Mr. SMITH of New Jersey, and Mr. LANTOS):

H. Res. 356. A resolution expressing the sense of the House of Representatives regarding the man-made famine that occurred in Ukraine in 1932-1933; to the Committee on International Relations.

By Mr. MILLER of Florida (for himself, Mr. REYES, Mr. BACA, Mr. BEREUTER, Mr. BERMAN, Mr. BROWN of Ohio, Mr. CASE, Mr. DREIER, Mr. FEENEY, Mr. FOLEY, Mr. FOSSELLA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GREENWOOD, Mr. HALL, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KINGSTON, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. NAPOLITANO, Mr. OSBORNE, Mr. PITTS, Mr. QUINN, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SCHIFF, Mr. SHIMKUS, Mr. SIMMONS, Mr. SKELTON, Mr. SMITH of Michigan, Mr. STEARNS, Mr. RYAN of Ohio, Mr. TERRY, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. UPTON, Mr. WALSH, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. YOUNG of Florida):

H. Res. 357. A resolution honoring the life and legacy of Bob Hope; to the Committee on Government Reform.

By Mr. WEXLER (for himself, Ms. SCHAKOWSKY, Mr. DELAHUNT, Mr. BROWN of Ohio, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. LEE, Mr. HOEFFEL, Mr. BELL, Mr. MEEKS of New York, Ms. WATSON, and Mr. EMANUEL):

H. Res. 358. A resolution of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled ''Operation Iraqi Freedom Strategic Lessons Learned'' and other materials relating to the Administration's planning for the reconstruction and security of post-war Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶90.25 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mrs. EMERSON and Mr. VITTER.

H.R. 37: Mr. WALSH.

H.R. 58: Mr. ROSS, Mr. MCDERMOTT, and Mr. PETERSON of Minnesota.

H.R. 97: Mr. LARSEN of Washington, Mr. ACKERMAN, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Ms. DELAURO, Mr. CROWLEY, Mr. TOWNS, Mr. BONNER, Mr. PASCRELL, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. FROST, Mr. SESSIONS, and Ms. BERKLEY.

H.R. 106: Mr. PAUL.

H.R. 111: Mr. LIPINSKI and Mr. SCOTT of Georgia.

H.R. 206: Mr. VITTER.

H.R. 278: Mr. VITTER.

H.R. 442: Mr. VAN HOLLEN.

H.R. 527: Mr. GERLACH and Mr. RUPPERSBERGER.

H.R. 548: Mr. BARTON of Texas, Mr. MOLLOHAN, Mr. FORD, and Mr. MILLER of North Carolina.

H.R. 736: Ms. HOOLEY of Oregon.

H.R. 745: Mr. POMEROY.

H.R. 798: Ms. HART and Mr. LEWIS of Kentucky.

H.R. 832: Ms. CORRINE BROWN of Florida and Mr. DAVIS of Illinois.

H.R. 833: Mr. ROGERS of Kentucky.

H.R. 839: Mr. HOLDEN, Mr. BERMAN, Ms. CORRINE BROWN of Florida, Mr. GREEN of Wisconsin, Mr. WEINER, Mr. CRENSHAW, Mr. DEUTSCH, Mr. KENNEDY of Rhode Island, and Mr. VITTER.

H.R. 870: Mr. NUSSLE.

H.R. 887: Mr. HOYER.

H.R. 920: Mrs. MCCARTHY of New York, Mr. ACEVEDO-VILA, Mr. BRADY of Pennsylvania, Ms. JACKSON-LEE of Texas, and Mr. TOWNS.

H.R. 927: Mr. JOHNSON of Illinois.

H.R. 962: Mr. CUMMINGS, Ms. MCCARTHY of Missouri, Mr. NEAL of Massachusetts, Mr. UDALL of New Mexico, Mr. KLECZKA, Mr. KANJORSKI, Mr. PAYNE, and Mr. MENENDEZ.

H.R. 978: Mr. MORAN of Virginia.

H.R. 996: Mr. KING of Iowa.

H.R. 1046: Mr. DELAHUNT.

H.R. 1070: Ms. LOFGREN.

H.R. 1105: Mr. DOGGETT.

H.R. 1118: Mr. LAHOOD, Mr. OLVER, and Mr. FEENEY.

H.R. 1137: Mr. NEUGEBAUER and Mr. SIMPSON.

H.R. 1155: Mr. RAMSTAD, Mr. CAMP, and Mr. LEWIS of Kentucky.

H.R. 1160: Mr. COLE and Mr. HUNTER.

H.R. 1195: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1210: Mr. BACA and Ms. ESHOO.

H.R. 1220: Mr. DEMINT.

H.R. 1264: Ms. LEE.

H.R. 1305: Mr. OSE, Mr. HENSARLING, Mr. TIBERI, and Mr. WELDON of Pennsylvania.

H.R. 1306: Mr. RUSH.

H.R. 1310: Mr. GUTKNECHT, Mr. CARTER, Mr. MICHAUD, Mr. FEENEY, Mr. BRADLEY of New Hampshire, Mr. JONES of North Carolina, and Mr. CRENSHAW.

H.R. 1322: Mr. RUPPERSBERGER, Mr. WYNN, Mrs. CHRISTENSEN, Ms. KILPATRICK, Mr. MARKEY, Mr. MEEHAN, Mr. MCINTYRE, Mr. LANTOS, Mr. PALLONE, Mr. THOMPSON of Mississippi, Mrs. MALONEY, Mr. FROST, Mr. CUMMINGS, and Ms. VELAZQUEZ.

H.R. 1336: Ms. LORETTA SANCHEZ of California.

H.R. 1340: Mrs. DAVIS of California and Mr. BAIRD.

H.R. 1372: Mr. BONILLA, Mr. CALVERT, Mr. ENGLISH, and Mr. BOEHLERT.

H.R. 1385: Mr. NUNES and Ms. DUNN.

H.R. 1414: Ms. ESHOO.

H.R. 1608: Mrs. JO ANN DAVIS of Virginia.

H.R. 1622: Mr. BROWN of South Carolina, Mr. BISHOP of Georgia, Mr. POMEROY, Mr. KENNEDY of Rhode Island, Mr. CLYBURN, and Mr. WU.

H.R. 1639: Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. ANDREWS, Mr. HONDA, and Mr. DEFAZIO.

H.R. 1688: Mr. HOYER.

H.R. 1709: Mr. KLECZKA.

H.R. 1738: Mr. DUNCAN.

H.R. 1749: Mr. HEFLEY, Mr. MANZULLO, Mrs. KELLY, Mr. ALLEN, Mr. SHAW, Mr. FLETCHER, Ms. DELAURO, Mr. LATOURETTE, Mr. BOOZMAN, and Mr. LAMPSON.

H.R. 1776: Mr. ISTOOK and Mr. BOEHLERT.

H.R. 1819: Mr. ALEXANDER and Mr. TIERNEY.

H.R. 1828: Mr. DEMINT, Mr. RYUN of Kansas, Mr. SANDERS, Mr. SMITH of Washington, and Mr. MEEKS of New York.

H.R. 1873: Ms. LOFGREN.

H.R. 1943: Mr. FATTAH.

H.R. 1997: Mr. BARTON of Texas.

H.R. 2042: Mr. REYES, Mr. MICHAUD, Mr. SERRANO, Mrs. JONES of Ohio, Mrs. LOWEY, Mr. LANTOS, Mr. RUSH, and Mr. THOMPSON of California.

H.R. 2045: Mr. WELDON of Florida, Mr. BLUNT, Mr. EVERETT, Mr. TURNER of Ohio, Mr. FRANKS of Arizona, Mr. FORBES, Mr. RAMSTAD, Mr. BARTON of Texas, and Mr. GARRETT of New Jersey.

H.R. 2071: Ms. JACKSON-LEE of Texas, Mr. PASTOR, Mr. BELL, Mr. OLVER, Mr. FILNER, Mr. TERRY, and Ms. KILPATRICK.

H.R. 2172: Mr. SHIMKUS and Mr. SIMMONS.

H.R. 2173: Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Mrs. CAPPS, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SANDLIN.

H.R. 2236: Mr. ROGERS of Kentucky.

H.R. 2295: Mr. MCDERMOTT and Mr. POMEROY.

H.R. 2363: Mr. RUPPERSBERGER.

H.R. 2399: Mr. BURR and Mr. ROGERS of Michigan.

H.R. 2402: Mr. FILNER.

H.R. 2482: Ms. WOOLSEY.

H.R. 2490: Mrs. JONES of Ohio, Mr. BROWN of Ohio, and Mr. BAKER.

H.R. 2505: Ms. LOFGREN.

H.R. 2512: Mr. KING of New York.

H.R. 2527: Mr. FILNER.

H.R. 2533: Mr. NORWOOD, Mr. GINGREY, Mr. DEAL of Georgia, Mr. COLLINS, Ms. MAJETTE, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, and Mr. MARSHALL.

H.R. 2557: Mr. OBERSTAR and Mr. COSTELLO.

H.R. 2569: Ms. SCHAKOWSKY.

H.R. 2592: Mr. DOOLEY of California.

H.R. 2601: Ms. LEE and Mr. HONDA.

H.R. 2621: Mr. WEXLER.

H.R. 2632: Mr. ROGERS of Kentucky.
H.R. 2633: Mr. GEORGE MILLER of California.
H.R. 2671: Mr. COLE, Mr. THORNBERRY, and Mr. ISSA.
H.R. 2685: Mr. CONYERS, Mr. BOEHLERT, Mr. DEUTSCH, Mr. KENNEDY of Rhode Island, Mr. SENSENBRENNER, and Mr. SMITH of Texas.
H.R. 2694: Mrs. MCCARTHY of New York, Mr. EMANUEL, Mr. KIND, Mr. KLINE, and Mr. LOBIONDO.
H.R. 2702: Mr. WAMP.
H.R. 2704: Mr. PASCRELL and Ms. ESHOO.
H.R. 2705: Mr. EVANS and Mr. EDWARDS.
H.R. 2706: Mr. THOMPSON of Mississippi, Mr. SHAW, Mr. JONES of North Carolina, Mrs. MYRICK, Mr. DUNCAN, and Mr. FORD.
H.R. 2719: Mr. WAXMAN, Mr. MORAN of Virginia, Mr. FROST, Mr. FOLEY, Mr. BURR, Mr. DUNCAN, Mr. LATOURETTE, Mr. GORDON, Mr. LEWIS of Kentucky, Mrs. JOHNSON of Connecticut, Mr. WOLF, Mr. HAYES, Mrs. MYRICK, Mr. WEXLER, Mr. MCINTYRE, Ms. ESHOO, Mr. SMITH of Washington, and Mr. BISHOP of New York.
H.R. 2720: Mr. LAHOOD, Mr. JOHNSON of Illinois, Mr. ROGERS of Michigan, Mr. DINGELL, Mr. CONYERS, and Mr. RYAN of Ohio.
H.R. 2735: Ms. GINNY BROWN-WAITE of Florida
H.R. 2747: Mr. MCINNIS.
H.R. 2809: Mr. SOUDER.
H.R. 2810: Mr. SOUDER.
H.R. 2821: Mrs. MCCARTHY of New York, Mr. MEEHAN, and Mr. BALLENGER.
H.R. 2823: Mr. PAUL, Mr. WICKER, Ms. CORRINE BROWN of Florida, Mr. WEXLER, Mr. RODRIGUEZ, Mrs. MCCARTHY of New York, and Mr. WILSON of South Carolina.
H.R. 2824: Mr. FRANK of Massachusetts.
H.R. 2828: Mr. FILNER.
H.R. 2885: Mr. TANCREDO, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 2898: Mr. FEENEY.
H.R. 2900: Mr. BALLENGER, Mr. GOODE, Mr. BURR, Mr. BOYD, Mr. SULLIVAN, Mr. REYNOLDS, Mr. SOUDER, and Mrs. MYRICK.
H.R. 2904: Mr. MCDERMOTT and Mr. BAIRD.
H.R. 2905: Mr. MEEHAN, Mr. PETERSON of Minnesota, Mr. LATOURETTE, Mr. GORDON, Mr. KILDEE, and Mr. WILSON of South Carolina.
H.R. 2928: Mrs. CAPITO, Mr. CUMMINGS, Mr. JONES of North Carolina, Mr. RANGEL, Mr. SIMMONS, and Mrs. JO ANN DAVIS of Virginia.
H.R. 2932: Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. SERRANO, and Mr. DEFAZIO.
H.R. 2944: Ms. CORRINE BROWN of Florida and Mr. FILNER.
H.R. 2949: Mr. DICKS.
H.R. 2950: Mr. CRAMER, Mr. BAKER, and Mr. VITTER.
H.R. 3014: Mr. MEEHAN.
H.J. Res. 38: Mr. MCDERMOTT.
H.J. Res. 62: Mr. FROST.
H. Con. Res. 76: Mr. BLUMENAUER and Mr. NETHERCUTT.
H. Con. Res. 202: Mr. ACEVEDO-VILA and Mr. FALEOMAVAEGA.
H. Con. Res. 265: Mr. FORBES, Mr. FROST, and Mr. WALSH.
H. Res. 291: Mr. BLUMENAUER.
H. Res. 307: Ms. ESHOO, Mr. SMITH of Washington, Mr. VAN HOLLEN, Mr. LEVIN, Mr. SNYDER, Mr. OWENS, Mr. LARSON of Connecticut, Mr. FATTAH, Mr. MICHAUD, and Ms. LORETTA SANCHEZ of California.
H. Res. 331: Mr. MCDERMOTT and Mr. WOLF.

TUESDAY, SEPTEMBER 9, 2003 (91)

¶91.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. COLE, who laid before the House the following communication:

WASHINGTON, DC,
September 9, 2003.

I hereby appoint the Honorable TOM COLE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶91.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 64. A concurrent resolution to commend members of the United States Armed Forces for their services to the United States in the liberation of Iraq, and for other purposes.

S. Con. Res. 65. A concurrent resolution to commend the Third Infantry Division (Mechanized) of the United States Army for its role in the liberation of Iraq.

¶91.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. COLE, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶91.4 RECESS—1:02 P.M.

The SPEAKER pro tempore, Mr. COLE, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 2 minutes p.m., until 2 p.m.

¶91.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. BURGESS, called the House to order.

¶91.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BURGESS, announced he had examined and approved the Journal of the proceedings of Friday, September 5, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶91.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

4041. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acetamiprid; Pesticide Tolerance [OPP-2002-0299; FRL-7324-1] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4042. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenthrin; Pesticide Tolerance for Emergency Exemption; Technical Amendment [OPP-2003-0288; FRL-7323-9] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4043. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lambda Cyhalothrin; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0267; FRL-7321-3] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4044. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Propylene Carbonate; Exemption from the Requirement of a Tolerance [OPP-2003-0284; FRL-7323-7] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4045. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diflubenzuron; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0279; FRL-7323-1] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4046. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4047. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4048. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4049. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Scott A. Fry, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4050. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Emil R. Bedard, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4051. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Lending and Investment [No. 2001-82] (RIN: 1550-AB37) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4052. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Distribution of Tax Credit Proceeds [Docket No. FR-4792-I-01] (RIN: 2502-AH91) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4053. A letter from the Assistant General Counsel, Office of Vocational Education, Department of Education, transmitting the Department's final rule — Community Technology Centers Program [CFDA No.: 84.341] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4054. A letter from the Assistant General Counsel, Office of Elementary and Secondary Education, Department of Education, transmitting the Department's final rule — Indian Education Discretionary Grant Programs (RIN: 1810-AA93) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4055. A letter from the Assistant General Counsel, Office of Vocational Education, Department of Education, transmitting the Department's final rule — Community Technology Centers Program [CFDA No.: 84.341] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4056. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Smallpox Vaccine Injury Compensation Program: Smallpox (Vaccinia) Vaccine Injury Table (RIN: 0906-AA60) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4057. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Obstetrical and Gynecological Devices; Classification of the Breast Lesion Documentation System [Docket No. 2003P-0301] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4058. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Bus Emergency Exits and Window Retention and Release [Docket No. NHTSA-99-5157] (RIN: 2127-AH03) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4059. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Definition of Multifunction School Activity Bus [DOT Docket No. NHTSA-2002-13704] (RIN: 2127-AH23) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4060. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards: Heavy Vehicle Antilock Brake System (ABS) Performance Requirement [Docket No. 03-15277] (RIN: 2127-AH16) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4061. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans [OAR-2003-0005 — FRL-7546-8] (RIN: 2060-AG96) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4062. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Mexico: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-5] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4063. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-3] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4064. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Bay Area Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District [CA 284-0399a; FRL-7536-2] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4065. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District [CA 245-0403a; FRL-7535-1] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4066. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA267-0402a; FRL-7526-6] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4067. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan; Sacramento Metropolitan Air Quality Management District [CA 279-0401a; FRL-7526-4] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4068. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [Docket ID No. OAR-2003-0121; FRL-7551-3] (RIN: 2060-AE82) received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4069. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing [OAR 2002-0039; FRL-7551-2] (RIN: 2060-AJ02) received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4070. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7550-3] received August 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4071. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska [NE 190-1190a; FRL-7552-9] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4072. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants [Docket ID No. OAR-2002-0052; FRL-7551-7] (RIN: 2060-AG72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4073. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining [Docket ID No. OAR-2002-0043; FRL-7551-4] (RIN: 2060-AH03) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4074. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [OAR-2003-0138; FRL-7551-6] (RIN: 2060-AE79) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4075. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Kern County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District [CA 287-0410a; FRL-7548-3] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4076. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA 249-0409; FRL-7546-5] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4077. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; Definition of Volatile Organic Compound [MI83-01-7292a, FRL-7526-9] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4078. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Minnesota [MN79-1a; FRL-7543-6] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4079. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Wisconsin [WI-113-3; FRL-7528-7] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4080. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; 2000 Biennial Regulatory Review —— Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4081. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34]; 2000 Biennial Regulatory Review —— Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations [IB Docket No. 00-248]; Home Box Office Motion for Clarification And Declaratory Ruling [IB Docket No. 96-111] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4082. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees — received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4083. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: Standardized NUHOMS-24P, -52B, and -61BT Revision (RIN: 3150-AH26) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4084. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 17-03 which informs you of our intent to sign a Memorandum of Understanding (MOU) concerning the Coordination of Production and Support of the Lightweight 155MM (LW 155) Towed Field Howitzer between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4085. A letter from the Assistant Administrator Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's 2001 Annual

Report on Title XII — ''Bringing Farmers into Global Trade'' as required by section 300 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

4086. A letter from the Chair, Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4087. A letter from the Human Resources Specialist, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4088. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4089. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AI93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4090. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting: Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AI93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4091. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-142-FOR] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4092. A letter from the Acting Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Office of Ocean Exploration Announcement of Funding Opportunity, Fiscal Year 2004 [Docket No. 021028257-3178-02] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4093. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 2001 Annual Report of the National Institute of Justice (NIJ); to the Committee on the Judiciary.

4094. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Aliens Inadmissible Under the Immigration and Nationality Act — Unlawful Voters — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4095. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting the Department's final rule — Documentation of Nonimmigrants Under the Immigration and Nationality Act, as amended: Automatic Visa Revalidation — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4096. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Policy Statement on Monetary Equitable Remedies in Competition Cases — received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4097. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the Association's report of audit for the year ending March 31, 2003, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

4098. A letter from the Acting Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the Department's final rule — Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN: 1076-AE34) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4099. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ [CGD05-03-107] (RIN: 1625-AA08) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4100. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; 2003 Gravity Games, Cleveland Harbor, Cleveland, OH [CGD09-03-258] (RIN: 1625-AE11) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4101. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas, Safety and Security Zones; Long Island Sound Marine Inspection and Captain of the Port Zone [CGD01-02-104] (RIN: 1625-AA00, AA11) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4102. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Florida [COTP Tampa-03-080] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4103. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — User Fee Airports [CBP Dec. 03-22] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4104. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Milwaukee Harbor, Milwaukee, Wisconsin [CGD09-03-227] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4105. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bogue Sound, NC [COTP Wilmington 03-117] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Florida [COTP Tampa-03-079] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sailing Vessels Red Witch, Pride of Baltimore II, Larinda, True North, Nina, HMS Bounty, Fair Jeanne —— Kenosha, Wisconsin [CGD09-03-246] (RIN: 1625-AA97) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Flugtag, Lake Michigan, Chicago, IL [CGD09-03-253] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project [CGD13-03-025] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4110. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Long Beach, CA [COTP Los Angeles-Long Beach 03-007] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4111. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 88.1 to 90.4, New Orleans, LA [COTP New Orleans-03-024] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4112. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Puget Sound, WA [CGD13-03-026] (RIN: 1625-AA00) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4113. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbrige Operation Regulations; St. Johns River, mile 24.7 at Jacksonville, Duval County, Florida [CGD07-03-131] (RIN: 1625-AA09) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4114. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulation; Illinois Waterway, Joliet, IL [CGD08-03-031] received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4115. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbrige Operation Regulations; Atlantic Intracoastal Waterway, mile 964.8 at Fort Pierce, St. Lucie County, Florida [CGD07-03-071] (RIN: 1625-AA09) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4116. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, and Crystal River,

Florida [COTP Tampa 02-053] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4117. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Hampton River, Hampton, VA [CGD05-03-125] (RIN: 1625-AA08) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4118. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Islais Creek, San Francisco, CA [CGD11-03-004] (RIN: 1625-AA09) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4119. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, MD [CGD05-03-122] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4120. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Motor Vessel Fairlane Port Washington, Wisconsin [CGD09-03-265] (RIN: 1625-AA97) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4121. A letter from the Acting Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zones; Barge BEAUFORT 20, Explosive On-Load and Transit, Puget Sound, WA [CGD13-03-029] (RIN: 1625-AA00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4122. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule — Operation of Motor Vehicles by Intoxicated Persons [Docket No. NHTSA-2002-13680] (RIN: 2127-AI44) received August 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4123. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Oversales Signs [Docket No. OST-96-1255] (RIN: 2105-AC45) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4124. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for Cargo Tanks [Docket No. RSPA-98-3554 (HM-213)] (RIN: 2137-AC90) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4125. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Digital Flight Data Recorder Requirements — Changes to Recording Specifications and Additional Exceptions [Docket No. FAA-2003-15682; Amendment Nos. 121-288, 125-42, 135-84] (RIN: 2120-AH81) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4126. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — DOD Commercial Air Carrier Evaluators [Docket No. FAA-2003-15571; Amdt Nos. 119-8, 121-286, and 135-83] (RIN: 2120-AI00) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4127. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Public Aircraft Definition [Docket No. FAA-2003-15134; Amdt. Nos. 1-51 and 11-48] [Docket No. DOT 20860] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4128. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Flightdeck Security on Largo Cargo Airplanes [Docket No. FAA-2003-15653; Amendment Nos. 121-287 and 129-37] (RIN: 2120-AH96) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4129. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule — Railroad Locomotive Safety Standards: Clarifying Amendments; Headlights and Auxiliary Lights [Docket No. FRA-2003-14217; Notice No. 1] (RIN: 2130-AB58) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4130. A letter from the Secretary, Department of Transportation, transmitting A draft of a bill design to undertake a restructuring of intercity passenger rail transportation in the United States that will increase management accountability and encourage response to market forces; to the Committee on Transportation and Infrastructure.

4131. A letter from the Executive Vice President, River System Operations and Environment, Tennessee Valley Authority, transmitting the Authority's final rule — Approval of Construction in the Tennessee River System; Regulation of Structures; Residential Related Use on TVA-Controlled Residential Access Shoreland and TVA Flowage Easement Shoreland (RIN: 3316-AA19) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4132. A letter from the Director, Regulations Management, Department of Veteran's Affairs, transmitting the Department's final rule — Effective Dates of Benefits for Disability or Death Caused By Herbicide Exposure; Disposition of Unpaid Benefits After Death of Beneficiary (RIN: 2900-AL37) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4133. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Tonnage Duties--Revised Amounts [CBP Decision 03-16] (RIN: 1515-AD35) received August 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4134. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Changes to Customs and Border Protection List of Designated Public International Organizations (CBP Dec. 03-21) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4135. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Manufacturing Substitution Drawback: Duty Apportionment [CBP Dec. 03-23] (RIN: 1515-AD02) received August 19, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4136. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Delegations of Authority: Signature of Customs and Border Protection Regulations Published in Federal Register [CBP Dec. 03-24] (RIN: 1515-AD39) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4137. A letter from the Chief, Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Emergency Import Restrictions Imposed on Ethnological Material from Cyprus [CBP Dec. 03-25] (RIN: 1515-AD38) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4138. A letter from the Secretary, Department of Homeland Security, transmitting a draft bill entitled, ''To Extend the Consolidated Omnibus Budget Reconciliation Act Customs User Fees,'' pursuant to 19 U.S.C. 58(c); to the Committee on Ways and Means.

4139. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Offers in Compromise (Rev. Proc. 2003-71) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4140. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2003-93) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4141. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-101) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4142. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2003-72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4143. A letter from the Under Secretary, Department of Defense, transmitting the Department's notification to Congress of determinations that institutions of higher education have a policy or practice of denying military recruiting personnel entry to campuses, access to students on campus, or access to student recruiting information, pursuant to 10 U.S.C. 983; jointly to the Committees on Armed Services and Education and the Workforce.

4144. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the FY 2001 Low Income Home Energy Assistance Program (LIHEAP), pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and the Workforce.

4145. A letter from the Secretary, Department of Energy, transmitting notification to Congress of legislation to allow the Department of Energy (DOE), in consultation with the Nuclear Regulatory Commission (NRC), to address management and disposal of high-level radioactive wastes safely and coast effectively; jointly to the Committees on Energy and Commerce and Science.

4146. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Electronic Submission of Cost Reports [CMS-1199-F] (RIN: 0938-AL51) received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to

the Committees on Ways and Means and Energy and Commerce.

4147. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, ''To amend Title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to care for veterans, and for other purposes''; jointly to the Committees on Veterans' Affairs, Government Reform, and the Budget.

¶91.8 TRANSPORTATION AND TREASURY APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. BURGESS, pursuant to House Resolution 351 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

Mr. DREIER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. MICA, assumed the Chair.

When Mr. TERRY, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶91.9 RECESS—6:11 P.M.

The SPEAKER pro tempore, Mr. MICA, pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 11 minutes p.m., until approximately 6:30 p.m.

¶91.10 AFTER RECESS—6:33 P.M.

The SPEAKER pro tempore, Mr. GREEN of Wisconsin, called the House to order.

¶91.11 TRANSPORTATION AND TREASURY APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. GREEN of Wisconsin, pursuant to House Resolution 351 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

Mr. DREIER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶91.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6 submitted by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $893,000,000.

It was decided in the negative { Yeas ..... 87 / Nays ..... 326 }

¶91.13 [Roll No. 481]

AYES—87

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Blackburn
Blunt
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Buyer
Cannon
Chabot
Chocola
Coble
Collins
Cox
Crane
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeMint
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Gibbons
Goodlatte
Green (WI)
Gutknecht
Hall
Hart
Hayes
Hefley
Hensarling
Herger
Houghton
Hunter
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kirk
Lewis (KY)
Linder
Miller (FL)
Miller, Gary
Musgrave
Norwood
Nunes
Otter
Oxley
Paul
Pence
Petri
Pitts
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith (WA)
Stearns
Stenholm
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Toomey
Vitter
Watson
Wilson (SC)

NOES—326

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Ballenger
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Clay
Cummings
Doolittle
Edwards
Emerson
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
McHugh
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

So the amendment was not agreed to.

¶91.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 24 submitted by Mr. SESSIONS:

At the end of the bill (before the short title), insert the following:

SEC. 742. None of the funds made available in this Act may be used to operate individual Amtrak routes whose Operating Ratio (defined as expenses divided by revenues, where revenues include State subsidies) is identified as greater than 2.0 in the February 7, 2002, report by the Amtrak Reform Council entitled ''An Action Plan For the Restructuring and Rationalization of the National Intercity Rail Passenger System''.

It was decided in the negative { Yeas ..... 130 / Nays ..... 282 }

¶91.15 [Roll No. 482]

AYES—130

Akin
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Blackburn
Blunt
Bonilla
Boozman
Brady (TX)
Burgess
Burns
Burr
Buyer
Camp
Cannon
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham

Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dooley (CA)
Dreier
Duncan
Dunn
Everett
Feeney
Flake
Fletcher
Forbes
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Granger
Gutknecht
Hall
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Jones (OH)
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Manzullo
McCotter
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Pombo
Putnam
Radanovich
Ramstad
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Smith (TX)
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Wamp
Weldon (FL)
Wilson (SC)

NOES—282

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boehner
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hayes
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Turner (OH)
Udall (NM)
Van Hollen
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Clay
Cummings
Diaz-Balart, L.
Doolittle
Emerson
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
McHugh
McInnis
Rangel
Reynolds
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

So the amendment was not agreed to.

¶91.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. FLAKE:

Page 157, insert the following after line 2:

SEC. 742. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

It was decided in the affirmative ..... { Yeas ..... 227 / Nays 188

¶91.17 [Roll No. 483]

AYES—227

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Ford
Frank (MA)
Frost
Gallegly
Gonzalez
Gordon
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hefley
Herger
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Rahall
Ramstad
Rehberg
Reyes
Rodriguez
Rogers (KY)
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Shimkus
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Whitfield
Wilson (NM)
Wynn

NOES—188

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bradley (NH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Case
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Engel
English
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Hobson
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Ortiz
Ose
Pallone

Pascrell
Pearce
Pence
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Wexler
Wicker
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—19

Clay
Cummings
Doolittle
Dunn
Emerson
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

So the amendment was agreed to.

¶91.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2 submitted by Mr. DELAHUNT:

Page 157, insert the following after line 2:

SEC. 742. None of the funds made available in this Act may be used to enforce any restriction on remittances to nationals of Cuba or Cuban households, including remittances for emigration expenses, covered by section 515.570 or 515.560(c) of title 31, Code of Federal Regulations, other than the restriction that remittances not be made from a blocked source and the restriction that no member of the payee's household be a senior-level government official or senior-level communist party official.

It was decided in the affirmative ..... { Yeas ..... 222 / Nays ..... 196 }

¶91.19 [Roll No. 484]

AYES—222

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Graves
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Portman
Price (NC)
Rahall
Ramstad
Rehberg
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Shimkus
Simmons
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Whitfield
Wynn

NOES—196

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Case
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Edwards
Engel
English
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—16

Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

So the amendment was agreed to.

¶91.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. SANDERS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 742. None of the funds appropriated by this Act may be used to assist in overturning the judicial ruling contained in the Memorandum and Order of the United States District Court for the Southern District of Illinois entered on July 31, 2003, in the action entitled Kathi Cooper, Beth Harrington, and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation (Civil No. 99-829-GPM).

It was decided in the affirmative ..... { Yeas ..... 258 / Nays ..... 160 }

¶91.21 [Roll No. 485]

AYES—258

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Coble
Conyers
Costello
Cramer
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George

Mollohan
Moore
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Price (NC)
Quinn
Rahall
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wu
Wynn
Young (FL)

NOES—160

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kennedy (MN)
King (IA)
Kirk
Kline
Kolbe
Lewis (CA)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Myrick
Nethercutt
Neugebauer
Norwood
Nunes
Osborne
Oxley
Pearce
Pence
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (MI)
Rohrabacher
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—16

Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

So the amendment was agreed to.

¶91.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5 submitted by Mr. HASTINGS of Florida:

At the end of the bill (before the short title), insert the following:

SEC.____. (a) None of the funds appropriated by this Act may be used by the Office of Management and Budget, under OMB Circular A–76 or any other administrative regulation, directive, or policy, to require agencies—

(1) to establish an inventory of inherently governmental activities performed by Federal employees;

(2) to establish or implement any streamlined competition procedures;

(3) to require any follow-on competition; or

(4) to implement the tradeoff source selection process for any activities other than information technology activities.

It was decided in the negative ..... { Yeas ..... 205 / Nays 211

¶91.23 [Roll No. 486]

AYES—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Shimkus
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOES—211

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dooley (CA)
Dreier
Duncan
Dunn
Ehlers
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Brown, Corrine
Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Turner (TX)
Udall (CO)
Velazquez
Woolsey

So the amendment was not agreed to.

¶91.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. VAN HOLLEN:

At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available by this Act may be used to implement the

revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 198

¶91.25 [Roll No. 487]

AYES—220

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Collins
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Wu
Wynn

NOES—198

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
John
Johnson (CT)
Johnson, Sam
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
LaHood
LaTourette
Lewis (CA)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—16

Cummings
Doolittle
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

So the amendment was agreed to.

¶91.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DAVIS of Florida:

Page 157, after line 2, insert the following new section:

SEC. 742. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.565(b)(2) of title 31, Code of Federal Regulations (relating to specific licenses for ''people-to-people'' educational exchanges), as published in the Federal Register on March 24, 2003.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of 515.560(c)(3) of title 31, Code of Federal Regulations.

It was decided in the affirmative ..... { Yeas ..... 246 / Nays 173

¶91.27 [Roll No. 488]

AYES—246

Abercrombie
Alexander
Allen
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Burgess
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cubin
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Ehlers
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Ford
Frank (MA)
Frost
Gilchrest
Gonzalez
Goodlatte
Gordon
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Pomeroy
Portman
Price (NC)
Rahall
Ramstad
Regula
Rehberg
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Shimkus
Simmons
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Whitfield
Wilson (NM)
Wu
Wynn

NOES—173

Ackerman
Aderholt
Akin
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Engel
English
Everett
Feeney
Ferguson
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)

Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goss
Granger
Green (WI)
Gutknecht
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McCotter
McCrery
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Ortiz
Ose
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Platts
Pombo
Porter
Pryce (OH)
Putnam
Quinn
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner (OH)
Vitter
Wamp
Weldon (FL)
Weller
Wexler
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Cummings
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Knollenberg
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. THORNBERRY, assumed the Chair.

When Mr. DREIER, Chairman, pursuant to the order of the House of Friday, July 25, 2003, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

On page 6, line 9 of the bill, delete ''$6,000,000,000'' and insert in lieu thereof ''$4,043,000,000''.

Under the heading ''Office of the Secretary, Salaries and Expenses,'' strike ''not to exceed $225,000 shall be available for the Office of Intelligence and Security'' and insert ''not to exceed $2,000,000 shall be available for the Office of Intelligence and Security'' and under the heading ''Office of the Chief Information Officer,'' strike ''$16,565,000'' and insert, ''14,565,000''.

Page 10, line 8, after the first dollar amount, insert the following: ''(reduced by $2,000,000) (increased by $2,000,000)''.

Strike section 114 of the bill and redesignate subsequent sections of the bill accordingly.

Page 2, line 8, after the first dollar amount insert the following: ''(increased by $500,000)''.

Page 83, line 7, after the first dollar amount insert the following: ''(reduced by $500,000)''.

Page 157, after line 2, insert the following:

SEC. 742. It is the sense of the Congress that none of the funds made available in this Act should be used to disestablish any pay locality (as defined by section 5302 of title 5, United States Code).

At the end of the bill (before the short title), insert the following:

SEC. ____. For an additional amount for new fixed guideway systems under the heading ''Federal Transit Administration—Capital Investment Grants'' for the Silicon Valley, CA, Rapid Transit Corridor, and the amount otherwise provided under such heading for the San Francisco, CA, Muni Third Street Light Rail Project is hereby reduced by, $1,000,000.

Notwithstanding any other provision of this Act, for necessary expenses to carry out the essential air service program pursuant to 49 U.S.C. 41742(a), there is hereby appropriated $63,000,000, to be derived from the airport and airway trust fund and to remain available until expended.

Page 157, insert the following after line 2:

SEC. 742. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

Page 157, insert the following after line 2:

SEC. 742. None of the funds made available in this Act may be used to enforce any restriction on remittances to nationals of Cuba or Cuban households, including remittances for emigration expenses, covered by section 515.570 or 515.560(c) of title 31, Code of Federal Regulations, other than the restriction that remittances not be made from a blocked source and the restriction that no member of the payee's household be a senior-level government official or senior-level communist party official.

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 742. None of the funds appropriated by this Act may be used to assist in overturning the judicial ruling contained in the Memorandum and Order of the United States District Court for the Southern District of Illinois entered on July 31, 2003, in the action entitled Kathi Cooper, Beth Harrington, and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation (Civil No. 99-829-GPM).

At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

Page 157, after line 2, insert the following new section:

SEC. 742. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.565(b)(2) of title 31, Code of Federal Regulations (relating to specific licenses for ''people-to-people'' educational exchanges), as published in the Federal Register on March 24, 2003.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of 515.560(c)(3) of title 31, Code of Federal Regulations.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 381 / Nays 39

¶91.28 [Roll No. 489]

YEAS—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone

Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—39

Barrett (SC)
Boswell
Conyers
Costello
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Everett
Flake
Franks (AZ)
Hastings (FL)
Hefley
Hensarling
Herger
Jones (NC)
Matheson
McHugh
Meek (FL)
Menendez
Miller (FL)
Nussle
Obey
Oxley
Paul
Rohrabacher
Ros-Lehtinen
Sensenbrenner
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Stark
Stearns
Strickland
Tancredo
Taylor (MS)
Toomey
Wexler

NOT VOTING—14

Cummings
Emerson
Fossella
Gephardt
Hoekstra
Janklow
Keller
Kucinich
Rangel
Serrano
Towns
Udall (CO)
Velazquez
Woolsey

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.29 DISTRICT OF COLUMBIA APPROPRIATIONS FY 2004

The SPEAKER pro tempore, Mr. THORNBERRY, pursuant to the order of the House of July 25, 2003, and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

Mr. BASS, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. THORNBERRY, assumed the Chair.

When Mr. BASS, Chairman, pursuant to the order of the House of July 25, 2003, reported the bill back to the House with an amendment adopted by the Committee.

Pursuant to the order of the House of July 25, 2003, the previous question was ordered.

The question being put, viva voce,

Will the House agree to the following amendment?

Page 52, insert after line 12 the following:

TITLE IV—DC PARENTAL CHOICE

SEC. 401. SHORT TITLE.

This title may be cited as the ''DC Parental Choice Incentive Act of 2003''.

SEC. 402. FINDINGS.

The Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, public school choice provided for under the No Child Left Behind Act of 2001 is inadequate due to capacity constraints within the public schools. Therefore, in keeping with the spirit of the No Child Left Behind Act of 2001, school choice options, in addition to those already available to parents in the District of Columbia (such as magnet and charter schools and open enrollment schools) should be made available to those parents.

(3) In the most recent mathematics assessment on the National Assessment of Educational Progress (NAEP), administered in 2000, a lower percentage of 4th-grade students in DC demonstrated proficiency than was the case for any State. Seventy-six percent of DC fourth-graders scored at the ''below basic'' level and of the 8th-grade students in the District of Columbia, only 6 percent of the students tested at the proficient or advanced levels, and 77 percent were below basic. In the most recent NAEP reading assessment, in 1998, only 10 percent of DC fourth-graders could read proficiently, while 72 percent were below basic. At the 8th-grade level, 12 percent were proficient or advanced and 56 percent were below basic.

(4) A program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional under Zelman v. Simmons-Harris if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to schools solely as a result of their independent private choices.

SEC. 403. PURPOSE.

The purpose of this title is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in higher-performing schools in the District of Columbia.

SEC. 404. GENERAL AUTHORITY.

(a) AUTHORITY.—From funds appropriated to carry out this title, the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 405 to carry out activities to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this title.

(b) DURATION OF GRANTS.—The Secretary may make grants under this section for a period of not more than 5 years.

SEC. 405. APPLICATIONS.

(a) IN GENERAL.—In order to receive a grant under this title, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—The Secretary may not approve the request of an eligible entity for a grant under this title unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 406;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 406;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 407(a);

(F) how the entity will determine the amount that will be provided to parents for the tuition, fees, and transportation expenses, if any;

(G) how the entity will seek out private elementary and secondary schools in the District of Columbia to participate in the program, and will ensure that participating schools will meet the applicable requirements of this title and provide the information needed for the entity to meet the reporting requirements of this title;

(H) how the entity will ensure that participating schools are financially responsible;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia; and

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 409.

SEC. 406. PRIORITIES.

In awarding grants under this title, the Secretary shall give priority to applications from eligible entities who will most effectively—

(1) give priority to eligible students who, in the school year preceding the school year for which the eligible student is seeking a scholarship, attended an elementary or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(2) target resources to students and families that lack the financial resources to take advantage of available educational options;

(3) provide students and families with the widest range of educational options; and

(4) serve students of varying ages and grade levels.

SEC. 407. USE OF FUNDS.

(a) SCHOLARSHIPS.—

(1) IN GENERAL.—Subject to paragraph (2) and (3), a grantee shall use the grant funds to provide eligible students with scholarships to pay the tuition, fees, and transportation expenses, if any, to enable them to attend the District of Columbia private elementary or secondary school of their choice. Each grantee shall ensure that the amount of any tuition or fees charged by a school participating in the grantee's program under this title to an eligible student participating in

the program does not exceed the amount of tuition or fees that the school customarily charges to students who do not participate in the program.

(2) PAYMENTS TO PARENTS.—A grantee shall make scholarship payments under the program under this title to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this title.

(3) AMOUNT OF ASSISTANCE.—

(A) VARYING AMOUNTS PERMITTED.—Subject to the other requirements of this section, a grantee may award scholarships in larger amounts to those eligible students with the greatest need.

(B) ANNUAL LIMIT ON AMOUNT.—The amount of assistance provided to any eligible student by a grantee under a program under this title may not exceed $7,500 for any academic year.

(b) ADMINISTRATIVE EXPENSES.—A grantee may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under this title during the year, including—

(1) determining the eligibility of students to participate;

(2) providing information about the program and the schools involved to parents of eligible students;

(3) selecting students to receive scholarships;

(4) determining the amount of scholarships and issuing them to eligible students;

(5) compiling and maintaining financial and programmatic records; and

(6) providing funds to assist parents in meeting expenses that might otherwise preclude the participation of their child in the program.

SEC. 408. NONDISCRIMINATION.

(a) IN GENERAL.—A school participating in any program under this title shall not discriminate on the basis of race, color, national origin, or sex in participating in the program.

(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

(1) APPLICABILITY.—Notwithstanding subsection (a) or any other provision of law, it shall not be considered discrimination on the basis of sex for a school that is operated by, supervised by, controlled by, or connected to a religious organization to take sex into account to the extent that failing to do so would be inconsistent with the religious tenets or beliefs of the school.

(2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single-sex school, class, or activity.

(3) CONSTRUCTION.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to require any person or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or services related to a legal abortion.

(c) CHILDREN WITH DISABILITIES.—Nothing in this title may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act.

(d) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a school participating in any program under this title which is operated by, supervised by, controlled by, or connected to, a religious organization may employ persons of the same religion to the extent determined by that school to promote the religious purpose for which the school is established or maintained.

(2) RELIGIOUS PURPOSES.—Notwithstanding any other provision of law, funds made available under this title may be used for religious educational purposes, and no participating school shall be required to remove religious art, icons, scriptures, or other symbols. A participating school may retain religious terms in its name, select its board members on a religious basis, and include religious references in its mission statements and other chartering or governing documents.

(e) RULE OF CONSTRUCTION.—A scholarship (or any other form of support provided to parents of eligible students) under this title shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any scholarship (or other form of support provided to parents of an eligible student) under this title shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 409. EVALUATIONS.

(a) IN GENERAL.—

(1) DUTIES OF SECRETARY.—The Secretary shall—

(A) conduct an evaluation using the strongest possible research design for determining the effectiveness of the programs funded under this title that addresses the issues described in paragraph (2); and

(B) disseminate information on the impact of the programs in increasing the student academic achievement of participating students, as well as other appropriate measures of student success, and on the impact of the programs on students and schools in the District of Columbia.

(2) ISSUES TO BE EVALUATED.—The issues described in this paragraph include the following:

(A) A comparison of the academic achievement of students who participate in the programs funded under this title with the academic achievement of students of similar backgrounds who do not participate in such programs.

(B) The success of the programs in expanding choice options for parents.

(C) The reasons parents choose for their children to participate in the programs.

(D) A comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students who participate in the programs funded under this title with the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such programs.

(E) The impact of the program on students and public elementary and secondary schools in the District of Columbia.

(F) A comparison of the safety of the schools attended by students who participate in the programs and the schools attended by students who do not participate in the programs.

(G) Such other issues as the Secretary considers appropriate for inclusion in the evaluation.

(b) REPORTS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate—

(1) annual interim reports not later than December 1 of each year for which a grant is made under this title on the progress and preliminary results of the evaluation of the programs funded under this title; and

(2) a final report not later than 1 year after the final year for which a grant is made under this title on the results of the evaluation of the programs funded under this title.

(c) PUBLIC AVAILABILITY.—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 3 percent of the total amount appropriated to carry out this title for the fiscal year.

SEC. 410. REPORTING REQUIREMENTS.

(a) ACTIVITIES REPORTS.—Each grantee receiving funds under this title during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) ACHIEVEMENT REPORTS.—

(1) IN GENERAL.—In addition to the reports required under subsection (a), each grantee shall, not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit a report to the Secretary regarding the data collected in the previous 2 academic years concerning—

(A) the academic achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENT.—

(1) IN GENERAL.—Each grantee shall ensure that each school participating in the grantee's program under this title during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate; and

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) REPORT TO CONGRESS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Governmental Affairs of the Senate an annual report on the findings of the reports submitted under subsections (a) and (b).

SEC. 411. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) ADMISSION OF ELIGIBLE STUDENTS.—Each school choosing to participate in a program funded under this title shall accept any participating eligible student on a religious-

neutral basis, except that if the school has more participating eligible students seeking admission than it can accommodate, the school shall accept participating eligible students through a religious-neutral, random selection process, consistent with section 405(b)(1)(C).

(b) REQUESTS FOR DATA AND INFORMATION.—Each school participating in a program funded under this title shall comply with all requests for data and information regarding evaluations conducted under section 409(a).

(c) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—Subject to section 408, a participating school may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

SEC. 412. DEFINITIONS.

As used in this title:

(1) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any of the following:

(A) An educational entity of the District of Columbia Government.

(B) A nonprofit organization.

(C) A consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who is a resident of the District of Columbia and who comes from a household whose income does not exceed 185 percent of the poverty line applicable to a family of the size involved.

(4) PARENT.—The term ''parent'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 413. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years.

The SPEAKER pro tempore, Mr. THORNBERRY, announced that the yeas had it.

Ms. NORTON demanded a recorded vote on agreeing to said amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 209 / Nays 208

¶91.30 [Roll No. 490]

AYES—209

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOT VOTING—17

Cummings
Emerson
Ford
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Kucinich
Rangel
Serrano
Simpson
Towns
Udall (CO)
Velazquez
Woolsey

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put.

Will the House pass said bill?

The SPEAKER pro tempore, Mr. THORNBERRY, announced that pursuant to clause 10 of rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 210 / Nays 206

¶91.31 [Roll No. 491]

YEAS—210

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette

Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (NM)
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOT VOTING—18

Coble
Cummings
Emerson
Ford
Fossella
Gephardt
Graves
Hoekstra
Janklow
Keller
Kucinich
Rangel
Serrano
Simpson
Towns
Udall (CO)
Velazquez
Woolsey

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶91.32 ORDER OF BUSINESS—VOTE POSTPONED

The SPEAKER pro tempore, Mr. THORNBERRY, announced pursuant to clause 8 of rule XX, the time for resumed proceedings on the motion to instruct conferees offered by the gentleman from Maryland [Mr. Ruppersberger] is re-designated as Wednesday, September 10, 2003.

¶91.33 PROVIDING FOR THE CONSIDERATION OF H.R. 2622

Mr. SESSIONS, by direction of the Committee on Rules, reported (Rept. No. 108–267) the resolution (H. Res. 360) providing for consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, to improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶91.34 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1588

Mr. EDWARDS, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1588) to authorize appropriations for fiscal years 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes; to agree to the provisions contained in sections 606 and 619 of the amendment of the Senate (relating to the rates of pay for the family separation allowance and imminent danger pay).

¶91.35 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1

Mr. MICHAUD, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes: 1) to reject the provisions of subtitle C of title II of the House bill; and 2) the House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the amendment of the Senate.

¶91.36 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. DAVIS of Tennessee, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices to provide tax relief and simplification, and for other purposes: 1) the House conferees shall be instructed to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; 2) the House conferees shall be instructed to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; 3) the House conferees shall be instructed to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; 4) to the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other benefits for military personnel and families of the astronauts who died in the Columbia disaster; and 5) the House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the proceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

¶91.37 SENATE CONCURRENT RESOLUTIONS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 64. A concurrent resolution to commend members of the United States Armed Forces for their services to the United States in the liberation of Iraq, and for other purposes; to the Committee on Armed Services.

S. Con. Res. 65. A concurrent resolution to commend the Third Infantry Division (Mechanized) of the United States Army for its role in the liberation of Iraq; to the Committee on Armed Services.

¶91.38 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. EMERSON, for today and balance of the week;

To Mr. JANKLOW, for today and balance of the week; and

To Mr. MCHUGH, for today until 7 p.m.

And then,

¶91.39 ADJOURNMENT

On motion of Mr. ABERCROMBIE, at 11 o'clock and 40 minutes p.m., the House adjourned.

¶91.40 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. Supplemental report on H.R. 2622. A bill to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes (Rept. 108–263, Pt. 2).

Mr. SESSIONS: Committee on Rules. House Resolution 360. Resolution providing for consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes (Rept. 108–267). Referred to the House Calendar.

¶91.41 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOUGHTON (for himself and Mr. POMEROY):

H.R. 3035. A bill to establish an informatics grant program for hospitals and skilled nursing facilities in order to encourage health care providers to make major information technology advances; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 3036. A bill to authorize appropriations for the Department of Justice for fiscal years 2004 through 2006, and for other purposes; to the Committee on the Judiciary.

By Mr. FEENEY:

H.R. 3037. A bill to strengthen antiterrorism investigative tools, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself and Mr. BROWN of Ohio):

H.R. 3038. A bill to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002; to the Committee on Energy and Commerce.

By Mr. COLE (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. ISAKSON, Mr. GREENWOOD, Mr. TIBERI, Mr. KELLER, Mr. WILSON of South Carolina, Mr. CARTER, Mr. BURNS, Mr. HOUGHTON, Ms. ROS-LEHTINEN, Mr. NEUGEBAUER, and Mr. NUNES):

H.R. 3039. A bill to expand opportunities for postsecondary education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GOODLATTE (for himself, Mr. SMITH of Texas, Mr. CARTER, and Mr. FORBES):

H.R. 3040. A bill to strengthen to enhance public safety through pretrial detention and postrelease supervision of terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 3041. A bill to amend title 38, United States Code, to extend the period during which a member of the Armed Forces may enroll for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself, Mr. SANDLIN, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. SESSIONS, Mr. CARTER, and Ms. GRANGER):

H.R. 3042. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds for certain air and water pollution control facilities and to provide that the volume cap for private activity bonds shall not apply to bonds for such air and water pollution control facilities, facilities for the furnishing of water, and sewage facilities; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. THOMPSON of California, Mr. ENGLISH, Mr. MCHUGH, Mr. RADANOVICH, Mr. REYNOLDS, Mr. POMBO, Ms. ESHOO, Mr. GOODE, Mr. MCINNIS, and Mr. HOUGHTON):

H.R. 3043. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of crops destroyed by casualty; to the Committee on Ways and Means.

By Mr. COOPER:

H.R. 3044. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DREIER (for himself and Ms. WATERS):

H.R. 3045. A bill to amend section 105 of the Housing and Community Development Act of 1974 to permanently extend the public service cap exemption for certain grantees under the community development block grant program; to the Committee on Financial Services.

By Mr. GALLEGLY:

H.R. 3046. A bill to correct and improve the prohibition against terrorism transcending national boundaries, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEHAN:

H.R. 3047. A bill to prevent the sale of tobacco products to minors by means of electronic or mail-order sales, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OTTER:

H.R. 3048. A bill to limit assistance for the Palestinian Authority and the Palestinian people during fiscal year 2004; to the Committee on International Relations.

By Mr. STRICKLAND (for himself, Mr. ALLEN, Mr. ROSS, and Mrs. JONES of Ohio):

H.R. 3049. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 regarding adequate yearly progress and assessments; to the Committee on Education and the Workforce.

By Mr. STUPAK:

H.R. 3050. A bill to provide a 10 percent increase in the rate of basic pay for members of the uniformed services; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 3051. A bill to pay a one-time bonus to members of the Armed Forces who served or serve in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. KING of Iowa, Mr. HEFLEY, Mr. BARTLETT of Maryland, Mr. SMITH of Texas, Mr. DEAL of Georgia, and Mr. GOODE):

H.R. 3052. A bill to amend title 23, United States Code, to discourage States from issuing an identification card or driver's license to an alien not legally authorized to be in the United States; to the Committee on Transportation and Infrastructure.

By Mr. WEXLER:

H.R. 3053. A bill to amend the Internal Revenue Code of 1986 to increase the top two individual income tax rates and to repeal the capital gains treatment of dividend income, and to use the revenue therefrom to make emergency supplemental appropriations for fiscal year 2004 for military operations in Iraq and in support of the global war on terrorism and for the relief and reconstruction of Iraq and Afghanistan; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. COX, Mr. KIRK, Mr. ROYCE, Mr. SMITH of New Jersey, Mr. GREEN of Wisconsin, Mr. PITTS, Mr. BEREUTER, Mr. HOUGHTON, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. ACKERMAN, Mr. ENGEL, Mr. CROWLEY, Mr. KENNEDY of Rhode Island, Mr. PAYNE, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mrs. LOWEY, and Mr. MENENDEZ):

H. Con. Res. 274. Concurrent resolution commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy; to the Committee on International Relations.

By Mr. ANDREWS:

H. Con. Res. 275. Concurrent resolution expressing the sense of Congress that all airport screening functions should continue to be performed by Federal employees and that all employees of the Transportation Security Administration, including Federal airport screeners, should be permitted to engage in collective bargaining and be represented in collective bargaining by a representative or organization of their choosing; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN (for himself, Ms. PELOSI, Mr. LANTOS, Mr. WOLF, Mr.

SMITH of New Jersey, Mrs. LOWEY, Mr. KIRK, Mr. FALEOMAVAEGA, Mr. RAMSTAD, and Mr. WELDON of Pennsylvania):

H. Res. 359. A resolution welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy; to the Committee on International Relations.

By Mr. DEAL of Georgia (for himself, Mr. BURNS, Mr. COLLINS, Mr. GINGREY, Mr. ISAKSON, Mr. KINGSTON, Mr. LINDER, and Mr. NORWOOD):

H. Res. 361. A resolution expressing the condolences of the House of Representatives upon the death on September 3, 2003, of the late General Raymond G. Davis (United States Marine Corps, retired) and expressing the appreciation and admiration of the House for the unwavering commitment demonstrated by General Davis to his family, the Marine Corps, and the Nation; to the Committee on Armed Services.

By Mr. WALSH (for himself, Mr. BOEHLERT, Mr. HAYES, Mr. THOMPSON of California, Mr. GIBBONS, Mr. BOSWELL, Mr. ROGERS of Michigan, Mr. ROSS, Mr. KIND, Mr. JOHN, Mr. SIMMONS, Mr. WICKER, Mr. FEENEY, Mr. JEFFERSON, Mr. DINGELL, Mr. RAHALL, Mr. JANKLOW, Mr. UDALL of Colorado, Mr. CASE, Mr. MICHAUD, Mr. BERRY, Mr. RYAN of Wisconsin, Mr. DOOLITTLE, Mr. GOODE, Mr. BALLENGER, Mr. SPRATT, Mr. OSBORNE, Mr. SNYDER, Mr. POMEROY, Mr. ROGERS of Kentucky, Ms. GINNY BROWN-WAITE of Florida, Mr. ISTOOK, Mr. YOUNG of Alaska, Mr. PETERSON of Minnesota, Mr. MCHUGH, Mr. CARSON of Oklahoma, Ms. HARRIS, Mr. SESSIONS, and Mr. GREEN of Texas):

H. Res. 362. A resolution recognizing the importance and contributions of sportsmen to American society, supporting the traditions and values of sportsmen, and recognizing the many economic benefits associated with outdoor sporting activities; to the Committee on Resources.

By Mr. WEXLER (for himself and Mr. SHAW):

H. Res. 363. A resolution recognizing the achievements of SUPERB (Students United with Parents and Educators to Resolve Bullying) and its founders Jeremy and Sharon Ring to address the growing problem of bullying in the Nation's schools; to the Committee on Education and the Workforce.

By Mr. WEXLER (for himself, Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. MEEKS of New York, Mr. DEFAZIO, Ms. LEE, Mr. BROWN of Ohio, Mr. EMANUEL, Mr. FARR, Mr. ABERCROMBIE, Mr. ENGEL, Ms. WATSON, Mr. DELAHUNT, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. KUCINICH, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. BERMAN, Mr. TIERNEY, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. GRIJALVA, Mr. MARKEY, Mr. BLUMENAUER, Mr. BELL, and Mrs. MALONEY):

H. Res. 364. A resolution of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled ''Operation Iraqi Freedom Strategic Lessons Learned'' and documents in his possession on the reconstruction and security of post-war Iraq; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶91.42 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

197. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 41 memorializing the President and the Congress of the United States to increase federal funding to the states for child lead poisoning screening programs, and to especially ensure the availability of adequate funding to provide lead poisoning screening for all Medicaid-eligible children; to the Committee on Energy and Commerce.

198. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 219 urging Congress to enact legislation providing reimbursement of health care-related expenses incurred between 1995 and 2001 by veterans of the Armed Forces who between 1941 and 1956 were promised free lifetime health care in return for 20 years of military service; to the Committee on Veterans' Affairs.

199. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 35 memorializing the Congress of the United States to enact legislation giving federal income taxpayers who forego compensated employment in order to remain at home and personally provide care to their children and other dependents a tax benefit comparable to that currently given to wage earners who pay others to provide such care; to the Committee on Ways and Means.

200. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 34 memorializing the Congress of the United States to revise the definition of ''resources'' as it applies to the ''Medicare Catastrophic Coverage Act of 1988,'' so that a community spouse's IRA or pension plan is not included in the calculation of a couple's resources for the purposes of determining Medicaid eligibility for nursing home care; jointly to the Committees on Ways and Means and Energy and Commerce.

201. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 105 memorializing the Congress of the United States to pass, and the President to sign into law, legislation that would stabilize and provide funding equity to the MedicareChoice program; jointly to the Committees on Ways and Means and Energy and Commerce.

202. Also, a memorial of General Assembly of the State of New Jersey, relative to Assembly Resolution No. 207 memorializing the President and the Congress of the United States to adopt a more effective approach to handling domestic security and terrorism preparedness issues through better national coordination, resource support, and political leadership, and to take into consideration certain recommendations based upon the report issued by the Independent Task Force; jointly to the Committees on the Judiciary, Energy and Commerce, Agriculture, Transportation and Infrastructure, and Armed Services.

¶91.43 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. PLATTS and Mr. BURNS.
H.R. 82: Mr. CAPUANO.
H.R. 141: Mr. ISAKSON.
H.R. 142: Mr. DREIER.
H.R. 167: Mr. ROTHMAN.
H.R. 195: Mr. WOLF.
H.R. 260: Mr. SHERMAN.
H.R. 284: Ms. BALDWIN, Mr. MOORE, Ms. SCHAKOWSKY, Mr. SESSIONS, and Mr. NORWOOD.
H.R. 303: Mr. HOSTETTLER.
H.R. 339: Mr. LUCAS of Kentucky.
H.R. 348: Mr. GOODE.
H.R. 369: Mr. REGULA.
H.R. 370: Mr. ANDREWS.
H.R. 391: Mr. WOLF.
H.R. 466: Mr. STRICKLAND.
H.R. 490: Mrs. LOWEY and Mr. STARK.
H.R. 501: Mr. LAHOOD.
H.R. 527: Mrs. LOWEY and Mr. SPRATT.
H.R. 528: Ms. LEE, Mr. GERLACH, Mr. KLINE, Mr. DELAHUNT, and Mr. MCKEON.
H.R. 580: Mr. FROST.
H.R. 594: Mr. VITTER and Mr. GARRETT of New Jersey.
H.R. 610: Mr. BROWN of Ohio.
H.R. 648: Mr. MCCOTTER.
H.R. 673: Mr. MORAN of Kansas.
H.R. 685: Mr. GONZALEZ.
H.R. 720: Mr. WELDON of Florida.
H.R. 734: Mr. STARK, Ms. LINDA T. SANCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, and Mr. MOORE.
H.R. 736: Mr. STARK.
H.R. 808: Mr. NUSSLE.
H.R. 857: Mrs. NAPOLITANO.
H.R. 869: Mrs. CUNNINGHAM.
H.R. 876: Mr. VISCLOSKY.
H.R. 911: Mr. MARKEY, Mr. LEVIN, Mr. SPRATT, Mr. MENENDEZ, Mr. FROST, Mr. LAHOOD, Mr. DEMINT, Mr. SCHIFF, Mr. HASTINGS of Florida, Mr. GOODLATTE, Ms. GRANGER, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Mr. HINOJOSA, Mr. GONZALEZ, Mr. SANDLIN, Mr. ALLEN, Mr. DAVIS of Florida, Mr. MORAN of Kansas, Mr. SKELTON, Mr. PETERSON of Minnesota, Mr. LANGEVIN, Mr. HUNTER, Mr. SCOTT of Georgia, Mr. NADLER, Mr. BELL, Mr. KIND, Ms. LORETTA SANCHEZ of California, Mr. WU, Mr. RAHALL, Mr. COLLINS, Ms. DELAURO Mr. CRAMER Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mr. BLUNT, Mr. RADANOVICH Mr. WELDON of Pennsylvania, Mr. SAXTON Mr. COX, Mr. BRADY of Texas, Mr. PORTMAN, Mr. ADERHOLT, Mr. FARR, Mr. RODRIGUEZ, Mr. THORNBERRY, Mr. MCINTYRE, Mr. WAMP, Mr. STENHOLM, Mr. MOORE, Mr. HILL, Mr. PALLONE, Mr. BROWN of Ohio, Mr. TOM DAVIS of Virginia, Ms. PELOSI, Mr. VAN HOLLEN, Mr. HOYER, Mr. LARSON of Connecticut, Mr. LUCAS of Kentucky, Mr. PASCRELL, Mr. ROSS, Mr. DELAY, Mrs. MALONEY, Mr. FORD, Mr. SCOTT of Virginia, Mr. RUPPERSBERGER, Mrs. LOWEY, Mr. PENCE, Mr. EMANUEL, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Mr. SHAYS, Mr. CULBERSON, Mr. FRANK of Massachusetts, Mr. MEEHAN, Mr. DOYLE, Mr. HOEFFEL, Mr. KANJORSKI, Mr. SNYDER, Mr. CASTLE, Mr. GOODE, Mr. NUSSLE, Mr. OSE, Mr. POMBO, Ms. SOLIS, Mr. BOYD, Mr. DAVIS of Tennessee, Mr. JONES of North Carolina, Mr. REYNOLDS, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. DEGETTE, Mr. LEWIS of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 919: Mr. HEFLEY, Mr. LEWIS of Kentucky, Mr. GEPHARDT, and Mr. BRADLEY of New Hampshire.
H.R. 920: Ms. LEE.
H.R. 970: Mr. OBERSTAR, Mr. GRIJALVA, Mr. CAPUANO, and Mr. BALLANCE.
H.R. 972: Mr. HOLDEN.
H.R. 997: Ms. HART.
H.R. 1006: Mr. RANGEL.
H.R. 1049: Mr. MCCOTTER.
H.R. 1052: Mr. SNYDER.
H.R. 1070: Mr. CALVERT.
H.R. 1101: Mrs. MILLER of Michigan.
H.R. 1105: Mr. DOYLE.
H.R. 1111: Mr. STEARNS.
H.R. 1157: Ms. MCCARTHY of Missouri and Mrs. LOWEY.
H.R. 1160: Mr. LAMPSON and Mr. CANNON.
H.R. 1172: Mr. WEXLER and Mr. EVANS.
H.R. 1214: Mr. DOYLE, Mr. CANTOR, Ms. ESHOO, Mr. VAN HOLLEN, Mr. TANNER, and Ms. HOOLEY of Oregon.
H.R. 1228: Mr. RANGEL.

H.R. 1229: Mrs. MILLER of Michigan and Mr. WALDEN of Oregon.
H.R. 1258: Mr. NUSSLE.
H.R. 1268: Mr. MCGOVERN, Mr. DELAHUNT, and Ms. DELAURO.
H.R. 1273: Mr. RADANOVICH.
H.R. 1278: Mr. CARSON of Oklahoma.
H.R. 1316: Mr. OTTER, Mr. GRIJALVA, Mr. QUINN, Mr. ENGLISH, and Ms. BALDWIN.
H.R. 1355: Mrs. LOWEY and Mr. CASE.
H.R. 1422: Mr. WAMP.
H.R. 1491: Mr. GRIJALVA.
H.R. 1508: Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. JEFFERSON, Mr. BERRY, and Mr. KIND.
H.R. 1519: Mr. STARK.
H.R. 1543: Mr. DREIER.
H.R. 1605: Mr. BLUMENAUER.
H.R. 1613: Mr. RYAN of Ohio.
H.R. 1628: Mr. BOYD and Mr. FROST.
H.R. 1633: Mr. CUMMINGS.
H.R. 1698: Ms. KILPATRICK.
H.R. 1708: Mr. GERLACH, Mr. BARTON of Texas, Mr. LEVIN, Ms. MCCOLLUM, and Mrs. LOWEY.
H.R. 1726: Mr. JENKINS.
H.R. 1752: Mr. RUPPERSBERGER and Mr. ETHERIDGE.
H.R. 1755: Mr. LUCAS of Kentucky and Mr. VITTER.
H.R. 1758: Mr. PAUL.
H.R. 1769: Mr. CONYERS, Mr. KINGSTON, and Mr. PASCRELL.
H.R. 1796: Ms. KAPTUR.
H.R. 1819: Mr. MATHESON and Mr. MCCOTTER.
H.R. 1874: Mr. SNYDER, Mr. GORDON, and Mrs. CAPPS.
H.R. 1886: Mr. LUCAS of Kentucky, Mr. SHAYS, and Mr. BAIRD.
H.R. 1910: Mr. BAIRD.
H.R. 1916: Ms. BERKLEY, Mr. SCHIFF, Mr. BACA, Mr. ALLEN, Mr. GORDON, and Mr. STUPAK.
H.R. 1930: Mr. MCGOVERN.
H.R. 1951: Ms. MCCOLLUM and Mr. MATHESON.
H.R. 1964: Mr. WELDON of Pennsylvania.
H.R. 1981: Mr. DEUTSCH.
H.R. 1993: Mr. FROST.
H.R. 1994: Mr. LOBIONDO and Mr. FROST.
H.R. 1998: Mr. DEUTSCH.
H.R. 2015: Ms. HOOLEY of Oregon.
H.R. 2045: Mr. CULBERSON, Mr. BOOZMAN, and Mr. CRENSHAW.
H.R. 2047: Mr. DUNCAN.
H.R. 2079: Mr. WICKER and Mr. SHIMKUS.
H.R. 2107: Mr. ABERCROMBIE, Mr. FILNER, and Ms. LOFGREN.
H.R. 2124: Mr. GUTIERREZ and Mr. SNYDER.
H.R. 2134: Ms. BALDWIN.
H.R. 2173: Mr. ALEXANDER and Ms. BALDWIN.
H.R. 2181: Mr. GILLMOR.
H.R. 2203: Ms. DEGETTE and Mrs. LOWEY.
H.R. 2216: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2237: Mr. WOLF.
H.R. 2238: Mr. MCINNIS.
H.R. 2260: Mr. BACHUS, Mr. BISHOP of Utah, Mr. DINGELL, Mr. FOLEY, Mr. GONZALEZ, Mr. GUTIERREZ, Ms. LEE, Mr. LIPINSKI, Ms. LOFGREN, Mrs. MALONEY, Mr. MURPHY, Mr. PRICE of North Carolina, Mr. SANDLIN, Mr. TURNER of Texas, Mr. BARTLETT of Maryland, Mr. GRIJALVA, and Ms. HARMAN.
H.R. 2269: Mr. DEMINT and Mr. WICKER.
H.R. 2318: Mr. EMANUEL.
H.R. 2327: Mr. BOUCHER and Mr. GORDON.
H.R. 2340: Ms. HART.
H.R. 2344: Mr. WEXLER.
H.R. 2359: Mr. TANCREDO.
H.R. 2361: Mr. RUPPERSBERGER.
H.R. 2426: Ms. WATSON, Ms. JACKSON-LEE of Texas, and Mr. SABO.
H.R. 2429: Mr. LEWIS of Georgia, Mr. MORAN of Virginia, and Ms. MCCOLLUM.
H.R. 2462: Mr. JEFFERSON and Mr. MATSUI.
H.R. 2482: Mr. BROWN of Ohio and Mr. WAXMAN.
H.R. 2505: Mr. MICHAUD.
H.R. 2527: Mr. BOSWELL.
H.R. 2538: Ms. HARRIS, Mr. YOUNG of Florida, Mr. PUTNAM, Mr. FEENEY, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 2540: Mr. RANGEL and Mrs. CHRISTENSEN.
H.R. 2568: Mrs. CAPPS.
H.R. 2570: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2582: Mr. FRANK of Massachusetts, Mr. STUPAK, Mrs. LOWEY, Mr. CRAMER, and Mr. MCINTYRE.
H.R. 2602: Mr. REHBERG.
H.R. 2625: Mr. MICHAUD, Mr. STRICKLAND, Mr. NEAL of Massachusetts, Mrs. DAVIS of California, and Mr. SMITH of Washington.
H.R. 2626: Mr. CASE, Mr. SANDLIN, and Mr. GREEN of Texas.
H.R. 2650: Mr. MICHAUD.
H.R. 2665: Mr. CUMMINGS, Mr. GUTIERREZ, Mr. MCNULTY, Mr. OLVER, and Mr. DINGELL.
H.R. 2670: Mr. BEREUTER and Mr. GRIJALVA.
H.R. 2671: Mr. GIBBONS, Mr. HAYWORTH, Mr. FOLEY, Mr. GILLMOR, Mr. PETRI, and Mr. ADERHOLT.
H.R. 2680: Mr. ALEXANDER, Mr. CARSON of Oklahoma, Mr. BERRY, Mr. CRAMER, Mr. WEXLER, Mr. BROWN of Ohio, Mr. MARSHALL, Ms. HARMAN, Mr. ETHERIDGE, Mr. SABO, Mr. BLUMENAUER, Mr. LARSON of Connecticut, Mr. RUPPERSBERGER, Mr. KING of Iowa, Mr. LEVIN, Mr. FILNER, and Ms. MCCOLLUM.
H.R. 2719: Mr. WAMP, Mrs. TAUSCHER, Mr. JONES of North Carolina, Mr. DEUTSCH, and Mr. ABERCROMBIE.
H.R. 2727: Mr. ABERCROMBIE.
H.R. 2743: Mr. TERRY and Mr. ISAKSON.
H.R. 2762: Mr. NEUGEBAUER.
H.R. 2763: Mr. NEUGEBAUER.
H.R. 2768: Mr. MOORE, Mr. UDALL of Colorado, Mr. COBLE, Mr. GREEN of Texas, Mr. SKELTON, MR. SPRATT, Mr. BROWN of South Carolina, and Mr. DOGGETT.
H.R. 2776: Mr. REHBERG.
H.R. 2787: Mr. NEAL of Massachusetts.
H.R. 2823: Mr. UPTON, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KINGSTON.
H.R. 2829: Mr. KLECZKA.
H.R. 2849: Mr. PRICE of North Carolina.
H.R. 2851: Ms. HART, Mr. BARRETT of South Carolina, and Mr. LINDER.
H.R. 2872: Mr. PAYNE, Ms. CARSON of Indiana, Mr. MCGOVERN, and Mr. WEXLER.
H.R. 2885: Mr. SAM JOHNSON of Texas, Mr. AKIN, and Mr. FEENEY.
H.R. 2891: Mr. TOWNS, Ms. LEE, Mr. GUTIERREZ, Mr. COSTELLO, and Mr. COOPER.
H.R. 2898: Mr. DAVIS of Tennessee, Mr. HOEFFEL, Mr. DEUTSCH, Mr. GREENWOOD, Mrs. LOWEY, Mr. ACKERMAN, and Mr. WELLER.
H.R. 2932: Ms. KAPTUR, Ms. LOFGREN, Ms. MCCOLLUM, Mr. BLUMENAUER, and Mr. WEXLER.
H.R. 2968: Mr. HAYWORTH, Mr. WAMP, and Mr. ISAKSON.
H.R. 2991: Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, and Mr. BACA.
H.R. 2998: Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Mr. LATHAM, Mr. PEARCE, Mr. KINGSTON, Mr. NETHERCUTT, Mr. CUNNINGHAM, Mr. VITTER, Mr. TAYLOR of North Carolina, Mr. WALDEN of Oregon, Mr. FROST, Mr. THORNBERRY, Mr. EHLERS, Mr. KILDEE, Mr. ROGERS of Kentucky, Mr. EDWARDS, Mr. SAXTON, Mr. HINCHEY, Mr. GIBBONS, Mr. SPRATT, Mr. HOLDEN, Mr. BONNER, Mr. LYNCH, Mr. CARTER, Mr. MCGOVERN, Mr. HYDE, Mr. WYNN, Mr. SHIMKUS, Mr. TERRY, Mr. FEENEY, Mr. HOUGHTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Ms. SCHAKOWSKY, Mr. GREEN of Texas, Mr. RAHALL, Mrs. KELLY, Mr. JENKINS, Mr. CANTOR, Mr. KING of New York, Mr. CULBERSON, Mr. HEFLEY, Ms. MCCOLLUM, Mr. FRANK of Massachusetts, Mr. KLECZKA, Ms. CARSON of Indiana, Mr. PETRI, Mr. NUNES, Mr. GILCHREST, and Mr. WELDON of Florida.
H.R. 2999: Mr. MCINTYRE.
H.R. 3011: Mr. BILIRAKIS, Mr. GREEN of Texas, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Mr. CARDOZA, Mr. JENKINS, Mr. REYES, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. SKELTON, Mr. LEWIS of California, and Mr. FRANK of Massachusetts.
H.R. 3015: Mrs. NORTHUP, Mr. SESSIONS, Mr. STUPAK, Mrs. MALONEY, Mr. KLECZKA, Mr. DICKS, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. LUCAS of Kentucky, and Mr. GREEN of Texas.
H.R. 3022: Ms. SLAUGHTER.
H.R. 3023: Mr. STARK.
H.R. 3034: Mr. TOM DAVIS of Virginia.
H.J. Res. 56: Mr. COBLE, Mr. CALVERT, and Mr. TURNER of Ohio.
H.J. Res. 62: Mr. ALLEN and Mr. SIMMONS.
H. Con. Res. 78: Mr. ANDREWS.
H. Con. Res. 99: Mr. EVANS and Mr. MEEHAN.
H. Con. Res. 155: Mr. NADLER.
H. Con. Res. 158: Mr. DAVIS of Illinois and Mr. TIERNEY.
H. Con. Res. 213: Mr. LAMPSON and Mr. HOEFFEL.
H. Con. Res. 232: Mrs. MUSGRAVE.
H. Con. Res. 249: Mr. FROST.
H. Con. Res. 254: Mr. FROST, Mr. BERMAN, Mr. GREENWOOD, Mr. HINCHEY, Mr. PALLONE, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. DINGELL, Mr. JEFFERSON, Mr. SAXTON, Mr. SOUDER, Mr. DOOLITTLE, Mr. WEINER, Ms. SLAUGHTER, Mr. ENGEL, and Mr. PAYNE.
H. Con. Res. 256: Mr. BALLANCE, Mr. SCOTT of Georgia, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Ms. WATERS, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. FATTAH, Mr. SCOTT of Virginia, Ms. WATSON, Mr. FORD, Mr. WATT, Mr. DAVIS of Alabama, Mr. MEEKS of New York, Ms. MAJETTE, Mr. CLAY, Mr. WYNN, Mr. BISHOP of Georgia, Ms. NORTON, Mr. MEEK of Florida, Mr. HASTINGS of Florida, and Mr. CONYERS.
H. Res. 103: Mr. KENNEDY of Minnesota, Mr. GARRETT of New Jersey, and Mr. ROTHMAN.
H. Res. 167: Mr. GREEN of Texas.
H. Res. 254: Ms. WOOLSEY, Mr. GONZALEZ, and Ms. JACKSON-LEE of Texas.
H. Res. 300: Mr. EHLERS, Mr. STENHOLM, Mr. PENCE, Mr. MCKEON, Mr. WAMP, Mr. HYDE, Mr. SHIMKUS, Mr. BURTON of Indiana, and Mr. SOUDER.
H. Res. 315: Mr. PICKERING.
H. Res. 325: Mrs. LOWEY.
H. Res. 348: Mr. MEEHAN, Mr. BAKER, Mr. GILCHREST, and Ms. BALDWIN.
H. Res. 352: Mr. SHIMKUS, Mr. MCNULTY, Ms. NORTON, Mr. COOPER, Mr. LANTOS, Mr. GREEN of Texas, Mr. FROST, and Mr. FRANK of Massachusetts.
H. Res. 355: Mr. WEXLER, Mr. MCCOTTER, Mr. BLUMENAUER, Mr. LANTOS, Mr. ENGEL, Ms. LEE, and Mr. BURTON of Indiana.

WEDNESDAY, SEPTEMBER 10, 2003 (92)

¶92.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SHAW, who laid before the House the following communication:

WASHINGTON, DC,
September 10, 2003.

I hereby appoint the Honorable E. CLAY SHAW, Jr., to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶92.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SHAW, announced he had examined and approved the Journal of the proceedings of Tuesday, September 9, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶92.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4148. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Veterinary Services User Fees; Fees for Endorsing Export Certificates for Ruminants [Docket No. 02-040-2] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4149. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Witchweed; Regulated Areas [Docket No. 02-042-2] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4150. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly; Removal of Regulated Area [Docket No. 02-121-3] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4151. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Exotic Newcastle Disease; Removal of Areas From Quarantine [Docket no. 02-117-9] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4152. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Introductions of Plants Genetically Engineered to Produce Industrial Compounds [Docket No. 03-038-1] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4153. A letter from the Regulatory Contact, Department of Agriculture, transmitting the Department's final rule—Swine Packer Marketing Contracts; Contract Library [PSA-2000-01-b] (RIN: 0580-AA71) received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4154. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flumioxazin; Pesticide Tolerance for Emergency Exemptions [OPP-2003-0253; FRL-7319-4] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4155. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thiamethoxam; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0254; FRL-7320-2] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4156. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael P. Delong, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4157. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE Program; Waiver of Certain TRICARE Deductibles; Clarification of TRICARE Prime Enrollment Period; Enrollment in TRICARE Prime Remote for Active Duty Family Members (RIN: 0720-AA72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4158. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2003 (NDAA-03) (RIN: 0720-AA85) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4159. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Elimination of Nonavailability Statement and Referral Authorization Requirements and Elimination of Specialized Treatment Services Program (RIN: 0720-AA79) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4160. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4161. A letter from the Senior Paralegal (Regulations), Department of the Treasury, transmitting the Department's final rule—Removal, Suspension, and Debarment of Accountants From Performing Audit Services; Office of the Comptroller of the Currency [Docket No. 03-19] (RIN: 1557-AC10); Board of Governors of the Federal Reserve System [Docket No. R-1139]; Federal Deposit Insurance Corporation (RIN: 3064-AC57); Office of Thrift Supervision [No. 2003-33] (RIN: 1550-AB53) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4162. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

4163. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Ethiopia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

4164. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Hong Kong pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

4165. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4166. A letter from the Director, Office of Standards, Regulations, Department of Labor, transmitting the Department's final rule—Seat Belts for Off-Road Work Machines and Wheeled Agriculture Tractors at Matal and Nonmetal Mines (RIN: 1219-AA98(Phase 6)) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4167. A letter from the Director, Office of Standards, Regulations, Department of Labor, transmitting the Department's final rule—Standards for Sanitary Toilets in Coal Mines (RIN: 1219-AA98 (Phase 9)) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4168. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Financial Assistance Regulations (RIN: 1991-AB57) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4169. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Value Engineering (AL 2003-04) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4170. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-3] received August 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4171. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Follansbee PM10 Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan [WV061-6031a; FRL-7549-1] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4172. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of North Carolina [NC-112L-2003-1-FRL-7549-6] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4173. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule national Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products [OAR-2003-0116; FRL-7549-7] (RIN: 2060-AG56) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4174. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Site Remediation [OAR 2002-0021; FRL-7549-3] (RIN: 2060-AH12) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4175. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines [OAR-2002-0060; FRL-7754-2] (RIN: 2060-AG67) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4176. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing [Docket No. OAR 2003-0178; FRL-7554-3] (RIN: 2060-AK59) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4177. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final

rule—National Emission Standards for Hazardous Air Pollutants: Chlorine and Hydrochloric Acid Emissions from Chlorine Production [OAR-2002-0016; FRL-7554-6] (RIN: 2060-AK38) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4178. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants [OAR-2002-0017; FRL-7551-5] (RIN: 2060-AE85) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4179. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Emergency Planning and Community Right-to-Know Act; Extremely Hazardous Substances List; Modification of Threshold Planning Quantity for Isophorone Diisocyanate [FRL-7554-9] (RIN: 2050-AE43) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4180. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [OAR-2002-0034; FRL-7554-5] (RIN: 2060-AE43) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4181. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products [OAR-2002-0074; FRL-7554-4] (RIN: 2060-AG57) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4182. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Phaseout of Chlorobromomethane Production and Consumption [FRL-7553-3] (RIN: 2060-AJ27) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4183. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Nevada State Implementation Plan, Clark County Air Quality Management Board [NV 045-0070a; FRL-7547-9] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4184. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'')—received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4185. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with Colombia (Transmittal No. DTC 085-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4186. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Mexico (Transmittal No. DTC 086-03), pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

4187. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan (Transmittal No. DDTC 087-03), pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

4188. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Algeria and the United Kingdom (Transmittal No. DTC 078-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4189. A communication from the President of the United States, transmitting a report, covering three years, on the activities of the United States Government departments and agencies relating to the prevention of nuclear proliferation between January 1, 2000 and December 31, 2002, pursuant to 22 U.S.C. 3281; to the Committee on International Relations.

4190. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of naval vessels to certain foreign countries; to the Committee on International Relations.

4191. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Foreign Assets Control Regulations; Reporting and Procedures Regulations; Cuban Assets Control Regulations: Publication of Revised Civil Penalties Hearing Regulations—received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting ''Report on Adherence to and Compliance with Arms Control and Nonproliferation Agreements and Commitments,'' pursuant to 22 U.S.C. 2579; to the Committee on International Relations.

4193. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting notification of export of Items to Iraq in the National interest of the United States pursuant to section 1504 of the Emergency Wartime Supplemental Appropriation Act, 2003 (Transmittal No. DTC 02IZ-03); to the Committee on International Relations.

4194. A letter from the Senior Attorney, Department of the Treasury, transmitting the Department's final rule—Federal Government Participation in the Automated Clearing House (RIN: 1510-AA93) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4195. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program [VA-120-FOR] received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4196. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder in the Western Regulatory Area of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 081503A] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4197. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Collection of Claims Owed the United States (RIN: 1901-AA98) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4198. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act— received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4199. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Railroad Consolidation Procedures--Exemption for Temporary Trackage Rights [STB Ex Parte No. 282 (Sub-No. 20)] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4200. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; The Spine (RIN: 2900-AJ60) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4201. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-67) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4202. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Compensatory Stock Options Under Section 482 [TD 9088] (RIN: 1545-BA57) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4203. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Exclusions From Gross Income of Foreign Corporations [TD9087] (RIN: 1545-BA07) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4204. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Accounts received Under Accident and Health Plans (Rev. Rul. 2003-102) received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4205. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Limitation on Use of the Nonaccrual-Experience Method of Accounting Under Section 448(d)(5) [TD 9090] (RIN: 1545-BC31) received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶92.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1668. An Act to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the ''Ed Edmondson United States Courthouse''.

¶92.5 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 2595) to restore the operation of

the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2003.

The SPEAKER pro tempore, Mr. SHAW, recognized Mr. SMITH of New Jersey and Mr. EVANS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SHAW, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶92.6 HEALTH CARE FOR VETERANS OF PROJECT 112/PROJECT SHAD

Mr. SMITH of New Jersey moved to suspend the rules and pass the bill (H.R. 2433) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; as amended.

The SPEAKER pro tempore, Mr. SHAW, recognized Mr. SMITH of New Jersey and Mr. EVANS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SHAW, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing with health care for their illness without requirement for proof of service-connection, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶92.7 FEDERAL ANNUITY COMPUTATIONS FOR DISABILITY PAYMENTS

Mrs. Jo Ann DAVIS of Virginia moved to suspend the rules and pass the bill (H.R. 978) to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

The SPEAKER pro tempore, Mr. SHAW, recognized Mrs. Jo Ann DAVIS of Virginia and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SHAW, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶92.8 CONGRATULATING RAFAEL PALMEIRO

Ms. ROS-LEHTINEN moved to suspend the rules and agree to the following resolution (H. Res. 315):

Whereas Rafael Palmeiro hit the 500th home run of his career on May 11, 2003 at The Ballpark in Arlington, Texas, becoming only the 19th player in baseball history to accomplish such an achievement;

Whereas Rafael Palmeiro's achievement places him in the company of baseball's elite, including Hank Aaron, Babe Ruth, Mickey Mantle, and Ted Williams;

Whereas Rafael Palmeiro's power swing has been consistent over his 17 years in the major league and this consummate quiet professional is still going strong;

Whereas, with eight consecutive seasons with at least 38 home runs, Rafael Palmeiro has established himself as one of the game's great power hitters;

Whereas, in addition, Rafael Palmeiro has mastered the intricacies of playing his position, first base, becoming a four-time All Star and earning three consecutive Gold Gloves from 1997 to 1999;

Whereas, through dedication and hardwork, Rafael Palmeiro has become one of the superstars of baseball and a future Hall of Famer;

Whereas Rafael Palmeiro is the personification of hard work and determination, and is an inspiration for Cuban Americans, having fled Havana, Cuba with his family in 1971;

Whereas Rafael Palmeiro has become a role model for people of all ages, taking time to work with foster children at the Lena Pope Home in Ft. Worth, Texas, including raising more than $160,000 for supporting foster children and for encouraging foster parenting; and

Whereas, in addition to all of Rafael Palmeiro's other endeavors, he dedicates time to his wife Lynne and his two children, thirteen-year-old Patrick Ryne and eight-year-old Preston Connor: Now, therefore, be it

Resolved, That the House of Representatives congratulates Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanks him for being a role model for the Cuban American community, and all Americans, and for inspiring all Americans to persevere and work hard to achieve their dreams.

The SPEAKER pro tempore, Mr. SHAW, recognized Ms. ROS-LEHTINEN and Mrs. MALONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SHAW, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶92.9 CLEMSON UNIVERSITY TIGERS MEN'S GOLF TEAM

Mr. WILSON of South Carolina moved to suspend the rules and agree to the following resolution (H. Res. 266):

Whereas on Friday, May 30, 2003, the Clemson University Tigers men's golf team won the 2003 NCAA Division I Men's Golf Championship, the first National Championship for the Clemson men's golf team;

Whereas the Tigers finished the Championship with a four-round total of 1191 strokes, for 39 shots over par, beating the second place Oklahoma State University Cowboys by two strokes;

Whereas the Tigers won the National Championship on the home course of Oklahoma State University, one of the most decorated golf schools in the Nation;

Whereas the Clemson golf team was the first in NCAA history to win its conference championship, a NCAA regional title, and the National Championship in the same year;

Whereas the Tigers started the year and ended the year as the number one ranked team in the Nation;

Whereas the Tigers finished the season with a 128–8–3 record against opponents ranked in the top 25 teams in the country, which amounts to an incredible winning percentage of 93 percent, by far the best in the Nation and the best in Clemson history;

Whereas all of the Tigers players who participated in the NCAA Championship are native-born South Carolinians;

Whereas players D.J. Trahan, Jack Ferguson, and Matt Hendrix were honored as All-Americans for the 2002–03 season;

Whereas Head Coach Larry Penley won the Golf Coaches Association of America's Dave Williams Award as the National Coach of the Year;

Whereas the Clemson University men's golf team has displayed outstanding dedication, teamwork, and sportsmanship throughout the season in achieving collegiate golf's highest honor; and

Whereas the Tigers have brought pride and honor to the State of South Carolina: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Clemson University Tigers for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship;

(2) recognizes the achievements of all the team's players, coaches, and staff and invites them to the United States Capitol Building to be honored in an appropriate manner;

(3) requests that the President recognize the team's accomplishments and invite the

team to the White House for a ceremony in honor of their National Championship; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Clemson University for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I Men's Golf Championship team from Clemson University.

The SPEAKER pro tempore, Mr. SHAW, recognized Mr. WILSON of South Carolina and Mr. ANDREWS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DUNCAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶92.10 HIS HOLINESS THE FOURTEENTH DALAI LAMA

Mr. LEACH moved to suspend the rules and agree to the following resolution (H. Res. 359):

Whereas for over 40 years in exile, His Holiness the Fourteenth Dalai Lama has used his position and leadership to promote compassion and non-violence as a solution to not only the present crisis in Tibet, but to other long-running conflicts around the world;

Whereas the Dalai Lama was awarded the Nobel Peace Prize in 1989 in recognition of his efforts to seek a peaceful resolution to the situation in Tibet, and to promote non-violent methods for resolving conflict;

Whereas the Dalai Lama has been a strong voice for the basic human rights of all peoples, particularly freedom of religion;

Whereas the Dalai Lama has personally promoted democratic self-government for Tibetans in exile as a model for securing freedom for all Tibet, including relinquishing his political positions and turning these authorities over to elected Tibetan representatives;

Whereas the Dalai Lama seeks a solution for Tibet that provides genuine autonomy for the Tibetan people and does not call for independence and separation from the People's Republic of China;

Whereas the envoys of the Dalai Lama have traveled to China and Tibet twice in the past year to begin discussions with Chinese authorities on a permanent negotiated settlement of the Tibet issue;

Whereas the successful advancement of these discussions is in the strong interest of both the Chinese and Tibetan people; and

Whereas it is the policy of the United States to support substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the visit of the Dalai Lama to the United States in September 2003 is warmly welcomed;

(2) the Dalai Lama should be recognized and congratulated for his consistent efforts to promote dialogue to peacefully resolve the Tibet issue and to increase the religious and cultural autonomy of the Tibetan people; and

(3) all parties to the current discussions should be encouraged by the Government of the United States to deepen these contacts in order to achieve the aspirations of the people of Tibet for genuine autonomy and basic human rights.

The SPEAKER pro tempore, Mr. DUNCAN, recognized Mr. LEACH and Mr. LANTOS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DUNCAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LANTOS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DUNCAN, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶92.11 HOMELAND SECURITY APPROPRIATIONS FY 2004

On motion of Mr. ROGERS of Kentucky, by unanimous consent, the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. ROGERS of Kentucky, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶92.12 MOTION TO INSTRUCT CONFEREES—H.R. 2555

Mr. SABO moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 2555, be instructed to insist on inclusion of the highest possible level of funding for each homeland security, preparedness and disaster response program within Titles II, III and IV and on inclusion of House General Provision 521.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion to instruct?

The SPEAKER pro tempore, Mr. SWEENEY, announced that the yeas had it.

Mr. SABO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶92.13 PROVIDING FOR THE CONSIDERATION OF H.R. 2622

Mr. SESSIONS, by direction of the Committee on Rules, called up the following resolution (H. Res. 360):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. SESSIONS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶92.14 H. RES. 359—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 359) welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶92.15 [Roll No. 492]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Davis (IL)
Davis, Jo Ann
Emerson
Gephardt
Hoekstra
Istook
Janklow
Keller
Rangel
Reyes
Udall (CO)
Watson
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, was agreed to was, by unanimous consent, laid on the table.

¶92.16 MOTION TO INSTRUCT CONFEREES ON H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the motion, by Mr. RUPPERSBURG, to instruct conferees on the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 206 / Nays 213

¶92.17 [Roll No. 493]

YEAS—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—213

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Everett
Feeney
Ferguson
Flake
Fletcher
Foley

Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Ballenger
Davis (IL)
Davis, Jo Ann
Emerson
English
Gephardt
Green (WI)
Hoekstra
Houghton
Janklow
Keller
Rangel
Reyes
Udall (CO)
Woolsey

So, the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby the motion was not agreed to was, by unanimous consent, laid on the table.

¶92.18 MOTION TO INSTRUCT CONFEREES ON H.R. 2555—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the motion, by Mr. SABO, to instruct conferees on the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 347 / Nays 74

¶92.19 [Roll No. 494]

YEAS—347

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dunn
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)

NAYS—74

Aderholt
Akin
Baird
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Cannon
Carter
Chocola
Collins
Crane
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeMint
Dreier
Duncan
Ehlers
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Gutknecht
Isakson
Johnson (IL)
Johnson, Sam
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Linder
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Ney
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Petri
Pitts
Radanovich
Regula
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Sullivan
Terry
Thornberry
Tiahrt
Toomey
Weldon (FL)
Wilson (SC)
Young (FL)

NOT VOTING—13

Davis (IL)
Davis, Jo Ann
Emerson
Gephardt
Hoekstra
Houghton
Janklow
Keller
Kleczka
Rangel
Reyes
Udall (CO)
Woolsey

So, the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby the motion was agreed to was, by unanimous consent, laid on the table.

¶92.20 APPOINTMENT OF CONFEREES—H.R. 2555

Therefore, the SPEAKER pro tempore, Mr. SWEENEY, by unanimous consent, appointed the following Members as managers on the part of the House at said conference: Messrs ROGERS of Kentucky, YOUNG of Florida, WOLF, WAMP, and LATHAM, Mrs. EMERSON, Ms. GRANGER, Messrs. SWEENEY, SHERWOOD, SABO, PRICE of North Carolina, SERRANO, Ms. ROYBAL-ALLARD, and Messrs. BERRY, MOLLOHAN, and OBEY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶92.21 FAIR AND ACCURATE CREDIT TRANSACTIONS

The SPEAKER pro tempore, Mr. SWEENEY, pursuant to House Resolution 360 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes.

The SPEAKER pro tempore, Mr. SWEENEY, by unanimous consent, designated Mr. SIMPSON as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. QUINN assumed the Chair; and after some time spent therein,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. ISAKSON, assumed the Chair.

¶92.22 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶92.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4 submitted by Mr. SANDERS:

Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 507. LIMITATION ON USE OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604(d) of the Fair Credit Reporting Act (15 U.S.C. 1681b(d)) is amended to read as follows:

''(d) LIMITATION ON USE OF CONSUMER REPORT.—No credit card issuer may use any negative information contained in a consumer report to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for reasons other than actions or omissions of the card holder that are directly related to such account or a late payment of 60 days or more on any another credit card or debt.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a)(3)(F)(ii) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(3)(F)(ii)) is amended by inserting ''subject to subsection (d),'' before ''to review''.

It was decided in the negative ..... { Yeas ..... 142; Nays ..... 272; Answered present 1

¶92.24 [Roll No. 495]

AYES—142

Abercrombie
Ackerman
Aderholt
Bachus
Baldwin
Ballance
Barton (TX)
Becerra
Bereuter
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Conyers
Cooper
Costello
Cubin
Cummings
Davis (AL)
Davis (CA)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Honda
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Matsui
McCarthy (MO)
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Rahall
Reyes
Rodriguez
Rogers (AL)
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Solis
Stark
Strickland
Taylor (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wu

NOES—272

Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Ehlers
Emanuel
Engel
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Larsen (WA)
Latham
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Velazquez
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—19

Burton (IN)
Davis (IL)
Emerson
Gephardt
Hayworth
Hoekstra
Holt
Janklow
Linder
Lipinski
Markey
McDermott
McKeon
Pelosi
Pence
Rangel
Thompson (MS)
Udall (CO)
Woolsey

So the amendment was not agreed to.

¶92.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, submitted by Mr. KANJORSKI:

Page 7, strike line 13 and all that follows through line 24 and insert the following (and conform the table of contents accordingly):

SEC. 101. 9-YEAR EXTENSION OF UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS.

Paragraph (2) of section 624(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

''(2) shall not apply after December 31, 2012.''.

It was decided in the negative ..... { Yeas ..... 112; Nays ..... 310; Answered present 1

¶92.26 [Roll No. 496]

AYES—112

Abercrombie
Ackerman
Baca
Baldwin
Barton (TX)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Capps
Capuano
Cardin
Conyers
Cummings
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Grijalva
Harman
Hastings (FL)
Hefley
Hinojosa
Hoeffel
Holden
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Millender-McDonald
Miller, George
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Price (NC)
Radanovich
Rahall
Rodriguez
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Sherman
Slaughter
Solis
Stark
Stupak
Taylor (MS)
Thompson (CA)
Tierney
Udall (NM)
Van Hollen
Velazquez

Visclosky
Waters
Watson
Watt
Waxman
Weiner

NOES—310

Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Evans
Everett
Feeney
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hobson
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—11

Davis (IL)
Emerson
Gephardt
Hoekstra
Janklow
Lipinski
Pelosi
Pence
Rangel
Udall (CO)
Woolsey

So the amendment was not agreed to.

¶92.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, submitted by Mr. FRANK of Massachusetts:

Page 44, strike lines 9 and 10 and insert ''Section 612 of the''.

Page 44, beginning on line 14, strike ''described in section 603(p)'' and insert ''that compiles and maintains files on consumers on a nationwide or regional basis''.

Page 44, strike line 18 and all that follows through line 22.

It was decided in the affirmative ..... { Yeas ..... 235; Nays ..... 186; Answered present 1

¶92.28 [Roll No. 497]

AYES—235

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Barton (TX)
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Buyer
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Putnam
Quinn
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wicker
Wu
Wynn

NOES—186

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Collins
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shays
Sherwood
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tancredo
Tauzin
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—12

Cox
Davis (IL)
Emerson
Gephardt
Hoekstra
Janklow

Lipinski	Pence	Udall (CO)
Pelosi	Rangel	Woolsey

So the amendment was agreed to.

¶92.29 RECORDED VOTE

A recorded vote was ordered in the Committee of the Whole on the following amendment numbered 12, submitted by Mr. NEY:

Page 56, after line 16, insert the following new subsection:

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 624(b) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3)) (as amended by section 204(b) of this Act) is amended—

(1) by striking ''or'' at the end of paragraph (2); and

(2) by striking paragraph (3) and inserting the following new paragraphs:

''(3) with respect to the form and content of any disclosure required to be made under subsection (c), (d), (e), or (f) of section 609, except that this paragraph shall not apply—

''(A) with respect to sections 1785.10, 1785.16 and 1785.20.2 of the California Civil Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003) and section 1785.15 through section 1785.15.2 of such Code (as in effect on such date) and

''(B) with respect to section 12-14.3-104.3 of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

''(4) with respect to the frequency of any disclosure under section 612(e), except that this paragraph shall not apply—

''(A) with respect to section 12-14.3-105(1)(d) of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(B) with respect to section 10-1-393(29)(C) of the Georgia Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(C) with respect to section 1316.2-B of title 10 of the Maine Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(D) with respect to sections 14-1209(a)(1) and 14-1209(b)(1)(i) of the Commercial Law Article of the Code of Maryland (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(E) with respect to section 59(d) and section 59(e) of chapter 93 of the General Laws of Massachusetts (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(F) with respect to section 56:11-37.10(a)(1) of the New Jersey Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

''(G) with respect to section 2480c(a)(1) of the Vermont Statutes Annotated (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003).''.

It was decided in the affirmative ..... { Yeas ..... 233; Nays ..... 189; Answered present 1

¶92.30 [Roll No. 498]

AYES—233

Abercrombie	Bereuter	Boozman
Aderholt	Biggert	Boswell
Akin	Bilirakis	Boucher
Allen	Bishop (UT)	Bradley (NH)
Bachus	Blackburn	Brady (TX)
Baker	Blunt	Brown (SC)
Ballenger	Boehlert	Brown-Waite, Ginny
Barrett (SC)	Boehner	Burgess
Bartlett (MD)	Bonilla	Burns
Bass	Bonner	Burr
Beauprez	Bono	
Burton (IN)	Hensarling	Porter
Buyer	Herger	Portman
Calvert	Hobson	Pryce (OH)
Cannon	Holden	Putnam
Cantor	Hostettler	Quinn
Capito	Houghton	Radanovich
Carter	Hulshof	Rahall
Case	Hunter	Ramstad
Castle	Hyde	Regula
Chabot	Isakson	Rehberg
Chocola	Issa	Renzi
Coble	Istook	Reynolds
Cole	Jenkins	Rogers (AL)
Collins	Johnson (CT)	Rogers (KY)
Cooper	Johnson (IL)	Rogers (MI)
Cox	Johnson, Sam	Rohrabacher
Cramer	Jones (NC)	Ros-Lehtinen
Crane	Keller	Royce
Crenshaw	Kelly	Ryan (WI)
Cubin	Kennedy (MN)	Ryun (KS)
Culberson	King (IA)	Sandlin
Cunningham	King (NY)	Saxton
Davis (AL)	Kirk	Schrock
Davis (TN)	Kline	Scott (GA)
Davis, Jo Ann	Knollenberg	Sensenbrenner
Davis, Tom	Kolbe	Sessions
Deal (GA)	LaHood	Shadegg
DeLay	Latham	Shaw
DeMint	Leach	Shays
Diaz-Balart, L.	Lewis (CA)	Sherwood
Diaz-Balart, M.	Lewis (KY)	Shimkus
Dicks	Linder	Shuster
Doolittle	LoBiondo	Simmons
Dreier	Lucas (KY)	Simpson
Dunn	Lucas (OK)	Smith (MI)
Edwards	Manzullo	Smith (NJ)
Ehlers	Marshall	Smith (TX)
English	McCotter	Souder
Etheridge	McCrery	Stearns
Everett	McHugh	Stenholm
Feeney	McInnis	Strickland
Ferguson	McKeon	Sullivan
Fletcher	Mica	Sweeney
Foley	Michaud	Tanner
Forbes	Miller (MI)	Tauzin
Ford	Miller, Gary	Taylor (MS)
Fossella	Mollohan	Taylor (NC)
Gallegly	Moran (KS)	Terry
Garrett (NJ)	Moran (VA)	Thomas
Gerlach	Murphy	Thornberry
Gibbons	Nethercutt	Tiahrt
Gilchrest	Neugebauer	Tiberi
Gillmor	Ney	Toomey
Gingrey	Northup	Turner (OH)
Gordon	Nunes	Upton
Goss	Nussle	Vitter
Granger	Osborne	Walden (OR)
Graves	Ose	Walsh
Green (WI)	Oxley	Weldon (PA)
Greenwood	Pearce	Weller
Gutknecht	Peterson (PA)	Whitfield
Harman	Petri	Wicker
Harris	Pickering	Wilson (NM)
Hart	Pitts	Wilson (SC)
Hastings (WA)	Platts	Wolf
Hayes	Pombo	Young (AK)
Hayworth	Pomeroy	Young (FL)

NOES—189

Ackerman	Crowley	Gutierrez
Alexander	Cummings	Hall
Andrews	Davis (CA)	Hastings (FL)
Baca	Davis (FL)	Hefley
Baird	DeFazio	Hill
Baldwin	DeGette	Hinchey
Ballance	Delahunt	Hinojosa
Barton (TX)	DeLauro	Hoeffel
Becerra	Deutsch	Holt
Bell	Dingell	Honda
Berkley	Doggett	Hooley (OR)
Berman	Dooley (CA)	Hoyer
Berry	Doyle	Inslee
Bishop (GA)	Duncan	Israel
Bishop (NY)	Emanuel	Jackson (IL)
Blumenauer	Engel	Jackson-Lee (TX)
Boyd	Eshoo	Jefferson
Brady (PA)	Evans	John
Brown (OH)	Farr	Johnson, E. B.
Brown, Corrine	Fattah	Jones (OH)
Camp	Filner	Kanjorski
Capps	Flake	Kaptur
Capuano	Frank (MA)	Kennedy (RI)
Cardin	Franks (AZ)	Kildee
Cardoza	Frelinghuysen	Kilpatrick
Carson (IN)	Frost	Kind
Carson (OK)	Gonzalez	Kingston
Clay	Goode	Kleczka
Clyburn	Goodlatte	Kucinich
Conyers	Green (TX)	Lampson
Costello	Grijalva	
Langevin	Murtha	Schiff
Lantos	Musgrave	Scott (VA)
Larsen (WA)	Myrick	Serrano
Larson (CT)	Nadler	Sherman
LaTourette	Napolitano	Skelton
Lee	Neal (MA)	Slaughter
Levin	Norwood	Smith (WA)
Lewis (GA)	Oberstar	Snyder
Lofgren	Obey	Solis
Lowey	Olver	Spratt
Lynch	Ortiz	Stark
Majette	Otter	Stupak
Maloney	Owens	Tancredo
Markey	Pallone	Tauscher
Matheson	Pascrell	Thompson (CA)
Matsui	Pastor	Thompson (MS)
McCarthy (MO)	Paul	Tierney
McCarthy (NY)	Payne	Towns
McCollum	Peterson (MN)	Turner (TX)
McDermott	Price (NC)	Udall (NM)
McGovern	Reyes	Van Hollen
McIntyre	Rodriguez	Velazquez
McNulty	Ross	Visclosky
Meehan	Rothman	Wamp
Meek (FL)	Roybal-Allard	Waters
Meeks (NY)	Rush	Watson
Menendez	Ryan (OH)	Watt
Millender-McDonald	Sabo	Waxman
Miller (FL)	Sanchez, Linda T.	Weiner
Miller (NC)	Sanchez, Loretta	Weldon (FL)
Miller, George	Sanders	Wexler
Moore	Schakowsky	Wu
		Wynn

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—11

Davis (IL)	Janklow	Rangel
Emerson	Lipinski	Udall (CO)
Gephardt	Pelosi	Woolsey
Hoekstra	Pence	

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. HASTINGS of Washington, assumed the Chair.

When Mr. CULBERSON, Acting Chairman, pursuant to House Resolution 360, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fair and Accurate Credit Transactions Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents for this Act are as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Effective dates.

TITLE I—UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS

Sec. 101. Uniform national consumer protection standards made permanent.

TITLE II—IDENTITY THEFT PREVENTION

Sec. 201. Investigating changes of address and inactive accounts.
Sec. 202. Fraud alerts.
Sec. 203. Truncation of credit card and debit card account numbers.
Sec. 204. Summary of rights of identity theft victims.
Sec. 205. Blocking of information resulting from identity theft.
Sec. 206. Establishment of procedures for depository institutions to identify possible instances of identity theft.

Sec. 207. Study on the use of technology to combat identity theft.

TITLE III—IMPROVING RESOLUTION OF CONSUMER DISPUTES

Sec. 301. Coordination of consumer complaint investigations.
Sec. 302. Notice of dispute through reseller.
Sec. 303. Reasonable investigation required.
Sec. 304. Duties of furnishers of information.
Sec. 305. Prompt investigation of disputed consumer information.

TITLE IV—IMPROVING ACCURACY OF CONSUMER RECORDS

Sec. 401. Reconciling addresses.
Sec. 402. Prevention of repollution of consumer reports.
Sec. 403. Notice by users with respect to fraudulent information.
Sec. 404. Disclosure to consumers of contact information for users and furnishers of information in consumer reports.
Sec. 405. FTC study of the accuracy of consumer reports.

TITLE V—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION

Sec. 501. Free reports annually.
Sec. 502. Disclosure of credit scores.
Sec. 503. Simpler and easier method for consumers to use notification system.
Sec. 504. Requirement to disclose communications to a consumer reporting agency.
Sec. 505. Study of effects of credit scores and credit-based insurance scores on availability and affordability of financial products.
Sec. 506. GAO study on disparate impact of credit system.
Sec. 507. Analysis of further restrictions on offers of credit or insurance.
Sec. 508. Study on the need and the means for improving financial literacy among consumers.
Sec. 509. Disclosure of increase in APR under certain circumstances.

TITLE VI—PROTECTING EMPLOYEE MISCONDUCT INVESTIGATIONS

Sec. 601. Certain employee investigation communications excluded from definition of consumer report.

TITLE VII—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

Sec. 701. Protection of medical information in the financial system.
Sec. 702. Confidentiality of medical information in credit reports.

SEC. 2. DEFINITIONS.

Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsections:

''(r) RESELLER.—The term 'reseller' means a consumer reporting agency that—

''(1) assembles and merges information contained in the database of another consumer reporting agency or multiple consumer reporting agencies concerning any consumer for purposes of furnishing such information to any third party, to the extent of such activities; and

''(2) does not maintain a database of the assembled or merged information from which new consumer reports are produced.

''(s) OTHER DEFINITIONS.—

''(1) BOARD; CREDIT; CREDITOR; CREDIT CARD.—The terms 'Board', 'credit', 'creditor', and 'credit card' have the same meanings as in section 103 of the Truth in Lending Act.

''(2) COMMISSION.—The term 'Commission' means the Federal Trade Commission.

''(3) DEBIT CARD.—The term 'debit card' means any card issued by a financial institution to a consumer for use in initiating electronic fund transfers (as defined in section 903(6) of the Electronic Fund Transfer Act) from the account (as defined in such Act) of the consumer at such financial institution for the purpose of transferring money between accounts or obtaining money, property, labor, or services.

''(4) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer' has the same meaning as in section 903 of the Electronic Fund Transfer Act.

''(5) FEDERAL BANKING AGENCY.—The term 'Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

''(6) IDENTITY THEFT.—The term 'identity theft' means a fraud committed using another person's identifying information, subject to such further definition as the Commission and the Board may prescribe, jointly, by regulation.

''(7) POLICE REPORT.—The term 'police report' means a copy of any official valid report filed by a consumer with any appropriate Federal, State, or local government law enforcement agency, or any comparable official government document that the Board and the Commission shall jointly prescribe in regulations, that is subject to a criminal penalty for false statements.''.

SEC. 3. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)—

(1) before the end of the 2-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System and the Federal Trade Commission shall jointly prescribe regulations in final form establishing effective dates for each provision of this Act (except as otherwise specified); and

(2) the regulations prescribed under paragraph (1) shall establish effective dates that are as early as possible while allowing a reasonable time for the implementation of the provisions of this Act, but in no case shall the effective date be later than 10 months after the date of issuance of such regulations in final form.

(b) IMMEDIATE EFFECTIVE DATE.—The following provisions shall take effect on the date of the enactment of this Act:

(1) Title I.

(2) Section 201.

(3) Section 609(d)(1) of the Fair Credit Reporting Act (as added by the amendment in section 204(a)).

(4) Section 305.

(5) Section 505.

(6) Section 506.

(7) Title VI.

(c) EFFECTIVE DATE FOR PROTECTION OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM.—Section 701 shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act, except that paragraph (2) of section 604(g) of the Fair Credit Reporting Act (as added by section 701) shall take effect on the later of—

(1) the end of the 90-day period beginning on the date the regulations required under paragraph (5)(B) of such section 604(g) (as added by section 701) are prescribed in final form; or

(2) the date specified in the regulations referred to in paragraph (1).

(d) CRITERIA FOR ORDERLY IMPLEMENTATION OF FREE ANNUAL CREDIT REPORT PROVISION.—

(1) IN GENERAL.—In developing the regulations and effective dates under subsection (a) (and subject to the time limits in paragraph (2) and subsection (a)), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall provide a systematic approach for implementing the amendment made by section 501 that allows for an orderly transition to the consumer report distribution system required by the amendment in a manner that—

(A) does not temporarily overwhelm consumer reporting agencies with requests for disclosures of consumer reports beyond their capacity to deliver; and

(B) does not deny creditors, other users, and consumers access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft, during the transition period.

(2) PROHIBITION ON EXTENSION OF EFFECTIVE DATE.—

(A) ONE-TIME AUTHORIZATION.—The Federal Trade Commission and the Board of Governors of the Federal Reserve System may exercise the authority provided under paragraph (1) only once during the 2-month period referred to in subsection (a)(1).

(B) EXTENSION OF EFFECTIVE DATE PROHIBITED.—No provision of this subsection shall be construed as extending, or authorizing the Federal Trade Commission or the Board of Governors of the Federal Reserve System to extend, the 2-month period referred to in subsection (a)(1) or the 10-month period referred to in subsection (a)(2) relating to the requirements imposed on consumer reporting agencies by the amendment made by section 501.

TITLE I—UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS

SEC. 101. UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS MADE PERMANENT.

Section 624(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)) is amended—

(1) by striking ''Subsections (b) and (c)'' and all that follows through ''do not affect any settlement,'' and inserting ''Subsections (b) and (c) do not affect any settlement,''; and

(2) by striking ''Consumer Credit Reporting Reform Act of 1996'' and all that follows through the period at the end of paragraph (2) and inserting ''Consumer Credit Reporting Reform Act of 1996.''.

TITLE II—IDENTITY THEFT PREVENTION

SEC. 201. INVESTIGATING CHANGES OF ADDRESS AND INACTIVE ACCOUNTS.

(a) IN GENERAL.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (f), the following new subsection:

''(g) 'RED FLAG' PATTERNS OF POSSIBLE IDENTITY THEFT.—

''(1) INVESTIGATION OF CHANGES OF ADDRESS.—The Federal banking agencies and the National Credit Union Administration, in carrying out the responsibilities of such agencies and Administration under subsection (k), shall jointly prescribe regulations for credit card and debit card issuers to ensure that, if any such issuer receives a request for an additional or replacement card for an existing account within a short period of time after the issuer has received notification of a change of address for the same account, the issuer will follow reasonable policies and procedures that require, as appropriate, that the issuer not issue the additional or replacement card unless the issuer—

''(A) notifies the cardholder of the request at the former address of the cardholder and provides to the cardholder a means of promptly reporting incorrect address changes;

''(B) notifies the cardholder of the request by such other means of communication as the cardholder and the card issuer previously agreed to; or

''(C) uses other means of assessing the validity of the change of address, in accordance with reasonable policies and procedures established by the card issuer in accordance with the regulations prescribed under subsection (k).

''(2) INACTIVE ACCOUNTS.—The Federal banking agencies and the National Credit Union Administration, in carrying out the responsibilities of such agencies and Administration under subsection (k), shall consider including, as a possible 'red flag' pattern, reasonable guidelines providing that when a transaction occurs with respect to a credit or deposit account that has been inactive for more than 2 years, the creditor or depository institution shall follow reasonable policies and procedures that provide for notice to be given to a consumer in a manner reasonably designed to reduce the likelihood of identity theft with respect to such account.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading for section 605 of the Fair Credit Reporting Act is amended to read as follows:

''§ 605. Requirements relating to information contained in consumer reports and to identity theft prevention''.

(2) The table of sections for title VI of the Consumer Credit Protection Act is amended by striking the item relating to section 605 and inserting the following new item:

''605. Requirements relating to information contained in consumer reports and to identity theft prevention.''.

(3) Section 624(b)(1)(E) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(1)(E)) is amended by inserting ''(and to specific identity theft prevention subjects covered)'' after ''consumer reports''.

SEC. 202. FRAUD ALERTS.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following new subsection:

''(i) ONE-CALL FRAUD ALERTS.—

''(1) INITIAL ALERTS.—Upon the direct request of a consumer, or an individual acting on behalf of or as a personal representative of a consumer, who asserts, in good faith, a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, a consumer reporting agency described in section 603(p) shall, if the agency maintains a file on the consumer who is making the request and has a reasonable belief that the agency knows the identity of the consumer—

''(A) include a fraud alert in the file of that consumer for a period of not less than 90 days beginning on the date of such request, unless the consumer specifically requests that such fraud alert be removed before the end of such period;

''(B) disclose to the consumer that the consumer may request a free copy of the file of the consumer and provide the consumer, upon request, a free disclosure of the consumer's file (as described in section 609(a)) within 3 business days after such request;

''(C) for 2 years after the date of such request, exclude the consumer from any list of consumers prepared by the agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer subsequently requests that such exclusion be rescinded before the end of such period; and

''(D) refer the information regarding the fraud alert to each of the other consumer reporting agencies described in section 603(p), as required under section 621(f)(1).

''(2) EXTENDED ALERTS.—Upon the direct request of a consumer, or an individual acting on behalf of or as a personal representative of a consumer, who contacts a consumer reporting agency described in section 603(p) to report details of an identity theft and submits evidence that provides the agency with reasonable cause to believe that such identity theft has occurred, the agency shall, if the agency maintains a file on the consumer who is making the request and has a reasonable belief that the agency knows the identity of the consumer—

''(A) include a fraud alert in the file of that consumer and provide an opportunity for the consumer to extend the alert for a period of up to 7 years from the date of such request, unless the consumer subsequently requests that such fraud alert be removed before the end of such period;

''(B) provide the consumer with the option of including more complete information in the consumer's file, including a telephone number or some other reasonable means of communication that any person who requests the consumer's report may utilize for authorization before establishing a new credit plan in the name of the consumer; and

''(C) provide the consumer with at least 2 free disclosures of the information described in section 609(a) during the 12-month period beginning on the date of such request.

''(3) ACTIVE DUTY ALERTS.—Upon the direct request of an active duty military consumer, or an individual acting on behalf of or as a personal representative of an active duty military consumer, who contacts a consumer reporting agency described in section 603(p), the agency shall, if the agency maintains a file on the consumer who is making the request and has a reasonable belief that the agency knows the identity of the consumer—

''(A) include an active duty alert in the file of that consumer during a period of not less than 12 months beginning on the date of the request, unless the consumer requests that such active duty alert be removed before the end of such period;

''(B) for 2 years after the date of such request, exclude the consumer from any list of consumers prepared by the agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer subsequently requests that such exclusion be rescinded before the end of such period; and

''(C) refer the information regarding the active duty alert to each of the other consumer reporting agencies described in section 603(p), as required under section 621(f)(1).

''(4) PROCEDURES.—Each consumer reporting agency described in section 603(p) shall establish policies and procedures to comply with the obligations of paragraphs (1), (2), and (3), including procedures that allow consumers to request initial, extended, or active duty alerts in a simple and easy manner, including by telephone.

''(5) NOTICE TO USERS.—No person who obtains any information that includes a fraud alert under this section from a file of any consumer from a consumer reporting agency may establish a new credit plan in the name of the consumer for a person other than the consumer without utilizing reasonable policies and procedures described in paragraph (9).

''(6) REFERRALS OF FRAUD ALERTS.—Each consumer reporting agency described in section 603(p) that receives a referral of a fraud alert from another such agency pursuant to paragraph (1)(D) or (3)(C) shall follow the procedures required under subparagraphs (A), (B), and (C) of paragraph (1), in the case of a referral under paragraph (1)(D), and subparagraphs (A) and (B), in the case of a referral under paragraph (3)(C), as if the agency received the request from the consumer directly.

''(7) DUTY OF RESELLER TO RECONVEY ALERT.—A reseller that is notified of the existence of a fraud alert in a consumer's consumer report shall communicate to each person procuring a consumer report with respect to such consumer the existence of a fraud alert in effect for such consumer.

''(8) DUTY OF OTHER CONSUMER REPORTING AGENCIES TO PROVIDE CONTACT INFORMATION.—If a consumer contacts any consumer reporting agency that is not a consumer reporting agency described in section 603(p) to communicate a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, the agency shall provide the consumer with information on how to contact the Commission and the consumer reporting agencies described in section 603(p) to obtain more detailed information and request alerts under this subsection.

''(9) FRAUD ALERT.—

''(A) DEFINITION.—For purposes of this subsection, the term 'fraud alert' means, at a minimum, a statement—

''(i) in the file of a consumer that the consumer may be a victim of fraud, including identity theft, or is a consumer described in paragraph (3); and

''(ii) that is transmitted in a manner that facilitates a clear and conspicuous view of the statement by any person requesting such file.

''(B) OTHER INFORMATION.—A fraud alert shall include information that notifies all prospective users of a consumer report on the consumer to which the alert relates that the consumer does not authorize establishing any new credit plan in the name of the consumer, unless the user utilizes reasonable policies and procedures to form a reasonable belief that the user knows the identity of the person for whom such new plan is established, which may include obtaining authorization or preauthorization of the consumer at a telephone number designated by the consumer or by such other reasonable means agreed to.

''(10) OTHER DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) ACTIVE DUTY MILITARY CONSUMER.—The term 'active duty military consumer' means a consumer in military service who—

''(i) is on active duty (as defined in section 101(d)(1) of title 10, United States Code) or is a reservist performing duty under a call or order to active duty under a provision of law referred to in section 101(a)(13) of title 10, United States Code; and

''(ii) is assigned to service away from the consumer's usual duty station.

''(B) NEW CREDIT PLAN.—The term 'new credit plan' means a new account under an open end credit plan (as defined in section 103(i) of this Act) or a new credit transaction not under an open end credit plan.''.

SEC. 203. TRUNCATION OF CREDIT CARD AND DEBIT CARD ACCOUNT NUMBERS.

(a) IN GENERAL.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (k) (as added by section 206 of this title) the following new subsection:

''(1) TRUNCATION OF CREDIT CARD AND DEBIT CARD ACCOUNT NUMBERS.—

''(1) IN GENERAL.—Except as provided in this subsection, no person that accepts credit cards or debit cards for the transaction of business shall print the expiration date or more than the last 5 digits of the card number upon any receipt provided to the cardholder at the point of the sale or transaction.

''(2) LIMITATION.—This section shall apply only to receipts that are electronically printed, and shall not apply to transactions in which the sole means of recording the person's credit card or debit card number is by handwriting or by an imprint or copy of the card.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply after the end of—

(1) the 3-year period beginning on the date of the enactment of this Act, with respect to

any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions that is in use before January 1, 2005; and

(2) the 1-year period beginning on the date of the enactment of this Act, with respect to any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions that is first put into use on or after January 1, 2005.

SEC. 204. SUMMARY OF RIGHTS OF IDENTITY THEFT VICTIMS.

(a) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

''(d) SUMMARY OF RIGHTS OF IDENTITY THEFT VICTIMS.—

''(1) IN GENERAL.—The Commission, in consultation with the Federal banking agencies and the National Credit Union Administration, shall prepare a model summary of the rights of consumers under this title with respect to the procedures for remedying the effects of fraud or identity theft involving credit, electronic fund transfers, or accounts or transactions at or with a financial institution.

''(2) SUMMARY OF RIGHTS AND CONTACT INFORMATION.—If any consumer contacts a consumer reporting agency and expresses a belief that the consumer is a victim of fraud or identity theft involving credit, electronic fund transfers, or accounts or transactions at or with a financial institution, the consumer reporting agency shall, in addition to any other action the agency may take, provide the consumer with a summary of rights, or other disclosure, that is the same as or substantially similar to the model summary of rights prepared by the Commission under paragraph (1) and information on how to contact the Commission to obtain more detailed information.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 624(b)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3)) is amended by striking ''section 609(c)'' and inserting ''subsection (c) or (d) of section 609''.

(c) EFFECTIVE DATE.—Paragraph (2) of section 609(d) of the Fair Credit Reporting Act (as added by subsection (a) of this section) shall apply after the end of the 60-day period beginning on the date the model summary of rights is prescribed in final form by the Federal Trade Commission pursuant to paragraph (1) of such section and in accordance with section 3(a) of this Act.

SEC. 205. BLOCKING OF INFORMATION RESULTING FROM IDENTITY THEFT.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (i) (as added by section 202 of this title) the following new subsection:

''(j) BLOCK OF INFORMATION RESULTING FROM IDENTITY THEFT.—

''(1) BLOCK.—Except as provided in paragraph (3), a consumer reporting agency shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft and confirms is not information relating to any transaction by the consumer not later than 5 business days after the date of receipt by such agency of—

''(A) appropriate proof of the identity of a consumer;

''(B) a police report evidencing the claim of the consumer of identity theft;

''(C) the identification of the information by the consumer; and

''(D) confirmation by the consumer that the information is not information relating to any transaction by the consumer.

''(2) NOTIFICATION.—A consumer reporting agency shall promptly notify the furnisher of information identified by the consumer under paragraph (1)—

''(A) that the information may be a result of identity theft;

''(B) that a police report has been filed;

''(C) that a block has been requested under this subsection; and

''(D) of the effective date of the block.

''(3) AUTHORITY TO DECLINE OR RESCIND.—

''(A) IN GENERAL.—A consumer reporting agency may decline to block, or may rescind any block, of consumer information under this subsection if the consumer reporting agency reasonably determines that—

''(i) the information was blocked in error or a block was requested by the consumer in error;

''(ii) the information was blocked, or a block was requested by the consumer, on the basis of a misrepresentation of fact by the consumer relevant to the request to block; or

''(iii) the consumer knowingly obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions, or the consumer should have known that the consumer obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions.

''(B) NOTIFICATION TO CONSUMER.—If the block of information is declined or rescinded under this paragraph, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under section 611(a)(5)(B).

''(C) SIGNIFICANCE OF BLOCK.—For purposes of this paragraph, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or monies as a result of the block.

''(4) EXCEPTIONS.—

''(A) VERIFICATION COMPANIES.—This subsection shall not apply to—

''(i) a check services company, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments; or

''(ii) a deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, automated teller machine abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

''(B) RESELLERS.—

''(i) NO RESELLER FILE.—This subsection shall not apply to a consumer reporting agency if the consumer reporting agency—

''(I) is a reseller;

''(II) is not, at the time of the request of the consumer under paragraph (1), otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

''(III) informs the consumer, by any means, that the consumer may report the identity theft to the Commission to obtain consumer information regarding identity theft.

''(ii) RESELLER WITH FILE.—The sole obligation of the consumer reporting agency under this subsection, with regard to any request of a consumer under this subsection, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use if—

''(I) the consumer, in accordance with the provisions of paragraph (1), identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft; and

''(II) the consumer reporting agency is a reseller of the identified information.

''(iii) NOTICE.—In carrying out its obligation under clause (ii), the reseller shall promptly provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.

''(5) ACCESS TO BLOCKED INFORMATION BY LAW ENFORCEMENT AGENCIES.—No provision of this subsection shall be construed as requiring a consumer reporting agency to prevent a Federal, State, or local law enforcement agency from accessing blocked information in a consumer file to which the agency could otherwise obtain access under this title.''.

SEC. 206. ESTABLISHMENT OF PROCEDURES FOR DEPOSITORY INSTITUTIONS TO IDENTIFY POSSIBLE INSTANCES OF IDENTITY THEFT.

(a) IN GENERAL.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (j) (as added by section 205 of this title) the following new subsection:

''(k) 'RED FLAG' GUIDELINES REQUIRED.—

''(1) IN GENERAL.—The Federal banking agencies and the National Credit Union Administration, in consultation with the Commission, shall jointly establish and maintain guidelines for use by insured depository institutions in identifying patterns, practices, and specific forms of activity that indicate the possible existence of identity theft with respect to accounts, and update such guidelines as often as necessary.

''(2) REGULATIONS.—The Federal banking agencies and the National Credit Union Administration, in consultation with the Commission, shall jointly prescribe regulations requiring insured depository institutions to establish and adhere to reasonable policies and procedures for implementing the guidelines established pursuant to paragraph (1) to identify possible risks to customer accounts or to the safety and soundness of the institutions.

''(3) CONSISTENCY WITH VERIFICATION REQUIREMENTS.—Policies and procedures established pursuant to paragraph (2) shall not be inconsistent with the policies and procedures required under section 5318(l) of title 31, United States Code.

''(4) INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this subsection, the term 'insured depository institution'—

''(A) has the meaning given to such term in section 3 of the Federal Deposit Insurance Act; and

''(B) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act.

SEC. 207. STUDY ON THE USE OF TECHNOLOGY TO COMBAT IDENTITY THEFT.

(a) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study of the use of biometrics and other similar technologies to reduce the incidence and costs of identity theft by providing convincing evidence of who actually performed a given financial transaction.

(b) CONSULTATION.—The Secretary of the Treasury shall consult with Federal banking agencies, the Federal Trade Commission, and representatives of financial institutions, consumer reporting agencies, Federal, State, and local government agencies that issue official forms or means of identification, State prosecutors, law enforcement agencies, the biometric industry, and the general public in formulating and conducting the study required by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Secretary of the Treasury for fiscal year 2004 such sums as may be necessary to carry out the provisions of this section.

(d) REPORT REQUIRED.—Before the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary shall submit a report to Congress containing the findings and conclusions of the study required under subsection (a), together with such recommendations for legislative or administrative actions as may be appropriate.

TITLE III—IMPROVING RESOLUTION OF CONSUMER DISPUTES

SEC. 301. COORDINATION OF CONSUMER COMPLAINT INVESTIGATIONS.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

''(f) COORDINATION OF CONSUMER COMPLAINT INVESTIGATIONS.—

''(1) IN GENERAL.—The consumer reporting agencies described in section 603(p) shall develop and maintain procedures for the referral, to each such agency, of any consumer complaint received by any such agency alleging any identity theft or requesting a block or a fraud alert.

''(2) MODEL FORM AND PROCEDURE FOR REPORTING IDENTITY THEFT.—The Commission, in consultation with the Federal banking agencies and the National Credit Union Administration, shall develop a model form and model procedures to be used by consumers who are victims of identity theft for contacting and informing creditors and consumer reporting agencies of the fraud.

''(3) ANNUAL SUMMARY REPORTS.—Each consumer reporting agency described in section 603(p) shall submit an annual summary report to the Commission on consumer complaints received by the agency on identity theft or fraud alerts.''.

SEC. 302. NOTICE OF DISPUTE THROUGH RESELLER.

(a) REQUIREMENT FOR REINVESTIGATION OF DISPUTED INFORMATION UPON NOTICE FROM A RESELLER.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)(1)(A)) is amended—

(1) in subparagraph (A) of paragraph (1)—

(A) by striking ''If the completeness'' and inserting ''Subject to subsection (e), if the completeness'';

(B) by inserting '', or indirectly through a reseller,'' after ''notifies the agency directly''; and

(C) by inserting ''or reseller'' before the period at the end of such subparagraph;

(2) in subparagraph (A) of paragraph (2)—

(A) by inserting ''or a reseller'' after ''dispute from any consumer''; and

(B) by inserting ''or reseller'' before the period at the end of such subparagraph; and

(3) in subparagraph (B) of paragraph (2), by inserting ''or the reseller'' after ''from the consumer''.

(b) REINVESTIGATION REQUIREMENT APPLICABLE TO RESELLERS.—Section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i) is amended by adding at the end the following new subsection:

''(e) REINVESTIGATION REQUIREMENT APPLICABLE TO RESELLERS.—

''(1) EXEMPTION FROM GENERAL REINVESTIGATION REQUIREMENT.—Except as provided in paragraph (2), a reseller shall be exempt from the requirements of this section.

''(2) ACTION REQUIRED UPON RECEIVING NOTICE OF A DISPUTE.—If a reseller receives a notice from a consumer of a dispute concerning the completeness or accuracy of any item of information contained in a consumer report on such consumer produced by the reseller, the reseller shall, within 5 business days of receiving the notice and free of charge—

''(A) determine whether the item of information is incomplete or inaccurate as a result of an act or omission of the reseller; and

''(B) if—

''(i) the reseller determines that the item of information is incomplete or inaccurate as a result of an act or omission of the reseller, correct the information in the consumer report or delete it; or

''(ii) if the reseller determines that the item of information is not incomplete or inaccurate as a result of an act or omission of the reseller, convey the notice of the dispute, together with all relevant information provided by the consumer, to each consumer reporting agency that provided the reseller with the information that is the subject of the dispute, using an address or a notification mechanism specified by the consumer reporting agency for such notices.

''(3) RESELLER REINVESTIGATIONS.—No provision of this subsection shall be construed as prohibiting a reseller from conducting a reinvestigation of a consumer dispute directly.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The heading for paragraph (2)(B) of section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)(2)(B)) is amended by striking ''FROM CONSUMER''.

SEC. 303. REASONABLE REINVESTIGATION REQUIRED.

Section 611(a)(1)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)(1)(A)) is amended by striking ''shall reinvestigate free of charge'' and inserting ''shall, free of charge, conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate''.

SEC. 304. DUTIES OF FURNISHERS OF INFORMATION.

(a) IN GENERAL.—Section 623(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)) is amended—

(1) in paragraph (1)(A), by striking ''knows or consciously avoids knowing that the information is inaccurate'' and inserting ''knows or has reasonable cause to believe that the information is inaccurate'';

(2) in paragraph (1)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A), the following new subparagraph:

''(B) REASONABLE PROCEDURES TO ENSURE ACCURACY.—A person that regularly furnishes information relating to consumers to a consumer reporting agency described in section 603(p) shall maintain reasonable procedures designed to ensure that the information furnished is accurate.''; and

(C) by adding at the end the following new subparagraph:

''(F) DEFINITION.—For purposes of subparagraph (A), the term 'reasonable cause to believe that the information is inaccurate' means, based on the procedures described in subparagraph (B), has knowledge, other than solely allegations by the consumer, that would cause a reasonable person to have substantial doubts about the accuracy of the information.''; and

(3) by adding at the end the following new paragraph:

''(6) ABILITY OF CONSUMER TO DISPUTE INFORMATION DIRECTLY WITH FURNISHER.—

''(A) IN GENERAL.—A consumer may dispute directly with a person the accuracy of information that—

''(i) is contained in a consumer report on the consumer prepared by a consumer reporting agency described in section 603(p); and

''(ii) was provided by the person to that consumer reporting agency in accordance with paragraph (1)(B).

''(B) SUBMITTING A NOTICE OF DISPUTE.—A consumer who seeks to dispute the accuracy of information with a person under subparagraph (A) shall provide a dispute notice directly to such person at the address specified by the person for such notices that—

''(i) identifies the specific information that is being disputed; and

''(ii) explains the basis for the dispute.

''(C) DUTY OF PERSON AFTER RECEIVING NOTICE OF DISPUTE.—After receiving a notice of dispute from a consumer pursuant to subparagraph (B), the person that provided the information in dispute to a consumer reporting agency referred to in subparagraph (A) shall—

''(i) conduct an investigation with respect to the disputed information;

''(ii) review all relevant information provided by the consumer with the notice;

''(iii) complete such person's investigation of the dispute and report the results of the investigation to the consumer before the expiration of the period under section 611(a)(1) within which a consumer reporting agency would be required to complete its action if the consumer had elected to dispute the information under that section; and

''(iv) if the investigation finds that the information reported was inaccurate, promptly notify each consumer reporting agency described in section 603(p) to which the person furnished the inaccurate information of that determination and provide to the agency any correction to that information that is necessary to make the information provided by the person accurate.

''(D) FRIVOLOUS OR IRRELEVANT DISPUTE.—

''(i) IN GENERAL.—The requirements of this paragraph shall not apply if the person receiving a notice of a dispute from a consumer reasonably determines that the dispute is frivolous or irrelevant, including—

''(I) by reason of the failure of a consumer to provide sufficient information to investigate the disputed information; or

''(II) the submission by a consumer of a dispute that is substantially the same as a dispute previously submitted by or for the consumer, either directly to the person under this paragraph or through a consumer reporting agency under subsection (b), with respect to which the person has already performed the person's duties under this paragraph or subsection (b), as applicable.

''(ii) NOTICE OF DETERMINATION.—Upon making any determination under clause (i) that a dispute is frivolous or irrelevant, the person shall notify the consumer of such determination not later than 5 business days after making such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the person.

''(iii) CONTENTS OF NOTICE.—A notice under clause (ii) shall include—

''(I) the reasons for the determination under clause (i); and

''(II) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 621(c)(5)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681s(c)(5)(A)) is amended by striking ''section 623(a)(1)'' and inserting ''paragraph (1) or (6) of section 623(a)''.

(2) The heading for section 621(c)(5) of the Fair Credit Reporting Act (15 U.S.C. 1681s(c)(5)) is amended by striking ''VIOLATION OF SECTION 623(a)(1)'' and inserting ''CERTAIN VIOLATIONS OF SECTION 623(a)''.

SEC. 305. PROMPT INVESTIGATION OF DISPUTED CONSUMER INFORMATION.

(a) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System and the Federal Trade Commission shall jointly study the extent to which, and the manner in

which, consumer reporting agencies and furnishers of consumer information to consumer reporting agencies are complying with the procedures, time lines, and requirements under the Fair Credit Reporting Act for the prompt investigation of the disputed accuracy of any consumer information, the completeness of the information provided to consumer reporting agencies, and the prompt correction or deletion, in accordance with such Act, of any inaccurate or incomplete information or information that cannot be verified.

(b) REPORT REQUIRED.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System and the Federal Trade Commission shall jointly submit a progress report to the Congress on the results of the study required under subsection (a).

(c) RECOMMENDATIONS.—The report under subsection (b) shall include such recommendations as the Board and the Commission jointly determine to be appropriate for legislative or administrative action to ensure that—

(1) consumer disputes with consumer reporting agencies over the accuracy or completeness of information in a consumer's file are promptly and fully investigated and any incorrect, incomplete, or unverifiable information is corrected or deleted immediately thereafter;

(2) furnishers of information to consumer reporting agencies maintain full and prompt compliance with the duties and responsibilities established under section 623 of the Fair Credit Reporting Act; and

(3) consumer reporting agencies establish and maintain appropriate internal controls and management review procedures for maintaining full and continuous compliance with the procedures, time lines, and requirements under the Fair Credit Reporting Act for the prompt investigation of the disputed accuracy of any consumer information and the prompt correction or deletion, in accordance with such Act, of any inaccurate or incomplete information or information that cannot be verified.

(d) DEFINITIONS.—For purposes of this section, the terms ''consumer'', ''consumer report'', and ''consumer reporting agency'' have the same meaning as in the Fair Credit Reporting Act.

TITLE IV—IMPROVING ACCURACY OF CONSUMER RECORDS

SEC. 401. RECONCILING ADDRESSES.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (g) (as added by section 201 of this Act) the following new subsection.

''(h) NOTICE OF DISCREPANCY.—

''(1) IN GENERAL.—If a person has requested a consumer report relating to a consumer from a consumer reporting agency described in section 603(p), the request includes an address for the consumer that substantially differs from the addresses in the file of the consumer, and the agency provides a consumer report in response to the request, the consumer reporting agency shall notify the requester of the existence of the discrepancy.

''(2) REGULATIONS.—

''(A) REGULATIONS REQUIRED.—The Federal banking agencies and the National Credit Union Administration shall jointly prescribe regulations providing guidance regarding reasonable policies and procedures a user of a consumer report should employ when such user has received a notice of discrepancy under paragraph (1).

''(B) POLICIES AND PROCEDURES TO BE INCLUDED.—The regulations prescribed under subparagraph (A) shall describe reasonable policies and procedures for use by a user of a consumer report—

''(i) to form a reasonable belief that the user knows the identity of the person to whom the consumer report pertains; and

''(ii) if the user establishes a continuing relationship with the consumer, and the user regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which the notice of discrepancy pertaining to the consumer was obtained, to reconcile the consumer's address with the consumer reporting agency by furnishing such address to such consumer reporting agency as part of information regularly furnished by the user for the period in which the relationship is established.''.

SEC. 402. PREVENTION OF REPOLLUTION OF CONSUMER REPORTS.

Section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) is amended by inserting after subparagraph (D) (as so redesignated by section 304(2)(A)) the following new subparagraph:

''(E) INFORMATION ALLEGED TO RESULT FROM IDENTITY THEFT.—If a consumer submits a police report to a person who furnishes information to a consumer reporting agency that states that information maintained by such person that purports to relate to the consumer resulted from identity theft, the person may not furnish such information that purports to relate to the consumer to any consumer reporting agency, unless the person subsequently knows or is informed by the consumer that the information is correct.''.

SEC. 403. NOTICE BY USERS WITH RESPECT TO FRAUDULENT INFORMATION.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

''(e) NOTICE OF FRAUDULENT INFORMATION RELATING TO IDENTITY THEFT.—If an agent acting as a debt collector (as defined in title VIII) of a person who furnishes information to any consumer reporting agency uses information contained in a consumer report on any consumer and learns that any such information so used is the result of identity theft or otherwise is fraudulent, the agent shall—

''(1) if such information—

''(A) originated from the person for whom the debt collector is acting as agent, notify the person of the fraudulent information; or

''(B) originated from a person other than the person for whom the debt collector is acting as agent, notify the consumer reporting agency (that provided the consumer report) of the fraudulent information, either directly or through the person for whom the debt collector is acting as agent; and

''(2) upon the request of the consumer, provide the consumer with all information which the consumer would be entitled to receive if the information related to the consumer other than by reason of identity theft.''.

SEC. 404. DISCLOSURE TO CONSUMERS OF CONTACT INFORMATION FOR USERS AND FURNISHERS OF INFORMATION IN CONSUMER REPORTS.

Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended—

(1) in paragraph (2), by inserting '', including addresses of the sources, and (if provided by the sources of information) the telephone numbers identified for customer service for the sources of information'' after ''sources of information'' the 1st place such term appears in such paragraph; and

(2) in paragraph (3)(B) by striking clause (ii) and inserting the following new clause:

''(ii) the address and (if provided) the telephone numbers identified for customer service of the person.''.

SEC. 405. FTC STUDY OF THE ACCURACY OF CONSUMER REPORTS.

(a) STUDY REQUIRED.—Until the final report is submitted under subsection (b)(2), the Federal Trade Commission shall conduct an ongoing study of the accuracy and completeness of information contained in consumer reports prepared or maintained by consumer reporting agencies and methods for improving the accuracy and completeness of such information.

(b) BIENNIAL REPORTS REQUIRED.—

(1) INTERIM REPORTS.—The Federal Trade Commission shall submit an interim report to the Congress on the study conducted under subsection (a) at the end of the 6-month period beginning on the date of the enactment of this Act and biennially thereafter for 8 years.

(2) FINAL REPORT.—The Federal Trade Commission shall submit a final report to the Congress on the study conducted under subsection (a) at the end of the 2-year period beginning on the date the final interim report is submitted to the Congress under paragraph (1).

(3) CONTENTS.—Each report submitted under this subsection shall contain a detailed summary of the findings and conclusions of the Commission with respect to the study required under subsection (a) and such recommendations for legislative and administrative action as the Commission may determine to be appropriate.

TITLE V—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION

SEC. 501. FREE REPORTS ANNUALLY.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by adding at the end the following new subsection:

''(e) FREE ANNUAL DISCLOSURE.—Upon the direct request of the consumer, a consumer reporting agency that compiles and maintains files on consumers on a nationwide or regional basis shall make all disclosures pursuant to section 609 once during any 12-month period without charge to the consumer.''.

SEC. 502. DISCLOSURE OF CREDIT SCORES.

(a) STATEMENT ON AVAILABILITY OF CREDIT SCORES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following new paragraph:

''(6) If the consumer requests the credit file and not the credit score, a statement that the consumer may request and obtain a credit score.''.

(b) DISCLOSURE OF CREDIT SCORES.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by inserting after subsection (d) (as added by section 204 of this Act) the following new subsection:

''(e) DISCLOSURE OF CREDIT SCORES.—

''(1) IN GENERAL.—Upon the consumer's request for a credit score, a consumer reporting agency shall supply to a consumer a statement indicating that the information and credit scoring model may be different than the credit score that may be used by the lender, and a notice which shall include the following information:

''(A) The consumer's current credit score or the consumer's most recent credit score that was previously calculated by the credit reporting agency for a purpose related to the extension of credit.

''(B) The range of possible credit scores under the model used.

''(C) All the key factors that adversely affected the consumer's credit score in the model used, the total number of which shall not exceed four, subject to paragraph (9).

''(D) The date the credit score was created.

''(E) The name of the person or entity that provided the credit score or credit file upon which the credit score was created.

''(2) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(A) CREDIT SCORE.—The term 'credit score'—

''(i) means a numerical value or a categorization derived from a statistical tool or modeling system used by a person who makes or arranges a loan to predict the likelihood of certain credit behaviors, including default (and the numerical value or the categorization derived from this analysis may also be referred to as a 'risk predictor' or 'risk score'); and

''(ii) does not include—

''(I) any mortgage score or rating of an automated underwriting system that considers one or more factors in addition to credit information, including the loan to value ratio, the amount of down payment, or a consumer's financial assets; or

''(II) any other elements of the underwriting process or underwriting decision.

''(B) KEY FACTORS.—The term 'key factors' means all relevant elements or reasons adversely affecting the credit score for the particular individual listed in the order of their importance based on their effect on the credit score.

''(3) TIMEFRAME AND MANNER OF DISCLOSURE.—The information required by this subsection shall be provided in the same timeframe and manner as the information described in subsection (a).

''(4) APPLICABILITY TO CERTAIN USES.—This subsection shall not be construed so as to compel a consumer reporting agency to develop or disclose a score if the agency does not—

''(A) distribute scores that are used in connection with residential real property loans; or

''(B) develop scores that assist credit providers in understanding a consumer's general credit behavior and predicting the future credit behavior of the consumer.

''(5) APPLICABILITY TO CREDIT SCORES DEVELOPED BY ANOTHER PERSON.—

''(A) IN GENERAL.—This subsection shall not be construed to require a consumer reporting agency that distributes credit scores developed by another person or entity to provide a further explanation of them, or to process a dispute arising pursuant to section 611, except that the consumer reporting agency shall provide the consumer with the name and address and website for contacting the person or entity who developed the score or developed the methodology of the score.

''(B) EXCEPTION.—This paragraph shall not apply to a consumer reporting agency that develops or modifies scores that are developed by another person or entity.

''(6) MAINTENANCE OF CREDIT SCORES NOT REQUIRED.—This subsection shall not be construed to require a consumer reporting agency to maintain credit scores in its files.

''(7) COMPLIANCE IN CERTAIN CASES.—In complying with this subsection, a consumer reporting agency shall—

''(A) supply the consumer with a credit score that is derived from a credit scoring model that is widely distributed to users by that consumer reporting agency in connection with residential real property loans or with a credit score that assists the consumer in understanding the credit scoring assessment of the credit behavior of the consumer and predictions about the future credit behavior of the consumer; and

''(B) a statement indicating that the information and credit scoring model may be different than that used by the lender.

''(8) REASONABLE FEE.—A consumer reporting agency may charge a reasonable fee for providing the information required under this subsection.

''(9) USE OF ENQUIRIES AS A KEY FACTOR.—If a key factor that adversely affects a consumer's credit score consists of the number of enquiries made with respect to a consumer report, that factor shall be included in the disclosure pursuant to paragraph (1)(C) without regard to the numerical limitation in such paragraph.''.

(c) DISCLOSURE OF CREDIT SCORES BY CERTAIN MORTGAGE LENDERS.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by inserting after subsection (e) (as added by subsection (b) of this section) the following new subsection:

''(f) DISCLOSURE OF CREDIT SCORES BY CERTAIN MORTGAGE LENDERS.—

''(1) IN GENERAL.—Any person who makes or arranges loans and who uses a consumer credit score as defined in subsection (e) in connection with an application initiated or sought by a consumer for a closed end loan or establishment of an open end loan for a consumer purpose that is secured by 1 to 4 units of residential real property (hereafter in this subsection referred to as the 'lender') shall provide the following to the consumer as soon as reasonably practicable:

''(A) INFORMATION REQUIRED UNDER SUBSECTION (e).—

''(i) IN GENERAL.—A copy of the information identified in subsection (e) that was obtained from a consumer reporting agency or was developed and used by the user of the information.

''(ii) NOTICE UNDER SUBPARAGRAPH (D).—In addition to the information provided to it by a third party that provided the credit score or scores, a lender is only required to provide the notice contained in subparagraph (D).

''(B) DISCLOSURES IN CASE OF AUTOMATED UNDERWRITING SYSTEM.—

''(i) IN GENERAL.—If a person who is subject to this section uses an automated underwriting system to underwrite a loan, that person may satisfy the obligation to provide a credit score by disclosing a credit score and associated key factors supplied by a consumer reporting agency.

''(ii) NUMERICAL CREDIT SCORE.—However, if a numerical credit score is generated by an automated underwriting system used by an enterprise, and that score is disclosed to the person, the score shall be disclosed to the consumer consistent with subparagraph (C).

''(iii) ENTERPRISE DEFINED.—For purposes of this subparagraph, the term 'enterprise' shall have the same meaning as in paragraph (6) of section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

''(C) DISCLOSURES OF CREDIT SCORES NOT OBTAINED FROM A CONSUMER REPORTING AGENCY.—A person subject to the provisions of this subsection who uses a credit score other than a credit score provided by a consumer reporting agency may satisfy the obligation to provide a credit score by disclosing a credit score and associated key factors supplied by a consumer reporting agency.

''(D) NOTICE TO HOME LOAN APPLICANTS.—A copy of the following notice, which shall include the name, address, and telephone number of each consumer reporting agency providing a credit score that was used:

'' 'NOTICE TO THE HOME LOAN APPLICANT

'' 'In connection with your application for a home loan, the lender must disclose to you the score that a consumer reporting agency distributed to users and the lender used in connection with your home loan, and the key factors affecting your credit scores.

'' 'The credit score is a computer generated summary calculated at the time of the request and based on information a consumer reporting agency or lender has on file. The scores are based on data about your credit history and payment patterns. Credit scores are important because they are used to assist the lender in determining whether you will obtain a loan. They may also be used to determine what interest rate you may be offered on the mortgage. Credit scores can change over time, depending on your conduct, how your credit history and payment patterns change, and how credit scoring technologies change.

'' 'Because the score is based on information in your credit history, it is very important that you review the credit-related information that is being furnished to make sure it is accurate. Credit records may vary from one company to another.

'' 'If you have questions about your credit score or the credit information that is furnished to you, contact the consumer reporting agency at the address and telephone number provided with this notice, or contact the lender, if the lender developed or generated the credit score. The consumer reporting agency plays no part in the decision to take any action on the loan application and is unable to provide you with specific reasons for the decision on a loan application.

'' 'If you have questions concerning the terms of the loan, contact the lender.'.

''(E) ACTIONS NOT REQUIRED UNDER THIS SUBSECTION.—This subsection shall not require any person to do any of the following:

''(i) Explain the information provided pursuant to subsection (e).

''(ii) Disclose any information other than a credit score or key factor, as defined in subsection (e).

''(iii) Disclose any credit score or related information obtained by the user after a loan has closed.

''(iv) Provide more than 1 disclosure per loan transaction.

''(v) Provide the disclosure required by this subsection when another person has made the disclosure to the consumer for that loan transaction.

''(F) NO OBLIGATION FOR CONTENT.—

''(i) IN GENERAL.—Any person's obligation pursuant to this subsection shall be limited solely to providing a copy of the information that was received from the consumer reporting agency.

''(ii) LIMIT ON LIABILITY.—No person has liability under this subsection for the content of that information or for the omission of any information within the report provided by the consumer reporting agency.

''(G) PERSON DEFINED AS EXCLUDING ENTERPRISE.—As used in this subsection, the term 'person' does not include an enterprise (as defined in paragraph (6) of section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992).

''(2) PROHIBITION ON DISCLOSURE CLAUSES NULL AND VOID.—

''(A) IN GENERAL.—Any provision in a contract that prohibits the disclosure of a credit score by a person who makes or arranges loans or a consumer reporting agency is void.

''(B) NO LIABILITY FOR DISCLOSURE UNDER THIS SUBSECTION.—A lender shall not have liability under any contractual provision for disclosure of a credit score pursuant to this subsection.''.

(d) INCLUSION OF KEY FACTOR IN CREDIT SCORE INFORMATION IN CONSUMER REPORT.—Section 605(d) of the Fair Credit Reporting Act (15 U.S.C. 1681c(d)) is amended—

(1) by striking ''DISCLOSED.—Any consumer reporting agency'' and inserting ''DISCLOSED.—

''(1) TITLE 11 INFORMATION.—Any consumer reporting agency''; and

(2) by adding at the end the following new paragraph:

''(2) KEY FACTOR IN CREDIT SCORE INFORMATION.—Any consumer reporting agency that furnishes a consumer report that contains any credit score or any other risk score or predictor on any consumer shall include in the report a clear and conspicuous statement that a key factor (as defined in section 609(e)(2)(B)) that adversely affected such score or predictor was the number of enquiries, if such a predictor was in fact a

key factor that adversely affected such score. This paragraph shall not apply to a person described in subsection (j)(4)(A)(i), but only to the extent that such person is engaged in activities described in such subsection.''.

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 624(b) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3)) (as amended by section 204(b) of this Act) is amended—

(1) by striking ''or'' at the end of paragraph (2); and

(2) by striking paragraph (3) and inserting the following new paragraphs:

''(3) with respect to the form and content of any disclosure required to be made under subsection (c), (d), (e), or (f) of section 609, except that this paragraph shall not apply—

''(A) with respect to sections 1785.10, 1785.16 and 1785.20.2 of the California Civil Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003) and section 1785.15 through section 1785.15.2 of such Code (as in effect on such date) and

''(B) with respect to section 12–14.3–104.3 of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

''(4) with respect to the frequency of any disclosure under section 612(e), except that this paragraph shall not apply—

''(A) with respect to section 12–14.3–105(1)(d) of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(B) with respect to section 10–1–393(29)(C) of the Georgia Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(C) with respect to section 1316.2–B of title 10 of the Maine Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(D) with respect to sections 14–1209(a)(1) and 14–1209(b)(1)(i) of the Commercial Law Article of the Code of Maryland (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(E) with respect to section 59(d) and section 59(e) of chapter 93 of the General Laws of Massachusetts (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(F) with respect to section 56:11–37.10(a)(1) of the New Jersey Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

''(G) with respect to section 2480c(a)(1) of the Vermont Statutes Annotated (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003).''.

SEC. 503. SIMPLER AND EASIER METHOD FOR CONSUMERS TO USE NOTIFICATION SYSTEM.

(a) IN GENERAL.—Section 604(e)(5)(A)(i) of the Fair Credit Reporting Act (15 U.S.C. 1681b(e)(5)(A)(i)) is amended by inserting ''in a simple and easy manner and'' after ''notify the agency,''.

(b) SIMPLIFIED NOTICE AND RESPONSE FORMAT FOR USERS.—Section 615(d) of the Fair Credit Reporting Act (15 U.S.C. 1681m(d)) is amended—

(1) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4) and (5); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) SIMPLE AND EASY NOTIFICATION.—Any statement given the consumer under paragraph (1)(E) shall be in a simple and easy to understand format and shall describe the simple and easy method established under section 604(e)(5)(A)(i) for the consumer to respond.''.

SEC. 504. REQUIREMENT TO DISCLOSE COMMUNICATIONS TO A CONSUMER REPORTING AGENCY.

(a) IN GENERAL.—Section 623(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)) is amended by inserting after paragraph (6) (as added by section 304(3)) the following new paragraph:

''(7) NEGATIVE INFORMATION.—

''(A) NOTICE TO CONSUMER REQUIRED.—

''(i) IN GENERAL.—If any financial institution that extends credit and regularly and in the ordinary course of business furnishes information to a consumer reporting agency described in section 603(p) furnishes negative information to such an agency regarding credit extended to a customer, the financial institution shall provide a notice of such furnishing of negative information, in writing, to the customer.

''(ii) NOTICE EFFECTIVE FOR SUBSEQUENT SUBMISSIONS.—After providing such notice, the financial institution may submit additional negative information to a consumer reporting agency described in section 603(p) with respect to the same transaction, extension of credit, account, or customer without providing additional notice to the customer.

''(B) TIME OF NOTICE.—

''(i) IN GENERAL.—The notice required under subparagraph (A) shall be provided to the customer prior to, or no later than 30 days after, furnishing the negative information to a consumer reporting agency described in section 603(p).

''(ii) COORDINATION WITH NEW ACCOUNT DISCLOSURES.—If the notice is provided to the customer prior to furnishing the negative information to a consumer reporting agency, the notice may not be included in the initial disclosures provided under section 127(a) of the Truth in Lending Act.

''(C) COORDINATION WITH OTHER DISCLOSURES.—The notice required under subparagraph (A)—

''(i) may be included on or with any notice of default, any billing statement, or any other materials provided to the customer; and

''(ii) must be clear and conspicuous.

''(D) MODEL DISCLOSURE.—

''(i) DUTY OF BOARD TO PREPARE.—The Board shall prescribe a brief model disclosure a financial institution may use to comply with subparagraph (A), which shall not exceed 30 words.

''(ii) USE OF MODEL NOT REQUIRED.—No provision of this paragraph shall be construed as requiring a financial institution to use any such model form prescribed by the Board.

''(iii) COMPLIANCE USING MODEL.—A financial institution shall be deemed to be in compliance with subparagraph (A) if the financial institution uses any such model form prescribed by the Board, or the financial institution uses any such model form and rearranges its format.

''(E) USE OF NOTICE WITHOUT SUBMITTING NEGATIVE INFORMATION.—No provision of this paragraph shall be construed as requiring a financial institution that has provided a customer with a notice described in subparagraph (A) to furnish negative information about the customer to a consumer reporting agency.

''(F) SAFE HARBOR.—A financial institution shall not be liable for failure to perform the duties required by this paragraph if, at the time of the failure, the financial institution maintained reasonable policies and procedures to comply with this paragraph or the financial institution reasonably believed that the institution is prohibited, by law, from contacting the consumer.

''(G) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

''(i) NEGATIVE INFORMATION.—The term 'negative information' means information concerning a customer's delinquencies, late payments, insolvency, or any form of default.

''(ii) CUSTOMER; FINANCIAL INSTITUTION.—The terms 'customer' and 'financial institution' have the same meaning as in section 509 of the Gramm-Leach-Bliley Act.''.

(b) MODEL DISCLOSURE FORM.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall adopt the model disclosure required under the amendment made by subsection (a) after notice duly given in the Federal Register and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

SEC. 505. STUDY OF EFFECTS OF CREDIT SCORES AND CREDIT-BASED INSURANCE SCORES ON AVAILABILITY AND AFFORDABILITY OF FINANCIAL PRODUCTS.

(a) STUDY REQUIRED.—The Federal Trade Commission, in consultation with the Office of Fair Housing and Equal Opportunity of the Department of Housing and Urban Development, shall conduct a study of—

(1) the effects of the use of credit scores and credit-based insurance scores on the availability and affordability of financial products and services, including credit cards, mortgages, auto loans, and property and casualty insurance;

(2) the degree of causality between the factors considered by credit score systems and the quantifiable risks and actual losses experienced by businesses, including the extent to which, if any, each of the factors considered or otherwise taken into account by such systems are accurate predictors of risk or loss, and where the means square error of a scoring model's predictions are considered in the evaluation of accuracy;

(3) the extent to which, if any, the use of credit scoring models, credit scores and credit-based insurance scores result in disparate impact by geography, income, ethnicity, race, color, religion, national origin, age, sex or marital status, and creed, including the extent to which the consideration or lack of consideration of certain factors by credit scoring systems could result in disparate effects and the extent to which, if any, the use of underwriting systems relying on these models could achieve comparable results through the use of factors with less disparate impact; and

(4) the extent to which credit scoring systems are used by businesses, the factors considered by such systems, and the effects of variables which are not considered by such systems.

(b) PUBLIC PARTICIPATION.—The Commission shall seek public input about the prescribed methodology and research design of the study required in subsection (a).

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Federal Trade Commission shall submit a detailed report on the study conducted pursuant to subsection (a) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include the findings and conclusions of the Commission, together with such recommendations for legislative or administrative action as the Commission may determine to be necessary to ensure that credit and credit-based insurances score are used appropriately and fairly to avoid disparate effects.

(d) CREDIT SCORE DEFINED.—For purposes of this section, the term ''credit score'' means a numerical value or a categorization derived from a statistical tool or modeling

system used to predict the likelihood of certain credit or insurance behaviors, including default.

SEC. 506. GAO STUDY ON DISPARATE IMPACT OF CREDIT SYSTEM.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study of the credit system to determine the extent to which, if any, discrimination exists with regard to the availability and the terms of credit which has a disparate impact on the basis of race, color, income and education level, geographic location, age, sex, sexual orientation, national origin, or marital status and the nature of any such discriminatory effect.

(b) REPORT REQUIRED.—Before the end of the 2-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the findings and conclusions of the Comptroller General pursuant to the study conducted under subsection (a), together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

SEC. 507. ANALYSIS OF FURTHER RESTRICTIONS ON OFFERS OF CREDIT OR INSURANCE.

(a) IN GENERAL.—The Board of Governors of the Federal Reserve System shall conduct a study of—

(1) the ability of consumers to avoid receiving written offers of credit or insurance in connection with transactions not initiated by the consumer; and

(2) the potential impact any further restrictions on providing consumers with such written offers of credit or insurance would have on consumers.

(b) REPORT.—The Board of Governors of the Federal Reserve System shall submit a report summarizing the results of the study required under subsection (a) to the Congress no later than 12 months after the date of the enactment of this Act, together with such recommendatioons for legislative or administrative action as the Board may determine to be appropriate.

(c) CONTENT OF REPORT.—The report described in subsection (b) shall address the following issues:

(1) The current statutory or voluntary mechanisms that are available to a consumer to notify lenders and insurance providers that the consumer does not wish to receive written offers of credit or insurance.

(2) The extent to which consumers are currently utilizing existing statutory and voluntary mechanisms to avoid receiving offers of credit or insurance.

(3) The benefits provided to consumers as a result of receiving written offers of credit or insurance.

(4) Whether consumers incur significant costs or are otherwise adversely affected by the receipt of written offers of credit or insurance.

(5) Whether further restricting the ability of lenders and insurers to provide written offers of credit or insurance to consumers would affect—

(A) the cost consumers pay to obtain credit or insurance;

(B) the availability of credit or insurance;

(C) consumers' knowledge about new or alternative products and services;

(D) the ability of lenders or insurers to compete with one another; and

(E) the ability to offer credit or insurance products to consumers who have been traditionally underserved.

SEC. 508. STUDY ON THE NEED AND THE MEANS FOR IMPROVING FINANCIAL LITERACY AMONG CONSUMERS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to assess the extent of consumers' knowledge and awareness of credit reports, credit scores, and the dispute resolution process, and on methods for improving financial literacy among consumers.

(b) FACTORS TO BE INCLUDED.—The study required under subsection (a) shall include the following issues:

(1) The number of consumers who view their credit reports.

(2) Under what conditions and for what purposes do consumers primarily obtain a copy of their consumer report (such as for the purpose of ensuring the completeness and accuracy of the contents, to protect against fraud, in response to an adverse action based on the report, or in response to suspected identity theft) and approximately what percentage of the total number of consumers who obtain a copy of their consumer report do so for each such primary purpose.

(3) The extent of consumers' knowledge of the data collection process.

(4) The extent to which consumers know how to get a copy of a consumer report.

(5) The extent to which consumers know and understand the factors that positively or negatively impact credit scores.

(c) REPORT REQUIRED.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the findings and conclusions of the Comptroller General pursuant to the study conducted under subsection (a), together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate, including recommendations on methods for improving financial literacy among consumers.

SEC. 509. DISCLOSURE OF INCREASE IN APR UNDER CERTAIN CIRCUMSTANCES.

Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by inserting after subsection (f) (as added by section 502(c) of this title) the following new subsection:

''(g) DISCLOSURE TO CONSUMER.—

''(1) IN GENERAL.—The ability of a credit card issuer to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for reasons other than actions or omissions of the card holder that are directly related to such account shall be clearly and conspicuously disclosed to the consumer by the credit card issuer in any disclosure or statement required to be made to the consumer under this title in connection with a credit card solicitation that is not initiated by the consumer.

''(2) REGULATIONS AND MODEL STATEMENTS.—The Board, in consultation with the Federal banking agencies and the National Credit Union Administration, shall develop such guidelines in regulations as necessary to assure that the information to be disclosed to consumers pursuant to paragraph (1) is clearly and conspicuously provided in a prominent location in any credit card solicitation that is not initiated by the consumer, and shall include model disclosure statements to be used by credit card issuers in making the disclosures required to be provided to the consumer by paragraph (1).''.

TITLE VI—PROTECTING EMPLOYEE MISCONDUCT INVESTIGATIONS

SEC. 601. CERTAIN EMPLOYEE INVESTIGATION COMMUNICATIONS EXCLUDED FROM DEFINITION OF CONSUMER REPORT.

(a) IN GENERAL.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by inserting after subsection (p) the following new subsection:

''(q) EXCLUSION OF CERTAIN COMMUNICATIONS FOR EMPLOYEE INVESTIGATIONS.—

''(1) COMMUNICATIONS DESCRIBED IN THIS SUBSECTION.—A communication is described in this subsection if—

''(A) but for subsection (d)(2)(D), the communication would be a consumer report;

''(B) the communication is made to an employer in connection with an investigation of—

''(i) suspected misconduct relating to employment; or

''(ii) compliance with Federal, State, or local laws and regulations, the rules of a self-regulatory organization, or any preexisting written policies of the employer;

''(C) the communication is not made for the purpose of investigating a consumer's credit worthiness, credit standing, or credit capacity; and

''(D) the communication is not provided to any person except—

''(i) to the employer or an agent of the employer;

''(ii) to any Federal or State officer, agency, or department, or any officer, agency, or department of a unit of general local government;

''(iii) to any self-regulatory organization with regulatory authority over the activities of the employer or employee;

''(iv) as otherwise required by law; or

''(v) pursuant to section 608.

''(2) SUBSEQUENT DISCLOSURE.—After taking any adverse action based in whole or in part on a communication described in paragraph (1), the employer shall disclose to the consumer a summary containing the nature and substance of the communication upon which the adverse action is based, except that the sources of information acquired solely for use in preparing what would be but for subsection (d)(2)(D) an investigative consumer report need not be disclosed.

''(3) SELF-REGULATORY ORGANIZATION DEFINED.—For purposes of this subsection, the term 'self-regulatory organization' includes any self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934), any entity established under title I of the Sarbanes-Oxley Act of 2002, any board of trade designated by the Commodity Futures Trading Commission, and any futures association registered with such Commission.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 603(d)(2)(D) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(D)) is amended by inserting ''or (q)'' after ''subsection (o)''.

TITLE VII—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

SEC. 701. PROTECTION OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM.

(a) IN GENERAL.—Section 604(g) of the Fair Credit Reporting Act (15 U.S.C. 1681b(g)) is amended to read as follows:

''(g) PROTECTION OF MEDICAL INFORMATION.—

''(1) LIMITATION ON CONSUMER REPORTING AGENCIES.—A consumer reporting agency shall not furnish for employment purposes, or in connection with a credit or insurance transaction, a consumer report that contains medical information about a consumer, unless—

''(A) if furnished in connection with an insurance transaction, the consumer affirmatively consents to the furnishing of the report;

''(B) if furnished for employment purposes or in connection with a credit transaction—

''(i) the information to be furnished is relevant to process or effect the employment or credit transaction; and

''(ii) the consumer provides specific written consent for the furnishing of the report that describes in clear and conspicuous language the use for which the information will be furnished; or

''(C) the information to be furnished pertains solely to transactions, accounts, or

balances relating to debts arising from the receipt of medical services, products, or devices, where such information, other than account status or amounts, is restricted or reported using codes that do not identify, or do not provide information sufficient to infer, the specific provider or the nature of such services, products, or devices, as provided in section 605(a)(6)).

''(2) LIMITATION ON CREDITORS.—Except as permitted pursuant to paragraph (3)(C) or regulations prescribed under paragraph (5)(A), a creditor shall not obtain or use medical information pertaining to a consumer in connection with any determination of the consumer's eligibility, or continued eligibility, for credit.

''(3) ACTIONS AUTHORIZED BY FEDERAL LAW, INSURANCE ACTIVITIES AND REGULATORY DETERMINATIONS.—Section 603(d)(3) shall not be construed so as to treat information or any communication of information as a consumer report if the information or communication is disclosed—

''(A) in connection with the business of insurance or annuities, including the activities described in section 18B of the model Privacy of Consumer Financial and Health Information Regulation issued by the National Association of Insurance Commissioners (as in effect on January 1, 2003);

''(B) for any purpose permitted without authorization under the Standards for Individually Identifiable Health Information promulgated by the Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996, or referred to under section 1179 of such Act, or described in section 502(e) of Public Law 106–102; or

''(C) as otherwise determined to be necessary and appropriate, by regulation or order and subject to paragraph (6), by the Commission, any Federal banking agency or the National Credit Union Administration (with respect to any financial institution subject to the jurisdiction of such agency or Administration under paragraph (1), (2), or (3) of section 621(b), or the applicable State insurance authority (with respect to any person engaged in providing insurance or annuities).

''(4) LIMITATION ON REDISCLOSURE OF MEDICAL INFORMATION.—Any person that receives medical information pursuant to paragraphs (1) or (3) shall not disclose such information to any other person except as necessary to carry out the purposes for which the information was initially disclosed, or as otherwise permitted by statute, regulation, or order.

''(5) REGULATIONS AND EFFECTIVE DATE FOR PARAGRAPH (2).—

''(A) REGULATIONS REQUIRED.—Each Federal banking agency and the National Credit Union Administration shall, subject to paragraph (6) and after notice and opportunity for comment, prescribe regulations that permit transactions under paragraph (2) that are determined to be necessary and appropriate to protect legitimate operational, transactional, risk, consumer, and other needs (and which shall include permitting actions necessary for administrative verification purposes), consistent with the intent of paragraph (2) to restrict the use of medical information for inappropriate purposes.

''(B) FINAL REGULATIONS REQUIRED.—The Federal banking agencies and the National Credit Union Administration shall prescribe the regulations required under subparagraph (A) in final form before the end of the 6-month period beginning on the date of the enactment of the Fair and Accurate Credit Transactions Act of 2003.

''(6) COORDINATION WITH OTHER LAWS.—No provision of this subsection shall be construed as altering, affecting, or superseding the applicability of any other provision of Federal law relating to medical confidentiality.''.

(b) RESTRICTION ON SHARING OF MEDICAL INFORMATION.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended—

(1) in paragraph (2), by striking ''The term'' and inserting ''Except as provided in paragraph (3), the term''; and

(2) by adding at the end the following new paragraph:

''(3) RESTRICTION ON SHARING OF MEDICAL INFORMATION.—Except for information or any communication of information disclosed as provided in section 604(g)(3), the exclusions in paragraph (2) shall not apply with respect to information disclosed to any person related by common ownership or affiliated by corporate control if—

''(A) the information is medical information; or

''(B) the information is an individualized list or description based on a consumer's payment transactions for medical products or services, or an aggregate list of identified consumers based on payment transactions for medical products or services.''.

SEC. 702. CONFIDENTIALITY OF MEDICAL CONTACT INFORMATION IN CREDIT REPORTS.

(a) DUTIES OF MEDICAL INFORMATION FURNISHERS.—Section 623(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)) is amended by inserting after paragraph (7) (as added by section 504(a)) the following new paragraph:

''(8) DUTY TO PROVIDE NOTICE OF STATUS AS MEDICAL INFORMATION FURNISHER.—A person whose primary business is providing medical services, products, or devices, or the person's agent or assignee, who furnishes information to a consumer reporting agency on a consumer shall be considered a medical information furnisher for the purposes of this title and shall notify the agency of such status.''.

(b) RESTRICTION OF DISSEMINATION OF MEDICAL CONTACT INFORMATION.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding the following new paragraph:

''(6) The name, address, and telephone number of any medical information furnisher that has notified the agency of its status, unless—

''(A) such name, address, and telephone number are restricted or reported using codes that do not identify, or provide information sufficient to infer, the specific provider or the nature of such services, products, or devices to a person other than the consumer; or

''(B) the report is being provided to an insurance company for a purpose relating to engaging in the business of insurance other than property and casualty insurance.''.

(c) NO EXCEPTIONS ALLOWED FOR DOLLAR AMOUNTS.—Section 605(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c(b)) is amended by striking ''The provisions of subsection (a)'' and inserting ''The provisions of paragraphs (1) through (5) of subsection (a)''.

(d) COORDINATION WITH OTHER LAWS.—No provision of any amendment made by this section shall be construed as altering, affecting, or superseding the applicability of any other provision of Federal law relating to medical confidentiality.

(e) FTC REGULATION OF CODING OF TRADE NAMES.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by inserting after subsection (f) (as added by section 301 of this Act) the following new subsection:

''(g) FTC REGULATION OF CODING OF TRADE NAMES.—If the Commission determines that a person described in paragraph (8) of section 623(a) has not met the requirements of such paragraph, the Commission shall take action to ensure the person's compliance with such paragraph, which may include issuing model guidance or prescribing reasonable policies and procedures as necessary to ensure that such person complies with such paragraph.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—Section 604(g) of the Fair Credit Reporting Act (15 U.S.C. 1681b(g)) (as amended by section 701) is amended—

(1) in paragraph (1) by inserting ''(other than medical contact information treated in the manner required under section 605(a)(6))'' after ''a consumer report that contains medical information''; and

(2) in paragraph (2) by inserting ''(other than medical information treated in the manner required under section 605(a)(6))'' after ''a creditor shall not obtain or use medical information''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 15-month period beginning on the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the yeas had it.

Mr. OXLEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 392; Nays ..... 30; Answered present 1 }

¶92.31 [Roll No. 499]

YEAS—392

Abercrombie	Brown-Waite, Ginny	DeLauro
Ackerman	Burgess	DeLay
Akin	Burns	DeMint
Alexander	Burr	Deutsch
Allen	Burton (IN)	Diaz-Balart, L.
Andrews	Buyer	Diaz-Balart, M.
Baca	Calvert	Dicks
Bachus	Camp	Dingell
Baird	Cannon	Doggett
Baker	Cantor	Dooley (CA)
Baldwin	Capito	Doolittle
Ballance	Capps	Doyle
Ballenger	Capuano	Dreier
Barrett (SC)	Cardin	Duncan
Bartlett (MD)	Cardoza	Dunn
Barton (TX)	Carson (IN)	Edwards
Bass	Carson (OK)	Ehlers
Beauprez	Carter	Emanuel
Becerra	Case	Engel
Bell	Castle	English
Bereuter	Chabot	Etheridge
Berkley	Chocola	Evans
Berry	Clay	Everett
Biggert	Clyburn	Fattah
Bilirakis	Coble	Feeney
Bishop (GA)	Cole	Ferguson
Bishop (NY)	Collins	Fletcher
Bishop (UT)	Cooper	Foley
Blackburn	Costello	Forbes
Blumenauer	Cox	Ford
Blunt	Cramer	Fossella
Boehlert	Crane	Frank (MA)
Boehner	Crenshaw	Franks (AZ)
Bonilla	Crowley	Frelinghuysen
Bonner	Cubin	Frost
Bono	Culberson	Gallegly
Boozman	Cummings	Garrett (NJ)
Boswell	Cunningham	Gerlach
Boucher	Davis (AL)	Gibbons
Boyd	Davis (FL)	Gilchrest
Bradley (NH)	Davis (TN)	Gillmor
Brady (PA)	Davis, Jo Ann	Gingrey
Brady (TX)	Davis, Tom	Gonzalez
Brown (OH)	Deal (GA)	Goode
Brown (SC)	DeGette	Goodlatte
Brown, Corrine		Gordon

Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—30

Berman
Conyers
Davis (CA)
DeFazio
Delahunt
Eshoo
Farr
Filner
Flake
Harman
Honda
Jackson (IL)
Kucinich
Lee
Lofgren
Markey
Matsui
Millender-McDonald
Miller, George
Nadler
Paul
Sanders
Schakowsky
Schiff
Stark
Tauscher
Thompson (CA)
Waters
Watson
Waxman

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—11

Aderholt
Davis (IL)
Emerson
Gephardt
Hoekstra
Janklow
Lipinski
Pence
Rangel
Udall (CO)
Woolsey

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶92.32 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. LATOURETTE, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

¶92.33 MOTION TO INSTRUCT CONFEREES—H.R. 1588

Mr. EDWARDS moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1588) to authorize appropriations for fiscal years 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes; be instructed to agree to the provisions contained in sections 606 and 619 of the amendment of the Senate (relating to the rates of pay for the family separation allowance and imminent danger pay).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the nays had it.

Mr. EDWARDS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶92.34 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. DAVIS of Tennessee moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices to provide tax relief and simplification, and for other purposes: 1) the House conferees shall be instructed to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; 2) the House conferees shall be instructed to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; 3) the House conferees shall be instructed to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; 4) to the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other benefits for military personnel and families of the astronauts who died in the Columbia disaster; 5) the House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the proceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the nays had it.

Mr. DAVIS of Tennessee demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶92.35 MOTION TO INSTRUCT CONFEREES—H.R. 1

Mr. MICHAUD moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes: 1) to reject the provisions of subtitle C of title II of the House bill; 2) the House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social

Security Act, as added by section 101(a) of the amendment of the Senate.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the nays had it.

Mr. MICHAUD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶92.36 MOTION TO INSTRUCT CONFEREES ON H.R. 1588—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the motion, by Mr. EDWARDS, to instruct conferees on the bill (H.R. 1588) to authorize appropriations for fiscal years 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 / Nays 0

¶92.37 [Roll No. 500]

YEAS—406

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOT VOTING—28

Ackerman
Clay
Cummings
Davis (IL)
Dooley (CA)
Emerson
Farr
Frank (MA)
Gallegly
Gephardt
Hoekstra
Hooley (OR)
Janklow
Kleczka
Lipinski
Markey
Matsui
Murtha
Nadler
Pence
Pickering
Rangel
Stark
Sweeney
Udall (CO)
Waters
Woolsey
Young (AK)

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby the motion was agreed to was, by unanimous consent, laid on the table.

¶92.38 MOTION TO INSTRUCT CONFEREES ON H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion, by Mr. DAVIS of Tennessee, to instruct conferees on the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices to provide tax relief and simplification, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 195 / Nays 214

¶92.39 [Roll No. 501]

YEAS—195

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders

Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—214

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—25

Ackerman
Berman
Clay
Davis (IL)
Dooley (CA)
Emerson
Gallegly
Gephardt
Hoekstra
Janklow
Kleczka
Lipinski
Markey
Matsui
Murtha
Nadler
Pence
Pickering
Rangel
Stark
Sweeney
Udall (CO)
Waters
Woolsey
Young (AK)

So, the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby the motion was not agreed to was, by unanimous consent, laid on the table.

¶92.40 MOTION TO INSTRUCT CONFEREES ON H.R. 1—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the motion, by Mr. MICHAUD, to instruct conferees on the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 189 / Nays 220

¶92.41 [Roll No. 502]

YEAS—189

Abercrombie
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—25

Ackerman
Clay
Davis (IL)
Dooley (CA)
Emerson
Gallegly
Gephardt
Hoekstra
Janklow
Kleczka
Lipinski
Markey
Matsui
Murtha
Nadler
Nussle
Pence
Pickering
Rangel
Stark
Sweeney
Udall (CO)
Watson
Woolsey
Young (AK)

So, the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby the motion was not agreed to was, by unanimous consent, laid on the table.

¶92.42 ORDER OF BUSINESS—CONSIDERATION OF H.R. 911

On motion of Mr. CULBERSON, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 911) to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad; that the bill be considered as read for amendment; that the amendment placed at the desk be considered as read and adopted; and that the previous question be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

¶92.43 ORDER OF BUSINESS—CONSIDERATION OF H.R. 1538

On motion of Mr. CULBERSON, by unanimous consent,

Ordered, That it may be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 1538) to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes; that the bill be considered as read for amendment; and that the previous question be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit.

¶92.44 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS

The SPEAKER pro tempore, Mr. HASTINGS of Washington, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent to the *Federal Register* the enclosed notice, stating that the emergency declared with respect to the terrorist attacks on the United States of September 11, 2001, is to continue in effect for an additional year.

The terrorist threat that led to the declaration on September 14, 2001, of a national emergency continues. For this reason, I have determined that it is necessary to continue in effect after September 14, 2003, the national emergency with respect to the terrorist threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 10, 2003*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–124).

¶92.45 ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1668. An Act to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the ''Ed Edmondson United States Courthouse''.

¶92.46 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DAVIS of Illinois, for today and September 11.

And then,

¶92.47 ADJOURNMENT

On motion of Mr. GUTKNECHT, at 11 o'clock and 59 minutes p.m., the House adjourned.

¶92.48 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. Supplemental report on H.R. 1038. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest Service lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes (Rept. 108–218, Pt. 2).

¶92.49 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself, Mr. HOYER, and Mr. WELDON of Pennsylvania):

H.R. 3054. A bill to amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service Uniformed Division to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes; to the Committee on Government Reform.

By Mr. SMITH of Michigan (for himself, Mr. KOLBE, Mr. STENHOLM, Mr. TOOMEY, Mr. SHADEGG, and Mr. FLAKE):

H.R. 3055. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively for personalized retirement security through personal retirement savings accounts to allow for more control by individuals over their Social Security retirement income, to amend such title and the Balanced Budget and Emergency Deficit Control Act of 1985 to protect Social Security surpluses, and to provide other reforms relating to benefits under such title II; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 3056. A bill to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P; to the Committee on Resources.

By Mr. LAMPSON (for himself, Ms. JACKSON-LEE of Texas, Mr. BELL, Mr. HONDA, Mr. GREEN of Texas, Mr. ORTIZ, Mr. EVANS, Ms. LINDA T. SANCHEZ of California, Mr. PASCRELL, Mr. HALL, Mr. REYES, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EDWARDS, Mr. COSTELLO, Mr. LIPINSKI, Mr. GORDON, Mr. UDALL of Colorado, Mr. LARSON of Connecticut, Mr. MILLER of North Carolina, Mr. FROST, Mr. SANDLIN, Mr. TURNER of Texas, Mr. WU, Mr. KUCINICH, Ms. ESHOO, and Ms. MCCARTHY of Missouri):

H.R. 3057. A bill to restore a vision for the United States human space flight program by instituting a series of incremental goals that will facilitate the scientific exploration of the solar system and aid in the search for life elsewhere in the universe, and for other purposes; to the Committee on Science.

By Mr. ENGLISH (for himself, Mr. BALLENGER, Mr. GREEN of Wisconsin, Mr. REYNOLDS, Mr. SENSENBRENNER, Mr. HUNTER, Mrs. MYRICK, Mr. BURR, Mr. COBLE, Mr. GILLMOR, Mr. SOUDER, Mr. TAYLOR of North Carolina, Mr. GREENWOOD, Mr. HAYES, Mr. HOEKSTRA, Mr. COLLINS, Mr. ROHRABACHER, Mr. EVERETT, Mr. PLATTS, Mr. GALLEGLY, Mr. GOODE, Mr. PETERSON of Pennsylvania, Mr. DUNCAN, Mr. MURPHY, Mr. WILSON of South Carolina, Mr. OTTER, Mr. JONES of North Carolina, Mr. UPTON, Mr. BROWN of South Carolina, Mr. SHUSTER, Mr. BARRETT of South Carolina, Mr. LEWIS of Kentucky, Mr. WALSH, Mr. NORWOOD, Mr. SHAW, Mr. TERRY, and Mr. BISHOP of Utah):

H.R. 3058. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3059. A bill to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''; to the Committee on Government Reform.

By Mr. SMITH of Michigan (for himself, Mr. HALL, Mr. HEFLEY, and Mrs. MYRICK):

H.R. 3060. A bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida (for herself, Mr. ACEVEDO-VILA, and Ms. BERKLEY):

H.R. 3061. A bill to authorize major medical facility projects for the Department of Veterans Affairs in connection with the Capital Asset Realignment for Enhanced Services initiative and to satisfy Department of Veterans Affairs requirements on natural disasters, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CANNON:

H.R. 3062. A bill to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. WAXMAN, Mr. SERRANO, Mr. TOWNS, Mr. GRIJALVA, Mrs. CHRISTENSEN, and Mr. ACEVEDO-VILA):

H.R. 3063. A bill to authorize the Secretary of Health and Human Services, the Secretary of Education, and the Attorney General to make 10 grants to demonstration facilities to implement evidence-based preventive-screening tools to detect mental illness and suicidal tendencies in school-age youth at selected facilities; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 3064. A bill to amend the Internal Revenue Code of 1986 to encourage stronger math and science programs at elementary and secondary schools; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 3065. A bill to authorize the extension of the supplemental security income program to American Samoa; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey (for himself, Mr. ANDREWS, Mrs. KELLY, Mr. MURPHY, Mr. BEREUTER, Mr. BOYD, Mr. RAMSTAD, Mr. MOORE, Mr. CARTER, Mr. MCCOTTER, Mr. FEENEY, Ms. GINNY BROWN-WAITE of Florida, Mr. HENSARLING, and Ms. HART):

H.R. 3066. A bill to amend the Fair Debt Collection Practices Act to make certain technical corrections, and for other purposes; to the Committee on Financial Services.

By Mr. GOODE (for himself and Mr. BOUCHER):

H.R. 3067. A bill to provide mortgage payment assistance for certain employees who are separated from employment; to the Committee on Education and the Workforce.

By Ms. HARRIS (for herself, Mr. CRENSHAW, Mr. MILLER of Florida, Mr. KELLER, Mr. WELDON of Florida, Mr. HASTINGS of Florida, Mr. FEENEY, Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Mr. BOYD, Mr. GOSS, Mr. PUTNAM, Mr. FOLEY, Mr. WEXLER, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Florida, Mr. MEEK of Florida, Mr. MICA, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. DEUTSCH, and Mr. SHAW):

H.R. 3068. A bill to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS-Ret.) John H. McLain Post Office"; to the Committee on Government Reform.

By Mr. HUNTER (for himself, Mr. SMITH of New Jersey, Mr. PITTS, Mr. STEARNS, Mr. CRANE, Mrs. JO ANN DAVIS of Virginia, Mr. AKIN, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. SOUDER, Mr. GARRETT of New Jersey, and Mr. RYUN of Kansas):

H.R. 3069. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person; to the Committee on the Judiciary.

By Mr. LOBIONDO (for himself, Mr. SAXTON, Mr. HOLT, Mr. ANDREWS, Mr. PALLONE, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. PASCRELL, Mr. ROTHMAN, Mr. FERGUSON, Mr. GARRETT of New Jersey, and Mr. MENENDEZ):

H.R. 3070. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Resources.

By Mr. PAUL:

H.R. 3071. A bill to prohibit the provision of Federal funds to the housing-related government-sponsored enterprises and to remove certain competitive advantages granted under law to such enterprises; to the Committee on Financial Services.

By Mr. PAUL (for himself and Mr. SANDERS):

H.R. 3072. A bill to prohibit the Overseas Private Investment Corporation from providing insurance or financing to countries that subsidize their steel industries and for projects producing goods subject to anti-dumping duties, to require the United States to oppose the provision by the International Monetary Fund of assistance to countries which subsidize their steel industries, and to ban assistance by the Export-Import Bank of the United States to countries that subsidize their steel industries; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. GUTKNECHT, Mr. KLINE, Ms. MCCOLLUM, Mr. SABO, Mr. KENNEDY of Minnesota, Mr. PETERSON of Minnesota, and Mr. OBERSTAR):

H.R. 3073. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 3074. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. BROWN of Ohio (for himself, Mr. QUINN, Mr. WAXMAN, Mr. PETERSON of Minnesota, Ms. SOLIS, Mr. LATOURETTE, and Mr. GEORGE MILLER of California):

H. Con. Res. 276. Concurrent resolution providing that any agreement relating to trade and investment that is negotiated by the executive branch with other countries must comply with certain minimum standards; to the Committee on Ways and Means.

By Mr. BURGESS:

H. Con. Res. 277. Concurrent resolution expressing the sense of the House of Representatives that Congress should devote resources to researching treatment options for women with ovarian cancer and support community groups that promote awareness about the disease and encourage early diagnosis; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana (for himself, Mr. VISCLOSKY, Mr. BUYER, Mr. HOSTETTLER, Mr. SOUDER, Ms. CARSON of Indiana, Mr. HILL, Mr. PENCE, and Mr. CHOCOLA):

H. Res. 365. A resolution extending the thoughts and prayers of the House of Representatives to Governor Frank O'Bannon of Indiana, his wife Judy, and his family and friends, and expressing hope for a full recovery from the stroke he suffered on September 8, 2003; to the Committee on Government Reform.

By Ms. KAPTUR (for herself, Mr. RYAN of Ohio, and Mr. EVANS):

H. Res. 366. A resolution urging the President to establish an Iraq service medal to recognize service by members of the Armed Forces in Operation Iraqi Freedom; to the Committee on Armed Services.

¶92.50 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. MCCOTTER.

H.R. 31: Mr. SMITH of Washington.

H.R. 338: Mr. STUPAK.

H.R. 369: Mr. GRIJALVA and Mr. TIBERI.

H.R. 463: Ms. HART and Mr. BOEHLERT.

H.R. 476: Mr. STUPAK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MCCOTTER.

H.R. 571: Mr. DUNCAN, Mr. MILLER of North Carolina, and Mr. CRAMER.

H.R. 583: Mr. GUTIERREZ.

H.R. 673: Mr. BEAUPREZ.

H.R. 678: Mr. BALLANCE and Mr. ALEXANDER.

H.R. 687: Mr. LAHOOD, Mr. PETERSON of Pennsylvania, Mr. NEUGEBAUER, and Mr. WHITFIELD.

H.R. 709: Mr. NUSSLE.

H.R. 745: Mr. BACA and Mr. CAPUANO.

H.R. 775: Mr. CARTER and Mrs. BLACKBURN.

H.R. 798: Mr. ACKERMAN, Mr. SPRATT, Mr. SOUDER, Mr. WU, Ms. SLAUGHTER, and Mr. BROWN of Ohio.

H.R. 814: Mrs. MILLER of Michigan and Mr. LAHOOD.

H.R. 857: Mr. MCNULTY and Ms. SLAUGHTER.

H.R. 870: Mr. MCCOTTER.

H.R. 871: Mr. CARSON of Oklahoma.

H.R. 898: Mr. ENGLISH.

H.R. 911: Mr. WOLF, Mr. DEFAZIO, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. STRICKLAND, Mr. DAVIS of Alabama, Mr. FILNER, Mr. BISHOP of New York, Ms. LEE, Mr. TANNER, Mr. BERRY, Mr. SWEENEY, Mr. ROTHMAN, Mr. LAMPSON, Mr. EDWARDS, Mr. MICHAUD, Mr. WICKER, Mr. WALSH, Mrs. CHRISTENSEN, Ms. SLAUGHTER, Mr. LEWIS of Kentucky, Mr. DREIER, Mr. MEEK of Florida, Mr. RYAN of Wisconsin, Mr. TOOMEY, Mr. OSBORNE, Mr. CARTER, Mr. PLATTS, Mr. ROHRABACHER, Mr. CAMP, Mr. CRENSHAW, Mr. BROWN of South Carolina, Mr. DICKS, Mr. KUCINICH, Mr. JOHN, Mr. WALDEN of Oregon, Mr. SHIMKUS, Mr. UDALL of New Mexico, Mr. GINGREY, Mr. PUTNAM, Mr. KING of New York, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mr. ALEXANDER, Ms. HOOLEY of Oregon, Mr. GREEN of Texas, Mr. TIERNEY, Mr. DELAHUNT, Mr. HOLT, Mr. KINGSTON, Mr. STUPAK, Mr. ISRAEL, Mr. BERMAN, Mr. ENGEL, Mr. CARSON of Oklahoma, Mrs. KELLY, Mr. HAYWORTH, Mr. BACHUS, Ms. ESHOO, Mr. MEEKS of New York, Mr. TOWNS, Mr. REHBERG, Mr. BURGESS, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. RAMSTAD, Mr. SMITH of Texas, Mr. BALLENGER, Mr. UDALL of Colorado, Mr. COSTELLO, Mr. ETHERIDGE, Mrs. BIGGERT, Mr. MCNULTY, Mr. CROWLEY, Mr. PICKERING, Mr. CALVERT, Mr. TAYLOR of Mississippi, Mr. DOGGETT, Ms. HART, Mr. KILDEE, Mrs. CAPPS, Ms. LOFGREN, Mr. SABO, Mr. DOOLEY of California, Mr. BURTON of Indiana, Mr. PAYNE, Mr. SERRANO, Mr. WATT, Mr. SAM JOHNSON of Texas, Mr. PRICE of North Carolina, Ms. WATSON, Mr. AKIN, Mr. OBEY, Mr. CUMMINGS, Mrs. BONO, Mr. SHERMAN, Mr. KENNEDY of Minnesota, Mr. MARSHALL, Mr. OWENS, Ms. BERKLEY, Mr.

CARDIN, Ms. MCCARTHY of Missouri, Mr. WYNN, Mr. CASE, Mr. BALLANCE, Ms. LINDA T. SANCHEZ of California, Mr. HINCHEY, Mr. MILLER of North Carolina, Mr. WEXLER, Mr. HONDA, Ms. GINNY BROWN-WAITE of Florida, Mr. GRIJALVA, Mr. BECERRA, Mr. GUTIERREZ, Ms. KAPTUR, and Mr. DINGELL.

H.R. 918: Mr. CUNNINGHAM, Mrs. MYRICK, Mr. TIBERI, Mr. SMITH of Washington, Mr. COX, Mr. WICKER, Mr. CASTLE, Mr. LATOURETTE, Ms. HOOLEY of Oregon, Mrs. EMERSON, Mr. KIRK, Mr. KLECZKA, Mr. SHIMKUS, Mr. WELLER, and Mr. SIMMONS.

H.R. 970: Mr. INSLEE and Ms. SOLIS.

H.R. 978: Mrs. MALONEY.

H.R. 1043: Mr. STUPAK.

H.R. 1046: Mr. KIND.

H.R. 1083: Mr. HOLT.

H.R. 1105: Mr. MILLER of North Carolina.

H.R. 1173: Mr. DUNCAN.

H.R. 1179: Mr. TIBERI.

H.R. 1244: Mr. STRICKLAND.

H.R. 1250: Mr. SENSENBRENNER.

H.R. 1258: Ms. ESHOO.

H.R. 1295: Mr. PASTOR, Ms. DELAURO, Mr. INSLEE, Mr. GILLMOR, Mr. BLUMENAUER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KIND, Ms. CARSON of Indiana, Mr. RODRIGUEZ, Ms. HART, and Mr. BISHOP of Georgia.

H.R. 1305: Mr. JOHN, Mr. DEAL of Georgia, and Mr. HUNTER.

H.R. 1336: Ms. HARRIS, Mr. GONZALEZ, Mr. THOMPSON of California, Mr. LAMPSON, Mr. ETHERIDGE, Mrs. WILSON of New Mexico, Mr. BOOZMAN, Mr. ORTIZ, Mrs. JONES of Ohio, Mr. TIBERI, Mr. REYES, Ms. LINDA T. SANCHEZ of California, Mr. LATOURETTE, Mr. PASCRELL, Mr. CLYBURN, Mr. RENZI, Mr. CARTER, and Mr. EDWARDS.

H.R. 1342: Mr. SNYDER.

H.R. 1359: Mr. MCCOTTER, Mr. MCNULTY, and Ms. BERKLEY.

H.R. 1372: Mr. UDALL of New Mexico and Mr. TANCREDO.

H.R. 1397: Mr. PETRI.

H.R. 1477: Mr. UDALL of New Mexico.

H.R. 1508: Mr. HINCHEY.

H.R. 1513: Mr. PENCE, Mr. TURNER of Texas, Mr. MORAN of Kansas, Mr. WICKER, Mrs. CAPITO, Mr. GRAVES, Mr. SHUSTER, Mr. NEAL of Massachusetts, Mr. SCHROCK, and Mr. HAYES.

H.R. 1519: Mr. GRIJALVA.

H.R. 1523: Mr. HAYWORTH, Mr. MCINNIS, Mr. SKELTON, Mr. WELDON of Pennsylvania, and Mr. MOORE.

H.R. 1532: Ms. SCHAKOWSKY and Mr. BASS.

H.R. 1538: Mr. ISRAEL.

H.R. 1566: Mr. JONES of North Carolina.

H.R. 1612: Mr. STEARNS.

H.R. 1657: Mr. STARK.

H.R. 1676: Mrs. TAUSCHER.

H.R. 1684: Mr. BECERRA, Mr. KIND, Mr. CASTLE, Mr. PASCRELL, and Mr. FATTAH.

H.R. 1690: Ms. BORDALLO and Mr. GEORGE MILLER of California.

H.R. 1692: Mrs. MCCARTHY of New York and Mr. WALSH.

H.R. 1700: Ms. BALDWIN, Mr. ALLEN, Mr. DAVIS of Illinois, and Mrs. BIGGERT.

H.R. 1710: Mr. MANZULLO.

H.R. 1738: Mr. WEINER, Mrs. LOWEY, Mr. PETERSON of Minnesota, Mr. CLAY, and Mr. BRADY of Pennsylvania.

H.R. 1742: Mr. ORTIZ.

H.R. 1749: Mr. FOLEY.

H.R. 1769: Ms. MCCARTHY of Missouri and Ms. SLAUGHTER.

H.R. 1779: Mr. HOSTETTLER.

H.R. 1783: Mr. ISAKSON.

H.R. 1811: Ms. HOOLEY of Oregon, Mr. ALLEN, and Mr. LEACH.

H.R. 1819: Mr. MCDERMOTT.

H.R. 1828: Ms. PELOSI, Mr. BISHOP of Utah, Mr. STARK, and Mr. JACKSON of Illinois.

H.R. 1833: Mrs. MILLER of Michigan and Mr. FOLEY.

H.R. 1873: Mr. STUPAK and Mr. SOUDER.

H.R. 1886: Mr. PRICE of North Carolina.

H.R. 1889: Mr. STARK, Mrs. NAPOLITANO, and Mr. ALEXANDER.

H.R. 1900: Mr. BAIRD, Mr. DOYLE, Mr. GORDON, Mr. LATHAM, Ms. ESHOO, Mr. ISSA, Mr. JEFFERSON, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. TOM DAVIS of Virginia, Mr. SERRANO, Mrs. BONO, Mr. RODRIGUEZ, Mr. HERGER, Mr. SHERMAN, Mr. DREIER, Mr. WICKER, Mr. MCGOVERN, Mr. DELAHUNT, Mr. TIERNEY, Mr. SANDLIN, and Ms. VELAZQUEZ.

H.R. 1902: Mr. HOLT and Mr. OLVER.

H.R. 1956: Mrs. LOWEY and Mr. TERRY.

H.R. 1961: Mr. LIPINSKI.

H.R. 2038: Mr. KLECZKA.

H.R. 2045: Mr. RAHALL, Mr. COLLINS, and Mr. KINGSTON.

H.R. 2068: Mr. PRICE of North Carolina, Mr. UDALL of New Mexico, and Mr. GONZALEZ.

H.R. 2069: Mr. PRICE of North Carolina, Mr. UDALL of New Mexico, and Mr. GONZALEZ.

H.R. 2157: Mr. HONDA, Mr. DOGGETT, Mr. LEWIS of Georgia, and Mr. CARDIN.

H.R. 2208: Mr. WELDON of Florida and Mr. HAYWORTH.

H.R. 2213: Mr. GRIJALVA.

H.R. 2269: Mr. BARRETT of South Carolina.

H.R. 2277: Mr. STUPAK.

H.R. 2296: Mr. BURNS, Mrs. MUSGRAVE, Mr. BARTON of Texas, and Mrs. LOWEY.

H.R. 2346: Mr. GARRETT of New Jersey.

H.R. 2347: Mr. ADERHOLT, Mr. WELDON of Florida, Mr. HOSTETTLER, and Mr. SULLIVAN.

H.R. 2365: Mr. GREEN of Texas, Mr. BALLENGER, and Mr. LIPINSKI.

H.R. 2404: Mr. SHAYS.

H.R. 2437: Mr. DEUTSCH and Mr. GUTIERREZ.

H.R. 2440: Mrs. BONO and Ms. BALDWIN.

H.R. 2456: Mr. KIRK.

H.R. 2490: Ms. BERKLEY, Mr. ROTHMAN, Ms. MILLENDER-MCDONALD, and Ms. CORRINE BROWN of Florida.

H.R. 2521: Mr. PLATTS.

H.R. 2527: Mr. PRICE of North Carolina and Mr. HOEFFEL

H.R. 2601: Mr. MCDERMOTT and Mr. JANKLOW.

H.R. 2614: Ms. MILLENDER-MCDONALD and Mr. MORAN of Virginia.

H.R. 2633: Mr. BAIRD.

H.R. 2634: Mr. TANNER.

H.R. 2635: Mr. HAYWORTH, Mr. REHBERG, Mr. PITTS, Mr. WICKER, Mr. COX, Mr. ISAKSON, Mr. NUNES, Mr. SOUDER, Mr. GARY G. MILLER of California, and Mr. GREEN of Wisconsin.

H.R. 2665: Mr. STUPAK and Mr. LIPINSKI.

H.R. 2699: Mr. BEREUTER, Mr. OXLEY, Mr. DEMINT, Mr. HALL, Mr. SCOTT of Georgia, Mr. HERGER, Mr. SHADEGG, and Mr. MEEKS of New York.

H.R. 2708: Mr. LIPINSKI.

H.R. 2711: Mr. UDALL of New Mexico and Mr. MICHAUD.

H.R. 2719: Mr. JENKINS and Mrs. JO ANN DAVIS of Virginia.

H.R. 2720: Ms. CARSON of Indiana, Mr. KIND, Mr. MCHUGH, Mr. SHIMKUS, Mr. BISHOP of New York, Ms. NORTON, Mr. MCINTYRE, and Mr. GRIJALVA.

H.R. 2727: Mr. PLATTS.

H.R. 2732: Mr. MCCOTTER, Mr. BURGESS, Mr. LATHAM, Mr. GINGREY, Mr. TANCREDO, and Mr. ROHRABACHER.

H.R. 2733: Mr. HALL.

H.R. 2743: Mr. AKIN.

H.R. 2752: Ms. BERKLEY.

H.R. 2824: Ms. HART and Mr. PLATTS.

H.R. 2835: Mr. BEAUPREZ.

H.R. 2840: Ms. SCHAKOWSKY and Mr. VAN HOLLEN.

H.R. 2843: Mr. SOUDER.

H.R. 2844: Mr. CONYERS.

H.R. 2849: Mr. TANCREDO.

H.R. 2851: Mr. FEENEY.

H.R. 2853: Mr. FROST.

H.R. 2880: Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mrs. JONES of Ohio, Mr. COOPER, Mr. HINCHEY, Mr. FROST, Mr. PAYNE, and Ms. BERKLEY.

H.R. 2885: Mr. FORBES.

H.R. 2890: Mr. MARSHALL.

H.R. 2898: Mr. PETERSON of Minnesota, Ms. MCCARTHY of Missouri, Mr. RUSH, and Mrs. CUBIN.

H.R. 2914: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2929: Mrs. CUBIN.

H.R. 2932: Mr. PALLONE.

H.R. 2952: Mr. GRIJALVA.

H.R. 2956: Mr. WILSON of South Carolina, Ms. JACKSON-LEE of Texas, Mr. CASE, Ms. DELAURO, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Mr. FROST, and Ms. SOLIS.

H.R. 2971: Ms. MCCOLLUM.

H.R. 2998: Mr. MURTHA, Mr. DEUTSCH, Ms. GRANGER, Ms. PELOSI, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. HOSTETTLER, Mr. COSTELLO, Mr. SANDLIN, Mrs. BLACKBURN, Mr. OWENS, Mr. TURNER of Ohio, Ms. LEE, Mr. TANNER, Mr. BEAUPREZ, Mr. WELDON of Pennsylvania, Mr. WICKER, Mr. PETERSON of Pennsylvania, Mr. BONILLA, Mr. BURGESS, Mr. MARSHALL, Mr. MILLER of Florida, Mr. BRADLEY of New Hampshire, Mr. AKIN, Mr. WILSON of South Carolina, Mr. SIMPSON, Mr. WALSH, Mr. FRELINGHUYSEN, Mr. DICKS, Mr. HOBSON, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. ADERHOLT, Ms. PRYCE of Ohio, Mr. WAMP, Ms. KAPTUR, Ms. MILLENDER-MCDONALD, Mr. SCOTT of Georgia, Mr. SHERWOOD, Mr. LEWIS of California, Ms. KILPATRICK, Mr. BERMAN, Mr. SWEENEY, Mr. STEARNS, Mr. HASTINGS of Washington, Mr. OBEY, Mr. CROWLEY, and Mr. MORAN of Virginia.

H.R. 3004: Mr. COOPER.

H.R. 3011: Mr. BECERRA, Mr. LANTOS, Mr. GALLEGLY, Mr. BACA, Mr. MILLER of Florida, Mr. GRIJALVA, Mr. WAXMAN, Mr. OSE, and Mr. MCNULTY.

H.R. 3023: Ms. KAPTUR, Mr. LIPINSKI, Mr. RYAN of Ohio, and Mr. PALLONE.

H.R. 3027: Mr. TOWNS and Mrs. JONES of Ohio.

H.R. 3043: Mr. CARDOZA.

H.J. Res. 56: Mr. KINGSTON and Mr. BOOZMAN.

H.J. Res. 62: Mr. SHUSTER.

H. Con. Res. 94: Mr. BOSWELL, Mr. WHITFIELD, Mr. RAMSTAD, Mr. MORAN of Kansas, Mrs. JOHNSON of Connecticut, Mr. MICHAUD, Mr. BOUCHER, Mr. ROSS, Mr. INSLEE, Ms. BERKLEY, Mr. TERRY, Mr. LAHOOD, and Mr. LEACH.

H. Con. Res. 98: Mr. ORTIZ.

H. Con. Res. 126: Ms. HART.

H. Con. Res. 173: Mr. ROTHMAN.

H. Con. Res. 183: Mr. RAHALL and Mr. SOUDER.

H. Con. Res. 194: Ms. DELAURO, Mr. WEINER, Mr. SERRANO, and Mr. BISHOP of Georgia.

H. Con. Res. 196: Ms. MILLENDER-MCDONALD.

H. Con. Res. 254: Mr. LANGEVIN.

H. Res. 157: Mr. MCGOVERN, Mr. HINCHEY, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. GRIJALVA, Ms. CARSON of Indiana, Mr. AKIN, Mr. DEFAZIO, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Ms. LEE, and Mr. MCNULTY.

H. Res. 233: Mr. PAYNE.

H. Res. 261: Mr. MEEKS of New York and Ms. SLAUGHTER.

H. Res. 285: Mr. HASTINGS of Florida, Mr. ROGERS of Kentucky, Mr. HAYWORTH, and Mr. PLATTS.

H. Res. 302: Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. BILIRAKIS, Mr. GRIJALVA, Mr. DOGGETT, Mr. EVANS, and Mrs. MALONEY.

H. Res. 313: Mr. KING of New York.

H. Res. 315: Mrs. MALONEY.

H. Res. 355: Mr. GALLEGLY, Mr. LIPINSKI, and Mr. BELL.

H. Res. 359: Mr. COX.

¶92.51 DELETIONS OF SPONSORS FROM PUBLIC BILLS ADN RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. WAMP.

THURSDAY, SEPTEMBER 11, 2003 (93)

The House was called to order by the SPEAKER.

¶93.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Wednesday, September 10, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶93.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4206. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerance [OPP-2003-0244; FRL-7322-7] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4207. A letter from the Acting Undersecretary of Defense, Department of Defense, transmitting the Department's five-year plan and supplemental plan for the manufacturing technology (ManTech) program for fiscal years 2003-2007, as required by subsection 2521(e) of title 10 of the United States Code; to the Committee on Armed Services.

4208. A letter from the Chief Information Officer, Department of Defense, transmitting the Department's FY 2002 Chief Information Officer Annual Information Assurance Report; to the Committee on Armed Services.

4209. A letter from the Principal Deputy, Department of Defense, transmitting notification of the Department's intention to close the combined commissary and exchange stores at Homestead Air Reserve Base, FL and Fort McClellan, AL, by December 31, 2003; to the Committee on Armed Services.

4210. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report as of June 30, 2003, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,'' pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

4211. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Liberty Borough PM10 Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan [PA189-4300; FRL-7556-4] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4212. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Illinois; Revised Motor Vehicle Emissions Inventories and Motor Vehicle Emissions Budgets using MOBILE6 [IL 200-3a; FRL-7558-3] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4213. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Mecklenburg-Union Transportation Conformity Interagency Memorandum of Agreement [NC-107-200338(a); FRL-7557-9] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4214. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL-7557-5] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4215. A letter from the transmitting the Agency's final rule — Pennsylvania: Final Approval of State Underground Storage Tank Program [FRL-7557-4] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4216. A letter from the Commissioner, Federal Election Commission, transmitting the Commission's final rule — Statement of Policy Regarding Deposition Transcripts in Nonpublic Investigations [Notice 2003-15] received August 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4217. A letter from the Public Printer, United States Government Printing Office, transmitting the Government Printing Office (GPO) annual report for Fiscal Year 2002; to the Committee on House Administration.

4218. A letter from the Acting Assistant Secretary of the Army, Department of Defense, transmitting A report listing an inventory of all the WPA dams in the State of Minnesota and an assessment of the condition of the dams and the need for rehabilitation or modification of the dams dated March 2003; to the Committee on Transportation and Infrastructure.

4219. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''Buckle Up America: The National Initiative for Increasing Seat Belt Use, Fifth Report To Congress and Third Report to the President'' April 2003; to the Committee on Transportation and Infrastructure.

4220. A letter from the Assistant Secretary, Department of the Treasury, transmitting Notification of the Secretary's determination concerning the operation and status of the CSRDF during the recent debt issuance suspension period, and restoration thereof, as pursuant to section 8348 of title 5, United States Code, pursuant to 5 U.S.C. 8348(1)(2); to the Committee on Ways and Means.

4221. A letter from the Chairman, International Trade Commission, transmitting the Commission's report on investigation No. TA-204-11, entitled, ''Certain Steel Wire Rod: Evaluation of the Effectiveness of Import Relief,'' August 2003, pursuant to 19 U.S.C. 2254(d)(3); to the Committee on Ways and Means.

4222. A letter from the Chairman, International Trade Commission, transmitting a Commissioner's report on Investigation No. TA-204-10, entitled, ''Certain Circular Welded Carbon Quality Line Pipe: Evaluation of the Effectiveness of Import Relief'' August 2003; to the Committee on Ways and Means.

4223. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's report entitled, ''The Year in Trade 2002: Operation of the Trade Agreements Program''; to the Committee on Ways and Means.

¶93.3 SEPTEMBER 11, 2001 TERRORIST ATTACKS REMEMBRANCE

Mr. KING of New York, pursuant to the order of the House of September 10, 2003, called up the bill (H.R. 1538) to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to the people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001, and for other purposes.

When said bill was considered and read twice.

After debate,

Pursuant to the order of the House of Wednesday, September 10, 2003, the previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read a third time by title and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶93.4 SEPTEMBER 11, 2001 VICTIMS MEMORIAL

Mr. POMBO, pursuant to the order of the House of September 10, 2003, called up the bill (H.R. 911) to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad.

Pending consideration of the bill.

Pursuant to the order of the House of Wednesday, September 10, 2003, the following amendment in the nature of a substitute was considered as adopted:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZATION OF MEMORIAL.

(a) IN GENERAL.—The Advisory Board established in section 2(a) is authorized to establish a memorial (referred to hereafter in this Act as the ''Memorial'') in accordance with this Act on Federal lands administered by the National Park Service in the District of Columbia and its environs (as defined in section 8902(a)(3) of title 40, United States Code) to victims who died as a result of terrorist acts against the United States or its people, at home or abroad, except those individuals identified by the Attorney General of the United States as participating or conspiring in terrorist-related activities.

(b) DETAIL OF EMPLOYEES.—The Secretary of the Interior shall detail to the Advisory Board such support staff as are necessary to assist the members of the Advisory Board in carrying out its responsibilities.

(c) RELATIONSHIP TO THE COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, shall apply to the Memorial, with the exception of section 8903(c) of that title which shall not apply to the Memorial.

SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established an advisory board to be known as the ''Victims of Terrorism Memorial Advisory Board'' (referred to hereafter in this Act as the ''Advisory Board'').

(b) MEMBERS.—The Advisory Board shall consist of 13 members who shall be appointed not later than 3 months after the date of the enactment of this Act. Nine members shall be appointed by the President (in consultation with the Secretary of the Interior and the Secretary of Defense), 2 members by the Speaker of the House of Representatives (in consultation with the Minority Leader) and 2 members by the Majority Leader of the Senate (in consultation with the Minority Leader) from interested persons, including representatives of organizations dedicated to assisting victims of terrorism and their families.

(c) CHAIRPERSON.—The Chairperson of the Advisory Board shall be one of its members elected by a majority of the members at the first meeting of the Advisory Board.

(d) TERMS; VACANCIES.—Members of the Advisory Board shall serve for the life of the Advisory Board. The President shall make appointments to fill any vacancies that occur.

(e) DUTIES.—The Advisory Board shall—

(1) raise necessary funds to establish, design, construct, and maintain the Memorial; and

(2) begin consultation under section 8907 of title 40, United States Code, not later than 1 year after the date of the enactment of this Act.

(f) DONATIONS.—The Advisory Board may accept donations on behalf of the United States for the establishment, design, construction, and maintenance of the Memorial.

(g) TERMINATION.—The Advisory Board shall terminate not later than 120 days after completion of the Memorial.

(h) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the Memorial (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the 7-year period beginning on the date of the enactment of this Act, there remains a balance in the funds received under section 8903(f) of title 40, United States Code, for maintenance of the Memorial, the Chairperson of the Advisory Board shall transfer the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b) of that title.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to the order of the House of Wednesday, September 10, 2003, the previous question was ordered.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶93.5 ADJOURNMENT OVER

On motion of Mr. PORTMAN, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, September 15, 2003, at noon; and further, that when the House adjourns on Monday, September 15, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, September 16, 2003, for morning-hour debate.

¶93.6 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. PORTMAN, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 17, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶93.7 RECESS—11:44 P.M.

The SPEAKER pro tempore, Mr. PETRI, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 44 minutes a.m. subject to the call of the Chair.

¶93.8 AFTER RECESS—1:04 P.M.

The SPEAKER pro tempore, Mr. KLINE, called the House to order.

And then,

¶93.9 ADJOURNMENT

On motion of Ms. BORDALLO, pursuant to the previous order of the House, at 1 o'clock and 23 minutes p.m., the House adjourned until noon on Monday, September 15, 2003.

¶93.10 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. S. 111. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes (Rept. 108–268). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1006. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; with an amendment (Rept. 108–269). Referred to the Committee of the Whole House on the State of the Union.

¶93.11 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARRETT of South Carolina:

H.R. 3075. A bill to amend the Immigration and Nationality Act to bar the admission of aliens from countries determined to be state sponsors of terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. ISAKSON, Mr. TIBERI, Mr. WILSON of South Carolina, and Mr. COLE):

H.R. 3076. A bill to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. GREENWOOD, Mr. WILSON of South Carolina, and Mr. COLE):

H.R. 3077. A bill to amend title VI of the Higher Education Act of 1965 to enhance international education programs; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. BISHOP of New York, Mr. GRIJALVA, Mr. PAYNE, Mr. KILDEE, Mr. OWENS, Mr. TIERNEY, Mr. ABERCROMBIE, Ms. SOLIS, Mr. KUCINICH, Mr. UDALL of New Mexico, Mrs. MCCARTHY of New York, Mr. RYAN of Ohio, Ms. CARSON of Indiana, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. DELAURO, Mr. SERRANO, Ms. MCCOLLUM, and Ms. WOOLSEY):

H.R. 3078. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form or become members of labor organizations, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CRENSHAW (for himself and Mr. BLUNT):

H.R. 3079. A bill to establish the National Commission on the Modernization of the United Nations; to the Committee on International Relations.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 3080. A bill to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies; to the Committee on Government Reform.

By Mr. GEPHARDT (for himself and Mr. BOSWELL):

H.R. 3081. A bill to amend title XVIII of the Social Security Act to provide additional reimbursements for Medicare providers in low-reimbursement States and to provide financial incentives for high quality, low-cost health care; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEFFEL (for himself, Mr. UDALL of New Mexico, and Mr. BROWN of Ohio):

H.R. 3082. A bill to review, reform, and terminate unnecessary and inequitable Federal payments, benefits, services, and tax advantages; to the Committee on Government Reform, and in addition to the Committees on Ways and Means, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota (for himself, Mr. REHBERG, Mr. HEFLEY, Mr. OBERSTAR, Mr. JANKLOW, and Ms. MCCOLLUM):

H.R. 3083. A bill to amend the country-of origin labeling requirements of the Agricultural Marketing Act of 1946 to specify the model upon which the certification program for producers shall be based, to facilitate verification of compliance with the requirements, to impose a schedule of penalties for violation of the requirements, and for other purposes; to the Committee on Agriculture.

By Ms. KILPATRICK (for herself and Mr. CONYERS):

H. Con. Res. 278. Concurrent resolution recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation; to the Committee on Government Reform.

¶93.12 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. ENGLISH.

H.R. 235: Mr. RAHALL and Mr. TURNER of Ohio.

H.R. 290: Mr. MICHAUD, Mr. BOOZMAN, Mr. NEAL of Massachusetts, Mr. DELAHUNT, and Mr. ENGEL.

H.R. 296: Mr. GILCHREST.

H.R. 839: Mr. GALLEGLY, Mr. LYNCH, Mr. JOHN, Mr. DOOLEY of California, and Mr. FERGUSON.

H.R. 869: Mr. SNYDER.

H.R. 911: Ms. BALDWIN, Mrs. JONES of Ohio, Ms. HARRIS, Mr. ANDREWS, Mr. GEPHARDT, Mr. ORTIZ, Mrs. DAVIS of California, and Mr. UPTON.

H.R. 935: Ms. SOLIS.

H.R. 962: Mr. STUPAK.

H.R. 996: Mr. WALDEN of Oregon.

H.R. 1002: Mr. STARK and Mr. LARSEN of Washington.

H.R. 1105: Mr. CASTLE.
H.R. 1288: Mr. SHAW, Mr. WICKER, Mr. CROWLEY, and Mr. LARSEN of Washington.
H.R. 1310: Mr. BOYD and Mr. GOODE.
H.R. 1359: Ms. MILLENDER-MCDONALD.
H.R. 1671: Mr. PITTS.
H.R. 1910: Mr. PRICE of North Carolina.
H.R. 1929: Mr. SERRANO.
H.R. 1943: Mr. GOODE.
H.R. 2208: Ms. KAPTUR.
H.R. 2394: Mr. TANNER and Ms. MILLENDER-MCDONALD.
H.R. 2671: Mr. MCCRERY, Mr. PLATTS, and Mr. OSBORNE.
H.R. 2697: Mrs. MUSGRAVE.
H.R. 2702: Mr. STARK.
H.R. 2964: Mr. PETERSON of Minnesota.
H.R. 2998: Mr. BOYD, Mr. ROTHMAN, Mr. BISHOP of Georgia, Mr. BERRY, Mr. FARR, Mr. SKELTON, Mr. CRAMER, Mrs. Miller of Michigan, Mr. GOODE, Mr. SCHROCK, Mr. GOODLATTE, Mrs. NORTHUP, Mr. RYAN of Ohio, Mr. KNOLLENBERG, Mr. MCNULTY, and Mr. COLE.
H.R. 2999: Mr. COBLE and Mr. HOSTETTLER.
H.R. 3061: Mr. PORTER.
H.J. Res. 22: Mr. EVERETT.
H.J. Res. 46: Ms. HARRIS.
H. Con. Res. 60: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 176: Mr. SMITH of Washington.
H. Con. Res. 265: Mr. SAXTON and Mr. RUPPERSBERGER.
H. Res. 355: Mr. FROST.

MONDAY, SEPTEMBER 15, 2003 (94)

¶94.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. ADERHOLT, who laid before the House the following communication:

WASHINGTON, DC,
September 15, 2003.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶94.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ADERHOLT, announced he had examined and approved the Journal of the proceedings of Thursday, September 11, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶94.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4224. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Update of Nursery Stock Regulations [Docket No. 98–062–2] (RIN: 0579–AB23) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4225. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Requirements for Recognizing the Animal Health Status of Foreign Regions [Docket No. 01–036–2] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4226. A letter from the Administrator, FSIS, Department of Agriculture, transmitting the Department's final rule—Definitions and Standards of Identity or Composition: Elimination of the Pizza with Meat or Sausage Standards [Docket No. 01–018F] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4227. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Sugar Beet Disaster Program (RIN: 0560–AH04) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4228. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Outside Storage of Extra Long Staple Loan Cotton (RIN: 0560–AH03) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4229. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—2003 Agricultural Assistance Act-Crop Disaster Program and Livestock Assistance Program (RIN: 0560–AG95) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4230. A communication from the President of the United States, transmitting requests for FY 2004 budget amendments for the Departments of Agriculture, Homeland Security, Housing and Urban Development and the Corps of Engineers; (H. Doc. No. 108—125); to the Committee on Appropriations and ordered to be printed.

4231. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Multiyear Contracting Authority Revisions [DFARS Case 2002–D041] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4232. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contractor Performance of Security-Guard Functions [DFARS Case 2002–D042] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4233. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country—Dominican Republic [DFARS Case 2003–D007] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4234. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Liability for Loss Under Vessel Repair and Alteration Contracts [DFARS Case 2002–D016] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4235. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Customer Identification Programs for Futures Commission Merchants and Introducing Brokers (RIN: 1506–AA34) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4236. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Federal Savings Associations—Operations, Agency Offices; Fiduciary Powers of Savings Associations [No. 2003–44] (RIN: 1550–AB80) received September 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4237. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Regulatory Reporting Standards: Qualifications for Independent Public Accountants Performing Audit Services for Voluntary Audit Filers [No. 2003–45] (RIN: 1550–AB54) received September 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4238. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations—received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4239. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4240. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Filing Procedures, Corporate Powers, International Banking, Management Official Interlocks, Golden Parachute and Indemnification Payments (RIN: 3064–AC55) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4241. A letter from the General Counsel, National Credit Union Administration, transmitting the Administrator's final rule—Investment and Deposit Activities and Regulatory Flexibility Program—received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4242. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's final rule—Indian Education Discretionary Grant Programs (RIN: 1810–AA93) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4243. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's final rule—Indian Education Discretionary Grant Programs (RIN: 1810–AA93) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4244. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Testing and Evaluation by Independent Laboratories and Non-MSHA Product Safety Standards (RIN: 1219–AA87) received September 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4245. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4246. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucrose Oligoesters [Docket No. 98F–0717] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4247. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Export Clearance—Conformance of Export Administration Regulations with Foreign Trade Statistics Regulations [Docket No. 030728186–3186–01] (RIN: 0694–AC81) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4248. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Presidential Determination No. 2003-30, Imposition and Waiverof Sanctions Under Section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003; to the Committee on International Relations.

4249. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4250. A letter from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4251. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4252. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4253. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations; and Certain Grants and Agreements with States, Local Governments and Indian Tribal Governments and Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4254. A letter from the Director, Office of Government Affairs, National Endowment for the Arts, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4255. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 082803B] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4256. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 082803D] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4257. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Removal of Full Retention and Utilization Requirements for Rock Sole and Yellowfin Sole [Docket No. 030320066–3192–02; I.D. 022103D] (RIN: 0648–AQ78) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4258. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Definition of Length Overall of a Vessel; Correction [Docket No. 030414085–3085–01; I.D. 012601B] (RIN: 0648–AR04) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4259. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Skate Complex (Skate) Fisheries; Skate Fishery Management Plan [Docket No. 030519127–3190-02; I.D. 042403A] (RIN: 0648–AO10) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4260. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #2—Adjustment of the Recreational Fishery from the Queets River to Cape Falcon, Oregon [Docket No. 020430101–2101-01; I.D. 080503B] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4261. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Oregon Sport Fisheries [Docket No. 030124019–3040–02; I.D. 073003C] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4262. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 021122286–3036–02; I.D. 082003D] received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4263. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 021122286–3036-02; I.D. 082603A] received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4264. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Harvest Limit Area Fisheries in Areas 542 and 543 [Docket No. 021212307–3037–02; I.D. 081403D] received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4265. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Reallocation of Pollock in the Bering Sea Subarea [Docket No. 021212307–3037–02; I.D. 081503B] received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4266. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands [Docket No. 021212307–3037–02; I.D. 081403C] received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4267. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 073003A] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4268. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 021122286–3036–02; I.D. 073003E] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4269. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program [Docket No. 030417090–3183–02; I.D. 032403C] (RIN: 0648–AQ73) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4270. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule— Over-The-Counter (OTC) Medications [BOP–1086–F] (RIN: 1120–AA81) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4271. A letter from the Chairman, Surface Transportation Board, Department of Transportation, transmitting the Department's final rule—Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2003 Update [STB Ex Parte No. 542 (Sub-No. 10)] received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4272. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—NASA Grant and Cooperative Agreement Handbook—Financial Reporting (RIN: 2700–AC77) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4273. A letter from the Director, Industry Programs, Office of Policy, Import Administration, Department of Commerce, transmitting the Department's final rule—Steel Import Licensing and Surge Monitoring [Docket #: 020711168–2325–02] (RIN: 0625–AA60) received September 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4274. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Revised Medical Criteria for Evaluating Amyotrophic Lateral Sclerosis [Regulations No. 4 and 16] (RIN: 0960–AF95) received September 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4275. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting modification to the certification that shrimp harvested with technology that may adversely affect certain sea turtles may not be imported into the United States unless the President makes specific certifications to the Congress by May 1, 1991, and annually thereafter, pursuant to Public Law 101—162 section 609(b); jointly to the Committees on Resources and Appropriations.

4276. A communication from the President of the United States, transmitting a report on the progress made in achieving the militarily significant benchmarks as pertains to peace in Kosovo during the period January 1 to June 30, 2003, pursuant to Public Law 106—398; jointly to the Committees on Armed Services, International Relations, and Appropriations.

4277. A letter from the Secretaries, Departments of Health and Human Services, Defense and Veterans Affairs, transmitting a report entitled ''Report to Congress on Accounting for VA and DoD Expenditures for Medicare Beneficiaries''; jointly to the Committees on Armed Services, Veterans' Affairs, Ways and Means, and Energy and Commerce.

¶94.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. ADERHOLT, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, September 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 12, 2003 at 12:06 p.m.

That the Senate passed without amendment H.R. 978.

With best wishes, I am,
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶94.5 BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 12, 2003, he presented to the President of the United States, for his approval, the following bill:

H.R. 1668. An Act to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the ''Ed Edmondson United States Courthouse.''

And then,

¶94.6 ADJOURNMENT

The SPEAKER pro tempore, Mr. ADERHOLT, by unanimous consent and pursuant to the special order of the House of September 11, 2003, at 12 o'clock and 4 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, September 16, 2003.

¶94.7 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1038. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; with amendments (Rept. 108–218 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. House Joint Resolution 63. Resolution to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, and for other purposes; with an amendment (Rept. 108–262, Pt. 2). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. House Joint Resolution 63. Resolution to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia,'' and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands,'' and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, and for other purposes; with an amendment (Rept. 108–262, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

¶94.8 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 1038 referred to the Committee of the Whole House on the State of the Union.

¶94.9 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EHLERS (for himself, Mr. BOEHLERT, Mr. HOLT, Mr. HALL, Mr. STARK, Mr. PETERSON of Pennsylvania, Mr. MARKEY, Mr. RANGEL, Mr. BROWN of Ohio, Mr. ROHRABACHER, Mr. FILNER, Mr. LEVIN, Mr. MCDERMOTT, Mr. SCHIFF, Mr. GUTKNECHT, Mr. OBERSTAR, Mr. HINCHEY, Mr. SMITH of Michigan, Ms. SLAUGHTER, Mr. ENGEL, Mr. BERMAN, Mr. LANTOS, Mr. BOUCHER, Mr. DOGGETT, Mr. JOHNSON of Illinois, Mr. SPRATT, and Mr. BARTON of Texas):

H. Con. Res. 279. Concurrent resolution recognizing the significance of the anniversary of the American Association for the Advancement of Science Congressional Science and Engineering Fellowship Program, and reaffirming the commitment to support the use of science in governmental decision-making through such Program; to the Committee on Science.

By Mr. BEREUTER (for himself, Mr. HYDE, Mr. WEXLER, and Mr. WALSH):

H. Res. 367. A resolution urging that elections, pursuant to the terms of the Good Friday Agreement, be held in Northern Ireland in 2003 and reaffirming support for the continued implementation of the Good Friday Agreement as the framework for the peaceful settlement of the conflict in Northern Ireland; to the Committee on International Relations.

¶94.10 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. KELLER and Mr. TAYLOR of North Carolina.
H.R. 31: Mr. TAYLOR of Mississippi and Mr. OSBORNE.
H.R. 339: Mr. PLATTS.
H.R. 465: Mr. KLINE.
H.R. 476: Mr. DELAHUNT and Mr. MICHAUD.
H.R. 588: Mr. RYAN of Ohio and Mr. ANDREWS.
H.R. 1052: Mr. GEORGE MILLER of California.
H.R. 1105: Mr. FERGUSON.
H.R. 1160: Mr. TOWNS and Mrs. JONES of Ohio.
H.R. 1241: Mr. STARK.
H.R. 1633: Mr. HILL.
H.R. 1692: Ms. MILLENDER-MCDONALD.
H.R. 1738: Mr. WU, Mr. NADLER, Mr. FILNER, Mr. SANDERS, Mr. HONDA, Mr. BAIRD, Mr. BLUMENAUER, Ms. BERKLEY, Mr. CAPUANO, Mr. NEAL of Massachusetts, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. BECERRA, and Mr. BROWN of Ohio.
H.R. 1746: Ms. DUNN.
H.R. 1800: Mr. SMITH of Washington.
H.R. 2011: Ms. DELAURO, Mr. ANDREWS, and Mr. ROTHMAN.
H.R. 2020: Mr. NEUGEBAUER.
H.R. 2022: Mr. GEORGE MILLER of California.
H.R. 2208: Mr. REGULA.
H.R. 2283: Mr. COX.
H.R. 2485: Ms. SCHAKOWSKY.
H.R. 2568: Mr. GEORGE MILLER of California.
H.R. 2571: Mr. HOUGHTON.
H.R. 2681: Ms. DELAURO and Ms. JACKSON-LEE of Texas.
H.R. 2720: Ms. KILPATRICK and Mr. QUINN.
H.R. 2808: Mr. LANTOS, Mr. ROGERS of Kentucky, Mr. ROTHMAN, and Mr. THOMPSON of California.
H.R. 2809: Mr. KINGSTON.
H.R. 2810: Mr. KINGSTON.
H.R. 2890: Mr. ANDREWS.
H.R. 2891: Ms. DELAURO.
H.R. 2952: Mr. BISHOP of New York and Mr. BROWN of Ohio.
H.R. 3011: Mrs. CAPPS, Mr. SNYDER, Ms. WATSON, Mr. CASE, and Mr. MCKEON.
H. Con. Res. 50: Mr. KINGSTON, Mr. JONES of North Carolina, and Mr. HOSTETTLER.
H. Con. Res. 183: Mr. KNOLLENBERG.
H. Con. Res. 268: Mr. PALLONE and Mr. FALEOMAVAEGA.
H. Res. 313: Mr. DELAHUNT.

TUESDAY, SEPTEMBER 16, 2003 (95)

¶95.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BOOZMAN, who laid before the House the following communication:

WASHINGTON, DC,
September 16, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶95.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced

that the Senate has passed a joint resolution of the following title in which the concurrence of the House of requested:

S.J. Res. 17. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

The message also announced that pursuant to Public Law 106–170, the Chair, on behalf of the Democratic Leader, after consultation with the Ranking Member of the Senate Committee on Finance, announces the appointment of Andrew J. Imperato, of Maryland, to serve as a member of the Ticket to Work and Work Incentives Advisory Panel, vice Christine M. Griffin, of Massachusetts.

¶95.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶95.4 RECESS—1:01 P.M.

The SPEAKER pro tempore, Mr. BOOZMAN, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 1 minute p.m., until 2 p.m.

¶95.5 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶95.6 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, September 15, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶95.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4278. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) of the Base Support Services of Naval Surface Warfare/Weapons Centers in Carderock, MD and Philadelphia, PA; to the Committee on Armed Services.

4279. A letter from the Deputy Chief of Naval Operations, Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) of the Naval Air Systems Command Headquarters Administrative Support and Patuxent Administrative Support in Mechanicsville, MD; to the Committee on Armed Services.

4280. A letter from the Director, Office of Management and Budget, transmitting appropriations reports containing OMB cost estimates for P.L. 108-69; to the Committee on the Budget.

4281. A letter from the Secretary, Department of the Treasury, transmitting an annual report to the President and to the Congress on the audit of the Telecommunications Development Fund, pursuant to 47 U.S.C. 614; to the Committee on Energy and Commerce.

4282. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Zimbabwe that was declared in Executive Order 13288 of March 6, 2003, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); to the Committee on International Relations.

4283. A letter from the Secretary, Department of the Treasury, transmitting a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, pursuant to 50 U.S.C. 1641(c), 50 U.S.C. 1730(c) and 22 U.S.C. 2349aa-9(c); to the Committee on International Relations.

4284. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6004(e)(6); to the Committee on International Relations.

4285. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 17-03 which informs you of our intent to sign a Memorandum of Understanding (MOU) Concerning the Development of the Future Fire Control System (FFCS) for Multiple Launch Rocket System (MLRS) Upgrades between the United States and the United Kingdom as pursuant to Executive Order 11958, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4286. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States be transmitted to the Congress within a sixty day period after the execution thereof as specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

4287. A letter from the Archivist, National Archives and Records Administration, transmitting the Administration's Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Government Reform.

4288. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4289. A letter from the Assistant Attorney General, Department of Justice, transmitting a report of activities under the Civil Rights of Institutionalized Persons Act during Fiscal Year 2002, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

4290. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter concerning grants made under the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub L. 106-561) to improve forensic science services, pursuant to Public Law 106-561, section2806(b); to the Committee on the Judiciary.

4291. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Twenty-Fifth Annual Report to Congress and the activities during Fiscal Year 2002 as pursuant to section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

4292. A letter from the chairman, National Transportation Safety Board, transmitting the Board's Fiscal Year 2005 Budget Estimates Request to OMB, pursuant to Public Law 93-633; jointly to the Committees on Transportation and Infrastructure and Appropriations.

4293. A letter from the Secretaries, Departments of Defense and Health and Human Services, transmitting a report on the evaluation of the Medicare Subvention Demonstration Project for Military Retirees entitled "Evaluation of the Medicare-DoD Subvention Demonstration: Final Report," pursuant to Public Law 105-33, section 4015; jointly to the Committees on Armed Services, Ways and Means, and Armed Services.

¶95.8 PRIVATE CALENDAR BUSINESS DISPENSED WITH

On motion of Mr. DELAY, by unanimous consent,

Ordered, That business in order today, under clause 5, rule XV, the Private Calendar rule, be dispensed with.

¶95.9 DEFENSE APPROPRIATIONS FY 2004

On motion of Mr. KNOLLENBERG, by unanimous consent, the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. KNOLLENBERG, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

Thereupon, the SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, appointed Messrs. LEWIS of California, YOUNG of Florida, HOBSON, BONILLA, NETHERCUTT, CUNNINGHAM, FRELINGHUYSEN, TIAHRT, WICKER, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, and OBEY as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

¶95.10 MILITARY CONSTRUCTION APPROPRIATIONS FY 2004

On motion of Mr. KNOLLENBERG, by unanimous consent, the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. KNOLLENBERG, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

Thereupon, the SPEAKER pro tempore, Mr. SIMPSON, by unanimous consent, appointed Messrs. KNOLLENBERG, WALSH, ADERHOLT, Mrs. GRANGER Messrs. GOODE, VITTER, KINGSTON, CRENSHAW, YOUNG of Florida, EDWARDS, FARR, BOYD, BISHOP of Georgia, DICKS, and OBEY as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

¶95.11 FREMONT-MASON CONVEYANCE

Mr. CALVERT moved to suspend the rules and pass the bill of the Senate (S. 520) to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. CALVERT and Mrs. NAPOLITANO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶95.12 IRRIGATION PROJECT CONTRACT EXTENSION IN WYOMING AND NEBRASKA

Mr. CALVERT moved to suspend the rules and pass the bill (H.R. 2040) to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. CALVERT and Mrs. NAPOLITANO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶95.13 SAN GABRIEL BASIN DEMONSTRATION PROJECT

Mr. CALVERT moved to suspend the rules and pass the bill (H.R. 1284) to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. CALVERT and Mrs. NAPOLITANO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶95.14 LAWRENCE EUGENE ''LARRY'' DOBY

Mrs. BLACKBURN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 235):

Whereas on December 12, 1923, Larry Doby was born in Camden, South Carolina and moved to Paterson, New Jersey in 1938, where he became a standout 4 sport athlete at Paterson Eastside High School;

Whereas Larry Doby attended Long Island University on a basketball scholarship before enlisting in the United States Navy;

Whereas in 1943, Larry Doby was the first African American to play professional basketball for the Paterson Panthers, a member of the American Basketball League;

Whereas after playing baseball in the Negro League for the Newark Eagles, Larry Doby's contract was purchased by Bill Veeck of Major League Baseball's Cleveland Indians, a member of the American League, on July 3, 1947;

Whereas on July 5, 1947, Larry Doby became the first African American to play professional baseball in the American League;

Whereas Larry Doby played in the American League for 13 years, appearing in 1,533 games and batting .283, with 253 home runs and 969 runs batted in;

Whereas in 1948, Larry Doby was the first African American to win a World Series and the first African American to hit a home run in the World Series;

Whereas Larry Doby was voted to play in 7 All Star games and led the American League in home runs for two seasons;

Whereas in 1978, Larry Doby became the manager of the Chicago White Sox, only the second African American manager of a Major League team;

Whereas Larry Doby was the Director of Community Relations for the National Basketball Association's New Jersey Nets, where he was deeply involved in a number of inner-city youth programs;

Whereas Larry Doby resided, was active in the community, and raised his family in Montclair, New Jersey;

Whereas Larry Doby received honorary doctorate degrees from Princeton University, Long Island University and Fairfield University; and

Whereas Larry Doby was elected to the National Baseball Hall of Fame in 1998: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representative—

(1) expresses profound sorrow on the death of Lawrence Eugene ''Larry'' Doby, and extends condolences to his family;

(2) expresses its deep appreciation to Larry Doby and his family for the impact that he made in pioneering civil rights by breaking down racial barriers in baseball and in America; and

(3) commends Larry Doby as a courageous leader, a role model, and a paradigm of the American Dream.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mrs. BLACKBURN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶95.15 COMMEMORATION OF MARCH ON WASHINGTON ON AUGUST 28, 1963

Mrs. BLACKBURN moved to suspend the rules and agree to the following resolution (H. Res. 352):

Whereas the first call for a march on Washington was initiated in 1941 by A. Philip Randolph, President of the Brotherhood of Sleeping Car Porters, in response to the blatant discrimination that had become a constant hardship in the lives of African-American workers;

Whereas in the spring and summer of 1963, more than 20,000 United States citizens were arrested and detained while nonviolently protesting the racial injustice that was widespread throughout the southern United States at that time;

Whereas Randolph told President Kennedy that the African-American population was going to march peacefully on Washington to demand their full and equal constitutional rights in the face of severe civil rights violations and harsh economic inequality;

Whereas in June of 1963 the ''Big Six'' civil rights leaders—Martin Luther King, Jr., James Farmer, John Lewis, Whitney Young, Roy Wilkins, and A. Philip Randolph—convened to plan a mass protest that would begin at the Washington Monument and end in front of the Lincoln Memorial;

Whereas the march was initially termed the ''March on Washington for Jobs and Freedom'', and aimed to advance support for a new Federal jobs program and a higher minimum wage;

Whereas the Big Six expanded the focus of the march to include civil rights injustices due to the disturbing events that had occurred in the months prior to the march, such as police dogs attacking peaceful demonstrators in Birmingham, the assassination of Medgar Evers in Jackson, and the lack of congressional support for President Kennedy's civil rights bill;

Whereas Government officials were concerned about the outbreak of violence, but many civil rights organizations held orientation meetings before the march that taught and stressed the intrinsic non-violent principles of the movement;

Whereas on August 28, 1963, people from throughout the country arrived in Washington by plane, bus, train, and foot to express the urgent need for forceful and immediate action on the issue of civil rights;

Whereas demonstrators pledged their commitment and continued participation in the struggle for civil rights;

Whereas March leaders met with President Kennedy and Members of Congress to discuss the importance and consequential impact of the pending civil rights bill that aimed to end discrimination of African-Americans in the work place, voting booth, educational facilities, and all other public domains;

Whereas the demonstrators peacefully marched through the streets of the capital and, at the Lincoln Memorial, heard empowering and inspiring words from the Big Six leaders, as well as Walter Reuther, Rev. Eugene Blake Carson, Rabbi Joachim Prinz, Matthem Ahmann, and Floyd McKissick;

Whereas police officers had their days of leave cancelled, suburban forces were given special control training, and 15,000 paratroopers were put on alert, but no Marchers were arrested or jailed and the march dispersed without incident;

Whereas the March was one of the first events to be televised worldwide, and thus brought international attention to the social and economic plight of African-Americans;

Whereas 15 Senators and 60 Representatives attended the rally at the Lincoln Memorial and witnessed the commitment of the demonstrators to the struggle for domestic and universal human rights;

Whereas the March sparked the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas the public display of humanity exhibited by the March educated the public and helped to correct some of their misconceptions, and demonstrated the possibility that an entire country could be changed through non-violent protest; and

Whereas the 1963 March on Washington was the largest political demonstration in United States history and proved to the nation that prejudice and discrimination against African-Americans and other minorities could be successfully fought by a collective force committed to the principles of non-violence: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the 1963 March on Washington as one of the largest political demonstrations in United States history;

(2) recognizes the monumental importance of the 1963 March on Washington in the ongoing struggle for civil rights and equal rights for all Americans; and

(3) extends its gratitude to the organizers and participants of the 1963 March on Washington for their dedication and commitment to equality and justice.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mrs. BLACKBURN and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶95.16 POSTMASTER EQUITY

Mr. BURTON of Indiana moved to suspend the rules and pass the bill of the Senate (S. 678) to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. BURTON of Indiana and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BURTON of Indiana demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶95.17 THE LATE HONORABLE FRANK O'BANNON

Mr. BURTON of Indiana moved to suspend the rules and agree to the following resolution (H. Res. 369):

Whereas Frank O'Bannon devoted his entire life to public service and to the people of the State of Indiana;

Whereas Frank O'Bannon dedicated his life to defending the Nation's principles of freedom and democracy, serving in the Air Force from 1952 until 1954;

Whereas Frank O'Bannon served 18 years in the Indiana State Senate and 8 years as Lieutenant Governor of Indiana;

Whereas, on November 5, 1996, Frank O'Bannon was elected the 47th Governor of the State of Indiana, where he served until his death on September 13, 2003;

Whereas Governor O'Bannon was a true friend to Indiana, and a gentle man of integrity, kindness, and good works; and

Whereas Governor O'Bannon will be remembered as a loving husband to his wife Judy, and a devoted father to his 3 children and caring grandfather to his 5 grandchildren: Now, therefore, be it

Resolved, That the House of Representatives—

(1) has learned with profound sorrow of the death of the Honorable Frank O'Bannon, Governor of Indiana, on September 13, 2003, and extends its condolences to the O'Bannon family, especially to his wife Judy, his children Jonathan, Jennifer, and Polly, and his grandchildren Beau, Chelsea, Asher, Demi, and Elle;

(2) expresses its profound gratitude to Frank O'Bannon for the services that he rendered to the Nation in the Air Force, the Indiana State Legislature, and as Governor of Indiana; and

(3) recognizes with respect Frank O'Bannon's integrity, steadfastness, and loyalty to the State of Indiana and to the United States.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. BURTON of Indiana and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.18 50TH ANNIVERSARY OF SMALL BUSINESS ADMINISTRATION

Mr. MANZULLO moved to suspend the rules and agree to the following resolution (H. Res. 368):

Whereas the Nation's economy is built on and draws its strength from the creativity and entrepreneurship of its people;

Whereas the Nation's 25 million small businesses employ more than half of all private sector employees, pay 44.5 percent of the total United States private payroll, and generate 60 to 80 percent of all net new jobs annually;

Whereas the men and women who own and operate the Nation's small businesses make a vital contribution to the Nation's prosperity through their ongoing work to create new technologies, products, and services;

Whereas small businesses produce 13 to 14 times more patents per employee than large patenting firms, and these patents are twice as likely as large firm patents to be among the 1 percent most cited;

Whereas the Small Business Administration was officially established in 1953 and for the past 50 years has played a vital role in ensuring that the door to the American Dream is truly open to all entrepreneurs;

Whereas the mission and high calling of the Small Business Administration is to champion the interests of the Nation's entrepreneurs for the benefit of all Americans;

Whereas the Small Business Administration is marking its 50th anniversary by celebrating the accomplishments of small-business owners across the country throughout the year; and

Whereas the President has designated the week beginning on Monday, September 15, 2003, as ''National Small Business Week'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Small Business Week, and the events surrounding the 50th anniversary of the founding of the Small Business Administration;

(2) commends the Administrator and the employees of the Small Business Administration for their work on behalf of the Nation's small businesses; and

(3) reaffirms that the Small Business Administration, through its loan, technical assistance, and entrepreneurial development programs, plays an important role in assisting small businesses to ensure a brighter, stronger future for this Nation.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. MANZULLO and Ms. VELAZQUEZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.19 MUSEUM AND LIBRARY SERVICES

Mr. HOEKSTRA moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 13) to reauthorize the Museum and Library Services Act, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Museum and Library Services Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.
Sec. 102. Institute of Museum and Library Services.
Sec. 103. Director of the Institute.
Sec. 104. National Museum and Library Services Board.
Sec. 105. Awards; analysis of impact of services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Authorization of appropriations.
Sec. 204. Reservations and allotments.
Sec. 205. State plans.
Sec. 206. Grants to States.
Sec. 207. National leadership grants, contracts, or cooperative agreements.

TITLE III—MUSEUM SERVICES

Sec. 301. Purpose.
Sec. 302. Definitions.
Sec. 303. Museum services activities.
Sec. 304. Repeals.
Sec. 305. Authorization of appropriations.
Sec. 306. Short title.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 401. Amendment to contributions.
Sec. 402. Amendment to membership.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Amendments to Arts and Artifacts Indemnity Act.
Sec. 502. National children's museum.
Sec. 503. Conforming amendment.
Sec. 504. Technical corrections.
Sec. 505. Repeals.
Sec. 506. Effective date.

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 of the Museum and Library Services Act (20 U.S.C. 9101) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) DETERMINED TO BE OBSCENE.—The term 'determined to be obscene' means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.'';

(2) by striking paragraph (4);

(3) by redesignating paragraph (3) as paragraph (5);

(4) by inserting after paragraph (2) the following:

''(3) FINAL JUDGMENT.—The term 'final judgment' means a judgment that is—

''(A) not reviewed by any other court that has authority to review such judgment; or

''(B) not reviewable by any other court.

''(4) INDIAN TRIBE.—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''; and

(5) by adding at the end the following:

''(6) MUSEUM AND LIBRARY SERVICES BOARD.—The term 'Museum and Library Services Board' means the National Museum and Library Services Board established under section 207.

''(7) OBSCENE.—The term 'obscene' means, with respect to a project, that—

''(A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;

''(B) such project depicts or describes sexual conduct in a patently offensive way; and

''(C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.''.

SEC. 102. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

Section 203 of the Museum and Library Services Act (20 U.S.C. 9102) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

''(c) MUSEUM AND LIBRARY SERVICES BOARD.—There shall be a National Museum and Library Services Board within the Institute, as provided under section 207.''.

SEC. 103. DIRECTOR OF THE INSTITUTE.

Section 204 of the Museum and Library Services Act (20 U.S.C. 9103) is amended—

(1) in subsection (e), by adding at the end the following: ''Where appropriate, the Director shall ensure that activities under subtitle B are coordinated with activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383).''; and

(2) by adding at the end the following:

''(f) REGULATORY AUTHORITY.—The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this title.

''(g) APPLICATION PROCEDURES.—

''(1) IN GENERAL.—In order to be eligible to receive financial assistance under this title, a person or agency shall submit an application in accordance with procedures established by the Director by regulation.

''(2) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating applications submitted under this title. Actions of the Institute and the Director in the establishment, modification, and revocation of such procedures under this Act are vested in the discretion of the Institute and the Director. In establishing such procedures, the Director shall ensure that the criteria by which applications are evaluated are consistent with the purposes of this title, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

''(3) TREATMENT OF PROJECTS DETERMINED TO BE OBSCENE.—

''(A) IN GENERAL.—The procedures described in paragraph (2) shall include provisions that clearly specify that obscenity is without serious literary, artistic, political, or scientific merit, and is not protected speech.

''(B) PROHIBITION.—No financial assistance may be provided under this title with respect to any project that is determined to be obscene.

''(C) TREATMENT OF APPLICATION DISAPPROVAL.—The disapproval of an application by the Director shall not be construed to mean, and shall not be considered as evidence that, the project for which the applicant requested financial assistance is or is not obscene.''.

SEC. 104. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended—

(1) by redesignating section 207 as section 208; and

(2) by inserting after section 206 the following:

''SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

''(a) ESTABLISHMENT.—There is established within the Institute a board to be known as the 'National Museum and Library Services Board'.

''(b) MEMBERSHIP.—

''(1) NUMBER AND APPOINTMENT.—The Museum and Library Services Board shall be composed of the following:

''(A) The Director.

''(B) The Deputy Director for the Office of Library Services.

''(C) The Deputy Director for the Office of Museum Services.

''(D) The Chairman of the National Commission on Libraries and Information Science.

''(E) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of library services, or their commitment to libraries.

''(F) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of museum services, or their commitment to museums.

''(2) SPECIAL QUALIFICATIONS.—

''(A) LIBRARY MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(E)—

''(i) 5 shall be professional librarians or information specialists, of whom—

''(I) not less than 1 shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and

''(II) not less than 1 other shall be knowledgeable about the library and information service needs of underserved communities; and

''(ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.

''(B) MUSEUM MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(F)—

''(i) 5 shall be museum professionals who are or have been affiliated with—

''(I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

''(II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and

''(ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

''(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum and Library Services Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than 3 appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

''(4) VOTING.—The Director, the Deputy Director of the Office of Library Services, the Deputy Director of the Office of Museum Services, and the Chairman of the National Commission on Library and Information Science shall be nonvoting members of the Museum and Library Services Board.

''(c) TERMS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, each member of the Museum and Library Services Board appointed under subparagraph (E) or (F) of subsection (b)(1) shall serve for a term of 5 years.

''(2) INITIAL BOARD APPOINTMENTS.—

''(A) TREATMENT OF MEMBERS SERVING ON EFFECTIVE DATE.—Notwithstanding subsection (b), each individual who is a member of the National Museum Services Board on the date of enactment of the Museum and Library Services Act of 2003, may, at the individual's election, complete the balance of the individual's term as a member of the Museum and Library Services Board.

''(B) FIRST APPOINTMENTS.—Notwithstanding subsection (b), any appointive vacancy in the initial membership of the Museum and Library Services Board existing after the application of subparagraph (A), and any vacancy in such membership subsequently created by reason of the expiration of the term of an individual described in subparagraph (A), shall be filled by the appointment of a member described in subsection (b)(1)(E). When the Museum and Library Services Board consists of an equal number of individuals who are specially qualified in the area of library services and individuals who are specially qualified in the area of museum services, this subparagraph shall cease to be effective and the board shall be appointed in accordance with subsection (b).

''(C) AUTHORITY TO ADJUST TERMS.—The terms of the first members appointed to the Museum and Library Service Board shall be adjusted by the President as necessary to ensure that the terms of not more than 4 members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

''(3) VACANCIES.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

''(4) REAPPOINTMENT.—No appointive member of the Museum and Library Services Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

''(5) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve after the expiration of the term of the member until the successor to the member takes office.

''(d) DUTIES AND POWERS.—

''(1) IN GENERAL.—The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum and library services, including financial assistance awarded under this title.

''(2) NATIONAL AWARDS.—The Museum and Library Services Board shall advise the Director in making awards under section 209.

''(e) CHAIRPERSON.—The Director shall serve as Chairperson of the Museum and Library Services Board.

''(f) MEETINGS.—

''(1) IN GENERAL.—The Museum and Library Services Board shall meet not less than 2 times each year and at the call of the Director.

''(2) VOTE.—All decisions by the Museum and Library Services Board with respect to the exercise of its duties and powers shall be made by a majority vote of the members of the Board who are present and authorized to vote.

''(g) QUORUM.—A majority of the voting members of the Museum and Library Services Board shall constitute a quorum for the conduct of business at official meetings, but a lesser number of members may hold hearings.

''(h) COMPENSATION AND TRAVEL EXPENSES.—

''(1) COMPENSATION.—Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Libraries Services Board who are full-time officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Museum and Library Services Board.

''(2) TRAVEL EXPENSES.—Each member of the Museum and Library Services Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(i) COORDINATION.—The Director, with the advice of the Museum and Library Services Board, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.''.

SEC. 105. AWARDS; ANALYSIS OF IMPACT OF SERVICES.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended by inserting after section 208 (as redesignated by section 104 of this Act) the following:

''SEC. 209. AWARDS.

''The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.

''SEC. 210. ANALYSIS OF IMPACT OF MUSEUM AND LIBRARY SERVICES.

''From amounts described in sections 214(c) and 275(b), the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses—

''(1) shall be conducted in ongoing consultation with—

''(A) State library administrative agencies;

''(B) State, regional, and national library and museum organizations; and

''(C) other relevant agencies and organizations;

''(2) shall identify national needs for, and trends of, museum and library services provided with funds made available under subtitles B and C;

''(3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and

''(4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).

''SEC. 210A. PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION.

''No funds appropriated to carry out the Museum and Library Services Act, the Library Services and Technology Act, or the Museum Services Act may be used for construction expenses.''.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSE.

Section 212 of the Library Services and Technology Act (20 U.S.C. 9121) is amended by striking paragraphs (2) through (5) and inserting the following:

''(2) to promote improvement in library services in all types of libraries in order to better serve the people of the United States;

''(3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and

''(4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.''.

SEC. 202. DEFINITIONS.

Section 213 of the Library Services and Technology Act (20 U.S.C. 9122) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (1), (2), (3), (4), and (5), respectively.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 214 of the Library Services and Technology Act (20 U.S.C. 9123) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $232,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.''; and

(2) in subsection (c), by striking ''3 percent'' and inserting ''3.5 percent''.

SEC. 204. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) of the Library Services and Technology Act (20 U.S.C. 9131(b)(3)) is amended to read as follows:

''(3) MINIMUM ALLOTMENTS.—

''(A) IN GENERAL.—For purposes of this subsection, the minimum allotment for each State shall be $340,000, except that the minimum allotment shall be $40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(B) RATABLE REDUCTIONS.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

''(C) EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003—

''(I) the minimum allotment for each State otherwise receiving a minimum allotment of $340,000 under subparagraph (A) shall be increased to $680,000; and

''(II) the minimum allotment for each State otherwise receiving a minimum allotment of $40,000 under subparagraph (A) shall be increased to $60,000.

''(ii) INSUFFICIENT FUNDS TO AWARD ALTERNATIVE MINIMUM.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003 yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above $340,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above $40,000.

''(D) SPECIAL RULE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of

Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

''(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and after taking into consideration available recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

''(iii) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.''.

SEC. 205. STATE PLANS.

Section 224 of the Library Services and Technology Act (20 U.S.C. 9134) is amended—

(1) in subsection (a)(1), by striking ''not later than April 1, 1997.'' and inserting ''once every 5 years, as determined by the Director.''; and

(2) in subsection (f)—

(A) by striking ''this Act'' each place such term appears and inserting ''this subtitle'';

(B) in paragraph (1)—

(i) by striking ''section 213(2)(A) or (B)'' and inserting ''section 213(1)(A) or (B)''; and

(ii) by striking ''1934,'' and all that follows through ''Act, may'' and inserting ''1934 (47 U.S.C. 254(h)(6)) may''; and

(C) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking ''section:'' and inserting ''subsection:''; and

(ii) in subparagraph (D), by striking ''given'' and inserting ''applicable to''.

SEC. 206. GRANTS TO STATES.

Section 231 of the Library Services and Technology Act (20 U.S.C. 9141) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

''(1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;

''(2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks;

''(3) providing electronic and other linkages among and between all types of libraries;

''(4) developing public and private partnerships with other agencies and community-based organizations;

''(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and

''(6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.''; and

(2) in subsection (b), by striking ''between the two purposes described in paragraphs (1) and (2) of such subsection,'' and inserting ''among such purposes,''.

SEC. 207. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a)(1) of the Library Services and Technology Act (20 U.S.C. 9162(a)(1)) is amended by striking ''education and training'' and inserting ''education, recruitment, and training''.

TITLE III—MUSEUM SERVICES

SEC. 301. PURPOSE.

Section 271 of the Museum and Library Services Act (20 U.S.C. 9171) is amended to read as follows:

''SEC. 271. PURPOSE.

''It is the purpose of this subtitle—

''(1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;

''(2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;

''(3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services;

''(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

''(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and

''(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations.''.

SEC. 302. DEFINITIONS.

Section 272(1) of the Museum and Library Services Act (20 U.S.C. 9172(1)) is amended by adding at the end the following: ''Such term includes aquariums, arboretums, botanical gardens, art museums, children's museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.''.

SEC. 303. MUSEUM SERVICES ACTIVITIES.

Section 273 of the Museum and Library Services Act (20 U.S.C. 9173) is amended to read as follows:

''SEC. 273. MUSEUM SERVICES ACTIVITIES.

''(a) IN GENERAL.—The Director, subject to the policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with museums and other entities as the Director considers appropriate, to pay the Federal share of the cost of—

''(1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

''(2) supporting museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula;

''(3) supporting museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

''(4) stimulating greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen communities;

''(5) encouraging the use of new technologies and broadcast media to enhance access to museum collections, programs, and services;

''(6) supporting museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;

''(7) supporting museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

''(8) supporting professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations;

''(9) supporting museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and

''(10) encouraging, supporting, and disseminating model programs of museum and library collaboration.

''(b) FEDERAL SHARE.—

''(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsection (a) shall be not more than 50 percent.

''(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to enter into arrangements under subsection (a) for which the Federal share may be greater than 50 percent.

''(3) OPERATIONAL EXPENSES.—No funds for operational expenses may be provided under this section to any entity that is not a museum.

''(c) REVIEW AND EVALUATION.—

''(1) IN GENERAL.—The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle.

''(2) APPLICATIONS FOR TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—The Director may use not more than 10 percent of the funds appropriated to carry out this subtitle for technical assistance awards.

''(B) INDIVIDUAL MUSEUMS.—Individual museums may receive not more than 3 technical assistance awards under subparagraph (A), but subsequent awards for technical assistance shall be subject to review outside the Institute.

''(d) SERVICES FOR NATIVE AMERICANS.—From amounts appropriated under section 275, the Director shall reserve 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and organizations that primarily serve and represent Native Hawaiians (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)), to enable such tribes and organizations to carry out the activities described in subsection (a).''.

SEC. 304. REPEALS.

Sections 274 and 275 of the Museum and Library Services Act (20 U.S.C. 9174 and 9175) are repealed.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 276 of the Museum and Library Services Act (20 U.S.C. 9176) is amended—

(1) in subsection (a), by striking ''$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.'' and inserting ''$38,600,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.''; and

(2) by redesignating such section as section 275 of such Act.

SEC. 306. SHORT TITLE.

Subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended—

(1) by redesignating sections 271, 272, and 273 as sections 272, 273, and 274, respectively; and

(2) by inserting after the subtitle heading the following:

''SEC. 271. SHORT TITLE.

''This subtitle may be cited as the 'Museum Services Act'.''.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 401. AMENDMENT TO CONTRIBUTIONS.

Section 4 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1503) is amended by striking ''accept, hold, administer, and utilize gifts, bequests, and devises of property,'' and inserting ''solicit, accept, hold, administer, invest in the name of the United States, and utilize gifts, bequests, and devises of services or property,''.

SEC. 402. AMENDMENT TO MEMBERSHIP.

Section 6(a) of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505(a)) is amended—

(1) in the second sentence, by striking ''and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly'';

(2) by striking the fourth sentence and inserting the following: ''A majority of members of the Commission who have taken office and are serving on the Commission shall constitute a quorum for conduct of business at official meetings of the Commission''; and

(3) in the fifth sentence, by striking ''five years, except that'' and all that follows through the period and inserting ''five years, except that—

''(1) a member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed, shall be appointed only for the remainder of such term; and

''(2) any member of the Commission may continue to serve after an expiration of the member's term of office until such member's successor is appointed, has taken office, and is serving on the Commission.''.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT.

Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking ''$5,000,000,000'' and inserting ''$8,000,000,000'';

(2) in subsection (c), by striking ''$500,000,000'' and inserting ''$600,000,000''; and

(3) in subsection (d)—

(A) in paragraph (6), by striking ''or'' after the semicolon;

(B) by striking paragraph (7) and inserting the following:

''(7) not less than $400,000,000 but less than $500,000,000, then coverage under this chapter shall extend only to loss or damage in excess of the first $400,000 of loss or damage to items covered; or

''(8) $500,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first $500,000 of loss or damage to items covered.''.

SEC. 502. NATIONAL CHILDREN'S MUSEUM.

(a) DESIGNATION.—The Capital Children's Museum located at 800 Third Street, NE, Washington, D.C. (or any successor location), organized under the laws of the District of Columbia, is designated as the ''National Children's Museum''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Capital Children's Museum referred to in subsection (a) shall be deemed to be a reference to the National Children's Museum.

SEC. 503. CONFORMING AMENDMENT.

Section 170(e)(6)(B)(i)(III) of the Internal Revenue Code of 1986 (relating to the special rule for contributions of computer technology and equipment for educational purposes) is amended by striking ''section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)'' and inserting ''section 213(1)(A) of the Library Services and Technology Act (20 U.S.C. 9122(1)(A))''.

SEC. 504. TECHNICAL CORRECTIONS.

(a) TITLE HEADING.—The title heading for the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES".

(b) SUBTITLE A HEADING.—The subtitle heading for subtitle A of the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

"Subtitle A—General Provisions".

(c) SUBTITLE B HEADING.—The subtitle heading for subtitle B of the Museum and Library Services Act (20 U.S.C. 9121 et seq.) is amended to read as follows:

"Subtitle B—Library Services and Technology".

(d) SUBTITLE C HEADING.—The subtitle heading for subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended to read as follows:

"Subtitle C—Museum Services".

(e) CONTRIBUTIONS.—Section 208 of the Museum and Library Services Act (20 U.S.C. 9106) (as redesignated by section 104 of this Act) is amended by striking ''property of services'' and inserting ''property or services''.

(f) STATE PLAN CONTENTS.—Section 224(b)(5) of the Library Services and Technology Act (20 U.S.C. 9134(b)(5)) is amended by striking ''and'' at the end.

(g) NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—Section 262(b)(1) of the Library Services and Technology Act (20 U.S.C. 9162(b)(1)) is amended by striking ''cooperative agreements, with,'' and inserting ''cooperative agreements with,''.

SEC. 505. REPEALS.

(a) NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) MUSEUM AND LIBRARY SERVICES ACT OF 1996.—Sections 704 through 707 of the Museum and Library Services Act of 1996 (20 U.S.C. 9102 note, 9103 note, and 9105 note) are repealed.

SEC. 506. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that the amendments made by sections 203, 204, and 305 of this Act shall take effect on October 1, 2003.

The SPEAKER pro tempore, Mr. SIMPSON, recognized Mr. HOEKSTRA and Mr. HINOJOSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. SIMPSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶95.20 RECESS—4:43 P.M.

The SPEAKER pro tempore, Mr. SIMPSON, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 43 minutes p.m., until approximately 6:30 p.m.

¶95.21 AFTER RECESS—6:36 P.M.

The SPEAKER pro tempore, Mr. TERRY, called the House to order.

¶95.22 PROVIDING FOR THE CONSIDERATION OF H.R. 7

Mr. LINDER, by direction of the Committee on Rules, reported (Rept. No. 108–273) the resolution (H. Res. 370) providing for consideration of the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶95.23 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. RYAN of Ohio, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes; as follows: 1) The House conferees shall be instructed to include in the conference report the provisions of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; 2) The House conferees shall be instructed to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; 3) The House conferees shall be instructed to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; 4) To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and 5) The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

¶95.24 LEGISLATIVE BRANCH APPROPRIATIONS FY 2004

On motion of Mr. YOUNG of Florida, by unanimous consent, the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. YOUNG of Florida, it was,

Resolved, That the House disagree to the amendments of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

Thereupon, the SPEAKER pro tempore, Mr. TERRY, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

For consideration of the House bill and the Senate amendments, except for title III in the Senate amendment numbered 3, and modifications committed to conference: Messrs. KINGSTON, LAHOOD, TIAHRT, CULBERSON, KIRK, YOUNG of Florida, MORAN of Virginia, PRICE of North Carolina, CLYBURN and OBEY.

For consideration of title III in the Senate amendment numbered 3, and modifications committed to conference: Messrs. YOUNG of Florida, TAYLOR of North Carolina and OBEY.

Ordered, That the Clerk notify the Senate thereof.

¶95.25 PERMISSION TO FILE CONFERENCE REPORT

On motion of Mr. YOUNG of Florida, by unanimous consent, the managers on the part of the House were granted permission until midnight, Thursday, September 18, 2003, to file a conference report on the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; together with a statement thereon, for printing in the RECORD under the rule.

¶95.26 PROVIDING FOR A CLOSED CONFERENCE—H.R. 2658

Mr. YOUNG of Florida moved, pursuant to clause 12(a)(2) of rule XXII, that the conference committee meetings between the House and the Senate on the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; be closed to the public at such times as classified national security information is under consideration; *Provided, however*, That any sitting Member of Congress shall have a right to attend any closed or open meeting.

The question being put,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. TERRY, announced that a roll call was required under clause 12(a)(2), rule XXII, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays 0

¶95.27 [Roll No. 503]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Carson (OK)
Conyers
Cubin
Deutsch
Fattah
Gephardt
Green (TX)
Pickering
Rohrabacher
Sullivan

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶95.28 H. RES. 352—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to said resolution (H. Res. 352) remembering and honoring the March on Washington of August 28, 1963.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 0

¶95.29 [Roll No. 504]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle

Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Cubin
DeLay
Deutsch
Fattah
Gephardt
Pickering
Rohrabacher
Weldon (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶95.30 S. 678—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TERRY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 678) to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 0

¶95.31 [Roll No. 505]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Cubin	Ford	Pickering
Deutsch	Gephardt	Rohrabacher
Fattah	Miller, George	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶95.32 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1588

Mr. RODRIGUEZ, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes, to agree to the provisions contained in subtitle F of title VI of the amendment of the Senate (relating to naturalization and family protection for military members).

¶95.33 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1

Mr. STENHOLM, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes, as follows: (1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the amendment of the Senate; (2) To reject the provisions of section 501 of the House bill; (3) The House recede to the Senate on the following provisions of the amendment of the Senate to improve rural health care: (A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals); (B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill; (C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments); (D) The following provisions of section 405 (relating to critical access hospital improvements): (i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill, (ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill, and (iii) Subsections (e), (f), and (g); (E) Section 414 (relating to rural community hospital demonstration program; (F) Section 415 (relating to critical access hospital improvement demonstration program); (G) Section 417 (relating to treatment of certain entities for purposes of payment under the Medicare program); (H) Section 420 (relating to conforming changes relating to Federally qualified health centers); (I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues); (J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services); (K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill; (L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule); (M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital); (N) Section 428 (relating to improvement in rural health clinic reimbursement); (O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services); (P) Section 450C (relating to authorization of reimbursement for all Medicare part B services furnished by Indian hospitals and clinics); (Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services); (R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system); (S) Section 459 (relating to increase in medicare payment for certain home health services); and (T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005). (4) The House insist upon the following provisions of the House bill: (A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas); (B) Section 403 (relating to establishment of essential rural hospital classification); (C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program); (D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index); (E) Section 417 (relating to medicare incentive payment program improvements); (F) Section 504 (relating to wage index classification reform); (G) Section 601 (relating to revision of updates for physician services); and (H) Section 1001 (relating to Medicaid disproportionate share hospital (DSH) payments).

And then,

¶95.34 ADJOURNMENT

On motion of Mr. HOEFFEL, at 11 o'clock and 31 minutes p.m., the House adjourned.

¶95.35 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 7. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes; with an amendment (Rept. 108–270, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2152. A bill to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program (Rept. 108–271). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1945. A bill to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes; with an amendment (Rept. 108–272). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 370. Resolution providing for consideration of the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes (Rept. 108–273). Referred to the House Calendar.

¶95.36 DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 7 referred to the Committee of the Whole House on the State of the Union.

¶95.37 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 or rule XII the following action was taken by the Speaker:

H.R. 7. Referral to the Committee on Education and the Workforce extended for a period ending not later than September 16, 2003.

¶95.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. NADLER, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEINER, Mr. SCHIFF, Mr. LANGEVIN, Mr. SCOTT of Georgia, Ms. CARSON of Indiana, Mr. SANDERS, Mr. CROWLEY, and Mr. MORAN of Virginia):

H.R. 3084. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

By Mr. HINOJOSA (for himself, Mrs. DAVIS of California, Mr. GRIJALVA, Ms. LEE, Mr. CASE, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, Mr. SERRANO, Mr. FROST, Mr. ETHERIDGE, Mr. VAN HOLLEN, Ms. SOLIS, Mr. RODRIGUEZ, Mrs. JONES of Ohio, Mr. OWENS, Ms. LINDA T. SANCHEZ of California, Ms. WOOLSEY, Mr. BECERRA,

Mr. ACEVEDO-VILA, and Mr. CARDOZA):

H.R. 3085. A bill to improve graduation rates by authorizing the Secretary of Education to make grants to improve adolescent literacy, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GREEN of Wisconsin:

H.R. 3086. A bill to increase penalties for obstruction of justice and false statements in terrorism cases, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 3087. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, the Budget, Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, Mr. LIPINSKI, Mr. BAKER, Mr. RAHALL, Mr. COBLE, Mr. DEFAZIO, Mr. PLATTS, Mr. COSTELLO, Mr. GRAVES, Ms. NORTON, Mr. QUINN, Mr. NADLER, Mr. BEREUTER, Mr. MENENDEZ, Mr. EHLERS, Ms. CORRINE BROWN of Florida, Mr. MORAN of Kansas, Mr. FILNER, Mr. LOBIONDO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. TAYLOR of Mississippi, Mr. GARY G. MILLER of California, Ms. MILLENDER-MCDONALD, Mr. GILCHREST, Mr. CUMMINGS, Mr. MICA, Mr. BLUMENAUER, Mr. BURNS, Mr. PASCRELL, Mr. PORTER, Mr. BOSWELL, Mr. BURGESS, Mr. HOLDEN, Mr. HAYES, Mr. LAMPSON, Mr. CHOCOLA, Mr. BAIRD, Mr. SIMMONS, Ms. BERKLEY, Mr. SHUSTER, Mr. CARSON of Oklahoma, Mr. BROWN of South Carolina, Mr. MATHESON, Mr. DUNCAN, Mr. HONDA, Mr. JOHNSON of Illinois, Mr. LARSEN of Washington, Mr. BOOZMAN, Mr. CAPUANO, Mr. DEMINT, Mr. WEINER, Mr. PEARCE, Ms. CARSON of Indiana, Mrs. KELLY, Mr. HOEFFEL, Mr. ISAKSON, Mr. THOMPSON of California, Mr. BACHUS, Mr. BISHOP of New York, Mr. SULLIVAN, Mr. MICHAUD, Mr. MARIO DIAZ-BALART of Florida, Mr. DAVIS of Tennessee, Mr. NEY, Mr. REHBERG, Mr. BOEHLERT, Mr. BEAUPREZ, Mr. GERLACH, Mrs. CAPITO, Mr. HOEKSTRA, Mr. KENNEDY of Minnesota, Mr. MCCRERY, and Mr. BARTLETT of Maryland):

H.R. 3088. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, the Budget, Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3089. A bill to establish a program to assist States and local governments for the conduct of electronic governance transactions at libraries and elementary and secondary schools, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 3090. A bill to amend title XVIII of the Social Security Act to provide for eligibility for coverage of home health services under the Medicare Program on the basis of a need for occupational therapy; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 3091. A bill to amend title II of the Social Security Act to restore child's insurance benefits in the case of children who are 18 through 22 years of age and attend postsecondary schools; to the Committee on Ways and Means.

By Mr. BAIRD (for himself, Mr. CANNON, Mr. LARSEN of Washington, Mr. BOSWELL, Mr. CALVERT, Mr. NUNES, Mr. KIND, Mr. OSE, Mr. BEREUTER, Mr. TERRY, Mr. CASE, Mr. LANTOS, Mr. DICKS, Mr. SMITH of Washington, Mr. INSLEE, and Mr. MCDERMOTT):

H.R. 3092. A bill to provide grants for law enforcement training and equipment to combat methamphetamine labs; to the Committee on the Judiciary.

By Mr. BASS (for himself, Mr. DAVIS of Florida, Mr. COOPER, and Mr. BRADLEY of New Hampshire):

H.R. 3093. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Energy and Commerce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. PEARCE, Mr. GREEN of Wisconsin, Mr. PAUL, Mr. BRADLEY of New Hampshire, Mr. FROST, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. RENZI, Mr. COLE, Mr. MICA, Mr. FOLEY, Mr. MARIO DIAZ-BALART of Florida, Mr. GUTKNECHT, and Mr. JONES of North Carolina):

H.R. 3094. A bill to amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOOLITTLE:

H.R. 3095. A bill to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials; to the Committee on the Judiciary.

By Mr. EHLERS:

H.R. 3096. A bill to provide for the establishment of the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency, and for other purposes; to the Committee on Science.

By Mr. FRELINGHUYSEN:

H.R. 3097. A bill to amend the Federal Education Right to Privacy Act to improve the access of the victims of crimes to information concerning the outcome of disciplinary proceedings by institutions of higher education; to the Committee on Education and the Workforce.

By Mr. GREEN of Texas:

H.R. 3098. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD (for herself, Mr. CONYERS, Mr. TOWNS, Mrs. CHRISTENSEN, Ms. LEE, Mr. CUMMINGS, Ms. KILPATRICK, Ms. CARSON of Indiana, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Virginia, Mr. FROST, Mr. PAYNE, Mr. CLAY, Mr. MEEHAN, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. ENGEL, Mr. WYNN, Mr. LYNCH, Mr. OLVER, Mr. MARKEY, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. BALLANCE, Mr. SERRANO, Ms. MCCOLLUM, and Mr. CAPUANO):

H.R. 3099. A bill to amend the Small Business Investment Act of 1958 to establish a pilot program for lending to small, nonprofit child care businesses; to the Committee on Small Business.

By Mr. PALLONE:

H.R. 3100. A bill to provide health benefits for workers and their families; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, Ways and Means, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. JONES of North Carolina, and Mrs. MUSGRAVE):

H.R. 3101. A bill to amend title 5, United States Code, to provide for the establishment of a precious metals investment option in the Thrift Savings Fund; to the Committee on Government Reform.

By Mr. PEARCE:

H.R. 3102. A bill to utilize the expertise of New Mexico State University, the University of Arizona, and Northern Arizona University in conducting studies under the National Environmental Policy Act of 1969 in connection with the grazing allotments and range and continuing range analysis for National Forest System lands in New Mexico and Arizona, and for other purposes; to the Committee on Resources.

By Mr. RYUN of Kansas (for himself, Mrs. MCCARTHY of New York, Mr. WALSH, Mr. PAYNE, and Mr. LYNCH):

H.R. 3103. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Ways and Means.

By Mr. SNYDER (for himself, Mr. SIMMONS, Mr. REYES, Mr. MEEHAN, Mr. EVANS, Mr. BRADLEY of New Hampshire, Mr. RODRIGUEZ, Mr. SKELTON, Mr. ANDREWS, Mr. BARTLETT of Maryland, and Mr. MCGOVERN):

H.R. 3104. A bill to provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself and Mr. PETRI):

H. Con. Res. 280. Concurrent resolution recognizing the National Stone, Sand & Gravel Association for reaching its 100th Anniversary, and for the many vital contributions of its members to the Nation's economy and to improving the quality of life through the constantly expanding roles stone, sand, and gravel serve in the Nation's everyday life; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. FILNER, Mr. FROST, Mrs. JONES of Ohio, Mr. KUCINICH, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. TOWNS, Mr. WYNN, and Mr. MCDERMOTT):

H. Con. Res. 281. Concurrent resolution urging observance of Global Family Day; to the Committee on International Relations.

By Mr. COOPER (for himself, Mr. ROSS, Mr. GORDON, Mr. BERRY, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. DAVIS of Tennessee, Mr. DUNCAN, Mr. FORD, Mr. JENKINS, Mr. SNYDER, Mr. TANNER, and Mr. WAMP):

H. Con. Res. 282. Concurrent resolution honoring the life of Johnny Cash; to the Committee on Education and the Workforce.

By Mr. DAVIS of Illinois (for himself and Mr. SHIMKUS):

H. Con. Res. 283. Concurrent resolution honoring the commitment of the individuals participating in the Free Our People March and Rally; to the Committee on Energy and Commerce.

By Mrs. MUSGRAVE (for herself, Mr. BELL, Mr. CHABOT, Mr. DOOLITTLE, Mr. ANDREWS, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. SOUDER, Mrs. KELLY, Mr. BILIRAKIS, and Mr. WEXLER):

H. Con. Res. 284. Concurrent resolution expressing the sense of Congress that the United States should actively support Taiwan's membership in the United Nations and other international organizations; to the Committee on International Relations.

By Mr. MANZULLO (for himself, Ms. VELAZQUEZ, and Mr. HINOJOSA):

H. Res. 368. A resolution honoring the Small Business Administration on the occasion of its 50th anniversary; to the Committee on Small Business. Considered and agreed to.

By Mr. BURTON of Indiana (for himself, Mr. VISCLOSKY, Mr. BUYER, Mr. HOSTETTLER, Mr. SOUDER, Ms. CARSON of Indiana, Mr. HILL, Mr. PENCE, and Mr. CHOCOLA):

H. Res. 369. A resolution expressing the profound sorrow of the House of Representatives for the death of Indiana Governor Frank O'Bannon and extending thoughts, prayers, and condolences to his family, friends, and loved ones; to the Committee on Government Reform. Cconsidered and agreed to.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, and Mr. ACKERMAN):

H. Res. 371. A resolution commending the people and the Government of the Hashemite Kingdom of Jordan for their political reform efforts and wishing them continued success in their democratization efforts; to the Committee on International Relations.

¶95.39 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GUTIERREZ introduced a bill (H.R. 3105) for the relief of Elvira Arellano; which was referred to the Committee on the Judiciary.

¶95.40 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 102: Mr. GUTIERREZ.
H.R. 106: Mrs. MUSGRAVE.
H.R. 121: Mr. GRIJALVA.
H.R. 284: Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Mr. BELL, Mr. HULSHOF, Mr. HINOJOSA, Mr. TURNER of Texas, Mr. SAM JOHNSON of Texas, Ms. VELAZQUEZ, Ms. GRANGER, and Mr. COSTELLO.
H.R. 299: Mr. TOWNS.
H.R. 303: Mr. HASTINGS of Florida, Mr. CARDIN, and Mr. PENCE.
H.R. 316: Mr. WELLER.
H.R. 339: Mr. EVERETT, Mr. UPTON, Mr. VITTER, Mr. GREENWOOD, and Mr. BRADLEY of New Hampshire.
H.R. 348: Mrs. MCCARTHY of New York.
H.R. 384: Mr. HOEKSTRA, Mr. GIBBONS, Mr. HERGER, Mr. HOSTETTLER, Mr. FEENEY, and Mrs. MUSGRAVE.
H.R. 432: Mr. ROSS.
H.R. 571: Mr. HAYES, Mr. BOYD, and Mr. TOWNS.
H.R. 574: Mrs. MUSGRAVE.
H.R. 652: Mr. HOLT.
H.R. 713: Mr. RAMSTAD.
H.R. 714: Ms. DUNN.
H.R. 728: Mr. SAXTON.
H.R. 792: Ms. DUNN.
H.R. 804: Mr. CARDOZA.
H.R. 852: Mr. BISHOP of New York and Mr. FRANK of Massachusetts.
H.R. 854: Mr. ROTHMAN.
H.R. 857: Mr. ANDREWS and Mr. LANTOS.
H.R. 869: Mr. BERMAN and Mr. WALSH.
H.R. 918: Mr. NETHERCUTT.
H.R. 920: Mr. LEWIS of Georgia and Mrs. NAPOLITANO.
H.R. 968: Mr. STUPAK.
H.R. 980: Mr. SMITH of Washington.
H.R. 1179: Mr. WELDON of Florida.
H.R. 1229: Mr. BEAUPREZ.
H.R. 1231: Mr. BONILLA, Mr. ISAKSON, Mr. GONZALEZ, Mr. GERLACH, and Mr. LARSON of Connecticut.
H.R. 1285: Ms. ESHOO.
H.R. 1294: Mr. NEAL of Massachusetts.
H.R. 1310: Mr. MCHUGH.
H.R. 1336: Mr. RYAN of Ohio, Mr. BRADLEY of New Hampshire, Mr. MENENDEZ, MR. MILLER of North Carolina, Mr. PEARCE, Mr. SERRANO, Ms. GRANGER, Mr. FEENEY, and Mr. BOEHNER.
H.R. 1345: Mr. FROST.
H.R. 1381: Mrs. MALONEY, Mr. CLYBURN, and Mr. MCDERMOTT.
H.R. 1385: Ms. SCHAKOWSKY, Mr. JENKINS, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mrs. LOWEY, Mr. MEEHAN, and Ms. CORRINE BROWN of Florida.
H.R. 1394: Mr. BROWN of Ohio.
H.R. 1414: Ms. SLAUGHTER.
H.R. 1508: Mr. CARDOZA and Mr. STRICKLAND.
H.R. 1547: Mr. BARTLETT of Maryland.
H.R. 1563: Ms. MCCOLLUM, Mr. ALLEN, Mr. SHAYS, and Mr. BROWN of Ohio.
H.R. 1622: Mr. GUTIERREZ, Mr. RODRIGUEZ, and Mr. SMITH of New Jersey.
H.R. 1639: Ms. WATSON.
H.R. 1653: Mr. HONDA and Mr. TOM DAVIS of Virginia.
H.R. 1660: Mr. DOOLITTLE.
H.R. 1662: Mr. FEENEY and Mr. NEUGEBAUER.
H.R. 1690: Ms. LOFGREN.
H.R. 1692: Mr. PORTER, Mr. LEWIS of Georgia, and Mr. MCCOTTER.
H.R. 1695: Mr. WAXMAN.
H.R. 1731: Mr. CASE, Mr. MORAN of Virginia, Mr. SPRATT, Mr. ROYCE, and Mr. FROST.
H.R. 1738: Mr. BOUCHER, Mr. GONZALEZ, and Mr. DAVIS of Tennessee.
H.R. 1813: Mr. LEVIN, Mr. MICHAUD, Mr. VAN HOLLEN, and Mr. GRIJALVA.
H.R. 1819: Mr. WAMP, Mr. SANDERS, and Mr. SHIMKUS.
H.R. 1828: Mr. TIAHRT, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. NAPOLITANO.
H.R. 1900: Mr. POMEROY, Mr. EMANUEL, Mr. TANNER, Mr. ABERCROMBIE, Mr. JACKSON of Illinois, Mr. MICHAUD, Mr. CLAY, Mr. MEEK of Florida, Mr. PRICE of North Carolina, Ms. BERKLEY, Ms. MCCOLLUM, Ms. SLAUGHTER, Mr. DICKS, Mr. EVANS, Mr. ETHERIDGE, Mr. GUTIERREZ, Mr. FARR, Ms. BALDWIN, Mrs. EMERSON, Mr. ROTHMAN, Mr. WU, Mr. LAMPSON, Mr. DOOLEY of California, Mr. HILL, Ms. DEGETTE, Mr. SNYDER, Mr. SKELTON, Ms. MCCARTHY of Missouri, Ms. LORETTA SANCHEZ of California, Mr. ACKERMAN, Ms. LOFGREN, Mr. GREEN of Texas, Mr. ALEXANDER, Mr. KIND, Mr. OBEY, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Mr. BERRY, Mr. ROSS, Mr. PETRI, Mr. ANDREWS, Mr. MATHESON, Mr. SPRATT, Ms. DELAURO, Mr. DEFAZIO, Mr. DINGELL, Mr. SMITH of Washington, Mr. MATSUI, Mr. MCKEON, Mr. YOUNG of Florida, Ms. ROYBAL-ALLARD, and Mr. PICKERING.
H.R. 1906: Mr. GUTIERREZ.
H.R. 1939: Ms. WOOLSEY.
H.R. 1964: Mr. SWEENEY.
H.R. 1993: Mr. GREEN of Texas and Mr. MCDERMOTT.
H.R. 2008: Mr. BASS.
H.R. 2032: Mr. KUCINICH, Ms. MILLENDER-MCDONALD, Mr. GEPHARDT, Mr. MCDERMOTT, and Mr. BISHOP of Utah.
H.R. 2034: Mr. ENGLISH.
H.R. 2047: Mr. CARDIN.
H.R. 2094: Mr. ENGLISH, Mr. HERGER, and Mr. TOWNS.
H.R. 2096: Mrs. JO ANN DAVIS of Virginia, Ms. HARRIS, Mr. LAHOOD, Mr. TANCREDO, Mr. TIBERI, Mr. HOBSON, Mr. GERLACH, and Mrs. NAPOLITANO.
H.R. 2133: Mr. TOM DAVIS of Virginia and Mr. GREEN of Wisconsin.
H.R. 2157: Mr. KENNEDY of Rhode Island, Ms. MAJETTE, Mrs. WILSON of New Mexico, and Mr. WEXLER.
H.R. 2173: Mr. KLECZKA, Mr. GRIJALVA, and Mr. SANDERS.
H.R. 2181: Mr. VISCLOSKY and Mr. HILL.
H.R. 2198: Ms. DEGETTE.
H.R. 2201: Mr. FEENEY.
H.R. 2224: Mr. PLATTS and Mr. BOEHLERT.
H.R. 2232: Mr. SANDERS.
H.R. 2269: Mr. WILSON of South Carolina, Mrs. MUSGRAVE, and Mr. HAYWORTH.
H.R. 2347: Mr. BISHOP of Utah, Mr. TIAHRT, and Mr. CRANE.
H.R. 2353: Mr. RANGEL.
H.R. 2361: Mr. DEFAZIO.
H.R. 2365: Mr. FILNER.
H.R. 2404: Mr. MCINNIS.
H.R. 2426: Ms. SLAUGHTER, Mr. SANDERS, and Ms. MCCARTHY of Missouri.
H.R. 2455: Mr. ENGEL.
H.R. 2459: Mrs. CAPPS.
H.R. 2490: Mrs. CAPITO.
H.R. 2504: Ms. LOFGREN and Mr. MICHAUD.
H.R. 2527: Mr. BERMAN and Mr. DEUTSCH.
H.R. 2582: Mr. ANDREWS.
H.R. 2625: Mrs. JONES of Ohio and Mr. KLECZKA.
H.R. 2626: Mr. UDALL of New Mexico.
H.R. 2665: Mr. SMITH of Washington, Mr. FILNER, and Mr. ENGEL.
H.R. 2677: Mr. BLUMENAUER.
H.R. 2685: Mr. SERRANO and Mr. WEXLER.
H.R. 2708: Mr. CALVERT.
H.R. 2709: Mr. CASE.
H.R. 2711: Mr. LINDA T. SANCHEZ of California and Mr. MCINTYRE.
H.R. 2720: Mr. EVANS, Mr. CASE, Mr. MCNULTY, Mr. FRANK of Massachusetts, and Mr. MCCOTTER.
H.R. 2727: Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. STARK.
H.R. 2732: Mr. BALLENGER, Mr. NORWOOD, Mr. KINGSTON, Mr. PETRI, and Mr. GOODE.
H.R. 2735: Mr. BAKER, Ms. BORDALLO, and Mr. BROWN of Ohio.
H.R. 2743: Mr. SIMPSON.
H.R. 2770: Mr. GRIJALVA, Mr. FILNER, Mr. FROST, and Mr. JEFFERSON.
H.R. 2781: Mr. KINGSTON.
H.R. 2787: Ms. BALDWIN and Mr. ACKERMAN.
H.R. 2788: Mr. BAIRD.
H.R. 2821: Mr. GEORGE MILLER of California, Mr. UPTON, and Mr. WEXLER.
H.R. 2849: Mr. UPTON and Mr. PLATTS.
H.R. 2850: Mr. DAVIS of Florida.
H.R. 2851: Mr. TANCREDO.
H.R. 2891: Mr. CROWLEY.
H.R. 2898: Mr. WAXMAN and Mr. BROWN of Ohio.
H.R. 2900: Mr. RYUN of Kansas, Mr. BOEHLERT, and Mr. SANDLIN.
H.R. 2905: Mr. FEENEY and Ms. ROS-LEHTINEN.
H.R. 2906: Mr. WAMP.
H.R. 2908: Mr. PLATTS, Mr. LUCAS of Kentucky, and Mr. FROST.
H.R. 2915: Mr. COOPER, Ms. HARRIS, and Mr. CASTLE.
H.R. 2929: Mr. EHLERS.
H.R. 2932: Ms. ESHOO and Mr. MCDERMOTT.
H.R. 2934: Mrs. MUSGRAVE, Mr. COBLE, Mr. JENKINS, Mr. BARRETT of South Carolina, Mr. NORWOOD, Mr. BONILLA, Mr. THORNBERRY, Mr. WICKER, Mr. PEARCE, Mr. BURGESS, Mr. GERLACH, Mrs. CUBIN, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. PORTER, Mr. MCCOTTER, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. GIBBONS, Mr. EVERETT, Mr. ROGERS of Alabama, Ms. GRANGER, Mr. COLLINS, Mr. FEENEY, Mr. BURNS, Mr. BRADY of Texas, Mr. SHIMKUS, Mr. BAKER, Mr. CANNON, Mrs. MILLER of Michigan, Ms. GINNY BROWN-

WAITE of Florida, Ms. HARRIS, Mr. COLE, Mr. KLINE, Mr. PETERSON of Pennsylvania, Mr. OTTER, Mr. WELLER, Mr. PUTNAM, Mr. TANCREDO, Mr. HEFLEY, Mr. POMBO, Mr. HAYWORTH, Mr. HENSARLING, Mr. DOOLITTLE, Mr. SULLIVAN, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. DELAY, Mr. TAUZIN, Mr. BARTON of Texas, Mr. SESSIONS, Mr. REYNOLDS, Mr. AKIN, Mr. TURNER of Texas, Mr. BLUNT, Mr. BONNER, Mr. SMITH of Texas, Mr. CRANE, Mr. KELLER, Mr. SCHROCK, Mr. GREENWOOD, Mr. BEAUPREZ, Mr. DEAL of Georgia, Mr. TOM DAVIS of Virginia, Mr. MURPHY, Mr. NUNES, Mr. REHBERG, Mr. FORBES, Mr. MILLER of Florida, Mr. GOODLATTE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. CHOCOLA, Mrs. NORTHUP, Mr. CANTOR, Mr. SHADEGG, Mr. FROST, and Mr. GREEN of Wisconsin.

H.R. 2956: Mr. KIRK, Ms. BALDWIN, and Mr. FOSSELLA.

H.R. 2998: Mrs. JONES of Ohio, Mr. KIRK, Mrs. EMERSON, Mrs. DAVIS of California, Mrs. MYRICK, Mr. DOOLITTLE, Mr. BAIRD, Mr. UPTON, Mr. MCKEON, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. ALEXANDER, Mr. CARDIN, Mr. MOLLOHAN, Mr. ANDREWS, Mr. HASTINGS of Florida, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. SCHIFF, Mr. OLVER, Mr. TIAHRT, Mr. PORTER, Mr. ROGERS of Alabama, Mr. GORDON, Mr. POMEROY, Mr. GUTIERREZ, Mr. BISHOP of Utah, Mr. PASTOR, Mr. WHITFIELD, Mr. PAUL, Mr. MCDERMOTT, Mr. BOOZMAN, Ms. WATERS, Mr. ROSS, Mr. REGULA, Ms. GINNY BROWN-WAITE of Florida, Mr. MURPHY, Mr. WAXMAN, Mr. CALVERT, Mr. MCINNIS, Mr. EVANS, Mr. LEACH, Ms. DELAURO, Mr. SERRANO, Mr. HINOJOSA, Mr. PUTNAM, Ms. LINDA T. SANCHEZ of California, Mr. MCCRERY, Mr. ORTIZ, and Mr. JONES of North Carolina.

H.R. 3004: Ms. KILPATRICK, Mr. KILDEE, Ms. MCCOLLUM, Mr. MCNULTY, and Mr. LEWIS of Georgia.

H.R. 3011: Ms. WATERS, Mr. HINCHEY, Mr. CALVERT, Mr. COSTELLO, Ms. LEE, Mrs. MUSGRAVE, Ms. ROYBAL-ALLARD, Mr. EVANS, Ms. ESHOO, Mr. HALL, Mr. WYNN, and Mr. POMBO.

H.R. 3012: Mr. BISHOP of New York, Mr. ENGEL, Mr. WALSH, Mr. MCNULTY, Mr. KING of New York, Mrs. LOWEY, Mr. SERRANO, Mr. MEEKS of New York, Mr. HINCHEY, Mrs. MALONEY, Mr. NADLER, and Mr. WEINER.

H.R. 3022: Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. PALLONE, and Ms. SCHAKOWSKY.

H.R. 3034: Mrs. CAPPS, Mrs. CHRISTENSEN, and Mr. MEEKS of New York.

H.R. 3049: Ms. MILLENDER-MCDONALD, Mr. FILNER, Mr. BROWN of Ohio, Mr. SERRANO, Mr. FROST, Mr. HOEFFEL, and Mr. RYAN of Ohio.

H.R. 3052: Mr. BURTON of Indiana and Mr. GARRETT of New Jersey.

H.R. 3057: Mr. BOUCHER.

H.R. 3058: Mr. BOEHLERT, Mr. TANNER, Mr. LIPINSKI, Mr. DEMINT, Mr. LUCAS of Kentucky, Mr. KING of Iowa, Ms. HART, Mr. SHERMAN, Mr. MCHUGH, Mrs. JOHNSON of Connecticut, Mr. ETHERIDGE, Mr. EHLERS, Mr. ABERCROMBIE, Mr. HAYWORTH, and Mr. HOSTETTLER.

H.R. 3063: Mr. MCNULTY, Mr. STARK, Mr. FROST, Mr. KENNEDY of Rhode Island, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, Mr. MCDERMOTT, and Mrs. TAUSCHER.

H.R. 3077: Mr. TIBERI.

H.R. 3080: Mrs. JONES of Ohio.

H.J. Res. 62: Mr. MICHAUD.

H. Con. Res. 50: Mr. KING of Iowa.

H. Con. Res. 87: Mr. HINCHEY.

H. Con. Res. 91: Mr. SMITH of Washington.

H. Con. Res. 202: Ms. BORDALLO.

H. Con. Res. 213: Mr. GORDON.

H. Con. Res. 235: Mr. MENENDEZ.

H. Con. Res. 247: Mr. SHIMKUS and Mrs. MUSGRAVE.

H. Con. Res. 265: Mr. HOLT and Mr. PLATTS.

H. Res. 103: Ms. MCCOLLUM, Mr. MICHAUD, Mr. HOEFFEL, and Mr. HOLDEN.

H. Res. 157: Mr. WALSH, Mr. UPTON, Mr. CALVERT, Mr. LANTOS, and Ms. WOOLSEY.

H. Res. 320: Mr. HINCHEY.

H. Res. 342: Mr. TAUZIN.

¶95.41 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2038: Mr. KIND.

H.R. 2225: Mr. GONZALEZ.

WEDNESDAY, SEPTEMBER 17, 2003 (96)

¶96.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. CULBERSON, who laid before the House the following communication:

WASHINGTON, DC,
September 17, 2003.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶96.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CULBERSON, announced he had examined and approved the Journal of the proceedings of Tuesday, September 16, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶96.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4294. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions From New Marine Diesel Engines [AMS-FRL-7561-4] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4295. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for the Phoenix Metropolitan Area, Arizona [AZ-094-FOAa; FRL-7561-5] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4296. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Federal Plan Requirements for Commercial and Industrial Solid Waste Incinerators Constructed on or Before November 30, 1999 [AD-FRL-7562-1] (RIN: 2060-AJ28) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4297. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Asbestos [OAR-2002-0082, FRL-7561-2] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4298. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act; Correction [FRL-7560-9] (RIN: 2060-AF36) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4299. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — FM Table of Allotment, FM Broadcast Stations, (Sonora, Texas) [MB Docket No. 03-88, RM-10464] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4300. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Fm Broadcast Stations, (Port St. Joe and Eastpoint, Florida) [MB Docket No. 03-21, RM-10632; RM-10696] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4301. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast (Anchorage, Alaska) [MM Docket No. 00-99, RM-9858] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4302. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Arms Export Control Act on the export of goods or technology; to the Committee on International Relations.

4303. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting a report strengthening certain sanctions against missile technology proliferation activities; to the Committee on International Relations.

4304. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on the status of consultations on the imposition of sanctions for chemical weapons; to the Committee on International Relations.

¶96.4 HOSPITAL MORTGAGE INSURANCE

Mr. NEY moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 659) to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hospital Mortgage Insurance Act of 2003''.

SEC. 2. STANDARDS FOR DETERMINING NEED AND FEASIBILITY FOR HOSPITALS.

(a) IN GENERAL.—Paragraph (4) of section 242(d) of the National Housing Act (12 U.S.C. 1715z–7) is amended to read as follows:

''(4)(A) The Secretary shall require satisfactory evidence that the hospital will be located in a State or political subdivision of a State with reasonable minimum standards of licensure and methods of operation for hospitals and satisfactory assurance that such standards will be applied and enforced with respect to the hospital.

''(B) The Secretary shall establish the means for determining need and feasibility for the hospital, if the State does not have an official procedure for determining need for hospitals. If the State has an official procedure for determining need for hospitals, the Secretary shall require

that such procedure be followed before the application for insurance is submitted, and the application shall document that need has also been established under that procedure.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this subsection (a) shall take effect and apply as of the date of the enactment of this Act.

(2) EFFECT OF REGULATORY AUTHORITY.—Any authority of the Secretary of Housing and Urban Development to issue regulations to carry out the amendment made by subsection (a) may not be construed to affect the effectiveness or applicability of such amendment under paragraph (1) of this subsection.

SEC. 3. EXEMPTION FOR CRITICAL ACCESS HOSPITALS.

(a) IN GENERAL.—Section 242 of the National Housing Act (12 U.S.C.1715z–7) is amended—

(1) in subsection (b)(1)(B), by inserting '', unless the facility is a critical access hospital (as that term is defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)))'' after ''tuberculosis''; and

(2) by adding at the end the following:

''(i) TERMINATION OF EXEMPTION FOR CRITICAL ACCESS HOSPITALS.—

''(1) IN GENERAL.—The exemption for critical access hospitals under subsection (b)(1)(B) shall have no effect after July 31, 2006.

''(2) REPORT TO CONGRESS.—Not later than 3 years after July 31, 2003, the Secretary shall submit a report to Congress detailing the effects of the exemption of critical access hospitals from the provisions of subsection (b)(1)(B) on—

''(A) the provision of mortgage insurance to hospitals under this section; and

''(B) the General Insurance Fund established under section 519.''.

SEC. 4. STUDY OF BARRIERS TO RECEIPT OF INSURED MORTGAGES BY FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study on the barriers to the receipt of mortgage insurance by Federally qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))) under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit a report regarding any appropriate legislative and regulatory changes needed to enable Federally qualified health centers to access mortgage insurance under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. NEY and Mr. FRANK of Massachusetts, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶96.5 KOREAN WAR VETERANS

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 292) to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. SENSENBRENNER and Ms. JACKSON-LEE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶96.6 IMMIGRANT RELIGIOUS WORKER PROGRAM

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 2152) to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. SENSENBRENNER and Ms. JACKSON-LEE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate said bill.

¶96.7 INTERNET TAX FREEDOM

Mr. SENSENBRENNER moved to suspend the rules and pass the bill (H.R. 49) to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. SENSENBRENNER and Mr. WATT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. OSE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶96.8 PROVIDING FOR THE CONSIDERATION OF H.R. 7

Mr. LINDER, by the direction of the Committee on Rules, called up the following resolution (H. Res. 370):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Cardin of Maryland or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. LINDER, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶96.9 CHARITABLE CONTRIBUTIONS INCENTIVES

Mr. THOMAS, pursuant to House Resolution 370, called up the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 370, the following amendment in the nature of a substitute recommended by the Committee on Ways and Means, as modified by the amendment printed in part A of House Report 108-273, was considered as agreed to:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Charitable Giving Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—CHARITABLE GIVING INCENTIVES

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.

Sec. 102. Tax-free distributions from individual retirement plans for charitable purposes.

Sec. 103. Increase in cap on corporate charitable contributions.

Sec. 104. Charitable deduction for contributions of food inventory.

Sec. 105. Reform of certain excise taxes related to private foundations.

Sec. 106. Excise tax on unrelated business taxable income of charitable remainder trusts.

Sec. 107. Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.

Sec. 108. Adjustment to basis of S corporation stock for certain charitable contributions.

Sec. 109. Charitable organizations permitted to make collegiate housing and infrastructure grants.

Sec. 110. Conduct of certain games of chance not treated as unrelated trade or business.

Sec. 111. Excise taxes exemption for blood collector organizations.

Sec. 112. Nonrecognition of gain on the sale of property used in performance of an exempt function.

Sec. 113. Exemption of qualified 501(c)(3) bonds for nursing homes from Federal guarantee prohibitions.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

Sec. 201. Suspension of tax-exempt status of terrorist organizations.

Sec. 202. Clarification of definition of church tax inquiry.

Sec. 203. Extension of declaratory judgment remedy to tax-exempt organizations.

Sec. 204. Landowner incentives programs.

Sec. 205. Modifications to section 512(b)(13).

Sec. 206. Simplification of lobbying expenditure limitation.

Sec. 207. Pilot project for forest conservation activities.

TITLE III—OTHER PROVISIONS

Sec. 301. Compassion capital fund.

Sec. 302. Reauthorization of assets for independence demonstration.

Sec. 303. Sense of the Congress regarding corporate contributions to faith-based organizations, etc.

Sec. 304. Maternity group homes.

Sec. 305. Authority of States to use 10 percent of their TANF funds to carry out social services block grant programs.

TITLE I—CHARITABLE GIVING INCENTIVES

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

''(1) IN GENERAL.—In the case of an individual who does not itemize deductions for a taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the amount allowable under subsection (a) for the taxable year for cash contributions (determined without regard to any carryover), to the extent that such contributions exceed $250 ($500 in the case of a joint return) but do not exceed $500 ($1,000 in the case of a joint return).

''(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after December 31, 2005.''.

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 (defining taxable income) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the direct charitable deduction.''.

(2) DEFINITION.—Section 63 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).''.

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the direct charitable deduction.''.

(c) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury shall study the effect of the amendments made by this section on increased charitable giving and taxpayer compliance, including a comparison of taxpayer compliance between taxpayers who itemize their charitable contributions and taxpayers who claim a direct charitable deduction.

(2) REPORT.—Not later than December 31, 2006, the Secretary of the Treasury shall report on the study required under paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

''(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

''(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

''(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement plan other than a plan described in subsection (k) or (p) of section 408—

''(i) which is made on or after the date that the individual for whose benefit the plan is maintained has attained age 70½, and

''(ii) which is made directly by the trustee—

''(I) to an organization described in section 170(c), or

''(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such plan is maintained, the spouse of such individual, or any organization described in section 170(c).

''(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

''(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

''(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

''(i) CHARITABLE REMAINDER TRUSTS.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

''(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

''(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

''(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

''(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term 'split-interest entity' means—

''(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

''(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

''(iii) a charitable gift annuity (as defined in section 501(m)(5)).''.

(b) MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.—

(1) RETURNS.—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

"SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

''(a) TRUSTS DESCRIBED IN SECTION 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

''(b) TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).—

''(1) IN GENERAL.—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

''(A) the amount of the deduction taken under section 642(c) within such year,

''(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

''(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

''(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

''(E) the total income of the trust within such year and the expenses attributable thereto, and

''(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to a trust for any taxable year if—

''(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

''(B) the trust is described in section 4947(a)(1).''.

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

''(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

''(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

''(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

''(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.''.

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: ''In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to distributions made after December 31, 2003.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2003.

SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 170(b) (relating to corporations) is amended by striking ''10 percent'' and inserting ''the applicable percentage''.

(b) APPLICABLE PERCENTAGE.—Subsection (b) of section 170 is amended by adding at the end the following new paragraph:

''(3) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	***The applicable percentage is—***
2004	*11*
2005	*12*
2006	*13*
2007	*14*
2008 through 2011	*15*
2012 and thereafter	*20.''.*

(c) CONFORMING AMENDMENTS.—

(1) Sections 512(b)(10) and 805(b)(2)(A) are each amended by striking ''10 percent'' each place it occurs and inserting ''the applicable percentage (determined under section 170(b)(3))''.

(2) Sections 545(b)(2) and 556(b)(2) are each amended by striking ''10-percent limitation'' and inserting ''applicable percentage limitation''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Paragraph (3) of section 170(e) (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

''(C) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

''(i) GENERAL RULE.—In the case of a charitable contribution of food from any trade or business (or interest therein) of the taxpayer, this paragraph shall be applied—

''(I) without regard to whether the contribution is made by a C corporation, and

''(II) only to food that is apparently wholesome food.

''(ii) LIMITATION.—In the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed the applicable percentage (within the meaning of subsection (b)(3)) of the taxpayer's aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section.

''(iii) DETERMINATION OF FAIR MARKET VALUE.—In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

''(iv) APPARENTLY WHOLESOME FOOD.—For purposes of this subparagraph, the term 'apparently wholesome food' has the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 105. REFORM OF CERTAIN EXCISE TAXES RELATED TO PRIVATE FOUNDATIONS.

(a) REDUCTION OF TAX ON NET INVESTMENT INCOME.—Section 4940(a) (relating to tax-exempt foundations) is amended by striking ''2 percent'' and inserting ''1 percent''.

(b) REPEAL OF REDUCTION IN TAX WHERE PRIVATE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Section 4940 (relating to excise tax based on investment income) is amended by striking subsection (e).

(c) MODIFICATION OF EXCISE TAX ON SELF-DEALING.—The second sentence of section 4941(a)(1) (relating to initial excise tax imposed on self-dealer) is amended by striking ''5 percent'' and inserting ''25 percent''.

(d) MODIFICATION OF EXCISE TAX ON FAILURE TO DISTRIBUTE INCOME.—

(1) CERTAIN ADMINISTRATIVE EXPENSES NOT TREATED AS DISTRIBUTIONS.—Section 4942(g) is amended by striking paragraph (4) and inserting the following new paragraphs:

''(4) LIMITATION ON ADMINISTRATIVE EXPENSES TREATED AS DISTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), the following administrative expenses shall not be treated as qualifying distributions:

''(i) Any administrative expense which is not directly attributable to direct charitable activities, grant selection activities, grant monitoring and administration activities, compliance with applicable Federal, State, or local law, or furthering public accountability of the private foundation.

''(ii) Any compensation paid to a disqualified person to the extent that such compensation exceeds an annual rate of $100,000.

''(iii) Any expense incurred for transportation by air unless such transportation is regularly-scheduled commercial air transportation.

''(iv) Any expense incurred for regularly-scheduled commercial air transportation to the extent that such expense exceeds the cost of such transportation in coach-class accommodations.

''(B) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after December 31, 2004, the $100,000 amount in subparagraph (A)(ii) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of paragraph (4). Such regulations shall provide that administrative expenses which are excluded from qualifying distributions solely by reason of the limitations in paragraph (4) shall not for such reason subject a private foundation to any other excise taxes imposed by this subchapter.''.

(2) DISALLOWANCE NOT TO APPLY TO CERTAIN PRIVATE FOUNDATIONS.—

(A) IN GENERAL.—Section 4942(j)(3) (defining operating foundation) is amended—

(i) by striking ''(within the meaning of paragraph (1) or (2) of subsection (g))'' each place it appears, and

(ii) by adding at the end the following new sentence: ''For purposes of this paragraph, the term 'qualifying distributions' means qualifying distributions within the meaning of paragraph (1) or (2) of subsection (g) (determined without regard to subsection (g)(4)).''.

(B) CONFORMING AMENDMENT.—Section 4942(f)(2)(C)(i) is amended by inserting ''(determined without regard to subsection (g)(4))'' after ''within the meaning of subsection (g)(1)(A)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

''(c) TAXATION OF TRUSTS.—

''(1) INCOME TAX.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

''(2) EXCISE TAX.—

''(A) IN GENERAL.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

''(B) CERTAIN RULES TO APPLY.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

''(C) CHARACTER OF DISTRIBUTIONS AND COORDINATION WITH DISTRIBUTION REQUIREMENTS.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

''(i) subsection (b),

''(ii) determining the value of trust assets under subsection (d)(2), and

''(iii) determining income under subsection (d)(3).

''(D) TAX COURT PROCEEDINGS.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) SCIENTIFIC PROPERTY USED FOR RESEARCH.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting ''or assembled'' after ''constructed''.

(2) CONFORMING AMENDMENT.—Clause (iii) of section 170(e)(4)(B) is amended by inserting ''or assembling'' after ''construction''.

(b) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(6)(B) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(2) SPECIAL RULE MADE PERMANENT.—Section 170(e)(6) is amended by striking subparagraph (G).

(3) CONFORMING AMENDMENTS.—Subparagraph (D) of section 170(e)(6) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) (relating to adjustments to basis of stock of shareholders, etc.) is amended by adding at the end the following new flush sentence:

''The decrease under subparagraph (B) by reason of a charitable contribution (as defined in section 170(c)) of property shall be the amount equal to the shareholder's pro rata share of the adjusted basis of such property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 109. CHARITABLE ORGANIZATIONS PERMITTED TO MAKE COLLEGIATE HOUSING AND INFRASTRUCTURE GRANTS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.), as amended by section 201, is further amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) TREATMENT OF ORGANIZATIONS MAKING COLLEGIATE HOUSING AND INFRASTRUCTURE IMPROVEMENT GRANTS.—

''(1) IN GENERAL.—For purposes of subsection (c)(3) and sections 170(c)(2)(B), 2055(a), and 2522(a)(2), an organization shall not fail to be treated as organized and operated exclusively for charitable or educational purposes solely because such organization makes collegiate housing and infrastructure grants to an organization described in subsection (c)(7), so long as, at the time of the grant, substantially all of the active members of the recipient organization are full-time students at the college or university with which such recipient organization is associated.

''(2) HOUSING AND INFRASTRUCTURE GRANTS.—For purposes of paragraph (1), collegiate housing and infrastructure grants are grants to provide, improve, operate, or maintain collegiate housing that may involve more than incidental social, recreational, or private purposes, so long as such grants are for purposes that would be permissible for a dormitory of the college or university referred to in paragraph (1). A grant shall not be treated as a collegiate housing and infrastructure grant for purposes of paragraph (1) to the extent that such grant is used to provide physical fitness equipment.

''(3) GRANTS TO CERTAIN ORGANIZATIONS HOLDING TITLE TO PROPERTY, ETC.—For purposes of this subsection, a collegiate housing and infrastructure grant to an organization described in subsection (c)(2) or (c)(7) holding title to property exclusively for the benefit of an organization described in subsection (c)(7) shall be considered a grant to the organization described in subsection (c)(7) for whose benefit such property is held.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to grants made after December 31, 2003.

SEC. 110. CONDUCT OF CERTAIN GAMES OF CHANCE NOT TREATED AS UNRELATED TRADE OR BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 513(f) (relating to certain bingo games) is amended to read as follows:

''(1) IN GENERAL.—The term 'unrelated trade or business' does not include—

''(A) any trade or business which consists of conducting bingo games, and

''(B) any trade or business which consists of conducting qualified games of chance if the net proceeds from such trade or business are paid or set aside for payment for purposes described in section 170(c)(2)(B), for the promotion of social welfare (within the meaning of section 501(c)(4)), or for a purpose for which State law specifically authorizes the expenditure of such proceeds.''.

(b) QUALIFIED GAMES OF CHANCE.—Subsection (f) of section 513 is amended by adding at the end the following new paragraph:

''(3) QUALIFIED GAMES OF CHANCE.—For purposes of paragraph (1), the term 'qualified game of chance' means any game of chance (other than bingo) conducted by an organization if—

''(A) such organization is licensed pursuant to State law to conduct such game,

''(B) only organizations which are organized as nonprofit corporations or are exempt from tax under section 501(a) may be so licensed to conduct such game within the State, and

''(C) the conduct of such game does not violate State or local law.''

(c) CLERICAL AMENDMENT.—The subsection heading of section 513(f) is amended by striking ''BINGO GAMES'' and inserting ''GAMES OF CHANCE''.

(d) EFFECTIVE DATE.— The amendments made by this section shall apply to games conducted after December 31, 2003.

SEC. 111. EXCISE TAXES EXEMPTION FOR BLOOD COLLECTOR ORGANIZATIONS.

(a) EXEMPTION FROM IMPOSITION OF SPECIAL FUELS TAX.—Section 4041(g) (relating to other exemptions) is amended by striking ''and'' at the end of paragraph (3), by striking the period in paragraph (4) and inserting ''; and'', and by inserting after paragraph (4) the following new paragraph:

''(5) with respect to the sale of any liquid to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use, or with respect to the use by a qualified blood collector organization of any liquid as a fuel.''.

(b) EXEMPTION FROM MANUFACTURERS EXCISE TAX.—

(1) IN GENERAL.—Section 4221(a) (relating to certain tax-free sales) is amended by striking ''or'' at the end of paragraph (4), by adding ''or'' at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

''(6) to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use,''.

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 4221(a) is amended by striking ''Paragraphs (4) and (5)'' and inserting ''Paragraphs (4), (5), and (6)''.

(B) Section 6421(c) is amended by striking ''or (5)'' and inserting ''(5), or (6)''.

(c) EXEMPTION FROM COMMUNICATION EXCISE TAX.—

(1) IN GENERAL.—Section 4253 (relating to exemptions) is amended by redesignating subsection (k) as subsection (l) and inserting after subsection (j) the following new subsection:

''(k) EXEMPTION FOR QUALIFIED BLOOD COLLECTOR ORGANIZATIONS.—Under regulations provided by the Secretary, no tax shall be imposed under section 4251 on any amount paid by a qualified blood collector organization (as defined in section 7701(a)(48)) for services or facilities furnished to such organization.''.

(2) CONFORMING AMENDMENT.—Section 4253(l), as redesignated by paragraph (1), is amended by striking ''or (j)'' and inserting ''(j), or (k)''.

(d) CREDIT FOR REFUND FOR CERTAIN TAXES ON SALES AND SERVICES.—

(1) DEEMED OVERPAYMENT.—

(A) IN GENERAL.—Section 6416(b)(2) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

''(E) sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use;''.

(B) CONFORMING AMENDMENTS.—Section 6416(b)(2) is amended—

(i) by striking ''Subparagraphs (C) and (D)'' and inserting ''Subparagraphs (C), (D), and (E)'', and

(ii) by striking ''(C), and (D)'' and inserting ''(C), (D), and (E)''.

(2) SALES OF TIRES.—Clause (ii) of section 6416(b)(4)(B) is amended by inserting ''sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for its exclusive use,'' after ''for its exclusive use,''.

(e) DEFINITION OF QUALIFIED BLOOD COLLECTOR ORGANIZATION.—Section 7701(a) is amended by inserting at the end the following new paragraph:

''(48) QUALIFIED BLOOD COLLECTOR ORGANIZATION.—The term 'qualified blood collector organization' means an organization which is—

''(A) described in section 501(c)(3) and exempt from tax under section 501(a),

''(B) registered by the Food and Drug Administration to collect blood, and

''(C) primarily engaged in the activity of the collection of blood.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2004.

SEC. 112. NONRECOGNITION OF GAIN ON THE SALE OF PROPERTY USED IN PERFORMANCE OF AN EXEMPT FUNCTION.

(a) IN GENERAL.—Subparagraph (D) of section 512(a)(3) is amended to read as follows:

''(D) NONRECOGNITION OF GAIN.—

''(i) IN GENERAL.—If property used directly in the performance of the exempt function of an organization described in paragraph (7), (9), (17), or (20) of section 501(c) is sold by such organization, and within a period beginning 1 year before the date of such sale, and ending 3 years (10 years, in the case of an organization described in section 501(c)(7)) after such date, other property is purchased and used by such organization directly in the performance of its exempt function, gain (if any) from such sale shall be recognized only to the extent that such organization's sales price of the old property exceeds the organization's cost of purchasing the other property.

''(ii) STATUTE OF LIMITATIONS.—If an organization described in section 501(c)(7) sells property on which gain is not recognized, in whole or in part, by reason of clause (i), then the statutory period for the assessment of any deficiency attributable to such gain shall not expire until the end of the 3-year period beginning on the date that the Secretary is notified by such organization (in such manner as the Secretary may prescribe) that—

''(I) the organization has met the requirements of clause (i) with respect to gain which was not recognized,

''(II) the organization does not intend to meet such requirements, or

''(III) the organization failed to meet such requirements within the prescribed period.

For the purposes of this clause, any deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(iii) DESTRUCTION AND LOSS.—For purposes of this subparagraph, the destruction in whole or in part, theft, seizure, requisition, or condemnation of property, shall be treated as the sale of such property, and rules similar to the rules provided by subsections (b), (c), (e), and (j) of section 1034 (as in effect on the day before the date of the enactment of the Taxpayer Relief Act of 1997) shall apply.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to the sale of any property for which the 3-year period for offsetting gain by purchasing other property under subparagraph (D) of section 512(a)(3) of the Internal Revenue Code (as in effect on the day before the date of the enactment of this Act) had not expired as of January 1, 2001.

SEC. 113. EXEMPTION OF QUALIFIED 501(c)(3) BONDS FOR NURSING HOMES FROM FEDERAL GUARANTEE PROHIBITIONS.

(a) IN GENERAL.—For purposes of section 149(b)(1) of the Internal Revenue Code of 1986, any qualified 501(c)(3) bond (as defined in section 145 of such Code) shall not be treated as federally guaranteed solely because such bond is part of an issue supported by a letter of credit, if such bond—

(1) is issued after December 31, 2003, and before the date which is 1 year after the date of the enactment of this Act, and

(2) is part of an issue 95 percent or more of the net proceeds of which are to be used to finance 1 or more of the following facilities primarily for the benefit of the elderly:

(A) Licensed nursing home facility.

(B) Licensed or certified assisted living facility.

(C) Licensed personal care facility.

(D) Continuing care retirement community.

(b) LIMITATION ON ISSUER.—Subsection (a) shall not apply to any bond described in such subsection if the aggregate authorized face amount of the issue of which such bond is a part, when increased by the outstanding amount of such bonds issued by the issuer during the period described in subsection (a)(1) exceeds $15,000,000.

(c) LIMITATION ON BENEFICIARY.—Rules similar to the rules of section 144(a)(10) of the Internal Revenue Code of 1986 shall apply for purposes of this section, except that—

(1) ''$15,000,000'' shall be substituted for ''$40,000,000'' in subparagraph (A) thereof, and

(2) such rules shall be applied—

(A) only with respect to bonds described in this section, and

(B) with respect to the aggregate authorized face amount of all issues of such bonds which are allocable to the beneficiary.

(d) CONTINUING CARE RETIREMENT COMMUNITY.—For purposes of this section, the term ''continuing care retirement community'' means a community which provides, on the same campus, a consortium of residential living options and support services to persons at least 60 years of age under a written agreement. For purposes of the preceding sentence, the residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

SEC. 201. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 202. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking ''or'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', or'', and by inserting after paragraph (5) the following:

''(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.''.

SEC. 203. EXTENSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after ''509(a))'' the following: ''or as a private operating foundation (as defined in section 4942(j)(3))''; and

(2) by amending subparagraph (C) to read as follows:

''(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or''.

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking ''United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia'' and inserting the following: ''United States Tax Court (in the case of

any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 204. LANDOWNER INCENTIVES PROGRAMS.

(a) IN GENERAL.—Subsection (a) of section 126 is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) Landowner initiatives programs to conserve threatened, endangered, or imperiled species, or protect or restore habitat carried out under—

''(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.),

''(B) the Fish and Wildlife Act of 1956 (16 U.S.C. 742f), or

''(C) section 6 of the Endangered Species Act (16 U.S.C. 11531 et seq.).''.

(b) EXCLUDABLE PORTION.—Subparagraph (A) of section 126(b)(1) is amended by inserting after ''Secretary of Agriculture'' the following: ''(the Secretary of the Interior, in the case of the landowner incentives programs described in subsection (a)(10) and the programs described in subsection (a)(11) that are implemented by the Department of the Interior)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2003, in taxable years ending after such date.

SEC. 205. MODIFICATIONS TO SECTION 512(b)(13).

(a) IN GENERAL.—Paragraph (13) of section 512(b) (relating to special rules for certain amounts received from controlled entities) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

''(E) PARAGRAPH TO APPLY ONLY TO EXCESS PAYMENTS.—

''(i) IN GENERAL.—Subparagraph (A) shall apply only to the portion of a specified payment received or accrued by the controlling organization that exceeds the amount which would have been paid or accrued if such payment met the requirements prescribed under section 482.

''(ii) ADDITION TO TAX FOR VALUATION MISSTATEMENTS.—The tax imposed by this chapter on the controlling organization shall be increased by an amount equal to 20 percent of the larger of—

''(I) such excess determined without regard to any amendment or supplement to a return of tax, or

''(II) such excess determined with regard to all such amendments and supplements.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to payments received or accrued after December 31, 2003.

(2) PAYMENTS SUBJECT TO BINDING CONTRACT TRANSITION RULE.—If the amendments made by section 1041 of the Taxpayer Relief Act of 1997 did not apply to any amount received or accrued in the first 2 taxable years beginning on or after the date of the enactment of the Taxpayer Relief Act of 1997 under any contract described in subsection (b)(2) of such section, such amendments also shall not apply to amounts received or accrued under such contract before January 1, 2001.

SEC. 206. SIMPLIFICATION OF LOBBYING EXPENDITURE LIMITATION.

(a) REPEAL OF GRASSROOTS EXPENDITURE LIMIT.—Paragraph (1) of section 501(h) (relating to expenditures by public charities to influence legislation) is amended to read as follows:

''(1) GENERAL RULE.—In the case of an organization to which this subsection applies, exemption from taxation under subsection (a) shall be denied because a substantial part of the activities of such organization consists of carrying on propaganda, or otherwise attempting, to influence legislation, but only if such organization normally makes lobbying expenditures in excess of the lobbying ceiling amount for such organization for each taxable year.''.

(b) EXCESS LOBBYING EXPENDITURES.—Section 4911(b) is amended to read as follows:

''(b) EXCESS LOBBYING EXPENDITURES.—For purposes of this section, the term 'excess lobbying expenditures' means, for a taxable year, the amount by which the lobbying expenditures made by the organization during the taxable year exceed the lobbying nontaxable amount for such organization for such taxable year.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 501(h)(2) is amended by striking subparagraphs (C) and (D).

(2) Section 4911(c) is amended by striking paragraphs (3) and (4).

(3) Paragraph (1)(A) of section 4911(f) is amended by striking ''limits of section 501(h)(1) have'' and inserting ''limit of section 501(h)(1) has''.

(4) Paragraph (1)(C) of section 4911(f) is amended by striking ''limits of section 501(h)(1) are'' and inserting ''limit of section 501(h)(1) is''.

(5) Paragraphs (4)(A) and (4)(B) of section 4911(f) are each amended by striking ''limits of section 501(h)(1)'' and inserting ''limit of section 501(h)(1)''.

(6) Paragraph (8) of section 6033(b) (relating to certain organizations described in section 501(c)(3)) is amended by inserting ''and'' at the end of subparagraph (A) and by striking subparagraphs (C) and (D).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 207. PILOT PROJECT FOR FOREST CONSERVATION ACTIVITIES.

(a) TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any qualified forest conservation bond shall be treated as an exempt facility bond under section 142 of such Code.

(2) QUALIFIED FOREST CONSERVATION BOND.—For purposes of this section, the term ''qualified forest conservation bond'' means any bond issued as part of an issue if—

(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3) of such Code) of such issue are to be used for qualified project costs,

(B) such bond is an obligation of the State of Washington or any political subdivision thereof, and

(C) such bond is issued for a qualified organization before December 31, 2006.

(3) LIMITATION ON AGGREGATE AMOUNT ISSUED.—The maximum aggregate face amount of bonds which may be issued under this subsection shall not exceed $250,000,000.

(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term ''qualified project costs'' means the sum of—

(A) the cost of acquisition by the qualified organization from an unrelated person of forests and forest land located in the State of Washington which at the time of acquisition or immediately thereafter are subject to a conservation restriction described in subsection (c)(2),

(B) interest on the qualified forest conservation bonds for the 3-year period beginning on the date of issuance of such bonds, and

(C) credit enhancement fees which constitute qualified guarantee fees (within the meaning of section 148 of such Code).

(5) SPECIAL RULES.—In applying the Internal Revenue Code of 1986 to any qualified forest conservation bond, the following modifications shall apply:

(A) Section 146 of such Code (relating to volume cap) shall not apply.

(B) For purposes of section 147(b) of such Code (relating to maturity may not exceed 120 percent of economic life), the land and standing timber acquired with proceeds of qualified forest conservation bonds shall have an economic life of 35 years.

(C) Subsections (c) and (d) of section 147 of such Code (relating to limitations on acquisition of land and existing property) shall not apply.

(D) Section 57(a)(5) of such Code (relating to tax-exempt interest) shall not apply to interest on qualified forest conservation bonds.

(6) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraphs (2)(C) and (3) shall not apply to any bond (or series of bonds) issued to refund a qualified forest conservation bond issued before December 31, 2006, if—

(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

(C) the net proceeds of the refunding bond are used to redeem the refunded bond not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A) of such Code.

(7) EFFECTIVE DATE.—This subsection shall apply to obligations issued on or after the date of enactment of this Act.

(b) ITEMS FROM QUALIFIED HARVESTING ACTIVITIES NOT SUBJECT TO TAX OR TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Income, gains, deductions, losses, or credits from a qualified harvesting activity conducted by a qualified organization shall not be subject to tax or taken into account under subtitle A of the Internal Revenue Code of 1986.

(2) LIMITATION.—The amount of income excluded from gross income under paragraph (1) for any taxable year shall not exceed the amount used by the qualified organization to make debt service payments during such taxable year for qualified forest conservation bonds.

(3) QUALIFIED HARVESTING ACTIVITY.—For purposes of paragraph (1)—

(A) IN GENERAL.—The term ''qualified harvesting activity'' means the sale, lease, or harvesting, of standing timber—

(i) on land owned by a qualified organization which was acquired with proceeds of qualified forest conservation bonds, and

(ii) pursuant to a qualified conservation plan adopted by the qualified organization.

(B) EXCEPTIONS.—

(i) CESSATION AS QUALIFIED ORGANIZATION.—The term ''qualified harvesting activity'' shall not include any sale, lease, or harvesting for any period during which the organization ceases to qualify as a qualified organization.

(ii) EXCEEDING LIMITS ON HARVESTING.—The term ''qualified harvesting activity'' shall not include any sale, lease, or harvesting of standing timber on land acquired with proceeds of qualified forest conservation bonds to the extent that—

(I) the average annual area of timber harvested from such land exceeds 2.5 percent of the total area of such land, or

(II) the quantity of timber removed from such land exceeds the quantity which can be removed from such land annually in perpetuity on a sustained-yield basis with respect to such land.

The limitations under subclauses (I) and (II) shall not apply to post-fire restoration and rehabilitation or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophes, or which are in imminent danger from insect or disease attack.

(4) TERMINATION.—This subsection shall not apply to any qualified harvesting activity occurring after the date on which there is no outstanding qualified forest conservation bond or any such bond ceases to be a tax-exempt bond.

(5) PARTIAL RECAPTURE OF BENEFITS IF HARVESTING LIMIT EXCEEDED.—If, as of the date

that this subsection ceases to apply under paragraph (4), the average annual area of timber harvested from the land exceeds the requirement of paragraph (3)(B)(ii)(I), the tax imposed by chapter 1 of such Code shall be increased, under rules prescribed by the Secretary of the Treasury, by the sum of the tax benefits attributable to such excess and interest at the underpayment rate under section 6621 of such Code for the period of the underpayment.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED CONSERVATION PLAN.—The term ''qualified conservation plan'' means a multiple land use program or plan which—

(A) is designed and administered primarily for the purposes of protecting and enhancing wildlife and fish, timber, scenic attributes, recreation, and soil and water quality of the forest and forest land,

(B) mandates that conservation of forest and forest land is the single-most significant use of the forest and forest land, and

(C) requires that timber harvesting be consistent with—

(i) restoring and maintaining reference conditions for the region's ecotype,

(ii) restoring and maintaining a representative sample of young, mid, and late successional forest age classes,

(iii) maintaining or restoring the resources' ecological health for purposes of preventing damage from fire, insect, or disease,

(iv) maintaining or enhancing wildlife or fish habitat, or

(v) enhancing research opportunities in sustainable renewable resource uses.

(2) CONSERVATION RESTRICTION.—The conservation restriction described in this paragraph is a restriction which—

(A) is granted in perpetuity to an unrelated person which is described in section 170(h)(3) of such Code and which, in the case of a nongovernmental unit, is organized and operated for conservation purposes,

(B) meets the requirements of clause (ii) or (iii)(II) of section 170(h)(4)(A) of such Code,

(C) obligates the qualified organization to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction, and

(D) requires an increasing level of conservation benefits to be provided whenever circumstances allow it.

(3) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means an organization—

(A) which is a nonprofit organization substantially all the activities of which are charitable, scientific, or educational, including acquiring, protecting, restoring, managing, and developing forest lands and other renewable resources for the long-term charitable, educational, scientific and public benefit,

(B) more than half of the value of the property of which consists of forests and forest land acquired with the proceeds from qualified forest conservation bonds,

(C) which periodically conducts educational programs designed to inform the public of environmentally sensitive forestry management and conservation techniques,

(D) which has at all times a board of directors—

(i) at least 20 percent of the members of which represent the holders of the conservation restriction described in paragraph (2),

(ii) at least 20 percent of the members of which are public officials, and

(iii) not more than one-third of the members of which are individuals who are or were at any time within 5 years before the beginning of a term of membership on the board, an employee of, independent contractor with respect to, officer of, director of, or held a material financial interest in, a commercial forest products enterprise with which the qualified organization has a contractual or other financial arrangement,

(E) the bylaws of which require at least two-thirds of the members of the board of directors to vote affirmatively to approve the qualified conservation plan and any change thereto, and

(F) upon dissolution, is required to dedicate its assets to—

(i) an organization described in section 501(c)(3) of such Code which is organized and operated for conservation purposes, or

(ii) a governmental unit described in section 170(c)(1) of such Code.

(4) UNRELATED PERSON.—The term ''unrelated person'' means a person who is not a related person.

(5) RELATED PERSON.—A person shall be treated as related to another person if—

(A) such person bears a relationship to such other person described in section 267(b) (determined without regard to paragraph (9) thereof), or 707(b)(1), of such Code, determined by substituting ''25 percent'' for ''50 percent'' each place it appears therein, and

(B) in the case such other person is a nonprofit organization, if such person controls directly or indirectly more than 25 percent of the governing body of such organization.

(d) REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the pilot project for forest conservation activities under this section. Such study shall examine the extent to which forests and forest lands were managed during the 5-year period beginning on the date of the enactment of this Act to achieve the goals of such project.

(2) SUBMISSION OF REPORT TO CONGRESS.—Not later than six years after the date of the enactment of this Act, the Comptroller General shall submit a report of such study to the Committee on Ways and Means and the Committee on Resources of the House of Representatives and the Committee on Finance and the Committee on Energy and Natural Resources of the Senate.

TITLE III—OTHER PROVISIONS

SEC. 301. COMPASSION CAPITAL FUND.

Title IV of the Social Security Act (42 U.S.C. 601–679b) is amended by adding at the end the following:

"PART F—COMPASSION CAPITAL FUND

"SEC. 481. SECRETARY'S FUND TO SUPPORT AND REPLICATE PROMISING SOCIAL SERVICE PROGRAMS.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary may make grants to support any private entity that operates a promising social services program.

''(2) APPLICATIONS.—An entity desiring to receive a grant under paragraph (1) shall submit to the Secretary an application for the grant, which shall contain such information as the Secretary may require.

''(b) CONTRACT AUTHORITY, ETC.—The Secretary may enter into a grant, contract, or cooperative agreement with any entity under which the entity would provide technical assistance to another entity to operate a social service program that assists persons and families in need, including by—

''(1) providing the other entity with—

''(A) technical assistance and information, including legal assistance and other business assistance;

''(B) information on capacity-building;

''(C) information and assistance in identifying and using best practices for serving persons and families in need; or

''(D) assistance in replicating programs with demonstrated effectiveness in assisting persons and families in need; or

''(2) supporting research on the best practices of social service organizations.

''(c) GUIDANCE AND TECHNICAL ASSISTANCE.—The Secretary may use not more than 25 percent of the amount appropriated under this section for a fiscal year to provide guidance and technical assistance to States and political subdivisions of States with respect to the implementation of any social service program.

''(d) SOCIAL SERVICES PROGRAM DEFINED.—In this section, the term 'social services program' means a program that provides benefits or services of any kind to persons and families in need.

''(e) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary $150,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2008.''.

SEC. 302. REAUTHORIZATION OF ASSETS FOR INDEPENDENCE DEMONSTRATION.

(a) IN GENERAL.—Section 416 of the Assets for Independence Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by striking ''and 2003'' and inserting ''2003, 2004, 2005, 2006, 2007, and 2008''.

(b) REMOVAL OF ECONOMIC LITERACY ACTIVITIES FROM LIMITATION ON USE OF AMOUNTS IN THE RESERVE FUND.—Section 407(c)(3) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by adding at the end the following: ''The preceding sentences of this paragraph shall not apply to amounts used by an entity for any activity described in paragraph (1)(A).''.

(c) ELIGIBILITY EXPANDED TO INCLUDE INDIVIDUALS IN HOUSEHOLDS WITH INCOME NOT EXCEEDING 50 PERCENT OF AREA MEDIAN INCOME.—Section 408(a)(1) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended to read as follows:

''(1) INCOME TEST.—The adjusted gross income of the household—

''(A) does not exceed 200 percent of the poverty line (as determined by the Office of Management and Budget) or the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household); or

''(B) does not exceed 50 percent of the area median income (as determined by the Secretary of Housing and Urban Development) for the area in which the household is located.''.

(d) EXTENSION OF TIME FOR ACCOUNT HOLDERS TO ACCESS FEDERAL FUNDS.—Section 407(d) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in the subsection heading, by striking ''WHEN PROJECT TERMINATES''; and

(2) by striking ''upon'' and inserting ''on the date that is 6 months after''.

(e) VERIFICATION OF POSTSECONDARY EDUCATION EXPENSES.—Section 404(8)(A) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended in the 1st sentence by inserting ''or a vendor, but only to the extent that the expenses are described in a document which explains the educational items to be purchased, and the document and the expenses are approved by the qualified entity'' before the period.

(f) AUTHORITY TO USE EXCESS INTEREST TO FUND OTHER INDIVIDUAL DEVELOPMENT ACCOUNTS.—Section 410 of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in subsection (a)(3)—

(A) by striking ''any interest that has accrued'' and inserting ''interest that has accrued during that period''; and

(B) by striking the period and inserting '', but only to the extent that the amount of the interest does not exceed the amount of interest that has accrued during that period on amounts deposited in the account by that individual.''; and

(2) by adding at the end the following:

''(f) USE OF EXCESS INTEREST TO FUND OTHER INDIVIDUAL DEVELOPMENT ACCOUNTS.—To the extent that a qualified entity has an amount that, but for the limitation in subsection (a)(3), would be required by that subsection to be deposited into the individual development account of an individual or into a parallel account maintained by the qualified entity, the qualified entity may deposit the amount into the individual development account of any individual or into any such parallel account maintained by the qualified entity.''.

SEC. 303. SENSE OF THE CONGRESS REGARDING CORPORATE CONTRIBUTIONS TO FAITH-BASED ORGANIZATIONS, ETC.

(a) FINDINGS.—The Congress finds as follows:

(1) America's community of faith has long played a leading role in dealing with difficult societal problems that might otherwise have gone unaddressed.

(2) President Bush has called upon Americans ''to revive the spirit of citizenship . . . to marshal the compassion of our people to meet the continuing needs of our Nation''.

(3) Although the work of faith-based organizations should not be used by government as an excuse for backing away from its historic and rightful commitment to help those who are disadvantaged and in need, such organizations can and should be seen as a valuable partner with government in meeting societal challenges.

(4) Every day faith-based organizations in the United States help people recover from drug and alcohol addiction, provide food and shelter for the homeless, rehabilitate prison inmates so that they can break free from the cycle of recidivism, and teach people job skills that will allow them to move from poverty to productivity.

(5) Faith-based organizations are often more successful in dealing with difficult societal problems than government and non-sectarian organizations.

(6) As President Bush has stated, ''It is not sufficient to praise charities and community groups; we must support them. And this is both a public obligation and a personal responsibility.''.

(7) Corporate foundations contribute billions of dollars each year to a variety of philanthropic causes.

(8) According to a study produced by the Capital Research Center, the 10 largest corporate foundations in the United States contributed $1,900,000,000 to such causes.

(9) According to the same study, faith-based organizations only receive a small fraction of the contributions made by corporations in the United States, and 6 of the 10 corporations that give the most to philanthropic causes explicitly ban or restrict contributions to faith-based organizations.

(b) CORPORATIONS ENCOURAGED TO CONTRIBUTE TO FAITH-BASED ORGANIZATIONS.—The Congress calls on corporations in the United States, in the words of the President, ''to give more and to give better'' by making greater contributions to faith-based organizations that are on the front lines battling some of the great societal challenges of our day.

(c) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) corporations in the United States are important partners with government in efforts to overcome difficult societal problems; and

(2) no corporation in the United States should adopt policies that prohibit the corporation from contributing to an organization that is successfully advancing a philanthropic cause merely because such organization is faith based.

SEC. 304. MATERNITY GROUP HOMES.

Section 322 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2) is amended—

(1) in subsection (a)(1), by inserting ''(including maternity group homes)'' after ''group homes''; and

(2) by adding at the end the following:

''(c) MATERNITY GROUP HOME.—In this part, the term 'maternity group home' means a community-based, adult-supervised group home that provides—

''(1) young mothers and their children with a supportive and supervised living arrangement in which such mothers are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children; and

''(2) pregnant women with—

''(A) information regarding the option of placing children for adoption through licensed adoption service providers;

''(B) assistance with prenatal care and child birthing; and

''(C) pre- and post-placement adoption counseling.''.

SEC. 305. AUTHORITY OF STATES TO USE 10 PERCENT OF THEIR TANF FUNDS TO CARRY OUT SOCIAL SERVICES BLOCK GRANT PROGRAMS.

Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

''(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.''.

When said bill, as amended, was considered and read twice.

After debate,

Pursuant to House Resolution 370, Mr. CARDIN submitted the following further amendment in the nature of a substitute as printed in part B of House Report 108-273:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Charitable Giving Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—CHARITABLE GIVING INCENTIVES

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.
Sec. 102. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 103. Increase in cap on corporate charitable contributions.
Sec. 104. Charitable deduction for contributions of food inventory.
Sec. 105. Reform of certain excise taxes related to private foundations.
Sec. 106. Excise tax on unrelated business taxable income of charitable remainder trusts.
Sec. 107. Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.
Sec. 108. Adjustment to basis of s corporation stock for certain charitable contributions.
Sec. 109. Charitable organizations permitted to make collegiate housing and infrastructure grants.
Sec. 110. Conduct of certain games of chance not treated as unrelated trade or business.
Sec. 111. Excise taxes exemption for blood collector organizations.
Sec. 112. Nonrecognition of gain on the sale of property used in performance of an exempt function.
Sec. 113. Exemption of qualified 501(c)(3) bonds for nursing homes from Federal guarantee prohibitions.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

Sec. 201. Suspension of tax-exempt status of terrorist organizations.
Sec. 202. Clarification of definition of church tax inquiry.
Sec. 203. Extension of declaratory judgment remedy to tax-exempt organizations.
Sec. 204. Landowner incentives programs.
Sec. 205. Modifications to section 512(b)(13).
Sec. 206. Simplification of lobbying expenditure limitation.
Sec. 207. Pilot project for forest conservation activities.

TITLE III—OTHER PROVISIONS

Sec. 301. Compassion capital fund.
Sec. 302. Reauthorization of assets for independence demonstration.
Sec. 303. Sense of the Congress regarding corporate contributions to faith-based organizations, etc.

TITLE IV—SOCIAL SERVICES BLOCK GRANT

Sec. 401. Restoration of funds for the social services block grant.
Sec. 402. Restoration of authority to transfer up to 10 percent of TANF funds to the social services block grant.
Sec. 403. Requirement to submit annual report on State activities.

TITLE V—ABUSIVE TAX SHELTERS

Sec. 501. Short title.
Sec. 502. Findings and purpose.

Subtitle A—Provisions Designed to Curtail Tax Shelters

Sec. 511. Clarification of economic substance doctrine.
Sec. 512. Penalty for failing to disclose reportable transaction.
Sec. 513. Accuracy-related penalty for listed transactions and other reportable transactions having a significant tax avoidance purpose.
Sec. 514. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 515. Modifications of substantial understatement penalty for nonreportable transactions.
Sec. 516. Tax shelter exception to confidentiality privileges relating to taxpayer communications.
Sec. 517. Disclosure of reportable transactions.
Sec. 518. Modifications to penalty for failure to register tax shelters.
Sec. 519. Modification of penalty for failure to maintain lists of investors.
Sec. 520. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 521. Understatement of taxpayer's liability by income tax return preparer.
Sec. 522. Penalty on failure to report interests in foreign financial accounts.
Sec. 523. Frivolous tax submissions.
Sec. 524. Regulation of individuals practicing before the Department of Treasury.
Sec. 525. Penalty on promoters of tax shelters.
Sec. 526. Statute of limitations for taxable years for which listed transactions not reported.
Sec. 527. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.

Subtitle B—Affirmation of Consolidated Return Regulation Authority

Sec. 531. Affirmation of consolidated return regulation authority.

TITLE I—CHARITABLE GIVING INCENTIVES

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

''(1) IN GENERAL.—In the case of an individual who does not itemize deductions for a taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the amount allowable under subsection (a) for the taxable year for cash contributions (determined without regard to any carryover), to the extent that such contributions exceed $250 ($500 in the case of a joint return) but do not exceed $500 ($1,000 in the case of a joint return).

''(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after December 31, 2005.''.

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 (defining taxable income) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the direct charitable deduction.''.

(2) DEFINITION.—Section 63 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).''.

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the direct charitable deduction.''.

(c) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury shall study the effect of the amendments made by this section on increased charitable giving and taxpayer compliance, including a comparison of taxpayer compliance between taxpayers who itemize their charitable contributions and taxpayers who claim a direct charitable deduction.

(2) REPORT.—Not later than December 31, 2006, the Secretary of the Treasury shall report on the study required under paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

''(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

''(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

''(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement plan other than a plan described in subsection (k) or (p) of section 408—

''(i) which is made on or after the date that the individual for whose benefit the plan is maintained has attained age 70 ½, and

''(ii) which is made directly by the trustee—

''(I) to an organization described in section 170(c), or

''(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such plan is maintained, the spouse of such individual, or any organization described in section 170(c).

''(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

''(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

''(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

''(i) CHARITABLE REMAINDER TRUSTS.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

''(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

''(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

''(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

''(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term 'split-interest entity' means—

''(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

''(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

''(iii) a charitable gift annuity (as defined in section 501(m)(5)).''.

(b) MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.—

(1) RETURNS.—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

''SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

''(a) TRUSTS DESCRIBED IN SECTION 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

''(b) TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).—

''(1) IN GENERAL.—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

''(A) the amount of the deduction taken under section 642(c) within such year,

''(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

''(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

''(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

''(E) the total income of the trust within such year and the expenses attributable thereto, and

''(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to a trust for any taxable year if—

''(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

''(B) the trust is described in section 4947(a)(1).''.

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

''(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

''(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

''(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

''(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.''.

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: ''In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to distributions made after December 31, 2003.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2003.

SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 170(b) (relating to corporations) is amended by striking ''10 percent'' and inserting ''the applicable percentage''.

(b) APPLICABLE PERCENTAGE.—Subsection (b) of section 170 is amended by adding at the end the following new paragraph:

''(3) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

''For taxable years beginning in calendar year—	**The applicable percentage is—**
2004	11
2005	12
2006	13
2007	14
2008 through 2011	15
2012 and thereafter	20.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 512(b)(10) and 805(b)(2)(A) are each amended by striking ''10 percent'' each place it occurs and inserting ''the applicable percentage (determined under section 170(b)(3))''.

(2) Sections 545(b)(2) and 556(b)(2) are each amended by striking ''10-percent limitation'' and inserting ''applicable percentage limitation''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Paragraph (3) of section 170(e) (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

''(C) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

''(i) GENERAL RULE.—In the case of a charitable contribution of food from any trade or business (or interest therein) of the taxpayer, this paragraph shall be applied—

''(I) without regard to whether the contribution is made by a C corporation, and

''(II) only to food that is apparently wholesome food.

''(ii) LIMITATION.—In the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed the applicable percentage (within the meaning of subsection (b)(3)) of the taxpayer's aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section.

''(iii) DETERMINATION OF FAIR MARKET VALUE.—In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

''(iv) APPARENTLY WHOLESOME FOOD.—For purposes of this subparagraph, the term 'apparently wholesome food' has the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 105. REFORM OF CERTAIN EXCISE TAXES RELATED TO PRIVATE FOUNDATIONS.

(a) REDUCTION OF TAX ON NET INVESTMENT INCOME.—Section 4940(a) (relating to tax-exempt foundations) is amended by striking ''2 percent'' and inserting ''1 percent''.

(b) REPEAL OF REDUCTION IN TAX WHERE PRIVATE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Section 4940 (relating to excise tax based on investment income) is amended by striking subsection (e).

(c) MODIFICATION OF EXCISE TAX ON SELF-DEALING.—The second sentence of section 4941(a)(1) (relating to initial excise tax imposed on self-dealer) is amended by striking ''5 percent'' and inserting ''25 percent''.

(d) MODIFICATION OF EXCISE TAX ON FAILURE TO DISTRIBUTE INCOME.—

(1) CERTAIN ADMINISTRATIVE EXPENSES NOT TREATED AS DISTRIBUTIONS.—Section 4942(g) is amended by striking paragraph (4) and inserting the following new paragraphs:

''(4) LIMITATION ON ADMINISTRATIVE EXPENSES TREATED AS DISTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), the following administrative expenses shall not be treated as qualifying distributions:

''(i) Any administrative expense which is not directly attributable to direct charitable activities, grant selection activities, grant monitoring and administration activities, compliance with applicable Federal, State, or local law, or furthering public accountability of the private foundation.

''(ii) Any compensation paid to a disqualified person to the extent that such compensation exceeds an annual rate of $100,000.

''(iii) Any expense incurred for transportation by air unless such transportation is regularly-scheduled commercial air transportation.

''(iv) Any expense incurred for regularly-scheduled commercial air transportation to the extent that such expense exceeds the cost of such transportation in coach-class accommodations.

''(B) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after December 31, 2004, the $100,000 amount in subparagraph (A)(ii) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of paragraph (4). Such regulations shall provide that administrative expenses which are excluded from qualifying distributions solely by reason of the limitations in paragraph (4) shall not for such reason subject a private foundation to any other excise taxes imposed by this subchapter.''.

(2) DISALLOWANCE NOT TO APPLY TO CERTAIN PRIVATE FOUNDATIONS.—

(A) IN GENERAL.—Section 4942(j)(3) (defining operating foundation) is amended—

(i) by striking ''(within the meaning of paragraph (1) or (2) of subsection (g))'' each place it appears, and

(ii) by adding at the end the following new sentence: ''For purposes of this paragraph, the term 'qualifying distributions' means qualifying distributions within the meaning of paragraph (1) or (2) of subsection (g) (determined without regard to subsection (g)(4)).''.

(B) CONFORMING AMENDMENT.—Section 4942(f)(2)(C)(i) is amended by inserting ''(determined without regard to subsection (g)(4))'' after ''within the meaning of subsection (g)(1)(A)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

''(c) TAXATION OF TRUSTS.—

''(1) INCOME TAX.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

''(2) EXCISE TAX.—

''(A) IN GENERAL.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

''(B) CERTAIN RULES TO APPLY.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

''(C) CHARACTER OF DISTRIBUTIONS AND COORDINATION WITH DISTRIBUTION REQUIREMENTS.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

''(i) subsection (b),

''(ii) determining the value of trust assets under subsection (d)(2), and

''(iii) determining income under subsection (d)(3).

''(D) TAX COURT PROCEEDINGS.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) SCIENTIFIC PROPERTY USED FOR RESEARCH.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting ''or assembled'' after ''constructed''.

(2) CONFORMING AMENDMENT.—Clause (iii) of section 170(e)(4)(B) is amended by inserting ''or assembling'' after ''construction''.

(b) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(6)(B) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(2) SPECIAL RULE MADE PERMANENT.—Section 170(e)(6) is amended by striking subparagraph (G).

(3) CONFORMING AMENDMENTS.—Subparagraph (D) of section 170(e)(6) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) (relating to adjustments to basis of stock of shareholders, etc.) is amended by adding at the end the following new flush sentence:

''The decrease under subparagraph (B) by reason of a charitable contribution (as defined in section 170(c)) of property shall be the amount equal to the shareholder's pro rata share of the adjusted basis of such property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 109. CHARITABLE ORGANIZATIONS PERMITTED TO MAKE COLLEGIATE HOUSING AND INFRASTRUCTURE GRANTS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.), as amended by section 201, is further amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) TREATMENT OF ORGANIZATIONS MAKING COLLEGIATE HOUSING AND INFRASTRUCTURE IMPROVEMENT GRANTS.—

''(1) IN GENERAL.—For purposes of subsection (c)(3) and sections 170(c)(2)(B), 2055(a), and 2522(a)(2), an organization shall not fail to be treated as organized and operated exclusively for charitable or educational purposes solely because such organization makes collegiate housing and infrastructure grants to an organization described in subsection (c)(7), so long as, at the time of the grant, substantially all of the active members of the recipient organization are full-time students at the college or university with which such recipient organization is associated.

''(2) HOUSING AND INFRASTRUCTURE GRANTS.—For purposes of paragraph (1), collegiate housing and infrastructure grants are grants to provide, improve, operate, or maintain collegiate housing that may involve more than incidental social, recreational, or private purposes, so long as such grants are for purposes that would be permissible for a dormitory of the college or university referred to in paragraph (1). A grant shall not be treated as a collegiate housing and infrastructure grant for purposes of paragraph (1) to the extent that such grant is used to provide physical fitness equipment.

''(3) GRANTS TO CERTAIN ORGANIZATIONS HOLDING TITLE TO PROPERTY, ETC.—For purposes of this subsection, a collegiate housing and infrastructure grant to an organization described in subsection (c)(2) or (c)(7) holding title to property exclusively for the benefit of an organization described in subsection (c)(7) shall be considered a grant to the organization described in subsection (c)(7) for whose benefit such property is held.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to grants made after December 31, 2003.

SEC. 110. CONDUCT OF CERTAIN GAMES OF CHANCE NOT TREATED AS UNRELATED TRADE OR BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 513(f) (relating to certain bingo games) is amended to read as follows:

''(1) IN GENERAL.—The term 'unrelated trade or business' does not include—

''(A) any trade or business which consists of conducting bingo games, and

''(B) any trade or business which consists of conducting qualified games of chance if the net proceeds from such trade or business are paid or set aside for payment for purposes described in section 170(c)(2)(B), for the promotion of social welfare (within the meaning of section 501(c)(4)), or for a purpose for which State law specifically authorizes the expenditure of such proceeds.''.

(b) QUALIFIED GAMES OF CHANCE.—Subsection (f) of section 513 is amended by adding at the end the following new paragraph:

''(3) QUALIFIED GAMES OF CHANCE.—For purposes of paragraph (1), the term 'qualified game of chance' means any game of chance (other than bingo) conducted by an organization if—

''(A) such organization is licensed pursuant to State law to conduct such game,

''(B) only organizations which are organized as nonprofit corporations or are exempt from tax under section 501(a) may be so licensed to conduct such game within the State, and

''(C) the conduct of such game does not violate State or local law.''

(c) CLERICAL AMENDMENT.—The subsection heading of section 513(f) is amended by striking ''BINGO GAMES'' and inserting ''GAMES OF CHANCE''.

(d) EFFECTIVE DATE.— The amendments made by this section shall apply to games conducted after December 31, 2003.

SEC. 111. EXCISE TAXES EXEMPTION FOR BLOOD COLLECTOR ORGANIZATIONS.

(a) EXEMPTION FROM IMPOSITION OF SPECIAL FUELS TAX.—Section 4041(g) (relating to other exemptions) is amended by striking ''and'' at the end of paragraph (3), by striking the period in paragraph (4) and inserting ''; and'', and by inserting after paragraph (4) the following new paragraph:

''(5) with respect to the sale of any liquid to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use, or with respect to the use by a qualified blood collector organization of any liquid as a fuel.''.

(b) EXEMPTION FROM MANUFACTURERS EXCISE TAX.—

(1) IN GENERAL.—Section 4221(a) (relating to certain tax-free sales) is amended by striking ''or'' at the end of paragraph (4), by adding ''or'' at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

''(6) to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use,''.

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 4221(a) is amended by striking ''Paragraphs (4) and (5)'' and inserting ''Paragraphs (4), (5), and (6)''.

(B) Section 6421(c) is amended by striking ''or (5)'' and inserting ''(5), or (6)''.

(c) EXEMPTION FROM COMMUNICATION EXCISE TAX.—

(1) IN GENERAL.—Section 4253 (relating to exemptions) is amended by redesignating subsection (k) as subsection (l) and inserting after subsection (j) the following new subsection:

''(k) EXEMPTION FOR QUALIFIED BLOOD COLLECTOR ORGANIZATIONS.—Under regulations provided by the Secretary, no tax shall be imposed under section 4251 on any amount paid by a qualified blood collector organization (as defined in section 7701(a)(48)) for services or facilities furnished to such organization.''.

(2) CONFORMING AMENDMENT.—Section 4253(l), as redesignated by paragraph (1), is amended by striking ''or (j)'' and inserting ''(j), or (k)''.

(d) CREDIT FOR REFUND FOR CERTAIN TAXES ON SALES AND SERVICES.—

(1) DEEMED OVERPAYMENT.—

(A) IN GENERAL.—Section 6416(b)(2) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

''(E) sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use;''.

(B) CONFORMING AMENDMENTS.—Section 6416(b)(2) is amended—

(i) by striking ''Subparagraphs (C) and (D)'' and inserting ''Subparagraphs (C), (D), and (E)'', and

(ii) by striking ''(C), and (D)'' and inserting ''(C), (D), and (E)''.

(2) SALES OF TIRES.—Clause (ii) of section 6416(b)(4)(B) is amended by inserting ''sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for its exclusive use,'' after ''for its exclusive use,''.

(e) DEFINITION OF QUALIFIED BLOOD COLLECTOR ORGANIZATION.—Section 7701(a) is amended by inserting at the end the following new paragraph:

''(48) QUALIFIED BLOOD COLLECTOR ORGANIZATION.—The term 'qualified blood collector organization' means an organization which is—

''(A) described in section 501(c)(3) and exempt from tax under section 501(a),

''(B) registered by the Food and Drug Administration to collect blood, and

''(C) primarily engaged in the activity of the collection of blood.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2004.

SEC. 112. NONRECOGNITION OF GAIN ON THE SALE OF PROPERTY USED IN PERFORMANCE OF AN EXEMPT FUNCTION.

(a) IN GENERAL.—Subparagraph (D) of section 512(a)(3) is amended to read as follows:

''(D) NONRECOGNITION OF GAIN.—

''(i) IN GENERAL.—If property used directly in the performance of the exempt function of an organization described in paragraph (7), (9), (17), or (20) of section 501(c) is sold by such organization, and within a period beginning 1 year before the date of such sale, and ending 3 years (10 years, in the case of an organization described in section 501(c)(7)) after such date, other property is purchased and used by such organization directly in the performance of its exempt function, gain (if any) from such sale shall be recognized only to the extent that such organization's sales price of the old property exceeds the organization's cost of purchasing the other property.

''(ii) STATUTE OF LIMITATIONS.—If an organization described in section 501(c)(7) sells property on which gain is not recognized, in whole or in part, by reason of clause (i), then the statutory period for the assessment of any deficiency attributable to such gain shall not expire until the end of the 3-year period beginning on the date that the Secretary is notified by such organization (in such manner as the Secretary may prescribe) that—

''(I) the organization has met the requirements of clause (i) with respect to gain which was not recognized,

''(II) the organization does not intend to meet such requirements, or

''(III) the organization failed to meet such requirements within the prescribed period.

For the purposes of this clause, any deficiency may be assessed before the expiration

of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(iii) DESTRUCTION AND LOSS.—For purposes of this subparagraph, the destruction in whole or in part, theft, seizure, requisition, or condemnation of property, shall be treated as the sale of such property, and rules similar to the rules provided by subsections (b), (c), (e), and (j) of section 1034 (as in effect on the day before the date of the enactment of the Taxpayer Relief Act of 1997) shall apply.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to the sale of any property for which the 3-year period for offsetting gain by purchasing other property under subparagraph (D) of section 512(a)(3) of the Internal Revenue Code (as in effect on the day before the date of the enactment of this Act) had not expired as of January 1, 2001.

SEC. 113. EXEMPTION OF QUALIFIED 501(c)(3) BONDS FOR NURSING HOMES FROM FEDERAL GUARANTEE PROHIBITIONS.

(a) IN GENERAL.—For purposes of section 149(b)(1) of the Internal Revenue Code of 1986, any qualified 501(c)(3) bond (as defined in section 145 of such Code) shall not be treated as federally guaranteed solely because such bond is part of an issue supported by a letter of credit, if such bond—

(1) is issued after December 31, 2003, and before the date which is 1 year after the date of the enactment of this Act, and

(2) is part of an issue 95 percent or more of the net proceeds of which are to be used to finance 1 or more of the following facilities primarily for the benefit of the elderly:

(A) Licensed nursing home facility.

(B) Licensed or certified assisted living facility.

(C) Licensed personal care facility.

(D) Continuing care retirement community.

(b) LIMITATION ON ISSUER.—Subsection (a) shall not apply to any bond described in such subsection if the aggregate authorized face amount of the issue of which such bond is a part, when increased by the outstanding amount of such bonds issued by the issuer during the period described in subsection (a)(1) exceeds $15,000,000.

(c) LIMITATION ON BENEFICIARY.—Rules similar to the rules of section 144(a)(10) of the Internal Revenue Code of 1986 shall apply for purposes of this section, except that—

(1) ''$15,000,000'' shall be substituted for ''$40,000,000'' in subparagraph (A) thereof, and

(2) such rules shall be applied—

(A) only with respect to bonds described in this section, and

(B) with respect to the aggregate authorized face amount of all issues of such bonds which are allocable to the beneficiary.

(d) CONTINUING CARE RETIREMENT COMMUNITY.—For purposes of this section, the term ''continuing care retirement community'' means a community which provides, on the same campus, a consortium of residential living options and support services to persons at least 60 years of age under a written agreement. For purposes of the preceding sentence, the residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

SEC. 201. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 202. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking ''or'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', or'', and by inserting after paragraph (5) the following:

''(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.''.

SEC. 203. EXTENSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after ''509(a))'' the following: ''or as a private operating foundation (as defined in section 4942(j)(3))''; and

(2) by amending subparagraph (C) to read as follows:

''(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or''.

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking ''United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia'' and inserting the following: ''United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 204. LANDOWNER INCENTIVES PROGRAMS.

(a) IN GENERAL.—Subsection (a) of section 126 is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) Landowner initiatives programs to conserve threatened, endangered, or imperiled species, or protect or restore habitat carried out under—

''(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.),

''(B) the Fish and Wildlife Act of 1956 (16 U.S.C. 742f), or

''(C) section 6 of the Endangered Species Act (16 U.S.C. 11531 et seq.).''.

(b) EXCLUDABLE PORTION.—Subparagraph (A) of section 126(b)(1) is amended by inserting after ''Secretary of Agriculture'' the following: ''(the Secretary of the Interior, in the case of the landowner incentives programs described in subsection (a)(10) and the programs described in subsection (a)(11) that are implemented by the Department of the Interior)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2003, in taxable years ending after such date.

SEC. 205. MODIFICATIONS TO SECTION 512(b)(13).

(a) IN GENERAL.—Paragraph (13) of section 512(b) (relating to special rules for certain amounts received from controlled entities) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

''(E) PARAGRAPH TO APPLY ONLY TO EXCESS PAYMENTS.—

''(i) IN GENERAL.—Subparagraph (A) shall apply only to the portion of a specified payment received or accrued by the controlling organization that exceeds the amount which would have been paid or accrued if such payment met the requirements prescribed under section 482.

''(ii) ADDITION TO TAX FOR VALUATION MISSTATEMENTS.—The tax imposed by this chapter on the controlling organization shall be increased by an amount equal to 20 percent of the larger of—

''(I) such excess determined without regard to any amendment or supplement to a return of tax, or

''(II) such excess determined with regard to all such amendments and supplements.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to payments received or accrued after December 31, 2003.

(2) PAYMENTS SUBJECT TO BINDING CONTRACT TRANSITION RULE.—If the amendments made by section 1041 of the Taxpayer Relief Act of 1997 did not apply to any amount received or accrued in the first 2 taxable years beginning on or after the date of the enactment of the Taxpayer Relief Act of 1997 under any contract described in subsection (b)(2) of such section, such amendments also shall not apply to amounts received or accrued under such contract before January 1, 2001.

SEC. 206. SIMPLIFICATION OF LOBBYING EXPENDITURE LIMITATION.

(a) REPEAL OF GRASSROOTS EXPENDITURE LIMIT.—Paragraph (1) of section 501(h) (relating to expenditures by public charities to influence legislation) is amended to read as follows:

''(1) GENERAL RULE.—In the case of an organization to which this subsection applies, exemption from taxation under subsection (a) shall be denied because a substantial part of the activities of such organization consists of carrying on propaganda, or otherwise attempting, to influence legislation, but only if such organization normally makes lobbying expenditures in excess of the lobbying ceiling amount for such organization for each taxable year.''.

(b) EXCESS LOBBYING EXPENDITURES.—Section 4911(b) is amended to read as follows:

''(b) EXCESS LOBBYING EXPENDITURES.—For purposes of this section, the term 'excess lobbying expenditures' means, for a taxable year, the amount by which the lobbying expenditures made by the organization during the taxable year exceed the lobbying nontaxable amount for such organization for such taxable year.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 501(h)(2) is amended by striking subparagraphs (C) and (D).

(2) Section 4911(c) is amended by striking paragraphs (3) and (4).

(3) Paragraph (1)(A) of section 4911(f) is amended by striking ''limits of section 501(h)(1) have'' and inserting ''limit of section 501(h)(1) has''.

(4) Paragraph (1)(C) of section 4911(f) is amended by striking ''limits of section 501(h)(1) are'' and inserting ''limit of section 501(h)(1) is''.

(5) Paragraphs (4)(A) and (4)(B) of section 4911(f) are each amended by striking ''limits of section 501(h)(1)'' and inserting ''limit of section 501(h)(1)''.

(6) Paragraph (8) of section 6033(b) (relating to certain organizations described in section 501(c)(3)) is amended by inserting ''and'' at the end of subparagraph (A) and by striking subparagraphs (C) and (D).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 207. PILOT PROJECT FOR FOREST CONSERVATION ACTIVITIES.

(a) TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any qualified forest conservation bond shall be treated as an exempt facility bond under section 142 of such Code.

(2) QUALIFIED FOREST CONSERVATION BOND.—For purposes of this section, the term ''qualified forest conservation bond'' means any bond issued as part of an issue if—

(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3) of such Code) of such issue are to be used for qualified project costs,

(B) such bond is an obligation of the State of Washington or any political subdivision thereof, and

(C) such bond is issued for a qualified organization before December 31, 2006.

(3) LIMITATION ON AGGREGATE AMOUNT ISSUED.—The maximum aggregate face amount of bonds which may be issued under this subsection shall not exceed $250,000,000.

(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term ''qualified project costs'' means the sum of—

(A) the cost of acquisition by the qualified organization from an unrelated person of forests and forest land located in the State of Washington which at the time of acquisition or immediately thereafter are subject to a conservation restriction described in subsection (c)(2),

(B) interest on the qualified forest conservation bonds for the 3-year period beginning on the date of issuance of such bonds, and

(C) credit enhancement fees which constitute qualified guarantee fees (within the meaning of section 148 of such Code).

(5) SPECIAL RULES.—In applying the Internal Revenue Code of 1986 to any qualified forest conservation bond, the following modifications shall apply:

(A) Section 146 of such Code (relating to volume cap) shall not apply.

(B) For purposes of section 147(b) of such Code (relating to maturity may not exceed 120 percent of economic life), the land and standing timber acquired with proceeds of qualified forest conservation bonds shall have an economic life of 35 years.

(C) Subsections (c) and (d) of section 147 of such Code (relating to limitations on acquisition of land and existing property) shall not apply.

(D) Section 57(a)(5) of such Code (relating to tax-exempt interest) shall not apply to interest on qualified forest conservation bonds.

(6) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraphs (2)(C) and (3) shall not apply to any bond (or series of bonds) issued to refund a qualified forest conservation bond issued before December 31, 2006, if—

(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

(C) the net proceeds of the refunding bond are used to redeem the refunded bond not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A) of such Code.

(7) EFFECTIVE DATE.—This subsection shall apply to obligations issued on or after the date of enactment of this Act.

(b) ITEMS FROM QUALIFIED HARVESTING ACTIVITIES NOT SUBJECT TO TAX OR TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Income, gains, deductions, losses, or credits from a qualified harvesting activity conducted by a qualified organization shall not be subject to tax or taken into account under subtitle A of the Internal Revenue Code of 1986.

(2) LIMITATION.—The amount of income excluded from gross income under paragraph (1) for any taxable year shall not exceed the amount used by the qualified organization to make debt service payments during such taxable year for qualified forest conservation bonds.

(3) QUALIFIED HARVESTING ACTIVITY.—For purposes of paragraph (1)—

(A) IN GENERAL.—The term ''qualified harvesting activity'' means the sale, lease, or harvesting, of standing timber—

(i) on land owned by a qualified organization which was acquired with proceeds of qualified forest conservation bonds, and

(ii) pursuant to a qualified conservation plan adopted by the qualified organization.

(B) EXCEPTIONS.—

(i) CESSATION AS QUALIFIED ORGANIZATION.—The term ''qualified harvesting activity'' shall not include any sale, lease, or harvesting for any period during which the organization ceases to qualify as a qualified organization.

(ii) EXCEEDING LIMITS ON HARVESTING.—The term ''qualified harvesting activity'' shall not include any sale, lease, or harvesting of standing timber on land acquired with proceeds of qualified forest conservation bonds to the extent that—

(I) the average annual area of timber harvested from such land exceeds 2.5 percent of the total area of such land, or

(II) the quantity of timber removed from such land exceeds the quantity which can be removed from such land annually in perpetuity on a sustained-yield basis with respect to such land.

The limitations under subclauses (I) and (II) shall not apply to post-fire restoration and rehabilitation or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophes, or which are in imminent danger from insect or disease attack.

(4) TERMINATION.—This subsection shall not apply to any qualified harvesting activity occurring after the date on which there is no outstanding qualified forest conservation bond or any such bond ceases to be a tax-exempt bond.

(5) PARTIAL RECAPTURE OF BENEFITS IF HARVESTING LIMIT EXCEEDED.—If, as of the date that this subsection ceases to apply under paragraph (4), the average annual area of timber harvested from the land exceeds the requirement of paragraph (3)(B)(ii)(I), the tax imposed by chapter 1 of such Code shall be increased, under rules prescribed by the Secretary of the Treasury, by the sum of the tax benefits attributable to such excess and

interest at the underpayment rate under section 6621 of such Code for the period of the underpayment.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED CONSERVATION PLAN.—The term ''qualified conservation plan'' means a multiple land use program or plan which—

(A) is designed and administered primarily for the purposes of protecting and enhancing wildlife and fish, timber, scenic attributes, recreation, and soil and water quality of the forest and forest land,

(B) mandates that conservation of forest and forest land is the single-most significant use of the forest and forest land, and

(C) requires that timber harvesting be consistent with—

(i) restoring and maintaining reference conditions for the region's ecotype,

(ii) restoring and maintaining a representative sample of young, mid, and late successional forest age classes,

(iii) maintaining or restoring the resources' ecological health for purposes of preventing damage from fire, insect, or disease,

(iv) maintaining or enhancing wildlife or fish habitat, or

(v) enhancing research opportunities in sustainable renewable resource uses.

(2) CONSERVATION RESTRICTION.—The conservation restriction described in this paragraph is a restriction which—

(A) is granted in perpetuity to an unrelated person which is described in section 170(h)(3) of such Code and which, in the case of a nongovernmental unit, is organized and operated for conservation purposes,

(B) meets the requirements of clause (ii) or (iii)(II) of section 170(h)(4)(A) of such Code,

(C) obligates the qualified organization to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction, and

(D) requires an increasing level of conservation benefits to be provided whenever circumstances allow it.

(3) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means an organization—

(A) which is a nonprofit organization substantially all the activities of which are charitable, scientific, or educational, including acquiring, protecting, restoring, managing, and developing forest lands and other renewable resources for the long-term charitable, educational, scientific and public benefit,

(B) more than half of the value of the property of which consists of forests and forest land acquired with the proceeds from qualified forest conservation bonds,

(C) which periodically conducts educational programs designed to inform the public of environmentally sensitive forestry management and conservation techniques,

(D) which has at all times a board of directors—

(i) at least 20 percent of the members of which represent the holders of the conservation restriction described in paragraph (2),

(ii) at least 20 percent of the members of which are public officials, and

(iii) not more than one-third of the members of which are individuals who are or were at any time within 5 years before the beginning of a term of membership on the board, an employee of, independent contractor with respect to, officer of, director of, or held a material financial interest in, a commercial forest products enterprise with which the qualified organization has a contractual or other financial arrangement,

(E) the bylaws of which require at least two-thirds of the members of the board of directors to vote affirmatively to approve the qualified conservation plan and any change thereto, and

(F) upon dissolution, is required to dedicate its assets to—

(i) an organization described in section 501(c)(3) of such Code which is organized and operated for conservation purposes, or

(ii) a governmental unit described in section 170(c)(1) of such Code.

(4) UNRELATED PERSON.—The term ''unrelated person'' means a person who is not a related person.

(5) RELATED PERSON.—A person shall be treated as related to another person if—

(A) such person bears a relationship to such other person described in section 267(b) (determined without regard to paragraph (9) thereof), or 707(b)(1), of such Code, determined by substituting ''25 percent'' for ''50 percent'' each place it appears therein, and

(B) in the case such other person is a nonprofit organization, if such person controls directly or indirectly more than 25 percent of the governing body of such organization.

(d) REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the pilot project for forest conservation activities under this section. Such study shall examine the extent to which forests and forest lands were managed during the 5-year period beginning on the date of the enactment of this Act to achieve the goals of such project.

(2) SUBMISSION OF REPORT TO CONGRESS.—Not later than six years after the date of the enactment of this Act, the Comptroller General shall submit a report of such study to the Committee on Ways and Means and the Committee on Resources of the House of Representatives and the Committee on Finance and the Committee on Energy and Natural Resources of the Senate.

TITLE III—OTHER PROVISIONS

SEC. 301. COMPASSION CAPITAL FUND.

Title IV of the Social Security Act (42 U.S.C. 601–679b) is amended by adding at the end the following:

''PART F—COMPASSION CAPITAL FUND

''SEC. 481. SECRETARY'S FUND TO SUPPORT AND REPLICATE PROMISING SOCIAL SERVICE PROGRAMS.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary may make grants to support any private entity that operates a promising social services program.

''(2) APPLICATIONS.—An entity desiring to receive a grant under paragraph (1) shall submit to the Secretary an application for the grant, which shall contain such information as the Secretary may require.

''(b) CONTRACT AUTHORITY, ETC.—The Secretary may enter into a grant, contract, or cooperative agreement with any entity under which the entity would provide technical assistance to another entity to operate a social service program that assists persons and families in need, including by—

''(1) providing the other entity with—

''(A) technical assistance and information, including legal assistance and other business assistance;

''(B) information on capacity-building;

''(C) information and assistance in identifying and using best practices for serving persons and families in need; or

''(D) assistance in replicating programs with demonstrated effectiveness in assisting persons and families in need; or

''(2) supporting research on the best practices of social service organizations.

''(c) GUIDANCE AND TECHNICAL ASSISTANCE.—The Secretary may use not more than 25 percent of the amount appropriated under this section for a fiscal year to provide guidance and technical assistance to States and political subdivisions of States with respect to the implementation of any social service program.

''(d) SOCIAL SERVICES PROGRAM DEFINED.—In this section, the term 'social services program' means a program that provides benefits or services of any kind to persons and families in need.

''(e) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary $150,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2008.''.

SEC. 302. REAUTHORIZATION OF ASSETS FOR INDEPENDENCE DEMONSTRATION.

(a) IN GENERAL.—Section 416 of the Assets for Independence Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by striking ''and 2003'' and inserting ''2003, 2004, 2005, 2006, 2007, and 2008''.

(b) REMOVAL OF ECONOMIC LITERACY ACTIVITIES FROM LIMITATION ON USE OF AMOUNTS IN THE RESERVE FUND.—Section 407(c)(3) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by adding at the end the following: ''The preceding sentences of this paragraph shall not apply to amounts used by an entity for any activity described in paragraph (1)(A).''.

(c) ELIGIBILITY EXPANDED TO INCLUDE INDIVIDUALS IN HOUSEHOLDS WITH INCOME NOT EXCEEDING 50 PERCENT OF AREA MEDIAN INCOME.—Section 408(a)(1) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended to read as follows:

''(1) INCOME TEST.—The adjusted gross income of the household—

''(A) does not exceed 200 percent of the poverty line (as determined by the Office of Management and Budget) or the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household); or

''(B) does not exceed 50 percent of the area median income (as determined by the Secretary of Housing and Urban Development) for the area in which the household is located.''.

(d) EXTENSION OF TIME FOR ACCOUNT HOLDERS TO ACCESS FEDERAL FUNDS.—Section 407(d) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in the subsection heading, by striking ''WHEN PROJECT TERMINATES''; and

(2) by striking ''upon'' and inserting ''on the date that is 6 months after''.

(e) VERIFICATION OF POSTSECONDARY EDUCATION EXPENSES.—Section 404(8)(A) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended in the 1st sentence by inserting ''or a vendor, but only to the extent that the expenses are described in a document which explains the educational items to be purchased, and the document and the expenses are approved by the qualified entity'' before the period.

(f) AUTHORITY TO USE EXCESS INTEREST TO FUND OTHER INDIVIDUAL DEVELOPMENT ACCOUNTS.—Section 410 of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in subsection (a)(3)—

(A) by striking ''any interest that has accrued'' and inserting ''interest that has accrued during that period''; and

(B) by striking the period and inserting '', but only to the extent that the amount of the interest does not exceed the amount of interest that has accrued during that period on amounts deposited in the account by that individual.''; and

(2) by adding at the end the following:

''(f) USE OF EXCESS INTEREST TO FUND OTHER INDIVIDUAL DEVELOPMENT ACCOUNTS.—To the extent that a qualified entity has an amount that, but for the limitation in subsection (a)(3), would be required by that subsection to be deposited into the individual development account of an individual or into a parallel account maintained by the qualified entity, the qualified entity may deposit the amount into the individual development

account of any individual or into any such parallel account maintained by the qualified entity.''.

SEC. 303. SENSE OF THE CONGRESS REGARDING CORPORATE CONTRIBUTIONS TO FAITH-BASED ORGANIZATIONS, ETC.

(a) FINDINGS.—The Congress finds as follows:

(1) America's community of faith has long played a leading role in dealing with difficult societal problems that might otherwise have gone unaddressed.

(2) President Bush has called upon Americans ''to revive the spirit of citizenship . . . to marshal the compassion of our people to meet the continuing needs of our Nation''.

(3) Although the work of faith-based organizations should not be used by government as an excuse for backing away from its historic and rightful commitment to help those who are disadvantaged and in need, such organizations can and should be seen as a valuable partner with government in meeting societal challenges.

(4) Every day faith-based organizations in the United States help people recover from drug and alcohol addiction, provide food and shelter for the homeless, rehabilitate prison inmates so that they can break free from the cycle of recidivism, and teach people job skills that will allow them to move from poverty to productivity.

(5) Faith-based organizations are often more successful in dealing with difficult societal problems than government and nonsectarian organizations.

(6) As President Bush has stated, ''It is not sufficient to praise charities and community groups; we must support them. And this is both a public obligation and a personal responsibility.''.

(7) Corporate foundations contribute billions of dollars each year to a variety of philanthropic causes.

(8) According to a study produced by the Capital Research Center, the 10 largest corporate foundations in the United States contributed $1,900,000,000 to such causes.

(9) According to the same study, faith-based organizations only receive a small fraction of the contributions made by corporations in the United States, and 6 of the 10 corporations that give the most to philanthropic causes explicitly ban or restrict contributions to faith-based organizations.

(b) CORPORATIONS ENCOURAGED TO CONTRIBUTE TO FAITH-BASED ORGANIZATIONS.—The Congress calls on corporations in the United States, in the words of the President, ''to give more and to give better'' by making greater contributions to faith-based organizations that are on the front lines battling some of the great societal challenges of our day.

(c) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) corporations in the United States are important partners with government in efforts to overcome difficult societal problems; and

(2) no corporation in the United States should adopt policies that prohibit the corporation from contributing to an organization that is successfully advancing a philanthropic cause merely because such organization is faith based.

TITLE IV—SOCIAL SERVICES BLOCK GRANT

SEC. 401. RESTORATION OF FUNDS FOR THE SOCIAL SERVICES BLOCK GRANT.

(a) FINDINGS.—Congress makes the following findings:

(1) On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) was signed into law.

(2) In enacting that law, Congress authorized $2,800,000,000 for fiscal year 2003 and each fiscal year thereafter to carry out the Social Services Block Grant program established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(b) RESTORATION OF FUNDS.—Section 2003(c)(11) of the Social Security Act (42 U.S.C. 1397b(c)(11)) is amended by inserting '', except that, with respect to fiscal year 2004, the amount shall be $2,800,000,000'' after ''thereafter''.

SEC. 402. RESTORATION OF AUTHORITY TO TRANSFER UP TO 10 PERCENT OF TANF FUNDS TO THE SOCIAL SERVICES BLOCK GRANT.

(a) IN GENERAL.—Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

''(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to amounts made available for fiscal year 2004 and each fiscal year thereafter.

SEC. 403. REQUIREMENT TO SUBMIT ANNUAL REPORT ON STATE ACTIVITIES.

(a) IN GENERAL.—Section 2006(c) of the Social Security Act (42 U.S.C. 1397e(c)) is amended by adding at the end the following: ''The Secretary shall compile the information submitted by the States and submit that information to Congress on an annual basis.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to information submitted by States under section 2006 of the Social Security Act (42 U.S.C. 1397e) with respect to fiscal year 2004 and each fiscal year thereafter.

TITLE V—ABUSIVE TAX SHELTERS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Abusive Tax Shelter Shutdown and Taxpayer Accountability Act of 2003''.

SEC. 502. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds that:

(1) Many corporate tax shelter transactions are complicated ways of accomplishing nothing aside from claimed tax benefits, and the legal opinions justifying those transactions take an inappropriately narrow and restrictive view of well-developed court doctrines under which—

(A) the taxation of a transaction is determined in accordance with its substance and not merely its form,

(B) transactions which have no significant effect on the taxpayer's economic or beneficial interests except for tax benefits are treated as sham transactions and disregarded,

(C) transactions involving multiple steps are collapsed when those steps have no substantial economic meaning and are merely designed to create tax benefits,

(D) transactions with no business purpose are not given effect, and

(E) in the absence of a specific congressional authorization, it is presumed that Congress did not intend a transaction to result in a negative tax where the taxpayer's economic position or rate of return is better after tax than before tax.

(2) Permitting aggressive and abusive tax shelters not only results in large revenue losses but also undermines voluntary compliance with the Internal Revenue Code of 1986.

(b) PURPOSE.—The purpose of this title is to eliminate abusive tax shelters by denying tax attributes claimed to arise from transactions that do not meet a heightened economic substance requirement and by repealing the provision that permits legal opinions to be used to avoid penalties on tax underpayments resulting from transactions without significant economic substance or business purpose.

Subtitle A—Provisions Designed to Curtail Tax Shelters

SEC. 511. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects and, if there are any Federal tax effects, also apart from any foreign, State, or local tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a

transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) SUBSTANTIAL NONTAX PURPOSE.—In applying subclause (II) of paragraph (1)(B)(i), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(D) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(E) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 512. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

''SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

''(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

''(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

''(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

''(A) IN GENERAL.—In the case of a failure under subsection (a) by—

''(i) a large entity, or

''(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

''(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

''(C) HIGH NET WORTH INDIVIDUAL.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

''(c) DEFINITIONS.—For purposes of this section—

''(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

''(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

''(d) AUTHORITY TO RESCIND PENALTY.—

''(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

''(A) the violation is with respect to a reportable transaction other than a listed transaction,

''(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

''(C) it is shown that the violation is due to an unintentional mistake of fact;

''(D) imposing the penalty would be against equity and good conscience, and

''(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

''(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

''(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

''(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

''(A) the facts and circumstances of the transaction,

''(B) the reasons for the rescission, and

''(C) the amount of the penalty rescinded.

''(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

''(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

''(B) a description of each penalty rescinded under this subsection and the reasons therefor.

''(e) PENALTY REPORTED TO SEC.—In the case of a person—

''(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

''(2) which—

''(A) is required to pay a penalty under this section with respect to a listed transaction,

''(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

''(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

''Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 513. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

''SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

''(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable transaction understatement' means the sum of—

''(A) the product of—

''(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

''(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

''(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

''(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

''(A) any listed transaction, and

''(B) any reportable transaction (other than a listed transaction) if a significant

purpose of such transaction is the avoidance or evasion of Federal income tax.

''(c) HIGHER PENALTY FOR NONDISCLOSED LISTED AND OTHER AVOIDANCE TRANSACTIONS.—

''(1) IN GENERAL.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

''(2) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(A) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which paragraph (1) applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(B) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

''(d) DEFINITIONS OF REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH PENALTIES, ETC., ON OTHER UNDERSTATEMENTS.—In the case of an understatement (as defined in section 6662(d)(2))—

''(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

''(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) APPLICATION OF FRAUD PENALTY.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

''(B) NO DOUBLE PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

''(5) CROSS REFERENCE.—

"For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e)."

(b) DETERMINATION OF OTHER UNDERSTATEMENTS.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

''The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.''

(c) REASONABLE CAUSE EXCEPTION.—

(1) IN GENERAL.—Section 6664 is amended by adding at the end the following new subsection:

''(d) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—

''(1) IN GENERAL.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

''(2) SPECIAL RULES.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

''(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

''(B) there is or was substantial authority for such treatment, and

''(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

''(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

''(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

''(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

''(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

''(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

''(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

''(I) the tax advisor is described in clause (ii), or

''(II) the opinion is described in clause (iii).

''(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor—

''(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

''(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

''(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

''(IV) as determined under regulations prescribed by the Secretary, has a continuing financial interest with respect to the transaction.

''(iii) DISQUALIFIED OPINIONS.—For purposes of clause (i), an opinion is disqualified if the opinion—

''(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

''(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

''(III) does not identify and consider all relevant facts, or

''(IV) fails to meet any other requirement as the Secretary may prescribe.''

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 6664 is amended by inserting ''FOR UNDERPAYMENTS'' after ''EXCEPTION''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking ''(as defined in section 6662(d)(2)(C)(iii))'' in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

''(C) TAX SHELTER.—For purposes of subparagraph (B), the term 'tax shelter' means—

''(i) a partnership or other entity,

''(ii) any investment plan or arrangement, or

''(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.''

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking ''this part'' and inserting ''section 6662 or 6663''.

(5) Subsection (b) of section 7525 is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(6)(A) The heading for section 6662 is amended to read as follows:

"SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS."

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

''Sec. 6662. Imposition of accuracy-related penalty on underpayments.

''Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 514. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section

6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed tax benefit or the transaction was not respected under section 7701(m)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 515. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

''(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

''(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

''(ii) $10,000,000.''

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

''(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or''.

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

''(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 516. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

''(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

''(1) between a federally authorized tax practitioner and—

''(A) any person,

''(B) any director, officer, employee, agent, or representative of the person, or

''(C) any other person holding a capital or profits interest in the person, and

''(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 517. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

''SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

''(1) information identifying and describing the transaction,

''(2) information describing any potential tax benefits expected to result from the transaction, and

''(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

''(b) DEFINITIONS.—For purposes of this section—

''(1) MATERIAL ADVISOR.—

''(A) IN GENERAL.—The term 'material advisor' means any person—

''(i) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

''(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

''(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

''(ii) $250,000 in any other case.

''(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

''(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

''(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

''(2) exemptions from the requirements of this section, and

''(3) such rules as may be necessary or appropriate to carry out the purposes of this section.''

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6111. Disclosure of reportable transactions.''

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

''SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

''(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

''(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

''(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.''

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting ''written'' before ''request'' in paragraph (1)(A), and

(ii) by striking ''shall prescribe'' in paragraph (2) and inserting ''may prescribe''.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.''

(3)(A) The heading for section 6708 is amended to read as follows:

''SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS.''

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

''Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 518. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

''SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

''(1) fails to file such return on or before the date prescribed therefor, or

''(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

''(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

''(A) $200,000, or

''(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

''(c) RESCISSION AUTHORITY.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

''(d) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).''.

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''tax shelters'' and inserting ''reportable transactions''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 519. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) IN GENERAL.—Subsection (a) of section 6708 is amended to read as follows:

''(a) IMPOSITION OF PENALTY.—

''(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

''(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 520. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY TO SEEK INJUNCTION.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

''(b) ADJUDICATION AND DECREE.—In any action under subsection (a), if the court finds—

''(1) that the person has engaged in any specified conduct, and

''(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

''(c) SPECIFIED CONDUCT.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708.''

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7408 is amended to read as follows:

"SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS."

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

''Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions.''

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 521. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) STANDARDS CONFORMED TO TAXPAYER STANDARDS.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking ''realistic possibility of being sustained on its merits'' in paragraph (1) and inserting ''reasonable belief that the tax treatment in such position was more likely than not the proper treatment'',

(2) by striking ''or was frivolous'' in paragraph (3) and inserting ''or there was no reasonable basis for the tax treatment of such position'', and

(3) by striking ''UNREALISTIC'' in the heading and inserting ''IMPROPER''.

(b) AMOUNT OF PENALTY.—Section 6694 is amended—

(1) by striking ''$250'' in subsection (a) and inserting ''$1,000'', and

(2) by striking ''$1,000'' in subsection (b) and inserting ''$5,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 522. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

''(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

''(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

''(B) AMOUNT OF PENALTY.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

''(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

''(I) such violation was due to reasonable cause, and

''(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

''(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

''(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

''(I) $25,000, or

''(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

''(ii) subparagraph (B)(ii) shall not apply.

''(D) AMOUNT.—The amount determined under this subparagraph is—

''(i) in the case of a violation involving a transaction, the amount of the transaction, or

''(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 523. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would

promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 524. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) CENSURE; IMPOSITION OF PENALTY.—

(1) IN GENERAL.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting '', or censure,'' after ''Department'', and

(B) by adding at the end the following new flush sentence:

''The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure.''

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) TAX SHELTER OPINIONS, ETC.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

''(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.''

SEC. 525. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—Section 6700(a) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 526. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH LISTED TRANSACTIONS NOT REPORTED.

(a) IN GENERAL.—Section 6501(e)(1) (relating to substantial omission of items for income taxes) is amended by adding at the end the following new subparagraph:

''(C) LISTED TRANSACTIONS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the tax for such taxable year may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the time the return is filed. This subparagraph shall not apply to any taxable year if the time for assessment or beginning the proceeding in court has expired before the time a transaction is treated as a listed transaction under section 6011.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 527. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) INTEREST ON UNPAID TAXES ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS AND NONECONOMIC SUBSTANCE TRANSACTIONS.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

Subtitle B—Affirmation of Consolidated Return Regulation Authority

SEC. 531. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) IN GENERAL.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: ''In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns.''

(b) RESULT NOT OVERTURNED.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation §1.1502–20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

After further debate,

Pursuant to House Resolution 370, the previous question was ordered on the bill, as amended, and the further amendment in the nature of a substitute.

The question being put, viva voce,

Will the House agree to said further amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. TERRY, announced that the nays had it.

Mr. CARDIN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 203 / Nays ..... 220 }

¶96.10 [Roll No. 506]

YEAS—203

Abercrombie	Cardoza	Doggett
Ackerman	Carson (IN)	Dooley (CA)
Alexander	Carson (OK)	Doyle
Allen	Case	Edwards
Andrews	Castle	Emanuel
Baca	Clay	Engel
Baird	Clyburn	Eshoo
Baldwin	Conyers	Etheridge
Ballance	Cooper	Evans
Becerra	Costello	Farr
Bell	Cramer	Fattah
Berkley	Crowley	Filner
Berman	Cummings	Ford
Bishop (GA)	Davis (AL)	Frank (MA)
Bishop (NY)	Davis (CA)	Frost
Blumenauer	Davis (FL)	Gonzalez
Boswell	Davis (IL)	Gordon
Boucher	Davis (TN)	Green (TX)
Boyd	DeFazio	Grijalva
Brady (PA)	DeGette	Gutierrez
Brown (OH)	Delahunt	Hall
Brown, Corrine	DeLauro	Harman
Capps	Deutsch	Hastings (FL)
Capuano	Dicks	Hill
Cardin	Dingell	Hinchey

Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Berry
Cubin
Forbes
Gephardt
McIntyre
Miller (FL)
Platts
Rohrabacher
Rush
Stearns
Thompson (CA)

So the further amendment in the nature of a substitute was not agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. NEAL of Massachusetts moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill insert the following new titles (and conform the table of contents accordingly):

TITLE IV—TAX RELIEF FOR WORKING FAMILIES

Subtitle A—Child Tax Credit

SEC. 401. ACCELERATION OF INCREASE IN REFUNDABILITY OF THE CHILD TAX CREDIT.

(a) ACCELERATION OF REFUNDABILITY.—

(1) IN GENERAL.—Section 24(d)(1)(B)(i) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by striking ''(10 percent in the case of taxable years beginning before January 1, 2005)''.

(2) ADVANCE PAYMENT.—Subsection (b) of section 6429 of such Code (relating to advance payment of portion of increased child credit for 2003) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) section 24(d)(1)(B)(i) applied without regard to the first parenthetical therein.''.

(3) EARNED INCOME INCLUDES COMBAT PAY.—Section 24(d)(1) of such Code is amended by adding at the end the following new sentence: ''For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.''.

(b) EFFECTIVE DATES.—

(1) SUBSECTIONS (a)(1) AND (a)(3).—The amendments made by subsections (a)(1) and (a)(3) shall take effect on October 1, 2003, and apply to taxable years ending on or after such date.

(2) SUBSECTION (a)(2).—The amendments made by subsection (a)(2) shall take effect as if included in the amendments made by section 101(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 402. REDUCTION IN MARRIAGE PENALTY IN CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(b)(2) of the Internal Revenue Code of 1986 (defining threshold amount) is amended—

(1) by inserting ''($115,000 for taxable years beginning in 2008 or 2009, and $150,000 for taxable years beginning in 2010)'' after ''$110,000'', and

(2) by striking ''$55,000'' in subparagraph (C) and inserting ''½ of the amount in effect under subparagraph (A)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003, and apply to taxable years ending on or after such date.

SEC. 103. APPLICATION OF EGTRRA SUNSET TO THIS SECTION.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Subtitle B—Uniform Definition of Child

SEC. 411. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 152. DEPENDENT DEFINED.

''(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

''(1) a qualifying child, or

''(2) a qualifying relative.

''(b) EXCEPTIONS.—For purposes of this section—

''(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

''(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

''(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

''(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

''(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

''(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

''(ii) the taxpayer is a citizen or national of the United States.

''(c) QUALIFYING CHILD.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

''(C) who meets the age requirements of paragraph (3), and

''(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

''(2) RELATIONSHIP TEST.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

''(A) a child of the taxpayer or a descendant of such a child, or

''(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

''(3) AGE REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

''(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

''(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

''(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

''(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (e), if (but for this paragraph) an individual may be and is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

''(i) a parent of the individual, or

''(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

''(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

''(i) the parent with whom the child resided for the longest period of time during the taxable year, or

''(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

''(d) QUALIFYING RELATIVE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

''(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

''(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

''(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

''(A) A child or a descendant of a child.

''(B) A brother, sister, stepbrother, or stepsister.

''(C) The father or mother, or an ancestor of either.

''(D) A stepfather or stepmother.

''(E) A son or daughter of a brother or sister of the taxpayer.

''(F) A brother or sister of the father or mother of the taxpayer.

''(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

''(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

''(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

''(A) no one person contributed over one-half of such support,

''(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

''(C) the taxpayer contributed over 10 percent of such support, and

''(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

''(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

''(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

''(ii) the income arises solely from activities at such workshop which are incident to such medical care.

''(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

''(i) which provides special instruction or training designed to alleviate the disability of the individual, and

''(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

''(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1)(C), in the case of an individual who is—

''(A) a child of the taxpayer, and

''(B) a student,

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

''(6) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

''(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent,

''(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent (as defined in subsection (e)(3)(B)) to the extent that such parent provided amounts for such support, and

''(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

''(e) SPECIAL RULE FOR DIVORCED PARENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(4) or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and

''(B) such child is in the custody of 1 or both of the child's parents for more than ½ of the calendar year,

such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.

''(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

''(A) a decree of divorce or separate maintenance or written separation agreement between the parents applicable to the taxable year beginning in such calendar year provides that—

''(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

''(ii) the custodial parent will sign a written declaration (in such manner and form as the Secretary may prescribe) that such parent will not claim such child as a dependent for such taxable year, and

''(B) in the case of such an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

''(3) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent with whom a child shared the same principal place of abode for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(4) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

''(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

''(1) CHILD DEFINED.—

''(A) IN GENERAL.—The term 'child' means an individual who is—

''(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

''(ii) an eligible foster child of the taxpayer.

''(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is placed with the taxpayer by an authorized placement agency for adoption by the taxpayer, shall be treated as a child of such individual by blood.

''(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

''(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

''(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

''(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

''(3) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

''(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

''(5) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under section 151(c),

''(ii) the credit under section 24 (relating to child tax credit),

''(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2), and

''(iv) the earned income credit under section 32.

''(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

''(6) CROSS REFERENCES.—

''For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5).''.

SEC. 412. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (i) of section 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) a qualifying child of the individual (as defined in section 152(c), determined without regard to section 152(e)), but not if such child—

''(I) is married at the close of the taxpayer's taxable year, and

''(II) is not a dependent of such individual by reason of section 152(b)(2) or 152(b)3), or both, or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(b)(2) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) of such Code are amended to read as follows:

''(i) subparagraph (H) of section 152(d)(2), or

''(ii) paragraph (3) of section 152(d).''.

SEC. 413. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Section 21(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))'' and inserting ''In the case of an individual for which there are 1 or more qualifying individuals (as defined in subsection (b)(1)) with respect to such individual''.

(b) QUALIFYING INDIVIDUAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

''(A) a dependent of the taxpayer (as defined in section 152(a)(1)) who has not attained age 13,

''(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year, or

''(C) the spouse of the taxpayer, if the spouse is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year.''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 21(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.''.

SEC. 414. MODIFICATIONS OF CHILD TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 24(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) who has not attained age 17.''.

(b) CONFORMING AMENDMENT.—Section 24(c)(2) of the Internal Revenue Code of 1986 is amended by striking ''the first sentence of section 152(b)(3)'' and inserting ''subparagraph (A) of section 152(b)(3)''.

SEC. 415. MODIFICATIONS OF EARNED INCOME CREDIT.

(a) QUALIFYING CHILD.—Paragraph (3) of section 32(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) QUALIFYING CHILD.—

''(A) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c), determined without regard to paragraph (1)(D) thereof and section 152(e)).

''(B) MARRIED INDIVIDUAL.—The term 'qualifying child' shall not include an individual who is married as of the close of the taxpayer's taxable year unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e)).

''(C) PLACE OF ABODE.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States.

''(D) IDENTIFICATION REQUIREMENTS.—

''(i) IN GENERAL.—A qualifying child shall not be taken into account under subsection (b) unless the taxpayer includes the name, age, and TIN of the qualifying child on the return of tax for the taxable year.

''(ii) OTHER METHODS.—The Secretary may prescribe other methods for providing the information described in clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 32(c)(4) of such Code is amended by striking ''(3)(E)'' and inserting ''(3)(C)''.

(3) Section 32(m) of such Code is amended by striking ''subsections (c)(1)(F)'' and inserting ''subsections (c)(1)(E)''.

SEC. 416. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year.''.

SEC. 417. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 2(a)(1)(B)(i) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(2) Section 21(e)(5) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''paragraph (2) or (4) of'' in subparagraph (A), and

(B) by striking ''within the meaning of section 152(e)(1)'' and inserting ''as defined in section 152(e)(3)(A)''.

(3) Section 21(e)(6)(B) of such Code is amended by striking ''section 151(c)(3)'' and inserting ''section 152(f)(1)''.

(4) Section 25B(c)(2)(B) of such Code is amended by striking ''151(c)(4)'' and inserting ''152(f)(2)''.

(5)(A) Subparagraphs (A) and (B) of section 51(i)(1) of such Code are each amended by striking ''paragraphs (1) through (8) of section 152(a)'' both places it appears and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(B) Section 51(i)(1)(C) of such Code is amended by striking ''152(a)(9)'' and inserting ''152(d)(2)(H)''.

(6) Section 72(t)(2)(D)(i)(III) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(7) Section 72(t)(7)(A)(iii) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(8) Section 42(i)(3)(D)(ii)(I) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(9) Subsections (b) and (c)(1) of section 105 of such Code are amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(10) Section 120(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(11) Section 125(e)(1)(D) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(12) Section 129(c)(2) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(13) The first sentence of section 132(h)(2)(B) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(14) Section 153 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(15) Section 170(g)(1) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(16) Section 170(g)(3) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(17) Section 213(a) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(18) The second sentence of section 213(d)(11) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(19) Section 220(d)(2)(A) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(20) Section 221(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(21) Section 529(e)(2)(B) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(22) Section 2032A(c)(7)(D) of such Code is amended by striking ''section 151(c)(4)'' and inserting ''section 152(f)(2)''.

(23) Section 2057(d)(2)(B) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(24) Section 7701(a)(17) of such Code is amended by striking ''152(b)(4), 682,'' and inserting ''682''.

(25) Section 7702B(f)(2)(C)(iii) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(26) Section 7703(b)(1) of such Code is amended—

(A) by striking ''151(c)(3)'' and inserting ''152(f)(1)'', and

(B) by striking ''paragraph (2) or (4) of''.

SEC. 418. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2003, and apply to taxable years ending on or after such date.

Subtitle C—Customs User Fees

SEC. 421. FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Subtitle A of the Internal Revenue Code of 1986 is amended by inserting after chapter 55 the following new chapter:

''CHAPTER 56—FEES FOR CERTAIN CUSTOMS SERVICES

''Sec. 5896. Imposition of fees.

''SEC. 5896. IMPOSITION OF FEES.

''(a) IN GENERAL.—The Secretary shall charge and collect fees under this title which are equivalent to the fees which would be imposed by section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) were such section in effect after September 30, 2003.

''(b) COLLECTION AND DISPOSITION OF FEES, ETC.—References in such section 13031 to fees thereunder shall be treated as including references to the fees charged under this section.''

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle A of such Code is amended by adding at the end the following new item:

''Chapter 56. Fees for certain customs services.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

TITLE V—ARMED FORCES TAX FAIRNESS

Subtitle A—Improving Tax Equity For Military Personnel

SEC. 501. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

''(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

''(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(D) SPECIAL RULES RELATING TO ELECTION.—

''(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

''(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 502. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 503. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting '', or'', and by adding at the end the following new paragraph:

''(8) qualified military base realignment and closure fringe.''.

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

''(2) LIMITATION.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 504. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting '', or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law'' after ''section 112'',

(2) by inserting in the first sentence ''or at any time during the period of such contingency operation'' after ''for purposes of such section'',

(3) by inserting ''or operation'' after ''such an area'', and

(4) by inserting ''or operation'' after ''such area''.

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting ''or contingency operation'' after ''area''.

(2) The heading for section 7508 is amended by inserting ''or contingency operation'' after ''combat zone''.

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting ''or contingency operation'' after ''combat zone''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 505. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking ''or widowers'' and inserting '', widowers, ancestors, or lineal descendants''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 506. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A), as amended by section 502, is amended by inserting ''and paragraph (4)'' after ''subparagraphs (B) and (C)''.

(2) Section 3121(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(3) Section 3306(b)(13) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(4) Section 3401(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

SEC. 507. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking ''or'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 508. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 509. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 510. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.

(a) INCOME TAX RELIEF.—

(1) IN GENERAL.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

''(5) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) is amended by inserting ", astronauts," after "Forces".

(B) Section 6013(f)(2)(B) is amended by inserting ", astronauts," after "Forces".

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 692 is amended by inserting "**, ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting ", astronauts," after "Forces".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

"(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.".

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 is amended by inserting "OR ASTRONAUTS" after "VICTIMS".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Section 2201(b) (defining qualified decedent) is amended by striking "and" at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) any astronaut whose death occurs in the line of duty.".

(2) CLERICAL AMENDMENTS.—

(A) The heading of section 2201 is amended by inserting "**, deaths of ASTRONAUTS,**" after "**FORCES**".

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting ", deaths of astronauts," after "Forces".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

Subtitle B—Other Provisions

SEC. 521. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—

"(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

"(i) made after the later of—

"(I) the fifth plan year the pension benefit plan is in existence, or

"(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

"(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

"(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

"(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

"(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

"Category	Average fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7528. Internal Revenue Service user fees.".

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 522. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 523. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

''(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

''(7) INTEREST.—For purposes of section 6601—

''(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

''(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(c) COVERED EXPATRIATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

''(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

''(A) the individual—

''(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

''(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

''(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

''(1) EXEMPT PROPERTY.—This section shall not apply to the following:

''(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

''(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

''(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

''(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

''(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

''(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

''(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

''(D) APPLICABLE PLANS.—This paragraph shall apply to—

''(i) any qualified retirement plan (as defined in section 4974(c)),

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

''(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes citizenship, and

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayer's trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11

and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).''.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(19) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).''.

(B) SAFEGUARDS.—

(i) TECHNICAL AMENDMENTS.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking ''or (17)'' after ''any other person described in subsection (l)(16)'' each place it appears and inserting ''or (18)''.

(ii) CONFORMING AMENDMENTS.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking ''or (18)'' after ''any other person described in subsection (l)(16)'' each place it appears and inserting ''(18), or (19)''.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) TECHNICAL AMENDMENTS.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961).

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

''(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.''.

(2) Section 2107 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.''.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

''(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.''.

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting ''or 877A'' after ''section 877''.

(B) The second sentence of section 6039G(e) is amended by inserting ''or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))'' after ''877(a))''.

(C) Section 6039G(f) is amended by inserting ''or 877A(e)(2)(B)'' after ''877(e)(1)''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. TERRY, announced that the nays had it.

Mr. NEAL of Massachusetts demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 201 / Nays 221

¶96.11 [Roll No. 507]

AYES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon

Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Berry
Cubin
Forbes
Gephardt
Hoyer
McIntyre
Miller (FL)
Platts
Rohrabacher
Rush
Stearns
Thompson (CA)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. TERRY, announced that the yeas had it.

Mr. KLECZKA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 13

¶96.12 [Roll No. 508]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Doggett
Hill
Kanjorski
Kleczka
Kucinich
McDermott
Mollohan
Murtha
Pascrell
Stark
Stenholm
Taylor (MS)
Tierney

NOT VOTING—13

Berry
Blumenauer
Cubin
DeFazio
Forbes
Gephardt
McIntyre
Miller (FL)
Platts
Rohrabacher
Rush
Stearns
Thompson (CA)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶96.13 ORDER OF BUSINESS—POSTPONEMENT OF VOTES ON MOTIONS IN INSTRUCT CONFEREES

On motion of Mr. DELAY, by unanimous consent,

Ordered, That it may be in order that the Speaker be authorized to postpone further proceedings on any record vote ordered on the question of agreeing to a motion to instruct conferees considered today, until Tuesday, September 23, 2003.

¶96.14 MOTION TO INSTRUCT CONFEREES—H.R. 1308

Mr. RYAN of Ohio moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the amendment of the Senate to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes; be instructed as follows: 1) The House conferees shall be instructed to include in the conference report the provisions of the amendment of the Senate (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; 2) The House conferees shall be instructed to include in the conference report the provision of the amendment of the Senate (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; 3) The House conferees shall be instructed to include in the conference report all of the other provisions of the amendment of the Senate and shall not report back a conference report that includes additional tax benefits not offset by other provisions; 4) To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster; and 5) The

House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. LINDER, announced that the yeas had it.

Mr. RYAN of Ohio demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, and the previous order of the House, announced that further proceedings on the motion were postponed until Tuesday, September 23, 2003.

¶96.15 MOTION TO INSTRUCT CONFEREES—H.R. 1

Mr. STENHOLM moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes, be instructed as follows: (1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the amendment of the Senate; (2) To reject the provisions of section 501 of the House bill; (3) The House recede to the Senate on the following provisions of the amendment of the Senate to improve rural health care: (A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals); (B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill; (C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments); (D) The following provisions of section 405 (relating to critical access hospital improvements): (i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill, (ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill, and (iii) Subsections (e), (f), and (g); (E) Section 414 (relating to rural community hospital demonstration program; (F) Section 415 (relating to critical access hospital improvement demonstration program); (G) Section 417 (relating to treatment of certain entities for purposes of payment under the Medicare program); (H) Section 420 (relating to conforming changes relating to Federally qualified health centers); (I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues); (J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services); (K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill; (L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule); (M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital); (N) Section 428 (relating to improvement in rural health clinic reimbursement); (O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services); (P) Section 450C (relating to authorization of reimbursement for all Medicare part B services furnished by Indian hospitals and clinics); (Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services); (R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system); (S) Section 459 (relating to increase in medicare payment for certain home health services); and (T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005). (4) The House insist upon the following provisions of the House bill: (A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas); (B) Section 403 (relating to establishment of essential rural hospital classification); (C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program); (D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index); (E) Section 417 (relating to medicare incentive payment program improvements); (F) Section 504 (relating to wage index classification reform); (G) Section 601 (relating to revision of updates for physician services); and (H) Section 1001 (relating to Medicaid disproportionate share hospital (DSH) payments).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. LINDER, announced that the yeas had it.

Mr. STENHOLM demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LINDER, pursuant to clause 8, rule XX, and the previous order of the House, announced that further proceedings on the motion were postponed until Tuesday, September 23, 2003.

¶96.16 MOTION TO INSTRUCT CONFEREES—H.R. 1588

Mr. RODRIGUEZ moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes, to agree to the provisions contained in subtitle F of title VI of the Senate amendment (relating to naturalization and family protection for military members).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. GILLMOR, announced that the nays had it.

Mr. RODRIGUEZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GILLMOR, pursuant to clause 8, rule XX, and the previous order of the House, announced that further proceedings on the motion were postponed until Tuesday, September 23, 2003.

¶96.17 ADJOURNMENT OVER

On motion of Mr. SMITH of Texas, by unanimous consent,

Ordered, That when the House adjourns on Thursday, September 18, 2003, it adjourn to meet on Monday, September 22, 2003, at noon; and further, that when the House adjourns on Monday, September 22, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, September 23, 2003, for morning-hour debate.

¶96.18 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. SMITH of Texas, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 24, 2003, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

¶96.19 ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon sighed by the Speaker:

H.R. 13. An Act to reauthorize the Museum and Library Services Act, and for other purposes.

H.R. 659. An Act to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

H.R. 978. An Act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are

adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

¶96.20 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 520. An Act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

S. 678. An Act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

¶96.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. MILLER of Florida, for today;

To Mr. PLATTS, for today;

To Mr. RUSH, for today; and

To Mr. STEARNS, for today after 1 p.m. and balance of the week.

And then,

¶96.22 ADJOURNMENT

On motion of Mr. WELLER, at 6 o'clock and 44 minutes p.m., the House adjourned.

¶96.23 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1813. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes (Rept. 108–261, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2572. A bill to authorize appropriations for the benefit of Amtrak for fiscal years 2004 through 2006, and for other purposes (Rept. 108–274). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3038. A bill to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002 (Rept. 108–275). Referred to the Committee on the Whole House of the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3034. A bill to amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registery, and for other purposes; with an amendment (Rept. 108–276). Referred to the Committee of the Whole House on the State of the Union.

¶96.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. FORBES, Mr. KING of Iowa, Mr. FEENEY, Mr. CARTER, Mr. GALLEGLY, Mr. GOODLATTE, Mrs. BLACKBURN, Mr. BARTLETT of Maryland, Mr. JENKINS, and Ms. HART):

H.R. 3106. A bill to strengthen the law enabling the United States to expeditiously remove terrorist criminals, to add flexibility with respect to the places to which aliens may be removed, to give sufficient authority to the Secretary of Homeland Security and the Attorney General to remove aliens who pose a danger to national security, and for other purposes; to the Committee on the Judiciary.

By Mr. CLAY (for himself, Mrs. JONES of Ohio, Mr. WATT, Ms. WATERS, Ms. KILPATRICK, Mr. MEEKS of New York, Mr. FATTAH, Ms. KAPTUR, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. LANTOS, Ms. WATSON, Mr. WYNN, Mr. EMANUEL, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. FORD, Ms. JACKSON-LEE of Texas, Mr. VAN HOLLEN, Mr. KUCINICH, Ms. SOLIS, Mr. CONYERS, Ms. MAJETTE, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. CUMMINGS, Mr. PAYNE, Mr. TOWNS, Mrs. CHRISTENSEN, Ms. LEE, Mr. RANGEL, Mr. JACKSON of Illinois, Ms. CARSON of Indiana, Ms. CORRINE BROWN of Florida, and Ms. NORTON):

H.R. 3107. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. THOMAS, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. SAM JOHNSON of Texas, and Mr. PORTMAN):

H.R. 3108. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. NUNES, and Mr. MENENDEZ):

H.R. 3109. A bill to require the Secretary of the Treasury to mint coins in commemoration of Celia Cruz;

to the Committee on Financial Services.

By Mr. BONILLA:

H.R. 3110. A bill to specify locations where certain citizens and nationals of Mexico may be removed from the United States into Mexico; to the Committee on the Judiciary.

By Mr. BURR (for himself, Ms. ESHOO, Mr. UPTON, Ms. DEGETTE, Ms. SLAUGHTER, Mr. RUSH, Mr. INSLEE, Mr. ABERCROMBIE, Mr. SIMMONS, Mr. DEUTSCH, Mr. CASE, Mr. SHAYS, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. LINDER, Mr. NORWOOD, and Mr. EHLERS):

H.R. 3111. A bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EHLERS:

H.R. 3112. A bill to amend title 23, United States Code, to establish programs to facilitate international and interstate trade; to the Committee on Transportation and Infrastructure.

By Mr. FLAKE:

H.R. 3113. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY:

H.R. 3114. A bill to provide that adjustments in rates of pay for Members of Congress may not exceed any cost-of-living increases in benefits under title II of the Social Security Act; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA:

H.R. 3115. A bill to prevent a State or unit of local government from using Federal funds to assist prosecutors unless the State or unit provides information to the Department of Homeland Security on individuals convicted of crimes for use by the Department in identifying immigration violations by such individuals, and for other purposes; to the Committee on the Judiciary.

By Mr. FOSSELLA:

H.R. 3116. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

By Mr. FOSSELLA:

H.R. 3117. A bill to amend certain provisions of title 5, United States Code, relating to disability annuities for law enforcement officers, firefighters, and members of the Capitol Police; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES (for himself, Mr. LATOURETTE, Mr. BURR, Mr. TURNER of Ohio, Mr. COBLE, Mr. ISAKSON, Mr. OBERSTAR, Mr. TAYLOR of North Carolina, Mr. MCINTYRE, Mr. BALLANCE, Mr. HOBSON, Mr. HOLDEN, Mr. PEARCE, Mr. BEAUPREZ, and Mrs. MYRICK):

H.R. 3118. A bill to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia; to the Committee on Transportation and Infrastructure.

By Mr. HULSHOF (for himself, Mr. POMEROY, Mr. NUSSLE, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. STENHOLM, Mrs. EMERSON, Mr. GRAVES, Mr. SKELTON, Mr. AKIN, and Mr. BOEHNER):

H.R. 3119. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for biodiesel used as a fuel; to the Committee on Ways and Means.

By Ms. LEE:

H.R. 3120. A bill to provide for the dissemination of information on irradiated foods used in the school lunch programs and to ensure that school districts, parents, and students retain the option of traditional, non-irradiated foods through such programs; to the Committee on Education and the Workforce.

By Mr. MCINNIS:

H.R. 3121. A bill to override the income tax treaty with Barbados; to the Committee on Ways and Means.

By Mrs. MILLER of Michigan:

H.R. 3122. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to direct the Secretary of the department in which the Coast Guard is operating to issue a regulation prohibiting a

vessel with a ballast water tank from entering the Great Lakes if more than 5 percent of the capacity of the tank contains ballast water; to the Committee on Transportation and Infrastructure.

By Mr. NADLER (for himself, Ms. JACKSON-LEE of Texas, Mr. RODRIGUEZ, Mr. SERRANO, Mr. DOOLEY of California, Mr. CASE, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. GREEN of Texas, Ms. MCCOLLUM, Mr. BERMAN, Mr. TIERNEY, Mr. WEINER, and Mr. ENGEL):

H.R. 3123. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. OTTER:

H.R. 3124. A bill to designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the ''F.H. Newell Building''; to the Committee on Transportation and Infrastructure.

By Mr. PAUL (for himself, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. DUNCAN, Mr. GOODE, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. FEENEY, Mr. MILLER of Florida, Mr. OTTER, and Mr. NORWOOD):

H.R. 3125. A bill to protect the Second Amendment to the United States Constitution; to the Committee on International Relations.

By Mr. PEARCE:

H.R. 3126. A bill to provide that no court or judge shall dismiss any part of the Constitution or Bill of Rights as a legal defense in court; to the Committee on the Judiciary.

By Ms. PRYCE of Ohio (for herself and Mr. MURTHA):

H.R. 3127. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ:

H.R. 3128. A bill to amend title 49, United States Code, to ensure that States do not use certain information to suspend or revoke a commercial driver's license of an individual; to the Committee on Transportation and Infrastructure.

By Mr. SCHIFF:

H.R. 3129. A bill to permit States to require insurance companies to disclose Holocaust-era insurance information; to the Committee on Financial Services.

By Mr. SULLIVAN (for himself, Mr. PITTS, Mr. DEMINT, Mrs. MUSGRAVE, and Mr. BURGESS):

H.R. 3130. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Education and the Workforce.

By Mrs. TAUSCHER (for herself and Mr. BELL):

H.R. 3131. A bill to require a report on reconstruction efforts in Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. HILL):

H.R. 3132. A bill to require amounts appropriated under any Act making emergency supplemental appropriations for the reconstruction of Iraq and Afghanistan and the war on terrorism for fiscal year 2004 to be made available in allotments and in accordance with certain reporting requirements; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. SHAYS):

H.R. 3133. A bill to preserve the ability of States, Indian tribes, municipalities, and air pollution control agencies to protect the public health and the environment by affording them discretion as to whether or not to implement new source review revisions promulgated by the Environmental Protection Agency on August 27, 2003; to the Committee on Energy and Commerce.

By Mr. WALSH (for himself, Mr. JONES of North Carolina, Mr. LIPINSKI, Mr. GILLMOR, Mr. LATOURETTE, Mr. UPTON, Mr. QUINN, Mr. GOODE, Ms. KAPTUR, and Mr. CARSON of Oklahoma):

H.R. 3134. A bill to amend title 10, United States Code, and title III of the Federal Property and Administrative Services Act to require certain prospective government contractors to employ at least 50 percent of their employees in the United States; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 3135. A bill to amend the Truth in Lending Act to require a store in which a consumer may apply to open a credit or charge card account to display a sign, at each location where the application may be made, containing the same information required by such Act to be prominently placed in a tabular format on the application; to the Committee on Financial Services.

By Mr. WEINER (for himself and Mr. RANGEL):

H.R. 3136. A bill to amend the Immigration and Nationality Act to reduce the annual income level at which a person petitioning for a family-sponsored immigrant's admission must agree to provide support in a case where a United States employer has agreed to employ the immigrant for a period of not less than one year after admission or where the sponsored alien is under the age of 18; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 3137. A bill to prohibit assistance or reparations to Cuba, Libya, North Korea, Iran, Saudi Arabia, and Syria; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA:

H.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States relating to school prayer; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. STENHOLM, Mr. ROGERS of Michigan, Mr. HILL, Mr. GREEN of Wisconsin, and Mr. HINOJOSA):

H. Con. Res. 285. Concurrent resolution expressing the concern of the Congress regarding the detrimental impact on the United States economy of the manipulation by foreign governments of their currencies; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland:

H. Con. Res. 286. Concurrent resolution congratulating Fort Detrick on 60 years of service to the United States; to the Committee on Armed Services.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. BEREUTER, and Mr. WEXLER):

H. Res. 372. A resolution expressing the condolences of the House of Representatives in response to the murder of Swedish Foreign Minister Anna Lindh; to the Committee on International Relations.

By Ms. SLAUGHTER (for herself and Mrs. CAPITO):

H. Res. 373. A resolution expressing the sense of Congress with respect to the Women's United Soccer Association; to the Committee on Government Reform.

¶96.25 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. BARTLETT of Maryland, Mr. BURGESS, and Mr. OTTER.

H.R. 290: Mr. SANDERS, Mr. CANTOR, and Mr. ROSS.

H.R. 299: Mr. HINCHEY.

H.R. 303: Mr. LATHAM.

H.R. 331: Mrs. CAPITO.

H.R. 339: Ms. PRYCE of Ohio, Mr. SAXTON, Mr. TOWNS, Mr. HENSARLING, Mrs. MUSGRAVE, Mrs. NORTHUP, Mr. SIMMONS, Mr. RYAN of Wisconsin, Mr. PETRI, Mr. KNOLLENBERG, Mr. MCINNIS, Mr. SHAW, and Mrs. EMERSON.

H.R. 369: Ms. PRYCE of Ohio and Mr. COSTELLO.

H.R. 371: Mr. ROGERS of Alabama and Mr. GOODE.

H.R. 391: Ms. GINNY BROWN-WAITE of Florida.

H.R. 490: Mr. DEFAZIO.

H.R. 548: Mr. SMITH of Texas and Mr. RUPPERSBERGER.

H.R. 571: Mrs. MUSGRAVE, Mrs. NORTHUP, Ms. JACKSON-LEE of Texas, and Mr. GALLEGLY.

H.R. 673: Mr. JENKINS.

H.R. 677: Ms. LINDA T. SANCHEZ of California, and Mr. MATSUI.

H.R. 687: Mr. LATHAM, Mr. SHIMKUS, and Mr. TURNER of Ohio.

H.R. 728: Mr. MCINNIS.

H.R. 742: Mr. CRAMER, and Mr. HOSTETTLER.

H.R. 745: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 785: Mr. CASE, Mrs. MUSGRAVE, Mr. PRICE of North Carolina, Mr. MARSHALL, Mr. BISHOP of New York, Mr. SCOTT of Virginia, and Mr. GOODE.

H.R. 791: Mr. MCCRERY, Mr. FOLEY, Mr. DOOLITTLE, and Mr. VITTER.

H.R. 819: Mr. CALVERT.

H.R. 833: Mr. PLATTS and Mr. BOYD.

H.R. 834: Mrs. CAPITO and Mr. CLAY.

H.R. 837: Mr. NUSSLE.

H.R. 839: Mr. MENENDEZ and Mr. STENHOLM.

H.R. 844: Mr. DOGGETT and Mr. ISRAEL.

H.R. 870: Mr. UPTON, Mr. BLUNT, Mr. MICA, and Mr. BISHOP of Georgia.

H.R. 872: Mr. COLLINS and Mr. TAYLOR of North Carolina.

H.R. 876: Mr. BARTON of Texas, Mr. MATHESON, Mr. NUSSLE, Mr. KING of Iowa, and Mrs. TAUSCHER.

H.R. 969: Mr. FROST.

H.R. 1005: Mr. MATHESON.

H.R. 1078: Ms. SLAUGHTER.

H.R. 1093: Mr. SCHIFF.

H.R. 1102: Mr. TURNER of Texas.

H.R. 1105: Mr. KLECZKA and Mr. BRADY of Pennsylvania.

H.R. 1108: Mr. STARK.
H.R. 1117: Mr. MCCOTTER.
H.R. 1151: Mr. BLUMENAUER.
H.R. 1155: Mr. BACHUS and Mr. GERLACH.
H.R. 1162: Mr. LANTOS.
H.R. 1205: Mr. SANDERS.
H.R. 1207: Mr. MCNULTY.
H.R. 1306: Mr. ISRAEL.
H.R. 1359: Mr. GUTIERREZ.
H.R. 1421: Ms. SLAUGHTER.
H.R. 1422: Ms. BERKLEY.
H.R. 1430: Ms. KILPATRICK, Ms. BERKLEY, and Mr. MATSUI.
H.R. 1448: Mr. GUTIERREZ.
H.R. 1472: Mr. HOEFFEL.
H.R. 1478: Mr. UDALL of Colorado.
H.R. 1500: Mr. NETHERCUTT.
H.R. 1501: Ms. MCCOLLUM, Mr. HONDA, Mr. LANTOS, Mrs. TAUSCHER, and Mr. STARK.
H.R. 1508: Mr. WEINER and Mr. PASTOR.
H.R. 1513: Mr. MICHAUD.
H.R. 1551: Mrs. LOWEY.
H.R. 1626: Mr. JENKINS.
H.R. 1634: Mr. UDALL of New Mexico and Mr. MILLER of North Carolina.
H.R. 1689: Mr. MEEKS of New York.
H.R. 1708: Mr. HALL, Mr. STENHOLM, and Mr. HONDA.
H.R. 1726: Mr. ACKERMAN, Mr. CALVERT, and Mr. MCGOVERN.
H.R. 1738: Mr. RAHALL.
H.R. 1752: Mr. SANDERS.
H.R. 1760: Mr. ANDREWS, Mr. FALEOMAVAEGA, Mr. MCGOVERN, Ms. LINDA T. SANCHEZ of California, Mr. WEXLER, Mr. MORAN of Virginia, Ms. ROYBAL-ALLARD, Mr. STARK, and Mrs. JONES of Ohio.
H.R. 1784: Mr. SOUDER and Mr. DOGGETT.
H.R. 1828: Mr. CHABOT, Mr. ROYCE, and Mr. CUMMINGS.
H.R. 1892: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. WEXLER.
H.R. 1900: Mr. HINCHEY, Mr. MILLER of North Carolina, Mr. KIRK, Mr. ALLEN, Mr. CROWLEY, Mr. DOGGETT, Mr. ENGEL, Mr. FOSSELLA, Mr. HAYWORTH, Mr. KLECZKA, Mr. LYNCH, Mr. ROGERS of Kentucky, Mr. QUINN, Mr. STARK, Mr. WALSH, Mr. GONZALEZ, Ms. PELOSI, Mr. PASTOR, Mr. HINOJOSA, Ms. SOLIS, Mr. ORTIZ, Mr. DEUTSCH, Mr. BAKER, Mrs. NAPOLITANO, Mr. MENENDEZ, Mr. CHABOT, Mr. REYES, Mr. SHIMKUS, Mr. BOSWELL, Mr. JOHN, Mr. MOLLOHAN, Mr. TAYLOR of Mississippi, Mr. BASS, Mr. EDWARDS, Mr. FOLEY, Mr. HOEFFEL, Ms. KAPTUR, Mr. MURTHA, Mr. HONDA, Mr. HULSHOF, Mr. VAN HOLLEN, Mr. WELDON of Pennsylvania, Mr. CAMP, Mr. COLLINS, Mr. KILDEE, Mr. SAM JOHNSON of Texas, Mr. SAXTON, Mr. SESSIONS, Mr. STUPAK, Mr. BRADY of Texas, Mr. BURNS, Mr. OSBORNE, Mr. SULLIVAN, Mr. KLINE, Mr. DOOLITTLE, Mr. KING of Iowa, Mr. BOOZMAN, Mr. NETHERCUTT, Mr. BONILLA, Mr. SIMMONS, Mr. BOEHNER, Mrs. MILLER of Michigan, Mr. SHUSTER, Ms. HARRIS, Mr. ROGERS of Michigan, Mr. CANTOR, Mr. PORTER, Mr. ROGERS of Alabama, Mr. GERLACH, Mr. BARRETT of South Carolina, and Mr. INSLEE.
H.R. 1914: Mr. MCKEON, Mr. HOEKSTRA, Mr. LATOURETTE, Mr. REHBERG, Ms. ROS-LEHTINEN, Mr. SHUSTER, Mr. TIBERI, Mr. OSBORNE, Mr. PORTER, Mr. THORNBERRY, Mr. TIAHRT, Mr. CUNNINGHAM, Ms. GINNY BROWN-WAITE of Florida, Mr. BOOZMAN, Mr. GINGREY, Mr. KENNEDY of Minnesota, and Mr. LINDER.
H.R. 1934: Mr. VAN HOLLEN.
H.R. 1943: Mr. TOOMEY, Mr. SHUSTER, Mr. WELDON of Pennsylvania, Mr. MURPHY, Mr. GREENWOOD, Mr. KIND, and Mr. ADERHOLT.
H.R. 1951: Mr. UDALL of New Mexico and Mr. VAN HOLLEN.
H.R. 1958: Mr. CAPUANO.
H.R. 2034: Mr. SAXTON, Mr. TOWNS, Ms. BERKLEY, Mr. SIMMONS, and Mr. GALLEGLY.
H.R. 2094: Mr. GALLEGLY.
H.R. 2118: Mr. SANDLIN, Mrs. BIGGERT, Mr. COLLINS, Mr. BERRY, Ms. DUNN, and Mr. LEWIS of Georgia.
H.R. 2178: Mr. HAYWORTH.
H.R. 2182: Ms. LINDA T. SANCHEZ of California and Mr. GREEN of Texas.
H.R. 2246: Mr. MOORE and Mr. BISHOP of New York.
H.R. 2256: Mr. HOLT.
H.R. 2295: Mr. HOLDEN.
H.R. 2314: Mr. SERRANO, Mr. GEORGE MILLER of California, Mr. PAYNE, and Mr. FROST.
H.R. 2321: Mr. GRIJALVA.
H.R. 2329: Mr. FILNER.
H.R. 2371: Mr. KUCINICH, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. STARK, Ms. NORTON, Mr. LANTOS, and Mr. GRIJALVA.
H.R. 2385: Mr. BISHOP of Utah.
H.R. 2394: Ms. CORRINE BROWN of Florida, Mr. FORD, Ms. LINDA T. SANCHEZ of California, Mr. UDALL of New Mexico, and Mr. COOPER.
H.R. 2418: Mr. RANGEL and Mr. KUCINICH.
H.R. 2470: Mr. CUMMINGS and Mr. ANDREWS.
H.R. 2494: Mr. CLYBURN.
H.R. 2510: Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. BECERRA, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. MATSUI, Mr. BERMAN, Mr. CARDOZA, Mr. POMBO, Ms. HARMAN, Ms. LORETTA SANCHEZ of California, Mr. FILNER, Mr. STARK, Ms. LOFGREN, Ms. ESHOO, Ms. WATSON, Ms. SOLIS, Mr. FARR, Mrs. CAPPS, Mr. HONDA, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. THOMPSON of California, Mr. SCHIFF, Mr. DOOLEY of California, Mr. DREIER, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Ms. WOOLSEY, Mr. SHERMAN, Mrs. DAVIS of California, Ms. PELOSI, Mr. DOOLITTLE, and Ms. WATERS.
H.R. 2553: Mr. RUPPERSBERGER and Ms. LINDA T. SANCHEZ of California.
H.R. 2577: Mr. BONILLA.
H.R. 2579: Mr. HULSHOF, Mr. JENKINS, Ms. SLAUGHTER, and Mr. FILNER.
H.R. 2632: Mr. FORD and Mr. PASCRELL.
H.R. 2665: Mr. HOLDEN.
H.R. 2670: Mr. HINCHEY.
H.R. 2702: Mr. WEXLER and Ms. WOOLSEY.
H.R. 2703: Mr. GREENWOOD, Mr. PLATTS, and Mr. HOEFFEL.
H.R. 2705: Mr. BOUCHER.
H.R. 2719: Mr. JEFFERSON, Mr. BONNER, Ms. KAPTUR, Mr. GREEN of Texas, Mr. HOLDEN, Mr. BALLENGER, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mrs. JONES of Ohio, Ms. LOFGREN, Mr. BAIRD, and Mr. SMITH of New Jersey.
H.R. 2720: Ms. KAPTUR, Mr. GUTIERREZ, and Mr. DOGGETT.
H.R. 2722: Ms. HART.
H.R. 2724: Mr. GRIJALVA and Ms. NORTON.
H.R. 2759: Mr. HOLDEN, Mr. KENNEDY of Rhode Island, Mr. DOOLEY of California, and Ms. CORRINE BROWN of Florida.
H.R. 2768: Mrs. LOWEY, Mr. NADLER, Mr. LYNCH, Mrs. CUBIN, Ms. VELAZQUEZ, and Mr. UDALL of New Mexico.
H.R. 2830: Mr. MCHUGH and Mr. QUINN.
H.R. 2839: Mr. ENGLISH and Mr. HAYES.
H.R. 2843: Mr. HASTINGS of Florida.
H.R. 2850: Mr. SCHIFF.
H.R. 2871: Mr. PLATTS.
H.R. 2885: Mr. KINGSTON, Mr. PLATTS, and Mr. BEAUPREZ.
H.R. 2898: Mrs. WILSON of New Mexico.
H.R. 2902: Mr. BEAUPREZ, Mr. HEFLEY, and Mr. KIND.
H.R. 2903: Mr. BEAUPREZ, Mr. HEFLEY, and Mr. KIND.
H.R. 2906: Mr. BISHOP of Utah.
H.R. 2924: Mr. PETERSON of Minnesota.
H.R. 2928: Mr. DEFAZIO, Mrs. KELLY, Mr. SHUSTER, and Mr. ACKERMAN.
H.R. 2978: Mr. GRAVES, Mr. SANDLIN, Mr. MCHUGH, Mr. REHBERG, Mr. PAUL, and Mr. SCOTT of Georgia.
H.R. 2998: Mr. EMANUEL, Mr. LIPINSKI, Mr. BROWN of Ohio, Mr. STRICKLAND, Mr. SNYDER, Mr. FRANKS of Arizona, Mrs. JOHNSON of Connecticut, Mr. NEY, Mrs. LOWEY, Ms. WOOLSEY, Mr. OSBORNE, Mr. GEORGE MILLER of California, and Mr. BAKER.
H.R. 3002: Mr. ISAKSON.
H.R. 3004: Ms. DELAURO.
H.R. 3011: Mr. DOOLITTLE, Mr. MATSUI, Mr. HONDA, Ms. LOFGREN, Mr. DREIER, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Mrs. BONO, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. RADANOVICH, Mrs. DAVIS of California, Mr. FARR, Mr. FILNER, Mr. DOOLEY of California, Ms. LORETTA SANCHEZ of California, Mr. ISSA, Mr. COX, Mr. GARY G. MILLER of California, Mr. SHERMAN, Mr. ROHRABACHER, Mrs. TAUSCHER, and Mr. ROYCE.
H.R. 3015: Mr. RAMSTAD, Mr. JEFFERSON, Mr. WEXLER, Mr. SANDLIN, Mr. NETHERCUTT, Mr. VITTER, Mrs. NAPOLITANO, Mr. WELDON of Florida, and Mr. KILDEE.
H.R. 3042: Mr. ENGLISH.
H.R. 3054: Ms. NORTON and Mr. SCHIFF.
H.R. 3061: Mr. DEUTSCH and Mr. WEXLER.
H.R. 3078: Mr. BERMAN, Mr. NADLER, Mr. DAVIS of Illinois, Mr. BROWN of Ohio, Mr. BACA, Mr. STARK, and Mr. RODRIGUEZ.
H.R. 3079: Mr. CANTOR, Mr. FOLEY, and Mr. FEENEY.
H.R. 3083: Mrs. CUBIN.
H.R. 3099: Mr. DELAHUNT, Mr. LANTOS, Mr. GRIJALVA, Mr. MARSHALL, and Mr. HASTINGS of Florida.
H.J. Res. 46: Mr. COLE, Mr. ENGLISH, and Mr. LUCAS of Oklahoma.
H.J. Res. 62: Mr. ROTHMAN.
H. Con. Res. 56: Mr. FROST and Mr. KIND.
H. Con. Res. 155: Ms. LINDA T. SANCHEZ of California.
H. Con. Res. 165: Ms. LINDA T. SANCHEZ of California, Mr. STARK, and Mr. FRANK of Massachusetts.
H. Con. Res. 176: Ms. LOFGREN.
H. Con. Res. 194: Ms. ESHOO and Mr. SCHIFF.
H. Con. Res. 196: Mr. STARK and Ms. SLAUGHTER.
H. Con. Res. 240: Mr. ENGEL, Mr. OWENS, and Mrs. TAUSCHER.
H. Con. Res. 254: Mr. LIPINSKI and Mr. KLECZKA.
H. Con. Res. 267: Mr. BROWN of Ohio.
H. Con. Res. 269: Ms. SCHAKOWSKY, Ms. LEE, Mr. KUCINICH, Mr. PAYNE, Mr. SANDERS, and Mr. CROWLEY.
H. Con. Res. 280: Mr. BAKER, Mr. QUINN, Mr. SIMMONS, Mr. GARY G. MILLER of California, and Mr. BROWN of South Carolina.
H. Res. 60: Mrs. BIGGERT and Mr. SMITH of Washington.
H. Res. 157: Mr. STARK and Mr. FARR.
H. Res. 300: Mr. HALL and Mr. BEAUPREZ.
H. Res. 355: Mr. ISAKSON.
H. Res. 357: Mrs. MILLER of Michigan, Mr. CALVERT, Mr. CARSON of Oklahoma, Mr. LEWIS of California, Mr. WICKER, Mr. HAYWORTH, Mr. SCHROCK, Mr. WAXMAN, Mr. COSTELLO, Mrs. MUSGRAVE, Mr. WELDON of Pennsylvania, and Ms. GRANGER.
H. Res. 362: Mr. ETHRIDGE, Mr. OTTER, Mr. PUTNAM, Mr. GILCHREST, Mr. BOUCHER, Mr. GORDON, Mr. TIBERI, Mr. STRICKLAND, Mr. BARTLETT of Maryland, Mr. OBERSTAR, Mr. TERRY, Mr. QUINN, Mr. COBLE, Mr. BOYD, Mr. WELLER, Mr. UPTON, Mr. GREEN of Wisconsin, Mr. ABERCROMBIE, Mr. HOLDEN, Mr. BISHOP of Georgia, and Mr. BURNS.

¶96.26 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1078: Mr. AKIN and Mrs. MUSGRAVE.
H. Res. 367: Mr. WALSH.

THURSDAY, SEPTEMBER 18, 2003 (97)

¶97.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. DREIER,

who laid before the House the following communication:

WASHINGTON, DC,
September 18, 2003.

I hereby appoint the Honorable DAVID DREIER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶97.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DREIER, announced he had examined and approved the Journal of the proceedings of Wednesday, September 17, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶97.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4305. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Table of Allotments, (Grants and Bosque Farms, New Mexico) [MM Docket No. 01–78, RM–10080] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4306. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Lincoln City and Monmouth, Oregon) [MB Docket No. 03–41, RM–10642] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

And then,

¶97.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. DREIER, by unanimous consent, and pursuant to the special order of the House of September 17, 2003, at 10 o'clock and 5 minutes a.m., the House adjourned until noon on Monday, September 22, 2003.

¶97.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 2120. A bill to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes (Rept. 108–277, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2571. A bill to provide for the financing of high-speed rail infrastructure, and for other purposes; with an amendment (Rept. 108–278, Pt. 1). Ordered to be printed.

Mr. KINGSTON: Committee of Conference: Conference report on H.R. 2657. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–279). Ordered to be printed.

¶97.6 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2120. Referral to the Committee on the Judiciary extended for a period ending not later than October 3, 2003.

H.R. 2571. Referral to the Committee on Ways and Means extended for a period ending not later than October 3, 2003.

¶97.7 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII:

Mrs. DAVIS of California introduced a bill (H.R. 3138) to amend the Internal Revenue Code of 1986 to allow a refundable credit for expenditures for renewable energy property; which was referred to the Committee on Ways and Means.

¶97.8 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3011: Ms. SOLIS, Mrs. MALONEY, and Mr. THOMAS.

MONDAY, SEPTEMBER 22, 2003 (98)

¶98.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. WOLF, who laid before the House the following communication:

WASHINGTON, DC,
September 22, 2003.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶98.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. WOLF, announced he had examined and approved the Journal of the proceedings of Thursday, September 18, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶98.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4307. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Butafenacil; Pesticide Tolerance [OPP-2003-0282; FRL-7324-6] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4308. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyprodinil; Pesticide Tolerance [OPP-2003-0278; FRL-7326-4] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4309. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cyromazine; Pesticide Tolerance [OPP-2003-0269; FRL-7326-5] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4310. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenhexamid; Pesticide Tolerance [OPP-2003-0301; FRL-7326-7] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4311. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — S-Metolachlor; Pesticide Tolerances [OPP-2003-0300; FRL-7324-9] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4312. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sulfentrazone; Pesticide Tolerances [OPP-2003-0270; FRL-7324-5] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4313. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances [OPP-2003-0306; FRL-7327-5] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4314. A communication from the President of the United States, transmitting a request for 2004 supplemental appropriations for ongoing military and intelligence operations in Iraq, Afghanistan, and elsewhere; (H. Doc. No. 108—126); to the Committee on Appropriations and ordered to be printed.

4315. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Valliant, Oklahoma, and Gainesville, Texas) [MM Docket No. 01-216; RM-10223; RM-10495; RM-10496] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4316. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Bunnell and Palm Coast, Florida) [MM Docket No. 02-13; RM-10357; RM-10493] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4317. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Fort Stockton and Sanderson, Texas) [MB Docket No. 03-68; RM-10654; RM-10656] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4318. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Ridgecrest, California) [MB Docket No. 03-79; RM-10673] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4319. A letter from the Special Assistant to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Clayton, Oklahoma) [MB Docket No. 02-240; RM-10530] (Guthrie, Texas) [MB Docket No. 02-241; RM-10531] (Hebbronville, Texas) [MB Docket No. 02-242; RM-10532] (Premont, Texas) [MB Docket No. 02-244; RM-10534] (Roaring Springs, Texas) [MB Docket No. 02-245; RM-10544] (Rocksprings, Texas) [MB Docket No. 02-246; RM-10535] (Sanderson, Texas) [MB Docket No. 02-247; RM-10536] (Thomas, Oklahoma) [MB Docket No. 02-249; RM-10538] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4320. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — FM Table of Allotments, FM Broadcast Stations (Magnolia, Arkansas and Oil City, Louisiana) [MB Docket No. 02-199; RM-10514] received September 17, 2003, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

4321. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — FM Table of Allotments, FM Broadcast Stations (Bridgeton and Pennsauken, New Jersey) [MB Docket No. 02-382; RM-10615] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4322. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — FM Table of Allotments, FM Broadcast Stations (Noblesville, Indianapolis, and Fishers, Indiana) [MM Docket No. 01-143; RM-10153] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4323. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Los Banos and Planda, California) [MB Docket No. 02-186; RM-10494] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4324. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Cadillac and Manistee, Michigan) [MB Docket No. 02-45; RM-10373] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4325. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Billings, Montana) [MB Docket No. 02-116; RM-10233] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4326. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Owen, Wisconsin) [MB Docket No. 02-120; RM-10442] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4327. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Television Broadcast Stations (Christiansted, Virgin Islands) [MB Docket No. 03-20; RM-10634] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4328. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Burlington, Vermont) [MB Docket No. 02-82; RM-10408] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4329. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments, Digital Broadcast Television Stations (Charleston, West Virginia) [MB Docket No. 02-155; RM-10452] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4330. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Odessa, Texas) [MB Docket No. 02-90; RM-10409] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4331. A letter from the Deputy Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved And Underserved Areas, Including Tribal and Insular Areas [CC Docket No. 96-45]; Commonwealth of Northern Mariana Islands; Petitions for Reconsideration filed by: Crow Tribal Council, Florida Public Service Commission; Fort Belknap Indian Community, Goshute Indian Reservation, National Telephone Cooperative Association, Oglala Sioux Tribe, Rosebud Sioux Tribe, South Dakota Independent Telephone Coalition, Western Wireless Corporation — Received September 17, 2003, pursuant to 5 U.S.C. to the Committee on Energy and Commerce.

4332. A letter from the Deputy Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range [ET Docket No. 98-206; RM-9147; RM-9245]; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide a Fixed Service in the 12.2-12.7 GHz Band — Received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4333. A letter from the Deputy Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting The Commission's final rule — Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range [ET Docket No. 98-206; RM-9147; RM-9245]; Amendment of the Commission's Rules to Authorize Subsidiary Terrestrial Use of the 12.2-12.7 GHz Band by Direct Broadcast Satellite Licensees and Their Affiliates; and Applications of Broadwave USA, PDC Broadband Corporation, and Satellite Receivers, Ltd. to Provide a Fixed Service in the 12.2-12.7 GHz Band — Received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4334. A letter from the Assistant Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4335. A letter from the Assistant Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — Access Charge Reform [CC Docket No. 96-262]; Price Cap Performance Review for LECs [CC Docket No. 94-1]; Low-Volume Long Distance Users [CC Docket No. 99-249]; Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4336. A letter from the Deputy Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — 2000 Biennial Regulatory Review--Requirements Governing the NECA Board of Directors under Section 69.602 of the Commission's Rules [CC Docket No. 01-174]; Requirements for the Computation of Average Schedule Company Payments under Section 69.606 of the Commission's Rules — received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4337. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Dalhart, Texas) [MB Docket No. 03-52; RM-10657]; (Kermit, Texas) [MB Docket No. 03-35; RM-10658]; (Leakey, Texas) [MB Docket No. 03-54; RM-10659] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4338. A letter from the Deputy Division Chief, WCB, CPD, Federal Communications Commission, transmitting the Commission's final rule — Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers [CC Docket No. 01-338]; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-98]; Deployment of Wireline Services Offering Advanced Telecommunications Capability [CC Docket No. 98-147] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4339. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — FM Table of Allotments, FM Broadcast Stations (George West, Texas) [MB Docket No. 03-86; RM-10685] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

¶98.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2754. An Act making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2754) ''An Act making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. DOMENICI, Mr. COCHRAN, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. BOND, Mr. STEVENS, Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, and Mr. INOUYE, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1636. An Act to preserve the ability of the Federal Housing Administration to insure mortgages under section 238 and 519 of the National Housing Act.

S. Con. Res. 68. A concurrent resolution honoring the life of Johnny Cash.

¶98.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. WOLF, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 22, 2003 at 9:20 a.m.

That the Senate passed without amendment H. Con. Res. 235.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶98.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. WOLF, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 18, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 18, 2003 at 10:40 a.m. and said to contain a message from the President whereby he submits a report regarding Blocking Terrorists Assets.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

¶98.7 NATIONAL EMERGENCY WITH RESPECT TO TERRORISM

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on September 20, 2002 (67 FR 59447).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 18, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–126).

¶98.8 SENATE BILL AND CONCURRENT RESOLUTION REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1636. An Act to preserve the ability of the Federal Housing Administration to insure mortgages under section 238 and 519 of the National Housing Act; to the Committee on Financial Services.

S. Con. Res. 68. A concurrent resolution honoring the life of Johnny Cash; to the Committee on Education and the Workforce.

And then,

¶98.9 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. WOLF, by unanimous consent and pursuant to the special order of the House of Wednesday, September 17, 2003, at 12 o'clock and 6 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, September 23, 2003.

¶98.10 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 260: Mr. WATT.
H.R. 394: Mr. WATT.
H.R. 1508: Mr. LARSEN of Washington.
H.R. 2208: Mr. CHABOT,Mr. MCHUGH, Mr. JOHNSON of Illinois, Mr. CALVERT, Mr. SOUDER, and Mr. BARTON of Texas.
H.R. 2671: Mr. CHABOT.
H.R. 2683: Mrs. JONES of Ohio, Mr. FROST, and Mr. SERRANO.

TUESDAY, SEPTEMBER 23, 2003 (99)

¶99.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BISHOP of Utah, who laid before the House the following communication:

Washington, DC, September 23, 2003.

I hereby appoint the Honorable ROB BISHOP of Utah to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

¶99.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3. An Act to prohibit the procedure commonly known as partial-birth abortion.

The message also announced that under the authority of the Order of July 30, 2003, the Senate disagrees to the amendment of the House to the bill (S. 3) ''An Act to prohibit the procedure commonly known as partial-birth abortion'', agree to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. DEWINE, Mr. SANTORUM, Mrs. FEINSTEIN and Mrs. BOXER, to be the conferees on the part of the Senate.

¶99.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to the order of the House of Tuesday, January 7, 2003, recognized Members for morning-hour debate.

¶99.4 RECESS—1:01 P.M.

The SPEAKER pro tempore, Mr. BISHOP of Utah, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 1 minute p.m., until 2 o'clock p.m.

¶99.5 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶99.6 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, September 22, 2003.

Pursuant to clause 1, rule I, the Journal was approved.

¶99.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4340. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General John M. Keane, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

4341. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Richard W. Mayo, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

4342. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Pelham and Meigs, Georgia) [MB Docket No. 03-58; RM-10608] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4343. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Laramie, Wyoming and Timnath, Colorado) [MB

Docket No. 02-365; RM-10451] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4344. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to United Kingdom for defense articles and services (Transmittal No. 03-36), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4345. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Denmark and The Netherlands (Transmittal No. DTC 093-03), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4346. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Japan (Transmittal No. DDTC 094-03), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4347. A letter from the Acting Director of Human Resources, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4348. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

4349. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021212306-2306-01; I.D. 090203A] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4350. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Pollock with Trawl Gear in the Chinook Salmon Savings Areas of the Bering Sea and Aleutian Islands Management Area [Docket No. 021212307-3037-02; I.D. 080103C] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4351. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 082203D] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4352. A letter from the Deputy Director, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking of Marine Mammals Incidental to Power Plant Operations [Docket No. 021107268-2268-01; I.D. 102402A] (RIN: 0648-AQ54) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4353. A letter from the Deputy Director, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Missile Launch Operations from San Nicolas Island, CA [Docket No. 030421095-3202-02; I.D. 111902C] (RIN: 0648-AQ61) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4354. A letter from the Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements [Docket No. 030725185-3207-02; I.D. 071403B] (RIN: 0648-AR34) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4355. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures; Corrections [Docket No. 030828215-3215-01; I.D. 082103A] (RIN: 0648-AR47) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4356. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 011120279-1311-02; I.D. 092401E] (RIN: 0648-AP68) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4357. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 001128334-0334-01; I.D. 111300E] (RIN: 0648-AN40) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4358. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 001128334-1313-06; I.D. 092101B] (RIN: 0648-AN88) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4359. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 020819200-2200-01; I.D. 021202A] (RIN: 0648-AP93) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4360. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 112602D] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4361. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 001128334-2292-10; I.D. 112702B] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4362. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 00128334-1312-02; I.D. 091401B] (RIN: 0648-AN88) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4363. A letter from the Acting Division Chief, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Regulatory Amendment [Docket No. 030612150-3214-02; I.D. 051503B] (RIN: 0648-AQ94) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4364. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Lake Washington Ship Canal, WA [CGD13-02-012] (RIN: 1625-AA09) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4365. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Iowa and Illinois [CGD08-03-011] (RIN: 1625-AA09) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4366. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes within or Contiguous to Waterfront Facilities [USCG-1998-4302] (RIN: 1625-AA07 (Formerly RIN: 2115-AE22)) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4367. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Portland, OR [CGD13-03-022] (RIN: 1625-AA00) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4368. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Maryville, MO [Docket No. FAA-2003-15720; Airspace Docket No. 03-ACE-62] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4369. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Centerville, IA [Docket No. FAA-2003-15724; Airspace Docket No. 03-ACE-66] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4370. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace;

Montgomery, AL [Docket No. FAA-2003-15409; Airspace Docket No. 03-ASO-8] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4371. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Aurora, MO [Docket No. FAA-2003-15460; Airspace Docket No. 03-ACE-58] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4372. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cambridge, NE [Docket No. FAA-2003-15257; Airspace Docket No. 03-ACE-50] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4373. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sullivan, MO [Docket No. FAA-2003-15721; Airspace Docket No. 03-ACE-63] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4374. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Meade, KS [Docket No. FAA-2003-15723; Airspace Docket No. 03-ACE-65] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4375. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wayne, NE [Docket No. FAA-2003-15718; Airspace Docket No. 03-ACE-60] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lee's Summit, MO [Docket No. FAA-2003-15722; Airspace Docket No. 03-ACE-64] received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. MU-2B Series Airplanes [Docket No. 97-CE-27-AD; Amendment 39-13278; AD 2003-17-04] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747SP, and 747SR Series Airplanes [Docket No. 2001-NM-178-AD; Amendment 39-13280; AD 2003-17-06] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Transport Category Airplanes Manufactured by McDonnell Douglas [Docket No. 2001-NM-77-AD; Amendment 39-13281; AD 2003-17-07] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2002-NM-13-AD; Amendment 39-13283; AD 2003-17-08] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4381. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Model Duo-Discus Gliders [Docket No. 2003-CE-33-AD; Amendment 39-13282; AD 2003-16-51] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4382. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EXTRA Flugzeugbau GmbH Models EA-300/200, EA-300L, and EA-300S Airplanes [Docket No. 2003-CE-14-AD; Amendment 39-13275; AD-2003-17-02] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4383. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Turboprop Engines; Correction [Docket No. 2001-NE-34-AD; Amendment 39-13257; AD 2003-16-04] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4384. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2001-NM-325-AD; Amendment 39-13274; AD 2003-17-01] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4385. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No. 2003-NE-08-AD; Amendment 39-13271; AD 2003-16-18] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4386. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2001-NM-228-AD; Amendment 39-13265; AD 2003-16-12] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4387. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes, and Airbus Model A310 Series Airplanes [Docket No. 2001-NM-314-AD; Amendment39-13268; AD 2003-16-15] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4388. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt & Whitney JT9D-3 or JT9D-7 Series Engines (except JT9D-70 Series Engines) [Docket No. 2002-NM-27-AD; Amendment 39-13267; AD 2003-16-14] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4389. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001-NM-328-AD; Amendment 39-13266; AD 2003-16-13] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4390. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Luftfahrt GMBH Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 Airplanes [Docket No. 2003-CE-20-AD; Amendment 39-13270; AD 2003-16-17] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4391. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2001-NM-322-AD; Amendment 39-13221; AD 2003-14-02 R1] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4392. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 and -200PF Series Airplanes Equipped with Pratt and Whitney PW2000 Series Engines [Docket No. 2001-NM-341-AD; Amendment 39-13247; AD 94-01-10 R1] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4393. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada PW206A and PW206E Turboshaft Engines [Docket No. 2003-NE-25-AD; Amendment 39-13263; AD 2003-16-10] (RIN: 2120-AA64) received September 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4394. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the pending accession to the World Trade Organization of the Kingdom of Nepal; to the Committee on Ways and Means.

4395. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2005 to OMB, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

¶99.8 SPORTSMEN CONTRIBUTIONS TO AMERICA

Mr. PEARCE moved to suspend the rules and agree to the following resolution (H. Res. 362):

Whereas there are more than 38 million sportsmen in the United States;

Whereas these sportsmen, who come from all walks of life, engage in a sport they love, while helping to stimulate the economy, especially in small, rural communities, and contributing to conservation efforts;

Whereas sportsmen demonstrate values of conservation, appreciation of the outdoors,

and love of the natural beauty of the United States;

Whereas sporting activities have both physical and mental health benefits that allow Americans to escape from the fast pace of their lives and to spend time with their families and friends;

Whereas sportsmen pass down their love of the outdoors from generation to generation;

Whereas many sportsmen consider hunting, trapping, and fishing of tremendous importance to the American way of life;

Whereas sportsmen have a passion for learning about nature and have a tremendous respect for the game pursued, other sportsmen, the non-hunting populace, and the natural resources upon which they depend;

Whereas the total economic contribution of sportsmen amounts to $70 billion annually, with a ripple effect amounting to $179 billion;

Whereas sportsmen contribute $1.7 billion every year for conservation programs, and these funds constitute a significant portion of on-the-ground wildlife conservation funding;

Whereas anglers support one million jobs and small businesses in communities in every part of the United States, and they purchase $3.2 billion in basic fishing equipment every year;

Whereas tens of millions of Americans hunt and are a substantial economic force, spending $21 billion every year;

Whereas a sportsman President, Theodore Roosevelt, established America's first National Wildlife Refuge 100 years ago, and with the committed support of sportsmen over the last century, this system includes more than 540 refuges spanning 95 million acres throughout all 50 States;

Whereas the funds raised from sportsmen through their purchase of Federal migratory bird hunting and conservation stamps under the Act of March 16, 1934, (commonly known as the Duck Stamp Act, 16 U.S.C. 718a et seq.), are used to purchase and restore vital wetlands in the refuge system;

Whereas the sale of such stamps has raised more than 500 million dollars which has been used to acquire approximately 5 million acres of refuge lands so far;

Whereas, in 1937, Congress passed the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), whereby sportsmen and the firearms and ammunition industries agreed to a self-imposed 10 percent excise tax on ammunition and firearms, the proceeds of which are distributed to the States for wildlife restoration;

Whereas the Pittman-Robertson Wildlife Restoration Act has created a source of permanent funding for State wildlife agencies that has been used to rebuild and expand the ranges of numerous species, including wild turkey, white-tailed deer, pronghorn antelope, wood duck, beaver, black bear, American elk, bison, desert bighorn sheep, bobcat, and mountain lion, and several non-game species, including bald eagles, sea otters, and numerous song birds;

Whereas, in 1950, Congress passed the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) whereby recreational anglers and the fishing and tackle manufacturing industries agreed to a self-imposed 10 percent excise tax on sport fishing equipment (including fishing rods, reels, lines, and hooks, artificial lures, baits and flies, and other fishing supplies and accessories), the proceeds of which are used for the purposes of constructing fish hatcheries, building boat access facilities, promoting fishing, and educating children about aquatic resources and fishing; and

Whereas the Dingell-Johnson Sport Fish Restoration Act was amended in 1984 to extend the excise tax to previously untaxed items of sport fishing equipment and to dedicate a portion of the existing Federal tax on motorboat fuels to such purposes, such that now approximately one-third of all the funds expended by State fish and wildlife agencies for maintenance and development of sports fisheries are collected through the use of this excise tax: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance and contributions of sportsmen to American society;

(2) supports the traditions and values of sportsmen;

(3) supports the many conservation programs implemented by sportsmen;

(4) recognizes the many economic benefits associated with outdoor sporting activities; and

(5) recognizes the importance of encouraging the recruitment of, and teaching the traditions of hunting, trapping, and fishing to, future sportsmen.

The SPEAKER pro tempore, Mr. FOLEY, recognized Mr. PEARCE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. FOLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶99.9 LOUISIANA PURCHASE BICENTENNIAL

Mr. PEARCE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 21):

Whereas in 1803, the United States purchased the Louisiana Territory from France for a total of $15,000,000;

Whereas President Thomas Jefferson designated Robert Livingston and James Monroe to negotiate the treaty with Napoleon Bonaparte;

Whereas the Louisiana Purchase included 827,987 square miles, nearly 600,000,000 acres, the largest single land purchase in our Nation's history;

Whereas the Louisiana Purchase territory stretched from Canada to the Gulf of Mexico and from the Mississippi River to the Rocky Mountains, nearly doubling the size of the United States at that time;

Whereas this purchase enabled dramatic further westward expansion and helped fuel the Nation's rise as a world power;

Whereas 15 States or parts of States were carved out of the Louisiana Purchase territory, including Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming;

Whereas the land was acquired by peaceful means, in stark contrast to the usual methods of old-style empires, which often conquered new territories by force;

Whereas the acquisition secured the United States' trading abilities by guaranteeing its navigation rights on the Mississippi River and its ability to send goods through the Port of New Orleans for shipment to the Atlantic Coast and Europe; and

Whereas generations of Americans have benefited from President Jefferson's noble vision of America and his efforts at expanding our new Nation onto the continent: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress celebrates the 200th anniversary of the Louisiana Purchase, recognizes the extraordinary work of the individuals involved in the transaction, and is grateful for the tremendous part the event played in fulfilling our Nation's Manifest Destiny.

The SPEAKER pro tempore, Mr. FOLEY, recognized Mr. PEARCE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. FOLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶99.10 FORT FREDERICA NATIONAL MONUMENT

Mr. PEARCE moved to suspend the rules and pass the bill (H.R. 1113) to authorize an exchange of land at Fort Frederica National Monument, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. FOLEY, recognized Mr. PEARCE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. FOLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶99.11 FORT BAYARD NATIONAL HISTORIC LANDMARK

Mr. PEARCE moved to suspend the rules and pass the bill (H.R. 2059) to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

The SPEAKER pro tempore, Mr. FOLEY, recognized Mr. PEARCE and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. FOLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶99.12 EASTERN BAND OF CHEROKEE INDIANS LAND EXCHANGE

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 1409) to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes.

The SPEAKER pro tempore, Mr. FOLEY, recognized Mr. RENZI and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. CHRISTENSEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

¶99.13 SUBMISSION OF CONFERENCE REPORT—H.R. 2555

Mr. ROGERS of Kentucky submitted a conference report (Rept. No. 108–280) on the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes; together with a statement thereon, for printing in the RECORD under the rule.

¶99.14 MOUNT NAOMI WILDERNESS BOUNDARY

Mr. BISHOP of Utah moved to suspend the rules and pass the bill of the Senate (S. 278) to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. BISHOP of Utah and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶99.15 MARTIN LUTHER KING, JR. MEMORIAL

Mr. RENZI moved to suspend the rules and pass the bill (H.R. 1209) to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. RENZI and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶99.16 MIAMI CIRCLE SITE

Mr. RENZI moved to suspend the rules and pass the bill of the Senate (S. 111) to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. RENZI and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RENZI objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 8, rule XX, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶99.17 COLTSVILLE STUDY

Mr. RENZI moved to suspend the rules and pass the bill of the Senate (S. 233) to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. RENZI and Mrs. CHRISTENSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶99.18 ROBERTO CLEMENTE WALKER POST OFFICE

Mr. MURPHY moved to suspend the rules and pass the bill (H.R. 2826) to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the ''Roberto Clemente Walker Post Office Building.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. MURPHY and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶99.19 J.C. LEWIS, JR. POST OFFICE

Mr. MURPHY moved to suspend the rules and pass the bill (H.R. 2533) to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the ''J.C. Lewis, Jr. Post Office Building''.

The SPEAKER pro tempore, Mr. CULBERSON, recognized Mr. MURPHY and Mr. DAVIS of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CULBERSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶99.20 RECESS—4:30 P.M.

The SPEAKER pro tempore, Mr. CULBERSON, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 30 minutes p.m., subject to the call of the Chair.

¶99.21 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. PENCE, called the House to order.

¶99.22 ORDER OF BUSINESS—CONSIDERATION OF H.R. 2657

On motion of Mr. KINGSTON, by unanimous consent,

Ordered, That it may be in order at any time to consider the conference report to accompany the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes; that all points of order against the conference report and against its consideration be waived; and that the conference report be considered as read.

¶99.23 BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore, Mr. PENCE, announced that the Speaker, pursuant to 20 United States Code 2004(b), and the order of the House of January 8, 2003, appointed to the Board of Trustees of the Harry S Truman Scholarship Foundation, the following Member: Mr. SKELTON.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶99.24 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. PENCE, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 2003.

Honorable J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 22, 2003 at 2:55 p.m. and said to contain a message from the President whereby he submits a national interest waiver consistent with section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246).

With best wishes, I am

Sincerely,

JEFF TRANDAHL
(Clerk of the House).

¶99.25 MESSAGE FROM THE PRESIDENT—NATIONAL INTEREST WITH RESPECT TO THE ISSUANCE OF LICENSES FOR QSR-11 SENSORS

The SPEAKER pro tempore, Mr. PENCE, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) (the ''Act''), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to waive the suspensions under section 902(a) of the Act with respect to the issuance of licenses for QSR–11 sensors that serve as components of an Inertial Measurement Unit (IMU) used in commercial aircraft and spare IMU for such aircraft. License requirements remain in place for these exports.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2003.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations and ordered to be printed (H. Doc. 108–128).

¶99.26 MOTION TO INSTRUCT CONFEREES TO H.R. 1308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the motion, by Mr. RYAN of Ohio, to instruct conferees on the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 199 / Nays 214

¶99.27 [Roll No. 509]

YEAS—199

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—214

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton

Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Ballance
Carter
Davis, Jo Ann
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Pastor
Payne
Ruppersberger
Shays
Sweeney
Tancredo
Terry
Woolsey

So the motion to instruct the conferees on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶99.28 MOTION TO INSTRUCT CONFEREES TO H.R. 1—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the motion, by Mr. STENHOLM, to instruct conferees on the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 202 / Nays 213

¶99.29 [Roll No. 510]

YEAS—202

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Fletcher
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wu
Wynn

NAYS—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Ballance
Carter
Davis, Jo Ann
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Pastor
Payne
Ruppersberger
Sweeney
Terry
Woolsey

So the motion to instruct the conferees on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶99.30 MOTION TO INSTRUCT CONFEREES TO H.R. 1588—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the motion, to Mr. RODRIGUEZ, to instruct conferees on the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 298 / Nays 118

¶99.31 [Roll No. 511]

YEAS—298

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Bartlett (MD)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Bonner
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Buyer
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayworth
Hefley
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick

Kind
King (NY)
Kirk
Kleczka
Kline
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Paul
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Wu
Wynn
Young (AK)

NAYS—118

Akin
Ballenger
Barrett (SC)
Barton (TX)
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Chabot
Chocola
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Deal (GA)
DeLay
DeMint
Doolittle
Duncan
Emerson
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Herger
Hoekstra
Hostettler
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
King (IA)
Kingston
Knollenberg
Lewis (CA)
Linder
Lucas (OK)
Manzullo
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Nethercutt
Neugebauer
Northup
Norwood
Nussle
Ose
Oxley
Pence
Pitts
Platts
Pombo
Ramstad
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Smith (MI)
Smith (TX)
Souder
Stearns
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Toomey
Upton
Vitter
Wamp
Weldon (FL)
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—18

Ballance
Carter
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Pastor
Payne
Ruppersberger
Sweeney
Terry
Woolsey

So the motion to instruct the conferees on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶99.32 H.R. 1409—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1409) to provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 288 / Nays 127

¶99.33 [Roll No. 512]

YEAS—288

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bereuter
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Conyers
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Honda
Hostettler
Hulshof
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ose
Oxley
Pallone
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sandlin
Saxton
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Stupak
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—127

Ackerman
Allen
Andrews
Baird
Baldwin
Bell
Berkley
Berman
Berry
Bishop (GA)
Boyd
Brady (PA)
Brown (OH)
Capps
Cardin
Clyburn
Cooper
Costello
Crowley
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Evans
Farr
Filner
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kilpatrick
Kleczka
Kucinich
Lampson
Langevin
Lantos
Lee
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore
Murtha
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pascrell
Pelosi
Peterson (MN)
Rahall
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Schiff
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (MI)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waxman
Weiner
Wexler
Wu
Wynn

NOT VOTING—19

Ballance
Carter
Deutsch
Fattah
Gephardt
Gordon
Hensarling
Houghton
Hunter
Israel
Lewis (GA)
Osborne
Otter
Pastor
Payne
Ruppersberger
Sweeney
Terry
Woolsey

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶99.34 S. 111—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PENCE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 111) to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PENCE, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶99.35 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1

Mr. KIND, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes, as follows: (1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the amendment of the Senate; (2) To reject the provisions of section 501 of the House bill; (3) The House recede to the Senate on the following provisions of the amendment fo the Senate to improve rural health care: (A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals); (B) Section 404 (relating to Medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill; (C) Section 404A (relating to MedPAC report on Medicare disproportionate share hospital adjustment payments); (D) The following provisions of section 405 (relating to critical access hospital improvements): (i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill, (ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill, (iii) Subsections (e), (f), and (g); (E) Section 414 (relating to rural community hospital demonstration program); (F) Section 415 (relating to critical access hospital improvement demonstration program); (G) Section 417 (relating to treatment of certain entities for purposes of payment under the Medicare program); (H) Section 420 (relating to conforming changes relating to Federally qualified health centers); (I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues); (J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services); (K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill; (L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule); (M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital); (N) Section 428 (relating to improvement in rural health clinic reimbursement); (O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services); (P) Section 450C (relating to authorization of reimbursement for all Medicare part B services furnished by Indian hospitals and clinics); (Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services); (R) Section 455 (relating to MedPAC study on Medicare payments and efficiencies in the health care system); (S) Section 459 (relating to increase in Medicare payment for certain home health services); (T) Section 601 (increase in Medicaid DSII allotments for fiscal years 2004 and 2005); (4) The House insist upon the following provisions of the House bill: (A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas); (B) Section 403 (relating to establishment of essential rural hospital classification); (C) Subsection (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program); (D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index); (E) Section 417 (relating to Medicare incentive payment program improvements; (F) Section 504 (relating to wage index classification reform); (G) Section 601 (relating to revision of updates for physician services); and (H) Section 1001 (relating to Medicaid disproportionate share hospital ((DSII)) payments).

¶99.36 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1588

Mr. CROWLEY, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes, to agree to the provisions contained in paragraphs (3) and (4) of section 1074a(f) of title 10, United States Code, as proposed to be added by section 701 of the amendment of the Senate (relating to health care for members of reserve components).

¶99.37 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO H.R. 2555

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–281) the resolution (H. Res. 374) waiving points of order against the conference report to accompany the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶99.38 PROVIDING FOR THE CONSIDERATION OF H.R. 2557

Mr. HASTINGS of Washington, by direction of the Committee on Rules, reported (Rept. No. 108–282) the resolution (H. Res. 375) providing for the consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the Untied States, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶99.39 BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 22, 2003, he presented to the President of the United States, for his approval, the following bills.

H.R. 13. An Act to reauthorize the Museum and Library Services Act, and for other purposes.

H.R. 659. An Act to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

H.R. 978. An Act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

¶99.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. RUPPERSBERGER, for today; and

To Mr. PASTOR, for today and balance of the week.

And then,

¶99.41 ADJOURNMENT

On motion of Mr. BLUMENAUER, at 10 o'clock and 50 minutes p.m., the House adjourned.

¶99.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee of Conference. Conference report on H.R. 2555. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–280). Ordered to be printed.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 374. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–281). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 375. Resolution providing for consideration of the bill (H.R. 2557) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 108–282). Referred to the House Calendar.

¶99.43 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. SANDERS, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Ms. WOOLSEY, Mr. HINCHEY, Mr. OLVER, Ms. KAPTUR, Mr. OWENS, Mr. MCNULTY, Mr. PAYNE, Mr. FALEOMAVAEGA, Mr. CLAY, Ms. ROYBAL-ALLARD, Mr. MCGOVERN, Mrs. MALONEY, Mr. TIERNEY, Ms. DELAURO, Mr. MATSUI, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Mr. OBERSTAR, Mr. FROST, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. SHERMAN, Mr. NEAL of Massachusetts, Mr. BERMAN, and Ms. WATERS):

H.R. 3139. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BURR (for himself, Mr. TOWNS, Mr. TAUZIN, Mr. DINGELL, Mr. WAXMAN, Mr. STARK, Ms. SCHAKOWSKY, Mr. MATHESON, Mr. ROGERS of Michigan, Mr. BISHOP of Utah, Mr. SENSENBRENNER, and Mr. GIBBONS):

H.R. 3140. A bill to provide for availability of contact lens prescriptions to patients, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BISHOP of Georgia:

H.R. 3141. A bill to direct the Secretary of the Army to release to Clay County, Georgia, a reversionary interest of the United States requiring the non-profit operation of certain land as a retirement community, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANNON (for himself and Mr. BERMAN):

H.R. 3142. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes; to the Committee on the Judiciary.

By Mr. STEARNS (for himself and Ms. SCHAKOWSKY):

H.R. 3143. A bill to enhance Federal Trade Commission enforcement against cross-border fraud and deception; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. STUPAK, and Ms. SCHAKOWSKY):

H.R. 3144. A bill to amend title 36, United States Code, to amend the Federal charter of the United States Olympic Committee; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. LANTOS):

H.R. 3145. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, and for other purposes; to the Committee on International Relations.

By Mr. THOMAS:

H.R. 3146. A bill to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. BISHOP of Utah, and Mr. MATHESON):

H.R. 3147. A bill to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself, Mr. HASTERT, Mr. LAHOOD, and Mr. LIPINSKI):

H.R. 3148. A bill to award a congressional gold medal to Monsignor Ignatius McDermott in recognition of his contribution to the drug treatment community, and his accomplishments as a priest and humanitarian; to the Committee on Financial Services.

By Mr. JANKLOW:

H.R. 3149. A bill to ensure that members of the Armed Forces serving in a combat zone designated for Operation Iraqi Freedom or Operation Enduring Freedom do not experience a reduction in the total monthly rate of combat zone-related special pay and allowances after September 30, 2003; to the Committee on Armed Services.

By Mr. LANTOS:

H.R. 3150. A bill to amend the Internal Revenue Code of 1986 to provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers; to the Committee on Ways and Means.

By Mr. OWENS (for himself, Mr. CUMMINGS, Mr. TOWNS, Mr. RUSH, Mr. FATTAH, Mr. DAVIS of Illinois, Ms. NORTON, Ms. KILPATRICK, Mrs. JONES of Ohio, Mr. WYNN, Mr. PAYNE, and Mr. MEEKS of New York):

H.R. 3151. A bill to amend part B of title III of the Higher Education Act of 1965 to expand the eligibility requirement to include Predominantly Black Institutions of higher education; to the Committee on Education and the Workforce.

By Mr. PAYNE (for himself, Mr. KILDEE, Mr. DAVIS of Illinois, Mr. OWENS, Mrs. CHRISTENSEN, Mr. FILNER, Mr. GRIJALVA, and Mr. ANDREWS):

H.R. 3152. A bill to enhance the global competitiveness of the United States by increasing the participation of African Americans, Hispanic Americans, American Indians, and other underrepresented minorities in the international service, including private international voluntary organizations, the foreign commercial service, and the foreign service of the United States; to the Committee on Education and the Workforce.

By Mr. SABO:

H.R. 3153. A bill to amend the National Voter Registration Act of 1993 to require States to permit individuals to register to vote in an election for Federal office on the date of the election; to the Committee on House Administration.

By Mr. SHAW:

H.R. 3154. A bill to promote programs for the beneficial use of sand; to the Committee on Transportation and Infrastructure.

By Mr. STARK (for himself, Mr. EMANUEL, and Mr. GRIJALVA):

H.R. 3155. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs that fail to provide certain information or to present information in a balanced manner, and to amend the Federal Food, Drug, and Cosmetic Act to require reports regarding such advertisements; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself and Mr. DEFAZIO):

H.R. 3156. A bill to amend the Temporary Extended Unemployment Compensation Act of 2002 to provide for additional weeks of benefits thereunder; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. ACEVEDO-VILA, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mr. FROST, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. LIPINSKI, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. SOLIS, Mr. TOWNS, Ms. VELAZQUEZ, and Ms. WATERS):

H. Con. Res. 287. Concurrent resolution recognizing and honoring the life of the late Raul Julia, his dedication to ending world hunger, and his great contributions to the Latino community and the performing arts; to the Committee on Government Reform.

By Mr. MOORE (for himself, Mr. FROST, and Ms. CARSON of Indiana):

H. Res. 376. A resolution expressing the sense of the House of Representatives with respect to the Bloch Cancer Foundation; to the Committee on Energy and Commerce.

¶99.44 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. REHBERG.

H.R. 33: Mr. HINOJOSA.

H.R. 58: Mr. DEAL of Georgia and Mr. DEUTSCH.

H.R. 167: Mr. WELDON of Florida.

H.R. 195: Mrs. MUSGRAVE and Mr. FRANKS of Arizona.

H.R. 236: Mr. TURNER of Texas.

H.R. 284: Mr. OLVER, Mr. LANGEVIN, Mr. REYES, and Mr. ORTIZ.
H.R. 328: Mrs. DAVIS of California.
H.R. 333: Mr. KENNEDY of Rhode Island.
H.R. 339: Mr. BILIRAKIS and Mr. SULLIVAN.
H.R. 428: Mr. WELDON of Pennsylvania.
H.R. 525: Mr. MCINTYRE, Mr. UDALL of New Mexico, Mr. KING of New York, Mr. THOMPSON of Mississippi, Ms. DELAURO, Mr. LEVIN, Ms. CORRINE BROWN of Florida, Mr. MEEKS of New York, Mr. CONYERS, Mr. WYNN, Mr. KIND, Mr. THOMPSON of California, Mr. KILDEE, Mr. MARIO DIAZ-BALART of Florida, Ms. HARRIS, Mr. CRAMER, Mr. BILIRAKIS, Mr. PETERSON of Minnesota, Mr. PORTMAN, Mr. LUCAS of Kentucky, Mr. GUTIERREZ, Mr. RENZI, and Mr. WELDON of Florida.
H.R. 574: Mr. LAMPSON.
H.R. 594: Ms. HARRIS.
H.R. 645: Mr. PAUL.
H.R. 713: Mr. FRANK of Massachusetts.
H.R. 785: Mr. MORAN of Virginia and Mr. SULLIVAN.
H.R. 807: Ms. HOOLEY of Oregon.
H.R. 833: Ms. HART and Mr. BEAUPREZ.
H.R. 857: Mr. CAPUANO.
H.R. 870: Mr. RYUN of Kansas.
H.R. 873: Mr. BELL.
H.R. 880: Ms. DELAURO and Ms. SCHAKOWSKY.
H.R. 896: Mr. MCINTYRE.
H.R. 920: Mr. ROSS and Mr. GRIJALVA.
H.R. 935: Mr. LEVIN.
H.R. 996: Mr. MOORE.
H.R. 1210: Ms. ROYBAL-ALLARD.
H.R. 1244: Mrs. CAPPS.
H.R. 1322: Mr. DELAHUNT, Mr. CRAMER, Mr. PETERSON of Minnesota, Ms. MILLENDER-MCDONALD, Mr. PASCRELL, Mr. WEXLER, Mr. BOUCHER, Mr. MCGOVERN, and Mr. CAPUANO.
H.R. 1359: Ms. MCCARTHY of Missouri.
H.R. 1372: Mr. PRICE of North Carolina.
H.R. 1385: Mr. BRADLEY of New Hampshire, Mr. DEUTSCH, Mr. GUTIERREZ, and Mr. HINOJOSA.
H.R. 1421: Mr. MCDERMOTT.
H.R. 1480: Ms. DELAURO.
H.R. 1546: Mr. BARTLETT of Maryland.
H.R. 1552: Mr. SHAW, Mr. FEENEY, and Ms. HOOLEY of Oregon.
H.R. 1563: Mr. CASE and Mr. BLUMENAUER.
H.R. 1622: Mr. KIRK, Mr. CUNNINGHAM, and Ms. SOLIS.
H.R. 1633: Mr. FALEOMAVAEGA and Mr. GUTIERREZ.
H.R. 1653: Mr. CUNNINGHAM.
H.R. 1708: Mr. OLVER.
H.R. 1731: Mr. BARTON of Texas.
H.R. 1742: Mr. BECERRA.
H.R. 1752: Mr. GRIJALVA and Mr. EMANUEL.
H.R. 1763: Mr. COOPER.
H.R. 1769: Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. RAHALL, and Mr. HILL.
H.R. 1819: Mr. WELLER.
H.R. 1929: Mrs. JONES of Ohio.
H.R. 1930: Mr. DAVIS of Illinois.
H.R. 1943: Mr. WOLF, Mr. TANCREDO, Mr. SHERWOOD, and Mr. LATOURETTE.
H.R. 1958: Mr. TOWNS and Mr. ABERCROMBIE.
H.R. 1961: Ms. JACKSON-LEE of Texas and Mr. MCNULTY.
H.R. 2020: Mr. HASTINGS of Florida.
H.R. 2034: Mr. MCINNIS, Mr. NETHERCUTT, Mr. HENSARLING, Mr. VITTER, and Mrs. MUSGRAVE.
H.R. 2047: Mrs. JOHNSON of Connecticut and Mr. BRADY of Texas.
H.R. 2118: Mr. SHERMAN and Mr. LAMPSON.
H.R. 2133: Mr. BARTON of Texas and Mr. ABERCROMBIE.
H.R. 2221: Mr. ROGERS of Michigan, Mr. BARTON of Texas, and Mrs. BONO.
H.R. 2241: Mr. GUTIERREZ.
H.R. 2265: Mr. BERRY.
H.R. 2442: Mr. KILDEE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GILCHREST, Mr. PRICE of North Carolina, Mr. DOYLE, Mr. MARKEY, Mr. KUCINICH, Mr. NADLER, Mr. HINCHEY, Mrs. TAUSCHER, Mr. BROWN of Ohio, Mr. ANDREWS, Mr. ALLEN, Mr. GREEN of Texas, Mr. TIERNEY, Mr. CROWLEY, Mr. KING of New York, Mr. LYNCH, Mr. INSLEE, Ms. WATSON, Ms. KAPTUR, Mrs. MCCARTHY of New York, Mr. TERRY, Mr. WELDON of Pennsylvania, and Mrs. NAPOLITANO.
H.R. 2456: Mrs. MALONEY.
H.R. 2511: Mr. PAYNE.
H.R. 2512: Ms. GRANGER.
H.R. 2519: Mr. SMITH of Washington.
H.R. 2527: Ms. MCCOLLUM.
H.R. 2538: Mr. DAVIS of Florida.
H.R. 2568: Mr. SPRATT and Mr. CAPUANO.
H.R. 2569: Mr. BRADY of Pennsylvania and Mr. DAVIS of Florida.
H.R. 2619: Mr. ABERCROMBIE.
H.R. 2626: Mr. MCHUGH.
H.R. 2665: Mr. BERMAN.
H.R. 2677: Mr. ISRAEL.
H.R. 2699: Mr. ROGERS of Michigan and Mr. OSBORNE.
H.R. 2700: Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Mr. CALVERT, Mr. PALLONE, and Mr. DREIER.
H.R. 2719: Mr. TOM DAVIS of Virginia, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. PAUL, Ms. HART, Mr. MCHUGH, and Mr. FRANK of Massachusetts.
H.R. 2727: Mr. DINGELL.
H.R. 2733: Mr. OTTER, Mr. BERRY, and Mr. THOMPSON of Mississippi.
H.R. 2787: Mr. GRIJALVA.
H.R. 2806: Mr. MILLER of Florida.
H.R. 2808: Mr. MENENDEZ and Mr. MILLER of Florida.
H.R. 2813: Mr. VITTER.
H.R. 2849: Mr. SHAYS and Mr. KNOLLENBERG.
H.R. 2883: Mrs. NAPOLITANO, Mr. EMANUEL, Mr. MCCOTTER, and Mr. WEXLER.
H.R. 2891: Mr. FALEOMAVAEGA.
H.R. 2897: Mrs. JONES of Ohio.
H.R. 2898: Mr. DAVIS of Florida and Mr. STRICKLAND.
H.R. 2899: Mr. PUTNAM.
H.R. 2908: Ms. JACKSON-LEE of Texas and Mr. LARSON of Connecticut.
H.R. 2913: Mr. KIND.
H.R. 2932: Mr. FRANK of Massachusetts and Mr. EMANUEL.
H.R. 2944: Mr. GOODE and Mr. CALVERT.
H.R. 2949: Mrs. MALONEY.
H.R. 2963: Mr. LIPINSKI, Mr. WELDON of Pennsylvania, and Mr. RENZI.
H.R. 2968: Mr. MURPHY, Mr. MCINNIS, Mr. ENGLISH, and Mr. MICHAUD.
H.R. 2983: Mr. EVANS, Mr. TOWNS, Mr. HONDA, Mr. GRIJALVA, and Ms. NORTON.
H.R. 2999: Mr. GUTKNECHT, Mr. BARRETT of South Carolina, Mr. PAUL, Mr. SHIMKUS, Mr. WALSH, Mr. PITTS, and Mr. ISTOOK.
H.R. 3011: Mr. HUNTER, Mr. CUNNINGHAM, Mr. THOMPSON of California, Ms. WOOLSEY, Mr. FALEOMAVAEGA, Mr. STARK, Ms. PELOSI, and Mr. HERGER.
H.R. 3014: Mr. FROST.
H.R. 3023: Mr. STRICKLAND.
H.R. 3026: Mr. FROST.
H.R. 3049: Mr. CASE.
H.R. 3066: Mr. TERRY, Mr. LATOURETTE, Mr. SENSENBRENNER, and Mr. WILSON of South Carolina.
H.R. 3097: Mr. FOLEY and Mr. DUNCAN.
H.R. 3106: Mr. SOUDER and Mr. HUNTER.
H.R. 3125: Mr. TANCREDO.
H.R. 3126: Mr. BISHOP of Utah, Mr. HAYWORTH, Mr. COLE, Mr. SESSIONS, Mr. GARRETT of New Jersey, and Mrs. MUSGRAVE.
H.R. 3134: Mr. ISAKSON and Mr. GERLACH.
H.R. 3137: Mr. NADLER and Mr. ISRAEL.
H.J. Res. 52: Mr. LINDER.
H.J. Res. 62: Mr. BRADY of Pennsylvania.
H.J. Res. 67: Mr. SHERMAN.
H. Con. Res. 87: Ms. LINDA T. SANCHEZ of California.
H. Con. Res. 206: Mr. BARTON of Texas.
H. Con. Res. 247: Mr. REYNOLDS, Mr. ISAKSON, and Mr. SIMMONS.
H. Con. Res. 275; Mr. CROWLEY.
H. Con. Res. 280: Mrs. CAPITO and Mr. BOEHLERT.
H. Res. 45: Mr. HOSTETTLER.
H. Res. 103: Mr. GERLACH and Mr. OBERSTAR.
H. Res. 140: Mr. MATSUI.
H. Res. 157: Mr. SNYDER and Mr. VAN HOLLEN.
H. Res. 167: Ms. BORDALLO.
H. Res. 261: Mr. FILNER, Mr. PAYNE, and Mr. TURNER of Texas.
H. Res. 304: Mr. EMANUEL and Mr. BURTON of Indiana.
H. Res. 320: Ms. LINDA T. SANCHEZ of California.
H. Res. 344: Ms. ROS-LEHTINEN and Mr. ISRAEL.
H. Res. 362: Mr. FARR, Mr. FOLEY, Mr. CUNNINGHAM, Mr. TANNER, Mr. MILLER of Florida, Mr. SOUDER, Mrs. CUBIN, and Mr. HOEFFEL.
H. Res. 363: Mr. GEORGE MILLER of California.
H. Res. 364: Mr. STARK, Ms. BERKLEY, Mr. EVANS, Mr. UDALL of New Mexico, Mr. HINCHEY, Mr. OWENS, Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. KLECZKA, Mr. CUMMINGS, Mr. FROST, Ms. DELAURO, Mrs. NAPOLITANO, and Ms. MCCOLLUM.